

**ELYSIAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MARCH 10, 2020**

The Elysian City Planning and Zoning Commission met in regular session Tuesday, March 10, 2020 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 Engebretson, seconded by McBroom, all voting in favor, to approve the agenda with the following addition:

1. State Licensed Residential Facilities

On motion by Droog, seconded by Engebretson, all voting in favor, to approve the minutes of the February 4, 2020 Regular Meeting as presented.

Commissioners discussed the proposed changes to Chapter 156: Zoning: Performance Standards § 156.121 Accessory Structure Standards and Chapter 156: Zoning: Zoning Districts § 156.065 R-1, General Residential Zone as follows:

**Chapter 156: Zoning: Performance Standards**

§ 156.121 Accessory Structure Standards

A, B, and C would remain the same.

Item D. *Dimensional Limits*: Detached accessory structures are subject to the dimensional limits established below:

- a. Maximum height: Maximum height of accessory structure cannot exceed 21 feet. The building height is measured halfway up the pitch of the roof (gable).
- b. Total number of detached accessory buildings per lot: two; and
- c. Accessory structure(s) total building area allowed per lot: Not to exceed 30% of lot coverage if lot is less than 43,560 square feet (1 acre) and not to exceed 25% of lot coverage if lot is more than 43,560 square feet (1 acre).

Item (E). *Permit Requirements*: A building permit must be secured from the Zoning Administrator prior to constructing or locating an accessory structure anywhere on the lot. Any accessory structure less than 200 square feet does not require a building permit.

Items (F) and (G) would remain the same.

AND:

**Chapter 156: Zoning: Zoning Districts**

§ 156.065 R-1, General Residential Zone

(E) *R-1 Standards*

(3) Side Yard, accessory building: If accessory building is 1,200 square feet or less the required side yard setback is a minimum of three feet. If accessory building is larger than 1,200 square feet, the required side yard setback is a minimum of fifteen feet.

(5) Rear Yard, accessory building: If accessory building is 1,200 square feet or less the required rear yard setback is a minimum of three feet. If accessory building is larger than 1,200 square feet, the required rear yard setback is a minimum of fifteen feet.

The proposed changes have been reviewed by City Attorney Jason Moran. His response is as follows:

“I have reviewed your email and the Zoning Code including the Shoreland Overlay District requirements.

You are correct. Anytime the Shoreland Overlay District comes into play it typically supersedes the general zoning requirements. The important thing to remember is that when applying Zoning to shoreland impact areas the most stringent of the two apply; so, in some cases that will be the Shoreland Overlay Zoning Ordinances and in other cases that may be the General Zoning Ordinances.

I reviewed the proposed Section 156.121 Item D(c) and I am a bit confused; usually you would allow larger coverage with a larger lot and smaller coverage with a smaller lot. With that said, it can be done the way it is proposed.”

Commissioners discussed Item D(c) lot coverage restrictions. The smaller lot coverage on larger lots was to be sure there would not be huge sheds allowed on the larger lots. Commissioners also noted that it may be difficult for homeowners with the smaller lots to add a garage with the 25% requirement.

On motion by Droog, seconded by Henninger, all voting in favor, to amend Item (D) c. to read as follows: “Accessory structure(s) total building area allowed per lot: Not to exceed 30% of lot coverage.” and to forward to City Council with recommendation of approval and amendment to the City of Elysian Ordinance Chapter 156: Zoning: Performance Standards § 156.121 Accessory Structure Standards and Chapter 156: Zoning: Zoning Districts § 156.065 R-1, General Residential Zone.

Commissioners discussed a request from Le Sueur County Environmental Services for an opinion on what would be a reasonable setback from city limits for large solar gardens. Following discussion on the benefits versus the appearance and possible hazard of these type of solar gardens, a motion was made by Galewski, seconded by Henninger, all voted in favor, to recommend a (2) two mile setback from city limits for large solar gardens. Staff will communicate that recommendation to Le Sueur County Environmental Services.

It was reported that three short-term rentals license applications have been received and are being processed. There have been a few questions, but things seem to be moving forward.

Kopischke reported that Pat Nusbaum had asked to address the Commission with regard to the State Licensed Residential Facilities located in the City. City of Elysian R-1 General Residential Zone allows these facilities as follows: Permitted Uses – State licensed foster homes or group homes serving (6) or fewer mentally or physically challenged persons and the R-2 Multi-Family Residential Zone allows these facilities as follows: Residential uses as permitted in the R1 Residential Zone. MN Statute 462.357 Subd. 7 states “A state licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer

persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licenses under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning...” Subd 8 states “Except as otherwise provided in subdivision 7 or in any town, municipal or county zoning regulation as authorized by this subdivision, a state licensed facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multifamily residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the facility, which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones...”

The state licensed residential facilities are regulated by the Minnesota Department of Human Services. Basic license details are available on their website which includes license number and holder, license status, capacity, age of residents, services licensed to provide, and licensing actions or maltreatment investigations.

Pat Nusbaum, 104 Park Avenue NE, stated she is not against the homes, the employees or the people who live there. She just feels there needs to be some accountability to the neighbors. She was concerned with items such as parking, maximum number of residents and how that is monitored. Could this type of facility be regulated via the conditional use permit process and then City could require that there be adequate parking? Would it be appropriate to hold a public hearing before allowing this use in a residential area so that the neighborhood would be aware that this business would be opening? There is a townhome being utilized as a state licensed residential facility across from her home on Park Avenue NE and sometimes there is a car in the garage, the driveway is full and there are cars parked on the street. It can make it difficult for traffic to drive down Park Avenue.

Commissioners suggested this may be a nuisance as the street is so narrow. There are other places in the City where this is a problem as the streets are narrow. It was suggested that possibly the City streets could be surveyed and the narrowest be suggested for parking on one side only.

There was no other business to come before the Commission.

On motion by Henninger, seconded by Droog, all voting in favor, meeting adjourned at 6:43 pm.

Attest:

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Rick Galewski, Chairperson

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Lorri Kopischke, Zoning Administrator