

MINUTES

**POSEY COUNTY
AREA PLAN COMMISSION
REGULAR MEETING**

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

**JUNE 13, 2024
6:00 P.M.**

MEMBERS PRESENT: Mr. Mark Seib - President, Mr. Joe Marvel - Vice President, Dr. Keith Spurgeon, Mr. Andy Hoehn, Mr. Justin Rutledge, Mr. Randy Owens, Trent VanHaften - Attorney, Jerry Cotner - Executive Director, Mrs. Taylor Elmendorf - Administrative Assistant, Mrs. Savannah Axley - Clerical Assistant

MEMBERS ABSENT: Mr. Aaron Wilson, Mr. Greg Newman, Mrs. Stefani Miller, Mrs. Amy Rhodes (non-voting)

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

REZONING:

DOCKET NO: 24-07-RE-APC

APPLICANT: Brian Merkley – Nix Companies

OWNER: Superior Holdings, LLC

PREMISES: Part of the South half of the Northeast Quarter of Section 18, Township 4 South, Range 12 West lying in Robb Township, Posey County, Indiana. More commonly known as 6751 Frontage Road, Poseyville, Indiana. Containing 2.50 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 M-1 (Light Manufacturing) 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. Cotner that the applicant met all requirements for notification per the statute.

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

Brian Merkley, 4619 Koester Rd., Wadesville and Matthew Nix, 9275 Showers Rd., Cynthiana, 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 Andy Hoehn. **Motion Carried.**

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

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

Joe Marvel made a motion to approve docket number 24-07-RE-APC. Motion seconded by Randy Owens. **Roll Call Vote (6-0) Yes. Motion Passed.**

Joe Marvel made a motion to adopt the Finding of Facts. Motion seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Passed.**

MINOR SUBDIVISION:

DOCKET NO: 24-04-S-APC

APPLICANT: Kris Mayberry, Surveyor – Morley Corp.

OWNER: Derek Funk

PREMISES: A part of the North quarter of Section 8, Township 7 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as 322 Mill St., Mt. Vernon, Indiana. Containing 0.51 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 CG Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

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

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

Jim Morley, 3200 Schroeder Rd., Haubstadt, 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 Andy Hoehn. **Motion Carried.**

Mr. Seib confirmed with Mr. Cotner 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 for preliminary approval of Funk Minor Subdivision and authorizing the Executive Director to give final approval after 30 days have elapsed. Motion seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Carried.**

SITE DEVELOPMENT PLAN:

APPLICANT: Lyle Mehringer - Three i Design

OWNER: Babcock & Wilcox Nuclear Operations Group

PREMISES: A part of the West Half of Section 18, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 1400 Old SR 69 S., Mt. Vernon, Indiana. Containing 99.67 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 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. Cotner that the applicant met all requirements for notification per the statute.

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

Lyle Mehringer, 2425 W. Indiana St., Evansville, 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 Andy Hoehn. **Motion Carried.**

Mr. Seib confirmed with Mr. Cotner 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 Randy Owens. **Roll Call Vote (6-0). Yes. Motion Passed.**

No members had any additional comments on Finding of Facts.

Joe Marvel made a motion to approve the Finding of Facts. Seconded by Andy Hoehn. **Roll Call Vote (6-0) Yes. Motion Passed.**

COMPLAINTS - TABLED:

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

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 1010 W. 2nd Street, MV seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

435 W. 8th Street & Lot 65 Next Door, Mt. Vernon (Strobel)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 435 W. 8th Street & Lot 65 Next Door, Mt. Vernon seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

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

APC members discussed the complaint. Randy Owens made a motion to have a letter delivered face to face by the City Code Enforcement Officer, seconded by Joe Marvel. **Motion carried with a vote of (6-0). Yes.**

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

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 629 W. 8th Street, Mt. Vernon seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

1235 E. 3rd Street, Mt. Vernon (Schenk)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 1235 E. 3rd Street, Mt. Vernon seconded by Randy Owens. **Motion Carried with a vote of (6-0). Yes.**

716 W. 7th Street, Mt. Vernon (Willis)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 716 W. 7th Street, Mt. Vernon seconded by Randy Owens. **Motion Carried with a vote of (6-0). Yes.**

515 N. Locust Street, Mt. Vernon (Black)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 515 N. Locust Street, Mt. Vernon seconded by Randy Owens. **Motion Carried with a vote of (6-0). Yes.**

COMPLAINTS – NEW:

215 E. State Street, Mt. Vernon (Alumbaugh)

APC members discussed the complaint. Randy Owens made a motion to resolve the complaint at 215 E. State Street, Mt. Vernon seconded by Joe Marvel. **Motion Carried with a vote of (6-0). Yes.**

1137 E. 2nd Street, Mt. Vernon (Phillippe)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 1137 E. 2nd Street, Mt. Vernon seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

715 W. 7th Street, Mt. Vernon (Lashbrook)

APC members discussed the complaint. Joe Marvel made a motion to resend letter to new address Trent VanHaaften to give to Area Plan staff for the complaint at 715 W. 7th Street, Mt. Vernon seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

719 W. 7th Street, Mt. Vernon (Coburn)

APC members discussed the complaint. Joe Marvel made a motion to resolve the complaint at 719 W. 7th Street, Mt. Vernon seconded by Andy Hoehn. **Motion Carried with a vote of (6-0). Yes.**

7451 Hwy 62, Mt. Vernon (Perfect Choice Properties, LLC)

Mark Seib with conflict of interest and recused himself from complaint.

