

FILED

JAN 21 2025

**Belinda Munson
MUNCIE CITY CLERK**

ORDINANCE NO. 3-25

**BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE TO THE BC COMMUNITY BUSINESS ZONE
ON PREMISES LOCATED AT
THE NORTHWEST CORNER OF THE INTERSECTION OF
W. MEMORIAL DR. AND S. SAMPSON 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 is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, as follows:

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

**The Northwest corner of the intersection of W. Memorial Dr., and S. Sampson Ave.,
Muncie, Indiana.**

Section 2. That all buildings or uses permitted and placed upon described real estate shall fully conform with all the provisions of the City of Muncie Comprehensive Zoning Ordinance and shall have obtained all 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	ABSTAIN	ABSENT
Dale Basham	✓			
Jerry Dishman	✓			
Brandon Garrett	✓			
Jeff Green	✓			
Sara Gullion	✓			
William McIntosh Sr.	✓			
Harold Mason Jr.	✓			
Nora Powell	✓			
Ro Selvey	✓			

Passed by the Common Council of the City of Muncie, Indiana, this 3rd day of March, 2025.

Harold Mason
President of the Common Council
City of Muncie, Indiana

Presented by me to the Mayor for his approval this 3 day of March, 2025.

Belinda Munson
Belinda Munson, City Clerk
City of Muncie, Indiana

The above ordinance approved (vetoed) by me this 3rd day of March, 2025.

Dan Ridenour
Dan Ridenour, Mayor of the City of Muncie,
Indiana

ATTEST:

Belinda Munson
Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:

Jerry Dishman
City Council Member

This ordinance is approved in form by:

Jana Wade Hamester
Corporate Counsel

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

January 10, 2025

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: East Central Indiana Regional Planning District, 1208 W. White River Blvd #112, Muncie, Indiana, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: the northwest corner of the intersection of W. Memorial Dr. and S. Sampson Ave., Muncie, Indiana, Center Township, Delaware County, IN, from zone classification: R-4 Residence Zone to zone classification: BC Community Business Zone.

WHEREAS, the 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 the jurisdiction and responsible growth and development; and

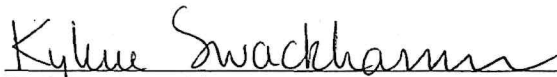
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (7-0) the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Chris Smith, President



Kylene, Swackhamer, Secretary

EXCERPT FROM JANUARY 9, 2025 CASE ANALYSIS FROM THE DELAWARE- MUNCIE METROPOLITAN PLAN COMMISSION

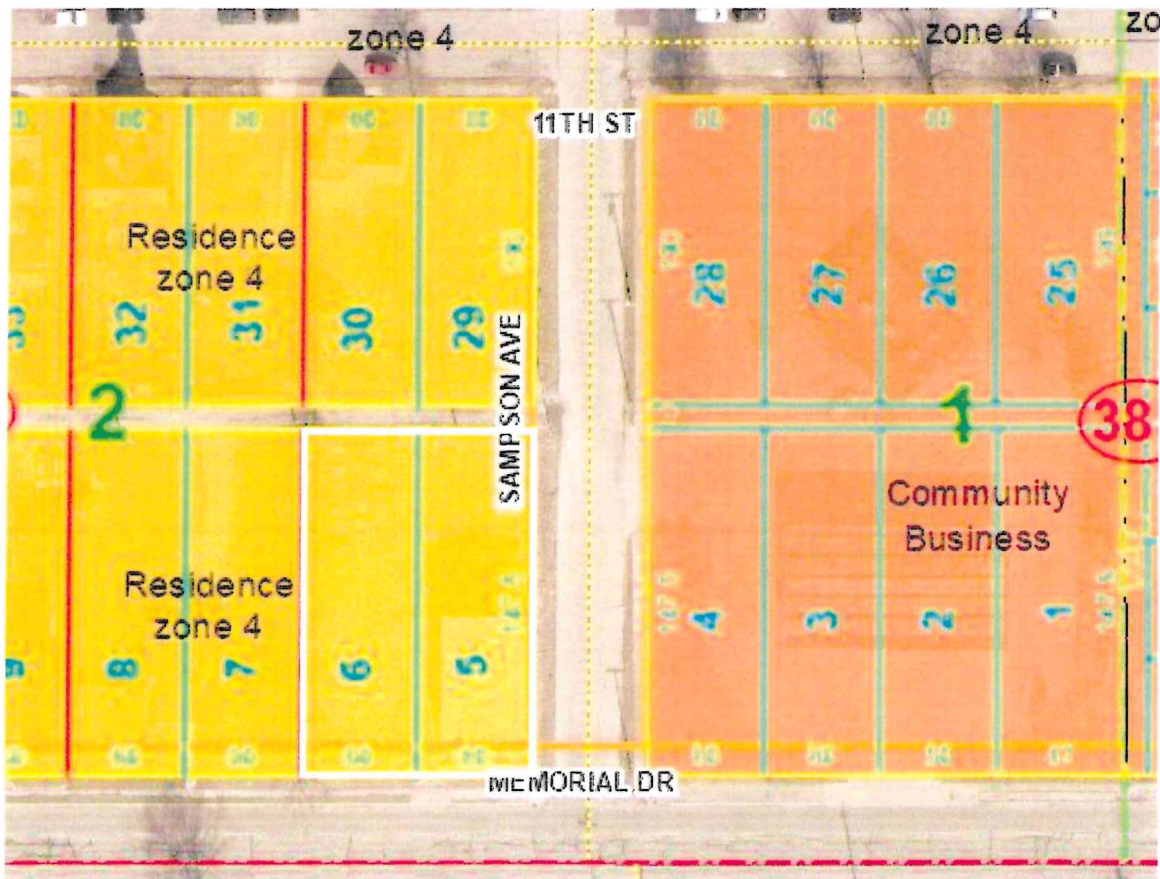
MPC 02-25Z East Central Indiana Regional Planning District

