

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**August 14, 2025**

**Case Number:** 2025-CPL-825 / 2025-CVR-825

**Property Address:** 7140 and 7142 East Washington Street (approximate addresses)

**Location:** Warren Township, Council District #14

**Petitioner:** Fieldstone Financial, LLC, by Joseph D. Calderon

**Current Zoning:** C-4 (TOD)

Approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three lots.

**Request:**

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station, with 16 pump islands/service areas (eight permitted), with portions of a surface parking area in front of the front building line, with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (surface parking areas required behind the front building line, 25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with deficient first floor transparency (40 percent required).

**Current Land Use:** Commercial

**Staff  
Recommendations:** **Denial**

**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

**ADDENDUM FOR AUGUST 14, 2025 HEARING EXAMINER**

The Hearing Examiner continued these petitions from the July 24, 2025 hearing to the August 14, 2025 Hearing at the joint request of staff and the petitioner's representative to allow additional discussion and submission of updated materials for further discussions. On July 28, 2025, the petitioner provided revised building elevations indicating increase glazing area.

While transparency ratios improved, staff noted that much of the additional glazing is spandrel glass, which is opaque and does not count toward the transparency requirements. Staff recommends a commitment regarding that all glazing materials used meet the definition of transparency as outlined in the Zoning Ordinance.

The updated site plan also remains noncompliant with multiple development standards of the C-4 Zoning District, the Transit Oriented Development (TOD) Overlay, and the Blue Line Transit-Oriented Development Strategic Plan.

The site plan has been updated to show connections to from the building rest of the integrated commercial center.

Staff continues to **strongly recommend denial** of these petitions.

#### **ADDENDUM FOR JULY 24, 2025 HEARING EXAMINER**

The Hearing Examiner continued these petitions from the June 12, 2025 hearing, to the July 24, 2025 hearing, at the request of staff and the petitioner's representative for further discussions, provide new notice and submit updated documents.

An additional site plan was submitted on July 15, 2025, reflecting the following modifications:

- The site plan shows a reduction in the number of pump islands/service areas and associated landscaping, from 16 to 12. However, this remains in excess of the eight (8) pump islands permitted under the Transit Oriented Development (TOD) Overlay regulations.
- The petitioner has withdrawn the variance request related to the Front Building line encompassing 37.1 percent of the lot width (where 60 percent is required).

Despite these revisions, the proposed plan continues to fall significantly short of compliance with both the C-4 District development standards and the TOD Secondary Overlay requirements.

Staff continues to **strongly recommend denial** of these petitions.

#### **June 12, 2025 Hearing Examiner**

This is the first public hearing on these petitions

#### **STAFF RECOMMENDATION**

Staff strongly **recommends denial** of the request.

Should the Hearing Examiner approve and find that the plat, file dated April 11, 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.
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 Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. 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.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

## PETITION OVERVIEW

### LAND USE

This 9.4-acre site, zoned C-4 (TOD), is developed with a commercial center, that includes an IU Health clinic, a fitness gym, and other commercial tenants. The petitioner proposes to construct an automobile fueling station consisting of 12 pump islands—1.5 times the maximum permitted under TOD regulations

This petition would provide for the construction of an automobile fueling station with 12 pump islands/service areas (eight (8) permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

### PLAT

#### Site Plan

This petition requests the approval of a Subdivision Plat to be known as Wawa Shortridge Primary Plat, subdividing 9.4 acres into three (3) lots.

While the configuration appears to be crafted to technically avoid certain variance triggers, most notably the Front Building Line width requirement, it does so through the introduction of a shared parking easement. This easement appears to serve no functional shared purpose and instead functions primarily to reduce the frontage calculation of Lot 1. Staff does not support this approach, as it undermines the intent of the TOD Overlay's frontage requirements and circumvents the established form-based development expectations. A design that complies with the spirit and letter of the ordinance—rather than one that relies on artificial lot divisions—is strongly preferred

#### Streets

No new streets are proposed

#### Sidewalks

Sidewalks currently exist along the East Washington Street frontage. However, per Section 722-301. F.2 of the Ordinance, nonresidential and mixed-use developments with more than one (1) primary building must include an unobstructed walkway at least five (5) feet wide connecting those buildings. The current plan does not provide a pedestrian connection between the buildings on Lot 1 and Lot 2.

### **Waivers**

None requested

### **VARIANCE OF DEVELOPMENT STANDARDS**

#### **Variance Request #1 To allow for 12 pump islands/service areas (eight permitted)**

<b>TABLE 742-207-2 Location and Limitation of Specific Uses</b>	
<b>Use Type</b>	<b>Specific Restrictions</b>
Automobile Fueling Station (primary or accessory use)	<ul style="list-style-type: none"> <li>• Within 600' of a Transit Station*--Prohibited</li> <li>• Greater than 601' from a Transit Station—Limited to no more than 8 pump islands/services areas.</li> </ul>

The petitioner is requesting a variance to increase the number of pump islands for an automobile fueling station from the eight (8) islands permitted under the Transit Oriented Development (TOD) Overlay standards to twelve (12) islands. The TOD Overlay specifically limits fueling stations beyond 600 feet from a transit station to no more than eight (8) pump islands as a means to control the scale of auto-oriented uses and maintain a pedestrian-friendly environment. This requirement doesn't preclude an owner from having a fueling station, but rather requires fuel stations within a specialized geographical area to be limited by design. This approach is no different than other Overlay Districts that seek to place limitations on uses due to the policy recommendations for that area: examples include environmentally sensitive areas like Wellfields and Floodplains and the Regional Center.

The petitioner originally proposed 16 islands and, following staff feedback, reduced the request to 12. However, this remains non-compliant with TOD regulations. Staff finds that there is no demonstrated hardship or site condition necessitating the additional islands.

Furthermore, other recent rezonings in the same corridor have complied with the 8-island standard, confirming the feasibility of such development. Granting this variance would run counter to the goals of the TOD Overlay, which seeks to reduce automobile-centric uses along key transit corridors.

