

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

**City of Evansville Plan Commission
Regular Meeting
May 1, 2018, 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/Absent	Others Present
Mayor Bill Hurtley	P	Community Development Director Jason Sergeant
Aldersperson Rick Cole	P	Jerry Roth, 620 Hillside Ct
Aldersperson Erika Stuart	P	John and Paulette Morning, Applicants
Bill Hammann	P	Norma Bjugstad, 6527 N Weary Road
John Gishnock	P	Tina and Chad Phillipps, 433 Lincoln Street
Matt Eaton	P	John and Sandy Decker, 143 W Main Street
Susan Becker	A	Ten (10) additional members of the public

3. Approval of Agenda: *Motion to approve the agenda by Hammann, seconded by Stuart. Approved unanimously.*

4. Approval of Minutes: *Motion to waive the reading of the minutes from the April 2, 2018 regular meeting and approve them as printed by Hammann, seconded by Stuart. Approved unanimously.*

5. Civility Reminder. Hurtley noted the City's commitment to civil discourse.

6. Citizen appearances other than agenda items listed. None
(Eaton Arrived)

A. 405 Water Street Concept Discussion with Faith Christian Church. Jerry Dean of Faith Christian Church explained the organization has been looking for a new home in Evansville for a number of years and has found a possibility at 405 Water Street. Sergeant shared the location is zoned industrial and has no pedestrian access but would be next to the Fire Station.

7. New Business

A. Public Hearing and review of Preliminary and Final Land Division Application LD-2018-04 to combine two lots on Parcel 6-27-491 into one located on the Southeast corner of Lincoln and N Fourth Street.

- i. Initial staff and applicant comments.** Sergeant presented the staff report identifying the parcel currently consists of two lots and is zone R-1. This request would make the tax boundaries and parcel boundaries align.
- ii. Public Hearing.** Hurtley opened the public hearing at 6:16pm, closing it at 6:22pm with a comment from Jamie Heissner of 309 S 4th Street regarding concern over driveways and school pickup and drop off times.

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- iii. **Plan Commissioner questions and comments.** Stuart expressed concern that greenspace would be eliminated and more traffic would be added to the area. Roth explained the School was not currently using the greenspace the lot provides and fiscal needs of the district have resulted in the School Board authorizing the parcel to be sold. Sergeant shared the driveway could be designed to allow a car to turn around before crossing sidewalk.
- iv. **Motion with Conditions to recommend.** *Motion to recommend to Common Council approval of the final Certified Survey Map to combine two lots into one on parcel 6-27-491 (Tax ID 222033022) located at the Southeast corner of Lincoln and N Forth Street, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances with the following conditions:*
 - 1) *The applicant files the final CSM with Rock County Register of Deeds.*
 - 2) *Utility connections, site grading, and storm water approved by City Engineer.*

Motion by Hammann, seconded by Cole, and approved 6-1 with Stuart opposing.

B. Public Hearing and review of Extraterritorial Land Division Application LD-2018-05 to divide Parcel 6-20-317 located at 6527 N Weary Rd in Evansville's Future Growth Boundary.

- i. **Initial staff and applicant comments.** Sergeant presented the staff report
- ii. **Public Hearing.** Hurtley opened the public hearing at 6:26pm, closing it at 6:27pm with no comments.
- iii. **Plan Commissioner Questions and comments.** None
- iv. **Motion with Conditions to recommend.** *Motion to recommend to Common Council approval of the extraterritorial land division to divide parcel 6-20-317 (Tax ID 0400640030010) into two lots 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 CSM with Rock County Register of Deeds. Motion by Hammann, seconded by Cole, and approved unanimously.*

(Gishnock stepped down from Plan Commission and joined audience)

C. Public Hearing and Review of revision to a Conditional Use Application CUP-2017-05 to construct a new entrance Addition on Parcel 6-27-4 located at 24 E Main Street.

