

## 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  
Tuesday, May 7<sup>th</sup>, 2024, 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 April 2, 2024 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed.
  - A. Rustie Winger-Krieg (71 Cortland Drive)
7. Action Items
  - A. Public Hearing, Review, and Action for Conditional Use Application 2024-01 for Indoor Commercial Entertainment on parcel 6-27-90 (33 W Main Street)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - B. Review and Amendment of Conditional Use Application 2022-0239 for Indoor Commercial Entertainment on parcel 6-27-108 (1 E Main Street)
  - C. Public Hearing, Review, and Recommended Action for Land Division Application 2024-05 to create zero lot line CSM on parcel 6-27-553.520 (649/651 Locust Lane)
    1. Review Staff Memo and Applicant Comments
    2. Public Hearing
    3. Plan Commissioner Questions and Comments
    4. Motions with Conditions
  - D. Conceptual Site Plan for Culver's Restaurant at 60 N. Union Street
    1. Review Staff Memo
    2. Plan Commissioner Questions and Comments
  - E. Conceptual Site Plan for Lot 7, Historic Standpipe Point
    1. Review Staff Memo

*-Mayor Dianne Duggan, Plan Commission Chair*

2. Plan Commissioner Questions and Comments

8. Discussion Items

A. Review of Housing Element, Goals, Objectives, and Policies from Smart Growth Comprehensive Plan

9. Community Development Report

10. Upcoming Meeting: June 4th, 2024 at 6:00pm

11. 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, April 2<sup>nd</sup>, 2024, 6:00 p.m.**

**MINUTES**

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

**2. Roll Call:**

Members	Present/Absent	Others Present
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Gene Lewis	P	Joe Geoffrion
Aldersperson Abbey Barnes	P	
Susan Becker	A	
John Gishnock	P	
Mike Scarmon	P	
Eric Klar	P	

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

**4. Motion to waive the reading of the minutes from the March 5<sup>th</sup>, 2024 meeting and approve them as printed, by Klar, seconded by Gishnock. Approved unanimously.**

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

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

**7. Action Items.**

**A. Public Hearing, Review and Recommended Action for Land Division Application 2024-04 for a Certified Survey Map in the City's Extraterritorial Jurisdiction on parcel 6-20-107 (9238 Tupper Rd, Town of Union)**

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

The application is to create two parcels Lot 1 being 10.2 acres, and Lot 2 being 31.8 acres, from vacant parent parcel 6-20-107 which currently measures 43.26 acres. The remaining 1.26 acres are to be formally dedicated as a public road right-of-way.

**2. Public Hearing**

Public Hearing opened at 6:04pm, closed at 6:05pm.

**3. Plan Commissioner Questions and Comments**

**4. Motion with Conditions**

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

**Motion to Recommend for Common Council to approve a certified survey map creating two lots from parent parcel 6-20-107 (Town of Union), finding that the application is in the public interest and meets objectives contained within Section 110-230 and 110-102(g) of city ordinances with the following conditions:**

1. **The final certified survey map is recorded with Rock County Register of Deeds along with the record of decision from the City outlining these conditions.**
2. **The applicant fulfills any other obligations set forth by the Town of Union and Rock County.**
3. **No further land division of these parcels occurs prior to April 9, 2044, unless superseded by one or both of the following:**
  - a. **An update to Article VII of the City's Subdivision Ordinance, last amended by Ordinance 2020-12; or**
  - b. **The Town of Union and City of Evansville enter a boundary agreement.**

*Motion by Klar, Second by Gishnock. Approved unanimously.*

**B. Review and Action on Site Plan Application 2022-0264 for collocating wireless antennas on parcel 6-27-577 (40 Cemetery Rd)**

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

The application is for installing Verizon Wireless antennas on the water tower stem. Prior approval included a shroud shielding the antennas from view; however, engineers have advised the shroud would lessen the stability of the tower. The applicant is now seeking to install the antennas without the shroud, which the engineers advised would not lessen the integrity of the stem. The city is requiring the planting of three trees outside the east and south fenced in areas to provide screening at the ground level.

**2. Plan Commissioner Questions and Comments**

**3. Motion with Conditions**

**Motion to approve the site for collocation of wireless antennas as presented for 40 Cemetery Rd on parcel 6-27-577, finding that the benefits of the use outweigh any potential adverse impacts, and the proposed use is consistent with the required standards and criteria for issuance as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:**

1. **Verizon Wireless to plant three (3) evergreen trees on the east and south sides of fenced area at base of water tower.**
2. **Verizon Wireless honors provision 30 of lease agreement, outlining reimbursement for the city's legal fees (not to exceed \$2,000) and a one-time payment of \$5,000.**

*Motion by Klar, Second by Gishnock. Motion carried unanimously.*

**C. Review and Recommended Resolution 2024-11 Approving an Application for a Wisconsin Assessment Monies Grant through WDNR**

**1. Motion with Conditions**

**Motion to recommend Common Council approve an application for a Wisconsin Assessment Monies Grant through WDNR.**

*Motion by Klar, Second by Gishnock. Motion carried unanimously.*

**8. Discussion Items.**

**A. Housing Issues**

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

Discussion was held regarding the formation of a Citizen/Ad Hoc Committee regarding housing issues, focused on policy changes, comprehensive plan changes, grants/loans for housing, and development agreements. Potential members of the committee could include representatives from the police department, Evansville Community School District, Manufacturers, Developers/Landlords, Evansville Housing Authority, Community/church leaders, Blackhawk Tech, and Rock County

**9. Community Development Report**

**10. Next Meeting Date:**

A. Tuesday, May 7, 2024 at 6:00 p.m.

**11. Adjourn. 6:51 PM.**





**APPLICATION FOR CONDITIONAL USE PERMIT – STAFF REPORT**

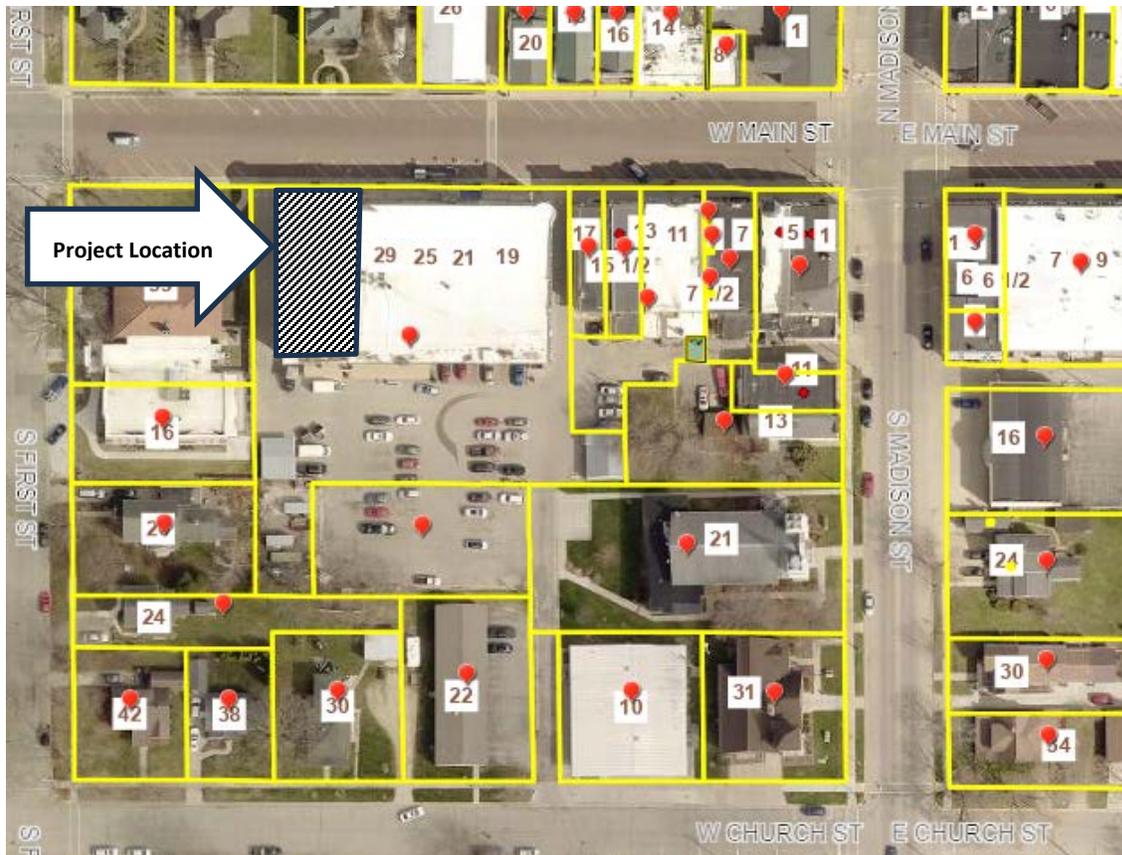
**Application:** CUP-2024-01 **Applicant:** Makenzie Schoenenberger

Parcel 6-27-90

May 7, 2024

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov) or 608-882-2263



**Location:** 33 W. Main Street (Grange Store)

**Description of request:** The applicant is requesting to operate an indoor children’s activity center, with child-based entertainment and group activities. The applicant is seeking conditional use permit approval to allow an Indoor Commercial Entertainment use on parcel 6-27-90 within the B-2 zoning district, specifically for the unit addressed 33 West Main.

**Existing/Prior Uses:** This is the former location of Appliance Works.

**Staff Analysis of Request:**

The City is keen to encourage business in the downtown that generates foot traffic and encourages customers to visit multiple businesses within the same trip.

The applicant is asking for a waiver for parking requirements due to the shop's location in the B-2 zoning district. Additional parking is also available in the back of the building.

