

Find yourself next to the water.



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

PLAN COMMISSION MEETING MINUTES

December 17th, 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, David Eades, Jeff Beirl, John Beirl, JoAnn Erickson, Steven Wiley (Planning and Development Director), Terri Erickson (Assistant Planner),

Public: Mike Hebert, Kathy Melco

Absent: Ana Tochtermann (Excused), Laurie Gregor (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. Jeff Beirl requested to have the required public hearing noticed in the agenda. He made a motion was made to amend the agenda to include public hearings for 6A and 6B. Seconded by David Eades. The motion carried 4-0. Approval of the agenda as amended moved by Jeff Beirl and seconded by JoAnn Erickson. The motion carried 4-0.
3. Consent Agenda
Mackenzie asked for approval of minutes from the Nov 19th, 2024 Plan Commission. Eades moved to approve the minutes and Jeff Beirl seconded. The motion carried 4-0.
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 Zone Change from Planned Residential/Institutional District (PRI) to Planned Residential/Institutional District with a Planned Unit Development Overlay (PRI-PUD) for Parcel # 201-04943-0200. Applicant: Michael Hebert.

Mayor Mackenzie introduced the item and handed it over to Steven Wiley to give a background. Wiley described this as a zone change request and reminded the commission that there had been prior discussion regarding this initiative by the developer for this site. He is looking to do a planned unit development to allow some flexibility for the site. He reiterated that a formal land use development is not being proposed tonight. Hebert will have to come back to plan commission at a later date with a proposed development. Wiley described the property, its history and surrounding property characteristics and zoning. He reviewed standards for review with the comprehensive plan. This zone change is for an overlay over the existing zoning which provides more flexibility but also more control and the ability to set conditions on the development. We would be asking for a waiver of the requirement for the minimum size of a PRI district. We would be looking at heightened landscaping and storm water requirements for this development. Wiley proposed approval of the request by the commission to rezone the subject parcel with this overlay.

Mackenzie asked for a motion to go into public hearing. John Beirl moved. Second by J. Erickson. Motion Carried. He asked Wiley to describe the public notice details. Wiley explained that it was a class II notice that was published in three places and discretionary letters sent out to surrounding property owners. There has been no comments or responses received. Mackenzie asked if there were any comments or if Mike Hebert wanted to make any comments. He did not. A motion was made by J. Erickson to end the public hearing. Second by Eades. Motion carries 4-0.

Eades asked for clarification regarding if we are asking for the creation of a planned unit development overlay? He would like to understand the process because this would require an application and various other items from the owner as read from the UDO. Wiley replied that he felt it was appropriate to run this through as a zone change and that he would then be required to come back with a general development plan at a later time for approval. Eades went on to read the UDO noting what was required for a zone change approval. He doesn't feel that the commission has the authority to approve this without these submittals and felt we needed to follow them. Wiley noted that this is a bit different than his previous experience but agreed that this could be tabled temporarily until the applicant can submit the listed items stated in the UDO. Mackenzie asked Wiley if he can read the specific requirements from the UDO, section 3.8. Wiley reviewed the submittal requirements as noted in the UDO. He noted he is planning to overhaul this part of the UDO for a number of reasons which he will not go into. Mackenzie reiterated that our ordinance would require Hebert to provide us with a full plan in order to consider it. He agreed it would be nice if the applicant could know that the zone change will be approved before having to spend time and money to develop drawings but unfortunately it appears we don't have any choice but to table it. Wiley agreed that we can have the applicant come back with revised plans.

Jeff Beirl asked if we are allowed to take a straw poll and voice our opinions for Mr. Hebert and noted he is in favor of the project. He then inquired about the zoning change giving the developer more flexibility. He recalled that one of the discussion points was the blacktopping of the driving surface and is wondering if he will be able to put in gravel or have to follow the same rules? Wiley responded this will be up to the commission and the council as part of the development plan and specific implementation plan. He will request relief from the ordinance to do gravel instead of paving. The reason we didn't do it as a CUP is because you still have to meet all of the ordinance requirements so the PUD makes sense in this case. Mackenzie asked if the change being looked at allowed flexibility for the paving with conditions set for additional buffering. Wiley responded yes, the discussions revolved around additional stormwater retention provisions and landscaping.

