

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0196-00

Planning Report Date: December 7, 2020

PROPOSAL:

- **Rezoning to Amend CD By-law No. 16734A**
- **Development Variance Permit**

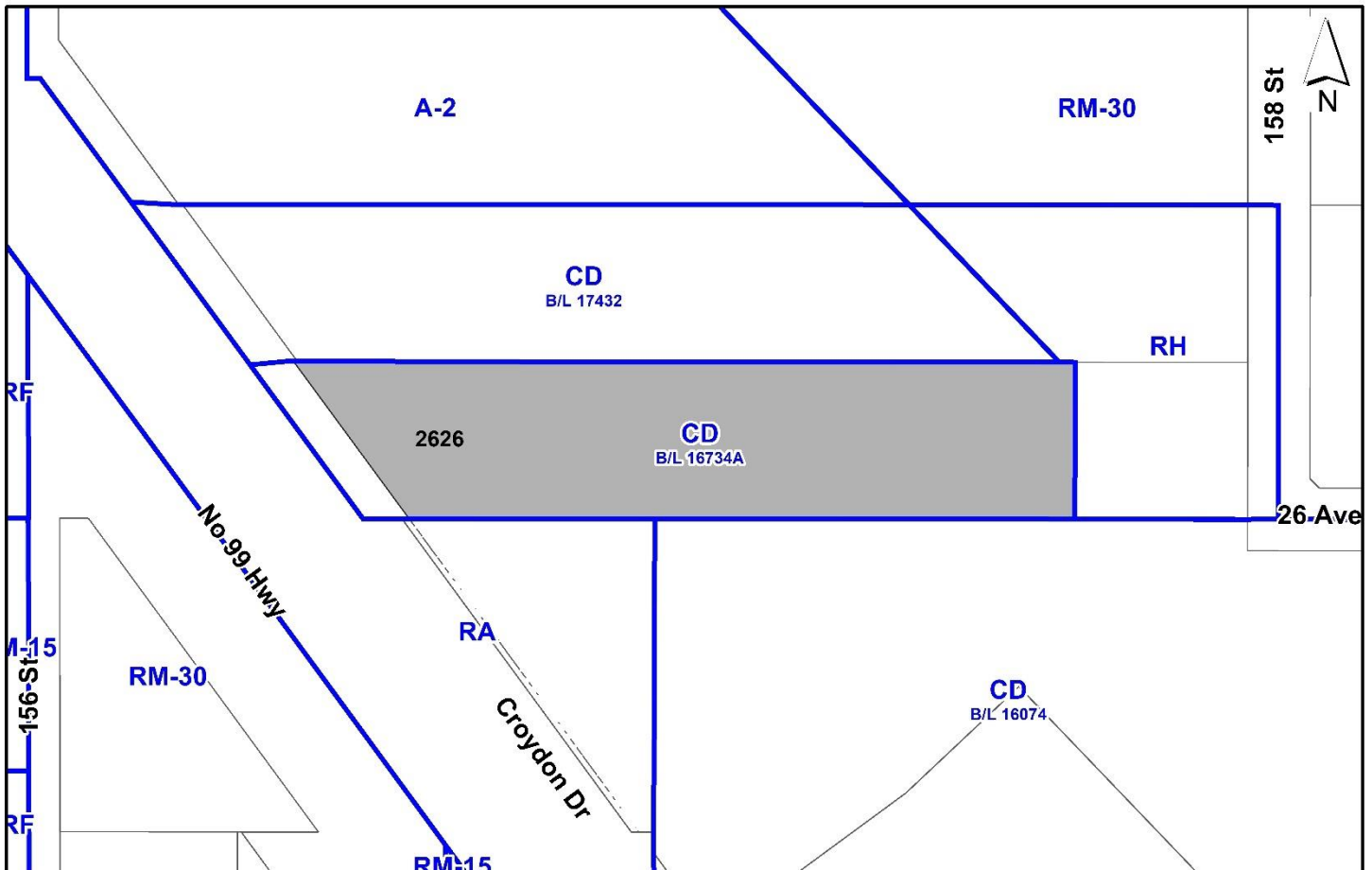
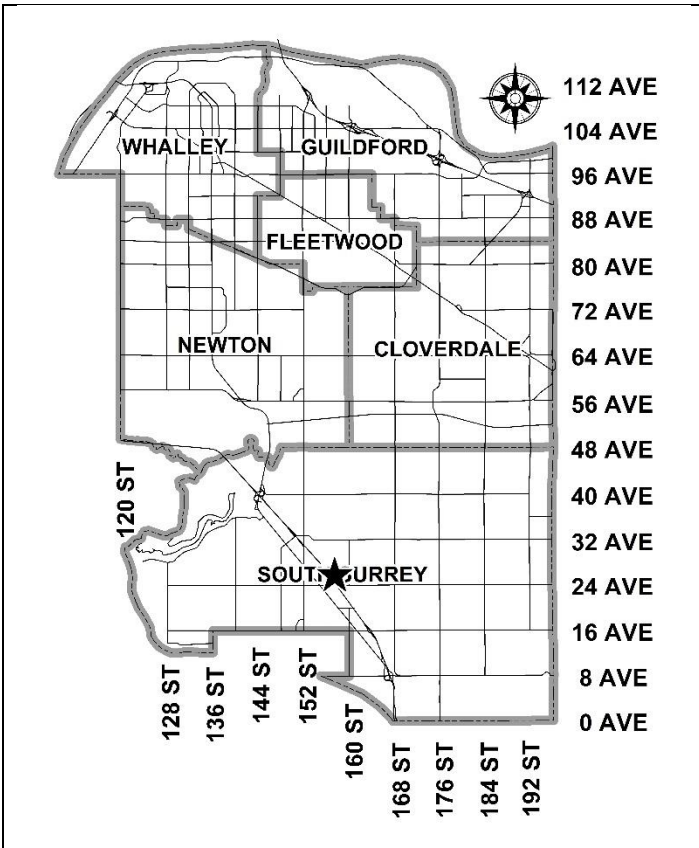
to add small-scale drug stores as an accessory use and to reduce the minimum 400 metre separation distance between a small-scale drug store and an existing drug store.

