

# CITY OF SHELBYVILLE

Adam M. Rude  
Director



Allan Henderson  
Deputy Director

## PLAN COMMISSION

**MEETING DATE: 2/22/2021**

Case Number & Name:	PC 2021-01: 1451 West McKay Road Rezone			
Petitioner's Name:	Christian Investments, LLC			
Owner's Name:	Christian Investments, LLC			
Petitioner's Representative:	Prince Alexander Architecture, LLC			
Address of Property:	1451 West McKay Road			
Subject Property Zoning Classification:	R2 – Two-Family Residential			
Comprehensive Future Land use:	R1 – Single Family Residential			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Surrounding Properties' Zoning Classifications:	RM – Multiple Family Residential	R1 – Single Family Residential	R1 – Single Family Residential	R1 – Single Family Residential
Surrounding Properties' Comprehensive Future Land Use	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential	R1- Single Family Residential
History:	The property requesting the development standard variances is currently landlocked by and existing RM – Multiple Family Residential Property that sits to the north. The RM – Multiple Family Residential property to the north contains sixteen (16) units and is owned by the petitioner.			
Vicinity Map:				
Action Requested:	A formal request to rezone a R2 – Two Family Residential property to a RM – Multiple-family Residential property.			

1. This project involves rezoning the property at approximately 1451 West McKay Road from R2 – Two-family Residential to RM – Multiple-family Residential. The petitioner would like to construct (96) apartments; a combination one-room and two-room apartments. An existing 16-unit apartment building sits to the north of the property, otherwise the subject property is surrounded by single-family residential.
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 RM – Multiple-family Residential is generally consistent with the City's Comprehensive Plan and the future land use map. While the subject property is surrounded by R1 - single family residential, there are also duplexes and townhomes in the surrounding neighborhood. It is also aligned with the Comprehensive Plan's Built Environment Objectives including:

- BE Objective #2: Guide healthy development patterns using future land use mapping;
- BE Objective #3: Transform the City's Current Housing Stock and Neighborhoods;
- BE Objective #5: Promote development and redevelopment of existing sites and buildings.

**b. Current Conditions:**

The subject property is landlocked by a currently zoned RM – Multiple-family Residential property to the north. The only means of ingress/egress will be through the property to the north. This property currently operates as a 16-unit apartment complex that is zoned RM – Multiple-family Residential. The petitioner would like to extend the RM-Multiple Family zoning district to include the two southern parcels in order to be able to build additional apartments. There are existing drainage concerns in this area, but based on the City of Shelbyville standards post-development run-off must be improved when compared to pre-development drainage conditions. In other words, the amount of drainage leaving the site will decrease after the development of the site. Density already exists in the surrounding neighborhoods, immediately to the south of the subject property are 24-duplexes on Simpson Lane, further to the south of Simpson Lane is Berwick Court, a 22-unit single story apartment style complex, to the east of the subject property are 34-duplexes that sit along Cypress Drive and Sycamore Drive, and to the north-west of the subject property is another apartment complex at the corner of Miller Ave and McKay Road.

**c. Desired Use:**

The City's Comprehensive Plan has identified this area for residential growth. With the property not having direct access onto any public roads, the only reasonable way to develop the land is to extend the existing land use to the north, which is the multi-family development, otherwise the land cannot be reasonably developed. Due to the fact that the property does not sit directly on McKay Road there are numerous opportunities to screen it from McKay Road, as well as the surrounding single-family and two-family residential lots. The requested rezone is consistent with residential growth within the surrounding

neighborhood, as there are already numerous single-family, two-family, and multi-family developments in this area. After reviewing the City's Comprehensive Plan and considering the existing site constraints, the most desirable use would be achieved through this proposed rezone.

**d. Property Values:**

The planning staff has determined that the proposed rezoning should not have any adverse impact on neighboring property values. The surrounding area is a mix of single family residential, apartments, duplexes and townhomes. The petitioner is also proposing to build a higher quality product as to not have a negative impact on surrounding property values. Additionally, the Unified Development Ordinance (UDO) requires screening from surrounding properties so the perceived impact will be mitigated.

**e. Responsible Growth:**

The planning staff has determined that the public infrastructure is in place and has sufficient capacity for the proposed rezone. Higher density projects and infill projects are more sustainable ways to develop because they use the land more efficiently and require little to no improvements to the public infrastructure when compared to new development on a vacant site that might require extensions of infrastructure and utilities.

**STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R2 – Two Family Residential to RM – Multiple-family Residential.**

## Rezone (Zoning Map Amendment): PC 2021-01: 1451 West McKay Road 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 R2 – Two Family Residential to RM – Multiple-family Residential, 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 \_\_\_\_\_ - \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Final Decision:

Approved

Denied

1.

#### Applicant

Name: Christian Investments, LLC  
Address: 318 E Broadway St Suite 3  
Shelbyville, IN 46176-1499  
Phone Number: 317-398-7203  
Fax Number: \_\_\_\_\_  
Email: Chad@christanllc.net

#### Property Owners Information (if different than Applicant)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

2.

#### Applicant's Attorney/Representative

Name: Prince Alexander Architecture, LLC  
Address: 850 S. Meridian St  
Indianapolis, IN 46225  
Phone Number: 317-261-0070  
Fax Number: \_\_\_\_\_  
Email: chris@princealexander.biz

#### Project Engineer

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
Email: \_\_\_\_\_

#### 3. Project Information:

General Location of Property (and address is applicable): 1451 W McKay Rd, Shelbyville, IN

Current Zoning: R2

Proposed Zoning: RM

Existing Use of Property: Vacant

Proposed Use: Apartments

#### 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: Chad Christ Date: 1/20/2021

State of IN  
County of Shelby SS:

Subscribed and sworn to before me this 20<sup>th</sup> day of JANUARY, 2021.

C. Kent  
Notary Public

C. Kent  
Printed



Residing in Shelby County.

My Commission Expires: 4/10/2020



## AFFIDAVIT & CONSENT OF PROPERTY OWNER

### APPLICATION TO THE SHELBYVILLE PLAN COMMISSION

STATE OF INDIANA  
COUNTY OF SHELBY  
SS:

I, CHAD CHRISTIAN, AFTER BEING DULY SWORN, DEPOSE AND SAY THE  
(Name of property owner)  
FOLLOWING:

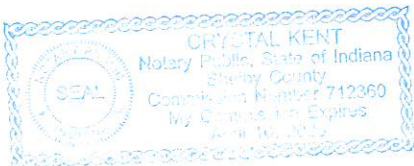
1. That I am the owner of real estate located at 1451 W MCKAY RD;  
(Address of subject property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:  
PRINCE ALEXANDER ARCHITECTURE;  
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelbyville Plan Commission.

CHAD CHRISTIAN  
Owner's Name (Please Print)  
[Signature]  
Owner's Signature

Subscribed and sworn to before me this 20<sup>th</sup> day of JANUARY, 2021.

[Signature] / C. KENT  
Notary Public Printed

Residing in SHELBY County My Commission expires 4/10/2026



February 3<sup>rd</sup>, 2021

To: Shelbyville Plan Commission:

Re: Proposed rezoning of a parcel near 1451 McKay Rd

Esteemed Commissioners,

We submit for your consideration a petition, which the Shelbyville Plan Commissioner has designated BZA2021-01, proposing that the zoning classification of the parcel below be changed from R2 to RM.



The property lies between Miller Avenue to its west and Berwick Drive to its east. It consists of three parcels to be combined, should your opinion favor the project, into one unified development.

The petition's subject parcel is the largest and southernmost of these three parcels. It currently lies vacant without drives or access to McKay Road.

The northern two parcels are already zoned RM; your approval on said petition would grant a consistent zoning designation for all three parcels.

Additionally, approval of the petition would permit the highest and best use of an unusable property. Further, it would permit a significant post-development increase in assessed value.

Respectfully,

Crystal Kent, RA  
Project Architect

\\TS1400DF62\share\A Projects\A Pending Projects\Christian Investments LLC\Zoning\Letter of Intent.doc



## ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: Prince Alexander Architecture, LLC

Location: 1451 W McKay Rd, Shelbyville, IN

Variance for: Rezone from R2 to RM

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

According to the 2019 Comprehensive plan update, "the 2017 Housing Demand study does not identify how Shelbyville can achieve greater growth and what product type is demanded for that growth. According to the public, there is a desire for both higher level housing and demand for affordable housing." These competing ideals could be achieved through allowing higher density, as well as meet the stated goal of multi-family as a buffer between the primary corridor and the less dense area to the south included in the proposed Shelbyville Planning area.

