

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

Jurisdiction: (Check One)

Submitted: 5-15-24

Delaware County

Case No.: MPC 06-247

City of Muncie

(1) Applicant: CRU Properties LLC

Address: 1314 S Brotherton St, Phone: 765-520-1532
Muncie, IN 47302

(2) Record of Applicant's Ownership:

A. By Deed:
Deed Book No. & Page No.: 2024RO563
Date of Deed: 04/22/2024

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 Attached "Exhibit A"

(4) Common Address of Property Involved:
710, 712, 714, 716, & 718 N Walnut St, Muncie, IN 47305

(5) Proposed zoning change: (Give exact zone classification.)
From the Central Business Zoning Zone
To the Residential Five (R-5) Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
To build owner occupied townhomes.
- (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.
Intent to develop property to build owner occupied single family units in a contiguous "townhouse" structure.
- (8) State how the proposed change will not adversely affect the surrounding area.
New development, residential projects can be built in Central Business zoning and fall to R-5 ordinance requirements.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
Yes, See attached "Exhibit B"
- (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.)
No responses yet.
- (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) Jonathan Chambless, Co-Owner of CRU Properties LLC 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 15th day of MAY, 2024


Notary Public



LISA M HINCHMAN, Notary Public
Madison County, State of Indiana
Commission Number NP0718103
My Commission Expires January 22, 2027

01-22-2027
My Commission Expires

Resident of Madison 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 _____ day of _____, 20____.

Signed _____

Date _____

2

DULY ENTERED FOR TAXATION
TRANSFER FEES \$ 50.00
Apr 22 2024 - ER



DELAWARE COUNTY AUDITOR

2024R05623
JAN SMOOT
DELAWARE COUNTY RECORDER
RECORDED ON
04/22/2024 09:54 AM
REC FEE 25.00
PAGES: 3
RECORDED AS PRESENTED

File No: 20240513

Parcel Numbers: 18-11-10-154-010.000-003; 18-11-10-154-009.000-003; 18-11-10-154-008.000-003;
18-11-10-154-007.000-003; 18-11-10-154-006.000-003

QUIT CLAIM DEED

This Indenture Witnesseth, That Delaware Advancement Corporation, an Indiana nonprofit corporation, (Grantor), Quit Claims and Releases to CRU Properties LLC, an Indiana limited liability company, (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 attached Exhibit "A",

commonly known as 710, 712, 714, 716 and 718 N. Walnut St., Muncie, IN 47305.

Subject To real estate taxes, not yet due and payable, any and all covenants, easements, assessments, agreements, and restrictions of record.

The undersigned person executing this deed on behalf of Grantor represents and certifies that she has been fully empowered to execute and deliver this warranty deed; that Grantor has full capacity to convey the real estate described herein; and that all necessary action for the making of such conveyance has been taken and done.

In Witness Whereof, Grantor has executed this deed this 8th day of April, 2024.

Delaware Advancement Corporation, an Indiana nonprofit corporation

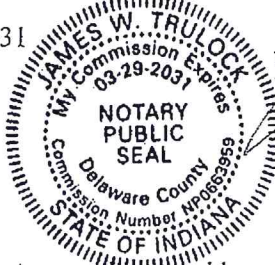
By: Elizabeth Rowray
Elizabeth Rowray, President

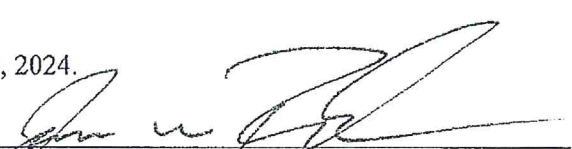
STATE OF INDIANA, COUNTY OF DELAWARE) SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Elizabeth Rowray, President of Delaware Advancement Corporation, an Indiana nonprofit corporation, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true

Witness my hand and Notarial Seal this 8th day of April, 2024.

My Commission Expires: 3/29/2031




James W. Trulock, Notary Public
County of Residence: Delaware

Send tax bills to and Grantec's street or rural route address is 1314 S. Brotherton St., Muncie, IN 47302.

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

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

EXHIBIT "A"

Lot Sixteen (16) in Block Twenty-three (23) in Whitely Land Company's Second Addition to the City of Muncie, Delaware County, Indiana.

20240515

Twenty-six and two thirds ($26 \frac{2}{3}$) feet of equal width off of the entire south side of Lot Number Seventeen (17) in Block Number Twenty-three (23) in Whitely Land Company's Second Addition to the City of Muncie, Indiana.

20240517

A strip of ground $13 \frac{1}{3}$ feet in width and of equal width throughout its entire length off the entire north side of Lot Number 17, and a strip of ground $13 \frac{1}{3}$ feet in width and of equal width throughout its entire length off the entire south side of Lot Numbered 18, all in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana.

20240518

A strip of ground $26 \frac{2}{3}$ feet in width and of equal width throughout entire length off the entire North side of Lot Numbered 18 in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana.

20240519

Lot Numbered 19 in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana.

Exhibit A: Legal Descriptions of Parcels

Lot Sixteen (16) (710 N Walnut St. Muncie, IN 47305) in Block Twenty-three (23) in Whitely Land Company's Second Addition to the City of Muncie, Delaware County, Indiana.

20240515

Twenty-six and two thirds ($26 \frac{2}{3}$) feet of equal width off of the entire south side of Lot Number Seventeen (17) in Block Number Twenty-three (23) in Whitely Land Company's Second Addition to the City of Muncie, Indiana. (712 N Walnut St. Muncie, IN 47305)

20240517

A strip of ground $13 \frac{1}{3}$ feet in width and of equal width throughout its entire length off the entire north side of Lot Number 17, and a strip of ground $13 \frac{1}{3}$ feet in width and of equal width throughout its entire length of the entire south side of Lot Numbered 18, all in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana. (714 N Walnut St. Muncie, IN 47305)

20240518

A strip of ground $26 \frac{2}{3}$ feet in width and of equal width throughout entire length off the entire North side of Lot Numbered 18 in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana. (716 N Walnut St. Muncie, IN 47305)

Lot Nineteen (19) (718 N Walnut St. Muncie, IN 47305) in Block Numbered 23 in the Whitely Land Company's Second Addition to the City of Muncie, Indiana. 20240519

Exhibit B: Request for Variance of Standards

1. Reduced Minimum Acreage:

- a. According to Article XXXI Section 6.D: "The owner or owners of any tract of land ten (10) acres or more in area may file an application for tentative approval with the Delaware-Muncie Metropolitan Plan Commission."
- b. The site for this Planned Unit Development for a townhouse construction project is a combined total square footage of 19,520 sq.ft., or 0.4418 acres, consisting of five (5) contiguous parcels.

2. Reduced Dwelling Width:

- a. According to Article XVII Section 9: "For single unit, two unit and multiple unit dwellings, the dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth."
- b. The design for the townhomes allows for an interior space with dimensions of 21'-0" in width by 42'-0" in depth at the smallest unit size.

3. Reduced Parcel Size:

- a. According to Article XVII Section 3.A: "The width and street frontage of single and two unit residential lots shall be a minimum of fifty (50) feet at the building line and there shall be a minimum of six thousand five hundred (6,500) square feet in area,"
- b. The design for the townhomes allows for parcel sizes with dimensions of 26'-8" in width by 122'-0" in depth, a total of 3253 sq.ft. (0.075 acres) per parcel.

4. Construction up to Lot Lines at Either Side:

- a. According to Article XVII Section 5.A: "There shall be two (2) side yard setbacks of an interior lot, each being a minimum five (5) feet in width measured at right angles to the side property line."
- b. To accomplish a desired minimum width for all seven (7) townhomes, the buildable area of the site needs to allow for construction up to the side lot lines.

5. Use of Existing Sidewalk:

- a. According to Article XXX Section 7.C.1.a: "Sidewalks shall be a minimum of six (6) feet wide along the specified corridors, being arterials, and five (5) feet wide along all other streets."
- b. Existing side walks are five (5) feet wide and are in good condition and can be reused for new development. They will be cleaned/power washed before the end of construction.

6. Front Yard Setback:

- a. According to Article XVII Section 4: "front yard setback of a minimum twenty (20) feet in depth measured from the right-of-way line to the front wall of the building."
- b. Reducing the minimum setback to achieve design standards for McKinley Live-Learn Neighborhood guidelines and allow for a larger green space between the back of the town homes and front wall of the garages.

7. Land Use Percentage:

- a. According to Article IX Section 3: "No single family, two family or multiple family dwelling, together with accessory buildings or structures, shall occupy more than the following percentages of the total area of the lots, exclusive of rights-of-ways:

R-1 and R-2 Residence Zones - 35% lot coverage

R-3 and R-4 Residence Zones - 40% lot coverage

R-5 Residence Zone - 50% lot coverage"

- b. The design of the townhomes and accessory garage structures percentages:

<i>Total Lot Size (combined):</i>	<i>19,520 sq.ft.</i>	<i>100.00 %</i>
<i>Townhomes:</i>	<i>6,829 sq.ft.</i>	<i>34.98 %</i>
<i>Covered Porches:</i>	<i>712 sq.ft.</i>	<i>3.64 %</i>
<i>Garages:</i>	<i>3,840 sq.ft.</i>	<i>19.67%</i>
<i>Greenspace:</i>	<i>8,139 sq.ft.</i>	<i>41.69 %</i>

