

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 7, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, March 7, 2017 at City Hall at 6:00 pm.

Present were: Commissioners Gary Buchschacher, Dan Engebretson, and Rick Galewski; Zoning Administrator Lorri Kopischke. Absent: Commissioners Shawn Anderson and Clinton Stoen.

Zoning Administrator Kopischke opened the meeting and asked for nominations from the floor for Chairperson. On motion by Buchschacher, seconded by Engebretson, to nominate Clinton Stoen for Chairperson. All voting in favor, motion declared carried.

Kopischke then asked for nominations from the floor for Vice Chairperson. On motion by Buchschacher, seconded by Engebretson, to nominate Shawn Anderson for Vice Chairperson. All voting in favor, motion declared carried.

As neither the Chairperson or the Vice Chairperson were present at the meeting, Galewski assumed the position of chairing the meeting.

On motion by Engebretson, seconded by Galewski, all voting in favor, to approve the agenda as presented.

On motion by Buchschacher, seconded by Engebretson, all voting in favor, to approve the minutes of the December 6, 2016 Regular Meeting as presented.

The Commissioners discussed the Elysian Land Use Plan. As a part of the section titled "Economic Development" Objective #2: Kopischke was directed to check with the City of Waterville to see how their Farmer's Market was started; check with the DNR to see if the space by the Tourism Center next to the Sakatah Trail could be utilized for a Farmer's Market/Flea Market; and check with the DNR if parking would be allowed in the wayside rest parking area.

Nuisance properties will be discussed at the April 4, 2017 meeting. Planning and Zoning members were asked to tour the city and Kopischke will also provide a list of properties with ordinance violations.

On motion by Buchschacher, seconded by Engebretson, all voting in favor, meeting adjourned at 7:10 pm.

Attest:

Rick Galewski, Acting Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 4, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, April 4, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Clinton Stoen; Commissioners Shawn Anderson, Gary Buchschacher, Dan Engebretson, and Rick Galewski; Zoning Administrator Lorri Kopischke.
Absent: None.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the agenda with the following addition:

1. Discussion on Planning and Zoning Chairperson Appointment.

On motion by Engebretson, seconded by Buchschacher, all voting in favor, to approve the minutes of the March 7, 2017 Regular Meeting as presented.

Stoen stated that for personal reasons he was unable to accept the appointment to Chairperson at this time. He respectfully declined the nomination made and approved at the March 7, 2017 Planning and Zoning Meeting.

On motion by Buchschacher, seconded by Galewski, all voting in favor, to rescind the motions made at the March 7, 2017 Planning and Zoning Meeting, to nominate Clinton Stoen for Chairperson and Shawn Anderson for Vice Chairperson.

On motion by Buchschacher, seconded by Galewski, all voting in favor, to nominate Shawn Anderson for Chairperson and Rick Galewski for Vice Chairperson.

Stoen stepped away from the Chairperson position and Anderson took his place as Chairperson of the meeting.

Properties located at 109 Frank Avenue NE, 130 Main Street East, 200 Frank Avenue NE, and 309 First Street N, were identified and discussed as nuisance properties. On motion by Engebretson, seconded by Stoen, all voting in favor, to recommend to City Council these properties be addressed as nuisance properties.

Kopischke provided updates regarding the establishment of a Farmers Market in Elysian.

1. The Tourism Center has been identified as a good location for a Farmers Market. The area between State Highway 60 and the DNR trail could be used for vendor setup.
2. The DNR has stated that parking would be available at the Wayside Rest. However, no sales can be transacted in that area.
3. The League of MN Cities has been contacted regarding insurance. Antonio Montelibano, Underwriter, League of MN Cities, has stated, "As long as the City will be Organizing and will be responsible for this Farmers Market Activity and this will be held at the City's property, we really don't have much of an issue with this from an underwriting standpoint. I carbon copied Troy Walsh who is our Loss Control Consultant for your city in the event that he may have some suggestions or recommendations from

a Risk Control Standpoint regarding Farmers Market activity.” The City of Madison Lake Farmers Market is covered by the city’s insurance. The City of Waterville’s Farmers Market is covered by the Chamber’s insurance.

4. Most Farmers Markets charge a fee for participation. Madison Lake = \$5 per time, Faribault = \$40 per season, Waterville = \$20 per season. Monies can go toward advertising.
5. Most Farmers Market have rules on what type of vendors can participate. Waterville requires that items are grown in Minnesota and are handmade. Madison Lake requires that participants are from a 50-mile radius and that items be grown, raised or handmade by the participating vendor or member family. The also limit the number of local artisan booths that are allowed.
6. There does appear to be an interest in the Elysian area from vendors who would like to participate. There also are several local residents with experience in managing Farmers Markets who would be willing to help get this established.

Kopischke stated a committee would need to be formed to establish the fee amount, day(s) and time of the Farmers Market, and rules. The anticipated start date would be the end of May.

On motion by Galewski, seconded by Stoen, all voting in favor, to recommend City Council approval of moving forward to establish a Farmers Market to be located on City property at the Tourism Center, to be covered under the City Insurance Policy and to allow support by City Staff.

An update was provided regarding property owners who have inquired as to variances and to expanding their business in the City.

On motion by Anderson, seconded by Buchschacher, all voting in favor, meeting adjourned at 6:50 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 2, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, May 2, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Rick Galewski.

On motion by Anderson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:00 pm.

Tim and Donna Henninger were present to request a variance to lot coverage for property they own at 105 Willow Point Drive, PID# 16.415.0060. The current lot coverage is 39%. The variance request would allow for a lot coverage of 42%. The Henningers would like to enlarge the existing kitchen area by 14 feet x 15 feet x 6 feet (342 square feet). They are also requesting approval in lot coverage for a future porch addition of 328 square feet.

This property includes a parcel next to the lake and a parcel on the other side of the road (Willow Point Drive). This is one lot (one parcel). The total lot area is 21,489 square feet. The current home, existing outbuilding and other impervious surfaces is 8,380 square feet or 39%. The proposed impervious surface including kitchen expansion and future porch addition is 9,050 square feet or 42%.

The kitchen expansion and porch addition would meet setback and all other zoning requirements. The only variance needed is lot coverage. The maximum lot coverage allowed in the shoreland district is 25%.

Tim Henninger stated they would like to construct the porch addition this fall. The main reason for the kitchen expansion is that they are moving to this property and will be living here permanently rather than seasonally. The current size of the kitchen does not allow for placement of a kitchen table.

Stoen asked if an interior remodel could provide space for a kitchen table. Henninger stated it would not. It is just too small. Stoen stated he understood the request but was concerned that with the porch there would then be more impervious coverage with patio and other landscaping. Henninger stated there would be nothing added other than the kitchen and the porch.

Public Comment:

Tim Brandt, 104 Willow Point Drive, stated he lives next door and is in full support of the proposal. A house is a place to raise a family and that is all they are asking. They are great neighbors and have great kids. Home is where you go for the holidays and this will be perfect.

Written Comment:

Dan Held, 119 Shoreview Drive, "Doesn't care. This will improve the neighborhood."

Gary Hagen, 106 Willow Point Drive, "Is it going toward the lake? If it isn't, he doesn't care."

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources, "With the addition of impervious surface to both of the variance requests it would be nice to see that the additional roof water be directed either into a temporary storage basin like a small rain garden or directed back away from the lake into a wetland basin for setting, specifically when the lot is going from 32% to 50%. I understand these lots are a bit tough with the road splitting them. In other counties/cities where impervious surface exceeds the 25% it is a condition on the permit that this temporary storage is required."

There was no further public or written comment.

Buchschacher asked if there was room on the property for a rain garden. Tim Brandt, adjoining property owner, stated that when he recently constructed his new home, the landscaping was done so that all the water from those two homes goes into the back lot and then into the holding pond. All the water flows to the back. None of the water goes to the lake.

