

Midvale City
Department of Community Development
Planning and Zoning

Planning and Zoning Commission Staff Report

APPLICATION:	CONDITIONAL USE PERMIT (CUP)
LOCATION:	7230 South 900 East
APPLICANT:	Lourdes Vega
FILE #:	CUP-22-29-105-032
REQUEST:	COMMERCIAL ENTERTAINMENT CENTER USE
MEETING DATE:	Wednesday, June 8, 2016
ZONING DESIGNATION:	Regional Commercial (RC)
AUTHOR:	Matt Hilderman, Associate Planner
APPLICABLE ORDINANCE (S):	MMC Chapter 17-3-4; 17-7-12.2; 17-7-12.9
AGENDA #:	1

SUMMARY:

Lourdes Vega, authorized agent representing the property owner, Westerra Corporation, submitted a complete application proposing to operate and manage a commercial entertainment center for the purpose of a dance studio. The total acreage of this site is estimated at 1.89 acres with several existing retail businesses such as; 1st Choice Money Center (cash loan store), I Que repair (electronics & mobile phone repair), and Laser Quest (indoor laser tag entertainment), located within the same building. The applicant is proposing to operate at 7204 South, estimated to be a total square footage of 1,450 sq. ft.

The applicant has stated they are the only employees of the establishment and have instructors that teach fitness/dance classes to adults only. Class sizes may range from 10 - 15 participants with one to two classes per night. Classes and instruction will be conducted in an existing 1,250 sq. ft. space, located to the rear of the multi-tenant office building. There are no modifications proposed to the exterior building and only minor changes in the interior. There are a total of one-hundred and thirty-two (132) on-site parking spaces for the entire building. Hours of operation will be 8:00 p.m. – 9:00 p.m., Monday – Friday; and Friday and Saturday morning class from 10:00 a.m. – 11:00 a.m.

This proposal is located in the Regional Commercial (RC) zone district, which requires a Conditional Use Permit for a commercial entertainment center use. In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;

9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

This business will be located within an existing development that includes adequate infrastructure and facilities for a variety of uses. The Zoning Ordinance requires 5 spaces per 1,000 square feet of floor area for an entertainment center use. This ratio equates to seven (7) parking spaces required for this proposal, including one (1) for the employee. The total square footage of this building is estimated to be 20,388 sq. ft. If we calculated each business to require 5 spaces per 1,000 sq. ft., the total amount of parking spaces required for this structure would be 102. In total, there are 132 parking spaces identified for all these commercial establishments and a total of 8 parking spaces are required for the proposed dance studio use. In addition, this business is proposed to operate mostly during non-business hours when the other businesses in the building are closed. Based on the proposed class sizes and the hours of operation, Staff believes there is adequate parking for this dance facility. Because this use will be conducted entirely inside the tenant space, Staff does not anticipate any adverse impacts being created on the surrounding area.

STAFF RECOMMENDATION:

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for **Salud es Bienestar**, a commercial entertainment center use, to be located at **7204 South 900 East**, with the following conditions:

1. All employee and customer parking shall occur in designated parking spaces within the developed site. If sufficient parking becomes an issue, the applicant shall re-evaluate the training and class schedules to reduce the number of people coming to the facility at any one time.
2. All requirements of the Building Official and Fire Marshall shall be satisfied.
3. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
4. All signage shall comply with the sign requirements of the Regional Commercial zone and sign permits obtained before such signage is installed.

RECOMMENDED MOTION:

*“Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for a commercial entertainment center use for **Salud es Bienestar**, to be located at **7204 South 900 East**, with the following conditions:*

1. *All employee and customer parking shall occur in designated parking spaces within the developed site. If sufficient parking becomes an issue, the applicant shall re-evaluate the training and class schedules to reduce the number of people coming to the facility at any one time.*
2. *All requirements of the Building Official and Fire Marshall shall be satisfied.*
3. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
4. *All signage shall comply with the sign requirements of the Regional Commercial zone and sign permits obtained before such signage is installed.”*

ADJACENT LAND USES:

North: RC (Regional Commercial)

South: RC (Regional Commercial)

