



Department of Planning and Economic Development

Staff Report to the Planning Commission

October 11, 2023

ArtLab J Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	Joori Jung 18663 Livernois Detroit, MI 48221
LOCATION	1841 Northfield Dr., located north of Auburn Rd. and east of Crooks Rd.
FILE NO.	PCU2023-0010
PARCEL NO.	15-28-352-005
ZONING	EC Employment Center
STAFF	Chris McLeod, AICP, Planning Manager

Summary

The applicant has filed for a Conditional Use Permit to allow for a health, recreation and physical education facility to occupy an approximate 5,600 square foot tenant space in the EC Employment Center Zoning District. The proposed location is 1841 Northfield, located north of Auburn Rd. and east of Crooks Rd.

The ArtLab J is designed to provide extracurricular spaces for students to express their creativity through dance, art and music. A full narrative of the use was provided by the applicant and is included in the Planning Commission packet. ArtLab J is a nonprofit organization and currently has space within the City of Detroit and is looking to open a second location within the City. The tenant space will be designed to have two (2) dance rooms, an art room, administrative space and waiting spaces for parents/families. Based on discussions with the applicant, each activity room will have between 8-15 students maximum, for a total capacity of approximately 30 students.

Background

This past summer, the Planning Commission and City Council reviewed the permissible and conditional uses within each of the nonresidential zoning districts. As a part of the review, Health, Recreation and Physical Education uses were made a conditional use within the City's Employment Center District. This change was implemented for several reasons, including but not limited to:

- Ensuring that the relationship between a recreational use and the anticipated abutting more industrial type uses is appropriate and will not impair future industrially orientated uses from utilizing their abutting properties;
- Determining whether or not the amount of parking being provided onsite is sufficient based on higher occupancies that typically occur with a recreational use versus a more industrial orientated use; and
- Ensuring that patrons of the recreational use would not interfere with the anticipated industrial type use and vice versa, and that the environment would be safe for non-industrial orientated users in terms of onsite circulation, pickups and drop-offs, etc.

As a conditional use, the City may review the proposed use against the Conditional Use standards contained within Section 138-3.202. These standards allow for a case-by-case review of each application to determine

that the proposed use is appropriate for the requested area. Additionally, specific standards for Health, Recreation and Physical Education facilities were added to the ordinance, as explained further below.

	Zoning	Existing Land Use	Future Land Use
Site	EC Employment Center	GTC Gymnastics, Sounds Like Fun Music, Moose Athletics	Workplace
North	EC Employment Center (across Northfield)	Lumen North America (across Northfield)	Workplace (across Northfield)
South	R-4 One Family Residential with MR Mixed Residential Overlay	Residential/Place of Worship	Residential 4 - Mixed Residential Overlay
East	EC Employment Center	Webasto Building	Workplace
West	EC Employment Center	Quasar Industries	Workplace

Proposal/Review

General – ArtLab J is a non-profit organization that is designed to provide programs for students in the form of dance, art and music. ArtLab J teaches a wide variety of dance along with other cultural and educational activities including art, STEM (science, technology, engineering, and math education), and general music education. The proposed use is designed to provide these opportunities in a class setting on a regular/daily basis and with the opportunity for larger functions to occur on an occasional basis to highlight student abilities and creativity.

Floor Plan – The applicant has indicated that the total tenant space for the proposed use will be approximately 5,600 square feet. The floor plan provided as a part of the application indicates a usable space for instruction at the rear of the tenant space of approximately 2,500 square feet. In addition, there will be a second dance room of approximately 760 square feet along with an art room that will be approximately 288 square feet. The remainder of the space will be utilized for administrative purposes, utilities and waiting areas for parents/families.

Parking – The applicant has provided a site plan that indicates a total of six (6) parking spaces that have been allocated for the tenant space at the front of the building; an additional ten (10) parking spaces have been allocated at the rear of the site, providing a total of 16 spaces that are dedicated for the use. Based on a student capacity of 30 students, a total of ten (10) parking spaces would generally be necessary for a use of this nature based on the City’s requirements of one (1) parking space being provided for each three (3) persons allowed within maximum occupancy.

