

COA # 2011-COA- 201(IRV) 2011-VHP-010	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date JULY 6, 2011
5614 E. WASHINGTON ST. IRVINGTON		New Case
Applicant: IRV, LLC mailing address: 5614 E. Washington St. Indianapolis, IN 46219		Warren Twp. Council District 21 Benjamin Hunter
Owner: Same as Above		
COMBINED CASE		
IHPC COA: 2011-COA-201 (IRV)	Approval of a Certificate of Appropriateness for: <ul style="list-style-type: none"> • A dumpster enclosure • Variances 	
VARIANCES: 2011-VHP-010	Variances of Development Standards to allow: <ul style="list-style-type: none"> • Reduced parking (59 spaces when 147 are required) • Location of dumpster in rear transitional yard (not permitted). • Sale of beer and wine 96 ft. from a protected district where 100 ft. is required Variance of Use to allow: <ul style="list-style-type: none"> • To allow for a micro-brewery (manufacturing) in the C-4 zoning district (not permitted) 	
STAFF RECOMMENDATION: Approval		

STAFF COMMENTS

Background

The subject property is a historic commercial shopping strip with a large parking lot at the rear of the site. The commercial bays in the structure have both a front entry (Washington St) and a rear entry (facing the parking lot). This application is a request to permit a new use and sale of beer and wine in one of the bays as per the submitted site plan (commonly known as 5632 E Washington St) and as well as a request for variances of developments standards for the whole site, including a variance to allow reduced parking and a dumpster within the required rear transitional yard.

Variance of Use

The proposed use is not permitted in the C-4 zoning ordinance. The proposed use, a microbrewery, which will also serve food from a limited menu, is a use in which beer is manufactured on site and because this use is manufacturing, the use is only permitted in industrial zoned districts.

Staff met with the applicant at the site to discuss the use and the applicant has submitted a plan of operation and layout of the floor plan of the microbrewery as well (attached).

Staff's analysis of the plan of operation and discussion with the applicant is that although this use will include beer production, it will be a very small operation that is not expected to have any adverse effect on the surrounding area. Staff came to this conclusion based on the following facts:

1. Brewing will occur twice a week between 10am and 6PM. Once brewed, only one “batch” (equal to 3 barrels) of beer will be made daily (93 gallons). The applicant mentioned that two batches are possible, but not probable because of the length of time it takes to make a single batch and because of the limited space they have to create it. To compare the amount of production to other microbreweries in town, Sun King produces approximately 30 barrels a day and Flat 12 produces approximately 45 barrels. A similar size microbrewery would be Bier, at 65th and Allisonville Rd., which produces approximately 4 barrels a day.
2. No outdoor storage of equipment or materials is proposed, nor is it permitted.
3. Ventilation of odors, which is expected to be almost non-existent, will be done through a roof-mounted vent that contains a filter in which both odors and dust from milled grains will be filtered through.
4. All fermenting tanks and brewing containers are located on the interior.
5. No outdoor seating is proposed.

Variance of Development Standards

Reduced Parking

The C-4 parking standard is a formula based on a combination of square footage and type of use (see table below). Based on the current usages and the square footage of the building, staff believes if the building were constructed today, 147 spaces would be required.

USE	C-4 PARKING STANDARD FORMULA	SPACES REQUIRED
Commercial Space	Approx. 36,725 sf /1000 * 4	147

Reasons For Approval of Variance of Development Standards – Reduced Parking

- The density of this area is similar to that found in other downtown and surrounding areas in the city, including the Wholesale District, Fountain Square, Mass Ave, Broad Ripple, etc. Parking is limited, but available, and there is no expectation parking will be provided on-site.
- There is street parking available along Washington Street and Audubon Rd immediately in front of the retail spaces and of course, throughout the nearby neighborhood.
- The Commission has granted similar variances for reduced parking in other historic mixed use commercial areas including Fountain Square as well as in Irvington. For example at 1101-1113 E. Prospect (*Fountain Square Theater Building - 414 spaces required; 0 provided*), 1102 E. Prospect (*Office Use - 11 required spaces; 0 provided*), 1024-30 E. Shelby (*47 spaces required; 0 provided*), and 1116 E. Prospect (*Cabaret Use – 54 required; 7 provided*) and the Irvington Theatre at 5505 E Washington (*Theatre use-40 required; 8 provided*).
- The applicant is securing two parking agreement letters from surround property owners, possibly three, that will offset the parking burden that the subject property might have at its busiest times.

