

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

**City of Evansville Plan Commission
Regular Meeting
April 4, 2022, 6:00 p.m.**

MINUTES

1. Call to Order at 6:04pm.

2. Roll Call:

Members	Present/Absent	Others Present
Mayor Bill Hurlley	P	Colette Spranger, Community Development Director
Aldersperson Rick Cole	A	Jason Sergeant, City Administrator
Aldersperson Susan Becker	P	Bill Davis, Evansville Today
Bill Hammann	P	Janis Ringhand (applicant)
John Gishnock	P	Samantha Alisankus
Mike Scarmon	A	Christian Romeo
Eric Klar	P	Sophie McDonald Eric McDonald

- 3. Motion to approve the agenda, by Hammann, seconded by Becker.** Spranger noted that Action Item 7D's application was being postponed to the May Plan Commission meeting. ***Approved unanimously***
- 4. Motion to waive the reading of the minutes from the March 1, 2022 meeting and approve them as printed, by Hammann, seconded by Becker.** ***Approved unanimously.***
- 5. Civility Reminder.** Hurlley noted the City's commitment to conducting meetings with cordiality.
- 6. Citizen appearances other than agenda items listed.** Eric and Sophie McDonald, 21 S. Windmill Ridge Road, and Samantha Alisankus and Christian Romeo, 37 S. Windmill Ridge, appeared collectively. All are recent buyers or new homes on the west side of Windmill Ridge Road. They spoke about their frustration with the lack of notice they felt they received regarding the Settlers Grove Subdivision. When their lots were purchased, it was implied that there would be no further development west of their properties. They have spoken with City staff, where it was discovered that public hearing notices for Settlers Grove were sent out to neighboring properties around the same time they were negotiating the sale of their lot and house. The group provided suggestions for preventing this from happening again, such as having a page of recent/ongoing development around the City, a physical sign on properties under development, and requiring developers to provide the City's future land use map in sales materials. The group wondered if some sort of mitigation, such as a line of trees screening the new development from their view, was possible. City Administrator Sergeant noted that he was not sure what could be done at this point, since a development agreement between the City and developer was underway for Settlers Grove, and the City could not do much to enforce additional landscaping. Gishnock commented that they may choose to screen on their property, which may yield quicker results.

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7. Action Items

A. Public Hearing and Review of Conditional Use Application CUP-2022-0049 to operate a Light Industrial Use Incidental to Indoor Sales in the B-2 Central Business District on parcel 6-27-90 located at 25 West Main Street.

- i. **Review Staff Report and Applicant Comments.** Applicant is seeking a place with more storage space in order to run her longstanding business. The space she intends to occupy is in the Grange Building and is the former location of Real Coffee, which had a CUP to operate for an indoor commercial entertainment use. That CUP has since expired. The applicant received a CUP previously from the City for this same use, but at a different location within the downtown. The previous café space was set up well in terms of DATCP compliance, especially concerning sinks.
- ii. **Public Hearing.** Hurtley opened the public hearing at 6:40 p.m. No public comments. Public hearing closed at 6:41 p.m.
- iii. **Plan Commissioner Questions and Comments.** Gishnock expressed his excitement at seeing the applicant's business continue to grow.
- iv. **Motion to approve Conditional Use Application CUP-2022-0049 to operate a Light Industrial Use Incidental to Indoor Sales in the B-2 Central Business District on parcel 6-27-90 located at 25 West 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. That the applicant records the Conditional Use Permit with the Rock County Register of Deeds.
 2. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00 p.m.
 3. Use cannot create a public nuisance as defined by local and state law.

Motion by Hammann, second by Becker. Approved unanimously.

B. West Side Park – Rezoning and Site Plan Applications

- i. **Review of applications RZ-2022-0050, a petition to rezone parcels 6-27-970D and 6-27-970C.01 to R-1 Residential District One, located at West Side Park; and SP-2022-0051, a site plan for park improvements at West Side Park.**
 1. **Review Staff Report and Applicant Comments**
Sergeant presented the latest site plan from MSA Professional Services for the proposed West Side Park and relocation of Veterans Memorial Pool. Spranger noted that rezoning was required on two parcels that still were zoned for agriculture. Rezoning requires a public hearing. The Plan Commission has seen the evolution of this project and are familiar with it.
- ii. **Public Hearing and Review of Application RZ-2022-0050**
 1. **Public Hearing.** Hurtley opened the public hearing at 6:47 p.m. No public comments. Public hearing closed at 6:48 p.m.
 2. **Plan Commissioner Questions and Comments.** None.
 3. **Motion to recommend to Common Council approval of Ordinance 2022-06.**

Motion by Hammann, second by Gishnock. Approved unanimously.

