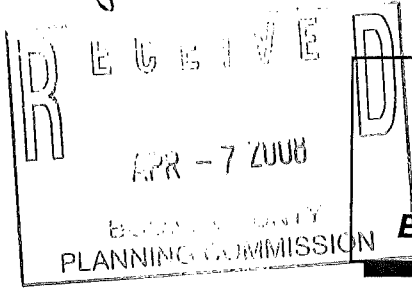


Driveways

08WBDA-002A

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   X   Walton        Union

(Check One)

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

3. Applicant's Name RAY RISKA - MCDONALD'S CORPORATION  
Phone Number 614-418-3307 Fax No. 614-418-3346  
Applicant's Address 2 EASTON OVAL  
COLUMBUS OH 43219  
City State Zip

4. Description of Request: ADDITIONAL CURB CUT FOR SITE

TRAFFIC FLOW

5. Name of Development MCDONALD'S RESTAURANT

6. Location of Development CHESTNUT DRIVE WALTON

7. Acreage Under Review 1.0580

8. Lot Number and Name of Subdivision (if part of a subdivision)  
PARTS OF LOT 2 & 3 OF WALTON TOWNE CENTER

9. Owner of Property WALTON TOWNE CENTER LLC dba REGENCY CENTERS  
Address of Property Owner 8044 Montgomery Road Phone No. (513) 686-1600

10. SUITE 520 OH 45236  
CINCINNATI City State Zip

11. Proposed Use(s) on Site MCDONALD'S RESTAURANT

12. Total Square Footage of Existing and/or Proposed Buildings 4345 PROPOSED

13. Current Zoning on Property C-2

14. Deed Book 935 Page No. 16 Group No. 2079

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: [Signature]

Property Owner's Signature: [Signature]

Mark Wilhoite  
Regency Centers

(over)

**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 4-7-08 Fee Received \$1932.00 RA 55987
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date \_\_\_\_\_
5. Board Action:  
4/28/08 **Approved**  
**Approved with Conditions** (See #6)  
**Denial** (See #7)
6. Conditions of Approval: SEE 4/28/08 WBOA meeting  
MINUTES + C.L.U.R.
7. Reasons for Denial: \_\_\_\_\_

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page**

**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: McDonald's Corporation

LOCATION: Lot 2, Walton Towne Center Subdivision, Walton, Kentucky.

ZONING: Commercial Two (C-2)

DATE: April 28, 2008

### Proposal

The Applicant has submitted the following applications:

1. A Variance to reduce the 500 foot road frontage requirement to 161.31 feet so McDonald's can have two curb cuts on Chestnut Drive. The Conceptual Site Plan (see attachments) shows the lot has 161.31 feet of frontage along Chestnut Drive.
2. A Variance to increase the building mounted signage on the southern building facade (facing Chestnut Drive) from 38.67 square feet to 40.97 square feet.

### Applicable Regulations

Article 2, Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the requests as they relate to the criteria necessary for granting variances as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations.
  - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
  - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

Section 3221 of the Boone County Zoning Regulations states "where the frontage of a tract of land is greater than 500 feet, an additional access point is permitted for each additional 500 feet of frontage, provided all access points are otherwise in compliance with all applicable sections of these regulations."

Section 3413 of the Boone County Zoning Regulations states that a business establishment may be permitted building mounted signage for each building elevation directly on, or with high visibility from, any arterial, collector, or marginal access street, including areas of major internal traffic circulation of a development. The primary building elevation shall be permitted two square feet of sign area per lineal foot of building width for the elevation upon which it is mounted, or in multi-tenant buildings, the width of the portion of the building frontage occupied by an individual establishment. Any additional elevations shall be permitted one (1) square foot of sign area per lineal foot of width for the same elevation on which it is mounted. Under no circumstances shall any establishment be allowed more than three (3) elevations of building mounted signage. The square footage allotted for any one elevation may be divided into three (3) separate sign areas. For the purpose of this order, signs on awnings are considered in the total square footage of building mounted signage permitted for that elevation. Any copy area and/or illuminated areas on the awnings will be calculated for square footage.

Section 3413 of the Boone County Zoning Regulations states that drive-through establishments which have a pick-up window will be permitted to have one (1) drive-through sign or menu-board adjoining the drive-through lane. The menu-board shall not exceed six (6) feet in height and forty-eight (48) square feet in size if the sign is free-standing and forty-eight (48) square feet in size if the sign is mounted to the building.

#### Site Characteristics

The subject site is 1.03 acres in area and has frontage on Mary Grubbs Highway and Chestnut Drive. The site has flat to rolling topography and no vegetation.

#### Surrounding Land Uses and Zoning

North: Mary Grubbs Highway and Single-Family Dwelling (C-2 & SR-2)

South: Chestnut Drive and Undeveloped lots (C-2)

East: Heritage Bank (C-2)

West: Undeveloped Lot (C-2)

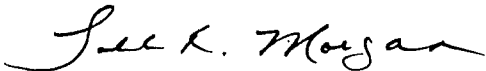
Staff Comments

1. Staff is concerned about the request for a second driveway because McDonald's eastern driveway and Heritage Bank's driveway aprons are inches apart. Staff is concerned that the spacing of the driveways could adversely affect public safety.
2. The Zoning Administrator made a determination that a second drive-through menu board can be permitted because multiple drive through lanes were not contemplated when the zoning regulations were drafted in 2001/2002 (see applicable regulations). Menu boards can be free-standing or attached to a building. An attached menu board is not factored into the amount of permitted building mounted signage.
3. Staff would like to point out that the Boone County Zoning Regulations only allow the development to have building mounted signage on 3 facades of the building and that illuminated bands are considered signs. Staff recommends that the development should only be permitted building mounted signage on two facades if the variance is approved.
4. Encroachment Permits will be required from Boone County Public Works to construct the curb cuts.
5. The Board needs to analyze the criteria for granting Variances before acting on the requests.

