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Title:	Provide direction regarding potential regulations pertaining to the parking of cars in the City's right-of-way.				
Sponsors:					
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Date	Ver.	Action By	Action	Result
11/5/2019	1	City Council	directed staff	Pass

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:
Provide direction regarding potential regulations pertaining to the parking of cars 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.

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.

6 N. Wright Street

With respect to the home located at 6 N. Wright Street, the existing apron previously served as access to a driveway located on their private property. Several years ago, the property owners constructed a new garage and driveway along Benton Avenue and requested a variance to permit the continued use of the Wright Street driveway due to its encroachment into the required setback. The requested variance was not approved by the City Council and the property owners were accordingly directed to remove the Wright Street driveway. While the driveway was removed, the property owners did not remove the driveway apron which remains within the right-of-way today and is being used by the homeowners to park a car.

Upon receipt of a complaint, Code Enforcement directed the property owners to remove the apron as it no longer serves as access to a driveway located on private property. The property owners have indicated that 3-4 other properties in the surrounding area similarly use a driveway apron (without a corresponding driveway) to park a car in the public right-of-way.

Options
At the October 1, 2019 meeting where this issue was raised, the City Council directed staff to research potential options pertaining to the parking of cars in the public right-of-way. Note: because the requested parking is located in the public right-of-way, requesting a variance is not an available option (variances are only applicable to private property).

In discussing this issue, City Council should first determine if they would like to accommodate parking in the public right-of-way; based on the outcome of that discussion, the Council may then select a preferred option below.

Options to Prohibit Parking of Cars in the Parkway
If City Council finds that it is not preferred to park a car in a residential public right-of-way (absent an associated private driveway), the following options are available to address existing non-conformities, as well as future requests:

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.

Option B: allow existing non-conforming residential parkway aprons to remain until the associated street is reconstructed (i.e., including replacement of curb). At that time, the City would pay for removal of the existing non-conforming residential driveway apron in conjunction with the CIP/MIP project and pay for restoration of this area with sod or seed.

Option C: direct Code Enforcement to notify all property owners to remove their existing non-conforming residential parkway aprons. Note: beyond those in the vicinity of 6 N. Wright Street, staff does not have an estimation of the number of non-conforming parkway aprons that exist throughout the City.

Options to Permit Parking of Cars in the Parkway
If City Council finds that parking of cars in a residential public right-of-way (absent an associated driveway) is acceptable, the following options are available to permit such parking areas moving forward:

Option A: City Council to review requests to install (or maintain) a residential parkway apron on a case by case basis through a right-of-way encroachment agreement. This approach will allow the City Council to review the request based on individual property characteristics. If this

Option is selected, it will be important to establish criteria which will be used to determine if such requests will be approved or denied.

Option B: City Council to direct staff to amend the code to permit cars to be parked in any residential parkway by right provided that said parkway is at least 17.5' deep, which is the standard depth of a parking space. The City Council should also determine if they would support parking of a compact car in a lesser parkway depth (note: the parkway at 6 N. Wright is only 14' deep and was pictured with a compact car parked) or parking of a car within the apron such that it is parked parallel to the street (vs. perpendicular). Option B provides a uniform standard for all properties to follow and reduces processing of encroachment agreement requests. New parkway aprons would be reviewed through the right-of-way permit process but would not require City Council review.

FISCAL IMPACT:
To be determined based on option selected.