

CITY OF EAGLE LAKE
February 22, 2021
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:00 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Beckel, Rose, and Hughes (virtually).
Absent: Commissioners Norton, Scheurer, Miller, and McCarty.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.

Approval of Agenda

- Commissioner Rose moved and seconded by Commissioner Beckel, to approve the agenda.
Motion carried.

New Business

1. Review of Proposed Use for New Business in a B-1 District: Angela J. DeMartini, owner of Bella's House of Doodles (Parcel ID# R120912476005)
 - Administrator Bromeland gave a summary of the new business that would like to move into Eagle Lake. Angela DeMartini, owner of Bella's House of Doodles, would like to locate her business here in Eagle Lake. The business would encompass designer Doodles, puppy training classes, grooming services, doggie daycare with boarding facilities, a show room filled with dog related products, and an on-staff veterinarian or vet technician with sleeping quarters. The reason for bringing this before the Planning Commission is to see if they will need to get a Conditional Use Permit (CUP). In City Code it only covers veterinarians. Included in a CUP are conditions such as sound proofing walls, weekly pick-up of fecal waste from site, odor proof containers, limit of 10 dogs per accessory building, ongoing fence repair and maintenance, rodent proof food containers, ventilation system installed in outdoor kennel, and unplanned inspections. There could be the possibility of a noise concern by nearby residents. The action that is needed is for the Planning Commission to review the proposed use and B-1 zoning regulations to determine if the proposed use will require a CUP and whether sleeping quarters can be allowed.
 - Angela DeMartini explained her business plan of breeding doodles, grooming, boarding, and doggie daycare. She explained it as a small version of the PAW in Mankato. She would like to have a retail area for clothing, dog food, and dog paraphernalia. The sleeping quarters would only be used when the dogs are having their puppies. Her husband, Rick, will be doing all the design work. Rick DeMartini explained the building layout. They would like to erect a 40'x 60' building with 2x4 walls with spray foam insulation in order to soundproof the building. There will be inside, and outside kennels separated by an overhead door similar to the yard at C & S Supply. The dogs will always be attended with staff to prevent noise. The dogs will not be there all the time. The dogs will live at "guardian" homes with families. They will be brought to the facility to be bred and then returned to their guardian home. They will come back to the facility a week before they give birth to acclimate them to the location. They will remain with the puppies for 7 weeks until they are weened. Around the time of the birthing would be the only time the sleeping quarters would be used. Their current building plans are all up to code for the sleeping quarters.

They will have a vacuum system for grass clippings and fecal waste, which will be removed and taken to the dump. They will be installing a ventilation system and forced air. They will be erecting a 6-foot fence to keep the noise levels down. They will enter their location through an easement through BorgsHomes' property.

- Chairman Talle asked if they would need future variances due to setbacks. Mr. DeMartini said they do not have plans that they would need any variances as everything would be inside their fenced in run yard. Chairman Talle asked if the run yard would be used for long periods of time. Mr. DeMartini stated the run yard would be used for times when they need to clean and sterilize the kennels.
- Commissioner Rose asked if the plan was only for one building. Mr. DeMartini confirmed it will only be one building.
- Commissioner Hughes asked if they were going to be putting in trees to screen from the highway. Mr. DeMartini stated they will have a 6-foot privacy fence to screen the dogs from the highway and surrounding properties. They would be willing to put in trees, but they prefer not to due to ticks.
- Chairman Talle asked about the number of dogs there at any given time. Mrs. DeMartini stated they have plans for 8 kennels, up to 5 litters. Mr. DeMartini clarified if they do doggie daycare, they could have the potential for up to 30 dogs, but they would all go home at the end of the day. Chairman Talle asked about the possibility of overnights if they chose to do boarding. Mrs. DeMartini explained that is not her vision for her business. Her vision is to breed doodles, daytime doggie daycare, grooming, and dog training. She stated she does have a license for boarding and if she sees a need for overnight boarding, she may consider it.
- Commissioner Beckel asked about the dog training she would like to offer and whether the puppies will remain overnight for the training. Mrs. DeMartini explained it would be an 8-week puppy training, but also training for older dogs as well. The only puppies that would remain at the facility overnight would be her puppies that she bred.
- Administrator Bromeland stated that the only thing in permitted uses is for a veterinarian, which needs to be in a completely enclosed structure. Commissioner Beckel felt like we may be skirting the code if they do not apply for a CUP. Commissioner Hughes agreed with the need for a CUP. She believes this is the right area of this type of business. Chairman Talle stated they should look at the CUP due to a few uniqueness's to the business. Commissioner Beckel would like to see the next logical step to be modifying code with more details. He also agreed it is the right location for the business.
- Mr. DeMartini said the only property that will really be affected is BorgsHomes. Scott Borgmeier, owner of BorgsHomes was in attendance and stated he has no problem with Bella's House of Doodles moving next door.
- Commissioner Beckel moved to schedule a public hearing for a Conditional Use Permit for Bella's House of Doodles, seconded by Commissioner Rose. A vote was taken with Chairman Talle, Commissioners Rose, Beckel, and Hughes voting in favor. Motion carried.

