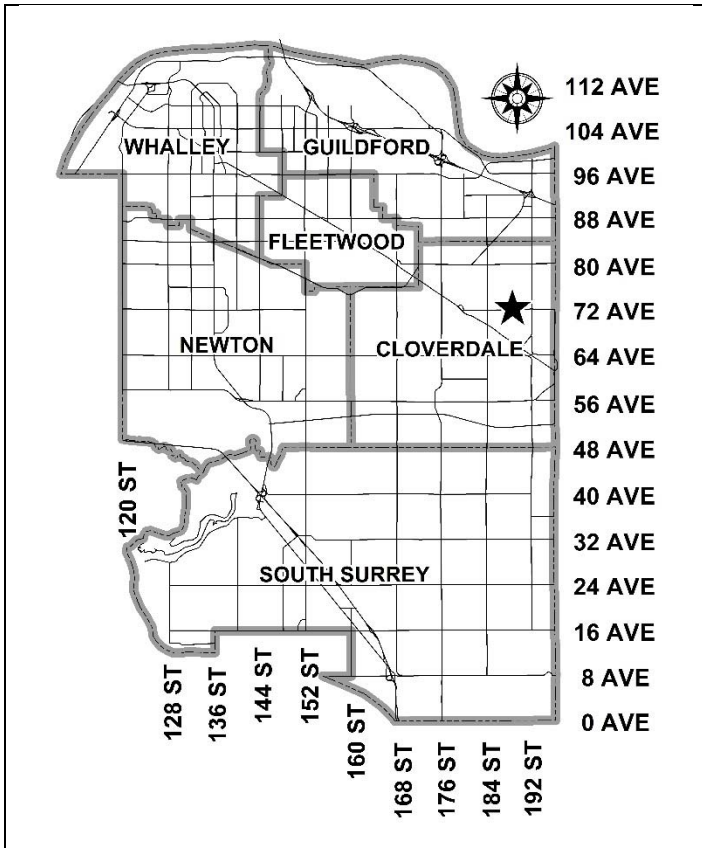


**City of Surrey  
PLANNING & DEVELOPMENT REPORT**

Application No.: 7920-0211-00

Planning Report Date: November 9, 2020



**PROPOSAL:**

- **Development Variance Permit**

to reduce the minimum 400-metre separation requirement between a proposed small-scale drug store and an existing small-scale drug store to accommodate a pharmacy on the lot.

