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

PLAN COMMISSION MEETING MINUTES

March 17th, 2026 at 6:30PM at the City Hall Council Chambers 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/775025133
The meeting can also be joined by phone at
1 866 899 4679 using Access Code: 775-025-133

Present: David Eades, Jeff Beirl, Ana Tochterman, Mayor Matt Mackenzie, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner)

Absent: Shawn Brede, JoAnn Erickson, Laurie Gregor

AGENDA

1. Call to Order and Roll Call
   Mayor Mackenzie called the meeting to order at 6:33 pm and a quorum was declared present.

2. Approval of the Agenda
   Mr. Eades made a motion to approve the agenda and Mr. Beirl seconded. Motion Carried 4-0.

3. Consent Agenda
   Mayor Mackenzie asked for approval of the minutes from the Feb 17th, 2026 Plan Commission meeting. Ms. Tochterman made a motion and Mr. Beirl seconded. Motion Carried 4-0.

4. Identify potential conflicts of interest
   None

5. Citizen Participation (non-agenda items)
   None

6. Action Items:
   a. Public Hearing: Review and approval of a Specific Implementation Plan Amendment for a Multi-Family Residential land use on Parcel # 201-00356-0000, zoned Mixed Residential/Commercial (MRC) with Gateway Overlay (GTWY-O) and Planned Unit Development Overlay (PUD). Applicant: Vision, Inc.

Mr. Eades made a motion to go into public hearing, seconded by Ms. Tochterman. Motion carried 4-0.

Mr. Wiley reviewed the proposed request by the developer, Vision Inc., for an SIP amendment to change the maximum permitted height of the building. He reviewed background information on the project, the subject site, and zoning standards. The original PUD approval had already granted an additional height allowance up to 55 feet. The building was designed for a height of about 58 feet. He went over the criteria as required for a SIP amendment. He noted that there was flexibility granted in some instances as long as it is made up for in other areas. He stated they are exceeding the code requirements with landscaping and providing some covered parking and amenities with open space and façade elements such as gabled roofs to fit in better with the neighborhood. These are nice offsets and a three-foot difference isn't significant enough to require other major changes. It will be three feet higher and adjacent to residential housing - but is set back more than the minimum required and the variation in the façade will help break up the scale. Staff recommends approval of the noted PUD-SIP Amendment. The approval would only be for this height increase. The maximum height allowed per UDO for this zone is 45-feet and there was already an additional height allowance granted by the Council for up to 55-feet that was approved under the original PUD. This adds another 3-feet to that for a total of 58 feet. The applicants should submit a revised elevation sheet showing the height. The original plans that were reviewed during the PUD-SIP process had shown a 52-foot building height. This is a public hearing which was given notice and letters were sent out as required. No responses were received or public hearing comments were heard.

Ms. Tochterman made a motion to go out of public hearing, seconded by Mr. Beirl. Motion carried 4-0.
Mr. Eades made a motion to approve. Second by Ms. Tochterman.

Discussion: Mr. Beirl offered an amendment to change the wording to say "up to 58-feet" because they are not required to use the whole 58-feet. He asked if they will be coming back with anything else because once they get this far into the project, it will get harder to say "no". Mr. Wiley responded that he is not aware of anything more. Mayor Mackenzie noted that they had a ground breaking ceremony on site last week and that the developer may be interested in a future project here as well. The motion was clarified for the language to read that the height allowance is for "<u>up to</u> 58-feet" instead of "58-feet". Roll call vote: Eades-yes, Tochterman-yes, Beirl-yes, Mackenzie-yes. Motion Carried 4-0.

b. Public Hearing: Review and approval of Unified Development Ordinance Text Amendments. Applicant: Planning and Development Department.

Mayor Mackenzie reiterated this is a public hearing for two different text amendments proposed by the Planning Department. One is for a moratorium on transitional rehabilitation centers and uses in the city for a period of one year. The other is regarding changes to the ordinance language for the tobacco, e-cigarette and vape businesses in town.

