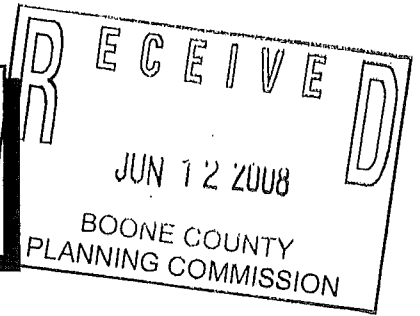


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations SECTION A (To be completed by applicant)

- 1. (Check One) Boone Florence [X] Walton Union
2. (Check One) Conditional Use Permit [X] Variance Appeal
3. Applicant's Name: RAY RISKA - MCDONALD'S CONSTR. MGR. Phone Number: 614-418-3307 Fax No. 614-418-3340 Applicant's Address: 2 EASTON OVAL COLUMBUS, OH 43219
4. Description of Request: INCREASE ALLOWABLE SIGNAGE AREA FOR FRONT (NORTH) ELEVATION BY 173.3 S.F.
5. Name of Development: MCDONALD'S RESTAURANT
6. Location of Development: 720 CHESTNUT DRIVE WALTON
7. Acreage Under Review: 1.0334
8. Lot Number and Name of Subdivision: LOT 2 OF WALTON TOWNE CENTER
9. Owner of Property: WALTON TOWNE CENTER LLC c/o Regency Centers Address of Property Owner: 8044 MONTGOMERY ROAD SUITE 520 CINCINNATI, OH 45236 Phone No. (513) 686-1600
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. 2079
15. Is the site subject to a zone change? NO
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

**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 6-12-08 Fee Received \$650⁰⁰ Ret 56646
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/31/08 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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
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: July 31, 2008

Proposal

The Applicant has submitted the following applications:

1. A Variance to increase the building mounted signage on the northern building facade (facing Mary Grubbs Highway) from 77.34 square feet to 253.3 square feet.
2. A Variance to increase the building mounted signage on the western building facade from 113.33 square feet to 160 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 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 4000 of the Boone County Zoning Regulations defines a sign as "a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Site History

2/11/08 - Walton City Council approves a Special Sign District for Walton Towne Center Subdivision. The approval allows the following freestanding signage in the subdivision:

1. Two 35' tall, 300 square foot free-standing signs at the Mary Grubbs Highway/Towne Center Drive intersections. The westernmost freestanding sign can have electronically changeable copy in which Kroger can advertise fuel prices.
2. A 50' tall, 500 square foot Interstate sign.
3. One 8' tall, 120 square foot monument sign per lot. Each monument sign must have a 2' high base which is constructed of materials that are "consistent with the overall development".

4/28/08 - The Walton Board of Adjustment approves two Variances on the McDonald's lot. The first Variance reduces the 500' road frontage requirement to 161.31' to allow two curb cuts on Chestnut Drive. The second Variance increases the permitted building mounted signage on the southern building facade from 38.67 to 40.97 square feet. The following conditions were imposed on the approvals:

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.

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)

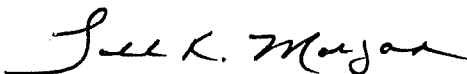
Staff Comments

1. The Board needs to analyze the criteria for granting Variances before acting on the requests. Staff has not identified any hardships and is concerned that approval of the requests could set a precedent for other building mounted sign variances in the subdivision.
2. Staff would like the applicant to explain if they plan on constructing a monument sign on their lot.
3. The Walton Towne Center Master Sign District allows a 50' tall interstate sign and two 35' tall freestanding sign at the Mary Grubbs Highway/ intersections. Staff would like the applicant to explain how many of these signs they are eligible to advertise on.

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 act on the requested Variances.

