

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

Jurisdiction: (Check One)

Submitted: 10/15/2025

☒ Delaware County

Case No.: MPL 18-252

☐ City of Muncie

(1) Applicant: Ann Fruit and Rene Warner VanFleet and Cynthia Parker

Address: 2688 Briarcliff Drive Phone: _____
Newburgh, IN 47630-8676

(2) Record of Applicant's Ownership:

A. ☒ By Deed:
Deed Book No. & Page No.: Attached
Date of Deed: 12/11/2008

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).
Attached

(4) Common Address of Property Involved:
4917 N Wheeling Ave, Muncie, IN 47304

(5) Proposed zoning change: (Give exact zone classification.)
From the R2-Residence Zone _____ Zone
To the BV Variety Business Zone _____ Zone

- (6) Intent and Purpose of Proposed Change: (Specify use contemplated on property.)
The proposed zoning change is intended to permit the development of a Milo's Market convenience store with fuel service. Transforming an underutilized property into a clean, modern retail site that supports neighborhood needs.
- (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.
Sell the property to Henry's Real Estate Holdings, LLC for purpose specified.
- (8) State how the proposed change will not adversely affect the surrounding area.
Being locally owned, Milo's will complement nearby land uses. Landscaping and enhanced exterior design will ensure visual attractiveness. The project will assist property values by upgrading an underused lot into a modern, attractive store.
- (9) Will certain variances be requested if the proposed zoning change is granted?
(If yes, list the variances)
At this time, no significant variances are anticipated. However, minor adjustments may be requested during site plan review to accommodate modern convenience store design standards.
- (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? Yes
(If answer is yes, give their attitudes toward the rezoning.)
The ones we were able to discuss this with were favorable.
- (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

Debur Voran
JP

2008R26172
JANE LASATER
DELAWARE COUNTY RECORDER
RECORDED ON
12/30/2008 10:35:37AM
REC FEE: 18.00
PAGES: 2

Tax mailing address: 2688 Briarcliff Drive • Newburgh, IN 47630.

Deed Of Distribution

This Indenture Witnesseth That Ann Fruit is the Personal Representative of the Estate of Lois Tyler Van Fleet, Deceased. This estate is pending as Cause Number 18C01-0705-EU-0108 in Delaware County, Indiana. The Personal Representative, by virtue of the power given a personal representative under Indiana law, hereby distributes to

Ann Fruit of Warrick County, in the State of Indiana;
René Warner Van Fleet of Delaware County, in the State of Indiana; and
Cynthia Parker of Kent County, in the State of Delaware,

a one-third ($\frac{1}{3}$) interest each, in the following described real estate located in Delaware County, Indiana, to-wit:

Part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty-one (21) North, Range Ten (10) East, more particularly described as follows, to-wit: Commencing at a point in the middle line of Wheeling Pike, also known as U.S. Highway #35, Two Hundred Thirty-three (233) feet Northwest (measured along the center line of Wheeling Pike) of the point of intersection of the said middle line with the South line of the said Southwest Quarter of the Southeast Quarter, which point of intersection is One Thousand One Hundred Seventy-two (1172) feet East of the Southwest corner of the said Southwest Quarter of the Southeast Quarter; thence deflecting to the left Sixty-six degrees, Thirty-three minutes ($66^{\circ}-33'$) and running West Four Hundred Twenty-seven and Twenty-five Hundredths (427.25) feet; thence deflecting to the right Sixty-six degrees, Thirty-three minutes ($66^{\circ}-33'$) and running in a Northwesterly direction parallel with the middle line of Wheeling Pike a distance of Two Hundred (200) feet to the Southwest corner of a tract of land conveyed by John F. Warner and Martha A. Warner, husband and wife, to Arthur J. Long and Cloa B. Long, husband and wife, by Warranty Deed dated November 30, 1940, and recorded January 7, 1941, in Deed Record 254, page 49 in the Recorder's Office of Delaware County, Indiana; thence running East parallel with the South line of said Southeast Quarter and on and along the South line of said Long tract Four Hundred Twenty-seven and Twenty-five Hundredths (427.25) feet to the middle line of the said Wheeling Pike; thence running in a Southeasterly direction on and along the middle line of said Wheeling Pike, a distance of Two Hundred (200) feet to the place of beginning, containing One and Eight Tenths (1.8) acres, more or less.

