



Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: John Danielson, City Manager

FROM: C.J. Whelan, Councilmember
Mark Gotto, Councilmember
Andrew Firestine, Assistant City Manager

DATE OF MEETING: 10/10/2016

DATE OF SUBMITTAL: 10/6/2016

SUBJECT: Report from the Commercial Vehicle Parking Sub-committee

1. Executive Summary:

This report provides an overview of the recent discussions and recommendations of the Commercial Vehicle Parking Sub-committee (the "Sub-committee"), a group that was created following a City Council study session discussion on May 16, 2016. The Sub-committee is seeking City Council consent to direct staff to prepare an ordinance amending the Model Traffic Code (MTC) to amend the definition of commercial vehicle and add restrictions on the parking of commercial vehicles on streets within non-residential zoning districts and throughout the City. Further, the Sub-committee is asking for direction from City Council to make additional changes to the Land Development Code (LDC) to regulate commercial vehicle parking on private residential property.

2. Discussion:

Staff presented an overview of issues related to the parking and storage of commercial vehicles within the public right-of-way (ROW) and on private residential property on May 16, 2016. At this meeting, City Council generally supported the: 1) regulation of commercial vehicle parking within the public ROW; 2) clean-up of differences between the MTC and the LDC; 2) engagement in a more comprehensive discussion on backyard enforcement; and 3) creation of a sub-committee to conduct additional research and report back to City Council. The report from this presentation is attached as Attachment 3; the audio from the May 16, 2016 study session discussion is contained in the audio file for the regular meeting (starts at approximately 71:46).

Since the study session discussion on May 16, 2016, the Sub-committee led by Councilmembers Whelan and Gotto has met on three occasions to review and discuss the parking and storage of commercial vehicles within the public ROW and on private residential property. The Sub-committee has been supported by Andrew Firestine and Elisha Thomas from the City Manager's Office, Chris Price from the City Attorney's Office, Derek Holcomb from the Community Development Department, Tamra Gregory from Code Compliance, and Bureau

Chief Glenn Thompson and Sgt. Steve McIntosh from the Arapahoe County Sheriff's Office. Notes from each of the three meetings of the Sub-committee are attached as Attachment 1.

From the outset, the Sub-committee sought to:

- Define a commercial vehicle;
- Determine the applicability of any commercial vehicle restrictions within the public ROW; and
- Set the enforcement threshold for private residential property, with the exception of backyard enforcement, a subject that will be presented separately to City Council.

The Sub-committee also discussed community outreach and a desire to engage both with CenCON as well as those businesses that may perceive an impact from a change in the regulations.

Definition of a Commercial Vehicle

The Sub-committee reviewed the current definition of a commercial vehicle in the MTC and is recommending a minor change to the definition to make the definition uniform with state traffic laws. This change is highlighted in the draft ordinance attached as Attachment 2.

The Sub-committee discussed at length the application of this definition to various commercial vehicles, particularly whether the restrictions would apply to work vehicles that are driven from a place of employment to a residence within the City, such as a pickup truck or a cargo van. The consensus of the Sub-committee was that the definition is multi-faceted. It always includes vehicles used for commercial purposes that exceed 10,000 pounds in weight, such as walk-in vans, box trucks, delivery trucks and larger vehicles and it always includes tow trucks and similar vehicles. It may include smaller vehicles when those vehicles are in use for a commercial purpose but in the case of a plumbing van or a pickup truck with ladders, those would not be considered a commercial vehicle if they were simply being driven home from a place of employment to a residence.

Applicability of Commercial Vehicle Restrictions within the Public ROW

With regard to the applicability of commercial vehicle restrictions within the public ROW, the MTC already restricts commercial vehicle parking on public streets within residential zoning districts. The Sub-committee generally supported expanding those restrictions to prohibit the parking or storage of commercial vehicles on public streets in non-residential zoning districts with limited exceptions. More particularly, as is highlighted in the draft ordinance attached as Attachment 2, the Sub-committee supports restrictions that would:

- Prohibit all commercial vehicle parking upon any public street in a non-residential zoning district between the hours 7:00 p.m. to 7:00 a.m.;
- Restrict commercial vehicle parking upon any public street in a non-residential zoning district to loading and/or unloading or the rendering of services within 200 feet of the commercial vehicle between the hours 7:00 a.m. and 7:00 p.m.
- Prohibit the parking or stopping of car carrier trailers on public streets anywhere in Centennial except upon local or collector roadways within the area bounded by

Dayton on the west, Revere on the east, Costilla and Briarwood on the south, and Peakview and Racine on the north.

