

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
AUGUST 2025 REGULAR MONTHLY MEETING
AGENDA**

DATE: August 7th, 2025

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

	Board Member	Appointed By	Term
President	Chris Smith	Mayor of Muncie	01/01/2024 to 12/31/2026
Vice Pres.	Nate Carroll	Mayor of Muncie	01/01/2024 to 12/31/2026
	Stephen Brand	County Commissioner Rep.	01/01/2025 to 12/31/2025
	Dustin Clark	Mayor of Muncie	11/21/2024 to 12/31/2025
	Jerry Dishman	City Council Rep.	01/01/2025 to 12/31/2025
	Teresa Hensley	County Commissioners	01/01/2024 to 12/31/2026
	Jesse Landess	County Commissioners	01/01/2025 to 12/31/2025
	Michele Owen	Mayor of Muncie	01/01/2023 to 12/31/2025
	Rickie Sipe	County Commissioners	01/01/2025 to 12/31/2027

Advisory Members

Tom Borchers	Justin Curley	Adam Leach
County Surveyor	Purdue Ext. Educator	City Engineer

MINUTES: Consideration of the June 2025 regular meeting minutes.

NEW BUSINESS:

MPC 13-25Z Jurisdiction: City Council

Parcels: 11-05-276-001-000, 11-05-253-001-000, 11-05-253-002-000, 11-05-253-003-000

Being a consideration of an appeal filed by **Bradburn Realty, L.P.** 5501 West Oakbrook Court, Muncie, Indiana, requesting a change in zone from the R-3 Residence Zone to the BC Community Business Zone on premises located at 2011 West McGalliard Road, 2300 Block West McGalliard Road, 3100 Block North Winston Drive, and 3100 North Winston Drive, all in Muncie, Indiana, as more accurately described in the application.

MPC 14-25Z Jurisdiction: City Council

Parcels: 11-04-455-009-000

Being a consideration of an appeal filed by **Benjamin M. and Belinda D. Hughes**, 513 Wintergreen Avenue, Yorktown, Indiana, requesting a change in zone from the R-4 Residence Zone to the BC Community Business Zone on premises located at 1600 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

MPC 15-25Z Jurisdiction: City Council

Parcels: 11-10-154-006-000

Being a consideration of an appeal filed by **CRU Properties, LLC**, 1314 South Brotherton Street, Muncie, Indiana, requesting a change in zone from the R-5 Residence Zone to the CB Central Business Zone on premises located at 718 North Walnut Street, Muncie, Indiana, as more accurately described in the application.

LEGISLATIVE ACTION:

DIRECTOR'S REPORT:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
AUGUST 2025 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, August 7, 2025 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. President Chris Smith called the meeting to order.

ROLL CALL:

Ms. Swackhamer called roll and the following members were present: Mr. Brand, Mr. Borchers, Mr. Carroll, Mr. Dishman, Mr. Landess, Ms. Owen, Ms. Sipe, and Mr. Smith. Absent: Mr. Clark, Mr. Curley, Ms. Hensley, and Mr. Leach. Also present: Mr. Murphy, attorney for the Board.

MINUTES:

Mr. Landess made a motion to approve the June, 2025 regular meeting minutes. Ms. Owen seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Dishman, Mr. Landess, Ms. Owen, Ms. Sipe, and Mr. Smith. Voting against: None. Motion carried, June 2025 minutes approved.

NEW BUSINESS:

MPC 13-25Z Jurisdiction: City Council

**Parcels: 11-05-276-001-000, 11-05-253-001-000, 11-05-253-002-000,
11-05-253-003-000**

Being a consideration of an appeal filed by **Bradburn Realty, L.P.** 5501 West Oakbrook Court, Muncie, Indiana, requesting a change in zone from the R-3 Residence Zone to the BC Community Business Zone on premises located at 2011 West McGalliard Road, 2300 Block West McGalliard Road, 3100 Block North Winston Drive, and 3100 North Winston Drive, all in Muncie, Indiana, as more accurately described in the application.

David Carnes, attorney with Dennis Wenger and Abrel, 324 W. Jackson St., Muncie, Indiana, appeared to represent the seller and the buyer on this property. He stated that they were requesting a change in zoning from the R-3 Residence Zone to the BC Community Business Zone and that when considering development, they looked at adjacent properties along McGalliard and found that they were zoned Variety Business. He stated that in their research they found that in 2006 Bradburn Realty had discussed the vacation of plat restriction and limitations, and had over 80 homeowners in the neighborhood had signed that consent which removed this property from the plat. He stated that as part of those plat restrictions it was stated that Bradburn was seeking a rezoning of either Community Business or Major Trading Zones and that each resident that agreed was paid a compensation for that agreement. He stated that the document was signed by over 80 residents agreeing to support and not oppose the rezoning and that document was recorded. He stated that he would like to share with the Board that the rezoning would be for the development of an autism therapy center and felt that the Community Business Zone was the best fit and would allow the best use of the parcel.

