
CITY OF KELOWNA

MEMORANDUM

Date: April 10, 2025
File No.: DP25-0033
To: Development Planning Dept (CM)
From: Development Engineering Dept
Subject: 2091 Harvey Ave

ATTACHMENT		A
This forms part of application		
# <u>Z25-0005</u>		
Planner Initials	CM	 City of Kelowna <small>COMMUNITY PLANNING</small>

Form & Character

The Development Engineering Department has the following comments associated with this Development Permit Application for a commercial building development.

The Development Engineering Technologist for this file is Aaron Sangster (asangster@kelowna.ca).

1. DEVELOPMENT PERMIT COMMENTS AND SITE-SPECIFIC REQUIREMENTS

- a. The existing site is access from Cooper through the 1840-1920 Cooper Rd property to the south is able to adequately service the site. The existing driveways off Harvey Ave must be removed and replaced with irrigated landscaping with a tree. It is preferred that no additional accesses from Cooper are permitted.
 - i. The proposed site plan and landscape plan appear consistent with these requirements.
- b. Approximately 3.65 m road dedication along the entire frontage of Cooper Rd is required to achieve a half ROW width of 16.75 m in accordance with OCP Functional Road Classification objectives and Bylaw 7900 Typical Road Sections.
 - i. The existing 40' (12.192 m) radius corner rounding must be modified to be tangent to the resultant property line of this dedication. The radius may be reduced by the width of the dedication to approximately 8.5 m to maintain the existing tangent point on Harvey Ave.
 - ii. Confirm the existing pylon sign does not overhang/encroach into the ROW, if remaining.
- c. The existing stairway from the sidewalk to drive-thru aisle at the north-east corner of the site is to be removed as shown on the landscape plan.
- d. The mid-lot sidewalk connection into the site is supported, but should be a minimum of 1.5 m wide to meet constrained-accessibility standards.
- e. Proposed on-site crosswalks and letdowns should align, not conflict with or direct pedestrians into parking stalls or loading zones.

The following Works and Services will be required of this development at time of Building Permit. For questions or inquiries related to Works and Services requirements, please contact the Development Engineering Technologist for this file.

ATTACHMENT A	
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City of Kelowna COMMUNITY PLANNING	

2. **GENERAL**

- a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first. The City of Kelowna reserves the rights to modify some or all items in this memo if the zone amendment bylaw is not adopted within this time.
- b. All City Trees must be protected as per Bylaw 8042 Schedule C – Tree Barrier and Installation Policy requirements. Removal of City Trees will require prior approval of the City's Urban Forestry Supervisor and may be subject to replacement, at a minimum two for one ratio, and compensation payment as per the City of Kelowna Equitable Compensation as defined in Section 8.2 of Bylaw 8042.
- c. There is a possibility of a high groundwater table or surcharging of storm drains during major storm events. Non-basement buildings may be required. This should be considered in the design of the onsite system, lot grading, and minimum basement elevations.
- d. The subject lot is within the Mill Creek Flood Plain. The subject lot's flood construction level is 364.4 m. The geotechnical report and lot grading plan to be submitted for this development is to address this flood construction level in the context of the Mill Creek Flood Plain Bylaw No. 10428.

3. **DOMESTIC WATER AND FIRE PROTECTION**

- a. The subject property is located within the City of Kelowna Water Supply Area. Our records indicate that this property is currently serviced with a 50 mm diameter water service off Harvey Ave.
- b. The Developer's Consulting Engineer must determine the domestic water servicing needs and required fire flow for this development. If upgrades or modifications are necessary to achieve adequate servicing or fire protection, the Developer must complete any such upgrades or modifications at their cost.
 - i. Only one service connection will be permitted per lot and any obsolete services must be fully decommissioned at the main.
 - ii. The Developer must demonstrate that the Available Fire Flow from the City's network is sufficient for building sprinkler demand and the public fire flow requirements for the proposed development.
 - iii. The proposed development is located in an area with insufficient fire hydrant spacing. The Developer must therefore install a new hydrant near the south property corner on Cooper to improve coverage.
 - iv. The Developer's Consulting Engineer must contact the development technologist for this file to undertake modeling to confirm the available flow and residual pressure for the proposed development, based on proposed building fire flow demands.
- c. A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation Bylaw 5968-87.

