

BOARD OF ZONING APPEALS DIVISION III

October 20, 2026

Case Number: 2026-DV3-031
Address: 10401 East Washington Street (approximate address)
Location: Warren Township, Council District #20
Zoning: C-4 (TOD)
Petitioner: Washington Market Realty, LLC, % Sander Development Company, by Matt Yanda
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a restaurant with a three-foot west side transitional yard (20-foot side transitional yard required), and a 29% front building line (40% front building line in buffer/suburban frontage required).
Current Land Use: Parking Lot
Staff Reviewers: Robert Uhlenhake, Senior Planner
Josh Levesque, Manager—Current Planning

PETITION HISTORY

This petition was previously automatically continued by a registered neighborhood organization, from the September 16, 2026 hearing, to the October 20, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

LAND USE

- ◇ This 0.494-acre lot is zoned C-4 and is part of an integrated commercial shopping center with an associated parking lot. The site is surrounded by commercial uses to the north, east, and south all zoned C-4. To the west is undeveloped land in the floodway that is zoned D-A.
- ◇ Previous variances (2025-CVR-862) were granted on this site 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.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to ensure orderly development and protect surrounding property

values by providing for open buffer areas along lot lines, and to ensure adequate access around buildings.

- ◇ The petitioner proposes to place some of the associated parking along the western parcel line with a three-foot side setback, where a 20-foot transitional side yard setback is required due to the adjacent property being zoned D-A.
- ◇ The D-A zoning on the adjacent property is a remnant zoning from the 1960's when this area was still primary agricultural in nature, before the establishment of the surrounding commercial developments.
- ◇ The Floodway designation prohibits any residential development. The overwhelming majority of the lot is in either the Floodway, or Floodway Fringe designation. This overlay, along with flood permit requirements, severely restrict the potential for development on this site. Given these factors, it is unlikely the adjacent site could ever be developed under the existing D-A zoning.
- ◇ If the adjacent property was rezoned to a Commercial District, matching the Comprehensive Plan recommendation and surrounding land uses, then there would be no need for the required transitional yards setback, as adjacent commercial properties are not required to have side setbacks. Therefore, the inability of the adjacent parcel to be developed residentially, despite having a D-A District zoning, is a practical difficulty for the subject site in meeting the required setbacks.
- ◇ Development Standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to front building line percentages, are intended to advance the Livability Principles of this code, to promote walkable neighborhoods, and to orient all buildings to the street to activate the streetscape.
- ◇ The required front building line percentage is 40%. The front building line percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (744-702-3).
- ◇ The reduced front building line is a result of the need to provide for circulation access around the building to access the rear drive through in a Metro Context area. The reduced building line is supplemented with an outdoor dining area that activates the site with pedestrian activity.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Parking lot	
Comprehensive Plan	Regional Commercial Uses	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	D-A	Undeveloped / Floodway

Thoroughfare Plan

East Washington Street	Primary Arterial	138-foot existing and proposed right-of-way.
Context Area	Metro area	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	N/A	
Elevations	N/A	
Landscape Plan	N/A	
Findings of Fact	July 15, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers

Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2018).

This site is located within a 1/2-mile walk (approximately 1100 feet) east of the proposed Washington Pointe proposed transit stop located at 10220 East Washington Street, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

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

2025-CPL-862 / 2025-CVR-862, 10401 and 10435 East Washington Street (Subject site), requested 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, **approved**. Requested a 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, and to provide for 31 parking spaces, **granted**.

2023-CVR-808 / 2023-CPL-808; 10435 East Washington Street (east of site), requested the approval of Subdivision Plat to be known as Washington Market Commercial Subdivision, dividing 10.90 acres into two lots and one block, **approved**. Requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 30-foot front building line or 22% of the building line (60% front building line required), **granted**.

73-Z-50; 10405 East Washington Street (includes subject site), requested the Rezoning of 3.02 acres, being in the A-2 district to C-4 classification to provide for retail stores, **approved**.

EXHIBITS

LOCATION MAP



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: Front Building Line Variance

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 variance will allow a 29% front building line where a minimum 40% front building line is required, without adversely affecting public health, safety, morals, or general welfare.

