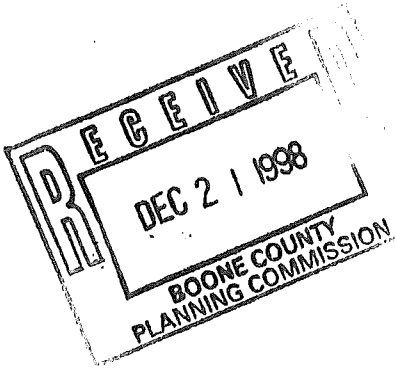


APPLICATION FORM

BOARD OF ADJUSTMENT  
AND  
ZONING APPEALS ACTION  
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1.  Boone \_\_\_\_\_ Florence \_\_\_\_\_ Walton \_\_\_\_\_ Union \_\_\_\_\_

(Check One)

2.  Conditional Use Permit \_\_\_\_\_ Variance \_\_\_\_\_ Appeal \_\_\_\_\_  
Change in Non-Conforming Use \_\_\_\_\_

3. Applicant's Name Paul Smith

Phone Number 371-7375-282-6963 Fax No. 371-9824

Applicant's Address 10478 Dixie Hwy.

*275 EAST  
WALTON KY 40391*

Fla Ky  
City State Zip

4. Description of Request: EATING + DRINKING ESTABLISHMENT

5. Name of Development HALLEYS

6. Location of Development Above Address

7. Acreage Under Review 0.5 ACRES APPROX

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property Paul Smith

Phone Number of Owner 282-6963

Address of Property Owner WALTON Ky 41084  
City State Zip

11. Proposed Use(s) on Site \_\_\_\_\_

12. Total Square Footage of Existing and/or Proposed Buildings \_\_\_\_\_

13. Current Zoning on Property I 1

14. Deed Book 381 Page No. 28 Group No. 254

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? \_\_\_\_\_

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: Paul Smith

Property Owner's Signature: Paul Smith

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 12-21-98 Fee Received \$ 732.00 RA# 19036
2. Is application complete?  Yes  No
3. Staff Reviewer DAVID R. DOEKGER
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:

APR 2/99  Approved  
 Approved with Conditions (See #6)  
 Denial (See #7)

6. Conditions of Approval: ① The facility will be fully enclosed w/ no outside parking service area etc. ② Hours of operation are as follows: 7AM - midnight Monday thru Thursday 7AM - 2:30AM Friday & Saturday 1PM - midnight Sunday ③ Open driveway will be removed. ④ Reason for denial: Work during Site Plan review ④ Landscaping will be removed during Site Plan Review

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:** Ron Smith  
**DEVELOPMENT:** Haley's  
**LOCATION:** 10478 Dixie Highway, Boone County, Kentucky  
**ZONING:** Industrial One (I-1)  
**DATE:** January 13, 1999

### Proposal

The applicant is requesting a Conditional Use Permit to allow an eating and drinking establishment on an approximate 0.5 acre tract, located at 10478 Dixie Highway. The existing building on site will be renovated for this new use. Presently, the structure is being used as an auto repair facility. The new establishment will have approximately 70 seats and 37 parking spaces.

### Surrounding Land Uses and Zoning

North of the site is open land used for pasture and a detached residential dwelling unit zoned Industrial One (I-1). East of the site is the railroad line. South of the site is a single family dwelling unit also zoned I-1. West of the site is another single family residence zoned Commercial One (C-1) and the Florence Aire Estates Mobile Home Park which is zoned Mobile Home Park (MHP).

Article 11, Section 1133 of the Boone County Zoning Regulations permits eating and drinking establishments including alcoholic beverages within Industrial One (I-1) zoning districts as Conditional Uses. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1133 of the Boone County Zoning Regulations:

The following uses and appropriate accessories are permitted 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.

