

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JUNE - 2019 REGULAR MONTHLY MEETING
AGENDA**

DATE: June 6, 2019

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

Advisory Members

Duke Campbell	Mark Carter	Tom Borchers
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MINUTES: Consideration of the May 2, 2019 regular monthly meeting minutes.

NEW BUSINESS:

**BZA 16-19
Special Use** **Jurisdiction: Board of Zoning Appeals**
Being a consideration of an appeal filed by **Paul Holeman**, 7700 W. Kilgore Ave., Yorktown, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XIV, Section 2, to allow a charitable institution office in an existing dwelling with variances from Article IX, Section 8 to allow decreased distances to an adjacent owner's property line on premises located at 1715 N. Tillotson Ave., Muncie, Indiana, as more accurately described in the application.

**BZA 17-19
Special Use** **Jurisdiction: Board of Zoning Appeals**
Being a consideration of an appeal filed by **Jan Jirus**, 814 W. North St., Muncie, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 2, to allow an accessory dwelling on premises located at 814 W. North St., Muncie, Indiana, as more accurately described in the application.

MPC 04-19Z **Jurisdiction: City Council**
Being a public hearing on the matter of an application filed by **William D. Statom and Donald McClellan**, 400 N. High St., Suite 200, Muncie, Indiana, requesting a change in zone from the BP Business and Professional Office Zone to the BV Variety Business Zone on premises located at 3304 N. Reserve St., Muncie, Indiana, as more accurately described in the application.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

*Terms expiring; members serve until new appointments are made.

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JUNE - 2019 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, June 6, 2019 at 6:30 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. President Shannon Henry 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. Dishman, Mr. Ellis, Mr. Henry, Mr. Hensley, Mr. Mueller, and Ms. Sipe. Absent: Mr. Borchers, Mr. Campbell, Mr. Landess, and Mr. Vannatter. Also present: Ms Quirk, attorney for the Board.

MINUTES:

Ms. Carey made a motion to approve the May 2019 regular monthly meeting minutes. Ms. Sipe seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, May 2019 minutes approved.

NEW BUSINESS:

**BZA 16-19
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by **Paul Holeman**, 7700 W. Kilgore Ave., Yorktown, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XIV, Section 2, to allow a charitable institution office in an existing dwelling with variances from Article IX, Section 8 to allow decreased distances to an adjacent owner's property line on premises located at 1715 N. Tillotson Ave., Muncie, Indiana, as more accurately described in the application.

Maura Hoff, attorney with DeFur Voran, 400 S. Walnut St., Muncie, Indiana, appeared. She stated that she represents Paul Holeman and the Jackie L. Michael Foundation. She stated that Jackie was very passionate about animal rights and worked with ARF here in Muncie and had purchased and donated the property on Riggins Road to ARF. She stated that the foundation intended to use the house for their corporate office and that it would operate 9-5 and that the R-2 Residence Zone does permit a charitable institution if standards are met. She stated that the foundations operations would not be detrimental to the neighborhood or diminish the property values and that it would not produce additional traffic beyond a regular residence. She stated that the house was up to date and that the interior would continue to look like a home so that if the foundation was no longer using the house it could easily go back to a residential use. She stated that there was adequate drainage, utilities, landscape and parking and that they were not very close to any of the neighbors. She stated that they discovered the setback issue after they had filed and that they had not heard had not heard any concerns from those surrounding property owners who were notified of the request.

Mr. Mueller asked if there would be any type of signage on the property.

Ms. Hoff stated the foundation had considered a sign.

Ms. Moody stated that Ms. Hoff should contact staff so that the signage can be added to the request before going to the Board of Zoning Appeals.

Mr. Mueller made a motion for a favorable recommendation to approve BZA 16-19 the appeal of Paul Holeman. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, a favorable recommendation to be forwarded to the Board of Zoning Appeals for their June 27, 2019 regular monthly meeting.

**BZA 17-19
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by **Jan Jirus**, 814 W. North St., Muncie, Indiana, requesting a Special Use under the terms of the City of Muncie Comprehensive Zoning Ordinance, Article XVI, Section 2, to allow an accessory dwelling on premises located at 814 W. North St., Muncie, Indiana, as more accurately described in the application.

Jan Jirus, 814 W. North St., Muncie, Indiana, appeared. He stated that he would like to turn his existing garage into a 1 bedroom apartment for himself and then he would use his house as a rental.

Mr. Henry asked if the house was currently a rental.

Mr. Jirus stated that he lives in the house but he did not need that much space so he planned to use it as a rental.

Ms. Henry asked how many parking spaces were available.

