

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

JULY 13, 2023
6:00 P.M.

MEMBERS PRESENT: Mr. Mark Seib – President, Mr. Mike Baehl, Mr. David Dausman, Mr. Stefani Miller, Mr. Greg Newman, Mr. Randy Owens, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant.

MEMBERS ABSENT: Mr. Andy Hoehn, Mr. Joe Marvel, Dr. Keith Spurgeon – Vice President.

APPROVAL OF MINUTES: Greg Newman made a motion in the affirmative to approve the Minutes of the May 11, 2023, as emailed. Motion seconded by Stefani Miller. **Motion carried.** Greg Newman made a motion in the affirmative to approve the last regular meeting of June 8th, 2023, as emailed. Motion seconded by Stefani Miller. **Motion carried.**

REZONING:

DOCKET NO: 23-05-RE-APC

APPLICANT: Loren Evans

OWNER: Loren E. & Carol A. Evans

PREMISES: Part of the Southeast Quarter of the Southwest Quarter of Section 11, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 4424 Bluff Road, Mt. Vernon, Indiana. Containing 1.50 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 M-2 (Manufacturing Medium/Heavy) Zoning District to A (Agricultural) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the committee have a conflict of interest with this application?

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

MARK SEIB: Who is here to speak concerning this application? Mr. Evans, would you step to the podium, state your name and address for the record. Also please tell us why you wish to change the zoning.

LOREN EVANS: I am the property owner of 4424 Bluff Rd., Mt. Vernon. It is Bluff Road actually between Lamont and Indian Mound, if you are familiar with that area. North side of the road and acre and half. In recent history it was zoned as agricultural and the reason for my petition for my request is. I would like to expand or do an addition onto my pole frame barn, pole barn. There are two structures on the property. There is a farmhouse that was built in 1880 and a 24 X 40 pole barn and my interest is in that pole barn which sits on the east side of the property I am wanting to add an additional garage bay on the east side that would add about 18 feet to the width of that structure. The property being zoned Manufacturing at this point means those are non-conforming structures, so I don't have the ability to get the Land Use Permit. My request is to rezone the property from manufacturing back to agriculture so a land use permit can be considered and eventually get a building permit to add on my storage space to my pole barn.

I am not unique in this situation, all of the properties in my neighborhood are zoned heavy manufacturing, both sides of Bluff Road. But I understand in order to do the construction that I would like to do this would be the route that I am requesting. I would be happy to answer any questions and I appreciate your consideration.

MARK SEIB: Thank you, does anyone from the committee have any questions at this time? I will tell you that this is normally the reverse of what we see in here. You may have a seat. At this time, I would like to open the floor for public comment. Is there anyone here wishing to speak for or against this rezoning, please come forward. Hearing and seeing no one coming forward. 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: We will leave it up to the board to discuss and take action as they see fit.

Mike Baehl made a motion to approve docket number: 23-05-RE-APC. Motion seconded by Stefani Miller. Roll Call Vote (6-0) **Yes. Motion carried.**

MINDY BOURNE: Findings of Facts are in your packets.

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

MINDY BOURNE: This is a recommendation to the County Commissioners; their next meeting is Monday July 17th at 9:00 AM in this room. I will be there to present your application to them, but they do wish for the applicant to be there to answer any questions.

SITE DEVELOPMENT PLAN:

APPLICANT: Lorne Harbin – Castlen Enterprises LLC

OWNER: Castlen Enterprises, LLC

PREMISES: Part of the Southeast Quarter of Section 7 and part of Fractional Section 18, all in Township 7 South, Range 13 West, Black Township, Posey County, Indiana,

containing 28.73 acres, more or less. More commonly known as Old Highway 69 South, Mt. Vernon, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in a M-2 (Manufacturing Medium/Heavy) Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the committee have a conflict of interest with this application?

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

MARK SEIB: Who is here to speak concerning this application? Would you step to the podium, state your name and address for the record. Also please tell us why you wish to change the zoning.

