

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

JANUARY 11, 2024
6:00 P.M.

Attorney Trent Van Haaften administered the Oath of Office for the appointments of Andy Hoehn, Aaron Wilson, Greg Newman, Justin Rutledge, Randy Owens and Joe Marvel to the Area Plan Commission.

MEMBERS PRESENT: Mr. Mark Seib – President, Mr. Joe Marvel-Vice President, Dr. Keith Spurgeon, Mr. Justin Rutledge, Mr. Greg Newman, Mr. Andy Hoehn, Mr. Aaron Wilson, Mr. Randy Owens, Mrs. Stefani Miller, Mrs. Amy Rhodes (non-voting) Mr. Trent Van Haaften-Attorney, Mr. David Ripple, Interim Executive Director, Mrs. Taylor Elmendorf- Administrative Assistant, Mrs. Savannah Axley-Clerical Assistant

MEMBERS ABSENT: None

APPROVAL OF MINUTES: Joe Marvel made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Andy Hoehn. **Motion carried.**

ELECTION OF OFFICERS 2024:

Joe Marvel made a motion in the affirmative to nominate Mark Seib for President. Motion was seconded by Randy Owens.

Andy Hoehn made a motion to close nominations. Motion was seconded by Randy Owens. **Roll Call Vote (9-0) Yes. Motion carried.**

Andy Hoehn made a motion in the affirmation to nominate Joe Marvel for Vice-President. Motion seconded by Keith Spurgeon.

Andy Hoehn Made a motion to close nominations. Greg Newman Motion was seconded by. **Roll Call Vote (9-0) Yes. Motion carried.**

COMMITTEE APPOINTMENTS 2024: Motion was made in the affirmative by Joe Marvel and seconded by Keith Spurgeon to accept the proposed list of Committee Appointments for 2024. Joe Marvel and Keith Spurgeon were reappointed as Area Plan Commission Representatives on the Board of Zoning Appeals. **Roll Call Vote (9-0) Yes. Motion carried.**
(See attached sheet of the Committee Appointments for 2024)

Joe Marvel made a motion to appoint David Ripple as secretary for Area Plan Commission, seconded by Greg Newman. **Motion carried.**

ATTORNEY 2024: A motion was made in the affirmative by Aaron Wilson and seconded by Randy Owens to retain Van Haaften & Farrar as primary attorney for 2024. **Roll Call Vote (9-0). Yes. Motion carried.**

FEES 2024: A motion was made by Aaron Wilson to keep all Fees the same as 2023 at this time. Seconded by Joe Marvel. **Roll Call Vote (9-0) Yes. Motion carried.**

RULES OF PROCEDURE: A motion was made in the affirmative by Joe Marvel and seconded by Greg Newman to accept the Rules of Procedure for 2024 as presented with the changes as emailed and discussed. **Roll Call Vote (9-0). Yes. Motion carried.**

DESIGNATED NEWSPAPER: Joe Marvel made a motion to designate the Posey County News as media source for 2024. Stefani Miller seconded the motion. **Roll Call Vote (9-0). Yes. Motion carried.**

REZONING – TABLED FROM DECEMBER 2023 MEETING:

DOCKET NO: 23-12-RE-APC

APPLICANT: Desiree Eichenberger

OWNER: St. Peter's On The Hill Inc.

PREMISES: Part of the Southwest Quarter of Section 13, Township 6 South, Range 12 West lying in Marrs Township, Posey County, Indiana. More commonly known as 2800 S. St. Philip Rd., Evansville, IN 47712 Containing 6.00 acres more or less and 3.20 acres more or less and .78 acres more or less (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from R-1 (Residential Single Family) Zoning District to B-2 (Commercial General) 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 Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Mr. Seib confirmed no board members had any conflicts of interest.

Desiree Eichenberger 11120 Kramers Dr., Evansville, IN 47712, here to spoke on behalf of the application.

No comments from the public.

Joe Marvel made a motion to close the public hearing. Seconded by Greg Newman. **Roll Call (9-0) Yes. Motion passed.**

Mr. Seib confirmed with Dave Ripple there were no emails, phone calls, or letters.

