



Metropolitan Development Commission Plat Committee (November 12, 2025) Meeting Agenda

Meeting Details

Notice is hereby given that the Plat Committee of the Metropolitan Development Commission of Marion County, IN will hold public hearings on:

Date: Wednesday, November 12, 2025 **Time:** 1:00 PM

Location: Room 260, 2nd Floor, City-County Building, 200 E. Washington Street

At which time and place the following petitions requesting approval of subdivision plats and petitions and resolutions for the vacation of Streets, Alleys, Plats, or Public Grounds, will be heard, pursuant to Indiana Code 36-7-4-700, series and action thereon determined.

Business:

Adoption of Meeting Minutes:

Special Requests

[2025-PLT-077](#) | 1406 and 1419 South Capitol Avenue

Center Township, Council District #18, zoned D-8

GPG Holdings LLC, NAMSSOB Investments LLC, WAZ Investments LLC and SWONK Investments LLC, by Misha Rabinowitch

Approval of a Subdivision Plat, to be known as Capitol Canal Re-Plat, a replat of Lots 2-11 in Schmitt and Kottkamp Subdivision, Lots 12-15 in Fredericks Beck's South Meridian Street Addition, Lots 25-32 in Rech's South Meridian Street Subdivision, vacated streets and alleys, and metes and bounds lots, combining 5.931 acres into one lot.

****Petition to be withdrawn****

PETITIONS REQUESTING TO BE CONTINUED:

1. **2025-PLT-046 | 324 South College Avenue**

Center Township, Council District #18, zoned D-8 (FP - IHPC) (TOD)

Carmone Holdings, LLC, by Mark and Kim Crouch

Approval of a Subdivision Plat to be known as Stellard College Avenue Homes, dividing 0.18-acre into two lots, including a vacation of a 10-foot wide east-west alley abutting the parcel to the north, from the west right-of-way line of College Avenue, west 197.45 feet, to the east right-of-way line of Cincinnati Street, and a vacation of a portion of a 15-foot wide east-west alley abutting the parcel to the south, from the west right-of-way line of College Avenue, west 197.45 feet, to the east right-of-way line of Cincinnati Street, with a waiver of the assessment of benefits.

****Staff to request continuance to December 10, 2025 meeting****

2. **2025-PLT-073 | 11700 & 11850 East 38th Street and 4002 North Carroll Road**

Lawrence Township, Council District #15, zoned D-4 (FF) (Cluster)

Keith Russell and Robert Fraley, by David Gilman

Approval of a Subdivision Plat, to be known as Dotson Farms, dividing 46.75 acres into 138 lots.

****Staff to request continuance to December 10, 2025 meeting****

- 3. 2025-VAC-010 | Ashton Village, 7511 New August Road**
Pike Township, Council District #1
Ashton Apartments LLC (Douglas B. Wagner), by Brian K. Robinson

Vacation of two (2) drainage easements identified as Instrument No. A201100029696 and Instrument No. A201600135192 in Exhibit 1, with a waiver of the assessment of benefits.

****Staff to request continuance to December 10, 2025 meeting****

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2025-PLT-075 | 548 East 82nd Street**
Washington Township, Council District #2, zoned D-2
Penny A Weed LLC, by Misha Rabinowitch

Approval of a Subdivision Plat, to be known as William's Crown, a replat of a part of Lot 19 in Orchard Acres and a portion of a vacated street east of said lot, dividing 0.857-acre into two lots.

- 5. 2025-PLT-076 | 3915 Moller Road**
Pike Township, Council District #5, zoned MU-1 / C-4
Meijer Stores Limited Partnership, Hodges Commons Limited Partnership, by Tyler J. Thompson

Approval of a Subdivision Plat, to be known as Replat of Lots A and B of the replat of Lot 2 of the final plat of Eagle Branch Library Subdivision, dividing 4.323 acres into three lots.

- 6. 2025-VAC-008 | 4344 Wanamaker Drive**
Franklin Township, Council District #25
Keith Williams, by Joseph D. Calderon

Vacation of Markwood Avenue, being 25 feet in width, from the southwest corner of Lot 53 of Wanamaker Village, 4th Section, along the south right-of-way line of Markwood Avenue 94.99 feet, to the west right-of-way line of Wanamaker Drive, north 54.5 feet, from the west right-of-way line of Wanamaker Drive along the north right-of-way line of Markwood Avenue approximately 95.92 feet as provided in Exhibit A, with a waiver of the Assessment of Benefits.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

- 7. 2025-PLT-074 | 8707 Shelby Street**
Perry Township, Council District #23, zoned HD-2
Shelby Street Property, LLC., by Tyler J. Thompson

Approval of a Subdivision Plat, to be known as Replat of Shelby Street Property Lot 2 Re-Subdivision, dividing 8.948 acres into two lots, with a waiver of the sidewalk requirement along Shelby Street.

Additional Business:

****The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of**

Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

**PLAT COMMITTEE
of the
METROPOLITAN DEVELOPMENT COMMISSION (MDC)**

Member	Approving Authority	Term
Janis Wilson (Chairperson)	MDC	01/1/2025 - 12/31/2025
Kelly Evans	MDC	01/1/2025 - 12/31/2025
Brandon Herget	MDC	05/21/2025 - 12/31/2025
Destiny McCormick	MDC	01/1/2025 - 12/31/2025
Brittany Rasdall	MDC	01/1/2025 - 12/31/2025

This meeting can be viewed live at [indy.gov: Channel 16 Live Web Stream](https://indy.gov/Channel16LiveWebStream). The recording of this meeting will also be archived (along with recordings of other City/County entities) at [indy.gov: Watch Previously Recorded Programs](https://indy.gov/WatchPreviouslyRecordedPrograms).

