

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

MINUTES

1. Call to Order at 6:04pm.

2. Roll Call:

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

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

4. Motion to waive the reading of the minutes from the May 2nd, 2023 meeting and approve them as printed, by Becker, seconded by Klar. Approved unanimously.

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

6. Citizen appearances other than agenda items listed.

7. Action Items

A. Review and Action of Site Plan Application 2023-0068 on parcel 6-27-559.5170 (Sienna Crest Assisted Living)

i. Review Staff Report and Applicant Comments

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

ii. Public Comment.

iii. Plan Commissioner Questions and Comments.

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

iv. Motion with Conditions

The Plan Commission approves the site plan that includes improvements as presented on parcel 6-27-559.5170, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Review Staff Report and Applicant Comments

Applicants Mary and Molly Leeder were present. Spranger summarized the request and site plan. The Leeders are remodeling a building formally used as a realty office for their

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

ii. Public Hearing

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

iii. Plan Commissioner Questions and Comments.

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

iv. Motion with Conditions

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

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

Motion by Becker, seconded by Klar. Approved Unanimously.

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

i. Staff Report and Applicant Comments

Applicants Roger Berg and Joe Geoffrion from RM Berg General Contractors were present. Spranger summarized the application, noting parkland fees in lieu of land dedication would be required. The City is considering a small parklet either next to the Historic Stovepipe or as a path through the stormwater area. The main public improvements made on site will be sidewalks and stormwater management, which the City is requesting to maintain in exchange for an outlot on the southern edge of the property. The City is requesting that the line dividing Lots 1-6 and Lot 7 be aligned with existing surveyor pins. The six lots along Fifth Street are intended for single family residences. The remaining lot on Fourth Street has been suggested for duplexes by the

developer. The City is requesting this land be rezoned to B-1 Local Business zoning, which would allow for duplexes to be built but fulfill the spirit of the the future land use designation for this land, which is Mixed Use. The subdivision will need final plat approval. At that time a development agreement will be reviewed and approved before the plat can be recorded.

ii. Public Comment

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

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

iii. Plan Commissioner Questions and Comments.

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

iv. Motion with Conditions

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

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

Motion by Becker, seconded by Klar. Approved Unanimously.

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

i. Staff Report and Applicant Comments

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

ii. Public Hearing.

Mayor Duggan opened public hearing at 8:17pm.

- Erika and Jeremiah Young, 6538 N. South Sixth Street. Presented a document listing conditions and restrictions on a number of lots in South Gate Estates, the original plat the lot was part of. Lot 11 was included. Spranger noted that this document explained a lot of the language surrounding prior approvals issued by the County and City. To the best of her knowledge, the applicant did not find this document when performing a title search.
- Remaining audience members were largely homeowners whose houses were subject to the covenants.
- Kris Chilsen suggested that the DNR had some study done regarding stormwater and drainage issues in the area.

- Shawn and Stacie Natter did not receive a public hearing notice for the meeting despite living next to the lot. Spranger thanked them for informing her and pledged to check if they were indeed on the mailing list. Per State Statute, notices are sent to all property owners within 250 feet of the subject site.
- Julie Johnson, local financial specialist. States that she “lives and dies by title work” and had concerns as a banker that the covenants were never recorded for this property.

Public hearing closed at 8:30pm.

iii. Plan Commissioner Questions and Comments

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

iv. Motion with Conditions

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

8. Discussion Items

9. Community Development Report

10. Next Meeting Date:

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

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