

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV1-012
Address: 5301 West 10th Street (approximate address)
Location: Wayne Township, Council District #15
Zoning: C-3 / D-A (FW)
Petitioner: Golden Goose Tattoo Company, by Pat Rooney
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (not permitted, prohibited within 500 feet of a protected district).

RECOMMENDATIONS

Staff **recommends approval** of the variance petition subject to the following condition:

The variance grant shall be subject to the submitted plan of operation, file-dated May 8, 2028.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Metro	C-3 / D-A	Community Commercial uses
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SURROUNDING ZONING AND LAND USE

North -	D-2 / C-3	Single-Family Dwellings / Community Commercial uses
South -	D-A	Floodway
East -	C-4	Community Commercial uses
West -	D-A	Undeveloped

COMPREHENSIVE PLAN	The Comprehensive Plan recommends community commercial uses for the site.
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- ◇ The subject site is split zoned in the C-3 and D-A Districts. A significant majority of the site is within the C-3 District, including the existing buildings and the proposed use location. Several outlying corners of the site are within the D-A District. These D-A District areas are primarily in the Floodway and undevelopable.

USE VARIANCE

- ◇ The requested variance of use would provide for a tattoo parlor within the existing commercial building. Tattoo Parlors are permitted in the C-3 District, provided the location can meet a 500-foot separation requirement from an abutting residential district. As the proposed location would not comply with the distance separation requirements of the Ordinance, the petitioner is required to seek a use variance for the proposed use.

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- ◇ While the proposed use would be within 500 feet of a dwelling district, it would be separated from the adjacent dwelling district by West 10th Street, which is five lanes wide at this portion of the street. The closet dwelling would be approximately 250 feet to the northwest.
- ◇ A plan of operation has been submitted that limits the hours of operation from 11:00am to 7:00pm daily. Staffs believes these hours would limit the scope of operation, and the requested use would be an acceptable use at this location despite the deficient separation from protected districts.
- ◇ In Staff's opinion, the proposed tattoo parlor would not be dissimilar from other professional services permitted in the C-3 District. The process of creating a tattoo requires time, ensuring that turnover at the subject site would be limited. Additionally, Staff would also note that the limitations within the plan of operation, including hours of operation, would further reduce the number of customers using the service at any one time. Therefore, Staff is requesting that approval of this petition shall be subject to the plan of operation as a commitment.

TATOO PARLOR REGULATION

- ◇ Tattoo parlors are regulated by Title 16, Article 19, Chapter 3, Section 4.1 of the Indiana Code (IC 16-19-3-4.1), which directs the State Department of Health to establish rules related to tattoo parlors, resulting in the adoption of Title 410 of the Indiana Administrative Code, Article 1, Rule 5 (410 IAC 1-5, Sanitary Operation of Tattoo Parlors). These rules also apply to body piercing facilities.
- ◇ The Marion County Health Department (MCHD) in Chapter 19, Article Seven, of the Marion County Health and Hospital Code (19-701 to 19-712) requires tattoo parlors to be licensed, with annual renewals. Disinfection and sterilization equipment must be tested by an approved independent laboratory on a monthly basis. The MCHD has the authority to close a facility or suspend a license if tests results are not submitted in a timely manner, if proper hand-washing facilities are not provided at each station or if general conditions of the operation present an imminent threat to public health or transmission of communicable disease.

GENERAL INFORMATION

THOROUGHFARE PLAN	This section of West 10 th Street is classified on the Official Thoroughfare Plan as a primary arterial, with a 140-foot existing and proposed right-of-way.
	This section of Lynhurst Drive is classified on the Official Thoroughfare Plan as a primary arterial, with a 90-foot existing right-of-way and a 112-foot proposed right-of-way.
SITE PLAN	File-dated May 8, 2023
PLAN OF OPERATION	File-dated May 8, 2023
FINDINGS OF FACT	File-dated June 14, 2023

(Continued)

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ZONING HISTORY

2018-CZN-848/ 2018-CVR-848; 5301 West 10th Street (west and south of subject site), requested the rezoning of 2.57 acres from the D-A (FW) District to the C-3 (FW) classification, **approved**. Requested a variance of development standards to provide for a seven-foot front and front transitional yard, with landscaping, **approved**.