One potential concern that arises is that the parking spaces, particularly along the front of the building that appear to be dedicated for the use, would effectively leave no parking at the front of the building for the tenant space at 1837. There are “common” parking spaces along the center of the parking lot, between buildings that appear to be usable by any patrons of the overall complex. It is assumed that the parking spaces at the rear of the building would be largely utilized by the workers for the use and other surrounding uses. The applicant may provide additional information to demonstrate that the number of parking spaces is sufficient to accommodate the maximum potential student capacity of 30 students as well as any special events that may bring even more students/attendees to the site.

The other concern that is raised is the culminative effect on parking. Typically parking for an industrial user is calculated at a rate of one (1) space for each 500 square feet of floor area. Office space within a unit is calculated separately and at a slightly higher rate of one (1) space for each 350 square feet. Given the overall building size (of both buildings) being approximately 67,200 square feet, utilizing the industrial standard of one (1) space for each 500 square feet a total of 134 parking spaces would be required, slightly less than what appears to be provided onsite. This calculation does not take into account the higher requirement for any office space within the buildings. Shifting the parking calculations for recreational uses to a parking requirement based on maximum occupancy, will typically require more parking than has been traditionally provided. Given the

number of other uses within the complex that are similar to the one proposed and therefore would also utilize a parking requirement based on maximum occupancy, rather than square footage, the parking issue may be compounded.

Use patterns – The proposed hours of operation include Monday through Thursday 4:00 p.m. to 8:30 p.m. and Saturday from 9:00 a.m. to 4:00 p.m. A detailed breakdown of the hours, including class types and times, was provided by the applicant as a part of their submission. The hours of operation, in particular those from midafternoon to evening, appear to overlap with a number of the other recreation users within the complex as shown below.

Use/Tenant	Opening Time	Closing Time
Proposed ArtLab J	4:00 p.m. (M-TH), 9:00 a.m. Saturday	8:30 p.m. (M-TH), 4:00 p.m. Saturday
Gymnastics	9:30 am (except Friday 3:30 p.m.)	7:30 p.m. (except Saturday 4:00 p.m.)
Sounds Like Fun Music	Tuesday 2:00 p.m., Wednesday 12:00 p.m., and Thursday 4:30 p.m.	8:00 p.m.
Moose Athletics	Unknown	Unknown
Linked Fit	5:30 a.m. (M,W,F), 6:30 (T, TH, SAT)	7:00 p.m. (M-TH), 1:00 p.m. Friday, 12:00 p.m. Saturday

General Requirements for Conditional Uses – 138-2.302

Per Section 138-2.302 of the Zoning Ordinance, there are five (5) areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use’s compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* The EC Employment Center District does support this type of use as a conditional use and can be approved based upon a thorough review of the Ordinance and surrounding environment and a finding the use is appropriate in the space proposed.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The proposed use does not propose any exterior alterations to the existing building. Based on the floor plans provided, it appears that there will be some minor alterations to the interior of the building. The proposed use is similar to several other uses already within the complex of buildings onsite. There appear to be four (4) other recreation users, included a gymnastics facility, fitness training, baseball/softball training, and music lesson use. While the proposed use may fit into the current mix of uses within the building, the underlying zoning still promotes uses of a more industrial nature and the expansion of the number of non-industrial businesses may limit the future use of the site for more industrially oriented businesses. However, given the number of recreational based uses already located in the complex, and the City Zoning Ordinance allowance for recreational uses to be considered in the EC District, the use does fit with the general, existing character of the complex in this particular case.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The tenant space has traditionally been utilized for a more industrially oriented use. There is concern that with a significant number of recreational type uses operating at similar times and in a high turnover fashion with various class times, that parking and circulation issues may result. There will presumably be a large number of patrons coming to the site for each class while a previous class is still in session, and that scenario may occur repeatedly, making traffic more intense and parking difficult. These possible effects may be lessened if the applicant is able to demonstrate that the parking will be sufficient due to other factors.