**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 September 2022.  
*Staff Comment: Policies in the Comprehensive Plan provide support for variety and diversification of uses in its historic downtown.*
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 use 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: The applicant states that the business hours will be Monday through Sunday, with open hours ranging from 7 am to 8 pm depending on the day. Special events may run later in the evening, ending at 10pm.*
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: The location of the activity center is appropriate and will bring foot traffic and families downtown.*
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: the property is currently served by public utilities*

**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 Plan Commission:** *Motion to approve a Conditional Use Permit for Indoor Commercial Entertainment per section 130-408 on parcel 6-27-90 located at 33 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) *Hours of operation shall be no earlier than 6am and no later than 10pm.*
- 2) *The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.*

- 3) *Any substantial changes to the business model shall require a review of the existing conditional use permit.*
- 4) *Any changes to signage, outdoor lighting, and/or building façade are subject to approval from the Historic Preservation Commission.*
- 5) *Use cannot create a public nuisance as defined by local and state law.*
- 6) *The Conditional Use Permit is recorded with the Rock County Register of Deeds.*





**APPLICATION FOR CONDITIONAL USE AND SITE PLAN – STAFF REPORT**

**Application:** 2022-0239, 2022-0240 **Applicant:** Slice Golf (Sarah Kilps)

Parcel 6-27-108

May 7, 2024

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov) or 608-882-2263



Figure 1 Approximate Location Map

**Location:** 1 and 3 E. Main Street

**Description of request:** The applicant plans to expand their golf simulator entertainment business into an adjacent business space. **The applicant is seeking an amended conditional use permit to allow Indoor Commercial Entertainment on parcel 6-27-108 within the B-2 zoning district.**

**Existing/Prior Uses:** Most recently a hair salon.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:**

**Staff Analysis of Request:**

The existing conditional use permit requires a new conditional use permit application for a “substantial change” to the business model. This is an expansion of the existing business to include the vacant commercial space addressed at 3 E. Main Street. This is technically on the same parcel as 1 E. Main and is under the same ownership. The expansion makes no change to the outside façade of the building. Given the circumstances, staff finds that an entirely new

permit and public hearing is unneeded. Staff is recommending that Plan Commission approve an amendment to the permit to reflect the expansion.

**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 September 2022.  
*Staff Comment: Policies in the Comprehensive Plan provide support for variety and diversification of uses in its historic downtown, particularly those that enhance walkability.*
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 use, indoor commercial entertainment, 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: The applicant indicates sound proofing will be added to dampen the effect of noise on upstairs apartment dwellers.*
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: This location is an appropriate use for an entertainment business. The business has applied for an alcohol license. If desired, outdoor serving of alcohol will need to be evaluated at a later date with another application.*
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: the property is currently served by public utilities*

**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 Plan Commission:** *Motion to approve a Conditional Use Permit for indoor commercial entertainment (golf simulator) per section 130-408 on parcel 6-27-108, located at 1 and 3 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 of Section 130-408 in the City's Zoning Code, as may be amended, related to indoor commercial entertainment uses.*
- 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 Section 130-568 of the City's Zoning Code, as may be amended, related to sidewalk cafes.*
  - a. *Tables, chairs, and barriers are not to be left outside when the business is not open.*
  - b. *Applicant to provide City staff with details showing exact placement of items associated with outdoor seating area.*
- 4) *Hours of operation shall be no earlier than 8am 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.*

**Sec. 130-568. Sidewalk cafés.**

Sidewalk cafés include an area on a sidewalk or similar area within the public right-of-way where food is served and which is associated with a restaurant. The provisions of this section are intended to accomplish the following purposes: enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest, enhance the appropriate use of existing public spaces; and increase economic activity in the area. This use is a permitted use in the B-2 district. Temporary use regulations are as follows:

- (1) *Location.* A sidewalk café shall be located directly in front of the restaurant with which it is associated and it shall be operated solely in conjunction with such restaurant.
- (2) *Obstructions.* A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- (3) *Pedestrian movement.* No portion of the sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.
- (4) *Planters.* Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- (5) *Lighting.* Lighting shall be limited to tabletop lamps of low intensity. The city administrator may allow additional lighting to provide appropriate levels for safety.
- (6) *Furnishings.* All furnishings shall fit the character of a public streetscape. Umbrellas over each table may be permitted if it does not create an obstruction.
- (7) *Floor covering.* A floor covering may not be used in the sidewalk café.
- (8) *Tables.* Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.
- (9) *Food preparation.* All food shall be prepared within the restaurant.
- (10) *Alcoholic beverages.* No alcoholic beverages may be served or consumed in the sidewalk café unless the proper licenses have been issued under Sec. 6-2, Sec. 6-43, and or Sec. 106-163.
- (11) *Off-street parking requirements:* One space per every three patron seats, calculated on the sum of the indoor and outdoor patron seats. This requirement may be waived by the plan commission, following a request from the applicant.



**APPLICATION FOR PRELIMINARY AND FINAL DIVISION - STAFF REPORT**

**Application:** LD-2024-05

**Applicant:** Grove Homes LLC

Parcel 6-27-553.520

**May 7, 2024**

Prepared by: Colette Spranger, Community Development Director  
Direct questions and comments to: [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov) or 608-882-2263



*Figure 1 Approximate Location Map*

**Location:** Lot 20, Stonewood Grove (649 and 651 Locust Lane)

**Description of request:** An application has been made to divide the lot along the shared wall of the duplex that is already built.

**Existing Uses:** The existing 10,272 square foot parcel has a duplex under construction. In order for the landowner to sell each unit separately, the units must be legally divided. This requires a Certified Survey Map.

**Existing Zoning:** R-2 Residential District Two

**Proposed Land Division:** The CSM will divide the parcel into two lots, using the common wall of the building as a lot line. This kind of land division is commonly referred to as a zero lot line CSM. Lot 1 is proposed to be 5,163 square feet (0.12 acres) and will include the dwelling unit with the address of 651 Locust Lane. Lot 2 will contain the remaining 5,109 square feet (0.12 acres) and the dwelling unit addressed at 649 Locust Lane. A joint cross access and maintenance agreement per Section 130-323(5) of the Municipal Code will be required once the new lots are recorded.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

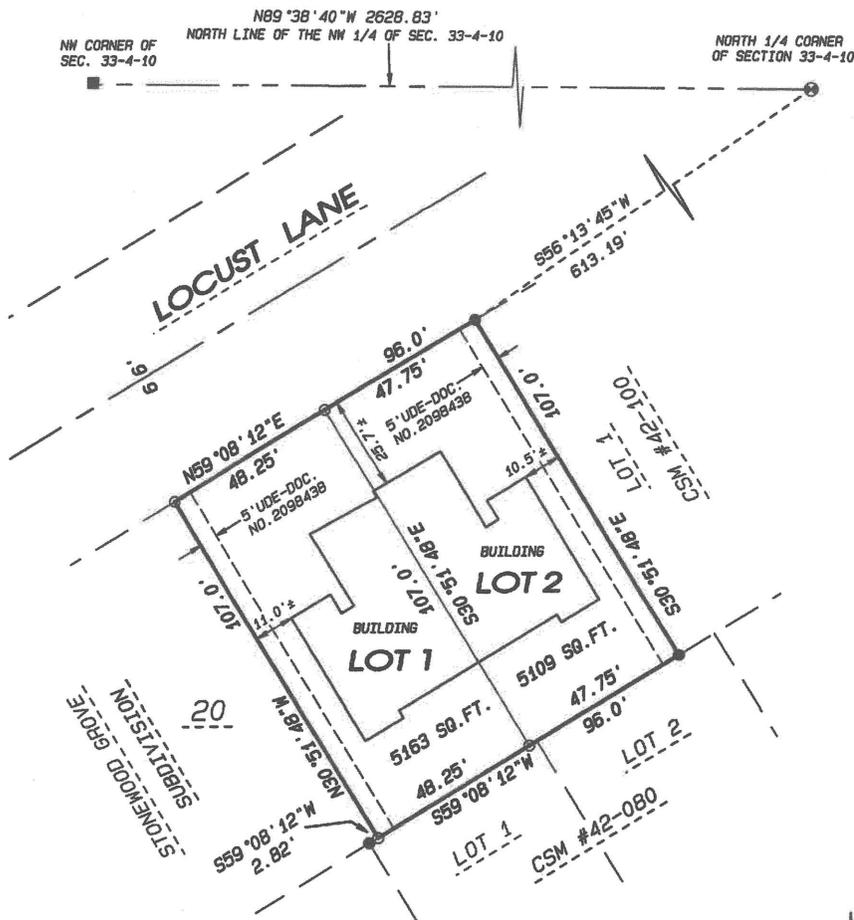
**Recommended Motion:**

*Motion to approve a certified survey map to divide parcel 6-27-533.520 into two lots for a two-family twin residence addressed at 649 and 651 Locust Lane, 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 final CSM is recorded with Rock County Register of Deeds.*
- 2. The applicant records a joint cross access and maintenance agreement for each of the new lots made by CSM.*

# CERTIFIED SURVEY MAP

LOT 20, STONEWOOD GROVE SUBDIVISION AND LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING PART OF LOT 30, WESTFIELD MEADOWS.



## LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- ⊕ FOUND ALUMINUM MONUMENT
- FOUND CUT STONE
- UDE UTILITY EASEMENT & DRAINAGE EASEMENT



NOTE: FIELDWORK COMPLETED FEBRUARY 8, 2024

NOTE: ASSUMED N89°38'40"W ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 33-4-10.

Project No. 124 - 051  
For: GROVE HOMES, LLC

SHEET 1 OF 4 SHEETS

**Combs & Associates**

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 N. Milwaukee St.  
Janesville, WI 53548  
www.combsurvey.com

tel: 608 752-0575  
fax: 608 752-0534





# City of Evansville

Community Development Department

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

May 3, 2024

To: Plan Commission  
From: Colette Spranger, Community Development Director  
Re: Concept Plan for Culver's Restaurant, parcel 6-27-862 (60 N. Union)

City staff have been working the past several months with Scott Mallon on a proposed site for a Culver's restaurant. Mr. Mallon is a franchise owner and has built and operated several Culver's restaurants around southern Wisconsin. Several iterations of the site plan have been developed; the most recent is provided for feedback before a formal application is made.

The parcel proposed for development, 60 N. Union Street, has split zoning. The intended development area is zoned B-3.

The site also has some environmental constraints, including areas of floodplain. A wetland delineation currently being evaluated by the Army Corps of Engineers.

Additionally, the site falls within the Allen Creek and North Union Street Redevelopment and Master Plan area. This master plan was adopted by the Common Council in 2007. It addresses design and development standards within the Union Street corridor east of Allen Creek. This area of the City was developed before current City standards for building and site design. The goal of the master plan is to create a physical tie and design connection between this corridor and the historic downtown. This is done by providing development standards that address design needs for businesses, pedestrians, vehicular traffic, and the streetscape. The main features of these standards are building frontage along the street, robust landscaping, and parking to the side or rear of the building. To date, the City's use of this Plan has resulted in the redevelopment of three sites in this corridor. (See the end of this memo for before/after photos of these sites.)



