

FILED

MAR 17 2025

Debbie Munson
MUNCIE CITY CLERK

ORDINANCE NO. 14-25

BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHESIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
1300 BLK E. CENTENNIAL 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 **BV Variety Business Zone** the following described real estate located in the City of Muncie, Indiana to wit:

1300 Blk E. Centennial Ave., Muncie, IN

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 7th day of April, 2025.

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

Presented by me to the Mayor for his approval this 7th day of April, 2025.

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

The above ordinance approved (vetoed) by me this 7th day of April, 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:

John Spade Hamilton
Corporate Counsel

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

March 7, 2025

To the Honorable:

Common Council of the City of Muncie, Indiana

Dear Council Members:

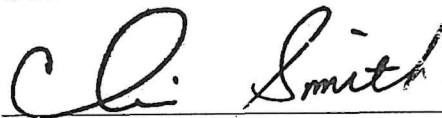
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Whitely Community Council, PO Box 665, Muncie, IN, such applicant petitioning the Commission to rezone the real estate as described in the application, generally located at: 1300 Blk E Centennial Ave, Muncie, IN, from zone classification: R-4 Residence Zone to zone classification: BV Variety 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

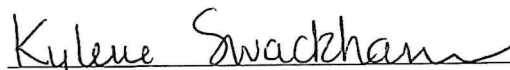
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS (7-0)** the application for rezoning.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:

A handwritten signature in black ink, appearing to read "Chris Smith", written over a horizontal line.

Chris Smith, President

A handwritten signature in black ink, appearing to read "Kyleene Swackhamer", written over a horizontal line.

Kyleene Swackhamer, Secretary

EXCERPT FROM THE MARCH 6, 2025

CASE ANALYSIS FROM THE

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

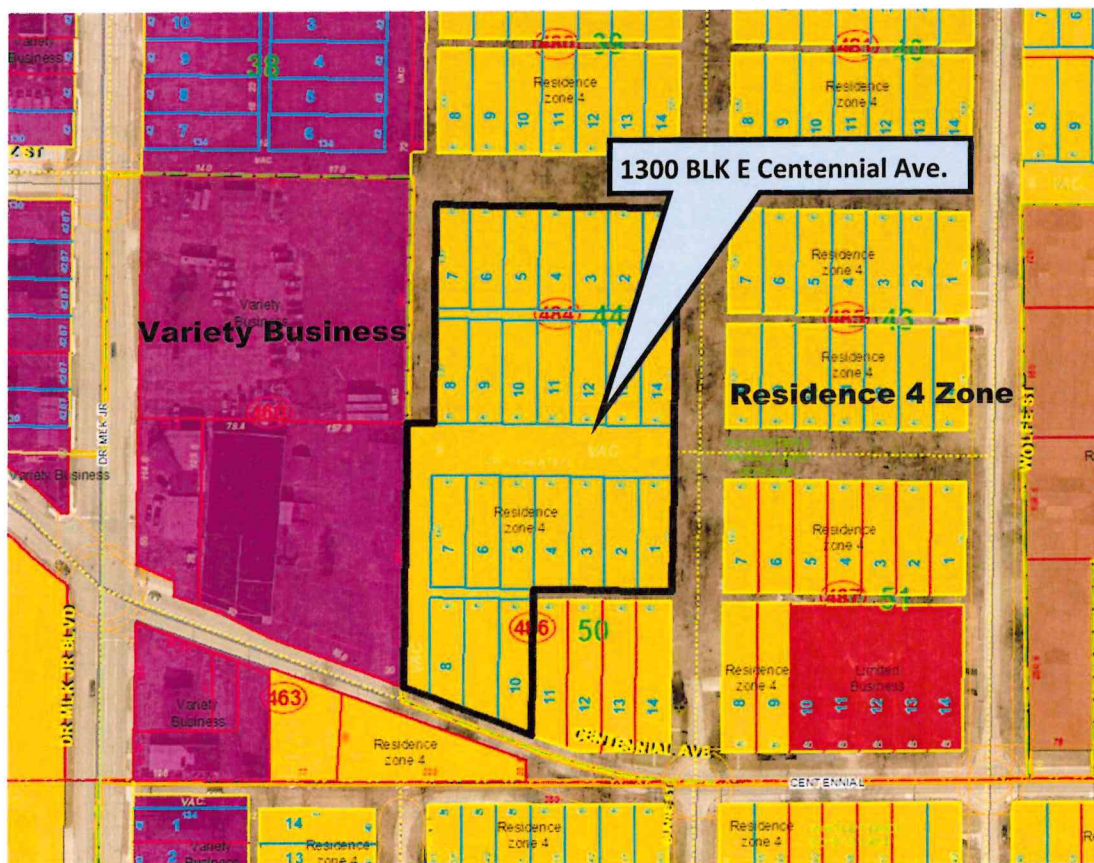
MPC 06-25Z Whitely Community Council

Description & Location: 1300 BLK E Centennial Ave, Muncie

Travel north on N. Walnut St. for 0.8 mile. Make a slight right (northeast) onto N. Granville Ave. and continue for 0.3 mile. Turn right (east) onto E. Centennial Ave and continue for 0.5 mile. The lot will be on the left (north) side of E. Centennial Ave.

