DELAWARE-MUNCIE METROPOLITAN BOARD OF ZONING APPEALS APPLICATION FOR APPEAL

Jurisdiction: (Check One)	Submitted: May 4 2025 Case No.: BZA 13-25
Delaware County	Case No.: BZA 13-25
✓ City of Muncie	
(1) Applicant: <u>Delaware County, Indiana for the use</u> Address: <u>100 W Main St Room 309, Muncie, IN 47</u>	
(2) Applicant's Status: (Check the appropriate response)	
(a) The applicant's name is on the deed to the prop	perty.
(b) The applicant is the contract owner of the prop	perty.
(c) Other:	
(3) If Item (2)(c) is checked, please complete the following	g:
Owner of the property involved:	
Owner's address:	
(4) Record of Ownership:	
Deed Book No.: Instr.#2010R07475	
Page:Purchase Date:	
Legal Description: (From the Deed or Abstract)	
See attached	

(5) Common Address of the Property Involved: (Give full street address. If no address, give geographic location such as s. side of CR 400S, 500' west of SR 3).

3710 N Morrison Rd, Muncie, IN/ Northeast corner of Bethel Ave and Morrison Rd.

(6) Type of Appeal: (Check the appropriate response)
(a) Request for an Appeal from the Decision of the Administrative Zoning Officer according to Article XXXII, Section 5-B-1. (Attach a copy of said decision/ruling).
☐(b) Request for a Special Use according to Article XXXII, Section 5-B-2.
√(c) Request for a Variance according to Article XXXII, Section 5-B-3.
 (7) State explanation of requested Appeal: (State what you want to do and cite the Article and Section of the Ordinance which applies and/or creates the need for this Appeal.) Request for variances from the City of Muncie Comprehensive Zoning Ordinance, Article XXX, Sections 3.E and 7.J, to allow a 29'-6.5" tall sign rather than an 8' tall ground sign for a height variance of 21'-6.5" and for a second variance to allow 2 signs along Bethel (one being 29'-6.5" tall and a second sign being a 6' tall ground sign) rather than 1 sign per street frontage, all for a new gasoline fueling station, convenience store and restaurant on a corner lot. (8) State reasons supporting the Appeal: (If filing for a variance, refer to the attached sheet entitled "Hardship Variance" for explanation/guidance.)
We are requesting a variance for a pole sign at this site. As there are few gas stations in this area and this site lacks visibility from McGalliard Road, which is a major thoroughfare, a pole sign is crucial to direct traffic to this gas station.
(0) Propert Zaning of the manuature (Cine and the Continue)
(9) Present Zoning of the property: (Give exact classification)BV- Variety Business
(10) Present use of the property:
Vacant
(11) Describe the proposed use of the property:
Gas station/ convenience store.
(12) Is the property:
✓ Owner Occupied
Renter Occupied
Other:

(13)	Has the Applicant provided stamped, addressed envelopes to send notices of this Appeal to all property owners within 300 feet? <u>yes</u> Has the Applicant discussed this Appeal with these owners personally? <u>no</u> If answer is "YES", give their attitudes toward the proposal.
(14)	Are there any restrictions, laws, covenants, governing the property which would prohibit its use for the purpose specified in this application? If answer is "YES", attach a copy.
	No
(15)	Has work for which this application is being filed already started? If answer is "YES", give details.
	No
(16)	Has there been any previous appeal filed in connection with this property? If answer is "YES", give the date and the decision of the appeal.
	No
(17)	If the Appeal is granted, when will work commence?
	Immediately
	When will it be completed?
	2 years
	If the Appeal is granted, who will operate and/or use the proposed improvement for which this application has been filed?
	Developer/future owner

AFFIDAVIT

(I or We) Delaware County, Indiana for the use and benefit of its Department of Redevelor TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[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 or our) knowledge and belief.

Subscribed and sworn to before me this day of February , 20 d5 /

Subscribed and sworn to before me this day of February , 20 d5 /

Notary Public, State of Indiana Deleware County

My Commission Notary Public, State of Indiana Deleware County

My Commission Possou42

My Commission Expires

Resident of Delaware County

The day of February 14, 2032

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was filed with the office of the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public hearing on the _____ day of ______, 20_____.

Signed:

Date:



DCRC MINUTES - January 9, 2025- 9:00 A.M.

