

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
SEPTEMBER 1, 2011 REGULAR MONTHLY MEETING  
MINUTES**

The Delaware-Muncie Metropolitan Plan Commission held its regular monthly meeting on September 1, 2011, at the Delaware County Building in the Commissioner's Court Room, 100 W. Main Street, Muncie, Indiana at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

Secretary Marta Moody called the roll and the following members were present: Mr. Bledsoe, Mr. Dishman, Mr. Ellis, Ms. Fryman, Mr. Green Mr. Hiatt, Mr. McIntire, Mrs. Munson, Mr. Parker, Mr. Rundell and Mrs. Sipe. Members absent: Mr. Kelley. Also present was Tom DeWeese, attorney.

**MINUTES:**

Consideration of the August-2011 Regular Monthly Meeting Minutes.

Mr. Bledsoe made a motion to approve the August, 2011 regular monthly meeting minutes. Mr. Green seconded the motion. Voting in favor: Mr. Bledsoe, Mr. Dishman, Mr. Ellis, Mr. Green, Mr. McIntire, Mrs. Munson, Mr. Parker and Mrs. Sipe. Abstention: Mr. Rundell. Voting against: none. Motion carried, August minutes approved.

Mr. Rundell stated because of the large crowd attending and wanting to share their concerns, the Commission was setting a 10 minute limit for those speaking in favor and 10 minutes for those speaking against and a 5 minute limit for rebuttal for each side. He asked for those responding, to please try to coordinate and hold their comments to those that have not already been presented.

**NEW BUSINESS:**

**MPC 03-11Z Jurisdiction: City Council**

Being a public hearing on the matter of an application filed by **BDCIN, LLC**, 666 Dundee Road, Suite 1102, Northbrook, Illinois 60062, requesting a change in zoning from the R-4 Residence Zone to the R-5 Residence Zone on premises located at 314, 315, 319, 320, 322 and 323 N. Dill Street, Muncie, Indiana, as more accurately described in the application.

Peter Levavi, Senior Vice President, Brinshore Development, LLC, Parent of BDCIN, LLC, 666 Dundee Road, Ste 1102, Northbrook, Illinois, 60062, appeared. He stated they are one of the largest developers of rental/multi-family housing in the mid-west. He stated they own 3500

units that were developed using the Tax Credit Program, Section 42, including mostly work force housing, some senior housing and some rehab of historic structures. He stated they had been working in Indiana since 2002, mostly in Indianapolis and Lafayette. He stated this was their first time in Muncie and they had been working with the City's Community Development staff and the Plan Commission staff and was impressed with the level of professionalism and care going into the work being done. He explained they were planning to build 32 units of workforce housing, one, two and three bedroom units on two sides of the street. He stated the buildings would be high quality and he shared pictures of recent buildings they had completed, to show the finished look of their developments. He stated through a public process, they would vent any plans to make sure they were on the right track. He stated the target market would be working families and individuals, but not student housing. He stated the Section 42 program prohibits leasing of units to full time students and the units would be rented to people who work at Ball State, the Hospital and other places around Muncie. He stated through a recent study, they became aware of the demand for workforce housing at the University and at the Hospital, who would qualify for the housing development. He stated they were applying for low income housing tax credits from the State of Indiana, the application is due November 1, 2011 and they would know on February 23, 2012 whether they were awarded those tax credits. He added, if the tax credits were awarded they would start construction by November, 2012 and be completed by the beginning of 2014. He stated to manage the properties, they institute drug testing and work requirements in all of their developments, which mean everyone living there would be tested to make sure they are working 20 hours per week and not introducing drugs or any other type of negative element into the community. He stated their architects; Todd Rottman and Nick Swineheart from Rottman-Collier in Indianapolis, were graduates from Ball State and were present to answer any questions. He stated they had contact with people responding to the public hearing notices and one of their concerns was storm water management issues. He stated they have been known to put in rain barrels, permeable pavers and water storage under the parking, in order to avoid flooding onto the neighbors.

