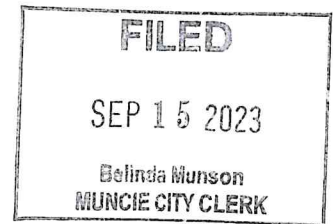


ORDINANCE NO. 17-23



BEING AN ORDINANCE TO AMEND  
THE CITY OF MUNCIE  
COMPREHENSIVE ZONING ORDINANCE  
FROM THE R-4 RESIDENCE ZONE  
TO THE R-4A RESIDENCE ZONE  
ON PREMISES LOCATED AT  
1700 BLK N. NEW YORK 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 R-4A Residence Zone the following described real estate located in the City of Muncie, Indiana, to wit:

**Lot 18 in the Wilfred W. Wingate Addition to the City of Muncie, IN.**

**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
Aaron Clark		✓		
Jerry Dishman		✓		
Brandon Garrett		✓		
Jeff Green		✓		
Troy Ingram		✓		
Brad Marshall		✓		
Roger Overbey		✓		
Jeff Robinson		✓		
Rosa Selvey		✓		

Passed by the Common Council of the City of Muncie, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jeff Robinson, President of the Common  
Council of the City of Muncie, Indiana

Presented by me to the Mayor for his approval this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Belinda Munson, City Clerk of the  
City of Muncie, Indiana

The above ordinance approved (vetoed) by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Daniel Ridenour, Mayor of the  
City of Muncie, Indiana

ATTEST:

\_\_\_\_\_  
Belinda Munson, City Clerk of the  
City of Muncie, Indiana

This ordinance is proposed by: \_\_\_\_\_

*Jerry Dishman*  
City Council Member

This ordinance is approved in form by: \_\_\_\_\_

*Alan Wade Hammett*  
Corporate Counsel

**DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION  
PROPOSED ZONING CHANGE APPLICATION**

Jurisdiction: (Check One)

Submitted: Aug 16, 2023

☐ Delaware County

Case No.: MPC 05-232

☒ City of Muncie

(1) Applicant: Nolting Investments, LLC (Eric Nolting, Sole Member)

Address: 8206 Rockville Rd #306 Phone: 317-825-8683  
Indianapolis, IN 46214

(2) Record of Applicant's Ownership:

A. ☒ By Deed:

Deed Book No. & Page No.: 2016R/07109

Date of Deed: 04/26/2016

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).  
WINGATE ADD LOT 18

(4) Common Address of Property Involved:  
1700 N New York Ave  
Muncie, IN 47304

(5) Proposed zoning change: (Give exact zone classification.)

From the R-4 Zone

To the R-4A Zone

~~(6)~~ Intent and Purpose of Proposed Change: (Specify use contemplated on property.)

To construct residential housing in accordance with the parameters of Zone R-4A as described in the City of Muncie Comprehensive Zoning Ordinance.

(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.

Owner will develop for use specified in item 6.

(8) State how the proposed change will not adversely affect the surrounding area.

The structure will be designed and built in a manner as to blend in with the existing style/feel of the surrounding neighborhood. The proposed change will also allow for more affordable housing options for all familial statuses.

(9) Will certain variances be requested if the proposed zoning change is granted?  
(If yes, list the variances)

no

(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.)

N/A

(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.)

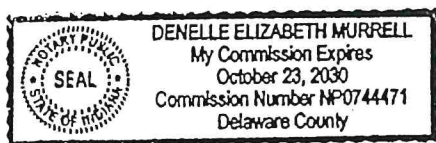
No

## AFFIDAVIT

(I or We) Nolting Investments, LLC (Eric Nolting, Sole Member) 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: \_\_\_\_\_

Subscribed and sworn to before me this 16<sup>th</sup> day of August, 2023



Denelle Murrell  
Notary Public

October 23, 2030  
My Commission Expires

Resident of Delaware 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 7<sup>th</sup> day of September, 2023.