Dumpsters in Rear Transitional Yard

The applicant proposes maintaining the two dumpsters (one for trash, one for cardboard) in their current locations at the rear of the lot. This is within the required 20 foot rear transitional yard. Transitional yards are required when a side or rear lot line abuts a protected district and the rear of this lot abuts the beginning of the D-5 residential area located just north of the site.

Reasons For Approval of Variance of Development Standards – Dumpsters in Rear Transitional Yard

- Limited space exists to locate the dumpsters in such a way that the number of parking spaces and access to the dumpsters isn’t compromised. The applicant has had the dumpsters located against the wall of the building in the past, but this location has proven to be problematic for both cars parking and garbage trucks maneuvering. Also, there is dining space at the rear of the building potentially creating odor issues.

- The new privacy screen will adequately conceal the dumpster from the adjacent D-5 zoned protected district, which is the primary reasoning for the existence of this development standard. The adjacent property most affected by the dumpster is owned by a church that uses the space as a playground area. Staff believes if a residence were immediately adjacent, other measures would need to be taken to lessen the effect the dumpsters might have.

Beer and Wine Sales

The proposed microbrewery is required to obtain a variance of development standards for the sale of beer and wine 96 ft. from a protected district where a 100ft. setback is required. Staff does not believe that a 4 foot deviation from this standard will have a negative effect on the surrounding area. The adjacent properties are largely commercial, with only the properties at the rear of the site being zoned D-5 (protected district). No beer or wine will be carry-out and no outdoor seating where consumption can take place will be located at the rear of the site.

Proposed Dumpster Enclosure

The applicant was cited by the zoning inspector for not having a dumpster enclosure around the two dumpsters at the rear of the site. The applicant is now proposing to construct a 3-sided enclosure with gates as is required. The applicant is proposing to construct the enclosure out of wood and is to be 6 feet tall. Staff has stipulated that the final design be approved by staff. A layout of the enclosure is included in this report.

Irvington Historic Preservation Plan

The plan recommends that if this site were to ever be rezoned that it be C-3-C instead of its current C-4, which allows for “corridor commercial” type uses which allows for all of the existing uses in the building. However, this request, due to its industrial nature, is being requested as a variance and not a rezoning request so that the entire site’s zoning is not permanently changed. The Preservation Plan states that commercial uses are appropriate along specific areas of Washington Street, although the intensity should be limited to neighborhood-based commercial uses. Although the applicant is proposing an industrial use as part of his business, there are commercial uses included in his plan of operation including the sale of food and beer. Staff believes that although the microbrewery use is technically industrial, the general character of the proposed use is more like a commercial or neighborhood-based use.

STAFF RECOMMENDED MOTION

COA #2011-COA-201(IRV):

To approve a Certificate of Appropriateness for construction of a dumpster enclosure and for variances of use and development standards all per submitted documentation and subject to the following stipulations:

1. Any changes in the proposed scope of work must be approved by IHPC staff prior to commencement of work.
2. The design of the wood dumpster enclosure must be approved by IHPC staff prior to installation. Approved _____ Date _____
3. The proposed dumpster enclosure must be installed no later than August 30, 2011, since the present situation is a violation of the zoning ordinance.

NOTE: No exterior changes to the building are approved under this certificate. The applicant must apply for a Certificate of Appropriateness for any and all exterior changes to the building.

