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

PLAN COMMISSION MEETING AGENDA

March 19th, 2024 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, John Beirl, Jeff Beirl, David Eades, Laurie Gregor, Steven Wiley (Planning and Development Director), Niles Fetter (Civil Engineer-Streets), Chianne Schweitzer (Administrative Clerk)

Absent: JoAnn Erickson (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. John Beirl moved and Eades seconded to approve the agenda as proposed. The Commission voted 6-0 to approve the agenda.
3. Consent Agenda
 - a. Approval of minutes from the January 16th, 2024 Plan Commission meeting
Mackenzie asked for approval of the January 16th meeting minutes. No Commissioners had any changes for the minutes. John Beirl moved approval and Jeff Beirl seconded. Motion carried 6-0 to approve the minutes as written.
4. Identify potential conflicts of interest
Mackenzie asked the Commission if anyone had any conflicts of interest and if so to identify these. No Commissioners indicated any conflicts of interest.
5. Public Comment (non-agenda items)
Mackenzie asked if there was any public comment. No one had any public comments.
6. Action Items:
 - a. Review and approval of a Certified Survey Map to legally create parcels #201-05130-0000, 201-05128-0100, and 201-05128-0200, zoned Future Development (FD). Applicant: Patrick McKuen DBA Pine Ridge Land Surveying, LLC.

Wiley presented the item to Plan Commission and explained that the proposed CSM was to rectify an illegal lot split that had occurred prior to the current owners acquiring their properties. The lot split was reviewed and approved by the County without receiving City approval. The current owners worked with surveyor Pat McKuen to have the CSM drawn up. The CSM meets the requirements of the WI statutes and local ordinances and staff recommends approval of the CSM as proposed. This CSM would allow for the removal of the "illegal parcel split" designation on the Ashland County Real Estate Tax Listing for the subject parcels. The CSM, once created, would allow the owners to sell their properties or obtain approvals and building permits to construct improvements on the parcels.

Mackenzie opened the item up for discussion. John Beirl asked whether the applicant for this item is the surveyor or the property owners. Beirl asked if the applicant in this case is actually the surveying company. Wiley explained that in this case Patrick McKuen as surveyor submitted the CSM and application on behalf of the property owners so Mr. McKuen is the applicant. Beirl voiced his thoughts on the agent (in this case the Surveyor) being the applicant as opposed to the actual property owner.

Staff recommends APPROVAL of the CSM proposed for Parcels # 201-05130-0000, 201-05128-0100, and 201-05128-0200 contingent on the following conditions:

- *Approval is only for the CSM as proposed. Prior to constructing additional drive access or any additional improvements on the parcels, the applicants/owners shall obtain all required staff, and if applicable, Plan Commission, and Common Council reviews.*
- *Any future drive access shall meet all applicable Municipal Code and Unified Development Ordinance (UDO) standards and require review and approval by Planning and Public Works staff prior to construction.*
- *Applicant to submit a copy of the recorded CSM City staff once it is recorded at the Ashland County Register of Deeds.*

Tochterman moved and Eades seconded the motion to approve the CSM with staff conditions. The motion carried 6-0.

- b. * Public Hearing and vote on a Conditional Use Permit request to allow private road access and future improvements at 2900 Knight Road (Parcel # 201-05128-0200), zoned Future Development (FD). Applicant: Christine Formella – **Staff requests withdrawal of this item.**

Wiley explained that this item was in tandem with 6a. Owner Christine Formella and the neighboring property owners went in to work on the CSM. After speaking with John Butler and the City Attorney, City staff found that Knight Road is a city road/public right-of-way and is treated as such. With that, Formella would not need a CUP. Staff requested withdrawal of this item and explained that the City would refund Ms. Formella the Conditional Use Permit fee. No action was taken.

- c. Public Hearing and vote on a Conditional Use Permit request for a proposed office land use at 417 9th Ave W, (parcel # 201-00364-0000), zoned Mixed Residential/Commercial (MRC). Applicant: Ninth Avenue Investments, LLC Gary LaPean.

