

**City of Evansville Plan Commission  
Regular Meeting  
Tuesday, December 5, 2023, 6:00 p.m.**

**MINUTES**

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

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Gene Lewis	P	Jason Sergeant (City Administrator)
Aldersperson Abbey Barnes	P	Bob Murray, Pre/3 Real Estate Management
Susan Becker	P	Sue and Dan White, Joe Geoffrion, Greg Ardisson
John Gishnock	P	James Cornwell, Sean Crull, Roger Berg,
Mike Scarmon	P	Sherry Simmons, Dennis Bentheimer, Roger and
Eric Klar	P	Jolene Schnabel, Lori Allen, Mark Schwengels, Greg Ardisson, Keith Annig, Lisa James, Tim and Dana Dowden, Jessica and Rodney Pelzek, Paul and Kristi Jensen, Trevor Krause, Alvin Francis, Warren Duff, Peter Hansen, Stacy Green Will Heritage, Christine Hansen

3. **Motion to approve the agenda, by Becker, seconded by Klar. Approved unanimously**
4. **Motion to waive the reading of the minutes from the November 7<sup>th</sup>, 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 civility.
6. **Citizen appearances other than agenda items listed.** Sean Crull, 5646 Tuttle Road, Town of Union, asked why the City denied his land division application in the City’s extraterritorial jurisdiction. Spranger replied that the City had not taken any action on his application, as she had been told by the surveyor he hired to hold off due to questions the County had regarding the land division. Having never heard back, the application was never processed. As it is, the application would have been denied because it does not meet the City’s current requirements for land divisions in the extraterritorial jurisdiction. As opposed to processing the application and cashing the applicant’s check knowing that the recommendation would be to deny it, Spranger explained that she usually recommends the applicant adjust the request in order to comply with the ordinance before processing the application. Crull stated he would still like his application to go forward in its current state.
7. **Action Items**
  - A. **Review and Action on Site Plan Application 2023-0274 and Conditional Use Permit Application 2023-0275 for a 5 unit mixed use building on parcel 6-27-959.3A (702 through**

**710 Brown School Road)**

1. **Review Staff Report and Applicant Comments.** Applicant not in attendance. Spranger summarized the report. A prior submission included plans for eight residential units on the upper floors of the building. The City engineer has reviewed the grading, utility, and erosion control plans and had no comments or suggestions. Spranger will work with the applicant to clear up some confusion regarding the landscape plan. A prior version was compliant with the City's landscape ordinance. Spranger also went over prior approvals from Plan Commission for similar approvals of the same site that have since expired. A prior condition included having apple trees as street trees to reflect the site's history as part of an apple orchard, which Spranger suggested keeping to honor the site history. Some commission members questioned if this would create a mess for Public Works and a nuisance for those on the sidewalk.
2. **Public Hearing.** Mayor Duggan opened the public hearing at 6:10pm. No comments. Public hearing closed at 6:11pm.
3. **Plan Commissioner Questions and Comments.** Members reconfirmed recommended adjustments to the conditions printed in the staff report.
4. **Motion to approve the Site Plan and Conditional Use Permit to allow new construction of a mixed commercial and residential building per section 130-421 on parcel 6-27-959.A3, 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 and Site Plan set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:**
  1. **Conditional Use Permit is recorded with Register of Deeds**
  2. **Any variation from plans approved by staff or Plan Commission if necessary.**
  3. **Erosion control and utility/grading/drainage plan approval by City Engineer prior to building permit issuance.**
  4. **3 Street trees are planted per Section 130-265(7).**
  5. **Physical dumpster enclosure to be built using similar materials as building.**
  6. **Staff to review and approve a resubmitted landscape plan with sufficient points.**
  7. **Use cannot create a public nuisance as defined by local and state law.**

*Motion by Becker, seconded by Gishnock. Approved Unanimously.*

- B. Review and Action on Annexation Application 2023-0344 to attach parcel 6-20-232 to the City of Evansville
  1. **Review Staff Report and Applicant Comments.** Spranger acknowledged that many of the attendees in the audience were present for this application and that she had talked with some of them previously regarding their questions or concerns. Spranger reiterated that the issue at hand tonight was whether or not Plan Commission found this application to be consistent with its requirements for annexation and whether it would recommend that Common Council approve the application. Spranger read through the staff report, noting that future development would likely require a booster station for water, street extensions to County C for Campion Drive, South Sixth Street, and Windmill Ridge Road. The City has not received an application for any development on this land; in order for the City to make any decision regarding what goes there, the land must first be annexed. The landowner has petitioned for the land to come into the City. In general, the land is within the City's 2035 expected land use boundary, is contingent to other properties within the City, and can be served with City utilities. The City is awaiting the Wisconsin Department of Administration's review of the

request. The City is expecting to find the DOA to find the petition in the public interest, meaning it meets the state's requirements for annexation. Future development on this site will require more public hearings, including those for land division, rezoning, and conditional use permits.