Mr. Rundell stated since he was involved in some of the earlier studies, regarding the Village, he would abstain from the discussion or voting of the application. He asked for any comments or questions from the Commission.

Mr. Parker asked if there were 16 units and 16 parking spaces.

Mr. Levavi advised there were 18 parking spaces for each building and they were aware those spaces didn't meet the two to one requirement. He stated they would be working with the Board of Zoning Appeals to either meet the requirements or seek a variance, but would comply with whatever the requirements were after the variance process.

Mr. Parker stated he would like to see the finalized plans for the parking and the storm water. He stated he was troubled that they weren't going to lease to students and felt it would be a good place for student leasing. He stated a few nights ago there were 80-100 students in the parking lot waiting for the bar to open, which is within 100 feet of the proposed development

and when he saw the development was for families, he questioned whether family housing would be the most practical use of the property.

Mr. Levavi stated employees working at Ball State have needs for housing and not every parcel should be used for student housing. He stated he believed having stable families in the village would provide a stabilizing base to the community and keep a lid on some of the problems that could happen in that type of neighborhood. He stated they had built family housing close to the universities in other college towns and it was a stabilizing force to improve the community, which made it more hospitable. He stated he believed the development would be a good use for the property and would lead to other investments that would improve the area.

Mr. Parker stated he could see the positive side, if it would work that way. He stated he had concerns about the parking and the drainage and asked if it would be low income housing.

Mr. Levavi stated the income and rent limitations would be 60% of median income or below. He stated their experience with the mix of one, two and three bedroom was that people in that income range, generally have less than one car per family. He stated the data from Ball State showed there were a thousand households within that income range that would qualify for the housing units and the data didn't include the hospital or other employers. He stated they would be doing a full market study as part of the low income housing credit application.

Ms. Moody stated this is a rezoning request and the Commission's recommendation would deal with the change in the land use from single family to multi-family, but would not be dealing with the specifics of the design, nor the development of the property.

Mr. Rundell asked for comments from the floor.

Terry Coop, PO Box 78, Yorktown, Indiana, appeared and stated he owns property at 300 N. Dill Street, Muncie, Indiana, and stated his property is adjacent to the proposed development. He stated he was in favor of all the development, as long as it is placed correctly. He stated he had been a landlord around campus for 32 years and it would be good to have a neighbor who is a non student in the area, because that person wouldn't go home on holidays. He stated the criminals know when students leave on holidays and they prey on the campus area. He stated there are 75 to 80 burglaries per year around campus; his property had been burglarized 7 times, but not by students. He stated he liked the idea of having renters living there all year round, but didn't believe it was a good idea having the proposed amount of people with children, sitting across the street or next door to the bars. He stated his property is a low spot for three blocks in each direction and if he didn't keep the sewers clean he would have flooding when it rains. He stated he would like to see development in that area, but there seems to be confusion about the development. He stated he received letters from a company in Fort Wayne wanting to buy his property, but it was in the paperwork that they couldn't talk about the development. He stated he heard Ball State is buying the area. He stated no one seems to know what has been going on with the Village area and he believed there should be a master development plan available so everyone could share the information. He stated he would hate

to see a huge development go in next door to a one bedroom house and tower over a small property. He stated if the master plan calls for multi-family properties in the area, maybe the whole area should be rezoned.

Larry Krause, 309 W. Washington Street, Muncie, Indiana, appeared. He stated he is nine blocks from the Village and can hear the noise on a regular basis and he shared concern about families with children in the proposed apartments. He stated the sewers were designed for single family dwellings, they are old, and had concerns about the burden on the infrastructure.

Mr. Levavi stated they would be looking at the burden on the infrastructure and working closely with the City of Muncie. He stated until the rezoning is approved, they wouldn't invest the time and energy into those issues, but will do so as they move forward.