**4. SANITARY SEWER SYSTEM**


- a. Our records indicate that this property is currently serviced with a 150 mm diameter sanitary service off Cooper Rd. Only one service connection will be permitted per lot.
- b. The Developer's Consulting Engineer will determine the sanitary sewer servicing requirements for this development. If upgrades are determined to be necessary to achieve adequate servicing, the Developer must complete any such upgrades at their cost.
- c. Service connections are to be completed as per SS-S7 with an inspection chamber (IC) and Brooks Box, with consideration given to SS-S50 for connections to mains. Any obsolete services must be fully decommissioned at the main.
- d. Commercial wastewater must meet discharge characteristics outlined in Section 2 of the City's Sanitary Sewer/Storm Drain Regulation Bylaw, No 6618-90. Should the Developer's Consulting Engineer anticipate additional requirements as outlined in Section 3 of Bylaw 6618-90 are warranted, please contact the Development Technician for this file. In this case, an inspection manhole must be provided on site in an accessible location near the IC.

5. STORM DRAINAGE

- a. The subject property is located within the City of Kelowna drainage service area. The City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b. The Developer must engage a Consulting Engineer to provide a combined Lot Grading Plan, Stormwater Management Plan, and Erosion and Sediment Control Plan to meet the requirements of Bylaw 7900. Indicate on the plan the building elevations, finished grade slopes and elevations throughout the site, perimeter grades to match existing grades, overland flow routes, onsite stormwater retention if required, and erosion and sediment control measures.

6. TRANSPORTATION AND STREETScape

- a. Cooper Rd is classified in the 2040 OCP as a Core Area Major Arterial with Primary ATC and must be upgraded to a modified urban XS-R87 standard along the full frontage of the subject property. Cross-section modified to maintain existing curb with boulevard width adjusted to suit. Required upgrades to include sidewalk, LED street lighting, landscaped and irrigated boulevard, and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- b. All Landscape and Irrigation plans require design and inspection by a Qualified Professional registered with the BCSLA and the IIABC, are to be included as a line item in the estimate for the Servicing Agreement performance security. Landscape and irrigation plans require approval by the Development Engineering Branch at the same time as other "issued for construction" drawings.

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- c. Streetlights must be installed on all public roads. All streetlighting plans are to include photometric calculations demonstrating Bylaw 7900 requirements are met and require approval by the Development Engineering Branch at the same time as other “issued for construction” drawings.

7. POWER AND TELECOMMUNICATION SERVICES

- a. All proposed service connections are to be installed underground. It is the Developer’s responsibility to make a servicing application with the respective electric power, telephone, and cable transmission companies to arrange for these services. Utility companies are required to obtain the City’s approval before commencing construction.
- b. Provide all necessary Statutory Rights-of-Ways for any utility corridors as may be required.

8. GEOTECHNICAL STUDY

- a. Provide a Geotechnical Report prepared by a Professional Engineer competent in the field of geotechnical or hydrogeological engineering as applicable. The Geotechnical Report must be submitted to the Development Services Department as part of the Building Permit submission and prior to the City’s review of Engineering drawings. Geotechnical Report to address, at a minimum, any of the applicable items below:
 - i. Site suitability for development;
 - ii. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property, as well as any monitoring required;
 - iii. Site soil characteristics (i.e., soil types and depths, fill areas, infiltration rate, unsuitable soils such as organic material, etc);
 - iv. Any special requirements for construction of roads, utilities, and building structures;
 - v. Recommendations for items that should be included in a Restrictive Covenant;
 - vi. Recommendations for erosion and sedimentation controls for water and wind;
 - vii. Any items required in other sections of this memo;
 - viii. Recommendations for roof drains, perimeter drains, and septic tank effluent on the site;

9. DESIGN AND CONSTRUCTION OF OFFSITE WORKS

- a. Offsite Works and Services are required of this development as outlined above. The Developer must Design and enter into a Servicing Agreement and provide security for the Construction of the Works prior to issuance of Building Permit.
- b. Design of all offsite works and site servicing must be completed in accordance with Subdivision, Development, and Servicing Bylaw No. 7900 and is subject to the approval of the City Engineer prior to construction or execution of a Servicing Agreement.
 - i. See Bylaw 7900 Sections 6.0, 7.0, and 9.0, as well as Schedule 4 for procedural guidance, approval requirements, and design standards.



- ii. Design must be completed by a suitably qualified and experience Consulting Engineer.
- iii. Engineering drawing submissions are to be in accordance with *Council Policy 265 – Engineering Drawing Submission Requirements*. Drawings must be submitted digitally in PDF format and sealed in accordance with EGBC Guidelines.
- c. A Servicing Agreement is required for all Works and Services on City lands (Offsite Works).
 - i. The Servicing Agreement must be in the form of Schedule 2 of Bylaw 7900.
 - ii. The Developer's Consulting Engineer, prior to preparation of a Servicing Agreement, must provide adequate drawings and estimates for the Works to the City Engineer.
 - iii. Bylaw 7900, Part 3 – Security for Works and Services, Sections 7.1 - 7.2, describes the Security requirements of an Owner for entering into Servicing Agreements. Security must be in the form of an irrevocable letter-of-credit, bank draft, or certified cheque.
- d. Construction of the required Works and Services must be completed in accordance with Bylaw 7900 requirements and is subject to several approvals prior to work commencing. These include, but are not necessarily limited to, the following:
 - i. Before any construction of the Works commences, design drawings must be reviewed and approved for construction by the City Engineer.
 - ii. A "Consulting Engineering Confirmation Letter" (City template provided upon request) must be executed by the Owner and Consulting Engineer and provided to the City.
 - iii. The Developer's Consulting Engineer must undertake adequate inspections during construction of the Work, as outlined in EGBC's *Guide to the Standard for Documented Field Reviews During Implementation or Construction*. A Quality Control and Assurance Plan acceptable to the City Engineer must be submitted prior to construction approval. Refer to Bylaw 7900, Schedule 3.
 - iv. Insurance requirements are outlined in Bylaw 7900, Section 7.3. A compliant Certificate of Insurance must be provided prior to construction approval.
 - v. Contractor must provide a current WorkSafe BC Clearance Letter.
- e. Construction completion, maintenance period, and return of Performance Security requirements are outlined in Bylaw 7900, Sections 9.5 - 9.7 and Sections 10.0 - 10.4.

