



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 28, 2024

Case Number: 2024-ZON-010
Property Address: 8235 Bash Street
Location: Lawrence Township, Council District #4
Petitioner: Sohum Hotels, Castleton, LLC, by David Kingen
Current Zoning: C-3 and C-4
Request: Rezoning of 1.793 acres from the C-3 and C-4 districts to the C-4 district to provide for regional commercial uses.
Current Land Use: Vacant land
Staff Recommendations: Approval, subject to the following commitment.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the March 14, 2024 hearing, to the March 28, 2024 hearing, at the request of the petitioner's representative.

STAFF RECOMMENDATION

Approval, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This site, zoned C-3 and C-4 is vacant and surrounded by commercial uses to the north, south (across Cresco Street), east and west (across Bash Street), all zoned C-4.

Rezoning

As proposed this request would be consistent with the Comprehensive Plan recommendation of community commercial typology. The community commercial typology would be contemplated to be either the C-3 or C-4 district, depending upon the surrounding land uses and the potential impact.



This site was historically developed residentially but the dwellings were demolished between 1995 and 1997. The site has remained vacant and undeveloped for almost 27 years.

A portion of the site is currently zoned C-4 and surrounded by commercial uses all zoned C-4. Furthermore, this site is located within a large solidly commercial area. Consequently, the rezoning would be compatible with the area with minimal impact on surrounding commercial uses.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	C-3 and C-4		
Existing Land Use	Vacant land		
Comprehensive Plan	Community Commercial typology		
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>	
	North:	C-4	Commercial uses
	South:	C-4	Commercial uses
	East:	C-4	Commercial uses
	West:	C-4	Commercial uses
Thoroughfare Plan			
Bash Street	Primary Collector	Existing and proposed 80-foot right-of-way	
Context Area	Metro		
Floodway / Floodway Fringe	Yes – 500-year unregulated floodway fringe		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	N/A		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Land Use Plan (2018) recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”

- “The C-4 (Regional) District is designed to provide for the 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. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”

Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include the Pattern Book 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:
 - *Conditions for All Land Use Types*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

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 describes 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

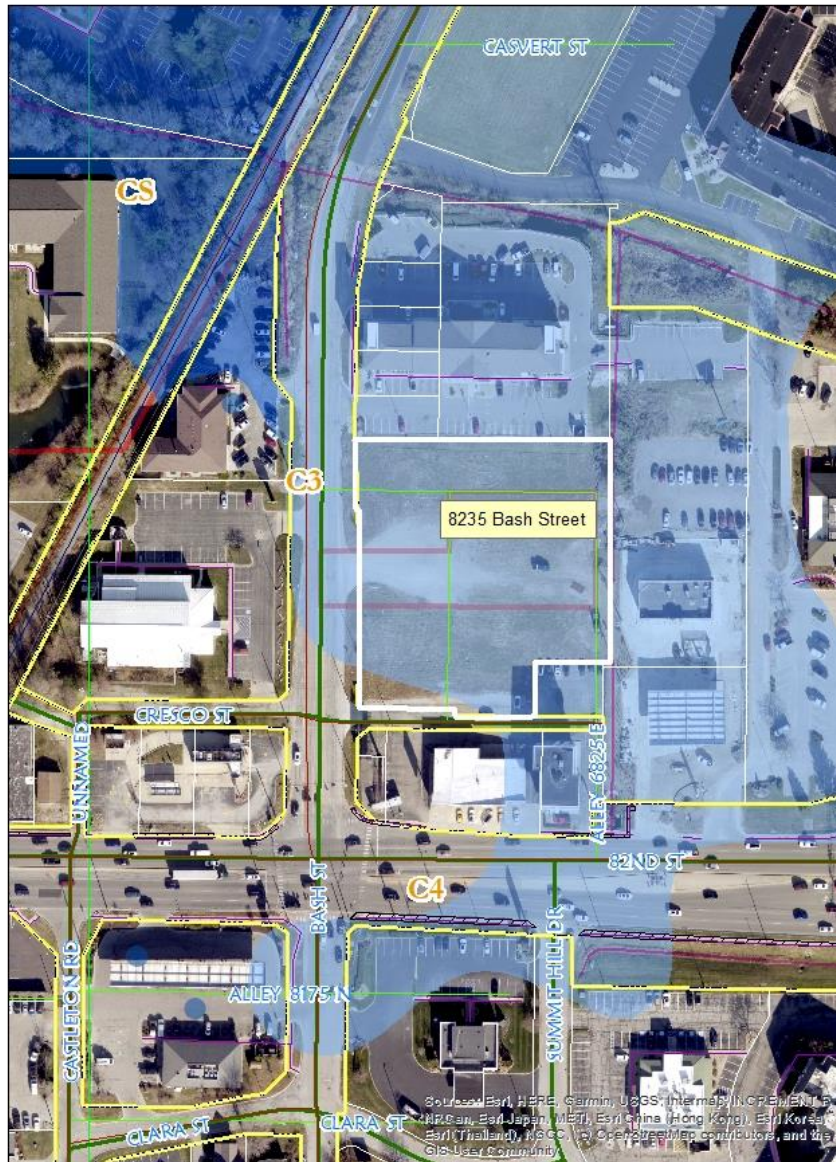


ZONING HISTORY

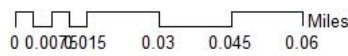
86-Z-251; 8257 Bash Street (north of site), requested rezoning of 1.49 acres, being in the C-4 district, to the C-5 classification, to provide for a miniature golf course, **withdrawn**.

