

PLAN COMMISSION Agenda
WEDNESDAY, November 15, 2023–4:00 p.m.
Government Center Room 270

Microsoft Teams Meeting ID: 223 069 663 551 **Passcode:** 6oWwZY



Direct Link: [LINK TO MEETING](#)

Or call in (audio only) 1-872-242-8028

Phone Conference ID: 472 210 618#

MISSION STATEMENT: To guide and coordinate development including harbor related issues in accordance with existing and future needs. City Code 98-2.

COMMITTEE MEMBERS: Jim Paine (chair), Brent Fennessey (vice-chair), Lindsey Graskey, Brian Finstad, Garner Moffat, Anne Porter, Laura Gapske

1 ROLL CALL

2 APPROVAL OF MINUTES

2.1 Plan Commission Minutes (September 20, 2023)

3 OLD BUSINESS

4 NEW BUSINESS

4.1 Open Meeting Law Review with City Attorney Prell

4.2 Review and approve proposed changes to Certificate of Appropriateness Process

5 ADJOURNMENT

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.

Pursuant to the Americans with Disabilities Act of 1990, if you are in need of an accommodation to participate in the public meeting process, please call (715) 395-7200 by 4:30 p.m. on the day prior to the scheduled meeting date (OR dial 711 for Telecommunications Relay Service). The City will attempt to accommodate any request depending on the amount of notice received.

In compliance with Wisconsin Open Meetings Law, this agenda was posted on 11/9/2023 at the following locations: Superior Government Center, Douglas County Courthouse, Superior Public Library, and online at <https://www.ci.superior.wi.us/agendacenter>. It was also emailed the Superior Telegram.

PLAN COMMISSION Minutes September 20, 2023 Regular Meeting

The meeting was called to order by Chair Paine at 4:01 pm on September 20, 2023 in Government Center Room 270.

1 ROLL CALL

PRESENT: Jim Paine, Brent Fennessey, Lindsey Graskey, Laura Gapske, Brian Finstad, Anne Porter

VIRTUAL:

ABSENT: Garner Moffat

CITY STAFF PRESENT: Director Serck, Tech Becken

OTHERS PRESENT: Shelly Nelson, Ed Schultz, Adam DeMeyer (virtual)

2 APPROVAL OF MINUTES

2.1 Plan Commission Minutes from August 16, 2023

Commissioner Paine requested a redundant line in the minutes to be struck in the motion line of the Special Use Permit section. The commission agreed it was appropriate to strike.

MOTION to approve August 16, 2023, minutes by Commissioner Fennessey, seconded by Commissioner Finstad. Carried.

3 OLD BUSINESS

4 NEW BUSINESS

4.1 Eliason Vacation Request Review and Recommendation

Director Serck explained the Eliason vacation request as one that had met the application and signature requirements. At the request of commission, Serck explained the basic nature of vacating an unimproved street and unimproved alley. Commissioner Gapske asked for clarification on use. Director Serck clarified that 'light gardening' would be what Eliason hoped to do with the property that was added to her parcels through the vacation process. He explained that in other situations, vacations are used to allow parcels to be combined to allow for additional square feet for building structures. Structures cannot be built on the vacated areas themselves, but through unifying the parcel, more space then is buildable.

MOTION to recommend the vacation application to the City Council by Commissioner Gapske, seconded by Commissioner Finstad. Carried.

4.2 Small Business Grant Application Q3 Review & Recommendation

- a. Schultz's Sports Bar 23-09
- b. Pudge's Tavern 23-10

Tech Becken introduced the Q3 applications with a combined ask of \$17,172.05 and explained that the commission had over \$100,000 in funds they could allocate, due to roll over from 2022 and a general lower application rate. Becken shared that staff were reaching out to businesses through future articles and events in Superior and were working with business owners as they had questions about the program.

Commissioner Gapske asked if the applicants had anything to add. Commissioner Paine invited Ed Schultz to speak. Schultz reiterated his ask was the same and the HVAC system needed updating. Commissioner Paine invited Adam DeMeyer to speak. DeMeyer shared his group recently purchased Pudge's and were working on making improvements, including finishing the siding on the back of the building and updating stools that were well used and mismatched.

MOTION to approve both applications and recommend to the City Council by Commissioner Fennessey, seconded by Commissioner Porter. Carried.

5 ADJOURNMENT

Meeting adjourned at 4:15

Respectfully submitted by Stephanie Becken.

Date: November 2, 2023

Planning Commission Date: November 15, 2023

MEMORANDUM

TO: Members of the Planning Commission

FROM: Jeff Skrenes
Housing Coordinator and Planner

RE: Proposed Changes to Certificate of Appropriateness Process in City Code

INTRODUCTION – The Historic Preservation Committee has recommended significant changes to the Certificate of Appropriateness (CoA) process in City code.

BACKGROUND – A Certificate of Appropriateness is granted to owners of properties that are on the Municipal Register of Historic Places, when elements of repair or new construction may potentially alter the historic nature of a property or district. Early in 2023, the City of Superior submitted an application to the state of Wisconsin for Certified Local Government status. During the application process, it was discovered that our CoA process deviated enough from the state’s recommended guidelines that our application was likely to be denied. Specifically, the process as currently written does not grant enough oversight to the HPC. The Historic Preservation Committee, Planning Department staff, and representatives from the State Historic Preservation Office prepared recommended changes to bring the City in line with acceptable standards.