Conclusion

K.R.S. 100.241 and Section 250 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the requested variances.

Respectfully submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

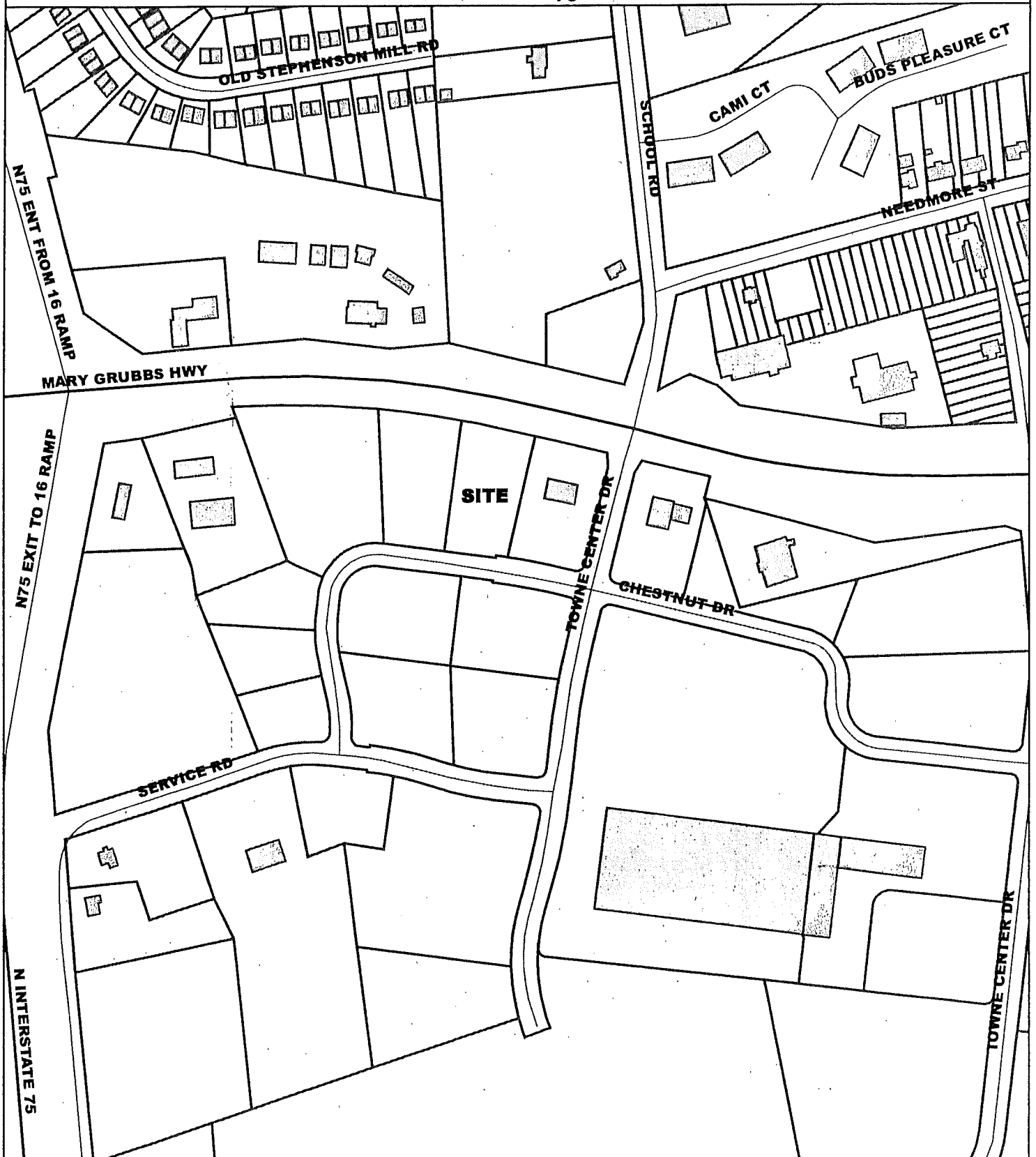
TKM/pr

Attachments

- \*Site Vicinity Map
- \*Conceptual Site Plan
- \*Elevation Drawings
- \*Architectural Rendering
- \*Sign Specifications
- \*Zoning Map
- \*Aerial Map
- \*Applications

