



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

January 15, 2026

**Case Number:** 2025-MOD-024  
**Property Address:** 5601 and 5621 Madison Avenue and 1525 Dudley Avenue  
**Location:** Perry Township, Council District #23  
**Petitioner:** Jade Investments of Indy, Inc., by David Dearing  
**Current Zoning:** C-5 (TOD)  
**Request:** Modification of Commitments Numbers #2 and #5 related to 2015-ZON-007, subject to the site plan, file-dated November 18, 2025, for landscaping and office location (previous commitments provided for Administrator's Approval for redevelopment or replacement of the residential structure, no other commercial use and removal of the mobile office within 24 months after final approval of the rezoning).  
**Current Land Use:** Automobile Sales  
**Staff Recommendations:** Denial.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first hearing on this petition.

**STAFF RECOMMENDATION**

Denial.

**PETITION OVERVIEW**

This 2.0-acre site, zoned C-5 (TOD), is comprised of four parcels developed with an automobile sales operation. It is surrounded by commercial uses to the north, across Dudley Avenue and to the south, across Whalen Avenue, both zoned C-3 (TOD); single-family dwellings to the east, zoned D-3 (TOD); and commercial uses and a single-family dwelling to the west, across Madison Avenue, zoned C-1 (TOD) and D-1 (TOD), respectively.

Petition 94-Z-203 rezoned 1.58 acres of this site to the C-5 district to provide for an automobile sales operation and mobile office structure. Petition 2015-ZON-007 rezoned an additional 0.- acre to the C-5 district to provide for automobile sales and repair and modify Commitment Two to reduce the required east and west transitional yards.

## **MODIFICATION**

The request would modify “additional” Commitments Numbers #2 and #5 related to 2015-ZON-007, subject to the site plan, file-dated November 18, 2025, for landscaping and office location. Previous commitments provided for Administrator’s Approval for redevelopment or replacement of the residential structure, no other commercial use and removal of the mobile office within 24 months after final approval of the rezoning. See Exhibit A.

Both the 2015 site plan and the one submitted with this petition are included in this report but both site plans are the same that provides for landscaping and location of the mobile structure (office).

No reason has been provided that explains why the landscaping has not been installed when agreed upon in 2015. No reason has been provided that explains why the mobile office remains despite agreement that it would be removed by 2017.

Staff does not support this request because nothing has changed over the past ten years. Furthermore, staff is concerned with the failure to comply with the required use specific standards that would minimize the impact of this General Commercial District (D-5) on the surrounding less intense commercial and residential land uses.

Staff also believes that a commercial building along this corridor to support this business would be more appropriate than the existing mobile office.

## **Violations – VIO24-002430**

On March 22, 2024, VIO24-002430 was issued that identified six violations. Three violations related to Use-Specific Standards for failure for provide a hard surface for outdoor display, outdoor storage exceeding the 25% of the total gross floor area of enclosed buildings, and failure to provide required off-street parking for automobile sales.

The remaining three violations relate to failure to comply with the agreed upon commitments that include lack of landscaping, failure to submit a landscape plan for Administrator Approval and failure to remove the mobile office within 24 months following approval of the rezoning.

## **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.

This site is located within the transit-oriented overlay with the nearest proposed transits stops located at the intersections of Shelby Street / Hanna Avenue and Madison Avenue / County Line Road and outside the walk sheds of those proposed stations.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-5 (TOD)	
<b>Existing Land Use</b>	Automobile vehicle sales	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-3 (TOD)	Commercial uses
South:	C-3 (TOD)	Commercial uses
East:	D-3 (TOD)	Single-family dwellings
West:	C-1 (TOD) / D-1 (TOD)	Commercial uses / single-family dwelling
<b>Thoroughfare Plan</b>		
Madison Avenue	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
Dudley Avenue	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.
Whalen Avenue	Local Street	Existing 40-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Transit-Oriented Development (TOD)	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	November 18, 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

The Comprehensive Plan recommends Community Commercial. 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.

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Community Commercial Typology*
  - 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.

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

The Red Line Transit-Oriented Development Strategic Plan (2021)

### 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)

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

**2015-ZON-007; 5601 and 5621 Madison Avenue and 1525 East Dudley Avenue**, requested rezoning of 0.30 acre from the D-3 district to the C-5 classification to legally establish and provide for automobile sales and repair and other commercial uses, and to modify Commitment Two of 94-Z-203 (5601 and 5621 Madison Avenue) to reduce the required east side and west front transitional yards, **approved**.

