



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

Case Number: 2024-CAP-815 / 2024-CVR-815 (2nd Amended)

Property Address: 2439 and 2455 Dr. Martin Luther King, Jr. Street

Location: Center Township, Council District #12

Petitioner: NWQOL Holding Company LLC, by Bryan Conn

Current Zoning: C-S (W-5)
Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 39% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 0% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), and a north side yard setback of three feet (minimum 10-foot side yard setbacks required) and a 48-foot tall building (38-foot tall building permitted)..

Current Land Use: Vacant property

Staff Recommendations: Approval of the modification and variance requests, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 9, 2024 hearing, to the May 23, 2024 hearing, and to the June 13, 2024 hearing, at the request of staff to provide additional time for discussion with the petitioner’s representative and architect.

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the July 25, 2024 hearing, and to the August 29, 2024 hearing, with notice, because the variance request was amended twice and required additional notice.

The two amendments to the development standards variance related to the setbacks and building height. As further investigation was conducted the building footprint had to be adjusted to accommodate existing utility infrastructure. Staff believes this change had minimal impact on the project and supports the requested amended setbacks.

The second amendment relates to the building height. The maximum building height in the C-S district is 38 feet and the request would allow for a 10-foot increase in the building height. Staff believes this increase would be acceptable because the building would be located along a primary arterial and have minimal impact on surrounding land uses.

STAFF RECOMMENDATION

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

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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

MODIFICATION

This 0.59-acre site, zoned C-S (W-5), is vacant and surrounded by commercial uses to the north, zoned C-S (W-5); a community service facility to the south, zoned SU-7 (W-5) (charitable, philanthropic and not-for-profit use); residential uses to the east, zoned D-8; and commercial uses to the west, across Dr. Martin Luther King Jr. Street, zoned C-3 (W-5).

This site was included in a rezoning (2020-ZON-067) that rezoned 4.5 acres consisting of three non-contiguous areas along Dr. Martin Luther King Jr. Street to the C-S district that included multi-family residential development, a food hub/food supply, medical training, automotive training and relocation of a lodge. This site is the southernmost site. See Exhibit A.

The Plan of Operation for this site that was associated with the 2020 rezoning, provided for residential uses and parking. See below:

2400 Block of MLK – 30 Units – 21 parking spaces – Community Service Space (3000 sq ft) – Meridian Lodge (3000 sq ft)



Housing portion is residential, and responses are same as above. Responses below are for Community Service Center portion.

Workforce – Workforce would be 5 to 10 volunteers depending on activity. Anticipated hours between 10am and 8pm depending on activity.

Clients & Customers – Neighborhood seniors for day activities, mentoring programs for kids and community residents for philanthropic activities. All activities would be conducted onsite.

Processes Conducted on Site – No process will be conducted on site.

Materials Used – No materials use on site.

Shipping & Receiving – No shipping or receiving planned.

Waste - No hazardous waste generates. Waste removal would be by City of contract.

This request would provide for a four-story multi-family dwelling that would consist of 32 dwelling units and supportive services for persons experiencing homelessness. Supportive services would include community meeting space, mental health services, employment assistance, health / wellness programs, life skills training / development and a food pantry for the residents.

Despite the change in the site plan associated with the 2020 rezoning, staff supports this request because it is consistent with the proposed residential uses. Furthermore, the proposed uses offered in the community service space would be modified to provide services to those experiencing homelessness. See Exhibit B for the modified C-S Statement.

Variances of Development Standards

This request would permit a reduction in the required transparency and setbacks. The Ordinance requires 40% transparency on facades within 50 feet of a local, collector or arterial street and within 50 feet of a public pedestrian entrance. The also Ordinance requires a 10-foot front and side yard setback.

As proposed the transparency of the building facades has increased based on the amended elevations. The transparency is now within an acceptable range that staff believes would be supportable. See Exhibit C.



After filing these requests, it has been discovered that existing conditions require that the building be moved to the north, thereby resulting in a practical difficulty and a three-foot north setback. Staff also believes that the reduction of the front setback would be supportable with the installation of landscaping that would provide a buffer and minimize any possible negative impact of the reduced front setback.

For these reasons, staff supports the variances that have been requested.

Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

he subject site is located within the W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

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.

