



GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS

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**DEPARTMENT OF PLANNING AND NATURAL RESOURCES**

**Report on Petition to Amend Official Zoning Map No. SCZ-12**

**Application No. ZAC-21-2**

Petition of Joycelyn Forbes (authorized agent, Laura M. Forbes) requesting Plot Nos. 152 and 153 of Parcel 6 of Estate Clifton Hill, King Quarter, St. Croix be rezoned from R-2 (Residential-Low Density-One and Two Family) to R-3 (Residential-Medium Density).

**PROJECT PROFILE**

**Owner/applicant:** Joycelyn Forbes as per Warranty Deed dated September 22, 2006, Document No. 2006005519. Laura M. Forbes was granted Limited Power of Attorney.

**Acreage:** Plot Nos. 152 and 153 of Parcel 6 Est. Clifton Hill consists of 0.2324 acres and 0.2623 acres, respectively, as shown on Drawing No. 2807, dated July 22, 1970, revised on August 18, 1983.

**Current Use:** The property has a building that was under construction, but construction ceased.

**Proposed Use:** To allow a closed-door infusion pharmacy.

**Surrounding Uses/Zones:** The surrounding area is being used residentially and zoned R-2.

**Infrastructure:** Water needs will be supplied by cistern. Wastewater will be handled by septic system.

**Public Response:** At DPNR's public hearing held March 9, 2021, two neighbors expressed objections and concerns. After the public hearing, one adjacent property owner called and stated they were not opposed to the proposed use.

After DPNR's public hearing, the two neighbors who attended, as well as an adjacent property owner, submitted letters of objections/concerns. The following summarizes their objections and concerns:

1. Use not compatible with residential neighborhood because of sterile compounding, drug interaction monitoring and distribution taking place.
2. Sterile and hazardous drugs compounded, dispensed, stored, and handled in a residential neighborhood.

3. Impact on neighbors from demolition/construction (dust, noise, and exhaust pollution) and operation of use on the property.
4. Building not looking like a residence and out of place with a residential neighborhood.
5. Large backup generator with large propane or diesel fuel system storage, resulting in excessive noise and exhaust pollution.
6. Potential for up to three months of hazardous waste storage and leaks or release into atmosphere or underground. Potential impacts of leaks/release on cisterns.
7. Impact of hurricanes and dispersal of products if structure destroyed.
8. Maintenance and compliance of facility where storage, preparation, dispensing, and quality control of infusion medications and equipment would be.

**Analysis:**

During the department's public hearing, authorized agent, Laura M. Forbes testified she wishes to develop the territory's first closed-door infusion pharmacy. Infusion pharmacy is a rapidly growing specialty pharmacy service fueled by new drugs, therapies, and an aging population. An infusion pharmacy makes products, under a controlled environment, and allows patients to receive their necessary medication and/or nutrition outside of a hospital setting. The infusion therapy typically takes place in a clinical setting, such as a doctor's office, clinic, assisted living facility, nursing home, or administered by a healthcare provider in a patient's home. The closed-door operation would not be open to the public, in contrast to a typical retail pharmacy. Products would be delivered to the administering agent.

The existing building on Plot No. 152 of Parcel 6 Est. Clifton Hill may require demolishing, after a viability assessment. If possible, at least the foundation and cistern would be used, and the building redeveloped within a year to house office space, storage space, and an IV clean room (where the IV solutions would be made). The IV clean room is controlled for temperature, humidity, and pressure. Strict certification requirements must be met every six months along with routine environmental monitoring, regular training of personnel, and unannounced inspections by regulatory bodies. Pharmacies, and especially Infusion Pharmacies are highly regulated. Oversight and monitoring of products occur by the United States Pharmacopeial Convention, Food and Drug Administration, Drug Enforcement Administration, National Institute for Occupational

Safety and Health, US Environmental Protection Agency, as well as the Virgin Islands Board of Pharmacy and Department of Health.

Our Zoning Code was adopted in 1972 and this new use was evaluated against the current R-2 zone, its uses permitted as a matter of right, and the zoning concerns for any health care facility. Zoning concerns for a health care facility are: 1. Traffic generation, 2. Parking accommodations, 3. Waste generation and disposal, 4. Hours of operation, 5. Compatible building design, 6. Approval from other agencies, 7. Level of neighborhood opposition, and 8. Presence of sensitive lands, plants, and animals. The current R-2 zoning allows a mix of residential and non-residential uses. Non-residential uses permitted as a matter of right include art galleries/artist studios, group or organized camps, libraries, museums, children's day care, and schools.

Regarding the zoning concerns for a health care facility: the closed-door infusion pharmacy would 1. Generate traffic from the employees and delivery vehicle (operation will start with three employees), 2. Provide parking for three vehicles (Zoning Code requires a total of 1 parking space (1 for every 5 employees)), 3. Bathroom waste would be handled by septic tank. Infusion pharmaceutical operations' waste would follow US Environmental Protection Agency requirements and stored in 55-gallon drums shipped off island. Waste generated after clients' use of products would be handled by the administering agent, 4. Hours of operation would be 9 am to 5 pm, 5. IV clean room would be housed within the building thus outer building design can be made compatible to surrounding neighborhood, 6. Use is regulated by a number of federal and local agencies, 7. Opposition was received from three individuals residing on one property to the southeast, and 8. Property is in an area already developed thus no presence of sensitive lands, plants or animals.

The department determined that the closed-door infusion pharmacy would generate similar or less impacts than some uses already allowed by the current R-2 zoning. The applicant requested R-3 zoning; however, the department determined a use variance with conditions would be more appropriate and address the concerns of residents of the neighboring property. Also, the use would only be occurring on Plot No. 152 and it would be more appropriate to apply the use variance to only that property.

**Recommendation:**

The Department of Planning and Natural Resources recommends that Parcel No. 152 of Parcel 6 of Estate Clifton Hill, King Quarter, St. Croix be granted a use variance to allow for a closed-door infusion pharmacy with the following conditions:

1. Building's outer design shall imitate that of a residence.
2. No signs shall be posted on the property, identifying the business name or use.
3. No outdoor storage of materials, equipment, or waste.
4. All mechanical facilities, i.e., generators and air conditioners, to be utilized on the property shall be housed in soundproof structures, for the prevention and/or mitigation of noise pollution.
5. A landscaped buffer of trees and/or shrubs 6'-7' high shall be installed along the boundaries.
6. A Natural Disaster Plan shall be submitted to DPNR for inclusion in use variance file.

  
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Keith Richards  
Assistant Commissioner

5/6/2021  
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Date

Cc: Jean-Pierre L. Oriol, Commissioner, Department of Planning and Natural Resources