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**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

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**Meeting Date: 04/27/21  
Agenda Item: 12**

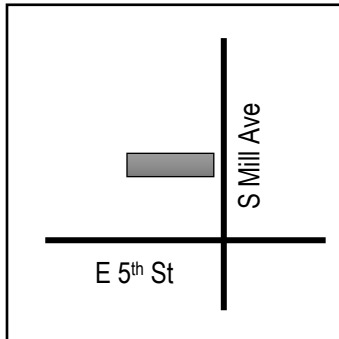
**ACTION:** Request a Use Permit to allow a tattoo establishment for INK AND EAGLE TATTOO, located at 414 South Mill Avenue. The applicant is Joseph Conti. (PL210077)

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions

**BACKGROUND INFORMATION:** INK AND EAGLE TATTOO (PL210077) is requesting a Use Permit to allow a tattoo establishment in the City Center Zoning District (CC). A Use Permit is required to operate a commercial use within the City Center Zoning District. The request includes the following:

ZUP190060 Use Permit to allow a tattoo establishment.



Property Owner	Ryusui Management, LLC
Applicant	Joseph Conti
Zoning District	CC
Suite Area	350 s.f.
Vehicle Parking	N/A
Hours of Operation	12 p.m. to 9 p.m. Daily

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Steve Abrahamson, Principal Planner (480) 350-8652

Department Director: Shelly Seyler, Interim Community Development Director  
Legal review by: N/A  
Prepared by: Dalton Guerra, Planner I  
Reviewed by: Steve Abrahamson, Principal Planner

**COMMENTS**

The proposed use will contain an art gallery and offer by-appointment tattooing services. To operate a commercial use in the City Center Zoning District, a Use Permit is required. The use meets the separation requirements per Section 3-424 of the Zoning and Development Code. Parking, on-site and on-street is shared between businesses within the Downtown area and the proposed use will not increase the parking demand.

**PUBLIC INPUT**

To date, staff has not received public input.

**POLICE INPUT**

Tempe Police had no input on this request.

**USE PERMIT**

The proposed use requires a Use Permit to operate a tattoo establishment within the General Industrial (GID) zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to result in significant vehicular or pedestrian traffic increase.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; the proposed use will take place indoors and is not expected to create a nuisance to the surrounding area. The applicant has stated that they will operate using art and tattoo equipment which are designed to mitigate the emission of odors, dust, gases, noise, and vibrations. The applicant states that the proposed use will not emit smoke, heat, or glare.
3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan*; a tattoo establishment is a permitted use in the GID zone subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the proposed site for the request contains commercial and warehouse uses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; daily operations will not facilitate and/or create a nuisance or disruption to the general public.

**SEPARATION REQUIREMENTS:**

This request meets all separation requirements established within the Tempe Zoning and Development Code for Tattoo and Body Piercing Establishments. The location is outside of the 1,320' separation required from all other Tattoo and Body Piercing Establishments. Additionally the location is outside of the 500' separation required from, Residential Zoning Districts and from Charter, Private or Public Schools (elementary and secondary education).

**REASONS FOR APPROVAL:**

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED**

**CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

**CONDITION(S) OF APPROVAL:**

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.

**CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for Sentient Tattoo Collective and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

**HISTORY & FACTS:**

None pertinent to this case.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 3-302 Permitted Uses in Office/Industrial Districts  
Section 3-424 Tattoo, Body Piercing Establishment  
Section 6-308 Use Permit



