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

PLAN COMMISSION MEETING MINUTES

November 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 Tochterman, David Eades, Jeff Beirl, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner),

Public: Ed Monroe

Absent: John Beirl (Excused), JoAnn Erickson (Excused), Laurie Gregor (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.
2. Approval of the Agenda
Mackenzie asked for approval of the agenda. Jeff Beirl moved to approve the agenda as proposed and David Eades seconded. The motion carried 4-0.
3. Consent Agenda
Mackenzie asked for approval of minutes from the Oct 15th, 2024 Plan Commission. Eades moved to approve the minutes and Beirl seconded. The motion carried 4-0.
4. Identify potential conflicts of interest
None
5. Public Comment (non-agenda items)
Mayor Mackenzie asked Ed Monroe if he would like to speak now or wait until the discussion item. Mr. Monroe responded that he would wait to speak.
6. Action Items:
 - a. Site Plan Review and Approval of the Seventh Day Adventist Church Parking Lot Expansion at 622 10th Avenue West

Mayor Mackenzie introduced the item and the applicant's representative as Gary Schacht before handing it over to Ms. Erickson to expand on the project before entertaining a motion. She noted the ordinance section that calls for a review at the discretion of the Authorized Planning Agent for any development that may have

an impact on the surrounding community. Since a new development of this type as an institutional use would require a conditional use permit, the staff felt it was reasonable to require a site plan review. It was noted the existing church is currently surrounded on three sides by R-1 residential uses and on the fourth (East) side an institutional use, the birthing center. The lot takes up about 14,000 SF and the existing parking lot is to be re-paved along with an expansion on the north side. The building is over 100 years old according to the applicant and has always been a church. Erickson reviewed consistencies with the comprehensive plan that include the incorporation of mixed uses which help to strengthen neighborhoods and create a stronger identity. The project is compatible in that this use would be allowed in this district under a conditional use permit. It will bring the lot back into compliance by removing existing parking area from the right of way. The applicant also reacted to concerns brought forth by a neighbor by shortening the expansion of the original proposed lot by sixteen feet. The project complies with code in the areas of impervious surface, required snow storage and minimum/maximum light levels. The project will provide a more functional, safe and accessible site. Ed Monroe (public) questioned the impervious surface noted as sixty percent. Erickson clarified that this development would allow up to seventy percent impervious coverage and that the proposed coverage is actually closer to sixty percent. Erickson then reviewed the original site plan submitted by the applicant which showed a section of the existing lot extending into the right-of-way which the city is requesting be removed. This initial plan also showed the north edge of the parking lot two feet away from the property line. Monroe began to speak but Mayor Mackenzie asked if he could wait until the presentation was done. Wiley noted that this current plan is not the final one being reviewed but that staff wanted to describe the process that took place to get to the final plan. Erickson then presented the second site plan from the applicant. This plan was laid out with two stacked rows of parking, one accessed from the alley which is not ideal for traffic flow. The drive lane directly adjacent to the building also was not consistent with the ordinance requirement of separation of traffic and pedestrian access. This plan did incorporate the shift of the north edge of the parking lot away from the north property line an additional sixteen feet to accommodate requests from the neighbor. Staff requested several modifications to this layout by the applicant and an in-person meeting for subsequent review.

Erickson presented the current site plan. This layout consisted of the drive aisle between the two rows of parking with an ADA spot adjacent to the access ramp and a new sidewalk adjacent to the building separating the parking from the pedestrian access. The plan allocates space for snow storage and required vision triangles. The new lot provides parking for 13 spaces (including an accessible space) but provides 1-2 less spaces than the current capacity, according to the applicant. The dimensional requirements for the drive lanes were reviewed and are compliant with the ordinance. The details for the sidewalk curb cut from the ADA aisle were reviewed and comply with the mandates for safe pedestrian ways from the parking area to the entrance of buildings. The exact location of this will be verified with the contractor once the elevations and slopes are further determined. Erickson proceeded to discuss other criteria considered as part of the site plan review. It was noted that the number of parking spots required for this type of facility would be twenty-two which is several spaces more than what is provided. Since this facility existed before the ordinance was established, the setback requirements from the right-of-way do not apply. The lot will maintain its existing drainage slope to the east towards the alley for storm water collection. The fire chief had noted that the new lot layout would improve access to the facility for emergency vehicles. The applicants lighting plan layout was displayed.