Therefore, staff recommends **denial** of this variance request and advises the petitioner to further revise the site plan to comply with the permitted number of pump islands

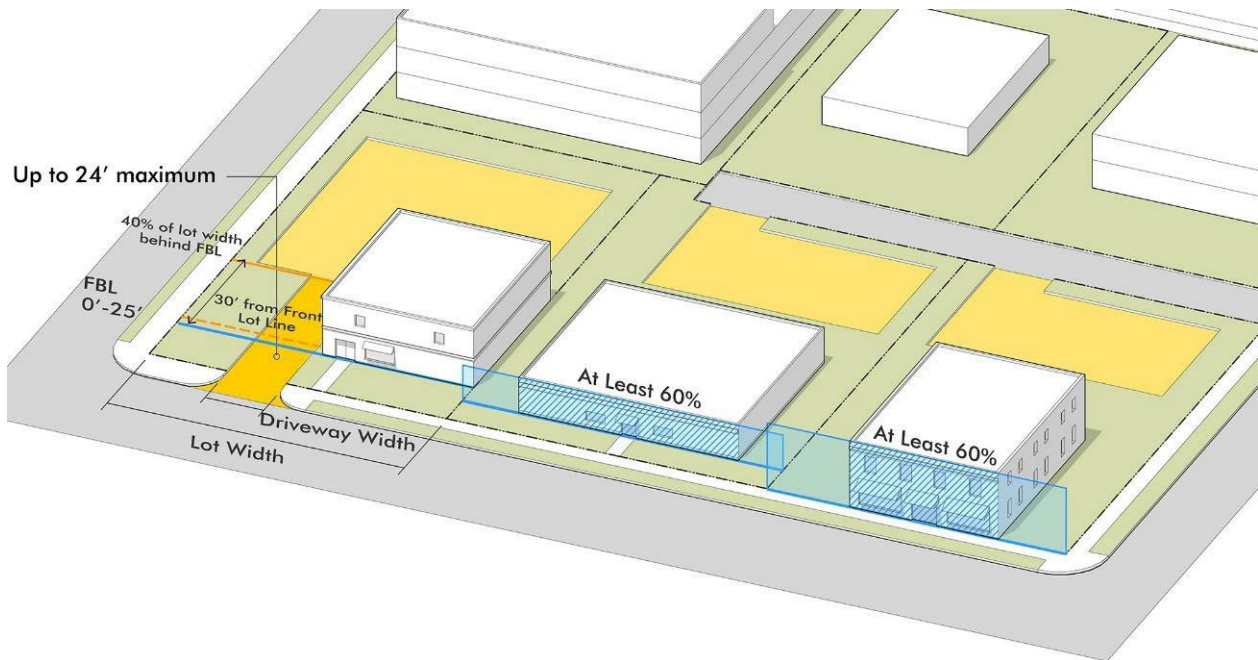
#### **Variance request #2 Parking Area in Front of Front Building Line**

**Private Frontage Types.** The design of private frontages on lots establishes the relationship of buildings and lots to the streetscape. Coordinating the quality and character of the streetscape, the placement of the building, and the details of building design creates better relationships. The private frontage design

standards in Table 744-702-2 coordinate the access, building location and building design on a block-by-block basis to create a consistent frontage along the block.

TABLE 744-702-3: PRIVATE FRONTAGE DESIGN STANDARDS	
FRONTAGE TYPE □ FRONTAGE ELEMENT V	CONNECTOR
<b>FRONTAGE DESIGN</b>	
<i>Surface Parking Limits</i>	25' setback; AND 40% maximum of lot width behind FBL
<i>Landscape [See Section 744, Article V. for standards and specifications.]</i>	1 street tree per 35' of frontage
<b>BUILDING PLACEMENT &amp; FORM</b>	
Front Building Line (FBL)	0' – 25'
Required FBL (minimum)	60%
<b>BUILDING SCALE &amp; DESIGN</b>	
<i>First Story Transparency</i>	40% - 90%
<i>Upper Story Transparency</i>	15% - 40%

**Figure 744.701.05 Connector: Frontage Design & Building Placement & Form**



The petitioner is seeking relief from the requirement that surface parking areas be located entirely behind the front building line (FBL), with a minimum 25-foot setback from Washington Street. The submitted site plan depicts a parking area encroaching into the required setback, with certain parking spaces located within the front yard.

According to Table 744-402-1 of the zoning ordinance, the proposed 6,372 square-foot fueling station requires a minimum of 26 off-street parking spaces. The petitioner, however, is providing 62 spaces—more than double the required minimum. Staff finds that this surplus of parking indicates there is no true

hardship necessitating the placement of parking within the front yard setback. By simply relocating the eight (8) electric vehicle (EV) charging spaces and two (2) regular spaces currently situated in the setback area to the rear of the site, the petitioner could maintain compliance with parking count requirements while adhering to the TOD Overlay's form-based development standards.

The intent of these requirements is to maintain a pedestrian-oriented streetscape and prevent vehicular dominance along primary transit corridors. Allowing parking in the front yard would undermine this intent and detract from the urban design character the overlay seeks to establish.

Staff, therefore, **recommends denial** of this variance request as the petitioner has clear and reasonable options for compliance without undue hardship.

### **Variance Request #3 Parking Area Covering 88.1% of Lot Width Behind FBL**

This variance pertains to the TOD Overlay's limitation that surface parking areas behind the front building line may not occupy more than 40 percent of the lot's width. The petitioner's proposed site plan indicates a parking width of 88.1 percent, more than double the allowable maximum.

Staff's analysis indicates that this excessive parking width is a direct result of the lot's oversized frontage dimensions and the building's relatively narrow footprint. Specifically, the subject lot has a width of 209 feet, while the proposed building has a length of only 92.2 feet. According to the standards, a compliant lot would be no wider than 154 feet for the proposed building length.

Staff notes that this is a newly created lot as part of the accompanying companion plat petition, meaning its dimensions can still be revised. The petitioner could reduce the lot width by approximately 55 feet or increase the building width to better meet the frontage requirements. Both options are feasible given the site's size and context.

There are no unique or unusual conditions on the site that would necessitate retaining the proposed excessive lot width and parking coverage. This variance is sought purely as a matter of design convenience rather than necessity, and its approval would undermine the TOD Overlay's intent to establish pedestrian-scale development patterns. Again, staff asserts that a fueling center can be built at this location, its design must meet the standards of the Ordinance absent any actual hardship.

Staff therefore **recommends denial** of this variance request and encourages the petitioner to adjust the lot configuration and building footprint accordingly.

### **Variance request #4 Deficient First-Floor Transparency**

**Transparency Definition:** Expressing the level of visibility provided and maintained between an inside and outside activity area of the whole building, which is usually through the windows and doors; this ratio is expressed as a percentage. Transparency must be maintained and unobstructed to allow visibility between the two areas.

### **Transparency Calculation Formula:**



Transparency Ratio	Sum of the transparent areas of the ground floor wall area. (sq.ft.)	X100
	Ground floor wall area between 3 ft. and 8 ft. above grade level (sq.ft.)	

### Staff Transparency Calculations.

ELEVATIONS MATERIALS	FRONT		REAR		LEFT		RIGHT	
	SQFT	%	SQFT	%	SQFT	%	SQFT	%
TRANSPARENT GLAZING	113	25 %	35	8 %	81	23 %	0	0 %
SPADREL GLAZING	132	29 %	155	34 %	31	9 %	60	17 %
TOTAL GLAZING	245	54 %	190	42%	117	31%	60	17%
REQUIRED	181	40%	181	40%	143	40%	143	40%
WALL AREA	457		457		360		360	

The final variance request seeks relief from the Ordinance requirement that at least 40 percent of the wall surface area on all public-facing building facades between three and eight feet above grade be composed of transparent glazing. This standard is intended to ensure active, engaging frontages that support pedestrian interaction, safety, and visual interest along transit corridors.

