MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

FEBRUARY 8, 2024 6:00 P.M.

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. Adam Farrar- Attorney, Mr. David Ripple, Interim Executive Director, Mrs. Taylor Elmendorf - Administrative Assistant, Mrs. Savannah Axley - Clerical Assistant

MEMBERS ABSENT: None

<u>APPROVAL OF MINUTES:</u> 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.

APPROVE FINDINGS OF FACT – NEW LIFE SITE DEVELOPMENT PLAN:

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.

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

Joe Marvel made a motion to approve the Finding of Facts with amendment of #14. Seconded by Aaron Wilson. Roll Call Vote (9-0) Yes. Motion passed.

DEVELOPMENT PLAN APPLICATION SECS TIER 2 – FINAL APPROVAL

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 Ouarter 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 Final 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 - 4601 Hwy 62 E, Mt. Vernon, IN here to speak on behalf of the application.

No comments from the public

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 for Final Development Plan Approval of 2023-1-SECS-2-APC. Seconded by Andy Hoehn. Roll Call (9-0) Yes. Motion Passed.

Joe Marvel made a motion for overall approval of docket number 2023-1-SECS-2-APC seconded by Keith Spurgeon.

The Area Plan Commission unanimously agreed to adjust the agenda and hear docket number 24-02-RE-APC before 24-01-RE-APC.

REZONING:

DOCKET NO: 24-02-RE-APC
APPLICANT: Bradley J. Unfried
OWNER: Bradley J. Unfried

PREMISES: Part of the Northeast Quarter of the Northwest Quarter of Section 21,

Township 5 South, Range 12 West of the Principal Meridian, lying in

Robinson Township, Posey County, Indiana. More commonly known as 2620 Juanita Ave., Wadesville, IN 47638. Containing 1.1020 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 B-1A (Commercial Shopping) Zoning District to B-3 (Commercial High Intensity) 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. Aaron Wilson abstained due to conflict of interest.

Bradley Unfried - 1870 Stierley Rd., Wadesville, IN 47638 here to speak on behalf of the application.

Public Comments:

John Alexander - 10925 Parker Court, Evansville, IN 47712 questioned if there would be food and drinks.

Myra Exline - 8428 Rose Lane, Wadesville, IN 47638 concerned about parking and road maintenance.

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.

Andy Hoehn made a motion to approve docket 24-02-RE-APC, motion was seconded by Joe Marvel. Roll Call Vote (8-0) Yes. Motion carried.

Joe Marvel made a motion to approve the Findings of Fact, motion was seconded by Stefani Miller. Roll Call Vote (8-0) Yes. Motion carried.

This is a recommendation to the County Commissioners; their next meeting is February 21st at 9:00 AM in this room, anyone can come and voice their concern. The applicant needs to be present at this meeting.

Andy Hoehn made a motion to hear the complaint for 1100 Tanglewood Drive complaint and table the other complaints until the March 14, 2024 meeting, motion seconded by Aaron Wilson. Motion carried.

COMPLAINTS - TABLED:

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

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6201 Cheshire Drive, Mt. Vernon (Utley)-Tabled

1100 Tanglewood Drive, Mt. Vernon (Harris)

Nancy and Ted Denning - 1100 Tanglewood Drive, Mt. Vernon, IN 47620 here to speak on behalf of the complaint.

Joe Marval made a motion to resolve the complaint on the condition that the dumpster is removed, seconded by Aaron Wilson. Roll Call Vote (9-0) Yes. Motion carried.

COMPLAINTS - NEW

3229 Fern Wood Drive, Mt. Vernon (Albin)-Tabled

REZONING:

DOCKET NO: 24-01-RE-APC APPLICANT: Justin Collins

OWNER: Steven W. Collins Trustee & Steven W. Collins Rev Trust

PREMISES: Part of Section 26 and 35, both in Township 5 South, Range 12 West, lying in

Robinson Township, Posey County, Indiana. More commonly known as Downen Rd / Hwy 66, Wadesville, IN 47638. Containing 47.42 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) 26.42 acres and B-2 (Commercial General) 21.00 acres 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 notification per the statute.

Mr. Seib confirmed no board member had any conflicts of interest. Aaron Wilson abstained due to conflict of interest.

Justin Collins - 121 S. Cale St., Poseyville, IN 47633 here to speak on behalf of the application.

Public Comments:

Multiple members of the public voiced their concerns regarding the rezoning.

Keith Spurgeon made a motion to close the public hearing. Seconded by Joe Marvel. Roll Call (8-0) Yes. Motion passed.

Dave Ripple stated there were multiple emails and phone calls received.

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

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Andy Hoehn made a motion to approve docket 24-01-RE-APC, motion was seconded by Justin Rutledge. Roll Call Vote (8-0) Yes. Motion carried.

Joe Marvel made a motion to approve the Findings of Fact, motion was seconded by Greg Newman. Roll Call Vote (8-0) Yes. Motion carried.

This is a recommendation to the County Commissioners; their next meeting is February 21st at 9:00 AM in this room, anyone can come and voice their concern. The applicant needs to be present at this meeting.

DIRECTOR'S REPORT

None

OTHER BUSINESS

None

APPROVAL OF PAYROLL AND BILLS

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

REPORT OF COLLECTIONS

Joe Marvel made a motion to approve payroll and bills, motion was seconded by Aaron Wilson. Motion carried.

CITIZEN CONCERNS

None

ADJOURNMENT

Joe Marvel made a motion to adjourn at 9:08 PM, seconded by Justin Rutledge.

Ar. Mark Seib - President

David A. Ripple – Interim Executive Director

FINDINGS OF FACT

Dempson Haney, AIA, Hafer NewLife Rescue and Adoption New Building



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, CG, and CH. Surrounding land use is commercial.
- 2. Water, sewer, and other utilities are available. New utility connections are being added for the new building, but will not involve pavement cuts on Old State Road 62.
- 3. The existing parking lot is a non-conforming gravel lot without curbs to define entrances and exits, and parked vehicles backout onto Leonard Road and Old State Road. Except for the addition of a concrete pad for the "handicapped parking space", there will be no alteration or expansion to the nonconforming parking area.
- 4. The plan meets the setback requirements for the M-1 Zoning District (25 ft. for the front and street side yard, 10 feet for the side yard and 20 feet for the rear yard).
- 5. The building coverage at 17.5 percent meets the requirements for the M-1 Zoning District (not to exceed 65 percent).
- 6. The plan meets the minimum building separation requirement of 10 feet as the new building is 75 feet from the existing building.
- 7. The plan ensures parking vehicles and pedestrian flow to and between the buildings do not cross one another.
- 8. The plan meets the total and handicapped parking space requirements.
- 9. An existing 6-foot chain-link fence on the east and south property line will be maintained, and no special screening or landscaping is required because the abutting uses are zoned M-1 Industrial.
- 10. The existing building of 2,066 square feet on the west edge of the parcel and the outdoor kennels on the south edge of the property will be retained. The new building is 4,613 square feet with a 77 square-foot porch. The new building style and material will be compatible with the existing building on the site and abutting industrial and commercial properties.
- 11. No new signage is proposed at this time for the property, but signage will be subject to site plan review and a location improvement permit in the future.
- 12. Being a nonresidential project, no recreational space is required.
- 13. No outdoor lighting is proposed for the project at this time, but lighting will be subject to site plan review and a location improvement permit in the future.
- 14. **Complied with our floodplain ordinance so that** 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: Harran Wilson	
Adopted by Posey County Area Plan Commission	v
	3/14/2024
Vice - President, Posey County Area Plan Commission	Date

MOTION MADE E	RV:	Auron		COPY FOR APPROVAL
MOTION MADE B	V·	Andr	=	FOR APPROVAL
Justin Rutledge Aaron Wilson Andy Hoehn Joe Marvel Stefani Miller	(v) Yes () No (v) Yes () No		Greg Newman Randy Owens Mark Seib Keith Spurgeon	(v) Yes () No (v) Yes () No
APPROVED: If approved, are the addition to those or the addition to the addition to those or the addition to the a	(/) Yes () No ere any reasonal utlined above?	ole restriction	ns or provisions to t	oe included in the plan in
MOTION MADE				FOR DISAPPROVAL _FOR DISAPPROVEL
	10			() Yes () No
Aaron Wilson	() Yes () No	•	Randy Owens	() Yes () No
Andy Hoehn	() Yes () No	•	Mark Seib	() Yes () No
Joe Marvel Stefani Miller	() Yes () No () Yes () No		Keith Spurgeon	() Yes () No
DISAPPROVED:	() Ves () No)		



PROPOSED FINDINGS OF FACT ON DOCKET NO: 24-02-RE-APC

PETITION TO REZONE: Bradley J. Unfried OWNER: Bradley J. Unfried

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 proposa 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:
Motion seconded by: Stephanie
Adopted by Posey County Area Plan Commission
President: Date:



Staff Comments: The property being petitioned to be rezoned from B-1A(Commercial Shopping) to B- (Commercial High Intensity) containing 1.1020 acres more or less. The property is Located 2620 Juanita Ave., Wadesville, IN 47638. Property abutting this site is owned by the following:

- 1. William H. Bender, P.O. Box 430, Poseyville, IN 7633
- 2. Jeremy Rager, 8350 Old Blairsville Rd., Wadesville, IN 47638
- 3. Dustin Straw, 10000 Ramsey Rd., Poseyville, IN 47633
- 4. Darrell E. & Tonya D. Paddock, 5301 Metz Rd., Wadesville, IN 47638
- 5. Bridget Katherine & Charles Anderson, 8418 Rose Ln., Wadesville, IN 47638
- 6. Gerald L. Jones 8391 Albert Dr., Wadesville, IN 47638
- 7. State of Indiana, 150 W. Market St., Indianapolis, IN 46205-2806
- 8. State of Indiana, 3650 S. US Highway 41, Vincennes, IN 47591-9443

Abutting properties are zoned R-1 (Residential). This property is currently Commercial Shopping (Carpet Store). The owners are proposing to rezone the property to B-3 (Commercial High Intensity). The uses adjacent to the proposed rezoning are as follows: M-1(Manufacturing Light), B-3(Commercial High Intensity), and R-3 (Residential Multiple Family).

Favorable recommendation by the APC
Unfavorable recommendation by the APC
No recommendation by the APC

PROPOSED FINDINGS OF FACT ON DOCKET NO: 24-01-RE-APC



PETITION TO REZONE: Justin Collins OWNER: Steven W. Collins Trustee & Steven W. Collins Rev Trust

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 NOT be consistent with development and growth.		
3. Comprehensive Plan. The Commission finds that the proposa 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		
Motion seconded by:		
Adopted by Posey County Area Plan Commission		
President:		



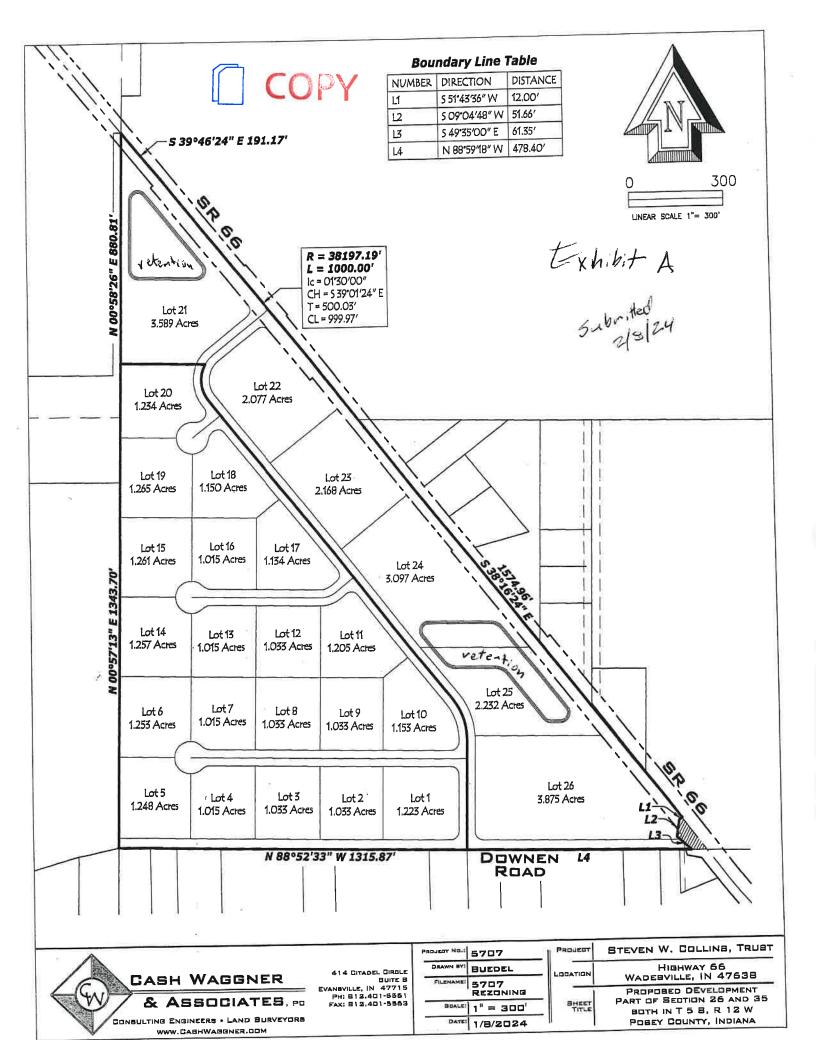
January 10, 2024

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to R-1 (Residential) 26.42 & B-2 (Commercial General) 21.00 totaling 47.42 acres more or less. The property is located at Downen Rd / Hwy 66, Wadesville, IN 47638. Property abutting this site is owned by the following:

- 1. Jerry H. Neuffer II, 10435 Downen Rd., Wadesville, IN 47638
- 2. Jerry H. & Sondra A. Neuffer, 10511 Downen Rd., Wadesville, IN 47638
- 3. Rhyan A. Brockey, 10521 Downen Rd., Wadesville, IN 47638
- 4. Rusty A. Pickens, 10551 Downen Rd., Wadesville, IN 47638
- 5. Evan Gaultney, 10601 Downen Rd., Wadesville, IN 47638
- 6. Paul R. & Cathy A. Espenlaub, 10437 Downen Rd., Wadesville, IN 47638
- 7. Cole Allen Jarvis, 10617 Downen Rd., Wadesville, IN 47638
- 8. Devin N. Kempf, 2313 Margybeth Ave., Evansville, IN 47714
- 9. James N. Butler III, 10709 Downen Rd., Wadesville, IN 47638
- 10. James A. & Jody L. Danhauer 10725 Downen Rd., Wadesville, IN 47638
- 11. Chad L. & Lori B. Wilson, 10825 Highway 66, Wadesville, IN 47638
- 12. Donald W. Montgomery Etal, 10607 Downen Rd., Wadesville, IN 47638
- 13. Stanley S Emge, 10809 Highway 66, Wadesville, IN 47638
- 14. V&W Enterprises, LP, 4678 County Road 811, Bushnell, FL 33513
- 15. State of Indiana, 100 North Senate Ave. N758-RE, Indianapolis, IN 46204
- 16. Armand C. Jr. & Peggy Motz, 6301 St. Wendel-Cynthiana Rd., Poseyville, IN 47633
- 17. Harold M. Jr. & Deborah Golday, 10700 Highway 66, Wadesville, IN 47638
- 18. Mark L. & Vivian Gates, 10600 Highway 66, Wadesville, IN 47638
- 19. Samatha M. Stiff, 10556 Highway 66, Wadesville, IN 47638
- 20. Eugene L. & Patricia D. Higginson, 2554 Woods Dr., Wadesville, IN 47638
- 21. James E. & Vera D. Riddle, 820 Cullasaja Club Dr., Highlands, NC 28741
- 22. Myron D. & Marcia A. Razor, 10441 Highway 66 Wadesville, IN 47638-9728

Abutting properties are zoned A (Agricultural), R-3 (Residential Multi) R-1 (Residential), B-1 (Neighborhood Commercial, . This property is currently vacant. The owners are proposing to rezone the property to R-1 (Residential) & B-2 (Commercial General). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.