LOCATION: 2626 – Croydon Drive

ZONING: CD Zone (By-law No. 16734A)

OCP DESIGNATION: Mixed Employment

LAP DESIGNATION: Business Park/Light Industrial & Buffers



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to amend CD By-law No. 16734A.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Seeking a variance to reduce the minimum 400 metre separation distance between a proposed small-scale drug store and an existing drug store.

RATIONALE OF RECOMMENDATION

- The small-scale drug store will be operated in conjunction with a medical clinic, located within the same commercial unit.
- For recent similar proposals, Council has been receptive to small-scale drug stores that operate in conjunction with a medical office or clinic located in 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 and have the same operating hours as the medical clinic.
- The proposed medical clinic is a permitted use under the current CD Zone (By-law No. 16734A) of the property. The applicant is proposing to amend the CD Zone to allow for a small-scale drug store to be operated in conjunction with the medical clinic.
- Staff have reviewed the proposed use and found that it would be complementary to the existing medical uses in the building.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to Amend CD Zone (By-law No. 16734A) (Appendix I) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7920-0196-00 (Appendix II), varying the following, to proceed to Public Notification:
 - (a) reduce the minimum separation distance required under Section E.28 of Part 4 General Provisions of Zoning By-law No. 12000 between drug stores, small-scale drug stores, or methadone dispensaries from 400 metres to 54 metres to permit a small-scale drug store at 2626 – Croydon Drive.
3. Council instruct staff to resolve the following issues prior to Development Variance Permit issuance:
 - (a) that a Section 219 Restrictive Covenant be registered on title requiring that any small-scale drug store must operate in conjunction with a medical clinic or medical office, have the same hours of operation as the medical clinic or medical office, and be limited in size to a maximum of 61 square metres.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	LAP Designation	Existing Zone
Subject Site	Multi-tenant professional building	Business Park/Light Industrial & Buffers	CD Zone (By-law No. 16734A)
North:	Multi-tenant professional building	Business Park/Light Industrial & Buffers	CD Zone (By-law No. 17432)
East:	Single family dwelling	Buffers	RH
South:	Vacant parcel & Mixed Use Commercial and Residential Complex	Business Park/Light Industrial & Mixed Commercial Residential	RA & CD Zone (By-law No. 16074)
West:	Highway 99	Buffers	N/A

