

ITEM #: 36  
DATE: 05-23-23  
DEPT: P&H

Staff Report

**PAVING STANDARDS FOR UNPAVED PARKING LOTS**

May 23, 2023

**BACKGROUND:**

At the May 9<sup>th</sup> City Council meeting the City Council referred to staff a request for a text amendment to allow for paving of nonconforming unpaved parking lots. The request came from the owner of 2801 West Street. The owner's site includes an apartment building and small retail shop with unpaved parking areas in the front yard along Hyland and unpaved area at the rear of the site. **The current parking areas are nonconforming for location, dimensions, and landscaping standards. Currently, the owner must meet all site development standards if he chooses to pave parking lot areas. This requires that all locational and dimensional requirements for landscaping and maneuvering be met. This is not possible for this site because of the location of the parking areas.**

**Although the specific site conditions are unique to 2801 West Street, nonconforming unpaved parking areas are not uncommon. On many existing sites these unpaved parking areas are relatively small and often it is a struggle to satisfy many of the site development requirements for landscaping spacing, location and maneuvering as defined in the zoning ordinance. (Within the addendum are five examples of sites with unpaved parking lots.)**

Based on staff's review of these types of sites, a majority of unpaved parking lots don't allow for enough space for construction of a compliant drive aisle or parking dimensions and often lack enough room for compliant landscaping.

However, as preexisting nonconforming parking areas, they are allowed to continue as is and are not required to be paved. If a property has had a rental letter of compliance, there is no requirement for the site to be brought up to conformity with current requirements with any of its renewals. Properties that have never been a rental property or were to add units must meet current standards to obtain a new letter of compliance. However, this is an unlikely situation since these sites with existing parking lots and apartments have already been developed and used for rental purposes.

**Staff believes the key question for City Council with this request is, if an unpaved nonconforming parking area should be treated differently from standards that apply to the construction of new parking lots. Additionally, if that is the desire, should it be for all parking areas or only for sites that have a conforming use to the zoning district.**

For example, is there a benefit to allowing for paving of these nonconforming areas if the use is unlikely to change through redevelopment of an underutilized site. The West Street site has conforming uses and is unlikely to redevelop within the next 15-20 years due to site constraints and recent investments in the structure. However, other larger sites may have potential for redevelopment with new or additional buildings that would eventually replace the nonconformities. In the case of larger lots, is making the site “better” with paving more desirable for community character than waiting for redevelopment to occur, regardless of whether the site has a nonconforming use?

### **OPTIONS:**

The described options below are designed to address whether paving would be permitted administratively through a change in standards to be treated the same as nonconforming paved parking lots or whether a Zoning Board of Adjustment process should be created to allow for exceptions related to paving. Secondly, the options can be applied to all unpaved areas or only to those that have a conforming use.

#### **Option 1 – Create a Zoning Board of Adjustment Review Process**

Staff would draft language that creates a Special Exception for paving of unpaved parking lots. This process would be added to the Exception section in the Zoning Ordinance that grants the Zoning Board of Adjustment its powers. The process would be intended to balance paving with enhancements to the site through compatibility review. This process would allow for ZBA to waive some or all of the other site development standards related to paving and in some cases determine that paving of nonconforming areas is inappropriate if it is not compatible with the surroundings or extends the life of a nonconforming use.

This option could be written to be allow for all types of unpaved parking lots to be improved or tailored to address sites with nonconforming uses.

#### **Option 2- Staff Review for a permit to pave unpaved parking lots.**

Staff will draft language with that applies the “Other Nonconforming” expectations to improve a site as practicable to new paving, but allow for paving to occur even if it would not meet all development standards. Staff would only review it for conformance to defined standards or criteria and not general conformity of the area or for the use.

Administrative approval could be allowed for all types of unpaved parking lots to be improved or applied only to those with conforming uses.

#### **Option 3- Take No Further Action.**

Maintain the current standards and take no further action.

**STAFF COMMENTS:**

If City Council determines site improvements of paving are desirable, staff believes the best way to allow for paving of nonconforming unpaved parking lots is for the Zoning Board of Adjustment to handle these requests through an Exception process. This would allow the Board to grant Exceptions based upon defined criteria and on a case-by-case basis where public input would also be considered (Option 1). These Exceptions would grant allowances of paving unpaved parking and waiving other site development requirements. ZBA already has Exception review for other types of circumstances.

**This proposed new permitting process would not apply to single or two-family driveways as they have their own standards and process. The proposed options would only apply to unpaved parking lots.**

## Addendum-Examples

### **2801 West Street (Subject site of the request)- Zoned Neighborhood Commercial (NC)**

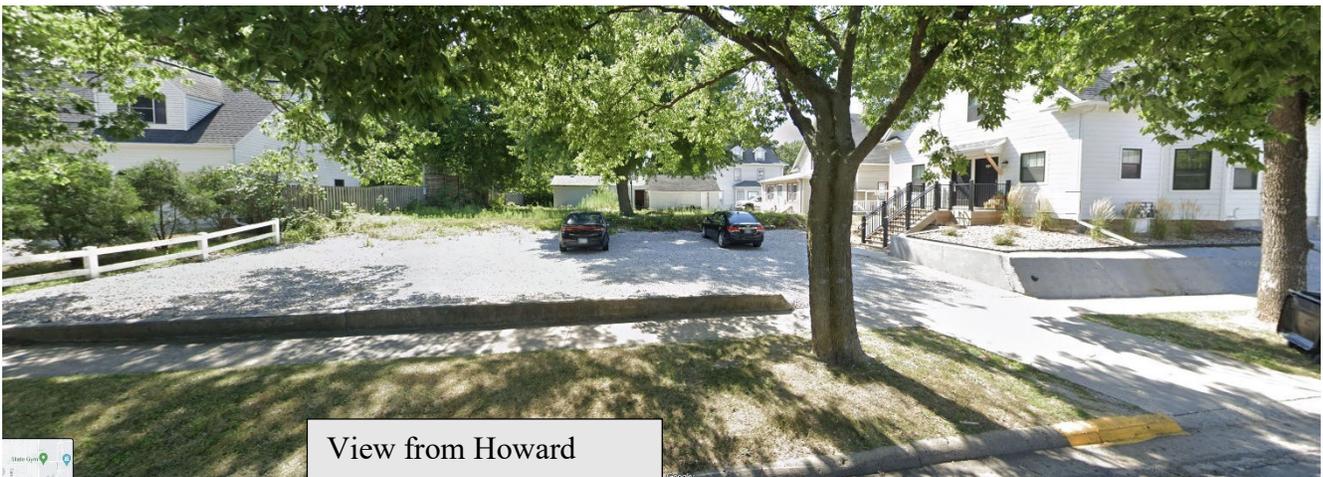
This site is a 3,750 square foot lot that contains a barber shop and a multi-family structure as separate buildings on the same lot. The on-site parking exists as unpaved area north of the barber shop and east of the apartment building. This area is where tenants of the apartment building commonly park. The approximate parking lot area is 660 square feet. This area can accommodate approximately 3 vehicles. **There is no space for on-site maneuvering in terms of a drive aisle behind the parking stalls as they can be accessed directly from the property to the north or Hyland Avenue to the east. Redevelopment is unlikely.** You will also notice the property to the north at 209 Hyland has an unpaved driveway and parking lot as well.