As the subject property is located within both the C-4 zoning district and the Transit Oriented Development (TOD) Secondary District, both sets of standards apply. Specifically, the C-4 District Dimensional Standards require that any façade with a public pedestrian entrance, as well as any façade within 50 feet of an arterial street, maintain a minimum of 40 percent transparency within the defined area. In this case, both the northern and southern facades of the proposed building are affected by this standard.

The submitted building elevations indicate substantial non-compliance. The proposed design provides transparency ratios as low as 0 percent (right elevation) and 8 percent (rear elevation), with the front elevation providing only 25 percent transparent glazing—far below the required minimum. Furthermore, much of the glazing depicted on the elevations is spandrel glass, which does not meet transparency standards as it is opaque and does not allow visibility into or out of the building.

The petitioner has offered no compelling justification for retaining such a low level of transparency, and staff finds that allowing this variance would directly contradict the TOD Overlay's pedestrian-oriented design objectives. Accordingly, staff **recommends denial** of this variance request and advises the petitioner to revise the building elevations to meet the transparency requirements outlined in both the TOD Overlay and the C-4 district standards.

### STAFF ANALYSIS

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 or limit auto-related businesses along transit lines through design standards that assert pedestrian-oriented scale rather than autocentric configuration. Allowing a fueling station of this scale—along with the extensive deviations from design standards—runs counter to the very principles the overlay seeks to uphold.

Allowing a fueling station of this scale—along with the extensive deviations from design standards—runs counter to the very principles the overlay seeks to uphold.

The proposed plan increases vehicular dominance at the expense of pedestrian access and undermines long-term investment in transit infrastructure. Further, staff sees no justifiable hardship or design constraints that prevent a compliant development.

The development pattern in this corridor is evolving. This site has the opportunity to contribute positively to that evolution. Instead, the proposal signals a regression toward an auto dominated typology.

Further, Staff does not believe there to be any practical difficulty for needing the requested variances. The subject site contains sufficient lot frontage and does not contain any significant obstructions or natural difficulties that impact the manner in which it can be developed.

Staff encourages the petitioner to submit a revised site plan that aligns with TOD principles and ordinance requirements to promote better land use compatibility, pedestrian orientation, and long-term neighborhood vitality.

## **GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 (TOD)
<b>Existing Land Use</b>	Commercial (Parking Lot)
<b>Comprehensive Plan</b>	Office/Industrial Mixed-Use



<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
North:	C-S	Commercial (Auto-Repair)
South:	C-5/ SU-9	Auto-Dealer / State Government Offices
East:	C-4	Commercial
West:	ROW	Highway Interchange
<b>Thoroughfare Plan</b>		
East Washington Street North Shortridge Road	Primary Arterial Local Street	120 feet of right-of-way existing and 102 feet proposed 74 feet of right-of-way existing and 48 feet proposed
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes -TOD	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 29, 2025	
<b>Site Plan (Amended)</b>	July 15, 2025	
<b>Elevations</b>	April 29, 2025	
<b>Elevations (Amended)</b>	July 28, 2025	
<b>Landscape Plan</b>	October 10, 2025	
<b>Findings of Fact</b>	April 29, 2025	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2022)
- IndyMoves (2019)

### Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time. The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.
  - The **Office/Industrial Mixed-Use (Business Park)** typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Blue Line Transit-Oriented Development Strategic Plan (2022)
  - The subject site is located approximately 1,000 feet from the Sadlier Drive Blue Line transit station.
  - The Sadlier Drive transit station has been categorized as the community center typology, which is characterized as a dense, mixed-use neighborhood center with minimum 2 stories at the core with no front or side setbacks, and 0–10-foot setbacks at the periphery.

The Blue Line Transit-Oriented Development Strategic Plan TOD recommends Community Center Typology Characteristics

- Community Center
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
  - Multi-family housing with a minimum of 3 units
  - Structured parking at the core and attractive surface parking at the periphery

### 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

### SITE

**2024-DV3-026; 7140 and 7142 East Washington Street** (subject site) Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station with 16 pump islands/service areas (eight permitted) with a parking area having a minimum 15-foot setback from Washington Street with parking area behind the front building line encompassing 88.1 percent of the lot width (25 feet required, maximum 40 percent lot width for parking permitted behind front building line), with a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required), **withdrawn**.

**83-HOV-44A, 7140 and 7142 East Washington Street** (subject site) variance of development standards of the Sign Regulations to allow for the relocation of an integrated-center pole sign containing 678.31 square feet, **granted**.

### VICINITY

**2022-CZN-804 / 2022-CVR-804; 7150 East Washington Street** (northwest of site), Rezoning of 3.57 acre from the C-4 (TOD) districts to the C-S (TOD) districts, **withdrawn**.

**2016-DV1-044, 7101 E Washington Street** (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an approximately 38-foot-tall freestanding pylon sign, within 158 feet of an existing freestanding sign on the 372-foot frontage of East Washington Street (300-foot separation and 600 feet of frontage required for two signs), **granted**.

**2015-UV3-031, 7410 E Washington Street** (east of site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the expansion of a carwash, with additional vending, change and storage structures and 16 vacuum stations (not permitted), with a five-foot north side transitional yard (20-foot transitional yard required), with said facilities being within 100 feet of a protected district (not permitted), **denied**.

**2014-DV3-024, 7 N Shortridge Road** (east of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a fast-food restaurant, with carry-out and delivery services within approximately 10 feet of a D-3 zoned protected district (fast food restaurants and carryout food service not permitted within 100 feet of a protected district), **granted**.

**2013-ZON-026; 401 N Shadeland Avenue** (north of site), Rezoning of 37 acres from the C-S District to the C-S classification to provide for a solar power generation in addition to the uses previously approved by 2010-ZON-063, **approved**.

**2010-ZON-063, 401 N Shadeland Avenue** (north of site), Rezoning of approximately 36 acres from the C-4 District to the C-S classification to provide for a data processing center, C-4 uses, with certain use prohibitions, and public safety uses, including an impound lot, **approved**.



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**2010-UV2-003; 401 North Shadeland Avenue** (north of site), requested a variance of use to provide for the parking and storage of automobiles for a three-year period, **granted**.

**2006-ZON0-65; 41 N Shadeland Avenue** (east of site), rezoning of .43 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses, **approved**

**2005-ZON-200; 7206 E Washington Street** (east of site), rezoning of 0.49 acre, being in the C-4 district, to the C-5 Classification to provide for general commercial uses, **approved**.

