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City of Ashland, Wisconsin
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PLAN COMMISSION MEETING MINUTES

January 21st, 2025 at 6:30PM at the City Hall Council Chamber and via Go To Meetings

The meeting can be joined in person or by using a computer, smartphone or tablet at

<https://meet.goto.com/775025133>

**The meeting can also be joined by phone at
1 866 899 4679 using Access Code: 775-025-133**

Present: Mayor Matt Mackenzie, Ana Tochtermann, David Eades, John Beirl, JoAnn Erickson, Laurie Gregor, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner),

Absent: Jeff Beirl (Excused)

AGENDA

1. Call to Order and Roll Call
Mayor Mackenzie called the meeting to order at 6:30 pm and a quorum was declared present.
2. Approval of the Agenda
Mackenzie asked for approval of the agenda. Mr. Beirl moved to approve the agenda as proposed and Ms. Erickson seconded. The motion carried 5-0.
3. Consent Agenda
Mackenzie asked for approval of minutes from the Oct 15th, 2024 Plan Commission. Mr. Eades moved to approve the minutes and Mr. Beirl seconded. The motion carried 5-0.
4. Identify potential conflicts of interest
None
5. Public Comment (non-agenda items)
None
Ana Tochtermann arrived (6:33pm)
6. Action Items:
 - a. Public Hearing: Review and approval of a General Development Plan and Specific Implementation Plan and Zone Change for a Self-Storage Use for Parcel # 201-04943-0200, zoned Planned Residential/Institutional (PRI). Applicant: Michael Hebert

Mr. Mackenzie asked for motion to go into public hearing. Motion by Erickson, second by Gregor. Motion carried 7-0. Mr. Wiley presented the proposal. He reminded the commission that this item

was carried over from the prior meeting. He noted that the applicant was on virtually. Mr. Wiley reviewed the location and zoning for the project. He then described what the applicant has submitted for the review, as required by the UDO and GDP submittal, and reviewed the site plan including proposed wetlands and landscaping. He reviewed project requirements of parking, impervious surface and building height and setbacks. He reviewed the site lighting and noted that the first 100 feet of the driveway access would be paved and the rest would be gravel. He noted that the proposed stormwater pond has not been fully designed at this stage and it would be part of the SIP process. Mr. Wiley noted that this was put on the agenda as a GDP/SIP in the event that the applicant had all requirements submitted. He clarified that he has everything needed for the GDP approval but will need to come back for the SIP. He noted that the landscaping proposed exceeds the amount that the UDO requires by over twice the amount. This is to help offset the requested relief from the UDO paving requirement. Lighting standards would be needed and comply with low activity lighting standards. Mr. Wiley reviewed the exterior elevations and noted the proposed siding is metal which given the outlying area of this project and proposed screening, buildings staff is not concerned with this. He noted plan commission does have the ability to require other materials. In summary Mr. Wiley reviewed items required and provided for the GDP review along with consistency with Future Land Use Map and Neighborhood Compatibility. It will be a two-phase project with two buildings to begin with and two more buildings added later. Mr. Wiley ended with a review of submittal requirements and noted that the applicant has satisfied all the requirements for this and that staff recommends approval of the PUD-GDP contingent on the following conditions:

- Approval is for the PUD-GDP only. The applicant shall follow up with the PUD-SIP submittal through City staff, the Plan Commission, and City Council and obtain PUD-SIP approval and all necessary approvals and building permits for the proposed project prior to starting construction.
- PUD-GDP to allow a self-storage land use under a PUD Overlay on Parcel # 201-04943-0200.
- City Council to waive the 20-acre minimum area requirement for a PUD on 10.35-acre Parcel # 201-04943-0200 in the PRI zoning district with the finding that the proposed PUD encompasses a clearly defined area that will not preclude logical development of adjacent properties in a manner consistent with the intent of the UDO.
- Applicant has the option of phasing the development so that the first two (2) buildings are completed within the initial project phase (two-year term of the initial building permit) and the second two (2) buildings are completed within the following year. Substantial development progress shall occur on Phase 1 of the development within 12 months of PUD-SIP approval.
- Access drive width for the driveway from Binsfield Road shall be a minimum of 19 feet wide to allow two-way traffic. Applicant shall revise the site plan to show the 19-foot dimension for SIP review.
- Relief from UDO Section 6(G)(2) and Section 6.3(F)(5) requiring paving of driveways and parking areas with concrete or bituminous pavement. This provision shall allow the applicant to use an approved unpaved surface in lieu of paving for areas shown as unpaved on the site plan. The first 100 feet of the Binsfield Road access drive shall be paved.
- Building setbacks, heights, and setbacks shall meet Future Development (FD) zoning standards.

