

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

AUGUST 10, 2023  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mr. Mike Baehl, Mr. David Dausman, Mr. Greg Newman, Mr. Randy Owens, Mr. Adam Farrar – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Holly Konrath – Part Time.

**MEMBERS ABSENT:** Mr. Andy Hoehn, Mr. Joe Marvel, and Mrs. Stefani Miller.

**APPROVAL OF MINUTES:** Mike Baehl made a motion in the affirmative to approve the minutes of the last regular meeting, as emailed. Motion seconded by Greg Newman. **Motion carried.**

#### **SITE DEVELOPMENT PLAN:**

APPLICANT: Nicole Meny, Flip N Out Pinball, LLC

OWNER: Zachary & Nicole Meny

PREMISES: Part of the Northeast Quarter of the Southwest Quarter of Section 24, Township 4 South, Range 12 West, lying in Smith Township, Posey County, Indiana. More commonly known as 11351 Water Tank Road, Cynthiana, Indiana. Containing 1.775 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**APPLICANT/OWNER OF THE ABOVE-DESCRIBED PROPERTY HAS REQUESTED:** Approval of Site Development Plans in a B-3 (Commercial High Intensity) 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 with the board that no one had a conflict of interest. Mr. Seib confirmed the applicant met requirements for notification per statute.

**ZACHARY MENY:** Zach and Nicole Meny. 12835 Jordan Lane, Evansville, IN, 47725. So, we have fully prepared for the site development plan for the building that we're looking to construct.

**MARK SEIB:** Where is this going to be placed according to, what I want to call, the garage?

**ZACHARY MENY:** This would be east of the garage.

**MARK SEIB:** Standalone building, right? Not attached to anything else?

**ZACHARY MENY:** Southeast I guess because it's pulled back off the roadway quite a bit.

**MARK SEIB:** The question I have is, are you going to have a driveway going to it?

**ZACHARY MENY:** Yeah, so we're going to have an area for any semi-trucks to pull in and back up to the building.

**MARK SEIB:** So, you're going to have it on-site to be able to turn the truck around and all that, right?

**ZACHARY MENY:** Yeah, that's why we pulled it back. One of the recommendations was to do such so we've planned for that.

**MARK SEIB:** I know that you came and talked to us before but what kind of operational hours are you talking about and what kind of parking area do you need? How many people will be coming and going? How often do you have a semi come in? Or is it mostly UPS, FEDEX, those kinds of people?

**ZACHARY MENY:** Great questions. In a sense it's like a glorified warehouse space. We're going to be mostly storing the pinball machines there in a box. I would say semis will come, I mean it's always going to be different, but on average probably once or twice a week. They'll come in and load and unload some games. For the most part, I'd say that's 90% of what we'll be doing. We wanted to make it retail just in case we have somebody that wants to pick up a game locally. The majority of our business will be by freight, so it is shipped across the country. We sell just as many across the country as we do here locally, but we do have parking spots designated. We looked into how many parking spots per square foot and all of that to make sure we were in regulation for that as well. Then we also have a designated handicap spot.

**MARK SEIB:** And then your semi unloading will be at the far east side, is that correct?

**ZACHARY MENY:** Correct. There will be a dock there.

**MARK SEIB:** Ok. So that way the trucks can pull in like you said and then make the turn to square up with the building and then pull straight out?

**ZACHARY MENY:** Yes, sir.

**MARK SEIB:** Anything else you would like to add?

**ZACHARY MENY:** No.

**MINDY BOURNE:** I do have something to add – the lighting plan. I think we talked about that at the site plan meeting that you were not –

**NICOLE MENY:** Yeah, it was the packs. They did verify that; I can't remember what they were called.

**MINDY BOURNE:** You are required to have wall packs by the doorways and things like that, but I don't remember what else. Mike, you were a part of that committee. Do you remember what else they were supposed to include?

**MIKE BAEHL:** Well, they didn't actually have how far off the road the building was going to be.

**MINDY BOURNE:** My notes show that they were supposed to provide further information on the lighting plan, the setbacks (specifically to allow ample turnaround area for trucks), and then a signage plan. Those were the three things.

**MIKE BAEHL:** The parking was a question but that got answered if I remember right. The big two were the wall packs and the setbacks.

**NICOLE MENY:** Yeah, so we moved it 60 feet further back from where it was previously and then, I'm not sure, Graber said they have wall packs. We didn't talk about exactly where, but they said they've had had them planned in there.

**MIKE BAEHL:** So now the building is 120 feet off the road? Because originally it was 62 which would be pretty hard for a semi to turn around and back up to the dock.

**NICOLE MENY:** Yes.

**ZACHARY MENY:** And we do appreciate the recommendation for the 60 to 120 feet because that'll make things easier for us as well.

**MIKE BAEHL:** It'll make it a whole lot easier for these semis. You can't have them pulling out and backing off Water Tank Rd. That would not be safe.

**KEITH SPURGEON:** What did you say about the lighting then?

**NICOLE MENY:** I'm not sure. They said that in our contract with them that we have wall packs, but we didn't discuss exactly where the wall packs are going to be installed.

**ZACHARY MENY:** I'm pretty sure they have that documented. It's just the standard, what they do for all their commercial buildings that they do to stay within code.

**MARK SEIB:** Well, we also worry about the lighting infringing on neighbors. You've got a little bit of a distance away from your neighbors but that doesn't mean in the future you won't. I guess that's what we're concerned about when we talk about the lighting is that its direction is downwards, not outward. We want to make sure that they're downward, so they don't glare at anybody as they drive down the road or create a blind spot for them or anything like that. And plus, whenever you have trucks coming in, and getting into the wintertime as lights come on earlier, you don't want to blind them trying to back and all that stuff as well. Those are things we need to consider as well.

**ZACHARY MENY:** You were asking before about operational hours and it'll be primarily daytime. It'll be your typical 8 to 4.

**MARK SEIB:** So, your hours will be posted as 8 to 4?

**ZACHARY MENY:** Yes.

**MARK SEIB:** Ok. And the other question I have concerns the drainage of the building. Which direction does the water flow on the proposed site?

**ZACHARY MENY:** There's a natural flow, we made sure with that as well, it goes east.

**MARK SEIB:** I guess we're concerned that the roof and downspout water will be moving with a little bit more force and speed. We don't want to cause any trouble to anybody adjacent to the property if it becomes a wash area or anything like that. It looks like you have some grass there. Have you had any discussion or any thoughts on what you're doing with the water shed that's coming off of that building? Are you tiling it or just letting the downspouts take it out and dump it onto the land?

**ZACHARY MENY:** There's a field back there. The individual who came out to do the soil assessed the area and told us there was nothing in addition that we would need to do.

**MARK SEIB:** Was that for the septic?

**ZACHARY MENY:** Yes.

**MARK SEIB:** Ok, this is totally different. Basically, your septic, that was to find out what kind of field bed and that kind of stuff that you needed. I'm talking about surface drainage. What comes off that building, whether it's shingles or metal or whatever, it moves faster across that than it does if it's grass or whatever. Usually with a building of that size you'll have downspouts on all four corners to take it away. Are you trying to redirect it, so it doesn't run into the neighbor's field as quick? I don't have anything that shows how far it is from your property line to your neighbor to the east. Could you tell me that?

**ZACHARY MENY:** It's indicating that the two on the east end would flow to the east end and the two on the west end would flow back toward our property.

**MARK SEIB:** So, on the west end it'll flow westward which'll be toward the house or that direction?

**ZACHARY MENY:** Yes.

**MARK SEIB:** And the two on the east end will then flow on into the neighbor's field and go on from there. Is that correct?

**ZACHARY MENY:** Yeah, but I think in between there there's a, it's not a creek but it's where all the water drains. Same in the back corner of that property line. It's not a creek or a ditch but it's where the water naturally flows now.

**MARK SEIB:** So, it doesn't flow directly east? It flows more to the south?

**ZACHARY MENY:** It flows here and then everything drains back here.

**MARK SEIB:** Ok. So, when I ask which direction the water drains, does it come off this building here and go straight to the east or does it go into this grass area?

**ZACHARY MENY:** I don't know but we can certainly go out there and document it.

**MARK SEIB:** And what are you going to use as your surface area for your parking lot? Are you going to asphalt it, concrete it, rock it, what are you going to do with it?

**NICOLE MENY:** The handicap area is going to be concrete and then the rest is going to be gravel except for the drive into the loading dock which is all going to be concrete.

**MARK SEIB:** Anytime you put that surface on it makes everything move a little bit quicker, so you now have two and a half times that area that's going to be flowing so we need to have some kind of plan for what you're going to do with that surface water. There are many different things that you can do. You can bring it around to the south end of the building into this grassy area which would slow it down tremendously. You do have a lot of acreage which gives you a lot more flexibility, but my concern is not letting the water come off of the east end because you're concentrating it. Instead of it being across this whole big area you're now narrowing the path and sometimes that creates erosion going that way so that's a concern that I have with that.

**MIKE BAEHL:** We talked about in that meeting, if you remember, so far off the county road that has to be concrete as well too, correct?

**ZACHARY MENY:** I think it's five or six feet.

**NICOLE MENY:** 6 feet.

**MIKE BAEHL:** You said the ramp and handicap spot, but you forgot that, so I just wanted to make sure that that still is –

**ZACHARY MENY:** Yes. We changed that as well.

**RANDY OWEN:** Are there any ditches on your property that direct the water flow?

**NICOLE MENY:** We're not a hundred percent sure.

**ZACHARY MENY:** I don't want to call it a ditch because I don't know the definition of a ditch vs a creek. A trench? I don't know the terminology. It's all farmland so it's naturally like that. But that's something we can certainly look into.