Mr. Smith asked Mr. Carnes to explain the agreement from 2006 that was signed by Bradburn and those 80 residents.

Mr. Carnes stated that it was an agreement that stated that property owners agreed not to oppose the rezoning request from the R3 Residence Zone to the Community Business or Major Trading Zone and would agree to sign any necessary documents to allow Bradburn to accomplish that.

Mr. Smith asked how many of those 80 residents still lived there.

Mr. Carnes stated that there had been a lot of transition since 2006 and that many had moved, but that there still may be a handful of those that still lived there.

Mr. Landess asked if the residents were compensated to sign that agreement.

Mr. Carnes stated yes.

Mr. Landess asked if that agreement would have been disclosed when a property was sold and changed ownership.

Mr. Carnes stated that it was recorded with the Delaware County Recorder's Office and would be reflected in the title work.

Mr. Landess asked why they had not pursued the rezoning back in 2006 when the agreement was signed.

Mr. Carnes stated that they had been working on the project and ended up selling to the apartment complex. He stated that the remaining property from that agreement never had an interested buyer until now.

Mr. Landess asked if the 2006 agreement would continue indefinitely since those owners were compensated, even if new owners were not informed of the agreement.

Mr. Carnes stated that he represents the buyer and that their argument was that it would run with the land since those owners were paid \$2,000 and was a valid consent that would be reflected on the title work and any new buyer would have had an opportunity to ask questions.

Mr. Murphy stated that the buyers were on notice, but that would not bind this Board and that they could listen to those individuals regarding the impact of those recorded documents and make their own decision on the request.

Mr. Smith asked if that agreement from 2006 stated that the 80 people signing would not oppose a rezoning.

Mr. Murphy stated yes.

Mr. Smith asked if Mr. Carnes knew how many lots were in that neighborhood, and how many had signed.

Mr. Carnes stated that it had to be over 60% for the process. He stated that there would have been approximately 240 lots if they had all been developed.

Mr. Landess asked Ms. Sipe if this was a common occurrence.

Ms. Sipe stated that it was not common, but it was legal and recorded so the knowledge was there, and that a buyer had a number of days to object.

Mr. Landess asked if this kind of agreement could kill a deal.

Ms. Sipe stated that it would have been disclosed, and if the buyer went through with the purchase, they had accepted the agreement.

Mr. Brand stated that on the first page of the restrictions and limitations that Section 2 listed several lot numbers 8, 85, 86, 202, 203, 204, 205, 206, and 207. He asked if any of the 4 lots that they were requesting be rezoned were any of those lots listed in the agreement.

Mr. Carnes stated yes.

Mr. Brand stated that another part of the recorded agreement from 2006 stated that “no agreement shall be recorded as evidence of any owners consent until at least 80 consents had been received and the escrow money paid to the owners as provided in this paragraph”, and that Mr. Carnes had stated that this condition had been met.

Mr. Carnes stated that was correct.

Mr. Brand stated that the agreement further stated that “as part of the agreement that Bradburn will agree that the borders of the Bradburn property that abuts Belmonte Avenue will be screened from the neighborhood by construction of an earthen mound and planted with trees before or during commencements of any development”, and asked if that would still need to take place.

Mr. Carnes stated if it was to be part of Bradburn Drive yes, and that a lot of that had already been done with the development of the apartments. He stated that as part of the variance process the appropriate screening would be discussed.

Mr. Brand stated that question #10 references notifying the property owners within 300’ and asked if they had received any feedback from those who were notified.

Mr. Carnes stated that he had not received anything in his office but that the Plan Commission staff may have.

Mr. Brand asked Ms. Swackhamer if the office had received any feedback.

Ms. Swackhamer stated yes, and that some of those items had been provided in the packets when they were delivered and a few items had been received since those had been delivered and those items were provided at this time for review.

Mr. Carnes stated that aside from the consent, they believed that this was the highest and best zoning use for the property and that the residence zoning was not. He stated that in 2006 the owners looked into what would work best, and that he believed that was still best today.

