

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JANUARY 2025 REGULAR MONTHLY MEETING
AGENDA**

DATE: January 9, 2025

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

TIME: 6:00 P.M.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

ROLL CALL:

Nathaniel Carroll
Jerry Dishman

Shannon Henry
Teresa Hensley*
Jesse Landess

Michelle Owen
Rickie Sipe*
Christopher Smith

Advisory Members

Tom Borchers

Justin Curly

Adam Leach

CONFIRMATION OF ATTORNEY:

ELECTION OF OFFICERS:

MINUTES:

Consideration of the October, 2024 Regular Monthly Meeting minutes.

Consideration of the November, 2024 Regular Monthly Meeting minutes.

NEW BUSINESS:

MPC 01-25Z Jurisdiction: City Council

Being a consideration of an appeal filed by **Surmukh Singh**, 501 Jackson Street Anderson, Indiana, requesting a change in zone from the R-2 Residence Zone to the BV Variety Business Zone on premises located on the southside of Williamsburg Boulevard, ~385' east of Morrison Road, Muncie, Indiana, as more accurately described in the application.

MPC 02-25C Jurisdiction: City Council

Being a consideration of an appeal filed by **East Central Indiana Regional Planning District IN**, 1208 West White River Boulevard, Muncie, Indiana, requesting a change in zone from the R-4 Residence Zone to the BC Community Business Zone on premises located on the northwest corner of Memorial Drive and Sampson Avenue., Muncie, Indiana, as more accurately described in the application.

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

MPC 03-25Z **Jurisdiction: City Council**
Being a consideration of an appeal filed by **Mary Phillips, Calvin Carroll, and Amy Spangler**, 2524 South Macedonia Avenue., Muncie, Indiana, 47302, requesting a change in zone from the BV Variety Business Zone to the R-3 Residence Zone on premises located at 2524 South Macedonia Avenue, Muncie Indiana, as more accurately described in the application.

BZA 01-25 **Jurisdiction: Board of Zoning Appeals**
SPECIAL USE Being a consideration of an appeal filed by **Weybright Muncie, LLC and Cameron Sarah**, 6925 East 96th Street Suite 230, Indianapolis, Indiana. 46250, requesting a special use under the terms of the City Zoning Ordinance to allow an accessory dwelling for a new 619 square foot 1-unit, 1-bedroom apartment addition to an existing house in a single-family residence zone on premises located at 1121 West Marsh Street, Muncie, Indiana, as more accurately described in the application.

OTHER: **Jurisdiction: Delaware-Muncie Metropolitan Plan Commission**
Being a consideration of a request for a re-hearing for MPC 11-24Z, 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 of East Centennial Avenue, Muncie, Indiana.

LEGISLATIVE ACTION:

DIRECTOR’S REPORT:

ADJOURNMENT:

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
JANUARY 2025 REGULAR MONTHLY MEETING
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission (MPC) held its regular monthly meeting on Thursday, January 9, 2025 at 6:00 P.M., in the Commissioner's Court Room of the Delaware County Building, Muncie, Indiana. President Jerry Dishman called the meeting to order.

PLEDGE OF ALLEGIANCE:

INTRODUCTION/CONFIRMATION OF MEMBERS:

Ms. Swackhamer introduced two new Board Members. She introduced Dustin Clark, who was appointed by the Mayor of Muncie and would be serving the remainder of Allen Wiseley's term. She also introduced Commissioner Stephen Brand who would serve as the Commissioner's representative for the Board. She read the oath of office to the new members, who both responded with "I will".

ROLL CALL:

Ms. Swackhamer called roll and the following members were present: Mr. Borchers, Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Absent: Mr. Curley, Ms. Hensley, Mr. Leach, and Ms. Sipe. Also present: Mr. Murphy, attorney for the Board.

CONFIRMATION OF ATTORNEY:

Mr. Dishman made a motion to continue with Mr. Murphy as the Board attorney. Mr. Smith seconded the motion. There being no further nominations, Ms. Swackhamer declared the nominations closed, and called for a vote: Voting in favor: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Motion carried, Mr. Murphy will remain the attorney for the Board for 2025.

ELECTION OF OFFICERS:

Ms. Swackhamer opened the floor for nominations for Board President. Mr. Landess nominated Mr. Dishman to serve as President, Mr. Carroll seconded the nomination. Mr. Brand nominated Mr. Smith to serve as Board President, Mr. Clark seconded the nomination. There being no further nominations, Ms. Swackhamer declared the nominations closed and called for a vote: Voting in favor of Mr. Dishman to serve as President: Mr. Carroll, Mr. Dishman, and Mr. Landess. Voting in favor of Mr. Smith to serve as Vice President: Mr. Brand, Mr. Clark, Ms. Owen, and Mr. Smith. There being 2 members absent and vote of 4-3, Mr. Smith will serve as Board President for 2025.

Ms. Swackhamer opened the floor for nominations for Board Vice-President. Mr. Brand nominated Mr. Carroll to serve as Board Vice-President, Mr. Clark seconded the nomination. There being no further nominations, Ms. Swackhamer closed nominations and called for a vote:

Voting in favor of Mr. Carroll to serve as Vice-President: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Motion carried, Mr. Carroll will serve as Board Vice-President for 2025.