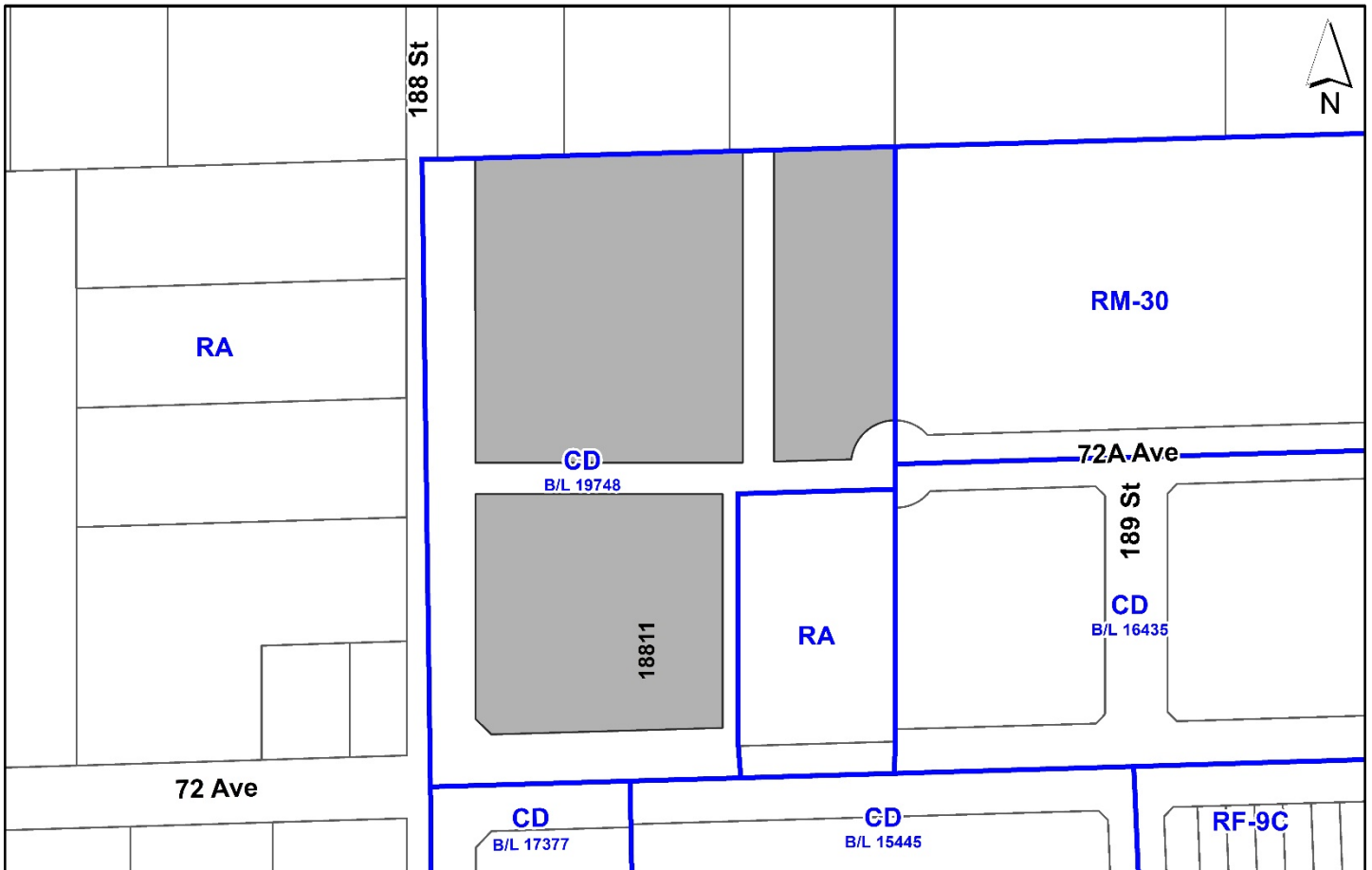
**LOCATION:** 18811 - 72 Avenue

**ZONING:** CD (Bylaw No. 19748)

**OCP DESIGNATION:** Multiple Residential

**GLUP DESIGNATION:** Commercial

**NCP DESIGNATION:** Mixed Use Commercial / Residential (4-5 storeys)



## RECOMMENDATION SUMMARY

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

## DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The applicant is seeking to vary the minimum separation requirement in the Zoning By-law to locate a new small-scale drug store within 400 metres of an existing small-scale drug store.

## RATIONALE OF RECOMMENDATION

- The proposed pharmacy meets the definition of small-scale drug store in the Zoning Bylaw, which is defined as a commercial establishment with a gross floor area of less than 600 square metres and excludes methadone dispensary.
- The proposed small-scale drug store will be located in a future mixed-use building on the lot recently approved under Development Application 7917-0347-00 (to permit development of a 5-storey mixed-use building and 96 townhouse units). The small-scale drug store will operate in conjunction a medical clinic as a joint, inter-related facility. The two businesses will occupy one building and provide accessible and convenient health-care services to residents. Small scale drugstore and medical clinic are both permitted uses in the CD Zone.
- 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 Restrictive 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.

## RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7920-0211-00 (Appendix III) varying the following, to proceed to Public Notification:
  - (a) In Section E.28 of Part 4 General Provisions of the Zoning Bylaw No. 12000, the minimum separation requirement between drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 130 metres to permit a small-scale drug store (pharmacy) at 18811 - 72 Avenue.
2. Council instruct staff to resolve the following issues prior to final approval:
  - (a) A Section 219 Restrictive Covenant 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.

## SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation	Existing Zone
Subject Site	Vacant lot. Future development approved under Development Application No. 7917-0347-00	Mixed Use Commercial / Residential (4-5 storeys) in the East Clayton North Extension NCP	CD (Bylaw No. 19748)
North:	Vacant lot. Future development approved under Development Application No. 7917-0347-00	22-45 u.p.a High Density in the East Clayton North Extension NCP	CD (Bylaw No. 19748)
East:	Vacant lot under Development Application No. 7914-0207-00 (at Third Reading)	Commercial / Residential in the East Clayton North Extension NCP	RA
South (Across 72 Avenue):	Existing commercial building and live/work townhouse units.	Neighbourhood Commercial and 10-15 upa in the East Clayton NCP	CD Bylaw No. 17377 and CD Bylaw No. 15445
West (Across 188 Street):	Singe family dwellings	Neighbourhood Commercial in the West Clayton NCP	RA

### Context & Background

- The subject lot is located at 18821 72 Avenue in Cloverdale and is approximately 1.8 hectares in size.