Areas in B-3 zoning district depicted in red.

The site plan submitted for Plan Commission review this evening is not a final version. Plan Commission is only asked to provide feedback and make recommendations at this time. Applications for a conditional use permit for the restaurant and drive thru, along with a final site plan, are expected for formal review in June. A public hearing will be held at that time. Comments made by Plan Commission tonight are not binding and should be focused on the design of the site and not the land use.

Mr. Mallon has also provided renderings and suggested features that would be unique to the Evansville location.

## Agenda Item 7D

Staff comments on the latest version of the site plan are provided below. Staff has aimed to provide as comprehensive of a review as possible with the given information in order for Mr. Mallon to proceed with confidence.

- Parking stalls: Per City ordinance, one stall per 300 sq ft of gross floor area is required. The landscape code also imposes a maximum parking space count that is 15% of the minimum requirement. Based on initial figures, only 15 parking spaces would be allowed for this use.

To accommodate the amount of parking spaces requested, staff proposes an easement for shared parking between the owners of this site and the one directly to the south (currently Trapper's.) Additionally, per the zoning code, Plan Commission may issue an exception to the parking standards.

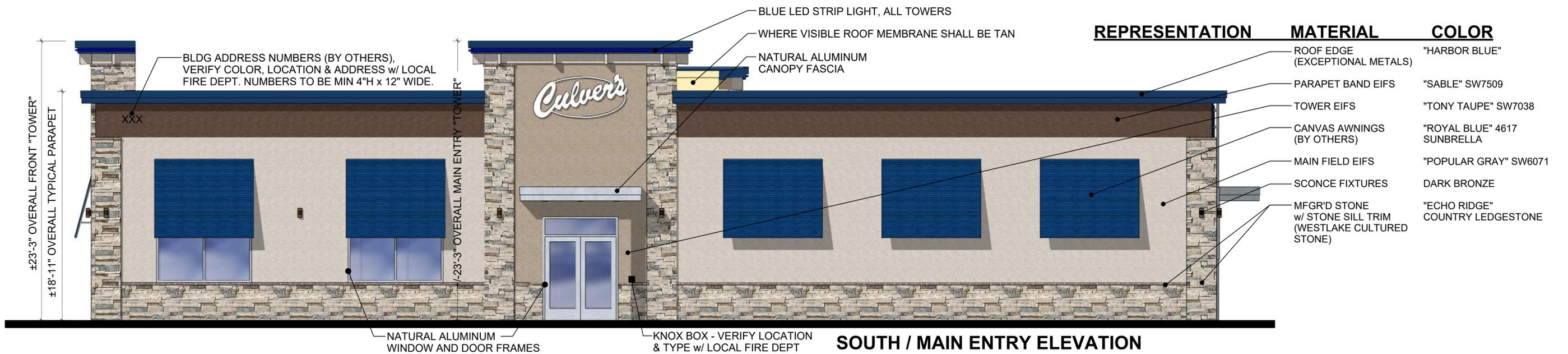
- Driveway Openings: Union Street is technically part of US Highway 14 and as such, WisDOT approval is needed for amending driveway openings. The number of curb cuts between this site and the one to its south will need to be reduced in order to accommodate the shared driveway.
- Landscape areas: The B-3 zoning district requires at least 15% of the site to be non-impervious. Landscape points are based on the amount of impervious surface on a site. Landscaping will also be required in parking lot islands, and parking lot islands shall be equal to 15% of the parking lot area.
- Masonry wall: should only be used in front of the proposed parking area, unless incorporated as a feature of the landscaping/entrance from the public sidewalk to the patio area. The purpose of the masonry wall is to screen the parking area; the façade of the building and the patio area should be visible and prominent from the street.
- Sidewalk/Street Trees: north of the utility boxes, adjust the sidewalk location to be closer to the property line. There will also be a street tree planted in the terrace area every 40-60 feet, dependent on driveway locations and other constraints.
- Proposed lot lines, remaining land, and rezoning: Part of the existing parcel is subject to a number of environmental constraints. Staff suggests rezoning these areas to conservation or legally separating the area as an outlot in order to prevent future development.
- Stormwater retention ponds: stormwater ponds will need to be part of the legal parcel the restaurant sits on.
- Other Applicable Municipal Code Chapters: the property will also need to comply with the Flood Area Zoning (Chapter 54), Shoreland-Wetland Zoning (Chapter 100), and Stormwater Management (Chapter 104) of the City of Evansville Municipal Code. Depending on the results of the wetland delineation, this may result additional setback areas. The City expects the site and operator to conform to any other county, state, or federal provisions applicable to the site.

Agenda Item 7D

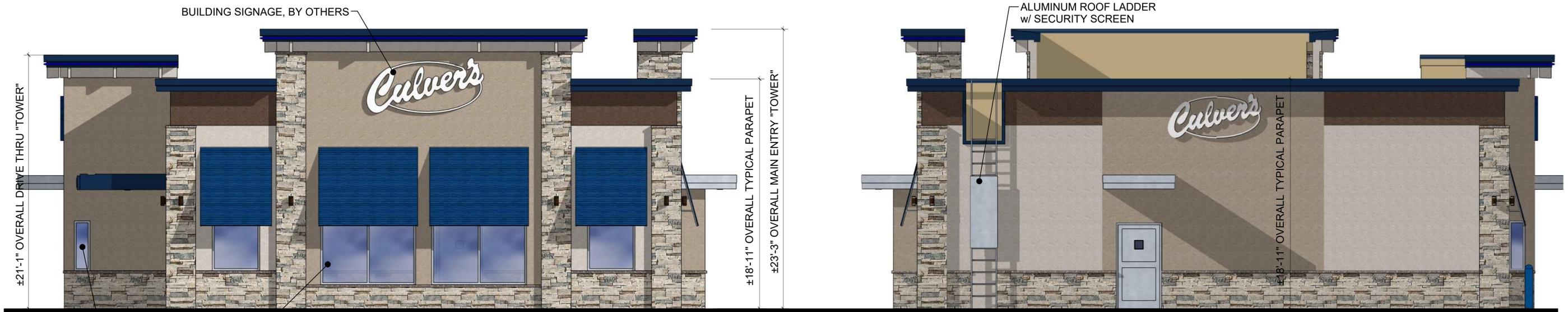


Sample  
Patio Area





**SOUTH / MAIN ENTRY ELEVATION**



**WEST / FRONT ELEVATION**

**EAST / REAR ELEVATION**



**NORTH / DRIVE THRU ELEVATION**

**TYPICAL FINISHES AND COLORS DEPCITED; FINAL SELECTIONS MAY DIFFER**

©2024

NEW CULVER'S RESTAURANT  
**Highway 14**  
 Evansville, WI 53536  
 County of ROCK

Culver Franchising System, Inc  
 1240 Water Street  
 Prairie du Sac, WI 53578  
 608-643-7960

OLLMANN ASSOCIATES ARCHITECTS  
 200 South State Street  
 Belvidere, Illinois 61008  
 815-544-7790 Phone

**2D ELEVATIONS**  
 NOTE: THOUGH THESE IMAGES HAVE PHOTO  
 REALISTIC QUALITIES, THE ACTUAL BUILDING  
 MATERIALS MAY VARY IN APPEARANCE.  
 Date: 04-29-2024 Revision:

2023-184

A1



**REAR LEFT VIEW (NEC)**



**REAR RIGHT VIEW (SEC)**



**FRONT RIGHT VIEW (SWC)**



**FRONT LEFT VIEW (NWC)**

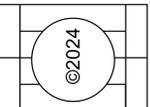


**LEFT PERSPECTIVE (NORTH VIEW)**

**RIGHT PERSPECTIVE (SOUTH VIEW)**



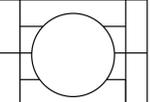
**TYPICAL FINISHES AND COLORS DEPCITED; ACTUAL COLORS SELECTED MAY DIFFER**



NEW CULVER'S RESTAURANT  
**Highway 14**  
Evansville, WI 53536  
County of ROCK



OLLMANN ASSOCIATES ARCHITECTS  
200 South State Street  
Belvidere, Illinois 61008  
815-544-7790 Phone

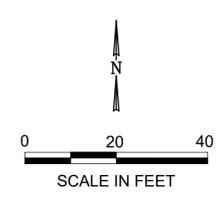
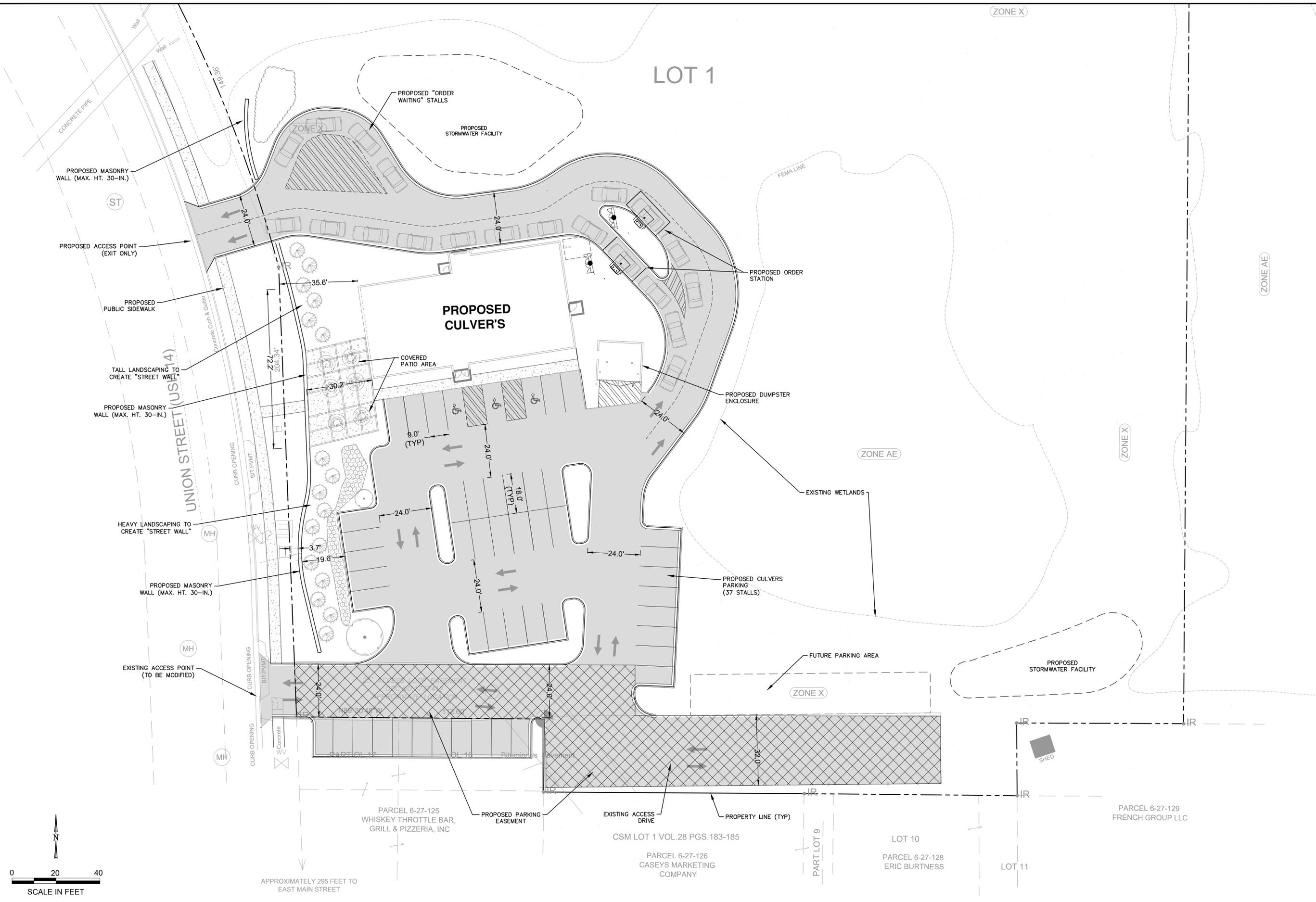