Respectfully submitted,

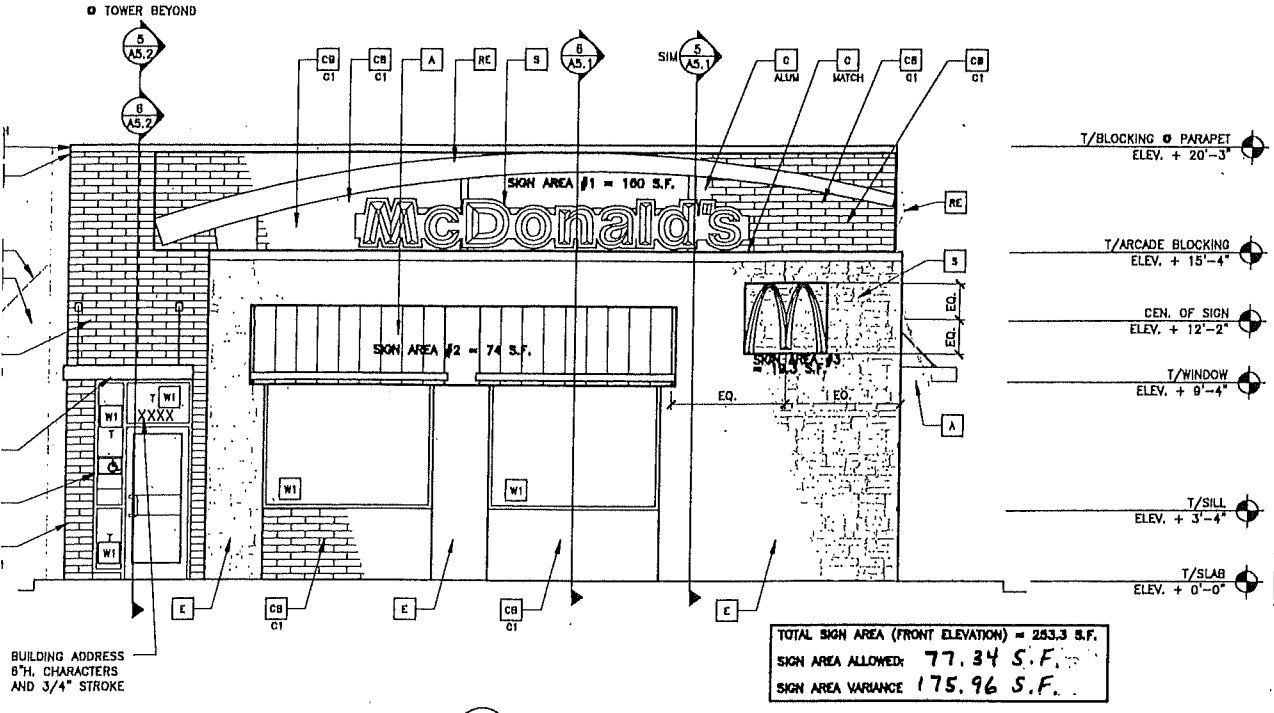


Todd K. Morgan, AICP
Senior Planner, Zoning Services

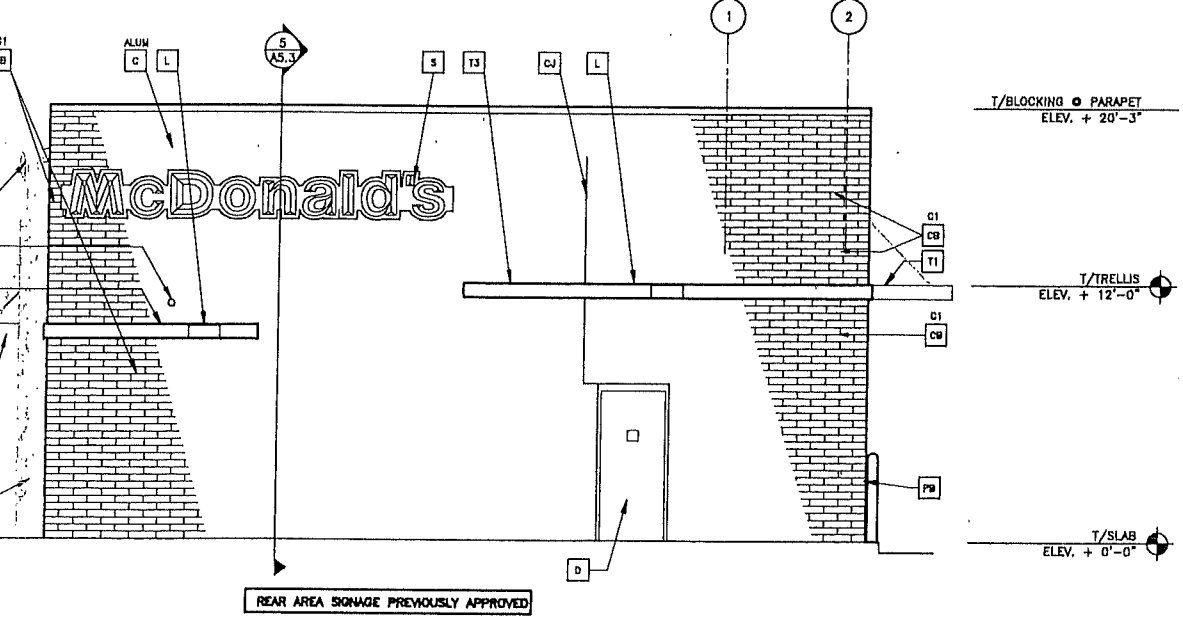
TKM/pr

Attachments

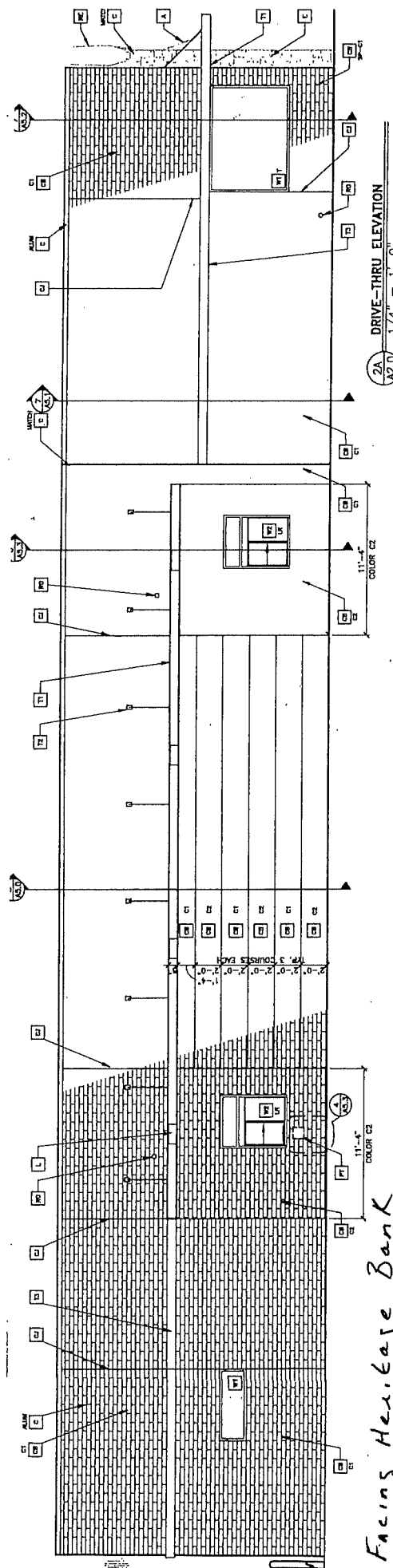
