Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER — November 12, 2026

Case Number:	2026-ZON-061
Property Address:	5330 West Morris Street
Location:	Center Township, Council District #17
Petitioner:	Jorge Gonzales
Current Zoning:	C-3 (TOD)
Request:	Rezoning of 0.33-acre from the C-3 (TOD) district to the C-5 (TOD) district to provide for automotive uses, including repair.
Current Land Use:	Single-family dwelling / detached garage
Staff Recommendations:	Denial
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the September 10, 2026 hearing, to the October 15, 2026 hearing, at the request of the petitioner. No new information has been submitted to the file.

The Hearing Examiner continued this petition from the October 15, 2026 hearing, to the November 12, 2026 hearing, at the request of staff.

STAFF RECOMMENDATION

Staff recommends denial. If approved, staff would request that approval of the rezoning be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The existing fence in the front yard shall be modified and / or replaced to comply with the maximum 3.5 height within 60 days of final approval of this rezoning request.

PETITION OVERVIEW

This 0.33-acre site, zoned C-3 (TOD), is developed with a single-family dwelling and a 10,000-square-foot detached accessory building. It is surrounded by governmental uses to the north, across West Wilkins Street, zoned SU-9 (TOD) (buildings and grounds used by any department of town, city, township, county, state or federal government); a single-family dwelling to the south, across West Morris Street, zoned D-5 (TOD); a single-family dwelling to the east, zoned C-3 (TOD); and governmental uses to the west, zoned SU-9 (TOD).

Petition 2023-UV1-022 legally established a single-family home and provided for construction of a detached accessory structure.

REZONING

The request would rezone the site to the C-5 General Commercial District (TOD) to provide for automotive uses, including repair. "The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts."

The West Washington Street Corridor Plan recommends community commercial typology for the site.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation of community commercial. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

Plan of Operations – May 11, 2026

The Plan of Operations describes the proposed use / nature of the business, hours of operation, traffic / parking, noise control, environmental impact, safety, staffing, site operations, compatibility with surroundings, justification for variance, and commitments.

The submittal file on this petition indicates that a variance of use was initially requested but later changed to a rezoning, so the Plan of Operations is a document that generally addresses the requirements for a variance of use, but it does provide information on how the business would operate.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptables for proper disposal of trash and other waste.

Planning Analysis

A closely related element of automotive uses and repair operations is the generation of automobile traffic to the site and vehicular storage on the site. Additionally, outdoor storage of vehicles awaiting repair would occur due to the increase of intensity and large amount of space that is typically required for automotive repair operations. With the subject site being historically and currently residential in nature, and smaller than typical C-4 lots, staff finds that the request and proposed plan of operation to be far too intense for the site.

Likewise, Staff finds the proposed uses to be wholly incompatible with the legally established residential uses. The incompatibility of these uses is further exemplified by the fact that automotive uses and repair are not a permitted use in any residential district and, conversely, no residential uses are permitted in any of the zoning districts that do permit automotive uses and repair.

Staff would also note that the Ordinance would permit 61 primary uses such as adult entertainment business, bar / tavern, indoor spectator venue, night club / cabaret, commercial and building contractors, liquor store, heavy general retail, as well as vehicle-related operations that would include an automobile / light vehicle wash and an automobile fueling station / convenience store.

Further, with this site being mid-block along West Morris Street, which is largely residential at this location, staff finds this to be an inappropriate location for the proposed uses given the surrounding context. Likewise, Staff does not find the proposal to align with the Neighborhood Plan recommendation of community commercial nor does it support neighborhood stability that is recommended in the Blue Line Transit-Oriented Development Strategic Plan.

During the site visit, staff observed that the existing fence along West Morris Street is in violation of the Ordinance because it exceeds the maximum height of 3.5 feet in the front yard and creates a visibility issue related to both traffic and pedestrians. Staff would strongly recommend that this safety issue be quickly addressed.

Lastly, Staff sees this proposal as further infiltration of heavy commercial uses south of Washington Street into primarily residential areas. Staff finds that the proposal would put further pressure on adjacent residential properties to the east and south.

For these reasons, staff is recommending denial of this rezoning request.

