

MINUTES

**POSEY COUNTY
AREA PLAN COMMISSION
REGULAR MEETING**

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

**AUGUST 11, 2022
6:00 P.M.**

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

MEMBERS ABSENT: None

APPROVAL OF MINUTES: Kevin Brown made a motion in the affirmative to approve the minutes of the June 9, 2022 meeting as emailed. Motion seconded by Dave Pearce. **Motion carried.**

Kevin Brown made a motion in the affirmative to approve the minutes of the July 14, 2022 meeting as emailed. Motion seconded by Mike Baehl. **Motion carried.**

REPLAT:

**REPLAT OF OUTLOT 6B AND THE ADDITION OF LOT 6B AND 6C TO
BLACKFORD LAKE ESTATES – TABLED FROM JUNE 9, 2022 MEETING**

VARIANCE:

SECTION 4.3 STREETS – TABLED FROM JUNE 9, 2022 MEETING

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 Valleyview 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.

Mr. Seib then confirmed no board members had a conflict of interest.

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

MARK SEIB: Who is here wishing to speak? Take the podium, please. Please state your name and your home address.

MARK SCHELHORN: My name is Mark Schelhorn living at 3571 Lakewood Drive.

MARK SEIB: Now would you please explain to us what you're wanting to do with the property again, because it has been a while. Some of them have not heard.

MARK SCHELHORN: Sure. There was, I believe from the last meeting, there were a number of variances that went through approval. We're looking to have a right of way on a section of the property lining 10'. To allow right of way access to section 6C - to allow access to that portion of the property.

MARK SEIB: With that, the surveyor – Steve Noelle, was going to record some of that documentation. Was that all done?

MARK SCHELHORN: That should've been already recorded and on file.

MINDY BOURNE: Steve asked me about recording that and I said, "Well, I mean honestly, you wouldn't record that until you see if this gets approved. If it's part of the plat." So that's what I had assumed.

MARK SEIB: I was just trying to clarify where we were at on this – on what the legal aspect was as well and if that's right.

ATTORNEY TRENT VAN HAAFTEN: If this is approved, it would be the final step. They did some replatting of the subdivision area, they've been through BZA to get some of the setback variances for that, and this is the final step in terms of approving what they've basically created as an easement or right of way to another building which will now be a residential building. So that's what we're here for today.

MARK SEIB: Does anyone on the committee have any questions for him at this time?

ATTORNEY TRENT VAN HAAFTEN: We've had this before and it was a situation where the lot of Alan and Laura was not in the subdivision and they needed access to a public roadway. There are actually a couple of old easements that existed going over to Bufkin Springfield, but they decided to go a different route and in terms of their property met Valleyview Drive. They have then created an easement across their property thus creating that access to that new area as a right of way. They decided to do that instead of using up some — I don't even know, I know the easements are of record, but I don't know if you looked at them if you'd know that was a roadway or not anymore.

MARK SEIB: Other comments/questions? Anything else? Thank you, have a seat. At this time, we'll open up for the public portion. Anyone here wishing to speak for or against the proposed variance and replat please come forward. Anyone wishing to speak for or against the proposed replat and variance please come forward. Seeing and hearing none, we'll close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

Motion was made by Kevin Brown for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat 22-07-S-APC. Motion was seconded by Randy Thornburg. **Roll Call Vote (8-0) Yes. Motion carried.**

MINDY BOURNE: This has been approved, this is preliminary approval tonight. 30 days has to lapse before final approval can be given. They have given me authority to approve it after 30 days, so after 30 days I can sign the plat, and then you'll have to get that recording.

SITE DEVELOPMENT PLAN:

APPLICANT: David Stallings, Landmark Design & Engineering, Inc.

OWNER: Cimbar Performance Minerals

PREMISES: Section 9, Township 7 South, Range 13 West, in Black Township, Posey County, Indiana. Containing 180 acres, more or less. More commonly known as 2700 Bluff 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 Plan in an M-1 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County.

Mr. Seib then confirmed no board members had a conflict of interest.

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

MARK SEIB: Who is here that wishes to speak on behalf of this? Please come forward. State your name and home address, please.

DAVID STALLINGS: Hi, my name's David Stallings. I'm with Landmark Design and Engineering, Address is 2750 N. Burkhardt Road, Evansville, Indiana.

MARK SEIB: OK. So, would you please explain to us what exactly you're wanting to do with the Site Development Plan as far as what you have gotten planned?

DAVID STALLINGS: Yes, we would like to expand 36,800 square foot of warehouse facility. It's essentially the same exact use as it currently is now. No other improvements really, they just need the additional area of building. It's warehousing only as well.

MARK SEIB: Does anyone have any questions for him at this time? Any questions? Alright, would you have a seat, please? OK. At this time, we'll open the public portion. Is there anyone here wishing to speak for or against the proposed application? Anyone here wishing to speak for or against the proposed application? Hearing none, we'll close the public portion and it is now up to the committee to discuss and take action as they see fit.