Wiley presented the item to Plan Commission. He explained that property owner Gary LaPean approached him about Northwest WI CEP going into the building that formerly

housed the Evergrow Learning Center. The land use was changing from a daycare to an office space which is different conditional use in the Mixed Residential/Commercial (MRC) zoning district of the subject property. Since the conditional use is changing, so it requires Plan Commission and City Council review. Wiley explained that staff recommended approval of the CUP to allow the proposed office use. Northwest WI CEP would occupy approximately half of the main building and the remaining half would be vacant for the time being. The smaller building on the western side of the property would remain general storage.

Mackenzie asked for a motion to go into public hearing. Jeff Beirl moved and Eades seconded to go into public hearing. Property owner Gary LaPean spoke to the Commission explaining the closure of the Evergrow Learning Center and his desire to rent out the property to Northwest WI CEP. No other members of the public spoke. John Beirl moved and Gregor seconded to go out of public hearing. Mackenzie asked for a motion to recommend approval of the CUP as proposed.

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

- *Approval of the Conditional Use Permit to allow an office land use at the 417 9th Ave W subject property.*
- *Conditional Use Permit is only for the office land use proposed and not for any additional uses or improvements. If any additional land uses are proposed such uses will require additional Conditional Use Permit approval through Plan Commission and the Common Council.*
- *Prior to the construction of any future improvements on the parcel, the owner(s) shall apply for and obtain any required approvals and permits.*

John Beirl made a motion to approve and Jeff Beirl seconded the motion. Eades stated that it was odd that an office land use was not a use permitted by right in the MRC zoning district. Tochtermann moved to call to question. The motion to recommend approval of the CUP with conditions as proposed carried 6-0. *The LaPeans thanked the Commission and left at 7:00 pm.*

- d. Review and approval of an amendment to the previously approved Site Plan for Hudson Square Coffee at 2419 Lake Shore Dr. E (Parcel # 201-03307-0000), zoned Waterfront Mixed Residential/Commercial (W-MRC) with a Gateway Overlay (GTWY-O) Applicant: City of Ashland.

Wiley presented the item to Plan Commission. He explained that the Hudson Square development had come before the Plan Commission for a Conditional Use Permit and Site Plan Review in 2023. The property owners have continued renovations on the site and obtained a Temporary Certificate of Occupancy for the drive-thru portion of the project. Since the site opened to drive-thru traffic the Police and Public Works discovered safety issues with the originally approved traffic flow. Originally drive-thru traffic was to enter the site from US Hwy 2 and exit onto 25th Avenue E. The Police and Public Works noted that it was safer to enter from 25th Avenue E due to limited vehicle stacking distance between US Hwy 2 and the drive-thru window. City staff brought this item forward as an amendment to the original Site Plan Review. Vehicles would enter and exit onto 25th Avenue East. No other site elements would change. Neighbors in attendance stated that the traffic flow proposed was in use currently and seemed to be working fine. Eades explained that vehicles entered and exited on 25th Avenue E.

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:

- This Site Plan Amendment is to switch the traffic pattern so that vehicles enter and exit the site from and onto 25th Avenue East.*
- All conditions of the original Site Plan approval from September 19th, 2023 except for the original approved traffic pattern remain in effect.*

Tochterman moved and Jeff Beirl seconded the motion to approve the Site Plan amendment. The motion carried 6-0.

7. Discussion Items: None

8. Announcement/Reports/Comments/Questions

a. Update on St. Luke's and Aspiris

Mackenzie provided an update on the St. Luke's and Aspiris affiliation process and explained that the City had drafted a Development Agreement for the 514 Main St W property. Mackenzie also provided an update on Northland College and explained that the College had recently made an announcement regarding the need to raise \$12 million by April 3rd or close.

9. Adjournment

The meeting adjourned at 7:09 pm

Recorded by:

Chianne Schweitzer, Administrative Clerk
Steven D. Wiley, AICP, Planning and
Development Director