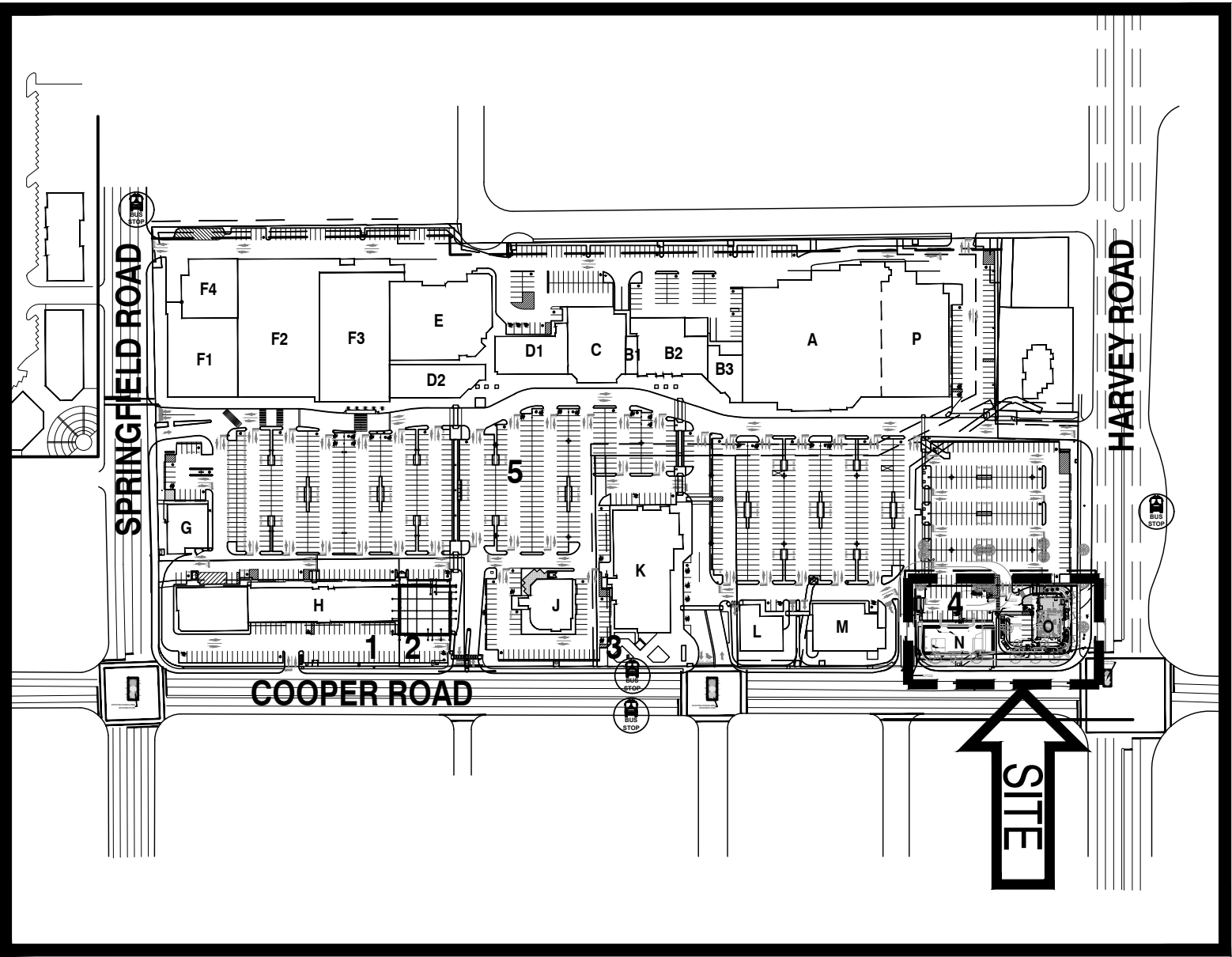
10. **CHARGES, FEES, AND SECURITIES**

- a. Engineering and Inspection Fee: 3.5% of Construction Value + GST
- b. Water Modelling Fee (Complex): \$ 1,500.00

