



File No.: GB-RZ-2022.1
(Alley Enterprises Ltd)

DATE OF MEETING: May 11, 2023
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Closing of OCP/LUB Application GB-RZ-2022.1 - Commercial and residential redevelopment of the Wild Rose Garden Centre
Applicant: Kent Moen on behalf of Alley Enterprises Ltd.
Location: 750 Tin Can Alley, Gabriola Island
Lot B, Plan VIP50373, Section 19, District 32 (PID 023-005-629)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to close application GB-RZ-2022.1 (Alley Enterprises Ltd) and issue the appropriate application fee refund if supporting documents requested by the Local Trust Committee by resolution in September 2022, are not received by planning staff by May 31, 2023.

REPORT SUMMARY

This application proposes to amend the Gabriola Island [Official Community Plan Bylaw No. 166](#) (OCP) and [Land Use Bylaw No. 177](#) (LUB) to accommodate future commercial and residential redevelopment of the 'Wild Rose Garden Centre' located at 750 Tin Can Alley, Gabriola Island Lot B, Plan VIP50373, Section 19, District 32 (PID 023-005-629). Staff recommends the application be closed and the appropriate refund be issued to the applicant if supporting professional water and sewage disposal reports are not received by May 31, 2023.

BACKGROUND

The application proposes to amend both the OCP and LUB to enable expansion of existing commercial uses at the Wild Rose Garden Centre to include general retail sales, rentals, personal services, restaurants, bakeries, food truck and accessory offices, as well as two new residential densities. The application proposes to protect one density (out of two) as affordable rental housing through a housing agreement with the LTC.

In September 2022, the applicant provided a summary of their intended changes as well as baseline professional reports, as part of the bylaw amendment application, to confirm the condition of **existing** sewage disposal and ground water yield. All professional reports and other documents referenced in this staff report are available at: <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/>

At the regular business meeting on September 29 2022, the LTC passed the following resolution:

GB-2022-074 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee requests that the applicant for GB-RZ-2022.1 (Alley Enterprises Ltd., Maloney) provide planning staff with the following prior to the Local Trust Committee considering first reading of draft bylaws:

- a) a copy of an assessment report and design recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic and domestic systems to confirm the property is capable of supporting a sewage disposal system for the proposed commercial and residential uses;
- b) a copy of an assessment report and recommendations prepared by a qualified professional hydrogeologist, with expertise in community water systems to confirm the aquifer is capable of supporting the proposed commercial and residential uses with no adverse effects on adjacent existing groundwater users. **CARRIED**

Staff have reached out to the applicant on several occasions requesting a status update on the two outstanding reports. Staff advised the applicant in early April that the file is at risk of being closed due to inactivity for over six months, as there has been no indication as to when the two professional reports would be available for review by the planner. The applicant has indicated in correspondence with planning staff that the [wastewater treatment report](#) submitted as part of their original application should be sufficient to demonstrate to the LTC that the property is capable of supporting a sewage disposal system. The applicant has stated, “As far as septic goes, I can provide detailed plans once we are going to go ahead with any kind of construction, which is years away. Hard to design this at this point.”. The applicant has also indicated that they have left a message with a hydrologist but are waiting to hear back.

Rationale for Recommendation

The LTC has requested the applicant provide the necessary professional reports to address groundwater and sewerage disposal capacity. There does not appear to be any progress in this regard in the six months since the request to the applicant. Draft OCP and LUB amending bylaws cannot be finalized and presented to the LTC unless these reports are received and found to support the density and intensity of uses proposed in this location. The recommendation is for the LTC to direct staff to close the file by May 31, 2023 if the requested reports are not received by planning staff.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Direct staff to present draft bylaws in the absence of professional reports.

The LTC may request that staff present draft bylaws despite supporting documentation not being received.

That the Gabriola Island Local Trust Committee request staff to proceed with bylaw drafting for GB-RZ-2022.1 (Alley Enterprises Ltd.) for LTC consideration of next steps.

2. Provide the applicant with an extension for the report submission deadline.

The LTC may extend the suggested deadline of May 31, 2023.

NEXT STEPS

Should the LTC concur with staff recommendations, staff will advise the applicant to submit final reports by May 31, 2023 or the file will be closed and the appropriate portion of the original application fee will be refunded.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	April 27, 2023
Concurrence:	Renee Jamurat, RPP, MCIP Regional Planning Manager	May 3, 2023