

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-102  
**Address:** 117 (119) North Sherman Drive (Approximate Addresses)  
**Location:** Center Township, Council District #12  
**Petitioner:** Verma Properties, Inc., by Sharmin Frye  
**Request:** Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

#### ADDENDUM FOR FEBRUARY 29, 2024 HEARING EXAMINER

This petition was continued from the February 15, 2024 hearing to the February 29, 2024 hearing at the request of staff due to the petitioner's absence at the hearing.

Staff **continues to recommend denial of the request.**

#### ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of the petitioner to allow more time for staff to review a revised site plan submitted on January 2, 2024.

The amended site plan notes additions in two phases. Phase I would be a 775 square-foot building addition that would be maintained within the 3801 East New York Street address to the north of the subject site. Phase II would propose a 1,400 square foot addition to be constructed into the subject site to be rezoned.

Because the site plan confirms staff's concerns with future commercial encroachment into the property recommended for traditional neighborhood development, staff **continues to recommend denial of the request.**

If approved, staff would recommend approval be 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 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

#### ADDENDUM FOR JANUARY 11, 2024 HEARING EXAMINER

This petition was continued from the December 14, 2023 hearing to the January 11, 2024 hearing at the request of the petitioner to allow more time to provide additional information to staff for review. A revised site plan was submitted on January 2, 2024 which did not allow sufficient time for staff to review.

(Continued)

## **STAFF REPORT 2023-ZON-102 (Continued)**

The petitioner intends to request a final continuance to the January 25, 2024 hearing. Staff has no objection to this final continuance request but will not support any additional continuances.

### **December 14, 2023**

This petition was continued from the November 16, 2023 hearing to the December 14, 2023 hearing at the request of the petitioner to allow additional time for the mailing of the notice requirement to be fulfilled.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

If approved, staff would recommend approval be 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 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

### **SUMMARY OF ISSUES**

#### **LAND USE**

- ◇ The 0.11 acres subject site is an undeveloped residential lot. It abuts a gas station and convenience store to the north, zoned C-3, a vacant four-unit building to the west, zoned D-5, a single-family dwelling to the south, zoned D-5, and an undeveloped residential lot to the east, zoned D-5.

#### **REZONING**

- ◇ The request would rezone the parcel from the D-5 district to the C-3 district to allow for the expansion of the convenience store located north at 3801 New York Street and for the required transitional yard to be provided.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

(Continued)

## **STAFF REPORT 2023-ZON-102 (Continued)**

- ◇ 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.
- ◇ The Comprehensive Plan recommends traditional neighborhood development for the 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.
- ◇ The site is located within the Blue Line TOD Strategic Plan and falls within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the proposed convenience store use and excludes automotive uses such as gas stations.
- ◇ The closest station to the site is located within a ¼ mile south at the intersection of Sherman Drive and Washington Street. This station is categorized as a Community Center, which calls for a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core: zero to 10 feet front setbacks and zero to ten-foot side setbacks at periphery, multi-family housing with a minimum of 3 units and structured parking at the core and attractive surface parking at the periphery.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 44-foot half right-of-way along Sherman Drive. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Staff Analysis**

- ◇ The rezoning of the site to a commercial district would not be appropriate at this location since it zoned residentially, aligns with the traditional neighborhood recommendation of the Comprehensive Plan, and could be developed with a residential use as intended to ensure the availability of housing options.

(Continued)

**STAFF REPORT 2023-ZON-102 (Continued)**

- ◇ If approved, this would be a commercial encroachment into the residential area which could negatively impact the residents in the immediate area.
- ◇ Staff understands that the site plan submitted only shows that the required transitional yard would be located at this site, but it would not prevent any future building or parking expansions onto the site since it would be zoned for the use.
- ◇ For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5            Compact    Undeveloped

**SURROUNDING ZONING AND LAND USE**

North	C-3	Gas station and convenience store
South	D-5	Residential (Single-family dwelling)
East	D-5	Undeveloped Residential Lot
West	D-5	Vacant Residential Building

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends traditional neighborhood development.

