

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit
BZZ-5067

Date: February 7, 2011

Applicant: Autumn Stone LLC, DBA Anytime Fitness

Address of Property: 2929 University Avenue Southeast

Project Name: Anytime Fitness University Franchise Extended Hours

Contact Person and Phone: Fred Bertron, (612) 823-3120

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: January 13, 2011

End of 60 Day Decision Period: March 14, 2011

Ward: 2 Neighborhood Organization: Prospect Park East River Road

Existing Zoning: I1 Light Industrial, IL Industrial Living, and PO Pedestrian Oriented Overlay District

Zoning Plate Number: 22

Existing Use: Sports and health facility, minor, as a tenant in existing multitenant commercial building

Conditional Use Permit: To extend the hours of operation of a sports and health facility, minor, to 24 hours per day, seven days a week. The I1 District generally permits hours between 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 548 Commercial Districts; and Chapter 551, Article II Pedestrian Oriented Overlay District.

Background: The subject property is a redevelopment/reuse site that was utilized as a Kemps milk production and distribution facility for many years. On October 21, 2005, the Planning Commission approved a request to rezone the property add the IL Industrial Living overlay district to the existing I1 Industrial zoning of the property in advance of a redevelopment of the site performed by the current owner. The property converted the use in the majority of the existing buildings on the site for purposes of a series of individual auto repair businesses that operate where a warehouse was formerly located near the rear of the site as approached from University Avenue. Several general retail sales and service oriented businesses and offices now occupy the former Kemps offices at the front of the building. One of these is a sports and health facility, minor, doing business as "Anytime Fitness", which has been operating on the site since September 2006 according to permits issued by the Regulatory Services department. The PO Pedestrian Oriented and UA University Area overlay districts have also been

CPED Planning Division Report
BZZ-5067

applied to the property in the past several years, although these districts do not impact the review of the current application for the Conditional Use Permit.

The applicant recently acquired the business, and while in the process of applying for a license to operate a tanning bed on the premises, he was informed of the zoning regulations which require the Conditional Use Permit to operate beyond the normal hours of operation permitted by the zoning code. The I1 district typically permits a business to be open to the public between the hours of 6:00 a.m. to 10:00 p.m. Sunday through Thursday, and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to extend the hours of operation from those allowed in the I1 district in order to operate the existing sports and health facility 24 hours per day, seven days per week as he has done since the business opened on the site.

Staff contacted the Minneapolis Police Department regarding any concerns the agency may have with this application, and has received no complaints. Notice was also provided to the Prospect Park East River Road Improvement Associations.

CONDITIONAL USE PERMIT (to allow extended hours of operation for an existing major sports and health facility in the C2 and PO Districts):

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The subject property consists of an existing business operating out of a multiple tenant commercial building on a commercial corridor near the east bank of the University of Minnesota campus. The permitted hours of operation in the I1 District are from 6:00am to 10:00pm Sunday through Thursday and 6:00am to 11:00pm Friday and Saturday. The applicant is requesting to extend the hours open to the public to permit the sports and health facility, minor to be open 24 hour per day, seven days a week.

The subject site is located along the portion of University Avenue Southeast (between Washington Avenue and Emerald Street Southeast) which is designated as a Commercial Corridor by the Minneapolis Plan for Sustainable Growth. The property is located adjacent to the future 29th Avenue Station of the Central Corridor light rail line, to be completed in 2014. The site is located on the north side of University Avenue between the Southeast Minneapolis Industrial Area and a residential neighborhood (Prospect Park) across the street to the south. A mix of different land uses exist along University Avenue, including properties zoned commercial and residential. The proposed fitness facility is currently operating at this site, and it is typical of the businesses within the mix of land uses in the area. Although the applicant needs to obtain the Conditional Use Permit to bring the use into conformance with zoning district regulations applicable to the property, it is not out of character with the development of the surrounding area. CPED staff does not anticipate the proposed use will

CPED Planning Division Report

BZZ-5067

endanger the public health, safety, comfort or general welfare, especially in the context of the surrounding land uses.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and may impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The applicant is requesting to extend the hours open to the public to permit the sports and health facility, minor to be open 24 hour per day, seven days a week. The applicant has indicated that no changes are proposed to the building or the site to accommodate the proposed CUP. The use of the subject property for a sports and health facility is permitted in IL Industrial Living Overlay district, and is consistent with the range of commercial service oriented businesses typically found in this zone. While there are no other sports and health facilities in the immediate vicinity of the subject property, on May 21, 2007 the Planning Commission approved a similar application for a Conditional Use permit for 24 hour operations by Snap Fitness in a mixed use building at 101 Broadway Street Northeast. Staff believes that the proposed hours of operation will not be injurious to the use and enjoyment of other properties or impede orderly development in the area given the surrounding land uses.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

a) Proximity to permitted or conditional residential uses.

The subject property is located within an existing multitenant commercial building on a site shared by other buildings which house a series of auto repair businesses which combine to occupy an entire wedge shaped block in the 29th Avenue Transit Station area. Currently, the site is bounded by a variety of different zoning districts and land uses. The Southeast Minneapolis Industrial Area (SEMI) is located to the north and west, Restaurants, offices and commercial uses flank the site on either side of University Avenue. The nearest permitted or conditional residential uses include the newly built mixed use project M Flats condominium at 2900 University Avenue Southeast. Existing residential neighborhoods lie across University Avenue to the south, just beyond the commercial corridor (the Prospect Park area) and along the University of Minnesota Transitway roughly situated between 4th Street and the SEMI area to the north and east of the subject property. However, none of these residential uses or areas are within 200 feet from the building entrance to Anytime Fitness. There are no residential units on the property, and thus there should be no negative affects of this use on residential uses in the area.