VARIANCE #2011-VHP-010:

For Variances of Development Standards of the C-4 zoning ordinance to allow:

- 1. Reduced parking (59 spaces when 147 are required)**
- 2. Location of dumpster in rear transitional yard (not permitted).**
- 3. Sale of beer and wine 96 ft. from a protected district where 100ft minimum is required.**

For a Variance of Use to allow a micro-brewery manufacturing use in a C-4 zoning district with the following condition:

No other manufacturing or industrial use is permitted under this variance. The proposed use shall not be expanded without obtaining further approval from the IHPC.

Staff Reviewer: Meg Purnsley





Above: Front of proposed microbrewery space
Below: Rear of same space



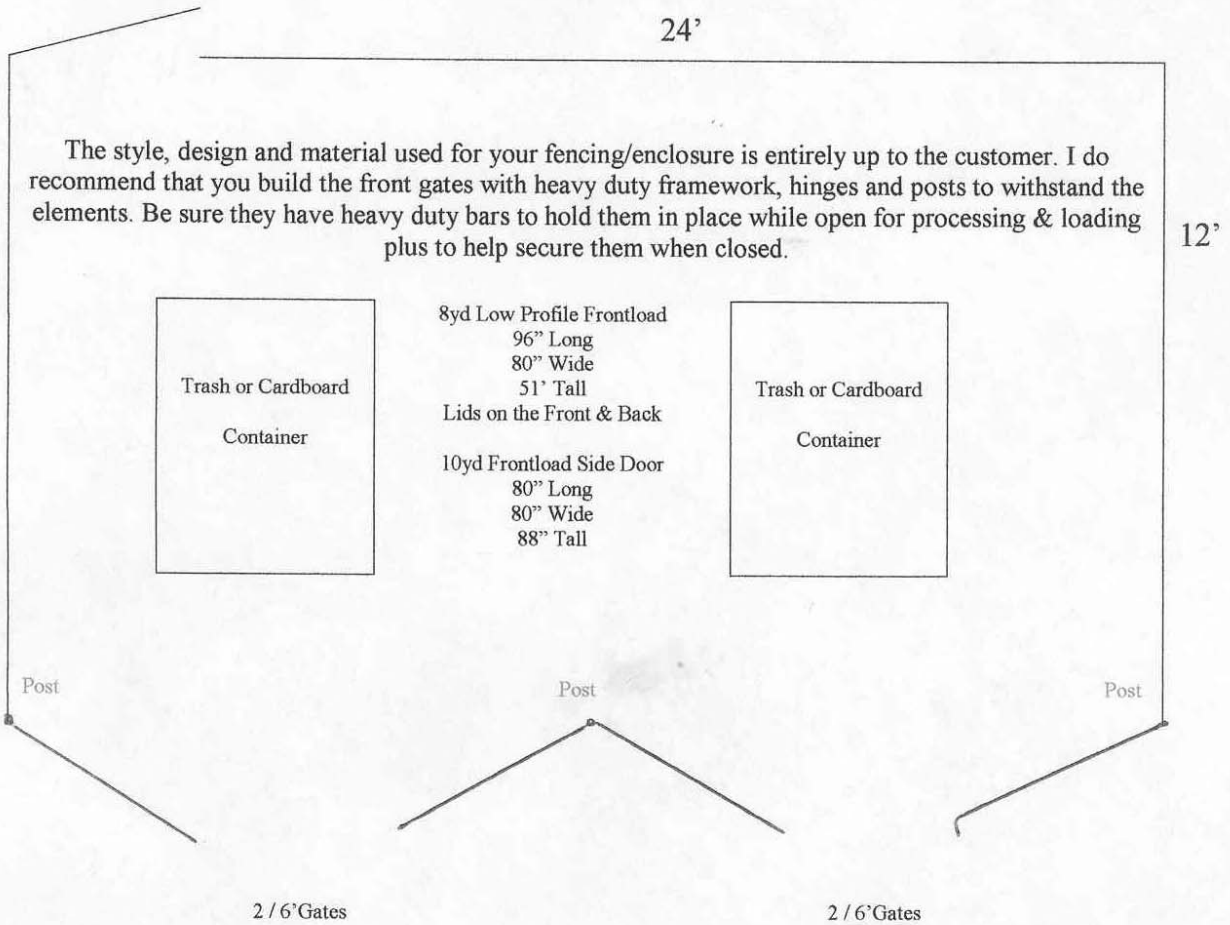


Above: Rear microbrewery space
Below: View of dumpster location (only one dumpster seen here)



