

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JANUARY 2018 REGULAR MONTHLY MEETING
AGENDA**

DATE: January 4, 2018

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	Mark Carter	Tom Borchers

CONFIRMATION OF ATTORNEY:

INTRODUCTION/CONFIRMATION OF MEMBERS:

ELECTION OF OFFICERS:

MINUTES: Consideration of the October 5, 2017 regular monthly meeting minutes.

UNFINISHED BUSINESS:

BZA 20-17 **Jurisdiction: Board of Zoning Appeals**
Special Use Being a continuation of 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.

OTHER BUSINESS:

MPC 01-18A **Jurisdiction: County Commissioners**
Being a resolution of approval to amend the text of the Delaware County Subdivision Ordinance regarding public notice, the process for minor plats of 4 lots or less, and allowing the transfer of property between adjacent parcels without platting.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JANUARY 2018 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, January 4, 2018 at 6:00 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. Vice-President Andrew Ellis called the meeting to order.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

CONFIRMATION OF ATTORNEY:

Ms. Sipe made a motion to confirm Ms. Quirk as the Plan Commission's attorney for 2018. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Motion carried, confirmation approved.

INTRODUCTION/CONFIRMATION OF MEMBERS:

Ms. Moody stated there were no new members at this time. She stated Ms. Hensley had been reappointed to a second term by the County Commissioners and the Mayor has not finished his action for reappointments.

ELECTION OF OFFICERS:

Ms. Moody opened the floor for nominations for the office of President.

Mr. Henry nominated Mr. Ellis to serve as President. There being no further nominations, Ms. Moody declared the nominations closed. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Voting against: none. Motion carried, Mr. Ellis will serve as President for 2018.

Ms. Moody opened the floor for nominations for the Vice-President.

Ms. Carey nominated Mr. Henry to serve as Vice-President. There being no further nominations, Ms. Moody declared the nominations closed. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensley and Ms. Sipe. Voting against: none. Motion carried, Mr. Henry will serve as Vice-President for 2018.

MINUTES:

Mr. Henry made a motion to approve the October, 2017 regular monthly meeting minutes. Ms. Hensley seconded the motion. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Voting against: none. Motion carried, October, 2017 minutes approved.

UNFINISHED BUSINESS:

BZA 20-17 Jurisdiction: Board of Zoning Appeals

Special Use Being a continuation of 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.

Mr. McKeel, 6600 W. 850 N., Gaston, Indiana, appeared. He stated he has been able to remove a few cars but the weather had been a problem.

Brandon Mundell, 404 S. Morrison, Muncie, Indiana appeared. He stated in November he and Mr. McKeel met with the staff to develop a plan for the property clean-up. He stated the plan discusses removal of vehicles at an average of 4 per month, starting in March 2018, with the goal being to leave about 75 Corvairs at the end of four years. He also stated the plan described rearranging the cars and adding plantings so that they are less visible from the road. He stated a shipping container for storage of some of the car parts was also part of the clean-up plans.

Ms. Moody stated the plans show a suggestion of where plantings and a shipping container could be placed to help block the view of the vehicles that remain on the property. She stated one of the existing buildings would need to be removed due to its poor condition and the shipping container could take its place. She also stated the MPC had previous motions to not allow expansion and no equipment. She stated the BZA would have the final decision limiting the variance to Mr. McKeel with a closure plan in 4 years, and no new cars added.

Ms. McKeel stated that IDEM inspected his property and said he is not in violation of any of their rules. He stated he has that letter and would bring it to the staff.

Ms. Moody stated the property management plan stated that upon the death of Mr. McKeel, Mr. Mundell would become responsible for finishing the clean-up of the property. Ms. Moody stated this should also include if Mr. McKeel was physically unable to continue the clean-up.

Dixie Smith, 6700 W. 850 N., Gaston, Indiana, appeared. She asked the Board to explain exactly what all of this would mean.

Ms. Moody stated it was a plan to clean-up the property, remove most of the cars, and provide screening to help block the view for the neighbors.

David Smith, 6700 W. 850 N., Gaston, Indiana, appeared. He asked if the property would become farmland upon Mr. McKeel's death.

