PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

RESOLUTION - ADOPTING THE PARK POINT SMALL AREA PLAN RECOMMENDATIONS REGARING

USE OF UNIMPROVED RIGHTS-OF-WAY FOR PUBLIC ACCESS. (City of Duluth Planning Department)

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) The city council adopted the Park Point Small Area Plan recommendations on the use of improved and unimproved right-of-ways for public access and directed city planning staff to meet with Park Point community groups to develop amendments to the current list of 16 Tier 2 access points (see Resolution 14-0262); and

(b) The Plan identified and endorsed a system of neighborhood access points proposing sixteen existing current rights-of-ways as additional pedestrian access points, eight to the Lake Superior side and eight to the Bay side; and

(c) Pursuant to (mended Resolution 14-0262), a meeting was held on July 19, 2014, to review Tier 2 access points. No consensus was reached as to the final location of the Tier 2 access points. The meeting participants recommended that more study was needed to designate the access points; and

(d) Pursuant to amended Resolution 14-0476R the city council supports the establishment of a study group, functioning under the guidance of city planning staff, to review the various issues involved, including environmental concerns, location and number of access points, screening needs and level of physical improvements needed at the access points. The city council proposes that members of the study group include members of the parks commission, representatives from the Park Point Community Club and the Street End Coalition, and two volunteers familiar with the comprehensive land use plan. The study group should submit its findings and recommendations to the city planning staff within one year of this resolution (December 31, 2015); and

(e) In 1990 the City Council adopted a resolution (90-019R) to continue to discourage vacations of and the placement of structures in public rights-of-way on Park Point in order to preserve lake and bay vistas, for both residents of Park Point and other Duluth citizens; and

(f) The special Study Group created by City Council undertook a several months long intensive study and evaluation of the sixteen rights-of-ways proposed for public access in the Park Point Small Area Plan and alternative access points; and

(g) Following the review of the major issues of access to the Lake and Bay from Minnesota Avenue via the use of unimproved rights-of-ways, the study group proposes a revised list of sixteen existing rights-of-ways as pedestrian neighborhood access points: and

(h) The City Council continue to reject any applications for the full vacation of public rights-of-ways; and

(i) The City Council not allow the placement of any type of structure in the public rights-of-ways; and

(j) That unimproved rights-of-ways shall remain the property of the owner along the rights-of-way and they may exercise their ownership rights; and

(k) Such pedestrian neighborhood access points shall be recognized identified and improved by the city parks and recreation department by the placement of an official city medallion or sign, mounted in the side walk at the entrance to the neighborhood access point; and

(l) Any such improvements to the identified (Tier Two) neighborhood access points shall only be undertaken after the existing public (Tier One) public access points have been brought up to a standard to meet the increased demand they are currently undergoing; and

BE IT FURTHER RESOLVED that these recommendations from the Study Group identifying the (Tier Two) neighborhood access points and their implementation are adopted as identified in public Document No. 14 – XXXX-XX

Approved as to form:

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Attorney

STATEMENT OF PURPOSE: This resolution adopts specific recommendations from the Park Point Public Access Study Group regarding the Tier 1 and Tier 2 Lake and Bay access points previously proposed in the Park Point Small Area Plan.

The Small Area Plan emphasized on the importance of improved way finding to allow for a safe and more positive, user friendly approach to the area by providing locations, visitors and resident alike providing directions and information to public access points to beach, trail and natural areas while mitigating the intentional or incidental trespass onto private property.

It also sought to guarantee neighborhood access to the beaches along the point, at locations other than the primary, Tier One locations (South Pier, Franklin Park, Lafayette Square, Park Point Recreation Area and the preservation area beyond Sky harbor airport), was addressed by the recommendation to provide eight designated Tier Two locations along the Lake and eight designated Tier Two locations along the Bay sides of the Point.

The Small Area Plan Advisory Committee used a set of criteria to help identify and categorize the best Lake/Bay access points with the least negative environmental impact. The Committee also endorsed the Tier 1 and Tier 2 access system Parks and Recreation Commission recommendation but with fewer Tier 2 access points and more distance between those points. This plan establishes the right of public use through the improvement of “street” right-of-ways for Public Park, beach, Lake/ Bay access, subsequent to these designated neighborhood access points being improved by the City Parks Department to a level appropriate to their location and environment.

On April 30, 2014, the Duluth city planning commission held a public hearing on

the recommendations including three amendments to the comprehensive land use plan - future land use map contained in the Park Point Small area plan and voted 5 yeas and 3 nays to recommend city council adoption.