

MINUTES

**POSEY COUNTY
AREA PLAN COMMISSION
REGULAR MEETING**

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

**APRIL 11, 2024
6:00 P.M.**

MEMBERS PRESENT: Mr. Mark Seib- President, Mr. Joe Marvel -Vice President, Dr. Keith Spurgeon, Mr. Greg Newman, Mr. Andy Hoehn, Mr. Justin Rutledge, Mr. Randy Owens, Mr. Aaron Wilson (Arrived at 6:08 P.M.), Mrs. Stefani Miller, Mrs. Amy Rhodes (non-voting), Mr. Trent Van Haaften-Attorney, Mr. David Ripple, Interim Executive Director, Jerry Cotner, 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 March 7, 2024, Special Meeting as emailed. Motion seconded by Randy Owens. **Motion Carried.**

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.**

Joe Marvel made a motion in the affirmative to approve the minutes of the March 28, 2024, Special Meeting and Executive Session as emailed. Motion seconded by Andy Hoehn. **Motion Carried.**

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. More commonly known as 7451 E. Highway 62, Mt. Vernon, Indiana. Containing 4.948 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:
Approval of Site Development Plans in an M-1 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with 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.

Chris Evans - 988 Shadwell Dr., Evans, GA, here to speak on behalf of the application.

Public Comments:

Jerry Chastain III -7700 Darnell School Rd., Mt. Vernon, IN, concerned about trash and material storage, states material shouldn't be stored outside in M-1 and would like standard construction fence.

Exhibits A1-A15 were handed out by Jerry Chastain III.

Nick Seifert - 7100 Caborn Rd. Mt. Vernon, IN, concerned about safety regarding the traffic plan.

Matt Seifert - 7150 Allison Rd, Mt. Vernon, IN, concerned about trash and traffic.

Mr. Evans addressed the traffic plan and discussed the proposed snow fence.

Exhibit B was handed out by Chris Evans.

Joe Marvel motioned to close public hearing. Stefani Miller seconded motion. **Motion Carried.**

Joe Marvel motioned to table this application and call a special meeting on April 25, 2024, to reconsider this Site Development Plan. Motion seconded by Aaron Wilson. **Roll Call Vote (9-0). Yes. Motion Passed.**

SITE DEVELOPMENT PLAN:

APPLICANT: Nick George – GBE Construction Group

OWNER: Bulkley Investments, LLC

PREMISES: Part of the Southeast Quarter of the Northwest Quarter of Section 3, Township 7 South, Range 13 West, Black Township, Posey County, Indiana. More commonly known as 3498 Old Hwy 62, Mt. Vernon, Indiana. Containing .50 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in an M-2 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with 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.

Nick George - 10410 Winery Rd. Wadesville, 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. **Motion Carried.**

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

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

Motion was made by Aaron Wilson to approve the Site Development Plan. Motion seconded by Greg Newman. **Roll Call Vote (9-0). Yes. Motion Passed.**

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

REZONING:

DOCKET NO: 24-04-RE-APC

APPLICANT: Angie DeKemper - CountryMark

OWNER: CountryMark Refining and Logistics, LLC

PREMISES: Part of Section 6, Township 7 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as Givens Rd./Base Rd., Mt. Vernon, IN. Containing 90.34 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 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.

Angie DeKemper - 11301 Hwy 69 S, Mt. Vernon, IN, here to speak on behalf of the application.

Public Comments:

Sheena Pruden - 2301 Given Rd., Mt. Vernon, concerned about taxes and property value.

Joe Marvel made a motion to close the public hearing. Seconded by Randy Owens. **Motion Carried.**

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

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

Aaron Wilson made a motion to approve docket number 24-04-RE-APC. Motion seconded by Stefani Miller. **Roll Call Vote (9-0) Yes. Motion Passed.**

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

REZONING:

DOCKET NO: 24-05-RE-APC

APPLICANT: Angie DeKemper - CountryMark

OWNER: CountryMark Refining and Logistics, LLC

PREMISES: Part of Section 6, Township 7 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as Givens Rd./Base Rd., Mt. Vernon, IN. Containing 4.93 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) 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 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.

Angie DeKemper - 11301 Hwy 69 S, 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. **Motion Carried.**

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

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

Aaron Wilson made a motion to approve docket number 24-05-RE-APC. Motion seconded by Greg Newman. **Roll Call Vote (9-0) Yes. Motion Passed.**

Joe Marvel made a motion to adopt the Finding of Facts from 24-04-RE-APC for 24-05-RE-APC. Motion seconded by Keith Spurgeon. **Roll Call Vote (9-0) Yes. Motion Passed.**

Aaron Wilson made a request to move the Site Development Plan for Matt Schenk - T.S.F. Co., Inc. and Alejandro Mojica – Morley - MTV 4th Street, LLC before the Site Development Plan for Marshall Disposal. **Voice Vote (9-0). Yes.**

SITE DEVELOPMENT PLAN:

APPLICANT: Matt Schenk – T.S.F. Co., Inc.

OWNER: T.S.F. Co., Inc

PREMISES: Part of the Southwest Quarter of Section 13, Township 6 South, Range 12 West, lying in Mays Township, Posey County, IN. More commonly known as 2930 S. St. Philip Rd., Evansville, IN containing 4.33 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in a B-3 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 notification per the statute.

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

Glen Merit - Cash Waggner- 5200 Big Cynthiana Rd., Evansville, 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. **Motion Carried.**

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

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

Motion was made by Joe Marvel to approve the Site Development Plan. Motion 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 Andy Hoehn. **Roll Call Vote (9-0) Yes. Motion Passed.**

SITE DEVELOPMENT PLAN:

APPLICANT: Alejandro Mojica-Morley

OWNER: MTV 4th Street, LLC

PREMISES: Lots Seventy (70), Seventy-one (71) and Seventy-two (72) in Jones Enlargement to the City of Mt. Vernon, as per plat thereof, recorded in Deed Record 41. Page 432 in the Office of the Recorder of Posey County, Indiana. More commonly known as 1101 E 4th Street, Mt. Vernon, IN 47620. Containing 0.479 acre more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in an CG (Commercial General) 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 notification per the statute.

Aaron Wilson abstained due to conflicts of interest.

Jim Morley Jr. - Project Engineer 3200 Schroeder Rd., Haubstadt, here to speak on behalf of the application.

Exhibit A and B given by Jim Morley Jr.

Public Comments:

Mayor Stephen Loehr- 401 Western Hills Dr., Mt. Vernon, IN, commented that he appreciated how nice it has been to work with the company.

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

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

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

Motion was made by Justin Rutledge to approve the Site Development Plan. Motion seconded by Andy Stefani Miller. **Roll Call Vote (8-0-1 abstained). Yes. Motion Passed.**

Joe Marvel made a motion to approve the Finding of Facts. Seconded by Greg Newman. **Roll Call Vote (8-0-1 abstained) Yes. Motion Passed.**

REZONING:

DOCKET NO: 24-06-RE-APC
APPLICANT: Kevin Sensmeier – Do It Right Investments, LLP
OWNER: Indiana Finance Authority
PREMISES: Part of the Southwest Quarter of Section 1, Township 7 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as 6600 Indian Mound Rd., Mt. Vernon, IN. Containing 15.434 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 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 the withdrawal of application number 24-06-RE-APC.

SITE DEVELOPMENT PLAN:

APPLICANT: Zach Goebel – Marshall Disposal
OWNER: Larry D. & Marilyn S. Marshall
PREMISES: Part of the Northwest Quarter of the Northeast Quarter of Section 11, Township 5 South, Range 13 West, lying in Center Township, Posey County, Indiana. More commonly known as 4701 & 4703 Romaine Road, New Harmony, Indiana. Parcel 1 65-07-11-100-011.001-005 containing 8.519 acres more or less and Parcel 2 65-07-11-100-011.002-005 containing 1.651 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Site Development Plans in an M-2 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Mr. Seib confirmed with 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.

Brian Moench - 4000 Clarks Creek Rd., Plainfield, IN, is here to speak on behalf of the application.

Public Comments:

Shay Barnett - 4471 Romaine Rd., New Harmony, IN, concerned about future developments on property along with increased noise, lighting, traffic, road damage and water contamination from wash bay.

John Moye - 4481 Moye Rd., New Harmony, IN, concerned about the roads in the area and water contamination.

Tim Barnett - 4471 Romaine Rd., New Harmony, IN, concerned about the increased traffic, possible road damage and property values in area. Then read a letter from Fonda & Bruce Russell (4601 Romaine Rd, New Harmony, IN) concerned about future developments on property.

Kassi Neuffer - 4440 Romaine Rd., New Harmony, IN, concerned about traffic safety and water contamination.

Heather Ruanne Smith - 4600 Romaine Rd., New Harmony, IN, concerned about increase in noise, environmental contamination and trash along road.

Exhibit Marshall A 1-7 was given out by Shay Barnett

Exhibit Marshall B 1 was given out by John Moye

Exhibit Marshall C 1 was given out by Tim Barnett

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

Brian Moench and Larry Marshall - 6519 Meadowdale Ct., Evansville, IN with rebuttal to address concerns.

Mr. Seib confirmed with Mr. Ripple that three emails were received.

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

Motion was made by Joe Marvel to approve the Site Development Plan, contingent upon receiving the Construction Stormwater General Permit from Posey County Soil and Water and State Design Release. A fence is also to be installed per M-2 zoning regulations. Motion seconded by Andy Hoehn. **Roll Call Vote (9-0). Yes. Motion Carried.**

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

COMPLAINTS - TABLED:

1133 Locust Street, Mt. Vernon (Boarman)

Mr. Ripple gave an update. Joe Marvel made a motion to resolve the complaint at 1133 Locust Street, Mt. Vernon, the motion was seconded by Greg Newman. **Motion Carried with a vote of (9-0). Yes.**

311 E. 3rd Street, Mt. Vernon (Cox)

Mr. Ripple gave an update. Joe Marvel made a motion to resolve the complaint at 311 E. 3rd Street, Mt. Vernon, the motion was seconded by Randy Owens. **Motion Carried with a vote of (9-0). Yes.**

1010 W. 2nd Street, Mt. Vernon (Newman)

Mr. Seib gave an update. Joe Marvel made a motion to table 1010 W. 2nd Street, Mt. Vernon until the next meeting, the motion was seconded by Greg Newman. **Motion Carried with a vote of (9-0). Yes.**

COMPLAINTS – NEW:

509 E. Lincoln Avenue, Mt. Vernon (Horton)

Mr. Ripple gave an update. Joe Marvel made a motion to resolve the complaint at 509 E. Lincoln Avenue, Mt. Vernon, the motion was seconded by Greg Newman. **Motion Carried with a vote of (9-0). Yes.**

527 College Avenue, Mt. Vernon (Sutton)

Mr. Ripple gave an update. Joe Marvel made a motion to resolve the complaint at 527 College Avenue, Mt. Vernon, the motion was seconded by Aaron Wilson. **Motion Carried with a vote of (9-0). Yes.**

435 W. 8th Street, Mt. Vernon (Strobel)

Carl Strobel - 89 Park Ridge Dr., Mt. Vernon, IN, present to speak about complaint against his property requesting more time to move cars.