- *Site Vicinity Map
- *Conceptual Site Plan
- *Elevation Drawings with Proposed Signage
- *Zoning Map
- *Aerial Map
- *Applications



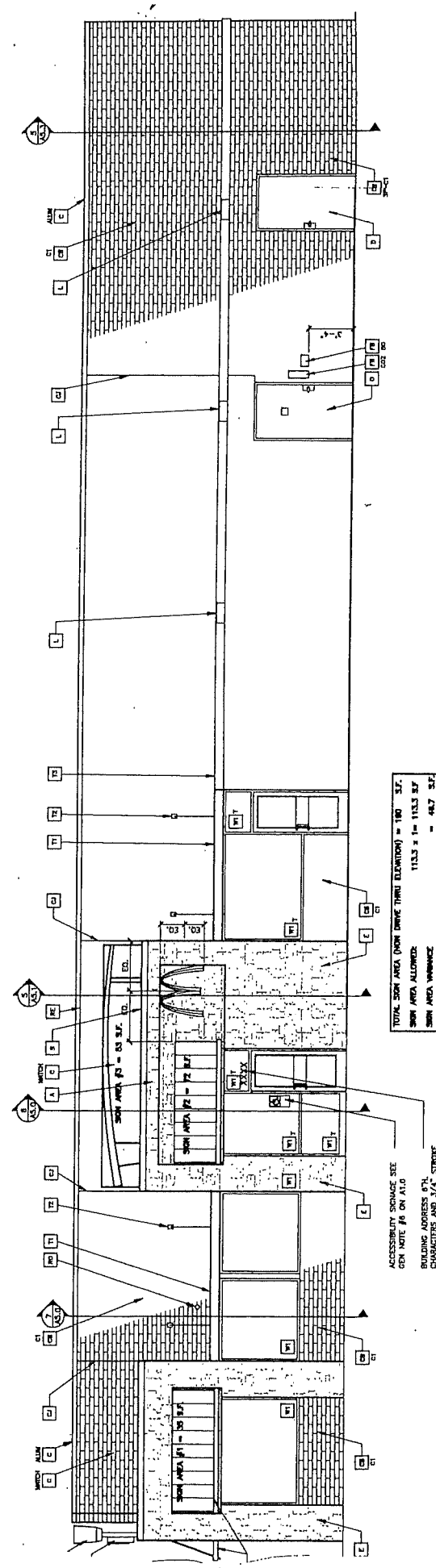
1 FRONT ELEVATION
 A2.0 1/4" = 1'-0"



