

CITY OF EAGLE LAKE
November 15, 2021
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:01 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Beckel, Hughes, Rose, Scheurer, and Miller.
Absent: Commissioner Norton and McCarty.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.
Others in Attendance: Bernie and Pam Davey, Justin Jackson, Mike Hoolihan, Tony Dickmeyer, and Beth Rohrich.

Approval of Agenda

- Administrator Bromeland added one item to the agenda. A future housing development by Troy Schrom on the Mark Foley property. Commissioner Rose moved, seconded by Commissioner Beckel to approve the agenda. A roll call was taken with all in favor. Motion carried.

Approval of Minutes

- Commissioner Miller moved, seconded by Commissioner Rose to approve the Planning Commission meeting minutes from October 18, 2021. A roll call vote was taken with all in favor. Motion carried.

New Business

1. Future Possible Re-Zoning Request for Parcel R391019251008

- Administrator Bromeland, for informational purposes, gave an overview for a petition that has been received from the property owners of parcel R391019251008 for annexation. A developer, Justin Jackson, would like to purchase this parcel for a housing development. The petition for annexation will be presented to the City Council at a special meeting on November 22nd. When land is annexed, it is placed in an agricultural district until re-zoning occurs. Per City Code, a preliminary plat is needed with a re-zoning application. After reviewing the petition for annexation at its upcoming special meeting, the City Council will have the opportunity to schedule a public hearing under Minnesota Statutes 414.033, Subdivision 2(3). Notice will be provided to LeRay

Township and affected landowners 30 days in advance of the hearing. The City Council will evaluate how the annexation will affect residents, landowners, and property in the area to be annexed, what additional costs will the City incur when providing services to the annexed area, how much revenue can and will the City obtain through taxes and other charges against the annexed area, what is the present status of the land available in this area and outlook for future development, and what impact, if any, will annexation have on development in this area. A developer's agreement will also need to be developed outlining the responsibilities of the developer and the city. The development is proposed to be completed in phases with the first phase consisting of market rate twin homes and the later phase(s) being market rate multifamily apartment complexes.

- Justin Jackson stated this development will be close to an R1 with a lot of green space and a park like feeling. He would like to put in walking trails and a dog park. He stated there is a large rental demand in the Mankato area.
- Chairman Talle asked Mr. Jackson about the access to the development. He stated that access should be every ¼ mile, but in looking at the site plan it looked more like every ½ mile. Mr. Jackson stated that with the wetlands those are the only 2 areas for access.
- Chairman Talle and Commissioner Rose had concerns with how wide the roads are and the turn radius for emergency vehicles. Mr. Jackson stated the roads will be 30 feet wide. He also stated that they will be the same width as the Cornerstone housing development on LeRay Ave.
- Chairman Talle asked if there had been any studies on the creek and the property being in a flood zone. Mr. Jackson stated that Bolton and Menk did the surveying and took some soil samples. Bolton and Menk set the setbacks from the wetland areas. He is still waiting on the soil sample results.
- Administrator Bromeland asked what the timeline for the project would be. Mr. Jackson said they would start in the spring and would take 3-4 years total.
- Commissioner Hughes asked about the impact on water and sewer. Administrator Bromeland shared that she has been in contact with the City's engineer and it appears that there should be sufficient utilities to serve the development north of the creek but further research is needed for the area south of the creek and future lift station needs. Chairman Talle asked if the water will be looped. Mr. Jackson confirmed that it will be.
- Commissioner Hughes asked if there would be any tax increment financing that would be needed. Mr. Jackson said not for the development, but possibly for the future lift station.
- Chairman Talle and Commissioner Miller brought up concerns of traffic flow, traffic funneling into the R1 district, and the number of vehicles going through the residential areas. Chairman Talle asked if they could look at making the end of Oak Dr. a cul-de-sac instead of a through street so the traffic would not go through the residential areas. Mr. Jackson stated they could look at other options.
- Commissioner Rose asked if they would be paving the gravel part of 211th St. and about snow removal. Mr. Jackson stated they would pave up to the property line. As for snow removal, the

city would plow the city streets and developers would be responsible for all snow removal within the private residential areas of the development.

- Mr. Davey addressed the Commission as to his and his wife's concerns. Their concerns are with the traffic, dogs, lights, and that any future developments would be R3. He stated they are not for the project, but if it goes through then they would like their property to be rezoned as well.
- Commission Beckel asked why they were doing 8-plexes instead of larger buildings. Mr. Jackson stated they wanted it to have a more residential home feel than that of large apartment complexes.
- Commissioner Hughes stated her concern for vehicle parking density. Mr. Jackson stated they had more parking than was needed. Mike Hoolihan added that with another development they had done, they added additional parking stalls which mitigated the parking issues.

