PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
July 13, 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
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. Christine Ross, Planning Intern
Mr. James Gittemeier, Planning Intern
Ms. Sandra Lohman, Executive Secretary

ABSENT
Ms. Victoria Sherman

INVOCATION: Commissioner Stephanie Macaluso

PLEDGE OF ALLEGIANCE - All

Chairman recognized the attendance of Councilmember Mary Brown- Council Liaison (Ward IV), and Councilmember Larry Grosser (Ward II).

PUBLIC HEARING: None

APPROVAL OF THE MINUTES:

A motion to approve the June 22, 1998 Planning Commission Minutes, as amended on page 2, was made by Commissioner Eifler, seconded by Commissioner Right **and passes by a voice vote of 8 to 0.**

PUBLIC COMMENT:

1. Mr. Gregory J. Downey, 310 Steeple Lane, Chesterfield, MO 63005, spoke as an individual in opposition to P.Z. 17 & 18-98 AT&T, noting the following:

- In response to requests by Commissioner Layton and City Attorney Doug Beach for information that could help the City of Chesterfield, he presented 3 handouts to the Commission:

    1. Suburban Journal article dated July 5, 1998 – regarding what some communities in the area are doing as the alternatives for stand-alone towers;

    2. Chesterfield Journal article dated July 12, 1998 – regarding why some people in Clarkson Valley are opposing a stand-alone tower in Wildwood (including a quote from the Mayor of Wildwood); and

    3. a series of five (5) photographs, noting his reasons for believing that the original AT&T submittal was out of proportion.

2. Mr. Michael Downey, 1605 Redbird Cove, Brentwood, MO 63146, spoke as an individual in opposition to P.Z. 17 & 18-98 AT&T Wireless PCS, Inc., noting the following:

- The AT&T photograph presented by Mr. Greg Downey severely understates the size and visibility of the tower.

- He believes the AT&T tower seems to be in clear violation of our Ordinance (Bill #1332).

- He believes the City is making a severe mistake, considering our Ordinance, in accepting what AT&T is saying without asking for evidence.

- AT&T has other options, but they are choosing what works best for them.

- The Church is requesting the Conditional Use Permit and, since this is a departure from the current zoning ordinance, they should make it somewhat appeasing/appealing to the neighbors.

COMMENTS/DISCUSSION/QUESITONS:

City Attorney Beach noted the following:

- He asked Mr. Downey what he would like the City to do with the fact that AT&T is asking to put their tower on the location already granted to Sprint.

- He noted he is not opposed to Mr. Downey's concerns, but AT&T is asking that they be granted the ability to put their tower at a specific site that is already approved for another tower (Sprint).

- The site recommended tonight by Mr. Greg Downey for the AT&T tower would require a second tower location, because the Sprint tower was approved long ago.

- The only reason Sprint has not already put up their approved tower is because the City is trying to make everyone comply, as best we can, with our Ordinance.

Mr. Michael Downey noted:

- The original tower approved was a fifty (50) foot wooden structure.

- The trees on the hill are approximately thirty-five (35) or forty (40) feet in height.

- The visual impact, in seeking visual mitigation, would be substantial when you add thirty (30) feet, change the color, and add a flashing light.

City Attorney Doug Beach noted the fifty-four (54) foot tower will have color and a light, regardless of what the City wants.

Mr. Michael Downey noted he believes the City should re-examine the issue of whether or not the tower is appropriate in a residential area.

City Attorney Doug Beach asked Mr. Downey what he believes the City's legal ability is to re-examine something already approved by the City. He noted they have already taken steps to locate on that specific site.

Mr. Michael Downey stated that, if they are making material changes, the City automatically has the right to revisit the issue.

City Attorney Doug Beach noted Sprint is not making the request. The City asked Sprint, from the very beginning, to co-locate.

Mr. Michael Downey stated the material alterations would be the visual changes in the tower. The City originally approved a tower that would be very similar to a telephone pole. They are now seeking, after contacting the FAA, a material alteration that would result in a highly visual tower.

City Attorney Doug Beach noted that is not AT&T's request. AT&T's request is separate from Sprint's request. The FAA has required the fifty-four (54) foot tower will have to be painted and have a light on it.

3. Mr. Robert E. McKendry, Jr., 344 Steeple Hill, Wildwood, Missouri 63005, spoke in opposition to P.Z. 17 & 18-98 noting the following:

- his property is adjacent to the subject site, in near proximity to the proposed tower; and

- he would like to express his unhappiness about the increased density of the dividing lots in the area, and construction of the towers.

