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COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator

From: Steven Boka, Director of Community Development

Date: July 28, 2011

Re: Request to Install (2) Handicap Parking Stalls – 801 Park Avenue

INTRODUCTION: In September of 2008, the City Council approved a policy establishing a uniform method for approving/disapproving requests for handicapped parking stalls in residential areas. The policy is intended to allow person(s) possessing a valid State of Iowa issued handicap parking permit to seek on-street parking near their home if other reasonable alternatives are not available.

BACKGROUND: My office was contacted by Mr. Efrain Sanchez, owner of the residential property located at 801 Park Avenue, requesting 2 designated handicapped parking spaces on the Sheridan Street side of the property. Mr. Sanchez has a severe stroke in 2009 that has left him handicapped and unable to walk very far when carrying groceries and personal items. If approved, Mr. Efrain would like to have the 2 parking spaces located near his side door entrance on Sheridan Street. Mr. Efrain does not have any residential neighbors parking on his side of the street.

RECOMMENDATION/RATIONALE: Prior to any consideration under the policy, a public hearing is required. It is recommended that the City Council approve the attached resolution setting a public hearing on this matter for August 18th.

BACKUP INFORMATION:

1. Resolution setting a public hearing
2. Public notice
3. Policy for handicapped parking requests
4. Application
5. Application support materials

"I remember Muscatine for its sunsets. I have never seen any
on either side of the ocean that equaled them" — Mark Twain

RESOLUTION NO. _____

**A RESOLUTION SETTING THE TIME AND PLACE FOR A
PUBLIC HEARING REGARDING A REQUEST TO INSTALL
TWO HANDICAPPED PARKING STALLS ADJACENT TO
801 PARK AVENUE**

WHEREAS, the City Council for the City of Muscatine, Iowa, has adopted a policy establishing conditions under which handicapped parking stalls can be approved for on-street parking adjacent to residential uses; and

WHEREAS, said policy requires a public hearing prior to City Council consideration of the request;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Muscatine conduct a public hearing on Thursday, August 18, 2011, at 7:00 P.M. in the City Hall Council Chambers. Public notice of said hearing shall be published in the Muscatine Journal at least four (4) days prior to said hearing.

PASSED, APPROVED, AND ADOPTED this 4th day of August, 2011.

City Council of the City of
Muscatine, Iowa

Richard O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Clerk

PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL FOR
THE CITY OF MUSCATINE WILL CONDUCT A PUBLIC
HEARING TO CONSIDER THE INSTALLATION OF AN
ON-STREET HANDICAPPED PARKING STALL ADJACENT TO
801 PARK AVENUE**

Public Notice is hereby given that a proposal has been received by the City Council of Muscatine to approve the installation of 2 on-street handicapped parking stalls adjacent to the residence located at 801 Park Avenue. The request has been submitted by Efrain Sanchez, for (2) parking spaces.

Notice is further given that said public hearing will be conducted in the City Hall Council Chambers of the City of Muscatine at 7:00 P.M. on August 18, 2011. All interested parties are invited to attend and comment.

Gregg Mandsager
City Clerk

CITY OF MUSCATINE
ON-STREET HANDICAPPED PARKING REQUEST
REVIEW POLICY
SEPTEMBER, 1988

The following constitutes the general policy to be followed with regard to requests received by the City to designate on-street handicapped parking spaces in residential districts.

Intent and Purpose. The purpose of this policy is to establish criteria which will assist in a review of requests to establish designated handicapped parking on city streets adjacent to residential units within the City of Muscatine. The intent of the policy is to provide a uniform standard for review and approval (or disapproval) of such requests while insuring that the residential character of neighborhoods are not adversely affected and that other available on-street public parking is not substantially reduced.

Application. The applicant for a designated on-street public parking stall shall provide the following information:

- 1) Name and address of the applicant.
- 2) Address adjacent to the location for the designated on-street handicapped parking space.
- 3) The reason the request is being made.
- 4) The number of vehicles the request is made for.
- 5) Map or sketch of the area showing dimensions of the surrounding areas within 200 feet.
- 6) Names and addresses of all property owners between intersecting streets where use is proposed. Corner lots shall contain names and addresses on both street frontages.
- 7) A statement that the applicant possesses and currently displays handicapped parking plates on his/her vehicle(s) in accordance with the motor vehicle laws for the State of Iowa.

