



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 26, 2026

Case Number: 2025-CPL-862 / 2025-CVR-862 (Amended)
Address: 10401 and 10435 East Washington Street (*Approximate Addresses*)
Location: Warren Township, Council District #20
Petitioner: Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda
Request: Approval of a Subdivision Plat, to be known as Replat of Block A and Lot 2 of Washington Market Commercial Subdivision, dividing 10.809 acres into one lot and one block.
Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station (not permitted), and to provide for 31 parking spaces (maximum of 27 parking spaces permitted).
Waiver Requested: No
Current Land Use: Parking Lot
Staff Recommendations: Approval of Plat. Denial of Variances.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was automatically continued from the January 15, 2026, hearing, to the February 12, 2026, hearing at the request of a Registered Neighborhood Organization.

This petition was continued from the February 12, 2026, hearing to the February 26, 2026, hearing at the request of the petitioner.

Amended Petition: The Variance of Development Standards request for maximum parking spaces was amended from the original request of 36 parking spaces to 31 parking spaces by the petitioner with the submittal of a revised site plan. In addition, the previously indicated maximum of eight parking spaces permitted, was incorrect and changed to reflect the actual maximum of 27 parking spaces permitted. No new notice would be required as the intensity of the changes were less than originally noticed.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated November 24, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:



1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.

PETITION OVERVIEW

LAND USE

The 10.809-acre site is zoned C-4 and developed with an integrated commercial shopping center with an associated parking lot. The proposed plat would subdivide the property into one (1) lot and one (1) block: Lot Two would be 0.494-acre and Block A would be 9.984 acres. The proposed plat meets the standards of the C-4 zoning classification.

The site is surrounded by commercial uses to the north, east, and south all zoned C-4. To the west, the site undeveloped land and zoned D-A.

STREETS

Lot Two, and Block A would front on East Washington Street. No new streets are proposed as part of this Plat petition.

SIDEWALKS

Sidewalks are existing along East Washington Street.



VARIANCE OF DEVELOPMENT STANDARDS

The grant of the variance request would provide for a drive-through accessory use for a restaurant, within 600 feet of a proposed transit station where it is prohibited, and to provide for 31 parking spaces exceeding the maximum of 27 parking spaces permitted.

The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000 feet from the centerline of a Bus Rapid Transit (BRT) Line. 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:

- 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.
- Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
- 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.
- Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

Table 742.207-2 in the Ordinance provides a list of prohibited uses and their limitations. For drive thru accessory uses, in this instance within 600 feet from a Transit Station, are prohibited except where they are located behind the building and all access is provided by alleys. The proposed use does not meet this exception as the drive through would be along the side of the proposed building and accessed would be provided by an internal drive.

As this site lies within the Transit Oriented Development (TOD) overlay for the Bus Rapid Transit (BRT) Blue Line, proposed uses, and the redevelopment of existing uses as for this property, should be oriented towards supporting the overlay district design and establishing greater walkability in the district. The proposed request for the drive-through accessory use for a restaurant, within 600 feet of a proposed transit station, would allow a non-compliant auto-centric use that is non-contributing in the overlay which would be counterproductive to the intent of establishing greater walkability and connectivity in the area.

For the amended request to provide for 31 parking spaces, even though the number of parking spaces may already exist on site, nothing prevents the developer from eliminating the excess parking spaces to accommodate the required 27 maximum parking spaces of the Ordinance as the proposed request will require new construction and development. The request to provide 31 parking spaces is a result of the petitioners specific design requirements, and not related to any limitations imposed by the site or the Ordinance.



Although building elevations were not provided, staff would note that the C-4 transparency requirements would need to be met so that petitioner should keep that in mind as they proceed with their proposal.

STAFF ANALYSIS

For these reasons, staff is recommending **denial** of the Variance of Use and Development Standards request.