Randy Thornburg made a motion to approve the Site Development Plan for Cimbar Performance Minerals. Motion was seconded by Kevin Brown.

MARK SEIB: Any further discussion?

MINDY BOURNE: We had a Site Plan Committee meeting and just a couple of things: The project does not require Construction Storm Water General Permit. That's the new name for Rule 5, which is an IDEM requirement. They already have their State Construction Design Release so they've already got that permit from the state.

Roll Call Vote (8-0). Yes. Motion carried.

Andy Hoehn made a motion to approve the Findings of Fact. Motion was seconded by Kevin Brown. **Roll Call Vote (8-0). Yes. Motion carried.**

MINDY BOURNE: This has been approved. You'll need to get your Improvement Location Permit before starting construction.

MINOR SUBDIVISION

DOCKET NO: 22-10-S-APC

APPLICANT: Clarence Juncker

OWNER: Clarence A. & Donna E. 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.)

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Minor 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.

Mr. Seib then confirmed no board members had a conflict of interest.

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

MARK SEIB: Who is here to speak? Please come forward, go to the podium, state your name and home address.

CLARENCE JUNCKER: Clarence A. Juncker. 3020 Blackford Road E.

MARK SEIB: OK. And can you tell us what you're wanting to do exactly with the lot?

CLARENCE JUNCKER: It's going to stay the same as it is right now. Basically, we're just cutting that corner off so if that house ever wants to be sold or ever needs to be sold it can be. There's two houses on that property now and we're cutting that one section out so that one house could be sold if it needs to be.

MARK SEIB: OK, so you're just dividing it. Mindy, do you have anything to add to it?

MINDY BOURNE: Yeah, well, he was here a few months ago for the Rezoning of the property because that was the first step. Now he's here for the Minor Subdivision to split that house off. Yes, there's two houses currently on 1 parcel.

KEVIN BROWN: How much property are the two?

MINDY BOURNE: The new lot I think is 1 acre, a little over 1 acre, that you're proposing?

CLARENCE JUNCKER: Yeah, 1.11.

MINDY BOURNE: 1.11, yeah. Septic - everything's contained on that 1 acre and there's no—

MARK SEIB: Should be able to meet all that, right?

CLARENCE JUNCKER: Yes.

MARK SEIB: Committee, do you have any questions? Any questions? Clarence, thank you. Have a seat, please. OK. Now at this time, we'll open the public portion. Is there anyone here wishing to speak for or against the proposed Minor Subdivision? Seeing and hearing no one, 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.

Motion was made by Randy Thornburg for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Minor Subdivision 22-10-S-APC. Motion was seconded by Kevin Brown.

MARK SEIB: Again, for the committee, is there any further discussion?

RANDY OWENS: I do have a question. When I look at this diagram, it looks like the road to the property behind it is all included in this one property. Does that leave the person behind it a right of way to get to their property?

ATTORNEY TRENT VAN HAAFTEN: There is an easement in place.

RANDY OWENS: OK.

MINDY BOURNE: That's his house.

ATTORNEY TRENT VAN HAAFTEN: Yeah, that's the Juncker's house in the back.

MARK SEIB: So there is a lifetime easement in place?

MINDY BOURNE: Yes.

MARK SEIB: Alright, any other questions? One more time, any other questions?

Roll Call Vote (8-0). Yes. Motion passed.

MINDY BOURNE: This is a preliminary approval here tonight, then 30 days have to lapse, and after that I can give final approval, I will sign the plat, and you can get it recorded.

SITE DEVELOPMENT PLAN:

APPLICANT: Dustin Mitchell

OWNER: D Mitchell Properties LLC

PREMISES: Part of the East Half of the Northwest Quarter and Part of the North half of the Northeast Quarter of the Southwest Quarter of Section 13, Township 5 South, Range 12 West in Posey County, Indiana, lying in Robinson Township. More commonly known as 11420 Diamond Island Road, Wadesville, Indiana. Containing 26 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 Plan in a B-3 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County.

Mr. Seib confirmed no board members had a conflict of interest.

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

MARK SEIB: And Dustin, while you're up, I'm assuming you're the one wishing to speak? Would you please take the podium and state your name and home address?

DUSTIN MITCHELL: Dustin Mitchell. 4640 St. Wendel Cynthiana Road.

MARK SEIB: Dustin, will you please explain to the committee what you're wanting to do with that property – with the Site Development and what you're wanting to do with it?

DUSTIN MITCHELL: I was just wanting to build a new 8,000 square foot storage building to park equipment and trucks in.

MARK SEIB: OK. So that'll be on an 8,000 square foot shed? I'm assuming a pole shed?

DUSTIN MITCHELL: It is a steel building. It will be a 5,000 building and a 3,000 square foot lean-to.

MARK SEIB: OK. It's already on the property?

DUSTIN MITCHELL: No.

MARK SEIB: Oh, that's what you're building. OK.

DUSTIN MITCHELL: I don't have my plans back yet. I'm waiting on the engineer to get them so I can send them to the State for approval.

