

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-012-0

ORDINANCE NO. _____

AN ORDINANCE GRANTING THE DULUTH TRANSIT AUTHORITY A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN A SKYWALK AND CANOPY 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 and canopy in that part of West Michigan Street, described as follows:

Starting at a point 12 feet east of the NW corner of Lot 1, Block 10, Central Division of Duluth and extending 239 feet to the NW corner of Lot 11, Block 10, Central Division of Duluth, and extending eight feet into the right-of-way of Michigan Street. The height over the sidewalk will be at least 13 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 canopy and all fixtures and pertinencies of every kind whatsoever attached thereto from the tract of land described above

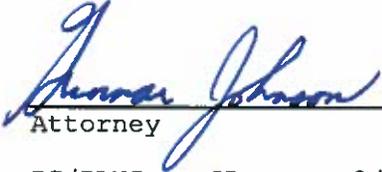
within said six months, all at the expense and cost of the permittees, and without right on the part of the permittees to claim from the city of Duluth, or any of its officers, agents or servants, any compensation, reimbursement for damages of any kind whatsoever.

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 and canopy 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 and canopy, 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 and canopy in said West Michigan Street.

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

Section 7. That this ordinance shall take effect 30 days 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 new Transit Center East (TCE) skywalk and the existing Wells Fargo Skywalk Bridge, and to build and canopy to cover citizens as they board busses on West Michigan Street. The planning commission was asked to review the request to approve the general area that the future skywalk and canopy 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.

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	PL13-008	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	210 to 218 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 and a canopy structure.

	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):

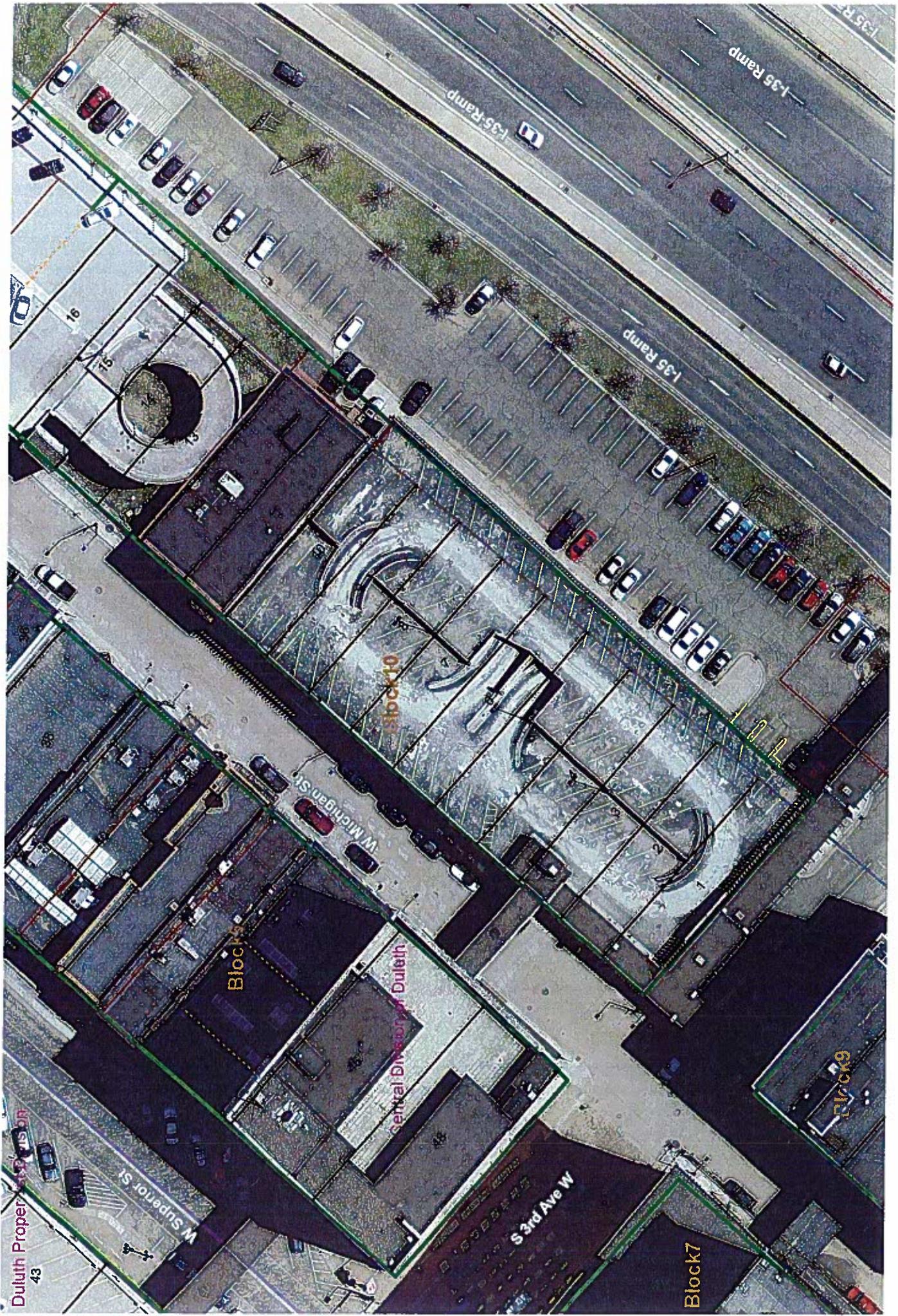
- 1) The applicant is proposing to build a private skywalk extension (one not covered under the normal rules for skywalks found under the City Code) and a structural canopy over the right of way of West Michigan Street. At this point, the City is asked to approve the general area that the Skywalk and canopy 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 and canopy structure.

