CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 13-163		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Interim Use Permit		**Planning Commission Date**	January 14, 2014	
Deadline for Action	**Application Date**		December 10, 2013	**60 Days**	February 8, 1014
	Date Extension Letter Mailed		January 2, 2014	**120 Days**	April 9, 2014
Location of Subject	819 N 18th Avenue E				
Applicant	Stacey Dimberio		**Contact**	cursta@cpinternet.com, 218-728-6080	
Agent			**Contact**		
Legal Description	010-3720-00520, 010-2220-02940				
Site Visit Date	N/A		**Sign Notice Date**	December 31, 2013	
Neighbor Letter Date	December 31, 2013		**Number of Letters Sent**	94	

Proposal

Applicant plans to use the former Chester Park United Methodist Church for a dance and arts center. A dance studio, and similar uses such as a fitness center, is classified as "Personal service and repair, small (less than 10,000 square feet) in UDC Table 50-19.8.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Church	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

UDC Sec. 50-37.10.B . . . Council shall make a decision to adopt, adopt with modifications or deny the application based on the criteria in subsection C below. The . . . Council may impose appropriate conditions and safeguards, including but not limited to financial security pursuant to Section 50-37.1.P, a development agreement regarding the design, construction, and operation of the special use, to protect the Comprehensive Land Use Plan, to conserve and protect property and property values in the neighborhood and to ensure that all conditions of the special use permit will continue to met.
UDC Sec. 50-37.10.E . . . the Council shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location or to allow the city time to develop a regulation addressing the potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city confirming that (a) approval of the permit will not result in increased costs to the city if the property is later acquired by the city through eminent domain; (b) the use will be terminated at the applicant's expense on the date(s) stated in the permit, (c) the termination of the interim use as stated in the permit will create no rights to a nonconforming use and no rights to compensation for termination of the use or for the value of any structures of improvements related to the use, and (d) the applicant agrees to all conditions imposed by the city. No interim use permit shall be issued until a development agreement confirming these points is executed.
UDC Sec. 50-20.7 ... Adaptive Reuse of a Local Historic Landmark

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #1 - Reuse previously developed lands. This includes adaptive reuse of existing building stock.
Governing Principle #8 - Encourage mix of activities, uses, and densities

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Current History: In December 2013, Council approved UDC amendments allowing for adaptive reuse of local historic landmarks. Property has been recommended by the HPC for designation as a local landmark and is expected to be approved by Council in January 2014.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

1.) In 2012, the Chester Park United Methodist Church merged with another and decided to sell the building at 819 N 18th Avenue E. The building, built in 1928, has been nominated as a local historic landmark (see attached preservation plan which has been approved by HPC) and is therefore eligible to be used for a dance studio/art center ("personal services and repair, small") of up to 10,000 square feet.
2.) Applicant proposes to use the building as an art center, including exercise, art classes, music lessons, and small community performances. No building renovations are needed.
3.) Per UDC Section 50-20.7 (Adaptive Reuse), any use that is permitted in the MU-N district is eligible for this Interim Use Permit. Personal services and repair, small, is a permitted use in MU-N; however, a theater use is not. Therefore, any performances must be ancillary to its use as a dance studio (i.e. a dance recital). Independent theater productions are not included as part of this Interim Use Permit.
4.) The building has a total of 8,366 square feet and provides 46 parking spaces. This is more than the maximum allowed by the UDC, but as the parking is already in place, it will be allowed to remain as nonconforming lots. The lot across 18th Avenue E from the church building is also nonconforming regarding the drive aisle widths. If the lot is ever repaved or reconstructed, it should conform to UDC standards in place at the time of construction.
5.) A neighborhood meeting was held on November 17 with approximately 20 neighbors. According to the applicant, all in attendance were in favor of using the building as a dance studio.
6.) Interim uses are allowed for a specific period of time. Staff recommends that this permit be granted for a period of 10 years. This is longer than the recommended time for uses such as a vacation dwelling unit; we recognize that applicant's investment in this property is significant and will require a longer time to recoup costs. Ten years is also an appropriate timeframe to reevaluate any neighborhood impacts.
7.) The proposed use as an art center is not expected to alter the essential character of the neighborhood.
8.) No other public, agency, or City comments were received.
9.) UDC 50-37.1.N states that an approved Interim Use Permit will expire if the project or activity authorized by the permit is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the Interim Use Permit, with the following conditions:

1.) Property be designated as a local historic landmark and follow the approved preservation plan. No expansion to the building shall be allowed.
2.) The Interim Use Permit be in effect for a period of 10 years. Applicant may apply for a subsequent Interim Use Permit at the end of that time.
3.) The facility will not be open before 6:00 am or after 10:00 pm.
4.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

City Planning

PL 13-163
Interim Use Permit
819 N 18th Ave E

Legend

Zoning Boundaries

Stream Type
- Trout Stream (GPS)
- Other Stream (GPS)

Water Distribution System
- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station

Gas Distribution Main
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge_Points

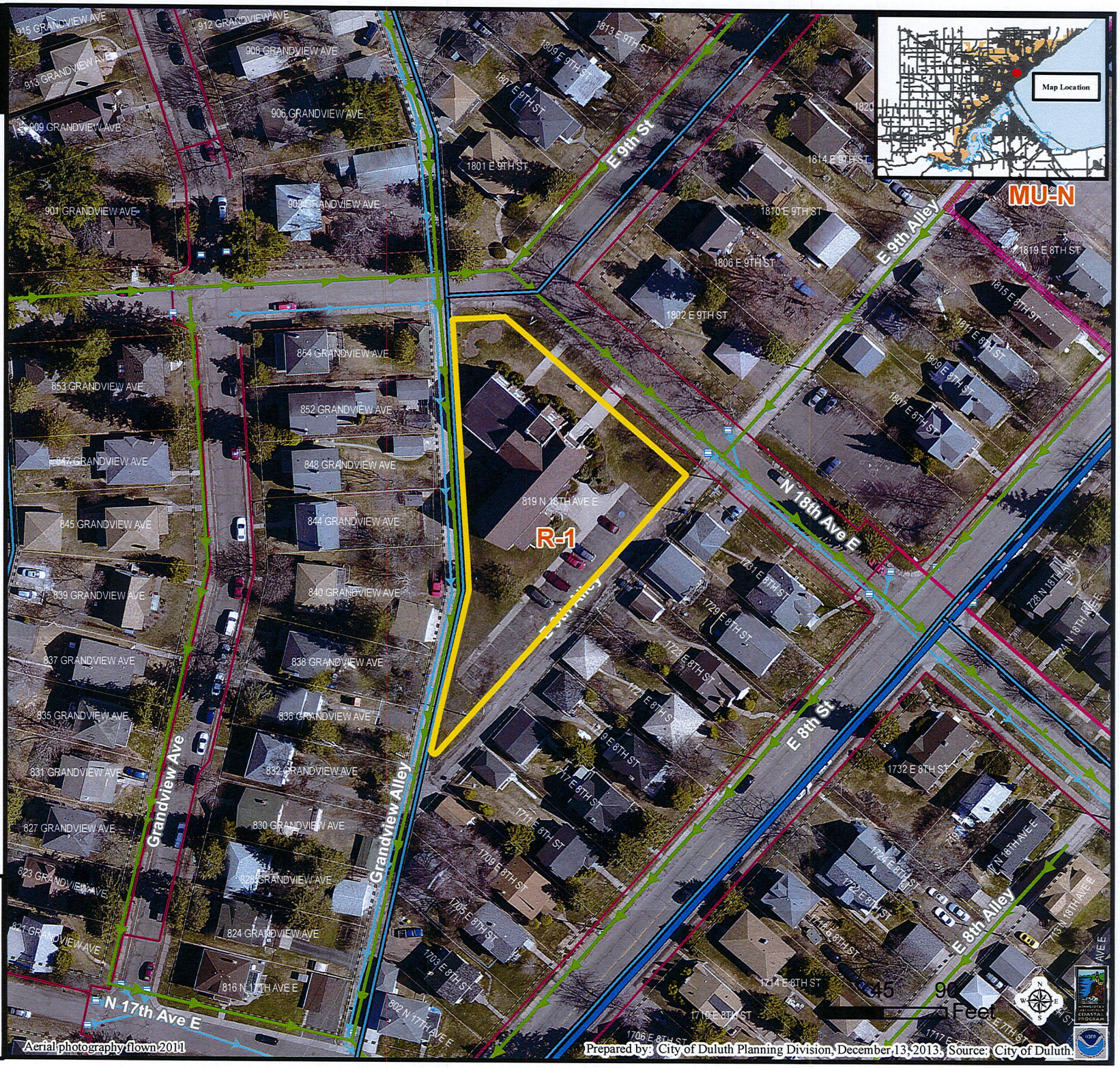
Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement

Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development

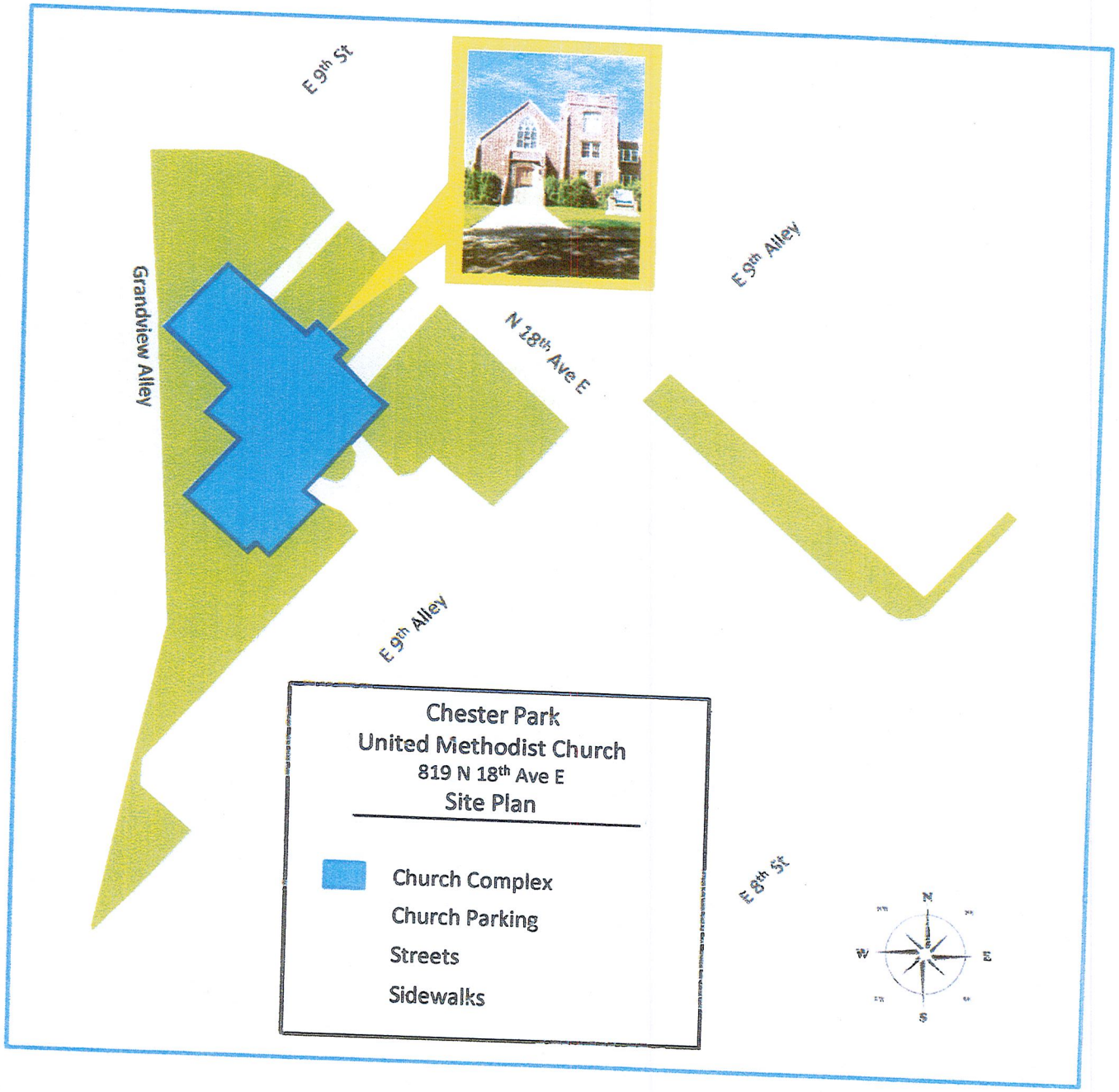
Floodplain Type
- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, December 13, 2013. Source: City of Duluth.


E 9th St
Grandview Alley
N 18th Ave E
E 9th Alley
E 9th Alley
E 8th St
Chester Park
United Methodist Church
819 N 18th Ave E
Site Plan
Church Complex
Church Parking
Streets
Sidewalks
N
W
E
S

Long Range plan:

As an art center the long range goal would be to offer exercise, art classes, music and vocal lessons. The ultimate goal would be Incorporating music, art and dance, into small community performances. The building will remain an "Art Center" and any additional uses would have to fit with the vision of a neighborhood community Art Center.

