

PL202400051
PL2024-51

GENERAL INFORMATION

Applicant: Veronica Mendez (Applicant)
9501 Lyndale Ave S LLC (Owner)

Location: 9501 Lyndale Ave S

Request: Conditional use permit for a health club use in an existing tenant space at the Oxboro Service Center.

Existing Land Use and Zoning: Neighborhood Shopping Center; zoned B-4 Neighborhood Commercial Center with a Planned Development (PD) Overlay

Surrounding Land Use and Zoning: North – multi-family senior building; zoned R-1(PD)
South – drive-through restaurant; zoned B-4
East – multi-family senior building; zoned RM-24(PD)
West – financial institution; zoned B-4(PD)

Comprehensive Plan Designation: Community Commercial (CC)

HISTORY

City Council Action: 09/18/23 – Approved a rezoning from B-2 to B-4 (Case #PL2023-106)

City Council Action: 08/18/08 – Approved a Conditional Use Permit for a fitness center at the Oxboro Service Center (Case #09457A-08).

CHRONOLOGY

Planning Commission 05/09/2024 Public Hearing scheduled

DEADLINE FOR AGENCY ACTION

Application Date:	04/03/2024
60 Days:	06/02/2024
Extension Letter Mailed:	No
120 Days:	08/01/2024
Applicable Deadline:	06/02/2024
Newspaper Notification:	Confirmed (04/25/24 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500 buffer – 10 day notice)

STAFF CONTACT

Dakota Crowell, Planner
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PROPOSAL

StrongFitness by Verito is a membership-based fitness center that provides daily workout classes. The facility is set up with free weights as well as Zumba. The fitness center is open every morning from 9-11am as well as 6-8pm Monday-Thursday for classes. The fitness center requires a sign up to attend classes and does not offer an open gym format between classes. Customers only arrive for the class and then leave. Each class can have up to 25 people, but currently sees anywhere between 5-20 members at one time. The applicant is also proposing to sell pre-workout and protein supplements. The fitness center is approximately 2,200 square feet (11.3 percent) of a 19,364 square foot building.

BACKGROUND

The applicant has been operating out of the Oxboro Service Center. This tenant space was a former Snap Fitness and had a Conditional Use Permit (CUP) approved for a fitness center/health club use with Case #09457A-08. A CUP runs with the property and can be used by a new tenant for the same use. The property owner thought the former CUP was still in good standing and allowed the applicant to move in. The Environmental Health Division received an anonymous inquiry about the new tenant, and it was then determined by staff that the previous CUP for Snap Fitness had expired.

Snap Fitness vacated the space sometime between 2019-2021 and no other tenant had moved in until this applicant in early 2024. A CUP expires if the conditional use ceases operation for a continuous period of one year or longer. Thus, the applicant has now applied for a new CUP for their fitness center.

ANALYSIS

Health club uses are conditional limited uses in the B-4 Zoning District, meaning they require a Conditional Use Permit and cannot constitute more than 25 percent of the total floor area in a building. Health club uses include any use where someone pays a fee to use equipment or space for the purpose of physical exercise, which includes a class-based fitness center use.

The fitness center would occupy an approximately 2,200 square foot space, which represents about 11 percent of the overall building floor area. The floor plan for the fitness center is an open room with a few free weight stations and a front reception area.

There are no exterior modifications proposed for the building or the site, outside of a future exterior wall sign. The lighting and landscaping must be maintained in accordance with the approved plans for the service center. Parking was reviewed with the previous Conditional Use Permit and was determined to be adequate for a fitness center. The tenant mix has not changed since then, so staff determined there is adequate parking to accommodate this use and the other existing uses in the retail center. There are 85 parking stalls on site and the required health club parking is 9 stalls.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04 (e) (1)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made - The property is guided Community Commercial in the Comprehensive Plan. The proposed use is a conditional limited use in the B-4 zoning district and would only be allowed to occupy a maximum of 25% of the building. Subject to compliance with the City Code, this use is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made - The Lyndale Avenue Suburban Retrofit Plan identified that uses in the B-4 zoning district were more compatible with the future vision of the corridor. The Plan supports a variety of personal and other retail services for the corridor and surrounding neighborhood. The proposed use is not in conflict with the District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made - The proposed use is a conditional limited use and will occupy less than 25% of the total floor area for the retail center. The proposed fitness center complies with all applicable City Code provisions, subject to compliance with the proposed conditions of approval.

Required Finding	Finding Outcome/Discussion
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made - The proposed fitness center is not of a scale or nature to create an excessive burden on parks, schools, streets and other public facilities and utilities. There was another fitness center in operation for 11-13 years without any complaints or known issues.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – The proposed fitness center will not create a situation that would be injurious to the surrounding neighborhood or otherwise harm public health, safety, and welfare. There was another fitness center in operation for 11-13 years without any complaints or known issues. Health club and fitness uses generally support the health and welfare of the public.

RECOMMENDATION

Note the Planning Commission has final approval authority on this Conditional Use Permit application unless an appeal to the City Council is received by 4:30 p.m. on May 14th.

Staff recommends approval through the following motion:

In Case #PL2024-51, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a health club use located at 9501 Lyndale Ave, subject to the conditions and Code requirements listed in the resolution.

RECOMMENDED CONDITIONS OF APPROVAL

Case #PL2024-51

Project Description: Conditional use permit for a health club use at the Oxboro Service Center located at 9501 Lyndale Ave. A health club use is conditional limited use and cannot constitute more than 25% of the total floor area in a building.

Address: 9501 Lyndale Avenue S

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Food service plans must be approved by the Environmental Health Division.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit A building permit for all required changes to accommodate the proposed use must be obtained.
4. Ongoing Signs must be in compliance with the requirements of Chapter 21, Division D of the City Code.
5. Ongoing All trash and recyclable materials must be stored inside the principal building. See §21.301.17
6. Ongoing Health club uses also cannot exceed 25% of the total floor area of the Oxboro Service Center.