MATT CASTLEN: I am the owner of Castlen Enterprises along with my wife Laura. We live in Owensboro, Kentucky. We are requesting approval of the site plan for a dry fertilizer facility that will sell directly to the agricultural community directly to the farmer. We currently have a facility just like this operating in Owensboro, Kentucky we are the property owners here next to the ADM facility and we would like to expand our footprint into the Mount Vernon area to be able to cover the southwest and southeast portion of Illinois, southwest portion of Indiana to continue to expand our business to provide fertilizer to the agricultural community. I am going to leave it brief so I can answer any questions you may have in detail.

MARK SEIB: Does anyone on the board have any questions at this time? I believe you have given us a thorough description and mapping and everything else to help us through this. I notice that it has been kind of carved out. Are there any issues that you can see which there will be issues with traffic moving in and out. How many trucks do you anticipate.

MATT CASTLEN: In peak season we will probably be expecting about 100 trucks a day for about a three- or four-week window. It is the opposite of grain harvest basically. All the farmers are coming in for their fertilizer, there will be kind of a rush on it, but we have designed the facility to be able to load a truck in about ten minutes or less. And with a holding capacity that we have we can meet it without backing any traffic onto the highway at all. And we will have all the parking places needed on property to handle the flow of ten minutes per truck.

MARK SEIB: That is pretty amazing. We are going to hold you to that too. Is there anyone else who has any issues or concerns to ask at this time.

MIKE BAEHL: I was driving the last time when we had our little meeting. Will you have an inbound and an outbound scale or just one scale for inbound and outbound.

MATT CASTLEN: Currently, we have one scale for inbound and outbound at our current facility, we have two. We are looking at the volumes of other stuff, you see how it is offset, we have it with future growth we can put an inbound and outbound. We will start with the one and as we grow the business and as volume grows, we will come for approval for the second scale.

MIKE BAEHL: Thank you.

MARK SEIB: Are there any other questions? Thank you, Matt, you may have a seat. At this time, we'll open the floor for public comment. Anyone wishing to speak for or against the site development plan please come forward. Seeing and hearing none we'll close the public portion. and we'll now ask -

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

MARK SEIB: We will now leave it to the board to discuss and take action as they see fit.

MINDY BOURNE: There was a site development meeting with quite a few in attendance. The item I wish to bring to the board's attention is they are actually doing this in two phases. The first phase they wish to start with the material storage building and maintenance shop. The second phase will consist of the conveyor and barge loading area. Some of the reasoning is the permitting they are working to obtain from DNR and the Corp of Engineering. There are several permits they still need to obtain. They are working on their Construction Stormwater General Permit with Megan Ritterskamp at the Soil and Water office and their Department of Natural Resources Division of Water permit. They are also working on their Army Corp of Engineer Permit. They have not submitted their State Construction Design Release for this project yet. Other than that, there were no other comments from any of the agencies that I had to send letters to. The Committee made a recommendation to approve the site plan, however there are several permits they still need to obtain for this project.

Mr. Seib asked Matt Castlen to return to the podium.

MARK SEIB: The one question I have is concerning the loading and unloading facility that you are wanting to put the belt on is that you are wanting to do that last? Can you give us some understanding as to why?

MATT CASTLEN: Yes, the process of the entire facility is going to take us close to a year to construct and the Corps of Engineers permits are the longest portion of the permitting process so we broke it into phases so that we can go ahead and have the warehouse and all of that stuff done and not lose the entire time while we are waiting for the permit. Our goal was to try to get this thing into swing for the 2023 growing season. We broke it out and we did the same thing when we built the one in Kentucky in Owensboro. Only because the Corps permit is a longer process because of the different steps. I will also say that with it being a Section 10 Corps permit and the property already having a pre-existing one, there is no reason, we just have to follow all of the steps and go through all of the protocol for all of that. So that is the reason for separating it all out.

MARK SEIB: That explains it very well, I was thinking that maybe you were trucking it all in.

MATT CASTLEN: No, we need the barge. We are so confident in the Corp permit that we will actually be fabricating and building all of the equipment for that and have that on site waiting for the permit and be able to install it into the river portion of the property.

