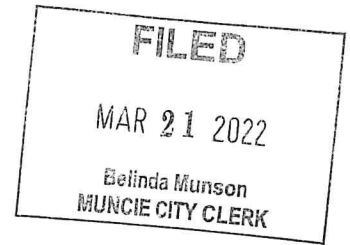


ORDINANCE NO. 11-22



**BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHENSIVE ZONING ORDINANCE
FROM THE R-3 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
3405 N. BELLAIRE AVE., MUNCIE, INDIANA.**

WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Common Council of the City of Muncie, Indiana has given reasonable regard to the Comprehensive Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Muncie, Indiana, as follows:

Section 1. That the City of Muncie Comprehensive Zoning Ordinance adopted on the 5th day of November, 1973, be amended, changed and supplemented so as to include in the **BV Variety Business Zone** the following described real estate located in the City of Muncie, Indiana, to wit:

Lots 47-50 in Sunset Addition, an Addition to the City of Muncie, IN, and the north 1/2 of the vacated road that was platted as Andover Avenue that runs along the south side of said lots.

Section 2. That all buildings or uses permitted and placed upon said above described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained the proper permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

	Yeas	Nays	Abstained	Absent
Jeff Green	✓	_____	_____	_____
Jeff Robinson	✓	_____	_____	_____
Brandon Garrett	✓	_____	_____	_____
Bradley Polk	✓	_____	_____	_____
Jerry D. Dishman	✓	_____	_____	_____
Roger Overbey	✓	_____	_____	_____
Aaron Clark	✓	_____	_____	_____
Troy A. Ingram	✓	_____	_____	_____
Ro Selvey	✓	_____	_____	_____



 President, Common Council

ATTEST:




 Belinda Munson, City Clerk

Presented by me to the Mayor for his approval this 2 day of May, 2022.



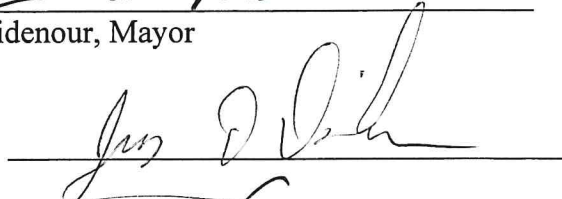
 Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this 2nd day of May, 2022.



 Dan Ridenour, Mayor

This Ordinance is proposed by Council Member



This Ordinance is approved in form by Legal Counsel



REPORT TO THE COMMON COUNCIL OF
THE CITY OF MUNCIE, INDIANA

January 14th, 2022

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: RMAC, LLC, 1451 E. 276th St., Atlanta, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 3405 N. Bellaire Ave., Muncie, Indiana; from zone classification: R-3 Residence Zone to classification: BV Variety Business Zone.

WHEREAS, the said Plan Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development.

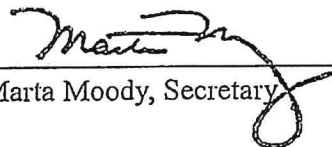
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (6 - 1, 0 abstained, 2 absent) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION

BY:

Allen Wiseley, President



Marta Moody, Secretary

Delaware-Muncie Metropolitan Plan Commission
Excerpt of Case Analysis - January 2022

