



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 13, 2025

Case Number: 2025-ZON-009
Property Address: 3813 North Sherman Drive (Approximate Address)
Location: Washington Township, Council District #8
Petitioner: Haben Ghebremichael Davis
Current Zoning: D-3
Request: Rezoning of 0.79-acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for commercial uses.
Current Land Use: Childcare facility
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.79-acre subject site is developed with a single-family building, detached garage, and parking area.

It is bordered to the north and east by single-family dwellings, zoned D-3, a dental office to the west, zoned C-3, and a commercial shopping center to the south, zoned C-4.

REZONING

The request would rezone the site from the D-3 district to the C-3 district to provide for commercial uses, specifically a childcare facility at this location.

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots.



Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

STAFF ANALYSIS

The approval of the rezoning would allow for the commercial use of the site for a childcare facility that would not otherwise be permitted in the current D-3 district.

Per the Plan of Operation, the facility will have a total of 13 employees to include the director, four lead teachers, six assistant teachers, one kitchen staff and a custodian. The hours of operation will be Monday through Friday from 5:00 P.M to 10:00 P.M. and closed Saturday and Sunday.

The facility is licensed for a total of 39 children. Based on the room sizes and ages of the children, the following is the breakdown for classroom capacities:

- Room 1: Ages 3-5 years, maximum capacity of 11 children
- Room 2: Infants, maximum capacity of 8 children
- Room 3: Ages 1-2 years, maximum capacity of 10 children
- Room 4: Ages 6-12 years, maximum capacity of 10 children

Staff was not initially provided a site plan to see the layout of the site, but the petitioner provided further details regarding the proposed parking on site. According to the petitioner, there are approximately 11 parking spaces on site. The parking requirement for a day care center is one per 400 square feet at minimum and one per 200 square feet at maximum. If the basement is the same size as the main floor measuring approximately 30 feet by 50 feet or 1,500 square feet per the site plan, then 11 parking spaces would fall between the minimum of seven spaces and maximum of 15.



The petitioner will need to have the accurate parking sizes and spaces called out on the site plan when filing for permits. Additionally, all requirements of a licensed day care center will need to be met such as any outdoor play area needed.

The Comprehensive Plan recommends community commercial development of the site which would align with the proposed C-3 rezoning. Furthermore, the site is located along a bus line that runs north and south along Sherman Avenue and is within a ¼ mile walking distance from a Purple Line Bus Rapid Transit station at 38th Street and Sherman Drive.

The site is ideal for commuters to have immediate access for a childcare service to and from their way to work.

Staff understands the need for and importance of this service to the community and recommends approval of the request.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD)	
Existing Land Use	Childcare facility	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-3 Residential (Single-family dwelling)
	South:	C-4 Commercial
	East:	D-3 Residential (Single-family dwellings)
	West:	C-3 Dental Office
Thoroughfare Plan		
Sherman Drive	Primary Arterial Street	56-foot proposed right-of-way and 80-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 3, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development of the site.
- The Community Commercial typology 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.
- **Conditions for All Land Use Types**
 - 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- The site is located within the Transit Oriented Development (TOD) overlay as well, which is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- The recommended uses applicable to the site are modified in this overlay as follow:
 - **Small-Scale Offices, Retailing, and Personal or Professional Services -** Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
- The proposed commercial district would align with the community commercial development recommendation of the site and would be comparable to small-scale schools and neighborhood serving institutions.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ¼ mile from the site at 38th Street and Sherman Drive and is classified as a community center typology. The characteristics of this typology are a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core with zero to 10-foot front setbacks and zero to 10-foot side setbacks at the periphery. Multi-family housing with a minimum of three units and structured parking at the core and attractive surface parking at the periphery are also included.

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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Vicinity

2004-UV1-023; 3850 and 3896 North Sherman Drive (northwest of site), Variance of Use of the Commercial Zoning Ordinance and a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a multi-family dwelling complex with eighteen buildings with three units each (not permitted in the C-3 district), with a minimum five-foot front yard setback from the proposed right-of-way of North Sherman Drive (minimum forty-foot setback from the proposed right-of-way required), and with parking and maneuvering area in the public right-of-way of East 39th Street (not permitted), with a five-foot west side yard setback (minimum fifteen-foot side yard setback required), with parking and maneuvering area in the south perimeter yard (not permitted), and with an interior access drive located six feet from a structure (minimum ten-foot separation required), **granted**.

