

I.A.

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
October 8, 2009

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, October 8, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: Councilmember Bob Nation (Ward IV); Elliot Grissom, Planning Commission Acting Chair; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; City Attorney Rob Heggie; Annissa McCaskill-Clay, Lead Senior Planner; Charlie Campo, Project Planner; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 24, 2009 Committee Meeting Summary.

Councilmember Flachsbart made a motion to approve the Meeting Summary of September 24, 2009. The motion was seconded by Councilmember Casey and passed by a voice vote of 3 – 0.

II. OLD BUSINESS

A. **P.Z. 10-2009 84 Lumber (MASE LLC)**: A request for a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District for a 7.42 acre tract of land located south of Interstate 64/Highway 40 and East of Long Road at 17519 Chesterfield Airport Rd. (17U510073)

STAFF REPORT

Charlie Campo, Project Planner, stated that the Public Hearing for this project was held on June 22, 2009. At the September 14th Planning Commission meeting, the motion to approve failed by a vote of 4 – 4.

The petition was placed on the agenda for the September 24th Planning and Public Works Committee meeting at which time it was held at the Petitioner's request.

Following the September 24, 2009 Planning & Public Works Committee meeting, the Petitioner submitted a letter addressing the Committee's issues along with a revised list of requested uses.

The uses shown in **red** below have been modified or removed from the list of the Petitioner's requested uses.

- ~~a. Business service establishments. Associated work and storage areas required by a business, firm, or service to carry on business operations.~~
- ~~b. Financial institutions.~~
- ~~c. Hotels and motels.~~
- ~~d. Mail order sale warehouses.~~
- ~~e. Manufacturing, fabrication, assembly, processing or packaging of any commodity except:
 - ~~i. Facilities producing or processing explosives or flammable gases or liquids;~~
 - ~~ii. Facilities for animal slaughtering, meat packing, or rendering;~~
 - ~~iii. Sulphur plants, rubber reclamation plants, or cement plants, and~~
 - ~~iv. Steel mills, foundries, or smelters.~~~~
- ~~f. Medical and dental offices~~
- ~~g. Mortuaries~~
- ~~j. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.~~
- ~~k. Printing and duplicating services.~~
- ~~l. Restaurants, fast food.~~
- ~~m. Restaurants, sit-down.~~
- n. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, and boats, as well as associated repairs and necessary outdoor storage of said vehicles, **but not including tractor trailers.**
- o. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of vehicles used by business, **industry**, and agriculture.
- r. Vehicle repair facilities **for automobiles.**
- s. Vehicle service centers **for automobiles.**
- t. Vehicle washing facilities **for automobiles.**
- ~~u. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.~~

Mr. Campo noted that the uses that the Petitioner is requesting are all allowed in the "PC" district. At the Committee's request, the Petitioner is requesting that the petition move forward as a "PC" district.

The additional issues such as; "PI" versus "PC", hours of operation for the site, landscaping, and paint odors have all been addressed in a letter provided by the Petitioner dated October 5, 2009.

Councilmember Flachsbart made a motion forward P.Z. 10-2009 84 Lumber (MASE LLC) with the above-noted revisions to the Attachment A and to allow a change of zoning to "PI" Planned Industrial District to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey

Discussion on the Motion

"PI" vs "PC"

Chair Fults would like this particular site zoned "PC" Planned Commercial considering it is located near a "NU" Non-Urban District.

Councilmember Casey noted a similarity of uses in both the "PC" and the "PI". Councilmember Flachsbart was very pleased with the limitation of requested uses.

Regarding setback requirements, Mr. Campo stated that the Attachment A will remain as written.

There was continued discussion pertaining to the uses for the site with respect to "PI" versus "PC". The Petitioner was then asked if he has a preference of "PI" or "PC".

Chris Kehr, on behalf of MASE LLC, noted that the developer does not have a preference of a "PI" or "PC".

Councilmember Nation stated that as long as the Petitioner's uses are met, he favored zoning to "PC".

Councilmember Flachsbart then moved to amend the original motion to a "PC" Planned Commercial District. Councilmember Casey accepted the amendment.

Hours of Operation

Chair Fults thanked Chris Kehr for submitting information on hours of operation and asked Staff whether they would prefer "blanket" hours for enforcement purposes. Staff responded in the affirmative.