GENERAL INFORMATION

Existing Zoning	C-3 (TOD)
Existing Land Use	Single-family dwelling / detached garage
Comprehensive Plan	Community Commercial

Surrounding Context	**Zoning**	**Land Use**
North:	SU-9 (TOD)	Governmental uses
South:	D-5 (TOD)	Single-family dwelling
East:	C-3 (TOD)	Single-family dwelling
West:	SU-9 (TOD)	Governmental uses
Thoroughfare Plan		
West Morris Street	Local Street	Existing and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes Transit-Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	N/A	
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

Not Applicable to the Site.

Pattern Book / Land Use Plan

Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2024)

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ¼ mile walk of a proposed transit stop located at the intersection of West Washington Street and Lynhurst Drive with a Community Center typology.

Community Center stations have varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities include projects that improve neighborhood stability and encourage transit use.

Characteristics of the Community Center typology are:

- A dense mixed-use neighborhood center
- Minimum of two stories at core
- No front or side setbacks at core; 0-10-foot front setback and 0–10-foot side setback at the periphery
- Multi-family housing with a minimum of three units
- Structured parking at the core and attractive surface parking at the periphery

Neighborhood / Area Specific Plan

West Washington Street Corridor Plan (2012)

This Neighborhood Plan recommends community commercial which is a "land use category is for low-intensity retail and service commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the uses. The uses in this land use category are designed to fulfill a broad range of retail and personal, professional, and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise.

Furthermore, the Plan recommends the C-3 district.

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

2025-UV1-009; 5330 West Morris Street, requested a variance of Use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an Automobile, Motorcycle, and Light Vehicle Service or Repair facility, with outdoor storage of vehicles awaiting repair (not permitted), with eight parking spaces and zero bicycle parking spaces provided, **dismissed.**

2023-UV1-022; 5330 West Morris Street, requested a variance of Use of the Consolidated Zoning and Subdivision Ordinance to allow for primary and accessory single-family uses and structures, including the construction of a detached garage, **granted.**

VICINITY

2011-ZON-086; 5334 and 5336 West Morris Street (west of site), requested rezoning of 0.90 acres, from the C-3 District, to the SU-9 classification to provide for a parking lot for the Wayne Township government center, **approved.**

2005-SE1-004; 5515 West Morris Street (west of site), requested a special exception of the Dwelling Districts Zoning Ordinance to provide for a 1,144-square foot manufactured home, **granted.**

97-Z-60; 1205 South Lynhurst Drive (east of site), requested rezoning of the adjacent one-third of an acre D3 property to the C4 District to allow for the redevelopment of the site with a new Speedway convenience store, **approved.**

92-V2-93; 5331 West Washington Street (north of site), requested a variance of Development Standards of the Dwelling Districts Zoning Ordinance to legally establish an existing pole sign with a front setback of 6 feet from the right-of-way ling of Washington Street (15 foot setback required) and a clear distance of 6 feet from the bottom edge of the sign to the grade (9 feet required), **granted.**