On motion by Anderson, seconded by Stoen, all voting in favor, to close the Public Hearing and reopen the Regular Meeting at 6:20 pm.

Stoen stated that he is not in favor of the houses by the lake getting bigger and bigger. This is a better situation as the addition is going to the side lot rather than the lake side of the house. He asked that there be care taken in catching and diverting the water with gutters and that the landscaping be addressed.

Henninger stated the entire house had gutters and that these additions would also have the correct gutters.

Engebretson stated he personally had no problem with the kitchen expansion. Since the neighbor has no problem with the porch addition, he sees no issue with that proposal either.

Anderson stated the slopes of the roof and the run-off are going the right way – away from the lake. The neighbors have no issues.

On motion by Anderson, seconded by Engebretson, all voting in favor, to recommend City Council approve of an increase from 39% lot coverage to 42% lot coverage to the property at 105 Willow Point Drive PID# R16.415.0060, to allow Tim and Donna Henninger to construct a 14 feet x 15 feet x 6 feet (342 square feet) kitchen addition and a 328-square foot porch addition as presented based on the following findings of fact:

1. Reasonableness: This is a minimal request that will result in a lake cabin being modified to a full-time residence. The water runs to the rear and not to the lake due to the landscaping of the adjacent house and the position of this house on the lot.
2. Uniqueness: The lot is odd-shaped and has a road running through the middle of the lot.
3. Essential character: This will not change the character of the neighborhood and will enhance the neighborhood as it is an improvement to the house.

And with the following condition:

1. Addition of gutters and landscaping to direct the water run off away from the lake.

This recommendation will be considered by the Elysian City Council at their May 8, 2017 meeting.

On motion by Anderson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:30 pm.

Elde and Matt Kretlow were present to request a variance to construct a 36 foot x 36 foot – 2 story garage on the property they own at 128 Willow Point Drive, PID# R16.415.0030. The proposed garage as designed would result in a lot coverage of 50%, exceed the maximum height allowed for an accessory structure by 9 feet at the peak, and would exceed the total building area allowed by 792 total square feet.

The property includes a parcel next to the lake and a parcel on the other side of the road. This is one lot – one parcel. Mr. Kretlow has provided a survey of the property. Kretlow owns the two lots east of this parcel. The lots abut this property and face into the Roemhildt addition. There are two large easements (a 40 foot and a 60 foot) between the lakeshore and the proposed garage property. There also is a water line easement on the north and east side of the proposed garage property which limits his area in which to build. Mr. Kretlow has worked diligently with staff to find a way to fit this garage onto the parcel and provide the necessary setbacks. That has been accomplished with this location on the lot as staked.

There are several other garages in the area that exceed the maximum height allowed including 113 Willow Point Drive (30 feet) and 122 Willow Point Drive (20 feet).

Public Works has expressed some concern with the water coming down the hill from the Roemhildts Addition into this lot. Also, the garage on the lot to the south will be very close to this garage and there may be water run-off issues between the two lots.

This garage as proposed does cross over the lot line to the north. Mr. Kretlow does own that property so although it crossed into that lot, it is the same property owner.

Matt Kretlow explained the cabin on the property is an A-frame that his father purchased 40 years ago. It has two bedrooms and one bath. The cabin is not large enough for the entire family. The intent of building the garage is to store the boats and utilize the space above for overflow in the summer and for storage in the winter.

Elde Kretlow stated that the easements on Willow Point Drive are a mess. His neighbor to the south, 127 Willow Point Drive, built his garage 15 feet onto Kretlow's property and that made this lot even smaller. He bought the two lots to the east so he could push the garage back but now with the water line easement on the back of this property, he cannot do that. He stated that most of the rain runs down from Roemhildts and then down Willow Point Drive.

Public Comment:

William Davis, 130 Willow Point Drive, stated he had purchased his lot in 1975 and the Kretlows purchased their lot 2 - 3 years later. They are a nice, law-abiding, caring family. The garage will be attractive and he is in favor of the project.

Steve Fry, 125 Willow Point Drive, stated he lives three doors to the south. He has no problem with the proposed garage. It will give Kretlow a lot more space and he can store his things inside rather than having them outside.

E Kretlow noted the shed and trailer will be removed if the garage is built.

Written Comment:

Ann Buskirk, executor of property located at 127 Willow Point Drive, "This is in regard to your memo on the Public Hearing to consider the request of Elde and Matt Kretlow variance request. The Kretlow's have reviewed in detail their plans for the two-story detached accessory structure with both my father, Hobert Setzer and myself (executor of the adjacent property). This included the lot coverage, size and height of their structure. We are both satisfied that the structure will be a positive addition to our adjoining property and fully support approval forthcoming from the City of Elysian, Office of City Administration. Neither my father nor myself will be able to attend the meeting and would request that our letter and our support of the Kretlow's structure be heard at the public hearing meeting Tuesday, May 2, 2017. Sincerely, Ann Buskirk and Hobert Setzer"

Mark Berg, 134 Willow Point Drive, "I am unable to attend the meeting May 2nd. Please submit the following to the appropriate persons: Mark and Julia Berg, 134 Willow Point Drive, support the Kretlow's variance request. Thank you. Mark Berg"

Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources, "With the addition of impervious surface to both of the variance requests it would be nice to see that the additional roof water be directed either into a temporary storage basin like a small rain garden or directed back away from the lake into a wetland basin for setting, specifically when the lot is going from 32% to 50%. I understand these lots are a bit tough with the road splitting them. I other counties/cities where impervious surface exceeds the 25% it is a condition on the permit that this temporary storage is required."

There was no further public or written comment.

Stoen asked if there will be plumbing in the garage and asked if this would eventually turn into a cabin. Buchschacher asked if the upper portion would be living quarters. The Kretlows stated there will be running water and sewer. It will not be a permanent living space but will be a place for the family to congregate.

Stoen stated he struggled with the garage being too big according to the zoning ordinance and with it being turned into a living quarters. It was noted that there is nothing in the zoning ordinance that precludes that space from being used as a living quarters.

Kretlows stated they are trying to keep the cabin small and build the garage to have a little extra room. E Kretlow stated the garage needed to be that big to accommodate the size of their boats.

Engebretson noted there are 3 or 4 garages of a similar size in the city.

On motion by Engebretson, seconded by Anderson, to recommend City Council approval of the variance request to allow a 36 foot by 36 foot garage on the property located at 128 Willow Point Drive PID# R16.415.0030 as presented, which will result in a lot coverage of 50%, and a height of 26 feet which is 9 feet taller than allowed by the zoning ordinance and a total building area of 2,592 square feet which is 792 square feet larger than allowed by the zoning ordinance based on the following findings of fact:

1. Reasonableness: The request to build this size garage is reasonable as there are several similar sized structures in the area with the same use.
2. Uniqueness: The uniqueness of the property not caused by the landowner is the large roadway and utility easements to the west of the property and the water line easements on the north and east of his property. Also, that the neighbor built his garage 15 feet onto the Kretlow lot.
3. Essential character: The proposed garage will fit in well with the other structures in the area.

Buchschacher stated he was not certain how to vote. He stated he would vote to approve but only because that whole area out there was a mess with easements and non-conformities.

Stoen encouraged the residents to get these easements straightened out. This is not going to go away or get better until these issues are cleared up. Engebretson agreed.

Voting on the motion: Aye – Anderson, Buchschacher, Engebretson. Nay – Stoen. Motion passed.

This recommendation will be considered by the Elysian City Council at their May 8, 2017 meeting.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the minutes of the April 4, 2017 Regular Meeting as presented.

Kopischke reported that the Council had approved the nuisance properties recommended at the April 4, 2017 Meeting and letters had been sent.

Kopischke reported the Council had approved moving forward with the establishment of a Farmers Market in Elysian. A committee has been established and has met, and the opening day of the market is planned for June 1.

