

## Memorandum Department of Planning & Public Works

To: Planning and Public Works Committee

From: Annissa McCaskill-Clay, Lead Senior Planner

**Date:** October 18, 2009



RE: T.S.P. 10-2009 T-Mobile (Parkway Central High School)-EXEMPTION FROM PUBLIC HEARING REQUEST: A request to obtain approval for a Telecommunication Siting Permit for the purpose of removing existing antennas and replacing with new antennas; and the addition of more equipment to the equipment compound at an existing telecommunications tower for a .0275 acre tract of land zoned "NU" at Parkway Central High School located at 471 N. Woods Mill Road. (17Q230085)

### <u>Summary</u>

T-Mobile, one of five (5) tenants on a monopole tower located on the campus of Parkway Central High School, is seeking exemption from requirement for a public hearing to obtain a Telecommunications Siting Permit. Applicants may seek exemption from the requirements of City of Chesterfield Ordinance 2391 by submitting a written statement to City Council. T-Mobile seeks permission to:

- 1. Remove three (3) existing antennas and replace them with three (3) new antennas of similar dimension.
- 2. Add an additional cabinet to the existing equipment yard for the site.

Upon review of the Petitioner's initial application, it was determined that the Petitioner's request required a public hearing. Therefore, T.S.P. 10-2009 was scheduled for a public hearing on October 12, 2009. Subsequent to being scheduled for the public hearing, the Petitioner submitted a request for exemption from public hearing and advised the staff that notification of property owners within 1500 square feet of the subject site had not occurred per the requirements of Ordinance 2391. Therefore the public hearing was cancelled. City of Chesterfield Staff, after consultation with the City Attorney, believes that Petitioner's request for an exemption from the requirements of Ordinance 2391 should be denied because Petitioner's application seeks a material modification in that Petitioner seeks to add an additional cabinet to the existing equipment yard for the site. The cabinet is a material addition and represents an important change to the existing wireless telecommunications facility. Staff requests that if the Council denies the request for an exemption after a review by this committee, Council direct Staff to prepare a

T.S.P. 10-2009 T-Mobile (Parkway Central High School) Planning & Public Works Committee Report October 18, 2009

written statement setting out the reasons for said denial. Attached please find the Petitioner's written statement and materials submitted in support of their application.

Respectfully submitted,

Annissa McCastill-Chay

Annissa McCaskill-Clay, AICP Lead Senior Planner

Cc: Michael G. Herring, City Administrator Rob Heggie, City Attorney Michael O. Geisel, Director of Planning and Public Works



Eric D. Martin Attorney

190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 314.345.6420 fax: 314.480.1505 eric.martin@huschblackwell.com

October 6, 2009

## VIA E-MAIL

Annissa McCaskill-Clay, AICP Lead Senior Planner City of Chesterfield 690 Chesterfield Pkwy W Chesterfield, MO 63017-0760

> Re: T.S.P. 13-2009 T-Mobile (Wildhorse Springs/132A Woodcliffe Place Drive) (08/15/2008 submittal)
> T.S.P. 10-2009 T-Mobile (Parkway Central High School) (08/15/2008 submittal)
> T.S.P. 07-2009 T-Mobile (Villas at Ladue Bluffs/St. Louis County Tower) (08/15/2008 submittal)
> T.S.P. 12-2009 T-Mobile (St. Thomas Church UCC) (08/15/2008 submittal)

Dear Ms. McCaskill-Clay:

I represent T-Mobile Central LLC, a wholly-owned subsidiary of T-Mobile USA, Inc. (collectively, "T-Mobile"). Currently, the four Telecommunication Facility Siting Permits referenced above ("Four Sites") are pending and scheduled for a public hearing before the Chesterfield Planning Commission on October 12, 2009. T-Mobile respectfully requests exemptions for the public hearing requirement for these four permits pursuant to § 30-27 of the City's Ordinances. Please place this exemption request on the agenda for City Council, Planning and Public Works Committee on Thursday, October 8, 2009.

As detailed in the application materials, T-Mobile's equipment upgrade involves exchanging antennas and using existing coaxial cables. Following the completion of the project, the tower sites will have the same number of antennas and coaxial cables as before. The only addition to the tower sites will be an unobtrusive equipment cabinet that consists of four modules (height, width, and depth of 5.2 inches by 17 inches by 22 inches) placed on a pole. Attached is a photograph that shows the mounted equipment cabinet.