Mr. Krause added that the Village area and the immediate southeastern area around the campus is becoming a boot camp for the future alcoholics of America. He stated there was no control over people walking down the street with a bottle of sprite in one hand and a fifth of Jack in the other, going house to house to party.

John Osborn, 5309 E. SR 28, Muncie, Indiana, appeared. He stated he owns property at 220 N. Dill Street. He stated he believed that the sanitary and storm sewers were combined and when it rains they get water and sewage in their basements. He asked if the zoning is approved and the project isn't completed, would the property remain R-5 and multi-family zoning.

Ms. Moody stated that was correct, but and at this time, the Commission would be approving the rezoning, not the site plan.

Mr. Osborn stated that makes him wonder why they would choose a Ball State area, near the campus to build the development. He stated the Commission needs to look down the road.

Ms. Moody stated if the draft proposal is completed and the property is rezoned to the R-5 Residence Zone, then the development would need to meet the requirements or obtain a variance, which is another public hearing process. She explained if the proposed development does not occur, the base requirements for the multi-unit development would be 2 parking spaces per unit.

Matt Weaver, 224 N. Dill, Muncie, Indiana, appeared. He stated when it rains the corner of Dill Street is under water and with more paving and less yard area, the runoff would be significant and the current drainage doesn't handle normal water. He stated two attorneys advised him not to bother going to the zoning meeting, because it was a done deal. He stated the developers would buy the materials out of state and take all the money back to North Carolina. He stated he believed this project would be another government handout using Section 8 funds. He stated this area is not a place for children.

Mr. Levavi stated the Low Income Housing Tax Credit Program funds come from the Federal Treasury.

Mr. Weaver stated he was advised if it was federally funded, changes couldn't be made in the middle of the stream, but if it was State they could end up renting to students.

Mr. Levavi stated the low income tax credit program would guarantee that the units would be leased only to the people that qualify under the program for 15 years. He stated it is a serious compliance issue and when the 15 years is completed, they would reapply for the Section 42 program and commit for another 15 years.

Mr. Weaver stated he believed the issue is being misrepresented to people who are looking to sell property. He stated his concern is that the property would be rezoned without the Commission having all the facts.

Mr. Levavi stated they are all about public process. He stated he understood the issues concerning storm water and they would be working with the City and the community to address those issues. He stated he is willing to talk with anyone who had questions. He stated there would be more public process and the meetings would continue until everyone was satisfied.

Jerry Wise, 601 N. Mesa Road, Muncie, Indiana, appeared. He stated he is a property owner with the option to sell. He stated most of the property to the south of University Avenue is multi-family and is operating under variances. He stated they need consistency in the area with Central Business Zoning instead of Variety Business Zoning. He stated that this year a new 48-60" storm sewer was extended from North Street into the Ball State campus. He stated they are fortunate someone had not been hurt in a fire in all the student rentals south, between McKinley and Dick Streets, the houses were built for a couple, not 4-6 students. He stated his concern was the children.

Larry Krause, 1309 W. Washington Street, Muncie, Indiana, appeared. He stated the new sewer Mr. Wise mentioned extended from Dicks Street not Dill Street.

Mike Kilgore, 1612 W. Jackson Street, Muncie, Indiana, appeared and stated he owns property south of Dill Street. He stated the drawings for the proposed development show the buildings setting close to the street and asked if the children would be small or teenagers. He asked what the rental structure would be and if the parking would be off the alley. He stated concern about the increased traffic and increased parking problems.

Mr. Parker stated he wanted to make it clear that the Commission would be voting on the rezoning only, not the proposed plans.

Mr. Bledsoe spoke regarding the comment against the Commission. He stated the Commission has responsibilities; he knows most of the members personally and they have the highest integrity of most people he had ever met. He stated there is a section in the Comprehensive

Plan that encourages a variety of mixed housing types and density so far as to provide choices for all consumers and to provide incentives to steer residential development through inter-city areas away from agricultural land. He stated they look at ways to prevent urban sprawl by moving our population into a higher density area by rezoning, thus the area is improved. He stated the Comprehensive Plan also states the residential area should be developed with careful attention given to the natural features of the land. He stated one of his concerns is the type of multi-family units being in close proximity to the business across the street from the development. He stated the Commission makes their decisions, based on the Comprehensive Plan.

