

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

**City of Evansville Plan Commission
Regular Meeting
Tuesday, October 4, 2022, 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 Cory Neeley	P	Jason Sergeant, City Administrator
Aldersperson Susan Becker	P	Joe Morning
Vacant	N/A	Paulette Morning
John Gishnock	P	Andy Phillips
Mike Scarmon	P	Nicholas and Nicole Rice, Applicants
Eric Klar	P	Susan Miller, Applicant
		Gabe Schrader, Applicant
		Roger Berg, Applicant
		Alvin Francis
		Bill Lathrop, Evansville Today

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

4. Motion to waive the reading of the minutes from the September 6, 2022 meetings and approve them as printed, by Neeley, seconded by Klar. Approved unanimously.

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

6. Citizen appearances other than agenda items listed.

7. Action Items

A. Public Hearing and Review of Site Plan Application 2022-0239 and Conditional Use Permit Application 2022-0240 for Indoor Commercial Entertainment use on parcel 6-27-108, located at 1 E. Main Street.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:10p.m. No public comments. Public hearing closed at 6:11 p.m.

iii. Plan Commissioner Questions and Comments

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iv. Motion to approve a Site Plan and issuance of Conditional Use Permit for indoor commercial entertainment (golf simulator) per section 130-408 on parcel 6-27-108, located at 1 E. Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1) The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to indoor commercial entertainment uses (Section 130-408).**
- 2) The parking requirements for this use in this location shall be waived.**
- 3) The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130- 568).**
 - 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) Outdoor commercial food and beverage service is not approved as part of this permit. A separate conditional use permit application and review is required.**
- 9) Use cannot create a public nuisance as defined by local and state law.**
- 10) The Conditional Use Permit is recorded with the Rock County Register of Deeds.**

Motion by Becker, seconded by Neeley. Approved unanimously

B. Public Hearing and Review of Conditional Use Permit Application 2022-0218 to approve an existing two-family dwelling in the B-1 zoning district on parcel 6-27-595.1, located at 511 E. Main Street.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:18p.m. No public comments. Public hearing closed at 6:19 p.m.

iii. Plan Commissioner Questions and Comments

iv. Motion to approve issuance of a Conditional Use Permit for a Two-Family Dwelling per section 130-324 on parcel 6-27-595.1, located at 511 E Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the

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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 Conditional Use Permit is recorded with the Rock County Register of Deeds.**
- 2. Use cannot create a public nuisance as defined by local and state law.**

Motion by Neeley, seconded by Becker. Approved unanimously.

- C. Review of Site Plan Application 2022-0264 for Collocation of Wireless Antennas on City Water Tower on parcel 6-27-577, located at 40 Cemetery Road.

i. Review Staff Report

ii. Plan Commissioner Questions and Comments

Commission stated a desire to identify future locations for wireless antenna. They feel the water tower is at capacity but understand that more places may be needed in order to have a

iii. Motion with Conditions

The Plan Commission approves the site for collocation of wireless antennas as presented for 40 Cemetery Road on parcel 6-27-577, 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 as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1. Verizon Wireless to install three (3) evergreen trees to the east and south of utility box at base of water tower.**
- 2. A lease agreement between the City and Verizon wireless is approved by Common Council.**

Motion by Becker, seconded by Neeley. Approved unanimously

- D. Public Hearing and Review of Conditional Use Permit Application 2022-0250 to renew an expired conditional use permit for Mixed Commercial/Residential use on parcel 6-27-958.091A1, located at 781-785 Brown School Road.

i. Review Staff Report and Applicant Comments

Spranger gave an overview of this application and the next two agenda items. The purpose of the new site plan and conditional use permits are to bring the site into basic compliance with the zoning code. The conditional use permits can be approved under the condition that the site plan. Andy Phillips is present with Derek Allen, who intends to be his partner on the future of this project. The Mornings are no longer co-owners of the site.

ii. Public Hearing

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Public hearing opened at 6:37p.m. No public comments. Public hearing closed at 6:38 p.m.

iii. Plan Commissioner Questions and Comments

iv. Motion to approve issuance of a Conditional Use Permit for a Commercial/Residential use in the B-3 Community Business district per section 130-421 on parcel 6-27-958.091A1, located at 781, 783, and 785 Brown School Road, 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 Conditional Use Permit is recorded with the Rock County Register of Deeds.**
- 2. Any variation from plans approved by staff or Plan Commission if necessary.**
- 3. Plan Commission approval of Site Plan Application 2022-0252.**
- 4. Conditions of Site Plan Application 2022-0252 are met.**
- 5. Use cannot create a public nuisance as defined by local and state law.**

Motion by Neeley, seconded by Becker. Approved unanimously.

E. Public Hearing and Review of Conditional Use Permit Application 2022-0251 to renew an expired conditional use permit for Light Industrial Incidental to Sales use on parcel 6-27-958.091A1, located at 781-785 Brown School Road.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:42p.m. No public comments. Public hearing closed at 6:44 p.m.

iii. Plan Commissioner Questions and Comments

iv. Motion to approve issuance of a Conditional Use Permit for Light Industrial Activities Incidental to Indoor Sales or Service Land Use in the B-3 Community Business Zoning District per section 130-530 on parcel 6-27-958.091A1, located at 777 Brown School Road, 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 Conditional Use Permit is recorded with the Rock County Register of Deeds.**
- 2. Any variation from plans approved by staff or Plan Commission if necessary.**
- 3. All product storage and customization operations are contained entirely within the building.**

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- 4. Plan Commission approval of Site Plan Application 2022-0252.**
- 5. Conditions of Site Plan Application 2022-0252 are met.**
- 6. Use cannot create a public nuisance as defined by local and state law**

Motion by Neeley, seconded by Becker. Approved unanimously.

8. Discussion Items

- A.** Review and Discussion of Site Plan Application 2022-0252 on parcel 6-27-958.091A1, located at 781-785 Brown School Road.
 - i. Review Staff Memo**
 - ii. Applicant Comments**
 - iii. Plan Commissioner Questions and Comments**

Plan Commissioners expressed a desire for a plan that shows a layout for the two buildings that meets zoning compliance, including landscaping, parking, and lighting. City will work with applicant on an upgraded development agreement.

9. Community Development Report

Community Development Director Colette Spranger gave a report of active projects around the City.

10. Next Meeting Date:

- A.** October 4, 2022 at 6:00 p.m.

11. Motion to Adjourn at 7:15p.m. by Neeley, seconded by Scarmon. Approved unanimously.