2. Review of R-1 Zoning Regulations and Concrete Patio/Walkway: 525 Linda Drive

- Administrator Bromeland gave a brief description of a resident who would like to install a patio behind their garage and a walkway on the side of their garage. The walkway is only 4 feet off the property line, while the patio is directly behind the garage and comes off the back of the garage but is only 7 feet off the property line.
- Chairman Talle stated that impervious surfaces are not covered in code with side yard coverage and was concerned of drainage issues into the neighbor's yard. Commissioner Hughes and Rose stated that it looked like both homes already have downspouts for proper drainage.
- Administrator Bromeland stated the neighbor has the exact same type of walkway on the side of their home. Our code is very similar to Mankato's code and after looking into it with Mankato, they would allow the walkway.
- Commissioner Hughes asked if the walkway goes past the garage. Commissioner Rose responded that it looks like the patio comes straight off the back of the garage and the walkway extends a little past the garage. This would conform to the continuation of an existing building line.
- Administrator Bromeland would look into an agreement between the neighbors with no formal action needed.

3. Possible Future Annexation Request for Parcel in Mankato Township and Future Rezoning Process If Annexed: Cullen Kobayashi and Michelle Simms with US Solar Corporation

- Administrator Bromeland shared that she has been corresponding with US Solar Corporation about parcel R430913100012, which is currently located in Mankato Township and identified as a property that may be annexed into the City of Eagle Lake as per an orderly annexation agreement between Mankato and Mankato Township. It was noted that the City Council will be the body to make the final decision on annexation but that it was appropriate to discuss future zoning of this parcel if annexed in accordance with the City's land use plan which identifies this parcel as potentially being light industrial.
- Cullen Kobayashi with US Solar Corporation is the project developer and is proposing a small 1 megawatt solar garden on a property currently owned by Jason and Lori Pietsch. When Mr. Kobayashi contacted Mankato Township to obtain a permit, he was directed to contact the City of Eagle Lake since there is an annexation agreement. He stated that they would get a conditional use permit with Mankato Township and follow all the zoning regulations of Blue Earth County. He would like to know if the parcel will be annexed in the future.
- Commissioner Beckel asked if the road is the line to extend the City of Eagle Lake to? He stated that he thought the solar garden would be a good buffer between Mankato and Eagle Lake. Chairman Talle agreed that it would be a good buffer and a good use for that property.
- Administrator Bromeland asked what the total cost of the project would be. Mr. Kobayashi stated that when it is all up and running the total cost without the land would be \$1.5 million.
- Commissioner Beckel inquired if they would buy the whole 20 acres, but only develop 10 acres

with the setbacks. Mr. Kobayashi confirmed that they would buy all 20 acres, but with all the setbacks they would only be able to construct one project on the northern side of the parcel. They would look into perhaps adding more in the future but was unsure with the 750-foot setback from residential land if there would be enough space.

- Administrator Bromeland asked about the timeline of the project. Mr. Kobayashi stated the construction would take 3 months, after which they would take a few months for a series of tests with Xcel Energy. If the project is started this summer it should be up and running by the end of the year.

4. Monthly Building and Zoning Permit

- Permit activity for January was presented.

Adjournment

- Commissioner Rose moved to adjourn, seconded by Commissioner Beckel. A roll call vote was taken with Chairman Talle and Commissioners Beckel, Rose, and Hughes voting in favor. Meeting adjourned at 6:56 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk

CITY OF EAGLE LAKE
March 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 McCarty, Rose, Miller, and Scheurer.
Absent: Commissioners Norton, Hughes, and Beckel.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.

Approval of Agenda

- Commissioner Rose moved and seconded by Commissioner McCarty, to approve the agenda.
Motion carried.

Approval of Minutes

- Commissioner Miller moved and seconded by Commissioner Rose to approve the minutes.
Motion carried.

