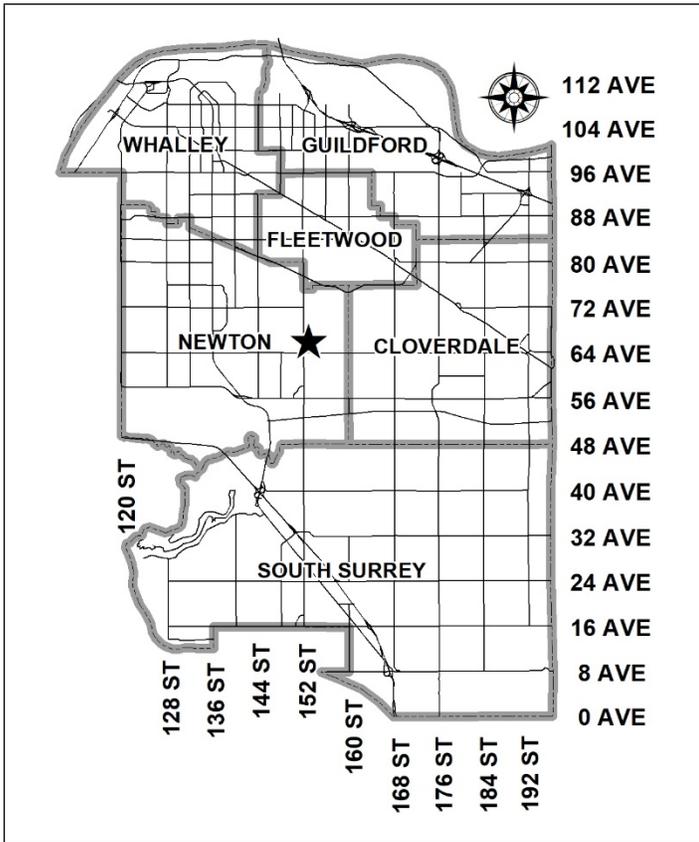


City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7920-0320-00

Planning Report Date: February 22, 2021



PROPOSAL:

- Amend CD Bylaw No. 19823
- Development Variance Permit

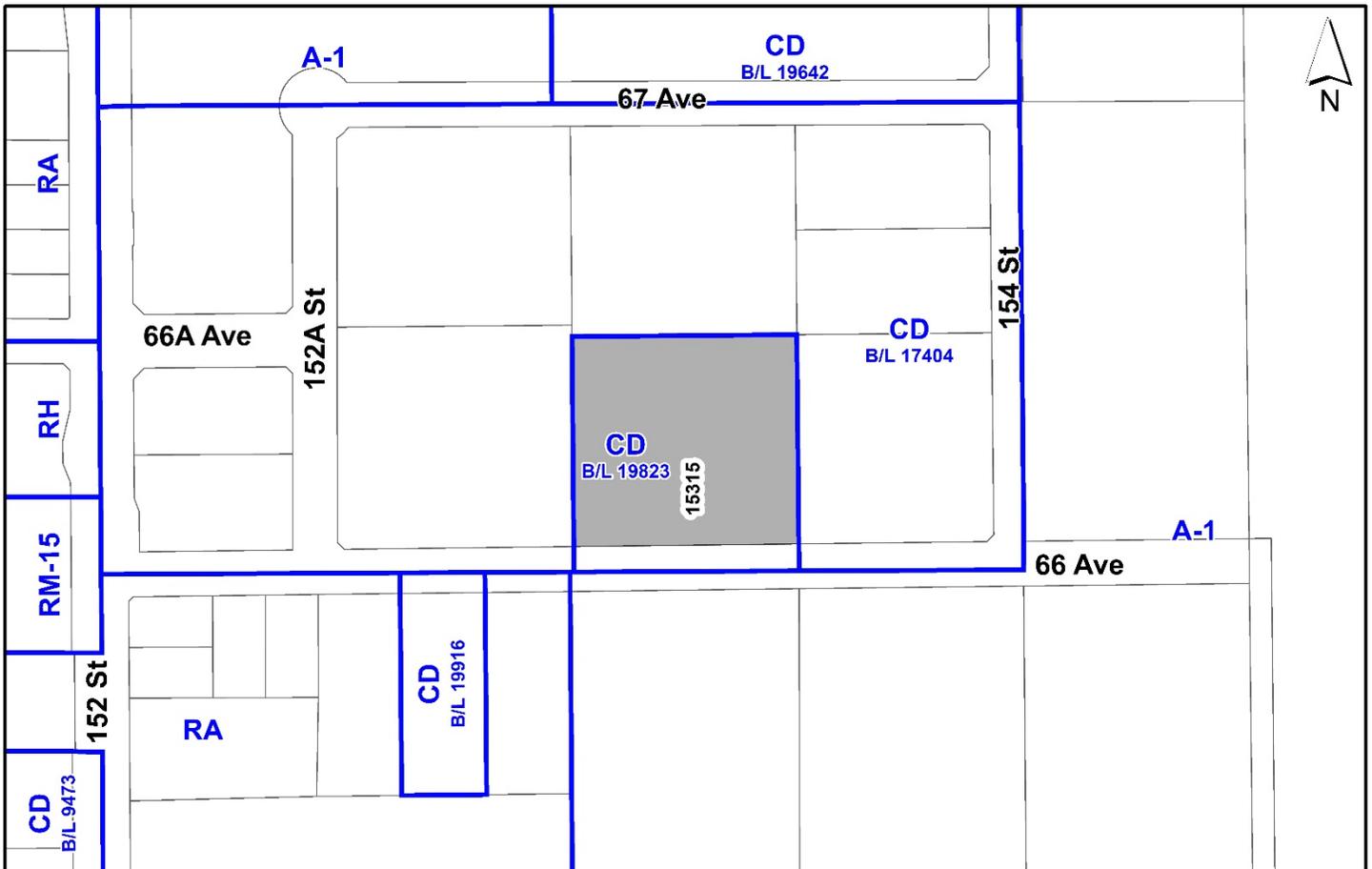
to add small-scale drug stores as an accessory use and to reduce the minimum 400 metre separation distance between a small-scale drug store and an existing drug store.

