

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
OCTOBER - 2022 REGULAR MONTHLY MEETING  
AGENDA**

**DATE:** October 6, 2022

**PLACE:** Commissioners' Court Room  
3<sup>rd</sup> Floor, Delaware County  
Building

**TIME:** 6:00 P.M.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Jerry Dishman	Allen Wiseley	
J. P. Hall	Teresa Hensley	Jud Motsenbocker
Shannon Henry	Rheaunna Jones	Rickie Sipe
	Jesse Landess	

**Advisory Members**

Tom Borchers	Justin Curly	Adam Leach
--------------	--------------	------------

**MINUTES:** Consideration of the August 4, 2022 regular monthly meeting minutes.

**TABLED BUSINESS:**

**MPC 08-19A ABC-DG Subdivision**

**OTHER BUSINESS:**

**MPC 05-22A Jurisdiction: County Commissioners**

Being a resolution of approval to amend the text of the Delaware County Comprehensive Zoning Ordinance regarding visibility at intersections; uses in the BL Limited Business Zone, the BV Variety Business Zone, and the IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; height of overall signs and pole signs; number of on-premise signs; including a name on a clustered use sign; and prohibited tree species.

**MPC 06-22A Jurisdiction: City Council**

Being a resolution of approval to amend the text of the City of Muncie Comprehensive Zoning Ordinance regarding visibility at intersections; uses in the BL Limited Business Zone, the BV Variety Business Zone, and the IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; ADA parking requirements; number of on-premise signs; height of pole signs; including a name on a clustered use sign; prohibited tree species; and gas station setbacks in the Corridor Development Standards.

**LEGISLATIVE ACTION:**

**REPORT FROM DIRECTOR:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
OCTOBER - 2022 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, October 6, 2022 at 6:00 P.M., in the Commissioners Court Room of the Delaware County Building, Muncie, Indiana. President Allen Wiseley called the meeting to order.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Ms. Moody called roll and the following members were present: Ms. Dishman, Mr. Hall, Mr. Henry, Mr. Motsenbocker, Ms. Sipe, and Mr. Wiseley. Absent: Mr. Borchers, Mr. Curly, Ms. Hensley, Ms. Jones, Mr. Landess, and Mr. Leach. Also absent: attorney for the Board.

**MINUTES:**

Ms. Sipe made a motion to approve the August 2022 regular monthly meeting minutes. Mr. Dishman seconded the motion. Voting in favor: Mr. Dishman, Mr. Hall, Mr. Henry, Mr. Motsenbocker, Ms. Sipe, and Mr. Wiseley. Voting against: None. Motion carried, August 2022 minutes approved.

**TABLED BUSINESS:**

**MPC 08-19A      ABC-DG Subdivision**

**OTHER BUSINESS:**

**MPC 05-22A      Jurisdiction: County Commissioners**

Being a resolution of approval to amend the text of the Delaware County Comprehensive Zoning Ordinance regarding visibility at intersections; uses in the BL Limited Business Zone, the BV Variety Business Zone, and the IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; height of overall signs and pole signs; number of on-premise signs; including a name on a clustered use sign; and prohibited tree species.

and,

**MPC 06-22A      Jurisdiction: City Council**

Being a resolution of approval to amend the text of the City of Muncie Comprehensive Zoning Ordinance regarding visibility at intersections; uses in the BL Limited Business Zone, the BV Variety Business Zone, and the IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; ADA parking requirements; number of on-premise signs; height of pole signs; including a name on a clustered use sign; prohibited tree species; and gas station setbacks in the Corridor Development Standards.

Ms. Moody stated that as staff works with developers and other professionals to review site plans, little items in the ordinance are found that need to be fixed. She referenced a few examples of this inconsistency which included signs that are listed in one section at 60' tall and in another 45' tall, and in the Industrial

Park Zone for a lot not subdivided and covenants had not been put into place, the Industrial performance standards would be used as precedence. She stated that this was an opportunity to make these things clear for those individuals that look at the ordinance but were not aware of some of these differences, and that she would be happy to go over each item if the Board had more questions.

Mr. Henry stated that the changes for the City and County appeared to be similar.

Ms. Moody stated that they were, the City had a few minor language differences regarding ADA parking requirements and one place in the corridor standards.

