

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

OCTOBER 12, 2023  
6:00 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President, Mrs. Stefani Miller, Mr. Greg Newman, Mr. Randy Owens, Mr. Joe Marvel, Mr. Mike Baehl, Mr. David Dausman, Mr. Trent Van Haaften – Attorney, Mindy Bourne – Executive Director, Mrs. Taylor Elmendorf – Administrative Assistant.

**MEMBERS ABSENT:** Mr. Andy Hoehn.

**APPROVAL OF MINUTES:** Joe Marvel made a motion in the affirmative to approve the minutes of the August 10, 2023, and the September 14, 2023 meetings as emailed. Motion seconded by Dr. Keith Spurgeon. **Roll Call Vote (8-0). Motion carried.**

---

#### **REZONING:**

DOCKET NO: 23-09-RE-APC  
APPLICANT: Dustin W. Rogers  
OWNER: Dustin W. Rogers  
PREMISES: Part of the Northwest Quarter of the Northwest Quarter of Section 8, Township 6 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1251 Springfield Rd, Mt. Vernon, IN. Containing 3.66 acres more or less (complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from A (Agricultural) Zoning District to M-2 (Medium Manufacturing) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

Mr. Seib confirmed no board member had any conflict of interest.

**MARK SEIB:** Who is here wishing to speak concerning this application? Please come forward, state your name and where you live for the record and then tell us a little bit about this application.

**DUSTIN W. ROGERS:** 6511 Upton Rd., Mt. Vernon, IN. I am wanting to build a shop to be able to manufacture, repair, sell and service equipment like industrial commercial equipment.

**MARK SEIB:** So, are you manufacturing things or repairing things or a welding shop? Those kinds of things?

**DUSTIN W. ROGERS:** I want to be able to build parts to build a complete piece of equipment. Sell them and service them.

**MARK SEIB:** So, it is going to be a manufacturing as well. With that being said you have 3.66 acres do you feel you will have adequate area to do all of that with machinery and size and all of that?

**DUSTIN W. ROGERS:** Yes.

**MARK SEIB:** Is there anything else that you want to add to this? I see you are way off the road basically, but I guess you are not way off the road, but you are off the road of Springfield Road back in that area. Is this just strictly for the building and it is not for a home or anything like else that is going to be there?

**DUSTIN W. ROGERS:** Just the business.

**MARK SEIB:** Does the Committee have any questions or anything for Mr. Rogers?

**GREG NEWMAN:** Location wise, this is the southeast corner of that intersection where there has already been some clearing and a drive or asphalt put down there.

**DUSTIN W. ROGERS:** Yeah, I cleared it.

**RANDY OWENS:** How many semi-trucks are you expecting each day?

**DUSTIN W. ROGERS:** There will definitely be some steel deliveries, I don't know if that will be every day or a couple of times a week. But that should be between 10:00 and noon. I have built the entrance large enough so semis could pass in and out of there probably. I don't think there will be any traffic congestion.

**DR. KEITH SPURGEON:** Can you be any more specific about what it is you are manufacturing what kind of equipment? Is it like farm machinery?

**DUSTIN W. ROGERS:** Mostly construction. I have some contracts on some other things, I have built custom equipment for other people before like beds to go on trucks to spread lime and

cement dust. Several different things, I mean it will all be industrial or commercial. Possible aviation, but I don't think so.

**MARK SEIB:** Are there any other questions?

**DR. KEITH SPURGEON:** So, it is basically like a welding operation, welding shop?

**DUSTIN W. ROGERS:** Being able to take bare steel and make a part and be able to assemble those parts into a machine and sell the finish product or just build the part, not the whole machine. Yes, fabrication will be a big part of it.

**MIKE BAEHL:** Is this just yourself or will there be any employees?

**DUSTIN W. ROGERS:** Probably four to start.

**MIKE BAEHL:** Is that four employees counting yourself or in addition.

**DUSTIN W. ROGERS:** Yes, counting myself.

**MARK SEIB:** Are there any other questions? Ok, Mr. Rogers, you may have a seat please. We will now open the floor up to public comment. Is there anyone here wishing to speak for or against this proposed rezoning, please come forward. Go to the podium please. Please state your name and address where you live for the record.

**KENNETH JOHNSON:** I live at 1100 Springfield Rd. Just catty-cross the corner from this area. I have several concerns, the first one.

**MARK SEIB:** You will need to address the board and we will ask the questions to Mr. Rogers.

**KENNETH JOHNSON:** You want my concerns, right?

**MARK SEIB:** Yes, whether you are for or against it, and any concerns.

**KENNETH JOHNSON:** I am against it. I had no problem, he bought the property, I talked to him. Seemed like a nice young man. I will tell you that I have lost sleep over this. This is the last thing I want to do, come up here and be against somebody trying to make a living. This is something that affects property values. I am just going to read what I have written down or else I am going to forget something if I don't. Is that fine?

**MARK SEIB:** That is fine.

**KENNETH JOHNSON:** The problem I got is that is a busy intersection. Every farm truck in the country comes through there. You're a farmer, you know how many people come through Springfield and 69. It is just a busy intersection. To me he is going to have a lot of heavy equipment that he is going to be unloading over there. I guess the first thing I should say is that I didn't have a problem when I first talked to him, I have talked to him three or four times since

then. He said he was going to build a house on it and then build a shop. I think he told me about a 60 X 70 shop. Cause he has a heavy-duty trucks that he goes out and works on that stuff out in the fields and stuff and he said he probably would be doing a little bit of work inside the shop. I had no problem whatsoever. Then I get a letter saying they are wanting to rezone this into manufacturing. My concern is that if something happens and sells this in six months what are they going to do over there cause this building. What size building do you have that he is building?

