

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 5/23/2022

Case Number & Name:	PC 2022-12: 310 Second Street; Rezone			
Petitioner's Name:	Allen & Allen LLC			
Owner's Name:	Allen & Allen LLC			
Petitioner's Representative:	Eric Glasco, Stephenson Rife, LLP			
Address of Property:	310 Second Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: R1 – Single Family Residential Proposed: BN – Business Neighborhood			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	R1 – Single-family Residential	RM – Multiple-family Residential	R1 – Single-family Residential
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Single-family Residential
History:	The petitioner is proposing to rezone a R1 – Single-family Residential property to BN – Business Neighborhood. The parcel is a separate parcel from the neighboring R1 – Single-family residential property immediately to the east. The property has previously been used for commercial purposes and the current owners intend to renovate the space and return it to commercial use.			
Vicinity Map:				
Action Requested:	A formal request to rezone from R1 – Single-family Residential to the BN – Business Neighborhood district.			

1. The petition request involves rezoning the 0.08-acre property at 310 Second Street from R1 – Single-family Residential to BN – Business Neighborhood. The property is currently vacant, but previously was used for a commercial enterprise. As follow up to a successful rezoning, the petitioner intends to renovate the building and lease as a commercial space.
2. The BN – Business Neighborhood District only allows low-intensity uses, such as animal grooming, personal services uses, and retail (type 1). Personal Services Uses is defined in the UDO as “an establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as beauty or barber shop, shoe repair shop, alterations, tailoring, or tanning salon. Retail (type 1) is defined in the UDO as a low intensity retail business that provides products to all or portions of the general public and that meets the following standards:
 - a. Maximum Vehicles per Day – 1500
 - b. Max Retail Floor Space – 10,000 square feet
 - c. Maximum Outdoor Display of Merchandise – 5% of retail floor area or 200 square feet, whichever is more restrictive
 - d. Outdoor Storage – not allowed
 - e. Drive Through – not allowed
 - f. Hours of Operation – 5am to 10pm
 - g. Sexually Oriented Retail Store – not allowedA low intensity retail business shall not include business-to-business wholesale operations.
3. 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 applicant provided the following response to the 1st decision criteria: *“The subject property is on Second Street, across from Shelby High Apartments. The rezone will provide opportunity for business that will support the residential character of the neighborhood and are in line with Shelbyville’s comprehensive plan.”*

The planning staff has determined that the proposed zoning classification of BN – Business Neighborhood is consistent with the City’s Comprehensive Plan and reflected in the following Objectives and Action Steps:

Built Environment:

Objective 2: Guide healthy development patterns using future land use mapping.

Action 3: Target mixed-use flexibility for gateway development.

Objective 5: Promote Development and Redevelopment of Existing Sites and Buildings

Commerce and Economy:

Objective 5: Support Local Business Retention and Creation

b. Current Conditions:

The applicant provided the following response to the 2nd decision criteria: *“The subject property is close in proximity to residences, the old high school which is now used as an apartment building, church property and the City’s civic center. The use as a neighborhood business will not conflict with nearby residences and overall area.”*

The planning staff has determined the proposed zoning classification of BN – Business Neighborhood is consistent with the current conditions. The subject parcel was built in 1912 as a livery for the

Shelbyville High School built across the street in 1911. Throughout the years the building has served a commercial interest once as a Tool & Die shop another time as a Furnace Contractor shop. The building was built to serve a commercial purpose; however, years of neglect have left the building in need of updates and renovations. The rezone will provide the petitioner the needed security to reinvest and renovate the building.

c. Desired Use:

The applicant provided the following response to the 3rd decision criteria: *“The request seeks to use the property for a neighborhood business. The desired use will not significantly affect vehicle or pedestrian traffic and will complement the immediate neighborhood and overall area. This rezone will also fit the most desired use for this building which was designed to be occupied by a business.”*

The planning staff has determined the proposed zoning classification of BN – Business Neighborhood is consistent with the desired use of the subject parcel. While the subject parcel is surrounded by R1 – Single-family Residential, a BN – Business Neighborhood district’s intent is to provide goods and services to neighborhoods and residential development within the City.

d. Property Values:

The applicant provided the following response to the 4th decision criteria: *“The proposed rezoning and development will have no negative effect on property values in the area and will help maintain the values in the overall neighborhood.”*

The planning staff has determined the proposed zoning classification of BN – Business Neighborhood will not have an adverse impact on surrounding property values or property values in general throughout the City. Renovating the structure and securing a tenant for the property will increase property values and return the property to a higher generating tax bracket. This will have the effect of stabilizing property values in the area.

