

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
OCTOBER 2024 REGULAR MONTHLY MEETING  
AGENDA**

**DATE:** October 3, 2024

**PLACE:** Commissioners' Court Room  
100 W. Main St.  
Muncie, IN 47303

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

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Nathaniel Carroll  
Jerry Dishman  
Shannon Henry

Teresa Hensley\*  
Jesse Landess  
Michele Owen

Rickie Sipe  
Christopher Smith  
Allen Wiseley

**Advisory Members**

Tom Borchers

Justin Curley

Adam Leach

**MINUTES:** Consideration of the August, 2024 Meeting Minutes.

**New Business originally on the September 2024 Agenda:**

**MPC 10-24Z      Jurisdiction: County Commissioner's**  
Being a consideration of an appeal filed by **Daniel M. & Karen M. Ashton**, 8730 S CR 800W, Daleville, Indiana, requesting a change in zone from the R 1 Residence Zone and the BV Variety Business Zone to the F Farming Zone on premises located 12600 W CR 550S, 8880 S CR 800W and 8730 S CR 800W, as more accurately described in the application.

**NEW BUSINESS:**

**MPC 11-24Z      Jurisdiction: City of Muncie**  
Being a consideration of an appeal filed by **Drake Properties I LLC – Donna Drake**, P.O. Box 96 Eaton, Indiana, requesting a change in zone from the R 3 Residence Zone to the BV Variety Business Zone on premises located in the 3700 Block E Centennial Ave, Muncie, Indiana, as more accurately described in the application.

**MPC 12-24Z      Jurisdiction: City of Muncie**  
Being a consideration of an appeal filed by **Lehmans of Muncie INC, Tony Swearingin & John Primmer**, 805 W 13<sup>th</sup> Street, Muncie, Indiana, requesting a change in zone from the R 4 Residence Zone to the BV Variety Business Zone on premises located at 805 & 901 W 13<sup>th</sup> Street, as well as properties previously addressed as 813 & 905 W 13<sup>th</sup> Street, Muncie, Indiana, as more accurately described in the application.

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

**MPC 04-25A      Jurisdiction: Delaware County Commissioners**

Being a consideration of a Resolution of Approval to update the Delaware County Code Title 3, HEALTH AND ENVIRONMENT, Chapter 11, FLOODPLAIN MANAGEMENT. This proposal, if approved, will replace the current version of Chapter 11 which was approved in 2017.

**LEGISLATIVE ACTION:**

**DIRECTOR'S REPORT:**

**ADJOURNMENT:**

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
OCTOBER 2024 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on Thursday, October 3, 2024 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. Swackhamer called roll and the following members were present: Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Absent: Mr. Borchers, Mr. Curley, Mr. Landess, Mr. Leach, and Ms. Owen. Also present: Mr. Murphy, attorney for the Board.

**MINUTES:**

Mr. Henry made a motion to approve the August, 2024 regular monthly meeting minutes. Mr. Dishman seconded the motion. Voting in favor: Mr. Dishman, Mr. Henry, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Abstaining: Ms. Hensley. Motion carried, August 2024 minutes approved.

**NEW BUSINESS ORIGINALLY ON THE SEPTEMBER 2024 AGENDA:**

**MPC 10-24Z      Jurisdiction: County Commissioner's**

Being a consideration of an appeal filed by **Daniel M. & Karen M. Ashton**, 8730 S CR 800W, Daleville, Indiana, requesting a change in zone from the R 1 Residence Zone and the BV Variety Business Zone to the F Farming Zone on premises located 12600 W CR 550S, 8880 S CR 800W and 8730 S CR 800W, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that the goal was to divide out a part of the parcel on the southside of the property that was in the Variety Business zone. She stated that the west parcel had an R5 Residence Zoning and that they would be rezoning everything to the F Farming Zone so that it can be combined. She stated that this would help clean up some of the parcels that were landlocked.

Mr. Wiseley asked if there was a business use on the southern parcel.