LOCATION: 15315 – 66 Avenue

ZONING: CD (Bylaw No. 19823)

OCP DESIGNATION: Mixed Employment

NCP DESIGNATION: Business Park



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to amend CD Bylaw No. 19823.
- Approval for Development Variance Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

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

RATIONALE OF RECOMMENDATION

- The small-scale drug store will operate in conjunction with a medical clinic, located within the same building.
- 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 (Bylaw No. 19823) of the property. The applicant is proposing to amend the CD Zone to allow 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 permitted medical uses in the building.

RECOMMENDATION

The Planning & Development Department recommends that:

1. A By-law be introduced to Amend CD Zone (Bylaw No. 19823) (Appendix I) and a date be set for Public Hearing.
2. Council approve Development Variance Permit No. 7920-0320-00 (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 Bylaw No. 12000 between drug stores, small-scale drug stores, or methadone dispensaries from 400 metres to 130 metres.
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 102 square metres.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	NCP Designation	Existing Zone
Subject Site	Vacant lot with approved multi-tenant industrial/business park building under Development Application No. 7918-0438-00.	Business Park	CD (Bylaw No. 19823)
North:	Multi-tenant industrial/business park buildings	Business Park	CD (Bylaw No. 17404)
East:	Grocery warehouse/cold storage facility	Business Park	CD (Bylaw No. 17404)
South (Across 66 Avenue):	Hobby farm	Live & Work (or Future Business Park) and Buffers/Natural Areas	A-1
West:	Banquet Hall	Business Park	CD (By-law No. 17404)

Context & Background

- The development site is located at 15315 – 66 Avenue in East Newton Business Park.

- The subject site is approximately 0.9 hectares in size, designated "Mixed Employment" in the Official Community Plan (OCP), "Business Park" in the East Newton Business Park Neighbourhood Concept Plan (NCP), and zoned "Comprehensive Development Zone (Bylaw No. 19823).
- A three-storey multi-tenant industrial/business park building was approved for the subject site under Development Application No. 7918-0438-00, which received Final Adoption on November 4, 2019. The building has not been constructed as of the date of this report.
- Development Application No. 7918-0438-00 also rezoned the property from CD Zone (Bylaw No. 17404) to CD Zone (Bylaw No. 19823), which was based on the Business Park (3) Zone (IB-3)" and included changes to the density, building height, and permitted uses. A number of parking intensive uses, such as recreational facilities, banquet halls, and eating establishments exceeding 150 square metres were eliminated from the CD Zone (Bylaw No. 19823).
- The IB-3 Zone and CD Zone (Bylaw No. 19823) do not permit small-scale drug stores as an accessory use.

DEVELOPMENT PROPOSAL

Planning Considerations

- The site's CD Zone does not currently permit small-scale drug stores as an accessory use. The applicant is proposing 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 on the lot.
- No other amendments to the existing CD Zone are proposed.
- The applicant has demonstrated that the approved off-street parking 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 102 square metres of floor space. It will be operated in conjunction with a medical clinic located within the same building.
- 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.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Proposed Amendments to CD Bylaw No. 19823 (red-lined)
- Appendix II. Development Variance Permit No. 7920-0320-00

approved by Shawn Low

Jean Lamontagne
General Manager
Planning and Development

KS/cm

CITY OF SURREY

BYLAW NO. 19823

A bylaw to amend "Surrey Zoning Bylaw, 1993, No. 12000", as amended
.....

