

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 5/23/2022

Case Number & Name:	PC 2022-11: South Pike 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:	South Pike Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: PK – Parks and Open Space Proposed: R2 – Two-family Residential			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	R2 – Two-family Residential	RM – Multiple-family Residential	BG – Business General
Surrounding Properties' Comprehensive Future Land Use	Single-family Residential	Single-family Residential	Single-family Residential	Commercial
History:	The petitioner is proposing to rezone a PK – Parks and Open Space property to R2 – Two-family Residential. The parcels are part of the former Pennsylvania rail corridor that runs northeast through the City of Shelbyville. Part of the rail corridor was granted to the City of Shelbyville with the intention of building a trail or linear park. The “petitioner” parcels are immediately adjacent to the rail corridor.			
Vicinity Map:				
Action Requested:	A formal request to rezone from <i>PK – Parks & Open Space</i> to a <i>R2 – Two-family Residential</i> district.			

1. The petition request involves rezoning the 0.16-acre property located at the south-east corner of Pike Street and Locust Street from PK – Parks and Open Space to R2 – Two-family Residential. The neighborhood is currently a mix of the UDO’s residential districts including R1 – Single-family residential, R2 – Two-family residential and RM – Multiple Family residential. The property is currently vacant, and the petitioner would like to build a two-family residential unit that fits the character of the neighborhood.
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 applicant provided the following response to the 1st decision criteria: *“The subject property is on Pike Street at the intersection with Locust Street. The comprehensive plan identifies this area as appropriate for residential development. The proposed rezone of the subject parcel is in line with the comprehensive plan’s residential vision for the area.”*

The planning staff has determined that the proposed zoning classification of R2 – Two-family Residential 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 2: Utilize the Future Land Use Map as a living, breathing document to guide future development decisions.

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

Objective 3: Transform Shelbyville’s Current Housing Stock and Neighborhoods.

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

b. Current Conditions:

The applicant provided the following response to the 2nd decision criteria: *“The property consists of two vacant lots. Surrounding properties are mainly residential including another two-family residential duplex nearby. The use as a two-family residential property will not conflict with the nearby residences and the overall area.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family Residential is consistent with the current conditions of the surrounding neighborhood. The neighborhood is currently comprised of a mix of uses – single family residential, business general, multiple-family residential light industrial and two-family residential. Immediately behind the subject parcel is another property that is zoned R2 – Two-family Residential. The requested R2 – Two-family Residential zoning is an appropriate zoning classification for the subject property to blend with the surrounding uses.

c. Desired Use:

The applicant provided the following response to the 3rd decision criteria: *“The request seeks to use the property for a two-family residential property. The desired use will not significantly affect vehicle or pedestrian traffic and will complement the immediate neighborhood and the overall area.”*

The planning staff has determined the proposed zoning classification of R2 – Two-family is consistent with the desired use of the subject parcel. The subject parcel is surrounded by a mix of residential uses including R1 – Single-family Residential, R2 – Two-family Residential and RM – Multiple-family Residential. The change in zoning will not alter the desired use in this part of the city.

d. Property Values:

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

The planning staff has determined the proposed zoning classification of R2 – Two-family Residential should not have an adverse impact on surrounding property values or property values in general throughout the City. The City acquired the property when the Pennsylvania Railroad abandoned the lines. The City intended to use the property for Parks and Open Space, but eventually sold the property for private investment. It remained zoned PK – Parks and Open Space and has sat vacant. Rezoning the property to R2 – Two-family Residential will return the property to the tax rolls and be the highest and best use of the property. 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 R2 – Two-family Residential allows for responsible growth and development in the area. The subject property is surrounded by other residentially zoned properties; roads and utilities are all in place to service the proposed two-family development. There is no additional public investment required to support the existing businesses or the change in zoning classification.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from PK – Parks & Open Space to R2 – Two-family Residential.

Rezone (Zoning Map Amendment): PC 2022-11: South Pike 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 PK – Parks & Open Space to R2 – Two-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: _____
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): South Pike Street, Shelbyville, Indiana, numbers not assigned.
Consists of two vacant lots at the corner of South Pike Street and Locust Street, Shelbyville, Indiana.