Chair Fults then amended the motion to change the hours of operation to 6:00 AM to 8:00 PM seven days a week. Councilmember Flachsbart and Councilmember Casey accepted the amendment to the original motion.

Landscaping

Mr. Campo stated that the site currently has a Landscape Plan which was approved when 84 Lumber was originally developed. The Petitioner is required to bring the site into compliance with the existing Landscape Plan.

Clean-up of site/Painting of buildings

Ms. McCaskill-Clay stated that the clean-up of the site and the painting of the buildings are property maintenance issues and the property owner must comply with the current ordinance. She noted that no amendments are required and any violations will be addressed internally.

The motion to approve as amended then passed by a voice vote of 3 to 0.

**Note: One Bill, as recommended by Planning & Public Works Committee, will be needed for the October 19, 2009 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 10-2009 84 Lumber (MASE LLC)].

- B. T.S.P. 16-2009-B Verizon Wireless (132 Woodcliffe Place Dr.) - EXEMPTION FROM PUBLIC HEARING REQUEST:** A request to obtain approval for a Telecommunication Siting Permit for the purpose of; replacing an emergency generator and enlargement of the concrete pad for said generator at an existing tower on a R3 (PEU)-zoned 0.41 acre tract of land located a 132 Woodcliffe Place Drive in Woodcliffe Subdivision. (18T410128)

STAFF REPORT

Ms. Annissa McCaskill-Clay, Lead Senior Planner, gave a PowerPoint Presentation showing the site plan and photographs of the surrounding area. At the September 24, 2009 Planning & Public Works Committee meeting, Verizon Wireless presented a request for exemption from public hearing to obtain a Telecommunications Siting Permit for an existing cell tower located at 132 Woodcliffe Place. At that meeting, the Petitioner's request was split to allow for the antennas to move forward to City Council. Council approved this request October 5th.

The Committee had also agreed that the replacement of the emergency generator and expansion of the concrete pad be held pending receipt of additional information from the Petitioners regarding noise, screening, size of the generator and the concrete pad.

The Petitioner has provided the following information to the Committee;

- Information regarding sound levels,
- Cut sheets of the generator, and
- Revised Site Plan

Screening of the Site

The Petitioner will provide site-proof black screening in the chain link fence around the two sides of the parcel that are currently open to the public.

The Petitioner stated that this type of screening is more durable in the elements and the tower owner will maintain the screening under a "Tower Maintenance Schedule".

Concrete Pad

The Petitioner will be using the existing concrete pad, so this is no longer an issue.

Landscaping

New shrubbery, "Black Hill Spruce", will be provided to the site and as the plant grows, it will take on a "hedge" appearance.

Councilmember Casey felt that since the Petitioner is providing an upgrade to the equipment and the generator is quieter, they should be allowed exemption from public hearing.

Councilmember Casey made a motion to forward T.S.P. 16-2009-B Verizon Wireless (132 Woodcliffe Place Dr.) "Request for Exemption from Public Hearing" for the concrete pad and emergency generator to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart

Discussion on the Motion

City Attorney Heggie asked for clarification that the generator is only going to be a few inches larger and potentially shorter than the existing generator. Ms. McCaskill-Clay provided information on the size of the generator noting that the fence will adequately screen it. (Height of the generator is 70 inches and the fence is eight feet tall.)

City Attorney Heggie then noted that by replacing the generator - like for like - and providing additional screening, an exemption from public hearing is warranted.

City Attorney Heggie added that the Department currently has a number of Telecommunication Permits in-house. He noted that the ordinance which was passed in 2007 provides for an on-going review by Staff of all the towers within the City to ensure that they are in compliance.

Chair Fults asked that the Petitioner inform the adjacent neighbor of the work that will be performed to the cell tower since there was no notification requirement. The Petitioner agreed to notify the adjacent neighbor of updates to the site prior to the next City Council meeting.

Councilmember Flachsbart noted that the exemption is being allowed because the proposed work is more similar to routine maintenance rather than to a significant change.

City Attorney Heggie added that a maintenance type of request (such as replacing equipment with like equipment) would not meet the definition of a “material modification” and would, therefore, be exempt from public hearing. Anything that is considered a material modification will require a public hearing.

The motion to approve then passed by a voice vote of 3 to 0.

**Note: This is a Request for Exemption from Public Hearing for a Telecommunications Siting Permit, which requires approval by City Council. A voice vote will be needed at the October 19, 2009 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on T.S.P. 16-2009-B Verizon Wireless (132 Woodcliffe Place Dr.) – EXEMPTION FROM PUBLIC HEARING REQUEST].