Signed \_\_\_\_\_

Date 8-17-2023



Duly Entered for Taxation

Transfer Fees \$ 5.00

Jun 21 2016

*John J. Lutz*

DELAWARE CO. AUDITOR

LT

2016R07109

MELANIE MARSHALL  
DELAWARE COUNTY RECORDER

RECORDED ON  
06/22/2016 9:10 AM  
REC FEE: 19.00  
PAGES: 2

## **SPECIAL WARRANTY DEED**

TITLE OF DOCUMENT

THIS INDENTURE WITNESSETH, Deutsche Bank National Trust Company, as Trustee for FFMLT TRUST 2004-FF3, Mortgage Pass-Through Certificates, Series 2004-FF3, By: Ocwen Loan Servicing, LLC, as Attorney-in-Fact (Grantor), CONVEYS AND SPECIALLY WARRANTS to Noltling Investments, LLC - A Indiana Limited Liability Company (Grantee), for the sum of NINETEEN THOUSAND ONE HUNDRED NINE AND NO/100 DOLLARS (\$19,109.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following-described real estate in Delaware County, State of Indiana, to-wit:

LOT NUMBER EIGHTEEN (18) IN THE WILFRED W. WINGATE ADDITION TO THE CITY OF MUNCIE, INDIANA.

Common Address: 1700 North New York Avenue, Muncie, Indiana 47304

Parcel ID No.: 11-04-377-004.000-003

Grantee takes subject to taxes assessed in 2015, payable in 2016, and taxes assessed and payable thereafter. In addition, Grantee takes subject to easements, recorded and visible, and all restrictions of record.

Grantor does hereby fully warrant the title to said real estate, and will defend the same against lawful claims of all persons claiming by, through or under said Grantor but against none other.

The person or entity executing this deed on behalf of Grantor represents that he/she/it is the duly authorized Attorney-in-Fact for Grantor, or is a duly elected Signor of Grantor, and has been fully empowered by a signed Power of Attorney, and/or a signed Resolution of Grantor, to execute and deliver this deed; that Grantor, through its Attorney-in-Fact, and/or through its duly elected Signor, has full capacity to convey said real estate; and that all necessary action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed this 21<sup>st</sup> day of April, 2016

Deutsche Bank National Trust Company, as Trustee for FFMLT TRUST 2004-FF3, Mortgage Pass-Through Certificates, Series 2004-FF3, By: Ocwen Loan Servicing, LLC, as Attorney-in-Fact

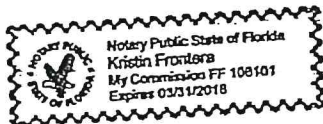
By: Jon King  
Title: Contract Management Coordinator

STATE OF Florida )  
COUNTY OF Palm Beach )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2016, by Jon King, the Contract Management Coordinator (title) of Ocwen Loan Servicing, LLC, as Attorney-in-Fact for Deutsche Bank National Trust Company, as Trustee for FFMLT TRUST 2004-FF3, Mortgage Pass-Through Certificates, Series 2004-FF3, who is personally known to me or who has produced as identification and who did did not take an oath.

POA recorded on 5/4/16 with Inst# 2016R04912

MY COMMISSION EXPIRES:



Kristin Frontera  
NOTARY PUBLIC, a resident of  
Palm Beach County

NAME PRINTED: Kristin Frontera

Special Warranty Deed  
1700 North New York Avenue  
Muncie, Indiana 47304  
Parcel No. 11-04-377-004.000-003

Grantee's Address and  
After Recording Return To:  
Nolting Investments, LLC  
8206 Rockville Road, #306  
Indianapolis, Indiana 46124

Send Subsequent Tax Bills To:  
Nolting Investments, LLC  
8206 Rockville Road, #306  
Indianapolis, Indiana 46124

This instrument was prepared by:  
Leila Hansen, Esq.  
9041 South Pecos Road, Suite 3900  
Henderson, Nevada 89074