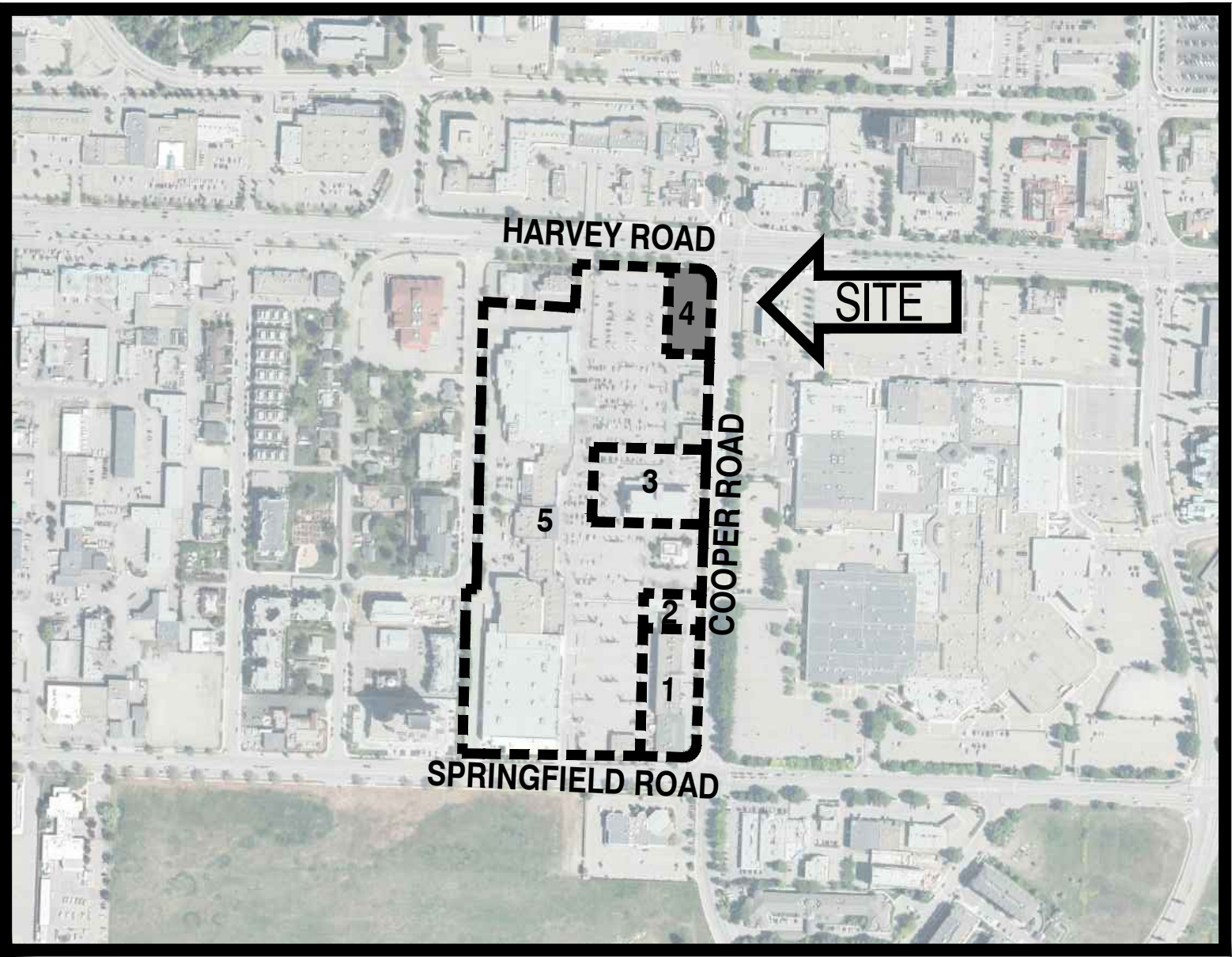

 Nelson Chapman, P.Eng
 Development Engineering Dept.

SITE INFORMATION FOR SITE 4					
LEGAL DESCRIPTION:	LOT 1, DISTRICT LOT 127, ODVD, PLAN KAP31862				
MUNICIPAL ADDRESS:	2091 HARVEY AVENUE, KELOWNA, BC				
EXISTING ZONING:	UC3dL (MIDTOWN URBAN CENTRE WITH DRIVE THROUGHS)				
EXISTING SITE AREA:	3,526 SM	37,944 SF	0.9 AC		
LESS ROAD DEDICATION:	284 SM	3,053 SF	0.1 AC		
NEW SITE AREA	3,243 SM	34,891 SF	0.8 AC		
LOT COVERAGE:	270 SM /	3,243 SM	X 100 =	8.34%	FSR: 0.08
BUILDING INFORMATION					
BUILDING N - FUTURE	-	SM	-	SF	
BUILDING O - BURGER KING	270	SM	2,910	SF	
TOTAL BUILDING AREA	270	SM	2,910	SF	
PARKING INFORMATION					
MINIMUM PARKING REQUIRED:	4 STALLS	270 SM / 100 SM * 1.3 =	4	MIN STALLS REQ'D	
MAXIMUM PARKING REQUIRED:	12	270 SM / 100 SM * 4.5 =	12	MAX STALLS REQ'D	
TOTAL PARKING PROVIDED:	31 STALLS				
PARKING RATIO:	11.5 / 100 SM	10.7 / 1,000 SF			
PARKING AND BICYCLE REQUIREMENTS (ROUND NEAREST)					
ALL COMMERCIAL USES IN UC3 ZONE	MIN 1.3 SPACES / MAX 4.5 PER 100 SM (1076 SF) GFA	=	SEE ABOVE		
MIN BICYCLE PARKING - LONG TERM	0.2 PER 100 SM GFA	=	0.54		
MIN BICYCLE PARKING - SHORT TERM	GFA < 2000 SM = 2 PER ENTRANCE; GFA > 2000 SM	=	4		
BYLAW REQUIREMENTS (UC3 ZONE)					
SUBDIVISION MIN. LOT WIDTH	40 M	131.240 FT	, EXCEPT 13M (42.653 SF) IF ABUT A LANE		
SUBDIVISION MIN. LOT DEPTH	30 M	98.430 FT			
SUBDIVISION MIN. LOT AREA	1200 M	12912 FT	, EXCEPT 460 SM (4950 SF) IF ABUT A LANE		
MAX. LOT AREA	N/A				
MAX. SITE COVERAGE (BLDGs)	100%				
MAX. SITE COVERAGE (BLDGs & IMPERMEABLE SU)	100%				
MIN. DENSITY (IF APPLICABLE) & MAX. BASE DENSITY	N/A				
MAX. BUILDING HEIGHT:	12 AND 18 STOREYS, SEE MAP 4.9 OF OCP				
BUILDING AND LAND. SETBACK (FRONT YARD)	3 M	9.843 FT			
BUILDING AND LAND. SETBACK (FLANKING SIDE YARD)	3 M	9.843 FT			
BUILDING AND LAND. SETBACK (SIDE YARD)	3 M	9.843 FT			
BUILDING AND LAND. SETBACK (REAR YARD)	3 M	9.843 FT			
LANDSCAPE ISLANDS ARE REQUIRED EVERY 15 STALLS AND AT THE END OF EACH PARKING AISLE; IRRIGATION IS REQUIRED FOR ALL LANDSCAPING					

