

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

OCTOBER 13, 2022  
6:00 P.M.

Attorney Trent Van Haaften administered the Oath of Office for Aaron Neufelder and Joe Marvel to the Area Plan Commission.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mr. Andy Hoehn, Mr. Joe Marvel, Mr. Aaron Neufelder, Mr. Randy Owens, Mr. Dave Pearce, Mr. Randy Thornburg, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

**MEMBERS ABSENT:** Mr. Mike Baehl

**APPROVAL OF MINUTES:** Andy Hoehn made a motion in the affirmative to approve the minutes as emailed. Motion seconded by Randy Owens. **Motion carried.**

**REZONING:**

DOCKET NO: 22-10-RE-APC  
APPLICANT: Michael O'Brien  
OWNER: Matheson Tri-Gas Inc.  
PREMISES: Part of the East Half of the Southeast Quarter of Section 14, Township 7 South, Range 14 West, Lot 1 Sabic Innovative Plastics Exempt II Division, lying in Black Township, Posey County, Indiana. More commonly known as Hollar Road, Mt. Vernon, Indiana. Containing 5.94 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from A (Agricultural) Zoning District to M-2 (Manufacturing Medium) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, 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. State your name and your home address.

**MICHAEL O'BRIEN:** 8820 Calistoga Springs Way, Plano, Texas. This additional 5.94 acres we recently acquired was part of the new pipeline supply agreement between Matheson and Sabic. The current site property is zoned M-2 and we wanted to rezone this additional area that is adjacent to the existing area to M-2 as well. The expansion is an upgraded plant over there. All of the process plant equipment will fit on the existing piece of property and this 5.94 acres will house the electrical substation to power the plant. That should take up approximately one acre. I think CenterPoint will be placing a small metering station as well.

**MARK SEIB:** Any questions for Mr. O'Brien? With none, you may have a seat. We will now open this application up to public comment. Is there anyone here wishing to speak for or against this application? 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.

**MARK SEIB:** It is now up to the committee to discuss amongst themselves and take action as they see fit.

Andy Hoehn made a motion to recommend approval of Rezoning Docket #22-10-RE-APC. Motion was seconded by Randy Thornburg. **Roll Call Vote (7-0). Yes. Motion carried.**

Andy Hoehn made a motion to approve the Findings of Fact. Motion was seconded by Dave Pearce. **Roll Call Vote (7-0). Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners. This is on their agenda for next Tuesday at 9:00 a.m. I will be there but you will need to be there as well in case they have any questions.

**REZONING:**

DOCKET NO: 22-11-RE-APC

APPLICANT: David Koester

OWNER: Steven A. Koester & Bridget M. Koester and David W. Koester & Melissa A. Koester

PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 5 South, Range 12 West, lying in Robinson Township, Posey County, Indiana. More commonly known as Blake Road, Wadesville, Indiana. Containing 4.00 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from A (Agricultural) Zoning District to 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.

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:** Who is here that wishes to speak on behalf of this application? Please come forward. State your name and home address.

**DAVID KOESTER:** 10200 John Will Road, Wadesville, Indiana. We have some road frontage and it is on a hill. We thought we would sell two building lots off to straighten the field and put it in grass and keep erosion down. There are two 2-acre lots.

**MINDY BOURNE:** They are going to do a Minor Subdivision with these two lots. There has already been some Exempt II lots split out of the original parcel. So they can't do anymore Exempt II lots, so it automatically goes into a Minor. Part of the Minor Subdivision process states that it has to be zoned Residential. This is the first step and if that gets approved, then their next step is to file a subdivision plat.

**MARK SEIB:** Are there any questions for him at this time?

**KEITH SPURGEON:** Are you building a house or houses?

**DAVID KOESTER:** We are going to sell two lots. We are going to sell both lots and straighten the field.

**MARK SEIB:** Does anyone have any questions for him at this time? Have a seat, please. At this time, we'll open the public portion. Is there anyone here wishing to speak for or against the proposed application? Seeing and hearing none, we will close the public portion.

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

**RANDY THORNBURG:** I was out there today. I am familiar with the area. There are six or seven houses around and this is an ideal location for residential.

Randy Thornburg made a motion to recommend approval of Rezoning Docket #22-11-RE-APC. Motion was seconded by Dave Pearce. **Roll Call Vote (7-0). Yes. Motion carried.**

Andy Hoehn made a motion to approve the Findings of Fact. Motion was seconded by Dave Pearce. **Roll Call Vote (7-0). Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners. This is on their agenda for next Tuesday at 9:00 a.m. I will be there but you will need to be there as well in case they have any questions.

