PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 28, 2011

The meeting was called to order at 6:35 p.m.

I. ROLL CALL

PRESENT	ABSENT
Mr. Bruce DeGroot	Mr. Michael Watson
Ms. Wendy Geckeler	
Ms. Laura Lueking	
Ms. Debbie Midgley	
Mr. Stanley Proctor	
Mr. Robert Puyear	
Mr. Steven Wuennenberg	
Chair Amy Nolan	

Mayor Bruce Geiger
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Shawn Seymour, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Nolan acknowledged the attendance of Mayor Bruce Geiger and Councilmember Connie Fults, Council Liaison.

IV. PUBLIC HEARINGS – Commissioner DeGroot read the "Opening Comments" for the Public Hearings.

A. **T.S.P. 35-2011 AT&T (14759 Deerhorn Drive)** A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing lattice tower in a "FPR1" Residence District and "FPR1A" Residence District–zoned property located at 14759 Deerhorn Drive north of the intersection of Greenleaf Valley Drive and Deerhorn Drive (19R420441).

STAFF PRESENTATION:
Substituting for Kristian Corbin, Senior Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- All Public Hearing notifications per State and City requirements were met.
- The site has the "FP" Floodplain overlay designation on it because Creve Coeur Creek is located on the northern property line.
- The antennas are proposed to be located on top of the existing AmerenUE transmission line tower.
- There is an existing shelter on the site which houses the equipment for the cell tower.
- The property was zoned Floodplain "R1" by St. Louis County prior to the City's incorporation and the existing antennas were approved administratively in 1998.
- The current request includes the addition of three antennas to the existing high structure for the purpose of facilitating the LTE 4G data service.
- The existing tower is 166 feet in height; it is 171 feet tall with the existing antennas. The proposed antennas will not increase the height of the tower.
- Staff has no issues with the petition.

Mayor Bruce Geiger noted that in the past there have been maintenance issues with the site, especially around the equipment area. He stated that he will be reviewing the site prior to the December 8th Planning & Public Works Committee meeting and will report any current maintenance issues at that time.

Mr. Seymour pointed out that the City's Telecommunications Ordinance requires screening of outdoor equipment; however, this particular tower has a shelter and the Ordinance is silent on screening a "shelter". He added that the shelter itself is in good condition.

Council Liaison Connie Fults reported that the Planning & Public Works Committee voted to hold the last two TSP's because of a concern expressed by Councilmember Logan. He had noted that while the City has been approving TSP's for a number of months, there has yet to be any work started within the

City. Subsequently, the Committee asked AT&T to provide a schedule of when work will begin on the approved TSP's.

Mr. Seymour stated that the City has received the requested work schedule, which indicates that work began November 15th on the first tower and that work will begin December 5th on the remaining towers, with the exception of those still under review. This information will be available for the next Planning & Public Works Committee Meeting.

PETITIONER'S PRESENTATION:
Ms. Tina Koncki, on behalf of AT&T Mobility, 5055 Highway N, Suite 200, St. Charles, MO stated that she has received a schedule from AT&T Mobility noting the construction start date for each of the seven TSP's previously approved. The schedule shows that one is under construction; three due to start on December 5th; and three due to start on December 12th.

Councilmember Fults mentioned that the Committee had also requested repair of the site at 14804 Clayton Road. Ms. Koncki replied that AT&T had sent a representative to the site last week but she has not yet received a report on what repairs have been completed. It is anticipated that this information will be available for the next Planning & Public Works Committee meeting.

City Attorney Heggie asked how soon the 4G network will be available in the City once the new antennas are installed. Ms. Koncki replied that AT&T has a "launch" when most of the sites are turned on at once; AT&T has indicated that they want to get the upgrades operational as soon as possible but a specific date has not been designated at this time.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:
Ms. Marlene Lischwe, member of the Greenleaf Estates Subdivision's landscape committee, 14703 Deerhorn Drive, Chesterfield, MO provided pictures of the site taken that afternoon and then stated the following:

- She has concerns about more equipment being placed on a residential street. She noted that the pictures depict "a large tower with the equipment building underneath."
- The equipment building was landscaped at the time of construction but the landscaping has not been maintained by AT&T. The subdivision has been maintaining the landscaping at the subdivision's expense, but she feels the subdivision should not be responsible for such maintenance.
- She finds it "distressing to live near additional equipment" and has concerns about additional equipment being placed on the ground.
- There have been problems in the past with AT&T trucks driving into the common ground rather than using the concrete parking pad constructed for their use. She has called AT&T to report damage done to the common

ground, which has been repaired. She does not want vehicles driving onto the common ground.

City Attorney Heggie noted that it appears there are easement rights through the subdivision. Ms. Lischwe stated that it is her understanding that the easement rights were granted to Ameren and then Ameren, in turn, granted easement rights to AT&T. City Attorney Heggie indicated that the City would review the situation.

Ms. Aimee Nassif, Planning and Development Services Director asked when Greenleaf Estates began maintaining the landscaping. Ms. Lischwe replied that six months after the landscaping had been installed, she contacted the contractor and was told that it was the subdivision's responsibility to maintain it. Ms. Nassif suggested that Ms. Koncki and Ms. Lischwe exchange contact information to discuss the matter.

Ms. Koncki noted her agreement in exchanging contact information with Ms. Lische and further stated that she will research the specific details regarding maintenance of the site.

Commissioner DeGroot asked if maintenance is normally done by AT&T at their cell tower sites. Ms. Koncki replied that maintenance responsibilities are specified in the individual leases.