PLAT COMMITTEE

November 12, 2025

Case Number: 2025-PLT-077

Property Address: 1406 and 1419 South Capitol Avenue (*Approximate Addresses*)

Location: Center Township, Council District # 18

Petitioner: GPG Holdings LLC, NAMSSOB Investments LLC, WAZ Investments LLC and SWONK Investments LLC, by Misha Rabinowitch

Zoning: D-8

Request: Approval of a Subdivision Plat, to be known as Capitol Canal Re-Plat, a replat of Lots 2-11 in Schmitt and Kottkamp Subdivision, Lots 12-15 in Fredericks Beck's South Meridian Street Addition, Lots 25-32 in Rech's South Meridian Street Subdivision, vacated streets and alleys, and metes and bounds lots, combining 5.931 acres into one lot.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

The scope of work proposed by this petition wouldn't require the approval of a plat petition. Therefore, staff will request that the Board acknowledge withdrawal of the petition at the November 12th hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

October 8, 2025

Case Number:	2025-PLT-046
Property Address:	324 South College Avenue (<i>Approximate Address</i>)
Location:	Center Township, Council District # 18
Petitioner:	Prestige Developments, LLC, by Mark and Kim Crouch
Zoning:	D-8 (FP – IHPC) (TOD)
Request:	Approval of a Subdivision Plat to be known as Stellard College Avenue Homes, dividing 0.18-acre into two lots, including a vacation of a 10-foot wide east-west alley abutting the parcel to the north, from the west right-of-way line of College Avenue, west 197.45 feet, to the east right-of-way line of Cincinnati Street, and a vacation of a portion of a 15-foot wide east-west alley abutting the parcel to the south, from the west right-of-way line of College Avenue, west 197.45 feet, to the east right-of-way line of Cincinnati Street, with a waiver of the assessment of benefits.
Waiver Requested:	Waiver of assessment of benefits
Current Land Use:	Vacant lot; alleys
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

11/12/25: Staff will request a continuance to the December 10th hearing date of the Plat Committee in order to allow additional time for a meeting between staff, the petitioner, and a neighborhood representative as well as time for a clarification of the scope of work and provision of an updated survey.

10/8/25: To allow time for a revised survey to be provided, for the scope of work to be clarified, and to allow for additional time for discussion between staff, the petitioner, and the neighborhood, staff will request that this petition be continued to the November 12th Plat Committee hearing date. A full staff report will be made available in advance of that hearing date.



**Department of Metropolitan Development
Division of Planning
Current Planning**

PLAT COMMITTEE

November 12, 2025

Case Number: 2025-PLT-073

Property Address: 11700 & 11850 East 38th Street and 4002 North Carroll Road (Approximate Addresses)

Location: Lawrence Township, Council District #15

Petitioner: Keith Russell and Robert Fraley, by David Gilman

Zoning: D-4 (FF) (Cluster)

Request: Approval of a Subdivision Plat, to be known as Dotson Farms, dividing 46.75 acres into 138 lots.

Waiver Requested: None

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a publication error by staff, this petition will not be able to be heard on the November 12th hearing date. Staff will request that the subject petition be continued to the December 10, 2025 hearing date of the Plat Committee to allow time for proper notice to be published.



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE**November 12, 2025**

Case Number: 2025-VAC-010

Property Address: Ashton Village, 7511 New Augusta Road (*Approximate Address*)

Location: Pike Township, Council District #1

Petitioner: Ashton Apartments LLC (Douglas B. Wagner), by Brian K. Robinson

Request: Vacation of two (2) drainage easements identified as Instrument No. A201100029696 and Instrument No. A201600135192 in Exhibit 1, with a waiver of the assessment of benefits.

Waiver Requested: Assessment of Benefits

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

Due to a publication error by staff, this petition will not be able to be heard on the November 12th hearing date. Staff will request that the subject petition be continued to the December 10, 2025 hearing date of the Plat Committee to allow time for proper notice to be published.



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

November 12, 2025

Case Number:	2021-PLT-075
Property Address:	548 East 82 nd Street (<i>Approximate Address</i>)
Location:	Washington Township, Council District #2
Petitioner:	Penny A Weed LLC, by Misha Rabinowitch
Zoning:	D-2
Request:	Approval of a Subdivision Plat, to be known as William's Crown, a replat of a part of Lot 19 in Orchard Acres and a portion of a vacated street east of said lot, dividing 0.857-acre into two lots.
Waiver Requested:	None
Current Land Use:	Undeveloped
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated October 2, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.



**Department of Metropolitan Development
Division of Planning
Current Planning**

9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned D-2 and made up of one (1) existing lot. This lot was developed with a single-family dwelling that was demolished in 2022 and is currently undeveloped. This proposed plat would divide this property into two (2) lots—Lot One would contain 19,814 square feet, and Lot Two would contain 17,528 square feet. A portion of a cul-de-sac known as County Lane was vacated via the petition 2021-VAC-005 and is also proposed as a part of Lot 2.

Although this plat was approved by the Committee via the petition 2021-PLT-074, it was not formally recorded within two (2) years of approval and therefore would require re-approval. The proposed plat meets the standards of the D-2 zoning classification.

