

PLAN COMMISSION MEETING MINUTES

March 18th, 2025 at 6:30PM at the City Hall 2nd Floor Conference Room 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, John Beirl, Jeff Beirl, David Eades, Laurie Gregor, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner)

Online: Debra Eichman

Absent: JoAnn Erickson (excused)

AGENDA

1. Call to Order and Roll Call
Mayor Mackenzie called the meeting to order at 6:31 pm and a quorum was declared present. He noted that Ana Tochtermann has resigned as a city councilor and that she was on this commission as a representative for the council so she will no longer be with the group.
2. Approval of the Agenda
John Beirl moved to approve the agenda as proposed and Jeff Beirl seconded. The motion carried 5-0.
3. Consent Agenda
 - a. Approval of minutes from the February 18th, 2025 Plan Commission meeting.
Mr. Eades moved to approve the minutes. Ms. Gregor seconded. The motion carried 5-0.
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 Conditional Use Permit to allow a Two-Family Residential (Duplex) land use at 709 17th Avenue West (Parcel # 201-00592-0000), zoned Single-Family Residential (R-1) Applicant: Debra Eichman

Motion to go into public hearing by John Beirl, second by Mr. Eades. Carried 5-0.

Ms. Erickson made a presentation on the proposed project. She reviewed background information and noted that this is a resubmittal of a CUP that was first applied for in 2023. Since then, the size of the duplex has gotten smaller. The lot is vacant aside from an accessory structure that is to be renovated. As is, the parcel is non-conforming because it does not contain a primary structure. This

development would bring the property back into conformance. Ms. Erickson reviewed the surrounding uses and location of the proposed building, the existing accessory structure and compliance with required setbacks. She briefly reviewed the proposed floor plan, exterior elevations, materials, and improvements planned for the existing accessory structure. She noted additional details and information will need to be submitted before a permit can be approved. The standards for review were presented as defined by the CUP approval process. Staff recommends approval of the CUP contingent on the following conditions:

- The applicant shall obtain all necessary permits for the proposed project including building permits and right-of-way permits. Plan review approval must be granted by the designated authority as well as a submittal for a state UDC (Uniform Dwelling Code) permit.
- The applicant shall submit a revised site plan with the following additions:
 - Dimensions and locations of the proposed structure and the existing accessory structure showing dimensions from lot lines and between the two structures.
 - Required setbacks.
 - The location and dimensions of the driveways out to the road/curb. Any impervious areas, such as sidewalks, should be shown and dimensioned on the plan.
- The applicant shall record the rental property with the City of Ashland rental registration.
- A permit must be obtained for the remodel of the existing accessory structure. The new duplex must be a minimum of six feet away from this structure (this includes eaves). As noted, the new siding on the accessory structure is to match the siding on the new duplex.
- In accordance with the city of Ashland Property Maintenance Ordinance, the grass shall be kept mowed and the lot maintained in an orderly manner, free of brush and debris at all times.
- If construction has not begun within one year of the Conditional Use Permit approval the permit is null and void.
- Any changes or additions to the plans taking place after permit approval must be approved by the city planning staff and/or Plan Commission and City Council as required.

Ms. Erickson noted the required Class 2 public hearing notice was issued on Feb 27th and March 6th and discretionary letters were sent to all surrounding property owners within 200 feet of the proposed development.

She relayed that as of Thursday, March 13th, two email responses were received as a result of the required mailing and she read these comments aloud:

Todd Mattson – 623 17th Ave W:

Since the property was recently purchased the lawn/field has not been maintained on a consistent basis. The area has been more than 8 inches (probably more than 12 inches) for most of last summer and was more of a field than a lawn which brings unwanted ticks, pests and disease into the neighborhood. When trees were removed it looked to be high school kids that had no safety protection and I'm assuming were not insured. Based on what I have observed so far, I am completely opposed to granting any CUP for this property.