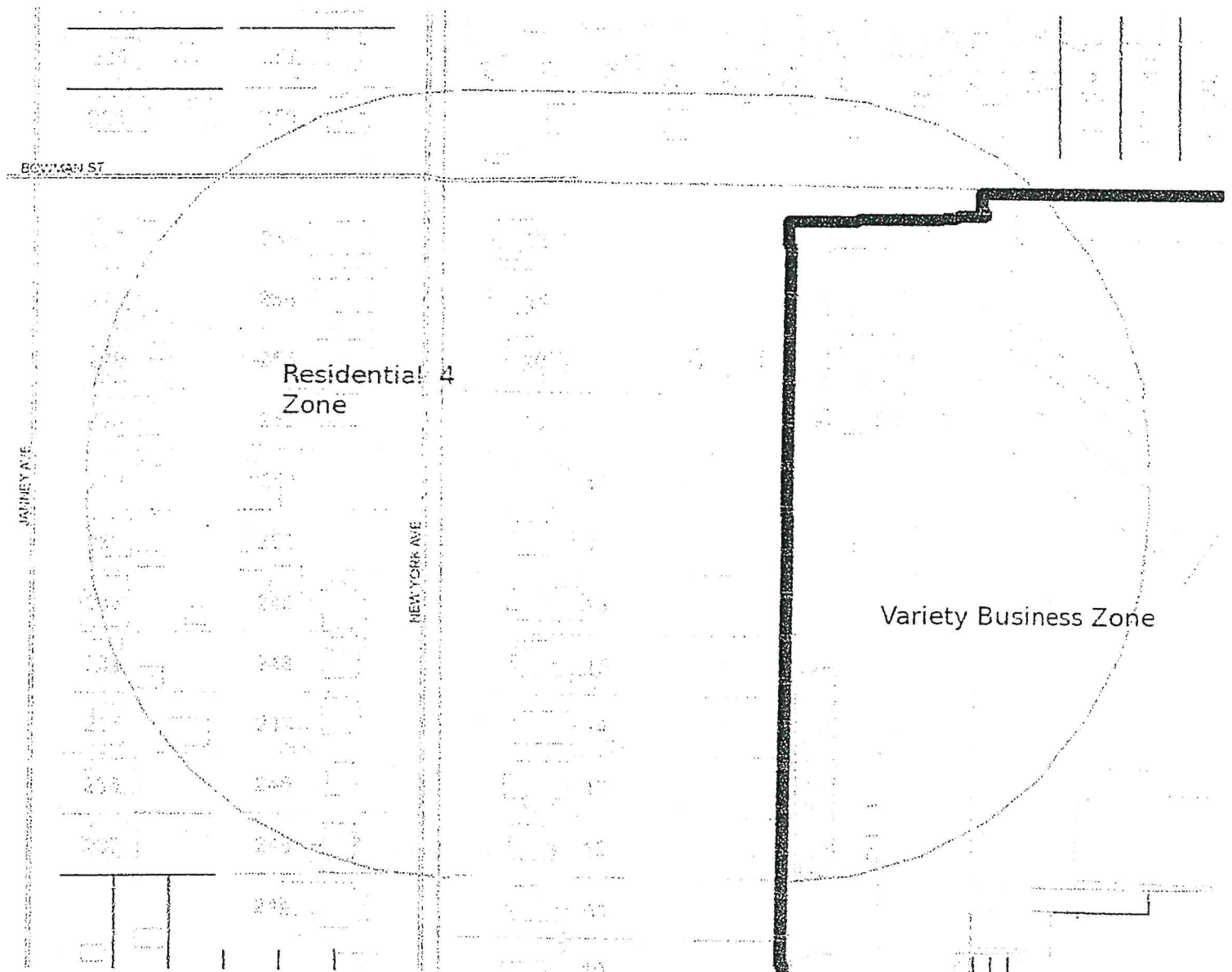
This instrument was prepared by Leila Hansen, Esq. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Loan Number: 7100829790

# 1700 N New York Ave

Property Dimensions: 50x275  
Property Acreage: .315  
Existing Buildings: None  
Property Owners w/in 300 ft: Attached  
Prominent Physical Features: None

