

**City of Evansville Plan Commission  
Regular Meeting  
Tuesday, April 4th, 2023, 6:00 p.m.**

**MINUTES**

**1. Call to Order** at 6:00pm.

**2. Roll Call:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Cory Neeley	A	Jason Sergeant (City Administrator)
Aldersperson Susan Becker	P	Joel Tomlin (applicant)
Abbey Barnes	P	
John Gishnock	P	Dennis Hughes, Eric Dillie, Jeff Rottier
Mike Scarmon	P	Nicole and Jay Naatz, John Roth, Ann Kolasch,
Eric Klar	P	Dave Olsen, Theresa Williams, Roger Berg Jeff Farnsworth, Sue Farnsworth

**3. Motion to approve the agenda, by Becker, seconded by Gishnock. Approved unanimously**

**4. Motion to waive the reading of the minutes from the February 7th, 2023 meeting and approve them as printed, by Becker, seconded by Klar. Approved unanimously.**

**5. Civility Reminder.** Duggan noted the City's commitment to conducting meetings with cordiality.

**6. Citizen appearances other than agenda items listed.**

**7. Action Items**

**A.** Review of Site Plan Application 2022-0252 on parcel 6-27-958.091A1 (777 Brown School Road, 783-785 Brown School Road)

**1. Staff Report and Applicant Comments**

Applicant was present. Spranger summarized the report, noting that this approval would culminate a multi-year effort on the parcel. The only recommendation the City makes that is different than what was submitted was that, if a third building is not built within two years, that curbing would be required as depicted in red on the site plan that was included in the packet. She also commented that while there had been good progress on renegotiating a development agreement outlining TIF incentives, both parties came to a mutual conclusion to nullify the development agreement and any future TIF incentive payments. The amendment to the development agreement will be discussed and passed as a separate motion following action taken on the site plan.

**2. Commission Questions and Comments**

None.

**3. Final Motion with Conditions**

**Motion to approve the Site Plan for two commercial buildings on parcel 6-27-958.091A1 (Tax ID 222 070001011), finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a Site Plan Approval set forth in Section 130-104 of the Zoning Ordinance. The Site Plan is approved subject to the following conditions:**

- a. **Curbing to be installed as depicted in red on the attached site plan.**
- b. **Arborvitae are installed to screen the parking area between the residential building and Brown School Plaza.**
- c. **Applicant signs Amendment #1 to the Development Agreement by April 5th, 2023.**
- d. **The business operator shall comply with all provisions in the city's zoning code, as may be amended, including conditional use regulations as per sections 130-408.**
- e. **Any substantial changes to the site plan or expected uses shall require a review of the existing conditional use permits and will require the application, fee, review and issuance of a new conditional use permit.**
- f. **The use shall not cause a public or private nuisance as defined by State law.**
- g. **The site plan and Amendment #1 are recorded with the Rock County Register of Deeds.**

*Motion by Becker, seconded by Scarmon. Approved unanimously*

- B.** Discussion and Motion to Recommend to Common Council Approval of Amendment #1 to the Development Agreement on parcel 6-27-958.091A1.

*Motion by Becker, seconded by Scarmon. Approved unanimously*

- C.** Review and Action on Land Division Application 2023-0047 and Rezoning Application 2023-0048 on parcels 6-27-559.5170 and 6-27-559.5171 (Lots 170 and 171, Westfield Meadows)

**1. Review Staff Report and Applicant Comments**

Spranger summarized the report, stating the lot adjustment was necessary to accommodate room for both buildings on the lot that are anticipated to be built by the applicant. Further discussion on site plans and uses for the site will be conducted at a future meeting. Since the land from Lot 171 is zoned R-3, a rezone is necessary for the land that is being added to enlarge Lot 170.

- 2. Public Hearing.** Mayor Duggan opened the public hearing at 6:18p.m. Nicole Naatz, 379 S. 7<sup>th</sup>, and John Roth, 339 S 7<sup>th</sup>, were present to hear about plans for the lot but had no specific questions. Public hearing closed at 6:19p.m.

- 3. Plan Commissioner Questions and Comments. None.**

- 4. Motions with Conditions**

**Motion to recommend that Common Council approve Ordinance 2023-05, Rezoning Territory from Residential District Three (R-3) to Community Business District (B-3).**

*Motion by Becker, seconded by Scarmon. Approved unanimously*

**Motion to recommend Common Council approve a certified survey map to adjust the lot lines between tax parcels 6-27-559.5170 and 6-27-559.5171 finding that the application is in the public**

interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:

- 1) The applicant submits a joint cross access and maintenance agreement to City staff for review prior to recording
- 2) The CSM and joint cross access and maintenance agreement is recorded with the Rock County Register of Deeds.

*Motion by Becker, seconded by Klar. Approved unanimously*

D. Review of Conditional Use Application 2022-0054 for an Indoor Commercial Entertainment Use (Main Street Fix) on parcel 6-27-25 (8 W Main Street).