On motion by Anderson, seconded by Stoen, all voting in favor, meeting adjourned at 7:20 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 6, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, June 6, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Rick Galewski, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Galewski, all voting in favor, to approve the minutes of the May 2, 2017 Regular Meeting as presented.

Kopischke reported that the City of Elysian Zoning Ordinance does not address the maximum driveway width allowed on a residential lot. During the 2016 Street and Utility Project several properties owners had requested their driveways be widened and most recently a property owner out in the Kaplan / Cedar Point addition had installed a 42-foot wide driveway. The City Engineer is recommending that a maximum driveway width be added to the zoning ordinance. His suggestion is 24-feet within the right-of-way with widening allowed from that point up to the garage. He also recommended a minimum setback of 3 or 5 feet. Examples from several cities had been obtained and were provided to the Commissioners.

It was also noted that while it is required in the City of Elysian Zoning Ordinance that: "All driveways and required off-street parking spaces shall be surfaced with concrete or bituminous", there still are quite a few dirt or grass driveways in the City. One way to begin to upgrade these properties would be to require the paving of the driveways as a condition of sale of the property. This might provide an opportunity to complete this process that would be convenient and affordable for the new homeowner.

On motion by Galewski, seconded by Stoen, all voting in favor, to table the consideration of maximum driveway widths and paving of driveways as a condition of sale of the property to the July meeting to allow for more time to consider and to gather information.

Kopischke reported the Farmers Market has started on Thursday afternoons at the Tourism Center. There have only been two or three vendors as there is not much produce available this early in the season. Engebretson questioned why there were so many rules. He felt it was too restrictive and would hinder the participation. He wondered if it couldn't be held on Wednesdays in conjunction with the Elysian Wednesday Night Roll-Ins. He would like to see more crafters being allowed and had hoped this would benefit the businesses in town. Kopischke stated she would share the ideas with the Elysian Farmers Market Committee members.

As the scheduled July Planning and Zoning Meeting would be July 4, there was Commission consensus to hold the meeting on Wednesday, July 12, 2017 at 6:00 pm.

On motion by Buchschacher, seconded by Engebretson, all voting in favor, meeting adjourned at 6:40 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 12, 2017

The Elysian City Planning and Zoning Commission met in regular session Wednesday, July 12, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Commissioner Rick Galewski.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the minutes of the June 6, 2017 Regular Meeting as presented.

On motion by Stoen, seconded by Anderson, all voting in favor, to approve the agenda as presented.

The Commissioners discussed possible driveway widths and setbacks. The following were proposed for single family residential homes:

1. A Driveway Permit is required and can be obtained at the office of the City Administrator.
2. Single-family residential uses shall be limited to one curb cut or driveway access per property.
3. Driveways are limited to a maximum width of twenty-four (24) feet at the curb.
4. Driveways may widen after a five (5) foot setback from the curb.
5. Driveways are limited to a maximum of thirty-six (36) feet in width.
6. Driveways shall meet the required side yard setback for the adjacent structure. For example, a driveway that serves an attached garage must meet the eight (8) foot side yard setback; a driveway that serves a detached garage must meet the three (3) foot side yard setback.
7. Driveway setback for corner lots shall not be less than 20-feet from adjacent right-of-way, (meeting Front Yard setback).
8. All driveways and required off-street parking spaces shall be surfaced with concrete or bituminous. All existing driveways that are not surfaced with concrete or bituminous shall be upgraded within one-year of sale of the property to a new owner.

Kopischke will create a proposed driveway permit and Commissioners will review the proposed guidelines and permit at the August meeting prior to recommending to the City Council.

Kopischke updated the Commissioners on various zoning issues around the City.

On motion by Engebretson, seconded by Buchschacher, all voting in favor, meeting adjourned at 6:55 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 1, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, August 1, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Rick Galewski, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:02 pm.

The purpose of the Public Hearing is to consider the request of Dennis Jewison, the property owner of a property located at 206 East Main Street, Elysian, Le Sueur County, Minnesota, for a variance request to add a deck and a garage to a non-conforming use and to locate the deck within the side-yard setback (4) four feet from the west property line.

Kopischke reported that Mr. Jewison recently purchased the property located at 206 Main Street East. The property is zoned C-1 Central Business Commercial. There is a house located on the property. Jewison would like to add a deck to the west side of the house. A "deck" is included in the City Zoning Ordinance as a "structure" hence this would be an expansion of the house which is not allowed in the C-1 District. The proposed deck is 4-foot from the property line.

Jewison would also like to add a garage to the property. A garage would be an "accessory use". Accessory uses allowed are those that are incidental to the "permitted uses" that are located on the same lot. As the house is not permitted, a garage would not be allowed.

The entire block of Main Street East between Second and Third Street is zoned C-1 Central Business Commercial. This may have been done to allow for future expansion of the commercial district as the existing commercial area becomes utilized to capacity. There are businesses on the west end of this block on both the north and south side of Main Street East.

Dennis Jewison, owner of the property at 206 East Main Street, stated that this is a house and will be staying a house. Most places on this street have a deck and a garage. It would be nice to have. There is a single garage foundation on the property. The proposed garage would be larger than that foundation – 32 feet by 24 feet. The garage would be located on the back side of the property. Mr. Jewison stated he would probably rent or sell the property once the remodel is completed.

There were no statements from the public. No written comments had been received.

On motion by Anderson, seconded by Galewski, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:23 pm.

Steve Moline, Pettipiece & Associates, stated he felt the real problem here was the zoning issue. He suggested the City may want to look at a rezone of the entire block. He asked the Commissioners to consider if there would be a future demand for commercial property on that street which would require someone to buy up those lots, tear down the houses and build

something commercial. Or, is it more likely, that it is going to remain the way it is - residential. Changing the zoning to residential would allow the homes located there to be improved.

Galewski also commented on the difficulty of obtaining an FHA loan when purchasing a lot that is zoned commercial to be used for a residential purpose.

After discussion, there was no action on the Jewison variance request for 206 East Main Street for the garage and to add a deck.

On motion by Anderson, seconded by Stoen, all voting in favor, to call a public hearing for September 5, 2017 to consider a change in zoning designation from C-1 Commercial to R-1 Residential for properties of 206, 208, 210, 212, and 213 East Main Street.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:30 pm.

The purpose of the Public Hearing is to consider the request of Larry and Sherri Knutson, the property owners of a property located at 6 Cedar Point NW, Elysian, Le Sueur County, Minnesota, for an "after the fact" variance request to install a patio within the required setback to the Ordinary High Water Level (OHWL) on Lake Francis.

Kopischke reported that on November 14, 2016, the City Council approved a request of Larry & Sherri Knutson, 6 Cedar Pt Drive NW, to allow a variance of twenty-five (25) feet from the road setback, and an increase to a non-conforming structure so that the Knutsons could remove their current house (already removed) and place a new larger home on the lot in the same location. The original home was approximately 55' by 40' and the new home is 78' x 52'.

Since that home was built there have been numerous calls in regard to the size of the driveway, the removal of trees and vegetation on the shoreline, and the installation of a new larger patio.

On June 16, 2017, City Staff visited the site. It appeared that the trees on the shoreline had all been cut and that there was a new patio installed that went from one side of the new house to the other side of the house and basically to the edge of the shoreland. The contractor on the job was emailed and a letter was sent to the owner, expressing concerns with the driveway, the shoreline and new larger patio. At this point Todd Piepho of the Department of Natural Resources was contacted to solicit his input.

Subsequently, the contractor did provide the lot coverage calculation and it appeared to be under the allowed coverage of 25%. The lot is 1.3 acres. There is a wetland on the lot as well.

On July 7, 2017, a letter was sent to Mr. Knutson regarding the patio and the trees. In talking with him since, he states this is a replacement of the old patio. He states he has no pictures of the old patio to show how it looked prior to the construction of the new home. Pictures of the previous patio have been located on google earth and the previous patio also shows on his site plans.