THE COUNCIL of the City of Surrey ENACTS AS FOLLOWS:

- 1. "Surrey Zoning Bylaw, 1993, No. 12000", as amended, is hereby further amended, pursuant to the provisions of Section 479 of the Local Government Act, R.S.B.C. 2015 c. 1, 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 Bylaw, 1993, No. 12000", as amended as follows:

FROM: COMPREHENSIVE DEVELOPMENT ZONE (CD) BYLAW NO. 17404
 (SURREY ZONING BYLAW, 1993, NO. 12000, AMENDMENT BYLAW, 2011,
 NO. 17404)

TO: COMPREHENSIVE DEVELOPMENT ZONE (CD)

Parcel Identifier: 028-737-920
 Lot 11 Section 14 Township 2 New Westminster District Plan BCP49715

(15315 – 66 Avenue)

(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 *comprehensive design* of industrial business parks consisting of *light impact industrial* uses, offices and service uses. 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*;
- 2. Office uses excluding *social escort services* and *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) *Eating establishments* limited to a maximum of 150 square metres [1,615 sq. ft.] and excluding *drive-through restaurants*;
 - (c) *Community services*;
 - (d) *Child care centre*; and
 - (e) *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; and
 - 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(e) iii.a and iii.b, the maximum number shall be 2 *dwelling units* per *lot* and where the *lot* has been subdivided by a strata plan then there shall be a maximum of 2 *dwelling units* within the strata plan.

- 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(e) 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.

(f) *Small-scale drug store provided:*

- i. The *small-scale drug store* does not exceed a total gross floor area of 102 square metres;
- ii. The *small-scale drug store* is an *accessory use* only to offices of medical doctors;
- iii. There is not more than one *small-scale drug store* on the *lot*; and
- iv. The *small-scale drug store* is contained in the same principal building as the medical doctors' offices."

C. Lot Area

Not applicable to this Zone.

D. Density

The *floor area ratio* shall not exceed 0.87.

E. Lot Coverage

The *lot coverage* shall not exceed 60%.

F. Yards and Setbacks

Buildings and structures shall be sited in accordance with the following minimum *setbacks*:

Use	Setback	<i>Front Yard</i>	<i>Rear Yard</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal and Accessory Buildings and Structures</i>		7.5 m [25 ft.]	7.5 m [25 ft.]	7.5 m* [25 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.

* One (1) *side yard setback* may be reduced to 3.6 metres [12 ft.].

G. Height of Buildings

Measurements to be determined as per Part 1 Definitions of "Surrey Zoning Bylaw, 1993, No. 12000", as amended.

1. *Principal buildings*: The *building height* shall not exceed 14.63 metres [48 ft.].
2. *Accessory buildings and structures*: The *building height* shall not exceed 6 metres [20 ft.].

H. Off-Street Parking

1. *Parking spaces* shall be provided in accordance with Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning Bylaw, 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.

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 70 dB measured at any point on any boundary of the *lot* on which the use is located, provided that where a *lot* abuts 152 Street the noise level shall not exceed 60 dB; 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. *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>
2,000 sq.m. [0.5 acre]	30 metres [100 ft.]	30 metres [100 ft.]

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

L. Other Regulations

In addition to all statutes, bylaws, 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 Bylaw, 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 Bylaw, 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 Bylaw, 1986, No. 8830", as amended.
3. General provisions are as set out in Part 4 General Provisions of "Surrey Zoning Bylaw, 1993, No. 12000", as amended.

4. Additional off-street parking requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of "Surrey Zoning Bylaw, 1993, No. 12000", as amended.
 5. Sign regulations are as set out in "Surrey Sign Bylaw, 1999, No. 13656", as amended.
 6. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of "Surrey Zoning Bylaw, 1993, No. 12000", as amended.
 7. *Building* permits shall be subject to the "Surrey Building Bylaw, 2018, No. 19478", as amended.
 8. *Building* permits shall be subject to "Surrey Development Cost Charge Bylaw, 2017, No. 19107", as may be amended or replaced from time to time, and the development cost charges shall be based on the IB-3 Zone.
 9. Tree regulations are set out in "Surrey Tree Protection Bylaw, 2006, No. 16100", as amended.
 10. Development permits may be required in accordance with the "Surrey *Official Community Plan* Bylaw, 2013, No. 18020", as amended.
 11. Provincial licensing of *child care centres* is regulated by the Community Care and Assisted Living Act S.B.C. 2002, c. 75, as amended, and the Regulations pursuant thereto including without limitation B.C. Reg 319/89/213.
3. This Bylaw shall be cited for all purposes as "Surrey Zoning Bylaw, 1993, No. 12000, Amendment Bylaw, 2019, No. 19823"

PASSED FIRST READING on the 15th day of April, 2019.

PASSED SECOND READING on the 15th day of April, 2019.

