

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 29, 2025

**Case Number:** 2025-ZON-032  
**Property Address:** 2947 North Sherman Drive  
**Location:** Center Township, Council District #8  
**Petitioner:** Parajmit Singh, by Thomas L. Pottschmidt  
**Current Zoning:** D-5  
**Request:** Rezoning of 1.145 acres from the D-5 district to the C-4 district to provide for commercial uses.  
**Current Land Use:** Vacant Commercial  
**Staff Recommendations:** Denial  
**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR MAY 29, 2025 HEARING EXAMINER**

The petition was continued from the April 24, 2025, hearing to the May 29, 2025 hearing.

The petitioner submitted a site plan, but no use list.

**APRIL 24, 2025**

This petition was the first public hearing.

**STAFF RECOMMENDATION**

Staff recommends **denial** of this request.

**PETITION OVERVIEW**

**LAND USE**

The 1.145-acre subject site is located in an established urban area with the primary access from Sherman Drive. The site currently contains a vacant building that was previously used for commercial purposes (grocery store).

The site is surrounded by varying zoning districts: to the north, zoned C-3 (General Commercial); to the south and east, zoned D-5 (Dwelling District Five), containing single-family residential dwellings; and to the west, zoned SU-9 (Special Use), containing Fire Station #10 at the intersection.

In 2004, the property received a Legal Non-Conforming Use certificate t (2004-LNU-009) for the use of a grocery store. The use of a grocery store at this location aligns more closely with the Comprehensive Plan recommendation. In 2020, the property to the north filed to rezone from D-5 and C-3 to C-S. After strong opposition from staff and fierce remonstrance, it was amended to rezone to C-3, which was approved with the elimination of 41 primary, accessory and temporary uses.

## **ZONING OVERVIEW**

The request would rezone the site from the D-5 district to the C-4 (community-regional commercial district) to allow for commercial uses which are not permitted in the existing dwelling district.

The **D-5 (Dwelling District Five)** intended for medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. The district is designed for urban, built-up areas using a rectilinear development pattern to achieve the fine grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required. A medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. Designed for urban, built-up areas of the Community using a rectilinear development pattern to achieve the fine grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required.

**C-4 (Community-Regional Commercial District):** Designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

## **DEPARTMENT OF PUBLIC WORKS**

A 33-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).

## **STAFF ANALYSIS**

The Comprehensive Plan recommends the Community Commercial typology for this area, which includes small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces. The proposed rezone to C-4 introduces a more intensive commercial classification that is inconsistent with the surrounding development pattern.

Approval of this rezone would place a C-4 district between two (2) less intense districts: C-3 to the north and D-5 to the south and east. This creates an incompatible land use pattern that does not support the existing neighborhood character.

Due to the site's proximity to Protected Districts, there are over 13 uses that would not be allowed without the granting of a variance (see Exhibit B). This further demonstrates that this location is inappropriate for

the requested zoning classification. The C-4 district permits very intense uses, including but not limited to automobile fueling stations, automobile, motorcycle, and light vehicle service or repair facilities, and automobile and light vehicle wash facilities.

The petitioner has not provided a clear development plan or specific intended use for the site. Due to the uncertainty of the intended use and the incompatibility with surrounding zoning districts and the Comprehensive Plan recommendations, staff cannot support a blanket rezoning to the C-4 district.

For these reasons, staff is recommending **denial** of the request.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant Commercial	
<b>Comprehensive Plan</b>	Community Commercial Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North: C-3	Commercial Use
	South: D-5	Residential (Single-Family Dwelling)
	East: D-5	Residential (Single-Family Dwelling)
	West: D-5/SU-9	IFD Station 10
<b>Thoroughfare Plan</b>		
North Sherman Drive	Primary Arterial	60-foot existing right-of-way 66-foot proposed right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	4/20/2025	
<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

- Marion County Land Use Plan Pattern Book (2019)
- United Northeast Neighborhood Plan (1998)
- IndyMoves (2018)

### Pattern Book / Land Use Plan

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.

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.

**Resilient 3.1:** Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.

All development should include sidewalks along the street frontage.

**Healthier 1.1:** Making areas walkable, enjoyable, and safe is critical to active living.

**Inclusive 2.2:** Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.

### Large-Scale Offices, Retailing, and Personal or Professional Services

Should be located along an arterial street.

**Resilient 2.3:** Traffic can play a major role in determining whether a certain use is appropriate for a neighborhood or areas.