The ordinance also allows 100% screening in side and rear yards. The details show that this fence will be built to perform as a screen wall and will not allow any views through it to protect the privacy of the patients beyond. It will be covered with textured L.P. 8" lap horizontal lap siding to match the Behavioral Health Building. The siding will be applied to both sides of the fence with the structural support posts sandwiched in between. The top of the wall will be trimmed out with wood and covered with metal flashing to protect it from weather damage. The horizontal wood member at the bottom will be lifted up off the ground and

treated to deter deterioration from water infiltration. Concrete footings will extend four feet into the ground to provide a supportive foundation for the 6x6 wood posts.

Erickson explained that they are proposing two (2) new pole lights and one (1) new wall-mounted light. Monroe questioned whether the existing lights were shown here. Erickson noted that this was for the new lights and that we could discuss the existing lights more later in the discussion. It was noted that staff has reviewed the lighting level plan and specifications submitted by the applicant and that they meet the requirements of the ordinance. It was also noted that full cut-off downlights are required and that the light trespass at the north property line is considerably below the maximum required. The ordinance mandates that site lighting shall be dimmed to 50% or fully extinguished within 30 minutes of building use. Erickson reviewed the staff approval of the site plan and recommendations. These were stated as follows:

- 1) The applicant shall obtain all necessary building permits for the proposed project.
- 2) The building and grounds including all landscaping shall be maintained by the property owner or designated agent.
- 3) A sixteen-foot setback maintained as shown on the site plan of sixteen feet minimum from north property line.
- 4) The parking currently located in the right-of-way shall be removed according to Department of Public Works direction.
- 5) Snow storage must not extend onto the property of neighbors. If there is excess snow that does not fit in the designated areas it must be hauled off site or contained in the parking lot. No snow shall be pushed in a manner that it encroaches over any neighboring property line or builds up against any neighboring structures.
- 6) The applicant shall install any directional signage deemed necessary by the Department of Public Works. *(Wiley noted that this item has since been reviewed with public works and they are not requiring any signage so this requirement can be omitted. Jeff Beirl noted that it is fine the way it is written and doesn't need to be removed.)*
- 7) The lighting system shall be extinguished or reduced to fifty (50) percent no later than thirty (30) minutes after operations for the day or evening cease. The maximum mounting height on the light fixtures shall not exceed twenty (20) feet (18-foot pole on a 2-foot base). This concluded the city staff review.

Mackenzie asked if this is considered the public informational meeting. Wiley responded yes, but that it is different than a hearing. He clarified that a site plan review does not require an allowance for the public to speak as would be mandated in a hearing. He noted discretionary mailings were sent out. Mr. Monroe was the only neighbor who spoke up and JoAnn Erickson also sent Wiley an email that he volunteered to read aloud. Mackenzie confirmed with the Commission that they would allow Monroe to speak at this time.

Monroe noted that he has lived at the property to the north of the church (614 10th Ave W) for 45 years. The church was there from the beginning but there was no parking lot that existed. He noted there was also an addition to the building at some point. He stated that this is a nonconforming use in a residential zone and they continue to be allowed to add on over and over without a conditional use permit. They have been good neighbors and past concerns have always been considered but that it puts him at a disadvantage when they want to make improvements. Monroe declared that the surveys and property lines have changed over time with the invention of the GIS system and that the property markers have been removed which is unlawful. The new GIS map shows the church building over the property line on 7th Street which demonstrates how these lines have been shifted over from the original location and why his garage now sits on the property line. He went on to say the church had once installed high intensity motion lights. When they extended that building there was a stipulation there would not be any lighting after dark. They went back and changed

