

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-802 / 2023-CVR-802
Address: 2555 Shelby Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Progress Studio, by Joseph Lese
Request: Rezoning of 0.12 acre from the C-1 District to the C-3 classification.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish multi-family dwelling units.

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

Staff **recommends approval** of the variance of use.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.12-acre site, zoned C-1, is developed with a two-story masonry building. It is surrounded by a single-family dwelling to the north, zoned C-1; a one-story multi-family dwelling to the south, across Southern Avenue, zoned C-1; undeveloped land to the east, zoned D-5; and a park to the west, across Shelby Street, zoned PK-1.

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REZONING

- ◇ This request would rezone the site from C-1 District to the C-3 (Neighborhood Commercial District) classification to provide for commercial uses. “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet)

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Small-Scale Offices, Retailing and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise.

Modified Uses (recommended in the transit-oriented development overlay)

- Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

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Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located across the street to the west from a transit station at the intersection of Shelby Street and Southern Avenue (Garfield Park), with a District Center typology.
- ◇ District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- ◇ Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

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3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Site Plan

- ◇ The site plan, file-dated February 1, 2023, depicts the existing building that was constructed in 1940 (according to the Assessor's Office records), with open space to the east. There is a small adjoining outdoor space tucked into the north façade of the existing building.
- ◇ It appears that parking would be on-street along Shelby Street and Southern Avenue. Staff would note that the adjacent transit station to the northwest would minimize the need for on-site parking.

Plan of Operation

- ◇ The Plan of Operation, file-dated February 1, 2023, states that approximately two employees would be present on a daily basis to serve customers of the commercial uses that would be retail and include light food and beverages.
- ◇ Hours of operation would be Monday through Friday from 9:00 a.m. to 6:00 p.m. Weekend hours would be from 12:00 p.m. to 6:00 p.m.
- ◇ Two one-bedroom apartments are proposed on the second floor.

VARIANCE OF USE

- ◇ As proposed, this request would legally establish multi-family units on this site, that would include two dwelling units on the second floor.
- ◇ Architecturally, it appears that the building was originally constructed as a mixed-use building with commercial uses on the first floor and residential units on the second floor.
- ◇ The variance is supportable because of the historic use of the site and support of the recommendation of the Comprehensive Plan of village mixed-use, with minimal impact on adjacent land uses.

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Planning Analysis

- ◇ As proposed the request, including the variance for residential uses, would be consistent with the Comprehensive Plan recommendation of village mixed-use.
- ◇ The request is also generally supportive of the Pattern Book recommendations that include, but are not limited to, preservation of historic buildings, in proximity of a park, pedestrian connections to the sidewalks and a mixed-use structure at a density at 16.67 units per acre,
- ◇ Furthermore, the request would activate the space as it has been historically used and provide an asset to the neighborhood.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1	Multi-family uses
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SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwelling
South -	C-1	Multi-family dwelling
East -	D-5	Undeveloped land
West -	PK-1	Park

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology.

The Red Line Transit Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of Shelby Street is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 62-foot right-of-way and a proposed 78-foot right-of-way.

This portion of Southern Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the transit-oriented development overlay

