

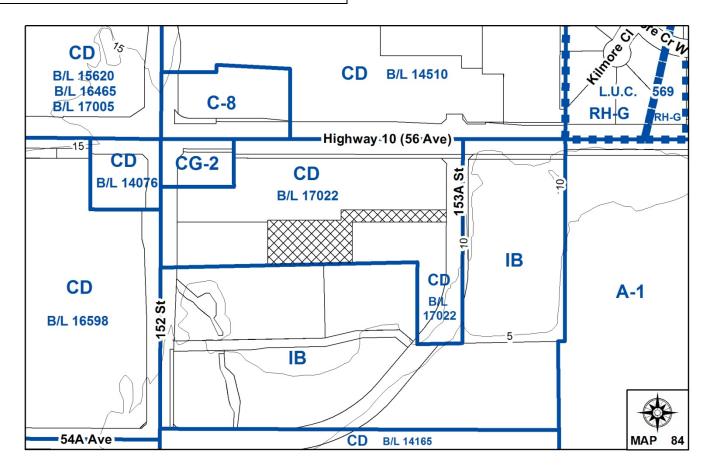
Planning Report Date: June 27, 2011

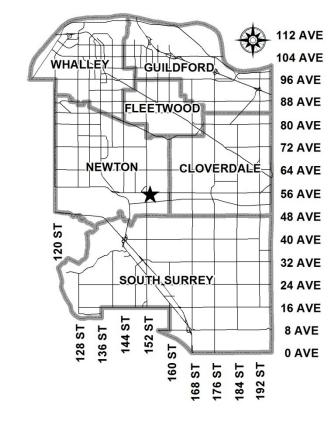
PROPOSAL:

- Text Amendment to Small-Scale Drug Store Definition in Surrey Zoning By-law, 1993, No. 12000
- Development Variance Permit

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

LOCATION:	15240 – No. 10 Highway (56 Avenue)
OWNER:	Panorama Park Investments Ltd.
ZONING:	CD (By-law No. 17022)
OCP DESIGNATION:	Industrial





RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for Amending Surrey Zoning By-law, 1993, No. 12000.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

• The applicant is proposing to construct a pharmacy as part of a larger medical complex which offers a broad range of medical services including doctors, dentists, physiotherapists and life lab. To accommodate the pharmacy, the applicant is proposing to vary the minimum separation requirement under Part 4, General Provisions, Section 28 of Surrey Zoning By-law No. 12000 which requires a 400 metre separation between the proposed pharmacy and existing drug store at 15157 – 56 Avenue (Shoppers Drug Mart).

RATIONALE OF RECOMMENDATION

- City staff are proposing a text amendment to eliminate a "loophole" in Surrey Zoning By-law, 1993, No. 12000 to ensure a minimum separation of 400 metres (1,312 ft.) is required between a pharmacy and small-scale drug store, drug store or methadone dispensary. Under the Zoning By-law, a pharmacy is currently not categorized as a "Small-Scale Drug Store" given that 65% of the gross floor area is not devoted exclusively to retail sales of health/beauty products or general merchandise. As a result, City staff proposes to redefine "Small-Scale Drug Store" by eliminating the minimum requirement for retail sales on 65% of the gross floor area. In addition, the revised definition will, in essence, categorize small-scale drug stores as pharmacies or commercial establishments which fill a broad range of pharmaceutical prescriptions but exclude methadone dispensaries.
- The proposed variance would expand the range of medical-related services provided on-site by permitting a pharmacy within the larger medical complex. The addition of a pharmacy would allow a registered pharmacist to dispense prescribed medication on-site which is more convenient for clientele and allows medical staff to better monitor overall patient health.
- Under the existing CD Zone (By-law No. 17022), retail stores are permitted on-site provided the total gross floor area for all retail stores not exceed 2,500 square metres (26,910 sq. ft.). The applicant is proposing a pharmacy with a total floor area of 140 square metres (1,500 sq. ft.). In addition, By-laws & Licensing Division records indicate that City staff have issued business licenses for retail uses on-site which occupy a combined gross floor area of 224 square metres (2,405 sq. ft.). Therefore, the proposed pharmacy will not exceed the gross retail floor space currently permitted under the CD Zone.