Streets: Centennial Ave. is platted and is classified as a Secondary Arterial with an 80' proposed ROW according to the Thoroughfare Plan Map.

Land Use: The property is currently vacant. The land use in this area is a mixture of business use and residential use.



Zoning: The current zoning of the property is R-4 Residence Zone. The zoning of surrounding properties directly to the east, north and south are also R-4 Residence Zone. The zoning of surrounding properties to the west are BV Variety Business Zone.

Request: The request is for a change in zone from the R-4 Residence Zone to the BV Variety Business Zone.

Additional Information: The property owner has plans to develop the property to coincide with the adjacent property to the west. The property owner states that public meetings have been held to discuss the project, residents are aware of the project, and have expressed great excitement and support for the project. The future plans include developing the property to include a youth athletic center and recreational space.

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

Jurisdiction: (Check One)

☐ Delaware County

☒ City of Muncie

Submitted: 01/27/2025

Case No.: MPC 06-252

(1) Applicant: Whitely Community Council / Ken Hudson

Address: PO Box 665 Muncie, Indiana, 47308 Phone: 765-744-3274

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: 20174009
Date of Deed: 1/5/2018

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).
See attachment:

(4) Common Address of Property Involved:
1300 blk E Centennial Ave Muncie, Indiana, 47303

(5) Proposed zoning change: (Give exact zone classification.)
From the R-4 Residence Zone _____ Zone
To the BV Variety Business Zone _____ Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The Whitely Community Council, through residential input, has future plans to develop the property into a variety business zone to coincide with the adjacent property. This would include a youth athletic center and recreational 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.
The Owner will develop the property for the use specified in item 6.
- (8) State how the proposed change will not adversely affect the surrounding area.
The proposed change will benefit the community by improving surrounding living conditions, repurposing an abandoned site, and improve land value while NOT infringing on anyone's property or rights.
- (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, (not all)
(If answer is yes, give their attitudes toward the rezoning.)
Public meetings have been held to discuss the project. Residents have been aware of the redevelopment for multiple years and those aware of the project express great excitement and support for the project.
- (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.)
There are no restrictions, easements, and/or covenants governing the property prohibiting its use for the purpose specified in the application.

AFFIDAVIT

(I or We) Whitely Community Council, Ken Hudson 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: Ken Hudson

Subscribed and sworn to before me this 27th day of January, 2025

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 6 day of March, 2025.

Signed [Signature]

Date Feb. 21, 2025



CONSENT TO CONDUCT BUSINESS

I, Frank Scott, Board President of the Whitely Community Council, do hereby grant permission to Ken Hudson to conduct business, sign documents, hold conversations and make decisions on behalf of the Whitely Community Council in any manner deemed necessary to conduct business.

President signature

Frank I. Scott Sr

Date

4-28-2017

Ken Hudson signature

Ken Hudson

Date

4-28-2017

File No.: 20174009

Parcel Number: 18-11-03-460-003.000-003, 18-11-03-484-007.000-003, and 18-11-03-486-007.000-003

CORPORATE WARRANTY DEED

This Indenture Witnesseth, That Don J. Crookston Corp. (Grantor) ***Convey(s) and Warrant(s)*** to Whitely Community Council Inc. (Grantee) for the sum of One & 00/100 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

SEE EXHIBIT "A" ATTACHED HERETO

The undersigned persons executing this deed on behalf of Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

Subject To any and all easements, assessments, agreements, and restrictions of record.

In Witness Whereof, Grantor has executed this deed this 5th day of January, 2018.

DON J. CROOKSTON CORP.



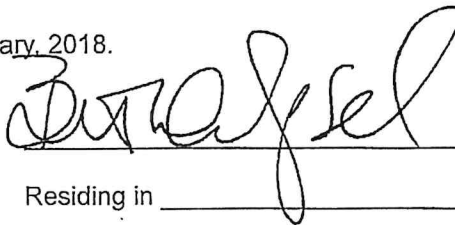
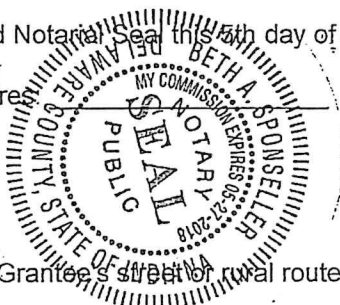
James R. Crookston
President

State of Indiana, County of Delaware SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared James R. Crookston President of **Don J. Crookston Corp.** who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notary Seal this 5th day of January, 2018.

