

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JANUARY 21, 2020**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, January 21, 2020 at City Hall at 6:00 pm.

Zoning Administrator Kopischke opened the meeting and administered the oath with Commissioners Kristina Droog and Tom McBroom answering.

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

Zoning Administrator Kopischke asked for nominations from the floor for Chairperson. On motion by McBroom, seconded by Henninger, to nominate Rick Galewski for Chairperson. All voting in favor, motion declared carried.

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

Chairperson Galewski then took his place at the table presiding at the meeting.

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

On motion by Galewski, seconded by Henninger, all voting in favor, to approve the minutes of the December 3, 2019 Regular Meeting as presented.

(Commissioner Henninger stepped away from the table while the rezoning request was being discussed.)

On motion by Galewski, seconded by McBroom, all voting in favor, to close the Regular Meeting and go to Public Hearing at 6:05 pm.

The purpose of the Public Hearing is to consider a request from Bryan Suemnick for a zoning amendment for the property known as Hidden Meadows Subdivision Block 1 Lots 2-10 and Block 2 Lots 1 and 2 from R1 General Residential to R2 Multi-Family Residential.

Hidden Meadows Subdivision was platted in 2003. The developers went through the entire process and then did not develop the property. The property has set vacant for the next 17 years.

Suemnick purchased the land and there currently is an interest by a developer, Henninger Construction, to develop the subdivision. His vision for the property is a bit different than the original platted subdivision. The original plat includes 11 lots with small single-family homes. Henninger's concept plan includes 4 – 2 story 4-plex units (60' x 48') and 6 patio slab homes (46' x 50').

The R1 General Residential Zoning Standard permitted uses include: One and two family dwellings; State licensed foster homes or group homes serving six (6) or fewer mentally or physically challenged persons; and Parks. The R2 Multi-Family Residential Zoning Standard permitted uses include: Residential uses as permitted in the R1 Residential Zone; Multi-family

housing up to four (4) units; and Parks. The conditional uses and lot and building requirements of the two standards are very similar.

The League of MN Zoning Guide for Cities states: "Cities have the authority to rezone. Because rezoning serves as an amendment to the actual zoning ordinance, all the procedures for amendments to the zoning ordinance apply. The 60-Day rule applies to rezoning requests and an automatic grant of the rezoning will result if the city does not comply with the rule.

Rezoning represents a legislative act and needs only to have a rational basis relating to public health, safety, morals, or general welfare. A city must document, in findings of fact, the rational basis for the rezoning decision. A simple majority vote of all members is required to approve the rezoning request."

It was noted that all that is being considered with this request is the rezone. Any development plan will be considered separately.

As part of the application process, the applicant has submitted as follows:

"The City of Elysian is in real need of rental properties. The proposed would fill the need of multi-family, multi-unit, new rental properties as well as main floor slab on grade rental properties for the "55 and older" market which is a growing need in all communities. There is currently no land available in which someone can build these units and this land is in an ideal location to provide this very thing. It is currently adjoining the C2 Highway zoning and would fit in well with this.

Jeremy Henninger and Henninger Construction currently has a Purchase Agreement on this land with Bryan Suemnick, pending the approval of the rezoning. There will also need to be some re-platting done based off the current design in order to accomplish the desired rental properties for size, shape and building costs to be involved. Jeremy's home was built on one of the last R2 zones in the city so there is no other area to bring the much needed rentals into the area.

Thank you for your consideration on this matter."

Galewski noted the current subdivision has many substandard lots which were approved in 2003 as part of a variance process. He asked if the variances would continue or if there would need to be new variances approved. Kopischke explained that if the subdivision stayed as is the variances would remain. If a developer purchases the land and wants to change the lot configurations it would most likely be handled as a planned unit development and would need to be approved by the Planning Commission and City Council.

Todd Piepho, Area Hydrologist, Ecological and Water Resources, Minnesota Department of Natural Resources has commented as follows: "If this is just strictly a re-zone I don't think we will have many comments as long as it still meets the PUD requirements, however I'm cc'ing Dan Petrik in to see if he would have anything to add or correct me if I'm wrong. I'm not familiar with the original subdivision assuming they met the requirements set forth for a PUD at that time."

Jeremy Henninger, Henninger Construction, stated that the only reason he is pursuing this is that Suemnick approached him to buy the property. The first step is the rezone because then there would be more potential for the property. What he would build on the property would depend on the demand. The plan that has been circulated tonight is just a concept. There is a

shortage of rental properties and patio type properties for “55 and older” in Elysian. He stated he would just like the ability to develop the land in different ways that will work for “this” community. It all depends on the demand.