Mr. Henry made a motion to approve both MPC 05-22A and MPC 06-22A. Mr. Motsenbocker seconded the motion.

Mr. Hall asked if the changes were in response to a specific development.

Ms. Moody stated no, that over the course of time little edits like these need to be made and with no other business on the agenda, this was a good time to make these fixes.

Mr. Hall stated that he was glad this was not due to a specific development and stated that the bigger issue was that a new ordinance needed to be developed and that would typically follow an updated Comprehensive Plan. He stated that the Comp Plan sets the vision and that the ordinance is how we make that vision become reality and he had not heard much about the Comp Plan since it was approved. He stated that he had no context to make an educated decision on these changes and would like a staff recommendation to understand how these specific actions relate to the Comp Plan.

Ms. Moody stated that these changes were a staff recommendation.

Mr. Hall stated that there were going to be more recommendations if the ordinance is not looked at and updated.

Ms. Moody stated that she agreed and it would take \$250,000 for that update to happen.

Mr. Hall stated that it was the responsibility of the Board to help her find those resources to updated an ordinance that has been in place since the 1970's. He stated that he understood that there have been little updates over the years but to make things easier, but a full update was needed.

Ms. Moody stated that there have been some major changes over the years and these edits were not to make things easier, but to make the ordinances more consistent.

Mr. Hall stated that he understood that money and funding would always be an issue, but if we don't find a solution then it could be another 20 years that passes without any changes. He stated that everyone should help in finding the funding and develop an ordinance that aligns with the Comp Plan. He stated that not knowing where these edits are coming from or if they aligned with the Comp Plan was just a little confusing to him.

Ms. Moody stated that in principal she agreed with Ms. Hall but that he may be overthinking it just a little.

Ms. Hall stated that he did not think he was overthinking it he just feels this was a piece meal amendment to the zoning that was just a catch all for 5 or 6 different items. He stated that without looking at every single amendment, it was hard to have an educated opinion as to where these changes fit in the bigger picture of the Comp Plan.

Ms. Moody stated that as we move forward finding funding for an update, it was something that would take a while, and in the meantime, these little edits will help to make things consistent as we work towards new codes.

Mr. Hall stated that was a different way to look at things.

Ms. Wiseley asked if the \$250,000 was for the City and County together or if was for each.

Ms. Moody stated that it was for both.

Mr. Wiseley stated that means we were looking at \$125,000 for each.

Mr. Hall stated that if there was no urgency and that these edits were not in response to a specific development then he was not against approve the edits, which is what we had been doing for the past 40 years and that ultimately it needs a full update if there were more inconsistency in the ordinance.

Ms. Moody stated that it was not due to any developers.

Mr. Hall asked if it was fair to say that this was response to an ordinance that has inconsistencies and was over 40 years old.

Ms. Moody stated that there were inconsistencies that they were correcting.

Mr. Wiseley asked about MPC 06-22A, Section 12 which was dealing with the gas stations. He asked if the issue currently was with the setbacks being measured to the store versus the pumps.

Ms. Moody stated that if you measured the setbacks to the store and then the pumps were in front of the store, the 20' corridor standard placed those pumps very close to the road and did not fit with a gas station layout.

Ms. Moody stated just to clear that Mr. Henry had made a motion to approve both MPC 05-22A and MPC 06-22A and that Mr. Motsenbocker seconded the motion. Voting in favor: Mr. Dishman, Mr., Hall, Mr., Henry, Mr. Motsenbocker, Ms. Sipe, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation for MPC 05-22A will be forwarded to the County Commissioners for their October 24, 2022 regular meeting and a favorable recommendation for MPC 06-22A will be forwarded to City Council for their November 7, 2022 regular meeting.

#### **LEGISLATIVE ACTION:**

Ms. Moody reported that the rezoning for Rene Van Fleet requesting a zone change from R-2 and R-5 Residence zones to the BP Business and Professional zone, all for a new daycare was approved.

#### **REPORT FROM DIRECTOR:**

Ms. Moody passed out the 2023 meeting schedule for MPC and stated that no changes had to be made due to holidays. She stated the Solar Study Committee had a very productive September meeting and that since many of the members were farmers, they decided to skip October and have the next meeting in mid-November. She stated that she was very hopeful that they would have things finished in November and have the amendments ready for the January, 2023 meeting since the board does not have a regular December

meeting and then move on to the Commissioners' for their second meeting in January. She stated that the Commissioners' had instituted a moratorium and that was still in effect until mid-February, 2023.

