

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 9/28/2020

Case Number & Name:	PC 2020-10: 719 East State Road 44 Rezone			
Petitioner's Name:	Duran Property Group LLC			
Owner's Name:	Duran Property Group LLC			
Petitioner's Representative:	Dan Duran/Paul Dillow			
Address of Property:	719 East State Road 44, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: BG – Business General Proposed: BH – Business Highway			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1- Single Family Residential	BG – Business General	BG – Business General	BG – Business General
Surrounding Properties' Comprehensive Future Land Use	Single Family Residential	Single Family Residential	Single Family Residential	Single Family Residential
History:	Historically, the property was operated as mixed use with an appliance repair business on the ground level and a single family residence on the second level. When the appliance repair business stopped operations in the late 1970's - early 1980's, the single family residence remained occupied until 2000. Since 2000, the entire property has been sitting vacant.			
Vicinity Map:				
Action Requested:	A formal request to rezone a BG – Business General property to a BH – Business Highway property.			

1. This project involves rezoning the property at 719 East State Road 44 from RG – Business General to BH – Business Highway. The building was formerly used for appliance repair and sales. The building has sat vacant for 20+ years. The petitioner intends to use the property for high-end auto sales.
2. The Unified Development Ordinance (Section 9.10 (K)) requires the Plan Commission pay reasonable regard to the following decision criteria:

a. Relation to the Comprehensive Plan:

The planning staff has determined that the proposed zoning classification of BH – Business Highway is generally consistent with the City's Comprehensive Plan due to Built Environment Objective #2 in Chapter 5, of the Comprehensive Plan: *Guide Healthy Development Patterns using the future land use map* and Objective #5: *Promote development and redevelopment of existing buildings and sites*. The property has sat vacant for numerous years and the petitioner desires to reuse the existing structure.

b. Current Conditions:

The property is located on State Road 44, the busiest and most auto-oriented retail corridor in the City of Shelbyville. Several other auto-sales businesses exist along the corridor including directly east and west of the property. The configuration of the property lends itself to auto-oriented sales. The planning staff feels that the proposed rezoning would not have an adverse impact on the character of the surrounding area, due to the fact that it is currently a healthy combination of commercial and retail uses.

c. Desired Use:

The property is located along State Road 44 which offers a combination of auto-oriented commercial and retail sales; including restaurants, auto-sales, food retail, etc. The building on the property sets back 60+ feet from State Road 44 and resembles an older car dealership. Using the property for auto-sales would be consistent with the character of the area.

d. Property Values:

The planning staff has determined that the proposed rezoning should not have any adverse impact on neighboring property values. The neighborhood currently is a mix of BH – Business Highway and BG – Business General. From the general public's perspective the entire corridor is seen as a business corridor. As previously mentioned, several neighboring properties also engage in auto-sales. The proposed use would be for the sale of restored classic cars, which will be a much lower impact use than what is typical in the Business Highway district.

e. Responsible Growth:

The planning staff has determined that all public infrastructure is in place and has sufficient capacity for the proposed rezone.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from BG – Business General to BH – Business Highway.

Rezone (Zoning Map Amendment): PC 2020-10: 719 East State Road 44 Rezone

FINDINGS OF FACT BY THE SHELBYVILLE PLAN COMMISSION

Staff Prepared

Motion:

(I) would like to make a motion to forward a favorable recommendation for the rezone petition presented before this body, rezoning from BG – Business General to BH – Business Highway, pursuant to the planning staff's report and Findings of Fact.

1. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** consistent with The City of Shelbyville Comprehensive Plan and all other applicable, adopted planning studies or reports.
2. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is complimentary to the current conditions and the character of current structures and uses in this zoning district.
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **is not** complimentary to the current conditions and the character of current structures and uses in this zoning district.
3. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will allow for the most desirable use of the subject land, pursuant to the planning staff's report.
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will not** allow for the most desirable use of the subject land, pursuant to the planning staff's report.
4. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone will not have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone **will** have an adverse negative effect on the conservation of property values throughout the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
5. ☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.
☐ The Plan Commission has paid reasonable regard to, and finds that the proposed rezone is not a responsible growth and development strategy for the City of Shelbyville's planning jurisdiction, pursuant to the planning staff's report.

Shelbyville Plan Commission

By: _____

Attest: _____

Chairperson

Secretary



REZONING APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: PC 2020 - 10

Hearing Date: 9-28-20

Fees Paid: \$ 425.00

Final Decision:

Approved

Denied

1.

Applicant

Name: Duran Property Group & Paul Kellum

Address: 8817 S. Tompkins St
Shelbyville, IN 46176

Phone Number: 317-445-4221

Fax Number: 317-699-6941

Email: drdaniel@durandgroup.com

Property Owners Information (if different than Applicant)

Name: Same

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Jason Kamine

Address: 51 W. Mechanic St.

