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City of Ashland, Wisconsin
601 Main Street West Ashland, WI 54806 www.coawi.org

PLAN COMMISSION MEETING AGENDA

December 20th, 2022 at 6:30PM at the City Hall Council Chamber and via Go To Meetings

The meeting can be joined in person or by using a computer, smartphone or tablet at <https://meet.goto.com/197240725>. The meeting can also be joined by phone at 1 877 309 2073 using Access Code: 197-240-725

AGENDA

1. Call to Order and Roll Call
2. Approval of the Agenda
3. Introduction of New Employee – Steven Wiley, Planning and Development Director
4. Consent Agenda
 - a. Approval of minutes from the September 20th, 2022 & October 18th, 2022 Plan Commission meeting
5. Public Comment (non-agenda items)
6. Action Items:
 - a. Railroad right-of-way purchasing procedure with citizen initiated requests – Discussion/Action if necessary
7. Announcement/Reports/Comments/Questions
8. Adjournment

Workshop

Potential commercial development and chicken processing facility, at 306 Binsfield Rd. (parcel #210-04965-0200), zoned Future Development (F-D) with Wetland Overlay (WET-O) and 2700 Farm Rd. (parcel #201-04943-0200), zoned Planned Residential/Institutional (PRI).

It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice. The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities. NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact the Planning & Zoning Dept. at (715) 682-7041.



City of Ashland – Plan Commission Meeting Minutes

A meeting of the Ashland Plan Commission was held on **Tuesday, September 20th, 2022 at 6:30 p.m.** via GoToMeeting.

Committee Members Present: David Mettillie, Mayor MacKenzie, John Beirl, Ana Tochterman

Committee Members Absent: Jeff Beirl (excused) and JoAnn Erickson (excused)

Staff Present: Brea Grace, Mandelyn Lyons

Mayor MacKenzie opened the meeting at 6:32 p.m.

Agenda

1) Approval of Agenda

Motion to approve the agenda by John Beirl, seconded by Laurie Gregor.
Passed unanimously.

2) Consent Agenda

a) Approval of minutes from the August 15, 2022 Plan Commission meeting

Motion to approve the minutes from the August 15, 2022 Plan Commission meeting by John Beirl, seconded by Ana Tochterman. Passed unanimously.

3) Public Comment (non-agenda items)

None.

4) Action Items

- a) Public Hearing and vote on a request for a Conditional Use Permit (CUP) to operate two short term vacation rentals at 309 Main St. E, parcel #201-01340-0000, zoned City Center (CC).
Applicant: Anna Morley & Scott Johnson

Brea Grace summarized the applicant's request for the two vacation units, or short stay lodging establishments, and the criteria that staff used to evaluate the CUP. Brea explained that the Planning Department recommends approval of the proposed CUP.

Mandelyn Lyons explained the Class 2 public hearing notice and neighbor letters that were sent out prior to the meeting.

A motion to go into the public hearing by John Beirl, seconded by Laurie Gregor.

Eric Lindell of 204 ½ Main St. commented that he appreciates the investment in the community, but urges the Commission to consider how Air Bnb's effect the local housing market. He mentioned that the Commission will soon review a Short Term Rental Ordinance.

Anna Morley & Scott Johnson introduced themselves as the property owners of 309 Main St. E and the applicants for the proposed Conditional Use Permit. Anna explained her connection to the area and her wish to own property in Ashland to bring her kids to, which is the reasoning for a short term rental. She explained that the intent is for families and couples to stay in the rentals.

A motion to go out of Public Hearing by John Beirl, seconded by Laurie Gregor. Passed unanimously.

John Beirl asked if the applicants would have to modify or apply for a second CUP if they were going to add more short term rentals to the first floor.

Brea answered that the applicants would have to have another public hearing to modify their CUP if they chose to put rentals on the first floor.

Ana Tochterman asked where the proposed additional parking spaces would be.

Brea answered that there is a green compacted space behind the building where the parking spaces would go.

Scott & Anna commented that their building is shorter, leaving more room in the back for parking.

Ana followed up on her previous question asking if that space will be paved.

Brea answered yes, it would be paved.

Brea explained that staff is working on a licensing program for Short Term Rentals.

John asked when this licensing is likely to take effect.

Brea answered that the goal is to have something in place by next summer.

Mayor MacKenzie reviewed the conditions recommended by staff.

