

PLANNING REPORT



PAC – November 20, 2024
File No.: V-23-2024 P.R. No. 66/24

To: Planning Advisory Committee
From: Melisa Tang Choy
Proposal: Similar use variance to permit a fitness centre in the Light Industrial zone in the Nashwaak Valley Planning Area Rural Plan – Community Planning Act.
Property: **131 Route 148 (PID 75140749)**

OWNER: Modern Commercial Rentals Ltd. (c/o Darren Sutherland)
131 Route 148
Killarney Road, NB E3G 9G2

APPLICANT: Grit & Grin Fit (c/o Rebecca Fronchak)
1307 Route 620
Estey's Bridge, NB E3G 6M7

SITE INFORMATION:

Location: West side of Route 148, between Jenkins Drive and Stirling Drive
Context: Mainly commercial and light industrial uses on the western side of Route 148 with some rural residential development, and mainly rural residential neighbourhood on the eastern side of Route 148, with Killarney Lake to the south
Ward No: 2
Rural Plan: Nashwaak Valley Planning Area Rural Plan – Community Planning Act
Zoning: Ligh Industrial
Existing Land Use: Mini-storage establishment and warehouse storage
Previous Applications: None

EXECUTIVE SUMMARY:

The Applicant is proposing to renovate a portion of an existing storage space on the subject property in order to convert it into a fitness centre, specifically for CrossFit. The subject property is zoned Light Industrial under the Nashwaak Valley Planning Area Rural Plan – Community Planning Act, which does not contain a definition for “fitness centre”. However, the City’s Zoning By-law Z-5 defines “fitness centre” and permits this use in the Business Industrial zone, which allows for a mix of light industrial and commercial uses that would have minimal adverse impact on adjacent non-industrial land uses. As the existing rural plans will be updated to be consistent with the City’s Zoning By-law and given that the intent of the Light Industrial zone in the Nashwaak Valley Plan is similar to that of

Business Industrial zone in the Zoning By-law, Staff consider the variance reasonable given the existing use on the property and do not anticipate any negative impacts to neighbouring property owners. Staff support the proposal, subject to terms and conditions.

APPLICATION:

Rebecca Fronchak, on behalf of Grit & Grin Fit, has made application for a similar use variance to permit a fitness centre in the Light Industrial zone at 131 Route 148, Killarney Road.

PLANNING COMMENTS:

Background:

- The areas that were amalgamated to the City of Fredericton as part of the Local Governance Reform in January 2023 are still regulated by the existing rural plans. It is expected that these areas will be incorporated to Zoning By-law Z-5 and the Municipal Plan in 2025. At present, the subject property is under the Nashwaak Valley Planning Area Rural Plan Regulation – Community Planning Act, hereby referred to as the Nashwaak Valley Plan. These areas have their own on-site septic and well systems, and there are no plans to extend municipal servicing, as they sit outside of the growth boundary.

Proposal:

- The Applicant is proposing to renovate the front portion of an existing warehouse storage space to convert it into a fitness centre. As seen on Maps II and IV, the building (367.89 m²) is divided in two units – the rear portion is currently being used as a storage space, while the front portion (180.32 m²) is vacant. The Applicant has noted that the front portion had previously been used for commercial purposes, including a vending business and an interior design shop. The remainder of the property as well as the adjacent property to the north are currently used as a mini-storage establishment, which is operated by the owner of the subject property.
- The fitness centre would be specifically for CrossFit, which consists of a mix of cardio, gymnastics and weightlifting. Classes would be scheduled mornings, early afternoons and evenings on weekdays, and on weekend mornings, and the fitness centre would not operate outside of the scheduled programs. Class sizes on weekdays would have an average of 12 participants, and weekend classes would be able to accommodate up to 24 participants for partner training, with one certified trainer/instructor being present at each class.
- As seen on Map II, the existing parking lot will be used, with 15 parking spaces being provided. The Applicant has noted that more parking spaces can be accommodated on site, especially for weekend classes.
- The Applicant has proposed to connect to the existing well and septic systems on the site. Staff have advised the Applicant to contact the New Brunswick Department of Justice and Public Safety regarding the connection to the existing on-site septic system, as they are still the approving authority.

