





10. Proposed Use(s) on Site: Tattoo Artist in one of the 26 suites.
11. Total Square Footage of Existing and/or Proposed Buildings: 5000
12. Current Zoning: Business C-2 | PD | MR
13. 1017 5 2040B  
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
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.

Property Owner's Signature: 

Applicant's Signature: 

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

1. Date Received: 6/3/23 Fee Received: \$1116<sup>00</sup> Receipt #: 88603

2. Is application complete: ✓

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 7/12/23

5. Board Action: \_\_\_\_\_

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: NONE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

APPLICANT: Stephen Berger

LOCATION: 7606 Mall Road, Florence, Kentucky

ZONING: Commercial Two/Planned Development/Mall Road Overlay District (C-2/PD/MR)

DATE: July 12, 2023

### PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a body-arts (tattoo) artist to operate from a suite at My Salon Suite. A floor plan was submitted showing the proposed location.

### 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 became principally permitted uses in FMS zones and Conditional Uses in C-2 zones in the City of Florence.

### APPLICABLE ZONING REGULATIONS

- A. Section 202 of the Boone County Zoning Regulations states 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 205 H. and 1002.2 of the Boone County Zoning Regulations.

Findings listed in Section 205 H. (Findings for all Conditional Uses):

1. 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;
2. 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;
3. Will not be hazardous to existing or future neighboring uses;
4. 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;

5. 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;
6. 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;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Criteria listed in Section 1002.2 of the Boone County Zoning Regulations (C-2 District):

1. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
2. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
3. 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 1002 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 1002.6 of the Boone County Zoning Regulations states that body-art services in a C-2 district in the City of Florence if the subject site does not adjoin a residentially zoned property.
- 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 Commercial future land use geographical area text contains the following paragraphs which relates to the general area:

The Mall Road area was recommended (through the 2002 Mall Road Corridor Study) to become a new urbanism corridor. The current planning effort for the area, the Mall Road District Study, calls for a dense, well designed urban style of development that should occur over time. Residential development may be a part of this urban area, but should be located to minimize noise impacts from the interstate and airport. The entire area of Steinberg Drive, Rosetta Drive, Connector Drive, and the I-75 Mall Road ramps should be planned in detail to provide mixed use development that includes a good road connection and traffic circulation between the Pleasant Valley Road corridor and I-75. Regionally-oriented growth should be confined to Mall Road and Houston Road, and should not expand onto U.S. 42, KY 18 or Hopeful Church Road. However, the highway-scaled, automobile-oriented appearance of this growth should be minimized through the provision of pedestrian improvements, smaller facilities within outlots in conjunction with larger strip-style centers, multiple, scattered parking areas in lieu of large central parking areas, and street trees along Mall Road. This growth should also include multi-modal transportation amenities, an idea which has been furthered by TANK's transit hub on Mall Rd.

Commercial development in this section should remain near the arterial roads or close to the interstate. These consumer service and traffic-oriented developments must be contained to specific areas adjacent to the arterial roads and interstate. The coordination of curb cuts and parking lot connections in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land should connect to and coordinate with any adjoining commercial, office, or industrial development in existence. Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts. Attention must be given to the changing nature of retail and how it relates to the future of Florence Mall and other retail centers and stores. On-line retail continues to increase and

the effect it is having on suburban malls, big box retailers, and other national retail chains cannot be ignored. Consideration must be given to how these stores may be able to reinvent themselves and continue as retail-based destinations that focus on experience-based shopping.

The visual appearance of commercial areas in general and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process. The Mall Road District Study recommends a new direction for Mall Road that included the potential for more entertainment uses, high rise condominium, mixed use, and residential development. This is currently being implemented as part of the Mall Road District Study (Florence Commercial, pg. 126).

#### RELATIONSHIP TO THE MALL ROAD DISTRICT STUDY

The subject site is located in area 1 of the Study. The recommended land use and development concepts include the following passage:

Commercial and office uses that are Principally Permitted in the respective underlying zone are recommended provided they do not include outside storage or display (including motor vehicle dealer display) along KY 18 or Mall Road, and all business functions occur indoors. Motor vehicle dealers that are Principally Permitted in the underlying C-3 zone are appropriate for sites whose primary frontage is Action Boulevard. Additionally, residential uses are appropriate in this Area, except for on ground floors (pg. 2.5).

