

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0001-00

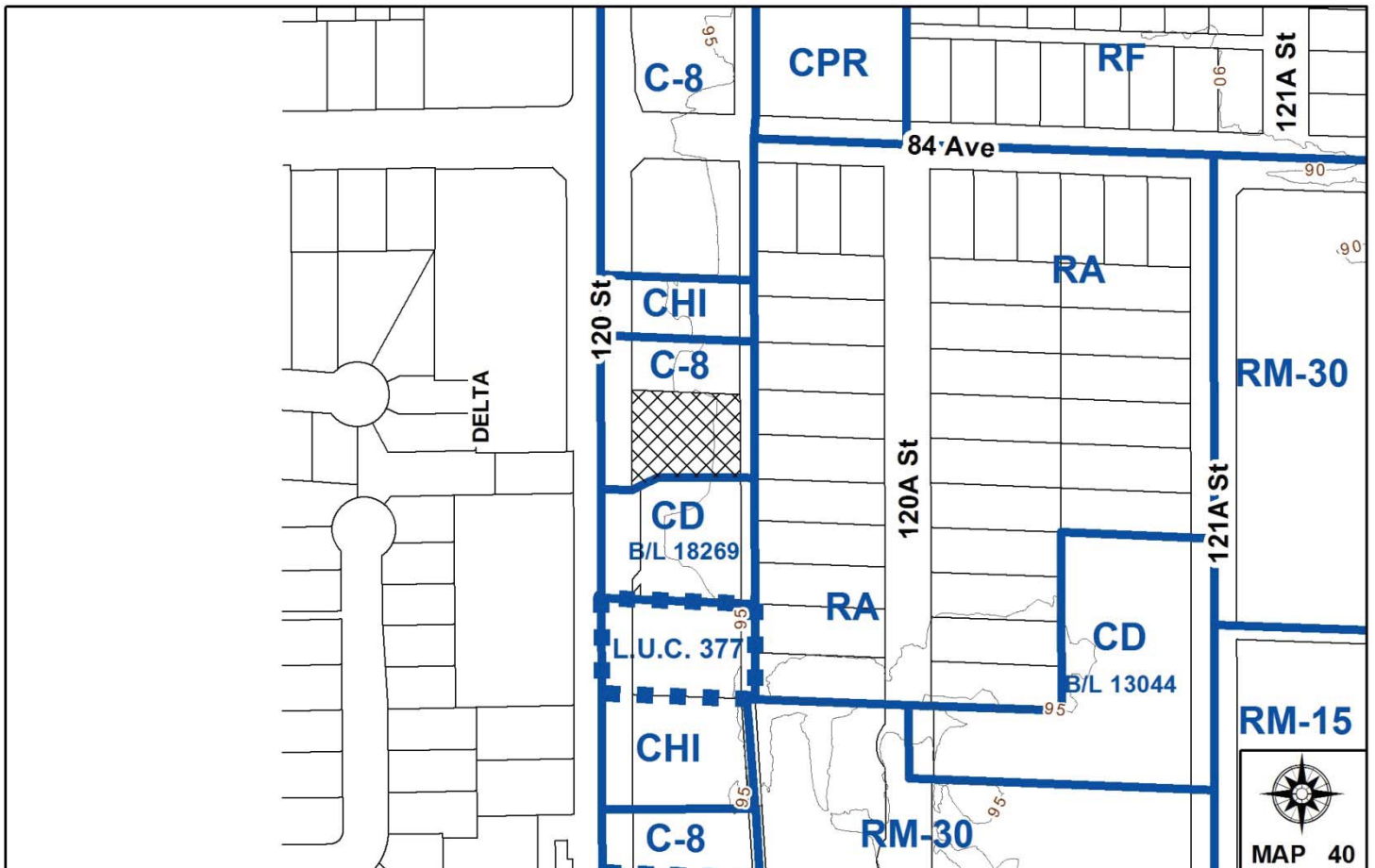
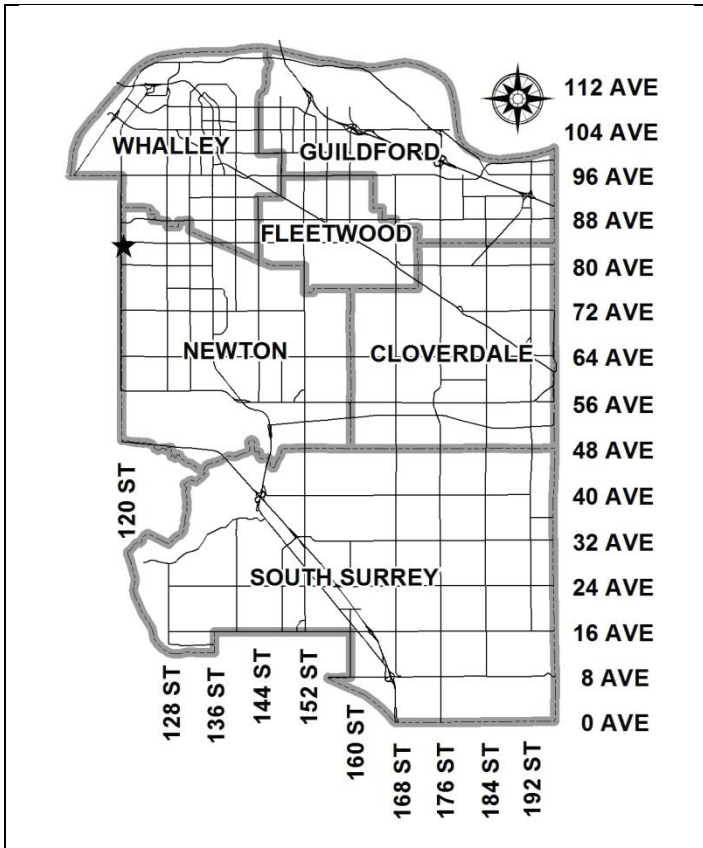
Planning Report Date: February 6, 2017

