

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-051  
**Address:** 1354 Shelby Street (*Approximate Address*)  
**Location:** Center Township, Council District #21  
**Petitioner:** Churchyard, LLC, by David Gilman  
**Request:** Rezoning of 0.30 acre from the MU-1 (TOD) district to the MU-2 (TOD) district to provide for retail commercial uses

### **RECOMMENDATION**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ The subject site was originally developed with single-family dwellings. By the mid-1960s the site had been redeveloped with the two-story commercial structure that stands on it today.
- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the subject site. This typology envisions a pedestrian-friendly, mixed-use village core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development surrounded by varying densities of residential development. The site's location, Fountain Square, typifies a Village Mixed Use neighborhood.
- ◇ The subject site is located on the Red Line Bus Rapid Transit route and a traffic-separated bike lane.

#### **ZONING**

- ◇ This petition requests a rezoning from the MU-1 district to the MU-2 district. Both districts provide for a mix of uses, however they permit different arrays of uses and have different development standards. The MU-2 district generally provides for multi-family residential development mixed with small-scale retailing.

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**STAFF REPORT 2023-ZON-051 (Continued)**

- ◇ The MU-2 district is appropriate as it is responsive to the Village Mixed-Use recommendation of the Comprehensive Land Use Plan and is a district commonly found in the vicinity.

**GENERAL INFORMATION**

EXISTING ZONING, CONTEXT AREA, AND LAND USE  
MU-1            Compact            Commercial building

SURROUNDING ZONING AND LAND USE  
North            C-3            Gas station  
South            MU-1            Commercial building  
East            MU-1            Salvation Army  
West            D-5            Single-family dwellings

COMPREHENSIVE LAND USE PLAN    The Center Township Comprehensive Plan (2018) recommends Village Mixed-Use.

THOROUGHFARE PLAN            Shelby Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 61-foot existing right-of-way and a 56-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE    This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT    This site is not located within a wellfield protection district.

**ZONING HISTORY – SITE**

**2022-UV1-028; 1354 Shelby Street**, requested a variance of use for a restaurant, hookah bar and lounge in a MU-1 district and variances of development standards for deficient separation from a protected district and number of parking spaces, **withdrawn**.

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## **STAFF REPORT 2023-ZON-051 (Continued)**

### **ZONING HISTORY – VICINITY**

**2014-UV1-017; 1402 Shelby Street (south of site)**, requests a variance of use and development standards of the Commercial Zoning Ordinance to provide for the storage and distribution of frozen raw pet food, and to legally establish the following approximate setbacks: 43 feet from the centerline of Shelby Street, two feet from the west (rear) property line, three feet from the north property line and zero feet from the south property line, **granted**.

**2012-CZN-825 / 2012-CVR-825; 1354 Shelby Street (north of site)**, requested the rezoning of 0.4 acre from the C-5 district to the C-3 district and variances of development standards to provide for deficient setbacks, outdoor seating, and carry-out with deficient separation from a protected district, **approved**.

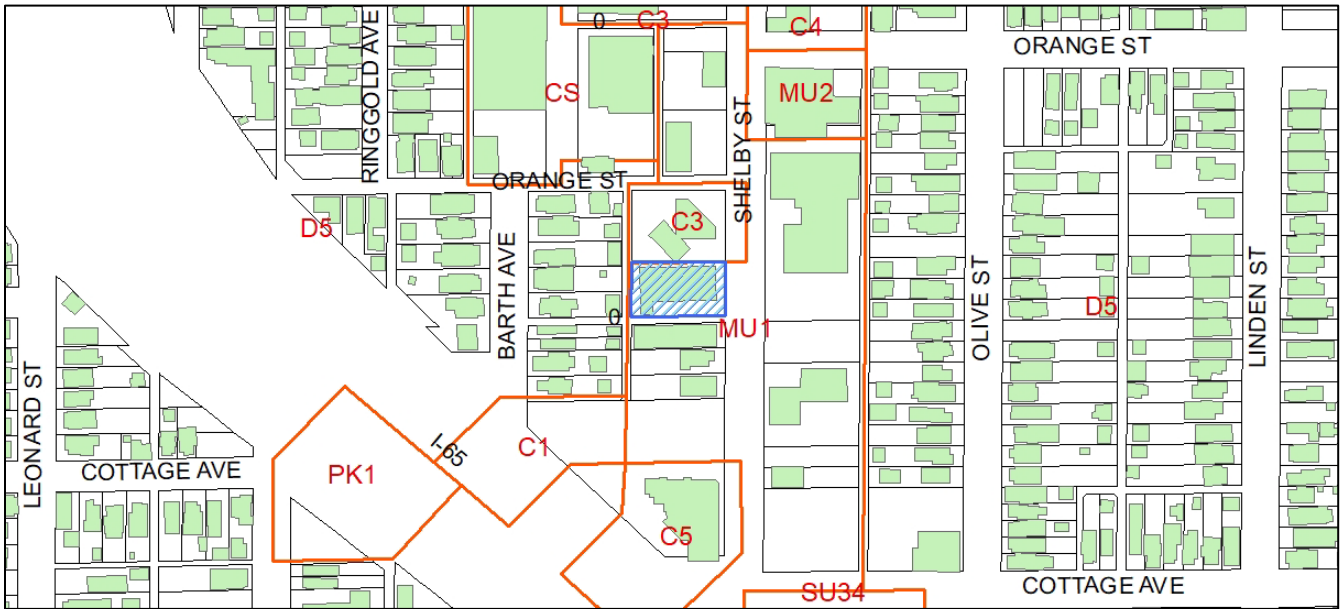
**84-Z-184; 1340 Shelby Street, (north of site)**, requests a rezoning of 0.41 acre from the C-2 district to the C-5 district (reduced to C-3 during petition process), **granted**.

