I.A.
MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 23, 2013

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 23, 2013 in Conference Room 101

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); and **Councilmember Derek Grier** (Ward II).

Also in attendance were: Mayor Bob Nation; Councilmember Nancy Greenwood (Ward I); Councilmember Mike Casey (Ward III); Councilmember Bruce DeGroot (Ward IV); Planning Commissioner Wendy Geckeler; Mike Geisel, Director of Public Services; Justin Wyse, Senior 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 May 9, 2013 Committee Meeting Summary.

Councilmember Grier made a motion to approve the Meeting Summary of May 9, 2013**.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 - 0.** *(Councilmember Hurt was not present for the vote)*

Councilmember Flachsbart made a motion to reorder the agenda to begin with New Business. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

III. NEW BUSINESS

A. Chesterfield Historic and Landmark Preservation Committee request for media announcement

Chair Fults explained that the Chesterfield Historic and Landmark Preservation Committee is requesting that the Planning and Public Works Committee allow them to issue a media announcement.

STAFF REPORT

Justin Wyse, Senior Planner explained that the Chesterfield Historic and Landmark Preservation Committee (CHLPC) has been working for the past several months on the creation of timeline posters to illustrate the history of the City of Chesterfield.

The CHLPC Committee requests that a media announcement be released to West Newsmagazine announcing the release of these timeline posters.

Councilmember Flachsbart made a motion allowing the Chesterfield Historic and Landmark Preservation Committee to announce in the West Newsmagazine the release of timeline posters illustrating the history of the City of Chesterfield. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 - 0.**

Councilmember Hurt (Ward III) arrived at this point – 5:34 pm

B. Private street approval – Villages at Kendall Bluffs

STAFF REPORT

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding areas. Mr. Wyse stated that Staff has determined that Kendall Bluff Drive, Kendall Bluff Court, Kendall Ridge Drive, Kendall Ridge Court, and Kendall Summit Court meet the City's design and construction standards for approval as private streets.

As the streets are private streets, there is no maintenance obligation on behalf of the City and no ordinance is required.

DISCUSSION

Councilmember Flachsbart clarified that the request is merely an approval for the completion of the private streets. Mr. Geisel explained that per City policy, Committee approval is required before escrows can be released.

Councilmember Flachsbart made a motion to approve release of escrows for the Villages at Kendall Bluffs subdivision and to accept as private streets. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0.**

C. Private street approval – Estates at Wildhorse Canyon

STAFF REPORT

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding areas. Mr. Wyse stated that Staff has determined that Canyon Forest Boulevard and Canyon Forest Court meet the City's design and construction standards for approval as private streets.

As previously stated, as the streets are private streets, there is no maintenance obligation on behalf of the City and no ordinance is required.

DISCUSSION

As point of clarification, Councilmember Flachsbart questioned as to whether the private streets are required to be constructed to the same standards as public streets. Mr. Wyse replied that the private streets must meet the same construction standards as public streets. It was noted that streets within gated developments cannot be accepted as public streets.

Councilmember Flachsbart made a motion to approve release of escrows for the Estates at Wildhorse Canyon and to accept as private streets. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0.**