#### SITE CHARACTERISTICS

My Salon Suite is a 5,000 square foot tenant space within Village at the Mall Shopping Center. It contains 26 separate salon suites. The lobby in the tenant space contains a television screen with a directory and a secure door with a buzzer system.

#### SURROUNDING LAND USES AND ZONING

North: Mall Access Road and Guardian Savings Bank,

South: Multi-Tenant Building with Five Guys, Mall Circle Road, and Florence Mall (C-2/PD/MR)

East: Duke Energy Substation (C-3/PD/MR)

West: Mall Road, Taco Bell, Mens Warehouse, Chuck E. Cheese (C-2/PD/MR)

#### 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.
- B. Four body-arts service shops have been approved in the City of Florence since the text amendments to the Zoning Regulations were approved.

1. Bluegrass Tattoo at 217 Main Street, Florence, KY.
  2. Iron Crow Tattoo at 264 Main Street, Florence, KY.
  3. Tattoo Tina's at 7 Shelby Street, Florence, KY
  4. Morris Tattoo at 256 Main Street, Florence, KY
- C. Staff would like the applicant to address the following questions:
1. What are the proposed hours of business?
  2. Will the business operate by appointment only?
  3. How many tattoo artists can work out of the suite at any given time?
  4. Would any exterior signage be permitted which advertises the tattoo suite?
- D. Staff does not have concerns regarding the proposal if no additional exterior signage is being proposed for the tattoo suite.

CONCLUSION

KRS 100.237 and Section 202 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, AICP  
Senior Planner