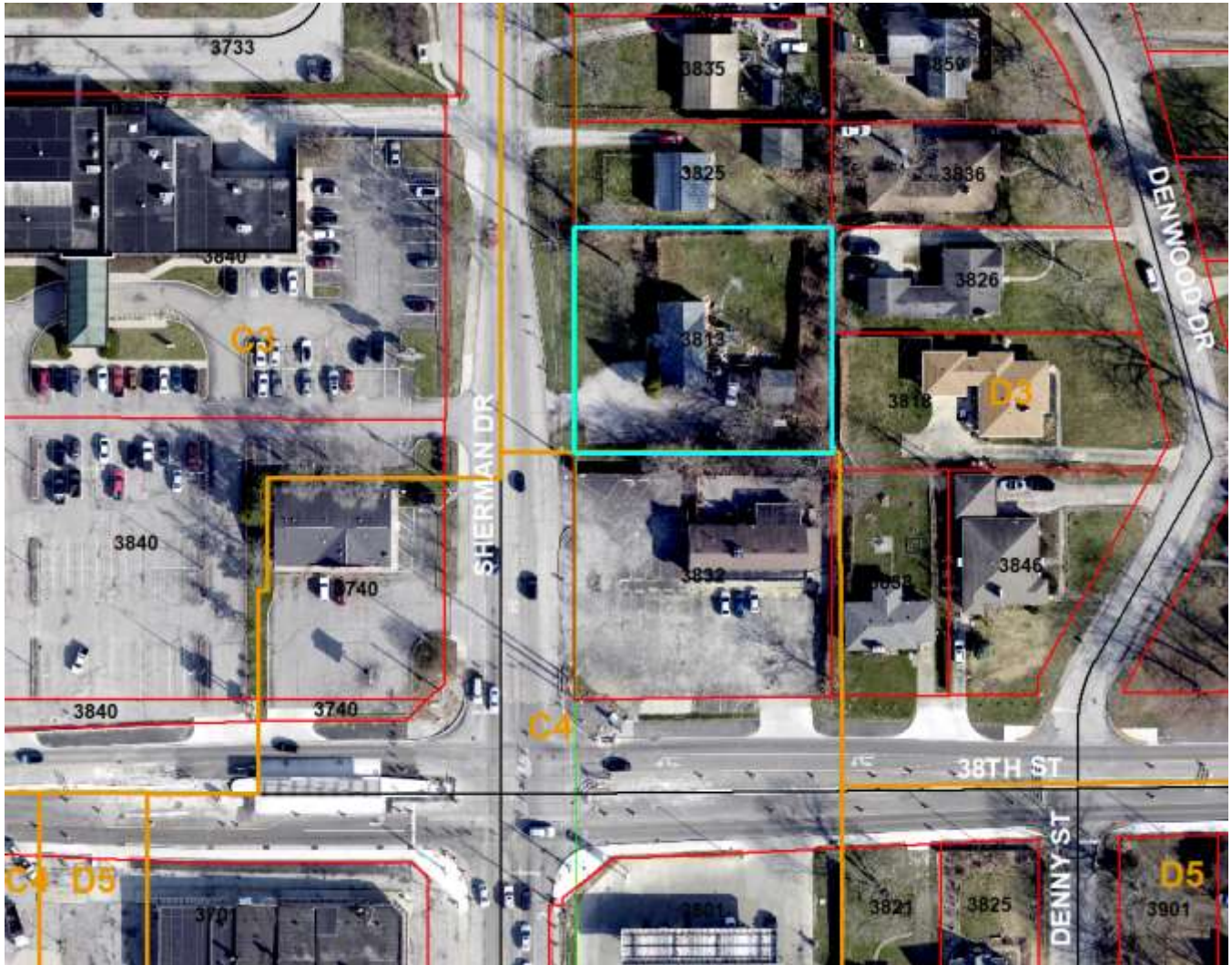
91-UV3-85; 3702 East 38th Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to permit the construction of a drug store with parking and driveways within side and rear transitional yards with a total of 236 parking spaces (288 parking spaces required) and a variance of development standards of the Sign Regulations of Marion County to permit the placement of two free standing pole signs within the right-of-way, **granted**.

