

## PLANNING AND ZONING COMMISSION

**March 17, 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 March 17, 2025.

Present: Chairperson Howard Mack, Commissioners Bernie Akemann and Phil Langerud

Absent: Commissioners Brad Ferch and Richard Gregor

Also Present: Administrator/Clerk Teresa Hill, City Attorney Jason Moran, 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 Akemann, Seconded by Langerud to approve the meeting minutes from February 19, 2025. Motion Carried 3-0.

### **Old Business**

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

Requesting to rezone Cedar Circle from R2 to R1. The shoreland overlay would allow an applicant to apply for a PUD (Planned Unit Development). Also in question from the previous meeting was the approximate cost for the ordinance change. Moran reiterated the location currently allows for a CUP (Conditional Use Permit) for four units. Going from an R2 to R1, R1 is more stringent in what can be built. If a developer wants to build in a shoreland zone, they have the option of applying for a PUD, which is like bending the zoning rules, not breaking them. Whether it's zoned as an R1 or R2, anyone can still apply for a PUD. It is processed like a CUP. A PUD is not a given. It still requires a public hearing and neighborhood input. If the zone would change to an R1, it would not necessarily eliminate multi housing development. The ordinance change can cost anywhere from \$1,000 to \$1,500. An R1 can't guarantee it will eliminate building a 4-plex. Four or less units is permitted use in an R2. Matt Hawthorne, 453 Cedar Circle, said the DNR informed him that part of his property was in the wetlands. He was not allowed to fill in any dirt or cut the grass or trees beyond a certain line. Langerud wanted to know how much land was needed to build a 4 unit building. Moran replied the dimensional standards would be 12,000 square feet per lot for an R1 up to 2 dwellings. R2 dimensions is 15,000 square feet for 4 dwellings. Single family is 10,000 square feet. Sue Mariska, 450 Cedar Circle, doesn't want a bunch of 3 to 4 unit buildings in their neighborhood. Moran stated an R1 zone change would help but would not guarantee that a 4-plex could not be built. Ms. Mariska asked if they could make a change to not allow a PUD? Moran replied no, that can't be requested because it would be illegal. Sandy Labs, 236 Buchannon, said that her neighbor was told by Mr. Mooney that he was planning on building 6-plexes on both properties. Akemann wanted to know who would cover the expense for the zoning change? Moran said it's not unheard of for the homeowners requesting the change to cover the cost. If someone were to apply for a PUD, there are a lot of different studies they have to go through before they would be granted a PUD. Langerud wondered if the area stayed an R2, would someone wanting to build need permission from planning and zoning or city council to build a duplex? Hill said they would not need permission. However, anything above four units would need to apply for a CUP. Motion by Mack, Seconded by Akemann to accept the request to change the zoning from R2 to R1 with the cost being split 50/50 between the petitioners and the city. This is a recommendation to the city council only. All approved, motion carries 3-0.

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

Travis Perry, 529 Mallory Street North, is requesting to amend the zoning for a home based micro cannabis business in the residential district. Moran said it could be a big risk and could set a precedence for manufacturing in a residential area if this were permitted. It could open it up for many others wanting to do the same. We do have an industrial zone in town for businesses like this but not in the residential area. Fear of smell, noise, traffic, water, crime knowing what's growing inside the house. Growing the plants in a garage could have potential security issues. Akemann mentioned that, as a business man himself, if we let this happen, he fears it would

bring more headaches down the road. There is plenty of industrial land in town. Mr. Perry mentioned that he can grow 16 plants for up to 6 other people and he wouldn't need a license for that. Moran said he could do a CUP with reasonable conditions and if anything was in violation, his CUP could be revoked. But he also said it could be a long process to revoke a CUP. Moran worried that this could open up to people wanting to make gun powder or fireworks in residential areas. Can the council make it a conditional use permit? Moran said yes but should they, no. Motion made by Akemann, Seconded by Mack to deny the request of changing the zoning and not to allow it as a use as a conditional use permit. All approve 3-0.

### **Commission Discussion**

There was no other discussion.

### **Adjourn**

**Motion by Akemann, Seconded by Langerud to Adjourn.** Motion Carried 3-0. Meeting adjourned at 7:10 p.m.

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Howard Mack, Chairperson

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Teresa Hill, Administrator-Clerk.