

**Department of Community Planning and Economic Development – Planning Division**

**Conditional Use Permit Application  
BZZ-3811**

**Date:** October 29, 2007

**Applicant:** Jeff Berman

**Address of Property:** 625 4<sup>th</sup> Avenue S., #170

**Date Application Deemed Complete:** October 5, 2007

**End of 60 Day Decision Period:** December 4, 2007

**End of 120 Day Decision Period:** Not applicable

**Contact Person and Phone:** Jeff Berman, 612-339-1991

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

**Ward:** 7      **Neighborhood Organizations:** Downtown West and Elliot Park

**Existing Zoning:** B4-1

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

**Concurrent Review:** Downtown Parking Overlay District

**Previous Actions:** None

**Applicable zoning code provisions:** Section 549.60 hours open to the public; Article IX of Chapter 551

**Background:**

Jeff Berman submitted an application for a conditional use permit to allow a 24-hour business operation of Snap Fitness at 625 S. 4<sup>th</sup> Avenue. A sports and health facility is a permitted use in the B4 District; and the permitted hours are from 6:00am – 1:00am Sunday through Saturday.

The Snap Fitness will occupy a total of 2,841 square feet of ground floor space in an existing high rise office building (Thrivent Financial for Lutherans). The facility will only provide equipment for physical exercise and a tanning room to its members. No other services such as training classes will be provided. Security measures including coded entry access and surveillance cameras will be installed within the facility, in addition to the existing surveillance cameras the building provided. Other businesses on the first floor include a convenience store, a hair salon, and a vacant retail space.

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The property is surrounded by office uses in all directions. The nearest residential district is located a few blocks away within Elliot Park neighborhood. The nearest residential development is a block away to the east.

The building was constructed in 1981 and is located in a designated Downtown Parking Overlay District. Its parking requirement in B4-1 district is deemed compliant to Section 541.420(b)(1) of the zoning code. On-street parking are also available on some streets, in addition, surface parking lots are also available in the surrounding area.

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 hours open to the public for businesses in B4 downtown district is from 6:00 am to 1:00 am Sunday through Saturday. Snap Fitness will be located on the first floor of an existing office building that was built in 1981. Parking requirements for this building is deemed compliant of Section 541.420 of the zoning code. The property is located where it is not in close proximity to any residential developments. Given the nature of a fitness facility, extended hours to operate 24 hours a day would 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 downtown district that is fully developed, Snap Fitness is a business that will not adversely impact the orderly development and improvement of surrounding properties for uses permitted in the district. It is located inside of an existing office building on the first floor where its access is only through the building's main door. The building is adequately equipped with surveillance cameras.

**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. Downtown traffic tends to be less after office hours. Parking facilities in the

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surrounding areas are available to the general public. On-street parking along 6<sup>th</sup> Street is also allowed. There are no negative impacts 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.”

*Implementation Step:*

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

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.”

*Implementation Step:*

Encourage the economic vitality of the city’s commercial districts while maintaining compatibility with the surrounding areas.

Staff comment: Given the nature of the business, Snap Fitness will not create substantial noise even during the night hours. Built in 1981, the building is compatible with neighboring residential district in Elliot Park. Snap Fitness will occupy an interior space on the first floor where it will not affect this residential district. Approving the proposed extended business hours to Snap 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 B4 downtown district. Approving the proposed extended business hours will not depart from the general purpose and intent of B4 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.** Snap Fitness is not directly adjacent to any residential development in the area. Other uses in the surrounding area are uses permitted in the B4 downtown district. The nearest residential development is located in the Elliot Park neighborhood, which is one block away on Portland Avenue. These residential uses are generally in a high density high rise developments.

**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.

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**3) Conformance of use.** The existing business is a permitted use in B4 downtown 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 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 24 reported incidents from January, 2006 through October, 2007 (please see attached CODEFOR service report from the Minneapolis Police Department). None of these calls appear to be life-threatening in nature.

**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 Tangletown located at 625 South 4<sup>th</sup> Avenue from the permitted 6:00am to 1:00am Friday through Saturday to a 24-hour operation every day, 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.

**Attachments:**

Statement of Purpose  
Site Plan  
Photos  
CODEFOR