

**Department of Community Planning and Economic Development – Planning
Division**
Conditional Use Permits
BZZ-4697

Date: February 22, 2010

Applicant: Lifetime Fitness, Attn: Parham Javaheri, 2902 Corporate Place, Chanhassen, MN 55317, (952) 229-7596

Addresses of Property: 2901 Hennepin Avenue

Project Name: LifePower

Contact Person and Phone: Lifetime Fitness, Attn: Parham Javaheri, 2902 Corporate Place, Chanhassen, MN 55317, (952) 229-7596

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

Date Application Deemed Complete: January 26, 2010

End of 60-Day Decision Period: March 27, 2010

End of 120-Day Decision Period: Not applicable for this application

Ward: 10 **Neighborhood Organization:** Lowry Hill East Neighborhood Association (LHENA) and East Isles Residents Association

Existing Zoning: C3A (Community Activity Center) District and PO (Pedestrian Oriented) Overly District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 24

Lot area: 13,910 square feet or .32 acres

Legal Description: Not applicable for this application

Proposed Use: Allow a major sports and health facility within an existing building.

Concurrent Review:

- Conditional Use Permit to allow a major sports and health facility within the Old Walker Branch Library.

- Conditional Use Permit to extend the hours of operation in order to allow the facility to open at 5 a.m. instead of 6 a.m. as permitted in the C3A (Community Activity Center) district.
- Variance of the off-street parking requirement (*application will be returned*).

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, & Chapter 525, Article IX, Variances.

Background: The applicant, Lifetime Fitness, proposes to establish a new major sports and health facility called LifePower within the existing Old Walker Branch Library building located on the property at 2901 Hennepin Avenue. The property is zoned C3A and is located in a PO Overlay District. The use of the existing structure for a major sports and health facility requires a conditional use permit in the C3A district. The applicant is also proposing to open the facility at 5:00 a.m. which is one hour earlier than the C3A district allows. Therefore, a conditional use permit is also required in order to extend the hours of operation. Initially an off-street parking variance was noticed for the project, however, after conducting additional research, all required parking for the use has been grandfathered. Therefore, the application for the off-street parking variance shall be returned.

The applicant proposes to remodel the interior of the structure to accommodate a yoga, pilates and spa facility which is categorized in the Zoning Code as a major sports and health facility. The structure had most recently been utilized as a spa; as such, some of the existing interior infrastructure will be reused as part of the remodeling effort. The lower level of the structure will include a men's and women's locker room, several massage treatment rooms as well as a manicure/pedicure space. On the main level, two new yoga studios would be created with associated mechanical modifications to condition the spaces appropriately. The existing lobby finishes would be updated with a check-in desk, some associated retail, seating and storage. The mezzanine level would consist of a pilates studio.

The applicant is not proposing any modifications to the exterior of the structure as the building is a historically designated local landmark (only the exterior of the structure has protected status) and is also on the National Register of Historic Places. The applicant is currently working with the City's Preservation and Design (P&D) Staff on the exterior signage proposed for the site. It is likely that the signage will require another public hearing following the P&D review. The applicant was made aware of the likelihood of this requirement and has chosen to move forward with the appropriate land use applications at this time, agreeing to follow-up as necessary with any sign related land use applications at a later date. The applicant has also suggested that the landscaping on the site may be redesigned which is also subject to additional Planning Staff review.

Staff has not received official correspondence from the Lowry Hill East Neighborhood Association (LHENA) or the East Isles Residents Association prior to the printing of this report. Any correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

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

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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 historically designated structure is currently vacant. Allowing a major sports and health facility specializing in yoga, pilates and spa services to occupy the building should not have negative impacts on the surrounding area and will not be detrimental or endanger the public health, safety comfort or general welfare. The adaptive re-use of the building and interior upgrades proposed as part of the development proposal should provides an additional stabilizing impact/factor within the immediate vicinity. Staff further believes that the proposed uses complement the other commercial uses in the area and would further strengthen the existing commercial base within the broader Uptown neighborhood.

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 surrounding area is fully developed and no exterior modifications to the existing structure are proposed as part of the development proposal. The adaptive reuse of the structure as a major sport and health facility is appropriate for the area and will not negatively impact the adjacent uses within the immediate vicinity or impede the normal or orderly development and improvement of surrounding property 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.

The building has no associated on-site parking and as such, all parking for the use has been grandfathered. Further, the subject site is located within the heart of Uptown and is served by numerous bus lines. Off-street parking is located within the immediate vicinity, as a surface public parking lot is located to the east of the site on the MoZaic redevelopment site.

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

The Minneapolis Plan for Sustainable Growth, locates this parcel within a designated Activity Center and along Hennepin Avenue which is a Commercial Corridor in this location. The subject site is also located approximately a block and a half north of West Lake Street which is also a designated Commercial Corridor in this location. The plan has the following relevant policy and implementation steps for the proposal:

Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* 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 1.12 of *The Minneapolis Plan for Sustainable Growth* states, “Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.” This policy includes the following applicable implementation steps: (1.12.1) “Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.”

Heritage Preservation Policy 8.1 of *The Minneapolis Plan for Sustainable Growth* states, “Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture. This policy includes the following applicable implementation steps: (8.1.1) “Protect historic resources from modifications that are not sensitive to their historic significance.