**RANDY OWENS:** 9300 square feet is in the information somewhere.

**KENNETH JOHNSON:** That is a big building. That is about twice what he told me he was going to build when he first went over there. I didn't have a problem but now rezoning that is a whole, that is opening a new can of worms here. You know it is going to be noisy over there. They are backing up all of this heavy equipment to unload all of this equipment. Steel trailers and all of that. I think that told me it was going to be 7:00 to 3:30 on the business.

**MARK SEIB:** Yes, Monday through Friday.

**KENNETH JOHNSON:** All of my neighbors have acreage. We moved to the country to get away from businesses, and now you are wanting to put a business right next to us. My question for you folks here is would you want a construction business that is going to be working on heavy equipment and a whole bunch of stuff backing up and stuff, would you want it next to your house? Folks would you like that? I don't think you would. I sure don't. I have talked to all of my neighbors and two of them was supposed to be here. They didn't show up tonight. Tim McCloud who lives across the road, I have his number if you would want to talk to him. That is probably out of order for you uns', you ain't going to call anybody right? I am going to go down my list here. Did Bill Bender call you folks? I talked to Bill Bender too.

**MARK SEIB:** We will get to that later with any phone calls, emails, or letters.

**KENNETH JOHNSON:** All of us are concerned on our property values. If you got a business in a residential farming area you property values are going down. I know if I was buying a house and pulled in the drive. I moved down here 18 years ago because of circumstances out of my control and I finally got tired of taking the real estate guy out there to look at places because I told him I can drive by and tell you if I am going to live in that house. Well I will tell you something right now, that if I drive by and there is a business right there next to it, I wouldn't even stop. Ok, I am kind of getting off my things here. There is going to be hazardous material there, you're a farmer, you know with all the heavy equipment and you spring leaks with hoses, antifreeze and hydraulic fluid diesel fuel and that could be an issue. My next thing is, you know I have a friend that he bought five acres and it was in this nice fancy edition. Everybody in there had five acres, well a farmer behind them sold some property to some guy who built a business there and every weekend there, they were playing loud music till 1:30 – 2:00 in the morning, so can you tell me if this property is sold six months or a year from now that something like that couldn't happen? You know we are a residential community and what is going to go in there if he would happen to sell this? Things change, I had a job for 26 years and they shut down and moved to Mexico. And I ended up down here because of that, I had to move, I didn't want to

move. I told everybody I was dying on this place. Well, all of that changes so this place could be sold in six months and what is going in there? Do you want something besides your property like that? The property values are going to plummet. And this guy suing the county over it. Because of you know, the noise and property values went down. So this is something that is agricultural ground and everyone around me has several acres. We don't want a business there. That is why we moved out of town for it, I wouldn't live in a place in town if you gave it to me. He said he was going to have four employees; he didn't say how many down the road. I guess that is another question you are going to ask. You know there could be 20 or 30 people over there you know. This is a big building. Probably the one thing that got me like I told you, was when he first started he told me he was going to build a house and then build the shop there. Well, there is no house going to be built there now. I guess my concern is that if he don't want to live there, I don't want to live by it. If he is not going to live by his business, why would I want to live by it too? I don't know the circumstances, but this is something like I say do you want one of these business by your house. I don't know where you folks live, you may live in a subdivision, you may live out in the country. Do you want a big building with several employees and semis going in and out. I don't think you would. Now, I talked to all of my neighbors and none of them are here. I don't know why, they told me they were going to be here. Bill said, you said you were going to get into that later. Do you have any questions you want to ask me?

**MARK SEIB:** Are you done with your part of it?

**KENNETH JOHNSON:** I think so.

**MARK SEIB:** At the end part, the board can ask you questions then.

**KENNETH JOHNSON:** Ok. If I think of something then can ask then or am I pretty well done?

**MARK SEIB:** You're pretty well done.

**KENNETH JOHNSON:** That has pretty well covered it. I hate being here and I know that he is just trying to make a living. This is a busy intersection. I spoke with Tim McCloud a while ago he wasn't able to be here. His wife asked me what happens if he sells it? What will they put in that big building? That is a big concern for me. This is zoned farming and it needs to stay zoned Agriculture. Think about it, do you want a building like that next to you before you make a decision.

**MARK SEIB:** Do any of the board members have a question? I will ask again is there anyone here wishing to speak for or against the proposed re-zoning? Anyone wishing to speak for or against? I am closing the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been no phone calls, letters or emails concerning this application.

**MARK SEIB:** Mr. Rogers would you like to come up and address some of the issues that were brought up.

**DUSTIN ROGERS:** I would like to show him the map of where the building was going. I don't think that was with the letters.

**MARK SEIB:** That is fine.

**DUSTIN ROGERS:** What is the landfill zoned as behind me?

**MINDY BOURNE:** It is zoned Agricultural. It's in the report here that it is an adjoining property. It joins him to the south.

**DUSTIN ROGERS:** I put my building as close to that line as I could.

**MARK SEIB:** Right, you are a 176'.

**DUSTIN ROGERS:** That's all I have. I don't know if they think I'm going to fill the whole area. I put it as far back as I could for the neighbors.

