NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

City of Evansville **Plan Commission**Regular Meeting
City Hall, 31 S Madison St., Evansville, WI 53536
Tuesday, May 2nd, 2023, 6:00 pm

AGENDA

- 1. Call to Order
- 2. Roll Call
- 3. Motion to Approve Agenda
- 4. Motion to waive the reading of the minutes from the April 4, 2023 meeting and approve them as printed.
- 5. Civility Reminder
- 6. Citizen appearances other than agenda items listed
- 7. Action Items
 - A. Review and Action on Land Division Application 2023-0093 for a two lot certified survey map on parcel 6-27-958.091A1 (777 Brown School Road)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Ouestions and Comments
 - 4. Motion with Conditions
 - B. Review of Conditional Use Permit Application 2023-0100 for an Indoor Commercial Entertainment Use (The Opti-Mystic) on parcel 6-27-22 (18 W Main)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
 - C. Public Hearing for Land Division Application 2023-0099 for a preliminary plat on parcel 6-27-930 (265 N Fourth Street)
 - D. Closed session: Motion that Plan Commission convene in closed session pursuant to Sec. 19.85(1)(e) of the Wis. Stats.:Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed. Upon completion, Plan Commission will reconvene in open session.

- E. Discussion and Action on Amendment to "Final Land Divider's Agreement" for Settler's Grove
- F. Review and Possible Action on Land Division Application 2023-0096 for a preliminary plat on parcel 6-20-218.B (Conifer Hills, Fourth Addition)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Possible Motion with Possible Conditions
- G. Review and Action on Conditional Use Permit Application 2023-0067 and Review of Site Plan Application 2023-0068 on parcel 6-27-559.5170 (Sienna Crest Assisted Living)
 - 1. Review Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- 8. Discussion Items
- 9. Community Development Report
- 10. Upcoming Meetings
 - A. Tuesday, June 6, 2023 at 6:00pm
 - B. Thursday, July 6th, 2023 at 6:00pm
- 11. Motion to Adjourn

City of Evansville Plan Commission Regular Meeting Tuesday, April 4th, 2023, 6:00 p.m.

MINUTES

- 1. Call to Order at 6:00pm.
- 2. Roll Call:

Members	Present/A bsent	Others Present
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Alderperson Cory Neeley	A	Jason Sergeant (City Administrator)
Alderperson Susan Becker	P	Joel Tomlin (applicant)
Abbey Barnes	P	
John Gishnock	P	Dennis Hughes, Eric Dillie, Jeff Rottier
Mike Scarmon	P	Nicole and Jay Naatz, John Roth, Ann Kolasch,
Eric Klar	P	Dave Olsen, Theresa Williams, Roger Berg
		Jeff Farnsworth, Sue Farnsworth

- 3. Motion to approve the agenda, by Becker, seconded by Gishnock. Approved unanimously
- 4. <u>Motion to waive the reading of the minutes from the February 7th, 2023 meeting and approve them as printed,</u> by Becker, seconded by Klar. Approved unanimously.
- 5. Civility Reminder. Duggan noted the City's commitment to conducting meetings with cordiality.
- 6. Citizen appearances other than agenda items listed.

7. Action Items

A. Review of Site Plan Application 2022-0252 on parcel 6-27-958.091A1 (777 Brown School Road, 783-785 Brown School Road)

1. Staff Report and Applicant Comments

Applicant was present. Spranger summarized the report, noting that this approval would culminate a multi-year effort on the parcel. The only recommendation the City makes that is different than what was submitted was that, if a third building is not built within two years, that curbing would be required as depicted in red on the site plan that was included in the packet. She also commented that while there had been good progress on renegotiating a development agreement outlining TIF incentives, both parties came to a mutual conclusion to nullify the development agreement and any future TIF incentive payments. The amendment to the development agreement will be discussed and passed as a separate motion following action taken on the site plan.

2. Commission Questions and Comments

None.

3. Final Motion with Conditions

Motion to approve the Site Plan for two commercial buildings on parcel 6-27-958.091A1 (Tax ID 222 070001011), 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 Site Plan Approval set forth in Section 130-104 of the Zoning Ordinance. The Site Plan is approved subject to the following conditions:

- a. Curbing to be installed as depicted in red on the attached site plan.
- b. <u>Arborvitae are installed to screen the parking area between the residential building and Brown School Plaza.</u>
- c. Applicant signs Amendment #1 to the Development Agreement by April 5th, 2023.
- d. 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.
- e. Any substantial changes to the site plan or expected uses shall require a review of the existing conditional use permits and will require the application, fee, review and issuance of a new conditional use permit.
- f. The use shall not cause a public or private nuisance as defined by State law.
- g. The site plan and Amendment #1 are recorded with the Rock County Register of Deeds.

Motion by Becker, seconded by Scarmon. Approved unanimously

- B. Discussion and Motion to Recommend to Common Council Approval of Amendment #1 to the Development Agreement on parcel 6-27-958.091A1.
 Motion by Becker, seconded by Scarmon. Approved unanimously
- C. Review and Action on Land Division Application 2023-0047 and Rezoning Application 2023-0048 on parcels 6-27-559.5170 and 6-27-559.5171 (Lots 170 and 171, Westfield Meadows)
 - 1. Review Staff Report and Applicant Comments

 Spranger summarized the report, stating the lot adjustment was necessary to accommodate room for both buildings on the lot that are anticipated to be built by the applicant. Further discussion on site plans and uses for the site will be conducted at a future meeting. Since the land from Lot 171 is zoned R-3, a rezone is necessary for the land that is being added to enlarge Lot 170.
 - **2. Public Hearing.** Mayor Duggan opened the public hearing at 6:18p.m. Nicole Naatz, 379 S. 7th, and John Roth, 339 S 7th, were present to hear about plans for the lot but had no specific questions. Public hearing closed at 6:19p.m.
 - 3. Plan Commissioner Ouestions and Comments. None.
 - 4. Motions with Conditions

Motion to recommend that Common Council approve Ordinance 2023-05, Rezoning Territory from Residential District Three (R-3) to Community Business District (B-3).

Motion by Becker, seconded by Scarmon. Approved unanimously

Motion to recommend Common Council approve a certified survey map to adjust the lot lines between tax parcels 6-27-559.5170 and 6-27-559.5171 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 submits a joint cross access and maintenance agreement to City staff for review prior to recording
- 2) <u>The CSM and joint cross access and maintenance agreement is recorded with the Rock County Register of Deeds.</u>

Motion by Becker, seconded by Klar. Approved unanimously

- **D.** Review of Conditional Use Application 2022-0054 for an Indoor Commercial Entertainment Use (Main Street Fix) on parcel 6-27-25 (8 W Main Street).
 - 1. Review Staff Report and Applicant Comments. Spranger summarized the report, explaining that the use has been operating with a City-issue permit for a month due to a communication mix up another potential user had approached her regarding opening a very similar use in the same location in January, and when activity began inside the store Spranger assumed it was the same person who had been given contact information and a copy of the conditional use permit application. The applicant has proper licensing from Rock County Public Health.
 - **2. Public Hearing.** Mayor Duggan opened the public hearing at 6:29pm. No comments. Public hearing closed at 6:29pm.
 - 3. Plan Commissioner Ouestions and Comments. None.
 - 4. Motion with Conditions

Motion to approve a Conditional Use Permit for indoor commercial entertainment (smoothie/nutritional drink business) per section 130-408 on parcel 6-27-25, located at 8 W. 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) <u>The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to indoor commercial entertainment uses (Section 130-408).</u>
- 2) The parking requirements for this use in this location shall be waived.
- 3) <u>The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130-568).</u>
- 4) Hours of operation shall be no earlier than 7am and no later than 10pm.
- 5) The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.
- 6) Any substantial changes to the business model, such as significant differences in hours of operation or type of business, shall require a review of the existing conditional use permit and the issuance of a new conditional use permit.
- 7) A sign application and Certificate of Appropriateness approval, issued by the Historic Preservation Commission, is required for any planned signage related to the business.
- 8) Use cannot create a public nuisance as defined by local and state law.
- 9) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

Motion by Becker, seconded by Klar. Approved unanimously

- **E.** Review of Conditional Use Application 2022-0059 for Light Industrial Use Incidental to Indoor Sales (Hop Garden) on parcel 6-27-6 (18 E Main Street).
 - 1. Review Staff Report and Applicant Comments. Spranger commented that the conditional use was not to operate a brewery, but specifically to brew beer on site. The City's zoning code does not have specific regulations on brewing and this is the first time the City has reviewed an application for such. The applicant's intention is to brew small batches and that total beer brewed will not exceed 3,000 gallons per year. No bottling for retail use elsewhere will occur on site.
 - **2. Public Hearing**. Mayor Duggan opened the public hearing at 6:38pm. No comments. Public hearing closed at 6:38pm.
 - 3. Plan Commissioner Questions and Comments. No comments regarding the conditional use, but commissioners were curious when the applicant intended to open. Spranger replied within the month.
 - 4. Motion with Conditions.

Motion to approve issuance of a Conditional Use Permit for Light Industrial Use incidental to Indoor Sales to operate brewing equipment per section 130-530 on parcel of land 6-27-6 located at 18 E 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) The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130-568).
- 2) Hours of operation shall be no earlier than 9am and no later than 10pm.
- 3) <u>The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.</u>
- 4) Any substantial changes to the business model, such as significant increases in beer production or equipment, shall require a review of the existing conditional use permit.
- 5) <u>A sign application and Certificate of Appropriateness approval, issued by the Historic Preservation Commission, is required for any planned signage related to the business.</u>
- 6) Use cannot create a public nuisance as defined by local and state law.
- 7) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

Motion by Becker, seconded by Klar. Approved unanimously

- **F.** Review of Conditional Use Application 2022-0060 for a new structure in the Historic Conservation Overlay District on parcel 6-27-894.1 (30 Railroad Street).
 - 1. Review Staff Report and Applicant Comments. Spranger summarized the report, noting that Historic Preservation had already given their recommendation for approval. When new structures are built in the historic district, approval must also be obtained by Plan Commission.
 - 2. Public Hearing. Mayor Duggan opened the public hearing at 6:49pm. Ann Kolasch spoke and stated that she thinks it's fine and that the City ought to "let him have a garage!" Public hearing closed at 6:51pm.
 - 3. Plan Commissioner Ouestions and Comments. None.
 - 4. Motion with Conditions

Motion to approve issuance of a Conditional Use Permit for a new garage on parcel 6-27-894.1, 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 condition:

1) Any variation from Historic Preservation Commission approved plans including exterior materials.

Motion by Becker, seconded by Klar. Approved unanimously

G. Discussion and Motion to Recommend to Common Council Approval of Ordinance 2023-03, Amending Chapter 130, Article IV Landscaping Regulations

Sergeant explained that the purpose of the changes was to allow flexibility for certain sites to place required landscape points in public areas throughout the City. Examples of what sites these changes intended for include smaller sites with no room for additional landscaping or larger sites where the amount of required landscaping could interfere with the site's ability to use their property or be otherwise incompatible with the use. The goal is to continue to require landscaping for all site plans as it is a city-wide benefit. Staff may recommend this option to sites who would benefit from the change. The decision to allow this option is still left up to the Plan Commission. Gishnock suggested amending all instances of "landscaping regulations" to "landscape regulations", noting that he and fellow landscape architects prefer the latter.

<u>Motion to Recommend to Common Council Approval of Ordinance 2023-03, Amending Chapter 130, Article IV Landscaping Regulations</u>

Motion by Becker, seconded by Scarmon. Approved unanimously

- **8. Discussion Items.** Becker asked about compliance for requiring street trees, citing 268 W Liberty Street. When do we check for compliance for items like this? The trees were required by Historic Preservation but not Plan Commission. Sergeant replied that compliance for street trees is observed by a number of City staff, ranging from Public Works to Building Inspection and Code Enforcement.
- 9. Community Development Report
- **10. Next Meeting Date:**
- **A.** May 2nd, 2023 at 6:00 p.m.
- 11. Motion to Adjourn by Becker, seconded by Scarmon. Approved unanimously.



APPLICATION FOR PRELIMINARY and FINAL LAND DIVISION - STAFF REPORT

Application: LD-2022-0096 **Applicant**: Morning-Phillips Investment Group

Parcel 6-27-958.091A1

April 29, 2023

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263



Figure 1 Approximate Location Map

Location: 777 Brown School Road, City of Evansville

Description of request: An application to split Parcel 6-27-958.091A1 in two has been submitted for consideration to Plan Commission.

Existing Uses: There are two buildings on the current tax parcel. One is an building designed for mixed industrial and retail sales uses. The other is a apartment complex with a small commercial space.

Existing Zoning: The lot is currently zoned B-3. No zoning changes are anticipated for either lot created from this CSM.

Proposed Land Division: The CSM will divide the parcel into two using the middle of the western driveway as a boundary line. The applicant is establishing an ingress/egress easement between the two parcels. Staff suggests Plan Commission include a condition that the easement extend the full 183.11' length on the side of proposed Lot 2 in anticipation of any future development on site. A joint cross access and maintenance agreement will need to be submitted with the final certified survey map prior to recording.

Both lots meet the bulk, lot dimensions, and intensity requirements for the B-3 zoning district.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

<u>Plan Commission Recommended Motion:</u> *Motion for Common Council to approve the certified survey map for parcel 6-27-958.091A1, 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 ingress/egress easement is extended the full 183.11' length of shared property line on the side of proposed Lot 2.
- 2) Applicant submits a joint cross access and maintenance agreement prior to Common Council approval.
- 3) The final CSM and joint cross access and maintenance agreement is recorded with Rock County Register of Deeds.



APPLICATION FOR CONDITIONAL USE PERMIT - STAFF REPORT

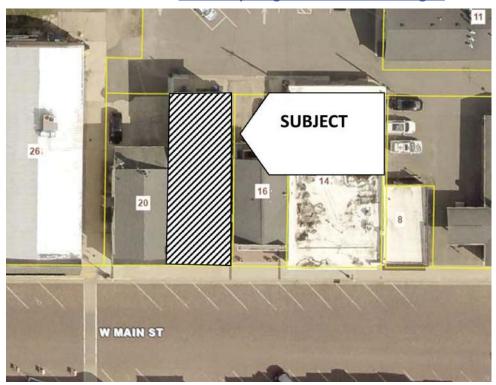
Application: CUP-2023-0093 Applicant: The Opti-Mystic (Natasha Sollenberger)

Parcel 6-27-22

April 29, 2023

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263



Location: 18 W. Main Street

Description of request: The applicant is requesting to operate a beverage shop selling readymade teas within her retail store. **The applicant is seeking conditional use permit approval to allow an Indoor Commercial Entertainment use on parcel 6-27-22 within the B-2 zoning district.**

Existing/Prior Uses: The applicant has a retail shop selling books, spiritual items, and loose leaf tea in bulk.

Staff Analysis of Request:

The City is keen to encourage business in the downtown that generates foot traffic and encourages customers to visit multiple businesses within the same trip.

The applicant is asking for a waiver for parking requirements due to the shop's location in the B-2 zoning district.

The shop owner has been operating the requested use without a conditional use permit for some time. City staff initially reached out to remedy this issue some time in 2020 or 2021 and due to a combination of COVID and staff turnover, the issue was never resolved. City staff have verified with Rock County Public Health that the applicant is in compliance with county regulations for food/beverage services.

Sidewalk cafes are permitted temporary uses in the B-2 district. The applicant is welcome to offer outdoor seating in this location that adheres to the City's sidewalk café standards. The sidewalk café standards are included at the end of this report. It is on the applicant to adhere to those standards.

<u>Required Plan Commission findings for Conditional Use Permit request</u>: Section 130-104(3) of the Municipal Code, includes criteria that should be considered in making this decision:

- 1. Consistency of the use with the comprehensive plan. The proposed use in general and in this specific location is consistent with the city's comprehensive plan of September 2022. Staff Comment: Policies in the Comprehensive Plan provide support for variety and diversification of uses in its historic downtown.
- 2. Consistency with the City's zoning code, or any other plan, program, or ordinance. The proposed use in general and in this specific location is consistent with City's zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.

Staff comment: The proposed use is consistent with the City's zoning code and other plans, programs, and ordinances.

3. Effect on nearby property. The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City's zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.

Staff Comment: The applicant states that the business will not be opened earlier than 11am and no later than 6pm. Applicant is committed to maintaining the storefront and building environs in a manner that upholds the character of the historic downtown.

- 4. **Appropriateness of use**. The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

 Staff Comment: The shop has been operating this use for some time with no observed negative impact.
- 5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.

Staff Comment: the property is currently served by public utilities

Required Plan Commission conclusion: Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the conditional use do or do not outweigh any and all potential adverse impacts. The proposed motion below states that benefits do in fact outweigh any and all potential adverse impacts.

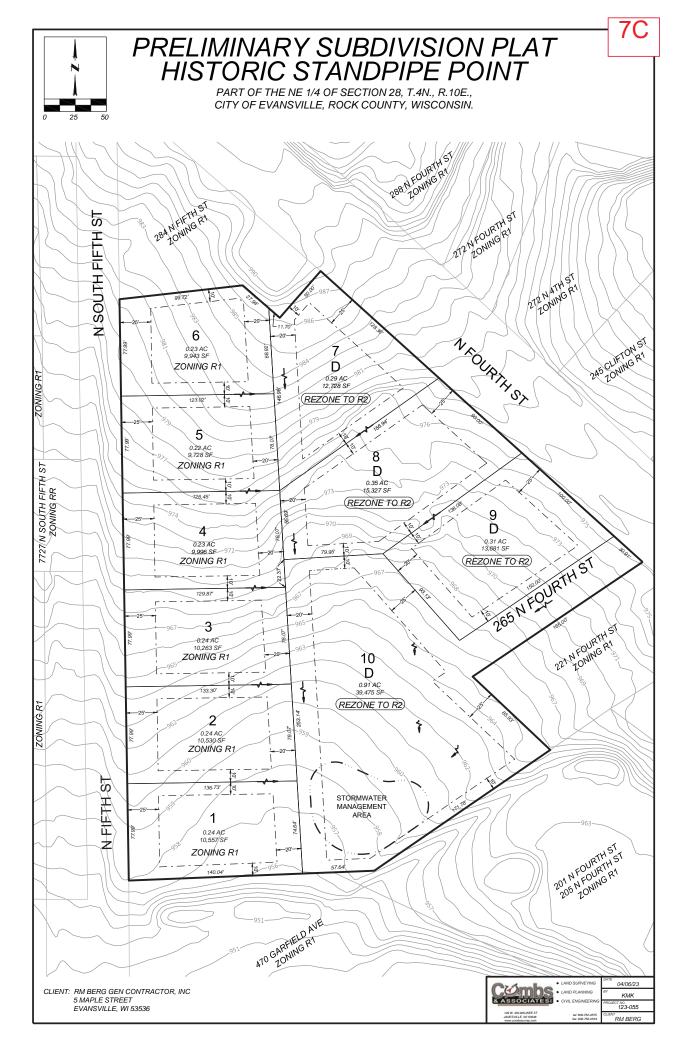
Staff recommended motion for Plan Commission: Motion to approve a Conditional Use Permit for Indoor Commercial Entertainment to operate a beverage shop per section 130-408 on parcel of land 6-27-22 located at 18 W Main Street, finding that the benefits of the use outweigh any potential adverse impacts, 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:

- The business operator, now and in the future, shall comply with all provisions in the City's Zoning Code, as may be amended, related to sidewalk cafes. (Section 130-568).
- 2) Hours of operation shall be no earlier than 6am and no later than 10pm.
- 3) The business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.
- 4) Any substantial changes to the business model shall require a review of the existing conditional use permit.
- 5) Any changes to signage, outdoor lighting, and/or building façade are subject to approval from the Historic Preservation Commission.
- 6) Use cannot create a public nuisance as defined by local and state law.
- 7) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

Sidewalk cafés include an area on a sidewalk or similar area within the public right-of-way where food is served and which is associated with a restaurant. The provisions of this section are intended to accomplish the following purposes: enhance the pedestrian ambiance of the city by promoting additional activity on city sidewalks and visual interest, enhance the appropriate use of existing public spaces; and increase economic activity in the area. This use is a permitted use in the B-2 district. Temporary use regulations are as follows:

- (1) Location. A sidewalk café shall be located directly in front of the restaurant with which it is associated and it shall be operated solely in conjunction with such restaurant.
- (2) Obstructions. A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- (3) *Pedestrian movement.* No portion of the sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.
- (4) Planters. Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- (5) *Lighting.* Lighting shall be limited to tabletop lamps of low intensity. The city administrator may allow additional lighting to provide appropriate levels for safety.
- (6) Furnishings. All furnishings shall fit the character of a public streetscape. Umbrellas over each table may be permitted if it does not create an obstruction.
- (7) Floor covering. A floor covering may not be used in the sidewalk café.
- (8) *Tables.* Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.
- (9) Food preparation. All food shall be prepared within the restaurant.
- (10) Alcoholic beverages. No alcoholic beverages may be served or consumed in the sidewalk café unless the proper licenses have been issued under Sec. 6-2, Sec. 6-43, and or Sec. 106-163.
- (11) Off-street parking requirements: One space per every three patron seats, calculated on the sum of the indoor and outdoor patron seats. This requirement may be waived by the plan commission, following a request from the applicant.

[Ord. 2005-21, Ord. 2022-05]



AMENDMENT TO



"FINAL LAND DIVIDER'S AGREEMENT" FOR SETTLER'S GROVE

WHEREAS, an agreement entitled "Final Land Divider's Agreement- Settler's Grove" between Grove Partners, LLC, and the City of Evansville was made the 14th day of April, 2022;

WHEREAS, certain responsibilities and obligations of both parties under the "Final Land Divider's Agreement - Settler's Grove" have not been completed;

WHEREAS, Grove Partners, LLC, and the City of Evansville have had discussions to modify agreement;

WHEREAS, Grove Partners, LLC, and the City of Evansville specifically incorporate into this Amendment, as if set forth fully herein, all the terms and obligations of the April 14th, 2022, "Final Land Divider's Agreement- Settler's Grove" not amended below;

NOW, THEREFORE, in consideration of these recitals and the mutual covenants set forth below, Grove Partners, LLC, a Wisconsin corporation, and the City of Evansville, a municipal corporation of the State of Wisconsin, located in Rock County, Wisconsin, mutually agree this ____ day of _____, 2023, to amend the "Final Land Divider's Agreement- Settler's Grove" dated April 14th 2022, a copy comprising twenty-seven (27) pages, of which is attached hereto as ATTACHMENT A, as follows:

Article I.B is amended to include a subparagraph of I.B.l(a): The provisions in Article I, Paragraph B is clarified such that the Developer is to connect bike path on the north side of Porter Road, from the west end of Lot 170 (Westfield) to Eighth Street (Settlers), with a credit being provided to Developer for paths constructed on city owned propertyoutside the plat per the provisions above.

Article II.G.9. is amended to read: The City shall reimburse costs to fully improve Porter Road from the Western Edge of lot 170 to west end of Lot 46 in Phase One. The City to fully improve Porter Road to west end of the Settler's Grove development, as required, when future Phases develop. The city to provide/payshall reimburse for engineering and construction of a new Porter Road culvert. The City shall reimburse costs to construct/improve stormwater systems in and adjacent to the plat. Reimbursed costs shall not exceed \$505,000; the City will reimburse costs in 5 payments, within 12 months of the milestones below and subject to a maximum annual payment of \$110,000:

- 1. Completion of culvert \$105,000
- 2. Completion of pond installation on Outlot 4 \$100,000
- 3. Completion of fingineering engineering and full development for booster station \$100,000
- 4. Completion of Phase One-\$100,000
- 4.5.Completion of Phase Two \$100,000

Article III.H.1. is amended to read: Developer shall construct, furnish, install, and provide five-feet wide concrete sidewalks on boths sides of the street within the public rights of way of all public streets on a particular phase prior to granting occupancy on any home in that phase.

Article II.B.1 is amended to read: For the first phase, (26 lots on Eighth Street and Winston WaLots 32-46, 62-64, 86-93 and Outlot 4), as soon as the Developer has obtained all necessary approvals of the Plans and Specifications described in Article III or for the first phase, and has filed with the City Clerk all required documents, including but not limited to the irrevocable letter of credit reference in Article IV, Section C, and construction drawings for the entire plat or first and second phase have been submitted and approved.

Article II.B.2 is amended to include: Phase Two will include an additional 10 lots on Morgan Street.lots 58-61 and 65-70. The cost for the requirements for recreational paths shall be escrowed by the developers before close out of are not applicable to developers in Pphase H-Two of the development.

Article II.B.3. is amended to read: Development of Phase One and Two are the only <u>current</u> phases for which Developer seeks approval. Subsequent phases may be planned and approved pursuant to amendments. <u>IF Additional phases beyond Phase One and Phase Two are not started by 2030, developer shall construct connecting sidewalk in Outlot 4 and provide paved turn around easements at the end of Morgan Drive and Winston Way.</u>

Developer, through zoning application for Phases One and Two, shall indicate at least four 4 R-2 lots for the theand construct four construction of duplexes in Phase One and/or Phase Two; Exhibit 1, and all references to the R2 Duplex lots (38, 63, 64, 93) on Eighth Street is converted to R1 Single Family homes' alternate locations for duplex lots to be determined with the understanding that the original development agreement for a density minimum of 125 dwelling units remains unchanged.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above stated:

	(SEAL)	
Dianne Duggan, Mayor		
	SEAL)	
Leah Hurtley, City Clerk		
GROVE PARTNERS	S LLC	
By:		
(print name and title)		
The obligations of the Devel	oper stated above in this A	Amendment are hereby
personally guaranteed by the the responsibilities of the Su		ney fully understand and accept
		(SEAL)
	Roger M. Berg	
		(SEAL)
	Matthew D. Brown	
		(SEAI)

David A. Olsen



APPLICATION FOR PRELIMINARY LAND DIVISION - STAFF REPORT

Application: LD-2023-0096 **Applicant:** Grove Partners

Parcel 6-20-218.B

April 27, 2023

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263

Location: Conifer Hills Subdivision, 7000 block of Territorial Road, Town of Union

Description of request: A preliminary plat to create 17 residential lots and one outlot from a 37.8 acre parent parcel.

Existing Uses: The land is largely wooded and undeveloped and surrounded by residences on large(1+ acre) lots.

Proposed Land Division:

This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville and the 2035 boundary outlined in City's Smart Growth Comprehensive Plan.

In 1999, the State of Wisconsin passed Act 9 which became known as the State's "Smart Growth" law. This required all municipalities to prepare plans outlining the intended land uses within their jurisdiction. These "smart growth areas" were defined as "an area that will enable the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development and at densities that have relatively low municipal, state governmental and utility cost." This is the reasoning the City maintains when engaging in future land use planning that is both thoughtful and cost-effective.

The City has done some form of smart growth planning since 1986. It most recently adopted an update of its Comprehensive Plan in September 2022. The current future land use designation for parcel 6-20-218.B is for Open Space and Conservation. The parcel has been planned as such since 2015. This is a land use reserved for areas with environmental limitations that are likely to have limited development potential. The Comprehensive Plan states that within this land use category "[t]he Plan Commission will direct development away from lakes, creeks, wetlands, floodplains, areas of severe slope (i.e. more than 12%), hydric soils, and wildlife habitat." This future land use category does not completely impede future development, but provides a cautious approach to allowing it. Namely, as a result of "site specific analysis, including field surveys and soil borings...it may be determined that some of the mapped areas are in fact developable."

County and USDA soil maps indicate that soils in this location are likely hydric. Both conditions would be impediments to a landowner receiving permission to install private on-site wastewater systems to service a home. For this reason, delaying development to parts of this plat until City sewer and water can be extended to this location may be the only way some of the proposed lots of this preliminary plat could be properly serviced.

The City's Transportation Plan Map indicates this to be a potential location for a primary local road connection between County Highway M and Territorial Road. There is a connecting roadway to Morningridge Estates to the south, but none to the west as indicated on the map.

Additionally, the City's Subdivision ordinance allows for certain land divisions within the extraterritorial jurisdiction. The application as submitted does not meet any of the exceptions outlined in the Subdivision ordinance, but changes could be made to the preliminary plat that would result in a final plat that could both allow housing development within the Town of Union and meet the City's own subdivision standards and the provisions of its Comprehensive Plan. Namely: a cluster land division creating no more than 7 lots. The lots need to average less than 2 acres, be contiguous, and leave at least 10 acres per lot of undivided and undeveloped land in reserve for future development. In this case, Lots 24 through 30 of the plat could be developed. This would leave 30 acres undeveloped from the parent parcel. The current landowner also owns the 40+ acre parcel across Territorial Road, which would meet the requirement for 10 acres of open land preserved for each lot allowed to be developed.

In order to accomplish this, the following steps would need to be taken by the applicant:

- Site specific analysis to determine the developability of the land.
- A Comprehensive Plan Amendment application to adjust the future land use of the site.
- Redrawn preliminary plat showing land reserved for a future local road connecting Territorial Road and County Highway M.

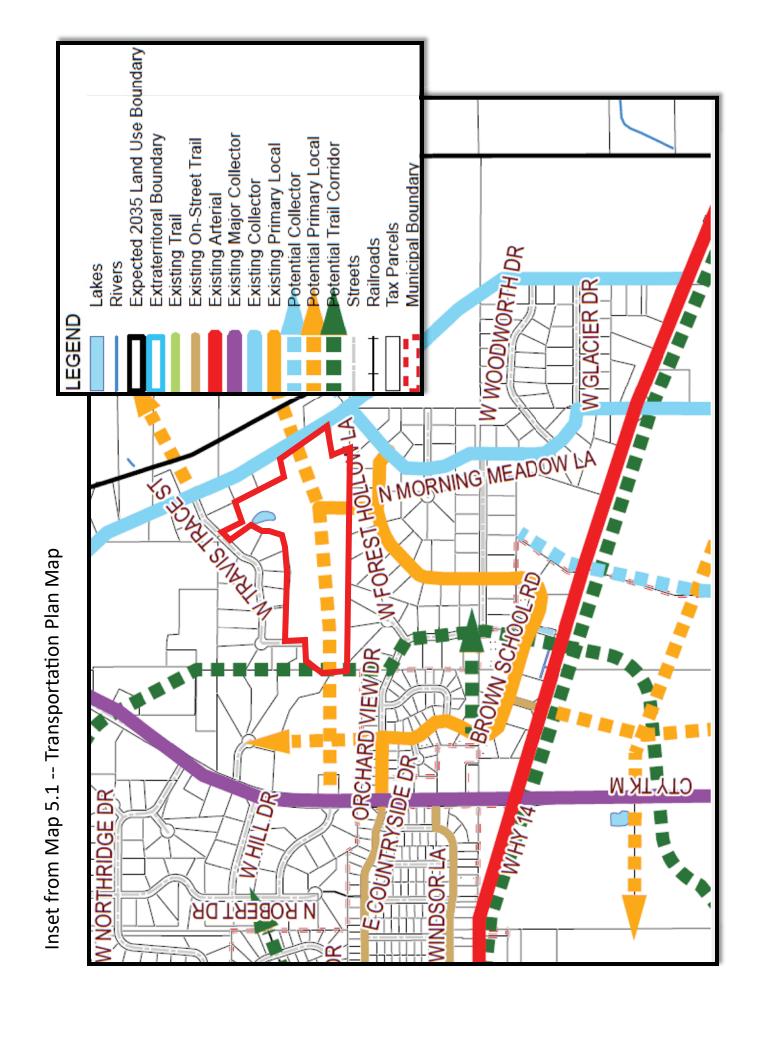
The Municipal Service Committee reviewed the plat at its regular meeting on Tuesday, April 25th. They made an action to defer to Plan Commission's recommendation for Common Council.

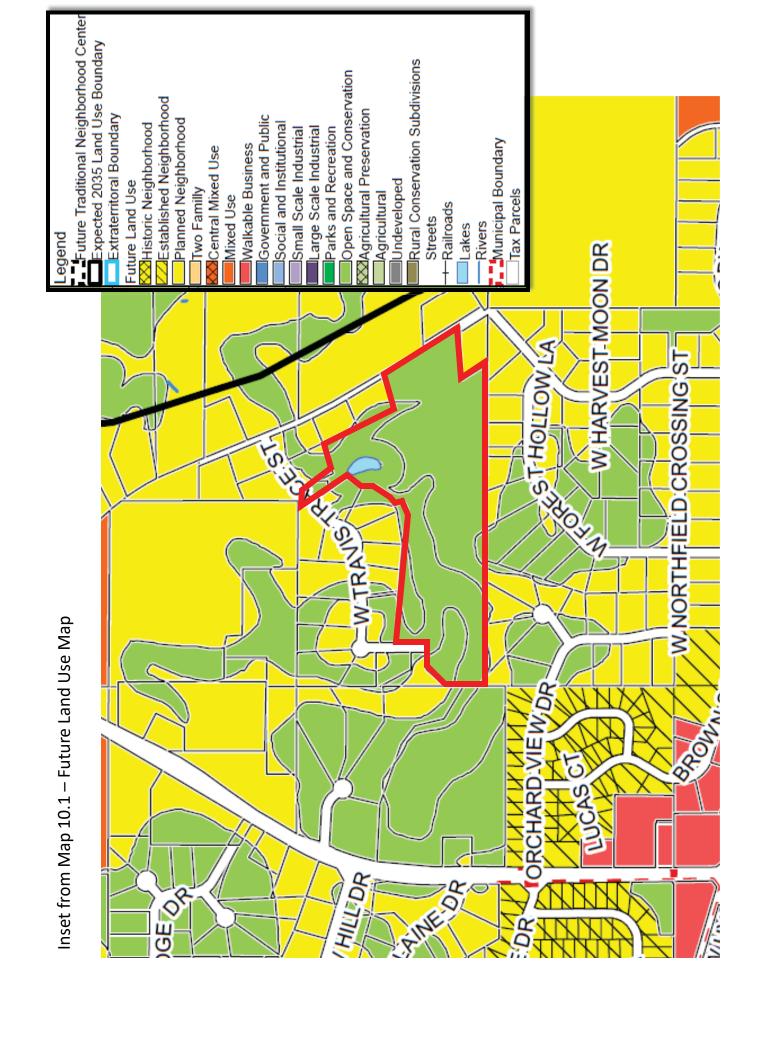
Plan Commission provides a recommendation to Common Council for approval of this preliminary plat. Staff have identified two possible motions for Plan Commission to consider.

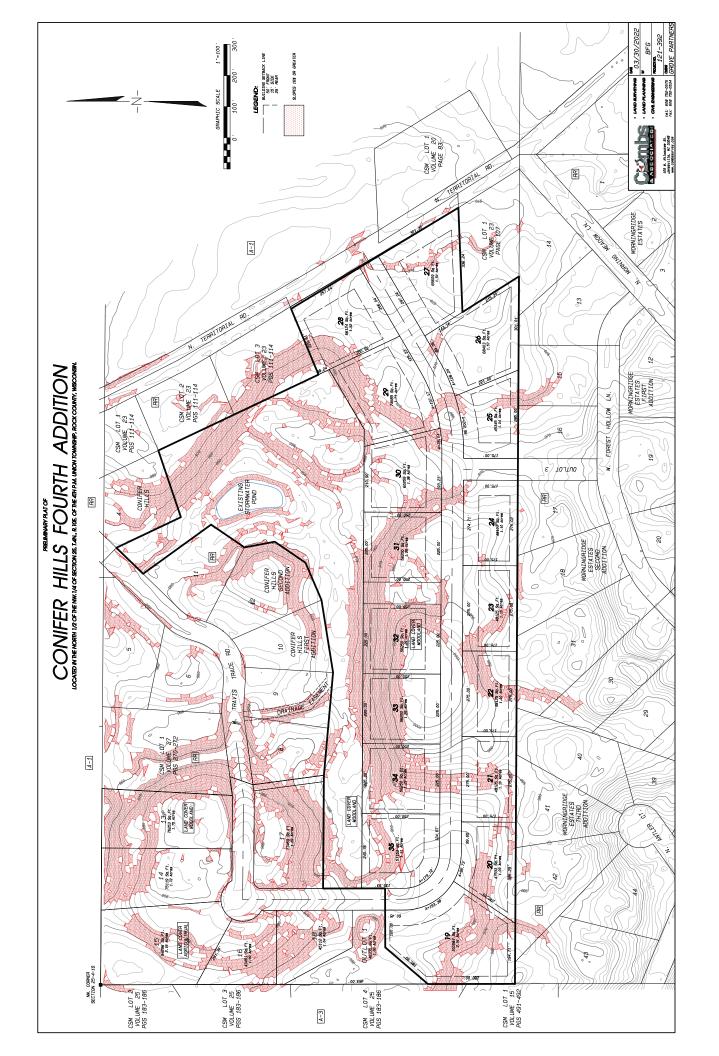
<u>Possible Motion 1:</u> Motion to recommend that Common Council approve the preliminary plat application for parcel 6-20-218.B, finding that the application is application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, subject to the following conditions:

- 1. Applicant to submit a Land Division Application for a final subdivision plat, contingent on approval of this preliminary plat by Rock County.
- 2. Applicant to submit a Comprehensive Plan Amendment application demonstrating the developability of the site in order to adjust the land use from Open Space and Conservation to Residential.
- 3. Fourth Addition of Conifer Hills to include lots 24 through 30 only.
- 4. Applicant to adjust road layout on plat to provide a future local road connection in an effort to improve connectivity.
- 5. Applicant will establish compliance with all Town of Union and Rock County regulations, approvals, and requirements.

<u>Possible Motion 2:</u> Motion to recommend that Common Council deny application 2023-0096 for a preliminary plat on parcel 6-20-218.B, finding that the application is inconsistent with Chapter 110-230 of the Municipal Code and with the City of Evansville Comprehensive Plan.









APPLICATION FOR CONDITIONAL USE PERMIT - STAFF REPORT

Application: CUP-2023-0067 **Applicant:** Sienna Crest Assisted Living

Parcel 6-27-559.5170

April 29, 2023

Prepared by: Colette Spranger, Community Development Director **Direct questions and comments to:** <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263

Location: Lot 170, Westfield Meadows First Addition

Description of request: The applicant is requesting to operate two twenty-unit Community Based Residential Facilities. Each building would have twenty permanent residents and be staffed and operated 24 hours a day, 7 days a week. The buildings would be licensed by the Department of Health Services. The applicant is seeking approval for a conditional use permit to allow an institutional residential use on parcel 6-27-559.5170 within the B-3 zoning district.

Existing/Prior Uses: Undeveloped/agriculture

Staff Analysis of Request:

The City is in need of housing of all varieties. An assisted care facility in this location is a welcome asset to the community, for both Evansville residents needing the care and their caregivers.

The applicant operates several other assisted living facilities in the area, the nearest being Oregon. The business has been in operation for over 20 years.

A site plan application has also been submitted by the applicant in order to approve the site layout. The building design has already received approval from the Department of Safety and Professional Services. However, a landscape plan has not been received. Initially, the Community Development Director anticipated offering a recommended approval with the condition that a landscape plan would be required and reviewed by staff prior to the City issuing any building permit. After a discussion with the City Administrator, a decision was made to postpone review of the site plan until June's Plan Commission meeting. The City has had issues in the past with reviewing landscape plans apart from the rest of the site plan and should maintain its best practices with regard to site plan review.

This delay should not have much effect on construction progress on the site; Porter Road improvements adjacent to the site need to be completed before a building permit can be issued. These improvements are anticipated to be completed on or around June 1st.

The conditional use application still requires a public hearing and decision and can be done apart from the site plan, though the two are closely related. Tonight's motion will reflect the conditional use permit only.

Additionally, opinions were sought from the fire inspector and EMS chief regarding the facility. The fire inspector suggested that a monitored alarm system be used in place of a manual one. In the event of a true emergency, he pointed out that staff would be focused on evacuating residents and not calling the fire department, and having a monitored system would buy valuable time. Other than that, the plans submitted were found satisfactory.

The EMS chief requested a tour of the facility before it opens and asked how patient information could be easily be obtained when a call is made. The facility prepares Emergency Packets for this specific purpose. The EMS chief had no pressing concerns.

The Municipal Code lists the following regulations applicable for institutional residential uses. The site's compliance with each regulation follows in italics.