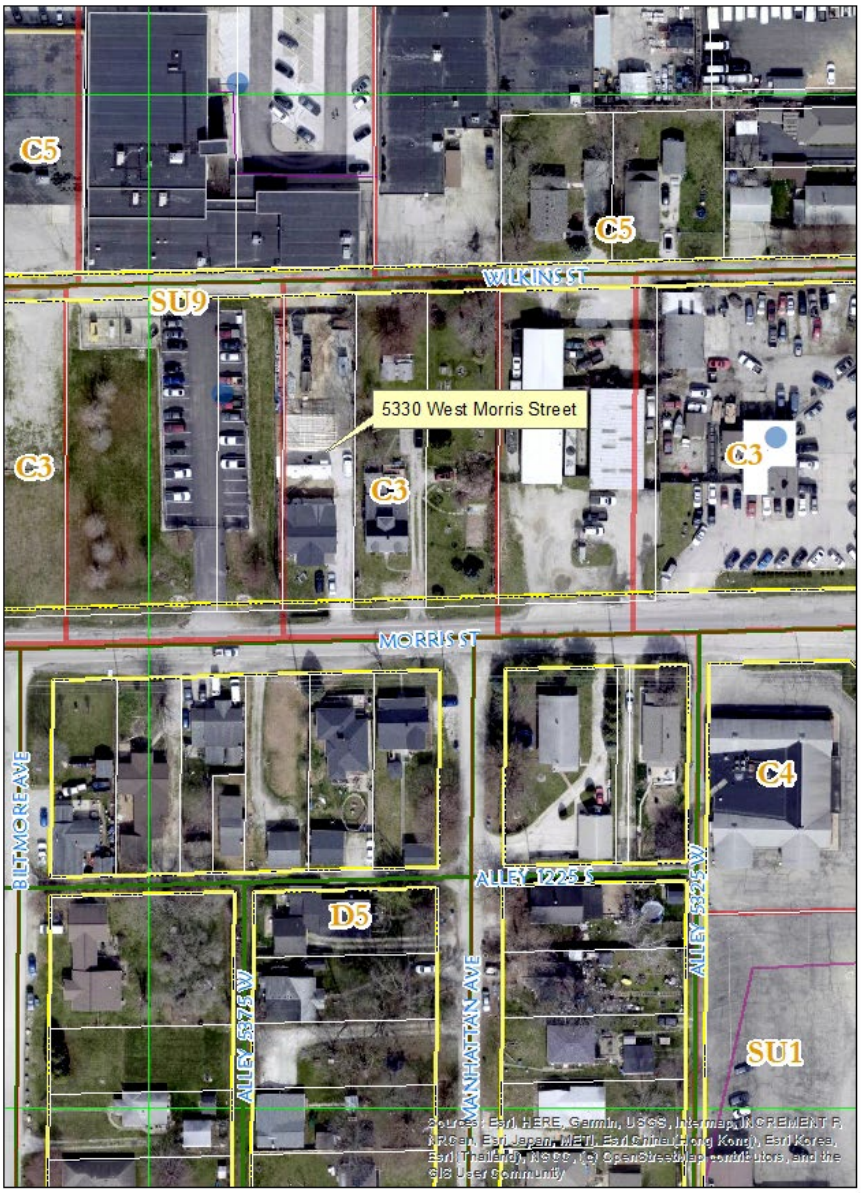
91-V3-98; 1229 South Biltmore Avenue (south of site), requested a variance of Development Standards of the Dwelling District Zoning Ordinance to permit the construction of an attached garage with a zero-foot side yard setback and a six foot aggregate setback (4-foot side yard setback and a 10-foot aggregate required), **granted.**

84-Z-199; 1149 South Lynhurst Drive (east of site), requested rezoning of 0.99 acres, being in the D-3 district, to the C-3 classification to provide for the removal of existing improvements and the construction of a service station and convenience food market, **approved.**

84-UV2-84; 1130 South Lynhurst Drive (east of site), requested a variance of Use of the Commercial Zoning Ordinance to provide for the erection of a 26 x 40 foot garage to be used for storage of supplies and equipment for an existing automobile repair service, **granted.**

83-Z-131; 5401 and 5405 West Washington Street (north of site), requested rezoning of 2 acres being in a C-5 district to the SU-9 classification to provide for a fire station and Township governmental offices, **approved.**

