



Department of Planning and Economic Development

Staff Report to the Planning Commission

March 19, 2024

PCU2023-0012

Mi. Premier Dance Co., LLC. - Conditional Use

REQUEST Conditional Use Recommendation

APPLICANT Candice Durham

LOCATION 1866 Star Batt, located on the north side of Starr Batt, east of Crooks

FILE NO. PCU2023-0012

PARCEL NO. 15-28-177-022

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 2,000 square foot tenant space in the EC Employment Center Zoning District. The location is 1866 Star Batt Dr., located on the north side of Star Batt and east of Crooks Rd.

Zoning Map		Master Land Use Plan	
	Zoning	Existing Land Use	Future Land Use
Site	EC Employment Center	Puroclean, Moose Athletics, Expert Painting, Five Lakes Kitchen and Bath, Marshalls Auto Repair, Waste Equipment Service, Microtap, SOS Auto Service, Hamlin Pub Corporate Offices, Seasonal International	Workplace

North	EC Employment Center		Workplace
South	EC Employment Center and HB Highway Business	Ascension / St. John	Workplace and Interchange
East	EC Employment Center and RCD One Family Residential Cluster District	AG Innovation, various other industrial users	Workplace and Residential 4
West	EC Employment Center	BSN Sports (uniforms), Boogie Babies, Clint Verran Sports Medicine, Achteck America, Phycological Services, Pawsitive Steps (animal rehab), Underpar (golf lessons), Royal Construction, Hidrorubber, etc.	Workplace

Proposal/Review

General – Mi. Premier Dance Co. is requesting conditional use approval for the use of their current dance studio. The applicant has characterized the use as a small, boutique dance studio. Based on the letter and application materials provided by the applicant, class sizes range from 1-3 students for private lessons and up to 8 students for group lessons. The total student body is approximately 30 students at this time. Generally speaking, classes are intended to be longer and smaller to provide a more personal dance training. It is also noted that as an ancillary service, students can also learn modeling. The website for MI Premiere Dance Co can be found here: <https://www.mipremierdanceco.com/>. Based on the letter provided by the applicant, the facility typically has 2 employees. The applicant noted that they host dance recitals at another location. Additionally, per the applicant they occasionally host children’s parties, with no more than 13 guests. She noted these are only during the weekend and they have only hosted two parties since they opened in 2020.

The business has occupied the building since 2020 according to the applicant; however, they do not have a Certificate of Occupancy. Therefore, conditional use approval is required in order for the Planning Department and ultimately the Building Department to officially approve their occupancy.

MI. Premiere Dance Co. is located in a multi building hybrid industrial complex. The uses within the five (5) building complex on the overall property there are a wide array of users, ranging from auto repair facilities, corporate offices, other recreation type uses, construction companies and small industrial/wholesale operations.

Floor Plan – The applicant has provided overall plans for the tenant space and site. The plans provided indicate the use occupies a total of 2,000 square feet, a relatively limited size space. The floor plan appears to show the main instruction space at the rear of the tenant space, what appears to be a reception space at the front of the building, restrooms and a small space in the middle of the tenant space that appears to be the noted preschool dance room.

Parking – The building in which the tenant space is located in has a total of seventeen (17) parking spaces along the front of the building. The abutting building to the east, across the maneuvering lane, has an additional 18 parking spaces along the front of that building. However, it is assumed that that parking is dedicated for the users of that building. Some additional common parking spaces are located at the north end of the site. Given the usage of the other tenant spaces and the upon site inspection it does not appear that much if any parking actually occurs immediately behind (to the west) the subject building. Most of the area behind the building is dedicated to maneuvering, loading/unloading and some limited storage. The applicant has indicated that class sizes are relatively small (no more than 8, typically smaller than that); the hours of operation are typically after 5:00 p.m.; and that given the age of students, parents typically don't stay, but rather drop students off. Therefore, parking demand for the use appears to be limited and does not appear to be impacting the usage of the overall complex.