MINUTES:

Mr. Carroll made a motion to approve the October 2024 regular monthly meeting minutes. Mr. Brand seconded the motion. Voting in favor: Mr. Carroll, Mr. Dishman, and Mr. Smith. Voting against: None. Abstaining: Mr. Brand, Mr. Clark, Mr. Landess, and Ms. Owen. Mr. Murphy stated that the October 2024 minutes could be considered published, not approved.

Mr. Landess made a motion to approve the November 2024 regular monthly meeting minutes. Mr. Brand seconded the motion. Voting in favor: Mr. Dishman, Mr. Landess, and Mr. Smith. Voting against: None. Abstaining: Mr. Brand, Mr. Carroll, Mr. Clark, and Ms. Owen. Mr. Murphy stated that the November 2024 minutes could be considered published, not approved.

NEW BUSINESS:

MPC 01-25Z Jurisdiction: City Council

Being a consideration of an appeal filed by **Surmukh Singh**, 501 Jackson Street Anderson, Indiana, requesting a change in zone from the R-2 Residence Zone to the BV Variety Business Zone on premises located on the southside of Williamsburg Boulevard, ~385' east of Morrison Road, Muncie, Indiana, as more accurately described in the application.

Steve Servies, 920 Main St., Anderson, Indiana, appeared to represent the applicant. He stated that the owner was requesting to rezone the property to Variety Business Zone, to match the zoning of the property to the west, which the applicant also owned. He stated that the properties to the north were also zoned for business, and that he believed this would be a good fit for the area. He stated that the rezoning would allow Mr. Singh to proceed with commercial development that he had planned at this location.

Mr. Brand stated that the Board had received a packet of information, but for the public, could he describe the proposed development.

Mr. Servies stated that on the west portion of the property that was currently zoned Variety Business, they anticipated building a gas station with a convenience store along with a laundromat and additional space for a restaurant. He stated that the east portion would be for a 92-unit hotel.

Mr. Brand asked how many stories the hotel would have, and where the ingress/egress would be located.

Mr. Servies stated there would be 4 stories. He stated that there would be one drive towards the south from Morrison Road, and there would be a couple of access drives along Williamsburg Boulevard.

Mr. Brand asked if there would be access from Williamsburg Boulevard.

Mr. Servies stated yes, and those would be cleared with the City Engineer's Office, and that they tried to access points across from those already existing.

Mr. Brand asked if the intention was for the access from Williamsburg Boulevard would be focused on the hotel with the access from Morrison Road for the other businesses.

Mr. Servies stated yes. He stated that there would be cross access on the site between uses.

Mr. Carroll stated that there would be a lot of concrete and pavement, and asked about water control concerns.

Mr. Borchers stated that there was not a lot of regulated drainage in that area, other than a small one to the east. He stated that he did not have the plans to look at, but there would likely be a detention pond needed, if there was room.

Mr. Servies stated that in total they had approximately 6 acres and would anticipate 2 connected retention areas in order to keep the water on the site and runoff as low as possible.

Mr. Clark asked for clarification since the site proposed for rezoning was 3 acres.

Mr. Servies stated that between the 2 parcels owned by Mr. Singh, there was a total of 6 acres.

Mr. Clark asked if KH Properties was also Mr. Singh.

Mr. Clark stated that it was contiguous ownership of those 2 parcels, and that there was Variety Business Zone to the north and west of the subject property.

Mr. Servies stated yes, that KH Properties was one of Mr. Singh's companies, and that was the property which was already zoned Variety Business Zone.

Ms. Owen asked if the owner was planning any landscaping to maintain visual appeal for the surrounding property owners.

Mr. Servies stated yes, they would be adding a buffer strip and possibly some mounding.

Ms. Owen asked if they would be seeking any variances for setbacks or any other items.

Mr. Servies stated that with the ability to use all 6 acres, the variances should be minimal. He stated that once they had that site plan, they would work with the Plan Commission staff to determine what those variances might be. He stated they should be able to keep the buffers in place and do a nice landscape plan.

Mr. Smith stated they he did believe a variance for the hotel to be more than 3 stories was needed.

Mr. Servies stated that he thought that was a standard request for a hotel since most all of them were built at 4 stories.

Mr. Brand stated that Mr. Servies had mentioned retention ponds, and asked for clarification would there be detention or retention ponds.

Mr. Servies stated that there would need to be an outflow, so detention.

Mr. Clark stated that was a good question, and asked how much distance there would be between this development and the nearest neighborhood.

Mr. Servies stated that the minimum requirement was 25' and that would be the neighborhood to the south. He stated that there was a lot of landscaping requirements and that they could add some mounding as well, and that the plan was not complete at this time.

Mr. Clark asked if they hoped to be farther away from the neighborhood.

Mr. Servies stated yes.