**94-Z-203; 5601-5621 South Madison Avenue**, requested a rezoning of 1.58 acres from C-3 to C-5 to provide for an automobile sales operation and mobile office structure, **approved**.

**72-UV2-99; 5601 Madison Avenue**, requested a variance of use, setback and transitional yard requirements to permit an open-air trailer sales, rentals and storage with billboard sign to remain and erect pole sign, **granted**.

### Vicinity

**94-Z-196; 5433 South Madison Avenue (north of site)**, requested rezoning of 0.44 acre, being in the C-3 District, to the C-5 classification to provide for commercial development, **approved**.

**91-Z-176; 5559 Madison Avenue (north of site)** requested rezoning of 0.58 acre, being in the C-3 District, to the C-5 classification to provide for the sales and service of used automobiles, **approved**.

**91-Z-57; 1523 East Epler Avenue (north of site)**, requested rezoning of 0.5 acre, being in the 1-2-U District, to the C-5 classification to provide for an automobile body shop, **approved**.

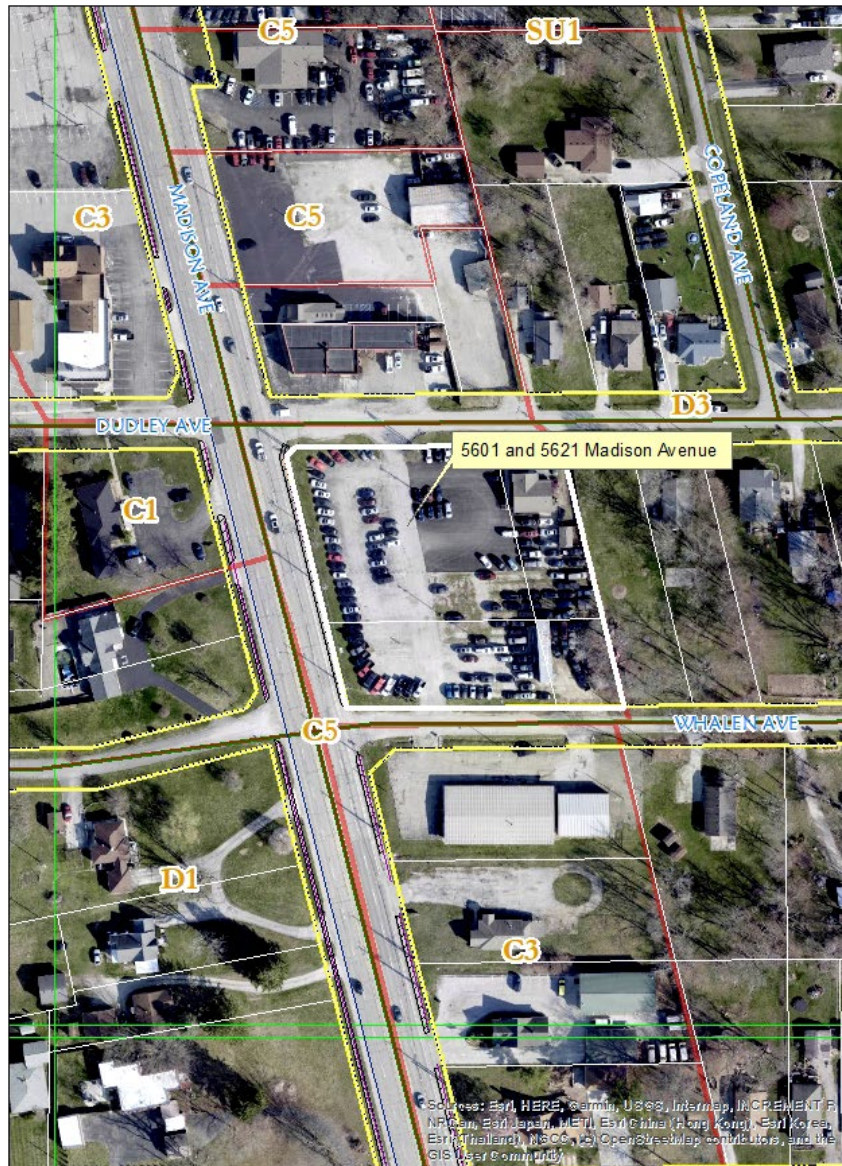
**91-V2-77; 1523 East Epler Avenue (north of site)**, requested a variance of development standards to provide for the continued operation of a body shop with 15 parking spaces and to allow an existing sign to remain at 11 feet from the right-of-way, **granted**.

