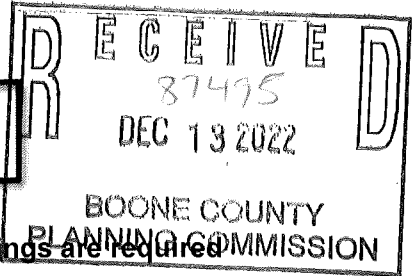


**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

Site Plan Review is not granted by the appropriate Board of Adjustment

001

An application consists of all fees paid in full, submitted drawings, and a completed application form

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: Lee Kuikel
Address: 1624 Burlington Pike suite 'C & D'
Florence Ky 41042
City State Zip Code
Phone Number: 513-765-0768 Fax Number: 888-224-9810
Email: admin@healthyadultdayhealthcare.com
lkuikel@gmail.com
4. Description of Request: Conditional use to allow an Adult Day Care.
5. Name of Development: Healthy Adult Day Care
6. Location of Development: 7705 US Hwy 42
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: 0.92
8. Lot Number and Name of Subdivision (if part of a subdivision):
061.05-24-015.00 and 061.05-24-016.00
9. Current Owner: Angela L Green
Address: 7705 US Hwy 42
Florence Ky 41042
City State Zip Code
Phone Number: 859-525-0500 Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Adult Day Care
11. Total Square Footage of Existing and/or Proposed Buildings: 4000 SF.
12. Current Zoning: C-2
13. 1041 490 2042
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 12/13/22 Fee Received: \$1116 Receipt #: 87495

2. Is application complete:

3. Staff Reviewer: Todd Morgan

4. Scheduled Board Action Date: 1/11/23

5. Board Action: _____

- Approved
- Approved with Conditions (see #6)
- Denial (See #7)

6. Conditions of Approval: SEE 1/11/23 meeting minutes
AND 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
Phone: 859-334-2196 Fax: 859-334-2264
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#1

APPLICANT: Lee Kuikel for Healthy Adult Day Healthcare

LOCATION: 7705 US 42

ZONING: Office One/Urban Residential Two/Planned Development/Parkway Corridor Study Overlay (O-1/UR-2/PD/PO)

DATE: January 11, 2023

PERTINENT SITE HISTORY

On November 30, 2022, the Florence Board of Adjustment approved a Conditional Use Permit allowing an adult daycare to operate from the subject property. The following conditions were imposed on the approval:

- A. The facility shall care for a maximum of ten (10) adults at any given time.
- B. Days and hours of operation are limited to Monday-Friday, from 8:00 A.M. to 5:00 P.M.
- C. No more than (2) company vehicles (standard vans) shall be parked in the lot.

CURRENT PROPOSAL

The applicant has submitted an updated business description (see attachments) and is requesting to modify the following conditions of approval:

- A. The facility would care for a maximum of 40 adults at any given time.
- B. There will be three (3) vans parked in the lot. These handicapped vans can carry 10-12 passengers (see attached photos).

APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 1113 of the Boone County Zoning Regulations.
 - 1. Findings listed in Section 262 (Findings for all Conditional Uses):
 - a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
 - b. 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;

- c. Will not be hazardous to existing or future neighboring uses;
- d. Will be served adequately 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 such services;
- e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not 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;
- g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

2. Criteria listed in Section 1113 of the Boone County Zoning Regulations (O-1 District):

- a. The activity is an integral and subordinate function of a permitted office use; or
- b. The arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

C. Section 1110 of the Boone County Zoning Regulations states that “the purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed”.

D. Section 1113 of the Boone County Zoning Regulations list day care centers as a Conditional Use in the Office One (O-1) zoning district.

E. Section 3325 of the Boone County Zoning Regulations requires a daycare center to provide 2 parking spaces per caregiver, 1 parking space for every other employee

working on site, and 1 space for every company vehicle that is used in the business.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for "Commercial" uses which is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

C. The Land Use element text contains the following passage regarding the general area.

"The area east of I-75, north of U.S. 42, and south of KY 18 shall continue to be developed in a cohesive manner to form a city center for Florence. The Parkway Corridor Study, which was originally developed for this area, was updated and replaced by the Central Florence Strategic Plan in 2008. The intent of this plan was to further develop the city's central neighborhoods and to link existing and/or planned business, civic, recreational, entertainment, and residential attributes of the study area together to create a vibrant, inter-related city center" (Florence Central Geographic Area, pg. 128).

RELATIONSHIP TO THE CENTRAL FLORENCE STRATEGIC PLAN, AN UPDATE OF THE PARKWAY CORRIDOR STUDY

A. The subject property is located within area 6 of the study (see map on page 5.5).

B. The plan concepts contain the following passage regarding area 6:

"Further develop the intermixed office and multi-family theme existing in the area; encourage multi-story buildings with smaller setbacks from U.S. 42, full brick structures with masonry detailing and complete, simple pitched roofs (gabled or hipped), with

parking provided at the sides and rear” (page 6.2).

