

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

PLAN COMMISSION

MEETING DATE: 2/27/2023

Case Number & Name:	PC 2023-1: 1501 South Harrison Rezone			
Petitioner's Name:	Tom Davis and Bill Poland			
Owner's Name:	Barbara Smith			
Petitioner's Representative:	Tom Davis and Poland			
Address of Property:	1501 South Harrison Street, Shelbyville, Indiana			
Subject Property Zoning Classification:	Current: R1 – Single Family Residential Proposed: BG – Business General			
Comprehensive Future Land use:	Single Family Residential			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	R1 – Single-family Residential	BN – Business Neighborhood	R1 – Single-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 BG – Business General. The property sits on the corner of South Harrison Street and McKinley Street. On the east side of Harrison Street is a small business neighborhood node. The property has previously been used for commercial purposes and the petitioner intends 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 BG – Business General district.			

1. The petition request involves rezoning the 0.29-acre property at 1501 South Harrison Street from R1 – Single-family Residential to BG – Business General. The property is an old home that has most recently been used as a commercial space. As follow up to a successful rezoning, the petitioners intend to renovate the building and use it as their offices.
2. The BG – Business General district is intended to provide an area for a variety of general commercial uses. Shelbyville should strive to use this district to provide a variety of goods and services that are accessible to the City’s neighborhoods and complimentary to its other types of business districts. The BG – Business General districts allows for office uses as well as all three types of retail.
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: *“Per the City of Shelbyville tax records the property has been used as retail/commercial as well as tax for retail and commercial for the last several years and we would like to update the zoning to match the use. It has been used as a retail/commercial facility for the last 25 years.”*

The planning staff has determined that the proposed zoning classification of BG – Business General 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 current use of te property is retail and has been for 25 years.”*

The planning staff has determined the proposed zoning classification of BG – Business General is consistent with the current conditions. The subject parcel is part of a commercial node in the southern gateway to the city that includes BN – Business Neighborhood and BG – Business General. 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: *“Office would be desired use for this property.”*

The planning staff has determined the proposed zoning classification of BG – Business General is consistent with the desired use of the subject parcel. While the subject parcel is surrounded by R1 –

Single-family Residential and BN – Business Neighborhood, the BN – Business Neighborhood district does not provide for office use in its permitted uses.

d. Property Values:

The applicant provided the following response to the 4th decision criteria: *“We plan to update the outside of the building, replace windows, remove trees, roof, soffits and gutter to bring the building up to date. This will increase the value of not only this building but help the homes around.”*

The planning staff has determined the proposed zoning classification of BG – Business General will not have an adverse impact on surrounding property values or property values in general throughout the City. Renovating the structure 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: *“Office building at this location and updating of the building would improve this corner on a main road.”*

The planning staff has determined the proposed zoning classification of BG– Business General 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 general.

STAFF RECOMMENDATION: Favorable recommendation on the proposed rezoning from R1 – Single-family Residential to BG – Business General

Rezone (Zoning Map Amendment): PC 2023-1: 1501 South Harrison 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 BG – Business General, 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: Tom Davis & Bill Poland

Address: 2114 Graham Drive North
Shelbyville, IN 46176

Phone Number: 317-604-3868

Fax Number: _____

Email: tdavis@genesispd.net

Property Owners Information (if different than Applicant)

Name: Barbara A. Smith

Address: 1122 S. Nineveh Road Shelbyville, IN

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: Tom Davis & Bill Poland

Address: Same as above

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): 1501 South Harrison Street, Shelbyville, IN 46176

Current Zoning: R1

Proposed Zoning: BG

Existing Use of Property: Retail/Commercial

Proposed Use: Office

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

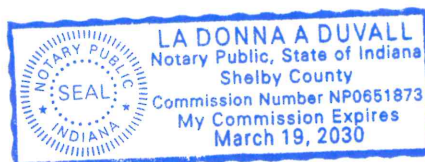
The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: Thomas M. Q. Date: 1/23/2023

State of Indiana
County of Shelby SS:

Subscribed and sworn to before me this 23 day of January, 2023.
La Donna A Duvall / La Donna A Duvall
Notary Public Printed

Residing in Shelby County. My Commission Expires: 3/19/2030



WARRANTY DEED

Entered for Taxation

SEP 13 2002

Maquet L. Brink
Auditor Shelby County

THIS INDENTURE WITNESSETH, That

Shirley Becker Harker AKA Shirley B. Harker

of Shelby County, in the State of Indiana,

Convey and Warrant to

Barbara A. Smith

of Johnson County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, in the following described Real Estate in Shelby County, in the State of Indiana, to-wit:

Lot Number Five (5) and Lot Number Six (6) on the West side of Harrison Avenue, in Albert Deprez' Addition to the City of Shelbyville, Indiana.
Tax Duplicate # 041-48008-70

SUBJECT TO TAXES DUE AND PAYABLE IN NOVEMBER 2002 AND THEREAFTER.

