

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

**City of Evansville Plan Commission  
Regular Meeting  
March 1, 2022, 6:00 p.m.**

**MINUTES**

**1. Call to Order** at 6:01pm.

**2. Roll Call:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Mayor Bill Hurlley	P	Community Development Director Colette Spranger
Aldersperson Rick Cole	P	Bill Lathrop, Evansville Today
Aldersperson Susan Becker	P	Noah Hurley, Applicant
Bill Hammann	P	Joe Knudtson, Applicant
John Gishnock	P	Jesse Retrum, Applicant (virtual)
Mike Scarmon	P	Alvin Francis, Town of Union Plan Commission Chair
Eric Klar	P	Tyler Thompson (virtual)

**3. Motion to approve the agenda, by Hammann, seconded by Gishnock.** Spranger noted that Action Item 7C's application had been withdrawn and would not be discussed this evening. ***Approved unanimously***

**4. Motion to waive the reading of the minutes from the February 1, 2022 meeting and approve them as printed, by Hammann, seconded by Cole.** ***Approved unanimously.***

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

**6. Citizen appearances other than agenda items listed.** None

**7. Action Items**

**A. Public Hearing and Review of Rezoning Application RZ-2022-0018 to rezone parcel 6-27-559.5071 to R-2 Residential District Two and Land Division Application LD-2021-08 to create two lots on parcel 6-27-559.5071 located at 602 Badger Drive and 353 South Sixth Street.**

- i. Review Staff Report and Applicant Comments.** Spranger summarized the report, noting that the first two applications on this evening's agenda were very similar. Applicants initially submitted preliminary and final land division applications to create a zero-lot line duplex lot, which would allow them to sell the units of the duplex separately. Upon further research, it was noted that these lots were zoned R-1, and for the Plan Commission to allow a zero-lot line to occur, rezoning of the lots to R-2 needed to occur. No land use change is associated with the rezoning and lot division; these are legal instruments to allow the current owner to sell the units separately
- ii. Public Hearing.** Hurlley opened the public hearing at 6:05 pm. Tyler Thompson, 605 Porter Road, asked how this would affect the property taxes of the neighboring

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properties, and if there would be changes because of the rezoning and lot division.

Spranger replied that property taxes of neighboring properties should not be affected due to this change, but that each new lot would be assessed and valued separately as opposed to together. It was explained that no changes were anticipated due to the lot division and rezoning, only that the units would be occupied by homeowners and not renters. Public hearing was closed at 6:07 p.m.

- iii. **Plan Commissioner Questions and Comments.** Cole noted that the Joint Maintenance Agreement referenced a shared driveway when there was none, and included language about the Stonewood Grove subdivision when this parcel is in the Westfield Meadows subdivision. Spranger suggested a condition be added to correct these errors prior to Common Council approval.
- iv. **Motion for Common Council to approve of the rezoning of parcel 6-27-559.5071 to R-2 Residential District Two, and a the approval of a certified survey map to divide the rezoned parcel 6-27-559.5071 into two lots for a two-family twin residence, located at 353 South Sixth Street and 602 Badger Drive, finding that the 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. **The final CSM and joint maintenance is recorded with Rock County Register of Deeds.**
  - 2. **Errors in the Joint Maintenance Agreement are corrected prior to Common Council Approval.**

*Motion by Hammann, second by Becker. Approved unanimously.*

**B. Public Hearing and Review of Rezoning Application RZ-2022-0016 to rezone parcel 6-27-559.5067 to R-2 Residential District Two and Land Division Application LD-2022-0008 to create two lots on parcel 6-27-559.5067 located at 601 Porter Road and 305 South Sixth Street.**

- i. **Review Staff Report and Applicant Comments**
  - ii. **Public Hearing.** Hurtley opened the public hearing at 6:14 p.m. No comments. Public hearing was closed at 6:15 p.m.
  - iii. **Plan Commissioner Questions and Comments.** The same errors in the Joint Maintenance Agreement were observed for this application as well. Spranger will work with applicants and attorney to correct errors prior to Common Council approval.
  - iv. **Motion for Common Council to approve of the rezoning of parcel 6-27-559.5067, to R-2 Residential District Two, and a the approval of a certified survey map to divide the rezoned parcel 6-27-559.5067 into two lots for a two-family twin residence, located at 305 South Sixth Street and 601 Porter Road, finding that the 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. **The final CSM and joint maintenance is recorded with Rock County Register of Deeds.**
    - 2. **Errors in the Joint Maintenance Agreement are corrected prior to Common Council Approval.**

*Motion by Hammann, second by Becker. Approved unanimously.*

~~**C. Public Hearing and Review of Rezoning Application RZ-2022-0017 to rezone parcel 6-27-316.368 to R-2 Residential District Two and Land Division Application LD-2022-0009 to**~~

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~~create two lots on parcel 6-27-316.368 located at 621 and 623 Windsor Lane.~~

**D. Public Hearing and Review of Land Division Application LD-2022-0025 to create a 1.95 acre residential lot on parcel 6-27-316.368 located at 8235 N. Cemetery Road, Town of Union and within the City of Evansville Extraterritorial Jurisdiction.**

- i. Review Staff Report and Applicant Comments.** Spranger summarized the report and briefly went over the City's standards for lot division and residential building within the City's extraterritorial jurisdiction. The City allows new residential lots to be created when there is an existing house on the property, and the remaining undeveloped land that is separated from the residence is in excess of 35 acres. The applicant has satisfied this standard of the zoning code.
- ii. Public Hearing.** Hurlley opened the public hearing at 6:20 p.m. Alvin Francis, W County Road C and Town of Union Plan Commission Chair, stated he wished the applicant didn't have to utilize a loophole in the City's zoning ordinance in order to build his home. other comments. Public hearing was closed at 6:23 p.m.
- iii. Plan Commissioner Questions and Comments.** Cole asked if the residence was already built. This was confirmed. It was constructed within the last year.
- iv. Motion for Common Council to approve of the creation of a 1.97 acre (1.77 acre excluding right-of-way) residential lot from parcel 6-20-191, a 37.0 acre lot zoned A-1 Exclusive Agriculture, located at 8235 N Cemetery 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, subject to the following conditions:**
  - 1. The Final CSM is recorded with Rock County Register of Deeds.**
  - 2. The applicant fulfills the other obligations set forth by the Town of Union and Rock County.**

*Motion by Hammann, Gishnock. Approved unanimously.*

**8. Discussion Items**

**9. Community Development Report**

- A. Director's Report.** Spranger gave the Community Development Report. Noted ongoing progress to the comprehensive plan update and community survey response. Spranger, the City Clerk, and three plan commission members attended a workshop on land use and zoning decision-making, held by UW Extension and UW Stevens Point Center for Land Use Education. Feedback on the experience was positive, and members expressed interest in continuing education topics regarding conditional use permits, zero lot line duplexes, and how a boundary agreement for the City's extraterritorial jurisdiction would relate to the Smart Growth Plan.
- B. Continuing Education: Lake Tides Newsletter, Winter/Spring 2022.** Spranger mentioned that she would continue to seek and provide ongoing information/educational materials of interest for the Plan Commission to stay updated on current events.

**10. Next Meeting Date:**

- A. Monday, April 4, 2022 at 6:00pm**

**11. Motion to Adjourn by Hammann, seconded by Becker, Approved Unanimously.**