STREETS

Lots One and Two would front on East 82nd Street. No new streets are proposed.

SIDEWALKS

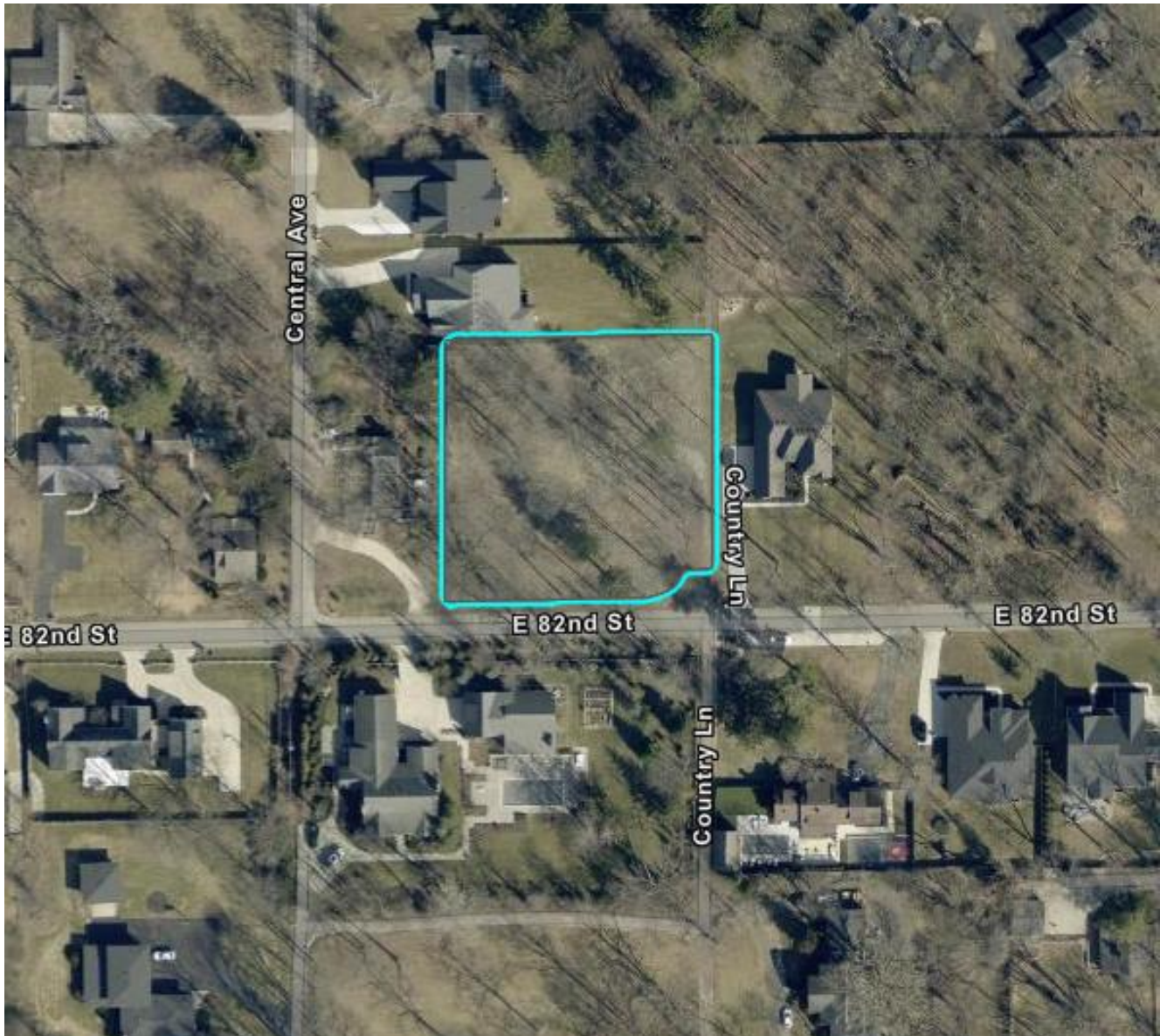
Sidewalks are not required per the exemption in Section 744-303.B of the zoning and subdivision ordinance.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-2	Single-Family residential
South:	D-2	Single-Family residential
East:	D-2	Single-Family residential
West:	D-2	Single-family residential
Thoroughfare Plan		
East 82 nd Street	Primary Collector	40-foot existing and 80-feet proposed
Petition Submittal Date	October 2, 2025	

EXHIBITS

2025PLT075 ; Aerial Map



11

Photos



Photo 1: Proposed Lot 1



Photo 2: Proposed Lot 2



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

November 12, 2025

Case Number:	2025-PLT-076
Property Address:	3915 & 3919 Moller Road (<i>Approximate Addresses</i>)
Location:	Pike Township, Council District # 5
Petitioner:	Meijer Stores Limited Partnership, Hodges Commons Limited Partnership, by Tyler J. Thompson
Zoning:	MU-1 / C-4
Request:	Approval of a Subdivision Plat, to be known as Replat of Lots A and B of the replat of Lot 2 of the final plat of Eagle Branch Library Subdivision, dividing 4.323 acres into three lots.
Waiver Requested:	None
Current Land Use:	Private Drive / Undeveloped
Staff Reviewer:	Michael Weigel, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated October 8, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.