- C. The zoning process text for subarea 6 indicates that an intermixed combination of office and multi-family residential is recommended for the subarea (page 7.3).

The Zoning Administrator determined that use needed to be approved through the Conditional Use Permit process since daycares are a listed conditional use in the Office One (O-1) zone. A Tenant Finish Permit will need to be submitted to the Planning Commission if the Conditional Use Permit is approved to document that any Board of Adjustment conditions are being followed.

SITE CHARACTERISTICS

- A. The subject site is located on the southeast side of US 42 between Hollywood Drive and Woodland Avenue and is approximately 0.92 acres in area. Access is provided from Hollywood Drive and Woodland Avenue.
- B. The property currently contains an approximate 3,077 square foot law office building, which was originally constructed as a bank.
- C. The parking lot currently contains 19 striped parking stalls.
- D. The property is well landscaped.
- E. Public sidewalks exist along all three street frontages.

SURROUNDING LAND USES AND ZONING

- Northeast: ViewPoint and a single-family residential dwelling fronting on Woodland Ave (O-1/UR-2/PD/PO)
- Northwest: Mai Thai restaurant and single-family residential dwellings fronting on US 42 (O-2/UR-1/PD/PO)
- Southeast: Single-residential dwellings fronting on Hollywood Drive and Woodland Ave (O-1/UR-2/PD/PO and SR-1)
- Southwest: Hollywood Drive and Florence Veterinary Hospital (C-2/PD/PO)

STAFF COMMENTS

- A. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.
- B. Staff's is concerned that 10 of the 19 parking spaces on site would be accounted for between employee and van parking. This is based on the following:

1. Staff parking - The applicant's description indicates that there will be 1 employee for every 6 adults being cared for.

40 adults being cared ÷ 6 = 7 parking spaces are required.
2. Van parking - The applicant's description indicates the business will have 3 vans. 3 parking spaces are required.

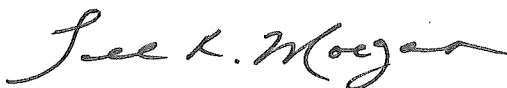
Staff would like the applicant to address the following regarding parking:

1. The applicant's description indicates that 100% of the adult seniors will be picked up and dropped off at home by the 3 vans. Can this be guaranteed? Can the business prohibit family members from dropping off or picking up a family member that is being cared for at the facility?
 2. Do any special events occur where family members are invited to the facility?
- C. Staff would like to point out that the Commonwealth of Kentucky's Department of Housing, Building, and Construction will also need to review a permit application and determine the maximum building occupancy based on the adult daycare use. The business would need to comply with the maximum building occupancy figure and any Florence Board of Adjustment conditions.
- D. Staff recommends the following conditions if the request is approved:
1. The facility shall care for a maximum of forty (40) 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 three (3) handicapped vans shall be parked in the lot. These vans shall be parked in approved parking stalls.

CONCLUSION

- A. KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit application.

