

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 12, 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 a front building line encompassing 37.1 percent of the lot width (60 percent required) and deficient first floor transparency (40 percent required).

**Current Land Use:** Commercial

**Staff Recommendations:** Staff strongly **recommends denial** this petition

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

**PETITION HISTORY**

This is the first public hearing on these petitions.

**STAFF RECOMMENDATION**

Staff strongly **recommends denial** of this petition.

Should the Hearing Examiner approve and find that the plat, file dated April 29, 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 **16 pump islands**—double the maximum permitted under TOD regulations.

This petition would provide for the construction of an automobile fueling station with 16 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 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



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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, non-residential and mixed-use developments with more than one (1) primary building must include an unobstructed walkway at least 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

This petition would provide for the construction of an automobile fueling station with 16 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).

The petitioner is requesting six (6) variances of development standards, this request is same request made with **2024-DV3-026**, at the time staff recommended denial *“the proposal was adverse to the intentions of the TOD overlay, the private frontage design standards, and the Compact Context Area. Staff does not find the site plan/elevations to be promoting/enhancing pedestrian activity, nor to be quality development”*, and the petition was withdrawn. The current request is materially unchanged.

### Requested Variances.

Standard	Requirement	Provided	Deficiency
Use Limitation (TOD)	Max. 8 pump islands	16 pump islands	+8 pump islands
Surface Parking Setback	Min. 25 ft from.	15 ft	-10 ft
Surface Parking Width (behind FBL)	Max. 40% lot width	88.1%	+48.1 %
Front Building Line (FBL)	Min. 60% lot width	37.1%	22.9%
First Floor Transparency	40% min.	15% avg.	-25%

When reviewing Variances of Development Standards, staff bases its recommendations on the following criteria:

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The proposed design undermines the intent of the TOD Overlay by promoting a car-centric land use pattern directly along a primary transit corridor. It diminishes pedestrian safety, walkability, and neighborhood character—key goals of TOD zoning.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The intensity of the fueling station and deficient site design may negatively affect nearby properties by reducing visual quality and increasing vehicular conflicts.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The site has no unusual constraints or topographic challenges. It features substantial frontage, regular shape, and access from a major arterial—conditions that support a wide range of compliant, context-sensitive development. The variances stem from the developer's preferred layout, not site hardship.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

No compelling case has been made that strict compliance with the ordinance imposes an undue burden. The petitioner has not demonstrated that development within the existing zoning framework is infeasible.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The request directly conflicts with the TOD Overlay and Comprehensive Plan guidance, both of which emphasize pedestrian-oriented, mixed-use development, reduced surface parking, and design standards that support a walkable urban form.

## **STAFF ANALYSIS**

The Transit Oriented Development (TOD) Secondary Zoning District was established to reorient development patterns along key transit corridors away from vehicle-centric uses and toward dense, walkable, mixed-use environments. 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 suburban 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	West: Highway interchange
<b>Thoroughfare Plan</b>		
East Washington Street	Primary Arterial	120 feet of right-of-way existing and 102 feet proposed
North Shortridge Road	Local Street	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>	N/A	
<b>Elevations</b>	April 29, 2025	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	October 10, 2025	

Findings of Fact	April 29, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	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

- The subject site is located approximately 1000 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.

### Neighborhood / Area Specific Plan



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- 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 subject site is approximately 1100 feet from the Pennsy Trail.

## 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 subject to commitments**.

**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**.



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**87-HOV-143, 7206 East Washington Street (east of site)**, variance of development standards to provide for a freestanding sign located twelve feet from the right-of-way; **approved**.

**84-Z-53; 30 South Shortridge Road** (south of site), request the rezoning of 6.35 acres, being in the D-2 and C-2 Districts, to the C-5 classification to provide for the construction of an appliance store and warehouse, **approved**.