Context & Background

- The subject site, located at 2626 – Croydon Drive, is designated "Mixed Employment" in the Official Community Plan, "Business Park/Light Industrial" and "Buffers" in the Highway 99 Corridor Local Area Plan, and zoned "CD Zone (By-law No. 16734A)".

- The property was previously redeveloped under Development Application No. 7908-0113-00, which was approved by Council on May 4, 2009. The application proposed an OCP Amendment from "Suburban" to "Industrial" on the western portion of the site, rezoning from "One-Acre Residential (RA) Zone" to "Comprehensive Development (CD) Zone" (based on the "Business Park (IB) Zone") and "Half-Acre Residential (RH) Zone", and a Development Permit (Form & Character) in order to permit the development of a 4-storey business park/office building and to allow for the retention of an existing house on a remnant lot.
- CD Zone (By-law No. 16734A) was based on the Business Park Zone (IB) and included changes to the density, building height, lot coverage, and setbacks. There were no changes to the permitted uses within the IB Zone.
- The IB Zone does not permit small-scale drug stores as an accessory use. Current tenants in the building include a variety of professional and medical offices, which a small-scale drug store would complement. The applicant is proposing to operate a small-scale drug store in conjunction with a medical clinic, which is a permitted use in the zone.

DEVELOPMENT PROPOSAL

Planning Considerations

CD Zone Amendment

- The site's CD Zone does not permit small-scale drug stores as an accessory use. The applicant has requested to amend the CD Zone in order to add a small-scale drug store as an accessory use, to be operated in conjunction with a medical clinic. The amendment will also specify that only one small-scale drug store is permitted within the zone.
- No other amendments to the existing CD Zone are proposed.
- The applicant has demonstrated that the existing off-street parking provided on the site will not be impacted by the addition of the accessory use.

Small-scale Drug Store Separation Variance:

- The applicant is proposing to reduce the minimum 400 metre separation distance between a proposed small-scale drug store and an existing drug store. The proposed small-scale drug store will occupy a maximum of 61 square metres floor space. It will be operated in conjunction with a medical clinic located within the same commercial unit.
- The proposed small-scale drug store is primarily intended to serve the clients from the associated medical clinic.
- 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 which will fill a broad range of pharmaceutical prescriptions and excludes a *methadone dispensary*".

- The General Provisions (Section E.28 of Part 4) of the Zoning By-law stipulates that a small-scale drug store shall not be located within 400 metres of an existing drug store, small-scale drug store, or methadone clinic.
- Currently, there are two existing drug store / small-scale drug store within 400 metres of the proposed small-scale drug store. These are listed in the following table and shown on Schedule A in Appendix II.

Existing Drug Store	Address	Distance from 2626 – Croydon Drive
Thrifty Foods Pharmacy	15745 – Croydon Drive, Unit 102	54 metres
London Drugs Pharmacy	15850 – 26 Avenue, Unit 130	102 metres

Referrals

Engineering:	The Engineering Department has no objection to the project.
Ministry of Transportation & Infrastructure (MOTI):	Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the <i>Transportation Act</i> .
Surrey Bylaws & Licensing Services:	No concerns.

