



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-024	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	4/8/14	
Deadline for Action	Application Date	3/17/14	60 Days	5/16/14
	Date Extension Letter Mailed	3/20/14	120 Days	7/15/14
Location of Subject	210 W. Michigan St.			
Applicant	Duluth Transit Authority	Contact	jheilig@duluthtransit.com	
Agent	Jim Heilig	Contact	623-4316; jheilig@duluthtransit.com	
Legal Description	Block 10 lot 1 Duluth Central Division			
Site Visit Date	3/21/14	Sign Notice Date	3/24/14	
Neighbor Letter Date	3/24/14	Number of Letters Sent	20	

Proposal

A variance to reduce the amount of transparency on the Harbor Center Skywalk to 37%.

	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	Freeway	Transportation and Utilities
East	MU-C	Commercial	Central Business Primary
West	MU-C	Commercial/Residential	Central Business Primary

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

50-23.6 - Skywalks: (A) The location and design ... should not compromise the historic or architectural integrity of existing buildings; (B) Design of skywalks shall be ... based on their architectural sensitivity, harmony, and cohesiveness with the historic/ industrial waterfront character ... (C) New skywalks and existing skywalks remodeled at a cost of more than 50% ... shall be designed so that 66% of each vertical side ... is made of glass or transparent materials.

50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

H-1

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

Principle #7 - Create and maintain connectivity

Future Land Use - Central Business Primary: Encompasses a broad range of uses and intensities, including significant retail, entertainment, high-density housing, public spaces, public parking facilities. Protection of historic buildings, form-based guidelines, pedestrian-oriented design.

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

Staff finds that:

- 1.) Variance request is for an existing skywalk structure that spans 3rd Avenue W. The existing structure contains 44% transparency.
- 2.) As part of the multimodal facility project, the DTA is renovating this skywalk and will be enclosing existing exposed steel in an insulated building skin to improve the energy performance of the space. This additional insulation will add more non-transparent area to the skywalk faces.
- 3.) Skywalk slopes between the DTA site and Harbor Center; the structure of the sloping floor reduces available space for windows. Existing floor slope is also being changed to meet ADA standards.
- 4.) Request for a variance to allow skywalk transparency of 37% constitutes a 7% reduction in the amount of windows over existing conditions.
- 5.) The only feasible way for applicant to meet the transparency requirements would be to significantly reconstruct the existing skywalk, which would be an undue hardship.
- 6.) The need for relief was not caused by the existing landowner, as the current skywalk was built before the DTA decided to build the transit facility.
- 7.) A skywalk in this location is a reasonable use, and is consistent with the comprehensive plan goal of building connectivity. It will not change the essential character of the area, as a skywalk already exists in this location, and the current skywalk already contains less transparency than UDC requirements.
- 8.) No City, public, or agency comments have been received.
- 9.) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

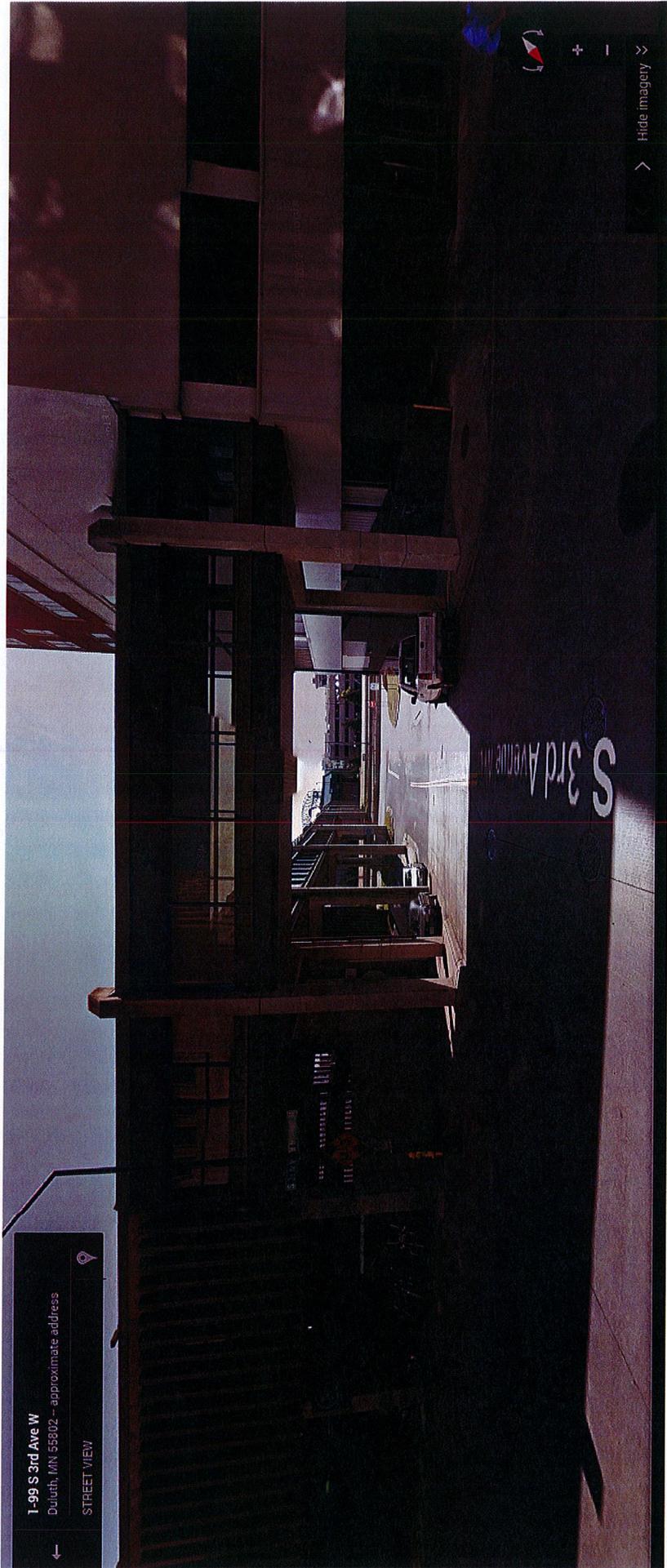
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission approve the variance request with the following conditions:

- 1.) Variance request applies only to reuse of the existing skywalk. If skywalk is reconstructed in the future, it will need to conform to skywalk requirements in place at the time.
- 2.) Skywalk be no less than 37% transparent on both facades.
- 3.) 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.

H-2

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



H-3

Glazing is currently 44% of entire elevation

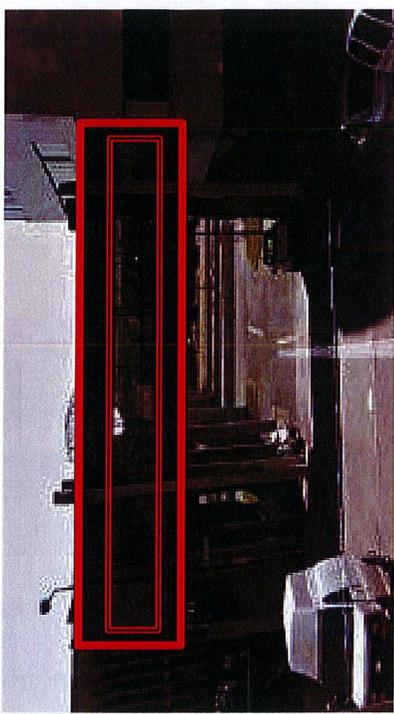
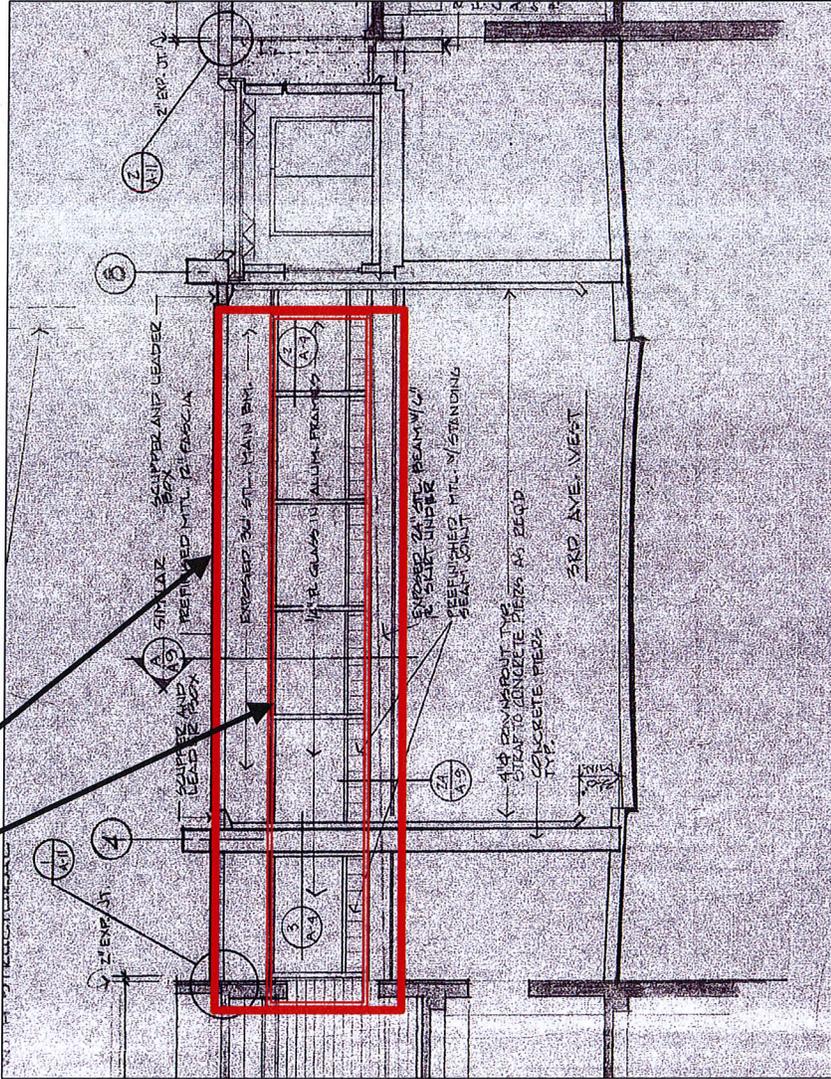


