

10. Proposed Use(s) on Site: tattoo shop/tattooing
11. Total Square Footage of Existing and/or Proposed Buildings: approximately 1452 sq ft
12. Current Zoning: C-2
13. 898 619 2041B
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No *But provided 1st floor plan*
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: Mary K. [Signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 11-16-20 Fee Received: \$1,116.⁰⁰ Receipt #: 827B

2. Is application complete: YPS

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 12/9/20

5. Board Action: _____

_____ Approved

12/9/20 Approved with Conditions (see #6)

_____ Denial (See #7)

6. Conditions of Approval: SEE Meeting Minutes + CLR

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

APPLICANT: Tina Delph

LOCATION: 7 Shelby Street, Florence, Kentucky

ZONING: Commercial Two (C-2)

DATE: December 9, 2020

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a body-arts services (tattoo) shop to operate at 7 Shelby Street. The applicant informed Staff that she and her daughter will be the tattoo artists and they will operate by appointment only when they first open. A floor plan has been submitted showing the proposed first-floor layout. The upstairs and basement will be used for storage only.

PERTINENT HISTORY

On March 12, 2019, the City of Florence approved a series of text amendments to the Boone County Zoning Regulations to define and allow body-arts services in the Commercial Two (C-2) and Florence Main Street Zoning Study (FMS) zones. Based on these amendments, body-arts services are principally permitted uses in FMS zones and Conditional Uses in C-2 zones (applies to the City of Florence only).

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1023 of the Boone County Zoning Regulations.
 1. Findings listed in Section 262 (Findings for all Conditional Uses):
 - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
 - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
 - c. Will not be hazardous to existing or future neighboring uses;
 - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse

disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

- e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
- g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

2. Criteria listed in Section 1023 of the Boone County Zoning Regulations (C-2 District):

- a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. The arrangement of uses, building or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

C. Section 1020 of the Boone County Zoning Regulations states that “the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district’s facilities and major shopping spaces.”

D. ~~Section 1023~~ of the Boone County Zoning Regulations identifies: “body-art services when not adjoining a residential zoned property” as a Conditional Use in Commercial Two (C-2) districts (City of Florence only).

E. ~~Article 40~~ of the Boone County Zoning Regulations defines body-art services as the “provision of tattooing and body piercing, as defined in KRS 211.760: This definition does not include practices that are considered medical procedures by the Commonwealth of Kentucky which may not be performed in a body-art services establishment (applies to the City of Florence only).”

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site in question for "Commercial" uses. This future land use classification is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Development policies shall not discriminate against any person (Demographics Goal A, Objective 1).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy Goal B).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

C. The Florence Central future land use geographical area text contains the following passage which relates to the general area:

"The City of Florence has a valuable asset in its Main Street area. The Florence Main Street Study, adopted in 1994, identified the uniqueness of this area and ways to improve its vitality and visual appearance. The goal was to transform Main Street into a pedestrian-oriented area. This was accomplished by the City's commitment to rebuild Main Street, construct sidewalks, and install lighting. Efforts are currently underway to evaluate the progress being made in order to make the area more economically viable. This may include surveying historical structures, expanding the study area, adding parking, and make road, sidewalk, and lighting improvements. The result would result in a more cultural and historical setting and a mix of uses and businesses including entertainment and public spaces for events and activities. Recommendations will be offered to possibly amend the Florence Main Street zoning district to add more flexibility in the types of uses as well as encouraging good building design to reinforce the area's character and diversity of uses" (pg. 128).

SITE CHARACTERISTICS

A. The approximate 0.12 acre property is located on the south side of Shelby Street and contains a two-story house (with a basement) that was once used by an appraisal company. Access to the site is provided from the adjoining property to the southeast (5 Shelby Street). A shared access and parking agreement exists between these two lots.

A large asphalt concrete parking lots exists to the southeast of 5 Shelby Street. Additional concrete parking area is located to the rear of 5 and 7 Shelby Street. The topography of the parcel falls from 934 feet above sea level in the northwest portion of the site to 930 feet above sea level in the southeast portion of the site. Public sidewalks exist along the Shelby Street frontage. The rear property line contains a few large trees that help screen the parking lot.

