



## **Planning Commission**

**Tuesday, September 19, 2023**

**City Hall Council Chambers – 601 Main St W. Ashland, WI 54806**

**6:30 PM**

Take notice that a meeting of the Planning Commission will be held in- person in the City Hall Council Chambers, with the availability to attend virtually.

To join the meeting from your computer, tablet or smartphone: <https://meet.goto.com/775025133>. Or dial in using your phone. United States (Toll Free): 1 866 899 4679 Access Code: 775-025-133

The following items will be considered:

### **1. Call to Order and Roll Call**

### **2. Approval of Agenda**

### **3. Statement of Conflict of Interest**

### **4. Consent Agenda**

- a. Approval of minutes from the August 15th, 2023 Planning Commission meeting

### **5. Public Comment (non-agenda items)**

### **6. Action Items:**

- a. Review and approval of a Site Plan for renovation of the new Opera House Condominiums at 206 & 208 3rd Ave W. Applicant: S.H. Warren LLC
- b. Review and approval of a Site Plan for renovation of the new Hudson Square Coffee at 2419 Lake Shore Dr. E – formerly the Bay View Motel. Applicant: Hudson Square LLC
- c. Public Hearing and vote on a request for a Conditional Use Permit (CUP) for a Vehicle Sales use at parcels #201-00066-3000 & #201-00066-0100. Zoned City Center with Gateway Overlay (GTWY-O) and Approx. 100 Year Flood Boundary. Applicant: Shanette Homola.
- d. Public Hearing and vote on a request for a Conditional Use Permit (CUP) for an increased sign graphic area at 319 Ellis Ave, parcel #201-01682-0000, zoned City Center (CC) with Gateway Overlay (GTWY-O). Applicant: HTG Architects

### **7. Discussion Items**

### **8. Announcements/Reports/Comments/Questions**



## **9. Adjournment**

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 City of Ashland Planning and Zoning Department at 715 -682-7041.



## **City of Ashland – Planning Commission Meeting Minutes**

A meeting of the Ashland Planning Commission was held on **Tuesday August 15<sup>th</sup>, 2023 at 6:30 P.M.** in the Ashland City Hall Council Chambers and via GoToMeeting.

**Committee Members Present:** Mayor Matt MacKenzie, Ana Tochtermann, JoAnn Erickson, David Eades, John Beirl, Jeff Beirl, and Laurie Gregor

**Committee Members Absent:**

**Staff Present:** Steven Wiley and Mandelyn Lyons

Mayor MacKenzie opened the meeting at 6:30 P.M.

### **Agenda**

#### **1. Approval of Agenda**

Motion to approve the agenda to postpone Action item 4b by John Beirl, seconded by Laurie Gregor. Passed unanimously.

#### **2. Consent Agenda**

##### **a. Approval of the minutes from the July 18, 2023 Planning Commission meeting**

Motion to approve the minutes from the June 20, 2023 Planning Commission meeting by David Eades, seconded by JoAnn Erickson. Passed unanimously.

#### **3. Public Comment (non-agenda items)**

None.

#### **4. Action Items**

- a. Public Hearing to vote on a request for a Conditional Use Permit (CUP) for a Restaurant with a Drive-Through use at 2419 Lake Shore Dr. E, parcel #201- 03307-0000, zoned Waterfront Mixed Residential/Commercial with Waterfront Overlay (W-O) and Gateway Overlay (GTWY-O). Applicant: Hudson Square LLC.

Motion to go into public hearing by JoAnn Erickson, seconded by David Eades.

The Harries at 2405 Lake Shore Dr. E commented that they are excited for the development but do have concerns about traffic impacts in the area and access to mailboxes.



Doris Traaholt of 116 N 25<sup>th</sup> Ave E commented that she is also excited for the development. She commented that she is concerned about cars being lined up along 25<sup>th</sup> Ave E waiting for the drive through and access to her property and mailbox.

Motion to go out of public hearing by Jeff Beirl, seconded by JoAnn Erickson.

Motion to recommend approval of the Conditional Use Permit request by John Beirl, seconded by JoAnn Erickson. Motion failed.

Commission members asked to address concerns that neighboring property owners had about traffic on 25<sup>th</sup> Ave E. Staff expressed that the number of cars that would be lined up on 25<sup>th</sup> Ave E is hard to anticipate and that the current drawing does not indicate how many cars would fit in the proposed drives.

David Eades commented that a 180 degree turn to get into the property off of Hwy 2 could present a safety concern to motorists and may not be the best way to enter the site. He also expressed concerns about approving the CUP without knowing that the applicants can meet standards for the site. He also expressed concerns about the provided drawing not being to scale.

Staff agreed that a to-scale drawing would be beneficial and that it would have to be provided for Site Plan Review.

Motion to postpone the CUP decision until the September 19<sup>th</sup> 2023 meeting by David Eades, motion not seconded. Motion failed.

Ana Tochtermann echoed the concerns of the neighbors and asked if there are any conditions that could be included to mitigate traffic concerns. Staff recommended a condition that would include the applicant working with Planning Staff, Public Works, and the Post Office to re-evaluate and mitigate potential issues.

Motion to amend the conditions to include a condition related to traffic mitigation by Ana Tochtermann, seconded by David Eades. Passed unanimously.

Motion to approve the Conditional Use Permit with amendments by JoAnn Erickson, seconded by Jeff Beirl. Passed unanimously. John Beirl abstained.



## **5. Announcements/Reports/Comments/Questions**

John Beirl asked for updates on several projects that were previously approved via the Planning Commission and Council. The Mayor and Steven Wiley gave updates on several projects around the City.

David Eades expressed concern about discussing items that are not on the agenda. Staff agreed to evaluate options or appropriateness of discussing items that are not on the agenda.

## **6. Adjournment**

|                                                                                   |
|-----------------------------------------------------------------------------------|
| Motion to adjourn by JoAnn Erickson, seconded by David Eades. Passed unanimously. |
|-----------------------------------------------------------------------------------|

*Meeting was adjourned at 7:47 P.M. Minutes done by Mandelyn Lyons – note there were technical difficulties and the recording did not have any audio, minutes may not be as detailed*

*Find yourself next to the water.*



*City of Ashland, Wisconsin*

601 Main Street West Ashland, WI 54806 [www.coawi.org](http://www.coawi.org)

**DEPARTMENT OF  
PLANNING &  
DEVELOPMENT**

601 Main Street West  
Ashland, WI 54806

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## STAFF REPORT

Plan Commission – September 19th, 2023

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**Agenda Item # 5a: Site Plan Review for a proposed Multi-family Use**

Zoning District: City Center (C-C) District

Property Address: 208 3<sup>rd</sup> Avenue W, 206 3<sup>rd</sup> Avenue W

Parcel #: # 201-01650-0100 (Opera House), # 201-01654-0000, # 201-01650-0000

Applicant: Scott H. Warren on behalf of S.H. Warren, LLC

Staff Contact: Steven Wiley

**Background**

Scott Warren of S.H. Warren, LLC is requesting a Conditional Use Permit to allow a multi-family use at 208 3<sup>rd</sup> Avenue W. The owners have acquired three parcels which they would combine for the proposed adaptive reuse and associated parking. The 0.110-acre (4,791.6 square foot) main subject property is zoned City Center (CC) and is located within the downtown a half block off of Main Street. It contains the former Opera House which is a contributing structure in the West 2<sup>nd</sup> Street Historic District. The Opera House was constructed in 1892 and occupies most of the parcel. The building has remained vacant for many years. The 0.018-acre (784.08 square foot) parcel immediately to the north contained a two-story commercial structure which formerly served as Eddie's Bar (now demolished). The 0.08-acre (3,484.80 square foot) parcel immediately to the south serves as an access drive. The subject properties and all immediately surrounding parcels are zoned CC. The surrounding properties consist of a mix of commercial, vacant, and parking uses.

The owners applied for a Conditional Use Permit (CUP) to allow the multi-family land use on the subject property earlier this year. The Plan Commission reviewed and voted to approve the CUP on April 25<sup>th</sup>, 2023. The Common Council voted to approve the CUP at the May 9<sup>th</sup>, 2023 Council meeting. Since the Council meeting, one of the neighboring property owners brought to staff's attention that a 16-foot wide access easement exists on the eastern 65 feet of the subject property. This access easement has existed since 1949 and allows the neighboring owner access to his property. Due to this easement the applicants applied for a variance to allow them a 0-foot accessory structure setback to shift the proposed placement of their detached garage out of the easement. The Zoning Board of Appeals reviewed the variance request at an August 21<sup>st</sup>, 2023 ZBA meeting and voted to approve the variance request. The owners and their contractors have obtained permits to do structural work and interior (no permanent exterior/façade work). Due to the amount of site disturbance proposed Site Plan Review was a condition of the CUP approval and is now required.



building. The two-story former Eddie's Bar structure adjacent to the Opera House was demolished and will be replaced with a two-car garage associated with the condominium units. A detached two-car garage and dumpster enclosure will be constructed on the southern parcel. The variance granted on August 21<sup>st</sup>, 2023 is for this detached garage. An access drive and surface parking will run along the southern portion of the property. For multi-family structures ordinance requires 1 parking space per 1-bedroom unit and 2 parking spaces per two-bedroom unit. The site plan shows 4 garage parking spaces and room for at least 2 surface spaces which would meet the parking requirement (see table below). A 3-foot setback is proposed between the access drive and south property line. A 0-foot setback is planned between the detached garage and the south property line. Ordinance allows the Plan Commission to grant the 3-foot setback for paved area and staff does not have concerns with the 3-foot setback proposed. Currently no setback is shown between the north edge of the access drive and property line. A gravel access drive currently runs between the subject properties and adjacent parcels. Staff would recommend as a condition of approval that any pavement not cross the property line.

Planning staff spoke with Public Works regarding the proposed garage that would take the place of the Eddie's Bar structure. Staff wanted to address potential conflicts that could arise between pedestrians and vehicles entering and exiting the garage across the sidewalk. Public Works does not have concerns with the garage entrance as proposed provided an appropriate sign or warning device for pedestrians is included as part of the project. As a condition of CUP approval the applicants were required to submit to Public Works designs for a sign or warning device for pedestrians at the garage entrance proposed off of 3<sup>rd</sup> Avenue West. The applicants would submit this to Public Works as part of the Site Plan Review process prior to work commencing. In the revised plan set, the applicants show a flashing exterior light that would be located above the garage doors of the attached garage. This light would be interlocked with the garage door operators and flash to alert pedestrians when the doors are opening. Planning staff submitted this design to Public Works for review and comment. Public Works is fine with the warning light but has indicated that they may want mirrors as well. Staff will work through this with the applicant and recommends as a condition that the applicant make revisions if needed.

| 208 3rd Avenue W/206 3rd Avenue W - Parking |                                                                                                               |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Parking Required                            | 1 space per 1-bedroom unit, 2 spaces per 2-bedroom unit - 2 one-bedroom units, 2 two-bedroom units = 6 spaces |
| Parking Proposed                            | 4 enclosed spaces, 2 surface spaces - 6 spaces                                                                |



### **Building Elevations**

To staff's knowledge, the north and south exterior facades will remain the same as the existing. The applicants have not submitted drawings for new window openings. Based on discussions with the applicants previously staff's understanding was that the front (3<sup>rd</sup> Avenue W) façade would remain the same. No façade drawings were submitted prior to September 2023 showing changes to the front façade. In September 2023 the applicants' architect submitted a revised plan set showing changes to the front façade. Staff visited the site and confirmed that these changes were already in progress. Staff

issued a Stop Work order for any permanent exterior work on Friday, September 8, 2023 and explained to the applicants that the two permits issued did not include exterior façade work. The applicants requested permission to seal the building against rain over the weekend of September 9<sup>th</sup> and 10<sup>th</sup> and permission was granted to do so but not for permanent façade work. The changes made to the front façade so far included the removal of the previous ground floor window openings including the transoms. The applicant has installed modern windows on the ground floor. Staff has significant concerns with this work which arguably is not in keeping with the historic character of the building and will compromise its historic integrity due to the use of punched window openings and modern lap siding in place of previous storefront. Additionally, the applicants plan to remove the Opera House sign located on the left side of the front façade. It appears from the drawings submitted that they will move the sign to the recess in the center of the façade. This recess does not appear to be as wide as the opening where the sign is currently located so it is unclear whether the applicants will modify the sign or install a new sign. The applicants would replace two existing 2<sup>nd</sup> floor windows with doors and install balconies on the 2<sup>nd</sup> floor. Staff's main concerns are with the work done and proposed on the ground floor.



