PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MAY 24, 2010

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

I. ROLL CALL

PRESENT	ABSENT
Mr. David Banks	
Ms. Wendy Geckeler	
Mr. G. Elliot Grissom	
Ms. Amy Nolan	
Mr. Stanley Proctor	
Mr. Robert Puyear	
Mr. Michael Watson	
Chairman Maurice L. Hirsch, Jr.	

Councilmember Mike Casey, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Senior Planner
Mr. Kristian Corbin, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Councilmember Mike Casey, Council Liaison and Councilmember Connie Fults, Ward IV.

IV. PUBLIC HEARINGS – Commissioner Geckeler read the "Opening Comments" for the Public Hearing.

Chair Hirsch advised the audience that the Planning Commission conducts the Public Hearing for Telecommunication Siting Permits but does not make any recommendations. Any issues raised during the Public Hearing are noted and forwarded on to City Council.

A. T.S.P. 18-2010 Clearwire US, LLC (Wildhorse Springs): A request to obtain approval for a Telecommunication Siting Permit for the purpose of collocating new antennas and the addition of equipment to the equipment compound at an existing telecommunications tower for a .41 acre tract of land zoned R3(PEU) at 132A Woodcliffe Place Drive in Wildhorse Springs Subdivision. (18T410128)

STAFF PRESENTATION:
Mr. Shawn Seymour, Senior Planner gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- State and City requirements for Public Hearing notification were met.
- Site History
  - The site was zoned "R2" Residence District (15,000 sf.) with a PEU in 1993.
  - The existing tower was approved in 1992 as a Conditional Use Permit.
- Petitioner's Request
  - Addition of antennas to an existing lattice type tower.
  - Additional equipment to be located within an existing fenced compound.
- Staff has no issues.

PETITIONER'S PRESENTATION:
Mr. John King, Attorney representing the Petitioner, 7701 Forsyth, Clayton, MO stated the following:

- Clearwire US, LCC is requesting to collocate new antennas on an existing tower at 132A Woodcliffe Place Drive.
- There are presently three users on the tower. Clearwire will be the fourth user.
- The tower is structurally sound and able to support the load of additional equipment.
- The three antennas are 42" in height, 12" wide, and 4-1/2" in depth. Two of the three dishes are 24" in diameter and one is 30" in diameter.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Larry Wilson, 129 Woodcliffe Place, Chesterfield, MO stated that he and his wife live across from the tower and they have the following concerns:
   - Since 2007, more activity is taking place at the tower, which generates more noise – sometimes late at night.
   - There are concerns that the site is being used as a "commercial site" in a residential district and that non-emergency issues are being worked on during the night.
   - Recently, an unmarked vehicle and trailer were noticed at the site doing work. Police were called at that time.

- Some residents have informed the Speaker that there are cameras on the site, which are pointed at the residents' yards and homes.
- A number of workers at the site exhibit "obnoxious" behavior.
- Airplanes use the tower as a banking monument, which also increases the noise in the area.
- Safety is a concern in that if the tower is unable to support the additional equipment and would fall, it is within striking distance of residential homes.
- Both he and his wife are opposed to any additional equipment being added to the tower.

Mr. Wilson then submitted a letter addressed to Mr. John King from Mr. Elmer Johnson, 200 Woodcliffe Place Drive noting his opposition to the "expansion of the present tower system due to health hazards".

Chair Hirsch noted that the ordinance governing this tower specifies hours of operation. If maintenance is being done outside of these hours, the Police should be contacted. He asked Mr. King to contact the owner of the tower regarding this issue. Mr. King indicated his agreement to contacting the owner.

2. Mr. Elio Mariani, 233 Woodcliffe Place Drive, Chesterfield, MO stated that he has concerns about the amount of radiation being emitted from the tower and its effect on the residents living in the area. He noted that there have been numerous scientific studies prepared regarding this issue.

City Attorney Rob Heggie advised that a 1996 Act of the Federal Communications Commission forbids local governments from considering the effects of microwave radiation from cell towers when reviewing petitions for cell towers. If any decision is made based on safety issues, it will be struck down by federal court. The federal law will have to be changed before municipalities can take safety into consideration when reviewing cell towers.

Chair Hirsch added that the Commission understands Mr. Mariani's concern, but their "hands are tied by federal law".

SPEAKERS – NEUTRAL:

1. Ms. Erica Cannon, 156 Woodcliffe Place Drive, Chesterfield, MO noted that she and her family live next door to the tower and stated the following:
   - On Sunday evening, a worker was at the site playing very loud and very profane music. When approached by Mr. Cannon, the worker ignored him, sped backwards down the street, and exhibited inappropriate behavior towards Mrs. Cannon. This type of activity and behavior raises safety concerns.
   - There is concern about the type of people who are servicing the tower.
   - The generator at the site is very noisy and there is concern that if more equipment is added, the generator will come on more frequently.

