



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 27, 2025

Case Number: 2025-ZON-006
Property Address: 5335 Madison Avenue (Approximate Address)
Location: Perry Township, Council District #23
Petitioner: James W. and Dawn E. Horner, by Christian C. Badger
Current Zoning: C-3 (TOD) and C-4 (TOD)
Request: Rezoning of 0.37-acre from the C-3 (TOD) and C-4 (TOD) districts to the C-7 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.
Current Land Use: Auto Repair
Staff Recommendations: Denial.
Staff Reviewer: Marleny Iraheta

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation, approval shall 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:

1. A 46-foot half right-of-way shall be dedicated along the frontage of Madison Avenue, 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).

PETITION OVERVIEW

LAND USE

The 0.37-acre subject site is developed with a commercial building and associated parking lot.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The site is surrounded by a single-family dwelling, zoned C-3, and mobile home park, zoned D-11, to the north, a commercial property to the east, zoned C-S, commercial strip center to the south, split zoned C-4 and C-3, and commercial properties to the west, zoned C-1 and C-3.

REZONING

The request would rezone the property from the C-3 (TOD) and C-4 (TOD) districts to the C-7 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.

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. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 46-foot half right-of-way along Madison Avenue. This dedication would be less than



what the Marion County Thoroughfare Plan calls for, but enough to implement the infrastructure plans of the Department of Public Works.

STAFF ANALYSIS

The request would rezone the site the C-7 district to allow for outdoor storage of inoperable vehicles in relation to an automobile repair facility.

The proposed district is the most intense commercial district, which staff does not find would be appropriate to border the D-3 and D-11 protected districts to the north with residential dwellings that should be protected.

The C-7 district permits unlimited outdoor storage that could result in the full coverage of the entire site or unorderly outdoor storage on a site with limited space. The aerial map in the staff report shows that outdoor storage of vehicles on site already crosses past the eastern property boundary onto the adjacent property.

Automobile repair is permitted within the existing C-4 district so the business could continue to operate on site just without the outdoor storage. The use-specific standards require that all servicing, motor repair, or body repair be conducted within an enclosed building. This prevents the overspill of vehicles on site awaiting repair.

If the business requires outdoor storage due to the growth of the business, then a new location should be sought instead of rezoning the site to the C-7 district. The petitioner proposed the option of rezoning to the C-5 district instead, but staff would not be supportive of that request either due to the proximity of the residential dwellings and secondary Transit Oriented Development Secondary District.

The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

The Transit Oriented Development Secondary District aims to reduce auto related businesses along transit lines. Although automobile repair is permitted and limited to no larger than half an acre, approval of this rezoning would allow for an auto related business to expand its operations and be counter to the intent of the district and design objectives.

There is an open violation, VIO24-00882, on site for the following items:

1. The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910. C.1. - Pedestrian sign shall be within 20 feet of a pedestrian entrance).
2. The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910. C.2. - Pedestrian sign shall only be displayed during business or operating hours).
3. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a C-4 zoning district...Tires, seats, bumper, vehicles awaiting repair).
4. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a C-4 zoning district).
5. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-201-3: - A minimum 20ft. transitional yard is required in a Metro context area C-4 zoning district).
6. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.6.a. - The parking area lacks hard surface and durability).
7. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).
8. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-1: - Failure to provide the required off-street parking spaces for light automotive repair...7 off-street parking spaces are required).
9. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking...1 handicap parking space is required).
10. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.2.b - The parking space dimensions for all non-residential uses shall not be less than 9ft. in width and 18ft. in length and have at least 180sq. feet of usable parking area).
11. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508. B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).
12. The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles with no plate).



All the violations can be corrected without the need to rezone the site since the automobile repair business can be limited to what is permitted by right. Additionally, there appear to be issues with meeting the necessary parking requirements of the business already so those should be addressed instead of proposing additional outdoor storage of vehicles that would make it harder to provide the required parking on site.

The proposed C-7 district in the Metro Context Area would require a 40-foot north transitional yard which would not be able to be met with the existing location of the building and would require a variance. Currently, the C-4 district requires a 20-foot north transitional yard, but if left as is the northern transitional yard would be considered legally non-conforming.

A site plan was not submitted to the case file, which would have provided the limited lot area to work with and would have provided a depiction of the site with the required parking standards.

In staff's opinion, approval of the request would be inappropriate and would not align with the context of the surround area.

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

GENERAL INFORMATION

Existing Zoning	C-3 (TOD) and C-4 (TOD)	
Existing Land Use	Auto Repair Facility	
Comprehensive Plan	Light Industrial and Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-3 / D-11 Residential (Single-family dwellings and Mobile Homes)
	South:	C-4 and C-3 Commercial
	East:	C-S Commercial
	West:	C-1 / C-3 Commercial
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	112-foot proposed right-of-way and 110-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
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

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial and suburban neighborhood development of the site.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area. This overlay modifies the Small-Scale Offices, Retailing, and Personal or Professional Services recommendation to note that development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected,

and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.