2 REAR ELEVATION
 A2.1 1/4" = 1'-0"



Facing Heritage Bank

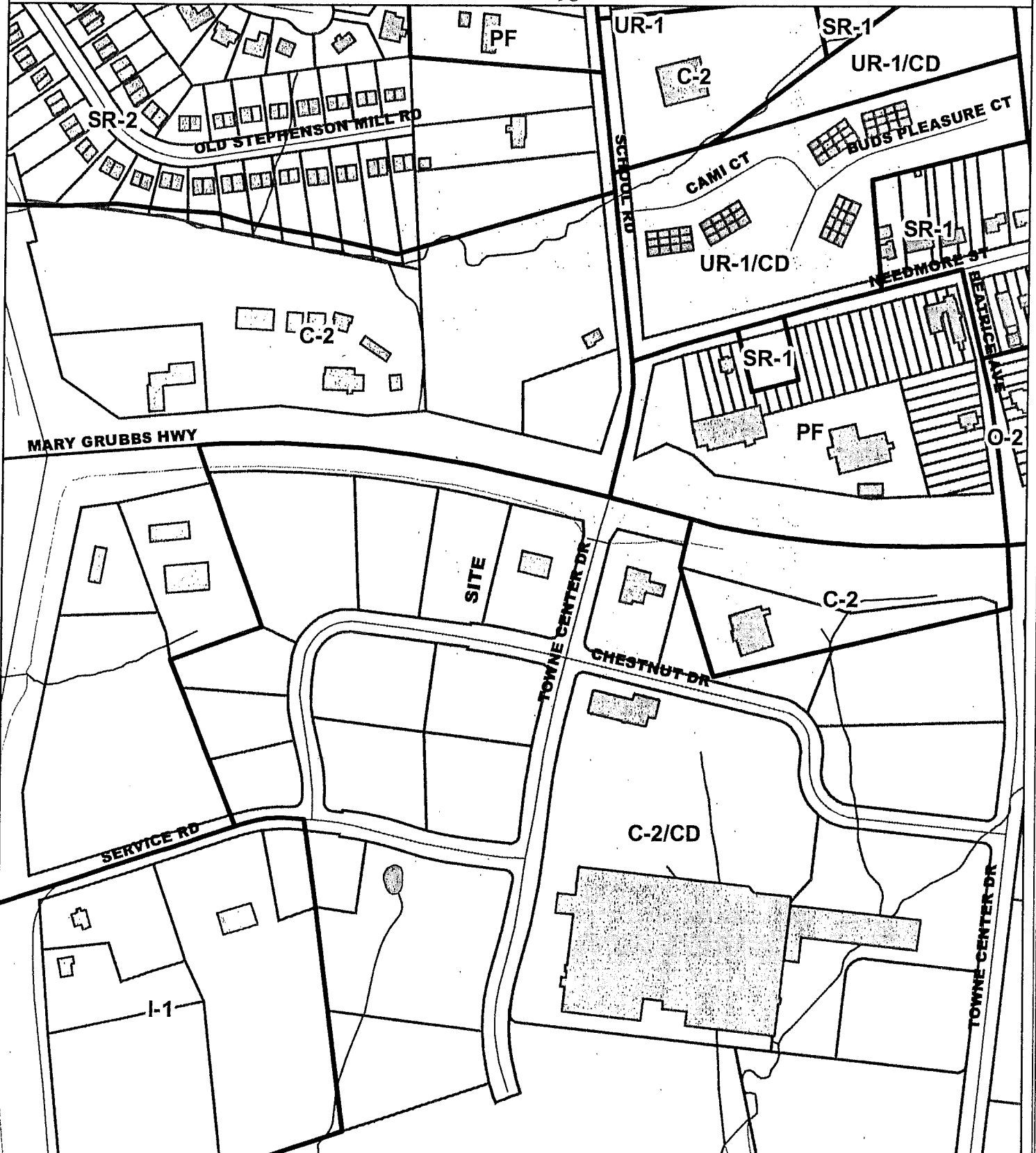


WESTERN ELEVATION

ACCESSIBILITY STORAGE SEE GEN NOTE #6 ON A1.0
BUILDING ADDRESS #71
CHARACTERS AND 3/4" STROKE

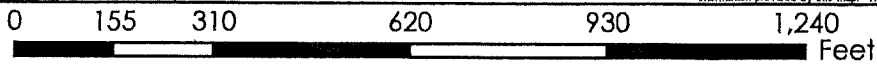
ZONING MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch equals 300 feet