RECOMMENDATION

The Planning & Development Department recommends that:

- 1. a By-law be introduced to amend the text of Surrey Zoning By-law, 1993, No. 12000, as described in this report, and a date set for Public Hearing.
- 2. Council approve Development Variance Permit No. 7911-0114-00 (Appendix IV) varying the following, to proceed to Public Notification:
 - (a) In Section 28 of Part 4 General Provisions the minimum separation requirement between a small-scale drug store and existing drug store is varied from 400 metres (1,300 ft.) to 170 metres (558 ft.).
- 3. Council instruct staff to resolve the following issue prior to final adoption:
 - (a) approval from the Ministry of Transportation & Infrastructure.

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Ministry of Transportation & Infrastructure (MOTI):	No comments.

SITE CHARACTERISTICS

Existing Land Use: Industrial business complex.

Adjacent Area:

Direction	Existing Use	OCP/NCP/LAP	Existing Zone
		Designation	
North	Commercial buildings and	Commercial/Urban	C-8 & CD
(Across Highway No. 10):	single family dwellings	Residential	(B/L 14510)
East and south:	Industrial Business Park and greenbelt	Industrial	IB
West:	Industrial Business Park and Gas Station	Industrial/Business Park and Gas Station	CD (B/L 16598 & 14076) and CG-2

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is 0.5 hectare (1.25 acres) in area and located on the south side of 56 Avenue (No. 10 Highway) between 152 Street and 153A Street.
- The property is designated "Industrial" in the Official Community Plan (OCP) and currently regulated by a "Comprehensive Development (CD)" Zone (By-law No. 17022) which allows a broad range of light impact industrial uses, general service uses and limited commercial uses.
- A Development Permit (No. 7908-0181-00) was issued by Council on November 3, 2008 for a two-phase industrial project which included nine buildings with a gross floor area of 12,355.5 square metres (132,994 sq. ft.). Several buildings on the subject property originally constructed during Phase I are presently occupied by commercial, industrial or retail uses including A&W Restaurant, Scotia Bank and Big Ridge Brewing Company.
- The proposed pharmacy will occupy the ground floor of Building H, a three-storey mixedretail/office building with a total floor area of 4,335 square metres (46,700 sq. ft.) proposed during Phase II (Appendix II).

CD By-law (No. 17022)

- Under the existing CD Zone (By-law No. 17022), retail stores are permitted on-site provided the gross floor area for all retail stores not exceed 2,500 square metres (26,910 sq. ft.). The applicant is proposing a pharmacy with a total floor area of 140 square metres (1,500 sq. ft.).
- City staff have issued several business licenses for retail uses on-site which occupy a combined gross floor area of 224 square metres (2,410 sq. ft.). Therefore, the proposed pharmacy would not exceed the gross retail floor space currently permitted under the existing CD Zone.

Proposed Text Amendment to Surrey Zoning By-law, 1993, No. 12000

- A "Drug Store" is defined as a commercial establishment with a gross floor area of 600 square metres (6,450 sq. ft.) or greater which fills a broad range of pharmaceutical prescriptions and which includes the display for sale of health and beauty products and general merchandise on at least 65% of its gross floor area.
- A "Small-Scale Drug Store" is defined as a commercial establishment with a gross floor area of less than 600 square metres (6,450 sq. ft.) which fills prescriptions and which includes the display for sale of health and beauty products and general merchandise on at least 65% of its gross floor area.
- A "Methadone Dispensary" is defined as a business selling or filling methadone prescriptions for customers as the primary activity of the business and which does not display for sale health and beauty products and general merchandise on at least 65% of its gross floor area, but excludes a drug store or a small-scale drug store.

