



**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 14, 2008**

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

I. ROLL CALL

PRESENT

Mr. David Banks, Acting Chair
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Robert Puyear
Mr. Michael Watson

ABSENT

Mr. Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Geckeler

III. PLEDGE OF ALLEGIANCE – All

Acting Chair Banks acknowledged the attendance of Councilmember Dan Hurt, Council Liaison.

IV. PUBLIC HEARINGS – Commissioner Nolan read the “Opening Comments” for the Public Hearing.

- A. **T.S.P. 02-2008 Cricket Communications (St. Louis County Water Company):** A request to obtain approval for a Telecommunication Facility Siting Permit for the co-location of additional antennas on an existing telecommunication tower in a “NU” Non Urban District on a 4.68 acre tract of land located north of an Ameren UE transmission line easement, northeast of Baxter Road (19S220028).

STAFF PRESENTATION:

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

- The proposed facility includes:
 1. Three telecommunications antennas to be mounted on the existing tower, underneath existing antennas; and
 2. Supporting telecommunications equipment to be located at the base of the tower.
- All State, City, and Ordinance public notification requirements have been met.
- The new ordinance requires that all the supporting equipment be screened by a six-foot sight-proof fence. If the Petitioner chooses to keep the existing chain-linked fence and barbed wire, they will be screened by the six-foot fence.
- The City of Chesterfield Land Use Plan designates the area as “Residential Single Family”. Land use consists of all detached and attached residential buildings used to house one family and the parcels on which they are located.

Commissioner Geckler questioned as to how long the existing tower has been up. The Project Planner did not have this information and it was referred to the Petitioner.

Commissioner Geckler asked if the proposed antennas are comparable to the existing antennas. Mr. Seymour replied that they are comparable at 4.5 feet tall and there is no change in elevation of the tower.

PETITIONER’S PRESENTATION:

Mr. William Joyce, Attorney for Cricket Communications, 7701 Forsyth, Ste. 400, Clayton, MO stated the following:

- In response to Commissioner’s Geckler’s earlier question, Speaker stated the he did not have any information with him that indicated the age of the tower but would be able to obtain it.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Ms. Linda Ceriotti, resident and Trustee of Baxter Lakes Subdivision, 1803 Summer Lake Drive, Chesterfield, MO noted the following concerns:
 - The current fencing and barbed wire around the site are “unsightly”. Speaker asked if the proposed six-foot fence would be going around the entire perimeter of the water tower or whether it would be just around the base of the additional Cricket tower.
 - Some of the existing landscaping is “a little weathered”.
2. Mr. Bill Prater, resident of Baxter Lakes Subdivision, 1989 Lake Clay, Chesterfield, MO asked the following:
 - Will more cables be run and if so, where would they be going?
3. Mr. Karl Daubel, 15022 Willow Lake Court, Chesterfield, MO asked the following:
 - What would the process be if the Petitioner wants to raise the elevation of the antennas to a higher level? City Attorney Heggie replied that any material modifications to the tower or antenna array would require the Petitioner to go through another Public Hearing process. The same public notice process would be required. After going to the Planning Commission, the petition would move forward to the Planning & Public Works Committee and then on to City Council.
 - Had Cricket Communications given any consideration to locating the proposed antennas in the electrical tower next to Baxter Road?
 - Is Cricket Communications associated with the Water Company in any way?
 - Speaker stated that he thinks the subject tower has been in place for five years or longer.

PETITIONER’S RESPONSE:

Mr. Joyce responded to questions raised by the previous Speakers:

- The subject tower was built in March, 2000.
- Fencing will be placed around the entire perimeter.
- All the cables will be confined to the subject site.
- Cell tower companies must go through a propagation study noting where their signals are strong and are weak. The subject site was picked because it fits into where Cricket needs it coverage to be increased the most to get the best coverage for Cricket subscribers in the area.
- Speaker has no knowledge of any relationship between the Cricket Communications and the Water Company. It his understanding that Cricket Communications is leasing the site from the Water Company.

City Attorney Heggie asked for clarification on the fencing. He questioned whether the new fencing would go around just the area of the equipment or whether it would surround the entire water tower. Mr. Joyce stated that the

fencing would not be around the entire water tower. The Cell Tower Ordinance requires fencing as an encasement around the equipment only.