Neighborhood impact:

The biggest impact on the neighborhood will be the increased traffic. Traffic flow will be heaviest at class change time which is usually on the hour. In most cases it is adult drivers dropping off/picking up children. With 2 parking lots, parking congestion should not be an issue. Many families carpool. I am willing to work with neighbors, and customers to maintain the integrity of the neighborhood and ensure the safety of all. It is very important to Stacey that at all times "The Art Center" will be a family friendly environment and a good neighbor.

Neighbor hood response:

A neighborhood meeting to answer questions and address any concerns was held on November 17th.

Stacey Dimberio, Reverend David Bard, and Patrick Boyle attended the meeting .Approximately 20 neighbors came. All in attendance were in favor of turning the Church into a dance studio. No concerns were expressed by any of the people attending. The neighborhood was excited to see the building reused, happy it would not be torn down, and happy it would not be turned into college housing. Ideas about using the space for neighborhood gatherings play groups and adult exercise were suggested to Stacey.

(See attached comments)

Conclusion:

It is with great hope that this Interim Permit be approved for the longest period of time available. Once this building is purchased for the purpose of use as "a Dance /Arts Center", I would like to see it as an asset to the community for many years.

Reasons for this request:

Stacey Dimberio is in the process of purchasing the Chester Park United Methodist Church. The plan is to receive historical Designation for the building. With adaptive reuse, turn the Historically Designated property into the location of her 28 year old business Stacey's Studio of Dance Education.

It was under the guidance of the City planning office that these steps were to be taken to be able to reuse this beautiful historic building as a Dance Arts Center.

Site plan: (see attached)

There are no plans to alter the building site, parking or outdoor space. A preservation plan (attached) is in place to make sure the outside of the building will be historically preserved. No new buildings or backlit signage will be added.

Business Explanation:

Stacey's Studio of Dance Education, owned by Stacey Dimberio has been in business in the Duluth area for 28 years. Currently there are 228 students ranging in ages from 3-adult that participate weekly in this program. Classes are offered in Ballet, Pointe, Tap, Jazz and Hip- Hop

Stacey truly sees dance as an art form and loves to share her love of dance with all of her students. She has been renting space for over 20 years and is excited to have the opportunity to own her own "art space" and be able to provide more artistic opportunities for the community.

Business Hours:

Currently the studio is open from September-June with classes 4 nights a week during the after school hour s from 3:00-9:00p.m.

Limited classes are offered during the summer months and on weekends.

The long range plan would be to be able to offer some day classes for adults, preschool and home school students. Expanding classes offered to include music, art, exercise, and a small performance venue.

The business will not be open before 6:00 am or after 10:00p.m.

DRAFT 11-19-2013

PRESERVATION PLAN
CHETER PARK UNITED METHODIST CHURC HERIITAGE PRESERVATION LANDMARK

I. INTRODUCTION

The following preservation plan contains design review guidelines which will serve as a basis for the Duluth Heritage Preservation Commission's permit review decisions with regard to The Chester Park United Methodist Church Preservation Landmark. These guidelines define the acceptable means by which the building's unique physical appearance can be preserved and enhanced through rehabilitation, restoration, or new construction.

The guidelines will be interpreted with flexibility depending on the particular merit of the proposed changes and their impacts on the portion of the building under review. Consideration will be given to the availability of historic building materials. When applying the guidelines, the Commission will also consider the economic impacts of the design requirements. Decisions of the Heritages Preservation Commission are subject to appeal to the City Council within ten days of written notice of the decision by any party aggrieved by the Commission's decision.

II. AREAS TO BE PRESERVED

A. South, north, and east and exterior building facades.
B. Entrance stairways, walks, approaches; and grounds on the south, north, east and west sides of the building.
C. Stained Glass Windows in sanctuary

III. NEW CONSTRUCTION

New construction refers generally to any new addition to the building. The basic principle for new construction with the Chester Park United Methodist Preservation Landmark is to maintain the scale and character of the present building. In this case, any such addition would need to provide height, massing, setback, materials, and rhythm compatible to the original building. Guidelines for new construction focus on general rather than specific design elements as follows:

A. Setback-Siting.
   In general, new construction should match the setback of the original building.

B. Massing, volume, and height.
   Any new construction should conform to the massing of the original structure respecting the height, volume, and scale of adjacent structures.

C. Roofs, Caps and Cornices.

New roof, cap and/or cornice design should replicate the style of roof and materials of the original structure.

