

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0180-00

Planning Report Date: July 26, 2021

PROPOSAL:

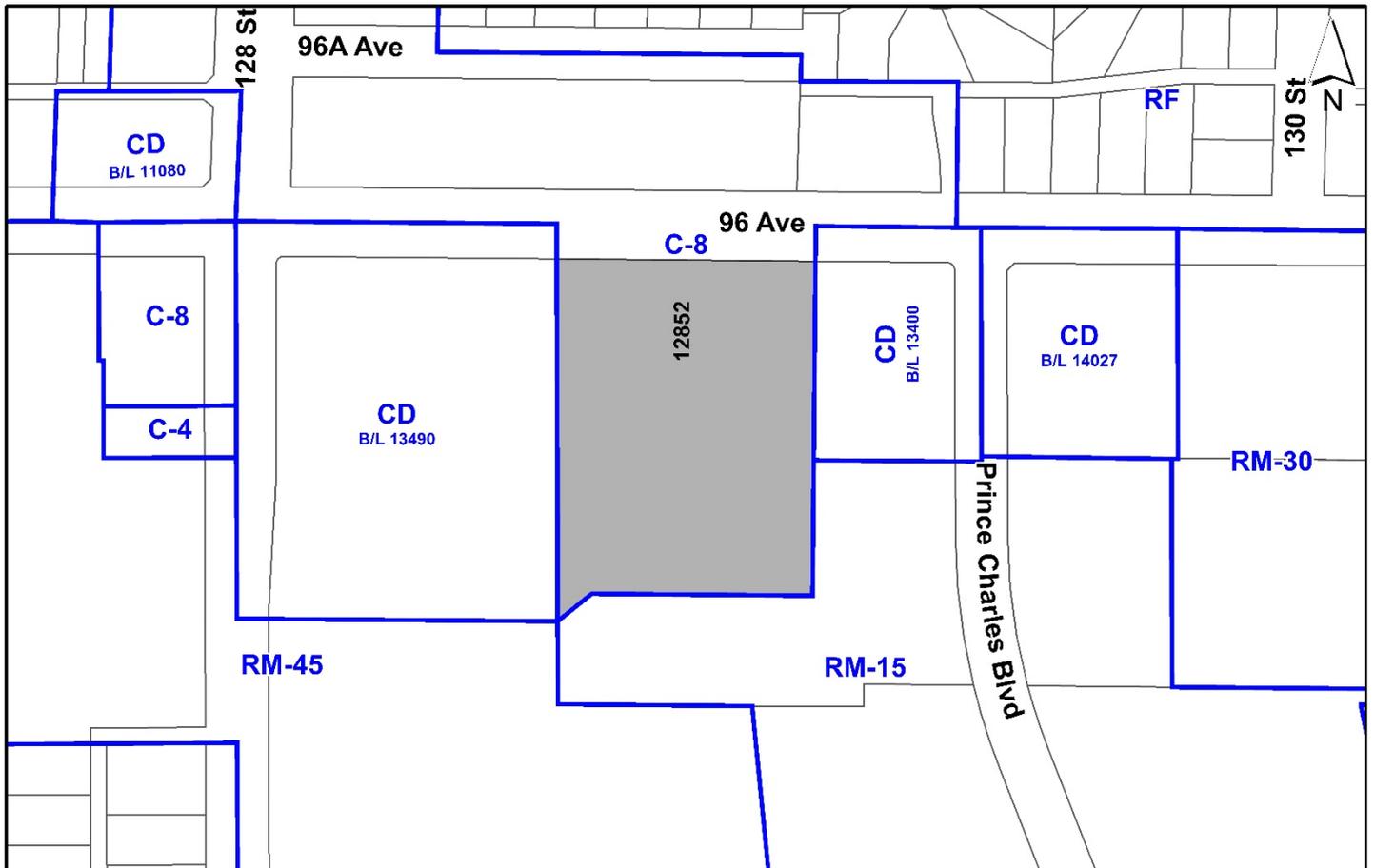
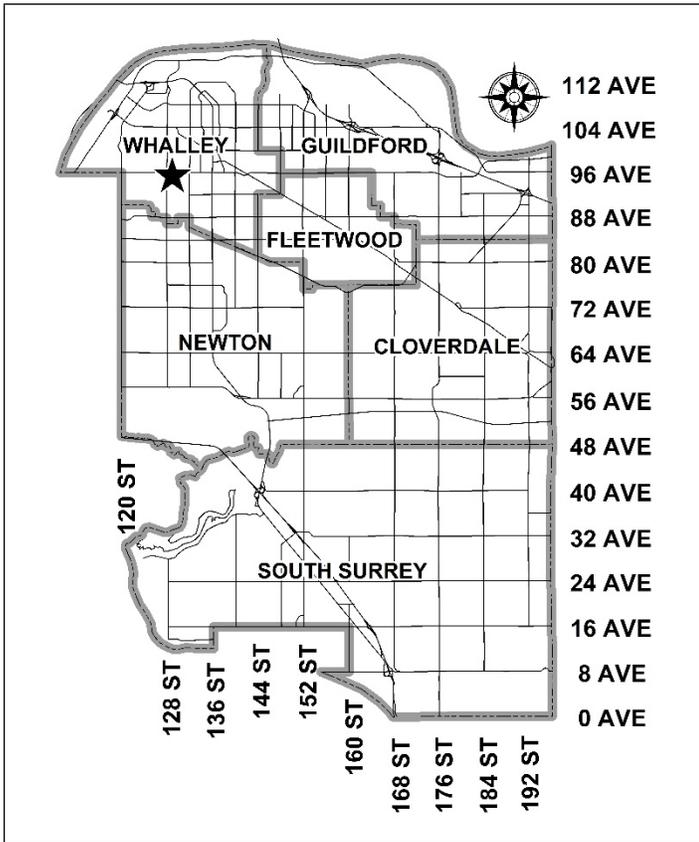
- **Development Variance Permit**

