

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JULY 6, 2021**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, July 6, 2021 at City Hall at 6:00 pm.

Present were: Chairperson Rick Galewski; Commissioners Kristina Droog, Dan Engebretson, Jeremy Henninger, and Tom McBroom; Zoning Administrator Lorri Kopischke. Absent: None.

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

On motion by Droog, seconded by Engebretson, all voting in favor, to approve the minutes of the April 6, 2021 Regular Meeting as presented.

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

Ms. Baynes is requesting to build a new home on her property located at 114A Willow Point Drive. The proposal would require the following: Required setback from the OHW 75 feet – requested 65 feet, required lot width at OHW 75 feet, requested 66 feet, and to allow the attached garage to be located within the platted drainage and utility easement 16 feet on one side and 20 feet on the other.

Baynes owns PID# 16.415.0100 (lakeside) and PID# 16.411.0250 (across the road). For the purpose of this variance, the applicant is utilizing the square footage of both lots to achieve a total of approximately 20,800 lot area – 8,700 lakeside and 12,100 across the road. The proposed home / garage is 34 feet by 72 feet – 2,448 square feet. The lot coverage of the house/garage is 11.8%. There would also be a driveway not included on the plans.

There is a 65-foot drainage and utility easement between the two lots. The 20-foot-wide bituminous road is located in the northern portion of the easement. The sewer main, water and gas are located in or to the north of the bituminous road. Electrical is located overhead. The variance request would place the proposed garage 20 feet into the easement on the south side.

On the lakeside the variance request is for the home to be located 74 feet from the OHW on the east side and 65 feet on the west side. The required setback is 75 feet. The homes on the adjacent properties are located approximately – 115 WP (50 feet), 114B WP (50 feet), 113 WP (77 feet), and 112 WP (55 feet) from the OHW mark.

Also, the required lot width at the OHW mark is 75 feet and the variance request is to allow a lot width at the OHW mark of 65 feet.

The proposal meets all other setback and lot coverage requirements. The lot coverage as proposed is 11.8%.

The applicants have provided the following practical difficulties as part of the application process:

1. Reasonableness: Property would be used as a cabin – 2nd home. The home is lined up with the other homes on the lake and roadside to blend in.
2. Uniqueness: The narrowness of the lot and location of the easement makes for a longer home to be fit for the property.

3. Essential Character: The goal is to match the setback of the neighbors on the waterfront and driveway the best possible. If allowed to proceed the home will blend with the other homes and not alter the character of the area.

The issue of the condition of the soils in the backlot had been raised by a neighbor earlier in the day. Ron Greenwald, Public Works Director did visually examine the site and did take four soil samples. The four areas resulted in the following: 1. Normal / compact 9" fill – clay/silt. 2. Normal compaction 9" fill original – clay/LOAM. 3. Original soil – LOAM. 4. Compacted 9"+ fill – clay. Greenwald confirmed the back lot is pervious.

Kevin Berge, 114B Willow Point Drive, spoke on behalf of Ms. Baynes. He stated Ms. Baynes is just trying to be symmetrical with the other neighbors. This will be a second home for her, and she would like it to look nice like the other homes out there. With regard to the back lot, whatever the flooding issues are on that street they are there no matter what. Whether you make her change what is back there it still is not going to change what has been there for years and years.

Public Comment:

Leo Brown, 117 Willow Point Drive, stated he does hope the board finds a solution to whatever problems and concerns are raised to allow Ellen to build. Brown stated that he respectfully totally disagrees with Ron Greenwald's professional assessment of the soil on the backlot of 114A Willow Point Drive. Brown stated he has been CCE certified since 1996 and receives 22 CEUs per year to work with water and soil and though he is not a hydrologist, he can see what soils percolate water through and what doesn't. He stated this lot and Berge's backlot were filled at the same time and you can see when people drive on that after a rain, they do not leave ruts that there is a good indication that there is a solid footing there. He stated he did not agree with the 25% and the 30% and the 1,800 square foot limits. When Berge talked about this going on for years, he is correct except what is new here is the lots that have been filled in over the past few years and should be held accountable.

Brown stated he believes going into the easement is legitimate. That easement obviously isn't where it should be. The stipulation he would like to see is that the swales to handle the water on both sides of the property are maintained so that the water is gotten off the lot in a safe manner. He stated this is the lowest flattest area and the water on the back lot has nowhere to go except the road. The back lot should be graded and there should be a receptacle for the water to go into.

Brown stated that last year Berge's had to make soil corrections to the back lot, and he suggested to be fair to them, 114A should also have to make soil corrections or some type of improvement to that back lot. Brown questioned the impervious calculation and if the blacktop road was included in the impervious calculation. He stated that if the portion of the garage that was located in the easement was not included in lot coverage, everyone would want to build their garage in the easement.

There were no further public comments.

Written Comment:

"July 2, 2021

Lorri,

While I do have a number of questions (see below), it would be my hope that P&Z finds this request to be reasonable and that it meets the necessary relevant criteria. And if not, finds a solution that would allay whatever concerns have been raised so that this request can be granted. Believing that will happen, I would then concur with it being approved as currently requested. Again, to help me better understand the reasonableness etc, here are my questions:

1. Would the 66 ft setback request mean the house would still sit behind the lakeside fronts of 113 and 114B?
2. Is the 16-20 ft request to go in the drainage and utility easement another example of the easement not being anywhere close to where it should be? I do not recall 114B needing this but either way, how is this any different from many of the other properties along Willow Point?
3. Does this mean that the blacktop is not within the easement, thus adversely affecting the pervious/impervious ratio?
4. How much of the back lot is pervious vs impervious? Knowing 114B was given the opportunity to correct that (which they did a beautiful job of by the way), I would hope that the same opportunity be afforded here so that the request can move forward.
5. Similar to what 114B has done, will there be a parking pad on the back lot? Or a request for a larger remote storage building?
6. Will there be a driveway and or sidewalk in addition to the 34x72 or is this included?
7. How does the maximum 24 width driveway requirement apply here?
Since Willow Point is a "shared private drive" with no curb and gutter and knowing that it is too narrow to be a street, such a limitation creates a potential safety issue whenever someone drives a vehicle on/off the lot, especially if towing a boat. As such, it would be my suggestion that the city not impose such a restriction on Willow Point Drive for these reasons.
8. Is a deck or privacy fence under consideration for now or potentially in the future?
If so, is a permit required and what are the relevant codes, such as how close to the property line it can be.
9. What are the water drainage plans for the back lot? Adequate drainage is especially important in the spring when the roadway is soft and throughout the year after a heavy rain. Knowing this, is it reasonable to request that the back lot be graded and have a drain installed on each side of property access to the existing culvert?
10. Similarly for the lakeside parcel, how will the swales be protected to ensure they continue working?

Thanks,

Leo Brown

117 Willow Point Drive"

"113 Willow Point Drive
Elysian, Mn. 56028

July 1, 2021

Planning and Zoning Commission:

We are fine with all of the variance requests stated for 114A Willow Point Drive. Our concern is that the swale between our property 113 Willow Point Drive and 114A Willow Point Drive is maintained as Dick Arnold's fill permit stated on 11/5/2019. During the recent 5 inch rain, the existing swale filled and funneled the water away from both properties to the lake as it was designed.

The plan says that the roadside of the house lines up with the neighbors which is great. Another concern is the lakeside of the house lining up with the existing houses which has always been honored.

Thank you for your time.

Sincerely,
Larry and Charlene Howe"

"Todd Piepho, Area Hydrologist, MN Department of Natural Resources:

Hi Lorri,

If approved the department would recommend a screening condition be placed on the variance, similar to others that cannot meet the 75' OHWL setback. A row of native shrubs/small trees between the home and Lake Francis would block partial view of the home from the lake, yet give the homeowner a view while in the residence."

No further written comments were received.

On motion by Henninger, seconded by McBroom, all voting in favor, to close the Public Hearing at 6:21 pm and reopen the regular meeting.

McBroom stated he approved the variance request. It was nice to see that Berge was assisting to ensure that Bayes would not have issues.

Henninger stated he did not have an issue with the width, the proposed location of the house or the garage being in the easement.

Droog stated she would prefer to have the house pushed back into the easement rather than being closer to the lake. She would rather preserve the lake over preserving the easement.

Engebretson noted that the Berge lot was higher than this lot and asked if this lot would be raised. He noted that there was room on the lot to make the house wider which then would allow the house to be shortened and either further from the lake or not so far into the easement.

Berge stated the wider the house is, the less area there will be to control the grade and ensure that the water from the road runs down to the lake. The 114A lot is a little lower than 114B and he will blend the grade to the property lines so the water can still flow as it is meant to. The goal is not to change the grade.

Engebretson asked if there were plans to do anything with the back lot. Berge stated there is not.

Droog asked if a buffering along the shoreline should be required. There was no consensus on this issue.

Galewski asked if there were blueprints of the house and if there would be a porch or deck on the lakeside. Berge stated there would be windows and a patio on the lakeside. It would be lined up with the adjacent properties.

On motion by McBroom, seconded by Henninger, all voting in favor, to recommend City Council approval of the request of Ellen Baynes, for the property located at 114A Willow Point Drive, for a variance request to build a new home in the shoreland district with less than the required setback of 75 feet from the OHW – requested 65 feet, less than the required lot width at the OHW of 75 feet – requested 66 feet, and to allow the attached garage to be located within the drainage and utility easement 16 – 20 feet based on the following findings of fact:

- a. Reasonableness: The home has been designed and placed on the lot to line up with the adjacent homes on the lake and roadside to blend in.
- b. Uniqueness: The lot is small and was platted prior to the requirements of the current code. The narrowness of the lot and the location of the easement makes for a longer home to be fit for the property.
- c. Essential Character: The proposed location of the house is the best possible match to the setback of the neighbors on the waterfront and the driveway. The home will blend with the other homes and not alter the character of the area.

And with the condition that:

1. The swale between 113 Willow Point Drive and 114A Willow Point Drive that was installed per the fill permit dated 11/5/2019 be maintained / replaced to move the water from the road to the lake.

This recommendation will be considered by the Elysian City Council at their July 12, 2021 meeting.

On motion by Engebretson, seconded by McBroom, all voting in favor, to close the Regular Meeting and open the Public Hearing at 6:48 pm. (As Galewski is the applicant, he stepped away from his place at the table. McBroom took his place at the table as Vice Chairman.)

Galewski is requesting a change in zoning designation from R-1 General Residential Zone to C-2 Highway Commercial District Zone for Parcel ID# 16.410.1037 and to consider a request for a conditional use permit to construct storage buildings at the same location.

The property is located south of State Hwy 60 and south of Erdy's Car Wash and Mama Mercantile's Deli & Bakery. If the requested rezone is approved, this property will be zoned Highway Commercial C-2. This requested use would be allowed in the district as a conditional use.

Public Comments:

Dave Schlueter, 206 Fifth Street SW, stated he was concerned with the flooding in this area. He did not want to see the property zoned commercial.

Henninger noted that if the property is developed it may actually help alleviate some of the water issues.

Lynn Gross, owner of Elysian Self Storage, 205-1/2 Fifth Street, stated the property they own on the corner of Fifth Street and State Highway 60 takes on a lot of water and has at times been near a flood disaster.

Gross stated this lot should be zoned residential as it would be a good location for affordable housing after the flooding issues are addressed. It is close to lakes and schools.

Jamie Spaid, 1277 Lewis Lane, stated she did not want this property zoned commercial. This would bring the highway and commercial traffic closer to where she lives. It would increase the noise pollution and affect her quality of life. She did not trust that a businessperson would put her quality of life over his profit. The water issue already causes flooding in her basement. She would rather see houses on this property.

The applicant Galewski explained the conditional use permit. The use would be indoor and outdoor storage. It would be geared to storage of recreational vehicles, trailers, boats, ATVs, and golf carts. The complex would be highly secured with a 6-foot-high privacy fence 80-100% blocked. There would be security cameras and an automated key card system for entry. It would be built in (4) phases. The first building (12x30) would be built on the north side and could accommodate 24-foot pontoon boat with trailer. The concept plan includes a holding pond which will be determined by the City Engineer. The security lighting will be dusk to dawn. There is a 12-foot easement on the north side of the lot. This area would be left open and will accommodate parking / rear entrance for Mama Mercantile. His target would be to get the design complete and to have the fencing installed this winter.

