



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, May 13, 2025
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart*, Charlie Hodge*, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Laura Bentley; Deputy City Clerk, Michael Jud; Divisional Director, Planning, Climate Action & Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin*; Development Planning Manager, Adam Cseke, Planner II, Tyler Caswell*; Planner Specialist, Mark Tanner*, Planner II, Jason Issler*

Staff Participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 3:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of April 8, 2025 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 3:02 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 3:00 PM - Lakeshore Rd 5570 and 5600 - OCP24-0011 (BL12765) Z24-0036 (BL12766) - Multiple Owners

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Steven Stelenhoef, Lakeshore Rd, Applicant:

- Displayed a PowerPoint presentation.
- Property is a good candidate for subdivision outside of Permanent Growth Boundary.
- Reviewed Lot line adjustment to meet subdivision regulations without variances.
- Indicated that intention is to build a family home close to relatives.
- Displayed the signed petition of support from neighbours.
- Indicated there is low environmental sensitivity and no agricultural capacity for the subject property.
- Summarized the reasons for the application.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 3:12 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 3:12 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 3:00 PM - Lakeshore Rd 5570 and 5600 - BL12765 (OCP24-0011) - Multiple Owners

Moved By Councillor Stack/Seconded By Councillor Cannan

THAT Bylaw No. 12765 be read a second and third time.

Carried

8.2 START TIME 3:00 PM - Lakeshore Rd 5570 and 5600 - BL12766 (Z24-0036) - Multiple Owners

Moved By Councillor Cannan/Seconded By Councillor Stack

THAT Bylaw No. 12766 be read a second and third time.

Carried

9. Temporary Use Permit

9.1 START TIME 3:00 PM - Industrial Ave 368, Manhattan Drive 1090, and Ellis Street 1054 - TUP24-0001 - Whitworth Holdings Ltd., Inc.No. 1059455

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Cameron Costley, GM, Whitworth Holdings, Applicant:

- Displayed a PowerPoint presentation.
- Commented on the history of Whitworth Holdings in Kelowna.
- Provided an overview of the proposed site preparation.
- Spoke to the existing Telus building and site management.
- Commented on the building to be demolished for the outdoor storage use.
- Spoke to the interim storage use before future site development.
- Meeting a need to improve the site and provide additional outdoor storage in a high demand area.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Bernard Dumont, Sunset Dr

- Questions about the purpose of the rezoning.
- Concerned about the demolition of the building.
- Concerned about the visual impact of the boat storage on the site.
- Opposed to the temporary use. Other properties in the area already provide outdoor storage.

Brenda Subrowski, Sunset Dr:

- Concerned with boat storage and moving of equipment after hours.
- No information about the hours of operation for the outdoor storage use beside residential use.
- Concerned about impact on residential.
- Concerned about fencing and security.
- Concerned about traffic movements and a left hand turn with on Ellis Street into boat storage.

Applicant in response:

- Advised the existing building is largely vacant and there is no further investment to save it.
- Reviewed the building demolition and fencing of the site to improve security and unauthorized access.
- Company shops are on Ellis and believe they are in close proximity and will control the street security
- Operating hours for storage would be 6am to 9 pm daily.
- Advised there will be professional management of the property.
- Planning to demolish later in 2025 with spring 2026 being first year of operation.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Temporary Use Permit No. TUP24-0001 to allow outdoor storage for Lot 1 District Lot 139 ODYD Plan KAP69068, located at 368 Industrial Avenue, 1090 Manhattan Drive & 1054 Ellis Street, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

a) The dimensions and siting of the outdoor storage area be in accordance with Schedule "A".

AND THAT any application to extend the permit must be approved by Council prior to this permit expiring.

Carried

10. Development Permit and Development Variance Permit Reports

10.1 START TIME 3:00 PM - Lakeshore Rd 3805 - BL12683 (Z23-0035) - Jim Pattison Industries Ltd., Inc.No. BC0928747

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Bylaw No. 12683 be amended at 3rd reading by deleting the Legal Description that reads:

"Lot 1 District Lot 134 ODYD Plan 39987"

And replacing it with:

"Lot A District Lot 134 ODYD Plan EPP143822"

AND THAT Bylaw No. 12683 as amended, be adopted.

Carried

10.2 START TIME 3:00 PM - Lakeshore Rd 3805 - DP23-0109 DVP24-0068 - Jim Pattison Industries Ltd., Inc.No. BC0928747

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Paul Williams, Williams Project Management, Adam Gruchala, Architect, Applicant:

- Displayed a PowerPoint presentation.
- Reviewed the changes made to the original variances in response to Council and staff direction.
- Reviewed the new variances.
- Spoke to the ability to move quickly into the building permit stage.
- Gave context to the variances for tree canopy and required tree canopy and the stepback variance.
- Removed private car share and associated parking variances.
- Spoke to additional trees being planted in other areas of the site.
- Prepared to move project into construction.
- Spoke to the relationship of the variances to form and character design guidelines regarding the building corner and massing.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

THAT final adoption of Rezoning Bylaw No. 12684 be considered by Council;

THAT Council authorizes the issuance of Development Permit No. DP23-0109 and Development Variance Permit No. DVP24-0068 for Lot 1 District Lot 134 ODYD Plan 39987, located at 3805 Lakeshore 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 7.2 Tree & Landscaping Planting Requirements

To vary the minimum ratio between tree size from 50% large trees permitted to 0% large trees proposed.