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

LOCATION: 12852 - 96 Avenue

ZONING: C-8

OCP DESIGNATION: Commercial



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 Bylaw to relocate an existing small-scale drug store on a site within 400 metres of other existing drug stores.

RATIONALE OF RECOMMENDATION

- The proposal complies with the Commercial designation in the Official Community Plan (OCP).
- The proposed relocated 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, which fills a broad range of pharmaceutical prescriptions, and excludes methadone dispensary.
- The small-scale drug store will operate in conjunction with an existing medical clinic as a joint, inter-related facility. The two businesses will occupy one unit and provide accessible and convenient health-care services to residents. Small-scale drugstores and medical clinics are both permitted uses in the C-8 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.
- The existing medical clinic has been operating at the subject site for over 20 years and provides consolidated health services for the local community. The medical clinic is expanding its existing family medicine and allergy specialist services to include physiotherapy and chiropractic services. The proposed pharmacy will provide an additional in-person service to the medical clinic, creating a one-stop shop for existing and new patients.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council approve Development Variance Permit No. 7921-0180-00 (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 0 metres to permit a small-scale drug store at 12852 – 96 Avenue.
2. Council instruct staff to resolve the following issue 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	OCP Designation	Existing Zone
Subject Site	Existing commercial building	Commercial	C-8
North (Across 96 Ave):	Existing commercial buildings	Commercial	C-8
East:	Existing commercial building	Commercial	CD (Bylaw No. 13400)
South:	Existing townhouse complex, under Development Application No. 7921-0189-00 for 3 apartment buildings for 175 residential units (pre-Council).	Multiple Residential	RM-15
West:	Existing commercial buildings	Commercial	CD (Bylaw No. 13490)

Context & Background

- The subject site is located at 12852 – 96 Avenue in Whalley. The site is approximately 1.3 hectares in size and contains one commercial building and a surface parking lot. The existing commercial building contains a number of commercial businesses, including a medical clinic.
- The site is designated "Commercial" in the Official Community Plan (OCP) and is currently zoned "Community Commercial Zone (C-8)".

- The applicant is seeking to operate a pharmacy in conjunction with the existing medical clinic in Unit 120 of the subject site.

DEVELOPMENT PROPOSAL

Planning Considerations

- The proposed pharmacy will operate in conjunction with an existing medical clinic as a joint, inter-related facility. The two businesses will occupy one unit and provide accessible and convenient health-care services to residents. Small-scale drugstores and medical clinics are both permitted uses in the C-8 Zone.
- The proposed pharmacy will be approximately 93-square metres in gross floor area in Unit 120 of the subject site.
- 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. The 400-metre separation distance is measured lot line to lot line.
- Within a 400-metre radius of the subject site, there are 3 existing pharmacies (shown in Appendix II):

Pharmacy	Address	Distance to Proposed Relocation - Building to Building	Distance to Subject Site - Property Line to Property Line
Shoppers Drug Mart Pharmacy	12830 – 96 Avenue	21 metres	0 metres
Family Care Pharmacy	12815 – 96 Avenue	148 metres	27 metres
Rexall Community Care Pharmacy	9648 – 128 Street	282 metres	100 metres

- The closest drug store to the subject site is within Shoppers Drug Mart, which is on the neighbouring lot to the west, 0 metres away measured from property line to property line, and 27 metres away, measured building to building to the proposed pharmacy.
- The applicant has submitted the subject variance application to reduce the separation requirement to accommodate the proposed pharmacy location.

