

Department of Community Planning and Economic Development – Planning Division

**Conditional Use Permit Application
BZZ-3398**

Date: February 20, 2007

Applicant: Anytime Fitness

Address of Property: 420 N. 5th Street

Date Application Deemed Complete: January 22, 2007

End of 60 Day Decision Period: March 23, 2007

End of 120 Day Decision Period: Not applicable

Contact Person and Phone: Michael Cooper, 612-369-2780

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

Ward: 7 **Neighborhood Organizations:** Downtown Minneapolis and North Loop Neighborhood Associations

Existing Zoning: B4S-1 and B4S-2

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

Concurrent Review: None

Previous Actions: None.

Applicable zoning code provisions: Section 549.60(b) Extension of hours open to the public.

Background:

Michael Cooper has signed a new lease agreement to establish a fitness club, known as Anytime Fitness, located on the second floor of an eleven-story office building located at 420 N. 5th Street. The facility, currently undergoing renovation, will have a total gross floor area of 3,500 square feet which will house equipment for physical exercise and other personal services to patrons. The facility will be staffed from 9:00 am to 7:00 pm. The permitted business hours in Downtown Districts are from 6:00 am to 1:00 am Sunday through Saturday. The applicant is seeking a conditional use permit to allow extending its hours of operation to 24 hours everyday.

A minimum of 4 parking spaces is required for uses located in B4S downtown district per Section 541.430. There are 357 surface parking spaces for all the tenants of the office building; twelve spaces are assigned for Anytime Fitness customers and staff. No bicycle parking is proposed.

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The facility is located on the second floor, but can be accessed directly from the street through an exterior stair. It can also be accessed through the building's main door located at the north elevation. Doors are accessed only by its members using key pads. Indoor and outdoor cameras are installed for additional security, which can be monitored anywhere by the applicant. A sign permit has been approved and issued for Anytime Fitness. No other land use applications are required.

At the time of writing this staff report, no comments were received from the neighborhood associations. 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.**
The business is located in a designated Downtown District where permitted hours open to the public is from 6:00 am to 1:00 am. There are no known residential uses in the immediate surrounding area. Allowing the applicant to extend 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 in a commercial district undergoing resurgence, Anytime 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.
- 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."

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Policy 9.24 “Minneapolis will support continued growth in designated commercial areas, while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city.”

Staff comment: Approving the proposed extended business hours to Anytime Fitness could further advance the above policies of the Minneapolis Plan.

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

Sports and health facility is a permitted use in downtown districts. Approving the proposed extended business hours will not depart from the general purpose and intent of downtown zoning districts.

ADDITIONAL STANDARDS FOR EXTENDED HOURS

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 on the first floor of an office building, Anytime Fitness is not in close proximity to residential uses. Other uses in the surrounding area predominantly include parking uses and the upcoming new stadium to the south. High density residential uses are approximately located over 350 feet from the proposed business location.
- 2) **Nature of the business and its impacts of noise, light and traffic.** Generally, the business does not generate noise, light and traffic level that will create a significant impact to the surroundings.
- 3) **Conformance of use.** The existing business is a permitted use in Downtown Districts, where hours open to the public is from 6:00 am to 1:00 am. Extended business hours require a conditional use permit. From staff evaluation above, the proposed 24-hour a day operation will have no adverse effects to the surroundings and to uses permitted in the district where the property is located.
- 4) **Complaints received.** There are approximately 21 reported incidents in the premise for the past 12 months, although none of these are acute and severe in nature (please see attached CODEFOR service report from the Minneapolis Police Department).

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 extended hours for 24-hour-per-day operation of a sports and health facility located at 420 N. 5th Street.

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Attachments:

Statement of Purpose

Site Plan

Photos

CODEFOR