Section 14.11 – Commercial and Urban Centre Zone Development Regulations

To vary the minimum building setback from 3.0 m permitted to 0.0 m proposed.

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

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

Carried

The meeting recessed at 4:10 p.m.

The meeting reconvened at 4:25 p.m.

10.3 START TIME 3:45 PM - Doyle Ave 350 - DP24-0218 DVP24-0219 - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jean Guy Belliveau, Quinton St, Applicant:

- Displayed a PowerPoint presentation outlining the application.
- Introduced the design and development team.
- Commented on the project vision for the Muse project.
- Commented on LEED Certification and sustainability initiatives.
- Aligned with civic principles, vibrancy, and public spaces.
- Commented on public benefits of the project features and uses.
- Provided an overview of the building levels, uses, amenities, parking, and access.
- Spoke to the proposed variances for building height, podium setback, maximum podium height, parking, and short-term bicycle parking.
- Commented on the building form and character and relationship to the site surroundings.
- Displayed a video animation of the artwalk extension.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Myles Bruckal, Barrera Rd

- Member of group looking to get new performing arts centre in Kelowna.
- Commented the City previously focused on subject site as site of new theatre.
- Spoke to the Performing Arts Task Force recommendation to maintain Kelowna Community Theatre and find different location for new performing arts centre.
- Commented that there are other sites for residential purposes, not a need for this site.

- Spoke to initial height specification in request for proposals for site development and change in proposed application.

Nicole Barra, Carnegie St

- Concerned that the property is being developed and would like the City to hold onto the property for future use.
- Indicated the subject property is City-owned under lease to applicant.
- Spoke to the property being used for civic and cultural purposes.
- Requested the subject property be used for a new performing arts centre as recommended by the Performing Arts Task Force.
- Opposed as there is no need for a rental high-rise on the subject property.

Jean Claude, Carnegie St

- Impressed by Kelowna's long-term planning for the civic precinct.
- Concerned when City plans are put aside for development in favour of variances.
- Believes public land is for all residents, not for developers.
- Spoke to the original civic precinct document indicated possible housing of six to 13 storeys.
- Advised the Kelowna Community Theatre was previously identified to be replaced by new building on Theatre site.
- Opposed as it is not the right location for this residential building.
- Request the original plans for the site be supported without issuing variances.

Bernard Dumont, Sunset Dr

- Concerned with the request for proposal specifying height and height changing in the application. without going back to the proponents.
- Concerned with the change from 13 storey building to 25 storeys.
- Spoke to rental rates not being sustained.
- Believes there is too many rentals in the market.
- Commented that the OCP indicates height is lower towards the lake and the application is not following this direction.

Les Bellamy, Ellis St

- Displayed a PowerPoint presentation.
- Opposed to the application as it does not serve the public interest or meet the original expectations of the original RFP.
- Commented on limited value from payment to City for the land.
- Requested that public use of land for public benefit be retained.
- Believes the cultural district is for community and civic life, not a residential tower.
- Believes the vision in the request for proposal sets maximum height of 13 storeys in exchange for meaningful public amenities.
- Believes the original proposal of 13 storeys is now requiring multiple variances and delivering less amenities for the community.
- Spoke to the terms and variances not being beneficial to the City.

Online:

Guisepppe Gaspari,

Unable to unmute and address Council due to technical issues experienced by the attendee.

Rebecca Waring, Sherbert Rd, Appelt Properties, Applicant in response:

- Spoke to the consultation process for development.
- Advised that the RFP was issued some time ago and was reviewed by the City's legal counsel. No issues were identified.
- Commented that consideration should be for form and character.
- Heard positive comments from the public about building design.
- Consultation of the building height change was done with neighbours and the City.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Wooldridge

THAT Council authorizes the issuance of Development Permit No. DP24-0218 and Development Variance Permit No. DVP24-0219 for Lot C District Lot 139 ODYD Plan EPP95954, located at 350 Doyle Ave, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 8: Parking and Loading – Table 8.5 Minimum Bicycle Parking Required

To vary the minimum number of short-term bicycle stalls for both residential and commercial uses from 62 required to 10 proposed.

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the maximum podium height from 16.0 m permitted to 18.4 m proposed.

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the maximum height above grade parking is permitted from 16.0 m permitted to 18.4 m proposed.

Section 9: Specific Use Regulations – Table 9.11 Tall Building Regulations

To vary the number of parking spaces that do not have an overhead roof for weather protection from 0 permitted to 12 proposed.

