

WATERVILLE PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
February 23, 2016, 7:30 p.m.

There was a meeting of the Waterville Planning and Zoning Commission held in Council Chambers at 7:30 p.m. on February 23, 2016.

Present: James Hennan, Randy Mediger, Tim Smith and Chairperson Don Jacobsen

Absent: James Fallon

Also Present: Administrator/Clerk Teresa Hill and Jason Moran, City Attorney

Also Absent: None

- 1. Oath of Office – Tim Smith.** Administrator/Clerk Hill administered the oath of office to Tim Smith.
- 2. Call to Order.** Chairperson Jacobsen called the meeting to order noting that all Planning and Zoning members were present except Fallon. Also present City Administrator Teresa Hill and Jason Moran City Attorney.
- 3. Minute Approval – October 27, 2015.** Motion by Mediger, seconded by Hennan to approve the minutes of October 27, 2015. Unanimous vote. Motion carried.
- 4. Conditional Use Request – Dana & Kathy Schnepf.** Dana and Kathy Schnepf, 42389 Kerns Drive, North Mankato, MN applied for a conditional use permit to construct a 50 ft x 240 ft public storage facility expanding on a legal non-conforming use. The property is currently zoned Agricultural Holding and is described as follows: Parcel ID #24.022.1150, Address: 1400 State Hwy 13 North, Sect-22, Twp-109 Range-023 .38 acres That part of the NW ¼ Beg 1333.40 ft S & 227.96 Ft E of NW Corner of Sec 22, Thence E 67.78 ft, SE 191.33 ft., SW 90.94 ft to E'LY R/W of TH #13, TH NW'LY along R/W 233.87 Ft to Pt of Beg. Dana and Kathy Schnepf were present at the public hearing. No public comment was made about the conditional use request. Motion by Mediger, seconded by Smith to recommend to Council that they approve the conditional use requested by Dana and Kathy Schnepf. Unanimous vote. Motion carried.
- 5. Variance Request – Dorothy Towne Trust.** The Dorothy Towne Trust applied for an ordinary high water setback variance of 4 ft., along for a 71 ft ordinary high water set back to replace the existing home and deck. Current zoning allows for a 75 ft. ordinary high water set back. The existing property is currently zoned R-2 Medium Density Residential, Shoreland and Flood Plain as follows: Parcel ID #: 24.600.0220, Address: 921 Reed Street North, described as: Outlots – Snows Addn part of Outlot 1, being 60 ft on W side, 120.9 ft on E, 123.7 ft on S & also land lying W to lake. JoAnn and Todd were present at the public hearing. Ms. Hill advised that the DNR has no concerns regarding the variance requested. No comments were made on the variance request. Motion by Mediger, seconded by Hennan to recommend to the Council that they approve the variance request of Dorothy Towne Trust. Unanimous vote. Motion carried.
- 6. Animal Ordinance.** Jason Moran, City Attorney, drafted an ordinance that adds a section to the municipal code which he has labeled Chapter 98: Animals and Fowl – keeping housing and confinement. Mr. Moran said this ordinance prohibits the keeping of cattle, horses,

mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea pigs and along with wild animals being defined therein. This is a restrictive way to do it. The Council felt that Planning and Zoning may want to look at this and see if Planning and Zoning would recommend a blanket prohibition like Chapter 98 does or if we would want to go with a conditional use process meaning we would allow certain types of animals in under certain situations and circumstances. Mr. Moran also drafted an alternative way to solve the issue and that was by amending certain portions of the zoning ordinance Section 150. When contrast Chapter 98 with the amended Section 150 what we are doing in Section 150 is we are allowing certain types of animals, namely chickens, if a homeowner has one acre of land. The Council was thinking that a blanket prohibition like Chapter 98 does is a little onerous and if we go with the conditional use process it gives some leeway and is a little more generous and isn't quite as restrictive. Mr. Moran asked the P & Z how they would like to resolve this issue. There are some gray areas in the ordinance as it is written now. Discussion held by the Planning and Zoning Commissioners regarding both Chapter 98 and the revised Section 150 of the zoning ordinance. Agricultural Holding would be excluded in Chapter 98. Revised Section 150 of the Zoning Ordinance has too much ambiguity. Motion by Mediger, seconded by Hennan to recommend to the City Council that they adopt Chapter 98 as Mr. Moran has drafted effective June 1, 2016. Unanimous vote. Motion carried.

**7. Accessory Structures.** Ms. Hill advised that Mr. Moran has sent over some samples for her to review regulating some accessory structures. This will be coming forward for the Commissioner's review. Mr. Moran is also working on some other language changes that need to be done to tighten up some of our other zoning ordinances. Mr. Moran discussed the detached accessory structures.

**8. Commission Discussion.**

A. Mr. Tim Smith advised that because of his work schedule, he works 24 hour shifts he may not be able to make all the meetings. He will provide Ms. Hill with his schedule as he has his schedule a year in advance. Ms. Hill said that meeting dates can be changed as long as there is proper notice.

**9. Adjourn.** Motion by Mediger, seconded by Smith to adjourn. Unanimous vote. Meeting adjourned 8:00 p.m.

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Donald Jacobsen, Chairperson

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Teresa Hill, Administrator/Clerk