

## PLANNING AND ZONING COMMISSION

**February 19, 2025**

**6:30 P.M.**

There was a meeting of the Waterville Planning and Zoning Commission held in the Council Chambers at 6:30 p.m. on February 19, 2025.

Present: Chairperson Howard Mack, Commissioners Brad Ferch, Bernie Akemann, Rick Gregor and Phil Langerud

Absent: None

Also Present: Administrator/Clerk Teresa Hill, home owners Sue Mariska, Sandy Labs, Mark Hawthorne and Travis Perry.

### **Call to Order**

Chairperson Howard Mack called the meeting to order at 6:30 p.m.

### **Approval of Minutes**

Motion by Gregor, Seconded by Akemann to approve the meeting minutes from October 21, 2024. Motion Carried 5-0.

### **Request for Zoning Change Petition-Sue Mariska**

Sue Mariska, 450 Cedar Circle, has provided a signed petition from all the residents on Cedar Circle as well as two property owners at the edge of Cedar Circle to request a zoning change from R2, multi-family residence, to R1, single-family residence. That area of town has been single home residential for 45 years and they want to keep it that way. They don't feel their neighborhood is the right neighborhood for a multi-family residence because of the established single family homes that have been there for many years. Commissioner Akemann questioned how many vacant lots there are currently on the circle. Mariska replied there are four. Chairperson Mack asked Administrator Hill if there are any areas in town that are strictly R1. She replied that there are a couple. She also stated that the difference between R1 and R2 is that R2 allows for multi-families of four units or less. There will still be the option of a conditional use permit for a multi-family home and also for a PUD (Planned Unit Development) structure if it were changed to an R1. Sandy Labs, 236 Buchannon Street, approached the commission. When Mr. Mooney bought the adjacent property, a survey showed part of his property was on, what she believed to be, her property. The Lab family has been maintaining that small portion of property since the 1940's. At one point the river had been dug up and straightened. That small portion of land used to be river. Mark Hawthorne, 453 Cedar Circle, offered to show the commission a picture of what they were talking about. The DNR stated the property next to his is protected wetlands. Administrator Hill mentioned that for anyone planning on building on the property, our ordinance calls for environmental studies, which was never brought up when the property owner was inquiring about building a PUD structure on the property. Commissioner Akemann said he is in favor of the zoning changing to an R1. Chairperson Mack would like to know what an estimate of cost would be to make that change and would it be beneficial enough. He agrees it should stay as single family in that area but he doesn't know if it is worth the expense to make that change. Chairperson Mack would like to table this discussion until Attorney Moran can look into it. Commissioner Gregor made a motion to table the request for the zoning change petition from R2 to R1, seconded by Ferch. Motion carries 5-0.

### **Request for Ordinance Amendment to Allow For Home Based Micro Cannabis Business-Travis Perry**

Travis Perry, 529 Mallory Street North, would like to ask the city to allow the operation of a small home based micro cannabis business in a residential area with a conditional permit such as allowing a retail license without the direct sales from the home. He would not sell the product from his home. He would sell to either a medical dispensary or a licensed dispensary or shop. Chairperson Mack asked how many plants he would be allowed to grow. The state looks at square footage of the building that would be growing the cannabis and he would be allowed approximately fifty plants for his location. Administrator Hill stated Mr. Perry is asking for an ordinance amendment to allow for a micro cannabis business to be expanded to include residential. Mr. Perry stated that even if he is approved from the city, he still needs to get approval from the state. Administrator Hill said part of the state procedure is they verify if the city is zoned for that production. Administrator Hill wanted to clarify that he is requesting a Permitted

Use and not a Conditional Use Permit. Conditional Use is not necessarily a Permitted Use. He's asking for the city to allow him to run his micro business as defined under the state just not allowing for retail to sell out of the house. His ultimate goal is to make a good product that can actually help people. Commissioner Akemann asked if there would be any revenue coming back to the city. Administrator Hill is not completely sure if any money would go directly to the city. She would have to do more research because it has changed a few different times. Chairperson Mack would like to get a little more information before changing the zoning to allow for this micro business to be in a residential area. Administrator Hill stated it would be an ordinance change. Commissioner Ferch asked if there could be change to limit the number of businesses in a residential area. Either way, there would need to be a zoning amendment. An approved Conditional Use Permit stays with the property. If he were to sell his property, could the city make it so that the CUP would no longer exist? The next owner would have to apply for a license. If a CUP isn't used for a year, it loses its conditional use. Ferch made a motion to table this until more information is available from the city attorney, Jason Moran. Akemann seconded. Motion carried 5-0.

#### **Commission Discussion**

Administrator Hill asked what time they would like to have future meetings. They all agreed on 6:30. There was no other discussion.

#### **Adjourn**

**Motion by** Ferch, **Seconded by** Akemann to Adjourn. Motion Carried 5-0. Meeting adjourned at 6:48 p.m.

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Howard Mack, Chairperson

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Teresa Hill, Administrator-Clerk.