

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.

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.

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



[illegible]

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.

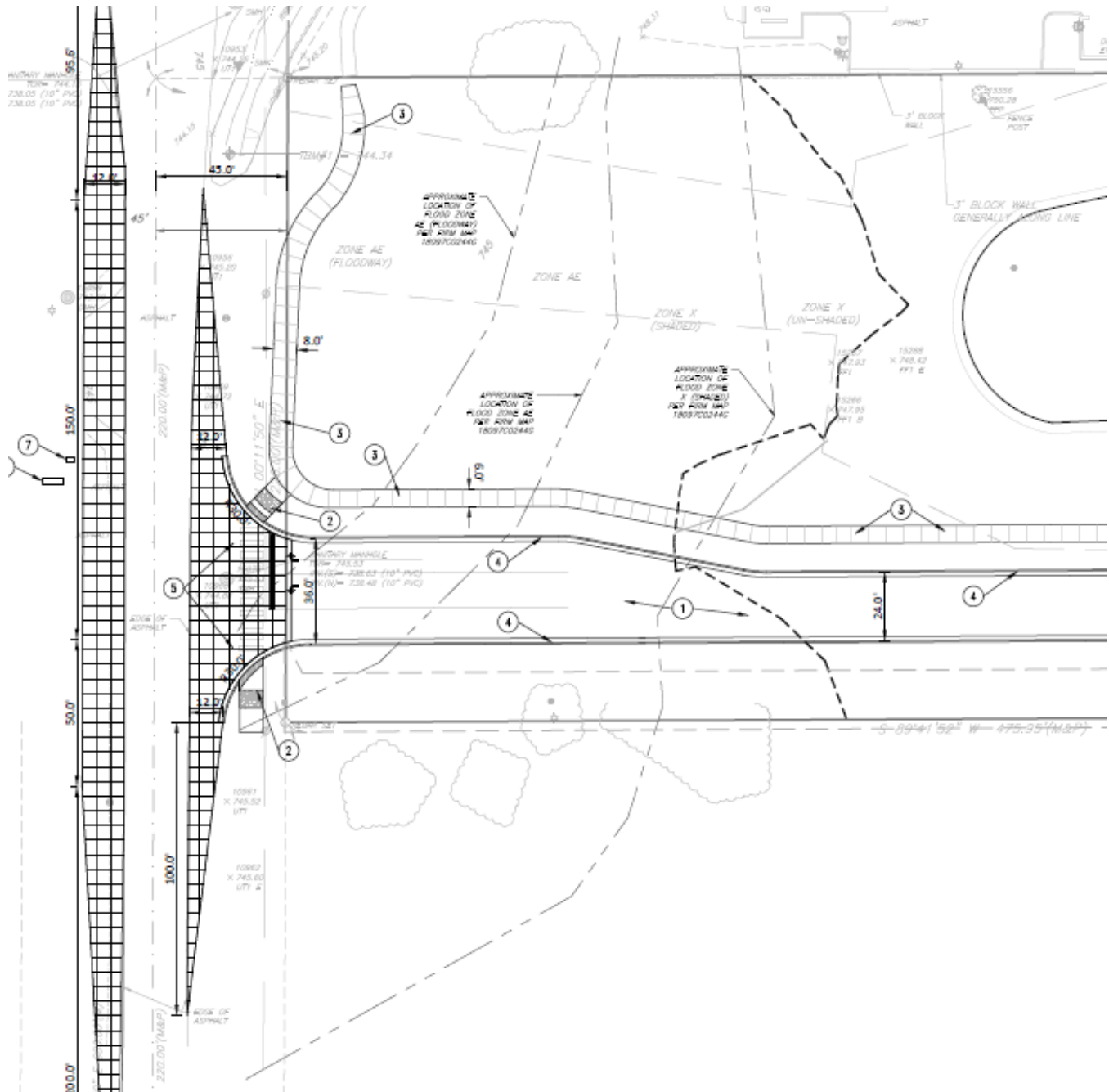
The subdivision aligns with the city's planning principles by avoiding unnecessary construction and preserving the character of the area, while still complying with all other applicable standards.

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