**REPLAT:**

DOCKET NO: 22-13-S-APC  
APPLICANT: Greg Kissel  
OWNER: City of Mt. Vernon  
PREMISES: Lot 22 and a part of Lot 19 in Williams Part of the City of Mt. Vernon, Indiana, of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. Containing .422 acres more or less. More commonly known as 2nd and Main Street, Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:**

Approval of Replat Major Subdivision in an 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.

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:** Who is here wishing to speak?

**GREG KISSEL:** Greg Kissel with Kissel Surveying, 1263 E. 900 S., Ft Branch, Indiana. The property is catty-corner from the new courthouse. Incorporation of a quarter of a block, not all of that area but a portion of that block. The city had multiple strip parcels with multiple tax history, tax identification numbers some of them only 15-20 foot wide and they are wanting to combine those into one parcel, to make it more practical for somebody else or for the city to do something else with that property. That is why we are here. We are putting this together as one parcel, there was between lot one and lot two or lot A and lot B we shifted a line a little bit to fit a curb. So that is why there is two lots in this area.

**MARK SEIB:** Does anyone have any questions? No questions. Greg, thank you, you may have a seat. We will now open it up to the public portion. Is there anyone here who wishes to speak for or against the proposed replat?

**CHRISTINE BABCOCK:** My name is Chris Babcock, 223 Main St., Mt. Vernon. I own a corner of that what he is talking about. I was just curious, if I wanted to do something with my little corner of buying about 10 feet of property. I didn't know if that was a possibility? I wanted to know if they would sell it to me if possible. If they could carve out ten feet to sell to me? Depending on what the price is, I don't know, I may not want the ten feet.

**MARK SEIB:** I think that is a negotiation between the city and .....

**ATTORNEY TRENT VAN HAAFTEN:** That would be a separate matter. Meaning that if you wanted 10 feet you would have to approach the city. The owner of the property.

**CHRISTINE BABCOCK:** Would that impede if it was platted either way?

**ATTORNEY TRENT VAN HAAFTEN:** What would happen if the city decided to sell you ten feet, they would call Greg or somebody else to survey that out and getting a description for that ten feet, likely combining it with your current legal description.

**CHRISTINE BABCOCK:** So it really would have no impact as far as my ability to negotiate.

**ATTORNEY TRENT VAN HAAFTEN:** No it would not.

**MARK SEIB:** What we are doing here would not have that impact on your building. If you wanted to buy that ground that would be a negotiation that you would have to go into with the city. And like Trent said, Greg would more than likely be back to survey that out and going from there. This is just basically combining the lot.

**CHRISTINE BABCOCK:** I couldn't figure that out from the letters.

**MARK SEIB:** Is there anyone else here wishing to speak for or against this Replat? 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:** It is now up to the committee to discuss amongst themselves and take action as they see fit.

Motion was made by Randy Thornburg for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat 22-13-S-APC. Motion was seconded by Andy Hoehn. **Roll Call Vote (7-0). Yes. Motion carried.**

**MINDY BOURNE:** This replat has been approved, 30 days have to lapse and after 30 days they have allowed me to sign off on that plat.

## **DEVELOPMENT PLAN APPLICATION SECS TIER 2**

DOCKET NO: 2022-01-SECS-2-APC

APPLICANT: AstraZeneca

OWNER: AstraZeneca

PREMISES: Part of the Southeast Quarter of the Southwest Quarter of Section 2, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 4601 Highway 62 East, Mt. Vernon, Indiana. Containing 8 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 2

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:** Who is here wishing to speak?

**MICHAEL SMITH:** 4107 E. Dogwood Way, Haubstadt, IN. I am the Director of Site Services and Plant Engineering for Astra Zeneca.

**ALEX BITTNER:** 118 S. Eileen St., Haubstadt, IN. I am employed by Astra Zeneca. I am Site Services Engineer and also Project Manager for the solar project.

**MARK SEIB:** Gentleman, please give the board a brief description of what you are wanting to do and why.

**MICHAEL SMITH:** Astra Zeneca is very sustainability conscious and we are carbon neutral by 2025. So we have fostered an energy conservation project to reduce the amount of electricity we purchase from CenterPoint Energy. Our intentions, location wise, is located in an area that used to be occupied by a research building. Years ago that building was torn down. There are no utilities there and no visibility from the highway. It is bounded by our property lines and a field that we just currently mow. There is really nothing around it. It is our intent to be up to 3 MW of energy. That is what we are permitted for with CenterPoint.