**NICOLE MENY:** They said we didn't need a culvert and the people doing the septic acted like everything would flow naturally toward the back of the property.

**ZACHARY MENY:** Yeah, cause it's farmland so it's not grass it's like clover. All of our surroundings are like crops and field.

**MARK SEIB:** When you say "not a culvert" are you talking about the driveway?

**NICOLE MENY:** Yes.

**MARK SEIB:** I think that's standard for the county highway is that you have to have a culvert.

**NICOLE MENY:** Well, he came out and checked it and he signed a paper and everything.

**MARK SEIB:** Steve Schenk did? He came out and looked at it?

**NICOLE MENY:** Whoever was in charge that I was told to contact.

**MINDY BOURNE:** Yeah, I gave her Steve's name.

**MARK SEIB:** I guess we will have to have that paper.

**MINDY BOURNE:** Did he provide you with –

**NICOLE MENY:** Yeah, the certificate. He just went ahead and signed it and said, "you don't need it" and just put his name by it.

**MARK SEIB:** Steve Schenk is the County Superintendent of the highways. He's the one that would have to grant you that waiver if that's what he wants to do. So, we need to make sure that that's exactly right because if not he does need to come out and check that.

**NICOLE MENY:** He came out. I can't keep everybody's names right, but he definitely came out and signed the paper.

**MARK SEIB:** Well, if you can produce that for Mindy if you do have that waiver, but if you don't then I guess when there's a motion, we'll have to make an amendment. Any other questions? Now we'll open it up for the public portion of this. If there's anyone willing to speak for or against the proposed site development, 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:** Mindy, you also had a Site Development Plan Committee meeting. Would you like to give a report on that?

**MINDY BOURNE:** That report is in your folder. I was just going to read through here some of the approvals and things that were not required. They received approval from the Health Department for the septic. She reported the Highway Department does not require a culvert to be installed for the new entrance and she's just given me the paper from the Highway Department, and it says, "Does not require a highway culvert. Clem Goebel 7/6/23."

**MINDY BOURNE:** Does not require Construction Storm Water General Permit. They have their State Construction Design Release. And the things we needed further information on were the lighting, setbacks providing ample turnaround for trucks, and the signage. Did you have anything to add about the signage or are you not ready to do the sign yet?

**NICOLE MENY:** As of now we're not really planning on a sign, just putting big numbers out on the building or on the mailbox.

**MARK SEIB:** Ok, so you're not going to have a lit sign? It won't have any lighting on it and if you do have a sign it'll be attached to the building?

**NICOLE MENY:** Yes.

**MARK SEIB:** We just need to make sure with Mindy that it meets the requirements. Whenever you figure out what you want check with her.

**DAVID DAUSMAN:** I do have a question – Does it need to be more than an acre for them to have a true site plan with elevations done? Where's that requirement? I'm talking about an engineered drawing with elevations. A lot of the questions you were asking about downspouts, I mean, if you're flat out there I'm just going to recommend you hire an engineer to make sure. You don't want water laying. Mark's right, you're going to have instant run off off this roof. Like that and if you don't have your grade's right, your drainage right, you're going to wish you would've. I guess there's not a building ordinance to tell you to do that. If you disturb more than an acre, I know that's an IDEM requirement.

**MINDY BOURNE:** That's what the Construction Stormwater General Permit is.

**DAVID DAUSMAN:** So, if you're not familiar with shooting grades and you don't want water ponding around your building and in your parking lot, I would hire somebody.

**MARK SEIB:** Mike Baehl made a motion to approve the Site Development Plan. Motion seconded by Keith Spurgeon. Roll Call Vote (6-0) **Yes. Motion carried.**

**MARK SEIB:** Findings of Fact are on the back.

**KEITH SPURGEON:** So, you said in your latest plan, you're still going to have six parking spaces total?

**NICOLE MENY:** Yes.

Keith Spurgeon made a motion to approve the Findings of Facts and seconded by Greg Newman. Roll Call Vote (6-0) **Yes. Motion carried.**

---

**REZONING:**

DOCKET NO: 23-06-RE-APC

APPLICANT: Bradley Stevens

OWNER: BSMS Properties LLC

PREMISES: Part of the Southeast Quarter of Section 11, Township 4 South, Range 12 West lying in Smith Township, Posey County, Indiana. Containing 1.60 acres more or less. More commonly known as 10470 Evansville Street, Cynthiana, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from M-1 (Manufacturing Light) Zoning District to an M-2 (Manufacturing Medium) 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 with the board that no one had a conflict of interest. Mr. Seib confirmed with Mindy Bourne that the applicant met requirements for notification per the statute.

**BRADLEY STEVENS:** Bradley Stevens on behalf of BSMS Properties. My home address is 10201 Motz Road, Evansville, IN.

**MARK SEIB:** And would you please give us a description of what you're wanting to do.

**BRADLEY STEVENS:** This item here is 10470 Evansville Street. We have an existing building with a sheet metal welding shop, and we have been told that with the welding involved that we need to be zoned M-2 instead of M-1. And that being said, we're applying for the M-2 rezoning.

**MARK SEIB:** Okay. All right. So, you're adding on to the building?

**BRADLEY STEVENS:** Yes.

**MARK SEIB:** And you're enlarging the process of what you're doing there? More welders, more fabrications, and everything else is going on or that's what you're hoping for. Or are you just wanting to move your material inside more?



**BRADLEY STEVENS:** Yes, we're going to move some of our big machines into the bigger shop so we can have more space to do our welding at the facility that we're in. Obviously, there's always materials sitting in our way where we need to be working so we can kind of separate that.

**MARK SEIB:** Anyone wishing to speak for or against this proposed rezoning, 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.

Mike Baehl made a motion to approve 23-06-RE-APC. Motion seconded by David Dausman. Roll Call Vote (6-0) **Yes. Motion carried.**

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

---

**REZONING:**

DOCKET NO: 23-07-RE-APC

APPLICANT: Bradley Stevens

OWNER: BSMS Properties LLC

PREMISES: Part of the Southeast Quarter of Section 11, Township 4 South, Range 12 West lying in Smith Township, Posey County, Indiana. Containing .939 acres more or less. More commonly known as 10810 North Street, Cynthiana, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from CG (Commercial General) Zoning District to an M-2 (Manufacturing Medium) 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 with the board that no one had a conflict of interest. Mr. Seib confirmed with Mindy Bourne that the applicant met the requirements for notification per the statute.

**BRADLEY STEVENS:** Bradley Stevens. Mailing address 10201 Motz Road, Evansville, IN. I'm here with the application to rezone the 10810 North Street property to M-2.

**MARK SEIB:** And is this the addition or the other part of the property?

**BRADLEY STEVENS:** We had the chance to buy a condemned piece of property with a fallen down building on it and clean it up. And so, yes, the project is working with the town and eliminating the street between the two of us and joining us all is one property. So, I figured it all needed to be zoned the same in order to do that.

**MARK SEIB:** Absolutely right. This does not bear anything on this, but you're going to try to close the street and make it all tied together?

**BRADLEY STEVENS:** It's a dead-end street. And then the Town offered to make it just a utility easement.

**MARK SEIB:** Same process, same work, same details, everything of what the previous one was as well? On this property here, that's what you're going to do or what are you going to do?

**BRADLEY STEVENS:** Yes. Just for future development. To be in correct ordinance.

**KEITH SPURGEON:** Right now, you're primarily just using it for parking, right?

**BRADLEY STEVENS:** Yeah, Like I said, there was a falling down building on it. And we cleaned up the building and it's just a concrete pad and my employees just park on it. For now. With possible intent of putting a building on it in the future.

**MARK SEIB:** Any questions for him at this time? Anyone wishing to speak for or against the proposed rezoning, please come forward. Seeing and hearing none, we'll close the public portion. It's 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 23-07-RE-APC. Motion seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

**MARK SEIB:** So, Bradley, you understand that this is a rezoning, so this will have to go before the Cynthiana Town Board for them to review it. And do we know when their next meeting is?

**MINDY BOURNE:** Yes. August the 21<sup>st</sup>.

**MARK SEIB:** Okay so you'll have to be in attendance at that meeting. Mindy will be there as well, representing what you have done tonight.

Mike Baehl made a motion to accept the Findings of Fact. Seconded by Randy Owens. Roll Call Vote (6-0) **Yes. Motion carried.**

---

**SITE DEVELOPMENT PLAN:**

**APPLICANT:** Bradley Stevens

**OWNER:** BSMS Properties, LLC

**PREMISES:** Part of the Southeast Quarter of Section 11, Township 4 South, Range 12 West lying in Smith Township, Posey County, Indiana. Containing 1.60 acres more or less. More commonly known as 10470 Evansville Street, Cynthiana, 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-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 confirmed with the board that no one had a conflict of interest. Mr. Seib confirmed the applicant met all the requirements for notification per statute.

**BRADLEY STEVENS:** 10201 Motz Road. Here with application for a site plan to add an additional 40 by 80 onto the 10470 Evansville Street address.

**MARK SEIB:** The question I have for you – is this an addition onto the building? You're not going to have it attached or anything? You're going to keep it separate? Were there any special thoughts on that?

**BRADLEY STEVENS:** Looking down the road on attachment, to be able to get rolling with putting a building up now, through state codes would be a fire restriction between the two. So to get things rolling, like you said and appreciate you taking that into consideration, moving me to this meeting, I got to do what I got to do and put a building up to get working in.

**MARK SEIB:** And then without having to put up, just put what I want to call not a catwalk, but some kind of a –

**BRADLEY STEVENS:** There's going to be, yes. There's going to be a ten-foot garage door in one building and in the other that we will have to jog through.

**MIKE BAEHL:** We asked him in the meeting, “Is there not going to be a bathroom in it or nothing in this new building?”

