

## NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

City of Evansville **Plan Commission**  
Regular Meeting  
City Hall, 31 S Madison St., Evansville, WI 53536  
Tuesday, December 6, 2022, 6:00 p.m.

## AGENDA

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the November 1, 2022 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed
7. Action Items
  - A. Review and Action on Rezoning Application 2022-0293 on parcel 6-27-559.5051 (Lot 51, Westfield Meadows)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - B. Public Hearing and Review of Zoning Map Amendment Application 2022-0283 to rezone parcel 6-27-589 (469-471 E Main St)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - C. Review of Site Plan Application 2022-0184 for TDS Vertiv Cabinet on parcel 6-27-959.A3 (715 Brown School Road)
    1. Review Staff Memo and Applicant Comments
    2. Plan Commissioner Questions and Comments
    3. Motion with Conditions
  - D. Review of Site Plan Application 2022-0185 for TDS Vertiv Cabinet on parcel 6-27-684.3 (340 Water Street)
    1. Review Staff Memo and Applicant Comments
    2. Plan Commissioner Questions and Comments

*-Mayor Dianne Duggan, Plan Commission Chair*

3. Motion with Conditions

E. Review and Discussion of Site Plan Application 2022-0252 on parcel 6-27-091A

1. Review Staff Memo
2. Applicant Comments
3. Plan Commissioner Questions and Comments
4. Motion with Conditions

8. Discussion Items

9. Community Development Report

A. 2023 Meeting Schedule

10. Next Meeting Date:

A. Tuesday, January 3, 2022 at 6:00pm

11. Motion to Adjourn

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

**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:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
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

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

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.

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

### 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.

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

**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.

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

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 7<sup>th</sup> 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.**





**APPLICATION FOR ZONING MAP AMENDMENT - STAFF REPORT**

**Application:** RZ-2022 0292

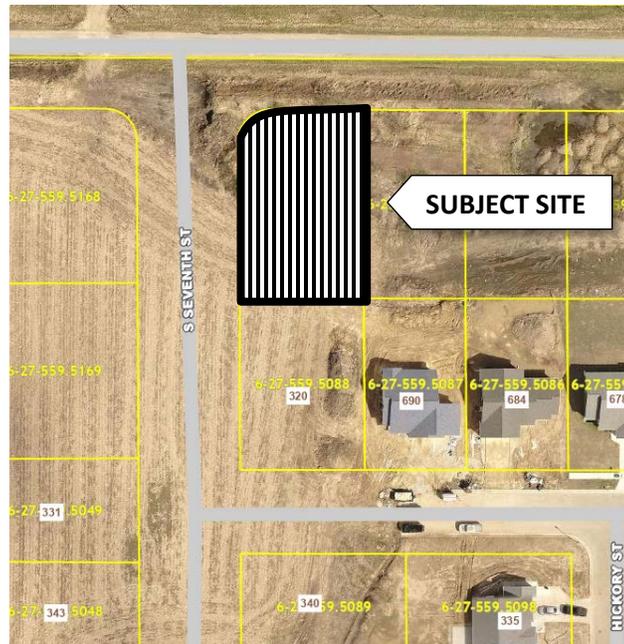
**Applicant:** RM Berg General Contractors

Parcel 6-27-559.5051

**December 5, 2022**

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov) or 608-882-2263



*Figure 1 Approximate Location Map*

**Location:** Lot 51, Westfield Meadows City of Evansville

**Description of request:** An application to rezone to the R-2 zoning district parcel 6-27-559.5051, Lot 51 of the Westfield Meadows subdivision.

The applicant intends to divide the parcel in two for a two-family twin residence in order to sell each unit separately. That will require a land division application which will be reviewed at a later date.

**Existing Zoning:** The lot is currently zoned R-1; two-family residences are a conditional use in the R-1. In this instance, the final plat of Westfield Meadows indicated the allowed location of two-family units directly on the plat (see Figure 2). This is an unusual practice and would no longer be allowed under the current version of the City's zoning ordinance. A rezoning is required because the landowner wants to sell the units separately. Two-family twin residences are not allowed in the R-1 zoning district.

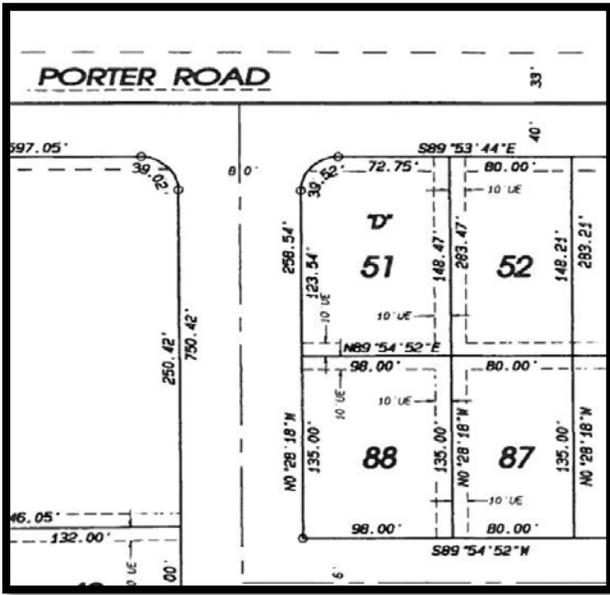


Figure 2: Final Plat of Westfield Meadows, with a "D" indicating Lot 67 could be a location for a duplex or two-family residence despite being zoned for R-1.

**Proposed Zoning:** Two-family twin residences with a zerolot line are allowed in the R-2 zoning district; therefore, the applicant is requesting that the existing parcel first be rezoned from R-1 to the R-2 zoning district. The rezoning must be approved before the lot can be separated.

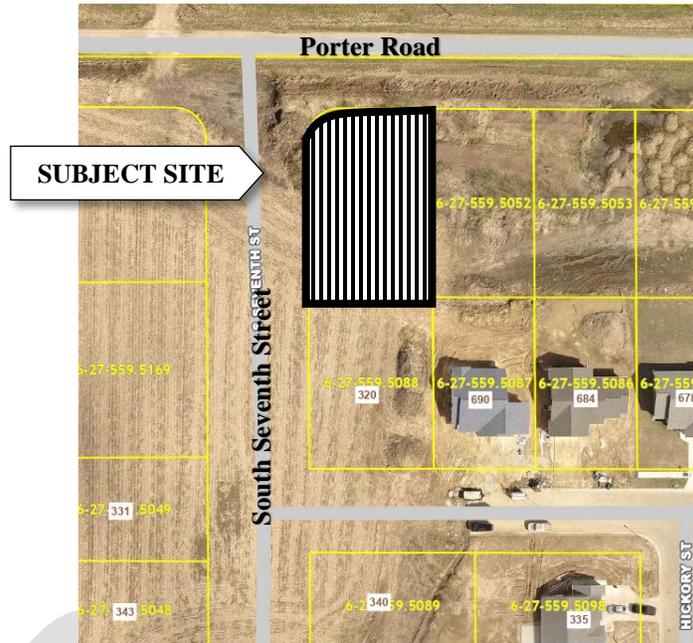
**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

**Plan Commission Recommended Motion:**

***Motion to recommend Common Council approve Ordinance 2023-1, Rezoning Territory to Residential District Two (R-2).***

CITY OF EVANSVILLE  
ORDINANCE # 2023-1

**An Ordinance Rezoning Territory from Residential District 1 (R-1)  
to Residential District 2 (R-2)**  
(On Parcel 6-27-559.5051)



The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

**SECTION 1. Zoning Classification.** In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, that the zoning classification of parcels be changed **from Residential District 1 (R-1) to Residential District 2 (R-2)**. The areas to be rezoned are indicated on the map below:

**SECTION 2. Zoning Map Amendment.** The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as to Residential District 2 (R-2).

**SECTION 3. Severability.** If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 4. Effective Date.** This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_3<sup>rd</sup> day of January, 2023.