**84-UV2-5; 1340 Shelby Street (north of site)**, requested a variance of use to provide for automobile repair in a C-2 district and variances of development standards to provide for deficient yards and parking standards, **approved, but overturned in municipal court**.

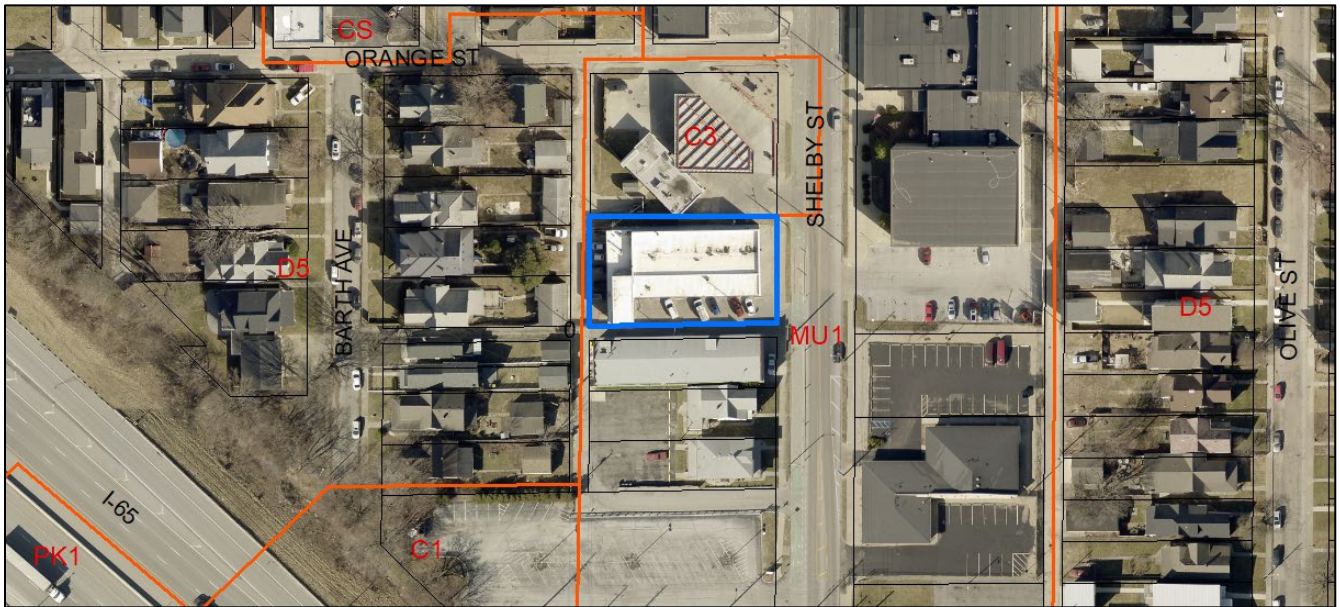
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**STAFF REPORT 2023-ZON-051, Location**



**STAFF REPORT 2023-ZON-051, Aerial photograph (2022)**



**STAFF REPORT 2023-ZON-051, Photographs**



Looking west across Shelby Street at the subject site.



Looking southeast at the site from the alley.





Looking southwest across Shelby Street at the neighbors to the south.



Looking northwest across Shelby Street at the neighbors to the north.



Looking east across Shelby Street from the site.



Looking west across the alley at the neighbors to the west.