

NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

City of Evansville **Plan Commission**
Regular Meeting
City Hall, 31 S Madison St., Evansville, WI 53536
Thursday, July 6th, 2023, 6:00 pm

AGENDA

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the June 6th, 2023 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed
7. Action Items
 - A. Review and Action of Conditional Use Permit Application 2023-0130 for a Two-Family Residence on parcel 6-27-508.11 (Lot 11, South Gate Estates)
 1. Staff Report and Applicant Comments
 2. Plan Commissioner Questions and Comments
 3. Motion with Conditions
 - B. Review and Action of Site Plan Application 2023-0187 on parcel 6-27-958.3 (535 E Main, Core Physical Therapy)
 1. Review Staff Report and Applicant Comments
 2. Public Comment
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
8. Discussion Items
 - A. Conceptual Site Plan -- Care Closet
 - B. Conceptual Site Plan – Potential Agribusiness Industrial User
9. Community Development Report
 - A. Retrofit Sidewalks
10. Upcoming Meetings
 - A. Tuesday, August 1st, 2023 at 6:00pm
11. Motion to Adjourn

-Mayor Dianne Duggan, Plan Commission Chair

These minutes are not official until approved by the City of Evansville Plan Commission.

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

MINUTES

1. Call to Order at 6:04pm.

2. Roll Call:

| Members | Present/Absent | Others Present |
|---------------------------|-----------------------|--|
| Mayor Dianne Duggan | P | Colette Spranger (Community Dev. Director) |
| Aldersperson Gene Lewis | P | |
| Aldersperson Abbey Barnes | P | Erika Young, Jeremiah Young, Richard Braund |
| Susan Becker | P | Norma Franklin, Kris Rundle, Sue White, |
| John Gishnock | P | Julie John, Carl & Holly Christopher, |
| Mike Scarmon | A | Dennis Hughes, m Roger Berg, Georrkia Joslia |
| Eric Klar | P | Josh Brumbaugh, Joe Geoffrion, Lisa James, Shawn & Stacie Natter, Kristin & Nick Bitz, Chris Vassallo, Alex Christensen, Mary Leeder, Molly Leeder, |

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

4. Motion to waive the reading of the minutes from the May 2nd, 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 and Action of Site Plan Application 2023-0068 on parcel 6-27-559.5170 (Sienna Crest Assisted Living)

i. Review Staff Report and Applicant Comments

Applicant Sue White was present. Spranger covered the report, noting the conditions requested by City Staff. The City has habitually asked for sidewalk connections to main entrances. There was also concern for potential confusion between the applicant's driveway along Porter Road and the multiuse path directly west of the driveway, by about 20'. Applicant stated that the nature of her business was such that she considered such connections a safety hazard and unnecessary expense.

ii. Public Comment.

iii. Plan Commissioner Questions and Comments.

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Plan Commissioners debated the merits of providing sidewalk connections. Mayor Duggan asked Spranger if this was required by the zoning code; Spranger replied that it was not codified but rather an expectation of site plans. (*Note: Common Council passed Ordinance 2023-04 in May, which updated landscape regulations to include such connections. Future site plans will be held to this standard.*) Mayor Duggan suggested that bollards could be used to denote the location of multiuse trail entrances on the north and south side of Porter Road, in order to signal a pedestrian crossing and to prevent vehicles from accidentally turning on to the path. Duggan suggested that the Commission approve the application by voting on each condition.

iv. Motion with Conditions

The Plan Commission approves the site plan that includes improvements as presented on parcel 6-27-559.5170, 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 set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

1. Driveway location revised or curbed to avoid conflict with trail users.

Motion to strike condition by Duggan, Seconded by Klar. Approved unanimously

2. Pedestrian walkway internal to site added to connect building entrances with public sidewalk per City Staff/Engineer approvals.

Motion to strike condition by Duggan, Seconded by Klar. Approved unanimously

3. Pedestrian walkway to be extended entire length of parking areas; may be flush with pavement.

Motion to strike condition by Duggan, Seconded by Becker. Approved unanimously.

4. Stone veneer added to west and east wings on 725 Porter Road building.

Motion to strike condition by Duggan, Seconded by Becker. Approved unanimously.

5. Any variation from presented plans are approved by Plan Commission.

Motion to accept condition by Duggan, Seconded by Barnes. Approved unanimously.

6. Any exterior lighting should be dark sky friendly and not cause glare or light-wash on neighboring parcels.

Motion to accept condition by Duggan, Seconded by Klar. Approved unanimously.

B. Review and Action on Conditional Use Permit Application 2023-0098 and Review of Site Plan Application 2023-0097 on parcel 6-27-589 (Subway)

i. Review Staff Report and Applicant Comments

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Applicants Mary and Molly Leeder were present. Spranger summarized the request and site plan. The Leeders are remodeling a building formally used as a realty office for their Subway restaurant franchise. They have already received rezoning approval and board of zoning appeals approval for a shorter-than-average drive-thru length, owing to the fact that their drive-thru is actually a pick-up window. City staff requested to decrease the amount of pavement expanded in the back. The applicants have requested that the size is due to the turn radius for the weekly semi truck that delivers their products. A five foot pavement setback will be kept in the back in accordance with the requirements of the B-3 zoning district. The applicant were open to staff's request that a pedestrian connection be made from the public sidewalk and a compromised location was identified during the meeting.

ii. Public Hearing

Mayor Duggan opened the public hearing at 7:05pm. No comments. Public hearing was closed at 7:06pm.

iii. Plan Commissioner Questions and Comments.

Suggestion by Mayor Duggan to vote on every condition, as was done with the previous application. The Plan Commission did not think it necessary for this application.

iv. Motion with Conditions

Motion to approve the site plan application for improvements on parcel 6-27-589 and a conditional use application to allow indoor commercial entertainment service and in-vehicle sales and service on parcel 6-27-589 per sections 130-104, 130-407, and 130-408 of the Municipal Code, and that the proposed use is consistent with the required standards and criteria of the Zoning Ordinance, and that the benefits in fact outweigh any and all potential adverse impacts, subject to the following conditions:

- 1. Two street trees are planted in East Main Street terrace and 220 points of landscaping are added to the site within a year of receiving an occupancy permit.**
- 2. All exterior lighting is dark sky compliant.**
- 3. Applicant applies for any appropriate building permits from the City building inspector once the site plan and conditional use are approved.**
- 4. Any deviations from approved plans will require a resubmittal of application and possibly fees or enforcement action.**
- 5. Use cannot create a public nuisance as defined by local and state law.**
- 6. Applicant records the conditional use permit and site plan with the Rock County Register of Deeds.**

Motion by Becker, seconded by Klar. Approved Unanimously.

C. Review of Land Division Application 2023-0099 for a preliminary plat on parcel 6-27-930 (265 N Fourth Street)

i. Staff Report and Applicant Comments

Applicants Roger Berg and Joe Geoffrion from RM Berg General Contractors were present. Spranger summarized the application, noting parkland fees in lieu of land dedication would be required. The City is considering a small parklet either next to the Historic Stovepipe or as a path through the stormwater area. The main public improvements made on site will be sidewalks and stormwater management, which the City is requesting to maintain in exchange for an outlot on the southern edge of the

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property. The City is requesting that the line dividing Lots 1-6 and Lot 7 be aligned with existing surveyor pins. The six lots along Fifth Street are intended for single family residences. The remaining lot on Fourth Street has been suggested for duplexes by the developer. The City is requesting this land be rezoned to B-1 Local Business zoning, which would allow for duplexes to be built but fulfill the spirit of the the future land use designation for this land, which is Mixed Use. The subdivision will need final plat approval. At that time a development agreement will be reviewed and approved before the plat can be recorded.

ii. Public Comment

A formal, noticed public hearing was held in May for this application. Public comment was allowed.

- Roger Berg, Owner of RM Berg General Contracting. Stated that the character of the lot should be developed similarly to its neighboring parcels. The neighborhood does not want business, business should be directed to downtown and the east side of Evansville. Thinks B-1 zoning is wrong for this location. Prefers R-2.
- Joe Geoffrion, RM Berg General Contracting. Echoed Berg's suggestion that R-2 zoning is more appropriate.
- Josh Kremball, Fifth Street. Stated that the local housing market did not have enough duplexes in its supply.
- Richard Braund, Prospective Homeowner. Is in discussion with Berg about buying a lot on Fifth Street and states he will not buy if the lot in back is zoned B-1.
- Norma Franklin, Prospective Homeowner. Is interested in buying a house on Fifth Street.
- Chis Vassallo, 288 N Fourth. States multiple family housing or office use would change the dynamic of the neighborhood.
- Julie Johnson, of Brodhead, local financial specialist. States that she sees many applications for financing housing in this town and notes a trend of multigenerational living and that the theme she sees is that everyone in the audience is already living in the community and wishes to remain.
- Lisa James, 7821 N Fifth. Has lived at her house for 29 years. Stated apartments are not appropriate in this location. Traffic on Fourth Street is already a problem. Would like to see mature trees on the property remain.
- Sue White, 272 N Fourth Street. Thinks Lot 7 is the wrong place in multifamily and that a park in this location would dilute interest from the new West Side Park.

iii. Plan Commissioner Questions and Comments.

Spranger restated for Plan Commissioners that the reason staff suggested B-1 zoning on Lot 7 was that it would have been difficult for multiple lots along Fourth Street to conform to R-2 zoning district standards. B-1 zoning has specific standards for residential development and would allow for any duplexes built to share a single driveway with alley access to garages in the back of the residences. It also allows development to occur in this location without an amendment to the City's Comprehensive Plan. No further questions from the commissioners.

iv. Motion with Conditions

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Motion to approve the Preliminary Plat Application for the Historic Standpipe Point subdivision, finding that is in the public interests and substantially complies with Section 110 of the Municipal Code, subject to the following conditions.

1. **Applicant submits Final Plat application and Final Plat in compliance with Division 3 of Chapter 110 of the Municipal code.**
2. **Final Plat revised to adjust Outlot 1 and Lot 6 lot lines as suggested by Staff.**
3. **Outlot 1 to be labeled “Dedicated to Public for stormwater purposes.”**
4. **Applicant submits Rezoning application for Lot 7.**
5. **Developer’s Agreement completed and executed by both City and Developer along with final plat application.**
6. **Applicant submits Irrevocable Letter of Credit for City Engineer approval.**
7. **Developer pays required park and recreation land fees to City.**
8. **Applicant records a plat restriction, by adding suitable language to the face of the plat as approved by City Engineer, regarding prohibition of alterations of finished grades by more than six inches on utility easements and Stormwater drainage easements per State Requirements.**

Motion by Becker, seconded by Klar. Approved Unanimously.

D. Review of Conditional Use Permit Application 2023-0130 for a Two-Family Residence on parcel 6-27-508.11 (Lot 11, South Gate Estates)

i. Staff Report and Applicant Comments

Applicant Andy Phillips was not present. Spranger stated that the lot in question has a long history and was annexed into the City in 2018. Previously, Rock County had granted approval to the landowner to build a single structure on site, under the condition that the lot receive a LOMR-F from FEMA to bring it out of the floodplain. The intention was to have private well and septic on site. It was heard that this never happened because the soil on site failed a percolation test. When the lot annexed into the City, there were a number of conditions in an annexation agreement regarding connection to City water and sanitary systems that were never enforced. Those provisions have now expired. Conversations with the City Engineer revealed that the initial request – running pipes the entire length of the lot – would result in the sanitary main coming close to the surface. In order for the main to extend to Croft Road, another solution is needed. The Engineer states that it would be appropriate for laterals to extend from the site to the current terminus of sanitary and water mains under Sixth Street. He does not see an issue with a duplex in this location, noting that it will be some time before an extension to Croft Road becomes available.

ii. Public Hearing.

Mayor Duggan opened public hearing at 8:17pm.