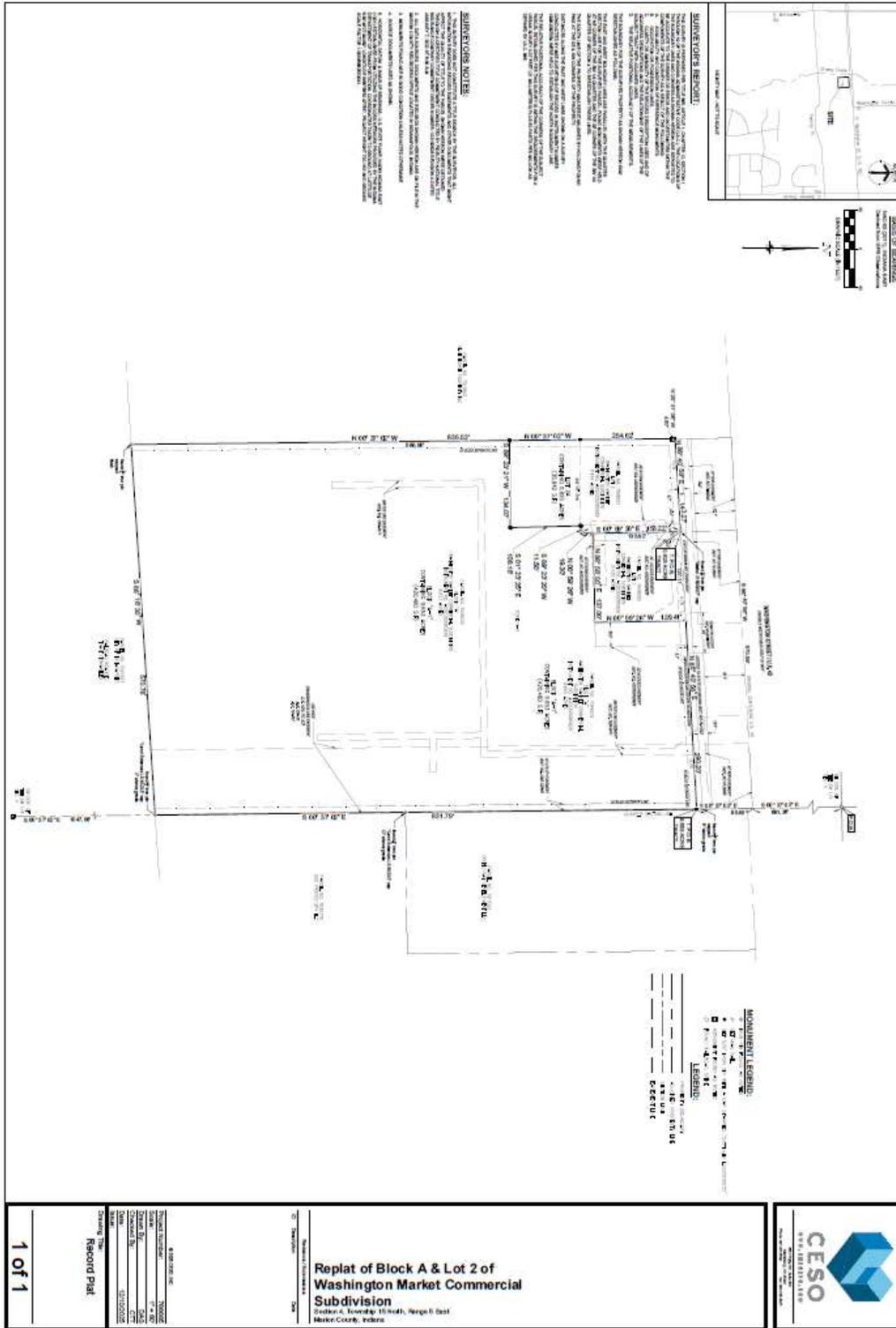
GENERAL INFORMATION		
Existing Zoning	C-4	
Existing Land Use	Parking Lot	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Land Use
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	D-A	Undeveloped
Thoroughfare Plan		
East Washington Street	Primary Arterial	138-foot proposed and existing right-of-way.
Petition Submittal Date	November 24, 2025	