Joe Marvel made a motion to table complaint at 435 W. 8th Street, Mt. Vernon until next meeting, the motion was seconded by Aaron Wilson. **Motion Carried with a vote of (9-0). Yes.**

732 E. 3rd Street, Mt. Vernon (Horton Trust Agreement)

Mr. Ripple gave an update. Joe Marvel made motion to resolve the complaint at 732 E. 3rd Street, Mt. Vernon, the motion was seconded by Gerg Newman. **Motion Carried with a vote of (9-0). Yes.**

203 W. 8th Street, Mt. Vernon (York & Poole)

Mr. Ripple gave an update. Greg Newman made a motion for Trent to send a letter to the property owner of 203 W. 8th Street, Mt. Vernon, the motion was seconded by Joe Marvel. **Motion Carried with a vote of (9-0). Yes.**

904 ½ W. 2nd Street, Mt. Vernon (Angermeier)

Mr. Seib gave an update. Joe Marvel made motion to resolve the complaint for 904 ½ W. 2nd Street, Mt. Vernon, motion seconded by Randy Owens. **Motion Carried with a vote of (9-0). Yes.**

629 W. 8th Street, Mt. Vernon (McConnell)

Mr. Ripple gave an update. Joe Marvel made a motion to table the complaint for 629 W. 8th Street, Mt. Vernon, IN until next meeting, the motion was seconded by Andy Hoehn. **Motion Carried with a vote of (9-0). Yes.**

DIRECTOR'S REPORT

Mr. Seib thanked Dave Ripple for being the interim executive director.

The Area Plan office will no longer be collecting recording fees as a courtesy for rezoning applications due to the Treasurer's office stating that the Area Plan office is not allowed to write a check to any other department other than the Treasurer's office.

Mr. Seib welcomed Jerry Cotner as the new Executive Director of Area Plan.

Reviewed bids for staff training. Justin Rutledge made a motion to accept the offer by Deb Luzier (Code Crafters) for staff training, motion seconded by Randy Owens. **Motion Carried with a vote of (9-0). Yes.**

APPROVAL OF PAYROLL AND BILLS

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

REPORT OF COLLECTIONS

A motion was made in the affirmative by Joe Marvel and seconded by Stefani Miller to approve collections. **Motion Carried.**

CITIZEN CONCERNS

None

ADJOURNMENT

Joe Marvel made a motion to adjourn the meeting at 10:13 p.m. Motion was seconded by Stefani Miller. **Motion Carried.**



Mr. Mark Seib – President



Mr. Jerry Cotner, Executive Director

FINDINGS OF FACT

Nick George – GBE Construction Group

Owner: Bulkley Investments, LLC

Addition of 580 square foot building for motor vehicle repair

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 M-2. Surrounding property is zoned M-2 to the north and west, M-1 to the east and southeast, and CH-Commercial High Intensity to the south. The surrounding land use is industrial and commercial.
2. The Site Development Plan for the existing building of 5,184 square feet was approved on October 12, 2017.
3. Water, sewer, and other utilities are available.
4. There will be no change to existing access and egress to the site, and the existing parking lot has sufficient parking spaces to accommodate the addition.
5. The plan meets the setback requirements M-2 (25 feet front and street side yards, 10 feet side yards, 20 feet rear yard).
6. The building addition of 580 square feet to the existing 5,184 square-foot building will increase the lot coverage to 26.52%, which is below the 65% maximum lot coverage permitted.
7. The building addition will be a structural expansion to the existing building so no separation from the existing building is required.
8. The plan ensures parking vehicles and pedestrian flow to and between the buildings do not cross one another.
9. The existing building has up to 16 parking spaces while only 9 spaces are required. The building addition requires one more parking space and will not trigger the need for additional parking spaces.
10. No landscaping is required or proposed with this building addition.
11. The peak of the existing building at 26 feet will not be exceeded by the proposed 12-foot-high addition roof peak.
12. No signage plans are anticipated.
13. Being a nonresidential project, no recreational space is required.
14. No additional exterior lighting is anticipated.
15. No alteration to the fencing is anticipated.
16. 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 if proposed.
17. Having public occupancy, the building has received necessary permits from the Indiana DHS such that an Improvement Location Permit may be issued by the APC upon approval of the Site Development Plan.
18. The building addition conforms to all Zoning Ordinance requirements and the Comprehensive Plan.

Motion seconded by: Stephanie

Adopted by Posey County Area Plan Commission

Mark Sal
President, Posey County Area Plan Commission

4-11-24
Date

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PROPOSED FINDINGS OF FACT
ON DOCKET NO: 24-04-RE-APC
PETITION TO REZONE: Angie DeKemper - CountryMark
OWNER: CountryMark Refining and Logistics, LLC

1. Current conditions and the character of the current structures and uses in each district.
The Commission finds that the proposal WILL/WILL NOT have an adverse impact on the current conditions in the area.

2. Responsible development and growth.
The Commission finds that the proposal WOULD/WOULD NOT be consistent with development and growth.

3. Comprehensive Plan.
The Commission finds that the proposal WOULD/WOULD NOT address the goals of the Comprehensive Plan.

4. The conservation of property values throughout the jurisdiction. *adverse*
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:

Keith

Adopted by Posey County Area Plan Commission

President: Mark Sch

Date: 4-11-24

March 11, 2024

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Medium Manufacturing) contains 90.34 acres more or less. The property is located at Givens/Base Road, Mt. Vernon, IN. Property abutting this site owned by the following:

1. Michael & Patricia A. Ashworth Co-Truste, 4810 Base Rd., Mt. Vernon, IN 47620
2. Thomas E. & Maryanne C. Clowers 2201 Tam O Shanter Dr., Mt. Vernon, IN 47620
3. Sharron Sue Bradley, 2115 Tam O Shanter Dr., Mt. Vernon, IN 47620
4. Rickey A. Amy S. Bulla 2109 Tam O Shanter Dr., Mt. Vernon, IN 47620
5. Heidi R. Blackburn, 2101 Tam O Shanter Dr., Mt. Vernon, IN 47620
6. David L. & Martha R. Jones, 2011 Tam O Shanter Dr., Mt. Vernon, IN 47620
7. Mark Patrick & Michelle A. Gibson, 2001 Tam O Shanter Dr., Mt. Vernon, IN 47620
8. Steven E. & Frances L. Overton, 1218 Tam O Shanter Dr., Mt. Vernon, IN 47620
9. Jerry T. Osborne, 1214 Tam O Shanter Dr., Mt. Vernon, IN 47620
10. Kyle J. & Layna M. Dickey, 330 Audubon Dr., Mt. Vernon, IN 47620
11. Sheena Pruden, 2301 Givens Rd., Mt. Vernon, IN 47620
12. Same as 1
13. Michael G. Ashworth REV. TR. ½ & PATR, 4810 Base Rd., Mt. Vernon, IN 47620
14. Chris W. & Julie A. Valier, 1208 Tam O Shanter Dr., Mt. Vernon, IN 47620
15. Sonya K. Riordan 1200 Tam O Shanter Dr., Mt. Vernon, IN 47620
16. Dale E. & Linda Strupp, 1201 Bob O Link Rd., Mt. Vernon, IN 47620
17. William E. Jr & Bonnie Hollar, 1833 Glen Eagles Dr., Mt. Vernon, IN 47620
18. NKI Management, LLC, 1920 Greenbrier Dr., Mt. Vernon, IN 47620
19. Darl L. & Sherry L. Henderson, 1817 Gleneagles Dr., Mt. Vernon, IN 47620
20. Clyde S. & Sandra K. Hobbs, 1809 Gleneagles Dr., Mt. Vernon, IN 47620
21. Glenn F. & Joyce B. Abad, 1801 Gleneagles Dr., Mt. Vernon, IN 47620
22. Charles R. & Janeane Vickers, 1733 Pleasant Valley Dr., Mt. Vernon, IN 47620
23. Charles S. & Kathleen A. Bouch 1727 Pleasant Valley Dr., Mt. Vernon, IN 47620
24. Sandra M. Seitz, 1719 Pleasant Valley Dr., Mt. Vernon, IN 47620
25. Kyle N. & Amber L. Howard, 1711 Pleasant Valley Dr., Mt. Vernon, IN 47620
26. Robert A. & Kristi J. Turner, 1701 Pleasant Valley Dr., Mt. Vernon, IN 47620
27. Kim A. & Sherri S. Rutledge, 1617 Pleasant Valley Dr., Mt. Vernon, IN 47620
28. Eric Westerman, 1605 Pleasant Valley Dr., Mt. Vernon, IN 47620
29. City of Mt. Vernon, Indiana, 520 Main St., Mt. Vernon, IN 47620
30. Posey County Board of Commissioners, 126 E. 3rd St., Mt. Vernon, IN 47620
31. Nancy Butler, 1220 Smith Rd., Mt. Vernon, IN 47620
32. Cody A. & Janelle N. David, 1230 Smith Rd., Mt. Vernon, IN 47620
33. Mt. Vernon MHP, LLC, 6632 Telegraph #310, Bloomfield Hills, MI 48301
34. Same as 33
35. Monika Givens, 402 W. 8th St., Mt. Vernon, IN 47620
36. Posey County Indiana Jail Building Corp., 126 E. 3rd, Mt. Vernon, IN 47620
37. Posey County Commissioners, 126 E 3rd, Mt. Vernon, IN 47620

- 38. Same as 29
- 39. Same as 29
- 40. Same as 13
- 41. Same as 13
- 42. Building Materials MFG, 1 Campus Dr., Parsippany, NJ 07054
- 43. Building Materials MFG Corp., 1 Campus Dr., Parsippany, NJ 07054

Abutting properties are zoned M-2 (Medium Manufacturing), A (Agricultural), and R-1 (Residential). The owners are proposing to rezone the property to M-2 (Medium Manufacturing). The uses adjacent to the proposed rezoning are as follows: Manufacturing, Agricultural and Residential.