MARK SEIB: Are there any further questions? Matt, you may have a seat. Discussion? I think it is a pretty big project. Any action?

Greg Newman made a motion to approve the Site Development Plan contingent upon necessary permits being issued for Phase I & II. Motion seconded by Mike Baehl. Roll Call Vote (6-0)
Yes. Motion carried.

MINDY BOURNE: They wanted to present both phases to you at this time so they do not have to come back even though two permits will need to be issued by both the Area Plan Office and the Building Commissioner Office. By splitting it into two phases, it allows them to perform construction of the warehouse in phase one and the permits from the State, DNR, etc., needed for Phase 2 will not hold that up. So, any action by the board tonight is for both phases.

MINDY BOURNE: Findings of Facts are in your packets to review.

Mike Baehl made a motion to approve the Findings of Facts seconded by Stefani Miller. Roll Call Vote (6-0) **Yes. Motion carried.**

MINDY BOURNE: For phase 1 as you get your stormwater permit and your state permit then you can come into see Ed and I to get your Improvement Location Permit and Building Permits. Once you get those necessary approvals then just come see us.

DEVELOPMENT PLAN APPLICATION SECS TIER 3:

DOCKET NO: 2023-02-SECS-3-APC

APPLICANT: Mark Bottomley

OWNER: Mark R. & Bobbi Jo Bottomley

PREMISES: Part Southwest Quarter, Northwest Quarter, and part Northwest Quarter, Southwest Quarter of Section 24, Township 5 South, Range 14 West, lying in Lynn Township, Posey County Indiana. More commonly known as 824 Old Sand Road, New Harmony, Indiana. Containing 5.05 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 3

MARK SEIB: Does anyone on the committee have a conflict of interest with this application?

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

MARK SEIB: Who is here to speak concerning this application? Would you step to the podium, state your name and address for the record. Can you tell us why you wish to put in the Tier 3 Solar System with a little bit more history of why and what?

MARK BOTTOMLEY: 824 Old Sand Rd., New Harmony, IN. It is something we have been considering for years. Morton Solar was running a promotion and I thought now was a good time. This will be for my residence, for personal use.

MARK SEIB: Does the Committee have any questions? Mindy, were all of the setbacks, OK?

MINDY BOURNE: Yes, they were. They have received all of the approvals they need. They had to send out letters to different agencies such as Soil & Water, Highway Supervisor, Emergency Management and Sheriff who all gave approvals.

MARK SEIB: So, he has met all of the permitting requirements up to this?

MIKE BAEHL: Is that electric lines running through your property? Is that what the easement is for, the 10-foot permanent easement along the electric facility?

MARK BOTTOMLEY: That is the power to our house. It runs down the driveway if that is what you are talking about. That is a recent easement, it used to come in from the south. CenterPoint approached us and wanted to reroute while they are doing their infrastructure updates.

MIKE BAEHL: I just saw that 10-foot permanent easement there and you were going to cross it.

MARK BOTTOMLEY: No, we are not going to cross it.

MIKE BAEHL: So, your house is the house back down here on the bottom?

MARK BOTTOMLEY: The other house across the road is my son's house. There should be an aerial photo in one of those images.

MIKE BAEHL: Ok.

MARK SEIB: Does the board have further questions? Sir, you may have a seat. We will now open the floor to the public portion, is there anyone here wishing to speak for or against this proposed Development Plan for a Tier 3 please come forward. Seeing and hearing none, we will close the public portion. We will now leave it up to the Committee to discuss and take action as they see fit.

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

Greg Newman made a motion to approve the Development Plan for Tier 3. Motion seconded by Randy Owens. Roll Call Vote (6-0) **Yes. Motion carried.**

MINDY BOURNE: Your Development Plan has been approved and you will still need to come into the office and get your Improvement Location Permit before they start construction. Thank you.

