

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ-5075

Date: February 22, 2011

Applicant: Nimbus Theater

Address of Property: 1517-19 Central Avenue

Project Name: Nimbus Theater Rezoning

Contact Person and Phone: Liz Neerland, (612) 618-9855

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: January 21, 2011

End of 60-Day Decision Period: March 22, 2011

End of 120-Day Decision Period: May 21, 2011 (*extension letter sent February 4, 2011*)

Ward: 1 **Neighborhood Organization:** Northeast Park, adjacent to Logan Park

Existing Zoning: I1 Light Industrial District

Proposed Zoning: I1 Light Industrial District and IL Industrial Living Overlay District

Zoning Plate Number: 10

Legal Description: REGISTERED LAND SURVEY NO. 1375, Tract A except STS

Proposed Use: Indoor theater, with live performances only

Rezoning Petition: to the change the zoning classification to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 550 Industrial Districts and Chapter 551 Overlay Districts

Background and Analysis: The subject property is approximately 141 ft. by 578 ft. (76,563 sq.ft. or 1.75 acres). The first building permit on the property was to allow for a 34 ft. by 34 ft. stone cupola “mill” and an 80 ft. by 330 ft. foundry in 1908. This structure is now known as the “Alamo Building”. In 1929, a steel factory addition was constructed to the south of the existing building.

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From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Heavy Industrial. Early building permits indicate that there was a foundry and a warehouse on the subject property. The property was rezoned to M3-3 General Manufacturing District in 1963 with the adoption of the new zoning ordinance. The property was rezoned to I1 Light Industrial District in 1999 with the adoption of the new zoning ordinance.

The present uses of the property include Gaytee Stained Glass Company, a limited production and processing use, a wholesale tortilla manufacturer, a contractor's yard and Antiquified, an antique store. The contractor's yard and the antique store are existing, nonconforming uses in the I1 Light Industrial District. The applicant is proposing to permanently locate the existing Nimbus Theater within the existing building. The Nimbus Theater has previously held shows at the Minneapolis Theater Garage at 711 West Franklin Avenue. An indoor theater is a prohibited use in the I1 Light Industrial District, however, on January 24, 2011, the Nimbus Theater was granted a temporary use permit to allow for a temporary amusement event not more than 15 calendar days in order to run their first show, Jean Genet's *The Balcony*. The temporary use permit will expire after their first show; therefore, the applicant is petitioning to rezone the property to the change the zoning classification to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District to allow for an indoor theater, with live performances only. The IL Overlay District will also allow for the existing antique shop to become a conforming use.

As of writing this staff report, staff has not received any correspondence from the Northeast Park or Logan Park neighborhood organizations. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING

Findings As Required By the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The subject property's existing land use classification is light industrial and the property is designated both Mixed Use and Urban Neighborhood on the future land use map. The property is also located on Central Avenue NE, a designated commercial corridor. The mixed use classification allows for mixed use development, including either a mix of retail, office or residential uses within a building or within a district. Urban Neighborhood areas may include some small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. Traditional Commercial Corridors in the city serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.

- a. **According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:**

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and 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 to add interest at the pedestrian level.

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.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

Policy 9.1: Integrate and utilize arts and culture as a resource for economic development.

9.1.1 Create policies that define the city's role in the planning, development, operation, and management of cultural facilities throughout Minneapolis.

9.1.6 Encourage the implementation of the Northeast Arts Action Plan, and the creation of cultural plans for other neighborhoods and districts.

9.1.8 Make Minneapolis a more livable place for artists through support for arts initiatives that contribute to the city's community development priorities.

Staff comment: The adjacent uses along Central Avenue NE are a combination of commercial and industrial. The proposed use will occur within the existing structures that includes a range of uses, such as a stained glass designer and craftsman, food manufacturing, an antique store and a contractor's yard. In addition, the Nimbus Theater will be consistent with goals of the Northeast Arts Action Plan. Finally, the subject property is not located in a designated industrial

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employment district. Staff believes that the proposed rezoning is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

b. Consistency with plans:

The subject property is governed by the Central Avenue Small Area Plan Update adopted by the city council June 20, 2008. The plan identifies the subject property within the “hub of the Northeast Arts District and old industry defines several blocks along Central Avenue. Large-scale buildings, large open spaces, and unique frontage conditions are characteristic of this area.” Further that “leveraging the arts in Northeast is an important goal of this Plan” and that “the arts can unify and distinguish different locations along the corridor” The Central Avenue SMP also identifies the following design guidelines:

- Provide opportunities for the public to engage and appreciate the Northeast Arts District.
- Blend old and new buildings and spaces.
- Create a strong Arts presence on Central Avenue.
- Improve pedestrian access to and throughout the area through a logical but quirky network of lanes, alleys, passages, and streets.
- Provide opportunities for artists to live, work, produce, create, display, sell, and show their work in existing and new buildings.
- Create a unique system of courtyards, fields, and work yards to produce an identifiable area.

Finally, the Plan offers the following recommendations:

- Retain industrial land use designation for much of the area to align with the goals of the Northeast Arts District and the area’s history of an employment area.
- Combine industrial land use with commercial and mixed-uses along Central Avenue to offer opportunities for an arts presence on the Avenue.
- Designate the South Segment as urban-oriented to help facilitate a more active streetscape.
- Use the “wedge” shape dictated by the rail lines as a distinctive name for the area: the Central Arts Wedge.

Staff believes that the proposed use and rezoning are consistent with these policies outlined in the Central Avenue Small Area Plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment is in the public interest and not solely that of the property owner. The proposed indoor theater will add to the existing Northeast Arts District and add to the existing arts presence on Central Avenue NE. By adding the IL District to the existing I1 District, the property will allow for additional general retail sales and services and other limited commercial uses that are typically found on a commercial corridor.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

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The primary zoning classification of I1 will remain on the property. The properties to the north and south along Central Avenue NE are also zoned I1 and I2 Medium Industrial. The zoning classifications further north along Central Avenue are C1 Neighborhood Commercial District, C2 Neighborhood Corridor Commercial District and OR3 Institutional Office Residence District. The property directly to the south is also a two-family dwelling. There are a mix of uses in the area, including single and two-family uses to the north off of the corridor, industrial uses to the north, south and west and commercial and high-density residential uses further to the north along Central Avenue NE. Given the surrounding uses and zoning classifications, the amendment of this zoning classification to add the IL Overlay District is compatible with the immediate area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The use of the property has historically been industrial in nature and the I1 Light Industrial District allows for these types of uses. In addition to industrial uses, the I1 District allows a limited number of commercial uses. The addition of the IL Overlay District will expand the number of commercial uses allowed. The subject property's existing land use classification is light industrial and the property is designated both Mixed Use and Urban Neighborhood on the future land use map. The property is also located on Central Avenue NE, a designated commercial corridor. There are a mix of uses in the area, including single and two-family uses to the north off of the corridor, industrial uses adjacent to the north, south and west and commercial and high-density residential uses further to the north along Central Avenue NE. Staff believes that the existing zoning classification with the addition of the IL Overlay district will allow for a minor modification and permit uses characteristic of a commercial corridor and allow for reasonable use of this property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

From 1924, the first year the City of Minneapolis had a codified zoning ordinance, to 1963, the property was zoned Heavy Industrial. Early building permits indicate that there was a foundry and a warehouse on the subject property. The property was rezoned to M3-3 General Manufacturing District in 1963 with the adoption of the new zoning ordinance. The property was rezoned to I1 Light Industrial District in 1999 with the adoption of the new zoning ordinance.

Over time, the area has developed into the Northeast Arts Districts through the reuse of several existing industrial and manufacturing buildings. The Central Avenue Small Area Plan recognizes that the large-scale buildings, large open spaces, and unique frontage conditions are characteristic of this area and ideal for artists of many different types of media. Staff believes that the character and trend in redevelopment of the area is moving towards the additional types of uses allowed in the IL Overlay District. Staff believes that the proposed amendment will be in character and consistent within the surrounding area.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District for the property located at 1517-19 Central Avenue NE to allow for an indoor theater.

Attachments:

- 1) Written descriptions and findings submitted by the applicant
- 2) Copies of letters sent to the neighborhood organizations and council office
- 3) Zoning map
- 4) Existing Land Use map
- 5) Future Land Use map
- 6) Rezoning matrix
- 7) Site plan
- 8) Floor plan
- 9) Photos