REGULAR MEETING

- 1. Welcome and Pledge to Flag John Adams welcomed everyone and led the pledge.
- 2. Roll Call
 - a. Present Amber Greene, Commissioner Stephen Brand, Commissioner Shannon Henry, Michelle Badders, Rob Keisling, John Adams (Attorneys John Brooke and Danyel Struble)
 - b. Absent none
- 3. Reorganization
 - a. Election of President -
 - 1. Nomination by Commissioner Henry for Commissioner Brand to be president; Commissioner Brand declined
 - 2. Nomination by Keisling for Greene to be president; Greene accepted nomination
 - 3. Motion by Commissioner Henry to close nominations; Seconded by Keisling
 - 4. Motion carried 5-0
 - 5. Greene is president for 2025
 - b. Election of Vice President-VP must be from the appointees of the other appointing body of the President by statute
 - 1. Nomination by Keisling for Badders to be VP; Commissioner Brand also nominated Badders
 - 2. Badders nominated Commissioner Henry to be VP; Commissioner Henry declined nomination
 - 3. Badders accepted nomination
 - 4. Motion to close nomination by Keisling; seconded by Commissioner Brand
 - 5. Badders is vice president for 2025
- 4. Approve Minutes from 12-5-24
 - a. Keisling moved to approve; Badders seconded
 - b. Motion carried 5-0 by roll call vote #1
- 5. 2025 service engagement agreements need sought:
 - a. Previous legal-Brooke-Struble
 - 1. Commissioner Brand made a motion to approve; Keisling seconded motion
 - 2. Motion carried 5-0 by roll call vote #2
 - b. Accounting-Baker Tilly
 - 1. Commissioner Henry made a motion to approve; Badders seconded motion
 - 2. Motion carried 5-0 by roll call vote #3
 - 3. The Board would like Baker Tilley to make TIF presentation at the March meeting; legal counsel will arrange the presentation
- 6. 2025 bids for mowing DCRC owned properties need sought: Jay Crew was previous year's low bid
 - a. This RFP has not been completed

- b. Keisling moved for legal counsel to advertise for the RFP and include the list of properties with a schedule of mowing; seconded by Commissioner Henry
- c. Motion carried 5-0 by roll call vote #4
- 7. RAI dues- Redevelopment Association of Indiana
 - a. The Board requested legal counsel obtain more information about the benefits of the membership to this organization and the time frame the dues cover
 - b. Motion by Commissioner Henry to table this matter; seconded by Commissioner Brand
 - c. Motion to table carried 5-0 by roll call vote #5
- 8. Bonding for members- USI Insurance previous provider
 - a. Bill Walters is assisting with getting contact information so legal counsel can obtain information on renewal for Board review. It should be available for February's meeting.
 - b. Commissioner Brand made a motion to table this matter; Keisling seconded the motion
 - c. Motion to table carried 5-0 by roll call vote #6
- 9. Issue bids for Park One second entrance- American Structurepoint
 - a. Jamie from American Structurepoint indicated they resubmitted the permit to INDOT and got comments right before Christmas. It should be a month to month and a half before the permit is complete. The state environmental comments came in right before Christmas. They sent a response this week. Once the permits are received, it can go to bid. Legal counsel will review the contracts in the meantime once received.
 - b. Commissioner Brand moved to table this matter; Badders seconded
 - c. Motion to table carried 5-0 by roll call vote #7
- 10. Delaware Co. HW Dept. request for equipment purchase- Tommie Humbert, Highway Superintendent
 - a. Highway Superintendent gave an update on work the Highway Dept. completes for around the Industria center to keep it clean. They spend a lot of man hours in that area. The equipment request is for Rotor, Gradall Window Guard, Case Drain Hydraulic Kit, and Mounting Adapter. This allows better reach and can cut time in half. He received two quotes. The equipment can be used in different areas. Gradall goes though Southeastern to service equipment, and they have had a lot of issues with servicing equipment. Several counties are having issues with them. There is also something wrong with the fuel system so it is currently in service.
 - b. \$9,450.00 from Kirby Smith Machinery, Inc.
 - c. \$32,945.00 from Brandeis
 - d. The money would come from the Industria Center TIF
 - e. The quote can still be honored despite date of quote per Carrie
 - f. Commissioner Henry moved to approve the requests; Commissioner Brand seconded
 - g. Motion carried 5-0 by roll call vote #8
- 11. Coops Lawn Care paving request- Garrett Cooper
 - a. Mr. Cooper did not attend.