Phone Number: 317-398-0909

Fax Number: _____

Email: jlk@kaminefinancial.com

Project Engineer

Name: N/A

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 719 East State Rd 44 Shelbyville, IN

Current Zoning: Business

Proposed Zoning: _____

Existing Use of Property: vacant

Proposed Use: auto sales

4. Attachments

☒ Affidavit and Consent of Property Owner (if applicable)

☒ Proof of Ownership (copy of deed, recent property card)

☐ Letter of Intent

☐ Site Plan

☒ Vicinity Map

☒ Application Fee

☒ Legal Description

☐ Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: P. Kellum Date: 9-15-2020

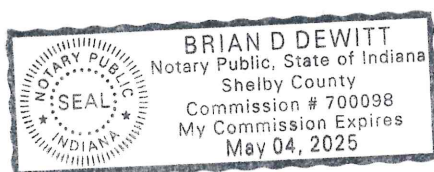
State of Indiana
County of Shelby SS:

Subscribed and sworn to before me this 15 day of Sept., 2020.

Brian D. Dewitt Notary Public Printed

Residing in Shelby County.

My Commission Expires: May 4 2025



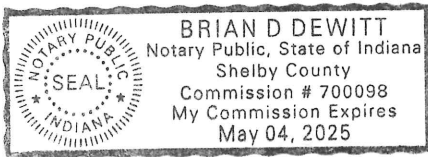
AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE PLAN COMMISSION

STATE OF Indiana)
COUNTY OF Shelby) SS:

I, Duran Property Group LLC + Paul Duran AFTER BEING DULY SWORN, DEPOSE AND SAY THE
(Name of property owner)
FOLLOWING:

1. That I am the owner of real estate located at 719 E. St. Rd. 44 Shelbyville, IN 46176
(Address of subject property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:

(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.



Daniel Duran member
Owner's Name (Please Print)
[Signature]
Owner's Signature

Subscribed and sworn to before me this 15 day of Sept, 2020.
Brian D. Dewitt / Brian D. Dewitt
Notary Public Printed
Residing in Shelby County My Commission expires May 4 2025



ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: Murphy Property Group LLC + Paul Mellow
Location: 719 E. State Rd. 44 Shelbyville, IN 46176
Variance for: _____

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **Comprehensive Plan:** The Comprehensive Plan and any other applicable adopted planning studies or reports.

There are auto dealers on either side of
our property so we should fit right in.

2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.

Building was used for auto sales in the 1970's

3. **Desired Use:** The most desirable use for which the land in each district is adapted.

We are proposing selling cars as our other
neighbors are currently doing.

4. **Property Values:** The conservation of property values throughout the City of Shelbyville's planning jurisdiction.

We have already made improvements to the
property and are in the process of doing more to
reflect the luxury cars we are going to sell.

5. **Responsible Growth:** Responsible Growth and Development.

We are re purposing a building that has been
vacant for 30 years rather than building
a new one.

EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 2008236

Tract 1:

Beginning in the center of State Road 29 at the northwest corner of the following tract: A part of the northeast quarter of Section 5, Township 12 North, Range 7 East described as follows:

Beginning at a point in the center of State Road #29 and beginning point North 71 degrees west 104.3 feet from the point where said centerline of said State Road intersects the east line of said section; thence running north 71 degrees west and 317.5 with the center line of said State Highway; thence south 313.1 feet to the northwest corner of the Addison Township School property; thence east along the north line of said property 236.4 feet; thence north 16 degrees and 19 minutes East along the west line of a strip of land deeded to the county commissioners, 232 feet to the place of beginning, containing 1.61 acres, more or less, and running thence south 185 feet, 8 inches, thence east 68 feet, 10 inches, thence northeasterly 159 feet to the corner of said Road 29 and thence northwesterly in the center of said road 118 feet 7 inches to the place of beginning and containing 0.36 of an acre, more or less.

Subject to restriction and provisions contained in said deed recorded in Deed Record 199, Page 494 in the office of the Recorder of Shelby County, Indiana.

Tract 2:

A part of the northeast quarter of Section 5, Township 12 North, Range 7 East described as follows:

Beginning at the southeast corner of a certain tract of real estate conveyed by Earl T. Arbuckle and Lois M. Arbuckle, his wife, to Edmund Flack and Rhodadell Flack, husband and wife, on the 11th day of May, 1950, by deed recorded in Deed Record 199, page 494, and thence running west on the south line of the tract so conveyed 68 feet and 10 inches; thence south 125 feet; thence east 33 feet and thence in a northeasterly direction 127 feet to the place of beginning. (Containing 0.15 acres more or less)

NOTE: The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.