Description & Location: Northwest corner of Memorial Dr. and Sampson Ave., Muncie

Travel 1 mile south on Walnut St. Madison St. to the intersection with Memorial Dr. Turn right (west) onto Memorial. Travel 0.7 mile to the intersection with Sampson Ave. The property will be on the right (north) on the corner of Sampson Ave. and Memorial Dr.

Streets: Memorial Dr. is platted with a 75' ROW and is classified as a Primary Arterial Road with a 100' proposed ROW according to the Thoroughfare Plan Map. Sampson Ave. is platted with a 50' ROW and is classified as a Local Road according to the Thoroughfare Plan Map.

Land Use: The land use along Memorial Dr. is commercial and residential. The land use to the north along Sampson Ave. is commercial and residential.





View from Memorial looking northwest



View from Sampson looking west

Zoning: The zoning for the property is classified as R-4 Residence Zone. Surrounding properties are zoned to include; BV Variety Business to the nrth, and east, and R-2 Residence Zone and R-5 Residence Zone to the west and south of the property.

Request: The request is for a change in zone from the R-4 Residence Zone to the BC Community Business Zone. According to the county tax records the property contains a 3776 sq. ft. commercial building built in 1940. The applicant is requesting a zone change to allow the building to be remodeled as mixed commercial and residential use.

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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 12-18-24

Case No.: MPC 02-25Z

(1) Applicant: East Central Indiana Regional Planning District IN

Address: 1208 W White River BLVD #112, Muncie, IN 47303 Phone: 765-713-7000
08/18/2022

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 2022R12624
Date of Deed: _____

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).
Perkins ADD BLK 2 Lots 5 & 6

(4) Common Address of Property Involved:
1400 W Memorial Dr, Muncie, IN 47302

(5) Proposed zoning change: (Give exact zone classification.)
From the Reidence Zone 4 Zone
To the BC Community Business Zone

(6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
Multifamily with bottom commercial space

(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 intends to sell property for the purposed use to a buyer who plans on restoring the building

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

Numerous commercial buildings/ businesses around the area, and will still be used for residential apartments to add more places to live in a building thats delapitated and needs restored. Also, property accross the street is zoned BC.

(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.)

(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

AFFIDAVIT

(I or We) EAST CENTRAL INDIANA PLANNING DISTRICT 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: [Signature]

Bill Walters

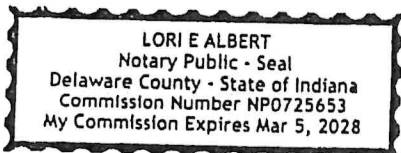
Subscribed and sworn to before me this 11 day of November, 2024

[Signature]
Notary Public

March 5, 2028
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 9 day of January, 2025.

Signed [Signature]

Date 12.31-24

Duly Entered for Taxation
Transfer Fees \$ 1.00

JUL 12 2022 8:50

DEL. COUNTY AUDITOR
2 P

2022R12624
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
08/18/2022 09:35 AM
REC FEE 25.00
PAGES: 2

RECORDED AS PRESENTED

COMMISSIONERS' QUITCLAIM DEED

THIS INDUENTURE WITNESSETH, that Delaware County, Indiana, by and through its Board of Commissioners and pursuant to IC 36-1-11, *et seq.* RELEASES AND QUITCLAIMS to EAST CENTRAL INDIANA REGIONAL PLANNING DISTRICT IN for the sum of ZERO 00/100 DOLLARS (\$0.00), and other valuable consideration the receipt and sufficiency of which is hereby acknowledged, the following real estate located in Delaware County, State of Indiana, and being legally described as follows:

SEE ATTACHED EXHIBIT A

Parcel No: 18-11-16-358-022.000-003

Subject to any and all easements, covenants, declarations and other deed restrictions and laws governing land use.