\_\_\_\_\_  
Dianne C. Duggan, Mayor

ATTEST:

\_\_\_\_\_  
Leah Hurtley, City Clerk

Introduced: 12/6/2022  
Notices published: 11/16/2022, 11/23/2022  
Public hearing held: 12/6/2022  
Adopted: 1/3/2023  
Published: (within 10 days of adoption)

*Sponsor: This ordinance was initiated by a landowner application for a zoning map amendment.*

*Drafted on 12/5/2022 by Colette Spranger, Community Development Director*



**APPLICATION FOR REZONE – STAFF REPORT**

**Application No.:** RZ-2022-0283

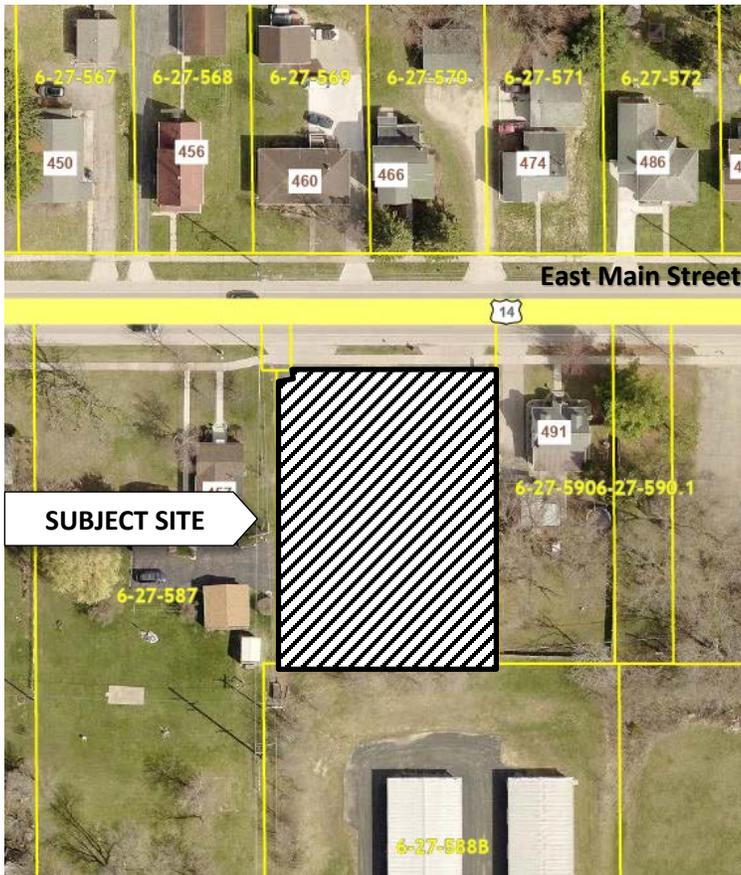
**Applicant** Mary Leeder, Molly Leeder

**Parcels:** 6-27-589

**December 5, 2022**

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: [colette.spranger@ci.evansville.wi.gov](mailto:colette.spranger@ci.evansville.wi.gov) or 608-882-2263



**Location:** 469/471 E Main Street

**Description of request:** An application to rezone parcel 6-27-589 has been submitted for consideration by the Plan Commission.

**Existing and Proposed Zoning:** The parcel is currently zoned B-1 Local Business District. The applicant proposes B-3 Community Business District. The applicants intend to relocate their Subway restaurant to this new location. The proposed new zoning will give the applicant the ability to apply for a conditional use permit to operate an In-Vehicle Sales or Service use for their drive-up window. Drive-up services are conditional uses in the B-3 and are not allowed uses in the B-1 zoning district.

In a pre-application meeting with City staff, it was discussed that the applicant would have a difficult time meeting the required vehicle stacking length of 100

feet for a drive-through. For that reason, the applicant will also be applying for a variance to make the case for an accommodation. Conditional use applications for the restaurant and drive-up window will answer further questions regarding traffic intensity and other site-related matters. Another public hearing will be held when those applications are received.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan.

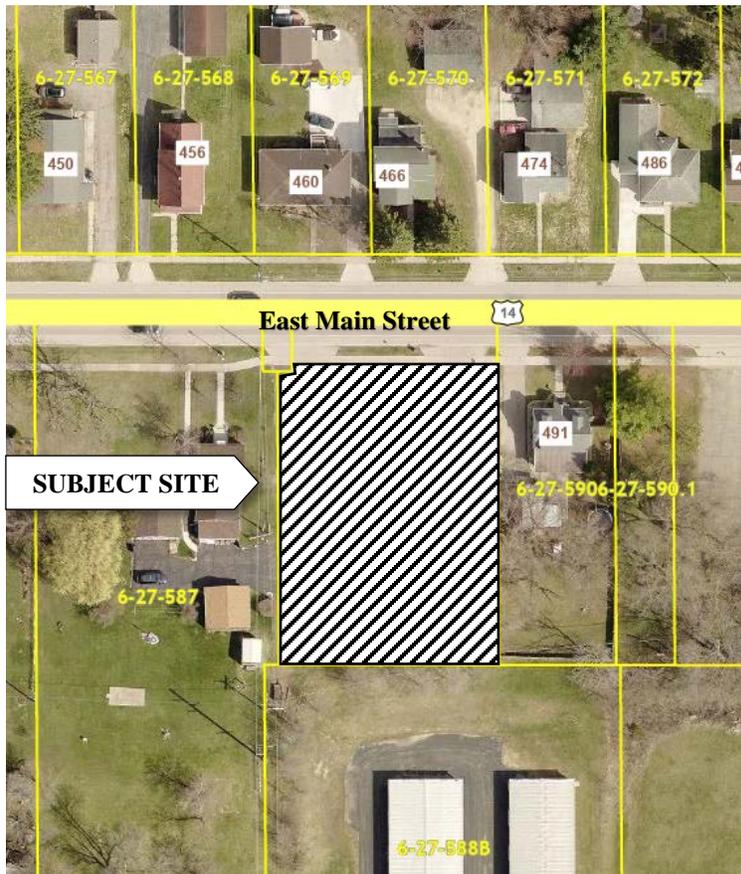
**Staff Recommended Motion:** Motion to recommend to Common Council approval of Ordinance 2023-2, Rezoning Territory from General Business District (B-1) to Community Business District (B-3).

CITY OF EVANSVILLE  
ORDINANCE # 2023-2

**An Ordinance Rezoning Territory from Local Business District (B-1)  
to Community Business District (B-3)**  
(On Parcel 6-27-589)

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

**SECTION 1. Zoning Classification.** In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, that the zoning classification of parcels be changed from Local Business District (B-1) to Community Business District (B-3). The areas to be rezoned are indicated on the map below:



**SECTION 2. Zoning Map Amendment.** The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Central Business District Three (B-3).

**SECTION 3. Severability.** If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 4. Effective Date.** This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_3<sup>rd</sup> day of January, 2023.

\_\_\_\_\_  
Dianne C. Duggan, Mayor

ATTEST:

\_\_\_\_\_  
Leah Hurtley, City Clerk

Introduced: 12/06/2022  
Notices published: 11/16/2022, 11/23/2022  
Public hearing held: 12/06/2022  
Adopted: 1/03/2023  
Published: (within 10 days of adoption)

*Sponsor: This ordinance was initiated by a landowner application for a zoning map amendment.*

*Drafted on 12/5/2022 by Colette Spranger, Community Development Director*





## SITE PLAN APPLICATION – STAFF REPORT

Applicant: TDS Telecom (via Matthew Kinders)

Parcel 6-27-959.A3

December 5, 2022

Prepared by: Colette Spranger, Community Development Director  
 Prepared for: City of Evansville Plan Commission

**Location:** 715 Brown School Road

**Description of request:** The applicant is seeking approval to install a Vertiv electric box within the side yard of the Boarders Inn and Suites at 715 Brown School Road. A Vertiv box “holds both DC distribution and fiber distribution in a single enclosure.” The Vertiv box measures about 10’ tall and the structure takes up approximately 82 square feet. The entire structure sits in the middle of a utility easement that measures 900 square feet. The purpose of the installation is part of TDS Telecom’s plan to expand fiber internet service to the City of Evansville.

**Staff Analysis of Request:** Section 130-536 of the zoning code provides regulations for exterior communication devices. This site plan meets the City’s requirements for such devices, namely that it sits outside a front or street yard, that the device is at least as far away from the property line as its maximum height. In order to mitigate the visual impact of the box within a commercial area, the City is asking for minimal landscaping to screen the box at the ground level.