**MARK SEIB:** That is a wooded area. Are you going to try and maintain that wooded area toward the front to try and buffer that?

**DUSTIN ROGERS:** Yes, I had to clear more trees than I ever would have wanted to get the dirt right. I would like to plant trees in the front. I'm not sure if you would even be able to see it unless you drive down the lane, maybe in the winter when the leaves are off. I can't guarantee it.

**MARK SEIB:** Has far as the heavy equipment being unloaded. Is that going to be in the back of the building?

**DUSTIN ROGERS:** Yes.

**MARK SEIB:** All of your loading and unloading will be in the back and not up next to the road or by the road?

**DUSTIN ROGERS:** Yes, behind the building.

**MARK SEIB:** As far as hazardous materials, at the same time if you try and sell that you will have to clean that up anyways. You will have to go through the process to make that a sellable property. Are you going to keep that fairly clean? Do you have any comment about that?

**DUSTIN ROGERS:** Yes, I will be a good neighbor.

**MARK SEIB:** Tell me something else which way is the water shed off of that? Which way does that water go east? I think it goes more to the South, doesn't it?

**DUSTIN ROGERS:** Yes, from the building back southeast I would guess.

**MARK SEIB:** Where are you going to keep all this equipment is in that area?

**DUSTIN ROGERS:** I hope to keep it all in the building. My only rebuttal on the fluids is they all have farm equipment sitting in their yards. Everyone has the same problem there.

**MARK SEIB:** Do you have anything else you would like to add?

**DUSTIN ROGERS:** No.

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

**DAVE DAUSMAN:** So, your deliveries, will the trucks be able to drive in and turn around or will they have to back out?

**DUSTIN ROGERS:** They will be able to drive in and spin around and leave. No one will back up at all.

**DAVE DAUSMAN:** What I'm getting at is as soon as you put one of those big trucks in reverse they have backup alarms and that is loud. Same with a trash truck.

**DUSTIN ROGERS:** I may have a fork truck with a backup alarm but that will just be a brief amount of time. Past that equipment will not be out there running back and forth, no.

**DAVE DAUSMAN:** Will the site review look at this?

**MARK SEIB:** Yes, we are doing a rezoning tonight so whenever he gets his building ready, his driveway, dimensions and everything for his parking and how many employees and all that will go to the site review committee. Then he will be back in front of us again to get approval for that. Tonight, we are only dealing with the rezoning. Any other questions? Another thing you asked about the zoning for it, in Agriculture it does allow for heavy manufacturing, but it has to be rezoned. There is no guarantee that wouldn't happen. In a Residential area it will never happen. In Agriculture it is allowed to have different variations of zoning to apply to Agricultural. With that being said you moved out to the country, you are in an Agricultural area, you put a home on that property Agriculture does allow for those different things. I'm just trying to make it very clear to you that we are not trying to make a special use, it is allowed. If he sells the property what happens to the property it stays zoned Manufacturing M2 through that process. Again, if you have a business that goes in that area, if a gas station goes on the corner, it stays that way until it is rezoned. I will be honest with you we have had people come in here at a higher rating that they have asked for it to be moved back to Agricultural, so anything is possible. You said that it was said before when the highway came through that there would most likely be a gas station or something like that. In an Agricultural zoned area when zoning was put into play almost everything that wasn't already there was zoned into Agricultural or Residential or whatever. So, Ag was put in there with the stipulation that they can change it to another zoning if they wish. Now if it was Residential you can't put an M2 into Residential you can't put that into

the middle of a subdivision. I'm trying to help you understand how the ordinances work and how in the county it comes from. I think he has addressed the other material of hazardous, I think he as also about the heavy equipment unloading in the back. I think he has addressed all your questions as well. With that being said I will now turn it over to the board to discuss and take action as they see fit. Once we close the public portion it is up to the Commissioners to make a decision. This is a recommendation; I need to make sure you understand this. If the board here makes a decision it goes to the county commissioners. You have a right to speak at that hearing as well. Since you have been polite, I'm going to let you come back up.

**KENNETH JOHNSON:** Thank you for that because this is life changing for me and my neighbors and I can't believe my neighbors didn't show up. If you vote to send this on my question is that is the next step here, right?

**MARK SEIB:** Correct, it will go to the County Commissioners for them to decide whether it is acceptable or not.

**KENNETH JOHNSON:** Now, all my neighbors I have talked to all of them they don't want this, but they are not here to do it and they should be. Now if this goes on from here tonight and we get together and we go to the next meeting and we are all unanimous on this.

**MARK SEIB:** If you can convince the County Commissioners that this is something different or something that as came to be that is worth denying it. The Commissioners can deny it. We go back to square one.

**KENNETH JOHNSON:** I appreciate your time. That might be our next step. My last thing is do you folks want a business like this next to your house?

**GREG NEWMAN:** I was going to ask Mindy. Is the landfill that was referenced South of that, is that the Springfield environmental? Is that agricultural?

**MINDY BOURNE:** It is zoned Agricultural.

**GREG NEWMAN:** Ok.

**JOE MARVEL:** So, it never got changed.

**MINDY BOURNE:** That's what I believe because I don't know how long they have been there but I don't think that it was prior to the zoning ordinance.

**GREG NEWMAN:** Anything else in that area zoned manufacturing?

**MINDY BOURNE:** No.

**JOE MARVEL:** Is all that Ag ground there with all the houses on it?

**MARK SEIB:** Yes.



**RANDY OWENS:** Is any of that ground there zoned Residential?

**MARK SEIB:** No, it's all Ag and of course as you all know Ag is allowed in a residential area. Our residential is allowed to be in an Ag zone.

