

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 30, 2009**

The meeting was called to order at 7:00 p.m.

I. ROLL CALL

PRESENT

ABSENT

Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; and Councilmember Mike Casey Ward III.

IV. PUBLIC HEARINGS – Commissioner Grissom read the “Opening Comments” for the Public Hearings.

The following three petitions were presented together:

- A. **T.S.P. 08-2009 T-Mobile (400 Chesterfield Center):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of removing existing antennas and replacing with new antennas on a 2.603 acre tract of land zoned "C8" Planned Commercial District located at 400 Chesterfield Center, northwest of the intersection of Chesterfield Airport Road and Clarkson Road (18S140431).
- B. **T.S.P. 09-2009 T-Mobile (Spirit 40 Park):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of replacing existing antennas with new antennas on a 0.46 acre tract of land zoned "M3" Planned Commercial District located at 731 Spirit 40 Park Drive, north of the intersection of Spirit 40 Park Drive and Chesterfield Airport Road (17V420146).
- C. **T.S.P. 11-2009 T-Mobile (Village at Baxter Ridge - Ameren Tower):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of replacing existing antennas with new antennas on a 369.00 sq. ft. tract of land zoned "R2" Residence District (15,000 sq. ft.) located atop of an Ameren transmission line pole west of Baxter Road (20S530507).

STAFF PRESENTATION:

Project Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated that all three proposals are requesting the same modification to the subject towers, as follows:

- Removal and replacement of existing antennas (three per site) for the purpose of increasing coverage through improved technology.
- Removal and replacement of existing coaxial cable for the purpose of facilitating upgraded antennas.
- Proposed construction of additional ground-located equipment at Spirit 40 Park and Village at Baxter Ridge; and roof-located equipment at 400 Chesterfield Center.

Public Hearing notifications were conducted per State and City requirements.

400 Chesterfield Center

- The supporting equipment for this tower is located on the rooftop.

Spirit 40 Park

- The ground-located equipment is screened with a wood fence incorporating brick and stone.

Village at Baxter Ridge

- The ground-located equipment is screened by a wood fence.

Staff has no outstanding issues with these three petitions.

PETITIONER'S PRESENTATION:

1. Mr. Jay Webber, representing T-Mobile, 226 Wilmer Road, Wentzville, MO gave a PowerPoint presentation showing photographs of the sites and stated the following:

Village at Baxter Ridge:

- The antennas are located on an Ameren UE transmission tower.
- Of the six antennas, one antenna in each of three sectors will be removed and replaced with an antenna that has a greater degree of technology.
- A node-B cabinet will be placed within the compound located at ground level and will be screened.

Spirit 40 Park:

- The tower is a monopole with the antennas at the top.
- Of the six antennas, one antenna in each of three sectors will be removed and replaced with an antenna that has a greater degree of technology.
- A node-B cabinet will be placed within the compound located at ground level and will be screened.

400 Chesterfield Center (Sachs Building)

- Of the six antennas, one antenna in each of three sectors will be removed and replaced with an antenna that has a greater degree of technology.
- The node-B cabinet will be roof-mounted in an equipment room on the top floor of the building. There will be no visual of the equipment from outside.

Speaker emphasized that no additional antennas are being added to the sites – antennas are being replaced one-for-one. There will be no impact to the visual aspect of these sites.

2. Mr. Eric Martin, with the law firm of Husch, Blackwell, Sanders representing T-Mobile, 190 Carondelet Plaza, St. Louis, MO stated the following:
 - T-Mobile has provided all the information requested for these three applications. It was noted that the petitions include replacing antennas with the same number of coaxial cables involved. The only difference to the sites is the addition of the node-B cabinets.
 - He urged the Commission to consider that what is being presented “does not amount to a material modification – it does not materially affect the obvious physical appearance of the facility”. As a result, they are requesting that future applications submitted by T-Mobile be treated differently in that they would not be viewed as material modifications.
 - The mailing requirements to the public in some of the future applications will cost thousands of dollars. Speaker noted that no one from the public was in attendance at tonight's meeting.

- A follow-up letter regarding this concern will be sent to City Attorney Heggie.

Responding to Mr. Martin's comments, City Attorney Heggie stated that he would be happy to review the letter mentioned by Mr. Martin. He then added that it is the City's determination as to whether a requested change constitutes a material modification. While the replacement of antennas may not be considered a material modification, the terms of the City's Telecommunication Siting Ordinance are clear in that the addition of cabinet equipment would trigger a material modification review. The Ordinance does include a procedure whereby T-Mobile could ask for an exemption from particular requirements if there is a hardship involved, which would be reviewed by the Planning & Public Works Committee and then City Council.

Commissioner Watson asked for clarification as to whether cabinets are being added to the sites rather than just being replaced. The Petitioner confirmed that cabinets are being added to the sites.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Chair Hirsch stated that the Planning Commission conducts the Public Hearings for Telecommunication Siting Permits. The Commission does not vote on Telecommunication Siting Permits so the petitions will be forwarded to the Planning & Public Works Committee without any recommendation from the Commission. After review by the Committee, they will be forwarded to City Council for final vote.

Commissioner Grissom read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the **September 14, 2009 Planning Commission Meeting**. The motion was seconded by Commissioner Watson and **passed by a voice vote of 8 to 0 with 1 abstention from Chair Hirsch**.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Spirit of St. Louis Corporate Center, Lots B1 & B2:** A Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 16.244 acre tract of land zoned "PC" Planned Commercial located south of Interstate 64/Highway 40 at the northeast corner of the intersection of Chesterfield Airport Road and Spirit of St. Louis Boulevard.

Commissioner Grissom, 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 of St. Louis Corporate Center, Lots B1 & B2**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 9 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

Referring to the Spirit of St. Louis Corporate Center, Mayor Nations announced that the new interchange at Spirit of St. Louis Boulevard was opened today, which allows motorists to exit westbound Highway 40 at Spirit of St. Louis Boulevard at the western end of the Valley. He commended MoDOT, St. Louis County and Mr. Geisel and his staff for their work in this endeavor.

X. COMMITTEE REPORTS

- A. Ordinance Review Committee** – The next meeting is scheduled for Oct 28th at 3:00 p.m., which will deal with both parking and the residential district.

XI. ADJOURNMENT

The meeting adjourned at 7:26 p.m.

Michael Watson, Secretary