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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

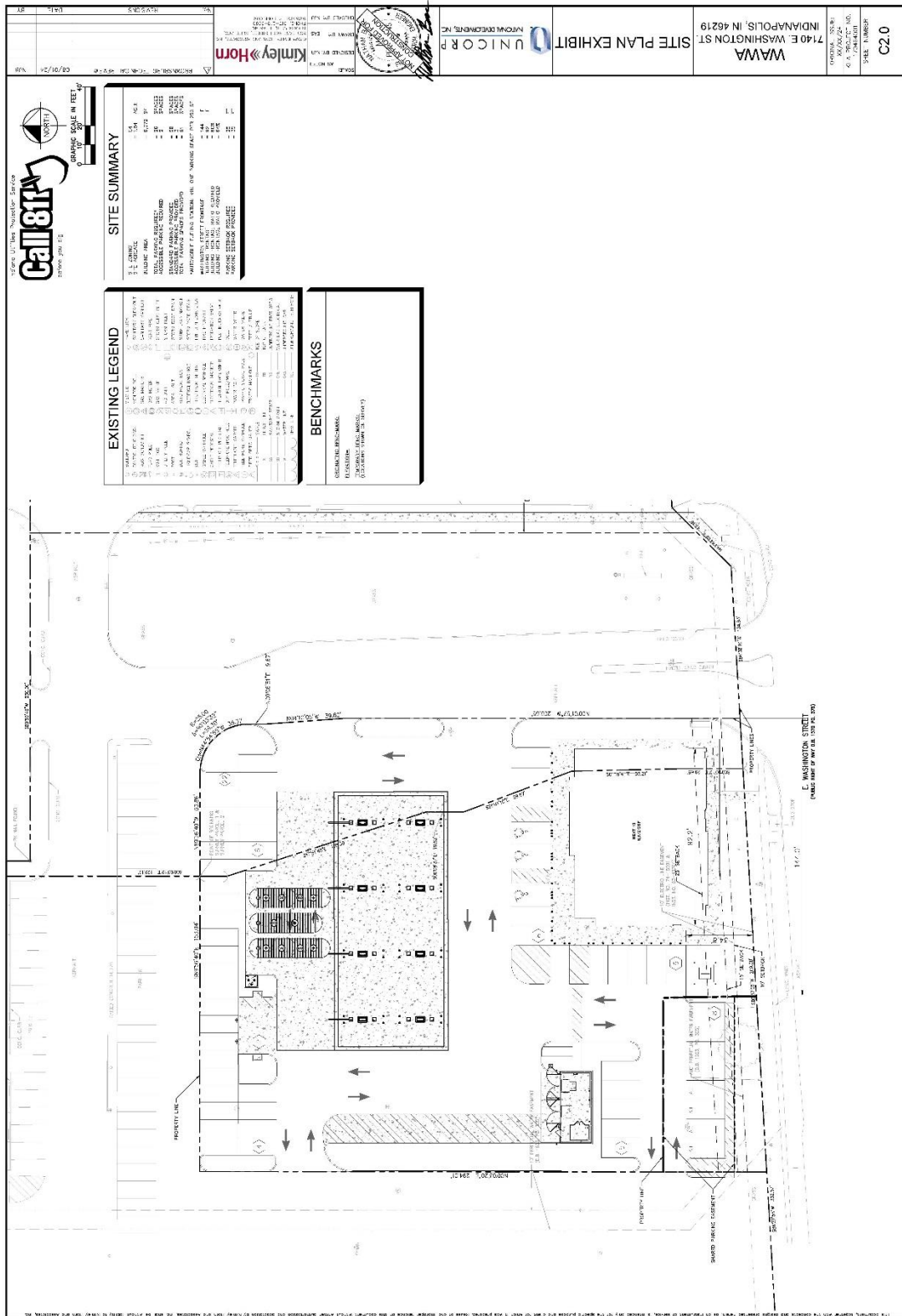
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