- b. Commissioner Henry made a motion to table this matter and requested legal counsel send a message to him requesting his attendance at the February meeting; Keisling seconded the motion
- c. Motion carried 5-0 by roll call vote #9
- 12. NE Corner of Morrison & Bethel- check scheduling of property closing date-Mark Sturgis
 - a. Mark Sturgis said the due diligence period expires at the end of this month. They then have one month to close. Singh has been out of the country for a few weeks but will be back soon and he will follow up with him then. He believes we are set to close on time.
 - b. This has already gone to the Plan Commission and is set to approve closing date.
 - c. Phase 2 was approved and due diligence completed at end of month
 - d. Commissioner Brand made a motion to approve closing on the property; Commissioner Henry seconded the motion
 - e. Motion carried 5-0 by roll call vote #10
- 13. Discussion with members regarding the future of CR 600 W. & 400 S. project- American Structurepoint
 - a. They started work. The original work was \$550k and the roundabout was \$625k. The realignment increase in price was to be able to apply for federal funding in the future. Commissioner Brand inquired about an imminent expansion planned at this location. No one is aware of one. Commissioner Brand does not understand the need for this project and suggested maybe we could acquire right of way to infill the corners. Commissioner Henry has faith in highway department and thinks we could do a realignment of the intersection by the County Highway Department. Tommie Humbert, Highway Superintendent, agrees with Commissioner Henry. This was coming out of Industria TIF. Greene is not in favor of the project; Keisling suggests they pause with American Structurepoint and wants to have a conversation with the highway department and Tommie Humbert, Highway Superintendent. Badders agreed. There is federal funding the board needs to go after but there are several higher priorities to go after before this project.
 - b. Keisling made a motion to stop this project and start conversations with Tommie Humbert, Highway Superintendent and obtain a detailed analysis of where American Structurepoint is with their progress as to their bill; Seconded by Commissioner Brand
 - c. Motion carried 5-0 by roll call vote #11
- 14. Discussion with members regarding next steps on Cowan Industrial site infrastructure install-

Lochmueller Group

- a. This project was designed to alleviate flooding. If you put economic development on that site it will cause issues with parking lot and roof drainage. There are some pipes put out that way which could make this property worse. They have to go to the drainage board when final engineering is completed. This information was just provided as an update
- 15. Discussion with members regarding Phase II Cowan Sidewalk Project-United Engineering
 - a. Jeff Larrison presented on behalf of United Consulting. They are waiting on direction from DCRC as to whether they are ready to move forward with Phase 2. There are a total of 4 Phases and Phase 1 is complete. There are a few small parcels

that may need to be acquired but most of the work is within right of way. There has been no land opposition from landowners — they have all been in favor of the project. The project was also popular with Cowan and the schools.

- b. The Commissioners reported a lot of positive feedback from the Cowan community. Commissioner Brand wants a pre-construction meeting to walk them through the trees coming down in the phases so the community will be aware. The trees were not part of plan in the beginning. The biggest reason the sidewalks are being replaced is because of the trees. Tommie was surprised we were planting more trees in the same place where the old ones were. The new trees had root systems that go down as tap roots rather than expanding out.
- c. Commissioner Brand wanted clarification that Cowan did not follow through to incorporate so further money for this project has to come through the County or DCRC (Industria TIF).
- d. United would like to give updated construction costs and any addition cost to DCRC so they can determine how to move forward.
- e. Commissioner Henry moved to revisit the plan, make sure no land acquisition is necessary, and establish a plan to notify homeowners about trees needing to be removed in Phases 2-3; seconded by Badders
- f. Motion carried 5-0 by roll call vote #12
- 16. Daleville/Salem water/sewer install nearing completion- in conjunction with TIF/ARP/READI

United Engineering

- a. They finished installation of pipes at the beginning of the week. The underground work is complete. They were able to get everything installed before Quik Trip paved the parking lot. They now have to wait 30 days to test the lines to ensure proper function. In mid-February they can let DCRC know the result. When the weather breaks, they will restore dirt work and landscaping and will do final walk through and invite DCRC.
- 17. Albany Bell Road entrance project, complete- in conjunction with TIF/ARP United Engineering
 - a. Phase 1 is all finished. There was originally one road to the fish farm. It has been modified to incorporate potential lots for economic development. Land has been acquired. There are partial plans to complete Phase 2 to the fish farm if the plan is to complete the road to them. The plans are DCRC property. They are waiting on the fish farm to figure out what they are doing. This project has been going on for 3 years. The sanitary sewer and water are installed. Albany ran that and storm water for Dollar Tree on the south end of the area. There are still lots in Albany development park available. There is also a retention pond.
 - b. This update was for informational purposes.

INVOICES: Commissioner Brand requested that invoice numbers and a limited description be put on each claim form.

