

PLEASE NOTICE that on July 29, 2020 @ 5:00 PM, the Yorktown Plan Commission will hold a Public Hearing on the matter of a petition to change the zoning of the property located a 6263 W. Kilgore Ave., Muncie, IN to M-2 (Medium Density Multi-Family Residential). The land is currently zoned C-1 (Small to Medium Scale General Commercial). Stephen Justin and John Justin are the owners of the parcel described as parcel ID 1013352009000. Written objection or comments concerning this request may be filed with Matt Ray, Building and Zoning Commissioner, at Yorktown Town Hall, 9312 W. Smith Street, PO Box 518, Yorktown, IN 47396 before said hearing and will be heard at the specified time. This Public Hearing will be held virtually via Zoom as permitted by Governor Holcomb's Executive Order #20-09: meeting ID# 82946975003, password 258795.

Rezoning Petition (Change zone map)
Yorktown Plan Commission
Yorktown, Indiana

Petitioner Information

- A. Petitioner Name: Stephen and John Justin
- B. Petitioner Address: 800 W. White River Blvd. Muncie, IN 47303
- C. Petitioner Phone: 765-717-9332 | 765-717-9331

Property Information

- A. Property Address or Description of the Location: 6263 W. Kilgore Ave. Muncie, IN 47304
- B. Size of Subject Property: .675 acres
- C. Request to change from C1 zoning classification to M2 zoning classification.

Supporting Information (Attach additional sheets if necessary)

- A. Please explain the purpose of the rezone. Specifically, how will the property be used and developed? How will this proposal complement or enhance the character of adjacent structures and uses?

To allow for the construction of 16 unit apartment building.

Apartments will be high end one bedroom units that will improve the subject property, increase the Town of Yorktown's tax base, increase the value of adjacent and nearby properties and improve the appearance of the subject property and surrounding properties dramatically.
We improved the property directly to the west dramatically and we would like to do the same to this property.

- B. Please state how this request complies with the Yorktown Comprehensive Plan:

- C. Please attach the following additional information:

1. Legal Description
2. Plot Plan
3. Site Plan
4. Building Elevations

**OWNER AFFIDAVIT
TOWN OF YORKTOWN**

I, Stephen Justin the undersigned, being duly sworn, depose, and say that I am the owners of the majority of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all drawings, data, and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before the application process can be started; and if I am not the owner of the property, I have attached a notarized authorization from the owner(s) to submit this application.

State of INDIANA

County of Delaware County

The foregoing instrument was acknowledged before me this 26th day of May,

2020, by Stephen Justin who has personally appeared before me.


(Signature of Applicant)

800 W White River Blvd Muncie, IN
(Address)


(Notary Public)

Sharon L Robinson
(Printed Name Notary Public)

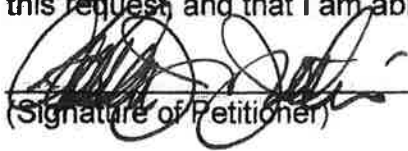
July 30 2023
(Commission Expires)

765-744-4729
(Telephone)



Petitioner Affidavit

I further state that if this request is granted, I will proceed with the approved use in accordance with the plans herewith submitted within six (6) months from date of filing this request and that I am able from a financial, legal, and physical basis to do so.



(Signature of Petitioner)

Dated at Muncie, Indiana this 26th day of
May, 20 20.

IN TITLE

SP

2018R15681
MELANIE MARSHALL
DELAWARE COUNTY RECORDER
RECORDED ON
12/04/2018 03:27 PM
REC FEE 25.00
PAGES: 2

File No.: 20182588
Parcel Number: 18-10-13-352-009.000-017

WARRANTY DEED

This Indenture Witnesseth, That **Sandra S. Highley** (Grantor) **Convey(s) and Warrant(s)** to **Stephen Justin and John Justin** (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

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

In Witness Whereof, Grantor has executed this deed this 29th day of November, 2018.


Sandra S. Highley

State of Indiana, County of Delaware SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for the said County and State, personally appeared **Sandra S. Highley** 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 Notarial Seal this 29th day of November, 2018.

My Commission Expires:




Residing in _____, Notary Public
County

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

800 W White River Blvd
Muncie IN 47303

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



Duly Entered for Taxation
Transfer Fees \$ 5.00

DEC 04 2018


Delaware County Auditor

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section Thirteen (13), Township Twenty (20) North, Range Nine (9) East, more particularly described as follows, to-wit: Beginning at a point six hundred sixty-eight (668) feet north and five hundred seventy-five (575) feet east of the Southwest corner of the said Southwest Quarter; thence running East parallel with the South line of the said quarter one hundred (100) feet; thence running North parallel with the West line of the said quarter three hundred four and sixty-eight hundredths (304.68) feet to the center line of the State Highway No. 32 as established through said quarter; thence running in a westerly direction along the center line of the said highway, to a point five hundred seventy-five (575) feet East of the West line of the said quarter; thence running South parallel with the West line of the said quarter three hundred five and twenty-six hundredths (305.26) feet to the place of beginning; reserving a right of way and easement forty-five (45) feet in width off of the entire North end of the foregoing described tract and hereby dedicating the same to the public for the use and purposes of a highway. Estimated to contain 0.70 acre, more or less.