**ATTORNEY TRENT VAN HAAFTEN:** This is a little different situation. I will call it a growing pain of the new Solar Ordinance. They have already developed 7 acres of solar panels. I think everyone is aware of that. What happened is the developer came in and just got a building permit from our Building Commissioner and thought that was all they needed. They then went on and installed the solar panels. When that was discovered or realized, communications began with Mark and the developer, myself and the developer and then myself with these two gentlemen in terms of saying hey, this falls underneath our new Solar Ordinance. You may or may not have been aware of the particulars of it. I started working with them in terms of saying this is what you have to do. So what you were provided previously was the... it's the same thing we just went through with the Tier 1. That is a Preliminary Development Plan and then we will need a Final Development Plan. The big difference is a Tier 2, the project is on their property. It is not leasing anyone else's property. It is not next door to anyone else. It is within their property itself. The energy they are generating is staying within their property. What you are provided was what we, they put together in terms of the Preliminary Development Plan. It isn't as in depth as the Posey Solar Project was. Quite honestly because it doesn't have the same impact. There is only one residential property that is nearby and that is to the east. It is not adjacent. The two tax parcels they have, one of the slivers is adjacent to some private farmland. Those individuals were notified of the hearing this evening. So I am going to call this a little bit of a catch up from a standpoint of an oversight of complying with the Solar Ordinance. Now they have provided the information for the Preliminary Development Plan. This application is also because they have intentions or plans to develop 3.5 more acres in 2023. This application covers what they have done with the original seven acres plus what they intend to do.

I advised them to do this so they didn't have to go through all of this twice. As you know, on a solar project you can approve or disapprove the Preliminary Development Plan. If you approve, which you can add some reasonable restrictions or conditions to that approval. They are working with Indiana DNR. I don't know if there is a good update on that, but they are working with DNR to get some of that final stuff done. So my recommendation if you do decide to approve this, is just for them to get the DNR requirements satisfied prior to the Final Development Plan. I sent you a summary on what they had sent in. If you have any questions of that, please let me know

**MICHAEL SMITH:** One small detail that I think would be helpful, we annually and sometimes semi-annually, we meet with Black Township Fire Department. They come out and update what doors we've added. We've numbered our doors and our access points so if they have to come and fight an emergency on our behalf. They are coming out next week for an annual visit. They have already talked to us about our emergency plan for solar, how to turn off power and that sort of thing. We have been proactive with that. That is really the only interaction we've had with that. All of the other responses were positive from the other agencies we were required to contact.

**MARK SEIB:** On the last page, in the blue is what they are going to add?

**ATTORNEY TRENT VAN HAAFTEN:** Yes.

**ALEX BITTNER:** Yes, the blue is what we are going to add. It is actually going further north into the property. Any impact that you are seeing visually will not be increased by the addition. It is actually getting less visual.

**MICHAEL SMITH:** Did you provide the photographs that we included from all of the county roadways?

**ATTORNEY TRENT VAN HAAFTEN:** Yes.

**MARK SEIB:** Are all the setbacks met according to the Ordinance?

**ATTORNEY TRENT VAN HAAFTEN:** Yes. In terms of residential properties, if you look at the GIS, the place across to the south, it is owned by a company.

**ALEX BITTNER:** Allyn Land?

**ATTORNEY TRENT VAN HAAFTEN:** Not the farm land, I mean the little building. Something Restaurant Something. I don't believe that is residential.

**ALEX BITTNER:** The interesting thing about those, is they have solar panels themselves. They were done by the same people that did our project.

**ATTORNEY TRENT VAN HAAFTEN:** Your nearest residential property, I believe, is Clara David over here on the corner to the east.

**ALEX BITTNER:** I would add that the McFadin Creek that runs behind there does provide a levee, so as on the road you really can't see over into the south end of the property due to the levee of the ditch.

**MICHAEL SMITH:** That was part of our rationale for building because you can't see it from any direction from county roadways. It is inconspicuous if you will.