SEND TAX STATEMENT TO:

Barbara A. Smith

1501¹⁵⁰³ S. Harrison St.
Shelbyville, IN 46176

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

In Witness Whereof the said Shirley Becker Harker have hereunto affixed their name and seal, this 12TH day of September, 2002.

Shirley Becker Harker, Jo Ann L. Harker, POA
Shirley Becker Harker

State of Indiana
County of Shelby SS:

Before me, the undersigned, a Notary Public in and for said County, this 12th day of September, 2002, came Shirley Becker Harker and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

Carrie Murray (Seal)
Notary Public



My commission expires:
Resident of:

This instrument prepared by: James Robert Wesley, Attorney at Law

73-11-08-100-089,000-002

General Information

Parcel Number
73-11-08-100-089,000-002
Local Parcel Number
0414800870
Tax ID:

Routing Number
11-08,01-036,00

Property Class 429
Other Retail Structures

Year: 2023

Location Information

County
Shelby
Township
ADDISON TOWNSHIP
District 002 (Local 041)
SHELBYVILLE CITY-ADDISON TO
SHELBYVILLE CENTRAL
School Corp 7365
SHELBYVILLE CENTRAL
Neighborhood 7302054-002
COMMERCIAL
Section/Plat
8
Location Address (1)
1501 S HARRISON STREET
SHELBYVILLE, IN 46176

Zoning

Subdivision

Lot

Market Model
N/A

Characteristics

Topography
Flood Hazard
Level
Public Utilities
All
Streets or Roads
Paved
Neighborhood Life Cycle Stage
Other

Monday, January 23, 2023
Printed

Review Group 2021

Smith, Barbara A

Ownership

Smith, Barbara A
1122 S Nineveh RD.
FRANKLIN, IN 46131

1501 S HARRISON STREET

429, Other Retail Structures

Transfer of Ownership

Date	Owner
09/13/2002	Smith, Barbara A
09/13/2002	HARKER SHIRLEY B
07/06/2001	HARKER BECKER SH
01/01/1900	BECKER SHIRLEY

Doc ID	Code	Book/Page	Adj	Sale Price	V/I
WD				\$95,000	1
WD				\$0	1
WD				\$0	1
WD				\$0	1

10/20/2020 PR2021: NO CHANGE VIA REASSESSMENT PER BINEXUS ON 09/30/2020 - DH
1/13/2016 0: REASSESSMENT 2016: NO CHANGE
8/24/2011 Child: Previous parcel_id: 0414800870

A DEPREEZ HARR PT LTS & LOT 6

Legal



Commercial

Valuation Records (Work in Progress values are not certified values and are subject to change)

2023	Assessment Year	2022	2021	2020	2019	2018
WIP	Reason For Change	AA	AA	AA	AA	AA
01/16/2023	As Of Date	04/12/2022	04/21/2021	04/06/2020	03/28/2019	03/21/2018
Indiana Cost Mod	Valuation Method	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod	Indiana Cost Mod
1.0000	Equalization Factor	1.0000	1.0000	1.0000	1.0000	1.0000
	Notice Required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$49,100	Land	\$49,100	\$49,100	\$49,100	\$49,100	\$49,100
\$0	Land Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Land Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$49,100	Land Non Res (3)	\$49,100	\$49,100	\$49,100	\$49,100	\$49,100
\$42,000	Improvement	\$42,000	\$38,000	\$38,300	\$38,300	\$38,300
\$0	Imp Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Imp Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$42,000	Imp Non Res (3)	\$42,000	\$38,000	\$38,300	\$38,300	\$38,300
\$91,100	Total	\$91,100	\$87,100	\$87,400	\$87,400	\$87,400
\$0	Total Res (1)	\$0	\$0	\$0	\$0	\$0
\$0	Total Non Res (2)	\$0	\$0	\$0	\$0	\$0
\$91,100	Total Non Res (3)	\$91,100	\$87,100	\$87,400	\$87,400	\$87,400
Land Data (Standard Depth: Res 120', CI 120' Base Lot: Res 0' X 0', CI 0' X 0')						
Land Pricing Soil	Act	Size	Factor	Rate	Adj. Rate	Ext. Value
Type Method ID	Front.					
11 A	0	0.2900	1.88	\$90,000	\$169,200	\$49,068
						0%
						0%
						1.0000
						\$49,070