Jim Lowe, 2501 N. Kensington Way, Muncie, Indiana, appeared in opposition. He stated that he had a photo to pass around to help explain the area as it was zoned and configured currently. He stated that he was in opposition to the granting of the rezoning of the 3.75 acres north of Robinwood and Eagles Nest Neighborhoods. He stated that all of the businesses on the photo he provided had moved out and new businesses moved in. He stated that the problem with rezoning was it opened up the door for many businesses that can come and go and change the area. He stated that Williamsburg Boulevard had been rerouted at some point, and created traffic a problem including a fatality several years ago. He stated that there was a lot of work that needed to be done for traffic control and it continues to be an issue. He stated that the property here had a history with rezoning requests including MPC 6-91Z, and a Planned Unit Development request BZA- 13-91. He stated that the intent for this property was that some day they would add a softening effect such as a small Planned Unit Development to create a buffer between the neighborhood and the business uses. He stated that a rezoning request for the Variety Business Zone had been filed in 2012 (MPC 05-12Z) and the applicant at that time withdrew that request after realizing the problems it would cause to the neighborhood. He stated that the result of these changes has been an intense increase in business zoning creeping south from McGalliard Road to the neighborhood. He stated that they had endured the negative impacts to the lives of the residents created by the activity of many of the businesses that have opened and closed in the area. He stated that there were noises at all hours of the day and night at very high DBA (decibel) levels from an auto stereo business, which rattles the windows in his homes. He stated that there was trash in yards from the businesses, all night light pollution, and the smells from semis and noise from trash removal, and that there had been concerts held at the business Sights-N-Sounds. He stated that their concerns were not a reaction to fear of what be, it was reality and what was taking place in the area now, and would only intensify with further development and encroachment of businesses. He stated that a 4-story hotel looming over the back of the neighborhood would not be pleasant. He stated that along with permitted uses in the Variety Business Zone, also allowed would be uses in the Central Business and Limited Business zones. He stated that those could change over time but currently include businesses such as liquor stores, taverns, TV towers, adult entertainment and bookstores, shooting galleries, and gas station and hotels. He stated that he asked the Board to take into consideration the negative impact that the Variety Business Zone would, and has had on their quality of life, and deny this request.

Mr. Brand asked if there were any conditions to which Mr. Lowe and the neighbors would not be in opposition.

Mr. Lowe stated that was a good question, and that it was not just the visual impact, you cannot stop the noise and trash that occurs. He stated that with the berm and trees in place now, it does an ok job and in winter the light pollution was stronger without the buffer of the leaves. He stated that he did not know of anything that the applicant could do to mitigate all of the issues, or they would offer some suggestions. He stated that the berm that was installed by the previous owner was done to negate the visual effect, but it did nothing for the light, noise, trash, and other issues. He stated that he would also like to point out that it was one thing for a business to open and say they will be compliant and a good neighbor, but that changes over time, and it was hard to address with different owners over time.

Charles Tuite, 4013 W. Kings Row St., Muncie, Indiana, appeared in opposition. He stated that he was the President of the Robinwood Neighborhood Organization, which included 192 properties that were in the majority of asking for this request to be denied. He stated that Mr. Lowe mentioned many of those concerns, and that he had been receiving emails, and held a community zoom meeting, all with concerns to be considered. He stated that one of the problems they encountered was regarding a statutory limit as to what constitutes too much noise, and at times that had 70 decibels of noise, with 75 officially being the mark to call the police. He stated that sustained noise of 70 decibels was a health hazard and over time could cause hearing damage. He stated that they had done some checking, and 3.27% of all of the incapacitating accidents in the entire county come from this intersection near Williamsburg Boulevard. He stated that trying to envision the control of more traffic at that location was difficult, or would they try and close an entrance to Wal-Mart. He stated that the increased foot traffic was a concern for travel since there was no sidewalk and stated he was worried that they would be walking through peoples' yards. He stated that the light pollution, especially from a convenience store which was typically open all night, was another concern because the bright lights would be a constant nuisance. He stated that businesses with high traffic, dealing in low priced goods, there was potential for more foot traffic and for more criminal activity, and asked how that would be controlled. He stated that they had issues when there had been a shoplifter from Wal-Mart running through their neighborhood, and the chase that follows was disruptive to the residents. He stated that the neighborhood at one time was mostly of retirees, and had changed over the years to where approximately half of the homeowners had young children outside on bikes, and the traffic was a safety concern. He stated that 25' had been mentioned as an acceptable distance from a business, and he asked the Board if any of them would purchase a home within 25' from a convenience store, gas station, or a hotel. He stated that there would be an impact on property values, public safety, traffic, and the general nuisance level for the people how live in this area, and that they strongly request the request be denied.

Mr. Landess asked if the neighborhood association had brought forth a lawsuit in relationship to the noise concerns.

Mr. Tuite stated that the statute stated 75 decibels 300' from the business.

Mr. Lowe stated that he had reached out to Officer Sloan, and explained to him that they did not want to bother them and call every time there was an issue. He stated that Officer Sloan recommended that they reach out to the business first, and that several of the neighbors had done this. He stated that the ordinance reads that once you reach the neighborhood the decibels are down

to 75, which means it would be 90 at the businesses, which was exceeding the permitted levels. He stated that the challenge was, by the time the police arrive, the noise stopped, and then picked back up again an hour later since it was an intermittent noise, not sustained.

Mr. Landess stated that he felt that with a neighborhood association, there was strength and power, and that they should somehow try and pursue the issue to get things under control.

Mr. Tuite stated that they were trying to be good neighbors first, and that they were trying to make sure everything was in compliance with the regulations. He stated that they just wanted to maintain the peaceful, relaxing life they had all worked hard to accomplish was able to continue.

Mr. Dishman asked if they had gone to the Board of Works, because he believed they had a noise ordinance and that he believed a permit was needed if someone wanted to have a party after a certain time of night.