City Attorney Heggie suggested that Staff inspect the site to determine the condition of the fencing around the Water Company's tower.

Commissioner Geckeler asked that the landscaping also be inspected by Staff. Mr. Joyce stated that any additional requests regarding landscaping would be considered.

Ms. Aimee Nassif, Planning & Development Services Director, stated that Staff would be able to inspect the fencing and landscaping but pointed out that the Cell Tower Ordinance requires fencing.

Mr. Seymour clarified that the fencing on the Site Plan is shown around the leased area only – not the entire water tower property.

Questions were then raised by a resident in the audience:

- How tall is the proposed fence? Mr. Seymour replied that the fence is a six-foot tall sight-proof fence.
- What is the benefit of the antennas to the neighboring subdivisions and to the City of Chesterfield? City Attorney Heggie stated that under the terms of the Federal Communications Act of 1996, the City is obligated to allow for antennas and potentially cellular towers to be erected in the City. Once the City receives a petition requesting a cell tower or additional antenna, the City is required to act on it. If the City turns down a request, the City is obligated to show exactly why the request was denied. The City's Cell Tower Ordinance is one of the strictest in the country but there is the overriding federal statute that the City must comply with in terms of allowing antenna and cell tower uses within the City. He pointed out that the City appreciates Cricket's efforts to locating all of its antennas on existing structures within the City rather than requesting a new tower.

ISSUES:

1. Determine if the applicant is willing to clean up some of the landscaping surrounding the property.

Commissioner Nolan read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the **June 23, 2008 Planning Commission Meeting**. The motion was seconded by Commissioner Watson and **passed by a voice vote of 7 to 0**.

VI. PUBLIC COMMENT

A. P.Z. 11-2008 The Willows at Brooking Park Village (St. Andrew's Resources for Seniors)

Petitioner:

1. Mr. George Stock, Stock & Associates, Consulting Engineers – representing the Willows at Brooking Park Village, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- During the last Public Hearing, issues were raised by two Speakers – one being Mr. Bradshaw who is a Trustee for The Terraces subdivision. Following the Public Hearing, a meeting was held at the subject site with Mr. Bradshaw and representatives of the development team to understand the concerns expressed regarding (1) landscaping along the common line between The Willows and The Terraces; and (2) the traffic cut-thru that was occurring.
- Since that meeting, the Petitioner has developed a Landscape Plan to supplement the landscaping along the south property line, which has been provided to Mr. Bradshaw.
- Since the Public Hearing, the construction traffic had been mitigated through signage and instruction to the General Contractor with respect to having all traffic relocated to Brooking Park Drive, which is the new intersection with St. Luke's.
- On July 11th, Mr. Bradshaw indicated that there has been an increase in the traffic – from both visitors and employees – to Brooking Park, the senior living nursing home west of The Willows. These concerns have been passed on to the Administration of The Willows. They are committed to directing those employees and visitors to Brooking Park to utilize Brooking Park Drive, which is to the north.
- It has since been learned that the car parking lots at Brooking Park have been under construction for re-pavement work, which has impacted the access at Brooking Park Drive.
- It is assumed that the traffic situation will mitigate itself as the parking lots and The Willows building are completed.
- Under the future, final phase of The Willows, the driveway will be relocated to the north, which will permanently correct the traffic issues. It was noted, however, that the driveway relocation is a few years away.
- Part of the Conditional Use Permit is seeking relief in the 80-foot parking setback along the common line between The Terraces and The Willows. It was noted that the Attachment A limits the relief to 63 feet from the southeast corner of this common property line a distance of 205 feet.

Speakers – Neutral:

1. Mr. William Bradshaw, Trustee of The Terraces subdivision, 309 Woods Mill Terrace Lane, Chesterfield, MO stated the following:
 - The residents would like to see the signage erected to determine if it will rectify the traffic issues.
 - Speaker suggested erecting a gate at the top of the hill. The gate would allow visitors to get into the parking area for The Willows but would prevent them from driving through The Terraces subdivision to get to Brooking Park. He has discussed the idea of a gate with both George Stock and Tyler Trautman.
 - Speaker has been informed that The Willows and Brooking Park have allocated \$3,000 for the Landscape Plan. He questioned how much of the landscaping would be covered by the \$3,000. The residents feel that the landscaping is significant in order to screen the site and the noise of the new parking lot.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **16433 Wilson Farm Drive:** A request for a Residential Addition to the east side of an existing home zoned “R1” Residence District and located at 16433 Wilson Farm Drive, in the Wilson Farm Estates Subdivision.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Residential Addition for 16433 Wilson Farm Drive. The motion was seconded by Commissioner Geckeler and passed by a voice vote of 7 to 0.

