

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-2302

Date: May 9, 2005

Applicant: Suburban World Theatre, LLC

Address of Property: 3022 Hennepin Avenue South

Project Name: Suburban World Theatre, LLC

Contact Person and Phone: Donald Driggs, (952) 471-9500

Planning Staff and Phone: Lonnie Nichols, (612) 673-5468

Date Application Deemed Complete: April 6, 2005

End of 60-Day Decision Period: June 5, 2005

End of 120-Day Decision Period: Not applicable at this time.

Ward: 10 **Neighborhood Organization:** CARAG

Existing Zoning: C3A (Community Activity Center)

Proposed Zoning: No Change proposed, not applicable for this application.

Zoning Plate Number: 24

Legal Description: Lot 6, Block 16 of Calhoun Park Addition to Minneapolis.

Proposed Use: Indoor theater with live stage performance.

Concurrent Review: Conditional use permit for indoor theater.

Applicable zoning code provisions: Chapter 525, Administration and Enforcement, specifically Article VII-Conditional Use Permits; Chapter 536, Specific Development Standards; Chapter 548, Commercial Districts.

Background: The Suburban World Theatre (SWT) building was constructed in 1927 and has been designated historic by the Heritage Preservation Commission. The SWT was used as a movie theater from 1952 to 1999, the Cinema Grill movie theater from 1999 to 2002, and is currently vacant pending the outcome of this application. Donald Driggs, the owner of the property and dba the Suburban World Theater, LLC, has filed application for a conditional use permit for an indoor theater in this existing building located at 3022 Hennepin Avenue South in the C3A (Community Activity Center) district.

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Maximum hours of operation for the C3A district are from 6:00 a.m. to 1:00 a.m. Sunday through Saturday. No exterior building alterations are proposed at this time and the applicant is aware that HPC approvals are required before any exterior building modifications can be permitted. Mr. Driggs has proposed a live stage performance venue, made application for a liquor license, and also expressed an interest in establishing sidewalk café seating. The applicant has indicated he made presentations to the CARAG and ECCO neighborhoods, and staff has not received any comments or objections about the project.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

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.

The establishment of an indoor theater in a historic building that has been used as a movie theater for the past fifty years will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 establishment of an indoor theater in a historic building that has been used as a movie theater for the past fifty years 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.

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

Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided. The applicant has indicated that he has spoken with Public Works staff and will be disconnecting the roof drains from the sanitary sewer system. The applicant has indicated he has a long term goal to construct a green roof top and patio deck on the structure.

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

As per the specific development standards listed in finding #6 of this report, the zoning office has determined the applicant has grandfather rights to the required amount of parking for the proposed

indoor theater. Adequate measures have been or will be provided to minimize traffic congestion in the public streets. The site is well served by public transportation and off-street parking is typically available in nearby facilities.

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

MINNEAPOLIS PLAN:

The comprehensive plan shows Hennepin Avenue from Franklin Avenue to Lake Street as a commercial corridor and Hennepin Avenue from Lake Street to 36th Street as community corridor. The Minneapolis Plan also designates the area surrounding the intersection of Hennepin Avenue and Lake Street (Uptown) as an Activity Center. Chapter four of *The Minneapolis Plan* states the following applicable objectives and relevant implementation steps about community and commercial corridors and activity centers that are consistent with the adaptive reuse of the historic building at 3022 Hennepin Avenue South as an indoor theatre:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Relevant Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

Designate certain streets as community corridors with the adoption of this Plan.

Designate certain streets as commercial corridors with the adoption of this Plan.

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Relevant Implementation Steps

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Relevant Implementation Steps

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Develop plans for the City's major Commercial Corridors which articulate the desired character of the street.

Develop economic development incentives for the rehabilitation, re-use and revitalization of older or historic commercial buildings and districts.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

Require that street designs provide high quality access to Commercial Corridors for pedestrians and cyclists, as well as facilitate transit service and through passage of traffic.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Maximize the effectiveness of city support services and continue to build successful partnerships with the business community, neighborhood groups and other interested parties.

Encourage coordination and communication between business associations and neighboring residents groups.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Relevant Implementation Steps

Designate Activity Centers according to criteria outlined above.

Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening.

Preserve traditional urban form in buildings where it currently exists, and encourage new development to relate to traditional siting and massing, where it is already established.

Discourage automobile services and drive-through facilities from locating in these designated areas.

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Require that buildings in Activity Center districts incorporate a pedestrian orientation at the street edge.

Apply street design criteria that incorporates a pedestrian orientation and accommodates a variety of traffic (pedestrian, cyclist, transit, automobile).

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.

Chapter 536 of the zoning code, states these Specific Development Standards for a Theater, indoor:

A theater which is nonconforming as to off-street parking shall not be altered by partitioning or dividing such theater into two (2) or more separate seating areas unless sufficient off-street parking spaces are provided as required by conditional use permit, notwithstanding nonconforming parking rights. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to the following factors in determining the number of off-street parking spaces required:

- (1) Documentation supplied by the applicant regarding the actual parking demand for the proposed use.
- (2) The impact of the proposed use on the parking and roadway facilities in the surrounding area.
- (3) Whether the theater is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.
- (4) The availability of alternative forms of transportation.

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 for an indoor theater located at 3022 Hennepin Avenue South, subject to the following conditions:

1. Compliance with the specific development standards for an indoor theater listed in Chapter 536 of the zoning code.
2. Any proposed alterations to the building shall be reviewed and approved by city planning staff in consultation with the applicable Heritage Preservation Commission review prior to implementation.

Attachments:

1. Statement of use, HPC statement, CUP findings
2. Correspondence
3. Zoning map, site plans, and photos