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

The subject portion of the property is unusable because it has no street access, except as may be created through the adjacent parcel to the north, currently zoned RM also, and currently containing apartments. The location is ideal for housing, the adjacent uses are also housing, and conditions of the site are ample for the requested use.

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

The petitioner is requesting RM-multifamily, as supported by the 2017 Burns Demand Study and the 2019 Comprehensive Plan update highlighting the need for quality housing that remains affordable. Apartments so close to schools reduce traffic impacts when compared with more distant, lower-density housing developments. Though the Comprehensive plan recommends City assistance for diverse housing, the Developer is not seeking any municipal funding.

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

The proposed use will meet or exceed the values of adjacent similar uses. The proposed use will also answer an important housing need for existing residents of Shelbyville, and attract or retain young families to combat stagnation in population growth. A minor increase, over time, in values of adjacent properties is expected.

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

The proposed use meets the definition of responsible growth and development as it uses the site for the highest and best use and increases assessed value on a vacant parcel which could not otherwise be used. The existing, aging multi-family housing on the adjacent parcel is also to undergo improvements as part of the project for a unified development.



### EXHIBIT A

Beginning at the northeast corner of the southeast quarter of section 12, township 12 north, range 6 east and running thence west two hundred thirty-four (234) feet, thence south one hundred eighty-six (186) feet, thence east two hundred thirty-four (234) feet and thence north one hundred eight-six (186) feet to the point of beginning, containing one (1) acre, more or less.

Also, beginning at the northeast corner of the southeast quarter of section 12, township 12 north, range 6 east and running thence west 234 feet to the point of beginning, thence south 186 feet, thence east 234 feet, thence south 179 feet, thence west 300 feet, thence north 365 feet, thence east 66 feet to the point of beginning, containing one (1) acre more or less.

Also, beginning at the northeast corner of the southeast quarter of section 12, township 12 north, range 6 east and running thence south along the east line of said quarter section 365 feet to the point of beginning, thence continuing south along the said east line of said quarter section 193.46 feet to the center of a county ditch known as Woodruff Ditch, running thence south 42 degrees 50 minutes west along the centerline of said ditch 43 feet to an angle in said ditch, running thence northeasterly 535.22 feet to a point 300 feet west of the beginning point, thence east 300 feet to the point of beginning.

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

#### EXCEPT THEREFROM:

A part of the Southeast Quarter of Section 12, Township 12 North, Range 6 East, Shelby 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:

Beginning at point "600" on said plat, which point is the northeast corner of said southeast quarter and being the northeast corner of the grantor's land; thence South 1 degree 21 minutes 30 seconds West 14.442 meters (47.38 feet) along the grantor's east line to point "712" on said plat; thence North 89 degrees 20 minutes 25 seconds West 91.740 meters (300.98 feet) to point "402" on said plat, which point is on the west line of the grantor's land; thence North 2 degrees 47 minutes 31 seconds East 13.917 meters (45.66 feet) along said west boundary to point "714" on said plat, which point is the northwest corner of the grantor's land; thence South 89 degrees 40

minutes 31 seconds East 91.400 meters (299.87 feet), (300 feet per deed book 319, page 27 in the Office of the Recorder of Shelby County), along the north line of said grantor to the point of beginning and containing 0.3298 hectares (0.321 acres) more or less, inclusive of the presently existing right of way which contains 0.0896 hectares (0.222 acres) more or less, for a net additional taking of 0.0402 hectares (0.099 acres) more or less.

Bearings used in this description are based on bearings from the Location Control Route Survey Plat for Indiana Department of Transportation Project STP-068-5(006) recorded as Instrument Number 9911133 in the Office of the Recorder of Shelby County.

More commonly known as 1451 West McKay Road, Shelbyville, Indiana 46176.

