

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

DATE: July 11, 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 June 6, 2019 regular monthly meeting minutes.

NEW BUSINESS:

MPC 05-19Z Jurisdiction: City Council
Being a public hearing on the matter of an application filed by **The BMH Foundation, Inc.**, 2401 W. University Ave., Muncie, Indiana, requesting a change in zone from the R-4 Residence Zone to the BV Variety Business Zone on premises located at 2501 W. Main St., Muncie, Indiana, as more accurately described in the application.

BZA 20-19 Jurisdiction: Board of Zoning Appeals
Special Use
Being a consideration of an appeal filed by **Pamela K. Terhune**, 4220 N. CR 500W., Muncie, Indiana, requesting Special Uses under the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 2, to allow a charitable institution and a veterinary hospital on premises located on the east side of the 3700-4100 Blocks of N. CR 500 W., Muncie, Indiana, as more accurately described in the application.

LEGISLATIVE ACTION:

REPORT FROM DIRECTOR:

ADJOURNMENT:

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

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, July 11, 2019 at 6:00 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: Mr. Borchers, Ms. Carey, Mr. Dishman, Mr. Henry, Mr. Mueller, Ms. Sipe, and Mr. Vannatter. Absent: Mr. Campbell, Mr. Carter, Mr. Ellis, Ms. Hensley, and Mr. Landess. Also present: Ms. Quirk, attorney for the Board.

MINUTES:

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

NEW BUSINESS:

MPC 05-19Z Jurisdiction: City Council

Being a public hearing on the matter of an application filed by **The BMH Foundation, Inc.**, 2401 W. University Ave., Muncie, Indiana, requesting a change in zone from the R-4 Residence Zone to the BV Variety Business Zone on premises located at 2501 W. Main St., Muncie, Indiana, as more accurately described in the application.

Maura Hoff, attorney with Defur Voran, 400 S. Walnut St., Muncie, Indiana appeared to represent the applicant. She stated that in order to develop the block owned by The BMH Foundation they would like to make the zoning consistent and all BV Variety Business Zone. She stated that they had also filed for a vacation of the alley and that was pending. She stated that the development would be a large greenhouse to include a restaurant and a drive-thru pick up for healthy fruits and vegetables. She stated that this block was on the edge of the Variety Business Zone and that this development would not harm the area but would add to the value. She stated that The BMH Foundation had owned this land for many years and that it was a natural progression of the things the hospital would like to do in the neighborhood. She stated that at this time they plan to redevelop the lot in compliance with the requirements and do not anticipate requesting any variances at this time.

Ms. Carey asked about the affordability to the community.

Jennifer Dale, Property Manager for The BMH Foundation, 2401 W University Ave., Muncie, Indiana, appeared. She stated that they were working with other organizations and physicians to provide vouchers for the fresh food.

No one appeared in opposition.

Mr. Vannatter made a motion to approve MPC 05-19Z, requesting a change in zone from R-4 Residence Zone to BV Variety Business Zone. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Dishman, Mr. Henry, Mr. Mueller, Ms. Sipe, and Mr. Vannatter. Voting against: none. Motion carried, favorable recommendation to be forwarded to City Council for introduction at their August 5, 2019 meeting.

**BZA 20-19
Special Use**

Jurisdiction: Board of Zoning Appeals

Being a consideration of an appeal filed by **Pamela K. Terhune**, 4220 N. CR 500W., Muncie, Indiana, requesting Special Uses under the terms of the Delaware County Comprehensive Zoning Ordinance, Article XII, Section 2, to allow a charitable institution and a veterinary hospital on premises located on the east side of the 3700-4100 Blocks of N. CR 500 W., Muncie, Indiana, as more accurately described in the application.

Pam Terhune, 4220 N. CR 500W, Muncie, Indiana, appeared.

Ms. Quirk stated that since she had been helping Ms. Terhune with the formation of the non-profit she would recues herself at this time.

Ms. Terhune stated the request was for an animal sanctuary and a veterinary hospital. She stated that to help support the nonprofit there would be businesses including a café, an ice cream store, coffee shop and farmers market. She stated that some of the programs would include animal assisted literacy, pets for vets, and visits to hospice care facilities and nursing homes with the pets.

Ms. Carey asked if the businesses would be for the public.

Ms. Terhune stated that there was a retail section on the site and they would be available for the community.

Mr. Henry asked if the retail shops would be to help fund the animal sanctuary.