City Attorney Doug Beach noted the reason for the request for a rezoning on the land itself, is because the City has had difficulty, legally, maintaining a "NU" Non-Urban site. The City's effort is to rezone part of Chesterfield into a zoning district which the City believes is as compatible as possible.

Mr. McKendry noted the subject site is in between two (2) large lot developments.

City Attorney Doug Beach noted the reason the tract is being rezoned to something other than Non-Urban is that this District is no longer a valid Zoning District in the City of Chesterfield Zoning Ordinance.

4. Mr. Greg Stockell, Site Acquisition Manager for AT&T Wireless Services, 400 S. Woods Mill Road, Suite 200, Chesterfield, Missouri 63017, spoke in favor of P.Z. 17 & 18-98, noting the following:

- Requested amendment of Condition 4. a. 2. of Attachment "A" of the Department's report to state "Seven Hundred and Eighty (780) feet from the southern property line" to allow enough space for AT&T's radio equipment.

COMMENTS/DISCUSSION/QUESTIONS

Commissioner Broemmer inquired about the size and location of the proposed radio equipment cabinets.

Mr. Stockell noted the following:

- The location of the tower would not be affected by this requested amendment.
- The setbacks, as proposed, do not give space required for AT&T's radio equipment.
- AT&T's radio equipment is on a diagonal at this time. They are proposing radio cabinets, 15 foot long x 5 foot tall x 9 foot wide. Keeping a square around this area would make the dimensions at 20-foot length x 20 feet width (i.e., to enable a diagonal attached configuration).
- Nextel would use 20 foot x 10-foot buildings for their radio equipment.

Commissioner Nolen requested clarification of some of the technical aspects of the proposed tower, and asked if there are alternative sites that could be utilized for this tower.

Mr. Stockell noted the following:

- He described a rendering of the study of the area that they conducted. He noted that everything in the circle on the rendering was known to require lighting and painting, regardless of height.

- The FCC holds licenses to AT&T, Sprint, Nextel, etc. As such, communications companies are required to file locations with the FCC when they attach to things and do things (i.e., increase heights or alter structures). There are Federal level requirements of license holders.

- The circle on the rendering is in reference to Spirit of St. Louis Airport.

- He noted that the rendering depicts the area in which anything they would build above ten (10) feet tall would need to be painted and lighted. He described the areas this restricts with regard to sites for towers.

Commissioner Nolen asked if the steeple was ever an option within this radius.

Mr. Stockell noted the following:

- If they wanted to rebuild a steeple in this location, because of Federal Ordinance and Regulations under their license, they would have to file with the FAA, which would require a painted and lighted steeple. This is because of the height variations.

- When they learned this was approved for a height of up to 104 feet by the FAA, provided its painted and lighted, AT&T stopped searching in the area for a separate tower, and negotiated with Sprint to co-locate. Sprint agreed.

- AT&T is seeking to obtain permission to elevate the pole so that both carriers, plus a third carrier, can make use of it.

Commissioner Nolen inquired whether or not Mr. McKendry knows if eighty (80) feet would allow whip antennae on top to accommodate a third carrier.

Mr. Stockell replied that, structurally, it could be done. The tower is now being designed as a monopole that has antennae for Sprint and AT&T within the pole. The only attached portions on the outside, would be the whips for Nextel.

Mr. Eifler referred to the attachment to the Department's report depicting coverage if the tower was located at the nearest public land. He inquired why they couldn't have a series of rather short, in height, antennae without going to public land (i.e., utilizing utility poles, power transmission towers, etc.).

Mr. Stockell replied they looked into trying to do similar approaches within this coverage area, and most of what is owned and operated by Union Electric has ten (10) foot wide easements, and would not accommodate their radio equipment and cabinetry. Some of the property owners contacted were not interested in allowing them to put their radio equipment separately on their private property, while they utilized the telephone poles. In addition, the telephone poles themselves were not sufficient in height to get the signal coverage necessary, regardless of the number of poles.

Commissioner Eifler noted that AT&T has performed a more comprehensive survey than depicted on the drawings given to the Commission.

Mr. Stockell noted that AT&T has been actively seeking a solution for this system problem for in excess of a year and a half.

Commissioner Broemmer inquired whether or not it was possible to locate outside of the circle depicted on the rendering shown to the Commission tonight.

Mr. Stockell replied that the distance would be to far apart, and they have a sincere obstacle with the FAA (i.e., the Spirit of St. Louis Airport). The minimum height requirement for their antenna is sixty (60) feet, but they prefer it to be higher.