**DAVE PEARCE:** Were there letters sent out to adjoining property owners?

**ATTORNEY TRENT VAN HAAFTEN:** AstraZeneca owns all the parcels within the area. There are different parcels. So by the Ordinance, the only one that was adjacent is the Allyn Land Company. They did get noticed. From my standpoint, this was an interesting endeavor. This is the first time we have had a Tier 2 project under the Ordinance. I think as with any piece of legislation as you use it and go through it, you are going to find things that make you think is this necessary or should more be necessary. From a Tier 2 standpoint it has been an interesting endeavor because they are building on their site and they are using it. We will just have to continue to see how the Ordinance applies to their circumstances.

**MARK SEIB:** Are there any questions for them at this time?

**ANDY HOEHN:** What is the total investment?

**ALEX BITTNER:** I think it was close to about a \$3 million project. There was also some infrastructure and things that needed to be improved to accommodate the system.

**MICHAEL SMITH:** It's about \$3.2 million. That includes the new substation, with 12 thousand voltage feeder to his point that intersects our main feed from Vectren.

**MARK SEIB:** Any further questions? Hearing none, gentlemen you may have a seat. We will now open it up to the public for comment. Is there anyone here wishing to speak for or against the Development Plan? Hearing and seeing none, we will close the public portion.

Mr. Seib confirmed with Mrs. Bourne there were no phone calls, no email and no letters.

**MARK SEIB:** We will open this up to the board to discuss and take action as they see fit.

**DAVE PEARCE:** I think they are doing it the right way. They came in to get it cleared up.

**MARK SEIB:** And it is all on their property.

**JOE MARVEL:** I didn't see the pictures, but if nobody complained about it, I think it is fine.

Randy Thornburg made a motion in the affirmative to approve the Preliminary Development Plan with the condition that they meet DNR requirements. Joe Marvel seconded the motion. **Roll Call Vote (7-0). Yes. Motion carried.**



**ATTORNEY TRENT VAN HAAFTEN:** This is a two-step process they will still need to make Final Development Plan to present to the board. I think we are going to do everything we can to get that done in the next few weeks so they can be back next month to possibly have that for you.

**MARK SEIB:** That does need to be put together and given to Mindy so she can send it out to the Committee to review. That is one thing we are very adamant about making sure there is enough time for the Committee to review.

**COMPLAINTS** 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN  
822 W. 3rd Street, Mt. Vernon, IN  
Luigs Road, Wadesville, IN  
714 W. 6<sup>th</sup> Street, Mt. Vernon, IN  
100 S. Sharp Street, Poseyville, IN  
10422 Blake Road, Wadesville, IN

**MARK SEIB:** 607 E. 4<sup>th</sup> Street, Mt. Vernon, IN.

**ATTORNEY TRENT VAN HAAFTEN:** This was the pallet situation. What has happened there is we filed an Ordinance Violation. We got into court and reached an agreement to continue it for 6 months so there is no more activity there. I know at the last meeting there was a question raised and I drove by the same day and there was a couple of trucks. After we went to court they came by my office to sign paperwork and they said they still have pallets inside and asked what are we supposed to do with them? I told them that they could haul them off but don't be making them or be conducting the business. When I drove by I assume that is what they were doing. I have not noticed anything since. We are waiting for the next court date in January. In their discussion with me, they were discussing about selling the property.

**DAVE PEARCE:** They have been in talks with a not for profit about leasing their building also.

**MARK SEIB:** So there will be no further action at this moment on this complaint.

**MARK SEIB:** Next complaint, 822 W. 3<sup>rd</sup> Street, Mt. Vernon, IN

**ATTORNEY TRENT VAN HAAFTEN:** This is an interesting one. This is property of Ralph King. Ralph had a brother named Lawrence, who recently passed away. In my private practice, I am representing the estate. It is while working on that, I was able to put pieces together that Ralph was a brother. I have had a few conversations and was able to determine that a few of these vehicles belonged to the deceased and the estate is working to get rid of them. I would convey to you that I kind of learned that Mr. King is very much a recluse and I think that is why he has not ever showed up at a court hearing. I can report to you that there is action being taken to move the vehicles off of the property and sold.

**MARK SEIB:** Are there any questions concerning this complaint?

Keith Spurgeon made a motion to table any action on this complaint. Andy Hoehn seconded the motion. **Roll Call Vote (7-0). Yes. Motion carried.**

**MARK SEIB:** Luigs Road, Wadesville, Indiana.

**ATTORNEY TRENT VAN HAAFTEN:** This was a complaint about Mark Hearten. There were a couple of RV's or campers and they were living out there. Mr. Hearten had a run-in with the law and was arrested and is currently residing in the Posey County jail. There was an Ordinance Violation filed against him. He appeared by video and denied the charges and asked for a hearing on this. We are having a hearing on October 26<sup>th</sup>. To our knowledge he is no longer in the camper or RV obviously, so we will continue to monitor that. There is another person who was reported to have been living there at the same time, however is on the loose and whereabouts and ID unknown.

