

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

DATE: September 5, 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	
Jerry Dishman	Teresa Hensley	Rickie Sipe
Andrew Ellis	Jesse Landess	Nathan Vannatter*
	Michael Mueller	

Advisory Members

Duke Campbell	Mark Carter	Tom Borchers
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MINUTES: Consideration of the July 11, 2019 regular monthly meeting minutes.

NEW BUSINESS:

MPC 06-19Z Jurisdiction: County Commissioners
Being a public hearing on the matter of an application filed by **E B Fuel Stops**, 10501 St Rt 118, Ansonia, Ohio, and **Randall F. Gorski II**, 7323 Edgerton Dr., Dallas, Texas, requesting a change in zone from the MHR Mobile Home Residence Zone to the BV Variety Business Zone on premises located on the northwest corner of N. SR 3 & E. SR 28, Muncie, Indiana, as more accurately described in the application.

MPC 08-19A Jurisdiction: Delaware-Muncie Metropolitan Plan Commission
Being an appeal filed by **Indiana ABC Apprenticeship Trust**, 5001 N. Shadeland Ave., Indianapolis, Indiana, and **Muncie 67-400 Partners, LLC**, 5252 Booth Rd., Liberty, Indiana, concerning the denial of the plat known as ABC-DG Subdivision.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, September 5, 2019 at 6:00 P.M., in the Title IV D 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: Mr. Borchers, Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, and Mr. Landess. Absent: Mr. Campbell, Mr. Carter, Mr. Ellis, Mr. Mueller, Ms. Sipe, and Mr. Vannatter. Also present: MS Quirk, attorney for the Board.

MINUTES:

Ms. Carey made a motion to approve the July, 2019 regular monthly meeting minutes. Mr. Dishman seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, and Mr. Henry. Voting against: none. Abstaining: Ms. Hensley and Mr. Landess. Motion failed, July, 2019 minutes continued to the October 3, 2019 regular monthly meeting.

NEW BUSINESS:

MPC 06-19Z Jurisdiction: County Commissioners

Being a public hearing on the matter of an application filed by **E B Fuel Stops**, 10501 St Rt 118, Ansonia, Ohio, and **Randall F. Gorski II**, 7323 Edgerton Dr., Dallas, Texas, requesting a change in zone from the MHR Mobile Home Residence Zone to the BV Variety Business Zone on premises located on the northwest corner of N. SR 3 & E. SR 28, Muncie, Indiana, as more accurately described in the application.

Mike Rubin with EB Fuel Stops, 10501 SR 118, Ansonia, Ohio, appeared. He stated that the intent was to develop a fuel stop with semi truck fueling facility. He stated it would not be as large as something like Love's truck stop and that it would have a small convenience store.

Mr. Henry asked how many trucks and cars this would be able to accommodate and if there would be overnight parking for the trucks.

Mr. Rubin stated that there would be fuel pumps for 5 trucks and 10 cars and that it would be fuel and that there would be no overnight stays.

Mr. Henry asked if they would be open 24 hours per day.

Mr. Rubin stated yes.

Angie Broyles, 1508 E Royerton Dr., Muncie, Indiana, appeared in opposition. She stated that there were 5 gas stations within 5 miles of this location and that there was an abandoned gas station across the street. She stated that there were 2 properties at that intersection that were already zoned variety business and that they were both abandoned and had concerns that the same thing could happen here. She stated that the traffic was

also a concern since there were turn lanes but no turn arrows and that semi trucks block visibility. She stated that this was a busy intersection with buses and drivers since Delta Schools and Royerton Schools were both down the road. She stated that when traffic does get backed up, people cut down Royerton Drive through the neighborhood and that they did not want more traffic coming down that road. She stated that she had concerns about the septic and if this development hooked up to the neighborhood system it could cause problems. She stated that the current plan shows 10 semi fueling spots and that they did not want them to be able to park overnight or on the roads for safety reasons.

Mike Catron, 1000 E CR 700N, Muncie, Indiana, appeared in opposition. He stated that he was not necessarily opposed to the development but had concerns about the runoff and if the county tile could handle it.

Mr. Henry asked Mr. Borchers if he had looked at the plans for this.

Mr. Borchers stated that there was a 15" tile that runs to the west of this site with access to open ditch and that he did not see a problem with it.

Ms. Moody stated that the drainage ordinance would require a permit. She stated that the development would be limited by the capacity of the outlet and cannot add to the runoff. She stated that this would need to be looked at when they develop their drainage plan.

Steven Spoonmore 9601 N. Hamilton Dr., Muncie, Indiana, appeared in opposition. He stated that he lives behind the old Speedway at that intersection and was concerned about having trucks parked and running along the road. He stated that the drainage runs across to the creek and when they have a flash flood the neighborhood already floods and adding a parking lot would be bad.

Jerry Dishman asked if they would need a drainage plan.

Ms. Moody stated yes.

Mr. Henry stated that the plans do show a retention pond.

Mr. Dishman stated he had concerns about the drainage and about trucks parking on the roads.

Ms. Carey stated that she had concerns since it was just down the road from the schools.

Mr. Dishman asked how many entrances there would be.

Ms. Moody stated that would be up to INDOT since both roads were state highways and that they should require a traffic impact study.

Mr. Dishman stated that he had the same concerns about flooding and trucks parking on the road.

Mr. Dishman made a motion to approve MPC 06-19Z, requesting a change in zoning from the MHR Mobile Home Residence Zone to the BV Variety Business Zone. Voting in favor: Ms. Carey, Mr. Henry, and Mr. Landess. Voting against: Mr. Dishman and Ms. Hensley. Motion failed, no official action. MPC 06-19Z automatically continued to the October 3, 2019 regular monthly meeting.

MPC 08-19A Jurisdiction: Delaware-Muncie Metropolitan Plan Commission

Being an appeal filed by **Indiana ABC Apprenticeship Trust**, 5001 N. Shadeland Ave., Indianapolis, Indiana, and **Muncie 67-400 Partners, LLC**, 5252 Booth Rd., Liberty, Indiana, concerning the denial of the plat known as ABC-DG Subdivision.

Maura Hoff attorney with DeFur Voran, 400 S. Walnut St., Muncie, Indiana, appeared to be represent the applicant. She stated that they would like to request a continuance to allow for more members to present.

Ms. Carey made a motion to continue MPC 08-19A to the October, 2019 regular meeting. Mr. Dishman seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Ms. Hensley, and Mr. Landess. Voting against: none. Motion carried, MPC 08-19A automatically continued to the October 3, 2019 regular monthly meeting.

Ms. Moody stated that no new notice would be sent to the surrounding property owners since it was automatically continued.

Mr. Henry asked how many people were here tonight for this request (most people raised their hands).

LEGISLATIVE ACTION:

Ms. Moody stated that the request by Pamela K. Terhune for a special use for an animal rescue with a veterinary clinic was approved by the Board of Zoning Appeals.

ADJOURNMENT:

Shannon Henry, President

Marta Moody, Secretary