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

 **COPY**

PROPOSED FINDINGS OF FACT
ON DOCKET NO: 24-05-RE-APC
PETITION TO REZONE: Angie DeKemper - CountryMark
OWNER: CountryMark Refining and Logistics, LLC

1. Current conditions and the character of the current structures and uses in each district.
The Commission finds that the proposal **WILL/WILL NOT** have an adverse impact on the current conditions in the area.

2. Responsible development and growth.
The Commission finds that the proposal **WOULD/ WOULD NOT** be consistent with development and growth.

3. Comprehensive Plan.
The Commission finds that the proposal **WOULD/ WOULD NOT** address the goals of the Comprehensive Plan.

4. The conservation of property values throughout the jurisdiction.
The Commission finds that the proposal **WILL/WILL NOT** have effect on property values in the jurisdiction.

5. The most desirable use for which the land in each district is adapted.
The Commission finds the proposal **DOES/DOES NOT** represent the most desirable use for which land is adapted.

Motion made to adopt the foregoing findings of fact by:

Motion seconded by:

Adopted by Posey County Area Plan Commission

President: *Mark Seab*
Date: *4-11-24*

*See
adapted previously
findings of fact
of 24-04-RE-APC
Amvon
2nd*

March 11, 2024

Staff Comments: The property being petitioned to be rezoned from R-1 (Residential) to M-2 (Medium Manufacturing) contains 4.93 acres more or less. The property is located at Givens/Base Road, Mt. Vernon, IN. Property abutting this site owned by the following:

1. Michael & Patricia A. Ashworth Co-Truste, 4810 Base Rd., Mt. Vernon, IN 47620
2. Thomas E. & Maryanne C. Clowers 2201 Tam O Shanter Dr., Mt. Vernon, IN 47620
3. Sharron Sue Bradley, 2115 Tam O Shanter Dr., Mt. Vernon, IN 47620
4. Rickey A. Amy S. Bulla 2109 Tam O Shanter Dr., Mt. Vernon, IN 47620
5. Heidi R. Blackburn, 2101 Tam O Shanter Dr., Mt. Vernon, IN 47620
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7. Mark Patrick & Michelle A. Gibson, 2001 Tam O Shanter Dr., Mt. Vernon, IN 47620
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11. Sheena Pruden, 2301 Givens Rd., Mt. Vernon, IN 47620
12. Same as 1
13. Michael G. Ashworth REV. TR. ½ & PATR, 4810 Base Rd., Mt. Vernon, IN 47620
14. Chris W. & Julie A. Valier, 1208 Tam O Shanter Dr., Mt. Vernon, IN 47620
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18. NKI Management, LLC, 1920 Greenbrier Dr., Mt. Vernon, IN 47620
19. Darl L. & Sherry L. Henderson, 1817 Gleneagles Dr., Mt. Vernon, IN 47620
20. Clyde S. & Sandra K. Hobbs, 1809 Gleneagles Dr., Mt. Vernon, IN 47620
21. Glenn F. & Joyce B. Abad, 1801 Gleneagles Dr., Mt. Vernon, IN 47620
22. Charles R. & Janeane Vickers, 1733 Pleasant Valley Dr., Mt. Vernon, IN 47620
23. Charles S. & Kathleen A. Bouch 1727 Pleasant Valley Dr., Mt. Vernon, IN 47620
24. Sandra M. Seitz, 1719 Pleasant Valley Dr., Mt. Vernon, IN 47620
25. Kyle N. & Amber L. Howard, 1711 Pleasant Valley Dr., Mt. Vernon, IN 47620
26. Robert A. & Kristi J. Turner, 1701 Pleasant Valley Dr., Mt. Vernon, IN 47620
27. Kim A. & Sherri S. Rutledge, 1617 Pleasant Valley Dr., Mt. Vernon, IN 47620
28. Eric Westerman, 1605 Pleasant Valley Dr., Mt. Vernon, IN 47620
29. City of Mt. Vernon, Indiana, 520 Main St., Mt. Vernon, IN 47620
30. Posey County Board of Commissioners, 126 E. 3rd St., Mt. Vernon, IN 47620
31. Nancy Butler, 1220 Smith Rd., Mt. Vernon, IN 47620
32. Cody A. & Janelle N. David, 1230 Smith Rd., Mt. Vernon, IN 47620
33. Mt. Vernon MHP, LLC, 6632 Telegraph #310, Bloomfield Hills, MI 48301
34. Same as 33
35. Monika Givens, 402 W. 8th St., Mt. Vernon, IN 47620
36. Posey County Indiana Jail Building Corp., 126 E. 3rd, Mt. Vernon, IN 47620
37. Posey County Commissioners, 126 E 3rd, Mt. Vernon, IN 47620

- 38. Same as 29
- 39. Same as 29
- 40. Same as 13
- 41. Same as 13
- 42. Building Materials MFG, 1 Campus Dr., Parsippany, NJ 07054
- 43. Building Materials MFG Corp., 1 Campus Dr., Parsippany, NJ 07054

Abutting properties are zoned M-2 (Medium Manufacturing), A (Agricultural), and R-1 (Residential). The owners are proposing to rezone the property to M-2 (Medium Manufacturing). The uses adjacent to the proposed rezoning are as follows: Manufacturing, Agricultural and Residential.

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

FINDINGS OF FACT

Julie Buedel and Glen Meritt Jr.- Cash Waggoner & Associates
Owner: T.S.F. Company, Inc. (Matt Schenk- owner representative
New Building of 10,800 Square Feet for Warehousing



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

1. Development is compatible with surrounding land use. The zoning of this property is B-3 Commercial High Intensity. The surrounding property is zoned B-2 and R-1 to the north (TSF has a one-acre R-1 buffer parcel next to the R-1 to the north.), R-1 to the east separated by a woods, B-3 to the south, R-1 to the southeast, AG to the west and R-1 to the southwest. The surrounding land use is primarily commercial with scattered residential separated by woods and roads.
2. Water and other utilities are available. Liquid waste is handled by on-site septic. The site drains naturally and through the Building #4 storm-sewer westward toward the drainage swale along the east site St. Phillips Road. Pre and post development stormwater runoff calculations were provided to Posey County Soil & Water Conservation for review. An Indiana DNR Construction Stormwater General Permit will not be needed because less than one-acre will be disturbed for site construction. The County Road Superintendent approved stormwater runoff into the St. Philips Road ditch.
3. There will be no change to existing access and egress to the site from St. Philips Road.
4. The plan meets the setback requirements for B-3 adjacent to R-1 (25 feet front yard, 20 feet side yard, and 20 feet rear yard). The 25-foot height of the building does not trigger additional setback requirements to R-1 property to the north.
5. With the addition of the proposed building, structures cover 13.6% of the 9.27 acres of TSF property. This is below the 50% maximum lot coverage permitted.
6. The proposed building will be separated 15 feet from the nearest existing building.
7. The plan ensures parking vehicles and pedestrian flow to and between the building do not cross one another. Customers will only be accessing the existing building nearest St. Phillips Road; employees and company vehicles will be parked to the rear.
8. With the new building, the 54,716 square-feet of buildings will require 18 parking spaces. While the entrance to the site is concrete, the balance of the site is gravel. Thus, there is adequate gravel parking space to accommodate required parking.
9. There are no landscaping requirements.
10. The building height will be 25 feet, far below the 75 feet permitted.
11. No signage has been submitted for approval but will be subject to an Improvement Location Permit if submitted in the future.
12. Being a nonresidential project, no recreational space is required.
13. No exterior lighting has been submitted but will be subject to an Improvement Location Permit if added in the future.
14. No fencing has been submitted but will be subject to an Improvement Location Permit is added in the future.
15. No accessory storage buildings or enclosures are shown at this time but will be subject to a supplemental Improvement Location Permit if proposed in the future.
16. Having public occupancy, the building must receive necessary permits from the Indiana DHS for an Improvement Location Permit to be issued by the APC upon approval of the Site Development Plan.
17. The building addition conforms to all Zoning Ordinance requirements and the Comprehensive Plan.

Motion seconded by: Audy

Adopted by Posey County Area Plan Commission

Mark Sah
President, Posey County Area Plan Commission

4-11-24
Date

FINDINGS OF FACT
Alejandro Mojica – Morley Corporation
Owner: Klipsch Coffee, LLC
New Building of 673 Square Feet for Coffee Drive-Thru Service



I, Joe _____ 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/B-2 Commercial General. The surrounding property is zoned RT Residential Townhouse to the north, CG/B-2 to west, south and southeast, and B-3 Commercial High Intensity to the east. The surrounding land use is commercial with residential along the north property line.
2. Water, sanitary sewer, storm sewer and other utilities are available. The site will be drained by storm sewer connections to the storm sewer under 4th Street/SR 62 within INDOT right-of-way. INDOT has issued a permit to permit the storm sewer connection to their sewer.
3. There will be no change to existing access and egress to the site from Everett Street and Tile Factory Road.
4. The plan meets the setback requirements CG/B-2 (10 feet front yard, street side yard, and side yard, and 20 feet rear yard). Due to the RT zoning to the north, the street side yards on Everett Street and Tile Factory Road are increased to 25 feet, but may be reduced to 10 feet if landscaping is provided. Landscaping has been provided to enable the parking lot to encroach into the street side yard. The applicant obtained a variance for the garage bin enclosure and parking lot to encroach into the required 20-foot rear yard setback.
5. The proposed building covers only 3% of the 20,865 square-foot lot; this is below the 50% maximum lot coverage permitted.
6. There will only be one building on the site so building separation is not an issue.
7. The plan ensures parking vehicles and pedestrian flow to and between the building do not cross one another. Customers will not be entering the building on site and must use the drive-thru lane.
8. The reconstruction of Tile Factory Road by the City of Mount Vernon will provide a sidewalk along the east side of the site. For commercial property, a 5-foot street sidewalk is required on Everett Street per Mount Vernon Municipal Code Section 152.051; the Mount Vernon City Council waived this requirement on April 3rd, 2024.
9. The site plan provides the required minimum of 10 parking spaces (including one handicapped space). They anticipate only 4 parking spaces will be used for employees because all customers will drive through.
10. Landscaping is provided along Everett Street and Tile Factory Road to enable parking lot encroachment into the street side yards.
11. The building height will be 19 feet, far below the 75 feet permitted.
12. Signage plans include signs on the building facades, one monument sign and directional signs at the entrances. All signage is below the maximum permitted.
13. Being a nonresidential project, no recreational space is required.
14. No exterior lighting is anticipated but will be subject to an Improvement Location Permit if added in the future.
15. A six-foot fence of appropriate material is proposed along the rear property line stopping at the street side-yard setback.
16. An enclosure for garbage bins is proposed in the rear. No accessory storage building is shown at this time but will be subject to a supplemental Improvement Location Permit if proposed in the future.
17. Having public occupancy, the building must receive necessary permits from the Indiana DHS for an Improvement Location Permit to be issued by the APC upon approval of the Site Development Plan.
18. The building addition conforms to all Zoning Ordinance requirements and the Comprehensive Plan.

Motion seconded by: Greg _____

Adopted by Posey County Area Plan Commission

Mark Seib
President, Posey County Area Plan Commission

4-11-24
Date

 COPY

FINDINGS OF FACT

Brian Moench— Moench Engineering

Owner: Larry and Marilyn Marshall dba Marshall Disposal (Zack Goebel- owner representative)
New Maintenance Building of 8,060 Square Feet, Truck Wash and Parking Lot

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

1. Development is compatible with surrounding land use. The zoning of this property is M-2 Industrial. The surrounding property is zoned Agricultural with very low density residential and farming. McAdoo Creek runs along the east side of the property providing a major geographic barrier.
2. Only electrical and telecommunication services are available to the site. Potable water is provided by a well on-site. Liquid waste is handled by on-site septic. The site drains naturally southward to a ditch going to McAdoo Creek. No site preparation or development encroaches into the McAdoo Creek floodplain. A detention pond is proposed on the south end of the property to accommodate stormwater runoff and provide a water source for fire suppression. An erosion control plan, stormwater pollution prevention plan and supplemental stormwater drainage data have been provided to the Posey County Soil and Water Conservation District for review and approval. An Indiana DNR Construction Stormwater General Permit will be needed because more than one-acre will be disturbed for site construction. ~~The CSWP has been received.~~
3. There will be no change to existing access and egress to the site from Romaine Road except an asphalt surface will added to the entrance south to the visitor parking area north of the office.
4. The plan meets the setback requirements for M-2 adjacent to Agricultural (25 feet front yard, 10 feet side yard, and 20 feet rear yard).
5. With the addition of the proposed building, structures cover 3.3% of the 10.17 acres of Marshall property. This is below the 65% maximum lot coverage permitted.
6. The proposed building will be separated 10 feet from the nearest existing building.
7. The plan ensures parking vehicles and pedestrian flow to and between the building do not cross one another. Customers will only be accessing the existing office building nearest Romaine Road; employees and company vehicles will be parked to the rear.
8. With the new building, the 14,483 square-feet of buildings will require 15 parking spaces on asphalt. 19 parking spaces (including one handicapped parking space) have been provided on asphalt in the visitor parking area. While the entrance and visitor parking lot will be asphalt, the balance of the site parking will remain gravel.
9. There are no landscaping requirements.
10. There is no building height limitation in the M-2 District.
11. No signage has been submitted for approval but will be subject to an Improvement Location Permit if submitted in the future.
12. Being a nonresidential project, no recreational space is required.
13. Exterior lighting of a height of 25 feet has been proposed for the parking lot and light will be directed downward within the property.
14. No fencing has been submitted but will be subject to an Improvement Location Permit is added in the future.
15. No accessory storage buildings or enclosures are shown at this time but will be subject to a supplemental Improvement Location Permit if proposed in the future.
16. Having public occupancy, the new building must receive necessary permits from the Indiana DHS for an Improvement Location Permit to be issued by the APC upon approval of the Site Development Plan.
17. The building addition conforms to all Zoning Ordinance requirements and the Comprehensive Plan.

Motion seconded by: Greg

Adopted by Posey County Area Plan Commission



President, Posey County Area Plan Commission

4-11-24
Date

153.100 MANUFACTURING DISTRICT PROVISIONS

153.101 PURPOSE

(A) **General Purposes.** The Manufacturing Districts are designed to:

- (1) Achieve the manufacturing objectives of the Comprehensive Plan;
- (2) Meet the needs for industrial services and goods of Posey County;
- (3) Preserve and promote the development of efficient industrial areas and to minimize the adverse effects of industrial uses on other land uses and thoroughfares by:
 - (a) Differentiating the types and purposes of industrial activities.
 - (b) Establishing bulk and area controls.
 - (c) Requiring off-street loading and parking facilities.
 - (d) Controlling the number, area, location, and types of signs.
 - (e) Protecting the character of industrial districts and their peculiar suitability for manufacturing use.

(B) **Purposes of the M-1 -- Light Manufacturing and Research and Development District.** The M-1 District is designed to provide an environment conducive to the development and conservation of modern manufacturing and scientific research facilities. Additionally, it is to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences. All activities and storage are to be entirely within a completely enclosed building.

(C) **Purposes of the M-2 -- Medium Manufacturing District.** The M-2 District is designed to group together a wide range of industrial uses which may produce moderately objectionable environmental influences in their operation and appearance. All processes and activities are to be within an enclosed building; while outdoor storage is permitted, it must be completely screened from the public right-of-way and abutting properties (unless permitted through a use requiring a Special Exception approved by the Board of Zoning Appeals).

(D) **Heavy Manufacturing --** Heavy manufacturing generally involve the conversion of raw materials to products; processes often entail nuisances such as light, noise, vibration, fumes, and raw materials and products are delivered and shipped by a variety of transportation modes (truck, train and barge). Further, processes may not be fully enclosed within a building; and, while visually screened to the extent possible, raw material storage and final products may prove difficult to fully screen due to their size and height. Because a unique zoning district does not exist for heavy manufacturing uses, these uses are permitted in the M-2 Medium Manufacturing District by Special Exception approved by the Board of Zoning Appeals.

153.102 USE REGULATIONS – M-1 Light Manufacturing District

(A) **Use by Right.** The principal uses permitted in the M-1 Light Manufacturing District are designed by Use Units. The Use Units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Sections 153.141 to 153.173. The Use Units permitted in the M-1 Light Manufacturing District are set forth below:

- (1) Use Unit 1 – Areawide Uses by Right
- (2) Use Unit 3 – Public Protection and Utility Facilities
- (3) Use Unit 10 – Off-Street Parking Areas
- (4) Use Unit 11 – Offices and Studios
- (5) Use Unit 15 – Other Trades and Services (sexually oriented uses only by Special Exception)
- (6) Use Unit 16 -- Gasoline Service Stations
- (7) Use Unit 17 – Automotive and Allied Activities

- (8) Use Unit 21 – Business Signs and Outdoor Advertising
- (9) Use Unit 22 – Research and Development

(10) Use Unit 23 – Warehousing and Wholesaling

(11) Use Unit 25 – Light Manufacturing

(12) Other Uses: Other uses or enterprises similar to the above, which in the judgment of the Area Plan Commission Board or Board of Zoning Appeals are similar to and not more objectionable to the general welfare, than the uses listed. Other uses so determined shall be regarded as listed uses. In no instance, however, shall the Area Plan Commission Board or Board of Zoning Appeals determine nor the regulations be so interpreted, that a use shall be permitted in a district where such use is specifically listed as first permissible in a less restricted district or where such use is permitted by Special Exception in this district.

(13) Use Unit 29-Mobile Office Trailer, so long as property does not abut a residential district. (as amended Mt.Vernon 5-16-13, Cynthiana 5-14-13, Poseyville 5-8-13, County 5-7-13)

(B) Use by Special Exception. Special Exception Uses may be permitted by the Board of Zoning Appeals following a public hearing, as indicated below, when such are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Comprehensive Plan:

(1) Use Unit 2 – Areawide Special Exception Uses

(2) Use Unit 4 – Community Services [excluding protective shelters, treatment centers, and transitional living centers, but including Children’s Nursery/Day Care Center for more than 4 unrelated children (excluding those who live in the home)].

(3) Use Unit 12 – Entertainment and Eating Establishments

(4) Use Unit 13 – Convenience Goods and Services

(5) Use Unit 14 – Shopping Goods and Services

(6) Use Unit 15 – Sexually Oriented Businesses

(7) Use Unit 18 – Drive-In Restaurants

(8) Use Unit 19 – Hotel, Motel and Recreation Facilities

(9) Use Unit 20 – Commercial Recreation: Intensive

(10) Use Unit 29-Mobile Office Trailer when property abuts a residential district. (as amended Mt.Vernon 5-16-13, Cynthiana 5-14-13, Poseyville 5-8-13, County 5-7-13)

(C) Limitations on Uses by Right and Special Exception:

(1) All activities including sales, display, preparations and storage shall be conducted entirely within a completely enclosed building except:

(a) Accessory parking lots and service stations.

(b) Retail stores in Use Units 14 and 15 involving the sale or rental of building materials, lawn and garden equipment, lumber, shrubs, trees and flowers.

(c) Uses in Use Unit 17 (automobile and allied products).

(d) Uses that may be permitted by the Board of Zoning Appeals in granting a Special Exception.

(2) All products shall be sold as retail on the premises.

(3) All on-site lighting shall be directed toward the structures on-site and away from any neighboring residential districts.

(4) Sexually Oriented Business

(a) No person shall cause or permit the establishment of any sexually oriented businesses as defined in 153.270 unless that business is specifically approved as a Special Exception by the Board of Zoning Appeals. This business may be established only within those conditions set by the Board of Zoning Appeals. (See section 153.246(C)(4).

(b) The terminology “establishment of a sexually oriented business” shall be defined to include within its meaning the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, and/or the conversion of an existing business location to any of the sexually oriented uses as defined in Section 153.270.

(D) Accessory uses permitted. Those accessory uses which are customarily incidental to a permitted

operations which directly minerals at or near the source.

(B) Included uses.

(1) Mining and quarrying: Mining, Quarrying Extraction of Coal, Ores, Stone, Sand or Gravel.

(2) Processing of Mineral Products: Such as crushing, washing and grading of coal, ore, stone, sand or gravel Manufacture of Portland cement, concrete or asphaltting concrete, at the source of supply of crushed rock, sand or gravel for utilization off the premises.

(C) Use conditions: The Board of Zoning Appeals, in granting a Mining and Mineral Processing use by Special Exception, shall consider potential environmental influences, such as dust and vibration, and shall establish in the particular instance appropriate protective conditions, such as setbacks, screening and method of operation as will mitigate the adverse effects on appropriate land uses.

