

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5442

Date: January 9, 2012

Applicant: Dean Coddington

Address of Property: 3252 Lake Street West

Project Name: Orange Theory Fitness

Contact Person and Phone: Steve Johnson, (651) 982-9042

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: December 15, 2011

End of 60-Day Decision Period: February 13, 2012

Ward: 10 **Neighborhood Organization:** Cedar Isles Dean (adjacent to West Calhoun)

Existing Zoning: C3S Community Shopping Center District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 23

Legal Description: Not applicable for this application

Proposed Use: Major sports and health facility.

Concurrent Review: Conditional use permit to allow a major health and sports facility.

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

Background: The applicant is proposing to install a shower facility in Orange Theory Fitness located at the property of 3252 Lake Street West. The existing use occupies about 3,380 square feet in the Calhoun Village shopping center. Because a shower facility is proposed, the use is classified as a major sports and health facility. This use is allowed with a conditional use permit in the C3S district. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development 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.

Establishing a major sports and health facility on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 site is located within a major retail center designated by the comprehensive plan. Uses directly adjacent to the tenant space are all nonresidential. The site is adjacent to the Midtown Greenway. High density dwellings are located within the immediate area. The proposed use would be very similar to a minor sports and health facility,¹ which is a permitted use in the C3S district. However, a minor sports and health facility is not allowed to be equipped with shower facilities. The proposed use should have little impact on surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site is served by existing infrastructure.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The minimum parking requirement for a major sports and health facility is 1 space per 500 square feet of gross floor area plus parking as required by this chapter for applicable indoor recreation areas. The cardio and exercise areas are subject to a minimum parking requirement equal to 20 percent of the capacity of persons. Approximately 2,298 square feet of the 3,380 square foot tenant space would be occupied by the cardio and exercise areas, requiring 31 parking spaces. Two spaces are required for the remaining floor area of the tenant space. Therefore a total of 33 parking spaces are required for this use. Including the proposed use, the total minimum parking requirement for the entire shopping center at this time is approximately 195 parking spaces. A total of 360 parking spaces exist on the site. The parking is shared among all the shopping center tenants.

¹ Section 520.160. Definitions. *Sports and health facility, minor.* A facility, for profit or nonprofit, where members or nonmembers pay a fee to use equipment or space for the purpose of physical exercise. A minor sports and health facility may include aerobics, weight training, muscular exercise programs, yoga, pilates or other similar activities. A minor sports and health facility shall not include shower facilities.

Transportation alternatives are also available. A fair number of the patrons would likely be pedestrians because of the sites proximity to high-density residential properties. The site is in close proximity to three bus routes. It also has direct access to the Midtown Greenway adjacent to the loading area. Section 541.180 of the zoning code requires a minimum of 3 bicycle parking spaces for a major sports and health facility. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frames or components. Although 12 bicycle parking spaces are located on the site, they are not located within 50 feet of the entrance to the proposed use. Staff is recommending that at least 3 spaces are provided within 50 feet of the Orange Theory Fitness entrance.

With these measures and the installation of the recommended bicycle parking, the use should have little effect on traffic congestion.

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

The future land use of the site is designated as mixed use by *The Minneapolis Plan for Sustainable Growth*. The site is located within the Calhoun and Excelsior major retail center. The part of Lake Street adjacent to the site is designated as a commercial corridor. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.4: 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.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

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

Policy 1.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic.

1.16.4 Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.

The *Midtown Greenway Land Use and Development Plan* designates the subject site as commercial/preferred mixed use on the future land use plan.

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Staff comment: The use should help strengthen the success of the commercial corridor and retail center. With the installation of additional bicycle parking, the proposed use would be consistent with these policies.

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.

Two signs have been installed. Signage is regulated by Chapter 543 of the zoning code. In the C3S district, wall signs up to 300 square feet in area are allowed if the total amount of signage on a primary building wall does not exceed 2 square feet for each linear foot of building wall. There is no height limit for wall signs and externally and internally lit signs are allowed. Back lit signs are not allowed. The signs need to comply with these requirements and require Zoning Office review, approval, and a permit. Permits were not obtained for the signs.

The City approved a site plan for this property in 1987, which shows the parking lot layout and landscaped islands and yards. It does not show additional landscaping information. The owner of the site provided the landscaped plan used for the construction of the project. The site appears to be in substantial compliance with the plan previously approved by the City and the original landscape plan.

With the approval of the conditional use permit, the use would comply with the applicable regulations of the district.

RECOMMENDATION

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 above findings and **approve** the conditional use permit to allow a major sports and health facility located at the property of 3252 Lake Street West, subject to the following conditions:

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. At least three bicycle parking spaces shall be provided that comply with the standards of section 541.180 of the zoning code.
3. Permits for the exterior signage shall be obtained as required by section 543.100 of the zoning code.
4. Required site improvements shall be completed by January 9, 2013 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

- 1) Applicant's statement of proposed use and responses to findings
- 2) Zoning map
- 3) Plans
- 4) Photos