

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
June 8, 1998**



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

PRESENT

Mr. Fred Broemmer
Mr. Dave Dalton
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Mr. Jerry Right
Mr. Allen Yaffe
Chairman Robert Grant
Mayor Nancy Greenwood
Councilmember Mary Brown, Council Liaison
Mr. Douglas R. Beach, City Attorney
Ms. Teresa Price, Director of Planning
Mr. Todd Streiler, Planner II
Ms. Angela McCormick, Planner I
Ms. Annissa McCaskill, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Rick Bly

INVOCATION: Commissioner Charles Eifler

PLEDGE OF ALLEGIANCE - All

Chairman Grant welcomed Mayor Nancy Greenwood, Council Liaison Mary Brown, and Councilmember Allan Sheppard to the meeting.

PUBLIC HEARING:

- A. **P.Z. 19-98 Oliveglan – DeShetler Homes, Inc.**; a request for a change in zoning from “R2” Residence District to an “R6A” 4,000 square foot Residence District for a 4.5 acre tract of land located on Olive Boulevard, 200 feet south of Monterra Drive, 1400 feet north of Ladue Road. (Locator Numbers: 17R53-0221 and 17R53-0212).

And

- B. P.Z. 21-98 Oliveglen – DeShetler Home, Inc.; a request for a Planned Environment Unit (PEU) Procedure in the “R-6A” 4,000 square foot Residence District for a 4.5 acre tract of land located on Olive Boulevard, 200 feet south of Monterra Drive, 1400 feet north of Ladue Road. Proposed Use: Multiple-Family Dwellings.

Chairman Grant noted the following regarding P.Z. 19 & 21-98 Oliveglen – DeShetler Homes:

- the petitioner has requested P.Z. 19 & 21-98 Oliveglen – DeShetler Homes, Inc. be held, because the petitioner is in further negotiations and is not prepared to go forward tonight;
- the final proposal from the petitioner is not known at this time;
- the Commission will be happy to listen to anyone here tonight wishing to speak on this matter; and
- if, and when, the petitioner decides to go forward, a notice of that meeting will be mailed to all those persons who received notices for the public hearing tonight (i.e., those in an area designated by policy), as well as anyone in attendance tonight who wish to receive notification.

Chairman Grant recognized Mr. Mark Beldner, President of the Trustee Association for Monterra Subdivision.

Mr. Beldner noted, for the record, it is his understanding that there will be a meeting on this matter when it is resubmitted, even if it is resubmitted as an “R-6A” Zoning. He asked the Commission if there will be another public meeting if the petitioner comes back with the same zoning as requested tonight.

Chairman Grant noted there will be another public hearing on this matter. He further noted that it will not be put in the newspapers; but everyone will be notified who has either asked to be notified or, in any way, informs the City that they want notification.

City Attorney Beach noted the City has a certain procedure for notification of all people in the general area of the site of the public hearing; all of those people will be notified. He further noted that, as an extra step, a sign-up sheet will be at the back of the room tonight for those who wish to be notified (i.e., those persons would need to fill-in their names and addresses on this sheet).

Chairman Grant noted anyone who signs-up tonight will be notified of any future public hearing on this matter.

Chairman Grant instructed Staff to give a slide presentation tonight for general information.

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

SPEAKERS IN FAVOR:

1. Mr. Steve Koslovsky, Attorney for the petitioner, 231 S. Bemiston, 8th Floor, Clayton, Missouri 63105, noted the following:
 - he appreciates the Commission's indulgence in allowing the petitioner to postpone their presentation while they go back and attempt to redraw the current plan, in response to some comments they received both from Planning Staff and others;
 - this postponement will also give the petitioner the opportunity to meet with adjacent property owners to discuss this project and, perhaps, make some changes that may make the project more palatable for the area;
 - in addition to himself, Mr. Glen Arnold and Lee Allen (Partners in Oliveglen), Tom Krull (engineer for the project) are here tonight, and welcome all comments; and
 - the petitioners will be happy to meet with residents after tonight's meeting and at other times, until such time as the petitioner comes back to the Commission with their final plan.

SPEAKERS IN OPPOSITION:

1. Mark Beldner, President of Trustees of Monterra Subdivision, 317 San Angelo Drive, Chesterfield, MO 63017, noted the following:
 - the makeup of his neighborhood has been pretty stable;
 - existing home values have increased;
 - the proposed development (i.e., addition of four (4), ten (10) family unit, two (2) story high buildings) would be detrimental to the surrounding neighborhood;
 - the proposed buildings, twenty (20) feet from the property line of some existing houses, is too close;
 - he will bring slides to the next hearing on this matter to show just how close the proposed buildings would be to existing properties;
 - the appropriateness of the proposed buildings, twenty-five (25) to thirty (30) feet tall, in a residential area is questionable;
 - the streets, as depicted on the current plan, do not meet current City standards (i.e., width of streets), and this should be noted by the Commission;
 - traffic on Olive would be negatively impacted by the proposed development;
 - MoDOT plans to widen and shift Olive Street Road, southbound, onto the property of the subject development, thereby causing the water to be directed towards the proposed development;
 - there is currently a water shed problem that diverts water onto the back of the homes on the lower portion of Renaldo Drive, behind the subject site;
 - the State may change their plans (i.e., shift the road over more), thereby directly affecting the density of the proposed development;

- the final location of the State right-of-way or road is not known as this time - it has been changed five (5) or six (6) times over the past thirty (30) years;
- additional housing units will increase the demand on police and fire services and burden our tax base;
- wildlife and woods behind the houses on Renaldo Drive would be endangered;
- he is offended that neither the Attorney, nor any representative for the development, has attempted to contact the Trustees for Monterra Subdivision; and
- allegedly, the builder has already been working on this project (i.e., dumping dirt, moving dirt), and the City has had to stop to this process.

Chairman Grant asked Mr. Beldner about his contact with the State Highway Department with regard to timing of the widening of Olive Road.

Mr. Beldner noted he has been at all of their Committee meetings on the widening of Olive Street Road, and the timing has been back and forth because of the St. Louis Water Company's and St. Louis County Water Department's movement of water mains. He further noted that he last heard it could be two (2) years from now.

1. Mike Sprung, 14632 Monterra, Chesterfield, MO 63017, spoke as an individual noting the following:

- property values would decline if the proposed apartment development is approved (i.e., renters, transient population, etc.).

2. Roy Hulse, 315 Renaldo Drive, Chesterfield, MO 63017, noted he is opposed, but will defer his comments until later on.

3. Donald "Max" Neal, 311 Renaldo Drive, Chesterfield, MO 63017, spoke as an individual noting the following:

- his property adjoins, and would be directly affected by, the proposed development;
- concerns were expressed regarding neighborhood safety, noises, lighting problems, etc.; and
- he will have additional comments after more information is brought forward on the petition.

4. Steve Lander, 679 Old Riverwoods, Chesterfield, MO 63017, spoke as an individual noting the following:

- he owns one (1) of (7) houses located on a street across from the proposed development, on the north side of Olive;
- he wasn't aware of the proposed development until last evening;
- multi-family housing has increased steadily along Olive Street Road (i.e., multi-family housing located within an area of two (2) miles, or less: Peachtree Apartments, Braefield Villas, Whitebrook, Chesterfield Place Apartments, and Chesterfield Wood Apartments);
- developers make more money on multi-family, but it is bad for the community;
- zoning should balance the single-family, multi-family and commercial aspects; and

- by approving the multi-family request, Chesterfield would give up another opportunity for development of another quality neighborhood.
6. Marianne Streich, 307 Renaldo Drive, Chesterfield, MO 63017, spoke as an individual noting the following:
- her property adjoins the subject site (i.e., is directly behind the existing house on the subject parcel);
 - she doesn't want an apartment complex twenty (20) feet from her property line;
 - she expressed concerns about destruction of woods, additional noise from Olive, having a transient population; and
 - she questions the structural integrity of anything built on the subject site, as it would require a great amount of fill.
7. Wayne M. Barnes, 223 Renaldo Drive, Chesterfield, MO 63017, spoke as an individual noting the following:
- he lives on the lower part of Renaldo Drive;
 - Chesterfield should rely on the wisdom of the original property owners, and not change the zoning;
 - a strong point of a community is to not change the zoning;
 - developers should not be able to come in and make us rezone for their benefit;
 - he believes it is a standard ploy of the developer to let citizens vent, while they just send their lawyers who don't explain things about the project; and
 - some very good reasons have been given tonight to support denial of the request.

SPEAKERS – NEUTRAL – None

REBUTTAL – Not required.

Chairman Grant noted the following:

This portion of the public hearing on P.Z. 19 & 21-98 Oliveglenn (DeShetler Homes, Inc.) is concluded. The petitioner can come at a subsequent meeting to present the petition and full explanation of the proposed development. As the City Attorney has stated, anyone who wishes to appear at that hearing can do so by signing-up tonight. Staff will also notify all persons who have indicated a desire to speak at that meeting, or wish to receive notification.

