



MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
June 19, 2008

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on **Thursday, June 19, 2008** in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III); **Councilmember Gene Schenberg** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Bob Nation** (Ward IV).

Also in attendance were: Mike Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Director of Public Works/City Engineer; Rob Heggie, City Attorney; Annissa McCaskill-Clay, Lead Senior Planner; and Kristine Kelley, Administrative Secretary.

The meeting was called to order at 5:30 p.m.

It was agreed upon to change the agenda order.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the June 5, 2008 Committee Meeting Summary

Councilmember Bob Nation made a motion to approve the Meeting Summary of June 5, 2008. The motion was seconded by Councilmember Bruce Geiger and passed by a voice vote of 4 to 0.

III. NEW BUSINESS

A. T.S.P. 01-2008 Cricket Communications (Parkway Central High School/471 North Woods Mill Road): A request to obtain approval for a Telecommunications Facility Siting Permit for collocation of additional antennas and equipment on an existing telecommunications tower on a 95.59 acre "NU" Non-Urban District-zoned tract of land located o North Woods Mill Road. (17Q230085)

STAFF REPORT & PRESENTATION:

Lead Senior Planner, Annissa McCaskill-Clay reported (5) five issues that were raised at Planning Commission:

- o **Notification of the Public Hearing – Were residents properly notified?**
Petitioners provided verification that they met requirements of Ordinance 2391, which required them to provide certified notices to all property owners within 1,500 feet. In addition staff met the City's requirement of providing proper notification to all properties within 225 feet and trustees within a mile.
- o **Additional tower on the site.**
The additional tower that was referenced during the Planning Commission meeting was the temporary tower that was approved at the June 2, 2008 City Council meeting. Ms. McCaskill-Clay further stated that the current temporary tower has a term of 90 days.
- o **The effect of electromagnetic activity on health – whether this factor should be considered.**
Ms. McCaskill-Clay stated that the Telecommunications Act of 1996 prohibits or excludes environmental safety and health issues as reasons to deny a local permit transmitting antennas. Staff has reviewed the ordinance to verify Petitioner has met criteria requirements.
- o **Limitation of towers.**
The Petitioners are not proposing a new tower, but rather collocation on the existing monopole on the Parkway Central site. The equipment cabinet Petitioner is proposing would be located within the existing equipment yard for the existing tower and is actually smaller than equipment cabinets currently on existing site. Ms. McCaskill-Clay directed council members to presentation and noted that there are currently (5) five antennas on the location and that the Petitioner is proposing to locate between the second and third antennas so height would not be affected on the current tower.
- o **Possible alternative sites – is this the most appropriate site in the area to meet Cricket Communications' needs?**
 - Propagation maps that are included with packet and included with presentation.
 - First map describes Cricket Communications' network coverage **with** the proposed tower.
 - Second map describes Cricket Communications' network **without** the proposed tower.

Ms. McCaskill-Clay stated there will be a wide gap in the coverage if they don't have this proposed location on the tower at Parkway Central.

Chair Hurt referred to concerns by speakers regarding health issues, but Mr. Hurt stated there currently nothing we can do regarding existing equipment. Ms. McCaskill-Clay reiterated that residents were mostly concerned about the look of existing tower and had concerns regarding original placement.

Chair Hurt verified Petitioner was following guidelines to keep the number of towers down. Mr. Hurt questioned how long a “temporary” tower will be in place. Petitioner stated once approved they will acquire building permits to construct the tower which usually takes 30 – 60 days. City Attorney Heggie stated that City Council will not meet again until July 21, 2008 so that could delay the application process. Ms. McCaskill-Clay advised the Petitioner that they may submit all required permits to St. Louis County ahead of time for review, but they will not issue the permit until they have received municipal zoning approval from the City of Chesterfield.

FINAL DISCUSSION

Councilmember Gene Schenberg made a motion to forward T.S.P. 01-2008 Cricket Communications (Parkway Central High School/471 North Woods Mill Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Bob Nation and passed by a voice vote of 4 to 0.

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on T.S.P. 01-2008 Cricket Communications (Parkway Central High School/471 North Woods Mill Road)].

B. Landscape Median – 1130 Wild Horse Parkway

STAFF REPORT & PRESENTATION:

Director of Public Works/City Engineer, Brian McGownd directed committee to a power point presentation regarding the landscape median in the Wild Horse Parkway and noted that the resident has to go around median, complete a U-turn before entering his driveway. Mr. McGownd stated Mr. Nation requested staff to look into this matter. Staff reviewed and researched the current record plat for the subdivision and determined that the median is actually common ground, not public right-of-way.