- B. **Wings Corporate Estates Lot 4-American Piping Products:** A Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a 1.3 acre lot of land located on the north side of Wings Corporate Drive.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Architectural Elevations, and Lighting Plan for Wings Corporate Estates Lot 4-American Piping Products. The motion was seconded by Commissioner Perantoni and passed by a voice vote of 7 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC)**: A request for a change of zoning from an "R3" Residential District (10,000 sq. ft.) and an existing "PC" Planned Commercial District to a new "PC" Planned Commercial District for a .68 acre tract of land located west of Conway Road and Chesterfield Parkway intersection (18S220050 and 18S310085).

Project Planner Shawn Seymour stated that the Public Hearing was held on March 10, 2008 at which time six issues were identified. A response to issues letter was received from the applicant on June 4, 2008.

ISSUES:

Staff has determined that the following four issues are still outstanding:

1. More information regarding the proposed market use: The Applicant responded that the proposed uses are "general retail, sales, and office". Staff does not believe that the Applicant has adequately responded to the issue. Mr. Seymour noted that "markets" is a standard use under use "rr" of the Zoning Ordinance.
2. Provide the possible effects to the residential district located to the east: The Applicant addressed the issue by indicating that due to the Land Use Plan and the Comprehensive Plan designating the site to the east as "Urban Core", they are anticipating that the property will be developed as such.
3. Provide information regarding the Applicant's ability to meet all Tree Manual requirements: Staff is currently studying two variance requests made by the Applicant and has yet to make a determination on either of the requests.
4. Per Ordinance 1747, provide a 35-foot setback that would separate the retail use in the "PC" from the adjacent "R-3": The Applicant is requesting a Performance Standards variance to allow for a 15-foot setback. Because this is a Performance Standard and is in a Planned District, the Planning Commission has the ability to grant approval with a two-thirds vote (minimum six Planning Commission members) on the requested variance.

City Attorney Heggie asked if Staff has reviewed the issue of parking on Conway Road. Mr. Seymour responded that the Attachment A is written to prohibit parking on Conway Road.

Commissioner Geckeler expressed concern about the operating hours, specifically the 10:00 p.m. closing time for the office/market. Mr. Seymour stated that the Commission requested hours of operation at the Public Hearing. The Applicant has responded with operating hours of opening no earlier than 8:00 a.m. and closing no later than 10:00 p.m. These hours have been included in the Attachment A.

Commissioner Geckeler inquired as to the role of the Planning Commission with respect to the variance request being reviewed by Staff. Mr. Seymour stated that the Tree Manual allows for Staff to grant administrative variances as they feel they are warranted. Staff is currently reviewing the following two variance requests:

1. The Tree Manual requires a 30-foot buffer to separate a Planned Commercial District from a Residence District. The 30-foot buffer would be located on the east side of the property. The Applicant is proposing a six-foot high sight-proof fence and a 15-foot setback in place of the 30-foot landscape buffer.
2. The Tree Manual requires a 30-foot buffer along major arterials – U. S. 40 in this particular case. The proposed variance is a minimum of 18 feet along the side nearest the building, which would be the eastern side of the property, and a minimum 4-foot landscape buffer nearest the parking area along the western side of the property.

Ms. Nassif stated that the Tree Manual allows for variances to be reviewed and approved by the Director. Staff reviews variances very carefully with the Petitioner. If the variances are granted, the Commission would be informed of them through Staff's Vote Report. The variances would be included in the Attachment A, which the Commission would vote upon at the vote meeting.

Mr. Mike Geisel, Director of Planning & Public Works, added that the variances which are authorized to be granted by Staff are very specific, with very specific thresholds.

Commissioner Perantoni asked for a review of the variances requested for Conway Point. Ms. Nassif replied that several variances were requested. The final Attachment A had an open space modification; a landscape buffer modification; and a setback modification. The setback was granted in conjunction with the open space and the buffer.