PROPOSAL:

- **Development Variance Permit**

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

LOCATION: 8338 - 120 Street
OWNER: Janda Group Holdings Inc.
ZONING: C-8
OCP DESIGNATION: Commercial
NCP/LAP DESIGNATION: N/A



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

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

RATIONALE OF RECOMMENDATION

- The proposed small-scale drug store and medical clinic have been operating at a different location, 55 metres north of the subject property at 8386 – 120 Street, for eight years. The applicants were not able to extend their lease, and therefore must find a new location. The relocation to 8338 – 120 Street would have minimal impact on the applicant's existing patients.
- The proposed small-scale drug store will continue to operate in conjunction with a medical clinic within the existing building.
- The applicant has demonstrated that there is sufficient parking on site for the proposed small-scale drug store and medical clinic, as well as the existing uses in the building.
- The proposed small-scale drug store and medical clinic is a permitted use in the C-8 zone.

RECOMMENDATION

The Planning & Development Department recommends that Council approve Development Variance Permit No. 7917-0001-00 (Appendix II), to vary Section E.28 of Part 4, General Provisions, reducing the minimum separation distance from the lot line between drug stores, small-scale drug stores or methadone dispensaries from 400 metres (1,300 ft.) to 130 metres (427 ft.) to permit a small-scale drug store at 8338 – 120 Street, to proceed to Public Notification.

REFERRALS

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

Surrey By-laws & Licensing Services: By-laws & Licensing Services has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant retail and professional building

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North:	Commercial building with retail and office uses.	Commercial	C-8
East (Across rear lane):	Single family residential	Multiple Residential	RA
South:	Commercial building currently under construction	Commercial	CD (By-law No. 18269)
West (Across 120 Street):	Retail / Commercial plaza (Corporation of Delta)	n/a	n/a

DEVELOPMENT CONSIDERATIONSBackground

- The subject property, located at 8338 – 120 Street, is designated "Commercial" in the Official Community Plan and zoned "Community Commercial Zone (C-8)".
- The building has a total of 5 units, including a sewing retail store and a newspaper company office. Three units are currently vacant, which are proposed to be occupied by an accountant's office and the small-scale drug store and medical clinic.

- The small-scale drug store and medical clinic have existed at a different location at 8386 - 120 Street for eight years, but have to relocate as their lease has expired and cannot be renewed.

