

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-UV2-009
Address: 1540 South East Street (approximate address)
Location: Center Township, Council District #16
Zoning: C-3
Petitioner: 1540 East LLC, by Mark and Kim Crouch
Request: Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a tattoo parlor within 70 feet of a protected district (500 feet of separation required) and a bar within 48-feet of a protected district (100 feet of separation required).

ADDENDUM FOR SEPTEMBER 12, 2023

This petition was continued from the August 8, 2023, hearing, to the September 12, 2023 hearing at the request of the petitioner.

The petitioner has indicated the request for the operation of a bar within 48-feet of a protected district may be withdrawn if the use is changed to a restaurant.

August 8, 2023

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

LAND USE

EXISTING ZONING AND LAND USE

Compact	C-3	Commercial
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SURROUNDING ZONING AND LAND USE

North -	C-3	Residential / Commercial office
South -	C-3	Commercial event space
East -	C-3	Commercial / Residential
West -	C-1	Single-Family Dwelling

COMPREHENSIVE PLAN	The Comprehensive Plan recommends Village Mixed Use for the site.
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(Continued)

STAFF REPORT 2022-UV2-028 (Continued)

VARIANCE OF USE

TATTOO PARLOR SEPERATION

- ◇ This request would provide for a variance of use, for a tattoo parlor to be located within 70 feet of the adjacent protected district to the west, 100 feet from the protected districts to the north/northwest, 150 feet from the protected district to the southwest, and 215 feet from the protected district to the east, when the Ordinance requires a separation of 500 feet, measured in any direction. The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 500-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the north, west and south, would be detrimental and injurious to the overall community.
- ◇ Due to inherent exceptional land use characteristics and potential locational impacts, tattoo parlors are permitted within the C-3 district only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 743-1 and shall not be located within 500 ft. of a protected district. If they are not able to meet the 500-foot separation, then they are only permitted in the C-3 with a Variance of Use. Tattoo parlors are also permitted in the C-4, C-5, and C-7 Districts with a 1,000-foot separation from any protected district.
- ◇ The subject site is zoned C-3, however, the tenant bay is located approximately 70 feet from a D-5 zoned protected district to the northwest, west and south. There are other residential uses zoned C-3 to the north, east, and south. The site is otherwise surrounded by various commercial uses.
- ◇ If inappropriately located, this use may have a deleterious effect upon other land uses and values. Regardless of their size, tattoo parlors are not appropriate uses adjacent to residential uses because of the medical waste generated. For this site, there is little screening to buffer the site from the surrounding residential uses.

BAR SEPERATION

- ◇ This request would also provide for a variance of use, for a bar to be located within 48 feet of adjacent protected districts, when the Ordinance requires a separation of 100 feet, measured in any direction. The 48-foot measured separation is from the outside patio seating area, that has limited sound barriers and speakers for music mounted on the rear wall positioned to the west towards one of the adjacent protected districts as indicated in the plan of operation and as seen in staff photo #4).
- ◇ The purpose of the separation requirement is to provide a buffer between land uses, when one land use is more intense and more impactful. Without the required 100-foot buffer, the impact upon the less intense uses, such as the residential neighborhood uses to the east and west, would be detrimental and injurious to the overall community.

(Continued)

STAFF REPORT 2022-UV2-028 (Continued)

- ◇ The proposed use would be in an existing building that is legally non-conforming in lot coverage and setbacks. The existing building and patio covers approximately 46% of the site, limiting the site from providing enough parking to meet the demand for all the uses on site. This may require staff and customer parking to use adjacent residential streets and further impact adjacent protected residential dwellings.
- ◇ The strict application of the terms of the zoning ordinance does not prohibit the use of the property for its intended use, for neighborhood commercial retail and service development. A practical difficulty is not present because this lot is a typical lot, improved with a commercial building, and can be used for various C-3 permitted uses by right, other nearby properties have done without the need for a separation variance. Any practical difficulty is self-imposed by the desire to use the site for a tattoo parlor within 70 feet of a protected district, and a bar within 48-feet of a protected district.