- The proposed pharmacy will support existing patients at the adjoining medical clinic as well as new residents in the Whalley area.
- 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 is sufficient parking on site to accommodate the proposed relocated pharmacy.
- Staff support the requested variance to proceed to Public Notification.

INFORMATION ATTACHED TO THIS REPORT

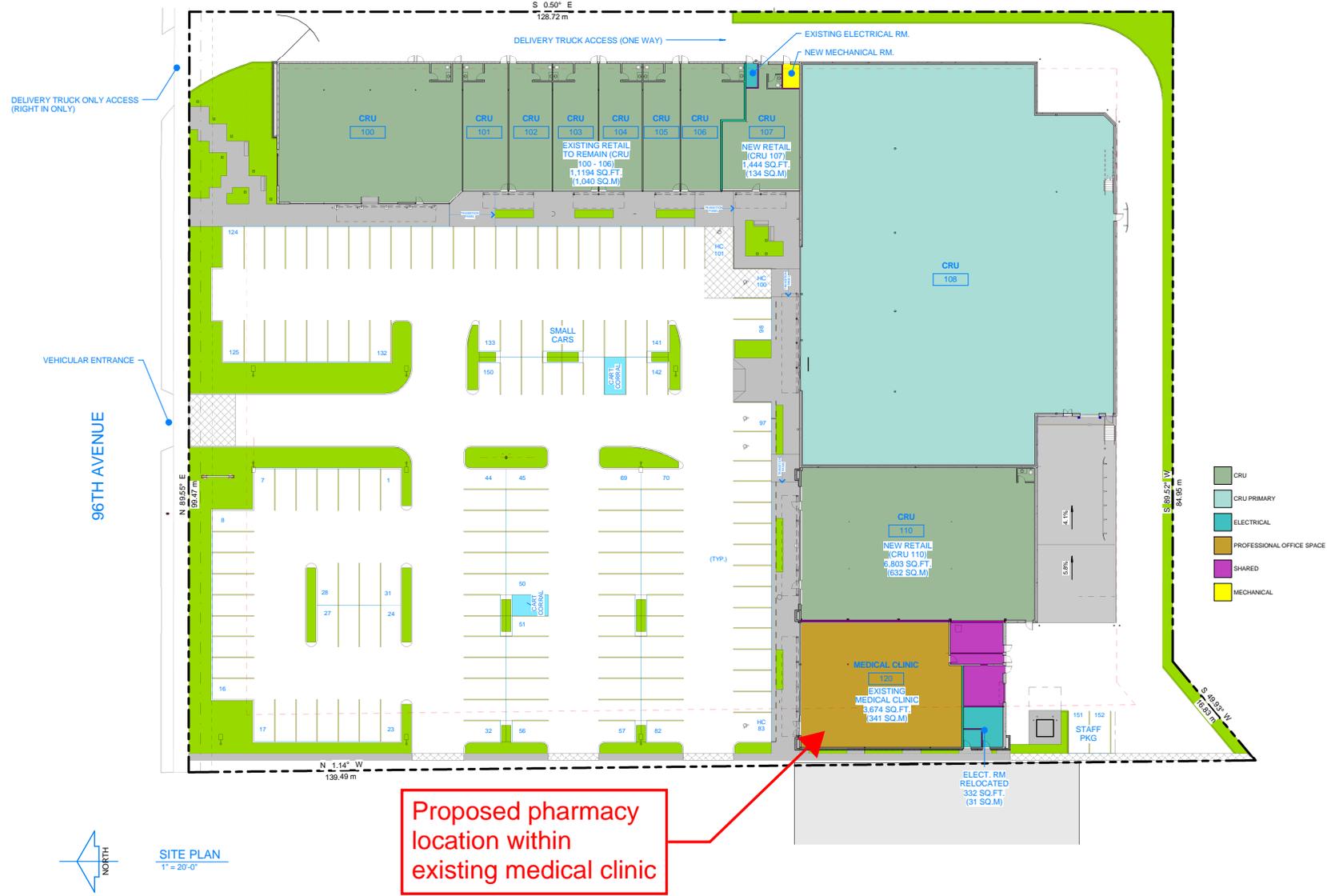
The following information is attached to this Report:

Appendix I.	Site Plan
Appendix II.	Map of small-scale drugstores within 400m of the subject site
Appendix III.	Development Variance Permit No. 7921-0180-00

approved by Ron Gill

Rémi Dubé
Acting General Manager
Planning and Development

SJ/cm

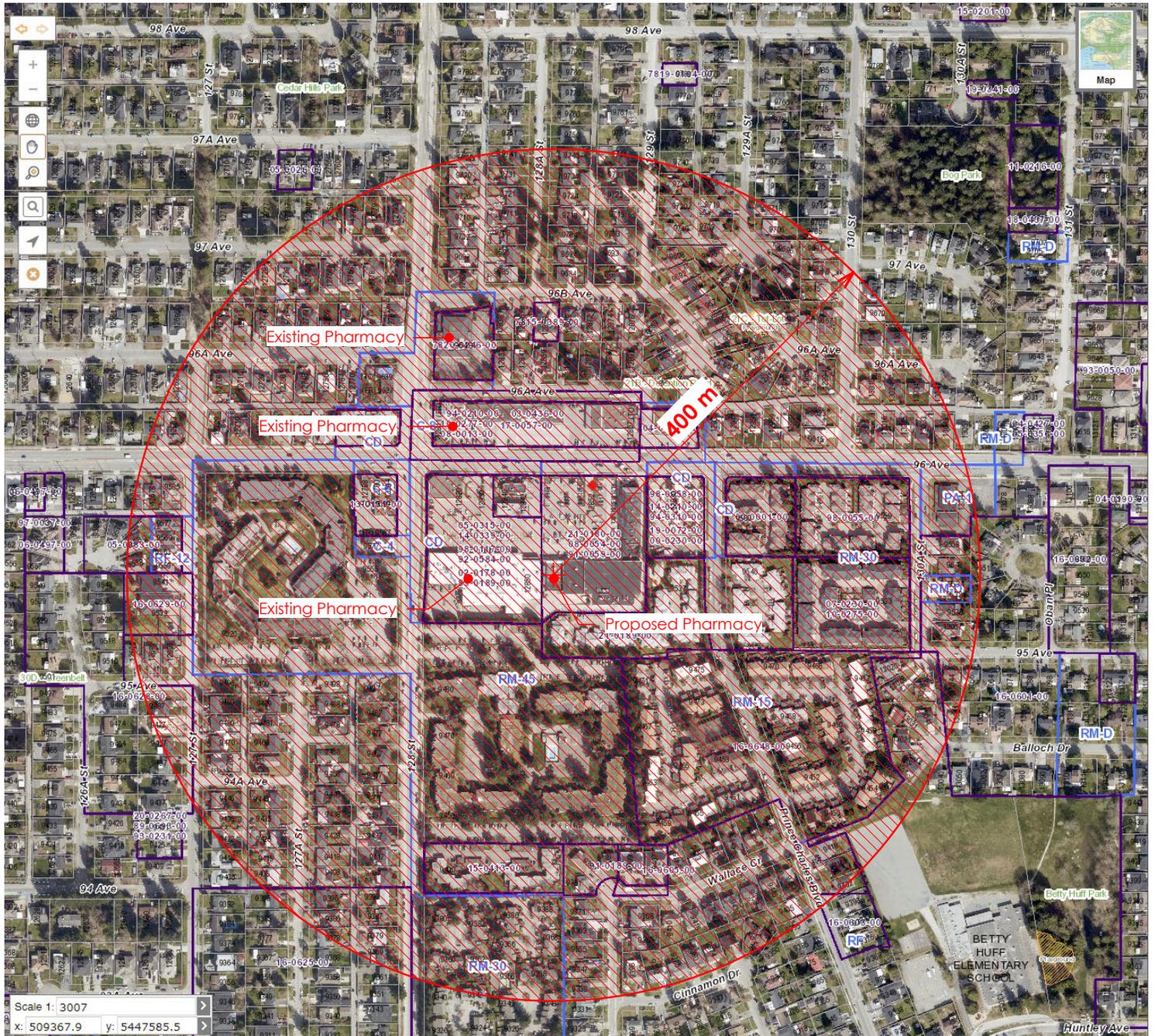


Proposed pharmacy location within existing medical clinic

SITE PLAN
1" = 20'-0"



File No. 21-0180 (12852 96 Avenue)



CITY OF SURREY

(the "City")

DEVELOPMENT VARIANCE PERMIT

NO.: 7921-0180-00

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: 004-208-455
Lot 576 Section 32 Township 2 New Westminster District Plan 50869
12852 - 96 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 0 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 .

Mayor – Doug McCallum

City Clerk – Jennifer Ficocelli

File No. 21-0180 (12852 96 Avenue)