Ms. Terhune stated yes.

Mr. Dishman stated that the animal sanctuary sounded wonderful and asked how this would affect the house that was right there.

Ms. Terhune stated that Mr. Reno owns that property and that he was present. She stated that before she bought the property she talked to him and that he was fine as long as there would be no housing additions or a large parking lot right by his house.

Ms. Carey stated that there were many people in attendance and asked if she had talked to all of the neighbors.

Ms. Terhune stated that they had talked to almost all of the surrounding property owners and discussed the plans.

Ms. Carey asked if this would be affordable for the community.

Ms. Terhune stated yes and that it was all for the community and the human to animal connection and that they had taken a week long course with Best Friends Sanctuary in Utah.

Ms. Carey asked if they would be similar to ARF.

Ms. Terhune stated that this would be unique because they would have indoor and outdoor areas so the animals would have access to come in and out as opposed to the stress of being in a small kennel. She stated that the animals would not have free run of the property that it would be a designated space and that they could be inside at night if anyone was concerned about the noise.

Mr. Mueller asked if there would be a maximum number of animals to be on site.

Michael Carson, 4220 N. CR 500W, Muncie, Indiana, appeared. He stated that there would be 3 phases to the development and that phase one would be approximately 200 dogs and 100 cats in the first year. He stated that in the final phase they could have up to 500 dogs and 400-500 cats. He stated that another service of the site would be pet lodging and that it was important to have people come on site to help with pet adoption and income.

Ms. Sipe asked if it would be just for dogs and cats.

Mr. Carson stated that in the second year they would take on wild animals and that would primarily be birds and rabbits and that they were looking for another property to possibly take bigger animals like horses and pigs. He stated that the sanctuary's goal was to save animal lives and that if someone found an injured animal they could rehabilitate those animals.

Mr. Henry asked if they would be providing someone to train the animals for the Pets for Vets program.

Ms. Terhune stated they would have trainers on staff.

Phil Dashler, 606 W. Haines Ave., Muncie, Indiana, appeared. He stated that he was a United States Airforce Veteran and a member of the Delaware County Honors Guard and veteran's issues were very close to his heart. He stated that there would be a program to board and look after the animals of active military members during deployment and that he supports this request and would be volunteering his time and that Nate Jones, Veterans Officer and his staff were all excited and willing to help.

Deb Havel, she stated that she was a clinical social worker and that there were scientific studies that prove the health benefits from interaction with animals.

Kathy Bland, 6401 W. Bethel Ave., Muncie, Indiana appeared. She stated that she lives just around the corner and that she had been in animal rescue her entire life. She stated that so many shelters suffer from overcrowding and that the sanctuary's spay and neuter program would help with that issue. She stated that this request would not only help the animals but that it would help the community and that people from all over the Midwest would come here to visit the sanctuary. She stated that she was in support of this request and that the plan to allow the animals some freedom to come in and out in designated areas would be wonderful for their overall health as well.

Ms. Carey stated that she was also concerned about other facilities being overcrowded and unable to take more animals.

Ms. Bland stated that there are never enough employees at those facilities to properly care for the animals and it would be easy to get volunteers to help at this facility.

Frank Delecki, 1903 N. Colson Dr., Muncie, Indiana, appeared. He stated that he lived in New York and Chicago until he moved here approximately 5 years ago. He stated that New York had the North Shore Animal League which was the largest no kill shelter in the world and that Chicago had PAWS Chicago and

both organizations have found homes for many animals. He stated that having an organization like this would bring lots of attention to the community and that was a good thing and he supports the request.

Sam Terhune, 304 S. Wintergreen Dr., Yorktown, Indiana, appeared. He stated that he was a reserve officer and a Delaware County 911 dispatcher and that they get many calls for animals. He stated that when they get calls for dogs they are referred to the shelters and for wildlife they have to be referred to surrounding counties because there is no facility in Delaware County. He stated that he was Pam's son and that she had been an animal supporter all of her life and wants to do good things.

Jim Showe, 4101 N. Manchester Rd., Muncie, Indiana, appeared. He stated that he was also a Veteran and that he had volunteered at ARF and the animal shelter. He stated that his main concern was the condition of the buildings and the small cages the animals were kept in. He asked for a show of hands of those in support. (Most were in support)

Sherry Skinner, 4734 Lakewood Hills, Anderson, Indiana, appeared. She stated that she was a family friend of Pam and that she was the most caring person she had ever met and that she would do anything to help people and animals. She stated that several of the proposed programs stood out including a safe haven for pets of domestic abuse victims and for military personnel being called to duty or for training so that those people can keep their pets during these times. She stated that she had a granddaughter with downs syndrome and the animal therapy was also a wonderful idea and this would be a great addition to Muncie and Delaware County.

