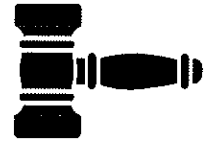


**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
July 27, 1998**



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

PRESENT

Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. Allen Yaffe
Chairman Robert Grant
Councilmember Mary Brown, Council Liaison
Mr. Douglas R. Beach, City Attorney
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Reveena Shook, Planner II
Mr. Todd Streiler, Planner II
Ms. Angela McCormick, Planner I
Ms. Annissa McCaskill, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

INVOCATION: Commissioner Allen Yaffe

PLEDGE OF ALLEGIANCE - All

Chairman Grant recognized the attendance of Councilmember Mary Brown- Council Liaison (Ward IV) and welcomed newly appointed Planning Commissioner Victoria Sherman.

PUBLIC HEARINGS:

Commissioner Right read the first portion of the "Opening Comments."

- A. **P.Z. 23-98 Charitable Leasing Corporation, Inc.**; a request for a change in zoning from "M-3" Planned Industrial District to a "PC" Planned Commercial District for a 5.59 acre tract of land located on Chesterfield Airport Road, 200 feet west of Cepi Drive, 450 east of Goddard Avenue. (Locator Number: 17V24-0153). Proposed Use: Research and resource facility.

Planner I Angela McCormick gave a slide presentation of the subject site and surrounding area.

Mr. M.F. (Thor) Hearne, spoke on behalf of the petitioner, noting the following:

- Dave Volz, Volz Engineering, is here to speak regarding the specifics of the Site Plan;
- Charitable Leasing Corporation, Inc. was formed as a separate entity to hold title to real estate;
- Charitable Leasing Corporation, Inc., is a wholly owned subsidiary of The Pillar Foundation which is an organization dedicated to providing resources of a religious and theological nature, as well as general historical resources to the community;
- the purpose of the proposed site would be to expand the ability of The Pillar Foundation to store resource material (library), have some assembly, classroom and laboratory facilities;
- he described a rendering of preliminary architectural sketches and elevations, noting the facade of the structure would be predominantly brick;
- there would be two (2) phases of the proposed development, as depicted on the rendering before the Commission;

Mr. Dave Volz, Volz Engineering, noted the following:

- The Pillar Foundation provides services to home schooled children;
- he described the subject site and surrounding area;
- Phase I is approximately 25,000 square feet;
- Phase II is approximately 30,000 square feet – the Plan presented tonight shows 25,000 square feet, but may need to be adjusted;
- one (1) curb cut is proposed along Chesterfield Airport Road, on the east side of the subject parcel;
- the site generally drains from north to south;
- there is an existing drainage ditch located on the south side of the subject site that is part of the Chesterfield Valley Stormwater Plan;
- the sanitary sewer runs along the subject site's southern property line, and will go to the existing pump station, which is part of the Spirit of St. Louis Airport;

- there will be an exceptional amount of greenspace at the entrance of the proposed development;

The following information resulted from discussion among Commissioners and representatives of the petition:

- The rendering of Phase I, before the Commission tonight, is somewhat tentative; however, the proposed structure is anticipated to be of brick facade with a pitched roof.
- There will be sidewalk access provided along the frontage of the subject site; however, most of the people will drive to the facility or be dropped-off.
- The development will provide approximately two hundred and fifty (250) parking spaces.
- Pedestrian access from Chesterfield Airport Road could be worked into the parking configuration for the subject site.
- The configuration of the development will provide the possibility for future bus service to the site.

Commissioner Broemmer noted he would like the petitioner to provide a means for pedestrian access to the subject site.

- The laboratory facility would be utilized for some type of class/demonstration(i.e., chemistry classroom).
- The petitioner, in listing the uses in their public hearing notice, is attempting to include all possible uses they may require that are permitted in the "PC" District.
- The driving range use should not be included in their list of uses.

Chairman Grant instructed Staff to look into what uses are appropriate for the subject development.

- It is anticipated that future expansion of the development would be comprised of single-story uses surrounding the initial, higher elevation core, and be very similar in character.
- The facilities would be open to persons of all ages who have a desire to engage in the resources made available by the development and are willing to participate in the program.
- There is no denominational affiliation.

Commissioner Broemmer suggested moving the building closer to the front of the site and the parking lot to the rear.

- The parking configuration was somewhat determined by the Phase I development. There will be, basically, two (2) parking lots, one (1) in the front and one (1) in the back.
- The area of the site along Chesterfield Airport Road will retain a large amount of greenspace.
- The facility will serve mostly High School-aged students, but will also accommodate the general population.

Mr. Mark Andrews waived his turn to speak.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL – None

REBUTTAL – Waived

Commissioner Right read the next portion of the “Opening Comments.”

- B. P.Z. 24-98 Central Missouri Pizza, Inc.**; a request for a change of from “R-3” 10,000 square foot Residence District to “PC” Planned Commercial District for a 0.64 acre parcel of land located on Chesterfield Parkway North, 400 feet South of Olive Boulevard, 600 feet North of Swingley Ridge Road (Roosevelt Parkway). (Locator Number 18S52-0712). Proposed Uses: Corporate Office and Restaurant, Fast Food.

Planner I Annissa McCaskill gave a slide presentation of the subject site and surrounding area.

