

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7922-0219-00

Planning Report Date: October 3, 2022

PROPOSAL:

- **Development Variance Permit**

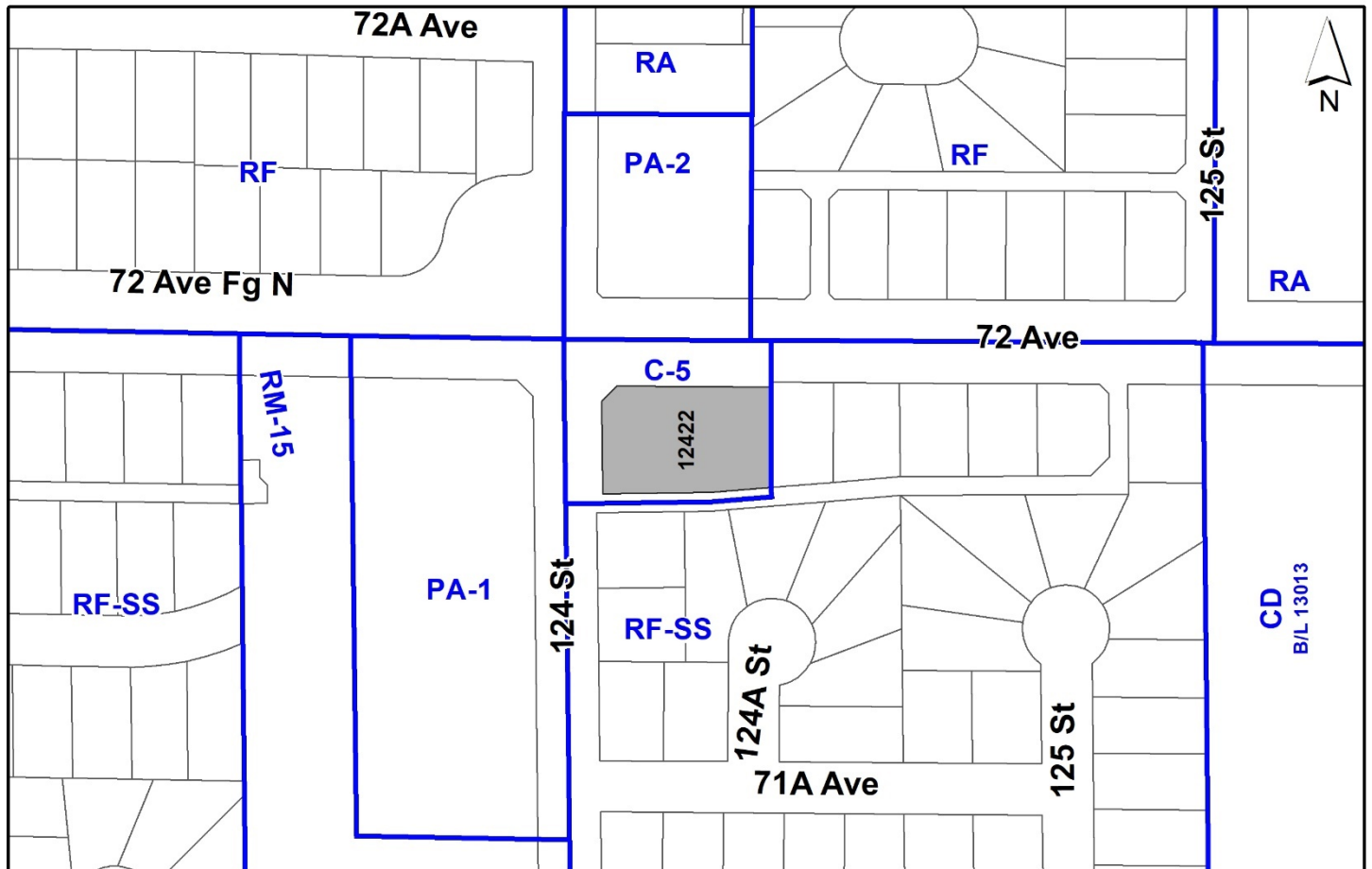
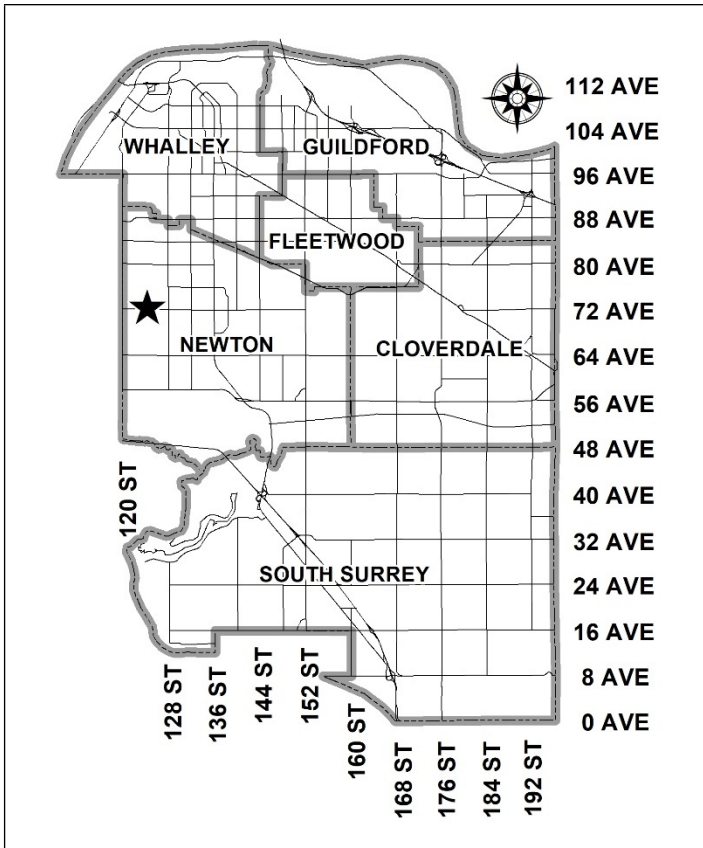
to vary the minimum 400 metre separation requirement between a small-scale drug store and an existing drug store.