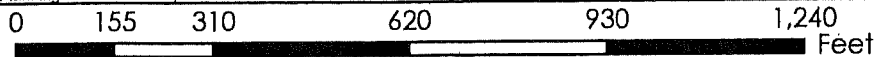
# SITE VICINITY MAP

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1 inch equals 300 feet

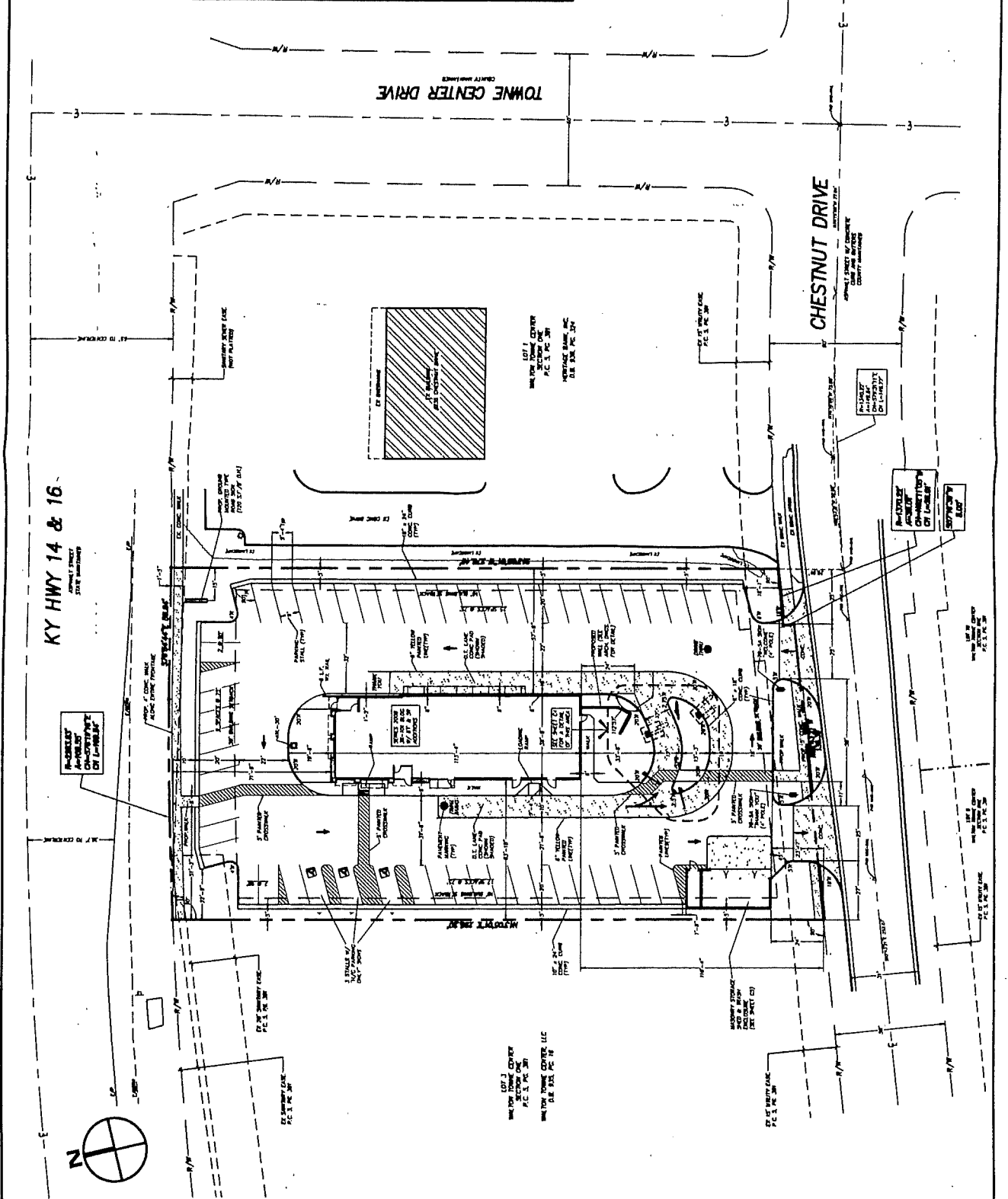


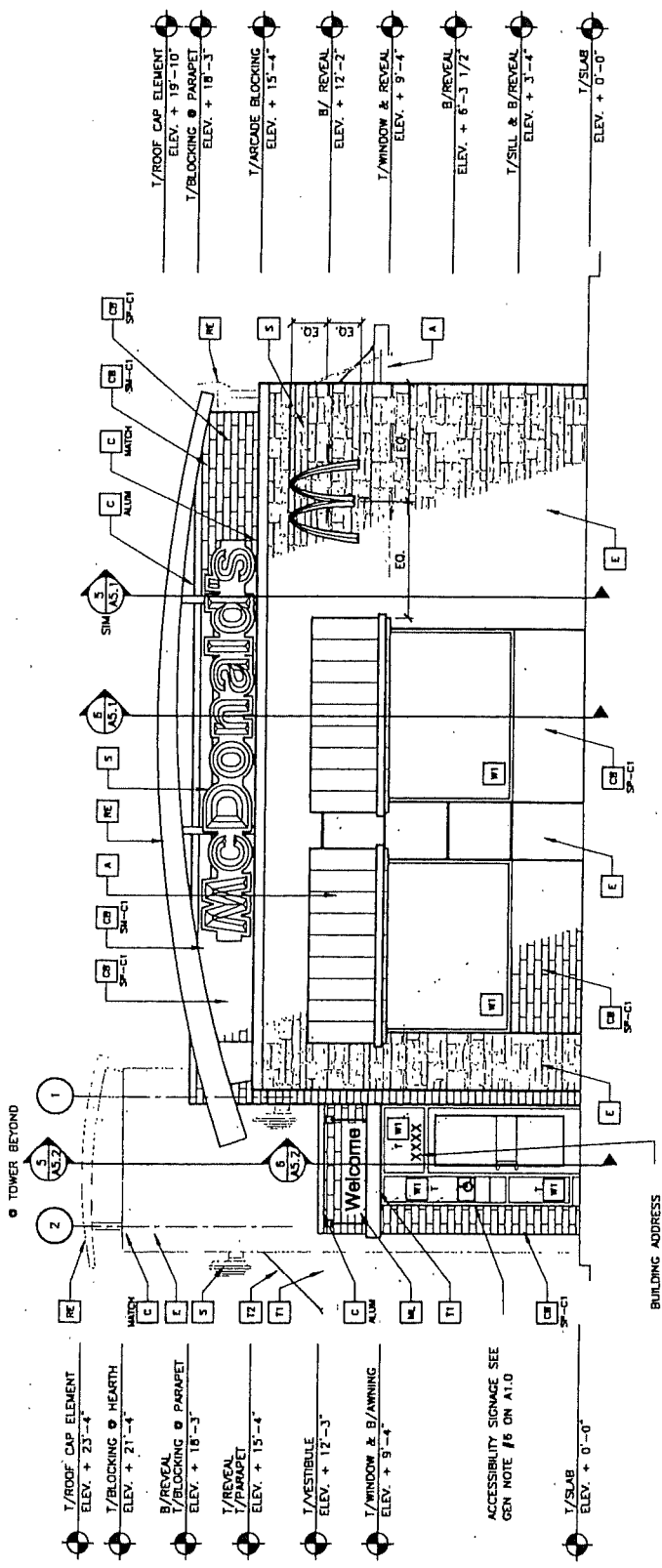
**Boone County GIS - Putting Northern Kentucky on the Map**