**Department of Metropolitan Development
Division of Planning
Current Planning**

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject parcels are split-zoned C-4 and MU-1, and are currently improved with a private drive leading from Moller Road to the Honey Creek Shopping Center but are undeveloped otherwise. The petition 2022-CPL-805 created this lot, and approval of this plat would further subdivide it into three (3) parcels, per the below plat. Lot A would be comprised of 1.918 acres, Lot B-1 would be comprised of 0.964 acres, and Lot B-2 would be comprised of 1.441 acres. The proposed plat meets the standards of the C-4 and MU-1 zoning districts.

STREETS

Lot A would front on Moller Road to the west. Lot B-1 would front on and contain the existing private access drive, and Lot B-2 would front on the private access drive to the north. No new streets are proposed as part of this petition.

SIDEWALKS

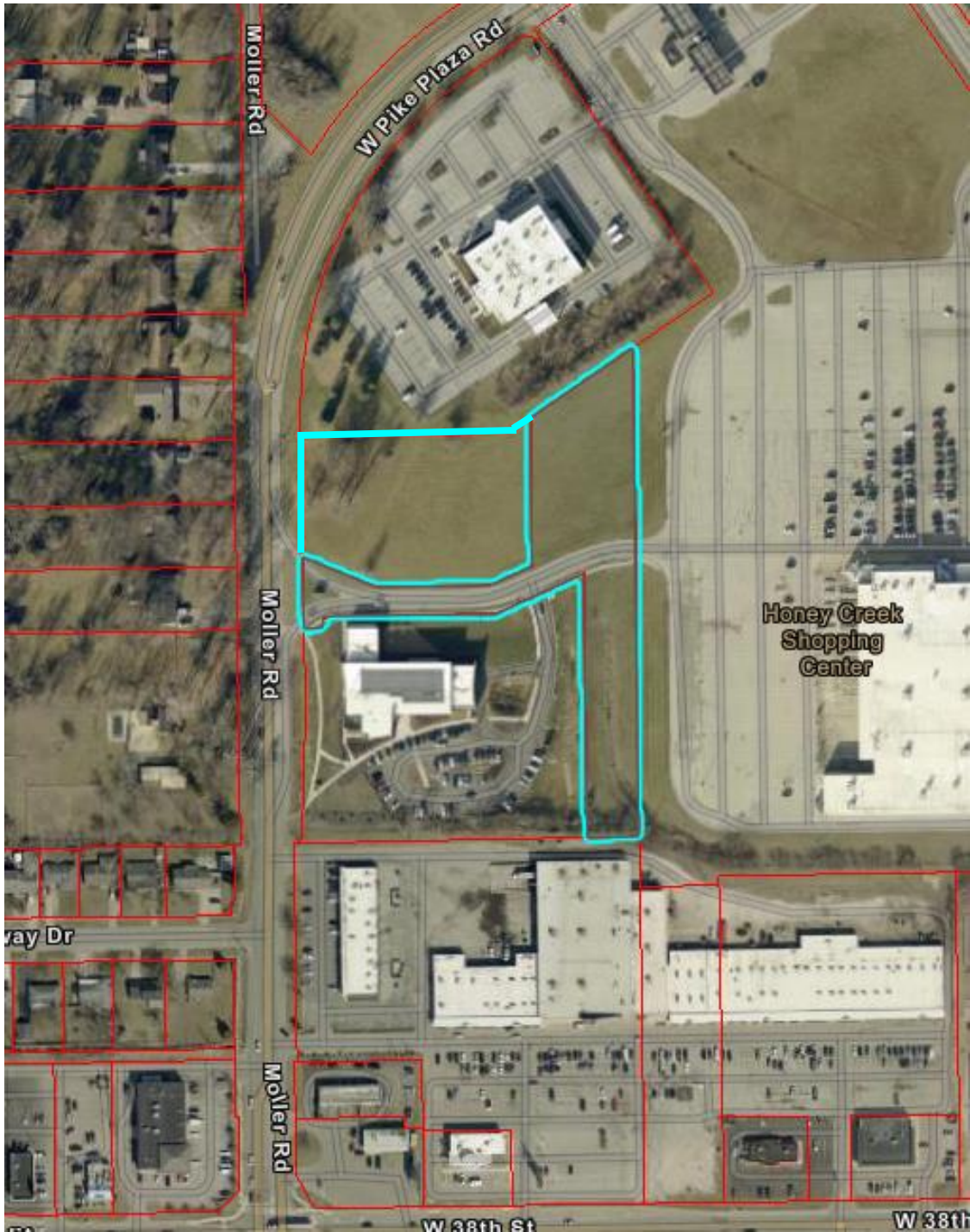
Sidewalks would be required along Moller Road to the west. The approval of the petition 2022-CPL-805 granted a waiver of the sidewalk requirements along Moller Road with a condition that installation of sidewalks on Moller Road by the Department of Public Works is concurrent with or completed prior to the development of the site (this condition would still be applicable after this replat).

