



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 14, 2026

**Case Number:** 2026-ZON-006  
**Address:** 701 Shelby Street (*Approximate Address*)  
**Location:** Center Township, Council District #18  
**Petitioner:** Patrick Burtch, by Brian Burtch  
**Request:** Rezoning of 0.143-acre from the C-5 district to the D-5 district to provide for residential uses.

**Staff Recommendations:** Approval  
**Current Land Use:** Single Family Dwelling  
**Staff Reviewer:** Robert Uhlenhake, Senior Planner

**PETITION HISTORY**

This petition was automatically continued at the request of a Registered Neighborhood Organization, from the April 9, 2026, hearing, to the May 14, 2026, hearing,

**STAFF RECOMMENDATION**

Staff recommends **approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.143-acre site is comprised of a parcel developed with a single-family dwelling.

The site is bordered the north by a commercial bar / tavern, zoned C-5, a non-profit organization to the west across Shelby Street, zoned C-S, an accessory parking lot to the south, zoned C-5, and single-family dwellings to the east with a garage, zoned C-5 and D-5.

**REZONING**

The request would rezone the property to the D-5 district to allow for residential uses that are not permitted in the existing C-5 district.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses



found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The D-5 District is intended to provide for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

**STAFF ANALYSIS**

The request would rezone the property to the D-5 district to allow for residential uses.

Staff is supportive of the request to down zone the property from the C-5 district to the D-8 district since it will continue to be used residentially without evidence of it ever being used commercially.

The rezoning would correct the residential use of the site with the corresponding zoning district.

Lastly, the rezoning of the site would ensure the protection allotted to residential dwellings in protected districts by the Ordinance could be upheld.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5	
<b>Existing Land Use</b>	Single-Family Dwelling	
<b>Comprehensive Plan Overlay</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Surrounding Context</b>
North:	C-5	Tavern / Bar
South:	C-5	Accessory Parking Lot
East:	C-5	Single-family dwelling
West:	C-S	Non-Profit offices
<b>Thoroughfare Plan</b>		
Shelby Street	Primary Arterial	57-foot existing and proposed right-of-way
Fletcher Avenue	Local Street	60-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	January 27, 2026	
<b>Elevations</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Commitments</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>C-S / D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

The Comprehensive Plan recommends the Community Commercial typology which provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

### Pattern Book / Land Use Plan

Not Applicable to the Site.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

#### Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

#### Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

### Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

Not Applicable to the Site.

## ZONING HISTORY

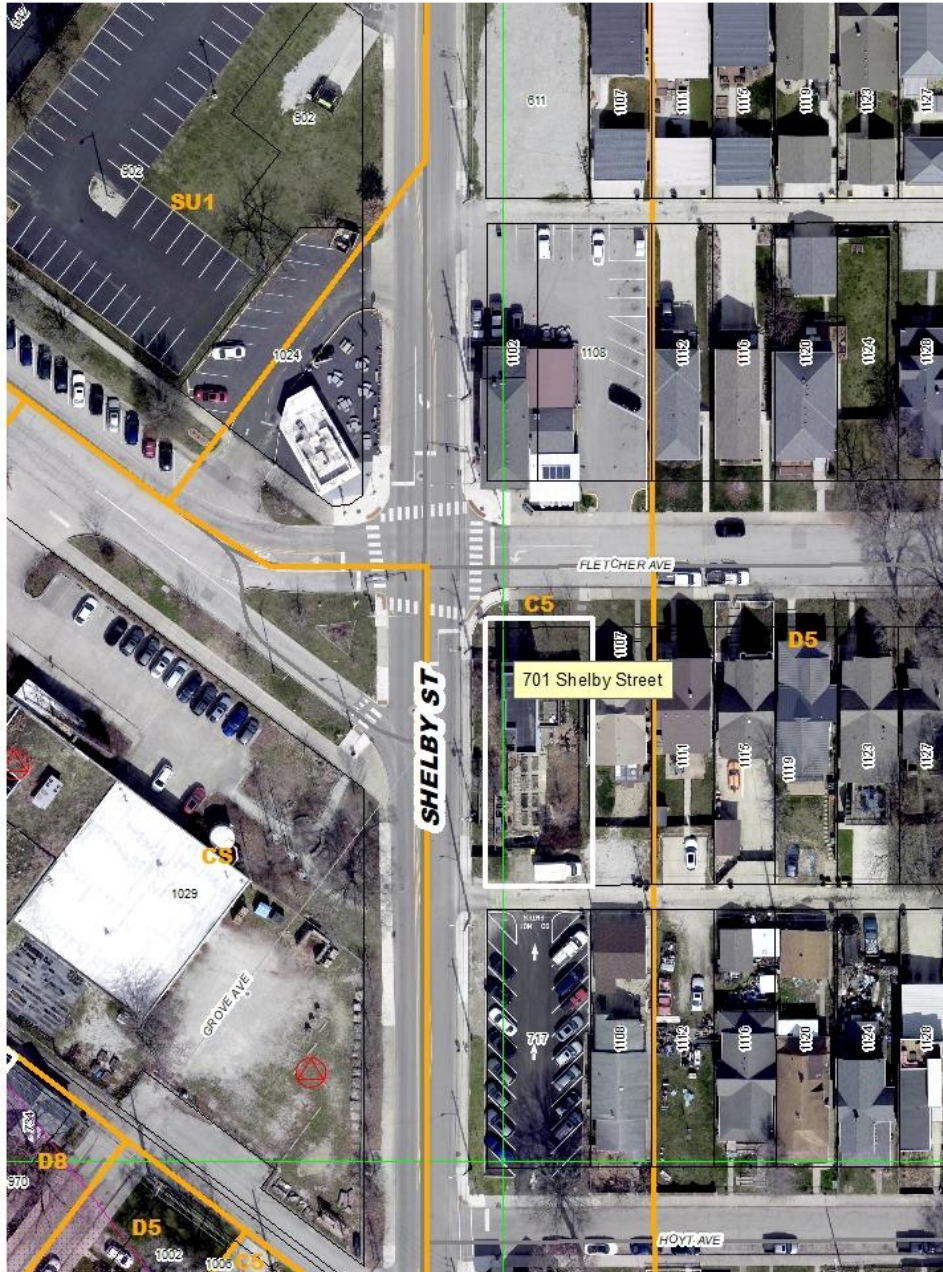
**2024-ZON-022; 1102 Pleasant Street (south of site)**, Rezoning of 0.10 acre from the C-5 (TOD) district to the D-8 (TOD) district to legally establish residential uses, **approved**.

