

REPORT TO COUNCIL



Date: February 5, 2018

RIM No. 0940-30

To: City Manager

From: Community Planning Department (LK)

Application: DP15-0278

Owner: Okanagan Buddhist Cultural
Centre, Inc. No. S-0061651

Address: 135 Mugford Road

Applicant: Peter Chataway

Subject: Development Permit

Existing OCP Designation: EDINST – Education/ Major Institutional

Existing Zone: P2 – Education and Minor Institutional, RU1 – Large Lot Housing

Proposed Zone: P2 - Education and Minor Institutional

1.0 Recommendation

THAT Rezoning Bylaw No. 11243 be amended at third reading to revise the legal description of the subject properties from That part of Lot 3 which may be more particularly described as follows: commencing at the north east corner of the area covered by Plan B3922; thence following the north boundary of said Lot 3 Plan 2478 bearing south 89 degrees 48 minutes east for a distance of 50 feet; thence south 75 feet; thence bearing 89 degrees and 48 minutes west for a distance of 50 feet to the south east corner of the said area covered by Plan B3922; thence following the east boundary of said area north for a distance of 75 feet to the point of commencement, and containing by admeasurement 0.086 of an acre more or less; Section 26 Township 26 ODYD Plan 2478 and Lot 1 Section 26 Township 26 ODYD Plan 9290 to Lot A Section 26 Township 26 ODYD Plan EPP51686;

AND THAT final adoption of Rezoning Bylaw No. 11243 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0278 for Lot A Section 26 Township 26 ODYD Plan EPP51686, located at 135 Mugford Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated March 30, 2016;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND THAT the applicant be required to have a Heritage Monitor to oversee and approve all on-site construction as per Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of the proposed addition to the existing St. Aidan's Church and the relocation and adaptive re-use of the building on the subject property.

3.0 Community Planning

Community Planning Staff support the Development Permit application for the adaptive re-use and additions to the existing St. Aidan's Church. The building is currently listed on the Municipal Heritage Register. The subject proposal aids in the preservation of the City's heritage asset and will ensure the longevity of this historically important site. The building and site have not been in use for an extended period of time and the adaptive re-use will see both the building and the site maintained for the long term. Further protection of the site is ensured by the owner's application for a Heritage Designation Bylaw for the property and building.

The application meets the Official Community Plan (OCP) Heritage Guidelines and the design is appropriate for the context of the site. The proposal meets all of the Zoning Bylaw Regulations. The property is within the Permanent Growth Boundary and is within the Rutland Town Centre.

4.0 Proposal

4.1 Background

St. Aidan's Anglican Church was built in 1933 and is located on the corner parcel addressed at 365 Rutland Road N. The neighbourhood is mainly single family homes with multi-residential located across Rutland Road N. The church is a one-storey, front gabled building. In 1938 an addition of the chancel at the rear of the building and the vestry on the north side was completed. In 1958, the front vestibule was enclosed as the original porch was relocated and reused as the Lych Gate. In 1990, the church was deconsecrated and purchased by the City of Kelowna. Currently, the structure is not occupied



Lych Gate

and exterior openings have been boarded up. The building is situated in a road right of way and cannot be preserved in its current location. The proposal will see it relocated centrally on the site. The character-defining elements of materials, forms and spatial configurations will be preserved throughout the adaptive re-use and renovation.

In 2009, St. Aidan's Church was identified as high priority for conservation work through the City's Heritage Asset Management Strategy. A Request for Expressions of Interest was put out in 2012. The submission from the Okanagan Buddhist Cultural Society (OBCS) garnered further discussion. After the Request for Proposal (RFP) process, The City of Kelowna and OBCS signed a Memorandum of Understanding agreement (MOU) based on the premise that the City would sell the land to the OBCS. The MOU establishes the future conservation objectives and acceptable uses with respect to the redevelopment and restoration of the old St. Aidan's Church building.

The rezoning application came before Council for Public Hearing and 2nd and 3rd readings on May 2, 2016. Since that time, the OBCS has finalized the purchase of the property from the City of Kelowna and continued to work on the project design.

4.2 Project Description

The goal is the adaptive re-use of the building with conservation of the structure and site in a manner that will showcase and celebrate it as a community heritage asset. The Society is proposing to conserve the existing old St. Aidan's Church building consistent with the Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* and will include a heritage monitor during the construction to advise and document the process formally.

The rezoning application consisted of three subject parcels which have now been consolidated into one. As part of the lot consolidation, future road widening requirements saw a 3.2 m road dedication along Rutland Road N and a 9.14 m road dedication along Mugford Road along with a corner rounding. These requirements established the new property lines of the consolidated parcel, 135 Mugford Road. The consolidation also included a road reserve along the rear of the parcel to ensure the provision of a future rear lane is possible if required.