**2004-UV2-028, 41 North Shortridge Road** (east of site), variance of use to provide for a restaurant with alcoholic beverage sales within an existing building in D-5; **denied**.

**97-Z-171; 7101 East Washington Street** (south of site), Rezoning of 1.26 acres, being in the C-4 and D-2 Districts, to the C-5 Classification to provide for retail commercial uses including an automobile dealership for new and used vehicles, **approved**.

**94-V1-19; 7150 East Washington Street**, requested a second integrated center sign with excess area, **granted**.

**93-V2-111, 41 North Shortridge Road** (east of site), variance of use to provide for a grocery store on the first floor of an existing two-story office building in D-5; **approved**.

**90-Z-214; 7201 East Washington Street** (southeast of site), Request the rezoning of 6.356 acres, being in the C-4 District, to the C-5 classification to provide for the sale of the Automobile parts, and automobile repair, **approved**.

**90-CV-32A; 7201 East Washington Street** (southeast of site), Variance of development standards of the Commercial Zoning Ordinance to permit the construction of a care center, having a 3-foot transitional yard along the south property line, **granted**.

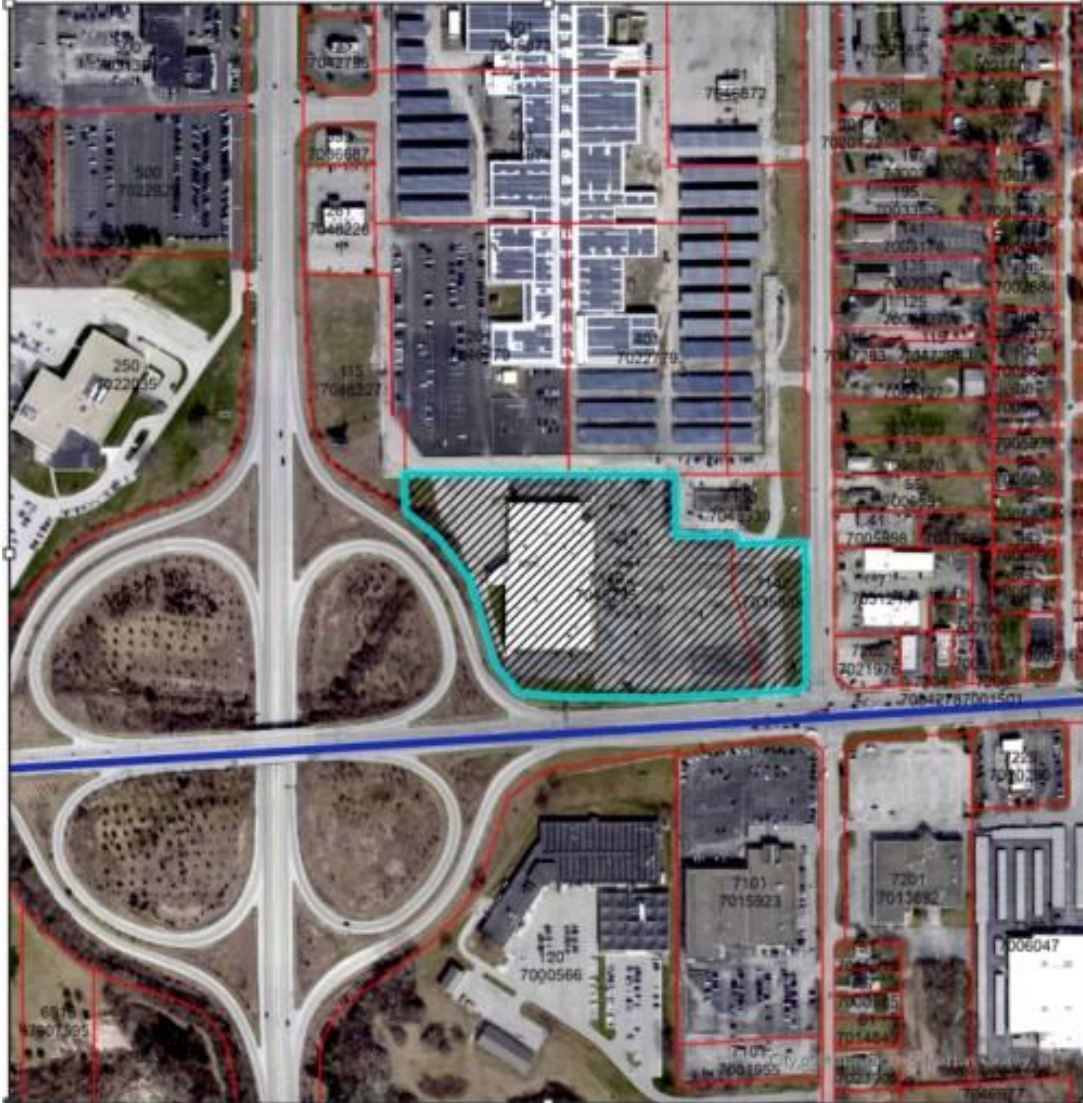
**89-Z-191; 7201 East Washington Street** (southeast of site), request the rezoning of 16.9 acres, being in the D-2 and C-2 Districts, to the C-4 classification to provide for commercial development, **approved**.

**89-UV2-96; 7101 East Washington Street** (south of site), Request a variance of use of the Commercial Zoning Ordinance to permit the continued operation of a portable sales office, with the outdoor display and sales of mini barns and garages, **granted**.

**89-Z-27; 350 North Shadeland Avenue**, requested a zoning of four acres from the C-2 and C-4 districts to the C-5 district, **approved**.

**87-UV3-50, 7206 East Washington Street** (east of site), variance of development standards to provide for a fast-food restaurant with a drive-through component located within 100 feet of a protected district; **approved**.

## 2025-CVR-825/2025-CPL-825 Area Map











Department of Metropolitan Development  
Division of Planning  
Current Planning

2025-CVR-825/2025-CPL-825 Finding of Fact

Petition Number 2025-CVR-\_\_\_\_\_

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 project allows for a development on an unused portion of a commercial parking lot which has safe ingress/egress, and which provides for a building and other improvements which attempt to provide elements desired under the Transit Oriented Development requirements in the Zoning Ordinance

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:

there is adequate vehicular circulation proposed by the development and the investment in redeveloping an unused portion of an existing parking lot will add value to existing adjoining uses, which are all commercial and suburban in nature. The Subject Property is largely surrounded by pavement and with suburban retail, and automotive uses to the west and south. The variances will not interfere with access or visibility to or from the adjoining properties.