- As part of the SIP submittal applicant shall submit a detailed stormwater management plan including calculations on the amount of runoff anticipated based on the proposed impervious area (to include buildings and drive areas). The stormwater management calculations shall demonstrate that the proposed stormwater retention pond is sized appropriately to handle all runoff generated onsite and that no runoff onto surrounding properties will occur as a result of this development. The stormwater management plan will require Planning and Public Works staff review and Plan Commission review.
- Applicant shall maintain the existing wetlands and landscaping as shown on the site plan.
- Any signage proposed shall meet UDO standards and require submission of sign proofs for Planning and Development review and issuance of a sign permit prior to installation.
- As part of the SIP submittal the applicant shall submit a code-compliant photometric plan for Planning and Development staff and Plan Commission review. The plan shall show light levels for all access/drive areas and between the buildings. Lighting shall meet the standard for “Low Activity” Non-residential open parking facilities as described in UDO Tables 6.7.A and 6.7.B.
- Any changes in the proposed land use or additional uses proposed shall require a PUD amendment and Plan Commission/City Council review.

Mr. Wiley noted that the Class 2 public hearing was issued on January 2nd and 9th as well as discretionary letters sent out to surrounding properties within 200 feet of the development as required. He did receive a phone call on this day from a neighbor, JoNathan Kingfisher, who's land is kitty-corner to the property across Binsfield and Farm Road to the south-west. He inquired about the plan review process and Mr. Wiley explained this to him and what the applicant was planning to do and why he required a PUD for approval. Mr. Kingfisher seemed supportive of the development after hearing this explanation.

Mayor Mackenzie asked Mr. Hebert if there was anything he would like to add before opening it up for discussion. He responded with a “no” and that it was well covered by Mr. Wiley. Mayor Mackenzie noted that it was a public hearing and offered that if anyone wished to make any public comments to do so now.

JoNathan Kingfisher came forward to speak. He noted that he was supportive of the project and glad it didn't require a lot of pavement. He stated that he considers his property and the property directly south of the development as old growth wetlands which was logged 50-60 years ago. He stated that the biodiversity and nature here is incredible which he very much cares about. He noted there has been significant flooding across the proposed building area and suggested this be thought about. His other suggestion was that with the richness of species here, landscaping should include native plants. He is supportive of the storage proposed here and could even see himself being a customer. His other concern revolved around the fact that traffic is very fast on Binsfield and that future development of the surrounding properties could negatively affect the area depending on what is allowed per zoning and development. He stated that he prefers farm road being a dirt road although neighbors have asked him to support it being paved, he prefers to preserve the natural habitat as much as possible. He hopes we take his suggestion for native vegetation and consider the affects of potential flood waters on the site. He thanked the commission for their time.

Mayor Mackenzie thanked Mr. Kingfisher for his comments and said they were appreciated. He asked for a motion to go out of public hearing. Ms. Erickson moved, Mr. Beirl seconded. Motion passed 6-0. Mayor Mackenzie noted a motion made would be to forward the item to the council with a recommendation to approve the GDP with conditions. Motion by Beirl, second by Ms. Erickson. Discussion:

Ms. Tochtermann asked if the requirements for native plants would be discussed during the next phase of the SIP? Mr. Wiley noted that it can be included as part of the next phase or it could be done as part of the current review. Ms. Tochtermann asked what his recommendation would be? Mr. Wiley suggested that staff could keep it in mind and that as the landscape plan is further defined it could be incorporated. Some input from the commission now would be helpful moving forward into the SIP phase. Mayor Mackenzie noted that he believes we have historically provided a list of native plants to choose from and could be provided to the applicant. Ms. Tochtermann asked if it was reasonable to ask if all plantings be native? Mr. Wiley noted we have that ability since it is a PUD and very flexible. Ms. Tochtermann feels it is a good and important point for this area and should be incorporated. She made a motion to amend the conditions for approval to require exclusively native plants for the landscape plan. Seconded by Mr. Eades. Discussion: Mr. Beirl was not in favor of requiring native plants exclusively. He noted he trusts city staff to move forwards with incorporating this. Mayor Mackenzie stated that his opinion was that we use native plants exclusively and that they will survive better and less chance of non-native plants growing out of control. Mayor Mackenzie called for a voice vote. The motion passed 5-1 (Beirl voted no).

