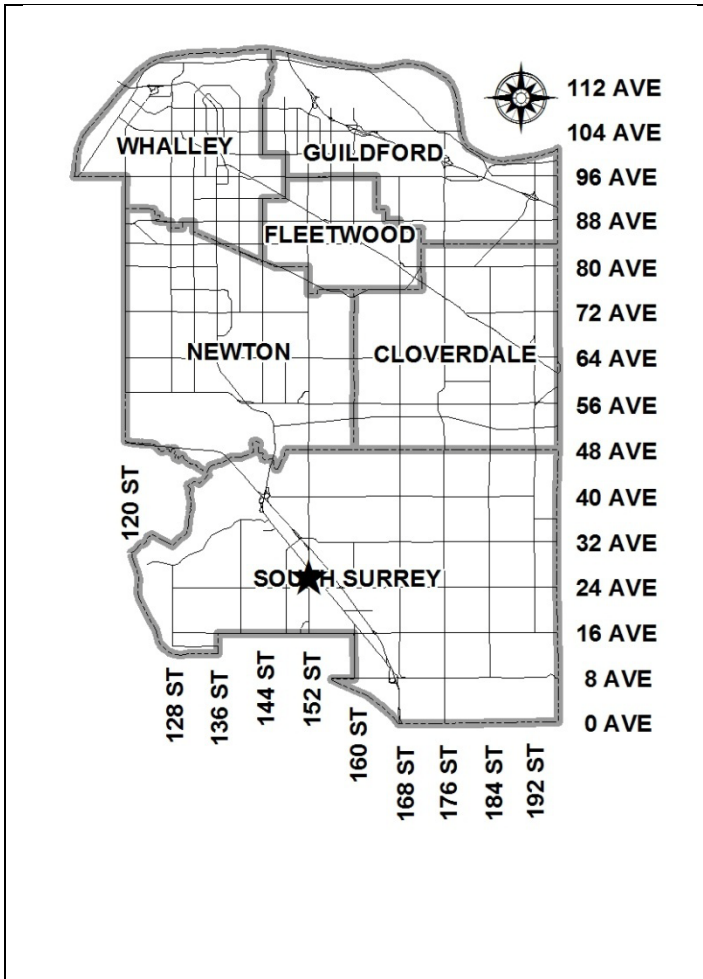


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7912-0012-00

Planning Report Date: February 20, 2012

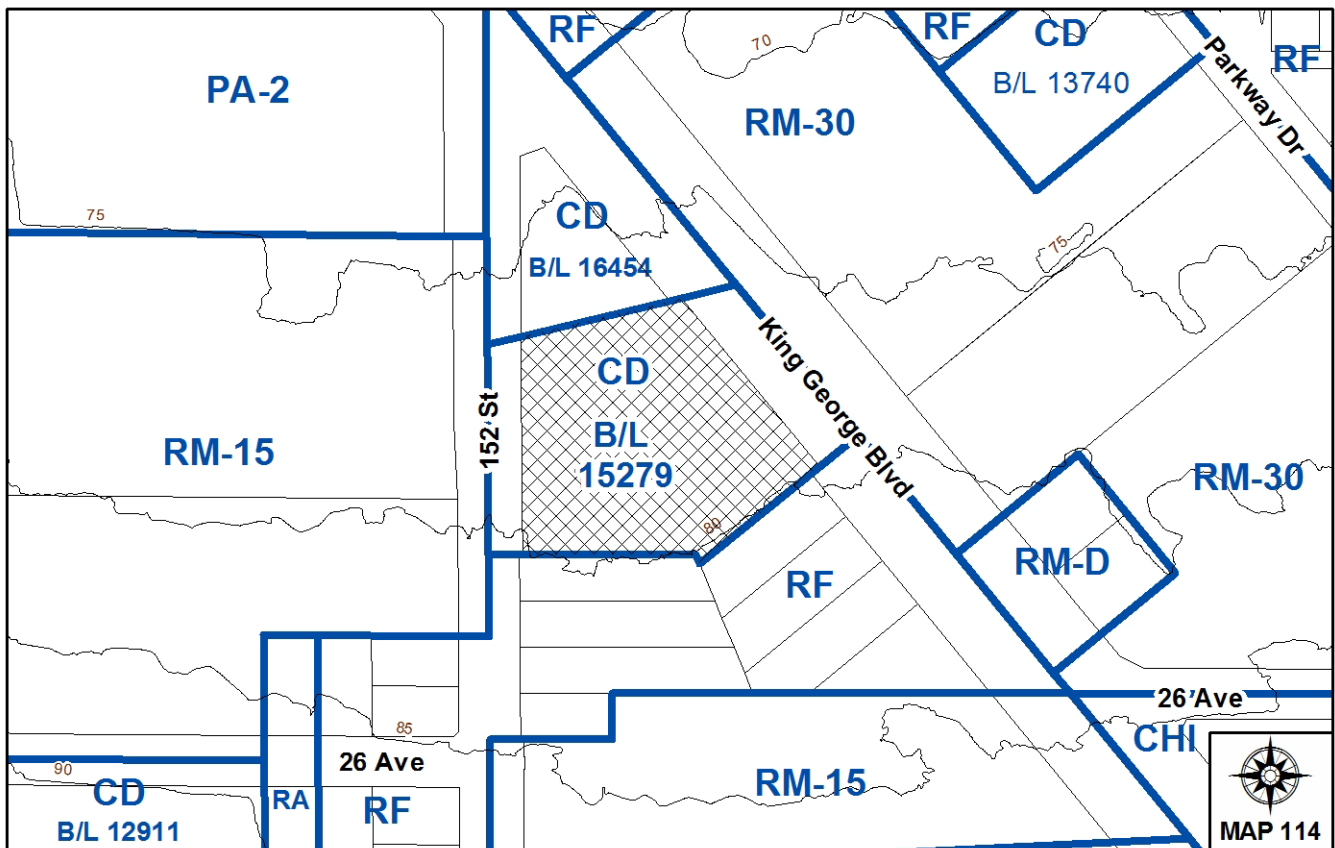


PROPOSAL:

- **Development Variance Permit**

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

LOCATION: 2640 - 152 Street
OWNER: Benuzzo Santelli, Carmela Santelli and Rosanna Santelli
ZONING: CD (By-law No. 15279)
OCP DESIGNATION: Multiple Residential
LAP DESIGNATION: Commercial



RECOMMENDATION SUMMARY

- 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 office complex. In order 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 that requires a 400 metre separation between the proposed pharmacy and existing drug stores located within Peninsula Village Shopping Centre at 15355 – 24 Avenue (Safeway and London Drugs).

RATIONALE OF RECOMMENDATION

- The proposed variance would expand the range of medical-related services provided on-site by permitting a pharmacy to operate in conjunction with the larger medical office. 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. 15279), retail stores and office uses are permitted on-site. However, Council recently expressed concerns pertaining to the nature of operation regarding small stand-alone pharmacies in response to a similar DVP application in North Surrey (File No. 7911-0314-00). To address this concern, the current applicant has agreed to go through a rezoning process to ensure the operation of the small-scale drug store is in conjunction with a medical office.
- However, due to the applicant's time constraints to secure an extension of the Offer to Lease, staff is requesting Council consider the Development Variance Permit (DVP) before introduction of the CD By-law Amendment. The CD By-law Amendment application will proceed to Council in March, 2012. The proposed pharmacy will not receive a business license until the DVP and rezoning are approved by Council.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7912-0012-00 (Appendix II) 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 (1,312 ft.) to 265 metres (869 ft.).

