

**PLAN COMMISSION MEETING MINUTES
CITY OF SUPERIOR
Wednesday, May 18, 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, Dennis Dalbec

Members excused: Staff present: Jason Serck, Allison Johnson, Steph Becken

Others present: Shelley Nelson, Pat Kukell, Councilor Van Sickle, Councilor Ludwig, Rachel Wagner

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 April 20, 2022.

NEW BUSINESS

1. Sam Rothstein's request to submit a Certified Survey Map for property located at 10 Belknap Shores. CSM 22-01

Economic Development, Planning & Port Director Serck explained that this property, located on the west end of Belknap Street in Billings Park, currently known as the Wessman Estate, will be subdivided into three parcels. One parcel will be the remaining home, and two others will be created and sold as developable parcels. The terrain and nature of the neighborhood limits much more subdivision than the three total lots proposed.

MOTION by Commissioner Dalbec, seconded by Elm, and carried to unanimously approve Sam Rothstein's request to submit a Certified Survey Map for property located at 10 Belknap Shores.

2. Administrative request to submit a Certified Survey Map for property located on Wisconsin Point Road. CSM 22-02

Serck reminded commissioners of the work Councilor Van Sickle and staff have done over the past several months to work towards establishing boundaries of known burial grounds and transferring land to the Fond Du Lac Tribal community. The land on Wisconsin Point is a well know designated native burial ground and the CSM is needed to describe and deed over the land.

MOTION by Commissioner Fennessey, seconded by Dalbec, and carried to unanimously approve Administrative request to submit a Certified Survey Map for property located on Wisconsin Point Road.

3. Administrative request to submit a Certified Survey Map for property located within the St. Francis Cemetery off 31st Avenue East. CSM 22-03

Serck added that this specific CSM was for land located in the St. Francis Cemetery and that both the County and St. Francis have been involved and support the land transfer to Fond Du Lac. A street vacation was recently completed to provide access to the burial grounds.

MOTION by Commissioner Dalbec, seconded by Graskey, and carried to unanimously approve Administrative request to submit a Certified Survey Map for property located within the St. Francis Cemetery off 31st Avenue East.

There being no objection by the Commissioners, agenda items 7 & 8 were moved up on the agenda and reviewed next.

7. Review and approval of an ordinance allowing firearm sales in C2 – Highway Commercial District

Pat Kukell, owner of Superior Shooters Supply in Superior spoke in favor of the ordinance change because it opens up opportunities for their relocation to another storefront in town. Without the ordinance change their options for locations are very limited.

Serck explained that the ordinance would place firearm sales as an allowable use in our C2 – Highway Commercial District. Commissioner Moffat expressed a concern with allowing them with no other restrictions in place and would prefer a special use permit.

MOTION by Commissioner Fennessey, seconded by Dalbec, and carried to approve of an ordinance allowing firearm sales in C2 – Highway Commercial District. Yays-8, nays-1 (Moffat)

8. Review and approval of an ordinance creating a special use permit identifying regulations for drive-through speaker usage.

Serck explained the ordinance proposed, the buffering requirements and also the special use permit state statute which actually does not hold much power anymore because of recent changes to the law at a state level. Serck suggested placing the new ordinance language in the City's zoning code in the landscape and buffering section as a standalone ordinance rather than a SUP. The review and approval of projects through the building permitting process would provide enough oversight and opportunity to deny permits, if applicants did not meet the code requirements. Serck is not suggesting that the code be retroactive at this time.

Strum questioned if our code made any reference to noise disturbances from private residential contractors, and if it was appropriate to restrict commercial noise if it is the same or less disruptive. Serck and Mayor clarified there is no written code defining times for contractors to work, other than common sense and courtesy, but Mayor added that type of work is temporary whereas a commercial business would pose a constant disturbance.

Commissioner Porter brought up that the speaker direction can have a large impact on sound travel and suggested having the speaker orientation face away from residential structures where possible.

Commissioner Fennessey wondered if the City should regulate hours if the business has made every possible mitigation to ensure there is no impact to area neighbors. Paine clarified that anyone could file an appeal at the plan commission or council level if they have support from a councilor to do so and in those specific situations, they would have the opportunity to prove their mitigation efforts would not adversely affect neighbors.

Commissioner Elm and Moffat expressed a concern that the wording of “may not” is not strong enough and provide a leeway for businesses and suggested using the phrasing “shall not.”

Commissioner Fennessey reiterated the question of whether or not this would be retroactive and if it only applies to new construction. Serck confirmed that it would only apply to new construction and that every new business he speaks to already asks about our drive-through regulations, so this ordinance change will not come as a shock to them. Businesses are used to it from working in other municipalities.

Commissioner Porter questioned the language use of “encouraged” and expressed that it was not strong enough and businesses could completely disregard the statement. Serck added that buffering requirements are already enforced, so it could be redundant. Mayor suggested removing the statement altogether, and Moffat followed-up by suggesting that it be left to staff discretion on whether sound attenuation walls would be necessary.

Commissioner Finstad added that headlights cause just as much of a disturbance and suggested adding “fencing” to the language in addition to sound attenuation walls and landscaping.

Lastly, Mayor Paine took Serck’s suggestion and proposed moving the ordinance language from the special use permit section (Sec 122-614) to the Parking Lot Landscaping Requirements section (Sec 122-725) in our Landscape and Buffering code.