Caroline Huston, 3531 Sloan Ave., Anderson, Indiana, appeared. She stated that she had worked at the YWCA in Muncie with homeless women and that she saw people choose to live in their car in order to keep their pets. She stated that another wonderful program was the literacy program and when children read to the animals there was no embarrassment if they did not know the words and this encourages them to continue reading.

Alan Ritchie, 3505 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he appreciates what they are trying to and that it was a huge undertaking. He stated that he had concerns for his property value and that he would like to see a specified time for the dogs to be inside at night. He stated that he could hear her few dogs and that having 500 on-site was a concern. He stated that he was also concerned about the proposed entertainment center and having music play at night and with the proposed restaurants and all of the employees and volunteers would there be adequate space for septic tanks. He stated that he was downhill from this property and if the retention pond did not hold all the water from parking lots and buildings it would come to his property.

Ed Reno, 3810 N. CR 500W, Muncie, Indiana, appeared in opposition. He passed out pictures to show that his property was in the middle of the proposed development. He stated that he had lived here for 19 years and that they have traffic and trucks coming and going all hours for Wasson's across the street and if approved this would add more traffic and make it very difficult to get in and out of his driveway. He stated that he was concerned about his property value and felt it would be very difficult to sell his house with all of this right next door.

Loretta Reno, 3810 N. CR 500W, Muncie, Indiana, appeared in opposition. She stated that when she was first notified of the request they were told it would only be a dog sanctuary and now there is going to be a veterinary clinic, pet cemetery, retail shops, restaurants, a concert area and so much more. She stated that she and her husband would now be boxed in by Wasson's and this new development and all the added noise and traffic. She stated that just the dog sanctuary would be ok but all of the other development would add too much traffic and noise.

Lynn Webb, 3909 N. CR 500W, Muncie, Indiana, appeared in opposition. She stated that she agrees with the traffic concerns and the decreased property value to her home. She stated that the noise from 500 dogs would be too much and that it was not something she wanted across the street from where she lives.

Rick Yencer 3100 N. CR 500W, Muncie, Indiana, appeared in opposition. He stated that he did not feel the utilities would be able to sustain this type of development. He stated that there was a lot of acreage along McGalliard that was commercially zoned with the utilities to support development and that he was against any more farm ground being converted into commercial property.

Ms. Sipe asked if approved, would they need to get permits.

Ms. Moody stated yes, they would need to get drainage permits and building permits based on professionally drawn plans.

Ms. Carey asked Ms. Terhune to address some of the concerns mentioned.

Ms. Terhune stated that the facility would close at 7:00 p.m. and that she was willing to keep the dogs inside at night. She stated that she was surprised to hear that neighbors were in opposition.

Mr. Henry stated that the drainage and some of the other concerns would be addressed through the required permits. He asked if having the dogs inside by 7:00 p.m. was feasible.

Ms. Trehune stated that they close at 7:00 p.m. and that they could have them inside by 8:00 p.m. She stated that they would have light jazz music playing on Sunday afternoons nothing loud and not a concert setup.

Ms. Moody explained the special use process and that if approved by the Board of Zoning Appeals conditions could be placed on the use.

Mr. Mueller made a motion to approve BZA 20-19 the appeal of Pamela Terhune with the hardship as stated in the application. Ms. Carey seconded the motion. Voting in favor: Ms. Carey, Mr. Henry, Mr. Mueller, Ms. Sipe, and Mr. Vannatter. Voting against: Mr. Dishman. Motion carried, a favorable recommendation to be forwarded to the Board of Zoning Appeals for their July 25, 2019 regular monthly meeting.

LEGISLATIVE ACTION:

Ms. Moody stated that the rezoning request of William Statom and Donald McClellan from the BP Business Professional Zone to the BV Variety Business zone was approved by City Council on July 1, 2019. She stated that the two special uses, one for a charitable institution and one for an accessory dwelling, were both approved by the Board of Zoning Appeals.

ADJOURNMENT:

Shannon Henry, President

Marta Moody, Secretary