File: 7911-0114-00

- However, a small pharmacy which primarily dispenses medication but does not have 65% gross floor area devoted to general merchandise is considered "Retail Store" use.
- In order to include a small pharmacy into the definition of "Small-Scale Drug Store" and eliminate this loophole in the Zoning By-law, the following text amendment to the definition of "Small-Scale Drug Store" in the Zoning By-law is recommended.
 - Eliminate the requirement for retail sales on 65% of the gross floor area;
 - Classify small-scale drug stores as commercial establishments which fill a broad range of pharmaceutical prescriptions, in keeping with the existing definition of "Drug Store"; and
 - Exclude methadone clinics

<u>Proposal</u>

- The applicant is proposing to construct a pharmacy as part of a larger medical complex which offers a broad range of medical services including doctors, dentists, physiotherapists as well as life lab. The proposed pharmacy is 140 square metres (1,500 sq. ft.) and typically employs one registered pharmacist. The larger medical complex will occupy roughly 1,305 square metres (14,047 sq. ft.) of gross floor area.
- The applicant is requesting a Development Variance Permit (DVP) in order to permit a smallscale drug store within 400 metres (1,312 ft.) of an existing drug store (Shoppers Drug Mart) at 15157 – 56 Avenue. The existing separation is roughly 170 metres (558 ft.).

BY-LAW VARIANCE AND JUSTIFICATION

- (a) Requested Variance:
 - The applicant is proposing to vary the minimum separation requirement of 400 metres (1,312 ft.) between a small-scale drug store and existing drug store as outlined in Part 4, General Provisions, Section 28 of Surrey Zoning By-law, 1993, No. 12000.

Applicant's Reasons:

• The proposed variance would expand the range of medical-related services provided on-site thereby allowing a registered pharmacist to dispense prescribed medication which is more convenient for clientele and allows medical staff to better monitor the overall health of individual patients.

Staff Comments:

- The proposed pharmacy will occupy a relatively small floor area (140 square metres/ 1,500 sq. ft.) within the larger medical complex and will not function primarily as a methadone dispensary.
- A minimum separation of 170 metres (558 ft.) is maintained between the proposed pharmacy and existing drug store located at 15157 56 Avenue (Shoppers Drug Mart).

The proposed pharmacy is designed to provide medical services primarily to existing
patients and focuses largely on prescription medications as well as offering a broader
range of unique services (e.g. diabetic supplies, compounding or vaccinations) which
minimizes competition and ensures the long-term economic viability of the existing
drug store located at 15157 – 56 Avenue.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Site Plan and Building Elevation Drawings
- Appendix III. Proposed Text Amendment to Surrey Zoning By-law, 1993, No. 12000
- Appendix IV. Development Variance Permit No. 7911-0114-00

original signed by Nicholas Lai

Jean Lamontagne General Manager Planning and Development

MRJ/kms

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Information for City Clerk

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

1.	(a) Agent:	Name:	Oleg Verbenkov, Pacific Land Group
		Address:	7485 – 130 Street, Unit #101
			Surrey, BC
			V3W 1H8
		Tel:	604-501-1624

2. Properties involved in the Application

(a)	Civic Address:	15240 – No. 10 Highway (56 Avenue)
(b)		15240 – No. 10 Highway (56 Avenue) Panorama Park Investments Ltd., Inc. No. 0806551 028-045-050 ship 2 New West Minster District Plan BCP42333 Except Phases ar and Five Strata Plan BCS3598

3. Summary of Actions for City Clerk's Office

- (a) Introduce a By-law to amend Surrey Zoning By-law, 1993, No. 12000.
- (b) Application is under the jurisdiction of MOTI.

MOTI File No. 2011-03085

(c) Proceed with Public Notification for Development Variance Permit No. 7911-0114-00 and bring the Development Variance Permit forward for issuance and execution by the Mayor and City Clerk.