Ms. Vannice stated no, and that it was not intended to have business use, but that it did not qualify to be rezoned to the F Farming zone.

Mr. Smith stated that in the description it was explained that 8880 W CR 800W was split between Farming Zone and Variety Business, but when he looked at the map, 8880 W CR 800W was residential zoning.

Mr. Wiseley stated that it was actually the property behind 12690, and did not have an address point since it was vacant.

No one appeared in opposition.

Mr. Henry made a motion for a favorable recommendation for MPC 10-24Z, requesting a change in zone from the R 1 Residence Zone and the BV Variety Business Zone to the F Farming Zone. Ms. Hensley seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation will be forwarded to the County Commissioners for their October 21, 2024 meeting.

## **NEW BUSINESS:**

### **MPC 11-24Z      Jurisdiction: City of Muncie**

Being a consideration of an appeal filed by **Drake Properties I LLC – Donna Drake**, P.O. Box 96 Eaton, Indiana, requesting a change in zone from the R 3 Residence Zone to the BV Variety Business Zone on premises located in the 3700 Block E Centennial Ave, Muncie, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie IN, appeared to represent the applicant. She stated that they had platted lot 2, and that the goal was to sell the parcels to the north to the property owners to the east. She stated that the property to the east was zoned Variety Business, and they would need to rezone in order to combine those parcels.

Mr. Wiseley asked if Drake Properties was trying to sell lot 2 and the northern acreage to the adjoining neighbor.

Ms. Vannice stated yes.

Mr. Wiseley asked who owned the parcel to the east.

Ms. Vannice stated that she believed Hurley Tank Transport Inc. was the owner.

Anthony Rieger, 4008 E. Centennial Ave., Muncie, Indiana, appeared in opposition. He stated that he had submitted a written statement and that he did not appreciate the way the owner had gone about this. He stated that Ms. Drake indicated she had talked to all of the property owners, and that no one had talked to him or his wife. He stated that the first he had heard about this request was when he received the letter in the mail and that from what he understood, it would be a commercial development. He stated that they had already had enough problems with trespassing and people driving in his yard from the pest control company. He stated that they had driven over his septic

field, but luckily, he did not believe there had been any damage. He stated that they had small children and wanted to raise their family in this nice quiet area, but that this would force them to build a fence and plant trees that would cost them a lot of money. He stated that he did not know what actions can be taken, but this was his opportunity to voice his concerns and his opposition to the request.

Ms. Vannice asked if Mr. Rieger was to the west of the Drake property.

Mr. Wiseley stated that he was lot 1 to the south.

Ms. Vannice asked if there was a buffer required between a Residential and the Variety Business Zones.

Ms. Swackhamer stated that they would have to follow and met the development standards.

Ms. Vannice stated that in the buffer yard, a fence of at least 6' would be required and Ms. Drake would need to understand that was a requirement of those development standards.

Mr. Wiseley stated that the Board could make a motion to approve this as a single request, or they could separate the motion for the acreage and then for lot 2 since they were 2 individual parcels.

Mr. Henry asked about the existing building on lot 2 and if it would remain.

Ms. Vannice stated yes, it was an existing barn and it would remain. She stated that the property to the north was the one that Hurley Tank was interested in.

Mr. Wiseley stated as a reminder, this would be the Board's recommendation to City Council for final action.

Mr. Smith asked for clarification as to where Mr. Rieger lived.

Mr. Wiseley stated that looking at the case analysis, he was the property labeled 4008, which was lot 1 and that lot 2 was the L shaped property.

Ms. Swackhamer stated for the record, Mr. Rieger letter had been received and given to the Board.

Mr. Smith asked if by separating the motion, that would be one motion for lot 2 and a second motion for the acreage.

Mr. Wiseley stated yes.