Current Zoning: parks and open spaces

Existing Use of Property: vacant lots

Proposed Zoning: two family residential

Proposed Use: duplex residential unit

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.

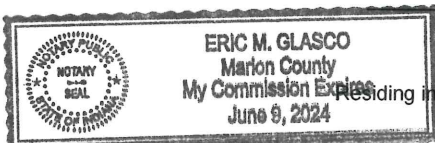
Applicant: [Signature] Date: 05/03/2022

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



Residing in Marion County.

My Commission Expires: _____



ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

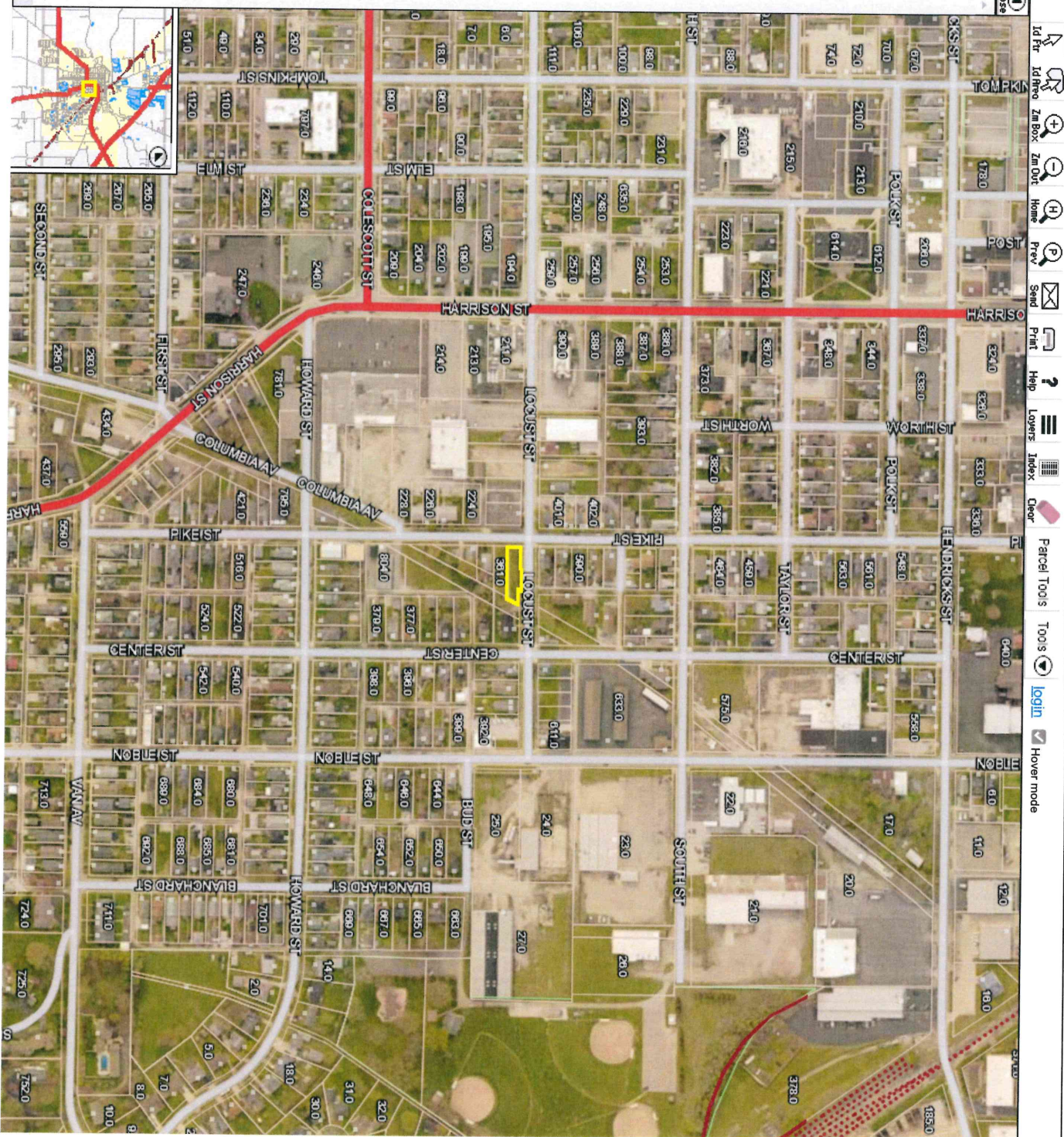
Petitioner's Name: Allen & Allen, LLC
Location: South Pike Street, Shelbyville, IN 46176, at corner of Pike and Locust Streets
Variance for: rezoning of parcel to two family residential

