



**CITY OF COLUMBIA HEIGHTS  
PLANNING AND ZONING COMMISSION  
PLANNING REPORT**

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**CASE NUMBER:** 2021-0102  
**DATE:** January 5, 2021  
**TO:** Columbia Heights Planning and Zoning Commission  
**APPLICANT:** Amrish Patel  
**DEVELOPMENT:** Rocky's Gym  
**LOCATION:** 700 40<sup>th</sup> Avenue  
**REQUEST:** Zoning Ordinance Amendment and Conditional Use Permit  
**PREPARED BY:** Bob Kirmis, Consultant City Planner

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## **INTRODUCTION**

Amrish Patel, on behalf of Rocky's Gym, has requested approval of a Zoning Ordinance Amendment and Conditional Use Permit to accommodate the establishment of a 24-hour "boutique gym" upon a 9,375 square foot site located at 700 40th Avenue between Monroe and Quincy Streets.

The applicant plans to convert an existing 3,510 square foot building located on the site (which is presently vacant) into a health/fitness club. In this regard, the use would occupy the entire building.

The site is bordered on the north by the Greater Life Church, on the south by Huset Park, on the east by a commercial use and on the west by a single-family residential home.

The site is presently zoned LB, Limited Business which presently does not make an allowance for health or fitness clubs. As a result, the approval of a Zoning Ordinance amendment to allow the use in the LB District (as a conditional use) must precede action on the requested conditional use permit approval.

According to the applicant, the gym will focus on "one on one" training and small group classes with access to cardio and weight machines. Gym members will be able to access the gym via a key fob with 24-hour surveillance. The applicant also anticipates the offering of some unique fitness classes including yoga in the adjacent park.

The applicant expects a "higher end" clientele which relies on customer service rather than volume.

## COMPREHENSIVE PLAN

The Comprehensive Plan guides the majority of the 40<sup>th</sup> Avenue corridor, which includes the subject site, for “transitional development.” In this regard, the Plan states the following:

*Development in this area will focus on strengthening the residential character of 40th Avenue and allow for opportunities of neighborhood retail/commercial activity (50% residential/50% commercial). Commercial/retail development will consist of a mix of neighborhood service-oriented development and varying densities of residential development. These uses will enhance the pedestrian scale and provide connection between the two commercial areas. Streetscaping and amenities will be used to provide a pedestrian focus and strengthen linkages between Central and University Avenues.*

## ZONING ORDINANCE AMENDMENT

The subject site is zoned LB, Limited Business. The purpose of the district is as follows:

*To provide appropriate locations for limited retail sales and services for the convenience of adjacent residential neighborhoods. These areas are located along collector or arterial roadways in close proximity to residential neighborhoods, arranged and designed to be a functional and harmonious part of the neighborhood, and accessible by public sidewalks or trails as well as by roadways.*

The applicant had originally requested a rezoning of the subject site to GB, General Business to accommodate the proposed health/fitness club. Recognizing that the 40<sup>th</sup> Avenue corridor includes numerous single family residential uses and that the City’s Comprehensive Plan specifically directs only neighborhood service uses, concern exists that the allowance of all uses allowed in the GB, General Business District could result in the establishment of future uses which could create significant compatibility concerns (i.e., automobile repair, carwashes, taprooms etc.). Further concern relates to the establishment of a spot zoning district which is generally considered a poor planning practice.

To accommodate the proposed use, Staff recommends the processing of a Zoning Ordinance amendment which would allow health and fitness clubs of a limited size within the LB, Limited Business District as a conditional use. To align with the purpose of the LB District, it is specifically suggested that the following conditions be imposed as part of conditional use permit processing:

1. The health/fitness club shall exhibit a gross floor area no greater than 4,000 square feet.
2. The use shall be served by a minor collector or higher classification roadway.
3. To the extent practical, new construction or additions to existing buildings shall be

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complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.

4. An appropriate transition area shall be provided between the use and adjacent property by landscaping, screening or other site improvements consistent with the character of the neighborhood.
5. The parking supply requirements of Section 9.105.L(10) shall be satisfied via off-street parking or a combination of off-street parking and off-site parking. Off-site parking shall be located no more than 400 feet from the main entrance of the use being served.
6. The City Council may establish limited business hours as a means of ensuring compatibility with surrounding uses.

Attached for the Planning Commission's consideration is a draft Zoning Ordinance amendment which would make an allowance for health/fitness clubs as a conditional use in the City's LB, Limited Business District.

To be noted is that approval of the Zoning Ordinance amendment should precede action on the conditional use permit as approval of the amendment establishes the mechanism necessary to accommodate the proposed use.

## **CONDITIONAL USE PERMIT**

### **1. Access**

Primary access to the site is proposed from the north via 40<sup>th</sup> Avenue. A secondary access from the south via an existing alley is also proposed.

To be noted is that the proposed access from 40<sup>th</sup> Avenue is a one-way route, a result of angled parking stalls which are proposed along the western boundary of the site. Thus, business patrons will need to exit the site via the alley to the south.