Brooke & Struble Various \$ 1,860.00 Lochmueller Group Industrial \$ 2,715.22

RQAW

Park One

\$10,390.00

American Structurepoint

Morrison

\$ 8,367.66

Two invoices (RQAW and American Structurepoint) were added at the meeting.

RAI (Redevelopment Assoc. of IN) Various

\$ 125.00 (TABLED)

Motion by Commissioner Brand to approve all invoices except RAI which is tabled until next month; Badders seconded motion. Motion carried 5-0 by roll call vote #13

Bond/BOT Invoices:

Comments by Board:

Commissioner Henry – acknowledged it was hectic getting the meeting put together after the resignation of Brad Bookout. He thanked those who helped get the information together. Keisling – asked about DCRC long term set up? Commissioners are working on that. Commissioner Brand asked legal counsel to continue in interim role until director hired by Commissioners. Commissioner Brand wants to know if the Board can hire Director or if Commissioners approve this position. Legal Counsel explained the decision to have Commissioners hire Director in the past due to the hybrid nature of funds. The Director also uses edit money and does work outside DCRC's scope. Muncie Economic Development Alliance - Traci Lutton will work with us and get us info if people reach out to her in Brad's absence.

Commissioner Brand would like the entire Board packet with claims posted on the website. Legal Counsel will get with Kyle to post it. The Board will omit anything from an executive session. There was talk of moving the meeting to the County Building. They decided to keep it at the Innovation Connector to allow more access to parking. This body bought a suburban two years ago – they want to evaluate that when they determine who the next director will be.

Public Comments: None

Adjourn: Motion to adjourn by Keisling; seconded by Badders; Motion carried 5-0 by roll call vote #14

AFFIDAVIT

(I or We) Spirit 2 Go LLC(Harpreet Singh)- Buyer/Developer TYPE NAME(S) OF SIGNATORIES

being duly sworn depose and say that (I or We) (am or are) the (owner[s]) (contract owner[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 or our) knowledge and belief.

SIGNATURES: Haful

Subscribed and sworn to before me this 4th day of March, 20 25

Belling & Oysson

tary Public

5/17/2032

nmission Expires

Resident of Herry County

State of [N]

Bethany E. Axsom Notary Public - State of Indiana County of Residence: Henry

DO NOT WRITE IN THIS SPACE

The foregoing application has been inspected by me and was filed with the office of the Delaware-Muncie Metropolitan Board of Zoning Appeals in accordance with all the formal requirements and procedures.

If properly advertised by the applicant, the application will be heard in public

hearing on the _____ day of ______, 20_____.

Signed:

Date:

BUSINESS INFORMATION

DIEGO MORALES INDIANA SECRETARY OF STATE 03/04/2025 02:22 PM

Business Details

Business Name: SPIRIT 2 GO LLC

Business ID: 202006291401745

Entity Type: Domestic Limited Liability Company

Business Status: Active

Creation Date: 06/29/2020

Inactive Date:

Principal Office Address:

5809 N BRANDON BROOK LN, Muncie,

Expiration Date: Perpetual

IN, 47304, USA

•

Jurisdiction of Formation: Indiana

Business Entity Report Due

Date: 06/30/2026

Years Due:

Governing Person Information

Title

Name

Address

Member

HARPREET SINGH

5809 N BRANDON BROOK LN, Muncie, IN, 47304, USA

Member

PRITPAL KAUR

13150 DITCH ROAD, Carmel, IN, 46032, USA

Member

DALVIR KAUR

5809 N BRANDON BROOK LN, Muncie, IN, 47304, USA

Registered Agent Information

Type: Individual

Name: HARPREET SINGH

Address: 5809 N BRANDON BROOK LN, MUNCIE, IN, 47304, USA





JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
04/01/2010 03:17:31PM
REC FEE: 18.00
PAGES: 2

File No. 20100441

Parcel Number 18-07-31-301-006-000 030 18-07-31-301-013-000.030

050.000-200-105-15-TO-81

WARRANTY DEED

This Indenture Witnesseth, That Mursix Corporation (Grantor), Convey(s) and Warrant(s) to Delaware County, Indiana, for the use and benefit of its Department of Redevelopment (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 for complete Legal Description made a part hereof.