LOCATION: 12422 - 72 Avenue

ZONING: C-5

OCP DESIGNATION: Urban

LAP DESIGNATION: Single Family



RECOMMENDATION SUMMARY

- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking to vary the minimum 400 metre (1,300 ft.) separation requirement between a proposed small-scale drug store and existing drugstores.

RATIONALE OF RECOMMENDATION

- The proposed small-scale drug store will operate in conjunction with a medical clinic.
- Council has historically expressed concerns regarding the potential over-concentration of small stand-alone drug stores. However, Council has been supportive of variances to permit small-scale drug stores that operate in conjunction with a medical office or clinic located within the same building.
- A Section 219 Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with a medical clinic and have the same hours of operation as the medical clinic.
- The applicant has provided an analysis demonstrating growth in this part of Newton and that the subject site is well serviced by multiple transportation options. The proposed drug store will operate in conjunction with a medical clinic and offer some general retail. This will improve medical access and commercial amenities for the neighbourhood and the Newton branch of Kwantlen Polytechnic University.
- The proposed small-scale drug store and medical clinic are on a portion of 72 Avenue included in Translink's Frequent Transit Network.
- The applicant has demonstrated that the proposed medical office addition will not result in a shortfall of required parking on the site.
- The proposed small-scale drug store and medical clinic are permitted uses in the C-5 zone.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7922-0219-00 (Appendix II) varying the following, to proceed to Public Notification:
 - (a) In Section 32 of Part 4 General Provisions of the Zoning Bylaw No. 12000, the minimum separation distance between the lot lines of drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 236 metres to permit a small-scale drug store at 12422 72 Avenue.
2. Council instruct staff to resolve the following issue prior to final approval:
 - (b) registration of a Section 219 Restrictive Covenant requiring that any small-scale drug store on site must operate in conjunction with a medical clinic / office and have the same hours of operation as the medical clinic / office.

SITE CONTEXT & BACKGROUND

| Direction | Existing Use | OCP | Existing Zone |
|---------------------------|---|-------|---------------|
| Subject Site | Multi-tenant commercial building (under construction) | Urban | C-5 |
| North (Across): 72 Avenue | Place of worship, Single family housing | Urban | PA-2, RF |
| East (Abutting): | Single family housing | Urban | RF-SS |
| South (Abutting): | Single family housing | Urban | RF-SS |
| West (Across): 124 Street | Place of worship, Townhouses | Urban | PA-1, RM-15 |

Context & Background

- The subject site is located at 12422 72 Avenue in Newton. The property is 1,829 square metres in area and falls under the "Neighbourhood Commercial (C-5) Zone".
- The property is currently being developed with a multi-tenant two-storey commercial building. The subject rezoning and development permit were approved by Council at the February 10, 2020, Regular Council - Land Use Meeting.

