

BOARD OF ZONING APPEALS DIVISION III

October 15, 2024

Case Number: 2024-DV3-026

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

Location: Warren Township, Council District #14

Petitioner: Fieldstone Financial LLC and 7142 East Washington 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 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).

Current Land Use: Commercial

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

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

ADDENDUM FOR OCTOBER 15, 2024 BZA DIVISION III HEARING

- This petition was automatically continued by a registered neighborhood organization from the September 17, 2024 hearing to the October 15, 2024 hearing

STAFF RECOMMENDATION

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

PETITION OVERVIEW

- This petition would 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).

- The Transit Oriented Development (TOD) Secondary Zoning District prohibits fueling stations (either primary or accessory in nature) within 600 feet of a TOD transit station. Properties that are located more than 600 feet from a transit station are restricted to 8 fueling station pump islands. These regulations are in effort to limit scale of auto-related uses and the overall amount of vehicular traffic/activity within the TOD overlay, and particularly along the TOD route itself. The introduction of non-contributing auto-oriented uses—those uses that take away from the pedestrian walkability experience and create more potential conflicts between vehicular traffic and other modes of transportation—are detrimental to the neighborhoods adjacent to the TOD Overlay.
- Staff has significant concerns regarding the proposal for 16 pump island/service areas. Being twice the amount of service areas that are permitted, Staff sees this proposal as attracting an undesired increase in the amount of vehicular traffic directly along the Blue Line TOD route of East Washington Street. While fueling stations are allowed along Connector frontages, the increase in traffic, and the often-numerous curb cuts that they require, alter the pedestrian flow at crosswalks (marked or signalized), and can have a significant impact on public safety. Auto-related uses of this scale go directly against the intentions and goals of the TOD overlay district, being 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”. The TOD overlay district language goes on to state that “Development patterns and site designs that prioritize automobile travel undermine these public and private investments”. Staff believes that the introduction of auto-related uses at this scale would not only have detrimental impacts on this specific area of the TOD, but also would significantly weaken the success of the broader TOD system as a whole, and would serve as an undesired precedent for future development within the TOD overlay district.
- In addition to the proposed scale of the auto-related use, the proposed site plan and elevations do not meet the private frontage design standards laid out in Table 744-702-3. The standards in question, being the requirement to provide at least 40% first story transparency, to provide front building line coverage of at least 60% of the lot width, and to limit any off-street parking to 40% of the lot width behind the front building line and to provide at least a 25-foot setback for those parking areas. These standards are in place to promote quality development, enhance the pedestrian experience, and to guide the design of development based on the surrounding context and type of frontage. As stated in the request language and shown in the site plan, the proposal is significantly deficient in all four of these standards. Staff believes the proposed site plan and elevations to be poor development, that does not enhance or promote pedestrian activity, and with little regard to the subject site’s frontage and context of being along the TOD corridor.
- Additionally, Staff would note that the subject site is also located within the Compact Context Area, which roughly follows the boundaries of the former city limits of Indianapolis. Sites within the Compact Context Area are intended to contain a more urban, small-scale, compact design, that promotes pedestrian activity. Staff finds the proposed larger-scale, auto-related use to be at odds with the intentions of properties within the Compact Context Area.



- 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 believes that the proposed site plan and elevations can be revised to be Ordinance-compliant, and strongly requests that the petitioner does so.
- To conclude, Staff finds this proposal to be 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. Staff believes that more appropriate uses and proposals for this site are possible and that the standards set forth by the Zoning Ordinance and the TOD overlay district, when followed, provide for a higher-quality development than the one proposed. Finally, Staff does not find there to be any related practical difficulty for needing the requested variances. Therefore, Staff strongly recommends denial of this petition.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD)	
Existing Land Use	Parking lot	
Comprehensive Plan	Office/Industrial Mixed Use	
Surrounding Context	Zoning	Surrounding Context
North:	C-4	North: Auto-Repair
South:	C-5 / SU-9	South: Auto-Dealer / State Government Offices
East:	C-4	East: Commercial
West:	C-4	West: Highway interchange
Thoroughfare Plan		
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
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	8/21/24	
Site Plan (Amended)	N/A	
Elevations	8/21/24	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	8/21/24	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Red Line TOD Strategic Plan (2020)
- Indy Moves

Pattern Book / Land Use Plan

- The Marion County Land Use Plan pattern Book recommends the Office/Industrial Mixed Use working typology for this site.