- Erika and Jeremiah Young, 6538 N. South Sixth Street. Presented a document listing conditions and restrictions on a number of lots in South Gate Estates, the original plat the lot was part of. Lot 11 was included. Spranger noted that this document explained a lot of the language surrounding prior approvals issued by the County and City. To the best of her knowledge, the applicant did not find this document when performing a title search.

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- Remaining audience members were largely homeowners whose houses were subject to the covenants.
- Kris Chilsen suggested that the DNR had some study done regarding stormwater and drainage issues in the area.
- Shawn and Stacie Natter did not receive a public hearing notice for the meeting despite living next to the lot. Spranger thanked them for informing her and pledged to check if they were indeed on the mailing list. Per State Statute, notices are sent to all property owners within 250 feet of the subject site.
- Julie Johnson, local financial specialist. States that she “lives and dies by title work” and had concerns as a banker that the covenants were never recorded for this property.

Public hearing closed at 8:30pm.

iii. Plan Commissioner Questions and Comments

Members agreed that the addition of the covenants and potential DNR restrictions merited the application getting tabled until more could be known.

iv. Motion with Conditions

Motion to table Conditional Use Permit Application 2023-0130 by Duggan, seconded by Klar. Passed unanimously.

8. Discussion Items

9. Community Development Report

10. Next Meeting Date:

- A. Thursday, July 6th, 2023 at 6:00 p.m.

11. Motion to Adjourn by Becker, seconded by Klar. Approved unanimously.

City of Evansville

Zoning Code Cheat Sheet

Site Plans

Sec. 130-131

Information to be considered for a conditional use permit, change in zoning district, or site plan approval

Site Design and Physical Characteristics

- Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- Where public sewers are not available, the percolation characteristics of the soil.
- Adequacy of the proposed internal circulation system, including safety considerations.
- Access to sites from the internal circulation system.
- The costs of providing various public services.
- Appearance (how the area will look).

Site location relative to public road network

- Convenient access to a public road network (safety of access points).
- Visibility from the proposed road and the need for visibility.
- Access; the location is to provide access primarily by righthand turning movements.

Land Use

- Compatibility with existing or proposed uses in the area.
- Relation to any existing land use plan.
- Relation to existing or proposed development at nearby interchanges.
- In reviewing an application for a zoning district change to the local business district (B-1), central business district (B-2), community business district (B-3), regional business district (B-4), or planned office district (O-1), the plan commission and city council shall consider whether the proposed zoning district change likely will result in increased vehicular traffic on nearby local streets in areas of existing residential development and whether such increased traffic will have an adverse impact on the existing residential development.

Traffic Generation

- Amount of daily and peak hour traffic to be generated, related to site size. Traffic shall be subclassified as to arterial, collector and local streets.
- Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- Expected composition of site-generated traffic by vehicle types.
- Effect of site-generated traffic on the operation of the area.
- Safety and convenience to future users.

City of Evansville
Zoning Code Cheat Sheet
Site Plans

Sec. 130-131 (continued)

Community Effects

- Immediate and long range tax base.
- Access to market or service area.
- Relation to scenic or recreation values.
- Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.
- Compliance with the master plan's goals and objectives.

And other Relevant Factors

- Compliance with the performance standards in article III of this chapter.
- Additional impacts.

Sec. 130-204.

Review by plan commission (Site Plans)

The plan commission, in its consideration of a submitted complete application for site plan approval, shall take into account the intent of this chapter to ensure attractive, efficient, and appropriate development of land in the community, exterior architectural design, construction materials, signage, color, and building form, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. The plan commission, in reviewing the application, may require such additional measures and/or modifications as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the plan commission may withhold approval of the site plan until revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the plan commission, or may approve the application subject to the provision of a revised application reflecting the direction of the plan commission to the satisfaction of the zoning administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two procedures described in this section as directed by the plan commission.

(Ord. No. 1997-18, § 3(17.19(4)), 1-19-1998)

City of Evansville
Zoning Code Cheat Sheet
Conditional Use Permits

Sec. 130-104(c)

Evaluation criteria for Conditional Use Permits

- a. **Consistency of the use with the comprehensive plan.** How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the city's master plan, this chapter, and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the city?
- b. **Consistency with the City's zoning code, or any other plan, program, or ordinance.** How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the city's master plan, this chapter, and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the city?
- c. **Effect on nearby property.** Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see section 130-103(a)(5)) result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the master plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide development?
- d. **Appropriateness of use.** Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- e. **Utilities and public services.** Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?
- f. **Plan Commission Decision.** Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (3)a-e of this section), after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?



SITE PLAN APPLICATION – STAFF REPORT

Applications: SP-2023-0187

Applicants: Core Physical Therapy (Blase Strobl, Kori Reilly)

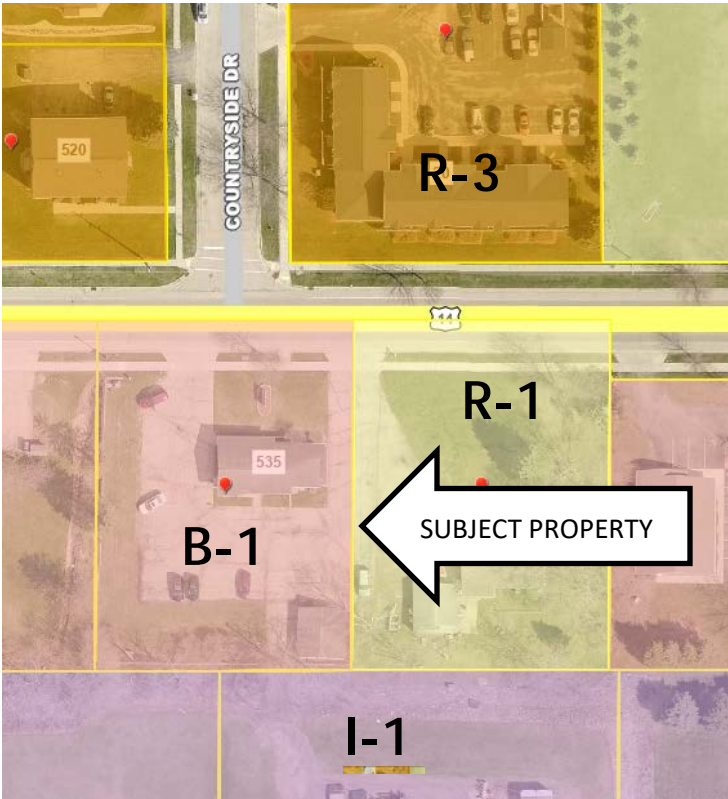
Parcel: 6-27-958.3

Location: 535 E Main Street

June 29, 2023

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263



Description of request: The applicant is seeking approval of a site plan for a 1,484 square foot addition to an existing building, a 2,650 square foot parking lot expansion, and other site improvements located at 535 East Main Street. No change of use is anticipated

Current zoning district: B-1 Local Business.

Staff Analysis of Request:

The applicants have submitted a site plan that depicts an expansion of their current space, which is operating at capacity. The site plan largely meets zoning requirements and input from staff is minimal.

Staff recommended conditions are summarized below:

B-1 Zoning District Compliance

The front pavement setback from 9 feet at the sidewalk. It should be 10 feet.

Landscaping

The existing site has some landscaping. A literal interpretation of the City's Landscape Regulations would require 1,375 landscape points (or 27 trees). Applying the requirements to only the expanded building and parking lot brings the total required points to 331.

Dumpster Screening

The City's landscape regulations requires screening for trash and outside storage areas. An easy way to do this would be to construct a trash enclosure for any dumpsters on site.

Pedestrian Connections

Staff suggests site improvements that aid in City goals for walkability and improving pedestrian access. A walkway leading from the public sidewalk to the building is shown. Staff suggests a barrier (handrail?) between the walkway and the existing parking lot, both for pedestrian protection and visibility. The applicant is welcome to offer their own walkway location to make the connection. The Community Development Director will approve the location of the walkway without the applicant needing to return to Plan Commission for approval.

Plan Commission Motion

Motion to approve site plan application 2023-0187 for improvements and building expansion on parcel 6-27-958.3, finding that the proposed changes meet the required standards and criteria set forth in Section 130-131 of the City of Evansville Zoning Ordinance, and are in the public interest, subject to the following conditions:

- 1. Adjust front yard pavement setback to 10' from sidewalk.***
- 2. Include pedestrian walkway from public sidewalk to main entrance. (Plans/location of walkway to be submitted to Community Development Director prior to installation.)***
- 3. 331 landscape points of plantings/trees/shrubs to be planted on site no later than one year after occupancy permit issued for new addition.***
- 4. Dumpsters and/or trash receptacles screened from view.***
- 5. All exterior lighting is dark sky compliant.***
- 6. Applicant applies for any appropriate building permits from the City building inspector and/or the Wisconsin Department of Safety and Professional Services.***
- 7. Any major deviations from approved plans will require a resubmittal of application and possibly fees or enforcement action.***
- 8. Applicant records the site plan with the Rock County Register of Deeds.***

Chapter 130 Review Criteria and Standards

The following section compares the site plan with the basic provisions of the base zoning district and other considerations of how the site functions, both internally and within its environs.

Site Plan Criteria Evaluation

Section 130-131 of the Municipal Code, includes factors for evaluating site plans.

| Criteria | Staff Comment |
|--|--|
| 1. Site Design and Physical Characteristics | <ul style="list-style-type: none"> • The proposed addition complements the existing building and is a fine example of redevelopment. • One-way traffic circulation is proposed within the parking lot. • This parcel and the one to its east share a driveway and easement. Changes to the site do not affect the neighbor's ability to access their property. • Lack of pedestrian connection from the public sidewalk should be addressed as part of this project. |
| 2. Site location relative to public road network | <ul style="list-style-type: none"> • Site is adjacent to USH 14/East Main Street. No additional driveways/access points proposed. |
| 3. Land Use | <ul style="list-style-type: none"> • Comprehensive Plan Future Land Use Category: Walkable Business • No proposed change to the land use. • A physical therapy office is a professional service and is allowed by right in the B-1 zoning district. |
| 4. Traffic Generation | <ul style="list-style-type: none"> • Main Street is an arterial corridor and is adequately handling traffic to the site. • The number of clients served by the site is not expected to increase drastically. Site is expanding to better serve existing clientele. |
| 5. Community Effects | <ul style="list-style-type: none"> • The proposed change will improve property values and expand an existing business. |
| 6. Other Relevant Factors | |

| Zoning District Requirements (Ch 130, Article VIII, Division 5) | | | |
|---|--------------------------------|---|--------|
| Sec. 130-768. Requirements for non-residential uses. | B-1 Local Business District | 535 E Main | OK? |
| 1. Non-Residential Intensity | | | |
| a. Max # of Floors | 2 | 1 | Green |
| b. Min Landscape Surface Ratio | 30% | 42% | Green |
| c. Max floor area ratio | 0.275 | 0.12 | Green |
| d. Min lot area | 7,500 sq ft | 23,847 sq ft | Green |
| e. Max building size | 5,000 sq ft | 2,750 sq feet | Green |
| 2. Nonresidential bulk/lot dimensions | | | |
| a. Min lot area | 7,500 sq ft | 23,847 sq ft | Green |
| b. Min lot width | 75 feet | 144 feet | Green |
| c. Min street frontage | 50 feet | 144 feet | Green |
| 3. Minimum setbacks and building separation | | | |
| a. Building to Front Lot Line Building to Street Side Lot Line Either of above next to ROW of 100+ feet | 5 feet 25 feet 40 feet | OK | Green |
| b. Building to resident. side lot line | 10 feet | OK | Green |
| c. Building to resident. rear lot line | 30 feet | OK | Green |
| d. Building to nonres. side lot line | n/a | n/a | Green |
| e. Building to nonres. rear lot line | 12 feet | OK | Green |
| f. Min paved surface setback- Side/rear | 5 feet | East lot line: no setback; legal non-conforming (allowed to remain as-is) | Yellow |
| Min paved surface setback -Street | 10 feet | 9 feet | Red |
| a. Min building separation | 20 feet | OK | Green |
| b. Min accessory building setback | 5 feet | OK | Green |
| 4. Max Building Height | 35 feet | 20 feet | Green |