**MARK SEIB:** With a court case involved, this complaint carries forward to the next meeting.

**MARK SEIB:** We are moving on to 714 W. 6<sup>th</sup> Street, Mt. Vernon, Indiana.

**MINDY BOURNE:** This one has been on the agenda before. I could not get service on the owners by sheriff. I still have not gotten anything. However, I do have photos from October 11<sup>th</sup> showing that the camper is not in the alley anymore but now is in the front yard. It is almost the same situation, just moved from the back to the front.

**MARK SEIB:** So we need to talk to the sheriff's office and see if we can get those papers served.

**MINDY BOURNE:** Usually, they make multiple attempts and then I get something back from them. I have not received anything back concerning this from them. My letter is dated August 29, 2022 and I asked for them to respond by September 7<sup>th</sup>. I think last month our meeting was on the 8<sup>th</sup>. I was hoping by this meeting, I would have received something. I know last meeting it would have been too early.

**MARK SEIB:** I assume no one from the crowd is here to represent the owners. Seeing and hearing no one, I will try to contact the sheriff's office tomorrow to find out what the issue is with serving. If that is alright with the board.

Keith Spurgeon made a motion to table this complaint. Dave Pearce seconded the motion. **Roll Call Vote (7-0). Yes. Motion carried.**

**MARK SEIB:** 100 S. Sharp Street, Poseyville, Indiana. The BZA met and it was requested by the applicant to table it until the November meeting. I feel that it is only appropriate that we do the APC as well and table it until the next meeting. Is there a motion to do so or any discussion.

**RANDY OWENS:** There is a picture here in the folder dated October 4<sup>th</sup> that shows the shed is gone. Doesn't that resolve our issue?

**MARK SEIB:** He is still wanting to do the application. So that means there is still the process of the application being current.

**KEITH SPURGEON:** But for the original complaint, does that not mean it has been resolved because there currently is no shed there?

**ATTORNEY TRENT VAN HAAFTEN:** You technically could still pursue because he has been in violation of it. He made a different application of it to the BZA, which they haven't decided upon. It is probably advisable to see what the BZA does before you decide what final action you want to take. This is the one that the BZA denied a Special Use. It was taken to court, it was appealed and denied and ruled in the BZA favor. So you may want to sit back and wait to see what BZA does before deciding how to approach the complaint.

Dave Pearce made a motion to table until the November meeting. Joe Marvel seconded the motion. **Roll Call Vote (7-0). Yes. Motion carried.**

**MARK SEIB:** 10422 Blake Road, Wadesville, IN

**MINDY BOURNE:** This is a new complaint. The owner of the property is subleasing to a Trevor Alvey who owns a construction company called Clutch Custom Construction. This company is dumping construction waste on the property which is visible from the public road and adjacent neighbors. They pile the waste up and when it gets to a certain height they burn it. I attempted to send a letter to the tax owner address which was an AJ Drive address. The letter came back. I was then advised I could probably reach the owner at a Winery Road address and I haven't heard from him. I gave him until last Thursday to contact me. He has not contacted me, but I have not received the letter back from the Post Office. I don't know if the Post Office is trying multiple attempts to locate him at that address or what is going on. So I have not been in touch with the property owner. I have received an email from one of the two people who signed this complaint stating they couldn't be at the meeting tonight. He provided me with some photos of the site which you do not have in your folders. I can pass these around if you want to look at them. I believe the other individual who signed the complaint is here and may wish to speak. Bottom line, I have not been able to serve the property owner.

**DAVE PEARCE:** Mindy, have you tried 8921 Winery Rd?

**MINDY BOURNE:** That is the address I last used in the most recent attempt. I did try to google this Clutch Construction and their website just says Evansville, IN.

**MARK SEIB:** Any other questions or discussion from the Committee? If there is someone here wishing to discuss this complaint, please come forward to the podium and state your name and address for the record.