Mr. Dick Ansteth (Holleran Duitsman Architects, Inc.) spoke on behalf of the petitioner noting the following:

- Mr. Joe Grimes (J.R. Grimes Consulting Engineers, Inc.) and Mr. Gregory J. Neichter (President of Central Missouri Pizza, Inc.) are here to assist in the presentation.
- He described the subject site and surrounding area, noting the proposed use would be in keeping with development in the area.
- The proposed development would include a general office use combined with the pizza delivery service.

- The fast-food use was utilized due to the fact that the City's Zoning Ordinance doesn't include a "pizza delivery service" category.
- The portion of the development described as fast-food would include a pizza delivery service and a bakery; there would be no sit-down or drive-thru service.
- The majority of the site would be dedicated to the office headquarters located at the rear of the site (i.e., the two (2) story building, with the lower level walkout).
- The architecture of the proposed buildings would be compatible with the surrounding office complex (i.e., brick buildings with tinted glass, some standing seam metal, etc.).
- The offices are in the rear, with an entry on the upper level; the lower level (on the south side) will include a door for exiting.
- There will be a twenty (20) foot landscape buffer from the residential property, and the building will be setback twenty-five (25) feet.
- A retaining wall, with landscaping, will be provided to buffer the site from unrelated traffic.

Mr. Joe Grimes (Engineer for the project) noted the following:

- The site drains from Chesterfield Parkway to the rear.
- The development will tie into an existing storm sewer.
- The site is small enough so that stormwater detention will not be required.
- The sanitary sewer is at the rear of the property, and water will also be directed across Chesterfield Parkway.

Mr. Greg Neichter (President of Central Missouri Pizza, Inc.) noted the following:

- Domino's owns and operates thirty-two (32) stores in the St. Louis and Kentucky area.
- The proposed building would house the Domino's corporate office (i.e., Mr. Neichter's office, accounting, advertising, etc.).
- Domino's is in the delivery business, with no sit-down facilities, no drive-thru windows; they assemble and deliver pizzas.
- He noted some statistics compiled from their Domino's store located on Ladue Road, in Chesterfield (Green Trails Subdivision).

The following information resulted from discussion among Commissioners and representatives of the petition.

- The petitioner contacted adjacent residents when they attempted to purchase their property; their offers were denied.
- The house adjacent to the subject site is being leased/rented by another party.
- The proposed office building would be 7,200 square feet (4,000 square feet on the upper level and 3,200 square feet on the lower level).
- There would be approximately five (5) permanent employees; offices are provided for several supervisors who work in the field and will use them periodically.
- The bakery will have a maximum of six (6) employees [4 delivery people per hour, and an average of (2) employees inside the building].
- Trips are defined as vehicles coming in and going out on deliveries.
- The petitioner believes business at the subject site will increase approximately ten percent (10%) over that of the Ladue Road site.
- Ten percent (10%) of their business is carryout.
- The trips at the proposed location would be a maximum of ten (10) trips per hour during peak hours (i.e., ten percent (10%) higher than at the Ladue Road location).
- There is a good possibility that a portion of the corporate office building will be leased to other businesses.
- The proposed development would not generate enough traffic to make cross-access an issue; however the petitioner does propose to have a cross-access to the adjacent parcel.
- An appropriate loading zone is being provided for the large Domino delivery trucks that make deliveries three (3) times per week.
- The retail hours (bakery) would be 11:00 a.m. to 12:00 during weekdays, and 11:00 a.m. to 2:00 a.m. on weekends (Friday and Saturday).
- The maximum number of trips per hour during peak hours (6:00 p.m. to 7:00 p.m.) would be seven (7), plus the pick-ups.
- There will be no outside odors as a result of the bakery.
- The parking areas will have structures to collect stormwater.

- Stormwater will go to an existing storm sewer that runs along the rear of the property, and meets the requirements of the Metropolitan St. Louis Sewer District and City of Chesterfield.

Commissioner Broemmer suggested the petitioner provide a pedestrian walkway along the front of the proposed development.

Commissioner Nolen requested the use be classified as a bakery so that the fast-food use is not associated with future requests.

Chairman Grant instructed Staff to address this issue.

- The petitioner does not believe it desirable for Taco Bell traffic to come through their site.

Commissioner Sherman suggested the petitioner consider the possibility of hooking into the existing curb cut for the Taco Bell traffic (i.e. cars could make a left-turn from the existing drive to access Domino's).

Mr. Neichter noted they prefer to be a stand-alone development and keep their traffic separate from the fast-food traffic.

Commissioner Sherman noted, in terms of overall planning, trying to eliminate curb cuts is something to be considered.

Mr. Neichter stated that in order to have a safe turn into the proposed site, the driveway would need to be located midway into the site, and the grades would not accommodate the office building, due to the location of the retaining wall.

Commissioner Sherman requested that Staff look into this issue.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL: – None

REBUTTAL: – Waived

Commissioner Right read the final portion of the “Opening Comments.”

APPROVAL OF THE MINUTES:

A motion to approve the July 13, 1998 Planning Commission Minutes was made by Commissioner Yaffe, seconded by Commissioner Macaluso and passes by a voice vote of 9 to 0.

PUBLIC COMMENT:

1. Mr. Glen Klocke (Nextel Communications) #1 City Place, St. Louis, MO 63141, spoke in favor of P.Z. 18-98 AT&T noting the following:
 - He gave a copy of the proposed tower design to Planner I Annissa McCaskill for distribution to the Planning Commission.
 - The tower design was given to Sprint today and the agreement will probably be finalized in about ten (10) days.
 - The whip antennas are Nextel's.

Mr. Klocke presented renderings of the proposed tower to the Commission. He noted they have an agreement, in principal, with Sprint and AT&T. The signed agreement was contingent upon the design of the tower; this should be in-hand soon.

COMMENTS/QUESTIONS/DISCUSSION:

Commissioner Broemmer inquired at what height and location the Nextel tower would be, if not co-located at this site.

Mr. Klocke noted they would probably go to the east; however, the tower height would be upwards of 100 feet, depending upon the ground elevation. The visibility would depend upon the topography of the site and surrounding area.

Commissioner Broemmer inquired about the footprint of the building for their equipment at the base of the subject tower.

Mr. Klocke noted it would be 10 feet x 20 feet. He further noted there is a requirement for a 550 foot setback from the east property line in "Attachment A" of the Department's report. The petitioner requests a variance of that setback to 520 feet, in order to have sufficient space for their equipment. He presented the Commission with a rendering of the layout of this equipment.

Chairman Grant noted, for the record, Mr. Klocke just gave the Commission a document designated "Configuration Detail" and the Nextel support building is the one designated by the hatchured marks.

Mr. Klocke noted the requested setback variance is on the east of the subject site. The support structure in this location was rotated in an effort to preserve the surrounding trees.

Commissioner Broemmer inquired about Nextel's height requirements at this particular site if they were not co-locating.

Mr. Klocke noted it would be eighty (80) feet.

Chairman Grant asked Mr. Klocke to stay until after the vote on this matter tonight.

2. Mr. Paul Ground, AT&T, 14611 Manchester Road, Manchester, MO 63011-3700, spoke in favor of P.Z. 18-98 AT&T noting the following:

- The Staff is recommending approval of this request, finds it to be consistent with the City's Ordinance, and states that it is good planning practice.
- It is regrettable that the FAA requires this facility to be painted and lighted.
- He learned this evening that the light may be a steady light, as opposed to a blinking light.
- AT&T has tried to provide the Commission with all requested information.

Chairman Grant asked Mr. Ground if he concurs with Mr. Klocke's assessment that they have an agreement, in principal, between all three (3) communication providers involved.

Mr. Ground replied it is his understanding that there is an agreement, in principal, for all three users. The design is completed; there may some problems with who goes where within the tower, but he believes they can work this out. There are no technical problems that would prevent them from co-locating at this site.

Councilmember Mary Brown inquired why the site was selection ninety (90) feet from the west property line, whereas there is a distance of five hundred and fifty (550) feet from the east property line.

Mr. Ground replied as follows:

- it is essentially a matter of topography;
- because the topography of the site is slightly higher, the need to extend the tower above ground level is limited;
- the site is a wooded knoll, with trees in the fifty (50) foot range;
- the top of the knoll is removed from Wild Horse Creek Road;
- the trees screen this site as much as possible, under the circumstances; and
- the proposed site would require only a small amount of additional concrete or blacktop for truck access to the site.

3. Mr. Noel Hansen (Sprint PCS) 1802 Forest Trace, O'Fallon, MO 63366, spoke in favor of P.Z. 18-98 AT&T, noting the following:

- As Mr. Klocke stated earlier, he reviewed drawings sent to him today.
- Sprint basically agrees with the placement of equipment on the tower.
- The proposed tower appears structurally sufficient to accommodate all the carriers involved.
- He has sent his recommendation of approval to Sprint's corporate offices, and expects to receive approval from them within approximately ten (10) days.
- He noted he is here to answer questions the Commission may have.

Commissioner Eifler inquired about the distance between the base of the proposed tower and the nearest residence.

Mr. Hansen stated he does not know, since he was not involved with the initial lease negotiations.

Chairman Grant asked Mr. Hansen to stay until after the vote on this matter later tonight.

Commissioner Eifler noted he wanted to verify that both Sprint and AT&T are still comfortable with interior antennae.

Chairman Grant noted, for the record, that both representatives indicated yes.

4. Mr. Greg Stockell (AT&T) 400 Woods Mill Road, Suite 200, Chesterfield, MO 63017, spoke on behalf of P.Z. 18-98 AT&T noting the following:

- The distance from the base of the proposed eighty (80) foot tower to the closest residential structure to the west is 257.51 feet.

Chairman Grant asked Mr. Stockell to stay at the meeting until this matter is voted upon later tonight.

5. Ms. Jeanne Downey, 310 Steeple Lane, Chesterfield, MO 63005, spoke in opposition to P.Z. 18-98 AT&T noting the following:

- Her home borders Chesterfield, and her family has lived in the Chesterfield/Wildwood area for twenty-nine (29) years.
- Ordinance #1214 regulates the placement of communications antennae and support structures in the City.