D. Materials and Detail.
Any new construction should match the bricks of the existing building.

E. Windows and Doors.
Windows should relate to those of the existing building in terms of solid to opening ratios, distribution of window openings, and window setback from the wall surface. The proportion, size, and detailing of windows and doors in any new construction should restore the appearance of the original façade and relate to that of the existing building.

IV. RESTORATION AND REHABILITATION

In general, the United States Secretary of the Interior's Recommended Standards for Historic Rehabilitation shall be followed (see Attachment A). In addition, the following standards shall be applied:

A. Masonry and Walls.

1. Original masonry and mortar shall be retained whenever possible without application of waterproofing, water repellent coatings or surface consolidation treatments unless these treatments are absolutely required to solve a specific technical problem.

2. Where necessary, repair or replacement of deteriorated materials should be made with new material that duplicates the old as closely as possible.

3. To preserve the life of building materials, masonry should be cleaned only when necessary to halt deterioration or to remove graffiti and stains. The gentlest method shall be used, such as the use of low pressure water or approved chemical solutions.

4. The original or early color and texture treatment of masonry surfaces should be retained wherever possible.

5. When repointing, old mortar shall be duplicated in composition, color and texture and be duplicated in joint size, profile type, and method of application in order to preserve the original appearance.

B. Roofs, Cornices, and Details.

1. The material of the existing roof should be matched when in need of repair.

2. All historic craftsmanship, detailing and decorating features that give the roof its essential character should be preserved or restored. Similar material shall be used to repair or replace deteriorating or missing architectural elements.

C. Windows and Doors.

1. Existing window and door openings shall be retained. Whenever possible, original windows and doors and their hardware shall be repaired for reuse.

2. A missing or non repairable original window or door should be replaced with a window or door that has an appropriate profile.

3. Replacement of windows and doors with new stock windows, sashes or doors shall not be allowed if they require alteration of the frame opening or if the size of the window panes, sash or door cause changes in the scales and original proportions of the building.

4. Infilling of window openings is generally not acceptable.

5. Plastic or metal awnings and fake shutters should not be allowed. Shutters are inappropriate for this building.

6. Heating and air conditions should be installed in such a manner as to not damage window and door frames or require the removal of the original doors or windows.

7. Storm windows and doors should be selected to be compatible with the character of the building and shall not damage window and door frames or require the removal of the original windows or doors. Exterior storm windows should be appropriate in size and color and should be operable.

V. SIGNS AND ACCESSORIES

Signs shall be compatible with the character of the building. Signs should not conceal architectural detail, clutter the building's image, or distract from the unity of the façade.

A. Materials: sign materials shall complement materials of the existing building. Surface design elements shall not distract from or conflict with the structure's age and/or design.

B. Type Styles: the type styles used to letter the signboard shall enhance the building's design and materials. Type styles should also be compatible with types from the period of the buildings construction.

C. Method of Attachment: painted signs may be permissible on glass windows and doors. The façade shall not be damaged in sign installation except for minor attachment.

D. Lighting: In general the use of backlighting on signage is not acceptable. The location of exterior lights shall be appropriate to the individual structure. Subdued lighting is preferred. There shall be no flashing, blinking, moving or varying intensity lighting, fixtures shall relate to the historic period of the building's construction/

VI. DEMOLITION

The Heritages Preservation Commission is charged with reviewing permit applications for demolition or structures under Duluth City Code, Chapter 28A, Article II, Sec. 28A-5; Duluth City Code, Chapter 10, Article II, Sec. 10.3; and Duluth City Code, Chapter 10, Article III, Sec. 10-4.

In general, demolition of the Chester Park United Methodist Church Heritage Preservation Landmark will be discouraged. In the event that a building is over 50% destroyed by fire or an act of God, demolition may be permitted.

VII. AREAS NOT TO BE PRECERVED

A. The auxiliary parking Lot located across the street from the church will not be preserved

B. The existing sign dates back to the 1980s and was not a part of the original plan therefore; it does not need to be historically preserved.

UNITED STATES SECRETARY OF THE INTERIOR'S
RECOMMEND STANDARDS FOR HISTORIC PRESERVATION PROJECTS

The secretary of the interior has developed standards for preservation projects as well as guidelines for applying them to activities from acquisition through rehabilitation and even reconstruction when necessary. The standards are used as the official criteria by which work on National Register historic properties is evaluated and eligibility for federal tax credits is certified.

(1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character or property, neighborhood or environment.

(10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.