New Business

1. Public Hearing: Conditional Use Permit for R120912476005. Administrator Bromeland stated that a public hearing was scheduled for this evening's meeting to consider an application for a Conditional Use Permit (CUP) for parcel ID# R120912476005. Angela J. DeMartini, owner of Bella's House of Doodles, attended the February 22, 2021 Planning Commission meeting and shared that her business plan would encompass designer Doodles, puppy training classes, grooming services, doggie daycare with boarding facilities, a show room filled with dog related products, and an on-staff veterinarian or vet technician with sleeping quarters. The parcel for the proposed use is in a B-1 Community Business District. Attached is an excerpt from code with zoning regulations for a B-1 District. While the proposed use does not expressly match one of the permitted uses listed in a B-1 District, it does appear that the proposed use would fall under Section 6.170, Subdivision 3M.: "Other commercial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and to the general public, health, safety, and welfare". According to code, every use, unless expressly exempted or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment. What follows are two suggested provisions to consider incorporating into the CUP: (1) Sleeping Quarters - space could be allowed for a person to spend a night or two but would exclude the premises from being used for this purpose for an extended period or as a residence; and (2) Fencing – while a fence would be allowed, the entire business must be enclosed, however, there could be a provision allowing for use of the outdoor fenced area for limited use to walk or train the dogs. There may be additional provisions that the Planning Commission and/or City Council wishes to incorporate into the CUP. Notice of the public hearing

was published in the City's legal newspaper and mailed to all properties within 350 feet of the above-described parcel. No written comments have been received, but City staff did speak with an affected property owner that has property within the 350 feet buffer that expressed concern with the possibility of there being a component of the proposed use involving sleeping quarters.

- Jim Johnson, a neighboring property owner, had a concern of where the fencing would be going. His other concern was if they put in a fake outdoor turf, would there be drainage? Chairman Talle stated that that would be in the building permit phase and would be considered an impervious surface.
- Al Schuch (via phone), a neighboring property owner, expressed concern with the chemicals being sprayed on his fields and harvesting dust and debris blowing toward the business.
- Rick DeMartini stated that they will be putting up a privacy fence and is looking at 5 feet off the property line in order to maintain the lawn on the outside side of the fence. He also stated they live out in the country and would not have complaints due to harvesting debris or chemical spraying of the Schuch's farmland.
- Chairman Talle closed the Public Hearing.
- Chairman Talle stated he would like their CUP stipulations to be the same as used for 321 Le Sueur Ave. Sound proofing walls, weekly pick-up of fecal waste from site, odor proof containers, limit of 10 dogs per accessory building, ongoing fence repair and maintenance, rodent proof food containers, ventilation system installed, and unplanned inspections. Mr. DeMartini stated that his wife will be licensed with the state and they will have guidelines to follow and will also conduct unscheduled inspections.
- Commissioner Rose asked about the outdoor exercise area and what the ground coverage will be. Mr. DeMartini stated it will likely be artificial turf with proper drainage.
- There was some discussion on the sleeping quarters and how long someone would need to be there. Mr. DeMartini stated 2 days was likely the most consecutive days someone would need to be there unless problems arose. He also stated they will have surveillance cameras so they can monitor the dogs from home and could have people coming and going during the night. Commissioners McCarty and Miller stated they thought we should set a limit of 7 consecutive days that someone can stay in the building.
- Commissioner Miller moved to recommend to the Council to allow the Conditional Use Permit with the following provisions: sound proofing of walls, weekly pickup of fecal waste from site, odor proof containers for fecal waste storage, ongoing fence repair and maintenance, rodent proof food containers, ventilation system installed, surprise inspections, the sleeping quarters are not allowed to be used as a residence or for a period of time in excess of 7 consecutive days, and that the entire business must be enclosed with the exception of limited use to walk or train the dogs. Seconded by Commissioner Rose. A roll call was taken with Chairman Talle, Commissioners Rose, McCarty, Scheurer, and Miller voting in favor. Motion carried.

2. Possible Amendment to Chapter 31, Section 31.040 Subdivision 6. Administrator Bromeland explained that discussion took place recently regarding a possible amendment to Chapter 31,

Section 31.040, Subdivision 6, Building Standards: “No mobile home built prior to July 1, 1972 shall be moved into Eagle Lake. Any mobile home built after July 1, 1972 shall comply with the Minnesota Manufactured Home Building Code. Any alterations to mobile homes shall be in compliance with this code”. For purposes of providing background, a manufactured home was recently approved by the City Council to be moved into Eagle Lake that was built prior to 1972 and which conflicted with the date included in an agreement with Regency. City staff was directed to research modifying code.

What follows are two possible proposals for amending this subdivision:

(1) **Subd. 6. Building Standards.** No *manufactured* home built prior to *June 14, 1976* shall be moved into the City of Eagle Lake. Any *manufactured* home built after *June 14, 1976* shall comply with the Minnesota Manufactured Home Building Code. Any alterations to *manufactured* homes shall be in compliance with the code.

OR

(2) **Subd. 6. Building Standards.** All manufactured homes that shall be moved into the City of Eagle Lake must comply with the Minnesota Manufactured Home Building Code. No manufactured home that is twenty years or more shall be brought into the city without obtaining permission from the city after an inspection ensuring that the manufactured home is in good condition and will not pose an issue in regards to safety or blight.

