

I.A. MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, January 6, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, January 6, 2011 in Conference Room 101.

In attendance were: **Chair Matt Segal** (Ward I); **Councilmember Bruce Geiger** (Ward II), **Councilmember Mike Casey** (Ward III), and **Councilmember Connie Fults** (Ward IV).

Also in attendance were: Acting-Mayor Barry Flachsbart; Councilmember Bob Nation (Ward IV); Michael Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Shawn Seymour, Senior Planner; Justin Wyse, Project Planner; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the December 9, 2010 Committee Meeting Summary.

Councilmember Geiger made a motion to approve the Meeting Summary of December 9, 2010. The motion was seconded by Chair Segal with the following amendment to Page 11. (Change shown in **Green**)

~~Chair Segal retracted his statement and supports a decision to save the barn.~~ Chair Segal would go along with the motion of "Historic Restoration" but would prefer saving the barn in the "Functional Rehabilitation" state.

The motion to approve the Meeting Summary, as amended, was then approved by a voice vote of 4 – 0.

Councilmember Casey made a motion to place discussion of Item III.B under New Business next on the agenda. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 – 0.

III. NEW BUSINESS

B. Discussion regarding Ordinance No. 2565 pertaining to open house directional signs – Matt Segal

Chair Segal stated that approximately two years ago the City adopted Ordinance No. 2565, which states the following:

Section 3. Residential Real Estate Open House Directional Signs shall be displayed only during the following times:

- (a) On Tuesday, only when an open house is in progress Open House Directional Signs shall be permitted from 9:00 a.m. to 3:00 p.m.
- (b) On Sunday, only when an open house is in progress, Open House Directional Signs shall be permitted from 11:00 a.m. to 6:00 p.m.
- (c) The following provision shall be in effect from the time of passage of this ordinance and shall terminate on December 31, 2010:
 - (i) On Saturday, only when an open house is in progress, Open House Directional Signs shall be permitted from 11:00 a.m. to 6:00 p.m.

The Home Builders Association (HBA) contacted Chair Segal who then indicated that he would sponsor an amendment to extend the provision *from the time of passage to December 31, 2012* being that the housing market is still very slow.

Councilmember Casey made a motion to extend the time period to one (1) year and reevaluate after that time and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger.

Chair Segal stated that he had not heard of any complaints by residents, so he would recommend the two (2) year extension. Ms. Nassif noted that all complaints are handled through the Police Department rather than the Planning & Public Works Department.

Acting-Mayor Flachsbart and Councilmember Fults did not have a problem with the two (2) year extension and felt that the problem of stray signs has subsided. Councilmember Casey noted that the ordinance allowed the signage for one year and felt that the motion to approve for a one-year period would provide consistency.

Mr. Geisel noted that Staff will prepare legislation that would amend Section 3 of the existing ordinance.

The motion then **passed by a voice vote of 4 – 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Planning & Public Works Director, for additional information on Ordinance No. 2565 pertaining to open house directional signs].

Councilmember Casey made a motion to place discussion of Item III.A under New Business next on the agenda. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 – 0.

A. Discussion pertaining to the Chesterfield Historical Commission – Bruce Geiger.

Councilmember Geiger explained that the Historical Commission currently has a balance of approximately \$20,000. For the last several years questions have been raised by auditors because this money is intermingled with the City's accounts. The auditors have asked that the money be removed from the City's bank account. After a discussion with Finance Director Kelly Vaughn, it was recommended that the money be moved into another account.

At the last Historical Commission meeting several options were discussed, which include;

1. The Historical Commission become an independent not-for-profit entity – the funds would then be moved into their own account and would be managed by the Historical Commission.
2. Jane Durrell offered to move the money from the City account into the Heritage Foundation bank account and set up separate trustees to maintain those funds.
3. Combine the Landmarks Preservation Commission and the Historical Commission into one statutory committee, with the Landmarks Preservation Commission established as a sub-committee of the Historical Commission.

Councilmember Geiger then read a motion made by Jane Durrell, member of the Historical Commission, which stated;

The Chesterfield Historical Commission (CHC) should become a statutory commission of the City and the Landmarks Preservation Commission should become a sub-committee of the CHC.