[Parcel No. 73-10-12-400-186.000-002; Parcel No. 73-10-12-400-187.000-002]  
[Parcel No. 73-10-12-400-188.000-002]



# MCKAY APARTMENTS

1451 W McKay Rd    Shelbyville, IN 46176

## CONCEPTUAL SITE PLAN NOTES:

THIS SITE PLAN WAS GENERATED USING THE FOLLOWING CRITERIA FOR CITY OF SHELBYVILLE "RM" ZONING CLASSIFICATION:

The Multiple-family Residential (RM) District is intended to provide an area for multiple-family dwellings, such as apartment houses, apartments complexes, and condominiums. This district may be used to provide a transition between other residential and non-residential land uses.

### Permitted Uses Park Uses

nature preserve/center  
park, public

### Residential Uses

assisted living facility  
dwelling, multiple-family  
dwelling, two-family  
fair housing facility (small)  
nursing home  
retirement facility

### Special Exception Uses Institutional Uses

community center  
day care center  
police, fire, or rescue station

### Park Uses

driving range  
golf course and/or country club

### Residential Uses

boarding house  
fair housing facility (large)

### Utility Uses

water tower

### Minimum Lot Area

VARIANCE REQUESTED - 1700 SF PER UNIT IN LIEU OF 4,500 square feet per dwelling unit

### Maximum Lot Area

none

### Minimum Lot Width

100 feet (measured at the front building setback line)

### Minimum Lot Frontage

50 feet (on a public street, with access from that street)

### Maximum Lot Depth

none

### Minimum Front Yard Setback

50 feet for primary and accessory structures when adjacent to an arterial street  
30 feet for primary and accessory structures when adjacent to a collector street  
20 feet for primary and accessory structures when adjacent to a local street

### Minimum Side Yard Setback

40 feet for primary structures (if an apartment complex)  
10 feet for primary structures (if a single apartment house)  
10 feet for accessory structures

### Minimum Rear Yard Setback

40 feet for primary structures (if an apartment complex)  
15 feet for primary structures (if a single apartment house)  
10 feet for accessory structures

### Maximum Lot Coverage

65% (of the lot area may be covered by structures and other hard surfaces)

### Minimum Living Area per Dwelling

600 square feet

### Minimum Ground Floor Area

not applicable

### Maximum Primary Structures per Lot

none

### Minimum Separation Between Primary Structures

10 feet

SIDE & REAR YARD SETBACKS OF 7 FEET REQUESTED, TO BE VERIFIED ONCE A SURVEY IS COMPLETE.

(TOTAL SITE AREA IS 200,988 SF OR 4.48 ACRES)

ACCESSORY USES OF CHILD DAY-CARE HOME (PER IC 12--7-2-28.6) AND HOME OCCUPATION (PER STANDARDS) ARE PERMITTED.  
ACCESSORY STRUCTURES (SUCH AS DUMPSTER SCREENS) MAY BE LOCATED TO THE REAR AND SIDE YARD (OUTSIDE OF EASEMENTS/SETBACKS).

SUGGESTED AMENITIES: PLAYGROUND, CENTRAL "GREENWAY" BETWEEN TOWNHOUSES, FISHING DOCK AT RETENTION POND.

EXISTING APARTMENT FOOTPRINT (EACH): 6015 GROSS SF (12030 GROSS SF TOTAL)  
3-STORY APARTMENT BUILDING FOOTPRINT: 8800 SF (26,400 GROSS SQUARE FEET TOTAL)  
MAINTENANCE BUILDING: 480 SF  
CLUBHOUSE: 1,430 SF  
SIDEWALKS (INCLUDING EXISTING): 11,178 SF  
DRIVES/PARKING (INCLUDING EXISTING) : 81,570 SF

