

COA # 2011-COA-311(FS) 2011-VHP-014 2011-ZON-063	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date OCT. 5, 2011
1107 E. Prospect Street FOUNTAIN SQUARE		Continued from: Sept. 7, 2011
Applicant & mailing address:	Artistic Skin Design, By Thomas Michael Quinn Indianapolis, IN 46202	Center Twp. Council District: 19 Dane Mahern
Owner:	Fountain Square Theatre Building, LLC 1105 E. Prospect, Suite 200 Indianapolis, IN 46202	
COMBINED CASES		
IHPC COA:	2011-COA-311 (FS)	Approval for: <ul style="list-style-type: none"> • Variance of Use • Rezone from C-S to C-S
BZA Variance:	2011-VHP-014	Variance of Use to allow a tattoo parlor within 500 ft. of a protected district.
Rezoning:	2011-ZON-063	Rezone property from C-S to C-S to add "Tattoo Parlor" to the permitted uses on the site.
STAFF RECOMMENDATION: Approval		

STAFF COMMENTS

Update Since the September Hearing

Since the September IHPC hearing, new notice has been sent including the proposed tattoo parlor use as well as the previously approved uses included in the 2005 CS rezoning request. If approved, both the requested use and the previously approved uses will be permitted.

Background of the Building

The building affected by this rezoning is the Fountain Square Theatre Building built in 1928. It has operated as a theatre and been the home of many other uses including a Hooks Drug Store, Woolworths Department Store, furniture store, offices, diner, banquet space, and bowling alleys. The current owner is Linton Calvert, who has undertaken much interior and exterior renovation to the property over the years. It is presently the home of many mixed uses.

Zoning Background

In 2005, Mr. Calvert, rezoned the property from C-4 to CS, which is a special commercial district designed to permit multi-use commercial and non-commercial land uses and provide flexibility not be found in other zoning districts. The CS zoning district adopted in 2005 is limited to the following uses:

1. Any use permitted in the C-1 or C-3-C Districts
2. Bed and breakfast Inn (up to 12 units)
3. Business and Personal Service
4. Drinking Places (Tavern, Bar, Cabaret, Night Club), Fraternal Lodge, Hotel or Inn (up to 12 units)
5. Indoor Commercial Amusement/Recreation Establishments, as described in the C-4 District
6. Massage therapy, which is a therapeutic service registered with and licensed by the state.

7. Post Office
8. Repair Services, as described in the C-4 District
9. Retail Type Services, as described in the C-4 District
10. Rooming and Boarding Houses
11. Theatre, as described in the C-4 District
12. Residential
13. Catering, with deliveries being conducted by no greater than a twenty four (24) foot box truck and with no more than two deliveries, utilizing trucks, per day
14. Other uses similar and comparable to the above permitted uses.

Rezoning Request – CS to CS

Mr. Calvert would like to lease the space known as 1107 E. Prospect St. to Artistic Skin Designs and Body Piercing, Inc. However, the existing CS zoning district (adopted in 2005) does not include “tattoo parlor.” The request is to adopt a new CS zoning district for the entire property that includes “tattoo parlor” along with all the other uses found in the CS zoning ordinance approved in 2005. If adopted, the new CS district would limit “tattoo parlor” to only the tenant space at 1107 E. Prospect St.

Variance of Use

The zoning ordinance does not allow a “tattoo parlor” to be within 500 feet of a protected district. Historic districts and residential zoning districts are both defined as “protected districts.” The tenant space for the tattoo parlor violates that restriction in two ways:

1. It is in one protected district, the Fountain Sq. Historic District, and
2. It about 275 ft. from a D-5 residential zoning district.

A variance of use is requested to allow the tattoo parlor to be within 500 feet of those two protected districts.

Reasons to Approve Re-Zoning and Variance:

1. The use is a compatible use with the other artistic commercial uses in the district,
2. The tenant space faces the commercial district north of the building. It neither has access to, nor does it face the residential district south of the building.
3. While the tattoo parlor is about 275 ft. “as the crow flies” from the residential district, it is actually well over 500 ft. to walk from the residential district to the tattoo parlor.
4. Bio-hazardous wastes will be professionally picked up by a qualified hazardous waste removal company as required by the Health Department,
5. The business will never be open past 10PM.

STAFF RECOMMENDED MOTIONS

COA #2011-COA-311 (FS):

To approve a Certificate of Appropriateness for rezoning from the existing C-S zoning district to a new C-S zoning district and for a variance of use.

