

TITLE: <p style="text-align: center;">CONDITIONAL USE 1875 MIDDLETON AVENUE OWNER: 67786 MANITOBA LTD. APPLICANT: KELLER ENTERPRISES LTD. (EVAN KELLER)</p>			
PRESENTER: Andrew Mok, BES MCIP RPP		Page 1 of 3	
DEPARTMENT: Planning & Building Safety		ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
CLEARANCES: Principal Planner		MEETING DATE: March 16, 2016	
APPROVALS:			
<i>Original signed by A. Mok</i> Mar. 4, 2016 Community Planner Date		<i>Original signed by R. Nickel</i> Mar 7, 2016 Principal Planner Date	

REQUEST:

The applicant, Evan Keller of Keller Enterprises Ltd., on behalf of the property owner of 67786 Manitoba Ltd., is applying for a condition use for a property located at 1875 Middleton Avenue in the CHW Commercial Highway Zone. Approval of this application will allow for a general contractor’s office and a lumber retail store to be established on the subject property.

BACKGROUND:

Development Context

The subject site is located to the northwest of the intersection of 18th Street North (PTH 10) and the Trans-Canada Highway (PTH 1). The site currently is occupied by an agricultural fertilizer sales and distribution business with a building located on the eastern half of the property. The site is generally level and mostly surfaced with gravel with a fenced rear yard to the north. The site is surrounded by highway commercial uses to the east and south, a golf course to the north, and agricultural land to the west. Access to the site is provided by Middleton Avenue, which is a service road to the north of the Trans-Canada Highway.

History

The building has historically been used by businesses catering to the agricultural industry. The western half of the building has been occupied by an agricultural fertilizer sales and distribution business since 1995. The eastern half was occupied by a farm equipment sales business until 2015. The eastern half of the building has since been vacant.

ANALYSIS:

The applicant proposes to use existing space in the eastern half of the building for three businesses, a truck sales and repair business, a general contractor's office, and a lumber retail business. Part of the fenced rear yard may also be used by the truck sales and repair business and the lumber retail business. A truck sales and repair business is a permitted use in the CHW Zone, and is therefore not part of this application.

Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:***1. Will be compatible with the general nature of the surrounding area;***

The subject site abuts the City limits to the north and west with rural development beyond the City limits. The site also abuts a service road, Middleton Avenue, on the north side of the Trans-Canada Highway corridor. The commercial areas along the Trans-Canada Highway and nearby 18th Street North includes a mix of uses that cater to the travelling public, the transportation industry, and the agricultural industry. The proposed uses maintain this mix of uses, and are therefore compatible with the general nature of the surrounding area.

2. Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and

Most of the operations of the proposed businesses will be indoors. Any nuisances that will be produced on the site, such as dust, noise and odour, will be commensurate with the nearby businesses that cater to the agricultural and transportation industries. Furthermore, if outdoor storage will be proposed for the lumber business, there are requirements under the Zoning By-law to ensure those storage areas are screened from public view. The proposal will not likely generate detrimental effects to the surrounding area.

3. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law***Brandon and Area Planning District Development Plan, 2013***

The proposal conforms to Policy 3.2.1 of the Development Plan in that the subject site is within an area identified as "Commercial" in Map One: Urban Land Use of the Development Plan. The intent of this policy is to ensure that commercial developments are located in appropriate areas of the City.

The proposal conforms to Policy 3.2.5 of the Development Plan, which states that commercial development immediately adjacent to the Trans-Canada Highway within the City will be limited to business directed at serving the travelling. The intent of this policy is to provide for commercial development that caters to the travelling public and the transportation industry. Though the two businesses proposed in this application do not cater to either the travelling public or the transportation industry, these two businesses will be operated jointly with the proposed truck sales and repair business, a use that caters to the transportation industry.

Brandon North Gateway Secondary Plan

Given that the subject site is adjacent to the Brandon North Gateway Secondary Plan (hereinafter "the Secondary Plan") area, the Secondary Plan's policies should be considered. The commercial area along the Trans-Canada Highway is designated in the Secondary Plan as a major commercial area in accordance with section 6 and subsection 6.3 of the Secondary Plan. The intent of a major commercial area is to

provide for commercial uses that deliver services for the community at large. The proposal conforms to the Secondary Plan as the proposed mixture of commercial businesses will provide services for the community at large.

Zoning By-law

The proposal involves the use of an existing building that conforms to the development standards set forth in Zoning By-law. Where an outdoor storage area will be established for the proposed businesses, section 38 of the Zoning By-law will require such areas to be screened with solid opaque fencing. The design of the fence will also be required to comply with Schedule C—Urban & Landscape Design Standards Manual of the Zoning By-law. These requirements with respect to outdoor storage, if applicable, will be addressed through the building permit application process.

Commenting Agencies

All comments have been addressed and summarized below.

MTS Inc.

MTS Inc. advises that 5.0m-wide easement is required along the front site line. The Planning & Building Safety Department recommends this be a condition of approval.

Manitoba Infrastructure & Transportation

Though Manitoba Infrastructure & Transportation (MIT) does not object to this application, MIT advises that future highway improvements, including the creation of an interchange between PTH 1 and PTH 10 west of the subject site, may impact a portion of the subject site.

Notification

As required under s. 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject property and notice posters were posted on the property.

Public Outreach

In accordance with section 13 of the Zoning By-law, public outreach is not required as the proposal does not increase the density or intensity of use on the subject site. As of the writing of this report, the Planning & Building Safety Department has not received any comments in favour of or in opposition to this application.

RECOMMENDATIONS:

That the Public Hearing for Conditional Use Application C-02-16-B at 1875 Middleton Avenue be concluded.

That Conditional Use Application C-02-16-B to allow for a commercial establishment under 4,645.0m² and an office in the CHW Commercial Highway Zone be approved at 1875 Middleton Avenue (Lot 3, Plan 37171 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-2” and the attached site plan “Attachment B-2”, subject to the owner or successor, prior to the issuance of a building permit, submitting written confirmation to the City of Brandon Planning & Building Safety Department that an easement agreement for MTS Inc. has been registered on the Title to the subject property.