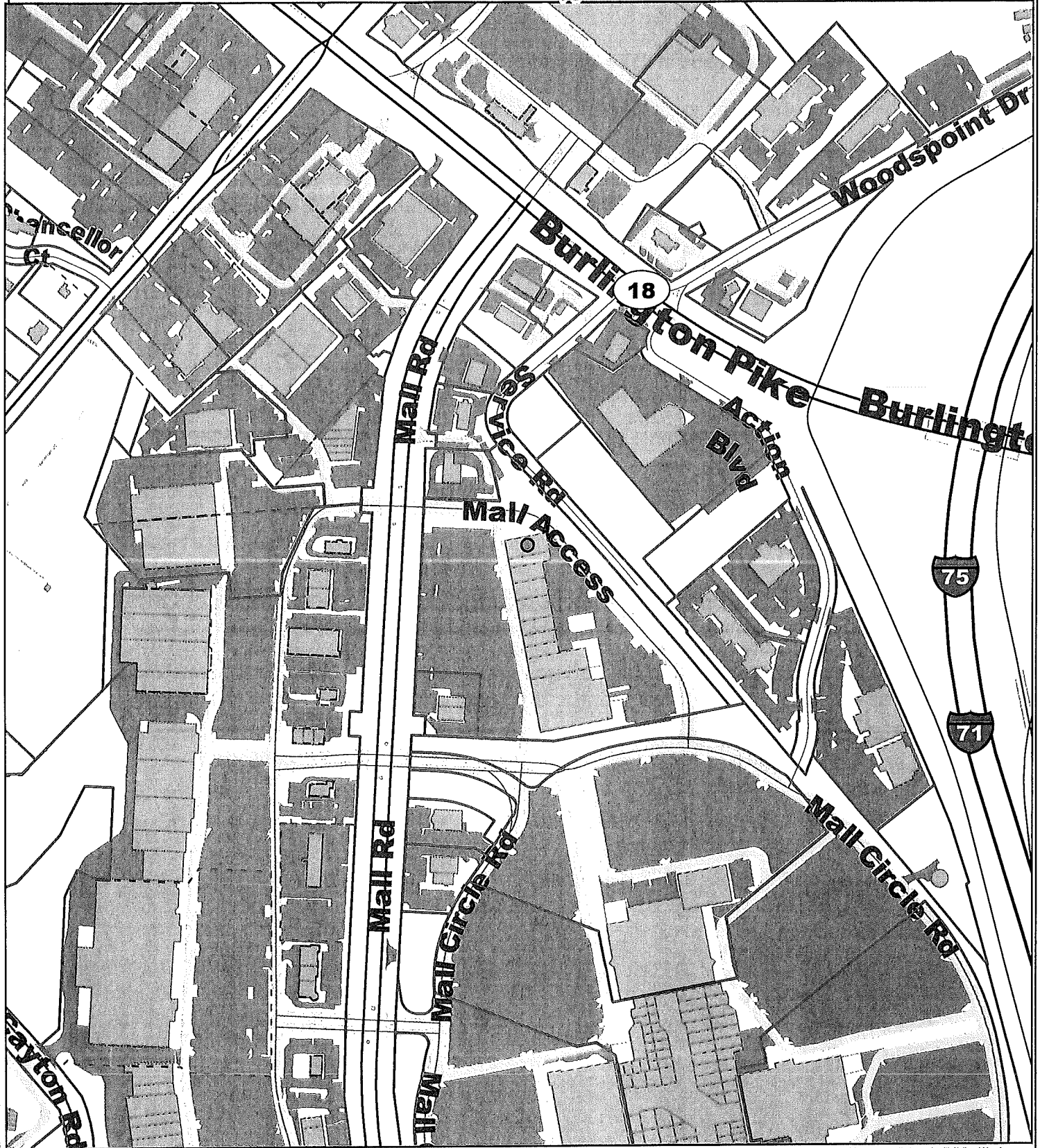
TKM/ss

Attachments

- \*Site Vicinity Map
- \*2023 Aerial Map
- \*Topographical Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Floor Plan
- \*Application

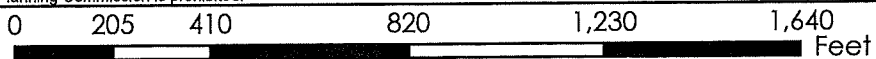