VARIANCE PETITION #2011-VHP-014:

To approve a Variance of Use to allow for a tattoo parlor use to be located within 500 feet of a protected district.

REZONING PETITION #2011-ZON-063

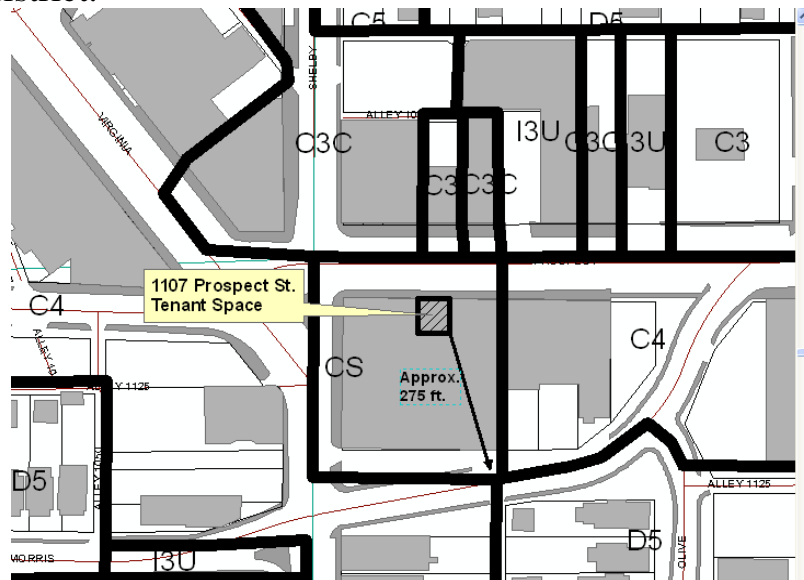
To recommend to the MDC that it approve a rezoning of the subject property from the C-S district presently in place to a new C-S district that includes all permitted uses recommended by the IHPC on May 4, 2005 and adds “Tattoo Parlor” as an 18th permitted use and subject to the plan of operation included in this report dated August 19, 2011 and one commitment that the tattoo parlor use be limited to Artistic Skin Design, Inc. only.

Staff Reviewer: Meg Purnsley



Above: View of building

Below: Zoning map showing location of tenant space and distance to protected district.



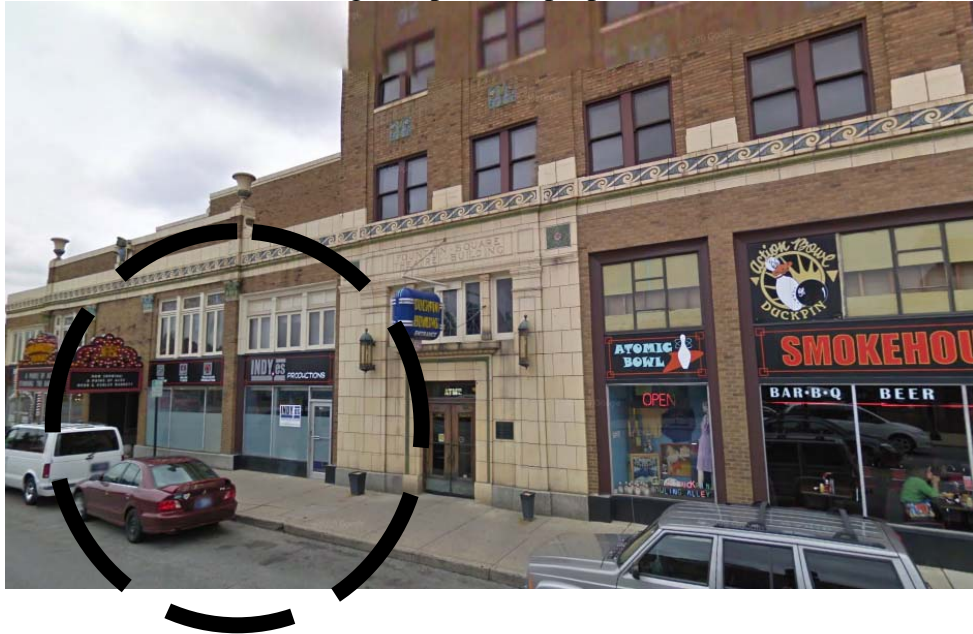
Below: View of building as seen from Virginia Ave



Below: View of building as seen from Prospect St.



Below: Storefronts along Prospect St. (proposed Tattoo Parlor circled)



Above: View of storefront on Prospect St.