COMPLAINTS – TABLED:

418 W. 8th Street, Mt. Vernon, IN (Stewart)
231 Maple Street, Mt. Vernon (Jameson)
236 S. Maple Street, Mt. Vernon (Spray)
831 Walnut Street, Mt. Vernon (Sharygin)
711 E. 5th Street, Mt. Vernon (Sharygin)

MARK SEIB: Our next item is complaints that were tabled from the last meeting, we have five of them there. Our first is 418 W. 8th St., Mt. Vernon, Indiana. I will let Trent review this with you.

ATTORNEY TRENT VAN HAAFTEN: The pending matter was scheduled to be in court on August 29th. This is one which had a camper sitting in a yard. I don't know if there has been any recent pictures but we have basically been trying to get service upon the homeowner or the property owner.

MINDY BOURNE: Here are pictures as of July 10, 2023. That is very recent.

MARK SEIB: So, the camper is officially gone. What is legal advice we do with this? Do we ask the judge to continue until we get to that date or just drop the issue all together.

ATTORNEY TRENT VAN HAAFTEN: The issue is originally it was parked in the yard where it wasn't supposed to be, and someone was living there. The violation was that it was parked in the yard. We could never get service on the gentleman, and he never showed up here, so we filed it in court. We haven't got service on him. My question would be the issue was it was parked in the yard, and it is no longer in the yard. Do you consider that done or do you want to try to get him in to give him the reasons why he should have shown up? I will prepare a motion to dismiss tomorrow and be done with it.

RANDY OWENS: It is not worth our time.

Mike Baehl made a motion to dismiss the complaint on 418 W. 8th St. Motion was seconded by David Dausman. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up is 231 Maple St., Mt. Vernon, Indiana.

MINDY BOURNE: This is one that the board wanted me to contact the property owner because they said they were going to move it. At last month's meeting they said they were going to move it but it was still there. The board wanted me to contact them to allow them more time to tell them it had to be removed before July 13th. As of July 10th, it is gone. I asked them to contact me, but they didn't contact me. I sent this email to her on June 12th and she said the trailer had been moved on June 8th which would have been our meeting night.

MARK SEIB: What are the wishes of board.

Randy Owens made a motion to close the complaint on 231 Maple St., motion was seconded by Stefani Miller. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up is 236 Maple St., Mt. Vernon, Indiana.

MINDY BOURNE: This is one that he said on May 8th that the camper would be gone and would no longer be an issue. At the last meeting the board asked me to send him another letter. That location actually had two campers and he only moved one. I did send him another letter, then on July 12th it appeared the camper was still there. On July 12th, he called into the office he said he will have the camper off the property within the next two weeks. He also reported that no one was living in the camper.

MARK SEIB: So, he called yesterday and is wanting two more weeks to remove the camper. My thoughts are to table this and see if it is removed within two weeks.

Stefani Miller made a motion to table this complaint until the next meeting, the motion was seconded by Randy Owens. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up is 831 Walnut St., Mt. Vernon, Indiana.

ATTORNEY TRENT VAN HAAFTEN: A certified letter was sent, and she did accept it.

MARK SEIB: The pictures as of July 10th show that it is gone.

ATTORNEY TRENT VAN HAAFTEN: It is the same property owner for the next one at 711 E 5th St and it is also resolved.

Stefani Miller made a motion to close the complaints on both properties, the motion was seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: The next item is for 10329 Eastgate Dr., Mt. Vernon, Indiana which was closed, would you like to expand on this?

MINDY BOURNE: At the last meeting we closed this one because it appeared to be in compliance. The property owner showed up and spoke. However, the next day I received a phone call from the person who had filed the complaint originally and he said there was still a white car hidden in the weeds and trees. So, I had the person who takes our pictures go out and

retake pictures and yes, there was a white car hidden in the brush. We sent a letter back out to the property owner, she has contacted the office and stated that it has been removed and they understand they cannot park anything on the parcel. She cannot attend the July 13th meeting, due to her work schedule. The latest picture from July 10th does verify that it is gone.

Stefani Miller made a motion to close the complaint for 10329 Eastgate Dr., Mt. Vernon, IN, the motion was seconded by David Dausman. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: We will now move onto new complaints. The first up is 1129 W. 3rd St., Mt. Vernon, IN.