e. Responsible Growth:

The applicant provided the following response to the 5th decision criteria: *“The proposed rezoning and development fits within the character and nature of what Shelbyville has planned for the surrounding area. The proposed rezoning and development would be a good fit for any future use for the area and may be undertaken without creating a burden on neighborhood residential properties.”*

The planning staff has determined the proposed zoning classification of BN– Business Neighborhood allows for responsible growth and development in the area. The subject property is already built-out and serviced by roads and utilities. There is no additional public investment required to support the conversion to business neighborhood. The only issue Planning Staff has identified is the need for employee and customer parking, given the final tenant of the building.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R1 – Single-family Residential to BN – Business Neighborhood with conditions:

1. Petitioner work with Planning Staff to identify parking plan when an end user is identified.

Rezone (Zoning Map Amendment): PC 2022-12: 310 Second Street; 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 R1 – Single-family Residential to BN – Business Neighborhood, 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: _____
Chairperson/Presiding Officer

Attest: _____
Adam M. Rude, 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: Allen & Allen, LLC

Address: 126 E. Washington Street
Shelbyville, IN 46176

Phone Number: _____

Fax Number: _____

Email: _____

Property Owners Information (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Eric M. Glasco, Attorney at Law

Address: 2150 Intelliplex Drive, Suite 200
Shelbyville, IN 46176

Phone Number: 317-680-2052

Fax Number: 317-680-2012

Email: EricGlasco@srtrial.com

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 310 Second Street, Shelbyville, Indiana 46176

Current Zoning: Single Family Residential

Proposed Zoning: Neighborhood Business

Existing Use of Property: _____

Proposed Use: _____

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.

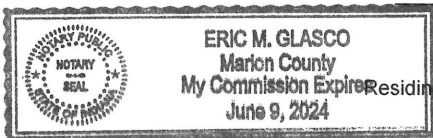
Applicant: [Signature] Date: 05/05/2022

State of Indiana
County of Shelby SS:

Subscribed and sworn to before me this 3rd day of May, 2022.

[Signature]
Notary Public

Eric M. Glasco
Printed



ERIC M. GLASCO
Marion County
My Commission Expires
June 9, 2024

Residing in Marion County.

My Commission Expires: _____



ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: Allen & Allen, LLC
Location: 310 Second Street, Shelbyville, IN 46176
Variance for: rezoning of parcel to neighborhood business

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.
The subject property is on Second Street, across from Shelby High Apartments.
The rezone will provide opportunity for business that will support the residential character of the neighborhood and are in line with Shelbyville's comprehensive plan.

2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.
The subject property is close in proximity to residences, the old high school which is now used an apartment building, church property, and the City's civic center. The use as a neighborhood business will not be in conflict with nearby residences and the overall area.

3. **Desired Use:** The most desirable use for which the land in each district is adapted.
The request seeks to use the property for a neighborhood business. The desired use will not significantly affect vehicle or pedestrian traffic and will complement the immediate neighborhood and the overall area. This rezone will also fit the most desired use for this building which was designed to be occupied by a business.

