



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

January 29, 2026

Case Number: 2025-CPL-861 / 2025-CVR-861
Property Address: 9425 Hague Road (approximate address)
Location: Lawrence Township, Council District #4
Petitioner: Waffle House, Inc., by Eric Givens
Zoning: C-4 (FF)
Request: Approval of a Subdivision Plat, to be known as Waffle House Addition, dividing 1.65 acres into two lots, with a waiver of the sidewalk requirement.
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant, without the installation of a public sidewalk along Hague Road or Castlegate Drive (public sidewalks are required along the entire frontage of abutting public rights-of-way), to provide for 9-foot by 18-foot parking stalls (minimum parking stall size of 9-foot by 20-foot, or 10-foot by 18-foot, or 180 square-foot required), and to provide for 36 parking spaces (maximum 18 parking spaces permitted).
Waiver Requested: Yes
Current Land Use: Parking Lot
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner **deny** and find that the plat, file-dated December 15, 2025 does not comply with the standards of the Subdivision regulations.

If approved against staff's denial recommendation, approval shall be subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, 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 1.65-acre site is zoned C-4 and developed with a commercial parking lot to be subdivided into two lots. The site is surrounded by commercial uses to the north, parking lot to the east, commercial use to the south, and undeveloped land to the west all zoned C-4.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow the development of a restaurant on proposed Lot Two without the installation of a public sidewalk along Hague Road or Castlegate Drive where public sidewalks are required, would allow for 9-foot by 18-foot parking stalls where a minimum parking stall size of 9-foot by 20-foot, or 10-foot by 18-foot, or 180 square-foot is required, and to allow for 36 parking spaces exceeding the maximum 18 parking spaces permitted.

Staff does not support the variance to not provide sidewalks along Hague Road or Castlegate Drive because the plat petition process and site development is the manner in which the City of Indianapolis ensures that sidewalks are installed. The grant of the variance would eliminate the need for safe pedestrian access to the subject site, which would be contrary to the Vision Zero policy to eliminate all traffic fatalities and serious injuries while increasing safe, healthy and equitable mobility for everyone.

Staff does not support the variance for the reduction in parking stalls. The site plan calls out eight spaces along Hague Road that would be reduced in size, but a simple change in the parking space widths to 10 feet would ensure that the minimum 180 square feet is met. Additionally, these parking spaces could simply be eliminated, and additional landscaping could be proposed in their place considering the proposal would exceed the maximum parking spaces.

Although the number of parkign spaces may already exist on site, nothing prevents the developer from eliminating the excess parking spaces to accommodate the required parking dimensions of the



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Ordinance. If the minimum parking stall sizes were met, then staff could consider supporting the remaining existing parking spaces on site.

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.

SITE PLAN AND DESIGN

This site is zoned C-4, comprised of one (1) parcel, and is developed as a commercial parking lot. The proposed plat would subdivide the property into two (2) lots to be known as Waffle House Addition to provide for a commercial development.

Lot One on the east side will consist of the existing parking lot and would measure 1.147 acres or approximately 49,966 square feet. Lot Two will contain a new restaurant development and would measure 0.507 acre or approximately 22,092 square feet.

STREETS

Lot One would front on Hague Road and Lot Two would front along Castlegate Drive. No new streets are proposed as part of this petition.

SIDEWALKS

Sidewalks are required as a part of this plat. Sidewalks do not exist along Hague Road or Castlegate Drive. The petitioner is seeking a waiver of the sidewalk requirement along both streets. Staff understands that sidewalks are an important and necessary infrastructural element of public rights-of-way that increases connectivity, access, and safety for any members of the public not using a motor vehicle. With both streets currently not containing any sidewalks, Staff finds the requirement to implement sidewalks as a part of this platting process to be an important first step in building out the pedestrian network and improving access along Hague Road and Castlegate Drive. Further, Staff did not find there to be any physical difficulties/obstructions that would complicate/prohibit the placement of sidewalks at this location.

Lot Two would not be directly adjacent to the public right-of-way of Hague Road due to the existence of a small parcel that separates it from the street. However, the Ordinance allows for the Administrator to approve a different location of the sidewalk which in this case would be recommended to be along the north property boundary. While this won't directly connect this section of the sidewalk to the existing section of sidewalk at the eastern corner of Hague Road and Castlegate Drive, it will ensure a future connection could be possible in the future.

Therefore, Staff is not supportive of the waiver request, and recommends that sidewalks be placed along both street frontages.