SITE PLAN

File-dated February 1, 2023

FINDINGS OF FACT

File-dated February 1, 2023

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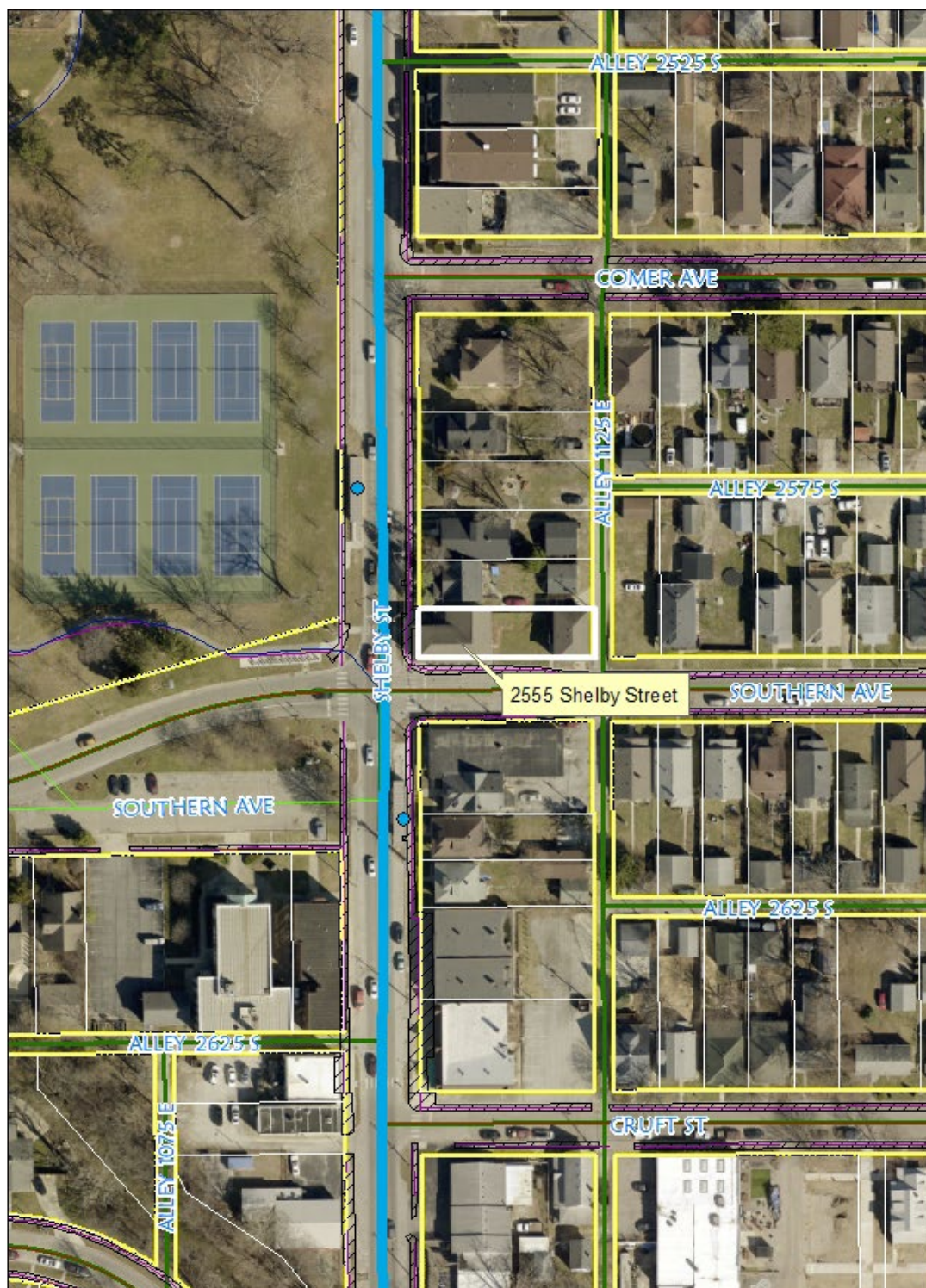
ZONING HISTORY

2022-HOV-003; 2537 Shelby Street (north of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a single-family dwelling and to provide for a 484-square foot detached garage with a six-foot east transitional yard, **approved**.

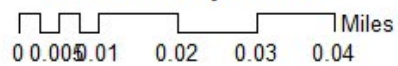
96-Z-197; 2605 Shelby Street (south of site), requested rezoning of 0.22 acre, being in the C-1 District to the C-3C classification to provide for residential and commercial uses, **denied**.