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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-S (W-5)	
Existing Land Use	Vacant land	
Comprehensive Plan	Commercial and retail services	
Surrounding Context	Zoning	Land Use
North:	C-S (W-5)	Vacant land
South:	SU-37 (W-5)	Community Services facility
East:	D-8 (W-5)	Single-family dwellings
West:	C-3 (W-5)	Commercial uses
Thoroughfare Plan		
Dr. Martin Luther King, Jr. Street	Primary arterial	Existing 80-foot right-of-way and proposed 66-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	March 13, 2024	
Site Plan (Amended)	July 8, 2024	
Elevations	March 13, 2024	
Elevations (Amended)	July 8, 2024	
Landscape Plan	July 8, 2024	
Findings of Fact	March 13, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	March 13, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2010) recommends commercial and retail service.

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

2020-ZON-067; 2439, 2455, 2461, 2709, 2711, 2713, 2715, 2717, 2723, 2735, 2753, 2954 Dr. ML King Jr. Street; 815, 821 and 827 West 30th Street; 822, 826, 830, 834 and 838 Eugene Street; and 629 and 631 West 28th Street, requested rezoning of 4.5 acres, from the D-5, C-3, C-3 (W-5) and C-4 districts to the C-S and C-S (W-5) classifications to provide for multi-family residential development, a food hub/food supply, medical training, automotive training and relocation of a lodge, **approved**.

Vicinity

2017-DV3-020; 2438 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for an Automatic Teller Machine on a property with no primary building, **granted**.

2015-UV1-001; 2468 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for tire installation, oil and lube work in a C-3 district, **granted**.

2011-CAP-814 / 2011-CVR-814; 2625 - 2637 Dr. Martin Luther King Jr Street (north of site), requested variances of development standards to provide for a commercial building exceeding permitted size, deficient front setbacks, without landscaping, deficient number of parking spaces, a building and trash container in a transitional yard, truck loading in a transitional yard and a sign with deficient setback and space from a protected district, **approved**.

2011-CVR-809 / 2011-CVC-809; 551 – 611 West 27th Street (north of site), requested variances of development standards to provide for a building exceeding the permitted height, deficient front transitional yard, deficient number of parking spaces, deficient side transitional yard, and the vacation of the first northwest / southwest alley east of Dr. Martin Luther King Jr. Street, **granted and approved**.

2008-UV3-031; 2468 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for automobile repair and variances of development standards to provide for deficient landscape strips, deficient rear yard and rear transitional yard, and deficient parking maneuvering, **granted**.

2008-ZON-110; 2649 Dr. Martin Luther King Jr. Street (north of site), requested rezoning of 1.737 acres from C-3 and SU-1 districts to the C03C classification to provide for corridor commercial uses, **approved**.

2007-ZON-822 / 2007-CVR-822 /, 2007-VAC-822; 2625 Dr. Martin Luther King Jr Street and 617 East 26th Street (north of site), requested the rezoning of 1.77 acres from the C-3 and SU-1 districts to the C-3C district, variance of development standards, and an alley vacation, **withdrawn**.

2006-DV2-033; 561 West 28th Street and 23 other addresses (north of site), requested a variance of development standards to provide for deficient main floor area, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2002-UV2-014; 2701 California Street (north of site), requested a variance of use to provide for a funeral home, **granted**.

2002-DV3-048; 850, 854, & 858 Eugene Street and 19 other addresses (north of site), requested variances of development standards to provide for townhouses with deficient main floor area and deficient front yard setback, **granted**.

2002-DV3-014; 2502 Dr. Martin Luther King Jr Street (north of site), requested variance of development standards to provide for deficient separation between a drive-through service unit and a protected district, without an exclusive bypass lane, with deficient setback and deficient exit stacking, **granted**.

2001-DV1-079; 2926 Dr. Martin Luther King Jr Street (north of site), requested variances of development standards to provide for deficient transitional yard, deficient separation of a fast-food restaurant from a Protected District, and a trash container in a transitional yard, **granted**.

99-Z-162; 551 West 27th Street (east of site), requested rezoning of 1.72 acres from the D-8 district to the SU-1 classification to conform zoning to the present use, and to provide for a family life center, **approved**.