Chair Hirsch stated that the City does not condone the type of behavior described and advised the residents to call the Police when such issues arise.

Ms. Zhaohui Geng, 170 woodcliffe Place Drive, also submitted a letter to the Recording Secretary but refrained from speaking. Ms. Geng's letter will be made a part of the public record. Her letter notes the following concerns:

- *Long-term adverse effect on children.*
- *Safety consideration during disastrous event.*
- *Environmental consideration.*

REBUTTAL:
Mr. John King waived his rebuttal time.

ISSUES:
Mr. Seymour noted that while the following issues are not germane to the request, they will be investigated by Staff and the Applicant:

1. Safety concerns regarding the operation of the tower.
2. Operating hours during which work is being done on the tower.
3. The types of individuals servicing the tower and inappropriate behavior being displayed.

City Attorney Heggie stated that the Planning Commission acts as the hearing body for cell towers. This petition will now be forwarded to the Planning & Public Works Committee for their June 10th meeting and then will be forwarded on to City Council.

Commissioner Geckeler read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the May 10, 2010 Planning Commission Meeting. The motion was seconded by Commissioner Watson and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 04-2010 Chesterfield Blue Valley (Chesterfield Blue Valley LLC):

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - The subject petition incorporates the six-acre Brasher property into the development.

- The Petitioner is requesting that the original 131 acres previously rezoned under the old "PC" Ordinance be rezoned, along with the Brasher property, under the new "PC" Planned Commercial District in order to keep the entire development under one ordinance.
- When the original 131 acres were rezoned, the open space requirement at that time was 30%. It was noted that the new "PC" District now requires 35% open space. The Petitioner is requesting an open space requirement of 30% for the entire 137 acres under the new rezoning.
- In lieu of the 35% open space, the Petitioner is offering a one-half-acre park on the site to be maintained and landscaped by the Owner.

2. Mr. Enrico J. Bertucci, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

Chair Hirsch noted that a separate vote will be needed on the request for 30% open space and will require two-thirds of the Commission voting in favor of it for approval.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Spirit of St. Louis Airport, Lot 11-C: An Amended Site Development Section Plan and Architectural Elevations for a 1.168 acre tract of land zoned "M3" Planned Industrial District located on the northwest corner of the intersection of Edison Avenue and North Bell Avenue.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan and Architectural Elevations for Spirit of St. Louis Airport, Lot 11-C with the condition that once recorded, the Plat Book and page of the Boundary Adjustment Plat approved on May 3, 2010 will be referenced in the title. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS

B. P.Z. 04-2010 Chesterfield Blue Valley (Chesterfield Blue Valley LLC): A request for a change of zoning from an existing "PC" Planned Commercial District and "NU" Non-Urban District to a new "PC" Planned Commercial District for 8 tracts of land totaling 137.606 acres located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road. (17W520058, 17W540078, 17W530025, 17W530123, 16W210033, 16W210022, 16W230042, 16W230053)

Mr. Shawn Seymour, Senior Planner – presenting for Ms. Annissa McCaskill-Clay, stated that the Public Hearing for this petition was held on May 10, 2010. The only issue is the request for a reduction in open space from 35% to 30%. The additional rezoning of the six-acre Brasher property to "PC" Planned Commercial falls under the new "PC" District requiring 35% open space. The Petitioner is offering a one-half-acre park for the 30% open space.

Staff recommends the following addition to the Attachment A under Section I.H. "Architectural":

6. *Architectural elevations shall adhere to the requirements of the City of Chesterfield Architectural Design Standards.*

Commissioner Banks made a motion to amend Section B.3. of the Attachment A reducing the open space requirement to 30% with the condition that the Petitioner is to provide an at least one-half acre park. The motion was seconded by Commissioner Puyear.

Upon roll call, the vote was as follows:

Aye: Commissioner Grissom, Commissioner Nolan, Commissioner Proctor, Commissioner Puyear, Commissioner Watson, Commissioner Banks, Commissioner Geckeler, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

Commissioner Proctor made a motion to approve P.Z. 04-2010 Chesterfield Blue Valley (Chesterfield Blue Valley LLC) with the above two amendments to the Attachment A regarding *architectural elevations* and *open space requirements*. The motion was seconded by Commissioner Nolan.

Upon roll call, the vote was as follows:

Aye: Commissioner Nolan, Commissioner Proctor, Commissioner Puyear, Commissioner Watson, Commissioner Banks, Commissioner Geckeler, Commissioner Grissom, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

A. Appointment of Nominating Committee

Chair Hirsch announced the appointment of the Nominating Committee consisting of Commissioners Grissom, Nolan, and Proctor. The Nominating Committee will present their report at the June 14th meeting at which time the Election of Officers will be held.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

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Michael Watson, Secretary