Mr. Rundell stated regarding the infrastructure, whether or not the property is rezoned, any new development that takes place on a piece of land in this City is reviewed by engineering for stormwater, parking and utilities. He stated the Commission has respect for those people who review the plans and as the plans move forward it would meet all the requirements necessary for it to be built.

Mrs. Sipe made a motion to approve MPC 03-11Z, requesting change in zoning from the R-4 Residence Zone to the R-5 Residence Zone. Mr. Parker seconded the motion. Voting in favor: None. Voting against: Mr. Bledsoe, Mr. Dishman, Mr. Ellis, Mr. Greene, Mr. McIntire, Mrs. Munson, Mr. Parker and Mrs. Sipe. Abstention: Mr. Rundell. Motion carried, unfavorable recommendation to be forwarded to City Council for introduction at their October 3, 2011, meeting.

**MPC 05-11Z Jurisdiction: City Council**

Being a public hearing on the matter of an application filed by **CAMPUS CREST DEVELOPMENT**, 2100 Rexford Road, Suite 414, Charlotte, North Carolina 28211, requesting a change in zoning from the R-3 Residence Zone to the R-5 Residence Zone on premises located on the south side of the 2000-2300 block of W. McGalliard Road, Muncie, Indiana, as more accurately described in the application.

Scott Shockley, 5501 N. Oakbrook Court, Muncie, Indiana, appeared representing the owners and sellers of the real estate, as well as the applicants. He stated five years ago he met with the neighbors in the Layne Crest Subdivision, which abuts the property in question, to the south and southwest. He stated they had a campaign to see if the land owners would agree to allow them to develop the property and at that time, there were restrictive covenants that needed to be vacated. He stated a majority of the homeowners agreed and they were able to remove the covenants and begin the process of attempting to buy the property for an interested party. He stated since that time they expected the logical buyer would be a strip mall or grocery store that would give a harder edge to the development of the property, as it related to the Layne Crest neighborhood to the south. He stated Campus Crest is a well known developer of high-end student housing and would provide an appropriate transitional use between the residential housing and the commercial property along McGalliard Road. He stated Kris Russ, Vice President of Campus Crest was present to speak in more detail about the development and

Jeremy Slater from Ashton Land Surveyor's was present to answer engineering questions. He stated he believed the development would have a substantial, positive economical impact on Muncie.

Kris Russ, Vice President, Campus Crest Development, Charlotte, North Carolina, appeared. He stated they are a purpose built student housing company. He stated they are three companies under one; they are a development company, a construction company and a real estate management company. He stated they manage the developments themselves and rent them for the long term. He stated they currently have 33 operating properties across the country, including one in Fort Wayne, Indiana. He stated the development would be called The Grove at Muncie. He stated there would be an 8,000 sq. ft. club house, a fitness center, a library and game room and offer two and three bedroom units that are rented by the bed for students. He stated each unit would be fully furnished with a full kitchen, washer and dryer and every bedroom would have a walk-in closet.

Roy Conner, 2805 N. Richmond Drive, Muncie, Indiana, appeared. He stated he was at the meeting regarding the covenants, but didn't remember the vote indicating the landowners wanting to resend the covenant. He stated at that time they were presented with the offer of selling their proxy for \$1,000 and heard later that the offer was \$2,000. He stated they have fought every developer that has tried to change the covenant. He stated he wanted proof that a vote was taken.