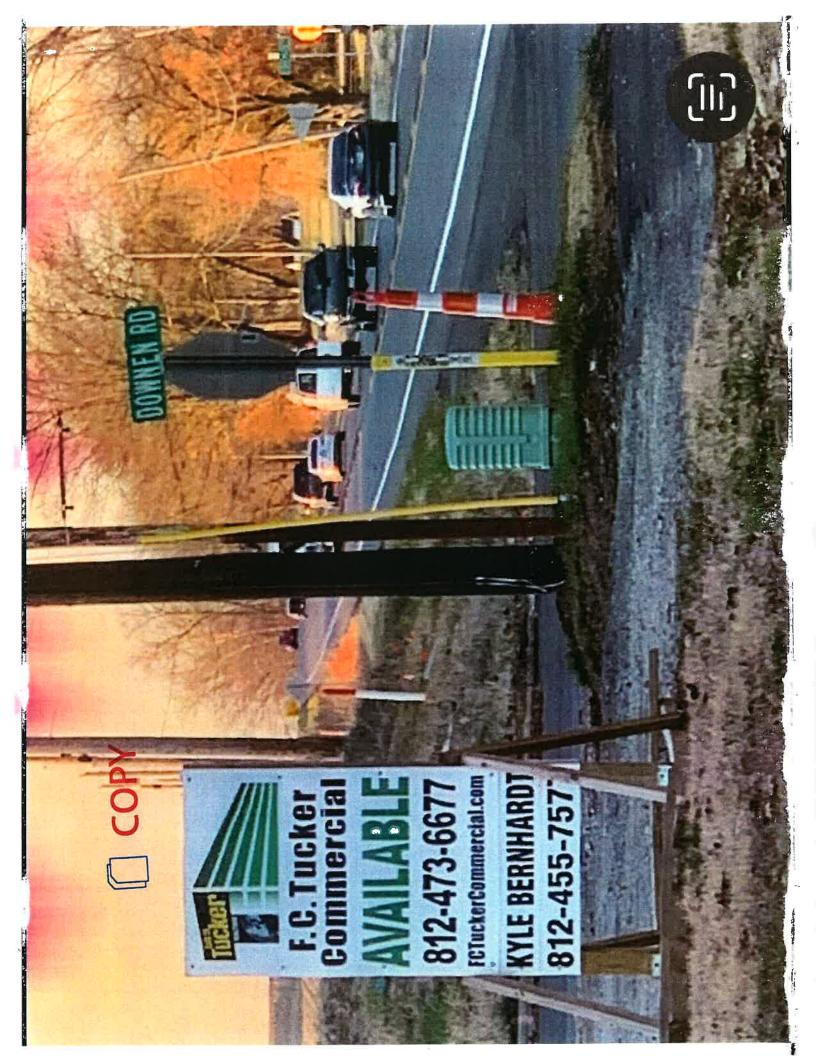
Favorable recommendation by the APC
Unfavorable recommendation by the APC
No recommendation by the APC