**BRADLEY STEVENS:** Yes. Just an open building with steel racks and a single 22-foot garage door to pull something in or pull a load material through.

**MARK SEIB:** And how is the height of the building going to be the same as the current buildings around it, or is it going to be taller or is it going to be the same as the current?

**BRADLEY STEVENS:** The current buildings are 12-foot sidewalls on a wood post. This building will be 22-foot sidewalls on a steel building.

**MARK SEIB:** So, will this building also have exhaust fans for the welding or anything? Or will there be anything that would be projected out for sound or anything like that?

**BRADLEY STEVENS:** For the plan is just putting materials in. Be probably as tall as it is, we'll put some sort of roof vent for heat, but that's no different. What we have now is just an attic fan.

**MARK SEIB:** Any heat exhaust, or you know, something that would create more sound that would be an issue for the neighbors? Since the location of where you're at – there's residential that's close to it. And that does make, you know, we try to make a buffer if we have that. But it sounds like you're not needing that in that building.

**BRADLEY STEVENS:** No.

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

**MINDY BOURNE:** We had a site plan meeting the reports in your folder. The project does not require a Construction Stormwater General Permit. They have not received their State Construction Design Release.

**MARK SEIB:** Now we'll open up for the public portion of this hearing. Is there anyone here wishing to speak for or against the proposed site development plan? Seeing and hearing to no one, we'll close the public portion and we'll leave it up to the committee to discuss and take action as they see fit.

Greg Newman motioned to approve the site development plan with the stipulation that the Cynthiana Town Board approves the zoning and acquisition of the state permit. Seconded by Keith Spurgeon. Roll Call Vote (6-0) **Yes. Motion carried.**

Keith Spurgeon motioned to approve the Findings of Fact. Seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

**MINDY BOURNE:** We'll take this rezoning to Cynthiana on August 21st. And then if they approve the rezoning, you would get your State Permit, then you can come into the office to get your construction permits. You'll need to talk to Ed Batteiger about building code.

---

**SITE DEVELOPMENT PLAN:**

**APPLICANT:** David Wanninger, Acura Engineering, Inc.

**OWNER:** Superior Property Holdings, LLC

**PREMISES:** Part of the South half of the Northeast Quarter of Section 18, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. More commonly known as 40 Frontage Road, Poseyville, Indiana, containing 2.50 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

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

Approval of Site Development Plans 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 confirmed with the board that no one had a conflict of interest. Mr. Seib confirmed the applicant met all the requirements for notification per statute.

**BRIAN MERKLEY:** Brian Merkley. 4619 Koester Road, Wadesville, 47638. I'll be speaking on behalf of Superior Property Holdings. We're looking for approval on a Site development plan for a building addition of a 75 by 136 post frame. 22 foot tall. We're looking to move our coatings facility out of Poseyville and put it in this building. It's been part of our strategic plan to get our fabrication and our coatings on the same property. And then also just trying to be a good neighbor and get some of our traffic and, you know, just our operations out of the Town of Poseyville.

**DAVE WANNINGER:** Dave Wanninger. 2560 Woodstone Lane, Evansville, Indiana. I'm the engineer for Superior Holdings. I will address any questions regarding the design or construction.

**MARK SEIB:** I remember back whenever Nix's came to us and asked us to allow that to be zoned those different things, here were trees back there and that kind of stuff. Are you still maintaining those trees and being able to buffer? Because what we do have is we have residential just on the other side of that fence. And usually if we have an M-1 or anything like that, we try to give a little bit more buffer in between. So, tell me a little bit about what you're trying to do to buffer those residents that are in R-1 over there on the other side of the fence?

**DAVE WANNINGER:** There is currently a tree buffer, actually, it's quite tall. It's been there for a number of years between the residential and the M-1 and it's still in place. It seems to be functioning well.

**MARK SEIB:** Is there any exhaust fans or anything that are adding to the noise level that will be increased? Because right now you have just a, you know, shed and you're not really creating anything like that. Will there be with what you're trying to do? Will there be an exhaust, and will that increase the sound?

**DAVE WANNINGER:** Yes, there will be some building exhaust fans and then our dust collector, which we will be moving from in town Poseyville to out at this location. So, there will be additional sound.

**MARK SEIB:** So, can you then tell me what kind of dBA's that you're going to be looking at and increasing that?

**DAVE WANNINGER:** Yeah, on our dust collector. We have a silencer on the current dust collector.

**MARK SEIB:** So, you're putting a silencer on the motor?

**DAVE WANNINGER:** It's on the exhaust. That's what makes the noise.

**MARK SEIB:** But you don't have any idea what kind of dBA's is going to be created after you've done everything with that?

**DAVE WANNINGER:** I don't off the top of my head, but I can get that information. And the developer Matthew was saying where this is going to be as compared to where we have it at now is substantially further than where it is currently. The dust collector from residential.

**MARK SEIB:** Substantially further away from the residential?

**DAVE WANNINGER:** Yes.

**MARK SEIB:** Okay. But, you know, if you put a train whistle out there, you're going to hear a train whistle. So I don't know how we, you know, the amount of sound that you would be doing. And are you only having one collector or whatever for that? Or is there multiple or is there any additional? Let me ask you this – this may be a little bit easier, currently where you're at, will that sound level be increased where you're going to be relocating to?

**DAVE WANNINGER:** No.

**MIKE BAEHL:** And in fact, where you're relocating to is further away from any residences than where you're at now.

**MARK SEIB:** And it has the tree line, which will help you to tree line. Matthew was very diligent in trying to keep that buffer because some of the residents on the other side when they first came were a little bit concerned about that. And Matthew guaranteed that he was going to leave that in place to try to buffer that sound.

**MIKE BAEHL:** It is going to help. Fletchall Avenue, right now in Poseyville gets very, very congested for the safety of everybody in town. This will help immensely. This is a good thing. Because it gives them more room to store parts and everything else and all that's separating their dust collection system now is the city street from the houses. So this is a lot better away and things like that. So, the Town of Poseyville, we're not against it, for sure.

**MARK SEIB:** At this time, we'll open it for the public portion. Anyone here wishing to speak for or against the proposed site development plan? 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:** Can you give us a rundown of the committee meeting?

**MINDY BOURNE:** Reports in your folder. The project does not require a Construction Stormwater General Permit. They have not filed for their State Construction Design release yet, but they did say they would file for a foundation release first. So they could get that part started.

**MARK SEIB:** So we most probably need to have a motion that would include that they have to have their State Permit as well to get that – to get started.

**DAVE WANNINGER:** So we have filed for the foundation release with the State. We thought we would have it by tonight. We'll probably get it tomorrow. And what we would like to do is actually start on foundations as soon as we can. And we expect the rest of the plans to be submitted in the next couple of weeks for the full release from the State. So at this point, hopefully if everything passes, we'd like to be able to start foundations because that will take a period of time while we're submitting the other plans and getting that full CDR approval.

**MARK SEIB:** And I guess we'll ask the committee. I don't think anyone has an objection for them to get that. If they get that release from the State, then that meets our requirements. Can you handle that as far as giving them a permit with just the foundation?

**MINDY BOURNE:** Yeah. I mean, how I would handle that is I'd just go ahead and issue their Improvement Location Permit and then it would cover the whole project. But obviously they can't start on the rest of it until they have the State Permits because Ed won't let them either. All they'll be allowed to do with him is to do the foundation.

Mike Baehl made a motion to approve the Site Development Plan pending a Foundation Permit and a state permit are acquired. Motion seconded by Greg Newman. Roll Call Vote (6-0) **Yes. Motion carried.**

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

---

**REPLAT:**

DOCKET NO: 23-05-S-APC  
APPLICANT: Greg Kissel, Kissel Land Surveying, LLC  
OWNER: Crystal Robbie Waites  
PREMISES: Lots 12 and 13 of Lakeland Ridge No. 2A and Replat of Lots 6 Thru 20 and Lot 26, 27, and 28 in Lakeland Ridge No. 2 and being a part of the Northeast Quarter of the Southwest Quarter of Section 33, Township 6 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 5591 & 5601 Red Lake Drive, Mt. Vernon, Indiana. Containing 2.396 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 of Lots #12 and #13 of Lakeland Ridge No. 2A and Replat of Lots 6 Thru 20 and Lot 26, 27, and 28 in Lakeland Ridge No. 2 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 confirmed with the board that no one had a conflict of interest. Mr. Seib confirmed the applicant met all the requirements for notification per statute.

**ZACHARY BOOP:** My name is Zachary Boop. I'm with Kissel Land Surveying LLC. Address is 104 South Walter Street, Fort Branch, Indiana. We're here just to combine these two lots. The owner wants to make it into one so they can build in the middle.

**MARK SEIB:** They're going to build a what?

**ZACHARY BOOP:** A house.

**MARK SEIB:** So that's basically what they're wanting to do in this subdivision that was platted before, is to make that combined and make the lot bigger. I'm assuming they're going to try to locate the house more towards the center of both of these lots now?

**ZACHARY BOOP:** Yeah, that's right.

**MARK SEIB:** I'll open it up now for the public portion of this application. Is there anyone here wishing to speak for or against the proposed replat?

**RANDY TIEDEMANN:** My name is Randy Tiedemann. I live at 5571 Red Lake Drive. It's lot ten of this subdivision. My only question on this would be, will this affect any of the other lot numbers or will they take lots 12 and 13 and just say it's 12 A or 12 B, or how will they handle the numbering of this?

**MINDY BOURNE:** This one's a little confusing the way it's titled, because there was a previous replat of this section of the subdivision at one time. So the actual title of this subdivision currently in the recorder's office is Replat of Lot 6-20 and lots 26, 27, 28 in Lakeland Ridge #2. So lots 12 and 13 fall within that title. The only two lots that are being changed tonight are lots 12 and 13. If that makes sense.