Mr. Truite stated that they had, and that the Board of Works had rescinded the ability to have a permit for a short time, and they may have started allowing them again.

Mr. Dishman stated that there had been an issue in the Granville Park Addition, that ended in a shooting, and he would hate to see that in this neighborhood.

Ms. Owen asked Mr. Truite to repeat that percentage of accidents at this intersection.

Mr. Truite stated it was 3.27% of the incapacitating crashes in Delaware County, which was from the Indiana County profiles from 2022 data, which was 5 out of a total of 153 crashes.

James Glueck, 2409 N. Moors St., Muncie, Indiana, appeared in opposition. He stated that he was the Treasurer for the Robinwood Neighborhood Association, and worked as a risk management consultant for banks. He stated that he had a recording of a concert from Sight-N-Sound that occurred at 10:30 PM, and he would like to play that 20 second audio for the Board. He stated that he walked his dog frequently in the neighborhood, and was approached by a neighbor who was a nurse and she told him she could not sleep that night due to the noise. He stated that as a private citizen, he was amazed that a proposal can be presented without a plan for development, for a 4-story hotel next to a neighborhood. He stated that there would be environmental factors to consider with a gas station next an existing neighborhood, and he asked the Board to use common judgement in making their decision. He added that he had tried talking to the current businesses about the noise but that they were aggressive, and he had called the police several times.

Mr. Carroll asked what the law stated was the cut off time for the noise.

Mr. Murphy stated that there was a City Ordinance in place, however he was not as familiar with it.

Mr. Glueck stated that when they call the police, by the time they arrive, the noise is gone. He agreed with Mr. Landess about community strength and that had been enforcing as much participation from the neighborhood as possible. He stated that they were not very happy about becoming part of the City of Muncie, and that legal issues were expensive for the association.

Mr. Brand asked how far away he was when he recorded the video he played the Board.

Mr. Glueck stated that his house was approximately 400' from the stage that they use for their concerts, and that he had driven along Williamsburg Boulevard to take the video.

Mr. Clark asked for clarification, it seemed that there was approximately 300' between Wal-Mart and the proposed property, and asked if the neighborhood association included the subject property, or if that was outside of the neighborhood.

Mr. Lowe stated that it was outside of the neighborhood.

Mr. Clark stated that the neighborhood shared a border with the subject property, but was not included.

Kerry Milliner, 2546 N. Morrison Rd., Muncie, Indiana, appeared in opposition. She stated that she was the President of Eagles Nest Neighborhood Association. She stated that her property was adjoining the applicant's properties, and that the proposed businesses would be directly outside her bedroom windows. She stated that Eagles Nest was made up of approximately 90% senior citizens, and was mostly a retirement community. She stated that all of the comments and concerns mentioned so far had been expressed to her as well by most of those residents and that they all had a sense of fear of what might come to the area. She stated that there was only one road that entered and exited the neighborhood, and that the traffic was already congested and difficult to get through. She stated that the safety, security, and the lighting were all major concerns, and they were all hoping that this would be denied.

Mr. Smith asked how many residents were in Eagles Nest neighborhood.

Ms. Milliner stated that there were 24 condos which were all full at this time. She stated that most of those were home to single senior citizens, but a few had more than 1 resident.

Jeff Hansard, 2208 N. Old Towne Ln., Muncie, Indiana, appeared in opposition. He stated that he was a resident of the Lantern Park neighborhood, which was directly west of Morrison Road, and north of Petty Road. He stated that there was a lot of commercial development in this area, which was convenient in many ways but certainly had its downsides as well. He stated that there was too much commercial development at this time, and the surrounding property owners needed more than a 25' buffer. He stated that the pollution concerns as far as trash, light, and noise pollution were all real concerns. He stated that if you visit that area and look along Clara Lane and McGalliard Road, there was trash everywhere. He stated that he was a member of the Muncie-Delaware County Clean and Beautiful alliance that goes out in the community to clean up areas. He stated that they could spend an entire afternoon cleaning along Bethel Avenue west and in front of Wal-Mart only to have all the trash back in a week. He stated that he lived within a 10 minute walk from the proposed site and stated that at night he can read outside because of all the light pollution. He stated that others mentioned the safety concerns and that if MPD ran the statistics you would see that every week there were wrecks and speeding issues. He stated that this was a 4 lane road, and that there were many pedestrians, and that crossing those lanes was already a safety concern. He stated that he petitioned the city to install some cross walks and pedestrian lighting which they have done, but more was needed in that area to slow down the traffic. He stated that there needed to be a balance between what citizens need where they live, and commercial

development to enhance tax revenues. He stated that this would greatly hurt the homeowners that had property that adjoins with this site, and have an impact on potential future buyers. He stated that Mr. Singh may be a great business developer and owner, but there was no way of knowing who might own the property in the future and then everything could change. He stated that he would like to see the space developed into a park or some other greenspace because there was a lot of concrete and in the area and he would ask the Board to deny the request.

Sara Gullion, City Council member of District 4, where Robinwood was located, appeared in opposition. She stated that she had provided a packet of letters to the Board with concerns from some people who were at the meeting and from some who were unable to make it. She stated that she agreed with Mr. Landess that there was strength in numbers, and the fact that there were 3 neighborhoods speaking in opposition, showed that they were trying to have their concerns known. She asked that anyone in the audience that might not be comfortable speaking, but were in opposition to please raise their hand (~7 people raised their hands).