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

the use is a permitted use, but has to be oriented to south, in order to meet the front build to line, which restricts available transparency on the south facade, due to interior components on the inside of the south facade. There are parking spaces in excess of 40% of the lot width on the north end of the subject property, but there are parking spaces in the same location today. Finally, the only difference between the proposed fueling stations and the Zoning Ordinance requirements is that the proposed fueling stations are double sided, whereas the Zoning Ordinance would require single sided fueling stations, which would not even necessarily reduce the canopy and fueling station area, and which is neither practical or economically feasible.

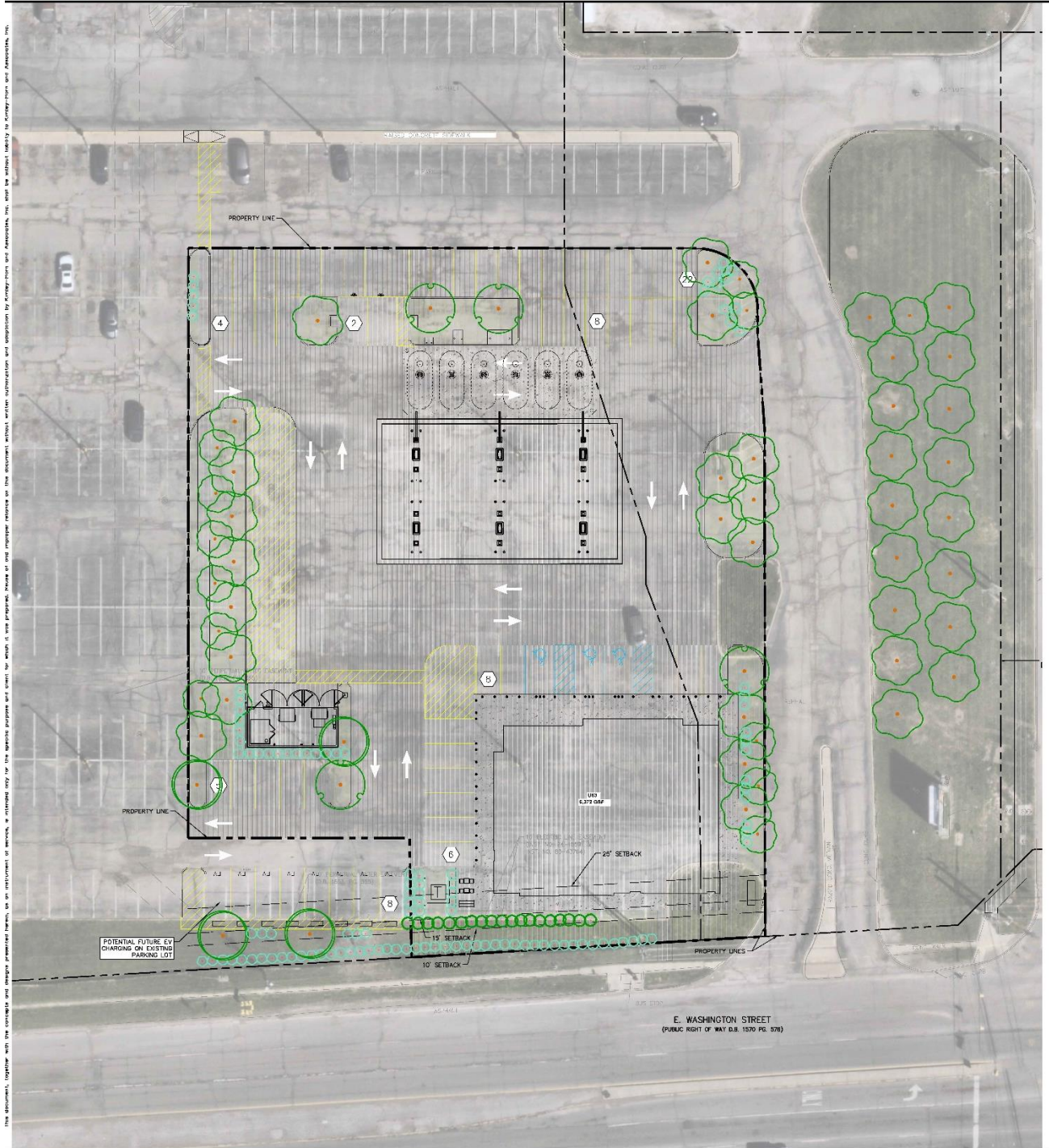
DECISION

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

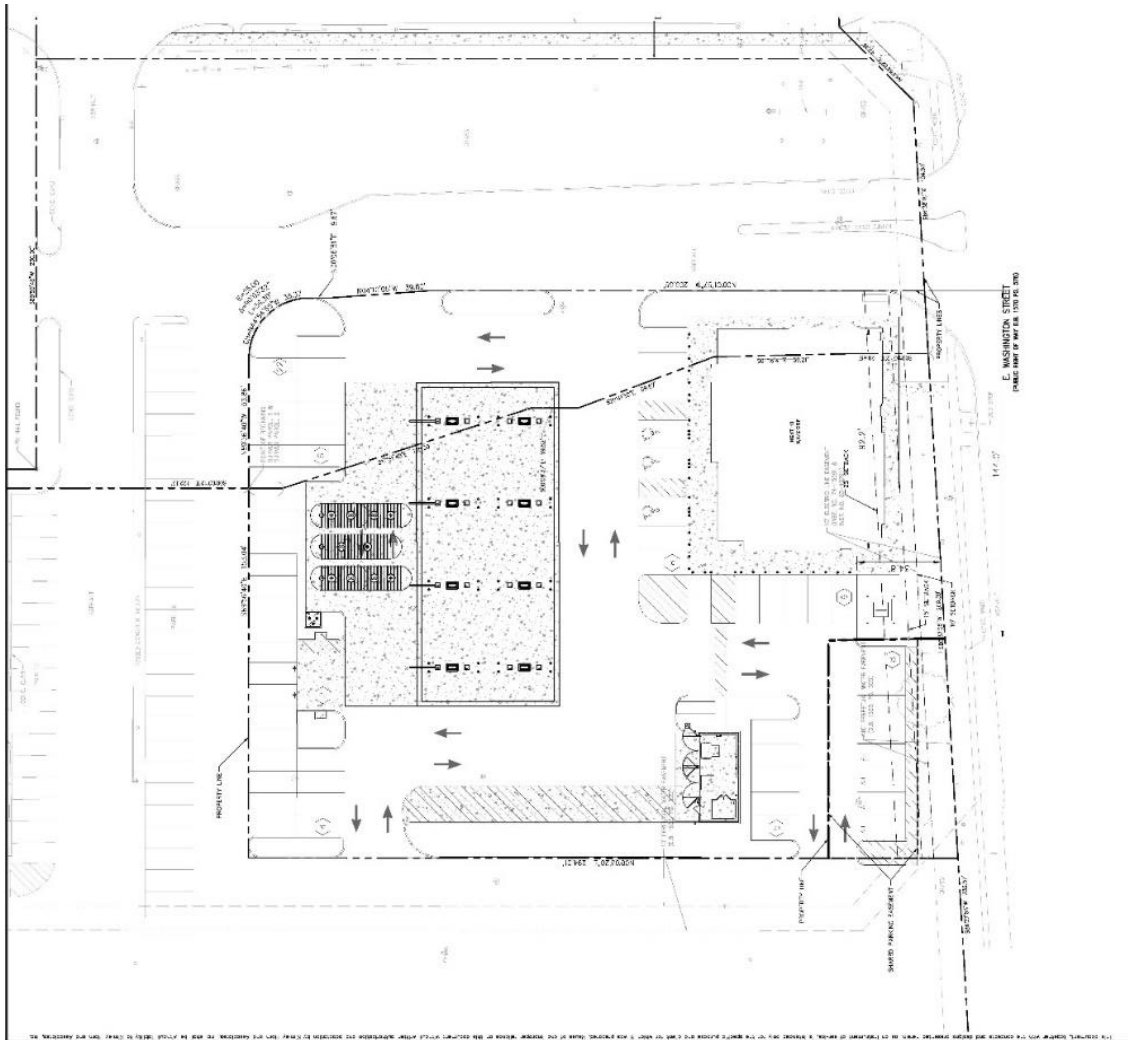
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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\_\_\_\_\_  
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2025-CVR-825/2025-CPL-825 Updated WaWa Color Site Plan