91-Z-123; 3702 East 38th Street (west of site), Rezoning of 5 acres, being in the C-2 District, to the C-3 classification, to permit commercial development, **approved**.

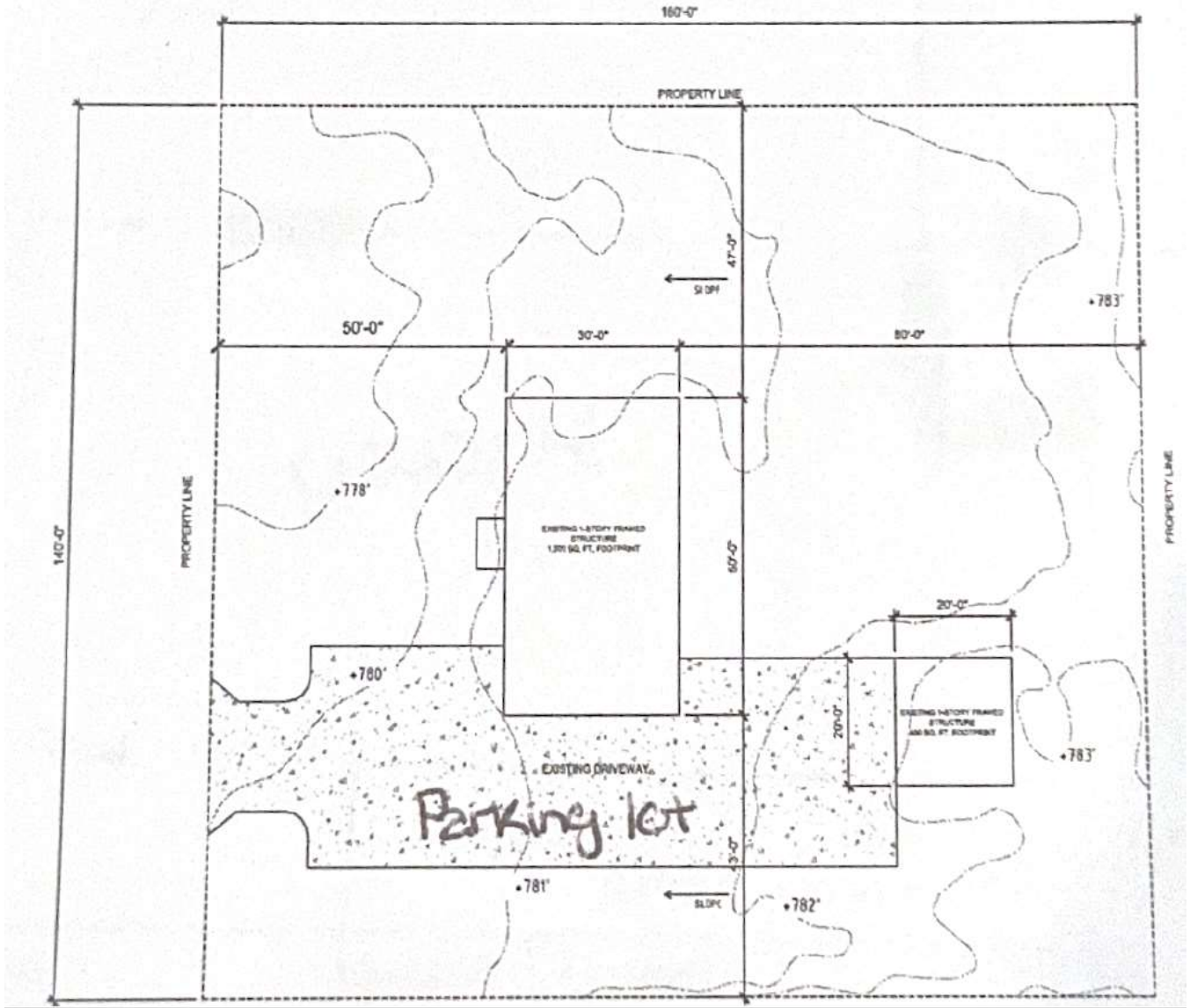
85-Z-218; 3820 North Sherman Drive (west of site), Rezoning of 5.04 acres, being in D-2, D-8 and C-4 Districts, to the C-2 classification, to permit commercial development, **approved**.