GENERAL INFORMATION

Existing Zoning	MU-1 / C-4	
Existing Land Use	Private Drive / Undeveloped	
Comprehensive Plan	Commercial Retail and Service	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	MU-1 / C-4	Medical
South:	SU-37 / C-3	Library / Commercial
East:	C-4	Commercial
West:	D-2	Residential
Thoroughfare Plan		
Shelbyville Road	Primary Arterial	120-foot existing and proposed
Gray Road	Primary Arterial	46-foot existing and 80-foot proposed
Petition Submittal Date	October 8, 2025	

EXHIBITS

2025PLT076 ; Aerial Map





PHOTOS



Photo 1: Subject Site Viewed from West (March 2022)



Photo 2: Lot A Viewed from Southeast (March 2022)



Photo 3: Proposed Lot B-1 Viewed from South (July 2024)



Photo 4: Proposed Lot B-1 Viewed from North (July 2024)



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

November 12, 2025

Case Number: 2025-VAC-008

Property Address: 4344 Wanamaker Drive (*Approximate Address*)

Location: Franklin Township, Council District #25

Petitioner: Keith Williams, by Joseph D. Calderon

Request: Vacation of Markwood Avenue, being 25 feet in width, from the southwest corner of Lot 53 of Wanamaker Village, 4th Section, along the south right-of-way line of Markwood Avenue 94.99 feet, to the west right-of-way line of Wanamaker Drive, north 54.5 feet, from the west right-of-way line of Wanamaker Drive along the north right-of-way line of Markwood Avenue approximately 95.92 feet as provided in Exhibit A, with a waiver of the Assessment of Benefits.

Waiver Requested: Assessment of Benefits

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff finds the **vacation** would be in the public interest and recommends the vacation petition be **approved**. Staff supports the **waiver of the Assessment of Benefits** and recommends **approval**.

RECOMMENDED MOTION (approval of waiver request): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-008; that the vacation be subject to the right of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate a portion of the right-of-way of Markwood Avenue located to the west of Wanamaker Drive per the above request. The proposed area to be vacated is improved with an asphalt driveway that leads to the existing residence at 4344 Wanamaker Drive. Markwood Avenue does not extend to the east or the west past the area proposed for vacation (the driveway is bordered by a single-family home and land part of a residential subdivision respectively). The vacation of this portion of the street right-of-way would be in the public interest, and the below exhibit shows the vacation area.



Department of Metropolitan Development
Division of Planning
Current Planning

Staff would also note that a Special Request by the petitioner was granted by the Plat Committee on October 8, 2025 to allow for this petition to be heard without a notarized consent form from the property owner to the south (Chessington Grove Homeowners Association). Legal notice was still provided to the HOA as well as to surrounding property owners, neighborhood groups, and public utilities.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner, nor Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the County Assessor determines how the vacated right-of-way will be assessed for tax purposes. Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

ASSESSMENT OF BENEFITS

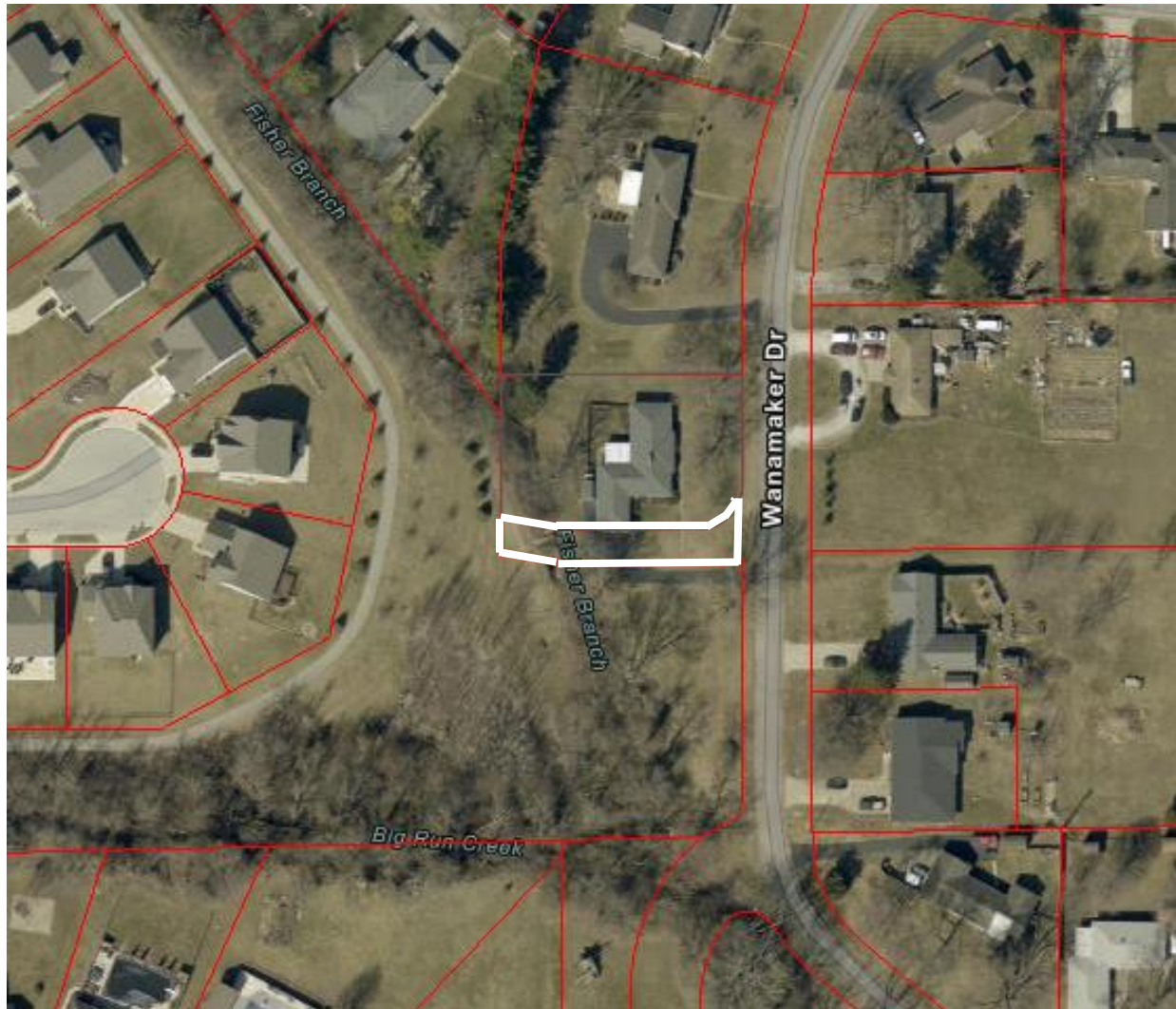
Portions of the existing right-of-way are improved with a hardscaped asphalt driveway. However, per aerial photography it appears that the majority of the driveway area is on the parcel to the south of the current Markwood Avenue right-of-way that is owned by the Chessington Grove HOA. The negotiation of an easement agreement between the owner of 4344 Wanamaker and the HOA to allow for that access would be advisable if no such easement already exists.