View from Hyland

**3004 West Street -Zoned Residential Low Density (RL) + West University Impact Overlay**

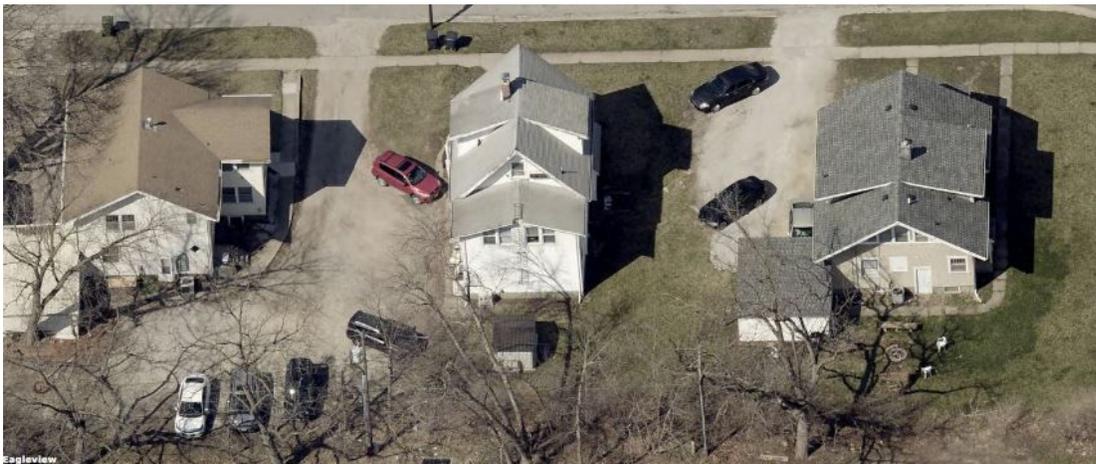
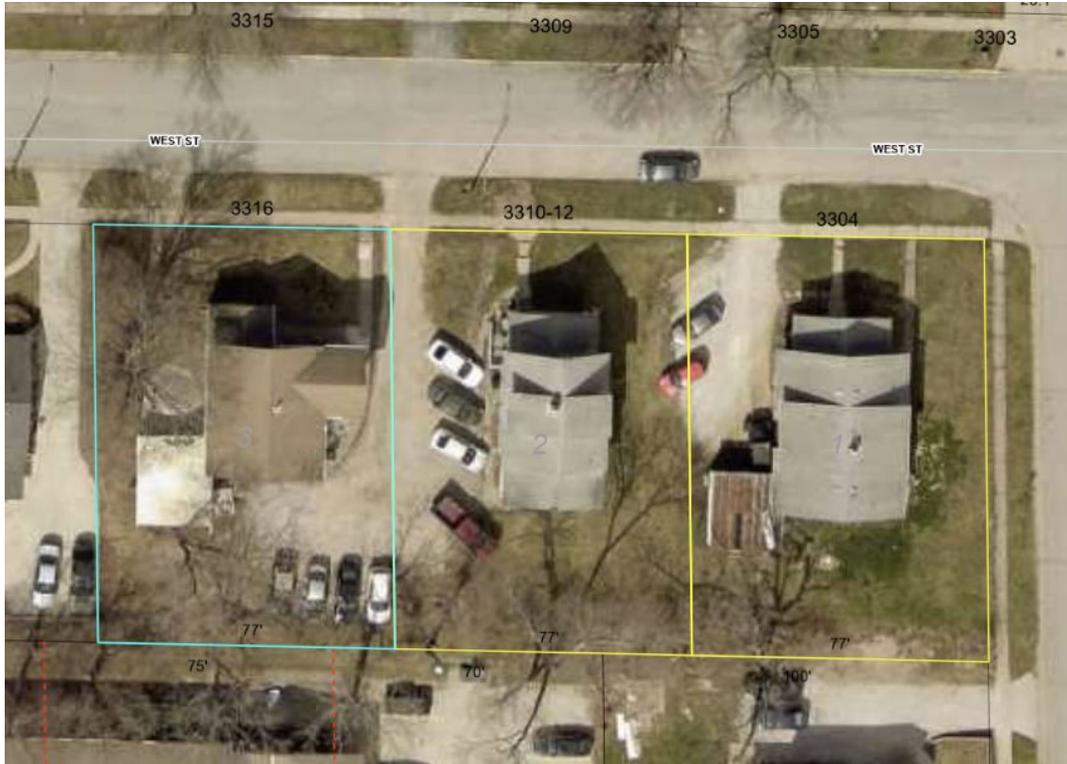
This site is a 6,656 square foot lot. **Site contains a nonconforming use of a small apartment building on the north half and a rock parking lot area on the south half where approximately 5-6 vehicles can be accommodated.** This site cannot accommodate full site improvements and still provide for compliant parking and maneuvering area, effectively due to exceeding lot coverage requirements and landscape setbacks requirements along a street. A drive aisle could be accommodated along the eastern side of the lot where the parking is located, but not in a compliant manner.



