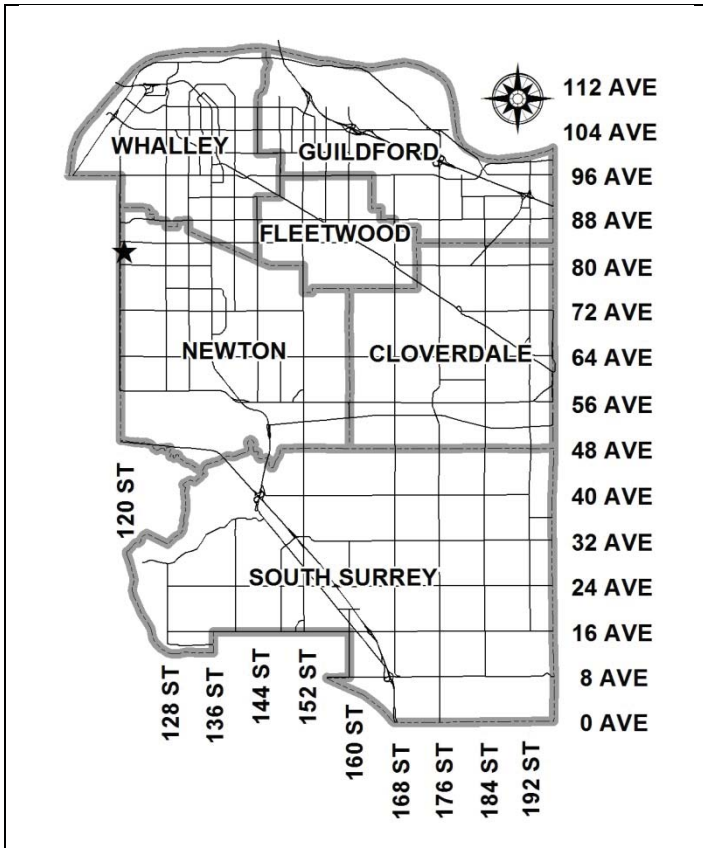


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0270-00

Planning Report Date: July 10, 2017



PROPOSAL:

- **Development Variance Permit**

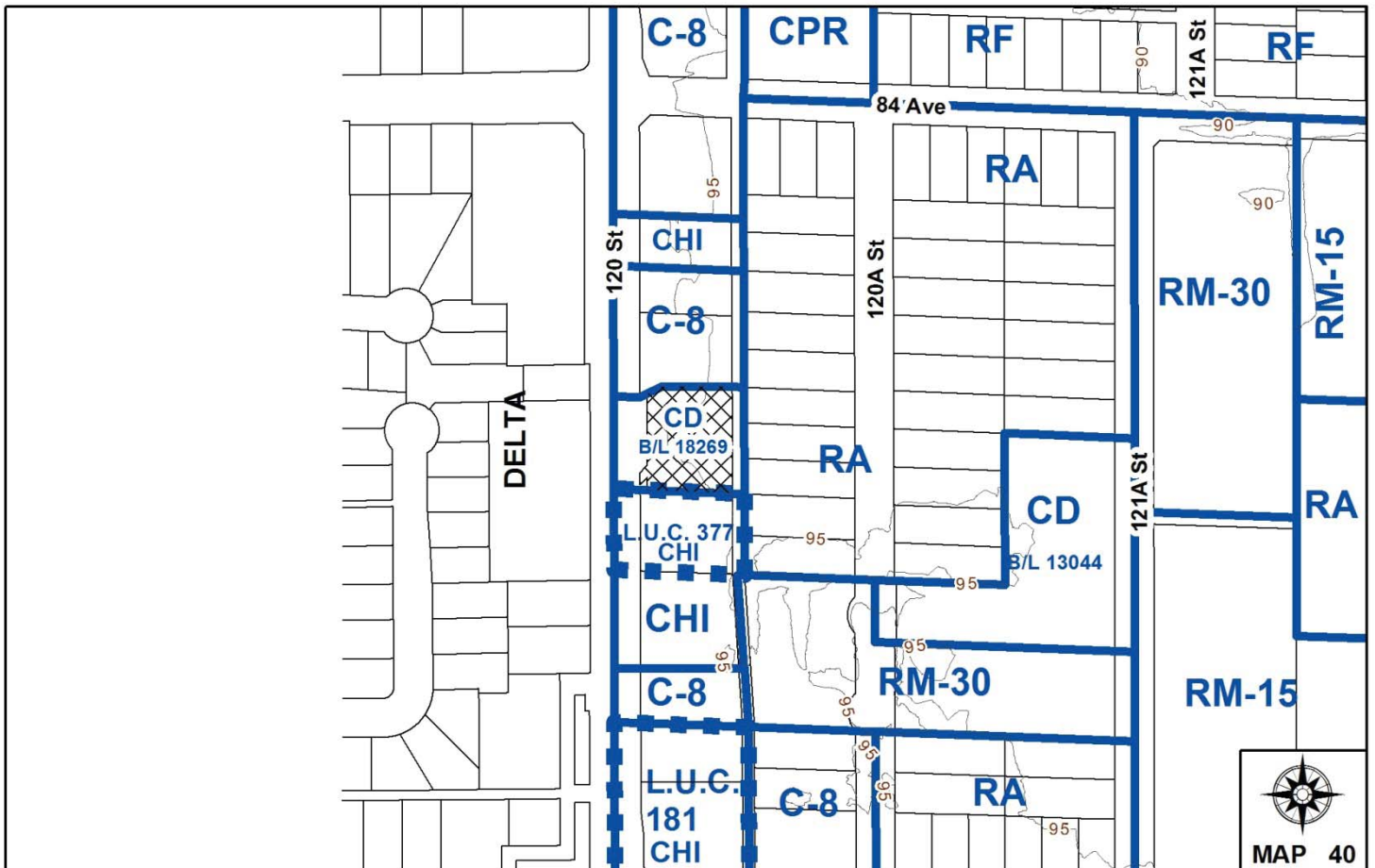
to vary the minimum 400 metre (1,300 ft.) separation requirement between a small-scale drug store and an existing drug store.