**55**  
 PRESENT & PROPOSED ZONING DISTRICT -  
 C2 COMMERCIAL TWO

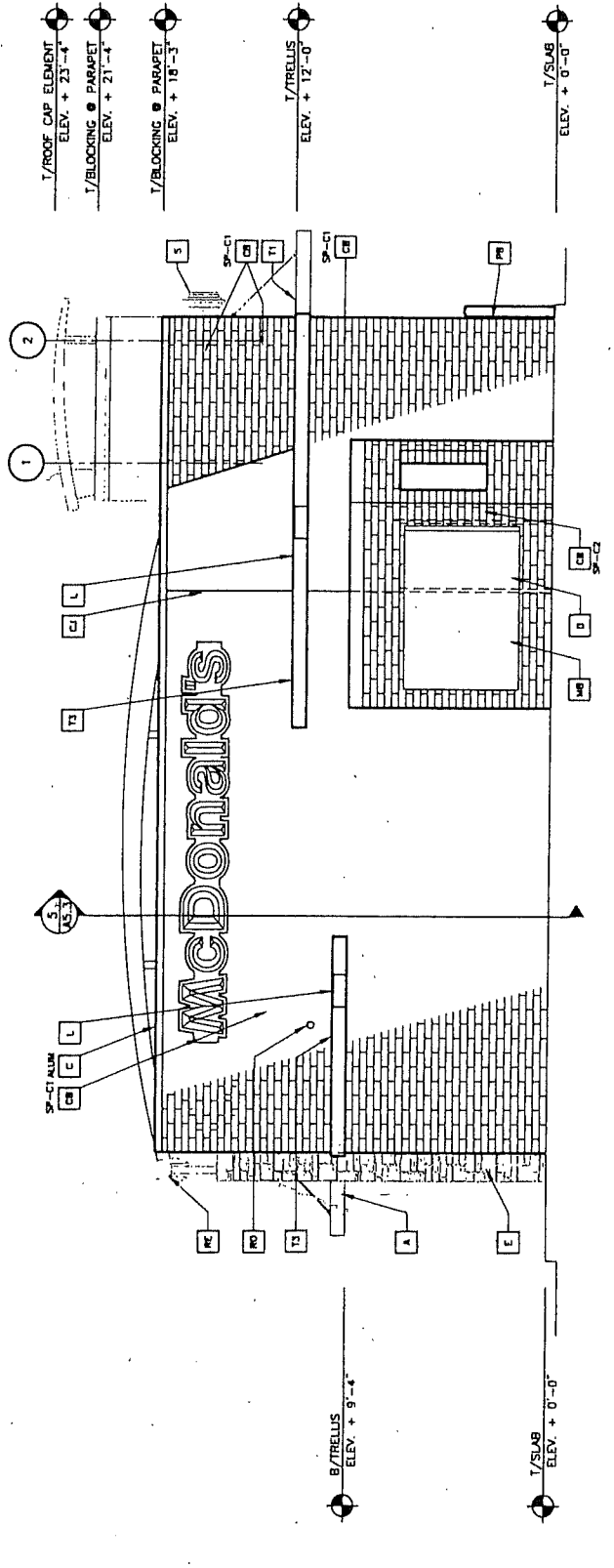
**PLANNING REQUIREMENTS**  
 ONE (1) SPACE FOR EVERY 2 SEATS  
 NUMBER OF PROPOSED SEATS = 88 SEATS  
 (48 SEATS / 2 = 24)  
 NUMBER OF PARKING SPACES REQUIRED = 24 SPACES  
 NUMBER OF PAVING SPACES REQUIRED = 3 SPACES  
 NUMBER OF PAVING SPACES PROVIDED = 3 SPACES  
 NUMBER OF PAVING SPACES REMAINING = 0 SPACES  
 \* NOTE: THIS SEATING PLAN HAS NOT BEEN COMPLETED AS OF THIS DATE.

