

BOARD OF ZONING APPEALS DIVISION III

April 16, 2024

Case Number: 2024DV3013
Property Address: 10220 East Washington Street (approximate address)
Location: Warren Township, Council District #20
Petitioner: Indy WS40 LLC, by Joseph D. Calderon
Current Zoning: C-4 (TOD)
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a bank with one primary entry (two required).
Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **approval** of this petition.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition.

PETITION OVERVIEW

- The subject site is currently developed with an unoccupied restaurant and is surrounded by commercial uses on all sides as part of the larger Washington Square Mall complex. Per documentation submitted for a previous variance case in 2023 and a pending plat petition, this site will be developed as a small integrated center housing three businesses including a bank on the new parcel furthest to the east. The property is zoned C-4 (TOD).
- Recent ordinance changes implementing the Transit-Oriented Development secondary zoning classification in 2021 stipulate new dimensional standards related to building scale and design. One of these rules relates to the number of required primary entry features along front facades; Table 744-702-2 indicates that for a front façade with this width at least two front entries would be required for all commercial development (including banks and financial service buildings). Approval of this variance would legalize the proposed bank with just one primary entry based on the elevation renderings included in the Exhibits below.

- This property is zoned C-4 (Community-Regional District) to allow for development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. It is also located within the TOD secondary zoning district since it is within 1000 feet of the future path of the Blue Line. This secondary zoning emphasizes dynamic, mixed-use environments where walking is the predominant mode of transportation and public and private spaces are accessed by many modes including transit, bicycles, walking and cars. The variance 2023DV3004 allowed this building and the two others proposed within the center some deviation from TOD standards last year.
- The Marion County Land Use Plan Pattern Book and Blue Line TOD Strategic Plan indicate that this property should be within the Regional Commercial and Community Center typologies respectively. The below table provides additional guidance on the development patterns envisioned by comprehensive plans for this site, but ease of pedestrian access is explicitly mentioned as a priority by both of those portions of the Plan.
- The site plan provided below by the petitioner is meant to provide a rough conceptual idea of the placement of the proposed bank. Staff would note that (a) the three pole signs shown would not be allowed per current ordinance standards and would require a separate petition to legalize; (b) the transit stop shown on plans would be further to the east than shown on plans; and (c) the sidewalk required to be installed along the western portion of the integrated center prior to construction is not shown.
- The TOD ordinance provides rules for the placement of front entry features to avoid long, monotonous, uninterrupted wall planes visible from the street and to encourage details that add architectural interest such as multiple entrances, projections, recesses, offsets, windows trimmed with frames, sills or lintels, or other ornamentation. Staff feels that the proposed deviation would be minor in nature, would otherwise comply with the design goals laid out in 744-702.B of the Zoning Ordinance, and would not create any negative impacts for surrounding properties. Therefore, approval of the variance request is recommended.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Regional Commercial	
Surrounding Context	Zoning	Surrounding Context
	North:	North: Regional Commercial
	South:	South: Regional Commercial
	East:	East: Regional Commercial
	West:	West: Regional Commercial
Thoroughfare Plan		
Washington Street	Primary Arterial	124-foot existing and proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	02/29/2024	
Site Plan (Amended)	N/A	
Elevations	02/29/2024	
Elevations (Amended)	04/05/2024	
Landscape Plan	N/A	
Findings of Fact	02/29/2024	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Blue Line TOD Strategic Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Regional Commercial working typology which allows for general commercial and offices uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Pedestrian connectivity should be emphasized and outdoor display of merchandise should be limited for the use category.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line TOD Strategic Plan recommends this site for the Community Center typology which allows for a mix of retail, entertainment, office and residential uses with surface parking consolidated and placed behind buildings to allow for a pedestrian orientation at the street while still supporting drive-to businesses.

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

2023DV3004, Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with: a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required); b) a surface parking area within the minimum 50-foot front yard setback (not permitted); c) all building maintaining a 20-foot front yard setback (maximum 10-foot setback permitted); d) and a 46% front building line (80% required), **approved**.