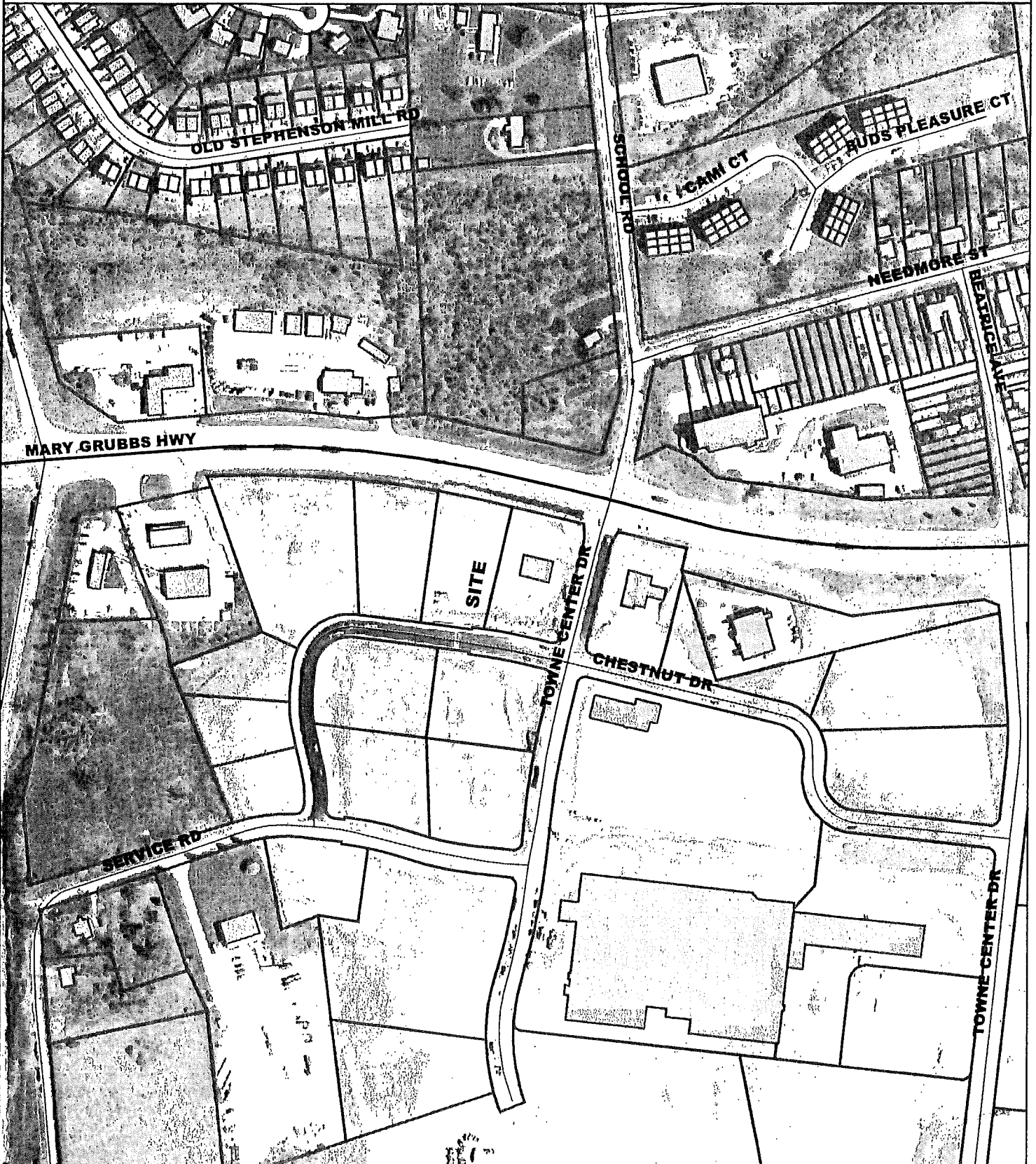


Boone County GIS - Putting Northern Kentucky on the Map



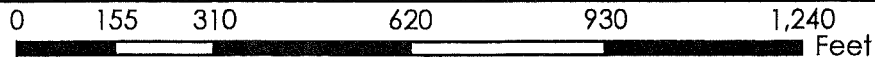
AERIAL MAP

www.boonecountygis.com



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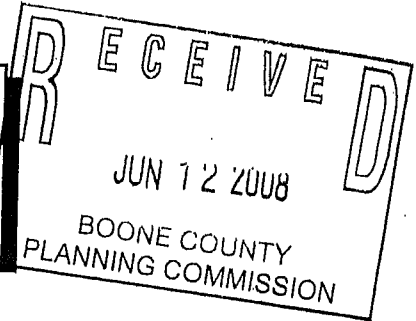


Boone County GIS - Putting Northern Kentucky on the Map



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 CONSTR. MGR.
Phone Number 614-418-3307 Fax No. 614-418-3340
Applicant's Address 2 EASTON OVAL
COLUMBUS, OH 43219
City State Zip

4. Description of Request: INCREASE ALLOWABLE SIGNAGE AREA FOR FRONT (NORTH) ELEVATION BY 173.3 SF.

5. Name of Development MCDONALD'S RESTAURANT

6. Location of Development 720 CHESTNUT DRIVE
WALTON

7. Acreage Under Review 1.0334

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

9. Owner of Property WALTON TOWNE CENTER LLC c/o Regency Centers

10. 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. 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

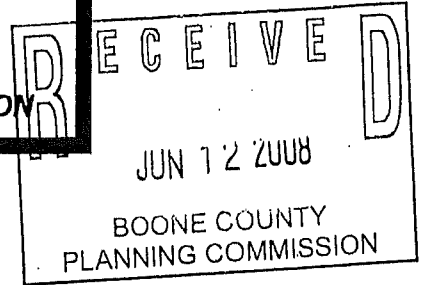
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [Signature]

Property Owner's Signature: [Signature] - Mark Wilhoite

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)

- 1. (Check One)
 Boone Florence Walton Union
- 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
- 3. Applicant's Name RAY RISKA - MCDONALD'S CONSTR. MGR
 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 AREA
FOR NON-DRIVE-THRU (WEST) ELEVATION BY 40.75.F.
- 5. Name of Development MCDONALD'S RESTAURANT
- 6. Location of Development 720 CHESTNUT DRIVE
WALTON
- 7. Acreage Under Review 1.0334
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
LOT 2 OF WALTON TOWNE CENTER
- 9. Owner of Property WALTON TOWNE CENTER LLC c/o Regency Centers
 Address of Property Owner 8044 Montgomery Rd Phone No. (513) 686-1600
SUITE 320
CINCINNATI OH 45236
 City State Zip
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- 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
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- 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

COPY

CLUR #08-WBOA-003-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

720 Chestnut Drive
Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Mc Donald's

4. DEED BOOK 935

PAGE NO. 16

GROUP NO. 2079

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:

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

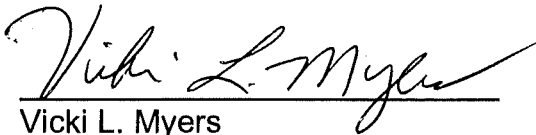

SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

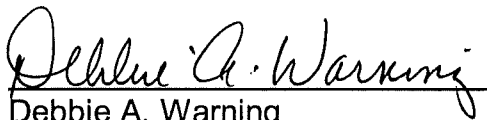
Subscribed, sworn to, and acknowledged before me by Todd Morgan on behalf of the
Boone County Planning Commission this 1 day of August, 2008.



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 (2) approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of July 31, 2008 Certificate of Land Use Restriction (#08-WBOA-003-A), for Walton Towne Center, LLC, c/o Regency Centers, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Variances (2) as well as the preceding conditions apply to the property described in:

DEED BOOK 935

PAGE NO. 16

GROUP NO. 2079