Mr. McGownd further stated that staff has no problem with the trustees, who actually control and own the common ground, to cut it back, correct the pavement and dedicate the right-of-way to City of Chesterfield. Upon that decision, the city would take control of that portion of the street, but currently being private property, we have no ability to initiate work.

Chair Hurt read report provided by staff and indicated that trustees would have to take care of this issue since it was their property. Mr. McGownd stated that if trustees want to pursue this project, they would have to cut current median back

and build pavement to current standards. Upon that decision, we would accept it and dedicate the right-of-way over to the City of Chesterfield.

City Attorney Heggie informed the Committee of Councilmember Nation's conflict of interest as he is the current listing agent for the subject property. **Mr. Heggie** requested that Mr. Nation not make any comments regarding this issue.

Councilmember Schenberg asked whether trustees are willing to take on the expense. **Mr. McGownd** replied that staff has not contacted trustees. **Mr. Geisel** responded that staff was requested to review what it would take to remedy current situation. **Mr. Schenberg** asked where trustees stood on this issue from either approval or financial status. **Chair Hurt** stated that even though these issues are not for public hearings, the committee has no objection to allow Mr. Roach to speak.

- **Mr. Nathan Roach**, current property owner, began by stating this issue has nothing to do with value of his home, but is a safety issue. Over the last couple years there have been several accidents. In late 1980's when Shell Oil Company developed the subdivision, the current lot, owned by Mr. Roach, was designated common ground. In 1991 The Home Builders Association wanted to put the first "smart house" in Missouri. Shell Oil Company decided to go back and designate as "*opportunity lot*" instead of common ground in order for The Home Builders Association to build the house.

Mr. Roach continued by stating his home was on display for one year. He stated that someone from The Home Builders Association told him after putting the home on display, the City of Chesterfield made them (HBA) put a temporary parking lot near site regarding the displays (location as shown on power point presentation.) **Mr. Roach** has discussed this issue with all involved parties and HBA, Shell Oil Company and trustees all agree this should have never been approved, but no one will take responsibility regarding the financial obligation. He further stated that trustees have agreed to allow the City of Chesterfield to take control, but also said that trustees were there for the fiscal interest of all their home owners. **Mr. Hurt** stated that it appeared that the trustees would be willing to cooperate legally, but not fiscally.

Chair Hurt recommends to staff to cooperate with trustees to resolve the current problem. **Mr. Hurt** asked resident to provide proper documentation to staff for future reference. **Mr. Schenberg** asked Mr. Roach if he was willing to spend the money or whether he has acquired quotes to have that filled in and brought to current standards. Until someone agrees to pay for it, it will not change.

Chair Hurt suggested that at this time, general consensus is to have staff cooperate with the trustees in any matter that they deem necessary. **Mr. Geisel** stated staff could compose a letter to trustees that the City would be willing to consider accepting the additional right-of-way and pavement if constructed. **City**

Attorney Heggie asked Mr. Geisel approximate cost to fix problem. Mr. Geisel responded with estimate of approximately \$15,000.

City Attorney Heggie stated no vote necessary at this time.

C. Parking Restrictions – Nooning Tree Drive

STAFF REPORT:

Director Planning & Public Works, Mike Geisel stated that for several years there has been a great deal of concern by residents adjacent to first section of Nooning Tree Drive coming directly off of Olive Street Road. The Police Department and Public Works Department have visited this site several times to perform speed studies. The speeds are consistent with posted speed limit. However, there are frequently commercial vehicles parked there frequently, for extended periods of time. These parked vehicles tend to obstruct the view of motorists and can therefore, create a safety concern.

Staff considered various options to reduce the concern. A stop sign was originally requested, but the application did not meet warrants and could actually, exacerbate the problem. Staff concluded that a parking restriction would significantly improve the condition. However, it was equally important to create a parking restriction that would not be any more restrictive on the residents than necessary. Staff worked with the residents in that neighborhood and suggested the following:

NO PARKING – SCHOOL DAYS 9AM – 3PM

Staff has communicated with the residents immediately adjacent and all expressed support. An ordinance has been drafted, along with our recommendation, that a “No Parking” restriction be established for safety purposes.

Councilmember Geiger stated resident would like to install a “Stop Sign”, but Mr. Geiger does not think it will solve the problem. He expressed his concern regarding trucks conducting business in front of residents home. Chair Hurt replied that trucks must park at least 20 feet from driveway. Mr. Geisel conveyed from residents to restrict commercial parking and does not recommend restrictions based on type of vehicle. He further stated a safety concern that as children cross the street, they are obstructed by the large trucks and this needs to be addressed. The parking is not the problem, but the safety concern that the parking creates.

