

**City of Evansville Plan Commission
Regular Meeting
Tuesday, July 2nd, 2024, 6:00 p.m.**

MINUTES

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

Members	Present/Ab sent	Others Present
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Gene Lewis	P	Jeff Garde, Combs and Associates
Aldersperson Abbey Barnes	P	Jenna & Scott Menzies
Bill Lathrop	P	Gene Prudhon
John Gishnock	A	Scott Mallon, Culvers
Mike Scarmon	P	James & Dawn Espinosa
Eric Klar	P	Joe Geoffrion
		Jason Heinone, Endpoint Solutions
		Kristi Rygh
		Kirsten Tesar
		Paul Liesse
		Jason Sergeant, City Administrator

3. **Motion to approve the agenda, by Lathrop, seconded by Barnes. Approved unanimously.**
4. **Motion to waive the reading of the minutes from the June 4, 2024 meeting and approve them as printed, by Lathrop, seconded by Barnes. 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 Action for Land Division Application LD-2024-06 a preliminary and final plat on parcel 6-27-553.504 (Lot 4, Stonewood Grove)**
 - i. **Review Staff Report and Applicant Comments.**
Spranger summarized the report.
 - ii. **Public Hearing**
Opened at 6:04pm, no comment received, closed at 6:05pm.
 - iii. **Plan Commissioner Questions and Comments.**
None.
 - iv. **Motion with Conditions**
Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-533.504 into two lots for a two-family twin residence addressed as 654 and 656 Locust Lane, finding that the application is in the public interest and meets the

objectives contained within Section 110-102(g) of city ordinances, subject to the following conditions:

1. Municipal Services Committee recommends approval of application.
2. The final CSM is recorded with the Rock County Register of Deeds.
3. Applicant records a joint cross access and maintenance agreement for each of the new lots made by CSM.

Motion by Klar, seconded by Scarmon. Motion carried unanimously.

B. Public Hearing, Review and Action for Land Division Application LD-2024-07 a preliminary and final plat on parcel 6-27-965 and RZ-2024-02 to rezone Lot 1 of that plat to B-1 Local Business (123 N Fifth Street)

i. Review Staff Report and Applicant Comments.

Spranger summarized the report.

ii. Public Hearing for Land Division and Ordinance 2024-06

Public hearing opened at 6:09pm, Jenna Menzies expressed concerns about what kind of business would go into this lot and the amount of traffic it would bring in. The applicant clarified he had no specific plans at this time. Spranger advised that the types of businesses allowed in B-1 by right do not generate much traffic. Public hearing closed at 6:11pm.

iii. Plan Commissioner Questions and Comments.

Lathrop clarified that if a business going into the lot was a use permitted by right in B-1 that it would not come back before the Commission. Klar asked if other properties were zoned B-1 in the middle of residential lots. A few examples of this were given, including a dental office.

iv. Motions with Conditions

Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-965 into two lots, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, subject to the following conditions:

1. Municipal Services Committee recommends approval of application.
2. The final CSM is recorded with the Rock County Register of Deeds.
3. Applicant records a joint cross access and maintenance agreement for each of the new lots made by CSM.

Motion by Lathrop, seconded by Klar. Motion carried unanimously.

Motion to recommend Common Council approve Ordinance 2024-06. Motion by Duggan, seconded by Scarmon. Motion carried unanimously.

C. Public Hearing, Review, and Action for Rezone Application RZ-2024-03 to rezone Lot 7 of the Historic Standpipe Point subdivision plat to B-1 Local Business and Land Division Application LD-2024-08 for a preliminary and final plat to divide that lot into 3 separate lots on parcel 6-27-396.207 (N Fourth Street)

i. Review Staff Report and Applicant Comments.

Spranger summarized the report.

ii. Public Hearing

Public Hearing opened at 6:17pm. Kirsten Tessar and James Espinosa expressed concerns about the application. Kirsten Tessar asked about what sort of businesses would be allowed and expressed concern that traffic from a business could reduce home

values in the area. Espinosa was concerned that the development in the area is cheaper looking than other development in the area. Public Hearing closed at 6:20pm.

iii. Plan Commissioner Questions and Comments.

Lewis expressed that he wants the area to remain residential and does not see the point of rezoning.

iv. Motions with Conditions

Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-396.207 into three lots, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, subject to the following conditions:

1. *Municipal Services Committee recommends approval of application.*
2. *10' utility and drainage easement shown along all side yard lot lines of the proposed lots.*
3. *Lots 2 and 3 be restricted from future subdivision to preserve future redevelopment opportunities of the site.*
4. *A final CSM is presented to the City prior to Common Council approval.*
5. *The final CSM is recorded with the Rock County Register of Deeds.*

Motion by Klar, seconded by Lathrop. Motion carried 5-1 by roll call vote with Lewis voting against.

Motion to recommend Common Council approve Ordinance 2024-07. Motion by Lathrop, seconded by Scarmon. Motion carried unanimously.

D. Public Hearing, Review, and Possible Action for Site Plan Application SP-2024-02, Conditional Use Application CUP-2024-03 for Indoor Commercial Entertainment with In-Vehicle Sales or Service and Outdoor Food and Beverage Service for a Culver's restaurant on parcel 6-27-862 (60 N Union Street)

i. Review Staff Report and Applicant Comments.