LOCATION: 8318 - 120 Street

OWNER: Earth King Forest Plaza Ltd.

ZONING: CD Zone (By-law No. 18269)

OCP DESIGNATION: Commercial



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 drug stores.

RATIONALE OF RECOMMENDATION

- The proposed small-scale drug store and medical clinic are to locate in a new medical-professional building at 8318 – 120 Avenue. The building is currently in the final stages of construction.
- The small-scale drug store will be operated by PharmaSave, and will support the adjacent medical clinic and doctor's offices in the building. The new medical clinic will specialize in physiotherapy rehabilitation, as well as offering walk-in medical services.
- Council has previously expressed concerns regarding the possible over-concentration of small stand-alone drug stores. However, Council has been receptive to 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 having the same hours of operation as the medical clinic.
- The proposed small-scale drug store and medical clinic are permitted uses in this CD Zone (By-law No. 18269).

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7917-0270-00 (Appendix II), to reduce the minimum separation distance between drug stores, small-scale drug stores or methadone dispensaries from 400 metres (1,300 ft.) to 0 metres (0 ft.) to permit a small-scale drug store at 8318 – 120 Street, to proceed to Public Notification.
2. Council instruct staff to resolve the following issues prior to Development Variance Permit issuance:
 - (a) that a Section 219 Covenant be registered on title 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.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Medical / professional building (under construction).

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Retail / Commercial plaza	Commercial	C-8
East:	Single family residential	Multiple Residential	RA
South:	Retail / Commercial plaza	Commercial	L.U.C. 377 (underlying Zone CHI)
West (Across 120 Street):	Retail / Commercial plaza (Corporation of Delta)	n/a	n/a

DEVELOPMENT CONSIDERATIONS

- The subject property, located at 8318 – 120 Street, is designated "Commercial" in the Official Community Plan and zoned "Comprehensive Development Zone (CD)" (By-law No. 18269). The property is not located in a Neighbourhood Concept Plan area.

- A new building is nearing completion on the site, which was approved under Development Application No. 7914-0001-00. The building has a total of four floors, with a mix of proposed office and professional / medical uses. This includes the proposed small-scale drug store, medical office, medical imaging company, doctor's offices, and other professional services.
- A Development Variance Permit (No. 7917-0001-00) to vary the minimum separation distance between small-scale drug stores was issued for the property at 8338 – 120 Street, which is directly north of the subject property. The Development Variance Permit was issued by Council on February 20, 2017.
- Another Development Variance Permit application (No. 7917-0233-00) has been received to vary the minimum separation distance between small-scale drug stores for the property at 8386 – 120 Street, which is 61 metres (200 ft.) north of the subject property. This application is also being considered at the July 10, 2017, Regular Council – Land Use meeting to ensure that all proposed small-scale drug stores in the area are considered comprehensively.