**Required Plan Commission findings for Conditional Use Permit request:** Section 130-104 (3) of the Municipal Code, includes criteria that should be considered in making this decision:

1. **Consistency of the use with the comprehensive plan.** The proposed use in general and in this specific location is consistent with the city’s comprehensive plan of November 2015.  
*Staff Comment: The Comprehensive plan includes a goal of providing the City with infrastructure to meet the needs of a growing population.*
2. **Consistency with the City’s zoning code, or any other plan, program, or ordinance.** The proposed use in general and in this specific location is consistent with City’s zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.  
*Staff comment: The proposed construction is consistent with the City’s zoning code and other plans, programs, and ordinances.*
3. **Effect on nearby property.** The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City’s zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.  
*Staff Comment: No adverse effect is anticipated on nearby property. Proper landscaping should screen the cabinet from view.*

4. **Appropriateness of use.** The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

*Staff Comment: The proposed use is consistent with the zoning code's requirements for exterior communication devices and with existing electric system boxes on the property.*

5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.

*Staff Comment: the property is currently served by public utilities*

**Required Plan Commission conclusion:** Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the site plan do or do not outweigh any and all potential adverse impacts. The proposed motion below states that benefits do in fact outweigh any and all potential adverse impacts. The commission can also choose to delay final approval subject to a public hearing.

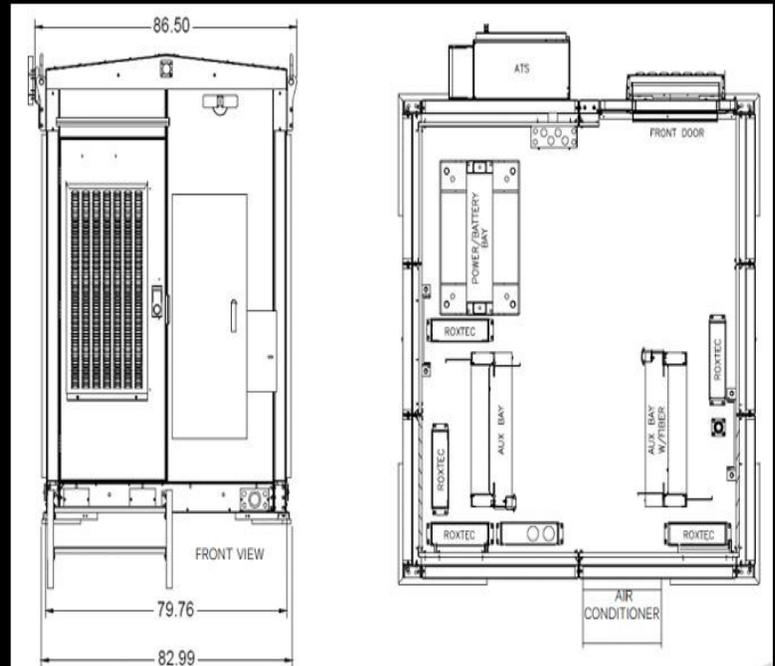
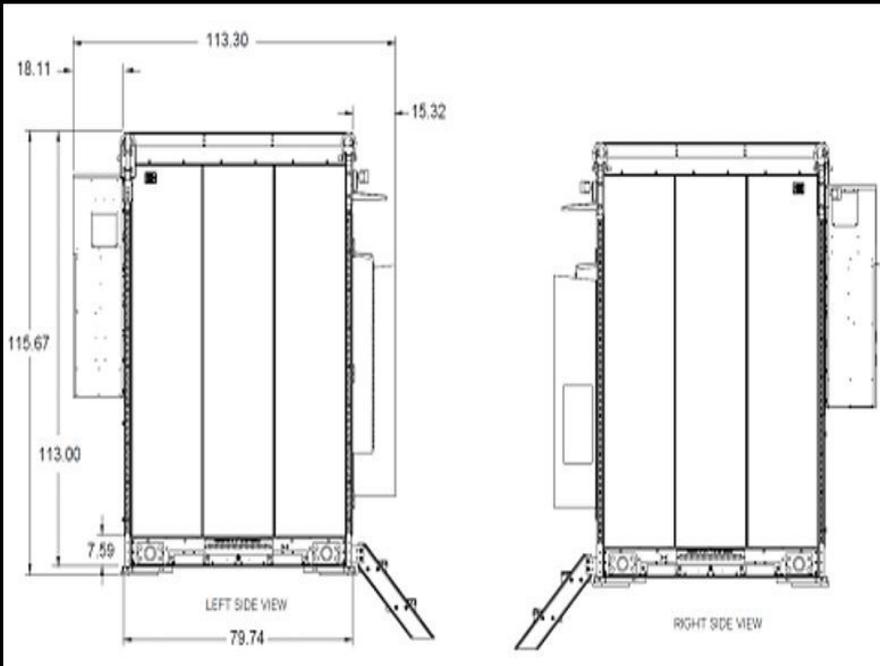
**Staff recommended motion:** *The Plan Commission approves the site for a Vertiv box as presented for 715 Brown School Road on parcel 6-27-959.A3, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions: TDS Telecom to install three (3) evergreen trees on box's left, right, and rear sides within the utility easement.*







# Vertiv XTE





## SITE PLAN APPLICATION – STAFF REPORT

Applicant: TDS Telecom (via Matthew Kinders)

Parcel 6-27-684.3

December 5, 2022

Prepared by: Colette Spranger, Community Development Director  
 Prepared for: City of Evansville Plan Commission

**Location:** 340 Water Street

**Description of request:** The applicant is seeking approval to install a AP24 electric box within the front yard of the Metal Culverts Inc site at 340 Water Street. This is a smaller electric box than the one proposed at 715 Brown School Road, measuring roughly 10 square feet in area and 5' in height. The entire structure sits in the middle of a utility easement that measures 225 square feet. The purpose of the installation is part of TDS Telecom's plan to expand fiber internet service to the City of Evansville.

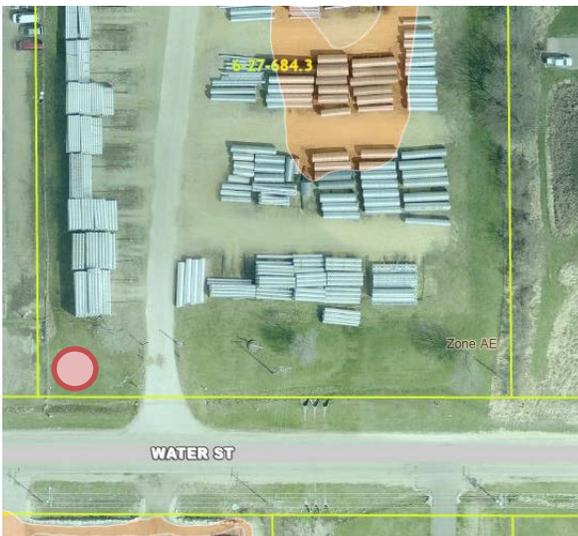


Figure 1: TDS Telecom proposed location at 340 Water Street



Figure 2: City-suggested location at the Yard Waste drop-off site

**Staff Analysis of Request:** Section 130-536 of the zoning code provides regulations for exterior communication devices. While the box meets the City's requirement for setbacks, its proposed location is in a front yard and the utility easement abuts the right-of-way/property line along Water Street. The concern for allowing the box within a front yard is that exterior communication devices are allowed by right in all zoning districts. If the City allows a box in the front yard at one location, it may be pressed to allow it in another. The applicant noted that there is an electric box nearby the property along Water Street, but that box is within the right-of-way and not on private property.

When initially asked over the summer by the applicant, the Municipal Services Director suggested that the box be located at the City's Yard Waste site, also on Water Street. The benefits for using the Yard Waste site include screening from the already-existing fence and a location outside the floodplain.

The applicant stated that the preference for the 340 Water Street site was due to their engineer fearing a flood risk, stating that the land slopes downward and away from the proposed box location (a 1 foot difference). Staff analysis of this claim is that the Yard Waste site may direct runoff toward the box (slope is ~3%) but the Yard Waste site is completely out of the floodplain.