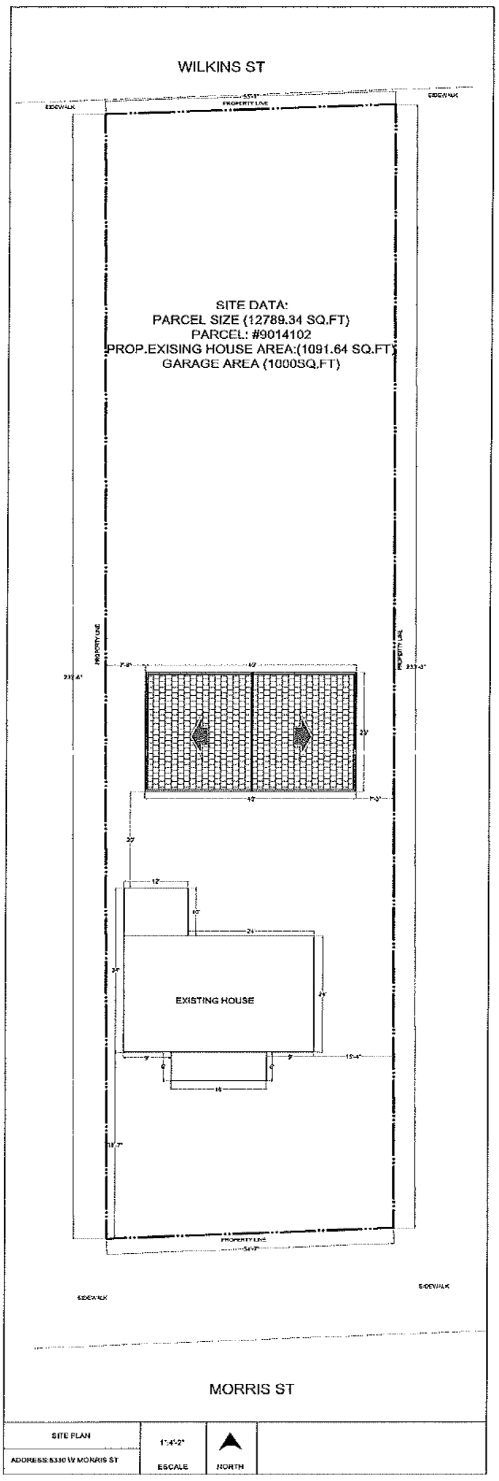
EXHIBITS



5330 West Morris Street

0 0.0042 0.0085 0.017 0.0255 0.034 Miles

N


WILKINS ST
SITE DATA:
PARCEL SIZE (12789.34 SQ.FT)
PARCEL: #9014102
PROP.EXISING HOUSE AREA:(1091.64 SQ.FT)
GARAGE AREA (1000SQ.FT)
EXISTING HOUSE
MORRIS ST
SITE PLAN
ADDRESS:5330 W MORRIS ST
1"-0"-0"
ESCALE
NORTH

OPERATIONS PLAN FOR VARIANCE APPLICATION

Automotive Luxury Accessories, Modification, and Restoration Facility

1. DESCRIPTION OF PROPOSED USE

The project consists of operating a specialized automotive service facility focused on luxury accessory installation, truck modifications (including lift systems), classic vehicle restoration, and aesthetic customization.

All activities will be conducted indoors, with no heavy industrial production or high-impact operations.

2. NATURE OF BUSINESS

The facility will operate as a small- to medium-scale specialized automotive service.

It will NOT include:
- Vehicle dismantling
- Outdoor storage of inoperable vehicles
- Used car sales
- Junkyard-type operations

The focus is on high-quality technical and aesthetic services.

3. HOURS OF OPERATION

Monday – Friday: 8:00 AM – 6:00 PM
Saturday: 9:00 AM – 3:00 PM
Sunday: Closed

These hours are designed to minimize impact on surrounding properties.

4. TRAFFIC AND PARKING

The estimated volume is 5–10 vehicles per day.

On-site parking will be provided per site plan. No use of public streets for vehicle storage or queuing will occur.

5. NOISE CONTROL

All operations will take place داخل the building.

Doors will remain closed during active work. Noise levels will be comparable to a light automotive repair shop, without continuous heavy machinery.

6. ENVIRONMENTAL IMPACT

Proper handling and disposal of oils, paints, and solvents will be implemented in accordance with local and federal regulations.

No hazardous discharge or environmental contamination is expected.

7. SAFETY

The facility will include:
- Certified fire extinguishers
- Ventilated areas for paint-related work
- Safe storage of flammable materials
- Compliance with applicable fire codes

8. STAFFING

The business will employ approximately 3 to 6 trained employees.

No high-density workforce conditions will be generated.

9. SITE OPERATIONS

All work will be conducted داخل the building.

No outdoor storage of damaged vehicles or dismantling activities will occur. The site will be maintained in a clean, organized, and professional manner.

10. COMPATIBILITY WITH SURROUNDINGS

The proposed use is compatible with the surrounding area due to its low operational impact.

It will not generate excessive traffic, noise, or visual disturbance and will contribute positively to the local economy.

11. JUSTIFICATION FOR VARIANCE

The variance is requested due to current zoning limitations that do not fully accommodate this specialized use.

The proposed use:
- Is low impact
- Does not adversely affect public health, safety, or welfare
- Supports local economic development

12. OWNER COMMITMENTS

The applicant agrees to:

- Operate within the stated hours
- Maintain the site in a clean and orderly condition
- Avoid nuisance to neighboring properties
- Comply with all applicable regulations

Statement:

The proposed use is a low-impact, indoor automotive specialty service that will not adversely affect surrounding properties or public health, safety, and welfare.



View looking east along West Morris Street



View looking west along West Morris Street



View of site looking northeast across West Morris Street



View of site looking northeast along West Morris Street



View of site looking north across West Morris Street



View of site looking southeast across West Wilkins Street



View of site looking southeast across West Wilkins Street



View looking east along West Wilkins Street



View looking west along West Wilkins Street