Respectfully Submitted,



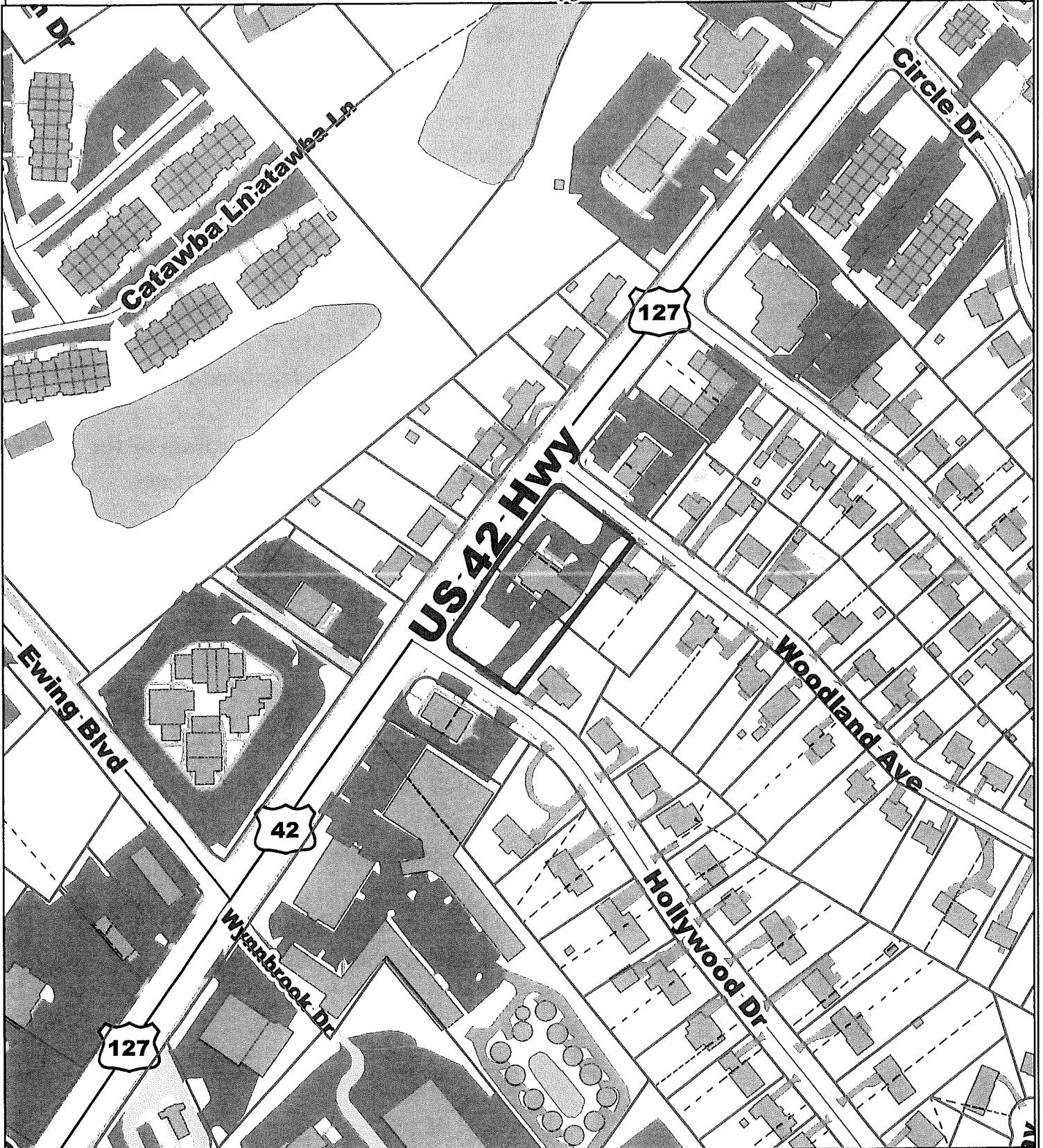
Todd K. Morgan, AICP
Senior Planner, Zoning Services

Attachments

- *Site Vicinity Map
- *Applicant's Updated Business Description
- *Van Picture
- *Zoning Map
- *2040 Future Land Use Map
- *2022 Aerial Map
- *Topographical Map
- *Application

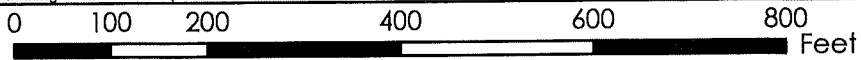
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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 = 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

ArcMap Document: *.mxd

Date: December 8, 2022

Proposal: We are requesting a conditional use permit to allow an adult daycare to occupy the property at 7705 US Hwy 42, Florence, KY 41042.

1. **Exterior:** There will be no exterior changes made.
2. **Interior:** The new section / addition will be renovated as we plan to remove a couple of walls to open this up for an Activity Hall for our seniors.
3. **Building:** approximately **3,400 sq ft per Randy Childress, Fire Department**
4. **Facility:** The facility would care for a maximum of **35 to 40 adults** that could be cared for at any given time. We are growing receiving more and more referrals from Doctor's.
 - a. We are projecting 35 to 40 adults as per the occupancy given by the fire department and an estimate from Jason Noran (35 sq ft per person number)
5. **Employees:** A maximum of 1 employee per 6 adults would work from the facility at any given time.
6. **Hours of Operation:** 8am to 5pm
7. **Parking Spaces:** There are 19 parking spaces all together.
8. **Buses, Employee & Visitor Parking:**
 - a. 3 buses to transport back and forth (**All adult seniors will be 100% picked up and dropped off by the buses**)
 - b. Employee parking spaces estimated @ 6 caregivers and 2 other employees
 - c. Remaining spaces will be dedicated to visitors.
9. **Building Exits:**
 - a. 2 exit doors old section (front door and back door by kitchen)
 - b. 2 exit doors new section (front side door and back door)