SURROUNDING LAND USES AND ZONING

- Northeast: Shelby Street, Single-Family Residential Dwelling (C-2), and Mary Rose Mission (FMS)
- Northwest: Brighton Center (C-2)
- Southeast: Dog House Grooming (C-2)
- Southwest: Arcadia Park Senior Apartments (FMS)

STAFF COMMENTS

- A. The Board needs to determine if the body-arts services shop is appropriate in the proposed location based on the Conditional Use Permit criteria. Staff would like to note that Arcadia Senior Apartments is an adjoining property to the southwest but is zoned FMS. The Zoning Regulations would not permit a Conditional Use Permit to be sought for a body-arts services shop if an adjoining property were residentially zoned.
- B. Two body-arts services shops have been approved in the City of Florence since the text amendments to the Zoning Regulations were approved. These businesses are:
 - 1. Bluegrass Tattoo at 217 Main Street, Florence, KY.
 - 2. Iron Crow Tattoo at 264 Main Street, Florence, KY.Both of these businesses were principally permitted because the properties were zoned FMS.

Staff contacted Boone County 911 Dispatch regarding these businesses and was told that there were no calls directly related to these businesses between January 2019 to November 2020.
- C. The applicant provided Staff with a copy of a shared access and parking agreement for 5 and 7 Shelby Street.
- D. Staff would like the applicant to address the following questions:
 - 1. What are the proposed hours of business?
 - 2. Will the business always operate by appointment only?

3. Could any more than two more tattoo artists work from the site at any given time?
4. Could the building be painted?
5. What type(s) of business signage will be proposed.

E. Staff recommends the following conditions if the application is approved:

1. No more than two body-arts artists shall work from the facility at any given time.
2. Daily business hours shall be limited from 9:00 AM – 9:00 PM. ~~11:00 AM~~
3. The building shall remain white or can be painted complimentary earth tones colors. Exceptionally dark or bright colors shall not be permitted.
4. All building mounted signs shall be individual channel letters or routed signs. Metal signs panels or sign cabinets shall be prohibited unless they can be classified as a professional name plate that's 6 square feet or less.
5. Freestanding signage shall be limited to 4' tall, 24 square foot monument sign.