**JERRY ANSLINGER:** 10600 Winery Road, Wadesville, Indiana. My property is not adjacent to this, but I'm next to the corner lot. I'm interested in this just for the sake of the neighborhood. We have some pretty nice homes and everybody pretty well takes care of their property. When

this property sold, we thought somebody was probably going to build a house. Originally we heard they were going to build a pole barn and then a house later. Which is fine. The person that owns it rents it to this guy. He has a construction company and he brings construction waste out and it piles up for a week or so and then he has a bonfire. Friday night at 10:00 when I came home it looked like a structure fire. It was a huge fire. It burned all night and the next morning it was still smoldering and he was out there with a skid steer putting more stuff on it. It was burning yet that afternoon and the wind had shifted and had calmed and there was a haze over the neighborhood. It was terrible. From my property it is not a big issue, but from the other neighbors it is. Also, the driveway that they use to access the property, they have never put a culvert in. When it is muddy, they drag mud out on the road. I know there has to be some kind of ordinance regarding that. We have tried to talk to the people and reach out and ask if they could just kind of clean it up. We don't find that the owner is the problem. We know of him, but we don't know where he is at. The construction company owner, nobody has been able to talk to him either. I believe somebody that owns the property should be able to do what they want to with it until it starts infringing on the other people around them. He may have gotten wind of this because it seems the property has been cleaned up a little bit. I've noticed late at night there is someone over there working with the skid steer straightening out stuff. We would like to see it brought up to the neighborhood standards.

**JOE MARVEL:** How long has this been going on?

**JERRY ANSLINGER:** I have really lost track of time. It has probably been going on for over a year. This summer it seemed to get quite a bit worse. There were some pretty good size piles or debris. I assume that was part of the fuel for the fires that they have had.

**ANDY HOEHN:** Is that a paved road that goes by this property?

**RANDY THORNBURG:** Yes, it is Blake Road where it Ts into Winery. I can support his testimony because I just went by and seen it. Friday night he was talking about the fire and I thought a barn was burning down.

**ANDY HOEHN:** So from the paved road, there is no gravel? It's just dirt?

**RANDY THORNBURG:** Right. It comes off of Blake Road going north. It is nothing but dirt road to a field.

**MARK SEIB:** That part is mostly zoned Ag. We are going to have to look into that.

**MINDY BOURNE:** I know John Stofleth was the other person that filed the complaint. I did talk with him about contacting the Building Commissioner because some of this falls under the Building Commissioner's jurisdiction as well. I think he tried to talk with him. Do you know if an actual complaint was filed with the Building Commissioner or what their stance is?

**JERRY ANSLINGER:** I do not know if he has done that. He kind of asked me to be here at the last moment because he couldn't be here.

**MINDY BOURNE:** Ok.

**MARK SEIB:** As Mindy stated, it would probably help your case if you get the building inspector out there.

**MINDY BOURNE:** I know he was attempting to contact their office. I just don't know if they had taken any... if a complaint was actually filed and if they had done anything about it.

**JERRY ANSLINGER:** I will talk to him and I will tell him that if he has not, to contact the Building Commissioner.

**MARK SEIB:** Any discussion?

**RANDY OWENS:** I'm trying to go through the Zoning Ordinance real quick, but I don't see where it says you can use agricultural for a business.

**JOE MARVEL:** The trash has been there long enough. It is in the background of the GIS pictures. You can see where they pull around and back up and dump their trailer. There is a house right next door to where this lot is at. The house is kind of on the corner and the lot is right behind it.

**KEITH SPURGEON:** So from the Area Planning Commission viewpoint, our interest in this is that it is zoned Agricultural and not zoned Commercial. The fire aspect of it is probably more the Building Commissioner.

**MINDY BOURNE:** They are over trash...

**MARK SEIB:** Yes, the Building Commissioner has more authority over that and the debris and all of that. I think they can work with both of us to get that done once we find him. I believe this one deserves to be tabled.

**ANDY HOEHN:** Who exactly are we trying to find?

**JOE MARVEL:** Michael Poe.

**ANDY HOEHN:** He isn't the landowner, is he?

**RANDY THORNBURG:** Yes, he is the owner.

**JOE MARVEL:** Michael Poe is the landowner and Clutch Construction is subleasing.

**ANDY HOEHN:** Is there a name tied to that?

**MINDY BOURNE:** It's a construction company and they have a website.

**MARK SEIB:** What you are trying to do is find a way to get to Michael Poe.

**MINDY BOURNE:** Yes.

**ANDY HOEHN:** Either one. The violation is whoever is coming in.

**MINDY BOURNE:** Does he work for Clutch?

**MARK SEIB:** That I don't know.

**ANDY HOEHN:** Clutch is doing this, correct?

**MARK SEIB:** So I guess what you are saying, Andy, is that we could go ahead and pursue that it is a violation of the Zoning Ordinance with Clutch and bring them in front of us.