The proposed CUP was passed unanimously by the Planning Commission with the following conditions:

- 1) Applicant shall provide one off-street parking space per room offered for occupancy.*
- 2) Applicant shall pave all off-street parking spaces.*
- 3) Short term rental units shall not be occupied by the same renters for more than 10 consecutive days.*
- 4) A 24/7 contact for the property shall be within 30 miles of the property in case of emergency while the unit(s) are being rented for short-term stays.*

Motion for approval of the Conditional Use Permit with conditions by John Beirl, seconded by Laurie Gregor. Passed unanimously.

a) Review and recommendation of proposal for redevelopment of the Beaser/Roffer's site, City-owned parcel #201-00356-0000

Mandelyn summarized the Request for Proposals for the Beaser/Roffer's site, explained the process for the development, and explained that the Planning Commission is only voting to take this proposal to City Council tonight. She commented that Scott Bretting, who wrote the proposal, is there to answer any questions the Commission has.

John stated that he is familiar with this proposal and asked to abstain from the vote due to a conflict of interest.

Mayor MacKenzie explained the proposal details to the Commission.

Scott Bretting explained his proposal and different kinds of housing that would be located on the property including efficiency apartments, apartment complexes, and single family homes. He commented that each housing unit will have a garage. This proposal would be housing for people to stay for 30 days or more.

The Mayor did mention that this is the only proposal that we received in the RFP process.

Brea commented that this is appropriate zoning wise, and if the Planning Commission recommends this proposal there is more work to be done with development agreements, site plan review, and potentially Conditional Use Permits.

They Mayor did explain that this proposal was supposed to be approved by the Housing Committee as well, however that meeting did not make quorum.

John asked for confirmation that this is the only proposal that we received. He also commented that while he will abstain, this project does have the financial backing that was not provided in prior RFP processes. He said that he is in favor of this project.

David Mettill commented that this is an exciting plan to see for land that has been empty for ten years. David asked if there is a plan in place for the land that will be vacated once the homes are moved to the Beaser Site.

Mayor MacKenzie answered that there are plans for the land that will be vacated.

Brea commented that if the homes will be moved they are required to file for moving/demolition permits, these permits will require that utilities are capped and other protective measures are taken to make sure that the land will not be abandoned or left in worse shape.

Mandelyn asked Mr. Bretting what would happen if any buildings were to be damaged during the move from the Lake Shore Dr. property to the Beaser site. If a home was not able to make it would he construct something to replace it.

Scott Bretting answered that the contractors he has looked into for the job are insured and move buildings far larger than the homes they move. If a home was damaged that decision would occur then.

Ana Tochtermann commented that this proposal checks a lot of boxes but not all, however she is in support of this plan. She then asked if the parking could be on the interior of the project area so that it blends in to the existing neighborhood.

The Mayor commented that he is in support of this project.

Motion to recommend approval of the proposal to Common Council by Laurie Gregor, seconded by Ana Tochtermann. Passed. John Beirl abstained.

5) Announcements/Reports/Comments/Questions

The Mayor reported on the concerns regarding the cleared hill behind Lakeview Dental. He stated that there are shoreline zoning requirements that must be followed, however this property is not directly on the shore so those requirements are not applicable.

John thanked the Mayor for looking into that, however he is still concerned about erosion control along those slopes and recommends that the City should take actions.

Mandelyn commented that the dental office did submit a landscaping plan and that there could be vegetation planned for that slope. It has not yet been reviewed.

The Mayor asked if John would like to see an ordinance drafted which would include more extensive monitoring of erosion.

John said that overall he would like to see an ordinance however he is concerned about the availability of an expert in this field.

Brea commented that there is already existing language within the UDO that dictates when an engineer needs to be involved with erosion control on slopes for stabilization.

John commented that there was no mention on clearing that hill when the Site Plan originally came through Planning Commission.

Brea said that staff will follow-up on this matter.

Mayor MacKenzie told the Commission that we will potentially be looking into the noise ordinance.

Mayor MacKenzie reported that final interviews for a Planning Director are taking place.

Mandelyn reported that the Superior View Cottages have received their building permit. The Mayor said that the restaurant is currently surveying their section of the property.

6) Adjournment

Motion to adjourn by John Beirl. Seconded by Mayor MacKenzie. Passed unanimously.
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Meeting was adjourned at 7:27 pm. Minutes done by Mandelyn Lyons.