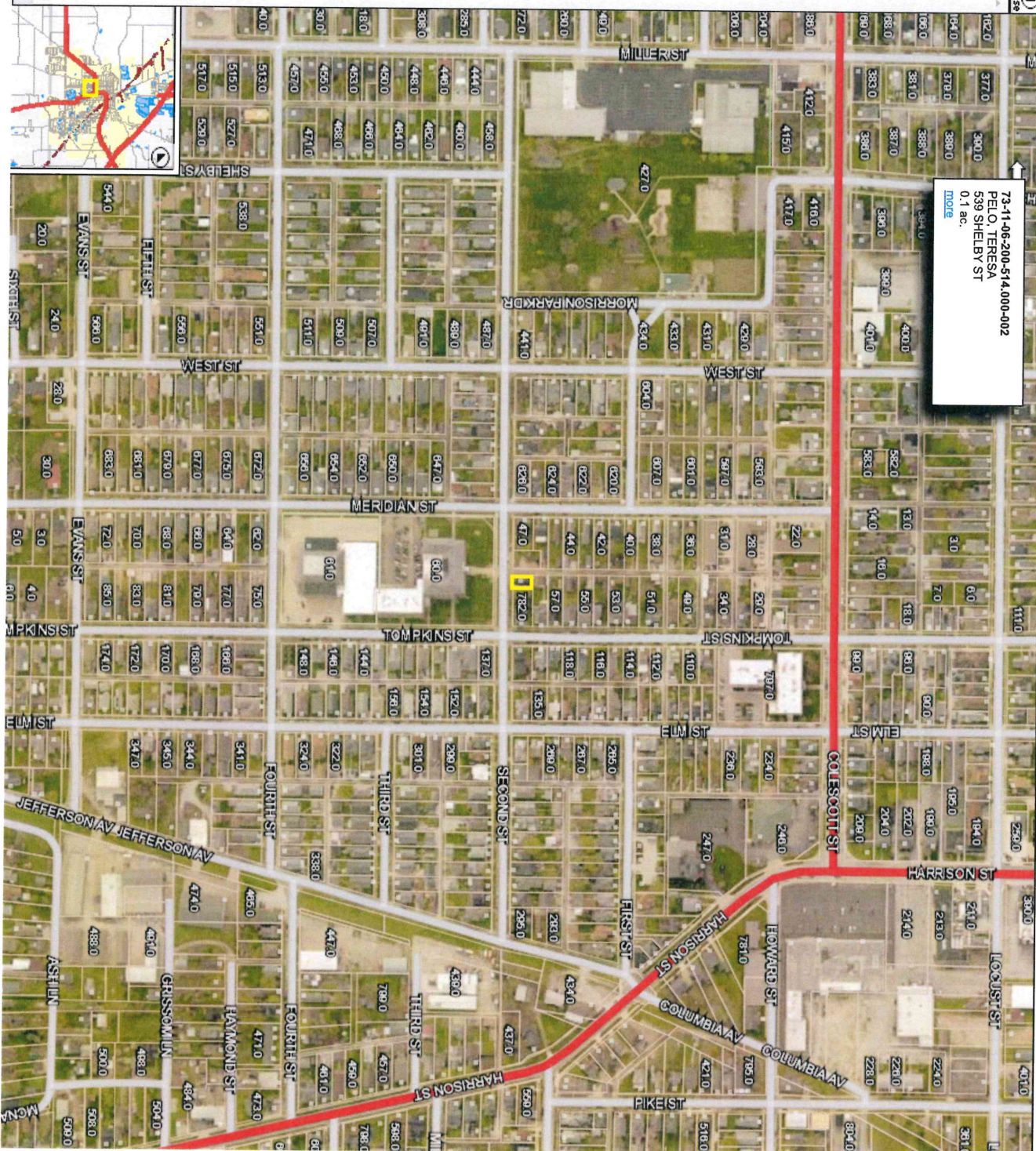
4. **Property Values:** The conservation of property values throughout the City of Shelbyville's planning jurisdiction.
The proposed rezoning will have no negative effect on property values in the area and will help maintain the values in the overall neighborhood.

5. **Responsible Growth:** Responsible Growth and Development.
The proposed rezoning and development fits within the character and nature of what Shelbyville has planned for the surrounding area. The proposed rezoning and development would be a good fit for any future use for the area and may be undertaken without creating a burden on neighboring residential properties.

Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Images	Show Images(1)
Sketches	Show Sketches(1)
Owner Name	ALLEN & ALLEN, LLC
State Parcel Number	73-11-05-300-059,000-002
Parcel Number	73-11-05-300-059,000-002
Map Number	041-91004-60
Legal Description	TEAL 4TH TOMPKINS 33 WSD PT LT40 310 Second Street SEE NOTES
Acreage	0.000000
Instrument Number	
Book Number	
Page Number	
Location Address	310 2ND ST SHELBYVILLE,IN 46176
Owner Address	126 E WASHINGTON ST SHELBYVILLE,IN 46176

73-11-05-200-514,000-002
PELO, TERESA
539 SHELBY ST
0.1 ac.
[more](#)