Also, he has stated that he would send pictures of the storm damage to the trees to both Piepho and the city, and to date, neither entity has received any pictures. Pictures were taken by the DNR and were provided to the Commissioners. These pictures show where the trees have been removed along the shoreline. The pictures from google of the previous house also provide an outline of where trees were located prior to the new house being built.

An email from Todd Piepho, Department of Natural Resources, was provided to the Commissioners. Piepho suggests the patio be reduced and trees be planted to provide a screen of view from the lake. His email dated June 22, 2017 is as follows:

"I was at the Knutson site this morning and took the attached pics. There are a couple items I had further questions on.

1. I assume the OHWL setback variance was given for the structure? From what I can tell that appeared to be roughly what the map showed I didn't measure. However, the paver patio extended out from the house to within ~20' of the shore. The only remaining portion of natural ground on the shoreline was the bank dropping off to the lake. That might be something you want to address assuming the variance was for the house and not patio, which in my opinion when reading MN rule 6120 would be considered a structure, definition below;

Subp. 16. **Structure.** "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

2. The majority of the trees are removed from the shore. I talked with the landowner and he mentioned the large trees were damaged by a storm event and was going to send photos showing that (have not received them yet). I did notice a handful of small cedar stumps that were cut, not sure if they were damaged from the larger tree falling?? Small cedars were likely not damaged by the storm, but I can't say for sure. Pictures showing the east and west side of the lot show the difference in land coverage, both sides are well wooded so tree removal occurred, I'm just not sure when. I don't know what the site looked like prior to the building.

Depending on how you proceed, maybe a compromise could be made on this site?? I would recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition of a small patio area that they would be able to have a grill, table etc. I would also recommend they plant trees to provide a screen for view from the lake. Not saying to totally screen off the property, however a handful of trees would go a long way in screening at this site. They appeared to leave the lake alone, I didn't see anything too alarming for work below the OHWL other than the 2 poured in place stairways that extended into the lake (which fall in a grey area because we do allow a 4' walkway or stairway for access to the lake, but I have never seen a poured in place concrete stairway). Give me a call and we can discuss this if you would like. I'll be back on July 5th.

Todd Piepho

Area Hydrologist | Ecological and Water Resources
Minnesota Department of Natural Resources"

A drawing by the Public Works Department was provided with measurements of the lot, house, driveway and patio as it is now. Using a ruler on the google picture of the house best estimates have been made on the dimensions of the previous patio. The new patio is approximately 1,170

square feet and the previous patio was approximately 160 square feet. Pictures of the new patio provided by the DNR were also provided to the Commissioners.

Larry Knutson, owner of the property located at 6 Cedar Point Drive NE, showed the Commissioners a picture on his phone of a downed tree that he stated was from storm damage.

Abby Leach, Leach Law PLLC, representing Knutson, noted the placement of the old patio on the site plan and that it was a rounded patio of permanent cement that connected with the stairs going down to the lake. She stated it did go down to the lake in that area.

Engebretson acknowledged that the small area may have extended to the stairs by the lake but the entire patio was not 78 feet wide. The new patio is 78 feet wide and goes all the way to the lake. In granting the variance for the house, the Commissioners did not want any more surface coverage along the lakeshore. There was no variance granted for an extension of the patio. There is concern with the run off to the lake and to the neighboring properties. The plan also called for a small driveway and there is a 44-foot-wide driveway on the property.

Stoen stated that it did not matter that the previous patio was close to the lake. That patio was removed and a larger patio just as close to the lake was installed. The house is too big, the patio is too big, the driveway is huge, and the trees have been cut down.

Knutson stated that when the tornado came through there were trees downed and he took care of them immediately and the people at the city dump really appreciated that because he got things cleaned up. He stated you can clearly see that these trees were broken off. He stated he had cleaned them up and now he was being crucified. He did not understand. He stated that the trees that were undamaged were left. He will gladly plant trees. He has a right to clean up trees that are damaged.

Engebretson stated there were six or seven trees that were cut down not just two. Engebretson stated he was concerned with the run off from the large driveway onto the neighboring property.

Buchschacher asked Knutson if he will be replacing the trees that were damaged by the storm. Knutson stated that he certainly can.

There were no public comments.

Written comments:

The following email from Bard and Tina King, owners of the property at 5 Cedar Point Drive was read into record:

"To: Elysian Planning and Zoning Commission

From: Brad and Tina King

RE: Knutson Variance Request

Date: July 31, 2017

Thank you for the opportunity to provide feedback on the variance request submitted by Larry and Sherri Knutson. We are the owners of the property at 5 Cedar Point Drive NW, Elysian MN.

It is our understanding that the Knutson's were granted several variances in order to build a larger home than allowed within the shoreline and road setbacks last year. As I recall, the

“hardship” they cited was a desire to spare the trees on their property. As our property lies within the 350 foot notification area, we reviewed the plan and provided feedback via letter. We also reviewed and agreed to the final proposal.

There are several areas of concern that we have with the construction of the Knutson home and the “after the fact” variance that they are now requesting.

Lake Frances is one of the cleanest lakes in the southern MN area and the biggest threat to property values is the degradation of the water quality. The quality of the water impacts the land values more than the homes square footage or any other home feature. Ask any realtor and they will tell you that the value of a home on Frances is more than that of the exact same home on another area lake— why? The excellent water quality of our lake.

Statewide, there are major efforts to limit the runoff into area lakes and streams. Farmers are being asked to keep 50 foot buffers along waterways. In recent years, over \$450,000 has been spent in the area counties to restore natural shorelines. The City of Elysian and the Lake Frances Lake Association have both participated in several of these projects, including one at the City park. It is well known that the removal of shoreline trees and plants and construction of impervious surfaces near the lake adds to the run off, negatively impacting water quality.

We believe the City of Elysian recognizes Lake Frances as a valuable community asset. As such, it has a critical responsibility to protect it for the residents of Elysian, current lake property owners and future generations to come. Backed by science and supported by both state and local government agencies, the DNR has established shoreline management guidelines to guide cities and ensure the water quality of our lakes. These are not the rules of the City of Elysian, but the DNR. We believe that it is the City’s obligation to follow these rules consistently and fairly except in situations of proven hardship.

Last year, the City of Elysian accommodated the Knutson’s desire for a larger home by granting significant road and lake setback variances. The City did so in good faith. My husband and I also agreed to their plan in good faith. Unfortunately, the plan was not followed. Not in their plan, or approved, was a 78ft by 15+ft patio within the lake setback. Not in their plan, or approved, was the elimination of many of the trees by the lake – even though the reason (hardship) given for their initial variance was to spare tree removal. Not in their plan, or approved, was a 86 ft x 44 ft. driveway with a frontage on our private road of a whopping 62 feet. Not only does this mammoth driveway negatively impact the curb appeal, but the entire surface drains towards the private road which has no curb or gutter. Where will the drainage for this driveway go?

People are watching what the outcome of this situation will be. They say (and have said), “why should I worry about my shoreline if they don’t?”, “Why shouldn’t I cut down my trees so I can improve my view to the lake too?” , “Why can’t I build a bigger home, patio?, driveway?” , “The City doesn’t care about the lake, just the tax revenue” or maybe “It’s easier to just do it and ask forgiveness later, right?” We’ve seen a lot of new construction in the last several years, and I’m sure it will only continue - and so will these issues.

For all of the reasons above, we believe that the DNR recommendations and regulations be followed in this situation and whenever possible in the future. It is a privilege to own lakeshore.

Home owners and their builders/landscapers are responsible for knowing the lakeshore regulations and adhering to them with designs that accommodate the lake and the rules – not the other way around. Building plans should be followed as originally proposed and approved.

Sincerely,

Brad and Tina King”

No further written comments were received.