DEVELOPMENT DATA SHEET

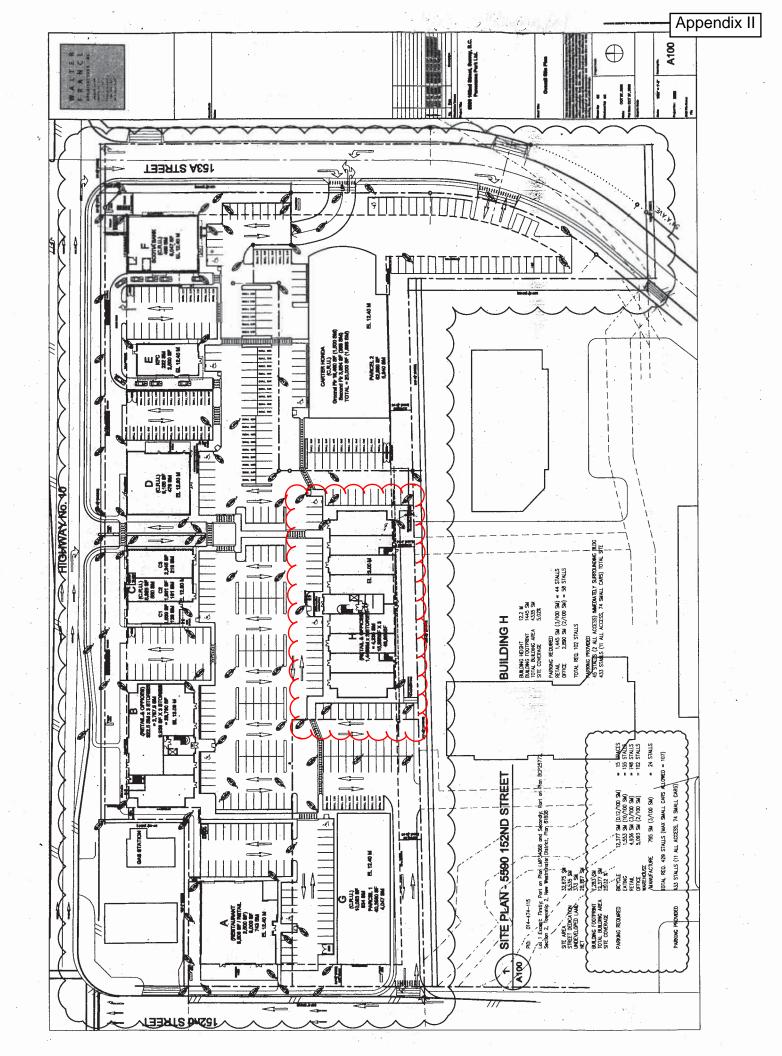
Existing Zoning: CD (By-law 17022)

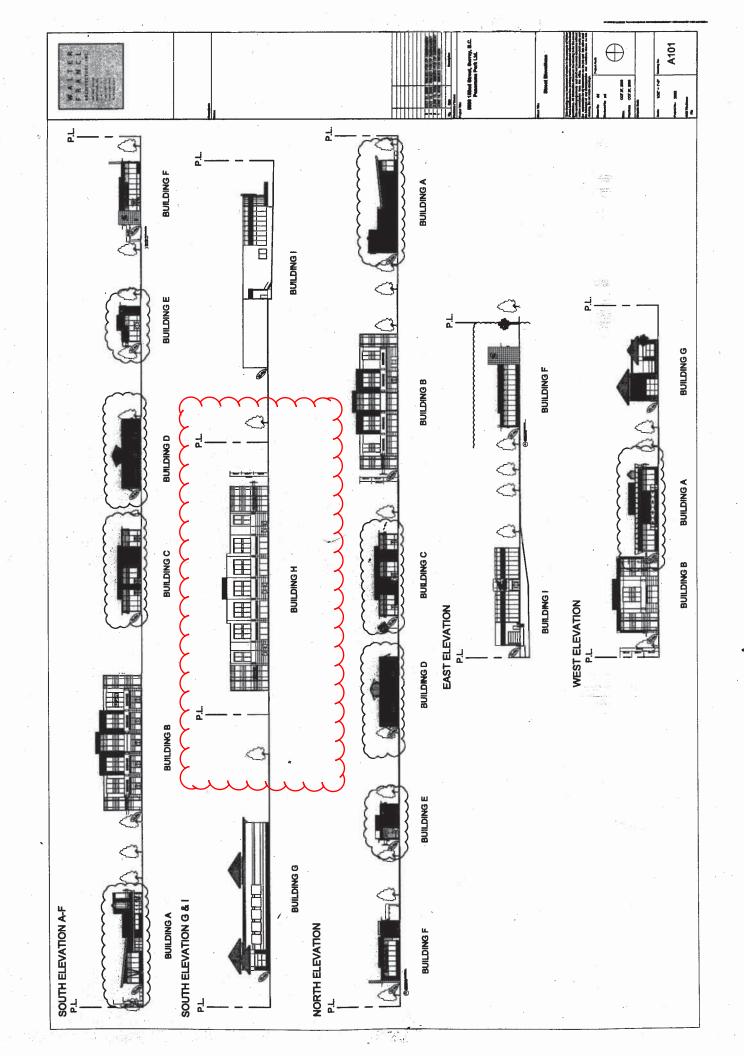
Required Development Data	Maximum Allowed	Proposed	
LOT AREA* (in square metres)			
Gross Total		5,058 m ²	
Road Widening area			
Undevelopable area			
Net Total			
LOT COVERAGE (in % of net lot area)			
Buildings & Structures	45%	28.6%	
Paved & Hard Surfaced Areas			
Total Site Coverage			
SETBACKS (in metres)			
Front	7.5 m.	7.5 m.	
Rear	6.4 m.	6.4 m.	
Side #1 (N,S,E, or W)	4 m.	4 m.	
Side #2 (N,S,E, or W)	4 m.	4 m.	
Side #3 (N, S, E or W)			
BUILDING HEIGHT (in metres/storeys)			
Principal	12 m.	12 m.	
Accessory			
NUMBER OF RESIDENTIAL UNITS			
Bachelor			
One Bed			
Two Bedroom			
Three Bedroom +			
Total			
FLOOR AREA: Residential			
FLOOR AREA: Commercial			
Retail		1,445 m ²	
Office		2,890 m ²	
Total		4,335 m ²	
FLOOR AREA: Industrial			
FLOOR AREA: Institutional			
TOTAL BUILDING FLOOR AREA		4,335 m ²	