MINDY BOURNE: This is a new complaint concerning two vehicles parked in the rear of the property. They believe both vehicles are in violation of 153.024 (C)(1) and 153.024 (C)(2) which refers to parking in the grass and inoperative or unlicensed. Neither are parked on a hard solid surface. The red explorer does not have a license plate and the black pick up does have a plate but is backed into tall weeds and cannot be read. It does appear to be inoperable as the grass has grown up under the tires. I did send the property owner a letter. It is actually a rental property, so the tenant did come in to speak with me on June 8th. Tim Brakie, a resident, did come into the office to see how he could get the property into compliance. The black truck is operable just not plated but he can get it plated. The Explorer is his daughters, it is inoperable and not plated. He is unsure where to move the vehicles. He did state there was some gravel where the truck and explorer are parked. I told him to show proof such as pictures of existing gravel. I advised him to come to the APC meeting to discuss.

MARK SEIB: Is there someone here to discuss 1129 W. 3rd St.? No.

MINDY BOURNE: On July 10th the recent photos were taken and show the black truck has been removed. But the Red Explorer is still there. Which is what he basically told me that the Explorer couldn't be moved.

RANDY OWENS: I can't tell if the Red Explorer is on gravel or dirt.

MINDY BOURNE: That is what he told me, that it was on gravel. But I told him he needed to bring me proof, which he never did.

MARK SEIB: It doesn't have a plate on it. This is in the city. What is the feeling of the Committee?

RANDY OWENS: If it is on gravel here is it still in violation or is it OK?

MINDY BOURNE: The City was in the process of passing an amendment to allow gravel as a parking surface.

RANDY OWENS: This looks like old gravel here.

MARK SEIB: Then it lies in the area of is it grandfathered in or not? Do you want to table this until we get more information, or do you want to do something else?

GREG NEWMAN: How does the unplated/inoperable aspects come in to play on this.

MINDY BOURNE: There is a section in the zoning ordinance, that 153.024 (C)(2) talks about a vehicle can not be unlicensed or inoperable and parked in a yard.

GREG NEWMAN: Even if it is parked on gravel, it would still violate that?

STEFANI MILLER: So, either way if there is gravel or not, he is in violation.

MARK SEIB: Did he say he was going to show up here?

MINDY BOURNE: I advised to be here, he never said he would.

MARK SEIB: With that being said, I guess the other choice is to turn it over to Trent and let him send a letter. Then see if we get any action out of it.

MINDY BOURNE: Keep in mind this is a rental property.

DAVID DAUSMAN: Who would the letter go to?

ATTORNEY TRENT VAN HAAFTEN: Both the property owner and the tenant.

DAVID DAUSMAN: Is this the first time this has come through?

MINDY BOURNE: Yes.

DAVID DAUSMAN: It sounds like you are having some correspondence with them.

ATTORNEY TRENT VAN HAAFTEN: What has been done in the past, similar to the last one I would send a letter and state this is still an issue and please come attend the meeting so the APC can address it with you.

STEFANI MILLER: I like that idea.

ATTORNEY TRENT VAN HAAFTEN: Much like the last one, that created a result.

Stefani Miller made a motion to allow Trent to send a letter to the owner and tenant. The motion was seconded by Greg Newman. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next complaint is for 831 W 3rd Street, Mt. Vernon, Indiana.

MINDY BOURNE: This one is vehicle parked in the rear of the property for over a year and the complainant believes they are in violation of 153.024 (C)(1) and 153.024 (C)(2). A letter

was sent to the owner, there has been no response from anyone and the photos from July 10th show the car is still there.

MARK SEIB: We will open to discussion, is there anyone here wishing to speak about this issue at 831 W. 3rd St., Mt Vernon, Indiana?

DAVID DAUSMAN: When did you send the letter?

MINDY BOURNE: The letter was sent on June 9th and I instructed him to contact me by June 23rd.

DAVID DAUSMAN: So, it has been over a month. I would say to turn it over to Trent.