GENERAL INFORMATION

THOROUGHFARE PLAN	This portion of South East Street is indicated as a primary arterial on the Official Thoroughfare Plan, with a 56-foot existing and proposed right-of-way. This portion of Lincoln Street is indicated as a local street on the Official Thoroughfare Plan, with a 65-foot existing and proposed right-of-way.
SITE PLAN	File-dated May 31, 2023
PLAN OF OPERATION (Tattoo)	File-dated July 24, 2023
PLAN OF OPERATION (Bar)	File-dated July 25, 2023
FINDINGS OF FACT (Tattoo)	File-dated September 19, 2022

ZONING HISTORY

2023-UV1-009; 409 Lincoln Street (southwest of site), requested a variance of use and development standards to provide for an addition to an existing single-family dwelling resulting in a two-foot west transitional side yard, **granted**.

2022-UV2-028; 1634 South East Street (south of site), requested a variance of use to provide for a bar within 22 feet and 75 feet of protected districts, **denied**.

2019-HOV-056; 438 Lincoln Street (west of site), requested a variance of use and development standards to provide for the construction of a porch, with a five-foot side west side transitional yard, attached to a single-family dwelling, located within the clear sight triangle of the abutting street and alley, with zero-foot front and front transitional yards, **granted**.

2019-DV1-002; 1506 South East Street (north of site), requested a variance of development standards to provide for a two-story single-family dwelling, with an eight-foot front setback, with two feet and 1.5-foot side setbacks, with two feet and 1.5 feet between primary dwellings and a detached garage with a two-foot south side setback, and with 37% open space., **granted**.

(Continued)

STAFF REPORT 2023-UV2-009 (Continued)

2019-DV2-018; 1539 South New Jersey Street (northwest of site), requested a variance of development standards to provide for single-family dwelling with an eight-foot front setback, 3.45-foot and four-foot separation between dwellings and to provide for a detached garage and 50% open space, **granted**.

2019-DV3-024; 1628 South East Street (south of site), requested a variance of development standards to provide for a real estate office, with accessory storage, with five parking spaces, and with maneuvering within the rear transitional yard, **granted**.

2018-DV1-025; 1531 South East Street (east of site), requested a variance of development standards to legally establish a retail building, with four parking spaces, three of which are substandard, without a van handicapped parking space, and with a zero-foot east transitional yard without landscaping, **granted**.

2018-DV3-017; 1502 South East Street (north of site), requested a variance of development standards to provide for an addition to a single-family dwelling, with nonconforming front and south side setbacks and separation between dwellings, creating an open space of 50% and to provide for a deck with a zero-foot north side setback, **granted**.

2018-UV1-017; 1529 South East Street (north of site), requested a variance of use to provide for primary and accessory residential uses, including a single-family dwelling and a detached garage, **granted**.

2018-UV1-046; 1518 South East Street (north of site), requested a variance of use and development standards to provide for the remodel of an existing single-family dwelling and the construction of a second single-family dwelling, with 4.5-foot front setbacks, on proposed lots with 27 feet of frontage and 24 feet of frontage, respectively, **granted**.

2018-CZN-821; 1526 South East Street (north of site), requested the rezoning of 0.13 acre from the C-1 district to the D-5 district; **approved**.

