City of Evansville Plan Commission

**Regular Meeting**

**May 3, 2022, 6:00 p.m.**

# MINUTES

1. **Call to Order** at 6:06pm.
2. **Roll Call:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Members** | **Present/Absent** |  | **Others Present** |
| Mayor Dianne Duggan  | P |  | Colette Spranger, Community Development Director  |
| Alderperson Cory Neeley | A |  | Ryan, Combs and Associates |
| Alderperson Susan Becker | P |  |  |
| Vacant | N/A |  |  |
| John Gishnock | P |  |  |
| Mike Scarmon | P |  |  |
| Eric Klar  | P |  |  |
|  |  |  |  |
|  |  |  |  |

1. ***Motion to approve the agenda, by Gishnock, seconded by Becker. Approved unanimously***
2. ***Motion to waive the reading of the minutes from the April 4, 2022 meeting and approve them as printed, by Becker, seconded by Gishnock. Approved unanimously.***
3. **Civility Reminder.** Hurtley noted the City’s commitment to conducting meetings with cordiality.
4. **Citizen appearances other than agenda items listed.**
5. **Action Items**
	1. **Public Hearing and Review of Land Division Application LD-2022-0077 for a lot line adjustment, transferring acreage from parcel 6-27-498 (125 Garfield Ave) to 6-27-445 (34 N Second St)**

**Review Staff Report and Applicant Comments**

Applicant is seeking a transfer of land between parcels. Both land owners agree to the transfer. The change would make both lots compliant with municipal code and would make the lot shapes more standard as one is currently L-shaped.

**Public Hearing**

Public hearing opened at 6:17 p.m. No public comments. Public hearing closed at 6:18 p.m.

**Plan Commissioner Questions and Comments**

No further questions or comments.

***Motion to Recommend a Lot Line Adjustment between Parcels 6-27-445 and 6-27-498******and create no new parcels, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition the applicant files the final Plat of Survey with the Rock County Register of Deeds.***

***Motion by Becker, second by Klar. Approved unanimously.***

* 1. **Public Hearing and Review of Land Division Application LD-2022-0056 for a CSM to create separate lots for the two buildings on parcels 6-27-292 and 6-27-595.1**

**Review Staff Report and Applicant Comments**

The applicant seeks to divide the two buildings into two separate lots in order to sell the property. The current lot does not meet municipal code but dividing the lot would likely create two lots that are both not in line with the code.

**Public Hearing**

Public hearing opened at 6:22 p.m. No public comments. Public hearing closed at 6:23 p.m.

**Plan Commissioner Questions and Comments**

A commissioner asked what about the lot was non-compliant with zoning code. Spranger described that it mainly had to do with frontage and setbacks on the sides of the property, especially on lot 1.

There were access concerns for the people in the duplex to the shared driveway.

***Motion to recommend a preliminary certified survey map to combine and divide parcels 6-27-595 and 6-27-595.1 into two lots located at 515 E Main Street, 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. ***Applicant submits a final CSM prepared by a registered land surveyor that includes the requirements to Section 110-101of the Municipal Code***
	1. ***Adjust the front lot lines of proposed Lot 1 east two feet.***
	2. ***Adjust the lot line between the two properties to maintain a 20’ setback from the duplex to the rear lot line. (See exhibit.)***
	3. ***Indicate location of and include “joint driveway access by other instrument” on the CSM.***
2. ***The applicant submits a joint maintenance and cross access easement agreement, which will indicate standards and responsibilities for landscaping, lawn care, and snow removal in shared areas. This will also identify parking and loading spaces for each lot within the existing parking lot.***
3. ***The final CSM is recorded with Rock County Register of Deeds.***

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

* 1. **Public Hearing and Review of Applications SP-2022-0067, CUP-2022-0080, and RZ-2022-0081 to rezone parcel 6-27-148 to B-3 Community Business, a conditional use permit for outdoor commercial food and beverage service, and a site plan for an outdoor entertainment area, located at 102 Maple Street (Creekside Place).**

**Review Staff Report and Applicant Comments**

* 1. Spranger noted that the property is still zoned as industrial, outdoor food service requires a conditional use permit and is not allowable under the industrial zoning. There were portions of the original site plan at Creekside Place which were not done, Spranger noted that it wouldn’t make sense to hold them to the original site plan due to the proposed patio area for the outdoor food and beverage use but there are walkways the city would like extended on the property.
	2. The applicant agreed with the extended walkways and acknowledged the need for rezoning from the industrial use.
	3. Spranger advised the rezoning had already gone to Common Council for the first reading.

**Public Hearing**

1. Public hearing opened at 6:50 p.m. Public comments were offered that someone was happy to see that the patio area would be closer to Creekside and that they were providing further possible uses for the space. It was also noted that people were having issues joining the meeting online, but phone access was working.
2. The applicant noted they hoped for completion by August 1, 2022. Public hearing concluded 6:52 p.m.