**3D IMAGES**  
NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE.  
Date: 04-29-2024  
Revision:

2023-184



Apr. 24, 2024 8:06am PLOTTED BY: jheinonen - SAVEN - Saved BY: jheinonen  
 P:\Mallon Brothers - 906\001 - Culvers - Evansville\CADD\001-003\SHIT C3\_906-001-003 Proposed Site Plan.dwg Layout1  
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 XREFS: P:\Mallon Brothers - 906\001 - Culvers - Evansville\CADD\Endpoint Border-Culvers Evansville.dwg; \906-001 Proposed Layout.dwg; \906-001 Base from Combs\_Endpoint.dwg



<p><b>Endpoint Solutions</b></p> <p>6871 S. LOVERS LANE FRANKLIN, WI 53132 PHONE: (414) 427-1200</p>	<p><b>MALLON BROTHERS OF JANESVILLE CULVERS</b></p> <p><b>PROPOSED CONCEPT SITE PLAN</b></p> <p>HWY 14 EVANSVILLE, WISCONSIN</p>
<p>REV: 6 5 4 3 2 1 0</p> <p>DATE:</p>	<p>DRAWN BY: JRT DATE:</p> <p>CHECKED BY: JAH 04/24/2024</p> <p>APPROVED BY: JAH</p>
<p>PROJECT NO. 906-001-003</p>	
<p>SHEET NO. <b>C3</b></p>	

Allen Creek and North Union Street Redevelopment Areas



189 E Main Street in 2013



189 E Main Street in 2023

**Agenda Item 7D**



65 N Union Street in 2018



65 N Union Street in 2023

**Agenda Item 7D**



255 N Union Street in 2018



255 N Union Street in 2023





## City of Evansville

Community Development Department

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

May 3, 2024

To: Plan Commission  
From: Colette Spranger, Community Development Director  
Re: Concept Plan for Lot 7, Historic Standpipe Point

A concept development plan has been shared with City staff for Lot 7 of Historic Standpipe Point. The proposed layout of the 1.3 acre site divides the lot into three separate parcels. The developer proposes two duplexes and one single family home on the lots for a total of 5 new dwelling units. Staff is seeking Plan Commissioner feedback on the concept plan.

Below are some of the communications and approvals regarding expectations for Lot 7:

- **Zoning.** Per development agreement, all of Lot 7 is to be rezoned to B-1. This would implement the future planned land use of Mixed Use by allowing by right a mixture of residential and commercial uses within the plat. A rezoning application should precede further land division. The B-1 zoning district also includes landscaping and architectural guidelines for all buildings, which should help it blend into the existing neighborhood.
- **Future Land Use: Mixed Use.** The “Mixed Use” designation calls for a highly-walkable neighborhood with a mix of neighborhood commercial and housing uses. Some of Historic Standpipe Point needs to enable non-residential development, or the possibility of non-residential development, at a later date. Staff and the developer had previously discussed attached units along Fourth Street (such as those at Brown School Plaza) or a group development of duplexes (similar to the Morningridge Condominiums). Either configuration would better enable live/work units that meet the intent of Mixed Use. This corridor is a significant opportunity for the growth of Evansville. As the population grows and the City’s boundary expands, new areas for commercial development need to be planned for in advance of demand.
- **Housing Goal: provide a variety of housing types, designs, densities, and price ranges.** Duplexes and single family homes have been the dominant type of housing built in Evansville in recent years. Since 2019, only 8 of 134 dwelling units built in the City were part of a multiple family development. The Housing element of the Comprehensive Plan requires “the integration of varied housing types and sizes within developments” and that multiple family options be required for new infill development projects, particularly those adjacent to commercial developments.
- **Driveway Access.**
  - A preference for shared driveway access along Fourth Street to help alleviate neighborhood concerns regarding increased traffic. Fourth Street is a major collector and the primary means of transportation to access areas west of Evansville.

## Agenda Item 7E

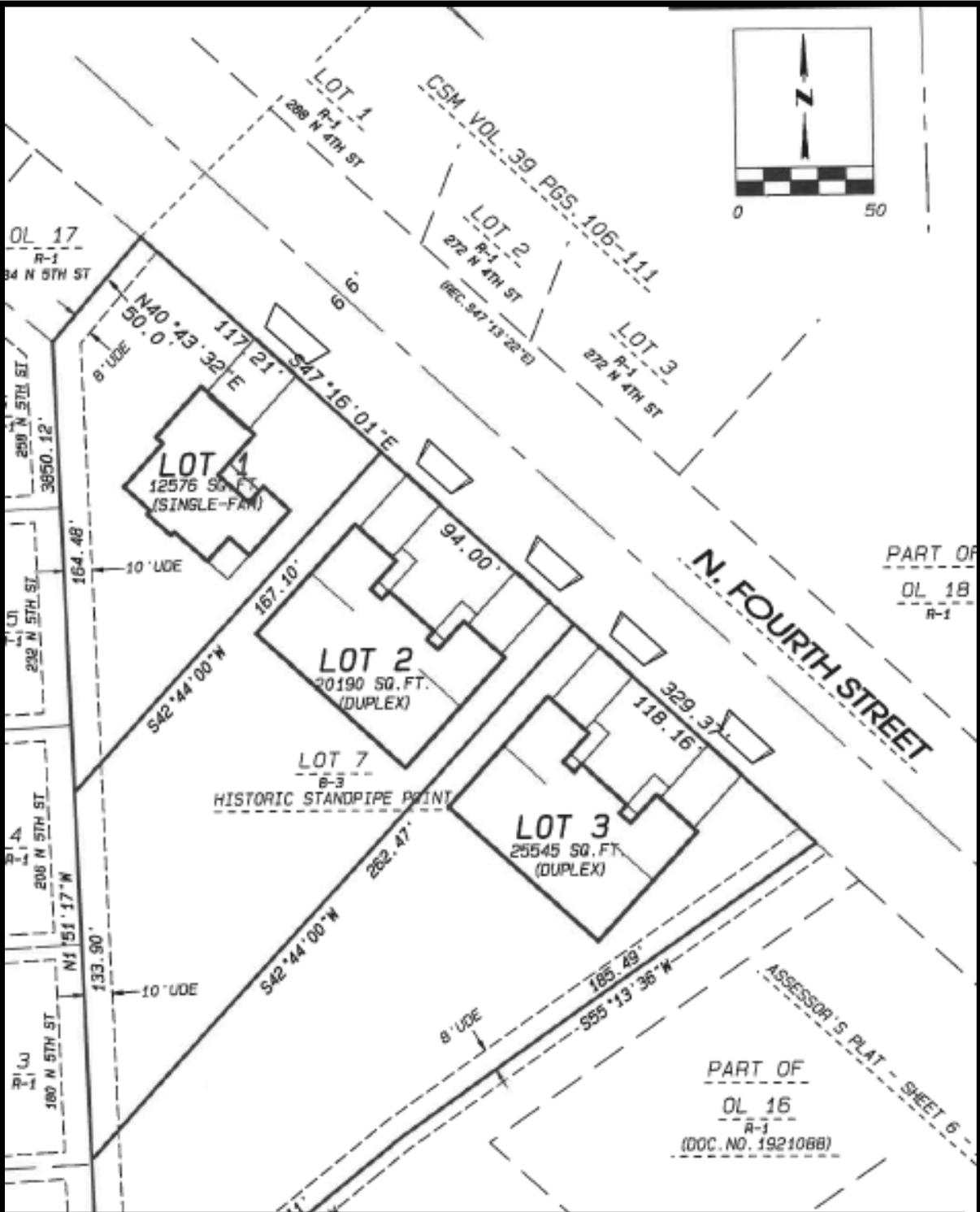
- Parking is not allowed in setback areas for any use in the B-1 zoning district. Any building built along Fourth Street will need to have its parking in the back or to the side of any proposed building.
- **Lot Density.** Per the Smart Growth Plan, the Mixed Use future land use category proposes a low end of 6 units per acre for new development. If this concept plan were adopted, the whole of Historic Standpipe Point would yield about 3.9 units per acre. While this is above the City's estimated total housing unit density of 3.66 units per acre, staff believe the site can yield more units. To meet the Mixed Use goal of 6 units per acre throughout the Historic Standpipe Plat, 11 units would need to be built Lot 7.
  - **Brown School Plaza:** 6.8 units per acre
  - **Morningridge Condominiums:** 5.3 units per acre

The developer shares that their hesitation to build dense development include the cost of site grading and a belief that a multistory unit with stairs would not appeal to end users. Staff acknowledges that there is an area of steep terrain, particularly on the northern edge of the parcel, but similar sites in the area (The Heights) have overcome this issue by filling and leveling the site.

In light of recent discussions regarding housing need in and around Evansville, staff is seeking Plan Commissioner feedback on the concept plan. Staff will then share those with the developer.