Key:

Green = compliant

Yellow = legal but may require further inspection

Red = non-compliant

“OK” denotes a condition that is currently existing and conforming the zoning district.

| Section 130-766. Requirements for all uses. (B-1) | OK? |
|---|-----|
| 1. Maximum zoning district: 2 acres | |
| 2. Maximum building size: 5,000 square feet per floor, with no more than 2 stories | |
| 3. No parking is permitted in required setbacks for principal buildings. | |
| 4. Residential architectural and landscaping requirements include foundation planting, pitched roof, 15 percent window covering, and natural materials (brick, wood, or stone). | n/a |
| 5. Minimum landscape surface ratio: 25 percent for one-story; 30 percent for two-story. | |
| 6. Operating hours: No earlier than 6:00 a.m. and no later than 11:00 p.m. | |
| 7. A neighborhood-oriented amenity shall be provided, per plan commission direction (i.e., outdoor neighborhood gathering area, public art, etc.). | ??? |

| Landscape Regulations (Article IV, Ch. 130) | |
|--|---------|
| 100 points per 1,000 sq ft of new impervious surface | 265 pts |
| Landscape Requirements (in addition to Article IV) | |
| a. 40 landscape points per 100 linear feet of building foundation <i>This site: 112 feet of new building foundation</i> | 44 pts |
| b. 15 landscape points per 1,000 sq ft of gross floor area <i>This site: 1,484 sq ft of new gross floor area</i> | 22 pts |
| c. 40 landscape points per 100 linear feet of street frontage | n/a |
| d. 80 landscape points per 10,000 square feet of paved area/20 stalls | n/a |
| Total Landscape Points Needed 331 pts | |

Other Relevant Zoning Code Standards

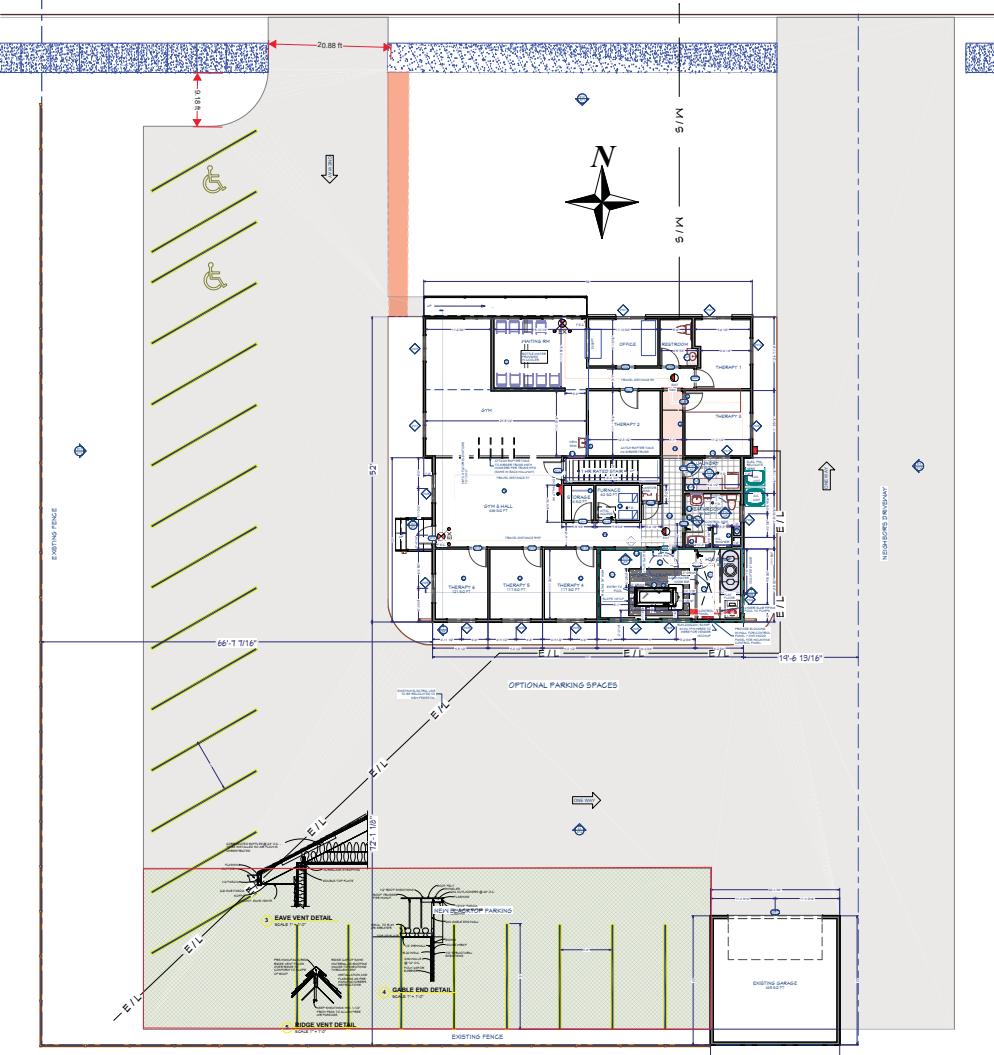
| Performance Standards (Article III, Ch. 130) | |
|--|--|
| No concerns regarding this site plan causing nuisances or adverse impacts related to air pollution, fire/explosive hazards, glare/heat, liquid/solid wastes, noise, odors, radioactivity, electrical disturbances, vibration, or water quality | |

| Signs (Article X, Ch. 130) | |
|---|--|
| Any new signs -- wall signs, monument signs, or similar -- will require a separate sign permit. | |

| Parking (Article XI, Ch. 130) | |
|---|--|
| 1 parking stalls per 300 sq feet of gross floor area is required. 1 Accessible parking stall required per 1 to 25 total parking spaces on site. <i>Plan shows 19 total stalls, 2 of which are accessible.</i> | |

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS.

US HWY 14



SITE PLAN

1"=10'-0"

SITE CHANGES

- REMOVE EXISTING BLACKTOP AND PREPARE EXTENSION OF SOUTH PARKING AREA WITH COMPACTED BASE MATERIAL
- RELOCATE EXISTING ELECTRICAL SERVICE ON BUILDING TO NEW LOCATION SHOWN.
- REMOVE EXISTING A/C UNIT TO NEW LOCATION SHOWN ON PLAN.
- ANY MATERIAL EXCAVATED AND NEEDED FOR FUTURE NEEDS CAN BE STORED IN THE SOUTHWEST CORNER OF THE LOT ALONG WEST FENCE LINE
- PROVIDE NEW 3" THICK ASPHALT TOPPING OVER COMPACTED BASE (OWNER'S RESPONSIBILITY)

PERIMETER OF BUILDING MUST BE CLEAR FOR CLIENT TRAFFIC DURING OFFICE HOURS. CONTRACTOR TO SUPPLY AND INSTALL ANY BARRIERS TO PREVENT CLIENTS FROM ENTERING HAZARDOUS AREAS.

EROSION CONTROL NOTES:

- INSTALL SILT FENCE PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- MINIMIZE SITE DISTURBANCE BY TIGHT CONTROL OF EXCAVATION LIMITS.
- ALL EXPOSED SOIL SHALL BE MULCHED WITH STRAW OR WOOD CHIPS TO MINIMIZE SOIL EROSION. NO SOIL SHALL BE LEFT IN AN EXPOSED CONDITION. IT IS RECOMMENDED THAT THE CONTRACTOR MAINTAIN A STOCK PILE OF THIS MATERIAL ON SITE FOR QUICK APPLICATION.
- HYDROSEED WITH A WOOD CELLULOSE FIBER MULCH APPLIED AT A RATE OF 2,000#/ACRE. USE AN ORGANIC TACKIFIER AT NO LESS THAN 150 #/ACRE OR PER MANUFACTURE'S RECOMMENDATION IF HIGHER. APPLICATION OF TACKIFIER SHALL BE HEAVIER AT EDGES, IN VALLEYS AND AT CRESTS OF BANKS AND OTHER AREAS WHERE SEED CAN BE MOVED BY WIND OR WATER.

RENDERING
FOR ILLUSTRATION ONLY



WEST ELEVATION



AERIAL VIEW OF SITE

PAGE TITLE:
SITE PLAN, AERIAL VIEW

DRAWN BY:
JMH

DATE:
6/6/2023

SCALE:

SHEET #:
A2

David L. Jenkins & Assocs., P.C.
ARCHITECTS AND PLANNERS

2020 GLENVIEW RD. - ROCKFORD, ILLINOIS
PHONE (815) 341-1111 FAX (815) 341-4136

CONTRACTOR: **CHERAMY BUILDERS** PROJECT NO.: 010-23

DATE: 06-06-23
REVISED: XXXXXXXX
PROJECT NAME: **CORE THERAPY L.L.C.**
Physical Therapy LLC 535 E. MAIN ST, EVANSVILLE IN 47536
www.cheramybuilders.com

MATERIAL:

W AND WT SHAPES: ASTM A 992; FT = 50 KSI
 M, MT, S, ST, HP, C, MC AND L SHAPES: ASTM A 36; FT = 36 KSI
 STEEL PIPE: ASTM A 53, GRADE B; FT = 35 KSI
 STEEL HSS SECTIONS (ROUND, SQUARE, RECTANGULAR):
 COLD ROLLED: ASTM A 500, GRADE B; FT = 46 KSI
 HOT ROLLED: ASTM A 501
 STEEL PLATES: ASTM A 36; FT = 36 KSI
 HEADED STUDS: ASTM A 108, GRADES 1010 THROUGH 1016 INCLUSIVE.
 CONNECT ALL MEMBERS WITH HIGH-STRENGTH BOLTS.
 BEARING TYPE CONNECTIONS: TYPE N.
 PROVIDE ASTM A 325, TYPE N BOLTS AT ALL LOCATIONS NOT NOTED ON DRAWINGS AS TYPE SC.
 PROVIDE HARDENED WASHERS CONFORMING TO ASTM F 436 UNDER ELEMENTS TO BE TIGHTENED. PROVIDE NUTS CONFORMING TO ASTM A 563. TIGHTEN TYPE N BEARING BOLTS TO A SNUG TIGHT CONDITION. INSTALL HIGH-STRENGTH BOLTS ACCORDING TO ASTM STANDARDS. DO NOT WELD TO HIGH-STRENGTH BOLTS.
 GALVANIZED BOLTS (WHERE SHOWN ON DRAWINGS): HOT-DIPPED GALVANIZED ACCORDING TO ASTM A 153, CLASS C.
 ANCHOR BOLTS:
 ASTM A 307, GRADE A
 PROVIDE WITH STANDARD WASHERS AND NUTS.
 GALVANIZE BOLTS (WHERE NOTED ON DRAWINGS) ACCORDING TO ASTM A 153, CLASS C. OVER-TAP NUTS TO CLASS 2A FIT BEFORE GALVANIZING, ACCORDING TO ASTM A 563.
 PROVIDE BEVELED WASHERS AT BOLT HEADS OR NUTS BEARING ON SLOPING SURFACES.
 WELDING:
 CONFORM WITH AWS WABO SPECIFICATIONS.
 WELDERS TO BE QUALIFIED UNDER AWS WABO SPECIFICATIONS.
 WELDS MATERIAL: 70 KSI FILLER METAL, UNLESS NOTED OTHERWISE.
 PROVIDE LOW-HYDROGEN FILLER METALS AT MOMENT FRAME WELDS.
 WELDS TO METAL DECK, METAL STUDS OR OTHER COLD-FORMED METALS: CONFORM TO AWS D.1.3.

FOUNDATION NOTES - WHERE APPLICABLE

SLOPE CRAWL SPACE TO DRAIN. MAXIMUM SLOPE IS 2 HORIZ., 1 VERT. BETWEEN FOOTINGS AT DIFFERENT ELEVATIONS.

