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

PLAN COMMISSION MEETING MINUTES

July 23RD, 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 Mackenzie, Ana Tochtermann, Jeff Beirl, Laurie Gregor, David Eades, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner), Ed Monroe

Absent: JoAnn Erickson (Excused), John Beirl (Excused)

AGENDA

1. Call to Order and Roll Call
Mayor Mackenzie called the meeting to order at 6:31 pm.
2. Approval of the Agenda
Mackenzie asked for approval of the agenda. Jeff Beirl moved to approve the agenda as proposed and Tochtermann seconded. The motion carried 5-0.
3. Consent Agenda
Mackenzie asked for approval of minutes from the May 21st, 2024 and July 2nd, 2024 Plan Commission. Tochtermann moved to approve the consent agenda and Eades seconded. The motion carried 5-0.
4. Identify potential conflicts of interest
None
5. Public Comment (non-agenda items)
Ed Monroe stood up to address an item of concern with the commission. He noted he lives on 10th Ave West next to the 7th Day Adventist church. They have expanded their building and/or parking lot over the years multiple times and have intentions to further expand the parking lot again and had the initial plan to extend it right up to his garage and garden where the newly obtained survey has designated property lines which is now cutting through his garden, clotheslines, etc. He noted the ordinance allows the church to function and grow as a commercial property even though it is located in a residential district. It never needed a conditional use permit because it has been grandfathered in as an existing use. He felt that when surveys were done at the turn of the century, boundary markers were staked out and those have been illegally removed by the city who now depends on the GIS data for survey information that is generated electronically. His opinion is that these are no longer the same boundaries, the current property lines are wrong and it has caused

discrepancies and headaches for property owners. He would like to see the city be able to require properties that are grandfathered in but a nonconforming use be required to go through a conditional use review process. He noted he is fortunate his neighbors have been very agreeable and considerate of his perspective and agreed to move the parking lot back from his property. He feels the city should have tighter guidelines and or a public hearing process for these nonconforming properties that may not be so agreeable to respect their resident neighbors. He is asking the city to look at this closer. Mayor Mackenzie asked if Wiley understood his inquiry. Wiley responded that he did and that Mr. Monroe has been in to talk with them. Mayor Mackenzie thanked Mr. Monroe.

6. Action Items:

- a. Pubic Hearing and vote on Unified Development Ordinance Text Amendments.

Applicant: Planning and Development Department

Wiley explained he has been trying to get this item on the agenda for a while. He has been working on a few amendments in response to some issues that have come up and may come up again in the future regarding accessory structures and associated conditional use permit allowances with regards to height and timing of the structures. This refers to when they can go in in relation to a primary structure on a lot. There is ambiguity in the ordinance that have caused some issues, at least one case, to come up before his time. He is looking at amending the sections (shown on the screen) and clarifying part 4 which details all the zoning districts in the city. In 2020, Section 5.1E was amended to make ADUs (Accessory Dwelling units) more flexible in the city and opened them up to all zoning districts. There is a discrepancy with this in what are listed as uses in Part 4. Wiley explained he wants to amend these sections so they are consistent with one another. 5.6 deals with accessory uses and structures and there is currently a conditional use permit allowance. This restricts accessory structure height unless you obtain a conditional use permit which allows you to build higher. We have had at least one person take advantage of this in the past, maybe others. There's also a conditional use allowance allowing these to go up prior to a principal structure on a lot. The base code would not allow this. The person that obtained a CUP to increase the height was also allowed 2 years to start construction of a primary structure after constructing an accessory structure. We want to get rid of these CUP allowances which is the most noteworthy change proposed. This would cap the maximum height and allow a higher maximum for an accessory unit above a garage. This would make clear that if you were to put up a storage building on a vacant lot there could be no living quarters or be rented. You would have to have your primary structure in place before you obtain a permit for an accessory structure. This avoids having to go through the process of using enforcement to force someone to put up a structure after the two years have gone by and they still have not done it. In the definitions section, we want to clarify that if you have a garage with living quarters above it, that would be an accessory dwelling unit – not a house. Wiley noted that these types of living units are seen along the coast, up on stilts for example for weather related reasons. But around here these are not needed and our architectural design standards are not at a level where they will mandate an aesthetically pleasing structure. A garage with living quarters above it is allowable but it would be defined as an accessory dwelling unit. Wiley then summarized these proposed changes. The standards for review and consistency with comp plan: ADU's are permitted and we realize there is a demand for different housing types and the tendency for folks to want to age in place and either live with their kids or in a smaller unit or granny flat on the property. We know there is a demand for these. We are not preventing them or trying to restrict them just make the rules and standards clear and promote health, safety, and welfare. When put up illegally they do not go through the same plan reviews and inspections. The