Discussion returned to the submitted plan. Mr. Eades notes he was in favor of the development but he asked if there was no other way to amend the ordinance without using the PUD process for this? He doesn't feel it seems like the correct process even though it works. He's looking for a better, more long-term solution to the issue. Mr. Beirl asked about the unique similar situation with the Jolma property close by with it not complying with the ordinance and exceptions being made? Mr. Eades recalled a property across highway 13 that were given relief on pavement as well. Mr. Wiley noted he wasn't sure what the process was since he was not here yet. He noted that the UDO took affect in 2012 and it likely happened since then. This is not certain though. Mr. Wiley noted that it is possible to amend the ordinance, but that it is hard to account for every situation that might come up. We need be careful that we don't create issues with amendments that might have unseen or unthought of consequences down the road. He explained that the PUD process can be used for a number of different situations. Material relief may be another reason to go this route. Larger campus size scaled developments may be seen as the typical use but this is not the only reason for a PUD. Mayor Mackenzie interjected and redirected the discussion to the current topic and recommended putting this item on the agenda for future discussion. Mr. Eades questioned whether or not this is truly the correct process for this particular application/project of a single owner. All examples he is aware of is for multi-owner type projects. A motion was made to call the question by Mr. Beirl, seconded by Ms. Erickson. Roll call vote: motion carries 5-1, Mr. Eades voting No. The motion to approve to go forward to council with recommendation of conditions listed by staff with the amendment of using native plants. Roll call vote: motion carries 6-0)

Mayor Mackenzie introduced the next item:

- b. Public Hearing and vote on a request to purchase City-owned land at 821 Water Street (Portion of Parcel # 201-01063-0000), zoned Waterfront City Center (W-CC) with a Waterfront Overlay (W-O). Applicant: Sara Brown

Mr. Mackenzie asked for motion to go into public hearing. Motion by Mr. Beirl, second by Ms. Erickson. Motion carries 6-0.

Mr. Wiley presented a report on the land purchase request. He reviewed the location of the property to be purchased and how it related to the applicant's property. He noted the applicant approached the city about the property several months ago. This land is part of an area assessed by an EPA technical assistance document from 2023 to help create a vision of the area. He explained how the city is proposing meeting her in the middle and offering her half of the requested property (25 feet) in order to make her lot conforming. Currently the existing lot is very restrictive regarding being able to make any improvements. He noted she would need to provide a CSM. He reviewed criteria with the Comprehensive Plan and noted staff feels it is consistent as a single-family residence. He reviewed compatibility associated with UDO standards, views, existing development and best use. He noted he received a call from neighbor Anthony Mitchel who expressed concern about this jeopardizing views from his property. He noted that is currently not part of a redevelopment plan for the Oredock area but only a vision which is conceptual. Mr. Wiley displayed a Site Reuse plan that the property is located on. A parking lot for a future building is located here. It was determined that because the property is on the outside edge of the vision area that it would not affect the overall future development here. With this in mind, Mr. Wiley noted that staff recommends approval of the land sale request contingent on the following conditions:

- The applicant shall be responsible for the costs associated with the land transfer including but not limited to: Land sale, Certified Survey Map, closing costs, Register of Deeds recording fees, etc.
- Applicant shall combine the subject eastern 25-foot-wide portion of parcel 201-01063-0000 with KBC Properties, LLC's existing property to create one lot and City staff shall review and approve the CSM prior to recording at the County.
- Price of the 25-foot-wide section of property shall be \$6,000.
- Applicant shall obtain required approvals and zoning and building permits prior to constructing any improvements on the resulting property. Any improvements shall meet the design standards listed in UDO Section 4.46 W-O Waterfront Overlay District.
- 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 setbacks of the existing home are less than the setbacks required by code today. The home is almost on the property line along the sides which would not be permitted under current code. Any improvements constructed after the land sale and lot combination would need to meet current setback requirements and impervious coverage maximums.

Mr. Wiley noted that the Class 2 public hearing was issued on January 2nd and 9th as well as discretionary letters sent out to surrounding properties within 200 feet of the development as required. He noted that two citizens reached out with questions and comments: Anthony Mitchell with concerns about the views and another individual asking about the sale and what was involved. Once this was explained he seemed content. He

noted he also talked with commissioner Beirl about some concerns he had about the sale of this property and it being a valuable piece of real estate.

