



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** January 28, 2019
SUBJECT: TR 2018-02, Ordinance No. 3563, Public hearing to consider amendments to Section 118-1 (Definitions), Section 118-631 (Table of Permitted Uses), and Section 118-633 (Special land use regulations) of the North Richland Hills Zoning Ordinance regarding blood plasma collection facilities.
PRESENTER: Clayton Comstock, Planning Director

SUMMARY:

Jackson Walker LLP is requesting a text amendment to the zoning ordinance regarding blood plasma collection facilities. The applicant is requesting that the use be added as a permitted use by right, subject to associated development standards.

GENERAL DESCRIPTION:

It is recognized that new types of land uses evolve over time and seek to locate in North Richland Hills. If the new land use is not listed in Section 118-631 (Table of Permitted Uses) or related closely enough to another use on the Table of Permitted Uses, the use is not permitted within the city. Section 118-126 of the zoning ordinance establishes a process for the classification of new and unlisted uses. This process allows application to be made for the Planning and Zoning Commission and City Council to review new uses and determine if the use should be allowed, into which zoning districts the use should be permitted, and, if allowed, whether any conditions should be placed on the proposed use.

In October 2018, staff received a request asking in which zoning districts a blood plasma collection facility could be located. Since this land use is not listed in the zoning ordinance, Development Review Committee (DRC) evaluated the use in relation to other uses in the ordinance.

The DRC considered the following questions:

1. Is the use similar to a medical office or clinic?
2. Is the use similar to another use in the zoning ordinance?
3. Is the use specific enough to warrant its own definition and standards?



The Zoning Ordinance (118-1) defines the Medical Clinic use as follows:

“Medical Clinic means an office or group of offices for more than one physician, surgeon, or dentist to treat sick or injured out-patients.”

This use is not considered a medical office or clinic because it is not a place where sick or injured patients go to seek treatment. Blood plasma collection centers are a place where people go to give their blood plasma in exchange for compensation. Further distinction was made in that medical offices and clinics also include related staffing offices and support services for basic medical treatment. Plasma center staff are solely dedicated to conducting the plasma donation procedure and related services.

The proposed use was differentiated from blood donation centers (such as Carter Bloodcare or American Red Cross) in that clients at blood donation centers are generally rewarded with non-cash incentives to donate blood, such as t-shirts, or gift certificates not readily convertible to cash; whereas, plasma donors are usually compensated with debit cards or cash payment. While blood donation centers may also offer plasmapheresis, other donation types are available, such as whole blood, platelets, red blood cells, granulocytes, and other special donation types. All these donations take place without compensation. There are no blood donation centers located in North Richland Hills at this time. Given the definition of medical clinic, a blood donation center may also not fall under the medical clinic use. If a blood donation center wanted to locate in the city, another use may need to be considered for that purpose.

The DRC determined that the use is specific enough to warrant its own definition and associated standards. Since it is not appropriate to include this use as a Medical Clinic or other use already listed in the table of permitted uses, it was further determined that the use was not permitted in the city.

Based on that determination, Jackson Walker LLP submitted an application requesting that the use be added to the zoning ordinance as a permitted use by right, subject to associated development standards. A letter from the applicant explaining the request is attached.

The Development Review Committee (DRC) reviewed the request to amend the zoning ordinance. The following is a summary of the DRC evaluation of the request.

DRC Recommendation

The DRC acknowledges that the intent of the proposed amendment is in part related to interest by a specific tenant in locating in a shopping center in the city. However, the proposed amendment would be effective citywide and is not tied to a specific location at this time.

The Planning and Zoning Commission and City Council may determine that the proposed amendment should be approved. In that event, the following information is provided regarding a definition of the use and suggested zoning districts and development standards.



Proposed Definition and Zoning Districts

For applications such as this, one role of the DRC is to provide information to the Planning and Zoning Commission and City Council to assist in determining a definition for the use and what zoning districts the proposed use should be permitted in, whether by right or SUP.

The following is the proposed definition for consideration.

Blood plasma collection facility. A building or area used primarily for the performance of plasmapheresis, which is the procedure whereby whole blood is removed from the plasma donor by venipuncture or phlebotomy, the plasma is separated from the whole blood for sale or transfer, and the formed elements of the blood are returned to the donor. This definition does not include “blood bank” as defined by Texas Health and Safety Code Section 162.001.

In order to determine the compatibility of this proposed use with adjacent properties and the character of the neighborhood, it would be recommended that approval of a special use permit be required.

The recommended zoning districts to apply the special use permit would be based on those intended for uses serving community and regional needs. These districts include C-1 Commercial, C-2 Commercial, I-1 Light Industrial, and I-2 Medium Industrial.

Proposed Development Standards

The following standards are suggested as the minimum development standards associated with the proposed use. These standards would apply as part of a special use permit application. The standards were created based on research conducted by DRC and a list of proposed standards provided by the applicant. These standards would be added to Section 118-633 (Special land use regulations) of the Zoning Ordinance:

- (28) Blood plasma collection facilities must comply with the following standards.
 - a. A blood plasma collection facility must not be located within one-half mile radius of another facility.
 - b. A blood plasma collection facility must not be located within 500 feet of a residence, religious assembly, public or private school, public park, or day care center. The distance is measured along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
 - c. The minimum number of off-street parking spaces is one space per bed plus one space per 200 square feet of administrative and office space.
 - d. The facility must have its primary driveway access on an arterial roadway, as identified on the Thoroughfare Plan.
 - e. Facilities must be located in a building or space that contains an automatic sprinkler system for fire protection purposes.



- f. The minimum floor area for the facility is ten thousand (10,000) square feet.
- g. Facilities must include a waiting and departure area of at least five hundred (500) square feet in area to accommodate all customers. Customers are not permitted to queue outside of the facility.
- h. Separate restroom facilities for customers and staff must be provided.
- i. Hours of operation are limited to 9 AM to 7 PM Monday through Saturday and 12 PM to 7 PM Sunday.
- j. Facilities must develop and follow a management plan for handling litter, security, and loitering. A copy of the plan must be provided to the City.
- k. Cash transactions between the facility and customers are prohibited.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the January 17, 2019, meeting and voted 7-0 to recommend approval subject to the following:

- 1. Adding the definition as proposed in the staff report.
- 2. Allow the use in the C-1 Commercial, C-2 Commercial, I-1 Light Industrial, and I-2 Medium Industrial districts, subject to approval of a special use permit.
- 3. The uses be subject to the development standards as proposed in the staff report.

RECOMMENDATION:

Consider Ordinance No. 3563 as recommended by the Planning and Zoning Commission.