Ms. Moody stated it was typical that the process for waiving or amending plat restrictions involved individual actions on the part of a certain percentage of the owners of property, which could be 51% or 75%, depending on the individual plat restrictions. She stated it doesn't require a vote per se; it would be the action of the individual property owners that would accumulatively reach whatever percentage is required. She further advised if the plat restrictions were still in effect, the Plan Commission and City Council's action in changing a zone, would in no way vacate any plat restrictions that are in effect. She stated plat restrictions are privately enforced by the owners; it is a contract between the owners of property within a particular subdivision.

Mr. Conner stated if the vote is to change the zoning, it would take away their rights. He stated the Commission needed to see the proof.

Mr. Shockley stated they sent mail to all property owners, indicating a period of time for which they could enter into an agreement to release their covenant, in exchange for a payment. He stated prior to the meeting, many of the owners had executed their agreements and more people signed the agreement at the meeting that was held at the Knights of Columbus. He stated the instruments were recorded in November, 2006.

Gary Neely, 3017 N. Belmont Drive, Muncie, Indiana, appeared. He stated his property faces the property in question and he didn't feel he had a choice; he had to either sign the agreement or have to look at the development.

Missy King, 2704 N. Winston Drive, Muncie, Indiana, appeared. She submitted a petition on behalf of the Layne Crest Addition and the Vienna Woods Addition. She stated their concerns were the crime element of 191 arrests during the last two weeks around campus, the increased traffic, the increased use of a 50 year old sewer system and the flooding issues that would occur from the proposed hardscape. She stated they also questioned the need for the additional housing with the current availability of 2,200 off campus units. She stated the proposed building height of 150 feet, which is taller than Shaffer Tower on campus, would affect the character of the neighborhood.

Sharon Harper, 2305 W. Concord Road, Muncie, Indiana, appeared. She stated concern with the increased use of the problematic sewage system. She submitted a picture and aerial showing points of flooding and shared her concern for increased flooding issues.

Aaron Neff, 2737 N. Winston Drive, Muncie, Indiana, appeared. He stated he spent a lot of time talking to the state, city and campus police departments, researching the history of the campus area. He stated he met with departments in the city and various departments at Ball State, the local school bus system and Muncie community schools. He stated he also spoke with the owners of all of the major apartment complexes around the campus area, as well as residents and other property owners. He submitted a letter presenting points regarding off-campus housing being saturated, security and increased traffic concerns, suggested future variance conditions and not being able to reach the corporate office for problem resolution.

Mr. Russ stated, in rebuttal, regarding security, they are a fully fenced, gated community with security cameras at the gates and other areas. He stated if issues would arise, the security would be increased, but he didn't see their development attracting additional crime. He stated the trips going out onto Oakwood Avenue from their development, which is their only entrance, would be minimal, compared to what already exists. He stated they would retain their drainage on site with a release rate that is the same or below the current rate and the staff would be reviewing the plans to make sure they would be in compliance. He stated the buildings would be less than 50' tall. He stated the proposed use would make a good buffer between the commercial corridor along McGalliard Boulevard and the single family use behind the development.

Amy Ryder, 3004 N. Winston Drive, Muncie, Indiana, appeared. She stated their community has over 2 dozen children who are in fifth grade or younger and their middle school children walk to school on Oakwood Avenue. She shared concerns of safety because of the increased traffic and about the peer pressure that could exist between the college students and the high school students being drawn to the college parties. She asked if the development would have to have two entrances instead of one.

Lon Sloan, 2209 W. Woodmont Drive, Muncie, Indiana, appeared. He stated the middle school has 900 students and many of those children live within 1½ miles and have to walk to school on the west side of Oakwood Avenue. He stated the 587 students living in the proposed

community would have visitors who would need parking spaces. He stated according to the internet, there would be 2,594 off campus students during the fall of 2010 and had concern the area would turn into empty houses and rentals. He stated if the exit is on Oakwood, Cowing Park Drive would become a major cut through to Wheeling Avenue. He stated currently, emergency vehicles have a hard time getting through that area. He stated his backyard faces the proposed project and he often sees traffic backed up from the light all the way to the ReMax office. He asked the Commission members if they would want the development for their children.

