

MINUTES

**POSEY COUNTY
AREA PLAN COMMISSION
REGULAR MEETING**

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

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

MEMBERS PRESENT: Mr. Mark Seib - President, Dr. Keith Spurgeon – Vice President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Mr. Randy Thornburg, Mr. Adam Farrar – Attorney, Mrs. Mindy Bourne - Executive Director, Mrs. Becky Wolfe – Administrative Assistant

MEMBERS ABSENT: Mr. Dave Pearce

APPROVAL OF MINUTES Mike Baehl made a motion in the affirmative to approve the Minutes of the February 10, 2022 meeting as emailed. Motion seconded by Kevin Brown.
Motion carried.

SITE DEVELOPMENT PLAN:

APPLICANT: Kent Ochs

OWNER: Wabash Valley Service Company

PREMISES: Part of the Northwest Quarter of Section 4, Township 5 South, Range 13 West and part of the Northeast Quarter of Section 5, Township 5 South, Range 13 West, lying in Harmony Township, Posey County, Indiana. More commonly known as 1499 SR 66, New Harmony, Indiana. Containing 3.75 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 M-1 (Light Manufacturing) 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: 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?

KENT OCHS: 909 N. Court St, Grayville, IL 62844. We have a lot of LP customers in this area and we would like to place a new 30,000 gallon LP tank for bulk storage to fill our delivery trucks with.

MARK SEIB: This will be strictly for filling the delivery trucks and not for any bottle fill ups.

KENT OCHS: That is correct.

MARK SEIB: Does anyone else have any questions?

KEITH SPURGEON: Is the tank already there?

KENT OCHS: Yes, the tank was delivered from the factory this past July. We had to take delivery of it. It is just sitting there; it is not filled just like it came straight from the factory. It has not been installed.

MINDY BOURNE: The Building Commissioner requested a compaction test and they have provided it.

MARK SEIB: Why are you making application now?

KENT OCHS: We thought we had, we were here in April of last year.

MINDY BOURNE: It was for a Rezoning.

KENT OCHS: We thought we had done everything.

MARK SEIB: So you are playing catchup. Please have a seat. We will open to the public for comment. Seeing and hearing none, we will close the public portion. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

MINDY BOURNE: Explained details from the Committee meeting. Rule 5 is not required. They have already received their State Construction Design Release. Ed wanted to see a compaction test for the tank site and they have provided those.

MARK SEIB: Ed had no issues that he made note of.

MINDY BOURNE: None

Kevin Brown made a motion to approve and seconded by Randy Thornburg. Roll Call Vote (7-0). **Yes. Motion passed.**

MINDY BOURNE: Findings of Facts are in your packets.

Andy Hoehn made a motion to approve the Findings of Facts and seconded by Kevin Brown. Roll Call Vote (7-0). **Yes. Motion passed.**

MINDY BOURNE: This application has been approved and you will need to come to my office and get the Improvement Land Permit and then obtain the Building Permit from the Building Commissioner's Office next door.

REPLAT OF LOTS #5 & #6 IN COPPERLINE CORNER SUBDIVISION:

DOCKET: 22-01-S-APC
APPLICANT: Greg Kissel
OWNER: Ronald J. & Jane M. Harnage
PREMISES: Lots Five and Six in Copperline Corner Subdivision. Part of the Northwest Quarter of the Southeast Quarter of Section 11, Township 6 South, Range 12 West, lying in Robinson Township, Posey County, Indiana. More commonly known as 10931 Copperline Road East and 1581 St. Philip Road South, Evansville, Indiana. Containing 2.043 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 Preliminary & Final Replat Major 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.

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?

ZACH BOOP: Kissel Surveying, 1263 900 South, Fort Branch, IN 47648. The owners are wanting to combine into 1 lot.

MARK SEIB: Are there any easements on the property.

ZACH BOOP: No.

KEITH SPURGEON: Is their plan to build in the middle?

ZACH BOOP: Yes.

MARK SEIB: You may have a seat and we will open to the public for comment. Seeing and hearing none, we will close the public portion. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application. Kevin Brown made a motion to approve with the stipulation that the Area Plan Commissioner can approve in 30 days if no issues develop in that length of time and seconded by Mike Baehl. Roll Call Vote (7-0). **Yes. Motion passed.**

MINDY BOURNE: In 30 days, I can sign off on the replat.

REPLAT OF LOTS 3, 4, 5 IN RAY JONES ADDITION TO THE CITY OF MT.

VERNON:

DOCKET: 22-02-S-APC
APPLICANT: Greg Kissel
OWNER: First Baptist Church of Mt. Vernon
PREMISES: Lot 3, Lot 4 and Lot 5 of Ray Jones Addition to the City of Mt. Vernon, Indiana, of Section 5, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing 1.041 acres more or less. More commonly known as 1205 and 1207 Main Street, Mt. Vernon, 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 Preliminary and Final Replat Major Subdivision Replat in an RS 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.

MARK SEIB: Does anyone on the board have a conflict of interest? Hearing none, we shall proceed.

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

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

JOSH HAMMOND-KELLY: I am the pastor of First Baptist Church, my address is 437 Washington Ave., Mount Vernon, IN 47620.

MARK SEIB: Can you tell us what it is you are wanting to do with this and why you are wanting a replat?

JOSH HAMMOND-KELLY: Behind the churches' parsonage is the part of the churches' parking lot. Currently they would like to divide out one parcel from the parsonage and then combine the parking lot portion with the churches main parcel.

MARK SEIB: So you are wanting to split and combine?

JOSH HAMMOND-KELLY: Yes, the split would be to divide the parking lot from the parsonage and then combine that with the church parcel.

KEVIN BROWN: So according to the drawing you are just wanting it to be 3 and 4?

MINDY BOURNE: It originally was three parcels and now it would be condensed down to two parcel numbers. You can see on the drawing there are blue lines, which may be difficult to see, but those are the original lines and the dark black lines are indicating how they want them to look.

MARK SEIB: I see what he is referring to now. Does everyone else on the board understand? You can see the blue lines on the drawing that shows where the lines used to be. That makes more sense now. You may have a seat and we will open to the public for comment. Seeing and hearing none, we will close the public portion. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

Randy Thornburg made a motion to approve with the stipulation that the Area Plan Commissioner can approve in 30 days if no issues develop in that length of time and seconded by Andy Hoehn. Roll Call Vote (7-0). **Yes. Motion passed.**

COMPLAINTS 612 Mill St., Mt. Vernon, IN – tabled from 2/10/22 meeting
233 Maple St., Mt. Vernon, IN – tabled from 2/10/22 meeting
333 Riviera Dr., Mt. Vernon, IN – tabled from 2/10/22 meeting
529 E. 3rd St., Mt. Vernon, IN – tabled from 2/10/22 meeting
607 E. 4th St., Mt. Vernon, IN – tabled since 11/18/21
930 N. Main St., Mt. Vernon, IN
420 Locust St., Mt. Vernon, IN
619 College Ave., Mt. Vernon, IN
402 W. 4th St., Mt. Vernon, IN

MARK SEIB: Trent could not be here, so Adam is here with us tonight. He has been trying to catch up to where everything is at. The question we have for you, Adam, is the five complaints that Trent was supposed to be sending out letters to these five people, can you tell us if that was done?

ATTORNEY ADAM FARRAR: I don't know. Trent had to leave unexpectedly. I spoke with Mindy about this earlier today. I tried to look through his files, but I didn't see anything. It may have been his intention to get them out before the meeting. I think he will have to tackle that after he gets back.

MINDY BOURNE: I just want to state what my notes show that he was supposed to send a letter for 233 Maple, 333 Riviera and 529 E. 3rd. Just those three.

ATTORNEY ADAM FARRAR: That sounds correct.

MARK SEIB: So then the 607 and 612...

MINDY BOURNE: The 607 is a carryover from last years' meeting. Then 612, that property owner was here last month and this board gave them until tonight to have the car and pickup moved.

MARK SEIB: I guess what I would like to do, and the board can tell me if this is acceptable or not, is that we will go ahead and take on 612 and 233, 333 and 529 and we will table until next month's meeting so Trent can take care of the letters.

The board approved.

MARK SEIB: 612 Mill St. Mindy had already stated that they had already received some instructions.

MINDY BOURNE: They were present at last month's meeting.

MARK SEIB: Is anyone here for the complaint at 612 Mill Street? Seeing none, go ahead Mindy.

MINDY BOURNE: I have two photos from March 3 and it shows that the vehicles are gone. You can even see in the grass where they were sitting.

MARK SEIB: So you feel comfortable enough that this one has been taken care of?

MINDY BOURNE: Yes.

MARK SEIB: Is there any discussion? With none, we will consider this one taken care of.

607 E. 4th St., Mt. Vernon

MINDY BOURNE: This is the pallet business in Mt. Vernon. He was given until this meeting to get things cleaned up. The most recent pictures I have are from March 3. It looks like there's just a few pallets and they are located on a trailer on the side of the building where it says Floors and Walls.

MARK SEIB: I will tell you that I did drive around the building to look and inspect before I came to the BZA meeting. I did not see pallets outside. Andy, you have been watching it a lot more, do you have anything to add?

ANDY HOEHN: To me this is an ongoing infraction. They are outside and then they are inside, they are outside then they are inside. The other day they had a semi in the lot. I think Trent sent information. I thought I saw a memo coming through email that says this does not fit the zoning.

RANDY THORNBURG: Did you see them on a trailer?

MARK SEIB: I believe that is what Mindy's photos shows.

RANDY OWENS: I thought before we had said a reasonable time to load and unload with no overnight parking.

MARK SEIB: Yes, you are correct. Andy says sometimes they are there and then gone.

ANDY HOEHN: Didn't Trent send out a memo?

MINDY BOURNE: On 1/22 to APC members – two pages and she read the memo to the board.

RANDY OWEN: Didn't we talk about screening.

MARK SEIB: Yes, we have a statement from Trent saying it is a violation

ADAM FARRAR: Leave it up to Trent's discretion to file lawsuit or try to correct the issue. As long as it continues, it is unlawful.

RANDY THORNBURG: How did they start the business?

MARK SEIB: They didn't look into zoning or what they were buying when they bought it. The realtor didn't tell them what it could be used for. I believe one of the owners is here today to speak.

ERIC HAZLETT: 625 E 4th St. Mt. Vernon, IN 47620. We have not had anything outdoors overnight for a month or so. I know this has been going on, but every time we keep trying to meet another hurdle. Which I feel we have done pretty good. Yes during the day we take a few stacks out to work on them. We are still getting things more organized. The business has been growing. We were told so many different things in the beginning and it seems like at each meeting that we attend something else gets added for us to jump through. That makes it difficult to plan ahead. I have been told the zoning in the back part of the building is fine and it is different than the zoning in the front part of the building. So I don't really know what is going on. But it is not really fair to us to try to remedy stuff when we don't know what the end point is. We do have a few options to move out of town to northern Indiana, we will probably have to do that I guess. If we get stuck with these buildings, I mean the old Gottman building the roof is falling in like crazy. We are going to have to do something. I guess there will end up being suits. You will want to file a suit against us, we will want to file a suit against Aaron Wilson, Hahn/Keifer, the counsel. Cause we didn't come in here to mess anybody up. The business was already started, we didn't come in and buy these building, not check anything out and start a business. The business had already been going.

MARK SEIB: You bought a pallet business which was already there?

ERIC HAZLETT: No my son had already started the pallet business about a year earlier. When we came into Mt. Vernon to buy that, Aaron knew exactly what it was we were going to use it for.

MARK SEIB: So what you are saying is that when you went to buy it you were not aware that this was a zoned area that would not substantiate you being there and doing that kind of work.

KEITH SPURGEON: So your realtor said it would be OK.

ERIC HAZLETT: He literally said it would be all right.

ANDY HOEHN: Did you get any document which stated that?

ERIC HAZLETT: Why would we spend that much money if we couldn't do it?

ANDY HOEHN: I understand completely. There was gross communication. But a pallet /manufacturing business on the Main street in Mt. Vernon would be unusual.

ERIC HAZLETT: We were hoping for it to be temporary. We had hoped to buy that house right there and within 3 years and put a Chick-Fil-A there. But that is not going to happen now.

MARK SEIB: My suggestion to the board is to wait until Trent returns and Trent or Trent and I can sit down with the owners and have a meeting. I understand the hardship they are going through. I feel having a sit down would be a fair next step. How does the committee feel about what Trent said?

RANDY THORNBURG: I want to be fair to the business. I assume everything is OK when it was purchased now he finds out it is not the case.

MARK SEIB: If the Committee approves this set down – we can let them know what they will need to do to get it approved, or if it can even be approved. The City of Mt. Vernon will need to be included.

ANDY HOEHN: From the City's point of view, I don't think this is an attainable situation. I think it is illegal. The sincerity is a façade. I think the City Council will send a letter to the APC saying they won't approve a change at our next meeting Wednesday.

MARK SEIB: That letter will be helpful when we meet with them. We want to be fair and understanding. There is nothing we can do about zoning and we will need to see what the City of Mt. Vernon has to say.

ERIC HAZLETT: I don't like being called a liar!

ANDY HOEHN: Who called you a liar?

ERIC HAZLETT: Didn't you say my honesty was a façade, didn't he say that?

ANDY HOEHN: I said the integrity.

ERIC HAZLETT: Integrity is truth.

ANDY HOEHN: Outside of this meeting to come and work something out has not happened. I have seen pallets shuffle day in and day out and the closer you get to an APC meeting they mysteriously go away so the photographer doesn't find it. You haven't and no one has been up here to talk to have a conversation with Mindy or Mark, have you? Outside of these meetings have you tried to talk to anyone up here about the pallet business?

ERIC HAZLETT: I was up there yesterday or the day before to ask about a concrete permit.

ANDY HOEHN: That wasn't what I was asking you. I asked you if you have been up talking about the pallet business with anyone outside one of these meetings..

ERIC HAZLETT: The concrete has to do with the pallet business.

ANDY HOEHN: So no, so my statement stands.

ERIC HAZLETT: Now I am confused.

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

ERIC HAZLETT: Yes, until – from what I am hearing is the zoning maybe totally off, so why would I go and spend more money and put up fences?

MARK SEIB: If the zoning doesn't allow for it means you can't be there period to do that.

ERIC HAZLETT: But that is what he is talking about, me not coming into see about a fence.

MARK SEIB: Regardless of whether you put a fence up or not, that has nothing to do with the zoning. Zoning is what is allowed in that area or for that building or whatever. It is what is allowed to be done, manufacturing, housing or whatever. That's why I'm saying we need to sit down with you and see what your questions are, what the city response is and APC enforces it. I think a one on one meeting would be more helpful. Does the board approve?

ANDY HOEHN: Not until after the 16th.

MARK SEIB: Mr. Van Haaften will be sending you a letter with some dates that might be of some options to meet with us and sit down and discuss this and explain to you what law has put into play and what some of your options are and what we can do to straighten this out.

Mr. Farrar took notes to discuss with Mr. Van Haaften concerning this matter.

930 N. Main St., Mt. Vernon, IN 47620

MINDY BOURNE: This is a new complaint. Complaint is car parked in side yard. There was a photo submitted with the complaint which shows two vehicles on grass. I sent the property owner a letter. They did respond to my letter on 2/27/22 at 9:58 a.m. Jeff Gates called the office and he stated there is existing gravel driveway. There was no prior complaints on this property. I do have some photos from 3/3/22, one appears to be in grass and one you can see is in existing gravel. The property owner is here. In your packets, the first two photos were filed with the complaint. Then you should see the letter I sent. Following that would be the photos taken on 3/3/22 by our office.

MARK SEIB: Is the property owned by someone and someone is living there?

MINDY BOURNE: The owner of record is JeTay Enterprises LLC.

MARK SEIB: The person who called you to talk about it was?

MINDY BOURNE: Jeff Gates, but I don't not know how he is connected to JeTay LLC.

MARK SEIB: Is there someone connected to this complaint here wishing to speak concerning this? Can you come forward to the podium and would you please for the record state your name and address.

JEFF GATES: 237 S Tunis Ave., Evansville, IN 47712.

MARK SEIB: Mr. Gates, thank you. You are the one who called the office and talked to Mindy or Becky on the phone. I must tell you that whatever you want to give us we must keep and document as a matter of record in the file. We even had a lady one time want to give us her cell phone. So make sure whatever you want to give us or show us is something you are willing to give up. With that being said sir, can you tell us what it is about the situation with the cars which in the first set of photos are obviously in the grass.

JEFF GATES: I have had the property for about 15 years and there is ample parking for all of the tenants. I have never had any issues with anyone pulling into the front park yard and wash their car or whatnot. If you go out there and look at the yard, they don't do that very often. They

can pull up to the front door to move in. There is a gravel driveway on part of it and paved on part.

MARK SEIB: The concern here is that there is no parking on the grass. That is an ordinance here in Mt. Vernon that states there is to be no parking on the grass.

JEFF GATES: Even to wash their car?

MARK SEIB: It states no parking on the grass. You can take it from there. The next thing to establish if there is rock on part of it, we will try to establish when it went down. Did you put any rock in on the property at any time?

JEFF GATES: I put more rock on the driveway about 5 years ago.

MARK SEIB: And you have owned it for 15 years? The partial driveway that is there beside the paved portion could be grandfathered in. That's to be decided yet. The vehicles that are parked up past the front of the house is in strict violation of the ordinance. We want to make sure that you understand the ordinance.

JEFF GATES: I have a very industrious young tenant who cleans cars up there sometimes and I have told him he can't be doing that any more.

MARK SEIB: That makes sense. It looks like the gravel portion is only big enough for one vehicle right there on the edge.

JEFF GATES: They park two vehicles on it at times.

MARK SEIB: Board, what do you all think?

RANDY THORNBURG: Is this a one-time offense?

MINDY BOURNE: This is the first complaint.

RANDY THORNBURG: Can it be expanded to handle one more car?

MARK SEIB: Can't add to the existing rock to extend it, then you get into it needing to be a permanent surface such as concrete or asphalt. Can't add to existing rock surface to expand it. If it was grandfathered in, then it would only be grandfathered in to maintain it, not to expand it.

ANDY HOEHN: Five years does not make it grandfathered.

MARK SEIB: I agree, five years ago does not make it grandfathered. But if he bought it 15 years ago then maybe it was there longer and could be grandfathered in. That would be

something I guess we would have to research if need to. Mr. Gates, you said you have enough parking for all the tenants of that building.

JEFF GATES: The concrete can hold two cars or four cars on the hill and they park two in the driveway all the time. I have never had an issue with parking before at all.

MIKE BAEHL: I think he now understands the rules. If we get another complaint then we will have to deal with it.

MARK SEIB: What Mike just said was that we think you understand the rules about the parking that they have to stay on the rock and off the grass. If we get another complaint then we will have to address it and dig into it more in depth.

KEITH SPURGEON: You need to notify your tenants.

RANDY THORNBURG: I agree.

ANDY HOEHN: Part of what is going on is the City of Mt. Vernon is looking to correct violations that have been existing for quite a while.

MARK SEIB: That may be the case, but if we get another complaint, we will have to determine if the property is grandfathered in or not. I mean, I could have put rock down 10 years ago and it looks like it has been down for 30 years.

KEITH SPURGEON: How far back does the current ordinance go?

MINDY BOURNE: 2012

KEVIN BROWN: So if the driveway was created in 2010 it would be grandfathered in and he could put more rock over it to maintain it.

MINDY BOURNE: Yes, he could maintain it.

MARK SEIB: Mr. Gates, do you have any more questions? Mr. Gates indicated in the negative by shake of the head. Then you can have a seat. What kind of action does the board want to do?

RANDY THORNBURG: I am good, he has been informed and if there is any more complaints, we can address things at that time.

KEITH SPURGEON: He seemed willing to take care of it.

RANDY OWENS: I say take no action unless we get another complaint.

A motion was made in the affirmative by Randy Thornburg to take no action at this time unless another complaint is received about parking in the grass and motion seconded by Mike Baehl. Roll Call Vote (6-1) **YES. Motion carried.**

MARK SEIB: 420 Locust St., Mt. Vernon, IN 47620

MINDY BOURNE: This is a new complaint – vehicle parked in yard. The first picture is what was supplied with the complaint. The next item should be a copy of the letter I sent and after that should be the photos taken by our office on March 4, 2022. On 1/31/22 at 3:15 p.m., I spoke with Jason Kern and he said he had been working on his truck and fell asleep. The ordinance regulations for parking in residential zoning districts were explained to him. He is aware of the zoning regulations and stated it will not happen again. He apologized. I advised him that the board would like for him to attend the meeting on March 10th to address the complaint. He stated he had to work but would try to make it. No prior complaints on this property. The photo from March 4th shows the yellow truck sitting on the street.

MARK SEIB: Is there anyone here wishing to speak on this issue? Seeing none, I will refer to the board.

ANDY HOEHN: I would say call it closed.

A motion was made in the affirmative by Andy Hoehn to take no action and consider the matter closed and motion seconded by Randy Thornburg. Roll Call Vote (7-0) **YES. Motion carried.**

MARK SEIB: 619 College Ave, Mt. Vernon, IN 47620

MINDY BOURNE: The complaint states a large truck is parked in the side yard and no license plate. The first two photos were supplied with the complaint, then in the folder is a copy of the complaint letter I sent followed by the photos taken by my office, dated March 3rd.

MARK SEIB: The truck is gone.

MINDY BOURNE: I received no response from my letter. There have been no prior complaints.

MARK SEIB: Is there anyone here to speak about 619 College Ave? Seeing and hearing none we will move to the board.

A motion was made in the affirmative by Mike Baehl to take no action and consider the matter closed and motion seconded by Randy Thornburg. Roll Call Vote (7-0) **YES. Motion carried.**

MARK SEIB: 420 W 4th St., Mt. Vernon, IN 47620.