- Chairman Talle stated he liked option 2. Commissioner McCarty stated that it needs to be up to code before being moved for safety reasons. Commissioner Scheurer stated that if it were older than 20 years, but still in good condition, they could apply for a variance.
- Commissioner McCarty moved to recommend to the Council to set a Public Hearing to adopt option # 2, setting the age at 20 years or older. Seconded by Commissioner Rose. A roll call was taken with Chairman Talle, Commissioners Rose, McCarty, Scheurer, and Miller voting in favor. Motion carried.

Other

1. Building and Zoning Permit Activity. Permit activity was presented for the months of February and March.
2. Upcoming Planning Commission Presentation by MVCOG Staff. Administrator Bromeland shared that Minnesota Valley Council of Governments (MVCOG) recently hired a new program director and that she has extended an invitation to the new program director to attend an upcoming meeting and give a presentation on the role of a planning commission and other important planning commission responsibilities. This would be geared as an intro for newer members and as a refresher for those with more experience serving on the commission. The City has an agreement

with MVCOG to obtain assistance with day-to-day general planning and zoning questions as needed. The Planning Commission agreed this would be a good presentation to schedule.

3. Review of Allowable Roofing and Siding Materials in an R-1 District. City staff was recently contacted by a resident inquiring about the possibility of installing a shed with corrugated roofing and siding. City code was reviewed with the resident. Per code, corrugated metal finishes are a prohibited roofing and siding material. Since City staff receives several questions about what is allowable for roofing and siding materials in an R-1 District each year, it might be worthwhile for the Planning Commission to review current wording and discuss if any modifications to wording should be considered to eliminate confusion with what is and what is not allowed for building materials.
 - Chairman Talle stated that this code was enacted to prohibit non-galvanized tin materials that rust quickly over time. He stated that a Public Hearing should be set to better define the code.

Adjournment

- Commissioner Rose moved to adjourn, seconded by Commissioner Miller. A roll call vote was taken with Chairman Talle and Commissioners Miller, Rose, McCarty, and Scheurer voting in favor. Meeting adjourned at 6:56 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk

CITY OF EAGLE LAKE
April 19, 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, and McCarty.
Absent: Commissioners Scheurer, Norton, and Miller.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.
Others in Attendance: Rosie Brunmeier, Scott Wangen, and Mark Fromm.

Approval of Agenda

- There were no additions to the agenda.

Approval of Minutes

- Commissioner McCarty moved and seconded by Commissioner Rose to approve the Planning Commission meeting minutes from March 15, 2021. A roll call vote was taken, all voted in favor. Motion carried.

New Business

1. **Conditional Use Permit Application:** Administrator Bomeland gave an overview of a conditional use permit application that was received from Mark Fromm for the building he owns at 112 Parkway Avenue which is the former Uncle Albert's Café. Mr. Fromm has a buyer interested in converting the restaurant area into four apartments. Per a review of Section 6.173 of the Zoning Code, the Parkway Avenue District will accommodate residential uses via a conditional use permit when located above or behind commercial development. The proposed use of 112 Parkway Avenue does not involve a commercial component. Mr. Fromm was invited to attend the meeting to discuss his proposed use of the property with you to determine if there is any interest in entertaining the notion of a conditional use permit for residential housing only for the property. The intent of the district, which was established in March 2016, is described in Section 6.173, subdivision 1. There are currently some properties along Parkway Avenue that are solely used for residential but appear to have been in existence prior to March 2016 when the Parkway Avenue District regulations were adopted. The Parkway Avenue District runs from 598th Avenue to Agency Street.
- Chairman Talle asked the applicant, Mark Fromm, if he had any additional information he would like to share. Mr. Fromm stated that his property has been for sale since before they closed the

restaurant and has been vacant for more than a year. They have had a few people look at the property but have not had anyone actively interested. He stated they were looking into converting it into apartments themselves but now are looking at selling to Scott Wangen to convert into 4 apartments.