Janet Spear – Neighbor:

We do not support the above permit. We do support keeping the current zoning of R-1. We feel that only single-family housing is appropriate for the area especially due to the fact that there is a mobile home park next to the lot and duplexes already in existence on 16th Avenue and 7th Street. There is already plenty of population density and traffic in the area.

Merel Kerr -700 17th Ave W:

Mr. Kerr was in attendance. He noted he lives on the corner across from the proposed development. He stated that property maintenance on the site has been terrible since purchased by the new owner. He said he is not for it or against it. He noted his family has been there since the fifties and its always been single family in the area aside from when the trailer court moved in years ago. He doesn't see a problem with it and understands the city does need more tax base as well as housing. He mentioned a similar duplex on 17th Avenue across from H window that works there and that the traffic is pretty bad due to the trailer court. He feels that the duplex would probably fit in good and the property has sat empty for a while. He noted the existing building was formerly a barn and it housed chickens and cows. He wanted to know if it was going to be owner occupied as well as some other people and so that is good. (This was confirmed in the presentation.) There has been concern among neighbors that it may not be owner occupied and the property wouldn't be taken care of and attract a bunch of people. From what he sees in the pictures, he thinks it will look really nice and said it's a beautiful piece of property and personally has no problem with the project.

Mayor Mackenzie let Mr. Kerr know that if he has maintenance concerns with grass to give Public Works a call and they will take a look at it. Mr. Kerr noted it looked like someone was trying to clean it up and it was thrown into piles and looks terrible. He noted the pictures shown (in the presentation) look beautiful but they have hacked down all the trees and piled them and left it. He agreed with Todd that there were kids there hacking trees and loading with no safety equipment and they just took what they wanted and left the rest there.

Motion to go out of public hearing by Mr. Eades. Second by Ms. Gregor. Carried 5-0.

Jeff Beirl noted he did not hear the answer to Mr. Kerr's question if both units will be rented or if the owner will reside in one of the units. Motion to approve the recommendation of the CUP with conditions onto council by Mr. Eades. It was noted by Mr. Kerr that the presentation had displayed that one unit would be owner occupied. Jeff Beirl responded that this makes a big difference. Jeff Beirl seconded the motion. Mayor Mackenzie asked if there was any further discussion. Jeff Beirl asked where duplexes are allowed in the R-1 district. Mr. Wiley responded they are considered Conditional Uses in the R-1 zone. They are not prohibited outright but are a more intense use than a traditional single-family use so it requires the plan commission to weigh in. They are allowed without a Conditional Use in the R-2 district and multi-family districts. Ms. Erickson noted that the applicant was in attendance online to answer any questions. Mayor Mackenzie reiterated that this is a second go-around for the CUP request as time ran out on the initial approval. Mr. Eades asked if the existing garage is fine the way it is? Mr. Wiley responded that if it does not meet current setbacks it likely went in before the ordinance and it can be maintained as is but not expanded further into the setback. Utilities are existing along 17th Avenue that the applicant would stub into. Who pays for what portion of the stubbing would need to be further determined by the Public Works department. Mayor Mackenzie asked the applicant if she is agreeable to the conditions as stated in the recommendations. She responded yes. She noted that when she bought the lot there were no fewer than six dead trees on it and agreed that the lot needs to be improved. She stated she does plan to live on the south side of the duplex and noted that the existing garage has a concrete floor which may have another layer of rebar and concrete applied over the top. A concrete contractor who looked at it told her it was overbuilt and still very structurally sound.

A roll call vote was taken to approve the recommendation of the CUP with conditions onto council. Motion carried 5-0.

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

Motion to go into public hearing by Jeff Beirl. Second by Mr. Eades. Carried 5-0.