Proposal

- The proposed small-scale drug store is primarily intended to serve its existing patients from the current location at 8386 – 120 Street.
- The proposed small-scale drug store will occupy roughly 90 square metres (968 sq. ft.) of retail floor space, operated in conjunction with a medical clinic of roughly 362 square metres (3896 sq. ft.), in units 100-101 of the main floor of the building.
- The Zoning By-law defines a "small-scale drug store" as "a commercial establishment with a gross floor area of less than 600 square metres (6,450 sq. ft.) which fills a broad range of pharmaceutical prescriptions and excludes *methadone dispensary*".
- Section E.28 of Part 4 General Provisions of the Zoning By-law stipulates that a small-scale drug store shall not be located within 400 metres (1,300 ft.) of an existing drug store, small-scale drug store, or methadone clinic.
- Currently, there are four drug stores / small-scale drug stores within 400 metres (1,300 ft.) of the proposed location (Appendix III):

Existing Drug Store	Address	Distance from 8386 – 120 Street (Current Location)	Distance from 8338 – 120 Street (Proposed Location)
Delta Prescription Clinic	8425 – 120 Street, Delta	50 m (164 ft.)	130 m (427 ft.)
Superstore Pharmacy	8195 – 120 Street, Delta	370 m (1,213 ft.)	277 m (908 ft.)
Medisave Pharmacy	8181 – 120A Street, Surrey	400 m (1,312 ft.)	310 m (1,017 ft.)
People's Drug Mart	8140 – 120 Street, Surrey	438 m (1,437 ft.)	345 m (1,131 ft.)

- As a result, the applicant has submitted a Development Variance Permit application to reduce the minimum 400 metre separation requirement in order to permit the proposed small-scale drug store to locate on the subject site.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Section E.28 of Part 4 General Provisions of Surrey Zoning By-law No. 12000, by reducing the minimum separation requirement between an existing drug store, small-scale drug store or methadone dispensary from 400 metres (1,300 ft.) to 130 metres (427 ft.) to permit a small-scale drug store at 8338 – 120 Street.

Applicant's Reasons:

- The applicant's pharmacy, with attached medical clinic, has operated at a different location at 8386 – 120 Street for eight years. They have to relocate due to their lease not being renewed.

- Relocating to the subject property at 8338 – 120 Street would limit the impact of moving locations on existing customers and patients.
- As with the current location, the pharmacy will be operated in conjunction with a medical clinic which has full-time doctors providing care six days a week.
- The applicant advises that the pharmacy dispenses negligible amounts of methadone.
- Moving locations (from 8386 – 120 Street to 8338 – 120 Street) puts the new location within 310 metres of an existing small-scale drug store in Surrey, and within 130 metres (427 ft.) of a pharmacy at 8425 – 120 Street in the Corporation of Delta.

Staff Comments:

- The proposed small-scale drug store will occupy a relatively small floor area of 90 square metres (970 square feet) within a multi-tenant professional/retail building. The small-scale drug store will operate in conjunction with a medical clinic of approximately 362 square metres (3900 square feet).
- The proposed small-scale drug store and medical clinic have been operating at a location north of the subject property at 8386 – 120 Street for eight years, with good standing with the College of Pharmacists. The property at 8386 – 120 Street is located within 50 metres (164 ft.) of the existing drug store at 8425 – 120 Street in the Corporation of Delta (Delta Prescription Clinic).
- Relocating to the subject property will limit the impact and disturbance to existing pharmacy customers and medical clinic patients.
- Staff support the proposed variance proceeding to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners, Action Summary
Appendix II.	Development Variance Permit No. 7917-0001-00
Appendix III.	Map showing location of drug stores within 400 metre (1,300 ft.) radius

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Harj Samra
 RGHS Investments Inc.
 Address: 16576 - Bell Road
 Surrey, BC V3S 1J9

2. Properties involved in the Application
 - (a) Civic Address: 8338 – 120 Street

 - (b) Civic Address: 8338 – 120 Street
 Owner: Janda Group Holdings Inc
 PID: 023-270-683
 Lot 1 Section 30 Township 2 New Westminster District Plan LMP26084

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0001-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0001-00

Issued To: JANDA GROUP HOLDINGS INC.

(the "Owner")

Address of Owner: 8338 -120 Street
Surrey, BC V3W 3N4

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: 023-270-683
Lot 1 Section 30 Township 2 New Westminster District Plan LMP26084

8338 - 120 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section E.28 of Part 4, General Provisions, the minimum separation distance from the lot line between drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres (1,300 ft.) to 130 metres (427 ft.) to permit a small-scale drug store at 8338 - 120 Street.
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on 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.