- The site is designated "Multiple Residential" in the Official Community Plan (OCP), "Mixed Use Commercial / Residential (4-5 storeys)" in the East Clayton Extension North of 72 Avenue Neighbourhood Concept Plan (East Clayton North Extension NCP) and is currently zoned Comprehensive Zone (CD) (Bylaw No. 19748)".
- The approved 5-storey mixed-use building and 96 townhouse units project was recently approved under Development Application 7917-0347-00. The development will include a 5-storey mixed-use building with 8 commercial/retail units at grade.

## DEVELOPMENT PROPOSAL

### Planning Considerations

- The applicant is proposing a variance to operate a 92-square metre pharmacy in conjunction with a 187 square metre medical clinic located in the proposed mixed-use building approved under Development Application 7917-0347-00. The proposed uses are permitted under the CD Zone (Bylaw No. 19748).
- The applicants have advised staff that no methadone will be dispensed at the pharmacy.
- The proposed pharmacy meets the definition of "small-scale drug store", in Zoning Bylaw No. 12000, which is defined as "a commercial establishment with a gross floor area of less than 600 square metres 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 Zoning By-law No.12000 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 dispensary.
- Within a 400 metre radius of the subject site, there is one existing pharmacy (shown in Appendix II):
  - Clayton Heights Pharmacy, located at 7170 188 Street, approximately 130 metres from the subject site.
- A Section 219 Restrictive Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with the medical clinic, and to require the small-scale drug store and medical clinic to have the same hours of operation.
- The development has provided 33 commercial off-street parking spaces, exceeding the minimum of 24 required commercial parking spaces for the proposed mixed-used building. The medical clinic will require 3 parking spots and the pharmacy will also require 3, for a total of 6. The development has reserved 9 off-street parking spaces in the proposed underground parking, exceeding the required off-street parking spaces.

## Referrals

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

## POLICY & BY-LAW CONSIDERATIONS

### Zoning By-law

#### Variances

- The applicant is requesting the following variances:
  - In Section E.28 of Part 4 General Provisions of the Zoning Bylaw No. 12000, the minimum separation requirement between drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 130 metres to permit a small-scale drug store (pharmacy) at 18811 72 Avenue.
- The applicant is proposing to locate a pharmacy, and medical clinic in the approved mixed-use building that will be constructed on the site. The proposed businesses are intended to operate as a joint, interrelated facility. The proposal offers a comprehensive health care approach by serving the patients of the proposed clinic.
- The proposed pharmacy will support the new development and will serve the new residents expected in the plan area.
- The proposed pharmacy meets the definition of "small-scale drug store" in the Zoning By-law. Small-scale pharmacy and medical clinic are both permitted land uses in the CD Zone (Bylaw No. 19748).
- A Section 219 Restrictive Covenant will be registered on title to allow the small-scale drug store to operate only in conjunction with the medical clinic, and to require the small-scale drug store to have the same hours of operation as the medical clinic.
- No adverse impacts to the neighbourhood are anticipated by the proposed variance.
- The applicant has demonstrated that there are nine parking stalls on site to accommodate the proposed small-scale drug store and medical clinic.
- The applicant has advised staff that they do not intend to dispense methadone at this drug store.
- Staff support the requested variances to proceed to Public Notification.

### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Aerial Map
- Appendix II. Map of small-scale drugstores within 400m of the subject site
- Appendix III. Development Variance Permit No. 7920-0211-00

*approved by Ron Gill*

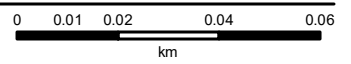
Jean Lamontagne  
General Manager  
Planning and Development

