

REPORT TO COUNCIL



Date: May 2, 2016
RIM No. 1250-30
To: City Manager
From: Community Planning Department (LK)
Application: Z15-0059 **Owner:** City of Kelowna
Address: 135 Mugford Road, 345 Rutland Road N **Applicant:** Peter Chataway
Subject: Rezoning Application
Existing OCP Designation: EDINST - Educational / Major Institutional
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: P2 - Education and Minor Institutional

1.0 Recommendation

THAT Rezoning Application No. Z15-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of 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, located at 135 Mugford Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the P2 - Education and Minor Institutional zone; and by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan 9290, located at 345 Rutland Road N, Kelowna, BC from the RU1 - Large Lot Housing zone to the P2 - Education and Minor Institutional zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated December 22, 2015;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of Ministry of Transportation and Infrastructure;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Heritage Alteration Permit for the subject property.

2.0 Purpose

To rezone the subject properties to facilitate the redevelopment and adaptive re-use of the heritage building and site.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning to permit the redevelopment of the subject properties, which includes the building known as old Saint Aidan's Church. This is a highly visible location within the Rutland area at the corner of Rutland Road N and Mugford Road. The historic church is listed on the municipal heritage registry for its association within the Anglican Church, its importance to the early community of Rutland and its architectural Arts and Crafts style. The proposed rezoning is consistent with the Official Community Plan (OCP) Future Land Use for the parcels.

In 2013, the City of Kelowna commissioned the firm, Donald Luxton and Associates Inc., to provide an independent heritage impact statement of the proposed rehabilitation of the subject site. The purpose of the report was to evaluate the impact of the proposed development on character-defining elements of the historic church and to provide conservation recommendations to mitigate potential adverse impacts. The report concluded that the proposed changes to the building are acceptable from a heritage perspective and balanced with the proposed modern uses.

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 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.



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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 of Kelowna 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.

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. The three subject parcels will be consolidated and the structure centrally located on the new parcel. The proposed addition to the existing building will include a new entry on the north side of the chancel, a church hall and cultural centre on the south side of the chancel, a new foundation and site improvements. The changes to the site will include a parking area at the rear of the parcel and a publicly accessible Friendship Garden in the northwest corner. A Heritage Alteration Permit (HAP) will be required for the proposed changes and will be considered by Council at a later date, should the rezoning be successful, along with the requirement of a Heritage Designation (HD) in the form of a municipal bylaw.

The proposal consists of three parcels which will be consolidated. 135 Mugford Road was purchased by the City in 1992 and was leased as an Early Years Learning Centre until it was demolished in the mid-2000's. 345 Rutland Road was purchased by the City in 2004 and the single family dwelling was rented until it was demolished in 2014. 365 Rutland Road is the St. Aidan's Church site. As part of the lot consolidation, future road widening requirements will see a 3.2 m road dedication along Rutland Road N and a 9.14 m road dedication along Mugford Road. This will include a new corner rounding. These requirements will establish the new property lines of the consolidated parcel. To ensure the provision of a future rear lane is possible, a road reserve will be registered.

The redevelopment of the parcels will provide on-site parking, increase the accessibility of the site, and create an open and inviting garden area. The parking area will provide accessible parking with ramp access, a loading area and a turnaround stall.

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.