Public Comment:

Debra Thompson, 206 Third Street SW, stated she liked living in the area because everyone takes care of their home. She has lived in rental properties before where you get clientele that does not take care of it, have dogs running loose and don't mow their lawns. That is what she is afraid of. It is currently a nice quiet area and that is why they chose to buy their home and stay there. Look at North Mankato where they built all those and now the older ones are falling apart, they are not fixing them. Our town has such a nice look and she would hate to see that here.

Kopischke noted that the number of properties utilized in the City of Elysian as rental properties is not limited and is allowed in either the R1 or the R2 district. So that could happen even without the rezone. The main thing the rezone will change is that they can build multi-family housing rather than single family housing. There may be more density as a result of the rezone.

Droog stated she did not see that much difference between the R1 and R2 zone. Some of the existing developments have associations and hire people to ensure that the properties are kept up.

Engebretson asked Henninger if he would have an association if townhomes were built. Henninger stated that would be nice. It will all depend. His company just built one and the owner had people overbidding for it because it was such a commodity. If there is that big of a need for that here and he can get that much for them, he will probably just build them and sell them. But if people come to him and say they want to rent and not own, he would probably rent them as he is not against holding on to them and having someone paying down the mortgage for him. An association is a good idea, but it takes a lot of work to set that up and run it and he is not sure he wants to do that.

Clinton Stoen, 217 Jill Lynn Circle, stated this is a large chunk of land that has been there a while and if the development is done responsibly, and whatever type of structure it is – a patio home or a townhome – they are going to be brand new. In taking into account where we live and the possible price point, that may police your buyer a little bit. He thought that would help.

There were no other public comments. No written comments were received.

On motion by McBroom, seconded by Engebretson, all voting in favor, to close the Public Hearing at 6:30 and reopen the regular meeting.

Engebretson stated there is definitely a need for this, and this type of development is included in the City long range and comprehensive plan. Several of the areas that are zoned for multi-family have been developed with a single-family use so this would replace some of that. The parcel and the location it is in is close to the downtown area. From living in Lake View Manor, he knows that the townhomes and especially the single level patio homes are in demand. It would provide a transitional zoning between the residential and commercial properties in that area. He thought this would be a good use for this piece of property.

McBroom stated that he agreed. This development would bring more people to town and more people utilizing the businesses. This would be a huge benefit to the city.

Droog stated that because the quality of Henninger Construction and the character of the owner, it is known that he will not build some type of shoddy structure. He does good quality work. Irresponsible people will not be attracted to this type of property to begin with because most of Henninger's work is upper scale. She believes this project will beautify the property and make it useful. Right now, it is essentially nothing and has been for years. She sees this as a good opportunity.

Galewski stated he sees very little difference in the way it is zoned currently and what the developer is proposing to do as a result of the rezone.

On motion by Galewski, seconded by McBroom, to recommend City Council approval of the request from Bryan Suemnick for a zoning amendment for the property known as Hidden Meadows Subdivision Block 1 Lots 2-10 and Block 2 Lots 1 and 2 from R1 General Residential to R2 Multi-Family Residential. Voting Aye: Droog, Engebretson, Galewski, McBroom. Abstain: Henninger.

This recommendation will be considered by the Elysian City Council at their February 10, 2020 meeting.

It was noted that the City Council had tasked the Planning and Zoning Commission with looking into a method to allow larger size accessory structures on a larger lot when all setbacks and lot coverage requirements are met. Examples were presented from other cities to include: 1. Not allowing larger sized accessory structures under any circumstances. 2. Allowing larger accessory structures in R-A residential agricultural zone only. 3. Allow larger accessory structures via a conditional use permit process.

Commissioners also discussed the possibility of regulating the size of accessory structures via lot coverage. There was concern as to how to regulate the height and location if only lot coverage was regulated.

After discussion, there was Commission consensus to gather more information and examples, and discuss at the February meeting.

The Commissioners discussed the moratorium that was placed on solar energy production systems within City limits. The ordinance was passed in September and is for a period of one year. It was noted that Le Sueur County is still working on their ordinance. Staff will continue to gather information, and this will be discussed at a future meeting.

Kopischke reported the building at 118 East Main Street has been demolished, The EDA will provide black dirt and seed the lot this spring. The buyer will take ownership in October 2020.

There was no other business to come before the Commission.

On motion by McBroom, seconded by Galewski, all voting in favor, meeting adjourned at 6:51 pm.

Attest:

Rick Galewski, Chairperson

Lorri Kopischke, Zoning Administrator