With regards to the requested waiver of the Assessment of Benefits, staff would note that most of the area requested to be vacated is unimproved, with a small portion improved with asphalt likely placed by the homeowner and not by any City entity. Therefore, staff recommends approval of the waiver.

GENERAL INFORMATION

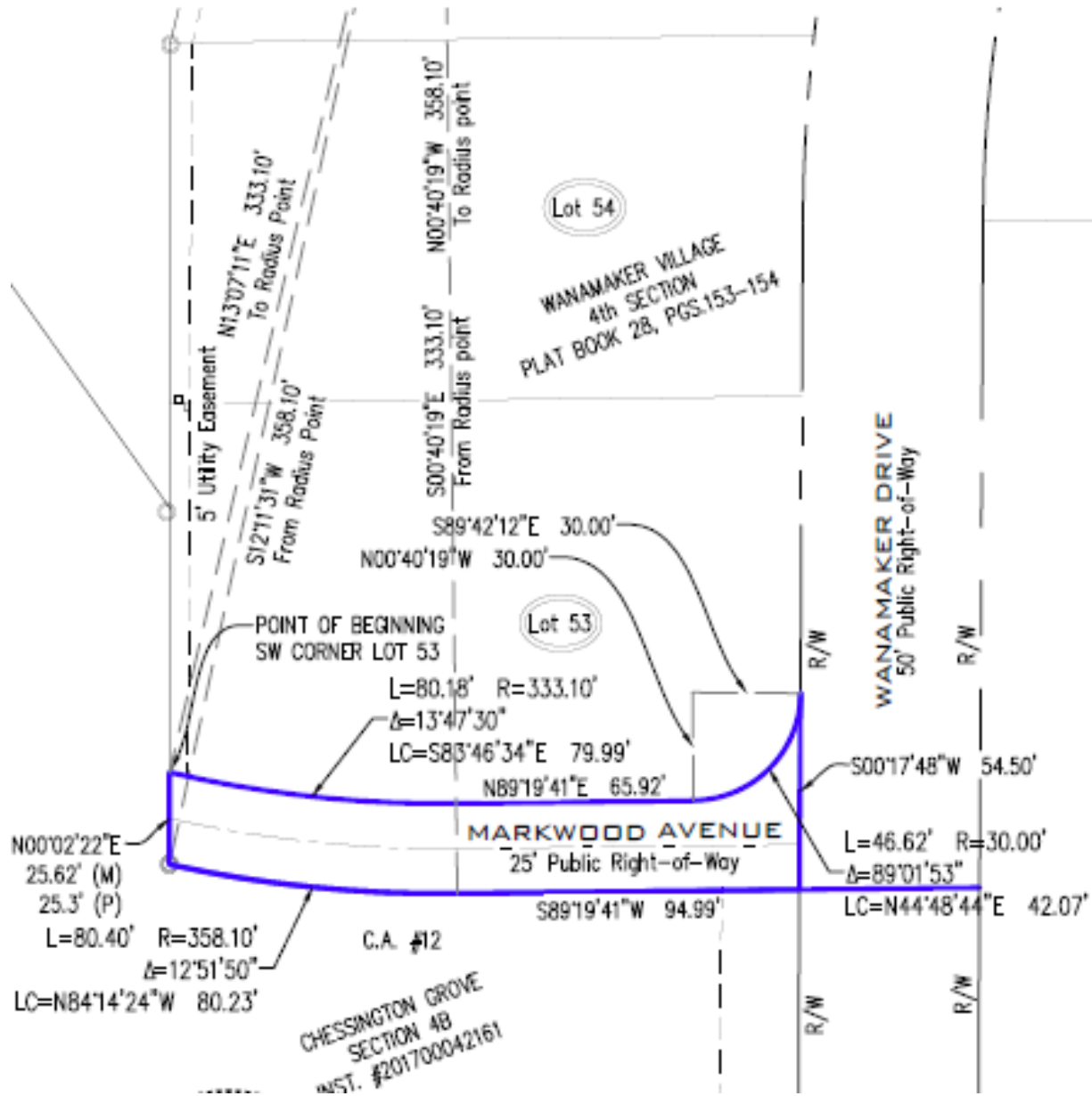
Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-2	Residential
South:	D-2	Residential
East:	D-A	Residential
West:	D-P	Residential
Thoroughfare Plan		
Wanamaker Drive	Local Street	50-foot existing and 50-feet proposed
Markwood Avenue	Local Street	25-foot existing and 50-feet proposed

EXHIBITS



1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

It will allow for access to an existing residence (4344 Wanamaker Drive) which is the only residential property served by a right-of-way which was never improved.