APPROVAL OF THE MINUTES:

A motion to approve the May 27, 1998 Planning Commission Minutes was made by Commissioner McCarthy, seconded by Commissioner Broemmer 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. 17-98 AT&T, noting the following:

- he is a resident of Wildwood;
- he arrived near the end of the public hearing on this matter, and was not permitted to speak before the Commission;
- the proposed tower has no aesthetic appeal;
- as an adjacent land owner, he would like AT&T put up a sleuth tower, in the belfry of the church; and/or
- the tower could be erected on several, government owned, properties in the area;

CONCERNS/DISCUSSION

Chairman Grant noted the Commission received his letter, and asked a couple of questions of Mr. Downey.

1. Inquired regarding Mr. Downey's statement that he was not allowed to speak at the last Planning Commission meeting.

Mr. Downey noted the following:

He arrived at the end of AT&T's presentation, and heard the Nextel employee speak. When the Chairman asked if there were any additional speakers to be heard, he raised his hand, but was not recognized. He asked someone sitting at the table if there were any more handouts, and then went outside and talked to Mr. Ground and Mr. Stockell. He noted he didn't know about our procedure of having to sign-up before the hearing started.

Chairman Grant stated the following:

The Commission welcomes all speakers and believes the procedures are fair and reasonable for everyone. He is sorry that Mr. Downey didn't get a chance to speak previously. The Commission needs procedures that include time limits and a fair degree of order to enable the Commission to hear everyone wishing to speak. All those who fill out a speaker's card in a timely manner are recognized by the Chair and given the opportunity to speak. He noted Mr. Downey had the opportunity to speak tonight.

Councilmember Brown noted she also read Mr. Downey's letter, and believes the Planning Commission, at their last meeting, was seeking the best way to attack the problem of these antennae in a manner that would be the least obtrusive to all residents. She noted the demand for cell phones is a shared problem between Wildwood, Chesterfield, and all communities.

City Attorney noted the following:

Cities have very little control on whether or not there are going to be towers; it becomes an issue of where they are going to be located. The Federal Government usurped our authority, as it relates to our ability to say whether there will, or will not, be towers in an area. It is a question of how many, where will they be located, and our ability to require co-location. Approving co-location, in this particular instance, is the City's attempt to offset that issue of height versus number of antenna required. It is impossible for the City to address everyone's needs/wishes.

In this particular instance, the City could either have three (3) separate antennae at varying heights, or one (1) antenna taller than fifty-four (54) feet and allowing co-location (3 users). The FCC Regulations just give the City the authority to make the user place a tower on City owned property and pay the City. Other than that, there are still going to be towers. The City developed an ordinance, along with about seven (7) other communities (now being used by approximately twenty-seven (27) communities) that generates as much control as we felt we are able to accomplish. The City requested a FAA letter of approval for the subject tower and, unfortunately, they also required colors, strobe lighting, etc. Control of the aesthetics has been, literally, taken away from cities. Issues such as radio waves, radio frequency, and power emissions are not within the power of cities to regulate – the Federal Government regulates this. The City can only try to regulate the number of aesthetically displeasing towers we may have.

Mr. Downey noted he can appreciate the problems the City has, and asked the City to appreciate the fact that he has a serious problem. He further noted that we have to go on further down the road and see what happens.

Mr. Broemmer asked Mr. Downey what his choice would be if he had the option of whether we co-locate antennae on a taller tower, or we have more towers at fifty-five (55) feet (basically at treetop level).

Mr. Downey noted that, when he moved to his present home in 1979, there were a lot of treetop power lines, Union Electric radio towers, at or below the tree line. Therefore, residents lost their power many times. He further noted he would like more towers at the tree line height, rather than fewer co-location towers at heights above the tree line. He is in favor of a treetop maximum height.

Mr. Broemmer noted that whether or not the towers are fifty-five (55) feet or eighty (80) feet, the FAA still requires the poles to be painted orange and white, and lighted.

Mr. Beach noted the options are not for three (3) fifty-four (54) foot towers. There would be one (1) at fifty-four (54) feet, one at sixty (60) feet (depending upon where it is located), and Nextel's would be located higher than the other two (2) because of the nature of the services they provide. If we could have twenty (20) poles at treetop height, and trees would screen them; it would be a different matter than what we are facing at this time.

1. Reverend David Boogerd, Pastor at St. Thomas Church, 17842 Wild Horse Creek Road, Chesterfield, MO 63005, spoke in favor of P.Z. 17 & 18-98 AT&T noting the following:
 - with regard to the location of the proposed tower, he doesn't believe the cemetery will be a problem;
 - it has been almost two (2) years since the process of the Sprint Tower began;
 - he and his congregation appreciates the fact that it doesn't appear the City is proceeding "headlong" without proper consideration of all the issues;
 - the Church has tried to work with the various companies involved;
 - the City has tried to find the best way to address the tower in a manner that would have the least impact on the area, while still providing the service - as well as providing the Church with income that will help them continue their ministry in the Chesterfield area.

