

2021.030

REPORT TO THE BOARD OF COUNTY COMMISSIONERS  
OF DELAWARE COUNTY, INDIANA

October 8th, 2021

To The Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:


The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on the application of: Munsee Farms Holdings LLC, 1028 W. White River Blvd, Suite 103, Muncie, IN, such applicant petitioning the commission to rezone the real estate as described in the application, generally located at: 14290 W. McGalliard Rd, Yorktown, IN, from zone classification: BV Variety Business Zone and F Farming Zone to zone classification: IL Limited Industrial Zone.

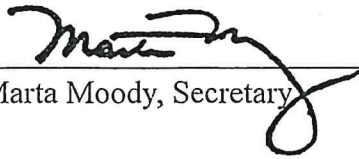
WHEREAS, the Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development; and

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby FAVORABLY RECOMMENDS (5-0; 0 abstention, 4 absent) the application for rezoning.

DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION

BY:

  
Shannon Henry, President

  
Marta Moody, Secretary

ORDINANCE NO. 2021-030

BEING AN ORDINANCE TO AMEND  
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; and

WHEREAS, the Board of County Commissioners of Delaware County, 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 ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, INDIANA, as follows:

Section 1. That the Delaware County Comprehensive Zoning Ordinance, theretofore adopted by the Board of County Commissioners of Delaware County, Indiana, on the 11th day of December, 1973, be amended, changed and supplemented so as to include in the IL Limited Industrial Zone the following described real estate located in Delaware County, Indiana, to wit:


see attachment


Section 2. That no structures shall be placed on said lot or parcel of land except in compliance with the Delaware County Comprehensive Zoning Ordinance of Delaware County, Indiana.


Section 3. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana.

Section 4. That this Ordinance is adopted/vetoed this 18 day of October, 2021.

BOARD OF COUNTY COMMISSIONERS  
DELAWARE COUNTY, INDIANA

  
Shannon Henry, President

  
James King, Vice President

  
Sherry Riggan, Member

ATTEST:



Steven G. Craycraft, Auditor

## Area to rezone

### Legal description:

That portion of land situated in the Southeast Quarter of the Southwest Quarter of Section 31, Township 21 North, Range 9 East of the Second Principal Meridian in Delaware County, Indiana, being more particularly described as follows: Considering the East line of the Southwest Quarter as bearing South 00 degrees 00 minutes 00 seconds East with all other bearings herein contained relative thereto; Commencing at an existing spike at the Southeast corner of the Southwest Quarter; thence on the South line of said Southwest Quarter, North 89 degrees 31 minutes 31 seconds West, a distance of 301.92 feet to an existing  $\frac{3}{8}$ " rebar with Identification cap on the West line of the land described in Instrument #2005R18614, being the point of beginning; thence continuing on the South line of the Southwest Quarter, North 89 degrees 31 minutes 31 seconds West, a distance of 1028.53 feet to the Southwest corner of the East Half of the Southwest Quarter; thence on the West line of said East Half of the Southwest Quarter, North 00 degrees 10 minutes 34 seconds West, a distance of 1074.52 feet to an existing  $\frac{3}{8}$ " rebar with identification cap on the South line of the land described in Instrument #2007R26418; thence on said South line, North 90 degrees 00 minutes 00 seconds East, a distance of 1327.10 feet to an existing mag nail on the East line of the Southwest Quarter, thence on said East line, South 00 degrees 00 minutes 00 seconds East, a distance of 435.04 feet to an existing mag nail on the North line of the land described in Instrument #2005R18614; thence on said North line, North 90 degrees 00 minutes 00 seconds West, a distance of 301.91 feet to an existing  $\frac{5}{8}$ " rebar with identification cap on the West line of the land described in said Instrument #2005R18614; thence on said West line, South 00 degrees 00 minutes 00 seconds East, a distance of 648.00 feet to the point of beginning, containing 28.45 acres (1,239,083 sq. ft.), more or less, and being subject to all easements and rights-of-way.