MARK SEIB: You still have to get State approval yet?

DUSTIN MITCHELL: Yes.

MARK SEIB: OK. So it's a new barn and a new lean-to both equaling 8,000 feet.

DUSTIN MITCHELL: I'm sorry, what?

MARK SEIB: The barn and the lean-to are 5,000 on the barn and 3,000 on the lean-to, correct?

DUSTIN MITCHELL: That's correct.

MARK SEIB: OK. That doesn't look like there's any issues and he's got enough setback to take care of that. So that doesn't look like it'll be — any discussion? Any questions?

KEVIN BROWN: How close is the new barn to the property line?

DUSTIN MITCHELL: I guess it'd be like... Hilltop Lane goes through there and it'd probably be I guess 28' or whatever. It'd be pretty close from the property line.

MARK SEIB: What's the requirement?

MINDY BOURNE: 25' is the requirement.

MIKE BAEHL: Is it going to have a bathroom or anything in it like that?

DUSTIN MITCHELL: No. It'll be concrete floor. Just straight—

MIKE BAEHL: Just a plain barn?

DUSTIN MITCHELL: Yep. Just truck parking.

KEVIN BROWN: Are you adding any more outside lights to the area?

DUSTIN MITCHELL: There will probably be one on each side and then where they pull into the lean-to there'll be some lighting in there.

MARK SEIB: OK. As long as it doesn't interfere with the traffic on Hilltop.

DUSTIN MITCHELL: Yeah, it will all be downward facing. It won't be—

MARK SEIB: Alright, that's good. The runoff for the drainage, which way does that head?

DUSTIN MITCHELL: It would head back north, I believe, like towards the ravine.

MARK SEIB: So it would head to the north? So it's not going to cross anybody's property or anything like that?

DUSTIN MITCHELL: No.

MARK SEIB: OK. Alright. Any other questions? Dustin, have a seat please. At this time, we'll open it up for the public portion. Anyone here wishing to speak for or against this site development plan, please come forward. Take the microphone and state your name and address, please. Home address.

EDITH HURT: 11412 Diamond Island Rd, Wadesville, Indiana.

MARK SEIB: Where is that at?

EDITH HURT: Right next to him.

MARK SEIB: Right east?

EDITH HURT: Yes.

MARK SEIB: OK. Thank you. Go ahead.

EDITH HURT: It's just a big mess. I mean we never had residential out there in the first place and it's just ugly looking out there for one thing. And another thing, his trucks take over everything out there and almost run over everybody when they're pulling out on the road and all of this stuff. They don't care how fast they drive down the road? It just makes me sick that they have to do that. There's kids that play on that road. There's everybody that drives up and down that road. I pulled out of my driveway and almost got hit by them before because they were going so fast down the road and stuff. And it's just not— I just don't think it's right.

MARK SEIB: Well, if you feel it's a safety issue with that as far as, are you saying it's a safety issue with him pulling out of where his current entrance is at?

EDITH HURT: Well, yeah, I do on that part because he's on a corner. And there's people that come around that other corner and they can't see him at all pulling out there. And those trucks don't even, I mean his semis don't go fast at all out there down the lane.

MARK SEIB: OK. But if you do have a problem with it being safe for the kids and everything you need to call the sheriff's office and let them know that because we have no jurisdiction on that whatsoever.

EDITH HURT: OK. I just feel like it's not— He's got a big enough barn over there the way it is. It's a big pole barn that he got when he first got it and put it up for personal use. Then he automatically started using his trucks in it and stuff like this. This commercial property was only supposed to be for five years and then we were supposed to come down here and vote on it again. What's he want to build another building there for, if in two and a half years he's going come down here and vote on it again to go to Evansville?

MARK SEIB: OK. Alright, anything else?

EDITH HURT: No.

MARK SEIB: Alright. Thank you very much. Is there anyone else here wishing to speak for or against the proposed Site Development Plan? We will not close the public portion of this at this time. Dustin, do you want to come back up? I guess we really need to address these issues. Especially about the entrance coming in and out. Is it on a blind corner? I can't tell exactly where that entrance is at.

DUSTIN MITCHELL: It is on kind of a curve but it isn't like a blind corner by no means.

MARK SEIB: OK, so you're on a corner. Is there anything that's obstructing the view back both ways?

DUSTIN MITCHELL: No. The only problem you ever got was like a speeding car when you pull out. If somebody is doing the speed limit then there is no problem at all.

MARK SEIB: OK. I guess I just want to make sure that you're not increasing your trucks and that the traffic is not going to increase any more than it already is.

DUSTIN MITCHELL: No.

MARK SEIB: You're just building the shed to house them.

DUSTIN MITCHELL: Yeah, just put them inside.

DAVE PEARCE: From the looks of this, it looks like it's farther away from the road than the other building, right?

DUSTIN MITCHELL: Yeah, it's further on back.

MARK SEIB: Does anyone have any questions for Dustin? Alright, thank you, Dustin. Now it's up to the committee to discuss and take action as they see fit.