Sue Weiland, 1224 W. Weber Dr., Muncie, Indiana, appeared in opposition and read her letter she submitted. “I would like to make a few points about the proposed rezoning. I understand that an autism center or clinic is being considered for the site. In your packet of information, there is a list of 5 other autism centers within a 3-mile radius of the site, including one just a few blocks away on Royal Drive. Furthermore, once the rezoning is in place and after the center closes, it opens the door for a Lo-Bob’s Tobacco Shop, a tattoo parlor, or yet another gas station. On the subject of traffic concerns and gas stations, I patronize the Shell Station at the corner of McGalliard and Oakwood. There are entrances from

both streets. People may turn in to the station from McGalliard, but they exit onto Oakwood. You can always tell when someone is unfamiliar with the area, they are the only ones trying vainly to exit back onto McGalliard until someone lets them in. Locals know better. Finally, about the concern of increased traffic through the neighborhood going too fast. I have a similar situation. I live way on the other side of the area on Weber Drive near Wheeling. On a weekday morning there are a lot of people going south on Wheeling to be stopped by the traffic light at Centennial. Many turn right onto Bethel heading toward work at the university or the hospital. Some people have discovered that they can circumvent the traffic light by turning onto my residential street before they hit the traffic light. They go west on Weber Drive, then turn south onto New York Avenue to arrive at the 4-way stop with Bethel. That way they can get ahead of a bunch of cars. To be sure that happens, they race down Weber and New York going 40-45 miles per hour. Increased traffic going too fast through the neighborhood might happen? No, it does happen. I have seen it. For me, it covers maybe 15 minutes in the morning. For Layne Crest it would be all of the time”.

Lucas Pint, 1909 N. New York Ave., Muncie, Indiana appeared in opposition. He asked that anyone living in the neighborhood, please stand before he began (~17 people stood). He stated that he was the President of Anthony Northside Neighborhood Association and that he lived in the Belmont Addition. He stated that he was speaking on behalf of dozens of residents asking the Board to reject the proposed rezoning. He stated that this request failed nearly every standard in the basis for a decision under Article XXXII, Section 4F of the Zoning Ordinance. He stated that approval would set a dangerous precedent for the City and for the neighborhood. He stated that property values would be harmed, and that commercial traffic and signage did not fit the expectations of a stable neighborhood. He stated that the Community Business zoning would allow for uses that did not fit the neighborhood, and violates basis #1. He stated that this was not the best use of the property, and that it was zoned residential for a reason and that the rezoning was out of character with the neighborhood which violates basis #2. He stated that the it was surrounded by residential homes and that the roads and infrastructure were not built to support commercial uses. He stated that this proposal would isolate a parcel for commercial use and would be spot zoning creating a commercial gateway into the neighborhood, and only benefiting one property owner while shifting the long-term impacts to the neighbors. He stated that the neighborhood was R3 and R5 zoning, and that the proposal was a commercial intrusion and spot zoning, and violated basis #3. He stated that Layne Crest had only 2 exit/entrance points for 147 homes, and that this would increase the traffic to streets that were already busy and backed up during sporting events beyond their capacity, violating basis #5. He stated that approving this change would open the door for future development such as gas stations, and was not good zoning practice and that once this was rezoned, it could not easily be reversed and violated basis #7. He stated that they respected the intent to provide autism services but that the location was wrong. He stated that safety, congestion, and compatibility must come first, and that this proposal violates multiple standards and placed their community at risk. He stated that they were not against progress, they were against reckless, incompatible developments that threatened families, homes, and emergency access. He stated that they urged the Board to follow the ordinance, protect the neighborhood, and deny the rezoning request.

Mathew Spurka, a resident of the subdivision since 2011, appeared in opposition. He stated that he moved in after the 2006 agreement, and that he had not even heard of that until the development of the complex and that it was shocking to many of the residents. He stated that it was difficult to hear that as a homeowner that they were forced into something. He that he had raised his kids there since 2011 and that the subdivision had changed in past 10 years with even more children in the area, and that his biggest concern was the safety. He stated that when McGalliard backed up from traffic headed east, that those cars turn into the subdivision to try and bypass that traffic. He stated that he would not repeat everything that had been already stated, but that this was a safety concern that he would like everyone to consider.

He stated that he believed that something should be built there but that if the proposed idea failed or changed, this could open the door for any development.