Justin Dickherber, 4041 Bayou Creek Rd., Evansville here to speak on behalf of the complaint.

Public Comment:

Mark Seib, 186 Cale St., Poseyville, stated that he was concerned about the amount of trash outside that may blow around to adjoining properties.

Justin Dickherber stated that they hoped to have the trash compactor running soon to decrease the amount of trash outside and will start putting all trash in a semi to decrease risk of trash blowing onto adjoining properties.

APC members discussed the complaint. Randy Ownes made a motion to table the complaint at 7451 Hwy 62, Mt. Vernon until July for updated pictures. Seconded by Justin Rutledge. **Motion Failed with a vote of (4-1).**

Andy Hoehn made a new motion to resolve the complaint at 7451 Hwy 62, Mt. Vernon with the stipulations of no cardboard or plastic outside with the Executive Director to give a report at the July meeting. Seconded by Randy Owens. **Motion Passed with a vote (5-0-1 abstained). Yes.**

1010 N. Canal Street, Mt. Vernon (Slocum)

APC members discussed the complaint. Joe Marvel motioned to table the complaint at 1010 N. Canal Street, Mt. Vernon to give the owner time to sell RV. Seconded by Andy Hoehn. **Motion Passed with a vote (6-0). Yes.**

627 Vine Street, Mt. Vernon (Loehr)

APC members discussed the complaint. Joe Marvel made a motion to have attorney Trent VanHaaften send a letter to the property owner for the complaint. Seconded by Andy Hoehn. **Motion Passed with a vote (6-0). Yes.**

OPEN BIDS FOR ZONING/SUBDIVISION ORDINANCE UPDATE

Mark Seib opened each bid. Joe Marvel made a motion for attorney Trent VanHaaften to review each proposal and for Mark Seib to go to the County Council to ask for money to cover the cost of the Zoning/Subdivision Ordinance update. Seconded by Keith Spurgeon. **Motion Passed with a vote (6-0). Yes.**

DIRECTOR'S REPORT

Sign Joint Resolution regarding initial complaint investigations in the City of Mt. Vernon. APC members discussed Joint Resolution with Mark Seib and Jerry Cotner signing.

Mark Seib gave a solar update to the APC members.

APPROVAL OF PAYROLL AND BILLS

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

REPORT OF COLLECTIONS

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

CITIZEN CONCERNS

None.

ADJOURNMENT

Joe Marvel made a motion to adjourn the meeting at 8:20 p.m. Motion was seconded by Keith Spurgeon. **Motion Carried.**



Mr. Mark Seib – President



Mr. Jerry Cotner – Executive Director

PROPOSED FINDINGS OF FACT
ON DOCKET NO: 24-07-RE-APC
PETITION TO REZONE: Brian Merkley – Nix Companies
OWNER: Superior Holdings, 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.

will not

2. Responsible development and growth.

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

would

3. Comprehensive Plan.

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

would

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.

will not

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.

Does

Motion made to adopt the foregoing findings of fact by:

Joe

Motion seconded by:

Andy

Adopted by Posey County Area Plan Commission

President: Mark Seib

Date: 6/13/24

April 29, 2024

Staff Comments: The property being petitioned to be rezoned from M-1 (Light Manufacturing) to M-2 (Medium Manufacturing) contains 2.50 acres more or less. The property is located at 6751 Frontage Rd., Poseyville, IN. Property abutting this site owned by the following:

1. Hoehn Realty, LLC, 11481 W. 925 S., Poseyville, IN 47633
2. Broadhead Holdings, LLC, 6044 Pfafflin Lake Blvd., Newburgh, IN 47630
3. Mary Catherine Schmitt Etal, PO Box 531, Poseyville, IN 47633

Abutting properties are zoned M-2 (Medium Manufacturing), M-1 (Light Manufacturing), R-3 (Residential Multi Family). The owners are proposing to rezone the property to M-2 (Medium Manufacturing). The uses adjacent to the proposed rezoning are as follows: Manufacturing and agricultural.

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

12702

Mill St



SR62

Courthouse

Legend

PHOTO BY DUC T

Google Earth

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Warehouse Liquor

K B Auto Works

Maria's Mexican Grill

Mt Vernon BMW Branch

St Sages Mexican Bar and Grill

Stitz's Sundry

400 ft





FINDINGS OF FACT
Lyle Mehringer- Three i Design
Babcock & Wilcox Nuclear Operations Group

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

1. Development is compatible with surrounding land use. Surrounding zoning is manufacturing.
2. Water, sewer, and other utilities are available. Not changing
3. The design and location of the entrance streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Not changing.
4. The plan meets the setback requirements for the M-2 Zoning District.
5. The plan meets the building coverage requirements for the M-2 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes.
8. The plan meets parking requirements. Not applicable.
9. Landscaping. Not applicable.
10. Building Specs. Building will be 138'-5" x 109'-2 1/2" Equipment Enclosure.
11. Signage - Not applicable.
12. Recreation space - Not applicable.
13. The plan meets outdoor lighting requirements.
14. 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: Andy Hoehn

Adopted by Posey County Area Plan Commission

Josh. Sat
President, Posey County Area Plan Commission

6/13/24
Date