John Beirl asked if we are trying to create a work-around for what's on the books? Wiley noted the intent of a PUD allows for more site-specific flexibility when it makes sense and it's up to the commissions and council to help determine this. The base ordinance cannot account for every situation that comes up. John

Beirl commented that there are no flexibilities regarding paving in our ordinance which Wiley affirmed currently all developed surfaces must be paved. John Beirl restated this process to allow the PUD resulting in the allowance of a gravel surface seems like a work-around. Mackenzie agreed that it could be characterized that way but he sees it as a method to recognizing rules that are maybe too rigid that don't need to be applied in all circumstances. Eades responded that the process seems like a legitimate work-around as long as the required protocol is followed. Mackenzie agreed that we really have no other choice but to abide by the ordinance and state statutes and table it.

J. Erickson asked Hebert if he is just looking for storage or other things there? Hebert noted he was confused and has worked with C & S design to put together a drawing package with the city's stated requirements. He stated the only area still in question is the water retention area which requires engineering design that C & S cannot do in-house and will require additional cost. He doesn't understand what he is missing. Wiley noted that this is on him and that being this is the first time he has handled a PUD in Ashland the requirements have been different. They can talk after and get the required documents together and hopefully run it in January. Curly Ledin from Public Works has already indicated that he would be fine with the storm water plan proposed.

Mackenzie questioned Hebert's designer telling him if the City cannot provide exact numbers they will have to walk away. Hebert noted that they have a number that is pretty close and they told him should be run by the City for feedback before they spend the effort on getting the exact numbers. Mackenzie reiterated that seems to be willingness to support his project but unfortunately a mistake has occurred and we still need to follow the ordinance but that Mike did not make any errors on his part. It was an administrative error on our part. Wiley stated that we will plan to bring it back for January if Hebert is okay with that. Hebert noted due to some other upcoming tasks, this really will not hold him up. Some discussion took place regarding the general process of the PUD approval.

J. Erickson noted that the site is 10 acres but that he plans to use about 2 of those. What will be the process for future development of the other 8 acres? Wiley noted that he would need to come back to the city for an amendment to the PUD. An issue with the site is that there are wetlands existing on the site. Mackenzie requested Wiley provide a copy of the relevant ordinance section to Hebert and ask that we postpone this discussion. Eades made a motion to postpone the PUD zone change request until the General Development Plan Review Process is followed as per section UDO 3.8. J. Erickson seconded. Motion Passed 4-0.

- b. Public Hearing: Review and approval of a Conditional Use Permit (CUP) Request for a proposed fence with a height in excess of six (6) feet at 1615 Maple Lane, Parcel # 201-04893-0000, zoned Public Institutional (PI). Applicant: Arnie Mackey Construction Inc. for Tamarack Health

Mackenzie introduced item 6b on the agenda and handed it over to Terri Erickson for her report. She reviewed the standards for review, the existing land use, zoning and surrounding uses and the land use recommendation. An enlarged plan of the new parking area and proposed fence was further described noting the location, proximity to property lines, adjacent buildings and the new parking lot. The purpose of the fence was described as a way to add privacy to the patients and visitors at the adjacent behavioral health center. T. Erickson described several photos taken in the adjacent parking lot looking towards the facility. The photos show posts along the area where the fence is to be built. Eades asked if they have already started building the fence? T. Erickson replied that she believes based on the photos she received from the owner recently that they have installed the footings and posts and then put it on hold when they realized they needed a permit. She described the construction of the fence with a section and elevation

drawing. She went on to discuss the required review criteria including consistency with the comp plan, project compatibility, services to the community and neighborhood protections. The proposed fence has no impact on any neighboring parcels as they are undeveloped, owned by the Applicant or outside of the view area. There were no comments or responses from the neighborhood letters that were required to be sent out under the C.U.P. process. T. Erickson then reviewed the staff review recommendations as follows:

1. The applicant shall obtain all necessary building permits for the proposed project and provide drawings with the following information before work commences:

- a) The location of the fence showing fence length, width and height as well as dimensions from the adjacent property lines, building and parking area.
- b) Construction details of the fence including the anchoring system to the ground and the fasteners being used and any other information as requested by the building inspector.
- c) The structural supports are to be hidden or centered between the panels so that the exterior of the panel is finished on both sides

2. The fence shall be constructed in accordance with what has been submitted to the city with regards to location, materials, construction methods. It shall not be higher than eight (8) feet.

3. The fence shall be installed in a workmanlike manner, be maintained in good repair and be properly anchored so as to be kept in safe and sound condition.

4. The fence shall be protected from the elements and against decay and rust by the periodic application of weather-coating material, such as paint or other protective treatment as applicable.

5. The screen wall shall in no case be located closer than five (5) feet to the paved edge of the curb.

Mayor Mackenzie verified with staff that public hearing notices and letters were sent out per guidelines. Staff responded that there were no responses or comments received. Mackenzie entertained a motion to go into public hearing. Motion by Eades. Second by J. Erickson. Motion Carries 4-0. No public comment occurred. Mackenzie entertained a motion to go out of public hearing. Motion by Jeff Beirl. Second by J. Erickson. Motion Carries 4-0. Mackenzie notes the approval of this sends it to council for their final approval. Eades recommends approval with the conditions set forth by staff. Second by J. Erickson.

Discussion: Eades commented that being that it seems they have started construction before getting approval, the UDO states that permit fees shall be doubled so he hoped that we follow this. Mackenzie asked about whether or not they are in cement. T. Erickson responded that it appears from the photos that footing were poured although it may need to be further verified. Voice vote taken. Motion carries 4-0.

1. Discussion Items:

a. Update on Property Maintenance Enforcement

General comments were made by commissioners about finding the report and fascinating and seeing how much is getting accomplished. Mayor commented on the report showing evidence of what is getting done and its good to bring the reports back to the commission. He noted that in the future people will be able to look online and see whether things have been permitted or not.

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) J. Erickson asked if there is anything coming up for planning commission. Wiley mentioned that there are a few items we've received that missed the cut-off for December. There is a land transfer of city owned property. There are also some ordinance changes that are openly in conflict with state statutes so he will be bringing these forward.
- 2) Mayor Mackenzie noted that the city has reached out to a few adjacent property owners to the railroad right-of-way to see if there was interest in them. He noted that it is a long drawn out process to do the title search for any restrictions.
- 3) Wiley noted we are still working on a draft for the metal siding to bring forward to the commission. Mackenzie noted he would like to group to weight in on the standards for this.
- 4) Mackenzie mentioned a recent house fire that took place in the city with 8 people displaced. There was another fire outside of town with no one hurt.
- 5) J. Erickson said someone asked her about apartments being developed by the hospital. Mackenzie responded that he thinks they were confused with housing units being developed in Washburn. Mackenzie said Larry Cicero is looking at some units being developed at the old Ellis school on Beaser Ave. Mackenzie noted that the city is seeking infill development. We are trying to advertise what we have available. The city is looking at offering a program where a developer buys a lot and if they can construct something within two years, the city can credit them back what they paid for the lot. The idea is to help them get started.

Adjournment

Mackenzie wished all a Merry Christmas and Happy New Year, etc. and asked for a motion to adjourn.

J Erickson motioned to adjourn and seconded by Eades. Meeting adjourned at 7:32 pm.

Recorded by:
Terri Erickson
Assistant Planner