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

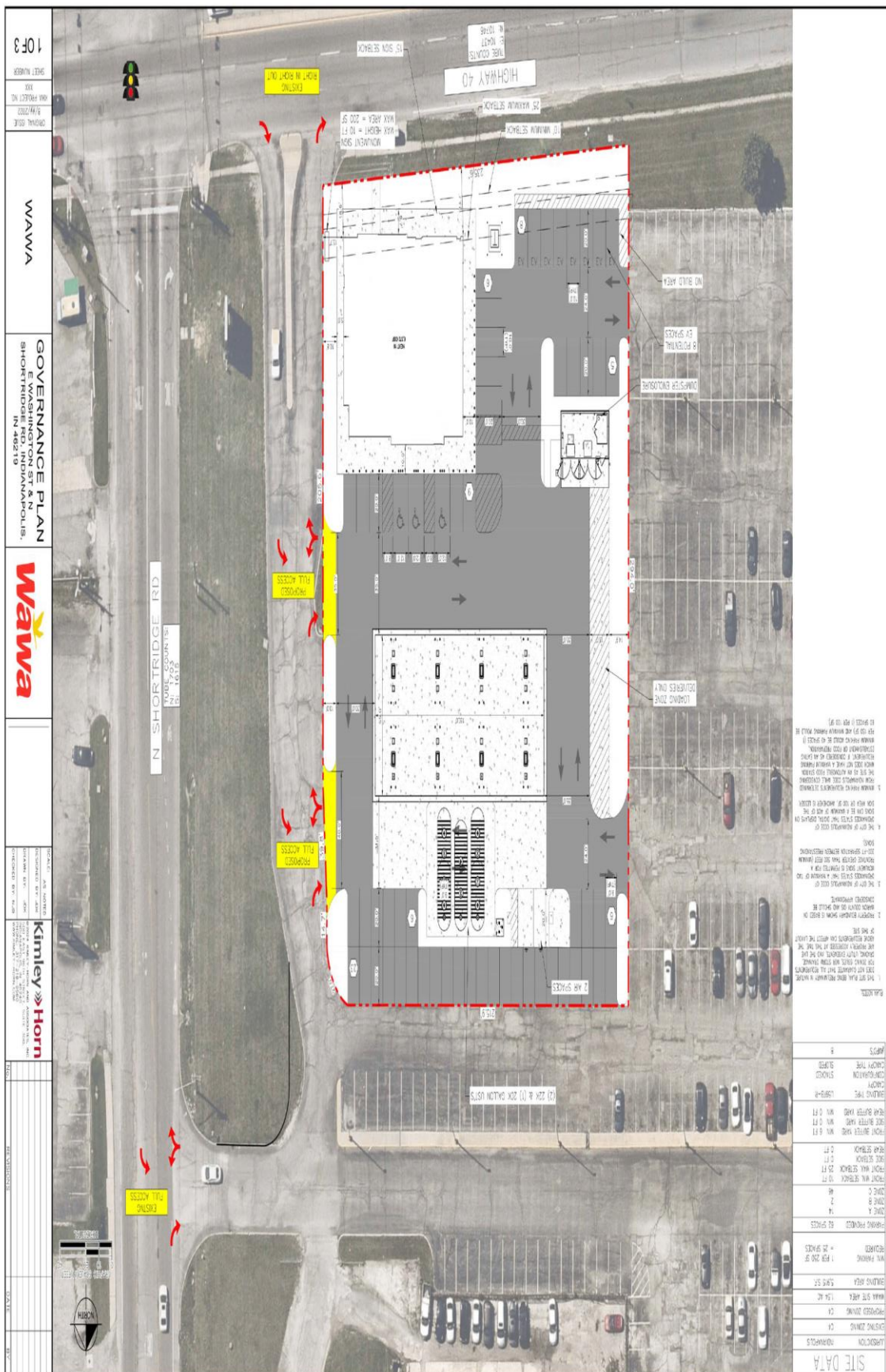