ZONING HISTORY – VICINITY

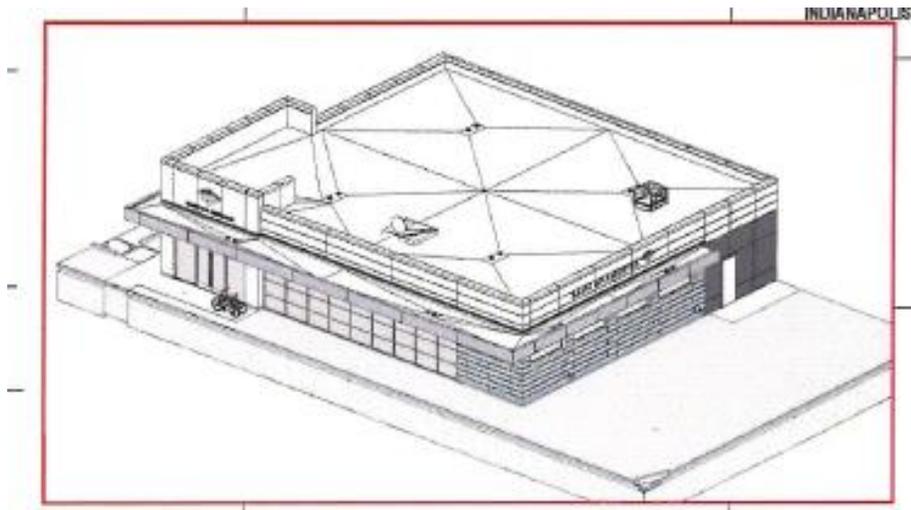
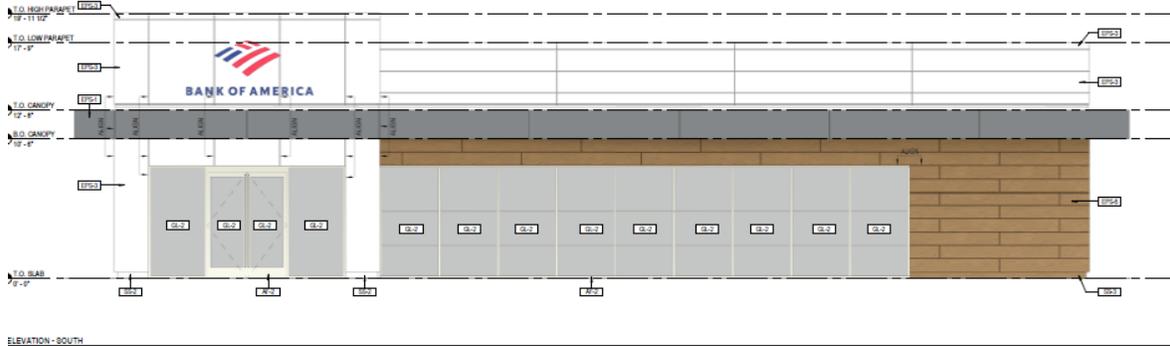
2022UV3031 ; 10435 E Washington Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business (not permitted on lots greater than 0.5-acres), with a 23.5-foot front building line, 4% of the building line (60% front building line required), **withdrawn**.

2018UV2008 ; 10501 E Washington Street (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage, **approved**.

2011UV2018 ; 10009 E Washington Street (south of site), Variance of use to provide for a daycare center in a 4,200-square foot tenant space, **approved**.

2010DV2005 ; 10002 E Washington Street (west of site), Variance of development standards of the Sign Regulations to provide for an 18-foot tall, 42.5-square foot freestanding sign, within the sight-triangle of Mitthoefer Road and Washington Street, with a five-foot setback from Washington Street (15-foot setback from existing right-of-way required, structures cannot be within the sight triangle), **denied**.

2024DV3013 ; Front Elevation & Renderings





2024DV3013 ; Findings of Fact

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

the entry feature is prominent and will provide sufficient access to the building and allow for greater security for the building.

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:

none of the buildings which are adjacent to the subject property were required to meet the one entry per 50 linear feet standard, and as such, the proposed building will be consistent with the development pattern.

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

the requirement of one entry feature for every 50 linear feet does not translate well to a bank branch which must provide security for its customers and employees.

2024DV3013 ; Pictures



Photo 1: Proposed Site + Property to North



Photo 2: Existing Property to West of Subject Site

2024DV3013 ; Pictures



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to East