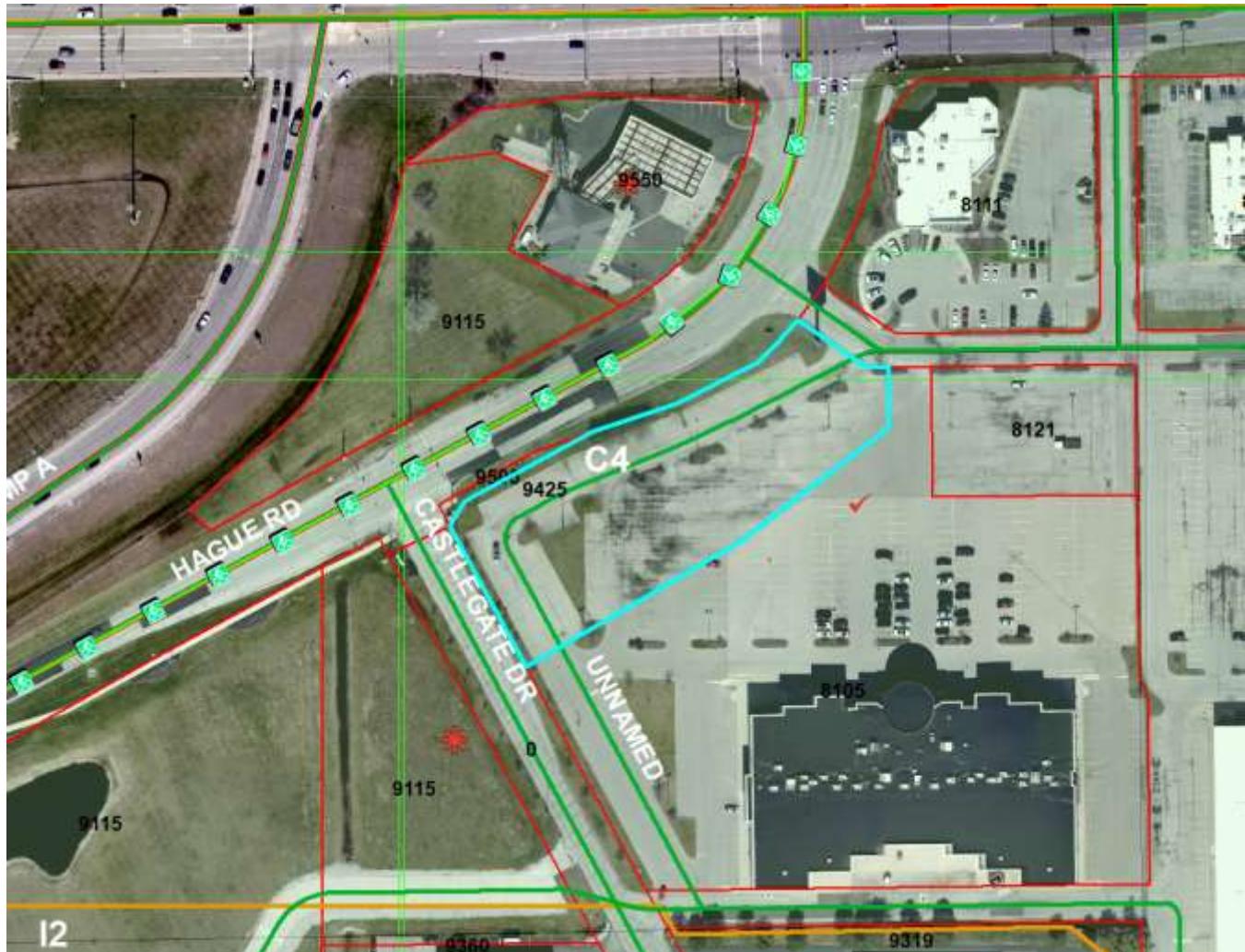
STAFF ANALYSIS

For these reasons, staff is recommending denial of the plat petition and variance requests as proposed.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Parking Lot	
Comprehensive Plan	Regional Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Parking lot
West:	C-4	Undeveloped
Thoroughfare Plan		
Hague Road	Primary Collector Street	106-foot proposed right-of-way and 104-foot existing right-of-way.
Castlegate Drive	Private Street	N/A
Petition Submittal Date	October 29, 2025	