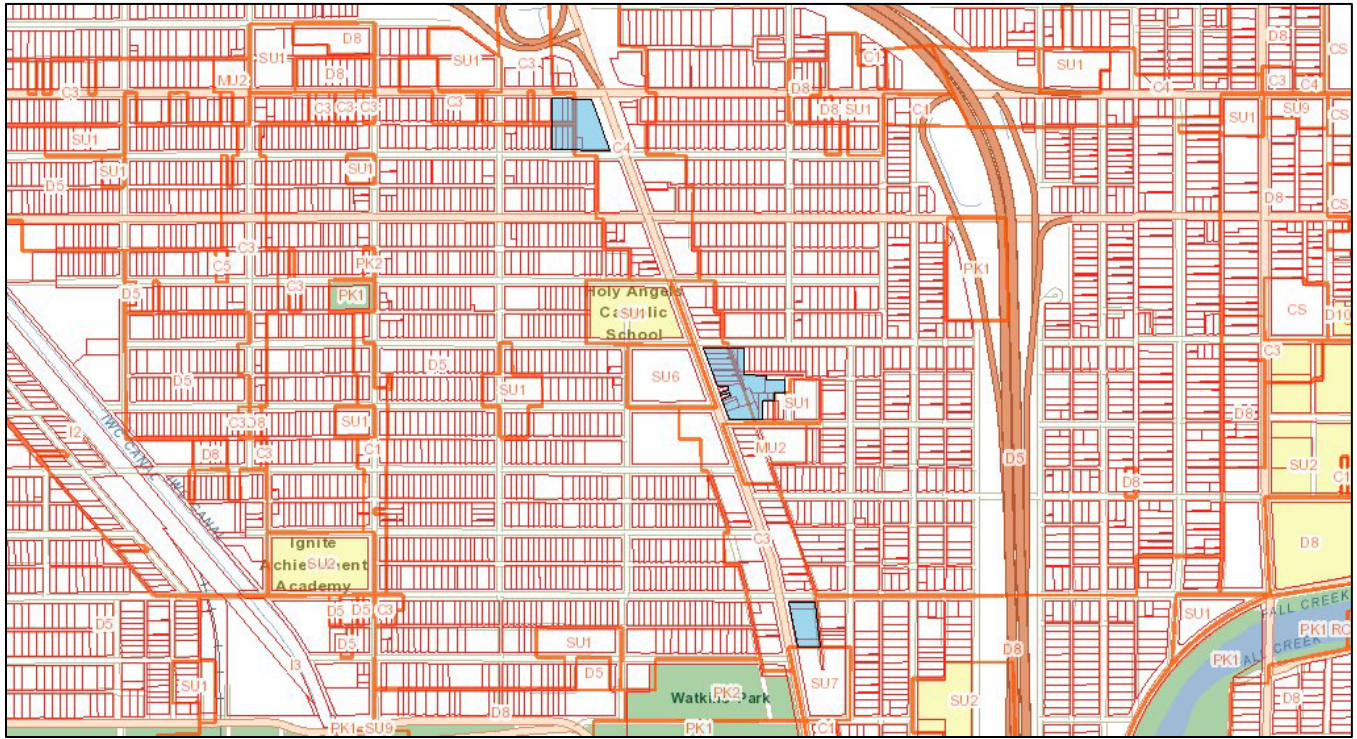
98-UV2-65; 832 - 836 West 30th Street (north of site), requested a variance of use for off-site parking and a variance of development standards for deficient front setback, **granted**.

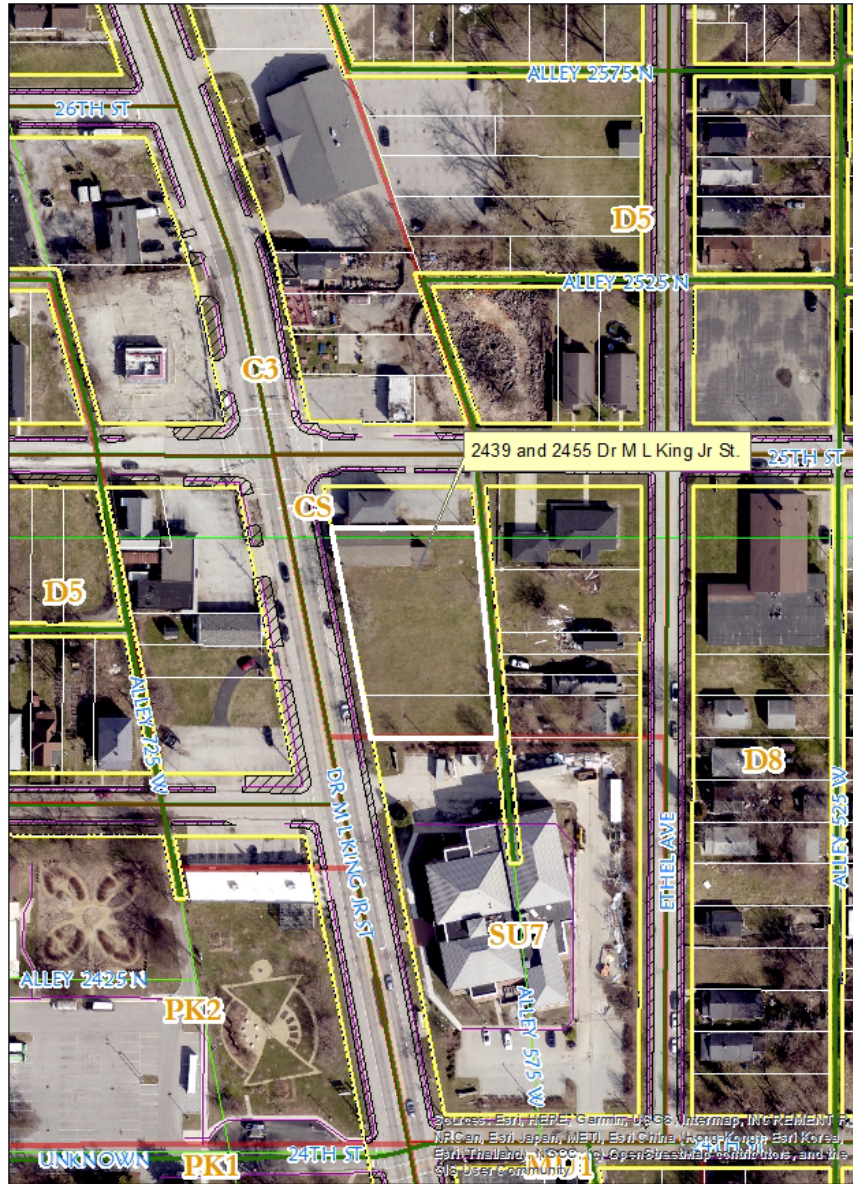
96-UV2-18; 2591 and 2633 Dr. Martin Luther King, Jr. Street (north of site), requested a variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to legally establish a church with parking, **granted**.

85-UV3-040; 2658 Dr. Martin Luther King Jr Street (north of site), requested a variance of use to provide for a motorcycle club, **denied**.

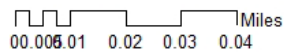
EXHIBITS

Exhibit A





2439 and 2455 Dr. M. L. King Jr. Street



<p>ELEVATION NOTES</p> <p>1. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>2. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>3. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>4. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>5. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>6. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>7. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>8. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>9. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>10. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p>	<p>ELEVATION NOTES - CC</p> <p>1. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>2. ALL ELEVATIONS SHALL BE SHOWN TO THE FACE UNLESS OTHERWISE NOTED.</p> <p>3. 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NO.	DATE	DESCRIPTION																		
<p>PROJECT TITLE: KING COMMONS 2455 DOCTOR AVE. IN 46208 INDIANAPOLIS, IN 46208</p>																				
<p>CLIENT: PARTNERS IN HOUSING 336 N. MARKET ST. INDIANAPOLIS, IN 46204 317-690-2370</p>																				
<p>DESIGNER: R316 ARCHITECTURE 1000 W. MARKET ST. INDIANAPOLIS, IN 46202 317-690-2370</p>																				