It was noted that the motion passed unanimously.

Councilmember Geiger requests that Staff review the options to understand the benefits or drawbacks of the Historical Commission becoming a statutory committee; or combining the Landmarks Preservation Commission and the Historical Commission and bring those comments back to the Committee.

Ms. Barb Whitman, Chair of the Chesterfield Historical Commission explained that a 501c3 organization must be not-for-profit. She added that a 501c3 allows for a tax exempt status in order to accept donations. Ms. Whitman then clarified that Missouri State Statutes for not-for-profit organizations require an independent Board of Directors and an independent set of officers, which cannot be appointed by the City.

Councilmember Geiger felt that the Historical Commission would like to retain the same relationship with the City, but felt the options could create some differences from the way they are currently operating. Councilmember Casey asked if there is a deadline as to when funds have to be moved out of the City's bank account. Mr. Herring stated no specific time has been provided.

Mr. Geisel suggested that Staff evaluate the consolidation of the CHC and the LPC without regard to establishing sub-committees. How the consolidated body creates sub-committees and which body would be subordinate should not be pre-determined. He noted that the LPC is already established as a statutory committee.

Councilmember Geiger also requested that Staff review the Mission Statements for both the Historical Commission and the Landmarks Preservation Commission. He also felt that more direction needed to be provided from the City to these Commissions.

Councilmember Fults questioned what the auditor's issues were and whether the proposal would affect other committees. Mr. Geisel responded that their concerns related to the mixing of public and private money.

Mr. Herring stated that the City has always viewed these funds as being the Commission's money and does not interfere with the decisions of how they spend the money.

Ms. Whitman then stated that the Historical Commission would like to continue working with the City, but if they are required to go to a 501c3, the City can no longer appoint the Commission members. She added that State Statutes dictate an independent Board of Directors with membership requirements and a slate of officers and they must be internally consistent with the articles of incorporation.

Acting-Mayor Flachsbart recommends that Staff review how the different options would practically work and the best way to satisfy the auditors. Councilmember Geiger stated that City Attorney Heggie indicated that a separate bank account could be set up without having to establish a 501c3 organization. Ms. Nassif indicated that Staff will provide a detailed report regarding the proposed options.

Councilmember Geiger made a motion directing Staff to explore options to consolidate the Chesterfield Historical Commission with the Landmarks Preservation Commission and to prepare an evaluation to be brought back to the Committee. The motion was seconded by Councilmember Casey and **passed** by a voice vote of 4 – 0.

II. OLD BUSINESS

A. Amendment to City of Chesterfield City Code Sec. 18-111 - Parking of Recreational Vehicles on Residential Lots.

STAFF REPORT

Justin Wyse, Project Planner stated that earlier in 2010, Staff was directed to research the parking of recreational vehicles in residential areas. Staff did a reevaluation in November 2010 and provided a summary of the existing regulations along with comparisons to other municipalities, as well as additional restrictions that could be adopted. After lengthy discussion by the Committee, Staff was provided specific direction. Staff provided the Committee with draft regulations in December 2010, at which time the project was held.

The proposed regulations being presented at this time include the following;

- The ordinance allows for parking of recreational vehicles for 48-hours for a maximum of two occurrences per month.
- The ordinance was further expanded to restrict on-street parking of recreational vehicles, and was expanded to include properties and streets within 500 feet of a residential property. There are no exceptions for 10-acre lots or smaller – the restrictions are universal. In addition, a grandfather-clause is not allowed.

Mr. Geisel provided the history behind the proposal whereby in the spring of 2010 the Committee discussed the parking restriction related to Wings of Hope Boulevard. At that time, City Council directed Staff to revise the legislation and make it only specific to Wings of Hope Boulevard.

Under the current legislation, there are no exceptions – consequently residents located in Ward IV with horse trailers, etc. could find this legislation problematic. It eliminates their ability, other than the transient parking of recreational vehicles, to park adjacent to residential areas.

Chair Segal felt that Staff followed the instructions from the Committee and felt the ordinance would benefit those in Ward I, but asked that the Ward IV Councilmembers carefully review the proposed legislation with respect to how it would affect their residents. He suggested that lots two acres or larger be allowed to park large vehicles so that horse trailers are not restricted from being parked on these parcels. He then offered the option to the Committee of holding the legislation for further discussion.