Ms. Moody stated it was still a residence and could continue to have the house.

Mr. Smith asked how they could have information on what was decided.

Ms. Moody stated when the BZA takes action all of the conditions to the variance would be public record.

Ms. Quirk stated the plan means Mr. Mundell would take the responsibility of finishing the clean-up.

Mr. Smith asked if Mr. McKeel passes away, how long would Mr. Mundell have to finish.

Ms. Moody stated if that happens, Mr. Mundell would have 1 year to finish.

Ms. Quirk stated this plan is a 4 year plan.

Ms. Moody stated the buffering would be required to be installed as soon as the weather permits.

Ms. Quirk stated if Mr. McKeel could not finish for any reason, Mr. Mundell would take over responsibility of the clean-up and he would have 1 year to finish.

Mr. Smith asked who monitors the progress of the clean-up.

Ms. Moody stated the Administrative Zoning Officer who is the enforcement officer for the zoning ordinance and is also the Building Commissioner, is Steve Minnick and he would conduct regular inspections.

Mr. Smith asked what happens if he does not comply with the rules.

Ms. Moody stated if Mr. McKeel does not comply the BZA could void the variance and if clean-up was not immediate, he would go through a court process. She stated the property management plan was a way to try and avoid the cost of going to court.

No one appeared in opposition.

Ms. Carey made a motion to approve BZA 20-17, the appeal of Michael and Sheryl McKeel with the hardship as stated in the application with the following conditions: 1) That the property management plan stay in place and 2) That the recommended conditions in the case analysis be set forth. Motion failed due to lack of second.

Ms. Moody stated the Board can forward the case to the BZA with a favorable recommendation, unfavorable recommendation or with no recommendation. She stated the Board can send a recommendation to the BZA that conditions be considered.

Mr. Henry made a motion for an unfavorable recommendation of BZA 20-17, the appeal of Michael and Sheryl McKeel with the hardship as stated in the application. Ms. Sipe seconded the motion. Voting in favor: Mr. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Voting against: Ms. Carey. No official action, Automatically continued to the February 1, 2018 regular monthly meeting.

OTHER BUSINESS:

MPC 01-18A Jurisdiction: County Commissioners

Being a resolution of approval to amend the text of the Delaware County Subdivision Ordinance regarding public notice, the process for minor plats of 4 lots or less, and allowing the transfer of property between adjacent parcels without platting.

Ms. Moody stated the City’s Subdivision Ordinance allows for the transfer of pieces of land between adjoining properties without needing to be considered a subdivision. She stated the County’s Ordinance does not have that same language, so a transfer could not take place without going through the subdivision process. She also stated the City Ordinance allows for minor plats to create 4 or fewer lots with no new streets to go directly to the Plat Committee. She stated the County Ordinance does not have a similar provision, so this would allow the same minor plat procedure. She also stated the text regarding public notice was changed from 15 days to say in accordance with State Law.

Mr. Henry made a motion to approve the amendments to the Delaware County Subdivision Ordinance. Ms. Hensley seconded the motion. Voting in favor: Ms. Carey, Ms. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Voting against: none. Motion carried, favorable recommendation to be forwarded to the County Commissioners for induction at the January 16,, 2018 regular meeting..

REPORT FROM DIRECTOR:

Ms Moody stated the Board had positions that need to be appointed and confirmed. One was for the Village Review Committee, which had been Phil Tevis and the other was for the Plat Committee which was Ricki Sipe.

Mr. Henry nominated Phil Tevis to be appointed to the Village Review Committee. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensley, and Ms. Sipe. Voting against: none. Motion carried, Phil Tevis appointed to the Village Review Committee for 2018-2020 term.

Mr. Henry made a motion to appoint Ricki Sipe to the Plat Committee and to confirm all other members which were Clarence Hensley, Duke Campbell, Angie Moyer and Marta Moody. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Ellis, Mr. Henry, Ms. Hensly, and Ms. Sipe. Voting against: none. Motion carried, Rickie Sipe will serve on the Plat Committee.

ADJOURNMENT:

There being no further business the meeting was adjourned.

Andrew Ellis, President

Marta Moody, Secretary