- The Policy Statement of the City of Chesterfield recognizes that the legal implications of the Federal Telecommunications Act of 1966, and the power that has been retained by said act for municipalities, gives the City the ability to regulate what does go in its community.
- Section One of Ordinance #1214 encourages the location of antennae atop existing structures or building to minimize adverse visual impacts of communications antennae and support structures. The intent is to maximize the use of existing structures, minimize the need to construct new or additional facilities, and to maximize and encourage the use of disguised antennae support structures to ensure the architectural integrity of designated areas within the City.
- The Policy Statement also states the City has taken into consideration the unique and diverse landscapes found within this community, and the landscape of any community is one of its most valuable assets.
- Under the General Policies for Site Selection – Community and neighborhood visual concerns should be considered paramount in the consideration of the site selection.
- Within zoning districts, sites should be located in the following order of preference:
 1. On existing structures such as buildings, communication towers, water towers, and smokestacks. (This particular tower will not be on any of those.)
 2. In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening. (This particular structure is already visible from Wild Horse Creek Road - if you drive out that way you will see the cement structure/base.)
 3. Sites should be located on bare ground without visual mitigation only in commercial and industrial zoned districts. (She believes this area was rezoned two (2) weeks ago as Large Lot Residential area.)
- The freestanding, low power, mobile radio service facilities generate the greatest impacts and therefore are more suitable in commercial and industrial zoned districts. (The subject site is not that.)
- Facilities should be located to minimize any adverse affect they may have on residential property values. (She asked if any of the people present would like this tower in their back yard.)
- Facilities should be located to avoid a dominant silhouette on ridgelines. (There is a beautiful ridge on the site, as mentioned by the gentleman earlier tonight.)
- The tower is eight (80) feet tall, and the tallest tree in that area is thirty-five (35) feet.

- Locations of sites in commercial or industrial zoning districts should consider the impact of the site on the surrounding neighborhood. (This isn't going to be in a commercial area.)
 - Facilities must be architecturally and visually (color, bulk, and size) compatible with surrounding/existing buildings, structures, vegetation... (There is no orange and white structure; no light atop of a building; no flashing lights; and no cement block buildings in the surrounding area.)
 - She has always felt it a privilege to live in Chesterfield and cannot understand how anybody on the Commission could even consider approving the tower.
 - Since it's been insinuated that they have no support in opposition to the proposed tower, she asked the people here tonight in opposition to please raise their hands.
6. Mr. Greg Downey, 310 Steeple Lane, Chesterfield, MO 63005, spoke in opposition to P.Z. 18-98 AT&T noting the following:
- He has not been given a copy of the letter dated July 13, 1998, from Mr. Doug Beach that is attached to the Staff report.
 - He tried to get information to Mr. Beach last week by running it through City Hall.
 - He suggested the following as alternate sites for the tower:
 - 1) the church steeple is his first choice - there is a very nice one put in a steeple of a church located in Kirkwood;
 - 2) the Fire Station less than $\frac{3}{4}$ of a mile to the west that has a flag pole on top of it and is located on top of the ridge - (public property can be used); and
 - 3) the Fire Station on Long Road - also on government property and has a flag pole in front of the building.
 - A topographical map of this area shows that the site selected is the second highest point in St. Louis County. This tower will not solve the communications lapse for the area at the bottom of Monarch Hill/Old Eatherton Road.
 - Unless the local government has some say in what goes where, we have all wasted a lot of time in the past two (2) months.
 - He believes, in reading from the Communications Act of 1996, that the City does have some say in the matter before the Commission.
 - We need towers, but not an eighty (80) foot tower sitting on top of the ridge.

COMMENTS/DISCUSSION:

Commissioner Layton read a portion of the Department's report referencing the use of the church steeple.

Mr. Downey noted he understands the reference to out-of-scale, but he doesn't think the tower needs to be eighty (80) feet tall and located on the second highest point in St. Louis County. He believes the site is a high point, a scenic view, and the tower would be highly visible from Wild Horse Creek Road.

7. Mr. Paul Slocomb (Attorney for Mr. Downey) 211 N. Broadway, Suite 2300, St. Louis, MO 63102, spoke in opposition to P.Z. 18-98 AT&T noting the following:

- He thanked Director Price for providing him with all of the Freedom of Information Act documents he requested.
- The Federal Government has usurped some of the City's power regarding "can you keep these towers out?" This is all the reason more why the leaders of Chesterfield need to put in restrictions on where they allow these towers.
- He noted Sprint originally asked for a sixty (60) foot wooden tower, described by Sprint as an oversized telephone pole.
- The FAA Application did not show a telephone pole, but an orange and white tower – now it is eighty (80) feet high.
- The Spirit of St. Louis Airport and East West Gateway Coordinating Council objected to this proposed use at the subject site due to air traffic concerns.
- AT&T then came in and applied for a Conditional Use Permit, requesting it be raised to eighty (80) feet. By this time it was disclosed to everyone that it needed to be orange and white, with a beacon, because it would be in the air space of Spirit of St. Louis Airport.
- The petitioner admitted that they did not ask any of the neighbors what they thought about this tower.
- The picture (diagram) presented by AT&T in support of the proposed tower was taken an angle which does not look obtrusive. However, if you move down the road where the Tara at Wildhorse Subdivision is going to be developed, you have a clear, unobstructive view of the tower.
- There isn't a building permit for the concrete pier and there is already a structure on the site.

- He requested information pursuant to the Missouri Sunshine Act (i.e., the Telecommunications Master Plan Map that is provided for within the City's ordinances), but he was told that it doesn't exist.
- He asked for a description of all cellular towers in the City of Chesterfield and their cellular range, but was told nothing like that exists.
- He is concerned that the City has a piecemeal, case by case approach to cellular towers.
- If we don't have an overall plan about how this is going to work, then who is to say where the next tower will be erected?
- AT&T was specifically asked to provide the City information giving three (3) alternate sites indicating what the cell range would be. He doesn't believe that was ever produced.

Chairman Grant noted the following:

- The Planning Commission has listened to a lot of input/information from people both in opposition to this proposal and the companies that are to build this tower, if it is approved.
- He doesn't believe the Commission is lacking information, as there has been a thorough discussion of the issues.
- The Commission has been advised by the City Attorney of our rights with respect to location of towers, whether a co-location is feasible, and how it should be applied.
- We have been advised by the users with respect to where they think they have to go in order to provide quality cellular service.

Mr. Slocomb responded that he doesn't believe that AT&T, Sprint and Nextel have been forthcoming about other locations. He questioned whether the communication companies have responded to a request by the Commission regarding cell range for three (3) random sites.

Chairman Grant noted he believes the communications companies have provided sufficient information, and the City is under somewhat of an obligation to allow them to erect their tower within our guidelines.

Mr. Layton noted he asked them where they would build, if they didn't build on the subject site.

Mr. Slocomb noted the minutes from the June 13, 1998 Commission Meeting stated that "if you didn't co-share this area, where would be the other proposals."

City Attorney Beach noted the following:

- The FAA regulations require all towers in the general vicinity of the subject site to be painted and lighted.
- If the City only approves one (1) tower at this site, the other two (2) companies may erect additional towers in the nearby vicinity, if they choose, and they will also be required by the FAA to be painted and lighted.
- We have the issue of either approving one (1) tower, higher because of co-location, or three (3) separate towers.
- When Sprint first came before the Commission with their request, the City insisted they try to co-locate.
- The only choice the City has regarding the location of towers, is where they will be within this general area (i.e., within the general view of all the people who have expressed opposition to the current proposal).

Mr. Slocomb noted that everyone agrees they would rather have one (1) tower instead of three (3) or four (4) towers. The issue is where to put it, and has there been a comprehensive disclosure of information by the communications companies in advising the City about what they need to provide good service.

City Attorney Beach noted that remaining/available sites desirable for placement of communication towers has become limited. He further noted that the Sprint tower was approved last year and will be painted and have a red light just above treetop level, regardless of what happens tonight.

Mr. Slocomb noted, for the record, that he made a Missouri Sunshine Act request for a document, plat or schematic showing all the cellular towers in the City of Chesterfield, and their range of use, but was told there was no such document. He noted this is a big concern.

Chairman Grant suggested that, in order to make the record clear, from now on when Mr. Slocomb requests information relative to the Missouri Sunshine Record Act, he should state "Missouri Sunshine Record Act," rather than "Freedom of Information Act."

Mr. Slocomb agreed.

Commissioner Nolen asked if Mr. Slocomb believes that Sprint, knowingly, came here and asked for a wooden pole; then, without informing anybody, made their application depicting the tower to be painted orange and white. She noted this is a serious issue that needs clarification.

Mr. Slocomb responded as follows:

- He requested the Conditional Use Permit for Sprint. It was described as “a sixty (60) foot telecommunications monopole with accessory structure.”
- Thereafter, there was a public meeting at which the pole was described as “a fifty-two (52) foot high wooden pole, very similar in color, height and basic general appearance to an ordinary telephone pole.”
- Sprint had to go to the FAA for approval because they are near the Spirit of St. Louis Airport. The Spirit of St. Louis Airport submittal included schematics, which indicated the orange and white pole with a beacon on top.
- It is his understanding that the Conditional Use Permit presented to the City was for a wooden monopole, similar in structure and description as a utility telephone pole.
- The FAA application, in his opinion, does not look like a telephone pole; it looks like an orange and white tower with a beacon on top.

City Attorney Beach noted:

- Sprint’s initial application was for a wooden-like pole.
- The City asked Sprint to address issues of co-location (specifically, how high would the FAA allow a tower to be on the subject site).
- Sprint responded to the City that they learned, at that particular time, the FAA required the tower to be painted with a light on top. (It was at this time that their inquiry to the FAA switched over to the schematic, which appeared to be a pole with a light on top.)
- It was at this juncture when the City learned of the FAA’s requirements.
- The painting and lighting requirements would probably include the church tower, if it were to be rebuilt at the same location.

Chairman Grant noted the City did approve the red and white tower with a beacon on top.

Commissioner Layton noted the FAA stated that the tower could be one-hundred and four (104) feet high. He further noted that neither the City nor any of the providers requested this height; however, the FAA required the tower to be painted and lighted.

Commissioner Macaluso requested clarification regarding the desire of Mr. Slocomb’s client.

Mr. Slocomb noted the following:

- Co-use isn't a problem.
- The problem is the very location and the type of structure that needs to be there given the FAA requirements (i.e., the beacon, the orange and white painting on it).
- The Conditional Use Permit originally issued described the structure as "a monopole type structure of a color to blend with the natural surroundings."
- He and his client feel there was not a complete disclosure by the companies of what the alternative sites could be, when they were specifically requested to do that. He isn't sure that information was ever forthcoming.

8. Mr. Mike Trokey, 466 Steeple Lane, Chesterfield, MO 63005, spoke as an individual in opposition to P.Z. 18-98 AT&T noting the following:

- The proposed tower is inappropriate in a residential area.
- The proposed tower would be detrimental to the existing aesthetics/greenspace of the area.
- In prior zoning hearings before the City the developer notified residents; to his knowledge the petitioner (AT&T) did not attempt to do this.
- He believes the request for the orange and white tower with a red flashing light is preposterous, and could be the legacy of the Zoning Commission for the next twenty (20) years.
- He noted he witnessed a problem a balloonist had a few years ago when it scraped the trees trying to get over the hill/ridge adjacent to the subject site. If the tower were in place, the balloon would have gone down.
- He urged the Commissioners to review all requests/concerns expressed tonight and deny the request.

