

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JULY 2017 REGULAR MONTHLY MEETING
AGENDA**

DATE: July 6, 2017

PLACE: Commissioner's Court Room
3rd Floor, Delaware County
Building

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Kathy Carey	Jerry Dishman	
Andrew Ellis*	Teresa Hensley	Rickie Sipe
Shannon Henry	Jesse Landess	Nathan Vannatter
	Michael Mueller	

Advisory Members

Duke Campbell	Extension Office Rep	Tom Borchers
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MINUTES: Consideration of the June 1, 2017 regular monthly meeting minutes.

OLD BUSINESS:

**BZA 20-17
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by Michael B. & Sheryl A. McKeel, 6600 West CR 850N, Gaston, Indiana, requesting a Special Use under the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 2, to allow a salvage yard operation with variances from Article XXXI, Section 4 to allow decreased distances from a roadway and surrounding residential dwellings on premises located at the 6600 West CR 850N, Washington Township, Delaware County, Indiana, as more accurately described in the application.

NEW BUSINESS:

**BZA 24-17
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by Wendell Beaty, 9520 E. CR 400S, Selma, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 2 (6), to allow an accessory dwelling on premises located at 3003 South Hackley Street, Muncie, Indiana, as more accurately described in the application.

OTHER BUSINESS:

MPC 04-17A Jurisdiction: City Council

Being a resolution of approval to amend the text of the City of Muncie Comprehensive Zoning Ordinance regarding Public Works, Swimming Pools, Residential Facilities, uses in the BL Limited Business Zone, the FA Flood Area Zone, Corridor Development Standards for ground signs, and waiver authorization in the University Village Overlay District.

MPC 05-17A Jurisdiction: County Commissioners

Being a resolution of approval to amend the text of the Delaware County Comprehensive Zoning Ordinance regarding Public Works, Swimming Pools, Residential Facilities, uses in the BL Limited Business Zone, and the FA Flood Area Zone.

MPC 06-17A Jurisdiction: Delaware County Redevelopment Commission

Being a Resolution of Approval of a Declaratory Resolution and Economic Development Plan approved and adopted by the Delaware County Redevelopment Commission concerning the 69/28 Gaston Economic Development Plan.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JULY 2017 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday July 6, 2017 at 6:00 P.M., in the Commissioners' Court Room of the Delaware County Building, Muncie, Indiana. President Jerry Dishman called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Ms. Moody called roll and the following members were present: Mr. Borchers, Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller and Ms. Sipe. Absent: Mr. Campbell, Mr. Ellis and Mr. Vannatter. Also present Ms. Quirk, attorney for the Board.

MINUTES:

Mr. Henry made a motion to approve the June, 2017 regular monthly minutes. Ms. Hensley seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Mueller and Ms. Sipe. Voting against: none. Abstention: Mr. Landess. Motion carried, June, 2017 minutes approved.

OLD BUSINESS:

**BZA 20-17
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by Michael B. & Sheryl A. McKeel, 6600 West CR 850N, Gaston, Indiana, requesting a Special Use under the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 2, to allow a salvage yard operation with variances from Article XXXI, Section 4 to allow decreased distances from a roadway and surrounding residential dwellings on premises located at the 6600 West CR 850N, Washington Township, Delaware County, Indiana, as more accurately described in the application.

Bruce Munson, attorney, 322 N. Walnut St., Muncie, Indiana, appeared to represent the applicant. He stated Mr. McKeel is not interested in expanding what is currently on the property nor does he want to have a salvage yard operation. He stated he only wants to continue to maintain his collection of Corvairs, along with a few other vehicles. He stated they understand why the neighbors would be concerned when they received a notice about a salvage yard because that brings to mind things like cranes and car crushers. He stated that is not what Mr. McKeel is doing and it is not what he wants. He stated Mr. McKeel will on occasion sell some parts but it is not something that happens all the time. He stated Mr. McKeel has been collecting these cars for 40 years and never had any problems. He stated it is a hobby not a business. He stated he has been a good neighbor and just wants to keep his cars. He stated Mr. McKeel is willing to no longer add any cars and will thin down the number of cars by removing a couple of cars a month.

He stated all the cars have been drained of fuel. He stated at this time of year you can only see a few of the cars.

Mr. Mueller asked how many cars are on the property.

Mr. Munson stated around 200 cars.

Mr. Dishman asked how long he had owned the property.

Michael McKeel, 6600 W. CR 850N, Gaston, Indiana appeared. He stated he purchased the property in June 6, 1978.

Mr. Henry asked Mr. McKeel if he lived on the property.

Mr. McKeel stated yes.

Mr. Henry asked if the other vehicles still had antifreeze in them.

Mr. McKeel stated not at the moment but they would when being operated.

Mr. Dishman asked how many of the vehicles are Corvairs.

Mr. McKeel stated around 175.

Mr. Dishman asked what were the most cars he has had on the property.

Mr. McKeel stated what is currently on the property.

Mr. Landess asked when he started collecting cars.

Mr. McKeel stated he purchased his first car when he was 16.

Mr. Landess asked if he started bringing cars onto the property as soon as it was purchased.

