

**AGENDA FOR PLAN COMMISSION MEETING
SUPERIOR, WISCONSIN
Wednesday, April 17, 2019
4:00 p.m. – Government Center, Board Room 201**

ROLL CALL

APPROVAL OF MINUTES March 20, 2019

NEW BUSINESS

1. Review and approval of an ordinance amending language in City Code Chapter 122, Zoning, Article VI. Supplemental District Regulations, Division 4. Buffers and Landscaping

OTHER BUSINESS

ADJOURNMENT



Jason Serck
Planning, Economic Development & Port Director

"Notice is hereby given that a majority of the members of the common council may be present at the meeting, and although this may constitute a quorum of the common council, the council will not take any action at this meeting."

In compliance with Wisconsin Open Meetings Law, this agenda was: Posted, mailed and faxed to media: April 10, 2019

The City of Superior complies with the Americans with Disabilities Act of 1990. If you need accommodations to participate in public meetings, contact the City Clerk's Office at (715)395-7200 before 4:30 p.m. on the day prior to the scheduled meeting. The City will try to accommodate any request depending on the amount of notice we receive. TTY 715-395-7521.

**PLAN COMMISSION MEETING MINUTES
CITY OF SUPERIOR
Wednesday, March 20, 2019**

The Plan Commission Meeting for the City of Superior was called to order by Mayor Paine at 4:00 p.m. in Board Room 201.

ROLL CALL

Members present: Mayor Jim Paine, Dennis Dalbec, Esther Dalbec, Brian Finstad, Anne Porter, Brent Fennessey, Anthony Sclavi, Jack Sweeney, Dave Strum (4:30PM)

Members excused:

Staff present: Jason Serck, Allison Johnson

Others present: Lindsey Jacobson, Jim Caesar, Tylor Elm, Ruth Ludwig, Bob Toftey, Sean Lentz, Anna Jukabek, Sara Krostag

There being a quorum present, the meeting was in order.

APPROVAL OF MINUTES

MOTION by Commissioner D. Dalbec, seconded by Fennessey, and carried to approve the minutes of February 26, 2019.

NEW BUSINESS

1. Public Hearings
 - a. Resolution of the Plan Commission of the City of Superior approving the Project Plan and establishing boundaries for Tax Incremental District No. 14 City of Superior, Wisconsin and recommendation for the creation thereof.

Sean Lentz, from Ehlers, briefly explained the process to create a Tax Increment Financing District (TIF). TIF 14 will be a blight elimination district and the primary project is the Cobblestone Hotel development. This project will be a pay-as-you-go type of funding which is very common for TIF district projects. There is a potential for a Phase II project for this district on the remaining vacant land but there are no plans currently in place. Commissioner Fennessey asked why the TIF district was smaller in area than others around town and Planning, Economic Development and Port Director Serck mentioned that because almost all of the land in the district is vacant which gives the district a low base tax value and allows more tax increment revenue to be used within the district. Serck also assured Commissioner Sweeney that the hotel development project is about 90% complete with the preliminary/administrative planning stage.

Mayor Paine opened the public hearing for consideration of the Resolution of the Plan Commission of the City of Superior approving the Project Plan and establishing boundaries for Tax Incremental District No. 14 City of Superior, Wisconsin and recommendation for the creation thereof. No one spoke in favor of or opposition to the request. Mayor Paine closed the public hearing.

MOTION by Commissioner Fennessey, seconded by D. Dalbec, and carried, to approve the Resolution of the Plan Commission of the City of Superior approving the Project Plan and establishing boundaries for Tax Incremental District No. 14 City of Superior, Wisconsin and recommendation for the creation thereof.

- b. Request from Sara Krostag for a Special Use Permit to operate a Bed and Breakfast at her property at 802 E 8th Street. (SUP 19-01)

Serck clarified that Ms. Krostag needed to pursue a Bed & Breakfast Special Use Permit to meet the State requirements for providing a certain number of full bathrooms for the three bedrooms she plans to rent out. She is still marketing and listing through the Airbnb website. This Bed and Breakfast SUP allows her to get her Douglas County Health and Human Services license.