Mr. Clark stated that the Variety Business was already surrounding the area, and asked if there was anything the neighborhoods could propose that would make this an acceptable area to add more business.

Ms. Gullion stated that she knew that zoning had different levels, and that there may a level that was more agreeable to some of the residents. She stated that the condos in Eagles Nest were 1 story homes, and that living next to a 4-story building would affect them the most.

Mr. Clark asked if someone from Eagles Nest was there that could try and answer that question.

Ms. Milliner stated that she did not want to seem unreasonable, but having a 4-story building basically in their backyard, she could not imagine any buffer that would help with that. She stated that the community was mostly senior citizens, and she would discuss this question with them.

Ms. Owen stated that the property was currently vacant, and asked if the neighborhood would like to see it remain vacant or possible housing or a park being developed.

Ms. Milliner stated that it had been their hope that housing for the elderly community to be developed here.

Mr. Lowe stated that from 1993-1995 he was on the Plan Commission Board, and he had worked with Ms. Moody to come up with a solution for this property and that was when they established the Planned Unit Development (PUD) in the R-2 Residence zone. He stated that they knew someday the property owners may come back and request rezoning to the R-5 Residence Zone which would allow a 2-story apartment building, which made a lot of sense in that area. He stated that would have created a good buffer between the neighborhood and the Variety Business Zone, and was as intense zoning.

Mr. Hansard stated that his neighborhood did not have an association, but that he believed that the best use for that property was a greenspace or park of some kind. He stated that there was no city park west of Guthrie Park or the park at Storer Estates. He stated that the population of Muncie had been moving northwest for many years and there needed to be parks in that area.

Mr. Servies stated that there was mention of sidewalks, and that there was an existing sidewalk along Morrison road, and that they would be installing sidewalks along Williamsburg Boulevard. He stated that the 25' buffer would be from the property line to any type of development, not necessarily that a building would be 25' from the property line. He stated that the hotel would be located closer to Williamsburg Boulevard, so it would be a greater distance from the neighborhood. He stated that the concern about shoplifting, they would install a fence along the south property line to help with more of a separation between the development and residential properties.

Mr. Smith asked if the owner would be opposed to considering a different type of development based on the comments that had been heard.

Mr. Servies stated that they had not developed a full plan for the site yet since the rezoning was the first step in the process. He stated that they had a concept plan, but he could not speak at this time for Mr. Singh as to Mr. Singh considering not building a hotel.

Mr. Smith stated he was not looking for an exact answer, just in general, would he be open to the idea of different types of development.

Mr. Servies stated that he thought Mr. Singh would be willing to work with the neighborhoods.

Mr. Brand stated that all of the concerns were valid, but were based on unknowns and asked how far from a site plan they might be.

Mr. Servies stated that they had been waiting on the decision of the rezoning request before they invested the money in preparing plans. He stated that they had a rough concept plan but nothing that shows a lot of the landscaping or any other details. He stated that if granted, they would still have to go to the BZA for any variances that might be needed.

Mr. Brand stated that it would be extremely helpful if they had even a rough site plan showing the location of the hotel and including the lighting study.

Mr. Servies stated that the lighting study was typically done when the full plans were drawn.

Mr. Brand stated it could be done in advance with a rough site plan.

Mr. Servies stated that lighting can be directed with fixtures to control the shed on surrounding properties.

Mr. Brand asked if Mr. Singh would be willing to do that and come back and share those plans with the Board and the neighborhoods with the lighting plan.

Mr. Servies stated that yes, they could have a concept plan but it could not be a final plan.

Mr. Brand stated that he would like to see the lighting that would showing no more than 1 foot candle (for lighting) at the property line.

Mr. Servies stated yes, he could make that commitment now.

Mr. Brand asked if they would ask for any variances for lighting.

Mr. Servies stated no, he had never asked for any variances for lighting on any of his projects.

Mr. Clark stated that the height of a 4-story building could vary dramatically.

Mr. Servies stated that their height was approximately 50' tall.

Mr. Clark stated that a 50' tall building 250' away from a property was different than right on someone's property line. He stated that on a concept plan, that might go a long way in addressing some of the fears of the surrounding properties.

Mr. Smith stated that the role of this Board was to proceed with a motion to advance this request to City Council with a favorable or unfavorable recommendation.

Mr. Murphy stated that they had the option of a neutral recommendation as well.

Mr. Brand asked if they had the option to table the request and have the applicant to come back with more details regarding the site plan.

Mr. Murphy stated that the Board could make that request and continue the case. He stated that ultimately the final decision on rezoning the parcel was City Council, and that the Board could make their wishes known. He stated that this Board made a recommendation, whereas the BZA can place conditions.

Mr. Brand stated for clarification, he had texted the Sheriff's Department and Muncie Police Department regarding the noise ordinance. He stated that Section 100.100-Regulations governing the generation of sound, section 1 states that "any public property including any public right-of-way, highway, building, sidewalks, public space, park or thoroughfare and the sound generated therefrom is clearly audible from 40' or more from its source or is at level of 90 decibels (dB) or more when measured from a distance of not less than 6' from its source" and that there were some penalties that went along with this.