Nashwaak Valley Rural Plan:

- The Nashwaak Valley Rural Plan outlines several objectives that the Plan aims to achieve, and any amendments to the regulations should meet these objectives. The following are outlined:
 - a) *to maintain the rural character and quality of life;*
 - b) *to support growth and development that is consistent with community values;*
 - c) *to ensure land is used and developed in an environmentally responsible manner;*
 - d) *to recognize the traditional variety and mixture of land uses while separating incompatible uses and minimizing the potential for land use conflicts;*
 - e) *to protect and preserve the quality and quantity of surface and groundwater resources;*
 - f) *to direct development away from areas that pose a risk to public health and safety, or where property may be damaged; and*
 - g) *to encourage the provision of areas for public open space and parkland.*
- Given the proposed use, Staff are of the opinion that the proposal is in keeping with the above-noted criteria.
- Regarding Commercial and Industrial uses, Part B of the Nashwaak Valley Plan outlines two policies:
 1. *It is a policy to encourage land uses that create employment opportunities and provide access to goods and services.*
 2. *It is a policy to promote economic development activities that are environmentally sustainable and do not place an undue burden on public resources and infrastructure.*
- Fitness centres are not defined in the Nashwaak Valley Plan, and thus a Similar Use variance is required to permit the use on the subject property. While the Plan defines “commercial recreation establishment” as “a recreational facility operated for gain or reward”, the proposed fitness centre is not for recreational purposes, but for fitness and exercise. Additionally, the Plan only permits recreational uses in the Commercial Recreation zone, and separates uses that would otherwise be compatible. For comparison, the City’s Zoning By-law Z-5 recognizes “commercial recreation establishment” and “fitness centre” as being different from each other due to their different intent, and both fitness centres and commercial recreation establishments are permitted in some commercial and industrial zones.
- The Light Industrial zone already permits a mix of uses, including residential, institutional, commercial and light industrial uses, and does not permit heavy industrial uses that might negatively impact residential uses, like an asphalt plant. The mix of uses is also reflected on neighbouring properties, as residential development already exists adjacent to other commercial and light industrial uses. Thus, staff do not anticipate any negative impacts to neighbouring properties, especially as the fitness centre would be located within an existing building and would only be accessed when programming is taking place.

- Staff would like to note that the intent of the Light Industrial zone in the Nashwaak Valley Plan is similar to that of the Business Industrial zone in the Zoning By-law Z-5, the latter of which permits fitness centres and the proposed use would be compatible with the already-permitted uses in the Light Industrial zone. The addition of fitness centre would complement the existing uses surrounding the subject property, especially for residential dwellings.

Parking

- As shown on Map II, 15 parking spaces are being proposed, with one of them being barrier-free. This number would meet the minimum number of parking spaces required under the Nashwaak Valley Rural Plan, which would require 8 spaces (1 space per 30 m² of gross floor area for a non-residential use not listed in the section). Additionally, the proposal would also meet the minimum parking space requirements for fitness centres under the City's Zoning By-law, which would require 10 parking spaces (5 spaces per 100 m² of net floor area). Thus, the proposed parking meets the requirements under the existing Nashwaak Valley Rural Plan, and it would also meet the requirements under the Zoning By-law Z-5.

Analysis

- In summary, Staff are of the opinion that the proposed similar use variance is appropriate for the subject property and is compatible with the adjacent uses, and is generally similar with the Business Industrial zone under Zoning By-law Z-5. Additionally, the proposed fitness centre meets the objectives of the Nashwaak Valley Plan and provides an additional amenity to the area. Staff do not anticipate negative impacts on neighbouring properties and support the application, subject to terms and conditions.

Engineering & Operations

- Engineering & Operations have no issues with the proposal.