Land Computations

Calculated Acreage 0.29
Actual Frontage 0
Developer Discount
Parcel Acreage 0.00
81 Legal Drain NV 0.00
82 Public Roads NV 0.00
83 UT Towers NV 0.00
9 Homeste 0.00
91/92 Acres 0.00
Total Acres Farmland 0.00
Farmland Value \$0
Measured Acreage 0.00
Avg Farmland Value/Acre 0.0
Value of Farmland \$0
Classified Total \$0
Farm / Classified Value \$0
Homeste(s) Value \$0
91/92 Value \$0
Supp. Page Land Value \$0
CAP 1 Value \$0
CAP 2 Value \$49,100
CAP 3 Value \$49,100
Total Value \$49,100



ZONING MAP AMENDMENT ("REZONING") FINDINGS OF FACT

Petitioner's Name: Tom Davis & Bill Poland
Location: 1501 South Harrison Street, Shelbyville, IN 46176
Variance for: Changing R1 zoning to BG zoning

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.
Per the City of Shelbyville tax records this property has been used as retail/Commercial as well as tax for retail and commercial for the last several years and we would like to update the zoning to match the use. It has been used as a retail/commercial facility for the last 25 years.
2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.
The current use of the property is retail and has been for 25 years.
3. **Desired Use:** The most desirable use for which the land in each district is adapted.
Office would be the desired use for this property
4. **Property Values:** The conservation of property values throughout the City of Shelbyville's planning jurisdiction.
We plan to update the outside of the building, replace windows, remove trees, roof, soffits and gutter to bring the building up to date. This will increase the value of not only this building but help the homes around.
5. **Responsible Growth:** Responsible Growth and Development.
Office building at this location and the updating of the building would improve this corner on a main road.

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

STATE OF Indiana)
COUNTY OF Shelby) SS:

I, BARBARA A. SMITH, AFTER BEING DULY SWORN, DEPOSE AND SAY THE
(Name of property owner)
FOLLOWING:

1. That I am the owner of real estate located at 1501 South Harrison Street;
(Address of subject property)
2. That I have read and examined the Application made to the Shelbyville Plan Commission by:
Tom Davis & Bill Poland
(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.

BARBARA A. SMITH
Owner's Name (Please Print)



Samantha Wooten, Notary Public
Shelby County, State of Indiana
Commission No: NP0739252
My Commission Expires 02/17/2030

Barbara A. Smith
Owner's Signature

Subscribed and sworn to before me this 20th day of January, 2023.

