

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

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

**MINUTES**

**1. Call to Order** at 6:00pm.

**2. Roll Call:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Mayor Dianne Duggan	P	Colette Spranger, Community Dev. Director
Aldersperson Cory Neeley	P	Jason Sergeant, City Administrator
Aldersperson Susan Becker	P	Joe Morning
Vacant	N/A	Paulette Morning
John Gishnock	P	Andy Phillips
Mike Scarmon	P	Nicholas and Nicole Rice, Applicants
Eric Klar	P	Susan Miller, Applicant
		Gabe Schrader, Applicant
		Roger Berg, Applicant
		Alvin Francis
		Bill Lathrop, Evansville Today

**3. Motion to approve the agenda, by Becker, seconded by Scarmon. Approved unanimously**

**4. Motion to waive the reading of the minutes from the August 2, 2022 meetings and approve them as printed, by Neeley, seconded by Becker. Approved unanimously.**

**5. Civility Reminder.** Duggan noted the City's commitment to conducting meetings with cordiality.

**6. Citizen appearances other than agenda items listed.**

**A.** Bill Lathrop asked if the City planned to take any action on a dilapidated property located at 465 W. Main, noting that the building's roof was caved in and there were no barriers present to prevent entry. Spranger replied that the City is aware of the property and that there is a prescribed course of action the City must follow in order to force remediation on private property.

**B. Morning Phillips Progress Update on Brown School Place**

Spranger noted that the applicants had submitted an updated site plan on Thursday the week prior and she did not have time to review in advance of tonight's meeting. She did not expect Plan Commission to comment on the plans as presented, but noted that the applicants are making progress on the development. A summer meeting between the City and applicants was fruitful, but there was some confusion on expectations and the next course of action. Spranger was waiting on notes from those present in order to proceed.

**7. Action Items**

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**A. Public Hearing and Review of Land Division Application 2022-0198 to divide parcel 6-27-533.524 into two lots located at 555 and 557 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:15 p.m. No public comments. Public hearing closed at 6:15 p.m.

**iii. Plan Commissioner Questions and Comments**

**iv. Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.524 into two lots for a two-family twin residence, located at 555 and 557 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with following conditions:**

**1) The 8-foot access easement is added to the west border on Lot 1 of this CSM**

**2) The final CSM, joint cross access and maintenance agreement, and access easement agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Becker, seconded by Neeley. Approved unanimously*

**B. Public Hearing and Review of Land Division Application 2022-0199 to divide parcel 6-27-533.525 into two lots located at 562 and 564 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:20p.m. No public comments. Public hearing closed at 6:20 p.m.

**iii. Plan Commissioner Questions and Comments**

**iv. Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.525 into two lots for a two-family twin residence, located at 562 and 564 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, under the condition that the final CSM and joint cross access and maintenance agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Becker, seconded by Neeley. Approved unanimously*

**C. Public Hearing and Review of Land Division Application 2022-0200 to divide parcel 6-27-533.523 into two lots located at 563 and 565 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

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**ii. Public Hearing**

Public hearing opened at 6:22p.m. No public comments. Public hearing closed at 6:22 p.m.

**iii. Plan Commissioner Questions and Comments**

- iv. Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.523 into two lots for a two-family twin residence, located at 563 and 565 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, under the condition that the final CSM and joint cross access and maintenance agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Neeley, seconded by Scarmon. Approved unanimously*

**D. Public Hearing and Review of Land Division Application 2022-0201 to divide parcel 6-27-533.522 into two lots located at 571 and 573 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:24p.m. No public comments. Public hearing closed at 6:24 p.m.

**iii. Plan Commissioner Questions and Comments**

- iv. Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.522 into two lots for a two-family twin residence, located at 571 and 573 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, under the condition that the final CSM and joint cross access and maintenance agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Neeley, seconded by Becker. Approved unanimously.*

**E. Public Hearing and Review of Land Division Application 2022-0202 to divide parcel 6-27-533.528 into two lots located at 586 and 588 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:25p.m. No public comments. Public hearing closed at 6:25 p.m.

**iii. Plan Commissioner Questions and Comments**

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- iv. *Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.528 into two lots for a two-family twin residence, located at 586 and 588 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, under the condition that the final CSM and joint cross access and maintenance agreement is recorded for both lots with Rock County Register of Deeds.*

*Motion by Neeley, seconded by Klar. Approved unanimously.*

**F. Public Hearing and Review of Land Division Application 2022-0203 to divide parcel 6-27-533.526 into two lots located at 570 and 572 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:28p.m. No public comments. Public hearing closed at 6:28 p.m.

**iii. Plan Commissioner Questions and Comments**

- iv. *Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.526 into two lots for a two-family twin residence, located at 570 and 572 Stonewood Court, 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 8-foot access easement is added to the west border on Lot 1 of this CSM*

*2) The final CSM, joint cross access and maintenance agreement, and access easement agreement is recorded for both lots with Rock County Register of Deeds.*

*Motion by Neeley, seconded by Klar. Approved unanimously.*

**G. Public Hearing and Review of Land Division Application 2022-0204 to divide parcel 6-27-533.527 into two lots located at 578 and 580 Stonewood Court.**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:30p.m. No public comments. Public hearing closed at 6:30 p.m.

**iii. Plan Commissioner Questions and Comments**

- iv. *Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.527 into two lots for a two-family twin residence, located at 578 and 580 Stonewood Court, 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:*

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- 1) The 8-foot access easement is added to the west border on Lot 1 of this CSM**
- 2) The final CSM, joint cross access and maintenance agreement, and access easement agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Neeley, seconded by Klar. Approved unanimously.*

**H. Public Hearing and Review of Land Division Application 2022-0206 to divide parcel 6-27-533.519 into two lots located at 643 and 645 Locust Lane**

**i. Review Staff Report and Applicant Comments**

**ii. Public Hearing**

Public hearing opened at 6:34p.m. No public comments. Public hearing closed at 6:34p.m.

**iii. Plan Commissioner Questions and Comments**

- iv. Motion to recommend that Common Council approve a certified survey map to divide parcel 6-27-533.519 into two lots for a two-family twin residence, located at 643 and 645 Locust Lane finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, under the condition that the final CSM and joint cross access and maintenance agreement is recorded for both lots with Rock County Register of Deeds.**

*Motion by Neeley, seconded by Becker. Approved unanimously.*

**I. Public Hearing and Review of Conditional Use Permit Application 2022-0207 for Commercial Animal Boarding (Section 130-410) on parcel 6-27-860 (153 Union Street)**

**i. Review Staff Report and Applicant Comments.**

**ii. Public Hearing**

Public hearing opened at 6:44p.m. Alvin Francis, Town of Union, spoke in favor of the business, noting that there have been similar operations running in the town with less-than-favorable results for neighbors. No other public comments. Public hearing closed at 6:45p.m.

**iii. Plan Commissioner Questions and Comments**

Plan commissioners had several questions regarding the applicant's policy for non-barking dogs. The policy is not tied to breed, but to dogs that they deem to be excessively noisy. Applicants mentioned there would be 15-20 dogs max at any one time, there would be 1-2 staff working the daycare, and the chances of dogs breaking loose would be low due to the multiple barriers between the day care area and the store. There was some discussion regarding the landscape requirement as part of the approval. The applicants submitted a sample of the turf that will be used in the outside play area, noting that it and the aggregate material underneath are more porous/permeable than the existing driveway. City Administrator Sergeant explained that in this case landscaping elsewhere on the site is more of a benefit for the Union Street corridor, in terms of image and aesthetic.

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- iv. **Motion to Approve Conditional Use Permit 2022-0207 for Commercial Animal Boarding (Section 130-410) on parcel 6-27-860 (155 Union 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:**
- a. **The Conditional Use Permit is recorded with the Rock County Register of Deeds.**
  - b. **Applicant to work with landlord to install 122 points worth of landscaping on parcel to offset new impervious surface. Installation to occur no later than September 1, 2023.**
  - c. **Applicant obtains sign permit prior to installation.**
  - d. **Applicant obtains building permit prior to installation of outdoor exercise area and fencing.**
  - e. **Operating hours are no earlier than 5:00am or later than 9:00pm daily.**
  - f. **Any exterior lighting is dark sky compliant.**
  - g. **Use cannot create a public nuisance as defined by local and state law.**

*Motion by Neeley, seconded by Scarmon. Approved unanimously.*

- J. **Public Hearing and Review for Zoning Map Amendment Application 2022-0208, to rezone parcel 6-27-344 (195 S Union) from Special Use Business District (B-5) to Central Business District (B-2).**
- i. **Review Staff Report and Applicant Comments**
  - ii. **Public Hearing**  
Public hearing opened at 7:01p.m. No public comments. Public hearing closed at 7:00p.m.
  - iii. **Plan Commissioner Questions and Comments**
  - iv. **Motion to recommend to Common Council approval of Ordinance 2022-11 Rezoning Territory from Special Use Business District (B-5) to Central Business District (B-2) (On Parcel 6-27-344)**

*Motion by Becker, seconded by Klar. Approved unanimously.*

- K. **Motion to approve Resolution 2022-25: A Resolution Recommending Common Council Adoption of Ordinance 2022-12.**

*Motion by Duggan, seconded by Klar. Approved unanimously.*

- L. **Motion to approve Resolution 2022-26: A Resolution Authorizing the Relief from Public Dedication and the Transfer of Real Estate.**

*Motion by Duggan, seconded by Neeley. Approved unanimously.*

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**8. Discussion Items**

None.

**9. Community Development Report**

Community Development Director Colette Spranger is back full time from her maternity leave.

**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 Scarmon. Approved unanimously.**