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 proposed use has operated in several similar mixed use areas in the metropolitan area for more than fifteen (15) years. The use is located in a commercial structure with adequate parking and access to the subject site. There is nothing associated with this use that would distinguish it from the other commercial uses. There have been no disruptions to any of the surrounding properties at the petitioners other locations.

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 a retail establishment. The subject site is zoned C-S. The proposed use is consistent with the C-S zoning and the surrounding uses in the area. All business is conducted indoors.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

The site is situated along a primary arterial within a C-S zoned area; the operation has no negative characteristics different than other commercial uses in the center.

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 C-S District is created to customize the uses within the district and the proposed tattoo studio is compatible with the other existing and approved uses for this property.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The proposed establishment will occupy a tenant space within a large commercial building and will be developed in a manner consistent to the recommendations of the plan and the C-S district.

DECISION

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

Adopted this _____ day of _____, 20 ____

**Artistic Skin Designs
1107 Prospect Street
Indianapolis, IN**

August 19, 2011

Plan of Operation

Request: Artistic Skin Designs requests a Certificate of Appropriateness to permit the establishment of a tattoo design studio at 1107 Prospect Street. The only exterior improvements will be the addition of signage.

Operation: Maximum Days and Hours:
Monday through Saturday-12:00 pm - 10:00 pm
Sunday 12:00pm – 8:00pm

Details: Number of artist stations: Three (3)

Physical site: Bio hazardous wastes will be stored in a safe location on premises until professional pick up by a qualified hazardous waste removal company, as required by the Marion County Health Department

DESCRIPTION OF PROPOSED BUSINESS

ARTISTIC SKIN DESIGNS & BODY PIERCING, INC.

Proposal for 1107 Prospect Street

Artistic Skin Designs & Body Piercing, Inc requests a Certificate of Appropriateness to permit the establishment of a tattoo design studio at 1107 Prospect Street. The only exterior improvements will be the addition of signage.

We will request that this request be personal to Artistic Skin Designs & Body Piercing, Inc. Any other tattoo studio would be required to come back for approval.