Mayor Mackenzie asked if there was anyone in attendance that wished to address item.

Jennifer Suzanka, who owns property across from the proposed land acquisition, came forward. She noted she has a nice lakeview and is not concerned about the possibility of a new garage there. She is more concerned about the big vision for the rest of the city property in this area. She would like to see a restoration of it with it being maintained and taken care of because it is currently filthy. She reiterated she is not against the land sale or her neighbors benefiting from a larger parcel.

Anthony Mitchel, who owns property across from the proposed land sale, is concerned about what kind of development there will be on the property. If a garage is being proposed he'd be interested in seeing a site plan and would hope that it could be located on the northern side of the lot to help reserve views. Mayor Mackenzie clarified that the applicant now has a non-conforming lot and this sale of the lot would make it conforming. If she wanted to develop it further with additional structures it would have to come back to the city for permit approval. It was noted that depending on what was proposed they neighbors may or may not be notified. Anthony asked what happens if the owner is not knowledgeable about the permit process and just goes ahead and builds a garage? Mayor Mackenzie responded that depending on the circumstance they could be given a raze order to tear it down. He noted it's the task of the commissions to listen to the comments of the citizens and determine if it is reasonable to offer the finalization of the sale to the applicant to re-establish her lot as conforming. Anthony asked if we should find out what her plan is before allowing her to buy it? Mayor Mackenzie responded that it may be overstepping for us to demand she tell us what she plans to do with it.

Billy Ryder, a resident of Ashland and an attorney for Mr. Mitchel. He asked what the process is for setting a sale price. Mayor Mackenzie replied that the applicant makes an offer and the city assess what other lots have been selling for and what our intentions are for the property. At times the city enters into a development agreement where the city gives land to the buyer if they agree to develop it within two years. The city has also been gifted right-of-way that has at times been given back to adjacent property owners to restore lots. In this case, the land was purchased by the city in the hopes of future development. For this particular lot \$6,000 seemed to be a reasonable price. He noted that if the decision made by this group is not agreeable, citizens can also voice their opinion on the item when it is proposed at city council.

Mayor Mackenzie entertained a motion to go out of public hearing. Motion by Ms. Erickson, Second by Gregor. Motion carries 6-0. Eades moved to approve the land sale with staff recommendations. Second by Ms. Erickson. Discussion: Commissioners asked who KBC was and if it was an individual or group purchasing the property? Sara Brown responded that she is a KBC properties owner but that her daughter lives there. She inherited the property from her grandmother and her family is KBC properties. Mr. Beirl asked how long the property has been in her family? She responded her grandma, Theresa Simondson, lived there since she got married at 19, so over 60 years until she passed away about 4 years ago. Ms. Tochtermann asked if Brown could speak to her plans for the additional

land. Ms. Brown noted they haven't made any specific plans yet. There have been thoughts about an addition or garage but nothing for sure. Ms. Tochterman asked if she had any thoughts about the neighbor concerns about view obstruction? Ms. Brown understands that they don't want their view obstructed but does not have a concern about it. Tochterman noted she used to live across this street and can attest to how amazing the views are and can understand concerns by the neighbors. She asked about set back regulations and how they could regulate building size and location here. Mr. Wiley explained that the setback guidelines for this district refer back to the building type best resembled. In this case it would need to meet the R1 district standards. He reviewed these setbacks and height restrictions directly from the ordinance for primary and secondary structures. Mr. Mitchell asked if they could tear down the existing house and build new? Mr. Wiley replied that they could do this as long as it was conforming to current standards. Or, if it burned down they could then rebuild it on the same footprint. Mr. Eades noted he understands the concerns of the views but that he's more concerned about the vision of this area for the future than a resident wanting to have a conforming lot. A future development could block the view of the entire lot. Mr. Wiley agreed this would have a big impact if this were to happen. Ms. Gregor asked if there should be some sort of guideline or rule in place to get an appraisal or do an analysis when the city entertains selling property. Mr. Wiley notes he did have the city assessor look at this who estimated about a \$7,000 fair market value and the staff does consider what other property is currently selling for and the numbers are widespread. He agreed an objective third party is a good thought. Mayor Mackenzie also noted that a recommendation could be made to council to renegotiate the price. Mr. Beirl noted the plan for the future seems kind of vague. Mr. Wiley noted that although it is not an official masterplan, there was a redevelopment study completed in coordination with the EPA that could be used as a guiding document for the future. Mr. Beirl noted that the city has been acquiring property in this area and that in 2014 the city acquired these two lots for \$54,000 which didn't include the cost of demo. Now the city is looking at selling a portion of this for \$6,000. He's concerned that once a future plan is in place the city may regret not keeping this property and therefore feels selling it is a bit premature. He also noted that 10 years ago the Brown family had the opportunity to buy this property as well. Ms. Brown interjected and stated she did not have the opportunity to buy that piece of property at that time as her mother and aunt had owned it. Mr. Beirl reiterated that the city has invested a lot of time and money and had recognized this land as important to the future of the community. Mayor Mackenzie asked if the commission was ready to vote. A yes vote would be to recommend approval of the property sale to the city council. Ms. Tochterman asked if there was any time-frame pressure? Mayor Mackenzie replied if we wanted to explore this in greater depth we could ask for a table to further discuss. Ms. Tochterman made a motion to table the item. Ms. Erickson seconded. Ms. Erickson asked if we are tabling it to investigate cost and Mayor Mackenzie agreed that it was to gain a better understanding of the background of the property. Motion carried 6-0.