EXHIBITS



Aerial Map



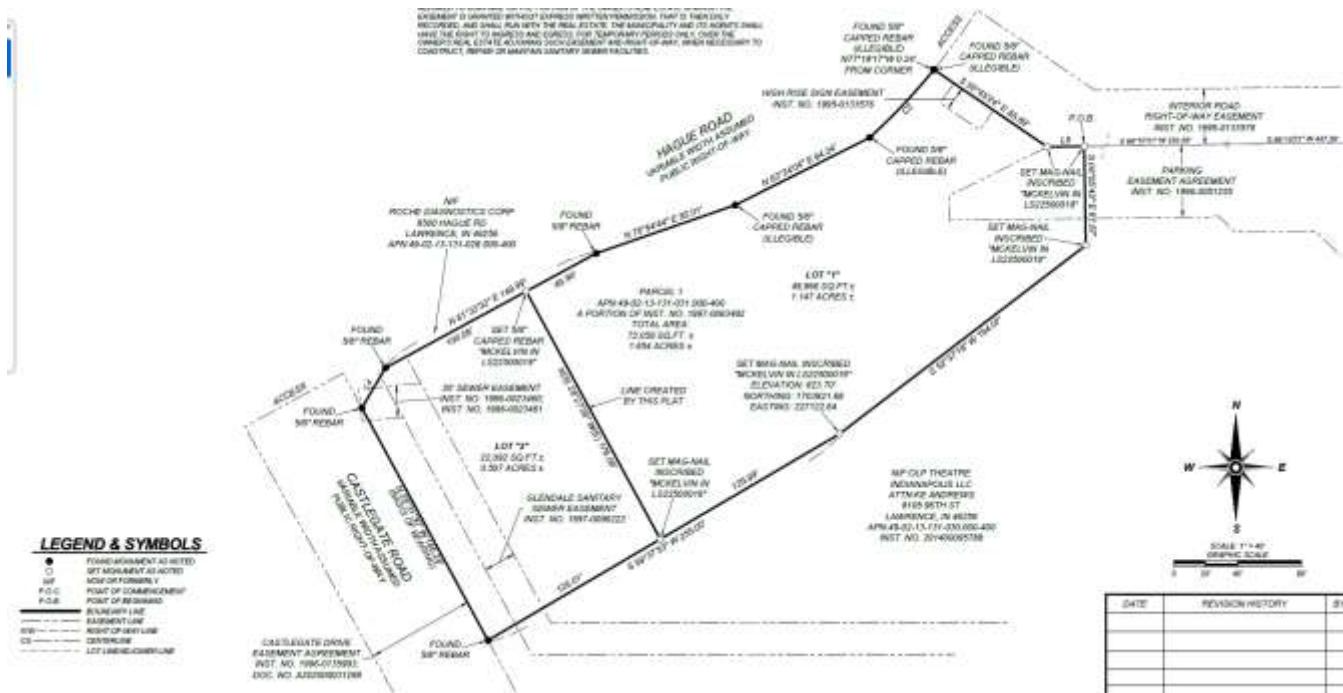
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Preliminary Plat



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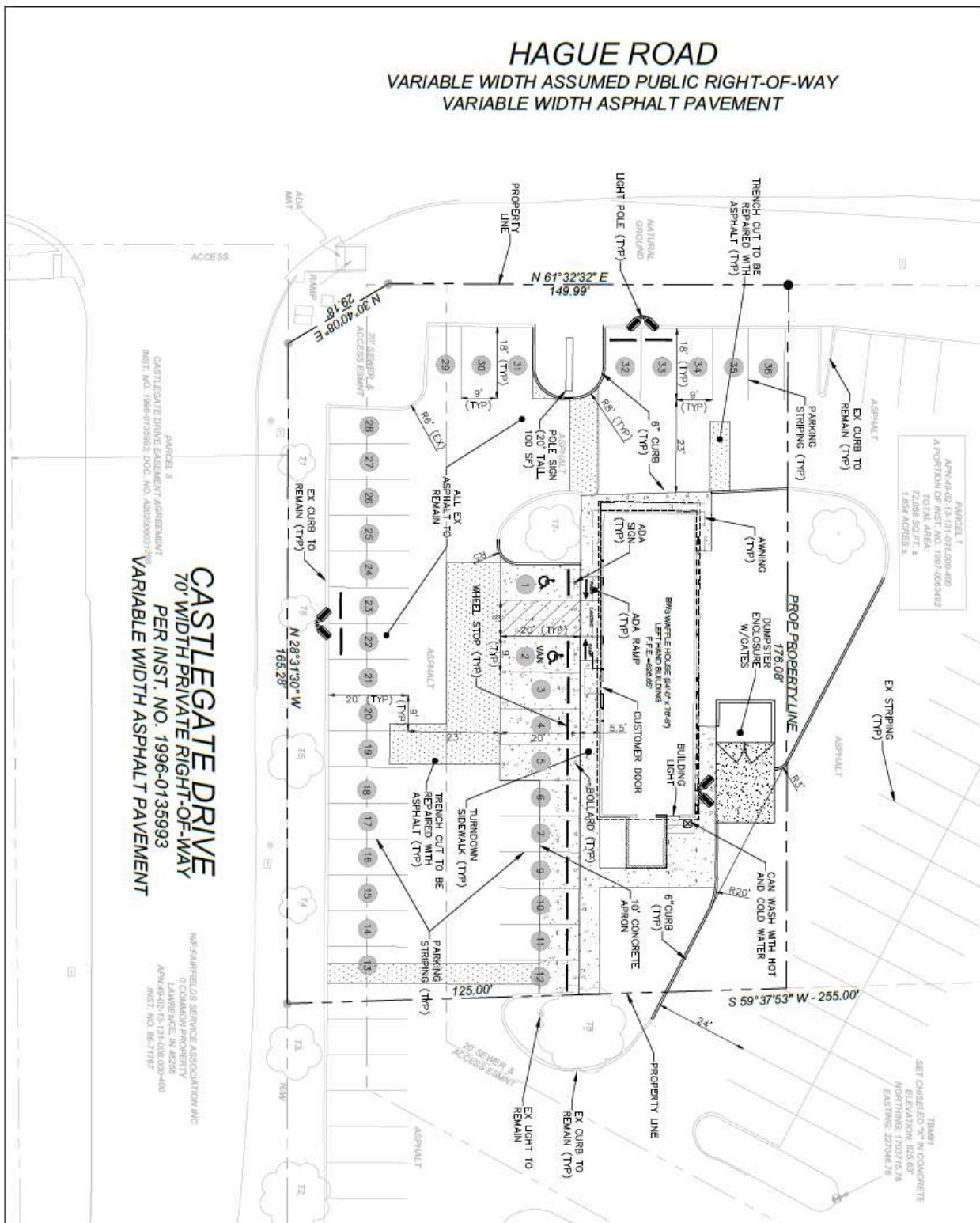
Preliminary Plat (Close-up)