Except:

A part of the Southwest Quarter of Section 13, Township 20 North, Range 9 East, Delaware County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached right of way parcel plat, marked "Exhibit B", described as follows: Commencing at the Southwest corner of said section, designated as point "3" on said plat; thence North 0 degrees 35 minutes 32 seconds West 203.606 meters (668.00 feet) along the West line of said section; thence North 89 degrees 24 minutes 28 seconds East 175.253 meters (574.98 feet) (575 feet by Deed Record 1993 page 6194) to the Southwest corner of the grantor's land; thence North 0 degrees 35 minutes 32 seconds West 75.854 meters (248.86 feet) along the West line of the grantor's land to the point of beginning of this description; thence continuing North 0 degrees 35 minutes 32 seconds West 3.284 meters (10.77 feet) along said West line to the Northwest corner of the grantor's land, which point is on the South boundary of S.R. 32; thence along the boundary of said S.R. 32 Easterly 30.480 meters (100.00 feet) along an arc to the right and having a radius of 91,101.520 meters (298,889.50 feet) and subtended by a long chord having a bearing of North 89 degrees 55 minutes 20 seconds East and a length of 30.480 meters (100.00 feet) to the Northeast corner of the grantor's land; thence South 0 degrees 35 minutes 32 seconds East 3.284 meters (10.77 feet) along the East line of grantor's land; thence Westerly 30.480 meters (100.00 feet) along an arc to the left and having a radius of 91,098.236 meters (298,878.73 feet) and subtended by a long chord having a bearing of South 89 degrees 55 minutes 20 seconds West and a length of 30.480 meters (100.00 feet) to the point of beginning and containing 0.0100 hectares (0.025 acres), more or less.



Overview



Legend

Major Roads

- INTERSTATE
- MAJOR ROAD
- STATE ROAD
- US HIGHWAY
- Geocoded Streets
- RR Lines
- Airport Runways

Cadastral Line

- <all other values>
- Geographic Township Line
- Lot Line
- Misc Line
- Parcel Line
- Political Township Line
- Railroad Centerline
- Railroad ROW
- Road Centerline
- Road ROW
- Section Line
- Subdivision Line
- Unknown
- Water Line
- Parcels
- Muncie Parks
- Major Waterbody
- Lakes and Ponds

Parcel ID 1013352009000 Alternate ID 18-10-13-352-009.000-017
 Sec/Twp/Rng n/a
 Property Class 1 Family Dwell - Unplatted (0 to 9.99 Acres)
 Address AVE
 MUNCIE Acreage 0.675

Owner Address JUSTIN STEPHEN & JOHN JUSTIN
 800 W WHITE RIVER BLVD
 MUNCIE IN 47303

District YORKTOWN
 Brief Tax Description PT SW QTR 0.675 Acres STR: 132009 IN: OUT:
 (Note: Not to be used on legal documents)

Right of Way: Road right of way (Road ROW) are symbolized in the cadastral lines layer on the map (yellow). Only Road ROW in platted areas are shown. For un-platted areas, contact the Delaware County Engineering Department at (765) 747-7765 or in the City of Muncie contact the City Engineer's Office

Summary

Parcel ID 1013352009000
Alternate ID 18-10-13-352-009.000-017
Property Address 6263 W KILGORE AVE
 MUNCIE, IN 47304
Brief Tax Description PT SW QTR 0.6750Acres STR: 132009 IN: OUT:
 (Note: Not to be used on legal documents)
Class 511: 1 Family Dwell - Unplatted (0 to 9.99 Acres)

Owner

JUSTIN STEPHEN & JOHN JUSTIN
 800 W WHITE RIVER BLVD
 MUNCIE, IN 47303

Taxing District

County: Delaware
Township: MT. PLEASANT TOWNSHIP
State District 017 YORKTOWN
Local District: 017
School Corp: MT. PLEASANT TOWNSHIP COMMUNITY
Neighborhood: 110015-017 RURAL RESIDENTIAL/AGRICULTURAL HOMESITE

Site Description

Topography: Flat
Public Utilities: Electricity, Water
Street or Road: Paved
Area Quality Static
Parcel Acreage: 0.675