Mr. McKeel stated yes, that was why they purchased that property.

Mr. Landess asked how many residences were on the property.

Mr. McKeel stated just one.

Brandon Mundell, 404 S. Morrison Rd., Muncie, Indiana, appeared in favor. He stated he grew up around corner from Mr. McKeel. He stated it is because of Mr. McKeel that he has owned a Corvair and has attended Corvair conventions. He stated he believes he is probably the foremost expert on Corvairs in the United States. He stated visiting the property is like being at a Corvair museum. He stated Mr. McKell keeps the cars in a compact orderly fashion in an effort to keep them from public view. He stated he has a reputation of not selling parts from his collection. He

stated he believes he should be allowed to continue to have his collection of Corvairs on his property.

Mike Painter, attorney, 400 N. High St., Muncie, Indiana, appeared to represent David and Dixie Smith, in opposition. He stated they are adjoining land owners. He stated Mr. McKeel is in violation on County Ordinance and State Statue which requires him to have a license to own a salvage yard. He stated the County Ordinance defines a salvage yard as the storage, handling or disseminating vehicles that are not in running condition. He stated the neighbors are very upset and are concerned about having a salvage yard around the residential properties. He stated they are asking that the Commission send an unfavorable recommendation to the Board of Zoning Appeals.

Ms. Cary asked how long has his clients lived on the property.

David Smith, 6700 W. CR 850N, Gaston, Indiana, appeared in opposition. He stated he purchased his home in 1969.

Ms. Carey asked if the cars have always been there.

Mr. Smith stated no, it had started as a hobby but has gotten out of control. He stated there have been complaints to the County in the past. He stated Mr. McKeel does not live on the property at this time. He stated they stop and get the mail and have the grass mowed but they don't live there anymore.

Judy Hobick, 6800 W. CR 850N, Gaston, Indiana, appeared in opposition. She stated she no longer lives on the property but still owns the property. She stated they moved to the property in 1975. She stated she remembers when the McKeels moved in and they have not had those cars all this time. She stated she is not against anyone having a hobby but it has gotten out of control. She stated the property is an eyesore and you can see everything in the winter. She stated the Smith's well is contaminated and they just found out that the well on her property is contaminated as well.

Ms. Carey asked if she knew what type of contamination did they find in the well.

Ms. Hobick stated she didn't know, her daughter just found out that afternoon.

Dixanna Morgan 614 S Sycamore St., Gaston, Indiana, appeared in opposition. She stated she grew up at 6700 W. CR 850N. She stated that when they go over every Sunday for dinner you can see the cars and it is a complete eyesore in the winter because you can see all the cars. She stated she doesn't want to have more cars next to her parents.

Dixie Smith, 6700 W. CR 850N, Gaston, Indiana, appeared in opposition. She stated it is a shame what has happened to the area.

Kathleen Barrett, 13771 N. Wheeling Ave., Gaston, Indiana, appeared in opposition. She stated her biggest issue is what might be allowed if the variance was approved. She asked if the

variance was approved and they sold the property, would that approval continue with the property.

Ms. Moody stated the Board of Zoning Appeals, which is the Board that has final say so, can place conditions and it is fairly common for them to limit the approval to the applicant only. She stated they can place other conditions as well.

Ms. Barrett stated that means we don't have any idea if the variance would be open ended or not. She stated that the neighborhood she grew up in had a neighbor who requested and received a variance, which changed the whole neighborhood and not for the good.

John Barrett, 13771 N. Wheeling Ave., Gaston, Indiana, appeared. He stated that if this is just Mr. McKeel's "playpen" and it would not be anything more then he doesn't have a problem with it.

Mr. Munson stated Mr. McKeel only wanted to maintain what he has. He stated they would be fine with conditions that stated no expansion, no equipment, not engaging in activities beyond what he has now. He stated he is willing to reduce the number of cars on the property.

Mr. Dishman asked if he is selling parts.

Mr. McKeel stated that this is the first time he has heard anything about wells being contaminated. He stated he doesn't want a salvage yard and he doesn't sell parts. He stated he really doesn't want to get rid of any of the cars but he will get rid of the ones that don't work or don't have value. He stated $\frac{3}{4}$ of the cars on the property run.

Someone asked Mr. McKeel if he lives on the property.

Mr. McKeel stated a friend of his passed away last year and he has been babysitting the house until it is sold.

Mr. Landess asked what his plan was to reduce the number of cars.

Ms. Carey asked if he planned to remove the inoperable cars.

Mr. McKeel stated he would be willing to remove those cars.

Mr. Dishman asked if he sells any of the cars or works on other cars.

Mr. McKeel stated he doesn't sell cars.

Mr. Landess made a motion to approve BZA 20-17 the appeal of Michael B. & Sheryl A. McKeel with the following recommend conditions: 1) Timely removal of the inoperable vehicles; 2) No expansion; 3) No equipment; 4) Limited to applicants, only; 5) Systematic reduction in the number of vehicles; 6) No new vehicles unless vehicles are removed in like numbers; and 7) General clean up of excess materials. Ms. Carey seconded the motion. Voting

in favor: Ms. Carey, Mr. Dishman and Mr. Landess. Voting against: Mr. Henry, Ms. Hensley, Mr. Mueller and Ms. Sipe. No official action, automatically continued to the August 3, 2017 regular monthly meeting.