**ANDY HOEHN:** We could stop that violation and potentially flush Poe out.

**MARK SEIB:** We will need to take board action if we are going to go ahead and pursue this as a violation of the Zoning Ordinance that they are operating a business under an Ag zoned district.

Andy Hoehn made a motion to pursue this through the construction company that is in violation of the property they are on. Randy Thornburg seconded the motion. **Roll Call Vote (7-0). Yes. Motion carried.**

**MARK SEIB:** The next thing I have is not on your agenda. About two and a half years ago we started looking into the Comprehensive Plan and the Ordinance. We got sidetracked with putting an ordinance together for the wind and solar. It has taken some time to get there. I would like to be able to go back and revisit that. What I am asking is I think it is time now for us to look at the Comprehensive Plan, look at some of the things that are on there, some of the things that we have changed. We've added the ordinance for the solar and wind. That may need to be looked at as far as the Comprehensive Plan. What I am looking for tonight is for the board to say that you are ready to start moving forward to address those issues. What we have done in the past, is that we've had a facilitator that we have hired to come in and help us go through this and make sure to cross the T's and dot the I's right. I think that is what we are wanting to do again after the board approves, we will move forward to start looking for those kind of people. We will also start looking for County Council for funding. I do believe we have the Commissioners, they have contacted me and have said they would like us to, at least Bill has contacted me and said they would like to see us move forward to get the Comprehensive Plan taken off for the County.

I would like to know the feeling of the board. Are we ready to start moving with the Comprehensive Plan and review of the Ordinances we want to tweak?

**ANDY HOEHN:** I would like to move forward with the Comprehensive Plan. We are right here up against the end of the year and potentially some new faces on here that can input into the Ordinances.

**MINDY BOURNE:** For those who don't know, the Comprehensive Plan we currently have was developed in 2008, so it has been awhile.

**MARK SEIB:** The Comprehensive Plan is the road map for the County to allow where do you want growth, where do you want heavy manufacturing, where do you want residential, where would you want all of these things put into play. Now, since we have added solar and wind into it, do we want to consider where those go? These are all questions that we need to go through to answer and figure out where we want those to be. I think we need to go ahead and get the ball rolling. I will leave it up to you guys.

**MINDY BOURNE:** The Comprehensive Plan is used by other agencies too for grant funding and things like that. That is another reason to keep it current.

**JOE MARVEL:** Who approves the plan? If we develop it, does the Commissioners approve it?

**MARK SEIB:** Just like everything else, like the zoning, we have to approve and then it goes on to the other jurisdictions for them to approve it as well.

**MINDY BOURNE:** Mount Vernon does their own. Mt. Vernon did their Comprehensive Plan the same time in 2008. They created their own plan, separate from the County because they were trying to focus on their downtown area. They had additional things that they wanted looked at.

**JOE MARVEL:** Is it possible that they would want to incorporate now?

**ANDY HOEHN:** We are doing our own now.

**MINDY BOURNE:** They are working on their own right now. So the one the County has now is Unincorporated Posey County, Town of Poseyville and the Town of Cynthiana. They are all together as one.

Andy Hoehn made a motion to start processing with the Comprehensive Plan. Motion was seconded by Keith Spurgeon. **Roll Call Vote (7-0). Yes. Motion carried.**

**DIRECTOR'S REPORT:** None.

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

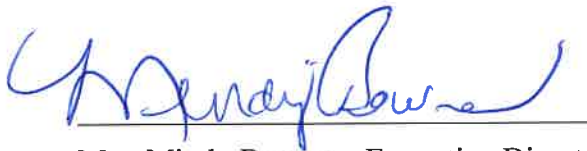
**REPORT OF COLLECTIONS:** Motion made by Keith Spurgeon to approve the report of collections for last month. Motion seconded by Dave Pearce. **Motion carried.**

**CITIZEN CONCERNS:** None.

**ADJOURNMENT:** Randy Thornburg made a motion to adjourn the meeting at 7:12 p.m.

A handwritten signature in black ink, appearing to read "Mark Seib", is positioned above a horizontal line.

Mr. Mark Seib – President

A handwritten signature in blue ink, appearing to read "Mindy Bourne", is positioned above a horizontal line.

Mrs. Mindy Bourne – Executive Director



September 1, 2022

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Manufacturing Medium) is 5.94 acres more or less. The property is located at Hollar Road, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. Sabic Innovative Plastics Mt. Vernon, LL, 2500 Citywest Blvd Suite 100, Houston, TX 77042
2. Alice J. Stevens Trustee ½ & Staples, 5500 Hartmann Rd., Mt. Vernon, IN 47620
3. Dennis W. & Wanda L. Topper, 9230 Topper Ln., Mt. Vernon, IN 47620
4. State of Indiana, 150 W. Market St., Indianapolis, IN 46204-2806

Abutting properties are zoned A (Agricultural) and M-2 (Manufacturing Medium). This property is currently vacant. The owners are proposing to rezone the property to M-2 (Manufacturing Medium). The uses adjacent to the proposed rezoning are as follows: Agricultural and Manufacturing.

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

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-10-RE-APC  
PETITION TO REZONE: Michael O'Brien  
OWNER: Matheson Tri-Gas Inc.

**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:

Andy Hoehn

Motion seconded by:

Dave Pearce

Adopted by Posey County Area Plan Commission

President: Mark Sub

Date: 10-13-22

September 1, 2022

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to R-1 (Residential Single Family) is 4.00 acres more or less. The property is located on Blake Road, Wadesville, IN. Property abutting this site is owned by the following:

1. Alvin L. & Dovie Sue Prow, 10402 Blake Rd., Wadesville, IN 47638
2. Clara M. Raben Rev. Trust, 10401 Blake Rd., Wadesville, IN 47638
3. Oscar D. & Julie M. Mayer, 10301 Blake Rd., Wadesville, IN 47638
4. Freeman C. & Ruth C. (Tie) Will, 11601 Winery Rd., Wadesville, IN 47638
5. Susan T. Schapker, 3032 Mooring Rd., Evansville, IN 47725-8197
6. Donald R. Koester Etal, 10200 John Will Rd., Wadesville, IN 47638-9521
7. Gilbert Scott Will Etal, 5998 St Wendel-Cynthiana Rd., Poseyville, IN 47633
8. Donald J. & Leanne K. Seibert, 5241 Will Rd., Poseyville, IN 47633-8756
9. Timothy & Theresa Schickel, 5301 Will Rd., Poseyville, IN 47633-8755
10. John A. & Rebecca A. Bilderback, 5240 Will Rd., Poseyville, IN 47633
11. Brian Tucker, 4840 Hartmann Road, Mt. Vernon, IN 47620
12. Steven A. Knapp Etal, 10330 Winery Rd., Wadesville, IN 47638
13. Roger A. & Courtney N. Bender, 10680 Winery Rd., Wadesville, IN 47638-9556
14. Michael C. Poe, 3636 AJ South Dr., Wadesville, IN 47638
15. Zachary A. & Jamie M. Kleinschmidt, 10430 Blake Rd., Wadesville, IN 47638-9681
16. St. Wendel Athletic Club, Inc., 16701 N. Posey County Line Rd., Poseyville, IN 47633-87734
17. Susan T. Schapker, 3032 Mooring Rd., Evansville, IN 47725-8197
18. Michael A. & Elaine R. Will Etal, 6600 W. Boonville-New Harmony Rd., Evansville, IN 47720
19. Reibel Farms, Inc., 7400 Highway 68, Poseyville, IN 47633-9493
20. Donald R. & Mary H. Koester, 101 Savah Rd., New Harmony, IN 47631-9219
21. Mason A. & Kelsey L. Stroud, 10300 John Will Rd., Wadesville, IN 47638
22. Jeffrey Hunt & Mallory Schmitt, 10300 John Will Rd., Wadesville, IN 47638
23. Linda L. & Gene Mercer, 10400 John Will Rd., Wadesville, IN 47638-9676
24. Brian J. & Jill M. Koester, 5014 St. Wendel-Cynthiana Rd., Wadesville, IN 47638

Abutting properties are zoned A (Agricultural). This property is currently vacant. The owners are proposing to rezone the property to R-1 (Residential Single Family) for proposed Minor Subdivision. The uses adjacent to the proposed rezoning are as follows: Agricultural.

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

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 22-11-RE-APC  
PETITION TO REZONE: David Koester

OWNER: Steven A. Koester & Bridget M. Koester and David W. Koester & Melissa A. Koester

**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:

Andy Heem

Motion seconded by:

Dave Parca

Adopted by Posey County Area Plan Commission

President: Mike Sab

Date: 10-13-22