Mayor Paine opened the public hearing for consideration of the Request from Sara Krostag for a Special Use Permit to operate a Bed and Breakfast at her property at 802 E 8th Street. No one spoke in favor of or opposition to the request. Mayor Paine closed the public hearing.

MOTION by Commissioner E. Dalbec, seconded by D. Dalbec, and carried, to approve the Request from Sara Krostag for a Special Use Permit to operate a Bed and Breakfast at her property at 802 E 8th Street.

- c. Off-street Parking and Loading Ordinance approved by City Council January 15, 2019 (Ordinance #O19-4126)

Serck gave a brief overview of the timeline of the previous meetings when the parking ordinance was reviewed and approved. Serck also explained what changes were put into effect with the ordinance.

Mayor Paine opened the public hearing for consideration of the Off-street Parking and Loading Ordinance approved by City Council January 15, 2019. No one spoke in favor of or opposition to the ordinance. Mayor Paine closed the public hearing.

Dave Strum arrived at 4:30 PM, there still being a quorum the meeting continued.

2. Loren Johnson's request to vacate north-south alley near Lamborn Avenue and North 58th Street. (VAC 19-02)

MOTION by Commissioner E. Dalbec, seconded by D. Dalbec, and carried, to approve Loren Johnson's request to vacate north-south alley near Lamborn Avenue and North 58th Street.

3. Administrative request to submit Certified Survey Map for property in Winter Street Industrial Park. (CSM 19-01)

Serck clarified the area of the CSM and that it is related to the Lakehead Constructors new headquarters being built on the parcel.

MOTION by Commissioner E. Dalbec, seconded by D. Dalbec, and carried, to approve

Administrative request to submit Certified Survey Map for property in Winter Street Industrial Park.

4. Administrative Request to Rezone Properties in the vicinity of the Mariner Mall and surrounding area from C3 – Shopping Center District to PDD – Planned Development District. (RZ 19-01)

Serck explained that through several discussions at previous meetings a Planned Development District was drafted for the mall area that allows some flexibility in uses to allow more development in the area. All current uses (clinic, school, light manufacturing, etc.) have been included in the draft of the PDD. The administration hopes that this will allow more development within the mall itself as well as some possibility for multi-family development on the old Children’s home site. This rezone is the first step to identifying potential developers to invest in this area.

MOTION by Commissioner D. Dalbec, seconded by E. Dalbec, and carried, to approve Administrative Request to Rezone Properties in the vicinity of the Mariner Mall and surrounding area from C3 – Shopping Center District to PDD – Planned Development District.

5. Review and approval of an ordinance creating City Code Chapter 122, Zoning, Article VII. Restrictions for Special Uses, Division 2.1 Wireless Communications Facilities in the Right-of-way

Serck explained that recently the FCC ruled that municipalities are not able to disallow installation of these types of wireless facilities, so this ordinance creation at least allows the City to regulate their placement, require a building permit/fee, and lay out options for removal if certain standards aren’t met. A citizen mentioned concerns with studies related to this technology indicating that it is untested and early study results have shown an increase in cancer in male rats and does not want facilities near his property.

MOTION by Commissioner Fennessey, seconded by D. Dalbec, and carried, to approve an ordinance creating City Code Chapter 122, Zoning, Article VII. Restrictions for Special Uses, Division 2.1 Wireless Communications Facilities in the Right-of-way. Commissioner Strum voted in opposition of the ordinance creation.

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 4:45 p.m.

Respectfully Submitted by:
Allison Johnson
Planning Technician
City of Superior

Date: April 10, 2019

Plan Commission Date: April 17, 2019

MEMORANDUM

TO: Honorable Mayor Paine and Members of the Plan Commission

FROM: Jason Serck,
Planning, Economic Development & Port Director

RE: Amending the Buffers and Landscaping City Ordinance to include more language referencing Green Infrastructure

INTRODUCTION – In 2018 the Planning Department met with Juli Beth Hinds, of Birchline Planning, to discuss the City Code of Ordinances Zoning Chapter to identify better ways to reference Green Infrastructure (GI) in the zoning code. The added GI language to the Buffers and Landscaping Division is intended to enable the inclusion of stormwater features and other measures to reduce overall runoff.

