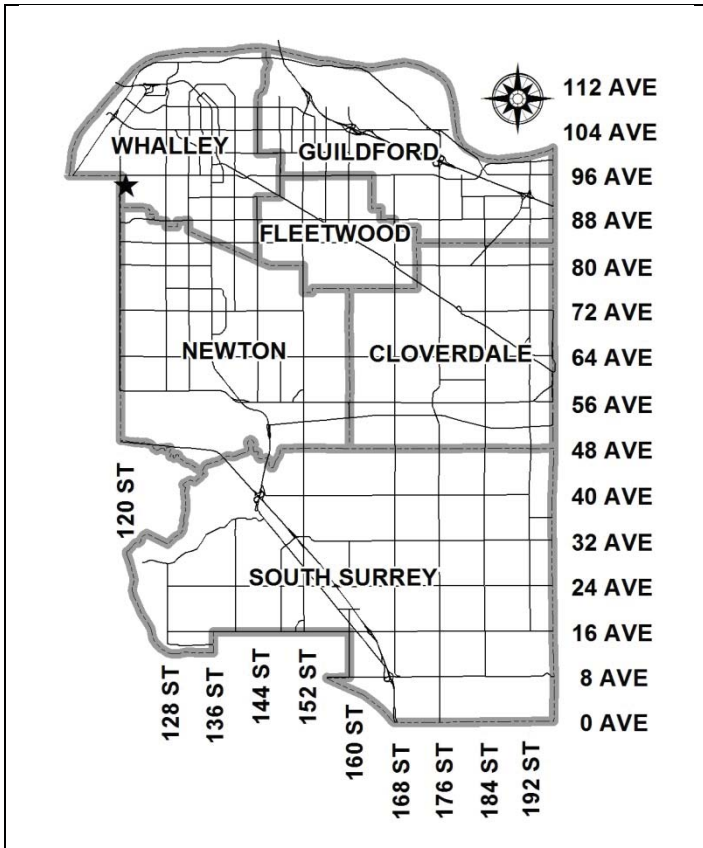


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0106-00

Planning Report Date: April 3, 2017



PROPOSAL:

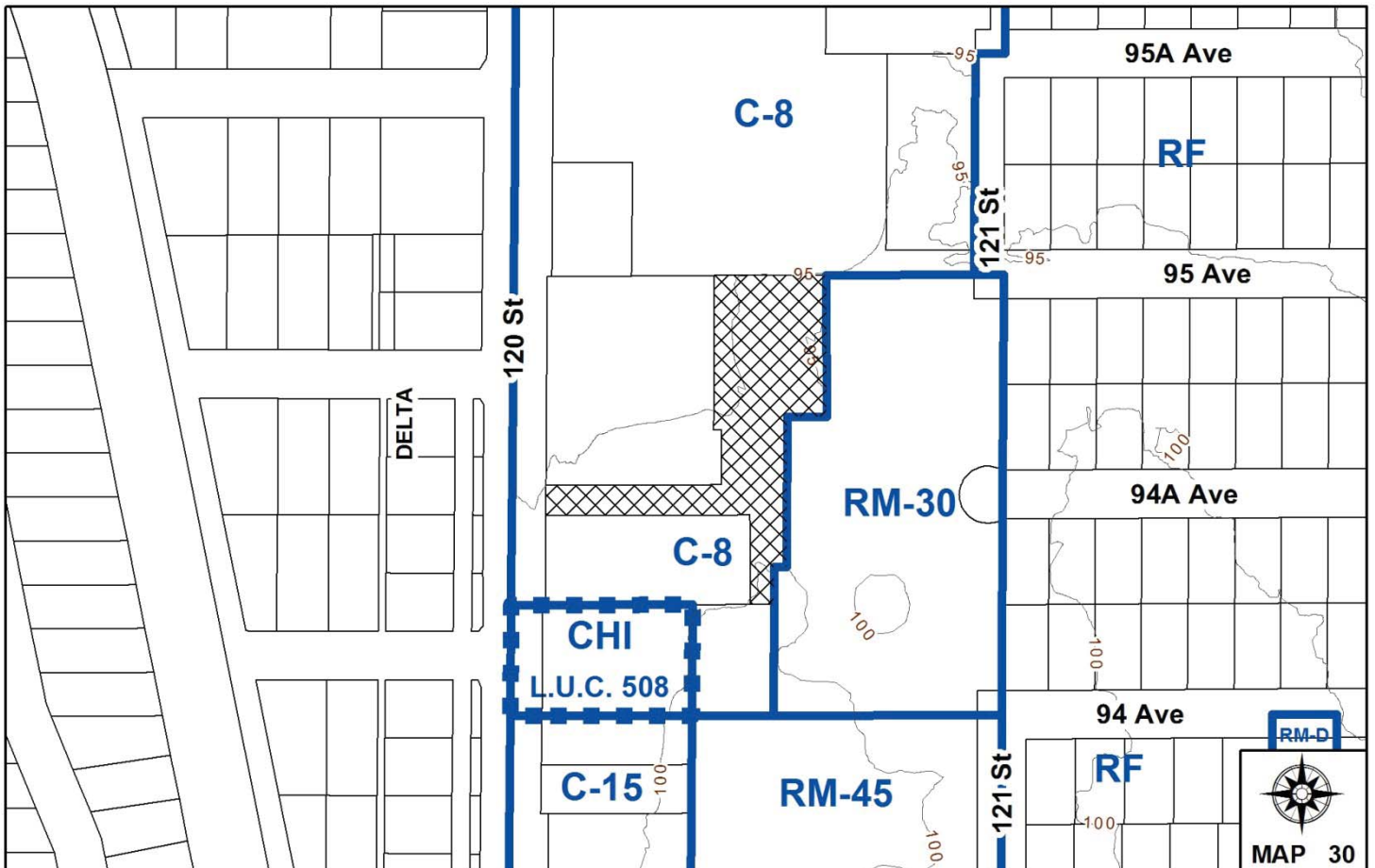
- **Development Variance Permit**
 to vary the minimum 400-metre (1,300 ft.) separation requirement between a proposed small-scale drugstore and an existing small-scale drugstore.