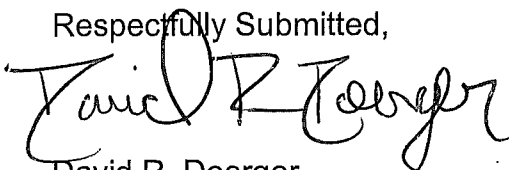
Staff Concerns/Comments

1. Staff's primary concern is that the proper amount of parking is provided for this facility. The Boone County Zoning Regulations require that 1 parking space is provided for every 2 seats in an eating and drinking establishment. The proposed Site Plan does provide enough parking for a 70-seat establishment. However, the proposed 15 foot drive aisle in the rear of the building would have to be one way since is not wide enough for a two lane drive width. Signage will be necessary to convey this one way lane. However, despite signage, this driveway will probably still be used as a two way lane. Staff believes that this area can be reconfigured to avoid this potential problem and still provide the proper amount of parking.
2. The Site Plan shows landscaping in the Right-of-Way. Landscaping is not permitted in the ROW without written consent from the proper agency. Therefore, the proposed landscaping will need to be moved from the ROW or permission will need to be granted to place the landscaping there.

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 and drinking establishment at 10478 Dixie Highway, Boone County, Kentucky. The Board should base its decision on the applicant's request as it relates to the compatibility of the seven criteria for a Conditional Use Permit and the criteria for a Conditional Use within an Industrial One (I-1) zone district. The Board shall determine whether or not the proposed Conditional Use Permit will adversely affect the Public health, safety, or welfare, alter the essential character of the general vicinity, cause a hazard or a nuisance to the public, or allow an unreasonable circumvention of the requirements of the zoning regulations.