### Next Steps for Developer

- Submit a rezoning application for Lot 7 for B-1 zoning.
- Consider seeking an architect to assist with site design.
- Adjust layout of buildings to provide shared driveway access.



Staff Notes:

- This concept shows 5 units each with an individual driveway. Garages are in the front yard area of the unit.
- Building footprints are similar to other recently built single family and duplex units on the west side of the City.
- This is the preferred concept of the developer.



## AGENDA ITEM 8A

The May 7, 2024 Plan Commission meeting includes a discussion and review of existing City policies regarding housing. Plan Commission members will discuss the goals and policies of the City's Comprehensive Plan.

Please follow the link below to access the following chapters and maps of the Comprehensive Plan:

[Housing](#)

[Existing Land Use](#)

[Future Land Use](#)

[Future Land Use Map](#)

[Natural Features and Development Challenges Map](#)

[Sanitary Sewer Service Area Map](#)

## AGENDA ITEM 8A

### DIVISION 15. RESIDENTIAL DISTRICT ONE (R-1)

#### **Sec. 130-981. Purpose and intent.**

The purpose of the R-1 district is to provide a means of obtaining the residential goals and objectives of the Smart Growth Comprehensive Plan. The R-1 district is intended to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites. The intent of this district is to provide a traditional neighborhood character for single- and two-family detached dwellings at densities which are served by public sewer and other basic community services.

(Code 1986, § 17.39(1), Ord. 2020-13)

#### **Sec. 130-982. Uses permitted by right.**

The following uses are permitted in the R-1 district:

- (1) One single-family dwelling unit. One or more private garages for each residential lot. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (2) Places of worship and all affiliated uses, all grade schools, libraries, water storage facilities and related structures.
- (3) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (4) Public parks and playgrounds and recreational and community center buildings and grounds.
- (5) Accessory buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may exceed 200 square feet.
- (6) Uses customarily incidental to any of the uses listed in subsections (1)--(5) of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (7) Not over four boarders or lodgers not members of the family.
- (8) Greenhouses.
- (9) Home occupation, when meeting all of the criteria of section 130-531.
- (10) Family day care home (per section 130-532)
- (11) Community living arrangement (one to eight residents) (per section 130-377).

## AGENDA ITEM 8A

- (12) One two-family dwelling unit, subject to site plan approval, only on those lots denoted for such use on the face of a final subdivision plat or certified survey map which were approved by the common council after September 30, 2005. One or more private garages may be provided for each residential unit as provided for in this subsection. The total area of any attached garages for each residential unit shall not exceed the area of the foundation of the residential unit. The total area of any detached garages for each residential unit shall not exceed the area of the foundation of the residential unit. In addition, the total area of the private garage(s) for each residential unit shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (13) Accessory Dwelling Unit as defined in Section 130-6 that is also located within or adjacent to a city designated Historic Conservation Overlay District or locally landmarked/plaques parcel.

(Code 1986, § 17.39(2); Ord. No. 2002-4, § 12, 4-9-2002; Ord. No. 2003-7, § 7, 10-14-2003, Ord. 2005-28, Ord. 2005-38, Ord. 2016-18, Ord. 2020-13, Ord. 2023-15)

### **Sec. 130-983. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the R-1 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Two-family dwelling units, and one or more private garages for each residential unit. The total area of any attached garages for each residential unit shall not exceed the area of the foundation of the residential unit. The total area of any detached garages for each residential shall not exceed the area of the foundation of the residential unit. In addition, the total area of the private garage(s) for each residential unit shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (2) Home occupation, which does meet all of the criteria of section 130-531.
- (3) Public buildings such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages, or storage areas.
- (4) Institutions of a charitable or philanthropic nature; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (5) Telecommunications and electric transmission and distribution lines, buildings or structures.
- (6) Indoor institutional uses (per section 130-373) and indoor residential uses (per section 130-376).
- (7) Day care centers and nursery schools (less than 9 children).

## AGENDA ITEM 8A

- (8) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (9) Bed and breakfast establishments, subject to the following restrictions:
- (10) Off-street parking. At least one space shall be provided by the operator for every one to two rooms being rented and two spaces for every three and four rooms being rented.
- (11) Signs. A sign no larger than four square feet in size will be allowed on the property, with the location and design of the sign to be subject to the approval of the police chief and historic preservation commission, respectively.
- (12) Community living arrangement (nine to 15 residents) (per section 130-378).
- (13) Railroad line (per section 130-485).
- (14) Single-family dwelling units with an above-grade floor area of at least 800 and less than 1,000 square feet.

(Code 1986, § 17.39(3); Ord. No. 2002-4, § 13, 4-9-2002; Ord. No. 2003-7, § 8, 10-14-2003, Ord. 2005-23, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21, Ord. 2020-13)

### **Sec. 130-984. Requirements for all uses.**

Within the R-1 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Setbacks and Building Separation
  - a. Minimum front and street side yard setback: 25 or 20 feet when alternate standards are met (see Sec. 130-984(3)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8 feet, total of 20 feet on both sides or 8 feet when alternate standards are met (see Sec. 130-984(3)).
  - e. Minimum side yard setback:
  - f. Occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
  - g. Driveway side and rear yard setbacks: 3 feet.
- (3) Alternative setback standards referenced in this section may be used when any of the two following standards are met:
  - a. Linear garage frontage does not exceed 40% of the building's front elevation.
  - b. Building is a two-story structure.
  - c. Front Porch at least 25 square feet in size .
  - d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
  - e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
- (4) Detached ADU, garage and accessory building side yard and street side yard

## AGENDA ITEM 8A

setback:

- a. 3 feet for side yards, five (5) feet for ADUs only.
  - b. 20 feet for street side yards.
  - c. Five (5) feet for rear yards.
- (5) Minimum lot width at front setback line: 70 feet for lots platted after December 31, 2000; 60 feet for lots platted before January 1, 2001.
  - (6) Minimum lot frontage on public road: 50 feet.
  - (7) Minimum lot area for single-family dwelling: 8,000 square feet for lots platted after December 31, 2000; 6,000 square feet for lots platted before January 1, 2001.
  - (8) Minimum lot area for two-family dwelling: 10,000 square feet for lots platted after December 31, 2000; 8,000 square feet for lots platted before January 1, 2001.
  - (9) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.
  - (10) Minimum floor area for two-family dwelling: 700 square feet per unit.
  - (11) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
  - (12) Buildings and Structures Lot Coverage Standards
    - a. Maximum lot coverage by impervious surfaces shall be forty five percent (45%) of lot area.
    - b. Maximum front yard coverage by impervious surfaces shall be forty five percent (45%) of lot area, provided maximum lot coverages are not exceeded.
    - c. Maximum linear garage coverage, as measured across the street facing façade, on a building's front elevation shall be fifty five percent (55%)
    - d. Front facing façade of garage recessed from, or no more than, eight (8) feet offset from primary façade at ground level.
    - e. Maximum Driveway Width at sidewalk of twenty (20) feet.
    - f.

(Code 1986, § 17.39(4); Ord. No. 2003-9, § 4, 9-9-2003; Ord. No. 2003-11, § 4, 10-14-2003, Ord. 2004-2, Ord. 2005-1, Ord. 2005-9, Ord. 2005-50, Ord. 2007-21, Ord. 2012-16, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)

### **Sec. 130-985. Uses permitted that meet special regulations.**

The following special uses shall be allowed in the R-1 district subject to special regulations:

- (1) Chicken Keeping, which meets the special use regulations outlined in Section 130-541.

### **Secs. 130-986--130-1000. RESERVED**

## AGENDA ITEM 8A

### DIVISION 16. RESIDENTIAL DISTRICT TWO (R-2)

#### **Sec. 130-1002. Uses permitted by right.**

The following uses are permitted in the R-2 district:

- (1) Single-family dwellings.
- (2) Two-family dwellings (per section 130-324).
- (3) Two-family twin dwellings (per section 130-323).
- (4) Places of worship and all affiliated uses, all grade schools, libraries and hospitals, water storage facilities and related structures.
- (5) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (6) Public parks, playgrounds, and recreational and community center buildings and grounds.
- (7) One or more private garages and one accessory building clearly incidental to the residential use of the property; provided, however, that no accessory building may exceed 200 square feet. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (8) Uses customarily incidental to any of the uses listed in subsections (1)--(6) of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (9) Not over four boarders or lodgers not members of the family.
- (10) Home occupation, when meeting all of the criteria of section 130-531.
- (11) Community living arrangement (one to eight residents) (per section 130-377).
- (12) Community living arrangement (nine to 15 residents) (per section 130-378).
- (13) Family day care home (per section 130-532)

(Code 1986, § 17.40(2); Ord. No. 2002-4, § 14, 4-9-2002; Ord. No. 2003-7, § 9, 10-14-2003, Ord. 2005-28, Ord. 2012-02, Ord. 2020-13, Ord. 2023-15)

#### **Sec. 130-1003. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the R-2 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Home occupation, which does not meet all of the criteria of section 130-531.

## AGENDA ITEM 8A

- (2) Public buildings such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages or storage areas.
- (3) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (4) Telephone, telegraph and electric transmission lines, buildings or structures.
- (5) Indoor institutional uses (per section 130-373) and indoor residential uses (per section 130-376).
- (6) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (7) Three-family and four-family dwelling units.
- (8) Group day care center (nine or more children). (per section 130-413)
- (9) Railroad line (per section 130-485).