MPC 05-23Z





# Delaware-Muncie Metropolitan Plan Commission

## Excerpt of Case Analysis - September 2023

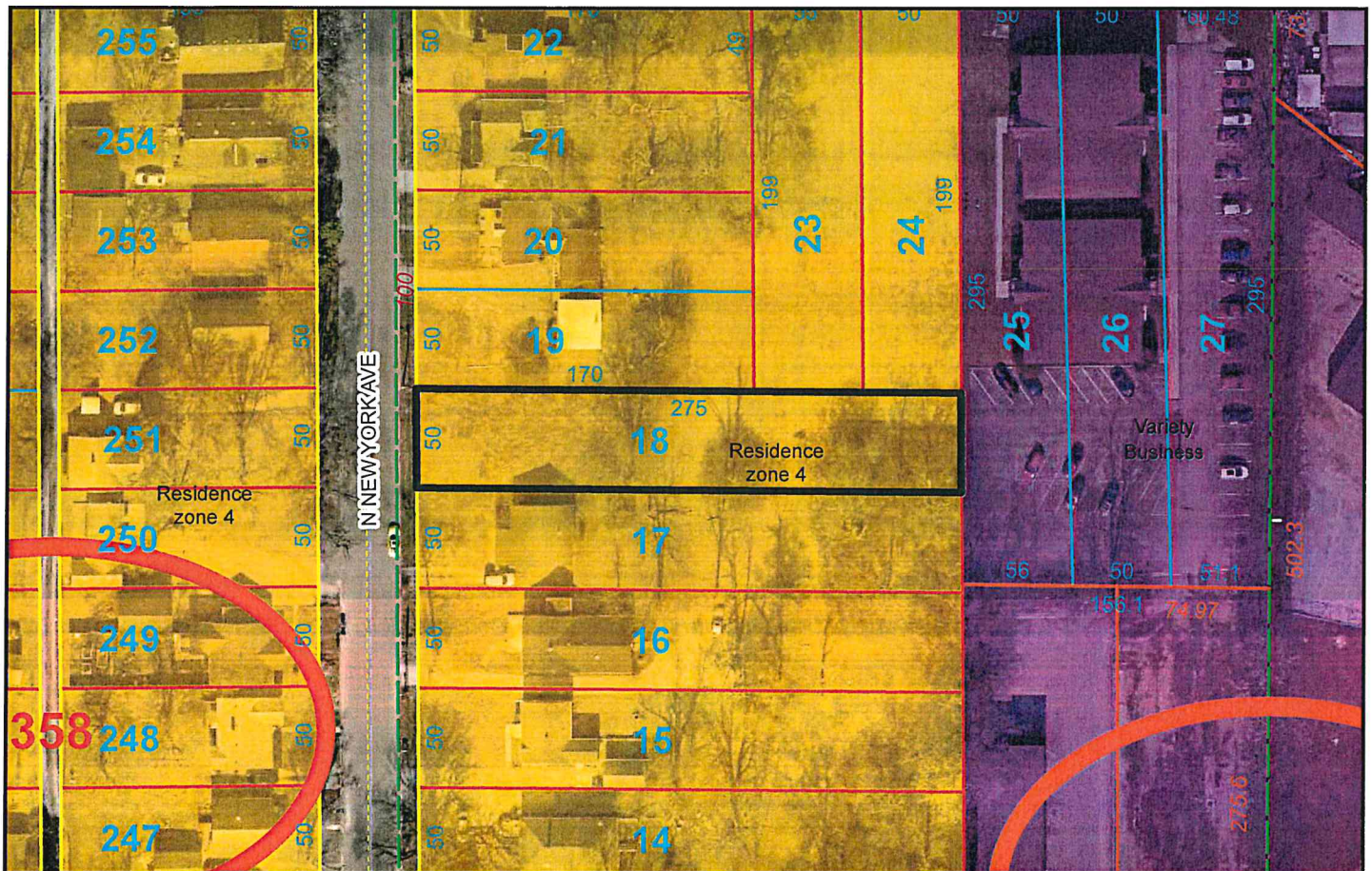
MPC 05-23Z      Nolting Investments, LLC

### Location & Description: 1700 BLK N. New York Ave., Muncie

Located on the east side of N. New York Ave, ~ 600' north of W. Bethel Ave. and ~ 200' south of W. Bowman St.