City Administrator Herring explained that there have been restrictions placed throughout the City such as; Country Ridge in Clarkson with same type of restrictions, during school days and between certain hours of the day.

Mr. Geisel concluded by saying the City will not prevent any resident from having a special event or party during the evening hours as long as prior notification is acquired.

FINAL DISCUSSION

Councilmember Bruce Geiger made a motion to approve Parking Restriction – Nooning Tree Drive and forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Gene Schenberg 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 21, 2008 City Council Meeting.
See Bill #**

D. Parking Restrictions – Conway Road

STAFF REPORT:

Director Planning & Public Works, Mike Geisel stated in conjunction with the Petition presented during the City Council meeting, June 16, 2008, there was a suggestion that parking be restricted on Conway Road adjacent to the development. The restriction is included in the current Zoning Ordinance Number 35, Schedule IX; however, this Ordinance would create a restriction that amends our traffic code.

FINAL DISCUSSION

Councilmember, Bruce Geiger made a motion to Restrict Parking – Conway Road and forward to City Council with a recommendation to approve. The motion was seconded by Councilmember, Gene Schenberg 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 21, 2008 City Council Meeting.
See Bill #**

II. OLD BUSINESS

A. Temporary Signage

STAFF REPORT:

Planning & Public Works Director, Mike Geisel reported that staff had been working on plan to eliminate some of the conflicting provisions of our Temporary Sign Ordinance and to make it more restrictive so it would not allow for subdivision, off-site directional signs for projects not within the City of Chesterfield. He stated that surrounding cities and St. Louis County do allow

these types of signs. Staff has drafted a generic ordinance which includes text as it currently exists in the City Code.

Chair Hurt asked whether this was presented to the Home Builders Association and the Planning Commission. **Mr. Geisel** said no but that staff was given direction by committee to make current changes. **Mr. Hurt** responded that he would like to direct this back to Planning Commission for comments.

Councilmember Geiger questioned changes regarding subdivisions signs within the City of Chesterfield. Further discussion regarding standardizing and regulating the size and looks of the directional signs and questioned whether this is a change from the current ordinance.

Mr. Geisel responded by saying the appearance of the signs has not changed. The two major changes were discussed:

- **Not promoting projects outside the City of Chesterfield.** Staff separated these categories because there are some provisions and requirements that applied to one type of sign, but the performance standard existed in a section for the other type of sign. Major conflict was sign location. Signs could be in an area within 130 feet of an intersection, but not within the site distance triangle. The next provision stated it could be located no closer than 230 feet behind the building line. Size of signs and spacing of those signs has not changed.
- **One (1) year limitation with one (1) extension only.** By doing this, it would limit the overall number of signs. The developer will still be allowed four (4) signs, with one at any individual location, but limited by geographic space available. Developers will be able to renew when application has expired.

Councilmember Geiger referred back to prior discussions that there was general consensus regarding two (2) changes;

- We would not allow signs advertising subdivisions that were not within the City of Chesterfield.
- We would ask for a restriction of allowing no more than one, (1) year extension.

Mr. Herring gave clarification that the committee directed staff to prepare this and bring back to Planning & Public Works Committee. This committee has the ability to move forward. Option is to forward to City Council but not required to submit back to Planning Commission.

Ms. McCaskill-Clay concluded by saying that the developers are aware of the deadline regarding their signs. Applicant has 30 days to apply before extension expires. **Mr. Geisel** stated final (2) two year limitations at same location, but does

not exclude sign placement at different location to developer. He further stated there are **NO** private signs in right-of-way.

City Attorney Heggie questioned the (2) two year sign limitation that in essence there is the possibility of showing favoritism regarding a new subdivision over an existing subdivision which would be questionable under the First Amendment. **Mr. Nation** does not want to restrict the builder the ability to successfully market their product.

FINAL DISCUSSION

Councilmember Dan Hurt made a motion to forward **Temporary Signage** to Planning Commission for comments before forwarding to City Council. The motion was seconded by **Councilmember Gene Schenberg**.

Councilmember Schenberg amended the motion to have **City Attorney Heggie** and **Mr. Geisel** review the language before it is forwarded to the Planning Commission. The amendment was accepted by **Chair Hurt**. **The motion, as amended, passed by a voice vote of 4 to 0**

The Committee directed **Mr. Geisel** to convey to the Planning Commission the Committee's desire to have the draft "Temporary Signage Ordinance" returned to the Committee as soon as possible with the Commission's comments.

IV. ADJOURNMENT

The meeting adjourned at **6:22 p.m.**