(Code 1986, § 17.40(3), Ord. 2005-23, Ord. 2005-44, 2007-21, Ord. 2023-15)

### **Sec. 130-1004. Requirements for all uses.**

Within the R-2 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Setbacks and Building Separation
  - a. Minimum front yard and street side yard setback: 25 feet or 20 feet when alternate standards are met (see Sec.130-1004(8)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8feet, total of 20 feet on both sides.
  - e. Detached garage and accessory building side yard and street side yard setback:
    1. 3 feet for side yards.
    2. 20 feet for street side yards.
    3. 5 feet for rear yards.
- (3) Minimum lot width at front setback line: 90 feet for lots platted after December 31, 2000; 60 feet for lots platted before January 1, 2001. Two-family twin lots shall have a minimum of 35 feet per lot.
- (4) Minimum lot frontage on public road: 75 feet, except that two-family twin lots shall have a minimum of 25 feet per lot.
- (5) Minimum lot area:
  - a. Single-family: 8,000 square feet for lots platted after December 31, 2000;

## AGENDA ITEM 8A

- 6,000 square feet for lots platted before January 1, 2001.
  - b. Two-family: 10,000 square feet for lots platted after December 31, 2000; 8,000 square feet for lots platted before January 1, 2001.
  - c. Two-family twin: 5,000 square feet per lot.
  - d. Three-family: 12,000 square feet.
  - e. Four-family: 14,000 square feet.
- (6) Minimum side yard setback:
- a. Single-family, two-family, three-family, and four-family: 8 feet; total 20 feet on both sides.
  - b. Two-family twin: Zero feet on the interior (common wall) lot line. 10 feet on exterior side lot lines or 8 feet on both sides when alternate standards are met (see Sec.130-1004(8)).
  - c. Detached occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
  - d. Driveway side and rear yard setbacks: 3 feet.
- (7) Maximum front yard and street side yard setback: 30 feet.
- (8) Alternative setback standards referenced in this section may be used when any of the two following standards are met:
- a. Linear garage frontage does not exceed 40% of the building's front elevation.
  - b. Building is a two-story structure.
  - c. Front Porch at least 25 square feet in size.
  - d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
  - e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
- (9) Usable open space: Usable open space shall be provided on each lot used for multifamily dwellings of three or more units. Usable open space shall compose at least 25 percent of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, drives or drainageways.
- (10) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
- (11) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.
- (12) Buildings and Structures Lot Coverage Standards
- a. Maximum lot coverage by impervious surfaces shall be fifty percent (50%) of lot area.
  - b. Maximum front yard coverage by impervious surfaces shall be fifty percent (50%) of lot area, provided maximum lot coverages are not exceeded.

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- c. Maximum linear garage coverage on a building's front elevation shall be fifty five percent (55%)
- d. Front facing façade of garage recessed from, or no more than eight (8) feet offset from primary façade at ground level.
- e. Maximum Driveway Width at sidewalk of 20 feet.

(Code 1986, § 17.40(4); Ord. No. 2003-9, § 5, 9-9-2003; Ord. No. 2003-11, § 5, 10-14-2003, Ord. 2005-1, Ord. 2005-9, Ord. 2005-50, Ord. 2007-21, Ord. 2012-02, Ord. 2012-16, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)

**Secs. 130-1005--130-1020. Reserved.**

## AGENDA ITEM 8A

### DIVISION 17. RESIDENTIAL DISTRICT THREE (R-3)

#### **Sec. 130-1021. Purpose and intent.**

The purpose of the R-3 district is to provide a means of obtaining the residential goals and objectives of the Smart Growth Comprehensive Plan. The R-3 district is intended to protect and enhance the character and value of residential areas primarily occupied by varied dwelling types of moderate density and to accommodate areas planned for new residential development of moderate density.

(Code 1986, § 17.41(1), Ord. 2023-15)

#### **Sec. 130-1022. Uses permitted by right.**

The following uses are permitted in the R-3 district:

- (1) Places of worship and all affiliated uses, all grade schools, libraries and hospitals, water storage facilities and related structures.
- (2) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
- (3) Public parks, playgrounds, and recreational and community center buildings and grounds.
- (4) One or more private garages and one accessory building per principal building clearly incidental to the residential use of the property. Additionally:
  - a. No accessory building may exceed 200 square feet.
  - b. The total area of any attached garages shall not exceed the area of the foundation of the dwelling.
  - c. The total area of any detached garages shall not exceed the area of the foundation of the dwelling.
  - d. The total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (5) Uses customarily incidental to any of the uses listed in subsections (1)--(5) of this section, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (6) Not over four boarders or lodgers not members of the family.
- (7) Multiple-family dwellings up to four units.
- (8) Roominghouses, boardinghouses or lodging houses for not more than 15 roomers or boarders.
- (9) Home occupation, when meeting all of the criteria of section 130-531.
- (10) Community living arrangement (one to eight residents) (per section 130-377).
- (11) Community living arrangement (nine to 15 residents) (per section 130-378).
- (12) Family day care home (per section 130-532).

(Code 1986, § 17.41(2); Ord. No. 2002-4, § 15, 4-9-2002; Ord. No. 2003-7, § 10, 10-14-2003, Ord. 2005-28, Ord. 2023-15)

#### **Sec. 130-1023. Uses permitted as conditional use.**

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The following conditional uses shall be allowed in the R-3 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Home occupation, which does not meet all of the criteria of section 130-531.
- (2) Public buildings, such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages or storage areas.
- (3) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (4) Telephone, telegraph and electric transmission lines, buildings or structures.
- (5) Indoor institutional uses (per section 130-373) and indoor recreational uses (per section 130-376).
- (6) Group day care center (per section 130-413)
- (7) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (8) Multiple-family dwellings greater than four units and multiple-family dwellings where there are more than one principal-land-use structures on the same lot.
- (9) Community living arrangement (16 or more residents) (per section 130-379).
- (10) Railroad line (per section 130-485).

(Code 1986, § 17.41(3), Ord. 2005-1, Ord. 2005-23, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21, Ord. 2023-15)

### **Sec. 130-1024. Requirements for all uses.**

Within the R-3 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Minimum front and street side yard setback: 20 feet.
- (3) Maximum front yard and street side yard setback: 25 feet for building closest to street.
- (4) Minimum rear yard setback: 25 feet.
- (5) Minimum side yard setback: 10 feet per side
- (6) Detached garage and accessory building side yard and street side yard setback:
  - a. 3 feet for side yards.
  - b. 20 feet for street side yards.
- (7) Minimum lot width at setback line: 70 feet.
- (8) Minimum building separation: 10 feet
- (9) Minimum lot frontage on public road: 50 feet.
- (10) Minimum lot area:
  - a. Single-family: 8,000 square feet.
  - b. Two-family: 10,000 square feet.
  - c. Multifamily dwelling units between two and four units: 3,000 square feet per unit.
  - d. Units containing more than four dwelling units: 2,500 square feet per unit.
- (11) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure
- (12) Minimum above-grade floor area for a dwelling unit: 1,000 square feet.

## AGENDA ITEM 8A

**Sec. 130-1025. Requirements for multifamily developments.** This section applies to multifamily buildings with more than four units and/or with more than one principal land use structure on a single lot:

- (1) Buildings shall have primary entrances that face the front or street side right-of-way and connect to City sidewalk with a pedestrian walk.
- (2) Parking Areas
  - a. Minimum paved surface setback: 5 feet from side or rear, 10 feet from street.
  - b. Parking areas and/or garages are not permitted in front or side yards.
  - c. Parking areas with drives in excess of 100 feet should be inter connected.
- (3) Usable open space: Usable open space shall be provided on each lot used for multifamily dwellings. Usable open space shall compose at least 25 percent of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for enjoyment by occupants of the development, but shall not include public or private streets, drives or drainageways.
- (4) Each unit must have its own dedicated outdoor area (such as a patio or balcony) of at least 24 square feet. The total of these dedicated outdoor areas may be used towards the usable open space requirement in (c) above.
- (5) Outdoor refuse and recyclable storage areas shall be located on a concrete pad and surrounded by a fence or enclosure constructed of durable, weatherproof materials that match or compliment the materials used on the principal structures.
- (6) Building size and massing shall be compatible with other structures on the lot and of those on adjoining properties.
- (7) Building materials and exterior roofing shall be compatible with materials and colors with other buildings on the lot and on adjoining properties. Building materials shall include at least 50% durable materials (such as stone, clay or masonry brick, decorative concrete masonry) on street facing facades.
- (8) Mailbox installations shall comply with USPS regulations and are not permitted on City-owned parcels or within the right-of-way.
- (9) City Staff or Plan Commission may require building orientation to be adjusted to meet site-specific concerns or address aesthetic considerations of nearby properties.

(Code 1986, § 17.41(4); Ord. No. 2003-9, § 6, 9-9-2003; Ord. No. 2003-11, § 6, 10-14-2003, Ord. 2007-21, Ord. 2012-16, Ord. 2023-15)

**Secs. 130-1026--130-1040. Reserved.**

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## DIVISION 27. TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

### Sec. 130-1237a. Definitions

*Accessory dwelling unit (ADU)* means a second dwelling unit that is located on the same lot as a principal dwelling unit. Characteristically, an ADU is subordinate to the principal dwelling unit. An ADU may be attached to the principal dwelling unit, detached, or located in another building (e.g., above a garage).

*Between-lot walkway* means a walkway situated between two tracts of land. (Figure 1)

*Block* means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

*Building scale* means the relationship between the mass of a building and its surroundings; including streets, open spaces, and surrounding buildings. Mass is the three-dimensional bulk of a structure: height, width, and depth.

*Build to line* means the line to which construction of a building, excluding porches, bay windows, decks, is to occur. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

*Comprehensive plan* means the plan for the physical development of the city, adopted by the city pursuant to Wisconsin Statutes, Sections 62.23 and 66.1001.

*Curb extension* means an extension of a sidewalk into a roadway. Curb extensions are typically used at mid-block crosswalks or at street intersections to shorten the length of the crosswalk and to provide increased safety and visibility for pedestrians and motorists. (Figure 2)

*Curb radius* means the radius of the circle formed by the curve of the curb at the corner.

*Lot width* means the horizontal distance between side lot lines as measured at the minimum front yard setback required in the zoning district in which the lot

Figure 1. Between-Lot Walkway



Figure 2. Curb Extension at a Street Intersection



Figure 3. Roundabout Intersection



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is located.

*Mixed-use area* means a portion of a traditional neighborhood development district where residential and nonresidential land uses, such as commercial, civic, institutional, and governmental are placed in close proximity to one another.

*Mixed-use building* means a multistory building with businesses on the first floor (at grade) and offices and dwelling units on the upper floors.

*Neighborhood development plan* means a city, developer, or property owner prepared plan for the future development of a part of the community, and including the proposed land use pattern, zoning, street alignments, lot patterns, locations of utilities and public buildings, parks, open spaces, environmental corridors, trails, and a development phasing timetable.

*Roundabout intersection* means a street intersection designed without traffic control lights where traffic continues around a raised circular area in a counter clockwise direction. It acts like a series of “T” intersections with right-in and right-out turning movements. In contrast to a traffic circle, a roundabout is intended to substitute for a stop sign or traffic lights. (In contrast see traffic circle.) (Figure 3)

*Speed hump* means a raised section of a roadway that is perpendicular to the flow of traffic and which is designed to decrease the speed of motor vehicles.

*Street terrace* means that area between the back of a curb (or the edge of pavement where there is no curb) and the property boundary line.

*Traffic circle* means a small-diameter feature placed in an uncontrolled intersection where drivers proceed around it in a counter clockwise direction. Traffic circles are primarily intended to slow down, not necessarily to regulate the flow of traffic at the intersection. (In contrast see roundabout.)

*Work-live unit* means a building or portion thereof that houses a commercial activity (e.g., office, retail, artisan shop), which occupies the majority of the space, and a living quarters for the business operator.

## Sec. 130-1237b. General design principles

Development projects in the Traditional Neighborhood Development (TND) district shall observe the following general design principles:

### Exhibit 1. Examples of Housing Types

Single family detached



Accessory housing unit



Twin home / duplex



Townhouses



Multi-family



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- (1) There is a mix of land uses, including residential, commercial, civic, and open space uses in close proximity to one another.
- (2) There is a variety of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.
- (3) Buildings are designed for the human scale (sizes of buildings in proportion to sizes of people).
- (4) Buildings are placed comparatively close to the street.
- (5) Each neighborhood has a focal point which may consist of a significant civic space and /or commercial activity node.
- (6) Streets are relatively narrow and shaded by rows of trees.
- (7) Streets, sidewalks, and paths form an interconnected network of travel.
- (8) Playgrounds and other types of parks are within walking distance of residential units.

### **Sec. 130-1237c. Minimum project size**

All projects developed in this district shall consist of at least 10 acres if not adjoining another TND project or if not adjoining a part of the city where the development pattern generally meets the general intent of this division. The plan commission may allow the submission of an application upon written petition for projects greater than 5 acres but less than 10 acres. If a development project adjoins another project and represents an extension of that project, or if a development project adjoins a part of the city that meets the general intent of this division, there shall be no minimum project size.

### **Sec. 130-1237d. Character of land included in a traditional neighborhood development (TND) district**

The land within a traditional neighborhood development district may include one parcel or multiple parcels. If the district contains multiple parcels, they may be owned, leased, or controlled either by a single person or by any number of persons.

### **Sec. 130-1237e. Land uses**

Those land uses in Table 130-1237e that are listed as permitted may be permitted in the district subject to the general guidelines in this section and as specified in the master development plan. Those uses that are listed as a conditional use may be permitted subject to the conditional use process in Article II, Division 5 of the zoning code (chapter 130). The following standards shall apply:

- (1) Commercial land uses shall be located at one or more nodes.
- (2) Projects exceeding 10 acres but less than 20 acres shall include two or more of the residential uses permitted in the district.
- (3) Projects that are 20 acres or larger shall include three or more of the residential uses permitted in the district.

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- (4) At least 15 percent of the gross land area shall be set aside as permanently protected common open space, such as public parks, environmental corridors, trails, protected natural areas, and private parks that are permanently restricted from non-recreational development. Small neighborhood parks, playgrounds, and squares should be integrated into the development, while large outdoor recreation areas should generally be located at the periphery.
- (5) A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs.
- (6) At least 90 percent of the residences shall be within ¼ mile from a permanently protected common open space area.
- (7) At least 75 percent of the residences shall be within ¼ mile from a mixed-use area within or outside of the project. At least 75 percent of the developed portion of the project shall be allocated for residential purposes. The remaining portion may be used for commercial, institutional, and governmental land uses.
- (8) Alley-loaded lots are the predominate type of residential lot. Front-loaded lots may be situated around the perimeter of the project and in those areas in the project where it is not possible to use alley-loaded lots.

**Table 130-1237e. Land Uses.**

<b>Agricultural uses</b>		
Cultivation	130-341	P
Husbandry	130-342	-
Intensive agriculture	130-343	-
Agricultural service	130-344	-
On-site agricultural retail	130-345	-
Selective cutting	130-346	P
Clear cutting	130-347	C
<b>Residential uses</b>		
Single-family, detached		P
Twin homes		P
Duplex units	130-322	P
Multi-family units (3 – 4 units)		P
Multi-family units (5 – 8 units)		P
Multi-family units (9 and more units)		P
Accessory dwelling unit		C
<b>Institutional uses</b>		
Passive outdoor public recreational uses	130-371	P

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**Table 130-1237e. Land Uses.**

Active outdoor public recreational uses	130-372	P
Indoor institutional uses	130-373	P
Outdoor institutional uses	130-374	C
Public services and utilities	130-375	P
Institutional residential uses	130-376	C
Community living arrangement (1—8 residents)	130-377	P
Community living arrangement (9—15 residents)	130-378	P
Community living arrangement (16+ residents)	130-379	P
<b>Commercial uses</b>		
Office	130-401	P [1]
Personal or professional service	130-402	P [1]
Indoor sales or service	130-403	P [1]
Outdoor display	130-404	-
Indoor maintenance service	130-405	P [1]
Outdoor maintenance service	130-406	-
In-vehicle sales or service	130-407	-
Indoor commercial entertainment	130-408	P [1]
Outdoor commercial entertainment	130-409	-
Commercial animal boarding	130-410	-
Commercial indoor lodging	130-411	-
Group day care center (9+ children)	130-413	C
Campground	130-414	-
Boardinghouse	130-415	-
Sexually oriented land use	130-416	-
Vehicle repair and maintenance	130-417	-
Group development	130-418	C
Gas station/convenience	130-419	C

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**Table 130-1237e. Land Uses.**

store/food counter		
Carwash	130-420	-
Large format retail store	130-422	-
<b>Mixed uses</b>		
Mixed use building		P
Work-live unit		P
<b>Storage or disposal uses</b>		
Indoor storage or wholesaling	130-451	-
Outdoor storage or wholesaling	130-452	-
Personal storage facility	130-453	-
Junkyard or salvage yard	130-454	-
Waste disposal facility	130-455	-
Composting operation	130-456	-
<b>Transportation uses</b>		
Off-site parking lot	130-481	-
Airport/heliport	130-482	-
Freight terminal	130-483	-
Distribution center	130-484	-
Railroad line	130-485	C
<b>Industrial uses</b>		
Light industrial uses	130-501	-
Heavy industrial uses	130-502	-
Communication tower	130-503	-
Extraction use	130-504	-
<b>Accessory uses</b>		
Bed and breakfast establishment	130-412	C
Farm residence	130-523	-
Private residential garage or shed	130-524	P
Company cafeteria	130-525	-
Company-provided on-site recreation	130-526	-
Outdoor display incidental to	130-527	-

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**Table 130-1237e. Land Uses.**

indoor sales and service		
In-vehicle sales and service	130-528	-
Indoor sales incidental to light industrial use	130-529	-
Light industrial use incidental to indoor sales	130-530	-
Home occupation (conventional)	130-531	P
Home occupation (nonconventional)	130-531	C
Family day care home (4 - 8 children)	130-532	P
Intermediate day care home (9 – 15 children)	130-533	-
Migrant labor camp	130-534	-
On-site parking lot	130-535	P
Exterior communication device	130-536	P
Drive-in financial institution	130-537	-
Outdoor commercial food and beverage service	130-538	C
Outdoor furnace	130-539	-
<b>Temporary uses</b>		
General temporary outdoor sales	130-561	-
Outdoor assembly	130-562	-
Contractor's project office	130-563	P
Contractor's on-site equipment storage	130-564	P
Relocatable building	130-565	-
On-site real estate sales	130-566	P
Seasonal outdoor sales of farm products	130-567	-
Sidewalk café	130-568	C

Key: Uses allowed by right are indicated with a “P” and conditional uses are indicated with a “C”.

Notes: 1. The floor area of an individual business

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### Table 130-1237e. Land Uses.

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shall be less than 6,000 square feet.

### Sec. 130-1238a. Dimensional requirements.

Lots shall generally conform to the standards in Table 130-1238a for lot area and build to line. Side yard and rear yard setbacks and lot width shall comply with the approved master plan and project narrative, which shall be construed to be a part of this division.

**Table 130-1238a. Dimensional standards**

	<b>Minimum and Maximum Lot Area</b>	<b>Minimum and Maximum Build To Line</b>
Single-family, detached (front-loaded)	5,000 to 6,500 square feet	8' to 14'
Single-family, detached (alley-loaded)	4,500 to 6,500 square feet	8' to 14'
Duplex and twin house	3,000 to 5,000 square feet per dwelling unit	8' to 14'
Townhouse	3,500 square feet per dwelling unit	12' to 16'
Multi-family	700 square feet for each one-bedroom dwelling unit, plus 300 square feet of lot area for each additional bedroom	14' to 18'

### Sec. 130-1238b. Blocks

(a) *Design considerations.* Blocks shall be designed to:

- (1) create street continuity and an interconnected street network,
- (2) foster bicycle and pedestrian travel,
- (3) assure traffic safety,
- (4) accommodate the special needs of the use contemplated, and
- (5) take advantage of the opportunities or constraints posed by topography or natural features.

(b) *Single- and double-tier blocks.* Blocks with one tier of lots may be located on the perimeter of the project or within the interior of the project when the lots front on a common green space or similar feature. Elsewhere, blocks shall consist of two tiers of

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lots.

(c) *Block dimensions.* A double-tier block shall not be longer than 800 feet or less than 400 feet, except where necessary due to topography or other natural feature. The length of a single-tier block on the perimeter of the subdivision shall conform to the standards of a double-tier block, except when the street network from a previously developed area cannot be carried over into the proposed subdivision or when a street from the proposed subdivision can not be carried over into the abutting vacant land due to topography and other similar factors. When a single-tier block fronts on a linear green space that is narrower than 3 times the average width of the lots in the block, the block length shall not exceed 1,600 linear feet. There is no limitation on the length of a single-tier block fronting on a non-linear green space (e.g., park, open space).

(d) *Between-Lot Walkway.* The city may require a between-lot walkway within an easement or public right-of-way when needed to provide pedestrian access to public amenities, commercial or employment centers, or other pedestrian-oriented areas. Such walkways shall be well-lit to provide visibility.

### **Sec. 130-1238c. Circulation requirements.**

(a) *Generally.* The circulation system shall be designed to:

- (1) allow for different modes of transportation;
- (2) provide functional and visual links among the residential areas, mixed-use area, and open space areas within the TND;
- (3) connect to existing and proposed development outside the TND;
- (4) provide adequate traffic capacity;
- (5) provide connected pedestrian and bicycle routes including off-street paths or bicycle lanes on streets;
- (6) control through traffic;
- (7) limit direct lot access on streets with higher expected traffic volumes; and
- (8) promote safe and efficient mobility.