POLICY & BY-LAW CONSIDERATIONS

CD By-law Amendment

- The proposed CD By-law Amendment will add the following accessory uses to the existing CD Zone (By-law No. 16734A):
 - *Small-scale Drug Store*, in conjunction with a medical office or clinic as permitted under Sub-section 2.B.2 of this Zone, provided that there is not more than one pharmacy occupying the *building* and the pharmacy does not exceed a *gross floor area* of 61 square metres.
- No other changes to the existing zone are proposed.

PUBLIC ENGAGEMENT

- Pre-notification letters were sent on October 9, 2020, and the Development Proposal Sign were installed on October 8, 2020. Staff have not received any responses from the Pre-notification or Development Proposal Sign.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Proposed CD By-law Amendment
- Appendix II. Development Variance Permit No. 7920-0196-00

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

DZ/cm

CITY OF SURREY

BY-LAW NO. 16734A

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

THE CITY 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, pursuant to the provisions of Section 903 of the Local Government Act, R.S.B.C. 1996 c. 323, as amended by changing the classification of the following parcels of land, presently shown upon the maps designated as the Zoning Maps and marked as Schedule "A" of Surrey Zoning By-law, 1993, No. 12000, as amended as follows:

FROM: ONE-ACRE RESIDENTIAL ZONE (RA)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 016-346-751

Lot A Section 23 Township 1 New Westminster District Plan 86404

2612 Croydon Drive

Parcel Identifier: 000-835-706

Lot 1 Section 23 Township 1 New Westminster District Plan 63384

2618 Croydon Drive

Portion of Parcel Identifier: 016-346-769

Lot B Section 23 Township 1 New Westminster District Plan 86404 as shown on the Survey Plan attached hereto and forming part of this By-law as Schedule A, certified correct by G.A. Rowbotham, B.C.L.S. on the 9th day of July 2008, containing 0.2458 hectares, called Block A.

Portion of 2609 - 158 Street

(hereinafter referred to as the "*Lands*")

2. The following regulations shall apply to the *Lands*:

A. Intent

This Comprehensive Development Zone is intended to accommodate and regulate the development of industrial business parks consisting of *light impact industrial* uses, offices and service uses where *density* bonus is provided. These uses shall be carried out such that no nuisance is apparent outside an enclosed *building*.

B. Permitted Uses

The *Lands* and *structures* shall be used for the following uses only, or for a combination of such uses:

1. *Light impact industry* including wholesale and retail sales of products produced on the *lot* or as part of the wholesale or warehouse operations.
2. Office uses excluding:
 - i. *Social escort services*; and
 - ii. *Methadone clinics*.
3. *General service uses* excluding *drive-through banks*.
4. *Warehouse uses*.
5. *Distribution centres*.
6. *Accessory uses* including the following:
 - (a) *Personal service uses* limited to the following:
 - i. Barbershops;
 - ii. Beauty parlours;
 - iii. Cleaning and repair of clothing; and
 - iv. Shoe repair shops;
 - (b) *Recreational facilities*, excluding go-kart operations, drag racing and rifle ranges;
 - (c) *Eating establishments*, excluding *drive-through restaurants*;
 - (d) *Community services*;
 - (e) *Assembly halls* limited to *churches*, provided that:
 - i. The *church* does not exceed a total floor area of 700 square metres (7,500 sq. ft.);