**Resilient 3.1:** Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.

Outdoor display of merchandise should be limited.

**Competitive 3.1:** Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.

If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.

**Competitive 3.1:** Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.

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.

**Healthier 1.1:** Making areas walkable, enjoyable, and safe is critical to active living.

**Inclusive 2.2:** Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.

Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

**Resilient 3.4:** Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.

#### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- Not Applicable to the Site.

#### **Neighborhood / Area Specific Plan**

##### **United Northeast Neighborhood Plan (1998)**

##### **Commercial Retail and Service**

- Retail businesses such as art galleries, antique stores, grocery stores, apparel and accessory stores, artist and architect supply stores, bookstores, camera supply and photo developing businesses, florists, bakeries, card and stationery stores, hardware stores, jewelry stores, pet shops, framing services, music stores, and automobile sales.
- Personal, professional, and business services such as barber and beauty shops, dry cleaners, and shoe repair businesses.
- Repair service such as jewelry, watch and clock repair, key duplicating, typewriter repair, shoe and camera repair, and automotive body repair and paint.
- Restaurants and taverns with restrictions.

#### **Infill Housing Guidelines**

- Not Applicable to the Site.

### **Indy Moves**

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

#### IndyMoves (2018)

- Sherman Drive Proposed Multi-Use Path
- Hanna Avenue and Sherman Drive will benefit from a new multi-use path, starting on Hanna Avenue at East Street, continuing onto Sherman Drive and ultimately ending at Shelbyville Road. Hanna Avenue between Keystone Avenue and Sherman Drive will also see additional Complete Streets improvements, with upgraded transit stops and new sidewalk along the North side of Hanna Avenue, opposite the multi-use path. Together, this project will provide multimodal connectivity and accessibility along a key east-west corridor and transit route on the Southeast side of Indianapolis. As part of the multi-use path, three multi-use path bridges will serve bicycle and pedestrian traffic on Hanna Avenue over I-65, and on Sherman Drive over Carson and Lick Creeks. The multi-use path will also provide valuable connectivity to the Red Line BRT.

## ZONING HISTORY

### Vicinity

**2020-CZN-807; 2965 North Sherman Drive (north of site)**, (AMENDED) Rezoning of 0.76 acre from the D-5 and C-3 districts to the C-3 district to provide for neighborhood commercial uses, **approved**.

**2020-CVR-807; 2965 North Sherman Drive (north of site)**, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for six-foot front yards (10-foot front yards required), **withdrawn**.

**2000-ZON-036; 3818 E 30th street (north of site)**, rezone 0.10-acre from D-5 district to C-3 classification to provide for an existing tavern's parking, **approved**.