David Dausman made a motion to allow Trent to send a letter to the owner. The motion was seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up, we have another complaint, 25 Lakeview Dr., Mt. Vernon, Indiana.

MINDY BOURNE: This is one with 3 vehicles parked in the driveway and the neighbors say at least two have not been moved in the last 4 years. The grey van plate expires this week, but they do not think is operable. They have not seen it move in years and there is a tree that has fallen on it and it has flat tires. The car covered up hasn't moved in four years or longer nor has the white Land Rover with no plates. I sent the property owner a letter on June 9th. They did call the office on June 23rd and he stated the vehicles are operational and are licensed and he will attend the July 13th APC meeting.

MARK SEIB: Would you please come forward and state your name and address for the record.

KWAN HONGLADAROM: I am Kwan Hongladarom. I reside at 25 Lakeview Dr., Mt. Vernon, Indiana.

MARK SEIB: Would you please explain to us more of the details of what you have heard.

KWAN HONGLADAROM: The three cars are parked at the end of my driveway on the side of the house. The car is registered, and I have a copy of it here and it is actually up to date. The Land Rover is not registered so it doesn't have a plate. They are operational, it actually works I just don't drive it a lot.

MARK SEIB: So, all three cars are....

KWAN HONGLADAROM: Except for the one that is not registered.

MARK SEIB: So, the one under the cover, you are saying does not move on its own.

KWAN HONGLADAROM: It can, but it is one, the Land Rover that is not registered can. The one under the cover is a Porsche and the one with tires doesn't run very well. But it should work if we change the tires.

MARK SEIB: Help me understand. You understand that you have to have them titled and you have to have them licensed. They have to be current license on them.

KWAN HONGLADAROM: Yes, there is a current license on it.

MARK SEIB: So, the Land Rover has a current license on it.

KWAN HONGLADAROM: No, we are talking about the one under the cover. The Land Rover doesn't have a current license on it. I bought it and haven't actually went and got the thing yet.

MARK SEIB: The requirement of the ordinance that is in the city of Mt. Vernon is that your have to vehicles licensed sitting in your driveway.

KWAN HONGLADAROM: Yes, and they are except one.

MARK SEIB: You have to get all three, you have to have them all. The other thing is they have to be able to move. Trent, do you have something to add?

ATTORNEY TRENT VAN HAAFTEN: The ordinance speaks to being inoperable and being in the yard. These three are sitting in a driveway. Typically, what you have seen in ordinances is avoiding having vehicles just parked in the back yard or front yard on the grass. I guess I have a question as to if they are in violation of this particular section of the ordinance because they are in the driveway. I will also say that seems to me it may fall into a lot of subdivisions that have restrictive convenance. So, my guess is with a restrictive convenance there may be something in there dealing with this situation. However, restrictive convenance don't fall within Area Plan. If a neighbor wanted to take some private action. I appreciate the complaint, but I would tell you that if you told me to enforce the ordinance my opinion would be he is not in violation of the ordinance because they are sitting in a driveway. Now if he would have rolled these to the back yard and they were all parked in the yard, yes then I think the ordinance would apply to them. But the ordinance is specific in regard to Mt. Vernon.

MARK SEIB: So, then the issue of the plating.

ATTORNEY TRENT VAN HAAFTEN: It is in the driveway.

RANDY OWENS: It is the same as if someone has a garage and they had a car in it that they were working on it, restoring. As long as it is on a driveway or a building they are not in violation.

ATTORNEY TRENT VAN HAAFTEN: My opinion is the neighbors should look at their restrictive convenance and try to enforce those if they think they are in violation. I am not sure since they are parking in the driveway that we can say they are parked in the yard.

MARK SEIB: So, you heard Trent's explanation from that maybe the best thing that we can do is to have Mindy reply to the person who filed the complaint and tell them there is restrictive convenance and they would have to take that upon themselves to take action on. But at this point and time what we see is that there is no violation within our ordinance.

ATTORNEY TRENT VAN HAAFTEN: The APC enforces the ordinance at this time we do not have jurisdiction over restrictive convenance.

