

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4288

Date: January 5, 2009

Applicant: Mario Negri

Addresses of Property: 612 54th Street W

Project Name: Sigh Yoga

Contact Person and Phone: Mario Negri, (612) 703-4909

Planning Staff and Phone: Jessica Thesing, (612) 673-5887

Date Application Deemed Complete: December 9, 2008

End of 60-Day Decision Period: February 7, 2009

Ward: 11 **Neighborhood Organization:** **Neighborhood:** Tangletown Neighborhood; Tangletown Neighborhood Association
Adjacent to: Windom Neighborhood; Windom Community Council

Existing Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 36

Legal Description: Not applicable for this application

Proposed Use: New yoga studio within an existing building

Conditional use permit to allow for a major sports and health facility

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 548, Article I, Commercial Districts

Background: The subject site is an existing commercial building located on an approximate 6,268 square foot lot. Records indicate that the footprint of the building is approximately 3,720 square feet and is served by one small parking lot on the east side of the building with a curb cut to Garfield Ave S. The building's previous tenant included Mr. Movies and is listed in City of Minneapolis records as office. Sigh Yoga proposes to utilize approximately half the building for its studio which includes locker rooms and showers; the two tenant spaces in the other half of the building have not been determined to date and are currently under renovation and are vacant. SighYoga currently has a building permit to operate as a minor sports and health facility without showers or locker rooms at this

location and it's important to note that yoga studios in general are considered minor sports and health facilities and are permitted in the C2 Neighborhood Corridor Commercial District. Yoga studios with locker rooms and showers however are considered major sports and health facilities which are conditional uses within the C2 Neighborhood Corridor Commercial District. Therefore, because Sigh Yoga is proposing locker rooms, they are required to apply for a conditional use permit to be reviewed and decided upon by the City Planning Commission.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood organization. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT - for a major sports and health facility

Findings as Required by the Minneapolis Zoning Code:

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.

The Planning Division does not believe that a major sports and health facility would be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area includes a mixture of commercial uses including a coffee shop and a chiropractic office to the west, a Kowalski's grocery store and a video store to the north, residential to the east across Garfield, and a church to the south across 54th Street W. A major sports and health facility will complement the existing uses in the area and since the use will be located in an existing commercial building, it is unlikely that it will have an effect on the residential uses to the east.

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.

The Planning Division does not believe that a major sports and health facility would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The proposed yoga studio will be located on the first floor of the existing multi tenant commercial building previously occupied by a commercial use. This use will most likely improve the neighborhood by occupying an existing vacant commercial space with a viable business.

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

The site is served by existing infrastructure and utilities. Vehicle access will remain from the existing curb cut from Garfield Ave S which is east of the building.

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

The off-street parking requirement for the proposed yoga studio is the same as the previous video store use. No additional parking spaces will be required unless the additional tenant spaces that have yet to be determined are occupied by a use with a higher parking requirement. The previous use for the building was a video store which was required to have one parking space per 300 square feet of gross floor area. The current requirement for a major sports and health facility is also one space per 300 square feet of gross floor area so it has been determined that no additional parking will be required for this use at this time. In addition, the Planning Divisions is currently revising the City of Minneapolis parking standards in the zoning code. Under the new provisions if adopted, the parking requirement for both uses may be reduced to one per 500 square feet of gross floor area. In addition, because this building is in the PO Pedestrian Oriented Overlay District the new provisions will require this use to provide only 75% of the required parking. For these reasons, staff believes that this use has fulfilled the parking requirement and therefore, adequate measures have been provided to minimize traffic congestion in the public streets.

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

The intersection of West 54th Street and Lyndale Ave S is recognized as a neighborhood commercial node and also an intersection where both the 54th Street and Lyndale Ave community corridors (old streetcar routes) intersect by both the Minneapolis Plan and the newly adopted Minneapolis Plan for Sustainable Growth. Community corridors support limited commercial uses that have minimal impacts on the residential character of nearby neighborhoods and the nodes remain the focal point for these small scale neighborhood serving businesses. A minor sports and health facility is considered a permitted use within the existing zoning at this node and will likely have minimal impacts on the residential properties to the east however with the addition of showers and locker rooms, a conditional use permit is now required.

This project is consistent with the following policies from the Minneapolis Plan:

4.4 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.

Applicable Implementation Steps:

- Provide for a range of commercial districts that provide the services required by the residents and businesses.
- Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps:

- Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.
- Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.
- Preserve traditional commercial storefronts at Neighborhood Commercial Nodes wherever possible.

This project is consistent with the following policies from the Minneapolis Plan for Sustainable Growth:

Policy 1.4: 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.

Applicable Implementation Steps:

- Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

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

With the approval of this conditional use permit, the proposed use will meet the applicable regulations of the C2 Neighborhood Corridor Commercial and PO Pedestrian Oriented Overlay Districts. The east parking lot will however need to comply with the Parking Area Design and Maintenance Standards in Article VII of chapter 541 of the zoning code that staff believes are practically and economically feasible. Staff believes that at a minimum, providing decorative fencing and wheel stops along the 54th Street W frontage and the Garfield Ave S frontage; and, providing either a handicap parking space on site or working with the City of Minneapolis Public Works department to gain approval to have one marked on the street directly in front of the use is practical and feasible. In addition, the refuse and recycling storage containers located within the parking area will be required to be screened per section 535.80 of the Minneapolis Zoning Code.

RECOMMENDATIONS:

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 the conditional use permit to allow for a major sports and health facility located at 612 54th Street W in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site plan.
2. 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.
3. The site must meet all applicable zoning code requirements in the district in which the use is located. This includes signage and changes to the parking area if proposed such as striping or reconfiguration of stalls.
4. Decorative fencing and wheel stops along the 54th Street W frontage and the Garfield Ave S frontage must be provided.
5. The refuse and recycling storage containers located within the parking area must be screened per section 535.80 of the Minneapolis Zoning Code.
6. At least one accessible parking space must be provided per section 541.400 of the Minneapolis Zoning Code or approvals must be sought and gained from the Minneapolis Public Works Department to have one marked on the street directly in front of the use served.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. December 6, 2008, e-mails to Ward 11 CM Benson, Amanda Vallone with the Windom Community Council, and Tom Balcom with the Tangletown Neighborhood Association
3. Application authorization letter from property owner
4. Zoning map
5. Site plan
6. Floor plans
7. Sign elevations
8. Photographs