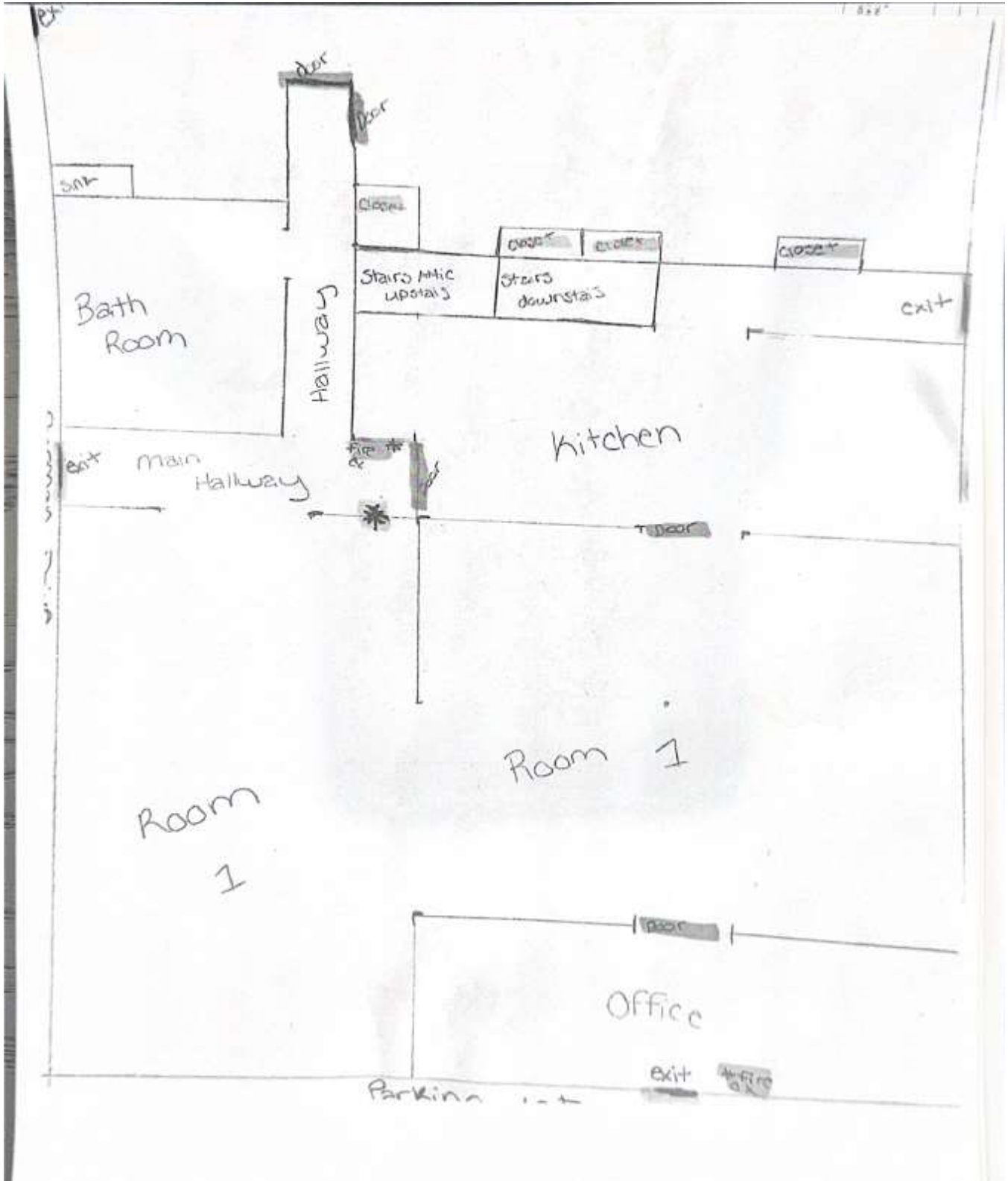
69-Z-172; Northeast corner of East 38th Street and Sherman Drive (south of site), Rezoning of 0.55 acre, being in U-1 district to C-3 classification to provide for the construction of a gasoline service station, **approved**.