While the placement of the box is unlikely to have an effect on an eventual sidewalk or multiuse path along Water Street, there is the potential for the site to be disturbed if the City seeks an easement for an eventual path.

**Required Plan Commission findings for Conditional Use Permit request:** Section 130-104 (3) of the Municipal Code, includes criteria that should be considered in making this decision:

1. **Consistency of the use with the comprehensive plan.** The proposed use in general and in this specific location is consistent with the city's comprehensive plan of November 2015.  
*Staff Comment: The Comprehensive plan includes a goal of providing the City with infrastructure to meet the needs of a growing population.*
2. **Consistency with the City's zoning code, or any other plan, program, or ordinance.** The proposed use in general and in this specific location is consistent with City's zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.  
*Staff comment: The proposed box location is in the front yard of parcel 6-27-684.3, which is not allowed per Section 130-536 of the zoning code. City staff are concerned about setting precedent for future utility box locations.*
3. **Effect on nearby property.** The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City's zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.  
*Staff Comment: Box would be in Zone AE floodplain. While utilities are allowed in the floodplain, it seems counterintuitive to allow it when higher ground has been offered.*
4. **Appropriateness of use.** The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.  
*Staff Comment: Again, City staff is concerned about setting precedent with locating communication devices in the front yards of any parcel. Exterior communication devices are permitted by right in all zoning districts. Permitting this once could set the City up to allow the boxes in places in residential or commercial front yards.*
5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.

*Staff Comment: the property is currently served by public utilities*

**Required Plan Commission conclusion:** Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the site plan do or do not outweigh any and all potential adverse impacts. The proposed motion below states that the City would like the applicant to reconsider the location due to potential adverse impacts. The commission can also choose to delay final approval subject to a public hearing.

**Staff recommended motion:** *The Plan Commission tables the application and requests the applicant move the AP24 box location back to the Yard Waste site.*



*Figure 3: Example of AP24 installed on another site.*

# UTILITY EASEMENT EXHIBIT

## LEGEND

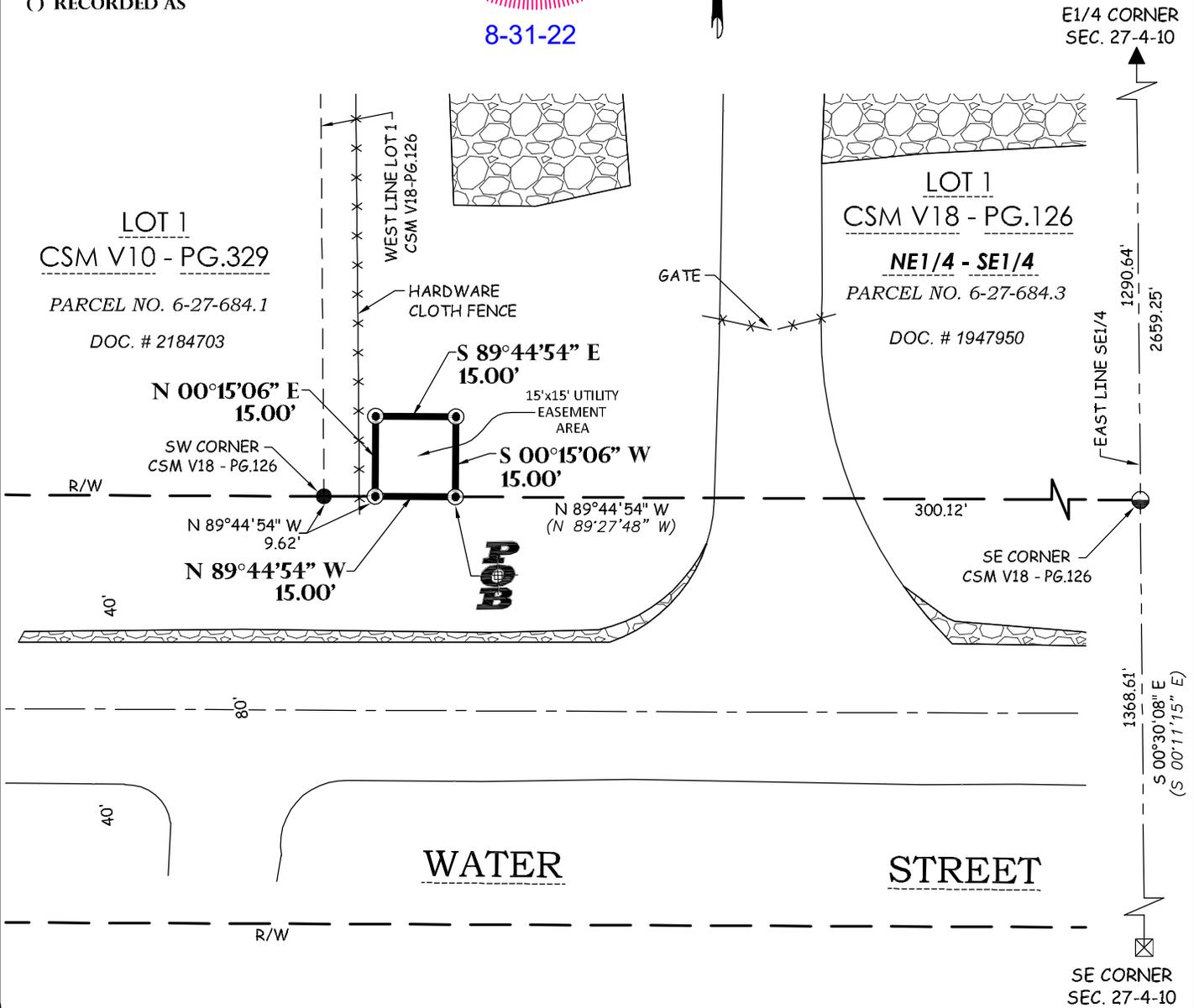
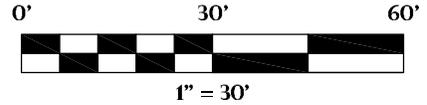
- ⊙ 3/4" O.D. X 18" IRON BAR SET WEIGHING 1.50 LBS/LIN. FT.
- 3/4" O.D. IRON BAR FOUND
- ⊖ 1-1/4" O.D. IRON BAR FOUND
- ▲ PK NAIL FOUND
- ⊠ CUT LIMESTONE FOUND
- ▨ ASPHALT AREA
- ▩ GRAVEL AREA
- ( ) RECORDED AS



8-31-22

## BASIS OF BEARINGS

THE EAST LINE OF THE SE1/4 OF SEC. 27, T.4N, R.10E, BEARS S 00°30'08" E AS REFERENCED TO THE ROCK CO. CRD. SYSTEM, NAD83 (2011).



Land Surveying  
Civil Engineering  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**  
4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED 08/15/22  
DRAWN: TDP CHECKED: JGB  
FIELD BOOK B-42 PAGE 37  
JOB NO: 22.859

CLIENT  
COPILOT NETWORKS LLC  
6600 CHASE OAKS BLVD,  
SUITE 150  
PLANO, TX 75023

SHEET 1 OF 2

# UTILITY EASEMENT EXHIBIT

## Utility Easement Legal Description

Being a part of Lot 1 of Rock County Certified Survey Map as recorded in Volume 18 of Certified Survey Maps, Pages 126-128, as Document No. 1257339, located in part of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 4 North, Range 10 East, City of Evansville, Rock County, Wisconsin, the easement area being more particularly described as follows;

Commencing at the East 1/4 corner of Section 27, Township 4 North, Range 10 East;

Thence S 00°30'08" E along the East line of the Southeast 1/4 of said Section 27, 1290.64 feet to the Southeast corner of Lot 1 of Certified Survey Map as recorded in Volume 18 of Certified Survey Maps, Pages 126-128, as Document No. 1257339, said point also being on the North right-of-way line of Water Street;

Thence N 89°44'54" W along the South line of said Lot 1 and along said North right-of-way line of Water Street, 300.12 feet to the Point of Beginning (P.O.B.) of the easement area to be described;

Thence N 89°44'54" W along the South line of said Lot 1 and said North right-of-way line of Water Street, 15.00 feet;

Thence N 00°15'06" E, 15.00 feet;

Thence S 89°44'54" E, 15.00 feet;

Thence S 00°15'06" W, 15.00 feet to the Point of Beginning (P.O.B).