ALL FOOTINGS TO REST ON CLEAN, FIRM UNDISTURBED SOIL. STEP FOOTINGS A REQUIRED TO MAINTAIN REQUIRED DEPTH BELOW FINISH GRADES.

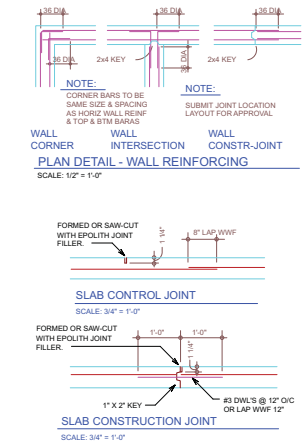
CONCRETE STRENGTH,
 3,000 PSI AT 28 DAYS FOR ALL SLABS. (FOUNDATION DESIGN BASED ON 2,500 PSI).
 3,000 PSI AT 28 DAYS FOR ALL OTHER CONDITION.
 MAXIMUM SLUMP, 4"

USE ASTM A-615 GRADE 60 DEFORMED REINFORCING BARS UNLESS NOTED OTHERWISE

CONCRETE EXPANSION ANCHORS SHALL BE 'SIMPSON WEDGE-ALL STUD ANCHORS' OR ENGINEER APPROVED EQUAL. EPOXY TO BE SIMPSON 'SET' ADHESIVE OR APPROVED EQUAL.

INFILTRATION. ALL OPENINGS IN THE EXT. BLDG. ENVELOPE SHALL BE SEALED AGAINST AIR INFILTRATION. THE FOLLOWING AREAS MUST BE SEALED.

- * JOINTS AROUND WINDOW AND DOOR FRAMES
- * JOINTS BETWEEN WALL CAVITY AND WINDOW/DR. FME.
- * JOINTS BETWEEN WALL AND FOUNDATION
- * JOINTS BETWEEN WALL AND ROOF
- * JOINTS BETWEEN WALL PANELS
- * UTILITY PENETRATIONS THROUGH EXTERIOR WALLS



CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

- GRADING NOTES:**
1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES.
 2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
 3. FINAL GRADE TO CONVEY SURFACE DRAINAGE TOWARD ROCK CHANNELS AND DISPERSION TRENCHES.
 4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL AND STRIPPED OF TOPSOIL.
 5. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAT 3:1 IN LIFTS. NOT TO EXCEED 6 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

FOOTING ALTERNATE #1
 IN LIEU OF KEYPED FOOTING
 PROVIDE #4 "J" BARS @ 2'-0" O.C.

ANCHOR BOLTS

ANCHOR BOLTS SHALL BE AS SHOWN AND CALLED FOR, INCLUDING PROJECTION FROM CONCRETE, DIAMETER, AND QUANTITY.

ALL ANCHOR BOLTS SHALL BE ASTM A307 OR EQUAL IN ORDER TO CONFORM TO A.B.C. DESIGN ASSUMPTIONS BASED ON ALLOWABLE STRESSES GIVEN IN THE MANUAL OF STEEL CONSTRUCTION, 8TH EDITION, A.I.S.C. 1480, SECTION 1.5.

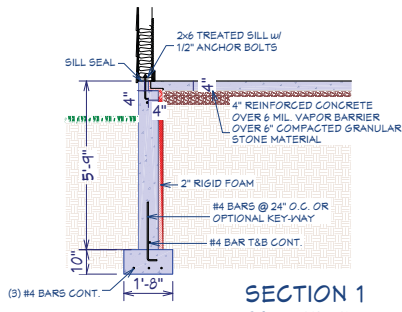
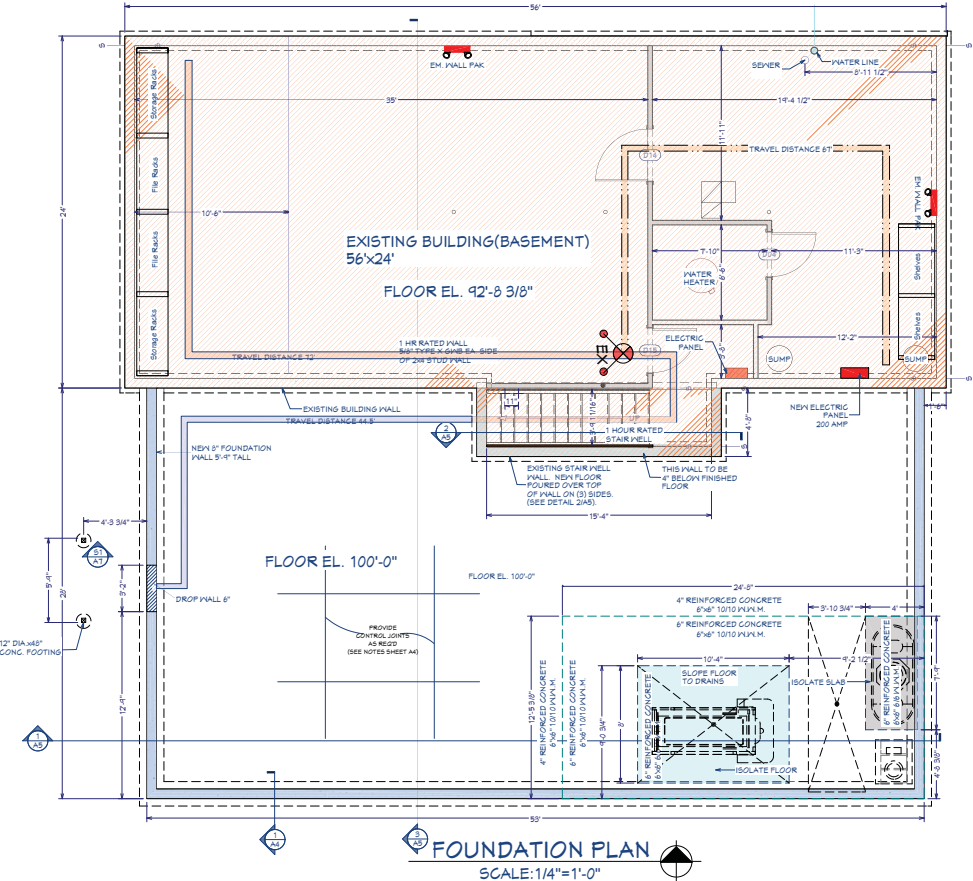
BOLT LENGTHS SHOULD BE SUFFICIENT TO ALLOW ENOUGH EMBEDMENT INTO THE CONCRETE FOR THE BOND STRENGTH (WITH OR WITHOUT HOOK) TO DEVELOP AT LEAST 75% OF THE ALLOWABLE TENSILE CAPACITY OF THE BOLT, AND IN NO CASE SHALL THE LENGTH BE LESS THAN 20 TIMES THE NOMINAL DIAMETER OF THE BOLT UNLESS OTHERWISE NOTED.

ALL ANCHOR BOLT DESIGN IS BASED ON THEIR PLACEMENT IN CONCRETE WITH AN ULTIMATE CONCRETE WITH AN ULTIMATE CONCRETE COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS.

FOR BOLT PROJ. SEE APPROPRIATE ANCHOR BOLT SETTING PLAN

| DIAMETER | LENGTH = L |
|----------|------------|
| 1/2" | 4" |
| 3/4" | 13 1/2" |
| 1" | 18" |
| 1 1/4" | 22 1/2" |

A. B. DETAIL



DIMENSIONS ALL DIMENSIONS ARE TO FRAMING OR CONCRETE FACE.

David L. Jenkins & Assocs., P.C.
 ARCHITECTS AND ENGINEERS

| | | | |
|---|--------------------|--|--------------|
| FILE NAME: | CONTRACTOR: | PROJECT NAME: | PROJECT NO.: |
| DATE: 08-06-23 | REVISIONS: XXXXXXX | CHERAMY BUILDERS | 010-23 |
| David L. Jenkins & Assocs., P.C. 2020 GLENVIEW RD., ROCKFORD, ILLINOIS 61101-1111 FAX (815) 391-4135 | | CORE THERAPY L.L.C. Physical Therapy LLC 535 E. MAIN ST, EVANSVILLE IN 47536 | |

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE. NOT WHAT IT WILL LOOK LIKE. 3D VIEWS ALWAYS SUPERCEDE 2D VIEWS.

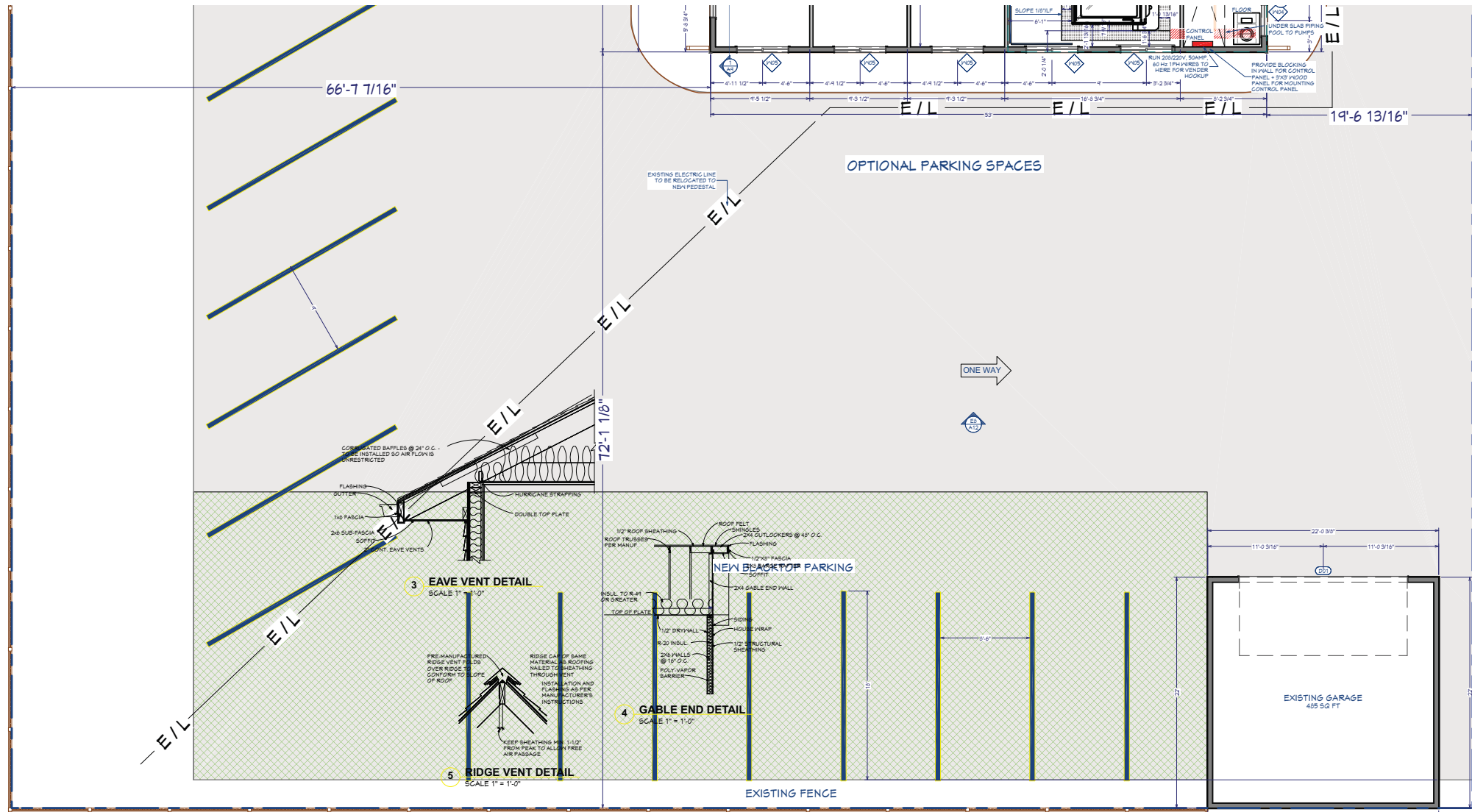
PAGE TITLE: **FOUNDATION PLAN**

DRAWN BY: **JMH**

DATE: **6/6/2023**

SCALE: **1/4" = 1'00"**

SHEET #: **A4**



SITE CHANGES

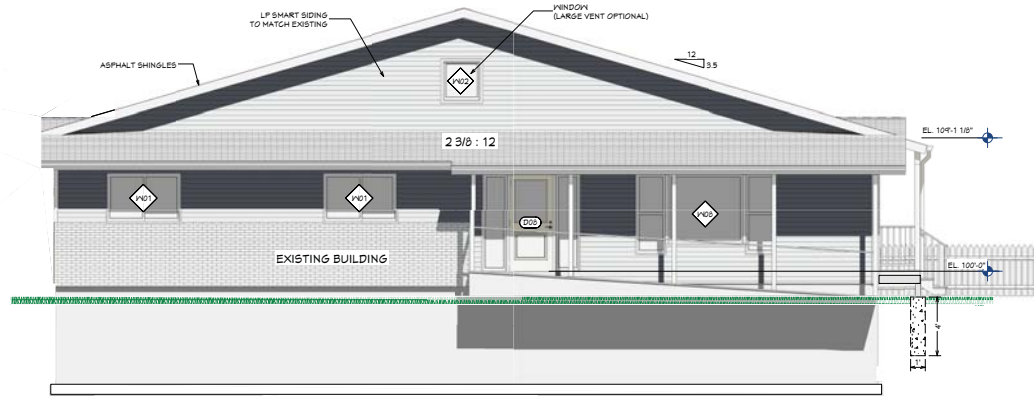
REMOVE EXISTING BLACKTOP AND PREPARE

SITE PLAN

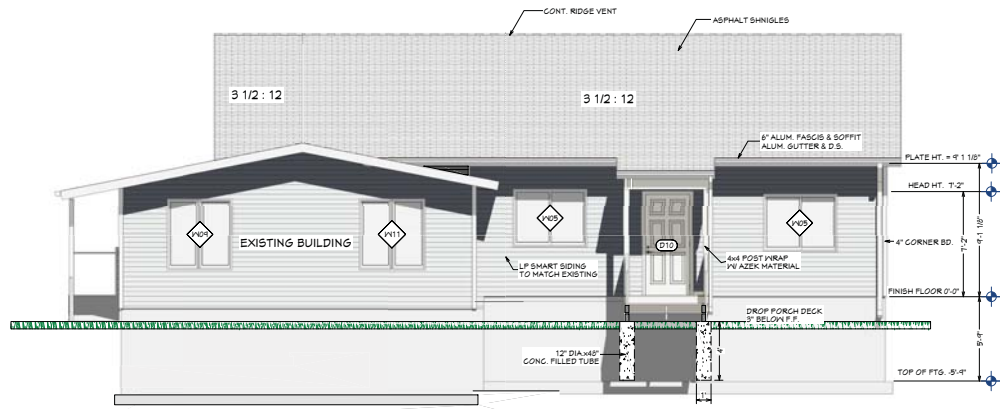
1"=10'-0"



3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 3D VIEWS ALWAYS SUPERCEDE 2D VIEWS.



N NORTH ELEVATION
1/4"=1'-0"



W WEST ELEVATION
1/4"=1'-0"

PAGE TITLE:
ELEVATIONS

DRAWN BY:
JMH

DATE:
6/26/2023

SCALE:
1/4" = 1'0"

SHEET #:
A11

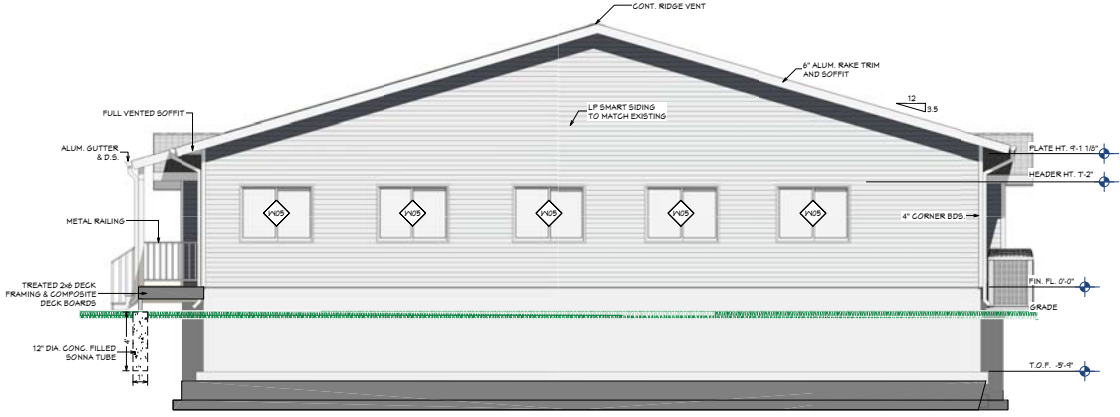
David L. Jenkins & Assocs., P.C.
ARCHITECTS AND PLANNERS

| | | | |
|-------------------|--|------------------|-------------|
| FILE NAME | CONTRACTOR | PROJECT NAME | PROJECT NO. |
| DATE: 06-06-23 | CHERAMY BUILDERS | CHERAMY BUILDERS | 010-23 |
| REVISED: 06-28-23 | CORE CORE THERAPY L.L.C. Physical Therapy LLC 535 E. MAIN ST, EVANSVILLE IN 47536 | | |

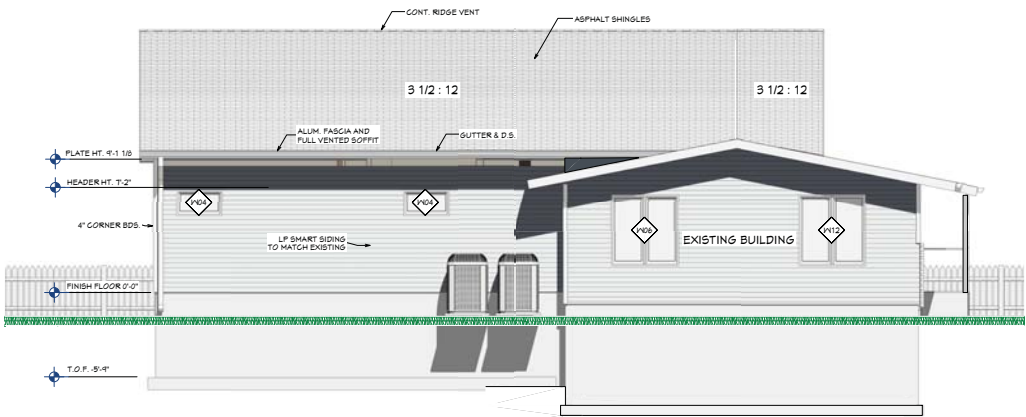
3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS.

EXTERIOR FINISH NOTES:

1. EXTERIOR FINISH TO MATCH EXISTING SIDING OVER 5/8 CDX PLYWOOD/OSB. WINDOW & DOOR TRIM TO MATCH EXISTING MATERIAL AND COLOR BY OWNER.
2. ROOFING TO BE 50 YEAR ASPHALT OVER 30# FELT, 5/8 CDX PLYWOOD/OSB.
3. DECKING TO BE TREX OR WOOD. FINAL MATERIAL AND COLOR BY OWNER.
4. GUTTERS AND DOWNSPOUTS TO RUN AWAY FROM STRUCTURE PER SITE PLAN.
5. FINISH GRADE SHALL SLOPE AWAY FROM STRUCTURE MIN. 1/2" PER FOOT OF RUN FOR 4' MIN.



SOUTH ELEVATION
1/4"=1'-0"



EAST ELEVATION
1/4"=1'-0"

PAGE TITLE:
ELEVATIONS

| | |
|------------------|-------------|
| DRAWN BY: | JMH |
| DATE: | 6/26/2023 |
| SCALE: | 1/4" = 1'0" |
| SHEET #: | A12 |

David L. Jenkins & Assocs., P.C.
ARCHITECTS AND PLANNERS

| | | |
|-------------------|---------------------------------------|-------------|
| FILE NAME | CONTRACTOR | PROJECT NO. |
| DATE: 06-06-23 | PROJECT NAME: CHERAMY BUILDERS | 010-23 |
| REVISED: 06-28-23 | CORE CORE THERAPY L.L.C. | |
| | 535 E. MAIN ST, EVANSVILLE IN 47536 | |



CONDITIONAL USE PERMIT APPLICATION – STAFF REPORT

Applicant: Andy Phillips

Parcel: 6-27-508.11

Location: Lot 11, South Gate Estates (South Sixth Street)

July 3, 2023

Prepared by: Colette Spranger, Community Development Director
 Prepared for: **City of Evansville Plan Commission**

July 2023 Update:

Plan Commission voted to table this application at its June 6th, 2023 meeting, wanting more information in light of a set of covenants and suggestions that the DNR had some sort of stormwater plan for this area of the City.

The Declaration of Covenants (and related site restrictions, such as those developed by homeowners associations) are agreements between private parties. The City had no part in developing those restrictions and has no authority or interest in enforcing them. In order for these covenants to become enforceable, there needs to be an active Architectural Committee as outlined in the declaration. As stated at the June meeting, a title search on the property performed by the current owner (and verified by his financing institution) reveal that no such document was recorded on this parcel.

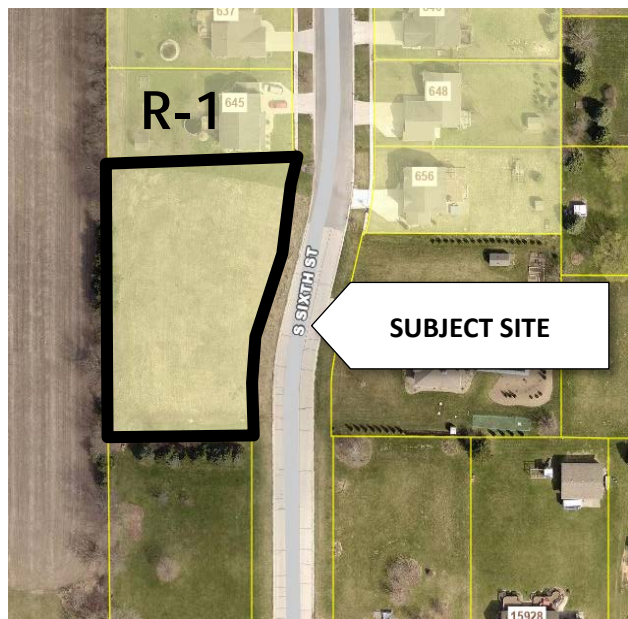
A request to DNR has been put in regarding any study for this area, but nothing has developed from that inquiry, nor is the City engineer aware of additional restrictions resulting from such a study.

As a result, the staff recommended motion for this application remains unchanged.

Description of request: The applicant is seeking approval of a conditional use permit on a parcel of land 6-27-508.11 (Tax ID 222 033022) located at the southwest corner of the City west of South Sixth Street, has been submitted for consideration by the Plan Commission. The request is to allow a two-unit duplex in the R-1 zoning district per section 130-324 of the Evansville Zoning Ordinance.

Staff Analysis of Request: The proposal meets many of the standards outlined in the Zoning Ordinances. The lot contains area within the mapped floodplain. The applicant anticipates working with a surveyor to obtain a Letter of Map Revision based on Fill (LOMR-F) in order to assure the structure is completely out of the floodplain. A LOMR-F would be required even if single family home was proposed for construction. Approval of this application would allow a two-unit home to be constructed.