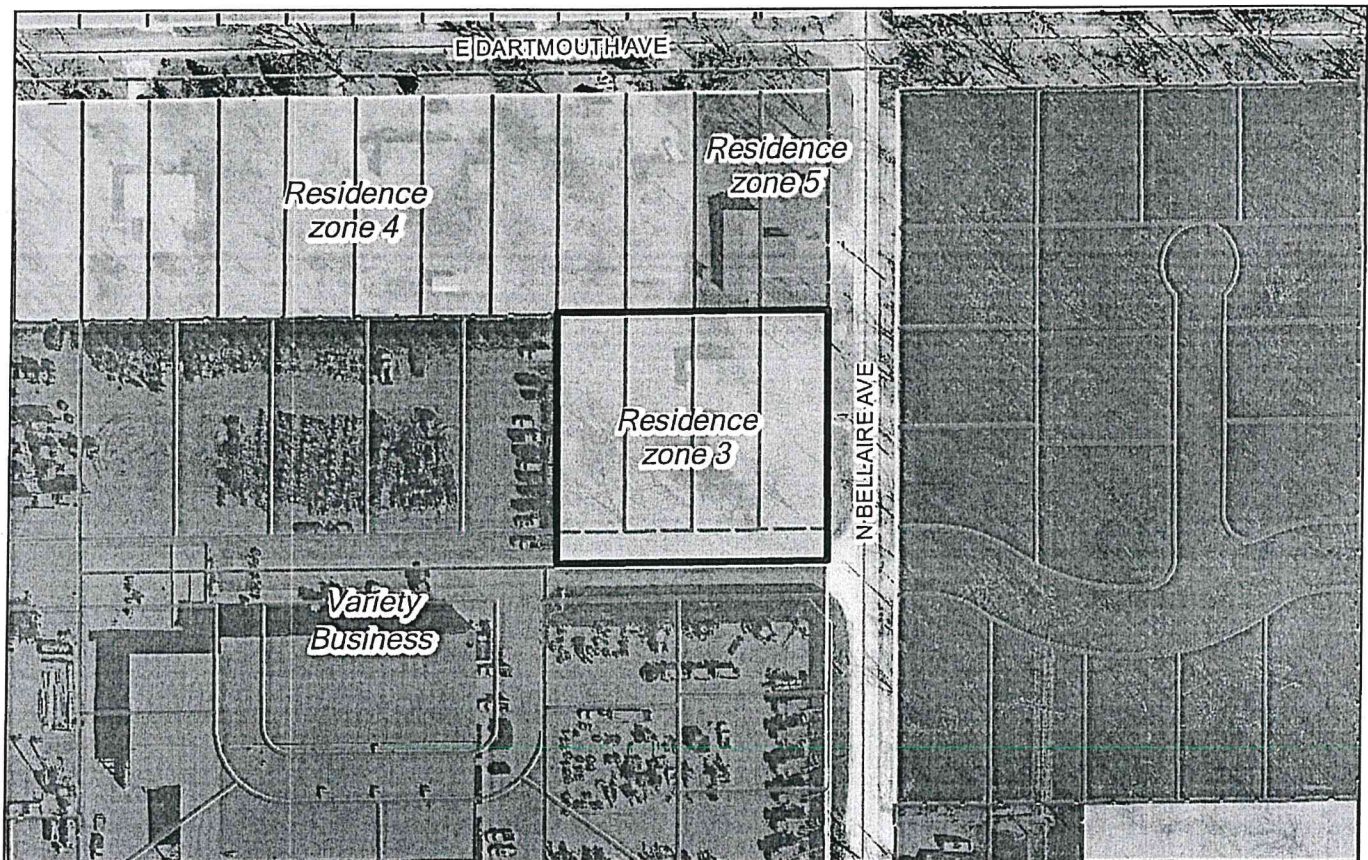
MPC 01-22Z RMAC, LLC

Location & Description: 3405 N. Bellaire Ave., Muncie

Located on the west side of N. Bellaire Ave., between McGalliard Rd. and Dartmouth Ave.

Traveling east on Wysor Rd. from downtown, go - 0.2 miles and continue onto Dr. Martin Luther King Jr. Blvd., go -1.6 miles to McGalliard Rd., turn right (east), go - 0.7 miles to Bellaire Ave., turn left (north), go - 0.1 miles, the site is on the left (west) side of N. Bellaire Ave.

The site is a parcel consisting of 4 lots and the north 1/2 of a vacated road. The site is currently vacant.

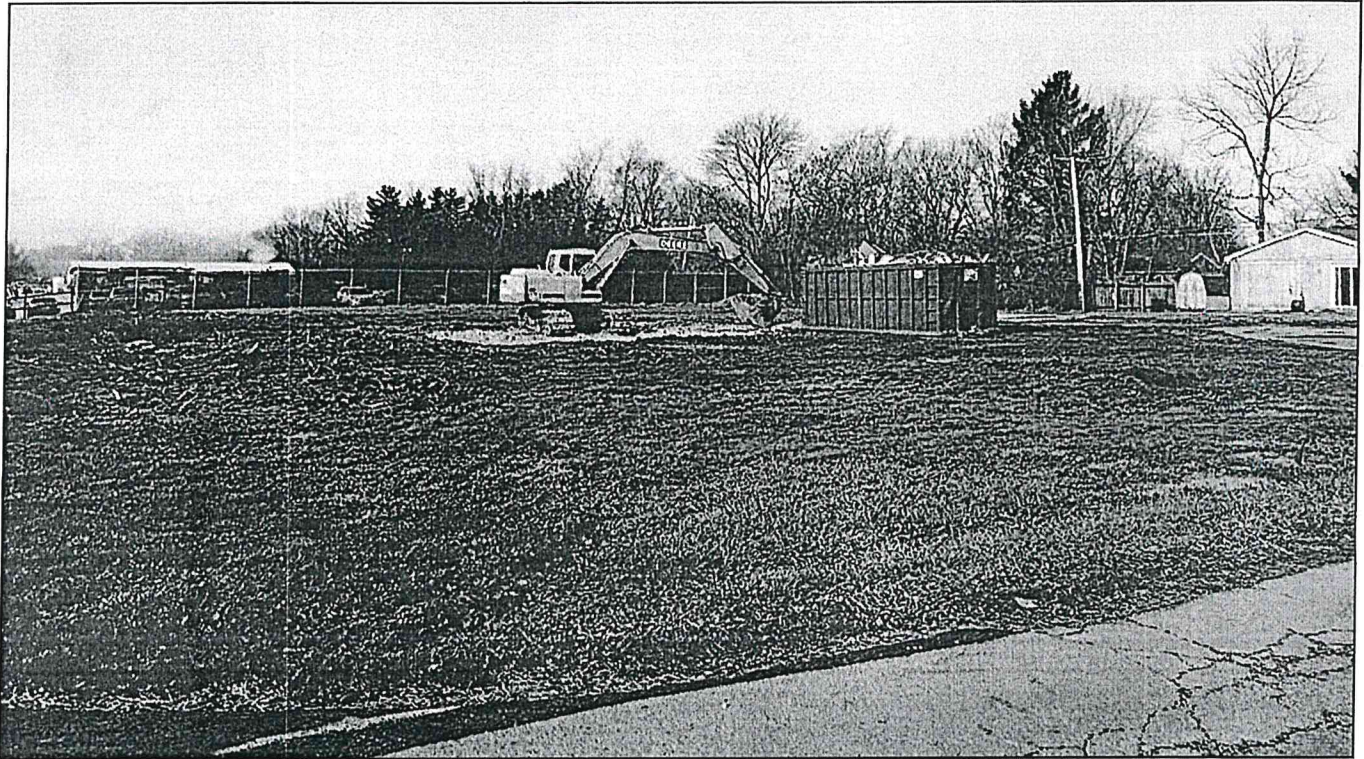


Streets: This section of N. Bellaire Ave. is classified as a Local Road with 50' of proposed R.O.W. according to the Thoroughfare Plan Map. This section of N. Bellaire is platted, the road has 50' of dedicated R.O.W.

Land Use: The site is currently greenspace (vacant) in use. Surrounding properties to the north are residential in use; surrounding properties to the east are greenspace (vacant) in use; surrounding properties to the south and west are commercial in use.

Zoning: This site is classified in the R-3 Residence Zone. Surrounding properties to the north are classified in the R-4 Residence Zone and the R-5 Residence Zone; surrounding properties to the east, south, and west are classified in the BV Variety Business Zone.