1 Existing Building Facade



2 New Building Facade



2 South Exterior Building Elevation



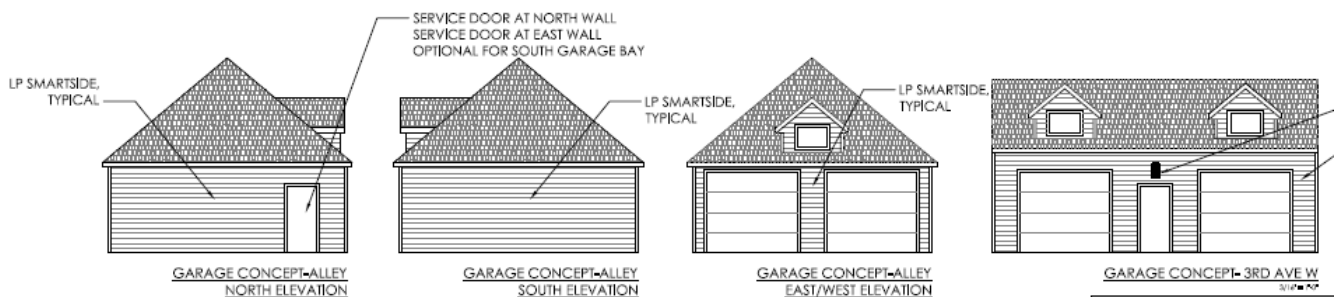
3 East Exterior Building Elevation

Above are the elevations of the Opera House Building. The upper left elevation shows the previous front façade. The upper right shows the proposed configuration of the front façade. Note the significant change to the ground floor and proposed balconies. The windows are already installed. Staff issued a Stop Work order for this work pending Plan Commission review. The lower left shows the south façade. The lower right shows proposed metal paneling on the east façade.



Above are images submitted by the architect showing buildings with the type of metal paneling proposed for the east façade of the Opera House.

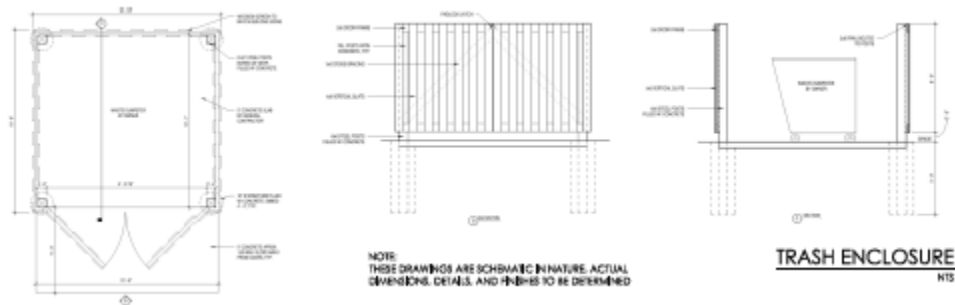
The applicants removed the previous lean-to structure from the east façade as proposed originally. They have since submitted an elevation for the east façade. They proposed metal paneling for this elevation and cited the logistics of installation along with the use of a similar material on some nearby buildings. Staff has informed the applicants that current ordinances prohibit the use of ribbed metal paneling and staff has concerns with the material and façade as proposed. For surrounding buildings paneling may predate the current ordinances or not have received proper approvals. The applicants were asked to explore alternative materials such as lap siding or stucco. Staff recommends as a condition of approval that the applicants submit a revised elevation for the east elevation of the Opera House showing a code-compliant material.



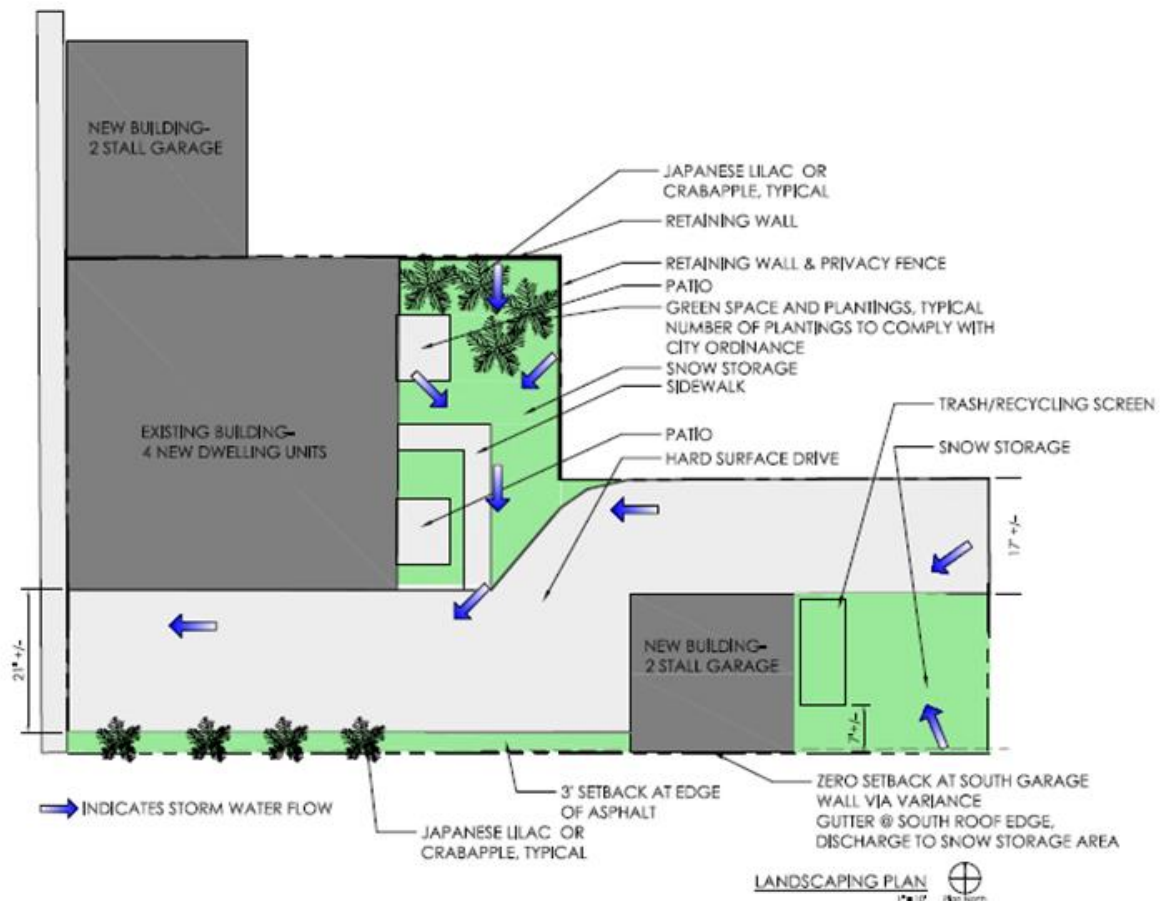
Above are elevations for the proposed detached garage (three elevations to the left). The elevation on the right shows the proposed attached garage. Staff has had additional conversations with staff about

the proposed detached and attached garages. Both will be two-car garages and the applicants propose LP Smart Side for both. Staff understands the applicants' desire to use a shed roof rather than a gable for the attached garage to allow for water drainage. Staff does not have concerns with the siding proposed for the detached garage. The Plan Commission can make a determination on whether the siding proposed is appropriate for the attached garage. The proposed design for the dumpster enclosure does not appear to have changed since the CUP submittal. Staff does not have concerns with the dumpster enclosure proposed.

*Below are the dumpster enclosure plan, elevation, and section.*



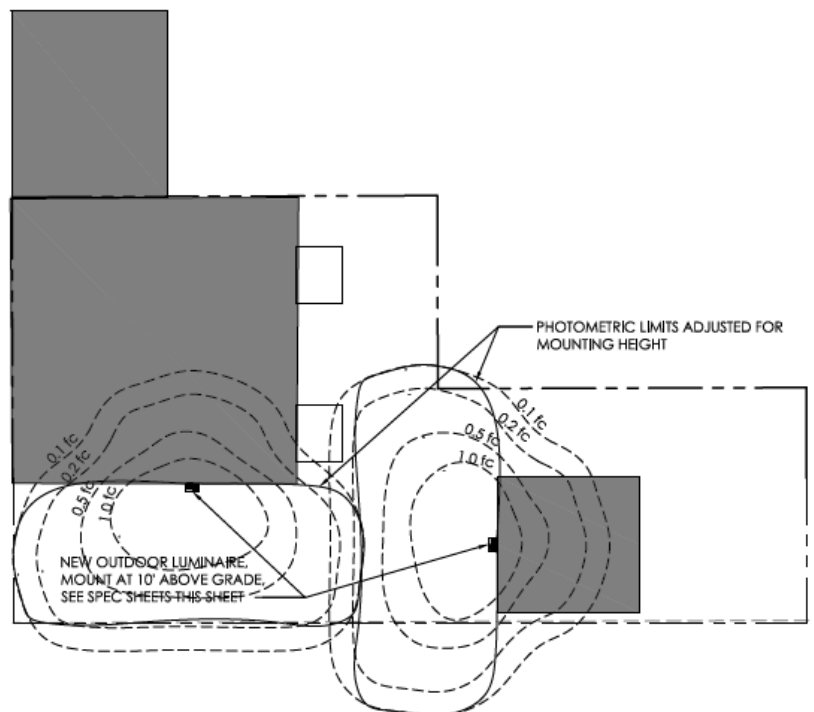
## Landscaping



*Above is the proposed landscaping plan which also lists the species and shows the proposed direction of stormwater flow.*

The applicants propose some green space along the southern portion of the combined site and at the rear (to the immediate east) of the Opera House building. The City Center district includes compact, dense development with zero setback situations. Therefore, the ordinance allows some flexibility with the planting requirements. Typically, ordinance does not require additional landscaping for a structure where only a change of use is requested. For accessory structures ordinance does require one (1) tree and two (2) shrubs for every two thousand (2,000) square feet of land disturbance. Currently the landscaping plan shows 8 plantings and staff is supportive of the plan as submitted unless the Plan Commission would like to see a different mix of trees and shrubs.

### **Lighting**



The applicants have submitted a photometric plan as part of their plan set (above). The lighting plan shows on-building wall packs and appears to meet the maximum allowable light trespass of 0.5 footcandles at the property lines. Unless the applicants propose more than three (3) surface parking spaces on-site staff does not have concerns with the lighting plan as proposed. If more than 3 parking stalls are proposed staff would recommend as a condition of approval that the applicants submit a revised lighting plan for staff and Plan Commission review showing that the minimum light levels and uniformity level are met as part of the Site Plan Review process.