Site history: This lot was annexed into the City in 2018. At the time, the owner planned to build one single family home on the lot and had a Conditional Letter of Map Revision based on Fill



(CLOMR-F) from FEMA. Prior to annexation, the owner had obtained permission from Rock County to fill the site, with the assumption that a dwelling unit served by private well and septic would be built. An annexation agreement contained terms for the developer to extend sewer and water mains to the end of the lot at their own expense. To date, that agreement has not been enforced and the deadlines within it have passed.

The lot was rezoned to R-1, the City's primary residential zoning district, after annexation. The staff report for rezoning noted that the lot was large enough for future land divisions and that a duplex could be constructed by conditional use permit. Duplex plans suggested by the applicant have a similar building footprint to those proposed in 2017/2018 by a previous owner.

In the five years that have passed since the lot was annexed, further investigation of city utilities has revealed that the sewer main is quite shallow in this area, being only 5 feet from the surface. The DNR requires at least 4 feet of depth for sewer mains. There is a good possibility that extending sewer mains to the south end of the lot would violate DNR standards. Additionally, private pumps would be required to serve a dwelling unit with a basement. (And due to a variety of site characteristics, the staff is requesting there be no basements in this location.) More thought is needed to address this issue, as extending the sewer main south in its current position to Croft Road may well result in the pipe sticking out the ground.

Since this lot can be served with City utilities via laterals, and given the likely long amount of time between now and when local septic systems may fail, the City Engineer believes forgoing the main extensions at this time is an appropriate response in order to allow development. Future lot divisions and additional dwelling units on this or any new lot will not be allowed until the mains can be properly extended further south.

Required Plan Commission findings for Conditional Use Permit request: Section 130-104 (3) of the Municipal Code, includes criteria that should be considered in making this decision:

1. **Consistency of the use with the comprehensive plan.** The proposed use in general and in this specific location is consistent with the city's comprehensive plan of November 2015.
Staff Comment: The Comprehensive plan indicates a desire to promote infill development where City services are available and to provide a variety of housing types.
2. **Consistency with the City's zoning code, or any other plan, program, or ordinance.** The proposed use in general and in this specific location is consistent with City's zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.
Staff comment: The proposed construction is consistent with the City's zoning code and other plans, programs, and ordinances.
3. **Effect on nearby property.** The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic

factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City's zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.

Staff Comment: No adverse effect is anticipated on nearby property.

Development near the floodplain, even with a LOMR-F, puts more risk on this particular structure as opposed to nearby properties.

4. **Appropriateness of use.** The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

Staff Comment: two family dwellings are an appropriate use in the R1 district.

5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.

Staff Comment: Sewer and water mains are located under South Sixth Street near the northern end of the property. City Engineer feels that extending two laterals to serve the duplex from this location is appropriate, given the issues with the sewer pipe and area topography as the land descends toward Croft Road.

Required Plan Commission conclusion: Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the conditional use do or do not outweigh any and all potential adverse impacts. The proposed motion below states that benefits do in fact outweigh any and all potential adverse impacts.

Staff recommended motion for CUP: *The Plan Commission approves the issuance of a Conditional Use Permit to construct a Two Family Dwelling per section 130-324 on parcel of land 6-27-508.11 (Tax ID 222 041011), 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. *Applicant fills out City of Evansville Floodplain application and receives a LOMR-F for the property from FEMA.*
2. *Further development and subdivision of parcel 6-27-508.11 is contingent on City sewer and water mains being extended to Croft Road.*
3. *Building plans, site grading, and stormwater management plan approved by City Engineer.*
4. *Curb and gutter and sidewalk shall be built to city standards the entire length of the lot.*
5. *Upon completion of construction of any residential buildings, three street trees shall be added.*
6. *Use cannot create a public nuisance as defined by local and state law.*
7. *Conditional Use Permit is recorded with the Rock County Register of Deeds.*



City of Evansville

Community Development Department

www.ci.evansville.wi.gov
31 S Madison St
PO Box 529
Evansville, WI 53536
(608) 882-2266

STAFF MEMO

To: City of Evansville Plan Commission
From: Colette Spranger, Community Development Director
Subject: Site Plan Discussion at the Care Closet
Date: July 3, 2023

The Care Closet (202 South Madison) primarily functions as a food pantry but also hosts a thrift store to bolster its community-serving efforts. It is a 501(c)3 organization, relies on volunteers to keep its door open, and its Board is comprised of leaders from Evansville's faith communities.

The decision makers at the Care Closet have been in the process of wanting to improve the layout of its site to best serve food pantry customers. Ideally, this would involve an in-out driveway along Liberty Street for pantry customers to pull in, receive their food, and pull out without having to back up.

These conversations began prior to construction along Liberty Street. Prior to that, the Care Closet had an almost entirely paved site. The building's previous life began as a grocery store in the 1960s. Little has been done to the site over the years and suffice to say the site's layout predates the current zoning code.

After Liberty Street construction, the Care Closet found itself with both sidewalks and green space, both of which were not entirely on the Care Closet's radar when they began planning for their future. Green spaces also limited where cars could access the site. Previously, there were no dedicated access points or driveways on the site. How the site is now configured is a sore subject those who are involved with decision making. My involvement so far as been to listen to the stakeholders. We are at a point where they are wanting some direction from decision makers.

From a zoning perspective, the building and site are legal but nonconforming. The City's Zoning Code states as follows:

Sec. 130-643. Continuation of nonconforming structure.

A lawful nonconforming structure existing at the time of adoption of the ordinance from which this chapter is derived or at the time of amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this chapter; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

Agenda Item 8A

Plan Commission has seen and approved a number of redevelopment sites in the past few months. Generally, it has viewed any improvement on a nonconforming site as generally beneficial. Special attention has been given to providing pedestrian connections, street trees, landscaping, and improving traffic circulation on site. The goal with nonconforming sites has not been to demand strict compliance with the zoning district, but to ensure that any improvements to the site do not further violate the City's zoning standards.

The main issue at hand is that the changes the Care Closet would like to make would have been easier – and possibly more “legal”, zoning-wise – prior to the Liberty Street reconstruction. Perhaps most concerning (again, from a planning/zoning perspective) would be allowing some angle parking along Liberty Street, which would remove some terrace space that was not there previously. There has also been discussion about extending the canopy over the in-out driveway to allow for volunteers to remain dry in inclement weather. This would violate the street side yard setbacks in the B-1 district, which the building already violates. Extending it would be violating Sec. 130-643 and could open up the Plan Commission to pressure to break its own rules for other applicants.

Administratively, their next steps are for the Care Closet to submit a site plan application and a site plan showing proposed changes on site.

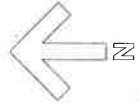
I have considered suggesting the Care Closet rezone to another, less restrictive zoning district. While that would look good on paper, it wouldn't actually solve the issues at hand and could inadvertently allow for less-complimentary uses on the site in question down the road if the Care Closet were to relocate. I am also not particularly convinced a variance is the correct tool to use, as it could result in the same inadvertent action rezoning would.

I would welcome Plan Commission's thoughts on this issue before the Care Closet moves forward with their application and engaging an architect.