Containing 225 Square Feet (0.005 Acres).



8-31-22



Point of Beginning

Land Surveying  
Civil Engineering  
Landscape Architecture  
**Jordan G. Brost, PLS #3009**

4941 Kirschling Court  
Stevens Point, WI 54481  
715.344.9999 (PH) 715.344.9922 (FX)

FIELDWORK COMPLETED 08/15/22

DRAWN: TDP CHECKED: JGB

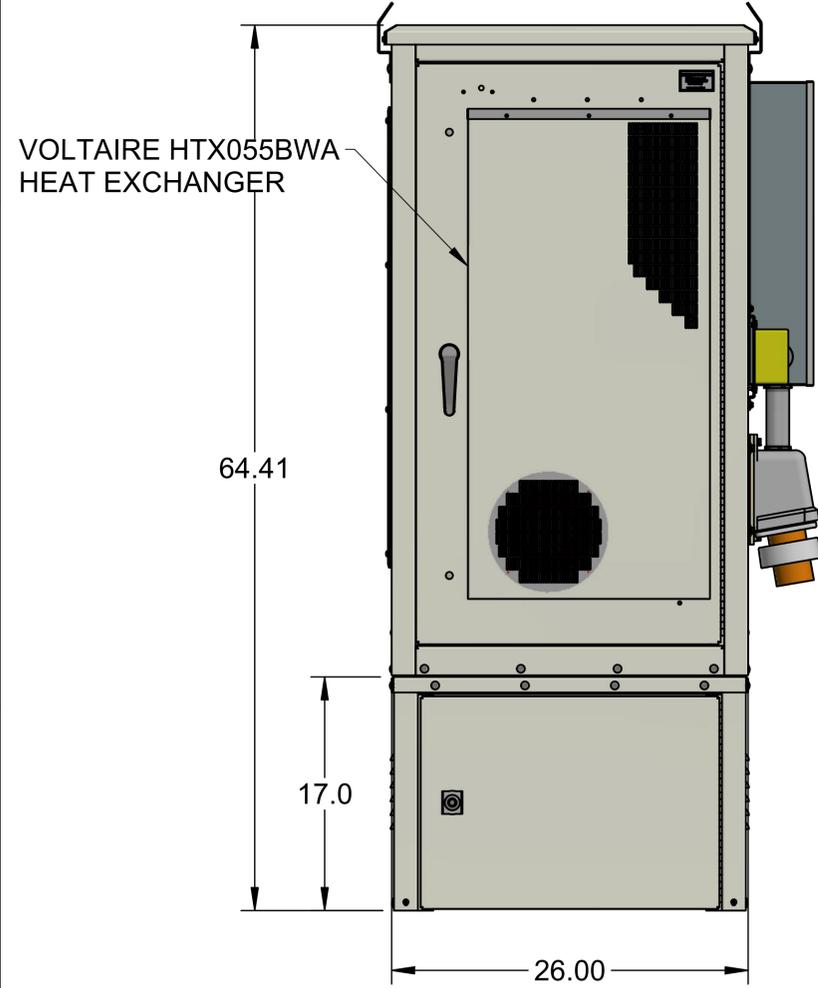
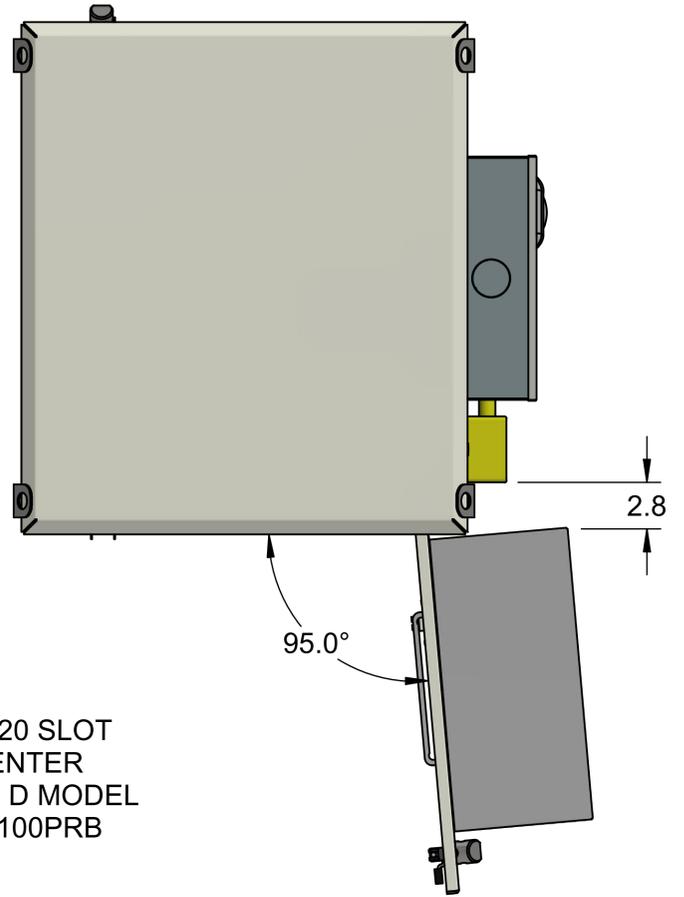
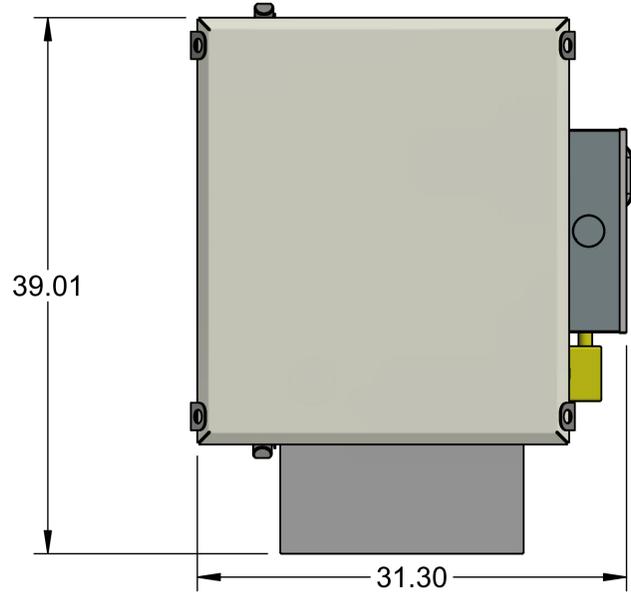
FIELD BOOK B-42 PAGE 37