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



Block 8

Central Division of Duluth

Block 10

Block 9

Block 7

16

15

14

13

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Duluth Planning Commission
January 8, 2013

New Skywalk from TCE Bridge
to Wells Fargo Bridge
Concurrent Use Permit Application

This application is for the new Skywalk connecting the TCE Skywalk Bridge to the Wells Fargo Skywalk Bridge. This new skywalk will extend from the new TCE Bridge to the Wells Fargo Bridge. It will have an interior open space of at least 12 feet and start at the SW corner of Lot 11 Block 10 Central Division. It will go westerly to the Wells Fargo Bridge which includes the easterly four (4) feet of lot 3 Block 10, a total length of 136 feet. The Concurrent use Permit will extend 4 feet into the right-of-way of Michigan Street and be 136 feet in length as described. The height over the sidewalk will be a minimum of 13 feet over the sidewalk.

A handwritten signature in black ink, appearing to read "James Haly", is written in a cursive style.

RECEIVED JAN 15 2013

Second Avenue West.

97	115.00	16	64.59
98		15	65.69
99		14	67.14
100		13	67.73
101		12	68.23
102		11	68.94
103		10	69.94
104		9	71.04
105		8	100.14
106		7	100.74
107		6	101.34
108		5	101.94
109		4	102.65
110		3	103.15
111		2	103.75
112		1	104.27
113			104.90

10	110.20	16	105.50
11		15	107.14
12		14	107.73
13		13	108.35
14		12	108.94
15		11	109.54
16		10	110.14
17		9	110.74

EXISTING TCE DTM OWNERS

Superior Street

Third Ave. West

Street

Michigan St.