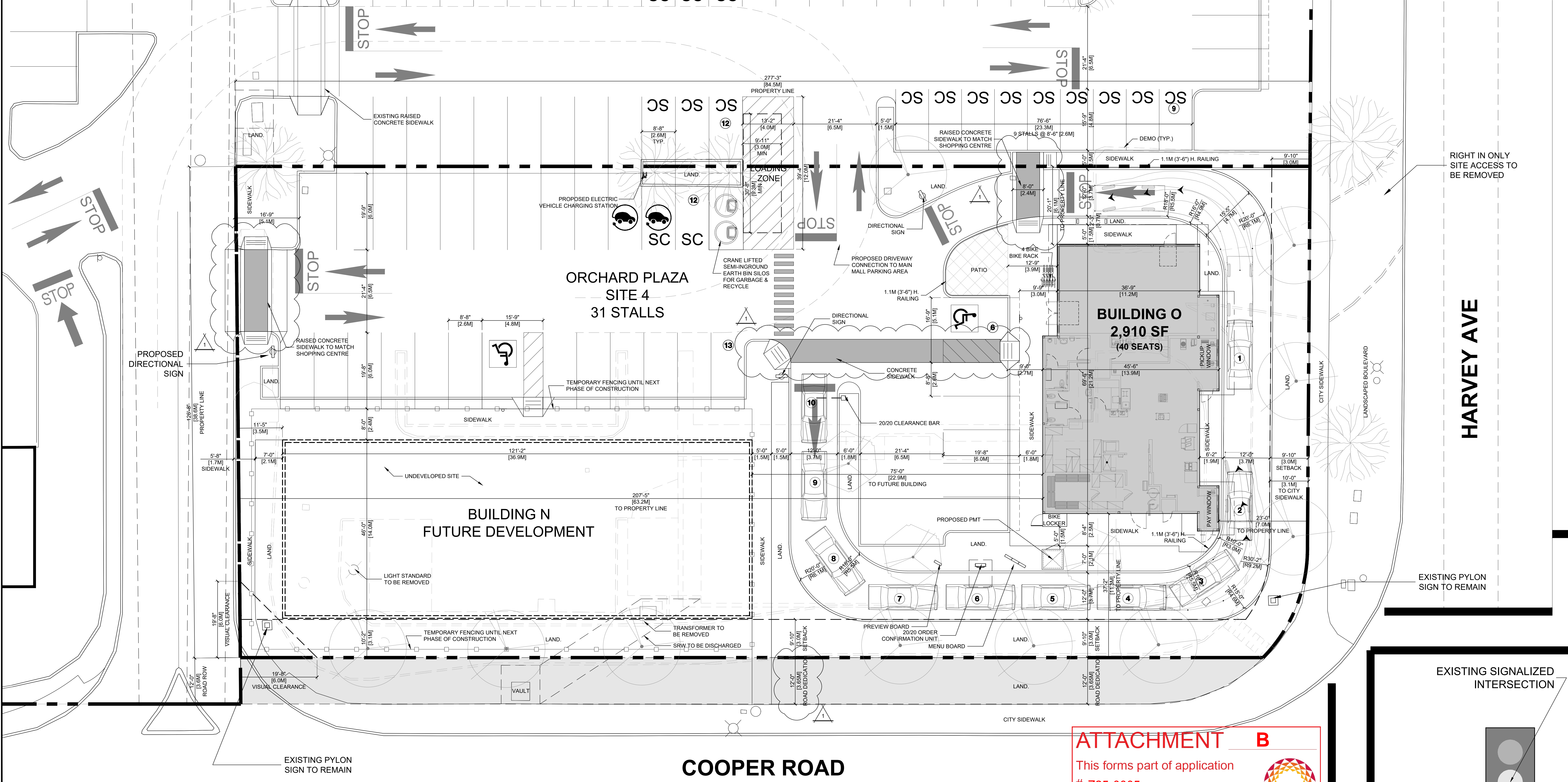
PARKING DIMENSIONS AND NOTES				
	WIDTH	LENGTH	AISLE	NOTES:
REGULAR SIZE VEHICLE PARKING SPACE	2.50 M	6.00 M	6.5 M	MIN 70%
SMALL SIZE VEHICLE PARKING SPACE	2.30 M	4.80 M	6.5 M	MAX 30%
ACCESSIBLE PARKING SPACE	3.70 M	6.00 M	6.5 M	MIN REQ'D: 5-36-1, 37-48-2, 69-100-3, 101-150-4, 151-200-5
VAN-ACCESSIBLE PARKING	4.80 M	6.00 M	6.5 M	MINIMUM 1
REGULAR SIZE PARALLEL PARKING SPACE	2.60 M	7.00 M	6.5 M	
SMALL SIZE PARALLEL PARKING SPACE	2.50 M	6.50 M	6.5 M	
LOADING SPACE	3.00 M	9.33 M	6.5 M	
BUS LOADING SPACE	9.84 M	30.61 M	21.33 M	
DRIVE THRU QUEUING SPACE (CAR WASH OR FOOD SERVICES)	3.00 M	6.00 M	6.5 M	MIN 5 IN-BOUND; MIN 2 OUT-BOUND
DRIVE THRU QUEUING SPACE (ALL OTHER USES)	9.84 M	19.69 M	21.33 M	MIN 3 IN-BOUND; MIN 2 OUT-BOUND
PARKING STALL WITH OBSTRUCTION ONE SIDE	0.20 M			ADDITIONAL WIDTH REQUIRED
PARKING STALL WITH OBSTRUCTION TWO SIDES	0.50 M			ADDITIONAL WIDTH REQUIRED
PARKING STALL WITH AN ABUTTING DOORWAY	0.80 M			ADDITIONAL WIDTH REQUIRED
PARKING OVERHANG OR WHEELSTOP	0.90 M			CLEAR TO CURB OR WHEELSTOP
	2.95 FT			
GENERAL NOTE: BOUNDARIES SHOWN HEREON ARE DERIVED FROM EXISTING RECORDS AND MUST BE CONFIRMED BY SURVEY PRIOR TO THE DETERMINATION OF DIMENSIONS OR AREAS FOR DEVELOPMENT PURPOSES.				



