

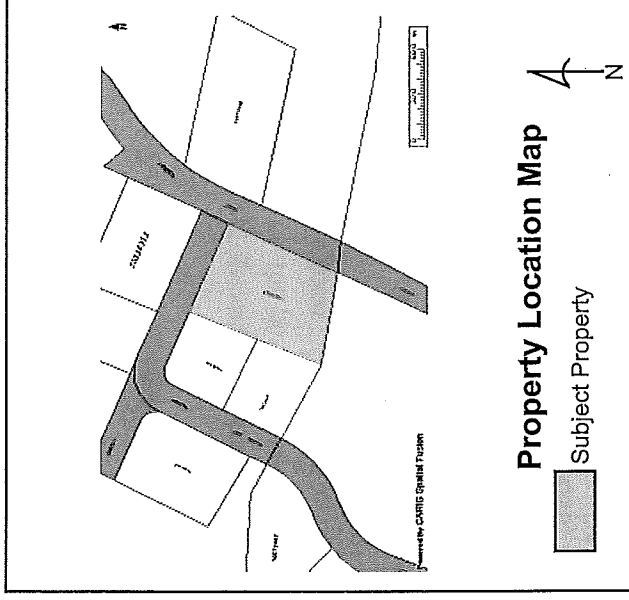
Tantramar Planning Review and Adjustment Committee

STAFF REPORT Rulings of Compatibility

Subject : Similar or Compatible use
File number: 15-600
Meeting Date: Wednesday, June 24, 2015
From : Lori Bickford
Tantramar Office Manager/Planner

GENERAL INFORMATION

Applicant/: Renée Rioux
Landowner : T.J. Enterprises Inc.
Proposal: Applicant proposes to operate a dance studio as a compatible use with service industry.



SITE INFORMATION

Location: 124 Crescent Street, Town of Sackville / Ville de Sackville
PID: 70160353
Lot Size: 5,610 sq m (1.3 acre)
Current Use: Vacant building
Zoning: Industrial
Future Land Use: Industrial / Business Park
Surrounding Use & Zoning: Town's Public Works Department, contractors establishment, steel manufacturing plant, and storage facility
Municipal Servicing: Full municipal services are available to this site
Access/Egress: Crescent Street and Industrial Drive

Municipal Plan Policies

The Municipal Plan states the intention of this designation is to permit a wide range of business activities including commercial.

“3.2.6.1 It is a policy that the area as indicated on the “Town of Sackville Future Land Use Map”, (Figure 2) which is part of this Plan is designated “Business” and is intended to be used for a wide range of business activities including commercial, light and medium manufacturing, high tech industries research and distribution.”

Zoning Bylaw and or Subdivision By-law Regulation

Section 15.1 of the Zoning By-law lists the permitted uses in the Industrial / Business Park.

The applicant is proposing to operate a dance studio from the existing building located on the property. However, the permitted uses do not list dance studio. It does permit “Service or sales Industry” from this zone

The zoning By-law defines service industry as:

“SERVICE INDUSTRY, means a use whose primary function is to provide products and services, and without limiting the generality of the foregoing, may include an engine and body repair shop, a printing business, a laundry or cleaning business, a wholesale bakery, professional trades, and similar uses.”

Internal Consultation & External Consultation

Staff have been in contact with the Senior Manager of Corporate Projects and the Town Engineer. Both had no comments or concerns with the proposal.

Discussion

The applicant would like to operate a dance studio from the existing building (former auto parts store) in the industrial park. As part of the business she would be providing instructions/lessons, some sales of dance supplies and storage of costumes. The property currently has access off both Crescent Street and Industrial Drive. There is also adequate space for on-site parking. A review of the flood risk map indicates that the building is not located within the identified flood risk limit.

Municipal Plan policy states that it is the intention of the Industrial/Business Park to allow a wide range of businesses. The Zoning By-law permits Service Industry in this zone and defines Service industry as a use whose primary function is to provide products and services. In the Zoning Dictionary (Lehman and Associates), a document we commonly draw on to aid us in interpretation of planning and development words, defines services as: “*Establishments, primarily engaged in providing services for individuals, businesses and government establishments and other organizations, including hotels and other lodging places, establishments providing personal business, repair and amusement services, health, legal, engineering and other professional services, educational institutions, membership organizations and other miscellaneous services.*”

A dance studio provides instructions/lessons to individuals which are health related and educational in nature and is consistent with the definition of services provided. Furthermore, as the Industrial / Business Park is composed of numerous businesses and would be accustomed to similar levels of traffic and parking. As the building is currently vacant and this will result in another business locating with in a desired business area in Town, it is considered desirable for the development of the property. Therefore, staff feel a dance studio is compatible with the definition of service industry, a use permitted in the by-law, and within the intention of the Industrial / Business Park Zone to provide a wide range of uses.

Public Notice

Public notice was circulated to property owners within 60 meters of the property.

To date there has been no response from surrounding landowners.

Legal Authority

Section 35 of the Community Planning Act states as follows:

*“35(1) The advisory committee or regional service commission may permit, subject to such terms and conditions as it considers fit,
(a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated.”*

Recommendation

As staff feel that a dance studio is considered a service under the definition provided from the Zoning Dictionary, and therefore a dance studio is considered compatible with the listed use of Service Industry, staff are recommending this compatible use request.

Therefore, Staff recommends the following motion:

“The request by Renée Rioux to operate a dance studio in the Industrial/Business Park as a use compatible with Service Industry, from the property located at 124 Crescent Street, Sackville, known as PID # 70160353, be granted