2. Follow-Up Regarding Discussion about Non-Conformities

- Administrator Bromeland gave a summary from the discussion that took place at the November 1st City Council meeting regarding the hard surface more than what is allowed by code at 237 Oak Drive. The consensus of the City Council was for the matter to go back to the Planning Commission to determine if changes are needed to be made to code related to maximum width at the garage line. Some questions that arose at the meeting included how many stalls are allowed for a garage and how would the city handle a request for an addition to a three-stall garage. The property owner at 237 Oak Drive has informed staff that he knows of other properties in his subdivision that are more than 40 feet in width at the garage line and doesn't feel it is fair for him to remove hard surface if others are in excess too. Administrator Bromeland asked the Planning Commission if they would like to review this section of code and make any changes to address the current situation with some driveways more than what is allowed. Per a review of the properties in this area, only two other properties in the subdivision have been identified as possibly having driveways more than 40 feet in width at the garage line but more research is needed as no on-site inspections have occurred. All three properties were constructed in 2017 and there is nothing indicated on any of the site plans in the property files that there was proposed to be hard surface more than what is allowed by code. It appears that there are a couple properties in this same subdivision that may have installed sheds without obtaining a zoning permit. Letters will be generated to those properties informing of next steps. Another recent example of a non-conformity involves a fence that was installed with one side in the City's right of way. On the site plan and application submitted, it was noted that the fence would be 3-4 feet inside the property line. The property pins were exposed but apparently there was some misunderstanding by the property owner and contractor as to the area from the curb to the property line. The property owner was asked to remove the fence from the right of way and has since complied. It seems like this matter will require more time and research. In 2018, the building and zoning permit application was updated to include language informing the applicant that the property owner is responsible for locating property lines, easements and determining lot square footage and that the city does not provide surveying services. Most recently, a cover sheet has been added to all permits with this

same information. When applications come in, most often, staff will provide pertinent excerpts from code to applicants to ensure that they comply with setbacks and other requirements. If an applicant is providing misinformation whether intentional or not at any time during the building and zoning permit process, the City is not at fault if a survey is later completed by a neighboring property owner, and it is found that a structure such as a fence or shed is placed over a property line. The applicant is ultimately responsible for knowing where their property lines and any easements are located. The City is not responsible for property owners failing to take the proper steps to know where their property lines are located and if there are any utility easements on their property or where the City's right of way is located. Property owners are also responsible for adhering to zoning code regulations.

- Chairman Talle asked the Commissioners to look at and review chapter 6 of city code for updates and clarification. He also stated that he would like to review what the procedure is when encountering non-conformities. Commissioner Beckel stated he is not wanting to expand the width at the garage line but agrees chapter 6 should be reviewed and updated.

3. Review Chapter 6 for Possible Changes

- Administrator Bromeland stated she would like the Planning Commission to look at the R1-R4 districts in code. It was noted that there are some inconsistencies between districts and a review is needed to ensure language is consistent.
- Chairman Talle stated he would like to clean up the material language. An example would be roofing materials and the picture in code pertaining to corrugated metal. He stated that when that was originally added to code it was about prohibiting the use of old farm tin, but the pictures in code do not align with the type of metal that is prohibited. He would also like to address parking and road width.
- Administrator Bromeland informed the Planning Commission that she is contacting other cities about parking in side yards, number of allowable garage stalls, and references to side yard and required side yard. She suggested working through sections of chapter 6 and complete the review and updates over a period of meetings. The residential sections will be the first sections to review and update at the next meeting.
- Chairman Talle asked if they should address density. Administrator Bromeland asked to look at the R1-R4 density. Commissioner Miller stated North Mankato, and possibly Mankato, put restrictions on how many rental licenses the city issues.

4. Mike Foley Property-Future Housing Development:

- Administrator Bromeland shared with the Planning Commission that Troy Schrom has a purchase agreement for the Foley property to develop into a housing development with single family homes and twin homes.

Other

- Building and Zoning Permit Activity: Permit activity was presented for the months of October and November.
- The next regular scheduled Planning Commission meeting is December 20, 2021, at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Beckel moved, seconded by Commissioner Rose to adjourn. A roll call vote was taken with all voting in favor. Meeting adjourned at 7:13 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk