

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

JUNE 9, 2022  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib - President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Dave Pearce, Mr. Randy Thornburg, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

**MEMBERS ABSENT:** Mr. Randy Owens, Dr. Keith Spurgeon

**APPROVAL OF MINUTES:** Kevin Brown made a motion in the affirmative to approve the minutes of the April 14, 2022 regular meeting as emailed. Motion seconded by Andy Hoehn.  
**Motion carried.**

Dave Pearce made a motion in the affirmative to approve the minutes of the May 12, 2022 regular meeting as emailed. Motion seconded by Kevin Brown. **Motion carried.**

Kevin Brown made a motion in the affirmative to approve the minutes of the May 18, 2022 Special Meeting as emailed. Motion seconded by Mike Baehl. **Motion carried.**

#### **REPLAT:**

#### **LOT 12 FAIRLAWN SUBDIVISION SECTION B**

DOCKET NO: 22-05-S-APC

APPLICANT: Steve Noelle

OWNER: Sherry J. Willis & Bobby D. & Sherry J. Willis

PREMISES: Lot 12 of Fairlawn Subdivision Section “B” in the City of Mt. Vernon, Indiana and part of the Northeast Quarter of the Southeast Quarter of Section 5, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing .57 acres more or less. More commonly known as 727 Evergreen Drive, 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 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 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?

**SHERRY WILLIS:** 717 Evergreen Drive, Mt. Vernon. We are looking into the possibility of adding a garage to my backyard. That would be partly on the area of the plat my house sits on and the plat that is empty behind me.

**MARK SEIB:** So the replat of the property will allow you enough acreage to add a garage if you so wish to do so.

**SHERRY WILLIS:** Yes

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

**SHERRY WILLIS:** Not unless anyone has any questions.

**MARK SEIB:** Does anyone on the board have any questions. Hearing none, then you can have a seat. We will now open it to the public portion. Does anyone have any comments for or against this for this proposed replat? Seeing 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. It will now be up to the board to discuss and take action as they see fit. 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 Randy Thornburg. Rolls Call Vote (6-0). **Yes. Motion carried.**

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

**MAJOR SUBDIVISION:**

**SASSAFRAS CORNER**

DOCKET NO: 22-06-S-APC

APPLICANT: Bruce Martin

OWNER: Martin Homes, Inc.

PREMISES: A part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 5.247 acres more or less. More commonly known as Bohleber Rd. and St. Philip Rd., Evansville, 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 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 confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Mr. Seib invited Mr. Martin to come up to the podium and introduce himself and his address along with sharing with the board his plans for this subdivision.

**BRUCE MARTIN:** 5010 S. St. Philip Rd., Evansville, IN. We have a little over five acres on Bohleber Rd. There will be 4 lots and each one of them will have their own road frontage. We are wanting to get them into this major subdivision for future people to live there, whether it be relation or whoever. We may hang on to them, it is just at this point we just want to do the paper work and get them done. The county has been putting in all of our culverts for them, there is city water out there for them. We are just trying to help Posey County grow a little bit if we decide to.

**MARK SEIB:** Does the board have any questions for Mr. Martin?

**MIKE BAEHL:** On here, the space that is here in the middle is that for an easement to get back to the back property?

**BRUCE MARTIN:** Yes there is an exempt subdivision behind this that has already been approved and that is the right of way.

**MIKE BAEHL:** I thought we had talked about that before, but you know I am getting old.

**BRUCE MARTIN:** I am right there with you Mike.

**MARK SEIB:** Thank you Mr. Martin, you can have a seat. We will now open it to the public portion. Does anyone have any comments for or against this for this proposed Major Subdivision? Please come up to the podium, state your name and address for the record.

**JANIS AKERS DU BOIS:** 4841 S. Bohleber Rd., Evansville, IN. My concerns are three fold. One is the extra traffic that will be on Bohleber Rd. because the one access road that I saw was on Bohleber Rd. and there is already a lot of foot traffic and a lot of off the road vehicles that go up and down the road a lot with little kids on them. So I am concerned the increased traffic will be problem for those folks and the lack of law enforcement to be able to get out there. The other is the wildlife that would be displaced. We are already having issues with that now. Our law enforcement is already so over taxed in this county and they are not much of a presence in St. Philips at all.

**MARK SEIB:** Is there anyone else wishing to comment for or against this Major Subdivision? Mr. Martin, would you please come back up for a moment please? You have heard her comments about her concerns with the traffic and all of that. You only have four homes here that you are looking at is that correct?

**BRUCE MARTIN:** Yes

**MARK SEIB:** Do you have any comment that you want to add about the traffic, is it all woods?

**BRUCE MARTIN:** Some of it is farmed and some of it is woods. The county has plans to widen that road and pave it, they have already talked to me about their future plans on it. So it will be better for traffic, better for walking. That particular road out at St. Philips goes around to Middle Mt. Vernon so there is access either way you decide to go, depending on where you live. I put a house there in 2000. I talked to the neighbors there and they say it is a great neighborhood. I grew up there, the roads are much better than what they were then. If you look, the law enforcement is there, just depends on where you are looking and who you are talking to. I think they do a fine job out there. Our Fire Department is ten times better than it was and with the paramedics and what not. Wildlife, you can go five miles in any direction and shoot whatever you want as far as hunting. Insurance companies probably wish they weren't there. I have talked to a lot of people who have walked, I have relation that walk and I don't think that is a problem. St. Philips road, they probably go a lot faster on that road than they do on Bohleber. Once they get it widen and paved it will be a lot nicer. I wouldn't have moved myself out there if I thought it was a problem for any of that stuff.

**MARK SEIB:** Anyone on the board have any further questions for Mr. Martin? Thank you, you may have seat. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

**MINDY BOURNE:** I will add what we are doing here we have seen this before. He wants to split this parcel but the parcel is going to be just one acre so it will have to go through a minor subdivision. So he has to rezone first to residential and then we will see him back for the minor subdivision.

**MARK SEIB:** There was also a Committee meeting on this. Can you give a report on the committee meeting please?

**MINDY BOURNE:** Four lots subdivision, all lots on existing roadway, no new roadways will be created, the proposed lots are all nice lots with no drainage issues, access is good, septic test will be done and septic systems placed on each lot, storm water pollution prevention plan through IDEM is required for this project which is known as a rule 5. No comments from jurisdictions which had been notified. The Committee recommends that this Major Subdivision be approved contingent on the SWP approval.

**MARK SEIB:** I believe I failed to close the public portion. We will now close the public portion. It will now be up to the board to discuss and take action as they see fit. Randy Thornburg made a motion to approve and seconded by Kevin Brown. Rolls Call Vote (6-0). **Yes. Motion passed.** Dave Pearce 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. Rolls Call Vote (6-0). **Yes. Motion carried.**

**MINDY BOURNE:** The board has authorized me to approve the application contingent upon the SWP approval and after 30 days. Once approved, I can sign the plat and you can get it recorded.

**REZONING:**

DOCKET:	22-04-RE-APC
APPLICANT:	Clarence A. Juncker
OWNER:	Clarence A. & Donna Juncker
PREMISES:	A Part of the Northwest Quarter of the Northwest Quarter of Section 27 lying in Black Township, Posey County, Indiana. More commonly known as 3006 Blackford Rd. E. Mt. Vernon, Indiana. Containing 1.11 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 (Agriculture) Zoning District to R-1 (Residential Single Family) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Please step up to the podium and state your name and address for the record and a brief description of what you are wanting to do.

**CLARENCE A JUNCKER:** 3020 Blackford Rd E., Mt. Vernon. Right now that is all one parcel we want to divide that so if we sell it or when we pass away it will make it a lot easier for the kids if it is already done.

**MARK SEIB:** Does the board have any questions for the applicant? Hearing none, you may have a seat. Thank you. Does anyone have any comments for or against this for this proposed Rezoning please come forward? 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:** I will add what we are doing here we have seen this before. He wants to split this parcel but the parcel is going to be just one acre so it will have to go through a minor

subdivision. So he has to rezone first to residential and then we will see him back for the minor subdivision.

Kevin Brown made a motion to recommend approval of Rezoning Docket #22-04-RE-APC. Motion was seconded by Mike Baehl. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** The Findings of Fact are in your folder.

Kevin Brown made a motion to approve the Findings of Fact. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion carried.**

**MINDY BOURNE:** This recommendation will go before the County Commissioners at their next meeting on June 21, 9:00 AM. I will be here to represent it to the Commissioners and they like for the owners to be here too in case they have questions.

**CLARENCE JUNKER:** We will be on vacation.

**MINDY BOURNE:** If they have any questions, it may need to be tabled.

**REZONING:**

DOCKET:	22-03-RE-APC
APPLICANT:	Chris Cash - Posey County LLC
OWNER:	Posey County LLC
PREMISES:	Part of the East Half of the Southwest Quarter of Section 3, Township 7 South, Range 13 West, lying in Black Township, City of Mt. Vernon, Posey County, Indiana. More commonly known as 1 Competition Way, Mt. Vernon, Indiana. Containing 7 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 CG (Commercial General) Zoning District to CH (Commercial High Intensity) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Please step up to the podium and state your name and address for the record and a brief description of what you are wanting to do.

**CHRIS CASH:** 2530 Nation Rd in Mt. Vernon. I am here representing Posey County, LLC of which I am the president. The current facility at 1 Champion Way is currently zoned as Commercial General we would like to see it zoned as Commercial High Intensity because we would like to have the front 7,000 square feet to remain as retail and the remaining 30,000 square

feet to remain and be used as warehouse and wholesale facility. The rezoning portion of that would allow us to do so.

**MARK SEIB:** Are there any questions for Mr. Cash? Hearing and seeing none, we will open it for the public portion. Is there anyone here wishing to speak for or against this rezoning, please come forward? 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. It will now be up to the board to discuss and take action as they see fit.

Andy Hoehn made a motion to recommend approval of Rezoning Docket #22-03-RE-APC. Motion was seconded by Kevin Brown. **Roll Call Vote (6-0). Yes. Motion carried.**

Mike Baehl made a motion to approve the Findings of Fact. Motion was seconded by Kevin Brown. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** This rezoning will be going to the Mount Vernon City Council meeting on June 15, 2022 in this room at 6:30 PM. I will be there to represent the APC and again as mentioned before it is always better if the owner is also present.

**REPLAT:**

**REPLAT OF OUTLOT 6B AND THE ADDITION OF LOT 6B AND 6C TO  
BLACKFORD LAKE ESTATES**

**VARIANCE:**

**SECTION 4.3 STREETS**

DOCKET NO: 22-07-S-APC

APPLICANT: Alan Schelhorn

OWNER: Alan L. & Laura A. Schelhorn

PREMISES: Part of the East Half of the Southeast Quarter of Section 22, Township 6 South, Range 13 West, lying in Black Township, Posey County, Indiana. More Commonly known as 3912 Valley View Drive, Mt. Vernon, Indiana. Containing 2.68 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 Replat and Variance of Section 4.3 Streets 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 confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Please step up to the podium and state your name and address for the record and a brief description of what you are wanting to do.

**STEVE NOELLE:** 3001 Blackburn Rd., Mt. Vernon, representing Alan & Laura Shelhorn.

Alan owns a lot adjoining Blackford Lake Estates and he owns the out lot 6B in Blackford Estates. What he would like to do is combine those and then split the total acreage to create a 1.0 acre lot and a 1.68 acreage lot.

**MARK SEIB:** Steve can you tell the board why they are wanting to split that and on our map we show that small building as well.

**STEVE NOELLE:** The small building in the upper corner they are proposing to remodel this building and have their daughter and son-in-law to move in there. Then to create a one acre lot with that building.

**MARK SEIB:** So what we have here they are wanting to adjust the variance because of the property line coming in and putting the footage away from the current house and being able to do that. The intent is divide that little building as well and segregate that out as well and trying to put that in a different one so they don't have two homes on a same lot. The BZA met before this meeting and it was brought up about having access to that other home. What we found out in the BZA meeting there is no easement and Steve can you verify there was no other easement going into that.

**STEVE NOELLE:** No, there is no easement that I know of.

**MARK SEIB:** It is a shared driveway. But there is no easement that goes on record or anything such as that showing who has access and everything else. It is just an agreement per say. During this process we discovered and Trent if you can help with that, but they will have to have a legal easement to enter and exit. Right now that becomes an issue with that. There is some information that might be of help in making a decision with this and that is why I want Trent to explain what that information is.

**TRENT VAN HAAFTEN:** Steve, I will ask you. I didn't do a deep dive into all of this but when this first came up I did look a little bit, I am going to guess did you happen to look at some property to the north that is indicated to be owned by Julie Koenig to see if there had been an easement across that property?

**STEVE NOELLE:** Yes, I looked but I didn't see any on her deed, no.

**TRENT VAN HAAFTEN:** Like I said, I didn't do a deep dive but I believe at some point in time Alan Shelhorn may have obtained an easement across that property going over to Bufkin-Springfield. I don't know if that is still in place or not but I know I came across one. Like I said since it wasn't directly what I was looking at, I didn't go deeply into it.

**STEVE NOELLE:** I didn't see anything on Julie's current deed.

**TRENT VAN HAAFTEN:** Like I said I don't know if it is still in existence but at one point there was something. So there is a remote possibility that there would actually be an easement



from the new lot 6C that goes through all of that to Bufkin-Springfield. It is just going to take some further search to see if that exist. I am not saying that it will resolve their problem but it may.

**MARK SEIB:** Correct me if I am wrong Trent, but we would not be able to approve this as it stands without that.

**TRENT VAN HAAFTEN:** The driveway, the existing driveway is actually on Criswell property. They had that surveyed off. So in essence it is their property. They control that. No easement.

**MARK SEIB:** It is a very complicated situation. If we continue on with this without that information we would have to deny this. But to be fair we need to give them a chance to confirm that bit of information. I think we owe that to them to have the time to find out. With that being said, if the board is in agreement that we might need to just table this until the next month's meeting. That will be up to the board. I assume Steve that would be fair enough?

**STEVE NOELLE:** Yes

Kevin Brown made a motion to table this Docket #22-07-S-APC until next month on July 14, 2022. Motion was seconded by Andy Hoehn. **Roll Call Vote (6-0). Yes. Motion carried.**

**SITE DEVELOPMENT PLAN:**

APPLICANT: James O'Risky

OWNER: Shamrock Self Storage, LLC

PREMISES: Part of the Southwest Quarter of the Northwest Quarter of Section 5, Township 7 South, Range 13 West, in Black Township, Posey County, Indiana. Containing 4.562 acres, more or less. More commonly known as 445 Givens Road, 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 an B-1 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cyntiana, the Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Please step up to the podium and state your name and address for the record and a brief description of what you are wanting to do.

**BARRY TANNER:** 625 E 8<sup>TH</sup> St, Mt. Vernon, IN, I am representing Jim O'Risky who is unavailable tonight. He is wanting to add another building, exactly like the last one he put in it is 170 X 40 foot. It will look almost identical to the other one, the layout maybe a little different.

But the height and everything else is the same. Will be adding a little bit of additional gravel so people can get around to the opposite side of it. The east side of it. There will be one sign. They currently have it installed but it is in the wrong place per what Mindy told them. So they are going to move it to just outside of the right of way. If you have ever been out to the site, I will explain one thing that is going on out there. When they built the last building, they found that there was a drain that is draining from Lower New Harmony Rd that was going across his property that they didn't know about. So if you have been to the site, you will notice that they have cut in a swell that doesn't look all that pretty currently. We are going to address that with this current stage of the project. Put in a better ditch with a berm to keep the water from going across the property where the buildings are.

**MARK SEIB:** So you are going to improve it and not force the water on anyone else.

**BARRY TANNER:** No, it is all on his property, it is kind of an eyesore now. They kind of had to cut it in as they were going to reroute the water and hope to make it better.

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

**DAVE PEARCE:** Do you know if he is going to move the mound of top soil that is out by the road?

**BARRY TANNER:** He has already moved some it, he has been advertising and trying to get rid of the rest of it. This building will create a little more because of the way the slab is going to be. The ditch will take some of it with a berm around it. He is continuing to try to get rid of it, it was so wet this spring I don't think anyone wanted it at that point.

**MARK SEIB:** Will this new building going to have its own driveway?

**BARRY TANNER:** It will use the same entrance as was put in during the last phase.

**MARK SEIB:** Any other questions? Thank you, you may have a seat. We will open it to the public portion. Is there anyone here wish to speak for or against this site development plan? Hearing and seeing 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. It will now be up to the committee to discuss and take action as they see fit.

Kevin Brown made a motion to approve the Site Development Plan for Shamrock Self Storage, LLC. Motion was seconded by Mike Baehl. **Roll Call Vote (6-0). Yes. Motion carried.**

**BARRY TANNER:** I forgot to mention that we have applied for State permit but haven't received it yet.

Kevin Brown made a motion to approve the Findings of Fact. Motion was seconded by Andy Hoehn. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** Whenever you get your State Release, you can get your permit.

**REPLAT:**

**EAST PART OF LOT 6 IN THE ORIGINAL PLAT OF TOWN OF POSEYVILLE**

DOCKET NO: 22-08-S-APC

APPLICANT: William Bender

OWNER: 132 S. Lockwood LLC and Indiana Limited

PREMISES: Lot 6 in the Original Plat of the Town of Poseyville, Indiana in Section 18, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as 7 West Main Street, Poseyville, Indiana. Containing .147 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 Replat in a CBD 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 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? Please come up to the podium and state your name and address. For everyone's benefit, this has been brought to us before, it is a split of a building. Which is a first for me. Basically dividing the building into two to make two separate buildings.

**MIKE BAEHL:** At one time it used to be two buildings butted up against each other and then a hole was cut into there to make it one building.

**GREG KISSEL:** Kissel Land Surveying, Fort Branch, Indiana.

**MARK SEIB:** Mr. Kissel, can you explain where we are at up to this point what it is you are wanting to do?

**GREG KISSEL:** This is right in downtown Poseyville in what I believe they refer to as the old Lockwood Building. Mr. Bender is wanting to divide, these are long narrow lots, parcels. Just like you said there is a back portion that services one business and a front portion which services a different business. It is my understanding that they are wanting to put substantial improvements on one portion of it and they are wanting to divide it so there is actually separate parties that will own it.

**MARK SEIB:** We have already approved the business for the other half right?

**MINDY BOURNE:** We approved the zoning. There were no setbacks which is why we had to go through the rezoning.

**MARK SEIB:** It is just now we have to go through the process of separating the building and making it a replat. Any more questions? You may have a seat Mr. Kissel, thank you. We will now open the meeting to public portion. Is there anyone here who wishes to speak for or against this proposed replat?

**ALICIA BROWN:** 4501 Hidbrader Rd., Wadesville, IN. I am the one wanting to purchase the other half of the building. It has a healthcare facility in half of it and I am wanting to put another healthcare facility in the back half. We do have our own entrance, our own utilities everything is already separate.

**MARK SEIB:** Does anyone have any questions for her. Thank you. Does anyone else wish to talk for or against this proposed replat? 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. It will now be up to the committee to discuss and take action as they see fit.

**MIKE BAEHL:** The Town of Poseyville, they brought it before us and we approved it for the rezoning.

Randy Thornburg made a motion to adopt Docket 22-08-S-APC. Motion was seconded by Mike Baehl. **Roll Call Vote (6-0). Yes. Motion carried.** Kevin Brown made a motion to approve the preliminary plat with the stipulation that the Area Plan Commissioner can approve the final plat in 30 days if no issues develop in that length of time and seconded by Mike Baehl. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** They've approved the preliminary plat so in 30 days I can sign the final plat and you can get it recorded.

**REZONING:**

**DOCKET NO:** 22-05-RE-APC

**APPLICANT:** Pravinkumar (Peter) Patel

**OWNER:** Jay Ambika LLC

**PREMISES:** Part of Lots 5, 6, 7 and 9 and part of a vacated alley in Lockwood's Second Addition to the Town of Poseyville, Posey County, Indiana and Part of Lots 6 and 7 in Lockwood's Second Addition to the Town of Poseyville, Posey County, Indiana of Section 17, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. More commonly known as 76 Highway 68, Poseyville, Indiana. Containing 0.741 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 R-3 (Residential Multiple Family) and B-1 (Neighborhood Commercial) Zoning District to B-2 (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 confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Multiple applicants. Actually the person with the name I cannot pronounce would you please come up and let us know how your first name is pronounced?

**PRAVINKUMAR (PETER) PATEL:** Hi, my name is Pravinkumar Patel. 1228 Har Bridge View, Evansville, IN. We have a gas station and we already have a kitchen inside but the kitchen is like too small to work inside we are adding on the building that is right beside the building and making bigger kitchen.

**MINDY BOURNE:** They want to add on to the kitchen so when they contacted me and we started looking up what they needed to do I discovered they are not zoned for what they are doing and they actually have two different zonings located on the property and they also have multiple parcels/lots. So this is really step one tonight is to do the rezoning and then you will see them again if the rezoning gets approved by the recommending bodies here and then the town of Poseyville will be the final. Then they also need to file a replat to get all the lots consolidated. And they will also need to file a site plan for the actual kitchen addition. There are 7 difference parcels with B-1 or R-3.

**MARK SEIB:** So we are just trying to correct all of this and work our way through this path. Are there any further questions? You may have a seat. We will now open discussion to the public. Is there anyone here who wishes to speak for or against the proposed rezoning? Hearing and seeing 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. It is now up to the committee to discuss amongst themselves and take action as they see fit.

Mike Baehl made a motion to recommend approval of Rezoning docket 22-05-RE-APC. Motion was seconded by Randy Thornburg. **Roll Call Vote (6-0). Yes. Motion passed.** Mike Baehl made a motion to approve the Findings of Fact. Motion was seconded by Kevin Brown. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** This rezoning now goes on to the Town of Poseyville, because this body is a recommending body. I have the meeting date to be Tuesday, June 14<sup>th</sup>. I will certify it tomorrow and contact the town and see if I can get you on the docket for June 14<sup>th</sup>. We will give you a call and let you know but it will either be on the June or July meeting for Poseyville.

**DAVE PEARCE:** They require a 48 hour notification so you should be fine.

**REPLAT**

**LOTS 15, 16 AND THE WEST HALF OF SYCAMORE STREET IN EAST PARK  
ENLARGEMENT TO THE TOWN OF POSEYVILLE**

DOCKET NO: 22-09-S-APC

APPLICANT: David Ballew

OWNER: David M. Ballew and David M. & Doreen Ballew

PREMISES: Lots 15, 16 and the West Half of Sycamore Street in East Park Enlargement to the Town of Poseyville, Indiana in Section 17, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as 217 E. Fletchall Street and 225 E. Fletchall Street, Poseyville, Indiana. Containing .50 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 Replat in an R-1 (Residential Single-Family) 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 confirmed with Mindy Bourne that the applicant has met all the requirements for notification per the statute. Is the applicant here? Would you please come forward and state your name and address along with a brief description of what you are wanting to do.

**DAVID BALLEW:** 225 E Fletchall St., Poseyville, IN. We thought this was something that was going to be taken care of when we bought the home two years ago. We are wanting to get it set up so we can do a small out building so I can put the yard equipment out there, and my wife can park in the garage this winter.

**MARK SEIB:** So that is all you are wanting to do is just build another building out there?

**DAVID BALLEW:** Legally, within the county ordinance.

**MARK SEIB:** With that being said are there any questions from the committee? Hearing none, would you have a seat please? We will now open discussion to the public. Is there anyone here who wishes to speak for or against the proposed replat? Hearing and seeing 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. It is now up to the committee to discuss amongst themselves and take action as they see fit.

Mike Baehl made a motion to approve the preliminary plat with the stipulation that the Area Plan Commissioner can approve the final plat in 30 days if no issues develop in that length of time and seconded by Dave Pearce. **Roll Call Vote (6-0). Yes. Motion carried.**

**MINDY BOURNE:** They've approved the preliminary plat so in 30 days I can sign the final plat and you can get it recorded.

**COMPLAINTS** 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN  
925 Lower New Harmony Rd., Mt. Vernon, IN  
822 W. 3rd Street, Mt. Vernon, IN  
600 Vine Street, Mt. Vernon, IN

**MARK SEIB:** 607 East 4<sup>th</sup> Street, Mt. Vernon, Indiana. Mindy would you please give us an update?

**MINDY BOURNE:** I believe Trent should. This has been an ongoing one.

**ATTORNEY TRENT VAN HAAFTEN:** This is the one that I believe the original complaint was from around October or November of 2021. It started out with the pallets being stored outside and has progressed. They were here two meetings ago. I sent you a follow up in terms of questions that were asked the last time they were here. I sent a memo to you on that.

**ANDY HOEHN:** There should also be a letter from the Mt. Vernon City Council. I didn't see it in there.

**MARK SEIB:** I think it was presented the last time. It was there for the record. That letter was from the City of Mt. Vernon. Andy, do you want to address it and say something about it?

**ANDY HOEHN:** I did some research on what a commercial business is. It basically has to have something sold on the premise and has to have general business hours. That is not what is in place here. The City Council did vote unanimously to ask this body to request the ordinance be followed and legal action if needed to comply. That would be my motion.

**MARK SEIB:** So you are making a motion?

**ANDY HOEHN:** Yes.

**MARK SEIB:** Andy is making a motion for the Area Plan to...

**ANDY HOEHN:** To follow the ordinance and do what legal action is necessary to make that business comply. The City has deemed that it is not a commercial entity.

**ATTORNEY TRENT VAN HAAFTEN:** I fully understand that. I think it is clear that the type of business that has been described cannot operate under the current zoning. My question is from enforcement standpoint, do you want... I ask this question because I have driven by there

several times in the past month. This is my personal observation. I haven't seen anything. So in terms of enforcement of the ordinance... if we file an Ordinance Violation in court, do you want me to take that back to the beginning and file it based upon what we learned from the beginning moving forward? I think about if I were a prosecutor, I would want a police officer to bring me a report saying John ran a red light today. We had a witness and I saw him. I would file it on that. So this has been progressing for a while. I don't know what we have at this point to say that there is a pallet business being operated there today. I'm just saying that based upon me just driving by.

**KEVIN BROWN:** There are no pallets in any of these pictures.

**ANDY HOEHN:** There are pallets sitting outside right now.

**ATTORNEY TRENT VAN HAAFTEN:** I guess what I'm saying is when you instruct me to file an Ordinance Violation, it is usually because we have a complaint and there is something occurring on this date. Do you want me to say that there is and has been a business operating which is not allowed by the ordinance?

**ANDY HOEHN:** Yes.

**MARK SEIB:** Andy makes the motion. Is there a second?

**DAVE PEARCE:** I will second that.

**MARK SEIB:** Is there any discussion? So Trent will file the appropriate paperwork to go ahead and proceed.

Andy Hoehn made a motion in the affirmative to instruct attorney Trent Van Haaften to file an Ordinance Violation. Motion was seconded by Dave Pearce. **Roll Call Vote (6-0). Yes.**  
**Motion carried.**

**MARK SEIB:** The next complaint we have is 925 Lower New Harmony Road.

**MINDY BOURNE:** This one has been ongoing for a little bit as well. The complaint was filed on February 21...

(Someone from the audience spoke – not audible)

**ATTORNEY TRENT VAN HAAFTEN:** Here is the process. I will file what is called an Ordinance Violation. I file that with the Posey County Superior Court. I send service of that to



you. Then there is a date that will be put together on that for you to appear in court. That is the next steps.

(Someone from the audience spoke – not audible)

**MARK SEIB:** I think what we need to do from this point forward... Trent would you like to talk with them?

**ATTORNEY TRENT VAN HAAFTEN:** Sure.

**MARK SEIB:** Ok. If not, we will have to open this back up and we have already made the motion and it has been voted on. I would say for you to contact our attorney.

**ATTORNEY TRENT VAN HAAFTEN:** That's the basics. You will be getting something from me and we can take it up from there.

(Someone from the audience spoke – not audible)

**ATTORNEY TRENT VAN HAAFTEN:** You will get the official filing of the papers and it will go to the agent of record for the LLC.

(Someone from the audience spoke – not audible)

**MARK SEIB:** It has been discussed in previous meetings and with the motion being made, then we have to address the motion from that point on. Anything that would be said or done after that, would not be relevant so that is why it is being turned over to the attorney to proceed on from there.

(Someone from the audience spoke – not audible)

**MARK SEIB:** We are moving on to the 925 Lower New Harmony Road.

**MINDY BOURNE:** The complaint was filed on February 21. I sent my letter on March 11. I received no response from the property owner. I have photos from April 6 showing that it was still in violation. On April 14 we authorized the attorney to send a letter. The attorney sent a letter on May 3. It was still in violation on May 6 and May 28.

**MARK SEIB:** Trent did you get any correspondence after the letter you sent?

**ATTORNEY TRENT VAN HAAFTEN:** No. I am trying to remember, Mark. At the May meeting, was there someone here on this one?

**MINDY BOURNE:** We didn't have the May meeting.

**ATTORNEY TRENT VAN HAAFTEN:** I know, but I thought there was somebody that came up and spoke to you, Mark.

**MINDY BOURNE:** I think that was this gentleman back here. He was here for another complaint.

**ATTORNEY TRENT VAN HAAFTEN:** Ok.

**MARK SEIB:** The complaint was filed against what name?

**MINDY BOURNE:** Paul Cohen.

**MARK SEIB:** Is there anyone here wishing to speak or is Paul Cohen here? Is there anyone here wishing to speak on the complaint at 925 Lower New Harmony Road? Seeing no one. We've had the attorney send a letter and we have no correspondence. We assume that the truck was still there on 5/21.

**MINDY BOURNE:** The latest photos I have are from 5/28.

**MARK SEIB:** What is the feeling of the committee?

**ANDY HOEHN:** Continue pursuing.

**MARK SEIB:** Should we have Trent go ahead and file? Can I have a motion to do so?

Andy Hoehn made a motion in the affirmative to instruct attorney Trent Van Haaften to file an Ordinance Violation. Motion was seconded by Dave Pearce. **Roll Call Vote (6-0). Yes.**  
**Motion carried.**

**MARK SEIB:** The next complaint is at 822 W. 3<sup>rd</sup> Street, Mt. Vernon, Indiana. Mindy, can you tell us more about this one?

**MINDY BOURNE:** February 21 was when it was filed. Ralph M. King is the property owner. I sent my letter on March 11. On April 6 there was one vehicle moved and one still there in violation. The property owner never responded to my letter. On April 14, the attorney was authorized to send a letter. The attorney sent the letter on May 3. On May 6 and May 28 it was still in violation.

**MARK SEIB:** Did you get any response from the letter, Trent?

**ATTORNEY TRENT VAN HAAFTEN:** No.

**MARK SEIB:** Is there anyone here wishing to speak on 822 W. 3<sup>rd</sup> Street? Seeing none, it is up to the committee.

Andy Hoehn made a motion in the affirmative to instruct attorney Trent Van Haaften to file an Ordinance Violation. Motion was seconded by Dave Pearce. **Roll Call Vote (6-0). Yes.**  
**Motion carried.**

**MARK SEIB:** The next complaint is at 600 Vine Street.

Kevin Brown and Andy Hoehn excused themselves from the meeting.

**MARK SEIB:** If you have a conflict, please step down. Kevin Brown and Andy Hoehn had a conflict of interest and are stepping down. Mindy, go ahead.

**MINDY BOURNE:** This is a new complaint. This was filed April 4. Paul Chaffin Jr. and Anna Chaffin. Car parked in rear yard and no license plate. I sent my letter to the property owner and they did respond on April 20. I have a picture from May 6 with the vehicles moved.

**MARK SEIB:** So they have complied with the issue that we had?

**MINDY BOURNE:** Correct. The property owner is here.

**MARK SEIB:** If you wish, you can come up to talk. I don't think there will be any further action.

**PAUL CHAFFIN:** 600 Vine Street. We have removed the cars. One of them in the picture with the truck that is the truck I drive every day. The car that was in front of the garage, we now have it in the garage. My son and I drive in demolition derbies. We were building that car at that time. It had no motor, no nothing under it. Now it is all in the garage put together. The white car that was behind the garage, we have it down on our other property at the moment and we would like to put gravel behind the garage. We cannot put a hard surface back there because within 12" of the back of the garage there is a gas line there that runs underneath the ground. We cannot cover that with a hard surface. We did have someone come by the house from the board and he took some other pictures where we had some rock already down back behind there. He was supposed to put it in our file.

**MINDY BOURNE:** To show that there was existing gravel?

**PAUL CHAFFIN:** Yes.

**MARK SEIB:** Do you have that, Mindy? Existing gravel can be added to.

**MINDY BOURNE:** You want to come over here?

Mindy Bourne, Mark Seib and Paul Chaffin went over the recent pictures of his property.

**MARK SEIB:** The picture taken on 5/28/22 by the APC he is saying the picture is showing gravel that was there before. Just to let you know, he has a picture that he is showing us that he has actual rock on the property. It is up to the committee, and he would have every right unless Trent can say otherwise, that he can add to that since it is already preexisting. You can't go any wider, you have to go with what footprint that the rock is on. Ok?

**PAUL CHAFFIN:** Ok.

**MARK SEIB:** Is there anything else you want to add about that?

**PAUL CHAFFIN:** No sir. I would like to bring that car that we had out there back. Right now it is in a floodplain. The car does run and drive. It is going to be a demo car for a hobby.

**MARK SEIB:** Once you put that rock down, if you want to park it on that rock, if it is ok with the board and the board has to approve this. I would say with the cars being moved, the rock being shown, he can add his rock at his own will I don't think we have any issue with this complaint wise. In a reasonable amount of time, you have to get it licensed. What is our legal standing on a drag racer that you don't have to license?

**ATTORNEY TRENT VAN HAAFTEN:** If it is a vehicle that doesn't have to be licensed then it is not technically unlicensed.

**MARK SEIB:** I guess that's right. We will ponder that one for a while. I see what you are saying and that is a very good point. We will have Mindy to get in touch with you. What is the feeling of the board? Do we want to say we find no fault in the complaint at this point?

**DAVE PEARCE:** Correct.

**MARK SEIB:** We don't have a quorum to finish this. There is only four of us. Without a quorum, we can't address this. Unofficially, you're ok.

**MINDY BOURNE:** Do we need to table this to finalize it?

**MARK SEIB:** Yes, we need to table it for the July board meeting. We can't even make that motion.

Andy Hoehn and Kevin Brown rejoined the meeting at this point.

Mike Baehl made a motion to table the 600 Vine Street complaint until the July meeting. Motion was seconded by Randy Thornburg. **Motion carried.**

**DIRECTOR'S REPORT:** None.

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

**APPROVAL OF COLLECTIONS:** A motion was made in the affirmative by Dave Pearce and seconded by Kevin Brown to approve collections for last month. **Motion carried.**

**CITIZENS CONCERNS:**

**PAUL CHAFFIN:** The complaint you had for 925 Lower New Harmony Road. I believe that Paul Cohen is deceased.

**MARK SEIB:** We will check into that. We appreciate that information.

**ATTORNEY TRENT VAN HAAFTEN:** I will look into this. Thank you for bringing that to our attention.

**JANIS AKER DUBOIS:** 4841 South Bohleber Road. If there are businesses operating in a residential area...

**MARK SEIB:** It would be called a home occupancy. That means you are allowed to make products at your home as long as it fits the criteria of being able to do that. You can't be manufacturing combines or you can't be doing anything like that. It has to be something within the structure of your home.

**JANIS AKER DUBOIS:** I'm talking about a garage with a lift that is doing mechanical work for pay.

**MARK SEIB:** That is not allowed.

**JANIS AKER DUBOIS:** What's the process to do that?

**MARK SEIB:** The process is that we have to receive a complaint. Once we receive a filed complaint, Mindy starts the proceedings of taking care of that.

**JANIS AKER DUBOIS:** I have one more thing. What are your rules of operation for the meeting?

**MARK SEIB:** They are spelled out at the first of the year in January. I'm sure we can get you a copy.

**JANIS AKER DUBOIS:** I'm a minister and I've always used Robert's Rules of Order. That is in our discipline for the United Methodist Church.

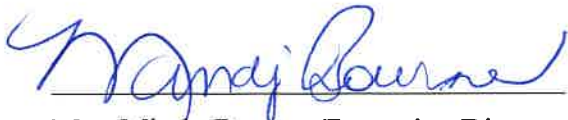
**MARK SEIB:** No, we do not follow the Robert's Rules of Order because of the way the structure is by the state statute. We somewhat follow them, but we are not bound to follow Robert's Rules of Order.

**JANIS AKER DUBOIS:** Ok. Thank you.

**ADJOURNMENT:** Kevin Brown made a motion to adjourn the meeting at 7:50 p.m.

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

May 13, 2022

Staff Comments: The property being petitioned to be rezoned from R-3 (Residential Multiple Family) and B-1 (Neighborhood Commercial) to B-2 (Commercial General) is 0.741 acres more or less. The property is located at 76 Highway 68, Poseyville, IN. Property abutting this site is owned by the following:

1. State of Indiana, 3650 S. US Highway 41, Vincennes, IN 47591-9443
2. Leb Real Estate, LLC, 12314 Big Cynthiana, Evansville, IN 47720
3. Poseyville Improvements, LLC, 121 S. Cale St., Poseyville, IN 47633
4. Kevin P. & Carol Sue Williams, PO Box 5, Poseyville, IN 47633-0005
5. Eric J. Schmitt, 12122 Wayland Ct., Evansville, IN 47725-8253
6. Gyneth G. Feribach & Michael S. Ward, 92 E. Fletchall St., Poseyville, IN 47633
7. Dierdre C. Degravina, 91 E. Fletchall St., Poseyville, IN 47633
8. Carl A. & Katherine C. Mason, 90 Highway 68, Poseyville, IN 47633

Abutting properties is zoned B-1 (Neighborhood Commercial), B-3 (Commercial High Intensity) and R-3 (Residential Multiple Family). This property is currently used as gas station nonconformity use. The owners are proposing to rezone the property to B-2 (Commercial General). The uses adjacent to the proposed rezoning are as follows: Residential and Commercial.

☒ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-05-RE-APC  
PETITION TO REZONE: Pravinkumar (Peter) Patel  
OWNER: Jay Ambika, 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.

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**2. Responsible development and growth.**

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

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**3. Comprehensive Plan.**

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

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

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

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

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

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Motion made to adopt the foregoing findings of fact by:

Mike Baehl

Motion seconded by:

Kevin Brown

Adopted by Posey County Area Plan Commission

President: Mike Sed

Date: 10-9-22



April 9, 2022

Staff Comments: The property being petitioned to be rezoned from CG (Commercial General) to CH (Commercial High Intensity) is 7 acres more or less. The property is located at 1 Competition Way, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. E.M. Savage, LLC, 5550 Red Lake Dr., Mt. Vernon, IN 47620
2. Carts Parts and More, LLC, 3450 Old Highway 62, Mt. Vernon, IN 47620
3. Gott Tech, LLC, PO Box 752, Mt. Vernon, IN 47620
4. Dee Ann Goldman Jones, 4172 Nation Rd., Mt. Vernon, IN 47620
5. Edward T. Starnes, 5114 Hartmann Rd., Mt. Vernon, IN 47620
6. C&H Holdings LLC, 3100 Posey County Line Rd., Evansville, IN 47712
7. Kristy Hogan, 621 E. Tenth St., Mt. Vernon, IN 47620
8. JAS Properties, LLC, 3490 Lakewood Dr., Mt. Vernon, IN 47620
9. Po Co Humane Society, Inc., 6500 Leonard Rd., Mt. Vernon, IN 47620
10. Curry-Wenderoth Properties, LLC, PO Box 753, Mt. Vernon, IN 47620

Abutting properties is zoned M-2 (Manufacturing Medium/Heavy), B-3 (Commercial High Intensity) and M-1 (Manufacturing Light). This property is currently used as commercial. The owners are proposing to rezone the property to CH (Commercial High Intensity). The uses adjacent to the proposed rezoning are as follows: Commercial & Manufacturing.

☒ Favorable recommendation by the APC  
☐ Unfavorable recommendation by the APC  
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-03-RE-APC  
PETITION TO REZONE: Chris Cash - Posey County LLC  
OWNER: Posey County 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.

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**2. Responsible development and growth.**

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

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**3. Comprehensive Plan.**

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

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

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

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

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

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Motion made to adopt the foregoing findings of fact by:

Mike Bachl

Motion seconded by:

Kevin Brown

Adopted by Posey County Area Plan Commission

President: Mike Bachl

Date: 6-9-22

April 9, 2022

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to R-1 (Residential Single Family) is 1.11 acres more or less. The property is located at 3006 Blackford Road E., Mt. Vernon, IN. Property abutting this site is owned by the following:

1. S. Brent Knight Etal, 3561 Blackford Rd. E., Mt. Vernon, IN 47620
2. John Richard & Peggy J. Knight, 2796 Blackford Rd. E., Mt. Vernon, IN 47620
3. Stan W. & Lisa R. Roach, 2945 Blackford Rd. E., Mt. Vernon, IN 47620
4. Michael D. Blackburn, 3139 Blackford Rd., Mt. Vernon, IN 47620
5. Frances Marie Wood, 3060 Blackford Rd. E., Mt. Vernon, IN 47620-8975
6. Richard B. & Mary M. Dixon, 3180 Blackford Rd. E., Mt. Vernon, IN 47620

Abutting properties is zoned A (Agricultural). This property is currently used as residential. The owners are proposing to rezone the property to R-1 (Residential Single Family). 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: 22-04-RE-APC  
PETITION TO REZONE: Clarence A. Juncker  
OWNER: Clarence A. & Donna Juncker

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

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

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**2. Responsible development and growth.**

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

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**3. Comprehensive Plan.**

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

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

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

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

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

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Motion made to adopt the foregoing findings of fact by:

Kevin Brown

Motion seconded by:

Andy Hehn

Adopted by Posey County Area Plan Commission

President: Mark Sat

Date: 6-9-22

**Site Plan Committee Review Meeting  
James O’Risky  
Shamrock Self Storage, LLC  
Storage Building Addition  
Tuesday, June 1, 2022 9:00 am**

Attendance

In Person

Mindy Bourne-APC Executive Director  
Ed Batteiger-Building Commissioner  
Jim O’Risky-Property Owner  
Barry Tanner-Tanner Engineering  
Randy Owens-APC

Shamrock Storage is proposing to construct a 40’x170’ storage building at their site at 445 Givens Rd., Mt. Vernon. The building will look the same as the other building constructed last year, except for some interior differences.

This project does not require a Construction Stormwater General Permit.

In the process of submitting State Construction Design Release for this project.

Received no comments from agencies with jurisdiction at this location.

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

## FINDINGS OF FACT

James O'Risky  
Shamrock Self Storage, LLC  
Storage Building Addition

I, Kevin Brown, 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 B-1 and is compatible with surrounding land use. Existing facility.
2. Water, sewer, and other utilities are available. There has been a swale added to the east side of the proposed building that will also help with drainage for Lawrence Subdivision. Only utility on site will be electric.
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. The plan meets the setback requirements for the B-1 Zoning District.
5. The plan meets the building coverage requirements for the B-1 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. Not changing.
8. The plan meets parking requirements. Not changing. Adequate parking located in front of drop box.
9. Landscaping. Not applicable for this project.
10. Building Specs-170'x40' pre-engineered building, height 8'9"
11. Signage. Proposing a 4'x6' ground sign along Givens Rd.
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. LED wall packs on buildings, 3 directional pole lights for future.
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: Andy Hehn

Adopted by Posey County Area Plan Commission

Mark Sah  
President, Posey County Area Plan Commission

6-9-22  
Date