Mr. Wiley reviewed the details of the proposed ordinance amendment to design standards in regards to part 6.2 of the UDO in relation to the use of metal as a siding product. He noted that the text has been amended some from the last meeting and that it has been reviewed by the city attorney. He went on to explain that the revisions are an attempt to provide more flexibility to owners who want to use various metal siding products which have become more prevalent. He reiterated some of the products look better than others and are not all created equal. He explained we want to avoid products that cause erosion of our city's design standards and be cognizant of where we allow these materials. He clarified how UDO section 6.2C-3 mandates these design standards. When language states that development "*should*" follow these standards. "*Should*" or "*may*" is permissive in ordinance language and "*shall*" or "*must*" signifies mandatory. We are looking at two subsections: one residential and the non-residential and language would be similar for both. Mr. Wiley reviewed several photo examples of different applications of metal siding. John Beirl mentioned some local projects that utilize metal as siding including the Pizza Pub and Daryl Jolma's State Farm office addition. (It was subsequently verified that this project is not using any metal siding). It was noted that these were good examples of the use of metal as a siding material. The level of detailing and integration with other materials help determine if it is considered good design. The quality of finishes and mechanical fasteners also have an impact on aesthetics and longevity. Mr. Wiley suggested using a tiered approach to the guidelines restricting certain types of metal products in some districts but not in others. How close the buildings are from the streets and public view may also be a consideration. A few photo examples showed a base or wainscot material extending a few feet above the ground that helped to break up the façade and could be used as a design requirement in certain applications. Mr. Wiley noted that Ms. Erickson did research on metal siding use in other Wisconsin cities of a similar size to Ashland help give examples of how other communities regulate the use of metal. Prohibiting the use of metal siding on historic properties, unless they historically had it, does not seem appropriate and is incorporated into the new language. Metal lap siding would not be included in prohibited materials per SHPO guidelines. For residential applications, materials typically used for agricultural type buildings would be prohibited. The amendment proposal includes prohibiting the use of metal siding in the Gateway and Waterfront Overlay Districts unless they are completely screened from view of the street or right-of-way. The amendment includes heightened standards for the painting and finishing of siding, installation methods, and a prohibition of exposed fasteners in view of the public right of way. Tin style siding and patchwork applications would also be prohibited. Additional language has been added requiring heightened maintenance requirements and a minimum of 26-gauge thickness. For non-residential uses, standing seam metal or tin style siding would be prohibited on properties downtown between Ellis Avenue and 10th Avenue West. There have been a few examples downtown where historic brick or stone building facades have been greatly spoiled by being covered up or replaced with unsightly materials. Considering the formation of an Architectural Review Board may be a benefit to the city. Mr. Wiley covered the review standards with regards to the proposed ordinance amendments. The Comprehensive Plan recognizes the

significance of historic districts and improving the image of gateways as well as incorporating sensitive development in these areas. Mr. Wiley talked more about creating tiers of districts where standards are raised in some and left alone in others, such as in the industrial park where aesthetics are not as much of a concern. Sustainability factors support the use of using metal as they can last a long time, potentially have less maintenance and can be recyclable. It was noted that action taken on this proposed amendment can range from approval to tabling for additional discussion.

Mr. Wiley noted that remedies in the UDO for violations do include a defined process for penalties with things like abatements or injunctions through the court system. If a resident was to install a noncompliant material, there is a process for which the city can take them to court and recover the costs incurred by the city to reverse the action. The property maintenance ordinance does have language to recover costs due to violations and it may make sense to add similar language to the UDO. Mayor Mackenzie added that our goal with this discussion is to be open and transparent. There is also hope to engage the public in this discussion and to take the time needed to get this right; these amendment updates should not be rushed or pushed through. Mr. Wiley noted a class II notice was published for this item. Mayor Mackenzie added, regarding the penalty topic, that there are some people that put a bigger drain on the city maintenance inspections than others. The city is considering provisions to be able to pass some of this excessive cost onto these specific individuals. Mr. Wiley noted he did not get any calls or emails regarding this item.