- c. Public Hearing and vote on a request to purchase one parcel of City-owned land at the corner of 6th St E and 10th Ave E (Parcel # 201-02065-0000), zoned Single-Family Residential (R-1). Applicant: Timothy and Kathleen Retaskie.

Mr. Mackenzie asked for motion to go into public hearing. Motion by Ms. Erickson, second by Ms. Gregor. Motion carries 6-0.

Mr. Wiley presented a report on this land sale request. He reviewed the location and parcel details in relation to zoning. He noted that the applicant had reached out to city staff months ago with interest to buy this lot for \$15,000. He reviewed the parcel in relation to review criteria of the comprehensive plan and future land use and noted this parcel is not considered an essential property for the city to hold on to. He also noted that the applicant is considering building a single-family home for his daughter in the future and staff believes that this is the best use for the property. He stated that the assessor told them \$20,000 would be a fair market value. Staff felt \$15,000 was a reasonable price and recommends approval. At this time, the applicant intends to keep the parcel separate from his existing adjacent parcel. Mr. Wiley confirmed a class II public hearing notice and nearby property owner notifications took place. (He noted land sales only require a class I but they were all done together for this meeting to simplify) No responses or comments were received.

With no public comments, Mayor Mackenzie requested a motion to go out of public hearing. Motion made by Mr. Beirl, second by Mr. Eades. Carries 6-0. Mr. Eades made a motion to accept the land sale with conditions. Seconded by Mr. Beirl.

Discussion: Mr. Eades asked if there was a city alley and how many lots there were? Mr. Wiley responded it may have been originally platted as multiple lots but is currently one parcel. Mr. Eades commented that he feels this property had more value as a larger parcel and that it should be put out for bid. He questioned if there is a policy for a more competitive protocol for these buildable and desirable lots. Mr. Wiley responded that the ordinance section is followed for land sale requests which requires an application submittal and offer to purchase amount. He noted he can bring it up to staff about a different or better process for this. Ms. Erickson commented that the city should be trying to get the most money they can for city owned properties and not necessarily accepting the initial offer from applicants without any negotiation. Mr. Eades commented on the past idea of inventorying excess properties that the city has and publicizing them as available to the public under a process and to keep this in mind for future consideration. Mr. Beirl noted that he understands there is also staff constraints. Ms. Tochtermann noted setting the terms of price has been an ongoing discussion when land sales occur. Establishing a better process in regards to this with the resources we have would be beneficial. She asked if we have asked for \$20,000 from the applicant in this case and is it negotiable? Having the property back on tax role and an owner who will live there are advantages and should be considered. Mr. Wiley replied that the city did not ask for \$20,000 but that they looked at various similar parcels to help evaluate if the offered price was reasonable. He noted that the city could go back and ask for \$20,000. Mr. Beirl commented that it seems like it has been a vague and arbitrary process which opens us up to criticism going forward. There should be a standardized process for arriving at the valuation of these properties. Mr. Wiley agreed with the comments but noted it is tough because past examples show that it has been very situational depending on many different factors and gave a specific example. He said the ordinance defines specific steps but not when it comes to arriving at the property value. Mr. Beirl offered that even the appraisal process is subjective and appraisers adjust their numbers as appropriate since exact comparisons of others properties are unlikely. He feels that there must be a better way for us to evaluate this. Mayor Mackenzie noted that we have not had a lot of lots sell in the city or getting people to come look. The city wants people to buy lots with the intention to build a house. There has been talk about development agreements where the buyer purchases the lot at