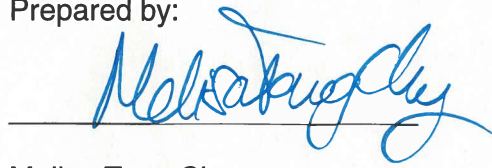
RECOMMENDATION:

It is recommended that the application submitted by Rebecca Fronchak, on behalf of Grit & Grin Fit, for a similar use variance to permit a fitness centre in the Light Industrial zone under the Nashwaak Valley Planning Area Rural Plan Regulation – Community Planning Act as it relates to property located at 131 Route 148, Killarney Road, be approved subject to the following terms and conditions:

- a) The site be developed generally in accordance with Map II attached to P.R. 66/24 to the satisfaction of the Development Officer;
- b) On-site septic system to be approved by the NB Department of Justice and Public Safety;
- c) Well system to be approved by the NB Department of Environment and Local Government;
- d) All exterior signage to comply with Section 3.13 of the Nashwaak Valley Planning Area Rural Plan Regulation – Community Planning Act; and,p

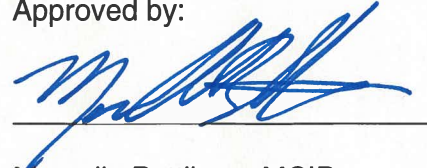
e) A building permit is issued for the renovations.

Prepared by:

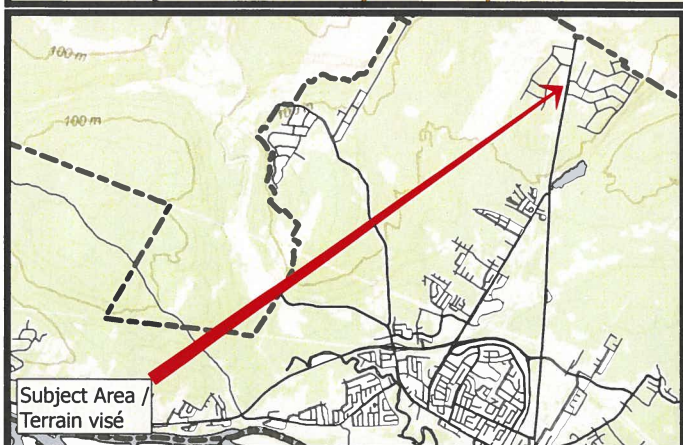
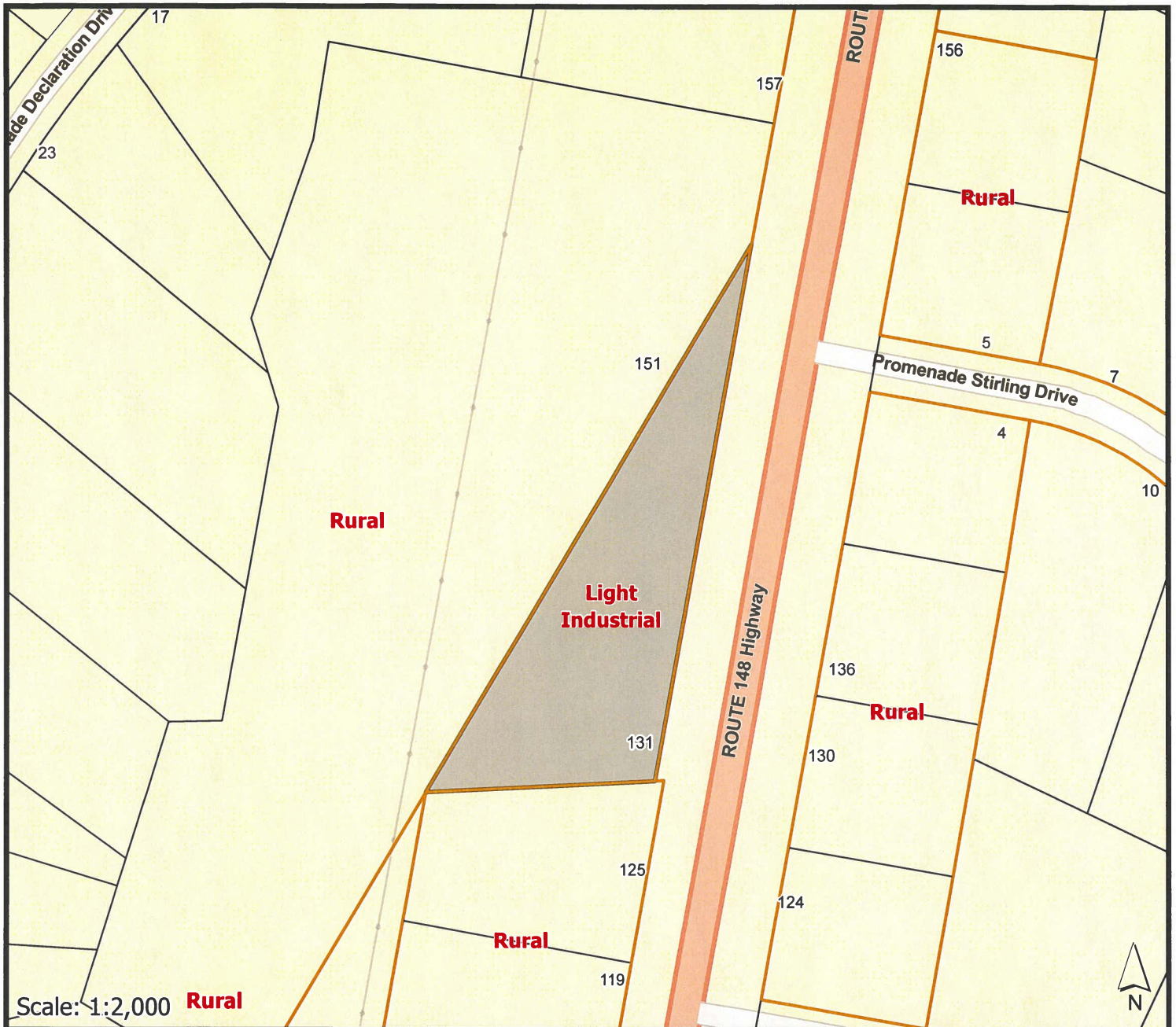