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

The undersigned person executing this deed on behalf of Grantor represents and certifies that he has been fully empowered to execute and deliver this 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 31st day of March 2010

Mursix Corporation

By Todd A. Murray, President

STATE OF INDIANA, COUNTY OF DELAWARE SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared Todd A. Murray, President, of Mursix 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 31st day of March. 2010

My Commission Expires: 03/29/15

Annes W. Trulock, Notary Public Residing in Delaware County, Indiana

end facilities to and Grantee's street or rural route address is 401 5. High 51.-et., Muncie 1N 47305

faring under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in his documents, unless required by law James W Trulock

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

Duly Entered for Taxation Transfer Fees \$______

APR 0 1 2010 ER

DELAWARE CO. AUDITOR

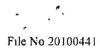


EXHIBIT A - LEGAL DESCRIPTION

Parcel B (Mursix)

A part of the fractional West half of the Southwest quarter of Section 31, Township 21 North, Range 10 East, more particularly described as follows, to-wit

Beginning at the Northwest corner of the fractional West half of the Southwest quarter of Section 31, Township 21 North, Range 10 East, thence South 00°-00'-00" East on and along the West line of said fractional West half of the Southwest quarter (also being the center line of Morrison Road) 680.0 feet; thence South 89°-50'-11" East on and along the right-of-way line of Woods Edge Drive (Deed Record 1999, pages 7785-86) 360 0 feet to a point, which point, is the point of beginning for the land herein described, thence South 00°-31'-18" East 287 0 feet, thence South 89°-50'-11" East parallel with said South right-of-way line 424.05 feet, thence North 01°-19'-56" East 287 0 feet to said South right-of-way line, thence North 89°-50'-11" West on and along said South right-of-way line 433 32 feet to the point of beginning Estimated to contain 2 819 acres, more or less

Parcel C

A part of the fractional West half of the Southwest quarter of Section 31, Township 21 North, Range 10 East, more particularly described as follows, to-wit

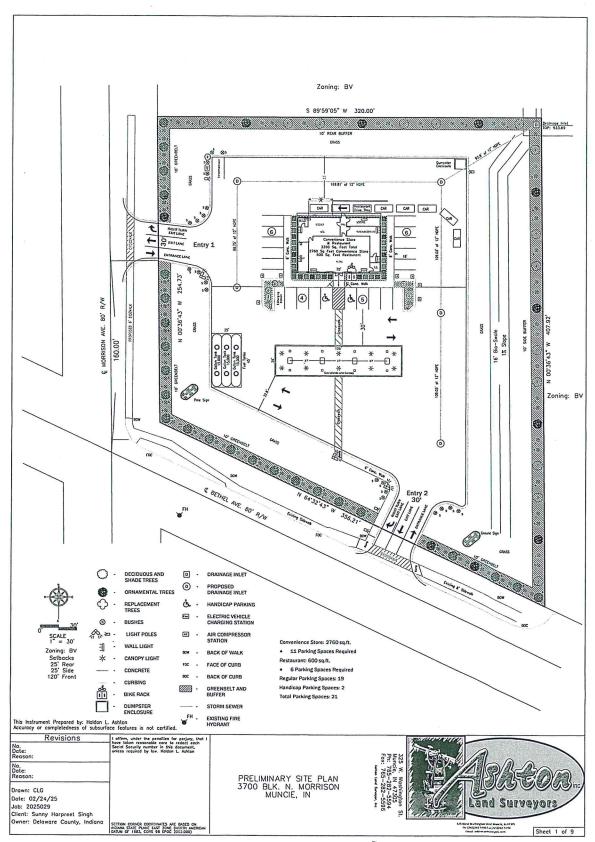
Beginning at a point in the West line of the fractional west half of the Southwest Quarter of Section 32, Township 21 North. Range 10 East. 680 0 feet South of the Northwest corner of the said fractional west half of the Southwest quarter; thence continuing South on the said West line 567 15 feet to its intersection with the center line of Bethel Pike; thence Southeasterly with a deflection angle to the left of 63 -56'-00" and on and along the center line of said Bethel Pike 400.74 feet, thence North and parallel with the west line of the said fractional west half of the Southwest quarter 739 44 feet, thence West parallel with the North line of the said fractional west half of the Southwest quarter 360 0 feet to the point of beginning Estimated to contain 5 398 acres, more or less