(D) Off-street parking and loading berths:

<u>Use</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
All Uses	1 per 2 employees	N/A

See Section 153.180 for required minimum dimensions and design criteria for parking facilities.

153.170 USE UNIT 25 LIGHT MANUFACTURING

(A) Description: Light manufacturing and industrial uses having slight or no objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration. All activities and storage is to be entirely within a completely enclosed building.

(B) Included uses:

- (1) Bottling Plant
- (2) Fuel Oil Storage and Distribution
- (3) Glass Manufacture and Blowing
- (4) Laundry (Industrial)
- (5) Machine shop
- (6) Music instrument manufacture
- (7) Plastic Products Manufacture
- (8) Porcelain Manufacture
- (9) Sheet Metal shop
- (10) Other light industrial or manufacturing uses that are fully enclosed in a building excluding the uses first cited in Use Units 26 and 27

(C) Use conditions:

(1) All uses included in Use Unit 25, which are located within three hundred (300) feet of an R or O District, shall be conducted with enclosed buildings.

(2) The uses included in Use Unit 25, when located on a lot which is abutting an R or O District, shall be screened from the abutting R or O District by the erection and maintenance of screening wall or fence along the lot line or lines in common with the R or O District.

(D) Off-street parking and loading requirements:

<u>Use</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
All Uses	1 per 1,000 sq.ft. of developed site	1 per 2,000-40,000 sq.ft. plus 1 per each 40,000-100,000 sq.ft., plus 1 per each additional 100,000 sq.ft. of floor area

See Section 153.180 for required minimum dimensions and design criteria for parking facilities.

153.171 USE UNIT 26 MEDIUM MANUFACTURING AND INDUSTRY

(A) Description. Manufacturing and industrial uses having moderately objectionable environmental influences by reason of the emission of odor, heat, smoke, noise or vibration. All processes and activities are to be within an enclosed building; while outdoor is permitted, it must be completely screened from the

153.105 USE REGULATIONS – M-2 Medium Manufacturing District

(A) Use by Right. The principal uses permitted in the M-2 Medium Manufacturing District are designed by Use Units. The Use Units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Sections 153.141 to 153.173. The Use Units permitted in the M-2 Medium Manufacturing District are set forth below:

- (1) Use Unit 1 – Areawide Uses by Right
- (2) Use Unit 3 – Public Protection and Utility Facilities
- (3) Use Unit 10 – Off-Street Parking Areas
- (4) Use Unit 11 – Offices and Studios
- (5) Use Unit 15 – Other Trades and Services (sexually oriented businesses only by Special Exception)
- (6) Use Unit 16 -- Gasoline Service Stations
- (7) Use Unit 17 – Automotive and Allied Activities
- (8) Use Unit 21 – Business Signs and Outdoor Advertising
- (9) Use Unit 22 – Research and Development
- (10) Use Unit 23 – Warehousing and Wholesaling
- (11) Use Unit 25 – Light Manufacturing
- (12) Use Unit 26 – Medium Manufacturing and Industry
- (13) Other Uses: Other uses or enterprises similar to the above, which in the judgment of the Area Plan Commission Board or Board of Zoning Appeals are similar to and not more objectionable to the general welfare, than the uses listed. Other uses so determined shall be regarded as listed uses. In no instance, however, shall the Area Plan Commission Board or Board of Zoning Appeals determine nor the regulations be so interpreted, that a use shall be permitted in this district where such use is specifically listed as a Use by Special Exception in this district.

(14) Use Unit 29-Mobile Office Trailer, so long as property does not abut a residential district. (as amended Mt.Vernon 5-16-13, Cynthiana 5-14-13, Poseyville 5-8-13, County 5-7-13)

(B) Use by Special Exception. Special Exception Uses may be permitted by the Board of Zoning Appeals following a public hearing, as indicated below, when such are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Comprehensive Plan:

- (1) Use Unit 2 – Areawide Special Exception Uses
- (2) Use Unit 12 – Entertainment and Eating Establishments
- (3) Use Unit 13 – Convenience Goods and Services
- (4) Use Unit 14 – Shopping Goods and Services
- (5) Use Unit 15 – Sexually Oriented Businesses
- (6) Use Unit 18 – Drive-In Restaurants
- (7) Use Unit 19 – Hotel, Motel and Recreation Facilities
- (8) Use Unit 20 – Commercial Recreation: Intensive (as amended 10/16/02 Posey County, 11/01/12 Mt. Vernon, 11/13/12 Cynthiana, 11/14.2012 Poseyville)
- (9) Use Unit 24 – Mining and Mineral Processing
- (10) Use Unit 27 – Heavy Manufacturing and Industry
- (11) Use Unit 29-Mobile Office Trailer when property abuts a residential district. (as amended Mt.Vernon 5-16-13, Cynthiana 5-14-13, Poseyville 5-8-13, County 5-7-13)

(C) Limitations on Uses by Right and Special Exception:

(1) All processes and activities are to be within an enclosed building; while outdoor storage is permitted, it must be completely screened from the public right-of-way and abutting properties:

(a) Unless permitted through a use requiring a Special Exception approved by the Board of Zoning Appeals.

(b) Except accessory parking lots and service stations.

(c) Except retail stores in Use Units 14 and 15 involving the sale or rental of building materials, lawn and garden equipment, lumber, shrubs, trees and flowers.

	of enclosed passenger terminal area	of floor area, plus 1 per 40,000-100,000 sq.ft., plus 1 per each additional 100,000 sq.ft.
All Other Uses	1 per 1,000 sq.ft. of developed site	1 per 2,000-40,000 sq.ft. plus 1 per 40,000-100,000 sq.ft. plus 1 per each additional 100,000 sq.ft. of floor area.

See Section 153.180 for required minimum dimensions and design criteria for parking facilities.

153.172 USE UNIT 27 HEAVY MANUFACTURING AND INDUSTRY.

(A) Description: Manufacturing and Industrial Use have substantial objectionable environment influences by reason of the emission of odor, heat, smoke, noise or vibration. Processes, raw materials and completed products materials need not be fully enclosed in a building; however, such must be completely screened from the public right-of-way and abutting properties unless permitted by the Board of Zoning Appeals in the granting of the Special Exception.

(B) Included uses: Those manufacturing or Industrial Uses not elsewhere classified, or allowed may be permitted by Special Exception, and the following uses:

- (1) Acetylene Gas Manufacture in Excess of 15 Pounds of Pressure per Square Inch
- (2) Acid Manufacture for Wholesale
- (3) Aluminum works, foundry and manufacture
- (4) Ammonia, Bleaching Powder or Chlorine Manufacture
- (5) Asphalt Manufacture or Refining
- (6) Auto Salvage Yards
- (7) Bio-Fuel and Ethanol Manufacture
- (8) Blast Furnaces
- (9) Boiler Works or Forage Works
- (10) Brick, Tile or Terra Cotta Manufacture
- (11) Cement, Lime, Gypsum, Plaster of Paris, Manufacturing;
- (12) Chloride or Hydrochloric, Nitric, Picric, Sulfurous, Sulfuric Acid, or Ammonia Manufacture
- (13) Coke Manufacture
- (14) Creosote Manufacture or Treatment
- (15) Dextrin Manufacture
- (16) Disinfectant or Insecticide Manufacture
- (17) Distillation of Bones, Coal, Tar or Wood
- (18) Ethanol Manufacture
- (19) Explosive Manufacture and/or Storage
- (20) Fat Rendering
- (21) Fertilizer Manufacture from Mineral or Organic Materials
- (22) Foundry, Metal
- (23) Garbage, Offal or Dead Animal Reduction or Dumping Glue,
- (24) Gelatin, Glue or Size Manufacture
- (25) Glucose Manufacture
- (26) Gypsum Manufacture
- (27) Incineration or Reduction of Dead Animals, Garbage, Offal or Refuse
- (28) Iron or Sheet foundry works
- (29) Junk Yard
- (30) Lime, Cement, or Plaster of Paris Manufacture Match Manufacture
- (31) Metal Foundry

public right-of-way and abutting properties.

(B) Included Uses:

- (1) Building contract construction service and storage such as concrete construction services, grain elevators
- (2) Heavy Construction Contracting:
 - (a) Heating Construction Contract services
 - (b) Masonry Construction Contracting
 - (c) Oil Well Drilling Cleaning Service and Storage Yard
 - (d) Painting Contractor and Storage
 - (e) Roofing Construction Service
 - (f) Sheet Metal Construction Contractor
 - (g) Stonework Contracting
 - (h) Water Well Cleaning and Drilling
- (3) Industrial or manufacturing uses which have processes that may be fully enclosed in a building and which have assembly materials and products that may be fully screened from the public right-of-way and abutting properties but excluding uses first cited in Use Unit 27:
 - (a) Brass manufacture
 - (b) Copper manufacture
 - (c) Blast Furnaces as a Minor and Incidental Part of Another Permitted Industrial Use
 - (d) Cellophane and Celluloid Manufacture
 - (e) Concrete Manufacture, Ready Mix Plant
 - (f) Dyestuff Manufacture
 - (g) Feed Milling and Processing
 - (h) Garbage Contract Pickup
 - (i) Gas (heating or illuminating) manufacture or storage
 - (j) Graphite Manufacture
 - (k) Ink Manufacture
 - (l) Lamp Black Manufacture
 - (m) Meat and Fish Processing
 - (n) Metal and/or Silver Plating and Polishing
 - (o) Monument Sales and Shaping
 - (p) Oilcloth or Linoleum Manufacture
 - (q) Paper or Pulp Manufacturing by Sulfide Processes Emitting Noxious Gases or Odors
 - (r) Pickle, Sausage, Sauerkraut or Vinegar Manufacture
 - (s) Starch, Glucose, Dextrin Manufacture
 - (t) Textile Manufacture
 - (u) Trades, Industries, or Uses Having Moderately Objectionable Environmental Influences by Reason of the Emission of Odor, Heat, Smoke, Noise or Vibration
 - (v) Washing Compound Manufacture
 - (w) Welding Shop
 - (x) Wool Scouring, Hair Manufacture
 - (y) Yeast Manufacture for Wholesale

(C) Use conditions:

- (1) The uses included in Use Unit 26, which are located within three hundred (300) feet of an R District, shall be conducted within enclosed buildings.
- (2) The uses included in Use Unit 26, when located on a lot which shall be screened from the abutting residential or office district by the erection and maintenance of screening wall or fence along the lot line or lines in common with the R or O District.

