

**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