- **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.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located on the University of Indianapolis campus near Hanna Avenue and Shelby Street.
- Although there isn't a transit station within ¼ mile or ½ mile of the subject site, the plan notes to discourage or otherwise prohibit uses that rely solely on automobile trips, such as gas stations, car washes, storage facilities, motels, low-intensity industrial uses, or any other such use that is not likely to contribute to the pedestrian environment. These facilities should be located outside the primary focus area to the extent possible.

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 Indy Greenways Full Circle Master Plan, Part One (2014) proposes a multi-use greenway named the Interurban Trail from Hanna Avenue to County Line Road along Madison Avenue.
- The Indy Bike Paster Plan (2011) proposes an on-street bike land from Troy Avenue to County Line Road along Shelby Street and Madison Avenue.



ZONING HISTORY

Zoning History – Vicinity

98-Z-74; 1515 – 1555 East Hunstead Lane (east of site), Rezone 2.14 acres from C-3 to C-S to provide for C-3 uses (retail commercial uses) and loading and unloading operations related to a building supply company, **approved**.

89-Z-68; 5309 Madison Avenue (north of site), Rezoning of 3.72 acres, being in the C-4 district, to the D-11 classification to permit the development of a mobile home project, **approved**.

81-Z-36; 5340 Madison Avenue (west of site), Rezoning of 0.746 acre, being in the C-1 district, to the C-3 classification, to allow for retail sales in an existing building, **approved**.

71-Z-198; 5330-5350 Madison Avenue (west of site), Rezoning of 1.49 acres being in D-1 district to the C-1 classification to provide for general offices and retail sales, **approved**.

63-Z-126; 5302 and 5304 Madison Avenue (west of site), Rezoning of 1.26 acre, being in R-3 district to B-2 classification to provide for the construction and operation of a flower shop, **approved**.