DEVELOPMENT PROPOSAL

Planning Considerations

- The applicant proposes the addition of a co-operational drug store and medical clinic for units 102 through 104 of the on-site building. Such uses are permitted under the C-5 Zone.
- To regulate the over-concentration of small-scale drug stores and methadone dispensaries, Section E.28 of Part 4, General Provisions of Zoning By-law No.12000 stipulates that a small-scale drug store shall not be located within 400 metres of an existing drug store, small-scale drug store, or methadone dispensary. The 400-metre separation distance is measured lot line to lot line.
- Within a 400-metre radius of the subject site, there is 1 existing pharmacy (shown in Schedule A of Appendix II):

| Pharmacy | Address | Distance – Property Line to Property Line |
|-----------------------|-----------------|---|
| Naz's Pharmacy Newton | 12578 72 Avenue | 236 metres |

- The applicant seeks a tenant improvement application so that units 102 through 104 of the on-site building may operate as a single premises with floor area dedicated to pharmacy retail and medical office uses.
- The medical office is proposed to have 188.1 square metres of floor area, whereas the pharmacy is proposed to have 92.3 square metres of floor area. The premises will have eight (8) private medical clinic rooms, a private pharmacy consultation room, a dispensary area for prescriptions, and a small area for general retail products.
- The site is accessible to pedestrians in the area and is approximately 400 metres from the Newton branch of the Kwantlen Polytechnic University.
- 72 Avenue is part of TransLink's Frequent Transit Network and is serviced by multiple buses. The location is approximately 750 metres from Strawberry Hills.
- The subject property and surrounding area are designated as "Urban" in the Official Community Plan and "General Urban" in the Metro Vancouver Regional Growth Strategy. The applicant has provided an analysis that demonstrates growth in the surrounding area and a need for more access to multi-lingual medical office uses.
- A Section 219 Restrictive Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with the medical clinic, and to require the small-scale drug store and medical clinic to have the same hours of operation.

- The proposed drug store and medical clinic will require 10 total parking spaces. The subject property contains 23 parking spaces, which is sufficient to cover the parking requirements of all proposed premises on-site.

Referrals

Engineering: The Engineering Department has no objection to the project.

POLICY & BY-LAW CONSIDERATIONS

Zoning By-law

General Provisions Variance

- The applicant is requesting the following variance:
 - In Section 32 of Part 4 General Provisions of the Zoning Bylaw No. 12000, the minimum separation distance between the lot lines of drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 236 metres to permit a small-scale drug store at 12422 72 Ave.
- The proposed small-scale drug store will operate in conjunction with a medical clinic.
- A Section 219 Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with a medical clinic and have the same hours of operation as the medical clinic.
- The proposed drug store and medical office will provide services and some general retail for neighbourhood residents and the Newton branch of the Kwantlen Polytechnic University.
- The proposed small-scale drug store and medical clinic are permitted uses in the C-5 zone.
- The proposed small-scale drug store and medical clinic are on a portion of 72 Avenue included in Translink's Frequent Transit Network.
- The applicant has demonstrated that the proposed medical office addition will not result in a shortfall of required parking on the site.
- Staff support the requested variances to proceed for consideration.

