

WATERVILLE PLANNING AND ZONING COMMISSION
PUBLIC HEARING
August 29, 2017, 7:00 p.m.

There was a meeting of the Waterville Planning and Zoning Commission held at Council Chambers at 7:00 p.m. on August 29, 2017.

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

Absent: None

Also Present: Administrator/Clerk Teresa Hill

Also Absent: None

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

2. Minute Approval – July 17, 2017. Motion by Gregor, seconded by Ferch to approve the minutes of July 17, 2017. Unanimous vote. Motion carried.

3. New Business

A. Variance Request – Rein & Leora Deboer. Rein & Leora Deboer requested a variance for an ordinary high water setback of 10 feet allowing for an ordinary high water setback of 65 feet to construct a 10'x22' deck and a 10'x10' addition. Current zoning allows for a setback of 75 feet from the ordinary high water mark. The property is zoned R2-Medium Density residential, shoreland and flood plain as is described as follows: Parcel ID #24.600.0280; Address 825 Reed Street North; Legal Description: Outlots – Snows Addn that part of outlot 1 comm at SW cor of Lot 1, Block 3 Snows Add th W 120 ft, N 225 ft, W 97.1 ft, NW 168.4 ft to beg th NW 75 ft, W 33 ft, N 19 ft, SW 100.5 ft to shoreline th se'ly along shoreline to a point th NE 114 to beg. Luke Duhme was present at the public hearing representing Rein & Leora Deboer. Ms. Hill did not receive any correspondence regarding this variance request. Commissioner Gregor said that he noticed on the left corner of the south corner it is going to be pretty close to the edge, will there be any landscaping. Mr. Duhme said that there will be five to six feet of lawn before it starts to go down to the lake after the deck is installed. Motion by Mack, seconded by Gregor to recommend to the City Council that the variance be approved requested by Rein & Leora Deboer for an ordinary high water setback of 65 feet to construct a 10'x22' deck and a 10'x10' addition. Unanimous vote. Motion carried.

B. Conditional use Request – Dana and Kathy Schnepf. Dana & Kathy Schnepf requested a conditional use permit to construct a 40'x200' 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 9.97 AC THAT PART OF G.L. 4 & 5 BEG 1423.82 FT S & 1071.52 FT E OF NW COR OF SEC 22, TH E 322.51 FT, SE 595.30 FT, SW 532.10 FT TO S.L. OF LAKE; NWLY ALONG S.L. +/- 421.9 FT, N 244.70FT, NE 83 FT, NE 101.20 FT, NE 50.04 FT, N 488.67 FT TO BEG. Dana & Kathy Schnepf were present at the public hearing. Ms. Hill did not receive any correspondence regarding this conditional use permit request. Ms. Elaine Sheehy said her property adjoins the storage unit. She has concerns, she has people driving in and out of there all

hours of night and day. She would like to ask if there is any possible way they could put up a gate or a chain across there so that people are not driving in and out of there. She understands there has been some robberies there. If that is not an option then possibly a security camera or some type of surveillance. Ms. Sheehy said she doesn't know why people at ten, eleven, twelve o'clock at night why you would have to run out to the storage unit. Ms. Sheehy said she would also like them to consider a fence between her property and theirs because she has had TV's and stuff thrown on her property. The Schnepfs did clean it up which she appreciates. Ms. Sheehy's property is east of the Schnepfs property. Ms. Schnepf said that there is a creek between them. Mr. Schnepf said putting a fence up would not eliminate it. Discussion held regarding the security, access to the storage unit, deterrents for theft, and the theft that occurred. Mr. Schnepf said when they purchased the property the City recommended that it be rezoned industrial but there was opposition from the previous owner who lived on the property next to it. Mr. Schnepf asked if they could get it rezoned instead of requesting a conditional use each time they put a building up. Ms. Hill said they were allowed to have the storage facility at the location. Any time you take a non-conforming use you have to have a conditional use to expand. When they first bought the property they did come forward to request a conditional use to allow for that or change the zoning. It was decided to not to allow for the change of zoning. They wanted to keep it agricultural holding and that is why they need to come back each time for a conditional use. Mr. Bill Olson said there are no security lights in the back. Ms. Schnepf said there are lights on all the buildings. Mr. Schnepf said every 40 feet there is a security light. David Verschoor said he thinks security should be increased there. Mr. David Verschoor made some suggestions on how to have better security there. Commissioner Mack said he is not sure that the Planning and Zoning Commission has anything to do with security that is between the business owner and the people renting their facilities. Commissioner Ferch discussed a friend's storage units. Ms. Schnepf said this is the first incident that has happened at this facility. Discussion regarding security. Commissioner Gregor said that a large amount of gravel washed out on the front of the facility into the ditch. Mr. Schnepf said they worked on it and are looking at putting larger rock down so it doesn't happen. Commissioner Gregor said it will be tight in there with the easement with people pulling in and out of there spot it is going to be tight. Mr. Schnepf said it is a 33 foot wide easement for the tenants of the house to get in and out of their property. Ms. Schnepf said she has the smaller units to the front. Motion by Mack, seconded by Hennan to recommend to the Council that they approve the conditional use permit request of Dana and Kathy Schnepf to construct a 40'x200' public storage facility expanding on a legal non-conforming use. Unanimous vote. Motion carried.