Use patterns – The current hours of operation include Mondays 5:30 p.m. to 9:45 p.m., Tuesdays 7:00 p.m. to 8:45 p.m., Wednesdays 5:30 p.m. to 9:15 p.m. and Thursdays 5:15 p.m. to 9:00 p.m. (it is noted that in reviewing older social media posts it appears additional hours (more so during the day) have been offered in the past.). The potential of revised hours should be discussed with the applicant as that may impact the availability of parking and the impact to other tenants within the building. The stated hours of operation do not appear to conflict greatly with the uses that are currently located in the building. Additionally, it should be noted that although the business website notes there is a “cocktail room”, the applicant noted that they do not serve alcohol and it is the name of their room to serve food and light refreshments.

The predominant uses within the complex include contractor and small industrial type users. These users likely include lower employee totals and most operations likely occur offsite, therefore not conflicting with the use of the subject tenant space as a recreational type use. It is noted that this is the current situation and modification of hours by either the applicant or other permissible tenants within the building may alter the usage patterns and parking needs of the complex.

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 include any exterior alterations to the existing building and is already an existing tenant within the building (located at this site for approximately 4 years). The use constitutes the second recreational-type use within the immediate complex of buildings onsite. Moose Athletics occupies the building immediately to the east and shares the same parking area.

While the use may fit into the current mixture of uses within the building(s), 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. In addition, based on a site inspection and noting the abutting tenants within the same building and the building directly to the east of the subject building, there is a decent amount of exterior industrial operations that include storage, loading/unloading, etc. However, there is no outdoor activity noted for the dance studio and no parking in the areas where the loading, unloading and storage is occurring. In addition, the parking area along the front of the building immediately servicing the tenant space only has a total of 17 parking spaces. The opposite side of the maneuvering lane, abutting the front of the building to the east, includes an additional 18 parking spaces. Some common parking occurs at the northern end of the site. The applicant indicated in the application that employees park behind the building (assumption is this is at the north end of the site)

and that most parents drop students off and leave, therefore there is sufficient parking. The ability for parents to drop off may be more feasible given the longer class times. Finally, it is noted that the applicant has been in operation already for some time and the City is not aware of any complaints or concerns raised relative to the dance use within the tenant space. The stated hours of operation likely have a significant impact on the ability of the proposed use to being impacted by, or impacting other surrounding more industrial type uses. The hours of operation for the dance studio are all after 5:00 pm.

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.* As noted above, the applicant has been in business for approximately 4 years and the City is not aware of any issues relative to the use of the tenant space for dance instruction.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* The current mix of uses within the building(s) in this location appears to be such that the typical higher demand for parking and waiting spaces for student pick up and drop off have not impacted the overall operation of the industrial complex. This is also likely helped by the limited class sizes and the later hours of operation relative to the hours of operation of the other tenants within the subject building and those surrounding the subject tenant space.
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 second potential recreational type use for the overall complex. As noted in the application, most students are dropped off at the business and then picked up when the class is over. Given the current mix of businesses within the overall industrial complex, most appear to close consistent with normal business hours, so the applicant's noted hours of operation do not appear to conflict with current operations of businesses in the area. Within the parking area along the front of the building, there are sidewalks along the entire front of the building providing the ability for students to walk safely along the front of the building if a parking space is not open immediately in front of the tenant space.
- 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 not received any inquiries relating to the proposed conditional use. Staff has no objections to the proposed conditional land use given the limited hours of operation and the limited number of students that are present onsite during the stated class times. If the Planning Commission agrees that allowing the proposed conditional use will be harmonious and compatible with the surroundings, below is a motion for consideration.

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of File No. PCU2023-0012 (MI Premiere Dance Co.), 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 1866 Star Batt Dr., based on documents received by the Planning Department and included as a part of the Planning Commission's deliberation 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 are 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.