At the September 13, 2023 Historic Preservation Committee meeting, the Committee approved the recommendation to remove current language in City code regarding the process, and replace it with changes prepared by Planning Department staff. The proposed changes were taken from cities already approved for CLG status, and are expected to allow the City application to be approved.

CONCLUSION – Please approve the proposed changes to the Certificate of Appropriateness process.

Proposed new language for Certificates of Appropriateness

1. Certificate of appropriateness required. After a historic structure, site, or district is designated on the City of Superior Municipal Register of Historic Places, no person shall alter, reconstruct, move, or permit any alteration of all or any exterior portion of a historic structure or site, or a property within a historic district unless a Certificate of Appropriateness has been granted by the Historic Preservation Committee.
2. The Historic Preservation Committee, and in certain cases described below, the Planning Department in cooperation with Building Inspections, may issue a Certificate of Appropriateness in accordance with this section. The Planning Department may issue a Certificate of Appropriateness in the following cases, provided materials and styles are deemed historically appropriate and accurate:
 - a. Roof repair/replacement
 - b. Gutter repair/replacement
 - c. Private sidewalk and driveway repair/replacement
 - d. Installation or replacement of historic plaques
 - e. Chimney repair and tuckpointing according to the Secretary of Interior Standards
 - f. Installation of fences
 - g. Storm windows and storm door repair/replacement
 - h. Installation of glass blocks in window openings
 - i. Installation of a ramp that is compliant with the Americans with Disability Act and any subsequent amendments thereto
3. In reviewing applications for alterations or modifications of a historic property, or a property within a historic site or district, the Committee or Planning Department shall require complete and clear drawings and/or specifications of the work to be accomplished to be furnished by the applicant. For simple projects, a brief description of the proposal or photographs or sketches may be sufficient. For more complicated projects, full architectural drawings should be attached to the application to permit the Committee to visualize the effect of the proposed alteration of the applicant's building. The applicant should provide enough information to enable the Committee or Planning Department to understand the relationship of the proposed work to adjacent buildings.
4. Upon filing of any application for a Certificate of Appropriateness with the Committee, the Committee may take one of the following actions:
 - a. The Committee shall approve the Certificate of Appropriateness application unless
 - i. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy, or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done.
 - ii. In the case of the construction of a new improvement upon a historic site or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district.
 - iii. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration, or demolition does not

conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district.

- iv. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of this city and state.
- v. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense.
- vi. Except as provided herein, in the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair. Upon the request for a demolition permit for a structure determined to be unfit for human habitation, occupancy, or use by any authorized public official or agency, the commission may defer the granting of approval for a period of up to six months from the time of such application, during which time the commission and the property owner shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the property owner and the commission shall cooperate in attempting to avoid demolition of the property. At the end of this six-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or non-profit organization to preserve the subject property is pending, the building inspector may issue the permit to demolish the subject property without the approval of the Committee. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained as available for disbursement within a period of two months following the end of such six-month period, the building inspector may issue the permit to demolish the subject property without the approval of the Committee.
- vii. In addition, in determining whether to issue a Certificate of Appropriateness, the Committee shall consider and may give decisive weight to any of the following standards as provided by the Department of Interior with respect to historic structures, objects, districts, and sites as codified in 36 CFR Part 67:
 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 10. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- b. The Committee may specify elements that do not apply with appropriate standards, and approve a Certificate of Appropriateness with conditions.
 - c. The Committee shall deny the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Committee shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
 - d. The Committee shall refer the matter to a future meeting if it believes the request currently before it does not meet the applicable standards for approval, but that it could with additional modification or if it determines the Committee has not been provided with complete information to make a determination. A referral may also be requested by the applicant or staff because the request is not, or may not be, procedurally ready for a full decision. For any referral, the Committee should specify its reasons for referring the matter to a future meeting, and when applicable, the information that would be necessary for the Committee to arrive at an approval.
5. The Committee or Planning Department shall make the decision on granting of the Certificate within 30 days of the filing of the application.
 6. Applications for a Certificate of Appropriateness that have been denied, modified, or approved with conditions may be appealed to the Common Council as a whole. Should the Committee deny, or approve under terms different than the initial application, a Certificate of

Appropriateness, the applicant may appeal such a decision within 30 days. In addition, if the Committee denies a certificate of appropriateness, the Committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this chapter.

7. Agencies of the city and all public utility and transportation companies undertaking projects affecting historic structures, historic sites, or historic districts shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures, and buildings on property, easements, or streets owned or franchised by the city.
8. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it would require a Certificate of Appropriateness and is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district designated under this section, any provision of the plumbing code, electrical code, or building or housing of the city shall apply unless waived by the appropriate state or city officials. The committee may support or propose such waivers before the appropriate state or city appeals body.
9. Compliance with Certificates of Appropriateness shall be started within 12 months after the issuance of the Certificate, and the work shall conform to the provisions of the Certificate. Failure to begin within 12 months shall require the applicant to request a new Certificate from the Committee. The City may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.
10. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness, provided the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.