**OVERLAY**

This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.

**THOROUGHFARE PLAN**

Sherman Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 62-foot existing right-of-way and an 88-foot proposed right-of-way.

**CERTIFIED PLAN**

The site falls within a Certified Plan, specifically the Near Eastside Quality of Life Plan.

**FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated October 11, 2023.

**AMENDED SITE PLAN**

File-dated January 2, 2024.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

(Continued)

**STAFF REPORT 2023-ZON-102 (Continued)**

PREVIOUS CASES

None.

**ZONING HISTORY – VICINITY**

**2012-ZON-077; 305 North Sherman Drive** (north of site), Rezoning of 0.25 acre, from the D-5 and C-3 District, to the C-3C classification to provide for residential and commercial development, **approved.**

**95-AP1-6; 3740 East New York Street** (northwest of site), Modification of conditions and site plan, related to 94-UV1-2, to permit 49 display vehicles on-site with 9 additional spaces for parking (33 display vehicles permitted pr the 94-UV1-2 petition) for an existing automobile sales business, **denied.**

**87-Z-169; 3757 East New York Street** (northwest of site), Rezoning of 0.71 acre, being in the D-5 district, to the C-3 classification, to provide for retail use of an existing commercial building, **approved.**

**85-Z-146; 3801 East New York Street** (north of site), Rezoning 0.45 acre, from the D-5 district, to the C-3 classification, **approved.**

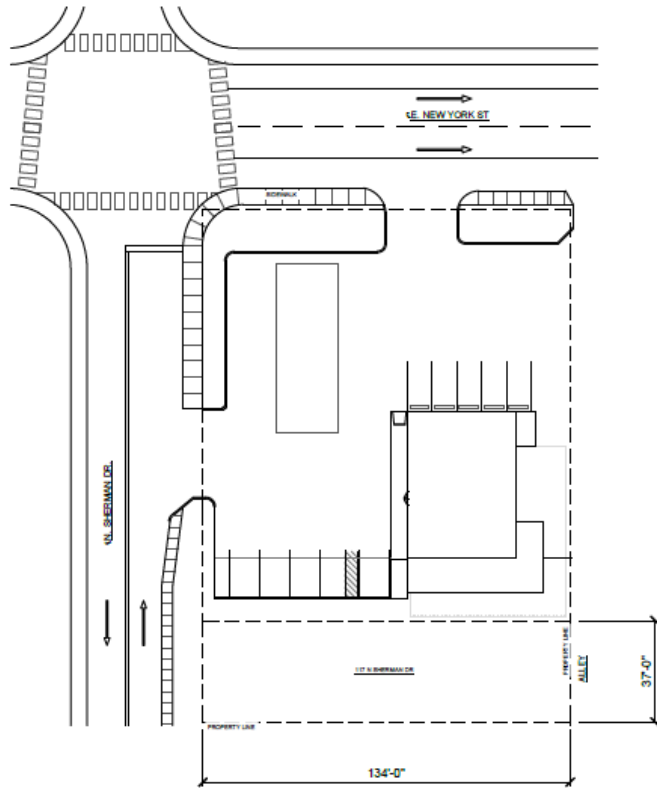
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**2023-ZON-102; Location Map**



# 2023-ZON-102; Existing Site Plan



**STREET ADDRESS:**  
117 N SHERMAN DR  
INDIANAPOLIS, IN 46201

Local Parcel #: 1018359  
State Parcel #: 48-10-04-122-014.000-101  
EXISTING ZONING: D5  
LOT SIZE: 4,958 SQFT  
Owner Name: VERMA PROPERTIES INC  
Township: CENTER