**JOE MARVEL:** Seeing all the houses across the road to the north.

**MARK SEIB:** There are stipulations to everything being in there compared to what it is in residential.

**RANDY OWENS:** Did Mr. Rogers state he would maintain a barrier behind his shop and Springfield Road?

**MARK SEIB:** He did say they took more trees out than he wanted and he was going to put some kind of buffer to hide it so you would have to come up the lane to see it. I think the timeline of work 7am to 3pm Monday thru Friday no weekends just giving that as information.

**RANDY OWENS:** Is it my understanding that if it is M2 that there will be a fence all around this? Doesn't M2 call for a fence?

**MARK SEIB:** Anything storage outside would require a fence.

**RANDY OWENS:** I didn't think anything could be stored outside in a M2.

**MINDY BOURNE:** M2 you can have outdoor storage.

**MARK SEIB:** That would fall with the Site Review, again.

**MINDY BOURNE:** That's all things that get addressed with Site Review, because its based on use and surrounding zoning.

**MARK SEIB:** Other discussion? Any action?

Dr. Keith Spurgeon made a motion to approve docket 23-09-RE-APC, motion was seconded by Mike Baehl. Roll Call Vote (6-2) **Yes. Motion carried.**

**MARK SEIB:** This is a recommendation to the County Commissioners; their next meeting is Tuesday, October 17<sup>th</sup> at 9:00 AM in this room. Anyone can come and voice their concern. Mr. Rogers you should be here. Mindy will make the presentation to the Commissioners on what the Area Plan did and then any questions, they would ask them to you. Any opposition or support will be heard at that time because it is another public hearing, so you have your right to have your neighbors or anything else at that time. You can contact the Commissioner beforehand but they cannot tell you how they are going to vote or how they feel about it, but they can listen to what you have to say. If the Commissioners vote yes it will be approved for rezoning. The

construction of the building and parking and all that will have to be redone through the Area Plan again and we will go through this process again.

Joe Marvel made a motion to approve the Findings of Facts and seconded by Dr. Keith Spurgeon. Roll Call Vote (7-1) **Yes. Motion carried.**

---

**DEVELOPMENT PLAN APPLICATION SECS TIER 3:**

DOCKET NO: 2023-03-SECS-3-APC  
APPLICANT: Renee Gentry/Ohio Valley Electric  
OWNER: William H. Bender  
PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 36, Township 4 South, Range 13 West, lying in Robb Township, Posey County Indiana. More commonly known as 6511 Hunter Rd, Poseyville, IN 47633 Containing 6.70 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3

**DEVELOPMENT PLAN APPLICATION SECS TIER 3:**

DOCKET NO: 2023-04-SECS-3-APC  
APPLICANT: Renee Gentry/Ohio Valley Electric  
OWNER: Dennis G. & Pamela A. Cox  
PREMISES: Part of the South Half of the Northwest Quarter of Section 19, Township 7 South, Range 12 West, lying in Marrs Township, Posey County Indiana. More commonly known as 9310 Gun Club Rd.S., Mt. Vernon, IN 47620. Containing 1.0 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: The applicant requests Development Plan Approval to develop a Solar Energy Conversion System (SECS) – Tier 3

**MARK SEIB:** The applicants (2023-03-SECS-3-APC and 2023-04-SECS-3-APC) was not present for the BZA meeting and has been tabled for next month's meeting. I feel that with discussions with Trent that we need to follow that as well. Let the BZA make their ruling on it then address it.

**MIKE BAEHL:** So, the Gentry guy wasn't here.

**MARK SEIB:** The representative to speak about the application wasn't here. No one spoke concerning the application.

**MIKE BAEHL:** He knew he was supposed to be at the BZA board.

**MARK SEIB:** Yes, whenever they make the application process at the Area Plan office they are told that they have to be at the next regular meeting given the time and date.

**TRENT VAN HAAFTEN:** I think it was the gentlemen that was outside earlier that asked where the meeting was. He just didn't blow it off.

**MARK SEIB:** We are not denying it or approving it we are just waiting.

**MIKE BAEHL:** I was just asking the question if they were notified that they needed to be here at the BZA before.

**MARK SEIB:** Yes, I agree the BZA felt that they would give them a second chance and table it to the next meeting. Any other discussion or comments?

Joe Marvel made a motion to table both, motion 2023-03-SECS-3-APC and 2023-04-SECS-3-APC and was seconded by Greg Newman. Roll Call Vote (8-0) **Yes. Motion carried.**

---

**REZONING:**

**DOCKET NO:** 23-10-RE-APC

**APPLICANT:** Darla Doty

**OWNER:** Leslie C. White Etal Co-Trustees

**PREMISES:** Part of the Southwest Quarter of Section 21, Township 5 South, Range 12 West lying in Robinson Township, Posey County, Indiana. More commonly known as N. Stierley Rd./Colleen Dr, Wadesville, IN. Containing 2.17 acres more or less (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from A (Agricultural) Zoning District to R-1 (Residential Single Family) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

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

Mr. Seib confirmed no board member had any conflict of interest.

**MARK SEIB:** Who is here wishing to speak concerning this application? Please come forward, state your name and where you live for the record and then tell us a little bit about this application.

