



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 23, 2024

<b>Case Number:</b>	2024-ZON-052
<b>Property Address:</b>	2809 and 2811 Shelby Street (Approximate Addresses)
<b>Location:</b>	Center Township, Council District #19
<b>Petitioner:</b>	Renita Ingersoll, by William Ingersoll
<b>Current Zoning:</b>	C-5 (TOD)
<b>Request:</b>	Rezoning of 0.22-acre from the C-5 (TOD) district to the D-8 (TOD) district to provide for residential uses
<b>Current Land Use:</b>	Undeveloped
<b>Staff Recommendations:</b>	Approval with commitment.
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

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:

A 39-foot half right-of-way shall be dedicated along the frontage of Shelby Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

**PETITION OVERVIEW**

**LAND USE**

The 0.22-acre subject site is comprised of two parcels (1002121 and 1002122) located in the McCord and Wheatley's South East platted subdivision and within the Garfield Park Neighborhood.

The site is bordered to the north by a single-family dwelling, zoned C-5, two-family dwellings west across Shelby Street, zoned C-1, a mixed-use building south, zoned C-5, and a single-family dwelling east, zoned D-5.



## REZONING

The request would rezone the sites from the C-5 district to the D-8 district for residential development, which is not permitted in the current zoning 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-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

### Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Shelby Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### Staff Analysis

Aerial images as far back as 1956 show a structure on site at 2811 Shelby Street. A 1916 Baist Map shows a single-family dwelling at this site. Additionally, a Certificate of a Legal Non-Conforming use at this address was granted for one single-family dwelling within a C-5 District per 99-NC-38. Therefore, rezoning the site to be used for residential uses would not be out of character with the historical use of the site.

No evidence was found to determine that the property at 2809 Shelby Street has ever been developed. However, with historical residential development on this block it would not be out of line to also promote residential development at this site.

Additionally, the rezoning of the sites to the D-8 district would align with the Comprehensive Plan recommendation for traditional neighborhood development and would ensure the protection allotted to residential dwellings in protected districts by the Ordinance could be upheld.

For these reasons, staff is supportive of down zoning the properties from the C-5 district to the D-8 district.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5 (TOD)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-5 Residential (Single-family dwelling)
	South:	C-5 Commercial / Residential
	East:	D-5 Residential (Single-family dwelling)
	West:	C-1 Residential (Two-family dwellings)
<b>Thoroughfare Plan</b>		
Shelby Street	Secondary Arterial Street	78-foot proposed right-of-way and 54-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- SoIndy Quality of Life Plan (2017)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-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.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - 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.
  - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

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

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station is within a ½ mile south at the intersection of Shelby Street and Troy Avenue.
- This station is classified as a Walkable Neighborhood Typology that would promote a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, with no front or side

setbacks at core: zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, and a mix of multi-family and single-family housing. Structured parking at the core and attractive surface parking at the periphery is recommended.

### Neighborhood / Area Specific Plan

- The SolIndy Quality of Life Plan (2017) calls for Shelby Street to become a commercial destination with an increased variety of small local businesses.
- There is an action step to engage with Ball State University College of Architecture and Planning and DMD to lead a transit-oriented development study (TOD) of the Shelby Street corridor from Beecher Street to Hanna Avenue that focuses on creating a village community.
- Another action step listed is to create Shelby Street Merchants Association (SSMA) that is inclusive of all businesses along Shelby Street Corridor from Beecher St. to Hanna Ave.
- Staff is not certain if the proposed action steps have commenced.

### Infill Housing Guidelines

#### BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS

- **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
- **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed, or flush, narrow or wide.
- **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
- **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.

- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

#### **Indy Moves**

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

- There is an existing on-street bike lane along Shelby Street from Beecher Street to Troy Street.



## ZONING HISTORY

### Zoning History- Site

**99-NC-38; 2811 Shelby Street** (subject site), Certificate of Legal Non-Conforming Use for one single-family dwelling within a C-5 District, **granted**.

### Zoning History- Vicinity

**2021-UV1-011; 1125 McCord Street** (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling to convert it into two dwelling units (not permitted) on a 60-foot-wide lot (70-foot-wide lot required), and the construction of a detached garage with access to McCord Street (access required from improved alley), **granted**.

**99-UV1-112; 2803 South Shelby Street** (north of site), Variance of use of the Commercial Zoning Ordinance to legally establish a single-family residence (not permitted), **granted**.