CONCLUSION

KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully Submitted,

Todd K. Morgan /ss

Todd K. Morgan, AICP
Senior Planner

TKM/ss

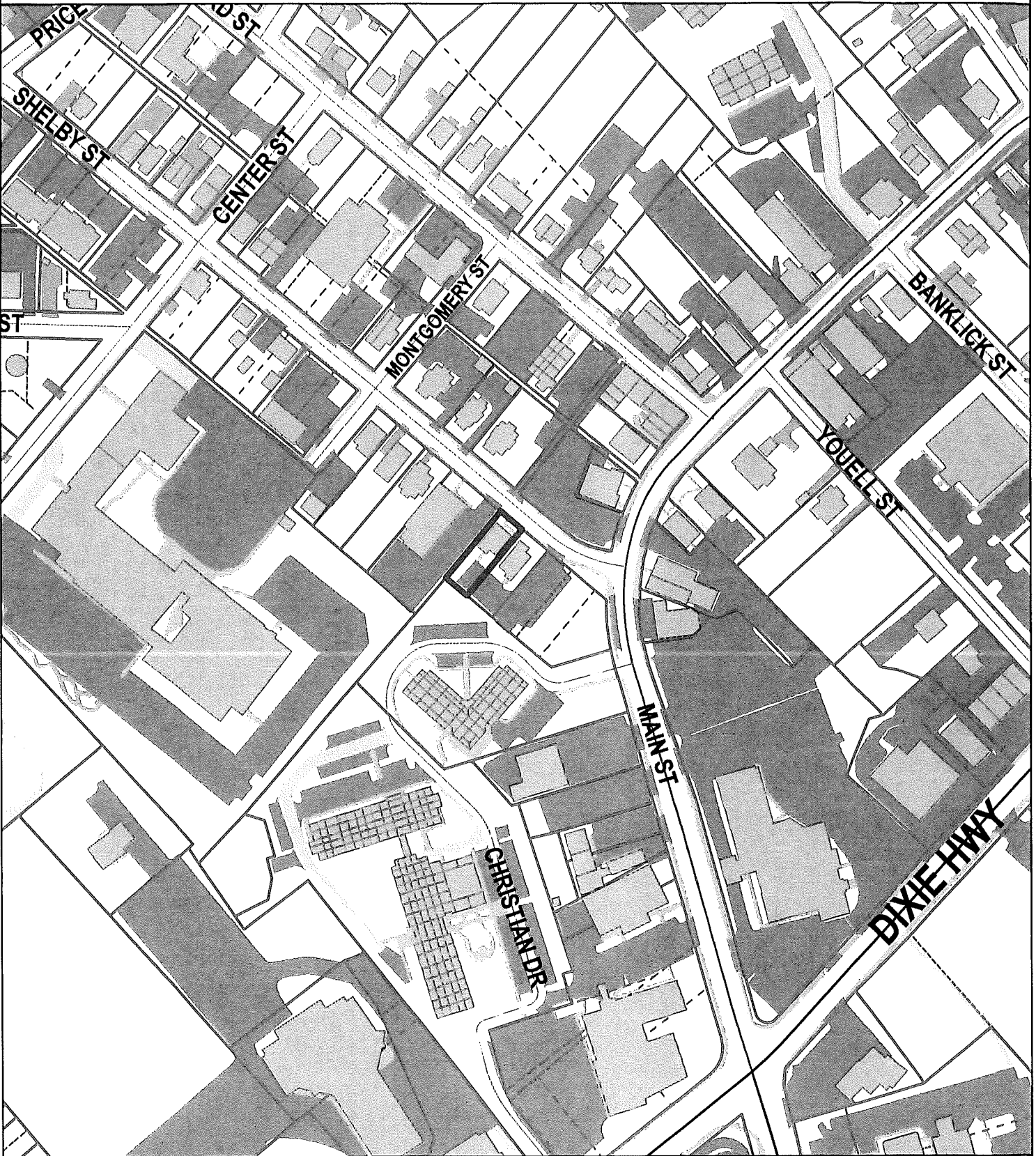
Attachments

- *Vicinity Map
- *2020 Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Floor Plan (1st Floor)
- *Application

⑥ second floor
and a basement
~~cannot~~
to be used
as accessory ~~storage~~
storage ~~area~~ for body
arts services
studio only