ELEVATION - SOUTH - SITE

ELEVATION - SOUTH - FACTORY

ELEVATION - WEST - SITE

ELEVATION - WEST - FACTORY

<p>PARTNERS IN HABITAT</p>	<p>R3B RESIDENTIAL</p>	<p>INDIANAPOLIS, IN 3157 W. DRUMMERSVILLE BLVD. 46208-4202</p>	<p>ZONING SET</p>	<p>CLIENT</p>	<p>PROJECT TITLE</p>	<p>2455 DOCTOR MILK JR ST INDIANAPOLIS, IN 46208</p>	<p>DATE: 7-8-2024</p>	<p>DATE: 7-8-2024</p>
						<p>PREPARED BY: BP</p>	<p>DESIGNED BY: BP</p>	
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<p>PROJECT NUMBER</p>						<p>A200</p>		

1 COLORED RENDERINGS

FOR REFERENCE ONLY

2 COLORED RENDERINGS

FOR REFERENCE ONLY

3 COLORED RENDERINGS

FOR REFERENCE ONLY

4 COLORED RENDERINGS

FOR REFERENCE ONLY

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EXHIBIT B

C-S Statement

2455 and 2439 Dr. Martin Luther King Jr. Street – King Commons Apartments (the “Property”)

Petitioner respectfully requests to modify the C-S statement and proposed development on the Property to include 32 Supportive Housing units for families experiencing homelessness. The Property is designed to serve families, and will include the following characteristics:

- 6 one-bedroom, 12 two-bedrooms 10 three-bedrooms, and 4-four bedroom units
- 4 stories with an elevator and full ADA accessibility
- Large common space on the ground floor with kitchen, sitting lounge, and food pantry
- On-site property manager
- Offices dedicated for residents meeting with supportive service providers
- Off street parking

The attached exhibit is the proposed Site Plan which depicts the proposed improvements on the site. Prior to development, the final site plan depicting the size, location of improvements, landscaping, signage, parking and detailed site access will be submitted for Administrator’s approval, which shall not be unreasonably withheld.



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 proposed use is multi-family apartments. The amount of glass proposed on the first floor of the development is commensurate and typical of a multi-family development. The proposed setbacks are typical of apartment and commercial buildings found in the City's compact context area.

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:

The proposed use is multi-family apartments. The amount of glass proposed on the first floor of the development is commensurate and typical of a multi-family development. The proposed setbacks are typical of apartment and commercial buildings found in the City's compact context area.

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

Building glass must align with interior units. Adding additional glass would hinder the first floor unit layout. Conforming to the required setbacks will limit the developable area and reduce the overall number of units.

DECISION

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

Adopted this _____ day of _____, 20 ____

 PARTNERS in PLANNING	 RSB ARCHITECTURE 1111 N. WASHINGTON ST., SUITE 100 INDIANAPOLIS, IN 46204 TEL: 317.444.1111 WWW.RSBARCHITECTURE.COM	ZONING SET	PROJECT TITLE KING COMMONS 2455 DOCKRILL AVE. S1 INDIANAPOLIS, IN 46208	<table border="1"> <tr> <td>DATE</td> <td>7-5-2024</td> </tr> <tr> <td>DRAWN BY</td> <td>BP</td> </tr> <tr> <td>CHECKED BY</td> <td>BP</td> </tr> <tr> <td>SHEET TITLE</td> <td>COLORLED RENDERINGS</td> </tr> <tr> <td>SHEET NUMBER</td> <td>A200</td> </tr> </table>	DATE	7-5-2024	DRAWN BY	BP	CHECKED BY	BP	SHEET TITLE	COLORLED RENDERINGS	SHEET NUMBER	A200
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		EAST ELEVATION ORIGINAL SUBMISSION 12-11-2023												
		WEST CORNER ELEVATION REVISED 7-12-2024												
		EAST ELEVATION REVISED 7-12-2024												



View looking south at intersection of Martin Luther King Jr. Street and East 25th Street



View looking northeast from adjacent property to the north



View looking west at intersection of Martin Luther King Jr. Street and East 25th Street



View looking east along East 25th Street



View of site looking south from adjacent property to the north



View of site looking southeast from adjacent property to the north



View of adjacent property to the north looking east across Dr. Martin Luther King Jr. Street



View of site looking southeast across Dr. Martin Luther King Jr. Street



View of site looking east across Dr. Martin Luther King Jr. Street



View of southern portion of site looking southeast across Dr. Martin Luther King Jr. Street