Kara Anderson, 3705 W. Heath Dr., Muncie, Indiana, appeared in opposition. She stated that her biggest concern was the residents and children of the neighborhood who were like family and friends to her. She stated that she was in the neighborhood a lot since she had family that lived there and that the traffic was already too fast with all of the kids playing. She stated that that her Pastor's wife lived in the neighborhood and had some memory loss, and that she went to the mailbox multiple times a day and that was a safety concern she had. She stated that her dad had suffered a stroke years ago, and was slow crossing the street and that there were many children in the area riding bikes and that these were all concerns she had for added traffic from the business coming and going.

Aaron Neff, 2737, Winston Dr., Muncie, Indiana, appeared in opposition. He stated the agreement was a contract with the property owner and Bradburn and did not remain with the land since the covenant did not bind to any future owners. He stated that most of the property owners that signed the agreement no longer live in the neighborhood and that 51% of the current neighborhood that did not sign the agreement were in opposition of the proposed rezoning. He stated that this was the second time that Bradburn had proposed the same rezoning request and that in 2011 MPC 04-11Z received an unfavorable recommendation and that the traffic at McGalliard was a major concern. He stated that in the past 14 years that nothing had changed regarding the traffic at McGalliard and Winston. He stated that he had brought this to Ms. Swackhamer attention and that she had reviewed the minutes of the previous request and it was the first she knew of that request. He stated that there was no guarantee that it would be used for an autism center since the developer did not have to state their intentions. He stated that they could rezone the property and then sell to someone and it could be developed to anything in that zone. He stated that McGalliard had the heaviest traffic Muncie with the area near the mall being the highest and the area near Tillotson being the 2nd highest. He stated that a traffic count from 2024 showed that 25,000 cars per day traveled the area of McGalliard just east of Tillotson and that it could be the highest trafficked area now since the mall was declining. He stated that the subdivision had only 2 exit/entrances and that adding a business would congest those areas and was not in character with a residential area.

Mr. Landess stated that Mr. Neff stated many facts, and that he would like know if he had signatures from the 51% of the neighbors in opposition.

Mr. Neff stated that he did and he was trying to get them all scanned and printed, but he did not want to be late for the meeting. He stated that Bradburn has had months to plan and that the neighbors only had the 10 days since the signs were posted to get everything together. He stated that he had them all and could provide them for the City Council meeting.

Mason Adams, 2908 N. Richmond, Muncie, Indiana, appeared in opposition. He stated that he was speaking as a father and as someone who owned and worked in the autism center that was mentioned earlier. He stated that ABA specifically, which was the science behind treatment of those with autism, had changed recently with the dramatic cuts in insurance. He stated that they would be struggling in the next few years and that another center in the area would potentially take clients from other centers and that there were not enough kids for the existing centers now. He stated that he was not here to promote his business but as things were shifting and changing and the population was not growing, the reality was that another center was not necessary. He stated that he had not planned to stay in the neighborhood but that over the past 5 years he had loved the area and that his kids can play outside and that if the proposed center was approved he would move.

Belinda Hughes, 513 Wintergreen, Yorktown, Indiana, appeared in opposition. She stated that when her son Gabe was 5 he was diagnosed with autism and that she had been an advocate in the community for the past 20 years. She stated that she worked with Ball State and started the ABA programs and had done a lot in the community since then and would continue to be a voice for her son. She stated that as a mother and a provider she understood the concerns of increased traffic. She stated that she had experienced her son running out into the road and having to chase after him and that as a provider, she had clients who demonstrated those same behaviors. She stated that her business properties were away from the road for this reason and that the location near McGalliard worried her as a mother and a provider.

Ruth Daley, 3017 N. Belmont, Muncie, Indiana, appeared in opposition. She stated that this was not an area where someone could make a left turn without some danger and that even turning right was difficult because there was so much traffic. She stated that this could be a bar and then the traffic would be driving through the neighborhood late at night and playing loud music. She stated that she had lived there for 40 years and that several times in the past they had asked the City for a no U Turn sign and that nothing had ever been done about that.

Gary Daley, 3017 N Belmont, Muncie, Indiana, appeared in opposition. He stated that he had lived there for over 40 years and that he remembered the contract that was signed by the 80 homeowners. He stated that as he recalled, there was an offer of \$2,000 and that they had a deadline by which they could sign the agreement. He stated that they had no choice but to sign the agreement because otherwise they would have been out the \$2,000 because of all the other homeowners that were signing.

Mr. Smith stated that the Board received a few additional items to be reviewed.

Ms. Swackhamer stated that those items included an email from Aaron Neff with attachments, and email from Misty King with a few attachments, and an email from Sue Weiland who also spoke tonight.

