

**AGENDA FOR PLAN COMMISSION MEETING
SUPERIOR, WISCONSIN
Wednesday, June 19, 2019
4:00 p.m. – Government Center, Board Room 201**

ROLL CALL

APPROVAL OF MINUTES April 17, 2019

NEW BUSINESS

1. Review and approval of an ordinance creating a Division on Water Quality and Wetland Protection Standards
2. Administrative request to submit Certified Survey Map for property on North 11th Street and Tower Avenue. (CSM 19-02)

OTHER BUSINESS

ADJOURNMENT

Handwritten signature of Jason Serck, with the initials "AJ" written to the right of the signature.

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: June 12, 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, April 17, 2019**

The Plan Commission Meeting for the City of Superior was called to order by Mayor Paine at 4:02 p.m. in Board Room 201.

ROLL CALL

Members present: Mayor Jim Paine, Dennis Dalbec, Esther Dalbec, Brian Finstad, Anne Porter, Brent Fennessey, Dave Strum

Members excused: Anthony Sclavi, Jack Sweeney

Staff present: Jason Serck, Allison Johnson

Others present: Shelley Nelson

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

APPROVAL OF MINUTES

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

Serck explained that a year or so ago the Environmental Services Department obtained a grant to conduct a code audit to determine, among many things, how to improve stormwater management. It was determined that a somewhat simple fix would be to bolster the language in our Buffer and Landscape code to better manage stormwater runoff and take some of the pressure off of our stormwater system. This was done through designating shrub/tree species that are better for water retention and requiring sufficient plantings as a form of buffering and included in parking lot design. The code amendments also require that dumpster placements take into account their runoff to insure it's not draining into the stormwater system if possible. These changes and buffer/landscape requirements apply to new developments and properties that have a change of use. The ordinance change is a fairly simple way to codify a process of checks and balances that is, for the most part, already taking place.

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

The meeting adjourned at 4:10 p.m.

Respectfully Submitted by:
Allison Johnson
Planning Technician
City of Superior

Date: June 12, 2019

Plan Commission Date: June 19, 2019

MEMORANDUM

TO: Honorable Mayor Paine and Members of the Plan Commission

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

RE: Creating Ordinance for Water Quality and Wetland Protection Standards

INTRODUCTION – The Planning Department, along with the Environmental Services Department discussed using code language provided by Juli Beth Hinds, of Birchline Planning, to create an ordinance that would require a buffer between streams/wetlands and developable lands. Also included in the ordinance is a required setback from bluffs along Lake Superior and other navigable waters that would protect both the water and the property owner from sustaining damages/loss due to bluff erosion. The buffer areas will have some requirements that native vegetation remain in place to reduce the impact of stormwater runoff, reduce sedimentation and improve aquatic habitat.

The Planning Department is anticipating an entire rewrite of the Zoning Chapter in the next year or so, but these stream/bluff buffers 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 BY CREATING THE CITY CODE, CHAPTER 122, ZONING, ARTICLE VI. SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 2.1. WATER QUALITY AND WETLAND PROTECTION STANDARDS

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

SECTION 1: Chapter 122, Zoning, Article VI. Supplemental District Regulations, Division 2.1. Water Quality and Wetland Protection Standards, of the City Code of Ordinances of the City of Superior, Wisconsin, is hereby created to read as follows:

Sec. 122-670. Water quality protection standards.

- (a) Purpose. It is the purpose of this Section to provide for the protection and improvement of the surface waters and streams within the City of Superior, Lake Superior, and the watersheds contained wholly or partially within the City. These regulations and standards are intended to lead to the establishment and protection of natural areas along the City's surface waters to provide improved protection for water quality and the provision of open space areas and aquatic habitat.
- (b) Stream Buffers
 - (1) Applicability. The requirements of this Section shall apply to
 - a. all land within 50 feet horizontal distance of the edge of channel of the St. Louis River and associated bays;
 - b. all land within 50 feet horizontal distance of the edge of channel of any minor stream or river;
 - c. all land within 50 feet of the high water elevation of Lake Superior and St. Louis River, which for the purposes of these regulations shall be 600.7 feet above mean sea level datum, where such lands are not under the jurisdiction of the Wisconsin Public Trust Doctrine.
 - (2) General standards. It is the objective of these standards to promote the establishment of native or other suitable vegetation and trees along the City's waterways in order to reduce the impact of stormwater runoff, reduce sedimentation, and improve aquatic habitat. Therefore, except as specifically permitted by the Common Council, all lands within a required stream buffer defined above shall be left in an undisturbed, naturally vegetated condition. Supplemental planting and landscaping with appropriate species of vegetation to achieve these objectives shall be permitted. The specific standards for the vegetation and maintenance of stream buffers are as follows:
 - a. The clearing of trees that are not dead, heavily damaged by ice storms or other natural events, or diseased, and the clearing of any other vegetation other than

invasive species, is allowed only in conjunction with project approval pursuant to (3) or (4) below.

- b. Any areas within a required stream buffer that are not vegetated or that are disturbed during construction shall be seeded with a native mix of plants rather than standard lawn grass, and shall not be mowed.
- c. The creation of new lawn areas within stream buffers is not permitted after the effective date of these regulations.
- d. Snow storage areas designated pursuant to site plan or conditional use review shall not be located within stream buffers unless the applicant can demonstrate that there is no reasonable alternative location for snow storage on the same property, and that the snow storage area will be sited, planted or managed in a manner that reduces the potential for erosion and contaminated runoff entering the associated stream as a result of snow melt.
- e. The placing or storing of cut or cleared trees and other vegetation within the stream buffer is prohibited.

(3) Expanded Uses and Structures within Stream Buffers

- a. Expansion of pre-existing structures within stream buffers. The expansion of pre-existing structures within stream buffers, except as provided in below, shall be allowed provided the requirements of the underlying zoning district and the following standards are met:
 1. The structure to be expanded or reconstructed was originally constructed on or before the approval date of this ordinance. For purposes of these Regulations, expansion may include the construction of detached accessory structures including garages and utility sheds.
 2. The expanded or reconstructed structure does not extend any closer, measured in terms of horizontal distance, to the applicable high water elevation or stream centerline than the closest point of the existing structure.
 3. The total building footprint area of the expanded or reconstructed structure shall not be more than fifty percent (50%) larger than the footprint of the structure lawfully existing on approval date of this ordinance. For purposes of these regulations, reconstruction may include razing the existing structure and/or foundation and constructing a new structure in accordance with the provisions of the underlying zoning district regulations and this section.
 4. An erosion control plan for construction is submitted by a qualified professional detailing controls that will be put in place during construction or expansion to protect the associated surface water.
 5. A landscaping plan showing plans to preserve, maintain and supplement existing trees and ground cover vegetation is submitted and the Public Works Department finds that the overall plan will provide a vegetative buffer for the lake and/or stream.

- (4) New uses and encroachments within stream buffers. The Plan Commission and ultimately the Common Council may authorize the following uses within stream buffers, subject to the standards and conditions enumerated for each use.

- a. Agriculture, horticulture and forestry, provided that any building or structure appurtenant to such uses is located outside the stream buffer.
- b. Clearing of vegetation and filling or excavating of earth materials, only to the extent directly required for the construction or safe operation of a permitted or special use on the same property and where the purposes of this Section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.
- c. Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.
- d. Encroachments necessary for providing for or improving public facilities.
- e. Public recreation paths, boat launches, and similar facilities for recreation and water access, provided measures for erosion control, planting, and protecting existing vegetation are incorporated.
- f. Stormwater best management practices fully compliant with applicable City and Wisconsin DNR permit requirements.
- g. Roadways or access drives for purposes of crossing a stream buffer area to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access and the roadway or access drive is located at least twenty five (25) feet from the edge of the channel of the surface water for all navigable waters pursuant to Section 281.31(2)(d), Wis. Stats. Section 59.692, Wis. Stats., and Wis. Adm. Code Ch. NR 115.
- h. Utility lines, including power, telephone, cable, sewer and water, to the extent necessary to cross or encroach into the stream buffer where there is no feasible alternative for providing or extending utility services.
- i. Outdoor recreation, provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.
- j. Research and educational activities provided any building or structure (including parking and driveways) appurtenant to such use is located outside the stream buffer.
- k. Hydro-electric power generation.

(c) Bluff Buffers

- (1) Applicability: New improvements on lots having a bank or bluff fronting navigable waters following the ordinance.
- (2) Setback. The required shoreline setback shall be 75 feet back from the top edge of the bank or bluff, and if a lot is located in an area of active or potential erosion a greater setback may be required as determined by the Planning Department or a duly designated agent, based on projected shoreland recession rates.
- (3) Removal of Shoreline Cover. The cutting of trees and shrubbery shall be regulated to protect scenic beauty, control erosion and reduce the flow of effluents and nutrients from the shoreland. In the strip 35 feet inland from the bluff edge, no more than 30 feet in any 100 feet shall be clear cut. In other areas, tree and shrub cutting shall be governed by consideration of the effect on water quality and should be in accord with the accepted management practices. Natural shrubbery shall be preserved as far as practicable.

Sec. 122-671. Wetland Protection Standards and Review Procedures.

- (a) Purpose. It is the purpose of this Section to provide appropriate protection of the City's wetland resources in order to protect wetland functions and values related to surface and ground water protection, wildlife habitat, and flood control.
- (b) All wetland areas within the City of Superior, whether identified on wetland maps or through a wetland delineation, and a buffer area fifty (50) feet horizontal distance surrounding the boundary of any such wetland, shall be subject to the provisions of this section.
- (c) Review for potential wetland impacts required. For any permit application for land disturbance, expansion or placement of a structure, the Public Works Department shall review the application to determine whether wetlands or wetland buffer areas may be present on the affected site. Applicants for subdivision, conditional use or site plan approval on sites containing wetlands or wetland buffers are encouraged to submit a wetland delineation report as early in the permit review process as possible.
- (d) Standards for Wetlands Protection
 - (1) No permits shall be issued for a project that will incur temporary or permanent impacts to a wetland, unless the project has obtained authorization under a wetland general permit or wetland individual permit issued by the Wisconsin Department of Natural Resources, and if applicable, federal authorization under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act.
 - (2) Projects that will incur temporary or permanent impacts to wetlands that are eligible for permitting under the Superior Special Area Management Plan (SAMP) must obtain a valid wetland permit through that City program prior to incurring any wetland impacts. A permit obtained through the SAMP program also conveys federal and state authorization as described under subsection (1) above. An exception applies for projects that will impact both wetlands that are eligible and wetlands that are not eligible for permitting under the SAMP program. In those cases the project must obtain authorization as described under subsection (1) above; no SAMP permit is required for such projects.
 - (3) Encroachment into wetland buffer areas may be permitted by the Public Works Department upon finding that the proposed project's overall development, erosion control, stormwater treatment system, provisions for stream buffering, and landscaping plan achieve the following standards for wetland protection:
 - a. The encroachment(s) will not adversely affect the ability of the property to carry or store flood waters;
 - b. The encroachment(s) will not adversely affect the ability of the proposed stormwater treatment system to reduce sedimentation according to state standards;
 - c. The impact of the encroachment(s) on the specific wetland buffers as identified in the wetland delineation report is avoided and/or minimized using appropriate

landscaping, stormwater treatment, stream buffering, and/or other mitigation measures to the extent practicable.

- (e) Where questions arise as to the location, classification, or functions or values of a wetland area, the City shall have the authority to require the applicant to pay for technical review by a qualified wetland consultant. The consultant selected shall submit to the City a wetland delineation report, and any supporting information, addressing the proposed development's consistency with the standards in (d) above, and outlining the following:
- (1) Measures that can be taken to avoid wetland impacts to the extent practicable.
 - (2) Measures that can be taken to minimize wetland impacts to the extent practicable.

Secs. 122-672—122-696. Reserved.

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 2nd day of July, 2019.