Ruth Dailey, 3717 N. Belmont Drive, Muncie, Indiana, appeared. She stated twice each spring the south side of McGalliard Road floods and the traffic is diverted through their narrow streets. She stated Layne Crest is on a low water table and has poor drainage. She stated the proposed development would make the flooding worse and cause sewage and drainage problems.

Mr. Rundell called for questions from the Commission.

Mr. Bledsoe submitted statistics from the 911 directory regarding motor vehicle accidents at the locations of Bethel/McGalliard and Oakwood/McGalliard. He stated the total of accidents were 28 in 2009, 32 in 2010 and 14 so far this year. He stated his concern would be the increased traffic.

Ms. Moody stated regarding requirements and process, this hearing is for a request to rezone the property in question, from the R-3 Residence Zone to the R-5 Residence Zone. She stated under the City of Muncie Comprehensive Zoning ordinance, any development that deals with 25 units or more is required to go through a Special Use approval process, where specifics on the site plan and the infrastructure are presented. She stated conditions could be placed upon the development by the Board of Zoning Appeals, upon recommendation of the Plan Commission, but at this time they were dealing with the rezoning of the property. She stated if the property is rezoned there would be additional public hearings to deal with the details and specifications for a particular development proposal.

Mrs. Sipe made a motion to approve MPC 05-11Z, requesting a change in zoning from the R-3 Residence Zone to the R-5 Residence Zone. Mr. Ellis seconded the motion. Voting in favor: Mr. Dishman, Mr. McIntire and Mr. Parker. Voting against: Mr. Ellis, Mr. Green, Mrs. Munson, Mrs. Sipe, Mr. Bledsoe and Mr. Rundell. Motion carried, unfavorable recommendation to be forwarded to City Council for introduction at their October 3, 2011 meeting.

**MPC 04-11Z Jurisdiction: City Council**

Being a public hearing on the matter of an application filed by **BRADBURN REALTY, LP AND WILTSHIRE PROPERTIES, LLC**, 5501 W. Oakbrook Court, Muncie, Indiana 47304, requesting a change in zoning from the R-3 Residence Zone to the BC Community Business Zone on premises located on the south side of the 2300-2400 Block of W. McGalliard Road and 3100 N. Winston Drive, Muncie, Indiana, as more accurately described in the application.

Scott Shockley, 5501 W. Oakbrook Court, Muncie, Indiana, appeared on behalf of the petitioners. He stated the application pertains to two corner areas at Winston Drive and McGalliard Road. He stated the property to the west of Winston Drive consists of six lots that are still a part of the original plat of Layne Crest, zoned as single family residences that front on McGalliard Road. He stated the other area is the corner immediately east which is a 1.03 acre lot that consists of three platted lots and additional land that was unplatted some time ago. He stated McGalliard Road is a commercial artery and the zoning of the lots to the west side of Winston Drive is impractical. He stated the property adjacent to the east doesn't abut to any neighbor's property and a logical corner for the Community Business Zone.

Mr. Parker stated he drove through that neighborhood several times to see how hard it was to pull out on McGalliard Road from Winston Drive and found it was virtually impossible. He stated he didn't know if they were proposing some type of traffic change on McGalliard Road, such as a traffic light, but it is dangerous at that intersection and because of the islands on McGalliard Road, there were no decel or accel lanes heading west. He stated if people couldn't get out onto McGalliard, they would cut back through the neighborhood. He stated he wanted to see how the traffic would have ingress/egress from the lots onto Winston from McGalliard.

Mr. Shockley stated the left turn onto McGalliard Road is difficult. He stated there was no current buyer for the property, but when it reached that phase, there would be a question about traffic control devices and he believed it would have to be a part of any actual development of the corner.

Mr. Parker stated he didn't know how they would work it out without reconfiguring McGalliard Road at that location, but they wouldn't want a traffic light.