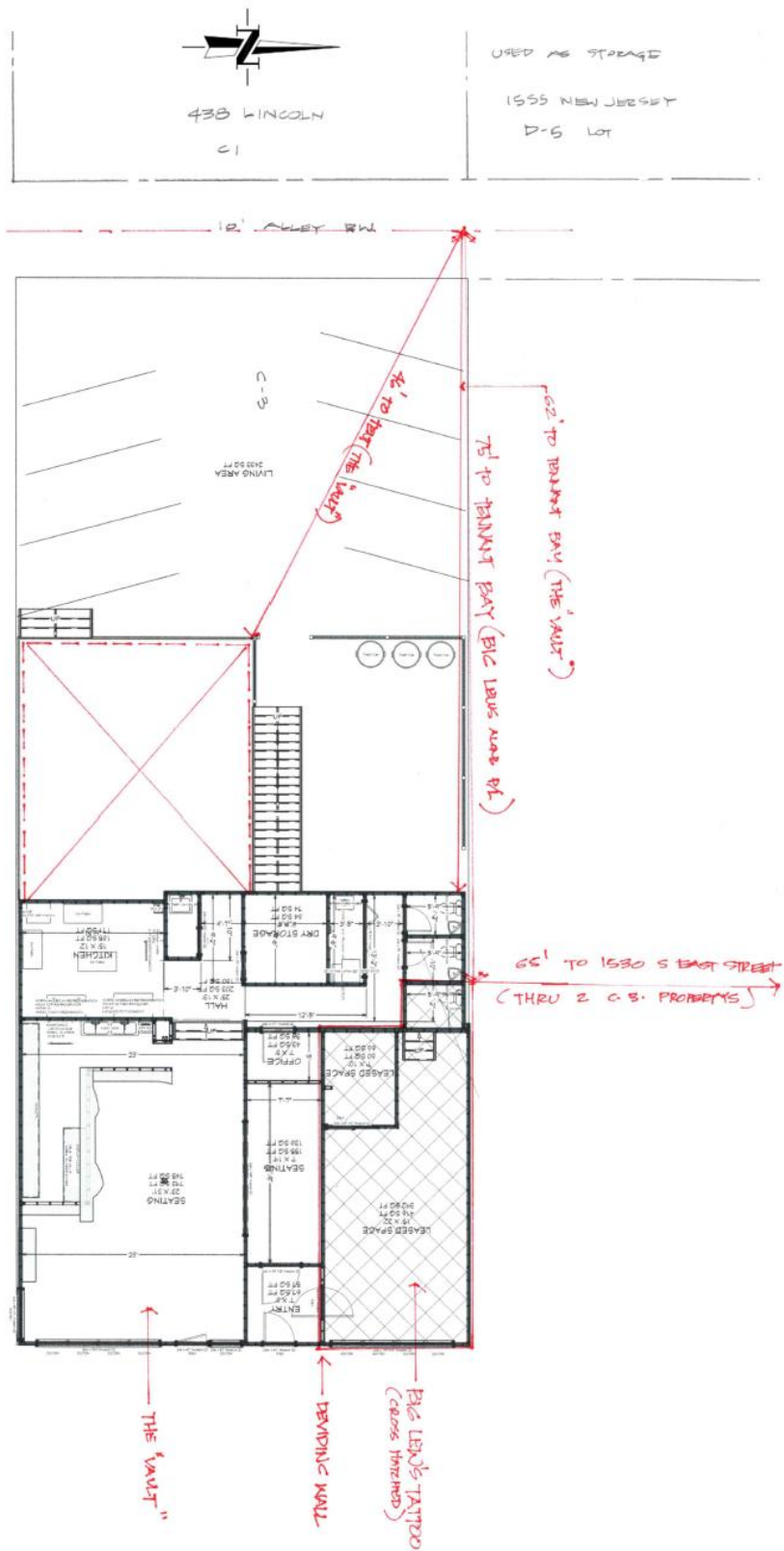
2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (includes sites to the north, west and south), requested the rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

2014-UV2-003; 1537 South East Street and 516 Lincoln Street (east of site), requested a variance of use and development standards to provide for commercial space and two dwelling units; and to legally establish an existing building, with a zero-foot front setback along East Street and Lincoln Street being within the clear sight triangle of said streets; a parking area with a zero-foot front setback; five parking spaces, with maneuvering within the right-of-way of Lincoln Street; without a landscape buffer along the frontage of both streets; and to provide for two stoops, with steps and a handicapped ramp encroaching approximately four to five feet, respectively into the right-of-way of Lincoln Street, **granted**.

2023-UV2-009; Location Map



2023-UV2-009; Site Plan



2023-UV2-009; Plan of Operation for Tattoo Parlor

Big Lew's Tattoos – Plan of Operation 1540 s east street Indianapolis Indiana 46225

Workforce.

There will be about 1 Artist on site daily. Hours of operation are Monday- Closed, Tuesday- Saturday 11am-9pm, Sunday 12pm-6pm. Artists are responsible for their own transportation to and from work. There is street parking available for use onsite. There is a security system and cameras 24/7.

Clients & Customers.

Clients range between ages 18-90. Clients will come to the shop, Tuesday through Saturday 11am-9pm and Sunday 12pm-6pm. We can hold 15 clients in the shop at a time. We provide music and entertainment while a client waits on their tattoo. We provide amazing service, only doing amazing high-quality tattoos. We will make sure that the clients receive amazing service. The client will also receive after care instructions. There will be a receptionist at the front door at all times to greet clients and ensure they are signed in and accounted for at all times, street parking will be closely monitored by the camera systems. The cameras can be monitored on the owner's phone.