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

- 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

ZONING HISTORY – SITE

83-HOV-44A, variance of development standards of the Sign Regulations to allow for the relocation of an integrated-center pole sign containing 678.31 square feet, **approved**.

ZONING HISTORY – VICINITY

2016DV1044, 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), **approved**.

2015UV3031, 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**.

2014DV3024, 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), **approved**.

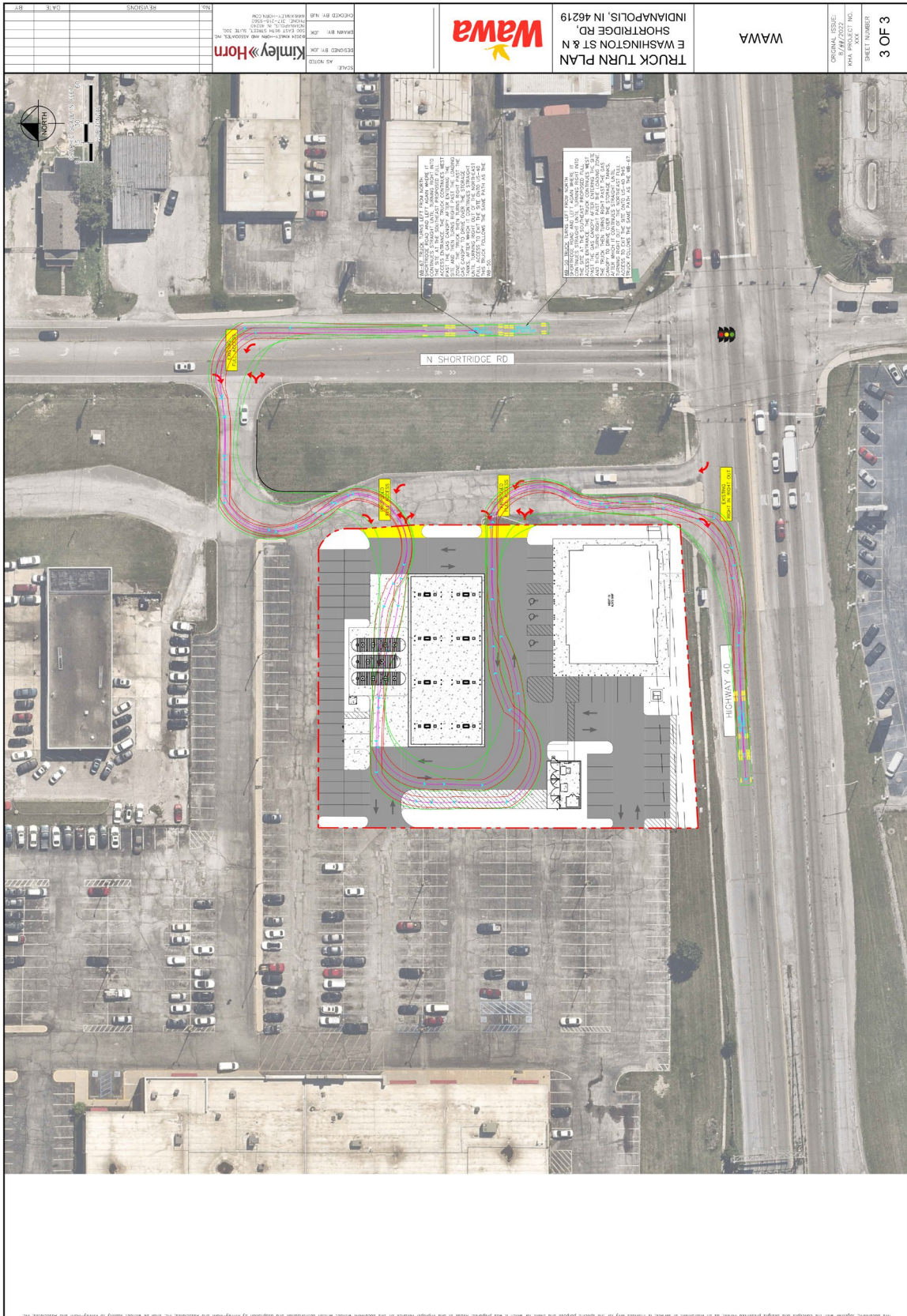
2013ZON026; 401 N Shadeland Avenue (north of site), Rezoning of 37 acres from the C-S District to the C-S classification to provide for a solar power generation in addition to the uses previously approved by 2010-ZON-063, **approved**.

2010ZON063, 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**.

