

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

Case Number: 2024-CZN-811 / 2024-CVR-811 (Amended)

Property Address: 35 East Morris (*Approximate address*)

Location: Center Township, Council District #18

Petitioner: Living Log Aquatic Services, LLC, by Matthew Kerkhof

Current Zoning: D-5

Request: Rezoning of 0.42-acre from the D-5 district to the MU-2 district for a restaurant.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating area with a 10-foot south side yard transitional yard (minimum 15-foot required), a trash enclosure within the front yard along Union Street (not permitted), to establish a surface parking lot in front of the building along Morris Street (25-foot setback required and 40% maximum of lot width behind front building line), a barbeque pit with a five-foot front yard setback from Charles Street, located in front of the primary building (accessory structures not permitted within the front yard).

Current Land Use: Vacant Gas/Service Station

Staff Recommendations: Approval

Staff Reviewer: Brandon Badger, Senior Planner

PETITION HISTORY

At the March 28, 2024, hearing, the Hearing Examiner granted staff's request for continuance to the April 11, 2024 hearing to allow time for staff to review revised plans.

STAFF RECOMMENDATION

Staff recommends approval of this request to repurpose the existing structure as a restaurant.

PETITION OVERVIEW

The 0.42-acre site was platted in 1871 (McCarty's South Addition) and developed with a single-family home in the late 19th century. The original home was removed and replaced with a gas/service station prior to 1956. The service station was in use until the early 2000s. It has remained vacant since.



Petitioner plans to repurpose the remaining structure into a restaurant. The location is suitable for a neighborhood commercial node as proposed in the comprehensive plan. The MU-2 district is intended for compact, walkable places that serve as neighborhood gathering places, including restaurants.

Adaptive reuse of commercial property benefits both the local community and the environment. Because the existing structure was built under different (or nonexistent) standards, variances from the current ordinance are necessary to realize the benefits of this commercial reuse. Staff supports the necessary development standards variances. Petitioner has committed to creating a site that is a welcoming gathering place for the community. Petitioner has also received support from community organizations.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Commercial (Vacant Gas/Service Station)	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Land Use
	North:	D-8 Auto Sales
	South:	D-5 Single-Family Dwellings
	East:	D-5 Single-Family Dwellings
	West:	C-4 Vacant Commercial/Industrial
Thoroughfare Plan		
Morris Street	Primary Arterial	60-foot existing and 78-foot proposed right-of-way
Charles Street	Local Street	30-foot existing and 48-foot proposed right-of-way
Union Street	Local Street	60-foot existing and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 27, 2024	
Site Plan (Amended)	March 25, 2024	
Elevations	February 27, 2024	
Elevations (Amended)	N/A	
Landscape Plan	March 25, 2024	
Findings of Fact	February 27, 2024	
Findings of Fact (Amended)	March 25, 2024	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 'Urban Mixed-Use' development.

Pattern Book / Land Use Plan

- 'Urban Mixed-Use' typology provides for pedestrian-oriented development with a wide range of businesses that serve both the adjacent neighborhood and the broader community. Pedestrian spaces should be activated as gathering places such as sidewalk cafes and plazas. The planned site includes outdoor seating as well as space for outdoor special events.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

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

SITE

None.