Parcel Number: 07-29-451-003.000-007

Duly Entered for Taxation

Transfer Fees \$ 5.00 *dp*

DEC 30 2008

Judy Fruit
DELAWARE CO. AUDITOR

Deed of Distribution – Page 2
Estate of Lois Tyler Van Fleet, Deceased, Grantor

Grantees herein assume and agree to pay all real estate taxes and assessments which are now a lien or which may become a lien against said real estate.

Subject to all easements, rights-of-way and restrictions of record.

IN WITNESS WHEREOF, Ann Fruit, Personal Representative of the Estate of Lois Tyler Van Fleet, Deceased, has signed this Deed of Distribution on the 11th day of December 2008.

Ann Fruit
Ann Fruit, Personal Representative

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, a Notary Public in and for said County and State, on this 11 day of December 2008, personally appeared Ann Fruit, Personal Representative of the Estate of Lois Tyler Van Fleet, Deceased and acknowledged the execution of the above and foregoing Deed of Distribution.

WITNESS my hand and Notarial seal.

Syl Watts
NOTARY PUBLIC
A resident of _____ County, Indiana.

My Commission Expires
~~SHERYL A. WATTS~~
NOTARY PUBLIC STATE OF INDIANA
VANDERBURGH COUNTY
~~MY COMMISSION EXP. NOV. 6, 2009~~



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. – Sarah L. Pierce

This instrument prepared by: Sarah L. Pierce
DeFur Voran LLP, Attorneys-at-Law
400 South Walnut Street – Suite 200, Muncie, IN 47305
Telephone: (765) 288-3651

Defur Voran

4P



* 2 0 0 8 R 2 6 1 7 3 *

2008R26173

JANE LASATER
DELAWARE COUNTY RECORDER

RECORDED ON
12/30/2008 10:35:38AM
REC FEE: 22.00
PAGES: 4

Tax mailing address: 2688 Briarcliff Drive • Newburgh, IN 47630.

Deed Of Distribution

This Indenture Witnesseth That Ann Fruit is the Personal Representative of the Estate of Lois Tyler Van Fleet, Deceased. This estate is pending as Cause Number 18C01-0705-EU-0108 in Delaware County, Indiana. The Personal Representative, by virtue of the power given a personal representative under Indiana law, hereby distributes to

Ann Fruit of Warrick County, in the State of Indiana;
René Warner Van Fleet of Delaware County, in the State of Indiana; and
Cynthia Parker of Kent County, in the State of Delaware,

a one-third ($\frac{1}{3}$) interest each, in the following described real estate located in Delaware County, Indiana, to-wit:

A part of the South Half of the Southeast Quarter of Section 29, Township 21 North, Range 10 East, Delaware County, Indiana, described as follows, to-wit: Commencing at the Southwest corner of said South Half of the Southeast Quarter and running thence North on said West line 20.30 chains to the Northwest corner of said South Half of the Southeast Quarter, thence running East on said North line 8.95 chains to its intersection with the center line of Wheeling Pike also known as U.S. Highway #35, thence running in a Southeasterly direction on said center line 21.84 chains to its intersection with the South line of said South Half of the Southeast Quarter, thence running West on said South line 17.85 chains to the place of beginning. Estimated to contain 27.12 acres, more or less.

Excepting therefrom, nine-tenths acre described as follows, to-wit: Part of the Southwest Quarter of the Southeast Quarter of Section 29, Township 21 North, Range 10 East. Beginning at a point in the middle line of Wheeling Pike also known as U.S. Highway #35, 433 feet Northwest (measured along the said center line of Wheeling Pike) of the intersection of said middle line with the South line of said Southwest Quarter of the said Southeast Quarter which point of intersection is 1172 feet East of the Southwest corner of the said Southwest Quarter of the Southeast Quarter, thence deflecting to the left $66^{\circ}33'$ and running West 427.25 feet, thence deflecting to the right $66^{\circ}33'$ and running in a Northwesterly direction parallel with the middle line of said Wheeling Pike a distance of 100.0 feet, thence running East parallel with the South line of this tract 427.25 feet to the middle line of said Wheeling Pike, thence running in a Southeasterly direction on and along said middle line of said Wheeling Pike a distance of 100.0 feet to the place of beginning. Estimated to contain 0.9 acre, more or less.