Materials Used.

Material used: cleaning supplies and Disinfectant These materials will be used to sanitize bathrooms and floors and common areas and booths. All cleaning supplies, and disinfectants will be stored in a locked storage room.

Client chairs, Artist chairs, Arm rest, machines, inks, needles, stencil paper, iPads, gloves.

Shipping & Receiving:

Materials are brought to the facility in either the company or mid-size cars of the office staff. Materials should be brought before or after business hours only. Stocking of materials should occur once a week. There should not be any shipping.

Waste:

Type of waste: Food trash, paper, plastic wrapping, needles, - generated by clients and employees.

Four trash barrels with lids and bags on site, multiple sharps containers, and a hazard bin.

Trash will be removed at the end of the shift daily. Any hazardous materials are picked up by a company.

2023-UV2-009; Plan of Operation for Bar

The Vault Indy - Plan of operation

1542 South East Street, Indianapolis, IN 46225

The Vault Indy is a restaurant/bar creating craft cocktails and pairing local spirits with local foods. We hire local and all but one employee lives in Marion County. We are helping to be a part of the economic growth on the southside of Indianapolis. We also attract lots of out-of-town guests that might not know of the south side of Indianapolis and without our business and other new development the tourist might not venture to these smaller neighborhoods. The building we are in was vacant and run down when we first found it. It now has three different businesses all adding to the neighborhood. Although we are a bar, we keep the sound down outside at night in respect to our neighbors and try to get as involved with donations and neighborhood projects or development.

The Vault Indy employs 9-12 employees depending on the season and type of private events. Most work on site minus a marketing person that helps with social media advertising etc. Each employee has their own transportation or lives within walking distance of the establishment. They park either on the street or in the parking lot behind the building. All employees either leave together or leave during the daylight. There are cameras around the entire business to keep security as high as possible as well as we have a bouncer on Friday & Saturday evenings. The establishment also has a panic alarm and security system for fire, smoke, break ins etc. monitored by ADT.

The typical client for our establishment is from ages 22-75, all genders, interested in fine spirits and classic/craft cocktails. The median income of our client is unknown, but our average ticket price is \$50.00. All customers must be on site to purchase drinks or food from our establishment. Clients also park on street or in the private parking lot behind the building. 50 clients may be inside our establishment at a time and another 30 outside.

Our business provides the community with fresh local and organic ingredient foods along with local spirits from distillers around us and around the Midwest. We provide our clients with an intimate experience in crafting cocktails with fresh local ingredients. We also work hand in hand with the neighborhood to stay involved with any donations needed for community projects/events/the community center that helps with after school programs for working parents.

No hazardous materials used. Any cleaning supplies or sanitary products used in the dishwasher are not hazardous and safe for all contact due to being a food and drink establishment.

No shipping happens. We will eventually have some merch like shirts etc. but at this moment only products that can be purchased can't be shipped. We receive in food and liquor products delivered by small box trucks or vans weekly 2-3 times a week.

Waste generated is food waste, paper products, by guests and employees. No waste is hazardous. There is no recycling program as of yet, but we do use compostable products to reduce our waste.

2023-UV2-009; Photographs



#1 - Subject site looking west.



#2 - Subject site tattoo parlor tenant bay, looking west.



#3 - Subject site bar tenant bay, looking west.



#4 - Subject site bar tenant bay rear patio with speakers, looking east



#5 - Adjacent residential protected district approximately 48 and 70 feet to the west.



#6 - Adjacent residential protected district to the northwest.



#7 - Adjacent residential protected district to the west, looking east.



#8 – Adjacent residential use to the west, zoned C-1, looking north.



#9 - Adjacent residential protected district to the southwest approximately 108 feet, looking south.



#9 - Adjacent mixed use to the east, with commercial retail and apartments zoned C-3.



#9 - Adjacent mixed uses to the north, with multi-family apartments and commercial office zoned C-3, looking west.



Adjacent residential protected district to the north approximately 68 feet, looking west.