ANDY HOEHN: What is this currently zoned?

MINDY BOURNE: B-3. This went through rezoning several years ago.

MARK SEIB: But it meets the requirements.

MINDY BOURNE: Yeah, I mean it got rezoned. So this is just a Site Development Plan approval now.

MIKE BAEHL: I got a question. I just pulled it up on Google Maps. So basically what he is wanting to do, it looks like to me, is where he parks his trucks now, he's wanting to build a barn to put his— are you wanting to put the trucks in?

MARK SEIB: You need to go to the podium so that we can at least get that on the recording.

MIKE BAEHL: If the trucks right here, and what you're basically wanting to do is where you park the trucks is where you're wanting to put the new building?

DUSTIN MICHAEL: Yeah, the lean-to, all the dump trucks will park inside there. That way they're out of the weather. And then the long bays, the semis and excavators and stuff will park in there.

MICHAEL BAEHL: So are you going to have doors on both ends so they can go straight through and then gravel the other end or are they just going to back in there or what?

DUSTIN MICHAEL: No, they'll be able to pull through. That picture is probably old on Google Maps. We filled in a little bit of the ravine.

MIKE BAEHL: On the back side of it?

DUSTIN MICHAEL: Yeah. On the lean-to, all the triaxles will park in there. And then the semis will just pull in to the 50' by 100' part.

MARK SEIB: Thank you, Dustin.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

DAVE PEARCE: I do have a quick question. The coming back in two and half years- is that?

MINDY BOURNE: I don't know what that means.

DAVE PEARCE: I was curious because I hadn't heard anything about that.

EDITH HURT: (From the audience) When we were down here before, they voted, you said in 5 years his business would be too big to be out there and that he would have to move to Evansville. And you guys said that in 5 years we need to come back here and vote on it again to make sure it's commercial still. It was— I remember that totally.

MARK SEIB: He is zone B-3 so it's not just like it was agricultural. He's zoned B-3 for the business to be on the site.

EDITH HURT: Right, but you said that his business would be too big to be out there now.

MARK SEIB: Right, but if you remember, I asked him whether he had grown any more trucks or any bigger as far as any of that and they haven't added any more trucks or anything is what he replied back.

DAVE PEARCE: I just hadn't heard anything about coming back.

MIKE BAEHL: I remember the thing about the 5 years.

MARK SEIB: I do remember that too.

MIKE BAEHL: "He may need to move to Evansville," I do remember hearing that.

KEITH SPURGEON: We may have talked about if he moves to Evansville and someone else moves in and wants to rezone it back to—

MARK SEIB: Ag or whatever. Yeah. That's a different point, different time. OK. Other discussion?

Randy Thornburg made a motion in the affirmative to approve the Site Development Plan for D. Mitchell Properties LLC. Motion was seconded by Kevin Brown. **Roll Call Vote (8-0) Yes.**
Motion carried.

Motion made by Keith Spurgeon to approve the Findings of Fact. Motion was seconded by Kevin Brown. **Roll Call Vote (8-0) Yes. Motion carried.**

MINDY BOURNE: OK. This Site Plan has been approved. Before you start construction you need to— Well, actually, I think you still have to get your state permit, you still got to work with the state. So once you get that, then you'll need to come in to the office to get your Improvement Location Permit.

REPLAT:
LOT 5 OF ELMER E. LOCKWOOD'S SECOND ADDITION TO THE TOWN OF POSEYVILLE

DOCKET NO: 22-11-S-APC
APPLICANT: Mike Ladnier, Cash Waggner & Associates PC
OWNER: Jay Ambika, LLC
PREMISES: Part of Lot 5, all of Lots 6 and 7, part of Lot 9 and part of a vacated alley (being vacated by this replat) in Elmer E. Lockwood's Second Addition to the Town of Poseyville and Part of the Southwest Quarter of Section 17, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. Containing 0.741 acres more or less. More commonly known as 76 Highway 68, Poseyville, 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 Replat in a B-2 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.

Mr. Seib then confirmed no board members had a conflict of interest.

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

MARK SEIB: Who's here to speak? Please come forward, state your name, and the home address. And then please tell us what you're wanting to do with the Replat.

SCOTT BUEDEL: Scott Buedel with Cash Waggner & Associates. 10501 Denzer Road, Evansville. And the owner is here with me tonight. We've been through the initial process of rezoning the property to bring it into compliance. And now this subdivision will just wrap multiple pieces and parts of subdivision lots and vacated alleys and so forth into one continuous

piece of property that will contain the gas station convenience store for the existing purpose that's there now.

MARK SEIB: So the gas station is not included? Or it is included?

SCOTT BUEDEL: It is. Yeah, everything that's there now will be included in the 1 lot.

MARK SEIB: Alright. That's what I thought. Anything else that you have to add?

SCOTT BUEDEL: Nope.