Mr. Geisel added that the setback on the east side of the property, where a variance is being requested from 30 feet to 15 feet with a 6-foot high sight-proof fence. is on the opposite side of the same residential property that Conway Point was granted a setback to 10 feet without any privacy fence. The variance was granted for Conway Point because the presumption is that the residential property will not be retained as residential, as outlined in the Comprehensive Plan.

Commissioner Geckeler stated that she feels there is a significant difference between a 30-foot landscape buffer and a 6-foot sight-proof privacy fence. She realizes that the anticipation is that the residential property will be commercial, but she does not see a hardship on the part of the Petitioner to maintaining a landscape buffer.

Commissioner Geckeler noted that six more trees have been removed than originally planned and asked if they were removed because of grading or tie wall work. Mr. Seymour replied that the six trees had been removed from the original Tree Stand Delineation and that the Applicant would have to reply as to why they were removed. He noted that the Attachment A has been written to require adherence to the Tree Manual, which requires 30% of the existing foliated trees on the site. This includes the six trees they are requesting to be removed.

Acting Chair Banks welcomed Mayor Nations and Councilmember Bruce Geiger (Ward II), who joined the meeting at this point.

Acting Chair Banks asked Commissioner Geckeler for further clarification on her concerns about the operating hours. Commissioner Geckeler replied that she feels 10:00 p.m. is pretty late for an office building to be open in this area.

- B. P.Z. 11-2008 The Willows at Brooking Park Village (St. Andrew's Resources for Seniors):** A request to amend Conditional Use Permit 557, to revise the structure and parking setbacks in an "R1" Residence District, "R3" Residence District (10,000 sq. ft.), and a "FPR1" Flood Plain Residence District for a 26.65 acre tract of land located southwest of the intersection of South Woods Mill Road and St. Luke's Drive (18Q140307 and 18Q140316).

Noting that the Commission may vote on the subject petition tonight, Acting Chair Banks asked whether Mr. Stock and Mr. Bradshaw had reached any agreement on the traffic concerns raised by Mr. Bradshaw. Mr. Stock replied that he and Mr. Bradshaw discussed the issue of the suggested gate. He added that he thinks the request for a gate is reasonable if the traffic cannot be mitigated. It was noted that the new signs are being manufactured and should be installed within two weeks. The signs will clearly identify the direction for individuals going to The Willows and to Brooking Park. It is hoped that the signs, along with the directive asking Brooking Park employees and visitors to use the main Brooking Park Drive, will alleviate the traffic. If, at the end of six weeks, the traffic has not been alleviated, the Petitioner would have to give strong consideration to installing a gate while working with the Fire Marshall. Prior to the Planning & Public Works Committee meeting, the Petitioner will have a position established with respect to the gate issue.

Mr. Bradshaw indicated his agreement with Mr. Stock's statements. He added that he still is not certain how far the allocated \$3,000 for landscaping will go in respect to the proposed Landscape Plan. Acting Chair Banks advised that the Planning Commission is not approving the Landscape Plan at tonight's meeting. The Commission will have ample opportunity to review the Landscape Plan further in the process.

Project Planner Shawn Seymour stated that the Public Hearing on the subject petition was held on May 12, 2008 at which time seven issues were identified. The Petitioner has responded to the issues by letter of June 25, 2008 and Staff believes that all of the issues have been addressed.

The Applicant has provided a proposed Landscape Buffer Plan for the southeast corner of the property of The Willows nearest The Terrace at Woods Mill. This plan has not been reviewed by Staff as it is not required for a Conditional Use Permit review – it has been provided for informational purposes only. The Conditional Use Permit, as written by Staff, requires the development to adhere to the City's Tree Manual.

Commissioner Perantoni made a motion to approve **P.Z. 11-2008 The Willows at Brooking Park Village (St. Andrew's Resources for Seniors)**. The motion was seconded by Commissioner Puyear.

Upon roll call, the vote was as follows:

**Aye: Commissioner Geckeler, Commissioner Grissom,
Commissioner Nolan, Commissioner Perantoni,
Commissioner Puyear, Commissioner Watson,
Acting Chair Banks**

Nay: None

The motion **passed** by a vote of 7 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:51 p.m.

Michael Watson, Secretary