### **Snow Storage and Stormwater Management**

The applicants show an area for snow storage on their site plan behind (east of) the proposed dumpster enclosure. According to discussions with the applicants some neighboring property owners have used the southern portion of the property for snow storage. The applicants and neighbors will have to address snow storage and unless there are formal agreements the applicants do not have an obligation to accommodate snow from neighboring properties. Many of the concerns raised by neighboring property owners were about stormwater runoff particularly since the lean-to structure was removed. Staff met with Greg "Curly" Ledin of Public Works and the Tom Trudeau onsite on September 11<sup>th</sup>, 2023. The applicants asked about running a leader through the curb for water drainage to handle stormwater drainage. Public Works would rather the applicants tie into the storm sewer to

avoid ice buildup along the curb and water/ice backups to the roof of the building during the winter. The applicants have a few options to tie into the storm sewer, and will need to obtain the appropriate approvals and right-of-way permits from Public Works prior to doing stormwater work. The applicants plan to create a berm on the northern edge of their property behind the Opera House building and discussed this with Public Works along with having water from the pavement onsite sheet flow down to the curb. The applicants have not decided which route they will go to address stormwater but staff recommends as a condition of approval that the applicants finalize their stormwater plans with Public Works and obtain all required approvals and right-of-way permits from Public Works prior to doing any stormwater work. Staff also recommends a condition that the applicant's incorporate stormwater measures to not allow any runoff onto neighboring properties.

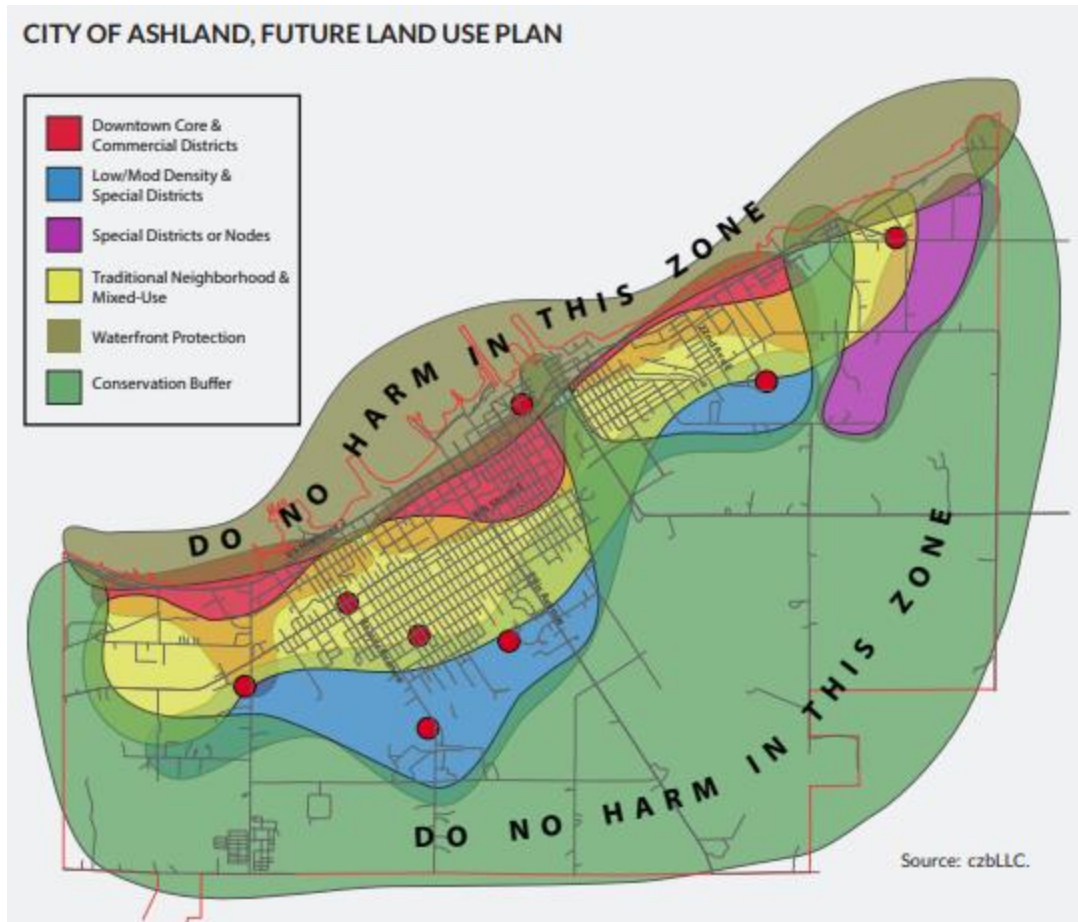
### **Standards for Conditional Use Review**

The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

#### **1. Consistency with Comprehensive Plan.**

The proposed adaptive reuse for multi-family at 208 3<sup>rd</sup> Avenue W is in conformance with the Future Land Use Map, and it supports the principles and goals of the Comprehensive Plan. The site is classified in the Future Land Use Map as Downtown Core and Commercial Districts. The plan encourages increased residential construction. The plan states:

*The City's downtown area must shrink in size; the current downtown/main street area is a mile long and the east side continues to experience significant vacancies. The west side maintains significant activity and many historic buildings. This area, between 9th Avenue West and Ellis Avenue, is the heart of Ashland...economically, socially, and historically. The City and private investors must do everything possible to protect and enhance this area. Economic incentives, public private partnerships, increased residential construction, an expanded West Second Street Historic District, etc. should be utilized to further revitalize the downtown. The City should strongly consider creating a new tax increment financing district (TID-10). The east side will be better served as a higher density residential district with neighborhood commercial opportunities. (Authentic Ashland, pg. 54)*



For the Downtown Core & Commercial Districts the plan states:

*While a variety of commercial uses make up the majority of these districts, these areas should increasingly be populated by mixed use development. Residential development and/or offices on the upper floors of retail establishments are encouraged within these districts. Residential development is, and should be, designed at higher densities in these areas. Buildings should front the rights-of-way and begin to move away from the post-WW2 development pattern that situated buildings behind large expanses of parking lots. (Authentic Ashland, pg. 57)*

The proposed use is a multi-family, dense residential adaptive reuse of an existing historic building. The reuse and occupancy of the building would provide four high quality new housing units downtown, and revitalize a dilapidated historic building. The adaptive reuse project is preserving a significant structure and historic resource in the West 2<sup>nd</sup> Street Historic District. Though the proposed use is entirely residential rather than mixed use, it is not directly on Main Street and is a high-density development so staff is of the opinion that it is inline with the plan goals for the Downtown Core and Commercial Districts.

The Comprehensive Plan also outlines the need to preserve the City's historic buildings in the following text:

*The City should continue to be diligent in protecting these remaining buildings, but it is equally as important for the City to promote architecture and development that is sensitive to the historic character of the area. (Authentic Ashland, pg. 46).*

The adaptive reuse of the Opera House, the proposed improvements to the site, including the paving and landscaping, will help revitalize a vacant site while maintaining some historic character of the site. Staff does have concerns with the work done on the ground level of the 3<sup>rd</sup> Avenue West façade and metal paneling proposed for the east façade of the Opera House.

**2. Compatibility.**

The proposed use is compatible with the site and surrounding areas. The surrounding uses are primarily commercial or mixed use. Surrounding uses in the area include various retail establishments, the Ashland Historical Museum, personal and professional services, and the Ashland County Courthouse.

The applicants plan to utilize existing infrastructure on the site and are willing to work with this existing nonconforming parcel.

**3. Importance of Services to the Community.**

The applicants are local developers and will provide additional high-quality housing to the community at a site that has remained vacant for over ten years. The lack of high quality affordable and market rate housing options is a challenge for the community of Ashland. The reuse of this site as a housing development enables re-use of an existing historic asset that may otherwise remain vacant or be demolished.

**4. Neighborhood Protections.**

Given the proposed use's compatibility with the surrounding uses and the past use as an opera house and liquor store, the proposed use is not anticipated to have any negative impacts on the area. Traffic activity is unlikely to change significantly as the site is a half-block off of Main Street, which already has high traffic volumes. The applicants have included landscaping in their preliminary site plan drawings and the planning department and Plan Commission can work with the applicants regarding the final landscaping and lighting plans.

**5. Conformance with Other Requirements:**

The development must conform to all other applicable City code requirements, including (but not limited to):

- a. Local and state building code requirements to ensure the property meets code standards for the proposed use prior to issuance of an Occupancy Permit.

**Review Recommendation**

Staff recommends APPROVAL of the Conditional Use Permit contingent on the following conditions:

- The applicant shall be required to submit updated plans to the City for review and approval if work will deviate from the plans provided. Additional staff and Plan Commission reviews will be required as appropriate if this is the case.
  - Applicants shall combine the three parcels into one lot and ensure that the Certified Survey Map is recorded at the Ashland County Register of Deeds after all required approvals.
  - Applicants shall include an appropriate warning sign/method for pedestrians at the garage entrance off of 3<sup>rd</sup> Avenue West. The design for this warning device was submitted to Public Works for review. If Public Works requires changes the applicant shall revise the warning device accordingly.
  - Paved area shall maintain at least a 3-foot minimum setback from the southern property line and not cross the property line on its north side. The detached garage may have a 0-foot setback from the south property as allowed by variance but not cross the property line.
  - Any changes proposed to the building elevations not shown on the drawings submitted will require staff and if necessary, Plan Commission approval and building permits prior to commencing any work.
  - Applicant to revise the east elevation of the Opera House building with proposed window and door openings and a code-compliant siding material.
  - If the applicants propose more than 3 surface parking spaces they shall revise the photometric plan for staff and Plan Commission review showing that the minimum light levels and uniformity level are met as part of the Site Plan Review process.
  - Applicants must finalize their stormwater plans with Public Works and obtain all required approvals and right-of-way permits from Public Works prior to doing any stormwater work.

- The applicant shall ensure through stormwater management that no stormwater runoff is allowed onto neighboring properties.
- Standards required by the property's zoning, as well as the property's overlay zoning districts, specifically required exterior building design and landscaping standards, shall be adhered to, including:
  - Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Unfinished concrete masonry units and corrugated metal or plastic siding shall be prohibited (UDO 6.2 C.3.c.). The color of each façade material should be harmonious with the color of all other façade materials used on the same building, as well as the color of façade materials used on adjacent buildings. For the purpose of this Ordinance, harmonious shall be defined as colors that are complimentary in hue, tone, and intensity. The use of dissonant and/or intense colored façade materials should be avoided;
- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property. Based on staff's initial review, the standards appear to be met by the current structures.

Additionally, as a Public Informational Meeting is scheduled for the Site Plan Review, the Plan Commission should hear all input from the public prior to making a determination. A Class 2 public hearing notice was issued on September 8<sup>th</sup> & September 12<sup>th</sup>, and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

*Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.*

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## STAFF REPORT

Plan Commission – September 19, 2023

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|-------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Agenda Item #5a:</b> | <b>Site Plan Review for construction of Hudson Square Coffee</b>                                                             |
| Applicant:              | Hudson Square, LLC                                                                                                           |
| Property Owner:         | Hudson Square, LLC                                                                                                           |
| Property Address:       | 2419 Lake Shore Dr. E                                                                                                        |
| Parcel No:              | 201-03307-0000                                                                                                               |
| Zoning District:        | Waterfront Mixed Commercial/Residential (W-MRC) with Gateway Overlay (GTWY-O), Waterfront Overlay (W-O), and Floodway Fringe |
| Staff Contact:          | Mandelyn Lyons & Steven Wiley                                                                                                |

### **Background**

The applicant is requesting a review and approval of the attached Site Plan to renovate the former Bay View Motel site into a coffee shop with an attached drive-through window at 2419 Lake Shore Dr. E. The site is approximately 1.21 acres and is located on the shore of Lake Superior alongside residences and commercial buildings. The applicant plans to renovate the existing building on site, which is approximately 4,122 sq. ft., to create a storage space, offices, seating area, coffee bar, and drive-through window. The coffee bar and seating for customers is expected to take up the majority of the building.