### **2. Off-Street Parking**

Parking Supply. The submitted site plan illustrates a total of 14 off-street parking stalls. The Zoning Ordinance does not include a specific off-street parking supply requirement for health/fitness clubs. Rather, the Ordinance states that supply requirements are to be determined by Staff.

According to a reference document entitled *Parking Generation* by the Institute of Transportation Engineers, a parking supply ratio of 5.9 spaces for each 1,000 gross square feet of floor area is recommended. Using this standard, a total of 21 spaces would be required of the proposed gym (5.9 x 3.51 gsf = 20.7 spaces). In this regard, a parking supply deficit of 7 spaces exists.

While plans exist to improve 40<sup>th</sup> Avenue and provide on-street parking opportunities at a future point, no off-street parking spaces presently exist adjacent to the subject site.

To address to parking supply deficit issue, it is recommended that the applicant demonstrate an ability to provide 21 off-street parking stalls should the need arise (as proof of parking). The Zoning Ordinance makes an allowance for off-site parking for commercial uses provided such parking area is located no more than 400 feet from the main entrance of the use being served. In this regard, it is recommended that the applicant pursue an off-site parking agreement with the Greater Life Church located directly north of the subject site.

Parking Area Setbacks. Within LB zoning districts, the following parking area setbacks are imposed:

Front Yard:	12 feet
Side Yard:	5 feet
Rear Yard	5 feet

Existing parking areas upon the subject site extend to all lot lines. In this regard, the existing parking area is considered a legally non-conforming condition as it fails to meet the City's current parking area setback requirements.

Parking Stall Dimensions. According to the Ordinance, parking stalls must measure not less than 9' x 20' in size. While the proposed parking stalls illustrate the proper 9-foot width, they are shown to measure only 18 feet in depth. In this regard, the illustrated stall depths should be increased to 20 feet. To be recognized is that with such change, a drive aisle width of only 12 feet will remain. While functional for smaller and mid-size vehicles, such dimensions are expected to be problematic for larger vehicles such as full-size pick-up trucks.

Disabled Parking. According to the American Disability Act, one accessible parking space must be provided for parking facilities having 1 to 25 stalls. Therefore, as a condition of site plan approval, it is recommended that one off-street parking space be provided and so designated for use by disabled persons.

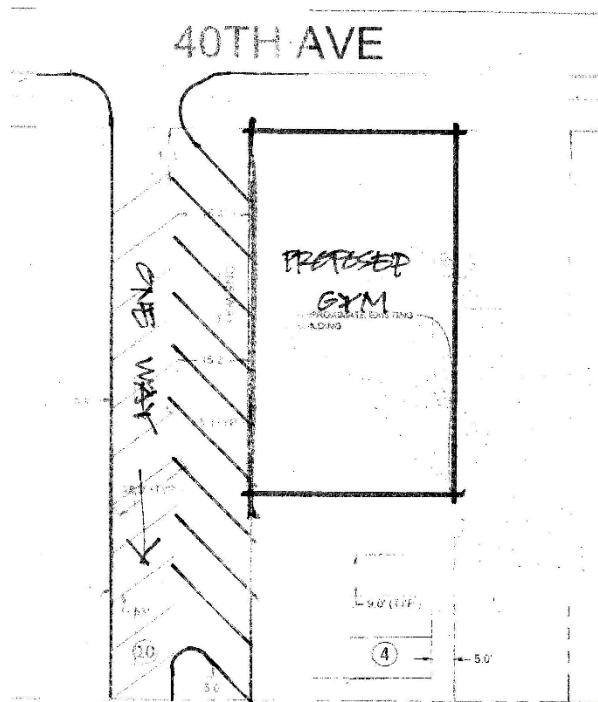
### **3. Business Hours**

As previously indicated, the subject site is bordered on the west by a single-family home. Recognizing that the applicant has proposed a 24-hour business operation, concern exists that nighttime activities could negatively impact the adjacent single family residential use. Of specific concern is headlight glare and vehicle noise. etc. In this regard, the Planning Commission should provide specific recommendation related to the acceptability of the proposed 24-hour business operation and the need to limit business hours.

#### 4. Landscaping / Screening

No new landscaping has been proposed upon this subject site. Considering that the entire site is hard-surfaced, landscaping opportunities are extremely limited.

Presently, a fence exists along with west property line of the site to screen commercial activities from the neighboring residential use. If the City determines that the proposed 24-hour business operation is acceptable, it is suggested that steps be taken to minimize impacts. In this regard, consideration should be given to relocating the proposed angled parking stalls along the west façade of the building in a manner similar to that illustrated below such that the parking area drive aisle is located along the west property line and vehicle headlights face east (rather than west).



#### 5. Design Guidelines

The subject site lies within the 40th Avenue Design District of the City's Design Guidelines. Considering that the applicant intends to utilize an existing building with no physical exterior modifications, most of the design recommendations of the Design Guidelines are not considered applicable.