Mr. Smith made a motion for an unfavorable recommendation for MPC 11-24Z, requesting a change in zoning from the R 3 Residence Zone to the BV Variety Business Zone, for lot 2, the 1.4 acre parcel of the subdivision. Mr. Dishman seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, an unfavorable recommendation will be forwarded to City Council for introduction at their November 4, 2024 meeting.

Mr. Dishman made a motion for an unfavorable recommendation for MPC 11-24Z, requesting a change in zoning from the R 3 Residence Zone to the BV Variety Business Zone the for the 4.97 acre parcel. Mr. Smith seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, an unfavorable recommendation will be forwarded to City Council for introduction at their November 4, 2024 meeting.

**MPC 12-24Z      Jurisdiction: City of Muncie**

Being a consideration of an appeal filed by **Lehmans of Muncie INC, Tony Swearingin & John Primmer**, 805 W 13<sup>th</sup> Street, Muncie, Indiana, requesting a change in zone from the R 4 Residence Zone to the BV Variety Business Zone on premises located at 805 & 901 W 13<sup>th</sup> Street, as well as properties previously addressed as 813 & 905 W 13<sup>th</sup> Street, Muncie, Indiana, as more accurately described in the application.

Kathy Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that a business had been operating at this location for over 50 years, and had no idea that they were in an R3-Residence Zone. She stated that in the process of combing the parcels that were now vacant, they discovered the zoning, and would like to change that to the Variety Business Zone.

Mr. Wiseley asked if Mr. Swearingin and Mr. Primmer were the owners of Lehmans of Muncie.

Ms. Vannice stated yes.

Mr. Wiseley asked if the goal was to combine all of the properties.

Ms. Vannice stated yes, and to come into compliance with the zoning since it was an existing business. She stated that if they decided to sell in the future, that would be a problem with lenders.

Mr. Wiseley stated that the maps show right of way dedication on 13<sup>th</sup> Street but not on 14<sup>th</sup> Street, and asked if that was correct.

Ms. Vannice stated that there were pieces of 13<sup>th</sup> Street that needed to be dedicated, and that they can write that in the legal description since they were not platting.

Mr. Wiseley stated that he had concerns about the right of way on 14<sup>th</sup> Street since the Board had been dealing with Gahrkey Park, and there were traffic concerns in that area.

Ms. Vannice stated that it was very narrow in that area.

Mr. Dishman asked what the existing business was.

Ms. Vannice stated that it was heating and cooling.

Jon Primmer, owner of Lehmans of Muncie Appeared. He stated that they were in the heating and air conditioning business and had been at this location since 1950. He stated that properties had not changed much in all those years, other than cleaning them up and maintaining them.

No one appeared in opposition.

Mr. Henry made a motion for a favorable recommendation for MPC 12-24Z, requesting a change in zoning from the R 4 Residence Zone to the BV Variety Business Zone. Mr. Carroll seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation will be forwarded to City Council for introduction at their November 4, 2024 meeting.

**MPC 04-24A      Jurisdiction: Delaware County Commissioners**

Being a consideration of a Resolution of Approval to update the Delaware County Code Title 3, HEALTH AND ENVIRONMENT, Chapter 11, FLOODPLAIN MANAGEMENT. This proposal, if approved, will replace the current version of Chapter 11 which was approved in 2017.

Mr. Wiseley stated that a redlined version had been provided to the Board, and asked Ms. Swackhamer to go over a few of those changes.

Ms. Swackhamer stated that staff had been working with the DNR for awhile to incorporate some of their recommendations into our ordinance so that we can continue to participate in the NFIP (National Floodplain Insurance Program). She stated that there was a little more about updating maps and reporting things to the DNR, and a little more in depth permitting requirements. She stated that there was also information on how to seek a variance if someone was in the floodplain and some of the record keeping requirements.

Mr. Wiseley asked if the average property owner in the floodplain would see any significant changes under the new ordinance.