VICINITY

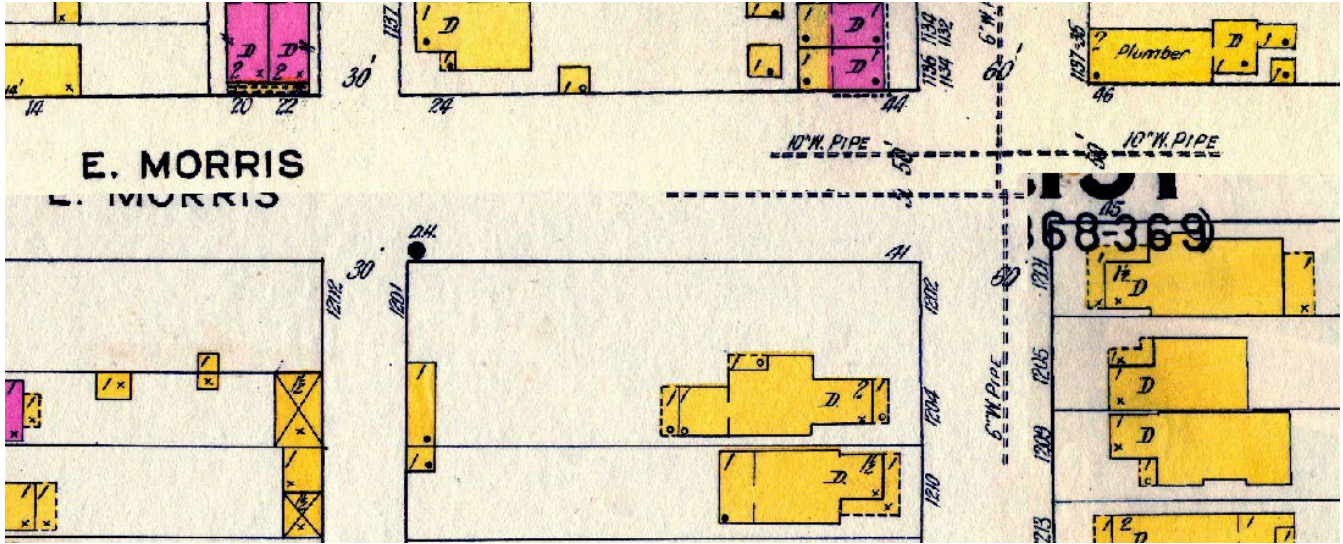
2019-ZON-034: 1202 S. Meridian St and 17, 31, 35, 39, and 41 W. Morris St, rezoning of 1.11 acres from the C-S and C-4 districts to the MU-2 district, **approved**.

2012-CZN-831 / 2012-CVR-831: 1202 S. Meridian St, rezoning of .39 acres from the C-4 district to the C-3 district to provide for a convenience store / fueling station and variances of development standards to provide for reduced front yard setbacks, reduced building setback and reduced canopy setback, **denied**.

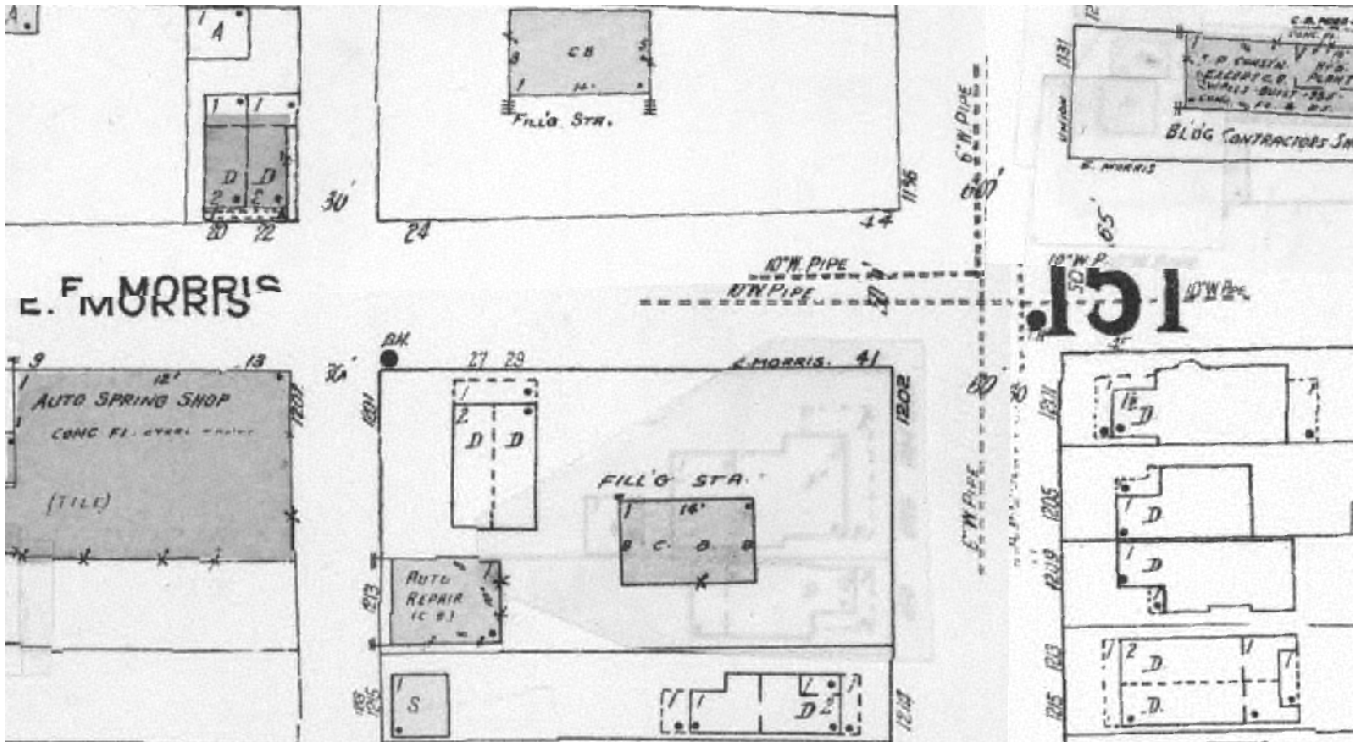
99-UV3-20: 30 E. Morris St, variance of use of the Dwelling Districts Zoning Ordinance to legally establish an outdoor automobile sales facility (not permitted), **approved**.