Excepting therefrom: A part of the fractional West Half of the Southwest Quarter of Section 31, Township 21 North, Range 10 East, more particularly described as follows, to-wit: Beginning at the Northwest corner of the fractional West Half of the Southwest Quarter of Section 31, Township 21 North, Range 10 East, thence South on the West line of the said fractional West Half of the Southwest Quarter, said line also being the center line of County Road 300 West, 680 0 feet to the point of beginning for the land herein described, thence continuing on the West line of the said fractional West Half of the Southwest Quarter, said line also being the center line of County Road 300 West, 567 15 feet to the intersection with the center line of Bethel Avenue, thence Southeasterly with a deflection angle to the left of 63°56'00" and on and along the center line of Bethel Avenue 400 74, thence North and parallel with the West line of the said fractional West Half of the Southwest Quarter 33 4 feet, thence Northwesterly parallel with the center line of Bethel Avenue 356 02 feet; thence North parallel with the West line of the said fractional West Half of the Southwest Quarter of said Section, 553 33 feet, thence West 40 0 feet to the West line of the fractional West Half of the Southwest Quarter to the point of beginning Estimated to contain 33758 16 sq. ft, more or less

Also

A part of the fractional west half of the Southwest quarter of Section 31, Township 21 North, Range 10 East, more particularly described as follows, to-wit

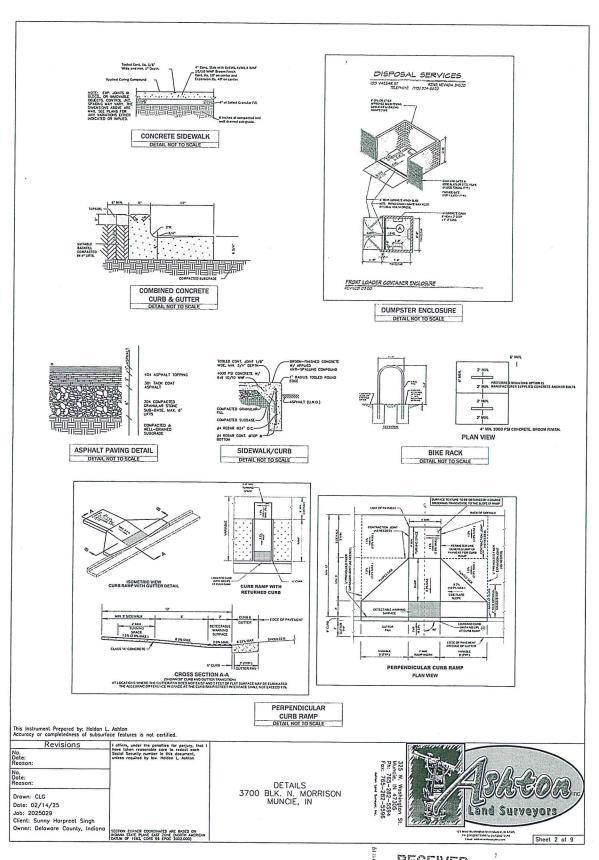
Beginning at the Northwest corner of the fractional West half of the Southeast quarter of Section 31. Township 21 North, Range 10 East; thence South on the West line of the said fractional West half of the Southwest quarter 1,247.15 feet to its intersection with the center line of Bethel Pike; thence Southeasterly with a deflection angle to the left of 63 -56'-00" and on and along the center line of said Bethel Pike 400 74 feet to the point of beginning for the land herein described, thence North and parallel with the West line of the said fractional west half of the Southwest quarter 452 43 feet, thence East parallel with the North line of the said fractional West half of the Southwest quarter 475 0 feet, thence South with a deflection angle to the right of 91 -15'-15" and parallel with the East line of the said fractional west half of the Southwest quarter 669 48 feet to its intersection with the center line of said Bethel Pike, thence Northwesterly with a deflection angle to the right of 114 -12'-25" and on and along the center line of said Bethel Pike 504.47 feet to the point of beginning Estimated to contain 6 000 acres, more or less



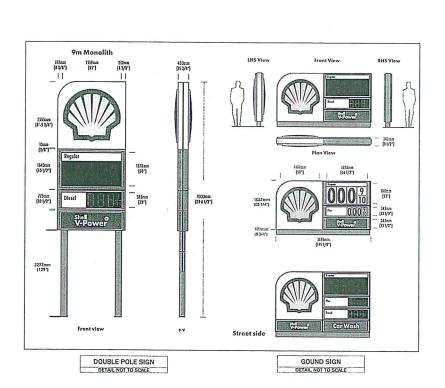
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MAR 0 4 2025

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

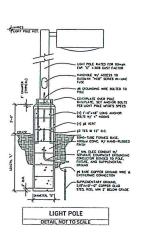


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MAR 0 4 2025









This Instrument Prepared by: Haldon L. Ashton Accuracy or completedness of subsurface features is not certified.