80-Z-103; Various parcels (east of site), requested rezoning of various D-5 district parcels located in the Town of Castleton, Marion County, Indiana, to the C-4 classification, **approved**.

EXHIBITS

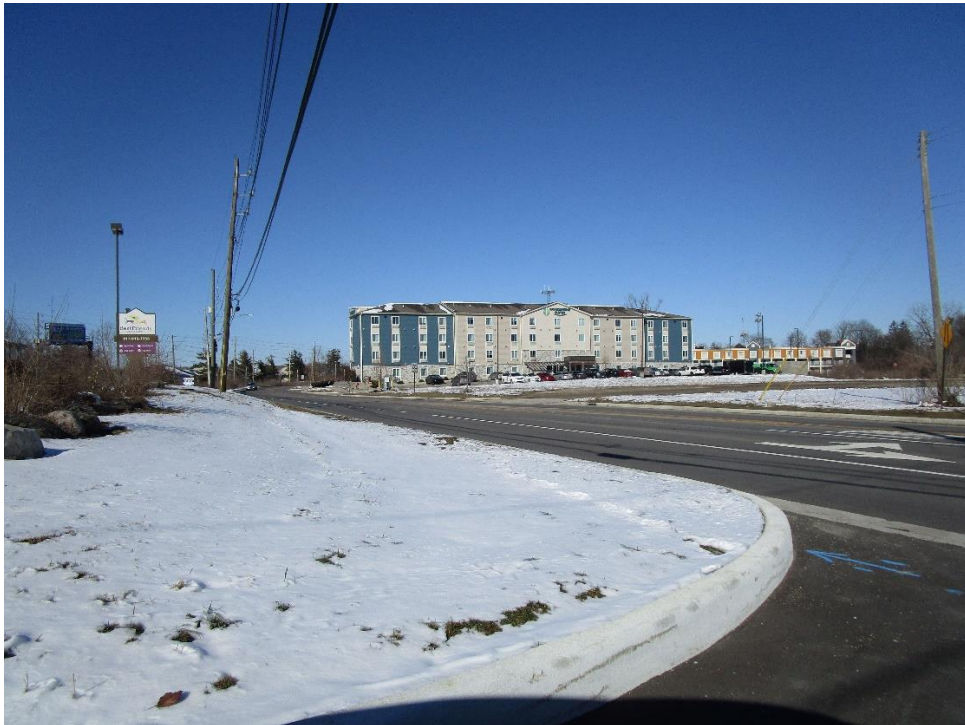


8235 Bash Street





View looking south along Bash Street



View looking north along Bash Street



View of site looking east across Bash Street



View from site looking north



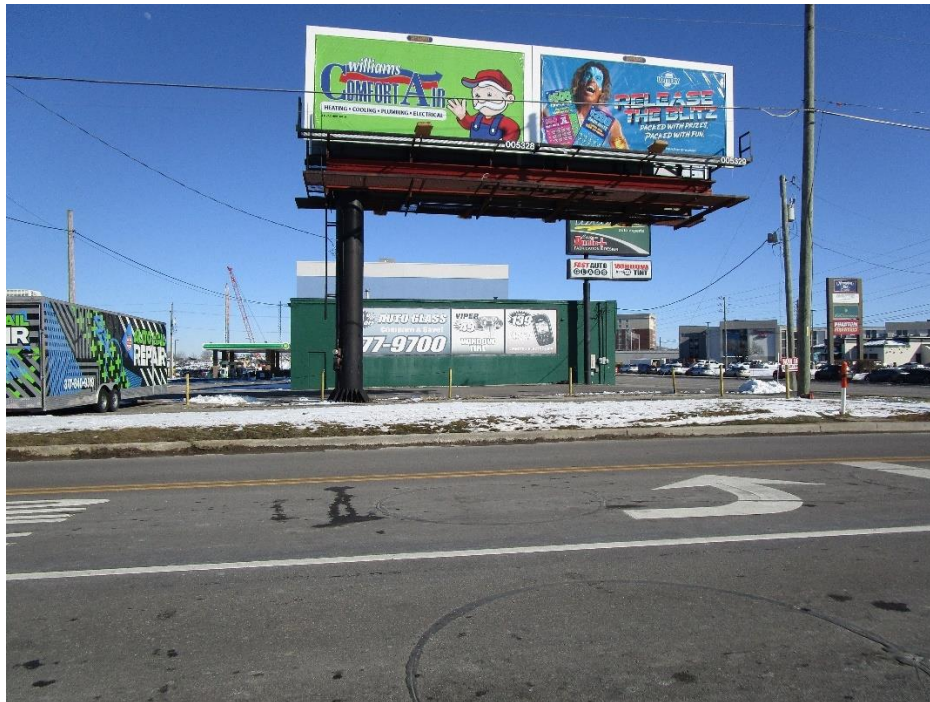
View from site looking east



View from site looking southeast



View of site looking northeast across Bash Street



View of adjacent property to the south looking east across Bash Street