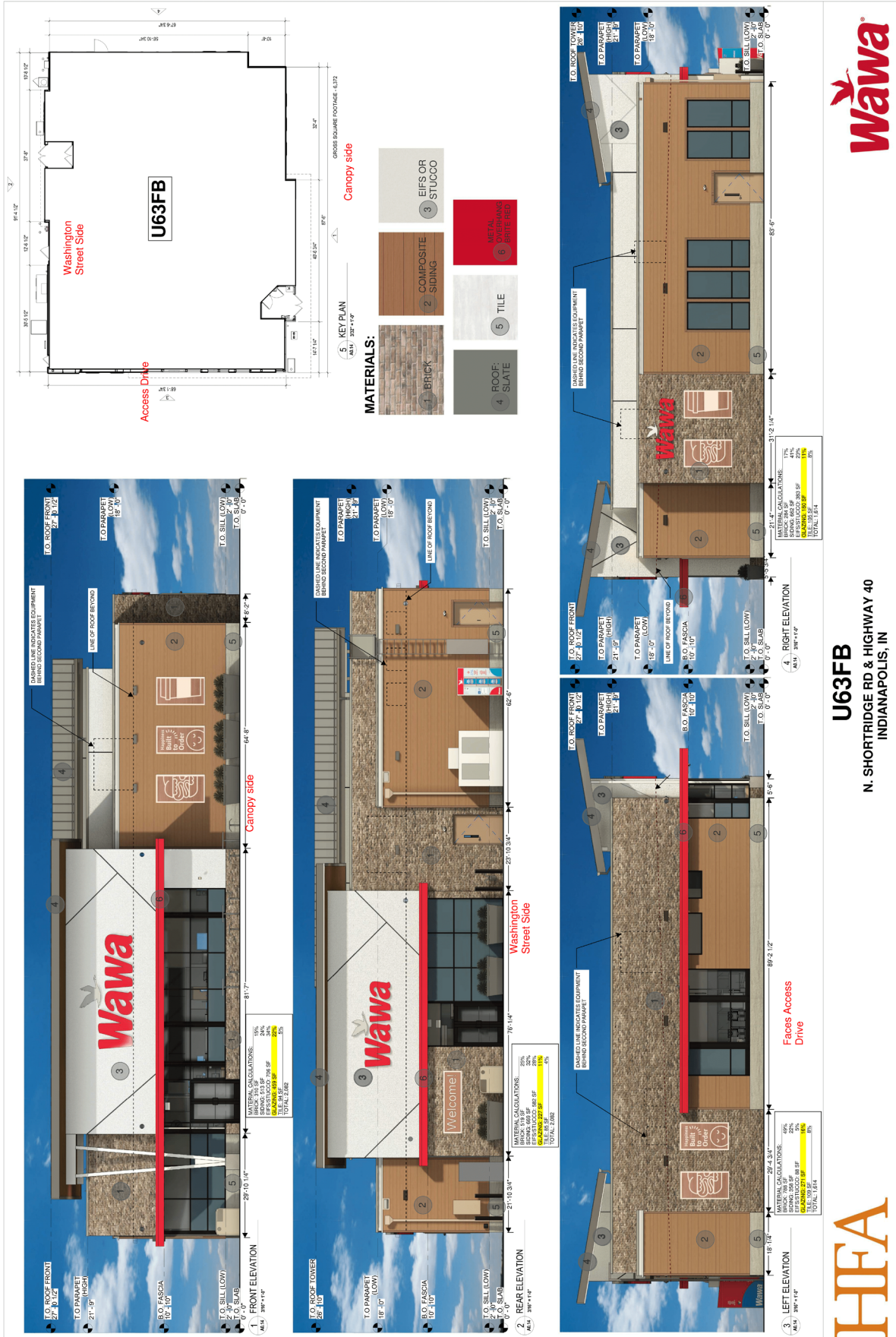
2006ZON065; 41 N Shadeland Avenue (east of site), rezoning of .43 acres, being in the D-3 District, to the C-3 classification to provide for neighborhood commercial uses, **approved subject to commitments**.

