

MUNCIE CITY COUNCIL

ORDINANCE NO. 12-21

FILED

MAR 22 2021

Belinda Munson
MUNCIE CITY CLERK

AN ORDINANCE ESTABLISHING A MUNICIPAL RIVERFRONT DEVELOPMENT
PROJECT AREA WITHIN THE CITY OF MUNCIE, INDIANA, AND CREATING A
RIVERFRONT PROJECT REVIEW COMMITTEE

WHEREAS, Indiana Code 7.1-3-20-16.1 authorizes the legislative body of a city to designate by ordinance the boundaries of a municipal riverfront development project area in which alcoholic beverage permits may be issued by the State of Indiana Alcohol and Tobacco Commission without regard to quota restrictions to restaurants which qualify under criteria establish under state law and local rules; and

WHEREAS, the City of Muncie wishes to promote the responsible development of hospitality and entertainment services on and along the White River corridor for the use and benefit of its citizens and visitors;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF MUNCIE, INDIANA AS FOLLOWS:

Section 1. The area shown on the map attached hereto as Exhibit A and more particularly described in Exhibits B1 though B26 also attached hereto are hereby designated as a municipal riverfront development project for the City of Muncie, Indiana, pursuant to Indiana Code 7.1-3-20-16.1.

Section 2. The area so designated is believed to meet all of the criteria for such project areas as set forth in Indiana Code 7.1-3-20-16.1. In the event that any part of such area does not meet such criteria, it shall be deemed excluded from the project area and the remaining parts of the area shall retain its designation hereunder.

Section 3. There is hereby created a City of Muncie Riverfront Project Review Committee with the responsibility to adopt local rules regarding issuance of permits for projects within the area, to review all applications for such permits, and to make recommendations to the Mayor of the City of Muncie for submission to the State of Indiana Alcohol and Tobacco Commission. The Review Committee shall consist of: a member of the City Council appointed by the Council; a representative of the hospitality and entertainment industry appointed by the Mayor; neighborhood representation, either a neighborhood association president or someone involved in the neighborhood association in the Riverfront District, appointed by the Mayor; a citizen at large appointed by the Mayor; a citizen at large appointed by the City Council. All members shall reside within the City of Muncie. Terms shall be for three years, staggered as determined by lot at the initial meeting of the Committee. The Committee shall elect a president and secretary from among its members.

Section 4. In addition to any fees required by the State of Indiana, permit applicants shall pay a nonrefundable fee to the City of Muncie in an amount established by the Review Committee and approved by the Mayor of not less than \$1,000.00 per application.

Section 5. Notwithstanding any other rule or regulation, no permit within the project area shall be approved for a private club, nightclub or adult entertainment venue.

Section 6. This Ordinance shall be in full force and effect upon its passage by the Common Council, its approval by the Mayor of the City of Muncie and its publication in accordance with the law.

Passed by the Common Council of the City of Muncie, Indiana this 3rd day of May, 2021.

	Yeas	Nays	Abstained	Absent
Ralph Smith	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jeff Robinson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Garrett	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brad Polk	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jerry Dishman	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Anitra Davis	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Aaron Clark	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Ro Selvey	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Troy Ingram	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>



President Muncie Common Council

Presented by me to the Mayor for his approval, this 3rd day of May, 2021.



Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this 3 day of May, 2021.

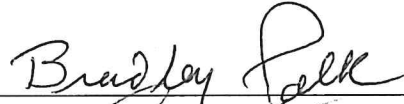



Dan Ridenour, Mayor of the City of Muncie

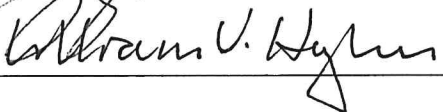
ATTEST:



Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member 

This Ordinance is approved in form by Controller 

This Ordinance is approved in form by Legal Counsel 

Amended Exhibits

EXHIBIT B-1

An area bounded on the north by the White River, on the west by South Tillotson Avenue Overpass, on the south by Kilgore Avenue, and on the east by Nichols Avenue.

EXHIBIT B-2

An area bounded on the north by Kilgore Avenue, on the west by South Batavia Avenue, on the south by New York Central Railroad (Indianapolis line), now CSX RR, and on the east by the east line of Parcel No. 18-11-16-152-005.000-003 (1515 W. Kilgore Avenue). Also including Parcel No. 18-11-16-152-006.000-003 (1501 West Kilgore Avenue).

EXHIBIT B-3

An area bounded on the north by Godman Avenue, on the west by Nichols Avenue, on the south and east by the White River Boulevard.

EXHIBIT B-4

An area bounded on the north by Charles Street, on the west by Talley Avenue, on the south by Godman Avenue, and on the east by College Avenue and White River Boulevard.