Duly Entered for Taxation
Transfer Fees \$ 5.00 *df*

DEC 30 2008

Judy Fruit
DELAWARE CO. AUDITOR

Also, excepting therefrom the following: Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 21 North, Range 10 East, more particularly described as follows, to-wit: Commencing at a point in the middle line of Wheeling Pike, also known as U.S. Highway #35, 233 feet Northwest (measured along the center line of Wheeling Pike) of the point of intersection of the said middle line with the South line of the said Southwest Quarter of the Southeast Quarter, which point of intersection is 1172 feet East of the Southwest corner of the said Southwest Quarter of the Southeast Quarter; thence deflecting to the left 66°33' and running West 427.25 feet; thence deflecting to the right 66°33' and running in a Northwesterly direction parallel with the middle line of Wheeling Pike a distance of 200 feet to the Southwest corner of a tract of land conveyed by John F. Warner and Martha A. Warner, husband and wife, to Arthur J. Long and Cloa B. Long, husband and wife, by Warranty Deed dated November 30, 1940, and recorded January 7, 1941, in Deed Record 254, page 49 in the Recorder's Office of Delaware County, Indiana; thence running East parallel with the South line of said Southeast Quarter and on and along the South line of said Long Tract 427.25 feet to the middle line of the said Wheeling Pike; thence running in a Southeasterly direction on and along the middle line of said Wheeling Pike, a distance of 200 feet to the place of beginning, containing 1.8 acres, more or less.

Also, excepting therefrom the following: A part of the Southwest Quarter of the Southeast Quarter of Section Twenty-nine (29), Township Twenty-one (21) North, Range Ten (10) East, more particularly described as follows, to-wit: Beginning at the Northwest corner of said Southwest Quarter of the Southeast Quarter said point being the Northwest corner of Tyler and Van Fleet Tract and running thence North Ninety degrees, Zero minutes East (N-90°00'-E) on the North line of said Southwest Quarter of the Southeast Quarter and the North line of said Tyler and Van Fleet Tract and the center line of the existing Moore Road Five Hundred Eighty-nine and Thirty-eight Hundredths (589.38) feet to the Northeast corner of said Tyler and Van Fleet Tract, said point being on the center line of the existing Wheeling Avenue; thence running South Twenty-three degrees, Forty-seven minutes, Forty seconds East (S-23°47'40"-E) on said center line and the Easterly line of said Tyler and Van Fleet Tract Two Hundred Twenty-five (225.00) feet; thence running South Sixty-six degrees, Twelve minutes, Twenty seconds West (S-66°12'20"-W) Forty (40.0) feet; thence running North Thirty degrees, Thirty-eight minutes, Fourteen seconds West (N-30°38'14"-W) One Hundred Twenty-five and Nine tenths (125.90) feet; thence running North Forty-nine degrees, Fifty-seven minutes West (N-49°57'-W) Fifty-four and Twenty-two Hundredths (54.22) feet; thence running North Eighty-seven degrees, Twenty-nine minutes, Four seconds West (N-87°-29'04"-W) One Hundred One and Ninety-eight Hundredths (101.98) feet; thence running South Eighty-four degrees, Four minutes, Five seconds West (S-84°04'05"-W) One Hundred and Thirteen Hundredths (100.13) feet; thence running South Eighty-one degrees, Twelve minutes, Twenty seconds West (S-81°12'20"-W) Three Hundred Forty and Fifty-five Hundredths (340.55) feet to a point in the West line of said Southwest Quarter of the Southeast Quarter of said point in the West line of said Tyler and Van Fleet Tract; thence running North Zero degrees, Three minutes East (N-00°03'-E) on said West line One Hundred Thirty-six and Seventy-four Hundredths (136.74) feet to the point of beginning, containing 1.520 acres, more or less.