IN WITNESS WHEREOF, Delaware County, Indiana, by and through the President of its Board of Commissioners, has executed this deed this 12 day of July, 20 22.




Sherry Riggin, President
Delaware County Indiana Board of Commissioners
STATE OF INDIANA) SS:
COUNTY OF DELAWARE)

Attest:


STEVEN G. CRAYCRAFT, (L.S.)
Auditor of Delaware County

Before me, the undersigned, Rick Spangler, Clerk in and for said County, this day, personally came the above named Sherry Riggin, President of the Board of Commissioners of said County, and acknowledged the execution of the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 12 day of July, 20 22.


RICK SPANGLER,
Clerk of Delaware County

This instrument was prepared by Steven G. Craycraft, Delaware County Auditor.
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. *Steven G. Craycraft, Auditor*

Tax Billing/Grantee's Address:

EAST CENTRAL INDIANA REGIONAL PLANNING DISTRICT IN
1208 W WHITE RIVER BLVD UNIT 136
MUNCIE, IN 47303



EXHIBIT A - LEGAL DESCRIPTION

Parcel No: 18-11-16-358-022.000-003

PERKINS ADD BLK 2 LOT 5 & 6

Common: 1400 W MEMORIA

THIS DOCUMENT IS PROVIDED FOR SOLE USE OF IN TITLE COMPANY AND NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

RESOLUTION NO. 2023-001

**RESOLUTION AUTHORIZING CERTAIN ACTIONS OF THE ECI
ECONOMIC DEVELOPMENT ALLIANCE, INC. AND THEREBY AMENDING
AND CLARIFYING BYLAWS**

WHEREAS, the ECI Economic Development Alliance, INC (the “Organization”) was incorporated on February 23, 2021 with the Indiana Secretary of State, and

WHEREAS, the Board of Directors (the “Directors”) annually appoints officers of the Organization who consist of a President, Vice President and Secretary/Treasurer, and

WHEREAS, the purpose for the creation and ongoing actions of the Organization are to assist with, carryout, and fulfill a broad range of economic development needs in the East Central Indiana region, and

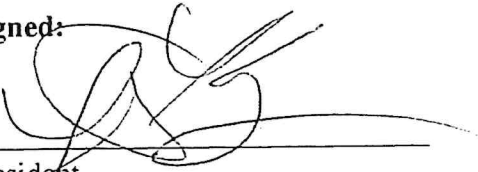
WHEREAS, the Directors desire to set forth specific directives relating to the ongoing actions of the Organization and acceptance of funding from participating municipal entities;

**NOW, THEREFORE, BE IT RESOLVED BY THE ECI ECONOMIC
DEVELOPMENT ALLIANCE, INC., BOARD OF DIRECTORS;**

1. The Board hereby appoints William Walters as the Executive Director of the Organization.
2. The Executive Director is entrusted to oversee the daily operations and fulfill the objectives and mission of the Organization.
3. The Executive Director is hereby authorized to conduct and transact business for the purpose of furthering and carrying out the mission of the Organization. (This includes handling transactions/business with third parties on behalf of the Organization and signing any and all documentation on behalf of the Organization necessary for daily operations and to fulfill the objectives and mission of the Organization).
4. The mission of the Organization shall be to fulfill the broad economic development needs of the East Central Indiana Region on behalf of any participating member or municipal entity.
5. The Executive Director shall have the authority to accept funding from any participating member or municipal entity and thereby is authorized to expend the funding at his or her discretion for the purpose of carryout the organizations mission.
6. Expenditure of the Organizations funds by the Executive Director shall include but not be limited to; marketing, branding, promotion, optioning/purchasing/constructing or leasing of real estate and equipment, infrastructure acquisition and development, travel/lodging/ transportation/meals, contracting with material or service providers and consultants, personal or staff reimbursement of time (including the Director’s) and expenditures related to projects.
7. Expenditures may only be paid upon receipt of a properly dated invoice for goods, services or reimbursement authorized and approved by the Executive Director.

APPROVED, by the ECI Economic Development Alliance, INC. on this 14 day of December, 2023.