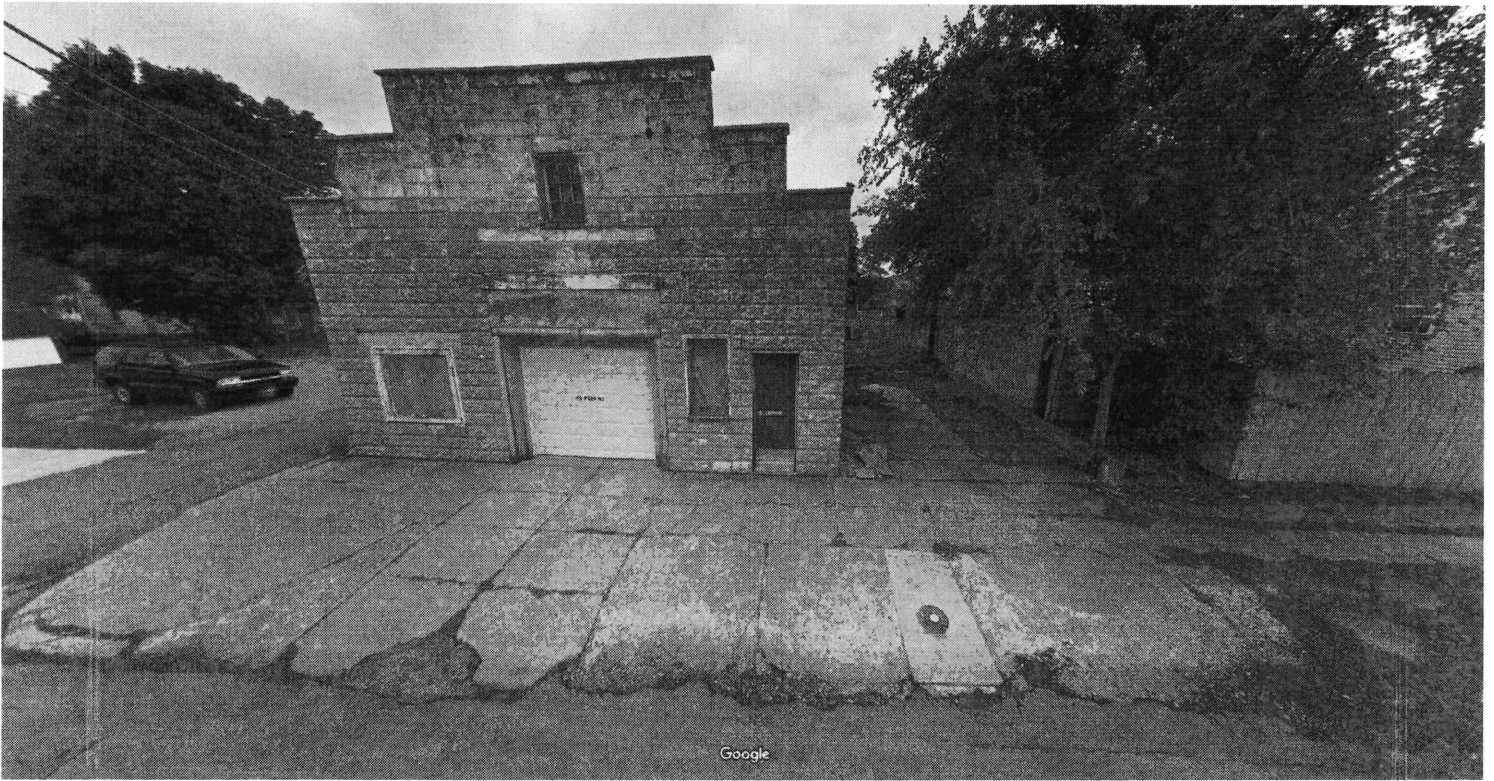


Image capture: Jul 2014 © 2022 Google

Shelbyville, Indiana

Google

Street View - Jul 2014





STEPHENSON
— **RIFE** —
LLP

Eric M. Glasco
Direct Dial: 317-680-2052
EricGlasco@SRTrial.com

May 3, 2022

Shelbyville Plan Commission
44 West Washington Street
Shelbyville, IN 46176

Re: Request for Rezone from Single Family Residential to Business Neighborhood

Dear Plan Commission Members:

This letter of intent supports Allen & Allen, LLC's request to rezone to Business Neighborhood Residential the property located at 310 Second Street, Shelbyville, Indiana 46176, also known as Parcel Number: 73-11-05-300-059.000-002 (the "Property"). Stephenson Rife represents Allen & Allen.

The property at issue was previously used for commercial purposes and the building presently located on the parcel was designed for such purpose. Allen & Allen desires to revitalize the building located on the Property and restore it to its proper use for business purposes. As part of its plan, Allen & Allen requests that the Property be rezoned to Business Neighborhood. Shelbyville's UDO identifies Neighborhood Business as intended to provide goods and services to neighborhoods and residential developments within the City. The properties located in the vicinity of the Property are zoned Single Family Residential.

Rezoning the Property to Business Neighborhood fits with most desirable use of the land as it supports the residential character of the area. The request matches the current conditions of the neighborhood and particularly the building located on the Property as it was previously designed to be used for operation of a business. Additionally, the rezone will not have an adverse impact on neighboring property values.

Yours Truly,

Eric M. Glasco, Attorney for Petitioner