**RANDY TIEDEMANN:** Well, not really, and that's a little confusing, I agree. Because that whole replat that they'd done earlier, it changed the numbers in that subdivision to a certain extent.

**MINDY BOURNE:** Correct. So you have Lakeland Ridge, then you have Lakeland Ridge #2. And then I think there was even a Lakeland Ridge #2A. But anyway, this Lakeland Ridge #2 was replatted some time ago. So if you're in Lakeland or Lakeland Ridge #2, and you're one of these lots, I mean, that part was replatted at one time. So right now the physical title of that plat within the recorder's office is that big long title that includes your lot number. But tonight they're just going to revise lots 12 and 13.

**RANDY TIEDEMANN:** Okay, so lot ten, that number will stay the same? There won't be any change to that whatsoever?

**MINDY BOURNE:** No. It's just lots 12 and 13.

**RANDY TIEDEMANN:** Okay. I have no problem with them going together. I was just confused on how the numbering was going to be. Well, good. That's all I have. Thank you.



**MARK SEIB:** Anyone else wishing to speak for or against the proposed replat? 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.

**MINDY BOURNE:** Construction Stormwater General Permit is not required for this. And then we did get a comment from AT&T because I've sent letters to water, utilities. AT&T is good with replat and retaining any easement rights, so they don't have any issues with it.

David Dausman made a motion to grant preliminary approval of the replat and authorize Mindy Bourne to give final approval once 30 days has lapsed. Mike Baehl seconded the motion. Roll Call Vote (6-0) **Yes. Motion carried.**

---

**MAJOR SUBDIVISION:**

DOCKET NO: 23-06-S-APC

APPLICANT: Greg Kissel – Kissel Land Surveying, LLC

OWNER: Phillip Williams & David Esche Construction

PREMISES: Part of the Southeast Quarter of the Southwest Quarter of Section 8, Township 5 South, Range 12 West, lying in Center Township, Posey County, Indiana. More commonly known as 7350 SR 66, Wadesville, Indiana. Containing 2.00 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 Major Subdivision Plat 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 confirmed with the board that no one had a conflict of interest. Mr. Seib confirmed the applicant met all the requirements for notification per statute.

**PHILLIP WILLIAMS:** Phil Williams. 7260 Main Street, Wadesville Subdivision. Looking for a subdivision plat. If you're not familiar with the address, it's adjacent to the VFW in Wadesville. There's a ball diamond prior to that, so there hasn't been buildings on it that I know of in 60 years. We're going to call it Cartwright Court Subdivision. Lots will be six lots. So it's not a huge development. It's just a six-lot subdivision.

**MARK SEIB:** What's the size of the lots?

**PHILLIP WILLIAMS:** The lots are made to minimum requirement of 10,000ft<sup>2</sup>.

**MARK SEIB:** And you're having septic in there?

**PHILLIP WILLIAMS:** No, we're going to take advantage of the sewer system that's going in Wadesville now. Utilities are accessible. Gas, electric water on site. Rooftop drainage of all lots go underground and drain to the northwest. All the rooftop drainage will be underground. Stormwater stuff will, there's a stormwater program that we're going to try to go through, but that's going to drain on the property adjacent to it, which I own.

**MARK SEIB:** So that goes down to the railroad track?

**PHILLIP WILLIAMS:** The old railroad tracks? That's correct. We're going to excavate the whole site. Do you have the drawings in front of you? Where it shows the road, that new road will be lower than the rest of the site when we get done so that roadway water will move to a surface drain site. That water will go underground down to the railroad tracks. Both sides will slope to the road. So we're not going to dump any water on anybody.

**PHILLIP WILLIAMS:** Sounds complicated a little bit to start, but it's really not. It's all there. There's a cut and fill area and dirt's on site. We're not going to change anything other than that.

**MINDY BOURNE:** Did you make contact with Steve Schenk?

**PHILLIP WILLIAMS:** I have made contact with Steve Schenk. I think he was off this week. I talked to Clem Goebel. We discussed, you know, how to follow the guidelines set up by the county for the roads and the culverts or anything on the side. And there's nothing for them to do until, we get the outcome of this meeting and that kind of thing. So we're in agreement with what has to be done with county.

**MINDY BOURNE:** Just for this group, because I don't know if you guys have ever seen a major subdivision yet, but this is preliminary approval tonight, he still has to get final approval since this subdivision is going to involve public improvements such as the roadway. We cannot grant final approval until all public improvements are in place or he posts a bond.

**MARK SEIB:** Do you know what you want to do?

**PHILLIP WILLIAMS:** We plan to make those improvements prior to, you know, if we get our permits in order and stuff like that, we're going to go ahead and build it. We're going to build it.

**MINDY BOURNE:** Because well, at the subdivision meeting we discussed all this, but German Township Water is there. It just has to be tapped in. And then AT&T said they're good with everything and then the sewers are in place already.

**PHILLIP WILLIAMS:** They went ahead and laid them when they went in with the program that's going on in Wadesville. Posey County Sewer district approved that.

**MINDY BOURNE:** The only other question I have was the stormwater, the Construction Stormwater Plan that I told you to talk to Megan Ritterskamp about?

**PHILLIP WILLIAMS:** I did. I talked to Megan at Posey County Soil and Water and she gave me the information I need to file those permits. We'll do that pending the outcome of this meeting. We've got them ready. I've got an environmental company hired to help me with those permits and drainage programs.

**MARK SEIB:** So you're going to use them to help with the design of what size, drainage pipes and everything you're going to need for that? The calculation of the water amount that's going to be moving towards that and everything else?

**PHILLIPS WILLIAMS:** That's correct. When I contacted Steve Schenk last week, he was either off or or what? And I told Clem Goebel, it's my understanding he's second in command, and he was going to notify Steve. But we're not going to be throwing any water out on the road that's not already there. And then he'll have to monitor our road work and either approve or disapprove. So we'll have to make it up to the specs that the county sets forth for the road.

**MARK SEIB:** So you're intending to turn it over to the county?

**PHILLIP WILLIAMS:** I intend to, yes.

**MARK SEIB:** So then he'll have to meet a set of standards that the county has put in place. So width and curb and everything else will have to be done. So Phil can work that away through that. So this is a preliminary on a major subdivision.

**PHIL WILLIAMS:** We think there's a market for it. I've already had some interest, you know, not a lot, but some. And it's over the years prior to doing this, you know, we've had some interest in the size house and stuff that we want to put there.

**KEITH SPURGEON:** How many bedrooms would be in this size house?

**PHILLIP WILLIAMS:** That'd be three bedrooms.

**MARK SEIB:** So it's a good size house. Or at least that's what you're pushing for. And without sewers, you could never do this. Anything else for Phil at this time? At this point in time, we'll open it up for the public portion. Is there anyone here wishing to speak for or against the major subdivision?

**LISA MORROW:** Lisa Morrow. 7364 Highway 66, Wadesville. I'm the only adjoining property to that lot. The drainage is a concern. Our property is currently lower than that property. We already have drainage issues coming from that property, so I do hope that those will be addressed because it's only gotten worse since a corner has already been excavated. Sorry. I need to get my notes out here. So myself and some of my neighbors are concerned and opposed to the major subdivision development project. On the property in question in the middle of our rural residential community properties, about two acres, adding six residential buildings, whether they are single family dwellings or duplexes, which was a rumor at some point that they might be duplexes. The site plan doesn't specify, so I'm not positive on that. But it's much denser than any surrounding or nearby residential area, and it is out of character with the rest of the houses in that

area. Almost every house in that area faces Main Street. It's not at a perpendicular. They have more open space and natural barriers to afford additional privacy and prevent excessive light and noise intrusion of neighboring properties. Although some of my points will sound like familiar objections that every rural development project faces in a rural community, let me emphasize that my opposition is not merely a NIMBY opposition. This is not just about development in my backyard. But adding this many homes densely positioned will negatively impact all of the neighboring properties by reducing the rural environment of the community that exists here. Because the site plan does not specify the type of dwellings to be constructed, I'm assuming that there's a possibility they could still be duplexes and that they may be rental properties. So this means potentially 12 family dwellings on this two acre plot. And I believe this density contradicts the intent of the comprehensive plan for Posey County, which emphasizes the need to preserve the rural environment with plenty of open space and natural structures. With an average of two cars per household, there will be a significant increase of traffic on Main Street that would endanger kids and pets who already live in the area. In fact, it calculates to approximately 4000 to 8000 additional opportunities every year for a tragic disaster involving a kid or a family pet. More densely populated areas are more likely to draw attention of thieves and vandals, putting my property and other property at risk. Additionally, many studies have confirmed that the presence of multiple rental units in close proximity negatively impacts property values. Renters are not always bad neighbors, but evidence does support the idea that renters have less personal interest in community and preservation of property values than homeowners, they're more likely to be shorter term residents, and less likely to develop positive relationships with neighbors, leading to a breakdown of community and ultimately increase in potential crime rates. But my opposition to the subdivision as planned is even more specifically rooted in the unique harm it presents to me and my property, over and above the harm and inconvenience shared by other neighbors. My property is the only adjoining property and the current site plan positions three plots on my side boundary line. That's potentially six backyards on my property line and there are no setback indications on the rear lots. In fact, like you mentioned, six sewer tanks and pumps have already been set on the property before the application was ever submitted. Six backyards means additional light and noise intrusion from the normal and expected activities of six families, potentially with kids and pets. Six air conditioners, six lawn mowers, leaf blowers, snow blowers, and whatever other noise generating activity we all partake in from time to time in our own property. The construction phase alone of this many structures directly adjoining my property will create significant noise and disruption for a substantial period of time. This is not a project that will be completed in a few weeks or months. It will destroy any level of peace and comfort in and around our home for a very long time. It will be practically impossible to enjoy spending time outside on our own property and have a negative impact on our mental and physical health. For a significant span on a subdivision with larger plots, we may have to endure the construction while it's next to us for a shorter amount of time. This being so intensely close to us, we will be disrupted for the entire construction phase. The six sewage tanks and grinder pumps that have already been installed on the property, three of them are installed within five feet of my property line or less. One of them is installed incredibly close to my water well and I tried to raise those concerns with the sewer board. I tried to ask about setback regulations, if they were in place or if there was a potential risk to my water supply and I was attacked and hostilely told it was none of my business what happens on the property next to mine. My inquiries were met with immediate hostility and threats. I was literally told it was none of my business and was told that all zoning and code regulations were being followed, even though at that point no

application had been yet submitted. The hassle response was inappropriate, combined with the fact that the pumps and tanks were already installed at no cost to the landowner, with no regard to possible risk to my property or my water supply, as well as the hasty and hostile declaration by a county board member that zoning ordinances and codes were being followed. It's clear there had already been levels of communication between landowner and county officials. The arrangement of subdivided plots is abnormal and will completely disrupt my ability to enjoy a reasonable level of peace, enjoyment, and privacy on my own property. I fully understand that I do not have the legal right to infringe on the rights of this property owner for use of his property as he wishes. But the reciprocal is also true, his property rights should be no more important than mine, and he should not be arbitrarily granted permission to disregard my rights in favor of his own profit. Thank you.

**MARK SEIB:** Is there anyone else wishing to speak for or against the proposed major subdivision? Seeing and hearing none, we'll close the public public portion. Phil, you want to come back up? First of all, I guess the question concerning the setbacks, those still have to be done through with the process of where he's going to set the buildings. They still have requirements to meet where how far they can sit from the property of the back and all that. The other concern is the wastewater. It's a closed system. We don't have any jurisdiction into that. As far as the closed system, that's with the Health Department, that's with those kind of people, we just have what the building is and going from there and that they meet the requirements as far as where they can place them in that kind of stuff. I guess you're asking for a B-2 zoning, which means that you could have R-1 residential single families or you could have a duplex, you know, two families on that. What's your intentions here? Single family? That's what you want to do is you're wanting to put in single family residential homes?

**PHILLIP WILLIAMS:** Yes.

**MARK SEIB:** And then, she's concerned about the runoff but if I heard you correctly, and you correct me if I'm not right, but you're moving everything to the center. All the land is going to slope towards the center of where the road's at?

**PHILLIP WILLIAMS:** That's correct.

**MARK SEIB:** The watershed that used to be there, or currently is, is all now going to be moved towards the center and then being dealt with by underground tile to move it out into the railroad track roadbed?

**PHILLIP WILLIAMS:** That's correct. I can see their concern, you know, prior to the dirt work. I mean, I can, but it's going to look a lot different when we do the dirt work.

**MARK SEIB:** I was just looking at my notes here to see what else she had as far as some other things, but the setbacks, taken care of the system, the wastewater is settled with them putting that in the septic system that was on their own. You know, if we deny it, they're sitting there with something that they've spent and they can't do anything with. Phil, didn't you have to have those sites put in and done through that whole process with the sewer district?

**PHILLIP WILLIAMS:** We did.

**MARK SEIB:** You would have to ask the Building Inspector or the Commissioner for the building inspections, to see if there's anything with that. I don't think there is a requirement other than being able to maintain them. So I don't think they can be right on the property line, but they can be off the property line. Again, let me just make this comment to you. It's a closed system. If they had field beds in there, I would be worried as you are. But this is a closed system, so that means it's being pumped to the plant for them to be taken care of and done away with that way so the waste is not on that land. And I also know that if you do have an issue that there is a leak or it contaminates your well, that the Health Department can then figure out whether that does or does not. And if it does, then you do have your legal rights to take care of, you know, the loss of the well and everything else to go with it. So that's something that just has to play out in order to do it. And going from there, you know, just like with your septic system and what you have is a field bed, you know, he can say that you're going to contaminate their side of the fence as well. So, I mean, it's a give and take right on your side

**LISA MORROW:** Lisa Morrow. 7364 Highway 66. I did want to mention that that side of my property this is on is my predominant use side. It is the side that my door opens to, the side I see from my kitchen window, it's the side of my property that is my usable side. So three backyards along one property line is an unusual arrangement. When there there's no screening and no natural boundary left. It's all been stripped out so there's no privacy protection at all. And we're talking ten feet off my property line. The sewage tanks I can touch without leaving my property. So I'm assuming that the building is not going to be much further than that. Well, what's the setback? He's got a ten foot easement noted on the on the plans.

**MARK SEIB:** So the requirement for the setbacks, Mindy is looking it up right now to make sure so you understand what those setback requirements are.

**LISA MORROW:** But I did want to mention this is not just a backside of my property that I don't use. This is my predominantly used portion of my property.

**MARK SEIB:** And I also know living in that community for a long, long time, all my life basically, that that was a field of grass for a long, long time. So there were no trees until recently.

**LISA MORROW:** There used to be a property or there used to be a tree line about 4 to 6 foot deep. Dallas took most of that out. Dallas Travers took most of that out, and then the guy that bought it and was going to put the orchard there, he took a bunch of it out. And now the rest of it is, I mean, there's nothing left there. But you're right, that's been taken out over time but there also weren't houses there.

**MARK SEIB:** So he has 20ft from the property line. He has 20ft from the back of the building to be away from the property line.

**PHILLIP WILLIAMS:** I think it's 20 foot backset from your property line before the building can start. Before a house can start. We do plan to help her out a little bit. We do plan to put a hedge of sorts on the back between the proposed property, the proposed site, and their property

for a couple of reasons, but one for the same thing to protect my potential customers as far as their stuff.

**MARK SEIB:** So you're going to put a row of hedge on that back?

**PHILLIP WILLIAMS:** I'm going to put something to block the view. Basically of nature. I'm thinking a hedge. So that should help with some relief there.

**MARK SEIB:** Are there any other questions from the committee?

**DAVID DAUSMAN:** I have a question about the zoning. Has this always been zoned? Has the zoning changed recently?

**MINDY BOURNE:** No. I mean, I don't know the history, the zoning he did not change.

**DAVID DAUSMAN:** And this is a preliminary hearing as far as the site drainage there will be –

**MARK SEIB:** That comes later. That comes later because that's where he brings all the design work as far as where the road is, how much of a curb he's got, you know.

**DAVID DAUSMAN:** You probably have inlets, curbs and inlets that take it to an underground pipe?

**PHILLIP WILLIAMS:** We don't have it on the plat but the county has a typical road section that they use, you know, a ditch and section. We're going to take out surface water to a surface drain, two of them, and then offsite that underground all the rooftops. Keep in mind, all the rooftops are going underground.

**DAVID DAUSMAN:** So none of this runoff could impede on them?

**PHILLIP WILLIAMS:** They're going to get typical rainwater that they get now.

**PHILLIP WILLIAMS:** Just reiterate a little bit, the storm surge, that if we had a big storm surge that surface drains would run over, that's going to exit the property to the north between two lots and then it'd be dispersed out across my property that I own adjacent to it, down to the railroad bed where the ditch is at.

**MARK SEIB:** The relief basically is going to be across those two lots and on across your property to the thing and not the other direction?

**PHILLIP WILLIAMS:** That's correct.

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

**MINDY BOURNE:** I did receive an email from Lisa yesterday and she just asked about if she could see a plan or something. So I did send her the proposed plot yesterday.

**MARK SEIB:** Okay. And there'll be more detailed drawings to come. They have to go through another public portion and doing that with the final to be able to bring that all here. So you'll be able to see exactly how it's all laid out and everything. Mindy, you had a site review committee that looked at this. Was there anything?

**MINDY BOURNE:** We've already basically discussed it.

**MARK SEIB:** Okay. Alright. It's up to the committee to discuss and take action as they see fit.

Mike Baehl made a motion for preliminary approval of the Major Subdivision – Cartwright Court. Motion seconded by Keith Spurgeon. Roll Call Vote (6-0) **Yes. Motion carried.**

---

**COMPLAINTS – TABLED:**

**236 S. Maple Street, Mt. Vernon (Spray)**

**MARK SEIB:** Next item we have is complaints that were tabled. 236 South Maple Street, Mt. Vernon, IN.

**MINDY BOURNE:** 236 South Maple, this has been an ongoing complaint. It started back in May and it's been tabled several times here because we had two campers and one got moved, and then I sent out another letter telling them to move the other camper, then they called on July 12th and said that they would have the camper removed in two weeks. July 13th it still was not moved, so we tabled it to tonight. As of August the 3rd, the camper is still there, which is the pictures you have in your folder.

**MARK SEIB:** Is there anyone here wishing to speak on that complaint? Anyone here wishing to speak on the 236 South Maple Street? Seeing and hearing none. You know, the customary action is that we turn it over to the attorneys to go ahead and send a letter from them asking for an explanation, a deadline, that kind of stuff to report back to the board and also inviting them to come to this meeting in September. It would be to basically discuss if they have anything else to say about it.

No one present to address complaint.

David Dausman made a motion to have legal proceed with sending a letter. Motion seconded by Greg Newman. Roll Call Vote (5-0) Keith Spurgeon abstained. **Yes. Motion carried.**

**1129 W. 3<sup>rd</sup> Street, Mt. Vernon (Walls)**

**MINDY BOURNE:** This initial complaint originated back in May as well. I did get contact from the tenant. He did come into the office. And on July 10th, the black truck was removed. But the red Explorer is still there. As of July 13<sup>th</sup>, it was the same situation. So Trent was ordered to



send a letter to the owner and the tenant. And Trent said that they did receive the letter. I mean, he has signatures from both the tenant and the property owner. The pictures as of August the 3rd still show the Red Explorer.

