

**PLAN COMMISSION MEETING MINUTES
CITY OF SUPERIOR
Wednesday, February 17, 2021**

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 (Via phone), Esther Dalbec (Via phone), Tylor Elm (Via phone), Anne Porter (Via phone), Brent Fennessey, Brian Finstad, Dave Strum (Via phone)

Members excused: Anthony Scalvi

Staff present: Jason Serck, Allison Johnson

Others present: Jolene Timmers, Jordan DeCaro, Dee Morales, Kevin Boreen, Ryan Dagger, Shelley Nelson, Brad Theien, Frog Prell, Dan Brown

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

APPROVAL OF MINUTES

MOTION by Commissioner Fennessey, seconded by D. Dalbec, and carried to unanimously approve the minutes of December 16, 2020.

NEW BUSINESS

1. Public Hearing

- a. Joe Brennan's request to submit a Special Use Permit application to operate a transitional home at 2626 Ogden Avenue. (SUP 21-01)

Mayor Paine stated this item was pulled from the agenda by the applicant prior to the meeting.

2. Review and approval of small business grant application from Timmers Rentals LLC. SBGP 21-01

MOTION by Commissioner E. Dalbec, seconded by D. Dalbec, and carried to unanimously approve the small business grant application for Timmers Rentals LLC.

3. Review and approval of small business grant application from ZIA Property LLC. SBGP 21-02

MOTION by Commissioner Fennessey, seconded by E. Dalbec, and carried to unanimously approve the small business grant application for ZIA Property LLC.

4. Review and approval of small business grant application from Bucktales Café. SBGP 21-03

MOTION by Commissioner D. Dalbec, seconded by Elm, and carried to unanimously approve the small business grant application for Bucktales Café.

5. Follow-up discussion on changes to the Small Business Grant Program.

Mayor Paine reviewed the discussion commissioners had on changes to the Small Business Grant Program at the December Plan Commission meeting and suggested imposing a three-year moratorium on a previous grant recipients eligibility to reapply to the grant program. Commissioner D. Dalbec and E. Dalbec agreed that would be a reasonable change. This change would apply to existing/previous grantees of this program. The commissioners agreed it should be timed from the date of their previous grant disbursement. Commissioner Fennessey brought up the previous point about splitting the funds between new and existing business applicants. Mayor Paine mentioned that as of now, the program is still able to fund all applicants so perhaps they should review the program yearly and if a problem of lack of funds starts to arise they could consider changes to designating funds to new/existing businesses.

Commissioner Porter asked for monthly updates on the grant fund to better keep track of funding available throughout the year.

MOTION by Commissioner Fennessey, seconded by D. Dalbec, and carried to unanimously approve amending the Small Business Grant Program to create a three-year moratorium on eligibility from the time of grant disbursement for previous grantees to reapply to the program.

6. Review of a bluff buffer appeal from Kevin Boreen for his property at 199 Billings Drive.

Planning, Economic Development & Port Director Serck reminded the commissioners that an ordinance was created a couple years ago to protect water quality and landowners who live along properties with waterfrontage by creating a buffer requirement from the bluff edge and/or waters edge. Mr. Boreen is the first one to go through the appeals process to build inside of the bluff buffer zone.

Planning Technician Johnson further explained that Mr. Boreen had a certified survey map completed to divide his property to create a building site for a future home. During the site planning process it was determined he needed to build within the required 75 foot buffer from the bluff to have enough space for the house, septic system, well and driveway, as well as wanting to enjoy the view of the bay. He hired AMI Engineering to complete a slope analysis, determine where the bluff line is and where he could safely build his home without decreasing the integrity of the slope. Mr. Boreen is building about 15-20' inside the buffer area.

Mr. Boreen spoke and confirmed what Serck and Johnson had said and added that this is a very uncommon pie shaped parcel so they had to be creative already to get everything to fit on the land. He also clarified that most of the area protruding into the buffer area is a covered patio.

Serck stated that Mr. Boreen has provided all the required reports and analyses to request an appeal to the bluff buffer and recommended approval.

MOTION by Commissioner D. Dalbec, seconded by E. Dalbec, and carried to unanimously approve Kevin Boreen's bluff buffer appeal.

7. Policies for vacation/easement processes.

Serck explained that the agenda item is in relation to concerns raised by Mr. Brown who lives on 36th Avenue East and East 4th Street over the Nemadji River. Early last summer he inquired to the Planning

Department about building a garage on his property. He was advised that the bluff buffer ordinance would need to be taken into consideration due the slope of his property towards the bay and was advised to hire an engineer to determine how to safely build a garage on his property and he would need to request and appeal. The engineer determined that with a special foundation and some retaining walls he could safely build a garage on his property. Mr. Brown asked about vacating a portion of 36th Avenue East to build his garage up on the flat area located in the right-of-way. Mr. Brown was advised that he would not be able to build in the right-of-way of a developed street, even if he vacated a portion of it because it is against City policy.

Mr. Brown spoke to commissioners and agreed with the summary provided by Serck. Additionally he stated that Serck notified him that city policy does not allow partial vacations of roadways and does not allow vacations of developed roadways. He explained that the right-of-way for 36th Avenue East is very large and he is requesting the commissioners to adjust city policy to allow him to vacate a portion of the roadway to build his garage. Brown stated he thinks it in the best interest of the City to do so.

Serck explained additionally that there are utility easements retained in the right-of-ways as well as existing utilities in this specific right-of-way. In the past, applicants have been able to request the utility easements be released by getting approval from each utility company, but never in a situation where it has been a developed road with existing utilities.

Commissioners D. Dalbec and Fennessey suggested allowing him to submit his application for vacation, even if the policy states the vacation is not allowed. Mayor Paine confirmed that the administration does not suggest vacating this portion of right-of-way and does not support the cause, and the city policies do not allow the application to be accepted and reviewed. Paine explained that Mr. Brown could request a Commissioner to take on this case then there may be a potential to change policies to allow it. Serck stated that it does not set a good precedent for the future. Commissioner Finstad questioned if the Plan Commission should create a policy to allow for partial vacations, and Paine stated the Plan Commission could take this up at a later date but still does not support a policy change.

MOTION by Commissioner D. Dalbec, seconded by Fennessey, and carried to unanimously approve recommending Mr. Brown to proceed following the existing vacation policies in place.

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

Respectfully Submitted by:
Allison Johnson
Planning Technician
City of Superior

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