Land

Land Type	Soil ID	Act Front.	Eff. Depth	Size	Rate	Adj. Rate	Ext. Value	Infl. %	Value
9 - HOMESITE		0	0	0.6750	\$27,000.00	\$36,450.00	\$24,603.75	\$0.00	\$27,010.00

Residential Dwellings

Description Single-Family
Story Height 1
Style
Finished Area 1084
Fireplaces 0
Heat Type Central Warm Air
Air Cond 0
Bedrooms 2
Living Rooms: 0
Dining Rooms: 0
Family Rooms: 0
Finished Rooms: 5
Full Baths 1
Full Bath Fixtures 3
Half Baths 0
Half Bath Fixtures 0
Kitchen Sinks 1
Water Heaters 1
Add Fixtures 0

Floor	Construction	Base	Finish
1	Wood Frame	1084	1084
B		221	0
C		663	0
S		200	0

Improvements

Descr	PC	Grade	Year Built	Eff Year	Cond	LCM	Size	Nbhd Factor	Mrkt Factor
Single-Family	100	D+1	1940	1940	P	1.01	1084	1.13	1.182

Transfer History

Date	New Owner	Doc ID	Book/Page	Sale Price
12/4/2018	JUSTIN STEPHEN & JOHN JUSTIN		2018R/15681	\$42,500.00
3/1/2009	HIGHLEY SANDRA S			\$0.00

Sales Disclosures

Sale Date
11/29/2018

Sale Price
\$42,500

Parcel Count
1

Valid
N

Valuation

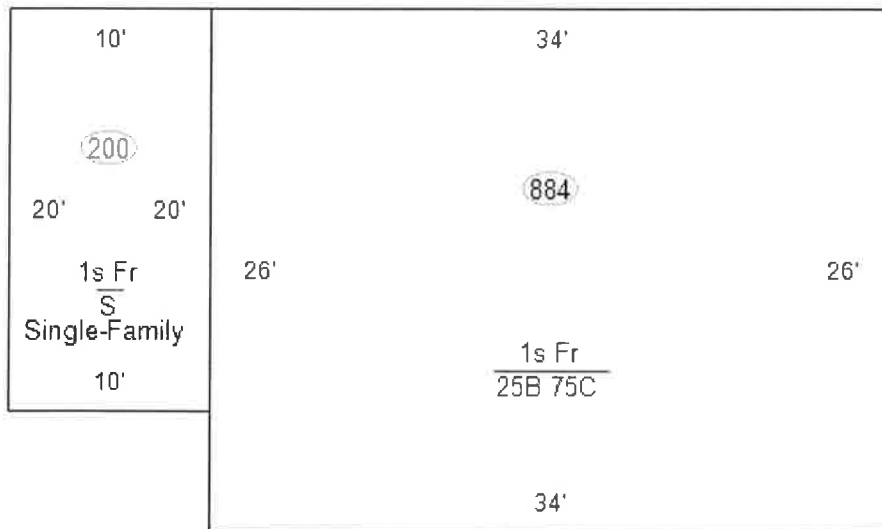
Assessment Year	2020	2019	2019 (2)	2018	2017
Reason	Annual Adjustment	REEVALUATION (FORM 134)	Annual Adjustment	Annual Adjustment	Annual Adjustment
As Of Date	3/25/2020	5/10/2019	3/21/2019	4/16/2018	5/5/2017
Land	\$27,000	\$30,000	\$30,000	\$30,000	\$28,500
Land Res (1)	\$27,000	\$30,000	\$30,000	\$30,000	\$28,500
Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
Land Non Res (3)	\$0	\$0	\$0	\$0	\$0
Improvement	\$11,900	\$12,100	\$24,200	\$22,000	\$21,300
Imp Res (1)	\$11,900	\$12,100	\$24,200	\$22,000	\$21,300
Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
Imp Non Res (3)	\$0	\$0	\$0	\$0	\$0
Total	\$38,900	\$42,100	\$54,200	\$52,000	\$49,800
Total Res (1)	\$38,900	\$42,100	\$54,200	\$52,000	\$49,800
Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
Total Non Res (3)	\$0	\$0	\$0	\$0	\$0

Historic Districts

Historical District none

[Click here for more information](#)

