

MDC HEARING EXAMINER

August 27, 2026

Case Number:	2026-ZON-065
Property Address:	4402 Madison Avenue (<i>approximate address</i>)
Location:	Perry Township, Council District #23
Petitioner:	2 Jets LLC, by Samuel Salazar
Request:	Rezoning of 2.13 acres from the D-3 district to the C-5 district to provide for commercial contractor uses.
Current Land Use:	Residential
Staff Recommendations:	Staff recommends denial of this petition.
Staff Reviewer:	Josh Levesque, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

SITE HISTORY

Records indicate the eastern parcel also known as 4402 Madison Avenue (local parcel number 5026152) was rezoned from D-3 to C-3 in 1986 under 86-Z-113. The 1986 petition was originally filed as rezone petition to C-5 to allow for auto sales. After opposition from staff and neighbors, who indicated the use was incompatible with the surrounding residential context, the rezone request to C-5 was denied. The petitioner subsequently amended their petition to request a rezone to C-3 and this was approved.

PETITION OVERVIEW

- There are two parcels with the address known as 4402 Madison Avenue. The lot subject to this rezone petition corresponds to the local parcel number 5007013. This lot is currently zoned D-3 and is roughly 2.13 acres. The parcel immediately to the north is zoned D-3 while parcels further to the north are zoned C-3 and MU-1. Parcels to the south and west are zoned SU-1. The parcel immediately to the east is zoned C-3. Parcels further east are zoned D-3
- The petitioner is requesting a rezone from the D-3 district to the C-5 district to build an office and storage space for a commercial contractor business.
- The Comprehensive Plan contemplates this parcel as part of the “Community Commercial” typology. This typology “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.”

- The Comprehensive Plan’s Community Commercial district closely aligns with the Ordinance’s C-3 Neighborhood Commercial District. This 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. [...] It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations.”
- In contrast, the C-5 district does not align with the Community Commercial typology. The Ordinance indicates that 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 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.”
- Commercial contractor uses tend to be outdoor functions, noisy, and often employ outdoor storage of materials and vehicles. This explains why the Ordinance does not permit commercial contractor uses before the C-5 district.
- Absent any commitments, rezoning allows for any and all uses allowed by right within the newly zoned district. While the current request is tied to a commercial contractor use, approval of this rezoning petition would allow for all C-5 uses by right. This could lead to even more intense uses of the site that would stray further from the Comprehensive Plan and the context of the area.
- Staff will also note that the SU-1 district is a protected district. Rezoning this property to C-5 would go against the Ordinance’s intention to keep C-5 from being adjacent to protected districts.
- Based on the Comprehensive Plan, the context of the area—specifically proximity to a protected district, and the other intense uses allowed by C-5, staff recommends **denial** of this petition as it currently stands.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Vacant buildings	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Surrounding Context
North:	C-3 / MU-1	North: Vacant / Residential
South:	SU-1	South: Religious Use
East:	C-3 / D-3	East: Commercial / Residential
West:	SU-1	West: Religious
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	235-foot existing right-of-way and 112-foot proposed right-of-way

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	No
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

Pattern Book / Land Use Plan

- The Comprehensive Plan contemplates the Community Commercial typology for this parcel. This 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.”

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

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

78-Z-167; 4540 Madison Avenue (west/southwest of site); Rezoning of 25.61 acres from the SU district to the SU-1 district to permit church uses, **approved.**

86-Z-113; 4402 Madison Avenue (parcel to east of subject site), Rezoning of 0.50 acre from the D-3 to the C-3 district, **approved.**

EXHIBITS

2026ZON065; Aerial Map



2026ZON065: Photographs



Photo 1: Looking into subject site; area was gated limiting access for further photographs

2026ZON065; Photographs (cont'd)



Photo 2: Google Maps image showing the curb cut off Madison; subject site behind gate