HEALTHY
ADULT DAY HEALTHCARE

www.healthyadultdayhealthcare.com info@healthyadultdayhealthcare.com

Phone No. (502) 919-7037 / (859) 817-4894

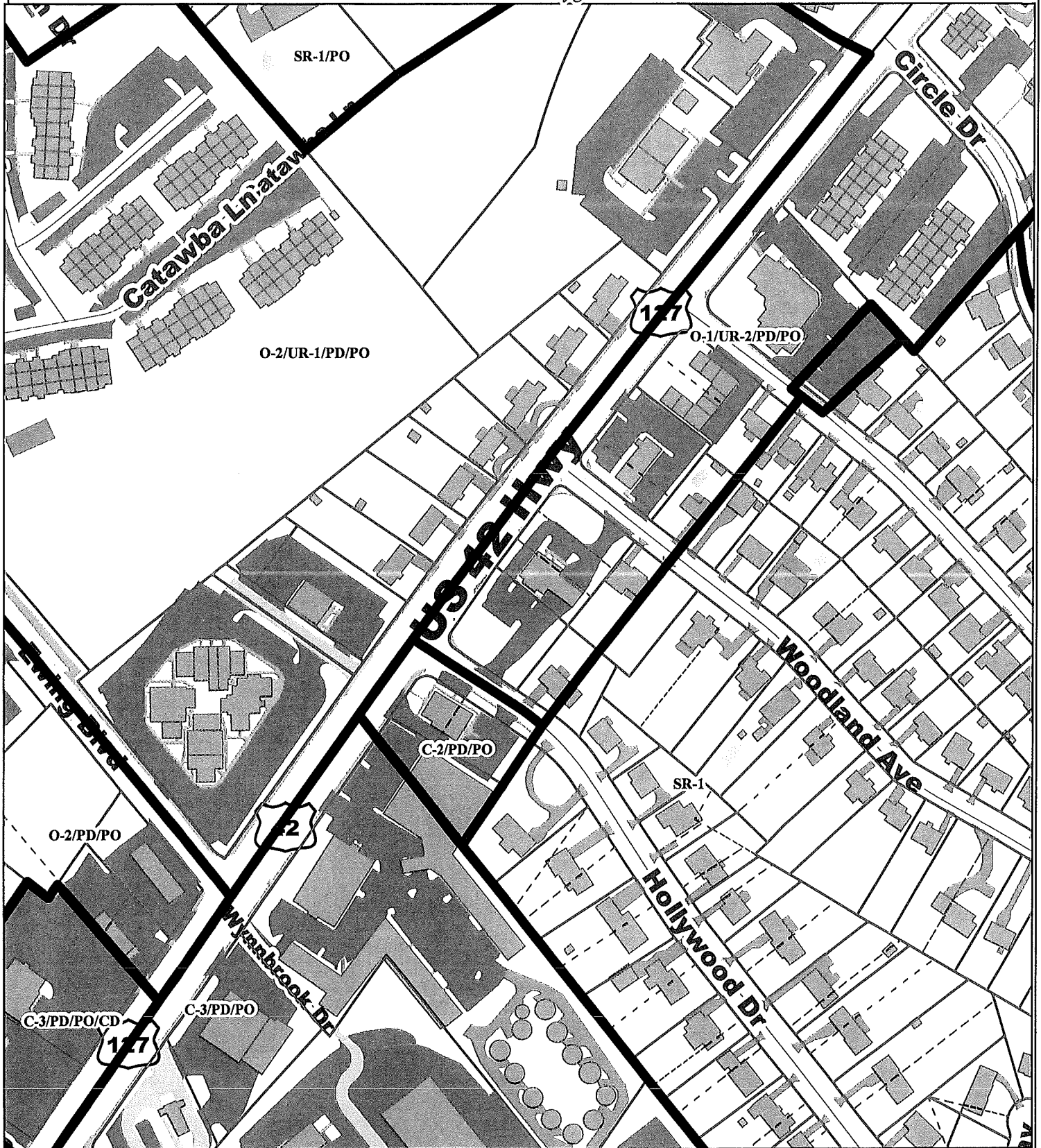
Fax No. (788) 224-9919

065974
KY
05

50
HEALTHY ADULT DAY HEALTHCARE

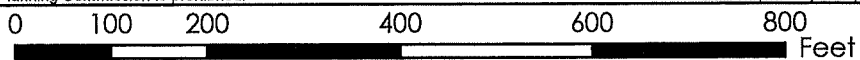
ZONING MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