**JOSEPH KIESEL:** 2711 West State Road 68 Haubstadt, IN. I'm here on behalf of Ms. Doty and her family. Ms. Doty wants to convey to her grandson a piece of ground to build a house on. This area has already had an Exempt division done prior so there have already been four lots cut. We are rezoning a portion of this so that we can do a minor sub to cut this out for her grandson.

**MARK SEIB:** This rezoning is a part of a parcel they own.

**JOSEPH KIESEL:** This ground someone had it in the past and they had cut out four lot by exempt division. The remaining acres were never split. Their family owns 8 acres they are wanting to cut out 2 acres to give to the grandson to build a house and then the remaining acres will stay Agriculture and keep farming. If you have your map it's going to be that front quarter there is a lot north of it will be the same size directly south on Stierley Road.

**MARK SEIB:** Any other questions for the application? Hearing none. I will now open it up to the public. Is there anyone here wishing to speak for or against this proposed rezoning.

**DAVE CZANOWSKI:** 1930 Stierley Road. I believe I live directly south of some of the tracks. I was just concerned that this was going to be a subdivision for quarter acre lots. Sounds like you're taking a 2 acre lot and splitting it into two piece. I was concerned that it was going to be a trailer park. They just put the sewers in, this property would have the new sewer line.

**MARK SEIB:** What is being asked here is to rezone this property from Agricultural to Residential. With it being R-1 as we stand here today it's not being addressed to have anything other than a single family residential and its only 2.17 acres. The next step this would go minor subdivision this is what it would have to be because it is in the county so since it has to meet the requirements of a minor subdivision. Whether they are going to have sewage through the pipes of a field bed that all has to be determined with a minor subdivision. So here again there is another hearing that will take place that will spell out all of it whether it is a single family or anything other than that. With the smaller acres if its going to be multiple homes on there, I would find that hard but that depends on what type of sewage.

**DAVE CZANOWSKI:** The Blairsville-Wadesville sewer system is up and running now so they have put a pressure sewage system in. They can subdivide it because once you get a septic system you need two acres minimum but now the sewer runs up that road on I believe Colleen Drive. I will have to investigate further. I'm sure its on file somewhere.

**MINDY BOURNE:** First it has to get rezoned because its going to be a one lot subdivision so it has to be zoned residential first so that is what we are doing tonight. If it gets through the rezoning process, then he would have to come back before this Commission and file the subdivision lot. Right now, it is being proposed as a one lot subdivision.

**DAVE CZANOWSKI:** I understand, thank you.

**MARK SEIB:** That means one home at this time. Anyone else wishing to speak for or against please come forward.

**LUWAYNEA LANDRUM:** 8301 Colleen Drive at the end of the drive. He was talking about the 2 acre lot at the end of the road. What is going to happen to the rest of it? I know that it is 8 something acres there is 6 on one side and 2 on the other. What is going to happen to the rest of that?

**MARK SEIB:** Nothing, that will stay the same.

**LUWAYNEA LANDRUM:** They are just wanting to do single residence at the end of the road to the 2 acres?

**MARK SEIB:** That is right. They are asking right now to rezone it to an R-1. No other acreage is being addressed but that square.

**LUWAYNEA LANDRUM:** Just a single family? I had the same concern with the sewer lines there you don't have to as big of a lot.

**MARK SEIB:** Correct, but their application says they are making it an R-1 which means residential single family.

**LUWAYNEA LANDRUM:** Would they be able to put a trailer on there?

**MARK SEIB:** No, we can't do a single wide on that. It can be a double wide with a block foundation.

**LUWAYNEA LANDRUM:** Ok, that's all I have.

**MARK SEIB:** Anyone else wishing to speak for or against please come forward. Hearing none I will close the public portion. I will leave it up to the committee to discuss and take action as they see fit.

**MIKE BAEHL:** Does that put the drive coming off Stierley Road?

**MARK SEIB:** When we get to the Minor Subdivision that is when that all gets laid out. Do they know where they want the drive?

**JOSEPH KIESEL:** I don't know if they know what they are going to build now. She is just wanting to gift her grandson with this land.

**MARK SEIB:** Any other comments? The question is a subdivision. You subdivide a property for other homes. A subdivision can be more concentrated if it has a sewage like the Wadesville because the sewage is being pumped away and treated.

**MINDY BOURNE:** They are proposing a minor subdivision which is a maximum of three lots fronting on an existing public roadway. So, the max you can even ask for is three if you are on septic. Sewer is a smaller lot size but I would have to lot it up but Minor you can only have a maximum of three lots. They are only proposing one lot.

**LUWAYNEA LANDRUM:** We already have four on the road the one at the end has a Stierley Road address but there are already three of us already on Colleen that already have Colleen address.

**MINDY BOURNE:** When you start dividing property there are three types of Subdivisions under the Ordinance. You have an Exempt Subdivision, Minor Subdivision and Major Subdivision. An Exempt Division is maximum of four lots two-ten acres in size they can be zoned Agricultural and do not need to come in front of this board for approval. They come before the Area Plan director for approval, if they meet criteria it gets signed off on and recorded. That is currently what they have. If you want to further subdivide that property it either has to be a Minor or a Major. They are just splitting it once but it fell to a Minor next because they can't do anymore exempts. I have to explain this a lot because people will come in and say I don't live in a Subdivision. They think of a 60 lot area. Anytime you divide property you are subdividing which falls under the Subdivision Ordinance.