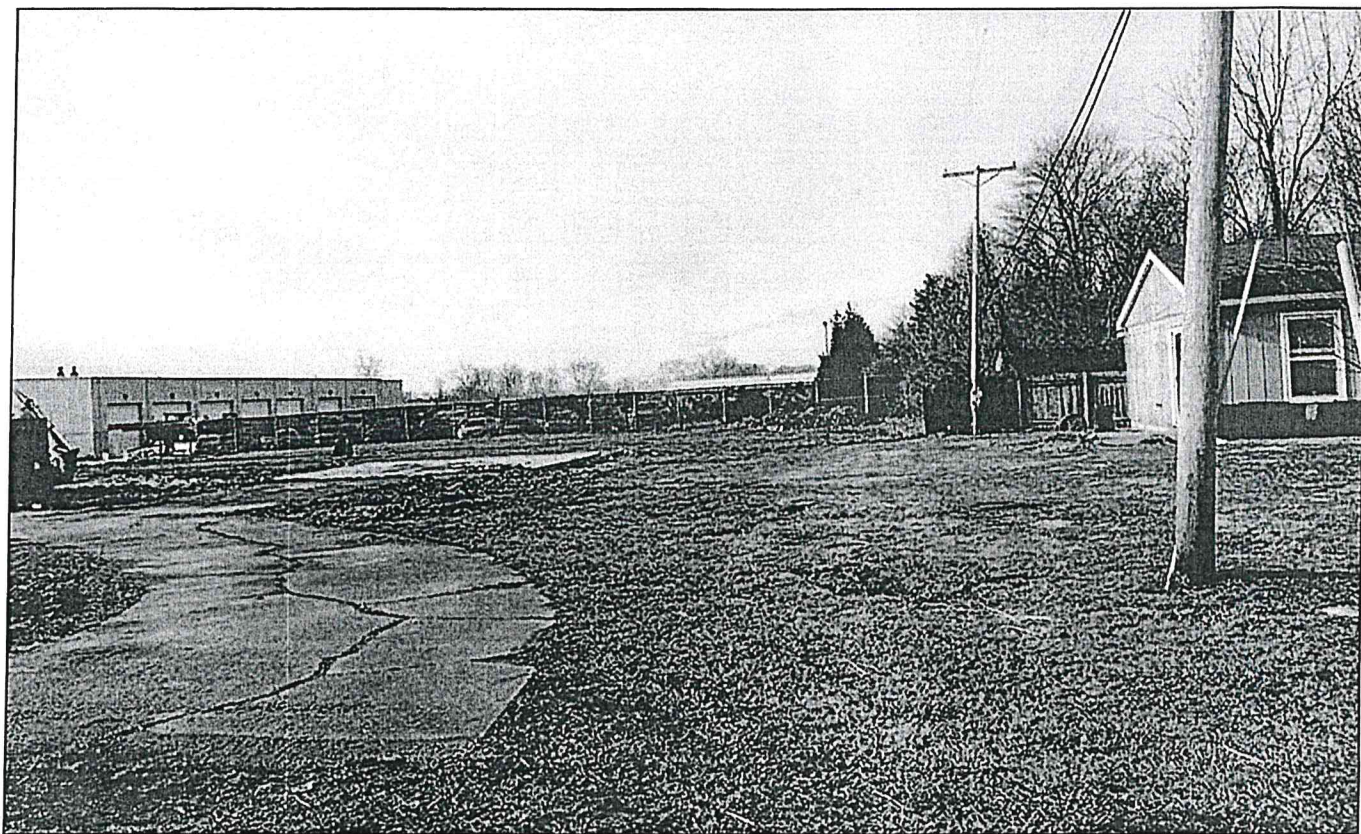
Request: The applicant is requesting a change in zone to the BV Variety Business Zone. The applicant would like to expand the parking lot and display area for Reynolds Farm Equipment.



View of the site from the southeast looking northwest.
The structure on the right is on a neighboring property.



View of the site from the northeast looking southwest.
The structures are a part of Reynolds Farm Equipment business.



View of the site from the northeast looking west.
The structures on the left are a part of Reynolds Farm Equipment business;
the structure on the right is a neighboring property..

Ordinance 5-22
DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION
PROPOSED ZONING CHANGE APPLICATION

Jurisdiction: (Check One)

Submitted: 12-3-21

☐ Delaware County

Case No.: MPC 01-222

☒ City of Muncie

(1) Applicant: RMAC, LLC

Address: 1451 E. 276th Street Phone: 317-758-4116
Atlanta, IN 46031

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: Instrument# or Book#: 2009R 08734
Date of Deed: 11/4/2008, Recorded 02/20/2009 at 2:34pm

B. ☐ By Recorded Contract:
Misc. Book No. & Page No.: _____
Date of Contract: _____

C. ☐ By Unrecorded Contract:
Date of Contract: _____
Name of Contract Seller: _____
Book No. & Page No. Of Deed in Seller's Name: _____

(3) Legal Description of Property for which rezoning is requested: (From the Deed or Abstract).
Lot 47, 48, 49, and 50 in Sunset Addition as per plat thereof recorded in Platbook 5, page 49 from the office of the recorder of Delaware County, IN, and the north 1/2 of the vacated road that was platted as Andover Ave. that runs along the south side of said lots.