SPEAKERS – NEUTRAL: None

ISSUES:
Mr. Seymour stated that Staff will have the AT&T schedule and the launch date available for the next Planning & Public Works Committee meeting. Staff will also follow up with both Ms. Lische and Ms. Koncki regarding the concerns expressed and provide such information to the Committee.

B. **T.S.P. 36-2011 AT&T (1972 Baxter Road)**: A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing high structure in a "R2" Residence District (15,000 sq. ft.)–zoned property located at the intersection of Baxter Road and an AmerenUE transmission line easement on the northeast side of Baxter Road (20S540700).

STAFF PRESENTATION:
Senior Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- Public Hearing notifications were provided per State and City requirements.

- The site was zoned "R2" Residence District by St. Louis County prior to the incorporation of the City of Chesterfield and the existing antennas were approved administratively in 1997.
- The current request is to add three additional antennas to an existing high structure for the purpose of facilitating LTE 4G data service.
- The tower is 114 feet in height and is 125 feet tall with the inclusion of the antennas at the top of the tower.
- Staff has no issues with the petition.

PETITIONER'S PRESENTATION:
Ms. Tina Koncki, on behalf of AT&T Mobility, 5055 Highway N, Suite 200, St. Charles, MO stated that she was available for any questions.

Commissioner Wuennenberg stated that maintenance of these sites "seems to be a common theme" noting that the bushes on the subject site appear to be overgrown and questioned whether Ameren or AT&T is responsible for maintenance.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:
Mr. Seymour stated that Staff would contact AT&T to insure that the bushes are properly maintained. Commissioner DeGroot pointed out that the leases determine who is responsible for maintaining the various sites and didn't think the City could dictate who prunes the bushes at the Baxter site.

Council Liaison Fults stated that the Planning & Public Works Committee will want information on who is responsible for maintaining the site for the long-term. Mr. Seymour indicated that Staff will obtain the necessary information for the Committee. Ms. Nassif added that Staff will request maintenance information for both TSP's presented this evening, along with any future TSP requests.

Commissioner DeGroot read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Puyear made a motion to approve the minutes of the November 14, 2011 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 6 to 0** with Commissioners Lueking and Wuennenberg abstaining.

VI. PUBLIC COMMENT- None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. **Drury Plaza Hotel (Hyatt Place)**: Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for a 4.851 acre tract of land zoned "PC" Planned Commercial District located adjacent to Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/Interstate 64.

Commissioner Puyear, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan with modified light fixture mounting height, and Architectural Elevations for Drury Plaza Hotel (Hyatt Place). The motion was seconded by Commissioner DeGroot and **passed by a voice vote of 6 to 2** with Commissioners Geckeler and Lueking voting "no".

Mayor Geiger asked for clarification on the procedures for calling Power of Review on the Site Plan. Ms. Nassif replied that the Mayor or Councilmembers from the subject Ward may call for Power of Review within 24 hours prior to the City Council Agenda being posted, which, in this case, would be Wednesday November 30th

B. **Spirit Trade Center, Lot 12A (Pets and Company):** A Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 2.01 acre "LI" Light Industrial District–zoned property located a half mile southwest of the intersection of Chesterfield Airport Road and Trade Center Boulevard.

Commissioner Puyear, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for Spirit Trade Center, Lot 12A (Pets and Company). The motion was seconded by Commissioner DeGroot and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

A. Discussion of 2012 Calendar

Chair Nolan opened discussion on changing the starting time for the 2012 Planning Commission meetings to 7:00 p.m. She noted that six affirmative votes are needed in order to amend the By-Laws.

Commissioner Geckeler asked if there are any particular reasons for changing the time. Chair Nolan stated that two Commissioners are unable to make the 6:30 p.m. meeting time.

Commissioner Lueking added that she felt the 7:00 p.m. starting time is better for the public as it is consistent with the meeting time of Council. She noted that with the 6:30 p.m. time she is unable to make the Work Session meeting where she would have the opportunity to ask questions and feels it would be repetitive to ask questions at the Planning Commission meeting that may have been covered in the Work Session. Chair Nolan replied that the Commissioners are always welcome to ask questions during the Planning Commission meeting.

Mayor Geiger stated that the Planning Commission is the most important citizen commission that the City has and Council works very hard to get highly-qualified people to serve on the Commission. At the present time, the two members who have a great difficulty in meeting at 6:30 p.m. are both from Ward II. He stated he would very much appreciate it if the Commission would reconsider the meeting start time. He also agrees with Commissioner Lueking's comment that 7:00 p.m. is more conducive for the public as it gives them an opportunity to get home from work and eat prior to attending a public meeting.

Commissioner Proctor commented that he supported the 6:30 p.m. start time but after experiencing it for a while, he prefers the 7:00 p.m. time.

Commissioner Geckeler made a motion to change the meeting start time from 6:30 p.m. to 7:00 p.m. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 7 to 1** with Commissioner DeGroot voting "no".

Ms. Nassif stated that the 7:00 p.m. start time would begin with the January 9th meeting.

Mayor Geiger then thanked the Commission for their vote on changing the meeting time.

B. Architectural Review Board – 2012 Liaison Schedule

Chair Nolan stated that there are still four Architectural Review Board meetings that need a liaison from the Planning Commission in attendance and asked the Commission to review the open slots.

Ms. Nassif pointed out that the Architectural Review Board meets at 6:30 p.m. She added that an email will be sent to the Commission that includes the revised By-Laws and the 2012 ARB Liaison Schedule.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:12 p.m.

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Michael Watson, Secretary