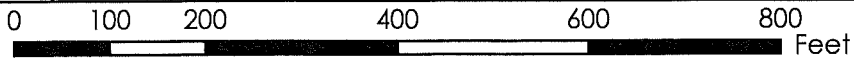
SITE VICINITY MAP

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1 inch = 200 feet

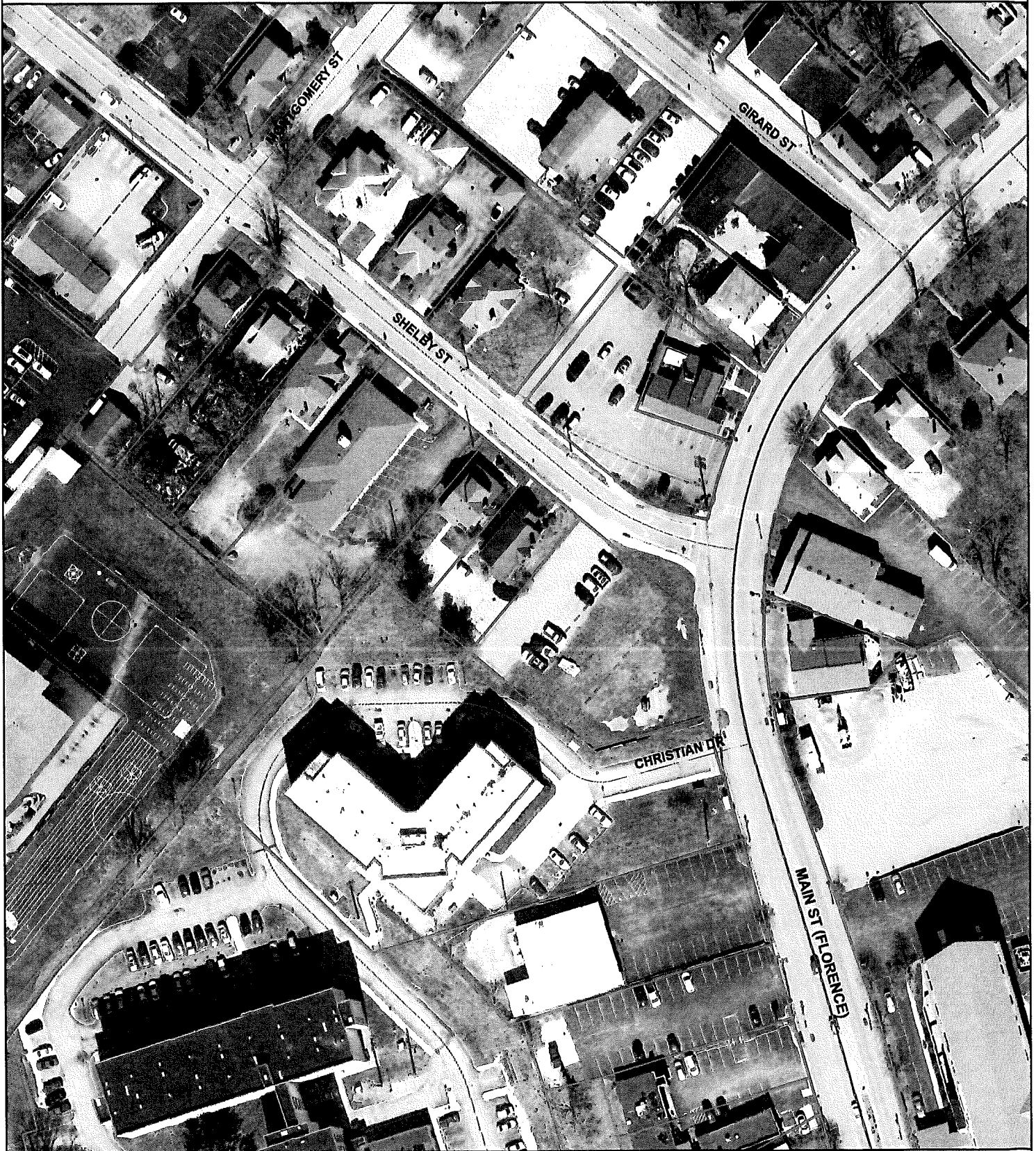


Boone County GIS - Putting Northern Kentucky on the Map



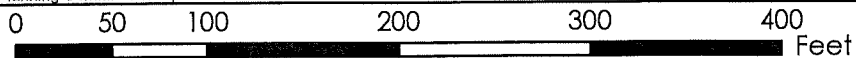
2020 AERIAL MAP

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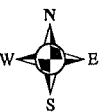
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1 Inch = 100 feet