MARK SEIB: OK. Any questions? I think this has been put off another time. Mindy, you want to go through—

MINDY BOURNE: Well, we've heard this before because we had the rezoning because the zoning that they had was not compliant for their current use. So we went through the rezoning process a couple months ago. That got approved. So now they're asking that all the lots be combined because there's several lots here, as you see, buildings and things are sitting across property lines. And they're proposing to do an addition which is what the Site Development Plan is for that you're going to hear right after this. So therefore, the purpose of this Replat is to get all those lots combined into 1 lot so they can meet setbacks, lot coverage, all that. So that's what you have before you now, and then if this goes forward then they'll have the Site Development Plan approval that they're asking for.

MARK SEIB: Questions? It sounds like we're trying to clean up a big mess. Have a seat, please. I will now open up for the public portion. Anyone here wishing to speak for or against the proposed Replat 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.

MARK SEIB: OK. Now we'll open up to the committee to discuss and take action as they see fit.

Motion was made by Dave Pearce for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat 22-11-S-APC. Motion was seconded by Kevin Brown. **Roll Call Vote (8-0) Yes. Motion carried.**

MINDY BOURNE: This is preliminary approval, after 30 days final approval can be granted by me. I can sign the plat and you can get it recorded.

SITE DEVELOPMENT PLAN:

APPLICANT: Mike Ladnier, Cash Waggner & Associates PC

OWNER: Jay Ambika LLC

PREMISES: Part of Lot 5, all of Lots 6 and 7, part of Lot 9 and part of a vacated alley (being vacated by this replat) in Elmer E. Lockwood's Second Addition to the Town of Poseyville and Part of the Southwest Quarter of Section 17, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. Containing 0.741 acres more or less. More commonly known as 76 Highway 68, Poseyville, 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 Plan in a B-2 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville, and Unincorporated Posey County.

Mr. Seib then confirmed no board members had a conflict of interest.

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

MARK SEIB: And are you ready to come back up again? Please, for the record state your name and home address, please.

SCOTT BUEDEL: Scott Buedel with Cash Waggner & Associates. 10501 Denzer Road, Evansville.

MARK SEIB: OK. Now this time we're talking about a kitchen? Can you give us some description of what you're doing?

SCOTT BUEDEL: The existing convenience store has a kitchen in place right now. The owner wants to expand the kitchen, improve the kitchen. And to do so, he wants to connect the two buildings together to be able to expand over into the other building for his kitchen. And they do have a State Design Release from the architect.

MARK SEIB: So they've already got their approval from the state with their design?

SCOTT BUEDEL: Yes.

MARK SEIB: OK. Mindy, did the committee meet on this?

MINDY BOURNE: Yes. Basically, he's already said everything I was going to say. The only thing I have to add is that the project does not require a Construction Stormwater General Permit, also known as Rule 5. And yes, they have received their State Release.

MARK SEIB: So when you're wanting to connect the two buildings, are you just putting a covered alleyway/an enclosure for you to make that connection between the two?

SCOTT BUEDEL: Yes.

MARK SEIB: OK. I didn't know if you were going to add on for the whole length of the building onto the other building or just making a walkway through between. Which is it?

SCOTT BUEDEL: Yeah, it's more of just a connection/walkway between the two. And it's for the length of the building, but it's connecting them both together for its entirety through there.

MARK SEIB: Alright. Any questions at this time from the committee?

RANDY THORNBURG: Yeah, I do have one. The access to the public bathrooms, is that going to be covered up?

PRAVINKUMAR PATEL: It's going to be inside. We are going to be facing inside.

RANDY THORNBURG: So we're going to have an ingress and egress inside the building instead of outside?

PRAVINKUMAR PATEL: Yeah, it's going to be inside.

MARK SEIB: Other questions? Have a seat, please. At this time, we'll open it up for the public. Is there anyone here wishing to speak for or against this proposed Site Development Plan? Please come forward. Seeing and hearing none, we'll close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters, or emails concerning this application.

MARK SEIB: Alright. With that being said, now it's up to the committee to discuss and take action as they see fit.

Motion was made by Dave Pearce for approval of the Site Development Plan for Jay Ambika LLC. Motion was seconded by Andy Hoehn. **Roll Call Vote (8-0) Yes. Motion carried.**

Motion made by Andy Hoehn to approve the Findings of Fact. Motion was seconded by Kevin Brown. **Roll Call Vote (8-0) Yes. Motion carried.**

MINDY BOURNE: OK. This site plan's been approved as well but I can't sign the Replat until 30 days. So you'll have to wait until after that 30 days before you can get your permit.

REZONING:

DOCKET NO: 22-06-RE-APC
APPLICANT: Justin Collins
OWNER: Posey Storage LLC
PREMISES: Part of the West Half of the Southwest Quarter of Section 17, Township 4 South, Range 12 West lying in Robb Township, Town of Poseyville, Posey County, Indiana. More commonly known as 128 N. St. Francis Street, Poseyville, Indiana. Containing 3.22 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-1 (Residential Single Family) and M-2 (Manufacturing Medium/Heavy) Zoning District to B-3 (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.