ALSO, that portion of land situated in the Southwest Quarter and Northwest Quarter of Section 31, Township 21 North, Range 9 East of the Second Principal Meridian in Delaware County, Indiana being more particularly described as follows: Considering the East line of the Southwest Quarter as bearing North 00 degrees 00 minutes 00 seconds East with all other bearings herein contained relative thereto; Commencing at a found monument at the Southeast corner of the Southwest Quarter;



thence on the East line of the Southwest Quarter North 00 degrees 00 minutes 00 seconds East 1085.54 feet to a set mag nail at the place of beginning; thence North 90 degrees 00 minutes 00 seconds West 1327.10 feet to a set rebar on the West line of the East Half of the Southwest Quarter; thence on said West line North 00 degrees 10 minutes 34 seconds East 1535.58 feet to a set rebar at the Northwest corner of the East Half of the Southwest Quarter, also being the Southwest corner of the East Half of the Northwest Quarter; thence on the West line of the East Half of the Northwest Quarter North 00 degrees 26 minutes 05 seconds East 289.29 feet to a found rebar at the South right-of-way line of the Norfolk Southern Railroad; thence on said South right-of-way line South 70 degrees 25 minutes 40 seconds East 868.00 feet to a set rebar on the North line of the Southwest Quarter; thence continuing on said South right-of-way line South 70 degrees 25 minutes 40 seconds East 533.15 feet to a set mag nail on the East line of the Southwest Quarter; thence on said Eastline South 00 degrees 00 minutes 00 seconds East 1355.47 feet to the place of beginning, containing 48.36 acres and being subject to all rights-of-way and easements.

ALSO, a tract of land situated in the East Half of the Southeast Quarter of Section 36, Township 21 North, Range 8 East and the fractional West Half of the Southwest Quarter of Section 31, Township 21 North, Range 9 East in Harrison Township, Delaware County, Indiana being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 31, Township 21 North, Range 9 East and running thence South 89 degrees, 50 minutes 32 seconds East (assumed bearing) 364.00 feet along the South line of the Southwest Quarter of Section 31, Township 21 North, Range 9 East; thence North 00 degrees, 09 minutes, 28 seconds East 54.80 feet to the Northerly right-of way line of McGalliard Road and the point of beginning of this description, said point being on the East line of a tract of land conveyed to Texaco, Inc., as recorded in Deed Record Book 453, Page 430 and 431 in the Records of Delaware County, Indiana; thence North 00 degrees, 09 minutes, 28 seconds East 245.20 feet to the Northeast corner of said Texaco tract; thence North 85 degrees, 33 minutes, 12 seconds West 1103.34 feet to the Northwest corner of the said Texaco tract, said point being on the Easterly right-of-way line of Interstate Highway I-69; thence North 21 degrees, 44 minutes, 21 seconds, West 140.80 feet along said Easterly right-of-way line to the point of curvature of a curve concave to the Northeast said curve having a radius of 671.20 feet and a central angle of 24 degrees, 46 minutes, 27 seconds; thence Northerly along said curve and Easterly right-of-way line an arc distance of 290.22 feet to the point of tangency of said curve; thence North 03 degrees, 02 minutes, 06 seconds East 153.49 feet along said Easterly right-of way line; thence North 07 degrees, 51 minutes, 20 seconds East 828.35 feet along said Easterly right-of-way line; thence North 11 degrees, 14 minutes, 44 seconds East 300.66 feet along said Easterly right-of way line; thence North 15 degrees, 43 minutes, 31 seconds East 302.58