95-UV1-131; 2602-2614 Shelby Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a barbe shop, furniture sales, general retail sales, and apartment uses within an existing building without the required off-street parking, **denied**

kb



2555 Shelby Street





PROGRESS STUDIO, LLC
1155 E. 10th Street
Indianapolis, IN 46202
317.593.1735
info@progressstudio.com
BY ASSOCIATION WITH

When using this drawing, the user assumes all responsibility for the accuracy and completeness of the information provided. The user agrees to indemnify and hold the architect harmless from all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the use of this drawing.

PREPARED FOR

RP LUX

135 E MARKET ST
INDIANAPOLIS, IN 46204

PROJECT

2555 Shelby Street

2555 SHELBY ST
INDIANAPOLIS, IN 46203

CERTIFICATION



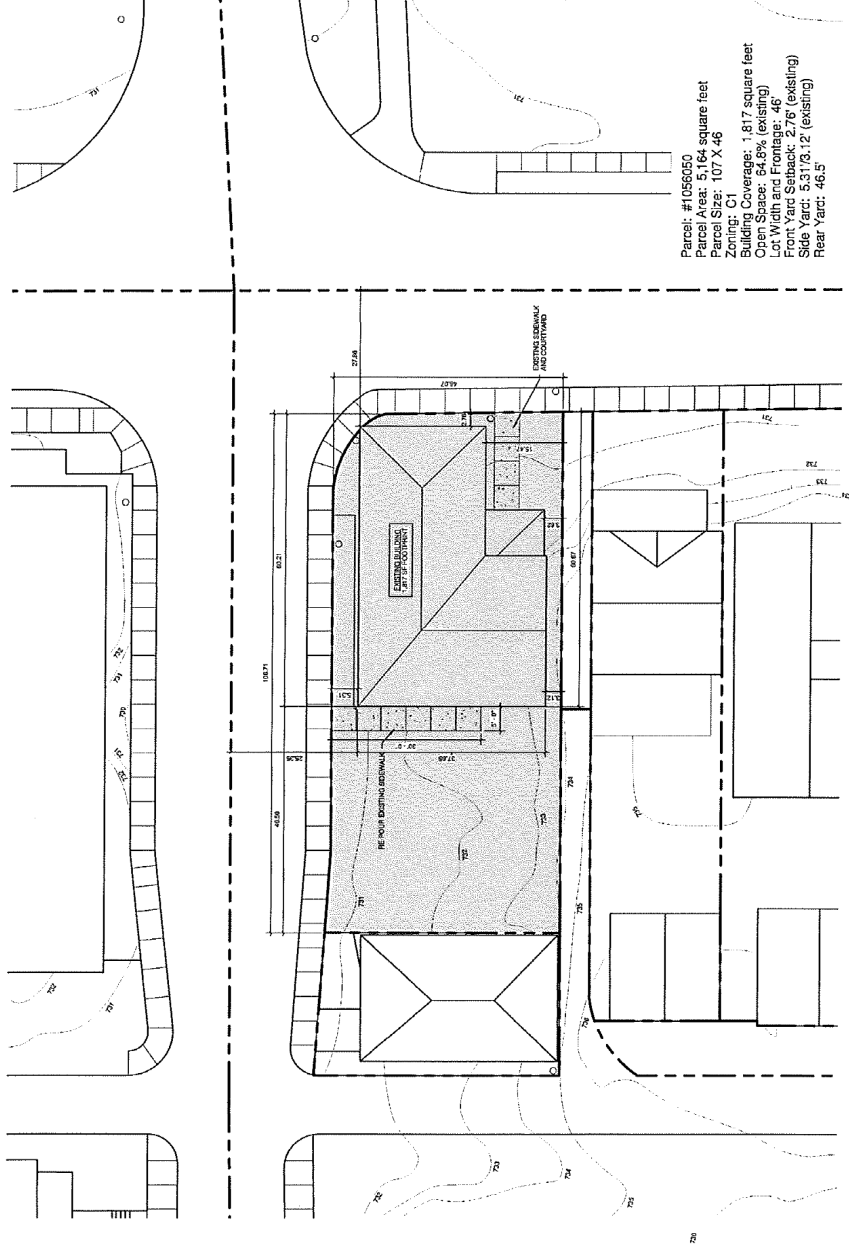
NO.	DATE	DESCRIPTION
1	05/05/2020	10% OWNER REVIEW SET
2	05/05/2020	30% OWNER REVIEW SET
3	05/05/2020	DATE SUBMITTAL SET