The applicant Justin Collins withdrew the application 22-06-RE-APC on Monday, August 8, 2022.

COMPLAINTS 607 E. 4th 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
931 E. Water Street, Mt. Vernon, IN
10926 Sunset Drive, Evansville, IN
Luigs Road, Wadesville, IN
714 W. 6th Street, Mt. Vernon, IN

MARK SEIB: OK, so the first one is 607 E. 4th Street, Mt. Vernon, IN.

ATTORNEY TRENT VAN HAAFTEN: This is the pallet business. We had an initial hearing. We did file the Ordinance Violation. We had an initial hearing in court. I had a discussion with the Hazletts. I can pass on to you, they told me they've signed a purchase agreement for another property somewhere else. It sounds like another county, which is where they will be conducting their business. They said they're waiting on the Area Plan permission. So, I have every indication they will not be conducting a pallet business there. I discussed with them the terms of the Ordinance Violation, the possibility of setting it off for like six months with the understanding

that if there was any other activity in violation of the ordinance, obviously, we could be back in. But if they demonstrate that they've stopped the business, we would be done. First observation driving by there, it would appear there isn't any activity. They did say there were a few more pallets still inside that they need to haul away once they get approval for relocation.

MARK SEIB: But with you agreeing or allowing for the six months, if there is any violations with that, then we can drag them into court right away instead of having to set up a new court date and everything else.

ATTORNEY TRENT VAN HAAFTEN: Yes. Right, right.

MARK SEIB: Which makes sense.

MARK SEIB: Now we're just waiting to see how it all turns out, OK? So it's supposed to stop. So that's the main thing that we were after. Andy, you got any questions? You've been kind of on top of this. Any problem with that?

ANDY HOEHN: No. It needs to stay open until they are gone.

ATTORNEY TRENT VAN HAAFTEN: There's nothing-- I don't think there's anything that needs to be done. The Ordinance Violations have been filed in Circuit Court. It's pending.

MARK SEIB: Just wait till the end?

ATTORNEY TRENT VAN HAAFTEN: Correct. I'll report back. Obviously, if anyone gets any complaints that there's a pallet business going on there, please let me know.

MARK SEIB: Thank you very much, Trent. OK. Alright. Moving on to the next item is 925 Lower New Harmony Road, Mt. Vernon, Indiana.

ATTORNEY TRENT VAN HAAFTEN: This is the gentleman that we were advised passed away.

MARK SEIB: So that is officially closed?

ATTORNEY TRENT VAN HAAFTEN: Yes.

MARK SEIB: OK. Moving on to the next one was 822 West Third Street, Mt. Vernon, Indiana.

ATTORNEY TRENT VAN HAAFTEN: This is another one where he has not appeared. We filed an Ordinance Violation and he did not appear in court. I'm trying to get the service applied to get him to appear in court.

MARK SEIB: Alright so you're working on it with the courts?

ATTORNEY TRENT VAN HAAFTEN: An Ordinance Violation has been filed. We have to get service upon him to get him into court.

MARK SEIB: Alright. Anybody have any questions or any concerns? Alright. With that, we're moving on to the next one, which is 600 Vine Street in Mt. Vernon, Indiana.

MINDY BOURNE: Well, this one, he was here, but that was one of the meetings that we did not have a quorum, so we never got to take action. The vehicles are moved.

MARK SEIB: Oh, everything's moved?

MINDY BOURNE: Yeah, everything was done. And he came to the meeting but we did not have a quorum.

MARK SEIB: Alright. So it looks like everything has been satisfied. Any discussion, any action? I need a motion to accept that it's closed.

Motion was made by Dave Pearce to accept that the complaint was satisfied. Motion seconded by Randy Thornburg. **Roll Call Vote (7-0) Andy Hoehn Abstained Yes. Motion carried.**

MARK SEIB: OK. So our next item is 931 E. Water Street, Mount Vernon, Indiana.

MINDY BOURNE: This was a motor home parked in an empty lot. Also had a car parked in the yard. Anyway, I sent a letter to the owner. They did contact the office on 06/21/22 stating that she has an RV on the property and her family member stays in it from time to time. She's having health issues and is away for surgery. She may not be able to attend the APC meeting. If she cannot she will send a letter since she does not have anyone who could attend the meeting in her place. This was on the docket for July then we didn't have a quorum, so the last photo I have was of 08/03/22 and the camper was removed. So it's gone now.

MARK SEIB: Do you know whether the car has been moved?

MINDY BOURNE: The car is gone.

MARK SEIB: Everything's been taken care of?

MINDY BOURNE: Yes.

MARK SEIB: Alright. So we're assuming that everything is taken care of.

Motion was made by Andy Hoehn to accept that the complaint was satisfied. Motion seconded by Randy Thornburg. **Roll Call Vote (8-0) Motion carried.**

MARK SEIB: OK. So our next item we have is 10926 Sunset Drive, Evansville, Indiana.

MINDY BOURNE: OK, this one is chickens- raising chickens. We did send the property owner a letter and she's here. She did respond to the letter saying she would attend the APC meeting and she's here. She was also here in July.