9. Mr. Patrick Agnew – filled-out a speaker's card, but had left the meeting.

10. Mr. Robert E. McKendry, Jr., 344 Steeple Lane, Wildwood, MO 63005, spoke as an individual in opposition to P.Z. 18-98 AT&T, noting the following:

- His property abuts the subject site.
- The front of his house faces the proposed tower location.
- There are no tall trees between his residence and the proposed tower location.
- He asked if the City has approved the concrete work already underway on the subject site.

Chairman Grant noted there has been a Conditional Use Permit approved for the site. He directed Director Teresa Price to make sure the Public Works Department is made aware that there is concern whether permits have been issued and whether there has been sufficient inspection of the site. He further noted that, if this has not been done, the Commission should be informed.

Mr. Mike Bien, 1016 Greystone Manor Parkway, Chesterfield, MO 63017, spoke as an individual in opposition to P.Z. 18-98 AT&T, noting the following:

- He is surprised that the FAA would allow a tower of the height and nature presented tonight to be built in the path of an airport that has many student pilots.
- He is a Ham Radio Operator, and would need a sixty-five (65) foot tower to make communications possible with other people he likes to contact.
- Up until now, he has tried to preserve the upscale presence of the Greystone Subdivision.
- The Supreme Court has already ruled (by the First Amendment) that he has the right to construct an antenna at his home, to a sufficient height for him to communicate, and he is immune to any of the City's ordinances or other laws (i.e., Neighborhood Indentures.
- He doesn't want to be the first to request such a tower; but second wouldn't be too bad.
- He asked the Commission to vote in his best interest.

City Attorney Beach noted, to affirm his right, Mr. Bien may put up that ham radio tower anytime he wishes.

12. Ms. Dorothy M. Moore (President of Hawthorn Enterprises and The Straw Horse Ltd.) 71 Wolfrum Road, Weldon Springs, MO 63301, spoke on behalf of P.Z. 20-98 Straw Horse Ltd., noting the petitioner has, regretfully, decided to withdraw their application for the time being for the following reasons:

- The probable/additional costs (\$145,000-\$150,000) for required studies, surveys and road improvements added to the price being paid for the property, and including the serious delay for occupancy, has made this a situation beyond their ability to deal with.
- She gave a copy of the letter requesting withdrawal of the petition to Chairman Grant.

Commissioner Eifler asked Ms. Moore if she didn't have cost considerations, would she still withdraw because of the occupancy delays.

Ms. Moore noted they would have to have occupancy earlier than mid-November. The timeframe is too long (i.e., all the plans that need to be drawn up because of the surveys, site developments, etc.). She noted the problem is meeting all the terms and conditions, plus the expense are beyond their ability to provide.

Commissioner Broemmer asked Ms. Moore if she had made a request to withdraw to the Planning Department.

Ms. Moore noted she had not, this is the first request for withdrawal.

NEW BUSINESS:

- A. **P.Z. 18-98 AT&T Wireless PCS, Inc. c/o Quinn, Ground and Banton, L.L.P.**; a request for a Conditional Use Permit in the "LLR" Large Lot Residential District for a 18.4 tract of land located on Wildhorse Creek Road. Proposed Use: Operation of a church and placement of a wireless telephone transmitting and receiving facility.

Planner I Annessa McCaskill noted the request and Department's recommendation of approval, subject to conditions in Attachment A.

COMMENTS/DISCUSSION:

- The landscaping will be completed once the tower is up.
- The Department will look into the construction being done on the site; however, some type of construction is permitted without going through the building permit process.

City Attorney Beach noted the Commission could make the vote conditional upon requirements included in the motion.

- Staff was directed to add a condition to Attachment A requiring the antennae cables to be limited to the interior of the pole.
- If there is a third user, the whip antennae will be attached.

Chairman Grant asked the representatives from the three (3) communications companies if they wished to comment on the issues brought up regarding the present construction going on.

Mr. Noel Hansen, Engineer for Sprint PCS, noted they have a permit for construction at the subject site. The concrete is their equipment pad (i.e., for placement of their communications equipment). They have done no work on the tower at this point (i.e., no drilling nor foundations poured).

Chairman Grant inquired about the size of the equipment pad(s).

Mr. Hansen noted that Nextel uses a small communications building; AT&T has outdoor telecommunications cabinets; and Sprint's pad is 9' x 15' and will house two (2) of Sprint's communications cabinets. Sprint has a permit for this construction.

Commissioner Layton inquired about Nextel's requirements.

Mr. Glen Klocke, Nextel Communications, noted they have looked at several sites, both to the east and west of the subject site; however, the subject site will provide the coverage they require. If they would come in for another tower, typically Nextel would require a tower of one hundred feet or more in height, because of their frequency requirements.

City Attorney Beach asked Mr. Klocke to describe, for the record, what Nextel needs for height versus Sprint and AT&T.

Mr. Klocke noted the following:

- Nextel has a different type of service.
- Their communication devices have a two-way (direct connect).
- In addition to a cellular type phone in one hand-held unit, they are at a different frequency than AT&T and Sprint; therefore, they require different equipment.
- They will, typically, utilize a taller antenna.

Commissioner Eifler asked for clarification regarding the required height of the tower.