# SITE VICINITY MAP

www.boonecountygis.com



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1 Inch = 400 feet



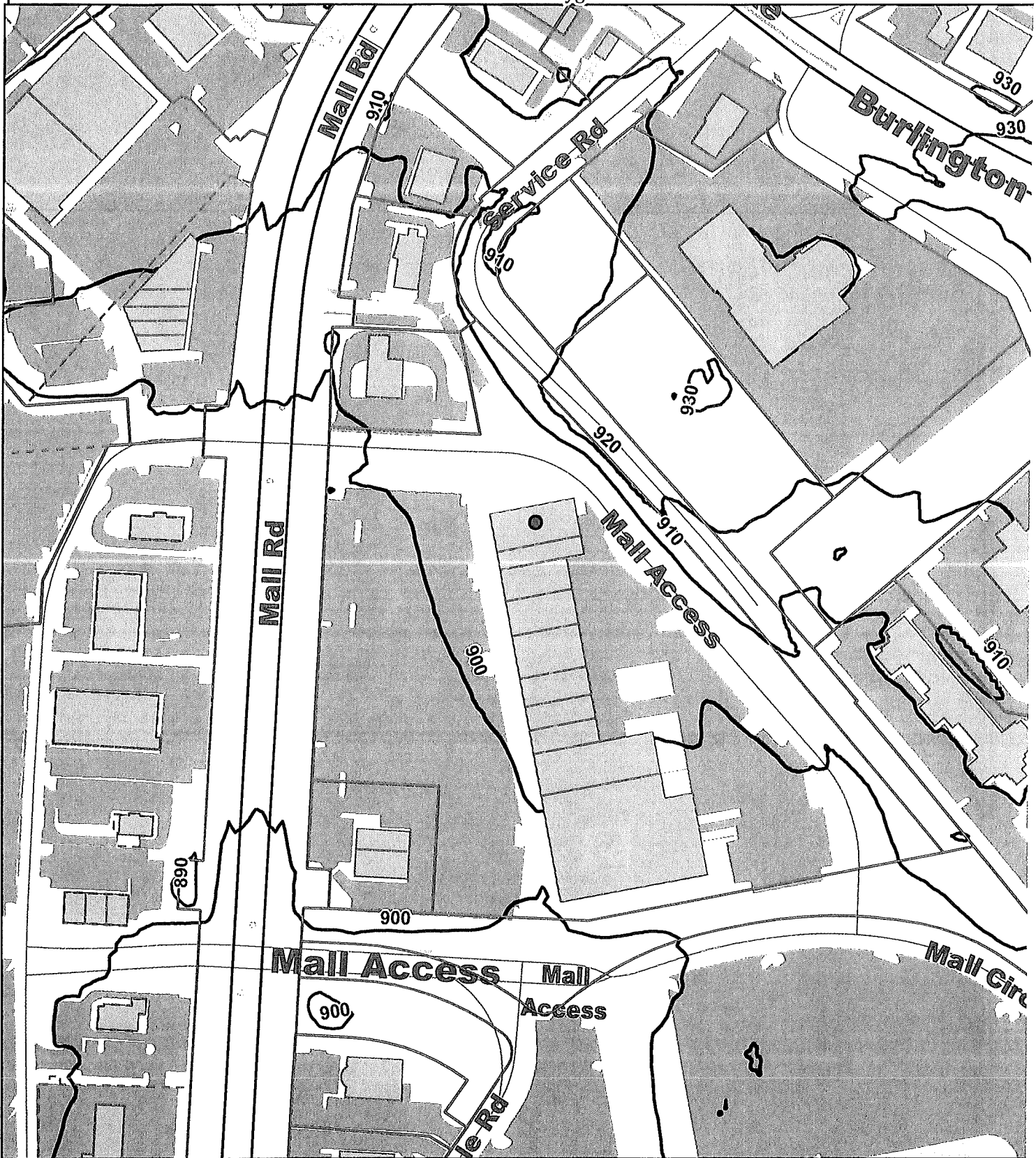
**Boone County GIS - Putting Northern Kentucky on the Map**