MARK SEIB: Would you like to take the podium and address the issue?

JAMES ATTEBURY: 10926 Sunset Drive, Evansville, Indiana.

MARK SEIB: Thank you. And would you please explain to us- You got chickens on the place, did you have any kind of a permit, variance or anything?

JAMES ATTEBURY: I didn't know about any variance at the time I got the chickens but we did apply a couple days ago.

MINDY BOURNE: They applied to be heard in September. They're on the docket for September.

MARK SEIB: OK. So they're trying to make it legal. And I'm assuming you're not making it complicated or anything with the variance. You're just wanting to raise the chickens on the—

JAMES ATTEBURY: Yeah. Just want some eggs and a little bit of chicken.

MARK SEIB: Sounds perfectly alright to me. Do we have any questions for the gentleman at this time? Since it looks like they're trying to apply for next month's agenda.

ANDY HOEHN: Is this chickens or roosters?

JAMES ATTEBURY: I have one rooster but its chickens. Before I got the chickens, we did go around to all of our neighbors and told them we were going to get them and if they had a problem we weren't going to do it. But none of them had a problem.

MARK SEIB: So you did make the neighbors aware before the chickens or the rooster or whatever—

JAMES ATTEBURY: Right. They didn't get blindsided by a crow or clucking in the morning or anything. They all knew. They are caged. I built a fence, a run for them so they're not out in the yard or anything like that.

Motion made by Dave Pearce to satisfy complaint when owner is granted their variance. Motion seconded by Andy Hoehn.

MARK SEIB: Now, would you like to add something?

REBECCA ATTEBURY: Just that our chickens, well, his/their chickens, they're not even in the sight of people. They're behind our garage. So when you drive into our lane on Sunset, people don't even know we have chickens because they're in a pen, in a coop, behind our garage. If you go behind our garage, yes, you're going to see them. But even our neighbors have a pole barn and so they're not even noticeable. So I don't know why this person complained other than he doesn't like us.

MARK SEIB: Well, remember what you just said, because next month at the variance that will be very important for you to be able to describe that they're not seen by very many of the adjacent neighbors. Is that all you needed?

REBECCA ATTEBURY: Yeah. Thank you.

Roll Call Vote (8-0) Motion carried.

MARK SEIB: Our next item is Luigs Road, Wadesville, Indiana. That's all it says. What do you got?

MINDY BOURNE: OK. So this one is about... there's two separate campers on the property. There's not an address because there is not an address for this parcel. This person has never been given an address to be used as living quarters. So now there's two campers on this parcel. We've had a difficult time getting this letter to this individual.

MARK SEIB: The property owner? Getting a letter to the property owner?

MINDY BOURNE: Yes. The Health Department's also involved because they received a complaint on this property, too. Because they don't have a place for their sewage. So both the Health Department and my office have been working to get this guy served. He was recently in court, and he was actually served both letters from my office and the Health Department. So anyway, he was supposed to— I mean, he's aware of this meeting tonight, and that's basically where we're at right now.

MARK SEIB: OK. So why's he got a house number on it then on his mailbox?

MINDY BOURNE: Well, there's a lot of issues with this property because this property used to be all one parcel and then it was split at one time. And actually he's using somebody else's address. And I've got a call from that property owner, too, and asking how they can stop that.

And it's just kind of an ongoing issue. There's tank batteries on this property, too. And the campers are sitting right there. What happened was other parcels got split, and this is kind of basically what was left.

MARK SEIB: So everything was branched off of this main piece and it was left? OK.

MARK SEIB: Mindy's letter says the property is zoned Ag.

MINDY BOURNE: Yeah. Let's see when this, yeah, he was just served last week. But the letter came back multiple times. It's been a struggle.

MARK SEIB: He was served in person and he was asked to be here, and didn't show up, correct? No, he's not here? OK. Sounds like we've got a tough one here.

ANDY HOEHN: Move forward as necessary. Especially the Health Department, I mean, they don't have any sewage or anything like that so they're just dumping their waste on the ground. It sounds like they're in a ditch. So proceed on.

MARK SEIB: That's a health issue. OK, so is that what we wish is for Trent to have a letter sent or served? I'm assuming you might well just have a deputy serve it.

ATTORNEY TRENT VAN HAAFTEN: A letter saying, "Stop this," or to show up at a hearing or?

MARK SEIB: Andy, you haven't made a motion yet but I'm just asking, what do you want to do with it?

ANDY HOEHN: I'll make a motion that we proceed forward with legal to take care of this violation.

MARK SEIB: In court?

ANDY HOEHN: Wherever that goes.

ATTORNEY TRENT VAN HAAFTEN: Filing an Ordinance Violation against him?

ANDY HOEHN: That's been done, though, hasn't it?

ATTORNEY TRENT VAN HAAFTEN: No, this is just the complaint.

ANDY HOEHN: Oh, yes.