Mr. Klocke noted the height of the tower would depend upon the ground elevation and the topography of the contiguous sites. On an absolute basis (feet above sea level) the tower would need to be higher (i.e., eighty (80) foot plus) if erected on another site in close proximity to the subject site.

Commissioner Broemmer asked if Nextel has provided the Planning Department with their coverage plans.

Mr. Klocke noted Nextel did provide a plan to the City that showed coverage area of this site alone, their existing coverage, the existing hole that area, and the subject tower and how it related to all other contiguous towers.

Commissioner Broemmer asked if a coverage plan has been received from the other providers.

City Attorney Beach noted the following:

- it is impossible for the City to keep-up with a telecommunications map of all the different possible locations for cell towers;
- the telecommunications companies compete with one another, and the City is not allowed to disseminate the information from one company to the other; therefore
- the City does not have an ongoing map we can refer to and determine any specific date, time or location of future towers.

Chairman Grant noted he was just handed three (3) maps from Planning Staff that were attachments to the report in their packets for the July 13, 1998 Planning Commission Meeting. He identified the maps from Nextel as follows: 1) a map of designated coverage from the Monarch Site only; 2) coverage with the Monarch Site; and 3) a map of the existing coverage without the Monarch Site. He further noted the AT&T maps were in the packets tonight.

Director Teresa Price noted there were two (2) items brought up tonight that affect the Attachment "A" conditions: 1) eastern setback line is set at 550 feet – the Nextel representative requested this setback be reduced to 520 feet; and 2) if there is a condition for three (3) users, this needs to be covered within the conditions (i.e., the number of storage cabinets).

City Attorney Beach asked the representatives from Sprint, AT&T and Nextel to respond to the number of storage cabinets they require for the subject site. - The number of cabinets was determined to be a total of six (6).

City Attorney Beach noted there was also a condition requiring the antenna be interior.

Director Teresa Price noted that "elevations of all the accessory buildings and cabinets are to be approved by the Planning Commission" is currently included in Attachment "A" as a condition.

Chairman Grant made a motion to approve the application for the Conditional Use Permit for P.Z. 18-98, subject to the following conditions:

- the application is to include a condition to require co-location of the three (3) communication companies (Nextel, Sprint and AT&T);
- amend the application to include the setback of 520 feet to allow the Nextel facility;
- include a requirement that all AT&T and Sprint facilities be internal, with the understanding that if Nextel is on the tower, it *may use whip antennas*; and
- include a condition to allow six (6) cabinets which will house the on ground facilities.

Commissioner Layton seconded the motion.

[Amended 8/10/98 by PC]

COMMENTS/DISCUSSION

Commissioner Eifler asked if approval of the motion on the table would mean that Nextel would not be required to have a public hearing for their request.

Chairman Grant and City Attorney Beach replied that "yes it does."

Upon a roll call the vote was as follows: **Commissioner Broemmer, no; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, abstain; Commissioner Yaffe, yes; Chairman Grant, yes.**

The motion passes by a vote of 7 to 1, with 1 abstention.

- B. P.Z. 20-98 Straw Horse, Ltd.;** a request for a change of zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 2.43 acre tract of land on Olive Street Road. Proposed Use: Retail Sales.

Planner I Annisca McCaskill noted, as it has come to Staff's attention earlier, the petitioner has requested that P.Z. 20-98 be withdrawn. She further noted that according to the City of Chesterfield Zoning Ordinance, any request for withdrawal of a legally filed application for amendment or supplement to the City of Chesterfield Zoning Ordinance may be denied, approved with prejudice, or approved without prejudice by the Planning Commission.

City Attorney noted that if the request is denied or withdrawn with prejudice they cannot come back with the same proposal (same site) within one (1) year. If the request is withdrawn without prejudice, the petitioner may come forward at an earlier date (tomorrow) with a new or similar proposal.

A motion to allow withdrawal without prejudice was made by Commissioner Broemmer and seconded by Commissioner Eifler.

Chairman Grant noted approval of the motion would mean there would be no requirement for this petitioner to wait one (1) year to re-apply on the same site.

The motion passes by a voice vote of 9 to 0.

- C. P.Z. 22-98 G.H.H. Investments, L.L.C.;** a request to rezone the 38.6 acre "M-3" Planned Industrial District located on Long Road, into two (2) distinct zoning designations: a "PC" Planned Commercial District is proposed for the 18.34 acre parcel A and a "PI" Planned Industrial District is proposed for the 20.23 acre parcel B.

Chairman Grant noted the Commission has been informed that the petitioner has requested this matter be held; therefore, it doesn't require additional input from the Planning Staff.

Chairman Grant made a motion to hold this matter. The motion was seconded by Commissioner Layton and passes by a voice vote of 9 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **West County Christian Church**; a Site Plan and Landscape Plan in the "R-1" Residence District; west of Woods Mill Road, south of Ladue Road. The project is to reconfigure the existing parking lot and add a small portion of paving.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Site Plan and Landscape Plan. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

- B. **P.Z 16-97 Tara at Wildhorse Subdivision**; "Planned Environment District (PEU) procedure "R-1" One Acre Residence District Record Plat; north side of Wild Horse Creek Road, west of the intersection of Wildhorse Parkway.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Planned Environment District (PEU) procedure Record Plat. The motion was seconded by Commissioner Eifler and passes by a voice vote of 9 to 0.