EXHIBITS











Basement

Kiddiegarden Learning Academy's Plan of Operation

Daycare Name: Kiddiegarden Learning Academy

Location: 3813 N Sherman Dr, Indianapolis, IN 46226

Licensed Capacity: 39 children

Hours of Operation: Monday to Friday: 5:00 AM – 10:00 PM

- Saturday and Sunday: Closed

Meals Provided:

- Breakfast

- AM Snack

- Lunch

- PM Snack

- Dinner

Staffing:

- Total Employees: 13

- 1 Director

- 4 Lead Teachers

- 6 Assistant Teachers

- 1 Kitchen Staff

- 1 Custodian

Mission Statement:

At Kiddiegarden Learning Academy, we are committed to providing a safe, nurturing, and engaging environment for children. Our mission is to foster the emotional, social, and cognitive development of each child through a play-based curriculum that promotes creativity, curiosity, and a love for learning.

Objectives:

1. Safety First: Ensure all children are in a safe, clean, and secure environment at all times.
2. Nutritious Meals: Provide healthy, balanced meals and snacks that meet the dietary needs of children.
3. Developmentally Appropriate Practices: Implement a curriculum that supports the developmental milestones of children in various age groups.
4. Engaged Parents: Keep parents informed and involved in their child's learning and development through regular communication and events.
5. Qualified Staff: Hire and retain well-trained, enthusiastic staff members who are passionate about early childhood education.

Daily Schedule:

Morning Sessions:

- 5:00 AM - 7:00 AM: Arrival, Free Play, and Breakfast
- 7:00 AM - 9:00 AM: Structured Learning Activities (Art, Music, Literacy)
- 9:00 AM - 10:30 AM: Outdoor Play / Gross Motor Activities
- 10:30 AM - 11:00 AM: AM Snack

Midday Sessions:

- 11:00 AM - 12:00 PM: Educational Activities (Circle Time, Storytelling)
- 12:00 PM - 1:00 PM: Lunch
- 1:00 PM - 3:00 PM: Nap/Quiet Time

Afternoon Sessions:

- 3:00 PM - 4:00 PM: PM Snack and Free Play
- 4:00 PM - 6:00 PM: Themed Learning Activities (Science, Math, Nature Exploration)
- 6:00 PM - 8:00 PM: Outdoor Play / Free Play
- 8:00 PM - 9:00 PM: Dinner
- 9:00 PM - 10:00 PM: Wind Down Activities (Storytime, Relaxation)

Staffing Plan:

- Director: Responsible for overseeing the daycare's daily operations, including curriculum development, staff management, and parent communication.
- Lead Teachers: Plan and implement educational activities for their assigned age groups, ensuring developmental goals are met.
- Assistant Teachers: Aid lead teachers in classroom activities, supervision, and preparation of materials.
- Kitchen Staff: Prepare and serve healthy meals and snacks while maintaining a clean and safe kitchen environment.
- Custodian: Ensures the cleanliness and safety of the facility, adhering to health and safety standards.

Health and Safety Policies:

1. Emergency Preparedness: Conduct regular fire, tornado, and lockdown drills; maintain clear evacuation routes.
2. Health Checks: Daily health screenings for children upon arrival to monitor for illness.
3. Nutrition Standards: Meals follow USDA nutrition guidelines; accommodate special dietary needs as necessary.
4. Child-to-Staff Ratios: Maintain appropriate staff-to-child ratios as per state licensing requirements to ensure safe supervision.
5. Background Checks: All employees undergo thorough background checks and training in CPR and First Aid.

Parent Communication:

- Monthly Newsletters: Inform parents about upcoming events, important dates, and program highlights.
- Parent-Teacher Conferences: Held twice a year to discuss child development and address any concerns.
- Open-Door Policy: Parents are encouraged to visit the daycare at any time and participate in activities.



Community Engagement:

- Family Events: Host quarterly family nights and seasonal celebrations to strengthen the community bond.
- Parent Workshops: Offer workshops on child development, nutrition, and parenting tips to support families.

Conclusion:

Kiddiegarden Learning Academy is dedicated to providing a high-quality daycare experience that prioritizes the safety, health, and education of children. With a committed team of professionals and a comprehensive operational plan, we aim to create a nurturing environment that fosters growth and a lifelong love for learning. This operation plan will guide our efforts to maintain compliance with licensing regulations and uphold our standards of excellence in early childhood education.



Photo of the subject site.



Photo of the parking area on site.



Photo of the commercial property sought of the site.



Photo of single-family dwellings north of the site.



Photo of the dental office west of the site.