these out for more tasteful lighting. He does not feel the proposed pole lighting is fitting for this area. He mentioned that the Ashland Birth Center next door had a recent expansion and they have no lighting on their building or for the parking lot. Now the city seems insistent on requiring minimum lighting levels for this project. Monroe noted he is a dark sky guy and wants to maintain this at his residence. The idea of leaving lights on at fifty percent is an unknown amount of light and seems ambiguous. Wednesday evening is the only time he normally sees any activity there during the week but having fifty percent lighting on from dusk until dawn seems unreasonable. He is questioning if the existing lights on the back of the church would be adequate. He commented that the church would probably like to have their lot looking like Super One Foods or similar but this is in a residential neighborhood. He is requesting that the provision should have the lights turned completely off instead of allowing a fifty percent allowance which is an unknown amount. He does not see the need for two pole lights in a sixty foot by sixty-foot parking lot next to his house. He would think the ordinance language would change for lighting guidelines from a commercial lot to a residential area.

Mackenzie asked for confirmation that Monroe's concern was the light level while the building is empty but that he accepts and understands the use of lighting desired while people are there. Monroe agreed he is mostly concerned about the light levels when they are not there since that is the case the majority of the time. Mackenzie asked if staff could reach out to the applicant to see if they would be agreeable to shutting them off after a half hour. Wiley responded that yes, staff can do this. He noted that Gary Schacht, the applicant's representative, has been responsive and that planning staff has been working with him quite a bit. Beirl asked for confirmation that staff verified that the light trespass complied with code. Wiley confirmed this was correct and that according to the plan they submitted the light level would be considerably under that maximum limit. Monroe asked how you compute this. Wiley noted that foot candles is the unit used to measure light in this situation and gave an example of how he has used measuring devices in the past to analyze light levels. It was clear, in one instance, that the level was much higher than what code allowed so that action needed to be taken to reduce the levels. The ordinance asks for plans to be submitted according to foot candles as a standard method of measurement and this is an accepted practice to assess lighting levels. Wiley explained that we try to avoid extremes (too little or too much) in a lighting layout which is the intent of the maximum uniformity ratio. Our ordinance requires a uniformity ratio of 5:1. These numbers were provided to staff and they comply with the requirements. The light fixtures are full cut off and directed down which is required by code. Erickson noted that although the plan is showing the light level at the property line to be lower than the maximum level allowed, it seems part of the concern is the general existence of any light on the property which takes away from the dark sky atmosphere. Monroe concurred with this statement. Erickson also noted that the applicant has stated they want to accommodate the neighbors concerns and will be installing dimmable fixtures to be able to lower the light level as needed if issues arise. She stated Mr. Schacht expressed the church is okay with turning them completely off but would like to be able to turn them on as needed if any issues of security or vandalism arose. Wiley noted, upon questioning from the Mayor, that this approval only goes through the Commission and not council. He reiterated that this site plan review was not required to go through a review process by the Commission but that it was a judgement call on staff's part. Since there were concerns expressed by a neighbor and this would be a use that would require a CUP as a new development it was determined a site plan review would be appropriate. He noted the city or commission does not have legal grounds to deny or require more than what is in the ordinance and technically only requires a review and approval by staff. Tochterman asked about the waiving of the setback requirements mentioned earlier in the presentation. Erickson responded that because the nonconforming lot is an existing condition that was in place before the ordinance took effect it is allowed as an existing condition. We are not granting any waivers for this project but they are reducing the degree of nonconformity by removing the existing section of the lot that is currently in the right-of-way. Beirl questioned whether or not they are required to install parking lot lights. Wiley responded that they do have to meet lighting standards. With the Ashland Birth Center, it appears the ordinance was not followed correctly and they should have submitted a lighting plan when they installed their parking lot. Eades asked if the existing lighting on the church building would be sufficient. Wiley responded that they would have to submit a lighting

plan to evaluate whether it meets the standards. Eades asked what restricts us from changing the conditions to say they have to be extinguished? Mackenzie asked if we could ask the applicant to assess the levels of the existing lights or agree to shut the new lights off per the ordinance.

