

I.A. MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning, Public Works and Parks

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, March 24, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 24, 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; Michael Herring, City Administrator; Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; Justin Wyse, Project Planner; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:31 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 10, 2011 Committee Meeting Summary.

Councilmember Casey made a motion to approve the Meeting Summary of February 10, 2011. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4 – 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

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

B. Parking of Commercial Vehicles in residential areas – Discussion

Mike Geisel, Director of Planning, Public Works and Parks stated that a representative of the Associated General Contractors of St. Louis (AGC) contacted Staff and requested time to consider the proposed changes to the regulations and offer suggestions before the Committee makes any decisions.

STAFF REPORT

Justin Wyse, Project Planner gave a PowerPoint presentation showing photos of vehicles defined as “commercial” – how and why they are rated. Mr. Wyse provided the following:

Background

On September 2, 2010 the Committee asked Staff to review the City’s Regulations of parking of commercial vehicles in residential districts. *He noted that recently Ordinance 2641 was approved by City Council, which restricts the parking of Recreational Vehicles in residential districts.*

Existing Vehicle Regulations

Currently the City has restrictions for commercial vehicles, which primarily relate to on-street parking.

The City of Chesterfield currently has several ordinances which restrict both the parking of various types of vehicles and the locations where various vehicle types may be parked. Table 1 provides a summary of each of these ordinances.

Table 1: Chesterfield Ordinance Summary

Ordinance	Regulates	Summary
159	Parking location	Parking not permitted in grassy areas
163	Residential districts	No parking in required front yard
164	Roadway	No vehicle on roadway for more than 24 hours
165	Roadway	No parking on roadway to display vehicles for sale or for working on vehicles
166	Residential districts	No commercial vehicle over 12,000 pounds parked on a roadway in a residential district between midnight and 6 A.M.
169	Restrictions on parking in various places	No parking for various areas (on sidewalk, in crosswalk, etc.)
2345	Residential districts	No tractor or tractor trailer or tractor trailer truck in any driveway in any residential district
2641	Residential districts	Sets limitations for parking of “recreational vehicles” in, and within 500 feet of, residential districts

Definition of a Commercial Vehicle

The term *commercial vehicle* includes the following types of vehicles:

1. A vehicle with a licensed weight in excess of 12,000 pounds.
2. Construction vehicles and equipment including, but not limit to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrappers, excavators, and front-end loaders.
3. Vehicles designed or modified to serve a special purpose including, but not limited to, tow trucks, dump trucks, box trucks, stake bed trucks, flat bed trucks, step vans, refuse or garbage trucks, buses, fire engines, ambulances, and ice cream trucks with the following exceptions:
 - a) Government owned emergency response vehicles.
 - b) Vehicles with bicycle racks, roof racks, or similar mounting accessories, which shall not be considered “modified for a special purpose.” (*the “Weiner Mobile” is an example of a modified vehicle*)
4. Vehicles designed or modified for advertising or business identification purposes, not including stock motor vehicles with business name, logo, or advertisements painted or otherwise affixed when operated by an occupant of the dwelling where they are parked. *This essentially relates to someone adding a billboard to a vehicle.*
5. Agricultural, lawn, or landscaping vehicles, equipment, and attachments including, but not limited to, agricultural tractors, farm implements, mowing equipment, bush hogs, trimmers, spreaders, and their attachments, not including such vehicles, equipment, and attachments used exclusively to farm established agricultural property on which they are kept or to maintain property on which they are kept.

Mr. Wyse noted that the AGC’s biggest concerns related to a vehicle with a licensed weight in excess of 12,000 pounds. He then offered and described multiple images to provide a better understanding of the types of vehicles included in each of the vehicle classes based on their weight – as follows:

- Vehicles weighing under 12,000 pounds;
- Vehicles weighing between 12,000 – 18,000 pounds; and
- Vehicles weighing between 18,000 – 24,000 pounds

Additional photos were then shown depicting which types of vehicles would be prohibited from, or allowed to, park in residential areas.

In response to the Committee’s direction, Staff offers the following changes to Section 18-107. Parking of commercial motor vehicles in residential districts prohibited. (changes shown in red)

- (a) No commercial motor vehicle having a gross weight in excess of twelve thousand (12,000) pounds shall be parked on any roadway or highway in a residential district between the hours of 12:00 midnight and 6:00 a.m. of any day, except in an emergency.
- (b) No tractor or tractor-trailer or tractor-trailer truck unit shall be parked on any roadway in a residential district at any time, except while loading or unloading, with the exception of governmental vehicles during work-in-progress.
- (c) No tractor or tractor-trailer or tractor-trailer truck unit shall be parked on any driveway in a residential district at any time, except while loading or unloading.
- (d) No commercial vehicle shall be parked outside of an enclosed structure on any paved or unpaved portion, including driveways, of any parcel of land whose primary use is residential or on any street in a residential area except for:
 - 1. Commercial vehicles parked temporarily while engaged in providing products or services to the owner of the property.
 - 2. Vehicles parked temporarily during active construction work at a permitted site or building construction activity authorized by these regulations.
 - 3. Emergency vehicles on call including utility vehicles during the course of repairs.
- (e) The term commercial vehicle shall be defined as:
 - 1. A vehicle with a licensed weight in excess of 12,000 pounds.
 - 2. Construction vehicles and equipment including, but not limit to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrappers, excavators, and front-end loaders.
 - 3. Vehicles designed or modified to serve a special purpose including, but not limited to, tow trucks, dump trucks, stake bed trucks, flat bed trucks, step vans, refuse or garbage trucks, buses, fire engines, ambulances, and ice cream trucks with the following exceptions:
 - a. Government owned emergency response vehicles.
 - b. Vehicles with bicycle racks, roof racks, or similar mounting accessories, which shall not be considered "modified for a special purpose."
 - 4. Vehicles designed or modified for advertising or business identification purposes, not including stock motor vehicles with business name, logo, or advertisements painted or otherwise affixed when operated by an occupant of the dwelling where they are parked.
 - 5. Agricultural, lawn, or landscaping vehicles, equipment, and attachments including, but not limited to, agricultural tractors, farm implements, mowing equipment, bush hogs, trimmers, spreaders, and their attachments, not including such vehicles, equipment, and attachments used exclusively to farm

established agricultural property on which they are kept or to maintain property on which they are kept.

Mr. Geisel noted that the State of Missouri uses the Gross Vehicle Weight Rating to determine the commercial status of vehicles. He then pointed out the difficulty of using weight limitations for the purpose of a parking restriction.

Mr. Wyse noted the similarity to the “*recreational vehicle*” ordinance in that the proposed “*commercial vehicle*” language restrictions also have been expanded to parking along the street. He noted that exceptions have not been provided as related to property size.

In addition, if it is decided to retain the weight restriction, Staff recommends keeping the weight limitation based on how the State of Missouri registers vehicles. This would make it easier from an enforcement standpoint – as the license plates are specifically numbered based on the vehicle’s weight. Councilmember Fults responded that most subdivisions have indentures limiting parking of commercial vehicles. It was noted that the proposed changes would not affect the current subdivision indentures.

Mr. Geisel stated that Staff does not recommend that commercial vehicles be restricted under the definition of “*commercial vehicles*” as defined by the State; nor should a vehicle be restricted based solely on weight. He felt that the problematic vehicles related to construction vehicles, modified vehicles – specifically used for advertising, along with agricultural and lawn vehicles. He added that the proposed language would not encroach upon regular use of small business vehicles.

DISCUSSION

Chair Segal further explained to those in attendance the origin of the proposed ordinance. Staff was asked to research and draft language restricting “*recreational and commercial*” vehicles in the City of Chesterfield. In as much, the “*recreational vehicle*” ordinance has already been approved and adopted by the City. He felt strongly that he would not approve any “*commercial vehicle*” ordinance that would directly impact someone’s livelihood. He encouraged a collaborative effort involving Staff, Union representatives, and the AGC to address any concerns that they might have. Councilmember Geiger noted his agreement with the comments made by Chair Segal.

Enforcement

There was additional discussion regarding Ordinance 166 which prohibits any *commercial vehicle* over 12,000 pounds to be parked on a roadway in a residential district between midnight and 6 A.M. Councilmember Geiger asked for the definition of a commercial vehicle under the current ordinances and how the Police Department enforces this restriction. Mr. Geisel replied that any vehicle over 12,000 pounds is “*commercial*” even if it is privately owned – but not necessarily commercially operated. Officer Beckmann explained that if a complaint is filed about a vehicle that is over 12,000 pounds, it is treated as a *commercial vehicle*, and the owner is notified of the complaint.

Councilmember Casey stated that Trustees and Councilmembers get more calls about “commercial vehicles” than any other issue. He feels that pick-up trucks, regardless of their weight, should be permitted. His concerns are those trucks with advertising signs attached and parked in the subdivision. He did not think the residents would have an issue with a truck with writing on the side.