**TIM BRAKIE:** Tim Braekie. 1129 West 3<sup>rd</sup>.

**MARK SEIB:** Can you explain what the situation is or what you want to say?

**TIM BRAKIE:** Truck's gone.

**MARK SEIB:** The truck's gone? The red truck is gone?

**TIM BRAKIE:** Yes.

**MARK SEIB:** And the black one's still gone?

**TIM BRAKIE:** No. The black one drives.

**MARK SEIB:** The black one drives? Okay, so you've got it. What was it concerned about? Whether it was parked on grass?

**TIM BRAKIE:** Actually, that's gravel back there, but ok.

**MINDY BOURNE:** Well, so the Red Explorer does not have a license plate. This was the original complaint. And the black pickup does have a plate and it's backed into tall weeds and cannot be read. It does appear to be inoperable as grass has grown up under the tires. But the black's been gone for some time now.

**TIM BRAKIE:** Aired the two tires up and drove it around the front.

**MARK SEIB:** So the red the red vehicle is moved. It's not setting on anything else on the property, right?

**TIM BRAKIE:** No, the red truck is gone. It was sold. And like I come up here and explained, I couldn't sell my daughter's truck. It didn't belong to me.

**MARK SEIB:** And there's nobody saying that you had to sell your truck or anything. What we're saying is, is that it couldn't be parked on the grass is what I'm assuming.

**TIME BRAKIE:** Well, there was gravel there too.

**MARK SEIB:** There's gravel there too, I guess. Then comes the decision here of whether that gravel has been there for long enough for grandfathered to be able to be parked on.

**AUDIENCE MEMBER:** It's been there for 15 years, probably.

**MARK SEIB:** So anyway, the black truck is working and it's been moved. The red truck's been sold. It's gone. Was that the only thing that was on the concern? Anything else you want to add?

**TIM BRAKIE:** No, that's pretty much it.

**MARK SEIB:** Let us take and discuss it and then you can hear. And if you have any other comments, you can come back. Alright. You've seen it, heard it. What's the feeling of the board?

Randy Owens made a motion that the complaint has been resolved. Mike Baehl seconded the motion. Roll Call Vote (6-0) **Yes. Motion carried.**

### **831 W. 3<sup>rd</sup> Street, Mt. Vernon (Givens)**

**MINDY BOURNE:** This was a tabled complaint because we had not received a response at the last meeting and the car was still there. So Trent sent them a letter and on July 26<sup>th</sup>, we were contacted that the car was removed. And as of August the 3<sup>rd</sup> photo, you see the car is removed.

Keith Spurgeon made a motion that the complaint is resolved. Motion seconded by Randy Owens. Roll Call Vote (6-0) **Yes. Motion carried.**

### **1202 Dereham Drive, Mt. Vernon (Tidwell)**

**MINDY BOURNE:** This was the yard barn. Somebody was living in the front yard. And we did receive contact from the property owners back in June on this one saying they were going to remove the shed. As of July 10<sup>th</sup>, the shed was still there. July 14<sup>th</sup>, we sent them a letter asking them for time to move the shed. Then on July 17<sup>th</sup>, the property owner called the office and said she was trying to get the shed removed. August 2<sup>nd</sup>, I got a phone call into the office saying they're trying to get it moved. August 3<sup>rd</sup>, which was last Friday, they came in and got a permit to move it to the rear yard, which is compliant. They did receive a permit, but they stated that they still want to get the shed removed from the property completely. And I do have photos from August 3<sup>rd</sup> showing the shed has been moved to the rear. It has received a permit. So it's compliant where it's at right now.

David Dausman made a motion that the complaint is resolved. Motion seconded by Mike Baehl. Roll Call Vote (6-0) **Yes. Motion carried.**

### **COMPLAINTS – NEW:**

### **438 W. 8<sup>th</sup> Street, Mt. Vernon (Willhide)**

**MINDY BOURNE:** This is a new complaint. This is about a vehicle parked in the backyard without current plates and in violation of 153.024(C)(1) and 153.024(C)(2) which is the gravel, and the inoperable, and an unlicensed section of the ordinance. We sent the property owner a letter and July 31<sup>st</sup> the owner called the office and said the car's been removed. And as of August 3<sup>rd</sup>, we have photos with the car removed.

David Dausman made a motion that the complaint is resolved. Motion seconded by Greg Newman. Roll Call Vote (6-0) **Yes. Motion carried.**

**1101 E. Sycamore St., Mt. Vernon (Ridley)**

**MINDY BOURNE:** This is a new complaint. Unlicensed, inoperable vehicle parked in rear yard of 1101 Sycamore Street in violation of 153.024(C)(1) and 153.024(C)(2). Vehicle has been parked in the yard for at least three years. Sent the property owner a letter and I have not received any contact from them. August 3rd shows photos with the car still there.

**KATHRYN RIDLEY:** Kathryn Ridley. 1101 Sycamore, Mt. Vernon, Indiana.

**MARK SEIB:** Please go ahead and tell us what you like.

**KATHRYN RIDLEY:** One of the cars have been removed. The other one, if I could have another week to get it moved, providing we don't have a lot of rain. I don't want to tear up my yard.

**MARK SEIB:** Okay, so you're in the process of moving the last and final?

**KATHRYN RIDLEY:** Yes.

**MARK SEIB:** Because there was only what we were only concerned about one car.

**KATHRYN RIDLEY:** There's a 98 and a 95 Dodge Intrepid.

**MARK SEIB:** So you've got the one removed and you've got the second one that you're trying to get moved with favorable weather conditions and trying to get it. What took you so long to respond?

**KATHRYN RIDLEY:** I thought I had to come up here because this letter said to come to this meeting. So that's what I did.

**MINDY BOURNE:** I put in the letter to contact me by a certain date. But then I also tell them when the meeting it will be addressed.

**KATHRYN RIDLEY:** Alright. I've been sick, so I didn't even really read the letter fully.

**MARK SEIB:** Provided that there's good favorable weather, you'll have that moved within a week?

**KATHRYN RIDLEY:** Yes.

**MARK SEIB:** You've already got somebody that you've contacted?

**KATHRYN RIDLEY:** It just needs tires and a battery.

Keith Spurgeon made a motion to table the complaint. The motion was seconded by Randy Owen. Roll Call Vote (6-0) **Yes. Motion carried.**

**532 E. 3<sup>rd</sup> Street, Mt. Vernon (Allyn)**

**MINDY BOURNE:** New complaint vehicle parked at rear property at 532 East Third Street has been sitting there for over six months. Vehicle is in violation of 153.024(C)(1) and 153.024(C)(2). As the property owner lender and I have not received any response from. The property owner. And August 3rd, the vehicle is still there.

No one present to address complaint.

Mike Baehl made a motion to turn complaint over to legal. Motion seconded by Randy Owens. Roll Call Vote (6-0) **Yes. Motion carried.**

**221 Nettleton Street, Mt. Vernon (Bebout)**

**MINDY BOURNE:** Two vehicles in front yard and licensed in violation of 153.024(C)(1) and 153.024(C)(2). Sent the property owner a letter. They did respond and said they'll try to be in attendance tonight – on August 10th. He'll get his tenant and get the place cleaned up. And as of your photos of August 3rd, it looks like some of the vehicles have been removed.

**DWAYNE BEBOUT:** My name is Dwane Bebout and I live at 221. Those are demolition derby cars and as far as I'm concerned they've got derby car numbers on them. Right now my car is out in the country The one derby car has already been hauled to scrap in Evansville, but the big car will be at derby on Saturday at Carmi, so it will be back in town at my house this weekend before I go to the derby.

**MARK SEIB:** Okay. So I guess the question is, is that these pictures show that it's in the yard.

**DWAYNE BEBOUT:** It's on gravel in front of my house.

**MARK SEIB:** It's on gravel in front of your house? Okay. But the one that looks like on the side yard. Is that one gone? Is that what you're telling me?

**DWAYNE BEBOUT:** Let me see this picture in the side yard. That one has been hauled off to scrap. There's gravel in that whole area inside that fence in between my house and the fence. The gravel goes from one chain link fence to the other to the adjacent property next to us. The grass may have been grown up when they took that picture. Oh, I say it's been growing up but it is not a yard. That is gravel and it's inside a pipe fence.

**MARK SEIB:** Okay. So it says it's not licensed, which demolition derby cars are not licensed basically.

**DWAYNE BEBOUT:** I mean, the demolition derby brings revenue to this town because we keep AutoZone, O'Reilly's, Napa, all the auto parts places in business.

**MARK SEIB:** For us it's the use of the lot. It's the only jurisdiction that we have. There's another division within the county that comes around and if it's not plated or whatever, that's their issue is to address that. Here at the Area Plan, the only thing that we're concerned about is having vehicles that are parked on the yard or on the grass over a period of time that are, you know, vehicles that have been just sitting there. They can't be sitting on grass. So we're going to have to do some checking on that. As far as if you're declaring that that blue vehicle is on rock. And then what about the other vehicle that's beside it? Looks like there's two of them there.

**DWAYNE BEBOUT:** The one was a big car and the other one was a mini car. My wife was driving the blue one and I drove the big one at Posey County Fair and her car has already been hauled off to scrap, which is the blue one. And mine, I will be driving it Saturday at Carmi. I'm bringing it back into town after I'm done working on it tonight but I came here to defend the derby cars in this town.