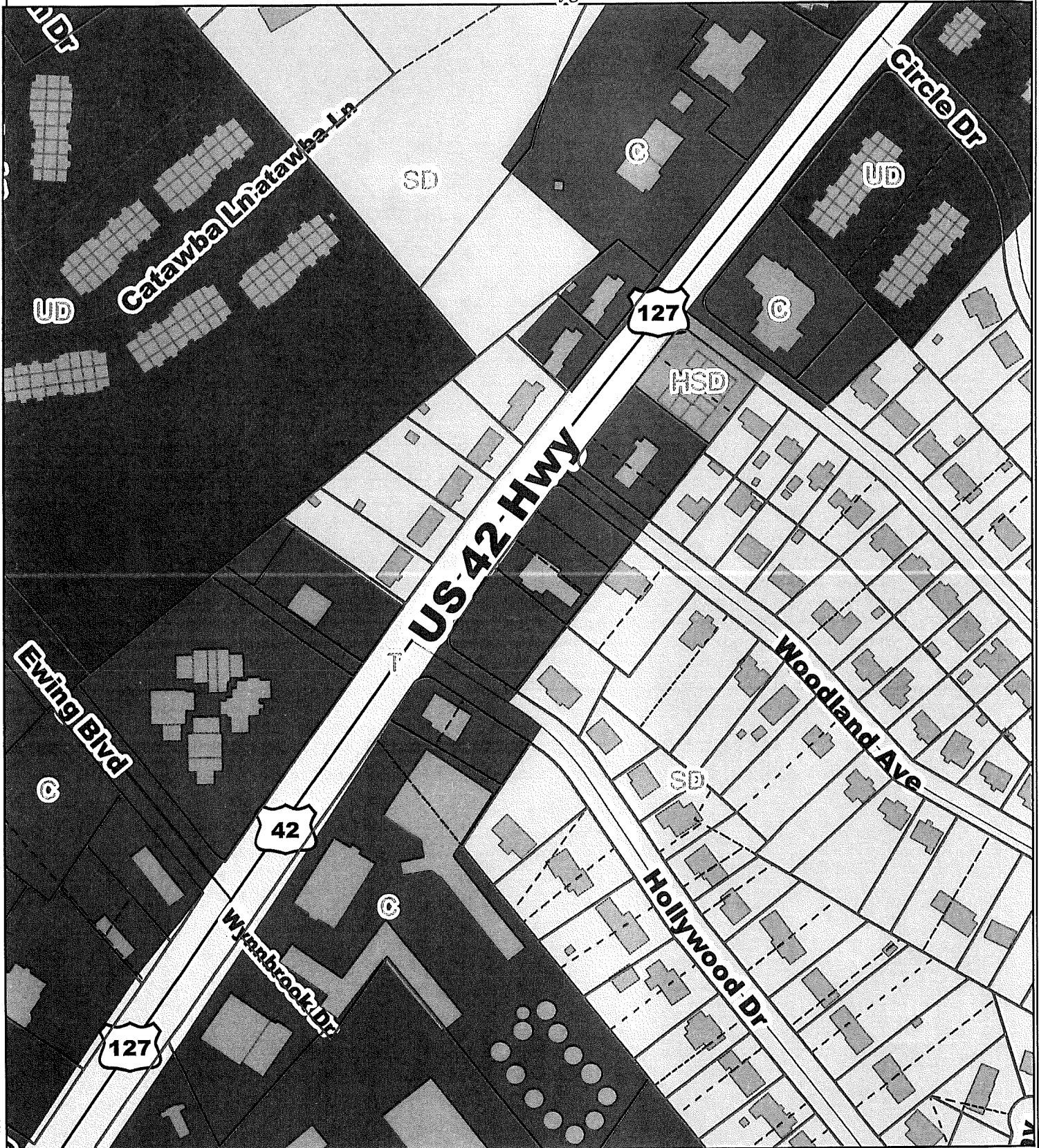
1 inch = 200 feet

Boone County GIS - Putting Northern Kentucky on the Map



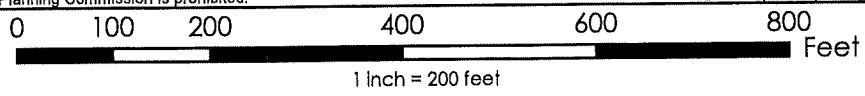
2040 FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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.



Boone County GIS - Putting Northern Kentucky on the Map

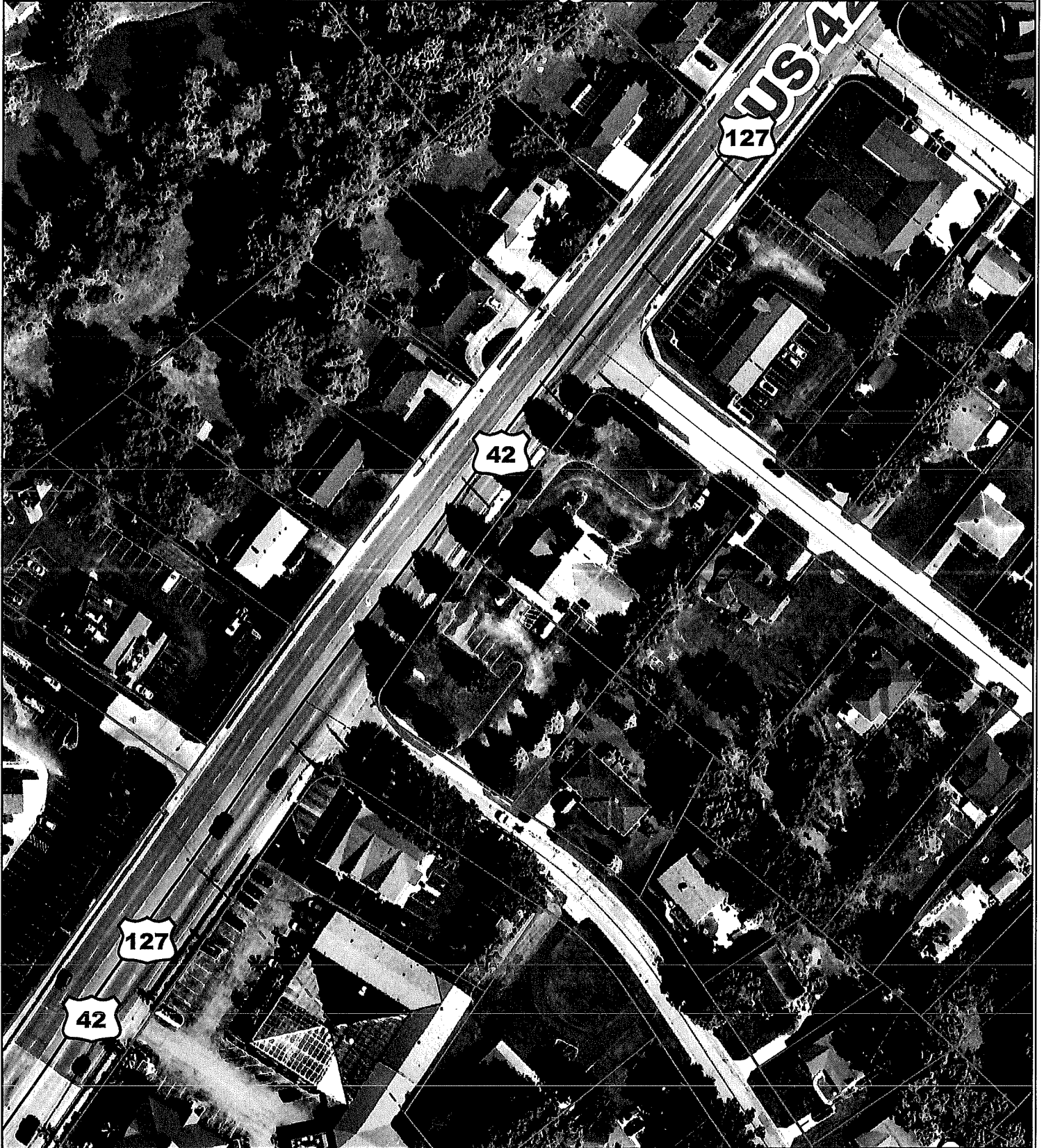


Map Created: xx/xx/2020

ArcMap Document: *.mxd

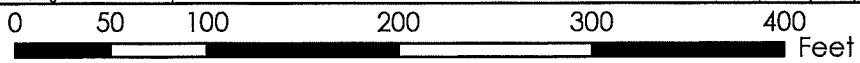
2022 AERIAL MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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 = 100 feet

Boone County GIS - Putting Northern Kentucky on the Map

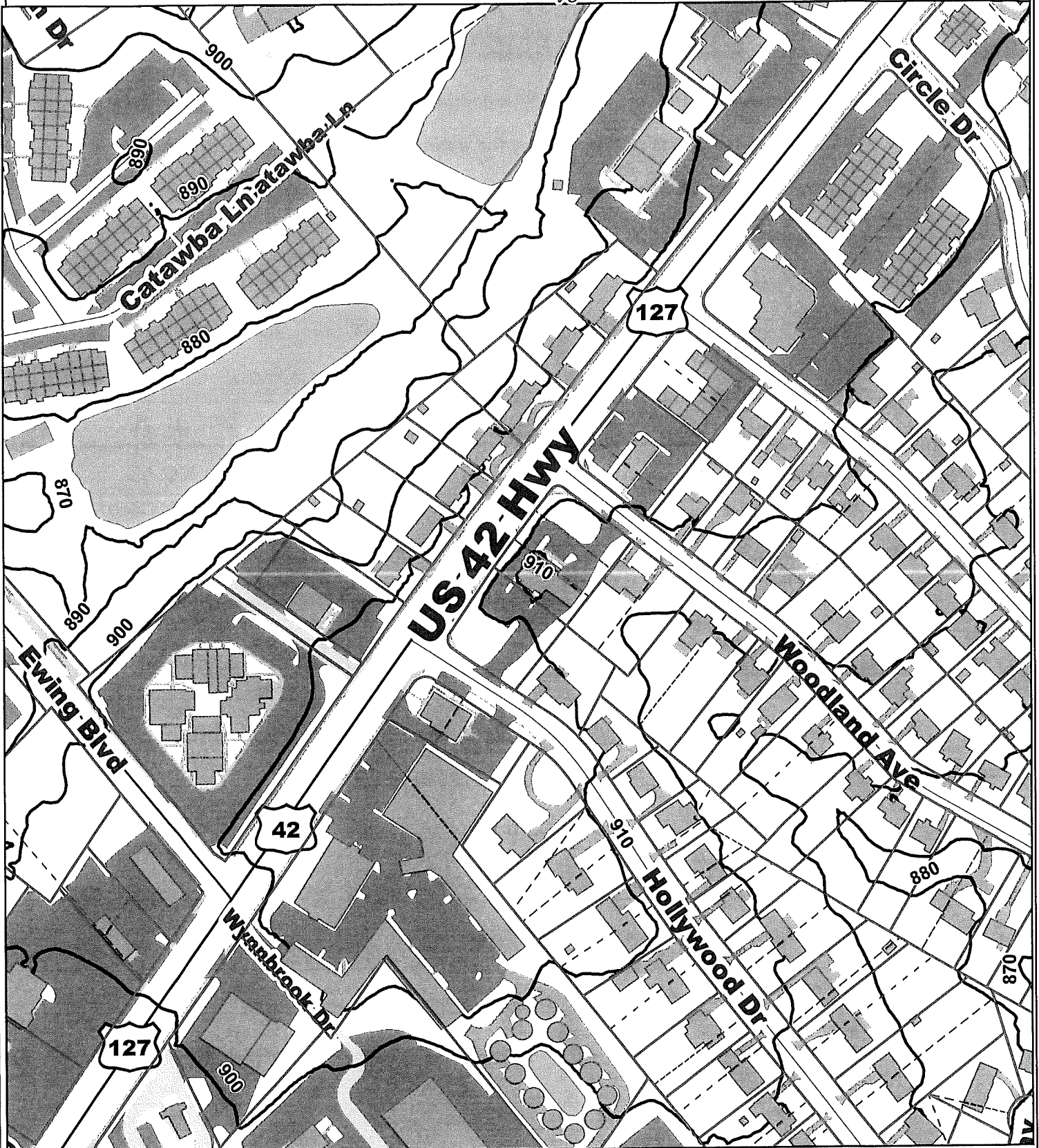


Map Created: xlvz/2020

Web File Path: \\boone\gis\2020\GIS18181
ArcMap Document: *.mxd

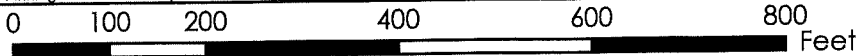
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2020 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

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 = 200 feet

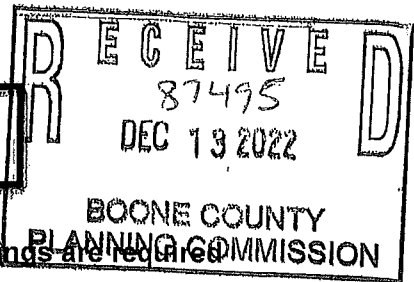


Boone County GIS - Putting Northern Kentucky on the Map

Map Created: xx/xx/2020

Map File: F:\data\Burch 2020 1111
ArcMap Document: *.mxd

**BOARD OF ADJUSTMENT
BOONE COUNTY PLANNING COMMISSION**



Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required.

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

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: Lee Kuikel
Address: 1624 Burlington Pike suite 'C & D'
Florence Ky 41042
City State Zip Code
Phone Number: 513-765-0768 Fax Number: 888-224-9810
Email: admin@healthyadultdayhealthcare.com
LKuikel@gmail.com
4. Description of Request: Conditional use to allow an Adult Day Care.
5. Name of Development: Healthy Adult Day Care
6. Location of Development: 7705 US Hwy 42
Florence Ky 41042
City State Zip Code
7. Acreage Under Review: 0.92
8. Lot Number and Name of Subdivision (if part of a subdivision):
061.05-24-015.00 and 061.05-24-016.00
9. Current Owner: Angela L Green
Address: 7705 US Hwy 42
Florence Ky 41042
City State Zip Code
Phone Number: 859-525-0500 Fax Number: _____
Email: _____