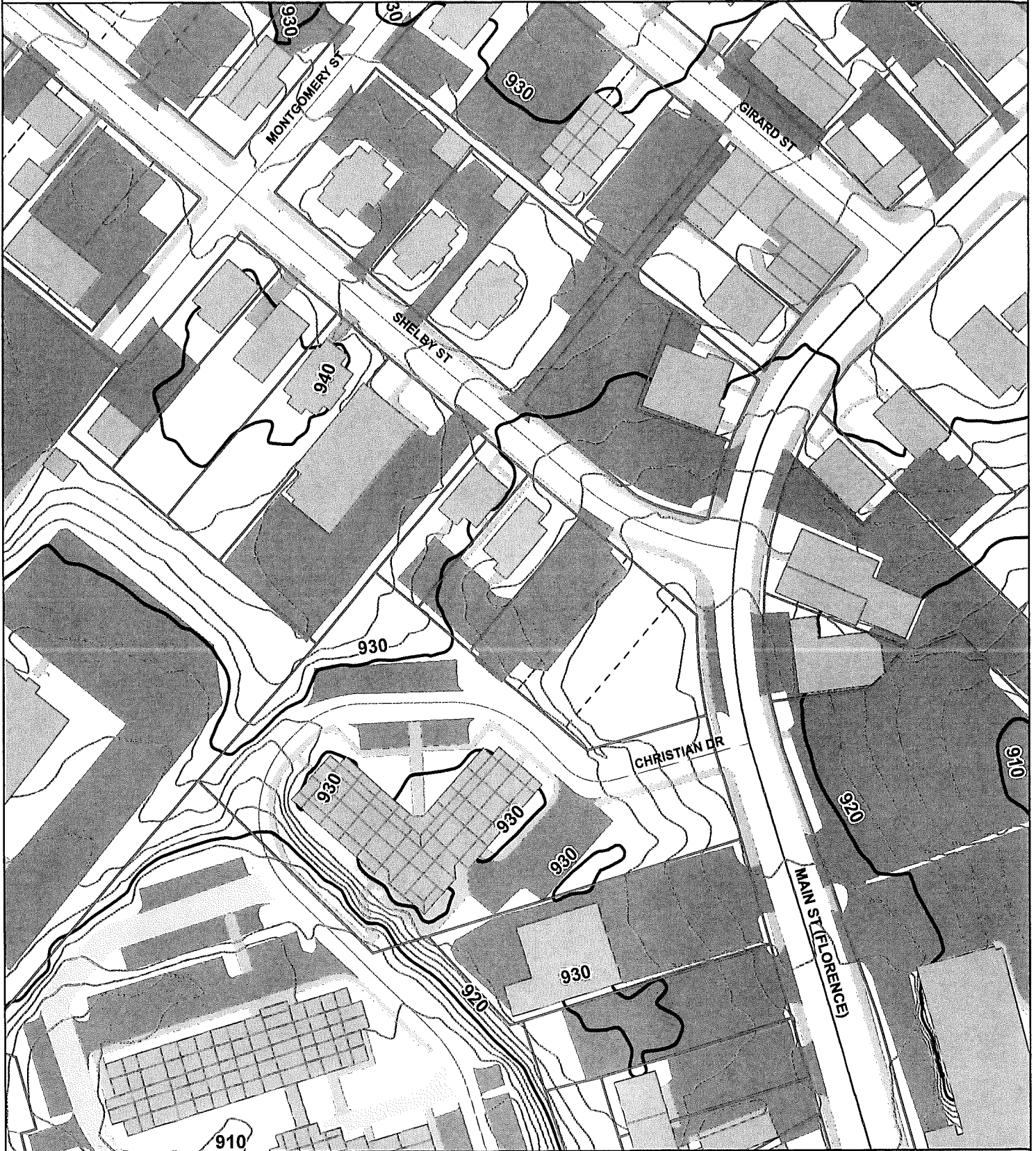


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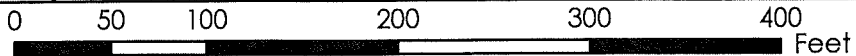
TOPOGRAPHICAL MAP