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SITE PLAN



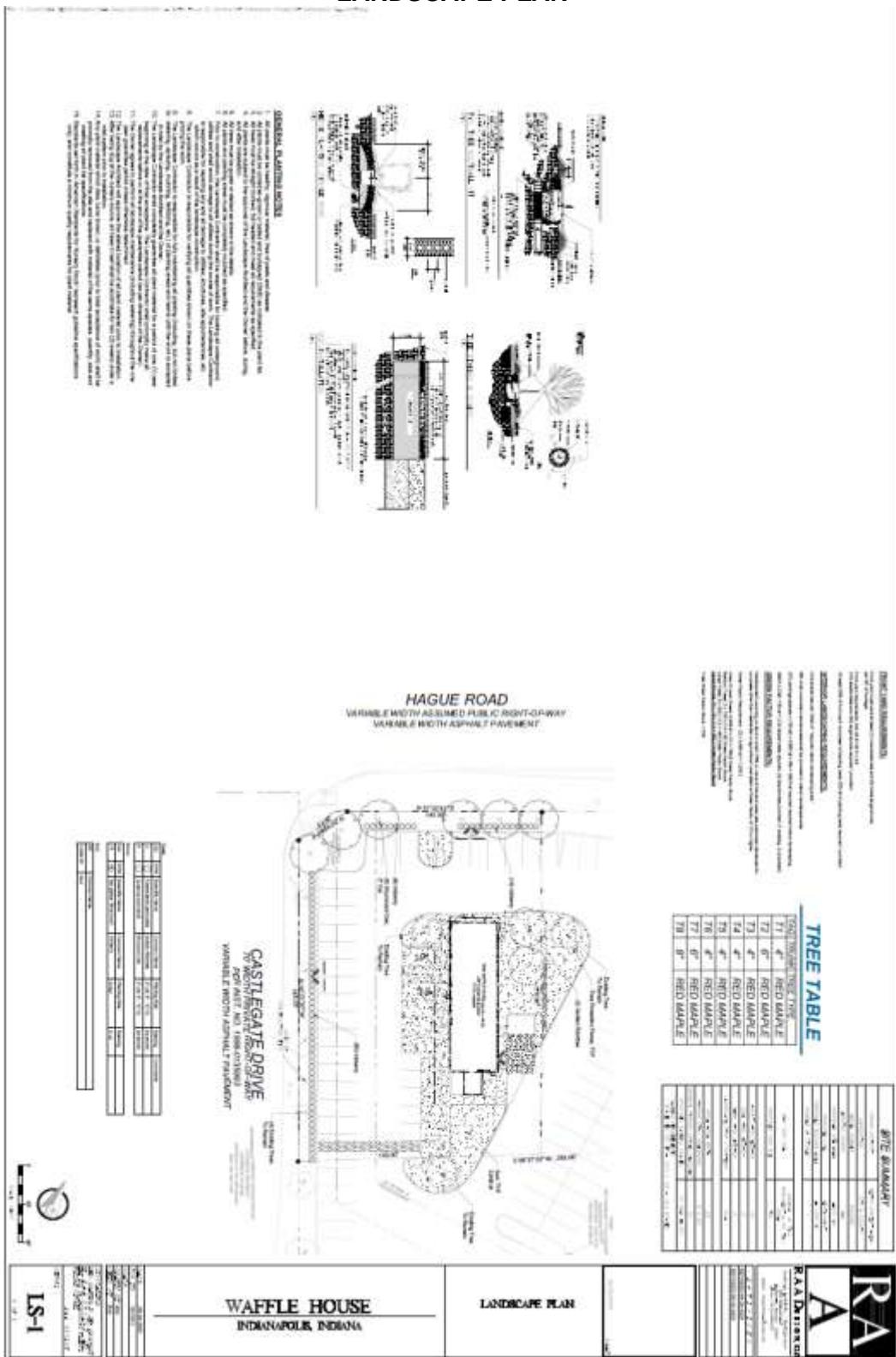


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DUMPSTER ENCLOSURE

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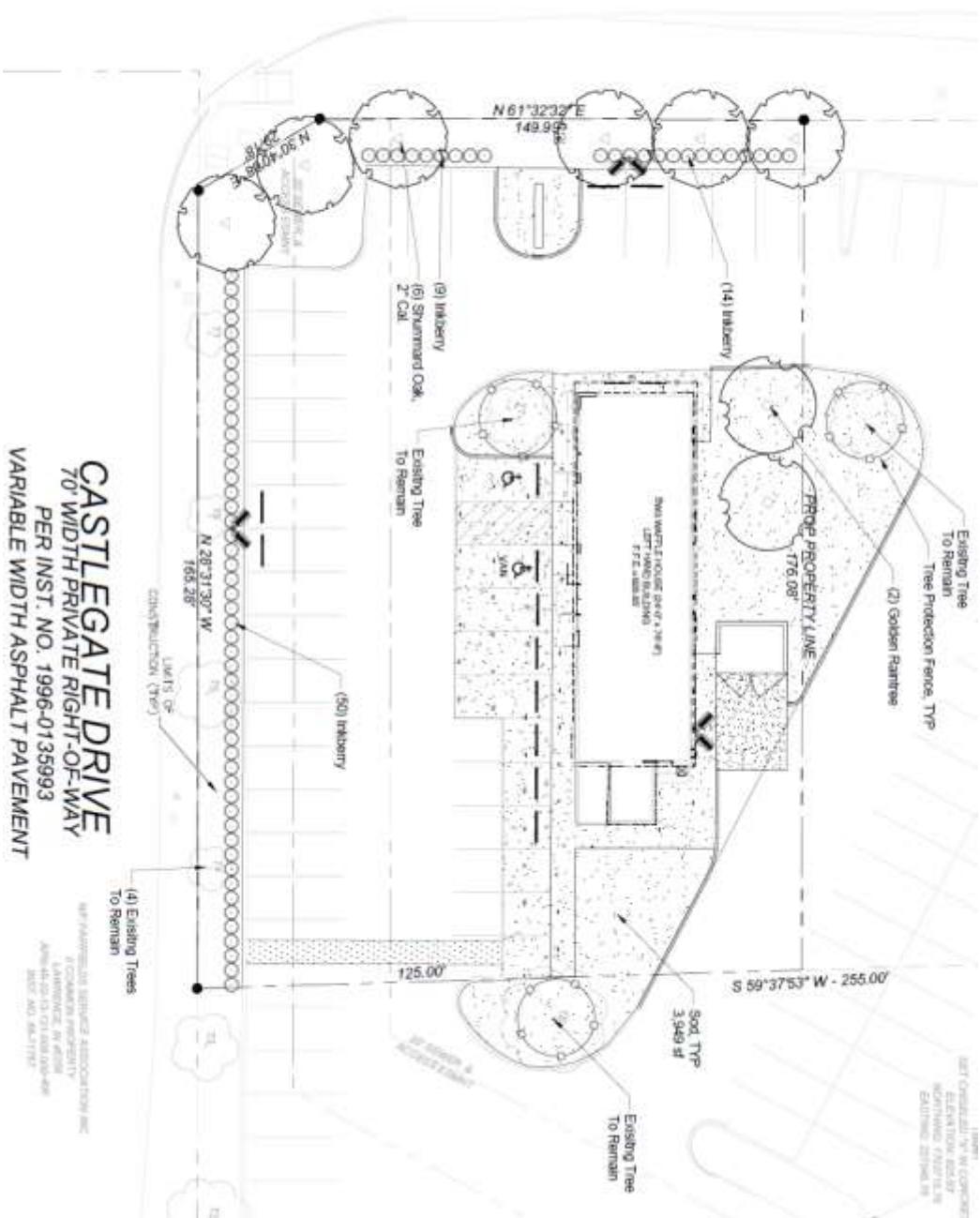
LANDSCAPE PLAN



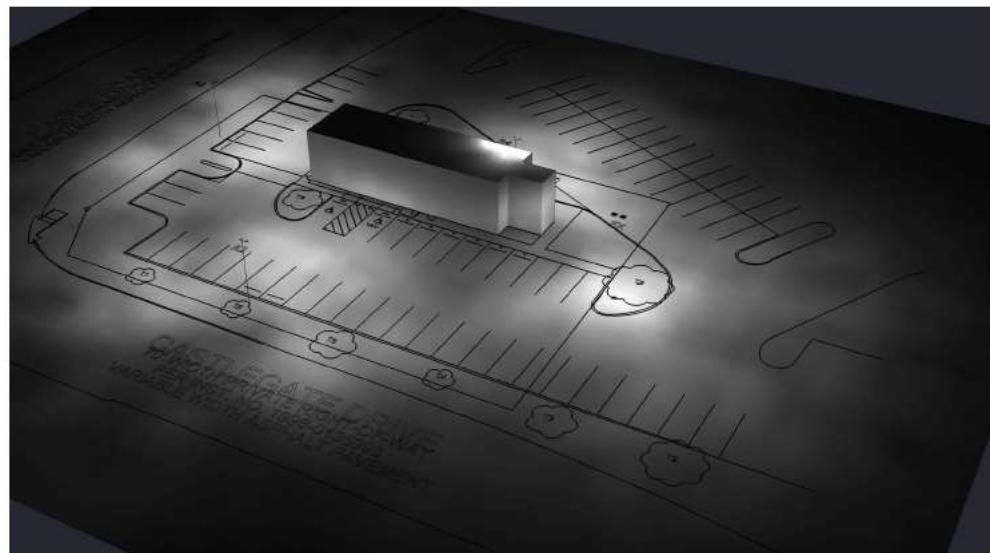
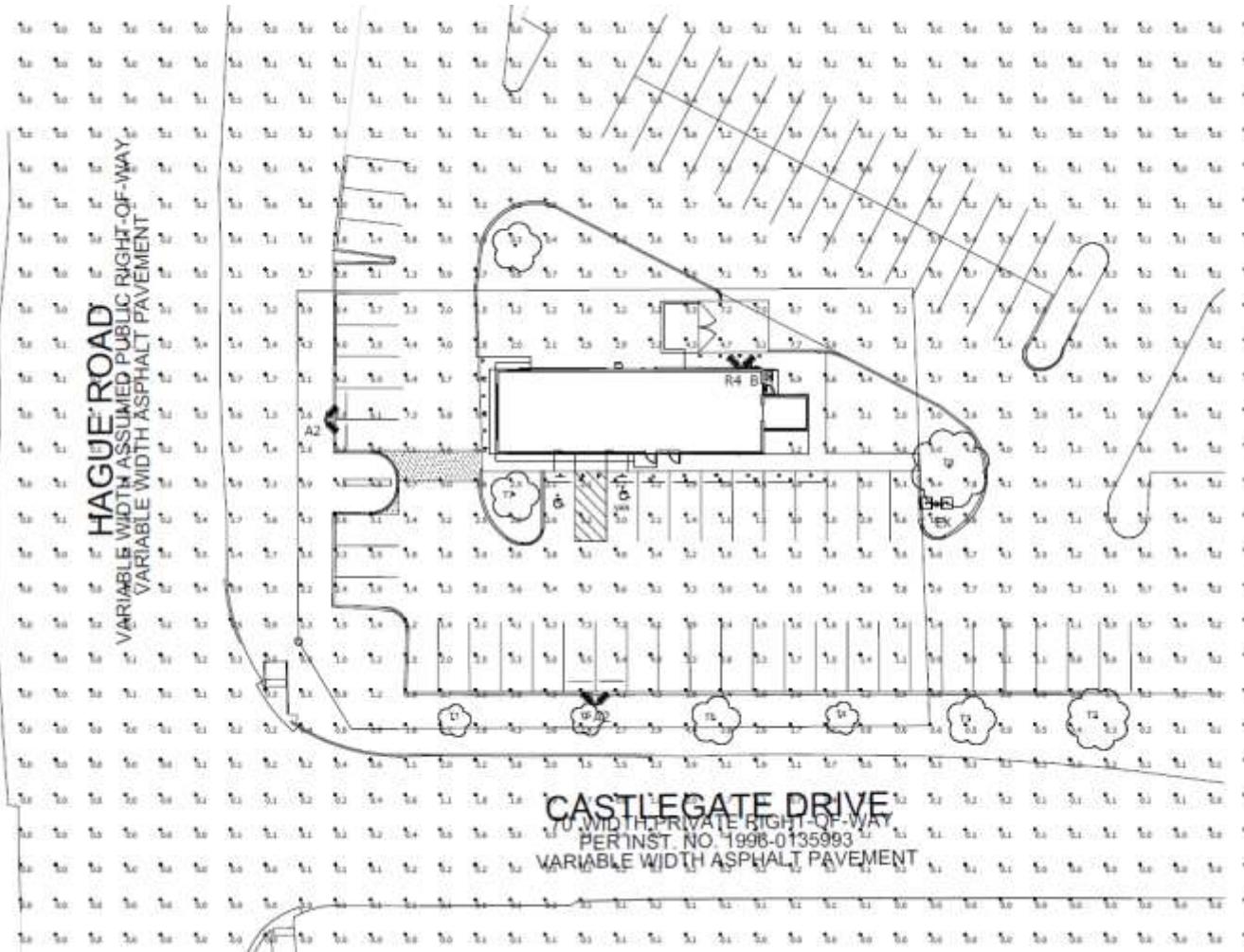
LANDSCAPE PLAN (Close-up)

HAUGE ROAD

VARIABLE WIDTH ASSUMED PUBLIC RIGHT-OF-WAY
 VARIABLE WIDTH ASPHALT PAVEMENT



PHOTOMETRIC PLAN





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SURVEY

PLAN OF OPERATION

WAFFLE HOUSE PLAN OF OPERATION

1. Overview of Business Operations

The proposed business is a 24-hour, sit-down breakfast restaurant serving the surrounding community and traveling public. Specializing in made-to-order breakfast items with supplemental lunch offerings. Operations prioritize customer safety, efficient traffic circulation, and minimal disruption to surrounding land uses.

