

WATERVILLE PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
February 28, 2017, 7:00 p.m.

Oath of Office was administered to Richard Gregor, Howard Mack, and Bradley Ferch

There was a meeting of the Waterville Planning and Zoning Commission held at Council Chambers at 7:00 p.m. on February 28, 2017.

Present: James Hennan, Richard Gregor, Howard Mack, Bradley Ferch and Chairperson Don Jacobsen

Absent: None

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

Also Absent: None

**Call to Order.** Chairperson Jacobsen called the meeting to order at noting that all Planning and Zoning members were present. Also present City Administrator Teresa Hill and Jason Moran City Attorney.

**Minute Approval – October 25, 2016.** Motion by Hennan, seconded by Mack to approve the minutes of **October 25**, 2016. Unanimous vote. Motion carried.

**Agenda Approval.** Motion by Hennan, seconded by Mack to move Unfinished Business items to follow new Business items. Unanimous vote. Motion carried

**Conditional Use Permit Request for Daniel and Brenda Tonn.** Chairperson Jacobson read the following request of Daniela and Brenda Tonn; a conditional use permit to allow for Construction and operation of an automotive repair business, to include but not limited to: automobiles, semi-trucks, farm equipment, school buses, and light duty trucks and Outside storage of automobiles and screened storage of recyclables. The property is currently zoned Limited Industry. Administrator Hill recapped that an automotive repair business is allowable in a Limited Industry zoning classification and that no permit would be necessary if occupying an existing building. This is a new structure so a conditional use permit is needed and conditions may be placed on the property. Attorney Moran concurred with Ms. Hill's statement reiterating that you can put conditions on the property if you have concerns about the operations of the business. A Conditional use permit does follow the property is granted. Chairperson Jacobson opened the floor for public comment. Russ Anderson representing the property at 434 Kanne Kartway asked how it would interfere with the sale of lots and if people would want to build and have a garage to look at. Would it hurt the value of his land for trying to sell the property? He also inquired about the hours of operation. He is in support of a new business in town but how would it interfere with the sale of their lots. Attorney Moran question Mr. Anderson on screening in existence. None is present. Mr. Moran recapped concern was for sale of property and noise. Mr. Anderson suggested a fence. Discussion was held on possible conditions to be placed on the property that included planting of a 6' tall row of evergreens to act as a screen on the West property line, Hours of operation of 7:00 a.m. to 8:00 p.m., outside storage of cars to be limited to 20 vehicles, compliance with the city nuisance ordinance and chain link fencing. Motion by Hennen seconded by Ferch to recommend the conditional

use application of Daniel and Brenda Tonn to the City Council with the conditions of a 6 Ft. high row of evergreens are required to be planted along the entire West Property Line to act as a screen, Hours of Operation are limited to 6 a.m. to 8 p.m., Outside storage of vehicles may not exceed 20 vehicles, property must be compliant with all City Nuisance Ordinances. Unanimous Vote. Motion Carried.

**Preliminary Consideration of Split of Property and Variance for Brad Meister.** Chair Person Jacobson introduced the request of Brad Meister for preliminary consideration of split of property. Administrator Hill Advised the Commission that the request has been revised to allow for 2 single family residential lots. The original proposal included a substandard lot. The new proposal for lot 1 is 76' X 132', 10,032 sq. feet and lot 2-89' X 132', 11,748 sq. feet. Motion by Mack seconded by Ferch to allow for the split of property as requested. Unanimous vote. Motion Carried.

**Variance request for Brad Meister.** Administrator Hill advised that the granting of the revised split of property, the variances would now be for dimension standards of 1 ft. lot width and 252 ft. lot area to allow for construction of a twin/duplex to be constructed, 3 ft. rear side setback (North Side). Motion by Mack, seconded by Ferch to grant the variances needed, the 3' rear setback along the north property line, 1 foot lot width and 252 area dimensions be granted. Unanimous Vote . Motion Carried.

**Meeting Dates and Times.** Discussion was held. Motion by Ferch, Seconded by Gregor to change the regular meeting dates of the planning and zoning commission to the 3<sup>rd</sup> Monday of each month at 7:00 p.m.. Unanimous Vote. Motion Carried.

**Rental Housing Registration/License Ordinance.** Attorney Moran presented a draft rental Hosing Registration/license ordinance for review. Discussion held no changes necessary it covers fire code and the items that are needed. It is a very basic. It protects to owner and the tenant. Mr. Moran addressed the issue of campground classification. They would be classified as a daily rental. Those units already inspected would not be inspected as a rental. Mr. Moran suggested Sub. 2. Definitions portion that starts Residential rental property does not mean on-campus dormitories, hospital units, nursing homes, assisted living units, and hotels , motels an or rental cabins in campgrounds, or any owner occupied rental property being rented to immediate family, located within the City, all of which shall be specifically exempt from registration and license under this Section. Motion by Mack, seconded by Gregor to accept the rental housing/license ordinance with the stated changes. Unanimous Vote. Motion Carried.

**Accessory Structure Ordinance.** Attorney Moran presented a proposed accessory structure ordinance for review. Mr. Moran informed the Commission that this does include car ports. Attorney Moran suggested that language be included that permit are required for all accessory structures mobile or on permanent foundation. Commission discussed enforcement difficulties and penalties for not obtaining a permit. Is there a better way to get information out to the public than just the news letter? The Administrator Hill informed the commission that we use different typed of notification. We use both printed and electronic communications. During the process of adopting an ordinance the public receives notification of the public hearing along with information of were they can obtain a copy of the

proposed ordinance. The hearing is conducted and if adopted it is published in the paper ad on the Web page. The newspaper also does an excellent job at doing a story to help get word out. Residents may pay more attention to this than a legal notice. Discussion held on recommendation to the City council for adoption. Motion by Gregor, Seconded by Mack to recommend to the city council the adoption of the accessory structure ordinance with Attorney Moran's changes. Unanimous Vote. Motion Carried.

**Multi Family Ordinance language change update.** Administrator Hill informed the commission with the changes that will be needed with the accessory structure ordinance, the multi family language change will be incorporated at that time to avoid addition publication and notification costs.

**Adjourn.** Motion by Ferch, seconded by Mack to adjourn. Unanimous vote, motion carried. Meeting adjourned at 8:27 p.m.

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Donald Jacobson, Chair Person

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Teresa Hill, Administrator-Clerk