JOB NO: 22.859

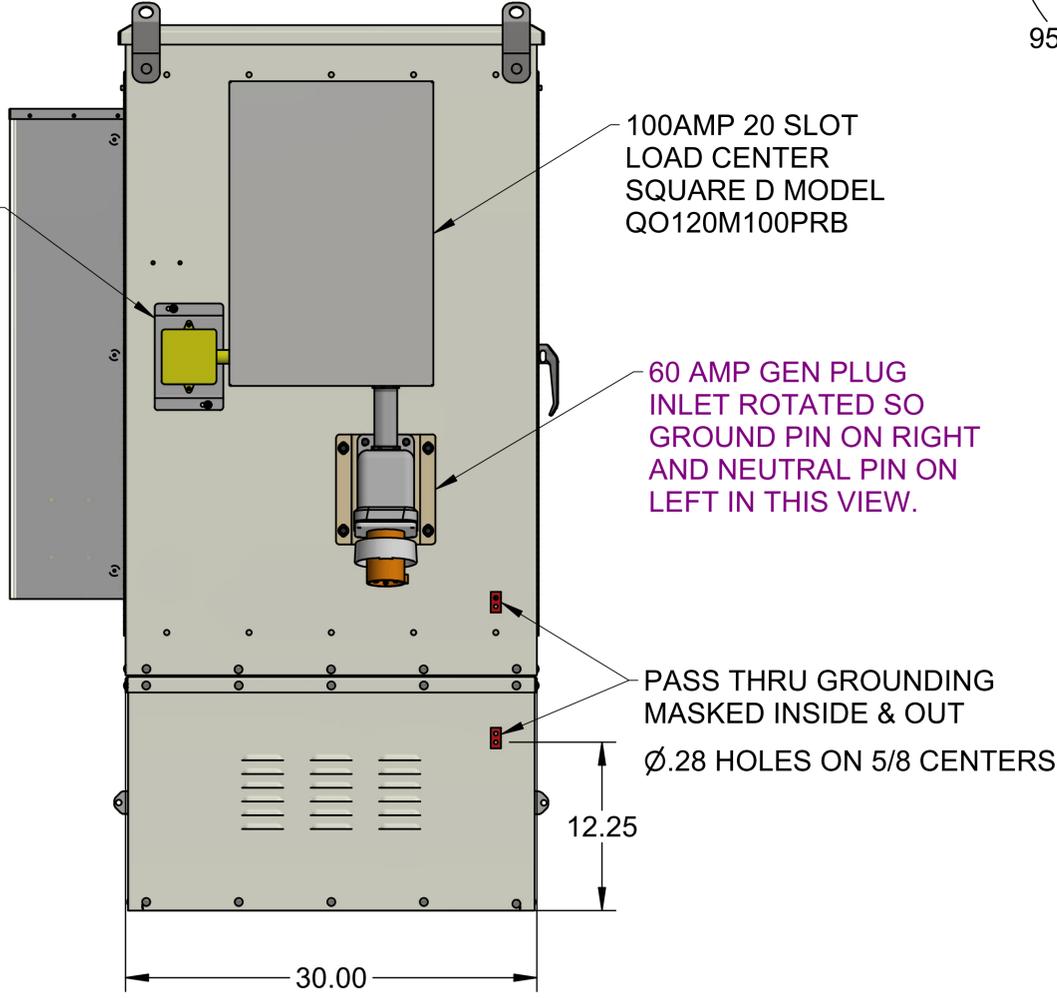
CLIENT  
COPILOT NETWORKS LLC  
6600 CHASE OAKS BLVD,  
SUITE 150  
PLANO, TX 75023

SHEET 2 OF 2

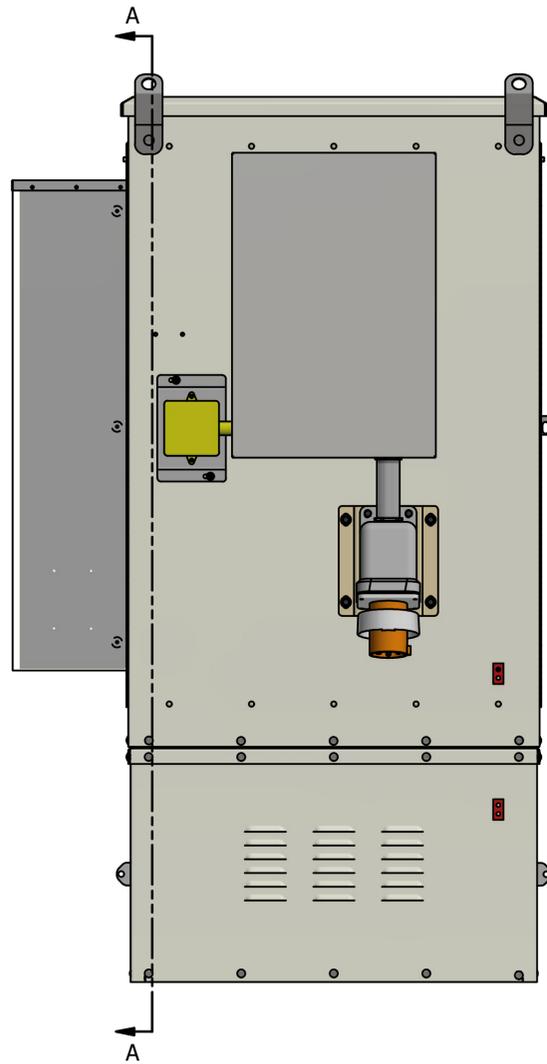
# AM47P-2630-24RU-WTDS



MOUNTING PROVISION  
FOR SURGE ARRESTER  
(SURGE ARRESTER  
NOT INCLUDED)

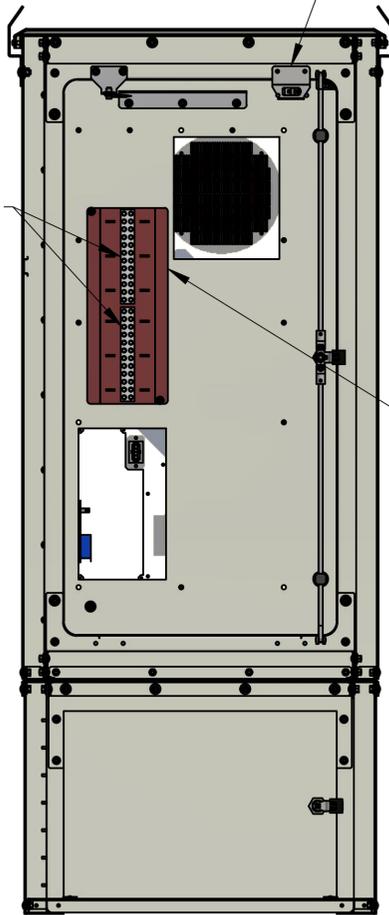


REVISION HISTORY				
DCN NO.	REV	DESCRIPTION	DATE	APPROVED
UNLESS OTHERWISE SPECIFIED:				
ALL DIMENSIONS ARE IN INCHES.		MATERIAL:		
ALL TOLERANCES APPLY TO THE FINISHED PART, EXCLUDING PAINT		FINISH: SEE BOM / TCA		
TOLERANCES	ANGLES	DWN BY: CMR	<b>AMERICAN PRODUCTS</b>	
X = ±	± 1'	APR BY: TD		
.XX = ± .06	HOLES	DATE: 12/31/2020	TITLE:	
.XXX = ± .030	± .003"	PRJ:	AM47P-2630-24RU-WTDS	
THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF AMERICAN PRODUCTS LLC AND THESE DESIGNS ARE CONSIDERED CONFIDENTIAL AND PROPRIETARY. IT SHALL NOT BE COPIED OR USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN PERMISSION.		SCALE:	DRAWING NUMBER:	REV:
CUSTOMER		NTS	50-4565-00	IR
		1	OF 4	