**2. Public Hearing.** Mayor Duggan opened the public hearing at 6:40pm.

- Tim Dowden, 226 N Sixth Street asked if there would be sidewalks (Spranger replied yes) and would the trees on the property be taken down. Spranger replied not at this time and unknown in the future. Asked about the cost of a booster station. Sergeant replied that in 2018, when the City last did a study on this area, that a booster was around \$600,000 and that prices had likely doubled since.
- Will Heritage, 16146 County Road C, Town of Union. His property is surrounded by the one proposed for annexation. Would he be forced to annex?

Answer: no, annexations typically require landowner consent. The City could try to annex land without landowner consent, but this can only be done through a referendum and would require overwhelming voter support.

- Greg Ardisson, 217 N Sixth Street. Had questions about the potential buyer of the property, including how long the company had been in business and noted that the LLC that applied for annexation was only founded in the fall of 2023. He likes his neighborhood the way it is.
- Bob Murray, representative of Pre/3 Real Estate, the development company pursuing the annexation along with the current landowner, answered Mr. Ardisson's questions, stating the company had been in business for 45 years. Typically, a separate LLC is created when the company purchases new land as a way to manage its assets.
- Keith Annig, 14116 W North Ridge Drive, Town of Union. Stated that Evansville wants good neighbors and that Pre/3 has multiple lawsuits against them.
- Roger Schnabel, 227 Campion Drive. Expressed concern over building size and heights proposed for new development.
- Lisa James, 7821 N South Fifth Street, Town of Union. Expressed concerns over potential for increased traffic and increased vehicle speeds along County C. Is not supportive of "low end" housing and had concerns about what would be developed.\
- Peter Hansen, 16124 W County Road C, Town of Union. Stated that he searched the Wisconsin Circuit Court records and found that Pre-3/Premier Real Estate Management had over 2,000 lawsuits on the records. Asked about a timeline for development. Murray replied they were aiming for Fall 2024.
- Greg Ardisson spoke again and noted that 2017 brought heavy rain and was concerned about stormwater control from new development. Wondered who would pay for a booster

station. Sergeant responded that the Public Service Commission of the State of Wisconsin had final say over such matters, but the City's policy has always been to make affected users pay the cost of improvements.

- Betty Krusiec, 233 N 6<sup>th</sup> Street. Spranger read comments from Krusiec, who was unable to attend. She had similar concerns to many of those already stated, including new development compatibility with the existing neighborhood, plans for an extension of Sixth Street, and stormwater concerns.
- Mark Schwengels, 15815 W County Road C, Town of Union. Wanted to know what was planned for this area and why the City did not have actual plans for development.
- Jessica Pelzek, 15837 W County Road C, Town of Union. Voiced concerns about development in general and the potential of overburdening the school district due to new students.

Spranger replied that there have been many studies in Wisconsin that found that recently-built multifamily apartments like the ones built by Pre/3 tend not to produce many school age children and are instead preferred by young professionals and empty nesters.

Mayor Duggan closed the public hearing at 7:10p.m.

- 3. Plan Commissioner Questions and Comments.** Klar clarified for the attendees that the question here tonight is not to consider what is going to be developed, but whether or not the property meets the City's standards for annexation.

Some discussion among Plan Commissioner members on if the annexation agreement would need to be signed by the landowner in addition to the applicant. Spranger replied that this application was similar to one submitted over the summer by CHS, where the current landowners made the petition while the interested development made the application. Typically in these situations, there is a agreement for purchase that is contingent on the annexation being made final. The recommended motion was amended to include that both applicant and landowner sign and accept the annexation agreement.

- 4. Finding the annexation is consistent with the Comprehensive Plan, the Plan Commission recommends Common Council approve Ordinance 2023-14 and the annexation agreement with the following conditions:**

- 1. DOA deems annexation to be in the public interest.**
- 2. The applicant and landowner sign and accept the Annexation agreement.**

*Motion by Becker, seconded by Lewis. Approved Unanimously.*

- C. Review and Action on Conditional Use Permit Applications 2023-0351 and 2023-0352 to build one duplex each on parcels 6-27-559.5168 and 6-27-559.5169 (Lot 168 and Lot 169, Westfield Meadows First Addition)**

1. **Review Staff Report and Applicant Comments.** Spranger summarized the reports. Both duplexes were found to be compliant with the regulations of the B-1 zoning district. A conditional use is needed for duplexes in that district.
2. **Public Hearing** Mayor Duggan opened the public hearing at 7:21pm.