City of Ashland – Plan Commission Meeting Minutes

A meeting of the Ashland Plan Commission was held on **Tuesday, October 18th, 2022 at 6:30 p.m.** via GoToMeeting.

Committee Members Present: Mayor MacKenzie, John Beirl, Ana Tochterman, Jeff Beirl, Laurie Gregor, and JoAnn Erickson

Committee Members Absent: David Mettillie

Staff Present: Brea Grace, Mandelyn Lyons, Mike VanGilder (SEH)

John Beirl opened the meeting at 6:30 p.m.

Agenda

1) Approval of Agenda

Motion to approve the agenda by Laurie Gregor, seconded by Jeff Beirl.
Passed unanimously.

2) Consent Agenda

a) Approval of minutes from the September 20, 2022 Plan Commission meeting

Tabled until the next meeting.

3) Public Comment (non-agenda items)

None.

4) Action Items

a) Request to Amend and approve the Site Plan and landscaping plan for Lakeview Dental at 615 Lake Shore Dr. W, parcel #201-00711-0000. Applicant: Lakeview Dental

Brea Grace and Mandelyn Lyons provided background regarding the three requests asked by the applicant including review and approval of the landscaping plan, review of potential erosion control requirements for the northern hillside, and review of the requirement to restore the right-of-way with grass rather than bricks.

Brea reviewed the original condition that required the applicant to restore the closed off driveways to be reconstructed using brick pavers to match the surrounding areas. She summarized a memo provided by Public Works that supports the pavers over grass.

Mandelyn summarized the landscaping plan along with staff recommended conditions.

Brea summarized the existing conditions on the hillside and staff recommendations regarding potential erosion control and monitoring.

Dawn Klobucher, representing Lakeview Dental, and Brad Allen, representing Keller Construction, the contractor for the project, summarized the improvements made to the site already. They stated that restoring the right-of-way with grass was approved by the Building Inspector via email and this conflicts with what Public Works is requiring.

Brad commented that grass would look better than the brick pavers and would be pervious compared to the bricks. He also stated that there are safety concerns, as patients have been going over the curb and are unable to distinguish where the driveway is.

Dawn commented that she struggled to find a company that would do a landscaping plan for the project and asked that other developments in the future are held to the same standards as the dental office.

Discussion of the driveway restoration continued, and there were a question on who has the final decision making power for projects in the ROW. Commission members stated that they would like the restoration of the driveways to be reviewed by Public Works alongside the applicants.

Motion for approval with conditions recommended by staff and recommendation for Public Works to review the grass vs. pavers restoration by Jeff Beirl, seconded by Laurie Gregor. Passed 5 to 1.
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5) Announcements/Reports/Comments/Questions

- a) Review and discuss the role of the Plan Commission regarding rezoning, stormwater management (post-construction) and erosion control.

Brea Grace & Mike VanGilder presented to the Planning Commission and answered questions from the commission regarding presentation topics.

6) Adjournment

Motion to adjourn by Jeff Beirl. Seconded by Laurie Gregor. Passed unanimously.

Meeting was adjourned at 8:19 pm. Minutes done by Mandelyn Lyons.

**CITY OF ASHLAND, WISCONSIN
SALE OF ABANDONED RAILROAD RIGHT OF WAY POLICY**

(Dated: December __, 2022)

1.0 Purpose

The purpose of this Policy is to assure a fair and uniform manner in which the City can determine the best use for parcels of abandoned railroad right of ways (“ROW”) owned by the City. This Policy will serve as a general guide for the City Council and City staff to determine whether any particular ROW parcel should be retained by the City or offered to sale to adjoining landowners or the general public. Further, the Policy will establish a methodology and framework to set a fair and reasonable price for any ROW that is sold, establish criteria for who may purchase said ROW parcels, and identify the appropriate size and shape of any ROW parcel sold.

2.0 ROW Property Inventory & Best Use Determination

The Department of Planning and Development will create and maintain an inventory of all City owned ROW parcels, which will follow the general procedure of § 478.02 of the City’s ordinances. The inventory of these ROW parcels will identify three main issues:

- i. Determine whether the parcels are suited for a public purpose, i.e. whether the parcels could be used for the creation of a public walking trail vs. whether the parcels are generally isolated and not contiguous to other, publicly owned land and would be better suited for private ownership.
- ii. Determine whether the parcel is large enough and accessible such that it could serve as a standalone, buildable lot without being combined with an adjoining parcel.
- iii. Identify when and how the City obtained ownership of said ROW parcel and if any title restrictions remain on the parcels.