Sketch



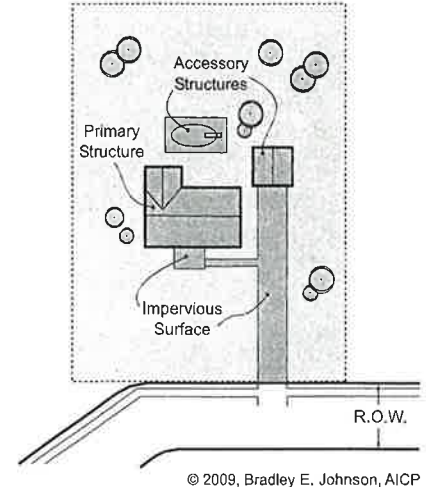
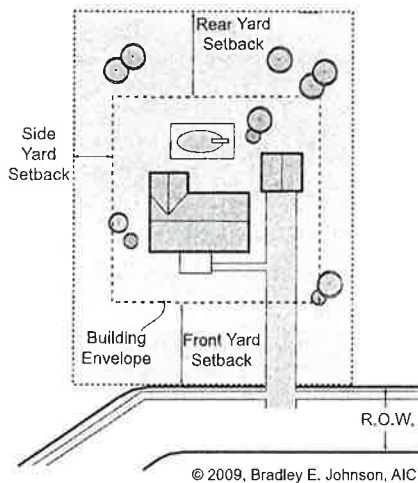
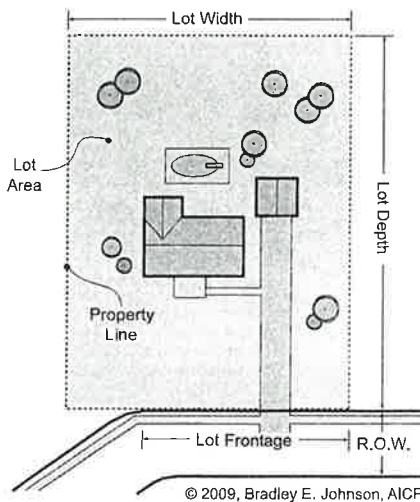
Medium Density Multiple-family Residential (M2) District

3.13 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The M2 (Multiple-family Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low to medium-density multiple-family residential (i.e. apartment complexes) • limited mixes of residential uses • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize that multiple-family development requires more stringent development standards to protect the quality of life of tenants <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R2, R3, R4, M1, M2, MP, IS, OC, HM, C1, C2, and LI <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, multiple-family (5-16 units) • fair housing facility (small) • nursing home • retirement community <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church, temple, or mosque • community center • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding house • child care institution • dwelling, single-family • dwelling, multiple-family (4 units or less) • dwelling, multiple-family (17 units or more) • fair housing facility (large)

Medium Density Multiple-family Residential (M2) District

3.14 M2 District Development Standards



Minimum Lot Area:

- 1 acre (43,560 square feet)

Minimum Lot Width:

- 120 feet

Minimum Lot Frontage:

- 60 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 40 feet when adjacent to an arterial
- 35 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 25 feet per side for primary and accessory structures

Minimum Rear Yard Setback:

- 25 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 55% of the lot area

Maximum Density:

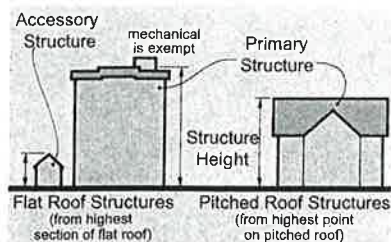
- 12 dwelling units per acre

Minimum Main Floor Area:

- 1,300 square feet per primary structure for single-family or multiple-family uses

Minimum Floor Area Per Unit:

- 800 square feet average per dwelling unit in a multiple-unit primary structure



Maximum Structure Height:

- 50 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

Lot Standards

- LO-01 Page 6-3

Setback Standards

- SB-01 Page 6-4

Sewer and Water

- SW-01 Page 6-5

Density and Intensity

- DI-01 Page 6-6

Structure Quantity

- SQ-01 Page 6-7

Floor Area Standards

- FA-01 Page 6-8

Height Standards

- HT-01 Page 6-9

Accessory Structures

- AS-01 Page 6-10

- AS-03 Page 6-10

Fence and Wall Standards

- FW-01 Page 6-13

Temporary Uses/Structures

- TU-01 Page 6-14

- TU-02 Page 6-14

Home Occupations

- HO-01 Page 6-16

Landscaping

- LA-01 Page 6-19

- LA-03 Page 6-21

- LA-08 Page 6-24

Environmental Standards

- EN-01 Page 6-26

Floodplain Standards

- FP-01 Page 6-27

Lighting Standards

- LT-01 Page 6-28

Sign Standards

- SI-01 Page 6-29

- SI-02 Page 6-30

- SI-04 Page 6-31

Parking Standards

- PK-01 Page 6-38

- PK-04 Page 6-38

Entrances and Drives

- ED-01 Page 6-43

Vision Clearance

- VC-01 Page 6-45

Special Exception Uses

- SE-01 Page 6-52

Miscellaneous Standards

- MC-01 Page 6-53

- MC-02 Page 6-53

- MC-03 Page 6-53

- MC-04 Page 6-53

- MC-05 Page 6-54

- MC-08 Page 6-54

6.26.2 W. KILGORE PROJECT

