

**MINUTES**

**POSEY COUNTY  
AREA PLAN COMMISSION  
REGULAR MEETING**

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

**FEBRUARY 10, 2022  
6:00 P.M.**

**MEMBERS PRESENT:** Mr. Mark Seib–President, Mr. Hans Schmitz – Vice-President, Mr. Mike Baehl, Mr. Randy Owens, Mr. Dave Pearce, Dr. Keith Spurgeon, Mr. Adam Farrar – Attorney, Mrs. Mindy Bourne –Executive Director, Mrs. Becky Wolfe - Administrative Assistant

**MEMBERS ABSENT:** Mr. Kevin Brown, Mr. Andy Hoehn and Mr. Randy Thornburg

**APPROVAL OF MINUTES:** Hans Schmitt made a motion in the affirmative to approve the minutes of the January 13, 2022 meeting as emailed. Motion seconded by Mike Baehl. **Motion carried.**

**SITE DEVELOPMENT PLAN:**

**APPLICANT:** Hamilton Designs, LLC

**OWNER:** W and Z, LLC

**PREMISES:** Mt. Vernon Realty Company’s Subdivision Lots 17, 18, 19 & Pt 20. Containing .70 acres more or less. Section 4, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1328 E. 4th Street, 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 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.

**MARK SEIB:** Does anyone on the board have a conflict of interest?

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

**MARK SEIB:** Who is here to speak on this application?

**MOLLY REDMON:** Hamilton Designs for the applicant, located at 11 Municipal Dr., Fishers, IN. We are proposing to present a Taco Bell for a Site Development Plan approval. As previously stated the location is at 1328 E 4<sup>th</sup> St., Mount Vernon, IN. It is currently zoned General Commercial. The project general consists of a 2,000 square foot building, the associated parking and utility connections. We are proposing two entrances, one off of Hwy 69 and one off of State Street. We would be closing the additional drive off of Highway 69 so there would only be two entrances. We have added signage for the highway entrance that was requested to circulate the building for a drive through so it wouldn't backup on the highway during busy hours.

**MARK SEIB:** Does anyone on the board have any questions for her at this time? Hearing none, would you have a seat please.

At this time, we will open it up for public comments for or against the Site Development Plan for a Taco Bell, please come forward to the podium please. State your name and address please.

**ERIN EMERY:** I live on the corner of State and 3<sup>rd</sup> Street. I have a few concerns about it. We already have traffic problems there to begin with. There are times I spend 20 minutes or more, just trying to get out of my driveway. This is because of the semi traffic that is routed around there now, Arby's and also the other people commuting to other factories in town. I work on Green River Road in Evansville, 5 to 10 minutes can make a huge difference, 20 minutes can make an enormous difference in getting through traffic. So that really concerns me. I also am concerned about the noise level and how late they will be open. As my bedroom window and my son's bedroom window face the alley and the alley would be right up against what is currently Southern Indiana Tire. We are in the process of tearing our fence down, but that will have to be put back up for privacy. Having a restaurant there will be a great intrusion of privacy there. I have an adult disabled son and a lot of times is able to self-regulate himself but with the amount of noise and traffic I am very concerned about him and the possibility of needing to hire someone to stay with him. As a single mom, that will be very difficult for me to do, but it is something I will have to face if he is unable to handle all of the changes that go on. Another problem is when the State upgraded the street they made a promise that the highway and the curb would not be higher than my yard and that did not prove truthful. There are people who walk their dogs and cut through my yard to go to Arby's and it is a safety hazard. There are two elderly people that I know of who walk their dogs and it terrifies me that they are going to fall. It is a good at least 4-inch drop from the curb to where the dirt starts in my yard. I don't mind that they walk through my yard, but I feel it will definitely increase with another fast food restaurant there. There are a lot of people on this end of town whom do not have transportation which means the foot traffic will definitely increase. This will also make my dog go crazy even more, which is going to upset my son more which will cause a constant cycle of chaos in my household. I also go to school fulltime, work fulltime, and take care of my parents and this will cause a great upset in my household. I am concerned about the trash thrown in my yard and the alley. With both restaurants in the area there will be a lot of lights and noise. That is all I have

to address. I just wanted to make sure all of this was taken into consideration because it's not just about me and my household, we are a community in that area. We like to be out with our animals and our neighbors. I don't want to stop the town from progress. I think we need more things to commute people to our town and for the people in this town. I just want to make sure it is done in a right way where it is of little disruption to the people in the community and traffic is really bad there.

**RANDY OWENS:** You talked about semi traffic that was routed by your house. Where is it coming from?

**ERIN EMERY:** It is coming from Consolidated Grain and Barge and Valero. They go down that access road and from that access road they turn onto State Street and from State Street they turn onto the highway. My driveway goes out onto State Street. The only solution I see for me is to build a new driveway that would go out onto 3<sup>rd</sup> Street and I would be able to exit onto 3<sup>rd</sup> Street instead of on State Street. Or I would have to redo my driveway where I could pull through the alley somehow and then take the alley to the next street and take the next street up to 4<sup>th</sup> Street.

**RANDY OWENS:** And that is an existing condition?

**ERIN EMERY:** Yes, it is an existing condition.

**MARK SEIB:** Is there anyone else wishing to speak for or against the proposed Site Development Plan? With no one coming forward, we will close the public portion of the application.

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

**MARK SEIB:** We will now open this up to the board to discuss and take action as they see fit. The only question I do have is what is the property zoned?

**MINDY BOURNE:** It is zoned CG.

**MARK SEIB:** Because it is next to residential, is there a fence requirement?

**MINDY BOURNE:** Yes, and they have provided that in their drawing. We addressed that in their Site Review...

**MARK SEIB:** I couldn't see that on the drawing.

**MINDY BOURNE:** Molly, would you please come up here? I believe from what I remember, they are putting... they have to put a fence along Residential Zoning which is the houses along

3<sup>rd</sup> Street. The property to the west is actually zoned Commercial, but there is a residential house on that lot so they are going to extend the fence to go along the west property line too.

**MOLLY REDMON:** Yes, the entire south property line has a fence, I think it is 5' offset from the property line and we continued it up the west side to cover the drive thru and part of the parking.

**RANDY OWENS:** How tall will the fence be?

**MOLLY REDMON:** 6 feet.

**MARK SEIB:** What type of fencing are you going to use?

**MOLLY REDMON:** I would assume it would be like a solid wooden fence.

**MARK SEIB:** That should help with the trash and the view. It should even help with people trying to cut through the yard because they can't go through the fence.

**HANS SCHMITZ:** During the Site Plan Committee Review we saw some maps with a little more detail on pervious surfaces and plantings. Those are still part of the design, correct?

**MOLLY REDMON:** Yes. We actually added trees to the south side of the property as well. We had shrubs already, but we added four trees as well.

**MINDY BOURNE:** I think I emailed the updated plans to the committee. I have them here, we just didn't put them in your folders since it is the Site Plan you are really concerned with. But I do have all of that if you want to see that.

**HANS SCHMITZ:** You were working on the Construction Design Release for the State. Has that moved any further?

**MOLLY REDMON:** I think the architect usually covers that. I'm not sure where they are with it.

**HANS SCHMITZ:** Ok. So we might have contingency there.

**RANDY OWENS:** If I recall, didn't the State make you move the entrance on State Street north towards 69?

**MOLLY REDMON:** We had to go south. We moved as far south as we could without interfering with the delivery trucks.

**MARK SEIB:** Are the deliveries after hours or is it during business hours?

**MOLLY REDMON:** I am not sure. I can ask and find out. I do know it is weekly and not twice a week.

**MARK SEIB:** What about lighting. Are you going to have lighting on the property? If so, are you using directional lighting so that you are not lighting up the neighbor's yards?

**MOLLY REDMON:** Yes, we use directional lighting where it points straight down and we have a photometric plan we have done and it is usually as close to zero as possible at the property lines.

**MINDY BOURNE:** Regarding the Site Plan Committee Review, they gave them a list of items they were supposed to make revisions on prior to this meeting. It was modifications of the legend and site plan, additional entrance signage added to the site plan. I believe she addressed that already at the beginning of the presentation saying that there is some concern when people are coming off 4<sup>th</sup> street to enter the site that it would be backed up with drive through traffic. That was the reason for the additional signage to tell them to not be backed up on 4<sup>th</sup> Street to come around to State Street. Additional landscaping along residential areas, which was addressed. We also asked for elevations to be on the site plan, which have been included. There is also signage plan for building and pylon sign and lighting plan included.

**MIKE BAEHL:** I want to clarify that there is an existing vacant building which will be torn down and a new building built?

**KEITH SPURGEON:** Yes.

**MARK SEIB:** All paperwork seems to be in order.

**ERIN EMERY:** Could the fence be concrete and 8 feet high to reduce the noise, especially the drive through speakers, which face my bedroom windows. I am afraid they will get very loud. I hope that could be taken into consideration. Thank you.

**MARK SEIB:** I would think that a fence of wood would absorb more noise than a concrete one. The construction company can look into that.

**RANDY OWENS:** Are there height restrictions for a fence?

**MARK SEIB:** Yes, there are height restrictions on each side of a property.

**MINDY BOURNE:** Six-foot-high is privacy fence standards, there are some uses which require an eight-foot screening wall such as junk yards.

**MARK SEIB:** If the board so desired they could make a stipulation for a higher fence on any side, otherwise there is a standard we follow. Being no further discussion, is there any action on this application?

Hans Schmitz made a motion in the affirmative to approve the application contingent upon approval of the Construction Design Release from the State. Motion seconded by Dave Pearce.

**KEITH SPURGEON:** Has this been discussed already that INDOT had requested a Traffic Study?

**MOLLY REDMON:** We did submit to INDOT for a Traffic Study. I can forward that to you if you would like to see it.

Hans Schmitz amended his motion to include the approval of a Traffic Study. Motion seconded by Dave Pearce. Roll Call Vote (6-0). **Yes. Motion passed.**

**MINDY BOURNE:** The Site Development Plan has been approved contingent on two things from the State, the INDOT Traffic Study and Construction Design Release. So, no permits can be issued for the project until you get those two approvals. When you receive those approvals, you bring them to my office and we can issue the permit to start construction.

Keith Spurgeon made a motion to approve the Findings of Facts and seconded by Mike Baehl. Roll Call Vote (6-0). **Yes. Motion passed.**

**REZONING:**

DOCKET: 22-01-RE-APC

APPLICANT: Carl Seib

OWNER: Integrity Land Holdings, LLC

PREMISES: Part of the Southwest Quarter of the Northeast Quarter of Section 31, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as 6525 SR 165, Poseyville, Indiana. Containing 3.0 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 M-2 (Manufacturing Medium/Heavy) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

**MARK SEIB:** I do have a conflict of interest with this application. I will step down and let the Vice President, Hans Schmitz, take over.

**HANS SCHMITZ:** Does anyone else on the board have a conflict of interest?

Hans Schmitz confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute.

**HANS SCHMITZ:** Who is here to speak on this application?

**CARL SEIB:** I am the Operation's Manager of Integrity Land Holdings. 5700 High School Road. We are requesting a Rezoning of a piece of property south of Poseyville off of 165. It is in conjunction with a sale of the property from Integrity Land Holdings, which is an asset holding company of Seib Farms, to Schmitt Metal Works, LLC, which is owned by Addison Schmitt and myself to build a new shop. It's primary operation is fabrication, welding and machining.

**KEITH SPURGEON:** Is there currently anything on the lot?

**CARL SEIB:** No, it is currently agricultural farmland.

**DAVE PEARCE:** Do you have any idea what kind of building you are looking to build?

**CARL SEIB:** We are looking at about an 80' x 80' shop, with 20' ceilings. It will most likely be located in the center of the property. We are still working on that portion of things. That is the anticipated idea at this point.

**DAVE PEARCE:** Where will this property gain their access from?

**CARL SEIB:** The access will be off 165.

**MIKE BAEHL:** Will this be south of the County Highway Garage?

**CARL SEIB:** It is approximately 1500' south of the County Garage.

**MIKE BAEHL:** So you don't have the curve and the high school exit to worry about?

**CARL SEIB:** Correct.

**MIKE BAEHL:** If you are too close to High School Road, it will be a nightmare trying to get out at certain times of the day.

**CARL SEIB:** It will be located about half way between High School Road intersection and what most people call Eisterhold's corner there.

**MINDY BOURNE:** He has been in communications with INDOT about driveway permits.

**CARL SEIB:** Everything is pretty well in good standing with them. They said it looks like it will require a minor commercial entry. Based off the application, it looks like that is all that will be required there.

Andy Hoehn joined the meeting at 6:34 pm via Zoom.

**HANS SCHMITZ:** You may have a seat. We will now open this application up to the public. Is there anyone here wishing to speak for or against this application? Hearing none, we will close the public portion.

Mr. Schmitz asked Mindy Bourne if there were any emails, phone calls or letters.

**MINDY BOURNE:** There was one phone call from Michelle Motz, Seibert Farms LLC on 2/2/22. She is concerned with the increase in traffic so close to the Posey County high school. She has done research into Mr. Seib's company and foresees a potential increase in traffic greater than he has indicated on his application. She will try to be at the 2/10/22 meeting.

**HANS SCHMITZ:** We will open this application up to the board for discussion and or action as they see fit.

Mike Baehl made a motion in the affirmative to recommend approval of Rezoning Docket 22-01-RE-APC. Randy Owens seconded the motion. Roll Call Vote (5-0) Andy Hoehn abstained. **Yes. Motion passed.**

Keith Spurgeon made a motion in the affirmative to approve the Findings of Fact. Mike Baehl seconded the motion. Roll Call Vote (5-0) Andy Hoehn abstained. **Yes. Motion passed.**

**MINDY BOURNE:** This is a recommendation that goes on to the County Commissioners. February 15, 9:00 a.m. in this room. The Commissioners will hear this Rezoning. I will be present to present this application. They also like for the applicant or owner to be present as well.

Mark Seib took over the meeting at this time.

**MARK SEIB:** We will now move on to the complaints. 612 Mill St., Mt. Vernon, Indiana.

**MINDY BOURNE:** The property owner is Brett Russell, 612 Mill Street, Mt. Vernon. The complaint was that "both vehicles are parked in the back yard and are visible from the road. The truck has been there for three years or more and the about as long. I turned them into code enforcement when I worked at Southwind Apartments". This complaint is that both vehicles are



parked in the yard. I am not sure if they are inoperative or licensed. I sent the property owner a letter. They did call into the office on January 19 and Becky explained the violation and asked that he attend the meeting. He said the car belongs to his nephew and he is working on it, but he works 10 hours a day and runs out of daylight hours. He said he would try to attend the APC meeting on February 10. There were no prior complaints on this property.

**MARK SEIB:** Does the car have license?

**BRETT RUSSELL:** 612 Mill Street. No, it doesn't.

**MARK SEIB:** Do you understand what the situation is that you can't park on the grass, that it has to be a hard surface? The Zoning Ordinance requires that you park on a hard surface. Are you wanting to make any changes or what are you going to do to...

**BRETT RUSSELL:** I'm trying to fix my truck now, but I have bills to pay and other things that has come up. Now I had to take off work for this.

**MARK SEIB:** We need to get the vehicles moved off the grass.

**BRETT RUSSELL:** How long do I have to do that?

**MARK SEIB:** The is up to the board to decide. You need to park that on a hard surface such as the street or something like that. We're not trying to make it difficult, we are just trying to enforce what the Ordinance says and what the City of Mt. Vernon is requiring. How much time do you feel you need?

**BRETT RUSSELL:** I would say a couple of months. I'm not going to work on the cold ground.

**MARK SEIB:** You can't move them at all?

**BRETT RUSSELL:** Not right now I can't. The starter went out on it.

**MARK SEIB:** You can't tow them?

**BRETT RUSSELL:** I can, but it costs more money. I guess if that's what you want me to do, I'll do it.

**MARK SEIB:** I don't know if you have a log chain and another pickup and moving it off the grass... If you are saying it is going to take a couple of months, we will take that under consideration. I want to make sure that you understand that the complaint was that it was parked...

**BRETT RUSSELL:** Does that person live there? Does that person live in the neighborhood?

**MARK SEIB:** Anyone can file a complaint...

**BRETT RUSSELL:** What about all of the other ones? You can drive around town and see it. Why is it just me?

**MARK SEIB:** What I'm telling you is anyone can file a complaint on any situation that they feel is not correct according to the Ordinance of the City of Mt. Vernon in this particular case. If you or anybody else feels there is somebody else that is in violation, you can file a complaint. Is there anything else that you want to add?

**BRETT RUSSELL:** No, not a thing.

**MARK SEIB:** Does anyone have any questions for him?

**DAVE PEARCE:** My thoughts is the complaint says it has been there for three years, does that mean it has been stationary there for three years?

**BRETT RUSSELL:** No, it has been moved.

**DAVE PEARCE:** So, you have been parking it on the grass for three years?

**BRETT RUSSELL:** If I put gravel down, are you going to tell me I can't park on gravel?

**MARK SEIB:** No, it has to be a hard surface, asphalt, concrete. The City of Mt. Vernon does not allow for rock to be considered a hard surface to be parked on. If you need guidance on knowing what you can and can't do, you can always come to the Area Plan and they will be able to give you the listing of what the Ordinance says.

**RANDY OWENS:** Do you have room to park on the street?

**BRETT RUSSELL:** Yes, I can. I just don't want to.

**DAVE PEARCE:** Are both vehicles being worked on now?

**BRETT RUSSELL:** No, the other one is not being worked on. My nephew has a lost title.

**MARK SEIB:** Any further questions. With none, you may have a seat. How would you like to handle this?

Keith Spurgeon made a motion in the affirmative to give him a month, by March 10, to move both vehicles. Hans Schmitz seconded the motion. Roll Call Vote (6-1) **Yes. Motion carried.**

**DAVE PEARCE:** Has the lost title already been applied for? That sometimes takes some time. If he puts it on the street without a license or title, he will be facing another dilemma.

**BRETT RUSSELL:** I don't think so.

**MARK SEIB:** What he could do is if they can make that application and try to get that title done hopefully it is done before the next meeting. If it doesn't he can be back here to present the case that he hasn't received the title yet. He is going to have to show proof that he has already submitted the application for the lost title.

**RANDY OWENS:** Now it sounds like it is 60 days. Thirty days that he has applied for the title and then time to receive the title and then time to move it.

**MARK SEIB:** I think what we are saying here is that we give him a 30-day period where he is supposed to move vehicles, hopefully. In the meantime, if it is a lost title and they haven't applied for it yet, they need to apply for it now to show that they are in good faith of doing that. If the title doesn't come in, they can move the one vehicle. Then they would have to come back before us to explain that they still haven't received the title and get an extension. Adam, does that sound legit.

**ATTORNEY ADAM FARRAR:** Yes. And I think that is still consistent with the motion that has been raised.

**MARK SEIB:** Complaint at 233 Maple Street, Mt. Vernon, Indiana.

**MINDY BOURNE:** This is Wilfred and Martha Nobles, 233 Maple Street. "Neighbor says Sarah Jameson, granddaughter of Nobles lives at 233 Maple Street. The neighbor says she is operating a business raising mice or possibly rats and selling them to business that has snakes. The neighbors says these animals are loose on their end of town. She used to raise snakes and sell them and now it's rodents." I sent the property owner a letter and asked that they contact the office by Thursday, January 20. I received no response from the owner. There have been no prior complaints on this property.

**MARK SEIB:** Is there anyone her wishing to speak concerning this complaint on 233 Maple Street? Seeing no one, what is the pleasure of the committee?

**RANDY OWENS:** Is there any way to investigate this and find out if they are running a business raising rodents?

**MARK SEIB:** I do agree with you, Randy, that we get some type of proof like there is a screenshot that it is on the internet or something like that. They have not even responded to the letters to have a discussion with them. I would really like to hear from the people that are being

brought up in question whether they have a business or not. I would like to ask whether they are or not and let them proceed to tell us what's going on there.

**ANDY HOEHN:** It seems that at this point somehow we need to verify. It is setting a precedence if you don't reply at all that this will be dropped. That is not what we want to happen at all. Is there a legal next step?

**MARK SEIB:** Normally the next thing we do is if we don't get a response from the person that has a complaint filed, legal will send them a letter saying if they don't respond, they will possibly be taken to court. Our next step for this one would be to have Adam or Trent go ahead and send a letter from them stating that they need to talk to us so we can find out what is going on.

Dave Pearce made a motion in the affirmative to have legal send a letter. Motion seconded by Randy Owens. Roll Call Vote (7-0) **Yes. Motion passed.**

**MARK SEIB:** Complaint at 302 Riviera Drive, Mt. Vernon, Indiana.

**MINDY BOURNE:** The property owners are Dennis W. & Lucinda J. Jacobs, 302 Riviera. "Parked in side yard which is grass." I sent the property owner a letter and got no response. There were not prior complaints on file for this property. I do have a photo from February 7 showing that both vehicles are now in the driveway.

**MARK SEIB:** Is there anyone here to speak on this complaint? Seeing no one to speak on this complaint, what is the boards preference?

Hans Schmitz made a motion to take no action. Mike Baehl seconded the motion. Roll Call Vote (7-0) **Yes. Motion carried.**

**MARK SEIB:** Next complaint is at 333 Riviera Dr., Mt. Vernon, IN. This is a small pickup and trailer parked in grass. Driveway gravel but may be old.

**MINDY BOURNE:** Property owner is Zachary R. Dillback, I sent the owner a letter and they had until January 20, 2022 to respond. I received no response from the owner. There have been no prior complaints on this property. The most recent photo we have is from February 7, 2022 still shows parking in the grass.

Keith Spurgeon made a motion in the affirmative to have legal send a letter. Motion seconded by Dave Pearce. Roll Call Vote (7-0) **Yes. Motion passed.**

**MARK SEIB:** Our last complaint for the evening is for 529 E 3<sup>rd</sup> St., Mt. Vernon, IN. Car parked in front of the house with front end on cinder blocks.

**MINDY BOURNE:** The property owner Mary LaFave was issued a letter and she called the office on January 20, 2022 and stated the car is licensed and operable, she has parts ordered to repair the vehicle which should be in this Friday. She has been having difficulty getting the parts and she will move the car as soon as the part is installed. There have been no prior complaints on the property. The current photo from February 7, 2022, show the car is still there on blocks. The letter from the office was issued on January 7, 2022 and the owner had until January 20, 2022 to respond which she did and stated the parts were to be there the Friday of that week, however as the photo from February 7<sup>th</sup> shows the car is still in the same spot. Which means two weeks have passed since the part was suppose to be in.

**MARK SEIB:** Is there anyone here wishing to speak about this complaint at 529 E 3<sup>rd</sup> Street? Seeing and hearing none, it is up to the committee to decide what action they would like to do.

Andy Hoehn made a motion in the affirmative to have legal send a letter. Motion seconded by Dave Pearce. Roll Call Vote (7-0) **Yes. Motion passed.**

**DIRECTOR'S REPORT:** Findings of Fact; Flaherty & Collins Properties aka: The Landing LP. were updated since the January meeting on items 1 and 14. Item 1 states the development is not compatible with surrounding land use. The 1<sup>st</sup> floor of the property was originally approved for retail use; the development was asking to change it to residential which would not be compatible with surrounding use. Item 14 states the development is not conformance with the City of Mt. Vernon Comprehensive Plan. The Comprehensive Plan states the objective is to encourage commercial development in downtown Mt. Vernon. A motion was made in the affirmative by Hans Schmitz and seconded by Keith Spurgeon. Roll Call Vote (6-1) **Motion carried.**

**APPROVAL OF PAYROLL & BILLS:** A motion was made in the affirmative by Dave Pearce and seconded by Hans Schmitz to approve payroll & bills. Roll Call Vote (6-0), Keith Spurgeon had to step out of meeting briefly. **Motion carried.**

**APPROVAL OF COLLECTIONS:** A motion was made in the affirmative by Keith Spurgeon and seconded by Mike Baehl to approve collections for last month. Roll Call Vote (7-0) **Motion carried.**

**CITIZENS CONCERNS:** None

**MARK SEIB:** Everyone on the board should have received an email from The Landing. The Company invited everyone on the board to meet at the site to discuss the development. The Commission is bound by its open-door law and the quorum. We cannot have any more than 4 of the committee members present at one time. With that being said, Mindy sent an email out to board members stating if anyone was interested in meeting at The Landing to contact her and she will keep track up to the first four to respond.

**RANDY OWENS:** I am on the board of 21<sup>st</sup> Century Leadership and I received the email invitation before the APC was invited. If I were to attend, would it count as one of the four? If we don't have 4, I would like to go.

**ANDY HOEHN:** Am I correct in saying that Flaherty & Collins cannot bring up their request for a year since the board has denied the application they must wait a year to reapply?

**MARK SEIB:** That is correct unless new or substantial circumstances change from what it was submitted for. Another topic to mention is the Solar Project. We have had before us a reduction in size. The solar company is still providing paperwork to our experts who will then advise us the committee which is the best for that project. I expect it could be April or May, even later before having a meeting. When all of the data has been gathered, we will take time to put the recommendations together and provide the committee all the information and I ask they take at least 2 weeks to review before having a meeting because it will be quite voluminous. Is there anything else?

**HANS SCHMITZ:** I serve on the Area Plan Commission as an Ex Officio capacity being the Ag and Natural Resource Educator for Posey County. I have taken a new position with Purdue Extension in the Conservation Cropping Initiative and as of March 1<sup>st</sup>, I will begin that position. Which will free up the Ag and Natural Resources position in Posey County, which means I will no longer be serving on this board as of March 1<sup>st</sup>.

**MARK SEIB:** Hans we appreciate your time and all you have given us and we appreciate the Zooms you have done for us. We appreciate a lot of things you have do for us. It will be quite difficult to find someone to fill those shoes and take care of it. Thank you very much.

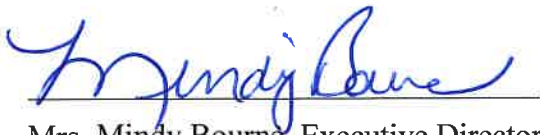
**HANS SCHMITT:** I would be very interested in helping train someone to do the zoom from this point forward.

**MARK SEIB:** It is my understanding that the Commissioners are making some changes to allow zooming to be much easier before next months meeting.

**ADJOURNMENT:** Hans Schmitz made a motion to adjourn the meeting at 7:20 p.m. Mike Baehl seconded the motion.

A handwritten signature in blue ink, appearing to read "Mark Seib", written over a horizontal line.

Mr. Mark Seib – President

A handwritten signature in blue ink, appearing to read "Mindy Bourne", written over a horizontal line.

Mrs. Mindy Bourne, Executive Director

FINDINGS OF FACT  
Hamilton Designs, LLC/W and Z, LLC  
Taco Bell

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. Drainage will improve on site, raising building up a foot, adding grass along west and south line and behind building. Runoff will decrease. No changes to site location of utilities.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Working with INDOT for approval.
4. Building Setback Lines. The plan meets building setbacks for the CG District.
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.
8. The plan meets parking requirements. 25 Parking spaces total, 2 are handicap.
9. Landscaping. Meets landscaping requirements and providing additional landscaping along residential zoning district.
10. Building Specs- 2,090 sq. ft. Endeavor 2.0 prototype Height: approximately 18'. Trash receptacle will be located in the back left corner. Will provide 6' privacy fence along abutting residential area south and west.
11. Signage-Will provide signage plan.
12. Recreation space-Not applicable.
13. Outdoor Lighting. Will provide lighting plan.
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: Mike Bachl

Adopted by Posey County Area Plan Commission

Mark Seitz  
President, Posey County Area Plan Commission

2-10-22  
Date



February 10, 2022

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Manufacturing Heavy/Medium) is 3.0 acres more or less. The property is located at 6525 SR 165, Poseyville, IN. Property abutting this site is owned by the following:

1. Pamela Sue Ebert Kuester, 704 E. Haub St., Haubstadt, IN 47639
2. State of Indiana, 100 N. Senate Ave., Indianapolis, IN 46204-2273
3. Joseph K. Eisterhold, 6001 Highway 165, Poseyville, IN 47633
4. Terry L. & Diana G. Mahrenholz Trustees, 7011 High School Rd., Poseyville, IN 47633
5. Mahrenholz Family Land, LLC, 7201 High School Rd., Poseyville, IN 47633
6. Seibert Farms LLC, 7530 Highway 66, Wadesville, IN 47638-9690
7. Commissioners of Posey County, 126 E. 3<sup>rd</sup> St., Mt. Vernon, IN 47620-1804

Abutting properties are zoned A (Agricultural). This property is currently used as farmland. The owners are proposing to rezone the property to M-2 (Manufacturing Medium/Heavy) to build a fabrication/welding shop. 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: 22-01-RE-APC  
PETITION TO REZONE: Carl Seib  
OWNER: Integrity Land Holdings, LLC

**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.

---

---

**2. Responsible development and growth**

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

---

---

**3. Comprehensive Plan.**

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

---

---

**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.

---

---

**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.

---

---

Motion made to adopt the foregoing findings of fact by:

*Keith Spurgeon*

Motion seconded by:

*Mike Baehl*

Adopted by Posey County Area Plan Commission

President: *Alan [unclear]*, vice-pres.

Date: 2-10-22

FINDINGS OF FACT  
APC MEETING 1/13/22  
Flaherty & Collins Properties/The Landing LP  
Retail to Residential Conversion

I, Hans Schmitz, make a motion in the findings of fact be made as follows

1. Development is not compatible with surrounding land use. Zoning of this property is CBD and surrounding land use is commercial. The creation of The Landing was for a mixed retail/residential, multi-use design. 1<sup>st</sup> floor was to be retail and approved for such use.
2. Water, sewer, storm water draining, and other utilities are available. All utilities are on site, just need to connect into the space.
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. The new units will have entrance and exit access from exterior (Water St.) or interior.
4. Building Setback Lines. The plan meets building setbacks for the CBD District. Not changing.
5. The plan meets the building coverage requirements for the CBD District. Not changing.
6. The plan meets building separation. Not changing.
7. The plan meets vehicle and pedestrian circulation. Not changing.
8. The plan meets parking requirements. Not changing. Ample parking spaces. (107 total)
9. Landscaping. Not changing.
10. Building Specs- Not changing.
11. Signage-Not changing.
12. Recreation space-Not applicable.
13. Outdoor Lighting. May put in porch lights. They will report back by the December 9<sup>th</sup> meeting.
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. The development is not in conformance with the City of Mt. Vernon Comprehensive Plan. The Comprehensive Plan states the objective is to encourage commercial development in downtown Mt. Vernon.

Motion seconded by: Keith Spurgeon

Adopted by Posey County Area Plan Commission

Mark Seal  
President, Posey County Area Plan Commission

2-10-22  
Date