Mr. Shockley stated they looked at the question of adding a traffic light and found the new light would be far enough away from the other lights to be within what the city would allow.

Dave Osborn, 2409 W. Woodmont Drive, Muncie, Indiana, appeared and encouraged the Commission to read the letter submitted by Dr. Eric Kelly. He stated Dr. Kelly spent numerous hours looking at the area and had major concerns.

Lon Sloan, 2209 W. Woodmont, Muncie, Indiana, appeared and stated the neighborhood would like to reiterate the same concerns they had with the multi-housing units. He stated he lives behind Remax and the businesses there have people throughout the night for trash pickup and snow plows and it isn't pleasant to live behind those businesses. He stated he concurred with Mr. Parker's assessment about drivers cutting back through the neighborhood. He stated there were two restaurants on Oakwood, currently out of business and they were against putting more traffic through the neighborhoods.

Ruth Dailey, 3017 N. Belmont Drive, Muncie, Indiana, appeared. She asked who would pay for the proposed traffic light.

Aaron Neff, 2737 N. Winston Drive, Muncie, Indiana, appeared. He stated he studied the traffic counts along McGalliard Road and spoke with someone in the GIS office, a traffic sergeant and Hugh Smith at the Plan Commission. He stated the consensus was that there is a recommendation for intersection improvements at Winston Drive and McGalliard Road and that a stop light and/or center turn lane may be deemed required before the issuing of driveway permits. He added that business traffic flow through the neighborhood is anticipated, as a result of frustrated drivers deciding to go to the Oakwood/McGalliard light. He stated if the City didn't have the funds for improvement at Winston Drive and McGalliard Road, the Sergeant suggested making Winston Drive a right-turn only onto McGalliard, if the traffic is increased.

Richard Humphrey, 3009 N. Belmont Drive, Muncie, Indiana appeared. He stated he was opposed to the rezoning. He stated the development would be a negative effect because of the increased traffic and safety issues for the neighborhood and pedestrians. He also shared concerns about efficient storm water run-off. He stated the development would go hand in hand with the apartment complex that was already unfavorably recommended.

Mr. Shockley, in rebuttal, stated in meeting with the neighbors a week ago, a restaurant was mentioned, but there were no prospects for the property at the current time. He stated, concerning the traffic lights, it was his understanding, if that type of change was required, it would be a cost to the developer. He stated if the traffic light is required it would be a benefit to the area.

Mr. Ellis made a motion to approve MPC 04-11Z, requesting a change in zoning from the R-3 Residence Zone to the BC Community Business Zone. Mrs. Sipe seconded the motion. Voting in favor: Mr. Dishman and Mr. McIntire. Voting against: Mr. Ellis, Mr. Green, Mrs. Munson, Mr. Parker, Mrs. Sipe, Mr. Bledsoe and Mr. Rundell. Motion carried, unfavorable recommendation to be forwarded to City Council for introduction at their October 3, 2011, meeting.

#### **LEGISLATIVE ACTION:**

Ms. Moody stated the Special Use case for the WODA Walnut Crossing Limited Partnership at N. Walnut Street and E. Wysor Street was approved by the Board of Zoning Appeals. She stated the applicants changed the site plan by moving the building back from the intersection, showing a larger area of green space and they provided a façade. Ms. Moody stated WODA was a tax credit proposed development and they would be submitting their application and if they were approved by the State they would move forward with the project. She stated another developer is proposing a tax credit, senior housing development for the Roberts Hotel and would be submitting an application. She stated Bill Morgan, Community Development Department, had some discussions with another developer, who had been active in Muncie said it wouldn't be out of the question for Muncie to receive two project approvals. She stated the proposed amendment dealing with street widening was adopted by the County Commissioners and introduced at City Council and should be up for final action at the September 12, 2011 meeting.

**REPORT FROM DIRECTOR:**

Ms. Moody stated she had been busy with the 2012 Budget.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned.

---

Deane Rundell, President

---

Marta Moody, Secretary