

Department of Community Planning and Economic Development – Planning Division

**Conditional Use Permit Application
BZZ-3659**

Date: July 16, 2007

Applicant: Snap Fitness Uptown

Address of Property: 1201 Lagoon Avenue

Date Application Deemed Complete: June 25, 2007

End of 60 Day Decision Period: August 24, 2007

End of 120 Day Decision Period: Not applicable

Contact Person and Phone: Tristan Cox, 952-200-9850

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

Ward: 10 **Neighborhood Organizations:** Lowry Hill East

Existing Zoning: C3A

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:

Tristan Cox, owner of Snap Fitness Uptown., submitted an application for a conditional use permit to allow a 24-hour business operation of Snap Fitness at 1201 Lagoon Avenue. The facility is located on the ground floor of a mixed use property in a C3A District. Business hours in C3A District are from 6:00am – 1:00am Sunday through Saturday. The property is also in a Pedestrian Overlay District and Activity Center (Hennepin Avenue at Lake Street).

The five-story mixed use building consisting of 44 dwelling units was originally granted approval in October of 2005 (BZZ-2545) that included five retail commercial spaces (approximately 11,700 square feet) on the ground floor. The parking requirement for the commercial portion of the building is 20 spaces with the understanding that no food or beverage use would locate in the building. However, with sixteen bicycle parking provided on site, the required parking was reduced to 16 spaces. The building owner has 14 parking spaces located at 2916 Emerson Avenue South, which is across the street and

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within the 300 feet from subject site and permitted under Section 541.170 of the zoning code. The remaining two spaces were granted approval on the condition that the building owner or business tenant apply for a parking variance, if needed, or find another suitable location for off-site parking that meets the distance standards of the zoning code.

The proposed Snap Fitness will require 9 parking spaces based on a 2,600 gross floor area. There are no businesses open in the building at this time. The applicant can use the 14 parking spaces available across the street, under the premise that the building owner will either apply for a parking variance, if needed, or find another suitable location for off-street parking that meets the distance standards of the zoning code for the remaining commercial spaces.

Snap Fitness will provide equipment for physical exercise to its members and two tanning beds, but does not have locker rooms. No other services or group classes will be provided. The facility will be staffed by a manager at certain hours of the day everyday. Doors will be locked during non-staffed hours and can only be accessed with electronic key cards by active members. Security measures will be installed in the premises, including six surveillance cameras that can be viewed remotely and recorded 24 hours. Ample interior and exterior lighting will also be installed. No change in building walls is proposed.

Sign proposal will be submitted at a later date and will comply with code requirements. 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 C3A district is from 6:00 am to 1:00 am Sunday through Saturday. The business fronts Lagoon Avenue, which is a designated Commercial Corridor, and also within a designated Activity Center. Commercial Corridors generally have land use pattern that is primarily commercial uses and buildings retain a traditional urban form in their siting, massing and relationship to streets. The subject property is also in an established Pedestrian Oriented Overlay District where street life and pedestrian activity are encouraged. 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.**

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Located on the ground floor of a mixed use in a commercial district and pedestrian overlay district, Snap Fitness is a business that will not adversely impact the orderly development and improvement of surrounding properties for uses permitted in the district. A couple of businesses were granted extended hours via conditional use permits within 500 feet of the subject site. The requested extended hours for Snap Fitness at 1201 Lagoon Avenue should not be injurious to the use and enjoyment of other property in the vicinity.

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. Lagoon Avenue is a designated Commercial Corridor that can accommodate traffic volumes of up to 20,000 Average Annual Daily Traffic (AADT). Parking spaces for residential tenants are provided in the basement of the building through Emerson Street South, while parking for non-residential tenants are provided across the street at 2916 Lagoon Avenue. The proposed Snap Fitness requires 9 parking spaces based on its GFA of 2,600 square feet. A total of 14 off-site parking spaces for commercial tenants were approved by the Planning Commission on October 21, 2005 with the understanding that the building owner obtain applicable parking variance as future retail uses and types of businesses are determined. No negative impact is expected to result out of the conditional use permit for extended hours 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.”

Implementation Steps:

Plan, implement and monitor projects and programs that encourage and support the city’s designated commercial areas.

Encourage comprehensive and site specific solutions that address issues of compatibility of commercial areas with surrounding uses.

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.”

Implementation Steps:

Support a mix of uses on commercial corridors – such as retail sales, office, institutional, higher density residential, and clean low-impact light industrial – where compatible with the existing and desired character of the street.

Policy 9.31 “Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Implementation Steps:

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Ensure that land use regulations support diverse commercial and residential development types that generate activity all day long and into the evening.

Staff comment: The proposed extended hours for 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 C3A districts. Approving the proposed extended business hours will not depart from the general purpose and intent of C3A district regulations.

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 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 on October 21, 2005 (BZZ-2545).

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 C3A District, where hours open to the public is from 6:00 am to 1:00 am Sunday through 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. The subject site is in an established Pedestrian Overlay District, which promotes pedestrian activity. Allowing a 24-hour business in the area will further advance this purpose.

4) Complaints received. The building is a new mixed-use building with 44 dwelling units and 5 retail spaces. There were no police calls to this subject location since January, 2006. The Police Department does not have any concerns as to the requested extended hours for Snap Fitness at this location.

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 1201 Lagoon Avenue from the permitted

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6:00am to 1:00am Sunday through Saturday to a 24-hour operation every day.

Attachments:

Statement of Purpose

Site Plan

Photos

CODEFOR