Mr. Wiley presented a background on both items. For the tobacco, e-cigarette, and vape shop amendments, he reviewed which parts of the ordinance were being considered for modifications. First, these types of businesses would only be allowed as a Conditional Use only in the RC District. Secondly, specific language is proposed to be added to Commercial Uses regarding these types of businesses. These would be capped at one establishment per 7,000 people in population and establish a cap on the number of businesses allowed. They would not be retroactive but would apply only to new or newly re-established businesses. This would include signage and distance requirements from specified uses and certain population groups. Much of this came about when Charmaine Swan, with the American Lung Association, contacted the city asking to consider changes to the ordinance. Superior has recently adopted a similar ordinance which was used as a precedence. Lastly, the definitions section of the UDO needs to be updated to define what this type of business is, that it is its own use and would be excluded from retail establishments. The Regional Commercial district is the most intensive commercial district and seems to make the most sense for this use. The definition explains this use to be at least 10 percent of the stock being this type of product.

Mr. Wiley then reviewed the proposed moratorium for transitional living or rehabilitation center uses. He reviewed which parts of the ordinance would need to be modified to put the moratorium in place. Again, this would affect new proposals only. He noted the city attorney reviewed both text amendments. The intent of this one is to allow us to do more research to understand better where this type of facility is best suited. He reviewed the time frame allowed according to the statutes. He then spoke about the Standards for Review for both items. He stated that staff recommends approval of these UDO text amendments. Mayor Mackenzie noted that the Comprehensive Plan will be redone this summer and will give staff a chance to discuss in more depth.

Mr. Beirl made a motion to go into public hearing, seconded by Mr. Eades. Motion carried 4-0.

Wyatt Granados came forward to speak about the problem of vaping and tobacco in the city. He is a Sophomore at Ashland High School and the Sources of Strength president. He conveyed a story about his grandfather, who had passed away, and his health struggles due to the effects of smoking. He noted there are currently ten retailers selling flavored e-cigs and vapes locally that are in proximity to the youth, parks and schools. Three of these advertise the products in their windows and outside the stores. They sell up to fifty different flavors and are marketed to minors. He noted one in every seven high school students currently vapes. He asked the commission to support this ordinance amendment moving forward to city council.

Mayor Mackenzie noted three letters received in support of the amendment: 1) Scott Griffiths with the SPARK after-school program asked the commission to consider including nicotine pouches and synthetically derived nicotine products in the final definition language. He gave the example of Zyn, which is heavily marketed to youth. 2) A letter from Cheq Plan stated their support. 3) The American Lung Association, who noted the tobacco industry targets kids and the low income, stated their support.

This was a Class II notice and published accordingly.

Mr. Eades made a motion to go out of public hearing, seconded by Ms. Tochterman. Motion carried 4-0.

Ms. Tochterman asked to consider the items separately.

Ms. Tochterman moved to approve the Amendment. Second by Mr. Eades.

Discussion: Ms. Tochterman asked if this language was adding it to a specific district as a conditional use and how does it differ from the current state? Mr. Wiley said it is more restrictive as currently it is not defined in the ordinance. Now they would be treated as a retail establishment and would follow the signage rules for that district. With this there would be a more defined set of rules specific to signage promoting these products. She asked where in the city specifically is this district? He noted the RC district is located by Walmart, along the highway in the Eastern side of town. Also, along Sanborn on the Western end. These uses would only be allowed in this district. Additionally, there are separations required from specified other uses. Mr. Eades asked if this approval would imply that no new stores would be allowed per the population? Mr. Wiley noted this is correct and it would not affect existing stores or signage as this would be grandfathered in. Mr. Eades asked if we legally have to “grandfather in” existing conditions and asked for further verification. Mr. Wiley said he can talk to the attorney. Mr. Eades recalled prior discussion of putting a time limit on existing businesses to phase out non-compliant conditions to meet the revised ordinance. Mr. Wiley noted he discussed CUP’s with the attorney and he said that the WI statute (62.23-