feet along said right-of-way line; thence North 08 degrees, 21 minutes, 42 seconds East 99.32 feet along said Easterly right-of-way line; thence North 03 degrees, 41 minutes, 06 seconds East 185.83 feet along said Easterly right-of-way line to the North line of the Southeast Quarter of Section 31, Township 21 North, Range 8 East; thence South 89 degrees, 43 minutes, 46 seconds East 544.29 feet to the Northeast corner of the Southeast Quarter of Section 31, Township 21 North, Range 8 East; thence South 00 degrees, 01 minutes, 56 seconds East 39.70 feet along the East line of the Southeast Quarter of Section 36, Township 21 North, Range 8 East and the West line of the Southwest Quarter of Section 31, Township 21 North, Range 9 East to the Northwest corner of the Southwest Quarter of Section 31, Township 21 North, Range 9 East; thence South 89 degrees, 54 minutes, 45 seconds East 1190.92 feet to the Northwest corner of the fractional West Half of the Southwest Quarter of Section 31, Township 21 North, Range 9 East; thence South 00 degrees, 08 minutes, 01 second East 2349.36 feet along the East line of the fractional West Half of the Southwest Quarter of said Section 31 to a point 253.00 feet North of the Southeast corner thereof; thence North 89 degrees, 50 minutes, 32 seconds West 172.17 feet; thence South 00 degrees, 08 minutes, 01 second East 253.00 feet to the South line of the Southwest Quarter of section 31, Township 21 North, Range 9 East; thence North 89 degrees, 50 minutes, 32 seconds West 340.34 feet along said Section line to the Northerly right of-way of McGalliard Road; thence North 76 degrees, 41 minutes, 32 seconds West 118.60 feet along said Northerly right of-way line; thence North 76 degrees, 41 minutes 32 seconds West 101.20 feet along said Northerly right-of-way line; thence North 87 degrees, 12 minutes, 32 seconds West 105.10 feet along said Northerly right-of-way line back to the point of beginning, containing 105.221 acres more or less.

Except: A part of the Southeast Quarter of Section 36, Township 21 North, Range 8 East, Delaware County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 51 minutes 00 seconds West 1,083.10 feet along the South line of said section to the centerline of I-69; thence North 8 degrees 07 minutes 15 seconds East 907.37 feet along the centerline of said I-69; thence South 81 degrees 52 minutes 45 seconds East 116.60 feet to the Eastern boundary of said I-69 and the point of beginning of this description, which point of beginning is identified as 116.60 feet right of Station 178+00 on line "E" as shown on plans for Project STI-69-2(J) on file with the Indiana Department of Transportation; thence North 2 degrees 43 minutes 52 seconds East 70.31 feet along the boundary of said I-69; thence North 7 degrees 05 minutes 52 seconds East 280.05 feet along said boundary; thence North 8 degrees 07 minutes 15 seconds East 550.00 feet along said boundary; thence North 10 degrees 59 minutes 00 seconds East 300.38 feet along said boundary; thence South 11 degrees 10 minutes 09 seconds East 105.95 feet; thence South 08 degrees 07 minutes 15 seconds West 100.00 feet; thence South 13 degrees 49 minutes 53 seconds West 100.50 feet; thence South 10 degrees 59 minutes 00 seconds West 500.63 feet; thence South 08 degrees 07 minutes 15 seconds West 200.00 feet; thence South 03 degrees 11 minutes 21 seconds East 101.98 feet; thence

South 21 degrees 17 minutes 20 seconds West 102.70 feet to the point of beginning and containing 0.707 acres, more or less.

Also, a part of the fractional West Half of the Southwest Quarter of Section 31, Township 21 North, Range 9 East more particularly described as follows to-wit:

Beginning at the Southeast corner of said fractional West Half of the Southwest Quarter and running thence West on the South line thereof 172.17 feet; thence deflecting to the right 89 degrees 48 minutes and running North parallel with the East line of said fractional West Half of the Southwest Quarter 253.0 feet; thence East parallel with said South line 172.17 feet to said East line; thence South on said Eastline 253.0 feet to the point of beginning, containing 1.00 acre, more or less.



Delaware-Muncie Metropolitan Plan Commission  
Excerpt of Case Analysis - October 2021

