

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

**Conditional Use Permit Application  
BZZ-3767**

**Date:** October 1, 2007

**Applicant:** Snap Fitness Tangletown, LLC

**Address of Property:** 5411 Nicollet Avenue S.

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

**End of 60 Day Decision Period:** November 5, 2007

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

**Contact Person and Phone:** Kevin Oliver, 952-237-7948

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

**Ward:** 11      **Neighborhood Organizations:** Tangletown

**Existing Zoning:** C1

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

**Concurrent Review:** None

**Previous Actions:** None

**Applicable zoning code provisions:** Section 548.230 hours open to the public

**Background:**

On behalf of Snap Fitness Tangletown, LLC, Kevin Oliver submitted an application for a conditional use permit to allow a 24-hour business operation of Snap Fitness at 5411 Nicollet Avenue S. A sports and health facility is a permitted use in the C1 District; and the permitted hours are from 6:00am – 10:00pm Sunday through Thursday, and from 6:00am – 11:00pm Friday and Saturday.

The one-story commercial building is located in a designated Neighborhood Commercial Node along Nicollet Avenue S., which is also a designated community corridor. Medium density residential uses are located to the east of the designated node. Other existing retails in the building included an audio/video store, art frame store, an office and an auto parts store. The proposed Snap Fitness will occupy the space that is currently occupied by the Frame Factory, which in turn will move next door adjacent to Snap Fitness. The sports facility will have a gross floor area of 2,700 square feet. There are currently 26 parking spaces onsite located north of the building and 6 parking spaces at the rear.

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Chapter 541 of the zoning code requires 30 off-street parking spaces as the sum of the required parking of each business in the property. The proposed Snap Fitness will need 9 spaces to be in compliance with Table 541-1 of the zoning code. No bicycle parking is proposed. Applicant is not requesting sign approvals at this time.

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 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 a designated community corridor which is also a neighborhood commercial node. Other businesses in the node include retail shops that are generally permitted in a C2 District. Surrounding the property are residential uses in R5 and R6 Districts, except to the north across 54<sup>th</sup> Street where it is predominantly R1 uses. Given the nature of a fitness facility, extended hours to operate 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 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.

**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. Nicollet Avenue S. is a designated Community Corridor that can accommodate traffic volumes of up to 15,000 Average Annual Daily Traffic (AADT). Including the proposed facility, a combined total of 30 parking spaces for all businesses is required on site. The property has 32 existing parking spaces that meet the requirement of Table 541-1 of the zoning code. 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.”

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: Given the nature of the business, Snap Fitness will not create substantial noise even during the night hours. 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 C1 districts. Approving the proposed extended business hours will not depart from the general purpose and intent of C1 district regulations. The conditional use permit triggers the need to bring the property into compliance with the parking and loading landscaping and screening standards of the zoning code. Landscaping and screening along the east property line and along 54<sup>th</sup> Street are not in compliance with Section 530.170 of the zoning code. Parking spaces located north of the building are not striped, which is also not in compliance with Section 541.320 of the zoning code.

**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 the interior side of an existing commercial building, Snap Fitness is not directly adjacent to any residential development in the area. Other uses in the surrounding area are C1 uses within the neighborhood commercial node, and medium density residential to the east of the commercial node, which is screened with vines on a chain link fence. A rear concrete wall separates the rear parking from its adjacent residential use.
- 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 C1 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 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 4 reported incidents in 2006 but nothing for the recent year (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 Snap Fitness Tangletown located at 5411 Nicollet Avenue S. 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 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. The applicant will work with property owner to ensure that landscaping and screening of parking area and striping of parking spaces are in compliance with Sections 530.170 and 541.320 of the zoning code, respectively.
3. Site improvements shall be implemented by October 1, 2008, unless extended by the zoning administrator, or the conditional use permit may be revoked for non-compliance.

**Attachments:**

Statement of Purpose  
Site Plan  
Photos  
CODEFOR