2. Workforce and Staffing

Typical Staffing Levels:

- The restaurant will employ approximately 6–8 staff members per shift on-site at any given time.
- Staffing includes cooks, servers, a shift manager, and dish/prep personnel.
- Staffing levels may fluctuate slightly based on time of day and seasonal demand.

Hours of Operation:

- The restaurant will operate 24 hours per day, 7 days per week.
- Peak staffing occurs during the primary customer period between 6:00 a.m. and 2:00 p.m.

Employee Access & Parking:

- Employees will access the site using the internal drives of the shopping center.
- Designated on-site parking spaces will be provided for all employees.
- No off-site employee parking will be used.

Security Measures:

- Site security is supported through 24/7 CCTV surveillance, both interior and exterior.
- During late-night and early-morning hours, the restaurant may limit service to walk-up windows only to enhance employee and customer safety.
- All entry points will be illuminated during nighttime hours.

3. Clients and Customer Experience

Customer Base:

PLAN OF OPERATION (Continued)

- The restaurant will primarily serve the local surrounding community, nearby residential neighborhoods, and travelers along the I-69 corridor.
- Customer demographics include commuters, families, late-shift workers, and highway travelers.

Customer Traffic Patterns:

- The business anticipates the heaviest customer traffic between 6:00 a.m. and 2:00 p.m., aligning with breakfast and early lunch demand.
- Off-peak periods during late evening and overnight hours will have reduced but steady traffic typical of 24-hour diners.

Customer Access & Parking:

- Customers will park on-site within the shopping center's parking facilities.
- Access to the building will occur via the internal circulation drives of the development.
- No street parking or off-site parking is required or anticipated.

4. On-Site Business Processes

Primary Activities:

- Preparation, cooking, and service of primarily breakfast foods, including eggs, waffles, hash browns, and grilled items.
- Limited lunch and diner-style menu items are also be available.
- All food preparation occurs indoors within a commercial kitchen designed to meet all applicable health and safety codes.

Noise & Odor Control:

- Kitchen exhaust systems will meet code requirements and industry standards for filtration and ventilation.
- All activities occur indoors, and no excessive noise is anticipated beyond typical restaurant operations.

5. Materials and Construction

The building and site improvements will utilize:

- Brick for the primary building façade
- Asphalt for parking areas and drives

PLAN OF OPERATION (Continued)

- **Cement / concrete** for sidewalks, curbing, foundations, and patios
These materials are consistent with typical commercial construction and the surrounding shopping center aesthetic.

6. Shipping, Receiving & Deliveries

Delivery Schedule:

- The restaurant expects one weekly delivery on a standard box truck from main food and supply vendors.
- Additional small deliveries may occur periodically (e.g., bread, bottled beverages) as needed.

Delivery Hours & Access:

- Deliveries will occur during daytime business hours, typically between 9:00 a.m. and 3:00 p.m. to minimize traffic conflicts.
- Delivery vehicles will use the internal circulation drives of the shopping center and unload at the designated service entrance.

7. Waste & Refuse Management

Waste Generation:

- Standard restaurant waste including food scraps, packaging, and general refuse.

Waste Collection:

- Waste will be collected by a licensed third-party hauling service twice weekly.
- Refuse will be stored in an enclosed commercial dumpster located on-site in a screened area compliant with city code.
- Grease generated in the kitchen will be collected in a separate grease trap serviced by an approved vendor.

Environmental Considerations:

- All waste will be managed in accordance with local health, sanitation, and environmental regulations.



PLAN OF OPERATION (Continued)

8. Impacts on Surrounding Area

- The proposed operation is compatible with commercial zoning and the shopping center environment.
- Traffic impacts are expected to be minimal and concentrated during daytime hours when the center is already active.
- Noise, waste, deliveries, and lighting will follow best practices to avoid adverse impacts on adjacent properties.

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 requested variances maintain all essential elements of public health and safety by preserving existing circulation patterns, avoiding unnecessary disruption to established utilities, and ensuring adequate parking for a dine-in restaurant use. Allowing the variances prevents the creation of abrupt or unusable sidewalk segments, avoids interference with existing utility infrastructure, and supports safe vehicular movements within the shopping center and on the subdivided site. As a result, the variances will not harm the community's welfare and instead promote a functional, safe, and consistent development pattern.

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:

All requested variances align with the existing conditions of the surrounding shopping center and will not alter the established character or reduce adjacent property values. The parking layout, stall dimensions, and circulation patterns are consistent with those already in place throughout the center, ensuring uniformity and continuity of appearance and function. Preserving the existing parking supply maintains convenience for all customers and tenants within the center. Additionally, avoiding the construction of a sidewalk stub that abruptly terminates at the property line prevents a visually inconsistent and non-functional improvement that would serve no practical pedestrian purpose. The requested variances therefore maintain the overall function, appearance, and value of the surrounding properties.

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

Strict enforcement of the sidewalk requirement would mandate the construction of a pathway that terminates at the property boundary, provides no meaningful pedestrian connectivity, and conflicts with existing utility infrastructure—creating unnecessary



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construction challenges and potentially disrupting service. Further there are no other existing sidewalks surrounding the development and the area where the sidewalk is proposed is not owned by the petitioner or the current owner.