Section 14.11 : Core Areas and Other Zones – Commercial and Urban Centre Zone Development Regulations (footnote 2)

To vary the minimum setback above 16.0 m from 3.0 m required to 0.0 m proposed.

Section 14.14: Core Areas and Other Zones - Density and Height

To vary the required maximum height from 15 storeys / 56.0 m permitted to 25 storeys / 77.4 m proposed.

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 existing Section 219 Covenant (CA8766188) be modified to allow a building height of 25 storeys in order for the permits to be issued;

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

Defeated

Mayor Dyas and Councillors Lovegrove, Cannan, DeHart, Hodge, Singh and Wooldridge - Opposed

The meeting recessed at 5:31 p.m.

The meeting reconvened at 5:44 p.m. without Councillor Hodge in attendance.

10.4 START TIME 5:00 PM - Ellis St 1070 - DP25-0086 DVP25-0087 - Waterscapes Homes Ltd., Inc.No. BCo767408

Councillor Dehart declared a conflict of interest as she owns a residence directly across from the subject property and left the meeting at 5:44 p.m.

Councillor Hodge returned to the meeting at 5:47 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Dan Giordano, President & Chief Development Officer, Ledingham McAlister, Vancouver, Applicant:

- Introduced other members of team with Ledingham McAlister.
- Displayed a PowerPoint presentation.
- Commented on the company's history in BC and Kelowna.
- Spoke to the application being almost identical to the previously approved project.
- Commented on site and zoning history for towers.
- Spoke to public benefits of sustainability and variances contributing to neighbourhood safety and integration, and the public realm.
- Provided an overview of the requested variances.
- Commented on progress to advance building permit drawings, marketing and sales.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Brenda Sbrozzi, Sunset Dr

- Displayed a PowerPoint presentation.
- Concerned with density of the development.
- Concerned with traffic movements and amount of traffic.
- Concerned with vehicles servicing the site, garbage collection, on-site traffic.
- Concerned with laneway access between the development and adjacent properties.
- Concerned with resident and pedestrian safety.
- Wind study and impact of high winds from towers.
- Spoke to transition from existing development and shadowing for adjacent low-rise buildings.

Bernard Dumont, Sunset Dr

- Concerned, the application is not aligned with the OCP.
- Spoke to correspondence submitted.
- Requested that all projects should be compliant with OCP and Zoning Bylaw without variances
- Indicated the bylaws define what is and is not permitted.
- Believes approving variances is giving permission to break the law.
- Asked that Council disregard letter from Waterscapes strata in support as they did not ask owners.

Mike Martin, Sunset Dr

- President of Waterscapes Strata Council.
- Supports the application.
- Believes residents are tired of looking at dirt and excited for a project.
- Recognizes the trend is for high-rise and like how it looks.
- Believes professional and legal advice focused on working with developer to sever the strata rather than the form and character of development.

Online:

Josie Hobbs, 1075 Sunset Dr

- Opposed to the development due to density.
- Surprised Waterscapes strata sent letter in support, request Council disregard as it does not represent all residents.
- Asked Council to respect the OCP and bylaws in place.
- Believes the final phase of Waterscapes intended to be separate development.
- Asked about acceptable threshold for wind and shadow studies.
- Requested Council to turn down the application.

Dan Giordano, Applicant in response:

- Clarified how the application is aligned with the OCP.
- Spoke to the access from Ellis St exists today, will be formalized without introducing more access points.
- Advised the wind study completed by independent qualified engineers with no input from developer.
- Suggested that if the application moved forward without variances it would result in a worse project.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Singh

THAT Council authorizes the issuance of Development Permit No. DP25-0086 and Development Variance Permit No. DVP25-0087 for Lot 2 District Lot 139 ODYD Plan KAP86331, located at 1070 Ellis Street, 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 buildings to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into Housing Opportunities Reserve Fund as established by Bylaw No. 8593 in accordance with Table 6.8.b in Zoning Bylaw No. 12375;

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 variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the minimum building separation from 30.0 m permitted to 27.0 m proposed.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the maximum floor plate above the sixth story from 750 m² permitted to 817 m² proposed for Tower 1, 765 m² proposed for Tower 2, 849 m² proposed for Tower 3, and 890 m² proposed for Tower 4, for the seventh story only.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the minimum stepback above the podium from 3.0 m permitted to 0.0 m proposed for Towers 2, 3, and 4.

Section 9.11.1 Table 9.11 – Tall Building Regulations:

To vary the maximum podium height from 16.0 m permitted to 16.94 m proposed.

Section 14.11 – Commercial and Urban Centre Zone Development Regulations

To vary the minimum setback above 16.0 m in height from a lot line abutting another property from 4.0 m permitted to 0.0 m proposed.

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

Carried
Councillors Cannan and Hodge - Opposed

11. Termination

The meeting was declared terminated at 6:52 p.m.

Mayor Dyas

lb/cm

Michael J. J. J.

D/City Clerk