Ms. Owen stated that it was very helpful that Mr. Lowe explained the property had been rezoned to a residence zone to prevent the zoning creep from expanding. She stated that it was important to recognize that even if Mr. Singh presents a tasteful design, if he sells the property in 25 years, the next owner would be able to place something within 25' of the property line and may not demonstrate the same level of willingness to work with the neighborhood.

Ms. Swackhamer stated for the record, that the Board had received the packet that Ms. Gullion provided and that the office had received 6 additional emails in opposition, including a petition from the Robinwood Neighborhood Association that had 26 signatures.

Mr. Murphy stated that since there were new Board members, it was helpful if those written documents are provided the office in advance of the meeting so they can be distributed in their packets, and that they are sent to the office as opposed to handed to the Board members.

Mr. Landess made a motion for an unfavorable recommendation for MPC 01-25Z, requesting a change in zoning from the R-2 Residence Zone to the BV Variety Business Zone. Mr. Carroll seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Voting against: None. Motion carried, an unfavorable recommendation will be forwarded to City Council for introduction at their February 3, 2025 regular meeting.

MPC 02-25Z Jurisdiction: City Council

Being a consideration of an appeal filed by **East Central Indiana Regional Planning District IN**, 1208 West White River Boulevard, Muncie, Indiana, requesting a change in zone from the R-4 Residence Zone to the BC Community Business Zone on premises located on the northwest corner of Memorial Drive and Sampson Avenue., Muncie, Indiana, as more accurately described in the application.

Brian Allardt 7705 W. Crooked Creek, Muncie, Indiana, appeared to represent the current owner and the potential buyer. He stated that he had provided the Board with a picture of the existing building from Memorial Drive, looking north. He stated that it was a 2-story commercial building that had been dilapidated for over 30 years and had gone through the tax sale several times. He stated that ECI listed the property for sale, and that the potential buyer did not know exactly what he would like to do with the property. He stated that the second floor would likely be apartments and that the first floor could be some type of commercial retail space, but he had no plans at this time. He stated that the current zoning allowed for single-family use, and that there was Community Business zoning across the street. He stated that the potential buyer would rehab the entire building, and that he had already completed 3 other properties in Muncie, and does great work.

Mr. Brand stated for the public, the Community Business zone would allow the following; business & professional offices, political offices, union offices, real estate offices, dry cleaning, laundries, signs, floral shops, camera & photo stores, grocery stores, health centers, restaurants (not drive-in), cafes, lunchrooms, parking lots (not garages), fraternal, philanthropic, civic, & service organizations, gas stations, car washes, photo studios, bakeries, jewelers, fraternities and sororities, hardware stores, furniture stores paint & glass stores, license bureaus, travel services, department stores, sporting goods, art & music centers, candy & ice cream stores.

Mr. Clark asked what the potential buyer planned to develop here.

Mr. Allardt stated that it would be some type of residential units on the second floor and that the first floor might be residential but could also be some type of small retail shop such as a coffee shop.

Mr. Smith stated that the potential buyer had done other projects in the community, and asked if they were primarily residential.

Mr. Allardt stated that they were both industrial projects, one was an old ice company that he cleaned up and operates as a business since it was already zoned to allow that use. He stated that

the other one was an industrial property that had been overgrown and had a lot of trash that he had cleaned up.

Ms. Owen asked if he was aware of any major changes such as additional parking or other changes to the site.

Mr. Allardt stated that there was no parking currently and that would be added. He stated that there was an extra lot to the west, and some greenspace between the building and the alley. He stated that there was a curb cut from Memorial Drive and another one from Sampson Avenue, and that he would obtain all the necessary permits and follow all of the requirements.

Autumn Brown, appeared in opposition. She stated that she had young children and she had concerns about what might happen once the property was sold since there were already safety and traffic issues. She stated that she had lived here for 6 years, and asked why this development could not be another single-family home or a habitat home, because this request caused too many unknowns.

Mr. Smith asked how far away from the property she lived.

Ms. Brown stated that she lived next door at 1420 W. Memorial Drive.

Mr. Dishman asked if she wanted to see something nice in the neighborhood.

Ms. Brown stated yes, but that they did not know what would be here. She stated that she had wanted to buy the property to expand her yard but could not figure out how to go about doing that.

Mr. Dishman stated that there could be drug activity that would be a danger to the area.

Ms. Brown stated that they had that now in the area, and that they heard shootings every night.

Mr. Dishman stated that there would be a nice building at the property.

Ms. Brown stated that the development of a habitat home that was single family, and having an owner that takes care of their property would help. She stated that she takes very good care of her property and she wants better for the neighborhood, and that the applicant has not said what they would do or how many families would live there. She stated that it might be great for the area, but that she just did not know and that was why she had concerns.

Joann Hammond, 2109 W. Thomas Dr., Muncie, Indiana, appeared, in opposition. She stated that she was born at this house and was concerned that this would become low income apartments. She stated that she recently had safety concerns with the nearby splash pad, and she started getting more involved in Thomas Park, and realized that this area takes on a lot of burden. She stated that there will soon be a 28-unit apartment building for the homeless built by Open Door, and that there would be another 40 unit building in the same area. She asked why those 40 units could not be for working class citizens in the area. She stated that there were 40 neighborhoods in Muncie and that Thomas Park ranked the 39 poorest, and that the nice houses in that area were worth less because of the location. She stated that the history of the neighborhood had problems dating back as far as the 1800's that included gambling, drug activity, and homelessness. She stated that all of this type

of activity finds its way to the neighborhood and affects the people who live here, and that they strongly oppose this request unless it were to be used for working class individuals. She asked how the residents were ever supposed to better themselves and improve, when it seemed like all of the facilities for the homeless and mentally ill come to this neighborhood, and that they can no longer take on all of that burden.

