

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

MAY 23 2000

See Boone County Zoning Regulations
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's Name WAFFIE HOUSE INC.
Phone Number 770-729-5803 Fax No. 770-729-5840
Applicant's Address P.O. Box 6450
NORCROSS Georgia 30091
City State Zip
- 4. Description of Request: REQUEST TO RECEIVE A CONDITIONAL USE PERMIT
APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A WAFFIE
HOUSE RESTAURANT
- 5. Name of Development SOUTH PARK DEVELOPMENT
- 6. Location of Development LINTON LANE HEBRON, KY
- 7. Acreage Under Review 16501 ACRE
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property DAIEN MCGLASSON
Phone Number of Owner 606-689-7330 10.
Address of Property Owner 2580 NORTH BEND ROAD HEBRON, KY 41048
City State Zip
- 11. Proposed Use(s) on Site RESTAURANT SIT DOWN
- 12. Total Square Footage of Existing and/or Proposed Buildings 1890 SQ FT.
- 13. Current Zoning on Property I 1
- 14. Deed Book 300 Page No. 193 Group No. 2006
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? YES
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: Norris M. Muffin

Property Owner's Signature: Galen McGlasson

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BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received _____ Fee Received _____
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer Mike Homer M-H
4. Scheduled Board Action Date 6/14/00
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: STAFF COMMENTS #2 & #3. SEE
STAFF REPORT.
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

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.

STAFF REPORT

APPLICANT: Waffle House, Inc.
LOCATION: Litton Lane, Hebron, Kentucky
ZONING: Industrial One(I-1)
DATE: June 14, 2000

Proposal

The applicant has applied for a Conditional Use Permit to allow an eating establishment on a lot yet to be divided off the McGlasson property on Litton Lane, Hebron, Kentucky. The enclosed Concept Development Plan indicates that the lot would contain a 1,890 sq. ft. building and 36 parking spaces.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 11, Section 1133 of the Boone County Zoning Regulations.

Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives 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 be hazardous to existing or future neighboring uses;
4. Will be served 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 any such services;

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will 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 designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 11, Section 1133

Article 11, Section 1133 of the Boone County Zoning Regulations lists Eating and drinking establishments within an Industrial One (I-1) zone as a Conditional Use. The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and
- d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Comments

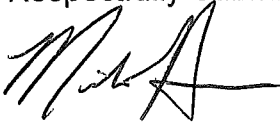
1. The proposed location of the Waffle House will not adversely impact the surrounding area, and it conforms to the existing character of the Litton Lane/North Bend Road intersection.
2. Should this request for a Conditional Use Permit be approved, Staff would like to see the applicant meet the Buffer Yard "B" planting requirements along all road frontages.

3. Staff would like the applicant to note that by code, a monument sign is all that is permitted in an I-1 zone. The monument sign is a use requirement and is not able to be changed by a Variance. The maximum size of a freestanding sign shall not exceed 100 sq. ft. in an industrial park.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow an eating establishment on a lot yet to be divided off the McGlasson property on Litton Lane, Hebron, Kentucky. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations.

Respectfully Submitted,



Mike Homer
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Site Plan
- Conditional Use Permit Application