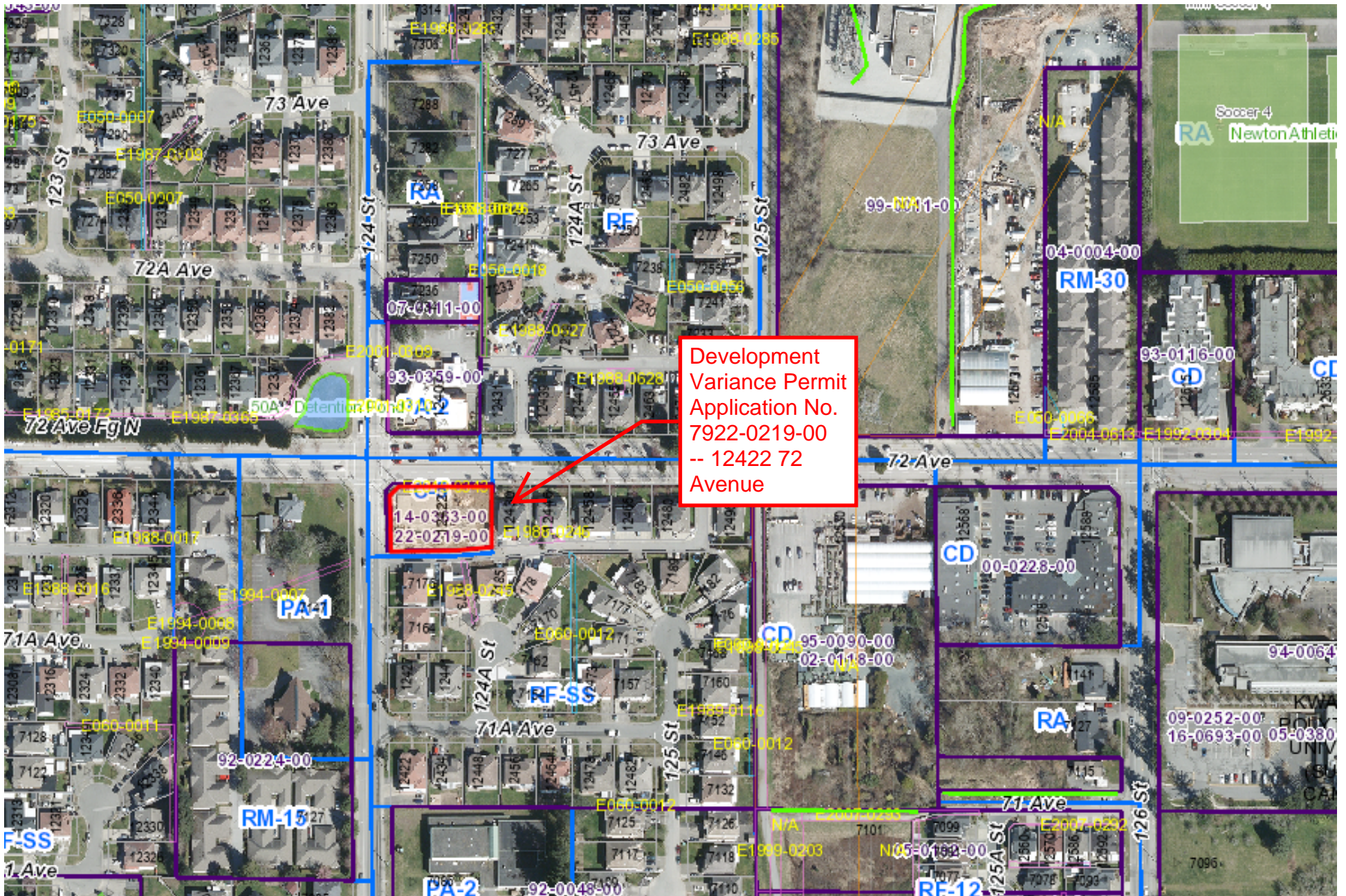
INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Context Plan
- Appendix II. Development Variance Permit 7922-0219-00

Jeff Arason
Acting General Manager
Planning and Development

JK/cm



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7922-0219-00

Issued To:

(the Owner)

Address of Owner:

1. This development variance permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this development variance permit.
2. This development variance permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 031-038-492
Lot 1 Section 18 Township 2 New Westminster District Plan EPP81687
12422 72 Avenue

(the "Land")