* If the development site consists of more than one lot, lot dimensions pertain to the entire site.

Required Development Data	Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Office	58 stalls	+58 stalls
Commercial	44 stalls	+44 stalls
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	102 stalls	+102 stalls
Number of disabled stalls	2 stalls	2 stalls
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site NO	Tree Survey/Assessment Provided	NO
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CITY OF SURREY

BY-LAW NO.

A by-law to amend the provisions of "Surrey Zoning By-law, 1993, No. 12000", as amended.

The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. "Surrey Zoning By-law, 1993, No. 12000, as amended, is hereby further amended as follows:
 - (a) Part 1 Definitions is amended by deleting the definition of "Small-Scale Drug Store" in its entirety and inserting the following in its place:

means a commercial establishment with a *gross floor area* of less than 600 square metres [6,450 square feet] which fills a broad range of pharmaceutical prescriptions and excludes *methadone dispensary*.

2. This By-law shall be cited for purposes as "Surrey Zoning By-law, 1993, No. 12000, Text Amendment By-law, 2011, No. _____. "

PASSED FIRST AND SECOND READING on	the th day of	, 20 .
PUBLIC HEARING HELD thereon on the	th day of	, 20 .
PASSED THIRD READING ON THE	th day of	,20.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the th day of , 20.

_____ MAYOR

_____ CLERK

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7911-0114-00

Issued To:			PANORAMA PARK INVESTMENTS LTD., INC. NO. 0806551	
			("the Owner")	
Address of Owner:		wner:	1959 – 152 Street, Unit #300 Surrey, BC V4A 9E3	
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.	witho		variance permit applies to that real property including land with or nents located within the City of Surrey, with the legal description and llows:	
	Parcel Identifier: 028-045-050 Lot C Section 2 Township 2 New West Minster District Plan BCP42333 Except Phase One, Two, Three, Four and Five Strata Plan BCS3598			
			15240 – No 10. Highway (56 Avenue)	
			(the "Land")	
3.	Surrey	Zoning By-	law, 1993, No. 12000, as amended is varied as follows:	
	(a)	between a	28 of Part 4 General Provisions the minimum separation requirement small-scale drug store and existing drug store is varied from 400 metres 0 170 metres (558 ft.).	
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 perr This development variance permit does not apply to additions to, or replacement of, a 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 – Dianne L. Watts

City Clerk – Jane Sullivan

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