- C. **The Crossing at Chesterfield Subdivision**; Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District and "FPR-1" Flood Plain One Acre Residence District Record Plat; east side of Kehrs Mill Road, south of Countryside Manor Parkway.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Planned Environment Unit (PEU) Procedure Record Plat. The motion was seconded by Commissioner Right and passes by a voice vote of 9 to 0.

- D. **Wehrenberg Theatres/The Galaxy**; a Site Development Plan in the "C-8" Planned Industrial District, governed by St. Louis County Ordinance number 13, 933. Located on the north side of Chesterfield Airport Road, west of the McBride property.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Site Development Plan. The motion was seconded by Commissioner Right.

Commissioner Broemmer asked the motion to include the requirement of sidewalks along Chesterfield Airport Road, on the side of the subject development.

The amendment was accepted by Commissioner's Layton and Right.

The motion, as amended, passes by a voice vote of 9 to 0.

Planner II Todd Streiler noted the Architectural Elevations and Landscape Plan are not on the agenda, but are up for approval this evening.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Wehrenberg Theatres/The Galaxy Site Development Plan, Landscape Plan and Architectural Elevations, with the addition of the requirement that sidewalks be put in on the Chesterfield Airport Road portion of the subject site. The motion was seconded by Commissioner Right **and passes by a voice vote of 9 to 0.**

IX. Chesterfield Valley Master Development Plan: Discussion item only.

Chairman Grant noted Mr. Bill Kirchoff is here on behalf of the Valley Master Development Study Committee, and asked the members of the Commission whether they had any questions with respect to the land use portions of the Chesterfield Valley Master Development Plan.

Mr. Bill Kirchoff, 17627 Wild Horse Creek Road, Chesterfield, MO 63017, Chairman of the Valley Master Plan Development Committee, responded to questions as follows:

- Designation of the north side of Highway 40 as a recreational district is not part of the current action of the Committee, or part of Development Strategies' work.
- North of Highway 40 should be the next area addressed by the Committee.
- The west end was not addressed in the current effort, and should be the subject of a third effort, after the Highway 40 area (west of the Airport) is addressed.
- The GHH retail area was included in the report from the Committee as Area 5.
- All of the Long Road frontage is not designated as retail, because some is stormwater storage and some is already developed.

Director Price noted the Planning Commission has the latest version of the Chesterfield Valley Master Development Plan and Implementation Strategy, except for the amendment made at the Friday, July 24th, meeting of the Committee. This most recent amendment does reflect the Long Road Commons area.

Mr. Kirchoff noted the southern boundary of Long Road Commons retail area goes west to the next adjacent development in the Committee's most recent action, but is not reflected in the report before the Commission tonight.

Commissioner Layton noted the suggested land use requires zoning changes in certain areas of the Valley, and asked if Mr. Kirchoff agrees that it would be a good idea for us to move as quickly as possible on that rezoning to avoid possible conflicts and confusion in the future.

Mr. Kirchoff said he agrees, but he isn't sure of how the City wants to handle this situation. He noted that he has always believed some pre-zoning would be desirable; but the City has historically taken the position that it doesn't want to do anything with zoning until a petitioner submits a request. He noted he believes some pre-zoning could be accomplished in the Valley without risk of what might be considered as sub-standard development.

Commissioner Layton noted he is in agreement with what he is seeing in the Valley and believes we should send a clear signal to developers that this is what is going to be built there, and provide them with the most efficient means to accomplish their task.

Mr. Kirchoff noted pre-zoning would give the petitioners a chance to identify a specific site and submit their requests knowing that the development process will be more expeditious.

City Attorney Beach noted the following:

- It may be a good idea for the Planning Commission to contemplate this pre-zoning idea.
- When the City was incorporating, there was a large hue and cry that it took so long to rezone everything; we should rezone the entire Valley.
- After we became a city, he proposed pre-zoning of the Valley, but everyone said no because they didn't want to pay commercial development taxes. As a consequence, the City didn't go in that direction.
- We are now moving at a pace that might behoove us to give some thought to pre-zoning of the Valley.
- We could run this idea by the business community and landowners in the Valley, and seek their current viewpoint on rezoning.

Mr. Kirchoff noted he believes Development Strategies will suggest some pre-zoning of the Valley in their final report to be presented around Labor Day.

Chairman Grant thanked Mr. Kirchoff for his input. He noted the Commission would wait for the final draft from the Valley Group.

Director Price noted the Planning Commission would need to go through the public hearing process to adopt the Valley Master Plan or amend the Comprehensive Plan. She further noted that as soon as the timeline on the public hearing process and how it will be coordinated with the Comprehensive Plan is determined, she would forward this information to the Planning Commission.

City Attorney Beach inquired about the timeline.

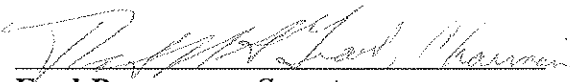
Director Price noted the Committee instructed this be accomplished no later than by the end of the year.

COMMITTEE REPORTS:

- A. Ordinance Review Committee - No report**
- B. Architectural Review Committee - No report**
- C. Site Plan/Landscape Committee – No report**
- D. Comprehensive Plan Committee – No report**
- E. Procedures and Planning Committee – No report**

A motion to adjourn was made by Commissioner Broemmer, seconded by Commissioner Right and passes by a voice vote of 9 to 0.

The meeting adjourned at 9:43 p.m.


for **Fred Broemmer, Secretary**

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