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Multi-tenant commercial buildings

Adjacent Area:

Direction	Existing Use	OCP/LAP Designation	Existing Zone
North:	Gas station.	Urban/Commercial	CD (B/L 16454)
East (Across King George Boulevard):	Multi-family residential.	Multi-family/Garden Apartments (30 u.p.a.) and Proposed Landscape Buffer (15 metres wide)	RM-30
South:	Single family residential.	Multi-family/Apartments (45 u.p.a.) and Proposed Landscape Buffer (15 metres wide)	RF
West (Across 152 Street):	Multi-family residential.	Urban/Townhouse (15 u.p.a.)	RM-15

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is 0.9 hectare (2.2 acres) in area and located between King George Boulevard and 152 Street.
- The property is designated “Multiple Residential” in the Official Community Plan (OCP) and “Commercial” in the King George Highway Corridor Development Concept Plan. The property is currently regulated under a Comprehensive Development (CD) Zone (By-law No. 15279).

- The subject property was previously rezoned from “Single Family Residential (RF)” Zone to “Comprehensive Development (CD)” Zone (Based on C-5) in order to permit a broad range of retail uses, general service uses and office uses. A Development Permit (No. 7903-0099-00) was issued by Council on July 26, 2004 for three commercial buildings with a gross floor area of 1,732 square metres (18,644 sq. ft.).
- The proposed pharmacy will occupy roughly 93 square metres (1,000 sq. ft.) of retail floor space in Building 1 (Appendix II) and operate in conjunction with a larger medical office that occupies roughly 418 square metres (4,500 sq. ft.) of office space. The combined medical-related services provided on-site will benefit patients by offering the services of different healthcare professionals, located within a single medical complex, which significantly improves overall patient treatment.

Definition of Small-Scale Drug Store and Drug Store in Zoning By-law No. 12000

- Under the Zoning By-law, 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*”.
- 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*”. The proposed pharmacy at 2640 – 152 Street is considered a small-scale drug store under Zoning By-law, No. 12000.
- The Zoning By-law requires that no small-scale drug store shall be located within 400 metres (1,312 ft.) of an existing drug store, small-scale drug store or methadone dispensary. In contrast, drug stores are exempt from the 400 metre separation requirement under Zoning By-law No. 12000.
- The proposed pharmacy at 2640 – 152 Street (File No. 7912-0012-00) is situated within 400 metres (1,312 ft.) of existing drug stores located in Peninsula Village Shopping Centre at 15355 – 24 Avenue (Safeway and London Drugs).

Proposed Amendment to CD By-law (By-law No. 15279)

- Council previously expressed concerns at the January 23, 2012 Regular Council Public Hearing pertaining to the nature of operation regarding small stand-alone pharmacies in response to a similar DVP application in North Surrey (File No. 7911-0314-00). The development application involved varying the 400 metre separation requirement between the proposed small-scale drug store and existing small-scale drug store located roughly 100 metres (328 ft.) from the subject property. In response, the applicant subsequently agreed to ensure the proposed pharmacy only operates in conjunction with a medical office located on-site by registering a Section 219 Restrictive Covenant (RC) on title.
- The applicant of this proposal has agreed to amend the existing CD Zone (By-law No. 15279) to ensure the operation of a small-scale drug store has to be in conjunction with a medical office.
- The applicant has expressed concerns regarding the length of time required to formally rezone the subject property at 2640 – 152 Street given the agent was unable to secure an extension of the Offer to Lease. Therefore, staff is requesting that Council consider the Development Variance Permit (DVP) before introduction of the CD By-law Amendment. The CD By-law Amendment application

is scheduled to proceed to Council in March, 2012 and thereby ensures the pharmacy will operate in conjunction with the medical office. The pharmacy will not receive a business license until the DVP and rezoning are approved by Council.

Proposal

- The proposed pharmacy will occupy roughly 93 square metres (1,000 sq. ft.) of retail space and operate in conjunction with a medical office that occupies about 418 square metres (4,500 sq. ft.) of office space in Building 1. The applicant proposes to establish the pharmacy as part of a larger medical complex which offers a broad range of medical-related services from healthcare providers, located within a single medical complex, which significantly improves overall patient treatment.
- The applicant is requesting a Development Variance Permit (DVP) in order to permit a small-scale drug store within 400 metres (1,312 ft.) of existing drug stores in Peninsula Village Shopping Centre at 15355 – 24 Avenue (London Drugs and Safeway). The existing separation is roughly 265 metres (869 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 stores 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.
- According to Fraser Health, the surrounding neighbourhood is underserved by physicians. As a result, the requested variance would enable another 4 – 5 healthcare professionals to establish a practice in South Surrey.