Respectfully Submitted,



David R. Doerger  
Planner

DRD\pr

Attachments

- Location Map
- Site Map
- Site Plan
- Floor Plan

INTERSTATE 71/75

BRADSHIRE

DIXIE

MELINDA

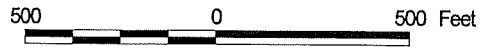
**SITE** 

VILLA

DIXIE

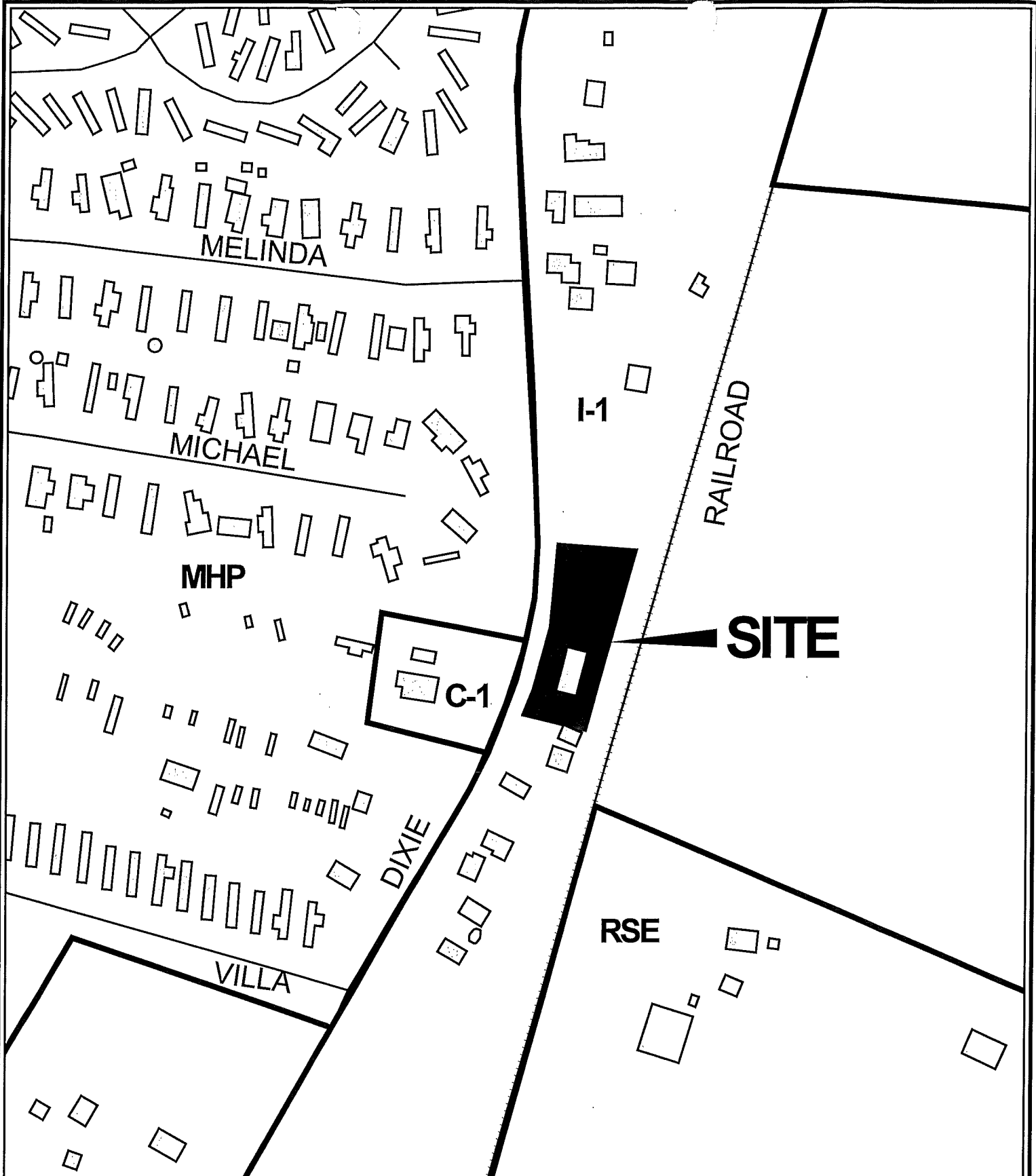
MAHER

# LOCATION MAP



1 inch equals 500 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
January 6, 1999





