



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-MOD-023  
**Property Address:** 8707 Shelby Street  
**Location:** Perry Township, Council District #23  
**Petitioner:** Shelby Street Property, LLC, by C. Addison Bradford  
**Current Zoning:** HD-2 (FF)  
**Request:** Modification of Commitments related to 97-Z-123 to terminate Commitment Number Two to provide for a 45-foot half right-of-way (previous commitment required dedication of a 70-foot half right-of-way).  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

Approval of this modification request.

**PETITION OVERVIEW**

This 8.948-acre site, zoned HD-2 (FF), is undeveloped and surrounded by land undergoing development to the north and east, zoned HD-2; commercial uses and multi-family dwellings to the south, zoned C-1 and HD-2, respectively; and religious uses and single-family dwellings to the west, across Shelby Street, zoned SU-1 and D-A, respectively.

Petitions 97-Z-123 / 97-AP-70 rezoned this site to the HD-2 (FF) district to provide for hospital related uses, such as an independent and assisted care living community and an approval petition to provide for independent and assisted care living community.

**MODIFICATION**

The request would modify commitments related to 97-Z-123 to terminate Commitment Number Two to provide for a 45-foot half-right-of-way, rather than a 70-foot half right-of-way. See Exhibit A.



When this site was rezoned in 1997, the Department of Capital Asset Management, Transportation Section, requested a 70-foot half right-of-way. The Marion County Thoroughfare Plan now recommends a 90-foot right-of-way (45-foot half-right-of-way), which is the existing right-of-way along this portion of Shelby Street. No additional right-of-way would be necessary.

Staff, therefore, supports the termination of the Commitment Number Two related to the 1997 commitments. This commitment would be replaced with a commitment dedicating a 45-foot half right-of-way.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	HD-2 (FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	HD-2 (FF)	Undergoing development
South:	C-1 / HD-2	Commercial uses / multi-family dwellings
East:	HD-2	Undergoing development
West:	SU-1 / D-A	Religious uses / single-family dwellings
<b>Thoroughfare Plan</b>		
Shelby Street	Primary Collector	Existing 90-foot right-of-way and proposed 90-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes. Buffalo Creek 500-year unregulated	
<b>Overlay</b>	No	
<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

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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.

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 – Suburban Neighborhood Typology*

- 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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

### 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

Not Applicable to the Site.

### Indy Moves

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

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**97-Z-123 / 97-AP-70, 8649-8707 Shelby Street**, requested rezoning of 19.5 acres, from D-A to HD-2, to provide for hospital related uses, such as an independent and assisted care living community and to provide for an independent and assisted care living community, consisting of nine cluster housing structures of 4 units each for independent living, a 40,000 square foot independent care facility, and a 40,000 square foot assisted care living facility, **approved**.

### VICINITY

**2015-ZON-103; 8607 Shelby Street (north of site)**, requested rezoning of one acre from the D-A (FW) (FF) District to the HD-2 (FW) (FF) classification to provide for a 125-unit assisted living facility, **approved**.

**2015-ZON-015; 8601 Shelby Street (north of site)**, requested rezoning of 4.05 acres from the D-A (FW) (FF) District to the HD-2 (FW) (FF) classification to provide for a 125-unit assisted living facility, **approved**.

**2004-APP-038; 8615-8707 Shelby Street (north of site)**, requested Hospital District-Two Approval to provide for a 208-unit assisted living facility, **approved**.

**2003-ZON-080; 8725 Shelby Street (south of site)**, requested a rezoning of 0.76 acre from D-A to C-1, to provide for office development, **approved**.

**97-Z-69; 8818-8826 Shelby Street (south of site)**, requested rezoning of 6 acres, from D-A to C-1, to provide for a doctor's office, **approved**.

**95-Z-50; 8926 Shelby Street (south of site)**, requested rezoning of 1.84 acres from D-A to C-1, to provide for family practice doctor's office, **approved**.

**94-UV3-85; 920 East South County Line Road (south of site)**, requested a variance of use to permit the manufacture of patio furniture in a detached garage, seasonal outdoor display and sale of patio furniture, and on-site storage, granted, (limited to site's current residents and termination upon the sale of the property; no signs permitted; and no outdoor display), **granted**.

**90-Z-89; 1126 East South County Line Road (south of site)**, requested Hospital District-Two approval to permit the development of a medical office center and medically related retail uses, **approved**.