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

Aaron Wilson made motion to approve docket 23-12-RE-APC. Seconded by Andy Hoehn. **Roll Call Vote (9-0) Yes. Motion passed.**

Joe Marvel made a motion to approve the Finding of Facts. Seconded by Keith Spurgeon. **Roll Call Vote (9-0) Yes. Motion passed.**

SITE DEVELOPMENT PLAN – TABLED FROM DECMEBER 2023 MEETING:

APPLICANT: Dempson Haney, Hafer Design
OWNER: Posey County Humane Society, Inc.
PREMISES: Beginning at the Northwest corner of the Northwest Quarter of the Southeast Quarter of Section 3, Township 7 South, Range 13 West, containing 1.535 acres, more or less. More commonly known as 6500 N Leonard Rd, Mt. Vernon, IN 47620 (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 Mr. Ripple that the applicant met all the requirements for the notification per the statute.

Andy Hoehn abstained from voting due to a conflict of interest.

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

Dempson Haney- 21 SE 3rd St., Evansville, IN and Lucy Steinhart- 5414 Stonewood Dr, Mt. Vernon, IN here to speak on behalf of the application.

No comments from the public

Aaron Wilson made a motion to close the public hearing. Seconded by Joe Marvel. **Roll Call (9-0) Yes. Motion passed.**

Mr. Seib confirmed with Dave Ripple there were no emails, phone calls, or letters.

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

Stefani Miller made a motion to approve Site Development Plan for Posey County Humane Society, Inc contingent of BZA approving Flood Plain Variance. Seconded by Joe Marvel. **Roll Call (9-0) Yes. Motion passed.**

DEVELOPMENT PLAN APPLICATION SECS TIER 2

DOCKET NO: 2023-01-SECS-2-APC
APPLICANT: Lauren Melchior / Salas O'Brien
OWNER: Astrazeneca Pharmaceuticals, LP
PREMISES: Parts of the Northeast Quarter of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 2, Township 7 South, Range 13 West and part of the Northeast Quarter of the Northwest Quarter of Section 11, Township 7 South, Range 13 West. Lying in Black Township, Posey County Indiana. Containing 26.70 more or less. More commonly known as 4601 Hwy 62 E, Mt. Vernon, IN 47620. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

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

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

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

Jessica Zirklebach and Walter Smith- 4601 Hwy 62 E, Mt. Vernon, IN here to speak on behalf of the application.

No comments from the public

Joe Marvel made a motion to close the public hearing. Seconded by Aaron Wilson. **Roll Call (9-0) Yes. Motion passed.**

Mr. Seib confirmed with Dave Ripple there were no emails, phone calls, or letters.

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

Joe Marvel made motion for Preliminary Plan Approval of 2023-1-SECS-2-APC. Seconded by Randy Owens. **Roll Call (9-0) Yes. Motion Passed.**

REPLAT:

DOCKET NO: 23-11-S-APC
APPLICANT: Greg Kissel – Kissel Land Surveying, LLC
OWNERS: Alan & Laura Schelhorn and Christopher & Angela Joyce
PREMISES: Part of the East Half of the Southeast Quarter all in Section 22, Township 6 South, Range 13 West in Black Township, Posey County, Indiana. More commonly known as 3912 Valley View Dr., Mt. Vernon, IN & 3940 Blackford Rd. E., Mt. Vernon, IN. Containing 1.189 acres more or less and 1.773 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 Replat of Lot 5 and Lot 6B of Blackford Lake Estates 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 Mr. Ripple that the applicant met all the requirements for the notification per the statute.

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

Greg Kissel-1263 E 900 S., Ft. Branch, IN here to speak on behalf of the application.

No comments from the public

Aaron Wilson made a motion to close the public hearing. Seconded by Stefani Miller. **Roll Call (9-0) Yes. Motion passed.**

Mr. Seib confirmed with Dave Ripple there were no emails, phone calls, or letters.

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

Joe Marvel made motion to approve docket 23-11-S-APC and Executive Director given final approval to sign off on once all documents have been filed and finalized after 30 days. Seconded by Stefani Miller. **Roll Call (9-0) Yes. Motion passed.**

REZONING:

DOCKET NO: 23-14-RE-APC

APPLICANT: Greg Kissel

OWNER: Raymond A. Jr & Amelia C. Vanover

PREMISES: 1400 Greenfield Lane, New Harmony, IN 47631

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 Mr. Ripple that the applicant met all the requirements for the notification per the statute.

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

Greg Kissel-1263 E 900 S., Ft. Branch, IN here to speak on behalf of the application.