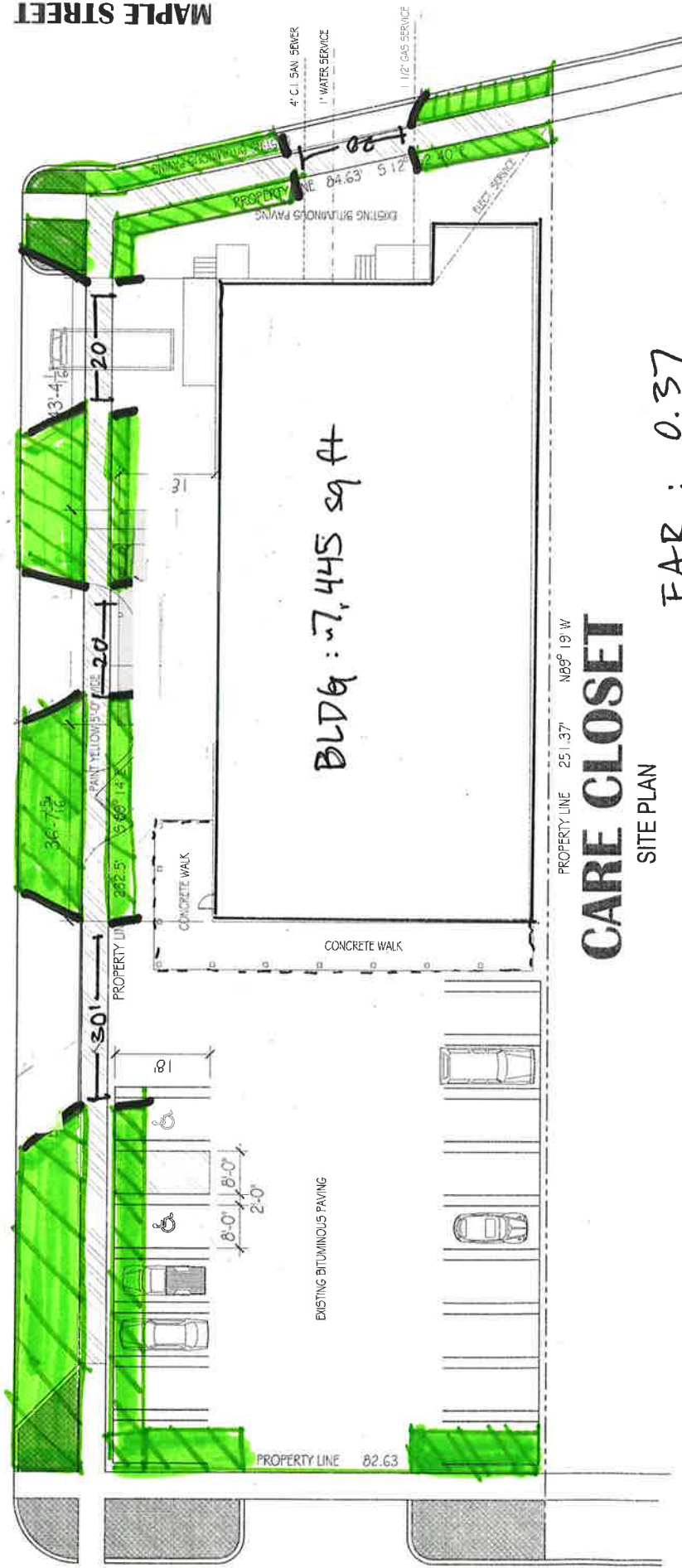
CARE CLOSET

AS-15, JULY 2023

 CURRENT GREEN SPACE



LIBERTY STREET



MADISON STREET

CARE CLOSET

SITE PLAN

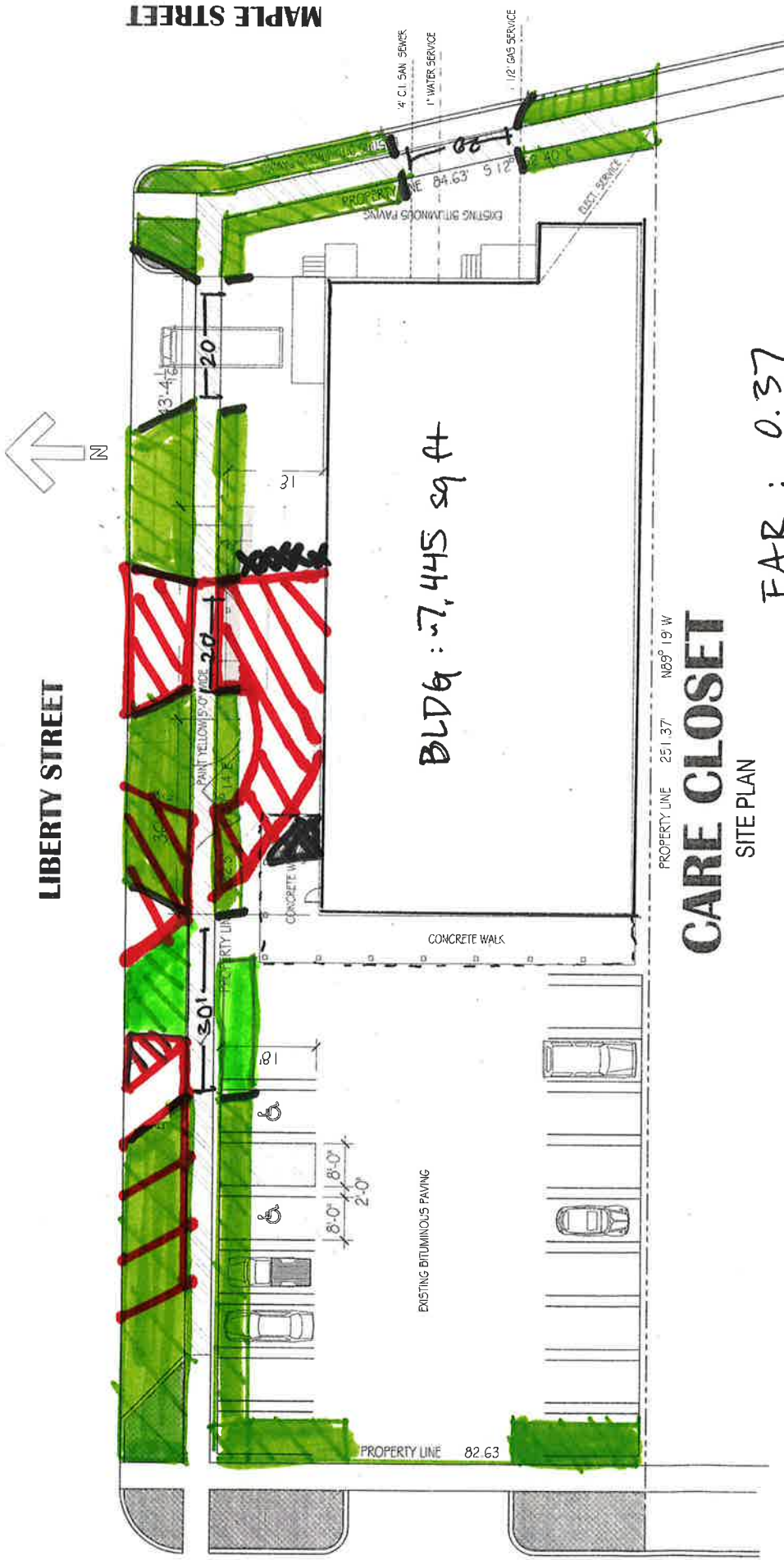
FAR : 0.37

SITE : ~19,900 sq ft.

GREEN SPACE = ~900 sq ft

POSSIBLE SITE LAYOUT

 CURRENT GREEN SPACE



CARE CLOSET
SITE PLAN

FAR : 0.37
 SITE : ~19,900 sq ft.
 GREEN SPACE = ~900 sq ft

MADISON STREET



Community Development Department

www.ci.evansville.wi.gov
31 S Madison St
PO Box 529
Evansville, WI 53536
(608) 882-2266

June 22, 2023

Mark Fabel
Executive Vice President – Development, McGough Construction
Sent via e-mail: MFabel@mcgough.com

Re: Project Orange Conceptual Site Plan Review

Dear Mark,

Please see my comments below in red regarding your eleven questions about our entitlement process for your conceptual site plan. I have also attached a number of supplemental materials to this correspondence that will be of use to you and your team as you prepare your submittals.

1. Required applications for project approval: (For example, Comp Plan Change, zoning, site plan, conditional use (for height), land division, etc.)
Once the properties are annexed into the City, I would expect the following applications to be submitted. Ideally, these would be submitted together so the context of the entire project would be considered as approvals are made.
 - Land Division and Zoning Map Amendment (rezone) – typically reviewed together
 - Comprehensive Plan Amendment Application. NOTE: this has a slightly longer timeline than the rest of our applications. On the plus side, it has built-in public hearing and public involvement requirements. See my comments in Item 5 below for more thoughts on amending our future land use map.
 - Site Plan / Conditional Use Permit – typically reviewed together
2. Identify additional required permits following project approval: (building permit, sign permit etc.)
 - Building Permit with our local inspector, who does his inspections along with the state inspector.
 - Sign Permit. Typically, this permit is issued prior to install. (Note: locations of freestanding/monument signs and any signs beyond those attached to the wall or other parts of the building should be indicated on the site plan.)
3. Proposed Zoning District: (Industrial or Planned Unit Development or other) I-2 Heavy Industrial, with a conditional use for Agricultural Service Uses (See attached sections from our Zoning Code). I am not anticipating any issues with the proposed use meeting these standards.

Provisions specific to Agricultural Service Uses in the I-2 district are:

(4) *Minimum setbacks and building separation, for Agricultural Service Uses (sec 130-344):*

- a. *All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 100 feet from all lot lines.*
- b. *Minimum paved surface setback: 5 feet from side or rear lot line; ten feet from street lot line.*
- c. *Minimum building separation: 40 feet.*

4. Identify for further conversation any offsite improvements that may be required: (wastewater, water, electric or roads/intersections etc.)

We understand that several of these conversations are ongoing, but here is our current understanding of options/considerations regarding services and utilities:

- **Wastewater:** in absence of any pre-treatment of wastewater done on site, we anticipate that our current facility would need to be upgraded to take on the additional capacity. Additionally, the level of chlorides identified a number of potential issues requiring further processing, including a possible desalinization plant
- **Water:** The amount of water required for cooling on site may put our current system at beyond capacity. We are exploring the costs of a new well and a new water tower to meet the demand from the client and to allow our community to continue to grow.
- **Electric:** Our system has capacity for growth that could accommodate the client's electricity needs. We would pursue these updates once plans for the project here in Evansville are finalized.
- **Roads/Intersections:** Initial data from the traffic study indicates the current intersection of USH 14 and County Road M can handle the anticipated traffic. There have been conversations about establishing preferred truck routes from all directions. Our downtown is likely going to see some unwelcome traffic from eastbound trucks. We are sensitive to that area as we emphasize its walkability and aim to protect our historic brick streets. At this time, we are not anticipating the City taking control of Weary Road and making substantial improvements.

5. Identify areas of concern for further discussion that may be inconsistent with current zoning requirements (Landscaping, signage, screening, etc.)

- Landscaping will be required.
 - Landscape points required are based on the amount of impervious surface on the property
 - There is a possibility of shifting landscape points elsewhere in City. This will get sorted out through a development agreement during the site plan process.
 - Landscaping will still be required for areas on site including at metering stations, along boundary fences, etc.
 - Landscaping does not have to be trees! Grasses or similar are good options.
- The City will be keen to maintain a satisfactory gateway appearance along USH 14 (see also landscaping).
- Inconsistencies with current Comprehensive Plan maps and policies
 - Transportation Plan Map identifies this area as one with potential primary/collector roads as well as a potential trail corridor. Obviously on the site itself the City would not expect public roads, but on the north part of the site adjacent to USH 14 we will be fairly insistent that there be some sort of right-of-way or easement dedicated that would allow a frontage road or similar to be built at a later date. The purpose of this road would be to provide access to developable sites along and near USH 14.
 - There is some support and a long-term plan for a recreational trail connecting State Highway 213 with this area across state-owned lands. Even if though the east side of Evansville is developing with more intensive industrial and commercial uses than was previously thought, maintaining that connection is still important and we believe the two uses can co-exist.
 - The 3 parcels along Highway 14 are currently planned for Mixed Use. The corner in particular was identified as a "Traditional Neighborhood Activity Center". The end result of any mixed

use development is intended to create a highly walkable neighborhood with commercial and residential uses in close proximity, if not on the same site. The three parcels south of these Mixed Use areas are planned for Small and Large Scale Industrial Uses, with Small Scale Industrial areas planned as a buffer between Mixed Use areas and more intensive uses. Amending our Comprehensive Plan Land Use Map to make these areas either Walkable or Regional Business may be advised. Depending on interest and the DNR's assessment of its air permits, I would not completely rule out (future) residential uses on the far east side of this area.

6. Identify items in your zoning code that may be inconsistent with an industrial use as proposed (lighting requirements, noise requirements, height requirements, etc)
 - At this time, we are not identifying any inconsistencies with our industrial zoning district nor our zoning code on a whole.
 - Agricultural Service Use allows structures up to 210' in height while in the I-2 zoning district. To the best of our knowledge, the FAA may require warning lights for structures exceeding 200'. Applicant is encouraged to explore these requirements.
 - I am passing along our Performance Standards that we apply to all sites. Please review these standards, particularly Sec. 130-233 Fire and Explosive Hazards, Sec. 130-236 Noise, Sec. 120-237 Odors, and Sec. 130-239 Vibration. I would advise your team to have prepared answers regarding these potential nuisances. (I am assuming that the DNR will more than thoroughly vet this site regarding water and air protection.)

7. Identify any impacts to the adjacent community that should be considered as plans are developed
 - Traffic will be a primary concern to both residents and other business owners.
 - With recent, notable railroad incidents elsewhere in the country, increased rail traffic will likely generate questions and concerns about potential derailments in Evansville.
 - Nearby residences just north of USH 14 will likely be vocal about potential negative impacts, both perceived and real.

8. Are you aware of any easements that may be required by the City/County as we lay out the site plan
 - Utility
 - Drainage/Stormwater

These are highly dependent on the final layout on the site plan.

9. We would hope that a broad cross section of the city could provide input (fire, police, engineering, planning, legal etc...)

I have passed on the conceptual site plan to Fire, EMS, police for review and am awaiting their input.

10. Are there any other governmental jurisdictions that will be required to review the project and if yes, for what category (City, County, Watershed, Air Permit (state) and others, please list)

Be advised that pursuing a private, high-capacity well for water on site will require DNR approval and further oversight from the state. It will also be an unpopular move politically and attract negative attention from natural resource advocates and – potentially -- farming interests.

11. Other items to note to assist the project in bringing forward the most complete package for Planning Commission and Common Council

Neither governing body likes surprises. If there are anticipated negative impacts, acknowledging them and presenting a plan for mitigating any negative aspects this project may bring would benefit the client. Transparency is appreciated.

Sincerely,



Colette Spranger
Community Development Director

Attachment(s): *I-2 Zoning District standards/requirements (City of Evansville Zoning Code)*
 Agricultural Service Use standards/requirements (City of Evansville Zoning Code)
 Performance Standards (City of Evansville Zoning Code)
 Insets from City of Evansville Smart Growth Comprehensive Plan maps
 Comprehensive Plan Amendment Application

CC: *Jason Sergeant, City Administrator*
 Jim Graham, CHS
 Brian Berquist, City Engineer
 James Otterstein, Rock County Economic Development



OVERALL SITE PLAN WITH IMAGE - TRUE NORTH
 SCALE: 1" = 200'-0"

PRELIMINARY NOT FOR CONSTRUCTION

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OVERALL SITE PLAN WITH IMAGE - TRUE NORTH

| NO. | DATE | REVISION | BY |
|-----|----------|-------------------|----|
| A | 03/22/22 | ISSUED FOR REVIEW | RF |
| B | 04/20/22 | ISSUED FOR REVIEW | RF |
| C | 05/10/22 | ISSUED FOR REVIEW | RF |
| D | 05/23/22 | ISSUED FOR REVIEW | RF |
| E | 06/02/22 | ISSUED FOR REVIEW | RF |
| F | 06/02/22 | ISSUED FOR REVIEW | RF |
| G | 06/02/22 | ISSUED FOR REVIEW | RF |
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OVERALL SITE PLAN WITH IMAGE - TRUE NORTH

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CHD Overall Planning

Perils for Pedestrians

TV talk about people who walk

Retrofit Sidewalks

What are some of the reasons that some people don't want sidewalks?

The concept of Complete Streets says that every street should be designed to accommodate all the types of users it will have, motorized and non-motorized. The nature of the accommodation depends on the context, and no single street design will be suitable for every location. Nevertheless, the most common accommodation for pedestrians is the sidewalk, and there are very few populated places where sidewalks would not be appropriate.