99-Z-25: 30 E. Morris St, rezoning of .286 acres from the D-8 district to the C-5 district to provide for retail auto sales, **withdrawn**.

EXHIBITS



Sanborn Map, 1898



Sanborn Map, 1956



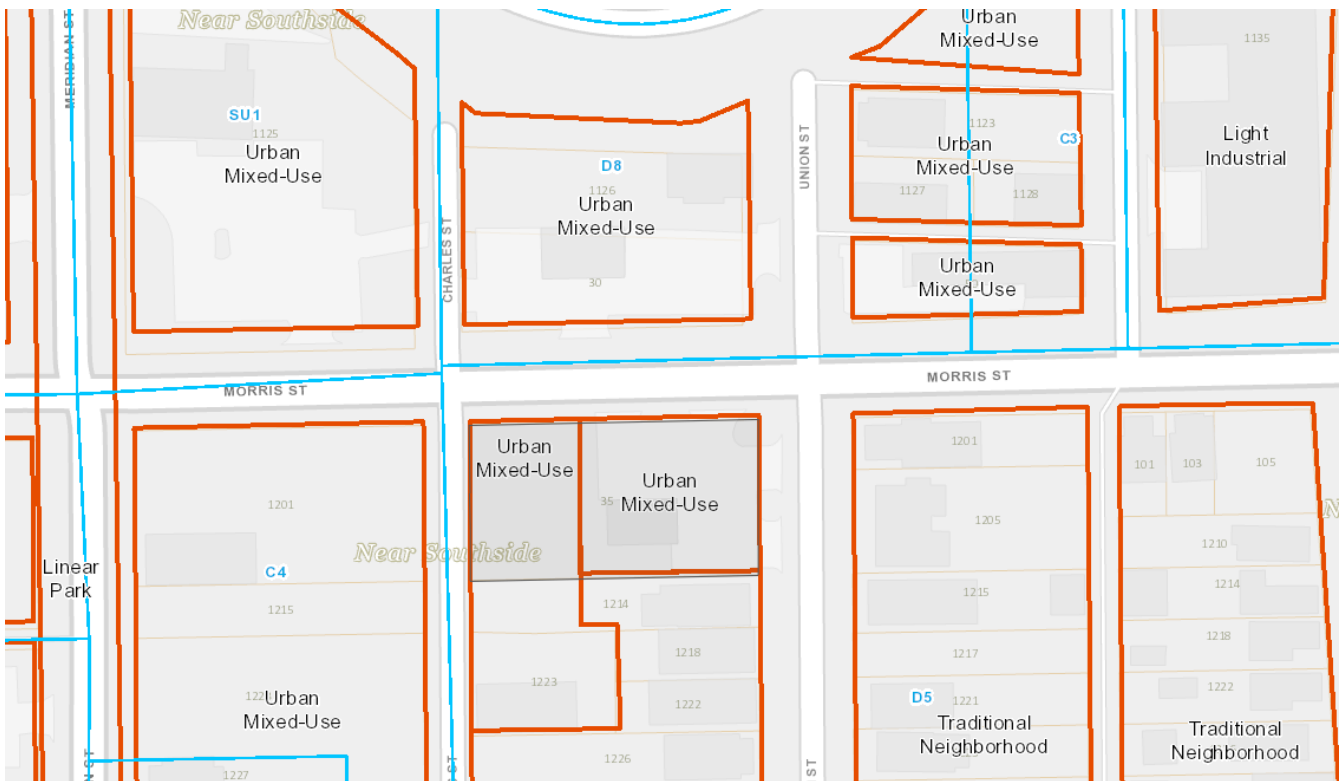