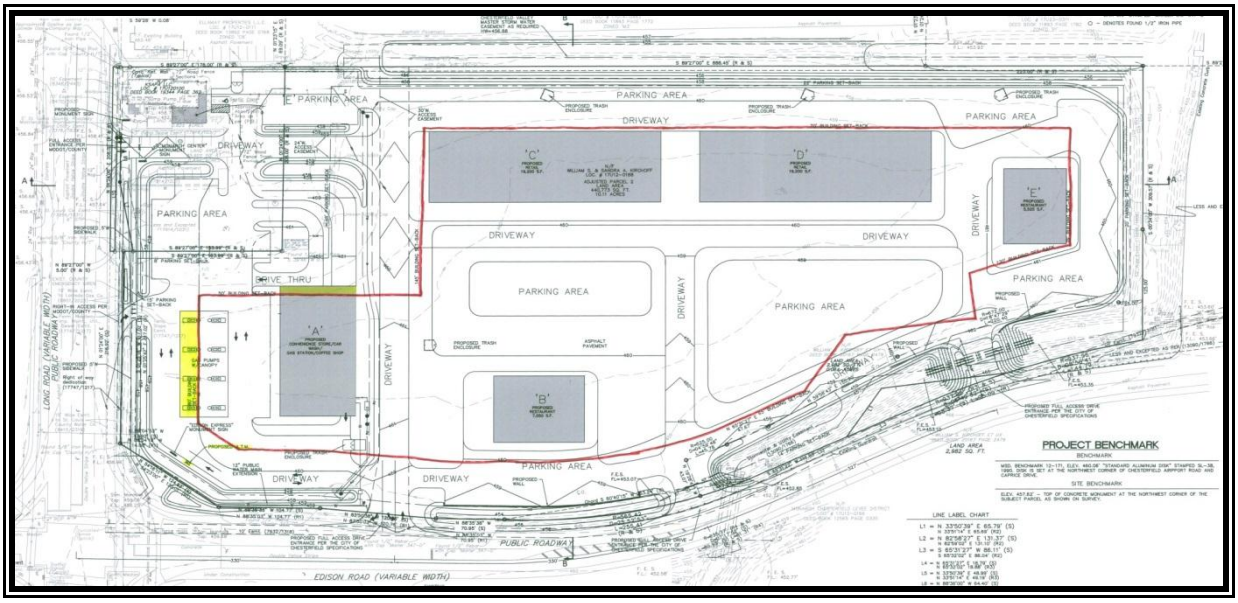
II. OLD BUSINESS

A. P.Z. 05-2013 Monarch Center (JLA Development, LLC): A request for an ordinance amendment to a "PC" Planned Commercial District to add a 0.85 parcel of land currently zoned "M-3" Planned Industrial District to an existing "PC" Planned Commercial District and to modify development standards of the "PC" Planned Commercial District totaling a 10.94 acre area of land located north of Edison Avenue and east of Long Rd. (17U120188 and 17U120100).

STAFF REPORT

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding area. Mr. Wyse stated the Petitioner has submitted a request for an ordinance amendment to add a 0.85 acre parcel of land zoned "M-3" Planned Industrial District to an existing "PC" Planned Commercial District resulting in a new "PC" Planned Commercial District totaling 10.94 acres. The requested amendment also seeks to amend various building and parking setbacks as well as various modifications to account for the addition of land.

The request was before the Planning and Public Works Committee on May 9th, 2013. At that time, the Committee voted to hold the project and asked Staff to provide clarification on the request.



There are basically three changes that are being made:

1. A change to the legal description to add the property on the northwestern portion of the site.
2. A slight change to the density to accommodate the parcel on the northwest side of the site, as well as a potential addition onto the existing building.
3. Changes to the structure setbacks:

   - Canopy for the gas station to be located within 50 feet of Long Road vs. the current setback of 80 feet from Long Road.
   - Building E currently has a structure setback of 120 feet from Edison; the rest of the development has a 65-foot setback. They are requesting that Building E also have a 65-foot setback from Edison.
   - An inclusion of an ATM to be located within the structure setback on the southwest side of the site.

At the last Committee meeting, there was discussion about the parking setbacks from Long Road – the current ordinance requires a 14-foot setback which the Petitioner will retain.

Chair Fults then asked Mr. Wyse to review the access points for the site. Mr. Wyse noted the following:

- The Preliminary Plan shows three access locations off of Edison, which correlate to the 2001 Agreement. The distances are specified in the Agreement. It was

pointed out that the proposed Preliminary Plan matches the previous Preliminary Plan, which matches the Edison Road Agreement.