LOCATION: 9450 - 120 Street, Unit 101

OWNER: 0949951 B.C. Ltd.

ZONING: C-8

OCP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the Zoning By-law to locate a new small-scale drug store within 400 metres (1,300 ft.) of an existing small-scale drug store, as measured from lot line to lot line.

RATIONALE OF RECOMMENDATION

- The proposed small-scale drug store will be located within the same commercial retail unit (CRU) as the proposed medical clinic, offering general and family medicine with a focus on a comprehensive approach to health care. The 181-square metre (1,948 sq.ft.) CRU (including mezzanine) is within a newly constructed, one-storey commercial building that contains 7 stratified units.
- Although the area is currently served by one (1) small-scale drug store within a 400-metre (1,300 ft.) radius of the subject property, the applicant wants to provide convenience to patients of the proposed medical clinic that is to be located in the same CRU.
- The applicant has advised that the proposed small-scale drug store will be community-based, primarily serving the needs of the local South Asian community and the patients of the proposed, associated medical clinic.
- The applicant intends to operate a full service dispensary with a broad range of pharmaceuticals. The dispensing of methadone is estimated to constitute 5% of the pharmacy business, with approximately 10-15 repeat clients on a daily basis per week.
- The applicant has agreed to register a Restrictive Covenant (RC) on title prior to final approval of the requested Development Variance Permit (DVP), to require the pharmacy and medical office to be located within the same commercial retail unit and to restrict the pharmacy use to the same business hours as the associated medical office.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0106-00 (Appendix III) varying Section E.28 of Part 4 General Provisions of Zoning By-law, 1993, No. 12000, to reduce the minimum separation requirement between a small-scale drugstore and an existing small-scale drugstore from 400 metres (1,300 ft.) measured lot line to lot line, to 220 metres (722 ft.) measured door to door, to proceed to Public Notification.
2. Council instruct staff to resolve the following issue prior to final approval:
 - (a) registration of a Section 219 Restrictive Covenant to require the pharmacy and medical office to be located within the same commercial retail unit and to restrict the pharmacy use to the same business hours as the associated medical office.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Older, 2-storey commercial building on the northern portion and recently constructed, one-storey, multi-tenant commercial building on the southern portion.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Scott Town Plaza	Commercial	C-8
East:	Townhouses	Multiple Residential	RM-30
South:	Multi-tenant commercial building and vacant lot	Commercial	C-8
West (Across 120 Street):	Multi-tenant commercial buildings	N/A	The Corporation of Delta

DEVELOPMENT CONSIDERATIONS

- The subject property, located at 9450 – 120 Street, is located generally between 94 Avenue and 95 Avenue to the east of 120 Street. The property is designated "Commercial" in the Official Community Plan (OCP) and zoned "Community Commercial Zone (C-8)".