- Commissioner McCarty asked if the house on the property would be removed. Mr. Wangen said it will remain. Commissioner McCarty also was concerned about there being enough parking and the growth of future potential businesses surrounding the proposed residential property. Mr. Wangen stated they would have plenty of parking on the street and he was not concerned with potential businesses building next to him. Commissioner McCarty asked how many floors and if there would be any structural changes to size and or additions. Mr. Wangen stated there would be 3 main floor apartments with one possibly being handicapped accessible and one in the basement. The only structural changes would be adding egress windows. Commissioner Rose asked if the roof line would stay the same. Mr. Wangen stated that it would stay the same.
- The other residential properties were brought to the attention of the commission by Mr. Fromm. Administrator Bomeland stated that those properties were all in existence as residential before the Council adopted the regulations for the Parkway Avenue District in 2016.
- Commissioner Talle asked if this was more of a variance request than a conditional use permit. Commissioner McCarty stated he believed it should be a variance since there is no commercial component.
- Commissioner McCarty stated concerns with the possibility of not being able to meet all the zoning conformities within the Parkway Avenue District. He stated that being there are 4 parcels to this property, they may want to look into the possibility of combining the parcels in order to meet some of the zoning setback conformities.
- Chairman Talle asked if they could set the Public Hearing for the next Planning Commission meeting and look into the other items before the next meeting. Commissioner Beckel stated he would like city staff to contact the city attorney and get their input. He stated he would like a lot more information and does not think we should move ahead with scheduling a public hearing.
- Commissioner Beckel made a motion to set a Public Hearing while city staff investigates whether this application requires a Conditional Use Permit or a variance, meeting zoning conformities within the Parkway District, the possibility of combining the 4 parcels, and contacting the city attorney. Commissioner Rose seconded the motion. A roll call vote was taken with Chairman Talle, Commissioners Beckel, Hughes, Rose, and McCarty voting in favor. Motion carried.

Other

2. Building and Zoning Permit Activity. Permit activity was presented for the months of March and April.
 - The next regular scheduled Planning Commission meeting is May 17, 2021 at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Rose moved to adjourn, seconded by Commissioner Beckel. A roll call vote was taken with Chairman Talle and Commissioners Beckel, Hughes, Rose, and McCarty voting in favor. Meeting adjourned at 6:42 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk

CITY OF EAGLE LAKE
May 17, 2021
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:02 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Beckel, Hughes, Rose, Scheurer, Norton, and Miller.
Absent: Commissioner McCarty.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.
Others in Attendance: Rosie Brunmeier, Scott Wangen, Mark Fromm, Beth Rohrich, and Jessica Steinke.

Approval of Agenda

- There were no additions to the agenda. Commissioner Rose moved, seconded by Norton to approve the agenda. A roll call was taken with all in favor. Motion carried.

Approval of Minutes

- Commissioner Norton moved, seconded by Commissioner Rose to approve the Planning Commission meeting minutes from April 19, 2021. A roll call vote was taken with all in favor. Motion carried.

New Business

3. Variance Application: Administrator Bomeland gave an overview for the public hearing scheduled for 6:00 p.m. this evening to consider a variance application from Mark and Rolene Fromm, owners of the property located at 112 Parkway Ave. The property is in the "Parkway District" that includes properties that are zoned B-1 Community Business District, from 598th Ave. to Agency St. The owners are seeking a variance to convert an existing commercial building into multi-family apartments. The owners are seeking a variance for a property use that otherwise is not allowed in a B-1 Community Business District. The Parkway Avenue District will accommodate residential uses when located above or behind commercial development. The proposed use does not include a commercial use for the property. A public notice was mailed out to all property owners within 350 feet of the subject property and a copy of the proof was published in the City's legal newspaper. The Planning Commission will need to make findings that show why the subject property meets practical difficulties test. Section 6.080, subdivision 13, states that no variance shall be granted to establish a use not permitted in the zoning district where the subject property to the application is located. A variance once approved runs with the property and not with the property owner. Per an inquiry to the City's legal counsel, if the property has not been platted that

is an action that will need to be taken at some point and will require the property to be surveyed and a plat prepared. This is not an action that needs to occur at this time since there is a legal description of the property. Legal counsel advised that the existing structure is a non-conforming use and that it may be maintained, and the interior remodeled as long as construction does not increase the size of the building or modify a load bearing wall.

- Chairman Talle opened the Public Hearing. There were no comments. Chairman Talle closed the Public Hearing.
- Commissioner Miller asked if they had thought about a commercial component to meet the permitted use? Mr. Wangen stated he did not have any businesses interested in commercial space and does not want to try and rent out a commercial space.
- Commissioner Hughes asked if they were looking at using tax increment financing (TIF). Mr. Wangen said they will not ask for TIF.
- Commissioner Rose stated he wants to see the building filled.
- Commissioner Beckel commented that after looking at what the City Attorney stated about the variance, he does not understand how the Planning Commission can pass this being there is no practical difficulties per Section 6.080, subdivision 9 A. (No variance shall be granted unless the applicant establishes that conforming to the strict letter of the provisions of this Ordinance would create a practical difficulty. Practical difficulties as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner that is not permitted by the zoning ordinance: the plight of the landowner is due to circumstances that are unique to the property and that were not created by the landowner; and the variance if granted will not alter the essential character of the neighborhood. The practical difficulty shall amount to more than a mere inconvenience to the owner and the practical difficulty shall relate to the physical situation of the lot rather than the personal situation of the current owner of the lot. Economic conditions alone do not constitute a practical difficulty.) Commissioner Beckel stated he can sympathize with the owner, but he believes the reason for the variance is purely economical and due to the personal situation more than the physical property situation. Commissioner Miller and Scheurer agreed that there does not seem to be a practical difficulty described in City Code. Commissioner Hughes stated she thinks that the practical difficulties would be on the city if the building deteriorated and would eventually need to be tore down.
- Chairman Talle stated he believes it comes down to how you interpret the code. He stated it does not alter the character of the neighborhood, is unique since the building was built prior to setback requirements, and the property will be used in a reasonable manner. He believes it meets the requirements for a variance.
- Commissioner Scheurer asked what qualifies this property as “unique”? Chairman Talle stated it is due to the existing lot not meeting setback requirements.
- Commissioner Hughes asked Mr. Fromm and the Fromm’s realtor, Rosie Brunmeier, if there had been any other prospects on the building. Mr. Fromm stated there had been a few. Mrs. Brunmeier stated she had received a lot of calls, but those who were interested were either unable to get financing or the property was too large or small for what the potential clients were looking for.