Many places in the United States were built without sidewalks, particularly suburban areas in the decades following the Second World War. Many residents of these neighborhoods would like to improve their community by putting in the missing sidewalks. When they make a proposal to build sidewalks, they are sometimes surprised that there are people who do not want sidewalks. Who could possibly be against giving children a safe place to walk?

Sidewalk opponents will give a long list of reasons why a sidewalk should not be built on their street. It is important to listen carefully and do what can be done to address people's concerns. However, it should not be a surprise when opponents respond by coming up with an even longer list of additional reasons. It's a never-ending game of Whack-A-Mole. Much of the opposition comes down to people just not wanting change of any sort. Here are a few of the many excuses given, along with some possible responses.

- **No one will use it.**

If there is only one structure within walking distance of itself, and no transit stops, the sidewalk might not be needed as a transportation facility, although it still might be useful for recreational walking. If there are two or more buildings within walking distance of each other, there is the potential for pedestrian traffic and you need a sidewalk.

- **Everybody here drives everywhere.**

Maybe they drive because there are no sidewalks. In fact, about 30 percent of the United States population does not have a driver's license. Some are young, some are old, some have a disability, and some just choose not to drive.

- **No one with a disability lives in this neighborhood.**

Even if that were actually true at the moment, in a few days someone might have an accident, and in a few years people will age and grow frail. Meanwhile, what about visitors?

- **The street is so quiet that pedestrians can just walk in the road.**

This is where you apply The Tricycle Test. Would you allow a 4 year old to ride a tricycle in the street while you watch from the front porch? In the rain? At dusk? If the answer is no, you need a sidewalk

- **The street is so dangerous, we should not encourage people to walk there.**

If people live or work on the street, they will walk there. If it is the shortest route to a

destination, people will walk there. So there is no choice but to make it safer with a sidewalk.

- **No one has ever died there.**

One approach to safety is to wait until someone is killed before you address a problem. A far better approach is to identify hazards and **mitigate them before someone is killed**. This sidewalk was added to Beachway Drive in Fairfax County, Virginia, after a girl was killed walking to Bailey Elementary School. Sidewalks should be built before they are monuments to dead pedestrians.



- **I grew up here without sidewalks, and I'm okay.**

This ignores the increase in traffic over the decades. It assumes that everyone has the same tolerance for a **high-stress environment**, since sidewalks contribute to pedestrian comfort and peace of mind. And it also assumes that a long streak of good luck will not run out. Consider people like the mothers in this photo, walking on Maryknoll Avenue near Burning Tree Elementary School in Bethesda, Maryland, before a sidewalk was built.



- **Pedestrians prefer to walk on grass.**

If one observes pedestrians where sidewalks exist, one will quickly see that the vast majority of pedestrians choose the concrete over the adjacent grass. For those few pedestrians who do prefer to walk on grass, they still have the option of walking on the grass next to the sidewalk.

- **I might back over a pedestrian on the sidewalk when leaving my driveway.**

It is not at all clear why a driver would have seen a pedestrian walking on the grass, but would not see them once part of that grass is paved with a sidewalk. By putting the pedestrians in one place on the sidewalk, they should be easier to see and avoid.

- **Runners prefer to use the street.**

Some runners prefer an asphalt street to a concrete sidewalk, but most pedestrians prefer to use the sidewalk. If pedestrians are not using an existing sidewalk, it might be blocked with overgrown shrubbery or illegally parked cars.

- **Cars will drive faster if pedestrians are not in the street.**

This treats pedestrians as human speed bumps. However, the density of pedestrians in the suburbs is seldom great enough to keep cars from resuming their illegal speed before they get to the next pedestrian in the street. And it is a big problem for any pedestrian walking in the rain or after dark when **speeding drivers might not slow down in time**. The memorial in the photo sits on the side of Archer Lane in Irmo, South Carolina, where a 15-year-old girl was struck and killed while walking with a friend along a street with no sidewalk. **The driver did not slow down** until after he struck the girl.

- **Trees will be cut down.**



Sidewalks can be **curved to avoid trees**.

In fact, this is one of the few times a sidewalk *should* deviate from the straight line direct route.

- **It will add to storm water runoff.**

This is one of the **reasons to have a planting strip** between the curb and the sidewalk. A wide planting strip will absorb most of the runoff from the sidewalk. In severe cases, permeable pavement can be used to eliminate all runoff. Streets, parking lots, driveways, and rooftops are more concentrated -- and therefore more problematic -- sources of runoff than sidewalks.



- **There isn't a curb and gutter.**

Sidewalks can be built along **open-section roads** without adding curbs, as in this photo of sidewalks added to Glenbrook Road in Bethesda, Maryland, without adding curbs and gutters.



- **It will increase crime.**

In fact, increased pedestrian activity will be "eyes on the street" that reduce crime. Who is more likely to be discouraged by a lack of sidewalks -- a grandmother who uses a cane, or a drug addict in a stolen car?

The Rails To Trails Conservancy did a study on trails and crime, "**Rail-Trails and Safe Communities**" and found that trails actually reduced existing problems. The letters from sheriffs and police chiefs in the Appendix make interesting reading.

- **It will ruin property values.**



Studies of trails indicate either no effect or an increase in **property values**. A study from Ohio, "**The Impact of the Little Miami Scenic Trail on Single Family Residential Property Values**", found that "being closer to the Little Miami Scenic Trail adds value to the single family residential properties."

- **Pedestrians will leave trash on my lawn.**

This might happen, but there is an abundance of litter along roads where pedestrians are not even allowed, so one might want to worry about drivers instead. If residents care about

their neighborhood, they will stop to pick up litter while they walk on the sidewalk. If residents don't care about their neighborhood, litter is just a symptom of more serious problems.

- **Dog walkers will leave poop on my lawn.**

This can happen with or without a sidewalk. The community needs a **pooper scooper law**. It is possible to change the culture of dog walking so that dog walkers bring plastic bags with them and clean up after themselves. The plastic bags used for newspaper delivery work well for this.



- **It will bring people too close to my house.**

If pedestrians currently walk on the grass, they will not be any closer. If pedestrians currently walk in the street, they will be a little closer. If one stands at the curb, and then stands two steps in from the curb, one can tell how little difference there is in what pedestrians can see from a sidewalk.

- **It will take my front lawn.**

In most cases, there is enough public right of way to build a sidewalk without taking private land, so it usually is public land that is being used for the public sidewalk. Many homeowners do not realize **how far from the curb their property line actually is.**



- **It will destroy my landscaping.**

If the landscaping is in the public right of way, it should have been designed with public use in mind. Pedestrians should not suffer because of inconsiderate gardeners. Shrubbery should be transplanted or replanted with a sufficient setback from the sidewalk to minimize maintenance needs. Landscaping can even be designed to complement a sidewalk.

- **It will destroy my fence.**

In most places, a **fence in the public right of way** is illegal and should not have been there in the first place. Furthermore, if it was built on public land, it was probably built without a permit, which might also be illegal.



- **It will force me to park next to traffic.**



If cars are currently parked on the grass at the edge of the road, or **on the driveway apron**, like here, they may end up parking on the paved portion of the street instead. If it is too dangerous for cars to be parked in the street, what does that say about how dangerous it is for pedestrians to be walking in the street?

- **It will cost me money.**

There are municipalities that charge the adjacent property owner for the construction and maintenance of sidewalks. This is a bad policy that should be changed. Sidewalks are not there just to benefit the adjacent property. Rather, sidewalks are part of the transportation network that benefits the whole community, just like the streets do. Therefore, the sidewalk should be paid for in same way the adjacent street is paid for. Change the policy, and then let property owners know that they will not be assessed for the sidewalk.

- **Tax dollars could be better spent on other things.**

This argument typically pits sidewalks against teachers and police. However, sidewalks are

an integral part of the street, and therefore are an integral part of the budget for streets. Find a balance between the overall transportation budget and other budgetary needs. Then make sure those transportation funds are spent equitably for all modes, including sidewalks as part of a Complete Streets policy.

In this photo, children walk home from school on a new sidewalk in Cabot, Arkansas, while school buses go by on the highway. School systems spend tens of billions of dollars on school busing. In many places, the potential savings on hazard busing would more than pay for building sidewalks. Less money on busing leaves more money for textbooks and teachers.



- **Other sidewalks should be built first.**

Municipalities should have some way to prioritize which sidewalks will be built first. Usually it is a combination of the potential for walking to nearby destinations, the speed and volume of traffic, crash histories, proximity to schools and other places for children, proximity to senior housing and other places for the elderly, transit stops, community requests, and intangibles that cannot always be easily quantified. Local opposition to a sidewalk should be given less weight than the underlying need for a sidewalk. Finally, it should be made clear that the purpose of the calculation is to set the priority for which sidewalks will be built first, and that virtually everyone should expect to get a sidewalk eventually.

- **I will be liable if someone gets hurt.**

Liability is determined by state and local law. However, in a world full of lawyers, a property owner might be sued for anything that happens on the lawn in front of their property, even if no sidewalk is there. This is why property owners carry liability insurance. Sidewalks do not increase insurance rates. Since sidewalks reduce danger to pedestrians, it is perverse that this would even be an issue.

- **It will take too much time to maintain.**

Most maintenance tasks, such as **edging the lawn** along the sidewalk, only need to be done once a year. Unless shrubbery is planted too close to the sidewalk, it will only need to be trimmed once in spring to keep it from encroaching on the sidewalk. In the photo, a recently edged sidewalk contrasts with one that is badly overgrown. It takes years to get that bad, so annual edging would usually be adequate.



- **I will have to shovel snow.**

Some towns treat pedestrians with the same respect as automobiles and plow the sidewalks as well as the streets. However, most jurisdictions leave it up to the adjacent property owners to remove snow. This is a job where local teenagers could earn a bit of money. Neighbors can volunteer to help the elderly who find shoveling difficult, either directly or through churches and community organizations. In areas with significant snowfall, neighbors might want to pool resources to buy a snow blower to share.

The most difficult part of snow removal is where snowplows deposit mountains of packed snow and ice on the sidewalk. This can be reduced with good street design, and is another **reason to have a planting strip** next to the curb.

The more snow there is, **the more dangerous it is for pedestrians to share the snowy street with cars**, so the more important it is to have sidewalks and keep them clear. Neither drivers nor pedestrians are happy when they are forced to share snowy streets, as they do in this photo.



- **There are hills or other obstacles in the way.**

In steep terrain, it might seem that building a sidewalk would require a retaining wall to cut into a hillside, or a raised structure over a steep drop off. And in some cases, this is necessary, and the sidewalk will be more expensive than on level ground. However, in other cases, there is excessive width in the street, and **the curb can be moved to create a level space** for the sidewalk.



- **It will ruin the "rural character" of the neighborhood.**

In fact, **small towns in rural areas do have sidewalks**. In some cases, they have concrete sidewalks even when the streets are just gravel. It is a uniquely suburban phenomenon that poor pedestrian facilities are considered an attractive feature of being rural. The rural community in this photo has a paved sidewalk even though the road is gravel.



- **It will ruin the "historic character" of the neighborhood.**

In fact, historically, sidewalks used to be included in neighborhoods that could afford good infrastructure. It is only in recent decades that sidewalks have been left out. The real deviation from history is the large number of cars we have today, which is why sidewalks are more important than ever.

- **It will ruin the "Dennis the Menace character" of the neighborhood.**

Sidewalk opponents have actually said this with a straight face, even though anyone who looked at the comic strip could see that Dennis the Menace has sidewalks. Margaret pushes her doll's baby buggy down a sidewalk, not down the street.

- **They knew the neighborhood did not have sidewalks when they moved here.**
This gets closest to the underlying reason for much opposition -- people do not like change. But no neighborhood is perfect, which means that every neighborhood needs improvement. It is the civic duty of every citizen to do what they can to improve the community where they live.

Updated November 4, 2012

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