

AUSTIN CITY COUNCIL

AGENDA



Thursday, September 28, 2006

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Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 107

Subject: Conduct a public hearing and approve an ordinance amending Section 25-2-4(B)(42) of the City Code to amend the definition of medical offices to include a pharmacy use of 3,000 sq. ft. or less.

Additional Backup Material

(click to open)

Ordinance

For More Information: Wendy Walsh, 974-7719; Sylvia Arzola, 974-6448

Boards and Commission Action: (Recommended by Planning Commission).

On July 11, 2006, the Planning Commission recommended that Staff initiate a Code amendment to modify the definition of medical offices to include a pharmacy use, not to exceed 5,000 square feet of gross floor area.

Background:

The Stonegate Pharmacy is proposed to open within a suite of an office development located at 2501 West William Cannon Drive. The proposed use is a pharmacy of less than 3,000 square feet that provides customized medicines and other medical supplies to treat medical conditions. This type of pharmacy also serves special needs patients, for example, those who may need an alternative method of drug transfer when oral ingestion is not possible.

Currently, the Austin City Code does not distinguish between a retail drugstore, classified as a general retail sales (convenience) use and this more specialized type of pharmacy. The primary business focus of a drugstore is retail sales. Although drugstores sell prescription and non-prescription drugs and medical supplies, the scope of other items offered for sale encompasses everything else identified in the general retail sales (convenience) use: household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, specialty items, apparel, jewelry, fabrics, cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, office supplies, and bicycles.

A pharmacy that provides customized medicines and other medical supplies to treat medical conditions, combines the elements of a medical laboratory and professional consultation with a licensed pharmacist. It must also have the on-site facilities required for compounding sterile pharmaceuticals, which includes a controlled antiseptic area that meets State requirements.

The staff recommends approval of an amendment to the definition of medical offices as set forth in Chapter 25-2-4(B)(42) to include a pharmacy use that does not exceed 3,000 square feet of gross floor area, and at which the primary business activity is the preparation and sale of prescription drugs, and the sale of non-

prescription drugs, medical supplies, and other health care products. The sale of any other merchandise for personal or household use is permitted only as an accessory use (not to exceed 10% of the gross floor area). The 3,000 square foot limitation will provide a key distinction between a pharmacy authorized as a medical office and one which sells a greater variety and volume of retail merchandise.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 25-2-4 OF THE CITY CODE
RELATING TO MEDICAL OFFICES USE AND PHARMACIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 25-2-4(B)(42) (*Commercial Uses Described*) of the City Code is amended to read:

(42) MEDICAL OFFICES use is the use of a site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, medical or dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for practice by the state. The use includes a pharmacy that does not exceed 3,000 square feet of gross floor area. The pharmacy may prepare and sell prescription drugs and also sell non-prescription drugs, medical supplies, and other health products. The sale of other merchandise is permitted only as an accessory use.

PART 2. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

2006

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk