

ORDINANCE NO. 41-12

FILED
SEP 14 2012
Phyllis Reagon
MUNCIE CITY CLERK

**BEING AN ORDINANCE TO AMEND
THE CITY OF MUNCIE
COMPREHENSIVE ZONING ORDINANCE
FROM THE R-4 RESIDENCE ZONE
TO THE BV VARIETY BUSINESS ZONE
ON PREMISES LOCATED AT
507, 515, 517 EAST MEMORIAL DRIVE, 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 Numbered 1, 2 and 3 in Block 52 of the Muncie Natural Gas Land Improvement Company's Subdivision of the Galliher and Ohmer Tracts, An Addition to the City of Muncie, Indiana, As per Plat Thereof, Recorded in Plat Book 2, Page 95 in the Office of the Recorder of Delaware County, Indiana.

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. Should the petitioner to whom a zone change is granted for a specific use fail to begin construction or installation of a use approved by the Common Council of the City within one year after the passage of the change of zone, the administrative zoning officer shall inform the Common Council which may initiate proceedings to rezone the property subject of the zone change to its original classification.

Section 4. Within 60 days prior to the expiration of the one year period, the petitioner may present the Common Council with a bill of particulars setting forth reasons for the failure to commence construction or use. The Common Council may consider the reasons in deciding whether or not to initiate a change in zone as herein provided.

Section 5. 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.

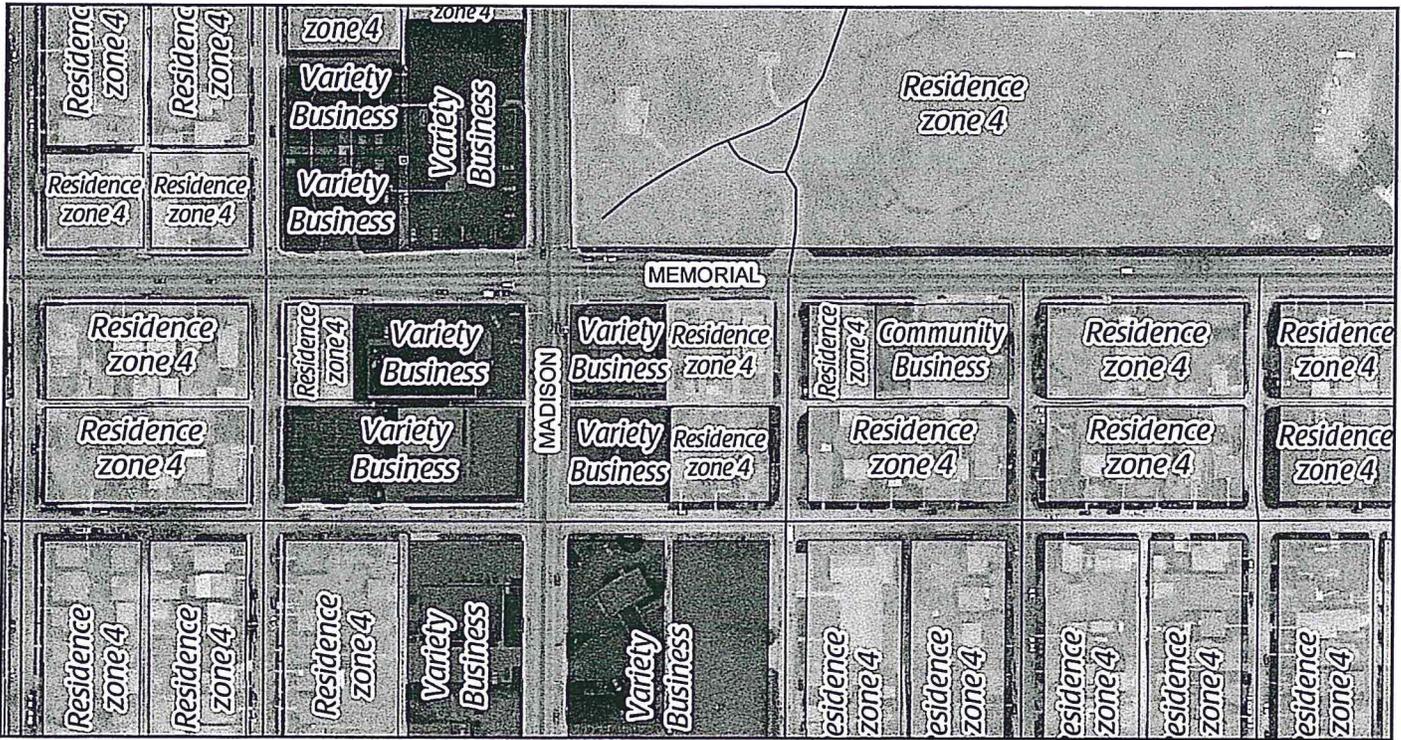
Excerpt from
Delaware-Muncie Metropolitan Plan Commission
Case Analysis - September, 2012