4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* As noted above, Planning staff does have concerns with the overall number of recreational type uses that are already located in the building and how that may relate to the remaining and any future more industrially oriented uses that may want to locate in this building(s). However, it is noted that this overall complex is already utilized primarily for recreational type uses, similar to the one proposed.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* From a Planning perspective, there do not appear to be any additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

Specific Requirements for Conditional Uses – 138-4.412 Health, Recreation & Physical Education Facilities

- A. *For such facilities, regardless of size, the applicant shall demonstrate that there is safe and adequate circulation and parking for the maximum number of users at any one time.* The proposed conditional use would represent the fifth potential recreational type use for the overall complex, many of which have similar hours and operational characteristics. The site itself has a total of approximately 140 spaces between the two (2) buildings, many of which are located behind the buildings. The spaces in the “front” of the building are limited, with only six (6) spaces immediately in front of the tenant space and an additional six (6) within the middle row of parking between the two (2) buildings (although these spaces, amongst others are likely shared with other uses within the complex). With 8-15 students per classroom and accounting for student changeover between class sessions, there are concerns parking may not be sufficient in front of the building causing students to have to walk through the parking lot area or from behind the building. Depending on the class size and student makeup (age of student, child versus adult) this concern may be lessened. In addition, the setup of these particular industrial buildings is that they have overhead doors/loading areas in the front of the building, in the same areas where students and their parents would be walking to and from the use. This may result in patrons walking through parking lot areas that also potentially serve as loading and unloading areas, where trucks may be backing up and otherwise maneuvering is undesirable. Finally, if the proposed use and potentially any of the other uses within the complex have a larger performance or tournament with larger number of attendees at the same time, the ability to have all patrons park onsite may become a concern.
- B. *Outdoor activity areas may be conditionally approved where the principal use is permitted, following the process provided in Article 2 – Administrative Organization and Procedures, Chapter 3 Conditional Use Approval of Chapter 138 – Zoning of the Code of Ordinances.* At this time, there do not appear to be any proposed outdoor activity areas.

Staff Recommendations

The conditional use was noticed for a public hearing. Staff has received two email correspondences regarding the proposed use which are included in the packet.

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of File No. PCU2023-0010 (ArtLab J), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** for a health, recreation and physical education facility to occupy space in the EC Employment Center Zoning District at 1841 Northfield, based on documents received by the Planning Department on August 28, 2023 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposed health, recreation and physical education facility should have a positive impact on the community as a whole and the surrounding area by providing additional recreation and educational opportunities within the EC Employment Center District.
4. The existing building and proposed use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing building and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.
2. The use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing (as may be amended by this motion).
3. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

Motion to Recommend Denial of a Conditional Use

MOTION by _____, seconded by _____, in the matter of File No. PCU2023-0010 (ArtLab J), the Planning Commission **recommends** to City Council **Denial** of the **Conditional Use** for a health, recreation and physical education facility to occupy space in the EC Employment Center Zoning District at 1841 Northfield, based on documents received by the Planning Department on August 28, 2023 with the following findings:

Findings

1. The proposed use is contrary to the intent and purpose of the Zoning Ordinance, particularly that the subject property is zoned as Employment Center and is intended primarily for industrial and processing type uses.
2. The existing building and proposed conditional use will not be operated, maintained, and managed to be compatible or harmonious with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposed health, recreation and physical education facility will be detrimental to the surrounding area by providing additional recreation and educational opportunities within the EC Employment Center District and thereby limiting the potential for additional industrial and processing type uses.
4. The existing building and proposed use will be detrimental, hazardous, or disturbing to the existing and future neighboring land uses, persons, property, or the public welfare by creating unsafe conditions by

means of excessive car traffic, parking, and patrons walking through an industrial parking lot.

Motion to Postpone

MOTION by _____, seconded by _____, in the matter of File No. PCU2023-0010 (ArtLab J), the Planning Commission postpones action on the proposed conditional use to allow the applicant ample time to provide the following additional information for consideration:
