

**CITY OF ELYSIAN  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
OCTOBER 1, 2024**

The Elysian Planning and Zoning Commission met in regular session Tuesday, October 1, 2024 at City Hall at 6:00 pm.

Present were: Chairperson Tom McBroom, Sr.; Commissioners Dan Engebretson, Paul Hunter, and Doug Stanke; Zoning Administrator Lorri Kopischke. Absent: None.

On motion by Engebretson, seconded by Hunter, all voting in favor, to approve the agenda of the October 1, 2024 meeting as presented.

On motion by Hunter, seconded by Engebretson, all voting in favor, to approve the minutes of the September 3, 2024 Regular Meeting as presented.

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

Jeremy Henninger, owner of the property at 210A Main Street East, is requesting a conditional use permit to erect an eight-foot-tall privacy fence on the west side of the property. The property is zoned R-1 General Residential. Elysian City Code of Ordinance §156.116 Fencing (C) states: Fences shall not exceed six and one-half feet in height in residential districts or eight and one-half feet in height in commercial-industrial districts. Fences higher than these shall require a conditional use permit.

Due to the slope of the property, Henninger believes an eight-foot-tall fence is needed to provide the desired privacy to the resident of 210A Main Street East.

Mr. Henninger did apply for the conditional use permit on September 10, 2024. On September 17, 2024, Henninger called the office and requested to install the fence prior to the hearing for the conditional use permit. Staff denied that request. Henninger did install the fence without approval. Staff contacted Henninger on September 20, 2024 and he responded "We were not able to do it just 6 so it is built to be brought down to 6 if it doesn't pass. The extra 2-foot splice is on the bottom we couldn't do it on the top. I understand it may not go through and I will need to change it if that's the case but I had (Xcel gas and electric, landscaping edging and rock, and hydroseed that all revolved on us being out of the way. Had to make a decision. Sure it Will ultimately be the wrong one. Not trying to screw with the system if I was I wouldn't even have applied for it or talked to you. Just had to do what I had to do."

Pictures of the fence were distributed to the Commissioners.

The Commissioners asked if the City had an After the Fact Penalty Ordinance in place. The City of Elysian City Code of Ordinance does not include an After the Fact Penalty Ordinance.

The Commission did note the topography of the lot and acknowledged the benefit of the higher fence to the rear of the property. They did not see the necessity of the additional height to the fence in the front yard within the front yard setback.

Public Comments: None.

Written Comments: None.

On motion by McBroom, seconded by Engebretson, all voting in favor, to close the Public Hearing and open the Regular Meeting at 6:21 pm.

On motion by Hunter, seconded by Engebretson, all voting in favor, to recommend approval of the conditional use permit request of Jeremy Henninger, owner of the property at 210A Main Street East (PID# 16.440.0720), to install an eight-foot-tall privacy fence on the west side of the property for the following reasons:

1. Due to the topography of the land, a six and one-half-foot fence would not provide privacy to the homeowner of 210A Main Street East.
2. Due to the slope of the land in the back of the lot at 210A Main Street East, the eight-foot-tall fence does not look to be taller than a six and one-half foot fence and does not look out of place.

And subject to the following condition:

1. The pickets on the fence located on the west side of the property of 210A Main Street East must be at the height of six and one-half feet for the first twenty (20) feet of the fence and can then be stepped up to a height of eight feet.

The City Council will consider this recommendation at their meeting on October 14, 2024.

The Commissioners discussed the lack of enforcement in the Elysian City Code of Ordinance to address an action that is done without prior approval such as a variance or a conditional use permit.

On motion by Hunter, seconded by Stanke, all voting in favor, to request the City Attorney to draft an After the Fact Penalty Ordinance for City Council consideration.

The Commissioners discussed proposed THC Ordinances as drafted by the City Attorney. The drafts include a proposed General City Code of Ordinance for Cannabis and amended Ordinances for the Commercial Districts allowing low-potency edibles in each so long as those low-potency edibles are being sold as an accessory to retail sales (i.e. gas station sales, beverages with food/alcohol, on/off sale liquor stores, retail stores).

The Commissioners agreed that there should be more than one (1) license / registration allowed for a cannabis and/or hemp business. This would encourage free enterprise and capitalism. The following amendment was suggested:

§113.070. CAPS ON LICENSES.

There shall be no more than two (2) licenses / registrations issued for a cannabis business and / or hemp business.

There shall be no more than six (6) licenses / registrations issues solely for Lower-potency hemp edible businesses.

On motion by McBroom, seconded by Hunter, all voting in favor, to recommend Council consideration of the draft THC Ordinances with the changes to §113.070 CAPS ON LICENSES as noted above.

Staff reported that the November Planning and Zoning meeting was scheduled for the same date, November 5, 2024, as the 2024 General Election. No public business can occur on that date.

On motion by Engebretson, seconded by Stanke, all voting in favor, to reschedule the November 5, 2024 Planning and Zoning Meeting to Wednesday, November 6, 2024 at 6:00 pm.

Commissioners will consider updates to the Bed and Breakfast Conditional Use Permit and the Short Term Retail Ordinance at the November meeting.

There was no further business to come before the Commission.

On motion by McBroom, seconded by Hunter, all voting in favor, the meeting adjourned at 6:56 pm.

Attest:

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Tom McBroom, Sr., Chairperson

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Lorri Kopischke, Zoning Administrator