Motion by Engebretson, seconded by Buchschacher, all voting in favor, to close the Public Hearing and reopen the Regular Meeting at 6:51 pm.

Buchschacher stated there is a Minnesota Statute and County rules that trees should not be removed from the lakeshore so he believed Knutson should be required to replace the trees. The lakeside trees are important to maintain and help improve water quality.

Stoen stated he did not vote to approve the original variance. Everything on this lot is too big. There is too much coverage, too much run off into the lake, and the trees are down. He does not support the variance request and he would like the patio to be removed and put back to the size of the original patio which was agreed to at the time of the original variance.

Engebretson stated that Knutson had disrespected his neighbors, disrespected the lake, and disrespected the Board. And in the process, he was granted a variance and instead decided to abuse the Board’s consideration. Engebretson stated he does not support the variance and that the patio should be removed, the trees that were removed along the shoreline be replaced, and if it were possible to reduce the driveway as well. He also would support a fine be levied.

Galewski stated this variance request could not be approved as the three conditions or “practical difficulties” cannot be satisfied. Condition #2 – Uniqueness could never be proved. He read: “The second factor is that the landowners’ problem is due to circumstances unique to the property not caused by the landowner.” This problem is definitely caused by the landowner and not by the property.

Anderson agreed that this request could not be supported by the three practical difficulties required for granting a variance. This clearly does not meet Condition #2. This is an area of flat wide-open space.

Steve Moline, Pettipiece & Associates, stated that this did not meet the criteria in the variance laws. A variance can be granted if the property owner cannot put the property to a reasonable use – that does not apply here. A variance can be granted if the landowner’s problem is due to circumstances unique to the property not caused by the landowner – the Board has already talked about that. A variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone are not a hardship and must be consistent with the City’s land use plan.

On motion by Stoen, seconded by Galewski, all voting in favor, to deny the variance based on the following findings of fact:

1. The request and supporting documentation does not meet Practical Difficulties Condition #1 Reasonableness. The smaller existing patio was allowed as it was existing and would have allowed the homeowner to utilize the property in a reasonable manner.
2. The request and supporting documentation does not meet Practical Difficulties Condition #2 Uniqueness. There are not unique circumstances to this property. The patio is not affected by topography of the lot. The patio is based on the desire of the homeowner and not due to constraints of the land.
3. The request and supporting documentation does not meet Practical Difficulties Condition #3 Essential Character. The patio covering the entire area between the house and the shoreland is not consistent with the Shoreland Ordinance and with what other properties on the lake have in place.
4. The patio is 78 feet long by 15 to 21 feet wide. The patio is right up to the bank that drops down to the lake. This results in run-off of all surface water in the area straight into the lake. The large amount of house, driveway, and patio results in a large amount of water running directly into the lake.
5. Per the Shoreland Ordinance, in shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal building site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, provided that: The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced. In this instance, almost all of the trees have been removed and the home is not screened from the lake basically from end to end.
6. And to adhere with the recommendation of Todd Piepho, Area Hydrologist, Minnesota Department of Natural Resources as follows: I recommend that if they indeed want to leave the patio that it be reduced to what is proposed in the drawing, essentially a walk way around the back of the house with the addition a small patio area they would be able to have a grill, table etc. I would also recommend they plant trees to provide a screen for view from the lake. Not saying to totally screen off the property, however a handful of trees would go a long way in screening at this site.

After considerable discussion, on motion by Galewski, seconded by Stoen, all voting in favor, that the patio be reduced to the size (footprint) of the original patio as shown on google maps and require replacement of the trees that were removed along the altered shoreline per the DNR recommendations for the type and number of trees to be replaced.

This recommendation will be considered at the City Council Meeting on August 14, 2017.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the July 12, 2017 Regular Meeting as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

Based on recommendations and discussion at the July 12, 2017 meeting, the following driveway restrictions were discussed:

1. A Driveway Permit is required and can be obtained at the office of the City Administrator. **Agreed – no changes.**
2. Single-family residential uses shall be limited to one curb cut or driveway access per property. **Discussion:** that this should apply to all residential properties – not just “single-family”. Also, why “one” curb cut? What about corner lots? **Agreed to: Residential uses shall be limited to two curb cuts or driveway accesses per property.**
3. Driveways are limited to a maximum width of twenty-four (24) feet at the curb. **Discussion:** Galewski stated he had measured multiple driveways in the Roemhildt Addition and they had varying widths from 26 feet to 40 feet. He felt it would be difficult to back a trailer into a 24-foot-wide driveway opening. Engebretson stated the driveway curb cut openings in Lake View Manor are 16 feet wide. He did not believe a 36-foot curb cut was necessary to accommodate a trailer and noted a bigger driveway resulted in more impervious surface. **Agreed – no changes.**
4. Driveways may widen after a five (5) foot setback from the curb. **Agreed – no changes.**
5. Driveways are limited to a maximum of thirty-six (36) feet in width. **Agreed – no changes.**
6. Driveways shall meet the required side yard setback for the adjacent structure. For example, a driveway that serves an attached garage must meet the eight (8) foot side yard setback; a driveway that serves a detached garage must meet the three (3) foot side yard setback. **Agreed – no changes.**
7. Driveway setback for corner lots shall not be less than 20-feet from adjacent right-of-way, (meeting Front Yard setback). **Agreed – no changes.**
8. All driveways and required off-street parking spaces shall be surfaced with concrete or bituminous. All existing driveways that are not surfaced with concrete or bituminous shall be upgraded within one-year of sale of the property to a new owner. **Discussion:** This may be difficult for a new homeowner. How will this be enforced? Also, should other surfaces be included such as pavers? Comments from people in the audience that this will result in more impervious surface than gravel driveways. **Agreed – only change to above is the addition of – surfaced with concrete, bituminous or “pavers”... .**

On motion by Stoen, seconded by Engebretson, to incorporate the above changes and present in the form of a driveway ordinance to City Council for consideration at their next meeting. Voting in favor: Anderson, Buchschacher, Engebretson, Stoen. Voting against: Galewski. Motion carried.

On motion by Anderson, seconded by Stoen, all voting in favor, meeting adjourned at 7:46 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 5, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, September 5, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Rick Galewski, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Engebretson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:02 pm.

The purpose of the Public Hearing is to consider the request of Larry and Roberta Radke, the property owners of a property located at 405 Lake Avenue NW, Elysian, Le Sueur County, Minnesota, for a variance request to construct an addition of (4) four feet onto the west side of their entryway which will encroach into the side yard setback to within (5) five feet of the west property line.

Kopischke reported that the Radke's would like to remove the west wall of the entryway of the home and add (4) four feet to the entryway which would be (3) three feet into the required (8) eight-foot side yard setback. The lot is large – 165 x 107 feet. The addition is only to the entryway which is (10) ten feet long. The Radke's have stated that the entryway needs to be repaired and they would like to add some extra space. They state this is the only way to extend this area due to the location of the air conditioner, the window and the meter.

Larry Radke, owner of the property at 405 Lake Avenue NW, stated the neighbor is fine with the addition and that the neighbor's garage is located (5) five feet from the shared property line. He stated they plan to re-side the entire trailer home and replace the front windows. The addition needs to be on the entryway due to the roofline and the location of the water meter.

Public comments:

Don Carnahan, 402 Frank Avenue NW, stated he owns property across the alley from the Radke property. He stated he would like to know if Radke knows where his property lines are. The satellite picture of the property shows the alleyway and for the last twenty-six years, Laverne and little Laverne have been claiming that as their property. They put their property on that alleyway. He stated that according to City Ordinance #16, there should be no obstructions in the alleyways. This has gone on for a long time and he is fed up with it. Carnahan stated he wanted Laverne to state that he recognizes this and to move his property off there. This is abuse, bullying, domestic terrorism. Radke has been trying to say the property is his and Carnahan wants it to come to an end.