**LUWAYNEA LANDRUM:** Ok.

**MARK SEIB:** Discussion from the board? Any action?

Mindy Bourne confirmed that there were no emails, phone calls or letters.

Greg Newman made a motion to approve the docket 23-10-RE-APC, motion was seconded by Randy Owens. Roll Call Vote (8-0) **Yes. Motion carried.**

**MINDY BOURNE:** This is a recommendation to the County Commissioners; their next meeting is Tuesday, October 17<sup>th</sup> at 9:00 AM in this room. Someone should be here to represent the application.

**MARK SEIB:** Anyone can come and voice their concern.

Joe Marvel made a motion to approve the Findings of Facts and seconded by Stefani Miller. Roll Call Vote (8-0) **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 Mindy Bourne that the applicant met all the requirements for notification per the statute.

Mr. Seib confirmed no board member had any conflict of interest.

**MARK SEIB:** Who is here wishing to speak concerning this application? Please come forward, state your name and where you live for the record and then tell us a little bit about this application.

**PHIL WILLIAMS:** 5255 Valeah Dr. Wadesville, IN. I don't have a stamp from soil and water so my storm water permit isn't complete. I got some circumstances I would like to bring to your attention. That you may not have seen when you made your pre-approval. If it makes a difference.

**MARK SEIB:** We can hear your case and we can always make a stipulation on your approval that you can't get your permit until you have that approval.

**PHIL WILLIAMS:** That's what I would like to see happen. You approved two acres that I submitted and that is what I turned into Soil and Water and some of that water when it leaves the property goes off site, but it is to another property that we own. I included that in a drawing. When soil and water got it they said I need to have that in my plan. We have resubmitted that and Megan Ritterskamp has been out of the office for two weeks so I don't have that approved.

**MARK SEIB:** I think Mindy has already explained to you that whenever you are doing Major Subdivisions and you are asking what you are asking tonight that you either have to put up a bond or you have to have the sidewalk, the street, everything put in before we can approve this. Are you going to bond up? The bond is for the county to make sure you put those items in and if you don't the bond will cover that.

**PHIL WILLIAMS:** I understand that. I was going to put a cash bond up.

**MARK SEIB:** You are wishing go with a bond? Then we can go ahead and keep going and discuss this. We have the drawing here in front of us. Phil, is there anything that has changed since you first came to us? I guess the water you that is going to fall on this property just refresh the committee what is going to happen to that water.

**PHIL WILLIAMS:** Within those two acres we are dealing with all that water but when it leaves the property it goes offsite to a property that we own which leaves from there. Soil and Water asked for another acre there, they want it included in their part and your part. So, there is an erosion control plan and pollution plan for that extra acre where the water is dispersed, which I agree with. That is where they found fault, that is where the delay is at. We have resubmitted and there are a couple of items that they need to check off.

**MARK SEIB:** With the understanding that if you would get approval from the board it still has a stipulation on that before we can issue your permit.

**PHIL WILLIAMS:** I fully understand that.

**MINDY BOURNE:** I did get an email from Megan on October 3<sup>rd</sup>, she said I just wanted to touch base with you about the Cartwright Court Subdivision in Wadesville. I am in the process of reviewing their plans for construction of Storm Water General Permit. I spoke with Mr. Phillips this morning and the plan designer. Mr. Phillips is concerned that final APC approval may hinge on getting CSGP approval. It should be Mr. Williams, I think she messed up. As far as the plat is concerned my only concern is the stability of the soil type for a subdivision. So far they have not been able to provide me with information on how they will overcome this. After our conversations today I hope to have sufficient plans on my desk before October 12<sup>th</sup>. I do have other concerns but it is about their construction plans but that is in reference to CSGP requirements not plat issues. So, what she is saying isn't plat related, the additional stuff they are making you do isn't because of plat. I contacted her but like Phil said she is on vacation.

**PHIL WILLIAMS:** That property has basically been undisturbed in my life and the best I can tell about 85 years. I don't think they are going to find fault in it. We have addressed how to stabilize that.

**MARK SEIB:** If they find fault you are done.

**PHIL WILLIAMS:** I understand that.

**MARK SEIB:** Does the committee have any questions or concerns? This does mean it is the final approval. He has agreed to put the bond up to make sure everything is there. Are you going to ask the county to take over the road once it is completed.

**PHIL WILLIAMS:** Yes, I have met with the Highway Superintendent, and we are in agreement on that plan.

**TRENT VAN HAAFTEN:** We have had issues with bonds and completion of streets before. I don't know if you want to add conditions. Phil, I don't know if you have made progress on getting the bond or cash bond. You may want to put a condition just like you are with soil and water. Just to make sure the bond is there.

**PHIL WILLIAMS:** Yes, that is my point all the utilities are in place. The only thing that is lacking is the street. I have submitted the figures for that so whatever you guys decide for that.

**MARK SEIB:** You have already given Mindy the estimate of what it's going to cost. To give us an estimate of what to place the bond. With Trent's comments just making sure with the motion that we make sure soil and water approves and make the bond for the correct amount and completed before Mindy can issue the permit.

**RANDY OWENS:** The drainage is contingent upon the other acre is that correct? Do any of the plans drawings need to be updated?



**PHIL WILLIAMS:** Yes, I have a big drawing if you need to see it.

**RANDY OWENS:** When you come before the board again it will have that acre on it.

**MARK SEIB:** Randy, he will not come in front of the board again. If we approve this tonight, he is done with us. He still has to get his permit from Soil and Water and they would have to approve it. Then we would also make sure the bond is completed as well before Mindy can give him that permit.