MINDY BOURNE: This is just the first time you guys have seen this. I just had difficulty—

MARK SEIB: Normal next step is for Trent to send the letter.

ATTORNEY TRENT VAN HAAFTEN: The process is, the complaints made, we get notice to him to show up, and I guess that's what we haven't been able to do. But that's what he was given in court. Do you know, is he in court related to the Health Department issue or something unrelated?

MINDY BOURNE: No. It was something unrelated.

ATTORNEY TRENT VAN HAAFTEN: So then it's either the attorney send the mean letter, "you better get in here and talk to us or else," or we file an actual Ordinance Violation in court and proceed into court.

ANDY HOEHN: I would proceed into court. That was what I was intending. This person isn't talking to you.

MARK SEIB: And then we can have the Health Department join in if they want.

Motion was made by Andy Hoehn to direct legal to proceed with filing an Ordinance Violation. Motion seconded by Mike Baehl. **Roll Call Vote (8-0) Motion carried.**

MARK SEIB: Next item we have is 1714 West 6th Street, Mount Vernon, Indiana.

MINDY BOURNE: Okay. Actually, I'm going to ask that this one be tabled until next month because the complaints about a camper parked in the alley with a man living in it. But actually this letter just got sent out. So they haven't had enough time to reply. So we're going to wait till September on this one.

Motion made by Keith Spurgeon to table the complaint until September. Motion seconded by Mike Baehl. **Roll Call Vote (8-0) Motion carried.**

DIRECTOR'S REPORT: None.

APPROVAL OF PAYROLL AND BILLS: Motion to approve payroll and bills by Andy Hoehn. Motion seconded by Randy Thornburg. **Motion carried.**

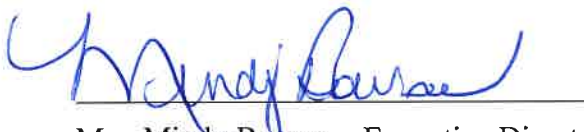
REPORT OF COLLECTIONS: Motion made by Mike Baehl to approve the report of collections for last month. Motion seconded by Kevin Brown. **Motion carried.**

CITIZEN CONCERNS: The committee discussed the format for the upcoming Solar Panel special meeting and reviewed Attorney Trent Van Haaften's memo addressing the committee's responsibilities there within.

ADJOURNMENT: Kevin Brown made a motion to adjourn the meeting at 7:45 p.m. Motion seconded by Andy Hoehn.

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

FINDINGS OF FACT

David Stallings, Landmark Design & Engineering, Inc.
Cimbar Performance Minerals
Warehouse Addition

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

1. Development is compatible with surrounding land use. Zoning of this property is M-1, surrounding land use is M-2 and M-1. Existing facility.
2. Water, sewer, and other utilities are available. No changes.
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.
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.
8. The plan meets parking requirements. No changes.
9. Landscaping. Not applicable for this project.
10. Building Specs-36,800 sq. ft. metal building. Height- 20' eave, 24' peak.
11. Signage. Not applicable.
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. There will be emergency lighting-wallpacks.
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 Brown

Adopted by Posey County Area Plan Commission

Mark Smith
President, Posey County Area Plan Commission

8-11-22
Date

FINDINGS OF FACT

Dustin Mitchell

D Mitchell Properties LLC

Proposed 5000 sq ft Storage Building & 3000 sq ft Lean To

I Keith Spurgeon make a motion in the findings of fact be made as follows:

1. Development is compatible with surrounding land use. Surrounding zoning is Agricultural.
2. Water, sewer, and other utilities are existing on site. No changes.
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 to existing entrance.
4. The plan meets the setback requirements for the B-3 Zoning District.
5. The plan meets the building coverage requirements for the B-3 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes.
8. The plan meets parking requirements. No changes.
9. Landscaping. Not applicable.
10. Building Specs. Building will be 5000 sq. ft. steel building with 3000 sq. ft. lean to. Height-18' side walls to match existing building. Overall height 22'6".
11. Signage-Not applicable.
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. There will be downward lighting by the doors and lights on lean to.
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 Brown

Adopted by Posey County Area Plan Commission

Mah. Sal
President, Posey County Area Plan Commission

8-11-22
Date

FINDINGS OF FACT
Jay Ambika LLC
704 sq. ft. Kitchen Addition

I, Andy Haem, 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-2 and surrounding property is zoned R-3, B-3 and B-1
2. Water, sewer, and other utilities are available. Existing utilities. No changes.
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.
4. The plan meets the setback requirements for the B-2 District.
5. The plan meets the building coverage requirements for the B-2 District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes.
8. The plan meets parking requirements. No changes.
9. Landscaping. Not applicable.
10. Building Specs. Building addition 704 sq.ft. height: 12' matching building
11. Signage. No changes.
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. No changes or additions.
14. The development is in conformance with the Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County Zoning Ordinance and with the Posey County Comprehensive Plan.

Motion seconded by: Kevin Brown

Adopted by Posey County Area Plan Commission
Mark Sel
President, Posey County Area Plan Commission

8-1-22
Date