

Department of Community Planning and Economic Development – Planning Division

**Conditional Use Permit Application
BZZ-3480**

Date: April 23, 2007

Applicant: Kenwood Partners LLC & P.A.K. Limited Partnership

Address of Property: 1010 W. Lake Street

Date Application Deemed Complete: March 26, 2007

End of 60 Day Decision Period: May 25, 2007

End of 120 Day Decision Period: Not applicable

Contact Person and Phone: Tim Prinsen, 952-897-7748

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

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

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, and Article II Pedestrian Oriented Overlay District of Chapter 551.

Background:

Tim Prinsen, on behalf of Kenwood Partners LLC & P.A.K. Limited Partnership, submitted an application for a conditional use permit to allow a 24-hour business operation of Anytime Fitness at 1010 W. Lake Street. The property is zoned C2 District, which allows businesses hours from 6:00am – 10:00pm Sunday through Thursday, and from 6:00am – 11:00pm Friday and Saturday. It is also within a designated Pedestrian Oriented (PO) Overlay District. Lake Street is a designated Commercial Corridor and is serviced by public transit routes.

The one-story building has six retail commercial spaces, consisting of an office, a money exchange store, Verizon Wireless, Curves for Women, and Spin Cycle, which is already operating 24 hours a day (BZZ-993). The space that was once a video store will be occupied by Anytime Fitness, with a total floor area of 3,720 square feet. The facility will only provide equipment for physical exercise to its

Minneapolis City Planning Department Report
BZZ-3480

members. No other services will be provided. Security measures will be installed such as coded entry access and surveillance cameras.

Chapter 541 of the zoning code requires 36 off-street parking spaces as the sum of the required parking of each business in the property. Forty-two parking spaces are provided on-site located between the building and Dupont Avenue S. Twelve parking spaces are assigned for Anytime Fitness in compliance with the code. No bicycle parking is proposed. Applicant is not requesting sign approvals at this time.

The applicant had presented the proposal to Lowry Hill East Neighborhood Association (LHENA) and obtained support to proceed subject to some conditions stated in the attached letter. At the time of writing this staff report, no other 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 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 Lake Street, which is a designated commercial corridor. There are no residential uses in the immediate surrounding area. One business at the same location was granted a CUP for extended hours in 2004 (BZZ-993), while a 24-hour grocery store is located one block west on Lagoon Avenue. 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. The neighborhood group, LHENA, supported the proposed 24-hour business subject to conditions that are also outlined in Section 530.260 and Section 535.95 of the zoning code that include natural surveillance and windows to remain unblocked (see attached comment).

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 that is fully developed, 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. Lake Street is a designated Commercial Corridor that can accommodate traffic volumes of up to 20,000 Average Annual Daily Traffic (AADT). The proposed Anytime Fitness will occupy the space that was formerly a video store. Parking requirements for a video store and sports/health facility are the same at one space per 300 square feet of GFA (Table 541-1). Including the proposed facility, a combined total of 36 parking spaces is required on site. There are currently 42 on-site parking located in front of the building accessed from Dupont Avenue. 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: A couple of existing businesses are already open 24 hours everyday in the immediate surroundings. 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, 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

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 one-story retail commercial building, Anytime Fitness is not in close proximity to residential uses. Other uses in the surrounding area and along Lake Street are C2 uses except an OR2 adjacent to subject site. The nearest high density residential uses are located one block east and to the north, while the area south of C2 district along Lake Street is predominantly R2B residential.
- 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 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

Minneapolis City Planning Department Report
BZZ-3480

proposed 24-hour a day operation will not have adverse effects to the surroundings and to uses permitted in the district where the property is located.

4) Complaints received. There are approximately 14 reported incidents in the premise for the past 12 months, although none of these are considered severe and life threatening 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 an extended hours to Anytime Fitness located at 1010 W. Lake Street from the permitted 6:00am to 10:00pm Sunday through Thursday and from 6:00am – 11:00pm Friday and Saturday to a 24-hour per day operation.

Attachments:

Statement of Purpose
Site Plan
Photos
CODEFOR