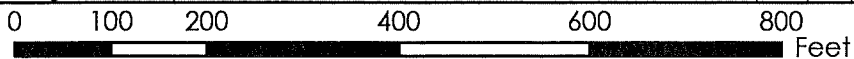
# TOPOGRAPHICAL MAP

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1 inch = 200 feet



Map Created: xx/xx/2020

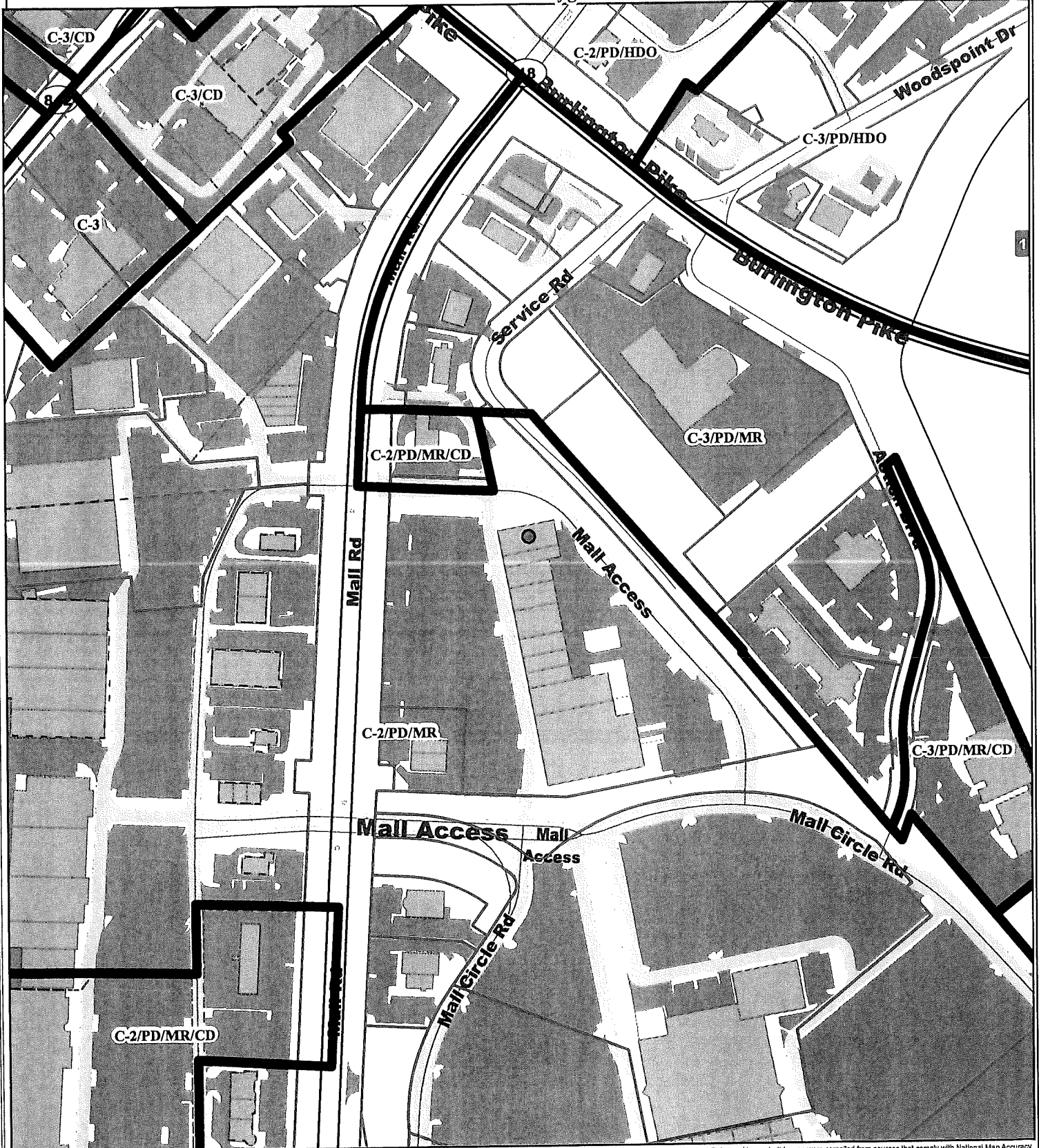
**Boone County GIS - Putting Northern Kentucky on the Map**