2 KEY PLAN
A-1.2 SCALE: NTS
TRUE NORTH



3 AERIAL PLAN
A-1.2 SCALE: NTS
TRUE NORTH



1 PROPOSED ENLARGED SITE PLAN
A-1.2 SCALE: 3/32" = 1'-0"

ATTACHMENT B

This forms part of application
Z25-0005

Planner Initials CM

City of Kelowna
COMMUNITY PLANNING

No.	Date	Description
1	2025-05-27	REVISED FOR CP
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100	2025-05-27	REVISED FOR CP

COMMERCIAL DEVELOPMENT

MCINTOSH PROPERTIES

2091 HARVEY AVENUE,
KELOWNA, BC

REGISTERED ARCHITECT
PAUL Y. CHIU
2025-05-27
BRITISH COLUMBIA

urban design group

URBAN DESIGN GROUP
ARCHITECTS LTD.

SUITE 1020 - 777 HORNBY STREET
VANCOUVER, BC V6Z 1S4 CANADA
TEL 604.687.2334 WWW.UDGA.COM

project number 5374

sheet 159

PROPOSED
ENLARGED SITE
PLAN

date 2025-12-01 sheet number
scale 3/32" = 1'-0"
drawn CDC
checked AN

A-1.2

Paul Chiu, Architect AIBC, MRAIC, AAA, SAA, MAA, OAA, AANB, NSAA, SBA, Principal
Crosbby Chiu, MRAIC, SBA, Senior Associate
Niki Sharoodi, Intern Architect AIBC, MRAIC, LEED AP (BD +C), Associate
Hector Valdez, BAID, IDC, IDCEC Associate

Rick Jones, Founding Principal
Aaron Vornbrock, Principal
Eric Ching, CSBA, Principal
Bojan Ilic, Associate

ATTACHMENT C

This forms part of application

Z25-0005

Planner
Initials CM



March 19th, 2025

To the Resident or Commercial Space Occupant

RE: **Commercial Development**
Orchard Plaza – 2091 Harvey Avenue, Kelowna, BC

Our Project No.5374

The owner of Orchard Plaza – 2091 Harvey Avenue, Kelowna, BC has applied for a **Rezoning and Development Permit** with The City of Kelowna. The City of Kelowna requires the developer to consult with the neighbourhood before The City of Kelowna can consider the application.