Discussion followed regarding the height of the poles. Wiley noted there is no requirement in the ordinance for maximum fixture height. Beirl asked if the fixtures were lowered would it help minimize light trespass? Wiley noted that the height of the fixtures do not have a big impact on the design as long as the levels comply with the code. Eades asked how we are determining the light levels now with no existing lights? Wiley answered that the submitted plans for the new fixtures show the light levels that we cross check with the ordinance requirements. He noted the lights proposed are LED's and that light meters are able to read this type of light output. Tochtermann asked if the applicant could provide us information on what the light levels are with their existing lights. Wiley responded, yes, staff could ask if the applicant is willing and able to submit a new photometric plan. She inquired about the project being granted a waiver for the setbacks and as a tradeoff being able to setting conditions on the lighting output. She questioned the need for more than one fixture. Erickson responded that having two lights at lower intensity instead of one at higher intensity will likely produce a more even output across the lot. Monroe stated that the only security concerns they have had since he's been there has been with raccoons. Erickson reiterated that using the term "waiving" was incorrect as there have not been waivers granted for this project but rather that the typical ordinance setback for this lot does not apply because it falls under the definition of an existing condition.

Tochtermann noted that she feels that requesting the applicant to provide light output levels for their existing lights would be appropriate as this is a dark neighborhood and that many residents like this and it is a reason they live there. Wiley noted that we can ask them for this. Eades asked what is the recourse if they say no? Wiley replied that we could go out and take readings ourselves and see if they are compliant. We can also approve the building permit with the condition that they understand they are to shut the lights off within 30 minutes of use. If they don't agree to this then it comes back to the Commission. Beirl asked if what we are discussing isn't laid out in item seven of the approval conditions. It was noted the issue is that Monroe wants the lights to be extinguished, not reduced only to fifty percent. He noted that there currently is light there now and us making a condition for them to turn it off, there would be no light which provides no security to the lot. Mayor Mackenzie asked if staff would have time to go there during an evening with a light meter to help determine if the existing lights are adequate? Wiley noted staff could do this but that he would still want to see what the point values are all around the lot for a final approval. Mackenzie expressed that he is sympathetic to neighbors that want a dark neighborhood and that it is not something he would support if it were a new building. But, the fact that they have been there for over 100 years and do not want to move is also understandable. Eades asked if they could continue to utilize the existing lighting with the addition of only one new light over the new parking area. Wiley responded we could ask if they could run a simulation of a plan showing this. Mackenzie inquired if there is any concern with the rest of the plan? The response was no, the only hang-up is the lighting. Wiley read the email comment from JoAnn Erickson: "I feel the lighting is excessive for this area. It is residential and two businesses are encroaching on them already with large parking lots. Being the church already added exterior lighting last year, adding more would be excessive. We need to keep the residents in mind when we are making these plans." Mackenzie asked Monroe if the church keeps their current lights on all night. He responded that they do not.

Eades made a motion that the lights are to be extinguished within the half hour of building use. Mackenzie responded that the motion is to approve with the 7 conditions that have been identified with staff and that item #7 be modified to say the lighting system shall be extinguished no later than 30 minutes after the operation for the day or evening ceases.

Beirl seconded.

Tochtermann asked if we can inquire with the applicant about providing information regarding their existing light levels. Wiley replied that we can bring that up with them and ask.

–The motion carried 4-0.

7. Discussion Items:

a. Update on Property Maintenance Enforcement

Mackenzie noted we are enclosing paperwork, similar to the past, on what the casework has been for property maintenance and issued permits. This will also get passed on to council and will hopefully give a better understanding of what staff is doing. Wiley noted staff will run the report for each month to include in the packet materials. He stated that there have been many instances where staff has been able to get compliance but there are some ongoing problem cases. The reports are easy to run and different criteria can be added or omitted. Beirl asked for the bulk of these, what is the final disposition? Are they paying a fine or fixing the issues? Wiley responded that we usually can get compliance without having to issue citations. Many times, issues come about with repeat offenders when they are issued a final notice and citations. Staff is currently working on amending the property maintenance ordinance to allow for administrative service fees because some people default on a citation, do not show up for court and just do not care. Unless we follow through with attorneys with a complex forfeiture action and a court order we do not have much recourse. Service fees, if not paid, will transfer over to the property taxes with fees eventually recovered at some time. The intent of the service fee is for the time it takes for staff to go to the site and deal with repeat offenders that do not take any action. It also acts as a deterrent. Some cases require a raze order process which is new for the staff for requires a legal process defined the state statutes and local ordinances. Mackenzie noted it costs approximately a thousand dollars to do the paperwork through any attorney for the complex form process. He stated we want to be able to turn around and assess that fee to whomever we are dealing with so that they pay for it. In the past, some of these have gone to court and the city attorney has been able to negotiate with them and suspend a fee if they agree to specific conditions. Wiley noted that the first citation fee is sixty dollars with court costs which increases it to over two hundred dollars. He noted we recently gave a one-thousand-dollar citation for an ongoing public nuisance property. The city has entered into a maintenance agreement with this resident where the city will help clean up the property but then they are required to keep it in compliance for twenty-six months. Wiley continued to explain the protocol for dealing with these types of properties and the associated costs. Eades asked if a property with a renter receives a door hanger, does the landlord or owner also get notified? Wiley noted that notices do go to the owner which is protocol. Sometimes notices will go to the tenant as a courtesy.