2025-CVR-825/ 2025-CPL-825 Old Site Plan





2025-CVR-825/ 2025-CPL-825 Updated Elevations

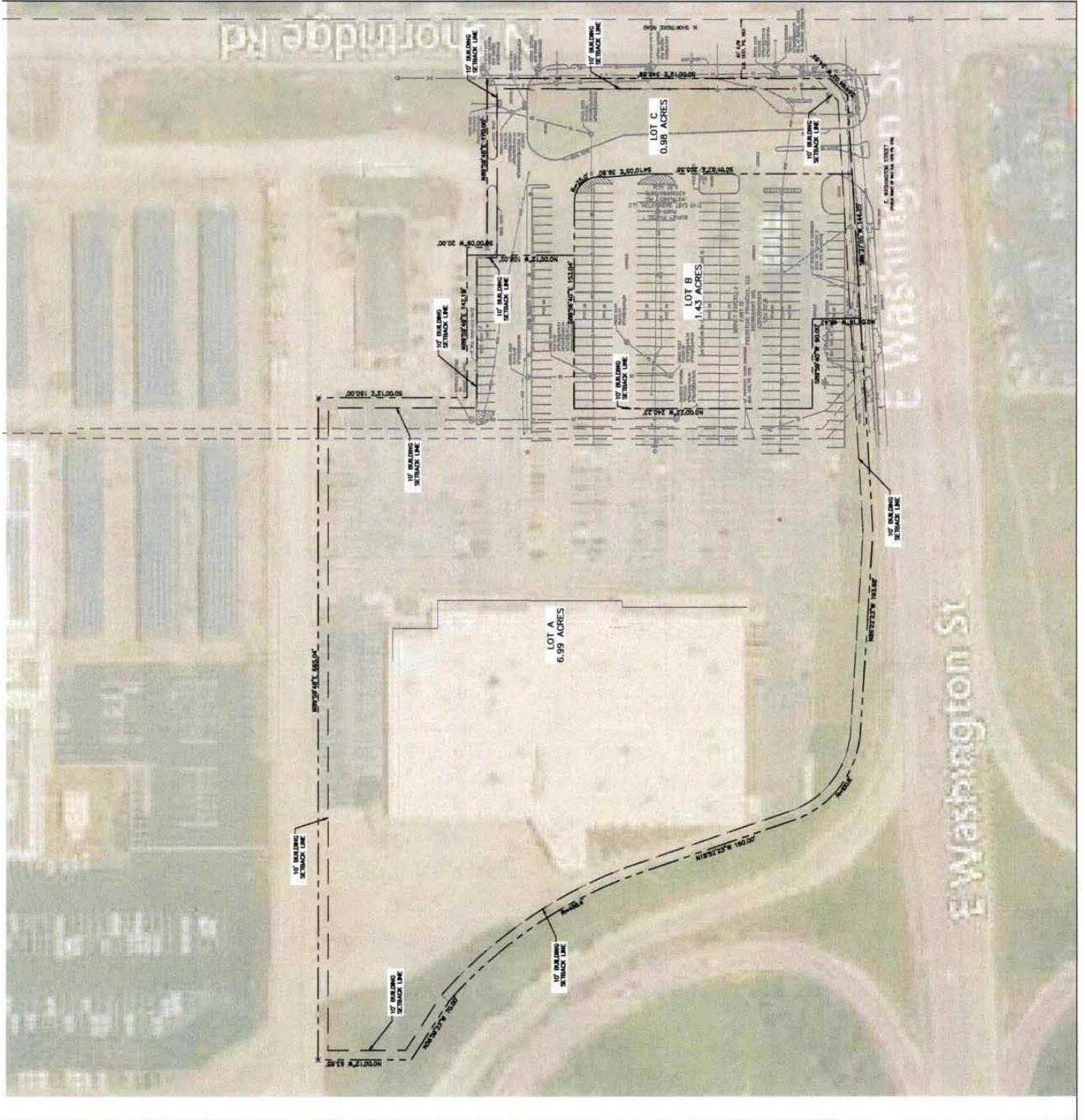


2025-CVR-825/ 2025-CPL-825 Old Elevations