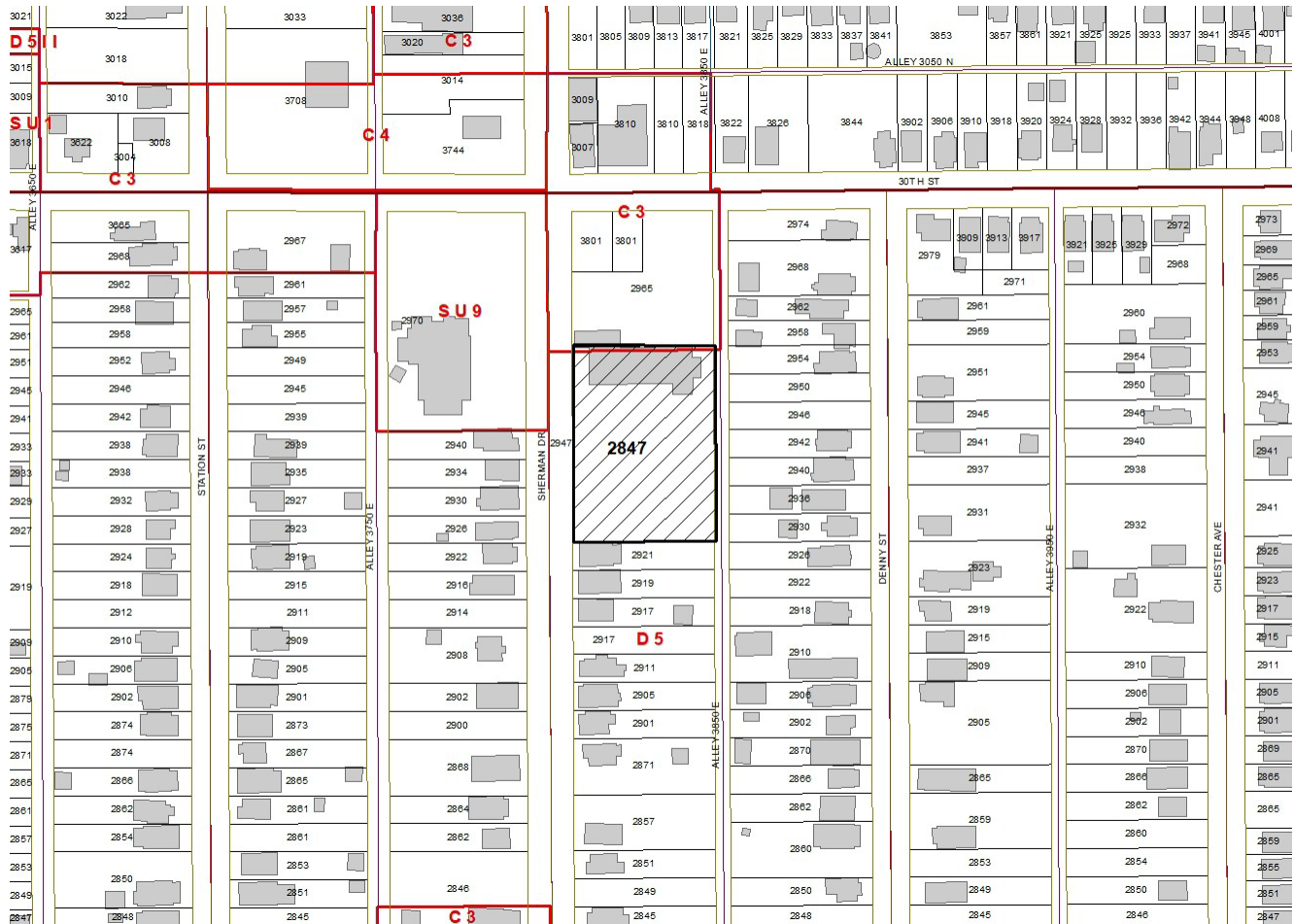
**96-Z-15; 2970 North Sherman Drive (west of site)**, requested the rezoning of 1.7 acres from the C-3 and D-5 districts to the SU-9 classification, **approved**.

**95-UV2-80; 3006 – 3020 North Sherman Drive (northwest of site)**, requested a variance of use to permit the operation of an automobile sales lot, towing services, variety store and automobile repair facility with outdoor storage, **approved**.