7De.4) states that once a CUP is granted, it shall remain in effect as long as the conditions upon issuance are followed. Municipalities are allowed to add restrictions to the extent of CUP's like transfer, renewal or duration, for example. Mr. Beirl asked for the number of stores in Ashland currently. Mr. Wiley noted he did not know the exact count for sure. A survey in the packet had noted ten, in addition to Wyatt. How many other retailers don't meet the ten percent but still sell the product? Mr. Wiley was not sure. Mr. Beirl asked if an existing vape/tobacco store was to sell, could we revoke the CUP or will it be transferred under the grandfather rule? Is there another option, perhaps licensing these stores (similar to alcohol) with the ability to pull it if rules are broken? There is a need to reduce the number of products in Ashland. If every retailer is selling them in addition to tobacco stores, what are we accomplishing? This action is positive but it is a small step and we need to be more aggressive. Mr. Wiley noted these shops are licensed so if they fall out of compliance of their stipulations, then they could have them revoked. It was noted that under the proposed ordinance language, only one would be allowed and we already have many more than that. Mayor Mackenzie recapped that the commission appears to be in favor of the proposed amendment as well as taking further action to restrict these products even more. Mr. Eades asked, given the purchase age is twenty-one, how much police enforcement is done, if any? Wouldn't selling these products to a minor be criteria for revoking licenses and could this tactic be used more heavily? Mayor Mackenzie responded there are age checks but does not know how often they are done.

Mayor Mackenzie called to question a vote to recommend approval to move this item forward to city council along with a request to consider further restrictions. Motion Carried 4-0.

Discussion on moratorium for transitional housing recommendation to City Council: Mr. Eades noted that he assumed our ordinance currently does not allow these at all unless by CUP. He feels that the plan commission's purpose is to make sure they are regulated correctly through the CUP process. What does a moratorium accomplish since any request for one anywhere needs to go through Plan Commission? Mr. Wiley responded that our ordinance is more permissive than we would like and, for example, are currently allowed in the downtown. The Plan Commission and Council's ability to deny a CUP request is limited if the applicant agrees to meet the conditions, under state statute. Mr. Eades noted, and Mr. Wiley agreed, that the statutes mandate that conditions made upon CUP's cannot be overly burdensome. Mr. Wiley noted that possibly this use should not be allowed at all in the downtown, even as a CUP. The moratorium allows us time to research more to evaluate which districts these uses most appropriately belong in. Mayor Mackenzie added that part of this is to help save applicants time and money before they put excessive investment into a development that may not be approved. The City is starting the new comprehensive plan update this summer and it is a good opportunity to evaluate this further. Ms. Tochterman asked if there is currently a project for this use being worked on. Mayor Mackenize noted that there recently has been a proposal to use the old Lock & Key building for this. He is not sure of the current status. Ms. Tochterman felt that the necessary research could be done and ordinance modifications made without putting a moratorium into effect. If there were several current applications for this it would seem to make more sense. Mayor Mackenzie noted that this ties into economic development and investors being concerned about incompatible uses moving in nearby. In this particular case, businesses have reached out with concern, understandably. Somewhat related, there continues to be criticism towards the emergency shelter on the West end of town. Mr. Beirl asked why transitional living and rehab centers are lumped together in the code? For example, if a group of therapists wanted to open a business, to rehabilitate injured people, would they be denied if this moratorium is in place? The definition seems to include this type of rehab. He feels rehab centers should be allowed and separate from transitional living as these are the uses that are the topic of discussion. He agreed that a year is an excessive amount of time to make these changes; six months (with a six-month renewal) should be adequate. Mayor Mackenzie noted there are different meanings for transitional housing and the associated time frames for living. Mr. Wiley noted that the ordinance definition declares these are facilities in which people live while receiving therapy. A group of therapists working with patients would not fall under this category. He proposed we look at breaking the definition out so it's not all lumped together. Mr. Beirl noted this definition would also apply to a nursing home which doesn't seem correct, granted they have a separate definition in the code. Mayor Mackenzie concluded that the hope is to have adequate time to look at this with the updated comprehensive plan and not have to worry about conflict with applicants coming forward for this during that process. Ms. Tochterman noted it is a difficult task to consider but yet there are people who need these types of living accommodations. There likely is not a perfect solution that can be applied to all circumstances. She has a hard time putting a stop on all proposals for this amount of time in the case that something came through that was a good fit for the community. Downtown could actually be a positive and helpful location for a use like this in relation to access to services and walkability. Realistically, how much time is need to think about and consider options? Mayor Mackenzie replied it would be useful to have a referendum question to gather feedback. The recent proposal was for an area of town (East end) where the city is trying to focus on stronger economic development. When the city has advocated this to new businesses, this initiative did not go over well and the city received several complaints when it became publicized. If this is considered in conjunction with the comprehensive plan, it will likely take about a year. Ms. Tochterman asked if the definition could include a specified number of units which would then address some of the concern? Mr. Wiley responded that he thinks it could and look at what other communities have done, such as having spacing requirements. Mayor Mackenzie noted this could be flushed out in the planning stage as well as requiring a live-in tenant and safety protocols. These would be text changes to the conditional use. Mayor Mackenzie concluded that the commission was not keen on the idea of a moratorium but is going to move it onto council without the support of the commission. It was agreed that the location and criteria for this use should be further evaluated along with housing and the comprehensive plan, reiterated by Ms. Tochterman. Mr. Beirl asked if the Prentice House is considered transitional living. The answer to this is unclear but it seems like there is not as much negative feedback on these group homes vs. the transitional living. Maybe these uses should be further compared for helping to establish more suitable ordinance requirements. He agrees a moratorium is not the temporary answer in case an opportunity arises that feels less of a threat to the surrounding community.