**90-Z-184; 5525 Madison Avenue (north of site)**, requested rezoning of 0.36 acre, being in the C-3 District, to the C-5 classification to provide for automobile sales, **approved**.

**88-Z-140; 5452 Madison Avenue (north of site)**, requested rezoning of 1 acre, being in the D-1 and C-3 Districts, to the C-4 classification to provide for the construction of a neighborhood shopping center, **approved**.

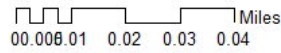
**88-Z-56; 5410 Madison Avenue (north of site)**, requested rezoning of 0.75 acre, being in the SU-9 District, to the C-5 classification to provide for an ambulance service, **approved**.

EXHIBITS

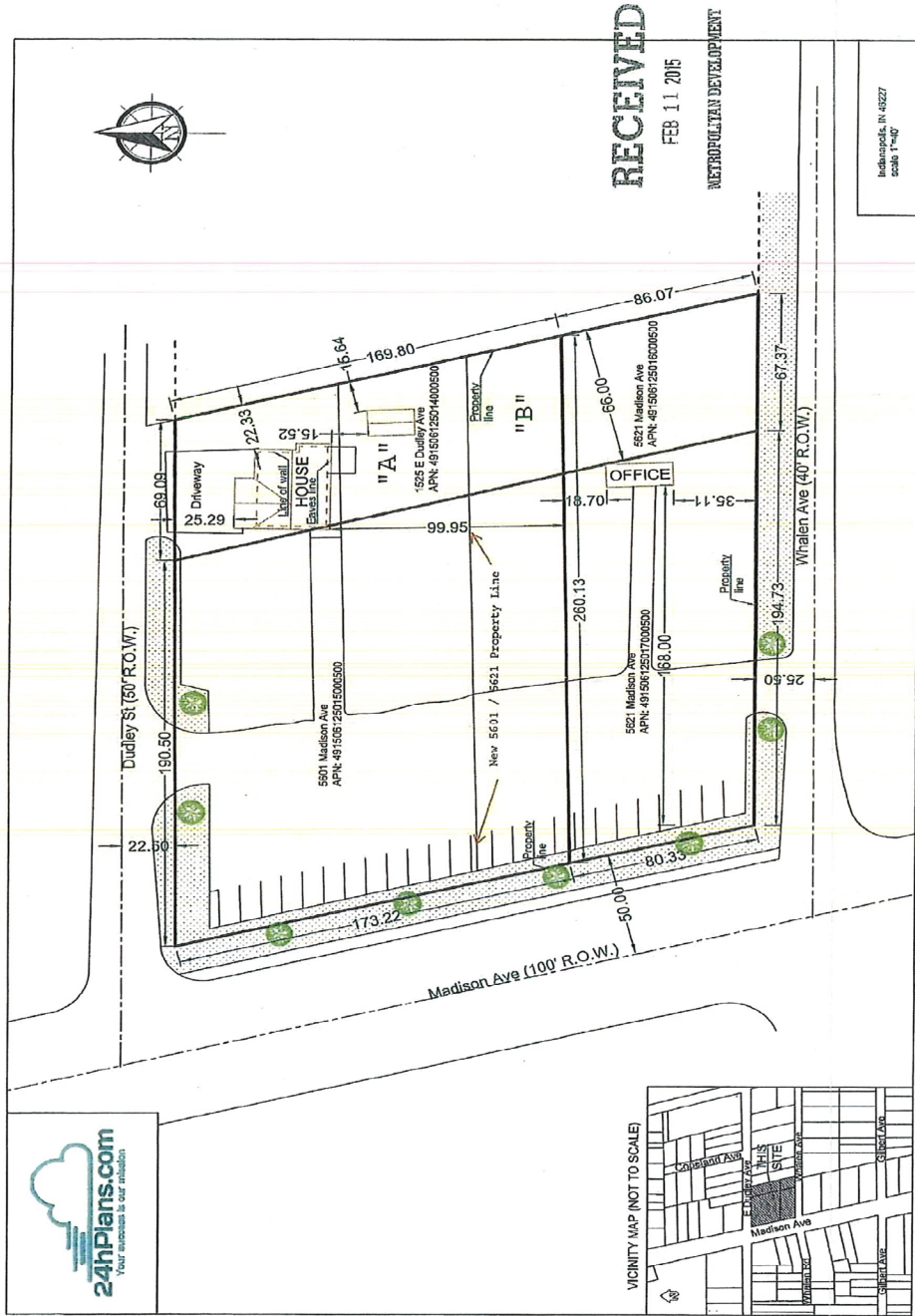


Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Ireland), SCS, Swisstopo, OpenStreetMap contributors, and the GIS User Community