Mallory, Yorktown, Indiana, (no address or last name given), appeared in opposition. She stated that she had volunteered for many years at the Ross Center and had a friend who lived in the area. She stated that she had a question about parking, because there was not enough room for multiple apartments. She asked if the owner had ever done any residential development since he had only mentioned commercial projects. She stated that they mentioned having a coffee shop here, but Rosebud Café was just down the road within the next block. She asked how many apartments would be here since Open Door was building apartments 1 block away from this property. She stated that she understood residential, more housing was always needed, but this would include business use too. She stated that in the future if the owner was to sell the property the new owner could do anything, and her friend lived right next door. She stated that she felt these were all questions that should be answered before they were granted the request to change zoning.

Shannon McCormick, 1623 S. Pierce St., Muncie, Indiana, appeared in opposition. He stated that he would be approximately 1.5 blocks away from this development, and he agreed that the neighborhood was taking on a lot. He stated that if you looked at a 10-block area from the subject property, you would find The Muncie Mission, The HUB, The Crisis Center, and the Stevenson School which just became more of a homeless shelter. He stated that there was a gas station and a future 22-unit development for permanent supportive housing, and on 8th Street, there were 60 low income houses. He stated that this area was inundated with all of the foot traffic, and more apartments will just add to that. He stated that we do need more housing and people need a helping hand, but just putting a nice building here does not mean the people will be great. He stated that the permanent supportive houses will be for homeless people and drug addicts, and that they were being overwhelmed with that type of development. He stated that he owned 23 homes in that area, and that they fix them up and make them nice homes, but that they also had nice people living there. He stated that they had evicted people for not doing what they should, and that he was invested in making the neighborhood nice. He stated that he had lived there his whole life, and he needed more information about the plans for the property. He stated that they could change their plans and have more permanent supportive housing, and this neighborhood did not need anymore of that type of development.

Mr. Allardt stated that this was a commercial building, and the owner was likely going to put \$200,000.00 into it. He stated that he was not a low income housing developer, and that everything he had purchased he had improved, and that this would be good for the neighborhood. He stated that the owner liked the building, and he wanted to improve it, but he was not sure exactly what it might be. He stated that it was a commercial building on a residential lot, and if the zoning was not changed it would likely set there and become more dilapidated.

Mr. Smith stated that based on the drawings, the building was on 1 lot and he asked what the owner planned for the lot next to that.

Mr. Allardt stated that he had no plans for any additional structures, that lot would likely be used for parking and greenspace. He stated that they were still early in the process but that the owner

was willing to put the money into the site, and he was not someone who would buy the property just to sell.

Mr. Clark asked if the applicant still owned the 2-3 other properties that he had remodeled.

Mr. Allardt stated yes, he purchased those in 2022, 2024, and another location just this year and that he improves those buildings.

Mr. Smith asked how long the building had been in its current condition.

Mr. Allardt stated it was around 30-50 years.

Mr. McCormick stated that Budget City Furniture was the last business there, and another business had moved in for a short period of time.

Mr. Murphy stated that they would now give an opportunity for anyone in favor of the request.

Steve Hinds, 2706 S Tacoma Ave., Muncie, Indiana, appeared. He stated that he just had a question that maybe had not been asked, could this Board pass this request with a condition that it not become low-income housing.

Mr. Carroll stated that they could make a recommendation, but that they did not have the jurisdiction to place conditions.

Mr. McCormick stated that he did not understand why the developer was not present, and that he believed that there was a rule for changing zoning that it cannot be for financial gain and asked the Board to research that.

Mr. Clark made a motion to forward a favorable recommendation for MPC 02-25Z requesting a change in zoning from the R-4 Residence Zone to the BC Community Business Zone. Mr. Dishman seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Voting against: None. Motion carried, a favorable recommendation to be forwarded to City Council for introduction at their February 3, 2025 regular meeting.

MPC 03-25Z Jurisdiction: City Council

Being a consideration of an appeal filed by **Mary Phillips, Calvin Carroll, and Amy Spangler**, 2524 South Macedonia Avenue., Muncie, Indiana, 47302, requesting a change in zone from the BV Variety Business Zone to the R-3 Residence Zone on premises located at 2524 South Macedonia Avenue, Muncie Indiana, as more accurately described in the application.

Mr. Murphy stated that there was an issue with this application that needed clarification, and that he recommends the Board continue this item, which could be done with a voice vote.

Mr. Smith asked all those in favor to say aye, all those opposed say no. He stated that the ayes have it, and that MPC 03-24Z would be continued to the regular February meeting.

BZA 01-25 Jurisdiction: Board of Zoning Appeals

SPECIAL USE Being a consideration of an appeal filed by **Weybright Muncie, LLC and Cameron Sarah**, 6925 East 96th Street Suite 230, Indianapolis, Indiana. 46250, requesting a special use under the terms of the City Zoning Ordinance to allow an accessory dwelling for a new 619 square foot 1-unit, 1-bedroom apartment addition to an existing house in a single-family residence zone on premises located at 1121 West Marsh Street, Muncie, Indiana, as more accurately described in the application.