Councilmember Fults felt that the two acres would be adequate, but noted the ordinance requires two readings by City Council, which will allow ample time for additional discussion.

Councilmember Fults made a motion to amend Ordinance No. 2565 so that it applies only to lots less than two acres in size The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 – 0.**

DISCUSSION

Acting-Mayor Flachsbart felt it will affect the residents living in Ward I and the City could receive many complaints by residents with RVs and motor homes. He also recommends that weekend visits should be extended to 72 hours instead of the 48 hours as it is currently written. In addition he felt that large trucks should be restricted.

It was noted that the large commercial vehicles and recreational vehicles are two separate issues and the large commercial vehicles will be discussed at a later date.

Ms. Nassif added that Staff continues to review the ordinance and is currently working on updates regarding large commercial vehicles. Mr. Geisel pointed out that it is very difficult to define the types of vehicles, which is why the recreational vehicles have been separated from the other types of vehicles.

Definition of Recreational Vehicle

Recreational vehicle shall be defined as, “A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include, but are not limited to, travel trailers, motor homes, boats, jet skis, etc. This term shall also include the trailers used for transporting recreational vehicles. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.”

Question was raised by Councilmember Nation as to whether the 48-hour and the 24-hour time restrictions could be consecutive. He had concerns about people visiting over the weekend and the 48-hour restriction not allowing them to park an RV until Monday morning. He then questioned whether the City should discern between parking on the street (24 hours) versus on the property (48 hours). Mr. Wyse replied that parking on the street is currently limited to 24 hours – the intent was to allow stronger enforcement. Councilmember Fults had concerns regarding large vehicles or boats being parked on the street and is opposed to any changes to the 24-hour regulations.

Councilmember Geiger felt that allowing 72-hour parking for visitors should be considered.

Councilmember Geiger then made a motion to amend Ordinance No. 2565 from 48-hours to 72-hours temporary parking per occurrence. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 – 0.**

There were examples and additional discussion regarding parking within 500-feet of a residential property. Mr. Wyse stated the 500-foot restriction was the result of property that could be affected in Ward IV located along Wild Horse Creek Road. It was also noted that certain streets are too narrow to allow any parking of recreational vehicles. Mr. Geisel pointed out that there is a generic safety clause within the traffic ordinance that allows the Police Department to exercise their authority to cite a violation that causes a safety issue.

Mr. Wyse then provided the Committee with the restrictions of other surrounding municipalities.

Acting-Mayor Flachsbart felt the proposed restrictions will cause opposition by residents. Councilmember Fults felt that whether the vehicle is parked in the back or the front, it affects the value of the homes and has a visual impact on the surrounding neighborhood. Chair Segal recommended that a recreational vehicle be placed in storage when not in use.

Councilmember Geiger made a motion to approve the Amendment to City of Chesterfield City Code Sec. 18-111. - Parking of Recreational Vehicles on Residential Lots, as amended, and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and passed by a voice vote of 4 – 0.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the January 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Planning & Public Works Director, for additional information on the Amendment to City of Chesterfield City Code Sec. 18-111. - Parking of Recreational Vehicles on Residential Lots].

III. NEW BUSINESS

C. RHL Drive and Commons Frontage Road - Intersection Control Analysis and Stop Sign Ordinance

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that in response to the proposed retail of Aldi's and Gordman's moving forward in the Chesterfield Commons West Subdivision, Staff performed an intersection control analysis at the intersection of RHL Drive with the Commons frontage road serving Lowe's to the east and Home Depot to the west and recommends an all-way stop at the intersection of RHL Drive with the Commons frontage road. Mr. McGownd noted the similarity to the recent approval of the all-way stop near Wal-Mart and the positive feedback that the City has received.

Councilmember Casey made a motion to approve RHL Drive and Commons Frontage Road - Intersection Control Analysis and Stop Sign Ordinance and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 – 0.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the January 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on RHL Drive and Commons Frontage Road - Intersection Control Analysis and Stop Sign Ordinance].

IV. ADJOURNMENT

The meeting adjourned at 6:28 p.m.