current case on Willis, which had life safety concerns, was rented illegally and enforcement action needed to be taken. People need to be clear about what they are going to do and get the required inspections. Tightening up and clarifying this language will hopefully prevent most violations that occur. Compatibility is another UDO standard in regards to fitting in with the surrounding area in scale. Regarding principles of sustainability, allowing accessory dwelling units encourages infill development in lieu of sprawl into conservation buffer zones as long as they meet UDO standards. Wiley recommended approval of these UDO text amendments and asked for any questions. Mayor Mackenzie noted the staff recommends approval of the UDO text amendments and asked Wiley to let them know about the class 2 public notices provided. Wiley noted there were published in June and the weeks preceding this meeting. The paper went down to once-a-week publishing but the notice was published the Thursday preceding this meeting. Mayor Mackenzie entertained a motion to go into public hearing. Eades moved to approve and Gregor seconded. No Discussion. The motion carried 5-0. Public hearing opened. No one spoke. (If someone comes forward before end of meeting it can be revisited.) Mackenzie asked for a motion to close the public hearing. Beirl moved and Eades seconded. There was no further discussion. The motion carried 5-0.

Mayor Mackenzie asked for questions/concerns. Tochtermann asked if anyone has contacted the city with concerns at this point and what is the plan for addressing people with this condition and could they lose their homes? Wiley noted we have not had anyone contact us with concerns. We are working with the resident who we have the current issue with and became aware of it by our property maintenance staff who had contact with the tenant and took enforcement action through a citation with the involvement of the City Attorney. Other than this there have not been discussions with other residents or illegal circumstances brought to the city's attention. If this happens in the future it would start with the process of staff verifying the condition and going through the enforcement process. There are concerns with people potentially losing their homes but we have not encountered it yet and it was a situation we would need to work through with our attorney and address relocating people. Gregor asked if there are some locations that are just storage units now and are we just leaving these alone? Wiley answered that some properties put up a storage building with no intent to rent out which is a separate use. Renting these out is a violation of the UDO. These would be given an initial notice and then the individual would receive a citation. The issue for the Willis property is that the owner stated he would not be living there or renting it out which ended up not being the case. Renting a garage and/or using it for living is an illegal use. Mayor Mackenzie reiterated that these storage units are for personal storage and not for renting out to others. Eades: To make it clear, there is the issue of building an accessory unit without a primary structure, a second issue of building storage units on a lot already with a primary structure? Mayor Mackenzie: recalled issue with that one that the use exceeded the limits of lot coverage so needed a CUP to do this. Eades asked for clarification on the council changing the ordinance in 2020 to allow accessory dwelling units in every zoning district. Wiley confirmed this was correct. Eades asked if this was changed now to exclude ADUs from certain districts. Wiley noted they were only removed from the Heavy Industrial and some other district where it did not make sense to have them. Wiley reiterated that before UDO Section 5.1 allowed them in all districts but part 4 excluded them in some districts. Wiley noted it needed to be updated to be consistent and clear in both sections. He is trying to be as explicit as possible to help staff be consistent. Mayor Mackenzie asked if the Commission was ready to vote.

Staff recommends approval of the included UDO Text Amendments.