Mr. Wyse added that Staff would gladly work with the AGC to revise the regulations directly related to Definition No. 2 of “construction vehicles and equipment” – in order to clarify that the actual ordinance will not restrict pick-up trucks.

Chair Segal would like to have item (e) 1 related to the 12,000 pound Gross Vehicle Weight stricken from the proposed language and requested that Staff work with the AGC and other labor groups to resolve any remaining issues.

PUBLIC COMMENT

Mr. Anthony Lancia, Assistant Vice President, Local Governmental Affairs/Permitting of the AGC thanked the Committee for taking the time to discuss the issue and did not feel that the Committee was trying to hinder anyone strictly driving home a pick-up truck. He added that the AGC would be more than willing to work with Staff to prepare language that would address any and all concerns.

Mr. Joseph Gambino stated that parking of commercial vehicles has been ongoing for many years, but then expressed his concerns regarding the “recreational vehicle” ordinance that was recently passed by City Council. Chair Segal noted his concerns, but added that the Recreational Vehicle Parking Ordinance was not open for discussion. He recommended to Mr. Gambino that he offer a citizen statement at one of the City Council meetings.

There was additional discussion related to where the vehicles are being parked, the number of complaints that Councilmembers and the City receives, and how those issues are enforced. It was strongly emphasized by the Committee that the proposed ordinance would not be written in any way to hinder someone’s ability to earn a living.

Councilmember Casey made a motion to ask Staff to work with the Associated General Contractors of St. Louis and additional Union organizations to draft proposed legislative language that would address any concerns by all parties and bring that language back to the Committee for further discussion. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

It was noted that a conversion van is allowed under the proposed language.

A. “Wild Horse Creek Road sidewalk gap” – Connie Fults

Mike Geisel, Director of Planning, Public Works and Parks gave a PowerPoint presentation showing an aerial of the site. Mr. Geisel stated the following:

With the assistance of Councilmember Fults, Staff has identified a 365 foot long sidewalk gap along Wild Horse Creek Road, just west of Wild Horse Elementary School and Baxter Road. Mr. Geisel stated that although no research has been done, Staff would gladly investigate and provide cost estimates on what it would take to close the gap. Because there is no right of way available to construct the sidewalk, Staff would have to speak to the owners to grant easements to complete the work.

DISCUSSION

Councilmember Fults stated that this would tie in and complete the sidewalks adjacent to the Riparian Trail. Mr. Geisel noted that there are five parcels 16633 to 16653 along Wild Horse Creek Road, but there are currently only two property owners.

Chair Segal fully supports closing in the gap, but questioned as to whether it would be more beneficial for Staff to go out and identify all the sidewalk gap areas and prepare one large bid versus doing separate bids. Mr. Geisel indicated that it would probably not be beneficial due to the limited number of existing gaps. The subject gap specifically relates to the fact that there is surrounding development where the developer was required to build the sidewalks. It was noted that most existing gaps are due to physical constraints preventing them from being built but this is not the case in this particular instance.

Councilmember Casey fully supports Councilmember Fults that the sidewalk gap needs to be completed, but felt that additional gaps need to be identified - specifically; Schoettler Road, between Hunters Point and Amberleigh Subdivisions.

Brian McGownd, Public Works Director/City Engineer explained that the City applied for a "Safe Route to Schools Grant" several years ago for this section near Wild Horse Elementary School. Unfortunately, the grant process is very competitive and funding was not available.

Mr. Geisel noted that the City has a sidewalk inventory in place that identifies where the gaps exist and which ones have physical constraints.

Councilmember Casey made a motion asking Staff to provide cost estimates to construct the gap along Wild Horse Creek Road and bring that information back to the Committee. The motion was seconded by Councilmember Fults

There was continued discussion as to whether it would be beneficial to close in the gaps along Schoettler Road, between Hunters Point and Amberleigh Subdivisions.

Mr. Wyse stated that the Bicycle Master Plan has been approved and within that plan are recommended sidewalk improvements. This section of sidewalk was identified as a proposed improvement.

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

C. Resolution to Change Street Name - Lydia Hill Drive to August Hill Drive

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer gave a PowerPoint presentation showing a map identifying the site and surrounding roadways. Mr. McGownd explained that Staff finds it necessary to recommend changing the name of the northernmost portion of Lydia Hill Drive dedicated right-of-way. At the time of the dedication of Lydia Hill Drive, August Hill Drive was planned to extend to Burkhardt Place.