The applicant has already started clean up and renovations to the building, including removal of rotted siding, and demolition of interior walls and structures.

The Planning Commission held a public hearing on August 15<sup>th</sup> regarding the applicant's request for a Conditional Use Permit and several neighboring property owners commented that they had concerns regarding vehicle stacking on 25<sup>th</sup> Ave E and access to their property and mailboxes. An additional condition was included in the final resolution in which the applicant must work with the Planning Department, Public Works, and the Postal Service to reduce traffic concerns presented by neighbors. Neighbors to the site were sent discretionary letters to inform them of the Site Plan Review to allow for new comments.

| <b>Existing Land Use</b>         | <b>Zoning</b>                                                            |
|----------------------------------|--------------------------------------------------------------------------|
| Vacant / formerly Bay View Motel | Waterfront Mixed Residential/Commercial (W-MRC) with applicable overlays |

| <b>Existing Uses</b> |                                                          | <b>Zoning</b>                                   |
|----------------------|----------------------------------------------------------|-------------------------------------------------|
| <b>North</b>         | Lake Superior                                            | N/A                                             |
| <b>South</b>         | Commercial Uses (Super Smoke Shop, Nail Salon, Wal-Mart) | Regional Commercial (RC)                        |
| <b>East</b>          | Single Family & Commercial Uses (Toyota Dealership)      | Waterfront Mixed Residential/Commercial (W-MRC) |
| <b>West</b>          | Single Family Homes & Cabins                             | Waterfront Single Family Residential (W-SFR)    |

| <b>Land Use Recommendation</b>     | <b>Land Use</b>                      |
|------------------------------------|--------------------------------------|
| Future Land Use Map Recommendation | Downtown Core & Commercial Districts |



## **Standards for Review**

The City of Ashland's Unified Development Ordinance, Section 781 Section 3.20 Site Plan Approval (all subsections thereof), creates the legal framework to regulate, administer, and enforce the site plan review process for the City of Ashland.

## **Site Plan Review**

The following criteria were used to review the submitted site plan:

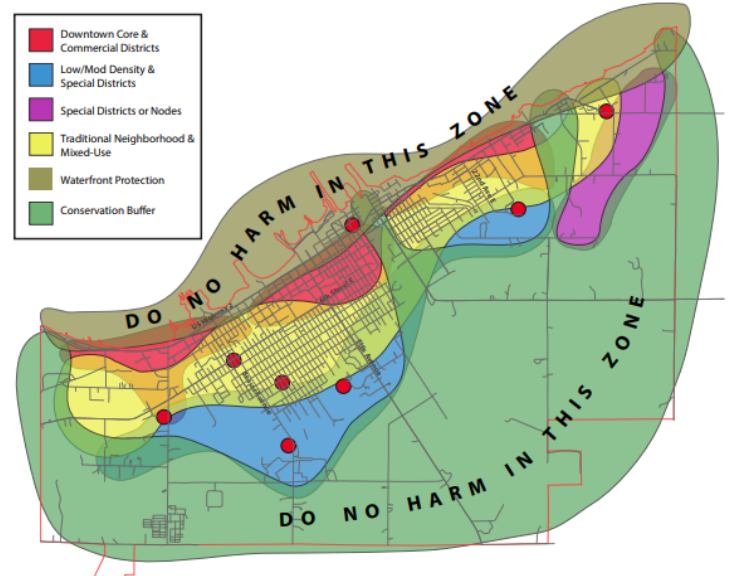
### **1. Consistency with Comprehensive Plan.**

The proposed development is consistent with numerous goals within the Comprehensive Plan. The Comprehensive Plan explicitly states the City gateways should be revitalized to signal to vehicle traffic that they are entering the City limits. This revitalization includes design standards and a commitment to maintenance on new and re-developed sites. The applicants are revitalizing an existing building and site that formerly was subject to numerous Property Maintenance complaints pertaining to garbage and overall care. This development will have to follow several different overlay standards and is sure to improve the overall aesthetics of the gateway, including permitted siding dimensions and impervious setbacks.

The applicant is also working within the Comp Plan's goal of sustainability. The existing building will be utilized instead of being torn down and the applicant is going to use existing infrastructure onsite including the current impervious surfaces.

This development is also consistent with the Future Land Use Plan as the site falls into the Downtown Core & Commercial Districts. This area will remain commercial and be zoned for uses similar to this with standards regarding the waterfront and gateway.

FUTURE LAND USE PLAN



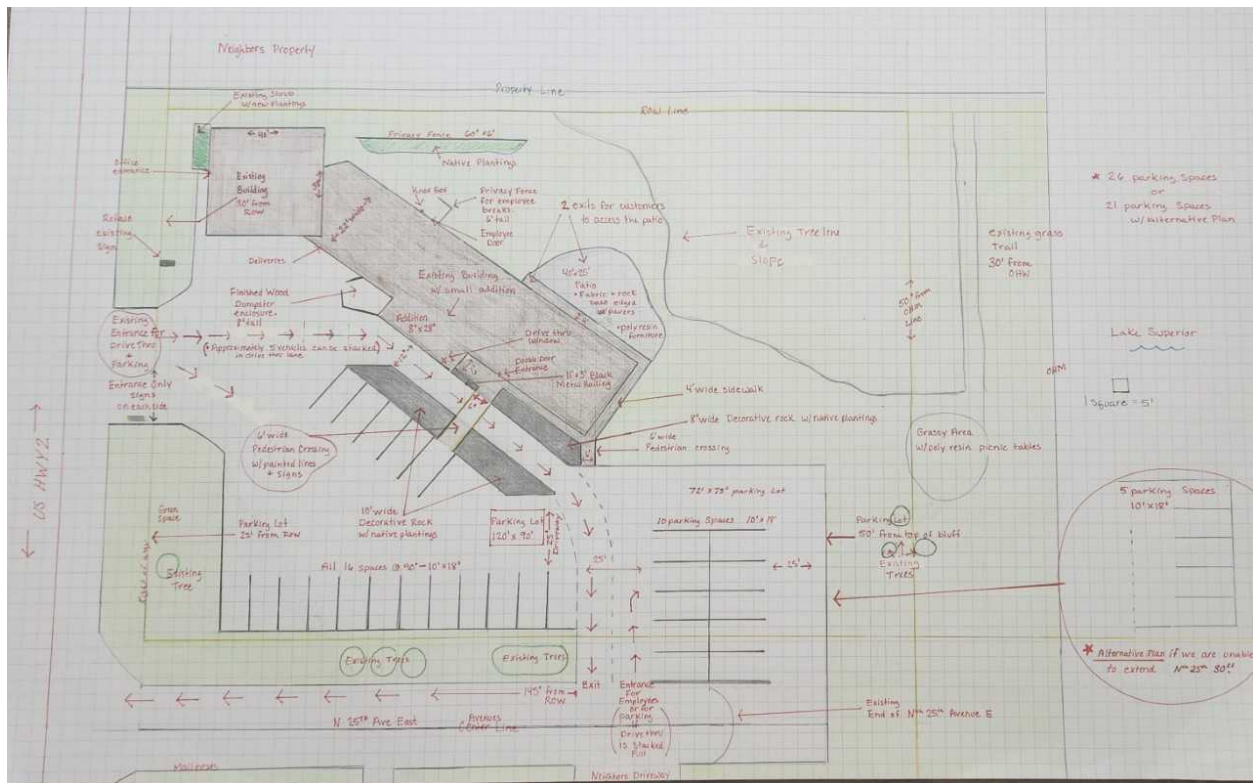
### **2. Project Compatibility.**

The proposed development is compatible with the site and uses within 200 ft. This use within the area reflects the zoning district it is within as there are commercial and residential uses around. The applicant has also considered the concerns put forth by neighbors during the Conditional Use Permit public hearing and is implementing change to lessen impacts on surrounding residential properties.

### **3. Site Design**

#### **a. Site Organization.**

Since the applicant is utilizing the existing building onsite they are also contending with a tight layout for the site. The angle of the former motel building limits the amount of space available for both the drive-through and parking. However, the proposed site organization takes advantage of all available space.



## b. Location of Buildings.

There are no proposed changes to the location of the buildings onsite as the applicant is utilizing the existing structure.

The existing building does have existing nonconformities that shall not be expanded including:

- The minimum 30-foot principal building setback from the right-of-way, the building is currently 15 feet from the ROW
- The minimum 15-foot principal building setback from the interior side parcel line, the building is approx. 9 feet from the side parcel line

A small 8'x25' addition is proposed on the east elevation of the building for the drive-through window, however this addition will not increase any nonconformities mentioned above. A dumpster enclosure will also be built alongside the building, but will also not expand any nonconformities. Staff recommends as a condition of approval that the applicant submit plans/drawings of the proposed dumpster enclosure for staff review prior to constructing the enclosure.

## c. Drives, Parking, and Circulation.

Dimensions for all proposed parking and driveway areas conform to UDO standards.

### Driveway.

The proposed development will have two accesses to the site – an existing drive off of Hwy 2 and another to be constructed at the northern end of 25<sup>th</sup> Ave E. The new proposed driveway off of 25<sup>th</sup> Ave E will

primarily serve customers exiting the site and will also serve as an employee entrance and exit.

Customers will enter from the Hwy 2 entrance and be directed in one of two directions. The first is the drive-through line itself, which is anticipated to accommodate five cars queued in-line. The second direction will lead to the parking area. Signage will be imperative for directing customers towards the proper entrance, and the applicant is proposing signage for this purpose.

Planning and Public Works staff are working with the applicant on a potential plan to pave the end of 25<sup>th</sup> Ave E for more durability since there will be increased traffic flow in the area.

#### Parking.

The applicant is proposing two parking plans, one which would involve using part of 25<sup>th</sup> Ave E to accommodate parking, and the other which would decrease the number of parking spots onsite to 21.

The minimum parking requirement for a development of this size is 33 spaces, which the applicant is unable to achieve with the two parking options proposed. However, the Waterfront Overlay language explicitly states,

*“Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design guidelines of this Section when considered as a whole. However, the development proposal need not be in complete conformance with every design guideline specified herein in order to receive approval.”*

This language does allow for flexibility regarding parking regulations onsite and staff are in support of the alternative parking plan proposed by the applicant. The alternate plan would provide 21 parking spaces onsite and all of them would be on the property, instead of utilizing part of the right-of-way. The irregularity of the site and the restrictions presented by the 50' impervious surface setbacks are also justification for allowing less spaces than the minimum requirement.

#### Pedestrian Access.

Pedestrian access onsite is accomplished through a crosswalk that adjoins the parking lot and the entrance of the seating area. Staff recommends painted stripes and signage to indicate where pedestrians onsite should cross and for motorists in the drive-through line to pay attention to the area.

Pedestrian access between the site and surrounding area is a longer-range plan that will have to be coordinated with the applicant, Planning Staff, and Public Works. There is an opportunity to connect the site to the Waterfront trail through either the existing crossing or through the

crossing by Walmart. The City is determining the safest area for pedestrians to cross and potential expenses to property owners if sidewalks were to be installed. The applicants have expressed that they would be open to sidewalk access being brought to the site.

a. Grading and Drainage

No significant changes are anticipated.

b. Utility Services.