Jacob Grady, Southtree Commercial Developer, 201 Prospect Park, Petri City, Georgia, appeared. He stated that they would be the developer and that this was a tenant that they had worked with on several other projects in other states. He stated that they do tailored 1:1 therapy for their clients and that they would have approximately 25 clients over the course of the day and not all at one time so the traffic was not all at one time.

Mr. Carnes stated that he had worked on rezonings in the community for 20 years, and it was difficult when you don't know how traffic and other factors would impact an area. He stated that this was a 2-acre parcel on the corner and that the closest properties on McGalliard were commercial with residential behind them. He stated that he was unaware of the request from 2011 and would have liked to have had that information. He stated that the owner would likely never develop under the current R3 Zone and that the best future use of the property was to be in line with the other businesses that had formed along McGalliard. He stated that they did not believe that the development would affect the neighborhood, and that the corridor standards would have to be met or they would need to seek variance and that the Board had a very detailed plan that would have to be followed before development along McGalliard could begin. He stated that this was not spot zoning and that almost every parcel along McGalliard was Community Business, Variety Business, or Limited Business. He stated that this business would have appointment times and people coming throughout the day versus all at one time and would not have a huge impact on the area. He stated that 4 of the neighbors that spoke had either signed the agreement or the previous property owner had signed and that Mr. Daley had mentioned that he remembered the

circumstance of that agreement. He stated that the buffer was appropriate, and that this was one of the best uses that could be developed in that area and request a favorable recommendation.

Mr. Brand stated that the number of patients was one of his questions and thanked them for providing that. He stated that they did not have a proposed layout, and asked if the ingress/egress would be from McGalliard Road.

Mr. Carnes stated that there were 2 ingress/egress points on this property and that one would be directly to Winston Drive and that the other would go south to the apartments and then out on Winston Drive.

Mr. Brand asked if all entrances and exits would be on Winston Drive.

Mr. Carnes stated yes.

Mr. Brand stated that Mr. Carnes had stated that the agreement that was signed called the consent to vacation and plat restrictions, conditions, and limitations had been recorded, and asked if that document was recorded on the deed.

Mr. Carnes stated that the document was recorded like a deed and that deeds come as someone buys a property. He stated that he had the list of those who signed the agreement if the Board needed it.

Mr. Brand asked Mr. Borchers if he had any concerns of flooding or stormwater issues in that area.

Mr. Borchers stated that this area was in the City but that he had not heard of any issues.

Mr. Brand stated that one of the speakers had mentioned a bar and that in the agreement Bradburn stated that "under no circumstances shall the project be used for a tavern business or other offensive uses". He stated that under the current R3 Residence Zone, the permitted and special uses would include a single-unit dwelling, government buildings, public schools, private academic schools, churches, signs, accessory buildings, nursery schools, and child care center. He stated that under the current zoning, a child care center could be built on that property as it was currently zoned.

Ms. Swackhamer stated yes.

Mr. Brand stated that the special uses would include charitable institutions, hospitals cemeteries, home occupations, PUD's, and an accessory unit.

Mr. Smith stated that he could not remember how far the median on McGalliard extended, and asked if it was possible to come from Winston and turn west on McGalliard or if everyone would need to go east. Mr. Brand stated that he did not believe it was restricted, but that it would be difficult to turn left.

Mr. Carnes stated that as part of the corridor standards and going through the variances process they would have to meet with the City Engineer Adam Leach.

Ms. Sipe asked if they had a purchase agreement subject to the rezoning.

Mr. Carnes stated yes.

Ms. Sipe asked what hours the center would operate.

Mr. Grady stated they were generally 8:30 A.M. to 6:00 P.M.

Ms. Sipe asked if they also worked with children with drug problem or parents that have had issues with drugs.

Mr. Grady stated no, he stated that it was specifically for autism with Occupational Therapy, Physical Therapy, and Speech Therapy programs and services.

Ms. Sipe asked if they had any conducted any surveys to determine the need for this type of center.

Mr. Grady stated he had not but that the tenant had and that they felt this was the best area for this center.

Mr. Landess made a motion for an unfavorable recommendation for MPC 13-25Z requesting a change in zoning from the R3-Residence Zone to the BC Community Business Zone. Mr. Carroll seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Dishman, Mr. Landess, Ms. Owen, Ms. Sipe, and Mr. Smith. Motion carried, an unfavorable recommendation to be forwarded to City Council for introduction at their September 8, 2025 regular meeting.