North Arrow Symbol: North NAD 83  
ArcMap Document: \*.mxd

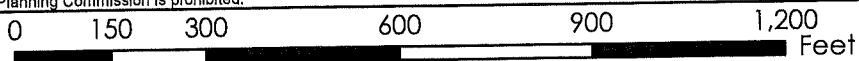
# ZONING MAP

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1 inch = 300 feet

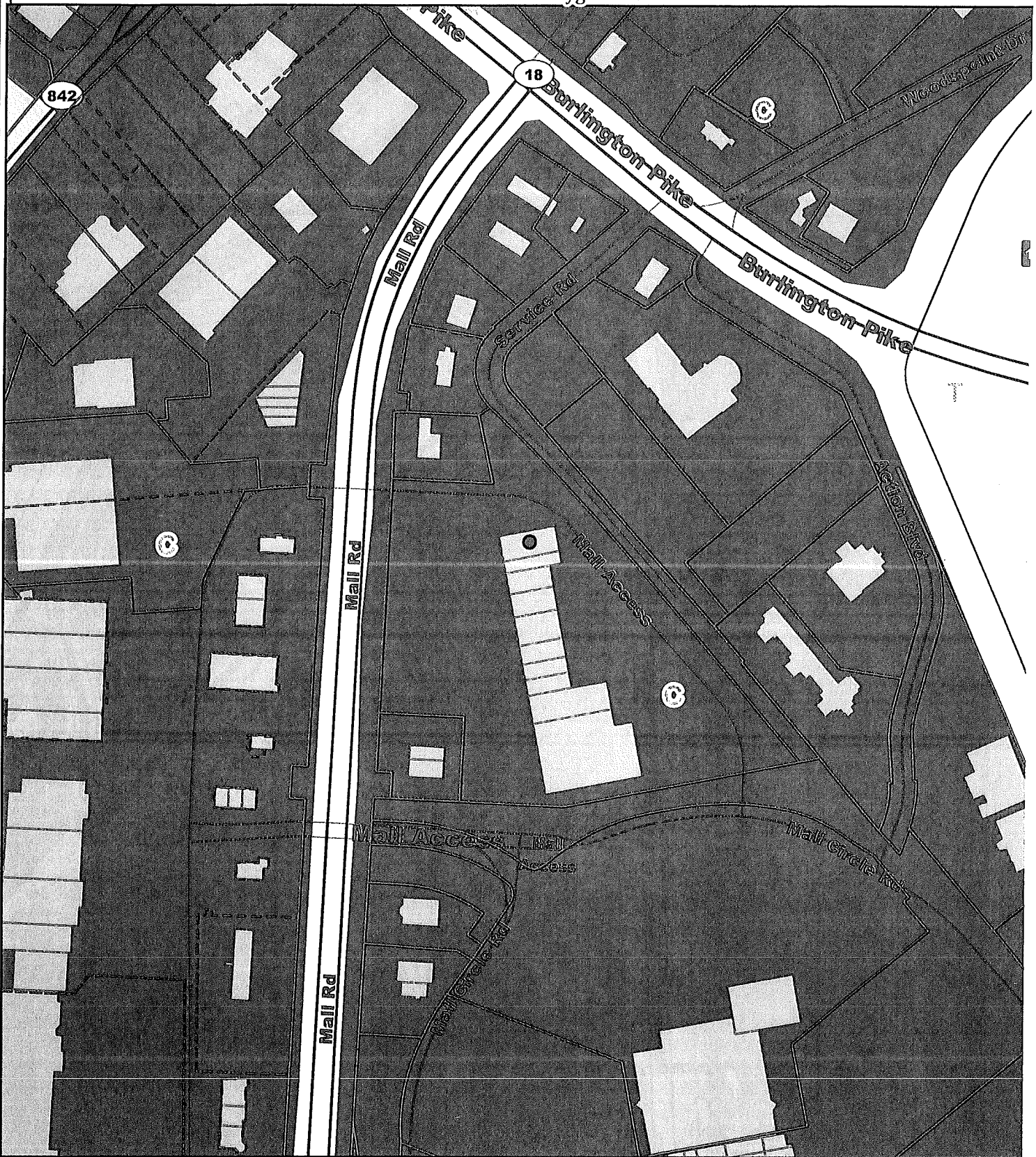


**Boone County GIS - Putting Northern Kentucky on the Map**



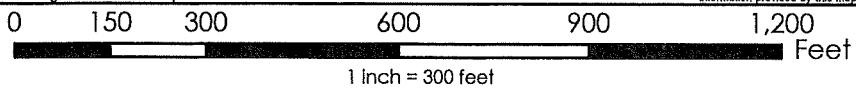
# 2040 FUTURE LAND USE MAP

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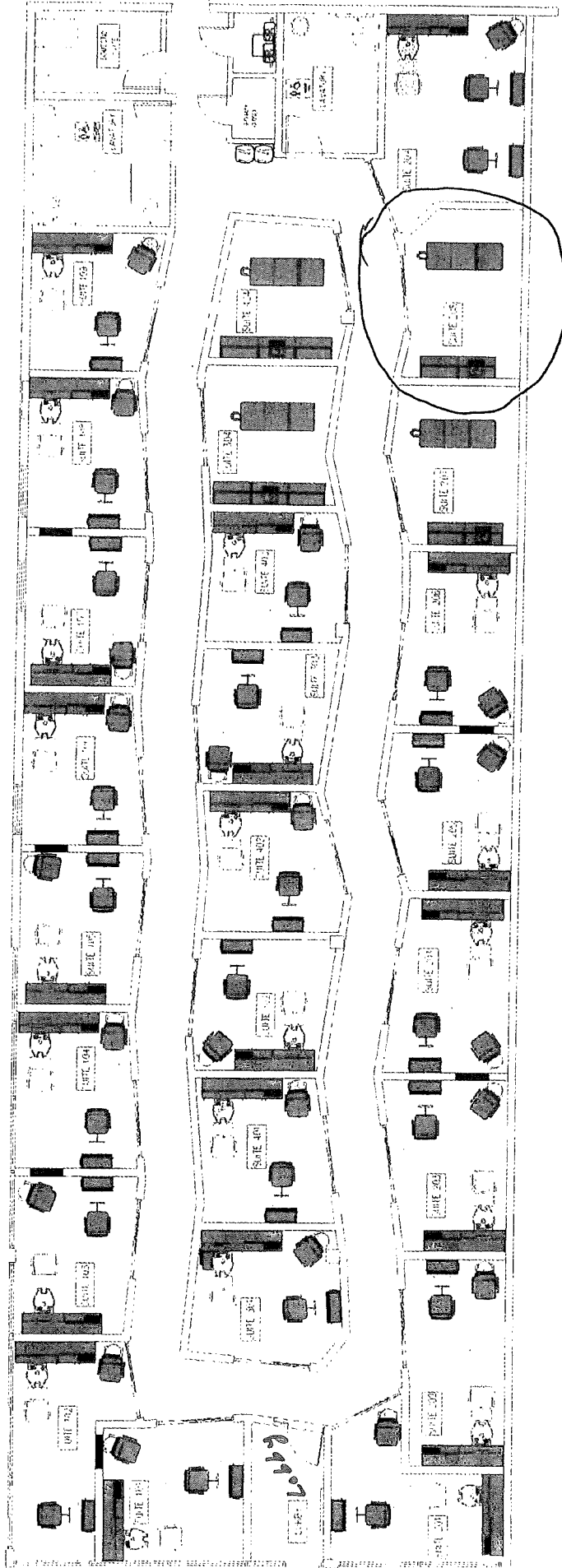
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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2020