The road widening along Mugford Road requires the existing church structure to be moved. This will allow the building to be centrally located on the new parcel. The proposed modifications to the existing building will include a new addition on the north side of the chancel, an addition on the south side of the chancel, a new foundation and site improvements. The existing Lych



Gate will be relocated to the west side as a covered entry to the historic church, where it is restored to its original position and use. The changes to the site will include a parking area on the east side of the parcel with access from Mugford Road and a publicly accessible Friendship Garden in the northwest corner. A new sunken courtyard is provided on the southwest side of the building and is accessed from either the lower level of the building interior or the exterior ramp that encloses the space. Exterior stair access is also provided at the south end of the building.

The redevelopment of the site now provides 20 on-site parking stalls, increases the accessibility of the site, and creates an open and inviting garden area. The parking area provides accessible parking with ramp access, a loading area and a turnaround space. While the proposal is deficient by four parking stalls, a lump sum in lieu of providing the off-site parking spaces as required under the Zoning Bylaw will eliminate the parking variance. This is made possible thru the Payment in Lieu of Parking Bylaw as the site is located within the Rutland Town Centre.

The proposed additions will increase the existing building area of 93 m² to 273 m² on the main floor. The addition is approximately 2000 square feet. It will include a new basement area with a dining hall, kitchen, bathrooms and leasable daycare space. The main building entry is located on the east side of the building. Clear-stained fir columns and beams frame the entry pergola. This was designed as a modern interpretation of the existing Lych Gate on the west side of the building. The exterior stucco façade will be Oxford White for the addition and Harris Brown for the trim. The north and south additions both incorporate a cupola into the flat roof structure in order to admit light into the body of the building.

Staff views the proposed redevelopment of the site positively. The heritage building will be adaptively re-used with many of the original character defining elements preserved. Since the relocation of the structure is unavoidable due to the road widening requirement, the new central location ensures the building is still the prominent feature of the parcel. The proposed modern use of the building as a Cultural Centre will provide a positive contribution to the Rutland Town Centre and the Heritage Designation (HD) in the form of a municipal bylaw will ensure the ongoing preservation of the heritage building and site. The provision of a Heritage Monitor to oversee the project through to completion will further ensure the future preservation.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RM5 – Medium Density Multiple Housing	Apartments

Subject Property Map: 135 Mugford Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	P ₂ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	660 m ²	1380 m ²
Lot Width	18 m	36.52 m
Lot Depth	30 m	41.16 m
Development Regulations		
Floor Area Ratio	1.0	0.36
Maximum Site Coverage (buildings)	40%	21%
Maximum Site Coverage (buildings, driveways and parking)	60%	47%
Height	13.5 m or 3 storeys	5.58 m & 1 ½ storey
Front Yard	6.0 m	7.31 m
Side Yard (south)	4.5 m	5.18 m
Side Yard (north)	6.0 m	8.47 m
Rear Yard	7.5 m	15.85 m
Other Regulations		
Minimum Parking Requirements	24 stalls	20 stalls, 4 cash-in-lieu*
Bicycle Parking	2 stalls	4 stalls
Loading Space	1 spaces	1 spaces
*Indicates the site provides 20 of the required parking stalls and 4 will be cash-in-lieu of parking as per Bylaw No. 8125 Payment in lieu of off-street parking.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Heritage Register.¹ Use the Kelowna Heritage Register for fully informed decision-making regarding land use of heritage properties.

Heritage Designation.² Encourage owners of properties listed in the Kelowna Heritage Register and identified as significant to voluntarily provide long-term heritage protection to their properties through the use of a Heritage Designation Bylaw.

5.2 Heritage Conservation Area Development Guidelines

Restoration Guidelines for Designated Heritage Sites.³

- Authenticity to the architectural style, original site configuration, landscaping and auxiliary structures are encouraged to be adhere to for all restorations.
- Colour schemes are encouraged to be authentic to the period and architectural style of the designated building.

¹ City of Kelowna Official Community Plan, Policy 5.7.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.7.2 (Development Process Chapter).

³ City of Kelowna Abbott Street & Marshall Street Heritage Conservation Area, Policy 4.11 (Development Guidelines).

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Building Code analysis is required for the structure at time of building permit applications.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, multiple parking areas (future), number of required exits per area, accessibility etc.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation are being applied to this structure.

6.2 Development Engineering Department

- Refer to Attachment A.

6.3 Fire Department

- A construction fire safety plan is required to be submitted prior to the start of construction
- If the occupant load is above 300 a fire alarm shall be installed. Should the fire alarm be required, an approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- Assembly occupancy requires a fire safety plan as per section 2.8 BCFC at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- dumpster/refuse container must be 3 meters from structures or overhangs

7.0 Application Chronology

Date of Application Received:	November 6, 2015
Date Public Consultation Completed:	January 4, 2016
Date of Rezoning Public Hearing, 2 nd & 3 rd readings:	May 2, 2016
Date of Rezoning Extension Approval:	September 18, 2017

Report prepared by:	Lydia Korolchuk, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

- Draft Development Permit
- Attachment A: Development Engineering Memorandum
- Attachment B: Rutland Waterworks District Letter
- Attachment C: Heritage Register
- Attachment D: Statement of Significance
- Schedule A: Site plan & Floor plans
- Schedule B: Conceptual Elevations
- Schedule C: Landscape Plan