

**City of Evansville Plan Commission
Regular Meeting
Tuesday, November 1, 2022, 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 Cory Neeley	P	Tommy Hanna (applicant), Simon Hanna
Aldersperson Susan Becker	A	Sue White (applicant)
Vacant	N/A	Corvan Neuenschwander (applicant)
John Gishnock	P	Dennis Hughes (resident)
Mike Scarmon	P	Paul and Kristi Jensen (resident)
Eric Klar	P	Shannon Arndt (resident)
		Derek Blume (resident)
		Dave Olsen (Town of Union)
		Alvin Francis (Town of Union)
		Jeff Garde (Combs and Associates)
		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 October 4, 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.

- A.** Dave Olsen and Alvin Francis from the Town of Union spoke to Plan Commission about a renewed interest in discussing a potential agreement between the Town and City, with a particular focus of opening up lands for residential development near and around Territorial Road, northeast of the City. Spranger added that Plan Commission had briefly discussed the issue in Spring 2022 as it updated its comprehensive plan. The City would likely need to convene a committee of the whole in order for full discussion of what would be at stake in the process. Spranger suggested that the process would benefit from having a knowledgeable third party act as mediator for this process, providing a neutral voice to aid the two communities in drafting such an agreement. A public hearing would be held as well. Neeley asked if the two communities would split costs for a mediator. Spranger replied that there would likely be an agreement drawn up to address costs. Francis ended the discussion by commenting on the reason the Town is now interested in pursuing an agreement. In the past twenty years, taxation has

changed such that some development has to happen in order for the Town to maintain its finances.

7. Action Items

A. **Review and Action on Land Division Application 2022-0115 for a final CSM on parcel 6-27-485 located at 346/352 Lincoln Street.**

B.

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

Spranger reported that this was a final application for a preliminary CSM that the commission reviewed back in June. Minor edits were suggested by staff and the application is here tonight to receive its final approval from Plan Commission. The lot meets the dimensional requirements for the R-1 zoning district.

2. **Plan Commissioner Questions and Comments**

None.

3. **Motion with Conditions**

Motion for Common Council to approve a certified survey map creating 3 residential lots from tax parcels 6-27-485 and 6-27-484, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with two conditions:

1. **The final CSM is recorded with Rock County Register of Deeds.**
2. **City Engineer approves utility connections and site grading.**

Motion by Neeley, by Becker. Approved unanimously

C. **Public Hearing and Review of Conditional Use Permit Application 2022-0275 for Indoor Commercial Entertainment use on parcel 6-27-624.1 located at 137 E. Main Street.**

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

The Applicant, Tommy Hanna, was present. Spranger has worked with him over the past month about what was necessary for him to open a café, serving sandwiches and ice cream in addition to coffee. A conditional use permit is needed for any indoor commercial entertainment use. The building is close to the regulated floodplain and part of the deck is in the floodplain, but Mr. Hanna does not anticipate making any changes that would necessitate a floodplain application. Spranger discussed the use of the deck for patrons. She believed it served the same purpose as a sidewalk café, as defined in the zoning code. In discussion with City Administrator Jason Sergeant, the point was made that sidewalk cafes are by definition in the right-of-way on the sidewalk. She is of the opinion, though, that there is no issue for patrons to use the deck to enjoy their purchases. The applicant will not be required to obtain an additional CUP for outdoor food and beverage service for the deck. If, however, the serving area is expanded to any of the yard areas, then the applicant would have to return for that additional CUP. Hanna introduced himself to the Commission, noting that he has been in the restaurant business for nearly 20 years.

2. **Public Hearing**

Public hearing opened at 6:20p.m. No public comments. Public hearing closed at 6:21 p.m.

3. Plan Commissioner Questions and Comments

Becker asked if the upstairs apartment was being used as an Airbnb. Hanna replied that it was listed but is currently being used as a short-term rental.

4. Motion with Conditions

Motion to approve a Conditional Use Permit for indoor commercial entertainment (café) per section 130-408 on parcel 6-27-624.1, located at 137 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. *Hours of operation shall be no earlier than 6am and no later than 11pm.*
4. *The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.*
5. *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.*
6. *A sign application and Certificate of Appropriateness approval, issued by the Historic Preservation Commission, is required for any planned signage related to the business.*
7. *Outdoor commercial food and beverage service is not approved as part of this permit. A separate conditional use permit application and review is required.*
8. *Use cannot create a public nuisance as defined by local and state law.*
9. *The Conditional Use Permit is recorded with the Rock County Register of Deeds.*

Motion by Becker, seconded by Neeley. Approved unanimously

D. Review and Discussion of Land Division Application 2022-0276 on parcel 6-16-245, located at 7101 N Tolles Road in the Town of Porter.