MPC 14-25Z Jurisdiction: City Council

Parcels: 11-04-455-009-000

Being a consideration of an appeal filed by **Benjamin M. and Belinda D. Hughes**, 513 Wintergreen Avenue, Yorktown, Indiana, requesting a change in zone from the R-4 Residence Zone to the BC Community Business Zone on premises located at 1600 North Wheeling Avenue, Muncie, Indiana, as more accurately described in the application.

Belinda Hughes, 513 Wintergreen, Muncie, Indiana, appeared. She stated that the property was located next to the Family Dollar on Wheeling along with several other businesses. She stated at her son bought it on contract and had planned to live there for a while. She stated that they started B Coco 4 years ago and that they provided sensory items for individuals with special needs and recently started B Coco Baby to provide baby supplies and items and had added the Dad Den as well. She stated that B Coco was in their building at AcuTech and become more successful so they were looking to expand to this location on Wheeling. She stated that the building had been used as a business in the past and that they had a few improvements to do in order to open for business.

Mr. Smith asked for the name of the business and the anticipated hours of operation.

Ms. Hughes stated the name was B Coco. She stated that they were looking at a schedule of Thursday to Monday and that they had room for 4-5 cars to park and that they actually did more online.

Mr. Carroll asked if anyone would be living there or if it would only be for the business use.

Ms. Hughes stated that no one lived there now and would not in the future.

Ms. Owen asked if they anticipated holding events at the business location.

Ms. Hughes stated no.

Mr. Brand stated that Ms. Hughes mentioned 4-5 customers per day and asked how many parking spaces were there currently.

(speaker from the audience who was not audible)

Mr. Brand asked if they could turn around before exiting to Wheeling or if they would have to back out onto Wheeling.

Ms. Hughes stated that there was an alleyway and that they could turn around.

Mr. Brand asked if the alleyway exited onto the Bethel or if it turned onto Wheeling.

Ms. Hughes stated that it exited to Wheeling.

Mr. Landess asked Ms. Swackhamer if parking would be an issue.

Ms. Swackhamer stated that parking would be examined during the site plan review and would be based on the square footage and use of the building. She stated that they would need to meet the ordinance or seek variances.

No one appeared in opposition.

Mr. Carroll made a motion for a favorable recommendation for MPC 14-25Z requesting a change in zoning from the R-4 Residence Zone to the Community Business Zone. Ms. Sipe seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Dishman, Mr. Landess, Ms. Owen, Ms. Sipe, and Mr. Smith. Voting against: None. Motion carried, a favorable recommendation to be forwarded to City Council for introduction at their September 8, 2025 regular meeting.

MPC 15-25Z Jurisdiction: City Council

Parcels: 11-10-154-006-000

Being a consideration of an appeal filed by **CRU Properties, LLC**, 1314 South Brotherton Street, Muncie, Indiana, requesting a change in zone from the R-5 Residence Zone to the CB Central Business Zone on premises located at 718 North Walnut Street, Muncie, Indiana, as more accurately described in the application.

Jonathan Chambless, co-owner of CRU Properties, appeared. He stated that they were currently building townhomes and that they were in the process of replatting but in order to do that they all needed to be the same zoning.

Mr. Brand asked if this had been part of the original plan.

Mr. Chambless stated that a year ago they requested the same rezoning and withdrew that request. He stated that since they were building residential homes that they did not believe they needed to rezone.

Mr. Brand asked if that meant that they already had structures in progress on the property.

Mr. Chambless stated yes, they had the foundations in place for the land survey as part of the process.

Mr. Brand asked Mr. Borchers if he had any stormwater concerns.

Mr. Borchers stated there were none that he was aware of.

No one appeared in opposition.

Mr. Brand made a motion for a favorable recommendation for MPC 15-25Z requesting a change in zoning from the R-5 Residence Zone to the Central Business Zone. Ms. Owen seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Dishman, Mr. Landess, Ms. Owen, Ms. Sipe, and Mr. Smith. Voting against: None. Motion carried, a favorable recommendation to be forwarded to City Council for introduction at their September 8, 2025 regular meeting.

LEGISLATIVE ACTION:

Ms. Swackhamer stated that there were 2 rezonings which had been approved by City Council at the August 4, 2025 meeting. She stated they were; MPC 11-25Z for Robert Huddleston from the R-5 Residence Zone to the Variety Business Zone and MPC 12-25Z James R Daugherty from the R-1 to the R-5 Residence Zone. She also stated that MPC 03-25A which were text amendments to the City of Muncie Zoning Ordinance regarding lot width, lot coverage, setbacks, minimum floor area, and accessory dwellings had been approved by City Council. She stated that BZA 23-25, the special use request by Huffer Memorial Children's Center and Longfellow Pre-K had been approved by the BZA at their June 26, 2025 meeting.

