

**MINUTES**

**POSEY COUNTY  
AREA PLAN COMMISSION  
REGULAR MEETING**

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

**MARCH 14, 2024  
6:00 P.M.**

**MEMBERS PRESENT:** Mr. Joe Marvel -Vice President, Dr. Keith Spurgeon, Mr. Greg Newman, Mr. Andy Hoehn, Mr. Aaron Wilson, 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:** Mr. Mark Seib - President, Mr. Justin Rutledge, Mr. Randy Owens

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

**MINOR SUBDIVISION:**

**DOCKET NO:** 24-01-S-APC  
**APPLICANT:** Greg Kissel – Kissel Land Surveying, LLC  
**OWNER:** Raymond A. Jr. & Amelia C. Vanover  
**PREMISES:** Part of the Southeast Quarter of the Northwest Quarter and Part of the Southwest Quarter of the Northeast Quarter all in Section 5, Township 6 South, Range 12 West lying in Lynn Township, Posey County, Indiana. More commonly known as Greenfield Dr, New Harmony, IN. Containing 9.679 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 Minor Subdivision Plat in a R-1 Zoning District with a variance to section 4.3.1.a (requiring frontage on a publicly maintained roadway) under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

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

Mr. Marvel 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.

Stefani Miller made a motion to close the public hearing. Seconded by Greg Newman. **Motion Carried.**

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

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

Motion was made in the affirmative by Aaron Wilson for approval of the Minor Subdivision Plat, approving the variance (requiring frontage on a publicly maintained roadway per Section 4.3.1 a of the Subdivision Ordinance), and authorizing the Executive Director to give final approval waiving the 30-day waiting period (per Section 3.4.6 of the Subdivision Ordinance). Motion seconded by Greg Newman. **Roll Call Vote (6-0) Yes. Motion Passed.**

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**REZONING:**

DOCKET NO: 24-03-RE-APC

APPLICANT: Cameron Maier

OWNER: Cameron Paul & Kennedy Rachelle Maier

PREMISES: Part of the Southwest Quarter of Section 12 and part of the Northwest Quarter of Section 13, all in Township 5 South, Range 13 West, in Center Township, Posey County, Indiana. Containing 7.508 acres more or less. More commonly known as 4010 Lang Road, New Harmony, IN 47631 (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 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. Marvel confirmed with Mr. Ripple that the applicant met all the requirements for notification per the statute.

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

Kennedy Maier, 7116 S. 1675 West, Griffin, IN 47616 here to speak on behalf of the application.

No comments from the public.

Keith Spurgeon made a motion to close the public hearing. Seconded by Andy Hoehn. **Motion Carried.**

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

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

Aaron Wilson made a motion to approve docket 24-03-RE-APC. Motion seconded by Keith Spurgeon. **Roll Call Vote (6-0) Yes. Motion Passed.**

Greg Newman made a motion to approve the Finding of Facts. Motion seconded by Aaron Wilson. **Roll Call Vote (6-0) Yes. Motion Passed.**

Mr. Ripple stated that the applicant needs to be present at the Commissioner's meeting on March 19, 2024, at 9am.

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**REPLAT:**

DOCKET NO: 24-02-S-APC  
APPLICANT: Joe Kiesel – Kiesel Wagner Survey LLC  
OWNER: Rehan & Christine Rahman  
PREMISES: Replat of Lot 5 of Woodstone Estates Phase 1 & Replat of Lot 7 of the Replat of Lots 7 & 11 of Woodstone Estates Phase I of Section 13, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 2.11 acres more or less. More commonly known as 2851 & 2891 Woodstone Lane, Evansville, IN (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 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. Marvel confirmed with Mr. Ripple that the applicant met all the requirements for notification per the statute.

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

Joe Kiesel - 2711 West State Road 68, Haubstadt, IN here to speak on behalf of the application.

**Public Comment:**

Chris Popp, 2901 Woodstone Ln, Evansville, IN concerned about his driveway easement.

Aaron Wilson made a motion to close the public hearing. Motion seconded by Stefani Miller. **Motion Carried.**

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

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

A motion was made by Greg Newman for approval of 24-02-S-APC and authorizing the Executive Director to give final approval waiving the 30-day waiting period (per Section 3.4.6 of the Subdivision Ordinance). Motion seconded by Stefani Miller. **Roll Call Vote (6-0) Yes. Motion Passed.**

**SITE DEVELOPMENT PLAN:**

APPLICANT: Daniel Pund-LA+D & Kellys K9 Grooming, LLC  
OWNER: Kellys K9 Grooming, LLC  
PREMISES: The South Half of Lot Two (2) and the North and South Half of Lot Three (3) in block Two (2) in Lowry and Larkin's Enlargement to the City of Mt. Vernon, Posey County, Indiana, containing 0.3370 acres, more or less. More commonly known as 324 Pearl Street, 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 CG 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. Marvel confirmed with Mr. Ripple that the applicant met all the requirements for notification per the statute.

Mr. Ripple stated The Site Development Committee recommended approval.

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

Daniel Pund, 102 W. 2<sup>nd</sup> Ave. Huntingburg, IN and Blain and Amanda Kelly 841 Smith Rd., 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 Stefani Miller. **Motion Carried.**

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

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

Motion was made by Aaron Wilson to approve the Site Development Plan from Area Plan Commission. Motion seconded by Andy Hoehn. **Roll Call Vote (6-0). Yes. Motion Passed.**

Keith Spurgeon made a motion to approve the corrected Finding of Facts. Seconded by Stefani Miller. **Roll Call Vote (6-0) Yes. Motion Passed.**

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**SITE DEVELOPMENT PLAN:**

APPLICANT: Christopher Evans-Bechtel  
OWNER: Perfect Choice Properties, LLC  
PREMISES: Beginning at the Southwest Quarter of Section 5, Township 7 South, Range 12 West of the Second Principal Meridian, lying in Marrs Township, Posey County, Indiana, containing 4.948 acres, more or less. More commonly known

as 7451 E. Highway 62, Mt. Vernon, IN 47620 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. Ripple stated that one of the abutting property owners indicated they did not receive notice and were not willing to sign a waiver of the notice requirement.

Stefani Miller motioned to table the Site Development Plan until April 11, 2024, and to readvertise in the paper and renotify the abutting property owners motion seconded by Aaron Wilson. **Roll Call Vote (6-0) Yes. Motion Passed.**

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**COMPLAINTS - TABLED:**

319 W. 8<sup>th</sup> Street, Mt. Vernon (Stillwagoner)

Mr. Trent Van Haaften gave update. Aaron Wilson made a motion to resolve the complaint at 319 W. 8<sup>th</sup> Street, Mt. Vernon, the motion was seconded by Stefani Miller. **Roll Call Vote (6-0) Yes. Motion Passed.**

6201 Cheshire Drive, Mt. Vernon (Utley)

Mr. Ripple gave an update. Stefani Miller made a motion to resolve the complaint at 6201 Cheshire Drive, Mt. Vernon, the motion was seconded by Aaron Wilson. Keith Spurgeon abstained. **Roll Call Vote (5-0, 1 abstained) Yes. Motion Passed.**

3229 Fern Wood Drive, Mt. Vernon (Albin)

Mr. Ripple gave an update. Aaron Wilson made a motion to resolve the complaint at 3229 Fern Wood Drive, Mt. Vernon, the motion was seconded by Andy Hoehn. Keith Spurgeon abstained. **Roll Call Vote (5-0, 1 abstained) Yes. Motion Passed.**

**COMPLAINTS – NEW:**

1133 Locust Street, Mt. Vernon (Boarman)

Mr. Ripple gave an update. Aaron Wilson made a motion to table the complaint at 1133 Locust Street, Mt. Vernon to April 11, 2024, meeting, the motion was seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Passed.**

1109 E. 5<sup>th</sup> Street, Mt. Vernon (Curtis)

Mr. Ripple gave an update. Andy Hoehn made a motion to resolve the complaint at 1109 E. 5<sup>th</sup> Street, Mt. Vernon, the motion was seconded by Keith Spurgeon. **Roll Call Vote (6-0) Yes. Motion Passed.**

1001 E. Water Street, Mt. Vernon (Thomas)

Mr. Ripple gave an update. Aaron Wilson made a motion to resolve the complaint at 1101 E. Water Street, Mt. Vernon, the motion was seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Passed.**

311 E. 3<sup>rd</sup> Street, Mt. Vernon (Cox)

Mr. Ripple gave an update. Andy Hoehn made a motion to table the complaint on 311 E. 3<sup>rd</sup> Street, Mt. Vernon with Trent Van Haaften sending letter to owner, the motion was seconded Aaron Wilson. **Roll Call Vote (6-0) Yes. Motion Passed.**