The applicant is proposing to use existing utility infrastructure on site.

c. Fire Prevention.

Knox Box to be provided for each building if the business is not open 24-7; locations for each clearly identified on final plan set.

Following final design of the plans, the applicant shall provide a CD copy of the final Building Floor Plan Layout and Utility Plan (in a .dxf format), for the Fire Department's pre-fire planning of the structure's layout. The street number of the location shall be on the front of the primary structure, visible from the USH 2 roadway. Such information shall be provided to the Fire Department prior to the issuance of the Occupancy Permit.

A sprinkler system and fire suppression system are not planned for the building. The applicant is not planning to install a fire detection system.

d. Views.

The proposed development will not significantly impact existing view sheds and scenic vistas. The applicant is proposing to use the current view windows for customer seating on the shore.

e. Environmental Issues.

The site is on the shore of Lake Superior therefore the Waterfront Overlay standards regarding impervious setbacks, vegetative buffers, and landscaping are to be taken seriously. Lake Superior is a critical resource that has been identified in the Comp Plan as something that is to be protected for generations. The applicants understand the importance of this preservation and conservation, and have provided a plan that meets impervious setbacks. The applicant is also proposing to keep the majority of the existing trees on the property.

f. Landscaping/Screening.

The applicant shows landscaping and green spaces on the proposed site plan. The applicant's proposed landscaping is consistent with applicable codes in all areas that are able. Many of the existing trees and greenspaces will be maintained or improved upon and more landscaped areas will be created. The applicant intends to plant native species where possible and has given staff a species list.

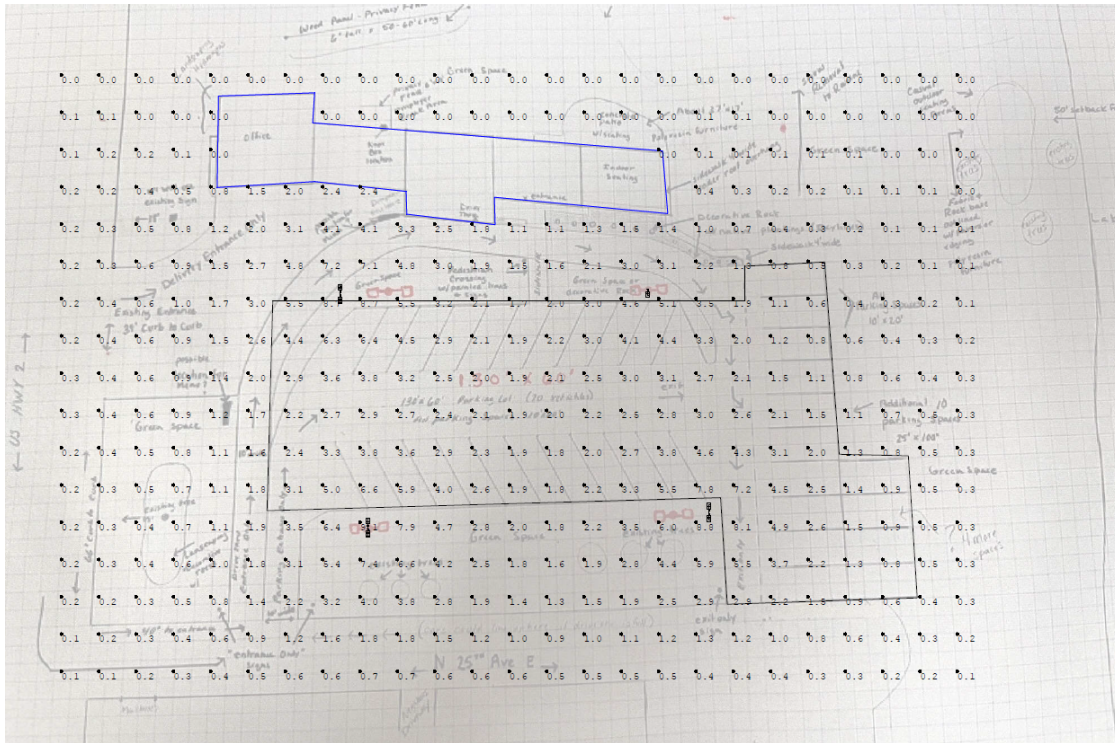
g. Signs.



*Above is a potential face replacement to be located on the existing freestanding sign onsite.*

Any new signage will require a Sign Permit to be obtained through the Planning & Development Department to ensure it conforms to UDO standards. The applicant is proposing to re-use the existing Bay View Motel sign and is planning for a wall sign on the east elevation of the building. Directional signs and the menu board are also proposed for the site for traffic flow and customer ordering. Staff would recommend as a condition of approval that the applicant submit plans and locations for any proposed signage to staff for review.

#### h. Lighting.



*Lighting Plan submitted by the applicant*

Any proposed exterior lighting requires the electrician to submit full exterior lighting plans to the City's Planning & Development Department for review and approval to ensure it conforms to all UDO standards. All exterior lighting must be full cutoff. The applicant has already submitted a lighting plan that was reviewed by staff. The plan appears to meet code based on staff's review. The minimum light levels meet the 0.4 footcandle minimum required by code and the ratio of average to minimum lighting is less than the maximum permitted by code.

#### **4. Building Design**

As stated above, the applicant is proposing to remodel the existing motel building onsite to accommodate the new coffee shop use. The applicant has already begun interior remodels including removing walls to create the new layout, which will include an office/storage area, a drive-through window, the coffee bar itself, and a seating area for customers that will extend to an outdoor patio. A final layout of the building will need to be provided to staff and to the fire department.

The façade of the building will be revitalized and include a color scheme with iron ore, alabaster, and pewter green. The applicant is proposing to use stucco and board and batten siding for the exterior of the building that will be painted. Based on the proposed elevations the Waterfront Overlay Design standards appear to be met. Staff will need to confirm that the board and batten siding conforms to the size requirement outlined in UDO Section 4.46, D., 6., b.,:

*"Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than six (6) inches wide. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of three (3) to six (6) inches, or vinyl or aluminum siding that is in a clapboard or*

*shiplap pattern where the boards in the pattern are six (6) inches or less in width. Unfinished concrete or masonry units, corrugated metal, plywood, and sheet pressboard are not allowed.”*

## **5. Principles of Sustainability**

Site features of this renovation that address principles of sustainability laid out in the UDO include:

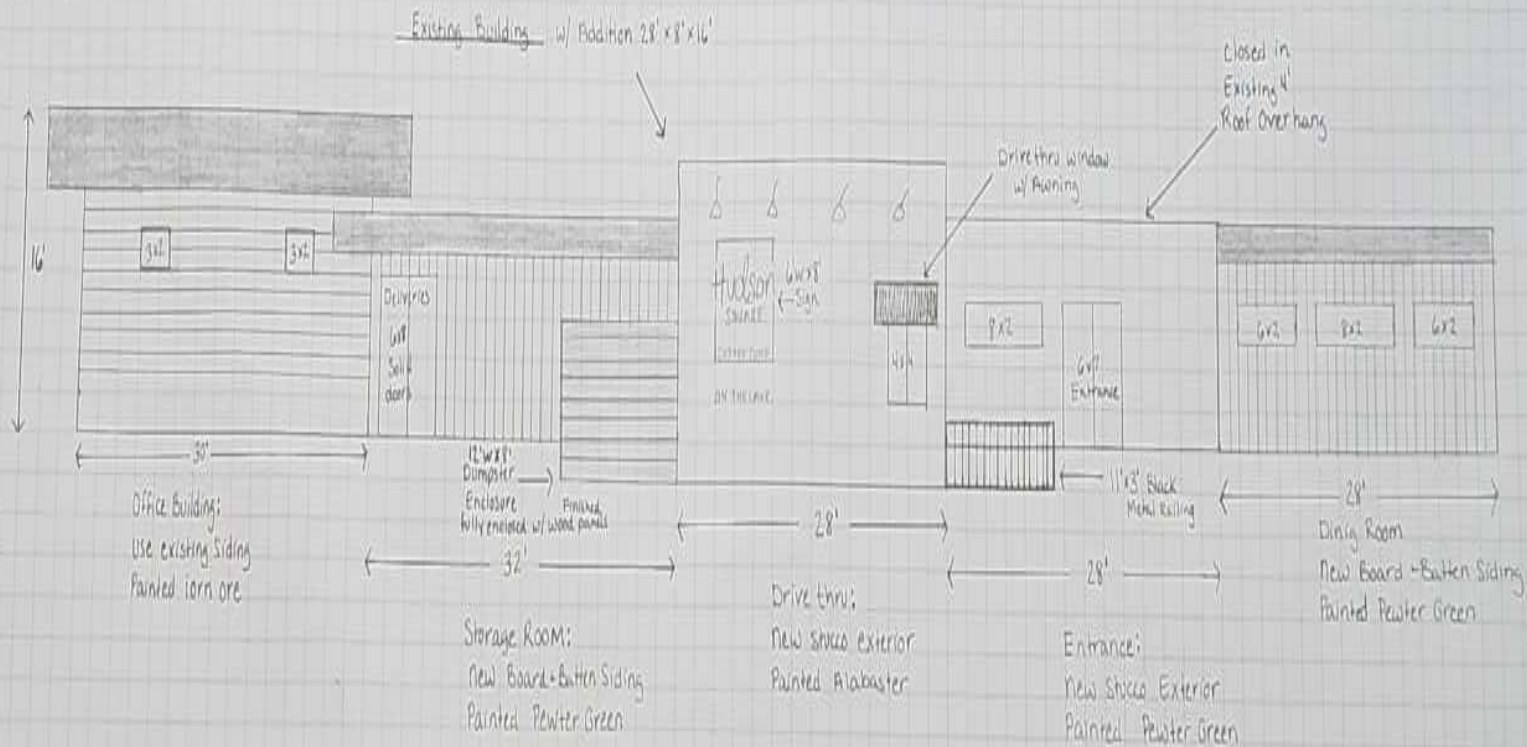
- The proposed restaurant use offers desirable infill development and will utilize the existing building onsite instead of demolishing and re-building
- The applicant is conforming to impervious setbacks for the Waterfront Overlay District
- The applicant is proposing landscaping that utilizes many native species and is planning to keep numerous existing trees onsite

## **Review Recommendation**

Staff recommends APPROVAL of the proposed site plan for the construction of a new Hudson Square restaurant at 2419 Lake Shore Dr. E (parcel #201-03307-0000), subject to the following conditions:

1. The applicant shall have all parking spots located onsite, and not within the right-of-way. The applicant shall submit a revised site plan showing all off-street parking spaces onsite and out of the right-of-way.
2. The applicant shall submit a final elevation plan to Planning Staff to confirm that the board and batten siding meets design standards for the Waterfront Overlay.
3. The applicant shall submit final dumpster enclosure plans/drawings for staff review and approval prior to constructing the dumpster enclosure.
4. The applicant shall obtain all necessary building permits for the proposed project, including permits for resurfacing existing paved areas and any new paved areas.
5. The applicant will maintain the 50ft. impervious setback from the Ordinary High Water Mark
6. The building and grounds including all landscaping shall be maintained by the property owner or designated agent.
7. Any new signage or signage replacements require a Sign Permit to be obtained through the Planning & Development Department to ensure it conforms to UDO standards (UDO 4.46 D.10., 4.47 D.6., and 6.6).
8. Knox Box to be provided for the building if the business is not open 24-7; locations for each clearly identified on final plan set, submitted to the City prior to the issuance of the Building Permit.
9. Following final design of the plans, the applicant shall provide a CD copy of the final Building Floor Plan Layout and Utility Plan (in a .dxf format), for the Fire Department's pre-fire planning of the structure's layout.
10. Applicant shall submit plans and locations of any proposed signage to staff for review and approval and obtain sign permits prior to installing any signage.
11. The street number of the location shall be on the front of the primary structure, visible from the USH 2 roadway.

*Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council*



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## STAFF REPORT

Plan Commission – September 19th, 2023

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**Agenda Item # 5a: Conditional Use Permit Request to allow a Vehicle Sales Use**

Zoning District: City Center (CC) with Gateway Overlay (GTWY-O) District and 100-Year Flood Boundary

Property Address: Vacant – No address assigned

Parcel #: # 201-00066-2000, 201-00066-0100

Applicant: Shanette Homola

Staff Contact: Steven Wiley

### **Background**

Shanette Homola is requesting a Conditional Use Permit to allow a vehicle sales use on parcels 201-00066-2000 and 201-00066-0100. The current property owners recently acquired the two subject parcels. The applicant has been in touch with the owners about re-establishing a Park and Sell lot (which would be considered a vehicle sales use under the current zoning ordinance) on the parcels. The two parcels are 0.516 acres (22,477 sq. ft.) and 0.173 acres (7,536 sq. ft.) in area. Both parcels are zoned City Center (CC) with the Gateway Overlay (GTWY-O). The Gateway Overlay zoning is due to the parcels' frontage on Highway 2. A significant portion of both properties lies within the 100-year floodplain. Both parcels are currently vacant except for a gravel access and parking area and a freestanding sign. Power lines run through parcel 201-00066-0100. A Park and Sell lot used to occupy the property up until May of 2023 when the current owners purchased the properties.

The immediately surrounding parcels to the east and west along Highway 2 are zoned CC with GTWY-O. The properties to the east and west contain various commercial and residential uses of varying size and scale. The surrounding properties on the south consist of residential and vacant uses and are zoned Mixed Residential Commercial (MRC). The property to the north across Highway 2 is zoned Waterfront Industrial (W-I) with a Waterfront Overlay and includes the Waterfront Trail and the Northern States Power Company.

The properties have been vacant since the previous owner moved and sold them to the current owners. The previous owner operated a Park and Sell lot until vacating the parcels. Staff looked through the property files for the 1400 Lake Shore Drive West property and both subject parcels and found out that a Development Permit was approved and issued on May 9<sup>th</sup>, 2007 to allow a change of use from Automotive Service & Repair to Automotive Service & Repair and Automotive Sales. The Development Permit was for the 1400 Lake Shore Drive West parcel which at the time consisted of the current 1400 Lake Shore Drive property and the narrow parcel where power lines are now located. The 2007

Development Permit did not include the western parcel. Additionally, the Development Permit included a condition that “vehicles shall be parked on the paved parking areas...” The parking area on both subject parcels is currently gravel.

The current applicant would like to re-establish a Park and Sell lot and seasonal vendor space on the parcels. The current owners acquired the property in 2023. The applicant has had conversations with the property owners and City staff about establishing both uses. Since the Development Permit for Automotive Sales is not for parcel 201-00066-2000, a Conditional Use Permit (CUP) is required through the Plan Commission and Common Council to establish the vehicle sales use on the subject property.

| Existing Land Use    | Zoning                                                                     |
|----------------------|----------------------------------------------------------------------------|
| Vacant: Parking area | City Center (CC) with Gateway Overlay (GTWY-O) and 100-Year Flood Boundary |

### Adjacent Land Use and Zoning

| Existing Uses |                                                 | Zoning                                              |
|---------------|-------------------------------------------------|-----------------------------------------------------|
| North         | Northern States Power Company, Waterfront Trail | Waterfront Industrial (W-I) with Waterfront Overlay |
| South         | Single-Family Residential, Vacant               | Mixed Residential Commercial (MRC)                  |
| East          | Various Commercial and Residential Uses         | City Center (CC) with Gateway Overlay (GTWY-O)      |
| West          | Various Commercial and Residential Uses         | City Center (CC) with Gateway Overlay (GTWY-O)      |

| Land Use Recommendation            | Land Use                                                                   |
|------------------------------------|----------------------------------------------------------------------------|
| Future Land Use Map Recommendation | Border of Downtown Core and Commercial Districts and Waterfront Protection |



*Aerial image of the two subject parcels*

**Analysis**

The applicant has proposed a seasonal vendor space and Park and Sell (vehicle sales use) on the subject properties. The seasonal vendor space is a temporary use that is permitted by ordinance upon obtaining approval and a development permit. The vehicle sales use is a conditional use under the City Center zoning.

**Site Design and Parking**

Currently the subject property consists of two parcels abutting one another. The same owner owns both parcels. Site access is from the Pioneer Development-owned (Quick Lube) parcel to the east. An access easement exists between the Pioneer-owned property and the subject parcels. Staff has obtained a copy of this easement. There is no vehicle access directly from a street to either of the subject parcels. No curb cuts or direct street access are proposed. The applicant submitted an aerial image showing the proposed placement of the seasonal vendor space and parking for the vehicle sales use on the subject parcels. The seasonal market space would be available to rent to vendors and located along the Highway 2 frontage of the property. The vehicle sales use would be located on the existing parking area and the applicant does not have plans to expand this parking area. The parking area is gravel and staff informed the applicant that based on the zoning standards the current gravel area would require paving since the applicant would be changing the parcel from a vacant lot to a vehicle sales land use. The 2007 Development Permit also required parking the vehicles on a paved surface so if the previous owner was allowing vehicle parking on gravel or grass this would have been a violation of the 2007 permit. A freestanding sign is located on parcel 201-00066-0100 and based on discussion with the applicant the applicant wanted to reuse the sign.

The applicant envisions the site operating as a Park and Sell. Vehicle owners looking to sell would park their vehicles on the property, read and agree to the agreement between the management and vehicle owner, and park for 30 days. After 30 days the vehicle owner can remove the vehicle if it is not sold or renew for another 30 days.



*Images showing the subject parcels and the current gravel area. The image on the left looks towards the adjacent residential properties and the image on the right looks towards the Quick Lube property at 1400 Lake Shore Drive West.*



*Above is the site aerial that the applicant submitted indicating the general site layout.*

### **Building Elevations**

No buildings exist on the subject parcels and none are proposed. Therefore, no elevations exist for review.

### **Landscaping**

The applicants have not proposed any landscaping. The landscaping standards require bufferyard landscaping between more intense and less intense uses in the same zoning district. The zoning of the residential uses on the west is the same City Center zoning as that of the subject properties. However, the parking and sales of multiple vehicles on the subject property is a commercial land use. Some landscaping exists along the western property line. Since the Park and Sell use would be a new use on the parcel and there are several residential uses adjacent staff recommends requiring bufferyard landscaping along the side (western) property line where views of the parking area are currently not screened. The buffer would be at least 10 feet wide and at least 6 feet high. It could consist of a solid fence or dense year-round hedges or other landscaping or a combination of the two. Staff would recommend requiring a landscaping plan and species list or fencing plan for staff review. Installation of bufferyard fencing and/or landscaping as approved by staff prior to legally operating the vehicle sales use onsite would be a condition of CUP approval.

### **Lighting**

The applicants have not submitted a photometric plan as part of their application. Ordinance requires that new land uses which require a development permit comply with the lighting standards. Since the Park and Sell would be a vehicle sales use staff would consider it a moderate activity use. The new land use would require on-site lighting to meet ordinance standards. Staff would recommend as a condition of approval that the applicant submit a code compliant lighting plan for staff review.

### **Signage**

A single freestanding sign is located on parcel 201-00066-0100 which is the narrow, eastern subject parcel. The applicant would like to use this sign for the Park and Sell. If the applicant removed and reinstalled this sign or made structural changes to the sign a Sign Permit will be required.



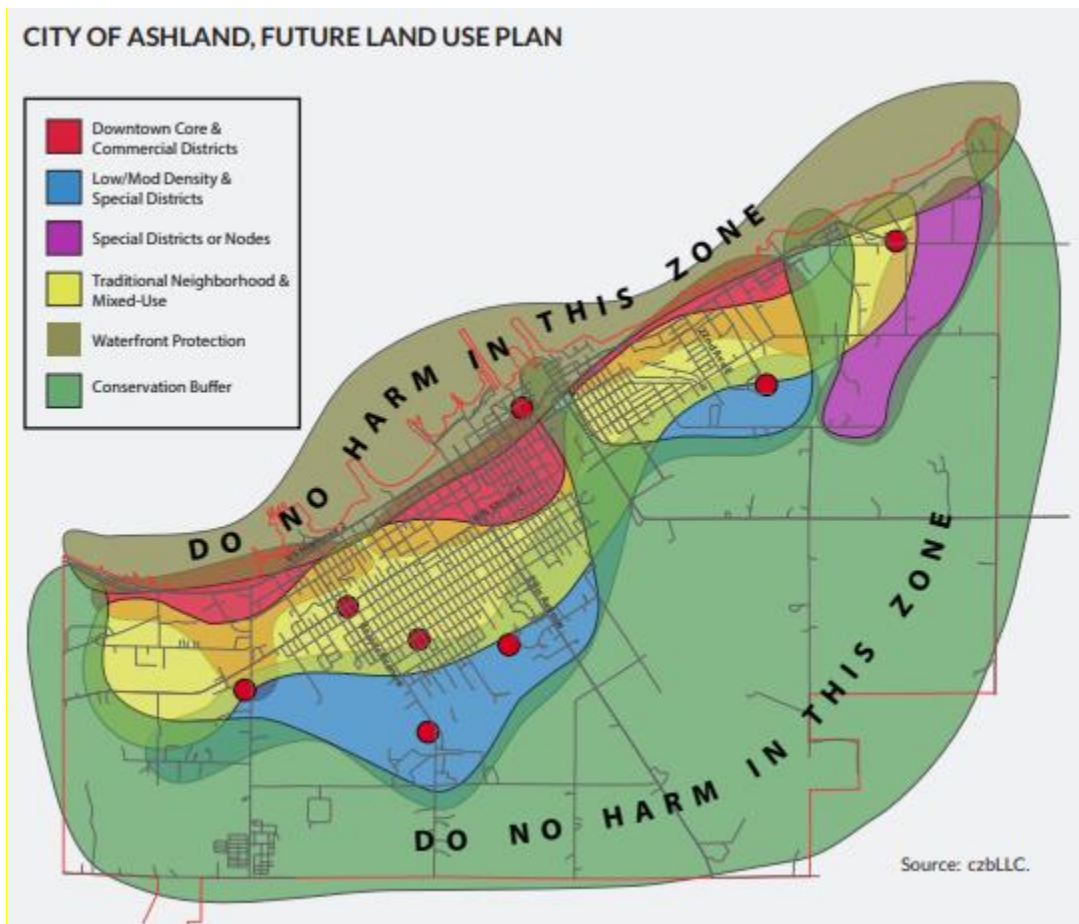
*Image of the freestanding sign on the parcel. The applicant has installed a banner on the existing sign.*

### **Standards for Conditional Use Review**

The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

#### **1. Consistency with Comprehensive Plan.**

The vehicle sales use on the subject parcels fits within the Future Land Use Map, and it fits within the land uses permitted in the Downtown Core and Commercial Districts zone mentioned in the Comprehensive Plan. The site is on the border of the Downtown Core and Commercial Districts and Waterfront Protection in the Future Land Use Map. The Future Land Use Map provides for some overlap and flexibility between districts. The Downtown Core and Commercial Districts and Waterfront Protection allow a mix of land uses. This proposed vehicle sales use is a commercial use on a currently vacant infill lot. A vehicle sales use falls within the commercial uses under the Downtown Core and Commercial Districts.