1 SITE PLAN Scale: 1:50 N



# 2023-ZON-102; Proposed Site Plan

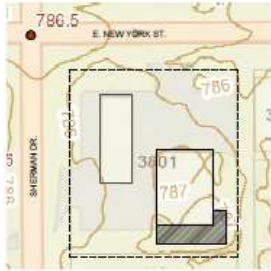
STREET ADDRESS  
 3801 E NEW YORK ST  
 INDIANAPOLIS, IN 46201

Local Parcel #: 8002238  
 State Parcel #: 49-10-04-122-018-000-101

PRIMARY ZONING: C2  
 COMPACT CONTEXT AREA: COMPACT

LOT SIZE: 19,988 SQFT

PROPOSED COVERAGE: 2,662 SQFT (13.3%)  
 PROPOSED TOTAL OPEN SPACE: 17,326 SQFT (86.7%)



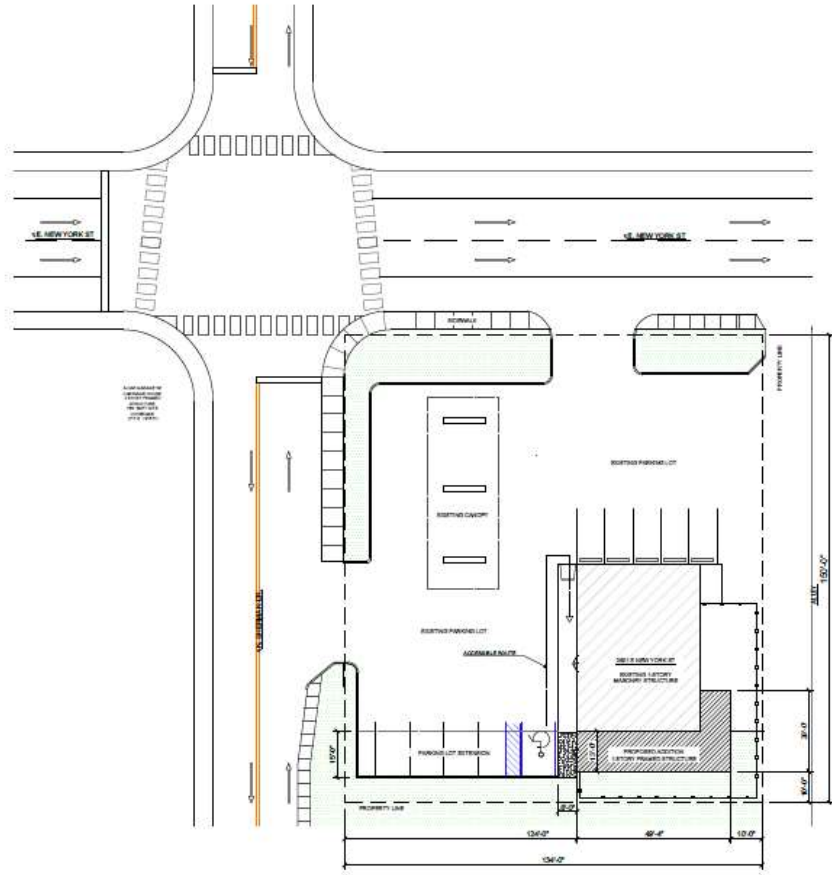
2 DRAINAGE MAP  
 SCALE: 1:50

**PRELIMINARY NOTES:**

- INSPECTION CONTRACTORS MUST CHECK TO BE INSTALLED PRIOR TO CONSTRUCTION AND REMOVE THROUGH COURTESY
- CONCRETE'S AND PAINTING INGRESS CUT SLOTTED TO BE PLACED ON SITE AND REMOVE THROUGH COURTESY
- STORM DRAIN LOCATED WITHIN 10' BOUND OF SITE TO BE PROTECTED WITH CONCRETE BARRIERS
- SITE DRAINAGE AWAY FROM THE EXISTING BUILDING AT A SLOPE OF - 1%



