

**PLAN COMMISSION MEETING MINUTES
CITY OF SUPERIOR
Wednesday, April 20, 2022**

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, Tylor Elm, Lindsey Graskey, Brent Fennessey, Brian Finstad, Anne Porter, Dave Strum, Garner Moffat

Members excused: Dennis Dalbec

Staff present: Jason Serck, Allison Johnson

Others present: Shelley Nelson, Frog Prell

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

APPROVAL OF MINUTES

MOTION by Commissioner Fennessey, seconded by Elm, and carried to unanimously approve the minutes of March 16, 2022.

NEW BUSINESS

1. Review and approval of an ordinance allowing mixed-use developments in Manufacturing Districts

Economic Development, Planning & Port Director Serck explained that the ordinance change would allow for mixed-use development in our manufacturing districts which includes a large portion of the north end downtown district. Serck elaborated that there is a project proposed for a property in this district, that would be a great fit for the area and has a residential component too it, so making this change would allow for this and future projects to be developed. Commissioner Finstad agreed with the mixed-use requirement for parcels along Tower Avenue corridor but wouldn't be opposed to allowed just residential development elsewhere in the zoning district. Commissioner Elm asked if it would be safe, appropriate, or responsible to have residential built close to ore docks or some of the larger manufacturing facilities. Serck clarified that it likely wouldn't be a problem and would "self-regulate" as developers would likely not consider those locations based on desirability, and potential contamination of soils disallowing residential developments. Commissioner Strum questioned why "4-units" was specified and why it couldn't be less units to allow for redevelopment of some existing properties that aren't large enough for 4-units.

Commissioner Moffat expressed concerns with allowing residential uses in the M2 – Heavy Manufacturing district, explaining that these areas allow for heavier uses that are generally not healthy to live near, nor are they pedestrian friendly or have the infrastructure (sidewalks, etc.) to support residential uses. Serck discussed the few areas in the city zoned M2 and that it's likely that residential wouldn't be built in the areas anyway, so removing residential from this district wouldn't hinder future developments. The focus area for this zoning change

would be directed at the north end downtown district currently zoned M1 – Light Manufacturing.

Commissioner Strum reiterated his concerns about the minimum number of required dwelling units and suggested it should be less to allow more flexibility for redevelopment of existing locations in the district that aren't large enough to accommodate four dwelling units on the upper floor(s). Commissioner Porter suggested just simply removing any limit on the number of dwelling units to allow for someone to develop or redevelop a storefront that only has one large dwelling occupying the upper floor(s).

MOTION by Commissioner Elm, seconded by Graskey, and carried to unanimously approve ordinance allowing mixed-use developments in Manufacturing Districts.

MOTION by Commissioner Moffat, seconded by Finstad, and carried to amend the ordinance language to read “Sec. 122-558 537. Permitted Uses” effectively placing it in M1 – Manufacturing Light District, as opposed to M2 – Manufacturing Heavy.

MOTION by Commissioner Strum, seconded by Elm, and failed to amend the ordinance language to read “Where at least four two dwelling units comprise the residential component.”

MOTION by Commissioner Porter, seconded by Elm, and carried to amend the ordinance language to read “Mixed-use development. ~~Where at least four dwelling units comprise the residential component.~~”

2. Review and approval of draft language for creating a special use permit regarding the usage of drive-through speakers adjacent to residentially used or zoned properties.

Commissioner Finstad supplied some background on the request to regulate drive-through speakers based on concerns surrounding some existing drive-through restaurants, which have caused a noise nuisance in the city. He used an example of a restaurant that made promises to area neighbors to mitigate light and sound pollution from their drive-through, however once they received their approvals they did not follow through with the mitigation. Creating a special use permit would allow the City the ability to regulate drive-through requirements to alleviate more future disruptions for residences living near them.

Serck explained the draft language presented and expanded that focusing on drive-through times and measured distances to residential properties could be a good direction to take to allow both business flexibility and preserve the residential properties in the area. Commissioner Elm asked if this would be for new businesses only, or retroactive. That distinction would need to be decided when drafting and approving the special use permit ordinance. Commissioner Moffat brought of light pollution concerns as well as the speaker volume concerns and would like that to be addressed in the special use permit.

Serck clarified that the current zoning code has some robust language for screening, buffering, landscaping and lighting requirements for commercial properties abutting

residential districts which is strictly followed, however most of these businesses were in place prior to the buffering code being in place. Serck added that some of these concerns could also be addressed just by reaching out to current restaurant owners and having them address some of the light concerns and potentially their buffering requirements.

Paine suggested holding the item in committee while staff prepares language to present at the next meeting to address the discussion held today.

3. Discussion on allowing gun sales in C2 – Highway Commercial District through a special use permit

Commissioner Fennessey explained that an auction business recently relocated to a C2 – Highway Commercial zoning district which now disallows them to sell firearms at their auctions because the sale of firearms is not allowed in this zoning district. Fennessey is requesting that a special use permit be created that allows for the sale of firearms in C2 district, and possibly places a limit to the number days per year or month on when they can be sold. Serck added that a special use permit could be created, or that an ordinance change could be made to allow for firearm sales in the C2 district. Commissioner Moffat supported creating a special use permit rather than an ordinance change because it allows the city more control in regulating the number establishments allowed to sell firearms.

Paine suggested holding the item in committee while the planning department drafts language for both a special use permit and draft language for an ordinance change to present at the next meeting.

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 5:10 p.m.

Respectfully Submitted by:
Allison Johnson
Planning Technician
City of Superior

Plan Commission
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