

MarketStreet Cinema Preliminary Zoning Approach

MarketStreet Advisory Committee

March 22, 2018

BACKGROUND:

Property is zoned as a Planned Village Development District.

Two Sub-Districts:

1. Multi-Family Residential Sub-District
2. Traditional Neighborhood Village Sub-District

BACKGROUND:

Within the Traditional Neighborhood Village Sub-District there are 4 allowed uses:

1. Retail and Restaurant
2. Office
3. Conservation
4. Recreational

BACKGROUND:

Recreational Use is defined as:

Section 9.5.4: “The principal use or intended principal use of land or structures for relaxation, entertainment, amusement, sports, or the like, whether on a fee or non-fee basis, but not including a cinema.”

BACKGROUND:

Section 9.5.6: “All uses that are not expressly allowed are prohibited.”

Prohibited uses: Landfills, dumps, hazardous materials storage, burning, sludge, mining, junk yards, storage of animal manure, and cinemas.

GOALS:

1. **Create a new definition** in 9.5.4 of what is actually intended to be built – for now called a “Traditional Neighborhood Theater”.
2. **Make the new definition restrictive** so that the use, location and size would be included in the zoning article and could not be changed without Town Meeting approval.

PROPOSAL – Part 1

Amend the Recreational Use definition in Section 9.5.4:

“The principal use or intended principal use of land or structures for relaxation, entertainment, amusement, sports, or the like, whether on a fee or non-fee basis, but not including a cinema “other than a Neighborhood Village Theater.””

PROPOSAL – Part 2

Add a definition of the Neighborhood Village Theater in Section 9.5.4:

“A theater designed and constructed for the primary purpose of showing films or video which satisfies each of the following criteria:

- (a) no more than eight hundred (800) theater seats;
- (b) no more than eight (8) screens;
- (c) no more than 40,000 square feet of Gross Leasable Floor Area;
- (d) may include premium seating and state of the art projection and sound and may also include enhanced food and beverage service;”

PROPOSAL – Part 3

Also in 9.5.4, restrict the location of the Neighborhood Village Theater by identifying it on a plan that would be part of the Zoning Amendment.

- e) the location is limited to that designated area of the Traditional Neighborhood Village Sub-District labeled "Proposed Location of Neighborhood Village Theater" as shown on the accompanying plan entitled "MarketStreet Lynnfield" dated _____."



SEPTEMBER 2017
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PROPOSAL – Part 4

In the listing of Prohibited Uses in 9.5.6, make clear that a Neighborhood Village Theater as defined is not prohibited.

Prohibited Uses:

"Cinema, except that a Neighborhood Village Theater shall be an allowed use only in the designated area of the Traditional Neighborhood Village Sub-District shown on the plan referenced in Section 9.5.4."

PROPOSAL – Part 5

In 9.5.7.4(b), within the PVDD, 1 story buildings may be 30' and 2 story buildings may be 45'. The height of a Neighborhood Village Theater would be defined as 1 story, 45'.

“...the maximum height of a one story building shall be 30 feet, the maximum height of a two story building shall be 45 feet, **and the maximum height of a one story Neighborhood Village Theater shall be 45 feet**, provided further that an architectural feature of a building located at a corner or end of a streetscape may be permitted up to 60 feet in height at locations designated in the Design Standards...”

PROPOSAL – Part 6

In 9.5.8-1, there is currently no parking requirement established for the proposed use.

A new line would be added to establish the requirement as **1 space per 3 seats**, which is the generally accepted standard zoning requirement.

PROPOSAL - PART 7

Section 9.5.7.9 current requires that 50,000 square feet of the permitted 475,000 square feet be built on the second floor of a building.

With Building 1350's completion, there will be 29,700 square feet on a second floor.

The text would be updated to change the requirement from 50,000 square feet to 29,000 square feet.

SUMMARY

1. Definition of Recreational Use is changed to include a Neighborhood Village Theater.
2. Neighborhood Village Theater is defined to include no more than 800 seats, 8 screens and 40,000 SF.
3. The location of the Neighborhood Village Theater is designated by a plan.
4. Neighborhood Village Theater is not included as a prohibited use.
5. Neighborhood Village Theater height is defined as up to 1 story and 45'.
6. Parking requirement is defined as 1 space per 3 seats.
7. Requirement for second floor space is reduced from 50,000 SF to 29,000 SF.

The total approved non-residential build out of MarketStreet does not change from 475,000 SF.

All uses that are not expressly allowed are prohibited. Re-use could only be for an allowed use.

The final buildout of space would include 40,000 SF less of office to accommodate the 40,000 SF Neighborhood Village Theater.

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