Similarly, the strict application of the maximum parking limit would reduce the number of parking spaces currently available for a dine-in restaurant use, negatively impacting customer access, associate operations, and overall circulation within the shared parking lot. The existing parking configuration was designed holistically for the entire shopping center, and arbitrary removal of spaces would diminish functionality for all users.

Finally, the requirement for 9' x 20' parking stalls is incompatible with the 9' x 18' stalls that were uniformly constructed across the perimeter of the center. Complying with the ordinance would create non-uniform stall depths within a contiguous parking field, disrupt efficient site design, and reduce the overall number of usable spaces. The existing conditions of the center make it impractical to selectively expand stall lengths without causing further layout inefficiencies.

For these reasons, adhering strictly to the ordinance would impose practical difficulties not created by the applicant and would hinder the reasonable use and redevelopment of the property.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 _____

PHOTOS



Photo of proposed Lot 1 looking east.

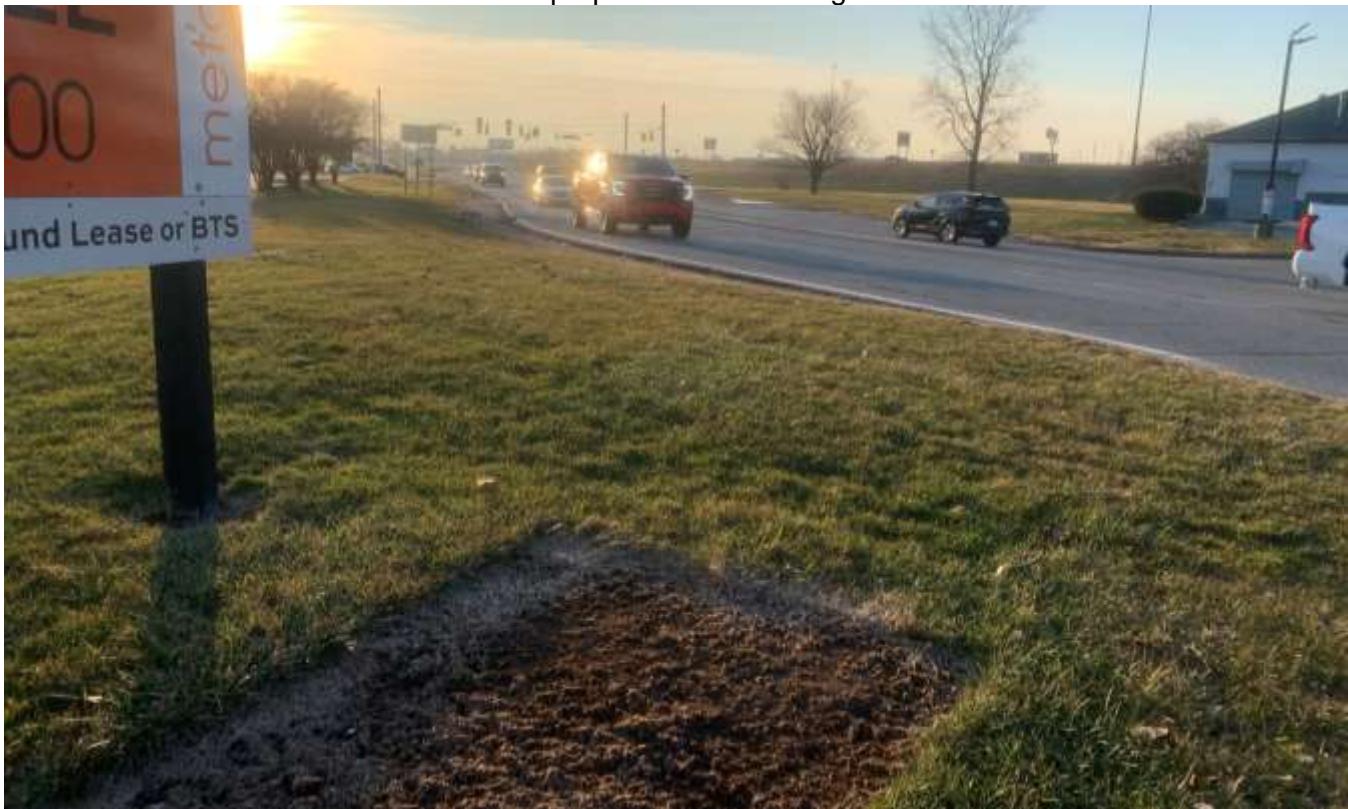


Photo of the street frontage of proposed Lot 1 looking west along Hague Road.



Photo of proposed Lot 2 looking southeast.



Photo of proposed Lot 2 looking south.



Photo of the sidewalk west of the subject site along Hague Road.



Photo of the small parcel that separates the subject site from the Hague Road looking east.



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Photo of the street frontage along Castlegate Drive.