No comments from the public

Joe Marvel made a motion to close the public hearing. Seconded by Aaron Wilson. **Roll Call (9-0) Yes. Motion passed.**

Mr. Seib confirmed with Dave Ripple there were no emails, phone calls, or letters.

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

Aaron Wilson made motion to approve docket 23-14-RE-APC. Seconded by Stefani Miller. **Roll Call Vote (9-0) Yes. Motion passed.**

Joe Marvel made a motion to approve the Finding of Facts and seconded by Aaron Wilson. **Roll Call Vote (9-0) Yes. Motion passed.**

COMPLAINTS – TABLED:

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

Mr. Van Haaften stated there is a court date on January 22, 2024 for the ordinance violation.

324 W. 7th Street, Mt. Vernon (Schneider)

Mike Schneider-3575 Jackson Road, Mt. Vernon, IN owner of the property. Stated the fence as been removed and surveyed completed.

Randy Owen made a motion to resolve the complaint. Seconded by Joe Marvel. **Roll Call Vote (9-0) Yes. Motion passed.**

1002 E. Sycamore Street, Mt. Vernon (Berry-Ridley)

Tenant provided proof of plates on vehicle being renewed.

Joe Marvel made a motion to resolve the complaint. Seconded by Stefani Miller. **Roll Call Vote (9-0) Yes. Motion passed.**

6201 Cheshire Drive, Mt. Vernon (Utley)

Joe Marvel made a motion to defer pending action on BZA. Seconded by Stefani Miller. **Roll Call Vote (9-0) Yes. Motion passed.**

COMPLAINTS - NEW

1100 Tanglewood Drive, Mt. Vernon (Harris)

Nancy Denning and Ted Denning 1100 Tanglewood Drive, Mt. Vernon, IN owner of property here to spoke on behalf of complaint. Stated they would remove dumpster.

Joe Marvel made a motion to table until February. Seconded by Greg Marvel. **Roll Call Vote (9-0) Yes. Motion passed.**

DIRECTOR'S REPORT

David Ripple addressed the board regarding an amendment for board members to review how to handle corner lot Variances and Religious Institution and Electric Message Board.

OTHER BUSINESS

Start getting bids for revising ordinances.

Joe Marvel motioned to start accepting bids for ordinances review. Seconded by Andy Hoehn. **Roll Call Vote (9-0) Yes. Motion passed.**

Greg Newman County Commissioner Requested an extension in filing deadline to Wednesday January 17, 2024.

Joe Marvel made a motion to extend filing deadline to January 17, 2024 and seconded by Andy Hoehn. **Roll call vote (9-0) Yes. Motion carried.**

Update on Comprehensive Plan given by Mark Seib

APPROVAL OF PAYROLL AND BILLS

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

REPORT OF COLLECTIONS

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

CITIZEN CONCERNS

None

ADJOURNMENT

Joe Marvel made a motion to adjourn at 8:31 PM, seconded by Greg Newman.



Mr. Mark Seib – President



Mr. David Ripple, Interim Executive Director

Posey County Area Plan Committee List 2024

Transportation and Development

Randy Owen
Justin Rutledge
Aaron Wilson

Administration and Personnel

Mark Seib
Keith Spurgeon
Greg Newman
Andy Hoehn

Budget

Mark Seib
Joe Marvel
Aaron Wilson
Greg Newman

Zoning

Amy Rhodes and Stefani Miller
Justin Rutledge
Aaron Wilson

Executive Committee

Mark Seib
Keith Spurgeon
Joe Marvel
Andy Hoehn

***Subdivision Committee**

Keith Spurgeon
Randy Owen
Greg Newman
*Amy Rhodes and Stefani Miller

*The Subdivision committee will also work with the County Surveyor, City Engineer, County Engineer, Soil Conservationist and County Agricultural Agent.

Site Plan Committee

Andy Hoehn
Randy Owen
Justin Rutledge
Amy Rhodes and Stefani Miller

Recommended to the Board for Board of Zoning Appeals

Keith Spurgeon
Joe Marvel

PROPOSED FINDINGS OF FACT
ON DOCKET NO: 23-12-RE-APC
PETITION TO REZONE: Desiree Eichenberger
OWNER: St. Peter's On The Hill Inc.

 **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:

Marvel

Motion seconded by:

Spurgeon

Adopted by Posey County Area Plan Commission

President: _____

Date: _____

October 16, 2023

Staff Comments: The property being petitioned to be rezoned from R-1 (Residential Single Family) Zoning District to B-2 (Commercial General) Zoning District. Containing 6.00 acres more or less and 3.20 acres more or less and .78 acres more or less. The property is located at 2800 S. St. Philip Rd., Evansville, IN 47712. Property abutting this site is owned by the following:

- 1.Blake R. Rueger-2900 S. St. Philips Rd., Evansville, IN 47712**
- 2.T.S.F. Co. Inc.-2930 S. St. Philips Rd., Evansville, IN 47712**
- 3.Megan L. Witt-2825 S. St. Philips Rd., Evansville, IN 47712**
- 4.Jeannetta H. Barnhart-2735 S. St. Philips Rd., Evansville, IN 47712**
- 5.Ronald E. & Mary Martha Neale-2715 St. Philip Rd., Evansville, IN 47712**
- 6.Scott A. & Evelyn E. Rude-2701 St. Philip Rd., Evansville, IN 47712**
- 7.Michael A. Neale-2701 S. St. Philip Rd., Evansville, IN 47712**
- 8.Robert J. & Noraen J. Simonsen Revocable Trust-11410 Upper Mt. Vernon Rd., Evansville, IN 47712**
- 9.Heath A. & Erin E. Tuley-7720 Bingham Dr., Evansville, IN 47715**

Abutting properties are zoned R-1(Residential Single Family) & B-3(Commercial High Intensity) This property is currently a church, a nonconforming use. The owners are proposing to rezone the property to B-2 (Commercial General) for a church as a use by right. The uses adjacent to the proposed rezoning are as follows: Residential and Commercial.

_____Favorable recommendation by the APC
_____Unfavorable recommendation by the APC
_____No recommendation by the APC

Preliminary Plan Approval
Marvel

COPY

MOTION MADE BY: _____ FOR APPROVAL

SECOND MADE BY: Anna Randy FOR APPROVAL

Justin Ratledge

~~Mike Baehl~~ (✓) Yes () No

Aaron Wilson (✓) Yes () No

Andy Hoehn (✓) Yes () No

Joe Marvel (✓) Yes () No

Stefani Miller (✓) Yes () No

Greg Newman (✓) Yes () No

Randy Owens (✓) Yes () No

Mark Seib (✓) Yes () No

Keith Spurgeon (✓) Yes () No

APPROVED: (✓) Yes () No

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

MOTION MADE BY: _____ FOR DISAPPROVAL

SECOND MADE BY: _____ FOR DISAPPROVAL

Mike Baehl () Yes () No

Aaron Wilson () Yes () No

Andy Hoehn () Yes () No

Joe Marvel () Yes () No

Stefani Miller () Yes () No

Greg Newman () Yes () No

Randy Owens () Yes () No

Mark Seib () Yes () No

Keith Spurgeon () Yes () No

DISAPPROVED: () Yes () No

Close
Marvel
Wilson



PROPOSED FINDINGS OF FACT
ON DOCKET NO: 23-14-RE-APC
PETITION TO REZONE: Greg Kissel
OWNER: Raymond A. Jr & Amelia C. Vanover

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:

Marvel

Motion seconded by:

Wilson

Aye - all

Adopted by Posey County Area Plan Commission

President: _____

Date: _____

December 13, 2023

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) Zoning District to R-1 (Residential Single Family) 9.679 acres more or less. The property is located at 1400 Greenfield Lane, New Harmony, IN. Property abutting this site is owned by the following:

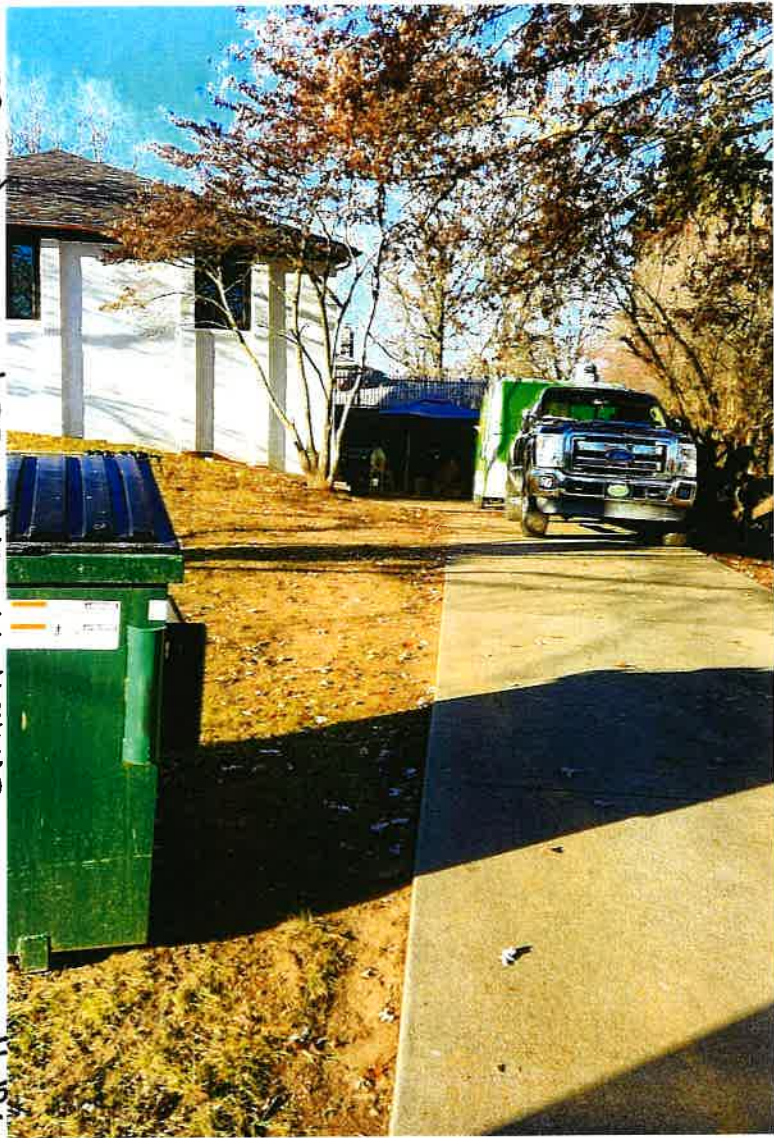
- 1. Kenneth J. Juncker Trustee Etal-2717 Woodstone Lane, Evansville, IN 47712**
- 2. Joyce A. Culley-461 Savah Road, Mt. Vernon, IN 47620**
- 3. Andrew & Elizabeth Kusturin- 1236 Oriole Circle, Mt. Vernon, IN 47620**
- 4. Jennifer O'Neil-310 Goad Cemetery Road East, New Harmony, IN 47631**
- 5. Raymond W. Winternheimer, Etal-1345 Laubscher Road, Evansville, IN 47710**
- 6. Aaron T. & Jeanie M Gamache-1500 Greenfield Lane, New Harmony, IN 47631**
- 7. Robert R Guenther-1500 Old Evansville Road, New Harmony, IN 47631**

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

Exhibit A - 11 photos, 1100 Tanglewood Dr

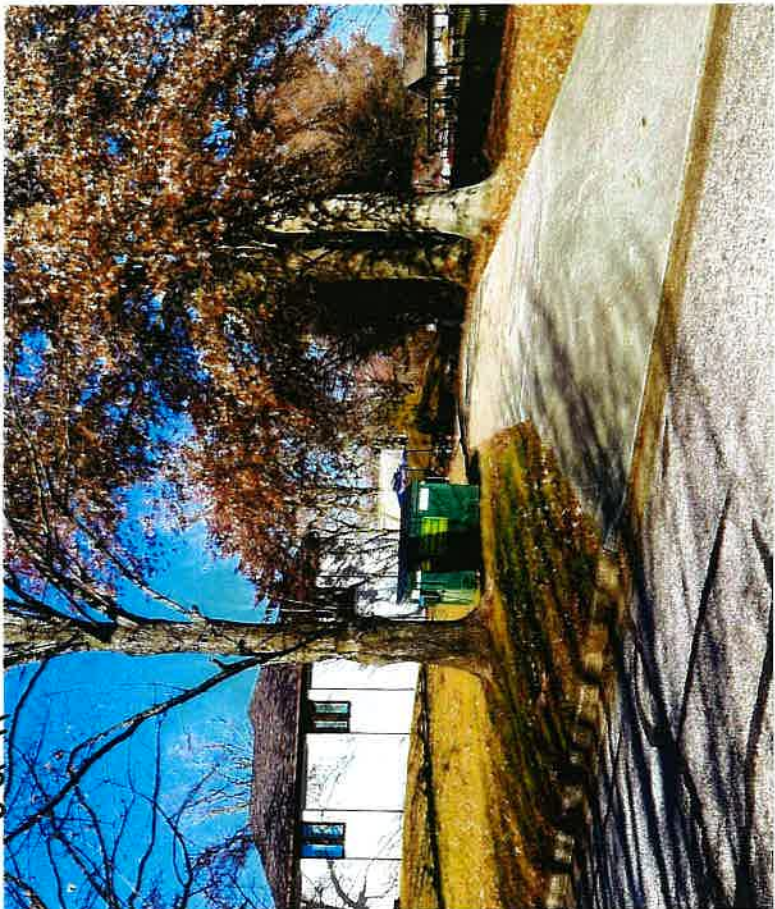
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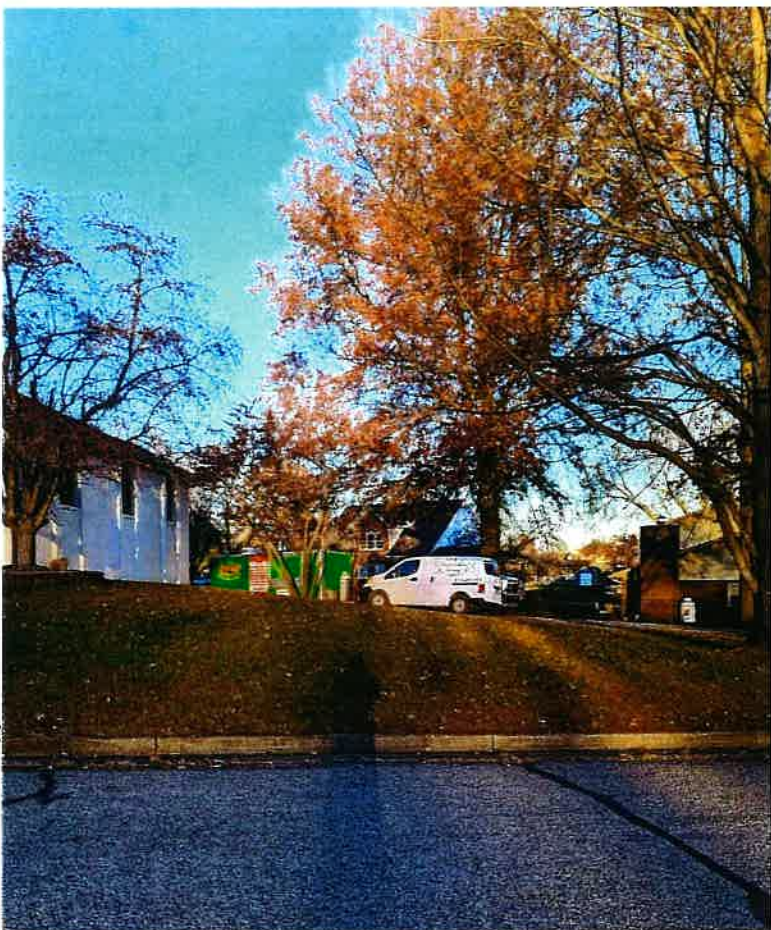