Commissioner Layton inquired regarding the letter dated July 1, 1998, to Mr. Bill Rector of Sprint about the decision of Nextel to sign an agreement within four (4) weeks.

Mr. Stockell noted his understanding is that Sprint is moving forward, and Nextel and Sprint already have a master co-location agreement, its just a matter of working out the specific sites. This is the similar agreement between AT&T, Nextel and Sprint.

Commissioner Layton requested clarification of the statement in the letter regarding the structural compatibility issue.

Mr. Stockell noted this was referring to whether or not AT&T's antennas would remain interior or exterior to the pole. A flag pole design has antennas interior. The whip antennas would need to be outside of the pole.

City Attorney Doug Beach noted the following:

- He requested a copy of the drawing with a circle on it be given to Staff.
- Since AT&T has been able to acquire the map shown tonight to the Commission.
- Sprint previously told us, at the time of their submittal, that they had no clue whether FAA would give approval or what their requirements would be; however, now we hear that the communications companies knew FCC Regulations and FAA Regulations for quite some time.

- He noted part of our problem tonight is because the City may not have received all the required/available information from the beginning.

- There is a section in our Ordinance that says that the willing and knowing failure of a tower owner to agree to share use or to negotiate in good faith with the potential users shall be cause for the withholding of future permits to the same owner to install, build or modify antennae support structures within the City.

- It appears that Sprint has held back information that now appears to be readily available to everyone.

- Sprint initially came in stating they didn't have any information with regards to the FAA requirements.

- The City asked Sprint to find out from the FAA how tall the pole can be, and they came back with the 104-foot height. We asked for eighty (80) feet.

Mr. Stockell noted the map given to the Commission tonight was not a FAA produced map, a consultant prepared it.

Commissioner Macaluso noted that if AT&T believes their antenna would work at sixty (60) feet, why are they requesting eighty (80) feet.

Mr. Stockell replied the subject site would require a structure of eighty (80) feet in height in order to get the proper separations between users (co-location), while maintaining the sixty (60) foot base.

Commissioner Macaluso asked if there are a maximum number of users who could co-locate on a tower.

Mr. Stockell noted it depends upon the structural integrity of the tower. In this particular instance, it is being built for the three-(3) carrier capacity. It might be able to handle another antenna, or two (2), but that would have to be determined up-front.

Commissioner Macaluso requested clarification regarding the size of the whip antenna.

Mr. Stockell noted he believes the representative from Nextel, Mr. Tom Cummings, misquoted their overall height. It would be eight (8) feet, not four (4) feet, as originally stated and depicted on the drawings presented to the City.

5. Mr. Paul Ground, 14611 Manchester Road, Manchester, Missouri 63011-3700, spoke in favor of P.Z. 17 & 18-98 AT&T, noting he wants to clarify a statement he made earlier tonight during the Work Session.

- He didn't understand that in its present format this tower would be subject to the attachment of Nextel's facility on top after it was built.

- In response to a question from a Commissioner whether or not this project will move forward immediately upon approval, the answer is yes.

- They drafted a search in such a way that would emphasize public land, because they believe our Ordinance suggests that is a preferred location.

- In every case they tried to find sites that meet the standards within the permitted uses of an administrative permit category (i.e., existing structures, government land, etc.) before they turned in a request requiring a C.U.P.

NEW BUSINESS:

A. **P.Z. 17-98 AT&T Wireless PCS, Inc. c/o Quinn, Ground and Banton, L.L. P.**; a request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 18.4 tract of land on Wildhorse Creek Road.

AND

B. **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.

Director Teresa Price summarized the request and Department's recommendation of approval of the rezoning, as well as the Conditional Use Permit.

COMMENTS/DISCUSSION/QUESTIONS

- The Department would agree to the amendment of the setback requirement Attachment A (Condition 4.a.2.) from eight hundred and ten (810) feet, to the requested seven hundred and eighty (780) feet.

A motion to approve P.Z. 17-98 was made by Chairman Grant and was seconded by Commissioner Layton.

COMMENTS/DISCUSSION

- It was noted that the vote was on the rezoning only, not the Conditional Use Permit.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Yaffe, yes; Chairman Grant, yes.

The motion passes by a vote of 8 to 0.

A motion to hold P.Z. 18-98 until the next Commission Meeting, in the hopes that the arrangements between Nextel and Sprint may be resolved so we may vote on the total package was made by Commissioner Eifler and seconded by Commissioner Layton.