Motion to move out of public hearing by Jeff Beirl. Second by Ms. Gregor. Carried 5-0. John Beirl made a motion to table the item. Mayor Mackenzie wanted to initiate more discussion first and asked if the commission thinks we are headed in the right direction. John Beirl commented that he understands it on the residential side but that we have to be sensitive on the commercial end with regards to small businesses. Storage buildings and car dealerships are types of buildings that seem okay to have exposed fasteners in his opinion. We don't want to put up an ordinance that is cost prohibitive for small business or gives this perception. He advocates for another public hearing to address this and give the public more opportunity to voice their opinion. He agreed that he would rather not see residences covered with standing seam metal. He brought up how the city did not allow metal panels on the backside of the recent condo development and it was painted instead. He questioned how long the paint would look good before spalling, etc. starts to occur. Upon reviewing the photo examples, Mr. Wiley noted he's mostly concerned about the use of more utilitarian products like tin, standing seam profiles. A few existing examples in Ashland of unsightly uses were mentioned. Mr. Eades noted that just because these exist now does not mean that we cannot say "no more". Mayor Mackenzie asked if the affected area should expand to the east? Mr. Eades responded, yes – it absolutely should. It was agreed Stuntz Avenue would be a good extension boundary. Discussion continued about the differences in process and requirements of state verse city codes with the zoning board of appeals and granting of variances. Mr. Eades noted he does not have a big issue with visible fasteners. Mayor Mackenzie suggested maybe restrictions only apply to residential applications. Mr. Eades commented he would be okay with that. Ms. Erickson noted the visible fasteners are an indication about the level of quality and potential issues with water infiltration. John Beirl considered the consequence that buildings closer to the road, but in compliance, potentially get punished for not being able to use exposed fasteners where more distant buildings, like L & M, do not. Mayor Mackenzie noted some communities are using this type of discretion to define where the materials are allowed. John Beirl felt that this seems a bit discriminatory. Jeff Beirl agreed that not allowing exposed fasteners in residential applications makes sense but commercial uses should allow more flexibility. Product industry

standards should be spelled out clearly in the ordinance language. Jeff Beirl asked how the process is going to be controlled – through the building permit process? And what percent of people who do work on their house actually acquire a building permit? Mayor Mackenzie replied that the new ordinance language could note an exception that if metal siding is being used, that there's no dollar limit without showing that you're using specified materials. Ms. Gregor agreed with the limited use of metal in historic districts and downtown. She not opposed to visible fasteners most specifically on commercial buildings. She asked where the standards are derived from and are they user friendly for residents to make informed decisions? Mr. Wiley suggested coming up with a brochure or FAQ to hand out to residents/applicants. Mayor Mackenzie felt the consensus was to look deeper at the standards and try to simplify the process. We should further investigate requirements for exposed versus concealed fasteners. In regards to engaging the public, the April meeting could be used as another discussion on the topic and then it could be opened up again in May as a public hearing. John Beirl commended the staff for the work involved in defining and setting these standards. Ms. Erickson noted that most of the photos shown as good examples are materials that are likely not available locally because they are higher-end and cost prohibitive. She added that most (if not all) of the applicants requesting to use metal panels in Ashland are wanting to use these materials, available locally, because they save money. Mayor Mackenzie noted that if the commission has any more input or questions to reach out to staff. John Beirl stated that there are people in the community who think that the metal siding we are discussing is historic and attractive. Mr. Eades commented that he does not believe that the overlay districts are enforceable as ordinance but that they are simply recommendations. Mr. Wiley said that he would have to do some research on this.

Motion to table by John Beirl and second by Mr. Eades. Motion Carried 5-0.