#### **2. Compatibility.**

If the use meets the ordinance standards it would have compatibility with the site and surrounding areas. The surrounding uses consist of a power plant, mixed commercial uses, and some

residential. Screening with fencing and/or landscaping would minimize the visual impact the vehicle sale use would have on the adjacent residential properties. Asphalt or concrete paving would meet the ordinance requirement and increase the attractiveness of the site.

**3. Importance of Services to the Community.**

The applicants are local and would be providing a location for people to sell their used vehicles. The subject properties are infill parcels and using these currently vacant properties would not contribute to sprawl. The vehicle sales use does not involve the construction of any new buildings at this point and would be easy to remove from the parcels if the owner wanted to develop the properties.

**4. Neighborhood Protections.**

The properties are located along Highway 2 which is a busy regional corridor. Traffic activity is unlikely to change significantly as the site is located on a corridor with high traffic volumes. Paving the current gravel area and restricting parking to this area along with restricting the types of vehicles that may be parked on the site would mitigate potential negative impacts to the neighborhood. Additionally, adding bufferyard landscaping and/or fencing in currently deficient areas along the adjacent residential properties would screen the vehicle sales use from view and ensure privacy for the neighbors.

**5. Conformance with Other Requirements:**

The development must conform to all other applicable City code requirements, including (but not limited to):

- a. Local and state building code requirements to ensure the property meets code standards for the proposed use prior to operation of the land use on the site.

**Review Recommendation**

Staff recommends APPROVAL of the Conditional Use Permit contingent on the following conditions:

- Applicant must restrict parking of vehicles to the footprint of the current gravel area and pave the current gravel area prior to parking vehicles in this area. Applicant must obtain required permits and complete the paving prior to parking vehicles.
- The Conditional Use Permit is only for parking of vehicles on pavement (asphalt or concrete) occupying the current footprint of the existing gravel surface onsite. Expansions of the parking area/vehicle parking locations beyond the footprint of the existing gravel surface shall require review and approval through Plan Commission and the Common Council.
- Applicant shall submit a design for buffering between the vehicle sales use and the adjacent residential properties. Such plan shall include a landscaping plan and species list and/or a plan for fencing as required by code for staff review and approval. Buffering shall be provided in areas currently deficient along the adjacent residential properties. If fencing is proposed applicant shall obtain the required fence permit. Landscaping and/or fencing shall be installed prior to operating the vehicle sales use onsite.
- Applicant shall obtain the required sign permit for the sign on-site.
- Applicant shall only allow registered, operable vehicles to be parked onsite. Unlicensed or inoperable vehicles shall not be parked onsite. Only automobiles, vans, and small trucks (non-commercial vehicles) shall be parked onsite. Commercial vehicles, trailers (commercial or non-commercial), boats, recreational vehicles, all terrain vehicles, utility task vehicles, etc. shall not be parked on-site.
- Standards required by the property's zoning, as well as the property's overlay zoning districts, specifically required exterior building design and landscaping standards, shall be adhered to.

- Any existing nonconformities (i.e., setbacks, lot coverage) shall not be expanded by new uses of the property.

Additionally, as a Public Hearing is scheduled for the proposed Conditional Use Permit, the Plan Commission should hear all input from the public prior to making a determination. The required Class 2 public hearing notice was issued on September 8<sup>th</sup> and September 12<sup>th</sup> and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

*Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.*



DEPARTMENT OF  
PLANNING &  
DEVELOPMENT  
601 Main Street West  
Ashland, WI 54806

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## STAFF REPORT

Plan Commission – September 19th, 2023

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**Agenda Item # 5c: Conditional Use Permit Request to allow for increased sign area**

Zoning District: City Center (CC) with Gateway Overlay (GTWY-O)

Property Address: 319 Ellis Ave

Parcel #: # 201-01682-0000

Applicant: HTG Architects o/b/o Superior Choice Credit Union

Staff Contact: Mandelyn Lyons

### **Background**

HTG Architects on behalf of Superior Choice Credit Union is requesting a Conditional Use Permit to increase the allowable area of a freestanding sign within the City Center zoning district. The applicant is proposing to install a new pylon sign and EMC that is above the code allowed graphic area. The proposed sign will be two parts an EMC and sign structure that will support internally illuminated routed letters that will punch through the base. All together the sign area will equal 75 sq. ft. with 33 sq. ft. making up the EMC portion and 42 sq. ft. for the base of the illuminated letters. The total graphic area of the sign will be approx. 44.87 sqft (graphic area means the EMC with the routed letters). The proposed sign would be 20' in height, which is the maximum allowed height for a sign structure of this kind in the area.

UDO Section 6.6 L., 3., a., permits one freestanding sign per primary vehicle entrance and specifies that freestanding signs within the City Center district not abutting US Hwy 2 have a zero foot minimum setback. Therefore, the proposed location of the sign, which is the same as the existing, is code compliant. EMCs or Electronic Message Center are allowed within the City Center zoning district as long as they follow applicable code requirements which are specified in UDO Section 6.6 F., 2.

The existing sign on site is nonconforming as the total sign graphic area is 52 sq. ft., which is also split between an EMC and other signage. The applicant does not intend to reuse any of the existing sign infrastructure for the new sign.

| <b>Existing Land Use</b>     | <b>Zoning</b>                                  |
|------------------------------|------------------------------------------------|
| Superior Choice Credit Union | City Center (CC) with Gateway Overlay (GTWY-O) |

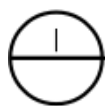
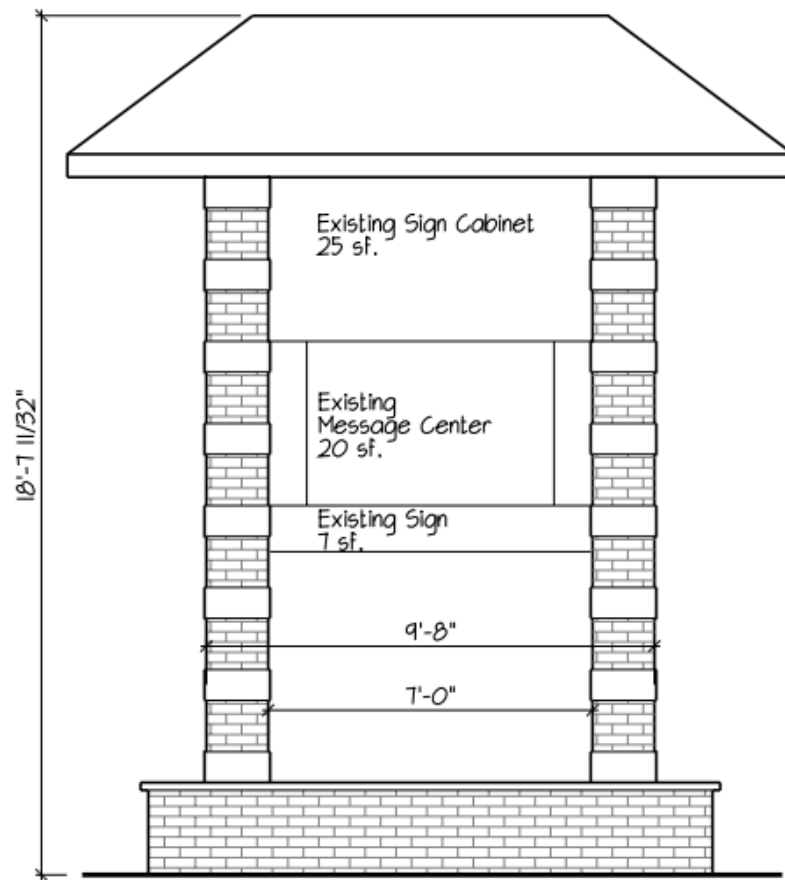
| <b>Existing Uses</b> |                 | <b>Zoning</b>                               |
|----------------------|-----------------|---------------------------------------------|
| <b>North</b>         | Commercial Uses | City Center (CC) & Gateway Overlay (GTWY-O) |
| <b>South</b>         | Commercial Uses | City Center (CC) & Gateway Overlay (GTWY-O) |
| <b>East</b>          | Commercial Uses | City Center (CC) & Gateway Overlay (GTWY-O) |
| <b>West</b>          | Commercial Uses | City Center (CC)                            |

| <b>Land Use Recommendation</b>     | <b>Land Use</b>                      |
|------------------------------------|--------------------------------------|
| Future Land Use Map Recommendation | Downtown Core & Commercial Districts |

### **Site Design**

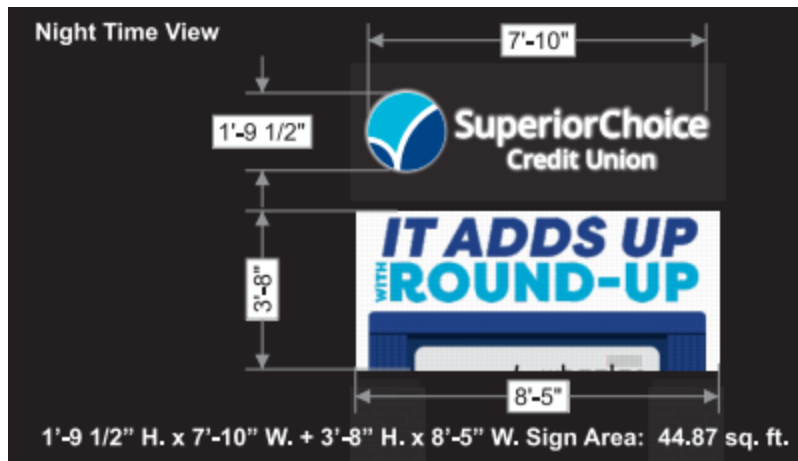
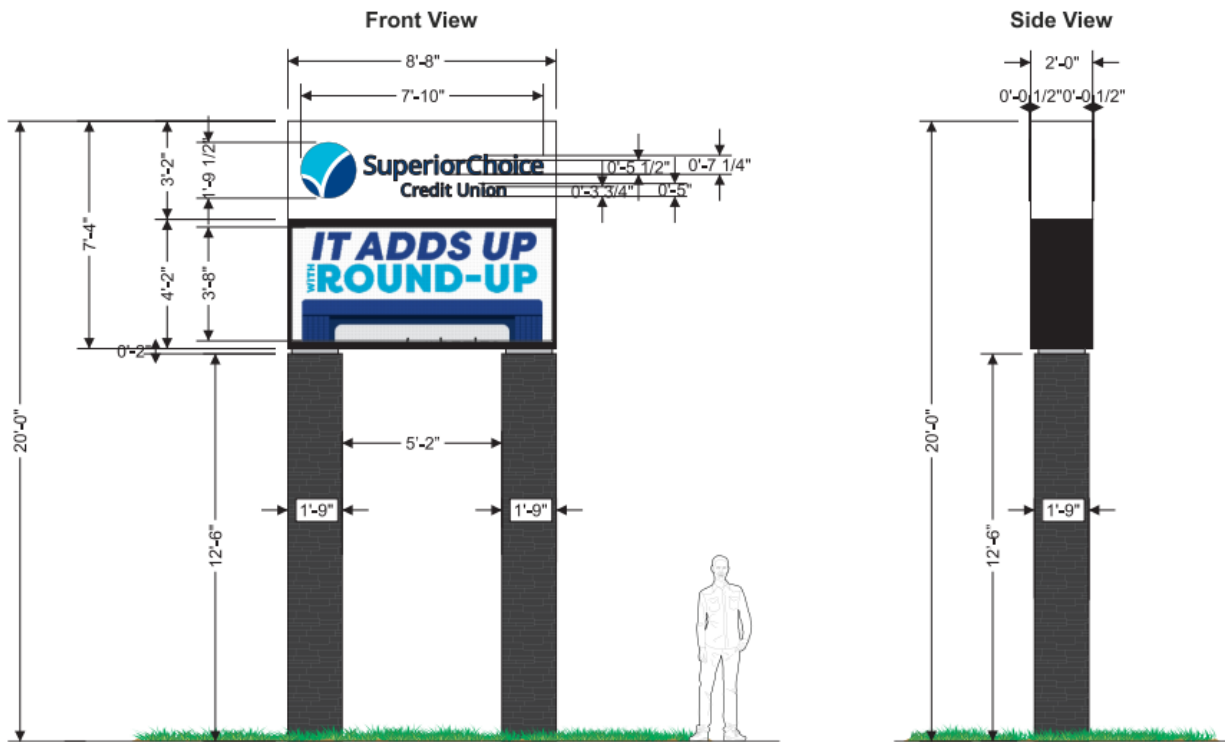
The current Superior Choice Credit Union sign is located on the southeast corner of the parcel and meets the zero-foot required setback from the parcel line. Their current sign not does not meet code and is considered nonconforming due to the 52 sq. ft. graphic area, which exceeds the 32 sq. ft. allowed by code. The current sign is sheltered by a small roof and includes the EMC and pylon sign. The applicant is planning to build an entirely new sign structure for this project.





