

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7917-0481-00

Planning Report Date: November 6, 2017

PROPOSAL:

- **Development Variance Permit**

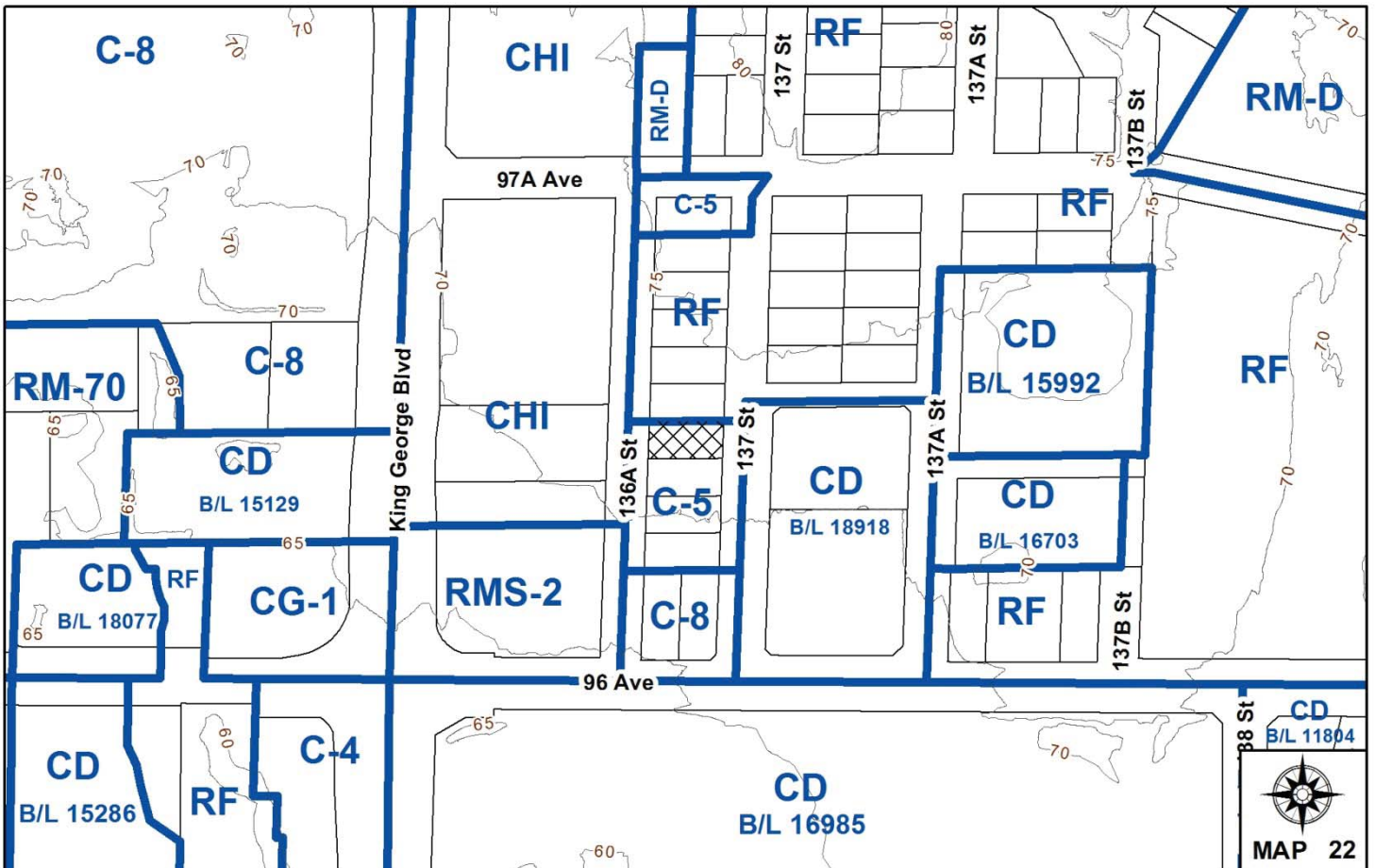
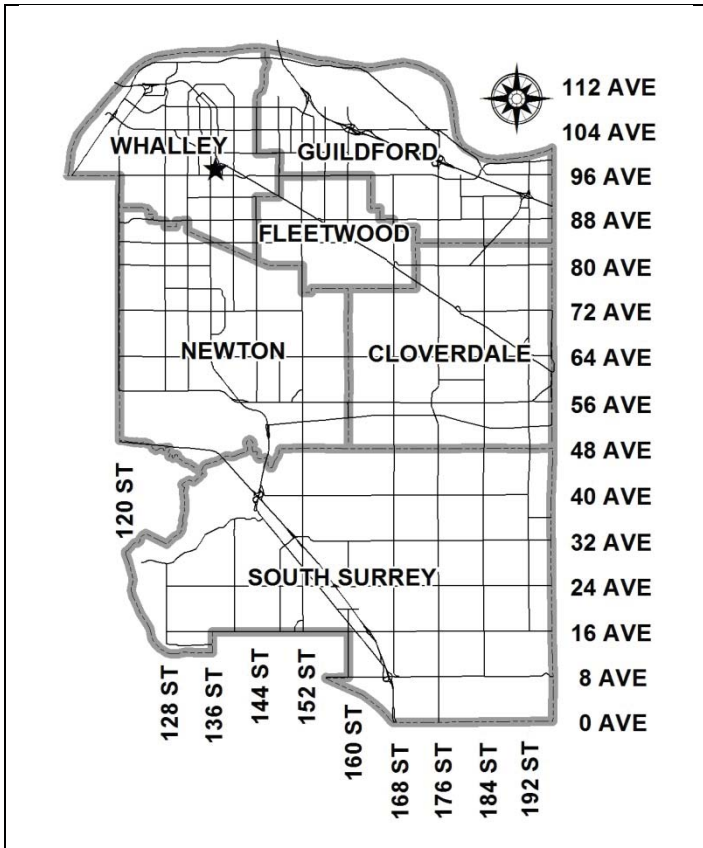
to vary the minimum 400-metre (1,300 ft.) separation requirement between a proposed small scale drug store and an existing small-scale drug store.