East: RC (Regional Commercial)

West: RC (Regional Commercial)

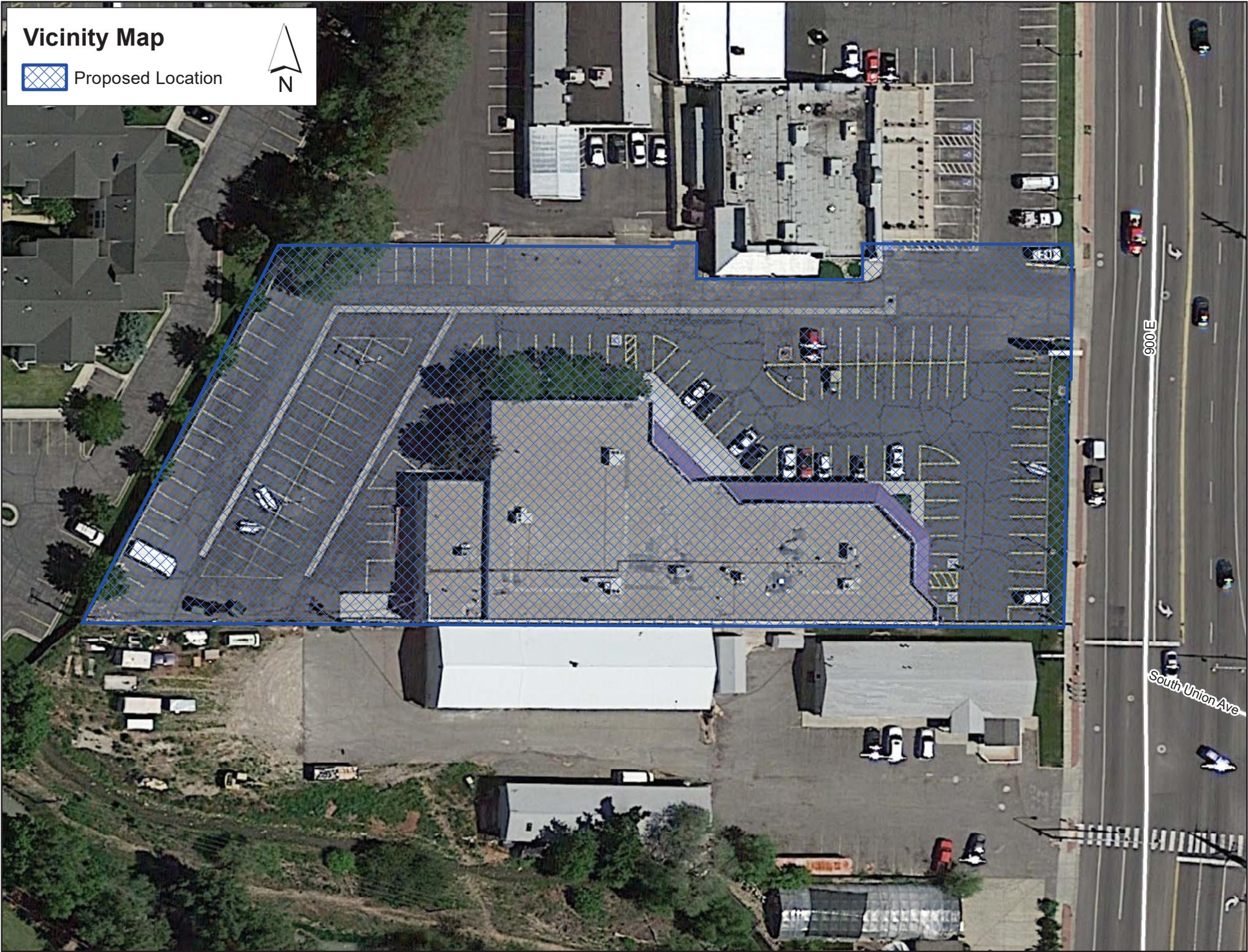
ATTACHMENTS:

- Vicinity Map
- Site Plan
- Submittal Documents

PUBLIC NOTICE: No Yes

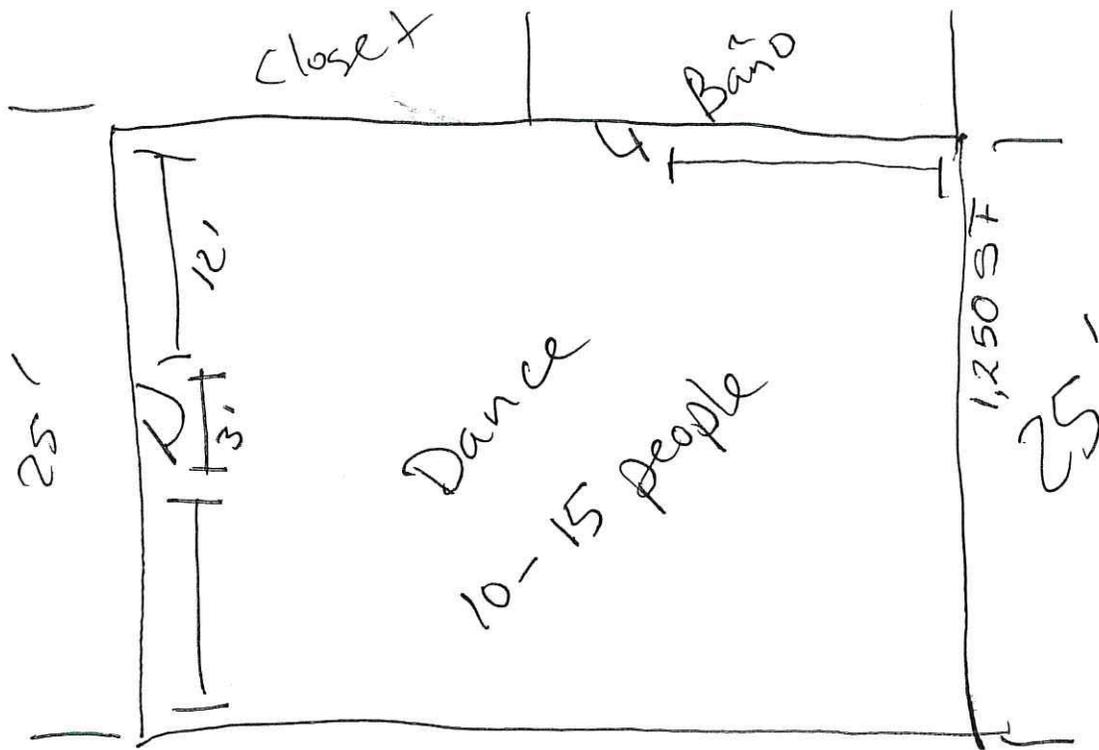
Vicinity Map

 Proposed Location



900 E

South Union Ave

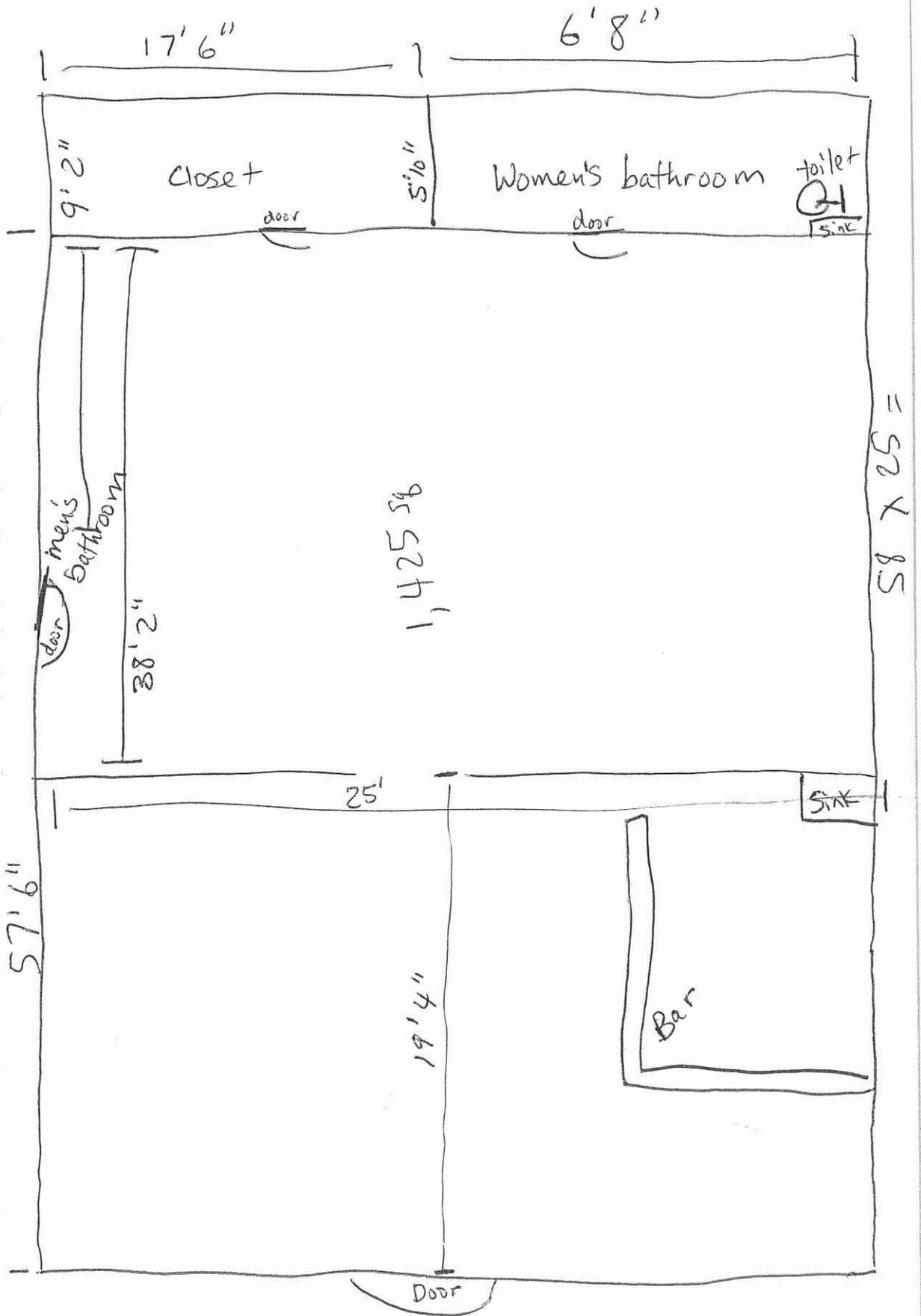


$\frac{1}{4}$ 5'
 $\frac{1}{2}$ 10'

	Dance	7 PM
Monday	—	8-9 PM
Tuesday	—	8-9 PM
Wednesday	10am-11am	8 PM-9 PM
Thursday		8 PM - 9 PM
Friday	10 am-11 am	8 PM-9 PM
Saturday		10 am-11 am

DRINKS

7 am - 10:00 am MON - SAT.



Re: Conditional Use Permit application

lourdes vega <laluvega1984@gmail.com>

Sent: Thu 6/2/2016 7:23 PM

To: Matthew Hilderman <mhilderman@midvale.com>

It is only for adults. There are 10-15 adults per class.

There are no employees. It is our own business, and we are the only ones that work to make the shakes.

The instructors are not employees, and they own their own business. There is one instructor per class, and one to two classes per night. Most of the time the same 10-15 people will take both classes, and purchase two items from the bar.

Does that answer all of your questions about our business?

Thanks,

Lourdes

"Matthew Hilderman" <mhilderman@midvale.com> wrote:

Lourdes Vega –

This message concerns your CUP application for Salud es Bienestar that is proposed to be reviewed at the June 8th Planning Commission meeting.

Please address the following questions concerning our initial review:

- Is the dance instruction for children only? If so, what is the age range?
- Is the dance instruction for adults too?
- How many employees/instructors are proposed for each class size?
- You identified 10-15 people on the application. Is this 10-15 people per class/per night?
- How many employees are proposed for the juice bar?