Proposed Rezoning & Development Permit:

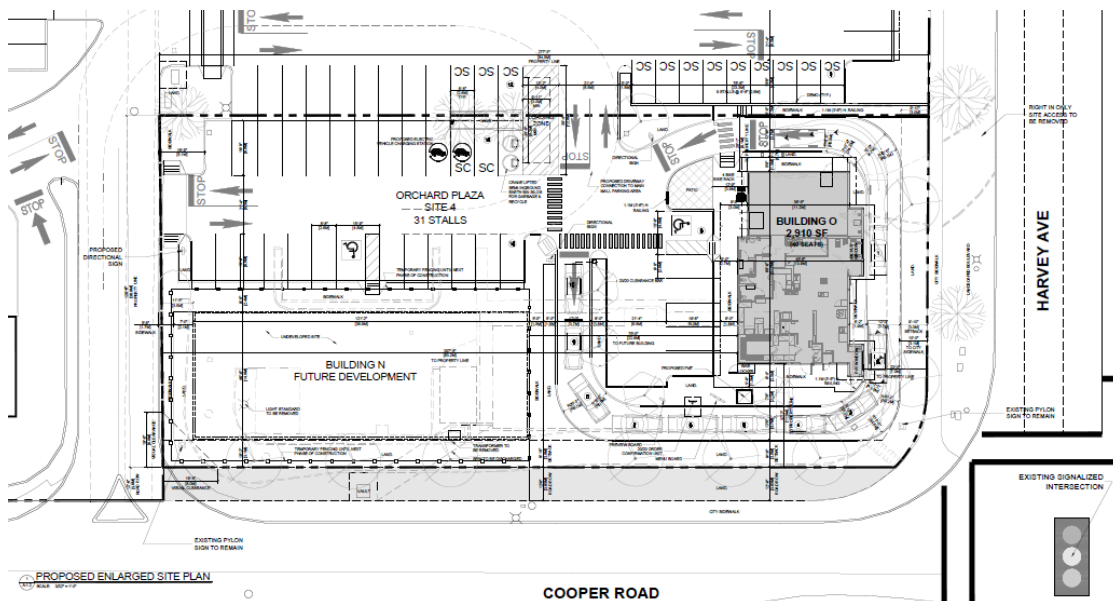
The property is currently zoned UC3 – Midtown Urban Centre, and the existing Burger King with drive-through are non-conforming. To facilitate this proposal, a rezoning application to the UC3dt – Midtown Urban Centre (Drive-Through) zone will be required.

Rationale for Rezoning & Development Permit:

The proposal involves demolishing the existing Burger King building, approximately 348 m² in size, and constructing a new, smaller building of approximately 270 m² to accommodate a new Burger King with a drive-through. A portion of the site will be reserved for future commercial development. The site is located within Orchard Plaza Shopping Centre, at the southwest corner of Harvey Ave. and Cooper Road. The total site area is 3,526 m², and across Cooper Road is Orchard Park Shopping Centre.

The design of the new building considers the local context and pedestrian scale, while ensuring a modern form and character that aligns with the intended function of the building and appeals to the target market. The design features clean, simple lines, with a high parapet incorporating the Burger King branding to create visual interest. A modern metal cornice profile frames the building, adding a distinct shadow line.

Proposed Plan:



As part of the Rezoning Application process there is a 14-day period to submit feedback to the Planner assigned to the file. All feedback will be provided to the decision-making authority.

Consultation & Contact:

Please submit your comments by **April 4th, 2025.**

To: City of Kelowna
Carson Mackonka, Planner
250-469-8468

Email: cmackonka@kelowna.ca
administration@udga.com

ATTACHMENT		C
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# Z25-0005		
Planner Initials	<div>CM</div>	 City of Kelowna COMMUNITY PLANNING

Mail: City of Kelowna, Community Planning, 1435 Water Street, Kelowna, BC

All written responses including submissions by email must include name and address of the person making comment and include "2091 Harvey Avenue, Kelowna, BC" in the subject heading.