

REPORT TO COUNCIL REZONING



Date: July 7th, 2025
To: Council
From: City Manager
Address: 2091 Harvey Avenue
File No.: Z25-0005

	Existing	Proposed
OCP Future Land Use:	UC – Urban Centre	UC – Urban Centre
Zone:	UC ₃ - Midtown Urban Centre	UC ₃ dt – Midtown Urban Centre Drive Through

1.0 Recommendation

THAT Rezoning Application No. Z25-0005 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 127 Osoyoos Division Yale District Plan 31862, located at 2091 Harvey Avenue, Kelowna, BC from the UC₃ – Midtown Urban Centre zone to the UC₃dt – Midtown Urban Centre Drive Through zone, be considered by Council.

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

2.0 Purpose

To rezone the subject property from UC₃ – Midtown Urban Centre zone to the UC₃dt – Midtown Urban Centre Drive Through zone to facilitate the development of a food primary establishment with a drive through.

3.0 Development Planning

Staff support the proposed rezoning application to UC₃dt – Midtown Urban Centre Drive Through to facilitate development of a food primary establishment with a drive through. There is an existing food primary establishment with a drive through on the subject property which will be demolished and redeveloped.

Official Community Plan (OCP) policy suggests that car-dependent commercial development be directed to Regional Commercial Lands to ensure that Urban Centres continue to grow into the City's most walkable neighbourhoods. However, the existence of a drive through on the property is an existing condition that will not be significantly worsened by the proposed application. Staff acknowledge that the rezoning to the 'UC₃dt' subzone will bring the existing drive through site into conformance with the Zoning Bylaw and allow the construction of a replacement food primary establishment with a drive through. The existing food primary establishment would continue to be the primary operator of the site. As a condition of redevelopment, the vehicle access from Harvey Avenue will be removed, all access to site would be directed from Cooper Road and a 3.65 m road dedication is required off Cooper Road.

The existing structure currently on the subject property was originally constructed in 1986 as a food primary establishment with a drive through. The notable fast-food brand has been a long-serving food primary

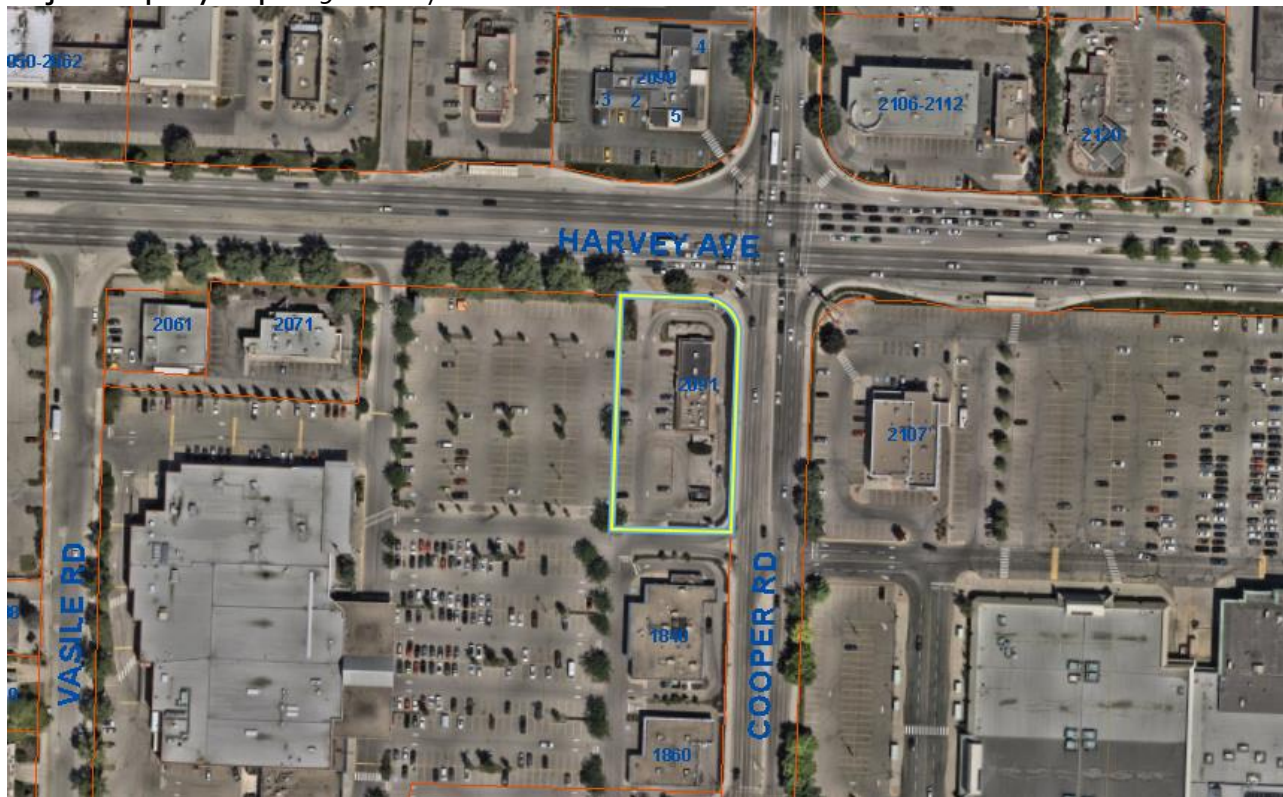
establishment in the City of Kelowna and has occupied the corner of Cooper Road and Harvey Avenue for nearly 40 years. The surrounding context includes several other existing drive through food primary establishments.

Lot Area	Proposed (m ²)
Gross Site Area	3,526m ²
Road Dedication	284m ²
Net Site Area	3,243m ²

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	CA1rcs –Local & Neighbourhood Commercial with Retail Cannabis Sales	Food Primary Establishment & Retail
East	C2dt – Vehicle Oriented Commercial with Drive Through	Food Primary Establishment & Retail
South	UC ₃ – Midtown Urban Centre	Retail & Professional Services
West	UC ₃ – Midtown Urban Centre	Retail

Subject Property Map: 2091 Harvey Avenue



The subject property is located at the intersection of Harvey Avenue and Cooper Road. The site is contained within a cluster of Urban Centre and Regional Commercial uses along Harvey Avenue.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hub of activity	
Policy 4.1.8 Car-oriented Development	Direct large format retail and other commercial development that is car-dependent to Regional Commercial lands to ensure that Urban Centres continue to grow into the City’s most walkable neighbourhoods.
	<i>The rezoning application proposes the reconstruction of an existing car-dependent commercial development that maintains and legitimizes an existing land use.</i>

6.0 Application Chronology

Application Accepted: February 4th, 2025
 Public Information Session: N/A
 Neighbourhood Notification Summary Received: March 19th, 2025

Report prepared by: Carson Mackonka, Planner II
Reviewed by: Carla Eaton, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Development Engineering Memo
 Attachment B: DRAFT Site Plan
 Attachment C: Summary of Neighbourhood Notification

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.