**MARK SEIB:** And I understand what you're saying but with that being said, I guess, we were just trying to figure out whether or not you meet the requirements to be able to park it there. Because if you parked it in the front of the yard where it's very obvious that there's rock, and we're assuming that that rock there was grandfathered in.

**DWAYNE BEBOUT:** I mean, I can show you an aerial view of Google Maps of the house where the gravel was before I moved there.

**MARK SEIB:** And how long have you lived there?

**DWAYNE BEBOUT:** I've been living there since 2016.

**MARK SEIB:** Okay. We'll see, the ordinance goes back to 2012. So we'd have to make sure that that rock was there before 12.

**DWAYNE BEBOUT:** I'd have to get with Toby Payne because he was the original owner of the house.

**MARK SEIB:** You've already removed one of the cars, the other car that you're going to do in a demolition derby. Is there a way that you can park it on the front?

**DWAYNE BEBOUT:** It'll be sitting on the trailer for me to haul up there to Carmi in the front. It'll be on the trailer because I'll be taking it to the Derby.

**MARK SEIB:** What I'm saying is if we can keep the car, the trailer, and all that on the front of the house on the road there that you have there in front, then there shouldn't be any issues with this for you doing the derby. If you're going to park it back on the side, you're going to have to come up with some kind of a proof that that rock was there prior to 12.

**DWAYNE BEBOUT:** I'd say Google Maps is updated since 2012, so I don't know.

**MARK SEIB:** You can go back into history on on Google Earth and you can go into the history and see what you can come up with that and see if there's anything there showing a definite distinction of the rock being there.

**DWAYNE BEBOUT:** And the only reason the vehicles sit for a time on end because it takes time to build those cars.

**MARK SEIB:** Sure. And I understand that but if we can keep it on the obvious rock in the front, we'll be satisfied with it.

**DWAYNE BEBOUT:** I can show you the picture of the driveway where gravel is there.

**MARK SEIB:** Yeah, what I'm saying is you still got to prove that it was there before 12. If that rock was there before, it's grandfathered in, that means you can keep it there because it was rock.

**DWAYNE BEBOUT:** Like I said in that picture, it was showing the grass outside my yard or the fence.

**MARK SEIB:** Is there anybody else wishing to speak?

**RYAN SMITH:** My name my name is Ryan Smith. I live at 239 West 10th. I'm a derby driver. I own three cars, they're in my yard. Well, they're in the driveway. I called the City Hall today. She said as long as they're tarped up and they're in your driveway where no one can touch them.

**MARK SEIB:** And if they're in the driveway, yeah, that's absolutely correct.

**DWAYNE BEBOUT:** But I can even say both cars were in that gravel driveway. His driveway is right in front of his house. There was no other driveway in the back or nothing.

**MARK SEIB:** So I guess we're just needing to if he's going to continue to park them in that side. We need proof that that rock was there before 12. If it's after that, then we're going to have to do some more checking because I think the City of Mount Vernon is changing that ordinance as well.

**RANDY OWENS:** Well, I think this picture dated 6-21, it clearly shows that it's on gravel. So I think that issue is resolved.

**MARK SEIB:** The picture of the car on the side and you said it was 6-21.

**RANDY OWENS:** Yeah. It says 6-21-23. Okay. And you can see some grass growing up in the gravel, but it looks like the front.

**MARK SEIB:** But I guess what I'm saying is, is if it's not if that gravel wasn't there before 2012, it's not grandfathered in. Then we also need to find out whether the ordinances have

changed with the City of Mount Vernon. We haven't been notified that they accepted the changes in the ordinance yet.

**RANDY OWENS:** So I understand the question about whether it's pre or post 2012.

**MARK SEIB:** Right. He's willing to put it out in the front to make sure that that's all taken care of for right now. He gets further documentation, then we'll try to work it out.

Randy Owens made a motion to table the complaint. Motion seconded by Keith Spurgeon. Roll Call Vote (6-0) **Yes. Motion carried.**

### **DIRECTOR'S REPORT**

**MINDY BOURNE:** I'm going through the interview process. I had an interview this week and I have four more next week.

**MARK SEIB:** Keith Spurgeon and I have set in on the interviews. Mindy is asking the questions. Mindy is doing the due diligence of what the job is for and what it's about. So that gives you an update of where we're at with finding Becky's replacement. Of course, we have one other person who has been very diligent and has helped us tremendously as a part time and is helping Mindy as best she can. I guess the concern that I have is that a lot of that work is now falling on Mindy. The question is whether or not we have enough help in the office? And I don't think we do. I'm thinking that we're also going to start seeing some of the applications are going to have to wait just a little bit longer. Mindy tries to, if there's no requirements or anything, get them out the door the same day. But the ones that take a little bit more time and a little bit more effort and, when you have major subdivisions and all that, it may take a little bit longer to get them before us to be able to get that taken care of. After she's done the due diligence of making sure that they meet all the requirements and all the different things

**DAVID DAUSMAN:** I have a comment, sir. At our Council meeting on Tuesday, Mindy presented her position and I took advantage of Bill Collins, and I'm kind of talking with Greg here, too, I made mention of the amount of time that we spend on these complaints in the City of Mount Vernon. And I strongly feel like these complaints need to be held or taken care of at the City level and not here. And my comment to Mindy in a formal meeting was, in my opinion, especially with you being short handed, your primary job is Area Plan. And if you can't get to these complaints, you can't get to these complaints. You just get so much time in a day and that's when you had help and now you don't have help. So I would push complaints back before I would push someone coming in to get a oh, I think a permit to get a house built.

**MARK SEIB:** And I think Mindy's doing that. I think that's her objective is to put the complaints on the back burner from this. But you know like when she gets, you know 6 or 7. They come in this week that want to do major stuff. It just, it adds to the stack.

**DAVID DAUSMAN:** I don't know politically what the process is to get these complaints back to City.

**MARK SEIB:** We put this organization in the Area Plan together, and their responsibility was then that they would help take care of the complaints that they had concerning the different sites. I remember a couple of them last year that came from Poseyville, but 99.9% of them come out of Mount Vernon. I do agree that if we have to take it to court or something like that and we have expense into it, other than the extreme expense that we have right now of Mindy doing the work that they should share and being able to do that. So that's one of those conversations that County Commissioners, the Towns, all need to get together and try to figure out what is going to be a workable situation.

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

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

### **CITIZEN CONCERNS**

**MARK SEIB:** Next item we have is citizens concerns. Anybody wishing to speak? Please state your name and your address where you live, along with what you're concerned about.

**JULIE RENSHAW:** Julie Renshaw. 5471 Hausman Road. This is concerning property that is in my name, mortgaged also to my husband, and we're trying to get his name onto the title also, and I'll let him speak.

**GREG RENSHAW:** Greg Renshaw. 5471 Hausman Road. Our next-door neighbor, I guess eight years ago, brought like a Meisler trailer. He had a welding business at one time. He was going to keep stuff there. It was never intended just to sit there. This trailer is sitting 6" or 16" off of our property. And I'll show you these pictures. Exhibit A (9 photos). We've asked for it to be moved. He now has a welding shop behind where the stucco house used to be. He runs a shop there, so he has a place to put this thing, but he cannot maintain it. He has to come onto my property to get underneath it, to get all the junk that he's got underneath it. It's got green mold all over it. He's got it parked in between a tree where he doesn't have to see it from his house. But we have to see it where we live, you know. There in Saint Philip's. You're surrounded by 300,000 plus home dollar homes. If this thing was 300 yards the other direction, it would have already been moved. But we can't get anybody to.

**GREG RENSHAW:** And I know this is probably not the place, but if you guys can direct me, as you can see the trees from the aerial view, that's the trailer right there. But these trees got branches that are rubbing paint off of my barn and he won't do anything about that. He won't let me on the property to do it. And when we had a blow up the other night he said, "You just have it cut off and send me a bill." And I don't really think that somebody else's property tearing my property up. That things not licensed. It's just basically sitting there and I mean, it's just a junk trailer.



**MARK SEIB:** So let me give you some additional ideas of what you could do. You can go to the Building Inspector of Posey County. Ed is there in Posey County, same number as the Area Plan. You call that number and then they'll direct you to Ed's office. And, Greg, you want to say anything as far as Commissioner, as far as if Ed has the authority to help clean up abandoned or unlicensed vehicles or whatever?

**GREG NEWMAN:** Start with Ed first and go ahead and file the complaint.

**GREG RENSCHAW:** We did two years ago. It's 16' off the property. That thing's 13 something tall. If I put a fence there that close to the property line, it couldn't be that tall.

**GREG NEWMAN:** So you need to go and see Ed, give him some more pictures to show him and give him the address. Give him everything so that he can go check it out. The other thing is, is that you can file a complaint that that is sitting there on the grass. So then you can file a complaint with the Area Plan and then that way we can then send a letter as well. I would give Ed the first call, I realize it's been two years, but I think it would be good to go ahead and contact Ed, restart that process. Before you leave, let me get your information. I'll follow up with Ed just to make sure that we're taking some action on that. And then also, as Mark mentioned, filing a complaint with this board would be helpful as well.

**GREG RENSCHAW:** How do we file the complaint because that's what we thought we were doing. We called yesterday and they asked me to come to the meeting.

**MARK SEIB:** There is a form that is on the Posey County website for Area Plan. There's a form you can print out, you can send it in, and then you can address it from there. You can do both at the same time. If you want, you can send it to Ed, you can send it to us as well. You can get both of the different government bodies to be working on it at the same time to try to get that taken care of.

**GREG RENSCHAW:** I just kind of wanted to get things started before things escalate because this is starting to turn. We don't want to. We want to see if we can get this taken care of in a civilized manner and get things moved and going from there.