PUBLIC HEARING HELD thereon on the 29th day of April, 2019.

PASSED THIRD READING on the 29th day of April, 2019.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 4th day of November 2019.

_____ MAYOR

_____ CLERK

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7920-0320-00

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: 028-737-920
Lot 11 Section 14 Township 2 New Westminster District Plan BCP49715
15315 - 66 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, the minimum separation distance from the lot line 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 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.

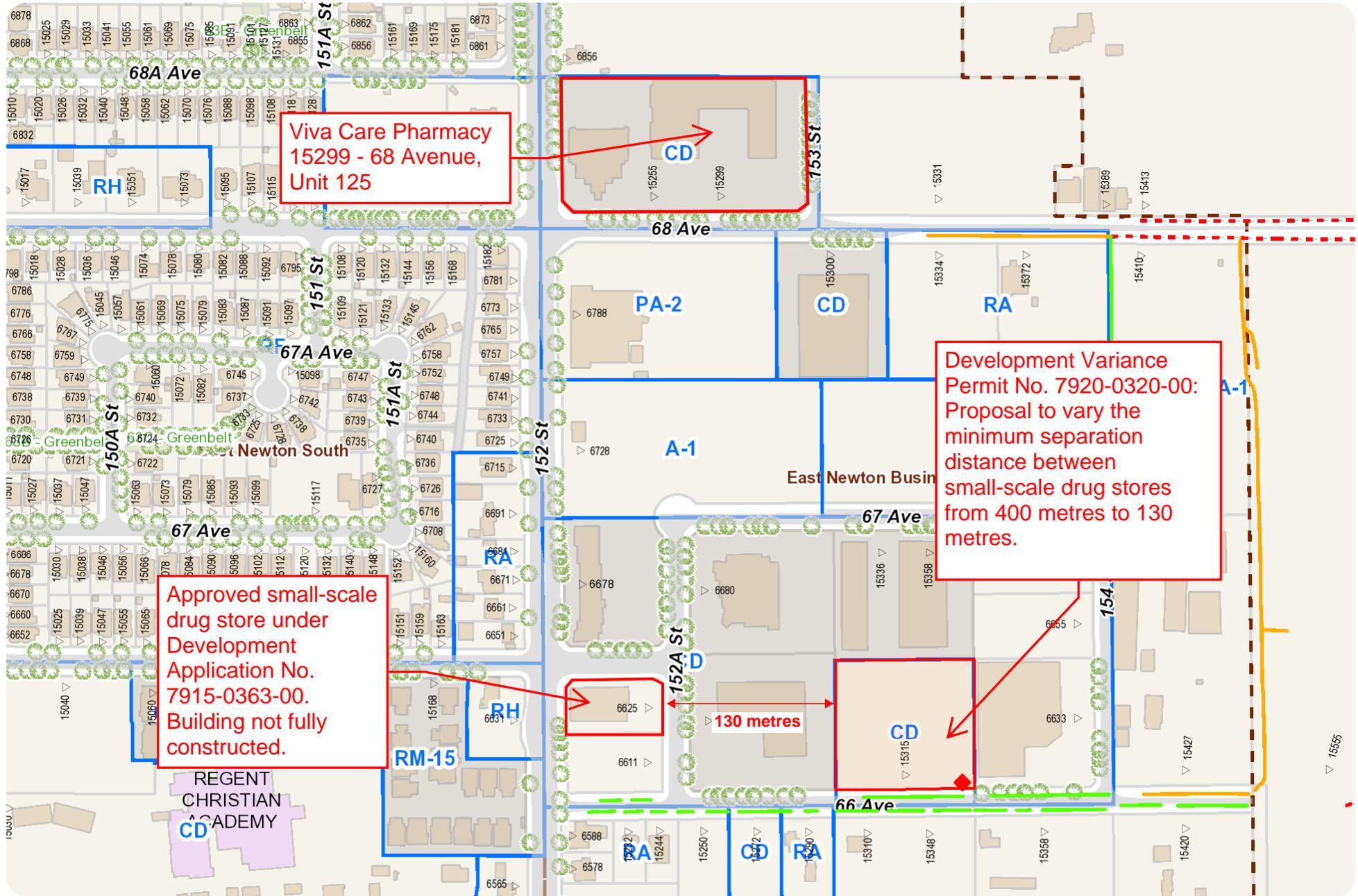
7. The terms of this development variance permit or any amendment to it, are binding on all persons who acquire an interest in the Land.

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



Viva Care Pharmacy
15299 - 68 Avenue,
Unit 125

Development Variance
Permit No. 7920-0320-00:
Proposal to vary the
minimum separation
distance between
small-scale drug stores
from 400 metres to 130
metres.

Approved small-scale
drug store under
Development
Application No.
7915-0363-00.
Building not fully
constructed.

130 metres

Enter Map Description

Scale: 1:3,790

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