Parcel# 07 35 378 025 000

(4) Common Address of Property Involved:
3405 N. Bellaire Ave
Muncie, IN 47303

(5) Proposed zoning change: (Give exact zone classification.)
From the R-3 Residence Zone
To the BV Variety Business Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
Additional Parking lot and Equipment Display Lot Space added to adjacent Reynolds Farm Equipment lots. This will connect to the current Reynolds Farm Equipment Lots, with a Fence dividing it from the neighborhood properties.
- (7) Will the Owner develop the property for the use specified in Item 6 or does owner intend to sell property for the purpose specified.
Yes, Owner is developing the property specified in Item 6.
- (8) State how the proposed change will not adversely affect the surrounding area.
This changes will create a seamless property with the current Reynolds Farm Equipment lots, along with a dividing fence between the homes and the lot. The property will be made to look nicer than the vacant lot with the removed home.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
No, none known at this time.
- (10) Has the applicant provided stamped, addressed envelopes to send notices of this rezoning to all the property owners within 300 feet? Yes
Has the applicant discussed this rezoning with those owners personally? No
(If answer is yes, give their attitudes toward the rezoning.)
**List of surrounding property owners was provided by Lorey Stinton at the DMMPC, which was used for letters.
- (11) Are there any restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in this application?
(If answer is yes, attach copy of it and/or explain.)
None known at this time.

AFFIDAVIT

(I or We) Gary Reynolds being duly sworn, depose and say that I/We am/are the owner(s)/contract owner(s) and contract seller(s) of property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my/our knowledge and belief.

SIGNATURES: *Gary Reynolds*

Subscribed and sworn to before me this 15th day of December, 2021



Charmarie L. Hancock
Notary Public

March 21, 2026
My Commission Expires

Resident of Madison County

State of Indiana

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was submitted to the Delaware-Muncie Metropolitan Plan Commission Office in accordance with all the formal requirements. If properly advertised by the applicant, this application will be heard by the Plan Commission in Public hearing on the 6th day of January, 2022.

Signed *[Signature]*

Date 12-17-2021

Church Church
IP
lop



* 2 0 0 9 R 0 8 7 3 4 *

2009R08734

JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
02/20/2009 02:34:07PM
REC FEE: 16.00
PAGES: 1

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That Reynolds Farm Equipment, Inc. ("Grantor") of Hamilton County in the State of Indiana, QUITCLAIM(S) to RMAC, LLC ("Grantee") of Hamilton County in the State of Indiana, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Delaware County, Indiana:

Lots Numbered Forty-seven (47), Forty-eight (48), Forty-nine (49) and Fifty (50) in Sunset Addition, as per plat thereof recorded in Plat Book 5, page 49 in the Office of the Recorder of Delaware County, Indiana.

18-07-35-378-025-000-003.

Subject to any and all easements, agreements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has executed this deed, this 4 day of November, 2008.

Signature: [Signature]
Printed: Gary Reynolds, President
Reynolds Farm Equipment, Inc

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Gary Reynolds, President of Reynolds Farm Equipment, Inc. who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 4 day of November, 2008.

My Commission Expires Signature [Signature]

1-18-18

Printed: EM Douthit
Residing in Hamilton County, Indiana.

Mail Tax Statements To: Gary Reynolds, Reynolds Farm Equipment, Inc., P.O. Box 218, Fishers, IN 46038

This Instrument Was Prepared By: Eric M. Douthit, Church, Church, Hittle & Antrim, 12514 Reynolds Drive, Suite B, Fishers, Indiana, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

—Eric M. Douthit, Esq

Duly Entered for Taxation
Transfer Fees \$ 5.00

FEB 20 2009

Judy Rust
DELAWARE CO. AUDITOR

ORDINANCE NO. 22-11

JUN 24 7 11
Phyllis
MUNCIE CITY CLERK

**AN ORDINANCE VACATING AN ALLEY AND PUBLIC WAY LOCATED IN
MUNCIE, DELAWARE COUNTY, INDIANA**

This is an Ordinance adopted by the City Council for the City of Muncie, Indiana, in a meeting duly assembled on the 1st day of August, 2011, as follows:

WHEREAS, at a regular meeting of the Muncie City Council ("Council"), held on the July 11, 2011, the Council received a Petition to Vacate filed by RMAC, LLC ("RMAC"), the owner of real property in Muncie, Indiana ("Muncie") on which is located Reynolds Farm Equipment, Inc., seeking vacation of two public ways within Muncie's municipal boundaries;

WHEREAS, RMAC's Petition to Vacate concerned the following two public ways:

1) a platted but non-existing alley abutting to the West lots 1 and 27 in the Sunset Addition and lots 27 and 43 in Kuhner Heights, south of Dartmouth Avenue and north of McGalliard Avenue (running on RMAC's western property line); and

2) a public way platted as a road but never used as such extending from Andover Avenue to Bellaire Avenue and south of lots 47, 48 49 and 50 in the Sunset Addition and North of lots 35 and 19 (part of the public way commonly known as Andover Avenue from the intersection of Andover Avenue with Bellaire Avenue traveling west until Andover Avenue ends within the RMAC property) (jointly, "Vacation Areas").

WHEREAS, RMAC, as an owner of land that abuts the proposed Vacation Areas, has filed, together with its Petition to Vacate, a written waiver and consent waiving notice of a hearing on said Petition and consenting to the adoption of an ordinance by this Council vacating said Vacation Areas;

WHEREAS, on the 11th day of July being within thirty (30) days after the filing of said Petition by RMAC on June 23, 2011, this Council conducted a public hearing on said Petition;

WHEREAS, due notice of said public hearing was published according to law pursuant to Ind. Code. §§ 36-7-3-12(c)(1) and 5-3-1 *et. seq.*;

WHEREAS, due notice of said public hearing to all other owners of land which abut said Vacation Areas has been given pursuant to Ind. Code § 36-7-3-12(c)(2) or is not necessary due to the fact that RMAC, LLC has previously filed its Waiver of Notice and Consent; and

WHEREAS, the Vacation Areas are located within the corporate boundaries of Muncie, Indiana, and this Council has proper jurisdiction over the proceedings herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Muncie, Indiana, meeting in regular session as follows:

The Council hereby finds and determines that the vacation of said Vacation Areas would not:

(1) hinder the growth or orderly development of the unit or neighborhood in which said the Vacation Areas are located or to which the Vacation Areas are contiguous;

(2) make access to the lands of any person by means of public way difficult or inconvenient;

(3) hinder the public's access to a church, school, or other public building or place; or

(4) hinder the use of a public area by the neighborhood in which said Vacation Areas is located or which said Vacation Areas is contiguous.

The public ways sought to be vacated by Petition RMAC, LLC are hereby vacated.

ALL OF WHICH IS SO ORDAINED this 1st day of August, 2011.

THE CITY COUNCIL OF MUNCIE, INDIANA, DELAWARE COUNTY, INDIANA.

	Yeas	Nays	Abstained	Absent
Sam Marshall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Conatser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary Jo Barton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Diahman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brad Polk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Julius Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Gregory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike King	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alison Quirk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed by the Common Council of the City of Muncie, Indiana this 1st day of August, 2011.

Sam Marshall
Sam Marshall, President
Muncie Common Council

Presented by me to the Mayor for her approval, this 2nd day of August, 2011.

Phyllis Reagan
Phyllis Reagan, City Clerk
City of Muncie

The above ordinance is approved (vetoed) by me this 2nd day of August, 2011.

Sharon McShurley
Sharon McShurley, Mayor
City of Muncie, Indiana

ATTEST

Phyllis Reagan
Phyllis Reagan, City Clerk

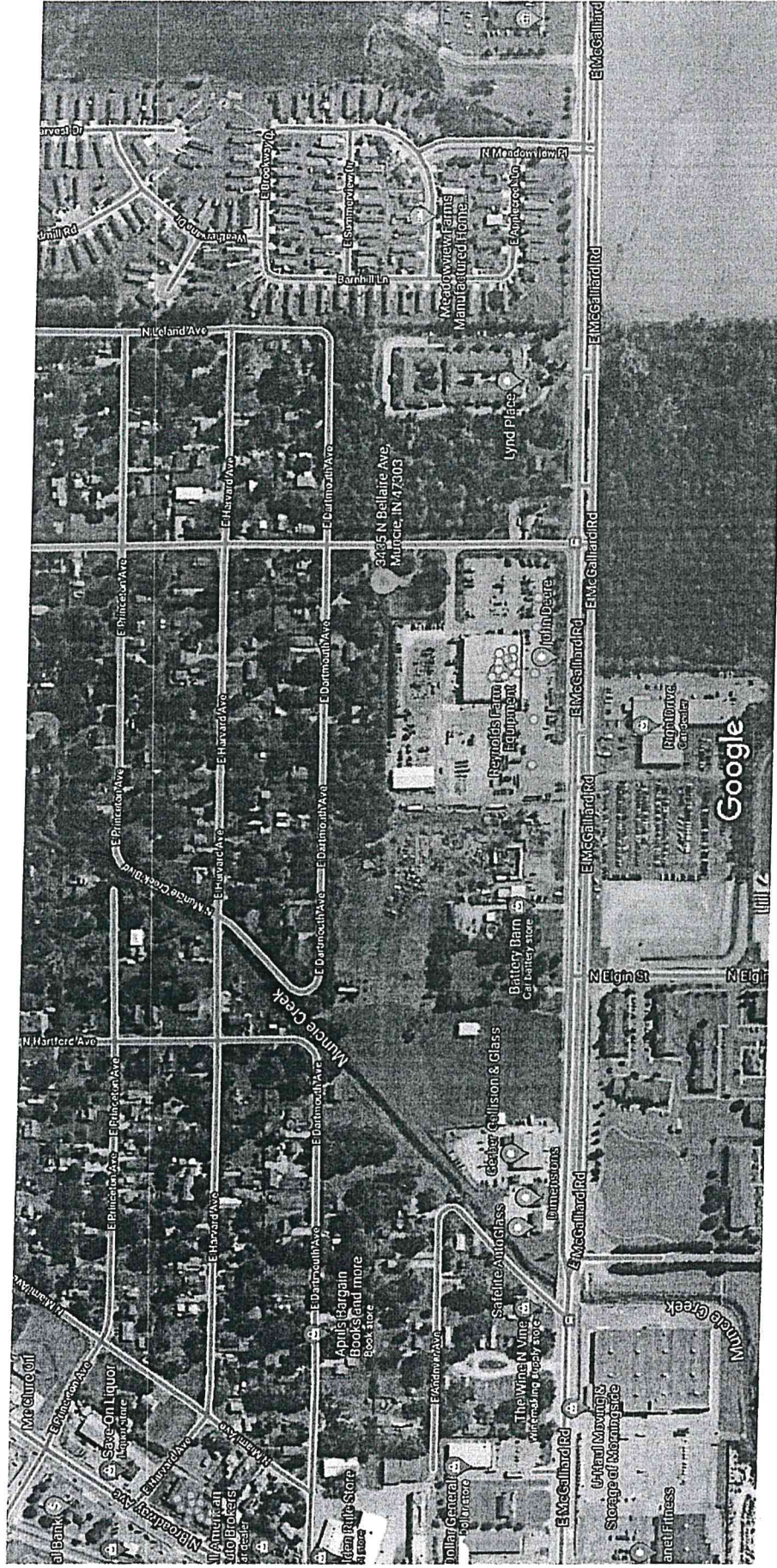
This ordinance is proposed by

James D. Dill
Council Member

This ordinance is approved in form by