**88-AP-87; 1110 East South County Line Road (south of site)**, requested Hospital District-Two approval to permit the development of a convenience store with gasoline sales, **withdrawn**.

**86-Z-210; 1126 East South County Line Road (south of site)**, requested rezoning of 10.3 acres, being in the D-A District, to the HD-2 classification to provide for hospital support uses, **approved**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**86-Z-168; 8807 Shelby Street (south of site)**, requested rezoning of 10 acres, being in the D-A District, to the HD-2 classification to provide for multi-family residential development, **approved**.

EXHIBITS



8707 Shelby Street  
 0 0.02 0.04 0.06 0.08 Miles



**EXHIBIT A**

97-8-123

(5)

**STATEMENT OF COMMITMENTS \***

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
 MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (insert here or attach)

See Exhibit A attached hereto and made a part hereof.

**FILED**  
 JAN 22 1999  
 DEPT. METRO DEVELOPMENT  
 BY

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. A 70 foot half right-of-way shall be dedicated along South Shelby Street as per the request of the Department of Capital Asset Management, Transportation Section (DCAM). 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 DCAM.
3. A Sign Program shall be submitted for and subject to Administrator's Approval prior to the issuance of an Improvement Location Permit. Pole signs shall be prohibited.
4. \_\_\_\_\_
5. \_\_\_\_\_

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

2011/09 10:01AM MARION COUNTY RECORDER JUN 18 00 PAGES: 5  
 Inst # 1999-0024593



COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 97-7-123 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a HD-2 zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the HD-2 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. \_\_\_\_\_

The undersigned hereby authorizes the Neighborhood and Development Services Division of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 97-7-123.

IN WITNESS WHEREOF, owner has executed this instrument this 14th day of January, 1999.

WHITE RIVER DEVELOPMENT GROUP, INC.

By Signature Dennis E. Copenhaver (Seal) Signature \_\_\_\_\_ (Seal)

Printed Dennis E. Copenhaver Printed \_\_\_\_\_  
 Vice-President

page 2 of 4

\* This Statement of Commitments is identical to the Statement of Commitments executed and filed with the Department of Metropolitan Development on July 10, 1997 and is being executed and delivered to replace the original or such previous Statement of Commitments, which was inadvertently misplaced, so that the same may be recorded.

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MARION        )

*Before me, a Notary Public in and for said County and State, personally appeared  
Dennis E. Copenhaver, Vice President of  
White River Development Group, Inc., owner(s) of the real estate who acknowledged the execution of  
the foregoing instrument and who, having been duly sworn, stated that any representations therein  
contained are true.*

Witness my hand and Notarial Seal this 14<sup>th</sup> day of January, 1999.

Signature Loraine R. Ottinger  
Printed LORAIN R. OTTINGER  
County of Residence Johnson

My Commission expires 11/16/2001

This instrument was prepared by James B. Burroughs

EXHIBIT A

DESCRIPTION

Lot Numbered 3, 4, 5 & 6 in T.R. Jones and Co.'s First Five Acre Tract Addition in Perry Township, Marion County, Indiana, as per plat thereof recorded in Plat Book 19, Page 140, in the office of the recorder of Marion County, Indiana;

Except the following described parcel;

A part of the Southwest Quarter of Section 19, Township 14 North, Range 4 East, in Marion County, Indiana, said part also being a part of Tract Number 6 in T.R. Jones & Co.'s First Five Acre Tract Addition as per plat thereof recorded in Plat Book 19, Page 140, in the office of the recorder of Marion County, Indiana being more particularly described as follows:

Beginning at a point on the west line of said Quarter Section, distant 1100 feet North of the Southwest corner thereof, said point also being the Southwest corner of said Tract # 6 aforesaid, running thence East and parallel to the South line of said quarter section 300 feet; thence North and parallel to said West line 110 feet; thence West and parallel to the said South line 300 feet to a point on said West line, thence South on and along said West line 110 feet to the point of beginning, containing 0.76 acres, more or less.

**ATTACHMENT "A"**

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

An exempt person shall mean the following:

1. With respect to commitments (a.) and (b.) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;
  - (d) provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment (b.), a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a.) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

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View looking north along Shelby Street



View looking south along Shelby Street



View of site looking north across Shelby Street



View of site looking north across Shelby Street



View of site looking northeast from abutting property to the south



View of site looking east from abutting property to the south