a lower price but agrees to build something on it within two years. There's been talk about programs where if a buyer of a city lot is built on within three years the money for the lot is reimbursed with the incentive that properties are improved. He asked for ideas and promoted discussion on the topic. He mentioned the process that took place combining lots out by the industrial park where there were timelines to meet with agreements made. Mr. Beirl suggested that staff consult with other associates in the state that area dealing with the same challenges to help come up with some ideas and solutions. Mayor Mackenzie noted that the value of the plan commissions is that we will be looked at suspiciously, what do our neighbors expect and what do we do to help get greater support for how we move ahead with this. Ms. Erickson noted that the applicant doesn't have any plans for the property currently? Mr. Wiley responded that no, not immediate plans just for the future. Ms. Erickson asked if he proposed any sort of deal to the applicant for a "sell-at-this price if you build within a certain time" frame agreement? Mayor Mackenzie responded that they did not present this but they could. Ms. Erickson noted that he could just as easily buy it for this good price from the city and then turn around and sell it for more since it appears to be worth more. Mayor Mackenzie asked what the commission would like to do? Would they like to offer it for sale but only at the assessed value unless they are willing to enter into a development agreement for a reduced price? Ms. Erickson felt this would help us with the future with expectations of sales for city property unless there was another plan in place. Mayor Mackenzie stated that he is hearing that the group feels that the price could be more beneficial for the city if it were at the full \$20,000 as assessed and that there is interest in supporting a development agreement if the lot sold for less with the understanding the lot would be developed with housing in so many years. Ms. Erickson concurred. Mayor Mackenzie made an amendment to the motion that it be forwarded onto city council for either the fair market value of \$20,000 or if the purchaser is willing to enter a development agreement to build a primary residence on the parcel within three years the city would accept the offer of \$15,000. Motion for amended language by Ms. Erickson, second by Gregor. Motion carried 6-0. Ms. Erickson makes a motion to forward to council the amended language on the purchase request. Second by Ms. Tochtermann. Motion carries 6-0.

- d. Public Hearing: Review and approval of a Conditional Use Permit to allow a freestanding sign in excess of 75 square feet at 521 Lake Shore Dr E (Parcel # 201-01254-0000), zoned Waterfront City Center District (W-CC) with a Waterfront Overlay (W-O) and Gateway Overlay (GTWY-O). Applicant: Krist Oil Company

Mr. Mackenzie asked for motion to go into public hearing. Motion by Mr. Beirl, second by Ms. Gregor. Motion carries 6-0.

Terri Erickson presented a report on this CUP request. She noted that John Paramski was here from Wickwire, a consultant for Krist Oil, to answer any questions. She reviewed the standards for review, existing and surrounding land uses and the land use recommendation. She reviewed the applicant's proposal and background information along with review criteria required by the ordinance as well as consistency with the comprehensive plan and compatibility. She spoke to the fact that the entire lot is covered with impervious surface which is not up to current code and therefore staff is recommending as a condition of approval that a small landscape area around the base of

the sign be provided by the applicant. She reviewed the conditions proposed by staff for approval to forward to city council as follows:

- Approval of the Conditional Use Permit to allow for the addition and placement of one (1) 2-foot by 4-foot propane reader board backlit panel according to the submitted sign elevation located at the 521 Lake Shore Dr E subject property.
- Signage shall meet UDO standards.
- Conditional Use Permit is only for the signage proposed and not for any additional uses or improvements. If any additional changes are proposed such uses will require additional staff and/or Conditional Use Permit approvals through Plan Commission and the Common Council.
- A sign permit is required prior to the installation of the proposed signage.
- The base of the existing sign shall be landscaped with plantings. Drawings (plan, elevation and/or section) of the planter base materials, dimensions, details and planting type shall be submitted to the city for review and approval before a sign permit is approved. The plantings shall not exceed two and a half feet in height. The landscaping shall be installed when the reader board is installed or within the growing season. The landscaping shall be cared for and maintained by the property owner.

Ms. (T) Erickson stated that a notice for a Class 2 public hearing was issued on January 2nd and 9th as well as discretionary letters sent out to surrounding properties within 200 feet of the development as required. No responses or comments were received as a result of this.

Mayor Mackenzie asked if Mr. Paramski or anyone else had anything to say in the public hearing. He responded "No, that Ms. Erickson covered it". Motion to go out of public hearing made by Ms. Erickson, seconded by Ms. Tochtermann. Motion carries 6-0. Ms. Erickson made a motion to approve and move forward with the CUP approval and conditions noted. Second by Ms. Gregor. Discussion: Mr. Beirl asked if this was setting some sort of precedent? Mr. Wiley responded he didn't think so. He noted we've seen this with other signs that were approved through a CUP process where applicants didn't meet the 75 SF area maximum as with the Chamber sign. He noted with the way the ordinance is written it does allow for a CUP for something like this in the city center district or along highway 2. He mentioned it maybe something worth changing and not necessarily an appropriate use of a CUP but with the way the ordinance is written we have the ability to approve it if they meet the conditions. He feels there is grounds for approving in this case. Mr. Wiley noted that the Chamber sign was a similar circumstance. Mr. Eades noted there was a conditional use for that approval that they wouldn't use the entire sign area but they do every time they put a sign up. Who monitors and enforces this? Mr. Wiley noted that there has been discussion about better follow-up of conditional use permit compliance and the department has goals to do better enforcement and possibly hiring someone to help with this or add it to the duties of the property maintenance specialist. Mr. Eades commented that it just adds more work to monitor this and verify it is only ever used as an ATM/propane sign.

Mayor Mackenzie called for a vote on the motion. Motion carried 6-0. He subsequently mentioned there has been a discussion to hire someone to follow up on the conditions that we impose and that it is currently an unmet staffing requirement.

- e. Public Hearing: Review and approval of a Conditional Use Permit to allow a Vehicle Sales Use at 1318 Lake Shore Dr W (Parcel # 201-00066-0000), zoned City Center (CC) with a Gateway Overlay (GTWY-O). Applicant: Greta and Nicolas Blancarte on behalf of Lake Superior Auto Sales, LLC

Mr. Mackenzie asked for motion to go into public hearing. Motion by Ms. Erickson, second by Ms. Gregor. Motion carries 6-0.

Terri Erickson presented a report on this CUP request. She reviewed the standards for review, existing and surrounding land uses and the land use recommendation. She reviewed the applicant's proposal and background information along with review criteria required by the ordinance as well as consistency with the comprehensive plan and compatibility. She reviewed the conditions proposed by staff for approval to forward to city council as follows:

- The applicant shall obtain all necessary building and/or sign permits for the proposed project and provide drawings with following information prior to operating on-site:
 - A site plan designating the location of for-sale vehicles, employee and customer parking, and the primary entrance to the building and office location.
- The number of for-sale vehicles must not increase beyond the 5 approved in the CUP approval. If the applicant desires to go beyond this, they must come back to City Planning Staff and the Plan Commission for further review and approval.
- The for-sale vehicles must be parked on the paved surface. They shall not be elevated or located beyond the pavement in the grass area. No vehicles for sale shall be parked in the 10-foot by 10-foot vision triangle at the driveway entrance from Lake Shore Drive.
- Any future or additional signage on the building, existing pole sign or at the location of the sale vehicles must be submitted to the city planning staff for review and approval.

Ms. (T) Erickson stated that notice for a Class 2 public hearing was issued on January 2nd and 9th as well as discretionary letters sent out to surrounding properties within 200 feet of the development as required. No responses or comments were received as a result of this.

Mayor Mackenzie asked if Ms. Blancarte or anyone else wished to comment on this. Ms. Blancarte responded "No, Ms. Erickson covered it". Mr. Beirl made a motion to go out of public hearing. Second by Ms. Erickson. Motion carried 6-0. Mr. Beirl made a motion to forward the CUP with staff recommendations.