MPC 08-12Z Speedway, LLC

Location & Description: 507, 515, and 517 E. Memorial Dr., Muncie

Located on E. Memorial Dr. between S. Madison St and S. Monroe St.

Traveling south on Madison St., turn left (east) on Memorial Dr.; all three properties are on the right (south) side of Memorial Dr. between the existing gas station and S. Monroe St.



Streets: Memorial Dr. is classified as a Primary Arterial with a 100' proposed R.O.W., while Monroe St. is classified as a Local Road with proposed 50' R.O.W.s according to the Thoroughfare Plan Map.

Land Use: 507, 515, and 517 E. Memorial Dr. are residential in use. Property to the north is recreational in use. Properties to the east and south are residential in use. Properties to the west and southwest are commercial in use.

Zoning: 507, 515, and 517 E. Memorial Dr. are classified in the R-4 Residence Zone. Property to the north, east, and south are also classified in the R-4 Residence Zone. Property to the southwest and west are classified in the BV Variety Business Zone.

Request: The request is to rezone the properties to the BV Variety Business Zone. The applicant would like to rezone in order to accommodate possible future expansion of the abutting gas station.



View of 507, 515, and 517 E. Memorial Dr., looking southwest.
The existing gas station is in the shadows on the right.

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

September 12, 2012

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: Speedway, LLC, 5000 West 86th Street, Indianapolis, Indiana, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 507, 515 & 517 East Memorial Drive, Muncie, Indiana, from zone classification: R-4 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.

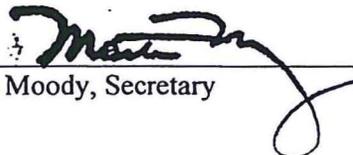
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS (9-0)** the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION

BY:



Tom Green, President



Marta Moody, Secretary

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AUG 20 2012

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

Jurisdiction: (Check One)

Submitted: MPC 08-122

Delaware County

Case No.: 8-20-12

City of Muncie

(1) Applicant: Speedway, LLC, c/o Matt Fritz

Address: 5000 West 86th Street Phone: 317-872-3146
Indianapolis, IN 46268

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: _____
Date of Deed: 1) Speedway - Instrument #2012R06034 5/15/2012;
2) Rainwaters - Instrument #2010R05385 1/14/2010; 3) Clegg - Instrument #2008R16142 7/25/2008

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).

Lots Numbered 1, 2 and 3 in Block 52 of the Muncie Natural Gas Land Improvement Company's Subdivision of the Galliher and Ohmer Tracts, An Addition to the City of Muncie, Indiana, As Per Plat Thereof, Recorded In Plat Book 2, Page 95 in the Office of the Recorder of Delaware County, Indiana.

(4) Common Address of Property Involved:
507, 515, 517 East Memorial Drive, Muncie, Indiana

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