**LOT 1 CENTER**  
 1.1' SIDEWALK  
 1.2' SIDEWALK  
 1.3' SIDEWALK  
 1.4' SIDEWALK  
 1.5' SIDEWALK  
 1.6' SIDEWALK  
 1.7' SIDEWALK  
 1.8' SIDEWALK  
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 10.0' SIDEWALK





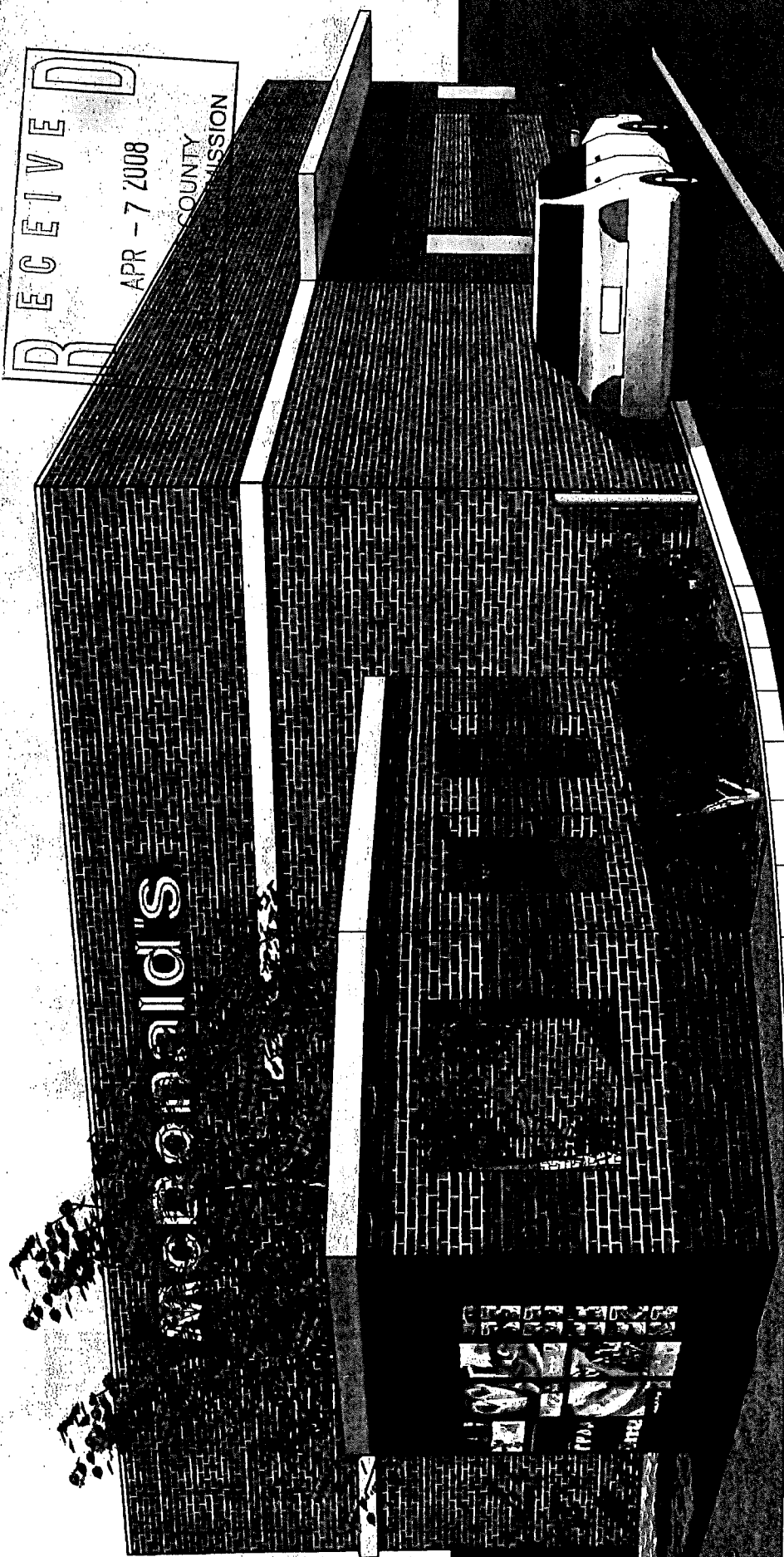
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 A2.0 1/4" = 1'-0"  
 Facing Mary Grubbs