The Planning Department is anticipating an entire rewrite of the Zoning Chapter in the next year or so, but these changes to Buffers and Landscaping would go into effect now and be included in the rewrite.

CONCLUSION – Please approve this ordinance.

ORDINANCE #O19-

AN ORDINANCE INTRODUCED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT TO AMEND THE CITY CODE, CHAPTER 122, ZONING, ARTICLE VI. SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 4. BUFFERS AND LANDSCAPING

The Common Council of the City of Superior, Wisconsin, does ordain as follows:

SECTION 1: Chapter 122, Zoning, Article VI. Supplemental District Regulations, Division 4. Buffers and Landscaping, of the City Code of Ordinances of the City of Superior, Wisconsin, is hereby amended to read as follows:

Sec. 122-723. Buffer requirements.

(a) *Conditions requiring a buffer.* Any lot in a commercial or manufacturing district abutting any residential district shall be buffered.

(b) *Burden of providing buffers.* In all cases, the entire burden of providing the buffer shall be on the owner of the commercial or manufacturing property. Where lots in two different districts, requiring a buffer between them, are both in an existing improved condition, the requirements of the chapter are not retroactive. However, in the event that any or all of the commercial or manufacturing improved property is destroyed or demolished for the purpose of renewal, redevelopment or improvement, that portion of said property shall be subject to the requirements of this division.

(c) *General buffer requirements.*

(1) No part of any required buffer shall be used for parking, storage, loading, locating refuse containers, or any similar activity which may create a nuisance.

(2) Buffers shall be properly maintained to satisfy the intended purpose in perpetuity.

(3) Landscape plantings should be ~~predominately evergreen type~~ **consist of a mix of trees and shrubs along with other plantings and fencing sufficient** to provide year-round screening. Landscape plantings shall be reasonably dispersed throughout the required buffer, **with the planting plan modified as needed to accommodate co-design with bioretention or other stormwater management measures designed to reduce runoff.** No fruit bearing trees shall be used. **Invasive plants listed as Restricted or Prohibited under DNR Chapter NR40 shall not be used.**

(4) Buffers shall be located on the entire common perimeter between the contrasting districts, and extend to the lot lines.

(5) Where the line between two districts requiring a buffer follows a public street right-of-way, stream or other similar barrier, the requirement for a buffer area may be waived by the plan commission, provided that such waiver does not permit the exposure of undesirable characteristics of land use to the public view.

(d) *Buffer methods.* Buffers required in this chapter shall be accomplished by any one or approved combination of the following options:

(1) Lots platted after the effective date of the ordinance from which this chapter is derived.

a. A buffer yard of 60 feet in width that includes a planting schedule equivalent to one overstory (or evergreen) tree and three shrubs per 35 linear feet of buffer; or

b. A buffer yard of 30 feet in width that includes a planting schedule equivalent to one overstory (or evergreen) tree, two ornamental trees and six shrubs per 35 linear feet of buffer.

(2) Existing lots platted prior to the effective date of the ordinance from which this chapter is derived. A buffer yard of 15 feet in width that includes a planting schedule **with a combination of plantings and fencing** equivalent to a continuous row of overstory, evergreen and ornamental trees that effectively provides a solid visual barrier. For existing lots platted prior to the effective date of the ordinance from which this chapter is derived that can provide evidence that the buffer required by this section would render the property unbuildable, the common council may grant a waiver of the requirements. In such instances, the common council may require the installation of a **combination of landscaping with a solid fence or wall** to meet the intent of this chapter. The fence or wall shall be six feet in height and shall be constructed of a permanent, low maintenance material such as brick, stone, textured concrete, tile block, cedar, or other similar materials determined appropriate by the plan commission. The face of the fence or wall should be equally attractive on both sides of the structure. Provisions for landscaping to soften the visual appearance of the structure and to provide additional buffering, **along with the integration of plantings to reduce runoff**, may be required by the plan commission and shall be reviewed on an individual case basis.

(Zoning Ord. § 2A-30.11; Ord. No. O05-3551, 11-1-2005)

Sec. 122-724. - Screening requirements.

(a) *Mechanical units.* For all new development or redevelopment, all ground mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment and any other related utility structures and equipment that are visible from any adjacent public thoroughfare shall be visibly screened from public view by the use of a screening wall built of materials compatible and consistent with the materials of the principal building, landscape plantings of predominately evergreen type trees and shrubs to provide year-round screening; permanent earthberming or a combination of the above.

(b) *Trash dumpsters and receptacles.* **The City of Superior recognizes that trash receptacles and dumpsters can be a source of bacteria and trash pollution conveyed to the City's streets, storm drains and waterways when not properly sited, constructed and managed. All trash receptacles and dumpsters shall be subject to the following standards:**

~~Trash receptacles and dumpsters shall be screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed to visibly screen the receptacle from public view and from adjoining properties.~~

- (1) **Trash receptacles and dumpsters shall have secure, fully functional lids to exclude rainwater, snow, and animals, and shall be screened on all sides by the use of a permanent enclosure, with locking gates for disposal truck access.**
- (2) **The enclosure shall be constructed to visibly screen the receptacle from public view and from adjoining properties.**
- (3) **The enclosure area shall be sited in a manner that prevents the discharge of runoff into storm drains or surface waters, through any effective combination of curbing, sheet flow through a properly designed vegetated area, use of permeable surfacing with sufficient base course to allow infiltration, or where specifically approved by the Environmental Services Department, discharge to a properly designed sanitary sewer inlet.**
- (4) **Grading and drainage review for all dumpster areas shall be performed by the Public Works Department prior to issuance of a building permit.**

(c) *Outdoor storage and loading areas.* Any outdoor storage area or loading area that is visible from any public thoroughfare or any residential use shall be visibly screened from public view and adjoining properties with **any combination of fencing**, landscape plantings that are predominantly evergreen type trees and shrubs to provide year-round screening, ~~permanent earthberming~~; or the use of a screening wall ~~built~~ **built** of materials compatible and consistent with the materials of the principal building. **All outdoor storage areas shall be reviewed for grading and drainage to ensure that no contaminated**

runoff from the storage area reaches storm drains or surface waters. Grading and drainage review for all outdoor storage areas shall be performed by the Public Works Department prior to issuance of a building permit.

(Zoning Ord. § 2A-30.12; Ord. No. O05-3551, 11-1-2005)

Sec. 122-725. - Parking lot landscaping requirements.

(a) *Purpose.* The purpose of parking lot landscaping requirements are as follows:

(1) *Aesthetic and improved design.* Improve the aesthetic appearance and overall community design of the city to enhance the natural and built environments.

(2) *Public safety.* Ensure that pedestrians and vehicles can safely use the parking lot.

(3) *Stormwater run-off retention.* **The inclusion of landscaping and vegetated stormwater management controls (bioretentions) reduces heat and provides a natural filter for rainwater thus lessening the burden on the city sewer system.**

(b) *Applicability.* The requirements of this section shall apply to any new development or redevelopment exceeding 51 percent of the property value. Existing uses that expand, enlarge or reconfigure the building and/or parking lot are exempt from these requirements regardless of the size of the expansion. If an existing building is reconstructed/rebuilt, the requirement of this section shall be met.

(c) *Exemptions.* The following are exempt from the requirements of this section:

(1) Any off-street parking exclusively used for a single-family detached or single-family attached use; and

(2) Any parking ramp and covered parking area.

(d) *Submittal requirements for all parking lots.*

a. *Landscape plan—Required.* A landscape plan for all parking lots regardless of size shall be prepared and submitted to the city for review and approval for any landscaping, buffer, or screening required by the city.

b. *Same—Preparation.* To encourage landscape plans to be thoughtfully arranged so site elements are artfully and technically organized in a way that conveys meaning, coherence and spatial organization, a qualified individual or organization as acceptable to the planning director, shall prepare the landscape plan.

(e) *Approval procedure.*

(1) Prior to the issuance of any building permit, all required landscape plans shall be reviewed and approved by the planning director. No landscaping plan shall be approved unless it conforms to the requirements of this chapter, except as noted elsewhere in this chapter.

(2) All landscaping areas shall be provided and all landscape materials shall be installed consistent with the approved landscaping plan, prior to the issuance of a certificate of occupancy.