MARK SEIB: Ok, you may have a seat, thank you. Discussion? Is there anything else? Action?

Greg Newman made a motion to close the complaint and have Mindy send a letter to the complainent that we cannot find any ordinance violation as far as the APC is concerned. However, if there is a restrictive convenance in the subdivision that would be a civil matter for them to take up. The motion was seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up is 6229 Chesire Drive, Mt. Vernon, Indiana.

MINDY BOURNE: They were installing a pool that was not 10 feet from the property line behind the house and they didn't have a permit.

MARK SEIB: I don't see a pool in these pictures.

MINDY BOURNE: A letter was sent to the property owner. They did contact the office on June 14th saying he received the letter, and he would just remove the pool. He was asked to attend the July 13th, 2023, APC meeting as the complaint would be discussed at that time. As of July 10th, the pictures show the pool was removed.

MARK SEIB: Is there anyone here wishing to speak concerning this complaint? Seeing and hearing none, we will proceed. It looks like he has pumps and everything else in the back, but the pool is gone. What is the pleasure of the Committee?

Mike Baehl made a motion to close the complaint at 6229 Cheshire Drive, Mt. Vernon, Indiana. The motion was seconded by Stefani Miller. Roll Call Vote (6-0) **Yes. Motion carried.**

MARK SEIB: Next up is 1202 Dereham Dr., Mt. Vernon, Indiana. This one is concerning erecting a barn in front of the yard, actually looking at this, there are three complaints.

MINDY BOURNE: The original complaint actually had yard barn has been erected in the front yard, people are living in it and set up with two air conditioners, curtains and windows, door and nice porch light, neighbors can see people going in and out of it and rock has been added to the

front driveway. After they filed the complaint, they did come back and say that they took away the rock part. She said they were informed there was no rock added. So, we sent them a letter about the shed. They do not have a permit for the shed, but there is no one living in the shed.

MARK SEIB: So, they didn't get a permit to put the shed on the property.

MINDY BOURNE: Correct, on June 23rd the people who own the property are Charles and Carolyn Tidwell, but Jasmine Tidwell and Jason Cook are the people living there and they came into the office to get a permit for the shed, they say they do not live in the shed and that they use it as an art studio. They will get a plot plan together and come back into the office to obtain the permit. They were asked to attend the next APC meeting. Then on June 26th, Jasmine Tidwell and Jason Cook came back into the office and they are having the shed removed and they will ask the property owners to attend the meeting on July 13th. As of July 10th, the shed is still there per the pictures.

STEFANI MILLER: When did they tell you they were going to move it?

MINDY BOURNE: On June 26th.

STEFANI MILLER: So, it has just been a couple of weeks.

DAVID DAUSMAN: If they were to file for a permit, would they meet the offset requirements?

MINDY BOURNE: They can't put it in front of the house.

STEFANI MILLER: I would be more inclined to give them just a little bit more time to move it, since it was just a few weeks ago they told you they would.

Stefani Miller made a motion to table the complaint and have Mindy send another letter asking for a deadline as to when they plan to move the shed. Motion was seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

DIRECTOR'S REPORT: None


APPROVAL OF PAYROLL AND BILLS: A motion was made in the affirmative by Mike Baehl and seconded by Stefani Miller to approve payroll and bills. Roll Call vote (6-0) **YES. Motion carried.**

REPORT OF COLLECTIONS: A motion was made in the affirmative by Randy Owens and seconded by Greg Newman to approve collections for last month. Roll Call Vote (6-0) **YES. Motion carried.**

CITIZEN CONCERNS: None

OTHER BUSINESS: Announcement was made that Administrative Assistant; Becky Wolfe will be leaving the Area Plan Commission in two weeks to take a position in the County Treasurers office.