Stoen stated the Planning and Zoning Commission could not address the property owners' property boundary dispute here this evening. Kopischke stated that City Staff will look into the issue.

Carnahan thanked the Commission and stated that he was okay with the variance as long as Radke understands his property lines.

There were no further public comments. No written comments had been received.

On motion by Engebretson, seconded by Stoen, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:14 pm.

On motion by Galewski, seconded by Engebretson, all voting in favor, to recommend City Council approval of the request of Larry and Roberta Radke, the property owners of a property located at 405 Lake Avenue NW, Elysian, Le Sueur County, Minnesota, for a variance to construct an addition of (4) four feet onto the west side of their entryway which will encroach into the side yard setback to within (5) five feet of the west property line based on the following findings of fact:

1. Reasonableness: The request to construct the addition onto the entryway is reasonable due to the restriction of the roofline. This is the only place on the home that an addition would be practical.
2. Uniqueness: There are unique circumstances on the property in that the gas and water meter are located on the south end of the home and based on the size of this addition it would not be in the best interest of the property owner to have those meters moved.
3. Essential Character: The addition will not alter the essential character of the area. It will be part of a remodel that will improve the look of the building and the encroachment into the setback will not be noticeable.

And with the following Condition:

1. That the entire building will be re-sided upon completion of the addition.

This recommendation will be considered by the City Council at their September 11, 2017 meeting.

On motion by Engebretson, seconded by Stoen, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:22 pm.

The purpose of the Public Hearing is to consider the request of Bryan and Tami Paulsen, the property owners of a property located at 121 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance for lot area of less than 20,000 square feet, setback to the OHWL of 39 feet, and lot coverage of 39.8%, to allow construction of a new home.

The Paulsens have purchased the property at 121 Willow Point Drive and removed the two older trailer homes that were located on the lot. They are requesting a variance so they can build a home on a substandard lot. The lot has a total square footage of 13,962. The zoning ordinance requires a lot area of 20,000 square feet in the shoreland district.

The required setback from the OHWL is 75 feet. The trailer homes that were previously located on this lot were 25 feet from the shoreline. The proposed location of the new home is 39 feet on the north side and 46.6 feet on the south side. The property owner has stated that this location does line up with the location of the surrounding homes. All other setbacks requirements are met.

The allowable lot coverage in the shoreland zone is 25%. The lot size of 121 Willow Point Drive is 13,962 square feet. Paulsen's proposed building footprint is 3,322 square feet and the

impervious coverage including driveway, etc. is estimated at 2,117 which results in a lot coverage of 39.8% which is 24.3% building and 15.5% impervious surface.

The Paulsens have also submitted a proposal to create a bio-swale or rain garden to manage the stormwater runoff from the driveway. This would be located along the south side of the house next to and a bit into the (8) eight-foot side yard setback. The bio-swale would be approximately 400 square feet and would treat all the water from the driveway and the roof downspouts before it goes into the soil or the lake.

Bryan Paulsen, owner of the property at 121 Willow Point Drive, presented drawings of the proposed home. The proposed home will be a farm-style two-story structure with cement siding. It will include three bedrooms and will be 24 feet high from ground level to the peak. It is slab on grade construction.

Paulsen stated that they are sensitive to the drainage issues and are doing their best to make the plan environmental friendly. The proposed filtration basin is a solution in lieu of using pervious material for the driveway. The filtration basin will serve as a rain garden to be planted with natives and will be dry when there is not a rain event. For the walkway to the lake they plan to use large stepping stones that the water will drain on both sides and reduce the run off to the lake. They also are agreeable to some screening on the lakeshore. They do not want to block off the entire view but are willing to add some native shrubbery.

Galewski stated there was concern with the two patios so close to the lake. Paulsen stated they would be agreeable to reduce the amount of proposed patio.

There was no public comment.

Written comment received as follows:

"8/25/2017

Lorri Kopischke
City of Elysian
P.O. Box 246
Elysian, MN 56028

Dear Mrs. Kopischke,

Re: Paulsen Variance Request

Thank you for the opportunity to comment on this topic. The Department is always trying to make lots within environmental priority zones more compliant, or at minimum equivalent to what is existing by looking at alternative options. In this case with several variances being required alternatives should be reviewed where possible.

Given the lot is currently non-conforming to minimum lot requirements, setbacks from the OHWL are essentially impossible to meet with the proposed structure, but being improved, the impervious surface coverage needs to be reviewed and screening options looked at.

The proposal indicates the site to be under the 25% impervious limit without the additions of the patio, pavers, driveway, and walkway. There are products on the market that are porous yet allow vehicles to park on them while allowing water passage through the soil profile. These

products should be looked at as an alternative for the impervious areas proposed, if not in whole at least partial replacement would bring the impervious coverage down. With the proposal of a patio within the shore impact zone of 37.5' screening of the area should be addressed. A native tree/shrub planting could be easily done to screen the patio/structure from view while on Lake Francis.

The responsibility for protecting our lakes and rivers lies largely with local governments and the decisions they make in administering and enforcing their ordinances. The Department feels variances should be approved when no other alternative is viable, in this case it appears there is alternatives available for one variance being proposed.

Sincerely,

Todd Piepho
50507 Sakatah Lake State Park Road
Waterville, MN 56096
cc Todd Kolander-MN DNR"

AND:

"Lorri,

It is my understanding that DNR Area Hydrologist Todd Piepho commented on this proposed variance in his letter to you dated August 25, 2017. However, I respectfully add that consideration should be given to reducing the overall size of the structure in order to obtain a smaller project footprint. Doing so would help limit the amount of impervious surface, and it would also increase the structure's setback from the OHWL. Furthermore, it is unclear whether or not the landowner is proposing to construct a basement as part of this project, but please be aware that the proposed building site is located within a FEMA-mapped floodplain as well as in the shoreland overlay district. The state minimum shoreland standards and state floodplain regulations (Minnesota Rules, Chapter 6120) require the lowest floor of the structure (including basements) to be elevated to the regulatory flood protection elevation (RFPE), or three feet above the OHWL if not located within a FEMA-mapped floodplain. In other words, basements are prohibited within the 1%-chance floodplain and the shoreland district for new construction. Please verify that a basement is not part of this project proposal.

Regards,

Garry M. Bennett GIT, CFM
Area Hydrologist | Ecological & Water Resources
Minnesota Department of Natural Resources
20596 Highway 7
Hutchinson, MN 55350"

AND:

"We approve this variance for Bryan and Tami Paulsen located at 121 Willow Point Drive – Dave and Lynne Boeck, 123 Willow Point Drive."

No other written comments were received.

On motion by Engebretson, seconded by Stoen, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:46 pm.

Stoen commended Paulsen on his willingness to work with the Commission to provide screening from the lake, reduce the patio, and provide a pond. It was evident that the homework had been done and has resulted in a beautiful home. The house is larger than the trailers that were located there previously but will be located back farther from the lake.

Anderson added that this is good use of the lot considering the overall small size available to work within.

Engebretson stated this plan has been well researched and does meet the three criteria required for a variance.

On motion by Stoen, seconded by Engebretson, all voting in favor, to recommend City Council approval of the request of Bryan and Tami Paulsen, the property owners of a property located at 121 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance for lot area of less than 20,000 square feet, setback to the OHWL of 39 feet, and lot coverage of 39.8%, to allow construction of a new home based on the following findings of fact:

1. Reasonableness: The request is reasonable as the setback to the OHWL is conforming to the setbacks of the other surrounding homes and all other setback requirements have been met. The home is located further back from the OHWL than the trailer homes that were previously located on the property
2. Uniqueness: The uniqueness is that this is a substandard lot and the home has been designed to fit within the lot.
3. Essential Character: This home will not alter the essential character of the area. It will improve the neighborhood by replacing two old trailer homes that were in need of repair.
4. The Minnesota Department of Natural Resources is in support of the project and their stated concerns have been addressed.