Eades made a motion to approve changes presented by staff and forward them to the city council. Beirl seconded. Beirl asked how many issues of this type do we have with people or properties in Ashland. Wiley noted we have encountered several instances where we find out properties are being used in an illegal way or not to code. The former fire station off of Ellis is one example and needed to be shut down. It was an example of where we needed to get code officials involved for non-compliance – but not necessarily related to accessory structures. Mayor Mackenzie characterized it as not being “uncommon” and it revolves around other illegal issues. Beirl asked about the permitting process: If the primary residence is built, then the applicant needs to come get a permit for an accessory building or is it a separate definition. Wiley replied that typically storage is considered a residential accessory use. Eades commented that we are not limiting the ability for people to have accessory structures in zoning districts – we are simply making it clear which districts they are allowed in. He thinks it’s important that we do allow accessory structures because it is a benefit to everyone. Wiley agreed. Mayor Mackenzie noted the key is to make sure it is safe for occupancy. Tochtermann asked about clarification regarding primary residence allowances with an ADU. Eades commented that the ordinance currently provides this language but the changes are getting rid of the CUP allowance to have a accessory unit without a primary structure. Beirl asked when they do apply for a permit, does the City do inspections during and after? Wiley responded that this was correct. Beirl continued: because people will do what they want once they get the permit. With this process in place it should eliminate the illegal rental of accessory buildings. Wiley replied that yes it will make it a clear violation. If these places are inspected to see if they are up to code, living occupancy could be granted. What is the process for renting these out? Wiley answered that if it meets code for an accessory dwelling unit the owner can rent it out but have to submit a rental registration form. Mayor Mackenzie noted this will create additional discussion for as we move forward. Beirl stated that he would like at some point to explore such questions as: when we allow a rental of an accessory dwelling unit, can it be nightly, weekly, monthly and can we put restrictions on that? What are current restrictions? Wiley noted we do have a short term rental ordinance to be passed soon. Beirl asked if this would come before the Plan Commission. Wiley noted that it would come before the commission because it has neighborhood impacts. Mayor Mackenzie asked to call for a vote, roll call. The Commission voted 5-0 to approve the ordinance amendments as recommended by staff. Mayor Mackenzie noted that he thinks this will create some additional discussion. Lot sizes, home shops, etc.

7. Discussion Items:

- a. Update regarding parking spaces for automobiles, boats, campers, in rear yards on residential properties.

Wiley reminded the Commission of the special meeting on July 2nd to discuss this item as it related to the property maintenance staff and the increasing number of cases with people parking in rear yards on various properties. The city gets complaints because they are ordered to move the vehicles and the vehicles end up on the street. We would like to incentivize people to move them back onto their private property. We are looking at strategies to do this and clean up some of our property maintenance ordinance & UDO language for some flexibility for parking on private property. Staff is still working on language and looking at what other communities are doing. Mayor Mackenzie noted that he has asked the property maintenance staff to take photos of some problem properties. Beirl noted that the consensus was that these items are better in the backyard than taking up space on the street.

8. Announcement/Reports/Comments/Questions

Wiley noted there may be future ordinance amendments. The idea is to compile a list and bring them together for the Commission to review and do it every so often but not every meeting. He also noted that the church Mr. Monroe mentioned earlier (7th Day Adventist) may require a plan review by the Commission. Both Monroe and the church are aware of this. Mayor Mackenzie noted that we hired an additional part time property maintenance person to help catch us up. The part-time person will be done in another couple of weeks. Mayor Mackenzie wanted to note that there have been several properties that have been cleaned up even though it took some citations to get it done. The mayor noted a few specific properties. This is often a 21-day process and he asked for feedback if anyone has any other ideas on how to do it or what to do differently. Staff will be slowing down on summer property maintenance soon.

Eades asked for updates on prior topics discussed in the Commission going on in the community: For the Park and Sell lot next to the quick lube property did we come to an agreement? Mayor Mackenzie gave an update on the Park and Sell. The owners were not in agreement with lighting the lot as requested so decided not to do it. The sold land (railroad row) was given to the adjacent property owner for the price of the Certified Survey Map. Discussion was ended. Mr. Beirl noted he did not need an update right now but would like it for the future. They used to get a nice little list of the permits that have gone out and it would be nice to see what is happening in the city. Mayor Mackenzie noted that awhile back there was a report that went out with all the permits that were approved since the last meeting and another that showed all the property maintenance requests. He wanted to get back to doing this. Wiley noted we can pull these reports that will tie into our key performance indicators that the City Administrator is having departments work on. These could also be brought to Plan Commission and Council. Mayor Mackenzie thanked everyone for their time.

9. Adjournment

Mackenzie asked for a motion to adjourn. Tochtermann moved and Eades seconded. The Commission voted 5-0 to adjourn. Meeting adjourned at 7:21 pm.

Recorded by:

Terri Erickson
Assistant Planner