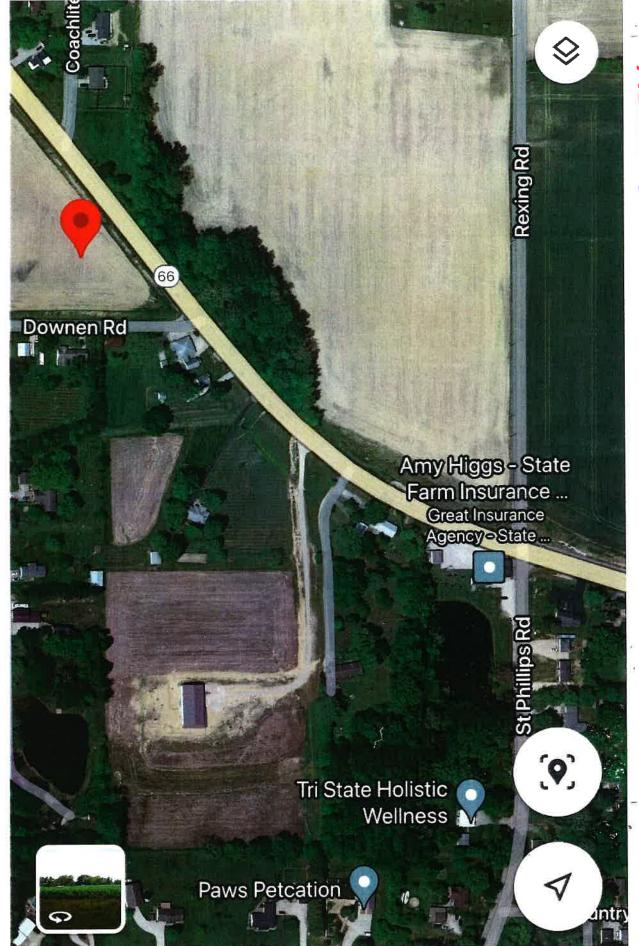


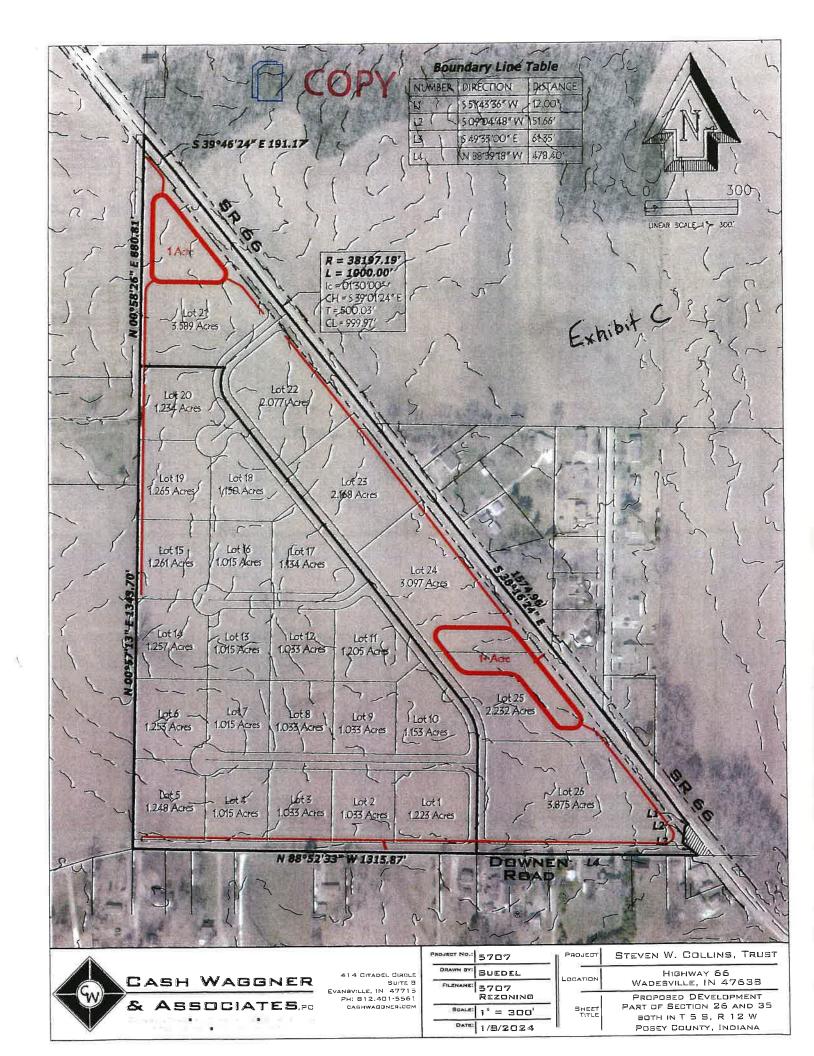


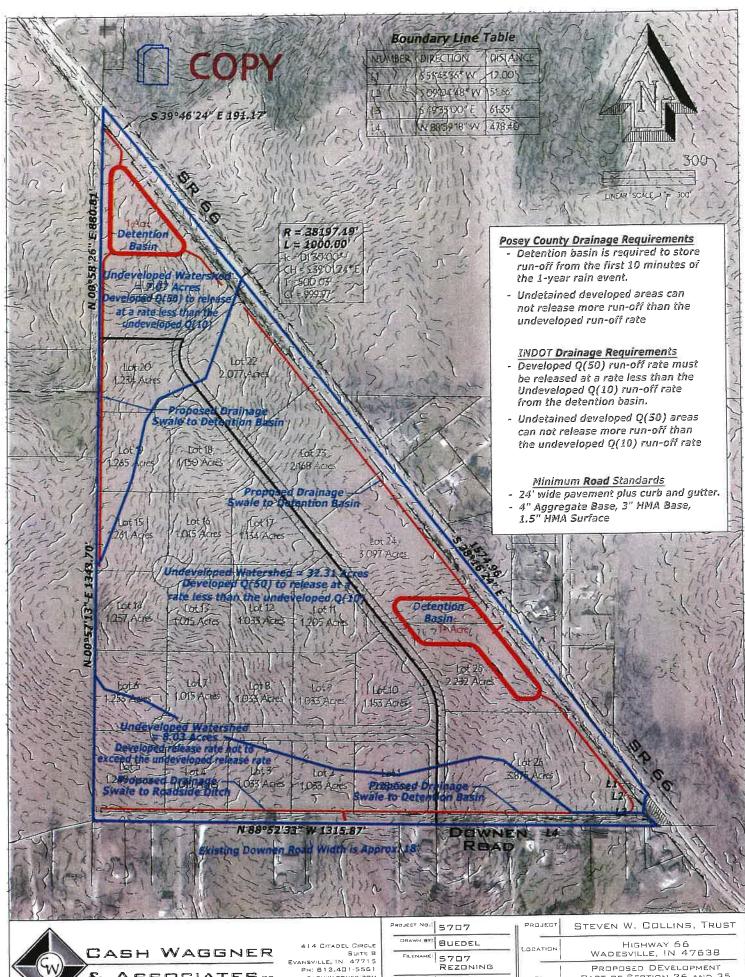


3 pictures









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1" = 300

DATE: 1/8/2024

PART OF SECTION 26 AND 35 SHEET BOTH IN T 5 S, R 12 W

POSEY COUNTY, INDIANA