- ii. The *church* accommodates a maximum of 300 seats; and
 - iii. There is not more than one *church* on a *lot*.
- (f) *Child care centre*; and
- (g) *Dwelling unit(s)* provided that the *dwelling unit(s)* is (are):
- i. Contained within a *principal building*;
 - ii. Occupied by the owner or a caretaker, for the protection of the businesses permitted;
 - iii. Restricted to a maximum number of:
 - a. One *dwelling unit* in each *principal building* less than 2,800 square metres [30,000 sq. ft.] in floor area;
 - b. Two *dwelling units* in each *principal building* of 2,800 square metres [30,000 sq. ft.] or greater in floor area; and
 - c. Notwithstanding Sub-sections B.6 (g) iii.a. and iii.b., the maximum number shall be two *dwelling units*.
 - iv. Restricted to a maximum floor area of:
 - a. 140 square metres [1,500 sq. ft.] for one (first) *dwelling unit* on a *lot* and where a *lot* has been subdivided by a strata plan then there shall only be one 140-square metre [1,500-sq. ft.] *dwelling unit* within the strata plan;
 - b. 90 square metres [970 sq. ft.] for each additional *dwelling unit*; and
 - c. Notwithstanding Sub-sections B.6 (g) iv.a. and iv.b., the maximum floor area shall not exceed 33% of the total floor area of the *principal building* within which the *dwelling unit* is contained.
- (h) *Small-Scale Drug Store*, in conjunction with a medical office or clinic as permitted under Sub-section 2.B.2 of this Zone, provided that there is not more than one pharmacy occupying the *building* and the pharmacy does not exceed a *gross floor area* of 62 square metres.

C. Lot Area

Not applicable to this Zone.

D. Density

The maximum *density* shall not exceed a *floor area ratio* of 0.1 or a *building area* of 300 square metres [3,230 sq. ft.] whichever is smaller. The maximum *density* may be increased to a maximum *floor area ratio* of 0.95 if amenities are provided in accordance with Schedule G of Surrey Zoning By-law, 1993, No. 12000, as amended.

E. Lot Coverage

The *lot coverage* shall not exceed 25%.

F. Yards and Setbacks

Principal buildings and *accessory buildings* and *structures* shall be sited in accordance with the following minimum *setbacks*:

	<i>Setback</i>	West	East	North	South
		<i>Yard</i>	<i>Yard</i>	<i>Yard</i>	<i>Yard</i>
Use					
<i>Principal and Accessory Buildings and Structures</i>		7.5 m [25 ft.]	7.5 m [25 ft.]	5.0 m [16 ft.]	7.5 m [25 ft.]

Measurements to be determined as per Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of Surrey Zoning By-law, 1993, No. 12000, as amended.

1. *Principal buildings*: The *building height* shall not exceed 18 metres [59 feet].
2. *Accessory buildings and structures*: The *building height* shall not exceed 6 metres [20 feet].

H. Off-Street Parking

1. Refer to Table C.3, Part 5 Off-Street Parking and Loading/Unloading of Surrey Zoning By-law, 1993, No. 12000, as amended.

2. *Tandem parking* may be permitted for company fleet *vehicles*.

I. Landscaping

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. Along the developed sides of the *lot* which abut a *highway*, a continuous *landscaping* strip of not less than 3 metres [10 ft.] in width shall be provided from back of curb or projected future curb location. This *landscaping* strip shall consist of an earth berm of not less than 0.7 metre [2 ft.] in height, which shall be planted with maintenance-free ground cover or grass and trees at a spacing of not less than 7.5 metres [25 ft.] which shall have an initial planting trunk diameter of not less than 4.75 centimetres [2 in.] measured 1.5 metres [5 ft.] above *finished ground*. The trees chosen shall be capable of attaining a height of not less than 6 metres [20 ft.] in 10 years.
3. A *landscaping* screen shall be created along all *lot lines* separating the developed portion of the *lot* from any *residential lot*, or from a *highway* which is developed with *residential lots* opposite the developed portion of the *lot*. This *landscaping* screen shall consist of an earth berm of not less than 1 metre [3 ft.] in height and a width of not less than 2.5 metres [8 ft.] and the planting of a hedge, capable of attaining a height of 2 metres [6 ft.] within 3 years with hedging trees planted at intervals assuring complete visual screening within 3 years.
4. Loading areas, garbage containers and *passive recycling containers* shall be screened from any adjacent *residential lot*, to a height of at least 2.5 metres [8 ft.] by *buildings*, a *landscaping* screen, a solid decorative fence, or a combination thereof.

