

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, November 1, 2022, 6:00 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the October 4, 2022 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 2022-0115 for a final CSM on parcel 6-27-485 located at 346/352 Lincoln Street.
 1. Review Staff Report and Applicant Comments
 2. Plan Commissioner Questions and Comments
 3. Motion with Conditions
 - B. Public Hearing and Review of Conditional Use Permit Application 2022-0275 for Indoor Commercial Entertainment use on parcel 6-27-624.1 located at 137 E. Main Street.
 1. Review Staff Report and Applicant Comments
 2. Public Hearing
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
 - C. Review and Discussion of Land Division Application 2022-0276 on parcel 6-16-245, located at 7101 N Tolles Road in the Town of Porter.
 1. Review Staff Memo
 2. Applicant Comments
 3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
 - D. Review and Discussion of Land Division Application 2022-0275 on parcel 6-20-130, located at 9202 N Evansville Brooklyn Road in the Town of Union.
 1. Review Staff Memo
 2. Applicant Comments

-Mayor Dianne Duggan, Plan Commission Chair

3. Plan Commissioner Questions and Comments
 4. Motion with Conditions
- E. Public Hearing and Review of Zoning Map Amendment Application 2022-0274 to rezone Lot 170 Westfield Meadows First Addition on parcel 6-27-559.5170.
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
 - A. 2023 Meeting Schedule
 10. Next Meeting Date:
 - A. December 6, 2022 at 6:00pm
 11. Motion to Adjourn

-Mayor Dianne Duggan, Plan Commission Chair

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

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

MINUTES

1. Call to Order at 6:00pm.

2. Roll Call:

Members	Present/Absent	Others Present
Mayor Dianne Duggan	P	Colette Spranger, Community Dev. Director
Aldersperson Cory Neeley	P	Andy Phillips, Applicant
Aldersperson Susan Becker	P	Sarah Kilps, Applicant
Vacant	N/A	
John Gishnock	P	Derek Allen
Mike Scarmon	A	Riley Marsh, Evansville Today
Eric Klar	P	

3. Motion to approve the agenda, by Neeley, seconded by Klar. Approved unanimously

4. Motion to waive the reading of the minutes from the September 6, 2022 meetings and approve them as printed, by Neeley, 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. Public Hearing and Review of Site Plan Application 2022-0239 and Conditional Use Permit Application 2022-0240 for Indoor Commercial Entertainment use on parcel 6-27-108, located at 1 E. Main Street.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:10p.m. No public comments. Public hearing closed at 6:11 p.m.

iii. Plan Commissioner Questions and Comments

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iv. Motion to approve a Site Plan and issuance of Conditional Use Permit for indoor commercial entertainment (golf simulator) per section 130-408 on parcel 6-27-108, located at 1 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 indoor commercial entertainment uses (Section 130-408).**
- 2) The parking requirements for this use in this location shall be waived.**
- 3) 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).**
 - a. Tables, chairs, and barriers are not to be left outside when the business is not open.**
 - b. Applicant to provide City staff with details showing exact placement of items associated with outdoor seating area.**
- 4) Hours of operation shall be no earlier than 8am 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) Outdoor commercial food and beverage service is not approved as part of this permit. A separate conditional use permit application and review is required.**
- 9) Use cannot create a public nuisance as defined by local and state law.**
- 10) The Conditional Use Permit is recorded with the Rock County Register of Deeds.**

Motion by Becker, seconded by Neeley. Approved unanimously

B. Public Hearing and Review of Conditional Use Permit Application 2022-0218 to approve an existing two-family dwelling in the B-1 zoning district on parcel 6-27-595.1, located at 511 E. Main Street.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:18p.m. No public comments. Public hearing closed at 6:19 p.m.

iii. Plan Commissioner Questions and Comments

iv. Motion to approve issuance of a Conditional Use Permit for a Two-Family Dwelling per section 130-324 on parcel 6-27-595.1, located at 511 E Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the

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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 Conditional Use Permit is recorded with the Rock County Register of Deeds.**
- 2. Use cannot create a public nuisance as defined by local and state law.**

Motion by Neeley, seconded by Becker. Approved unanimously.

- C. Review of Site Plan Application 2022-0264 for Collocation of Wireless Antennas on City Water Tower on parcel 6-27-577, located at 40 Cemetery Road.

i. Review Staff Report

ii. Plan Commissioner Questions and Comments

Commission stated a desire to identify future locations for wireless antenna. They feel the water tower is at capacity but understand that more places may be needed in order to have a

iii. Motion with Conditions

The Plan Commission approves the site for collocation of wireless antennas as presented for 40 Cemetery Road on parcel 6-27-577, 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 as set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1. Verizon Wireless to install three (3) evergreen trees to the east and south of utility box at base of water tower.**
- 2. A lease agreement between the City and Verizon wireless is approved by Common Council.**

Motion by Becker, seconded by Neeley. Approved unanimously

- D. Public Hearing and Review of Conditional Use Permit Application 2022-0250 to renew an expired conditional use permit for Mixed Commercial/Residential use on parcel 6-27-958.091A1, located at 781-785 Brown School Road.

i. Review Staff Report and Applicant Comments

Spranger gave an overview of this application and the next two agenda items. The purpose of the new site plan and conditional use permits are to bring the site into basic compliance with the zoning code. The conditional use permits can be approved under the condition that the site plan. Andy Phillips is present with Derek Allen, who intends to be his partner on the future of this project. The Mornings are no longer co-owners of the site.

ii. Public Hearing

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Public hearing opened at 6:37p.m. No public comments. Public hearing closed at 6:38 p.m.

iii. Plan Commissioner Questions and Comments

iv. **Motion to approve issuance of a Conditional Use Permit for a Commercial/Residential use in the B-3 Community Business district per section 130-421 on parcel 6-27-958.091A1, located at 781, 783, and 785 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. **The Conditional Use Permit is recorded with the Rock County Register of Deeds.**
2. **Any variation from plans approved by staff or Plan Commission if necessary.**
3. **Plan Commission approval of Site Plan Application 2022-0252.**
4. **Conditions of Site Plan Application 2022-0252 are met.**
5. **Use cannot create a public nuisance as defined by local and state law.**

Motion by Neeley, seconded by Becker. Approved unanimously.

E. Public Hearing and Review of Conditional Use Permit Application 2022-0251 to renew an expired conditional use permit for Light Industrial Incidental to Sales use on parcel 6-27-958.091A1, located at 781-785 Brown School Road.

i. Review Staff Report and Applicant Comments

ii. Public Hearing

Public hearing opened at 6:42p.m. No public comments. Public hearing closed at 6:44 p.m.

iii. Plan Commissioner Questions and Comments

iv. **Motion to approve issuance of a Conditional Use Permit for Light Industrial Activities Incidental to Indoor Sales or Service Land Use in the B-3 Community Business Zoning District per section 130-530 on parcel 6-27-958.091A1, located at 777 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. **The Conditional Use Permit is recorded with the Rock County 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.**

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- 4. Plan Commission approval of Site Plan Application 2022-0252.**
- 5. Conditions of Site Plan Application 2022-0252 are met.**
- 6. Use cannot create a public nuisance as defined by local and state law**

Motion by Neeley, seconded by Becker. Approved unanimously.

8. Discussion Items

- A.** Review and Discussion of Site Plan Application 2022-0252 on parcel 6-27-958.091A1, located at 781-785 Brown School Road.
 - i. Review Staff Memo**
 - ii. Applicant Comments**
 - iii. Plan Commissioner Questions and Comments**

Plan Commissioners expressed a desire for a plan that shows a layout for the two buildings that meets zoning compliance, including landscaping, parking, and lighting. City will work with applicant on an upgraded development agreement. No action taken.

9. Community Development Report

Community Development Director Colette Spranger gave a report of active projects around the City.

10. Next Meeting Date:

- A.** October 4, 2022 at 6:00 p.m.

11. Motion to Adjourn at 7:15p.m. by Neeley, seconded by Becker. Approved unanimously.



APPLICATION FOR FINAL LAND DIVISION – STAFF REPORT

Application: LD-2022-0115 **Applicant:** Michael Brown

Parcels 6-27-485, 6-27-484

October 28, 2022

Prepared by: Colette Spranger, Community Development Director

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

Location: 352 Lincoln Street (6-27-485), 346 Lincoln Street (6-27-484)

Description of request: A final land division application to create a 3 lot certified survey map has been submitted for approval. A public hearing and discussion for this land division was held on June 6, 2022. Undeveloped portions of two lots on Lincoln Street are being used to create a new, third lot intended for residential development. The plan commission recommended approval by Common Council, which in turn approved the preliminary land division. The applicant was to return with a final certified survey map, which is being presented tonight.

From my understanding, a shed was to be moved from the location of proposed Lot 3 to proposed Lot 2, owned by Mr. Brown. This has been completed.

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.

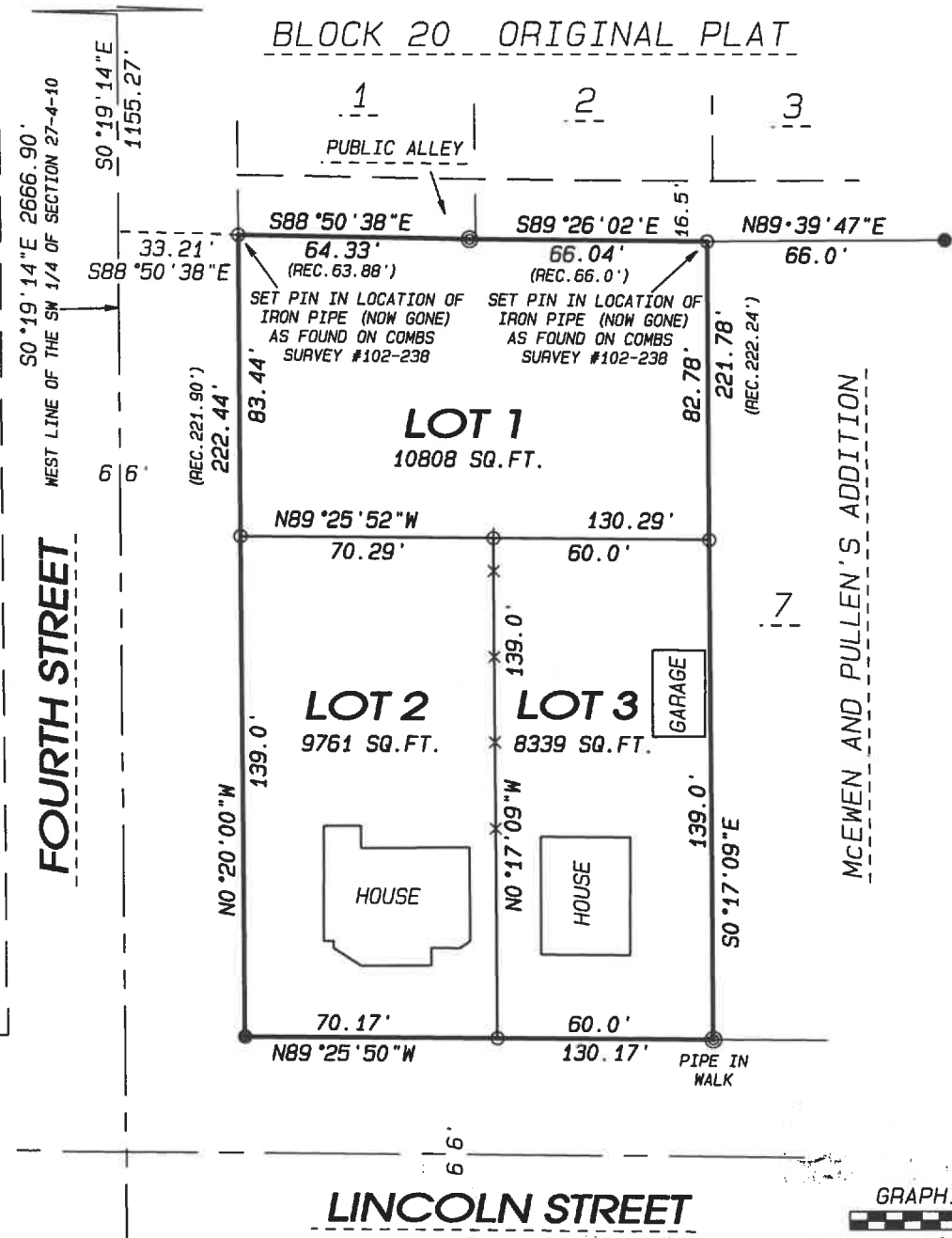
Plan Commission Recommended Motion: *Motion for Common Council to approve a certified survey map creating 3 residential lots from tax parcels 6-27-485 and 6-27-484, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with two conditions:*

- 1. The final CSM is recorded with Rock County Register of Deeds.*
- 2. City Engineer approves utility connections and site grading.*

CERTIFIED SURVEY MAP

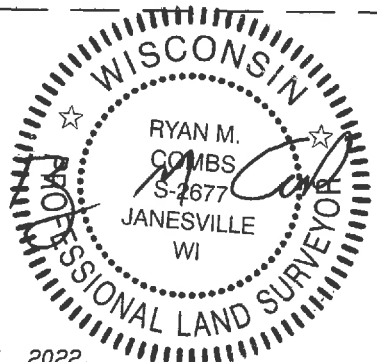
LOTS 8 AND 9, MCEWEN AND PULLEN'S ADDITION AND LOCATED IN THE NW 1/4 OF THE SW 1/4 AND IN THE SW 1/4 OF THE SW 1/4 OF SECTION 27, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.

WEST 1/4 CORNER OF SECTION 27-4-10



LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- ⊙ FOUND 1" IRON PIPE
- ⊗ FOUND COTTON GIN SPIKE
- FOUND CUT STONE MONUMENT
- X— FENCE



SW CORNER OF SECTION 27-4-10

NOTE: FIELDWORK COMPLETED AUGUST 25, 2022.

NOTE: ASSUMED S0°19'14"E ALONG THE WEST LINE OF THE SW 1/4 OF SECTION 27-4-10.

NOTE: A SURVEY BY RONALD COMBS DATED 9-2-2002, WAS USED IN RETRACING THE BOUNDARIES FOR THIS SURVEY (COMBS #102-238)

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
Janesville, WI 53548
www.combssurvey.com

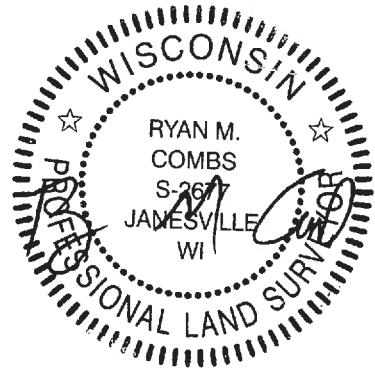
tel: 608 752-0575
fax: 608 752-0534

CERTIFIED SURVEY MAP

LOTS 8 AND 9, MCEWEN AND PULLEN'S ADDITION AND LOCATED IN THE NW 1/4 OF THE SW 1/4 AND IN THE SW 1/4 OF THE SW 1/4 OF SECTION 27, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

As owner, I hereby certify that I have caused the land described on this map to be surveyed, divided, and mapped, as represented hereon.



x _____
Michael Brown

State of Wisconsin
County of Rock SS. Personally, came before me this _____ day of _____, 20____, Michael Brown to me well known to be the person who executed the owner's certificate hereon shown and acknowledged the same.

Notary Public, Rock County, Wisconsin _____

My Commission _____

CITY OF EVANSVILLE APPROVAL

Approved by the City Council this _____ day of _____, 20____.

City Clerk _____

ROCK COUNTY TREASURER'S CERTIFICATE

I hereby certify that the Property Taxes on the parent parcel are current and have been paid as of _____, 20____.

Rock County Treasurer _____

CERTIFIED SURVEY MAP

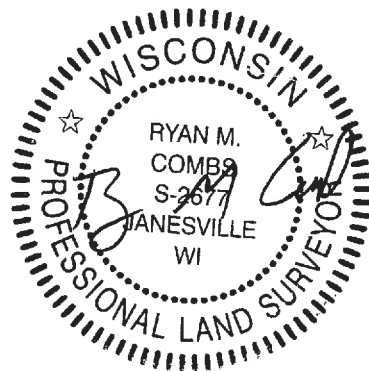
LOTS 8 AND 9, MCEWEN AND PULLEN'S ADDITION AND LOCATED IN THE
NW 1/4 OF THE SW 1/4 AND IN THE SW 1/4 OF THE SW 1/4 OF SECTION 27,
T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY,
WISCONSIN.

OWNER'S CERTIFICATE

As owners, we hereby certify that we have caused
the land described on this map to be surveyed,
divided, and mapped, as represented hereon.

x _____
Rachel Duehn

x _____
Kena Hinker



State of Wisconsin
County of Rock SS. Personally, came before me this _____ day of
_____, 20____, Rachel Duehn and Kena Hinker to me well
known to be the persons who executed the owner's certificate hereon shown and
acknowledged the same.

Notary Public, Rock County, Wisconsin _____

My Commission _____

SHEET THREE OF FOUR SHEETS

Project No. 122-244 For: BROWN

COMBS & ASSOCIATES, INC.-SURVEYING-MAPPING-PLANNING-JANESVILLE, WI

CERTIFIED SURVEY MAP

LOTS 8 AND 9, MCEWEN AND PULLEN'S ADDITION AND LOCATED IN THE NW 1/4 OF THE SW 1/4 AND IN THE SW 1/4 OF THE SW 1/4 OF SECTION 27, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

State of Wisconsin

County of Rock

SS.

I, Ryan M. Combs, a Professional Land

Surveyor No. 2677, do hereby certify that I have surveyed, divided and mapped

LOTS 8 AND 9, MCEWEN AND PULLEN'S ADDITION AND LOCATED IN THE

NW 1/4 OF THE SW 1/4 AND IN THE SW 1/4 OF THE SW 1/4 OF SECTION 27,

T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY,

WISCONSIN. Containing 0.66 Acres. That such map is a correct representation

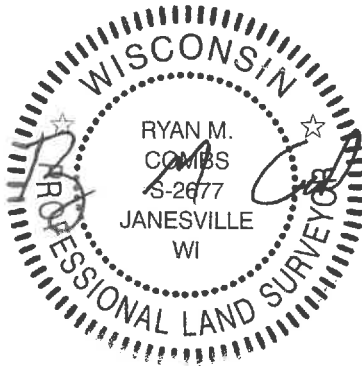
of all exterior boundaries of the land surveyed and the division of that land. That

I have made such survey, division, and map by the direction of Michael Brown

and that I have fully complied with the provisions of Chapter 236.34 of the

Wisconsin Statutes in surveying, dividing, and mapping the same.

Given under my hand and seal this 30th day of August 2022, at Janesville, Wisconsin.



RECORDING DATA

No. _____ received for record this _____ day of _____,
20____, at _____ o'clock ____M., and recorded as _____,
of Certified Survey Maps of Rock County, Wisconsin.

Register of Deeds _____

SHEET FOUR OF FOUR SHEETS

Project No. 122-244 For: BROWN

COMBS & ASSOCIATES, INC.-SURVEYING-MAPPING-PLANNING-JANESVILLE, WI



APPLICATION FOR CONDITIONAL USE AND SITE PLAN – STAFF REPORT

Application: 2022-0275 **Applicant:** Allen Creek Café (Tommy Hanna)

Parcel 6-27-624.1

October 28, 2022

Prepared by: Colette Spranger, Community Development Director

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



Location: 137 E Main Street

Description of request: The applicant plans to open a café serving coffee, Chocolate Shoppe ice cream, and sandwiches. **The applicant is seeking approval of a conditional use permit to allow Indoor Commercial Entertainment on parcel 6-27-624.1 within the B-2 zoning district.**

Existing/Prior Uses: The site is currently vacant. Previous uses have been for office space and an art gallery.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code:

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. This use is in a prime location near the City's multiuse path along Allen Creek. There is a short-term rental unit on the second floor of this building that has a separate entrance distinct from that of the proposed café.

The building inspector and fire inspector have already visited the site. Food preparation on site will not have need for a grease trap or a fire hood above the stove, which was an initial concern by both inspectors.

At the present time, there is a deck on the side of the building facing Allen Creek. The applicant indicates outdoor seating may be provided but there are no current plans to serve customers directly on the deck. (The nuance being that customers would be welcome to take their purchases to the deck.) This brings up the issue of whether such a use constitutes outdoor dining and beverage service or a sidewalk café. Sidewalk cafes are permitted temporary uses in the

B-2 district; outdoor dining would require an additional conditional use permit. The regulations for a sidewalk café are included at the end of this report. My interpretation of this is as follows:

- 1) The deck area, given its proximity to the Creek and a City-owned parcel adjacent to the owner's property, serves as a sidewalk café for the property, as it would "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." No extra permission is needed by the applicant from the City for patrons to use this space.
- 2) If the applicant wishes to expand an outdoor seating area in the back of the property, that would trigger an additional conditional use application for outdoor commercial food and beverage service.

Required Plan Commission findings for Conditional Use Permit request: 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, particularly those that enhance walkability.
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, indoor commercial entertainment, 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: There are no currently plans to expand the uses of the café to other areas of the property. The owner is aware that the building itself is extremely close to the designated floodway (see flood map at end of report) and that additions to the site (pavement, outdoor patio area) are likely to be subject to Chapter 54, the City's Flood Area Zoning Ordinance, as well as a site plan application. Applicant is also aware that the building is in the historic district and changes to the outside of the building need to first be approved by the Historic Preservation Commission.
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 location is an appropriate one for this kind of use.
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 (café) per section 130-408 on parcel 6-27-624.1, located at 137 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 indoor commercial entertainment uses (Section 130-408).*
- 2) *The parking requirements for this use in this location shall be waived.*
- 3) *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).*
- 4) *Hours of operation shall be no earlier than 6am and no later than 11pm.*
- 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) *Outdoor commercial food and beverage service is not approved as part of this permit. A separate conditional use permit application and review is required.*
- 9) *Use cannot create a public nuisance as defined by local and state law.*
- 10) *The Conditional Use Permit is recorded with the Rock County Register of Deeds.*

Sec. 130-568. Sidewalk cafés.

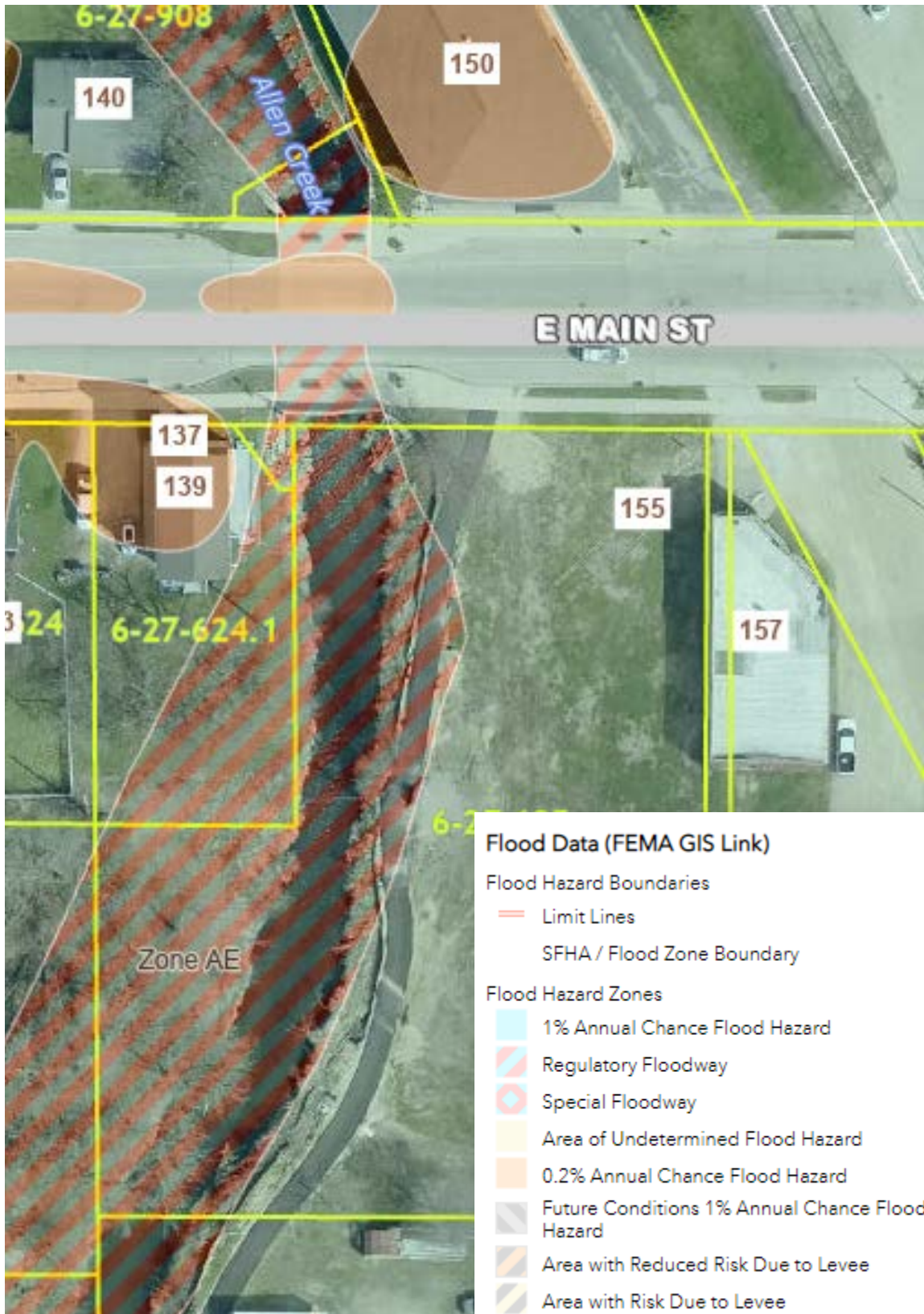
Sidewalk cafés include an area on a sidewalk or similar area within the public right-of-way where food is served and which is associated with a restaurant. The provisions of this section are intended to accomplish the following purposes: enhance the pedestrian ambiance of the city by promoting additional 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.

137/139 E Main

Flood Data

Prepared 9/22/22





APPLICATION FOR PRELIMINARY AND FINAL LAND DIVISION – STAFF REPORT

Application: LD-2022-0276 **Applicant:** Joan Neuenschwander

Parcel 6-16-245

October 28, 2022

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: 7101 N Tolles Road, Town of Porter

Description of request: An application to create a 3.15 acre (2.9 acres excluding right-of-way) residential lot from its parent parcel, 6-16-245, which is currently 78.07 acres.

Existing Uses: There is an existing residence on the parcel. The remainder of the land is in agricultural use or is otherwise undeveloped.

Proposed Land Division: The CSM will create a 3.15 acre residential parcel, leaving a remaining 74.92 acres on parcel 6-16-245.

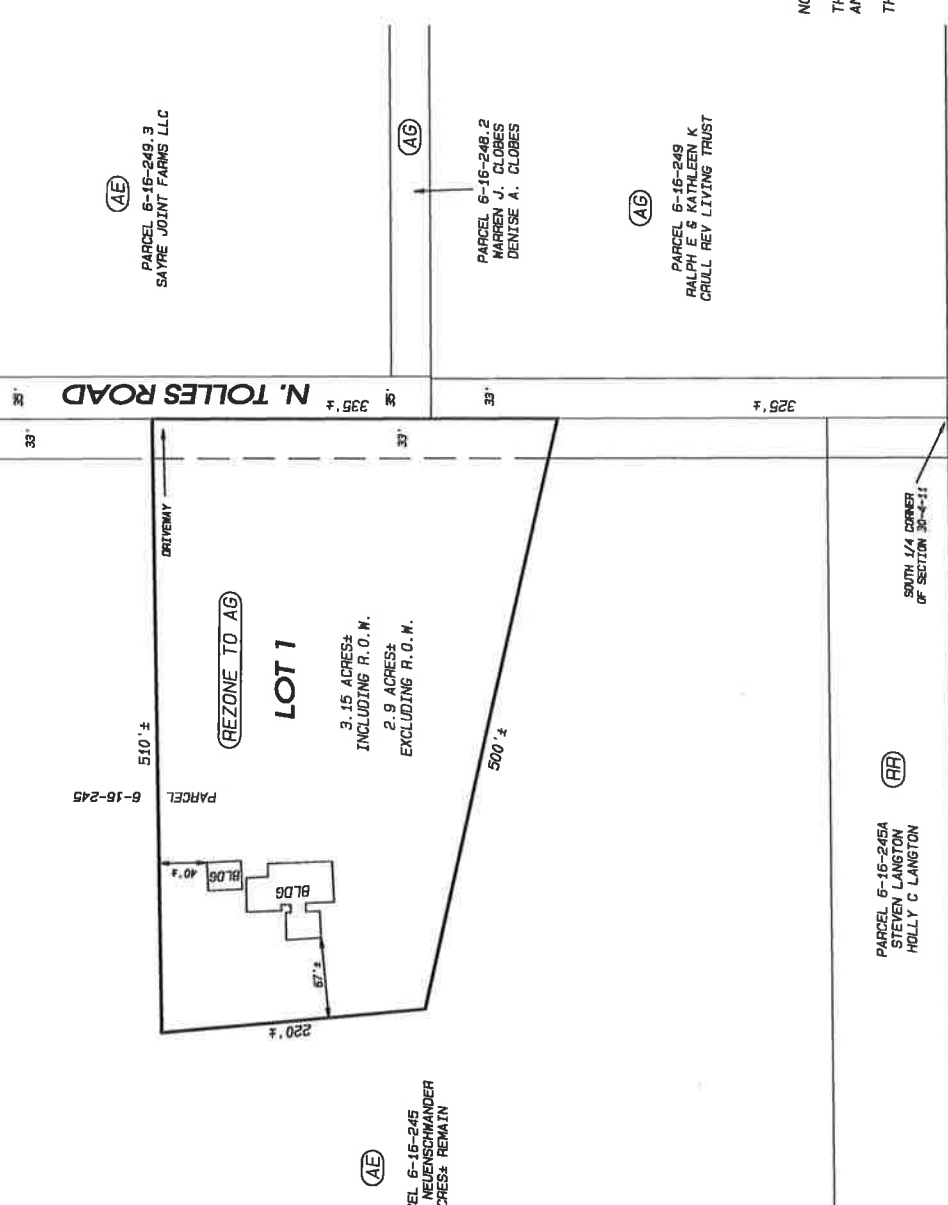
This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville. Within this area, the City places limits on the type of lot that can be created. The intention is to preserve lands that may be suited to develop on City utility services in future years while preserve large tracts of agricultural land in the short term. One of the exceptions to this rule is for property zoned for agricultural use that contains an existing residence. These residences can be separate from the remaining undeveloped land, provided that the remaining land is at least 35 acres in size. The CSM submitted for Plan Commission review tonight meets the requirements set forth in Section 110-230 of the Municipal Code.

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.

Plan Commission Recommended Motion: *Motion for Common Council to approve of the creation of a 3.15 acre (2.9 acres excluding right-of-way) residential lot from parcel 6-16-245, a 78.07 lot zoned A-1 Exclusive Agriculture, located at 7101 North Tolles Road, Town of Porter, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the condition the final CSM is recorded with Rock County Register of Deeds, and that the application fulfills any other obligations set forth by the Town of Porter and Rock County.*

REZONE MAP / PRELIMINARY CERTIFIED SURVEY MAP

PART OF THE SE 1/4 OF SECTION 30, T.4N., R. 11E. OF THE 4TH P.M.,
TOWN OF PORTER, ROCK COUNTY, WISCONSIN.



NOTES:

THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED. THE BASIS OF BEARINGS IS ASSUMED.

DATE: SEPTEMBER 12, 2022

Combs & ASSOCIATES

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 N. Milwaukee St.
Janesville, WI 53548
Tel: 608 752-0975
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Project No. 122 - 441
For: NEUENSCHWANDER



APPLICATION FOR PRELIMINARY AND FINAL LAND DIVISION – STAFF REPORT

Application: LD-2022-0279 **Applicant:** Karen Binger

Parcel 6-20-130

October 28, 2022

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: 9202 N Evansville-Brooklyn Road

Description of request: An application to create a 3.0 acre residential lot from its parent parcel, 6-20-130, which is currently 112 acres.

Existing Uses: There is an existing residence on the parcel. The remainder of the land is in agricultural use or is otherwise undeveloped.

Proposed Land Division: The CSM will create a 3 acre residential parcel, leaving a remaining 109 acres on parcel 6-20-130.

This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville. Within this area, the City places limits on the type of lot that can be created. The intention is to preserve lands that may be suited to develop on City utility services in future years while preserve large tracts of agricultural land in the short term. One of the

exceptions to this rule is for property zoned for agricultural use that contains an existing residence. These residences can be separate from the remaining undeveloped land, provided that the remaining land is at least 35 acres in size. The CSM submitted for Plan Commission review tonight meets the requirements set forth in Section 110-230 of the Municipal Code.

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.

Plan Commission Recommended Motion: *Motion for Common Council to approve of the creation of a 3.0 residential lot from parcel 6-20-130, a 112 acre lot zoned A-1 Exclusive Agriculture, located at 9202 N. Evansville-Brooklyn Road, Town of Union, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the condition the final CSM is recorded with Rock County Register of Deeds, and that the application fulfills any other obligations set forth by the Town of Union and Rock County.*

CERTIFIED SURVEY MAP

PART OF THE NW 1/4 OF THE SW 1/4 AND PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 16, T.4N., R.10E. OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN.

WEST 1/4 CORNER OF SECTION 16-4-10

N. EVANSVILLE
BROOKLYN RD.

NO *13'34"W 2642.04'
WEST LINE OF THE SW 1/4 OF SECTION 16-4-10

SW CORNER OF SECTION 16-4-10

NO *17'21"W 1068.69'

NO *17'21"W 246.90'

DEDICATED TO
THE PUBLIC

NO *17'21"W 246.90'

66.01'

S88°41'20"W

LOT 1

130690 SQ. FT.
3.00 ACRES

N88°41'20"E

529.84'

595.85'

246.92'

S0°05'11"E

528.97'

594.98'

LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- △ FOUND RR SPIKE
- FOUND CUT STONE MONUMENT



NOTE: FIELDWORK COMPLETED APRIL 19, 2022.

NOTE: ASSUMED NO *17'21"W ALONG THE WEST LINE OF THE SW 1/4 OF SECTION 16-4-10.

Project No. 122 - 060 For: BINGER

SHEET 1 OF 3 SHEETS

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APPLICATION FOR REZONE – STAFF REPORT

Application No.: RZ-2022-0274

Applicant Sue White (Sienna Crest Assisted Living)

Parcels: 6-27-559.5170

October 28, 2022

Prepared by: Colette Spranger, Community Development Director

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

Location: Lot 170, Westfield Meadows First Addition

Description of request: An application to rezone parcel 6-27-559.5170 has been submitted for consideration by the Plan Commission.

Existing and Proposed Zoning: The parcel is currently zoned B-1 Local Business District. The applicant proposes B-3 Community Business District. The proposed new zoning will allow the applicant to operate an assisted living facility on site. Assisted living facilities are conditional uses in the B-3 zoning district. Within this district, the City's zoning code includes specific standards for institutional residential site development. These standards are a way of ensuring that development in this location is complimentary to the adjacent residential neighborhood.