**MINDY BOURNE:** The plat can't be signed until all that is in place.

**RANDY OWENS:** I was just wondering if this drawing was accurate since it doesn't include the extra acreage for drainage.

**PHIL WILLIAMS:** It is, It is the same thing I submitted in pre-approval. That plat isn't going to change. What I added to it was a drawing to show where that water goes. When Soil and Water picked that up they said you have to add it in their part.

**MARK SEIB:** Mindy just pointed that out to me as well, that doesn't effect the plat only the soil and water permit.

**RANDY OWENS:** Ok, I was just wondering in the future if that drainage acre could be sold and how it is tied into this subdivision?

**MARK SEIB:** That acreage is an abandoned railroad right away. That has been dissolved many many years ago. It has always been a flooded area that is not suitable to build.

**GREG NEWMAN:** Phil are you still planning on hedge around the back or some kind of barrier around that area?

**PHIL WILLIAMS:** Yes.

**MARK SEIB:** Any other questions. We will now open the public portion. If anyone would like to speak on this subdivision, please come forward. Seeing and hearing none we will close the public portion.

Mr. Seib confirmed with Mindy Bourne there were no emails, phone calls, or letters.

Mr. Seib opened up the floor to the committee for discussion or action.

The Subdivision committee reviewed and found this acceptable.

Mike Baehl made the motion to approve docket 23-06-S-APC being contingent on soil and water approval and completion of the bond. Greg Newman seconded the motion. **Roll Call Vote (8-0).**  
**Yes. Motion passed.**

**MINDY BOURNE:** Do we help determine the amount of the bond?

**TRENT VAN HAAFTEN:** Yes. Assuming the specs that are in there then use that amount. Phil you are putting up a cash bond, correct?

**PHIL WILLIAMS:** Yes, I have gone over the specs with the Highway Superintendent and he is agreeable.

**COMPLAINTS – TABLED:**

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

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

319 W. 8th Street, Mt. Vernon (Stillwagoner)

**MARK SEIB:** The first one is 236 S. Maple Street, Mt. Vernon (Spray).

**TRENT VAN HAAFTEN:** I did send him a letter August 14<sup>th</sup>, 2023 advising him of the complaint. Asked him to attend the September 14<sup>th</sup> meeting.

**MINDY BOURNE:** He did not attend. Latest photos September 26th and it's still there.

**MARK SEIB:** Is there anyone here wishing to speak concerning 236 S. Maple Street? Seeing and hearing none. What is the feeling of the board.

**JOE MARVEL:** Well, we have been sending letters since April, have Trent file paperwork.

Joe Marvel made motion to have the attorney file suit on 236 S. Maple Street. Seconded by Dr. Keith Spurgeon. **Roll Call Vote (8-0). Motion carried.**

**MARK SEIB:** Next is 532 E. 3<sup>rd</sup> Street, Mt. Vernon, IN (Allyn).

**TRENT VAN HAAFTEN:** August 14<sup>th</sup> I sent a letter to the property owners Matthew and Micheal Allyn asking to attend September 14<sup>th</sup>, 2023 meeting. Not sure if they were here.

**MINDY BOURNE:** No.

**JOE MARVEL:** Looks like they moved it to the gravel at least.

Joe Marvel makes motion to dismiss the complaint on 532 E. 3<sup>rd</sup> Street, Mt. Vernon due to it being completed. Seconded by Stefani Miller. **Roll Call Vote (8-0). Motion carried.**

**MARK SEIB:** Next item, 319 W. 8th Street, Mt. Vernon (Stillwagoner).

**MINDY BOURNE:** We heard this last month and wanted more photos and get photos of the plates, grass and the rock. There are photos from September 26<sup>th</sup>. There are still some vehicles is the grass.

**MARK SEIB:** Trent has not sent his letter yet. Is there anyone here wishing to speak on 319 W. 8th Street, Mt. Vernon (Stillwagoner). Seeing and hearing none.

Joe Marvel made motion to have the attorney send letter to 319 W. 8th Street, Mt. Vernon (Stillwagoner) asking to attend meeting or fix issues. Seconded by Dr. Keith Spurgeon. **Roll Call Vote (8-0). Motion carried.**

### **DIRECTOR'S REPORT**

**MINDY BOURNE:** announced that she is resigning as the Executive Director of Area Plan. Last day will be October 27<sup>th</sup>. Board members thanked Mindy for her service with much discussion.

### **APPROVAL OF PAYROLL AND BILLS**

Joe Marvel made a motion to approve payroll and bills, seconded by Stefani Miller.

### **REPORT OF COLLECTIONS**

Joe Marvel made a motion to approve collections, seconded by Dr. Keith Spurgeon.

### **CITIZEN CONCERNS**

None.

### **ADJOURNMENT**

Mindy Bourne introduced Savannah Axley who will start full time on October 20<sup>th</sup>.

**MARK SEIB:** We need help within the office to keep things moving within our County. We need someone to be an Interim Executive Director. It's not that they can't do the work we need someone to interpret the ordinance that's where we need somebody. Luzier sent a resume she is willing to train these ladies and be the Interim Executive Director. Her fee is \$150 an hour. I then thought of someone else Dave Ripple he was before with an application to do our Comprehensive Plan. With that being said I called him and he is retired and doesn't need a job. Dave is the one that originally did the ordinance with us last time. I would say that he has the most knowledge for our County. Dave said his fee would be hourly according to what Mindy was being paid. He doesn't want health benefits he only wants the pay and be a part-time person. He will make his hours work out to whatever it needs to be to help these ladies. The Area Plan is the one that hires and fires the executive director. I have two people asking you if you want to consider either one to do the work. I will leave it up to you.