J. Special Regulations

1. *Land* and *structures* shall be used for the uses permitted in this Zone only if such uses:
 - (a) Constitute no unusual fire, explosion or safety hazard;
 - (b) Do not emit noise in excess of 60 dB measured at any point on any boundary of the *lot* on which the use is located; and
 - (c) Do not produce heat or glare perceptible from any boundary of the *lot* on which the use is located.
2. Outdoor storage of any goods, materials or supplies is specifically prohibited.

3. Garbage containers and *passive recycling containers* shall not be located within any required *setback* adjacent any *residential lot*.
4. *Child care centres* shall be located on the *lot* such that these centres have direct access to an *open space* and play area within the *lot*.

K. Subdivision

Lots created through subdivision in this Zone shall conform to the following minimum standards:

<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
11,000 sq. m [2.7 acre]	30 metres [100 ft]	30 metres [100 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of the Surrey Zoning By-law, 1993, No. 12000 as amended.

L. Other Regulations

In addition to all statutes, by-laws, orders, regulations or agreements, the following are applicable, however, in the event that there is a conflict with the provisions in this Comprehensive Development Zone and other provisions in Surrey Zoning By-law, 1993, No. 12000, as amended, the provisions in this Comprehensive Development Zone shall take precedence:

1. Definitions are as set out in Part 1 Definitions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
2. Prior to any use, the *Lands* must be serviced as set out in Part 2 Uses Limited, of Surrey Zoning By-law, 1993, No. 12000, as amended and in accordance with the servicing requirements for the IB Zone as set forth in the Surrey Subdivision and Development By-law, 1986, No. 8830, as amended.
3. General provisions are as set out in Part 4 General Provisions, of Surrey Zoning By-law, 1993, No. 12000, as amended.
4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking, of Surrey Zoning By-law, 1993, No. 12000, as amended.
5. *Sign* regulations are as set out in Surrey Sign By-law, 1999, No. 13656, as amended.
6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of Surrey Zoning By-law, 1993, No. 12000, as amended.

7. *Building* permits shall be subject to the Surrey Building By-law, 1987, No. 9011, as amended.
8. *Building* permits shall be subject to Surrey Development Cost Charge By-law, 2008, No. 16494, as amended, and the development cost charges shall be based on the IB Zone.
9. Surrey Tree Protection By-law, 2006, No. 16100, as amended.
10. Development permits may be required in accordance with the Surrey *Official Community Plan*, 1996, By-law No. 12900, as amended.
11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act R.S.B.C. 2002. c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.

3. This By-law shall be cited for all purposes as "Surrey Zoning By-law, 1993, No. 12000, Amendment By-law, 2008, No. 16734A."

READ A FIRST AND SECOND TIME on the 14th day of July, 2008.

PUBLIC HEARING HELD thereon on the 28th day of July, 2008.

READ A THIRD TIME on the 28th day of July, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of May, 2009.

_____ MAYOR

_____ CLERK

c:\users\p206375\appdata\local\microsoft\windows\inetcache\content.outlook\4mlxx910\byl 16734a red lined.doc

CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0196-00

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: 028-628-527

Strata Lot 9 Section 23 Township 1 New Westminster District Strata Plan BCS4137
Together with an Interest in the Common Property in Proportion to the Unit Entitlement
of the Strata Lot as Shown on Form V

2626 – Croydon Drive

(the "Land")