5601 and 5621 Madison Avenue



2015-ZON-007 Site Plan





2025-MOD-024 Site Plan

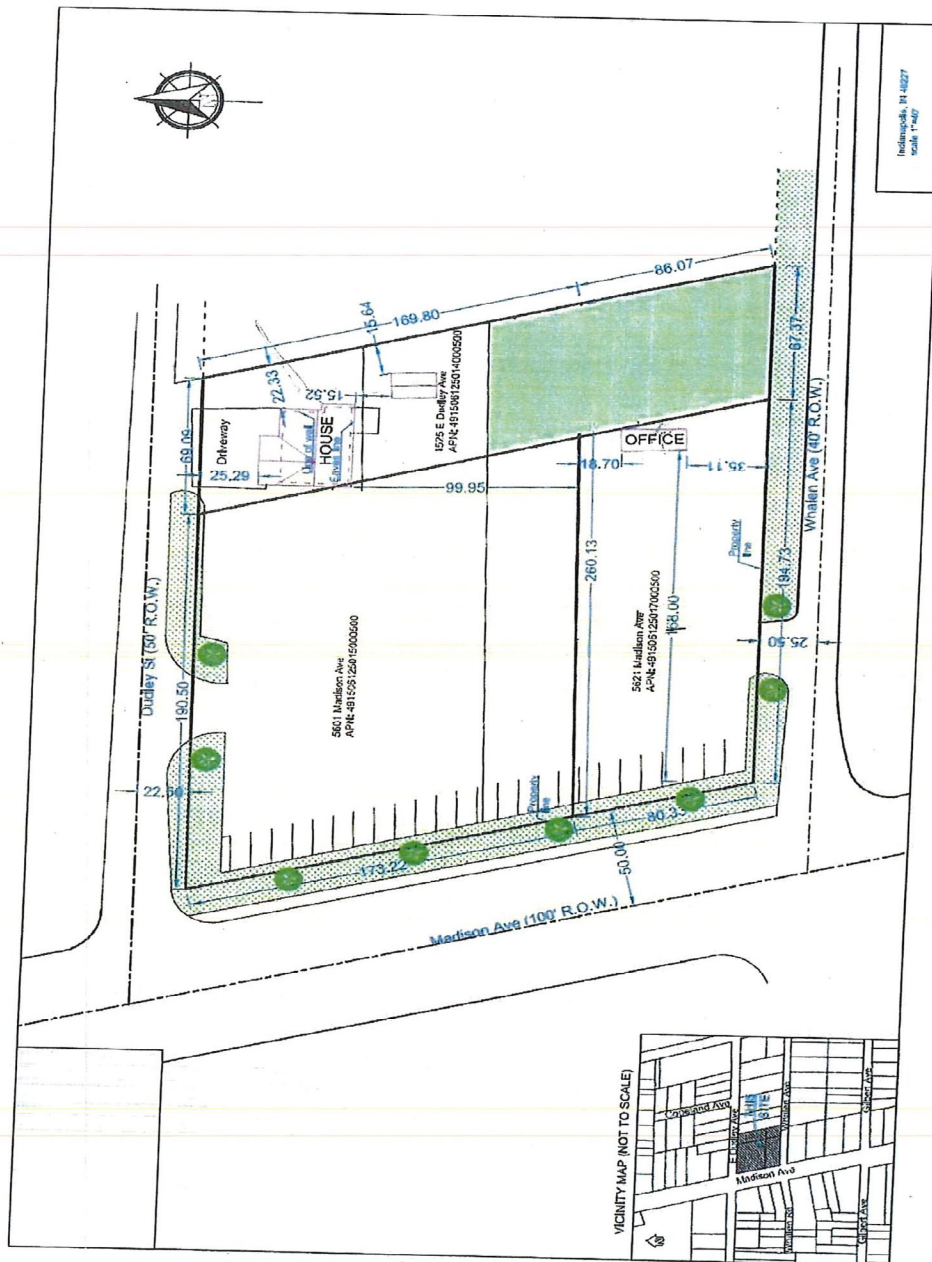


EXHIBIT 2

Indianapolis, IN 46227  
 Scale 1"=40'