If the City receives any requests for the purchase of ROW parcels that have not yet been inventoried for these three aspects, the Planning & Development Department will complete such inventory and include it with the recommendation to the Plan Commission pursuant to § 478.07 of the City’s ordinances.

3.0 Initiation of Sale

All sales of City owned railroad ROW parcels should be initiated by landowners upon request to the City. The City does not intend to actively market the sale of such ROW parcels. Accordingly, the general procedure of § 478.07 of the City’s ordinances will govern these transactions.

4.0 Potential Purchasers

Commented [MTL1]: This is one area where I was uncertain how we wanted to address this. If the City wants to market these properties or reach out directly to adjoining landowners, we can change this portion to say that the general procedure will follow § 478.06(c) for informal negotiations between the City and the prospective, adjoining landowner. I drafted it the way I have proposed with the thought that the City will publicize that it has this new policy in place so that individual land owners can just approach the city if they are interested in purchasing adjoining ROW parcels.

Parcels identified as being suitable as a standalone, buildable lot may sold to any interested purchaser. Any ROW parcel purchased as a standalone, buildable lot may be sold with conditions requiring development within a specified time period. Such conditions will be separately set forth in a development agreement between the purchaser and the City.

Parcels identified as being too small, remote, inaccessible or otherwise not able to be a standalone, buildable lot may only be sold to owners of adjoining parcels to be combined with said adjoining parcel(s).

5.0 Lot Size and Shape

Any ROW parcel sold by the City shall be of such a size and shape that the ROW parcel, either if it is a separate, standalone buildable lot or else when combined with the adjoining lot of the purchaser, shall create a new lot that follows the City of Ashland plated block and lot lines as closely as possible. If the creation of such size and/or shape of lot requires the use of a survey or a certified survey map, the purchaser shall bear the costs of creating such survey and recording such CSM.

Commented [MTL2]: We did not discuss this issue but I think that what I have included is reasonable to have the purchaser pay the cost of a CSM if it is required. For most parcels, a new CSM would likely not be required if it is just following existing lot/block lines and is combined with adjoining parcel to make it larger.

6.0 Sale Price

The sale price for any railroad ROW parcel shall be the same price as is contained the City's fee schedule for the sale price of vacated/discontinued City right of way.

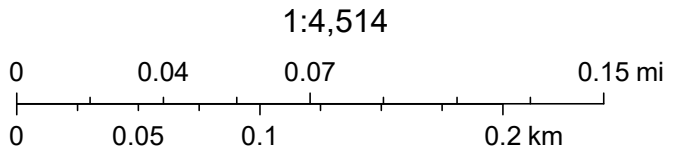
Commented [MTL3]: This is currently set at \$.25/square foot. This property is not technically vacated City right of way, so we could set any other price on it if you would like. I just thought this seemed consistent.

