

**City of Evansville Plan Commission  
Regular Meeting  
Monday, November 2, 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, Justin Schott, Janette Klaehn, Scott Ringhand and Norm Paulson.
- 3) **Approval of Agenda.** Motion to approve the November 2, 2015 agenda by Jacobson/Manring. Approved unanimously.
- 4) **Approval of Minutes:** Motion to waive the reading of the minutes from the October 5, 2015 regular meeting and approve them as printed Manring/Jacobson. Approved unanimously.
- 5) **Civility Reminder.** Decker noted the City's commitment to civil discourse.
- 6) **Citizen appearances other than agenda items listed.** Sergeant introduces Brian Carranza the New City of Evansville Planning Intern.
- 7) **New Business**
  - a. **Motion to recommend approval of a final land division application for a certified survey map (CSM) to split parcel 6-20-233.01, located at 7801 5<sup>th</sup> Street into three lots to Common Council.**

Sergeant gave an overview of his staff report indicating that the applicant has completed all the steps for annexation and rezoning to allow for residential development. Sergeant noted that Municipal Services looked at the project and have recommended approval. Sergeant noted that there was a change to the proposal from the last time the commission viewed the project. There is now an easement to the back of the lot 3 and part the back of lot 1 as per the recommendations of Municipal Services. *The Plan Commission recommends the City Council approve the final certified survey map to divide parcels 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. *Development meets the standards outlined in section 110-160 to include sidewalks as required and section 110-193 (c) to include at least one street tree in the terrace of each parcel planted by the developer or land owner.*

**Motion by Hammann/Cole, approved unanimously.**
  - b. **Public Hearing Review of preliminary and final land division applications for a certified survey map (CSM) to move the parcel line of parcels 6-27-970.5 and 6-27-970.9E, located on the northwest corner of S 5<sup>th</sup> Street and Porter Rd.**
    - i. **Initial staff and applicant comments.** Sergeant overviewed his staff report recommending approval of the land division.
    - ii. **Public hearing.** Decker opened the Public hearing 6:12pm. No public comments were received, Decker closed the Public Hearing at 6:13pm.
    - iii. **Plan Commissioner questions and comments.** Commission members discussed the existing location of parked and stored busses and garages. Ringhand informed the committee no changes to the storage and parking is being done.
    - iv. **Motion to recommend preliminary and final land divisions to Common Council.** *The Plan Commission recommends the City Council approve the preliminary and final certified survey map to move the parcel line separating parcels 6-27-970.9E & 6-27-970.5, 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. *The existing non-conforming bus barn use is not expanded in area*

**Motion by Hammann/Cole, approved unanimously.**

- c. **Public Hearing concerning an application for a conditional use permit for indoor commercial entertainment (frozen yogurt shop) in a Business (B2) district at 11 East Main Street (Parcel 6-27-111)**
- i. **Initial staff and applicant comments.** Carranza presented the staff report noting the requested use and outdoor waiting areas.
  - ii. **Public Hearing.** Decker opened the Public hearing 6:20pm. No public comments were received, Decker closed the Public Hearing at 6:21pm.
  - iii. **Plan Commissioner questions and comments.** Hamann noted the CUP would allow a restaurant or Café type use. Sergeant indicated staff's recommendation was to allow other items besides frozen yogurt to be sold, this would allow the applicant more flexibility. Commissioners discussed the hours of operation with the applicant. All decided earlier hours of operation from 7am would be acceptable. Jacobson expressed concern over two parking spaces being removed behind the building. The applicants clarified only one space is being removed and the configuration of the rear entry is important to the business, it provides an entrance from the main parking lot. Decker noted the findings in the staff report.
  - iv. **Motion regarding conditional use permit application.** *The Plan Commission approves issuance of a Conditional Use Permit for a dine in/carry out frozen yogurt retail shop, with fountain drinks, snacks, and cold and packaged food; including items typically associated with a small restaurant/ café. The Plan Commission has found 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. The Permit is approved subject to the following conditions:*
    1. *The business operator shall comply with all provisions in the city's zoning code, as may be amended, including conditional use regulations as per sections 130-408.*
    2. *Any new or additional signage would be subject approval of a sign permit and Historic Preservation Commission review.*
    3. *The business operator shall obtain and maintain all city, state, and county permits and licenses as may be required now and in the future.*
    4. *Any and all use of outdoor benches for waiting, and garbage/ recyclable screening methods remain within the boundaries of parcel 6-27-111.*
    5. *Any substantial changes to the business model, such as significant differences in hours of operation, addition of outdoor dining, expansion of outdoor waiting area or trellis screen, or change in type of business, shall require a review of the existing conditional use permit and may require the application, fee, review and issuance of a new conditional use permit.*
    6. *The use shall not cause a public or private nuisance as defined by State law.*
    7. *The parking requirements are waived as per Sec. 130-408(3)*
    8. *Hours of operation shall be no earlier than 7am Monday through Sunday and no later than 11pm Monday through Sunday.*

**Motion by Hammann/Manring, approved unanimously.**

## 8) Old Business

- a. **Report on status of Smart Growth Plan Update.** Sergeant noted the plan will be going through public hearing and council approval next week.

## 9) Monthly Reports

- a. **Report on other permitting activity by Zoning Administrator.**
- b. **Report of the Evansville Historic Preservation Commission.** 11 E Main Street had signage approved.

- c. Report on Common Council actions relating to Plan Commission recommendations.**
- d. Report on Board of Appeals actions relating to zoning matters.** None
- e. Report on enforcement.** 309 Union completed landscaping but has temporary signage in place, a commission discussion may be needed for guidance on temporary signage.
- f. Planning education/news.** None.

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

**11) Motion to Adjourn at 6:46pm. Motion by Hammann, seconded by Cole. Approved unanimously.**

Mayor Sandra J. Decker, Plan Commission Chair