LOCATION: 9655 - 137 Street

ZONING: C-5

OCP DESIGNATION: Central Business District

NCP DESIGNATION: Mixed-Use 3.5 FAR



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- 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.

RATIONALE OF RECOMMENDATION

- The proposed variance allows for a small-scale pharmacy within the existing Grace Medical Clinic and Health Care Facility on the site, offering a comprehensive approach to health care.
- The proposed pharmacy is intended to better facilitate the clinic's existing medical patients by providing prescription medications on-site and will not operate as a methadone dispensary.
- Although the area is currently served by two (2) small-scale drug stores within a 400-metre (1,300 ft.) radius of the subject property, the applicant wants to provide convenience to patients of the existing medical clinic.
- A Section 219 Restrictive Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with a medical clinic, and to require the small-scale drug store to have the same hours of operation as the medical clinic
- A 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. 7917-0481-00 (Appendix III), varying the following, to proceed to Public Notification:
 - (a) In Section E.28 of Part 4 General Provisions of Zoning By-law No. 12000, the minimum separation requirement between a proposed small-scale drug store and an existing small-scale drugstore is reduced from 400 metres (1,300 ft.) to 20 metres (66 feet) to accommodate a small-scale drug store on the subject site.
2. Council instruct staff to resolve the following issues prior to Development Variance Permit issuance:
 - (a) A Section 219 Restrictive Covenant to be registered on title to allow the small-scale drug store to operate only in conjunction with a medical clinic, and to require the small-scale drug store to have the same hours of operation as the medical clinic on the site.