**2018-UV3-001; 828 Shelby Street (south of site)**, Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes (not permitted), within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from Elm Street and a three-foot side setback, **approved**.

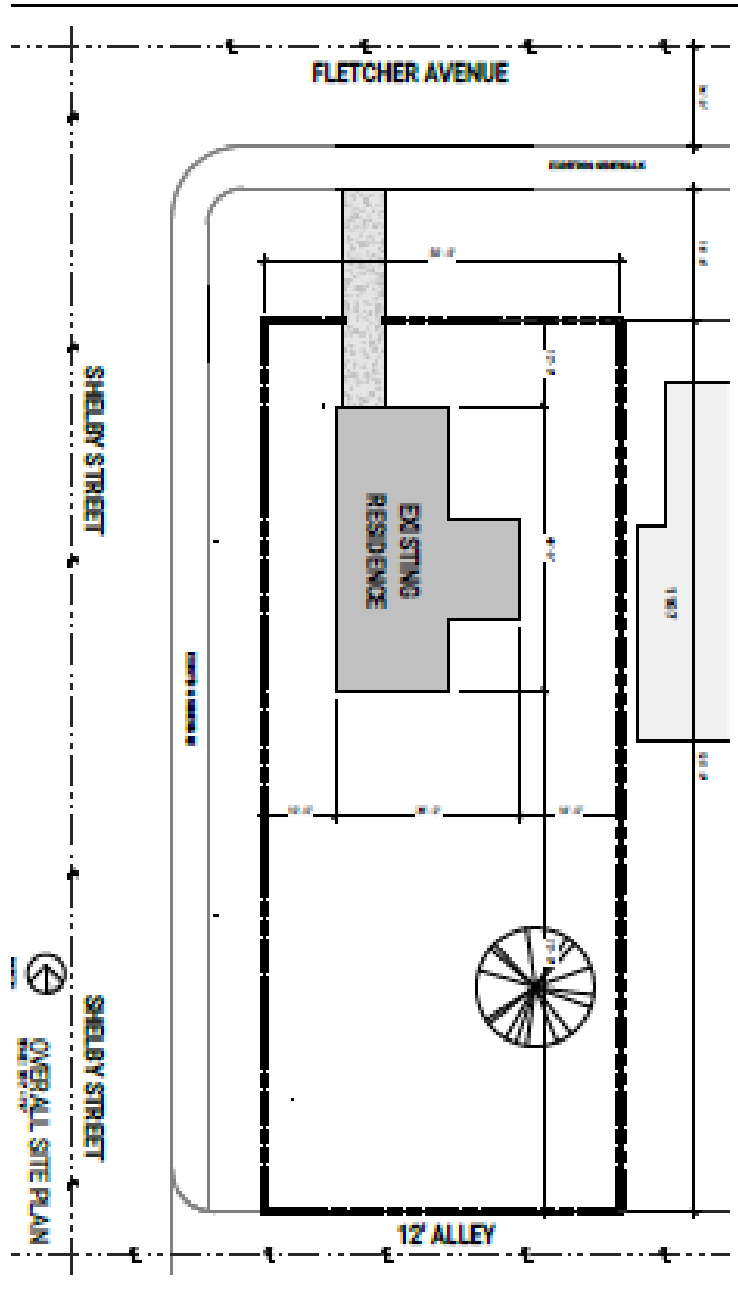
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EXHIBITS

LOCATION MAP



**SITE PLAN**



PHOTOS



Photo of subject site, looking southeast from Shelby Street frontage.



Photo of subject site, looking south from Fletcher Avenue Street frontage.



Photo of adjacent dwellings to the east, looking southeast.



Photo of adjacent commercial tavern use to the north.