DRAWN BY:	OK
REVIEWED BY:	JEL

SHEET NUMBER: 2108
SHEET TITLE:
ARCHITECTURAL
SITE PLAN

SHEET NUMBER

AS101



Parcel: #1056050
Parcel Area: 5,164 square feet
Parcel Size: 107' X 46'
Zoning: C1
Building Coverage: 1,817 square feet
Open Space: 64.8% (existing)
Lot Width and Frontage: 46'
Front Yard Setback: 2.7'6" (existing)
Side Yard: 5.31/3.12 (existing)
Rear Yard: 46.5'

1 SITE PLAN
1" = 10'-0"

2555 Shelby St – Plan of Operation

Workforce.

- There will be about 2 employees on site daily. Hours of operation are 9am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on Shelby St. There is a security system and cameras 24/7.

Clients & Customers.

- The commercial space customers are coming in to buy retail goods along with some light food and beverage. Customers will come to the site, Monday through Friday 9a-6p. Along with weekend hours of 12p-6p. The commercial space can hold 20 customers. There is a porch that can be used for outside seating of an additional 5 customers weather permitting. Above the commercial space on the 2nd floor there are two 1 bedroom apartments. Each apartment will consist of 1 -2 tenants. They will be able to park their vehicles on Selby St and Southern Ave. There is an additional building on the rear of the lot that has two 1 bedroom apartments. Those 2 units consist of 1-2 tenants that park their vehicles on Southern Ave.

Materials Used.

-Consumer goods such as apparel, home décor, sandwiches, coffee and tea can be purchased.

Tables, chairs, gloves, briefs/adult diapers, arts & crafts.

No hazardous materials will be generated.

Shipping & Receiving:

-Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

Waste:

-Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The former use was apartments over a commercial tenant space, and due to the rezone request the variance of use is required. By granting the variance, it makes no injury to the public health, safety, morals, and general welfare as the use is not proposing to be changed from the previous use, as it has been throughout the parcel's history.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

the previous use as a mixed-use building is not being changed as a commercial tenant space with apartments above, and the use and value of surrounding properties will not be negatively changed or affected as the use is remaining the same as it has been historically.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The C-1 classification seems to be outdated and inappropriate for what would be a more appropriate C-3 district, in which the services of the commercial space are geared towards neighborhood-focused services of a variety of types and not purely restricted to an office use. Because of a rezone request to a C-3 district to allow for the more appropriate uses the tenant space may have, the C-3 district then throws the apartments on the 2nd floor out of compliance as it is not allowed in a C-3 district.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

the C-1 district is not appropriate for a neighborhood use whereas the C-3 district better suits the classification. As part of the rezone request the C-3 district then creates a hardship where the existing use of the apartments is non-compliant and not allowed within that district. This creates an undue hardship by requesting a rezone to correct the use more appropriate for a neighborhood, but then states otherwise that the residential use is not allowed as it has historically been used in this manner.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

the Comprehensive Plan states that this parcel shall be a Village Mixed Use, in which a rezone with this variance grant would allow for and would substantially comply with the intent of the Comprehensive Plan

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking north along Shelby Street



View looking south along Shelby Street



View of site looking east across intersection of Southern Avenue and Shelby Street



View of site looking west along Southern Avenue



View of site looking north across Southern Avenue



View of site looking north across Southern Avenue



View looking west along Southern Avenue



View from site looking west across Shelby Street