Primary changes to the exterior are considered cosmetic in nature. In this regard, the following changes are proposed:

- Exterior color change to black
- New wall signage

- A mural on the west façade of the building

To be noted is that the Design Guidelines do provide recommendations related to building color. In this regard, the Design Guides state the following:

*Building colors should accent, blend with, or complement surroundings. Principal building colors should consist of subtle, neutral or muted colors with low reflectance (e.g., browns, grays, tans, dark or muted greens, blues and reds). “Warmtoned” colors are encouraged because of their year-round appeal. No more than two principal colors may be used on a façade or individual storefront. Bright or primary colors should be used only as accents, occupying a maximum of 15 percent of building facades, except when used in a mural or other public art.*

As indicated above, the Design Guidelines suggest subtle, neutral or muted colors with low reflectance (e.g., browns, grays, tans, dark or muted greens, blues and reds). Further, the Guidelines make an allowance for building murals such as that proposed by the applicant.

It is the opinion of Staff that the proposed building color (black) is “warm-toned” as referenced in the Design Guidelines.

#### **FINDINGS OF FACT**

Section 9.104 (H) of the Zoning Ordinance outlines certain findings of fact that must be met in order for the City to approve a conditional use permit. They are as follows:

- (a) The use is one of the conditional uses listed for the zoning district in which the property is located or is a substantially similar use as determined by the Zoning Administrator.***

Upon approval of the Zoning Ordinance amendment, the proposed use shall be considered a permitted conditional use in the LB, Limited Business District.

- (b) The use is in harmony with the general purpose and intent of the comprehensive plan.***

With conditions imposed to endure compatibility, the use will be in harmony with the purpose of the Comprehensive Plan.

- (c) The use will not impose hazards or disturbing influences on neighboring properties.***

With conditions imposed to ensure compatibility, the use will not impose hazards or disturbing influences on neighboring properties.

**(d) The use will not substantially diminish the use of property in the immediate vicinity.**

The use will not substantially diminish the use of property in the immediate vicinity.

**(e) *The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.***

The use will be compatible with the appearance of the existing or intended character of the surrounding area.

**(f) *The use and property upon which the use is located are adequately served by essential public facilities and services.***

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**(g) *Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.***

Traffic generated by the proposed use is within the capabilities of 40<sup>th</sup> Avenue which serves the subject property.

**(h) *The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.***

The use will not have a negative cumulative effect upon uses in the immediate vicinity.

**(i) *The use complies with all other applicable regulations for the district in which it is located.***

As a condition of conditional use permit approval, the use must comply with applicable Zoning Ordinance regulations.

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## RECOMMENDATION

Staff recommends that the Planning Commission recommend the following to the City Council:

- A. Approval of a Zoning Ordinance amendment which makes an allowance for health/fitness clubs which do not exceed 4,000 square feet in size (gross floor area) as a conditional use in the City's LB, Limited Business District.

**Motion:** Move to waive the reading of Ordinance No. 1663, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Ordinance No. 1663, as presented.

- B. Approval of the Conditional Use Permit for property at 700 40<sup>th</sup> Avenue (PID 35-30-24-41-0147) subject to certain conditions.

**Motion:** Move to waive the reading of Resolution 2021-XX, there being ample copies available to the public.

**Motion:** Move to recommend that the City Council approve Resolution 2021-XX, a resolution approving the conditional use permit as presented, subject to the following conditions:

1. Business hours, deemed appropriate by the City Council to ensure land use compatibility, shall be established. Said hours have been determined by the Council to be \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.
2. The applicant shall provide 21 off-street parking stalls for the proposed use. The required off-site parking stalls shall be secured with a shared parking agreement. This legally binding contract shall be reviewed by the City Attorney and filed with the Anoka County Recorder's Office within 60 days after approval of the conditional use permit.
3. Illustrated off-street parking stall depths shall be increased from 18 feet to 20 feet in depth.
4. One off-street parking space shall be provided and so designated for use by disabled persons.
6. To minimize negative impacts upon the adjacent single-family home to the west, consideration be given to relocating the proposed angled parking stalls along the west façade of the building such that the parking area drive aisle is located along the west property line and vehicle headlights face east (rather than west).
7. The use of black as a primary building color is approved.

8. The building and site shall be meet all requirements found in the Fire Code and the Building Code.
9. Trash and/or recycling collection areas shall be enclosed on at least three sides by an opaque screening wall or fence no less than six feet in height. The open side of the enclosure shall not face any public street or the front yard of any adjacent property.
10. There shall be no deliveries, loading or unloading of goods and materials between the hours of 10:00 pm and 6:00 am.
11. All exterior lighting shall be downcast with a shielded light source as not to adversely impact neighboring residential properties.
12. All new site signage shall be subject to sign permit.
13. The site and elevation plans included in this submittal, shall become part of this approval.

**ATTACHMENTS**

Ordinance No. 1663

Resolution No. 2021-XX

Application

Applicant Narrative

Resident Email

Site Plan

Building Perspective

Floor Plan