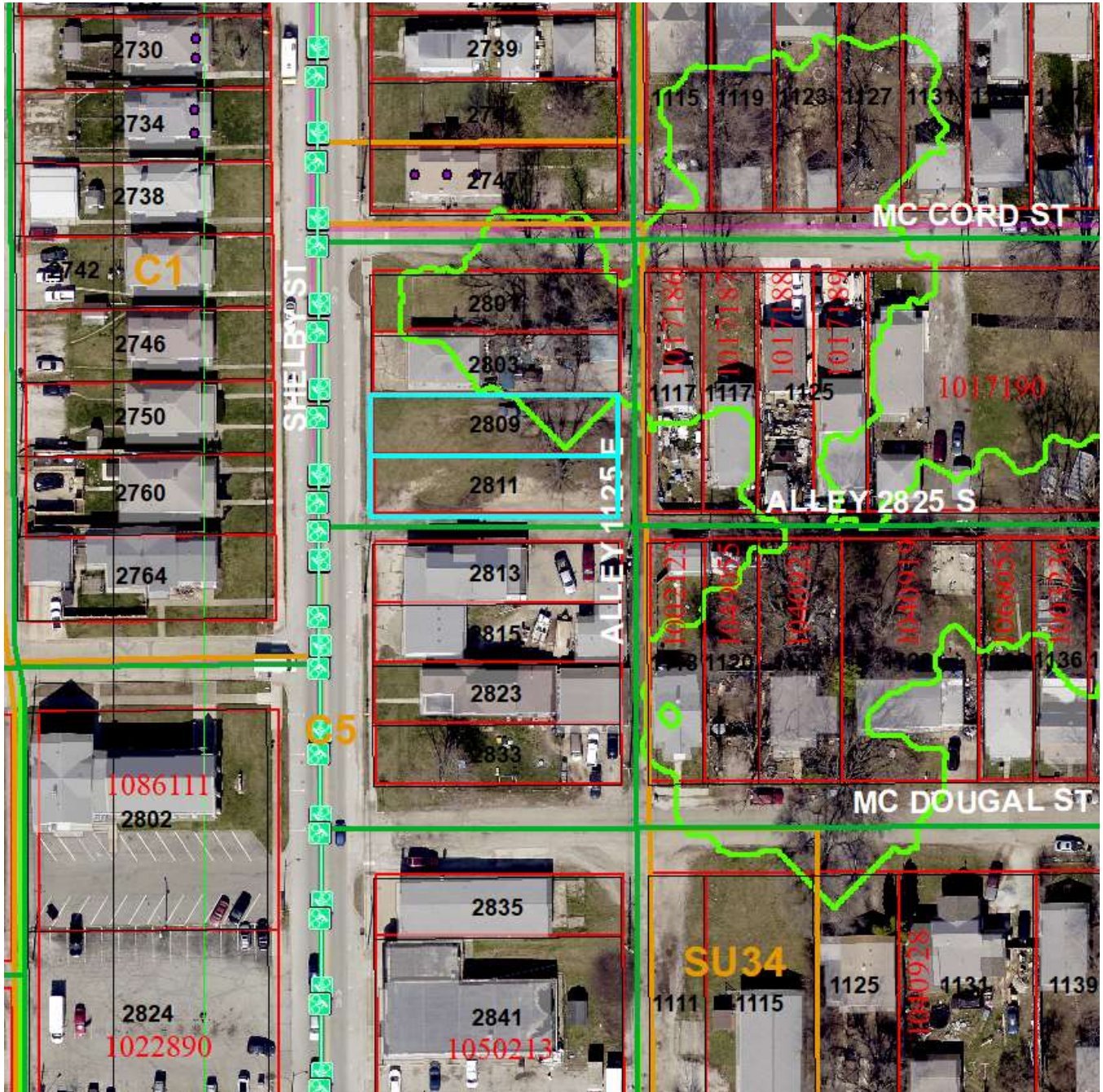
**98-Z-91; 2747 South Shelby Street** (north of site), Rezoning of 0.1 acre, being in the C-1 District, to the D-5 classification to provide for a single-family residence, **approved**.

**97-UV3-14; 2747 South Shelby Street** (north of site), Variance of use of the Commercial Zoning Ordinance to provide for the conversion of a single-family residence into a two-family residence, **granted**

**95-UV3-16; 2815 South Shelby Street** (south of site), Variance of use of the Commercial Zoning Ordinance to legally establish a heating and cooling business (not permitted) with one residential unit (not permitted), **granted**.