She stated some of the issues were due to no visibility from highway traffic. She has not had anyone interested in it for potential office space.

- Commissioner Norton asked how long ago the other locations were made into residential properties. Administrator Bromeland stated that the home that is located on Parkway was built in 1991 and all the others were converted before the “Parkway District” was adopted in 2016.
- Commissioner Rose made a motion, seconded by Commissioner Hughes to recommend to the City Council that the variance be granted. A roll call was taken with Chairman Talle abstaining. Commissioners Hughes, Rose, Norton, and Miller voting yes. Commissioners Beckel and Scheurer voting no. Motion carried.

4. MVCOG Planning Commission Presentation: Jessica Steinke, Program Director:

- Jessica Steinke with MVCOG went through Planning Commission Training.
- The areas she went over with the Planning Commission were:
 - Training Local Government Officials
 - Planning
 - 60 Day Rule
 - Finding of Facts
 - Planning Commission Role
 - Board of Adjustments/Appeals Role
 - Role of Staff
 - General Zoning
 - Zoning Districts
 - Other Types of Zones (PUD)
 - Use Categories: Permitted, Conditional, Accessory
 - Conditional Use Permits (CUP)
 - Variances
 - Legal Non- Legal Non- Conformities
 - Subdivisions
 - Subdivision Reviews
 - Public Hearing Process
 - Amendments
 - Rezoning
 - Comprehensive Plan
 - Parliamentary Procedure: Order of Business and How to Make a Motion
- Chairman Talle asked when was the last time they had reviewed and updated the Comprehensive Plan? Administrator Bromeland stated she believed it had been more than 20 years. Ms. Steinke

recommends every 5 to 10 years to review and update. She also stated that the COG can help with the process free of charge.

Other

5. Building and Zoning Permit Activity:

- Permit activity was presented for the months of April and May.
- The next regular scheduled Planning Commission meeting is June 21, 2021 at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Rose moved to adjourn, seconded by Commissioner Norton. A roll call vote was taken with Chairman Talle and Commissioners Beckel, Hughes, Rose, Scheurer, Norton, and Miller voting in favor. Meeting adjourned at 6:54 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk

CITY OF EAGLE LAKE
October 18, 2021
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:00 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Beckel, Hughes, Rose, Scheurer, McCarty, and Miller.
Absent: Commissioner Norton.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.
Others in Attendance: Mark Fromm

Approval of Agenda

- There were no additions to the agenda. Commissioner Rose moved, seconded by Commissioner Miller to approve the agenda. A roll call was taken with all in favor. Motion carried.

Approval of Minutes

- Commissioner Hughes moved, seconded by Commissioner Rose to approve the Planning Commission meeting minutes from May 17, 2021. A roll call vote was taken with all in favor. Motion carried.

New Business

6. 237 Oak Drive: Review Hard Surface in Front Yard and Building Permit Application for Construction of Detached Garage: Administrator Bromeland shared that an application was received from 237 Oak Drive to construct a detached garage. She gave background information to the Planning Commission on the process of approving a building or zoning permit. Included on a site plan submitted for a detached garage for Mark Fromm, 237 Oak Drive, there appeared to be a hard surface more than 40 feet at the garage. Administrator Bromeland met the contractor and homeowner at the residence where it was discovered the hard surface was already constructed and in violation of code. An email was sent to the homeowner and contractor following the meeting informing that the hard surface more than 40 feet at the front of the garage was considered non-conforming. Administrator Bromeland shared that a building permit was submitted in 2017 for new home construction and included on the application were plans for a driveway measuring 39 feet at the garage line. It was noted that Mr. Fromm approached the Planning Commission in April of 2018 requesting that the driveway width at curb be increased from 24 feet to 32 feet. A public hearing was held, and a recommendation made from the Planning Commission to the City Council to increase the driveway width at curb and allow more flexibility for hard surface parking. The City Council tabled taking any action at their initial meeting due to concerns with allowing up

to 35% of a front yard to be surfaced. Ultimately, the City Council voted to widen the driveway width at curb to 32 feet but did not take any action on increasing the amount that a front yard could be hard surfaced.