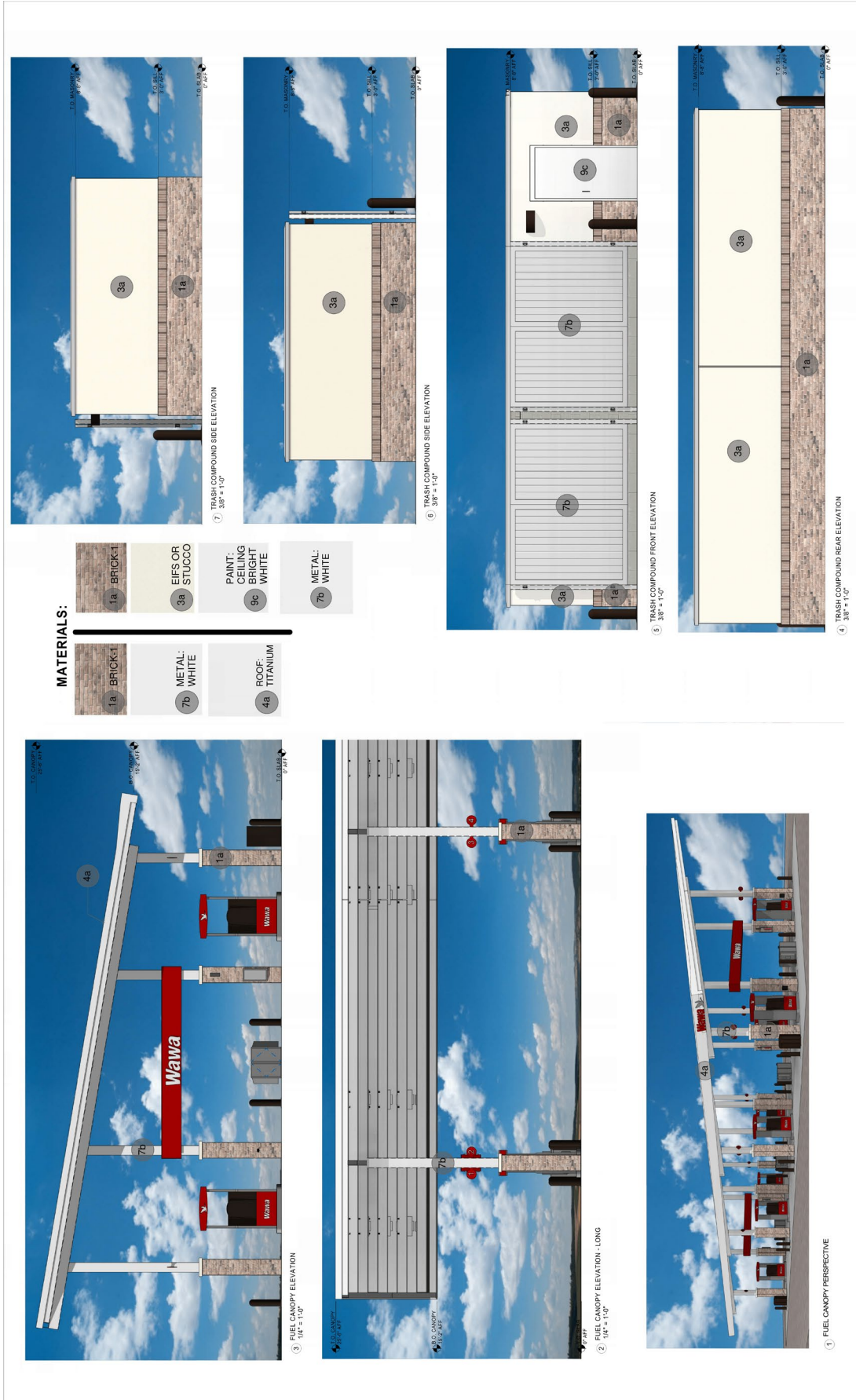
EXHIBITS





The Metropolitan Development Department is not responsible for the accuracy of the information provided on this plan. The user of this plan is responsible for verifying the accuracy of the information provided on this plan. The user of this plan is responsible for verifying the accuracy of the information provided on this plan. The user of this plan is responsible for verifying the accuracy of the information provided on this plan.





MATERIALS:

- 1a BRICK1
- 3a EIFS OR STUCCO
- 7a METAL: WHITE
- 7b METAL: WHITE
- 9c PAINT: CEILING BRIGHT WHITE
- 4a ROOF: TITANIUM
- 1a BRICK1
- 7b METAL: WHITE
- 3a EIFS OR STUCCO
- 9c PAINT: CEILING BRIGHT WHITE
- 7a METAL: WHITE
- 4a ROOF: TITANIUM



STACKED 8 FUEL CANOPY & TRASH COMPOUND - LONG R

N. SHORTRIDGE RD & HIGHWAY 40
 INDIANAPOLIS, IN





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

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.

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

the ordinance requirements overly restrict single use commercial development which in this case is permitted.

DECISION

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

Adopted this _____ day of _____, 20 ____