EXHIBITS

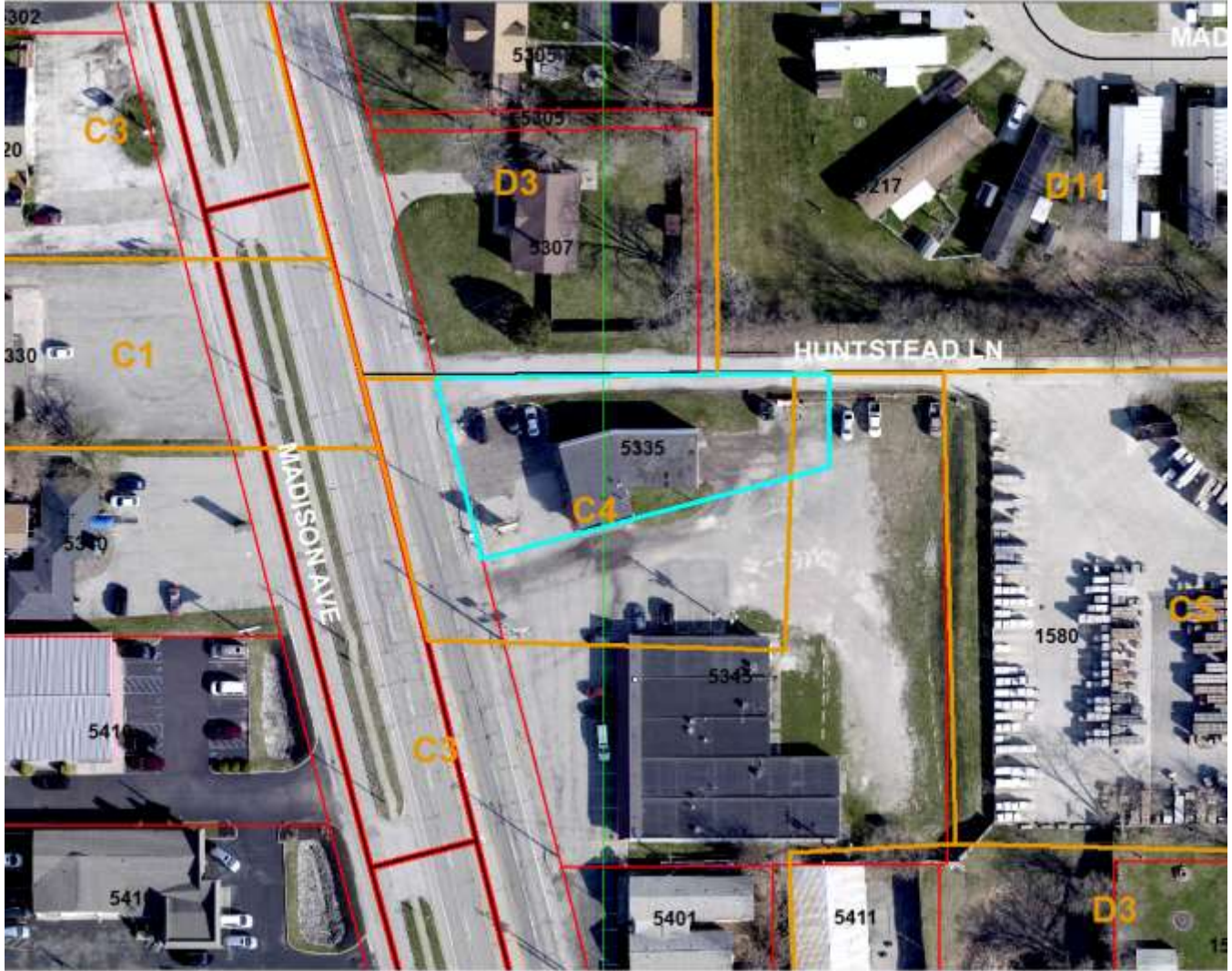




Photo of the subject site.



Photo of the storage of vehicles in the front yard.



Photo of Huntstead Lane looking east with the subject site to the right.



Photo of the subject site to the left looking west along Huntstead Lane.



Photo of the removed building addition on the north side of the building.

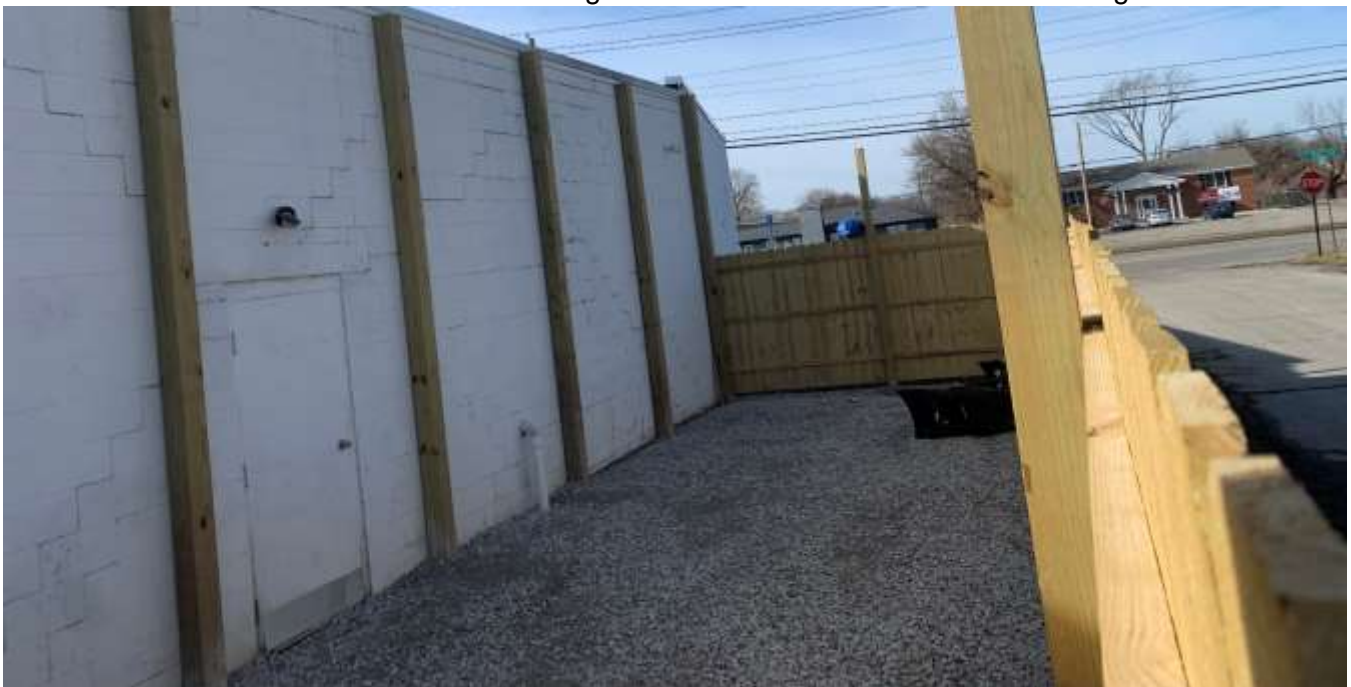


Photo of the fenced in area.



Photo of mobile dwellings north of the subject site.



Photo of a single-family dwelling north of the site.



Photo of the subject site street frontage.



Photo of the commercial building on site looking north.



Photo of the rear vehicle storage area.



Photo of the property east of the site.



Commercial property south of the site.



Commercial properties west of Madison Avenue.