(D) Off-street parking and loading requirements.

<u>Use</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Airport	1 per each 500 sq.ft.	1 per 2,000-40,000 sq.ft.

Exhibit A8



Exhibit A9











Exhibit A14



Posey County Area Plan Commission

From: Posey County Area Plan Commission
Sent: Tuesday, March 12, 2024 8:46 AM
To: Olson, Bill; Evans, Christopher
Cc: mark.seib3597@gmail.com
Subject: RE: Site Development Plan for Temporary Construction Trailers and Materials at 7451 East Highway 62, Mount Vernon, Indiana

Dear Bill Olson: Thank you for the clarification. Sincerely, David Ripple, Interim Executive Director

From: Olson, Bill <wpolson@bechtel.com>
Sent: Monday, March 11, 2024 3:40 PM
To: Posey County Area Plan Commission <areaplan@poseycountyin.gov>; Evans, Christopher <cevans6@Bechtel.com>
Cc: mark.seib3597@gmail.com
Subject: RE: Site Development Plan for Temporary Construction Trailers and Materials at 7451 East Highway 62, Mount Vernon, Indiana

How long temporary lay down area?

Thanks David for the information.

At this time we are not planning on receiving or storing any materials at the Jamplast facility.

We will have a security service in trucks that will be on site after ILP issuance during non-working hours.

Sincerely,

William P. Olson
Cell-517-225-9361

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From: Posey County Area Plan Commission <areaplan@poseycountyin.gov>
Sent: Monday, March 11, 2024 3:05 PM
To: Evans, Christopher <cevans6@bechtel.com>; Olson, Bill <wpolson@bechtel.com>
Cc: mark.seib3597@gmail.com
Subject: [*EXTERNAL*] Site Development Plan for Temporary Construction Trailers and Materials at 7451 East Highway 62, Mount Vernon, Indiana

Dear Chris Evans and Bill Olson:

- 1) As you are aware, the subject property has a security fence along SR 62 on the north, a fence on the east from SR 62 to the Dixon & Lewis Ditch and a ditch from SR 62 on the west side to the Dixon & Lewis Ditch. The Dixon & Lewis Ditch runs along the east side of the property, turns west through the property between the manufacturing buildings and the parking lot, and continues along the west side of the parking lot.
- 2) While the Dixon & Lewis Ditch provides separation and some security along the north and west sides of the proposed parking lot with the temporary trailers, there appears to be no fence on the east and south sides of the parking area.
- 3) If you store temporary construction materials in the area north of the Dixon & Lewis Ditch, the ditch on the west property line from SR 62 to the Dixon & Lewis Ditch may not be sufficient.



Proposed Location of Temporary Fencing = 1,400 ft



Visual Example of proposed temporary fence

Exhibit A

2016 Aerial Map

1101 E 4th St. Mt Vernon, IN

Tile Factory Rd

Everett St

Project Site

4th Street

Casey's Gas Station

McDonald's

Mt Vernon Auto Parts

200 ft

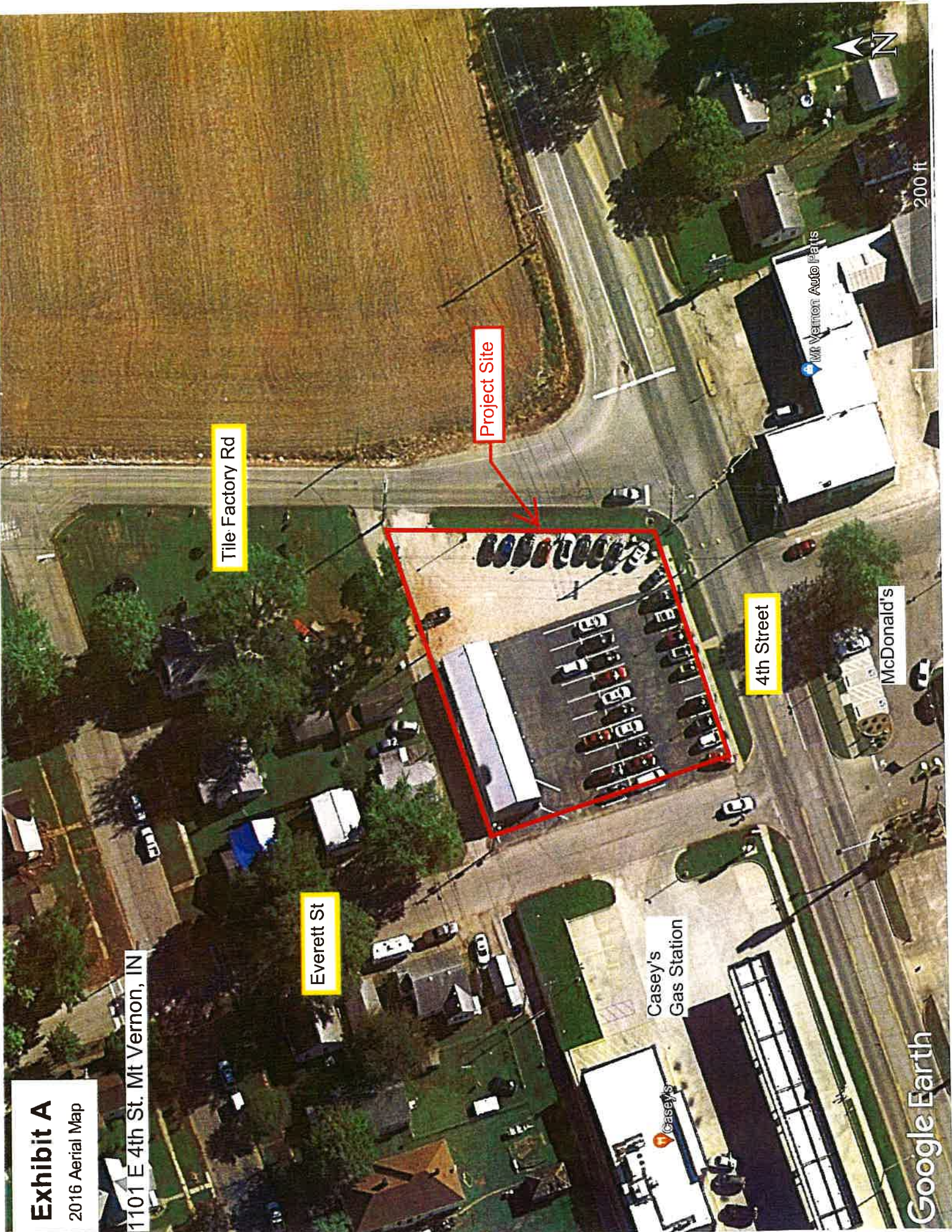
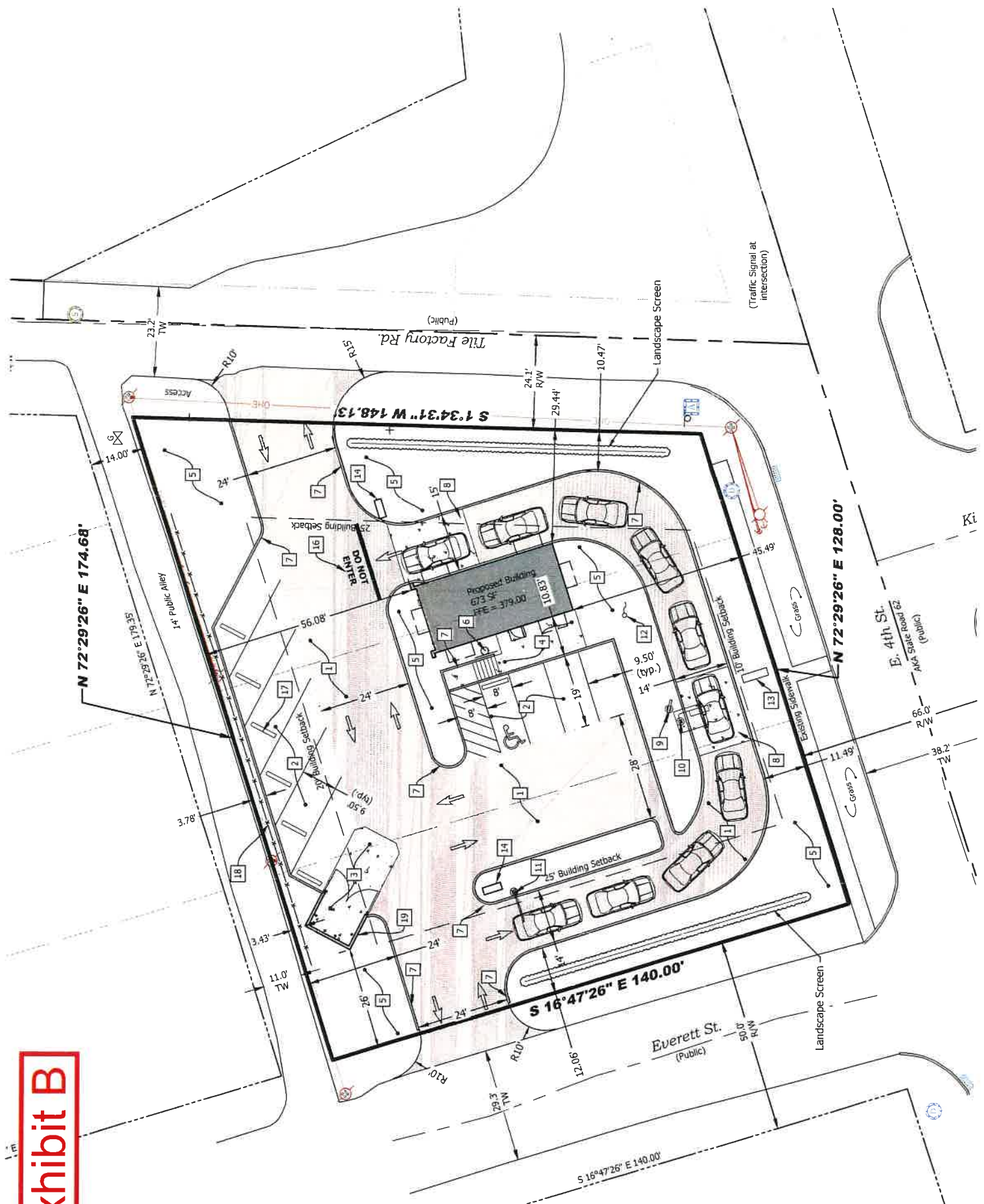
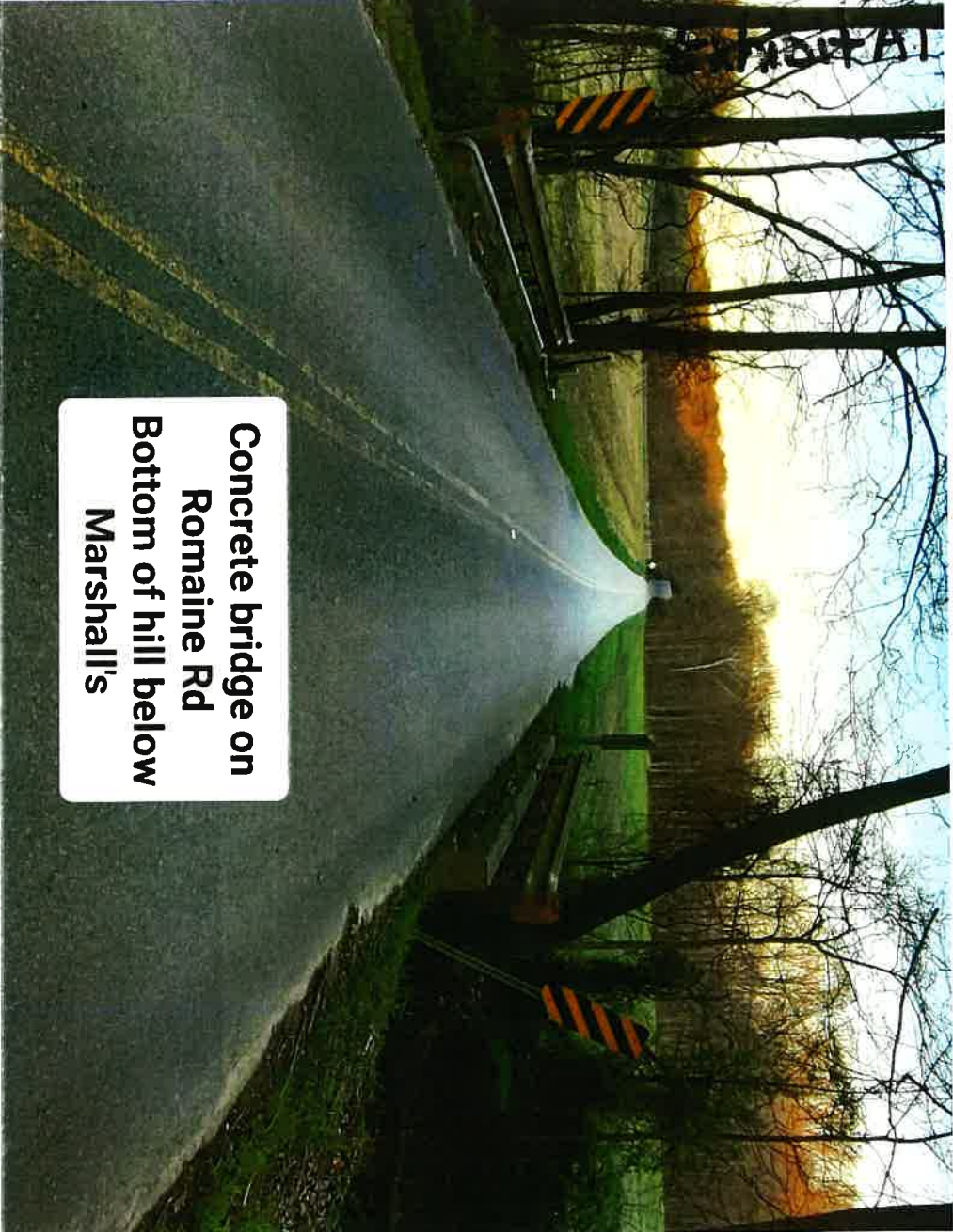