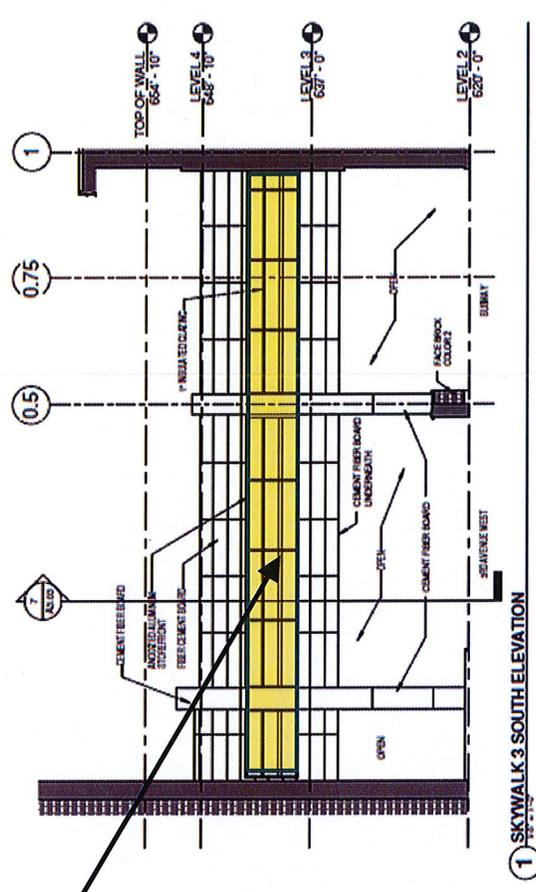
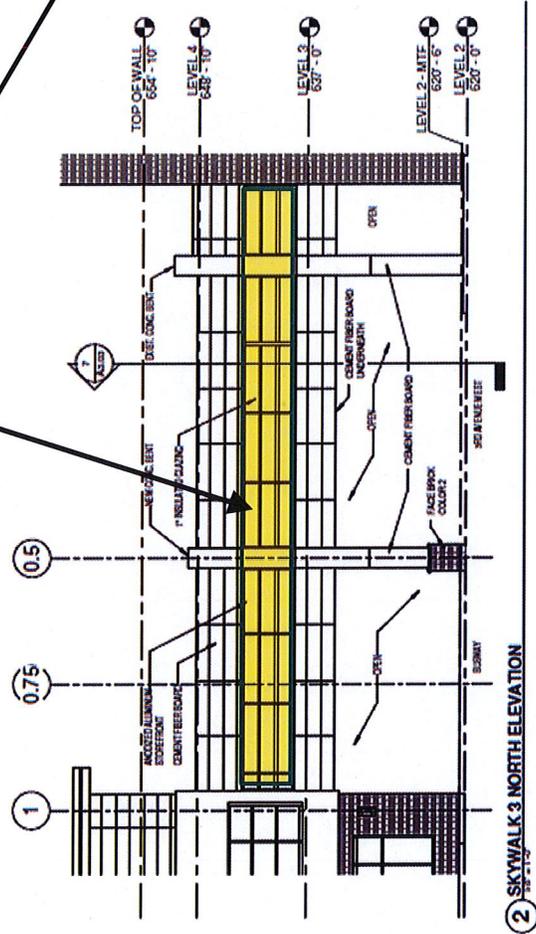
Image from Michigan St. and 3rd Ave West

South Elevation - NTS

Harbor Center Skywalk – Existing Conditions

H-4

Glazing of proposed design is 37% of entire elevation



Harbor Center Skywalk – Proposed Design

H-5