REFERRALS

Engineering: The Engineering Department has no objection to the project

SITE CHARACTERISTICS

Existing Land Use: Grace Medical Clinic and Health Care Facility

Adjacent Area:

Direction	Existing Use	City Centre Plan Designation	Existing Zone
North:	Single Family Dwelling.	Future Lane	RF
East (Across 137 Street):	12-storey Office/retail development approved under Application Nos. 7914-0021-00 and 7916-0432-00.	Mixed Use 3.5 FAR	CD (By-law No. 18918)
South:	Multi-tenant Medical Office Building.	Mixed Use 3.5 FAR	C-5
West (Across 136A Street):	Multi-tenant Medical Office Building.	Mixed Use 3.5 FAR	CHI

DEVELOPMENT CONSIDERATIONS

- The subject site is 667 square meters (7,178 sq. ft) in size and located at 9655 - 137 Street in City Centre. The site is designated Central Business District in the Official Community Plan (OCP) and "Mixed-Use 3.5 FAR" in the City Centre Plan. The site is currently zoned "Neighbourhood Commercial Zone (C-5)."
- The applicant is proposing to operate a joint medical clinic and pharmacy in the existing two-storey commercial building already housing the Grace Medical Clinic and Health Care Facility. The proposed pharmacy and family practice medical clinic are permitted uses under the existing C-5 Zone.
- 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 drug stores 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.
- Within a 400 metre (1,300 feet) radius of the site, there are two existing pharmacies (shown in Appendix II):
 - Krolls Surrey Pharmacy located at 9656 - King George Boulevard, approximately 20 meters (65.6 feet) from the subject site; and
 - Wellness Pharmacy located at 13737 - 96 Avenue, approximately 60 metres (197 ft) from the subject site.
- Grace Medical Clinic is a multi-disciplinary medical facility offering a range of medical services. The proposed pharmacy is intended to provide existing patients with greater convenience through access to prescription medications on-site. The proposed pharmacy will not dispense methadone.

BY-LAW VARIANCE AND JUSTIFICATION

(a) Requested Variance:

- To vary Section E.28 of Part 4 General Provisions of Zoning By-law No. 12000, by reducing the minimum separation requirement between a proposed small-scale drug store and an existing small-scale drugstore from 400 metres (1,300 ft.) to 20 metres (66 feet).

Applicant's Reasons:

- The proposed pharmacy is intended to better facilitate the clinic's existing medical patients by providing prescription medications on-site.

Staff Comments:

- The applicant is proposing to operate a joint medical clinic and a 42 square metre (450 sq.ft.) pharmacy in the existing two-storey commercial building already housing the Grace Medical Clinic and Health Care Facility.
- The proposal offers a comprehensive health care approach by serving the patients of the existing clinic and will not include methadone dispensing.
- A Section 219 Restrictive Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with a medical clinic, and to require the small-scale drug store to have the same hours of operation as the medical clinic
- Staff supports the requested variance.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