Exhibit B





Concrete bridge on Romaine Rd Bottom of hill below Marshall's



and already not tolerating heavy ghted vehicles



One of 4 90° curves on Romaine Rd



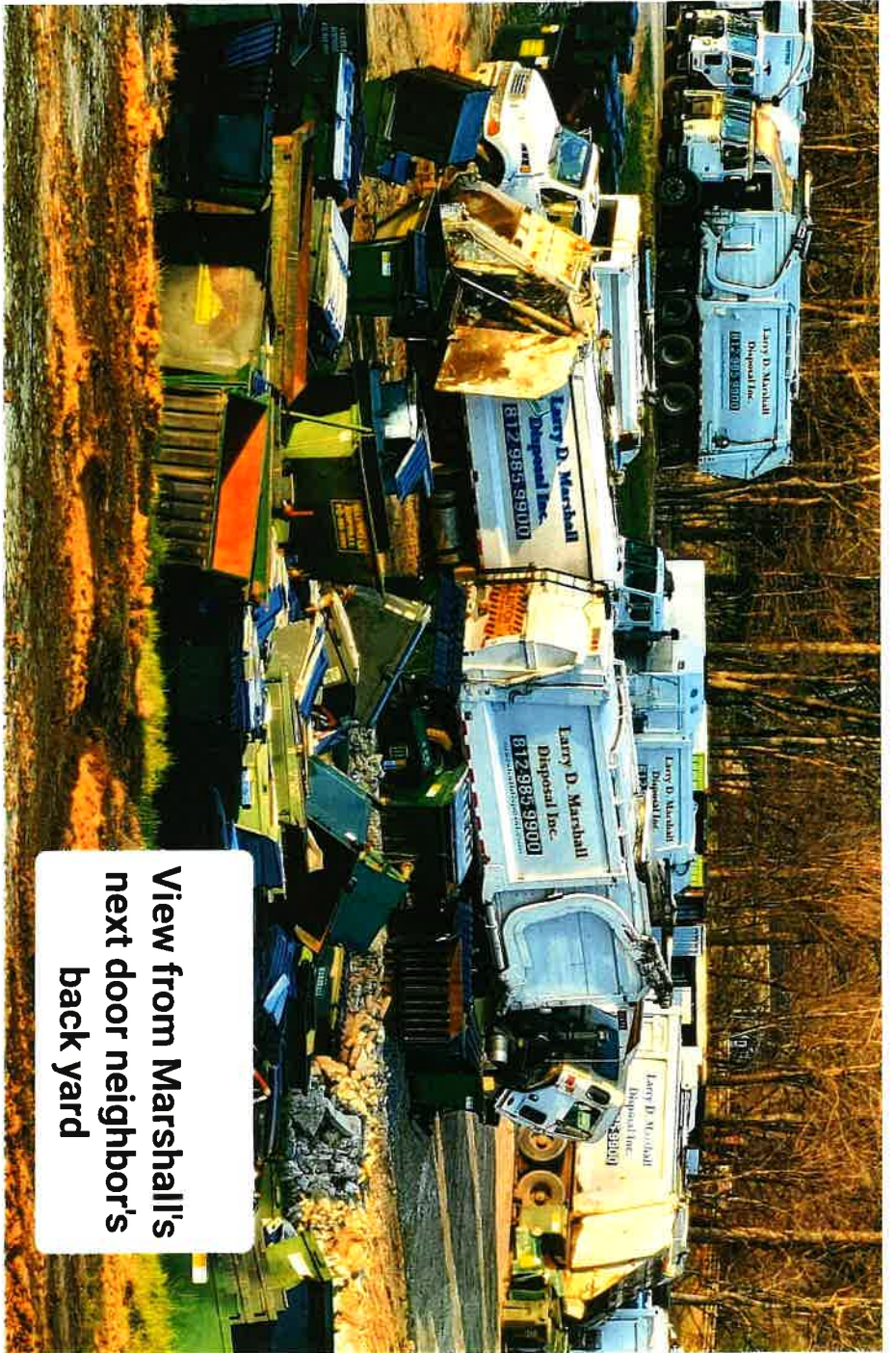
Romaine Rd into Marshall property



One of several blind hills on Romaine Rd



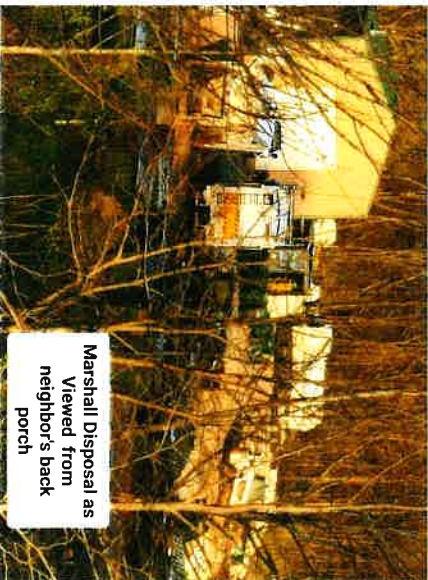
No shoulder, often hemmed by earthen banks



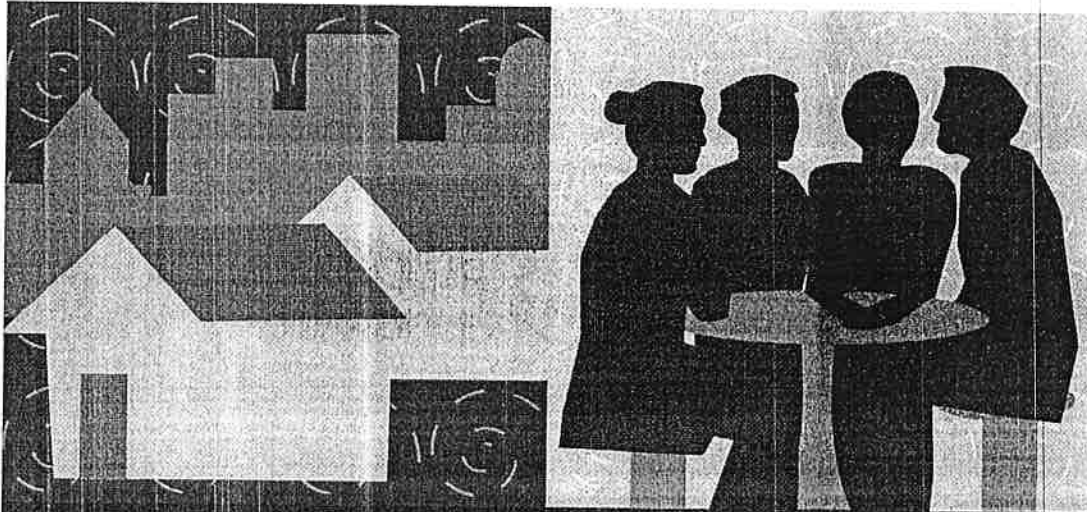
View from Marshall's next door neighbor's back yard