Street

Biz Prop

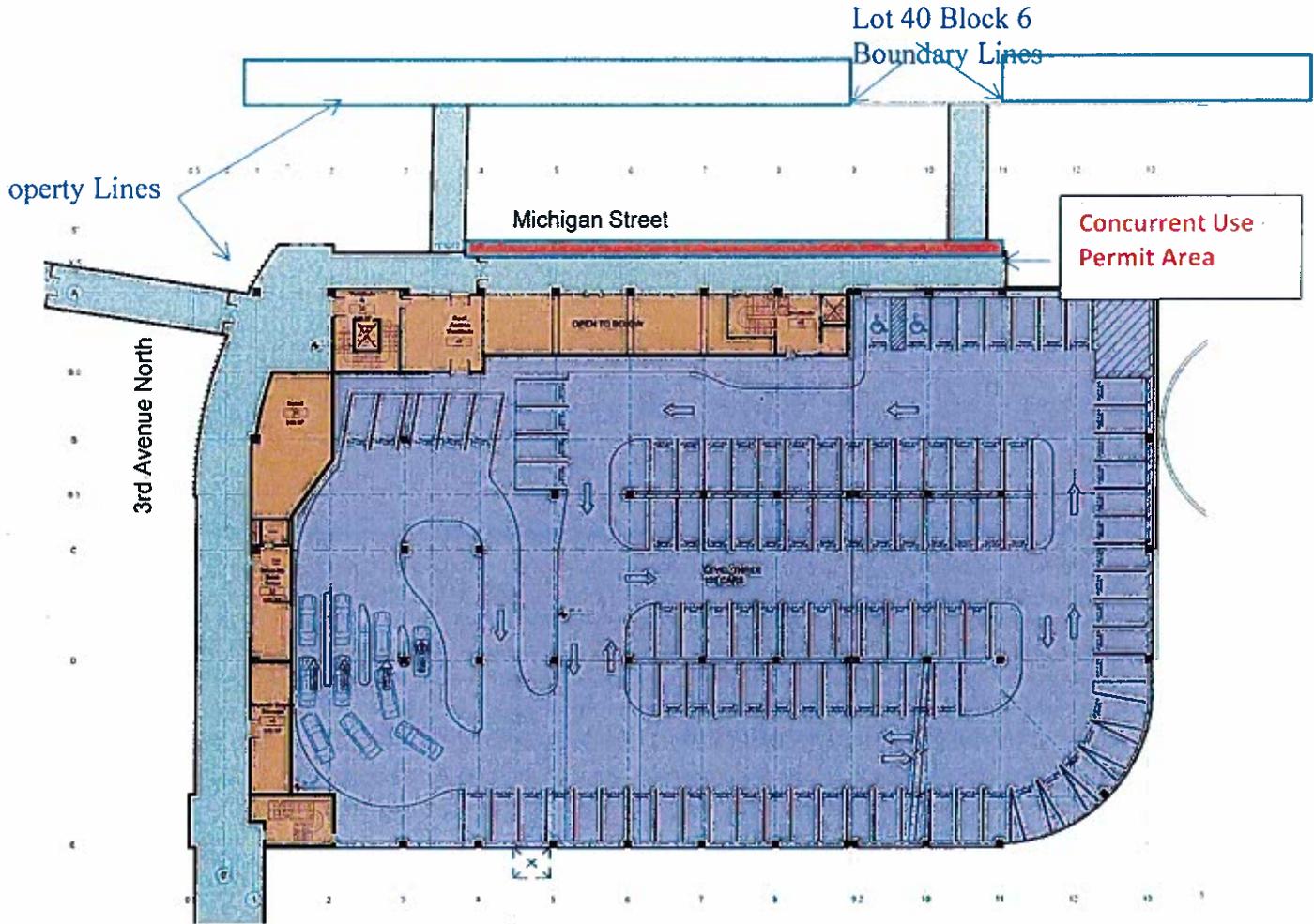
Salter Building

IMKIT

Wells Fargo Ramp

S & M R.R.

