

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-011-0

ORDINANCE NO. _____

AN ORDINANCE GRANTING THE DULUTH TRANSIT AUTHORITY A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A SKYWALK OVER WEST MICHIGAN STREET BETWEEN SECOND AND THIRD AVENUES WEST.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. Under the authority of Section 100 of the 1912 Home Rule Charter of the city of Duluth, as amended, and subject to the conditions, limitations and restrictions hereinafter set forth, permission is hereby granted to the Duluth Transit Authority, and its successor(s) in interests, referred to herein as the permittees, to occupy, erect and maintain a skywalk in that part of West Michigan Street, described as follows:

This new bridge will start between 1.5 feet of the SE corner of Lot 40 Block 6 Central Division of Duluth and 28.5 feet from the SW corner of Lot 40 Block 6. It will end between 1.5 feet of the NE corner of Lot 10 Block 10 of the Central Division of Duluth and 3.5 feet from the NW corner of that same lot. The height over the driving lanes and parking lanes will be at least 15.5 feet.

Section 2. Before this ordinance shall be effective for any purpose whatsoever, the aforesaid permittees shall file with the city clerk a duly executed and acknowledged written acceptance of the terms of this ordinance.

Section 3. Said permit granted under this ordinance may be terminated at any time when and if the city of Duluth determines to use the area occupied by said permittees for any purpose in accordance with the duly dedicated public easement or other lawful use. Unless a shorter period is necessitated by emergency circumstances, or the violation of the conditions set forth in this ordinance, giving the permittees six months' written notice by resolution of the council of the city of Duluth to the last known address of the permittees shall be sufficient notice of termination.

Section 4. Upon the giving of the notice of termination as aforesaid, the

permittees shall remove said skywalk and all fixtures and pertinencies of every kind whatsoever attached thereto from the tract of land described above within said six months, all at the expense and cost of the permittees, and without right on the part of the permittees to claim from the city of Duluth, or any of its officers, agents or servants, any compensation, reimbursement for damages of any kind whatsoever.

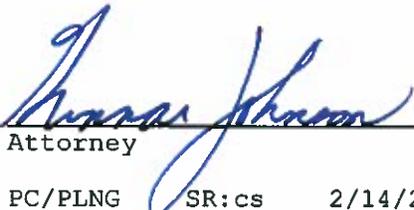
Section 5. By the acceptance of the terms of this ordinance as aforesaid, the permittees hereby agree to save harmless and defend and indemnify the city of Duluth against any claims or demand which may arise against the city of Duluth by reason of any act or omission of the permittees, and agree that such skywalk shall be so constructed and at all times maintained so as in no way to interfere with or damage any sewer, watermains, gas mains, pipes, conduits or other public utilities now or to be hereinafter located in any part of said West Michigan Street and agree that the city of Duluth shall not be liable for damage caused to such skywalk, while the city is engaged in making repairs to public utilities provided that the city exercises reasonable care to avoid such damage, and agree to pay to the city of Duluth all extra costs of installation of any such sewers, gas mains, watermains, pipes, conduits or other public utilities made necessary by the presence of such skywalk in said West Michigan Street.

Section 6. The construction of the skywalk be limited to and in substantial compliance with the plans to be approved by the city engineer.

Section 7. The skywalk be operated and maintained in such a way as to allow citizens to walk bicycles in the skywalk. The Duluth Transit Authority, and its successor(s) in interests, will maintain a pedestrian crosswalk at the corner of West Michigan Street and Third Avenue West intersection adjacent to the new multi-modal transportation facility.

Section 8. This ordinance shall take effect and be in force 30 days from and after its passage and publication.

Approved:



Attorney

PC/PLNG SR:cs 2/14/2013

STATEMENT OF PURPOSE: This ordinance provides for the construction of a skywalk to connect the existing Transit Center East (TCE) with the new multi-modal transportation facility on West Michigan Street between Second and Third avenues West. The planning commission was asked to review the request to approve the general area that the future skywalk and would occupy with the understanding that the construction plans and a development agreement will be approved by the city in the future as project designs are completed.

On February 12, 2013, the planning commission held a public meeting on the proposal, and voted 9 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the request for a concurrent use of streets as requested, with two conditions.

Petition received: January 15, 2013

Action deadline: There is no action deadline for this resolution.



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL13-007		Contact	Steven Robertson, 218-730-5295	
Application Type	Concurrent Use of Streets Permit		Planning Commission Date	February 12, 2013	
Deadline for Action	Application Date	January 15, 2012	60 Days	N/A	
	Date Extension Letter Mailed	N/A	120 Days	N/A	
Location of Subject	213 and 214 West Michigan Street				
Applicant	Duluth Transit Authority		Contact	Jim Heilig, 218 722-4426	
Agent			Contact		
Legal Description	See Attached				
Site Visit Date	February 1, 2013		Sign Notice Date	January 28, 2013	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal

Applicant requesting a Concurrent Use of Streets Permit to allow the construction of a skywalk. This is part of the multi-modal project.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Commercial	Central Business Primary
North	F-8	Commercial	Central Business Primary
South	MU-C	Commercial/Transportation	Central Business Primary/Transportation
East	MU-C	Commercial/Transportation	Central Business Primary/Transportation
West	MU-C/F-8	Commercial	Central Business Primary

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

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

Central Business Primary future land use encompasses a broad range of uses and intensities: Governmental campus, Significant retail, Entertainment and lodging, Opportunities for high-density housing, Central plaza, public/open space, and Public parking facilities.

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

- 1) The applicant is proposing to build a private skywalk (one not covered under the normal rules for skywalks found under the City Code) over the right of way of West Michigan Street. At this point, the City is asked to approve the general area that the Skywalk will occupy, and the specific construction schematics will be approved by the City at a later date.
- 2) The proposal will not harm or inconvenience the health, safety and general welfare of the city. While the right of way is currently being physically used by the public, the proposal project will not interfere with the public's ability to use the right of way (sidewalk or street).
- 3) The proposal is a reasonable use of public right of way and can be terminated if the City of Duluth desires to use the area for any public purpose.
- 4) No comments were received from city or government agencies or citizens on this proposal.

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

Staff recommends that the Planning Commission recommend approval of the requested Concurrent Use Permit to the City Council with the following condition:

- 1) The applicant enter into a development agreement with the City of Duluth prior to starting construction on the proposed skywalk.

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



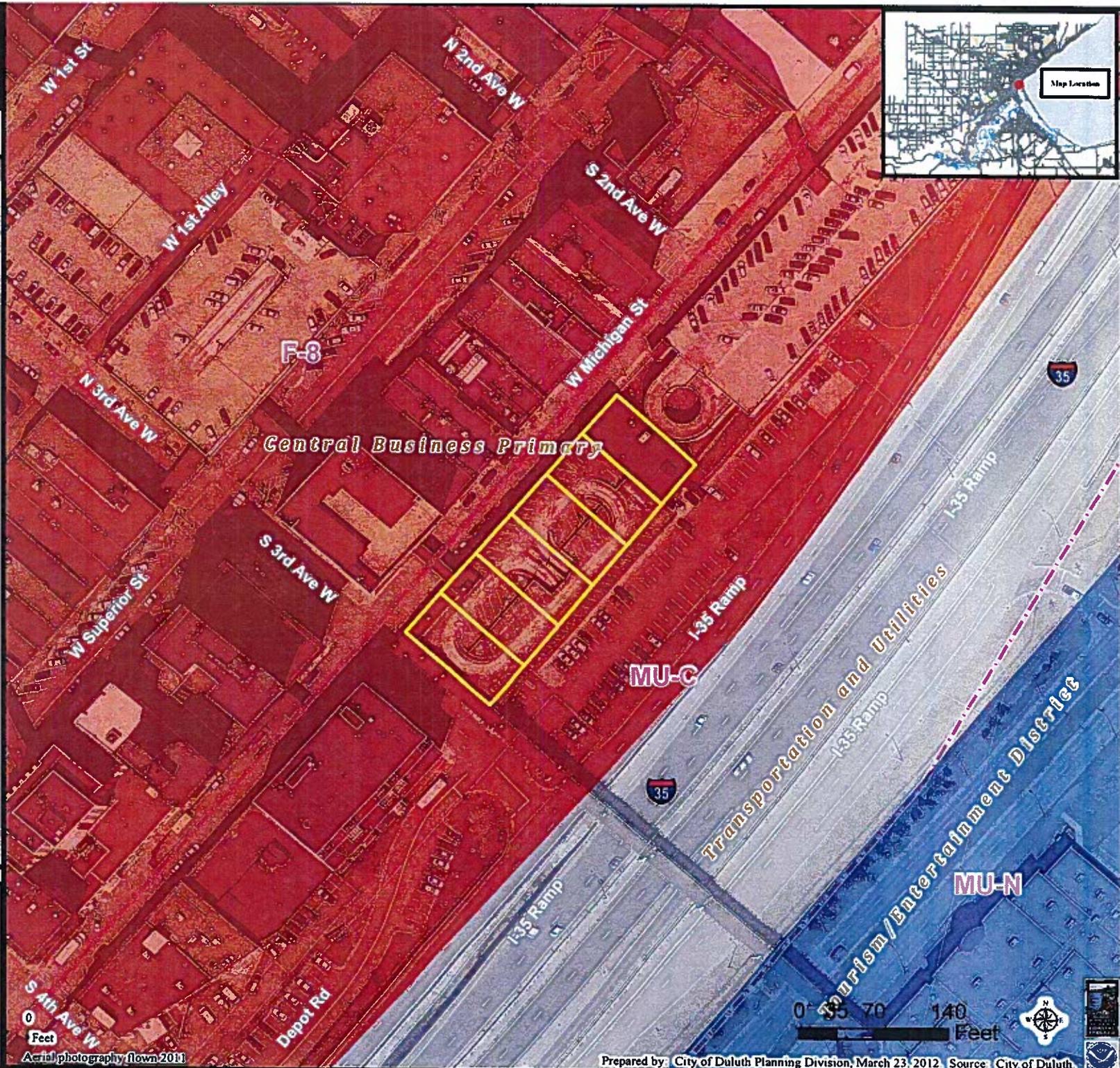
City Planning

13-007 and 13-008
Concurrent Use of Streets
Duluth Transit Authority

Legend

-  Zoning (Final)
- Future Land Use**
-  Preservation
-  Recreation
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Neighborhood Mixed Use
-  General Mixed Use
-  Central Business Secondary
-  Central Business Primary
-  Auto Oriented Commercial
-  Large-scale Commercial
-  Business Park
-  Tourism/Entertainment District
-  Medical District
-  Institutional
-  Commercial Waterfront
-  Industrial Waterfront
-  Light Industrial
-  General Industrial
-  Transportation and Utilities

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, March 23, 2012. Source: City of Duluth.



Duluth Planning Commission
January 7, 2013

Transit Center East Bridge
Concurrent Use Permit Application

The DTA is hereby applying for four concurrent use permits. Two are for skywalks in conjunction with the Multimodal Transportation Facility, one concurrent use permit for part of the existing sidewalk on the lower part of Michigan Street, the fourth is for the canopy over the bus parking area. Additionally the DTA is applying to join parcels together into one. This application is for the Skywalk Bridge from the easterly side of the existing Transit Center East (TCE) to connect with the new multimodal transportation facility.

This new bridge from the existing TCE to the new facility will be have an interior open space of at least 12 feet and exterior space not to exceed 20 feet (preliminary drawing on page 5). It will start within 1.5 feet of the SE corner of Lot 40 Block 6 Central Division and be a maximum of twenty feet wide. It will attach within 1.5 feet of the NE corner of Lot 10, Block 10 of the Central Division to the new facility. The height over the driving lanes and parking lanes will be at least 15.5 feet (meets State of MN standard) and 13 feet over the sidewalks. The two preceding bridges are at 14 feet and 13.5 feet over the driving lanes (the Wells Fargo Bridge and the Harbor Center Bridge respectively).

This Concurrent Use Permit will be for the entire bridge, building face to building face.

The DTA is not applying for concurrent use permits for the Wells Fargo Bridge, the Skywalk from that bridge to the current "T", or the Northwest Passage as they will be operated within the current Skywalk conditions. The DTA, will however apply to the City to amend the Skywalk ordinance to allow for the walking of bicycles within those areas.

The purpose of the DTA applying for concurrent permits for these two skywalk links is based on longer times of use and allowing bicycles.

James Heilig, Director of Administration and Planning
Duluth Transit Authority

RECEIVED JAN 15 2013

Second Avenue West:

37	115.00	101.18
36		97.18
35		97.28
34		97.28
33		97.28
32		97.28
31		97.28
30		97.28
29		97.28
28		97.28
27		97.28
26		97.28
25		97.28
24		97.28
23		97.28
22		97.28
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20		97.28
19		97.28
18		97.28
17		97.28
16		97.28
15		97.28
14		97.28
13		97.28
12		97.28
11		97.28
10		97.28
9		97.28
8		97.28
7		97.28
6		97.28
5		97.28
4		97.28
3		97.28
2		97.28
1		97.28

Biz Prop - Salter Building

INRRT Wells Fargo Ramp

Third Ave. West:

16	105.54	107.14
15		107.74
14		108.34
13		108.94
12		109.54
11		110.14
10		110.74