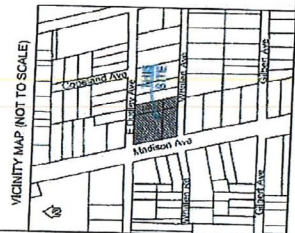


EXHIBIT A

A201500054955

06/11/2015 8:47 AM  
 KATHERINE SWEENEY BELL  
 MARION COUNTY IN RECORDER  
 FEE: \$ 28.50  
 PAGES: 6  
 By: GW

*AMC*

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MAY 18 2015

METROPOLITAN DEVELOPMENT

STATEMENT OF MODIFICATION OR TERMINATION  
 OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
 COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
 CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
 OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

**Legal Description:** See Attached Exhibit "A"

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Terminate commitment #2 of 94-Z-203 recorded as Instrument Number 1996 0157715 as recorded in the Office of the Marion County Recorder.
2. See Additional Commitments on Attached Exhibit "B"
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_



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MAY 18 2015

METROPOLITAN DEVELOPMENT

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition **2015 ZON 007**.


These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. \_\_\_\_\_
4. \_\_\_\_\_

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # \_\_\_\_\_ by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this 23<sup>rd</sup> day of April, 2015.

Signature:   
 Printed: Jay Sandefur  
 Title / Member, Jade Investments of  
 Organization Indy  
 Name: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title / \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Name: \_\_\_\_\_

**RECEIVED**

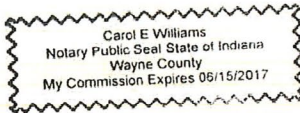
MAY 18 2015

METROPOLITAN DEVELOPMENT

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )

*Before me, a Notary Public in and for said County and State, personally appeared Jay Sandefur, Owner of the real estate and Member of Jade Investments of Indy who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

Witness my hand and Notarial Seal this  
23 day of April, 20 15



Carol E Williams  
 Notary Public  
Carol E Williams  
 Printed Name of Notary Public  
 My Commission expires: 6-15-2017  
 My County of residence: Wayne

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

This instrument prepared by: Jeffrey M. Bellamy, Attorney at Law, Supreme Court No. 24090-49  
 1900 Market Square Center, 151 N. Delaware Street, Indianapolis, IN 46204

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Bruce H. [Signature]  
 Secretary, Metropolitan Development Commission

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MAY 18 2015

METROPOLITAN DEVELOPMENT

*Exhibit B – Statement of Additional Commitments*

*The following Commitments are hereby incorporated by the Parties as if included where noted in the foregoing document:*

1. A landscape plan, providing for a minimum 10-foot front yard along all street frontages (subject to the grant of a variance for a reduced front transitional yard along Madison Avenue), and a 20-foot east transitional yard, shall be submitted for Administrator's Approval within 30 days of the approval of this request, with implementation of the landscape plan within 90 days of the approval of this request.
2. Redevelopment or replacement of the existing residential structure shall be subject to Administrator's Approval, with residential character and design elements to be emphasized in any replacement structure. No other commercial use shall occur east of the current dwelling structure.
3. The existing dwelling at 1525 Dudley Avenue indicated on the site plan file-dated February 11, 2015, may only be used as an office or a dwelling. The existing detached garage at 1525 Dudley Avenue shall only be used for accessory parking or storage of office supplies, new parts, or general storage. No repair shall be permitted on the 1525 Dudley Avenue parcel. Any building constructed shall not include overhead doors facing the south.
4. Prior to the construction of any new structures on the site, site and elevation plans shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit. Prior to commencement of any construction on the 5621 Madison Avenue parcel the existing six-foot tall opaque fence shall be continued along the eastern boundary. As part of construction for any development of 5621 Madison, a row of evergreen trees shall be planted inside the eastern boundary within the transitional yard.
5. The mobile office structure indicated on the site plan file-dated February 11, 2015 shall only be permitted to remain on-site for 24 months after the approval of this rezoning. Thereafter, it shall be removed from the site.



View looking north along Madison Avenue



View looking south along Madison Avenue



View looking east along Dudley Avenue



View looking west along Dudley Avenue



View of site looking south across Dudley Avenue



View of site looking southeast across Dudley Avenue





View looking south across Dudley Avenue and Madison Avenue



View of site looking east across Madison Avenue



View of site looking east across intersection of Whalen Avenue and Madison Avenue



View of site looking north across Whalen Avenue



View of site looking north across Whalen Avenue



View of site looking north across Whalen Avenue



View of site looking northwest across Whalen Avenue