- i. **Initial staff and applicant comments.** Sergeant presented the staff report.
- ii. **Public Hearing.** Hurtley opened the public hearing at 6:32pm, closing it at 6:34pm with no comments.
- iii. **Plan Commissioner questions and comments.** Commission expressed the side canopy is a good addition.
- iv. **Motion with Conditions.** *Motion to approve issuance of a Conditional Use Permit for Indoor Commercial Entertainment, Outdoor Food and Beverage Service, and New Construction in the Historic Conservation Overlay District on parcel 6-27-4 (24 E Main Street), subject to the following conditions:*
 - 1) *The applicant records the CUP with the Rock County Register of Deeds*

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- 2) *Any variation from approved plans, including exterior materials, Building openings or general building form will require a new CUP approval.*
- 3) *Hours limited to 7am to 10pm*
- 4) *Minimum parking requirements waived*

Motion by Hammann, seconded by Cole, and approved unanimously.

D. Public Hearing and Review of revision to a Conditional Use Application CUP-2018-03 to allow Outdoor Display per section 130-404 and Vehicle Repair and Maintenance per section 130-417 on Parcel 6-27-871 located at 250 Union Street.

- i. **Initial staff and applicant comments.** Sergeant presented the staff report noting a requirement that line be painted for display limits.
- ii. **Public Hearing.** Hurtley opened the public hearing at 6:38pm, closing it at 6:39pm with no comments.
- iii. **Plan Commissioner questions and comments.** Hurtley asked if the old CUP would be given up. Phillips agreed to do so.
- iv. **Motion with Conditions.** *The Plan Commission approves issuance of a Conditional Use Permit to allow Outdoor Display per section 130-404 and Vehicle Repair and Maintenance per section 130-417 on parcel 6-27-318. 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) *The use shall not cause a public or private nuisance as defined by State law.*
- 5) *Hours of operation for the indoor event space shall be no earlier than 7am and no later than 8pm Monday through Saturday and closed Sunday.*
- 6) *Any outdoor lighting added shall be approved by staff and dark sky compliant.*
- 7) *Line shall be painted on the North and South side of entry 43 feet from rear of curb identifying limits of exterior display area.*
- 8) *Existing CUP at Union Street is forfeited within 30 days.*

Motion by Hammann, seconded by Cole, and approved unanimously.

E. Public Hearing and Review of a Conditional Use Application CUP-2018-04 to Business district mixed commercial/residential uses per section 130-421 on Parcel newly created Lot 1 of 6-27-959.3 located on Brown School Road.

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- i. **Initial staff and applicant comments.** Sergeant presented the staff report noting a few minor conditions and expressing the project is a good example of density desired in the City.
 - ii. **Public Hearing.** Hurtley opened the public hearing at 6:50pm, closing it at 6:51pm with no comments.
 - iii. **Plan Commissioner questions and comments.** Commission noted use of the vacant lot was very positive.
 - iv. **Motion with Conditions.** *The Plan Commission approves the site plan and issuance of a Conditional Use Permit to allow business district mixed commercial/residential uses per section 130-421 on newly created Lot 1 of parcel 6-27-959.3, 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) *Conditional Use Permit is recorded with Register of Deeds*
 - 2) *Any variation from plans approved by staff or Plan Commission if necessary*
 - 3) *Revised site plan submitted to staff showing correct sidewalk location*
 - 4) *4 Street trees are planted per Municipal Ordinance*
 - 5) *Storm water control is approved by City Engineer*

Motion by Hammann, seconded by Cole, and approved unanimously.
- F. Public Hearing and Review of Rezone Application RZ-2018-01 to change the zoning from B-4 to B-3 on Parcel 6-27-989.091A1 located on Brown School Road.**
- i. **Initial staff and applicant comments.** Sergeant presented the staff report and noted the zoning is better fit for the lot under current City goals.
 - ii. **Public Hearing.** Hurtley opened the public hearing at 6:58pm, closing it at 6:59pm with Patricia Fleming of 800 Brown School Road asking what buildings are going to be built. Sergeant shared there will be commercial buildings and the next agenda items will get into more details and will allow for public comments as well.
 - iii. **Plan Commissioner questions and comments.** None
 - iv. **Motion with Conditions.** *The Plan Commission recommends the City Council approve Ordinance 2018-03, Rezoning Territory from Regional Business (B-4) to Community Business (B-3) Zoning, finding that the public benefits of the proposed rezoning outweigh any and all potential adverse impacts of the proposed rezoning, as identified in Section 130-174(3)a-c of City ordinance, with the following condition:*
 - 1) *Site Plan Application SP-2018-01 is approved.*