Revisions

No.
Date:
Reason:

No.
Date:
Reason:

Drawn: CLG
Date: 02/14/25
Job: 2025029
Client: Sunny Harpreet Singh
Owner: Delaware County, Indiana

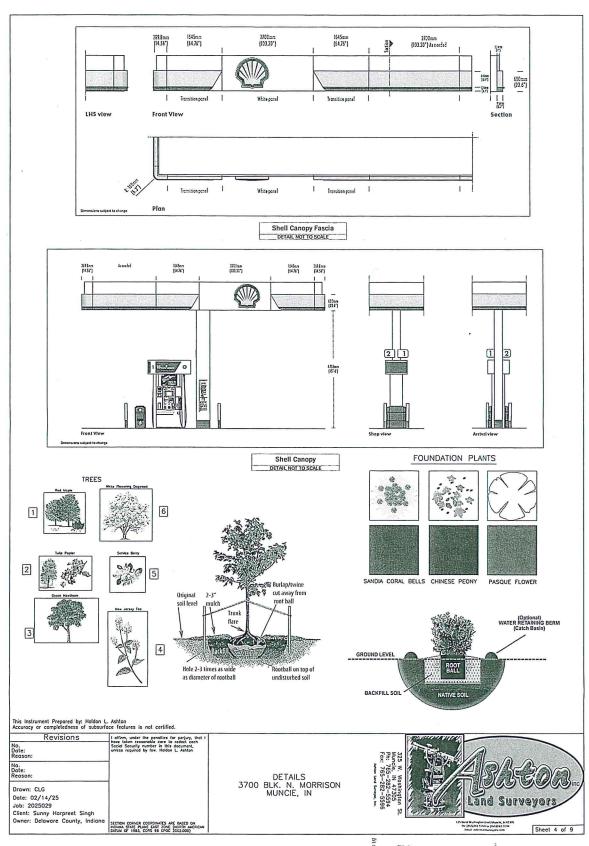
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DETAILS 3700 BLK. N. MORRISON MUNCIE, IN 325 W. Washington St. Muncles, IN 47305 Ph. 765—282—5594 Fox: 765—282—5596



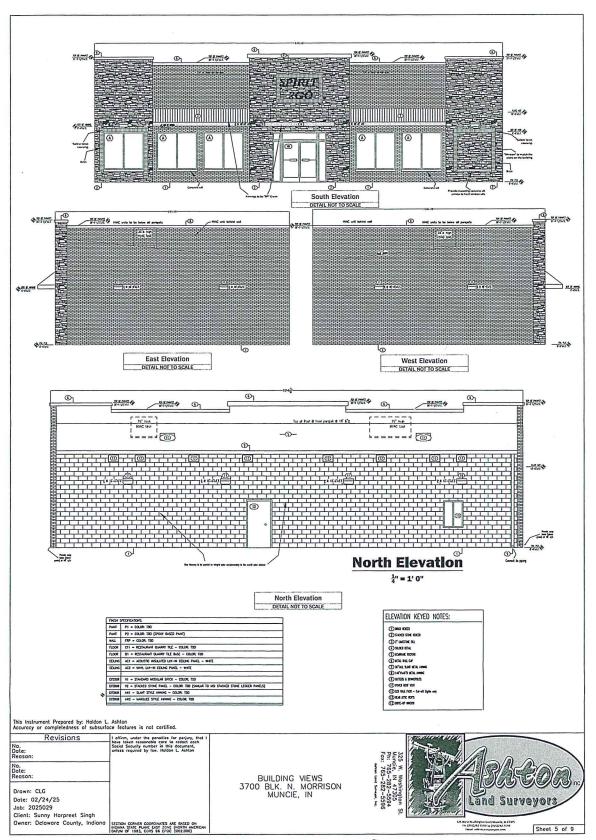
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MAR 0 4 2025



