

C. FULL PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2013-2: HOSPICE FACILITIES IN THE ECONOMIC DEVELOPMENT (ED) ZONE** (11/16/13)* – petition for a Zoning Ordinance text amendment to define "hospice;" add hospice facilities as a principal use; and regulate parking for such uses in the ED zone.

INITIATED BY: Urban County Council

PROPOSED TEXT: Underlined text indicates an addition to the current Zoning Ordinance.

ARTICLE 1-11: DEFINITIONS

HOSPICE – A facility which provides support and care for persons in the last stage of an incurable disease or condition, and to their families. Overnight, in-patient and out-patient facilities may be included, as well as offices, storage, and an associated pharmacy. Medical care, palliative care, counseling and education may be provided.

ARTICLE 23A: EXPANSION AREA ZONING CATEGORIES AND RESTRICTIONS**23A-10 ECONOMIC DEVELOPMENT (ED) ZONE****23A-10(b) PRINCIPAL USES**

3. Medical and dental offices, clinics and laboratories, and hospices.

23A-10 (i)

Hospices – One (1) space for every four (4) beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

Staff Alternative Text (all other changes remain the same):

23A-10(c) ACCESSORY USES

10. Establishments limited to the filling of prescriptions and retail sale of pharmaceutical and medical supplies with a drive-through window, provided it meets the following conditions:
- Establishments limited to the filling of prescriptions shall be located in a building, the primary use of which is for medical uses; including, but not limited to, hospitals; in-patient treatment facilities; hospices; outpatient facilities; surgery centers; medical and dental offices; clinics or laboratories.
 - Establishments principally used for the retail sale of pharmaceutical and medical supplies shall be internally oriented to the site (e.g., not located on adjoining arterial streets).
 - It shall have no more than one public entrance and one service entrance directly to the outside of the building.
 - Signage for such establishments may be directly, indirectly or internally illuminated; there shall be no more than one (1) wall-mounted business sign per such establishment, not to exceed thirty-two (32) square feet in area; and no more than one (1) free standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.

23A-10 (i)

Hospices – One (1) space for every ~~four (4)~~ **two (2)** beds; plus one (1) space for each employee on the maximum working shift, with a minimum of five (5) spaces.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval of the Staff Alternative Text**, for the following reasons:

- The text amendment to define a "hospice," create a parking generator and permit the use in the ED zone will expand the opportunities for employment in this area of the Expansion Area.
- A hospice facility is similar in nature to medical clinics and hospitals, which are currently principal permitted uses in the ED zone; therefore, this is a timely update to the Zoning Ordinance to add such a use in the ED zone.

* - Denotes date by which Commission must either approve or disapprove request.

Staff Presentation: Ms. Wade presented the staff report, noting that this request was filed by Hospice of the Bluegrass to amend the Economic Development (ED) zone. She distributed to the Commission a copy of a letter from Fayette Alliance, in support of this request.

Ms. Wade stated that the petitioner submitted this request in order to define "hospice;" add hospice facilities as a permitted use in the ED zone; and regulate parking in the ED zone. She said that the ED zone was created after the completion of the Expansion Area Master Plan (EAMP) in 1996. The petitioner currently operates in a hospital setting, where they provide medical and palliative care to clients in the final stages of life. The hospice facility, pharmacy, and administrative offices are all currently located at St. Joseph Hospital. The petitioner travels to clients' homes to provide care as well.

Ms. Wade stated that the petitioner currently wishes to construct a standalone facility, in order to better serve clients and their families; they have located available land in the ED zone for that purpose. The ED zone currently permits medical clinics, which are defined in Article 1 of the Zoning Ordinance; but that definition does not permit overnight stays, so the hospice facility could not fall under that definition. Ms. Wade said that the ED zone also permits a regional medical campus, which is defined as "an integrated complex of medical services and providers of at least 50 acres;" the hospice facility does not need 50 acres. In addition, there is a provision in the Ordinance that prohibits a medical campus from being located within 1,000 feet of the Urban Service Area boundary, and the petitioner's property does not meet that spacing requirement.

Ms. Wade stated that the intent of the ED zone is to provide land within the Expansion Area for employment opportunities that are compatible with the overall character and development as suggested in the EAMP. The hospice facility is similar in nature to a hospital, and has historically been permitted as a hospital use. However, the hospice care facility is more similar in scale to medical clinics or office buildings. Ms. Wade said that, therefore, the staff believes it is an appropriate use in the ED zone, and it can meet the intent of the zone.

Ms. Wade stated that the staff is agreeable to the proposed definition of hospice, but they have some concerns about the parking requirement suggested by the petitioner. The petitioner initially suggested one parking space for every four beds, plus one space for each employee on the maximum shift. Ms. Wade said the staff is recommending one space for every two beds, and one space for each employee on the maximum shift. She stated that this parking generator is slightly higher than what is required for hospitals, which the staff believed was appropriate due to the likelihood of a greater number of visitors for clients who are in the final stages of life. The staff is also recommending the inclusion of the word "hospices" in the accessory use related to pharmacies in the ED zone. Ms. Wade explained that pharmacies are only allowed in the ED zone when accessory to a medical clinic or regional medical campus; the staff believed that hospices should be added to that list, so that those facilities could operate their own pharmacy facilities. She said that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Richard Murphy, attorney, was present representing the petitioner. He stated that the petitioner is in agreement with the staff's recommendations, including the proposed staff alternative text.

Mr. Murphy explained that the petitioner has found, through the development of their facility in Hazard, that standalone facilities are preferred by patients, their families, and staff. He said that, when the ED zone was drafted years ago, this type of use was likely unanticipated, and this addition to the Zoning Ordinance will allow more flexibility for the zone.

Citizen Comments: There were no citizens present to comment on this request.

Action: A motion was made by Ms. Blanton, seconded by Ms. Mundy, and carried 8-0 (Berkley, Brewer, and Roche-Phillips absent) to approve ZOTA 2013-2, for the reasons provided by staff.