Mayor

Attest: _____
City Clerk

Date: May 8, 2019

Plan Commission Meeting Date: June 19, 2019

MEMORANDUM

TO: Honorable Mayor Paine and Members of the Plan Commission

FROM: Jason Serck
Economic Development, Planning & Port Director

RE: Administrative Request to Submit Certified Survey Map

NUMBER: CSM 19-02

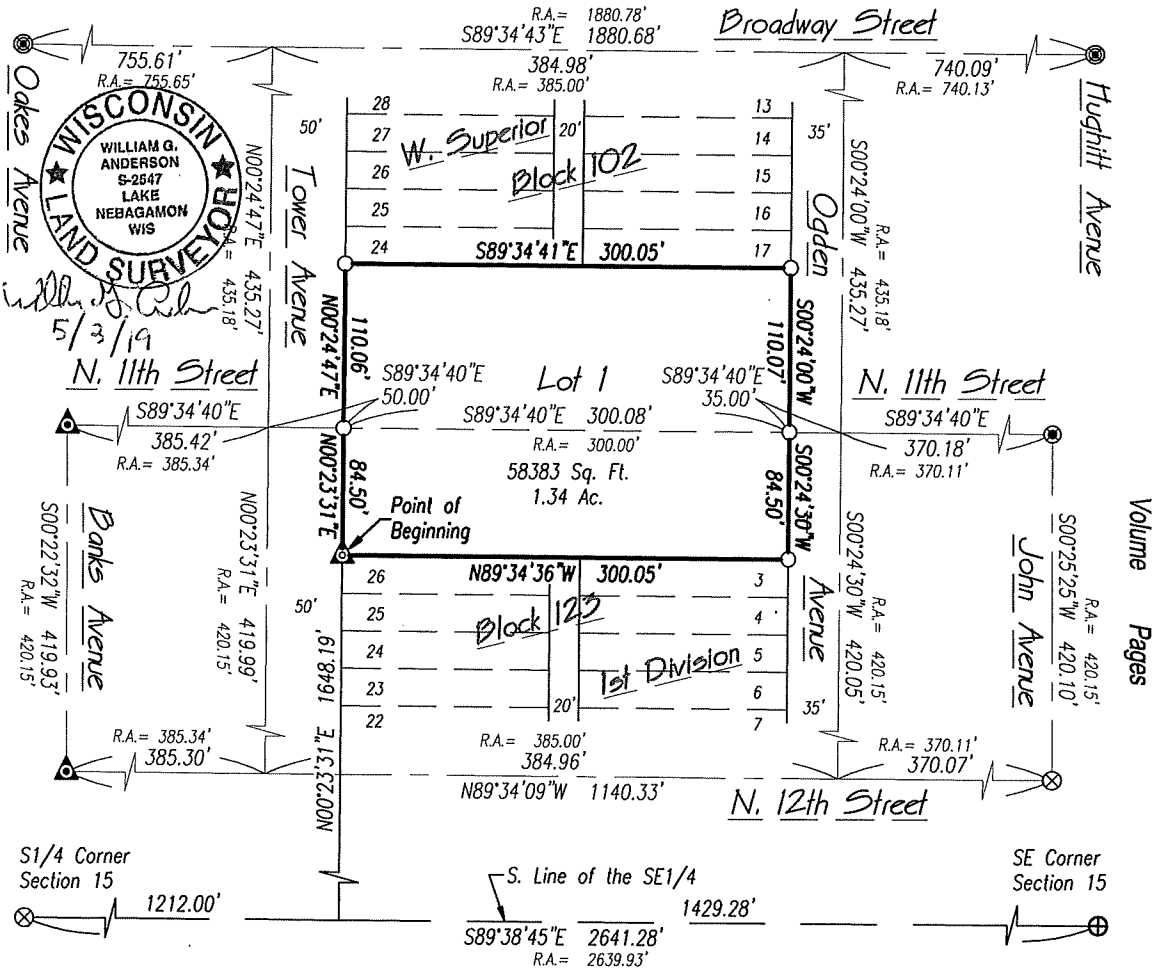
INTRODUCTION - City Administration is requesting to submit a certified survey map for property located at North 11th Street and Tower Avenue, as shown on the attached map.

BACKGROUND - The certified survey map is being submitted in order to create a contiguous parcel for sale to Cobblestone Hotels to construct a new hotel development. The portion of North 11th Street and area alleys have been vacated.

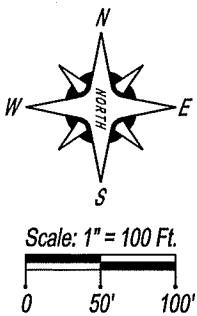
CONCLUSION – Please approve the certified survey map.

Certified Survey Map No. _____

Lots 18 - 23, Block 102, Lots 1 and 28 and part of Lots 2 and 27
 Block 123 and Vacated N. 11th Street and alleys, West Superior 1st Division
 Section 15, T49N, R14W, City of Superior, Douglas County, Wisconsin



Volume _____
 Pages _____



The south line of the SE1/4 bears S89°38'45"E and is referenced to the Douglas County Coordinate System.