1. Review Staff Memo

Spranger noted that this application provides a quick background on the issues raised by the Town of Union earlier in the meeting. The City defines four ways in which a landowner can divide land for residential use in the extraterritorial jurisdiction. One is that there must be at least 35 undeveloped acres remaining on the parent parcel following the land division and that the dwelling unit must already exist – new parcels with no development cannot be made in the ETJ for the intention of building a new home. Spranger stated that this CSM application met the City's requirements for a land division in the its extraterritorial jurisdiction.

2. Applicant Comments

None.

3. Plan Commissioner Questions and Comments

4. Motion with Conditions

Motion to recommend Common Council approve the creation of a 3.15 acre (2.9 acres excluding right-of-way) residential lot from parcel 6-16-245, a 78.07 lot zoned A-1 Exclusive Agriculture, located at 7101 North Tolles Road, Town of Porter, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the condition the final CSM is recorded with Rock County Register of Deeds, and that the application fulfills any other obligations set forth by the Town of Porter and Rock County.

Motion by Becker, seconded by Neeley. Approved unanimously

E. Review and Discussion of Land Division Application 2022-0275 on parcel 6-20-130, located at 9202 N Evansville Brooklyn Road in the Town of Union.

1. Review Staff Memo

Spranger summarized the report, stating that the application was extremely similar to the one that came before it.

2. Applicant Comments

Applicant not in attendance.

3. Plan Commissioner Questions and Comments

None.

4. Motion with Conditions

Motion to recommend Common Council approve the creation of a 3.0 residential lot from parcel 6-20-130, a 112 acre lot zoned A-1 Exclusive Agriculture, located at 9202 N. Evansville-Brooklyn Road, Town of Union, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the condition the final CSM is recorded with Rock County Register of Deeds, and that the application fulfills any other obligations set forth by the Town of Union and Rock County.

Motion by Neeley, seconded by Klar. Approved unanimously

F. Public Hearing and Review of Zoning Map Amendment Application 2022-0274 to rezone Lot 170 Westfield Meadows First Addition on parcel 6-27-559.5170.

1. Review Staff Report and Applicant Comments

Spranger summarized the report. Applicant Sue White of Sienna Crest Assisted Living was present. The rezone is to enable an eventual assisted living/memory care facility. The first phases of building would be 20 assisted living rooms then 20 memory care beds, with the potential for senior apartments down the road. The rezone for Lot 170 is intended only for the memory care and assisted living developments. The site is currently B-1. The B-3 zoning district contains design standards for institutional residential uses like the one proposed.

Neeley asked what sort of strain would such a facility would have on emergency services, which currently operate at capacity. White replied that a similar development in Oregon generates 5 or so emergency calls per year. Their goal is to not use the emergency services unless absolutely necessary.

2. Public Hearing

Public hearing opened at 6:38p.m. Kristi Jensen is a nearby resident (South 7th Street) and is curious what the height of an eventual facility would be. White replied that the building will be fronting Porter Road and the goal is to make the building look like a big, one-story house. Limiting the facility to 20 beds keeps the building from looking too institutional. Jensen has heard multiple ideas for the lot behind her property, so was curious to hear what was eventually being developed. Another question was how close the building/facility would be to the walking path. Spranger said that such details weren't known at this time and would be made public when a site plan for the facility is review. Dennis Hughes, Badger Drive, was curious about the City's plan for building out Porter Road. Spranger replied that the improvements were negotiated through a developer's agreement and would be finished prior to a facility going in. Public hearing closed at 6:44 p.m.

3. Plan Commissioner Questions and Comments

4. Motion with Conditions

Motion to recommend to Common Council approval of Ordinance 2022-13, Rezoning Territory from General Business District (B-1) to Community Business District (B-3).

Motion by Neeley, seconded by Becker. Approved unanimously

8. Discussion Items

9. Community Development Report

10. Next Meeting Date:

- A. January 3, 2022 at 6:00 p.m.

11. Motion to Adjourn at 6:48p.m. by Neeley, seconded by Scarmon. Approved unanimously.