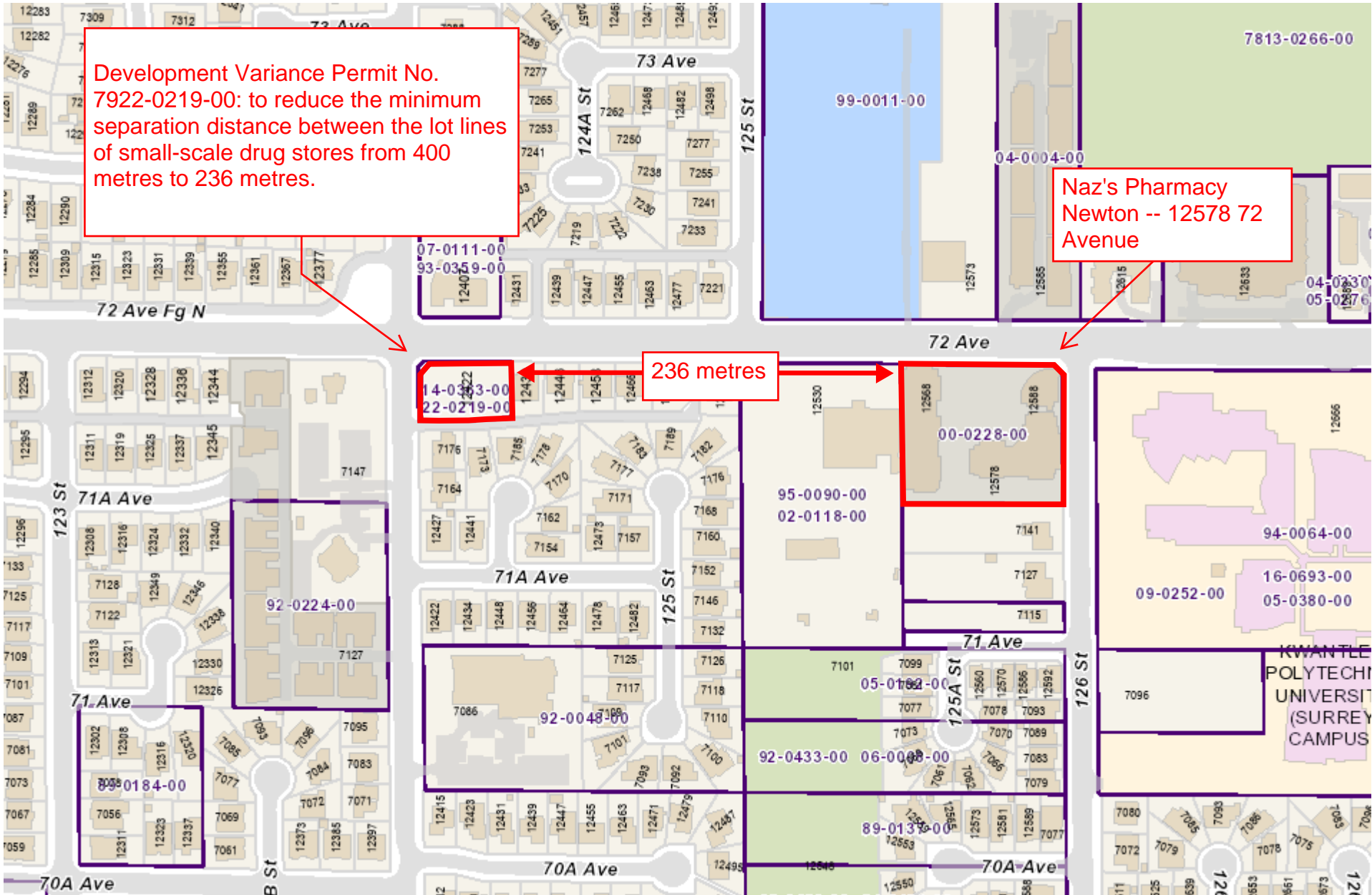
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section 32 of Part 4 General Provisions of the Zoning Bylaw No. 12000, the minimum separation distance between the lot lines of drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 236 metres to permit a small-scale drug store at 12422 72 Ave.
4. This development variance permit applies to only the portion of the Land shown on Schedule A which is attached hereto and forms part of this development variance permit. This development variance permit does not apply to additions to, or replacement of, any of the existing buildings shown on attached Schedule A, which is attached hereto and forms part of this development variance permit.
5. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

6. This development variance permit shall lapse if the Owner does not substantially start any construction with respect to which this development variance permit is issued, within two (2) years after the date this development variance permit is issued.
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.
8. This development variance permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .
ISSUED THIS DAY OF , 20 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli



Development Variance Permit No.
7922-0219-00: to reduce the minimum
separation distance between the lot lines
of small-scale drug stores from 400
metres to 236 metres.

Naz's Pharmacy
Newton -- 12578 72
Avenue

236 metres