2004-UV3-041, 5301 West 10th Street (west of site), requested a variance of use to legally establish an amusement arcade with 18 amusement machines, **granted**.

2001-UV2-021; 5301 West 10th Street (west of site), requested a variance of use and development standards to legally establish an amusement arcade, with 10 amusement machines in an existing tavern, **granted**.

96-UV1-74; 5301 – 5341 West 10th Street (includes subject site), requested a variance of use and development standards to legally establish an existing tavern and liquor store with: a) entertainment; b) outdoor seating and tables; c) outdoor recreational equipment, specifically a sand volleyball court; d) within 56 feet of Dwelling Districts; e) without the required front setback and landscape strip of 10 feet in width along North Lynhurst Drive and West 10th Street; f) with a side transitional yard of 3 feet, **granted**.

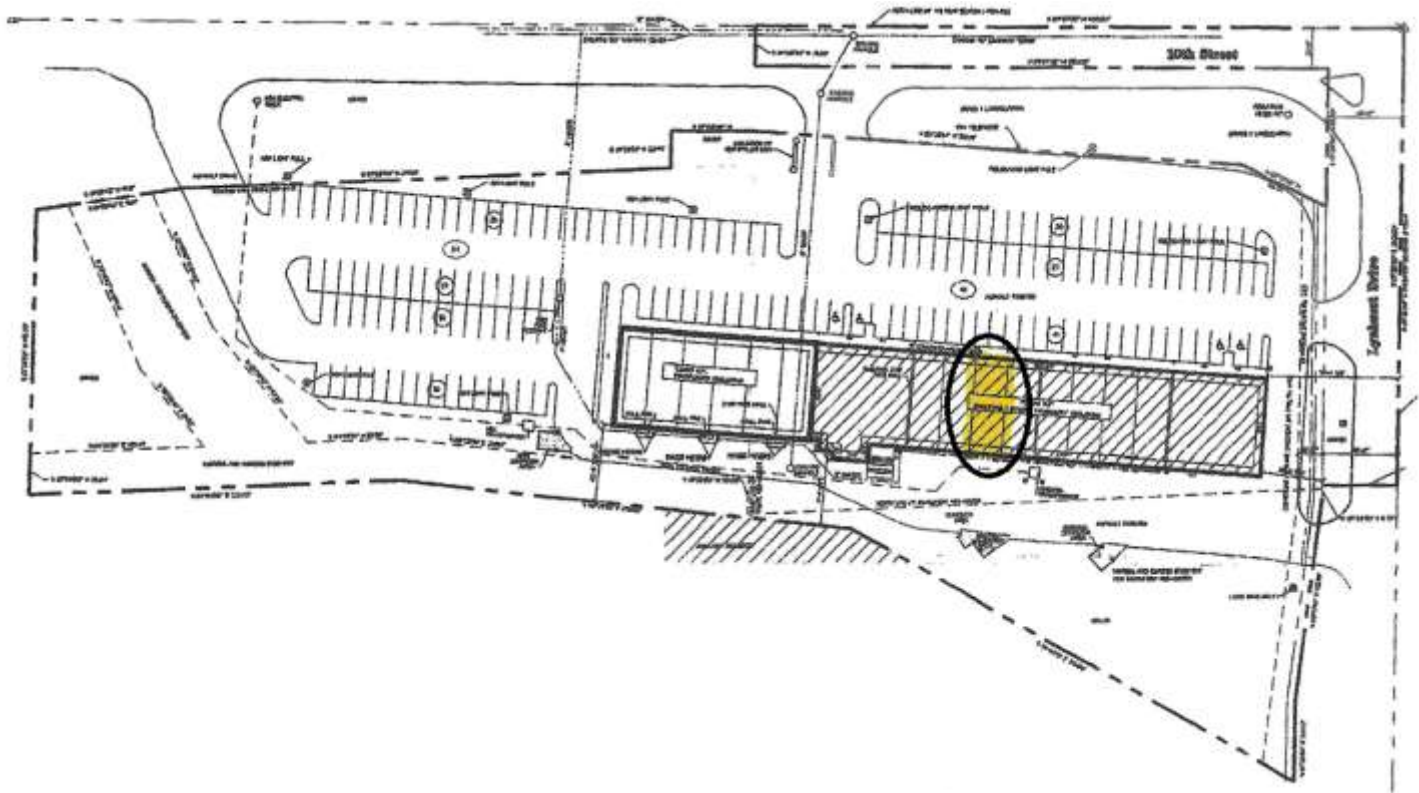
83-Z-139; 5301 West 10th Street (includes subject site), requested the rezoning of 2.576 acres, being in the A-2 District, to the C-3 classification, to provide for retail use, **approved**.