1. **Review Staff Report and Applicant Comments.** Spranger summarized the report, explaining that the use has been operating with a City-issue permit for a month due to a communication mix up – another potential user had approached her regarding opening a very similar use in the same location in January, and when activity began inside the store Spranger assumed it was the same person who had been given contact information and a copy of the conditional use permit application. The applicant has proper licensing from Rock County Public Health.
2. **Public Hearing.** Mayor Duggan opened the public hearing at 6:29pm. No comments. Public hearing closed at 6:29pm.
3. **Plan Commissioner Questions and Comments.** None.
4. **Motion with Conditions**

Motion to approve a Conditional Use Permit for indoor commercial entertainment (smoothie/nutritional drink business) per section 130-408 on parcel 6-27-25, located at 8 W. Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1) The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to indoor commercial entertainment uses (Section 130-408).
- 2) The parking requirements for this use in this location shall be waived.
- 3) The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130-568).
- 4) Hours of operation shall be no earlier than 7am and no later than 10pm.
- 5) The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.
- 6) Any substantial changes to the business model, such as significant differences in hours of operation or type of business, shall require a review of the existing conditional use permit and the issuance of a new conditional use permit.
- 7) A sign application and Certificate of Appropriateness approval, issued by the Historic Preservation Commission, is required for any planned signage related to the business.
- 8) Use cannot create a public nuisance as defined by local and state law.
- 9) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

*Motion by Becker, seconded by Klar. Approved unanimously*

- E. Review of Conditional Use Application 2022-0059 for Light Industrial Use Incidental to Indoor Sales (Hop Garden) on parcel 6-27-6 (18 E Main Street).
1. **Review Staff Report and Applicant Comments.** Spranger commented that the conditional use was not to operate a brewery, but specifically to brew beer on site. The City's zoning code does not have specific regulations on brewing and this is the first time the City has reviewed an application for such. The applicant's intention is to brew small batches and that total beer brewed will not exceed 3,000 gallons per year. No bottling for retail use elsewhere will occur on site.
  2. **Public Hearing.** Mayor Duggan opened the public hearing at 6:38pm. No comments. Public hearing closed at 6:38pm.
  3. **Plan Commissioner Questions and Comments.** No comments regarding the conditional use, but commissioners were curious when the applicant intended to open. Spranger replied within the month.
  4. **Motion with Conditions.**  
*Motion to approve issuance of a Conditional Use Permit for Light Industrial Use incidental to Indoor Sales to operate brewing equipment per section 130-530 on parcel of land 6-27-6 located at 18 E Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:*
    - 1) *The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130-568).*
    - 2) *Hours of operation shall be no earlier than 9am and no later than 10pm.*
    - 3) *The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.*
    - 4) *Any substantial changes to the business model, such as significant increases in beer production or equipment, shall require a review of the existing conditional use permit.*
    - 5) *A sign application and Certificate of Appropriateness approval, issued by the Historic Preservation Commission, is required for any planned signage related to the business.*
    - 6) *Use cannot create a public nuisance as defined by local and state law.*
    - 7) *The Conditional Use Permit is recorded with the Rock County Register of Deeds.*

*Motion by Becker, seconded by Klar. Approved unanimously*

- F. Review of Conditional Use Application 2022-0060 for a new structure in the Historic Conservation Overlay District on parcel 6-27-894.1 (30 Railroad Street).
1. **Review Staff Report and Applicant Comments.** Spranger summarized the report, noting that Historic Preservation had already given their recommendation for approval. When new structures are built in the historic district, approval must also be obtained by Plan Commission.
  2. **Public Hearing.** Mayor Duggan opened the public hearing at 6:49pm. Ann Kolasch spoke and stated that she thinks it's fine and that the City ought to "let him have a garage!" Public hearing closed at 6:51pm.
  3. **Plan Commissioner Questions and Comments.** None.
  4. **Motion with Conditions**  
*Motion to approve issuance of a Conditional Use Permit for a new garage on parcel 6-27-894.1, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a*

**CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following condition:**

- 1) Any variation from Historic Preservation Commission approved plans including exterior materials.**

*Motion by Becker, seconded by Klar. Approved unanimously*

**G. Discussion and Motion to Recommend to Common Council Approval of Ordinance 2023-03, Amending Chapter 130, Article IV Landscaping Regulations**

Sergeant explained that the purpose of the changes was to allow flexibility for certain sites to place required landscape points in public areas throughout the City. Examples of what sites these changes intended for include smaller sites with no room for additional landscaping or larger sites where the amount of required landscaping could interfere with the site's ability to use their property or be otherwise incompatible with the use. The goal is to continue to require landscaping for all site plans as it is a city-wide benefit. Staff may recommend this option to sites who would benefit from the change. The decision to allow this option is still left up to the Plan Commission. Gishnock suggested amending all instances of "landscaping regulations" to "landscape regulations", noting that he and fellow landscape architects prefer the latter.

**Motion to Recommend to Common Council Approval of Ordinance 2023-03, Amending Chapter 130, Article IV Landscaping Regulations**

*Motion by Becker, seconded by Scarmon. Approved unanimously*

- 8. Discussion Items.** Becker asked about compliance for requiring street trees, citing 268 W Liberty Street. When do we check for compliance for items like this? The trees were required by Historic Preservation but not Plan Commission. Sergeant replied that compliance for street trees is observed by a number of City staff, ranging from Public Works to Building Inspection and Code Enforcement.

**9. Community Development Report**

**10. Next Meeting Date:**

- A. May 2<sup>nd</sup>, 2023 at 6:00 p.m.

- 11. Motion to Adjourn by Becker, seconded by Scarmon. Approved unanimously.**