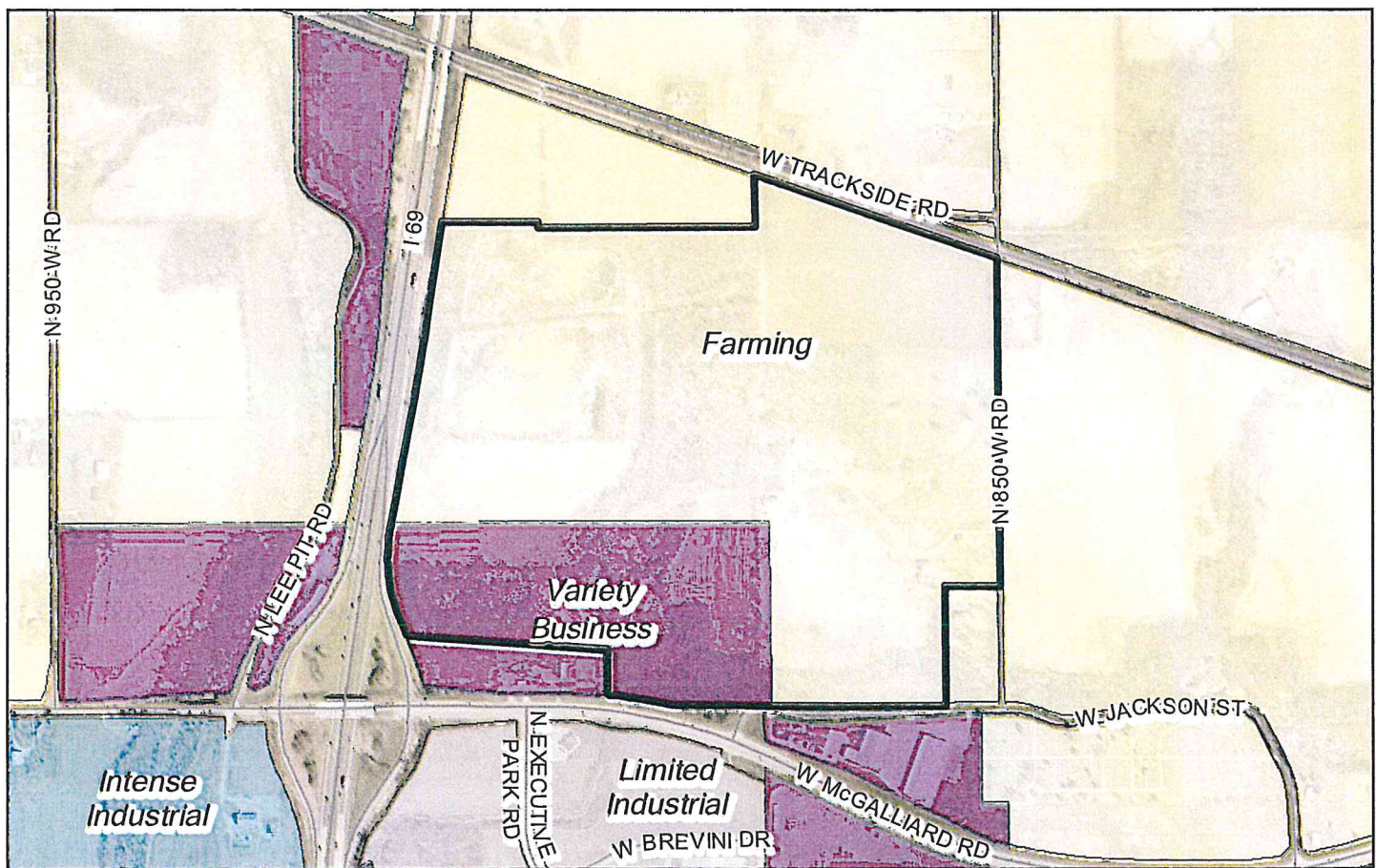
MPC 03-21Z      Munsee Farms Holdings LLC

**Location & Description:** 14290 W. McGalliard Rd., Harrison Twp.

Located on the north side of W. McGalliard Rd., the east side of I-69, the west side of C.R. 850 W, and the south side of the railroad.

Traveling west on Jackson St. from downtown, go - 1.4 miles and continue onto Westview Blvd., go -0.7 miles to Jackson St., turn right (north), go - 1.5 miles to Nebo Rd., take the first right from the traffic circle (north) onto Nebo Rd., go - 0.9 miles to McGalliard Rd./SR 332, turn left (west), go -5.1 miles, the site is on the right (north) side of W. McGalliard Rd.

The site is composed of 5 parcels consisting of -182 acres. The site includes a single family home built in 1858, a barn and utility shed built in 1940, two barns that were built in 1976, and a barn and car port that were built in 2016. About 9% of the site is in the National Wetland Inventory.



**Streets:** Interstate 69 is classified as a Control Access with 150' of proposed R.O.W.; this section of W. McGalliard Rd./SR 332 is classified as a Control Access with 150' proposed R.O.W.; and this section of W. Jackson St. and C.R. 850 N are classified as Local Roads with 50' of proposed R.O.W. according to the Thoroughfare Plan Map.

Dedicated R.O.W. along I-69 varies from -240' to 300'. Dedicated R.O.W. along this section of W. McGalliard Rd./SR 332 varies with the narrowest width being -157'. This section of W. Jackson St. and C.R. 850 N do not have dedicated R.O.W.

This section of I-69 and W. McGalliard Rd./SR 332 are classified as Major Roads; this section of W. Jackson St. and C.R. 850 N are classified a Minor Roads according to the Delaware County Major/Minor Roads Map.

**Land Use:** The site is currently greenspace (vacant) and agricultural in use. Surrounding properties to the north are agricultural in use; surrounding properties to the east are agricultural and residential in use; surrounding properties to the south are commercial and vacant in use; and surrounding properties to the west are transportation in use (interstate).

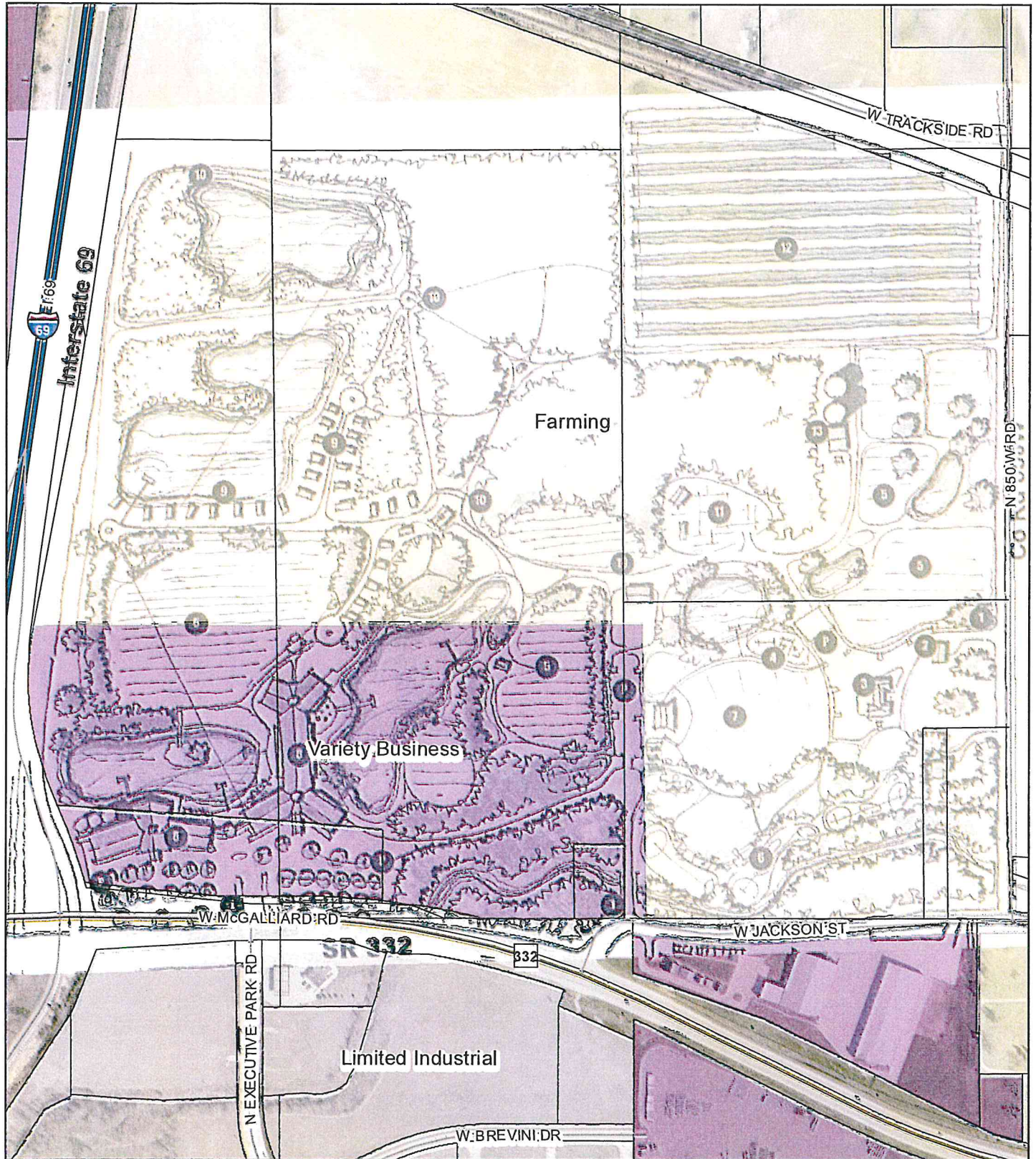
**Zoning:** This site is classified in the BV Variety Business Zone and the F Farming Zone. Surrounding properties to the north and east are classified in the F Farming Zone; surrounding properties to the south are classified in the BV Variety Business Zone and the IL Limited Industrial Zone; and surrounding properties to the west are classified in the BV Variety Business and the F Farming Zone.

**Request:** The applicant is requesting a change in zone to the IL Limited Industrial Zone. The applicant has indicated that the current investors for the site have not all agreed on how the site would be developed but would like to be able to have one zone that would allow them the flexibility to do what they want. They do have a concept plan submitted with this application that includes the following uses: hotel, event center, farming, restaurant, retail, brewery, solar farm, and outdoor recreation. Most of the proposed uses are located in areas compatible with the existing zone classifications. Plan Commission staff explained to the applicant that requesting a rezoning based upon speculation is inappropriate. The zoning ordinance and Rules of Procedure includes the following items as the basis for a rezoning decision:

1. That the change in zone will not adversely affect the values of surrounding property;
2. That the proposed use is the best and most adequate use of the property;
3. That the proposed change in zone does not constitute spot zoning; that the owner of the property in question is not being favored over surrounding property owners;
4. That the owner can comply with all requirements of the Zoning Ordinance;
5. That traffic congestion will not be unnecessarily increased;
6. That the proposed change is in line with good zoning practices;
7. That there is a need for the type of use proposed;
8. That the proposed change will enhance the health, public welfare, safety, morals, and convenience of the city of county;
9. That population density will not be increased unnecessarily; and
10. That the owner is not speculating on land values and that he is not using the zoning procedure to satisfy himself financially.

The Land Use Plan map in the 2000 Muncie-Delaware County Comprehensive Plan identified this area primarily for commercial land uses with a smaller portion of this site's area for industrial land uses.

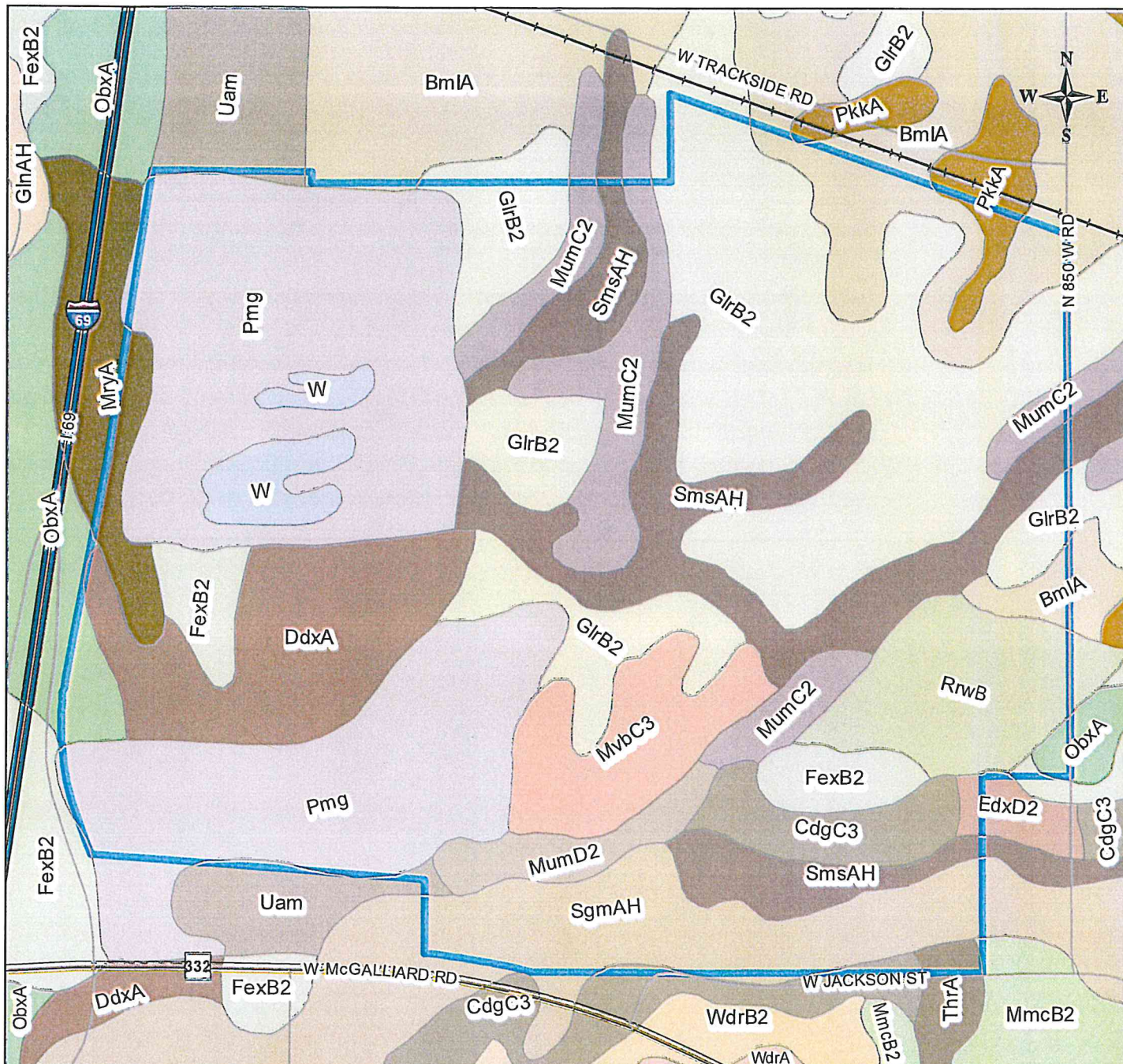




This is the submitted concept plan georeferenced in the County's GIS to show how the current zone classifications overlay the proposed development.

There are 4 parcels that are not included in the rezoning request that are included in the site plan; 2 are in the southwest corner of the development and 2 are in the southeast corner of the development.





The soil survey for Delaware County identifies 20 different soil types across the site. Hydric soils are saturated, resulting in anaerobic conditions; hydric soils are one indicator of wetland areas.