MOTION by Commissioner Fennessey, seconded by Finstad, and carried to unanimously approve an ordinance creating a special use permit identifying regulations for drive-through speaker usage.

MOTION by Commissioner Porter, seconded by Elm, and carried to amend the ordinance language to read “b. The speaker box and drive-through window must be at least 50 feet from any property line containing a residential structure, *and where possible face away from any residential structures.*”

MOTION by Commissioner Moffat, seconded by Finstad, and carried to amend the ordinance language to read “c. Drive-through ~~may~~ *shall* not operate...”

MOTION by Commissioner Paine, seconded by Porter, and being no objection, carried to amend the ordinance language to remove “~~d. Use of sound attenuation walls and landscaping shall be encouraged for their buffering requirements.~~”

MOTION by Commissioner Moffat, seconded by Porter, and carried to amend the previous amendment for the ordinance language to read “d. Use of sound attenuation walls and landscaping shall be encouraged *required at the discretion of the Planning Director for their buffering requirements.*”

MOTION by Commissioner Finstad, seconded by Graskey, and carried to amend the ordinance language to read “d. Use of sound attenuation walls, *fencing*, and landscaping shall be required at the discretion of the Planning Director for their buffering requirements.”

MOTION by Commissioner Paine, seconded by Elm, and carried to amend the ordinance by placing it in a different part of the Zoning Code to read “~~Sec. 122-614 Enumerated Sec. 122-725~~ *Parking lot landscaping requirements.*”

4. Review and approval of Vacant to Value: New Construction application for 4XX Cumming Avenue. V2VNC 22-09

Rachel Wagner, from Green New Deal Housing spoke about their organization and the house/site plans for the three parcels of land the for which the organization has applied. Green New Deal Housing is a community development organization with a focus on supplying housing on in-fill lots. The structures are considered a “zero net energy” house that uses super-efficient energy sources, such as solar, to bring down operating costs that are less to no additional cost each month compared to traditionally built homes. The organization also focuses on recruiting new employees into the trades and provides a training opportunity for apprentices to be involved in forward thinking building techniques. Two different styles of homes were presented for the three parcels of land. Two 2-story, 3 bedroom, 2 bathroom homes, and one single-story, 3 bedroom, 2 bathroom home. Both have detached two-stall garages. All the site plans were thoughtfully designed to consider solar access (both to panels and through windows), yard space, fit into neighborhood landscape, maintain existing mature trees, and safety of vehicle access to area streets.

Commissioner Elm expressed concerns with the use of the term “affordability” when the costs to build these homes are around \$450,000. Wagner explained that in this case the homes are affordable in long term usage by having fixed low to no utility expenses, fixed mortgages, durability of the homes. The overall costs of construction are anticipated to come down through building material donations and workforce training opportunities by partnering with local unions to use apprenticeship labor rather than journeyman. In addition to all of this, the Green New Deal Housing organization works directly with the buyer to secure other subsidies or assistance such as down payment assistance for qualified buyers to get them a much higher down payment to bring down the overall mortgage cost, and even forgivable down payment assistance that is a pro-rated amount granted to them as long as they remain in the home for a determined amount of time. Lastly, Wagner mentioned that the program is in its infancy, and with time and more projects completed the opportunity to lower building costs will likely present itself.

Serck expanded that after the initial approval from Plan Commission, staff then receive all

final financing information from the applicant prior to submitting any development agreements to the Council for approval.

Commissioner Paine reiterated that the agenda item posed to the commissioners was to review the site plan and project and if it filled the program requirements of building new construction on in-fill lots in Superior, and not to focus on whether or not the homes are affordable.

Commissioner Fennessey brought up the “affordability” phrasing when referencing these homes with a proposed budget of around \$450,000 and reiterated similar concerns with the costs. Fennessey stated concerns with the City getting more involved after initial approval and needing to provide funding in order for the homes to be constructed. All preliminary calculations would place the mortgages at rates much higher than what the median household income could support. Fennessey asked for clarification on Green New Deal Housing’s program that stated that homes would be sold to those whose household members meet one of the criteria for being a “protected class.”

Wagner confirmed that would be a priority when selling the homes to prospective buyers and gave a few examples of a “protected class” and referenced the City’s Analysis of Impediments to Fair Housing Choice (AIFHC) that outlines the City’s need to address these housing concerns. Serck also confirmed the information from our AIFHC and this type of project or sale would meet some of the recommendations made in the report.

Commissioner Porter added that this type of housing with green infrastructure is likely going to be the wave of the future. Commissioner Strum added to the topic of affordability that regardless of what anyone feels is affordable or not, the responsibility falls to the developer to pay for and maintain these properties until they sell to owner occupied residents; the City is not held accountable for those expenses. Commissioners Finstad and Moffat expressed approval of the program and applications but would like to see this level of subsidy provided on a much larger scale to help many households rather than by creating one great house.

MOTION by Commissioner Porter, seconded by Elm, and carried to unanimously approve agenda items 4, 5, and 6 regarding the Vacant to Value: New Construction applications.

5. Review and approval of Vacant to Value: New Construction application for 16XX Iowa Avenue. V2VNC 22-10
6. Review and approval of Vacant to Value: New Construction application for 2640 John Avenue. V2VNC 22-11

OTHER BUSINESS

ADJOURNMENT

Plan Commission
May 18, 2022

The meeting adjourned at 6:00 p.m.

Respectfully Submitted by:
Allison Johnson
Planning Technician
City of Superior

Plan Commission
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