Full Aerial - Perez-Defoe Project



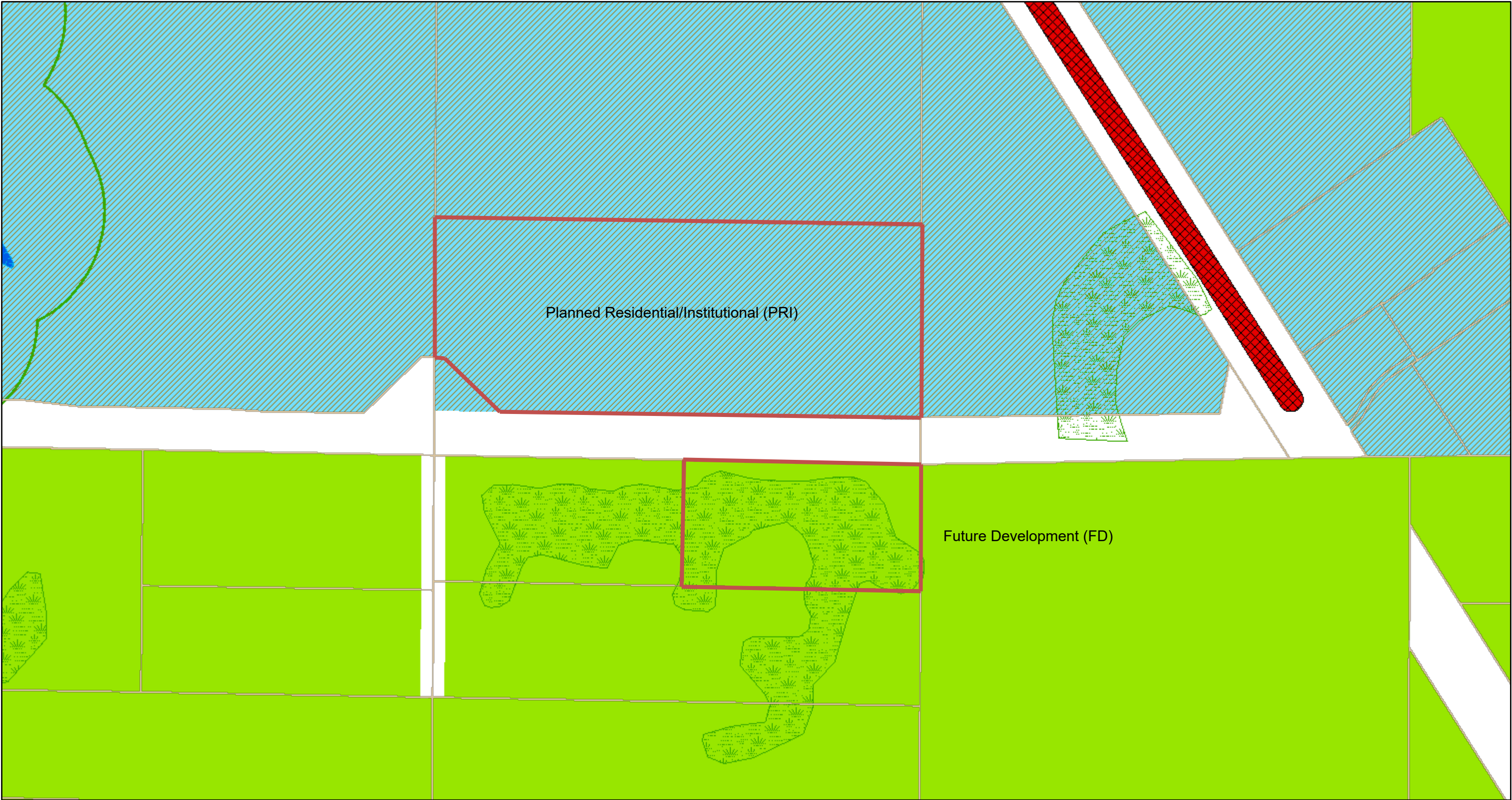
12/12/2022, 10:02:59 AM

- Override 1
- Parcel Mapping
- Parcel Labels



City of Ashland Public Works Department, GIS Division, PICTOMETRY INTL

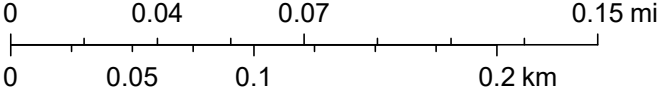
306 Binsfield & 2700 Farm Rd. Zoning Map Label



12/13/2022, 4:17:32 PM

Override 1	R-2 , Single & Two-Family Residential	NC, Neighborhood Commercial	W-SFR, Waterfront Single Family Residential	W-PI, Waterfront Public/Institutional
Parcel Mapping	R-4 , High Density Residential	RC, Regional Commercial	W-MRC, Waterfront Mixed Residential/Commercial	PI, Public/Institutional
Parcel Labels	MHC , Manufactured Home Community	CC, City Center	W-CRM, Waterfront Conference Residential Mix	PP, Public Park
Zoning	MRC , Mixed Residential/Commercial	MCI, Mixed Commercial/Industrial	W-C, Waterfront Commercial	AIR, Airport
R-E , Residential Estate	PRI , Planned Residential/Institutional	LI, Light Industrial	W-CC, Waterfront City Center	FD, Future Development
R-1 , Single Family Residential		HI, Heavy Industrial	W-I, Waterfront Industrial	ROW, Right of Way

1:4,514



City of Ashland Public Works Department, GIS Division, City of Ashland Public Works and Planning Department, PICTOMETRY INTL