CRU Construction, LLC.
315 E Columbus Ave. Ste. 201
Muncie, Indiana 47305

BuildWithCRU.com

Walnut Streer Townhomes
710-718 N Walnut St.
Muncie, IN 47305

Revision: Date: By:

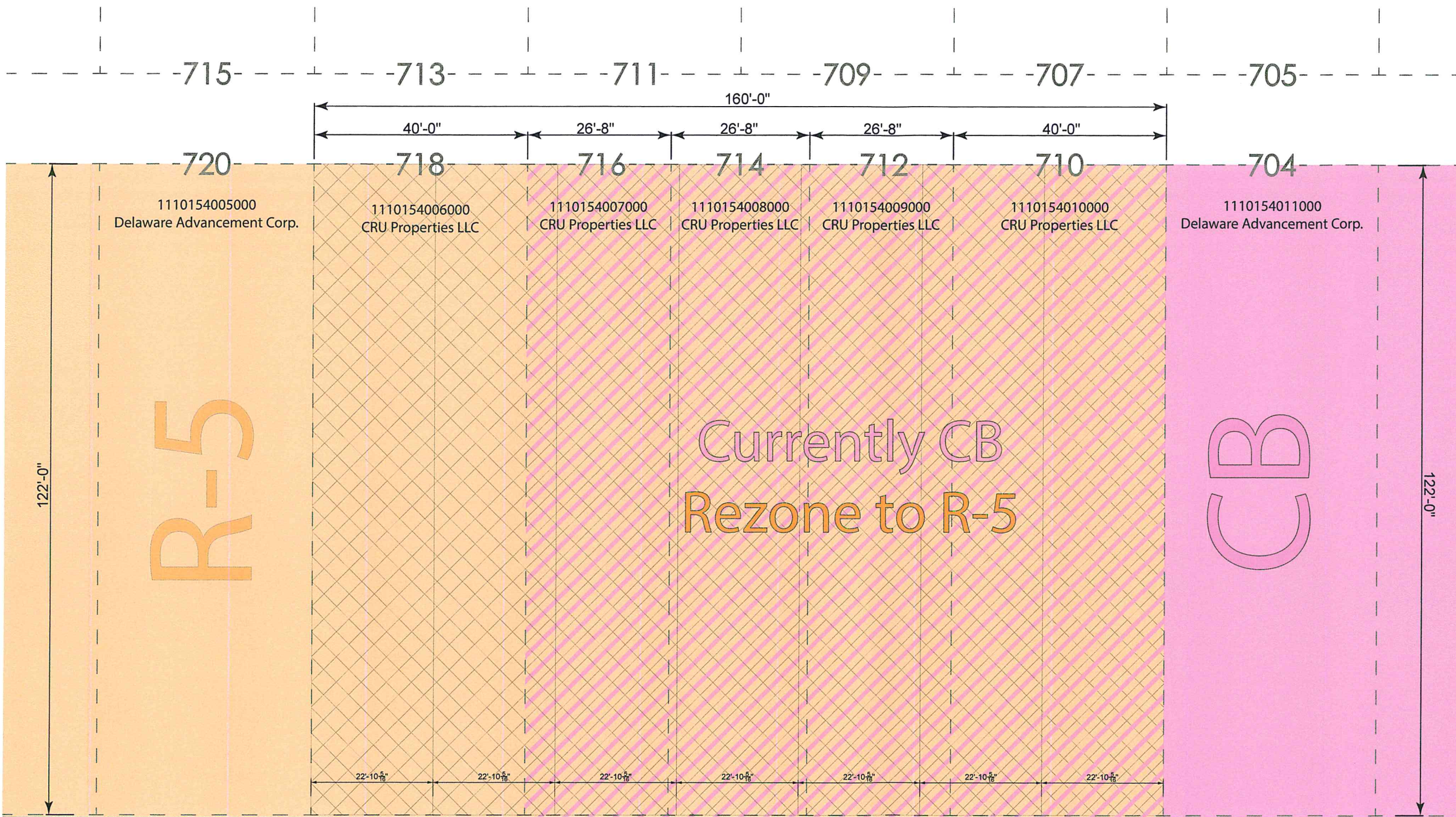
Drawn by: **JC**

Date: **05-14-2024**

Scale: **1" = 20'-0"**

A-0.0

Site Parcel Rezone



N. Walnut St.

R-5

Currently CB
Rezone to R-5

CB

122'-0"

122'-0"

715

713

711

709

707

705

720

718

716

714

712

710

704

1110154005000
Delaware Advancement Corp.

1110154006000
CRU Properties LLC

1110154007000
CRU Properties LLC

1110154008000
CRU Properties LLC

1110154009000
CRU Properties LLC

1110154010000
CRU Properties LLC

1110154011000
Delaware Advancement Corp.

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

22'-10¹¹/₁₆"

160'-0"

40'-0"

26'-8"

26'-8"

26'-8"

40'-0"