Melisa Tang Choy
Planner, Community Planning

Approved by:

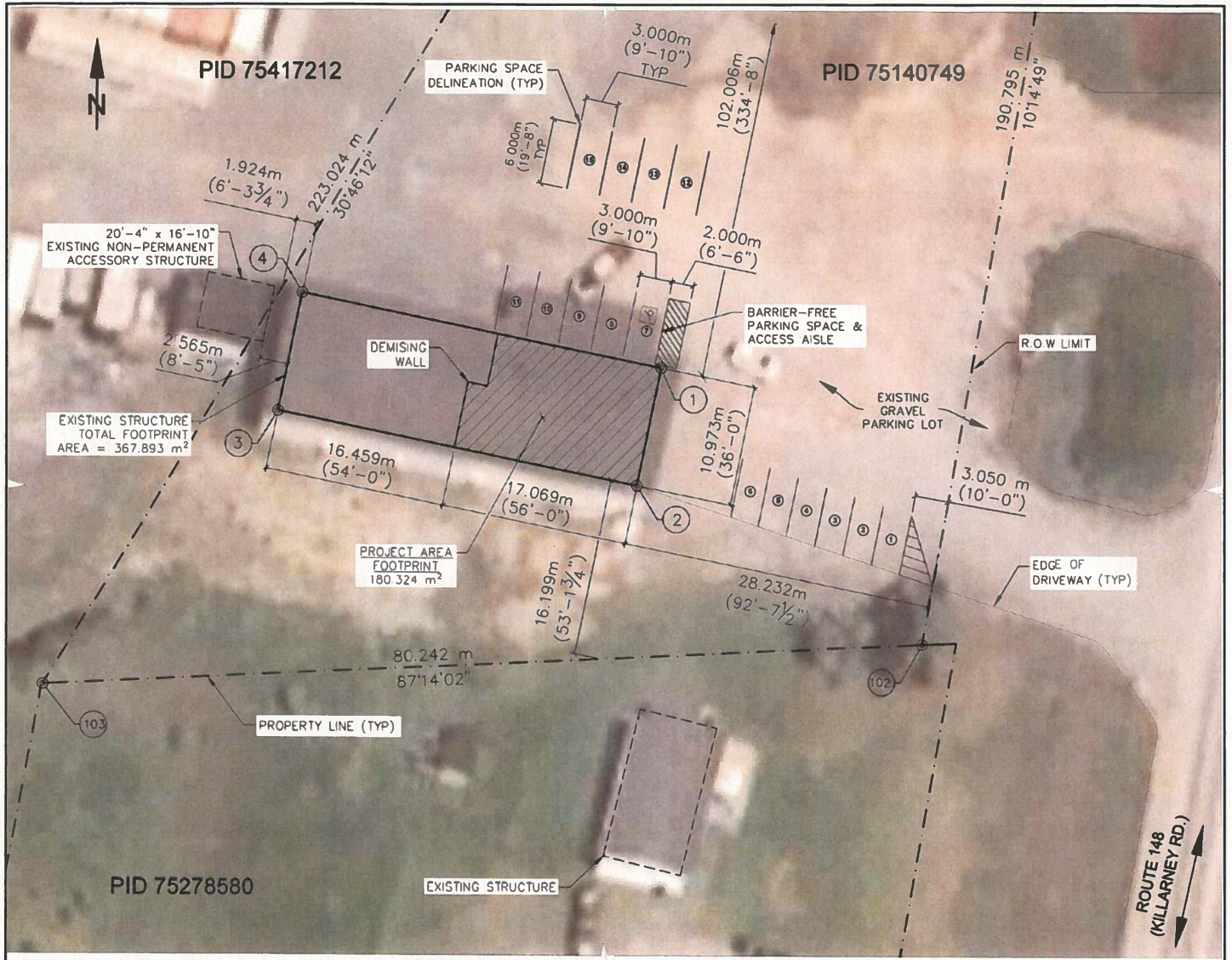


Marcello Battilana, MCIP
Assistant Director, Planning & Development

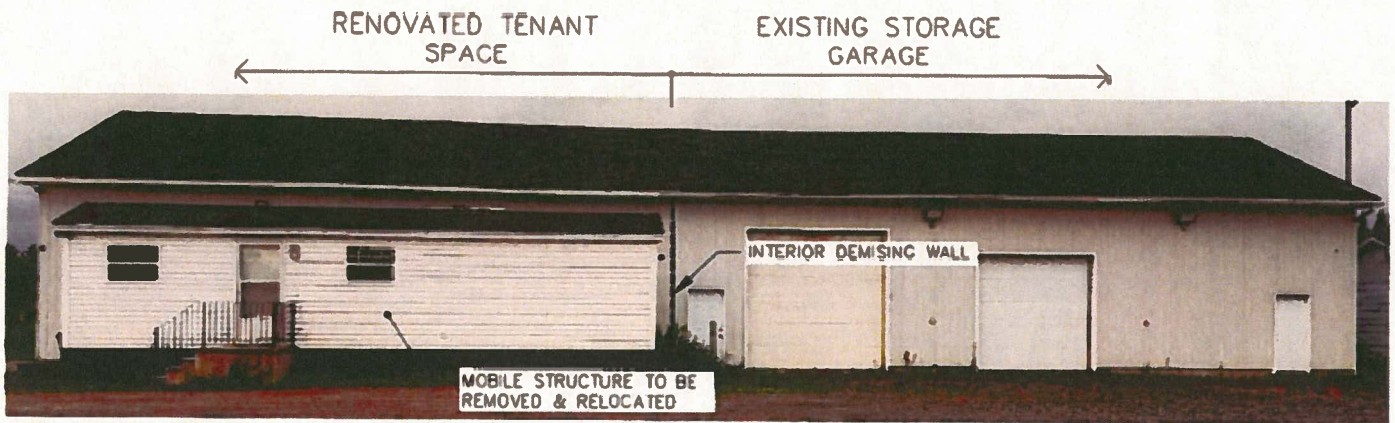


■ Subject Property / Propriete Visé

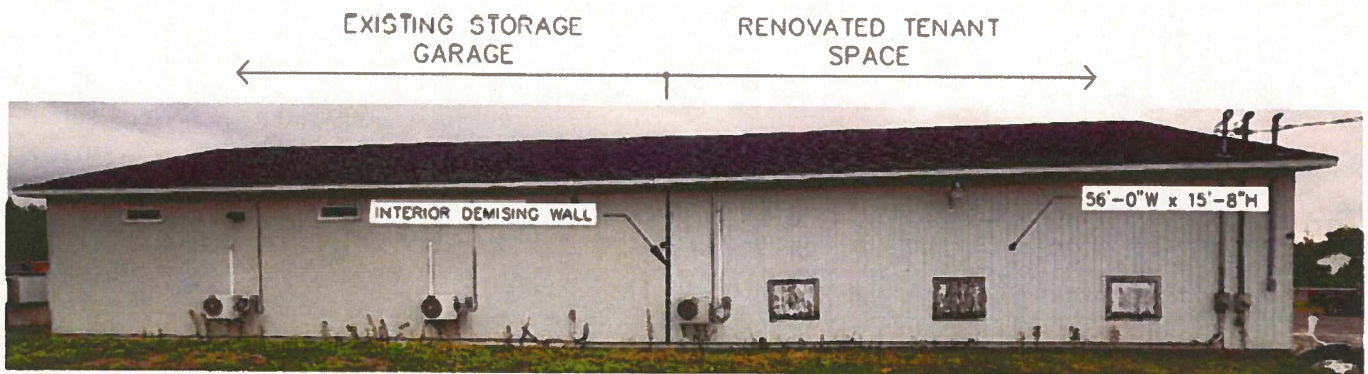
Similar use variance application to permit Commercial Recreation Establishment use in the Light Industrial zone in the Nashwaak Valley Planning Area Rural Plan, to allow the conversion of an existing warehouse into a fitness facility.
 Une dérogation d'usage similaire à autoriser un établissement récréatif commercial dans la zone industrielle légère du plan rural de la zone d'aménagement de la vallée de Nashwaak, afin de permettre la conversion d'un entrepôt existant en centre de remise en forme.