Staff Comments:

- The proposed pharmacy will occupy a relatively small floor area (93 square metres/1,000 sq. ft.) within a larger medical complex and will not function primarily as a methadone dispensary.
- A minimum separation of 265 metres (869 ft.) is maintained between the proposed pharmacy and existing drug stores at 15355 – 24 Avenue (London Drugs and Safeway).
- The proposed pharmacy is designed to provide medical services to existing patients and focuses largely on prescription medications as well as offering a broader range of unique services (e.g. medication monitoring, discharge counseling, diabetes management, health clinics, outreach programs and compounding) which minimizes competition and ensures the long-term economic viability of the existing drug stores at 15355 – 24 Avenue.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Development Variance Permit No. 7912-0012-00
- Appendix III. Map of Drug Stores within 400 metres of subject property

original signed by Nicholas Lai

Jean Lamontagne
General Manager
Planning and Development

MRJ/kms

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CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7912-0012-00

Issued To: BENUZZO SANTELLI
("the Owner")

Address of Owner: 1758 East 32 Avenue
Vancouver, BC
V5N 3B6

Issued To: CARMELA SANTELLI
("the Owner")

Address of Owner: 1758 East 32 Avenue
Vancouver, BC
V5N 3B6

Issued To: ROSANNA SANTELLI
("the Owner")

Address of Owner: 1758 East 32 Avenue
Vancouver, BC
V5N 3B6

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: 026-091-135
Lot 1 Section 23 Township 1 New Westminster District Plan BCP14021

2640 - 152 Street

(the "Land")

3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:

- (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 265 metres (869 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 permit. This development variance permit does not apply to additions to, or replacement of, any 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.

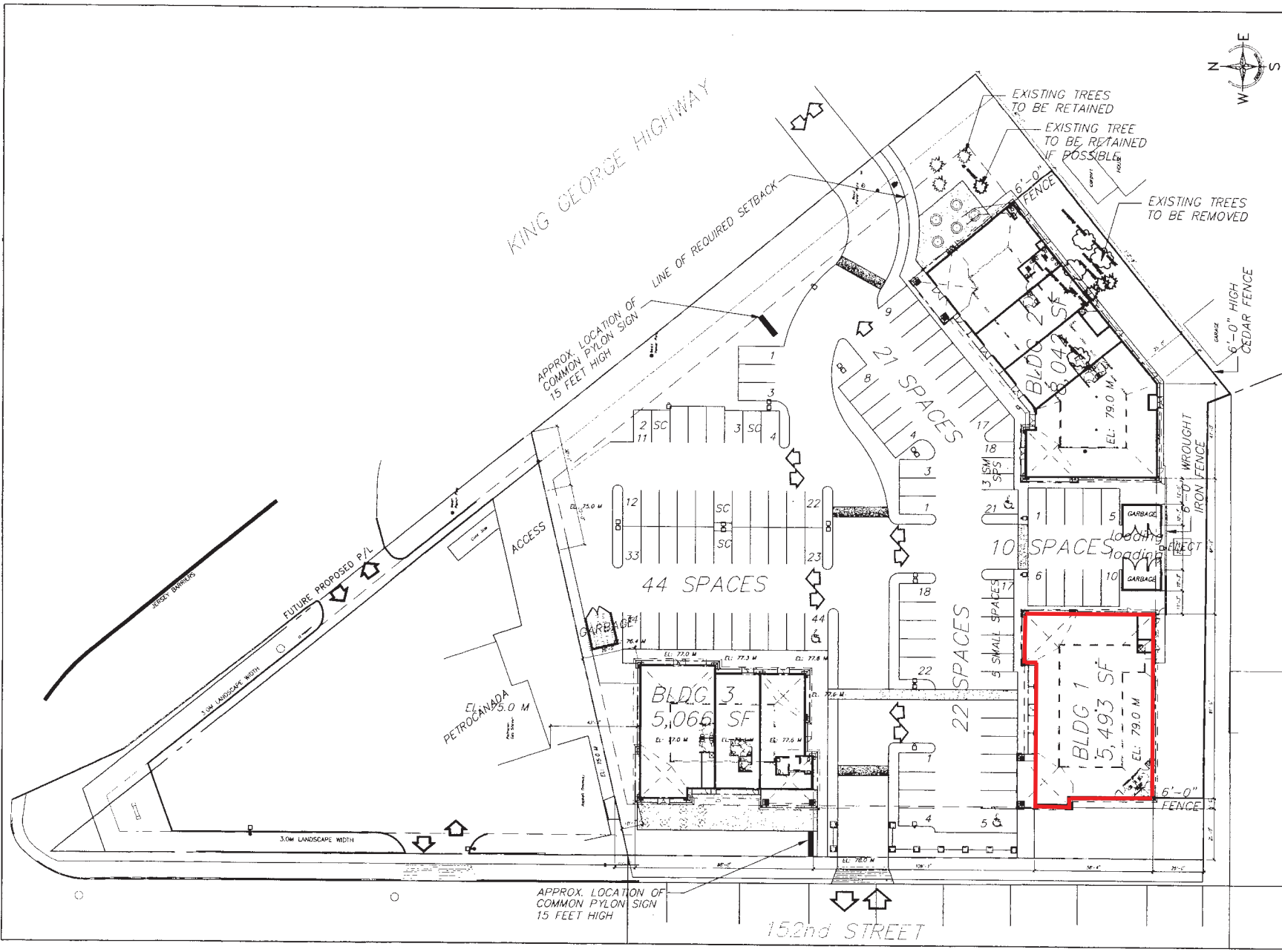
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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