# SITE MAP

200 0 200 Feet



1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 January 6, 1999



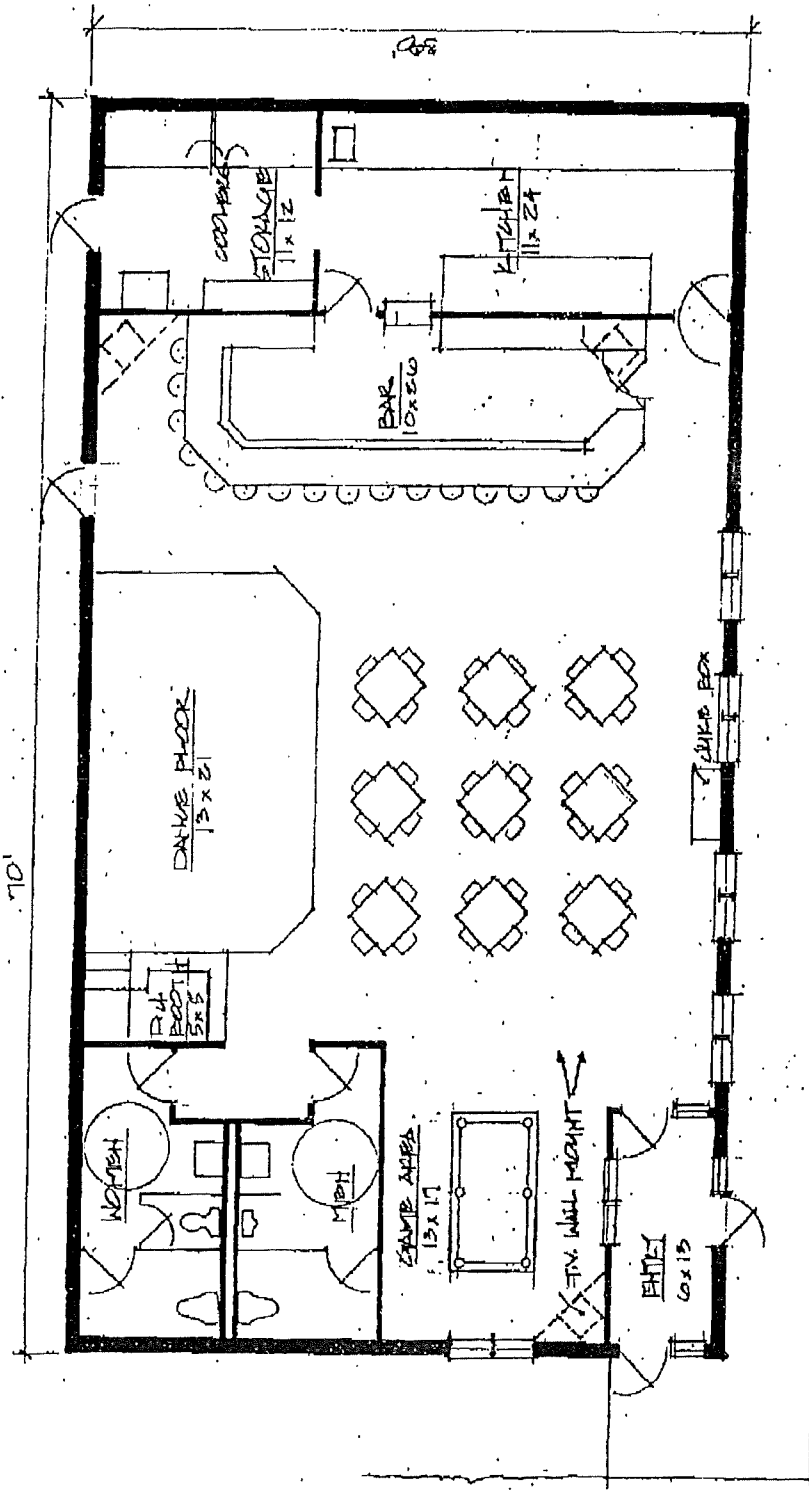




ARCHITECTURAL FIRM  
 ARCHITECTURE  
 SPACE DESIGN  
 PLANNING

PAUL F. MA...EN

7715 GRAVES ROAD  
 CINCINNATI, OH. 45243  
 513-561-2324  
 513-271-8484 FAX



FLOOR PLAN  
 PROPOSED BAR  
 10480 DIXIE HIGHWAY

COPY

CLUR # 99-BCBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Ron Smith  
299 East Frogtown Road  
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

10478 Dixie Highway  
Florence, Kentucky 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Haley's Restaurant

DEED BK.: 381

PAGE NO.:28

GROUP NO.:2058

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

Zoning Map Amendment: From      To            Conditional Use Permit

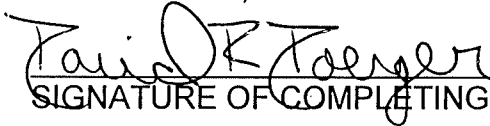
Development Plan       Conditional Zoning

Subdivision Plat (Not Recorded)       Other:

Variance

5. 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

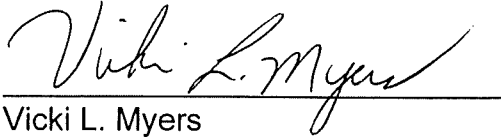
  
SIGNATURE OF COMPLETING OFFICIAL

David Doerger, Planner  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

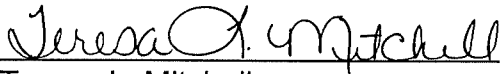
Subscribed, sworn to, and acknowledge before me by David Doerger, on behalf of the Boone County Planning Commission this 25th day of February 1999.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 1999

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell  
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 Condition Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of February 3, 1999 Certificate of Land Use Restriction (# 99-BCBOA-001-A), for Ron Smith, Property Owners.

The following conditions will apply: 1). The facility will be fully enclosed with no outside porch service area, etc. 2). Hours of operation are as follows: 7:00 A. M. to Midnight, Monday thru Thursday, 7:00 A.M. to 2:30 A.M. on Friday and Saturday, 1:00 P.M. to Midnight on Sundays. 3). Rear driveway will be reviewed by staff during the Site Plan Review 4). Landscaping will be reviewed during Site Plan Review.

The approved Conditional Use Permit, as well as the preceding conditions apply to the property

described in: DEED BOOK 381

PAGE NO. 28

Group No. 2058