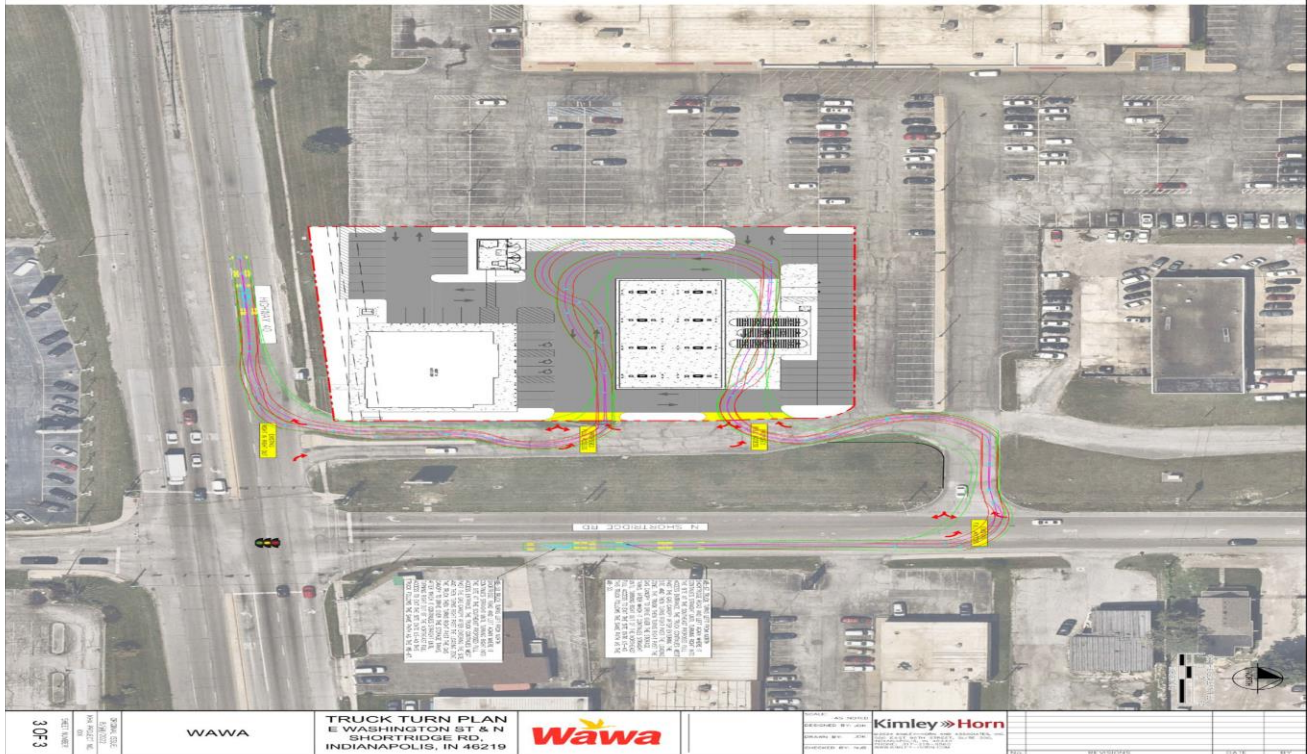




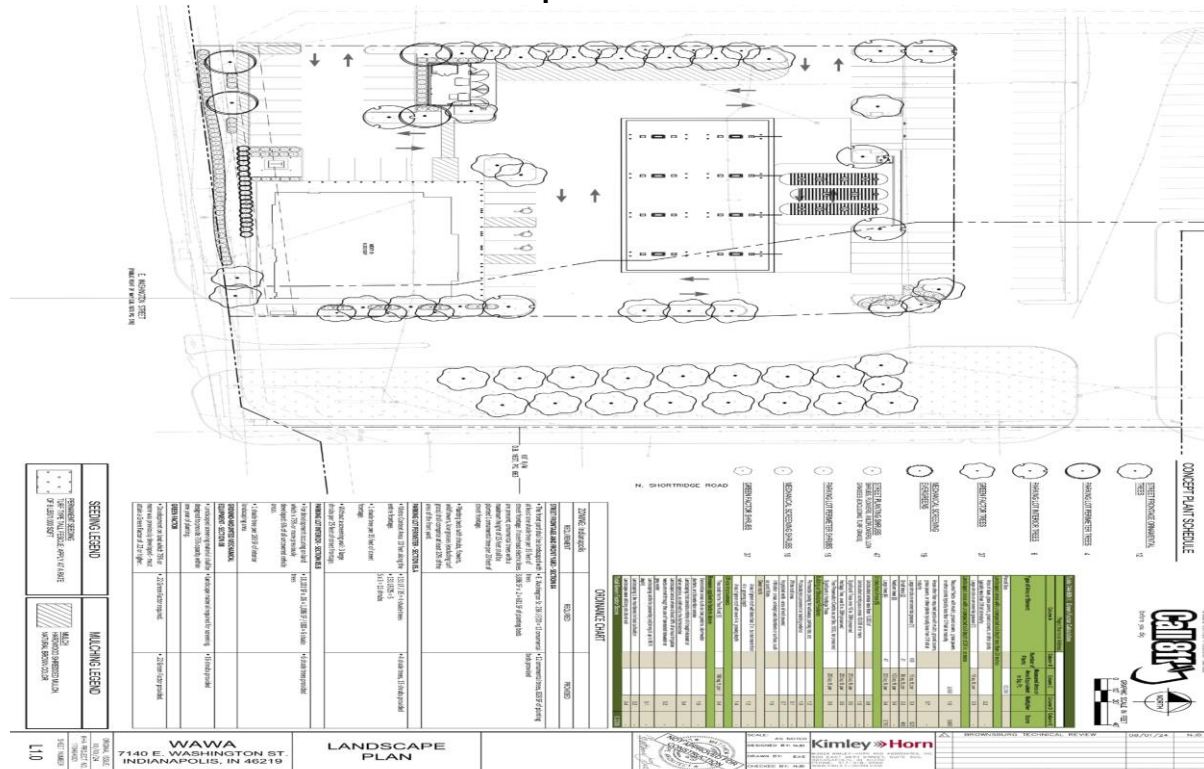
2025-CVR-825/ 2025-CPL-825 PLAT



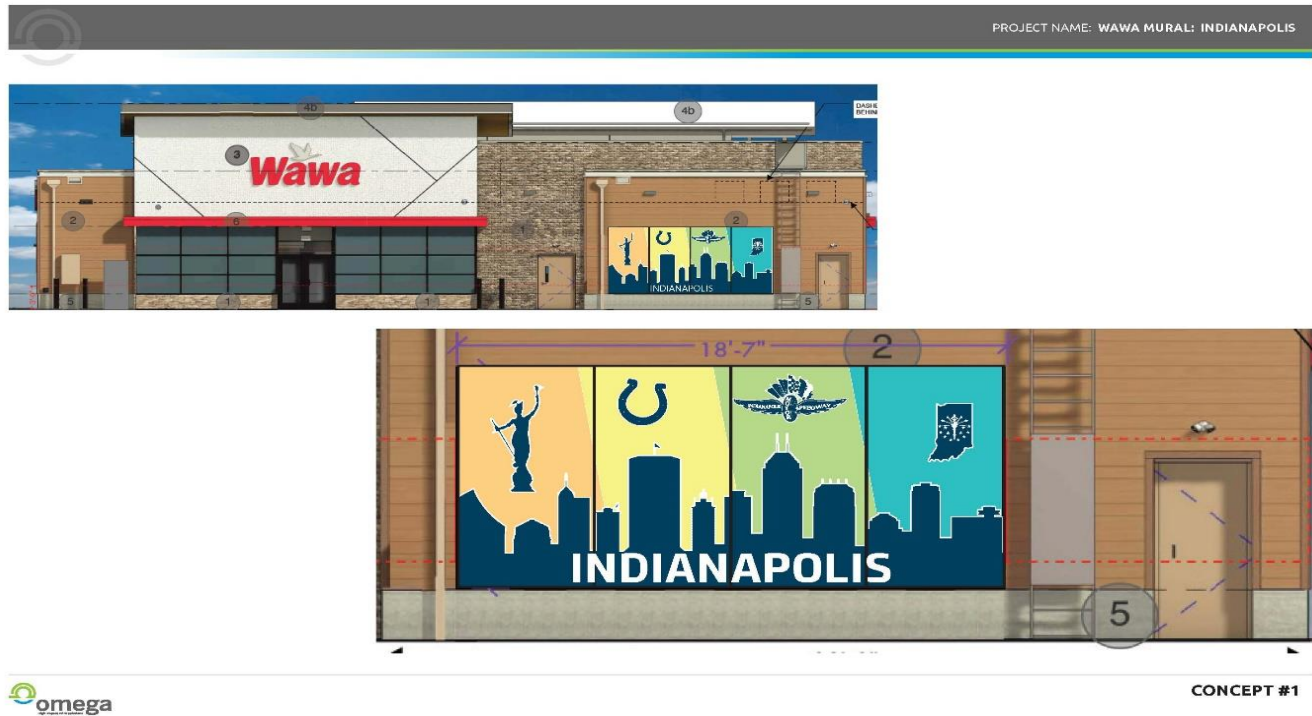
2025-CVR-825/ 2025-CPL-825 Site Circulation