- Along Long Road, there is currently a full access to the existing Dental Building. This access point currently lines up with the Fire Station's apron but is proposed to be realigned to the Fire Station's parking lot access. The proposal also relocates the parking area to the east side of the building and shows this access point as serving the entire development.
- The Petitioner is proposing a right-in off of Long Road that would service the convenience store and gas station. It was clarified that this access point is new and was reviewed by Planning Commission. Councilmember Grier asked if this access point was part of the 2001 Agreement. Mr. Wyse replied that the 2001 Agreement includes language acknowledging that the City does not have sole authority in granting access onto a road it doesn't own and that the City would not oppose a full access onto Long Road.

Mr. Wyse stated that the current ordinance includes language explaining that approval was granted based on a decreased Floor Area Ratio; enlarged landscape islands; inclusion of public art; inclusion of plazas and outdoor seating areas; and pedestrian walkways. All of these provisions are still included in the proposed ordinance.

PETITIONER'S REPORT

Mr. Mike Doster, Attorney for the Petitioner, stated the following:

- The referenced Roadway Agreement was entered into in May, 2001 and was passed unanimously by the City Council. Several acres were required for the Edison Road improvements and for certain storm water improvements; Mr. and Mrs. Kirchoff agreed to convey the required acreage for these improvements in exchange for a guarantee that certain access points would be allowed by the City.

- The three access points on Edison are guaranteed under the 2001 Agreement and are in the locations in accordance with the Agreement.

- The Agreement also provides for a full, four-way access point along Long Road subject to St. Louis County's approval. This access would be in addition to the existing full access for the dental building. Currently, County is deferring to MoDOT with respect to those approvals.

- In summary, the proposal keeps the three full access points along Edison, it reduces the two full access points along Long Road to one full access point because the development and the dental building would use a common full access point; and adds a right-in only access point on Long Road for northbound traffic. The right-in only access was not part of the 2001 Agreement.

- The Zoning Amendment seeks to bring the Larson property *(dental building)* into the development and would be rezoned from "M3" to "PC". The Zoning

Amendment is driven by the need to change setbacks to accommodate the Larson property.

- Setback changes are needed off of Long Road to accommodate the canopy for the gas station and the ATM.

- The requested setback change from Edison for Building E was requested to make it consistent with the rest of the development.

Mr. Doster acknowledged the Committee's concern about left-hand turns into the development. He stated that Mr. Kirchoff has indicated his willingness to modify the 2001 Agreement to provide for a right-in, right-out only at the westernmost entrance on Edison conditioned upon the requested zoning amendments being approved.

Mr. Doster stated that the right-in only from the proposed southern access point on Long Road would help mitigate the situation because northbound traffic on Long would not have to use the main entrance to access the convenience store/gas station.

Mr. Brandon Harp, Civil Engineer for the Petitioner, referred to the right-in only and the full access onto Long Road and noted that County had originally been involved but has since deferred to MoDOT because MoDOT will take ownership of the road in about a year. St. Louis County gave specific distances for the access points and the Preliminary Plan has been designed with those designated distances.

Mr. Bill Kirchoff, the current Property Owner, gave a brief history of the site stating the following:

- The 2001 Agreement was passed by Council and specified all the access points. (*Mr. Kirchoff provided copies of the 2001 Agreement to the Committee members and directed their attention to page 2 which relates to the access issues.)* Mr. Kirchoff noted that the existing Council members who approved the 2001 Agreement were Councilmembers Casey, Hurt and Flachsbart.

- Edison Avenue was designed with the specified access points.

- In 2007, the Kirchoff property was rezoned to Planned Commercial. At that time, there was discussion about access points and concern that "it would cause a domino effect to the east". At the time, it was pointed out that all the access points to the east had already been established and therefore there would be no domino effect. Council approved the rezoning by a vote of 6-2 with Councilmembers Fults, Hurt, and Casey voting for it and Councilmember Flachsbart voting against it.

- At the previous Committee meeting, concern was expressed about the proposed convenience store. He noted that this use is a permitted use under the rezoning approved in 2007. Because he is interested in the appearance of the convenience store, he has, under the Purchase Agreement, retained the right of

approval for the architecture of any structures on the property, along with approval of the landscaping and Site Plan.