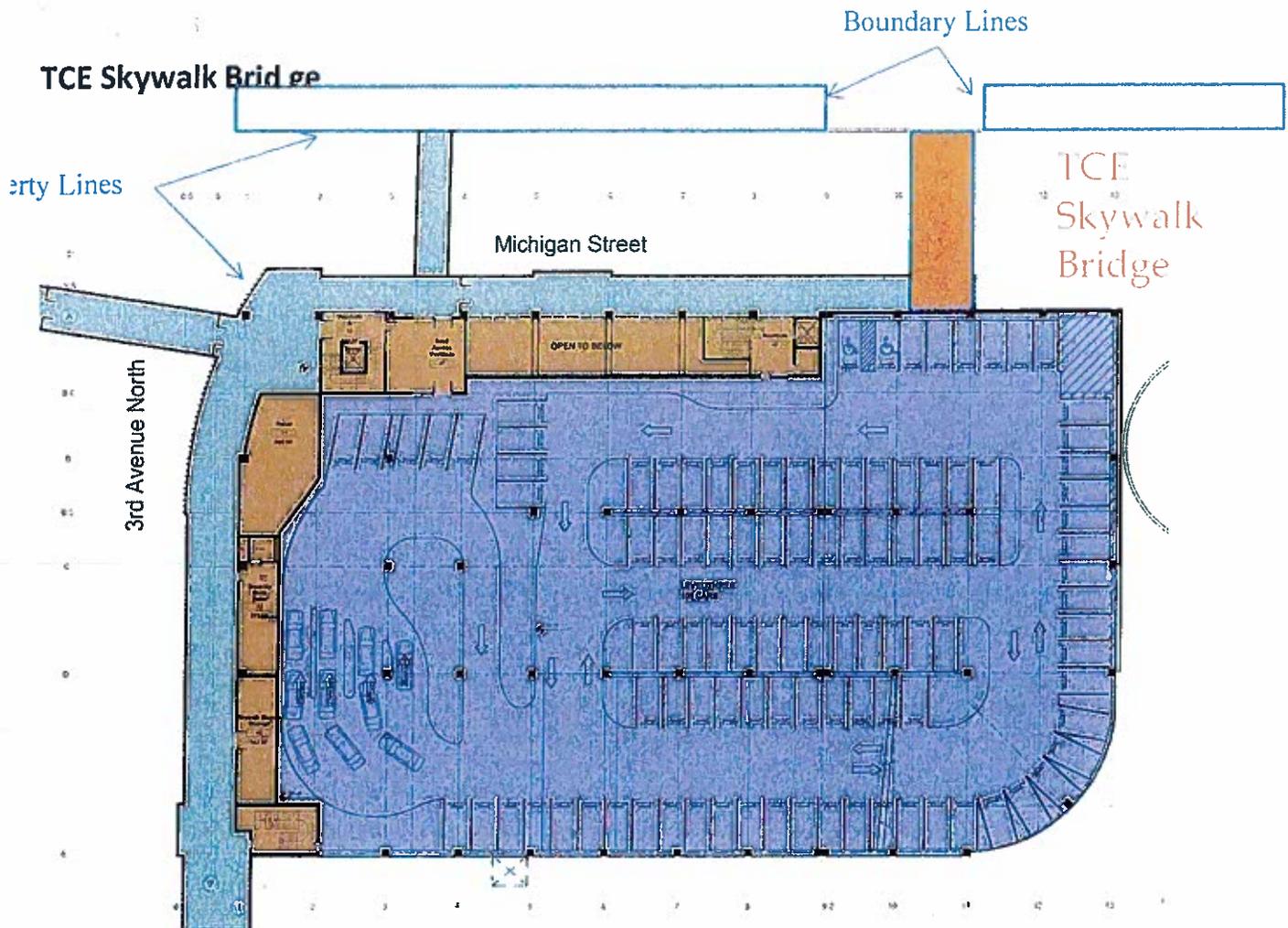
S & M R.R.

EXISTING DTPA OWNERS

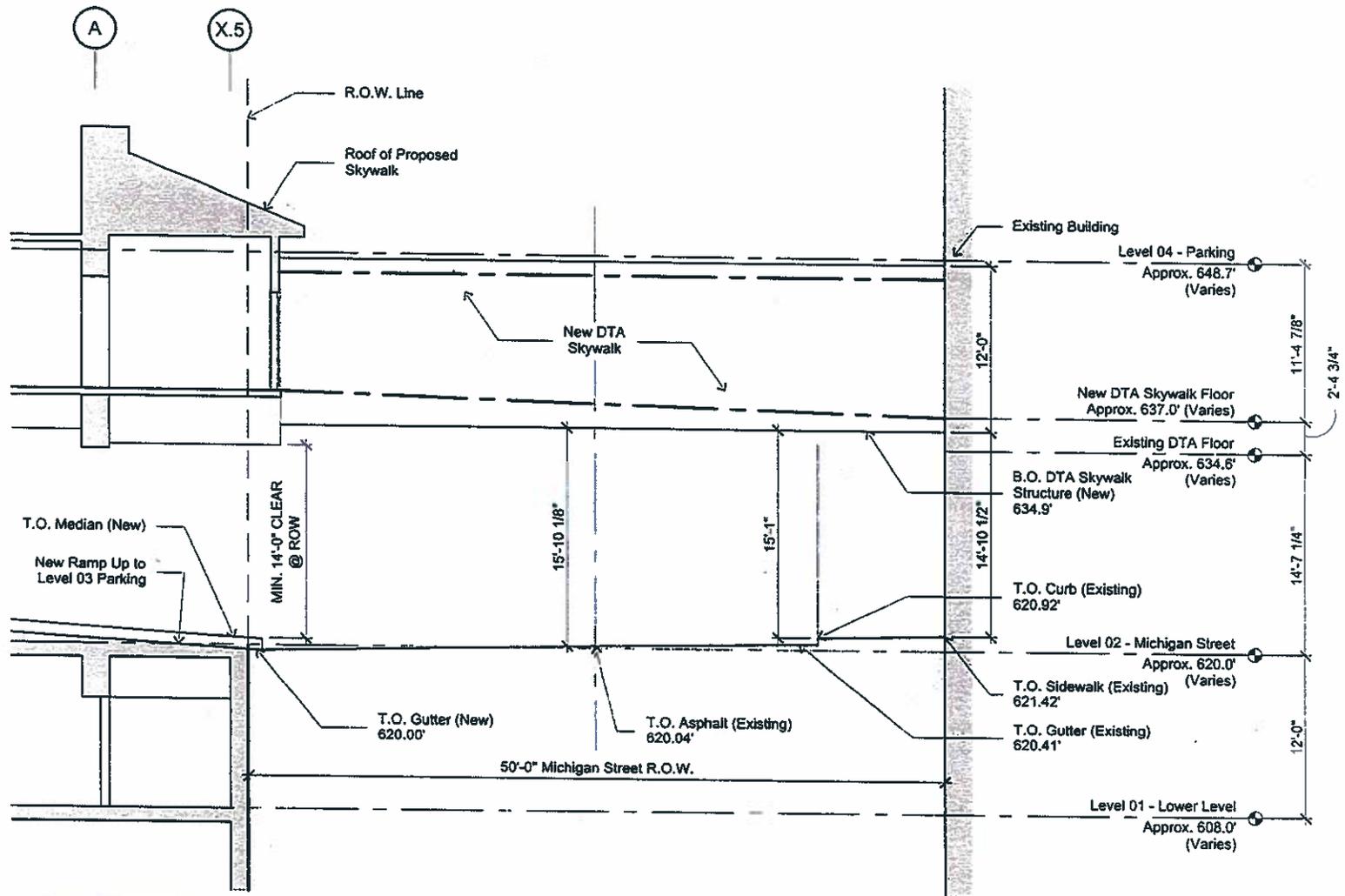
Superior Street

Nashua St.

Street.



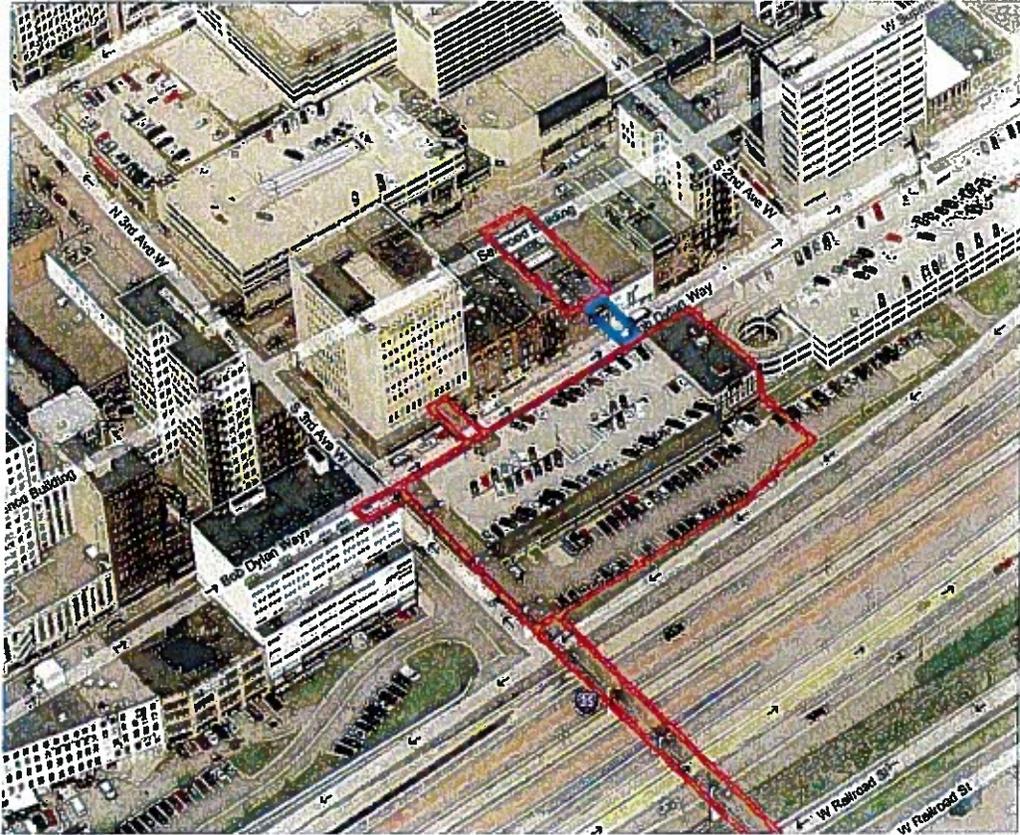
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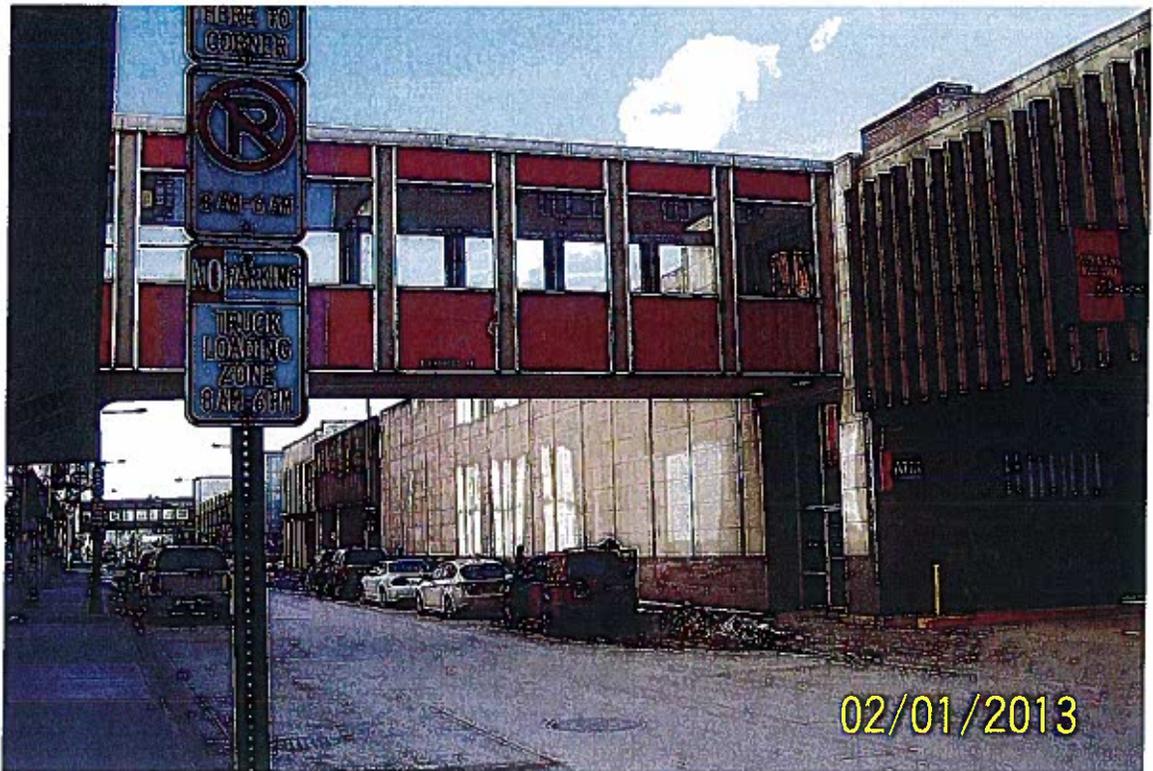
Section Through Proposed DTA Skywalk (Looking Southwest)

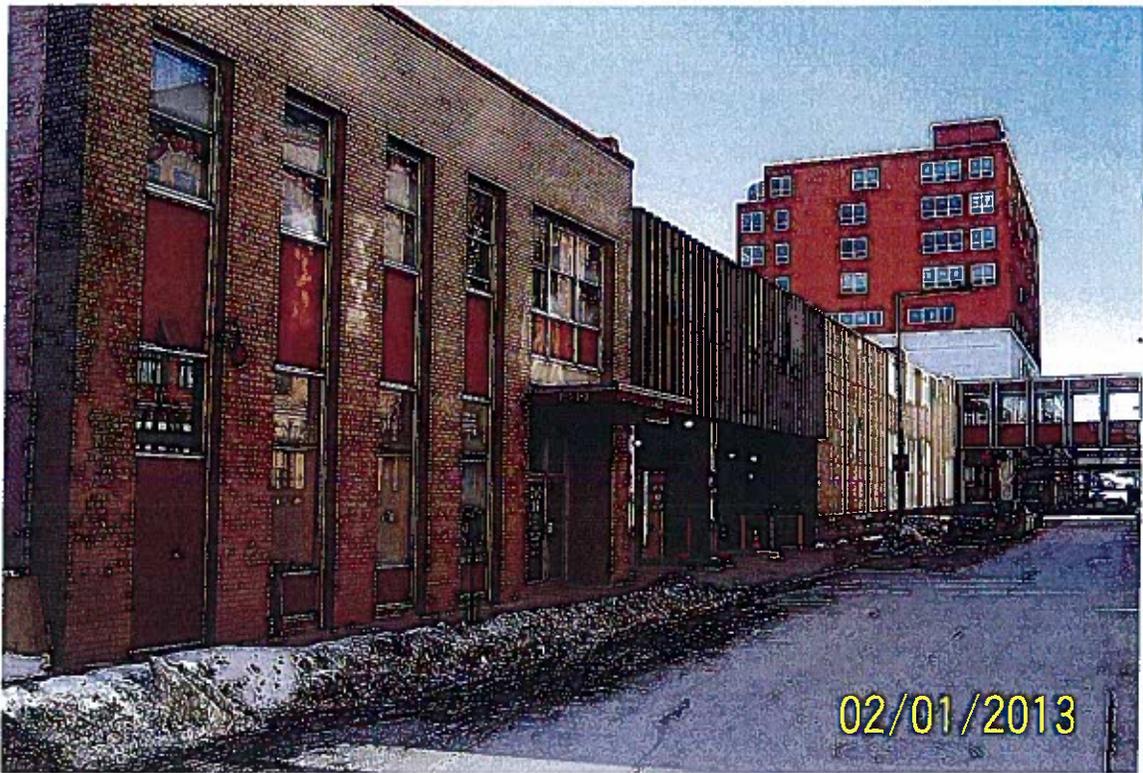
DTA Multimodal Transportation Facility

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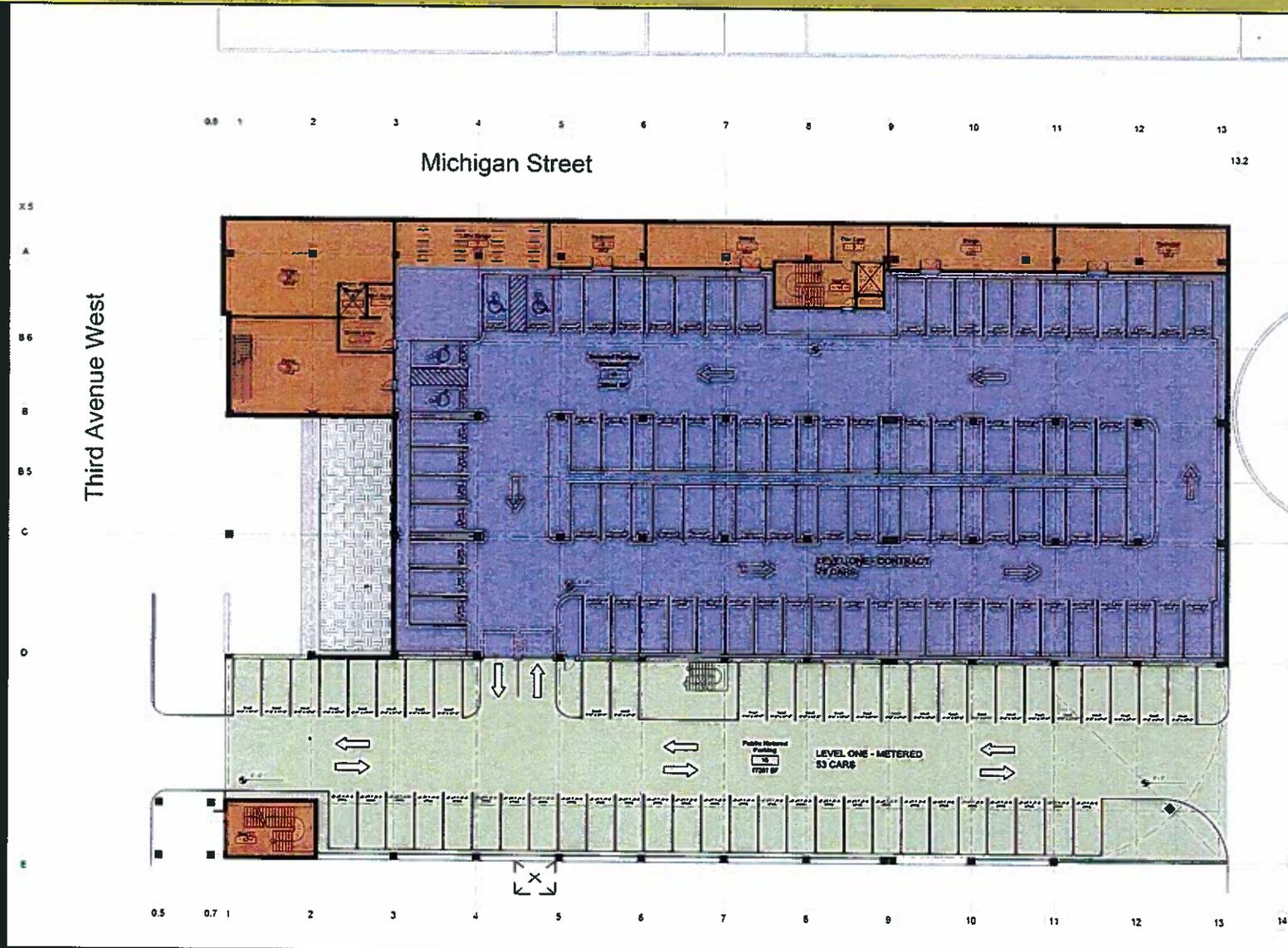


- Existing Footprint
- Footprint Expansion

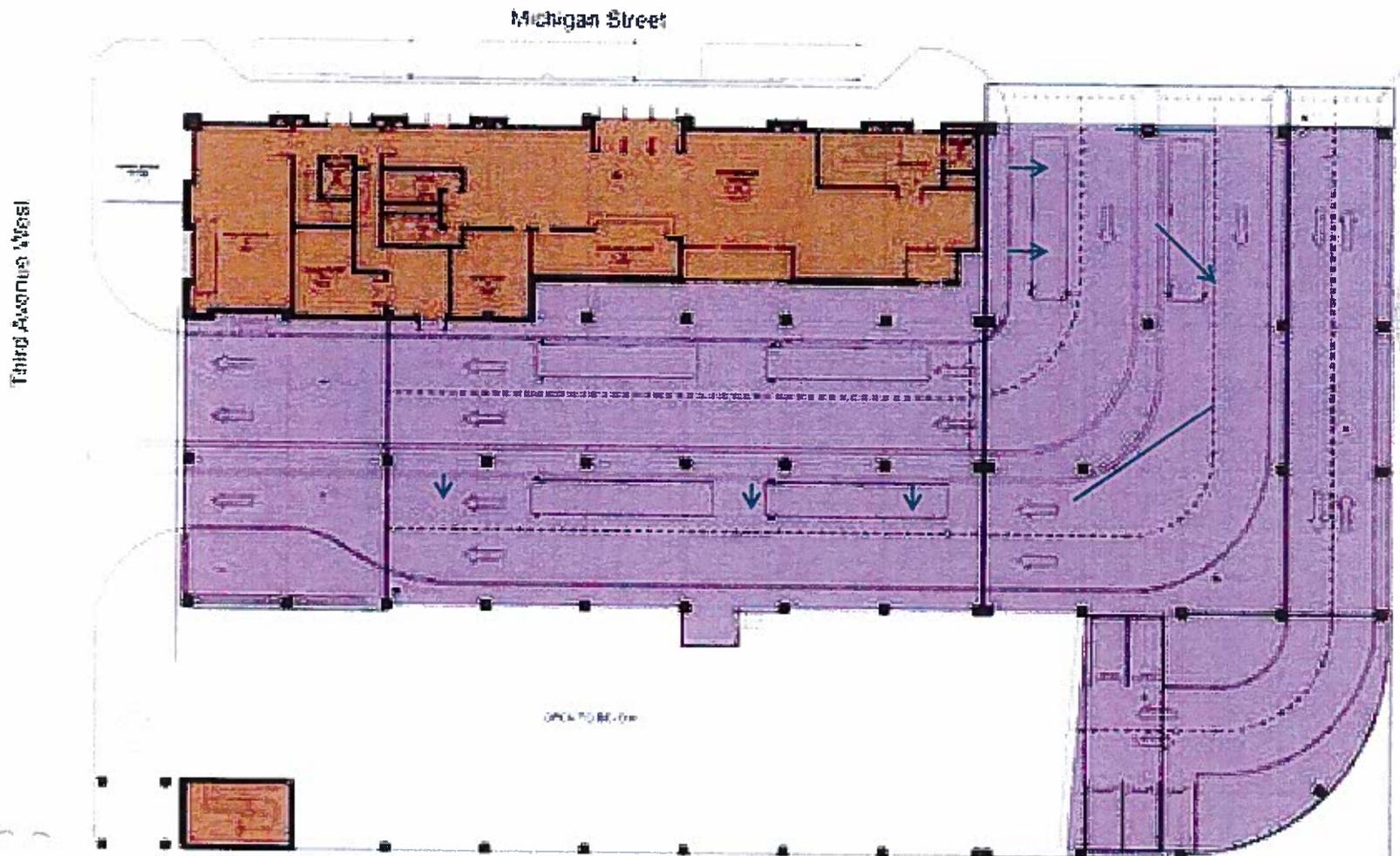




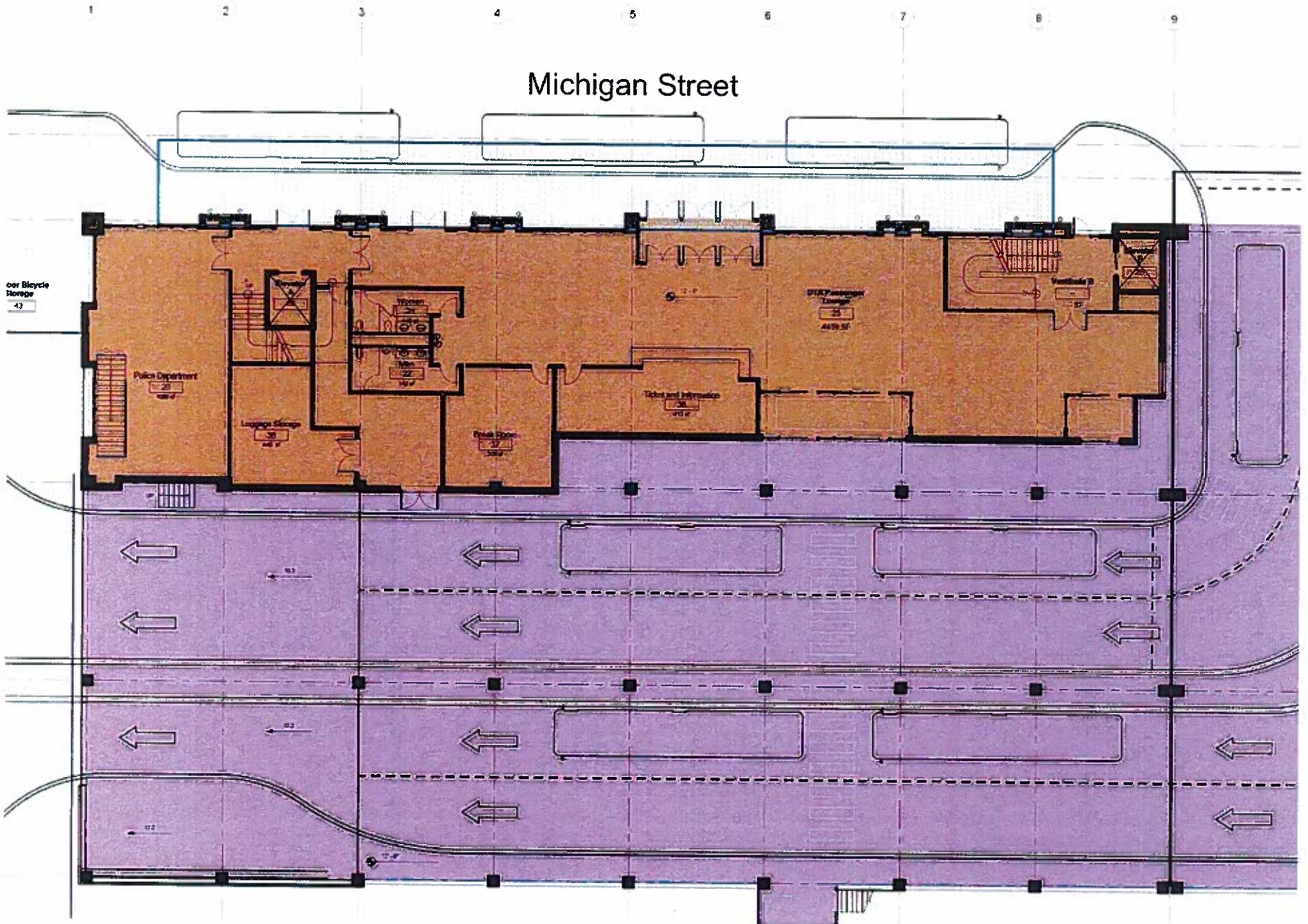
Lower Level Floor Plan



Level Two (Michigan Street) Floor Plan



Michigan Street



oor Bicycle Storage
43

Police Department
20
100 SF

Lounge Storage
30
20 SF

Rest Room
27
300 SF

Ticket and Information
38
400 SF

DICK Passenger
Lounge
25
4450 SF

Vestibule B
10
20 SF



0.1

0.2

0.2

0.2

1

2

3

4

5

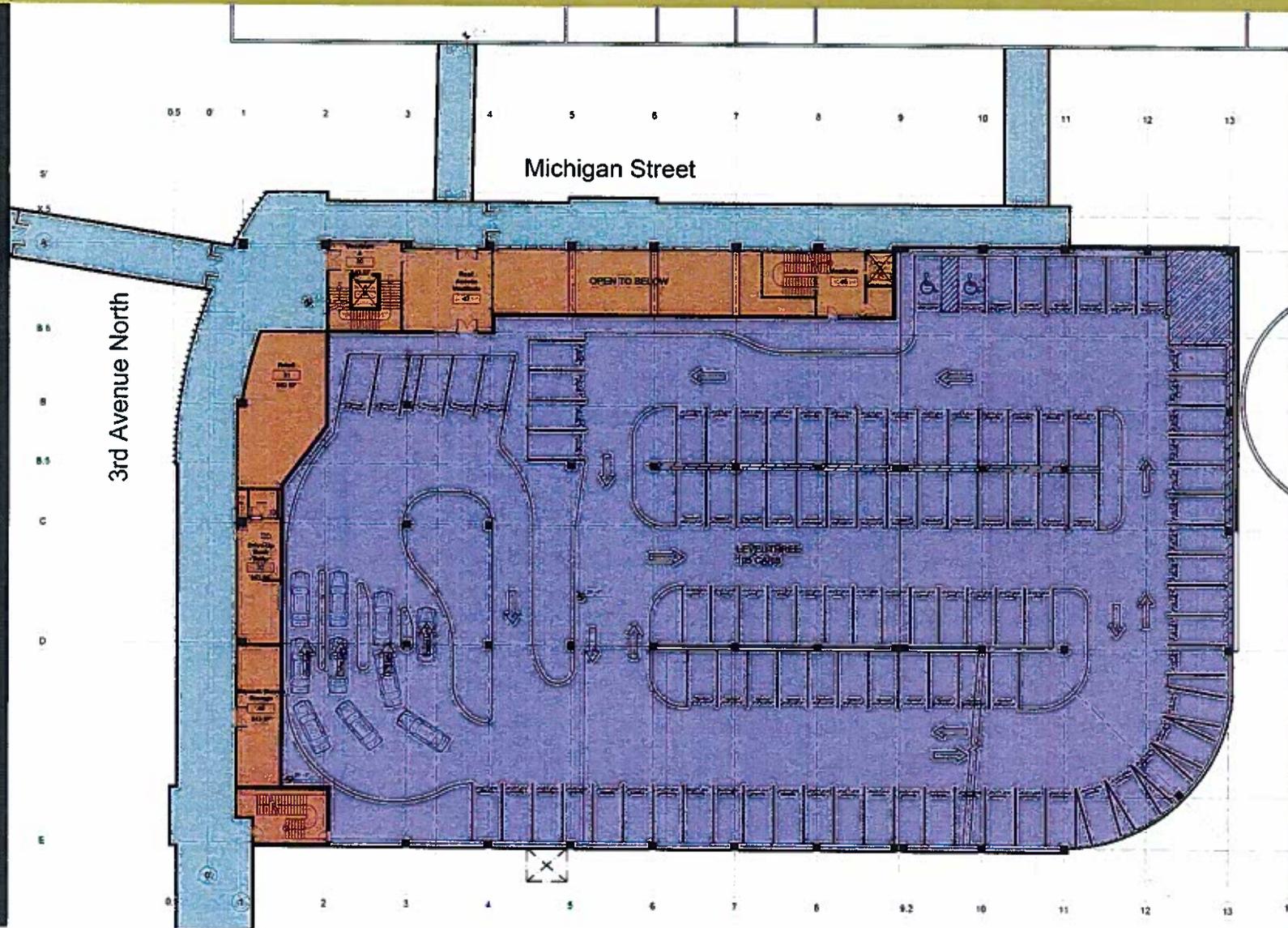
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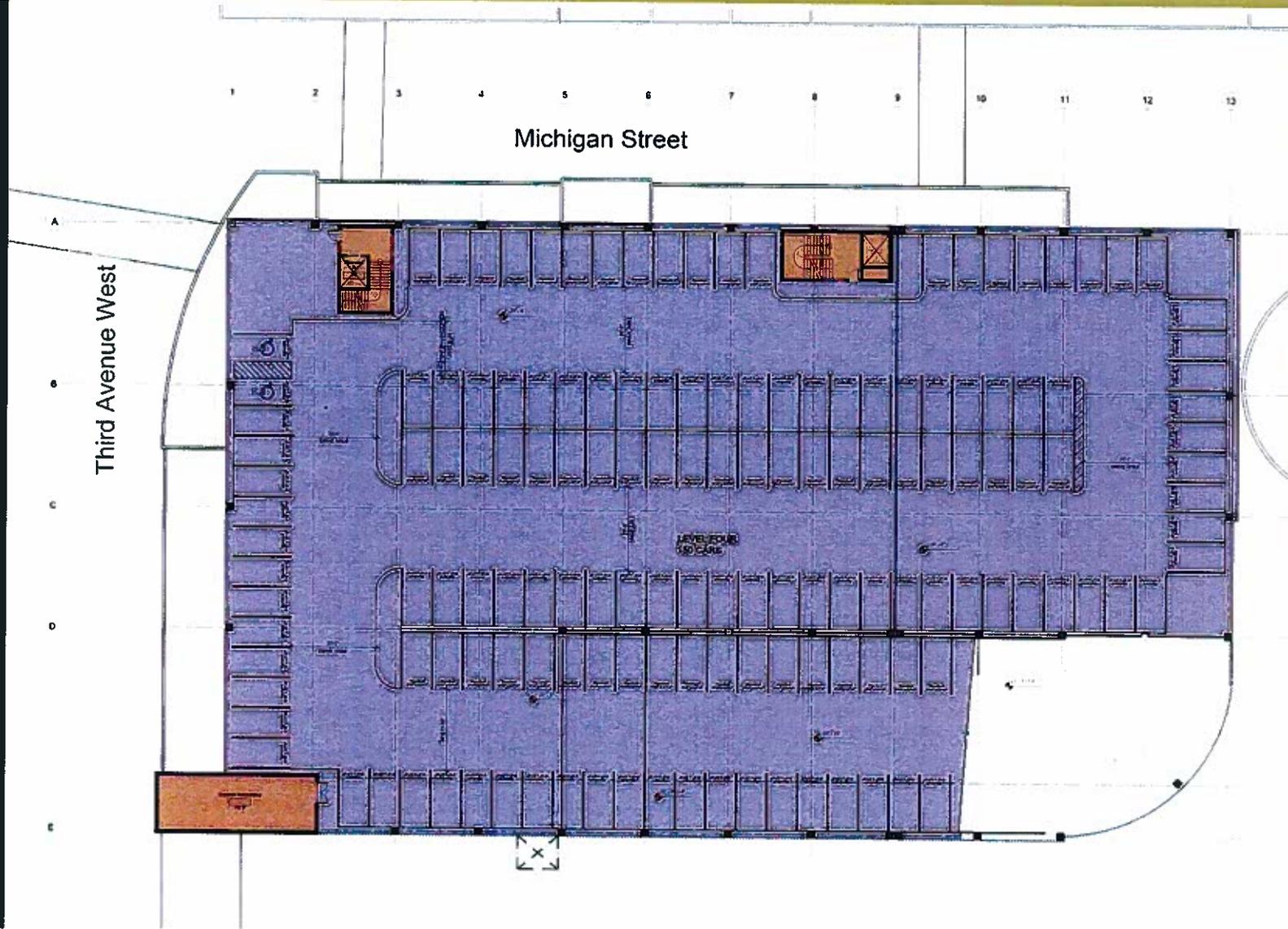
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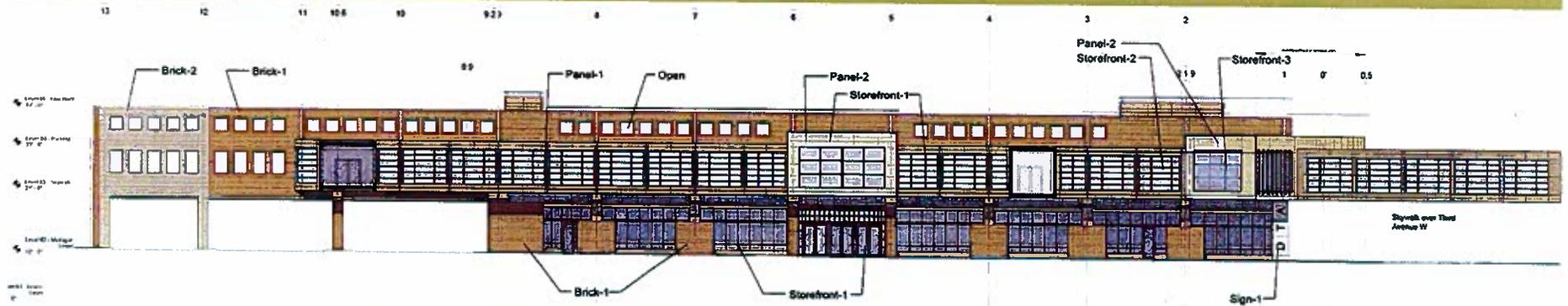
Level Three (Skywalk) Floor Plan



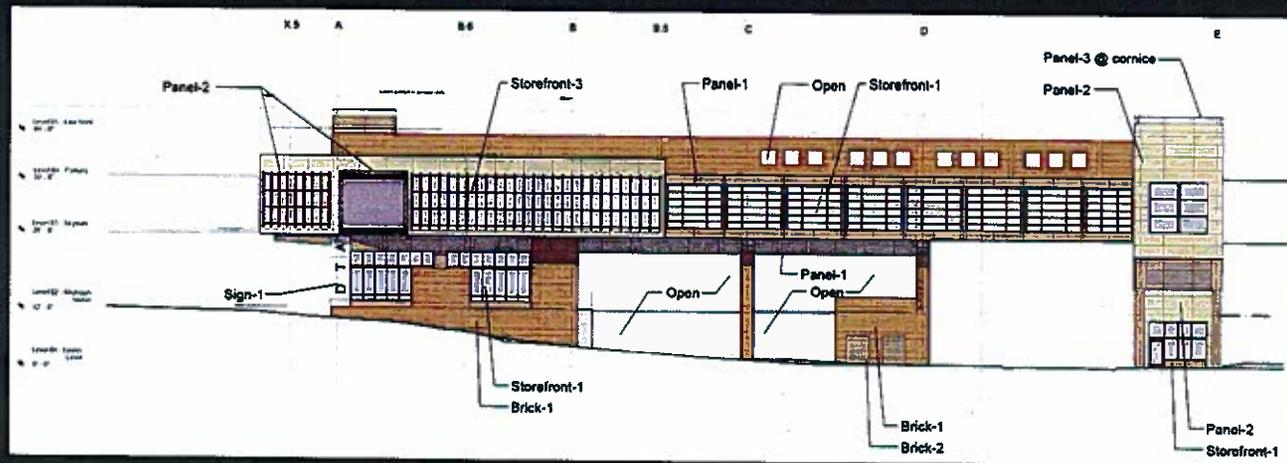
Level Four Floor Plan



Building Elevations

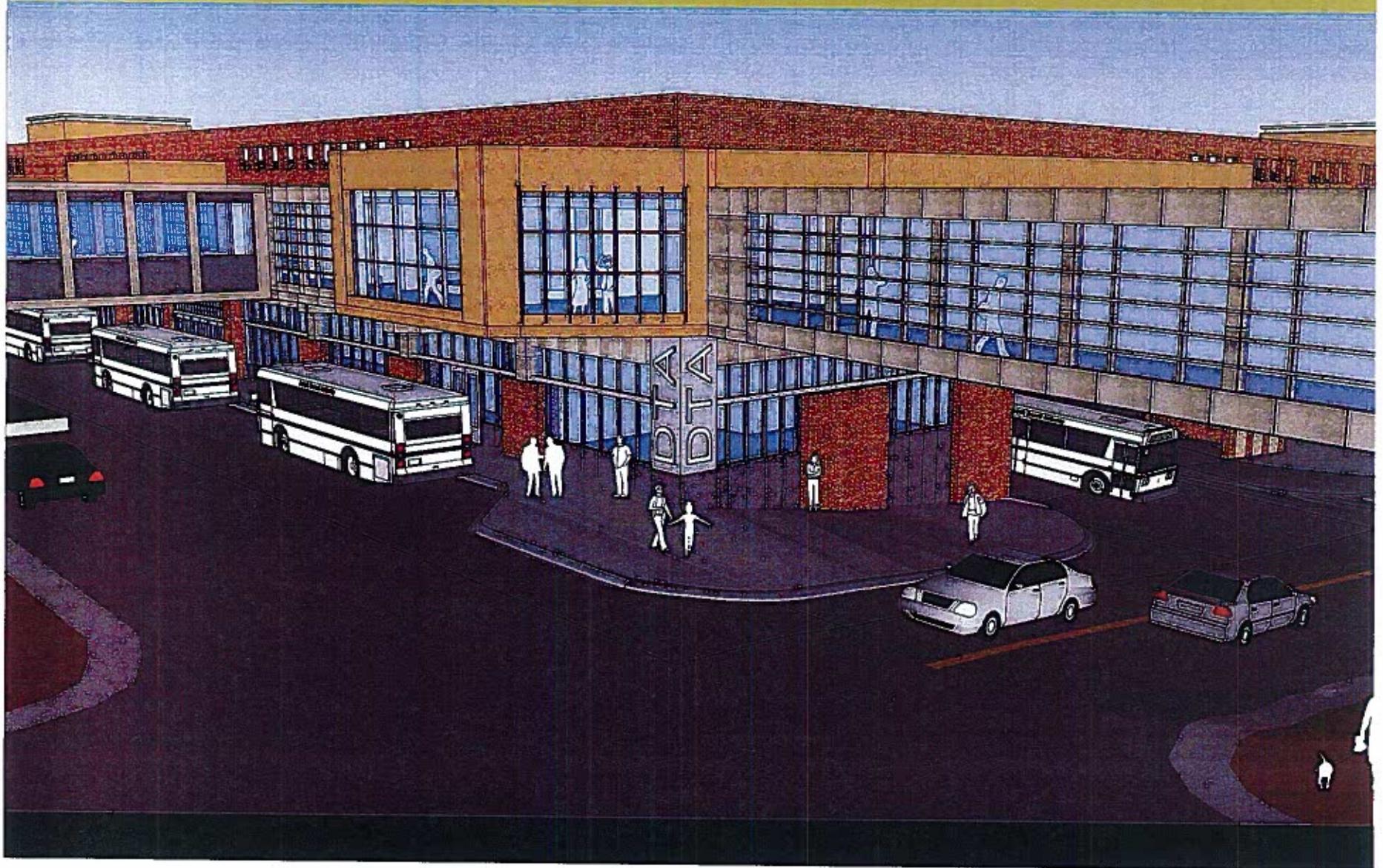


North Elevation – Michigan Street



West Elevation – Third Avenue West

View of Michigan St. & 3rd Ave W



3rd Ave West View

