

Department of Community Planning and Economic Development – Planning Division

**Conditional Use Permit Application
BZZ-3539**

Date: May 21, 2007

Applicant: Wipf Holdings, Inc.

Address of Property: 1101 Main Street NE

Date Application Deemed Complete: April 24, 2007

End of 60 Day Decision Period: June 23, 2007

End of 120 Day Decision Period: Not applicable

Contact Person and Phone: Ryan Wipf, 612-363-9149

Planning Staff and Phone: Michael Wee, (612) 673-5468

Ward: 3 **Neighborhood Organizations:** Sheridan and St. Anthony West

Existing Zoning: C2

Proposed Use: Sports and Health Facility, Minor – Extended Hours

Concurrent Review: None

Previous Actions: None.

Applicable zoning code provisions: Section 548.300 hours open to the public.

Background:

Ryan Wipf, owner of Wipf Holdings, Inc., submitted an application for a conditional use permit to allow a 24-hour business operation of Snap Fitness at 1100 Main Street NE. The facility is located on the ground floor of a mixed use property in a C2 District. Business hours in C2 District are from 6:00am – 10:00pm Sunday through Thursday, and from 6:00am – 11:00pm Friday and Saturday. A neighborhood commercial node is located one block away to the east of the property on Broadway Street, which is also a designated community corridor.

The five-story mixed use building was originally granted approval in December of 2004 (BZZ-2076) that included three retail commercial spaces on the ground floor facing Broadway Street. An amended site plan was then submitted and approved increasing the commercial floor area by 1,435 square feet (41% increases from first approval) for a total of five commercial spaces on September, 2005 (BZZ-2573). The approved site plan indicated 37 parking spaces at the rear for non-residential use, 4-stalls in

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excess of the code minimum. This included the required 29 spaces for a restaurant. However, a letter from the landlord indicated that negotiations with Baja Sol (the restaurant) has failed; therefore, its allotted parking is again available for all tenants. It is understood that future tenants, particularly restaurant or coffee shop uses, who might not be able to meet its parking requirements will have to seek for a variance. The property currently has 34 parking spaces for non-residential use located at the rear of the building. From Table 541-1 of the zoning code, the proposed Snap Fitness facility will need 9 off-street parking spaces to be in compliance. There are no other business open at this time, but a nail salon will be opening shortly after Snap Fitness opens. The landlord has allowed Snap Fitness full access to all 25 parking spaces on site (letter from landlord attached). The nail salon next door, which is below 4000 square feet in floor area, will only require 4 parking spaces. Parking requirements for these two businesses that will open soon can easily be accommodated in the parking on site. No bicycle parking is proposed nor provided on site.

Snap Fitness will provide equipment for physical exercise to its members and one tanning bed. No other services or group classes will be provided. Doors will be locked from the outside and can only be accessed with electronic key by active members. Security measures will be installed in the premises, including six surveillance cameras that can be viewed remotely. The facility will be staffed by a manager, a trainer and/or receptionist up to 12 hours everyday.

A wall sign is also proposed by the entrance facing Broadway Street. Table 543-2 of the zoning code guarantees a minimum of 30 square feet in sign area for a ground floor non-residential use in C2 District. It also allows a maximum sign area of 180 square feet in C2 District or 1.5 square feet of signage for each one foot of building wall. Snap Fitness has 35 feet of street wall frontage, which equates to 52.5 square feet of sign area permitted. The proposed wall sign has 24.37 square feet in area with only its letters illuminated. There is no master sign plan on record for the entire property.

At the time of writing this staff report, no comments were received. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT FOR EXTENDED HOURS

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings below 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. Permitted business hours open to the public in C2 district is from 6:00 am to 10:00 pm Sunday through Thursday, and from 6:00 am to 11:00 pm on Friday and Saturday. The property is located along Broadway Street, which is a designated community corridor, and also one block away from a designated neighborhood commercial node. Community corridors generally have land use pattern that is primarily residential with intermittent commercial uses; and commercial node provides retail and service uses to residents of surrounding neighborhoods. The property in question is within a C2 District that abuts R5 Multiple-family District to the north, east and south. A service station located one block away from the site along Broadway Street is currently operating 24 hours everyday. Allowing the applicant to extend

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their business hours to 24 hours a day should not be detrimental to or endanger the public health, safety, comfort or general welfare provided all building codes are complied with, including noise control.

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.

Located on the ground floor of a mixed use in a commercial district that is fully developed, Snap Fitness is a business that will not adversely impact the orderly development and improvement of surrounding properties for uses permitted in the district.

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

Existing utilities, access roads, drainage and other facilities are adequate. No other utilities are required for this application.

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

Traffic congestion in the public streets will not likely be affected by the extended business hours sought for by the applicant. Broadway Street is a designated Community Corridor that can accommodate traffic volumes of up to 15,000 Average Annual Daily Traffic (AADT). Parking for non-residential tenants is sufficiently provided at the rear of the building and accessed through 2nd Street NE. The proposed Snap Fitness will occupy the space that has secured access doors both from the front and from the rear. A total of 34 on-site parking spaces for non-residential and 59 underground parking space for residential use were approved by the Planning Commission on September, 2005. No negative impact is expected to result out of the conditional use permit requested.

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

Policy 9.23 “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.”

Policy 9.28 “Minneapolis will support development in commercial corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.”

Staff comment: Approving the proposed extended business hours to Snap Fitness is consistent with the purpose of the above policies.

6. And, in all other respects, conform to the applicable regulations of the district in which it is located.

Sports and health facility, minor, is a permitted use in C2 districts. Approving the proposed extended business hours will not depart from the general purpose and intent of C2 district regulations.

ADDITIONAL STANDARDS FOR EXTENDED HOURS

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In addition to the conditional use standards above, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

- 1) Proximity to permitted or conditional residential uses.** Located in a five-story mixed use building, Snap Fitness is in close proximity to high-density residential uses. The facility is located on the ground floor of a multiple-family use, but does not share a common wall with residential uses. Entrances to commercial uses are appropriately separated from residential uses. The mixed use building has 5 retail commercial spaces approved by the Planning Commission in September, 2005 (BZZ-2573).
- 2) Nature of the business and its impacts of noise, light and traffic.** Generally, the business like Snap Fitness will not generate noise, light and traffic level to create a significant impact to the surroundings.
- 3) Conformance of use.** The existing business is a permitted use in the C2 District, where hours open to the public is from 6:00 am to 10:00 pm Sunday through Thursday and from 6:00 am to 11:00 pm Friday and Saturday. Extended business hours require a conditional use permit. Planning staff believes that the proposed 24-hour a day operation of Snap Fitness will have no negative impact to the surroundings and to uses permitted in the district where the property is located.
- 4) Complaints received.** There are 15 reported incidents in the premise for the past 12 months, none of these are considered severe and life threatening in nature; however, these incidents occurred before the new mixed-use building existed (please see attached CODEFOR service report from the Minneapolis Police Department). The Police Department does not have any concerns as to the requested extended hours for Snap Fitness.

RECOMMENDATION:

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for an extended hours to Snap Fitness located at 1101 Main Street NE from the permitted 6:00am to 10:00pm Sunday through Thursday and from 6:00am – 11:00pm Friday and Saturday to a 24-hour operation everyday.

Attachments:

Statement of Purpose
Site Plan
Photos
CODEFOR