Mr. Jirus stated that there was 5 spaces and room for 6.

Ms. Moody stated that there was probably room for 4 legal spaces and that would meet the requirements.

Mr. Ellis made a motion for a favorable recommendation for BZA 17-19 the appeal of Jan Jirus. Mr. Dishman seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, a favorable recommendation to be forwarded to the Board of Zoning Appeals for their June 27, 2019 regular monthly meeting.

MPC 04-19Z

Jurisdiction: City Council

Being a public hearing on the matter of an application filed by **William D. Statom and Donald McClellan**, 400 N. High St., Suite 200, Muncie, Indiana, requesting a change in zone from the BP Business and Professional Office Zone to the BV Variety Business Zone on premises located at 3304 N. Reserve St., Muncie, Indiana, as more accurately described in the application.

William Hughes, attorney with Beasley and Gilkison, 110 E. Charles St., Muncie, Indiana, appeared. He stated that he represents the applicant and was joined by Don McClellan one of the property owners, Chris

Dooley with Valvoline, and Mark Sturguss with ADM. He stated that the owners would like to combine this property with 2 other parcels along McGalliard that are presently zoned Variety Business to allow room for the Valvoline facility. He stated that the 2 existing houses would be removed to allow a new 2000 square foot building and that the new development would fully comply with standards including parking, landscape and buffering and signage. He stated that this was not a full service auto shop and that no vehicles would be parked here overnight. He stated that they do not have large semi truck deliveries and that the hours of operation would be 8:00 a.m. to 7:00 p.m. and shorter hours on the weekends and there would be 5-8 employees on site. He stated that this would not adversely change or affect the surrounding property owners and would be an opportunity to apply current commercial development standards along McGalliard. He stated that cars would enter at Reserve Street and then face south so that no headlights would be towards the residents and that there was a traffic signal at Reserve Street that would help.

Chris Dooley, Manager of pre-construction for Valvoline Corporation, 100 Valvoline Way, Lexington, Kentucky, appeared. He stated that this would be a 3 service bay station with a pit style work area. He stated that all of the work would be done inside and would not be visible which also helps with noise control. He stated that this was a drive thru station and that the customer would not leave their vehicle to have the work done which would mostly be fluid changes and some tire rotations and that cameras show all of the work being done. He stated that each vehicle should be done within 15 minutes and that it should have a minimal impact on traffic. He stated that construction of the pit was a 12 inch concrete wall wrapped in membrane designed to keep all fluids in the building in case of a spill and that all the fluids were 100% recycled. He stated that all of the lighting was LED and shielded so that adjacent properties would not be disturbed.

Ms. Carey asked if they had considered the southside of Muncie.

Mr. Dooley stated that he was looking in Greenwood, Carmel, Kokomo and Indy at this time.

Mr. Dishman asked if they would just be on the one property on McGallirad Road.

Mr. Dooley stated that it was 3 properties altogether.

Jerome Petty, 3305 N. Reserve St., Muncie, Indiana, appeared. He stated that the majority of his questions had been answered and that he just had concerns about the impact to the streets and the timing of the lights.

Ms. Hensley made a motion for a favorable recommendation for MPC 04-19Z, requesting a zone change from the BP Business and Professional Office Zone to the BV Variety Business Zone. Mr. Ellis seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, favorable recommendation to be forwarded to City Council for introduction at their July 1, 2019 regular meeting.

LEGISLATIVE ACTION:

Ms. Moody stated that MPC 02-19Z, the rezoning request of H&T Reality, LLC for a change in zoning from the R-3 Residence zone to the BV Variety Business zone had been approved by City Council. She stated that BZA 11-19, the request of 4300 Riverside, LLC for changes to an existing Planned Unit Development had been approved by the Board of Zoning Appeals.

REPORT FROM DIRECTOR:

Ms. Moody stated that Clarence Hensley had resigned from the Plat Committee, and that vacancy needed to be filled by the Plan Commission. She stated that she had talked to John Anderson with Muncie Sanitary District and Tom Borchers, County Surveyor and that they were both willing to serve a dual appointment. She stated that if the plat was located inside the Muncie Sanitary District’s jurisdiction, Mr. Anderson would be the representative and if located outside that jurisdiction it would be Mr. Borchers.

Ms. Sipe made a motion to approve John Anderson and Tom Borchers to serve a dual appointment on the Plat Committee. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Ellis, Mr. Henry, Ms. Hensley, Mr. Mueller, and Ms. Sipe. Voting against: none. Motion carried, John Anderson and Tom Borchers dual Plat Committee appointment approved.

ADJOURNMENT:

Shannon Henry, President

Marta Moody, Secretary