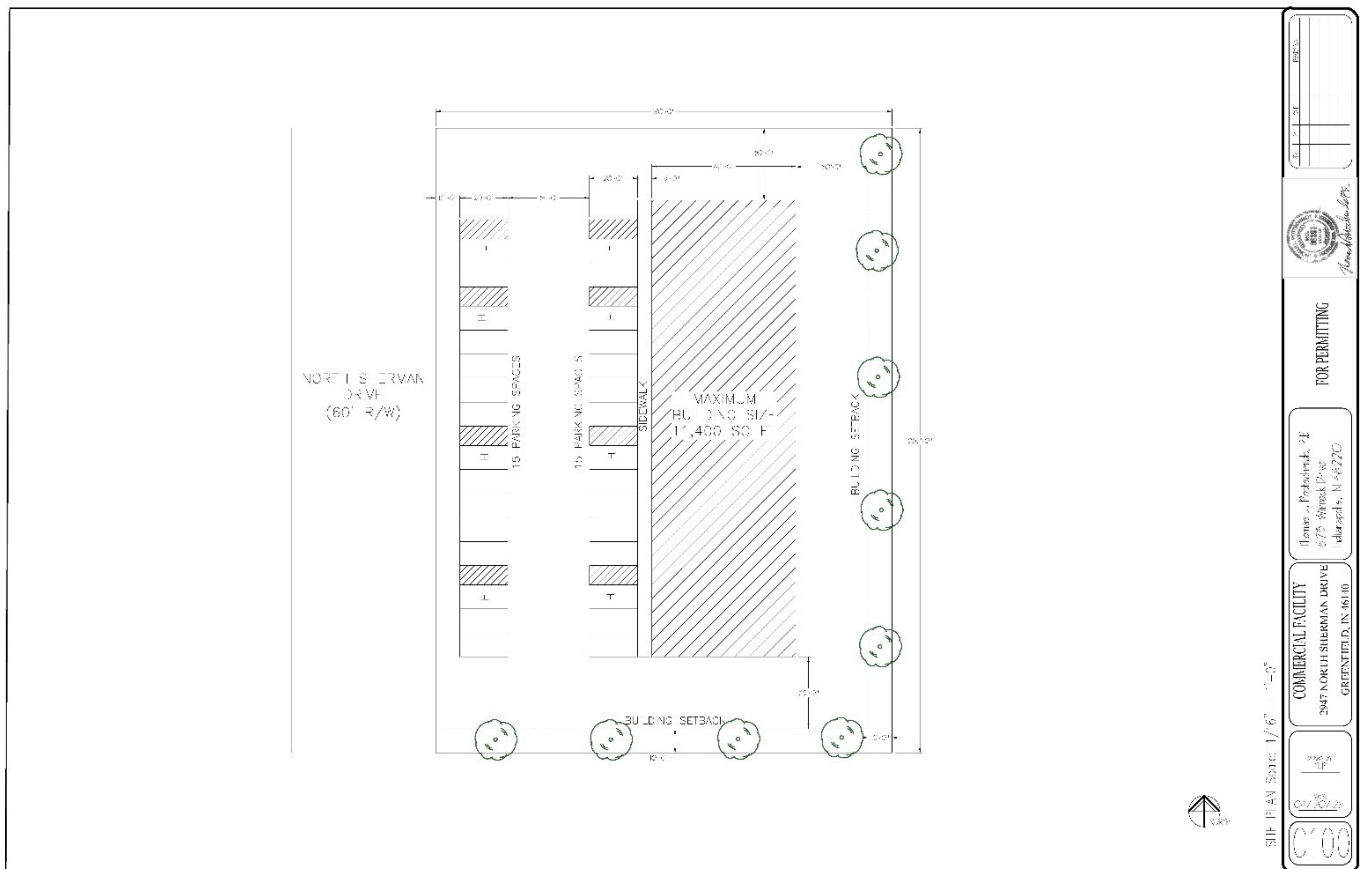
**93-UV1-39; 3105 North Sherman Drive (north of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for an automobile repair and engine cleaning business, **granted**.

**90-Z-121; 2970 North Sherman Drive (west of site)**, requested the rezoning of 0.8-acre from the C-3 and D-5 districts to the C-3 classification, **approved**.

EXHIBITS







## EXHIBIT B

1. **Adult Entertainment Business:** The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business is prohibited if such business is within 500 feet of another such business or within 500 feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of the Indianapolis Historic Preservation Commission or the Meridian

Street Preservation Commission, day care center, day care home or any existing dwelling zoning district within Marion County, Indiana. (See Section 743-301)

2. **Adult Entertainment Business: Retail:** See Adult Entertainment Business use-specific standards.
3. **Automobile and Light Vehicle Wash:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308)
4. **Bar or Tavern:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
5. **Check Cashing or Validation Service:** This use is not permitted within 500 feet from any protected district. (See Section 743-301 and Section 740-308.)
6. **Drive-Through:** Drive-through including lanes must be located at least 25 feet from the boundary of any protected district. Impacts along the boundary with those districts shall be buffered in accordance with the standards of Section 744-506.B.  
Any drive-through in which a portion of the drive through is located between the primary structure and a property boundary with a Dwelling district, the noise from speakers shall be limited to 70 decibels at the property line with the Dwelling district.
7. **Liquor Store:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.).
8. **Night Club or Cabaret:** The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
9. **Substance Abuse Treatment Facility:** In the C-4, C-5, and C-7 districts, substance abuse treatment facilities shall not be located within 500 feet measured in any direction, of any protected district or any Indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 740-308 and Section 743-301)
10. **Tattoo Parlor:** In the C-4, C-5 and C-7 districts, the use shall not be permitted within 1,000 feet of any protected district (See Section 743-301 and Section 740-308).
11. **Animal Care, Boarding, Veterinarian Services:** 100 feet from all dwelling districts other than the D-A district
12. **Power Generating Facility, Local:** 100 feet from any dwelling district.
13. **Recycling Collection Point:** 100 feet from any Protected district





**Figure 1 southern entrance, Looking at residential across the street**





Figure 2 Existing Site Conditions





**Figure 3 Existing fence to the east**





**Figure 4 Fire Station to the north**





**Figure 5 Vacant building on subject property**