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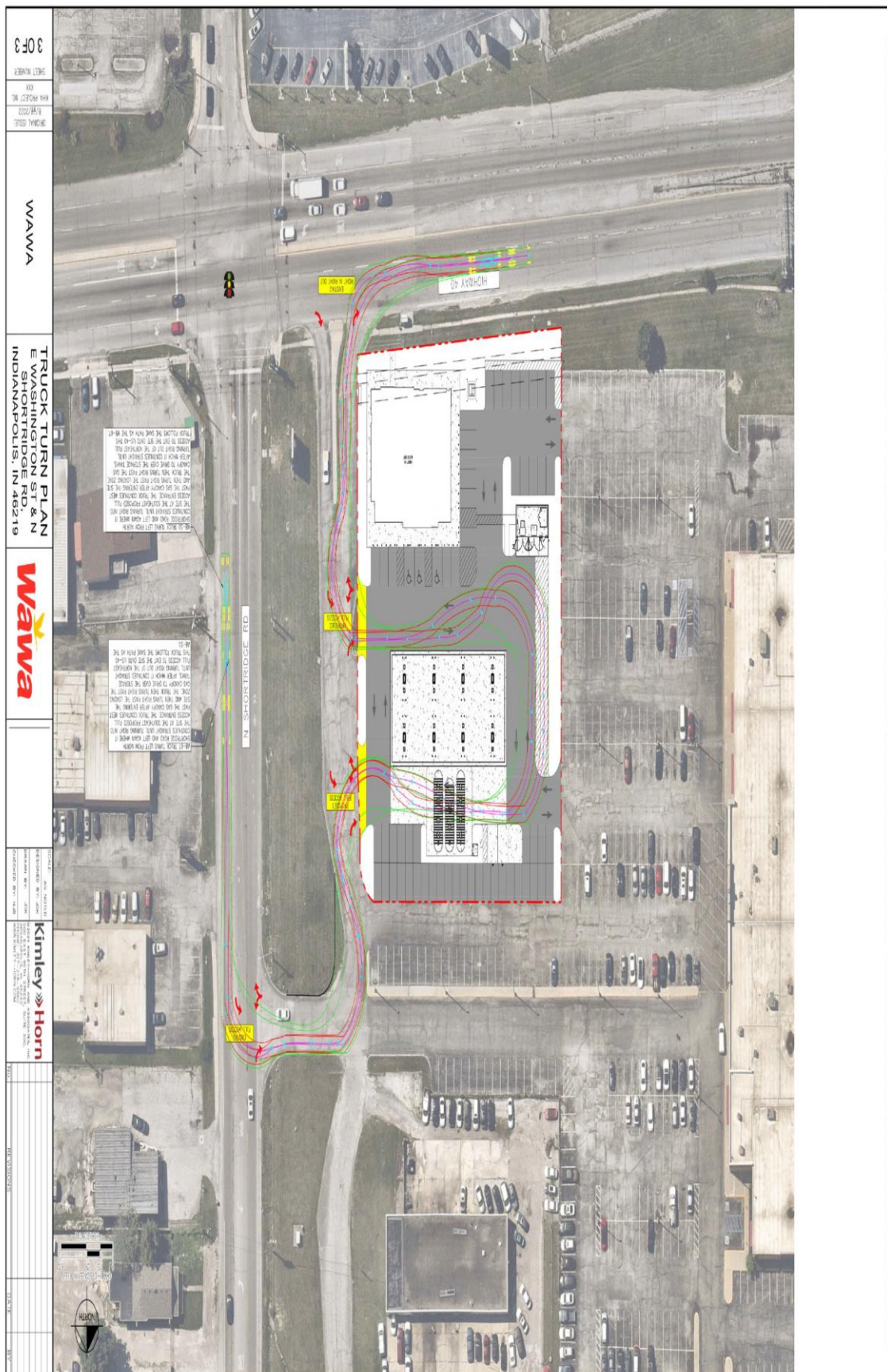