And with the following conditions:

1. The lakeside patio be reduced to 500 square feet.
2. A filtration basin (rain garden) of approximately 400 square feet be installed on the south side of the property.
3. Screening be planted on the shoreline and to one side of the property.
4. That the driveway adheres to any ordinance requirements at the time of issuance of the building permit.

This recommendation will be considered by the City Council at their September 11, 2017 meeting.

On motion by Stoen, seconded by Galewski, all voting in favor, to approve the minutes of the August 1, 2017 Regular Meeting as presented.

On motion by Engebretson, seconded by Stoen, all voting in favor, to approve the agenda as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Regular Meeting and go to Public Hearing at 7:00 pm.

The purpose of the Public Hearing is to consider a change in zoning designation from C-1 Central Business Commercial District to R1 General Residential Zone for properties of 206, 208, 210, 212, and 213 East Main Street (PID # 16.440.0700, 16.440.0710, 16.440.0720, 16.440.0730, 16.440.0960). All properties are on Main Street East located between 2nd and 3rd Street NE. There are commercial uses on the west end of Main Street East near the intersection of 2nd Street NE.

This area was zoned commercial to retain an area of the Main Street that could be used for commercial business when the commercial area expanded. This zoning has put restrictions on the residential homes located in this area as the residential use is non-conforming and the houses are not able to be expanded. There also is a vacant parcel in the middle of the houses and this parcel cannot be sold for residential use. It also makes it difficult for a potential buyer of the properties to obtain a loan for residential use.

The Planning and Zoning Commission is asked to consider what is in the best interest of the City of Elysian and its future? Is it best to retain this area for future growth of the commercial district? Or would it be best to rezone the area to R1 Residential to allow the homes to be improved and residential growth promoted?

Engebretson asked that if the properties were zoned commercial but being used as residential, would they have to be sold as commercial lots then. It was noted that the residential uses have continued upon the properties changing ownership but the owners cannot expand the houses or add garages as the properties are non-conforming. Anderson stated that they are basically "dead" properties then.

Galewski noted it is also very difficult to get a loan for these properties. You almost have to purchase the properties with cash. Galewski noted the zoning was changed to commercial in 1980 so for 37 years there has been almost no commercial growth in this area. Anderson noted that Elysian Auto and the fitness center are the only commercial uses that have been added since the zoning designation was changed.

Public Comment:

Marlys Boyum, 50634 191st Avenue, Elysian, stated she owns the vacant property located at 210 Main Street East. A couple years ago she had the opportunity to sell the lots to someone who wanted to build a house. At that time, she was told it was a commercial property and a house could not be built there. And in a few years, she came back to the Council and asked that it be changed to residential because nothing had really happened. And now, she would ask, where are there other places or what are your plans if someone comes in and wants to build a commercial property? Engebretson noted there is some property available on West Highway 60.

Boyum stated she could go either way on this issue but is leaning toward the area being commercial because of the limited space for business down the road. Right now, it is that nothing has gone in there and it looks like residential would be better, but think about the future. She would go with it staying commercial at this time.

Pat Nusbaum, 104 Park Avenue NE, stated she is here to air her opinion on the consideration of making the commercial area residential on the north side of Main Street from 2nd to 3rd Street NE. Her concern is for the growth and development of the business district. Elysian has very little area for commercial development. If a person was to come to Elysian to consider establishing a business, where would you tell them to go? There is some property available on Highway 60 that is zoned Highway Commercial but that is a different zoning with different restrictions. Main Street is your downtown area with a different type of zoning. There are a couple buildings on Main Street but otherwise where would you tell them to go? If the area is to grow you need to have businesses coming in.

Yes, in 1980 the zoning was started and those houses were already there. And there has never been a problem with them there other than at some point those houses may be taken out and put a couple businesses in there. Maybe an attorney office, an insurance office or a massage parlor.

As a city is made up there are only two uses, residential and commercial. A strong community has a business district that flourishes. If we continue to let the residential overtake the commercial area, you will never have business coming into the community. It also makes it extremely hard for the businesses that are here and want to sell a business in that area if there are houses all around it.

Elysian has a lot to offer. This is a small, vibrant community. But if we do not continue to search out business, the city will begin to stagnate. Elysian currently offers a wide range of businesses – thrift store, post office, library, bank, etc.

She also noted, that she thought rezoning 213 Main Street East could be considered spot zoning. You can't spot zone. That piece of property could very well be a business. That would be a prime location to relocate the city shop.

Elysian has been stable for many, many years. Palmer, Greenland, Cordova, and Okaman were all communities surrounding Elysian. And somehow, Elysian has remained. Strong. And that was because they had an emphasis on their business district. When a business comes to a new community they need to feel the support of their government and the other businesses.

She would strongly recommend to the Planning Commission to consider leaving the present commercial zoning in place thus leaving an opportunity for the business district to develop.

Dennis Jewison, 41579 East Elysian Lake Road, owner of property located at 206 Main Street East, stated there has been 37 years of this property being commercial and there is still a bunch of houses there. So, it really looks like it is residential. It started out as residential. The commercial zoning is an unfair burden to place upon these houses. What if your house got called commercial one day and now you are sitting with this burden? It is unfair, it is not needed. Yes, Elysian is a town that stays here but he doesn't think it is because we have the commercial zoning on those houses. It is residential property so let's call it what it is. He almost wonders if when they zoned it residential if that was legal. If they were going to do that, then they should have had to compensate the individual homeowners for taking their property value away and calling it commercial. Jewison stated that he was not told that his property was zoned commercial when he purchased it.

Jewison stated that in the last 37 years small communities in the area are actually losing businesses as Mankato becomes our hub. Businesses such as grocery stores. But if we do add businesses then let's put them where they should be located like Highway 60 and not in our neighborhoods.

Nancy Guenther, 208 Main Street West, stated she is on the other end of Main Street but has the same situation. Her property is zoned commercial and she has her house up for sale with a lot of people interested in it but they can't get loans because of the zoning. She is having a hard time selling her home. She said she understands the commercial thing but it makes it hard for people to sell their property when they want to make a change.

Pat Nusbaum stated there is not a lot of commercial property available on Highway 60 either. A big portion that hurts Elysian to a degree is the Sakatah State Trail running along Highway 60. We could have businesses along that whole side but that will never happen because the DNR owns that property. If you look at Highway 60 property there is really not a lot there either unless we annex more property in.

Dennis Jewison stated then we should annex more property in. Elysian should find a place where commercial should be and put it there. Don't put it in the neighborhood.

There were no further public comments.

Written Comments:

"August 31, 2017

City of Elysian Planning and Zoning Commission
110 Main St. West
P.O. Box 246
Elysian, MN 56028

Dear City of Elysian Planning and Zoning Commission,

We feel it would be detrimental to the business community to rezone the central business commercial district to general residential zone.

- We need to save the business commercial district for potential growth in the future
- What is available on main street for commercial property in the central business commercial district?
- Would the City of Elysian benefit more from central business commercial property or general residential property tax base?
- Look at all the residential property in central business district on main street that has changed to commercial property over the years. Tucker's Tavern, Of the Earth and Elysian Auto Service all had house on at one time.
- What will be the economic benefits to rezoning?
- How much research has been done on rezoning the central business commercial?
- If you purchase property in the central business commercial district you know it zone commercial before you purchase it.

We would like to thank you in advance for saving the central business commercial district potential for growth on Main Street Elysian.

Thanks

Carl and Susan Morsching
Owners, Elysian Auto Service
203 East Main Street
Elysian, MN 56028"

"September 1, 2017

City of Elysian Counsel
PO Box 246
Elysian, MN 56028

Dear Counsel,

I am writing this letter on behalf of the Elysian Bank regarding the possible rezoning part of Main Street. We do not have a strong opinion on it either way, but we wanted to point out the possible ramifications of changing the zoning from where it's currently at to residential.

- If you make this change, because it is so hard to change zonings, the City more than likely will never be able to gain back these properties for commercial zoning
- If you change the zoning to residential, then your opinion would be that these properties would never be used for any successful business and that the residential properties serve a better purpose for our City.
- If you change the zoning, the property taxes will probably decrease. Possibly better for the owners, but decreasing the tax revenue for the City.
- Main Street, for any town, is always the center of town. When you think of Main Street, you think of businesses.
- Businesses hold a direct effect on the look of any town. If you have struggling businesses, you probably have a city that looks downtrodden. If you have thriving businesses, you probably have a nice-looking city.

As you look at this possibility of rezoning, all we ask is that you understand what you are voting on and that you are doing what you feel is best for the City of Elysian now and its future.

We appreciate you taking the time to read this letter.

Sincerely,

Joel LaFrance
Executive Vice President
Elysian Bank
121 East Main Street
Elysian, MN 56028"

There were no other written comments.

On motion by Stoen, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 7:28 pm.

Stoen stated the lots on the north side are being used as residential. They have been residential for a long time. We don't know if someone is going to come in and buy the property, tear down

the houses and build a commercial use there. It doesn't appear likely. The area does "look" residential. Some of the homes could use repair and maybe the owners would like to add on. He suggested the property at 213 Main Street West be left commercial. He noted that a commercial planned development could be placed there as a conditional use and that may be a good location for that. There is a potential for commercial on that parcel due to the size of the lot.

Engebretson stated that looking at the permitted uses of C1 Commercial, there are a few businesses on Main Street that would be better suited to be located on Highway 60. He is all for a commercial district but this zoning is limiting quite drastically these people's ability to use and sell their property. Elysian has gone 37 years and there have been some small businesses that have opened up – hairdressers, etc. but there are places for those types of businesses to go. And if we keep that commercial on the south side there would be a possibility of developing a mini mall to locate some businesses and that would be beneficial.

Galewski asked Marlys Boyum, the property owner of 210 Main Street East, if those lots were vacant the entire time she had owned them? She stated, yes, the property was vacant as long as she had owned it. He confirmed that the only offer she had received on it was residential. She stated that was correct but that she had not pursued it any other way. She stated that if the south side was a business, she would not want to live right across the street.

Engebretson suggested a lot of cities use an area like that at 213 East Main Street to build a complex for senior citizen housing residential properties above and commercial properties below. That is what he envisions and none of those would be noisy types of businesses.

Anderson stated that the four parcels on the north side of Main Street are basically dead. The owners can't do anything with them other than live in them as is. If it is crucial to the city to keep those properties commercial then he believes the city should purchase the properties flat out. These properties are being sold and resold under the impression that people can build houses on them and expand the houses and that is not the case. If the concern is for future commercial growth then the city should buy the lots because they are of zero use as residential. Both 206 and 208 Main Street East are in need of serious repairs. The one on the corner is not too bad. There have been several people in and out. As mentioned before, it is essentially impossible to get a loan on these lots. They are dead lots. In 37 years there have been two businesses that generate tax dollars. Anderson stated he understands the need for room for future growth but if that is the long-term plan then the City should buy the lots.

Anderson stated he did agree with keeping the lot on the south side of the street, 213 Main Street East, as commercial due to the size of the lot. That makes more sense to develop. Although it is low lying you could bring in fill and possibly even buy the adjacent lot and put in a larger multi-faceted structure.

Anderson stated there are properties out to the west on Highway 60. One property was recently built out there with thoughts of adding additional businesses to that building in the future.

Engebretson stated he would be in favor of leaving the entire block on the south side commercial and then there would still be plenty of room for expansion. He agrees with Anderson that in a way you are holding the property owners on the north side hostage. He has

only been here 10-12 years but he is not seeing a lot of growth. He is seeing a lot of maintaining – which has been okay.

Galewski stated that normally he would like to see new business but in this case, this is kind of a decaying area. And if this has been going on for almost 40 years now, maybe it is time to change direction. You have one property now that someone is trying to fix up. You have another one that the only opportunity they have had to sell it is residential. So, you have a property tax base there of four properties that something would probably happen if you changed it to residential a lot quicker than commercial as you have had 37 years there and nothing has happened.

Galewski stated he would support leaving the entire south side of Main Street there commercial.

Anderson noted there could be some visibility for a business on the south side there from Highway 60 similar to Elysian Auto if some of the brush was cleared. There is more potential than on the north side of the street.

Engebretson stated that neither the creamery building nor the pribyl building are being used to their capacity and a business could be located in those buildings. Also, if the city would like to see commercial expansion, the EDA should look at purchasing the residential homes in between those two buildings.

On motion by Stoen, seconded by Anderson, all voting in favor, to recommend to City Council that the properties on the north side of Main Street East - 206, 208, 210, and 212 East Main Street (PID # 16.440.0700, 16.440.0710, 16.440.0720, and 16.440.0730) would be rezoned to R1 General Residential Zone and that the property on the south side of Main Street - 213 East Main Street (16.440.0960) would remain C-1 Central Business Commercial District.

This will be presented to the City Council at the September 11, 2017 meeting.

On motion by Stoen, seconded by Buchschacher, all voting in favor, meeting adjourned at 7:55 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 3, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, October 3, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: Commissioner Rick Galewski.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the minutes of the September 5, 2017 Regular Meeting as presented.

On motion by Stoen, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

Nancy Guenther, 208 Main Street West, was present to discuss the issue of her property being zoned commercial. She is trying to sell her home and interested parties are having trouble securing loans due to the commercial zoning of the property. She stated she was not aware that the property was zoned commercial when she purchased it approximately five years ago.

The Commissioners expressed concerns with rezoning the two properties in that area as it might be considered "spot zoning". They suggested Guenther check with the local banks to see if there might be financing available. They also asked staff to check with the City Attorney to see if the EDA might have any options for assistance in this matter.

It was also noted that Guenther can go through the formal process of requesting a rezoning of the property if she so chooses.

Kopischke updated the Commission on compliance issues with the variance request for 6 Cedar Point Drive NW. Also, the curbs are being placed and the lot will be paved within two weeks at the used car sale lot (360 Sales) on Highway 60 West.

On motion by Buchschacher, seconded by Stoen, all voting in favor, meeting adjourned at 6:40 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
DECEMBER 5, 2017**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, December 5, 2017 at City Hall at 6:00 pm.

Present were: Chairperson Shawn Anderson; Commissioners Gary Buchschacher, Dan Engebretson, Rick Galewski, Clint Stoen; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Stoen, seconded by Buchschacher, all voting in favor, to approve the minutes of the October 3, 2017 Regular Meeting as presented.

On motion by Galewski, seconded by Engebretson, all voting in favor, to approve the agenda as presented.

Kopischke reported that the property owner of 118 East Main Street would like to donate the property to the City of Elysian. The Building Inspector and the City Administrator toured the building on November 21, 2017 and the Building Inspector provided a site inspection report. Issues noted in the report include the roof, foundation wall and basement area. There also is a lot of "stuff" inside the building. Council has instructed Staff to obtain a quote for repair of the building and a quote for demolition of the building. The Planning and Zoning Commission consensus was that obtaining this property would comply with the comprehensive plan. The Commissioners suggested that this might best be accomplished via the EDA and that the property could possibly be given or sold at a very low cost to a prospective business owner who would be interested in repairing the building.

Kopischke provided an update on the Highway 60 2020 Project. Council concerns regarding motor vehicle speed and pedestrian safety were discussed.

Kopischke updated the Commission on various projects throughout the City.

There was Commission consensus that there will not be a January meeting and the next meeting of the Planning and Zoning will be held on February 6, 2018.

On motion by Stoen, seconded by Galewski, all voting in favor, meeting adjourned at 6:53 pm.

Attest:

Shawn Anderson, Chairperson

Lorri Kopischke, Zoning Administrator