


TITLE: CONDITIONAL USE 1875 Middleton Avenue OWNER: Evan Keller APPLICANT: Keller Developments		
MEETING DATE: December 6, 2023		Page 1 of 2
DEPARTMENT: Planning & Buildings	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings	
PRESENTER: Andrew Mok, BES MCIP RPP	MANAGER: Sonikile Tembo, Principal Planner	

RECOMMENDATIONS:

That Conditional Use Application C-10-23 to allow for a commercial establishment (water retail business) in the Commercial Highway (CHW) Zone be approved at 1875 Middleton Avenue in accordance with the attached letter of intent "Attachment A" and site plan "Attachment B-3".

BACKGROUND:

Request

The applicant, Keller Developments, on behalf of the property owner, Evan Keller, is applying to allow for a commercial establishment for a property located at 1875 Middleton Avenue in the Commercial Highway Zone. Approval of this application will allow for the relocation of a water retail business relocated from 4110 Victoria Avenue.

Development Context

The subject site currently has several businesses housed within one principal building, and is located on the north side of Middleton Avenue, north of the Trans-Canada Highway (PTH 1). The site has a few accessory structures and several spots with outdoor storage of vehicles and machinery, and has the City/RM of Elton boundary bisecting the northern portion of the site. Uses surrounding the site are commercial to the east and south, a golf course to the north, and undeveloped land to the west. Middleton Avenue provides access to the site.

History

The site is home to several businesses such as Westman Lumber, Westman Premier Homes, and Keller Developments. There is also a communications tower proposed on the northeast corner of the site (approval process under the federal government).

ANALYSIS:

The applicant has been working with the current owner of the water retail business to find an appropriate site for relocation. The proposed structure is a 35m² building that will take up a small

portion of the site, separate and distant from the site's principal building as shown in the site plan Attachment B-3. The site has adequate parking to accommodate the proposed additional use.

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;*

As the site has various uses and the proposed use is a small-scale change relative to the existing on-site uses, the site proposal is generally compatible with the 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;*

To the east is Tim Horton's, a gas station, and a convenience store. Compared to the neighbouring uses, the proposed use will attract minimal traffic to the site and should not be detrimental to the general welfare of 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*

Apart from the conditional use requirement, the proposed use complies with all other requirements of the Zoning By-law, such as building setbacks.

Commenting Agencies

The Planning & Buildings Department did not receive any comments of significant concern.

LEGISLATIVE REQUIREMENTS:

Notification

In accordance with Section 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 site and notice posters were posted on the site.

Public Outreach

In accordance with Section 13 of the Zoning By-law, the applicant contacted surrounding neighbours regarding the proposed change and received no concerns. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.