b. Update on Building Permits for October, 2024

No Commissioners had comments on the building permit report.

c. Update on Miscellaneous Planning and Development Items

- 1) Mackenzie gave a brief update on the 514 building. There have been some difficulties and the potential tenants have been encouraged to downscale a bit to keep the project alive. They are looking at numbers and have been asked to make a decision by the end of the year. The city is hoping that it can still get sorted out. There has been some demo work in progress and assessments performed. If it does not work out we are looking at seeking a grant to return it to two storefronts with an upstairs that could be used for offices or apartments or possibly a condominium with two units downstairs and a third upstairs.
- 2) There have been some Facebook posts regarding the Crossroads Outreach Center. They had a fire inspection performed on their building and it was placarded as unsafe to use. It created concerns to the point where they do not think they can continue their services. They have built a

shop in the building without the required permitting. The city is requesting that they work with them to seek the proper permits in order to move forward. Mackenzie described the location of the building and its historic uses.

- 3) Eades asked about comments on Facebook regarding the lack of parking on the new Stuntz Avenue development. Mackenzie responded that he has heard this and also that the turn-around at the end is too tight of a radius. Wiley noted that the intent for parking on this project was that it would shift off of the street and be directed to the rear of the properties adjacent to the avenue. Mackenzie also mentioned that he was told that the existing storm water retention pond could probably be removed if it was further developed in the future. Barricades have been removed and it is now open to the public. There was some discussion regarding how at one time there were obstacles from the state on opening up that road and it was relayed that John Butler, the public works director, worked with the state to make it feasible.
- 4) Mackenzie and Wiley mentioned the parcel that was once going to be developed by Copper Cup. They were very uncertain on what their intentions were and there are no definitive plans at this point and there is hope they still might do some type of development. Eades asked if things seemed to have worked out with the Hudson Square project. Wiley responded that, yes, it appears things are going well and there have not been any complaints. They noted that Hudson Square paid for the paving of the adjacent access street.
- 5) Mackenzie mentioned that there is a joint Parks and Recreation/Sustainability meeting scheduled for Thursday. Basically, they are looking for ways the staff can assess the plan for compatibility with the comprehensive plan. Mackenzie noted he does not care for joint meetings because it can cause confusion. He asked for all to receive copy of the plan and to feel free to reach out but it is not an official or required meeting. There is some value in seeing what is being proposed and how to move forward with taking care of our parks.
- 6) Beirl noted that upon reviewing the October minutes he saw that Marty Reykdal was in attendance and that there is now a for sale sign on his property. He is wondering if Mr. Reykdal has met all the conditions to proceed with this. Mackenzie responded, no, he has not. There have been discussions about placarding his property because anyone that buys it will inherit the code violations and it is not usable by code as a residence. They are working on a way to put a stop to it and the realtor for the sale is aware that it is not usable per code as a residence. Mr. Reykdal is apparently telling people they just need to acquire a conditional use permit and put up another structure but, in reality, it is actually more complicated than that. Mackenzie noted the structure that was built looks nothing like the original proposed building that was permitted by the city.

Adjournment

Mackenzie asked if there was anything else, thanked everyone for their time and called the meeting to close at 7:58 PM.

Beirl moved to adjourn and Mackenzie seconded. Motion carried.

Recorded by:
Terri Erickson
Assistant Planner