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 Pike Street at the intersection with Locust Street.
The comprehensive plan identifies this area as appropriate for residential development.
The proposed rezone of the subject parcel is in line with comprehensive plan's residential vision for the area.
2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.
The property consists of two vacant lots. Surrounding properties are mainly residential, including another two family residential duplex nearby. The use as a two family residential property 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 two family residential property. The desired use will not significantly affect vehicle or pedestrian traffic and will complement the immediate neighborhood and the overall area.
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 residential character of the 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
Owner Name	ALLEN & ALLEN LLC AN INDIANA LIMITED LIABILITY COMPANY
Parcel Number	73-11-05-300-360-000-002
Map Number	041-81017-10
Legal Description	MC G MURDOCK LOCUST LOT 19
Acres	0.000000
Instrument Number	
Book Number	
Page Number	
Location Address	PIKE ST SHELBYVILLE, IN 46176
Owner Address	126 E WASHINGTON ST SHELBYVILLE, IN 46176



Owner and General Parcel Information

Property Card	Show Property Card
Tax History Data	Show Tax History
Owner Name	ALLEN & ALLEN LLC
State Parcel Number	73-11-05-300-361,000-002
Parcel Number	73-11-05-300-361,000-002
Map Number	041-81019-10
Legal Description	UNPL TR PT SW PIKE ST SEC 5 12 7 UNP TR PT SW PIKE ST 38
Acres	0.000000
Instrument Number	
Book Number	
Page Number	
Location Address	S PIKE ST SHELBYVILLE,IN 46176
Owner Address	126 E WASHINGTON ST SHELBYVILLE,IN 46176