**EXHIBITS**





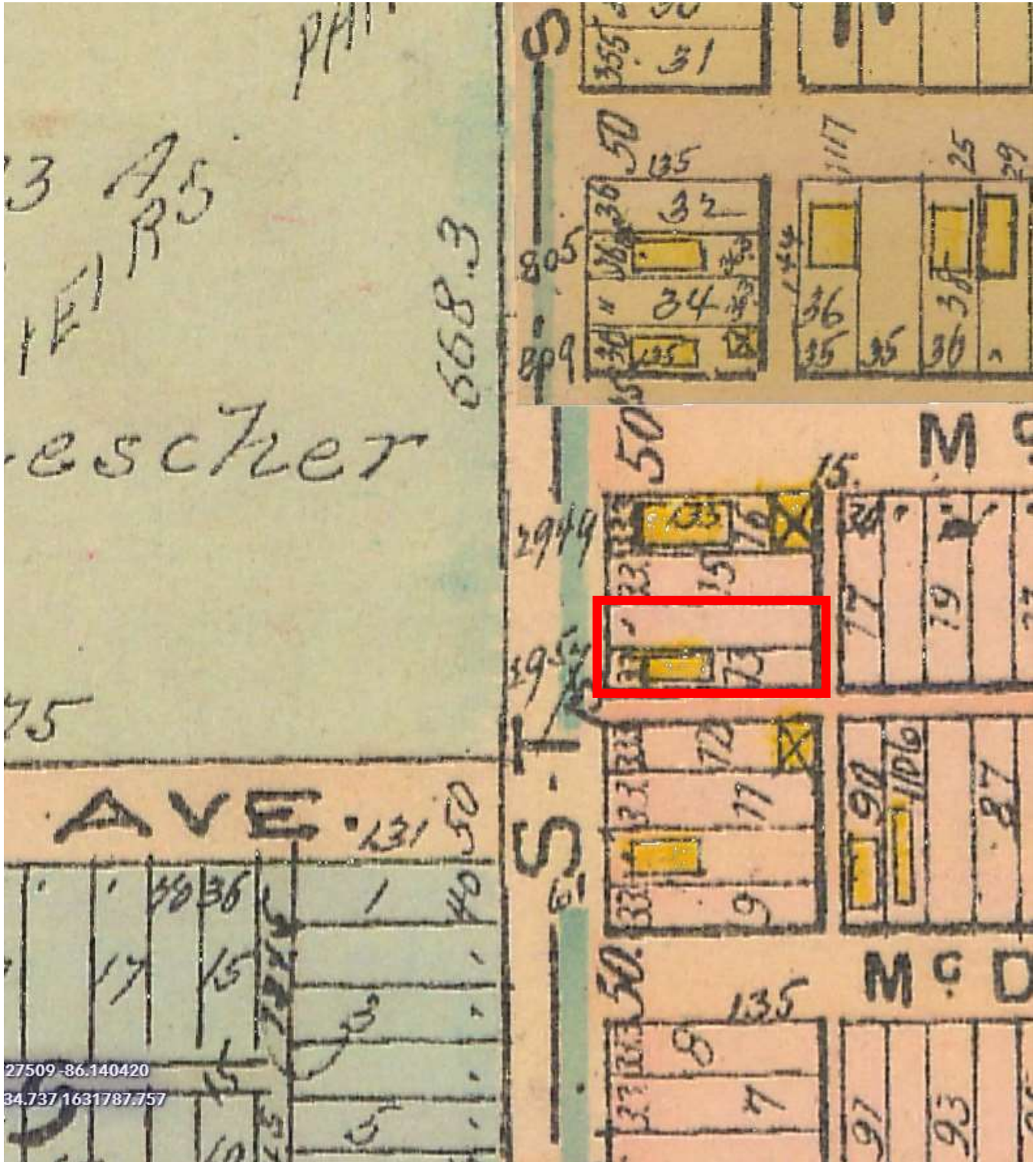






Photo of the subject site.



Photo of 2811 Shelby Street looking west from the alley.





Photo of 2809 looking west from the alley.



Photo of the alley east of the site looking north.





Photo of the single-family dwelling north of the site.



Photo of the mixed-use building south of the site across from an alley.



Photo of single and two-family dwellings west of Shelby Street.