T-Mobile respectfully suggests that the equipment upgrade project that is the subject of the applications does not constitute a "material modification" as defined in § 30-3 of the





October 6, 2009 page 2

Ordinances because the changes would not "materially affect the obvious physical appearance of the facility." Since the four towers range in height from approximately 100 to 200 feet, the addition of this equipment cabinet at the base of the towers is visually inconsequential. Further evidence of this assertion is the fact that three of the Four Sites have fences and one has a screen wall. T-Mobile is performing this equipment upgrade to its sites throughout the country, and other jurisdictions are treating this change as ordinary maintenance.

In an effort to allay any concerns the City might have and fully document the unobtrusive nature of the changes, T-Mobile has gone through the facility permit application procedures for these Four Sites and three other sites.<sup>1</sup> On September 30, 2009, T-Mobile presented the three other sites at a public hearing before the Chesterfield Planning Commission. T-Mobile incurred thousands of dollars in mailing expenses for this hearing. No members of the public attended the Planning Commission hearing, which is not surprising since this project does not involve the construction of a new tower or a material change in appearance of an existing one.

Alternatively, for the final Four Sites, T-Mobile requests exemptions from the public hearing requirements as is expressly authorized by § 30-27. The mailing expenses for the public hearings would cost thousands of dollars. Allowing T-Mobile to dispense with the public hearing requirement for the Four Sites will have "no significant affect on the health, safety and welfare of the city, its residents and other service providers."

Thank you for your consideration.

Sincerely,

Eric D. Martin

EDM/tl

cc: Robert M. Heggie, Esq. (via email)

<sup>&</sup>lt;sup>1</sup> 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)

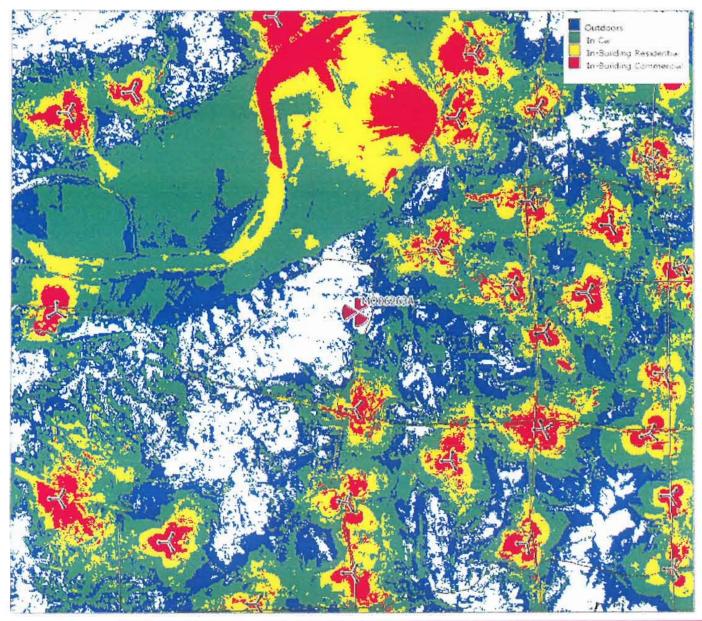
# Node B Flexi Cabinet Outside Mount







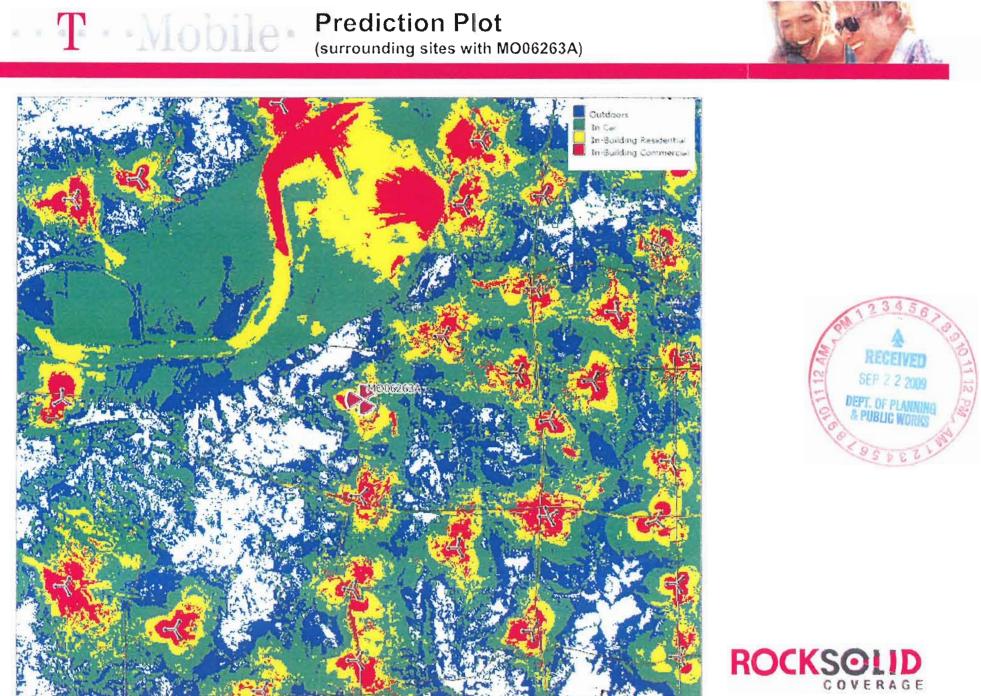
.