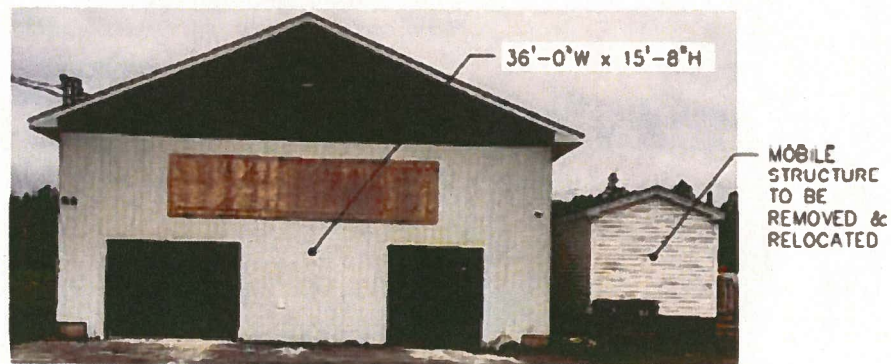
Site Plan / Plan du site



North / Nord

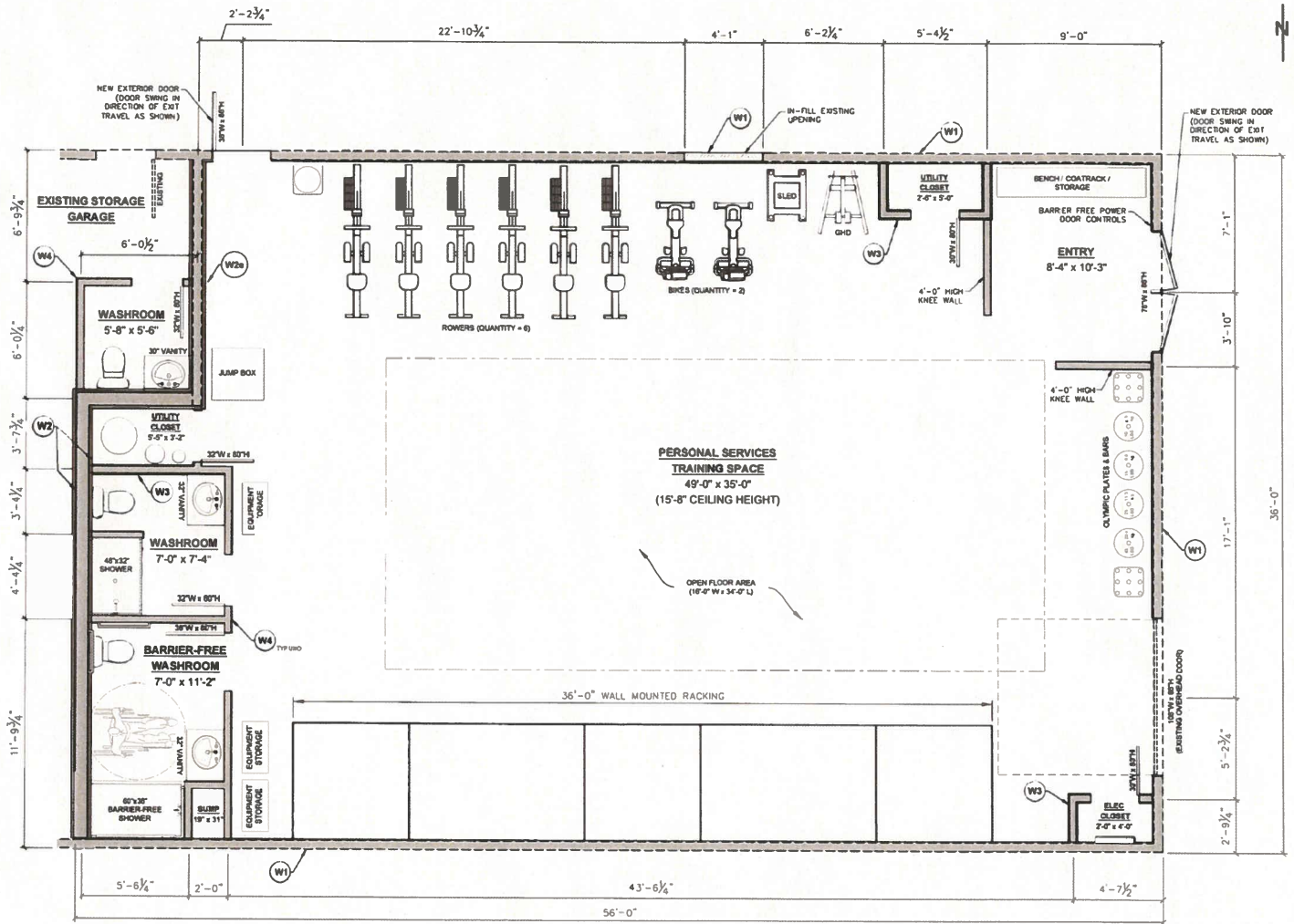


South / Sud



East / Est

Existing Elevations / Élévations (existante)



Ground Floor / Rez-de-chaussée

Floor Plan / Plans d'étage