



CITY COUNCIL STAFF REPORT

TO: Mayor, Town Council, and Planning and Zoning Commission Members

FROM: Gina Corson, Acting Planning & Zoning Administrator

DATE: 08/12/2025

SUBJECT: Encroachment Permit – Background and Options

MEETING DATE: 08/19/2025

PURPOSE

To provide an evaluation of Dr. Linford's request for parking lot approval at 363 Deer Dr. in relation to the Land Use Development Code (LUDC) and identify potential compliance issues.

BACKGROUND

The applicant, Dr. Linford, is seeking approval for a parking lot at the location 363 Deer Dr. Relevant sections of the LUDC address parking requirements, accessibility, landscaping, and setbacks. Upon review, several compliance concerns have been identified.

DISCUSSION

Relevant Land Use Development Codes for Consideration:

1. Section 3-205 C Commercial District

(h) Vehicular Parking and Storage

(1) Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the commercial building site. Parking can extend into the setback area provided it is no closer than five (5) feet from the property line. The minimum number of required off-street parking spaces will be calculated by the Zoning Administrator and/or Planning and Zoning Commission based upon the criteria presented in Table 3-2 (Below).

- Applicant request does not conform to the (5) ft minimum.



2. Table 3-2

Medical Clinics- 1 spot per 200 square feet of gross floor area and a minimum of 3 reserved parking spaces for emergency vehicles.

- Dr. Linford would need the minimum 3 spaces.

Section 4-604. Access to Vehicular Parking Areas

All off-street parking spaces shall be accessible without backing into or otherwise re-entering a public right-of-way.

- How do we ensure this will not happen with the current design of the proposed parking lot.

3. Section 4-604. Access to Vehicular Parking Areas

All off-street parking spaces shall be accessible without backing into or otherwise re-entering a public right-of-way.

- How do we ensure this will not happen with the current design of the proposed parking lot.

4. Section 4-606 Specifications for Development of Vehicular Parking Areas

(g) Landscaping:

(1) Where parking facilities are situated adjacent to a street right-of-way, a minimum of five (5) feet of landscaping shall be provided adjacent to the right-of-way line. Driveways, sidewalks and bikeways adjacent to the right-of-way line shall be excluded from this requirement. The landscaped area shall increase to a minimum of ten (10) feet when the parking facility adjoins a State highway. Landscaping shall consist of trees, shrubs, and/or groundcover.

- Dr. Linford's proposal would not meet this requirement.

(2) At least five (5) percent of the total gross area of a parking facility shall be landscaped with trees, shrubs, and/or groundcover.

- I do not have the proper information to calculate this, but my suspicion is that the proposed parking lot does not meet this requirement.

5. Section 4-607. Parking for Handicapped and Disabled Persons (a) Parking Space

Requirements: All non-residential parking facilities accessible to the general public shall provide accessible parking spaces designated for use by handicapped and disabled persons. The required



number of accessible parking spaces for handicapped and disabled persons shall be calculated according to the total number of spaces required for each parking facility (Table 4-7).

- Applicant would need 1 designated handicap spot, which is not indicated in his proposal.

When less than five (5) parking spaces are provided, one parking stall shall be fourteen (14) feet wide and striped to provide a nine (9) foot parking area and a five (5) foot loading and unloading area.

- Applicant would need 1 of these spots, which is not indicated in his proposal.

(b) Location of Parking Spaces:

(1) Parking spaces for handicapped and disabled persons shall be located as near as practical to a primary entrance, and not be less than fourteen (14) feet wide and striped to accommodate a curb cut to access walkways.

- Applicant would need 1 designated handicap spot, which is not indicated in his proposal.

Table 3.1 also indicates a medical clinic would need a minimum of 3 reserved parking spaces for emergency vehicles.

- Applicant has not identified any emergency vehicle parking spaces

(2) The parking space shall be located so that a handicapped or disabled person is not compelled to wheel, or walk, behind parked vehicles.

- Applicant would need 1 designated handicap spot, which is not indicated in his proposal.

(3) Pedestrian walkways, which are accessible to the physically handicapped, shall be provided from each handicap parking space to related facilities. When needed, curb cuts or ramps shall also be provided.

- I do not have enough information to determine if this has been met or not.

(c) Slope: The surface slopes of parking spaces for handicapped and disabled persons shall be the minimum possible, but not exceed one-quarter inch per foot (2.083% slope) in any direction.

- I do not have enough information to determine if this has been met or not.

(d) Marking: The surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blueprint; the identification sign shall be at least three (3) square feet in size.

- Applicant would need 1 designated handicap spot, which is not indicated in his proposal.



6. Section 4-608. Compact Automobile Spaces

Not more than twenty (20) percent of the parking spaces in a non-residential parking area may be compact parking spaces. Compact parking spaces shall have a minimum dimension of fifteen (15) feet long and eight (8) feet wide.

- This section is for informational purposes only

Definition: Vehicular Parking Area- An off-street area containing a paved surface designated parking stall, and appropriate signage for the parking of motor vehicles.

- This definition is for informational purposes only
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NEXT STEPS

- Require submission of a detailed parking lot plan, including handicap and emergency vehicle spaces.
 - Include landscaping elements to meet LUDC requirements.
 - Demonstrate compliance with no backing into public ROW.
 - Determine whether an Encroachment or Special Use Permit will be pursued.
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BENEFITS

Ensures compliance with LUDC and accessibility requirements.

- Improves safety for vehicles and pedestrians.
 - Supports orderly development consistent with Town goals.
 - Provides clarity for the applicant and Town Council.
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CONCLUSION3

Based on the provisions outlined in the LUDC, Dr. Linford has not and/or could not meet all the minimum off-street parking, handicap accessibility, emergency vehicle parking, and landscaping



requirements as detailed above. This is why an Encroachment or Special Use Permit needs to be obtained.

STAFF RECOMMENDATION:

Staff recommends that the applicant pursue either an Encroachment Permit and Agreement or a Special Use Permit, including the proposed encroachment details for the parking lot plan. The application should provide a complete, scaled site plan, designated handicap and emergency spaces, and landscaping plans, along with traffic flow assurances.