COMMENTS/DISCUSSION

Councilmember Brown asked Reverend Boogerd if the church is in favor of the proposed co-location between Sprint and AT&T, which would bring the tower up to eighty (80) feet in height.

Reverend Boogerd said the congregation, at a meeting, voted to proceed with the co-location. His congregation has not addressed the Nextel proposal.

Commissioner Eifler inquired whether Reverend Boogerd experiences low-flying airplanes.

Reverend Boogerd replied he does on Labor Day Weekend; otherwise, just now and then whenever a pilot goes the wrong direction. He further noted he believes the blinking red light might be a good idea, for safety reasons.

3. Mr. Greg Stockell noted both he and Mr. Paul Ground signed speaker's cards in case the Commission would have questions for them to address.

NEW BUINESS:

- A. **P.Z. 16-98 Bopp Properties**; a request for a change in zoning from "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban to an "R-2" 15,000 square foot Residence District and an "FPR-2" Flood Plain 15,000 square foot Residence District for a 6.8 acre tract of land; located on Woods Mill Road, 100 feet west of Highway 141, 1300 feet north of Conway Road.
(The petitioner, Paul K. Bopp, requests this matter be held.)

Chairman Grant noted the petitioner requests this matter to be held.

A motion to hold this matter was made by Commissioner Layton, seconded by Commissioner Eifler and passes by a voice vote of 8 to 0.

- B. **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

- C. **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.
(The Commission will review issues only – no vote will be taken this evening.)

Planner I Annissa McCaskill summarized the issues being reviewed by the Planning Department, and noted the Department recommends this matter be held until the Planning Commission Meeting on June 22, 1998.

Chairman Grant asked the Commission if they had additional issues they would like addressed in the Department's report.

COMMENTS/DISCUSSION

Commissioner Layton asked for clarification regarding the Nextel Communications request.

City Attorney Beach noted it is his understanding that Nextel would first have to negotiate with Sprint. He further noted that the City has a letter from Nextel, and will get in touch with them for status/resolution of that issue by the time the Commission has to vote on the AT&T request.

Commissioner Layton inquired how the church steeple antenna got by the FAA without having to paint it red and white with a light on it.

Mr. Beach said it could be because they didn't ask, or that churches have different rules/regulations.

A motion to hold P.Z. 17 & 18-98 was made by Commissioner Yaffe, seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

- D. **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.
(The Commission will review issues only – no vote will be taken this evening.)

Planner I Annissa McCaskill noted that, in addition to agency comments, there were no issues raised at the May 27, 1998 Public Hearing on this matter. The Department recommends this matter be held until the June 22, 1998 Planning Commission Meeting.

Chairman Grant asked if the Commission had issues to add.

No issues were added.

A motion to hold was made by Commissioner Dalton, seconded by Commissioner Layton and passes by a voice vote of 8 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **Chesterfield Village NW Quadrant – Dierberg Tract Record Plat**; The property is zoned “C-8” Planned Commercial District per the City of Chesterfield governing Ordinance #1266. Located north Missouri State Highway I-64, south of Swingley Ridge Road, West of Chesterfield Village Parkway.

Chairman Grant, on behalf of the Site Plan Committee, made a motion to approve the Chesterfield Village NW Quadrant – Dierberg Tract Record Plat, subject to the petitioner obtaining vacation of a portion of right-of-way that’s specified in correspondence included with this report. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

- B. **St. Louis Chinese Christian Church**; Site Improvement Plan, Architectural Elevations, Landscape Plan, and Architect’s Statement of Design Intent. Located north of Beagle Lane, south of Land-O-Woods, east of 141, and west of Judson Manor. The site is zoned “R-3” Residence District.

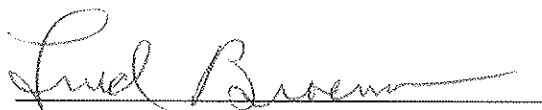
Chairman Grant, on behalf of the Site Plan Committee, made a motion to approve St. Louis Chinese Christian Church Site Improvement Plan, Architectural Elevations, Landscape Plan, and Architect’s Statement of Design Intent. The motion was seconded by Commissioner Right and passes by a voice vote of 8 to 0.

IX. 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 Layton and passes by a voice vote of 8 to 0.

The meeting adjourned at 8:02 p.m.


Fred Broemmer, Secretary

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