

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

DECEMBER 9, 2021
6:00 P.M.

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

MEMBERS ABSENT: Mr. Dave Pearce, Mr. Randy Thornburg and Mr. Mark Seib

APPROVAL OF LAST REGULAR MEETING MINUTES: The minutes were not presented

REPLAT:

DOCKET NO: 21-09-S-APC
APPLICANT: Greg Kissel
OWNER: Dylan Thomas Coomes
PREMISES: Part of the West Half of the Northeast Quarter of Section 27, Township 5 South, Range 12 West, lying in Robinson Township, Posey County, Indiana. Containing 2.153 acre more or less. More commonly known as 9691 & 9721 Olivia Drive South, Wadesville, IN (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Replat of Lots 9 & 10 in Bluegrass Estates Subdivision in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

HANS SCHMITZ: Does anyone on the committee have a conflict of interest? Hearing none, we shall proceed. Hans Schmitz confirmed that the applicant met all the requirements for notification per the statute.

HANS SCHMITZ: Who is here to speak about this application? Could you please come to the podium and state your name and address?

SYDNEY COOMES: 2462 Caplan Ave, Evansville. We are wanting to have a one family home built in the middle of the two properties that we own.

HANS SCHMITZ: Are there any questions from the committee for the application? Hearing none, we will open it to the public for anyone wanting to speak for or against this application. Hearing none, we will close the public portion. Mr. Schmitz confirmed with Mrs. Bourne that there had been no letters, phone calls or emails. He then opened up to the board for discussion.

MINDY BOURNE: I will state that there was a Subdivision Committee Review meeting. The Committee recommended this replat be approved.

Kevin Brown made a motion in the affirmative for approval of docket 21-04-S-APC. Mike Baehl seconded. **Roll call vote (6-0) Yes. Motion carried.**

SITE DEVELOPMENT PLAN:

APPLICANT: Flaherty & Collins Properties
OWNER: The Landing, LP
PREMISES: Williams Lot 5, 6, 7 & 8 to the City of Mt. Vernon, Indiana. Containing .97 acres more or less. Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 111 E. Water St, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS

REQUESTED:

Approval of Site Development Plans in a CBD (Central Business District) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

HANS SCHMITZ: Does anyone on the committee have a conflict of interest with this application? Hearing none, we shall proceed. Has the applicant met all the requirements for notification per the statute?

MINDY BOURNE: No – We don't have proof that the certified letters that they have to send to adjoining property owners had been sent. They have to be sent at least ten days prior to the public hearing. We do not have proof that that happened.

MIKE BAEHL: I thought he said they would do that in the meeting we had with them. I guess they didn't do it?

MINDY BOURNE: It is my understanding they have been sent out, but we do not have proof that they sent them out. They are supposed to provide us a copy of the mailing receipt with the postmark from the post office stamped on them with the date they were mailed. I also asked for the receipt from the post office showing that they paid for those. They didn't produce that either. They understand that had to be met, it is a statutory

requirement. They will have to re-mail those and you will have to table any action until the January 2022 meeting.

Mike Baehl made a motion to table any action on application number 21-01-SEC3-APC. Kevin Brown seconded the motion. **Roll call vote (6-0) Yes. Motion carried.** Mindy Bourne reiterated that this application would be tabled until January 13, 2022 at 6:00 PM.

DEVELOPMENT PLAN APPLICATION WECS/SECS TIER 3

DOCKET NO: 2021-01-SECS-3-APC

APPLICANT: Wilfred Goedde

OWNER: Wilfred & Carolyn Goedde Co-Trustees

PREMISES: NE SE & SE SE & E/2 NW SE of Section 23, Township 5 South, Range 12 West, lying in Robinson Township, Posey County, Indiana. More commonly known as 10910 Damm Road, Wadesville, Indiana. Containing 100 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3

HANS SCHMITZ: Does anyone on the committee have a conflict of interest with this application? Hearing none, we shall proceed. Hans Schmitz confirmed that the applicant met all the requirements for notification per the statute.

HANS SCHMITZ: Who is here to speak about this application? Could you please come to the podium and state your name and address?

WILFRED GOEDDE: 10910 Damm Rd., I am wanting to put a solar system in for personal use only. No commercial.

HANS SCHMITZ: Are there any questions for the applicant?

KEITH SPURGEON: This is not on the roof off a house, it is on the ground?

WILFRED GOEDDE: Yes, it is going behind my barn and be freestanding.

KEITH SPURGEON: That is why it requires special permission.

ANDY HOEHN: How big is this system?

WILDRED GOEDDE: It will be in two sections. 30' X 13', 30' apart or it could be 20' X 40' depending on the variance I want when the time comes.

ANDY HOEHN: Do you know what the kilowatt will be?

WILFRED GOEDDE: Yes, it will be 11.88.

KEITH SPURGEON: About 34 panels?

WILFRED GOEDDE: Yes

KEVING BROWN: How close to the property line?

WILFRED GOEDDE: ¼ mile, except for the road.

ANDY HOEHN: Who is doing this?

WILFRED GOEDDE: Jim Straeter, the guy who owns New Holland. He owns a company named Ag Technologies out of Rochester, Indiana.

HANS SCHMITZ: Are there any questions from the committee for the application? Hearing none, we will open it to the public for anyone wanting to speak for or against this application. Hearing none, we will close the public portion. Mr. Schmitz confirmed with Mrs. Bourne that there had been no letters, phone calls or emails. He then opened the issue up to the board for discussion.

ATTORNEY TRENT VAN HAAFTEN: In your packet, I have included, this is a Tier 3 solar project which is obviously much different than a Tier 1 or Tier 2. I just cut and paste from the Ordinance what falls under an applicant's requirements for a Tier 3 so that you have that. Much like the early Preliminary Development Plan for the Posey Solar, the Ordinance only requires you to approve or disapprove the application. You can approve it and put certain conditions or restrictions on that approval. So, this is not a situation where we have to lay out any Findings of Fact or anything of that nature. I just wanted to give you what we have for the Tier 3 projects. So basically, it will require a motion for approval or disapproval and if you want to add any additional conditions or restrictions you can do that according to the Ordinance but you don't have to.

Andy Hoehn made a motion to approve without any restrictions. Keith Spurgeon seconded the motion. **Roll call vote (6-0) Yes. Motion carried.**

MINDY BOURNE: This application has been approved. What needs to happen next is a Land Improvement Permit needs to be issued by my office. That will have to be something decided between you and the company you are dealing with as to who will get the permit. That permit is \$25 and then there will be a permit required from the Building Commissioner's Office too.

WILFRED GOEDDE: They will take care of that for me.

SITE DEVELOPMENT PLAN:
APPLICANT: Paul Watzlavik

OWNER: Watzlavik Properties LLC
PREMISES: Jones Lot 56 in Section 9, Township 7 South, Range 13 West, lying in Black Township, City of Mt. Vernon, Posey County Indiana. More commonly known as 819 E. 4th Street, Mt. Vernon, Indiana. Containing .1600 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in a CG (Commercial General) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

HANS SCHMITZ: Does anyone on the committee have a conflict of interest with this application? Hans Schmitz confirmed that the applicant met all the requirements for notification per the statute.

ATTORNEY TRENT VAN HAAFTEN: I need to let you know that I have represented Watzlavik Properties, LLC in my private practice and because of such, I will forgo any legal advice on this matter.

HANS SCHMITZ: Who is here to speak about this? Please come up and give your name and address.

PAUL WATZLAVIK: Posey County, I would like to ask for permission to extend the existing building at 819 E 4th Street to similar foot print as what is there today but expand that structure for warehouse purposes. So, the new building would look consistent with what is there today.

HANS SCHMITZ: Are there any questions from the committee for the applicant?

RANDY OWENS: Looking here on the drawing it looks like where you are wanting to extend to is not as close to the alley as the accounting business that is next door, right?

PAUL WATZLAVIK: What we are trying to do Randy, is get the foot print to be similar north and to the west. So those Variances earlier were approved, but it is going to be consistent it won't encroach any further than what is there today.

MINDY BOURNE: I will state now that he did have to ask for some Variances from the Board of Zoning Appeals, those were heard at the previous meeting tonight. There was a Variance for relaxation setback, side yard setback, rear side setback and to reduce the off-street parking requirements. He is not going to add any more parking. This addition is for storage. It is a warehouse addition. So, there is no need for additional parking. I believe he has already submitted to the State.

PAUL WATZLAVIK: Casey Eaton, the States local representative, has already looked at the site and didn't think it would be a problem. The State is just waiting for this approval from the APC, so that part of it is already in the works.

HANS SCHMITZ: Are there any more questions for the applicant? Hearing none. You may have a seat. We will open the floor for public comment, is there anyone here to speak for or against this application? Hearing none, we will close the public portion. Mr. Schmitz confirmed with Mrs. Bourne there were no phone calls, emails or letters.

MINDY BOURNE: We did have a Site Plan Committee meeting as well. We discussed this project. The project doesn't require Rule 5, like I stated he has submitted his paperwork to the State. At the time of the meeting he had not submitted, but he has since then. We received no letters from agencies with jurisdiction over this location and the committee recommends this application be approved.

HANS SCHMITZ: So, he has submitted but it has not been approved by the State, so this would be contingent on State approval.

Andy Hoehn made a motion to approve contingent on approval from the State. Kevin Brown seconded the motion. **Roll call vote (6-0) Yes. Motion carried**

HANS SCHMITZ: You do have Findings of Fact in your packet. Keith Spurgeon made a motion to approve as presented and Randy Owens seconded the motion. **Roll call vote (6-0) Yes. Motion carried**

MINDY BOURNE: The Site Plan has been approved contingent upon State approval. Once you get that approval from the State you will need to provide that copy to me in our office and then you can get your permit.

HANS SCHMITZ: That moves us into the complaint portion of the evening starting with 315 Pearl St., this is the fence issue. At the last meeting they were advised to get their Land Use Permit which they did on November the 19th.

ATTORNEY TRENT VAN HAAFTEN: There was an Ordinance Violation filed against them that has since been dismissed.

HANS SCHMITZ: From the most recent pictures you can see there is no white fence on that property anymore. Is this a move to take no action?

ATTORNEY TRENT VAN HAAFTEN: No action on this complaint is needed, he has done what you have asked by obtaining a permit and removed the white fence and they have done that.

HANS SCHMITZ: The next one you should have is 607 E 4th St., Mt. Vernon. The pallets; the most recent pictures submitted on December 3rd, 2021 shows the location is still in violation.

ATTORNEY TRENT VAN HAAFTEN: I thought they were supposed to be at this meeting.

From the audience, I am here.

HANS SCHMITZ: Would you like to come up to the podium and state your name and address and state your case.

ERIC HAZLETT: 1165 Ramble wood, Evansville. As of today, about 2 hours ago, every pallet has been removed from there. A few days ago, I worked 23 hours straight. Now, we also have the Gottman property and that does have pallets on but we have reduced from both properties probably over 2500 pallets since the last meeting. If I could have like 5 more days on Gottman's I would have all of those gone too.

HANS SCHMITZ: Refresh my memory, how many days had we given at the last meeting to clean that up.

ATTORNEY TRENT VAN HAAFTEN: I believe the indication was they had to have all of them cleaned up. Or all of the pallets removed by today. There was no differentiation from one property or the other. I believe the discussion was that the process was going to be the pallets were to remain inside with the understanding that on the delivery, you had about a ½ hour heads up from your delivery or pickup person and that you would be able to put the pallets outside at the point in order for quicker loading onto any kind of delivery truck that was picking them up. But the direction was for both properties.

ERIC HAZLETT: I honestly didn't realize it was for both. I thought the whole thing was on 607, so we really focused on 607. I am not trying to play games, I know you don't want them on either. But if I could have 5 more days. We have been working like crazy to get that all taken care of.

HANS SCHMITZ: It looks like the agenda does state 607, but the complaint clearly states 607 through 625.

ANDY HOEHN: So, if given 5 days, where are the pallets going to be?

ERIC HAZLETT: We will need to get them processed, get them inside and then shipped out.

ANDY HOEHN: So, the property is not really big enough to do the size pallet work you want to do?

ERIC HAZLETT: That is somewhat true too. If we could find a more appropriate place of course we would do that. This is my son's business and that was all he could afford at the time.

HANS SCHMITZ: You can step down and have a seat. We will open the topic up to board for discussion and a decision.

ANDY HOEHN: I don't have an issue with 5 more days, my issue is what happens on day 6 and forward are we going to be back in this same position again?

ERIC HAZLETT: When we first moved in a couple months ago, we literally had to bring over with us literally 1,000's of pallets. Actually, I want to thank you guys for all of this, because sometimes you need a kick to get going. We just got more efficient in our processing now. We just won't take in anymore that we can't get inside the building. We won't be having so much inventory. The reason we had so much initially was that we moved from another place. We basically had the same problem in Evansville. We had them at my wife's office and people asked who do you think complained. I said probably my wife. It doesn't do us any good what so ever to store them outside. They become weathered and loose value.

HANS SCHMITZ: We will call you back up if we need to.

ATTORNEY TRENT VAN HAAFTEN: If I can interject here. If you give 5 days and on the 6th day there are still pallets sitting out there send who ever does our photographs now and have them take photographs. Then you can direct me to file an Ordinance Violation. If they are out there on the 6th day and they are all cleaned up on the 7th day or removed on the 7th day. There is still a day they could be alleged or determined as in violation of the Ordinance. When you start talking about an Ordinance Violation and the penalty of that Ordinance would be an assessment of a fine. Part of the language of that fine, would be a per day of violation. So, at the next meeting if it is determined that there were pallets outside on 14 of those 30 days, you could determine an Ordinance Violation for those 14 days.

KEVIN BROWN: I make a motion to extend it 5 days for him to have time to finish cleaning it up.

HANS SCHMITZ: Do you want to add anything about an Ordinance Violation if it doesn't occur?

KEVIN BROWN: Yes, I need to add it but I am not sure of the right wording for it

ATTORNEY TRENT VAN HAAFTEN: What I may suggest there is you could make your motion to say all pallets must be removed from being outside, give them that 5-day deadline. Then instruct or ask the department to keep an eye on it and make a report at the next meeting. Further, ask the property owner be present at the next meeting. At that point and time, you can evaluate it and if you feel they are not listening to you, then you can instruct me to file the Ordinance Violation and then move forward with that.

KEVIN BROWN: That sounds good but I can't repeat everything you just said.

ANDY HOEHN: Seconded the motion to allow 5 additional days to get all the pallets either off the property or indoors and after 5 days to keep an eye on the property to instruct the Area Plan Office, monitor any violations and report back at the next meeting and we would instruct the property owner to appear at the next meeting.

UNKNOWN: Is that going to be 5 calendar days or 5 work days

HANS SCHMITZ: As presented it is calendar, starting tomorrow.

MINDY BOURNE: So, by the 15th.

HANS SCHMITZ: Any further discussion?

RANDY OWENS: I think it should be 5 working days. We are already coming up on the weekend. I make a motion to amend it to say 5 working days.

KEITH SPURGEON: I will second that.

HANS SCHMITZ: Is there any discussion on the amendment? Hearing none, all those in favor of amending the motion, signal by saying I. All opposed? Amendment passes. Back to the main motion. I will not restate that again, but it is everything I said plus inserting the word "working" before "days". Is there any discussion on that main motion? Hearing none, all those in favor say I, any opposed? Do you understand what the motion is?

ERIC HAZLETT: Can I say something else?

HANS SCHMITZ: As long as it is pertinent.

ERIC HAZLETT: I know it is about looks and things like that. We get them from other places right around here. So, when ours looks a little worse, other places around us look better, if you know what I mean. And we now have people just dropping them off to us that we don't even know. One of them is the school system or whatever came by and asked if we would take their pallets and we said sure. It scares me a little I guess if somewhere along the line that someone drops off 5 to 10 pallets like real early in the morning or in the middle of the night. Something like that and because I haven't gotten

there that day. And because it is kind of a part time job, especially for me. I am not going to be there necessarily every single day. I try to be. But for one thing, the buildings are not in very great shape and I want to keep an eye on the buildings. I guess I am getting a little scared or worried about what would happen if there is a pallet out there that I don't even know about.

HANS SCHMITZ: As it was just passed, we will monitor pretty much during business hours to see if whether or not there are violations then the next meeting we are going to discuss it. In the mean time I would probably work on getting with the school system or your known vendors to either know when they are going to be dropped off or try to designate a location or a door or something so they end up being indoors.

ERIC HAZLETT: If you drive by there tonight, even go down the alley, it is all cleaned up behind the building, you know on the alley side. So, I hope you realize that we are taking this seriously and we are trying. I just don't want to have problems over little stuff that we can't necessarily control.

HANS SCHMITZ: I believe that the board understands, your good faith effort and your attendance tonight and that was part of the reason that the 5 extra days were approved. Which will give you until Thursday of next week. The reason we asked you to attend the next meeting is that if we see some things, we can talk with you about it at the next meeting.

ERIC HAZLETT: The pallet business doesn't have much money to pay fines and all that stuff.

HANS SCHMITZ: The next complaint we have is 1315 Canal Street, Mt. Vernon, IN and this is from last meeting as well.

ATTORNEY TRENT VAN HAAFTEN: This was the gentlemen who was doing auto repair work in his yard. I think at the last meeting we addressed that. The follow up was going to be a letter outlining what is allowed and what is not. I haven't had the opportunity to send that letter yet. This was the second time this year that he was told, I think the message was conveyed that he can't do this kind of work in his yard. Unless Mindy has received information otherwise.

MINDY BOURNE: I haven't received any feedback.

HANS SCHMITZ: Do you believe this issue is resolved?

ATTORNEY TRENT VAN HAAFTEN: I believe the issue was resolved at the last meeting.

KEITH SPURGEON: I believe that this has been resolved.

HANS SCHMITZ: Moving onto the next complaint at 337 Riviera, Mt. Vernon, IN

MINDY BOURNE: This is a new complaint. The complaint states a truck is parked on side yard and not on pad. The office sent a letter and the owner had responded on November 17, 2021 at 1:45PM Lacey Buchanan called the office and stated she had received the letter about the complaint and the truck had been moved to the street. She questioned other neighboring properties that had vehicles parked in the grass. I informed her that I could not comment on those properties as no complaints had been filed on those properties. I advised her to attend the meeting on December 9th and she said she would. You should find a few photos in the packet, one that was filed with the complaint which shows the truck parked in the grass and another which shows the same truck parked on the street.

ATTORNEY TRENT VAN HAAFTEN: So, the truck has been moved.

HANS SCHMITZ: Does the board wish to take any action regarding this complaint?

ANDY HOEHN: What happens many times is these kinds of complaints, vehicles start out sitting by the garage in the grass which the complaint goes to the APC, then it gets moved to the street without a license and becomes a City violation. The City goes and talks to them and they move it back into the yard and a complaint gets filed here. So, we have a little cat and mouse game. The City Ordinance is it has to be licensed and operable, you have to be able to get it from one place to another. This truck needs three men and a mule to push it around.

MINDY BOURNE: I will state that we have heard this complaint before last year in June of 2020 at this same property.

ATTORNEY TRENT VAN HAAFTEN: So, this is an inoperable vehicle?

ANDY HOEHN: Yes, it is inoperable and shouldn't be on city streets. We are working through the City to get our Animal Control and Ordinance Officer together and put them under the Chief of Police. We are working this direction, not as fast as I would like. Nothing moves fast anymore. I don't think there is anything we can do at this point, I would ride on it. It is not in violation anymore as far as the APC. It is in violation on the City side now.

RANDY OWENS: From a legal perspective, if 3 months from now it is back in the yard, can we send them a letter saying they are in violation.

MINDY BOURNE: If we receive a complaint.

RANDY OWENS: Yes, if we receive a complaint and this cat and mouse game becomes obvious.

ATTORNEY TRENT VAN HAAFTEN: Your policy has been that you are not your own police force. So, you wait for a complaint to be made and you go through this process of notifying them. At any point in time we can file an Ordinance Violation for that one day it is parked in the yard. We can go to court on that, present to the court any evidence that you have which shows it was in the yard on that one day and leave it up to the judge whether to fine that person. This cat and mouse game, if that is what it turns into, I think you are going to have to decide at some point to exercise your discretion if you so choose, we are done playing cat and mouse. If it gets to be that this is the 3rd, 4th, 5th or umpteenth time there is a complaint and you have had to deal with it and you have pictures that on January 8, 2022 it is parked in the yard we can file an Ordinance Violation on January 8, 2022 and proceed to cease and desist.

ANDY HOEHN: I thought there was the ability, and maybe it has to do with the judge, that if it gets as far as a judge we can ask that if it is in violation again, we don't have to start the process over. We can continue or add a day of fines. I saw this in the past two weeks that someone threw the AIM system or they were asking from different cities that through that stipulation in place so they didn't have to restart the whole process all over every time someone played cat and mouse. It came to a point that you were found in violation and it was open ended, that if we find you back here again, we are not going to start the process over, we are going to pick up the fine from that point.

ATTORNEY TRENT VAN HAAFTEN: Did you see that as in terms of a proposal legislation on or that is was already done.

ANDY HOEHN: No, this was what this one town was doing and it was a way they were stopping this cat and mouse starting everything back at square one. You can play a year doing that.

ATTORNEY TRENT VAN HAAFTEN: I am sorry, I am not saying it doesn't exist, I haven't been following it. My first question would be concerning something like this whether it is a code or building type violation.

ANDY HOEHN: I will look at it again and dig it out. I thought it was interesting because it was kind of pertinent to what keeps going on.

ATTORNEY TRENT VAN HAAFTEN: I seem to remember things like that on building code violations, same kind of situation.

KEITH SPURGEON: Your kind of saying the same thing, aren't you? So, if next month we are in here and receive another complaint that says on Wednesday they are parking in the yard and on Thursday you get a picture that shows they are back parking on the street. So tonight, we say it has been resolved, we don't have to do that. We can say at that point this is the second time we had this complaint even though they are not in the yard right now we can still file an Ordinance Violation. Is that what you are trying to say?

ATTORNEY TRENT VAN HAAFTEN: I think what Andy is saying, if you got a picture that shows they are in violation on January 8th. You go to court, Judge says yes, they were in violation, I fine you a hundred dollars. Most situations, case over. So then, February 8th you have evidence they are parked again in the yard, do we have to file a new action or has something been put into place that we can more or less reopen that old one instead of having to go through a whole new file. I think that is what Andy is saying.

ANDY HOEHN: It leaves the action open-ended as such that if the violation occurs again the fine can pick up at that point. That stops the lunacy.

HANS SCHMITZ: So it sounds that at this point and time we do not want to take any action on this complaint because there needs to be more research done.

DIRECTOR'S REPORT: None

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

REPORT OF COLLECTIONS: A motion was made in the affirmative by Andy Hoehn and seconded by Keith Spurgeon to approve collections. **Motion carried.**

CITIZENS CONCERNS: None

Kevin Brown made a motion to adjourn the meeting at 7:07 p.m. Motion was seconded by Mike Baehl.



Mr. Hans Schmitz – Vice President



Mrs. Mindy Bourne, Executive Director

POSEY COUNTY
TIER 3 SOLAR PROJECT APPROVAL OR DISAPPROVAL

153.124.01 TIER 3 APPLICATION APPROVAL PROCESS: Tier 3 projects are required to submit a final development plan for consideration at one hearing, with a plan containing the following:

1. **153.124.02 (A). PROJECT SUMMARY.** An initial project summary including a description of the project stating the approximate total name plate generating capacity and the name plate generating capacity of each solar panel, the total acreage included in the project and the GIS coordinates of the general outline of the project area, the potential equipment manufacturers and type of solar energy conversion system to be used, the number of solar panels, the size and maximum height of the solar panels, and description of substations, power inverters, maintenance structures, storage yards, permanent solar resource monitoring structures and equipment, and other buildings that are a direct functional part of the project. If any part of the project will include battery storage, the kinds of batteries to be used, the manufacturer, and the type of installation shall also be included.
2. **153.124.02 (B) APPLICANT AND CO-APPLICANTS.** A description of the Applicant, Owner and Operator and any other responsible party and if applicable each of their intermediate and ultimate parent companies, listing experience in similar projects and gross capitalization. List names, addresses, email addresses, websites and phone numbers of the Applicants, Owners and Operators and all Co-Applicants.
3. **153.124.02(D) SITE PLAN.** The Applicant shall submit a site plan at an appropriate scale showing the proposed location of the project facilities; proposed access roads; substations; maintenance structures; storage yards; permanent solar resource measuring or monitoring installations; electrical cabling; ancillary equipment; and any other structures that are a direct functional part of the project. Each contiguous row of solar panels and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show: primary structures within one quarter mile of any project; property lines, including identification of non-participating adjoining properties; setback lines; public roads; County regulated drains, open ditches or tiles including private tiles if located in a public right of way; location of all above-ground utility lines; location of all existing underground utility lines associated with the site; recognized historic or heritage sites as noted by the Indiana Department of Natural Resources; floodplains; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines, and the location of any other condition or facility regulated by any other agency having jurisdiction of activity on the site. This site plan must also be distributed to emergency management agencies, fire departments serving any part of the project site, the County Sheriff, and the chief executive body of any municipal government whose boundary is within 2 miles of the project site.

4. **Coordination with applicable agencies in 153.124.02 (E) and 153.124.03 (D)**

153.124.02 (E) COORDINATION WITH APPLICABLE ENTITIES. The Applicant shall submit a summary report identifying the entities the Applicant has communicated and coordinated with respect to the project. The report shall list the entity name, the primary contact person at the entity and contact information, the dates of coordination and list of documents submitted to each agency. The report shall also transmit any comments, suggestions, concerns, approvals, or disapprovals with respect to the project issued by the entity and/or communicated to the Applicant. The following entities shall be contacted:

Authority	Purpose	Type of Documentation
Posey County Soil & Water Conservation District	Drainage Plan Approval	Drainage Plan
Highway Supervisor	Road Plan Approval (constructions, maintenance, access cuts)	Transportation Plan
Local Emergency Response	Life Line Access, safety protocols	Safety and Security Plan

153.124.03 (D) SAFETY AND SECURITY PLAN. A Safety and Security Plan which must include adequate provisions for site security and safety. If the plan includes using County services, it should include signatures of the proper authorities indicating they are aware of their role and capable of performing it. Coordination with local emergency responders and area hospitals must be included.

153.124.01 (F). APPROVAL OR DISAPPROVAL OF FINAL DEVELOPMENT PLAN
 All information provided and gathered during afinal development plan review may be used by the Commission in determining whether to approve or disapprove the plan and, if approved, what reasonable additional restrictions or provisions shall be included in the plan in addition to those outlined herein

MOTION MADE BY Andy Hoehn FOR APPROVAL

SECOND MADE BY Keith Spurgeon FOR APPROVAL

Mike Baehl	<input checked="" type="checkbox"/> Yes () No	Kevin Brown	<input checked="" type="checkbox"/> Yes () No
Andy Hoehn	<input checked="" type="checkbox"/> Yes () No	Randy Owens	<input checked="" type="checkbox"/> Yes () No
Dave Pearce	() Yes () No	Hans Schmitz	<input checked="" type="checkbox"/> Yes () No
Keith Spurgeon	<input checked="" type="checkbox"/> Yes () No	Randy Thornburg	() Yes () No
Mark Seib	() Yes () No		

APPROVED YES () NO

If approved, are there any reasonable restrictions or provisions to be included in the plan in addition to those outlined above?

None

MOTION MADE BY _____ FOR DISAPPROVAL

SECOND MADE BY _____ FOR DISAPPROVAL

Mike Baehl	() Yes () No	Kevin Brown	() Yes () No
Andy Hoehn	() Yes () No	Randy Owens	() Yes () No
Dave Pearce	() Yes () No	Hans Schmitz	() Yes () No
Keith Spurgeon	() Yes () No	Randy Thornburg	() Yes () No
Mark Seib	() Yes () No		

DISAPPROVED () YES () NO

FINDINGS OF FACT
Paul Watzlavik/Watzlavik Properties LLC
25'x50' Warehouse Addition

I, Keith Spurgeon, 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 CG and is compatible with surrounding land use.
2. Water, sewer, storm water draining, and other utilities are available. Building will contain electric and heat, no plumbing. There are two inlets existing on property for stormwater runoff.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Not changing.
4. Building Setback Lines. The plan meets building setbacks for the CG District. Variances are being requested for side and rear yard setbacks.
5. The plan meets the building coverage requirements for the CG District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. Not changing.
8. The plan meets parking requirements. Variance being requested to reduce number of parking spaces required. Addition is for storage and not adding square footage to retail space.
9. Landscaping. Not changing.
10. Building Specs- 25'x50' building with textured vinyl siding to match existing building. If they cannot get this material it will be two colored metal siding. Height-12' (consistent with existing building).
11. Signage-Not changing.
12. Recreation space-Not applicable.
13. Outdoor Lighting. Four pole lights existing on perimeter of site.
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: Randy Owens

Adopted by Posey County Area Plan Commission

Van Schup
Vice President, Posey County Area Plan Commission

12-9-21
Date