Kristi and Paul Jensen, 331 S. Seventh Street. Had questions regarding driveways, increased traffic, and if the units would be connected with the proposed senior living facility adjacent to their property.

White replied these would be market rate and owner-occupied on one site, renters on the other.

Public hearing closed at 7:29 pm.

3. **Plan Commissioner Questions and Comments.** None.
4. **The Plan Commission approves a Conditional Use Permit for a Two Family Dwelling per section 130-324 on parcel 6-27-559.5169 (Tax ID 222 05405169), 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. Conditional Use Permit is recorded with the Rock County Register of Deeds.**
  - 2. Sidewalk shall be built to city standards the entire length of the lot.**
  - 3. 40 landscape points required per unit along the building foundation.**
  - 4. Upon completion of construction of the dwelling, two street trees shall be added.**
  - 5. Use cannot create a public nuisance as defined by local and state law.**

**The Plan Commission approves a Conditional Use Permit for a Two Family Dwelling per section 130-324 on parcel 6-27-559.5168 (Tax ID 222 05405168), 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. Conditional Use Permit is recorded with the Rock County Register of Deeds.**
- 2. Sidewalk shall be built to city standards on both street sides of the lot.**
- 3. 40 landscape points required per unit along the building foundation.**
- 4. Upon completion of construction of the dwelling, four street trees shall be added within the terraces.**
- 5. Use cannot create a public nuisance as defined by local and state law.**

*Motion by Becker, seconded by Lewis. Approved Unanimously.*

**D. Review and Action on Land Division Application 2023-0353 to split a lot with a duplex in two**

along the shared wall on parcel 6-27-533.505 (648 and 650 Locust Lane)

1. **Review Staff Report and Applicant Comments.** Spranger summarized the report. Commented that the joint maintenance agreements needed to be recorded with each property after the land division was recorded in order for them to be found in a title search with each property.
2. **Public Hearing.** Mayor Duggan opened the public hearing at 7:36pm. No comments. Public hearing closed at 7:38pm.
3. **Plan Commissioner Questions and Comments.** None.
4. **Motion for Common Council to approve a certified survey map to divide parcel 6-27-533.505 into two lots for a two-family twin residence addressed at 648 and 650 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 and joint maintenance is recorded with Rock County Register of Deeds.**
  2. **The applicant submits for staff review and records a joint cross access and maintenance agreement along with the certified survey map.**

*Motion by Becker, seconded by Klar. Approved Unanimously.*

**E. Review and Action on Ordinance 2023-15, Amending Chapter 130 (Zoning) of the City of Evansville Municipal Code**

1. **Review Proposed Changes.** Spranger addressed the reasons for updates, noting that she would be continuing to do so throughout the next year. Ideally the zoning code would have routine amendments to address law changes, land uses, and other details salient to City life. The last time a comprehensive update was done to the zoning code was around 2007. Updates since have been piecemeal.
2. **Public Hearing.** Mayor Duggan opened the public hearing at 8:28pm.

Joe Geoffrion, 288 E Main. Asked if landscaping would be required for duplexes in the R-2 zoning district, asked for clarification regarding front and rear yard setbacks, and why the garage distance was proposed to be lessened. Also stated that he thought multifamily housing was not a detriment to the City housing supply as others had stated previously in the meeting.

Public hearing closed at 8:33pm.

3. **Plan Commissioner Questions and Comments.** None.
4. **Motion to recommend Common Council approve Ordinance 2023-15, Amending Chapter 130 (Zoning) of the Evansville Municipal Code.**

*Motion by Becker, seconded by Scarmon. Approved Unanimously.*

**F. Closed Session: Motion to convene in closed session pursuant to section 19.85(1)(e) of the Wisconsin statutes where discussion in open session would negatively impact the city's competitive or bargaining position and pursuant to Sec. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or**

**conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Upon completion, Plan Commission will reconvene in open session.**

**G. Possible Discussion and Possible Action of a Development Agreement between the City of Evansville and CHS Oilseed Processing LLC.** No discussion or action taken.

**H. Discussion and Possible Motion to Recommend Approval for City purchase of a lot for the Youth Center.** Brief discussion after closed session.

**Motion to recommend the City purchase a lot for the Youth Center, by Becker, seconded by Klar. Approved Unanimously.**

**8. Discussion Items.** None

**9. Community Development Report**

**10. Next Meeting Date:**

**A.** Tuesday, January 2, 2024 at 6:00 p.m.

**11. Adjourn.**