Michigan Street Skywalk



This new skywalk will extend from the new TCE Bridge to the Wells Fargo Bridge. It will have an interior open space of at least 12 feet and start at the SW corner of Lot 11 Block 10 Central Division. It will go westerly to the Wells Fargo Bridge which includes the easterly four (4) feet of lot 3 Block 10, a total length of 136 feet. The Concurrent use Permit will extend 4 feet into the right-of-way of Michigan Street and be 136 feet in length as described. The height over the sidewalk will be a minimum of 13 feet over the sidewalk.



Duluth Planning Commission
January 8, 2013

Michigan Street Canopy

This application is for the new canopy that will cover buses stopped on Michigan Street.

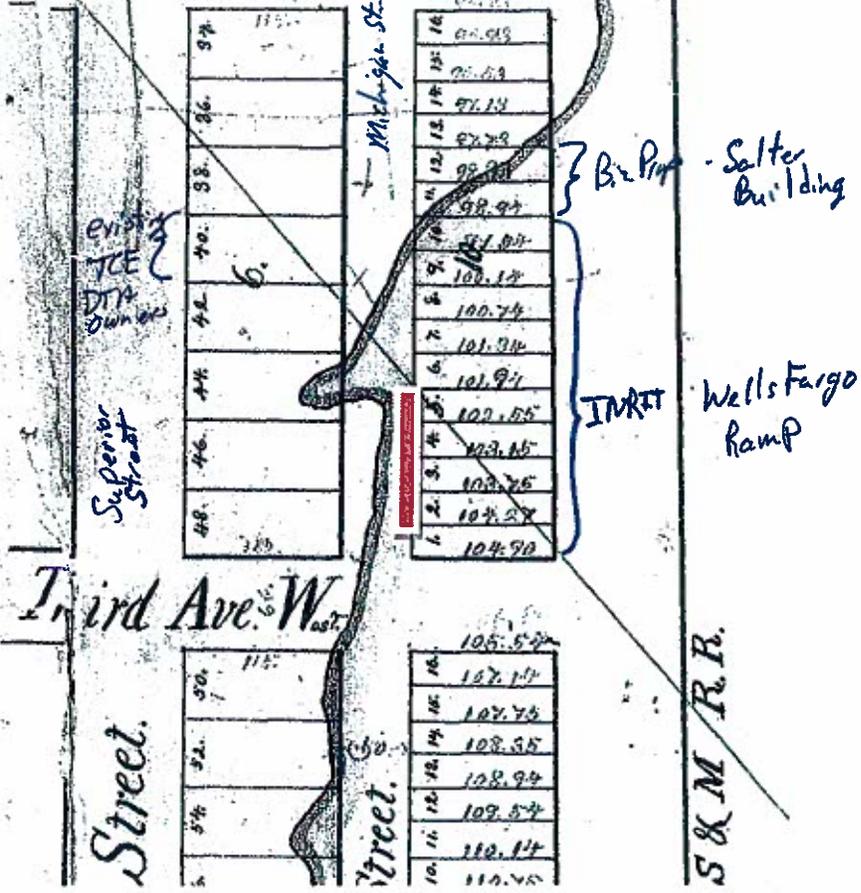
This new canopy will extend from twelve feet east of the NW corner of Lot 1 Block 10 Central Division a total of 116 feet. This is a point three feet to the east of the NE corner of lot 5.

The Concurrent use Permit will extend 8 feet into the right-of-way of Michigan Street and be 116 feet in length as described. The height over the sidewalk will be a minimum of 13 feet over the sidewalk and 13.5 feet over the bus lane.

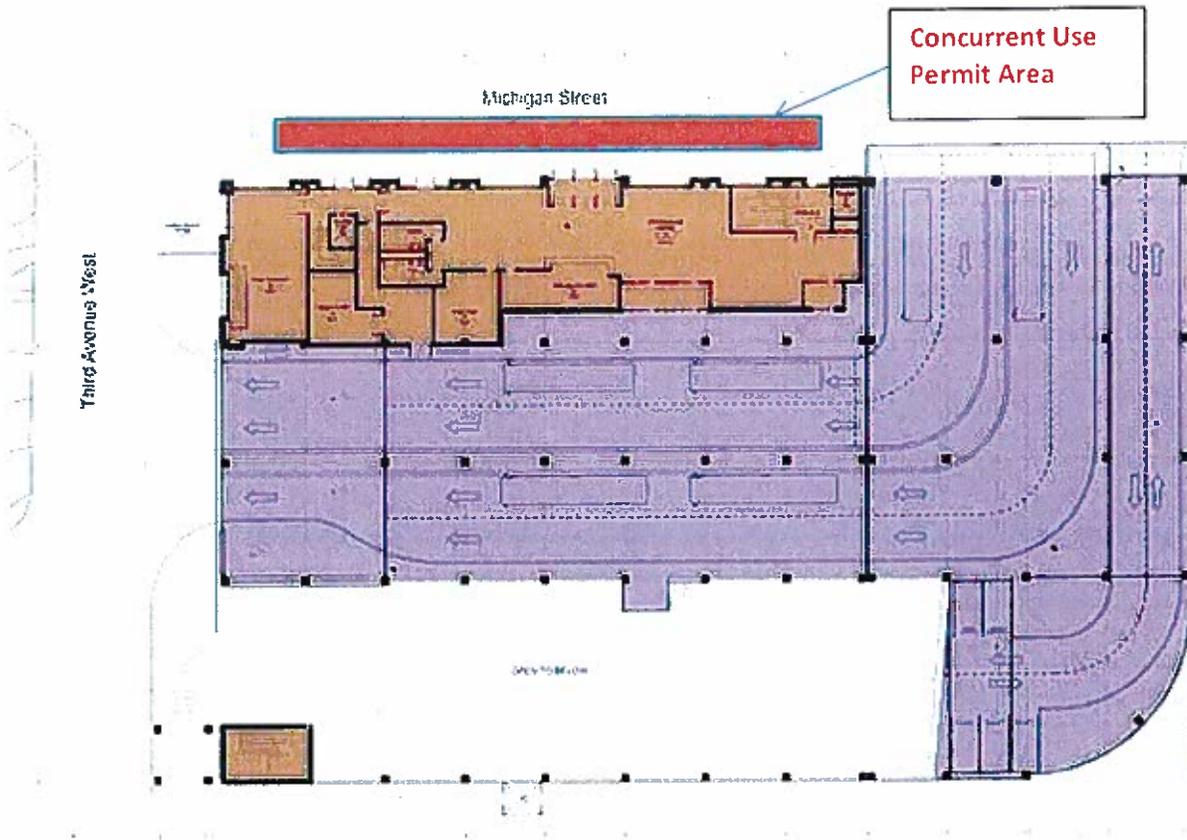
A handwritten signature in black ink, appearing to read "James Hatz". The signature is written in a cursive style with a large, sweeping initial "J".

RECEIVED JAN 15 2013

Second Avenue West:



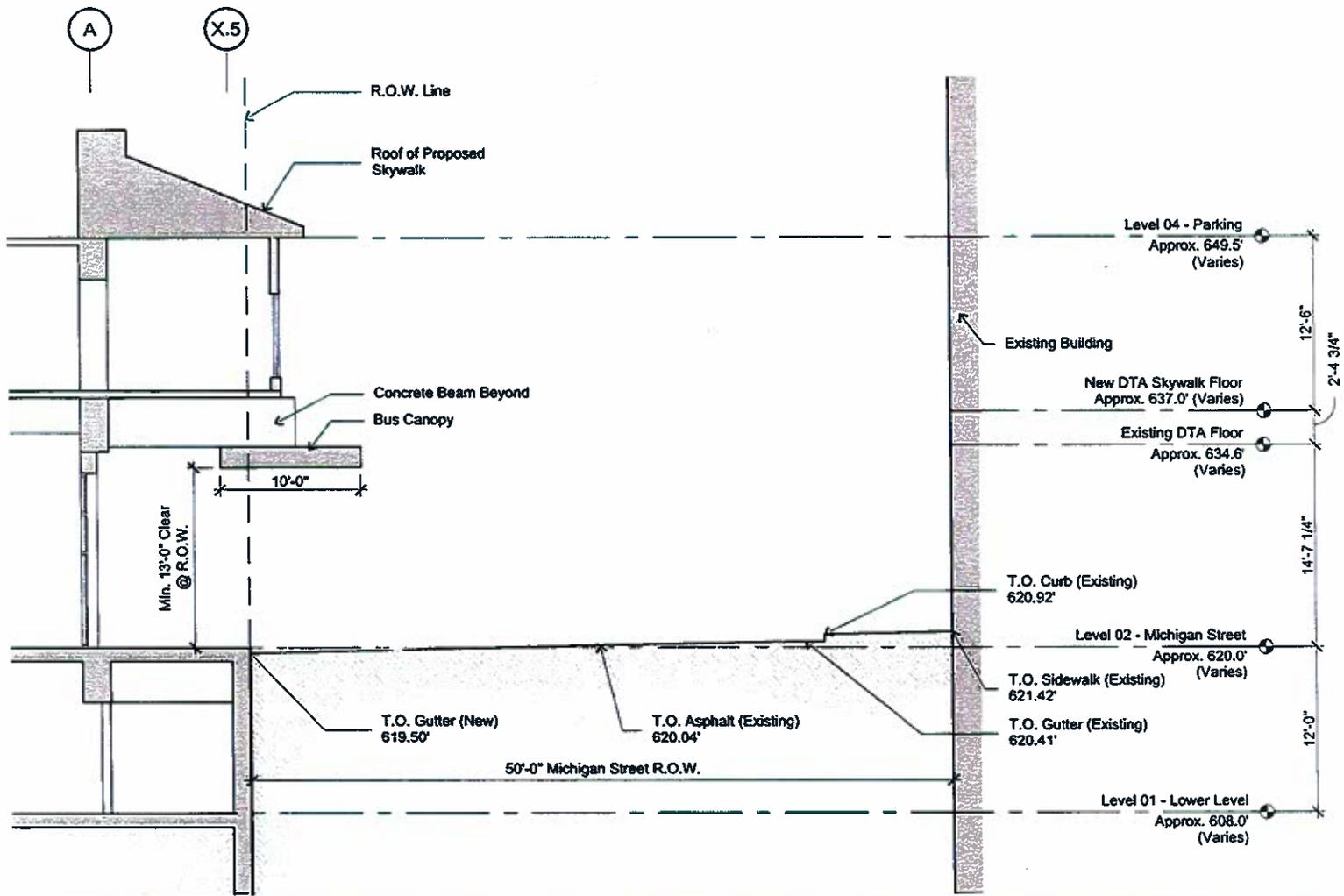
Michigan Street Canopy



This application is for the new canopy that will cover buses stopped on Michigan Street.

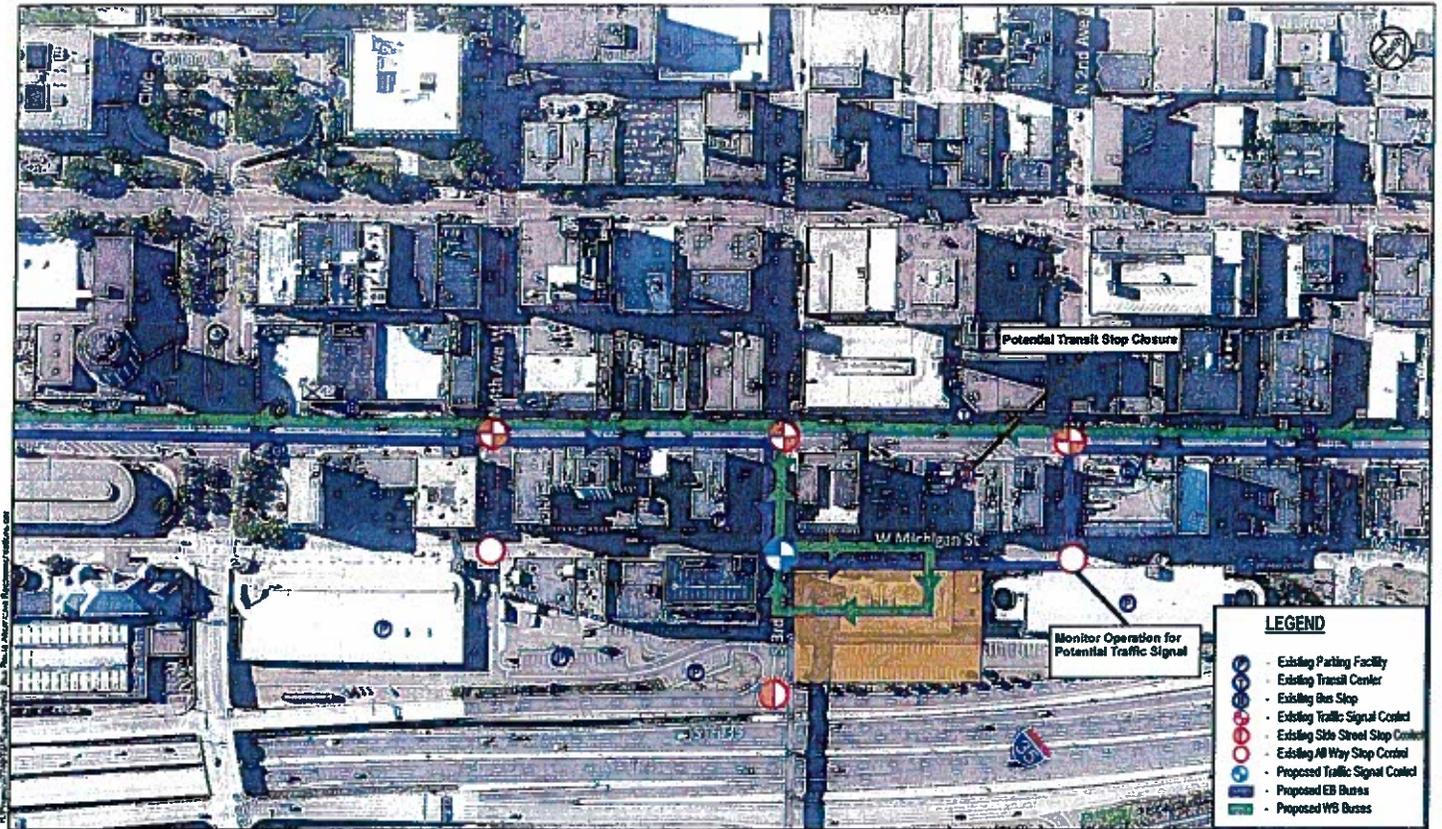
This new canopy will extend from twelve feet east of the NW corner of Lot 1 Block 10 Central Division a total of 116 feet. This is a point three feet to the east of the NE corner of lot 5 (into lot 6 by 3 feet).

The Concurrent use Permit will extend 8 feet into the right-of-way of Michigan Street and be 116 feet in length as described. The height over the sidewalk will be a minimum of 13 feet over the sidewalk and 13.5 feet over the bus lane.