My Commission Expires



Residing in _____, Notary Public
County

Send tax bills to and Grantee's street or rural route address is: _____

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. James W. Trulock, Attorney-at-Law

This instrument prepared by: James W. Trulock, Attorney-at-Law

EXHIBIT "A"
LEGAL DESCRIPTION

Tract I

A part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 20 North, Range 10 East, more fully described as follows: Beginning at an iron stake 192.2 feet, more or less, East 35 feet North of the Northeast corner of Hackley Reserve (said Northeast corner of Hackley Reserve being a bronze marker in the concrete pavement of State Road No. 67 & 3); thence running East parallel with the center line of Tenth Street (now vacated) a distance of 157.8 feet to an iron stake; thence running South parallel to the East line of State Road No. 67 and 3, a distance of 295.33 feet, more or less, to the North line of Centennial Avenue; thence running Northwesterly along the North line of Centennial Avenue, a distance of 168 feet, more or less, to an iron stake; thence running North parallel to the East line of State Road No. 67 and 3, a distance of 237.7 feet, more or less, to the place of beginning. Said tract of land contains 97/100 of an acre, more or less.

Tract II

A part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 20 North, Range 10 East, described as follows: Beginning at a point 35 feet North and 113.8 feet East of the Northeast corner of Hackley's Reserve (said corner being a bronze marker set in concrete pavement of State Road No. 67 and No. 3); thence running East parallel with the center line of Tenth Street (now vacated), 78.4 feet to an iron stake; thence South parallel to the East line of State Road No. 67 and No. 3, a distance of 237.7 feet, more or less, to the North line of Centennial Avenue; thence Northwesterly along the Northerly line of Centennial Avenue, 92 feet, more or less, to the Southeast corner of a tract of land heretofore conveyed by Charles M. Lesh and Iva R. Lesh, husband and wife, to Western Oil Refining Company by deed dated August 26, 1927, and recorded in the Office of the Recorder of Delaware County, in Deed Record 204, page 297; thence Northerly along the East line of said Western Oil Refining Company's tract, 75 feet to the Northeast corner thereof; thence North parallel to the East line of said State Road No. 67 and No. 3, 123.5 feet, more or less, to the place of beginning.

Tract III

Lots Numbered 1 to 14 inclusive in Block Number 44, and Lots Numbered 1 to 10 inclusive in Block Number 50, all in the Rochester and Muncie Land Company's Subdivision of the Rochester and Muncie's Land Company's Addition to the City of Muncie, Indiana.

ALSO: All that part of a 12 foot public alley running East and West as platted in Block Number 44 in Rochester and Muncie Land Company's Subdivision of the Rochester and Muncie Land Company's Addition to the City of Muncie, Indiana, lying West of the East line of Lot Number 14 in Block Number 44 in said Subdivision produced and extended Northward across said alley, which alley extends Westward to the West line of Lot Number 8 in Block Number 44 in said Subdivision produced and extended Northward across said alley.

ALSO: All that part of a 12 foot public alley running East and West as platted in Block Number 50 in Rochester and Muncie Land Company's Subdivision of the Rochester and Muncie Land Company's Addition to the City of Muncie, Indiana, lying West of the East line of Lot Number 10 in Block Number 50 in said Subdivision produced and extended Northward across said alley, which alley extends Westward to the West line of Lot Number 8 in Block Number 50 in said Subdivision produced and extended Northward across said alley.

ALSO: All that part of a 60 foot public street known as Grace Street running East and West as platted in Rochester and Muncie Land Company's Subdivision of the Rochester and Muncie Land Company's Addition to the City of Muncie, Indiana, lying West of the East line of Lot Number 14 in Block Number 44 in said Subdivision produced and extended Southward across said street, which street extends Westward to the West line of Lot Number 8 in Block Number 44 in said Subdivision produced and extended Southward across said street.

ALSO: All that part of a 30 foot public street known as Penn Street running North and South as platted in Rochester and Muncie Land Company's Subdivision of the Rochester and Muncie Land Company's Addition to the City of Muncie, Indiana, lying North of the North line of Centennial Avenue, as shown in the plat of said Subdivision, which street extends Northward to the South line of Lot 8 in Block 44 in said

2001
2000
KCHUMETZ ST

RECEIVED
JAN 23 2025
Patel Popatial
By

Patel Popatial

Terrestrial Temple
Church of God

Athalone Rutha M

Athalone Rutha M
House

Maggie Barnes

Maggie Barnes
1414
1420

450 Ft
282 Ft
252 Ft
Area= 3.5 acre
158 Ft
304 Ft
179 Ft
160 Ft
30 Ft
Tracye Gross
House
Dallison Cornelius
Jr House
House
Brown Jeffery and Jasya

1208
Whitey Community Council

Mike Food Mart INC
VAC
VAC
VAC
1600

Nokashere Akliah
Hawkins Daniel Lee
House
shed
Hawkins Dan

1508
House
Young Betty J
and Hak T
Long and
Louis Long
Lodisinger
Debra and
Denise
1517

House
Tracee J
Simpson
1302

CENTENNIAL
1407
1411
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1400
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1409
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150

KIRK ST

1505
CAMPBELL

MPC 06-25Z