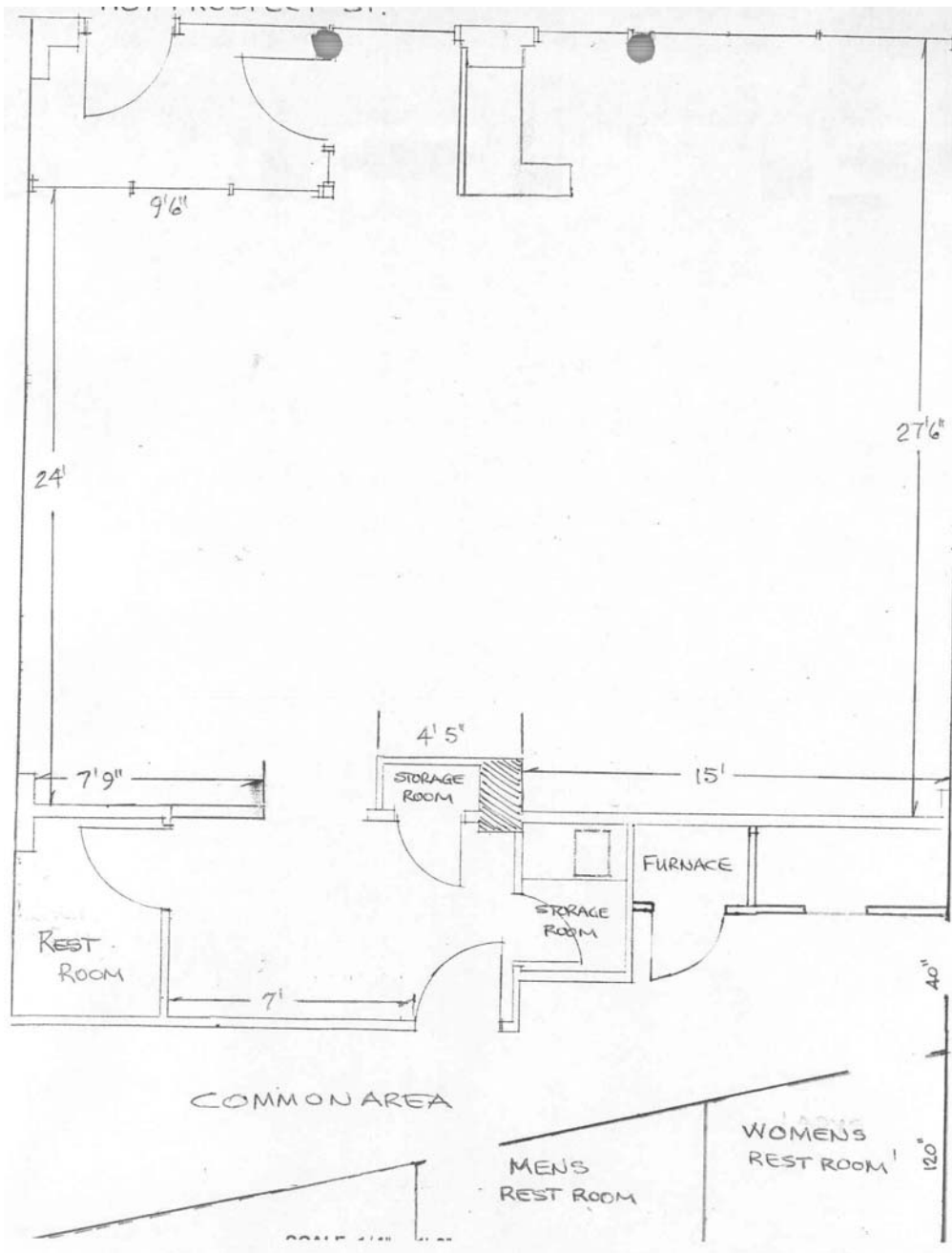


Regardless of the stereotypes of tattoos artists and studios, Artistic Skin has set themselves above those by creating environments that are inviting, sterile, safe and pleasing to serve the diversity of persons interested in professional body art. We are professionals that strive to create the best quality of body art that can be found, not only on a local level, but by a national standard. We educate every customer. We consistently work with the Marion County Board of Health to insure that each studio license their artists. Our artists are required to exemplify a professional demeanor.

BACKGROUND

- 1 - ESTABLISHED IN 1990
 - 25 YEAR MEMBER NATIONAL TATTOO ASSOCIATION
 - 17 YEAR MEMBER ALLIANCE FOR PROFESSIONAL TATTOOIST
 - 5 YEAR BUSINESS MEMBER ALLIANCE FOR PROFESSIONAL PIERCERS
 - MEMBER KEYSTONE BUSINESS ASSOCIATION
 - BOARD MEMBER BROOKSTONE ASSOCIATION
- 2 - SIX OTHER LOCATIONS (4 in Indianapolis, 1 in Avon, 1 in Noblesville)
- 3 - PROMOTED LEGISLATION REGULATING THE INDUSTRY
 - RED CROSS – MARION COUNTY HEALTH DEPT. - State of Indiana
 - TO ESTABLISH GUIDELINES AND REGULATIONS FOR TATOO STUDIOS
- 4 - EACH STUDIO LICENSED - EVERY ARTIST COMPLETES A UNIVERSAL PRECAUTIONS AND CROSS-CONTAMINATION CERTIFICATION ANNUALLY.
- 5 - CLIENTELE
 - PROFESSIONAL BUSINESS MEN AND WOMAN
 - EX.: DOCTORS, LAWYERS, POLICE & FIRE FIGHTERS, PROF. ATHLETES AND ENTERTAINERS, MEDICAL PROFESSIONALS & BUSINESS OWNERS

FLOOR PLAN OF TENANT SPACE



Anything but...square.

August 15, 2011

Indianapolis Historic Preservation Commission
City-County Building
200 E. Washington St.
Suite 1801
Indianapolis, IN 46204

RE: Artistic Skin Design, 1107 East Prospect Street

Commissioners:

On behalf of the Fountain Square Merchants Association (FSMA), this letter is to support the request for a Certificate of Appropriateness and variance of development standards for Artistic Skin Design at 1107 East Prospect Street.

Artistic Skin Design will bring another out-of-the-ordinary business to our neighborhood that will attract new patrons to the area. It will contribute to the continuing emergence of Fountain square as a vibrant urban center, and a neighborhood with unique experiences. It aligns well with surrounding uses and other redevelopment efforts in the Fountain Square Historic/Cultural District.

As a group of allied business and property owners, not-for profit organizations, and artists who seek to support and improve the business community on the near-southeast side, we fully support this request. Businesses like this are what make Fountain Square a desirable place to live, work and play. The Fountain Square Merchants Association encourages the Historic Preservation Commission to approve the request.

Sincerely,



Craig Von Deylen
President
Fountain Square Merchants Association



Fountain Square Merchants Association
PO Box 33504 • Indianapolis, IN • 46203