7. Mr. Fromm stated he thought he was able to put the slab in and still be within the 35% of the front yard coverage. He also stated that there will not be anymore hard surface poured with the detached garage project.
8. Commissioner Miller stated he would not be comfortable approving the permit for the detached garage unless a variance was applied for and approved for the non-conforming cement slab.
9. Commissioner McCarty stated he didn't think he could apply for a variance since there was no permit pulled for the extra driveway slab. He also stated the city has an obligation to enforce city code and shouldn't allow the building permit with an illegal non-conforming driveway.
10. Commissioner Beckel asked if there was a separate permit pulled for the slab. Administrator Bromeland stated that it was included with the building permit pulled with the construction of the home. He also inquired if it's a misdemeanor to violate city code and if so, Mr. Fromm should be ticketed, fined, and required to remove the illegal non-conforming slab.
11. Commissioner Hughes asked if they could separate the two issues, allow the garage, and address the slab later? Commissioner Beckel stated that it is part of the same issue since the detached garage aligns with the slab. Commissioner McCarty added that the illegal non-conforming issue still needs to be addressed.
12. Commissioners Scheurer and McCarty asked what is considered the side yard and whether the proposed structure could be placed where indicated on the site plan. Administrator Bromeland stated that she would review definitions in code for front, side, and rear yards and perform a review to ensure compliance with code before approving a permit. It was noted that the lot is an odd shape and not rectangular.
13. Commissioner McCarty made a motion, seconded by Commissioner Beckel to deny the permit application for the detached garage until the property is brought up to compliance. A roll call was taken with Chairman Talle, Commissioners Beckel, Hughes, Rose, Scheurer, McCarty, and Miller voting in favor. Motion carried. Chairman Talle stated it will go before the City Council on November 1, 2021.

Other

14. Chairman Talle suggested scheduling a few work sessions to go over and recommend changes to Chapter 6 to the City Council.
15. Building and Zoning Permit Activity: Permit activity was presented for the months of September and October.
 - The next regular scheduled Planning Commission meeting is November 15, 2021 at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Rose moved, seconded by Commissioner Miller to adjourn. A roll call vote was taken with all voting in favor. Meeting adjourned at 6:44 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk

UNOFFICIAL MINUTES

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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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

28. 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

CITY OF EAGLE LAKE
December 20, 2021
PLANNING COMMISSION MEETING

Call to Order

- Meeting was called to order at 6:00 p.m. by Chairman Talle.
Present: Chairman Talle, Commissioners Beckel, McCarty, Rose, and Scheurer.
Absent: Commissioners Miller, Norton, and Hughes.
Staff Present: City Administrator Bromeland and Administrative Clerk Mandy Auringer.
Others in Attendance: Mark Fromm

Approval of Agenda

- Commissioner Beckel moved, seconded by Commissioner Rose to approve the agenda. A roll call was taken with all in favor. Motion carried.

Approval of Minutes

- Commissioner Rose moved, seconded by Commissioner Beckel to approve the Planning Commission meeting minutes from November 15, 2021. A roll call vote was taken with all in favor. Motion carried.

New Business

1. Chapter 6 Review: Sections 6.010-6.160

- Resident Mark Fromm talked about his property and the non-compliant hard surface and how he interpreted city code pertaining to front yard hard surface area coverage. Administrator Bromeland stated that when this was brought before council back in 2018, the Council decided to only widen driveways at the curb line but keep the 40-foot width at the garage line. Administrator Bromeland did some research of other cities and the width of driveways at the garage line. Chairman Talle stated he was in favor with the 40-foot line at the garage since most newer homes have triple garages and when measured at the garage line they are 40 feet.
- The Commission discussed section 6.110 A-1 Agricultural District. Commissioner McCarty stated that anything that would be occupied should not be under conditional uses but grandfather in any preexisting structures. New construction should have to go through the process. He stated if a structure is constructed outside of the normal city limits, we do not want to expand municipal services for one property. He would like to remove in subd. 2 (pg. 33) A-E and leave F. Commissioner Beckel agreed but add in “agricultural buildings” to F. In subd. 3 remove everything but C, F, and G. In subd. 4 remove everything. In subd. 5, remove A, D, and G. Remove all subd. 7 and 8.
- Administrator Bromeland stated she would like to see the definitions for side yard and required side yard in section 6.040 Rules and Definitions subd. 2 FB (pg. 19) more clearly defined.

