

## GENERAL INFORMATION

Applicant: Planet Fitness (user)  
Osborne Properties (owner)

Location: 10520 France Avenue S

Request: Conditional Use Permit for a health club in an existing shopping center

Existing Land Use and Zoning: Valley West Shopping Center; zoned B-2

Surrounding Land Use and Zoning: North – Railroad and retail; zoned B-2  
East – Retail and single family residential; zoned B-4(PD) and R-1  
South – Multiple family residential, financial institution and retail; zoned R-4, B-2 and B-4 (PD)  
West – Offices; zoned B-2 (PD)

Comprehensive Plan Designation: Community Commercial

## HISTORY

City Council Action 09/14/09 – City Council approved a conditional use permit for a fitness center in the B-2 zoning district as part of an existing shopping center. (Case 4672E-09).

## CHRONOLOGY

Planning Commission 05/23/2019 Public Hearing Scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 04/17/2019  
60 Days: 06/16/2019  
Extension Letter Mailed: No  
120 Days: 08/15/2019  
**Applicable Deadline: 06/16/2019**  
Newspaper Notification: Confirmed – (05/09/19 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## **STAFF CONTACT**

Liz O'Day, Planning Technician

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## **PROPOSAL**

Planet Fitness is requesting a conditional use permit to relocate their existing facility within Valley West Shopping Center to another tenant space within the same center. The proposed tenant space would occupy the former Big Lots! space. They would increase their tenant footprint to 19,000 square feet. The location will be open 24/7. Planet Fitness offers free weight and workout machines for their members. There is small group training available, but one-on-one training will not be provided. They offer tanning and hydro massage beds for their members.

## **ANALYSIS**

Planet Fitness was approved for a conditional use permit in 2009 for their existing retail space at Valley West Shopping Center. With the relocation and increase in size, a new conditional use permit is required for the proposed tenant space. They plan on constructing a new entrance façade and doors to the new facility.

A complimentary use mix throughout the shopping center helps ensure parking does not negatively impact adjacent tenant users. The adjacent tenants are a nail salon and a barber. These uses do not generate high traffic demand at the same time of Planet Fitness. The typical PM peak for the fitness center would be weekdays around 5:00pm. Additionally, the previous tenant Big Lots! required a parking requirement of retail, which is a higher requirement per square foot than a health club. Therefore, the parking available is adequate to serve the patrons of Planet Fitness.

Landscape upgrades are not triggered with this application. The approved landscaping plan must continue to be maintained. The property owner has been working with staff on lighting upgrades for the center. This change of use requires parking lot and security lighting be upgraded for the required parking and access related to the change of use. Therefore, a photometric plan showing compliance for 72 spaces near the primary entrance and the entrance lighting in compliance with the minimum requirements must be submitted prior to occupancy.

The refuse and recycling facilities for the retail space are legally non-conforming. The change of use from retail to health club requires full compliance with 21.301.17, refuse and recycling. Previously, the waiver for exterior access was approved and would continue to apply to Planet Fitness. The applicant plans to utilize the open trash enclosure just north of their tenant space. The refuse and recycling must be fully enclosed and comply with the City Code requirements.

Bike racks need to be located within 50 feet of the fitness center entrance. There is a five foot wide sidewalk along the northern tenant spaces at Valley West. The Code requires the five foot sidewalks to be completely clear to comply with ADA requirements. There are options to install the bike racks including placing the racks near the Valley West entrance at the north corner or in the landscape areas along the building (any shrubs must be replaced elsewhere to comply with Code required shrub quantity). The applicant must work with the Engineering Department on placement and design of the bike racks.

An Environmental Health Plan application is required for the tanning and massage beds.

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

| <b>Required Finding</b>                                                                                                                                                                      | <b>Finding Outcome/Discussion</b>                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The proposed use is not in conflict with the Comprehensive Plan.                                                                                                                         | <b>Finding Made</b> – The guide plan for the property is designated as Community Commercial. This designation allows all general business activities plus larger scale service and retail uses like health clubs. The proposed 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.                                                                                                         | <b>Finding Made</b> - The proposed use is not in an adopted District Plan area.                                                                                                                                                                                                                                                                                    |
| (3) The proposed use is not in conflict with City Code provisions.                                                                                                                           | <b>Finding Made</b> - Health clubs are conditional uses in the B-2 zoning district. Subject to compliance with the conditions of approval, the use meets the City Code requirements.                                                                                                                                                                               |
| (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. | <b>Finding Made</b> - The use is not of a scale or nature to create an excessive burden on parks, schools, streets and other public facilities and utilities. The property is located on two major thoroughfares, providing efficient travel to the site.                                                                                                          |
| (5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.                                                          | <b>Finding Made</b> - The proposed use is not anticipated to be injurious to the surrounding neighborhood and will not otherwise harm the public health, safety and welfare. The proposed use has been in operation for ten years at their existing location at Valley West Shopping Center and has not been injurious or harmful to the surrounding neighborhood. |

**RECOMMENDATION**

**Note the Planning Commission has final approval authority on this Conditional Use Permit unless an appeal to the City Council is received by 4:30 p.m. on May 29<sup>th</sup>.**

Staff recommends the following motion:

In Case PL2019-60, having been able to make the required findings, I move to adopt a resolution approving a conditional use permit for a health club in an existing shopping center at 10520 France Avenue, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL201900060

**Project Description:** Conditional Use Permit for a health club in an existing shopping center

**Address:** 10520 FRANCE AVE 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 All Sewer Availability Charges (SAC) must be paid.
2. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
3. Prior to Permit An Environmental Health Plan application must be reviewed and approved by the Environmental Health Division.
4. Prior to Permit All trash and recyclable materials must be stored inside an approved structure (Sec. 21.301.17). Exterior access is permitted.
5. Prior to C/O Parking lot and site security lighting plans for 76 parking spaces closest to the entrance and the entrance must satisfy the requirements of Section 21.301.07 of the City Code.
6. Ongoing The health club use must be as shown on the approved plans in Case File # PL2019-60.
7. Ongoing Interior or exterior site alterations must comply with the Minnesota State Accessibility Code (Chapter 1341).
8. Ongoing Interior modifications must be reviewed and approved by the Fire Marshal to verify automatic fire sprinkler system coverage is in compliance (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
9. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.