2 REAR ELEVATION  
 Facing Chestnut

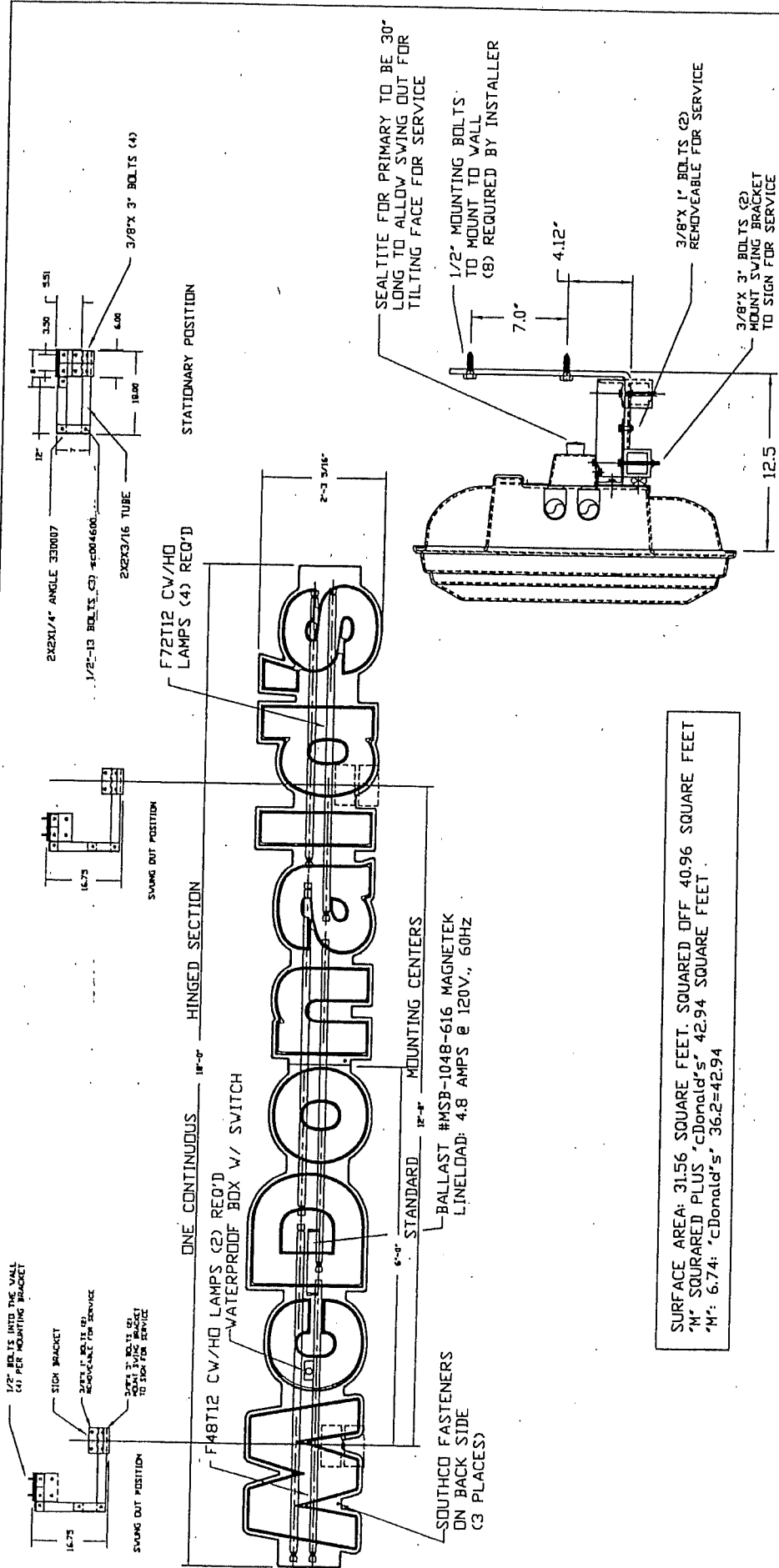


RECEIVED  
APR - 7 2008  
COUNTY COMMISSION



McDonald's Chestnut Dr. & Hwy. 14 & 16 Walton, Kentucky

Williams  
S hepherd  
Architects



SURFACE AREA: 31.56 SQUARE FEET. SQUARED OFF 40.96 SQUARE FEET  
 "M" SQUARED PLUS "cDonald's" 42.94 SQUARE FEET  
 "M": 6.74; "cDonald's" 36.2=42.94

RECEIVED

APR - 7 2008

BOONE COUNTY  
PLANNING COMMISSION

**Everbrite**  
 315 MARION AV.  
 SOUTH MILWAUKEE, WI. 53172  
 414-762-8700

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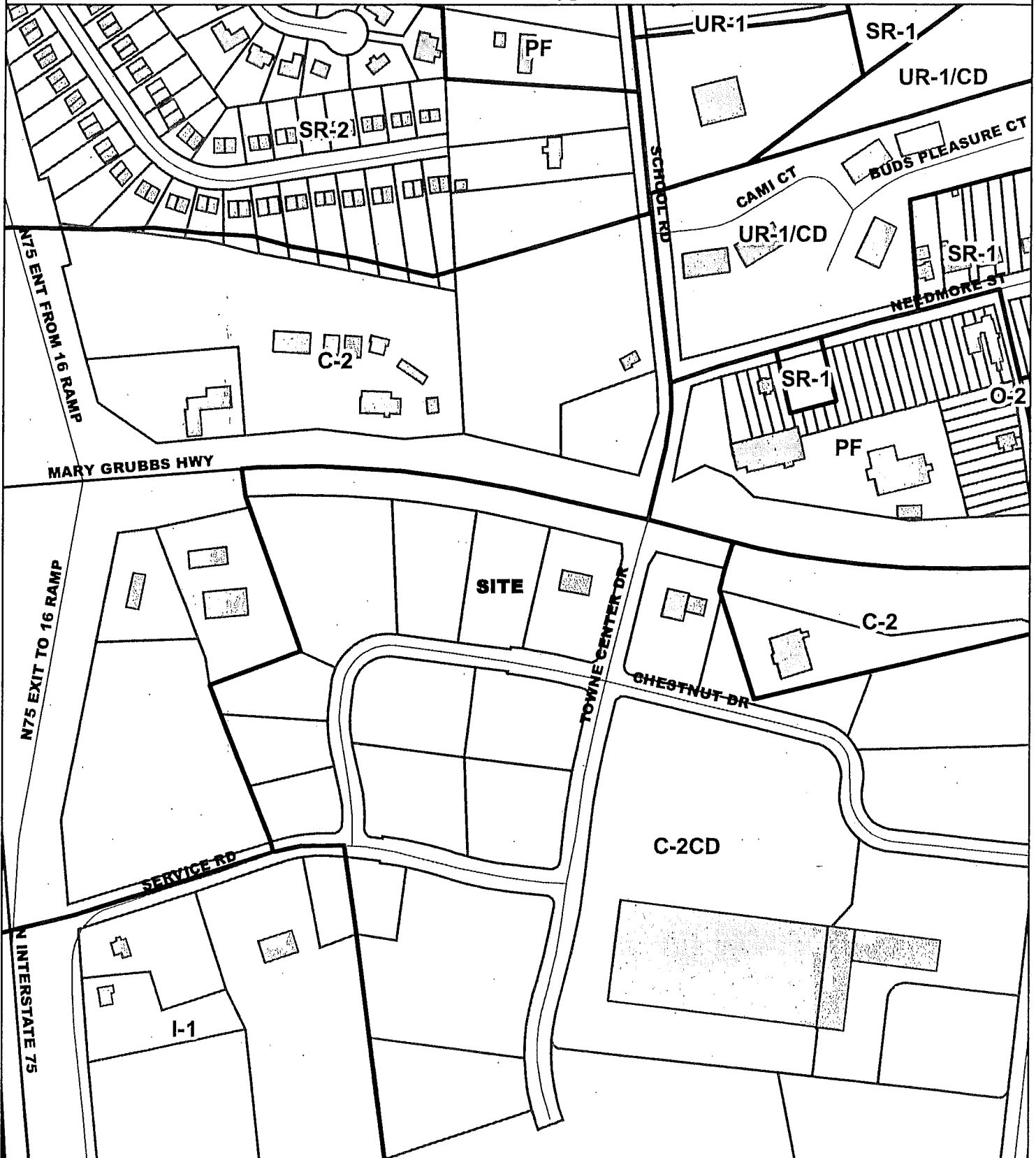
TITLE MCD UNIFACE SIGN WALL MOUNT KT211800S