ADJOURNMENT: Mike Baehl made a motion to adjourn the meeting at 7:12 p.m.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director

June 5, 2023

Staff Comments: The property being petitioned to be rezoned from M-2 (Manufacturing Medium/Heavy) to A (Agricultural) containing 1.50 acres more or less. The property is located at 4424 Bluff Road, Mt. Vernon, IN. Property abutting this site is owned by the following:

1. Donald L. & Sayelle O. Rexing, 1221 Schillinger Rd., Evansville, IN 47725-8640
2. E. Alan Blackburn Life Est., 4481 Bluff Road, Mt. Vernon, IN 47620
3. Elmer A. & Teresa Blackburn, 4481 Bluff Road, Mt. Vernon, IN 47620

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

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

PROPOSED FINDINGS OF FACT
ON DOCKET NO: 23-05-RE-APC
PETITION TO REZONE: Loren Evans
OWNER: Loren E. & Carol A. Evans

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

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

2. Responsible development and growth.

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

3. Comprehensive Plan.

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

4. The conservation of property values throughout the jurisdiction.

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

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

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

Motion made to adopt the foregoing findings of fact by:

Dave Dawson

Motion seconded by:

Mike Bach

Adopted by Posey County Area Plan Commission

President: Mark Sel

Date: 7-13-23

FINDINGS OF FACT
Lorne Harbin-Castlen Enterprise
Fertilizer Storage and Processing Facility

I Mike Baehi make a motion in the findings of fact be made as follows:

1. Development is compatible with surrounding land use. Surrounding zoning is manufacturing.
2. Utilities available at site. Not going to change the topography or existing drainage. Will be adding culverts to divert water.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. All trucks will be able to fit in the loop which provides a continuous drive forward motion. No truck backup onto highway. There is an existing drive on this property to the east that will be used, it is a Sabic entrance and they will still be able to access. There will be a new entrance to west, contact has been made to the Posey County Highway Department for compliance. The terminal will generate approximately 20/30 trucks during regular season and 100 trucks during peak season. A truck can be loaded in 10 minutes or less. Entrances will be gated. There will be fencing along each side of the project area.
4. The plan meets the setback requirements for the M-2 Zoning District.
5. The plan meets the building coverage requirements for the M-2 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation.
8. The plan meets parking requirements. There will be 10 parking spaces adjacent to the office. There will be gravel parking along the river.
9. Landscaping. Trees will be placed along ADM Grain property line for dust control.
10. Building Specs. Maintenance Shop- 60'x100'. Material Storage Building-420'x168' (420'x108' storage, 60' loading area) steel rectangular, concrete walls. Poly fabric cover (non-corrosive siding). Height-55' at peak
11. Signage-(2) 5'x10' steel frame signs at each entrance.
12. Recreation space.-Not applicable for this project.
13. The plan meets outdoor lighting requirement. Follow Building Code for building lighting. Walkway lights along conveyor. Loading Dock will be lit at night.
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: Stefan Miller

Adopted by Posey County Area Plan Commission

Mark Sab
President, Posey County Area Plan Commission

7-13-23
Date

Mark Botkin SECS-Tier 3
2023-02-SECS-3-APL

MOTION MADE BY: Greg Newman FOR APPROVAL

SECOND MADE BY: Randy Owens FOR APPROVAL

Mike Baehl ☒ Yes () No

David Dausman ☒ Yes () No

Andy Hoehn () Yes () No

Joe Marvel () Yes () No

Stefani Miller ☒ Yes () No

Greg Newman ☒ Yes () No

Randy Owens ☒ Yes () No

Mark Seib ☒ Yes () No

Keith Spurgeon () Yes () No

APPROVED: ☒ Yes () No

If approved, are there any reasonable restrictions or provisions to be included in the plan in addition to those outlined above?

MOTION MADE BY: _____ FOR DISAPPROVAL

SECOND MADE BY: _____ FOR DISAPPROVAL

Mike Baehl () Yes () No

David Dausman () Yes () No

Andy Hoehn () Yes () No

Joe Marvel () Yes () No

Stefani Miller () Yes () No

Greg Newman () Yes () No

Randy Owens () Yes () No

Mark Seib () Yes () No

Keith Spurgeon () Yes () No

DISAPPROVED: () Yes () No