Vicinity aerial, 1986



Aerial view of site, 2020



Location map



Land Use map



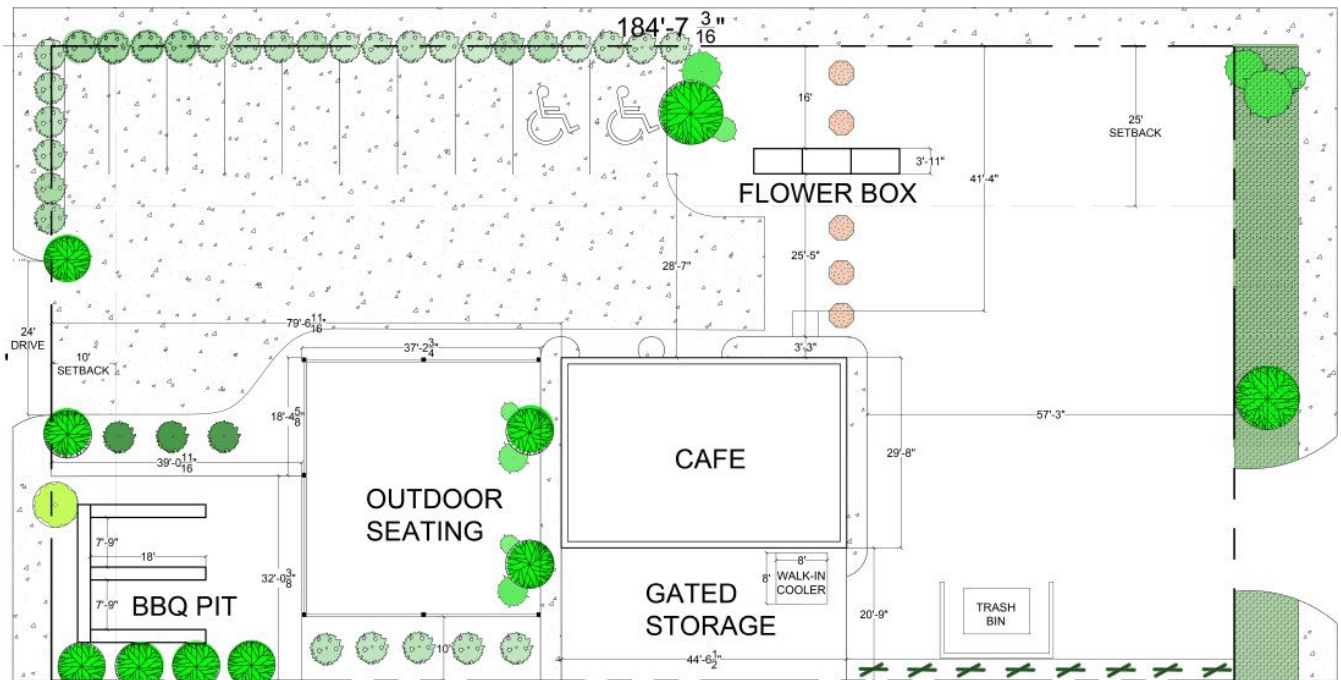
Site photo (Morris St view)



Site photo (Union St view)



Site photo (Charles St view)



Site plan