Fees. The applicant shall file a nonrefundable fee of ~~\$25.00~~ ^{\$50.00} to the City with the application. The fee shall be used to assist in the costs associated with mailing notices to abutting property owners and related publication costs.

Review. Staff shall review the application and sketch for the following:

- 1) On-street parking must currently be provided at the location proposed by the applicant.
- 2) There should be physical hardships which present the applicant from parking on his/her own property.
- 3) The applicant should be an owner/occupant.
- 4) The request will not substantially reduce the amount of available on-street parking provided in the immediate vicinity.
- 5) Other information which may affect the request on a case by case basis.

Council Review. Staff shall conduct a review of the request and submit a recommendation to City Council who shall set the matter for Public Hearing at their next regular City Council Meeting. Following an opportunity for additional public input the City Council shall either approve or deny the request based on the information submitted by the applicant and any input received at the public hearing.

Annual Fee. If approved, the City shall provide the applicant with the sign(s) approved by City Council to designate the appropriate handicapped parking space(s). The owner shall pay the City an annual fee of \$ 5.00 for the parking space.

- 1) Conditions to Approval. The owner shall be advised that the City cannot prevent another vehicle that displays a handicapped license plate from parking in a designated handicapped parking stall. Also, other City policies with regard to snow removal, utility access, emergency closings, etc. shall supercede the right of the applicant to use this space on a temporary basis.

Termination. The designated space(s) shall be provided and maintained by the City in the same manner all public parking stalls are provided and maintained. The sign provided for a designated handicapped parking stall shall be removed and the rights of the owner terminated if any of the following occurs:

- 1) The owner requests termination.
- 2) The owner fails to pay the annual renewal fee within thirty (30) calendar days of the anniversary date of City Council approval of the request.
- 3) The owner ceases to reside at the address.
- 4) The City requires the space for some other public purpose.

CITY OF MUSCATINE
APPLICATION FOR
ON-STREET HANDICAPPED PARKING

Applicant Name: EFRAIN Sanchez

Address of Applicant: 801 PORK AVE

Reason for Request: He had a STROKE in 2009
and Now is still Recovering. That's
why he needs a spot by house.

Number of Vehicles: 2

Does the Applicant currently have and display handicapped plates
on his/her vehicle(s) in accordance with the motor vehicle laws
for the State of Iowa? YES X NO

Filing Fee Paid:

PHONE CALL

FOR <u>R. Hill</u>	DATE <u>7/8</u>	TIME _____	A.M. P.M.
VI <u>Efrain Sanchez</u>			
OF <u>801 Park Ave</u>	PHONED		
PHONE <u>506-0723 (corner of Sheridan)</u>	RETURNED YOUR CALL		
MESSAGE <u>Requests a handicap sign (by gas station)</u>	PLEASE CALL		
<u>See Mr. Cornu</u>	WILL CALL AGAIN		
<u>Sam</u>	CAME TO SEE YOU		
SIGNED	WANTS TO SEE YOU		
UNIVERSAL 48003			

Iowa Department of Transportation
Office of Vehicle Services
P.O. Box 9278
Des Moines, IA 50306-9278
515-237-3110

