

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
January 11, 2023
7:30 P.M.**

Mrs. Lila Huff called the meeting to order at 7:35 P.M.

BOARD MEMBERS PRESENT

Mrs. Lila Huff
Mr. Thomas Judd
Mrs. Linda Schaffer

BOARD MEMBERS NOT PRESENT

Mr. Duane Froelicher
Ms. Lois Evans

STAFF MEMBERS PRESENT

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL PRESENT

Mr. Dale Wilson

APPROVAL OF MINUTES

Mrs. Huff stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of November 30, 2022. She asked if there were any other comments or corrections. Mrs. Schaffer moved to approve the minutes as written and Mr. Judd seconded the motion. Mrs. Huff called for the vote and it carried unanimously.

ELECTION OF OFFICERS

Mr. Morgan said the Board can wait to the next meeting to elect officers since two Board members are not present tonight. Mrs. Schaffer made a motion to wait until the next meeting to elect officers. Mr. Judd seconded the motion. Mrs. Huff called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Lee Kuikel for a Conditional Use Permit. The Conditional Use Permit is to allow a previous condition of approval to be modified and allow an adult daycare to care for a maximum of 40 adults at any given time. The approximate 0.92 acre site is located at 7705 US 42, Florence, Kentucky and is zoned Office One/Urban Residential Two/Planned Development/Parkway Corridor Study Overlay (O-1/UR-2/PD/PO).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation.

Mrs. Huff asked the applicant to address the proposed increase. She remembers this issue coming up at the last meeting. She thought the proposal to care for 10 adults seemed low. She would have never agreed to 40 adults because of the size of the building and parking lot.

Mr. Kuikel said there was a communication breakdown at the last meeting. He believed the Board was asking how many people he currently cared for at his Burlington Pike location. At that time, he was caring for 10 adults at that location.

Mr. Judd asked the applicant to address the number of employees. Mr. Kuikel responded there will be 6 caregivers. Mr. Morgan replied that was not consistent with the information he was provided. That information indicated there would be a total of 6 employees for the 40 adults. The parking requirement for the site is two spaces per caregiver, 1 space for every other employee that could work at the facility at the same time, and 1 space per company vehicle. Mr. Kuikel responded they would have a maximum of 6 caregivers and other employees, such as a doctor and clerical staff.

Mr. Judd asked Mr. Kuikel to address transportation of the patients. Mr. Kuikel stated that 99% of his patients are picked up and dropped off at their homes by their handicapped vans. Each handicapped van can seat from 10-12 passengers. They are seeking an additional handicapped van with this application.

Mrs. Schaffer asked about building occupancy. Mr. Morgan responded that Florence Fire Department did a preliminary inspection because the applicant was contemplating care for 100 adults at this location. Florence Fire Department made them aware that the 100 adults probably would not be approved by the Commonwealth of Kentucky. The Department of Housing, Building, and Construction will ultimately determine the maximum permitted building occupancy. The applicant will have to comply with both the Florence Board of Adjustment and Department of Housing, Building, and Construction and go with the most restrictive occupancy figure.

Mrs. Schaffer asked if they were making renovations inside the building. Mr. Kuikel and his realtor, Marie Cook, explained that they would be making renovations and opening the space up. Mr. Schaffer asked if the bank vault would remain. Mr. Kuikel responded it would and would be used for file storage. Mrs. Schaffer asked if they would have a kitchen. Mr. Kuikel responded they would. Mrs. Huff said that was contradictory to the last meeting. At that meeting, it was indicated that all food would be catered. Mr. Kuikel said the kitchen would be a small kitchenette with a microwave for employees. He reviewed a floor plan that he brought to the meeting.

Mrs. Huff asked if anybody else in the audience wanted to speak for or against the application.

Mr. Jacob Ellis and Mr. Mark Drake said they lived on Woodland Avenue and were experiencing storm water impacts from the subject site. Mr. Morgan replied that he would get their information and pass it along to the Florence Zoning Code Enforcement officers. Mr. Kuikel said he would fix the issue if the problem was coming from his property.

Mr. Ellis asked if the applicant was buying or leasing the property. Mr. Kuikel responded he has already closed on the property.

Mr. Ellis asked if he would be liable if an adult from the facility came onto his property on got hurt. Mr. Kuikel responded that his business would be liable anytime between patient pickup and drop-off.

Mrs. Schaffer and Mrs. Huff said they believed the building and parking lot was too small to care for 40 adults. They decided that 20 adults was a more appropriate figure at this location.

Mr. Kuikel asked if he could make a counter proposal. Mr. Wilson advised that the Board was deliberating at this time and he could not make a counter proposal. He can address the Board if they have questions for him. He asked what he would need to do if he wanted a greater number in the future. Mr. Morgan stated he could submit another Conditional Use Permit application.

Mrs. Schaffer made a motion to approve the request with the following conditions:

1. The facility shall care for a maximum of twenty (20) adults at any given time.
2. Days and hours of operation are limited to Monday-Friday, from 8:00 A.M. to 5:00 P.M.
3. No more than (2) handicapped vans shall be parked in the lot. These vans shall be parked in approved parking stalls.
4. No adult daycare activities shall occur outside on the property, other than patient pickups and drop-offs.

Mrs. Huff seconded the motion. Mrs. Huff called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Mrs. Schaffer made a motion to adjourn the meeting and Mrs. Huff seconded the motion. Mrs. Huff called for the vote and the meeting was adjourned by unanimous consent at 8:36 P.M.

APPROVED

Mrs. Lila Huff

ATTEST:

Todd K. Morgan, AICP
Senior Planner