EXHIBIT B-5

An area bounded on the north by an alley running southwest to northeast between College Avenue and McKinley Avenue on and along the northern boundaries of Parcels No. 18-11-17-233-007.000-003 (420 South College Avenue), 18-11-17-233-008.000-003 (1914 West White River Boulevard), and 18-11-17-233-010.000-003 (1906 West White River Boulevard), on the west by College Avenue, on the south by White River Boulevard, and east by McKinley Avenue.

EXHIBIT B-6

An area bounded on the north by Charles Street, on the west by McKinley Avenue, on the south by White River Boulevard, and on the east by Calvert Street.

EXHIBIT B-7

An area bounded on the north by the northern boundaries of Parcels No. 18-11-17-231-007.000-003 (312 South Calvert Street), 18-11-17-231-012.000-003 (321 South Martin Street), on the west by Calvert Street, on the south by White River Boulevard, and on the east by Martin Street.

EXHIBIT B-8

An area bounded on the north by Adams Street, on the west by Martin Street, on the south by White River Boulevard, and on the east by Dill Street.

EXHIBIT B-9

An area bounded on the north by Jackson Street, on the west by Dill Street, on the south by White River Boulevard, and on the east by the intersection of Jackson Street and White River Boulevard.

EXHIBIT B-10

An area described as follows: Beginning at the intersection of Graceland Avenue and Jackson Street; thence north along Graceland Avenue to Main Street; thence east on Main Street to Greenwood Avenue, heretofore vacated, which is also the west boundary line of Parcel No. 18-11-09-380-029.000-003; thence following said boundary line north, then east, then north (to Gilbert Street), then east (to Locust Street), then southeast to its intersection with White River Boulevard; thence southwest along White River Boulevard to Jackson Street; thence west along Jackson Street to the place of beginning.

EXHIBIT B-11

An area described as follows: Beginning at the intersection of the west boundary line of Parcel No. 18-11-09-452-016.000-003 (804-806 White River Boulevard) and White River Boulevard; thence north along said boundary line and the west boundary lines of Parcel Nos. 18-11-09-452-011.000-003 (301 North Reserve Street) and 18-11-09-452-010.000-003 (305 North Reserve Street) to an alley; thence east on said alley to Reserve Street; thence south on Reserve Street to its intersection with an alley which is at the north point of Parcel No. 18-11-09-453-001.000-003 (202 North Reserve Street); thence southeast along said alley to White River Boulevard; thence west along White River Boulevard to the place of beginning.

EXHIBIT B-12

An area bounded on the north by First Street, on the west by Kilgore Avenue, on the south by Second Street, and on the east by Sampson Avenue.

EXHIBIT B-13

An area bounded on the north by Jackson Street, on the west by the White River, on the south by Beech Grove Cemetery, and on the east by Kilgore Avenue.

EXHIBIT B-16

An area bounded on the north by the White River, on the west by Cherry Street and Washington Street, on the south by Main Street, and on the east by High Street. (Includes Parcel No. 18-11-09-480-001.000-003 (428 West Washington Street)).

EXHIBIT B-17

An area described as follows: Beginning at the intersection of High Street and a point one hundred twenty five feet south of Main Street; thence north along High Street to Washington Street; thence east on Washington Street to Walnut Street, thence north along Walnut Street to Gilbert Street; thence east along Gilbert Street to Mulberry Street; thence south along Mulberry Street to a point one hundred twenty five feet south of Main Street; thence west along a line parallel to and one hundred twenty five feet south of Main Street to the place of beginning.

.EXHIBIT B-18

An area bounded on the north by the north boundary line of Parcel No. 18-11-10-306-027.000-003 (600 North Mulberry Street), on the west by Mulberry Street, on the south by Washington Street, and on the east by Jefferson Street.

.EXHIBIT B-19

An area bounded on the north by Columbus Avenue, on the west by Jefferson Street, on the south by Wysor Street, and on the east by the Cardinal Greenway. (Excluding Parcel No. 18-11-10-332-001.000-003 (700 East Wysor Street)).

EXHIBIT B-20

An area bounded on the north by Wysor Street, on the west by Madison Street, on the south by the south boundary lines of Parcel Nos. 18-11-10-376-009.000-003 (414 North Madison Street), 18-11-10-376-002.000-003 (513 East Wysor Street), 18-11-10-376-003.000-003 (519-521 East Wysor Street), 18-11-10-376-004.000-003 (405 North Monroe Street), 18-11-10-376-005.000-003 (407 North Monroe Street), 18-11-10-377-021.000-003 (605 East Wysor Street), 18-11-10-377-022.000-003 (613 East Wysor Street), 18-11-10-377-001.000-003 (625 East Wysor Street), and on the east by Vine Street.

EXHIBIT B-21

An area bounded on the north by the White River, on the west by an alley running north and south and lying between Elm Street and Jefferson Street, on the south by Columbus Avenue, and on the east by Elm Street.