Cameron Sarah, 7904 S. CR 560 E, Selma, Indiana, appeared. He stated that he was with Campus Rentals, the Property Manager for the owner. He stated that they were requesting approval for the property which was in the R-4 Residence Zone and did allow for the approval for a special use of an accessory dwelling. He stated that the accessory dwelling could be attached as was the case with this property. He stated that the house was currently a 3-bedroom, 2-bathroom property that had damage to the back portion from a tree, and was not livable at this time. He stated that before they began the renovation to another 3-4 bedroom home, they would like to add that 1-bedroom unit that has become more desirable over recent years. He stated that Ball State University was beginning to add more single person dorm rooms for privacy and that had been the market in the student rentals as well.

Mr. Smith stated that from the pictures provided, you can tell the structure had tree damage and asked if that was to the rear of the home.

Mr. Sarah stated yes. He stated that the previous owner had built an addition, and that was the portion that was damaged. He stated that the addition they would be building would not require any variance for setbacks or greenspace, and that they would have sufficient parking once they removed the garage.

No one appeared in opposition.

Mr. Brand made a motion for a favorable recommendation for BZA 01-25, the appeal of Weybright Muncie, LLC and Cameron Sarah. Ms. Owen seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Voting against: None. Motion carried, a favorable recommendation will be forwarded to the BZA for their January 30, 2025 regular meeting.

OTHER: Jurisdiction: Delaware-Muncie Metropolitan Plan Commission

Being a consideration of a request for a re-hearing for MPC 11-24Z, an appeal filed by **Drake Properties 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 of East Centennial Avenue, Muncie, Indiana.

Ms. Swackhamer stated that this request was originally heard by the Board at their October 3, 2024 meeting and received an unfavorable recommendation which was forwarded to City Council for

introduction at their November 4, 2024 meeting. She stated that City Council requested the applicant come back before the Board to receive some additional information from the applicant and to rehear the case. She stated that at this time, the Board would only be deciding to rehear the case, and if granted, the applicant would file and be at a future meeting.

Ms. Vannice, Ashton Land Surveyor, 325 W. Washington St., Muncie, Indiana, appeared to represent the applicant. She stated that they had submitted new evidence to show that they were trying to bring the property more into compliance. She stated that they were trying to address some of the concerns, and that at this time she would just ask that the Board grant the opportunity to rehear the case.

No one appeared in opposition.

Mr. Carroll made a motion to allow MPC 11-24Z the appeal of Drake Properties, LLC and Donna Drake to refile their rezoning request. Mr. Brand seconded the motion. Voting in favor: Mr. Brand, Mr. Carroll, Mr. Clark, Mr. Dishman, Mr. Landess, Ms. Owen, and Mr. Smith. Voting against: None. Motion carried, MPC 11-24Z granted a request for a re-hearing.

DIRECTOR’S REPORT:

Ms. Swackhamer reported that she had provided the Board members with the report of permits, inspections, variances, rezonings and plats for the year ending 2024 (see attached report for details). She also reported that 10% of the permit fees collected are deposited into a fund to assist with the demolition of unsafe structures, and the other 90% goes back into county general. She stated that the MPO side of the office had received the 2026 estimate of apportionments, and that was around \$3,513,573.00, which was a little less than the 2025 fiscal year. She stated that these were the funds that were used by other local agencies for road projects and bridge projects. She stated that the funds for the Unified Planning Work Program were used for those reimbursements of 80% and could be for salaries for work completed on the transportation side of the office. She stated that items such as the ADA Plan, TransMap Road Inventory and other manuals can be reimbursed from this money. She stated that Kayla Shawver was the new Principal Planner, and had been attending MITS meetings, Ball State Studio Class presentations, and working on the public input meetings for the Delaware-Muncie Transportation Improvement Plan (DMTIP).

Ms. Swackhamer also reported that the Regional Transportation Safety Action Plan would be the final product of a SS4A grant, and was a collaboration with ECIRPD. She stated that American Structurepoint was chosen as the consultant to that project and the Plan Commission was chosen as the facilitator, and that staff had all been working together with them and that the target date of completion was May 2026. She stated that this document would allow the community to seek additional funds to work on some of the projects that were found during this process, based on improving safety.

Mr. Brand asked if this was federal funding.

Ms. Swackhamer stated yes, it was through INDOT. She stated that Cheryl McGairk had retired at the end of 2024, after 35 years of employment and that she would be greatly missed in the office. She stated that she had attended the annual MPO conference in November and that she had recently

been appointed the Treasurer for the ECIRPD Board and the Secretary on MAP Board. She stated that if there was ever any additional information that they would like, please just reach out. She stated that she wanted to thank all of the Board members for their time and commitment to the Board. She stated that she had just marked the 1-year anniversary of being the Director, after a year of having no director. She stated that it had been a busy year, but she wanted to thank her staff, especially Mr. Ingermann and Mr. Daniel, who had really stepped up to help and go above and beyond.

Ms. Ingermann stated that she was proud of Ms. Swackhamer, and that Ms. Moody would also be proud of her.

ADJOURNMENT:

Chris Smith, President

Kylene Swackhamer, Secretary