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Reference Map with Route Movements



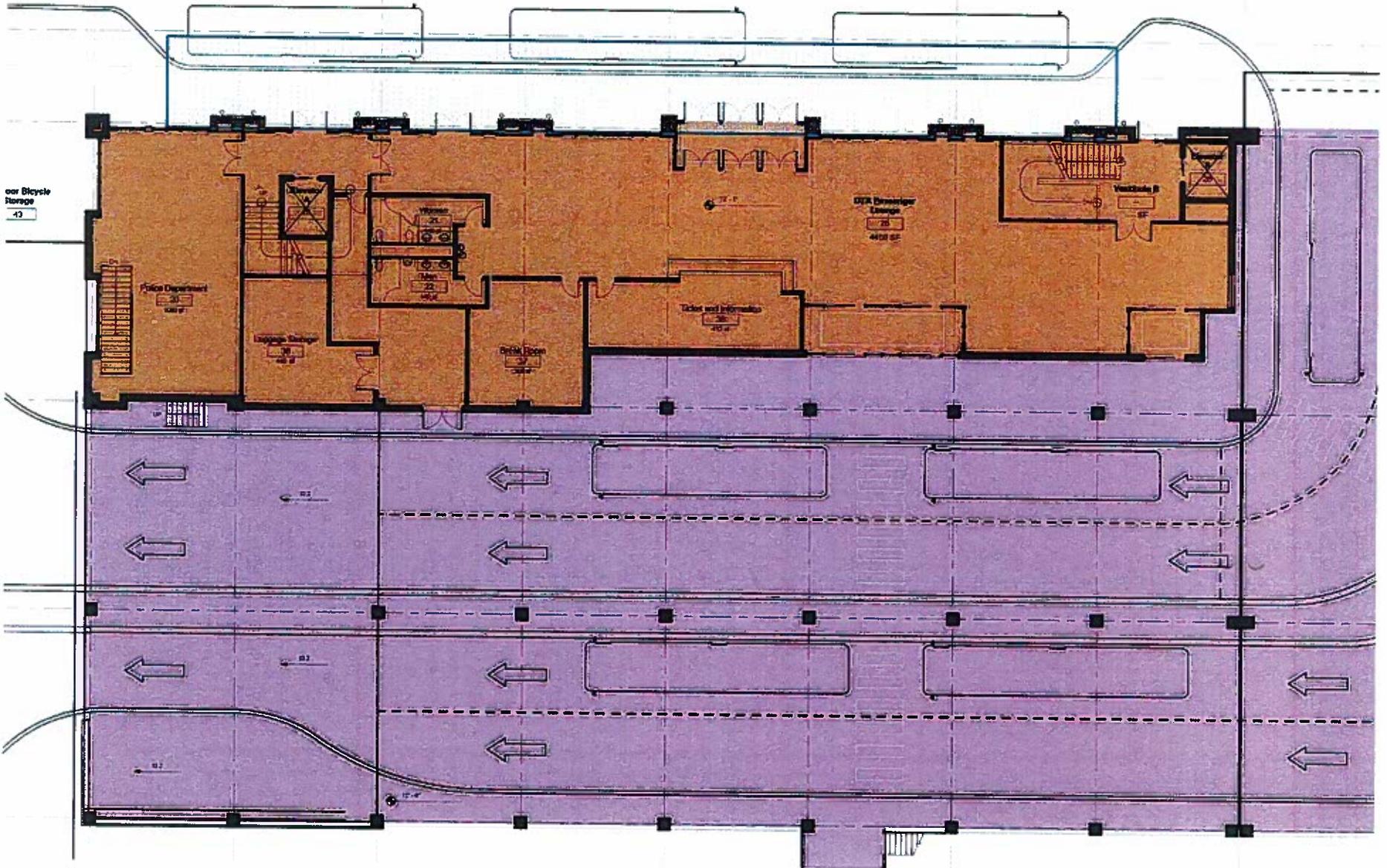
SR
Consulting Group, Inc.
Bus Route Alternative Recommendations
Duluth Multi-Modal Transportation Terminal
City of Duluth

Figure 2

RECEIVED JAN 15 2013

1 2 3 4 5 6 7 8 9

Michigan Street



Level Three (Skywalk) Floor Plan

