

Department of Community Planning and Economic Development – Planning Division
Rezoning and Conditional Use Permit
BZZ-5552

Date: May 21, 2012

Applicant: Selene Properties, Inc., Attn: Tara Watson, 2110 W. Broadway Avenue, Minneapolis, MN 55411 (612) 521-1386

Address of Property: 2104 & 2110 West Broadway

Project Name: Anytime Fitness

Contact Person and Phone: Tara Watson, 2110 W. Broadway Avenue, Minneapolis, MN 55411 (612) 521-1386

Planning Staff and Phone: Becca Farrar, Senior City Planner (612)673-3594

Date Application Deemed Complete: April 19, 2012

End of 60-Day Decision Period: June 16, 2012

End of 120-Day Decision Period: On May 8, 2011, Staff sent a letter to the applicant extending the decision period to no later than August 15, 2012.

Ward: 5 **Neighborhood Organization:** Jordan Area Community Council (JACC) and Northside Residents Redevelopment Council (NRRC)

Existing Zoning: C1 (Neighborhood Commercial) district and PO (Pedestrian Oriented) Overlay District

Proposed Zoning: C2 (Neighborhood Corridor Commercial) district and PO (Pedestrian Oriented) Overlay District

Zoning Plate Number: 7

Lot area: 15,525 square feet or approximately .36 acres

Legal Description: Lots 27, 28 and 29 except the street, Block 20, Forest Heights, Hennepin County, Minnesota.

Proposed Use: Major sports and health facility.

Concurrent Review:

- Petition to rezone the subject properties from the C1 (Neighborhood Commercial) district to the C2 (Neighborhood Corridor Commercial) district to allow a major sports and health facility within a portion of the existing building.
- Conditional Use Permit for a major sports and health facility.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments and Article VII, Conditional Use Permits.

Background: The applicant proposes to rezone the properties located at 2104 & 2110 West Broadway from the C1 district to the C2 district. The rezoning is proposed in order to allow an approximate 5,500 square foot major sports and health facility within a portion of the existing 10,350 square foot building located on the property.

Major sports and health facilities are not allowed in the C1 district but are conditional uses in the C2 district. Minor sports and health facilities are permitted uses in all commercial districts. One of the primary distinctions between major and minor sports and health facilities is that minor sports and health facilities cannot include shower facilities. The proposal is to locate an Anytime Fitness health club within a portion of the building; as part of the franchise agreement, locker rooms with showers are required. Currently, half of the building is occupied by the applicant's chiropractic office (2,500 square feet) and for storage (2,236 square feet); as proposed, Anytime Fitness would occupy the remainder of the building.

There have been previous land use applications submitted for the site (BZZ-1158, BZZ-1712 and BZZ-2684) that have included a site plan review, minor site plan review and off-street parking variance. A City Zoning Inspector will evaluate the approved plan as part of this land use process for compliance purposes.

Staff has received official correspondence from the Jordan Area Community Council (JACC) prior to the printing of this report in addition to neighborhood letters/emails. Those have been attached for reference. Any additional correspondence received after the printing of this report shall be forwarded on to the Planning Commission for further consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located along West Broadway which is a designated Commercial Corridor in this location and approximately a half block away from Penn Avenue North which is a designated Community Corridor. The properties are also located within the designated Neighborhood Commercial Node located at West Broadway and Penn Avenue North and further designated as urban neighborhood. According to *The Minneapolis Plan for Sustainable Growth*, "Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate." The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, "Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan." This policy includes the following applicable implementation steps: (1.5.1) "Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.”

Land Use Policy 1.4 states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

Land Use Policy 1.10 states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial –where compatible with the existing and desired character”; (1.10.2) Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.”

Land Use Policy 1.11 states, “Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.” This policy includes the following applicable implementation steps: (1.11.2) Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.

Planning Staff believes that the proposal to rezone the subject properties from the C1 to the C2 district is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

In addition, the West Broadway Alive plan which was adopted by the City Council in 2008 is a small area plan that covers the subject site. The plan guides future development and public realm improvements, and offers a roadmap for revitalization by naming near- and long-term actions to be undertaken around which the energy and resources of stakeholders can be focused. The future land use map in the plan identifies the property as mixed-use. In order to provide guidance for the scale of new buildings and infill development along the corridor, a development intensity map was also produced as part of the plan. The map identifies the properties in an area that would be appropriate for urban scale development (preferably mixed-use with a building form consistent with a row house/townhouse, small apartments or apartments). The proposal to adaptively re-use the single-story commercial building and to locate a major sports and health facility within a portion of the existing building is supported by adopted policy and further fills a neighborhood need for a fitness club.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the C2 district would be considered primarily in the interest of the property owner as it would allow the site to accommodate additional uses on the properties not currently allowed under the C1 district regulations. The amendment could also be considered in the public interest as it would allow uses supported by adopted policies specific to Commercial Corridors and Neighborhood Commercial Nodes