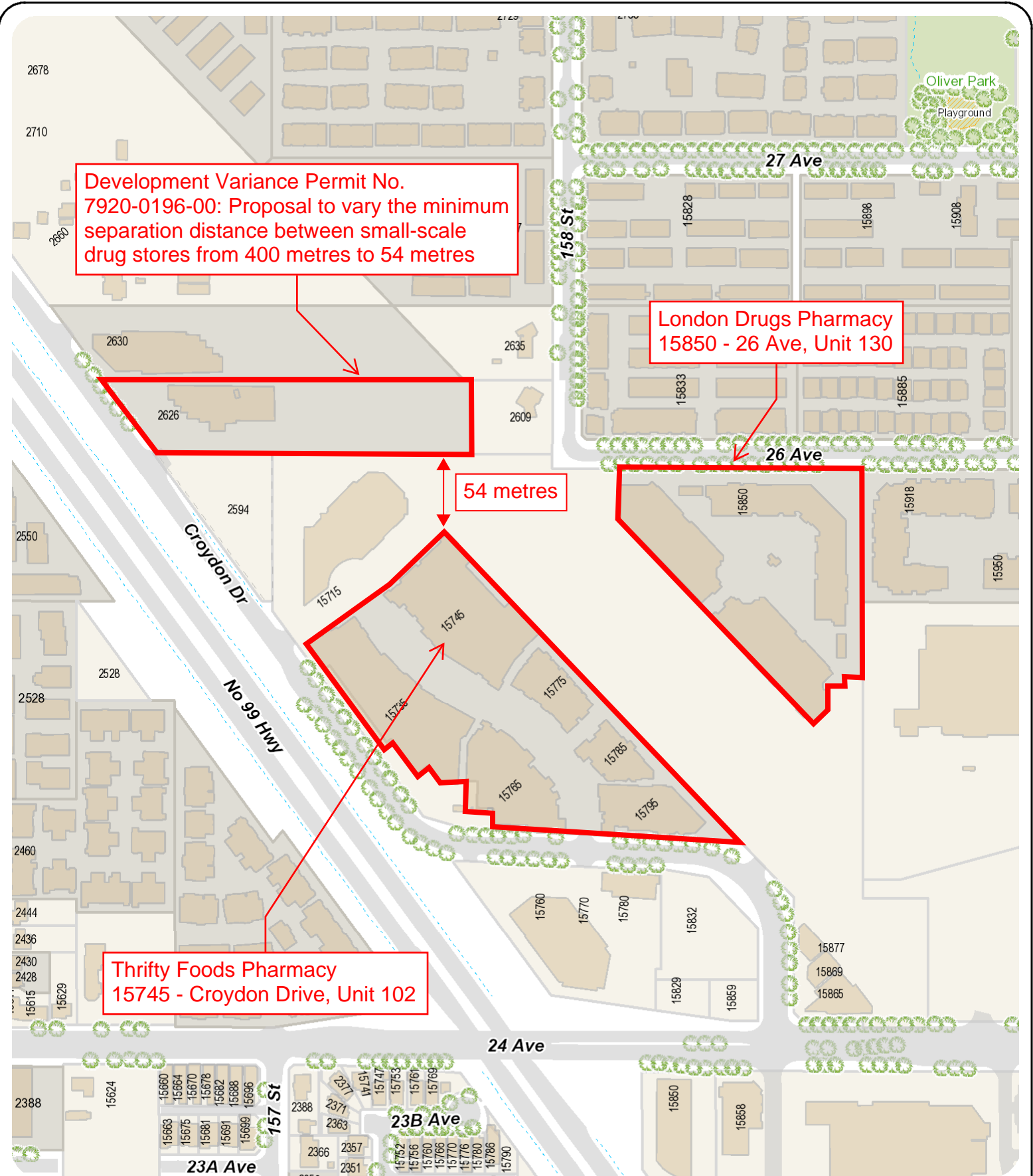
3. Surrey Zoning By-law, 1993, No. 12000, as amended is varied as follows:
 - (a) In Section E.28 of Part 4, General Provisions, the minimum separation distance from the lot line between drug stores, small-scale drug stores, or methadone dispensaries is reduced from 400 metres to 54 metres to permit 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 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 – Doug McCallum

City Clerk – Jennifer Ficocelli



Development Variance Permit No. 7920-0196-00: Proposal to vary the minimum separation distance between small-scale drug stores from 400 metres to 54 metres

London Drugs Pharmacy
15850 - 26 Ave, Unit 130

Thrifty Foods Pharmacy
15745 - Croydon Drive, Unit 102

54 metres

Development Variance Permit

Scale: 1:3,420

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