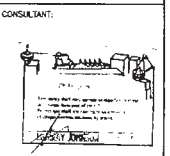


ATA
 ANDREW TERRIT ARCHITECT
 200-187 WEST BROADWAY
 VANCOUVER, B.C. V6J 0C2
 TEL. 736-3700 FAX. 736-3771

CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO BE RETAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO BE REMOVED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO BE REMOVED IF POSSIBLE.

REVISIONS:

rev.	date	description
1	FEB. 10/02	ISSUED FOR REVIEW
2	MAR 11/03	ISSUED FOR REVIEW
3	MAR 19/03	ISSUED FOR DP
4	SEP 05/03	RE-ISSUED FOR DP
5	OCT 22/03	ISSUED FOR ADP
6	NOV 18/03	RE-ISSUED FOR ADP
7	APR 14/04	ISSUED FOR CP REVIEW
8	APR 28/04	ISSUED FOR BP APPLICATION
9	MAY 13/04	CONST. REVISIONS
10	JUL 27/04	EXTERIOR CONCRETE WALLS
11	OCT 19/04	EXTERIOR STEEL BEAMS
12	NOV 5/04	FINAL BUILDING PERMIT DWGS.
13	DEC 29/04	FOOT PATCH CHANGES



PROJECT:
**TRIBECA
 RETAIL MALL
 152nd & KING GEORGE**

SHEET TITLE:
SITE PLAN

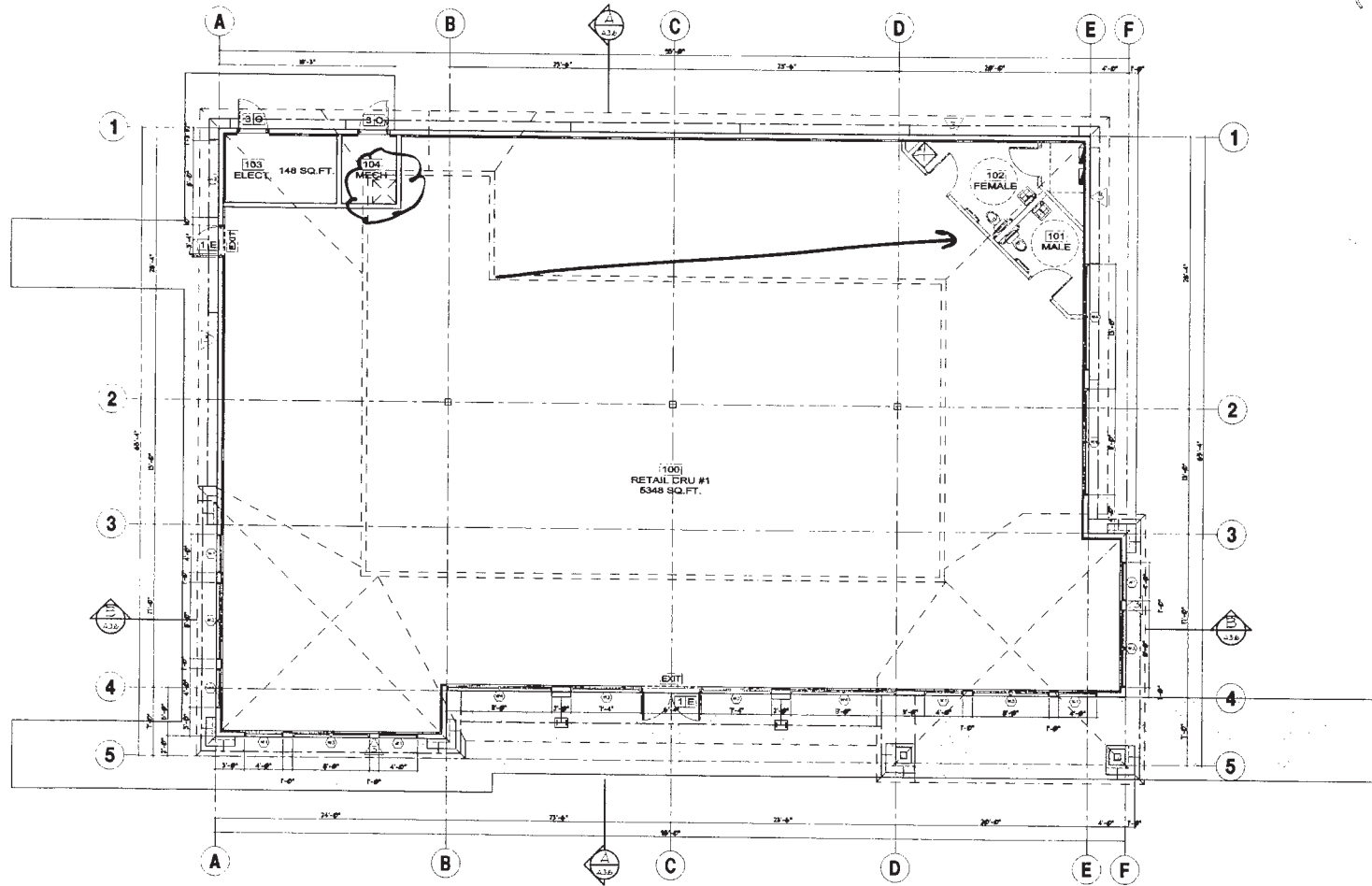
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 PROJECT NO. DRAWING NO.

SAN A.1.0

Schedule A



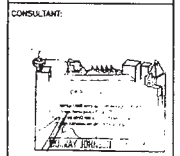
200-487 WEST BROADWAY
VANCOUVER, B.C. V6J 0Z2
TEL. 736-3730 FAX. 736-3771



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8	APR 26/04	ISSUED FOR BP APPLICATION
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13	DEC 29/04	ROOF HATCH CHANGES