DRN	GLR	DT	2/14/5	SCALE	DRWG NR	IN444000S
COO		DT				
						REV B

SYM	DESCRIPTION	DATE	CHK	ECN	REVISION RECORD
B	ADD DETAILS	4/6/06	GLR		
A	RELEASED	2/15/5	GLR		

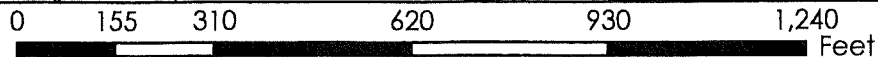
# ZONING MAP

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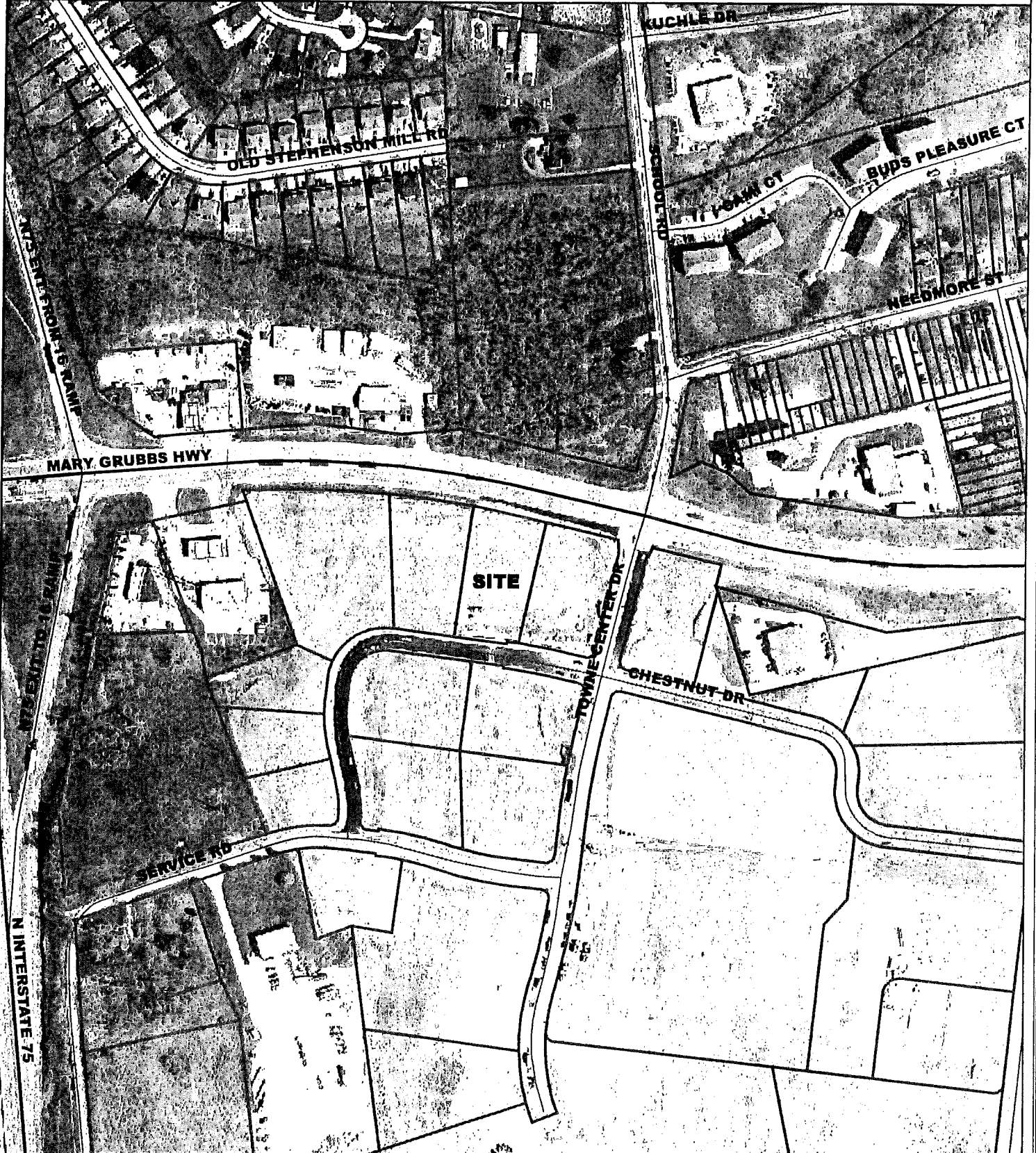
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: 01/10/2009