- Development Permit No. 7912-0026-00, permitting the development of a single storey, multi-tenant commercial building on the southern portion of the subject site, was approved by Council on July 29, 2013. This 7-unit commercial building has recently been constructed and is stratified.
- The applicant is proposing to operate a joint family practice medical clinic and pharmacy, located within the most northerly commercial retail unit (CRU) of the 7-unit commercial building. The proposed pharmacy and family/general practice medical clinic are permitted uses under the existing C-8 Zone.
- The proposed pharmacy and family/general practice will have a total floor area of approximately 181 square metres (1,948 sq.ft.) including mezzanine. Therefore, the proposed pharmacy is considered a "small-scale drug store", which is defined under the Zoning By-law 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".
- To regulate the over-concentration of small-scale drugstores and methadone dispensaries, 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 dispensary.
- There is currently one (1) existing pharmacy within a 400-metre (1,300-ft.) radius of the subject property, including the adjoining commercial area of Delta. PharmaSave is located in a multi-tenant commercial building (Scott Town Plaza) on the neighbouring lot to the north (9558 – 120 Street as shown on Appendix II) and is considered a small-scale drug store.
- Due to the proximity of the other drug store/pharmacy, a Development Variance Permit (DVP) is required to permit a small-scale drug store on the subject property (see By-law Variance section).
- The applicant has advised that the proposed small-scale drug store will be community-based, primarily serving the needs of the local South Asian community and the patients of the proposed, adjoining medical clinic.
- The applicant advises that the proposed pharmacy will provide the following services and products:
 - Full service dispensary (prescription and over-the-counter medications);
 - Home health care products including mobility aids;
 - Diabetic supplies;
 - Basic compounding services;
 - Blister packaging and medication review for seniors;
 - Travel and seasonal flu vaccine services; and
 - Methadone dispensing.
- The applicant advises that the dispensing of methadone will constitute approximately 5% of the pharmacy business, with approximately 10-15 repeat clients on a daily basis per week.

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 a new small-scale drug store and an existing small-scale drug store, from 400 metres (1,300 ft.) measured lot line to lot line, to 220 metres (722 ft.) measured door to door.

Applicant's Reasons:

- The applicant would like to offer a comprehensive healthcare approach by serving the patients of the proposed, adjoining family/general practice clinic. Patients attending the clinic will be able to take advantage of the convenient location of the adjoining pharmacy.
- The applicant has reportedly canvassed local business owners in the vicinity who have expressed support for a medical clinic/pharmacy at the subject site.
- The proposed pharmacy will provide a full service dispensary wherein the doctor provides the diagnosis and the pharmacist provides the specialized medications and treatment protocols to suit the doctor's criteria. This specialization will help to complement the services and products offered by the other small-scale drug store within the vicinity.
- The applicant has advised that the proposed small-scale drug store will include methadone dispensing as approximately 5% of its business, with approximately 10-15 repeat clients on a daily basis per week.

Staff Comments:

- Section E.28 of Part 4 General Provisions of the Zoning By-law requires a minimum 400-metre (1,300-ft.) separation between small-scale drug stores, measured lot line to lot line. The existing PharmaSave at 9558 - 120 Street is on the commercial lot to the north, and as such the minimum separation measured lot line to lot line is 0-metre (0-ft.). However, the actual separation measured door-to-door between the locations is approximately 220 metres (722 ft.).
- There are no other existing small-scale drug stores located within a 400-metre (1,300-foot) radius of the proposed pharmacy, including none in Delta.
- The proposed small-scale drugstore will occupy a small portion of the floor area, approximately 35.1 square metres (378 sq.ft.), of the commercial retail unit. The small-scale drug store will offer convenience to patients attending the adjoining medical clinic.
- The applicant has agreed to register a Restrictive Covenant (RC) on title prior to final approval of the requested Development Variance Permit (DVP), to require the pharmacy and medical office to be located within the same commercial retail unit and

to restrict the pharmacy use to the same business hours as the associated medical office.

- Staff support the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owner and Action Summary
Appendix II.	Map of Existing Small-Scale Drug Stores within 400 metres of the subject site
Appendix III.	Development Variance Permit No. 7917-0106-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

CRL/da

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0106-00

Issued To: 0949951 BC LTD.

("the Owner")

Address of Owner: 13049 - 76 Avenue, Unit 206
Surrey, BC V3W 2V7

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: 029-931-045
Strata Lot 3 Section 31 Township 2 New Westminster District Strata Plan BCS4479
Together With An Interest In The Common Property In Proportion To The Unit
Entitlement Of The Strata Lot As Shown On Form V

9450 - 120 Street, Unit 101

(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 of Zoning By-law No. 12000, the minimum separation requirement between a small-scale drug store and an existing small-scale drug store is reduced from 400 metres (1,300 ft.) measured lot line to lot line, to 220 metres (722 ft.) measured door to door.

4. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this development variance permit.

5. 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.

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

7. 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