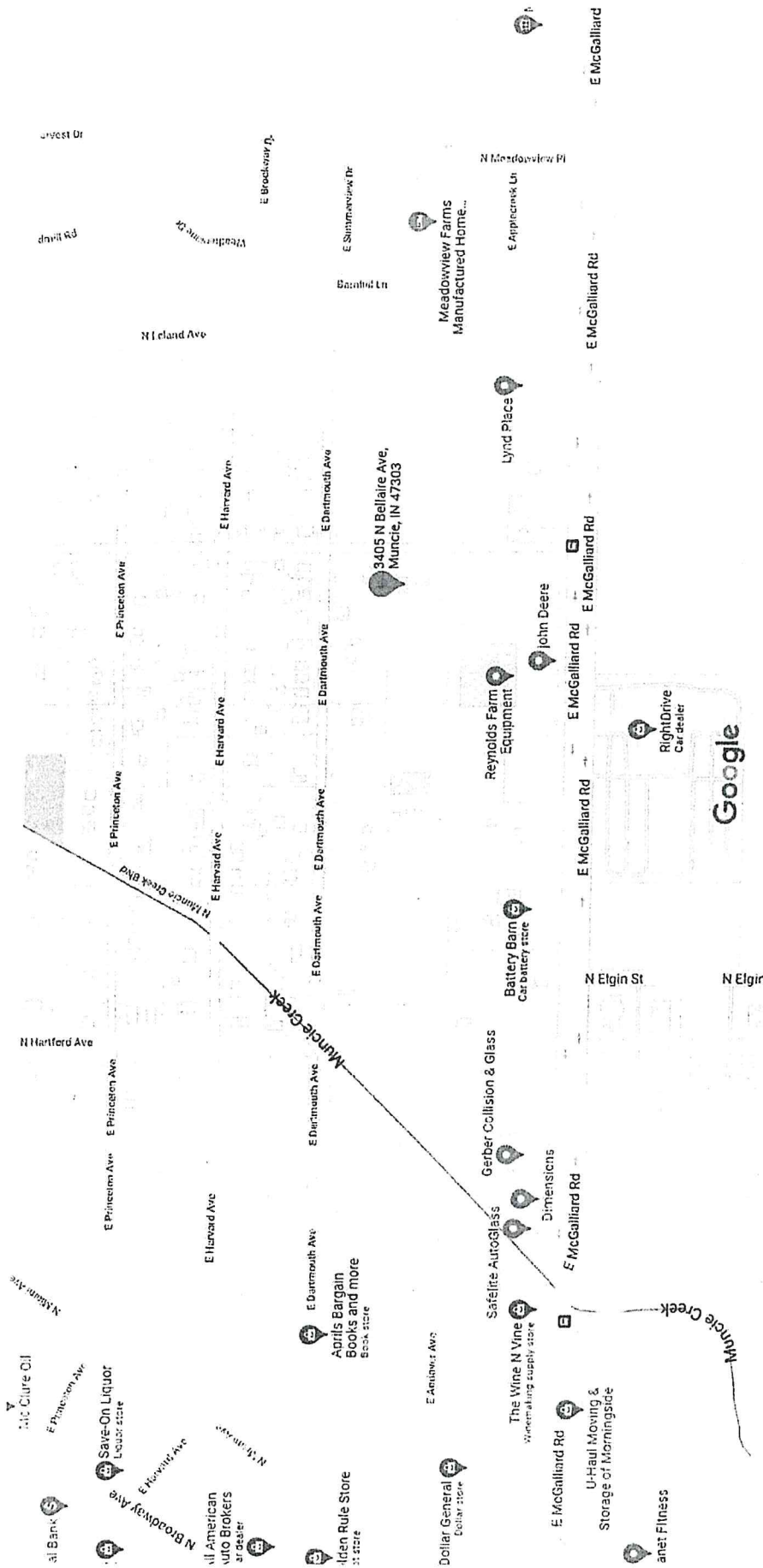
David J. Gies
Legal Counsel

Google Maps 3405 N Bellaire Ave



Imagery ©2021 IndianaMap Framework Data, Maxar Technologies, USDA Farm Service Agency, Map data ©2021 200 ft

MPC 01-22Z



Digitized by Google

MPC 01-22Z