- The Agreement also specifies that the quality of architecture is to be in concert with other commercial construction in the area of Edison and Long. Chair Fults noted that the architecture will also be reviewed by the Architectural Review Board and the Committee.

Mr. Kirchoff then provided three photographs of a convenience store as an example of how a convenience store can be upgraded. *(Copies of the photographs are shown on page 15 of the meeting summary.)*

DISCUSSION

Chair Fults noted her concerns with the access points. She stated that since 2007, the City has done a lot to keep the traffic flowing along Wild Horse Creek Road and Long Road through tremendous expense. She has concerns about the left-hand turns across the through-streets and the full access so close to the intersection. If it is agreed to have one access as a right-in, right-out and the other access as a right-in only, it would alleviate some of her apprehensions regarding the traffic flow.

Chair Fults stated that if a convenience store is approved for the site, she expects that City Council would expect high quality materials and significant architectural details for the construction at this corner. At Site Plan, she will want to be assured that all of the original ordinance requirements have been met with respect to outdoor seating, public art, landscape medians, etc.

Councilmember Flachsbart noted that he had voted against the rezoning because he thinks it is inappropriate to have a gas station at this site. He has less concerns with the convenience store if it does not include a gas station. He still has concerns about the proposed setbacks and the proposed ATM. He would also like to see the access improved.

Councilmember Hurt indicated that he had voted in favor of the rezoning because the design of Long Road at that time did not cause concerns about the accesses along Edison Avenue. He noted that when opportunities arise to help traffic flow, he prefers to eliminate smaller access points by consolidating them into one access. He feels only one access is needed on Long Road with a right-in, right-out at the westernmost entrance on Edison. He is uncomfortable with two access points along Long Road. He then asked Mr. Kirchoff to recollect how the 2001 Roadway Agreement would pertain to Long Road.

Mr. Kirchoff stated that the Agreement indicates that the City would support a four-way access onto Long Road. The southernmost access on Long Road is now being proposed as a right-in only. Mr. Kirchoff feels that the proposed right-in would get traffic off of Long Road and eliminate the need to travel north on Long Road to the four-way access point.

Mr. Geisel stated that the 2001 Agreement was approved prior to the construction of Edison Avenue. The consideration for the curb cuts for Mr. Kirchoff was the dedication of right-of-way for Edison Avenue. At that time, the distances for the accesses were prescribed from the center line back to each entrance, and then a minimum spacing between each of the access points to which the Preliminary Plan complies. The Agreement contemplates that the City would cooperate and support a full access point along Long Road. Subsequently, a parcel has been added with full access.

Mr. Geisel went on to say that his concern with the proposed plan relates to traffic coming down Long Road, making a right-in turn into the site and having to go through the group of uses proposed at the southwest portion of the site. There are a lot of conflict points in this area that raise safety concerns. However, since a deceleration lane has been added and it only serves the subject site, the right turn in from Long Road actually improves the situation. However, he indicated that the entry still has to be designed to meet the City's access standards with regard to the throat length and the minimum distance to avoid conflict points for safety reasons. It is critical that this entry be designed to maximize the throat distance and direct traffic away from pedestrian traffic and conflict points.

Councilmember Hurt questioned whether the pumps and gas stations could be situated differently. Chair Fults pointed out that the Planning Commission asked about flipping the pumps and the building. Mr. Harp indicated that before plans are submitted for Site Plan review, they will work with Staff relative to the right turn lane. He feels that if the pumps are moved to the north, it would be counterproductive to how the site plan is laid out.

Chair Fults noted the large size of the parking area and asked what it would be used for. Mr. Harp stated that there is a required amount of parking spaces for the size of the development and the parking field meets that requirement.

Councilmember Greenwood noted that the setbacks are being changed to accommodate the convenience store but felt the convenience store should be designed to fit within the existing setback requirements.