DUMPSTER ENCLOSURE

Gate/Door to take Trash/Recycle through.
Make the opening large enough
to accommodate the size of receptacles
the stores plan on using to take there
material to the containers.



Black Acre Brewing Company – Operational Plan
5632 E. Washington Street

- The primary business will be the production and sale of the house-made beers, there will also be guest beer and wine, as well as a select menu consisting of:
 - Panini
 - Cured meats
 - Cheese
 - Soups
- The tap room will have a coffee house feel with soft music and no televisions
- Hours of operation:
 - Monday: Closed
 - Tuesday: Closed
 - Wednesday: 4 PM to 11 PM
 - Thursday: 4 PM to 11 PM
 - Friday: 4 PM to Midnight
 - Saturday: 11 AM to Midnight
 - Sunday: 12 PM to 4 PM
- Brewing will occur twice a week between the hours of 10 AM and 6 PM.
- Grain shipments are expected twice a month on either a Monday or Tuesday during early business hours.
- There will be no outgoing deliveries as all products made will be distributed in-house.
- Food will generally be picked up by the owners and brought in via non-commercial vehicles; commercial shipment of produce is anticipated once a week by a box truck.
- Two to three employees with the addition of one or two volunteers during peak hours is anticipated. As an environmentally conscious company, we are providing incentives for employees and volunteers to walk, bike, or ride Indy Go to work whenever possible.
- Trash will be disposed of in the dumpster provided to the facilities.
- A portion of spent grains will be used to bake bread, dog treats, and other products. The remainder of the spent grain will be picked up by farmers for use as cattle feed.
- The facility will house 50 to 70 seats (see floor plan).
- A synopsis of the brewing process:
 - Malted grain and water are mixed in a mash tun between 146 and 160 degrees for 60 to 90 minutes, creating wort.
 - After the mashing has finished, the wort is drained into the brew kettle.
 - The grain bed is then washed, with the liquid going into the brew kettle.
 - The wort is brought to a boil in the brew kettle where hops are then added.
 - The boil will continue for 60 to 90 minutes.
 - After the boil, the wort will be chilled and drained into a fermenter.
 - Once in the fermenter, yeast will be added and then left to sit for 1 to 3 weeks.
 - After fermentation is complete, the beer will be transferred to the brite tank where it will be carbonated and then transferred to the final storage/serving vessel.
 - The three brewing vessels are approximately 6 feet tall and 3 to 4 feet wide.
 - See the addendum for a more detailed description of the brewing process.

FINDINGS OF FACT FOR MICROBREWERY USE

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The use of the space is similar to other establishments in the area. The establishment will function primarily as a commercial dining establishment with a small on site brewing system. The brewing system will be used to produce craft beer to be dispensed and sold on site. The production of beer does not give off any unsafe/noxious odors.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

There will be no noise or air pollution that will affect adjacent property. The use for this space fits well within the existing businesses in this strip and will bring in a similar demographic.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

Brewing, even at this very small scale, is considered industrial as opposed to commercial use.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The current interpretation of all in house brewing as an industrial use does not allow any on-site brewing which is essential for business operation. Although labeled industrial, the distribution will be done in house, so the commercial classification is more appropriate.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The business will be a community meeting spot and will help promote the pedestrian friendly corridor along Washington Street. Irvington has a history of small brewers going back to the time in which Butler University resided there.