III. NEW BUSINESS

A. Lake 2 Improvements – Change Order

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer, requested a change order to the existing Lake 2 shoreline enhancement contract with Kuesel Excavating in the amount of \$63,404, which is the amount of money that the Lake 2 Agreement required Sachs Properties, St. Louis County Library District and the YMCA to reimburse the City for a shoreline treatment.

The enhancements will include; landscaping, fishing access areas, vegetated shells, a viewing area on the dam, and a rock riprap around the lake.

The reimbursed funds will be utilized to construct a trail around the lake, which is a requirement of the Lake 2 Agreement. These constructions costs will then be reimbursed to the City from Sachs, the YMCA, and the Library.

Councilmember Flachsbart made a motion to forward to City Council, with a recommendation to approve, a change order to the existing Lake 2 shoreline enhancement contract with Kuesel Excavating, in the amount of \$63,404.00, with the change order amount being funded by the received reimbursement. The motion was seconded by Councilmember Casey and passed by a voice vote of 3 – 0.

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Lake 2 Improvements – Change Order].

The following three petitions were presented together:

- B. T.S.P. 08-2009 T-Mobile (400 Chesterfield Center):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of removing existing antennas and replacing with new antennas on a 2.603 acre tract of land zoned "C8" Planned Commercial District located at 400 Chesterfield Center, northwest of the intersection of Chesterfield Airport Road and Clarkson Road (18S140431).
- C. T.S.P. 09-2009 T-Mobile (Spirit 40 Park):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of replacing existing antennas with new antennas on a 0.46 acre tract of land zoned "M3" Planned Industrial District located at 731 Spirit 40 Park Drive, north of the intersection of Spirit 40 Park Drive and Chesterfield Airport Road (17V420146).
- D. T.S.P. 11-2009 T-Mobile (Village at Baxter Ridge - Ameren Tower):** A request to obtain approval for a Telecommunication Facility Siting Permit for the purpose of replacing existing antennas with new antennas on a 369.00 sq. ft. tract of land zoned "R2" Residence District (15,000 sq. ft.) located atop of an Ameren transmission line pole west of Baxter Road (20S530507).

STAFF REPORT

Shawn Seymour, Project Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated that all three proposals are requesting the same modification to the subject towers, as follows:

400 Chesterfield Center

- Removal and replacement of existing roof-mounted antennas (three per site) for the purpose of increasing coverage through improved technology.
- Addition of a new cabinet located on the sixth floor.

Spirit 40 Park

- Removal and replacement of existing roof-mounted antennas (three per site) for the purpose of increasing coverage through improved technology.
- The ground-located equipment is screened with a wood fence incorporating brick and stone.
- The ice bridge will camouflage the coaxial cable to the tower.

Village at Baxter Ridge

- Removal and replacement of existing roof-mounted antennas (three per site) for the purpose of increasing coverage through improved technology.
- The ground-located equipment is screened by a wood fence.

It was noted that all three cell towers are operated by T-Mobile.

PLANNING COMMISSION REPORT

Planning Vice Chair Grissom stated that there were no issues raised by the Planning Commission.

Councilmember Casey made a motion to forward T.S.P. 08-2009 T-Mobile (400 Chesterfield Center), T.S.P. 09-2009 T-Mobile (Spirit 40 Park), and T.S.P. 11-2009 T-Mobile (Village at Baxter Ridge - Ameren Tower) to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart

Discussion on the Motion

Cabinet Height

Councilmember Flachsbart asked why the cabinet needed to be taller. The Petitioner stated that the cabinet will not be taller than the existing cabinet. He further noted that the ice bridge is designed to protect the equipment underneath. City Attorney Heggie pointed out that the actual height of the cabinet will be the size of a small refrigerator.

The motion then **passed** by a voice vote of 3 to 0.

Note: These are three separate Telecommunication Siting Permits, which require a voice vote at October 19, 2009 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on T.S.P. 08-2009 T-Mobile (400 Chesterfield Center), T.S.P. 09-2009 T-Mobile (Spirit 40 Park), and T.S.P. 11-2009 T-Mobile (Village at Baxter Ridge - Ameren Tower)].

IV. ADJOURNMENT

The meeting adjourned at 6:10 p.m.