NEW BUSINESS:

BZA 24-17 **Jurisdiction: Board of Zoning Appeals**
Special Use Being a consideration of an appeal filed by Wendell Beaty, 9520 E. CR 400S, Selma, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 2 (6), to allow an accessory dwelling on premises located at 3003 South Hackley Street, Muncie, Indiana, as more accurately described in the application.

Wendell Beaty, 9520 E. CR 400S, Selma, Indiana, appeared. He stated that he buys tax sale properties and fixes them. He stated that when he purchased this property there was an apartment in the garage and when he went to get his permits to work on the property is when he was told the apartment was not legal. He stated that he plans to remove the garage portion of the building, that way he would have enough room for 4 parking spaces.

Ms. Moody stated that an accessory living unit is an allowed special use in the R-4 Residence Zone if it meets the standards. She stated the site does meet the requirements.

Mr. Beaty stated he has spoken to the neighbors and they were happy to see that he was fixing up the property.

No one appeared in opposition.

Mr. Henry made a motion to approve a favorable recommendation for BZA 24-17 the appeal of Wendell Beaty. Ms. Sipe seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller and Ms. Sipe. Voting against: none. Motion carried, a favorable recommendation will be forwarded to the Board of Zoning Appeals for their August 1, 2017 rescheduled meeting.

OTHER BUSINESS:

MPC 04-17A **Jurisdiction: City Council**
Being a resolution of approval to amend the text of the City of Muncie Comprehensive Zoning Ordinance regarding Public Works, Swimming Pools, Residential Facilities, uses in the BL Limited Business Zone, the FA Flood Area Zone, Corridor Development Standards for ground signs, and waiver authorization in the University Village Overlay District.

Ms. Moody stated that the staff worked on little edits needed to the Comprehensive Zoning Ordinance and this is phase 1 of that work. She stated in the public works section there is a general provision that says when a public works project is being done it should not have a negative impact on the property. She stated it says buildings or structures, but to be clear it

would now read “structures or signs”. She stated there are two areas where swimming pools are governed so we removed one and referenced the existing provisions that are followed by the City. She stated the State’s provisions regarding Residential Facilities has changed and the Ordinance needed updated to match those. She stated the other zones list public schools; nursery and child care centers, and this would update the permitted uses in the BL Limited Business Zone. She stated the corridor development standards would allow ground signs and didn’t allow for more than one ground sign on corner properties. She stated this would allow a ground sign on each of the frontages. She stated that in the Village Overlay District it states the director has the authority to waive, regarding simple requirements, the need to go to the village review committee and she would like to be designate a staff member to have that authority in her absence. She stated the City is adopting a new floodplain ordinance which references new floodplain maps that are prepared by FEMA. She stated we have changed the boundary language in the Ordinance to mirror the floodway and undesignated A zones.

Ms. Sipe made a motion to approve the amendments to the City of Muncie Comprehensive Zoning Ordinance. Mr. Henry seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller and Ms. Sipe. Voting against: none. Motion carried, a favorable recommendation to be forwarded to City Council.

MPC 05-17A Jurisdiction: County Commissioners

Being a resolution of approval to amend the text of the Delaware County Comprehensive Zoning Ordinance regarding Public Works, Swimming Pools, Residential Facilities, uses in the BL Limited Business Zone, and the FA Flood Area Zone.

Ms. Moody stated for the most part these are the same as the amendments for the City with the exception of the swimming pools. She stated the County several years ago added language about safety features for swimming pools and she recently found out that the Building and Fire Safety Commission has established a fence height of 4’ and we had 5’. She stated that because this is a building code, we are not allowed exceed a building code requirement, so it needed changed to 4’.

Ms. Sipe made a motion to approve to approve the amendment to the Delaware County Comprehensive Zoning Ordinance. Mr. Henry seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller and Ms. Sipe. Voting against: none. Motion carried, a favorable recommendation to be forwarded to the County Commissioner.

MPC 06-17A Jurisdiction: Delaware County Redevelopment Commission

Being a Resolution of Approval of a Declaratory Resolution and Economic Development Plan approved and adopted by the Delaware County Redevelopment Commission concerning the 69/28 Gaston Economic Development Plan.

Joe Rhetts, 112 E. Gilbert St., Muncie, Indiana, appeared to represent the Delaware County Redevelopment Commission. He stated they would like to create a new TIF district that would include the areas around Gaston and down to SR 28 and out to the interstate. He stated this would help develop the exit.

Mr. Henry made a motion to approve the resolution of approval of a Declaratory Resolution and Economic Development Plan. Ms. Sipe seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, Mr. Landess, Mr. Mueller and Ms. Sipe. Voting against: none. Motion carried, MPC 06-17A approved.

REPORT FROM DIRECTOR:

Ms. Moody stated the staff will continue to work on phase 2 of the little edits.

ADJOURNMENT:

Jerry Dishman, President

Marta Moody, Secretary