Ms. Swackhamer stated no. She stated that whenever someone comes applied for a permit, one of the first things that was checked was if the property was in a floodplain. She stated that was automatically gets the process with DNR started. She stated that some additional information would be posted on the website to continue to make people aware of the floodplain ordinance. She stated that things that would not normally not need a permit, would if it was in the floodplain, for example, a fence in a floodplain.

Mr. Henry asked if those were new requirements from the DNR.

Ms. Swackhamer stated yes. She stated that this version had been approved by DNR after several times of little edits.

Mr. Wiseley stated that one of the other big changes he noticed was that they renamed some of the zones.

No one appeared in opposition.

Mr. Henry made a motion for a favorable recommendation of MPC 04-24A, a Resolution of Approval to update the Delaware County Code Title 3, HEALTH AND ENVIRONMENT, Chapter 11, FLOODPLAIN MANAGEMENT. Ms. Sipe seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, Mr. Henry, Ms. Hensley, Ms. Sipe, Mr. Smith, and Mr. Wiseley. Voting against: None. Motion carried, a favorable recommendation will be forwarded to the County Commissioners for their October 21, 2024 meeting.

## **DIRECTOR'S REPORT:**

Ms. Swackhamer stated the meeting schedule for 2025 had the first meeting of the year on January 2<sup>nd</sup>, and would like approval to move that to January 9<sup>th</sup>, to avoid the New Year Holiday. She stated that this would move the meeting and deadline forward one week.

By acclamation, the Board approved change of date to be January 9, 2025.

Ms. Swackhamer reported that she had provided the Board with her monthly report that included permits, fees collected, and inspections completed. She stated that 3 staff members had been doing the online training to meet the requirements of DNR as well as completing the Floodplain Ordinance. She stated that in Delaware County there were 107 policies covered by the NFIP, which was why following those guidelines was so important so those people can get those insurance benefits. She stated that the state fiscal year ended on June 30<sup>th</sup>, and that the Annual Completion report and List of Obligated Projects had been turned into to INDOT. She stated that the TPC had a new appointment from City Council, Sara Gullion, and that she would be attending the next meeting. She stated that the ADA Transition Plan was still be worked on, and that the RFQ's would go out in October. She stated that there had been an early coordination meeting with INDOT to go over the TIP, and that she had been receiving information from County, City, and Yorktown on projects that they would like to include. She stated that the TIP would be the next 4 years of projects that can receive those federal funds. She stated that the SS4A grant had made it to the selection process, and that they had a meeting to score and choose that consultant. She stated that she had also provided the amount of cases for the land use side of the office for the year to date. She stated that she had included a copy of the moratorium for solar that was now in place until March 1, 2025 for anyone submitting a permit. She stated that she did include information on an education and training that was geared towards community leaders, regarding solar since the research was still taking place. She stated that another opportunity for the public would be taking place at a later date. She stated that the budget hearings were mostly finished, and that our office had submitted a lot of information to County Council to explain how the office runs since they may not understand. She stated that a Principal Planner had been hired, which was great since that portion had been empty since she moved to the Executive Director position in January. She stated that Mr. Henry had asked about a pond ordinance, and that Courtney Pruitt, Tom Borchers, and Angie Moyer were all willing to contribute to that task. She stated that there had been previous research and a rough copy of an ordinance from several years ago, and that Ms. Pruitt and Mr. Borchers still had that information that might be helpful. She stated that there had been a request for an amendment to the City Subdivision Ordinance to include some language regarding trees. She stated that a



committee had been formed and that October 18 would be their first meeting to discuss that request.

Mr. Wiseley stated that he had started a new job, and that he would be working for Beasley and Gilkison, so this would be his last Plan Commission meeting. He stated that he had served on the Board for 4 years, with 3 years as the President and that he was very proud of what had been accomplished during that time. He stated that it had been a difficult time with the loss of Marta, and everything that had happened in those years but that he was very proud of his time on the Board.

Ms. Sipe stated that we were all very proud of him.

**ADJOURNMENT:**

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Allen Wiseley, President

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Kylene Swackhamer, Secretary