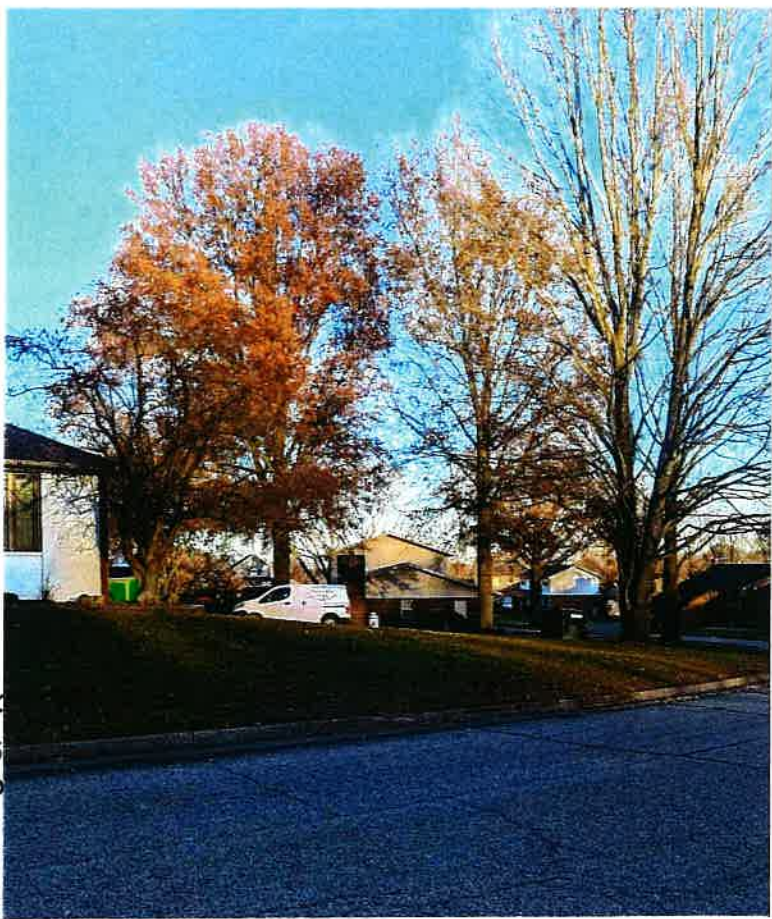
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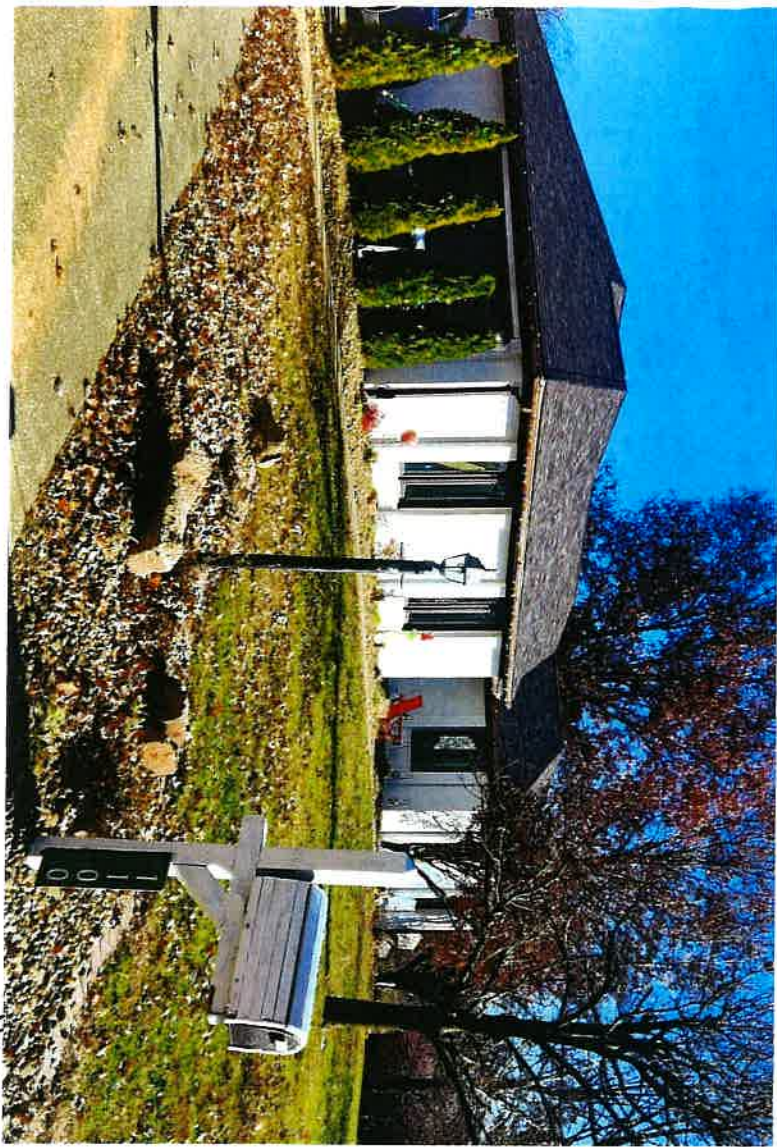
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