

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

THE HOVEY HOUSE  
330 WALNUT STREET  
MT. VERNON, INDIANA 47620

SEPTEMBER 9, 2021  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Mr. Hans Schmitz – Vice President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant.

**MEMBERS ABSENT:** Mr. Dave Pearce, Dr. Keith Spurgeon, Mr. Randy Thornburg

**APPROVAL OF MINUTES:** Kevin Brown made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Mike Baehl. **(6-0) Yes. Motion carried.** Hans Schmitz made a motion in the affirmative to approve the minutes from the special meeting held on July 29, 2021. Motion seconded by Randy Owens. **(6-0) Yes. Motion carried.**

#### **SITE DEVELOPMENT PLAN:**

APPLICANT: David J. Wanninger, Acura Engineering, Inc.  
OWNER: Building Materials Corporation (GAF)  
PREMISES: Pt. of the NE/4 of Section 6, Township 7 South, Range 13 West, Black Township, Posey County, Indiana. More commonly known as 901 Givens Rd, Mt. Vernon, IN. Containing 37.615 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Approval of Site Development Plans in an M-2 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute. Mark Seib asked if there were any conflicts of interest. Hearing none, he asked if anyone was here to speak regarding this request.

**JOSH STEVENS:** Newburgh, IN. GAF is planning on putting in a 27 X 46 concrete masonry conference room, just off the front side of the building as you pull in the parking lot. All of the drainage will go to the existing storm water area that's there, to the left as

you pull in. I think we will lose 2, maybe 3, parking spaces off the front of the building, just to allow for traffic flow. The same way that it is now, just pulling it out away from the main building a little bit.

**MARK SEIB:** Mindy has a committee report.

**MINDY BOURNE:** There is a committee report in your folders. The project will not require Rule 5 submittal due to the acreage being under one acre, and Carrie also stated that they currently have an active Rule 5 on file for their building in the back on this site. So, that Rule 5, even though they don't need one for this area, but it will fall into this area already. It would already be permitted under Rule 5 with the one that they currently have. She did ask that they be cautious of the area around Givens Road. They've been having issues with drainage in that area, and I think that's what he just explained to you. At this time, they did not have their State permits yet, and they were looking to send those in next week.

**JOSH STEVENS:** It was submitted. It was submitted yesterday. We are waiting for the Foundation Release. We were hoping to have it this afternoon, but hopefully we'll get it tomorrow morning.

**MARK SEIB:** So, you have all your state permits, except the foundation?

**JOSH STEVENS:** No, that will be the first one that comes.

**MINDY BOURNE:** Sometimes they just do the Foundation Release first. They can get a permit based on that.

**JOSH STEVENS:** It allows us to get started on the foundation work, up to the slab. By then usually the rest of the review is complete.

**MARK SEIB:** Anything else from the committee?

**MINDY BOURNE:** No.

**MARK SEIB:** So, you're saying, do they have an issue with the parking, and that two parking spots have been taken away?

**JOSH STEVENS:** Yeah, the very front of the building, right now there's a 30 foot aisleway, we're going to come into that about five feet with the building, so we have to remove just the front row of parking. I think there's 3 spaces there.

**MINDY BOURNE:** There's still adequate parking.

**MARK SEIB:** So, it still meets the requirements?

**MINDY BOURNE:** Yes

**MARK SEIB:** And your storm water drainage is coming off of that, and going exactly where?

**JOSH STEVENS:** There's a retention basin to the, as you're looking to the building, it's to the left, just outside of the parking area. And we're daylighting an underground drain straight into that basin.

**MARK SEIB:** Does the committee have any questions?

**KEVIN BROWN:** Is this going to be a meeting room, with restrooms?

**JOSH STEVENS:** No restrooms. No plumbing, whatsoever. It's just a conference room. It'll have a projector and seating.

**MARK SEIB:** Any other questions? If not, we will open up the public comment period. Is there anyone here wishing to speak for or against this Site Development Plan, please come forward. Seeing and hearing none, we will close the public portion.

Mr. Seib confirmed with Mindy Bourne that there were no letters, emails or phone calls.

A motion was made in the affirmative by Kevin Brown to approve the Site Development Plan for GAF. Mike Baehl seconded the motion. Hans Schmitz amended the motion to be contingent upon receiving proper permits from the State. Randy Owens seconded the amendment. **Vote on amendment. (6-0) Yes. Motion carried. Roll call vote on Site Development Plan. (6-0) Yes. Motion carried.**

The Proposed Findings of Fact were then presented. A motion was made in the affirmative by Andy Hoehn to approve the Findings of Fact for the Site Development Plan for GAF. Motion was seconded by Kevin Brown. **Roll call vote (6-0) Yes. Motion carried.**

**MINDY BOURNE:** So, this site plan has been approved, contingent upon you getting your state permit. Once you get that State permit, then you can come into the office and get your Improvement Location Permit.

**REZONING:**

Docket No: 21-08-RE-APC  
Applicant: Steve Noelle  
Owner: Kenneth Ray & Jodi Gross  
Premises: Part of the Northeast Quarter of Section 15, Township 6 South, Range 14 West, lying in Black Township, Posey County, Indiana. More commonly known as 2280 Curtis Road, Mt. Vernon, Indiana.

Containing 1.32 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from A (Agricultural) Zoning District to R-1 (Residential Single-Family) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute. Mark Seib asked if there were any conflicts of interest. Hearing none, he asked if anyone was here to speak regarding this request.

**KENNETH GROSS:** 2256 Curtis Road. I live right beside the property. These are together, and all I want to do is break them up. They're all in one, and there's two places.

**MINDY BOURNE:** There are two homes on one parcel, and they are wanting to split the property to get it into compliance.

**KENNETH GROSS:** 2256 will be two acres, and the other one will be...

**MINDY BOURNE:** The other one will be 1.32 acres, so to do that, they will have to do a Minor Subdivision. They will have to rezone first, to an R-1. Then they'll have to come back. After this board hears it, they will go onto the Commissioners...The first step is to rezone. This board hears it, then they will make a recommendation to the County Commissioners, and if they approve it, the Minor Sub plat will come back to this board to get approval. Then you'll be done. If it gets approved. That's the process. We've seen many of these here recently.

**MARK SEIB:** This doesn't interfere with any of the field beds or anything?

**KENNETH GROSS:** They both got their own.

**MARK SEIB:** Does the committee have any questions?

**ANDY HOEHN:** One is Ag now, you said? One of the properties are Ag, or both of them are?

**MINDY BOURNE:** The whole parcel is Ag, but in order to have a Minor Subdivision, it is only allowed in an R-1, so this is the first step, to rezone.

**RANDY OWENS:** So, one is going to stay agricultural, and be two acres? And the other one will be split off to be 1.32?

**MINDY BOURNE:** He is only going to have to rezone the portion that is going to be the Minor.

**MARK SEIB:** So, one is going to stay Ag? I thought they were both going to go.

**KEVIN BROWN:** Which one is going to stay Ag?

**MINDY BOURNE:** The two acres. Because you can't have a Minor Subdivision, you've got to have, because two acres is an Exempt Division, so that one can stay and can be an exempt division. If you have under two acres, then you have to be a minor subdivision. He doesn't have enough acreage to make both of them two acres to be exempt. Ag allows ag or a house. R-1 just allows a house.

**MARK SEIB:** Any other questions? Now we will open up the public portion. Is there anyone wishing to speak for or against this Rezoning? If none, we will close the public portion.

Mr. Seib confirmed with Mindy Bourne there were no emails, phone calls or letters.

**MARK SEIB:** Now, it is up to the committee to take action as they see fit.

A motion was made in the affirmative by Kevin Brown to approve Rezoning 21-08-RE-APC. Andy Hoehn seconded the motion. **Roll call vote. (6-0) Yes. Motion carried.**

The Proposed Findings of Fact were then reviewed. A motion was made in the affirmative by Hans Schmitz to approve the Findings of Fact for the Rezoning 21-08-RE-APC. Motion was seconded by Andy Hoehn. **Roll call vote (6-0) Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners. They will hear this on September 21<sup>st</sup> at 9:00am in this room. I will present it to the Commissioners, but they always ask that the owner is here as well, in case they have any questions. So, that's your next step. If that gets approved, then I'm assuming Steve Noelle, the surveyor, will file the Minor Subdivision plat with this body, so you will have to come back. Unfortunately, you won't be on the agenda until November because to get on the October agenda, you had to have it filed by today. So, in November you'll have to come back before this board to present the Minor Subdivision plat. Then you're done.

**COMPLAINTS:** 621 E. 10<sup>th</sup> Street, Mt. Vernon, IN.

**ATTORNEY TRENT VAN HAAFTEN:** September 27<sup>th</sup> will be the hearing for the Ordinance Violation on that one, 11:00am in Posey Superior Court. You are all welcome to attend.

**MARK SEIB:** Is there anyone wanting to speak regarding the complaint on 621 E. 10<sup>th</sup> Street? Does the committee have any other questions or concerns?

**COMPLAINT:** 315 Pearl Street, Mt. Vernon, IN

**MINDY BOURNE:** At the last meeting, that was the one you had directed me to send them a letter. This was the second time we had gotten a complaint on this property. So, I sent them a letter. It's in your folder. The tenant came to the office and spoke with Becky. She explained what was going on. He was supposed to be here tonight, but I don't see him, and that's where we are.

**MARK SEIB:** So, you really haven't had any formal communications with him, or anything that you can talk about that's been discussed?

**MINDY BOURNE:** Becky actually talked with him, and told him why he was sent the letter, and what the issue was...he said he was going to be here tonight.

**MARY SEILER:** I have the pleasure of living next door, and I can tell you where they're at tonight, but I probably shouldn't because that's hearsay, but they are not in the capability of leaving their house tonight. I can show you exactly why you keep getting complaints on this. It's the sections of white fence. Most of it, they gave away to somebody else & it got thrown away because it was all broken and cracked and crooked. They don't have proper poles to install it right. They tie it up & put broken chairs, and swing sets, and they just kind of move it all around the property.

**MARK SEIB:** We need to have that on recording if we could, on the microphone. Please state your name & address please.

**MARY SEILER:** 313 Pearl Street. The section of white plastic fence that they have, it's broken, it's lopsided, it's torn up. The rest of it has been thrown away. They've actually been ordered to take down the same fence three times. This will be the third time. It's the same stuff. They just keep moving. They have two six-foot tall dog kennels, but they open that up and they extend it with whatever they have laying around, whether it be wet cardboard, or pallets, or this white plastic fence...it looks horrible. They are right behind the Marathon station, right in plain view of Fourth Street. I mean, they've got, I know you can't do anything about this part, but in the dog kennels, they've got torn up & cut up tarps waving in the breeze, and they move them around periodically. I wake up to totally different configurations of this stuff. It's entertaining, I'll say that.

**ANDY HOEHN:** I take it they don't have a fence permit?

**MINDY BOURNE:** They do not have a fence permit. That was some of the discussion last time, was the no fence permit and the used materials. Because that's not allowed as well. I think the last time too, the first initial complaint we thought got resolved with a dog kennel. We don't permit dog kennels.

**MARY SEILER:** That's what I was going to ask, if they needed a permit for that. Which I mean, it's not permanently anchored to the ground because they move it in all

kinds of patterns.

**MINDY BOUNRE:** I think what I've seen, and what the concern was, was that white fence.

**MARY SEILER:** And use of other objects that aren't meant to be fence type containment fields.

**MINDY BOURNE:** I don't know, Becky talked with him, and I don't know if he really knows what to do, or understands what the concern was.

**MARY SEILER:** I have spoken repeatedly to the landlord, and he basically told me, I don't care. Leave me alone.

**ANDY HOEHN:** Who was supposed to be here tonight?

**MARY SEILER:** Daniel Mercer

**MINDY BOURNE:** The tenant.

**KEVIN BROWN:** So, is it the tenant's responsibility of the fence, or is it the landlord, or property owner?

**MINDY BOURNE:** Well, we always notify the property owner because that's who we have record of, but I don't know, I mean, we have that on that other property.

**ATTORNEY TRENT VAN HAAFTEN:** It would fall on the tenant...

**MARK SEIB:** Is there anything else you would like to add?

**MARY SEILER:** If you can like, I don't know if you can force them to throw it away, but they don't have a vehicle, so I'd be glad to haul the white stuff to the recycle center...out of the kindness of my heart.

**MARK SEIB:** We would have to go through some more procedures here, and try to address it, and go from there. Thank you very much.

**ANDY HOEHN:** How far do we go before we get to a point of actually fining the tenant? And if there is such a thing, what is that dollar amount? And if it's 45 or 90 days, is there something that we can do to take that down to about 30? It seems like we're running into the same thing over, and over, and over, and we spin our wheels, and not much is really changing.

**ATTORNEY TRENT VAN HAAFTEN:** The Ordinance allows you to enforce it by filing an Ordinance Violation in court, and we take them to court, and there are monetary

penalties for that.

**ANDY HOEHN:** Are they outlined in the Ordinance or is it up to the judge? Can we offer a recommendation?

**ATTORNEY TRENT VAN HAAFTEN:** There is a minimum and a maximum for what the fine is. I can't remember off the top of my head, but the numbers are there. But you, as a body cannot just say we're fining you \$100. We have to get them into court and go through the process.

**ANDY HOEHN:** What is our process to get to that process?

**ATTORNEY TRENT VAN HAAFTEN:** It's at your discretion.

**ANDY HOEHN:** Can we do that tonight?

**MARK SEIB:** We have to give direction on what we want to do.

**ATTORNEY TRENT VAN HAAFTEN:** As an example, at the last meeting, the one on Tenth Street, I think it was an original complaint, but one or two years ago, we had the same thing, with the same person. So, instead of me sending a letter saying, bring it in compliance or else, we just went directly to the courthouse and filed the Ordinance Violation so that the due process starts. You guys as a board went through this location already in terms of notifying everybody, and you thought it was resolved, and then now, it's come back and it looks different.

**MINDY BOURNE:** It sounds like they continually move things. If we think we got it resolved, it could come back again.

**RANDY OWENS:** Can we also request that the unapproved fencing material be hauled off and discarded, or is that considered their property and we don't have that right?

**ATTORNEY TRENT VAN HAAFTEN:** Again, you can't just go down there and take it. You have to go through the process. If you want some enforcement behind it, you would have to go to a judge and ask for some type of enforcement. You can ask to fine them, or ask them, basically saying that the material is not proper, request to the judge that the material be removed and that type of thing.

**MARK SEIB:** Or levy a fine to go with it as well. Whatever we want, we can give directions to the attorney, and have Trent go in and present that to the judge as our request.

**ANDY HOEHN:** I would like to move that we start the due process and for the immediate removal of the fence, and a \$500 fine.



Hans Schmitz seconded the motion.

**KEVIN BROWN:** I thought we couldn't set a dollar amount.

**ATTORNEY TRENT VAN HAAFTEN:** No, we can recommend. Basically, what Andy is saying is file the Ordinance Violation, and recommend...

**RANDY OWENS:** Is \$500 the normal amount that we start with? Do we have guidance on this?

**ATTORNEY TRENT VAN HAAFTEN:** The Ordinance has a certain amount per day in violation, but understand it's still going to be...the Ordinance Violation can be resolved in one of two ways. You reach an agreement with the person, and say, here's what the judgement is going to be. Or you can't reach an agreement, and you have to go through the judge and prove your case, and the judge says, here's what the judgement/sentence is going to be. So, I can stand there and say \$500, and the judge can say no. Basically, the message I'm giving, is to get this thing resolved. I will also notice the landlord with all of it.

**MIKE BAEHL:** Say it goes to court and say this person doesn't show up there. Is the landlord required to be there, at court? Can we say that we want the landlord to be in court too?

**ATTORNEY TRENT VAN HAAFTEN:** I read the Ordinance as, it's the person that is violating the Ordinance. I don't read the Ordinance to say we pull in the landlord.

**MIKE BAEHL:** I thought maybe we had some teeth with it. That we could actually get the landlord involved, and say this is your property, let's clean it up, and take a little responsibility for what you are renting.

**ATTORNEY TRENT VAN HAAFTEN:** What I equate it to, is the circumstances where, if there were a foreclosure that happens on a piece of property, the bank may hold it, but the bank doesn't do anything. Then also, they don't move forward with trying to get title to it. It just sits there, waiting for the judgement of foreclosure. There have been changes in the state law, where you can pull the lender in so that you can clean that property up. But I don't read the Ordinance as saying that we can do that. But I think it's still good to put them on notice.

**Roll call vote. (6-0) Yes. Motion carried.**

**DIRECTOR'S REPORT:** (None)

**APPROVAL OF PAYROLL & BILLS:** A motion was made in the affirmative by Mike Baehl and seconded by Kevin Brown to approve payroll and bills. **Motion carried.**

**APPROVAL OF COLLECTIONS:** A motion was made in the affirmative by Hans Schmitz and seconded by Kevin Brown to approve collections. **Motion carried.**

**CITIZENS CONCERNS:** (None)

**MARK SEIB:** We have a special meeting on Monday. Don't forget that. It starts at 6:00 in the evening. It will be at the fairgrounds, at the Community Center. I anticipate another crowd.

**ATTORNEY TRENT VAN HAAFTEN:** As you remember from the last meeting, you had closed the public hearing portion...and that's where the meeting was at. That's where the motion occurred, and it was recessed. And at our last meeting here, there was a discussion about the Right of Notice. I know I looked at the minutes, and I said we need to stay consistent and send out the same notices that we sent out before. But we want to make sure, and with Mindy that we do this...with the opening that we make it very clear that this is a continuation of the recessed meeting. So, when you reconvene, or end the portion with this board, ...the public hearing. Now, Mark got a call, that to me, we use the original notice for the application and everything else about what the hearing was about. There's language in there that talks about opinion, and that comments will be accepted. That, I think has been seen by some, as hey, they're going to be back in a public hearing. I'm in the position on this that, no, this is a reiteration of the original notice and the public notice that was provided for Monday's meeting is clear in the beginning that this is a reconvening or a continuation of the meeting as it was recessed. I don't think you are under any obligation. You can do whatever, but it does not provide for any type of public comment. Obviously, if there is something that you as a board want to do, or Mark wants to do as chair, you can do that. But, I think that question will come up. I will, Mark has asked me to, at Monday's meeting, to talk about the process again.

**KEVIN BROWN:** What about Barry Tanner's part?

**ATTORNEY TRENT VAN HAAFTEN:** Well, that's the report that's been given, that was the reason given for the recess for the meeting. It's been prepared. It's been presented to you. It was sent to Posey Solar. It was sent to Mr. Schopmeyer. So, that's basically in your lap as part of what you asked for and part of what you can utilize for your approval or not of the Preliminary Development Plan with conditions.

**HANS SCHMITZ:** And we can certainly ask for Barry to speak at any point. We as members can have Barry come and speak to us at any point.

**MARK SEIB:** So, with that being said, the newest thing that we have is the Engineering Report since we had our meeting. We also had a conversation with the opposition's attorney, who said that they want to speak on the Engineering Report, and they've got fifteen people or so that want to follow and have discussion about that. I'm still pretty firm that we've had the public hearing, but I guess I'm asking the question to this board. This Engineering Report is something new. Do we allow for the opposition and the solar

attorneys to have ten minutes each to speak about the Engineering Report, and then that's it, nobody else? And then have Barry up after that and answer any questions or elaborate on anything that was brought up before with the two attorneys, and have him address just us, and that's it? How is the feeling of the committee?

**KEVIN BROWN:** I would agree with that part there. Is there a reason for all these other people to stand up and tell us the same thing that they told us before? I don't mean to be that way, but I just...

**MARK SEIB:** No.

**ATTORNEY TRENT VAN HAAFTEN:** Again, the public hearing portion is closed.

**MARK SEIB:** I guess I am yielding a little bit from the hard line that I have always been on, that once the public portion is closed, then that's it, we're done. But with the engineering report that was not submitted during the public portion, I guess I'm trying to compromise a little bit, and let each set of attorneys have ten minutes, and then have Barry come up and discuss it with us, and go through it and address that issue.

**RANDY OWENS:** So, it's strictly limited to each set of attorneys and not anyone from the floor?

**MARK SEIB:** That is correct.

**KEVIN BROWN:** As Trent said, the public portion is already closed. We are just continuing the meeting.

**MARK SEIB:** I'm feeling that this is new evidence that is being submitted. That they had not had an opportunity to discuss within the public hearing, and in my opinion, is that we would let them, the attorneys, be the ones to speak for ten minutes concerning that Engineering Report. What's the feeling?

**ANDY HOEHN:** It gives me heartburn to deviate from it, and call them opposition. I think it's public comment, not opposition. We've got both approval and opposition in public comment time, so there's a third party and that is those in favor, and they are being left out here and they don't get a say. If you're going to call this opposition, then what about the group that's for it? What do they get? And the other thing that gives me a little bit of hesitation, is will it stay on task? The no vote is history. There is a Solar Ordinance. There is no "NO". That's not an answer now. It's does this application fit this ordinance? I would hesitantly...if they keep it on track, but if they get off track and start going down some rabbit hole...if they address a point on the application versus the ordinance, then that conversation is over.

**MARK SEIB:** The only thing that we will let the attorneys speak on is the Engineering Report. That's the only thing that I will, if it's ok with the committee, that's the only

thing that I will let them address for the ten minutes and that is it. And it would only be the attorneys addressing, or speaking on behalf of their clients, and go from there. So, we've got the solar group and we've got the other, Schopmeyer's group, and letting them speak. Andy, I guess you are somewhat right, but I still feel that the solar group would be speaking for the landowners that have leased or are in support of it as well. That would be my view.

**ANDY HOEHN:** I could see that.

**RANDY OWENS:** We've had meeting after meeting. We've had two sets of attorneys. We've had the solar attorneys and we've had the people who are opposed to the solar, and we've never had a third group of attorneys for the people that are for it. I would also agree. I would make the assumption that the solar attorneys are also representing the people for it.

**MARK SEIB:** That's what I'm proposing. I wanted to know what you thought and if you feel that's fine. I'm going to direct Trent to send a letter to the attorneys with a bold statement that we are only addressing the Engineering Report. No other discussion concerning the ordinance or anything else will be allowed, or their time will be forfeited.

**ANDY HOEHN:** Setbacks, screening, or anything...and I would almost like it to be five minutes instead of ten.

**MARK SEIB:** It's up to you. It sounds like we want to go ahead and allow this, but if you want to say five minutes, that's fine, or if you want to say ten. We will do as the group wishes.

**RANDY OWENS:** I think we ought to stick with the original ten because I don't want people to feel like they didn't have time to adequately express themselves.

**ATTORNEY TRENT VAN HAAFTEN:** I would also point out that the Engineering Report was put online, so it's out there, but it was also sent directly to Posey Solar's attorney and Mr. Schopmeyer.

**MARK SEIB:** Is everyone in agreement? Does anyone oppose that setup of the attorneys speaking for ten minutes each? Then we will allow Barry to follow up, and they're not allowed to ask Barry questions. It's only for Barry to talk to us. It's for the committee to ask Barry questions concerning the report.

**ANDY HOEHN:** I still do, but I will concede to the group.

**MARK SEIB:** That's what we'll do.

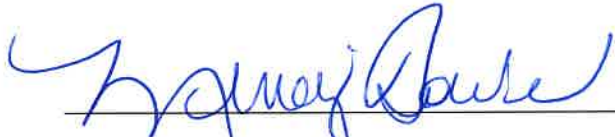
**MINDY BOURNE:** Next month, October 14<sup>th</sup>, APC is still going to meet at 6:00. We have a very light agenda. We think you'll be done by 6:30. We are moving the BZA

meeting to 6:30 instead of 5:00 because we have 61 variances that have been filed, or are in the process of being filed. Those are solar variances for participating parcels. Then we also have two other variances that night as well. We didn't think that we would have enough time to get that done within an hour. We thought about moving APC up, but one of our applicants for APC had already sent their notices out. So, BZA will start directly after you.

**ADJOURNMENT:** Kevin Brown made a motion to adjourn the meeting at 6:54 p.m. Motion was seconded by Mike Baehl.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director

**Site Plan Committee Review Meeting  
GAF  
Conference Room  
Wednesday, August 25, 2021 8:30 am**

Attendance

In Person

Mindy Bourne-APC Executive Director

Ed Batteiger-Building Commissioner

Via Zoom

Hans Schmitz-APC

Mike Baehl-APC

Randy Thornburg-APC

Carrie Parmenter-Posey County Soil & Water

Aaron Choate-GAF

Dave Wanninger-Acrua Engineering Inc.

Josh Stevens-Acrua Engineering Inc.

Jake Bessler-ARC Construction Inc.

GAF is proposing a Conference Room addition at their facility at 901 Givens Rd. The Conference Room will be attached to the front of an existing building toward the parking lot. The addition will be 1300 sq. ft. concrete block walls with a height of 15'4".

This project will not require a Rule 5 submittal due to the disturbed acreage being under 1 acre, but they also currently have an active Rule 5 permit on file for a building in back of this site; therefore, this falls in the area already permitted for Rule 5. Carrie Parmenter did ask that they be cautious of the area along Givens Rd that has been having issues with drainage.

They don't have State permits yet and are looking to send those in the next week.

The committee went over the various requirements for site plans, see Findings of Fact sheet. All of these requirements have been met.

The committee has made a recommendation to approve the site plan.

FINDINGS OF FACT  
David J. Wanninger, Acura Engineering, Inc.  
GAF  
Conference Room

I, Andy Heem, make a motion in the findings of fact be made as follows

1. Development is compatible with surrounding land use. Zoning of this property is M-2 and is compatible with surrounding land use.
2. Water, sewer, and other utilities are available. Proposed construction will not require any new utilities. Storm water will be directed to the west under parking lot into detention/retention ponds then into their outfalls.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Nothing is changing on the site with existing traffic flow.
4. The plan meets the setback requirements for the M-2 District.
5. The plan meets the building coverage requirements for the M-2 District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes to vehicle circulation.
8. The plan meets parking requirements. No new parking spaces will be added for this project.
9. Landscaping. Not applicable.
10. Building Specs. 1300 sq. ft. concrete block walls, height-15'4"
11. Signage. Wall sign- 6'x7'1/2"
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. Existing parking lot lighting and existing wall pack lighting next to this building. No additional lighting needed for this project.
14. The development is in conformance with the Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County Zoning Ordinance and with the Posey County Comprehensive Plan.

Motion seconded by: Kevin Brown

Adopted by Posey County Area Plan Commission  
Andy Lawrence Nick Sub  
President, Posey County Area Plan Commission

9-9-21  
Date

August 12, 2021

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to R-1 (Residential Single-Family) is 1.32 acres more or less. The property is located at 2280 Curtis Road, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. Kimberly Ann Benthall, 310 Vista Drive, Mt. Vernon, IN 47620
2. Kurt O. Hoehn, 201 E. Main Street, Carmi, IL 62821-1841
3. Jason L. Redman, 2011 Savah Rd., Mt. Vernon, IN 47620
4. Mark Jr. & Jill G. Kost, 2021 Savah Road, Mt. Vernon, IN 47620
5. Jill G. Kost Etal, 2001 Savah Road, Mt. Vernon, IN 47620
6. Charles L. Jr. & Janet Greenwell, 2100 Savah Rd., Mt. Vernon, IN 47620
7. Joshua A. & Laura D. Wood, 2200 Curtis Rd., Mt. Vernon, IN 47620

Abutting properties are zoned A (Agricultural). This property is currently used as residential. There are currently two homes on one parcel. The owners are proposing to rezone the property to R-1 (Residential Single-Family) to create a Minor Subdivision to split the parcel. The uses adjacent to the proposed rezoning are as follows: Residential & Agricultural.

- Favorable recommendation by the APC
- Unfavorable recommendation by the APC
- No recommendation by the APC



PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 21-08-RE-APC  
PETITION TO REZONE: Steve Noelle  
OWNER: Kenneth Ray & Jodi Gross

**1. Current conditions and the character of the current structures and uses in each district.**

The Commission finds that the proposal **WILL/WILL NOT** have an adverse impact on the current conditions in the area.

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**2. Responsible development and growth.**

The Commission finds that the proposal **WOULD/ WOULD NOT** be consistent with development and growth.

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**3. Comprehensive Plan.**

The Commission finds that the proposal **WOULD/ WOULD NOT** address the goals of the Comprehensive Plan.

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**4. The conservation of property values throughout the jurisdiction.**

The Commission finds that the proposal **WILL/WILL NOT** have effect on property values in the jurisdiction.

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**5. The most desirable use for which the land in each district is adapted.**

The Commission finds the proposal **DOES/DOES NOT** represent the most desirable use for which land is adapted.

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Motion made to adopt the foregoing findings of fact by:

Harv Schmitz

Motion seconded by:

Andy Hehn

Adopted by, Posey County Area Plan Commission

President: Mark Sch

Date: 9-9-21