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

The existing use is a fitness center located in a multiple tenant commercial building. The applicant has requested to extend the hours of operation to 24 hours per day, seven days per week. There are approximately 20 off-street parking spaces located in an existing parking lot on the subject site adjacent to the entrance to the fitness facility. This lot should be adequate to handle any additional traffic to the site, especially since the other businesses are not open beyond normal business hours. The property fronts a stretch of University Avenue Southeast which is designated as a Commercial Corridor between

CPED Planning Division Report

BZZ-5067

Washington Avenue and Emerald Street Southeast by the Minneapolis Plan for Sustainable Growth. The range of businesses found in subject property are typical of the neighborhood serving retail sales and service uses found in Industrial Living overlay districts throughout the City, including the fitness facility. CPED staff does not believe that the nature of the business or the proposal to extend the hours of operation will result in adverse, off-site impacts to such as additional traffic, noise, or parking congestion.

c) Conformance of use.

The business has been in operation since approximately 2005 at this location. CPED staff learned of the applicants' request to bring the use of the property, a sports and health facility, into compliance with I1 Light Industrial district regulations related to hours after his effort to obtain a license for a tanning bed on the premises. A "sports and health facility, minor" is not listed among uses allowed in the I1 zone, but it is a permitted use in the IL Industrial Living overlay zoning district. Should the Planning Commission grant the request for extended hours, the land use will be in conformance with the Minneapolis Zoning Code.

d) Complaints received.

Staff has not received any complaints regarding the business at the subject site related to operations beyond the normal hours allowed by the Zoning Code. Staff received no objections from the Minneapolis Police when asked about this request. However the MPD mentioned there has been an increase in the number of burglaries in the area, and has requested the applicant take appropriate measures to ensure the safety and security of persons and property (flat screen TV's and other equipment have been stolen) on the premises by recording serial numbers and marking items for easy identification/recovery in the event of a loss.

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

The site is well served by existing infrastructure, such that adequate utilities, roads, drainage, and other facilities have been provided by current improvements in the area.

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

The use is located in an existing building within the 29th Avenue Transit Station Area Pedestrian overlay district. According to the Minneapolis Plan for sustainable growth, transit station areas are characterized by development designed with the pedestrian, bicyclist, and/or transit user in mind, and the subject property reflects this characterization. The property is well served by existing public transportation, including the 16 and 50 Metro Transit bus lines, and will be adjacent to the 29th Avenue Station when the Central Corridor Light Rail line commences in or after 2014. Many of the patrons to the facility reside in the area and are able to either walk or bike to the site, especially students from the nearby University of Minnesota. An existing parking lot near the entrance to the Anytime Fitness facility serves patrons to the offices and retail uses on the property in addition to the fitness center itself. Additional parking serving the site is located on the northeast side of the building, and on the street surrounding the site. CPED staff believes the existing parking is adequate for site conditions, and does not anticipate the approval of the Conditional Use permit would result in any further congestion of public streets.

CPED Planning Division Report

BZZ-5067

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth identifies the portion of University Avenue Southeast between Washington Avenue and Emerald Street Southeast as a Commercial Corridor. The property is located adjacent to the future 29th Avenue Transit Station and is located within the 29th Avenue Southeast Pedestrian Oriented overlay zone, as well as the University Area and Industrial Living overlay districts. The property is located in a large mixed use area located approximately 500 feet east of the University Avenue Southeast Activity Center, and approximately ½ mile from the University of Minnesota, which is defined as a Growth Center in the plan (See appendix 1.2b). The immediate area features a variety of retail sales and services businesses, including a grocery store, bank, daycare, and computer repair shop, as well as several office buildings, and a mix of restaurants and other commercial enterprises. The applicant proposes to extend hours of operation for a small scale service business in the neighborhood, which is consistent with implementation steps in the comprehensive plan as discussed below.

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.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

Policy 1.12: 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.

1.12.1 Encourage a variety of commercial and residential uses that generate activity all day long and into the evening.

1.12.2 Encourage mixed use buildings, with commercial uses located on the ground floor and secure entrances for residential uses.

1.12.3 Encourage active uses on the ground floor of buildings in Activity Centers

Staff believes that the proposed use is also consistent with these policies of the comprehensive plan.

6. And, the conditional use shall in all other respects conform, to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of this conditional use permit, the use will be in conformance with the applicable regulations for the C2 commercial zoning district and all other applicable land use regulations.

RECOMMENDATIONS:

CPED Planning Division Report

BZZ-5067

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for extended hours:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to extend the hours of operation to 24 hours per day, seven days a week, for a sports and health facility, minor, existing at 2929 University Avenue South in the I1 Light Industrial, IL Industrial Living, and PO Pedestrian Oriented, and UA University Area overlay district, subject to the following condition of approval:

- 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:

1. Written description and findings submitted by the applicant
2. Email transcript to/from Prospect Park East River Road Improvement Association.
3. Email transcript to Councilmember Cam Gordon's office
4. Authorization from the property owner (David Barnhardt)
5. Zoning map
6. Floor plans
7. Photos of the site and surrounding area