Legend

- ▲ Denotes Mag spike found.
- Denotes 3/4" iron pipe found.
- ⊙ Denotes 1-1/4" iron rod found.
- ⊗ Denotes 1" iron rod found.
- ▲ Denotes Mag spike set.
- ⊕ Denotes computed PLS corner location.
- Denotes 3/4" diameter x 24" long rebar set, weighing 1.5 lbs/ft.

R.A. = Denotes "Recorded As" distance.

Surveyor's Notes:

The location of the Southeast Corner of Section 15 is a position computed from centerline monuments and information taken from the City of Superior Monumental Map dated January 1892.

Record distances were taken from the City of Superior Monumental Map dated January 1892.

The Public Land Survey monuments necessary for this survey were recovered as shown. The witness ties were verified with the most recent monument record for each corner.

The fieldwork for this survey was completed on 4/30/2019.

Comerstone Surveying and Mapping, Inc.
6637 South Woodland Trail
Lake Nebagamon, WI 54849
715-374-2331 218-393-9728

Certified Survey Map No. _____

Lots 18 - 23, Block 102, Lots 1 and 28 and part of Lots 2 and 27
Block 123 and Vacated N. 11th Street and alleys, West Superior 1st Division
Section 15, T49N, R14W, City of Superior, Douglas County, Wisconsin

Surveyor's Certificate

I, William G. Anderson, Professional Land Surveyor, hereby certify that:

I have surveyed, combined and mapped Lots 18-23, Block 102, Lots 1 and 28 and part of Lots 2 and 27, Block 123, together with the vacated alleys and North 11th Street, West Superior 1st Division. Located in part of the Northwest Quarter of the Southeast Quarter and part of the Northeast Quarter of the Southeast Quarter, Section 15, Township 49 North, Range 14 West, City of Superior, Douglas County, Wisconsin, described as follows:

Commencing at the South Quarter Corner of said Section 15; thence South 89 degrees 38 minutes 45 seconds East, along the south line of the Southeast Quarter of said Section 15, a distance of 1212.00 feet; thence North 00 degrees 23 minutes 31 seconds East a distance of 1648.19 feet to the west line of said Block 123 and the Point of Beginning; thence North 00 degrees 23 minutes 31 seconds East, along said west line, a distance of 84.50 feet to the centerline of vacated North 11th Street; thence North 00 degrees 24 minutes 47 seconds East, along the west line of said Block 102, a distance of 110.06 feet to the northwest corner of said Lot 23, Block 102; thence South 89 degrees 34 minutes 41 seconds East, along the north line of said Lots 18 and 23, a distance of 300.05 feet to the northeast corner of said Lot 18; thence South 00 degrees 24 minutes 00 second West, along the east line of said Block 102, a distance of 110.07 feet to the centerline of vacated North 11th Street; thence South 00 degrees 24 minutes 30 second West, along the east line of said Block 123, a distance of 84.50 feet; thence North 89 degrees 34 minutes 36 seconds West a distance of 300.05 feet to the Point of Beginning.


Subject to and together with all valid easements, restrictions, reservations and rights of the public, if any.

I have surveyed, divided and mapped the land described under the direction of the Redevelopment Authority of the City of Superior, owners.

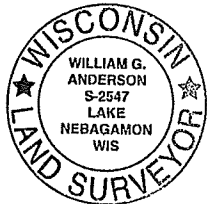
This map is a correct representation of all exterior boundaries of the land surveyed and the combining of that land.

I have fully complied with Chapter 236.34 of the Wisconsin Statutes and the subdivision ordinance of the City of Superior in surveying, combining and mapping this land.

Dated this 3rd day of May 2019.



William G. Anderson
Professional Land Surveyor, No. S-2547



Office of the Register of Deeds
Douglas County, Wisconsin
Received for Record

_____, 2019

at _____ O'clock ____ M.

Approved by the City of Superior Plan Commission

this _____ day of _____, 2019

as Document No. _____

C.S.M. Volume _____, Pages _____

Jason Serck
Economic Development, Planning and Port Director
City of Superior, Wisconsin

Register of Deeds

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