Motion by Hammann, seconded by Cole, and approved unanimously.
- G. Review of Site Plan Application SP-2018-01 to construct 3 commercial buildings on Parcel 6-27-989.091A1 located on Brown School Road.**
- i. **Initial staff and applicant comments.** Sergeant presented the staff report noting the changes from the previous version.
 - ii. **Plan Commissioner questions and comments.** None
 - iii. **Motion with Conditions.** *The Plan Commission approves the Site Plan for two commercial buildings on parcel 6-27-958.091A1 (Tax ID 222070001011). The Plan Commission has found that the benefits of the use outweigh any potential adverse*

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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.**
- 4) Add coordinated screened trash enclosure for building 3**
- 5) use dark sky compliant fixtures for parking areas**
- 6) Primary entrances on future Building 2 should be oriented towards Brown School Road**
- 7) Submit revised landscape plan for staff approval to reflect entrances to Building 3 and 2.**
- 8) storm water and grading plans submitted and approved by staff**
Motion by Hammann, seconded by Cole, and approved unanimously.

H. Public Hearing and Review of a Conditional Use Application CUP-2018-05 to allow In-vehicle sales or service per section 130-407 on Parcel 6-27-989.091A1 located on Brown School Road.

- i. Initial staff and applicant comments.** Sergeant presented the staff report.
- ii. Public Hearing.** Hurtley opened the public hearing at 7:14pm, closing it at 7:15pm with no comments.
- iii. Plan Commissioner questions and comments.** None
- iv. Motion with Conditions.** **The Plan Commission approves the site plan and issuance of a Conditional Use Permit to allow In-vehicle sales or service per section 130-407 on parcel of land 6-27-958.091A1 (Tax ID 222070001011) located on Brown School Road, 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) Conditional Use Permit is recorded with Register of Deeds**
 - 2) Any variation from plans approved by staff or Plan Commission if necessary**
 - 3) Conditions of Application SP-2018-01 are satisfied***Motion by Hammann, seconded by Cole, and approved unanimously.*

I. Public Hearing and Review of a Conditional Use Application CUP-2018-06 to allow Light Industrial Activities Incidental to Indoor Sales or Service Land Use per section 130-530 on Parcel 6-27-989.091A1 located on Brown School Road.

- i. Initial staff and applicant comments.** Sergeant presented the staff report.
- ii. Public Hearing.** Hurtley opened the public hearing at 7:20pm, closing it at 7:21pm with no comments.
- iii. Plan Commissioner questions and comments.** None
- iv. Motion with Conditions.**

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Motion to approve the site plan and issuance of a Conditional Use Permit to allow Light Industrial Activities Incidental to Indoor Sales or Service Land Use per section 130-530 on parcel of land 6-27-958.091A1 (Tax ID 222070001011) located on Brown School Road, 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) **Conditional Use Permit is recorded with Register of Deeds**
- 2) **Any variation from plans approved by staff or Plan Commission if necessary.**
- 3) **All product storage and customization operations are contained entirely within the building.**
- 4) **Conditions of Application SP-2018-01 are satisfied**

Motion by Hammann, seconded by Cole, and approved unanimously.

J. Motion to change July Regular Meeting date from July 2, 2018 to June 25, 2018 at 6:00pm by Hamman, seconded by Cole. Passed unanimously.

8. Old Business

A. Discussion of Zoning Updates (Placeholder). None

9. Monthly Reports

A. Report from the Community Development Director

- i. Report on permitting activity by Zoning Administrator. None
- ii. Report on building permits and 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 June 4, 2018 at 6:00pm

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