MINDY BOURNE: The complaint was a truck parked in yard. Two photos were supplied with the complaint. I didn't send a letter on this one because it is zoned Commercial and the section of the Ordinance 153.024(C)(2) concerning parking only involves Residential and Offices. Even though it has a residence on there, it is zoned Commercial. Commercial zoning doesn't follow the same requirements.

RANDY THORNBURG: So there is no violation then?

MINDY BOURNE: Yes

ANDY HOEHN: So that part of the ordinance doesn't apply?

MINDY BOURNE: All weather surface only refers to Residential and Office District.

KEITH SPURGEON: So use doesn't come into play.

MINDY BOURNE: Not the way the ordinance is written.

RANDY THORNBURG: No violation.

MINDY BOURNE: I sent a letter to the person who filed the complaint and explained all of this.

A motion was made in the affirmative by Randy Thornburg to take no action and consider the matter closed and motion seconded by Kevin Brown. Roll Call Vote (7-0) **YES. Motion carried.**

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Kevin Brown and seconded by Andy Hoehn to approve payroll & bills. Roll Call Vote (7-0) **YES. Motion carried.**

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

MIKE BAEHL: With the departure of Hans Schmitz, I nominate Keith Spurgeon to hold the position of Vice-President of the APC and Randy Owens seconded the nomination. Kevin Brown made a motion to close the nominations and Andy Hoehn second the motion to elect Keith Spurgeon as Vice-President by acclamation.

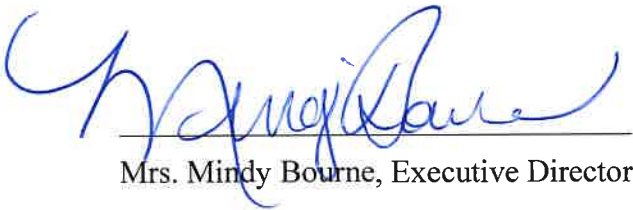
CITIZENS CONCERNS: None

MARK SEIB: The solar project is proceeding and they have sent the final information to our experts. Barry and the hydrologist with Soil and Water have them in their hands to review and gathering the information together for us. They indicate it could be April or May before we would be able to meet and discuss all of the details.

ADJOURNMENT: Kevin Brown made a motion to adjourn the meeting at 7:39 p.m. Mike Baehl seconded the motion.

A handwritten signature in black 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

**Site Plan Committee Review Meeting
Kent Ochs-Wabash Valley
30,000 gallon LP Tank
Tuesday, February 22, 2022 at 1:00 pm**

Attendance

Mindy Bourne-Executive Director APC
Andy Hoehn-APC
Randy Owens-APC via Phone
Carrie Parmenter-Posey County Soil & Water
Ed Batteiger-Building Commissioner
Kent Ochs-Wabash Valley
Alan Rusk-Wabash Valley

Owner has placed a 30,000 gallon self-contained pressurized LP tank on site. There is an existing warehouse and fencing on site. Existing drive on site. No plans for other structures on site at this time.

Rule 5 is not required for this project.

Have received State Construction Design Release for this project.

Received no comments from agencies with jurisdiction at this location.

Ed wants to see compaction tests for tank site.

The committee went over various requirements for site plans, see Findings of Fact sheet. Committee recommends this be approved.

FINDINGS OF FACT

Kent Ochs-Wabash Valley Service Company
30,000 gallon LP tank

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

1. Development is compatible with surrounding land use. Property was rezoned last year for proposed use.
2. Water, sewer, and other utilities are available. No utilities needed for this project.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. No changes. Will be entering from west entrance. Will be semi-trucks there approximately 1 day in winter to fill tank. Bobtail trucks for site delivery 2 times a day.
4. The plan meets the setback requirements for the M-1 Zoning District.
5. The plan meets the building coverage requirements for the M-1 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes. Entrances existing .
8. The plan meets parking requirements. Not applicable for this project.
9. Landscaping. Not applicable for this project.
10. Building Specs. 30,000 gallon self-contained pressurized LP tank.
11. Signage-Since in front of fence.
12. Recreation space.-Not applicable for this project.
13. The plan meets outdoor lighting requirement. One overhead light above tank.
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 and with the Posey County Comprehensive Plan.

Motion seconded by: Kevin Bouch

Adopted by Posey County Area Plan Commission

Mark Seb
President, Posey County Area Plan Commission

3-10-22
Date