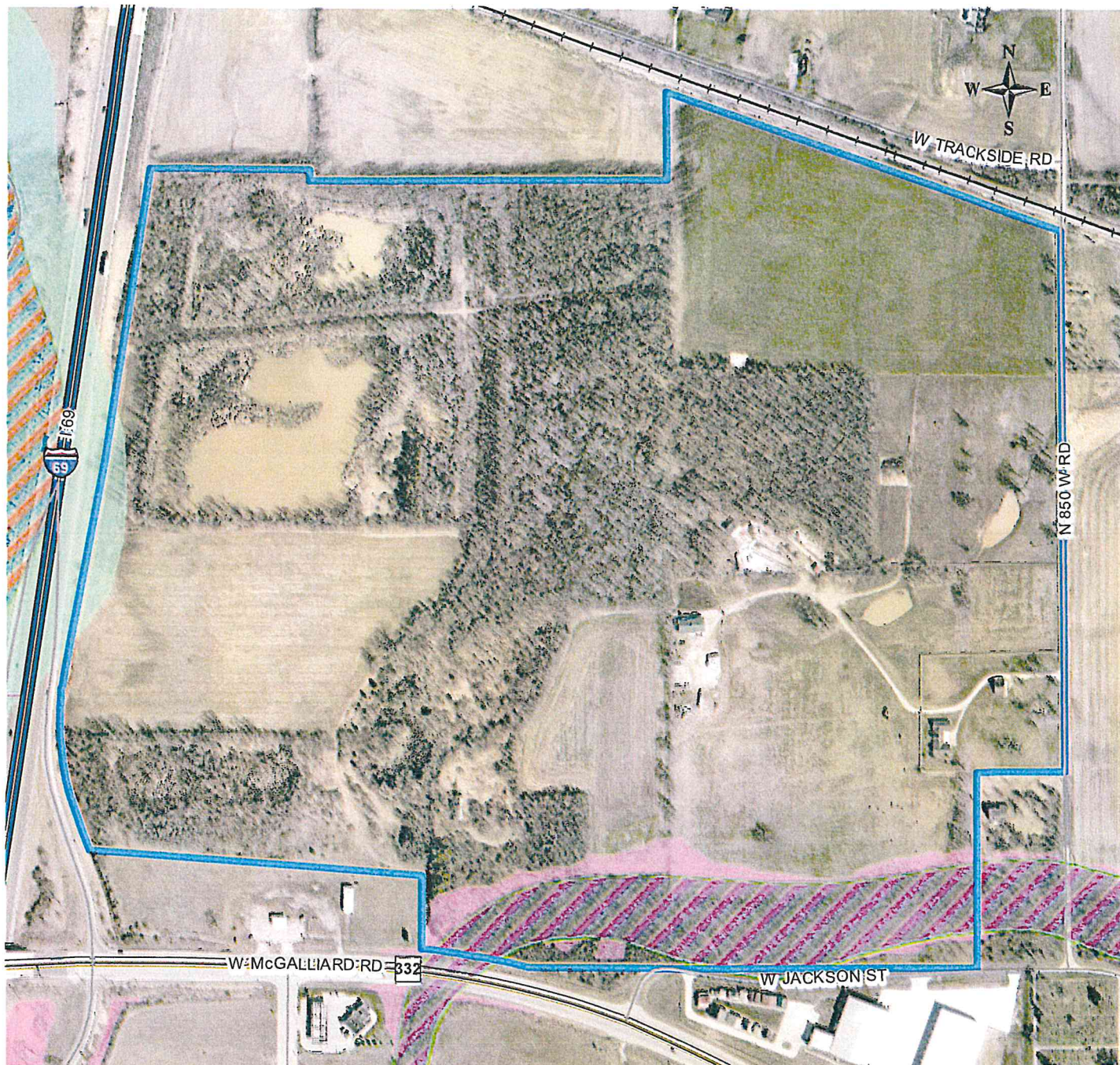
Prime farmland: FexB2, GlrB2, MmcB2, ObxA, RrwB

Prime farmland where drained: BmlA, DdxA, MryA (hydric), PkKA (hydric), ThrA (hydric)

Prime farmland where drained and either protected from flooding or not frequently flooded during the growing season: SgmAH, SmsAH (hydric)

Not prime farmland: CdGC3, EDxD2, MumC2, MumD2, MvbC3, Pmg (pits, gravel), Uam, W (open water)





# **FloodHazard\_BestAvai\_DNR\_Water** **FLD\_ZONE, SOURCE\_DNR, ZONE\_SUBTY**

- A, NFHL,
- A, IDNR\_ZONEA,
- AE, NFHL,
- FEMA Zone AE Floodway

- DNR Detailed Floodway
- DNR Approximate Floodway
- FEMA Zone A
- FEMA Zone AE
- DNR Detailed Fringe
- DNR Approximate Fringe

- Additional Floodplain Area
- FEMA Protected by Levee
- FEMA Floodplain - Ponding (Depth)
- FEMA Floodplain - Sheet Flow (Depth)
- Not Mapped