Boone County GIS, 2009  
ArcMap Document: Unfiled

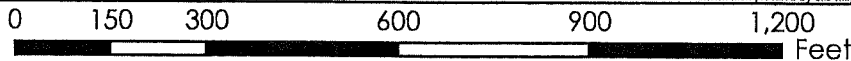
# AERIAL MAP

www.boonecountygis.com



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1 Inch equals 300 feet



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

Driveway

APPLICATION FORM

RECEIVED  
APR - 7 2008  
BOONE COUNTY  
PLANNING COMMISSION

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   X   Walton          Union

(Check One)

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

3. Applicant's Name RAY RISKA - MCDONALD'S CORPORATION  
Phone Number 614-418-3307 Fax No. 614-418-3346  
Applicant's Address 2 EASTON OVAL  
COLUMBUS OH 43219  
City State Zip

4. Description of Request: ADDITIONAL CURB CUT FOR SITE

5. Name of Development TRAFFIC FLOW MCDONALD'S RESTAURANT

6. Location of Development CHESTNUT DRIVE WALTON

7. Acreage Under Review 1.0580

8. Lot Number and Name of Subdivision (if part of a subdivision)  
PARTS OF LOT 2 & 3 OF WALTON TOWNE CENTER

9. Owner of Property WALTON TOWNE CENTER LLC c/o REGENCY CENTERS  
Address of Property Owner 8044 Montgomery Road Phone No. (513) 686-1600  
SUITE 520 OH 45236  
City State Zip

11. Proposed Use(s) on Site MCDONALD'S RESTAURANT

12. Total Square Footage of Existing and/or Proposed Buildings 4345 PROPOSED

13. Current Zoning on Property C2

14. Deed Book 935 Page No. 16 Group No.         

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: [Signature]

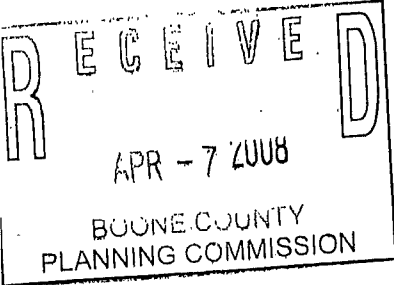
Property Owner's Signature: [Signature]

Mark Wilhoite  
Regency Centers

(over)

Building  
Rear Sign Variance

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 RAY RISKA - MCDONALD'S CORPORATION  
Phone Number 614-418-3307 Fax No. 614-418-3346  
Applicant's Address 2 EASTON OVAL  
COLUMBUS OH 43219  
City State Zip

4. Description of Request: INCREASE ALLOWABLE SIGNAGE

5. Name of Development SQUARE FOOTAGE FOR REAR OF BUILDING  
MCDONALD'S RESTAURANT

6. Location of Development CHESTNUT DRIVE WALTON

7. Acreage Under Review 1.0580

8. Lot Number and Name of Subdivision (if part of a subdivision)  
PARTS OF LOT 2 & 3 OF WALTON TOWNE CENTER

9. Owner of Property \_\_\_\_\_  
Address of Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_

10. \_\_\_\_\_  
City State Zip

11. Proposed Use(s) on Site MCDONALD'S RESTAURANT

12. Total Square Footage of Existing and/or Proposed Buildings 4345 PROPOSED

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If yes, give date of approval \_\_\_\_\_

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Applicant's Signature: [Signature]

Property Owner's Signature: [Signature]

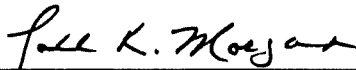
COPY

CLUR #08-WBOA-002-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
Walton Towne Center LLC c/o Regency Centers  
8044 Montgomery Road, Suite 520  
Cincinnati, OH 45236
  
2. ADDRESS OF PROPERTY  
Mary Grubbs Hwy. & Chestnut Drive  
Walton, KY 41094
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
McDonald's
  
4. DEED BOOK 935                      PAGE NO. 16                      GROUP NO. 2079
  
5. TYPE OF RESTRICTION(S) (Check all that apply)  
  
 Zoning Map Amendment:                       Conditional Use Permit  
    From  To  
  
 Development Plan                                       Conditional Zoning  
  
 Subdivision Plat                                       Other:  
    (Not Recorded)  
  
 X Variances (2)
  
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



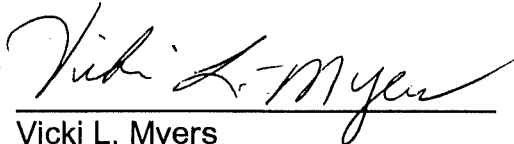
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

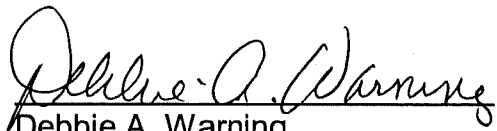
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 6 day of May, 2008.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2011

This instrument was prepared for recording purposes only by:



Debbie A. Warning  
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 Variances approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of April 28, 2008 Certificate of Land Use Restriction (#08-WBOA-002-A), for Walton Towne Center LLC c/o Regency Centers, Property Owner(s).

The following conditions will apply:

- 1) The one-way in curb cut is to be located closest to Heritage Bank and the one-way out curb cut is to be located on the opposite side.
- 2) The menu board closest to the building is to be wall-mounted on brick.
- 3) The approval allows 40.97 square feet of building mounted signage on the Chestnut Drive building facade.

The approved Variances as well as the preceding conditions apply to the property described in:

DEED BOOK 935 PAGE NO. 16 GROUP NO. 2079