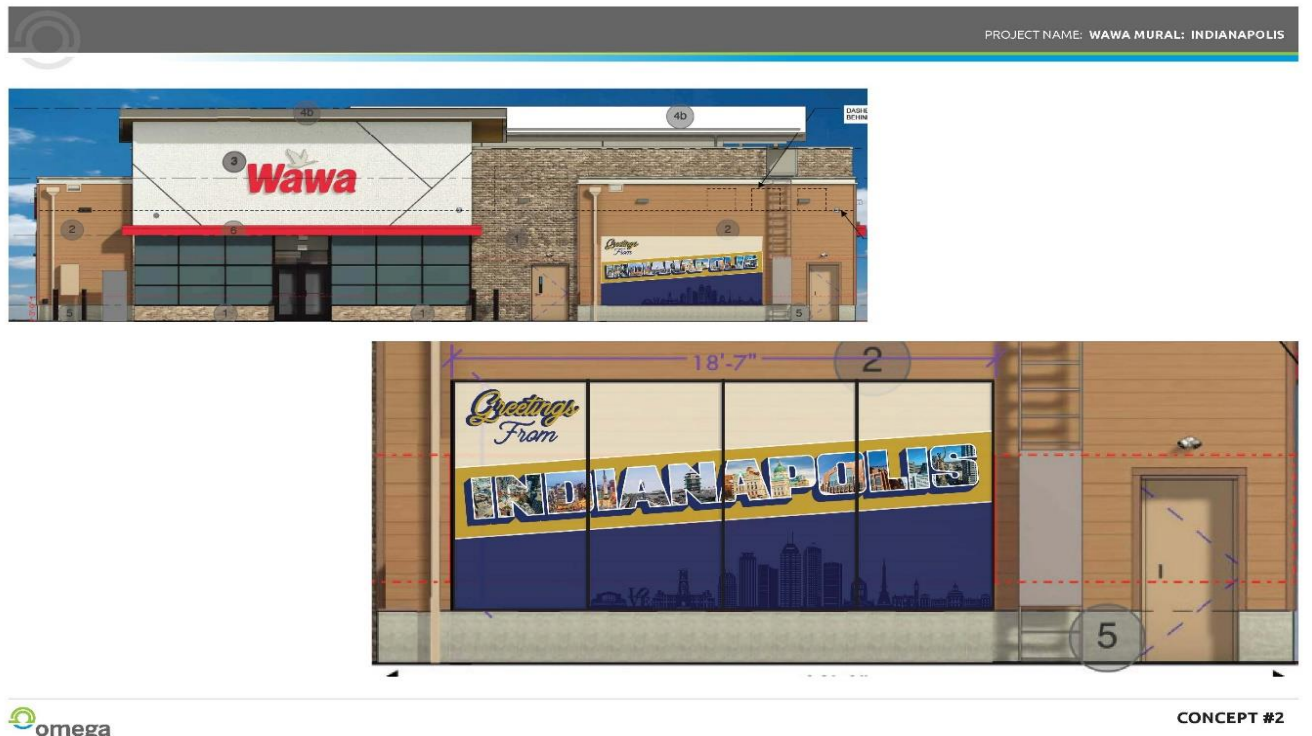




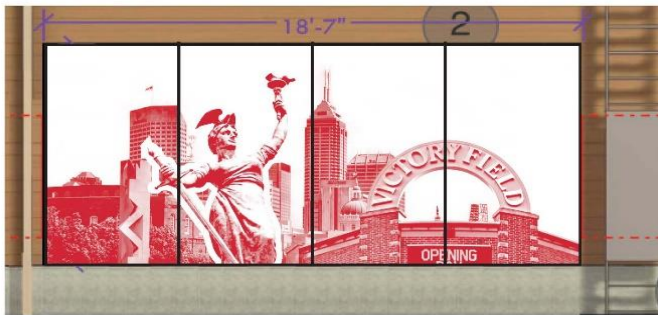
2025-CVR-825/2025-CPL-825 Front Elevation Concept #1



2025-CVR-825/2025-CPL-825 Front Elevation Concept #2



2025-CVR-825/2025-CPL-825 Front Elevation Concept #3



**Petitioner's Exhibit**

**List of Variances**

**7140-7142 East Washington:**

1. **Ch. 742, Art. II, Sec. 07, Table 742-207-2:** Automobile Fueling Station limited to 8 pump islands/service areas; 8 two-sided pump islands/service areas proposed.
2. **Ch. 744, Art, VI 1, Sec. 702, Table 744-702-3:** Surface parking in connector frontage has a 40% maximum of lot width behind the front building line; portions of parking are located north of the front building line exceed 40% of the lot width.
3. **Ch. 744, Art. VII, Sec. 702, Table 744-702-3:** First story street frontage transparency of 40% - 90% required; Less than 40% first floor transparency on Washington Street frontage provided.





From proposed Lot 1 looking west.



Looking south along the proposed entrance drive on to East Washington Street





Looking South from the subject property at the bus station along East Washington Street.



Looking from, the subject property west towards the exiting commercial center





Looking west from subject site along proposed western entrance.



Looking North toward



Looking east across proposed entrance to site at existing pylon sign.



Looking west from E Washington Street at I U Connected Health Care and Get Fit Athletic Club