



Legislation Details (With Text)

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Title: Reconsider options regarding existing non-conforming residential parkway aprons located in the City's right-of-way.

Sponsors:

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Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council	directed staff	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Reconsider options regarding existing non-conforming residential parkway aprons located in the City's right-of-way.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

Not required.

BACKGROUND:

Under new business at the October 1, 2019 meeting, Patti Bernhard, attorney with Rosanova & Whitaker, requested City Council support of a right-of-way encroachment agreement to allow an existing parking space to remain in the parkway adjacent to an existing single-family residential home located at 6 N. Wright Street. Following some discussion, City Council directed staff to research potential options pertaining to this request and return to the City Council for further discussion.

At the November 5, 2019 City Council meeting, staff presented a variety of options that could be used if City Council determined that the non-conforming parkway aprons should either be permitted or prohibited. Following discussion of these options, City Council directed staff to pursue the removal of existing non-conforming residential parkway aprons in conjunction with street resurfacing occurring adjacent to the effected properties. Per Council direction, the City would pay for 60% of the cost to remove the parkway apron and restore the parkway; the impacted property owner would pay for 40% of said costs.

Based on City Council direction, staff notified approximately twenty residents located within the City's

historic district that their existing non-conforming residential parkway aprons would be removed in conjunction with street resurfacing programmed for their area in 2020. The total cost to remove the 20 aprons would be \$22,500 (\$13,500 paid by the City; \$9,000 paid by impacted property owners). Since receiving notice, many of the impacted property owners have contacted the City requesting that their apron be permitted to remain, including several public forum speakers at the December 3rd and December 17th City Council meetings.

Under new business on December 17, 2019, City Council requested that staff bring back the options regarding existing non-conforming residential parkway aprons for further discussion.

DISCUSSION:

Code Allowances

The apron of a residential driveway is permitted within the public right-of-way provided that (1) it leads to a driveway located on private property in compliance with Section 6-9-2 (Off-Street Parking Facilities) and (2) the apron does not exceed 20' in width at the property line. When a drive apron is permitted, cars can be parked in this location provided that they do not overhang the sidewalk or extend into the street.

Options to Remove Existing Non-Conforming Parkway Aprons

In the November 5, 2019 agenda item, staff presented a variety of options that could be used if City Council determined that the non-conforming parkway aprons should either be permitted or prohibited. Based on direction provided on November 5th and follow-up discussions since then, staff has only included options below (including some new) for either the immediate or phased removal of existing non-conforming parkway aprons, as follows:

Option A: allow existing non-conforming residential parkway aprons to remain. However, if these aprons are removed by the property owner, the City will not permit their replacement or reinstallation in the future. This option allows for non-conforming aprons to be phased out over an extended period of time.

Option B: allow existing non-conforming residential parkway aprons to remain until the associated street is resurfaced. At that time, the City would remove the existing non-conforming residential driveway apron in conjunction with the CIP/MIP project and restore the area with sod or seed. The cost of removal and restoration would be 60% City/40% property owner.

Option B1 (new): implement Option B above; however, also permit individual property owners to seek an exemption from City Council on a case-by-case basis. If City Council finds the exemption request warranted, they could authorize the non-conforming parkway apron to remain following street reconstruction.

Option B2 (new): implement Option B above; however, the City will assume 100% of the costs to remove the aprons and restore the parkway to remove this burden from the impacted property owner.

Option C: direct Code Enforcement to notify all property owners to remove their existing non-conforming residential parkway aprons. This option seeks to achieve the removal of all non-conforming aprons in the short term.

Option D (new): allow existing non-conforming residential parkway aprons to remain even as street resurfacing work occurs. However, as street work is undertaken, any property owner

who voluntarily requests that their apron be removed in conjunction with the street work would be offered 100% City coverage of the costs to remove the apron and restore the parkway. This incentivized option allows for non-conforming aprons to be phased out over an extended period of time on a voluntary basis.

Note: for any of the above options that permit the continued use of an existing non-conforming parkway apron for any period of time, it is expected that vehicles parked on these aprons do so in compliance with the Code. Enforcement of illegal parking would occur on a complaint basis.

FISCAL IMPACT:

To be determined based on selected option.