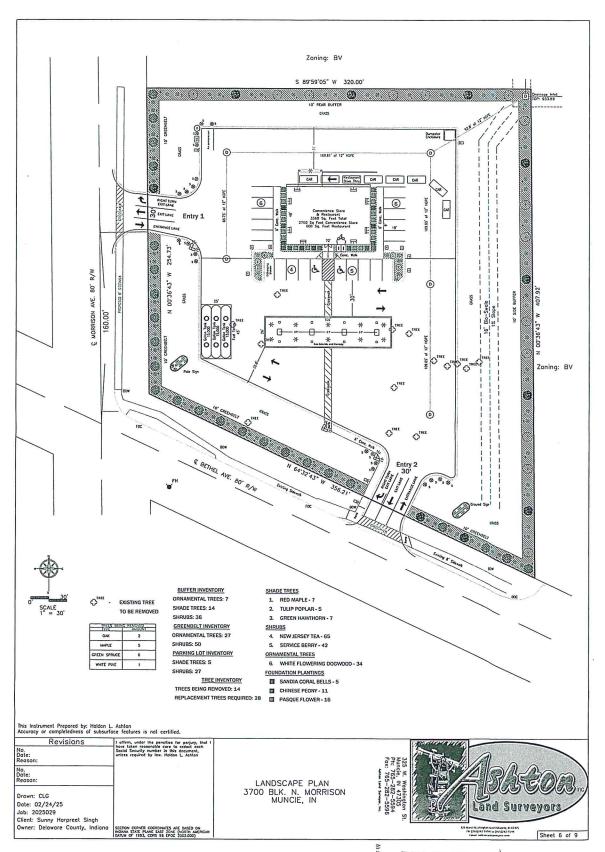
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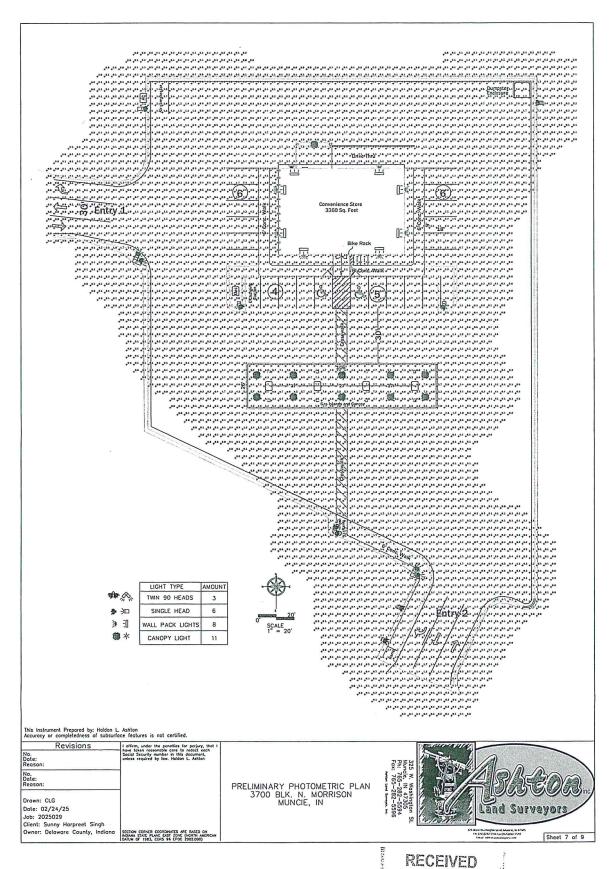


MAR 0 4 2025

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION

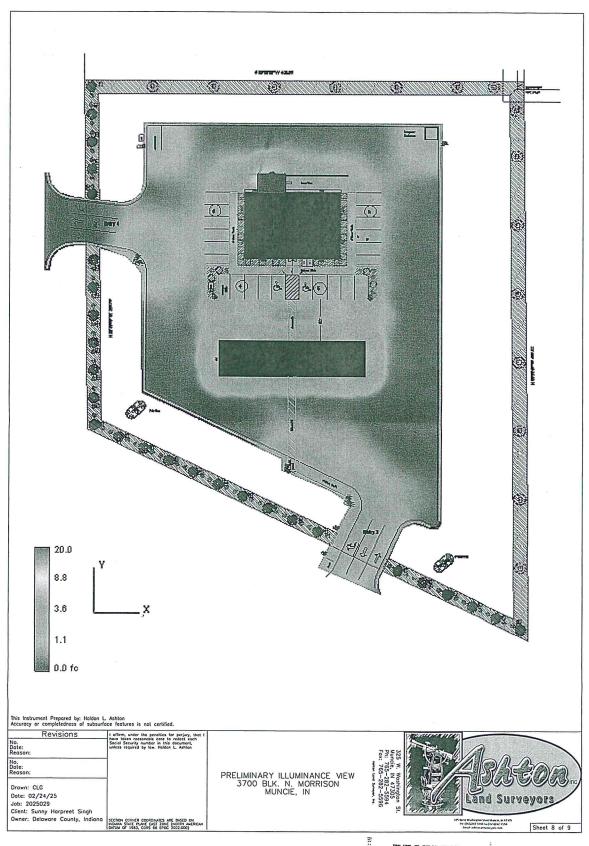


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