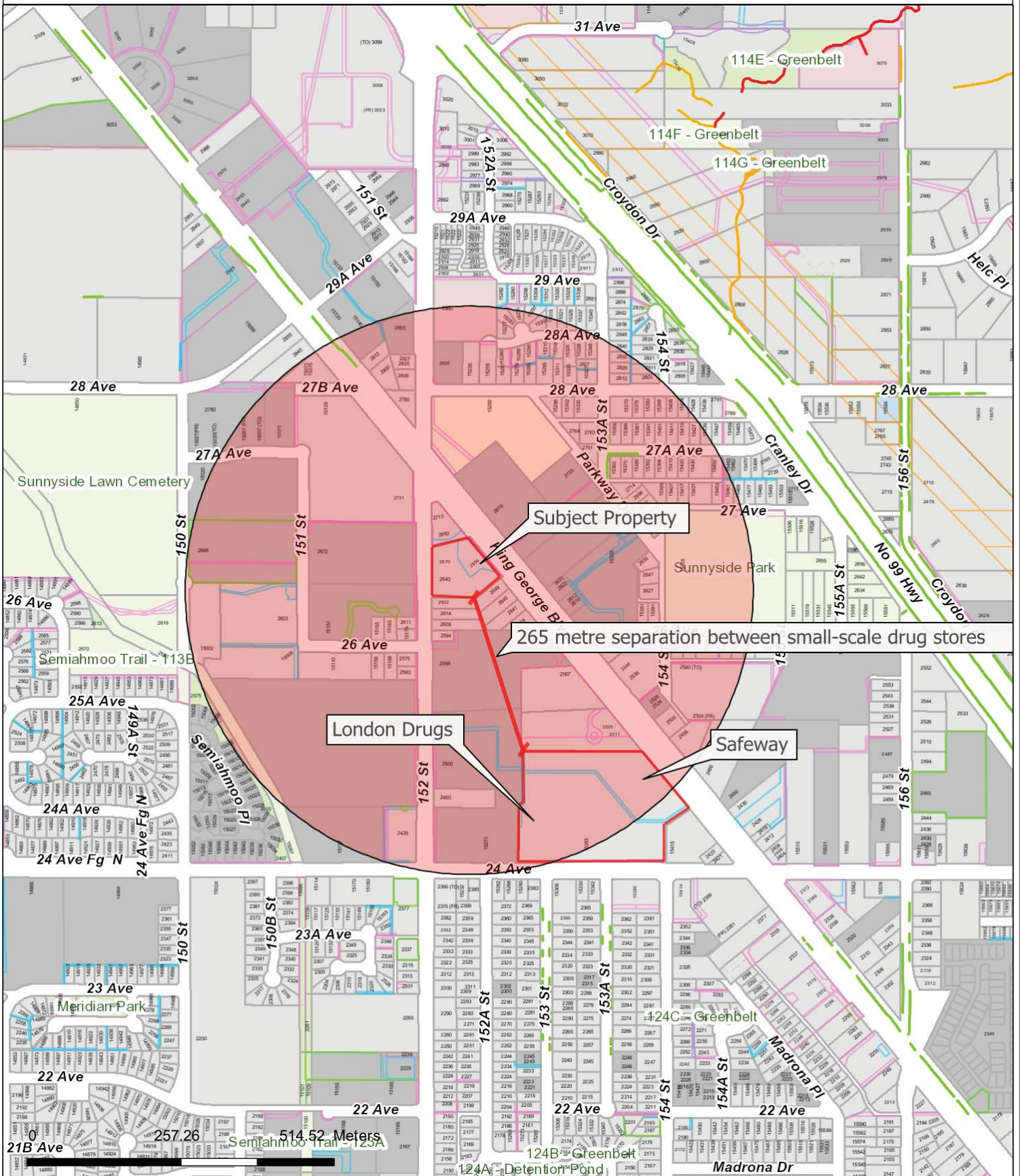


PROJECT:
**TRIBECA
RETAIL MALL
152nd & KING GEORGE**

SHEET TITLE:
**BUILDING 1
FLOOR PLAN**

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DRAWN BY: ERIC V.
DATE: 10/02/03
SCALE: 3/16" = 1'-0"
FILE NAME: A.2.1.DWG
PLOTTED: 05/06/04

PROJECT NO. DRAWING NO.
SAN A.2.1



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Scale: 1: 8,575
Map created on: Friday, 10 February 2012