

**Study Session Meeting – Council Chambers, Ely City Hall  
Joint Study Session with Planning & Zoning  
November 28, 2023 -Minutes**

**CALL TO ORDER**

Mayor Omerza called the Study Session to order at 6:30pm

**PRESENT:** Council Members A.Forsman, Kess, Callen, and Mayor Omerza

**ABSENT:** Council Members Debeltz and Campbell

**Also Present:** Planning and Zoning Commissioners Mike Banovetz (Chair), Emily Roose, Jeanette Palcher, Dave Hernesmaa, Scott Kochendorfer, Attorney Klun, and Clerk/Treasurer Langowski

**ADDITIONS OR OMISSIONS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

A. Continued discussion with Planning and Zoning to discuss the updated evaluation of permissible and conditional uses list.

The following documents were provided in the packet.

Zoning District Definitions

Langowski discussed the Zoning District Definitions and the locations of the Zoning districts.

What X's and O's mean on List of Permissible and Condition Uses List

Langowski indicated that an O means that a use is permitted in that district only if a conditional use permit is granted by the Board of Adjustment. A X means the that use is permitted in the district, subject to the general provisions of the Zoning Chapter in the Code.

R-T Residential Transition District

Zoning District Schedule

Business Park Covenants

Business Park Plan

Primary Use or Secondary Definition

Storage Tanks

Minnesota Rules- EAW Categories

B. Classification List- Permissible/Conditional Use- Current/Proposed

Banovetz indicated that the Planning and Zoning Commission has been working on the Permissible and Conditional Use List for the last 3.5 years with the whole commission.

Langowski indicated that we have been trying to fix errors or issues that have been adopted over the years.

Banovetz indicated that they have been trying to get some uniformity throughout the city and this should also be a part of our Comprehensive Plan.

Langowski indicated that we are working to update the zoning map, and to have an electronic copy and to have it included on the St Louis County Land Explorer. The goal is to get the zoning updated to be correct as to what is currently there, but spot zoning is not allowed so that is what takes time.

Kess discussed the apartments above businesses – proposed apartments 1, 2, 3 and 4 units are not allowed in C1 & C2.

Discussion was had whether apartments would be allowed in commercial areas or whether a Conditional Use Permit would need to be applied for, or whether they are grandfathered in. Discussion was also had on primary and secondary uses of buildings, the primary use on some of the structures is retail along Sheridan Street, then the secondary use would be apartment.

Attorney Klun indicated that new owners of the buildings would not be grandfathered in with the current use unless a conditional use is recorded on that property, or if it is an allowed use. Currently our C-1 district is really large and has both residential and rentals in it.

Kess indicated that in the proposed zoning the Dwelling, single family would not allow a residential home in C-1.

Langowski indicated that we should be promoting these apartments above these businesses. This would be a good task to take a further look at in the commercial district.

A.Forsman indicated that Residential and Apartments in C-1 should be allowed. The market is going to determine the use of these properties. These should be allowed uses without a CUP needed.

Kess stated that we should be using these commercial properties as combination housing with what we need for housing these days.

Langowski indicated that when we established rules for Short Term Rentals, we put less restrictions on Commercial district to encourage more Short Term Rentals in the Commercial areas versus Residential.

Langowski discussed the zoning district schedule, provisions, the footprint, sidewall dimension, lot width, setbacks, etc.

A.Forsman discussed concerns with the footprint. With the cost of building these days and the fact that people are not building because of the cost. The footprint of his house when it was built would not be allowed, because it would be under the 768 feet. Since it was built, he has added on to the front and back of the house, so he is over the minimum now, but at the time the footprint was smaller. Having the 768' footprint can be limiting to people.

Langowski indicated that the 768 square feet is the minimum for a single-family home. We have looked at changing that to make it larger, cause people are building larger house and that is a larger tax value. But then we started to see the construction costs go up. If people are proposing to build a house smaller than 768 Square feet, we tell them to put the plans together and maybe we can find a solution for the project with variances.

Kess indicated that some of the current homes around Ely are smaller than the minimum, but they fit the neighborhood.

Banovetz indicated that he would like the council to look at changing the ordinance for smaller homes, so it doesn't fall on the shoulders of Planning and Zoning to issue CUPs and variances.

Langowski indicated that it would be beneficial to have Scott K research what other cities are doing for smaller homes.

#### Business Park Covenants

Langowski went through the Business Park plan and requirements. The business park is from the county services building to the Department of Revenue or where the VA clinic is located and that is what these covenants were established for. At one time we designated this a Job Z zone since the state was offering some incentives for that at the time. Things have changed in that area since its development. Now we need to look at that area and revise the ordinance regarding the business park and the zoning of that area.

Banovetz indicated that there is no zone that is business park, so in that area we could have multiple zones. In the Business Park packet some things don't agree with the ordinance.

Kess indicated that he was on the original committee that set these business park up. He said they worked hard to make this happen in this area, it was developed to be like a C-2 district which is sperate from the retail districts, and requiring more land, parking and more space. It might be time to eliminate the Business Park covenants and go with a C-2 district.

Attorney Klun indicated that we could make it a C-2 district and remove the covenants, at the time it was marketing for the area to call it a business park. We also need to work on some of the definitions of what the uses mean.

Langowski indicated that we also need to look at the open lots and what we want to be there in the future.

Kess indicated he would like to direct city staff, the zoning department, clerk and Attorney Klun to work on this.

A.Forsman indicated that we need to remember that things are going to change and are not going to be perfect for every circumstance for future development.

Langowski indicated that we can work on this internally and then bring back to the council.

#### Storage Tanks

Langowski indicated that the storage tanks would fall under the state of Minnesota, state statutes and guidance from the Minnesota Pollution Control Agency and other departments for regulation.

A.Forsman questioned the storage tanks at the Joint Maintenance Garage. He said there is a propane tank and diesel fuel and regular gas storage tanks on that property. The school district also has a bulk propane tank.

Kochendorfer indicted that discussion on this has been regarding the primary and secondary uses of these. The storage tanks are the secondary uses for the properties and supplementing the business that are there.

### Classification List – Permissible/Conditional Uses Current/Proposed

Langowski indicated that the goal is to have accomplished revisions to this list and for those to become codified through ordinance. Through our discussion tonight we have a few areas to look at, the apartments above in a commercial district, the daycare and childcare, and the dwellings single family allowed in Commercial -1. It is impossible to have every single use listed, but to look at things that come up. Storage units have come up recently, so where do we allow those, it is also good to look at other communities as to where they put these units.

Kochendorfer asked if a use comes forward that is not on the list, how do we go about that and what is the process to bring those forward.

Attorney Klun indicated that in the past the potential use has been brought forward to the council and we have added it through the ordinance process. She would suggest they would go to the Planning and Zoning first and then recommended to the council.

Omerza asked what are the next steps to take.

Langowski indicated that the chart of uses that we discussed the most the apartments, zoning districts of where they are allowed and where they are not allowed. If anyone has any questions or concerns on these uses let Langowski or Kochendorfer know and we can work through them. We can work through this internally and then bring it back to the council.

ADJOURN

Mayor Omerza Adjourned the meeting at 7:41pm.

Casey Velcheff  
Deputy Clerk