The subject site is also within the boundaries of two small area plans as well. One is the *Uptown Small Area Plan* which was adopted by the City Council on February 1, 2008, which is designated as a historical resource within the plan and locates this property within the boundaries of an Activity Center. The proposal to adaptively reuse this historical resource is supported by the plan as is the integration of a daytime use into the area. The second plan is the *Midtown Greenway Land Use and Development Plan* which designates the future land use of this parcel as commercial. The proposed commercial reuse would be supported by the policies contained within this plan.

As a side note, the *Uptown Small Area Plan* focuses on parking management practices due to the fact that Public Works conducted a study approximately a year before the start of the small area plan. This study found that there was enough parking the majority of the time within the vicinity, exceptions of course being on Friday and Saturday nights. The provision of bringing in a yoga, pilates and spa facility would likely result in an increase in daytime traffic, which has been a desire expressed by the neighborhood. Also,

with the expansion of the Calhoun Square parking ramp and the addition of Mozaic’s parking ramp (should the project be constructed), parking options will continue to expand within the immediate neighborhood in the future.

It is Planning Staff’s position that the proposal to locate a major sports and health facility into the existing building would be in conformance with both the adopted *Uptown Small Area Plan* and the *Midtown Greenway Land Use and Development Plan*.

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.

If the conditional use permits are approved, the proposal would appear to comply with all of the applicable provisions of the C3A district. Proposed signage would need to comply with the requirements in the Zoning Code as well as the HPC guidelines, and a separate permit would also need to be attained.

CONDITIONAL USE PERMIT – for extended hours

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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.

Planning Staff does not believe that allowing the facility to open one hour earlier than typically allowed under the C3A district regulations would be detrimental to or endanger the public health, safety, comfort or general welfare. Planning Staff has consulted with the applicable Police Precinct and expects to communicate with the precinct commander prior to the public hearing.

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.

Planning Staff does not believe that allowing the business to open at 5 a.m. as opposed to 6 a.m. (which is typically allowed under the C3A district regulations) would be injurious to the use and enjoyment of other property in the vicinity and would likely not impact the normal or orderly development and improvement of surrounding property for uses permitted in the district. The surrounding area is fully developed and the subject site is located within a designated Activity Center. Activity Centers support a wide range of commercial, office, and residential uses and typically have a busy street life with activity throughout the day and into the evening. They are heavily oriented towards pedestrians

and are also well-served by transit. There are several establishments within the immediate vicinity that operate with extended hours (although notably, operate predominately under late night hours). Planning Staff believes that the proposed hours of operation for the business would be compatible with the adjacent land uses and zoning classifications and is appropriate given the surrounding context.

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.

The application for extended hours should not have any additional impacts on congestion in the public streets beyond that allowed under the existing hours. There is no associated off-street parking for the existing building or business.

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

See the above listed response to finding #5 in the conditional use permit application pertaining to the major sports and health facility.

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

If the conditional use permits are approved, the proposal would appear to comply with all of the applicable provisions of the C3A district. Proposed signage would need to comply with the requirements in the Zoning Code as well as the HPC guidelines, and a separate permit would also need to be attained.

Additional Findings Required for Extension of Hours Open To the Public:

(1) Proximity to permitted or conditional residential uses.

The majority of the properties located within the immediate vicinity are zoned C3A. The parcels located across Hennepin Avenue to the west (the library, The Mall and YWCA) are zoned OR2. All abutting parcels to the north, south and east are zoned C3A. There are no residential uses located immediately adjacent to the subject site, however, there are residential uses to the north, east and west, but at distances that won't be impacted by the extended hours request.

(2) Nature of the business and its impacts of noise, light and traffic.

Planning Staff would not expect that a minor extension of operational hours to allow the facility to open one hour earlier than typically permitted would result in substantive impacts of noise, light and traffic within the immediate vicinity. Any noise or light emanating from the business would be minimal and directed towards Hennepin Avenue. No on-site parking is available.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The use as a major sports and health facility is conditional in the C3A District. The structure is existing and is a historically designated local landmark. With the approval of the conditional use permit for the use and the extended hours request the proposal would be in conformance with the applicable zoning regulations. As noted above, the building is legally nonconforming related to the minimum number of off-street parking spaces.

(4) History of complaints related to the use.

There is no history of complaints related to the use on the premises as the use is just being established. Planning Staff is in the process of communicating with the City's Police Precinct officer regarding the proposed extension of operational hours.

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 findings above and **approve** the conditional use permit to allow a major sports and health facility within the existing building located on the property at 2901 Hennepin Avenue subject to the following condition:

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. Exterior modifications including signage and landscaping shall be reviewed by the City's Preservation and Design Staff.
3. No signage is being approved as part of the land use approvals. All signage shall be subject to the applicable heritage preservation guidelines and Chapter 543 standards. Separate permits must be attained.

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 findings above and **approve** the conditional use permit to allow the major sports and health facility to open at 5:00 a.m. daily on the property located at 2901 Hennepin Avenue subject to the following condition:

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.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the off-street parking variance:

The application has been **returned**.

Attachments:

1. Description of project and findings
2. Correspondence including neighborhood letters
3. Zoning map
4. Plans – site survey, site plan, floor plans, elevations, landscape plans
5. Historic info from City website
6. Photos