



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 14-026		Contact	Jenn Reed Moses (218) 730-5328	
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

Applicant is requesting a light level of 7.0 footcandles at the right of way with Michigan Street, where downward facing lights would illuminate the passenger boarding area.

	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):

50-31.3 - Design and Illumination Standards: Maximum illumination value at right of way is 2.0 footcandles.

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.

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

Principle #7 - Create and maintain connectivity
Principle #9 - Support private actions that contribute to the public realm. This refers to site design and other standards in places where private actions abut public areas.

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.) A transit facility is a reasonable use in the MU-C district. The proposed transit facility includes a passenger boarding area that is partially on DTA property and partially in the right of way. The skywalk that forms the canopy over the boarding area is also partially on DTA property and partially in the right of way.
- 2.) The DTA is proposing to install recessed lighting into the boarding area canopy. Because of the unique location of the boarding area, this would cause light levels along the property line to reach close to 7.0 footcandles (fc), which is the standard per MnDOT and the Metropolitan Council for passenger bus loading zones.
- 3.) The UDC allows the maximum amount of light on a commercial site to be 15.0 fc. This further suggests that a request for 7.0 fc in a bus loading area is not unreasonable.
- 4.) The proposal would not alter the essential character of the area. Lighting would be downcast, resulting in little trespass beyond the boarding area. Light from these fixtures will not trespass onto buildings across Michigan Street (see photometric plans in DTA Planning Review, PL 14-023). Lighting is further shielded from any upward reflection by its location under the skywalk canopy.
- 5.) Lighting on the remainder of the site will meet all UDC requirements.
- 6.) No public, agency, or City comments were received.
- 7.) 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, subject to the following conditions:

- 1.) Lighting plans submitted with the building permit confirm that the increase in light levels at the property line across Michigan Street will be no more than 1.0 fc, and that all other lighting on the site meets UDC requirements.
- 2.) 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.

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



Duluth Planning Commission
 March 14, 2014

Transit Center Boarding Area Lighting
 Variance to increase light levels

The DTA is hereby applying for a variance to increase the light level at the boarding area under the Skywalk Canopy on lower Michigan Street. Current UDC limits the light level to two candlepower. This is insufficient for safe passenger boarding and safe operation of the area. The DTA is requesting the level of light be increased to a maximum of seven candlepower as per MN/DOT and Met Council Standard. The DTA would be comfortable with this having the limitation of only for stops where bus boardings average in excess of 150 per day.

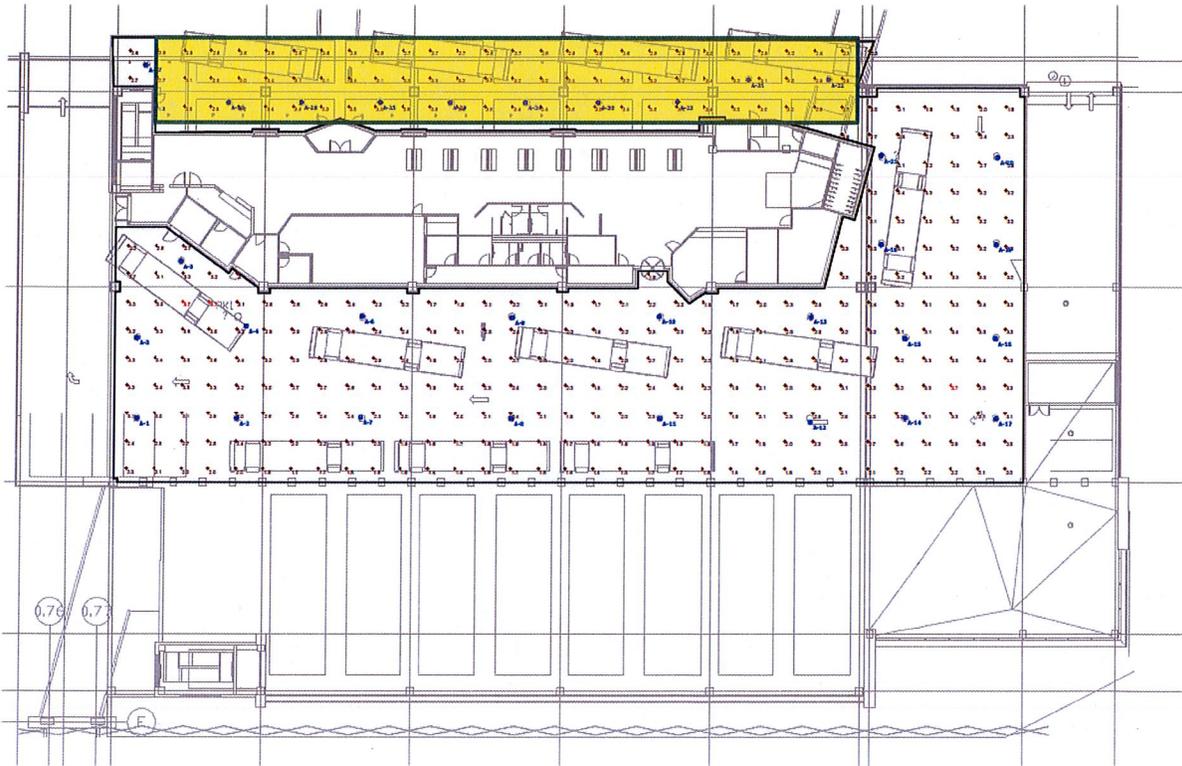
Location	Minimum Average or Minimum Maintained	Foot-candles (fc)
Platform includes fare vending area	Average	4.0
Edge of platform	Minimum	2.0
Enclosed shelter	Average	7.0
Stairs, ramps and elevators	Average	15.0
Toilet, washrooms, depot buildings (not used)	Average	30.0
Parking area and pedestrian walkways	Average	2.0
Underground passage	Average	20.0 ⁽¹⁾
Elevator machine room	Average	20.0
Entrance and exit roads	Average	3.0
Passenger bus loading zones	Average	7.0
Outdoor plazas, bicycle stands	Average	5.0

- (1) Original value of 30 fc was excessive. According to the IEC guidelines, the recommended average maintained illuminance for pedestrian tunnels is 4.3 fc. By reducing the value to 20 fc, the public is provided with safe levels of lighting.
- (2) ASHRAE 2004 has a new exterior lighting section which includes specific lighting power limits for a variety of exterior applications. Illumination levels may require adjustment upon review of the new standard. The State of Minnesota has not adopted said standard as of present.

James Heilig, Director of Administration and Planning
 Duluth Transit Authority

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Light on Loading Area



The area in yellow is the impacted area of the variance increase. The design of the site decreases the amount of light spillover on other sites.

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