Mr. Hall asked if there had been any compromises made.

Ms. Moody stated that there had been some compromises on some smaller items and that she may end up with a majority report and a minority report for the board to review because on some issues the committee was not going to come together.

Ms. Sipe asked if the committee members were taking into consideration that solar was the directions things were moving for the future.

Ms. Moody stated that the makeup of the committee was 3 against solar, 3 in favor of solar, and 3 who were neutral, and that the majority of the members did understand that, however there were 2 members who have not waived.

Ms. Wiseley asked if it would be possible to try and request funding before the City Council and County Commissioner's in January to do a rewrite of the ordinance.

Mr. Henry stated that should have happened before the budgets were turned in and that it would almost be better to wait until the next budget in June.

Ms. Moody stated that in the meantime they could start looking into some private funds like she did with the Comp Plan and to talk about either using the firm that did the Comp Plan or go through a request of quotes again.

Ms. Henry asked who the estimate came from.

Ms. Moody stated the \$250,00 estimate came from czb, LLC and that they were the ones who did the Comp Plan update.

Mr. Motsenbocker asked what the rewrite would cover.

Ms. Moody stated that it would be a major undertaking that would cover the entire zoning ordinance for the City and County and that in some cases, existing language would carry over into a new ordinance, just in a different format. She stated that one thought was to add graphics; for example in the case of signs, there could be images to explain what a monument sign is.

Mr. Hall asked if czb would negotiate that price since we had just recently worked with them and they have a lot of background information that they would need.

Ms. Moody stated that figure was just a starting point and that the selection process always has a negotiation period.

Mr. Hall stated that he feels now is the time to start moving forward on this since we just updated the Comp Plan.

Mr. Henry stated that he also agreed, but that it should happen at budget time.

Ms. Moody stated that waiting for the next budget gives more time to work through a selection and negotiation process, and that she completely agrees it was something that needs to be done. She stated that even though it needs to be done, business still needs to be taken care of and therefore we will still have these minor changes to take care of. She stated that when you write an ordinance it required some

homework, and that this would give us that time to get input from the individuals that use the ordinance daily.

Mr. Motsenbocker stated that doing a complete rewrite will take a long time and that he has a list started that he feels are things that need to be changed and that some were not going to be easy. He stated that for example, when the new sign ordinance was put into effect everyone should have had to comply with the new requirement within 10 years, now power lines need to be buried, and it is just a question of how far do you go with the ordinance requirements. He stated that a new auto parts store just went overboard with their landscaping and that when a new developer moves in they will tear it all out so it is difficult to put everything together to make it work. He stated that the staff are the ones who work with the ordinance everyday and that in his opinion, they are the ones we need to depend on to make the right choices.

Ms. Moody stated that it would not be an easy or quick process if we want to do it right and that once the public hearings start, there will be a lot of different opinions.

Ms. Hall stated that he felt that the standard had been lowered for a while and that developers will meet you where you set the standards and that Muncie and Delaware County needed to raise those standards. He stated that in his opinion, developers will take advantage of you if you do not set those higher standards.

Mr. Motsenbocker stated that he does agree to a certain extent but that he also does not understand why the auto parts store ever decided to build after everything they had to go through for approval. He stated that in his opinion, when a developer wants to build, we should be doing everything we can to help them instead of making it more difficult.

Ms. Moody stated that somewhere in between was the answer because we have suffered from the attitude of “any development is good development” for too long and that we need better quality development to attract people to the community.

Mr. Hall stated that it was false economy to expect any different outcome if we continue to do things the same way we have for the past 30 years. He stated that this was just a piece of a huge puzzle and that we were competing with other communities and that we cannot lower our standards.

Mr. Wiseley asked if there was an update on an attorney for the board.

Ms. Moody stated that the Plan Commission always appoints the attorney at the beginning of the year and since we would not have the solar amendments until that time, we could just wait.

ADJOURNMENT:

---

Allen Wiseley, President

---

Marta Moody, Secretary