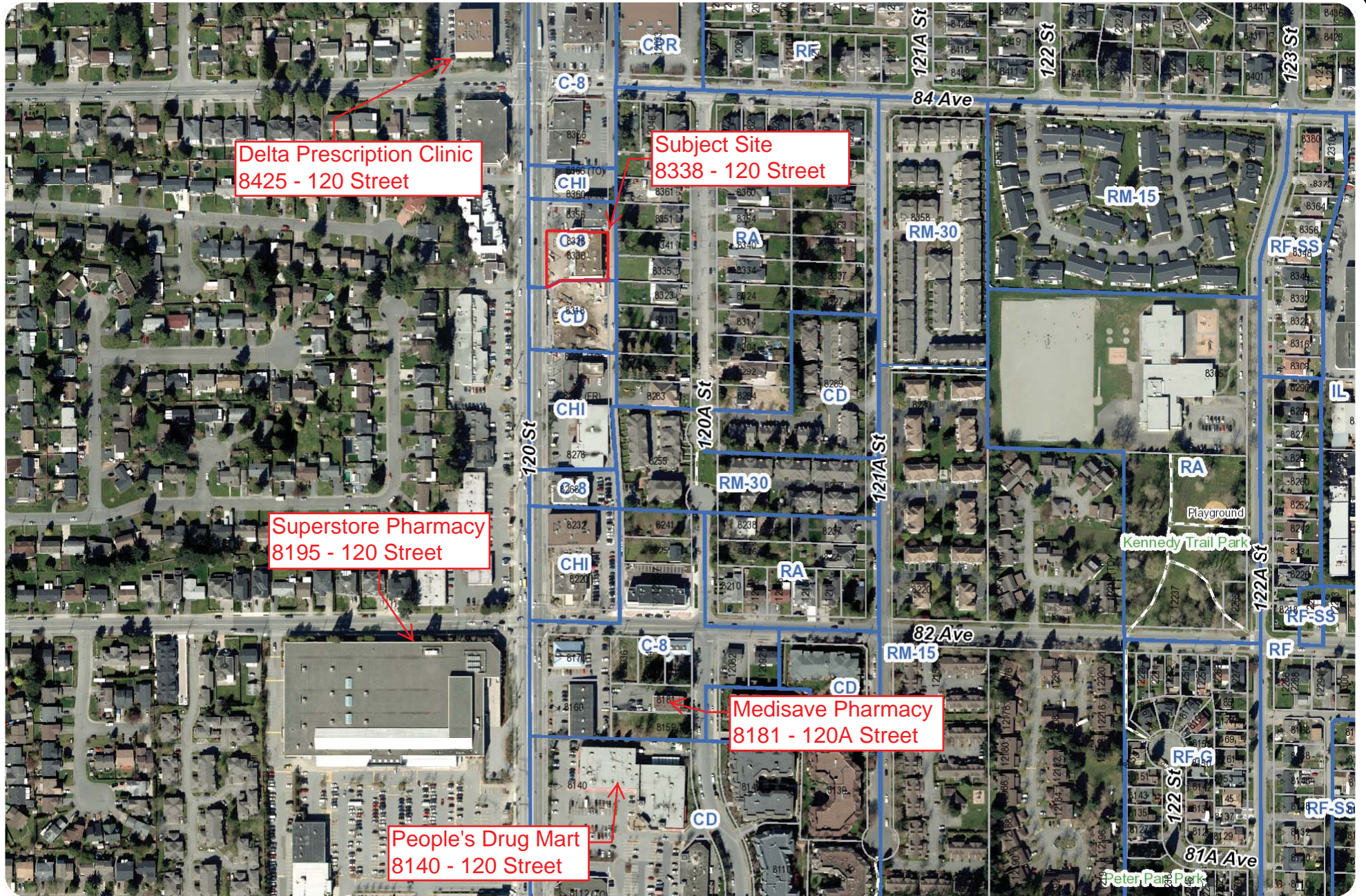
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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 – Linda Hepner

City Clerk – Jane Sullivan



Location of Existing Drug Stores

Scale: 1:4,000

The data provided is compiled from various sources and is NOT warranted as to its accuracy or sufficiency by the City of Surrey. This information is provided for information and convenience purposes only. Lot sizes, legal descriptions and encumbrances must be confirmed at the Land Title Office. Use and distribution of this map is subject to all copyright and disclaimer notices at cosmos.surrey.ca