This planned extension to Burkhardt Place did not receive approval from the Army Corps of Engineers, and is no longer a part of our future planned road system. As a result, a portion of the Lydia Hill Drive right-of-way dedication must now be re-named to August Hill Drive so these two street names change at the intersection of Chesterfield Park Drive. It was noted that no addresses would change and the City's pool would still be a Lydia Hill address.

Upon receiving approval, the Resolution shall be published for a minimum of one week in a City newspaper. If within four weeks after such publication, a majority of the resident property owners along the affected portion of Lydia Hill Drive do not file written protest with the City Clerk, then Council shall consider an ordinance to change the name of that portion of Lydia Hill Drive.

DISCUSSION

Acting-Mayor Flachsbart asked whether it would be more beneficial to just change the name from August Hill Drive to Lydia Hill Drive. Mr. Geisel responded that making it into one name had been considered. After consulting with Sachs Properties, it was determined that, (1) Sachs Properties had dedicated the right-of-way to allow the City to construct the roadway, and (2) Mr. Sachs had made prior commitments to the land owner when Stonehill Road had been purchased that the roadway would be dedicated as August Hill. The City controls the roadway, but Sachs Properties prefers that the August Hill and Lydia Hill names be maintained.

Councilmember Casey made a motion to approve the recommended Resolution renaming a portion of Lydia Hill Drive to August Hill Drive and forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Note: One Resolution, as recommended by the Planning & Public Works Committee, will be needed for the April 20, 2011 City Council Meeting. See Resolution #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Resolution to Change Street Name - Lydia Hill Drive to August Hill Drive].

**D. Supplemental Agreement #1 – Engineering Design Services
Chesterfield Parkway Pedestrian Bridge 2009-PW-19**

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that the Chesterfield Parkway Pedestrian Bridge is moving through the final design phase.

Due to an oversight, lighting was not considered during the initial design of the bridge. Since that time, it has been determined that once the Pathway on the Parkway is completed and furnished with street lights, it would be beneficial to also add lighting to the bridge. Staff is requesting authorization of approximately \$14,000 to cover the engineering design fee as well as a color rendering of the bridge. Once funding is available for the construction, the new bridge will be lit. It was noted that the funds will come directly from the North Outer Forty Trust Fund.

Councilmember Casey made a motion to approve the Supplemental Agreement #1 for Engineering Design Services, as submitted by H.R. Green Company in the amount of \$13,687.00 not to exceed \$14,000.00 from the Trust Fund Account No. 806-2405 for lighting design and construction 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 to 0.

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Supplemental Agreement #1 – Engineering Design Services Chesterfield Parkway Pedestrian Bridge 2009-PW-19].

E. 141 Enhancement Funding – Mike Geisel

STAFF REPORT

Mike Geisel, Director of Planning, Public Works and Parks explained that in January of 2010 City Council approved two ordinances related to enhancement of the Route 141 project. These ordinances authorized execution of agreements with the Missouri Highways and Transportation Commission, which provided for MoDOT to incorporate project enhancements and accommodations into their design, and subsequently their bid documents.

The improvements and accommodations represented by the “municipal agreement” were incorporated at MoDOT’s cost, while the improvements represented by the “enhancement agreement” were to be at the City’s cost. At that time, the estimated cost of the “enhancements” was \$89,691, but the bids now exceed that figure. The actual cost will be closer to \$130,000.

Staff requests a recommendation to City Council to authorize an additional \$40,000 funded from the General Fund – Fund Reserves to fund the incorporation of the aesthetic enhancements into Route 141. These funds would be deposited directly with MoDOT.

Originally, the Committee recommended to City Council, who in turn approved, reducing the “earmark” of General Fund – Fund Reserves from \$500,000 to \$400,000 for these future enhancements provided by the City. Staff continues to work with MoDOT and the County who have been very cooperative in incorporating the landscaping the City would otherwise have to complete.

Mr. Geisel recommended consideration of the additional funds to prevent having to scale back on any of the enhancements to which the City had previously committed itself. Due to MoDOT’s cooperation, the final cost for the enhancements could be lower.

Councilmember Geiger made a motion to approve an increase of \$40,000 bringing the total amount authorized for the Route 141 Enhancements to an amount not to exceed \$130,000 with the funds to be transferred from General Fund – Fund Reserves and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey and passed by a voice vote of 4 to 0.

[Please see the attached report prepared by Mike Geisel, Director of Planning, Public Works and Parks, for additional information on Route 141 Enhancement Funding].

IV. ADJOURNMENT

The meeting adjourned at 6:30 p.m.