The proposed restaurant will be developed on an existing commercial outlet within the Washington Market development and will maintain an orderly relationship with East Washington Street and the surrounding commercial development. The proposed site plan provides defined vehicular circulation, ADA-accessible parking and routes, bicycle/pedestrian connections to Washington St, landscaping, and bicycle parking while maintaining the building's orientation toward East Washington Street. The reduction in the required front building line does not interfere with safe access, visibility, emergency access, or pedestrian circulation and will not create an unsafe condition for the surrounding community.

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 requested variance will not substantially adversely affect the use or value of adjacent properties. The subject property is zoned C-4 which allows for drive thru restaurants, and is located within an established commercial corridor along the East Washington Street. The proposed restaurant use and associated site improvements are compatible with the surrounding commercial development.

The proposed site and building orientation also preserves a direct and seamless cross-access connection with the neighboring Valvoline property to the east, supporting efficient circulation between the two commercial sites. Alternative building orientations intended to increase the percentage of the front building line would disrupt this connection or require a less direct circulation pattern between the properties. Additionally, the building remains oriented toward East Washington Street, and the development includes landscaping, bicycle/pedestrian connections, and bicycle parking.

The requested reduction from the required 40% front building line to 29% relates only to the proportion of the frontage occupied by the building and does not increase the intensity of the proposed use or create additional impacts on surrounding properties. Approval of the variance will allow for substantial capital investment which will add significant value to the areas adjacent to the property.

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

Strict application of the minimum 40% front building line requirement would result in practical difficulties in developing the subject property. The site is an infill commercial outlet that must integrate with the existing access, easements, utility infrastructure, and internal circulation system serving the larger Washington Market development. The proposed building and site layout must also accommodate safe drive-through circulation and stacking, required parking and ADA access, bicycle/pedestrian connections, stormwater management, utilities, and emergency access within the approximately 0.85-acre site. Increasing the building frontage to satisfy the 40% requirement would require a substantial modification to the building footprint or overall site configuration and would conflict with the established circulation and operational needs of the development. The proposed 29% front building line allows reasonable redevelopment of the property while maintaining a functional site layout and providing bicycle/pedestrian-oriented access and frontage improvements consistent with the overall objectives of the ordinance.

FINDINGS OF FACT: Transitional Yard Variance

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

The requested variance will not adversely impact public health, safety, or welfare. The western property adjacent to the subject site is zoned DA (Dwelling Agricultural District); however, the area immediately adjacent to the proposed development consists of the Grassy Creek floodway, which serves as a natural buffer between the subject property and any potential future development. The requested relief allows parking within the transitional yard setback while maintaining safe vehicular circulation and site functionality. Furthermore, the proposed parking area does not extend further west than the existing edge of pavement currently serving the site. As a result, the variance does not increase the degree of encroachment toward the adjacent property and will not create adverse impacts to the surrounding area.

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 requested variance will not negatively affect the use or value of adjacent properties. The property immediately west of the site consists of a floodway area that is subject to significant environmental and development constraints. The floodway provides substantial physical separation between the proposed commercial development and any potential future development on the adjoining parcel. Additionally, the proposed redevelopment generally maintains the existing western limit of pavement and does not expand parking further toward the adjacent DA-zoned property. The requested variance allows development of an existing vacant site which development is compatible with surrounding development patterns along the East Washington Street corridor. The proposed development will increase the value of the area adjacent to the site because of the substantial capital investment in the site.

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

Strict application of the 20-foot transitional yard setback requirement would significantly reduce the developable area of the narrow site and eliminate parking necessary to support the proposed restaurant use. The subject property is constrained by its narrow width, existing access requirements, site circulation needs, utility infrastructure, easements, and stormwater management requirements. While the adjacent property is zoned DA, the presence of the Grassy Creek floodway creates a unique site condition that limits the practical benefit of the transitional yard setback in this location. The requested variance represents the minimum relief necessary to allow reasonable development of the property while preserving safe circulation, maintaining the existing western pavement limit, and supporting the operational needs of the proposed restaurant. The site's unique location adjacent to a residentially zoned floodway creates a practical difficulty in developing the site without a variance.

PHOTOS



Photo of proposed site looking south from Washington Street.



Photo of proposed west side parking area with three-foot side setback, looking southwest.



Adjacent site to the west with Grassy Creek floodway, looking south



Adjacent commercial uses to the south.



Adjacent commercial use to the east.



Adjacent commercial use to the north.