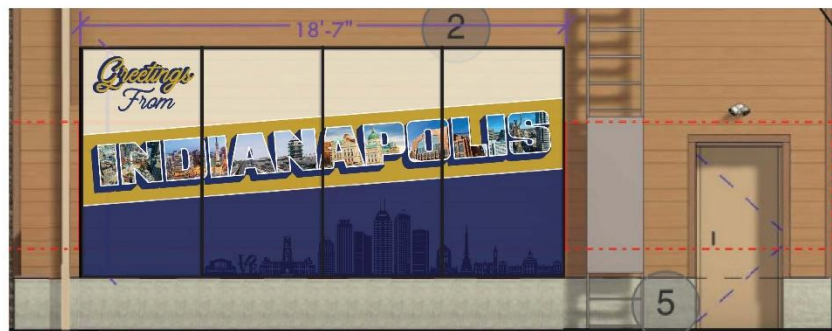


PROJECT NAME: WAWA MURAL: INDIANAPOLIS

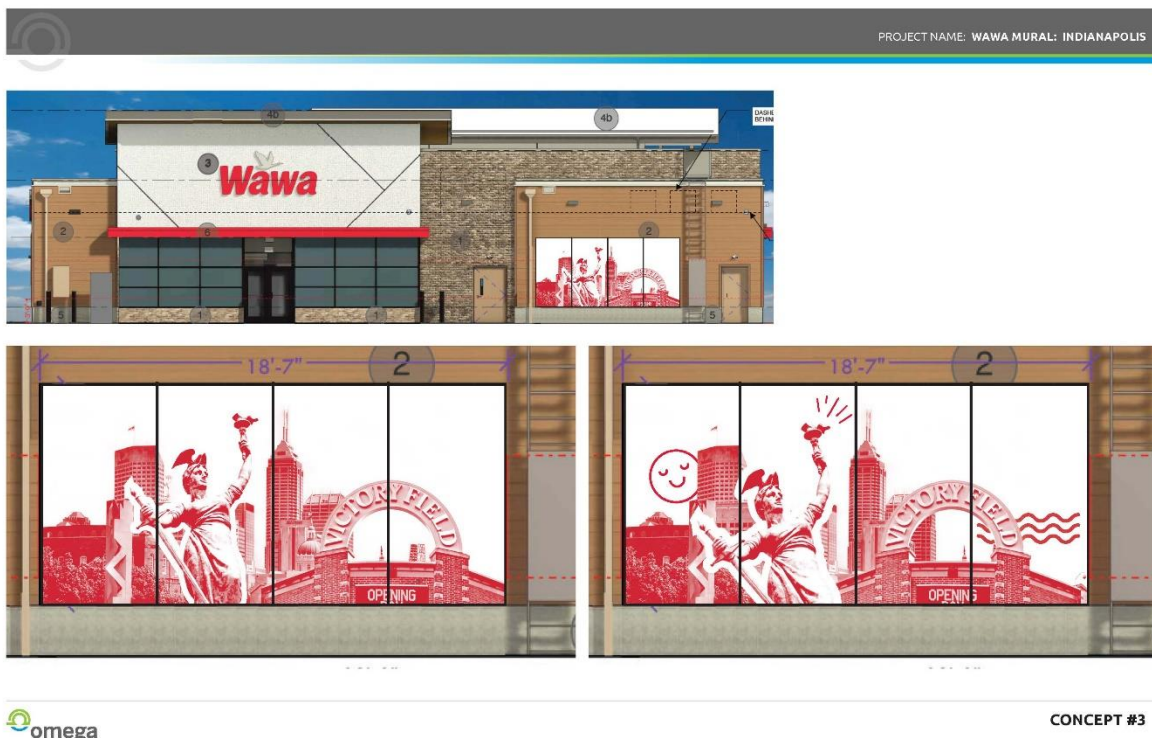


CONCEPT #1

PROJECT NAME: WAWA MURAL: INDIANAPOLIS



CONCEPT #2



### 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.



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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.