Also excepting therefrom the following: A part of the South Half of the Southeast Quarter of Section 29, Township 21 North, Range 10 East in Hamilton Township, Delaware County, Indiana, described as follows:

Deed of Distribution – Page 3
Estate of Lois Tyler Van Fleet, Deceased, Grantor

Beginning at a nail at the Southwest corner of the South Half of the Southeast Quarter of Section 29, Township 21 North, Range 10 East; thence North 00 degrees, 11 minutes, 00 seconds West 40.01 feet along the West line of said half-quarter Section; thence South 89 degrees, 48 minutes, 37 seconds East 452.47 feet to a wood stake; thence North 70 degrees, 41 minutes, 55 seconds East 105.95 feet to a wood stake; thence South 59 degrees, 45 minutes, 15 seconds East 69.46 feet to a wood stake; thence North 89 degrees, 59 minutes, 18 seconds East 487.10 feet to a wood stake; thence North 00 degrees, 00 minutes, 42 seconds West 38.62 feet to a wood stake on the West boundary line of Wheeling Pike; thence North 65 degrees, 50 minutes, 04 seconds East 40.00 feet to a nail on the center line of said Pike; thence South 24 degrees, 27 minutes, 55 seconds East 96.13 feet along said center line to an existing nail on the South line of said half-quarter Section; thence South 89 degrees, 42 minutes, 19 seconds West 1175.75 feet to the point of beginning, containing 1.08 acres, more or less. The portion of the above-described real estate which is not already embraced in the apparent 16.5 foot public right-of-way of Riggins Road and the apparent 40 foot public right-of-way of Wheeling Pike contains 0.582 acre, more or less.

Also excepting therefrom the following: A part of the Southeast quarter of Section 29, Township 21 North, Range 10 East, more particularly described as follows, to-wit: Beginning at a point in the West line 40.01 feet North of the Southwest corner of said Southeast quarter and running thence North 00 degrees, 11 minutes West on said West line 1155.81 feet to a point in the South right-of-way line of Moore road; thence running North 70 degrees, 41 minutes, 55 seconds East on said right-of-way line 27.2 feet to a point in the center line of Green Farms Ditch; thence running South 25 degrees, 11 minutes East on said center line 1250.05 feet to a point in the North right-of-way line of Riggins Road; thence running South 70 degrees, 41 minutes, 55 seconds West on said right-of-way line 105.95 feet; thence running North 89 degrees, 45 minutes, 15 seconds West on said right-of-way line 452.47 feet to the point of beginning, containing 7.909 acres, more or less.

Also excepting therefrom the following: A part of the South half of the Southeast Quarter of Section 29, Township 21 North, Range 10 East in Hamilton Township, Delaware County, Indiana described as follows: Commencing at a nail at the point of intersection of the South line of the Southeast Quarter of Section 29, Township 21 North, Range 10 East with the center line of the Wheeling Pike; thence North 23 degrees, 49 minutes, 32 seconds West 533.00 feet (assumed bearing) along the center line of said Pike to the point of beginning; thence South 89 degrees, 37 minutes, 28 seconds West 427.25 feet along the North line of a tract of ground described in Deed Record 1986, page 3672, Records of Delaware County, Indiana to the Northwest corner of said tract; thence South 23 degrees, 49 minutes, 32 seconds East 100.00 feet to the Southwest corner of said tract; thence South 89 degrees, 37 minutes, 28 seconds West 172.48 feet; thence North 25 degrees, 11 minutes, 00 seconds West 893.70 feet along the easterly line of a tract of ground described in Deed Record 1995, page 1766, Records of Delaware County, Indiana, to the southerly line of Moore Road; thence North 80 degrees, 58 minutes, 20 seconds East 315.57 feet along the southerly line of Moore Road; thence North 83 degrees, 50 minutes, 05 seconds East 100.13 feet along said southerly right-of-way line; thence South 87 degrees, 43 minutes, 04 seconds East 101.98 feet along said southerly line; thence South 50 degrees, 11 minutes, 00 seconds East 54.22 feet along said southerly line; thence South 30 degrees, 52 minutes, 14 seconds East 125.90 feet along said right-of-way line; thence North 65 degrees, 58 minutes, 20 seconds East 40.00 feet to a point on the center line of Wheeling Pike; thence South 23 degrees, 49 minutes, 32 seconds East 702.62 feet, more or less, to the point of beginning, containing 10.84 acres, more or less, and subject to an electrical

Deed of Distribution – Page 4
Estate of Lois Tyler Van Fleet, Deceased, Grantor

transmission line easement, to a drainage easement, to the right-of-way for the Wheeling Pike
and to all easements of record.

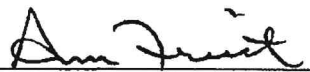
Leaving after said exceptions 3.57 acres, more or less.

Parcel Number: 07-29-451-001.000-007

Grantees herein assume and agree to pay all real estate taxes and assessments which are now a lien or
which may become a lien against said real estate.

Subject to all easements, rights-of-way and restrictions of record.

IN WITNESS WHEREOF, Ann Fruit, Personal Representative of the Estate of Lois Tyler Van
Fleet, Deceased, has signed this Deed of Distribution on the 11 day of December
2008.


Ann Fruit, Personal Representative

STATE OF INDIANA, DELAWARE COUNTY, SS:

Before me, a Notary Public in and for said County and State, on this 11 day of December
2008, personally appeared Ann Fruit, Personal Representative of the Estate of Lois Tyler Van Fleet,
Deceased and acknowledged the execution of the above and foregoing Deed of Distribution.

WITNESS my hand and Notarial seal.


NOTARY PUBLIC
A resident of _____ County, Indiana.

My Commission Expires:
~~SHERI A. WALTS~~
NOTARY PUBLIC STATE OF INDIANA
VANDERBURGH COUNTY
MY COMMISSION EXP. NOV. 6, 2009

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. – Sarah L. Pierce

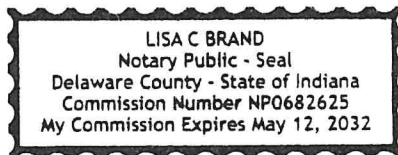
This instrument prepared by: Sarah L. Pierce
DeFur Voran LLP, Attorneys-at-Law
400 South Walnut Street – Suite 200, Muncie, IN 47305
Telephone: (765) 288-3651

AFFIDAVIT

(I or We) Rene' Warner Van Fleet 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: Rene' Warner Van Fleet Partner

Subscribed and sworn to before me this 14th day of October, 20 25



Lisa C Brand
Notary Public

May 12, 2032
My Commission Expires

Resident of Delaware 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 10 day of November, 20 25.

Signed Denelle Murrell

Date 10/22/2025

AFFIDAVIT

(I ~~state~~) Cynthia L. Parker

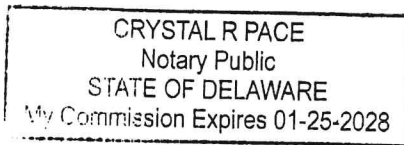
TYPE NAME(S) OF SIGNATORIES

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:

Cynthia L. Parker

Subscribed and sworn to before me this 16 day of October, 20 25



[Signature]
Notary Public
01/25/2028
Commission Expires

of Kent County

Resident

State of Delaware

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 6 day of November, 20 25.

Signed: Denell Muncie

Date: 10/22/2025

AFFIDAVIT

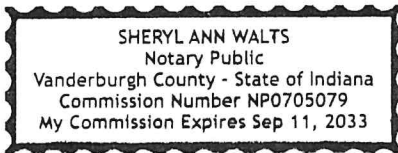
(I or We) Ann Jeneen Fruit
TYPE NAME(S) OF SIGNATORIES

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:

Ann Jeneen Fruit

Subscribed and sworn to before me this 16 day of October, 2025,



Sheryl Ann Walts
Notary Public
9/11/33
Commission Expires

of Vanderburgh County

Resident

State of Indiana

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 16 day of November, 2025.

Signed: Denelli Munnell
Date: 10/22/2025

NEW ELECTRICAL
EASEMENT

SEE ATTACHED
SHEET - WITH BLUE MARKS LABELED
WORKING
SECONDARY
REARUTE PATH !!

Sheet 1 of 2

DATE

December 27, 1999

Ashton Tland

Johnston, J. H.

323 W. WASHINGTON
MUNCIE, INDIANA 47306