**Plan Commission Questions and Comments**

***The Plan Commission approves the site plan to expand an outdoor seating/dining area at Creekside Place and conditional use application to allow for an outdoor food and beverage service, on parcel 6-27-148 per sections 130-104 and 130-538 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. ***Four street trees are planted in the Maple Street and Church Street terrace and 400 points of landscaping added to the site no later than August 1st, 2022.***
2. ***Minimum 5’ wide walkway installed no later than August 1st, 2022 that connects main entrance to public sidewalk at Church Street.***
3. ***Applicant agrees to accommodate future city request for a trail easement along east property line, along Allen Creek.***
4. ***Drainage, grading and lighting plans approved by City Engineer.***
5. ***All exterior lighting is dark sky compliant.***
6. ***Exterior events held no later than 9:30pm.***
7. ***Use cannot create a public nuisance as defined by local and state law.***
8. ***Common Council approves rezone application RZ-2022-0081.***
9. ***Applicant applies for any appropriate building permits from the City building inspector once the site plan and conditional use are approved.***

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

* 1. **Public Hearing and Review of Applications LD-2022-0078 and RZ-2022-0079, to rezone parcel 6-27-580 to R-2 Residential District Two and divide the parcel into two residential lots.**

**Review Staff Report and Applicant Comments**

The application as submitted gives commission the opportunity to plan for future development of the Capstone Ridge subdivision. Public utilities are not available for this area at this time. Access to the property would be from Cemetery Road and would have a shared driveway. The residences being built would be duplexes with a potential for ten parcels on the lots.

The applicant, Gishnock, is working with Magee construction to plan for what they would build on the lots.

**Public Hearing**

Public hearing opened at 7:25 p.m.

Discussion was held regarding the recommended conditions regarding the motion as well as zoning issues and the septic systems on the property and the requirements for when public utility would be attached.

Public hearing closed at 7:42 p.m.

**Plan Commissioner Questions and Comments**

The commission further discussed the conditions of approval and the future development of Exodus Pass and how much notice should be given before requiring connection to public utility.

***Motion to recommend a preliminary certified survey map to divide parcel 6-27-580 into four 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. **Common council approval of Ordinance 2022-08**
	2. **Applicant submits a final certified survey map and application that includes the requirements to Section 110-101of the Municipal Code.**
	3. **The applicant submits a joint maintenance and cross access easement agreement for the four newly-created lots and reserve road right-of-way for a future extension of Exodus Pass.**
	4. **Private well and septic systems will be sited and will conform to standards set by the State of Wisconsin.**
	5. **One well and one septic system will be allowed per lot created by this CSM.**
	6. **Further division of any lot created by this CSM is contingent upon serviceability by City utilities. Future lots created will conform to the standards of the R-2 zoning district.**
	7. **Future land divisions of these lots must show the building envelope of future dwelling units.**
	8. **Upon development of Exodus Pass:**
		1. **The City shall give the landowner 48 months notice to connect to City sanitary sewers. Upon abandonment of the septic system, the tanks shall be remediated per Sec 126-360 and 126-361 of the Municipal Code**
		2. **Landowner will release the right-of-way easement and joint access and maintenance agreement for any driveway serving the property.**
		3. **The landowner will install sidewalks and driveways meeting the standards of the Municipal Code.**
	9. **The final CSM is recorded with Rock County Register of Deeds.**

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

* 1. **Discussion and Motion to Recommend to Common Concil Approval of an Ammendment to the Final Land Divider’s Agreement for the Settler’s Grove Subdivision.**

**Review Staff Report and Applicant Comments**

Discussion was held regarding the potential for a recreational trail and connecting sidewalks, which are contingent on future development. Developers are requesting an extension to amend the land divider’s agreement to a 2028 completion date.

***Motion to Recommend to Common Council to Approve Amendment to the Final Land Divider’s Agreement to Settler’s Grove Subdivision.s***

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

1. **Old** **Business**
	1. **Update from Paulette Morning and Andy Phillips regarding Brown School Place.** Spranger received an update on the outstanding items needed to complete the development. So far, the sidewalk easement has been recorded and the rest of the items are waiting on better weather. The developers have until July 1, 2022 to complete the outstanding items.
2. **Discussion Items**
	1. **Review of Comprehensive Plan Draft Chapters and Maps**
3. **Community Development Report**
	1. **Director’s Report**. Spranger gave the report.

**Upcoming Maternity Leave and Possible Permit Moratorium**

Permits usually processed by Spranger may be delayed 90 days until her return from leave, while trying to still be able to accommodate the community as well as possible by utilizing other city staff to make sure applications are complete and in compliance with code.

**Special Meeting to Review Comprehensive Plan**

1. **Next Meeting Date:**
	1. Special Meeting May 19, 2022 at 6:00pm
	2. Regular Meeting June 7, 2022
2. ***Motion to Adjourn* *by Becker, seconded by Scarmon. Approved unanimously.***