1010 W. 2<sup>nd</sup> Street, Mt. Vernon (Newman)

Mr. Ripple gave an update. Aaron Wilson made a motion to table the complaint on 1010 W. 2<sup>nd</sup> Street, Mt. Vernon with Trent Van Haaften sending letter to owner, the motion was seconded Stefani Miller. **Roll Call Vote (6-0) Yes. Motion Passed.**

725 Smith Road, Mt. Vernon (Russell)

Mr. Ripple gave an update. Aaron Wilson made a motion to resolve the complaint at 725 Smith Road, the motion was seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Passed.**

### **DIRECTOR'S REPORT**

Mr. Ripple stated that the Personal Committee is interviewing for the Executive Director position.

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

Keith Spurgeon made a motion to approve payroll and bills, seconded by Greg Newman. **Motion Carried.**

### **REPORT OF COLLECTIONS**

Greg Newman made a motion to approve payroll and bills, seconded by Andy Hoehn. **Motion Carried.**

### **CITIZEN CONCERNS**

None

### **ADJOURNMENT**

Aaron Wilson made a motion to adjourn at 7:21 PM, motion was seconded by Andy Hoehn.



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Mr. Mark Seib – President



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Mr. David Ripple, Interim Executive Director

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PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 24-03-RE-APC  
PETITION TO REZONE: Cameron Maier  
OWNER: Cameron Paul & Kennedy Rachelle Maier

**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.

*hours of operation* Mon 12-4  
Fr. 8-12 A

*Noise Agreement set by 11 PM*

*All activities indoors*

**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: *Greg Aaron*

Motion seconded by:

*Aye in Favor  
6-0*

Adopted by Posey County Area Plan Commission

President: \_\_\_\_\_

Date: \_\_\_\_\_

March 14, 2024

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) Zoning District to B-2 (Commercial General) Zoning District. Containing 7.508 acres more or less. The property is located at 4010 Lang Road, New Harmony, IN 47631. Property abutting this site is owned by the following:

1. Larry A. & Steven K. Williams, 5709 Hidebrader Rd., New Harmony, IN 47631
2. James & Gloria Williams, 5615 Hidebrader Rd., New Harmony, IN 47631
3. Charles E. & Wanda G. Hoehn, 4000 Lang Rd., New Harmony, IN 47631

Abutting properties are zoned A (Agricultural). This property is currently vacant. The owners are proposing to rezone the property to B-2 (Commercial General) for a event center as a use by right. The uses adjacent to the proposed rezoning are as follows: Agricultural.

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



FINDINGS OF FACT  
Daniel Pund-LA+D & Kellys K9 Grooming, LLC  
Owner: Kellys K9 Grooming, LLC  
New 1650 square foot building for dog grooming business

COPY

I Keith 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 CG. Surrounding property is zoned CG. Surrounding land use is commercial.
3. Water, sewer, and other utilities are available.
4. The proposed parking lot will be all-weather surfaced and will require a curb cut permit from the City of Mt. Vernon.
5. The plan meets the setback requirements CG.
6. The building coverage is at 11.2% below the 50% maximum lot coverage permitted.
7. The plan meets the minimum building separation requirement as there are no accessory buildings.
8. The plan ensures parking vehicles and pedestrian flow to and between the buildings do not cross one another.
9. The plans for a street sidewalk have been submitted at this time and will be subject to a City Permit.
10. The plan meets the total and handicapped parking space requirements.
11. Signage plans for the building signs have been submitted at this time.
12. Being a nonresidential project, no recreational space is required.
13. Exterior lighting is to be placed at the corners of the building and shall cast light within the property boundaries. Any stand along outdoor lighting plans have not been submitted at this time.
14. An exterior dog run is proposed to the rear of the building and fencing plans have been submitted at this time.
15. No exterior enclosure for garbage bins or accessory storage building are shown at this time, but will be subject to a supplemental Improvement Location Permit.
16. Having public occupancy, the building shall receive necessary permits from the Indiana DHS before an Improvement Location Permit maybe issued by the APC.

Motion seconded by: Stefani

Adopted by Posey County Area Plan Commission

Mark A. Seitz  
President, Posey County Area Plan Commission

4-11-24  
Date