

**City of Evansville Plan Commission
Regular Meeting
Monday, October 2, 2017, 6:00 p.m.
City Hall (Third Floor), 31 South Madison Street**

MINUTES

1. **Call to Order** at 6:04 pm.

2. **Roll Call:**

<u>Members</u>	<u>Present/Absent</u>	<u>Others Present</u>
Mayor Bill Hurlley	P	Community Development Director Jason Sergeant
Aldersperson Rick Cole	P	Applicant Roger Berg of 102 E Main Street
Aldersperson Erika Stuart	P	Greg and Rita Ardisson of 217 N Sixth Street
Bill Hammann	P	Travis Ardisson
John Gishnock	P	Unidentified Evansville Resident
Matt Eaton	P	Unidentified Evansville Resident
Susan Becker	P	Unidentified Evansville Resident

3. **Approval of Agenda:** *Motion to approve the agenda by Hammann, seconded by Cole. Approved unanimously.*
4. **Approval of Minutes:** *Motion to waive the reading of the minutes from the September 5, 2017 regular meeting and approve them as printed by Cole, seconded by Hammann. Approved unanimously.*
5. **Civility Reminder.** Hurlley noted the City's commitment to civil discourse.
6. **Citizen appearances other than agenda items listed.** None
7. **New Business**
- A. **Public Hearing and review concerning a Conditional Use Permit and Site Plan Application to allow Townhouses and a Group Development on parcel 6-27-958.091A3 (Lot 3 on Brown School Road)**
- i. **Initial staff and applicant comments.** Sergeant presented his staff report summarizing the request and noting some changes since the last presentation, including less density on the site.
 - ii. **Public Hearing.** Hurlley opened the public hearing at 6:09pm and closed it at 6:10pm with no comments from the public.
 - iii. **Plan Commissioner questions and comments.** Commission members noted the project was a good buffer from commercial to residential land uses.
 - iv. **Motion with conditions.** *Hammann Made a motion, seconded by Stuart to approve the issuance of a Conditional Use Permit and Site Plan for a group development with townhouses on parcel 6-27-091A3. 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 substantial changes to the site plan or expected uses 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.
3. The use shall not cause a public or private nuisance as defined by State law.
4. ADA ramps added to all crossing within and connecting to other developments
5. Four 2" caliper street trees planted in Brown School Road terrace

B. Public Hearing and review concerning a Conditional Use Permit and Site Plan Application request to allow Indoor Commercial Entertainment and Outdoor Food and Beverage service on parcel 6-27-336.1 at the SW Corner of E Main Street and S Union Street.

- iv. **Initial staff and applicant comments.** Sergeant summarized his staff report.
- v. **Public Hearing.** Hurtley opened the public hearing at 7:18pm and closed it at 7:30pm with comments from neighbors expressing concerns over hours at which snow removal will occur, exterior lighting glare, exterior noise and rodent control.
- vi. **Plan Commissioner questions and comments.** Hammann noted limiting volleyball fencing to 12 ft may cause a safety issue. Commission discussed the volleyball location and netting height and determined City staff should work with attorney to define appropriate height. Ardisson explained the exterior will not have any speakers. Paulson expressed concern over staff conditions, especially the reduction of front yard setback and curb and gutter inside parking lot. Ardisson asked the commission why a sidewalk was needed and who would maintain it. Hurtley noted sidewalks are required along property undergoing commercial development. Commission members mentioned the sidewalk would help with connection to street parking and a nearby neighborhood. Hammann informed that the property owner and applicant would be responsible for snow removal. Commission agreed curb and gutter is only needed around the center parking island. Also, commission discussed the setback and believe the setback is appropriate as shown to allow for outdoor dining and front entrance.
- vii. **Motion with conditions.** Hamman made a motion, seconded by Cole to approve issuance of a Conditional Use Permit and Site Plan approval for a dine-in/carry-out restaurant and bar with outdoor dining and volleyball court on parcel 6-27-336.1. 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. The business operator shall obtain and maintain all city, state, and county permits and licenses as may be required now and in the future.
 3. Any substantial changes to the business model, such as significant differences in hours of operation, 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.
 4. Pursues any floodplain permits needed for development in floodplain areas.

5. The use shall not cause a public or private nuisance as defined by State law.
6. Main entrance and outdoor dining shall be maintained on Main Street Elevation
7. Hours of operation shall be no earlier than 7am Monday through Sunday and no later than 2:30am Monday through Sunday.
8. Fencing or netting around volleyball court shall be limited to a height determined by city staff with LED fixtures at same height, creating no glare off property.
9. Front yard setback permitted at 10' as an essential component to site design to permit code compliant entrance and outdoor dining.
10. 5' sidewalk added at lot line along S Union St with ADA ramp towards Franklin St
11. Three 2" caliper street trees planted in S Union St terrace
12. Additional landscape screening shall be added between S Union St and parking lot
13. Add curb and gutter along edges of parking lot island.
14. Move volleyball court north to building line.
15. Eliminate trees in swale along railroad tracks

Passed unanimously.

C. Motion to recommend to Common Council Final Land Division of Stonewood Grove (Lot 30) by Hammann, seconded by Cole. Passed unanimously.

D. Motion to recommend to Common Council Final Land Divider's Agreement for Stonewood Grove by Hammann, seconded by Cole. Passed unanimously.

E. Review of Site Plan Application for an addition to an existing structure on parcel 6-27-126 located at 230 E Main Street (Casey's General Store).

i. Initial staff and applicant comments. Sergeant summarized his staff report.

ii. Plan Commissioner questions and comments. Hammann noted the compliance with side yard setbacks.

F. Motion to approve by Hammann, seconded by Cole to approve the Site Plan for a building expansion at 230 E Main. 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 Site Plan Approval set forth in Section 130-104 of the Zoning Ordinance. The Site Plan 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 substantial changes to the site plan or expected uses shall require a review of the existing conditional use permits and may require the application, fee, review and issuance of a new conditional use permit.
3. The use shall not cause a public or private nuisance as defined by State law.

Passed unanimously.

8. Old Business

9. Monthly Reports

a. Report from the Community Development Director.

i. Report on permitting activity by Zoning Administrator. None

- ii. **Report on enforcement.** None
- iii. **Other-** None
- b. **Report of the Evansville Historic Preservation Commission.** None
- c. **Report on Common Council actions relating to Plan Commission recommendations.** None
- d. **Report on Board of Appeals actions relating to zoning matters.** None
- e. **Planning education/news:** None

10. **Next Meeting Dates: Tuesday, November 7th, 2017 at 6pm**

11. **Motion to Adjourn by Hammann, seconded by Cole, passed unanimously.**