EXHIBIT B-22

Parcel No. 18-11-09-229-001.000-003 (1200 North Minnetrista Boulevard.).

EXHIBIT B-23

An area bounded on the north by Russey Street, on the west by Dr. Martin Luther King Jr. Boulevard, on the south by Hazel Street, and on the east by Penn Street.

EXHIBIT B-24

An area bounded on the north by Nickel Plate Railroad (Muncie to DeSoto line), now Norfolk Southern, on the west by the White River, on the south by New York Central Railroad (Indianapolis line), now CSX RR, and on the east by Leland Avenue and Leland Avenue extended.

EXHIBIT B-25

An area bounded on the north by the north boundary lines of all parcels fronting onto East Jackson Street, but including not more than one hundred forty (140) feet in depth south to north, on the west by Leland Street and Leland Street extended, on the south by New York Central Railroad (Indianapolis line), now CSX RR, and on the east by Biltmore Avenue and the east boundary line of Parcel No. 18-11-14-226-002.000-003 2021 East Jackson Street).

EXHIBIT B-26

Parcel Nos. 18-11-14-226-003.000-003 (3003 East Jackson Street) and 18-11-14-226-004.000-003 (3007-3009 East Jackson Street).

Riverfront District Requirements-

The oversight committee will be made up of 5 individuals. This committee will review applications for a RIVERFRONT LICENSE and make a recommendation to the Mayor. The Mayor shall review the recommendation and provide the final approval/denial from the City of Muncie.

Approvals will be based on the following:

- #1- Focus on Dining, entertainment or cultural businesses within the district with emphasis on new restaurants.
- #2- Licenses will be awarded based on physical location, operation, economic impact, reputation/experience of ownership and a belief that the establishment will draw visitors.
- #3- Businesses must comply with zoning before being granted a license. Proof of proper zoning or a variance for the business must be in place. Businesses must be a non-smoking establishment.
- #4- Food must be consumed in the restaurant inside or outside in the restaurant area.
- #5- Gross sales of the business must be \$300,000 minimum for the previous year in order to be considered for renewal of the license.
- #6- There will be no applications granted to private clubs, nightclubs or adult entertainment businesses.
- #7- The licenses will be non-transferrable upon changes in ownership and licenses may not be rented out. Any new owner or operator must apply to the Committee in order to be granted a license.
- #8- A business cannot sell an existing license in order to be awarded a Riverfront license.
- #9- The location must be permanent and there can be no temporary signage.
- #10- The number of licenses granted will be limited to 30.
- #11- Issuing of licenses should benefit the district, property values, business interests and employment.
- #12- Upon renewal, a fee of \$500 to the city will be charged in addition to any state renewal fees.

Dan Ridenour

From: mayor@cityofmuncie.com
Sent: Monday, May 3, 2021 5:21 PM
To: Dan Ridenour
Subject: FW: River District Alcohol Beverage Licensing Area

FYI

From: mayor@cityofmuncie.com <mayor@cityofmuncie.com>

Sent: Friday, March 12, 2021 12:07 PM

To: Minnetrista Central Neighborhood (jodiwinger@gmail.com) <jodiwinger@gmail.com>; Brad King <bking@cityofmuncie.com>; 'hwilliams@bsu.edu' <hwilliams@bsu.edu>; Frank Scott (rhemawordins@hotmail.com) <rhemawordins@hotmail.com>; 'cclemons3101@comcast.net' <cclemons3101@comcast.net>; 'Muncie ECNA' <muncieecna@gmail.com>; 'Isabelle' <izzysidekick@aol.com>; 'rectorb@att.net' <rectorb@att.net>; Vicki Veach (vicki@downtownmuncie.org) <vicki@downtownmuncie.org>; Traci Lutton (tlutton@muncie.com) <tlutton@muncie.com>

Subject: River District Alcohol Beverage Licensing Area

Good Afternoon Neighborhood Association Presidents,

I would like to invite you to attend a special information session with other Neighborhood Presidents regarding the proposed River District Alcohol Beverage Licensing Area.

This session will take place on Monday, March 22nd at 6PM in the Muncie City Hall Auditorium.

I look forward to seeing you, sharing the information we have, and hearing from you about this idea for our city.

If you would not be able to attend please contact my office at 765-747-4853 or e-mail me so I can share the information after the meeting.

Best regards,

Dan

Dan Ridenour
Mayor



City of Muncie
300 N High Street
Muncie, IN 47305
765-747-4853 ext. 236
www.cityofmuncie.com

CONFIDENTIALITY NOTICE: This message is confidential, intended only for the named recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the name recipient(s), please notify the sender at either the e-mail address or telephone number above and delete this e-mail from your computer. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product or other applicable privilege. Thank you.