Commissioner Beckel thought that the definition contradicts itself and agreed it needs to be clarified. Commission McCarty suggested changing the wording of calculating the side yard to “any part of the building”.

- Commissioner Beckel brought attention to the wording of the definition for congregate housing in section 6.040 Rules and Definitions subd. 2. AO. (page 8) He believes it is discriminatory to use the words “elderly” and “age 60 and older”. He would like the age references removed.
- Section 6.120 R1 District was next discussed with Chairman Talle asking if the definition for low density should be more clearly defined in subd. 1. Purpose (pg. 36). Commissioner Beckel stated it is defined more in subd. 4. F. (pg. 38). Commissioner Beckel asked if they should change it back to 7000 sq. ft. or keep it at 9000 sq. ft? Commissioner McCarty suggested changing Section 6.120 subd. 2 A to “detached dwellings” and removing L.
- Chairman Talle started the discussion on roofing materials and clarifying “corrugated metal”. Commissioner McCarty suggested removing all the corrugated roofing material pictures. Commissioner Scheurer and Chairman Talle suggested updating the language with “Unfinished corrugated metal is prohibited. Professionally finished corrugated metal is allowed”.
- Maximum building height in subd 11 was questioned by Commissioner Rose and how that is calculated. Administrator Bromeland and Commissioner McCarty explained it is not measure by the pitch of the roof but is measured from the median grade. The wording should be added for clarification.
- Commissioner McCarty stated the Commission should research the lot sizes for R1 and R2 districts.
- Discussion will resume at the January meeting.

Other

- 29.** Building and Zoning Permit Activity: Permit activity was presented for the months of November and December.
- 30.** Administrator Bromeland provided a review of parcel R121018133019 and stated that in July of 2017, a few variances were approved for this parcel along with the parcel being rezoned R-1. The lot was split, and Blue Earth County notified for tax purposes, and the property rezoned. The variances for setbacks and lot width have since expired due to a provision in code (Section 6.080, Subdivision 12) which requires that a building permit be issued, and a use commenced within 12 months unless an extension of time is requested before the 12-month period lapses. The property owner was notified of the need to seek a variance if a new dwelling is proposed to be constructed on the lot. It was noted that the property owner contacted City Hall to have an address assigned to the parcel that was split as no address was assigned at the time of the lot split in 2017.
- 31.** Administrator Bromeland provided a review of parcel R391019251008 and noted that a Special City Council meeting has been set for Wednesday, January 19th at 6:00 p.m. at which time a public hearing will be held to consider the petition for annexation that was received. The parcel would be used for a housing development. If annexation is approved, the owner can apply for rezoning and platting and at that time it will be before the Planning Commission.

32. Administrator Bromeland provided a update on the CUP that was issued for 107 598th Ave. It was noted that a conditional use permit was approved by the City Council on April 5, 2021 for 107 598th Avenue for the placement of a commercial facility in a B-1 District to be used for indoor dog kennels, dog breeding and daycare, dog grooming services, show room with dog products, outdoor exercise area for dogs, and veterinarian services with temporary sleeping quarters. Following the approval of the CUP, the applicant inquired about placing two temporary structures on the property until the two proposed buildings were constructed. The applicant was told that no temporary structures were allowed. The applicants were asked to appear before the City Council this past summer due to the applicants attempting to operate their business out of the warehouse structure versus the main building. An agreement was approved by the City Council giving the owners the ability to use the secondary building (warehouse/storage) prior to the main building being constructed and a certificate of occupancy issued. Per the agreement, a certificate of occupancy must be obtained prior to January 1, 2022, on the main building. Recently, a “ancillary building” was placed behind the secondary building without a building permit being pulled. In talking with the owner, it appears that the building is being used as part of the business operations, which is not part of the CUP that was approved. The owner has been notified of the need to appear before the City Council at the January 3rd meeting to review the business and operations as it relates to the CUP. This matter may be referred to the Planning Commission if the scope of the business has changed or any alterations proposed as per Section 6.070, Subdivision 13, and an amended CUP required.
33. Rental Ordinance and possible future addition for vacation rental language. Currently city code does not have any language addressing vacation rentals. This may be something the Planning Commission would like to review and discuss in relation to zoning districts and uses.
- The next regular scheduled Planning Commission meeting is January 24, 2022, at 6:00 p.m. in City Hall Council Chambers, 705 Parkway Avenue.

Adjournment

- Commissioner Rose moved, seconded by Commissioner Scheurer to adjourn. A roll call vote was taken with all voting in favor. Meeting adjourned at 7:21 p.m.

Trent Talle, Chairman

Mandy Auringer, Administrative Clerk