


<b>TITLE:</b> <b>CONDITIONAL USE; VARIANCE</b> <b>1731 MIDDLETON AVENUE</b> <b>OWNER: 10170193 MANITOBA LTD.</b> <b>APPLICANT: THE JOHN HOWARD SOCIETY OF BRANDON</b> <b>INC. (ROSS ROBINSON)</b>		
<b>MEETING DATE:</b> June 17, 2026		<b>Page 1 of 4</b>
<b>DEPARTMENT:</b> Planning & Buildings	<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Public outreach report	
<b>PRESENTER:</b> Andrew Mok, BES RPP MCIP	<b>MANAGER:</b> Sonikile Tembo	

**RECOMMENDATIONS:**

***Conditional Use***

That Conditional Use Application C-03-26 to allow for manufacturing of goods on site in the CHW Commercial Highway Zone be approved at 1731 Middleton Avenue (Lot 4, Plan 32546 BLTO, Plan 1142 BLTO) in accordance with the attached letter of intent “Attachment A” and site plan “Attachment B-3”.

***Variance***

That Variance Application V-06-26 to allow for a use similar to manufacturing of goods for sale in the CHW Commercial Highway Zone be approved at 1731 Middleton Avenue (Lot 4, Plan 32546 BLTO, Plan 1142 BLTO) in accordance with the attached letter of intent “Attachment A” and site plan “Attachment B-3”.

**BACKGROUND:**

***Request***

The applicant, Ross Robinson of The John Howard Society of Brandon Inc., on behalf of the property owner, 10170193 Manitoba Ltd., is applying to allow for a use similar to manufacturing of goods for sale on property located at 1731 Middleton Avenue in the CHW Commercial Highway Zone. Approval of this application will allow for establishment of a hydroponic farm.

***Development Context***

The subject site currently has a truck dealership and servicing business, and is located on the north side of Middleton Avenue northeast of the 18<sup>th</sup> Street North/Trans-Canada Highway (PTH 1) intersection. Uses surrounding the site include low-density residential to the east

and northeast, highway commercial to the south, west, and further east, and a golf course to the north. Middleton Avenue provides access to the site.

### **History**

A truck dealership has existed on this site since at least the 1990's.

### **ANALYSIS:**

The applicant is proposing to establish a hydroponic farm operation inside a shipping container on the site. It would produce vegetables for local food security agencies, and will provide training space for JHS Transitional Housing program participants. The applicant is applying for conditional use approval under “manufacturing of goods for sale” to enable the production of vegetables on the site, and is also applying for a variance to not have a commercial retail component with the proposed vegetable production.

The intent of classifying manufacturing of goods for sale as a conditional use in the CHW Zone is to reserve the CHW Zone for uses catering to the traveling public as much as possible due to the site's proximity to the Trans-Canada Highway. Also, the intent of requiring a commercial component in the definition of “manufacturing of goods for sale” is to encourage commercial businesses with significant manufacturing components, such as bakeries and microbreweries, in commercial areas that are more convenient locations for residents and customers.

### **Conditional 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;

This site and most of the nearby sites in the CHW Zone already have a significant truck heavy equipment presence, including shipping containers, with a mix of commercial and light industrial uses such as truck dealership, truck-oriented service stations, and a lumber yard. The existing area therefore has a more industrial-like setting than other commercial areas in the City such as along 18<sup>th</sup> Street south of Victoria Avenue. Further, the site already has shipping containers on site, a reality for businesses dedicated to dealing with trucks. The proposed use within a single shipping container will be 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:*

The intent of classifying manufacturing of goods for sale as a conditional use in the CHW Zone is to reserve the CHW Zone for uses catering to the traveling public as much as possible due to the site's proximity to the Trans-Canada Highway. That said, the proposal is adjacent to sites that are significantly larger in scale, operations and related effects such as traffic. Vegetable hydroponic operations typically are self-contained, sheltered from external factors, while generating little to no nuisances such as noise or dust compared to existing businesses both on this site and nearby sites. The proposed use therefore should not have any 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*

City Plan

- 4.1(3)(e)—encourage food security in all areas of the city
  - Applicant proposes this operation to supply local food security agencies
- 4.3(3)(c)—"encourage the redevelopment of [...] underutilized properties to support increased commercial [...] development"
  - Applicant working with both the property owner and the Government of Canada to use the existing truck dealership site to establish this additional use on site
- 7.1(1)(a) and (c)—site within General Urban Area, proposed use does not require additional vehicle transportation infrastructure from the City
- 7.1(4)(b)—low-intensity industrial uses having minimal nuisance effects may be considered outside the Employment Area
- 7.4(1)(a)—though the proposed use itself is not an intense use of the site, it supports more efficient uses of the site that currently only has one business along the Trans-Canada Highway, one of our Commercial Corridors

Zoning By-law

- Outside of the requests being made under the current applications, the proposal complies with the Zoning By-law (e.g. bulk and siting requirements, parking)

**Variance**Consistency with Part 6, Section 97(1)(b) of The Planning Act and Demonstration that the Variance:

1. Will be compatible with the general nature of the surrounding area;

Analysis already addressed under “Conditional Use” above in this report.

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;

The proposal is considerably smaller than the existing unrelated commercial use on site, and the operations will be so small that an on-site commercial component does not make sense. The lack of a commercial component will further reduce nuisances such as traffic compared to existing businesses both on this site and nearby sites. The requested variance therefore should not have any detrimental effects to the surrounding area.

3. Is the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

The Trans-Canada Highway Commercial Corridor is not pedestrian in scale and predominantly has businesses that caters to or depends on motorized traffic. Further, the site itself with its truck dealership business is more of a light industrial use setting given that truck servicing is a significant part of the existing business' operations. Allowing for a shipping container with only a hydroponic farm operation with no related on-site commercial component is consistent with the existing site and is the minimum modification to the Zoning By-law.

4. Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law

Analysis already addressed under “Conditional Use” above in this report.

**Commenting Agencies**

The City did not receive any comments of significant concern.

**LEGISLATIVE REQUIREMENTS:*****Notification***

In accordance with and exceeding minimum requirements under Subsection 169(3) of The Planning Act, notice was sent to owners of property within 100 metres (328 feet) of the subject property, and also posted on the subject property.

***Public Outreach***

In accordance with Section 13 of the Zoning By-law, the applicant hand-delivered and mailed information to nearby property owners. As of the writing of this report, the Planning & Buildings Department has not received representation in favour of or in opposition to this application.