Chair Fults expressed concern that the site includes a gas station, a car wash with drive-thru, and a second drive-thru for an unknown use. Mr. Harp stated that the Preliminary Plan does not show the detail of a Site Plan. They are aware that during Site Plan review, they have to meet the zoning requirements for uses, stacking, circulation, and any on-site traffic study.

Councilmember Hurt noted that the Plan could probably meet the current setbacks if the pumps were reduced from eight to four and all four pumps were located on the east side of the current pump location.

Councilmember Greenwood expressed concern about stacking issues for the car wash. Mr. Harp replied that the Site Plan will show two-way circulation around the site, except for the stacking lanes for the proposed drive-through lanes.

Chair Fults stated that if the Committee wants to make any changes to the setbacks as currently provided for in the Attachment "A", amendments would need to be offered. She then opened the floor to any motions for amendments to the ordinance.

Councilmember Grier summarized that there is an approved Agreement with the Kirchoffs for the access points along Edison Road and for a full four-way access for the existing parcel. He feels that the Agreement should be honored with no changes. He also feels that the compromise proposed by the Petitioner with a right-in off of Edison and a right-in off of Long is a reasonable compromise to address some of the concerns raised. Since there is an existing four-way access on the dental property, he does not think it should be removed. Councilmember Grier expressed that he is comfortable with the access points as presented. He does have some concerns with the proposed setbacks based on traffic entering the site and the speed of Long Road. He then noted that a 30-foot setback reduction is being requested on the east side of the site and suggested instead that the proposed uses on the west side of the site be moved 30 feet to the east.

Mr. Harp replied that the ordinance requires a 14-foot parking setback along Long Road. Based on the current design, they are at over 30 feet which is a result of Mr. Kirchoff requesting more green space around the perimeter of the site. In addition, the curb cut is a fixed point which snowballs into the distance between the other entrances – so if one access point is moved then everything shifts down. But there are physical constraints with a large culvert that prohibits moving the center access to the east.

Councilmember Flachsbart indicated that he cannot vote in favor of the petition because of the proposed gas station.

Councilmember Hurt asked Mr. Geisel for his opinion on the proposed accesses on Long Road – the right-turn in and the full access. Mr. Geisel feels that the right-in turn improves the conditions if the proposed use is approved. He then responded to Mr. Harp's statement about the curb cut being a fixed point. Mr. Geisel noted that the Agreement states that the first curb cut should be located no closer than 330 feet and subsequent ones no closer to each other than 250 feet. Currently, the Plan shows a spacing of 320 feet, which is 70+ feet more than what is required as a minimum distance specified in the Agreement. He responded that the curb cuts could be moved 30 feet to the east without violating the Agreement, but that does not mean that it's physically possible on the site due to other potential issues.

Mr. Harp pointed out that there is a full access point across the street that they were asked to line up with. Mr. Geisel agreed that the access point does line up with Edison Crossing and is a fixed access based on the Agreement.

Councilmember Greenwood asked if it would be possible to have a curved road rather than a straight-line road from the first entrance off of Edison Avenue closest to Long Road. Mr. Harp stated that they would have to study the impact of it.

Councilmember Grier asked if the Petitioner is comfortable with the flow of traffic on the site. Mr. Harp stated that they are and noted that the Site Plan will show more details than what the Preliminary Plan shows. They feel that they have generous-sized drive aisles to allow two-way circulation.

Mr. Wyse asked if the right-in access complies with the City's Access Management requirements. Mr. Harp stated that he does not believe it complies with the City's requirements.

Mayor Nation asked for further clarification on how the Access Management requirements are not being met. Mr. Wyse stated that the City has a requirement that there cannot be any conflict points from the right-of-way to within 80 feet inside the site. The Preliminary Plan shows a conflict point at 30 feet.

Councilmember Flachsbart asked if the right-in access on Long could be moved further north in order to get it further away from the canopy.

