

**City of Evansville Plan Commission
Regular Meeting
Monday, October 5, 2015, 6:00 p.m.
City Hall (Third Floor), 31 South Madison Street**

MINUTES

- 1) **Call to Order** at 6:00 pm.
- 2) **Roll Call.** Members present: Mayor Sandy Decker, John Gishnock, Barbara Jacobson, Rick Cole, Matt Eaton, Josh Manring and Bill Hammann. Others present: Community Development Director Jason Sergeant, Norm Paulson, John Paulson, Robert Paulson, Mr. and Mrs. Soldner, and Roger Berg.
- 3) **Approval of Agenda.** Motion to approve the October 5, 2015 agenda by Hammann/Cole. Approved unanimously.
- 4) **Approval of Minutes:** Motion to waive the reading of the minutes from the September 1, 2015 regular meeting and approve them as printed Hammann/Manring. Approved unanimously.
- 5) **Civility Reminder.** Decker noted the City's commitment to civil discourse.
- 6) **Citizen appearances other than agenda items listed.** None.
- 7) **New Business**
 - a. **Site plan review for 225 South Union Street (Parcel 6-27-132.5)**
 - i. **Initial Staff and Applicant Comments.** Sergeant provided overview of his staff report and applicant's proposal. Sergeant indicated all requirements are met. Landscaping is being required for the new building square footage.
 - ii. **Plan Commissioner Questions and Comments.**
 - iii. **Motion.** *The Plan Commission approves the site plan for parcel 6-27-132.5, finding the proposal is consistent with Section 130-131 of the zoning ordinance, subject to the following conditions:*
 1. *Landscaping is installed meeting the requirements of the code.*
 2. *Future pavement added will require compliance with 5 ft. rear and side pavement setbacks, 10 ft. front setbacks, and the addition of landscaping.***Motion by Hammann, seconded by Cole. Approved unanimously.**
 - b. **Public hearing concerning Ordinance 2015-07, petition for annexation of 7801 S 5th Street (Parcel 6-20-233.01)**
 - i. **Initial Staff and Applicant Comments.** Sergeant overviewed the steps being undertaken at tonight's meeting. Sergeant indicated the annexation is compliant with code and consistent with comprehensive plan. The annexed property would first be a temporary R1 zoning. Applicant indicated no well or septic is on the parcel.
 - ii. **Pre-Annexation agreement review.** Sergeant overviewed the agreement, highlighting the mention of payment of taxes due to Town of Union and a special assessment due from utility work along 5th Street. The applicant signed the agreement before the meeting.
 - iii. **Public Hearing.** Decker opened the public hearing at 6:16pm. Mrs. Soldner of 134 Joshua Drive asked if the new homes on the lots will fall under the deed restrictions and expressed concern for the condition of the homes that will be built. She said the existing trailer adjacent to this parcel is not well maintained. Decker closed the public hearing at 6:19pm.
 - iv. **Plan Commissioner Questions and Comments.** Cole asked if the concern is if the new homes will fall under deed restrictions. Mrs. Soldner indicated she would like to see that. Sergeant indicated regular R1 ordinances would govern the size and shape of the homes. Maintenance of the property would not be regulated by ordinances. Deed restriction and covenants on the property are not enforceable by the City. The annexed land is not required to be a part of existing deed restrictions. Mrs Soldner asked the applicant what is planned to be built on the site. Norm Paulson indicated single family homes are most

likely. Sergeant added that having the parcels in the city and not in the township provide more ability for the city to keep a home compliant.

- v. **Motion:** *Finding the annexation is consistent with the Comprehensive Plan, the Plan Commission recommends Common Council approval of Ordinance 2015-07 and the pre-annexation agreement, annexing territory to the City of Evansville, with the following conditions:*

1. *The applicant signs and accepts the pre-annexation agreement*
2. *Any septic and wells on the parcel are abandoned per state law*

Motion by Hammann, seconded by Cole. Approved Unanimously.

- c. **Public hearing concerning Ordinance 2015-08, petition for rezoning of 7801 S 5th Street (Parcel 6-20-233.01)**

- i. **Initial Staff and Applicant Comments.** Sergeant explained this changes the zoning from temporary R1 to R1. Essentially a housekeeping ordinance to remove the temporary designation. Sergeant reviewed the findings in his staff report, recommending approval of the rezone.
- ii. **Public Hearing.** Decker opened the public hearing at 6:32pm. No comments were received from the public. Decker closed the public hearing at 6:33pm.
- iii. **Plan Commissioner Questions and Comments**
- iv. **Motion:** *The Plan Commission recommends City Council approve Ordinance 2015-08, rezoning territory from Residential District One (R-1) Temporary Zoning to Residential District One (R-1) Zoning, finding the public benefits of the proposed rezoning outweigh and all potential adverse impacts of the proposed rezoning, as identified in Section 130-174(3)a-c of City ordinances, subject to the following conditions:*

1. *The annexation is approved by Common Council and completed by applicant*
2. *Pre-annexation agreement is signed and completed by applicant*

Motion by Hammann, seconded by Cole. Approved Unanimously.

- d. **Public hearing and review of a preliminary land division applications for a certified survey map (CSM) to split parcel 6-20-233.01, located at 7801 S 5th Street into three parcels.**

- i. **Initial staff and applicant comments.** Sergeant overviewed staff report indicating this is a preliminary approval only, as a final application will be reviewed next month.
- ii. **Public hearing.** Decker opened the public hearing at 6:38pm. No comments were received from the public. Decker closed the public hearing at 6:39pm.
- iii. **Plan Commissioner questions and comments.**
- iv. **Motion:** *The Plan Commission recommends the City Council approve the preliminary certified survey map to divide parcel 6-20-233.01 into three lots, finding that the certified survey map is in the public interest and meets the objectives contained within Section 110-102(g) of City ordinances with the following conditions:*

1. *Annexation is approved by Common Council and completed by applicant.*

Motion by Cole, seconded by Manring. Approved Unanimously.

- e. **Discussion and possible motion on response to PACE inquiry for 112.5 Acres of farmland in Town of Union.** Sergeant explained staff is seeking formal approval of this PACE application to demonstrate clear support for the farmland preservation. The application is consistent with the comprehensive plan and future land use map. **Motion:** *The City of Evansville respond in favor of a PACE application by Alvin G. Francis Trust finding the application is consistent with the comprehensive plan.* **Motion by Hammann, seconded by Cole. Approved unanimously.**

8) Old Business

- a. **Review of Smart Growth Plan final draft and motion to recommend to Common Council.** Manring suggested the cover be modified. A short discussion of committee members indicated the cover was acceptable as presented. Sergeant briefly overviewed changes in transportation and community facilities map. Decker pointed out Table 10.1 showing a lot of acreage for planned neighborhood. Decker suggested additional language to clarify not all of the acreage is intended to be used in the future, but is being made available. Cole noted the

legend in the Future Land Use Map needs to be modified to clarify what Traditional Neighborhood Activity Centers should look like.

Motion: Recommend adoption of the 2015 update to the Smart Growth Comprehensive Plan to Common Council Motion by Hammann, seconded by Manring. Approved unanimously.

b. Other updates. None

9) Monthly Reports

- a. Report on other permitting activity by Zoning Administrator.** 11 E main has submitted a conditional use permit. Jacobson asked if any further activity has happened at auto-transformers site. Decker indicated nothing more has happened.
- b. Report of the Evansville Historic Preservation Commission.** 268 W Liberty had final approval and will begin construction. Portable dugouts were recommended for Lake Leota Park.
- c. Report on Common Council actions relating to Plan Commission recommendations.** Approved final land division of 170 S Union.
- d. Report on Board of Appeals actions relating to zoning matters.** None
- e. Report on enforcement.** Sergeant indicated Mastertech Car Care removed 15 cars from property and complied with enforcement requests. Sergeant indicated 90 days is the max expected for an automobile being actively repaired, with one year indicating the vehicle is being stored. 309 Union was asked to remove cars and signage from city right of way.
- f. Planning education/news.** None.

10) Next Meeting: Monday, November 2, 2015 at 6 p.m.

11) Motion to Adjourn at 7:00pm. Motion by Hammann, seconded by Cole. Approved unanimously.

Mayor Sandra J. Decker, Plan Commission Chair