Thanks –

Matt Hilderman

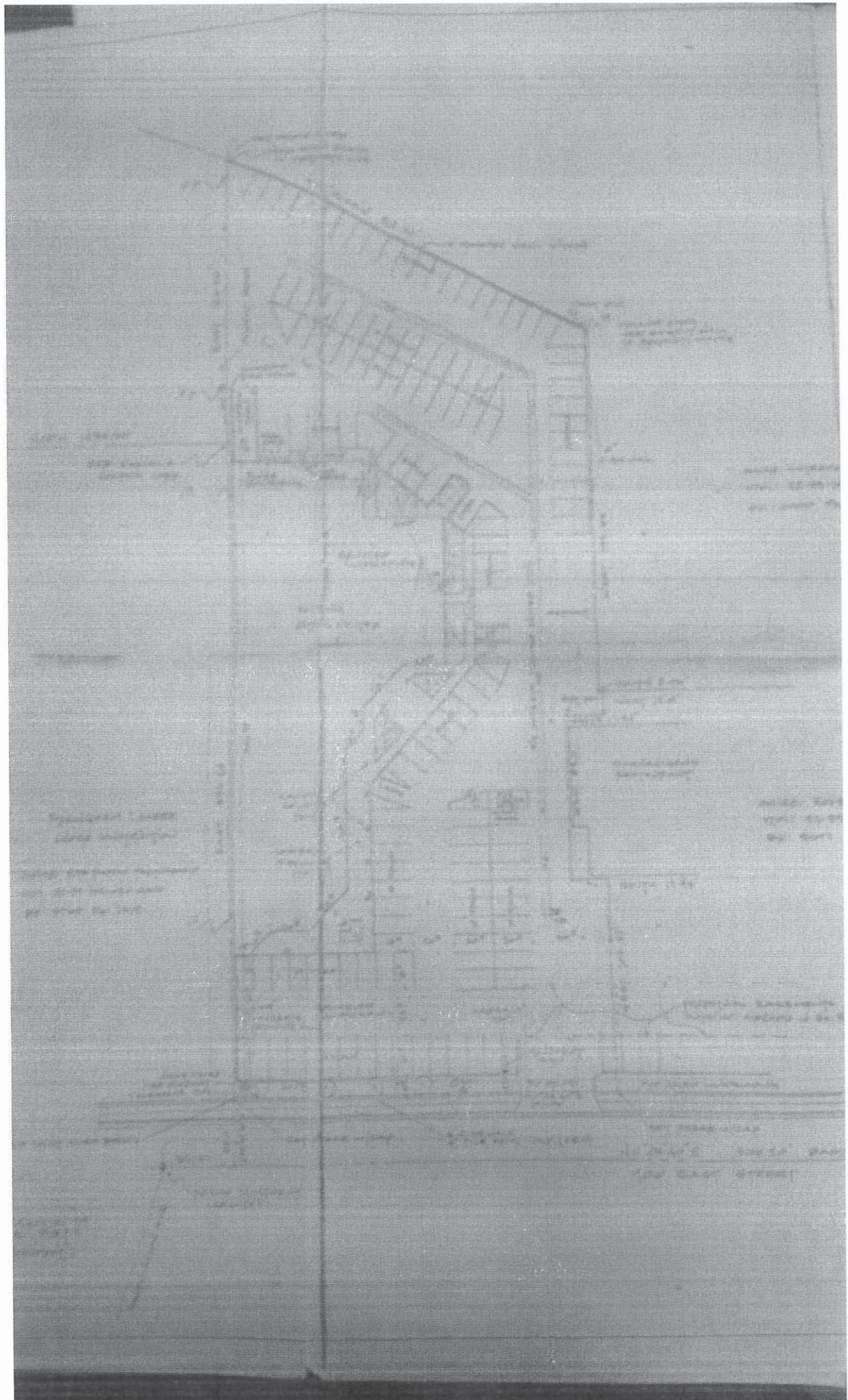
Midvale City Associate Planner

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mhilderman@midvale.com





11

20

28

4

4

25

40

Total On-site Parking Stalls = 132