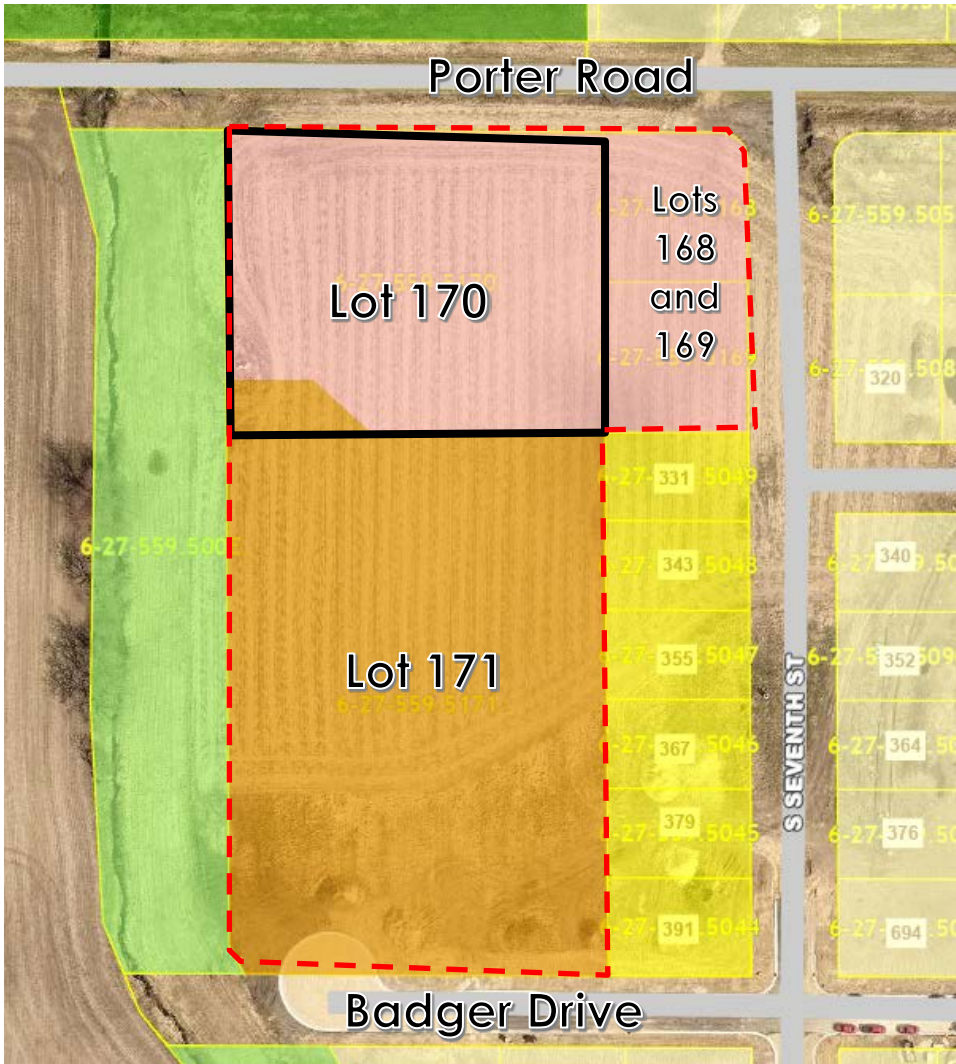
Lot 170 is currently split between the B-1 and R-3 zoning districts, which is a result of the replat of Westfield Meadows, First Addition.

At the moment the applicant is only asking for rezoning of Lot 170 as that is the only lot she is purchasing. There are plans for expanding the site on lots 168, 169, and 171 but these are being purchased under a land contract. Her tentative proposal is a first phase of development is a 20 bed assisted living facility, followed by a second phase with a 20 bed memory care facility, and potentially a third phase of independent living apartments. A site plan has not yet been submitted, as the purchase of Lot 170 is contingent on the applicant ensuring the lot can be developed for institutional residential use.

A site plan and conditional use application will answer further questions regarding density and site design on site and are expected at a future date. Another public hearing will be held at that time.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan.

Staff Recommended Motion: *Motion to recommend to Common Council approval of Ordinance 2022-13, Rezoning Territory from General Business District (B-1) to Community Business District (B-3).*



Current Zoning



Lot proposed for rezoning to B-3 with this application



Potential CBRF/RCAC site at build out



R-3



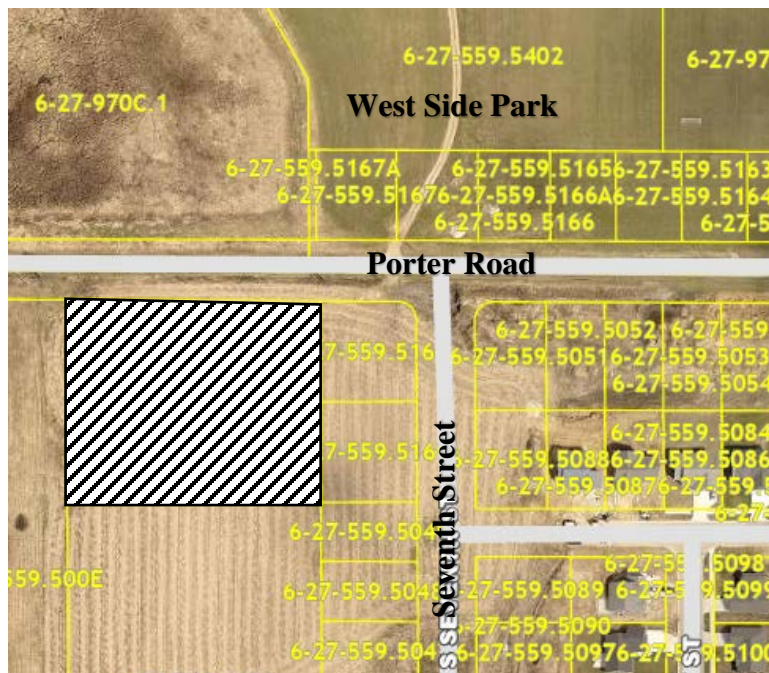
B-1

CITY OF EVANSVILLE
ORDINANCE # 2022-13

**An Ordinance Rezoning Territory from Local Business District (B-1)
to Community Business District (B-3)**
(On Parcel 6-27-559.5170)

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

SECTION 1. Zoning Classification. In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, that the zoning classification of parcels be changed from Local Business District (B-1) to Community Business District (B-3). The areas to be rezoned are indicated on the map below:



SECTION 2. Zoning Map Amendment. The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Central Business District Three (B-3).

SECTION 3. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this ___th day of November, 2022.

Dianne C. Duggan, Mayor

ATTEST:

Leah Hurtley, Deputy City Clerk

Introduced: 10/11/2022
Notices published: 10/12/2022, 10/19/2022
Public hearing held: 11/01/2022
Adopted: 11/08/2022
Published: (within 10 days of adoption)

Sponsor: This ordinance was initiated by a landowner application for a zoning map amendment.

Drafted on 10/6/2022 by Colette Spranger, Community Development Director