(f) *Parking area minimum landscaping requirement.* A landscape area shall be required along the full length of any side of a parking area that abuts any adjoining property (front, rear, side yard lot lines). The landscape area shall be provided between the parking area and the property line, and shall have a minimum width of five feet. The landscaped area shall include **a combination of deep-rooted plantings, native sod, grass grasses or ground cover, shrubs, trees and other similar planting or ground cover material acceptable to the city. Invasive species listed under DNR Chapter NR40 shall not be used.**

Bioretention areas or vegetated swales (designed in accordance with Wisconsin DNR Technical Practice Standards and approved by the Environmental Services Department) shall be accepted as landscaped areas. Landscape plantings shall be reasonably dispersed throughout the required landscape areas **to achieve overall visual benefit, and to incorporate stormwater management measures.** All parking lots shall have curbing of acceptable materials to the city around the perimeter of the parking lot, **with breaks as required to provide for stormwater inflow.** See also section 122-702.

(g) *Additional parking area landscaping requirements for larger parking lots.* Parking areas consisting in their entirety of 25 or more parking spaces shall be required to provide the additional landscaping treatments in this subsection in addition to the five foot minimum landscaping requirement noted in the previous subsection.

(1) Curbed entrance aisles shall be placed on both sides of all entrance drives and access roadways from the public street system to direct vehicles in and out of the site.

(2) Large parking areas shall be divided into smaller parking fields of no more than 200 parking stalls. The size of these parking fields is dependent upon the overall size of the parking lot, the number of entrance roads, the number of commercial uses, and other site-specific factors. Each parking lot landscaping plan shall include design elements to address how pedestrians will be separated from vehicular traffic, how public sidewalks shall be linked to the development, how traffic will be properly managed and controlled and how interior landscaping can be included to improve the visual appearance. An effort shall be undertaken to include some overstory and ornamental trees in the parking lot landscaping plan.

(3) The end of every parking aisle shall have a landscaped island. This island shall be landscaped in accordance with this section.

(4) Every parking lot plan shall contain a method acceptable to the city to control diagonal traffic movement through the parking lot at places other than the designed rows. This may be accomplished through planter strips or medians every three to six rows and pedestrian walkways. The purpose of this is to protect the public safety of vehicles and pedestrians.

(5) Landscaped areas shall include **a combination of deep-rooted plantings, native sod, grass grasses or ground cover, shrubs, trees and other similar plantings or ground cover material acceptable to the city. Invasive species listed under DNR Chapter NR40 shall not be used.**

(6) Landscape strips, aisles, and medians shall maintain a minimum width of five feet and landscape areas located parallel to parking stalls shall maintain a minimum width of nine feet to ensure adequate area for the opening of vehicle doors. All landscape areas within the parking lot shall include sufficient area to ~~insure~~ **ensure** proper growth and protection of the landscaping materials planted therein. **Any trees planted in landscaped islands shall be planted with a minimum of 2 cubic feet of soil per 1 square foot of anticipated tree canopy at maturity.**

(7) **All snow storage areas shall be clearly indicated on the landscape plan. Snow storage shall not be permitted in an area designed to provide stormwater treatment and control, whether as indicated on a landscape plan or approved as part of a stormwater management plan, without the approval of the Environmental services Department.**

(Zoning Ord. § 2A-30.13; Ord. No. O05-3551, 11-1-2005)

Sec. 122-726. - Landscaping standards.

(a) Any required landscaping shall be in place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of the year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed. When filing a site plan, a developer may submit a list of alternate and substitute species from the permitted or established list to be used should the preferred material not be available when needed and required. **However, in no case shall materials, soils, or plantings be substituted in an area designed to provide stormwater treatment and control, whether as indicated on a landscape plan or approved as part of a stormwater management plan, without the approval of the Environmental Services Department.**

(b) All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this division.

(Zoning Ord. § 2A-30.14; Ord. No. O05-3551, 11-1-2005)

SECTION 2: All ordinances and parts of ordinance in conflict herewith are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

Passed and adopted this 7th day of May, 2019.

Mayor

Attest: _____
City Clerk