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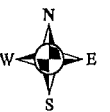
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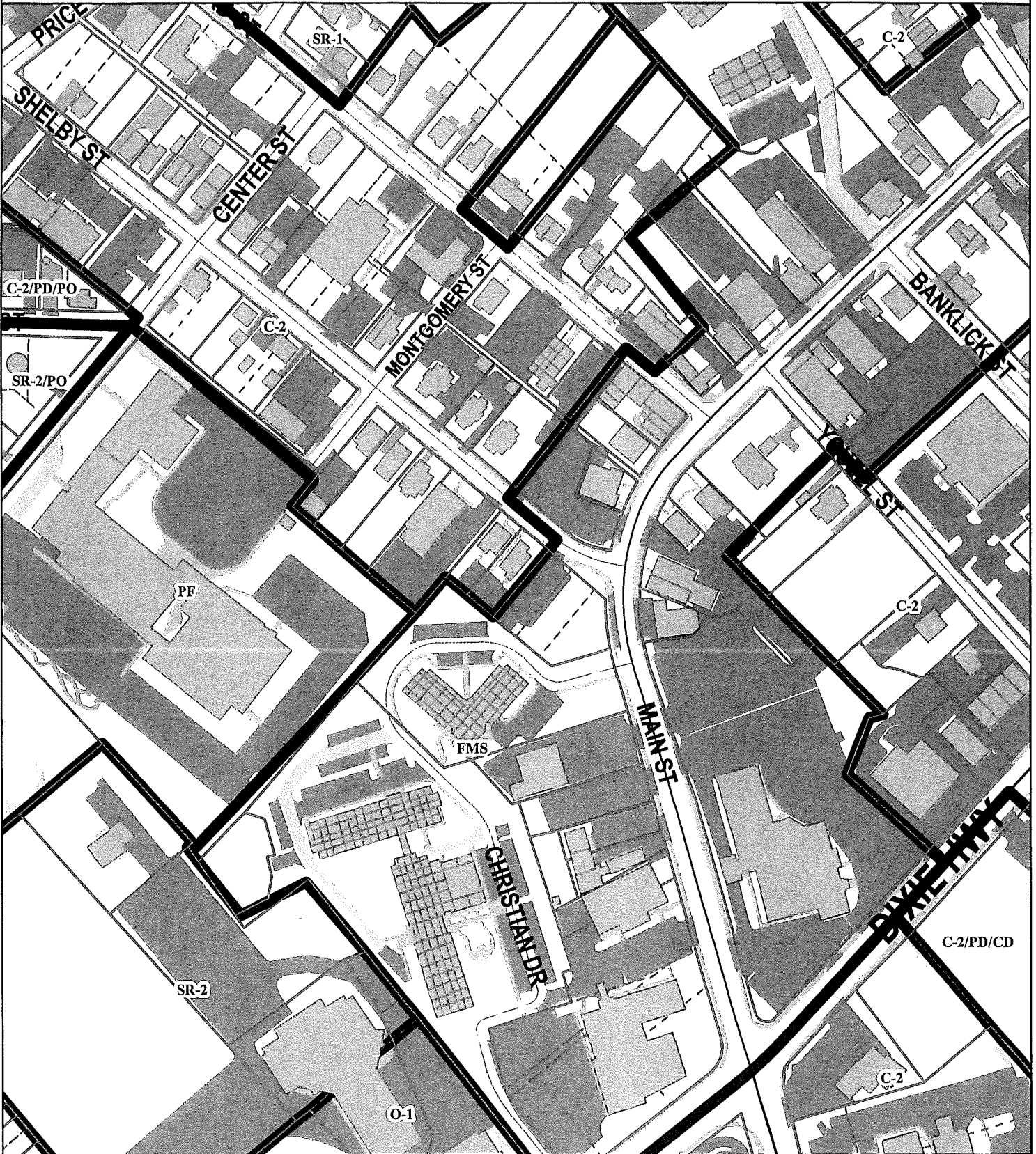


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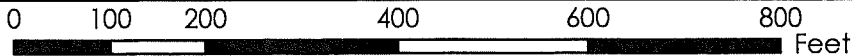
ZONING MAP

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1 inch = 200 feet



Map Created: xx/xx/2020

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ArcMap Document: *.mxd

2040 FUTURE LAND USE MAP

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0 100 200 400 600 800 Feet

1 inch = 200 feet

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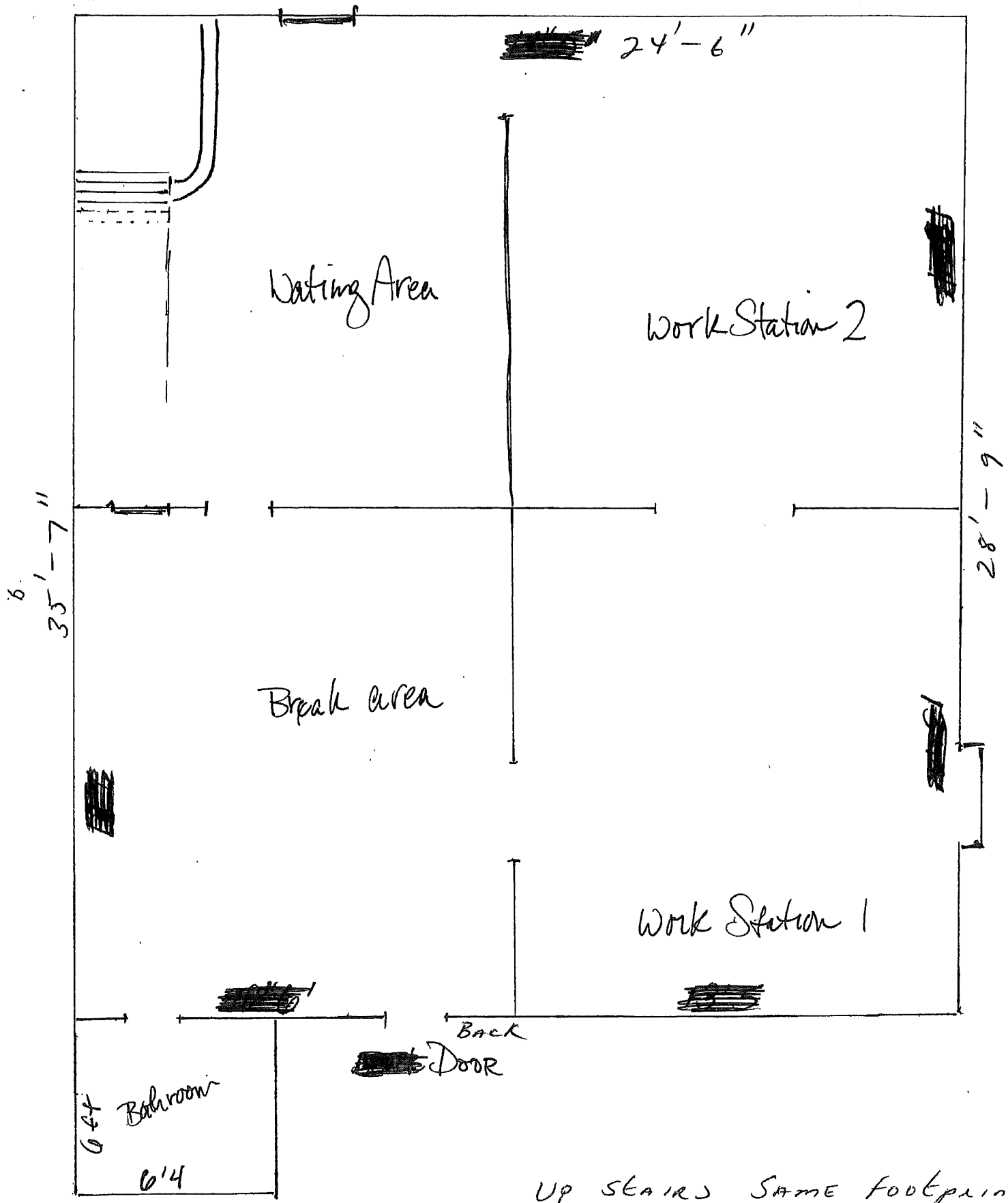
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7 SHELBY ST

FRONT DOOR

A



UP STAIRS SAME FOOTPRINT
 EXCEPT NO BATHROOM. TO
 BE USED AS STORAGE.
 BLDG ALSO HAS BASEMENT

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Daniels Harrison, LLC
14011 Vest Lane
Verona, KY 41092
2. ADDRESS OF PROPERTY
7 Shelby Street
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Tattoo Tina's
4. DEED BOOK 898 PAGE NO. 619 GROUP NO. 2041B
5. TYPE OF RESTRICTION(S) (Check all that apply)
- Zoning Map Amendment:
From To
- Conditional Use Permit
- Development Plan Conditional Zoning
- Subdivision Plat
(Not Recorded) Other: Minor Site Plan
- Variance
6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP – Senior Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan

on behalf of the Boone County Planning Commission this 10 day of December, 2020.

Treva L. Beagle
Notary ID 588897
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2021

This instrument was prepared for recording purposes only by:

Ronica Wuest
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of December 9, 2020 Certificate of Land Use Restriction (#20-FBOA-004-A), for Daniels Harrison, LLC, Property Owner(s).

The following conditions will apply:

1. No more than two body-artists shall work from the facility at any given time.
2. Daily business hours shall be limited from 9:00 AM – 9:00 PM.
3. The building shall remain white or can be painted complimentary earth tone colors. Exceptionally dark or bright colors shall not be permitted.
4. All building mounted signs shall be individual channel letters or routed signs. Metal sign panels or sign cabinets shall be prohibited unless they can be classified as a professional name plate that's 6 square feet or less.
5. Freestanding signage shall be limited to a 4' tall, 24 square foot monument sign.
6. The second floor and basement of the building shall only be used as accessory storage for the body arts services studio.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 898

PAGE NO. 619

GROUP NO. 2041B