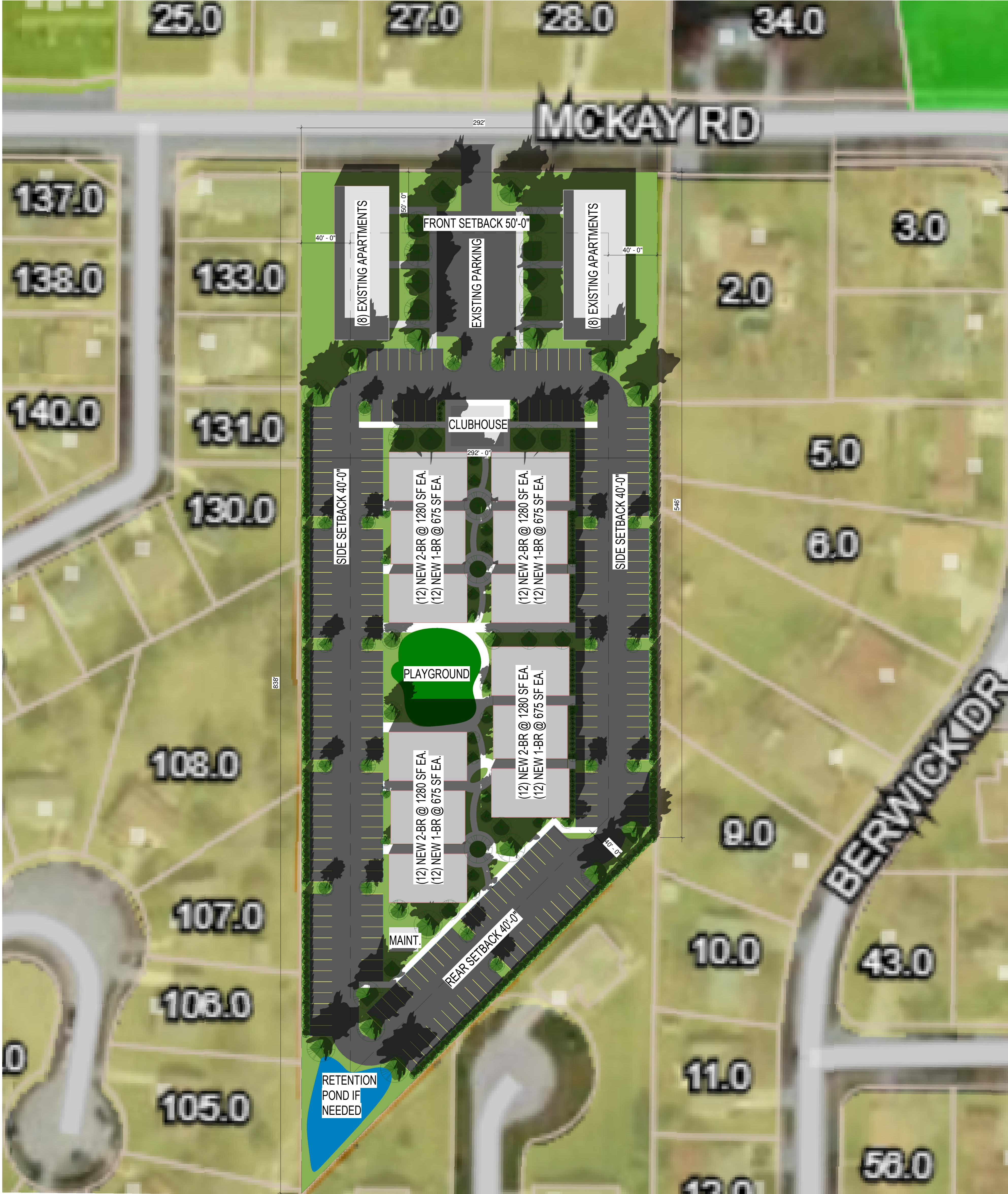
TOTAL PROPOSED LOT COVERAGE : 94,658 SF  
TOTAL ALLOWED LOT COVERAGE: 130,642 SF

241 PARKING SPACES PROVIDED (IN ADDITION TO EXISTING)

96 NEW UNITS PROVIDED (IN ADDITION TO 16 EXISTING)

MINIMUM 2 PARKING SPACES PER UNIT PLUS 5 FOR VISITORS  
AT LEAST 5% OF PARKING AREA TO BE LANDSCAPED

THIS DESIGN WILL BE SUBJECT TO ADDITIONAL DEVELOPMENT STANDARDS THAT WILL APPLY DEPENDING ON FINAL DESIGN.



1 CONCEPTUAL SITE PLAN 2  
1" = 40'-0"

No.	Description	Date