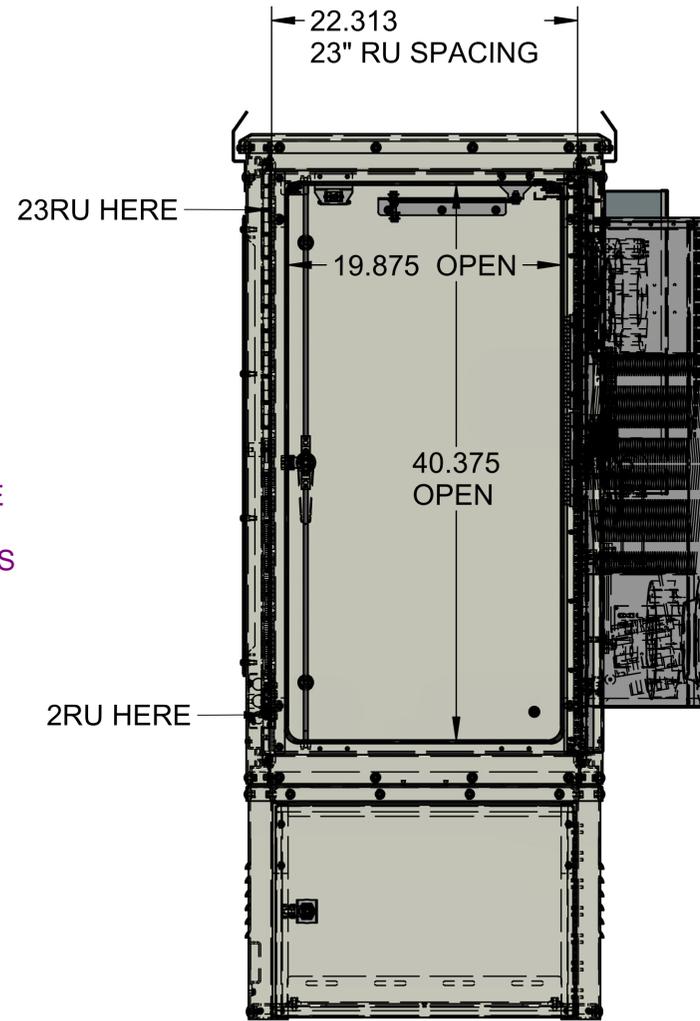
PHOENIX TERMINAL STRIPS (2X) #3240181

DOOR ALARM



MOUNTING PLATE W/INTEGRATED TIE DOWN LANCES

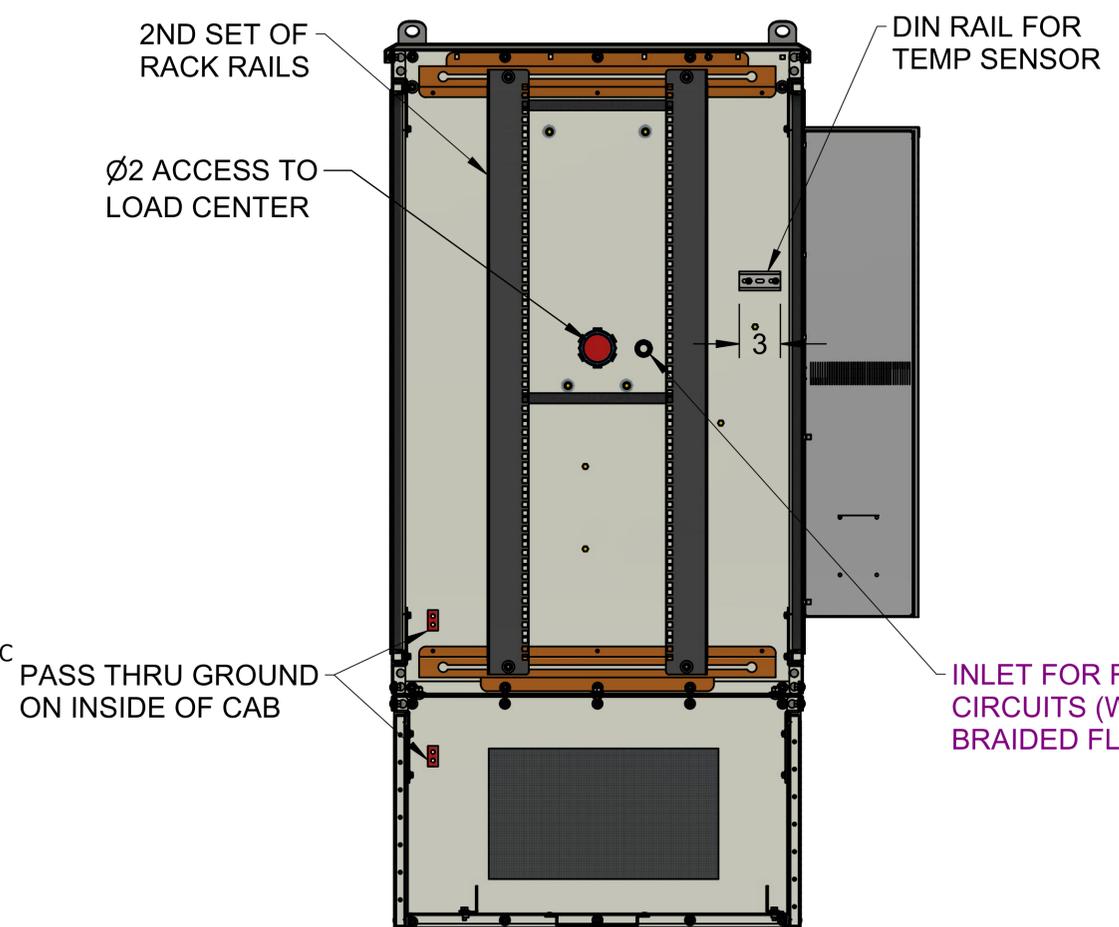
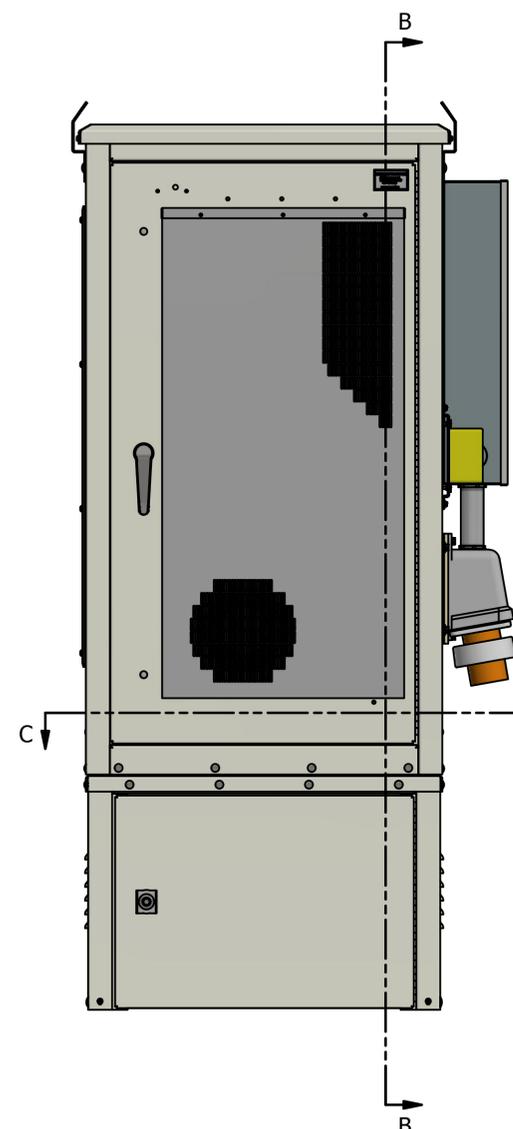
SECTION A-A  
INTERNAL VIEW OF  
FRONT DOOR



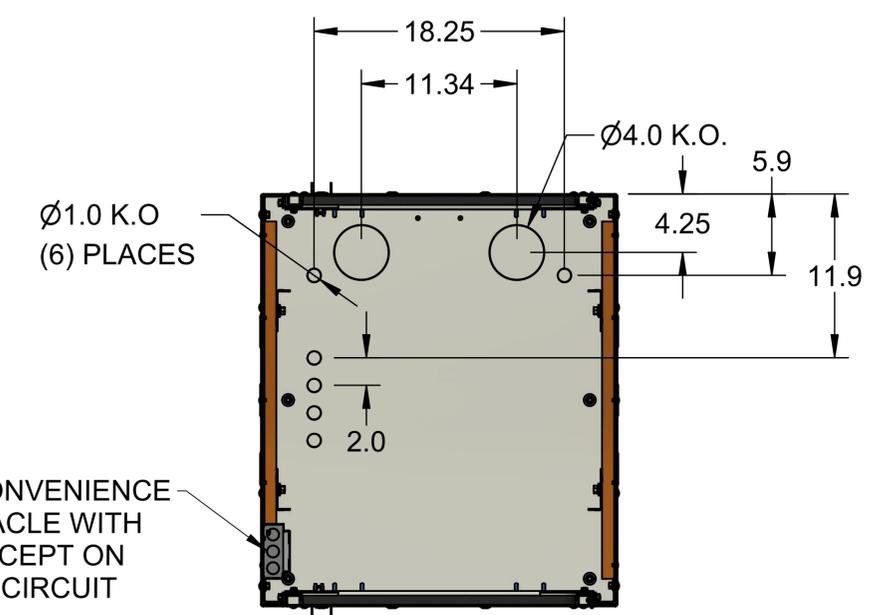
**FRONT DOOR OPEN  
ACCESSIBLE SPACE  
& RU PLACEMENT**