COMMENTS/DISCUSSION

- The Commission noted they would like all parties involved to attend the next Planning Commission Meeting.

Chairman Grant noted that, at the last meeting, he asked Mr. Ground if AT&T would agree to continue the matter to tonight's meeting. Mr. Ground stated, on behalf of AT&T, that even though they consented to hold the matter until tonight,the petitioner believes it is time to move on. Chairman Grant further noted that whether or not there are agreements in place or all interested parties are present at the next Commission Meeting, he believes it will be time to take a vote.

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

The motion passes by a vote of 6 to 2.

C. **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.

Director Teresa Price noted Staff is requesting this item be held until the July 27, 1998 Commission Meeting.. She further noted there are some errors in Attachment A that need to be resolved.

Chairman Grant asked if these matters could be discussed and worked-out tonight.

Director Price noted there was also some discussion regarding the setback from Old Olive, reconfiguration of the site, parking in front of the site with regard to the building setback.

A motion to hold P.Z. 20-98 was made by Commissioner Eifler and seconded by Commissioner Yaffe.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Yaffe, yes; Chairman Grant, yes.
The motion passes by a vote of 8 to 0.

D. **P.Z. 22-98 G.H.H. Investments, L.L.C.**; a request for a change in zoning for a 38.6 acre parcel of land located on Long Road into two (2) different zonings. Parcel A containing 18.34 acres to be rezoned from "M-3" Planned Industrial District to "PC" Planned Commercial District. Parcel B containing 20.23 acres to be rezoned from "M-3" Planned Industrial District to "PI" Planned Industrial District.

Planner II Reveena Shook summarized the issues in the Department's memorandum and noted the Department recommends this matter be held until the July 27, 1998 Commission Meeting.

Chairman Grant asked for clarification regarding the issue of allowable uses for the subject site.

Planner II Reveena Shook noted there was a concern expressed during the Public Hearing regarding allowing an Outpatient Substance Abuse Center. Staff will ask the petitioner to list all of the uses they want on the site, instead of what they do not want to use.

ISSUES ADDED:

- The location of drainage ditch - it is currently shown as going through the center of the development.

- The hours of operation for the proposed development.

Action on this matter will be taken at the July 27, 1998 Planning Commission Meeting.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

A. **Gateway Academy, Amended Site Concept Plan**; in the "NU" Non-Urban District; north of Long Road and on the north side of Wild Horse Creek Road. The amended concept plan proposes developing the 31.9 acres in five phases.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Concept Plan for the Gateway Academy. The motion was seconded by Commissioner Right **and passes by a voice vote of 8 to 0.**

B. **Gateway Academy, Phase II**; a Site Section Plan, Landscape Plan and Architectural Elevations for Phase 2 in the "NU" Non-Urban District; north of Long Road and on the north side of Wild Horse Creek Road. The second phase proposes an educational building, basketball courts and drive.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the Site Section Plan, Landscape Plan and Architectural Elevation Plan for Phase II of the Gateway Academy. The motion was seconded by Commissioner Right **and passes by a voice vote of 8 to 0.**

C. **West County Christian Church**; a Site Plan and Landscape Plan in the "R-1" Residence District; west of Woods Mill Road and south of Ladue Road. The project is to reconfigure the existing parking lot.
(This item was withdrawn at the request of the applicant.)

D. **Estates at Baxter Pointe- Record Plat Addition**; "R-2" Residence District Regulations Record Plat; south of Wild Horse Creek Road, west of Baxter Road.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the Record Plat Addition of the Estates at Baxter Pointe. The motion was seconded by Commissioner Macaluso **and passes by a voice vote of 8 to 0.**

E. **P.C. 1-88 Arthur DeShetler (Yia Yia's Eurobistro);** "C-8" Planned Commercial District Exterior Building Material Color Change; north side of Olive Boulevard, at Swingley Ridge Drive.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the Yia Yia's Eurobistro Exterior Building Material modifications. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

Appointments to Committees by Planning Commission Chairman Robert Grant.

Chairman Grant noted the Commission received in their packets the appointments to Committees, and asked the Commissioners to relay any comments regarding these appointments to him. He further noted that he would try to accommodate everyone.

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

Chairman Grant noted there would be a Work Session immediately following tonight's Planning Commission Meeting.

A motion to adjourn was made by Commissioner Yaffe, seconded by Commissioner Eifler **and passes by a voice vote of 8 to 0.**

The meeting adjourned at 8:06 p.m.

Fred Broemmer, Secretary

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