Signed:



President

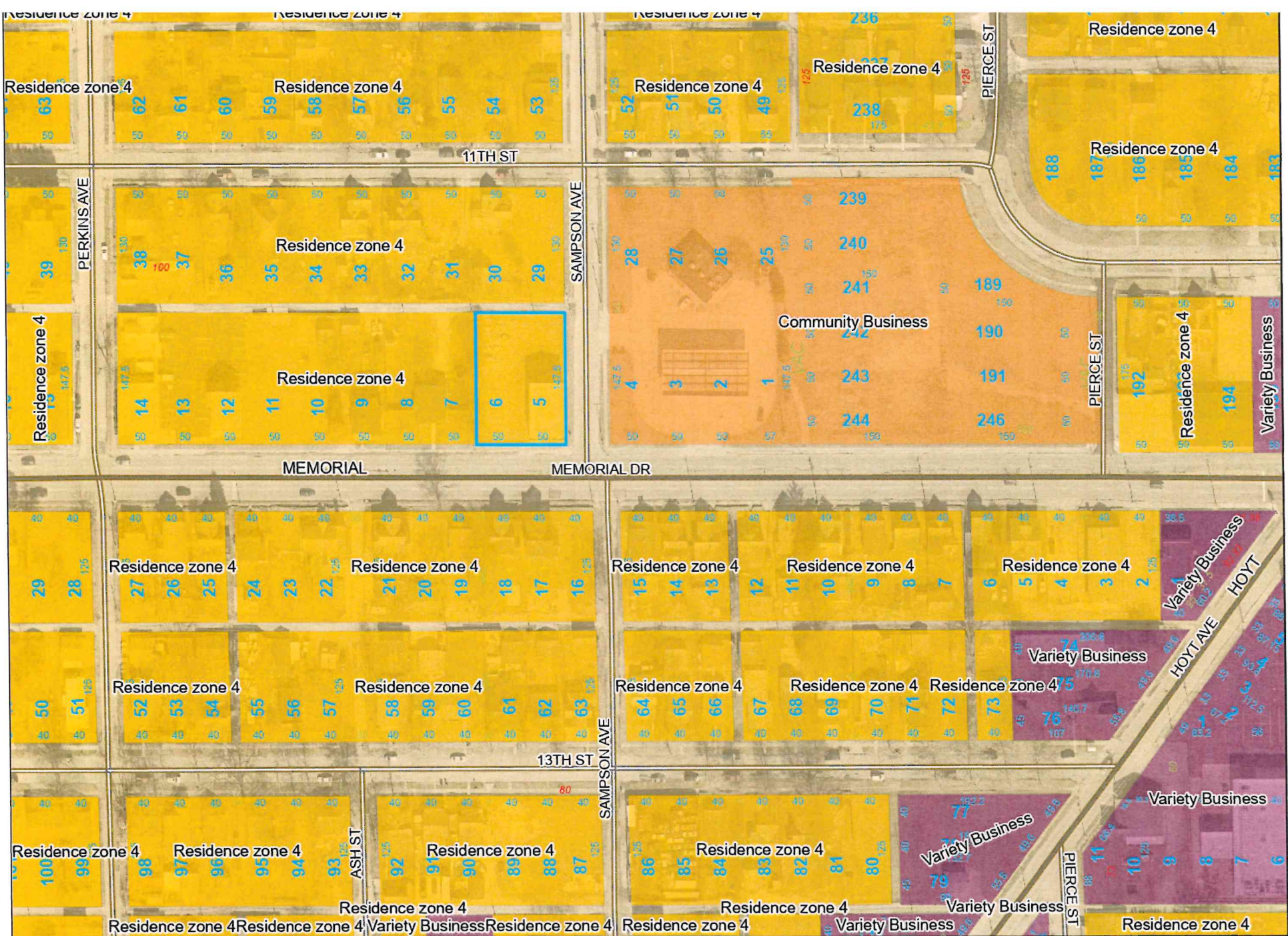


Secretary/Treasurer

Vice President



Legal Attest



DMMPC

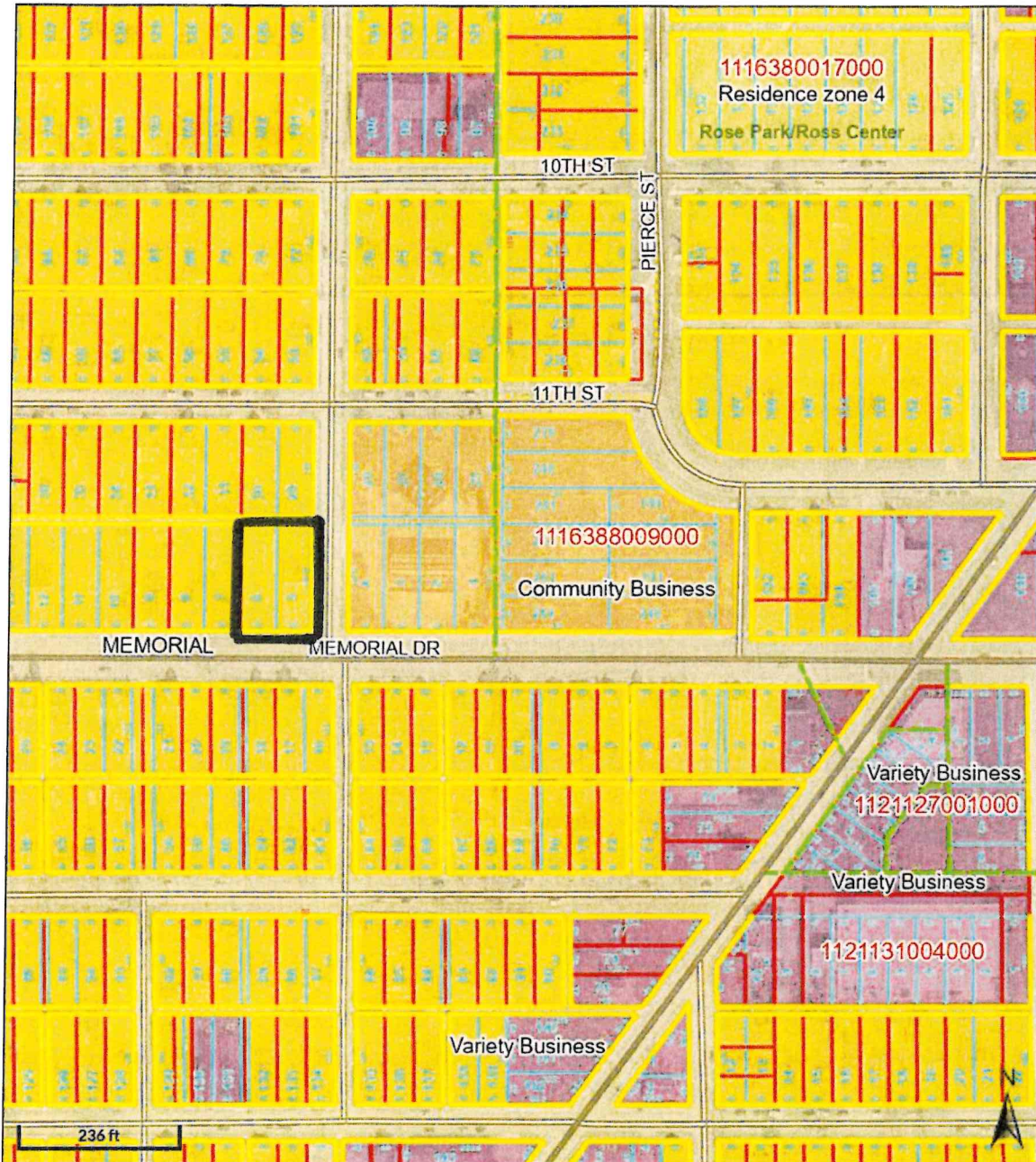
EXHIBIT MPC 02-25Z
APPLICANT ✓
OPPONENT _____
DATE REC'D 1-9-25

MPC 02-25C

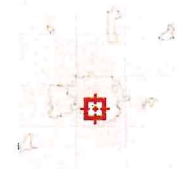
NORTHWEST CORNER OF MEMORIAL AND SAMPSON

R4 to BC COMMUNITY BUSINESS





Overview







Legend

Major Roads

-  INTERSTATE
-  MAJOR ROAD
-  STATE ROAD
-  US HIGHWAY
-  Geocoded Streets
-  RR Lines
-  Airport Runways

Cadastral Line

-  Geographic Township Line
-  Lot Line
-  Misc Line
-  Parcel Line
-  Political Township Line
-  Railroad Centerline
-  Railroad ROW
-  Road Centerline
-  Road ROW
-  Section Line
-  Subdivision Line
-  Unknown
-  Water Line
-  <all other values>

-  Parcels
-  Muncie Parks
-  Major Waterbodies
-  Lakes and Ponds

Zoning

-  AGRICULTURAL
-  BIOENTERPRISE
-  CENTRAL BUSINESS ZONE
-  AIRPORT DEVELOPMENT ZONE
-  BUSINESS PROFESSIONAL