DIRECTORS REPORT:

Ms. Swackhamer stated that she had supplied the Board with her monthly report of permits, inspections, variances, rezonings, and plats that had been filed. She stated that a second steering committee meeting regarding the pond ordinance had taken place and that Ms. Wilcox had been working on that document. She stated that the copy was ready for legal review and should be completed soon. She stated that Delaware County was currently updating the ADA Plan which was required to receive any federal funding and should be updated every three years and reviewed every year. She stated that the special meeting for the proposed solar ordinance was next week on August 12, at 6:00 P.M. in the Justice Center with the doors opening at 5:15 P.M. She stated that the Board had approved using the Alternate Rules of Conduct and that she had attached a copy for their review. She stated that she and Mr. Murphy had both received a few questions and thought it would be beneficial to go over them before the meeting.

Ms. Swackhamer stated that item #1 stated that "anyone wishing to speak is required to sign up to speak either in support or opposition and must do so prior to the beginning of the meeting". She stated that you must be present and sign up for yourself, and that there would be staff members to help with that process. She stated that the questions had been asked if you could sign in for someone else and the answer was no since the amount of speaking time was based on the number of individuals that signed in. She stated that each side would receive 1 hour to speak, and that once the sign in sheets are complete, the time would be determined; no less than 1 minute and no more than 3 minutes.

Mr. Dishman asked if anyone could pass unused time to another person.

Ms. Swackhamer stated no. She stated that people could not sign up, receive 3 minutes, and then give it away to another person.

Mr. Brand clarified that each side would still be limited to 60 minutes of time.

Ms. Swackhamer stated yes, however an attorney received a different amount of time and that was not taken from the 60 minutes.

Mr. Brand asked if each side would also receive the 5 minutes for rebuttal.

Ms. Swackhamer stated yes. She stated that last time the rebuttal period was opened up to those who wanted to speak and when the time was gone, it was gone, but we did not run out of time last time.

Mr. Murphy stated that the Board would need to strictly abide by the rules, and when the 5 minutes was up that was it. He stated that if someone was in the middle of speaking, maybe finish that thought, but there would be no more time for anyone else.

Mr. Brand stated that everyone should be respectful and not run over each other to get to the podium. He stated that the County Commissioners were responsible for the Justice Center and that the Fire Marshall had inspected that facility recently and that the upper seating in the auditorium was closed and would not be available. He stated that at the beginning of the meeting if anyone is in that area, he would be asking them to come down and he would ask President Smith not to start the meeting until they complied and moved. He stated that the front parking lot was mostly visitor parking and that the south lot was closed for construction of 2 new storm inlets and that they would be milling and restriping soon and that he hoped it would be open by August 12 for the meeting. He stated that there was still parking in the north lot and that the new Mental Health facility and the back parking lot both had available parking.

Ms. Swackhamer stated that staff would contact the Justice Center about blocking off that upper seating area or that we could make some signs.

Mr. Brand stated that Don Chambers was responsible for that, and that Ms. Swackhamer could check with him.

Mr. Dishman asked if there would be a Police presence there because at the last meeting there were a lot of rude comments made and that nothing was done.

Ms. Swackhamer stated, she had asked for that. She stated that part of the reason for having the meeting at the Justice Center was for that reason, and that Mr. Smith would go over the rules at the beginning of the meeting reminding people to be respectful and not use any foul language or that they would be removed.

Ms. Owen asked for clarification for a group that may have an attorney speaking for them.

Ms. Swackhamer stated that an attorney would have up to 30 minutes to speak.

Ms. Owen asked if that when then leave 30 minutes for the rest of the people signed up to speak.

Ms. Swackhamer stated that the attorney time was outside of the 60 minutes. She stated that an attorney needed to provide a list of individuals that they were speaking for and would have up to 30 minutes to speak based on that number.

Mr. Brand stated that the proposed ordinance from the Commissioner's was being considered, and asked if individuals would be speaking in favor of the ordinance or in favor of solar.

Mr. Murphy stated that it would in favor of the amendments.

Mr. Brand stated that they were speaking in favor of the amendments to the ordinance and not necessarily in favor or against solar.

Ms. Swackhamer stated that last year we went with those in favor of solar and those against solar. She stated that some people were supportive of solar but were in opposition to parts of the ordinance.