**24 RU AVAILABLE FRONT  
AND REAR OF CABINET  
22 RU WITH COMPLETELY  
UNENCUMBERED ACCESS.**

UNLESS OTHERWISE SPECIFIED: ALL DIMENSIONS ARE IN INCHES. ALL TOLERANCES APPLY TO THE FINISHED PART, EXCLUDING PAINT		MATERIAL: FINISH: SEE BOM / TCA	
TOLERANCES		DWN BY: CMR	<b>AMERICAN PRODUCTS</b>
X = ±	± 1'	APR BY: TD	
.XX = ± .06	HOLES	DATE: 12/31/2020	TITLE: <b>AM47P-2630-24RU-WTDS</b>
.XXX = ± .030	± .003"	PRJ:	DRAWING NUMBER: <b>50-4565-00</b>
THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF AMERICAN PRODUCTS LLC AND THESE DESIGNS ARE CONSIDERED CONFIDENTIAL AND PROPRIETARY. IT SHALL NOT BE COPIED OR USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN PERMISSION		CUSTOMER	REV: IR
		SCALE: <b>NTS</b>	SHEET <b>2</b> OF 4



SECTION B-B  
INTERIOR LEFT SIDE

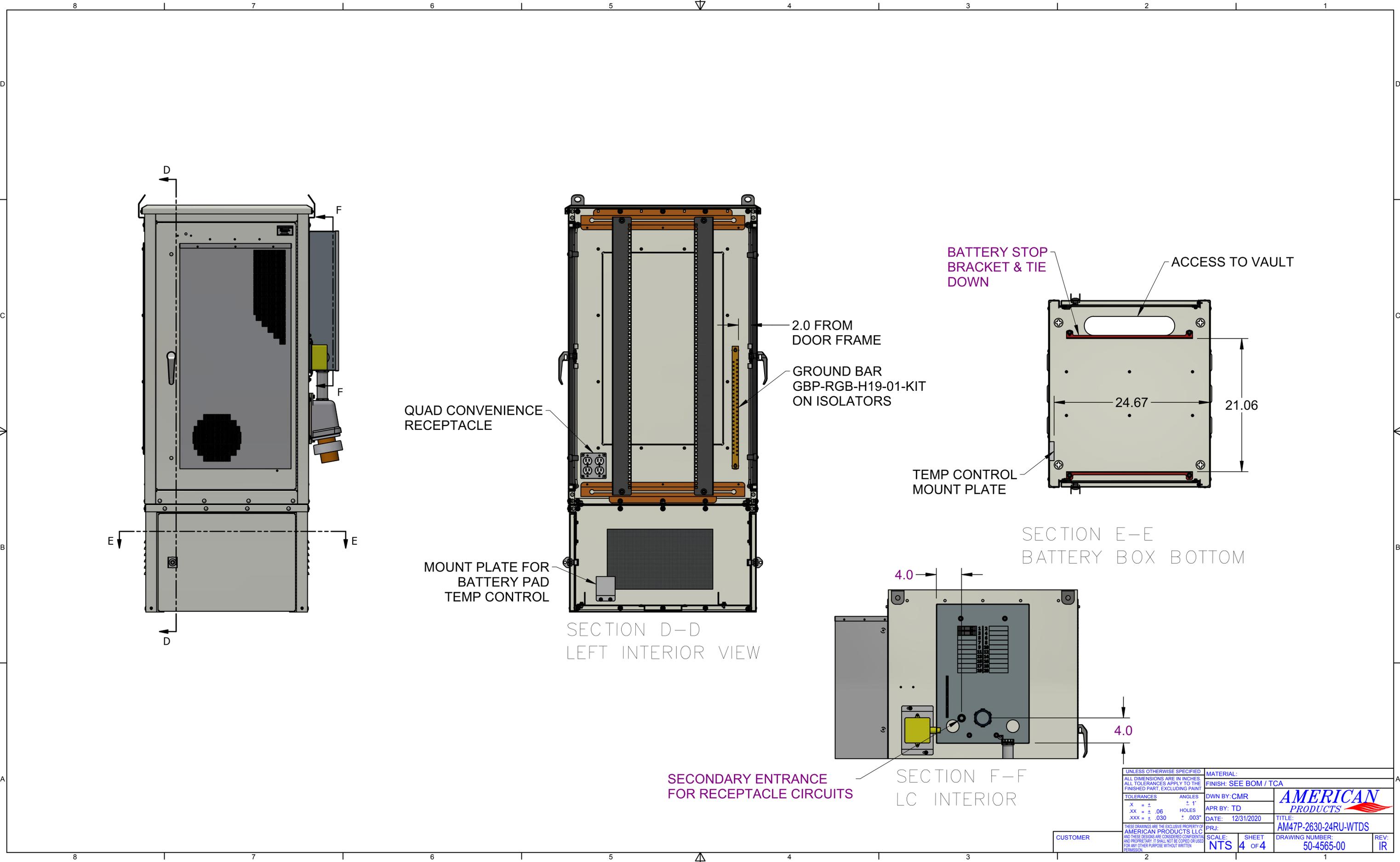


**FRONT DOOR**

SECTION C-C  
BOTTOM OF CABINET

INLET FOR RECEPTACLE  
CIRCUITS (WRAPPED IN  
BRAIDED FLEX SLEEVING)

UNLESS OTHERWISE SPECIFIED: ALL DIMENSIONS ARE IN INCHES. ALL TOLERANCES APPLY TO THE FINISHED PART, EXCLUDING PAINT		MATERIAL: FINISH: SEE BOM / TCA	
TOLERANCES	ANGLES	DWN BY: CMR	<b>AMERICAN PRODUCTS</b>
X = ±	± 1'	APR BY: TD	
.XX = ± .06	HOLES	DATE: 12/31/2020	TITLE: <b>AM47P-2630-24RU-WTDS</b>
.XXX = ± .030	± .003"	PRJ:	DRAWING NUMBER: <b>50-4565-00</b>
THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF AMERICAN PRODUCTS LLC AND THESE DESIGNS ARE CONSIDERED CONFIDENTIAL AND PROPRIETARY. IT SHALL NOT BE COPIED OR USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN PERMISSION		CUSTOMER	SCALE: <b>NTS</b>
		SHEET <b>3</b>	REV: <b>IR</b>
		OF 4	



UNLESS OTHERWISE SPECIFIED: ALL DIMENSIONS ARE IN INCHES. ALL TOLERANCES APPLY TO THE FINISHED PART, EXCLUDING PAINT		MATERIAL: FINISH: SEE BOM / TCA	
DWN BY: CMR		APR BY: TD	
DATE: 12/31/2020		DATE: 12/31/2020	
PRJ: AM47P-2630-24RU-WTDS		TITLE: AM47P-2630-24RU-WTDS	
SCALE: NTS		SHEET 4 OF 4	
DRAWING NUMBER: 50-4565-00		REV: IR	

CUSTOMER



# Evansville Plan Commission

## 2023 Meeting Dates

*Meetings held at City Hall, 31 S. Madison Street, at 6:00 PM*  
*Dates and times subject to change*

---

### **Tuesday, January 3, 2023**

Applications must be completed for January Meeting by Wednesday, December 1, 2022

### **Tuesday, February 7, 2023**

Applications must be completed for February Meeting by Wednesday, January 11, 2023

### **Tuesday, March 7, 2023**

Applications must be completed for March Meeting by Wednesday, February 8, 2023

### **Tuesday, April 4, 2023**

Applications must be completed for April Meeting by Wednesday, March 8, 2023

### **Tuesday, May 2, 2023**

Applications must be completed for May Meeting by Wednesday, April 5, 2023

### **Tuesday, June 6, 2023**

Applications must be completed for June Meeting by Wednesday, May 10, 2023

### **Wednesday, July 5, 2023**

Applications must be completed for Meeting by Wednesday, June 7, 2023

### **Tuesday, August 1, 2023**

Applications must be completed for August Meeting by Wednesday, July 5, 2023

### **Tuesday, September 5, 2023**

Applications must be completed for September Meeting by Wednesday, August 9, 2023

### **Tuesday, October 3, 2023**

Applications must be completed for October Meeting by Wednesday, September 6, 2023

### **Tuesday, November 7, 2023**

Applications must be completed for November Meeting by Wednesday, October 11, 2023

### **Tuesday, December 5, 2023**

Applications must be completed for December Meeting by Wednesday, November 8, 2023

Last Updated: 12/2/2023

I:\Community Development\Plan Commission\2023 PC Meeting Dates.docx