**RANDY OWENS:** I don't think we can afford that (Luzier).

**MARK SEIB:** I have spoken with the Auditor and said we should be able to do that with Dave. He wants to be part time, so he gets a W-2.

After a considerable amount of discussion amongst themselves the committee made a decision regarding an Interim Executive Director.

Dr. Keith Spurgeon motioned to Appoint Dave Ripple as the Executive Director of the Area Plan Commission beginning October 30<sup>th</sup> on a temporary term until such time a permanent Executive Director is determined and appointed by the Area Plan Commission. Designate Dave Ripple as a Part-Time employee at the Posey County with compensation at the same hourly rate as the current executive director

and grant Dave Ripple has the Interim Executive Director the authority to carry out the duties of Executive Director as allowed by law and the authority to execute plats, documents and other matters under Indiana Law and the Posey County Zoning Ordinance. Dave Dausman seconded. **Roll Call Vote (8-0). Motion passed.**

**MARK SEIB:** Do I have permission from the board to start advertising for Mindy's position?

Randy Owens made a motion to approve advertising the Executive Director's position. Greg Newman seconded. **Motion carried no objections.**

**MARK SEIB:** With permission from the board the Personnel Committee would be the one to receive and put together a form of what would be required of an application being sent in. The personnel committee is Keith Spurgeon, Andy Hoehn, Greg Newman and Mark Seib. I'm asking if they can be the search committee to take those applications to review and bring those back with a recommendation to the board with the most qualified.

Joe Marvel made a motion to allow the Personnel Committee to be the search committee. Seconded by Stefani Miller. **Motion carried no objections.**

**MARK SEIB:** I would like the board to allow myself or Keith Spurgeon the Vice President to be able to attend the weekly solar meetings. Are there any objections? Hearing none we will accept it as being consented to by the board.

Mike Baehl made a motion to adjourn at 7:54 PM, Motion carried no objections.



Mr. Mark Seib – President



Mr. David Ripple, Interim Executive Director

COPY

September 22, 2023

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Manufacturing Medium) containing 3.66 acres more or less. The property is located at 1251 Springfield Rd., Mt. Vernon, IN. Property abutting this site is owned by the following:

1. **Springfield Environmental General Partnership-PO Box 29246, Phoenix, AZ 85038-9246**
2. **Roger T. & Peggy L. Horacek-1311 Springfield Rd, Mt. Vernon, IN 47620-7293**
3. **Timothy Lee & Tina Renee McCloud-950 Hwy 69 S., Mt. Vernon, IN 47620**
4. **State of Indiana-3650 S US Hwy 41, Vincennes, IN 47591-9443**
5. **William H. Bender-PO Box 430, Poseyville, IN 47633-9998**
6. **Kenneth A. & Diane K. Johnson-1100 Springfield Rd., Mt. Vernon, IN 47620-7365**
7. **Rex E. Riester-1451 Springfield Rd., Mt. Vernon, IN 47620**
8. **MCM Development Inc.-7102 S. 1675 W, Griffin, IN 47616**

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

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

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-09-RE-APC  
PETITION TO REZONE: Dustin W. Rogers  
OWNER: Dustin W. Rogers

**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:

Joe Marvel

Motion seconded by:

Keith Spurgeon

Adopted by Posey County Area Plan Commission

President: Mike Saki

Date: 10-12-23

COPY

September 22, 2023

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) Zoning District to R-1 (Residential Single Family) containing 2.17 acres more or less. The property is located at N. Stierley Rd./Collen Dr., Wadesville, IN. Property abutting this site is owned by the following:

1. Eric F. & Cynthia J. Dreshfield-2100 Stierly Rd., N., Wadesville, IN 47638
2. Larry A. & Steven K. Williams-5709 Hidbrader Rd., New Harmony, IN 47631
3. Donald C. White Trust-625 Big Cynthiana Rd., Evansville, IN 47720
4. Jerry W. & Luwaynea J. Landrum-8301 Collen Dr., Wadesville, IN 47638
5. Ralph L. & Lana J. Glaser-2950 Blair Lane, Wadesville, IN 47638
6. David & Theresa Czanrowski-1930 Stierly Rd., N., Wadesville, IN 47638
7. Matthew R. Donaldson & Cathy Jean Sapp-6915 Mesker Park Dr., Evansville, IN 47720
8. Doris J. Peerman-2007 Stierly Rd.N.-Wadesville, IN 47638
9. William Andrew Pearce-2011 Stierly Rd., N., Wadesville, IN 47638
10. Wilburn Motz Jr.-2017 Stierly Rd., N. Wadesville, IN 47638
11. Sidney W. & Stephen W. Dill-8300 Colleen Dr., Wadesville, IN 47638

Abutting properties are zoned A (Agricultural). This property is currently vacant. The owners are proposing to rezone the property to R-1(Residential Single Family) for a Minor Subdivision. 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: 23-10-RE-APC  
PETITION TO REZONE: Darla Doty  
OWNER: Leslie C. White Etal Co-Trustees

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:

Joe Marvel

Motion seconded by:

Stefan Miller

Adopted by Posey County Area Plan Commission

President:

Date: 10-12-23