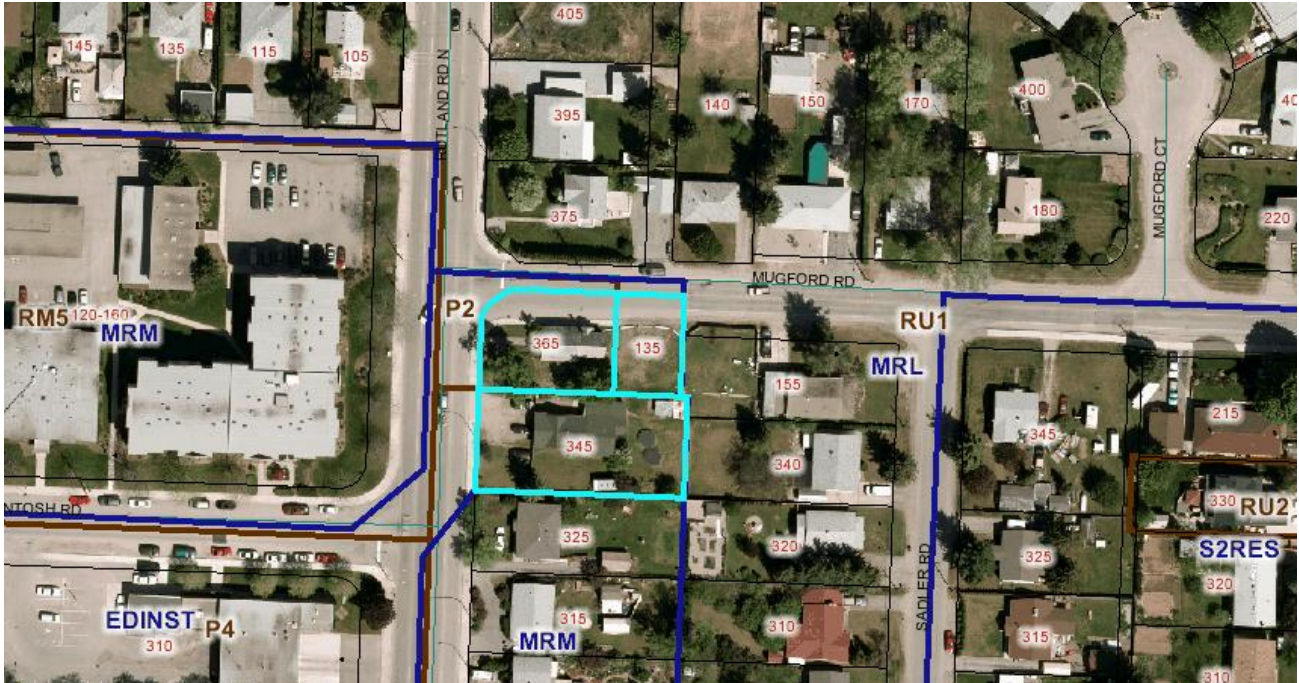
4.3 Site Context

The subject properties are located at the intersection of Rutland Road N and Mugford Road. The proposal consists of three parcels, 345 & 365 Rutland Rd N and 135 Mugford Rd which will be consolidated into one larger parcel. The Future Land Use Designation is EDINST - Educational / Major Institutional and is within the Rutland Urban Centre and the Permanent Growth Boundary.

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:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	P2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	660 m ²	1490 m ² (proposed lot)
Minimum Lot Width	18 m	36.52 m
Minimum Lot Depth	30 m	41.16 m
Development Regulations		
Maximum Floor Area Ratio	1.0	0.20
Maximum Site Coverage (buildings)	40%	20.04%
Maximum Site Coverage (buildings, driveways and parking)	60%	
Maximum Height	13.5 m or 3 stories	6.7 m (proposed addition)
Minimum Front Yard	6.0 m	6.10 m
Minimum Side Yard (south)	4.5 m	4.9 m
Minimum Side Yard (north)	6.0 m	14.36 m
Minimum Rear Yard	7.5 m	19.2 m
Other Regulations		
Minimum Parking Requirements	21	21
Minimum Bicycle Parking	5	5
Minimum Loading Space	1	1

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.

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

- See Attachment "A"

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).

6.3 Fire Department

- A construction fire safety plan is required to be submitted prior to the start of construction
- Should the occupant load be 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

6.4 Ministry of Transportation

- Based on the materials provided November 9, 2015, Preliminary Approval is granted for this rezoning for one year pursuant to section 52(3)(a) of the Transportation Act.

Please provide the final bylaw after third reading to this Ministry for final approval.

7.0 Application Chronology

Date of Application Received: November 6, 2015

Date Public Consultation Completed: January 4, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Plan

Schedule A: Site plan & Floor plans

Schedule B: Conceptual Elevations

Landscape Plan

Attachment A: Development Engineering Memorandum

Attachment B: Rutland Waterworks District Letter

Attachment C: Statement of Significance

Attachment D: Heritage Register

Attachment E: Memorandum of Understanding