# DEVELOPMENT PROJECT FILE

for

INK AND EAGLE TATTOO

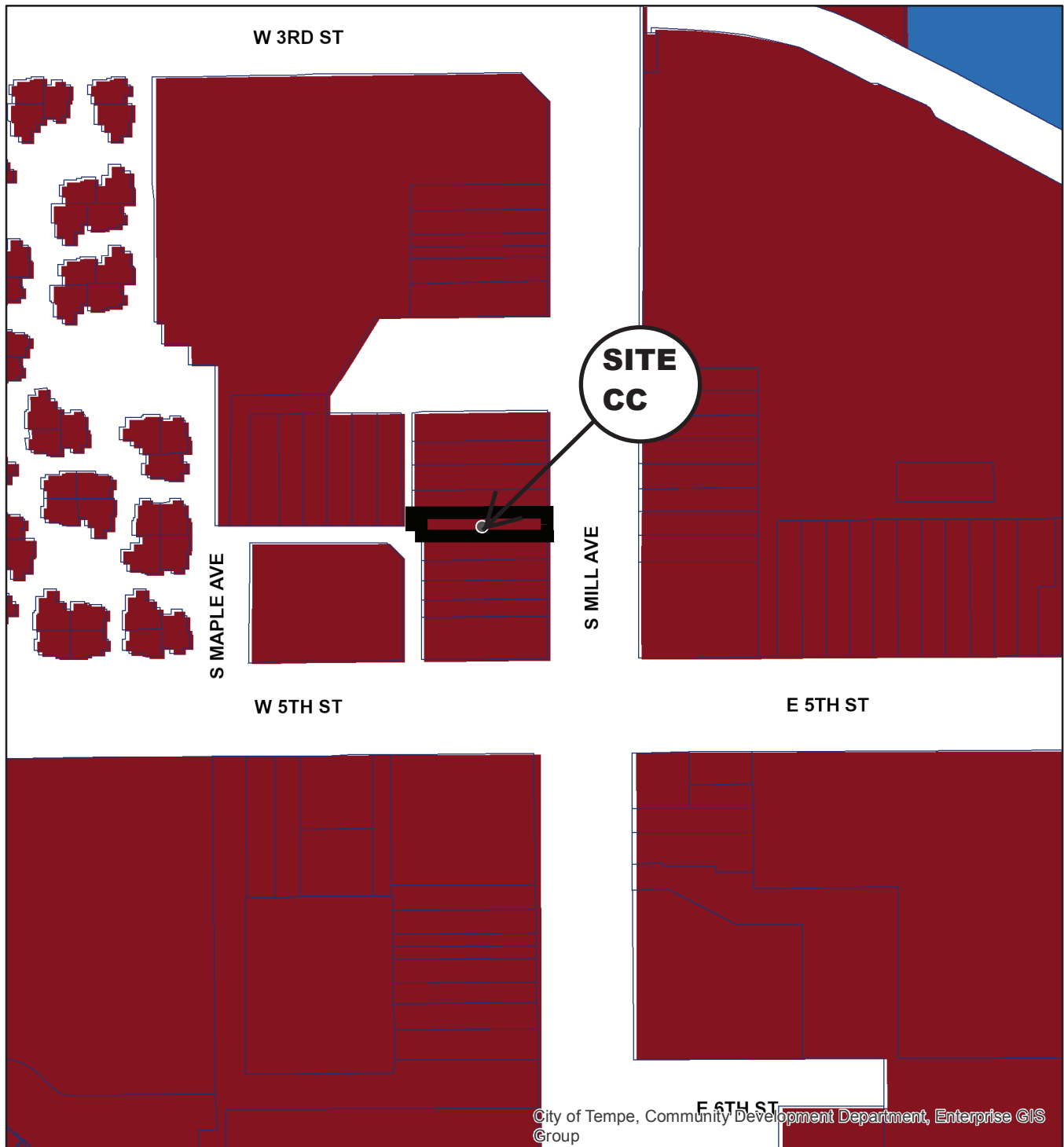
(PL210077)

## ATTACHMENTS:

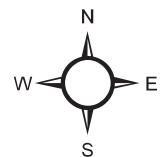
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan
- 6-9. Context Photos



# INK AND EAGLE TATTOO

PL210077



City of Tempe, Community Development Department, Enterprise GIS Group



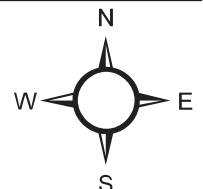
-  General Industrial District (GID)
-  City Center (CC)

# INK AND EAGLE TATTOO

PL210077



Aerial Map



**Confidential**

3/10/2021

By Electric Mail

JGJ Enterprises Inc  
204 East University Dr. Tempe, Arizona, 85281

**Letter of intent**

To whom it may concern

Our goal is to provide quality artwork and a immersive experience into the present and history of American tattooing. We will provide appointment based professional tattoos and literature within the usable square footage. The hours of operation will be 7 days a week from 12 noon to 9pm. There will be two to three employees and no more than three customers within the space at any time.

We believe this business will bring unique value, development and growth to the downtown Mill Avenue area. We believe we can drive an educational artistic environment by working with ASU art students and our clients through vintage American art and literature, showing the importance of American tattoo in our culture.