Mr. Eades made a motion to approve. Second by Mayor Mackenzie. Roll Call Vote: Tochterman – No, Beirl – No, Eades – No, Mackenzie – Yes. Motion Failed 1-3.

7. Discussion Items:

Mayor Mackenzie announced, with the consultation of Administrator Kucera, the city hired a full-time Economic Planning Director. The hope is to double-down on economic development in the downtown. Haley Makela was most recently employed at the Ashland Area Development Corporation.

He also mentioned that the height of the Vision project is comparable to the Cobblestone Hotel, but has a pitched roof instead of flat.

Mr. Wiley stated that the next meeting will likely be a week later than usual, on the 4th Tuesday – April 28th. There are a few items that should be ready for this meeting and were briefly explained.

Mayor Mackenzie asked if the Commission is interested in being included in a few upcoming grand openings. The response was positive and notification by email is preferred.

a. Update on Property Maintenance Enforcement

None

b. Update on Building Permits for February 2026
None

c. Update on Miscellaneous Planning and Development Items
Mr. Wiley clarified specific information shown for the Bay Vue apartments on the makeshift spreadsheet permit report. This was a result of the down-time that occurred during the software transition. He noted Vision Inc. is serving as their own general contractor and have sub-contractors who have been hired out for portions of the work.

8. Announcement/Reports/Comments/Questions

Mayor Mackenzie inquired with Mr. Eades if he is interested in staying on the Commission as his term is expiring next month. He noted that he is and the Mayor stated he will nominate him.

Ryan Nelson of Vision Inc. was present online. He spoke to say that he had was unable to log in remote in time for the Vision Inc. amendment item discussion and asked for a recap. Mayor Mackenzie responded that it was approved to go up to 58-feet high.

9. Adjournment

Motion to adjourn by Mr. Beirl, Second by Ms. Tochterman. Motion carried 4-0.
Meeting closed at 7:52 pm.

Recorded by:
Terri Erickson
Assistant Planner