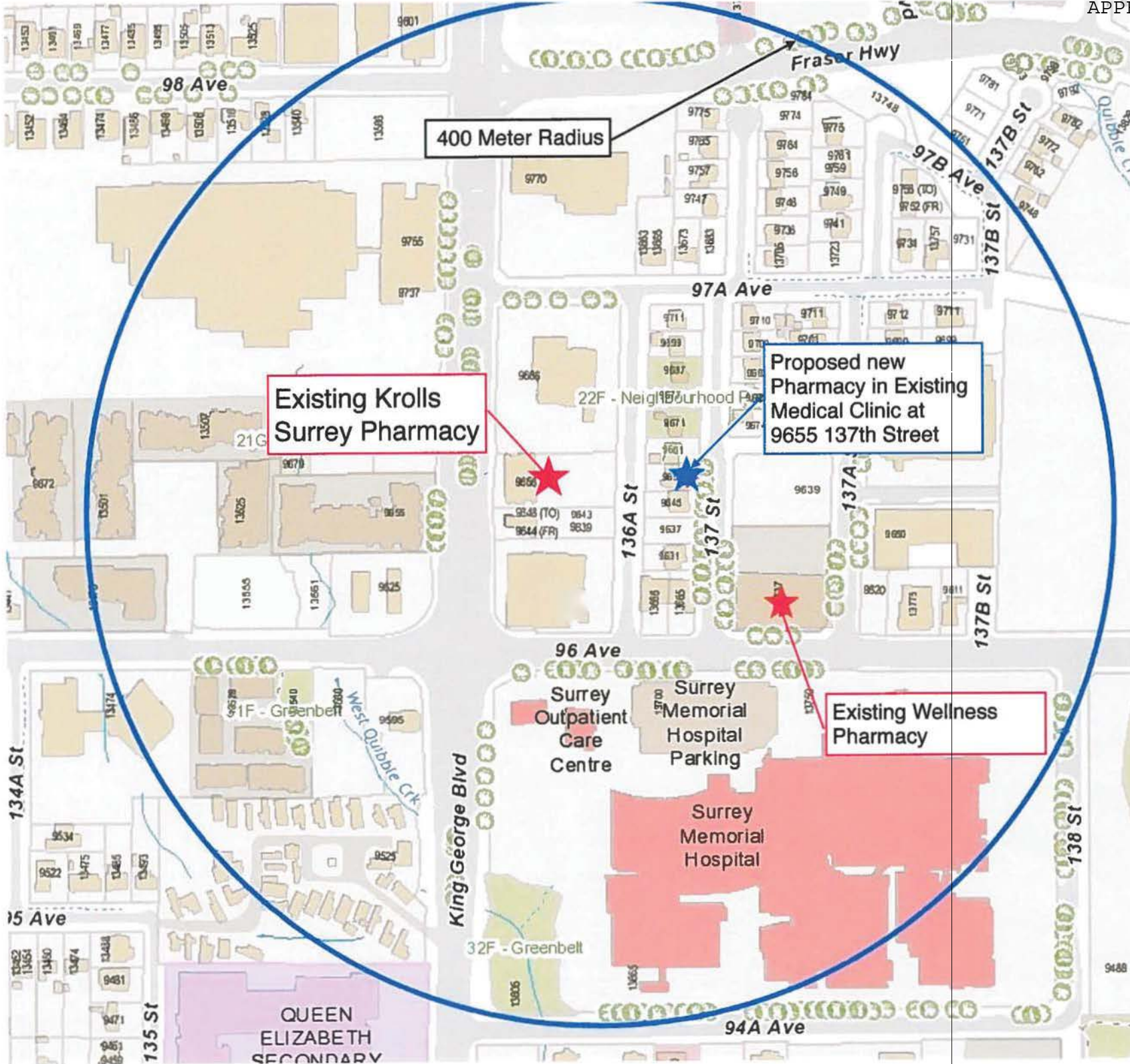
Appendix I.	Lot Owners and Action Summary (Confidential)
Appendix II.	Map illustrating existing drug stores within a 400 metre (1,300 ft.) radius
Appendix III.	Development Variance Permit No. 7917-0481-00

original signed by Ron Gill

Jean Lamontagne
General Manager
Planning and Development

KL/da

APPENDIX I HAS BEEN
REMOVED AS IT CONTAINS
CONFIDENTIAL INFORMATION



400 Meter Radius

Existing Krolls
Surrey Pharmacy

Proposed new
Pharmacy in Existing
Medical Clinic at
9655 137th Street

Existing Wellness
Pharmacy

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7917-0481-00

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: 005-402-042

Lot 10 Section 35 Block 5 North Range 2 West New Westminster District Plan 14725

9655 - 137 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 of Zoning By-law No. 12000, the minimum separation requirement between small-scale drug stores is reduced from 400 metres (1,300 ft.) to 20 metres (66 ft.) to permit a small-scale drug store on the Land.
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