Spranger summarized the report.

ii. Public Hearing

Public Hearing opened at 6:50pm. James Espinosa asked about where staff would park if the lots are full. The applicant clarified they normally have an informal staff parking area. The applicant also stated customer parking is less used than in the past. Joe Geoffrion expressed support for Culver's at that location. Public Hearing closed at 6:55pm.

iii. Plan Commissioner Questions and Comments.

Lathrop expressed that he likes the use but wishes the site wasn't impacted by wetlands. Lathrop expressed concern about the first right and refusal in a prior cross easement agreement. Mallon responded that they have been open and honest with the neighboring business regarding parking agreements. Barnes expressed she wants both Culver's and Trapper's to succeed and wants the process to go as smoothly as possible. Discussion was held regarding signage not being able to be backlit. Lathrop expressed that parking east of Allen Creek is needed.

iv. Motion with Conditions

Motion to approve a Site Plan and Conditional Use Permits for Indoor Commercial Entertainment (per section 130-408), In-Vehicle sales/service (per section 130-4070), and outdoor Commercial Food and Beverage Service (per section 130-538) on parcel 6-27-832 located at 60 N Union Street, finding that the benefits outweigh any potential

adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a Conditional Use Permit set forth in Section 110-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

1. By September 1st, 2024, provide a letter from an assured delineator or Army Corps of Engineers/Wisconsin Department of Natural Resources regarding wetland location, quality, and susceptibility in order to apply stormwater standards and determine shoreland-wetland status.
2. Site and user to comply with Chapter 100 (Shoreland-Wetland Zoning) of the City of Evansville Municipal Code, as may be amended, in addition to any DNR wetland requirements and approvals.
3. Site and user to comply with Chapter 104 (Stormwater Management), as may be amended, which may result in changes to setbacks from protected areas as defined in Section 104-6(5).
4. Applicant to address any comments from City Engineer and Municipal Services Director regarding stormwater management plans, erosion control, site grading, and utility plans.
5. Site and user remain compliant throughout construction and operation with Chapter 48 (Erosion Control), Chapter 54 (Flood Area Zoning), and Chapter 130 (Zoning) of the City of Evansville Municipal Code, as may be amended.
6. By September 1st, 2024, submit a rezoning application and land division application to create an outlot for remaining undevelopable lands and to rezone that outlot to C-1 Lowland Conservation.
7. 31 parking spaces total are allowed for this site plan and conditional use. Any additional spaces on the applicant's site must be included in the cross access and parking easement with the neighboring parcel to the south.
8. No future parking area is approved as part of this site plan application.
9. Adjust Cross Access and Parking Easement to be non-revocable between both parties and provide parking rights in perpetuity for users of parcel 6-27-125.
10. By September 1, 2024, submit an executed Cross Access and Parking Easement to City staff. Easement to be recorded with the Rock County Register of Deeds.
11. Southern driveway access to be narrowed to 25 feet in width at sidewalk.
12. Outdoor patio dining area to be at least 1,300 sq ft (as shown on site plan dated June 7, 2024) and to be covered.
13. Public sidewalk to be extended to end of parcel owned by applicant.
14. Bike rack and bench to be moved to either side of pedestrian connection from public sidewalk.

15. Street trees to be planted every 40'-60' as space allows in adjoining terrace.
16. All exterior lighting is to be dark sky compliant.
17. Signs to be permitted by separate application. Per the North Union Street & Allen Creek Corridor Plan, no backlit box signs with translucent faces, pole, or electronic message signs will be permitted. One monument and one wall sign will be permitted.
18. The business operator shall obtain and maintain all City, State, County, and Federal permits and licenses as may be required.
19. Any substantial changes to the business model shall require a review of the existing conditional use permit.
20. Any change to site plan application submittals shall be reviewed and approved per section 130-206 of the Municipal Code.
21. Use cannot create a public nuisance as defined by local and state law.
22. The Conditional Use Permit is recorded with the Rock County Register of Deeds.

Motion by Scarmon, seconded by Klar. Motion carried 6-0 by roll call vote.

E. Zoning Code Updates

1. Review Proposed Changes and Discussion

Spranger discussed the proposed changes.

2. Public Hearing for Ordinance 2024-05

Public Hearing opened at 7:34pm. Paul Liesse felt that the proposal does not solve the problem and does not address all problems in the code and would like to see more action on getting downtown spaces to be occupied. Public Hearing closed at 7:38pm.

3. Plan Commissioner Questions and Comments

Barnes expressed that as a business owner, she would rather be next to a business with a fake façade than with windows covered in tarps. Lewis expressed that some sort of action must be taken in order to improve storefronts.

4. Motion to Recommend

Motion to recommend Common Council approve Ordinance 2024-05. Motion by Lathrop, seconded by Lewis. Motion carried unanimously.

8. Discussion Items.

None.

9. Community Development Report

None.

10. Next Meeting Date:

Tuesday, August 6, 2024 at 6:00 p.m.

11. Adjourn. 8:09 p.m.