



CITY OF DULUTH
Community Planning Division

411 West First Street, Room 2010 * Duluth, Minnesota 55802-1194
Phone: 218/730-5240 Fax: 218/730-5901

File Number	PL17-175	Contact	Steven Robertson
Type	Concurrent Use Permit, Marquee Sign	Planning Commission Date	November 14, 2017
Deadline for Action	Application Date	October 13, 2017	60 Days
	Date Extension Letter Mailed	Nov 6, 2017	120 Days
Location of Subject	317 North Central Avenue		
Applicant	Paladin Properties	Contact	Robert Boone
Agent		Contact	
Legal Description			
Site Visit Date	November 2, 2017	Sign Notice Date	October 31, 2017
Neighbor Letter Date	N/A	Number of Letters Sent	N/A

Proposal

Applicant proposes to reinstall a marquee on a former movie theater in the size and scale of the original marquee as part of a restoration of the theater. It would be approximately 35 feet in width by 12 feet in depth, which would extend at a height of approximately 10 feet above the sidewalk. The property is located in the Spirit Valley business district. The application is also requesting that the marquee sign be designated as a "classic sign".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-3	Commercial	Central Business Secondary
North	F-3	Commercial	Central Business Secondary
South	F-3	Commercial	Central Business Secondary
East	F-3/R-P	Commercial/Residential	Central Business Secondary
West	F-4/MU-C	Commercial/Mall	Central Business Secondary

Summary of Code Requirements

UDC Section 50-37.7C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that:

- 1) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
- 2) Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions;
- 3) No portion of a public easement proposed for use is being physically used or occupied by the public.

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

Governing Principle #6: Reinforce the place-specific. Public and private actions should reinforce cultural, physical and economic features which have traditionally defined Duluth, its open space and its neighborhoods. This includes commercial areas providing neighborhood goods and services, ravine parks and other natural features that define neighborhood edges and view corridors to the Lake or River which serve to provide location and context.

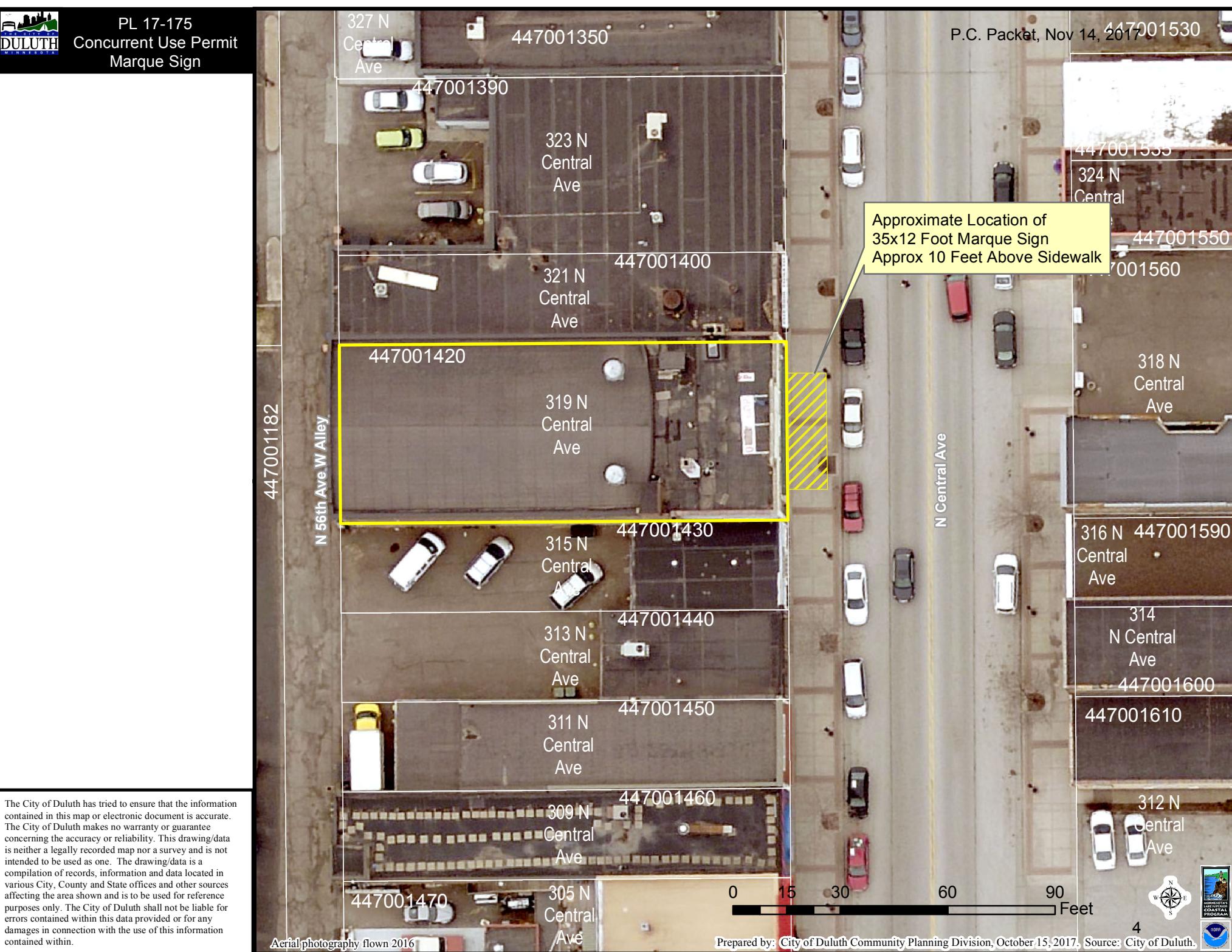
Future Land Use – Central Business Secondary: An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities. The Lincoln Park neighborhood is a destination area for shopping and dining.

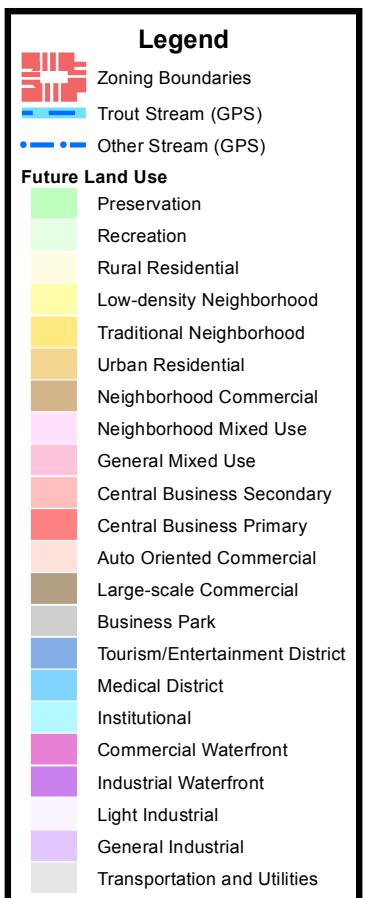
Review and Discussion Items

- 1) Applicant is seeking a concurrent use permit to reinstall a marquee on a former movie theater in the size and scale of the original marquee as part of a restoration of the theater. It would be approximately 35 feet in width by 12 feet in depth, which would extend at a height of approximately 10 feet above the sidewalk. The property is located in the Spirit Valley business district. The application is also requesting that the marquee sign be designated as a “classic sign”.
- 2) A concurrent use permit would give the applicant the ability to use the dedicated public right of way, with conditions, at the same time that the public is using the right of way. This permit requires a public hearing and recommendation from the Planning Commission, but is approved by the City Council via ordinance.
- 3) The marquee sign will allow approximately 10 feet vertical clearance for pedestrians and for the City to maintain the public sidewalk. The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city. The public sidewalk will remain allowing pedestrian movement to continue. No utilities are located in this portion of the right of way.
- 4) The City of Duluth requires Concurrent Use Permits to include liability insurance to indemnify the City against occurrences in the right of way. Under a Concurrent Use Permit, the City is not liable for damage to items within the right of way.
- 5) Marquee signs are not allowed in the F-3 district. However, per UDC 50-27.11, Classic Signs are allowed. To qualify as a classical sign, the sign must be at least 25 years old or an exact replica an of an original sign, possess unique physical design characteristics, and be of significant to the city. The Planning Commission may approve or deny the application for a classic sign. If approved, the owner must ensure that the sign is not structurally dangerous, a fire hazard, or any other kind of hazard. This sign has previously included 3 neon strips and exposed bulb lights under the sign that flash in patters; the Planning Commission may find these to be part of the classic sign characteristics although flashing lights are not currently allowed by the UDC and may detract from the safety of pedestrians and motorists.
- 6) As of the date this was written, the City has received no formal written comments nor phone calls in regard to this proposal.
- 7) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one-year.

Based on the above findings, Staff recommends that Planning Commission approve the concurrent use permit with the following conditions:

- 1) That the marque sign be identified by the Planning Commission as a classic sign, per UDC 50-27.11. Standards for operation of the marquee sign (including hours of operation/lighting of the marquee sign, intensity/brightness of lighting), shall be approved by the Land Use Supervisor in writing before a building permit for the marquee is submitted.
- 2) Applicant shall construct and maintain the project as identified in exhibit by Northland dated 5/3/17 and Advanced Sign dated 2/1/17.
- 3) Applicant shall provide proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit, or as identified in the ordinance approved by the City Council.
- 4) Applicant, or his or her successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice. Applicant shall remove the proposed obstruction if the theater stops operating; no other use, other than a theater, may use the marquee sign.
- 5) 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 approval; however, all other changes must be approved by amending the City Council's approved ordinance.





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 2016



It is my intention to build a "period correct" renovation of the historic Art Deco West Theater, and as such, we intend to build a replica of the original 1937 marque. Such a marque necessarily projects out over the public right of way.

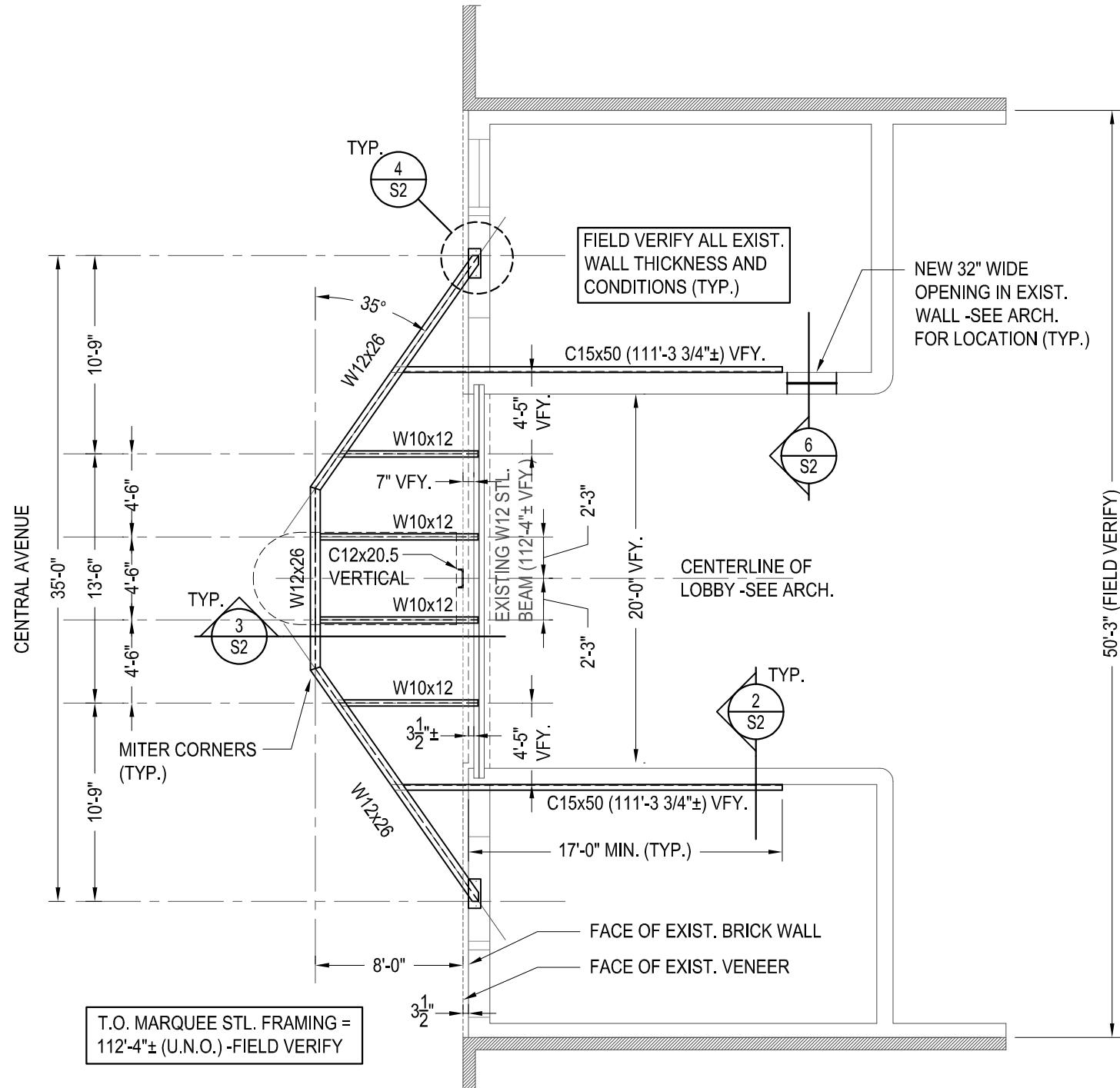
Early in the process, I invited Charlene Royce through the building. Royce is a Minneapolis and Duluth based consultant on historic building registration. Her work helped the Norshor acquire historic tax credits. Royce believes this theater may be the most interesting historic building in West Duluth. She explained that our largest barrier to inclusion on the historic registry was the removal of the original marque and the addition of a passageway through the auditorium. We intend to remove the passageway immediately, which left the marque dilemma.

When Mayor Larson went through the theater, she exclaimed that "this is just the spark plug West Duluth needs", and asked me to meet with Heather Rand, the City's economic developer.

The West Theater changed its name to Duluth Theater in 1966; and at that time it had a simpler marque than the original drawings show. It is not clear when the original marque was replaced. When I showed Rand the 1966 image she thought it was attractive, but when I showed her the 1937 artwork and explained the cost difference, she stated that the original was so beautiful, that it should be design chosen, and that she would make sure the City would help financially to make that happen. The City has since offered a \$50,000 1200 Fund loan and a \$50,000 forgivable loan through DEDA. All the rest of the renovation costs are being covered by loans taken out by me.

If I did not believe that West Duluth deserves an operating theater on their side of town, and their own community "jewel", I would certainly not extend this much effort (and risk) to such a project. It would be an enormous black eye on this project, if it were denied the opportunity to shine; particularly when no expense was spared to renovate the Norshor properly. Thank you for your consideration.

Bob Boone, 11/5/17



MARQUEE FRAMING PLAN

1/8"=1'-0"



NORTH

Preliminary

05/03/2017 11:44:35 AM



Voice: (218)727-5995
Fax: (218)727-7779

www.nce-engineers.com

Project Name

WEST DULUTH THEATRE MARQUEE FRAMING

Voice: (218)727-5995
Fax: (218)727-7779

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

NCE Project # 16-1012
Date: 5-3-17
Drawn By: GDB
Checked By: JEA

Revisions:

MARQUEE FRAMING PLAN

S1

APPROVAL

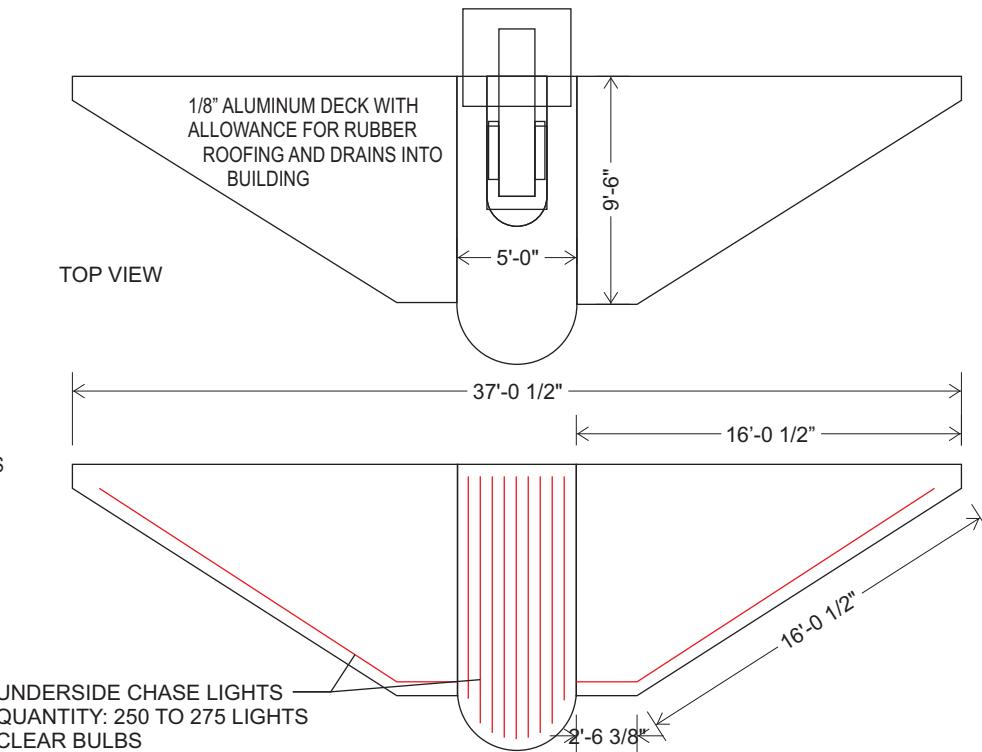
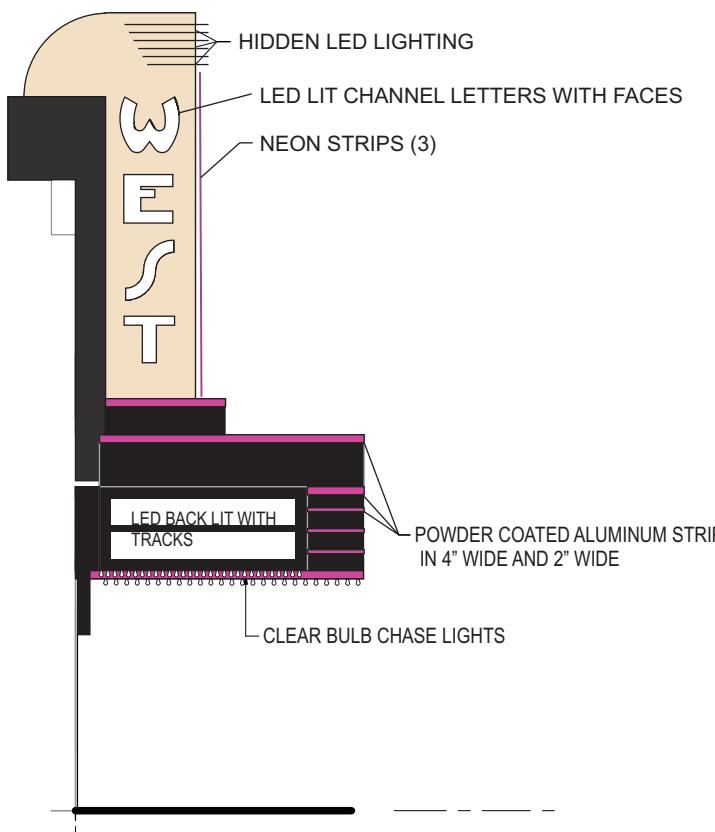
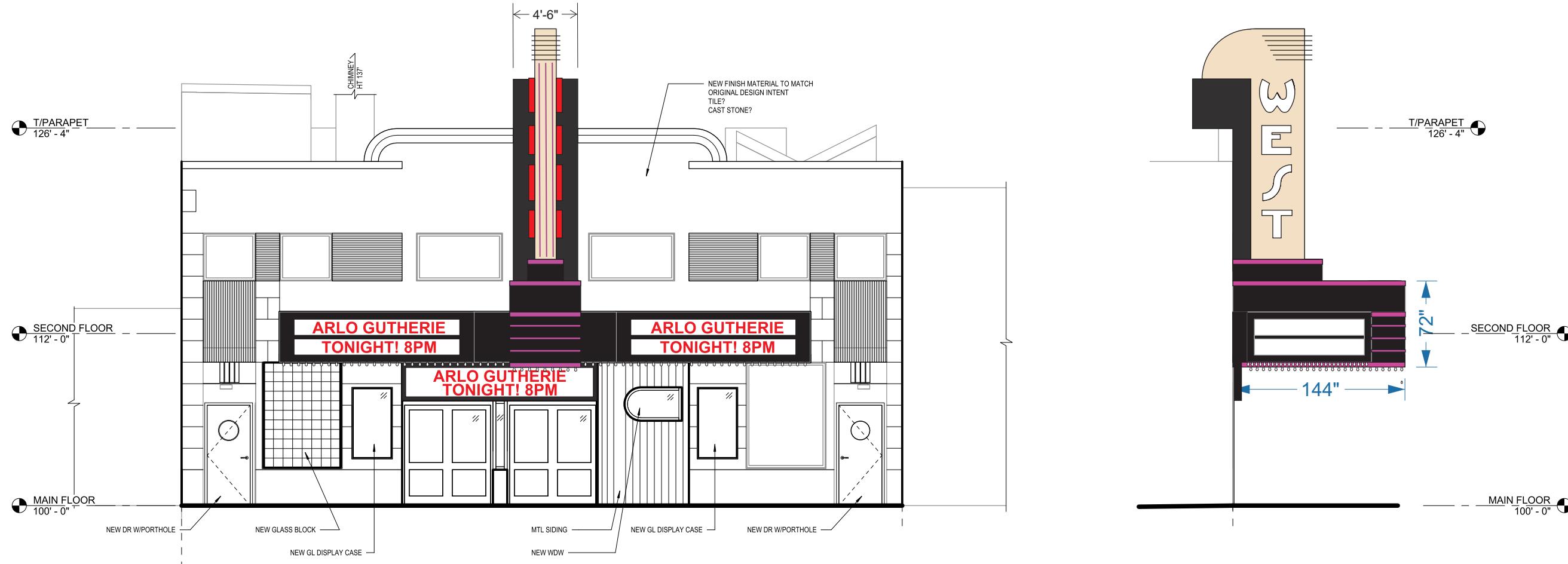
 PRODUCTION-READY
 REF: WEST THEATER

PROJECT: 17

PAGE: 1

Note: Colors in this printout are meant to be representative only and not exact. Manufacturer's color samples to be used to verify colors.

Note: Upon customer signature, production may begin and engineering charges may be applied, if customer requests additional changes





The modern exterior is almost, but not exactly, as reproduced below.
A few changes were made after the preliminary sketch
from which this picture was made.