Discussion: Mr. Eades asked about temporary signage. He noted that Roots has all kind of signage out on the public terrace. Mr. Wiley noted that temporary signs are regulated by sign standards in the UDO. He said the feather signs are not permitted by ordinance and there are a lot of properties that are non-compliant with that which is connected to the following up and enforcing. Temporary signs are limited in terms of size and quantity. He does not believe the ordinance has a firm limit in terms of numbers of days but just says temporary which creates a problem that should be looked at. They are limited in terms of SF area and the number allowed. They also cannot locate them in the boulevard or terrace or the right-of-way. Mr. Eades noted he doesn't have an issue with this CUP;

this is just a thought. Mr. Beirl expressed concern about an interested person coming to the plan commission not too long ago wanting to sell vehicles on the adjacent property. Knowing each situation is unique, he wants to make sure that we are fair and consistent with our requirements regarding staff recommendations so that no one views this as preferential treatment. Mayor Mackenzie noted that the differences are that the other one was not paved which this one is but what has not been addressed is the lighting. That had been required of the other person to provide and we should be doing the same things on this one to make sure that we are consistent. Mr. Beirl noted that this isn't something he would likely hear about but city staff may so we should be prepared. Ms. (T) Erickson noted that the location might be under a street light so it may already have some lighting. In regards to having client meetings at night, the office location does have existing exterior wall lighting at the entrance. Minimal discussion took place regarding signage or lighting where the for-sale cars would be located. The only signage discussed was for a small sign attached the inside of the door into the office. Ms. (J) Erickson noted this wouldn't help with lighting for the parking spaces. Mayor Mackenzie noted security is the main intent for the lighting requirements. He recommended that we could perhaps amend the conditions to make sure that lighting standards are addressed. Ms. (J) Erickson noted that the Richardson's, not the applicant, own the property. Ms. (T) Erickson noted the applicant has worked out an agreement with the Richardson's to use their property for the parking space and office space inside the building. This statement was confirmed by Greta Blancarte. Ms. (J) Erickson stated that any lighting additions would need to go through the Richardson's. She cannot just say "yes" to it without their confirmation first. Mr. Wiley agreed that the owner would have to be on board with any changes made. Mayor Mackenzie also noted another good thing about this proposal is that it has an office associated with it and the other one did not. A comment came up about the Corn-man and how this could affect his location. Ms. Blancarte noted that they can move their vehicles temporarily if needed for space for the Corn-man. Mayor Mackenzie made a motion to approve an amendment to add the requirement of providing security lighting to the conditions of the CUP approval. Second from Mr. Eades. Motion carries 6-0. A vote was called to approve the CUP with conditions and amendment to pass onto city council for review. Motion carries 6-0.

7. Discussion Items:

a. Update on Property Maintenance Enforcement

No questions or concerns, no updates

b. Update on Building Permits for December, 2024

No questions or concerns, no updates.

c. Update on Miscellaneous Planning and Development Items

Mr. Wiley noted we are still working on updates to the UDO. He's hoping to bring forward the siding issue this Spring. He mentioned there are some items regarding cell antennas. There will be a submittal coming forward for the city property off of rail drive. The city entered into an agreement with vertical bridge who is looking to install a 175-foot cell antenna which will come before the commission as a CUP. He noted there are limits per state statute as far as what we can require and the state statutes supersede the local ordinance. There will be some ordinance changes brought forward for the cell antennae section. Also a few other updates to the PUD section to give applicants for flexibility. Property maintenance and CUP follow up language will be further discussed. He noted we issued a raise order for the 118 10th Ave E property. It has been vacant for several years and staff issued a raise order for the property. Mr. Beirl asked about the Marty Reykdal property. Mr. Wiley responded that he is aware of what needs to be done but hasn't heard from him in a while. Mr. Reykdal was pushing for an ordinance amendment

relating to design standards for materials to allow for metal siding. His property is not code complaint without a principal structure and cannot get permits or extend his CUP without bring it into compliance. Mayor Mackenzie noted what was built looks nothing like what was originally presented to the city. He's listed it for sale because he is frustrated the city has not given him additional permits even though what he has done is not in compliance. He's trying to sell it as a dwelling but it does not meet the setbacks for this. There could be a raze order coming on this building. The city is trying to sort out what we can do regarding him having it for sale as a non-compliant structure. There is a concern that someone buying it may not be aware of the issues there are and then being stuck with it. Mr. Wiley noted it is something that we could talk to the city attorney about and could possibly be recorded at the register of deeds.

8. Announcement/Reports/Comments/Questions
None
9. Adjournment

Mackenzie asked if there was anything else, thanked everyone for their time and individualism to express their thoughts. He asked for a motion to Adjourn. Ms. Erickson made a motion, Eades seconded. Motion carried 6-0. The meeting adjourned at 8:56 PM.

Recorded by:
Terri Erickson
Assistant Planner