View from Marshall's next door neighbor's back yard

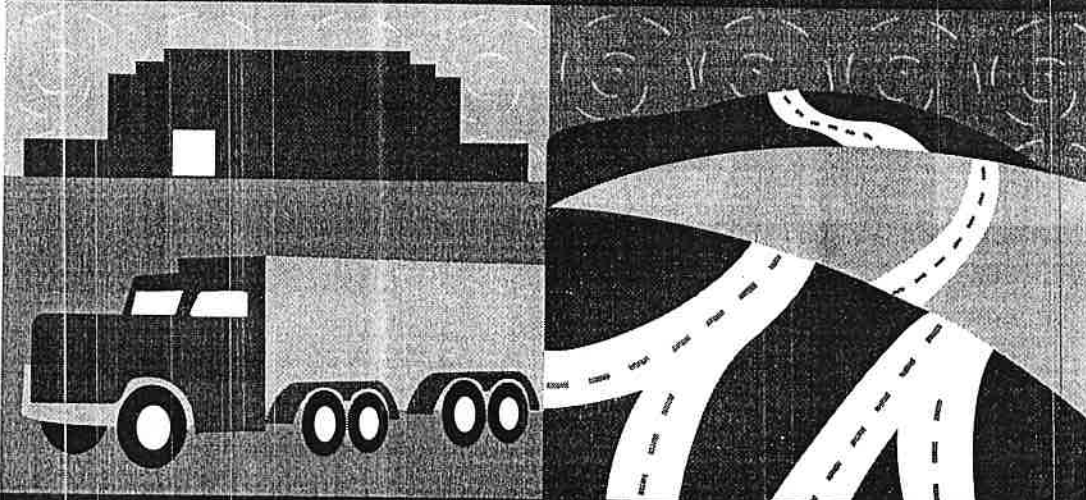
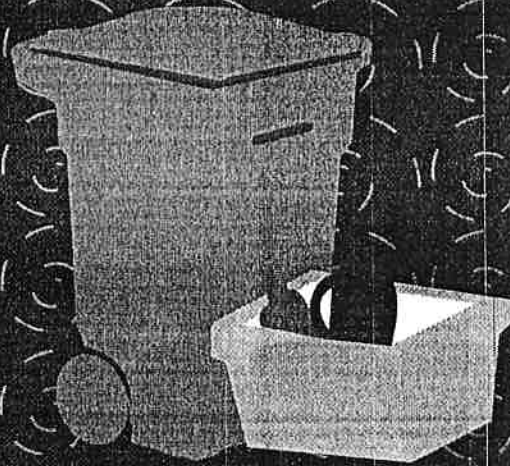


Marshall Disposal as viewed from neighbor's back porch



Waste Transfer Stations:

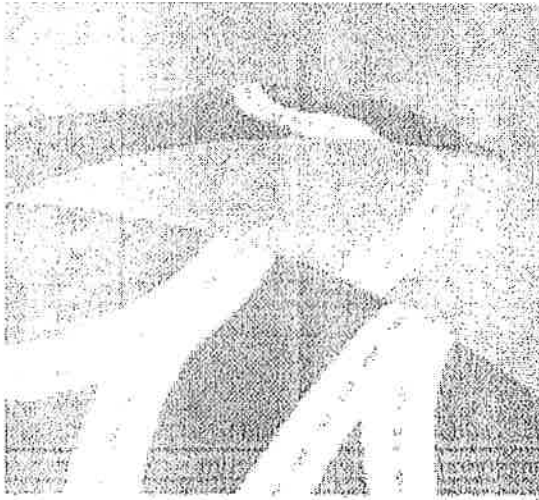
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United States
Environmental Protection
Agency

Solid Waste
and Emergency
Response (5306W)

EPA530-K-01-003
January 2001
www.epa.gov/osw



Traffic

Transfer stations reduce overall traffic by consolidating smaller loads into larger vehicles. The transfer station, however, will generate additional amounts of traffic in its immediate area.

This traffic can contribute to increased road congestion, air emissions, noise, and wear on roads. For this reason, waste transfer stations are often located in industrial areas that have ready access to major road-

ways. Travel routes and resulting traffic impacts typically receive significant attention during transfer station siting and design. Some important design and operating features that should be used include:

- Selecting sites that have direct access to truck routes, highways and rail or barge terminals.
- Providing adequate space within the facility site so that customers waiting to use the transfer station do not interrupt traffic on public roads or impact nearby residences or businesses.
- Designating haul routes to and from the transfer station that avoid congested areas, residential areas, business districts, schools, hospitals and other sensitive areas.
- Designing safe intersections with public roads.

Noise

Heavy truck traffic and the operation of heavy-duty facility equipment (e.g., conveyors and front-end loaders) are the primary sources of noise from a transfer station. Design and operating practices that help reduce noise include:

- Confining noisy activities within buildings or other enclosures as much as possible.
- Using landscaping, sound barriers, and earth berms to absorb exterior noise.
- Arranging the site so that traffic flows are not adjacent to properties that are sensitive to noise.
- Providing setback distances, called buffer zones, to separate noisy activities from adjacent land uses.
- Conducting activities that generate the most amount of noise during the day.

Odor

Garbage, particularly food waste and grass, has a high potential for odor. Proper facility design can significantly reduce odor problems. Carefully positioning the building and its doorways with respect to neighbors is a good first step. At the transfer building itself, exhaust fans with air filters and rooftop exhaust vents can further reduce off-site odor impacts.

Some of the operating procedures that can help reduce odors include:

- "First-in, first-out" waste handling practices that keep waste on site only for short periods of time.
- Removing all waste from the tipping floor or pit by the end of each operating day so that these surfaces can be swept clean and washed down.
- "Good housekeeping" measures, including regular cleaning and disinfecting of surfaces and equipment that come into contact with waste.
- Water misting and/or deodorizing systems.

Litter

In the course of facility operations, it is likely that stray pieces of waste may become litter in and around the waste transfer station. Measures that can help reduce litter include:

- Positioning the main transfer building so that predominant winds are less likely to blow through the building and carry litter off-site.
- Installing perimeter landscaping and fencing to reduce wind speeds at the transfer station site and to trap any litter.
- Ensuring that tarps on open top trucks are secure.
- Providing skirting around loading chutes.
- Removing litter frequently to reduce the opportunity for it to travel offsite.
- Patrolling nearby access roads to control litter from truck traffic.

Air Emissions

Air emissions at transfer stations can come from unloading dry, dusty waste delivered to the transfer station, exhaust from trucks, loaders and other equipment, and driving over unpaved surfaces. The following can reduce air emissions:

- Requiring trucks delivering and picking up waste at the facility to reduce unnecessary engine idling.
- Working with fleet operators to reduce engine emissions (e.g., engine improvements or use of cleaner fuels).
- Spraying dusty wastes with water as they are unloaded.
- Ensuring that street sweeping operations use enough water to avoid kicking up dust.
- Paving all surfaces where trucks operate.

Rodents and Birds

Rodents and birds can be a nuisance and a potential health concern at waste transfer stations, but few basic design and operational elements can control them. For instance, good housekeeping practices are a simple and effective means of minimizing their presence. These practices include removing all waste delivered to the facility by the end of each day, and cleaning the receiving floor daily (small, rural facilities may require several days to accumulate a full container of waste for transport). Receiving waste only within an enclosed structure and otherwise preventing litter can reduce the presence of birds. If problems persist in the vicinity, baiting and trapping can control rodents.

2024

Marshall B-1

I am against a wash station or transfer station at Marshall Disposal on Romaine Road, NEW Harmony, Indiana

- MARVIN REAMAN 3601 ~~STAPLING RD~~ STAPLING RD WADESVILLE, IN
- AL Schwitz 7301 Cappelle Rd Wadesville, IN
- GARY THIEM 4502 HILDBRADER ROAD WADESVILLE
- Mark Ashby 6101 Hildbrader Road Wadesville, IN
- MARILEE HEDGER 6124 HILDBRADER RD. WADESVILLE, IN
- Kevin Beuligmann 6309 Hildbrader Rd. Wadesville, IN 476
- Ken Schwab 2324 Parkside Dr Wadesville, IN
- Alan Stewart 4890 Romaine New Harmony
- Nathan Stewart 4830 Romaine Rd. New Harmony, IN
- Jim Swab 4500 RIFISTER RD. NEW HARMONY
- Joyce Donner 4621 Haines Rd. Wadesville, IN
- Nylen Rohman 4401 Moye Road Wadesville, IN
- Lisoregiana Cullman 4201 MOYE RD WADESVILLE, IN
- Brenda Poag 4925 Hildbrader Rd. Wadesville, IN
- Lisa M Kepling 4925 Hildbrader Rd. Wadesville, IN
- Bob D. Stoltz 6701 Romaine Rd. Poseyville, IN
- Alan D. Stoltz 6600 Romaine Rd. Poseyville, IN
- Lisa Ann Mack 6735 Romaine Rd. Poseyville, IN
- Country John 6841 Romaine Rd. Poseyville, IN
- Jim Fackhaeuser 4957 Green Meadow Ct. Poseyville, IN
- Dennis L Motulsky 7000 Springfield Rd. Wadesville, IN
- John Mize 4481 Moye Rd - Wadesville, IN
- James Williams 5615 Hildbrader Rd New Harmony

ON

Marshall C-1

4/4/2024

To whom it may concern:

We received notification of a public hearing due to our ownership of several properties adjacent to Marshall Disposal, informing us of their application for approval of site development plans. We are Bruce and Fonda Russell, and our current residence is at 4601 Romaine Road. Our property is adjacent to Marshall Disposal. I (Fonda Tyler Russell) was raised on the property on Romaine Road and we built our present home in 1978. We are unable to attend this meeting due to doctor appointments out of town.

We wanted to make known our feelings regarding the changes being requested by Marshall Disposal.

We are of the understanding that the building being constructed at this time is a service center to work on the trucks, in order to have more room. If this is an accurate understanding of the request being made by Marshall Disposal, we have no problem with the requested construction and actually feel it may cut down on the current noise levels and things having to be left outside, as there is currently no room inside to work on all of the trucks.

We are not, however, in agreement to the future possible construction of a trash transfer center. We have done research from EPA articles with the pros and cons and feel it would destroy the equity we have in our home and property.

Sincerely,

Fonda Tyler Russell
Bruce Russell