AERIAL VIEW



1 SITE PLAN  
 SCALE: 1:50

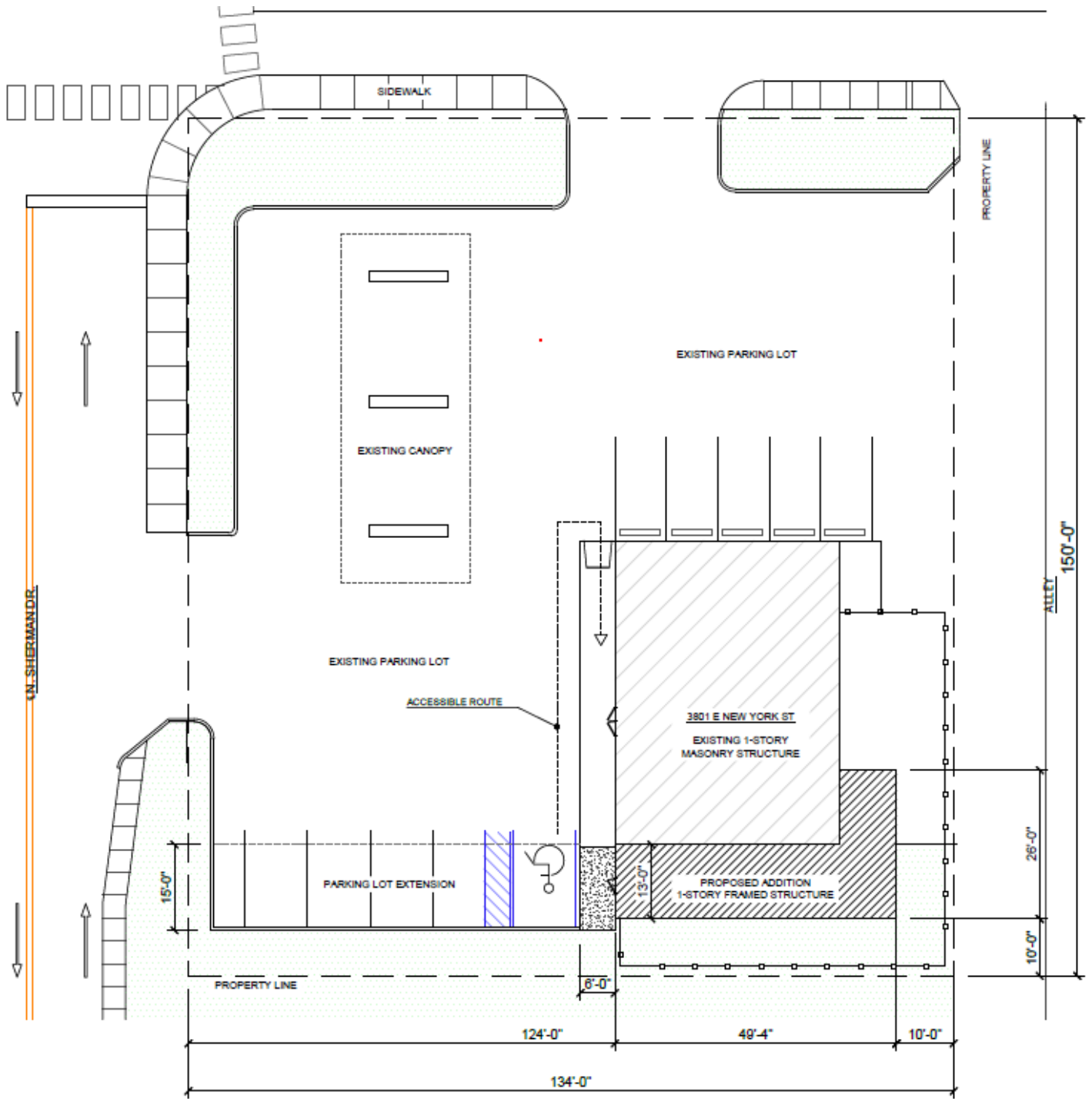


**VERMA PROPERTIES**  
 GAS STATION ADDITION - RETAIL SHOP  
 3801 E. NEW YORK ST.  
 INDIANAPOLIS, IN 46201

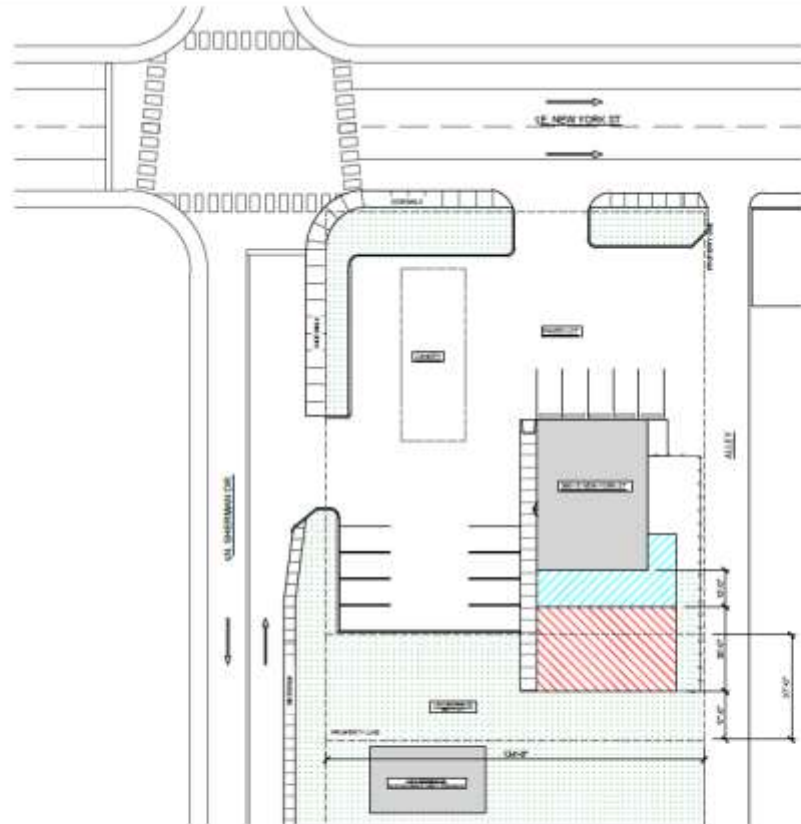
DATE	
BY	
FOR	
PROJECT	
SCALE	C1.1



**2023-ZON-102; Proposed Site Plan (Close-Up)**



# 2023-ZON-102; Amended Site Plan



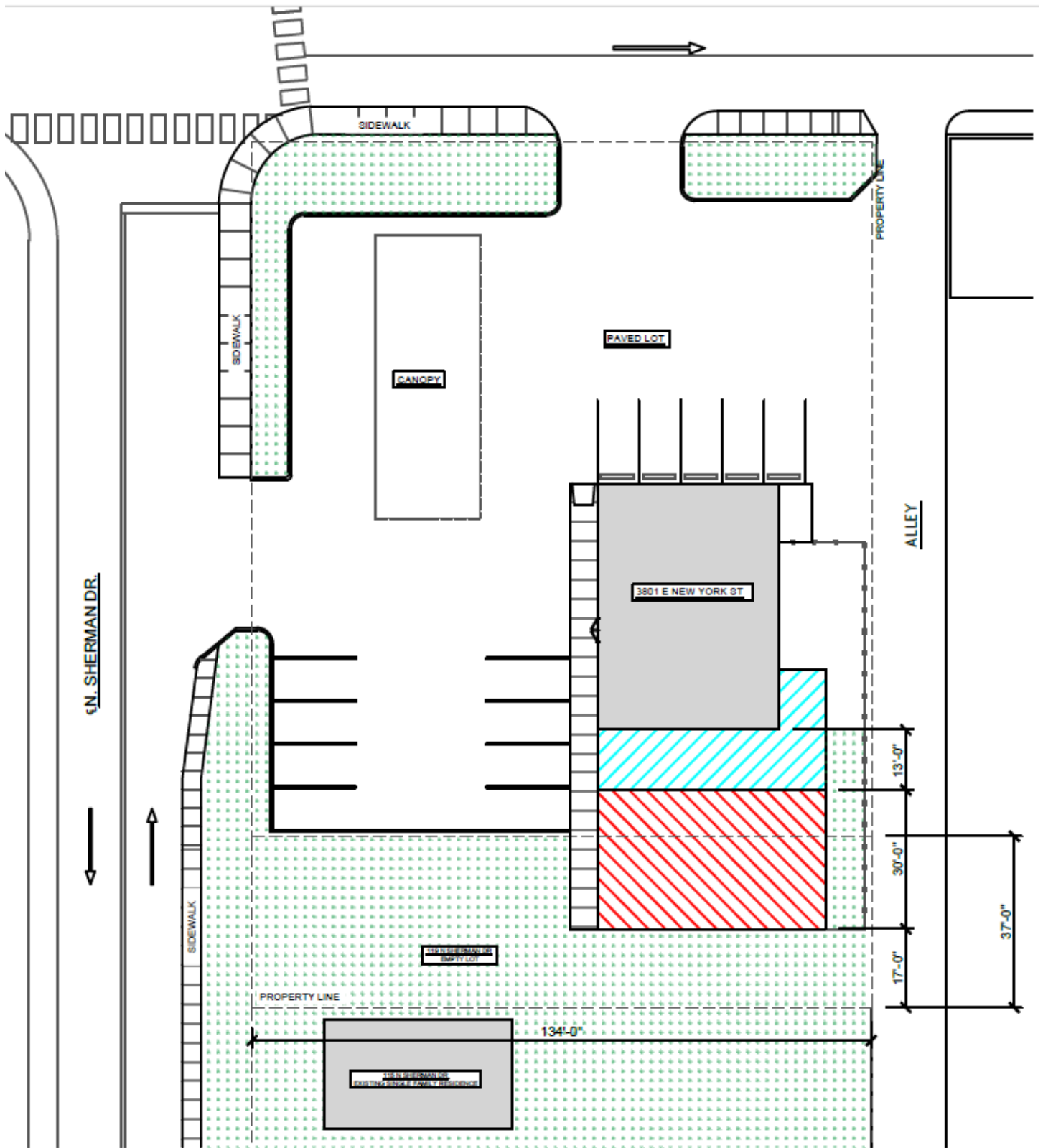
STREET ADDRESS:  
 119 N SHERMAN DR  
 INDIANAPOLIS, IN 46201

Local Parcel #: 1018350  
 State Parcel #: 49-10-04-122-014-000-101  
 EXISTING ZONING: O5  
 LOT SIZE: 4,958 SQFT  
 Owner Name: VERMA PROPERTIES INC  
 Township: CENTER

1 SITE PLAN  
 DATE: 1/20

LEGEND	
	EXISTING STRUCTURE
	PHASE 1: 775 SQFT, 1-STORY ADDITION
	PHASE 2: 1,400 SQFT, 1-STORY ADDITION

**2023-ZON-102; Amended Site Plan (Close-up)**





**2023-ZON-102; Photographs**



Photo of the Subject Property: 117 (119) North Sherman Drive



Photo of the gas station and convenience store to be expanded.





Photo of the existing convenience store north of the site.



Photo of the existing southern building façade.





Photo of the existing east building façade looking north.



Photo of the existing east building façade looking south.





Photo of the alley east of the site looking south.



Photo of the a single-family dwelling across the alley.





Photo of the undeveloped residential lot east of the site.



Photo of the vacant building north of the gas station.





Photo of the commercial building west of the gas station.



Photo of the vacant residential building west of the subject site.