- **a.** No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
 - Staff Comment: Regulation met.
- **b.** A minimum of 30 percent of the development's gross site area shall be held as permanently protected green space.
 - **Staff Comment:** Regulation met.
- **c.** The proposed site shall be located so as to avoid disruption of an established or developing office area.
 - Staff Comment: Not applicable.
- **d.** The applicant shall provide an off-street passenger loading area at a minimum of one location within the development.
 - Staff Comment: Regulation met.
- **e.** All structures shall be located a minimum of 35 feet from any residentially zoned property which does not contain an institutional residential land use.
 - Staff Comment: Regulation met.
- f. Parking requirements: Three spaces for all single-family and two-family dwelling units; for multi-family dwelling units, two spaces per unit for two or more bedrooms, 1 ½ spaces per unit for one or less bedrooms. These requirements may be waived by the plan commission for businesses in the B-2 district, following a request for the applicant.
 - a. Monastery or convent: One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
 - b. Nursing home: One space per six patient beds, plus one space per employee on the largest work shift, plus one space per staff member and per visiting doctor
 - **Staff Comment**: Regulation met.
- **g.** The applicant shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

<u>Required Plan Commission findings for Conditional Use Permit request</u>: Section 130-104(3) of the Municipal Code, includes criteria that should be considered in making this decision:

1. Consistency of the use with the comprehensive plan. The proposed use in general and in this specific location is consistent with the city's comprehensive plan of September 2022.

Staff Comment: The Comprehensive Plan is specific about goals to provide support for senior housing.

2. Consistency with the City's zoning code, or any other plan, program, or ordinance. The proposed use in general and in this specific location is consistent with City's zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.

Staff comment: The proposed use is consistent with the City's zoning code and other plans, programs, and ordinances.

3. Effect on nearby property. The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City's zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.

Staff Comment: The use itself compliments the residential nature of the surrounding properties and is not expected to result in an adverse impact to existing or future uses within the neighborhood.

- 4. **Appropriateness of use**. The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property. **Staff Comment**: This is a desirable and appropriate location for assisted living
 - Staff Comment: This is a desirable and appropriate location for assisted living facilities within the City.
- 5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.

Staff Comment: the property is currently served by public utilities. The property owner has indicated responsibility for sidewalk construction along Porter Road adjacent to Lot 170.

Required Plan Commission conclusion: Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the conditional use do or do not outweigh any and all potential adverse impacts. The proposed motion below states that benefits do in fact outweigh any and all potential adverse impacts.

Staff recommended motion for Plan Commission: Motion to approve a Conditional Use Permit for an Institutional Residential Use to operate an assisted living facility per section 130-376 on parcel 6-27-559.5170 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 business operator shall obtain and maintain all City, state, and county permits and licenses as may be required.
- 2) Any substantial changes to the business model shall require a review of the existing conditional use permit.
- 3) Use cannot create a public nuisance as defined by local and state law.
- 4) Plan Commission approves Site Plan Application 2023-0068.
- 5) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

0.0A LOCATION: Porter Rosal Examentle, WI 53536 Rock County Sienna Crest CBRF New Class CNA CBRF Facility Title Sheet CEC The mechanical systems design are not a part of these plans. All work performed to meet all state and local building codes. Contact the architect with any field-discovered discrepancies. COMPATIONS TO SEE A SEEL TO THE OWN FOR DOCUMENT OF THE OWN FOR TH DURANGONAGE. ALL DIADISONS ARE SHOWN FROM FACE OF ROUGH-PRAMED STUD LANGGOOMS FOR CONVERTE OF WASHINGTOWN ARE SHOWN FROM FROM FACE OF WALL FACE OF WALL WALL OF WASHINGTOWN ARE SHOWN FROM FACE OF WALL FACE OF WALL WALL OF W HAZABOAS MITERALS. NY NYZHOVS MITERALS ENCOUNTERED IT MY THE DURING NO CONSTRUCTION OF THE PROFETS TO THE OWNER MITERAL. ALL HAZABOAS SUBSTANCES SHULL BE REMONED IN ACCREDINCE MITH ALL RINGH FEDERAL, STATE, MO LOCAL REGULATIONS. The general contractor is to field verify all existing conditions and dimensions. VERIEY IN FIELD locations of all property lines adjacent to new construction Successible parting stalls are available on-site immediately outside the front PRESTOPPING, ALL HOLES OR PENETRATIONS, EXISTING OR NEW, THROUGH FIRE-RATED FIRECTION SHALL BE CLOSED, FIRESTOPPED, DAMPERED, AS REQUIRED BY CURRENT 2015 D. NOT SCALE DEMYSSES. IN ALL CACES, NOTED DIADESONS AND, NOTES NOICHING NUMBERSONS OF STANS SALE, GOVERL. COOFONNER WITH ARCHITECT FOR NECESSARY. OCHOONNER, COOFONNER WITH ARCHITECT FOR NECESSARY. OCHOONNER, COOFONNER, COOF 1. COLL CORELUNCE, ALL PRINK OF ALL THREES SHALL BE COMPLETED IN ACCORDING MEMORY SERVICES SE AL HOLES SHALL BE NEXTLY OUT. DO NOT PUNCH ON PUNCH ON PUNCH ON PUNCH ON PUNCH. ASSOCIATED TRADE CONTRACTOR SHALL BE HELD RESPONSBLE FOR ANY HOLES LETT ASSOCIATED. Sparta, WI 54656 FAX: (608) 237-7444 A S S OC I A T E S, inc. M. Cashman, AlA GENERAL NOTES AND SPECIFICATIONS Project General Notes: Location Map: 6. The building is Type VA construction. Architect Stamp: 4798 County HWY I PH: (608) 237-7443 Roof Plan / Reflected Ceiling Plan Finish Schedule / Interior Details Enlarged Plans/ Interior Details Architectural Architectural Braced Wall Plan / Details Foundation Plan / Details Sheet Index: Door / Frame Schedule Framing Plan / Details Structural **Exterior Elevations** Exterior Elevations Code Analysis Plan Exterior Elevations Floor Layout Plan Structural Notes Dimension Plan Title Sheet Civil C-100 A0.0 A0.1 S1.0 S2.0 S3.0 S4.0 A2.0 A2.1 A2.3 A2.3 A2.3 A3.0 A3.1 A3.2 Sienna Crest CBRF Evansville, WI Ш New Class CNA CBRF Facility March 06, 2023 H CD Set Porter Road H

DATE: March 06, 2023

Evansville, WI 53536

orter Road