# EXISTING PYLON SIGN

1/4"=1'-0"



*Proposed sign above, design provided by SignArt*

### **Landscaping**

There are no proposed changes to the landscaping onsite. Staff is requiring landscaping at the base of the sign as required per UDO Section 6.6 F., 3., d. which reads,

*"Freestanding signs shall provide an attractive landscaped area around the entire base of the sign to complement the sign. The property owner shall be responsible for the maintenance of the landscaping."*

Due to the proximity of the right-of-way the use of salt tolerant and native landscaping is recommended. A landscaping plan and species list must be submitted to the Planning Department prior to issuance of the sign permit.

## **Lighting**

The proposed sign has similar features to the existing sign onsite. There is a pylon sign portion that is above an EMC area.

The EMC area of the sign is proposed to be 3'-8" tall by 9' wide which is approximately 42 square feet in area. EMCs in any area are required to follow UDO Section 6.6 F., 2. which includes the following specifications:

1. *Dimmable technology shall be installed and utilized to adjust the light output of the EMC based on the ambient light such that it dims automatically when it is less bright outside.*
2. *EMC signage for all parcels must be turned off between the hours of 8 p.m. and 7 a.m. If a business is staffed and open before or after that time period, the EMC signage must be turned off no later than sixty (60) minutes after close of the business for the day and turned back on no earlier than sixty (60) minutes before the business opens for the day.*
3. *Signage on parcels abutting residential properties or separated by a Right-of-Way shall be designed and located in such a manner that does not create an adverse residential nuisance, taking into account brightness, direction, location, or other factors.*
4. *The sign shall be located and designed so that it does not significantly alter or obstruct Lake Superior vistas of adjacent property owners and for major view corridors.*
5. *The time change of copy, messages or graphics on an animated sign shall not change more than once every eight (8) seconds, except that all signs within view of vehicular or pedestrian safety lighting (such as stop lights) shall not change more than once every one (1) minute.*
6. *Within view of safety lighting, colors or shapes shall not be used that could be confused for safety lighting.*

The EMC sign is not located close to traffic control lights therefore there are no concerns with traffic light interference. However, the applicant will need to provide the Planning Department with full specs for the EMC to confirm that it meets the above standards.

## **Standards for Conditional Use Review**

The City of Ashland's Unified Development Ordinance Section 3.9 (C) Conditional Use Permit – Approval Criteria (and all subsections thereof), create the legal framework to regulate, administer, and enforce the conditional use standards for the City of Ashland. The following decision criteria were used to review the submitted conditional use:

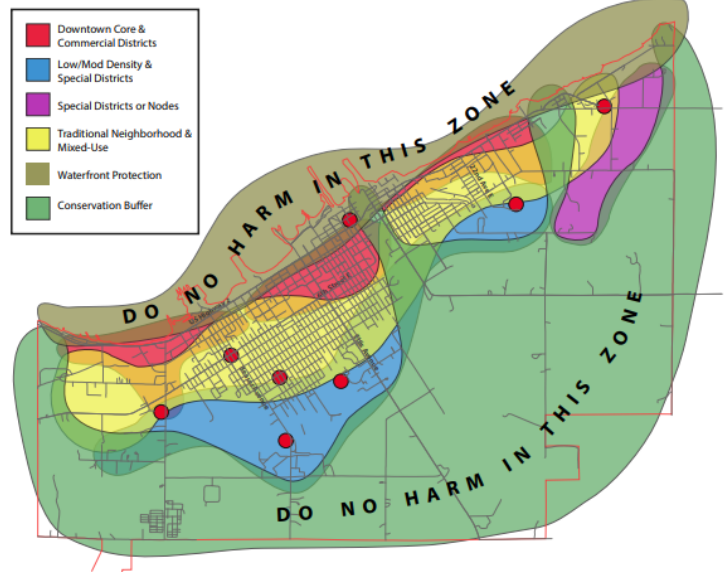
## 1. Consistency with Comprehensive Plan.

The Comprehensive Plan does not have specific language relating to signage, but there are specific goals related to the gateway. The Comprehensive Plan indicates that the current gateway areas are, “understated at best, completely absent at worst” (pg. 48) which identifies the need to make the area more aesthetically pleasing and orient travelers towards our commercial nodes.

The applicant is making a considerable effort to remodel the exterior and interior of their building, which is consistent with the goal in the Comp Plan to re-beautify the gateway. The applicant also argues that the significant investment in the building means that there should be significant improvement in signage. The applicant was originally proposing a larger sign that would fit with their re-branding, but has decided on decreasing it to account more for the area ordinances. The UDO does have language within Section 6.6 that allows for an increased graphic area of up to 75 sq. ft. on parcels adjacent to Hwy 2. This size increase is within the code due to the higher speed limits seen on Hwy 2 which the does not apply on this site due to it abutting Ellis Ave instead.

The Future Land Use Plan indicates that this area will be Downtown Core & Commercial Districts. Since the area will continue to be commercial it is acceptable to permit signs for those uses that fit within the code.

FUTURE LAND USE PLAN



## 2. Compatibility.

The proposed sign is not compatible with current codes and is thus considered a non-conforming sign. According to Section 10.6 C., describes the criteria in which a sign loses its legal nonconforming status,

1. *The sign is structurally altered in any way, except for normal maintenance and repair, that increases the nonconformity.*
2. *The sign is relocated.*
3. *The sign fails to comply with the provisions of this Ordinance relating to maintenance, repair, abandonment, or dangerous or defective signs.*

The complete removal of the existing sign means that it would lose its legal nonconforming status and thus any new sign installed would need to meet current codes, which is confirmed by language in Section 10.6 B., 2.”

*“Alterations involving a change in the information on the face of a sign may be made to an existing nonconforming sign if the change does not increase the area of the sign or the sign’s compatibility with properties in the area. However, any nonconforming sign*

*shall either be eliminated or made to conform to the provisions of this Ordinance if an alteration, modification, or improvement to the sign exceeds fifty (50) percent of the cost of installing a new sign of the same type and at the same location. It shall not be reestablished after damage or destruction by natural causes if the Zoning Administrator or Designated Authorized Agent determines that the estimated cost of construction exceeds fifty (50) percent of the estimated replacement cost.”*

Any changes to the sign structure other than a simple face replacement of sign copy would cause the sign to lose its nonconforming status. The EMC can not be swapped out with one of the same size without a permit since a change of this kind would be structural as well.

The actual size of the sign will exceed the maximum allowed sign structure of 75 sq. ft. and thus an exception will have to be made to that code standard or the size of the proposed sign structure will have to be smaller. Staff recommends allowing the applicant to exceed the 75 sq. ft. sign structure max as long as the graphic area of the proposed sign does not exceed their previous sign being replaced. Therefore, the applicant can have a sign structure over 75 sq. ft. but the allowed graphic area can only be 52 sq. ft. or less. What the applicant is proposing would fit that condition.

Compatibility with other signs with 200 feet is hard to determine as the closest freestanding sign that could be comparable is over 400 feet away at the Napa Auto Parts site. Since this is the only freestanding sign on the block it is likely that this sign will not look out of place. The next closest sign to this one would be the Super One Liquor and Grocery sign, which is also nonconforming in areas related to height and potentially graphic area.

### **3. Importance of Services to the Community.**

Superior Choice Credit Union serves many customers in the area and has contributed to the gateway for several years. Their commitment to remodel and beautify their building shows a considerable investment in the area. The credit union provides valuable services to our area, however the need for such a large sign that exceeds the square footage maximum is hard to ascertain.

Improving the appearance of the building and adding a new sign could help with the aesthetics in the area. However, the question that is posed to the Planning Commission and Planning Staff is whether the aesthetics of the sign as proposed are beneficial or detrimental to the corridor. A sign this large in an area that it is normally not allowed could contribute to sign clutter in the area rather than benefit it. However, notably, this is the only freestanding sign on the block so the clutter is not a concern at present.

There are other signs in the area that are nonconforming and could face a similar problem as the applicant with graphic area size if they were ever to be replaced, since the goal of the current code is to remove nonconforming signs when possible.

### **4. Neighborhood Protections.**

The proposed sign is not expected to cause issues within the area or on traffic with the proposed conditions.

**5. Conformance with Other Requirements:**

The development must conform to all other applicable City code requirements, including (but not limited to):

- Standards for EMC signage per UDO Section 6.6
- Standards for freestanding signs per UDO Section 6.6
- All other applicable codes for the proposed project
- Conformance with any requirements from the State or the Highway Department

**Review Recommendation**

Staff recommends APPROVAL of the Conditional Use Permit contingent on the following conditions:

- The applicant is allowed to exceed the 75 sq. ft. maximum sign structure area if the graphic area of the sign does not exceed 52 sq. ft.
- The applicant shall not replace the face of the sign with any other that would exceed the 52 sq. ft. graphic area in the future without approval from Planning Commission.
- No other area of the sign shall be internally illuminated other than the routed letters and logo.
- The applicant will provide landscaping around the base of the sign or an equivalent amount in another area. A landscaping plan and species list will be provided for staff review prior to the issuance of a Sign Permit.
- The applicant will submit full specifications of the EMC to confirm that it meets code standards prior to issuance of a sign permit.
- The CUP is only to allow the proposed increase in sign area and does not permit the construction of the sign without a Sign Permit. A Sign Permit will be obtained prior to installation.
- EMC sign must be turned off between the hours of 8 p.m. and 7 a.m. If a business is staffed and open before or after that time period, the EMC sign must be turned off no later than sixty (60) minutes after close of the business for the day and turned back on no earlier than sixty (60) minutes before the business opens for the day.
- The applicant will confirm that the proposed sign does not require permits from the State.
- Any future changes to the sign will be reviewed by the Planning Department and potentially the Planning Commission and Common Council if needed.

Additionally, as a Public Hearing is scheduled for the proposed Conditional Use Permit, the Plan Commission should hear all input from the public prior to making a determination. The required Class 2 public hearing notice was issued on Sept. 8th & Sept. 12th and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

*Approvals are based on background information provided by the applicant and known conditions. Deviations from this information may be considered a change in the application and reconsideration and possible revision to the approvals may be made by the Plan Commission and Common Council.*