Councilmember Grier made a motion forward P.Z. 05-2013 Monarch Center (JLA Development, LLC) to City Council with a recommendation to approve. *The motion then died due to lack of a second.*

Chair Fults proposed two options; either make amendments now or hold at the Committee level for further research. Councilmember Hurt asked as to whether the right-in on Long Road could be moved further to the north. Mr. Harp replied that he is not sure – he noted that County provided for the access location and those are shown on the drawing. St Louis County has approved the access based on those dimensions. Councilmember Hurt expressed that he has serious safety concerns due to the configuration of the development. He feels that moving the right-in further north and moving the buildings back would be helpful.

Chair Fults expressed reservations with the density and indicated she would make a motion to move the buildings back or she would entertain a motion to hold to further address the Committee's concerns.

Mr. Doster expressed his frustration that most of this discussion is typically done during site plan review. He noted that the only items before the Committee are setback changes. He felt that Mr. Kirchoff is offering a compromise to the proposal to allow the project to move forward. He feels that the only way to address the Committee's concerns is to submit a Site Plan, which due to time constraints, will not have been thoroughly reviewed by Staff prior to Committee review.

Mayor Nation concurred with Councilmember Grier's assessment to move forward as presented. Councilmember Grier stated that he feels an amendment should be made to the ordinance to make the western-most access point a right-in/right-out only.

Councilmember Flachsbart requested that Staff include details of the proposed setbacks at the next Committee meeting. Chair Fults is also requesting additional circulation information specifically related to the right-in only.

Chair Fults made a motion to hold P.Z. 05-2013 Monarch Center (JLA Development, LLC) until the next Planning and Public Works Committee meeting. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 - 1. Councilmember Grier voted no.**

B. Commercial vehicles in residential subdivisions discussion

STAFF REPORT

Justin Wyse, Senior Planner gave a PowerPoint presentation showing photos of parking of commercial vehicles defined as "commercial". Mr. Wyse provided the following:

Background

Staff presented information on the City's regulations for the parking of commercial vehicles in residential areas at the March 24, 2011 Planning and Public Works Committee meeting. At that time, concern was raised about coordination between the City and those who would be impacted by the regulations being discussed by the Committee. The Committee directed Staff to continue to reach out to groups and individuals who would be potentially impacted by the regulations and bring back information for the Committee.

Proposed Regulations

Based on the discussion at the previous meeting and input from agencies after the meeting, the following changes are presented *(existing regulations shown in black with proposed regulations shown in red)*.

Sec. 18-107. Parking of commercial motor vehicles in residential districts prohibited.

(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.~~

1. Construction vehicles and equipment including, but not limit to, tractors, backhoes, blades, buckets, bulldozers, compactors, crane scrappers, excavators, and front-end loaders.
2. 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."
3. 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.
4. 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 added that prior to this discussion relative to parking of Commercial vehicles in residential districts, a previously approved "recreational vehicle ordinance" was approved in 2011.

Coordination

Staff attempted to contact various groups and organizations to gather as much information as possible by means of email and/or phone calls. The following organizations were contacted:

- Air Conditioning Contractors of America *
- American Society of Concrete Contractors
- Associated General Contractors *
- Carpenters' District Council of Greater St. Louis and Vicinity
- Home Builders Association of STL *
- Independent Electrical Contractors of Greater St. Louis
- Mason Contractors Association of St. Louis
- Mechanical Contractors Association
- National Electric Contractors Association
- Sheet Metal & Air Conditioning Contractors Association

Of the organizations list above, only three (indicated with an asterisk above) responded with input on the proposed regulations. One item of concern that was raised was the inclusion of vehicles with a licensed weight in excess of 12,000 pounds being included as a commercial vehicle.

DISCUSSION

Mr. Wyse explained that the proposal has never been codified or presented to the full City Council for approval. Chair Fults explained that previous concerns and regulations were directed at the licensed weight of the commercial vehicles.

Additional photos were then shown depicting which types of vehicles that would be prohibited from, or allowed to, park in residential areas. Mr. Geisel stated that based on previous direction, the definition of a commercial vehicle has been perfected to eliminate any conflicts. Staff has discussed the matter with the Police Department and is comfortable with the proposed regulations.