7. Discussion Items:

a. Update on Property Maintenance Enforcement

John Beirl asked what Dave (Martinsen) is doing with the sign down at Great Lakes Insurance? The location is noted as 124 Main St W. Mr. Wiley stated that it is for a renewal of his billboard on the highway.

b. Update on Building Permits for February 2025

No questions or updates

c. Update on Miscellaneous Planning and Development Items

Mr. Wiley noted that aside from more ordinance discussion, there will be a right-of-way property transfer on the upcoming agenda. The Beaser housing development is still ongoing. The developer has submitted their preliminary PUD application with required documents that he will be reviewing. There will be a special meeting on April 1st for the creation of TID 11 which includes the Beaser development, the Beaser school site and several residences in between. There will be a joint review board meeting at 11 AM the same day with Plan Commission in the evening at 6pm. Jeff Beirl asked if they will be informed on what the city's property tax base will be from this and how much will be taken away from taxes the city receives. He had concerns about several other local referendums taking place simultaneously. Mr. Wiley responded that he believes this will be part of the presentation from Ehlers. He noted the TID will function as a redevelopment or "blighted"

district. Generally, TID's are limited to no more than 35 percent residential development and this one will be almost all residential which would not qualify for a standard TID. The vacant former brownfield site and possibly the CESA building both help meet the criteria for blight definition. John Beirl asked if we know what the developers expect for accommodations from the city? Mr. Wiley noted they have laid out how much TIF assistance they are seeking and what they would want the city to bond for. It is over 3 million dollars for a 36-million-dollar project cost. Existing utilities under the Beaser site would also need to be relocated with the assistance of TID money. The city may also apply for a CDI grant through WEDC. (Wisconsin Economic Development Corporation) A similar grant was awarded for the Union Bank building remodel. Mayor Mackenzie noted that everything looks good as the project progresses with regards to communication and commitment by the developers. Ehlers has also shown support and seem positive about the direction of the project. He reiterated the cost of the project is about 36.2 million dollars for total cost.

Mr. Wiley stated that staff is getting more aggressive with property maintenance. We've been documenting and working with the city attorney on the most problematic properties. Law suits are moving ahead against some of them. He explained what the process has been for a few of the properties including getting a warrant to go on the properties to get them cleaned up and then adding the bill for the work to the property owner's taxes. There is a raze order out for the Koenamann Property at 118 10th Ave East. John Beirl asked if every other avenue has been exhausted with the owner to get this into compliance. Mr. Wiley responded yes and explained the process that has already taken place and stated it has gone on much too long. Mayor Mackenzie noted that they continue to look at empty houses in town and evaluating ways to acquire them or get them torn down if they are dilapidated. He mentioned a progressive permit based on the number of years it sits empty.

8. Announcement/Reports/Comments/Questions

Mayor Mackenzie noted they have talked to Northland College administration and their main priority at this time is their students and how to help fill their needs. After that they will begin to consider what they want to do with their property. Anything being said or spread is purely rumor at this point. The city's interest in the property is to help them out as needed. The main concern regarding what happens to the property and buildings is that it will be a benefit to the city. They will need to work with Steven regarding what types of uses are an option with regards to zoning. The future use of this property could also affect the voting districts.

Jeff Beirl asked about the Timeless Timber LP. It was noted that nothing is going on with this property. They determined they did not want to pursue a restaurant there. There has been no more communication or advancement with the Copper Cup property owners.

It is not clear what will happen with the Bureau of Indian Affairs. One of the buildings is leased and the other one is owned. The government may be looking to sell this building but there has been no confirmation of this.

The Brewpub restaurant is looking at the Stagecoach site a for possible new location. They were not able to get the financing to work out for the downtown building. The city is considering turning this building back into two storefronts on the main floor (as it historically was) and make the second floor into offices or apartments in a condo type arrangement.

Progress is underway with the library renovation and the temporary location at the Beaser school is functioning fine.

9. Adjournment

John Beirl made a motion to adjourn. Jeff Beirl seconded. Motion carried 5-0. The meeting adjourned at 8:17 PM.

Recorded by:
Terri Erickson
Assistant Planner