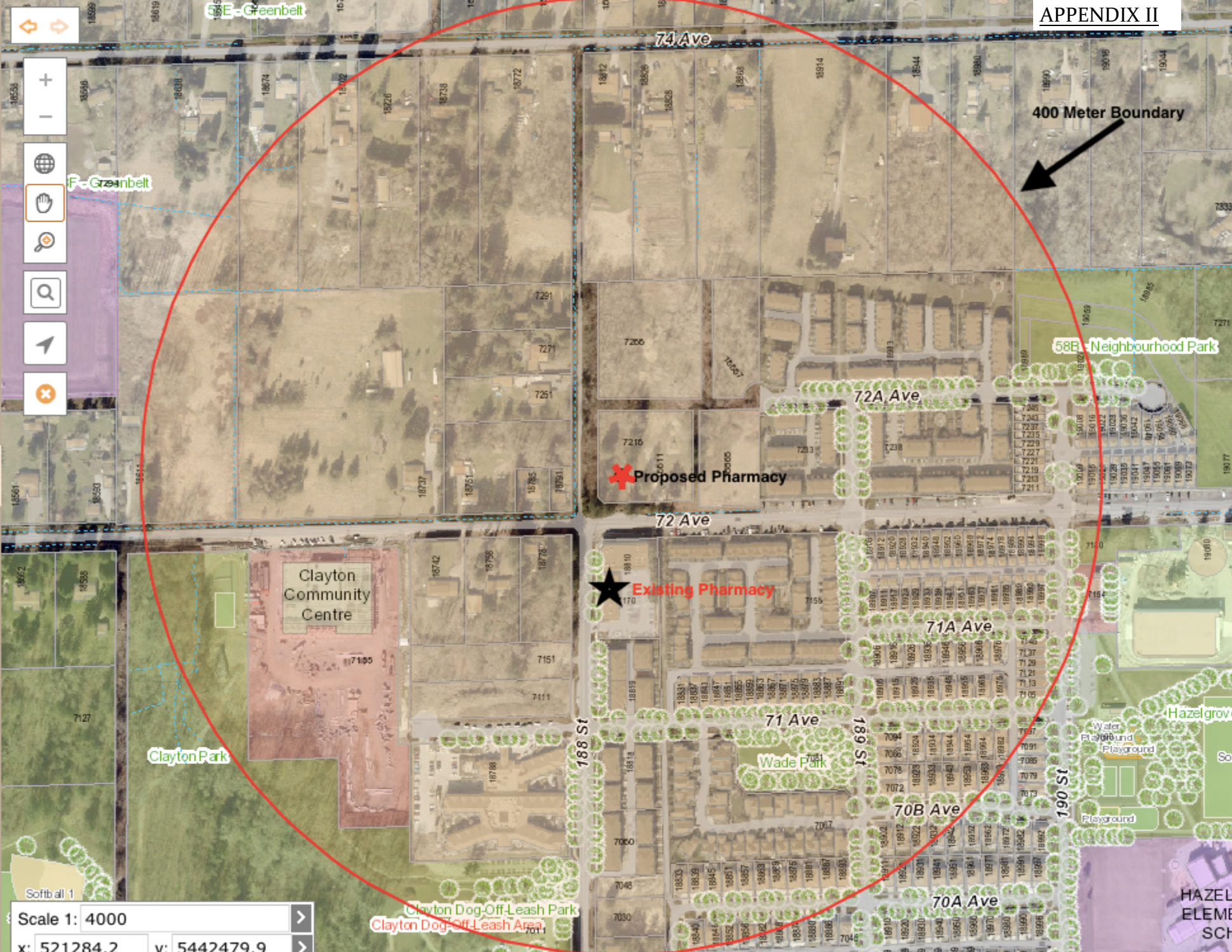
SJ/cm



Scale: 1:1,500

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





400 Meter Boundary



Proposed Pharmacy

Existing Pharmacy

Clayton Community Centre

Clayton Park

Clayton Dog-Off-Leash Park

Clayton Dog-Off-Leash Area

58B - Neighbourhood Park

Hazelgrove F

Water P

Playground

Playground

Playground

Soc

HAZEL G  
ELEMEN  
SCHO



Scale 1: 4000

x: 521284.2    y: 5442479.9



(the "City")

**DEVELOPMENT VARIANCE PERMIT**

NO.: 7920-0211-00

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: 031-072-089

Lot 1 Section 21 Township 8 New Westminster District Plan EPP98921

18811 - 72 Avenue

(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 the Zoning Bylaw No. 12000, the minimum separation requirement between drug stores, small-scale drug stores or methadone dispensaries is reduced from 400 metres to 130 metres to permit a small-scale drug store on the subject site.

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.

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 .

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Mayor – Doug McCallum

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City Clerk – Jennifer Ficocelli

Schedule A

400 Meter Boundary



E-Greenbelt

F-Greenbelt

58B-Neighbourhood Park

Proposed Pharmacy

Existing Pharmacy

Clayton Community Centre

Clayton Park

71A Ave

71 Ave

70B Ave

70A Ave

188 St

189 St

190 St

Clayton Dog-Off-Leash Park  
Clayton Dog-Off-Leash Area

Scale 1: 4000

x: 521284.2 y: 5442479.9

HAZEL G  
ELEMEN  
SCHO