PHOTOS



Photo 1: Existing 4344 Wanamaker Residence Viewed from East



Photo 2: Existing 4344 Wanamaker Driveway Viewed from East



Photo 3: Adjacent Property to South of Driveway



Photo 4: Adjacent Property to East



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT COMMITTEE

October 8, 2025

Case Number: 2025-PLT-074

Property Address: 8707 Shelby Street (*Approximate Address*)

Location: Perry Township, Council District #23

Petitioner: Shelby Street Property, LLC., by Tyler J. Thompson

Zoning: HD-2

Request: Approval of a Subdivision Plat, to be known as Replat of Shelby Street Property Lot 2 Re-Subdivision, dividing 8.948 acres into two lots, with a waiver of the sidewalk requirement along Shelby Street.

Waiver Requested: Sidewalks

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated October 7, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.



**Department of Metropolitan Development
Division of Planning
Current Planning**

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the requested waiver of sidewalk requirements along Shelby Street be denied; the required sidewalk shall be shown on and affixed to the Final Plat prior to recording.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is zoned HD-2 and is currently undeveloped. It was previously subdivided by the petition 2022-PLT-076 to create two lots. The northern lot is currently under development for the addition of a new driveway leading from Shelby Street to a medical facility being built to the northeast of the subject site. The previous petition did not apply for or receive a waiver of the sidewalk requirements along Shelby Street. The proposed plat would subdivide the site into two new lots (2A and 2B) per the below plat. The proposed plat would meet the standards of the HD-2 zoning classification and the subdivision regulations.

STREETS

Lot 2B would have direct access to Shelby Street, and Lot 2A would have access to Shelby through Lot 2B. No new streets are proposed as a part of this petition.

SIDEWALKS

Sidewalks would be required along Shelby Street, and the applicant is seeking a waiver of the requirement along the 550 linear feet of frontage. No waiver of sidewalk requirements was granted or sought for the previous subdivision of the land in 2022. Findings of Fact submitted by the applicant are included within the Exhibits below.

When visiting the site, staff did not note any physical limitations of the land that would prevent the installation of sidewalks along the frontage (see Photos 3-5). The Ordinance indicates that waivers may be contemplated in instances of *extreme* difficulty caused by topography or grade change. Staff finds that insufficient evidence has been provided to demonstrate the presence of a physical hardship or condition that meets the waiver criteria outlined in Section 744-301.G of the Ordinance.

While a drainage ditch exists near the northern boundary of the proposed subdivision, which may limit sidewalk placement directly adjacent to the right-of-way, staff notes that pedestrian infrastructure exists and is planned in the immediate vicinity. Internal walkways are established at the senior living facility located at 8606 Shelby Street and are proposed on the adjoining lot to the north per the approval petition 2025-APP-012, as shown in the submitted exhibits. Collectively, these facilities provide an opportunity to maintain pedestrian connectivity along Shelby Street consistent with the intent of mobility and connectivity standards within the Ordinance, while accommodating site-specific drainage conditions.

Installation of an expansive and interconnected sidewalk network is a core component of the City's Vision Zero initiative to reduce traffic fatalities and promote walkable communities, and this goal is especially relevant for an area with a high concentration of both senior apartment and medical uses serving a population that might be less likely to utilize automobiles. For this reason and for the lack of difficulty preventing sidewalk placement, staff recommends denial of the waiver request.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	HD-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	HD-2	Undeveloped
South:	HD-2 / C-1	Commercial / Residential
East:	HD-2	Medical
West:	D-A / SU-1	Residential / Religious Use
Thoroughfare Plan		
Shelby Street	Primary Collector	90-foot existing and 90-foot proposed
Petition Submittal Date	October 7, 2025	

EXHIBITS

2025PLT074 ; Aerial Map







**Department of Metropolitan Development
Division of Planning
Current Planning**

2025PLT074 ; Findings of Fact

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

There are currently no development plans for the newly created lots, meaning pedestrian traffic is not expected to increase in the near term.

The surrounding area lacks existing sidewalk infrastructure, so the absence of a sidewalk on this frontage does not create a gap in connectivity or pose a hazard.

The waiver maintains consistency with the existing character of the neighborhood and avoids unnecessary construction that may not serve a public need at this time.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

The property is part of a plat petition to split a large parcel (8.948 acres) into two lots, with no immediate development plans, making sidewalk installation premature.

The existing frontage lacks sidewalk infrastructure and is located in an area where pedestrian connectivity is minimal, reducing the necessity for sidewalks at this time.

The waiver is being requested due to the unique timing and nature of the plat process, not due to general development trends or conditions affecting other properties.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

The property has a long frontage along Shelby Street with no existing sidewalk network, making installation costly and disconnected from any usable pedestrian infrastructure.

The topography and layout of the parcel, which is being split but not developed, means sidewalk construction would serve no immediate functional purpose and could interfere with future site planning.