**a.** Any significant vehicular or pedestrian traffic in adjacent areas

-None

**b.** Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions

.-None

**c.** Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals,objectives or policies of the city's adopted plans for General Plan

-None

**d.** Compatibility with existing surrounding structures and uses

-Very compatible

**e.** Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

-None

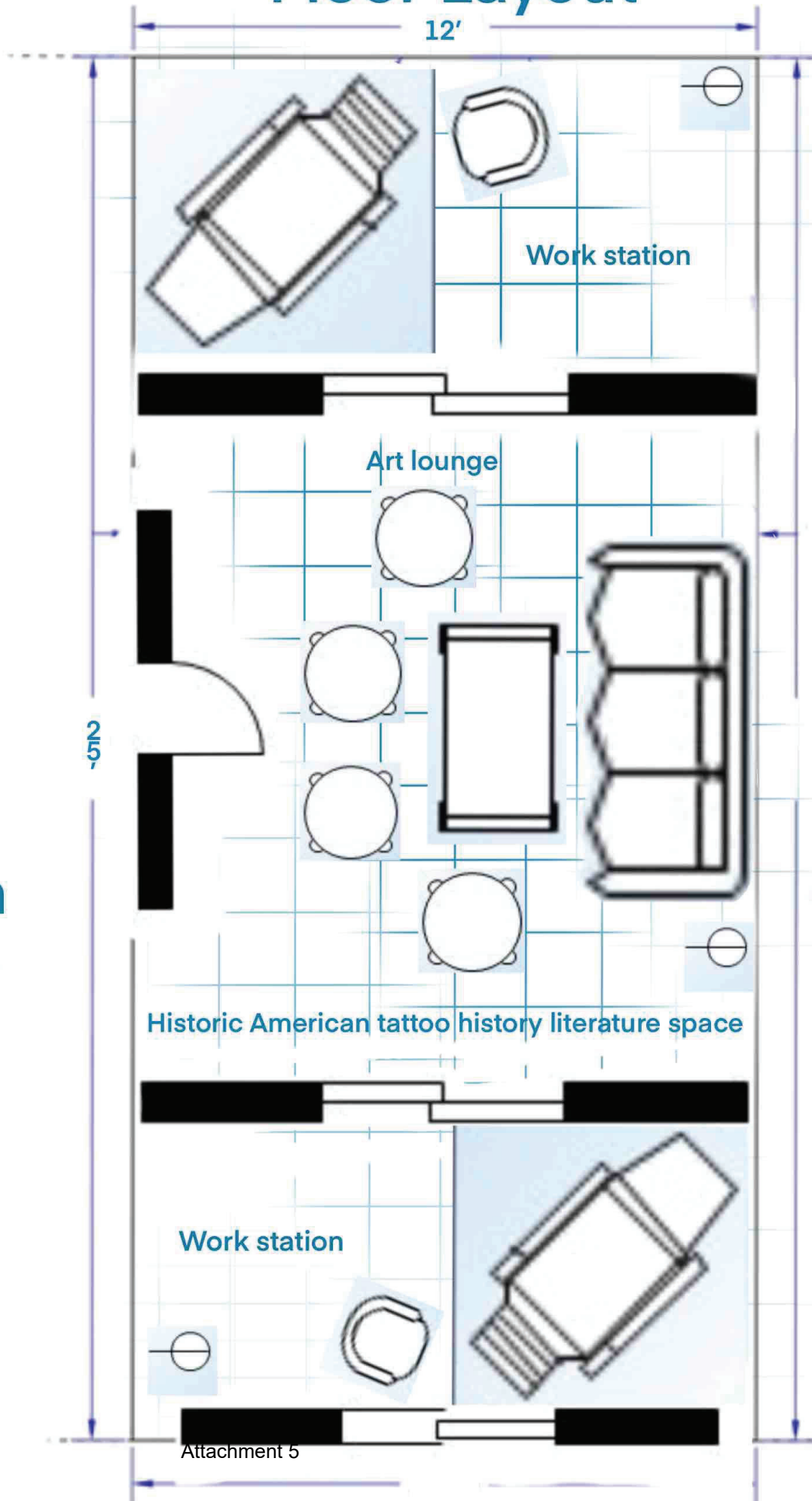
**Contact**

JGJ Enterprises Inc  
Joseph Conti-pres  
[conticompany@hotmail.com](mailto:conticompany@hotmail.com)  
4803885678