Droog stated this type of storage should have less traffic than a normal use storage facility. Galewski agreed and stated these units will not be sized for household items and once people see the pricing, they will rent a unit for household items at the storage facility across the street.

Dave Mitchell, owner of Mama's Mercantile, 410 State Highway 60 W, suggested that renters will put their boat in a unit but then will still also put household items in the unit. He asked how the units will be marketed.

Galewski stated the units will be marketed as storage specifically for recreational vehicles, boats, etc.

Lynn Gross, owner of Elysian Self Storage, reported that in 2019 they had decided to expand their storage business and began to meet with an engineer. That was all put on hold due to COVID19, but they are back in the planning phase again. Their plan includes recreational vehicle and boat storage similar to this proposal. They have already invested money in an engineer and their website. She has been a business owner in this community for 12 years now.

Cody Sutter, 1278 Lewis Lane, reported that the installation of the pipe behind 308 Maple Avenue SW has helped with his flooding. The issue is basically gone. But Schlueter and Kline had almost three feet of water behind their places with the rain on June 26th.

Schlueter stated he has a wood pile in his backyard, and it floods back there and carries that wood out into the cul-de-sac.

Kline stated he did not want to look at a fence and he did not want more traffic on 5th Street. That roadway is already destroyed.

Droog stated the residential properties would be concerned with people driving that close to their property line. Galewski noted the access to the south building would be on the street side.

Gross stated this is really disheartening to a business owner who already had this type of business planned.

Spaid stated her quality of life is going to be affected.

Engebretson stated that the water issue needs to be addressed. This is going from a flooded area to an impervious surface.

Engebretson stated he was not concerned with traffic as James Brothers uses 5th Street all the time. Also, the driveway will be right off State Highway 60.

Droog stated she is concerned with the water issues. She also understands that the families that live there do not want a fence right next to their property.

Henninger stated that whatever type of business gets built here will only help with the water issues. They will improve the area. He did not see the traffic on Fifth Street as this property owner's problem.

Engebretson suggested a row of arborvitaes could be planted between the fence and the residential properties to provide screening.

There were no further public comments.

There were no written comments.

On motion by Henninger, seconded by Droog, all voting in favor, to close the public hearing and reopen the regular meeting at 7:55 pm.

On motion by Droog, seconded by Engebretson, to recommend to City Council that the portion of Parcel ID# 16.410.1037 that is zoned R-1 Residential be rezoned to C-2 Highway Commercial so that the entire parcel is zoned consistently as one zoning district. Voting on the motion: Aye – Droog, Engebretson, Henninger, McBroom. Naye – None. Abstain – Galewski.

Droog stated she was much more comfortable with a local businessman developing this property and they will care more about the area.

On motion by Droog, seconded by McBroom, to recommend City Council approval of a conditional use permit for Parcel ID# 16.410.1037 to allow storage unit complex with the following conditions / requirements:

1. The security fence by the phase 5 building be next to the building and the required setback in that area be left as green space and vegetative screening planted to buffer the site from the adjoining properties to keep the residential property values and aesthetics intact.
2. The dusk to dawn security lighting be adjusted to not affect the neighboring property owner's quality of life.
3. All other requirements of the conditional use permit to include:
 - a. Site plan – drawn to scale
 - b. Location of all buildings and square footages
 - c. Curb cuts, driveways, access roads, parking spaces
 - d. Finished grading and drainage plan
 - e. Land survey.
4. Drainage / Storm Water Management Plan
5. Grading and Erosion Control
6. Other as deemed necessary by City Engineer.

Voting on the motion: Aye: Droog, Engebretson, Henninger, McBroom. Naye: None. Abstain: Galewski.

There was no other business to come before the Commission.

On motion by McBroom, seconded by Henninger, all voting in favor, meeting adjourned at 8:14 pm.

Attest:

Rick Galewski, Chairperson

Lorri Kopischke, Zoning Administrator