Samantha Wooten / Samantha Wooten
Notary Public Printed

Residing in Shelby County My Commission expires 2/17/2030

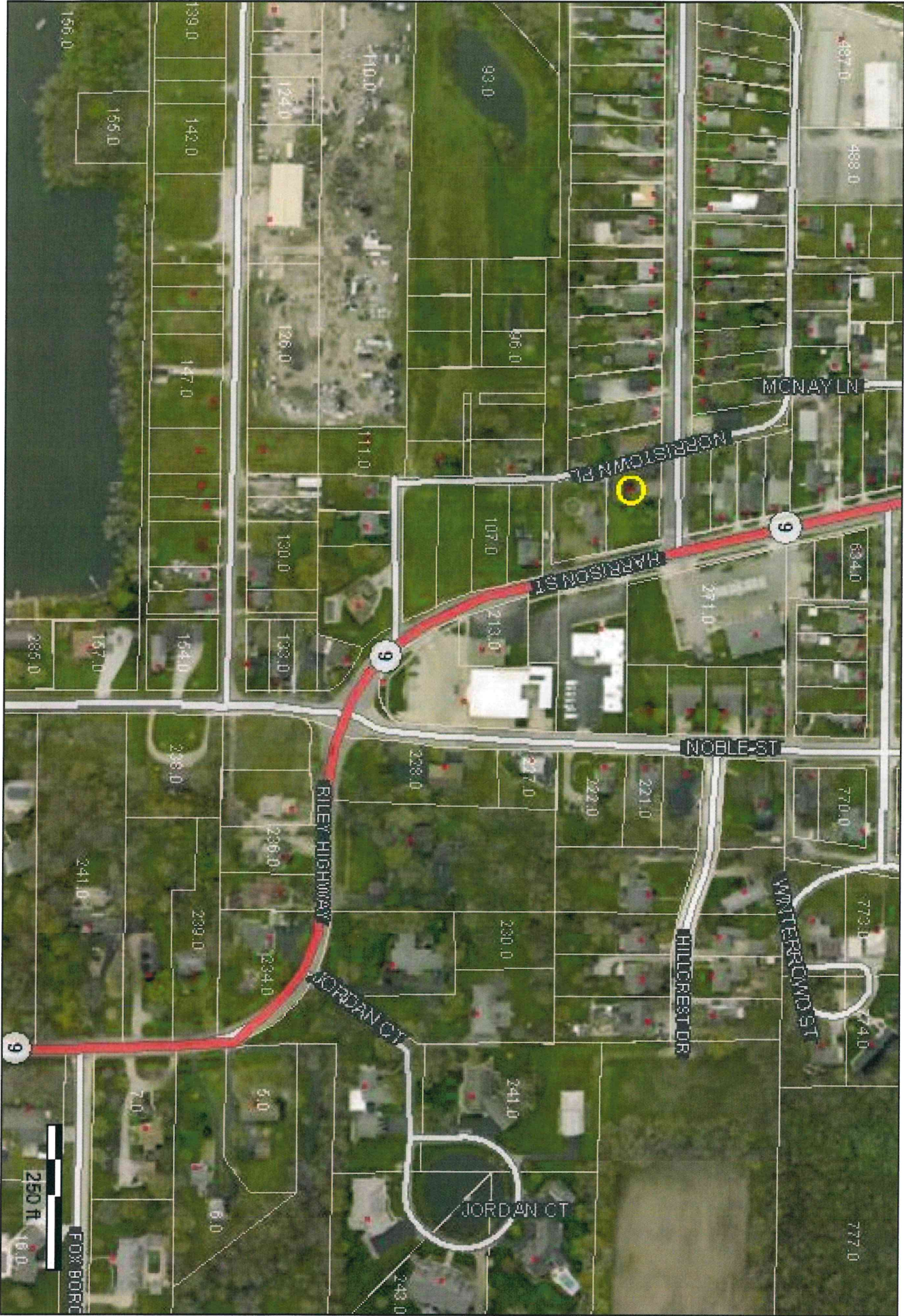
Application for Rezoning - City of Shelbyville

Letter of Intent

The purpose of this rezoning request is for the Petitioner, Tom Davis & Bill Poland, to develop the property into an office and to bring the current use of retail/commercial to the proper zoning of BG.

The vision is to update the entire exterior and remodel the interior of the building space for a small office.

1501 South Harrison Street



1501 S Harrison St, Shelbyville, IN 46176

\$135,000

**Active****Retail****B-2 Zoning****Built 1960**

Listing ID:	21891955	List Price:	\$135,000
Property Type:	Commercial Sale	Orig. List Price:	\$135,000
Subtype:	Retail	List Date:	11/04/2022
Transaction Type:	Sale	DOM/CDOM:	66/66
Subdivision:		County:	Shelby

Directions

HWY 9 (S Harrison) and McKinley Rd

Property Description

Unique commercial and retail property in high traffic area! 1600 sf building with an additional building approx 20x20 available.

Agent to Agent Remarks: Exclusions & Commission Disclosures & Financial Information

As-Is

Listing Details

Area:	7308 - Shelby - Addison	# of Acres:	0.28
Legal Desc:	A DEPREZ HARR PT LT5 & LOT 6	Lot Size (SqFt):	12,197
Section/Lot Number:	/	Divisible:	No

Property Overview

Building Name:	Construction Materials:
Builder Name:	Roof:
# of Stories:	Building Utilities:
Space Available:	HVAC:
Min Contig:	Sprinkler:
Max Contig:	Traffic Count:
Ceiling Height:	Traffic Year:
Multi Tenant:	Parking Surface:
Anchors CoTenants:	Road Surface Type:
Signage:	Road Access:
	Road Frontage Type:
	City Street

Financial

Tax ID:	731108100089000002	Existing Lease:	
Semi Tax:	\$1,256.00	Existing Lease Type:	
Tax Year Due:	2022	Remaining Term:	
		Proposed Lease:	
		Proposed Term:	