Mr. Murphy stated it was a little tricky since the last time it was consideration of the ordinance all together and that this time it was consideration of the amendments proposed by the Commissioners. He stated that since it was so complicated, people may be talking about being for solar and against the amendments during their time.

Mr. Smith stated it would be up to the speaker to determine how they would like to use their time.

Mr. Brand stated that the instructions could be to speak in favor of solar and in favor of the amendments during that time.

Ms. Swackhamer stated that from the public input she had received, there was a much more clear-cut group of people in favor of solar and against solar then there was of people for the ordinance and against the ordinance.

Mr. Brand stated that the instructions just needed to be clear at the meeting.

Ms. Swackhamer stated that if it was for or against the proposed ordinance, it would be heavy against based on comments she had received.

Ms. Owen asked if they could redirect comments if they were not related to something that was covered in the ordinance.

Ms. Swackhamer stated that the ordinance that was approved and placed on moratorium was being replaced by the entire proposed ordinance and had been on the website for the public to review. She stated that it was not simple a few words throughout, but the entire document which was also significantly longer than the prior ordinance.

Mr. Murphy stated that it might simplify things for the public and the Board to have people sign up either in favor or against solar. He stated that the Board was voting on whether or not to replace an existing solar ordinance with the amended ordinance.

Mr. Smith stated that maybe that was the message; speak in support or opposition of solar, but that the Board was there to vote on the amendments.

The Board agreed that this would simplify the process.

Mr. Brand stated that great care and concern was taken scheduling the meeting when all the Board members could be available and asked if all 9 members were still attending.

Ms. Swackhamer asked if we received a yes from all members.

Ms. Ingermann stated that when the meeting was set, a yes was received from all members.

Mr. Brand stated that unless there was an emergency he was encouraging everyone to show up.

Mr. Landess stated that he was trying to digest everything that he had been receiving. He asked if he could have a copy of the proposed ordinance.

Ms. Swackhamer stated that they had a copy of the proposed ordinance, and the previous ordinance with those meeting minutes which was live streamed.

Mr. Landess asked if the ordinance was passed, would this Board be discussing solar anymore.

Mr. Murphy stated that the Plan Commission Board and the County Commissioners had to agree on this ordinance. He stated that the Commissioners had passed an amendment. He stated that the Board could either pass the amendment, amend the amendment which then go back to the Commissioners, or reject the proposal.

Ms. Swackhamer stated that the final action was with the Commissioners, but solar was still considered a special use. She stated that all special uses application started with the Plan Commission Board and then go to the BZA for final action.

Mr. Landess asked if the BZA was involved in the ordinance process.

Ms. Swackhamer stated no.

Mr. Smith asked if the ordinance could be voted on as a whole document or if they could break it down by sections.

Mr. Murphy stated that however the Board wanted to handle that was up to them and there were ultimately 3 options, to accept as is, to amend parts, or to reject the proposal.

Ms. Swackhamer stated that in 2023 it was voted on in sections to keep the motion manageable if multiple things had been changed.

Mr. Carroll asked if that would all happen before the public had a chance to speak.

Mr. Murphy stated no, it would be after public comments.

Mr. Landess asked who would be the person to decide if someone needed to be removed.

Ms. Swackhamer stated it would be Mr. Smith.

Mr. Brand stated that the Board could make a recommendation to Mr. Smith, but it was his decision.

Mr. Smith stated that in his mind, if someone was over speaking or being disruptive, he would ask them to quiet down and that if they did not he would call for them to be removed. He stated that the vulgar language or cursing would be a direct removal.

Mr. Brand stated that he should set those expectations at the beginning of the meeting.

Mr. Smith stated that he had spoken to Ms. Swackhamer about that.

Mr. Landess stated that at the previous meeting there was a lack of leadership from the authorities to calm everything down and that people should not have been aloud to call names and curse at people. He stated that that Board left in groups because of the atmosphere and how people were allowed to cross the line, and that Mr. Smith would have to be very stern.

Mr. Smith asked if the Sherriff was in charge.

Ms. Swackhamer stated it was the Sherriff. She stated that another thing that happened at the 2023 meeting was that people came onto the stage and that she was asking that officers be at the stairs and not allow anyone to approach the members.

Ms. Swackhamer mentioned that the September 4th MPC meeting would be held at the EMA building due to budget hearings in this court room.

ADJOURNMENT:

Chris Smith, President

Kylene Swackhamer, Secretary