EXHIBITS

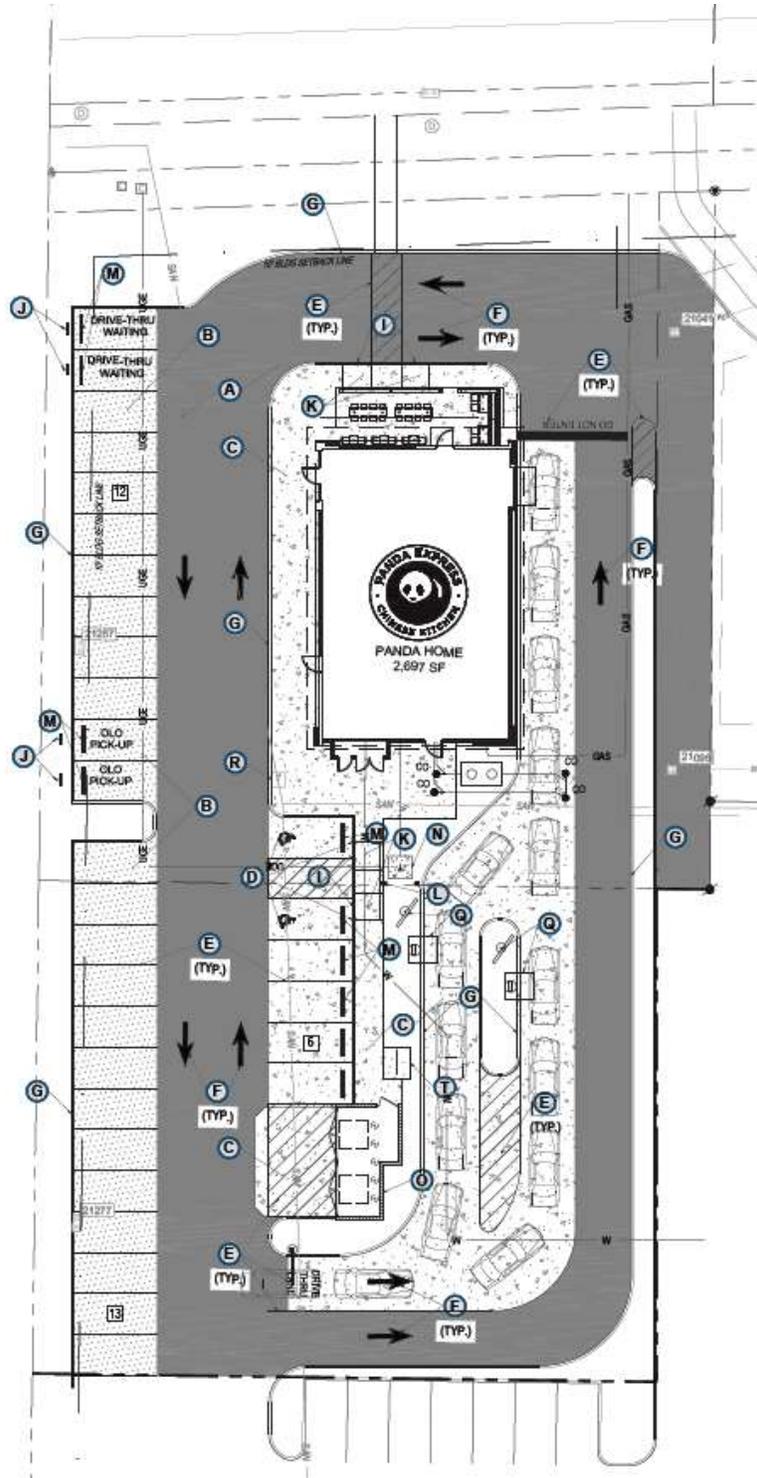
LOCATION MAP



PLAT SURVEY



SITE PLAN - AMENDED



PLAN OF OPERATION

Plan of Operation

Project: Panda Express D39727 Indianapolis, IN
Use Type: Quick-Service Restaurant with Drive-Thru

Description of Proposed Facilities

The proposed development consists of a new, approximately 2,700 square-foot Panda Express quick-service restaurant with a single drive-thru lane and dual-order capability. The building will include an indoor dining area, kitchen and food-preparation spaces, restrooms, and an exterior refuse enclosure. The site will provide customer parking, landscaping, stormwater facilities, and pedestrian connections consistent with the approved Washington Market Subdivision standards.

Number of Employees

Typical staffing will include 8 to 10 employees per shift, consisting of kitchen staff, counter staff, and management personnel. Peak operating hours may require up to 12 employees.

Hours of Operation

- **Monday–Sunday:** 10:30 AM – 10:00 PM
These hours are consistent with other Panda Express restaurants in the region and align with adjacent commercial uses within the development.

Security Provisions

The restaurant will include interior and exterior security cameras, adequate site lighting, and drive-thru lighting designed in compliance with city illumination standards. No security personnel are proposed; however, store management will coordinate with local authorities if required.

Presence of Hazardous or Explosive Materials

No hazardous or explosive materials will be stored or used on-site beyond standard restaurant cleaning supplies and food-service materials. All waste, including used cooking oil, will be stored in approved containers and collected by licensed vendors.

Parking and Traffic Circulation

The site is designed for safe vehicular and pedestrian circulation, with clear separation between customer parking and drive-thru traffic. Adequate on-site queuing is provided to prevent congestion within shared access drives. The drive-thru window is located on the rear of the building to minimize visual impact from E. Washington Street.

Deliveries and Waste Collection

Deliveries will occur during non-peak hours, generally between 6:00 AM and 10:00 AM. Waste collection will occur two to three times per week via the shared service drive, coordinated with other tenants within the Washington Market development.

Compliance and Operations Management

All operations will comply with applicable health, fire, and building codes, as well as the conditions of variance approval. Panda Express will maintain the property in a clean and orderly manner at all times, including regular litter patrol and landscape maintenance.



FINDINGS OF FACT

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed parking layout is designed to ensure safe vehicular circulation, efficient queuing, and adequate space for customer turnover typical of a high-volume quick-service restaurant. The number of parking spaces provided supports operational safety and prevents spillover parking on adjacent parcels or streets. The site meets all stormwater, landscaping, and accessibility requirements, ensuring the design remains consistent with public health and welfare objectives.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed parking arrangement is consistent with existing conditions in the Washington Market development and will not create visual or functional impacts on surrounding uses. Additionally, while the variance allows an increase in the number of stalls on the Panda Express parcel, the overall site development will result in a net reduction of approximately 41 parking stalls across the shared development. This reduction ensures no cumulative parking increase or adverse impact to adjacent parcels, maintaining the site's compatibility with the surrounding area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Strict adherence to the maximum parking ratio would not accommodate the operational needs of the proposed Panda Express restaurant, which relies on high customer turnover and short-duration visits. Limiting parking would result in congestion, queuing conflicts, and inadequate circulation within the site. The proposed parking count is necessary to ensure safe and efficient site function while remaining proportionate to the building area. The design satisfies all other zoning and development standards, representing the least deviation necessary to ensure practical and functional site use.

PHOTOS



Photo of proposed Lot 2 looking north.



Photo of the street frontage of proposed Lot 1 looking west along East Washington Street.



Photo of Block A looking north.



Photo of Lot 1, adjacent to proposed Lot 2, looking east.