Traveling north on Wheeling Ave. from downtown, go ~ 0.9 miles to W. Bethel Ave., turn left (west), go ~ 0.3 miles to N. New York Ave., turn right (north), go ~ 0.1 miles, the site is on the right (east) side of N. New York Ave.

The site includes 1 lot consisting of ~ 0.23 acres. The site is currently vacant (greenspace).



**Streets:** This section of N. New York Ave. is classified as a Local Road with an 50' proposed R.O.W. according to the Thoroughfare Plan Map. This section of N. New York Ave. has 50' of dedicated R.O.W.

**Land Use:** The site is currently vacant (greenspace) in use. Surrounding properties to the north, south, and west are single-unit residential in use. Surrounding properties to the east are multi-unit residential in use.

**Zoning:** The site is classified in the R-4 Residence Zone. Surrounding properties to the north, south, and west



are classified in the R-4 Residence Zone. Surrounding properties to the east are classified in the BV Variety Business Zone.

**Request:** The applicant is requesting a change in zone to the R-4A Residence Zone. The applicants would like to redevelop the property in accordance with the R-4A Residence Zone, which allows single unit, 2 unit, and 3 unit dwellings.



View of the site from N. New York Ave., looking to the east. The neighbor's garage to the north is visible on the left. Apartment buildings to the east are visible in the background.

09/03/23 houses for rent on following N/S streets  
between Bethel Ave. & Cowing Dr. in Anthony-Northside neighborhood

N. New York Ave.

1713 by owner (2-story)  
1704 "orange sign"  
1641 Middletown  
1636 Campus Rentals  
1620 Campus Rentals  
1600 Campus Rentals  
1628 Rent Close to BSU  
1620 "orange sign"

N. Janney Ave.

1701 "orange sign"  
2113 "orange sign"  
2200 block "orange sign"

N. Ball Ave.

1905 Campus Rentals  
1900 Campus Rentals  
1712 Campus Rentals  
1705 Campus Rentals  
1701 Campus Rentals  
1607 Campus Rentals  
2300 TJ Lennon Properties  
2201 TJ Lennon Properties  
2117 TJ Lennon Properties  
2113 TJ Lennon Properties  
2101 TJ Lennon Properties  
1909 TJ Lennon Properties  
2200 by owner  
2012 by owner

Bethel Ave.

1500  
1520

N. Glenwood Ave.

1715 Campus Rentals  
1905 Campus Rentals  
1900 by owner  
2013 J Brand Properties  
2016 TJ Lennon Properties

N. Rosewood Ave.

1909 Campus Rentals  
1808 Campus Rentals  
1708 Campus Rentals  
1704 Campus Rentals  
2204 by owner  
1809 P.E.R.  
1800 Mark BSU Properties  
1701 BK Management

N. Maplewood Ave.

1913 Campus Rentals  
2309 Campus Rentals  
2013 Key Realty

N. Hollywood Ave.

1914 BSU Living

Bowman between Janney & Ball

DMMPC  
EXHIBIT MPC 05-232 thru 09-232  
APPLICANT \_\_\_\_\_  
OPPONENT X \_\_\_\_\_  
DATE REC'D 9-7-2023



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

September 8th, 2023

**To the Honorable:**

Common Council of the City of Muncie, Indiana

**Dear Council Members:**

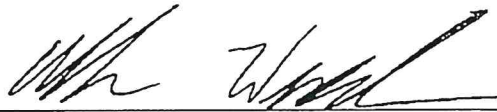
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Nolting Investments, LLC, 8206 Rockville Rd. #306, Indianapolis, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 1700 BLK N. New York Ave., Muncie, Indiana, from zone classification: R-4 Residence Zone to classification: R-4A Residence 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.

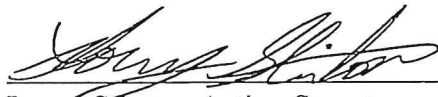
**NOW, THEREFORE**, the Delaware-Muncie Metropolitan Plan Commission hereby **NEITHER FAVORABLY OR UNFAVORABLY RECOMMENDS** (5 - 2, 2 absent) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

**BY:**



Allen Wiseley, President



Lorey Stinton, Acting Secretary