I-17/CD

INTERSTATE 275

N BEND RD

LITTON LN

I-1

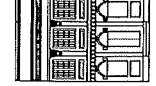
C-4

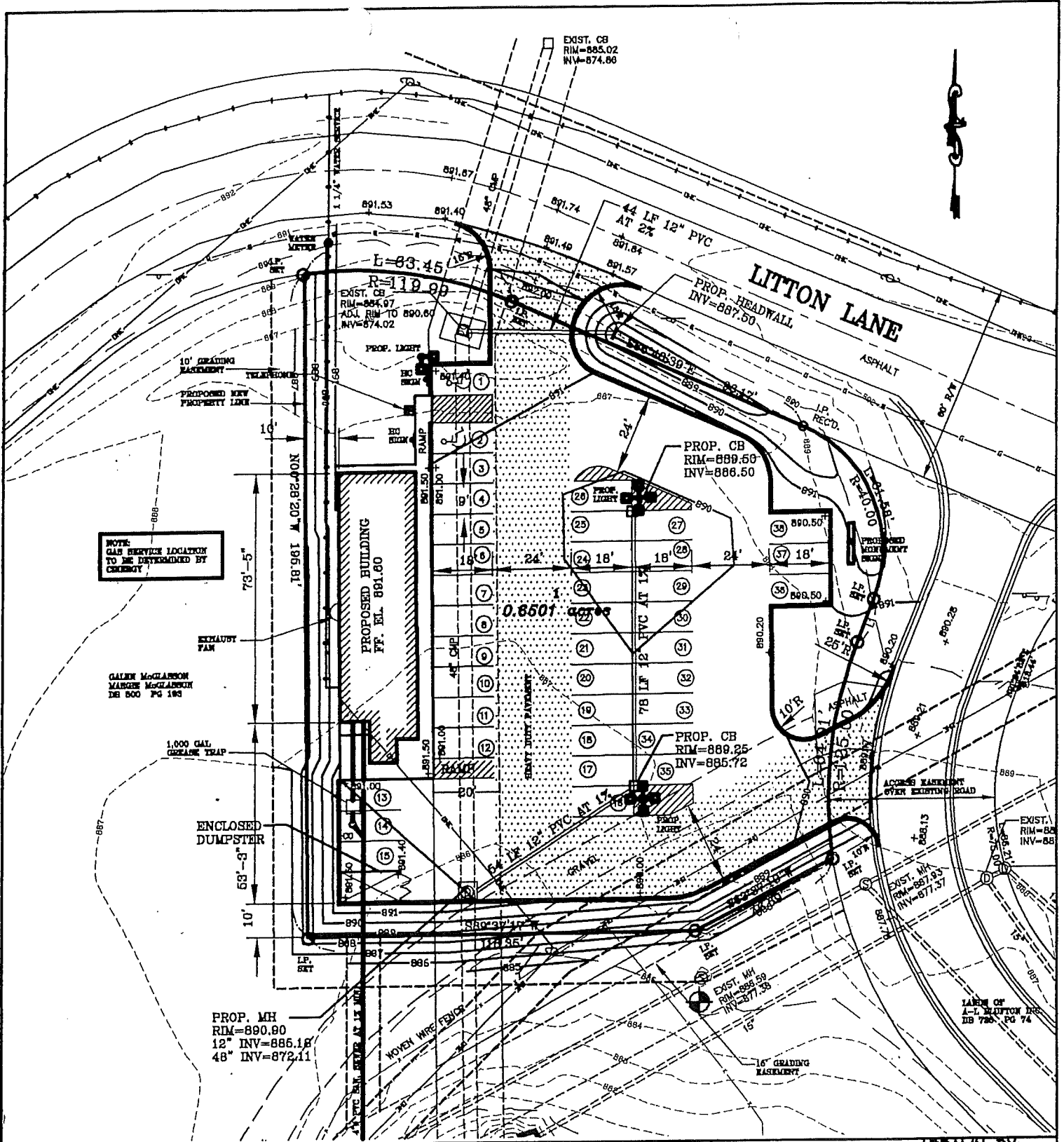
I-1

Zoning/Vicinity Map Waffle House, Hebron, KY



Produced by the
Boone County Planning Commission
GIS Services Division
June 7, 2000





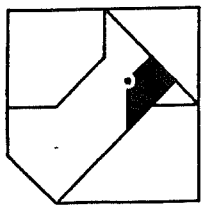
NOTE: GAS SERVICE LOCATION TO BE DETERMINED BY CHEROKEE

GAIKEN McGLASSON
MARGIE McGLASSON
DB 500 PG 193

1,000 GAL. GARBAGE TRAP

ENCLOSED DUMPSTER

PROP. MH
RIM=890.90
12" INV=886.18
48" INV=872.11



CARDINAL
ARCHITECTURE
ENGINEERING
LAND SURVEYING

WAFFLE HOUSE SITE PLAN HEBRON, KENTUCKY

ONE MOOCK ROAD
WILDER, KENTUCKY
41071 (606) 581-9600

MAY 26 2000

BOB ELLIOTT
PLANNING

DRAWN BY:	GEG
DATE:	MAY, 2000
SCALE:	1" = 40'
FILE NO.	0-028

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

MAY 23 2000
BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations
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Applicant's Signature: Galen M. McGlosson

Property Owner's Signature: Galen M. McGlosson

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COPY

CLUR #00-BCBOA-019-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Galen McGlasson
2580 North Bend Rd.
Hebron, KY 41048

2. ADDRESS OF PROPERTY

Litton Ln.
Hebron, KY 41048

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Waffle House

4. DEED BOOK 300

PAGE NO. 193

GROUP NO. 2006

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
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



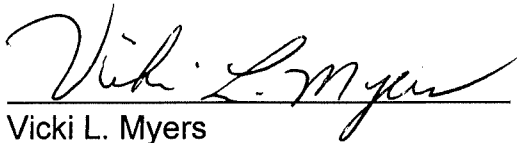
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

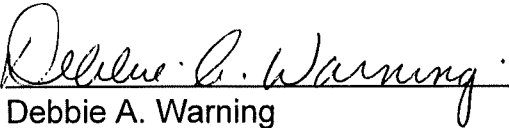
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the
Boone County Planning Commission this 23 day of June, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
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 Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 14, 2000 Certificate of Land Use Restriction (#00-BCBOA-019-A), for Galen McGlasson, Property Owner(s).

The following conditions will apply:

1. Applicant must meet Buffer Yard B planting requirements of the *Boone County Zoning Regulations*.
2. A monument sign is all that is permitted in an I-1 zone and is a use requirement not able to be changed by a Variance. The maximum size of a freestanding sign shall not exceed 100 sq. ft. in an industrial park.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 300

PAGE NO. 193

GROUP NO. 2006