(b) *Pedestrian circulation.* Convenient and continuous pedestrian circulation systems, including walkways and paths, that minimize pedestrian-motor vehicle conflicts shall be provided throughout the TND. Where feasible, any existing pedestrian routes through the site shall be preserved, enhanced, or relocated if necessary. Streets, except for alleys, shall be bordered by a sidewalk on both sides except that the plan commission may, in its discretion, permit a sidewalk to be constructed on only one side of a street if, and only if, the other side of the street is occupied by common open space. Clear and well-lighted walkways shall connect entrances for multi-family residential and non-residential buildings to the adjacent public sidewalk and to associated parking areas. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges, raised pavement, or striping. Curb extensions, median refuges, and other related techniques shall also be incorporated along collector streets and at key intersections to shorten the pedestrian-crossing distance.

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(c) *Motor vehicle circulation.* Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic circles, medians, speed humps, and on-street parking are encouraged to slow traffic speeds. Arterial streets should generally not bisect a TND. Collector streets within the TND are intended to carry traffic from minor streets to arterial streets, include the principal entrance street to a residential development component, and may be subject to access controls. Minor streets are intended to be used primarily for access to abutting properties, and are usually not subject to access controls. Alleys are special public ways affording secondary access to the rear of abutting properties. Streets and alleys shall meet the standards enumerated in the master development plan.

(d) *Street layout.* The street layout in the TND district shall maintain the existing street grid, where present, and restore any disrupted street grid where feasible. The orientation of streets shall enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, minimize street gradients, and minimize the use of double frontage lots. Notwithstanding section 110-159, all streets shall extend through the development or terminate at other streets, except minor streets may temporarily “dead end” when such streets will connect to future phases or other sites outside the TND and may permanently terminate in a cul-de-sac only where there will be a through connection via a pedestrian way or bicycle path at the end.

### **Sec. 130-1238d. Parking Requirements.**

All TNDs shall meet the parking and loading requirements found elsewhere in this chapter, except that the city may allow adjacent on-street parking within a TND to apply toward the minimum parking requirements. For multi-family buildings and in the required mixed-use area, shared use parking lots are encouraged, off-street parking lots may not be adjacent to or opposite from a street intersection, and parking lots shall be located to the rear or sides of buildings. The edges of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped and curbed, particularly where the parking lot is located to the side of a building.

Parking lots containing more than 30 spaces shall be broken up into smaller pods with not more than 30 spaces each, with the pods separated from one another by landscaped areas or buildings. Site plans shall provide a direct route to service or loading dock areas, while minimizing the movement of loading vehicles through parking areas. Reduction of impervious surfaces through the use of pervious pavement and interlocking pavers is encouraged, particularly for remote parking lots and parking areas for periodic uses.

### **Sec. 130-1238e. Other requirements.**

(a) *Street lighting.* Street lighting shall be provided on both sides of all streets at intervals of no greater than 75 feet. More, smaller streetlights as opposed to fewer, higher intensity lights should be used.

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(b) *Utilities.* All new public and private utility installations shall be placed underground, except that above-ground service pedestals may be used. Utilities shall be located in alleys as they may be incorporated into the project design.

(c) *Street trees.* On average, at least one tall deciduous tree or one climax tree shall be planted within the street terrace for each 50 feet of street frontage. Street trees shall be evenly spaced within the terrace, but may be clustered or adjusted to achieve a particular design objective or account for traffic visibility, curb openings, street lighting, and other obstructions. Street trees shall generally be located between the sidewalk and the curb and within the landscaped area of a boulevard. If placement of street trees within the right-of-way will interfere with pre-existing utility lines, trees may be planted within the private street yard adjacent to the sidewalk. The developer shall purchase and plant such trees at its expense, although such trees should be planted after buildings have been constructed. The developer may enter into agreements with lot purchasers requiring lot purchasers to plant such trees, but if a lot purchaser fails to do so, it continues to be the developer's obligation to plant such trees.

(d) *Existing structures.* Existing structures, if determined to be historic, architecturally, or culturally significant, shall be protected from demolition or encroachment by incompatible structures or land development, to the extent reasonably practical. The U.S. Secretary of the Interior's "Standards for Rehabilitation of Historic Properties" shall be used as criteria for renovating significant structures. The Historic Preservation Commission shall review such proposals and provide its recommendation to the Plan Commission.

### **Sec. 130-1239a. Application review procedure**

TND districts shall be established using the procedure for planned development districts in Section 130-1044 of the Municipal Code.

### **Sec. 130-1239b. Extension of review period**

(a) *Generally.* Prior to the final decision of the common council, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information.

(b) *Procedure.* If the common council approves the extension, the plan commission will rehear the amended application with appropriate notice.

(c) *Extension requirements.* Unless otherwise stated in writing, an extension request automatically extends the review period to 30 days beyond the date when the plan commission hears the amended application.

### **Sec. 130-1239c. Imposition of conditions**

The plan commission may recommend and the common council may impose such conditions and restrictions as may be necessary to grant approval. Such conditions and restrictions may relate to any of the factors it considered in reaching its recommendation or decision. In addition, the plan commission may recommend and the common council

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may require the provision of off-site exactions that may be necessary to approve the application.

### **Sec. 130-1239d. Basis of decision**

The plan commission in making its recommendation and the common council in making its decision shall, at a minimum, consider the following factors:

- (1) consistency of the project with the city's comprehensive plan and neighborhood plan or other subarea plan, if any
- (2) character and intensity of non-residential land uses in the project
- (3) character and density of residential land uses in the project
- (4) effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site
- (5) effects of the project on the natural environment
- (6) effects of the project on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances
- (7) overall appearance of the project
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the district
- (9) the extent to which the proposed design of the buildings and other structures are compatible with the desired character of the surrounding area
- (10) appropriateness of the proposed development schedule, if any, given the scope of the project
- (11) effects on necessary public services, including public schools
- (12) adequacy of existing and planned public and private infrastructure that may be needed to support the project, including water and wastewater, stormwater management, and streets

### **Sec. 130-1239e. Application form and content**

The application submittal shall include the following:

- (1) an application form as may be used by the city;
- (2) a master development plan of the project prepared at an appropriate scale and containing the information listed in Table 130-1239e;
- (3) a project narrative that describes the project, development standards for each of the lots to include side yard and rear yard setbacks, building height, and allowable use based Table 1, and other special development requirements and restrictions;
- (4) a preliminary draft of covenants if any are to be imposed; and
- (5) if the project is to be constructed in phases, a development schedule which includes the anticipated beginning date and ending date of each phase and a description of those project-related elements to be completed in each phase.

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**Table 130-1239e**

<b>General Information</b>	<b>TND District Development Master Plan</b>
Project name (e.g., business name, subdivision name)	X
Applicant name	X
Preparation date	X
Name of preparer	X
<b>Survey Information</b>	
North arrow and graphic scale	X
Address of subject parcel or legal description	X
Property boundaries	X
Acreage of subject parcel	X
<b>Project Development Information</b>	
Land use summary table by density/intensity and acreage	X
Easements/rights-of-ways (location, width, purpose, ownership)	X
Common areas/conservancy areas (location, purpose, ownership)	X
Land to be dedicated to the public (boundaries, area, purpose)	X
<b>Setting</b>	
Property boundaries within ____ feet of the subject parcel	X (150')
Land uses within ____ feet of the subject parcel	X (150')
Zoning district boundaries within ____ feet of the subject parcel	X (150')
Municipal boundaries within ____ feet of the subject parcel	X (150')
<b>Site Features (Existing and Proposed)</b>	
Ground contours when any slope exceeds 10 percent	X
Wetlands	X
Woodlands	X
Wildlife habitat, including critical wildlife habitat	X
Environmentally sensitive features	X
Water resources (streams, drainage ditches, ponds, etc.)	X
Floodplain boundaries	X
Environmental and man-made hazards including brownfields, contaminated sites, unstable soils, high groundwater, bedrock, high-pressure natural gas lines, and others as appropriate	X
Fences, buffers, and berms	X
Pervious and impervious surfaces by type	X
Site amenities (benches, fountains, etc.)	X
Existing trees and other prominent vegetation	X

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Trees / shrubs to be planted, including a plant list and specs.	X
Trees / shrubs to be retained	X
<b>Outdoor Lighting (Existing and Proposed)</b>	
Location	X
Fixture specifications	X
<b>Utilities (Existing and Proposed)</b>	
Location	X
Type (sewer, telephone, etc) (buried or overhead, if applicable)	X
Size/capacity, if applicable	X

### **Sec. 130-1239f. Staff report content**

At a minimum, the staff report shall contain the following information:

- (1) a summary of the comments received from the interdepartmental/agency review;
- (2) findings for each of the decision criteria listed in this division;
- (3) a preliminary list of conditions if approval is recommended; and
- (4) a recommendation to approve the application, approve it with conditions, or deny the application.

### **Sec. 130-1239g. Effect of approval**

If the common council approves the application, the approval shall run with the land and be binding on all subsequent property owners.

### **Sec. 130-1239h. Expiration of approval**

If any area of a traditional neighborhood development district that can be developed consistent with an approved master plan remains substantially undeveloped 3 years after the creation of the district, the zoning for such area shall revert to the zoning designation which occurred at the time the district was created or to an equivalent zoning designation. The common council may extend this approval period up to 3 additional years upon petition and with good cause.

### **Sec. 130-1239i. Review of actual development within an approved traditional neighborhood development district**

(a) *Land division.* After a traditional neighborhood development district is approved, the developer may initiate the process for the preliminary land division and final land division, consistent with Chapter 110 of the Municipal Code. Such approvals shall be substantially consistent with the TND district.

(b) Once a traditional neighborhood development district is approved, proposed commercial development shall be reviewed consistent with the requirements for a site plan.

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### **Sec. 130-1239j. Amendment of an approved traditional neighborhood development district**

If a property owner with land within an approved traditional neighborhood development district wishes to deviate from an approved master development plan and project narrative or amend a supporting development agreement, the review procedures described in this division shall be followed to the extent applicable.

### **Sec. 130-1239k. Appeal**

The applicant and/or an aggrieved person may appeal a final decision made pursuant to this division by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

[Ord. 2007-9]

### **Sec. 130-1240 Reserved.**