Proposal

- The applicant proposes a small-scale drug store, which will occupy roughly 84 square metres (904 sq. ft.) of retail floor space. It will be operated in conjunction with a medical clinic of roughly 380 square metres (3,317 sq. ft.) in an adjacent unit
- The proposed small-scale drug store is primarily intended to serve the clients from the associated medical clinic proposed on the site, as well as other proposed doctor's offices on the other floors 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 fill a broad range of pharmaceutical prescriptions and excludes *methadone dispensary*".
- While the zoning for the property (CD Zone By-law No. 18269) allows small-scale drug stores as a permitted use, 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 five drug stores / small-scale drug stores, and one proposed small-scale drug store, within 400 metres (1,300 ft.) of the proposed location. These are listed in the following table, and each are shown on the map in Appendix III.

Existing Drug Store	Address	Distance from 8386 – 120 Street
PharmaCity Drugstore (DVP Application No. 7917-0001-00)	8338 – 120 Street, Surrey	0 m (0 ft.)
<i>Proposed Small-Scale Drug Store</i> (DVP Application No. 7917-0233-00)	8386 – 120 Street, Surrey	88 m (288 ft.)
Delta Prescription Clinic	8425 – 120 Street, Delta	172 m (564 ft.)
Superstore Pharmacy	8195 – 120 Street, Delta	230 m (755 ft.)
Medisave Pharmacy	8181 – 120A Street, Surrey	255 m (837 ft.)
People's Drug Mart	8140 – 120 Street, Surrey	297 m (974 ft.)

- The applicant has submitted a Development Variance Permit application to reduce the minimum 400 metre (1,300 ft.) 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 0 metres (0 ft.) to permit a small-scale drug store at 8318 – 120 Street.

Applicant's Reasons:

- The proposed small-scale drug store will be operated in conjunction with a new medical clinic as well as supporting other new doctor's offices in the building.

Staff Comments:

- The proposed small-scale drug store will occupy a floor area of roughly 84 square metres (904 sq. ft.) within a multi-tenant medical / professional building. The small-scale drug store will operate in conjunction with a medical clinic of roughly 308 square metres (3,317 sq. ft.).
- The applicant will be required to register a Section 219 Covenant on title to:
 - Allow the small-scale drug store to operate only in conjunction with a medical clinic / office located within the same building as the drug store;
 - Restrict the operating hours of the small-scale drug store to the same hours as the medical clinic / office; and
 - Limit the size of the small-scale drug store to 110 square metres (1,200 sq. ft.).
- The applicant has demonstrated that there is sufficient parking on site to accommodate the proposed small-scale drug store and medical clinic, as well as the other proposed uses in the building.

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. 7917-0270-00
- Appendix III. Map showing the location of drug stores within 400 metres (1,300 ft.) radius

original signed by Ron Hintsche

Jean Lamontagne
General Manager
Planning and Development

DZ/da

Information for City Clerk

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

1. (a) Agent: Name: Bobby Pawar
Earth King Forest Plaza Ltd.
Address: 19037 – 16 Avenue
Surrey, BC V3Z 9V3

2. Properties involved in the Application
 - (a) Civic Address: 8318 – 120 Street

 - (b) Civic Address: 8318 – 120 Street
Owner: Earth King Forest Plaza Ltd.
PID: 023-270-691
Lot 2 Section 30 Township 2 New Westminster District Plan LMP26084 Except: Plan EPP54672

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Development Variance Permit No. 7917-0270-00 and bring the Development Variance Permit forward for indication of support by Council. If supported, the Development Variance Permit will be brought forward for issuance and execution by the Mayor and City Clerk once all outstanding conditions are met.

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0270-00

Issued To: EARTH KING FOREST PLAZA LTD.

(the "Owner")

Address of Owner: 19037 – 16 Avenue
Surrey, BC V3Z 9V3

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: 023-270-691

Lot 2 Section 30 Township 2 New Westminster District Plan LMP26084 Except: Plan EPP54672

8318 – 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 0 metres (0 ft.) to permit a small-scale drug store on the Land.
4. This development variance permit applies to only that portion of the buildings and structures on the Land shown on Appendix III 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

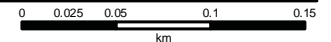
City Clerk – Jane Sullivan



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



Map created on: 18/01/2017