**MARK SEIB:** Sorry, it's been two years, but unfortunately, sometimes it takes a little while for you to get to the right people. And this is the path you need to take.

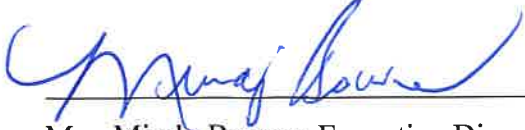
**GREG NEWMAN:** And that's what we wanted to do tonight, was find out the direction I needed to take it.

**MARK SEIB:** I hope we've answered your question. Anybody else wishing to speak?

**ADJOURNMENT:** Mike Baehl made a motion to adjourn the meeting at 8:45 p.m. Motion carried.

A handwritten signature in blue 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

minutes  
**COPY**

## FINDINGS OF FACT

Nicole Meny-Flip N Out Pinball, LLC  
Pinball Business

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

1. Development is compatible with surrounding land use. Zoning of the property is B-3. Surrounding zoning is Agricultural. Surrounding uses are agricultural, residential and manufacturing (construction).
2. Will be putting in water well and new septic system. Natural drainage for stormwater.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Will be adding new drive. The drive will be gravel with the six foot approach to the roadway being all weather material. The loading dock area will be concrete.
4. The plan meets the setback requirements for the B-3 Zoning District. Will provide further details at APC meeting.
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. Needs to allow for truck turn around space. No backing of trucks onto Water Tank Rd.
8. The plan meets parking requirements. There will be 5 parking spaces (based on showroom/office square footage) and 1 handicap parking space that has to adhere to code.
9. Landscaping. Not applicable for this project.
10. Building Specs. 60'x100' metal sided pole barn. Height -17'
11. Signage-Nothing proposed at this time. Will provide further details at APC meeting.
12. Recreation space.-Not applicable for this project.
13. The plan meets outdoor lighting requirement. Porch lights and wall packs on building. Will provide further details at APC meeting.
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:

Greg Newman

Adopted by Posey County Area Plan Commission

Mark Sch  
President, Posey County Area Plan Commission

8-10-23  
Date

July 12, 2023

Staff Comments: The property being petitioned to be rezoned from M-1 (Manufacturing Light) to M-2 (Manufacturing Medium) containing 1.60 acres more or less. The property is located at 10470 Evansville Street, Cynthiana, IN. Property abutting this site is owned by the following:

1. Town of Cynthiana, PO Box 95, Cynthiana, IN 47612-0095
2. Robert D. Bender Etal P.O. Box 430, 9800 Bender Rd., Poseyville, IN 47633-8710
3. Bernard J. Schmitt ½ Int Cr Tr & Mart, 8324 St Wendel-Cynthiana Rd., Poseyville, IN 47633
4. Nicholas L. & Katie M. Mayes, 10720 North Street, Cynthiana, IN 47612
5. James W. & Karen K. Sheets, PO Box 203, Cynthiana, IN 47612
6. Cory B. Enderson, 300 N. Polk Trlr 3 St, Ft. Branch, IN 47648
7. Deborah A. Mauck, PO Box 322, Cynthiana, IN 47612
8. Charles D. Rutherford, 10708 North St., Cynthiana, IN 47612
9. Johnny L. & Debra S. Scott, 4610 Ashbrooke Rd., Evansville, IN 47710
10. Troy E. Kennedy Jr., 10421 Mill St., Cynthiana, IN 47612
11. James A. & Sharon K. Bulla, 10850 North St., Cynthiana, IN 47612-9590
12. Samuel W. Hawkins, 10463 Mill St., Cynthiana, IN 47612-9589
13. Vicki Lynn Davis, 10458 Mill St., Cynthiana, IN 47612
14. JLP Realty, LLC, 2835 W Boonville-New Harmony Rd., Evansville, IN 47720

Abutting properties are zoned RM (Residential Multiple Family), CH (Commercial High Intensity), M-1 (Manufacturing Light) and CG (Commercial General). This property is currently a vacant lot. The owners are proposing to rezone the property to M-2 (Manufacturing Medium). The uses adjacent to the proposed rezoning are as follows: Agricultural, Manufacturing and Residential.

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

minutes  
**COPY**

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-06-RE-APC  
PETITION TO REZONE: Bradley Stevens  
OWNER: BSMS Properties, LLC

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

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

---

---

**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:

Mike Baer

Motion seconded by:

Greg Newman

Adopted by Posey County Area Plan Commission

President: Mike Baer

Date: 8-10-23

minutes  
**COPY**

July 12, 2023

Staff Comments: The property being petitioned to be rezoned from CG (Commercial General) to M-2 (Manufacturing Medium) containing .939 acres more or less. The property is located at 10810 North Street, Cynthiana, IN. Property abutting this site is owned by the following:

1. Town of Cynthiana, PO Box 95, Cynthiana, IN 47612-0095
2. Robert D. Bender Etal P.O. Box 430, 9800 Bender Rd., Poseyville, IN 47633-8710
3. Bernard J. Schmitt ½ Int Cr Tr & Mart, 8324 St Wendel-Cynthiana Rd., Poseyville, IN 47633
4. Nicholas L. & Katie M. Mayes, 10720 North Street, Cynthiana, IN 47612
5. James W. & Karen K. Sheets, PO Box 203, Cynthiana, IN 47612
6. Cory B. Enderson, 300 N. Polk Trlr 3 St, Ft. Branch, IN 47648
7. Deborah A. Mauck, PO Box 322, Cynthiana, IN 47612
8. Charles D. Rutherford, 10708 North St., Cynthiana, IN 47612
9. Johnny L. & Debra S. Scott, 4610 Ashbrooke Rd., Evansville, IN 47710
10. Troy E. Kennedy Jr., 10421 Mill St., Cynthiana, IN 47612
11. James A. & Sharon K. Bulla, 10850 North St., Cynthiana, IN 47612-9590
12. Samuel W. Hawkins, 10463 Mill St., Cynthiana, IN 47612-9589
13. Vicki Lynn Davis, 10458 Mill St., Cynthiana, IN 47612
14. JLP Realty, LLC, 2835 W Boonville-New Harmony Rd., Evansville, IN 47720

Abutting properties are zoned RM (Residential Multiple Family), CH (Commercial High Intensity), M-1 (Manufacturing Light) and CG (Commercial General). This property is currently a vacant lot. 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 Residential.

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

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-07-RE-APC  
PETITION TO REZONE: Bradley Stevens  
OWNER: BSMS Properties, LLC

minutes  
**COPY**

**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:

Mike Baehl

Motion seconded by:

Randy Owens

Adopted by Posey County Area Plan Commission

President: Mike Baehl

Date: 8-10-23



minutes  
**COPY**

FINDINGS OF FACT  
BSMS Properties LLC  
40' x 80' Steel Storage Building

- I, Keith Spurgeon, 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 (rezoning application filed for M-2) and surrounding property is zoned RM, M-1, CG, CH. Surrounding land use is residential and agricultural.
  2. Water, sewer, and other utilities are available. Existing utilities. No changes. Natural drainage, no gutters on existing building---drains to farm field.
  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. Two entrances existing now.
  4. The plan meets the setback requirements for the M-/M-2 District.
  5. The plan meets the building coverage requirements for the M-1/M-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. No additions.
  9. Landscaping. Not applicable.
  10. Building Specs. 40'x80' steel building. Height-24'
  11. Signage. No changes.
  12. Recreation space.-Not applicable.
  13. The plan meets outdoor lighting requirement. Lights by man door and service doors.
  14. The development requires a rezoning to be 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. Rezoning application has been filed, will be heard by APC on August 10, 2023.

Motion seconded by: Mike Baeh1

Adopted by Posey County Area Plan Commission

Mark Lee  
President, Posey County Area Plan Commission

8-10-23  
Date



minutes  
**COPY**

## FINDINGS OF FACT

David Wanninger, Acura Engineering, Inc.  
Superior Property Holdings, LLC  
Coating Shop and Enclosed Lean To Storage Addition

I Randy Owens 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 property is zoned M-2, M-1 and R-3. Surrounding land use is agricultural.
2. Water, sewer, and other utilities are available. Existing utilities. Not changing.
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 entrance or exit.
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. Have added additional parking to meet use requirements per Ordinance.
9. Landscaping. Have existing screening along residential.
9. Building Specs. Building Addition-75'x136' height-24'eave. Enclosed Lean To Addition-4800 sq.ft. height-18'eave. Both additions will be metal sided and metal roofed.
11. Signage-Not applicable for this project.
12. Recreation space- Not applicable for this project.
13. The plan meets outdoor lighting requirement. There will be wall packs on the building.
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: Mike Bach

Adopted by Posey County Area Plan Commission

Mark Sch  
President, Posey County Area Plan Commission

8-10-23  
Date

Exhibit A - APC Mtg 8-10-2023

Citizens Concerns  
Temp Structure sitting  
over 10 yrs  
1 of 9 Photos



Between  
5411 Hausman Rd  
+  
5471 Hausman Rd



2 of 9 photos  
←



3 of 9 photos  
←

Minutes

**COPY**





Exhibit A  
APC Mtg. 8-10-2023  
Citizens Concerns  
Temp. Structure  
Sitting over 10yrs

4 of 9 photos



Between  
5411 Hausman Rd  
+  
5471 Hausman Rd



5 of 9 photos



6 of 9 photos



Minutes  
**COPY**



Exhibit A.  
8-10-2023  
Citizens Concerns  
Temp Structure  
sitting over 10yrs  
Between  
5417 Hausman Rd  
+  
5471 Hausman Rd.

7 of 9 photos  
←



8 of 9 photos  
←



9 of 9 photos  
←

Minutes

**COPY**