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iii. Review of Application SP-2022-0051

1. **Commission Discussion and Questions.** Gishnock inquired about further landscaping details, including natural and water features and minimally invasive plants. Parking requirements were discussed. Group agreed that the simultaneous convergence of all possible uses at the site was unlikely. Klar asked if there would be a time period where there would be no pool in town. Sergeant replied that the current plan was to install the new pool and then demolish the existing pool.
2. **Motion to approve SP-2022-0051 as presented to expand park amenities at West Side Park per section 130-104 on parcels 6-27-970D, 6-27-970C.1, 6-27-559.5402, 6-27-293.1000A, and that the proposed use is consistent with the required standards and criteria of the Zoning Ordinance, and that the benefits in fact outweigh any and all potential adverse impacts, subject to the following conditions:**
 1. **An assessment of average park capacity during peak season usage is calculated, and parking requirements are adjusted accordingly.**
 2. **Any variation from presented plans approved by staff or Plan Commission, if necessary.**
 3. **Dimensions, cross sections and entry grade of all access points onto public streets approved by city engineer.**
 4. **Final construction drawings approved by City.**
 5. **All exterior lighting is dark sky compliant.**
 6. **Elevations and materials for trash enclosure approved by commission.**
 7. **Proposed ground and wall signage requires sign application, review and approval by City staff.**

Motion by Hammann, second by Gishnock. Approved unanimously.

C. Public Hearing and Review of Conditional Use Application CUP-2022-0048 to demolish the aquatic center and develop a splash pad on parcel 6-27-839 located at 360 Burr Jones Circle, Veterans Memorial Pool at Lake Leota Park.

- i. **Review Staff Report and Applicant Comments.** Spranger described the review of the application by the Historic Preservation Commission, noting that there was some trepidation from one HPC member regarding the pool's status as a veteran's memorial, and whether it was against federal law to dismantle it. Sergeant noted that the issue had been cleared by the City attorney, and the federal law applies only to federally-designated veterans memorials. Sergeant went over features of park amenities as proposed by the site plan.
- ii. **Public Hearing.** Hurtley opened the public hearing at 7:37 p.m. Bill Davis, 401 S. Sixth Street, stated that he first found the idea of a splash pad ridiculous, but then he saw his grandchildren play in one. Now he thinks they're a great amenity. Chris Romeo, 37 S. Windmill Ridge, expressed concern about the water loss at the existing pool and its effect on nearby Lake Leota, wondering if water safety and water quality issues had been considered so close to a waterway. Sergeant explained that the splash pad would be a flow-through system and that water wouldn't be recycled, resulting in no chemical usage. Public hearing closed at 7:40 p.m.
- iii. **Plan Commissioner Questions and Comments.** None.

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- iv. **Motion to approve issuance of a Conditional Use Permit to change uses within the Historic Conservation Overlay District, demolishing the Veterans Memorial Pool and constructing a splash pad in its place at Leonard-Leota Park, on parcel 6-27-839, Leonard-Leota Park, 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 City records the Conditional Use Permit with the Rock County Register of Deeds.**
 2. **Restore parking and landscaping southeast of the current pool area to mitigate the demolition of a contributing historic feature (Veterans Memorial Pool).**
 3. **City staff reviews and approves final plans.**
 4. **Final engineering and schematic designs are approved by the City Engineer.**

Motion by Hammann, second by Becker. Approved unanimously.

- ~~D. Review of Site Plan Application LD-2022-0067 to create a patio and outdoor entertainment space on parcel 6-27-148 located at 102 Maple Street (Creekside Place).~~
- ~~i. Review Staff Report and Applicant Comments~~
 - ~~ii. Commission Questions and Comments~~
 - ~~iii. Final Motion with Conditions~~

- E. Discussion and Motion to Recommend to Common Council Approval of the Final Land Divider's Agreement for Westfield Meadows, First Addition.**
Spranger explained that the developers had not yet commented on the agreement as presented, but did not expect major changes before Common Council.

Motion to recommend to Common Council approval of the Final Land Divider's Agreement for Westfield Meadows, First Addition.

Motion by Hammann, second by Becker. Approved unanimously.

- F. Review of and Release of Easements.** Spranger explained that the State Department of Administration was requesting the City formally release easements within parts of Windmill Ridge and Westfield Meadows plats that are being replatted to Westfield Meadow, First Addition.

Motion to Recommend to Common Council release of the following easements associated with finalizing the Final Plat for Westfield Meadows, First Addition:

- i. Release of Sanitary Sewer Easement, Lots 5 and 6, Windmill Ridge**
- ii. Release of Utility Easements, Lots 43 and 50, Westfield Meadows**
- iii. Release of Utility Easements, Lot 7 and Outlot 1, Windmill Ridge**

Motion by Hammann, second by Becker. Approved unanimously.

8. Old Business

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- A. **Update from Paulette Morning and Andy Phillips regarding Brown School Place.** Spranger received an update on the outstanding items needed to complete the development. So far, the sidewalk easement has been recorded and the rest of the items are waiting on better weather. The developers have until July 1, 2022 to complete the outstanding items.

9. Discussion Items

- A. **Chicken Keeping and Homes Zoned R-2 on South 7th Street.** Spranger explained that she has twice denied chicken keeping permits for newly developed single-family homes on South Seventh Street. The homes are zoned R-2. The City's chicken keeping ordinance does not allow chicken keeping on lots zoned R-2 and . Spranger inquired with the commission on how to proceed if homeowners wanted to pursue keeping backyard chickens. Commission recommended that the homeowners, either individually or as a group, file for rezoning if that was their desire.

10. Community Development Report

- A. **Director's Report.** Spranger gave the report.
- B. **Continuing Education.** Packet from 2/28 zoning workshop was distributed.

11. Next Meeting Date:

- A. Tuesday, May 3, 2022 at 6:00pm

12. Motion to Adjourn by Hammann, seconded by Becker, Approved Unanimously.