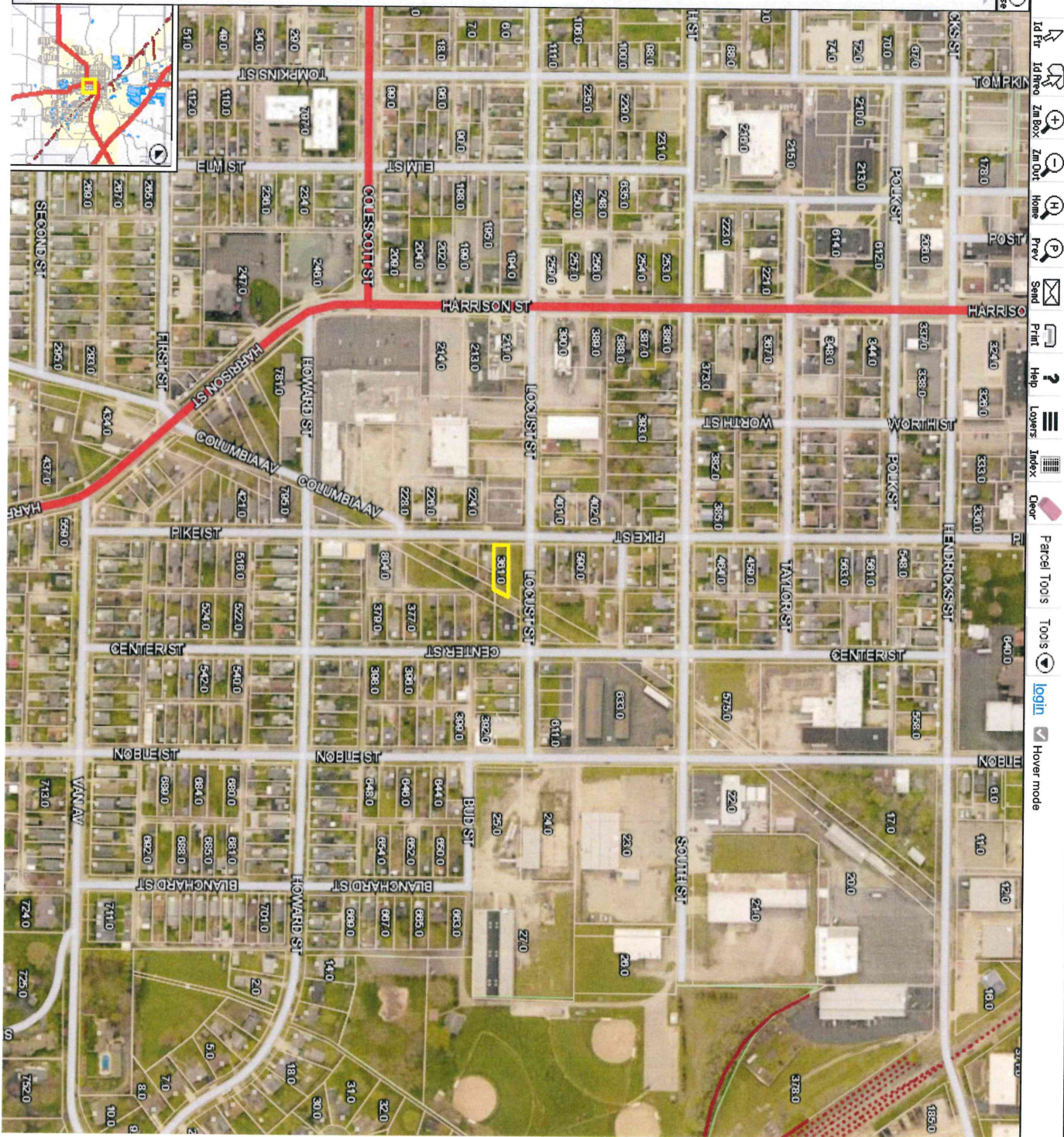




Image capture: Jul 2014 © 2022 Google

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 Parks and Open Spaces to Two Family Residential

Dear Plan Commission Members:

This letter of intent supports Allen & Allen, LLC's request to rezone to Two-Family Residential two vacant lots it owns located as the corner of South Pike Street and Locust Street, known as Parcel Numbers: 73-11-05-300-360.000-002 and 73-11-05-300-361.000-002 (the "Property"). Stephenson Rife represents Allen & Allen.

The lots at issue were once a part of a railroad right of way that has since been abandoned. When the railroad vacated its right of way it transferred a number of parcels to the City of Shelbyville. Shelbyville initially intended to use the Property to create a park which is why they are zoned Park and Open Spaces, but that plan never came to fruition and the parcels were eventually sold to private individuals. Despite being transferred by the City of Shelbyville, the parcels have retained the Parks and Open Spaces zoning designation. Allen & Allen now desires to develop the land and requests a zoning designation that will allow it to use the space for a two-family residential building. The Future Land Use Map identifies the Property as most appropriate for future residential development. The property located east of the Property is presently zoned Two-Family Residential. While the property across Pike Street from the Property is zoned Business General, the properties diagonal from the Property are zoned Multiple-Family Residential. The property immediately south is zoned Single Family Residential, as is the property across Locust Street.

Rezoning the Property to Two-Family Residential fits with most desirable use of the land as set forth Shelbyville's Comprehensive Plan and future land use map by maintaining the area as residential. The request matches the current conditions of the neighborhood as significant portions of the area adjacent to the Property are used for multi-family residential purposes. Additionally, the rezone will not have an adverse impact on neighboring property values. There is also ample street parking to accommodate the Two-Family Residential zoning.

Yours Truly,

Eric M. Glasco, Attorney for Petitioner