PERMANENT
NONEXPIRING

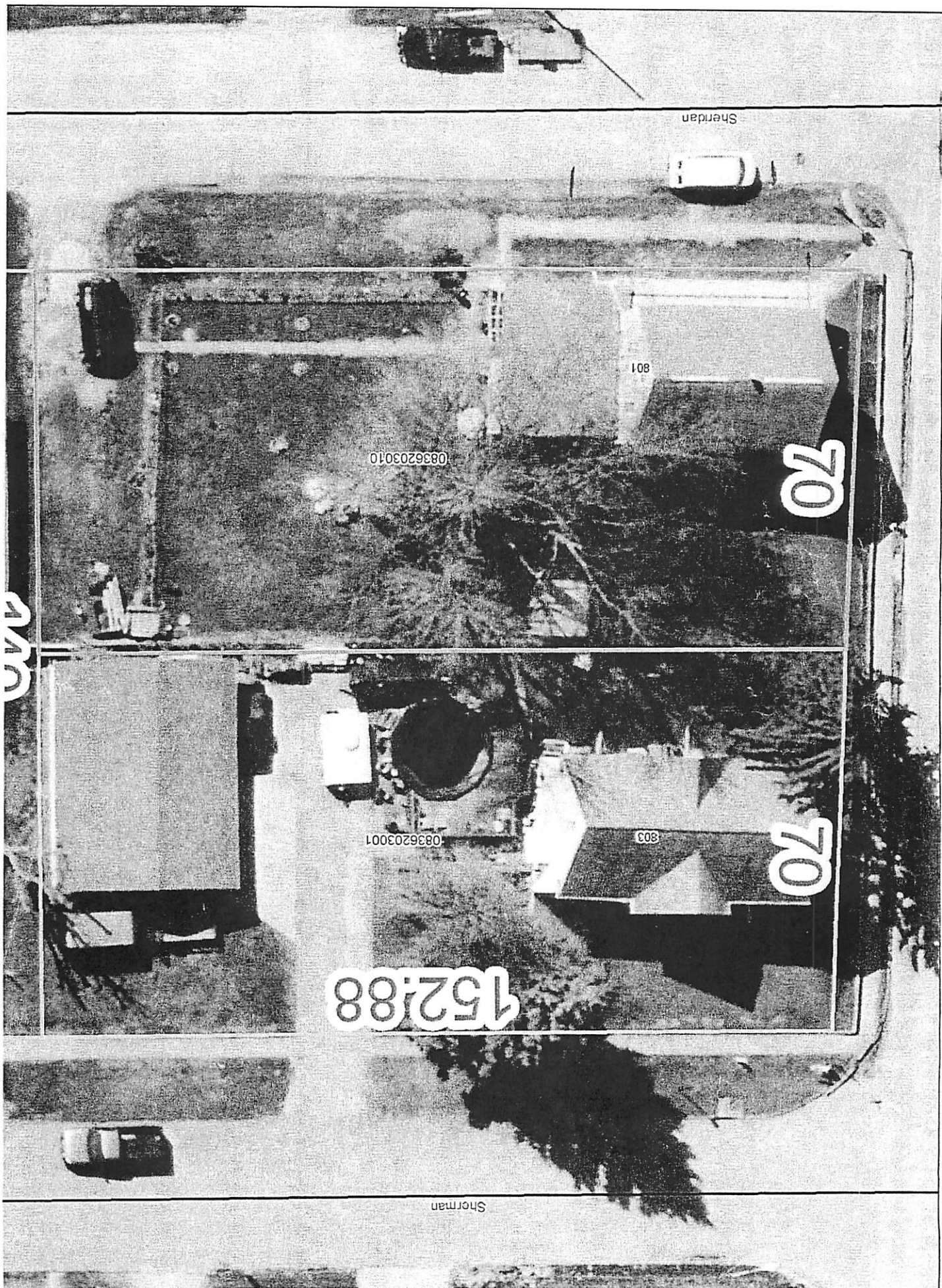
M 905852



PERMIT HOLDER'S SIGNATURE

Efrain Sanchez

Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a persons with disabilities parking space or in a parking space not designated as a persons with disabilities parking space if a wheelchair parking cone is used pursuant to Iowa Code section 321L.2A.



Sheridan

801

0836203010

70

803

0836203001

70

15288

Sherman

AGREEMENT

HANDICAPPED ON-STREET PARKING STALL

This agreement is entered into by the undersigned in accordance with the contents of this document and in consideration of the City of Muscatine authorizing the installation of a designated on-street handicapped parking sign and stall adjacent to my residence located at 801 PARK AVE.

In consideration of the City granting the designated stall in the above identified location, I (we) hereby agree to the following:

- A) I (we) realize that the use of this handicapped parking stall will be restricted to any vehicle displaying handicapped plates on their vehicle in accordance with applicable State and local laws.
- B) I (we) agree to adhere to all other laws pertaining to on-street parking and removal under order of the City or in accordance with snow removal ordinances and related laws and policies, utility work, street maintenance, etc.
- C) I (we) agree that the City may cause this handicapped parking sign to be removed and this agreement cancelled if it is necessary to reclaim the property for some other public purpose or the terms of this agreement are violated.
- D) I (we) agree to pay the City of Muscatine an annual fee of \$5.00 for the installation and maintenance of the handicapped parking sign. This fee shall be due and payable on an annual basis only and within thirty (30) days of the anniversary date of this agreement as dated below. Further, I (we) agree to notify the City if I (we) move from our present address or my (our) status changes in any manner which would prevent the use of this stall for other than what it is intended.
- E) I (we) recognize that failure to pay the annual fee as set out herein shall cause the City to remove said handicapped parking sign and cause the immediate termination of this agreement without prior notice.

Dated this 28th day of JULY, 2011.

By *Spencer Sander*
Owner