10. Proposed Use(s) on Site: Adult Day Care

11. Total Square Footage of Existing and/or Proposed Buildings: 4000 SF.

12. Current Zoning: C-2

13. 1041 490 2042
Deed Book Page Group Number

14. Is the site subject to a zone change: Yes No
If yes, date of approval: _____

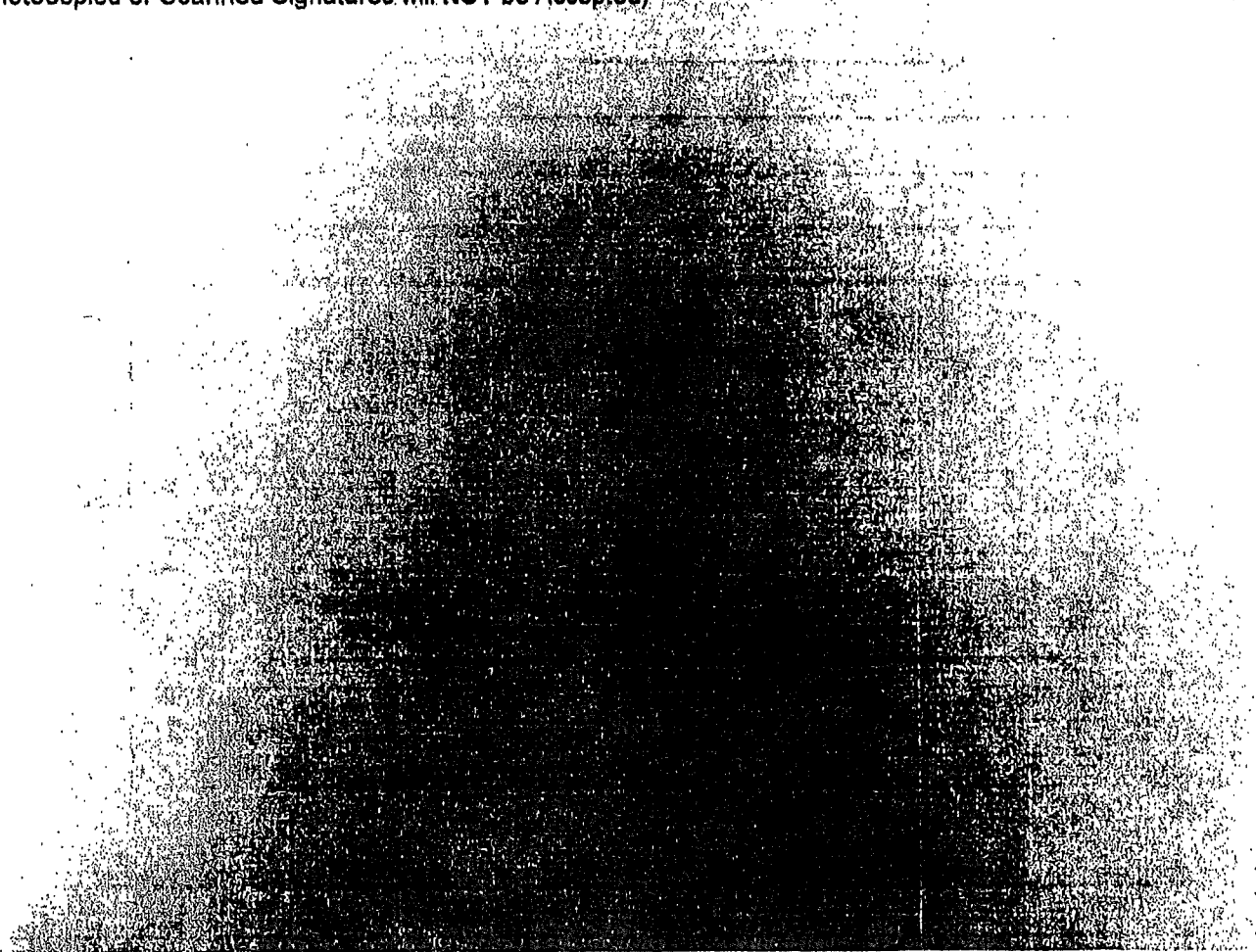
15. Have you submitted a Site Plan with this request: Yes No

16. Have you submitted a list of adjoining property owners with this request: Yes No

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

ORIGINAL Property Owner's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Angela L. Greene
7705 US Highway 42
Florence, KY 41042

- 2. ADDRESS OF PROPERTY
7705 US Highway 42
Florence, KY 41042
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Healthy Adult Day Health Care

- 4. DEED BOOK 1041 PAGE NO. 490 GROUP NO. 2042

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment:
 From _____ To _____ Conditional Use Permit
 Development Plan Conditional Zoning
 Subdivision Plat Other:
 (Not Recorded)
 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, AICP, Senior Planner
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 13th day of January, 2023.



Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
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 Conditional Use Permit approved by the Florence Board of Adjustment and in accordance with the current zoning in effect as of January 11, 2023, Certificate of Land Use Restriction (#23-FBOA-001-A), for Angela L. Greene, Property Owner(s).

The following conditions will apply:

- 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 AM to 5:00 PM.
- 3.) No more than two (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 on the property, other than patient pick-ups and drop-offs.

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

DEED BOOK 1041

PAGE NO. 490

GROUP NO. 2042