Requiring installation at this stage imposes an undue financial and logistical burden without corresponding public benefit, especially given the lack of surrounding pedestrian traffic or connectivity.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The plat petition maintains orderly development by clearly defining two lots from a larger parcel, supporting future planning and land use.

The waiver allows flexibility without compromising public infrastructure goals, as there is no immediate development or pedestrian demand.

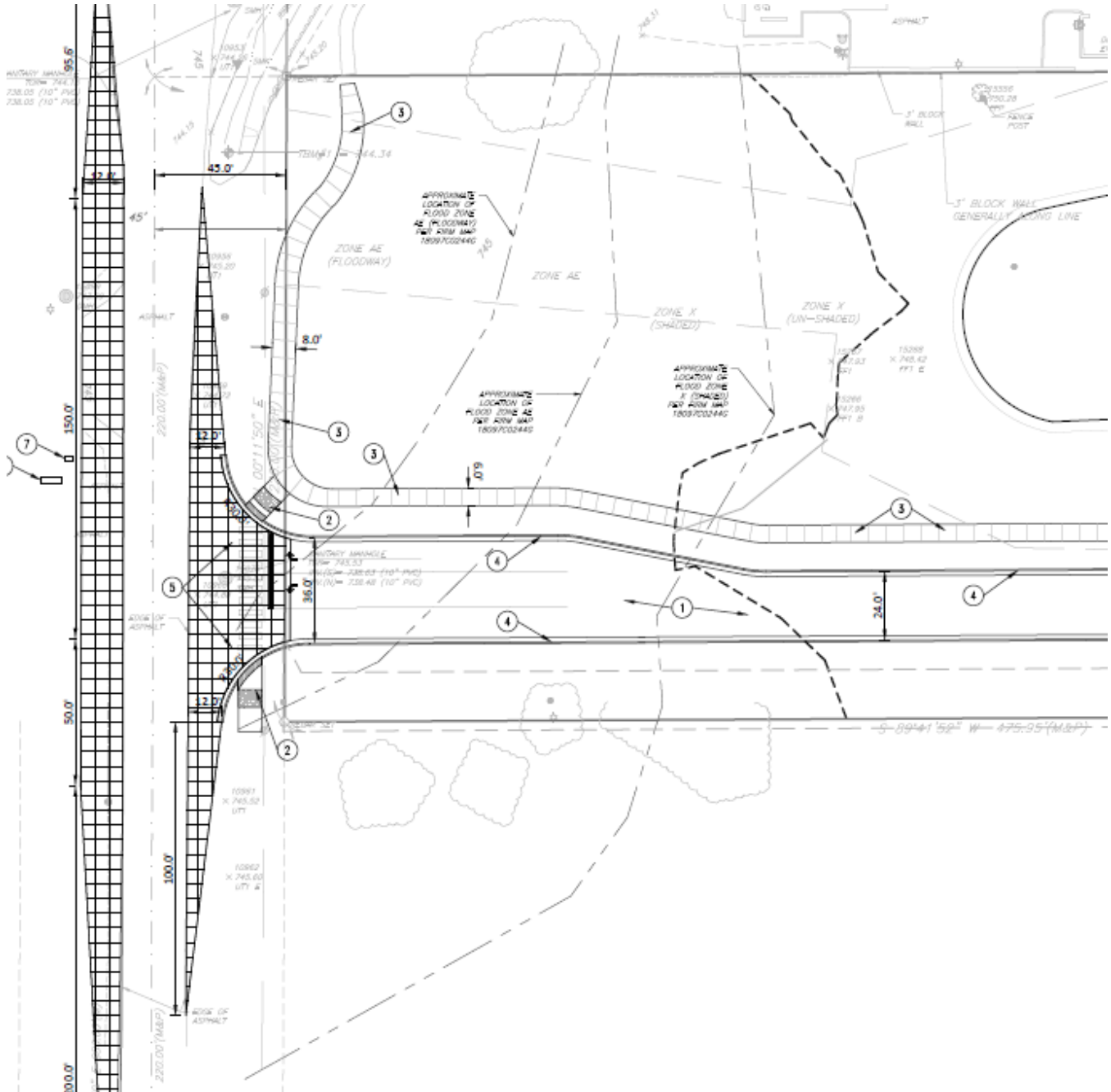
The subdivision aligns with the city's planning principles by avoiding unnecessary construction and preserving the character of the area, while still complying with all other applicable standards.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The waiver pertains only to subdivision improvement standards and does not alter the zoning classification, permitted uses, or dimensional requirements of the property.

All other zoning and land use regulations remain fully applicable and unchanged by this waiver.

2025PLT074 ; Approved Access Drive & Sidewalk to North of Site (2025APP012)



PHOTOS



Photo 1: Proposed Lot 2B Viewed from West



Photo 2: Shelby Frontage to South of Subject Lot



Photo 3: Shelby Frontage Looking South from Lot 2 Northern Edge



Photo 4: Shelby Frontage Looking North from Lot 2 Southern Edge



Photo 5: Shelby Frontage from Lot 1 Looking South



Photo 6: Existing Lot 1 Viewed from East



Photo 7: Shelby Frontage Looking South from Lot 1 Northern Edge



Photo 8: Shelby Frontage Looking North from Lot 1 Northern Edge



Photo 9: Senior Living and Medical Facility to North and Northeast



Photo 10: Adjacent Property to Northwest



Photo 11: Adjacent Property to West



Photo 12: Adjacent Property to Southwest