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2023-UV1-012: Location Map



2023-UV1-012: Site Plan



Plan of Operations

Golden Goose Tattoo Company ("Petitioner") has eight artists operating as a tattoo collective in the 1,200 square foot portion of the subject property commonly known as 5329 West 10th Street, Indianapolis, IN. with the finest quality body art tattooing. As a destination business with the finest quality body art tattooing, the Petitioner's clients have scheduled appointments and shall not exceed more than one client per employee during tattooing with all appointments to occur during the normal hours of operation which shall be 11am-7pm daily.

Petitioner shall continue to meet all Health Department regulations and licensing requirements and shall follow standard procedures with sharps containers, and disposal of biohazard materials as well as do its implementing additional safety measures to help the community flatten the curve with respect to the current pandemic, including, without limitation, the following:

- Per Petitioner policy, no patron under the age of 18 years will be permitted to receive body tattooing;
- All patrons MUST bring valid state I.D. or Driver's License;
- All patrons will be required to fill out a release form which will be held and maintained as a personal patron record by the studio for the at least two years;
- Release form list will include: Patrons name, address, age, date tattooed, design of the tattoo, the location of the tattoo on the patrons body, and the name of the artist who performed the work;
- Upon entering the studio, patrons will be required to immediately wash their hands and will be required to complete a Covid-19 checklist;
- Covid-19 Checklist shall include: If patron has had any flu-like symptoms in the last 14 days, and, if so, they will be required to reschedule their appointment;
- Tattoo artists who have experienced any flu-like symptoms will be required to take leave immediately and will refrain from providing any services to patrons for 14 days or until a negative Covid-19 test is taken and proven with documentation;
- Tattoo artists who are experiencing symptoms of acute disease, including, but not limited to: jaundice, draining, open skin infections, boils, impetigo, or scabies, shall refrain from providing any services to patrons;
- All clients who receive a tattoo at Petitioner are sent home with in-depth aftercare instructions that are easy to read and straight forward in order to achieve ultimate success for healing newly tattooed areas; and
- A state of the art security system shall be installed.

It is very important to maintain the integrity and safety of Petitioner's employees and customers and great measures will be taken to ensure that patrons come into a very clean and sterile environment. The safety of the community and all employees is to be taken very seriously and it is certain that Petitioner will work diligently to follow any and all safety protocols, demands and recommendations made by the Marion County Health Department. Hand washing facilities shall be readily accessible where tattooing is provided. All artists' hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment. Only single use disposable towels will be used for drying. All artists will have individual and designated stations with sinks for hand washing. PPE is to be worn by the artist during all appointments. A clean protective clothing layer shall be worn whenever there is a

2023-UV1-012: Photographs



1. Subject site tenant bay, looking south.



2. Subject site, looking southeast



3. Protected district to north



4. Rear of the site, adjacent to south