Councilmember DeGroot questioned overnight parking of construction equipment such as a backhoe. Mr. Wyse responded that commercial construction vehicles and equipment can “temporarily” be parked while engaged during active construction.

Mr. Geisel stated that based on the Committee’s direction, Staff will prepare legislation based upon the proposed changes to the regulations. Chair Fults noted that the discussion is merely input in order to define the definition of a commercial vehicle. Councilmember Flachsbart is pleased with the progress and recommends opening it up for public comment.

Councilmember Hurt explained that to his knowledge there was an existing ordinance to address commercial vehicles and asked as to whether these are revisions. Mr. Geisel replied that restrictions are in place to control parking along the street. What is before the Committee is commercial vehicles being parking on “*residential properties”.*

RESIDENT COMMENT

Mr. Al Strobing, resident and trustee of Royalbrook Subdivision expressed his concerns that there are very few restrictions other than vehicles exceeding the 12,000 pound weight limitation and tractor trailers, but fully supports the proposed restrictions. He then explained a situation within his subdivision where a tow truck is continually being parked. Councilmember Hurt asked as to whether the tow truck is the resident's sole means of transportation. Mr. Strobing replied that he, as well as Curtis Kruise, has discussed the matter with the resident but had no success. He indicated that the subdivision indentures do restrict parking of commercial vehicles, but enforcement has been an issue. In response to Councilmember Hurt's question, to his knowledge he was unaware whether the tow truck is the resident's sole means of transportation.

Councilmember Flachsbart made a motion to direct Staff to prepare legislation and provide any police reports dating back approximately two years and bring that information back to the Committee for review. The motion was seconded by Councilmember Hurt.

DISCUSSION ON THE MOTION

Councilmember Grier explained that during his time on City Council, that to his knowledge a problem did not exist and felt creation of this legislation was unnecessary. Furthermore, it is his feeling that restrictions should be at the most local level possible by means of the Homeowner's Association indentures. He suggested that the proposed legislation include an acreage requirement. Chair Fults responded that if equipment is being used on the property it is allowed.

Councilmember Hurt noted Councilmember Grier's point, but felt that it was a problem in some areas.

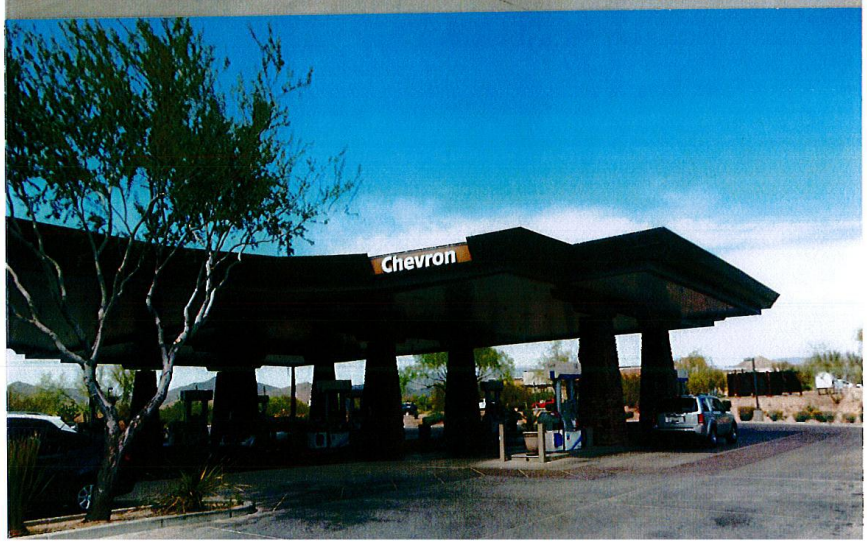
Councilmember Flachsbart also requested that the legislation include language authorizing parking of a commercial vehicle within an "enclosed" structure.

Final comment from the Committee was that they strongly did not want the "commercial vehicle" ordinance to directly impact someone's livelihood.

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

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Photos provided by Bill Kirchoff