and further the proposed use as a major sports and health facility was identified as a gap in the business services available in this area during the West Broadway Alive planning process.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The subject site is located within an area that has commercial zoning classifications lining both sides of West Broadway (C1, C2 and C3A). There are also R2B, R5 and OR2 zoning classifications within the broader vicinity. The uses within the area are varied and include assorted commercial, institutional and residential uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that the C2 zoning district would be appropriate and compatible in this location.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses allowed under the existing C1 zoning classification; however, adopted City policy supports C2 zoning along Commercial Corridors and within Neighborhood Commercial Nodes. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the properties.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject properties were zoned B3S-2 (Community Service) district and the majority of surrounding properties to the north, south, east and west were zoned B3S-2, B3P-2, OR2, and R5 district. When the properties were rezoned in 1999 as part of a comprehensive rezoning study, the commercial properties were rezoned to commercial zoning classifications and the residential properties were rezoned to residential zoning classifications. There have been some changes relative to the character and trend of development in the general area predominantly along West Broadway, which is the target of and has begun to benefit from significant reinvestment. The amendment to alter the existing zoning classification on the properties will not adversely impact the positive transitions occurring in the area.

CONDITIONAL USE PERMIT –to establish a major sports and health facility

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Department of Community Planning and Economic Development - Planning Division, has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Allowing an approximate 5,500 square foot major sports and health facility to locate in a portion of the existing building would not be expected to have any negative impacts on the area. The fitness facility would occupy a currently vacant tenant space along West Broadway. Allowing a new commercial use in the building would be expected to contribute to the overall goal of providing a wide range of goods and services within the immediate neighborhood. Staff would not expect that the proposal would have adverse impacts or prove detrimental to public health, safety, comfort or general welfare. The applicant has provided information regarding the extensive on-site security that is proposed as this facility is accessible 24 hours a day by members but not always staffed.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

All proposed modifications would be interior to the structure as a tenant finish. No additional square footage would be added to the existing building. Staff would not expect that the establishment of a major sports and health facility on the premises would be injurious to the use and enjoyment of other property in the vicinity, nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The utilities, access roads, and drainage are existing and adequate.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Chapter 541 of the zoning code would require one space per 500 square feet of gross floor area for both the chiropractic office and for the major sports and health facility. Previous land use approvals have indicated that the property has grandfather rights to 3 off-street parking spaces (BZZ-2684). Based on the gross floor area of the existing chiropractic office at 2,500 square feet and the proposed major sports and health facility which is approximately 5,500 square feet in size, a total of 16 off-street parking spaces would be necessary for these uses prior to the consideration of grandfather parking rights. The receiving and storage area (2,236 square feet) does not have a parking requirement. The property is located in the PO (Pedestrian Oriented) Overlay District where the minimum off-street parking requirement for nonresidential uses is 75% of the minimum requirement as specified in Chapter 541. Therefore, a total of 12 off-street parking spaces would be required for the uses. With the inclusion of bicycle racks for each tenant space, the minimum automobile parking requirement for each tenant space is reduced by 1 space, resulting in an overall requirement of 10 spaces. Further consideration of the grandfather parking rights would result in an on-site requirement of 7 spaces. The on-site parking lot in its current configuration accommodates a total of 9 off-street parking spaces which meets the minimum requirement. Staff believes that adequate measures exist to minimize traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive plan.

See the above response to finding #1 of the rezoning application. The policies and implementation steps that are cited apply to the conditional use permit as well.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the rezoning and conditional use permit for a major sports and health facility, the proposal would comply with all applicable provisions of the C2 District.

Planning Staff will condition the approval so that the windows in the tenant space along West Broadway are unobstructed and comply with the provisions as outlined in Section 535.95 and 530.120 of the Zoning Code.

Any new signage proposed for the site would require a separate permit from the Zoning Office and would further be required to comply with all applicable standards outlined in Chapters 543 and 551 of the Zoning Code. Backlit signs are prohibited. Any/all window signage would need to comply with Section 543.480 of the Zoning Code.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2104 & 2110 West Broadway from the C1 district to the C2 district.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a major sports and health facility within the existing building on the properties located at 2104 & 2110 West Broadway subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Windows in the proposed major sports and health facility shall be unobstructed in order to allow views into and out of the building along West Broadway.
3. Bicycle parking shall be provided that meets the requirements as outlined in Section 541.220 of the Zoning Code.
4. The property shall be in full compliance with the approved site plan per BZZ-1158 and BZZ-1712.

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Attachments:

1. Rezoning Matrix – C1 vs. C2
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan
6. Photos
7. Security plan details