C. Conditional use Request – Daniel and Melinda Thoms. Daniel & Melinda Thoms requested a conditional use permit to allow for (1) a RV to be used as a temporary dwelling during home construction; (2) flood proofing of the existing structure. The property is currently zoned residential medium density, shoreland and flood fringe. The property is described as follows: Parcel ID #: 24.663.0040; address: 103 Sakatah Blvd. Legal description: SNOWS 3RD ADDN Block-001 BEG 304 FT N & 220 FT E OF SW COR OF LOT 1, TH S 138.4 FT TO N LINE OF HWY 60 TH NE ALONG HWY 62.52 FT, TH N 100.92 FT TH W 50 FT TO BEG .14AC. Daniel and Melinda Thoms were present at the public hearing. Teresa Hill did not receive any correspondence regarding the conditional use request. Ms. Hill shared some information regarding flood proofing. If the commissioners are entertaining for them to be able to flood proof their structure one of those may not be the exact fit depending on what the soil

conditions are under it. They do need to elevate the structure so that it is above the flood zone. There are two different methods used that are approved by FEMA and there is also a crawl space method where everything is blocked in and you leave openings. Ms. Hill said if you entertain their request she would request that it would be specified as “as approved by FEMA flood proof methods”. It is more conducive for them to raise the house rather than bringing in fill because there are a lot of water issues in that area. The method they want would allow the waters to go through the bottom of the structure. The main level has to be one foot above the flood elevation. Any time a structure is 50% damaged it is required to be brought to the new standard by the City. That structure was deemed to be more than 50% damaged in the 2014 flood. Mr. David Cumiskey said that it will be a real improvement to the area. Discussion regarding the other properties by this property and how they were elevated. Mr. Thoms said that Mr. Spencer’s schedule is not open until the middle of October. They cannot get the property raised until that time. They have someone ready to do the blocking for them and he could start immediately after. They want to get in before winter comes. The trailer park that they are staying at closes in October. They plan on raising the house approximately 8 feet and will build to FEMA standards. Normal flood proofing allows for water to run through and make sure that your pressures are consistent so that it will not collapse. All your duct work and electrical would have to be above the flood elevation. Discussion regarding the use of the RV during construction. Motion by Mack, seconded by Ferch to recommend to the Council that the RV can be used as a temporary dwelling during home construction until January 1, 2018 and allow the flood proofing of the existing structure according to FEMA standards. Unanimous vote. Motion carried.

D. After the Fact Permit Fees. Ms. Hill said after the last meeting they have been finding a few more after the fact permit fees. She did some checking with Jason Moran our City Attorney and asked if we should be doing something different. He sent a sample of what Madison Lake does. Ms. Hill said she thinks we could look at entertaining a double fee on after the fact permit fees. This would be for variances and zoning permits. Ms. Hill would like the Planning and Zoning Commissioners to consider the after the fact permit fees. Mr. Mack asked if most of the after the fact permit fees are because people don’t realize they have to get a permit. Ms. Hill said more often it is the person who didn’t realize they needed a permit. Most of those are on fences, storage sheds and decks. Ms. Hill said if she has worked with a person and they still go about the process of doing what they are not supposed to then that ends up in the hands of the City Attorney. Ms. Hill said she brought this up as a discussion item. Motion by Mack, seconded by Ferch to table the after the fact permit fees to the next meeting. Unanimous vote. Motion carried.

E. Planning Commission Training. Ms. Hill said that the City of Montgomery has arranged for some land use training September 28th which she thinks would be very beneficial. She would like to know who would be able to attend. Contact Ms. Hill the next few days so she can get you registered if you plan to attend.

F. Fence Ordinance update. Ms. Hill said the Council approved the 1st reading on the fence ordinance with the three foot setback. They will be doing their public hearing on September 5th. Due to new law change it probably will not go into effect until October. With the new ordinance change cities are required to post on their website ten days a final version of the ordinance.

4. Adjourn. Motion by Gregor, seconded by Mack to adjourn. Unanimous vote. Meeting adjourned 7:55 p.m.

Donald Jacobsen, Chairperson

Teresa Hill, Administrator/Clerk