

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: June 26, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary - **June 22, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, June 22, 2006 in Conference Room 101.

In attendance were: **Chair Mary Brown** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Barry Streeter**, (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Rob Heggie, City Attorney; Maurice L. Hirsch, Jr., Planning Commission Chair; Mike Herring, City Administrator; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Annissa McCaskill-Clay, Assistant Director of Planning; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:31 p.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the June 1, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of June 1, 2006. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

- B. Approval of the June 12, 2006 Planning & Zoning Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of June 12, 2006. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. P.Z. 7-2006 City of Chesterfield (Dierberg's Meditation Park):** A request for a change in zoning from a "R2" Residence District to a "PS" Park and Scenic District for a 1.875-acre tract of land located on the north side of Olive Boulevard at its northwest intersection with River Valley Drive. (13703 Olive Boulevard/16Q230381).
Proposed Use: Public park and parkway.

Staff Report

Ms. McCaskill-Clay, Assistant Director of Planning, stated that the Public Hearing was held May 22, 2006 at which time no issues were raised. Planning Commission recommended unanimous approval.

DISCUSSION

Councilmember Flachsbart noted that Dierberg's is responsible for all the construction of the Meditation Park. Once the construction is finished, the Park will be turned over to the City.

Councilmember Flachsbart made a motion to forward P.Z. 7-2006 City of Chesterfield (Dierberg's Meditation Park) to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the July 17, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 7-2006 City of Chesterfield (Dierberg's Meditation Park).]

- B. P.Z. 13-2006 City of Chesterfield (Drury Development Corporation):** A request for an amendment to Section I. "Permitted Uses" of City of Chesterfield Ordinance 2173 to permit placement of disguised communications antennae per the requirements of City of Chesterfield Ordinance 1214 on the Drury Plaza Hotel, a "PC" Planned Commercial District-zoned development located adjacent to Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/Interstate 64. (18S230433, 18S210172)

Upon recommendation of the City Attorney, Councilmember Streeter made a motion to amend Section I.A.(w)(iv) of the Attachment A as follows: (Changes in green):

Limited to no more than four (4) antenna uses. Additional antenna uses may be approved by the ~~Director of Planning~~ **City Administrator** if no adverse visual impact on the structure will occur.

The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

DISCUSSION

Councilmember Hurt suggested that, when requests for antennae are submitted, the following questions be asked of the applicant before approval is granted:

1. What is the radius of coverage for this particular antenna?
2. Do you have any other towers within that radius?

City Attorney Heggie stated he would get this information for the subject antenna for the Drury Hotel prior to the next City Council meeting.

Procedures for Approving Antennae

Ms. McCaskill-Clay explained that because of the way the Ordinance governing antennae is written, there are certain districts and certain uses that can be approved administratively. The Ordinance requires that the applicant provide the City with certification that they have contacted other cell companies to let them know they are seeking application to place antennae at the requested location. They must also provide certification that they have attempted to work out co-location with other cell companies.

Councilmember Flachsbart made a motion directing the Department of Planning to ask the following two questions through the administrative approval process:

1. What is the radius of coverage for this particular antenna?
2. Do you have any other towers within that radius?

The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4 to 0.

Amendments to Ordinance re: Antennae

The ordinance was adopted in 1997 and has not been amended since then. The City Attorney indicated that amendments are being reviewed for this ordinance.

Councilmember Flachsbart expressed concern about Staff administratively approving antennae and asked the City Attorney to review this procedure. He felt the City Council should be involved in the approval process.

City Attorney Heggie pointed out that the Federal Telecommunications Act completely limits the City's ability to ban cell towers.

Map of Antennae Location

Ms. McCaskill-Clay stated that when a request is submitted, the applicant must provide a map showing the area of coverage for the requested antenna. They must also provide a list of their current structures within the City.

Councilmember Flachsbart made a motion directing the Department of Planning to either have the Applicant, or the Department, create a map, by Provider, showing the location of each cell tower by the subject Provider. The map is to be updated with each new cell tower request. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4 to 0.

Since the requested map is not a requirement of the Ordinance, Staff was directed to request this information as a matter of policy.

Councilmember Streeter made a motion to forward P.Z. 13-2006 City of Chesterfield (Drury Development Corporation), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the July 17, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Director of Planning for additional information on P.Z. 13-2006 City of Chesterfield (Drury Development Corporation).]

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting was adjourned at 5:50 p.m.