View from Howard

### 3304-3316 West Street- Zoned Residential Low Density (RL)

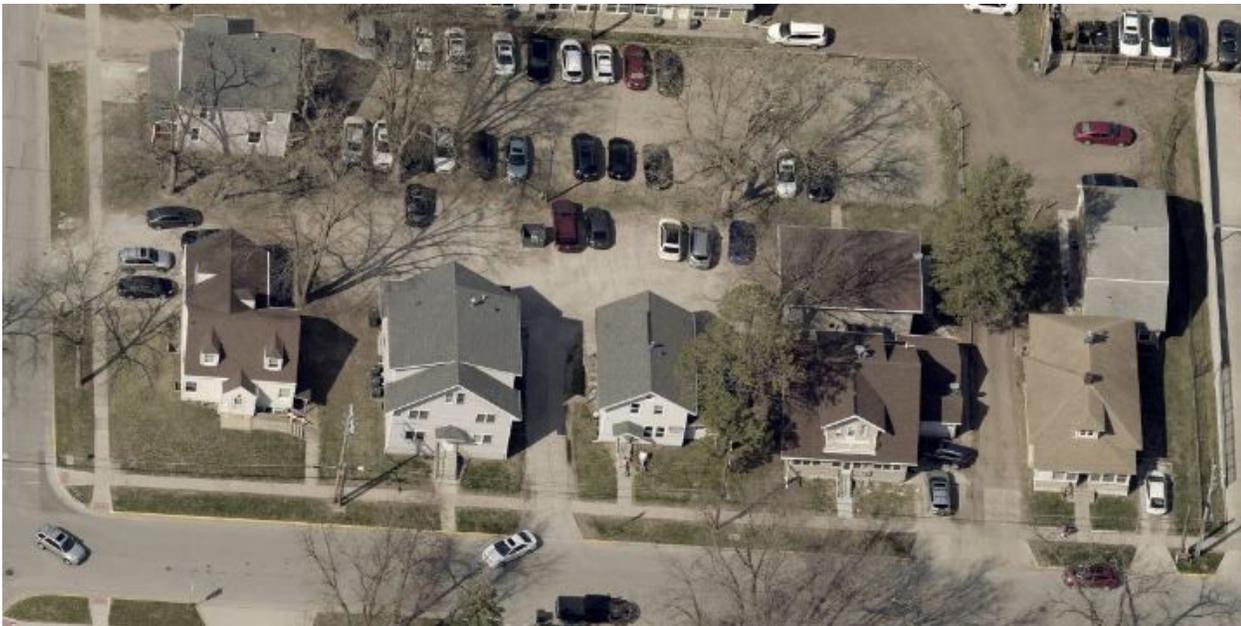
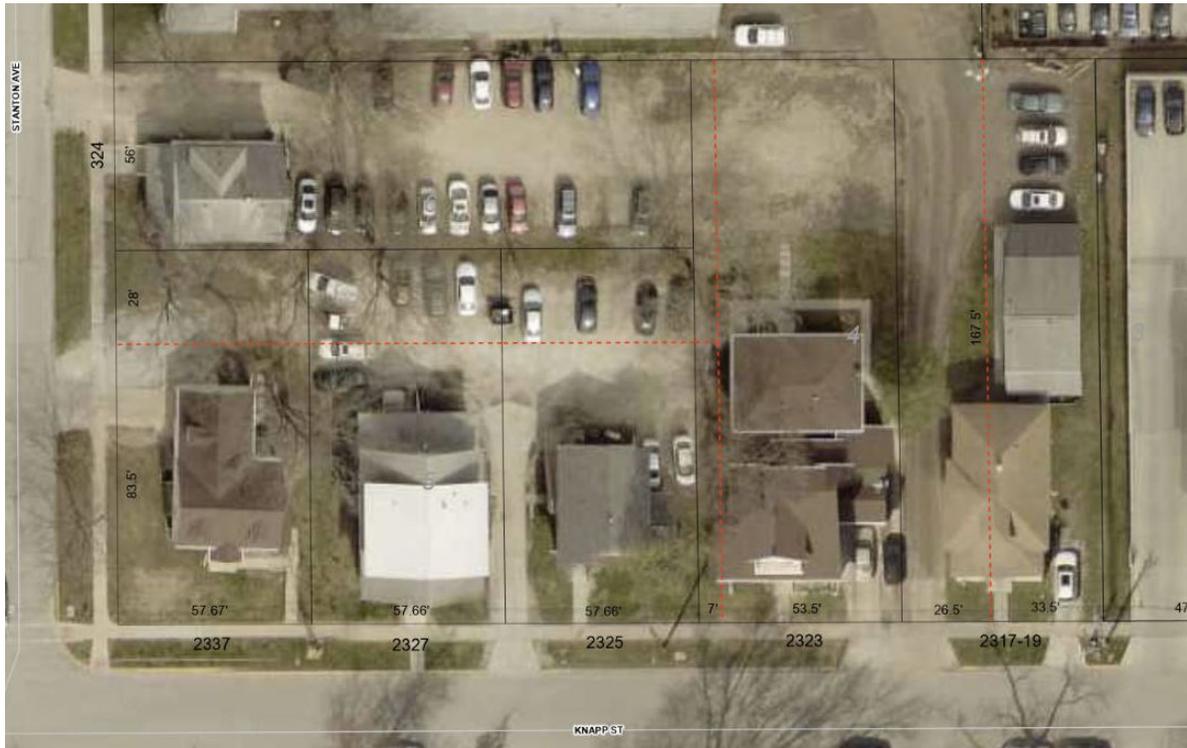
These properties located on the south side of West Street are zoned RL and approximately 8,300 square feet for each lot. They contain nonconforming converted multi-family units. The parking areas on these sites are all unpaved and are used to park 4-5 vehicles on each property. Some of these areas have shared access with neighboring properties. Some of the areas could be paved as driveways, but it would not result in the same number of actual parking spaces as currently used.



Rear View of Properties

## 2323-2337 Knapp Street & 324 Stanton Avenue- Zoned Residential High Density (RH) + East University Impact Overlay

These properties range in size from 6,500 square feet up to 10,000 square feet. **The amount of parking is oversized for the individual buildings on each lot.** These unpaved areas would encounter issues as described in this report. Consolidation and redevelopment is possible within the RH zoning.



## 103 Hyland/Lincoln Way-Zoned Residential Medium Density (RM)

Properties are accessed from Lincoln Way and contain two apartment buildings. Parking nonconforming for location, dimensions and landscaping. **The site is in a Lincoln Way Corridor Plan Focus Area supporting redevelopment.**



View from Lincoln Way