The restrictions supported by the Sub-committee would address those complaints received by the City about the parking and storage of commercial vehicles in the public ROW while at the same time preserving some reasonable use of the public ROW that may occur from time-to-time. The exception for car carrier trailers is in recognition that many of the City's existing auto dealerships and brokers currently unload on City streets. While the restrictions preserve their use of City streets for this purpose, it both limits the area geographically and the activity to certain streets. The Sub-committee also discussed the need for any future auto dealerships to accommodate the loading and unloading of car carrier trailers on private property.

Enforcement Threshold for Private Residential Property

In terms of an enforcement threshold for private property, the Sub-committee committed to maintain the current commercial vehicle parking restrictions in residential areas with several changes:

- The MTC currently restricts commercial vehicles in the public ROW and on private property. The Sub-committee supports moving the regulations on private property to a section of code that may be enforced by Code Compliance.
- The restrictions on commercial vehicle parking on private property currently restrict all commercial vehicle parking with the exception of: 1) a limited allowance for loading and unloading and the rendering of services; and 2) a broad exception for residential lots large than one acre that are zoned AG or NC2A. The Sub-committee recommends:
 - An additional exception for commercial vehicles that are parked or stored in a completely enclosed structure; and
 - Potentially eliminating the current exception for lots exceeding one acre in size that are zoned AG or NC2A agricultural with the exception of those vehicles necessary to support the residential agricultural allowances afforded to some of the City's large lot residential neighborhoods.

The definition of a commercial vehicle should also be made consistent between the MTC and the LDC. The Sub-committee elected to not delve into backyard enforcement, a subject that is being approached separately by the Community Development Department and is currently scheduled for a presentation to City Council with other nuisance regulations on November 7.

The draft ordinance attached as Attachment 2 is limited to amendments to the MTC. An additional ordinance will be necessary to make changes to the LDC.

Community Outreach

At the direction of the Sub-committee, staff conducted some outreach on the potential changes to the commercial vehicle parking regulations. Derek Holcomb presented to CenCON on August 22, 2016 and Andrew Firestine and Neil Marciniak met with IKEA on September 7, 2016. Neither CenCON nor IKEA had concerns with the proposed changes to the regulations. Staff has directly contacted the Centennial auto dealerships and trucking, freight, and moving companies that may be concerned about a change in the regulations. Most of these businesses

will not be affected, unless they are parking or storing commercial vehicles within the public right-of-way. This outreach offered staff assistance to review and discuss the potential changes to the regulations, an effort that is still on-going. Information about the potential changes will also be published in the October Centennial Business Monthly e-newsletter.

3. Recommendation:

The Sub-committee seeks City Council: 1) consent to direct the Sub-committee to prepare an ordinance amending the MTC to amend the definition of commercial vehicle and add restrictions on the parking of commercial vehicles on streets within non-residential zoning districts and throughout the City; and 2) direction to make additional changes to the LDC to further restrict commercial vehicle parking on private residential property as may be supported by City Council.

4. Alternatives:

As an alternative to the recommended direction, City Council may: 1) direct the Sub-committee to conduct additional research or outreach and extend the commercial vehicle parking discussion to another City Council meeting; or 2) discontinue exploration of amendments to City regulations to address commercial vehicle parking. Other alternatives may also be available to City Council.

5. Fiscal Impact:

The potential changes to the commercial vehicle parking regulations are not anticipated to cause any fiscal impacts to the City.

6. Next Steps:

If City Council directs the Sub-committee to move forward with amendments to the City regulations, proposed ordinance(s) will be brought back to Council at a future public hearing.

7. Previous Actions:

Staff presented an overview of issues related to the parking and storage of commercial vehicles within the public ROW and on private residential property on May 16, 2016. No formal actions have been taken by City Council.

8. Suggested Motions:

As no formal action is proposed, there is no suggested motion.

9. Attachments

Attachment 1 – Notes from the Commercial Vehicle Parking Sub-committee Meetings
Attachment 2 – Draft Ordinance Amending the Model Traffic Code
Attachment 3 – City Council Staff Report from the May 16, 2016 City Council Study Session