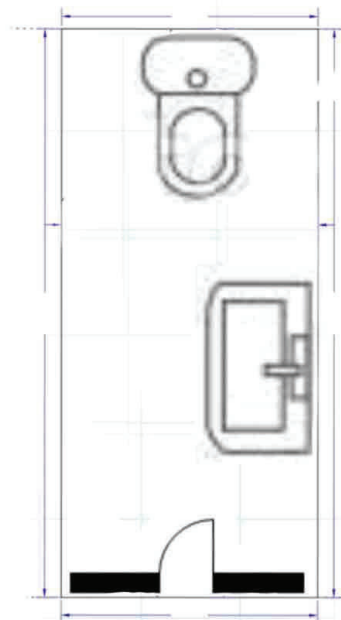




# Floor Layout



## Restroom



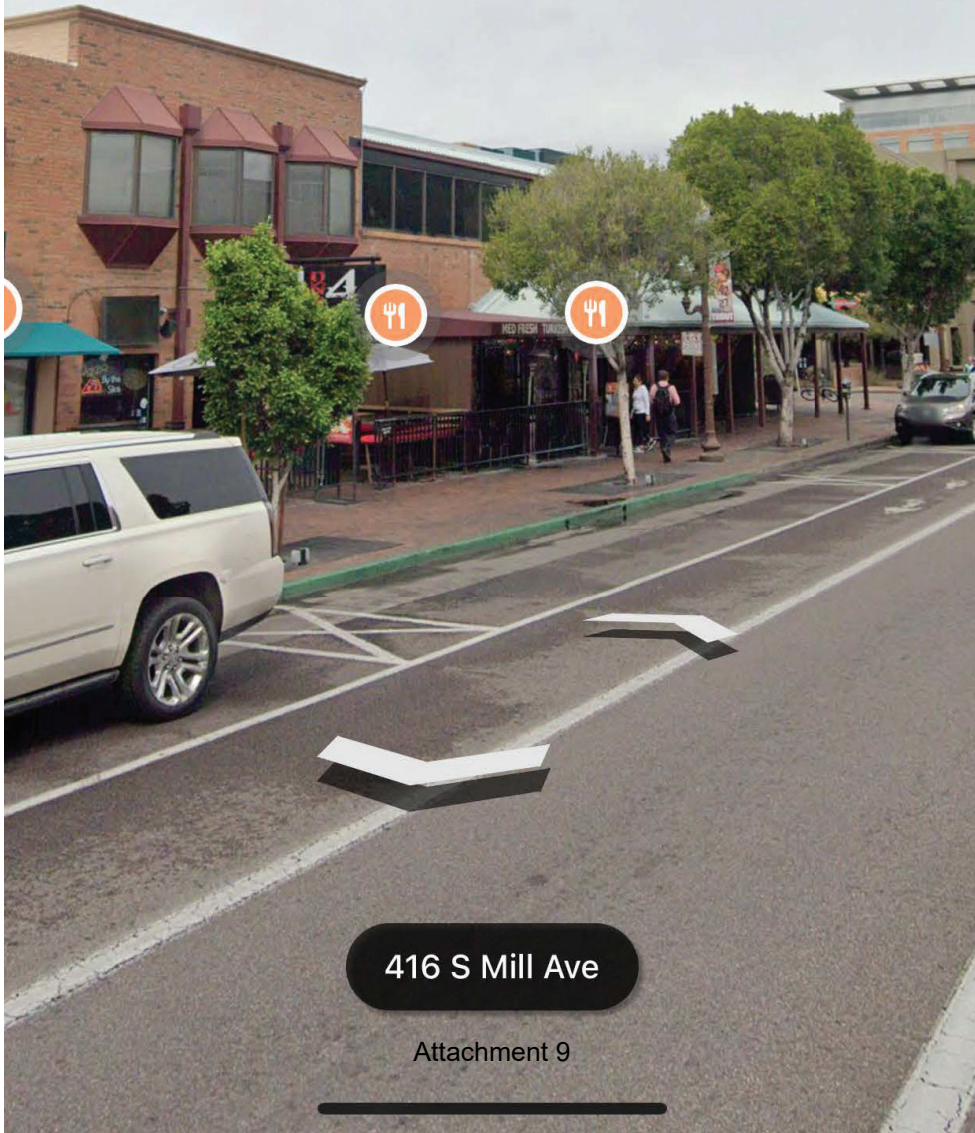




416 S Mill Ave



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