Boone County GIS  
ArcMap Document: \*.mxd



120 sq ft

Total 5000 sq ft

SUITE MANAGEMENT FRANCHISING, LLC

3900 CAUSEWAY BLVD

SUITE 1200

METAIRIE, LOUISIANA 70002

PH (855) 677-3726

APPROVED: \_\_\_\_\_

**MY SALON** *Suite*<sup>®</sup>

Final Floor Plan

© COPYRIGHT 2020

SUITE MANAGEMENT FRANCHISING, LLC

STEVE BERGER

FLORENCE, KY

PHONE: (513) 404-5001

APPROVED: *[Signature]*

MSS 5444:

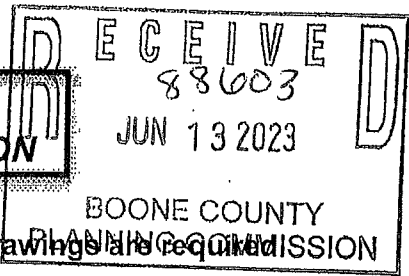
DATE:

10/14/2020

Revised BY:

VL-06

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required.

Site Plan Review is not granted by the appropriate Board of Adjustment

An application consists of all fees paid in full, submitted drawings, and a completed application form

**SECTION A: (To be completed by applicant)**

1. Check One  Boone  Florence  Walton  Union
2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use
3. Applicant: Stephen Berger  
Address: 5925 Ropes Drive  
Cincinnati Ohio 45244  
City State Zip Code  
Phone Number: 513.404.5001 Fax Number: n/a  
Email: sberger@mysalonsuite.com
4. Description of Request:  
On behalf of My Salon Suite Florence, I would like to request a variance to allow a tattoo artist to operate in one of our 26 suites.
5. Name of Development: My Salon Suite
6. Location of Development: 7606 Mall Rd  
Florence Ky 45244  
City State Zip Code
7. Acreage Under Review: \_\_\_\_\_
8. Lot Number and Name of Subdivision (if part of a subdivision): \_\_\_\_\_
9. Current Owner: Tri Peaks Properties/ John Kim  
Address: 8156 S. Wadsworth Blvd., Unit E-326  
Littleton Co 80128  
City State Zip Code  
Phone Number: 720.577.4449 Fax Number: \_\_\_\_\_  
Email: john@tripeaksproperties.com

10. Proposed Use(s) on Site: Tattoo Artist in one of the 26 suites.
11. Total Square Footage of Existing and/or Proposed Buildings: 5000
12. Current Zoning: ~~Business~~ C-2 | PD | MR
13. 1017 5 2040B  
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
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.

Property Owner's Signature:

John King

Applicant's Signature:

Stephen Berger

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

John Kim  
Tri Peaks Properties  
8156 S Wadsworth Blvd, Unit E-326  
Littleton, CO 80128

2. ADDRESS OF PROPERTY

7606 Mall Rd  
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

My Salon Suite

4. DEED BOOK 1017

PAGE NO. 5

GROUP NO. 2040B

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:  
From \_\_\_\_\_ To \_\_\_\_\_

Conditional Use Permit

Development Plan

Conditional Zoning

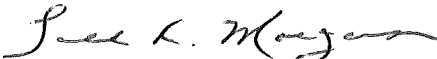
Subdivision Plat  
(Not Recorded)

Other:

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



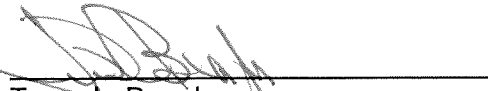
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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 13<sup>th</sup> day of July, 2023.



Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna  
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.)