ROCKSOLID	
COVERAGE	

RF Engineering - Central Region



RF Engineering -- Gentral Region

.

.

## SITE NAME PARKWAY CENTRAL HS SWB MR

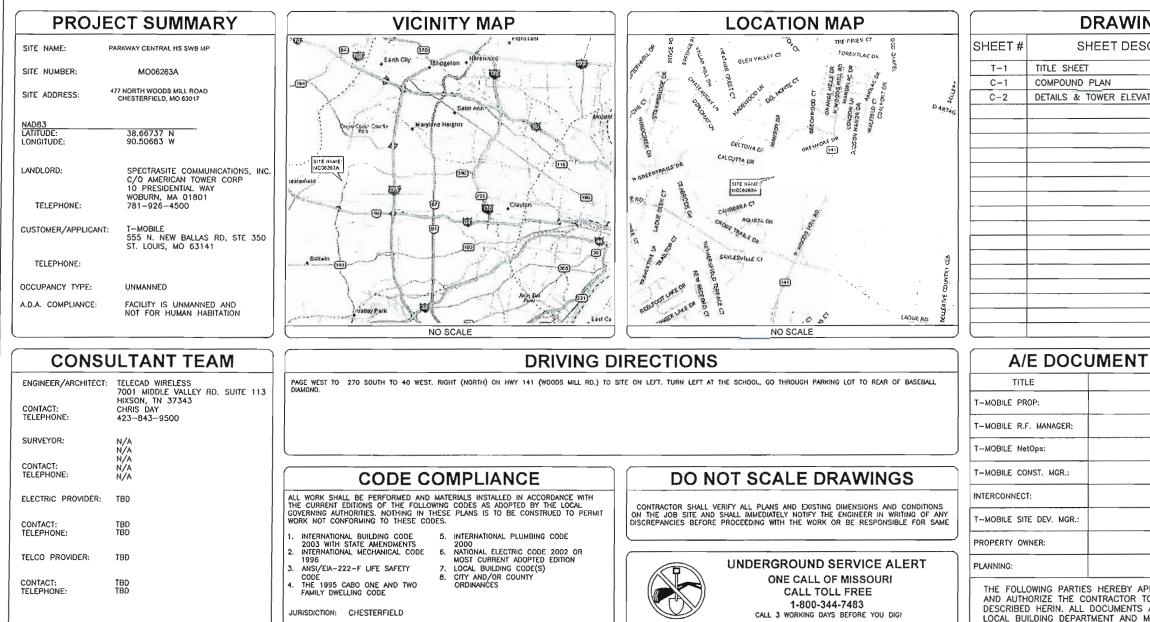
# **T**-Mobile

# SITE NUMBER MO06263A

NEW INSTALLATION OF NODE B FLEXI EQUIPMENT AND ANTENNA CHANGE ON

CO-LOCATE

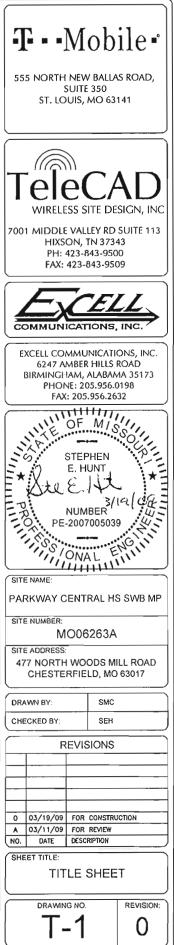
MONOPOLE

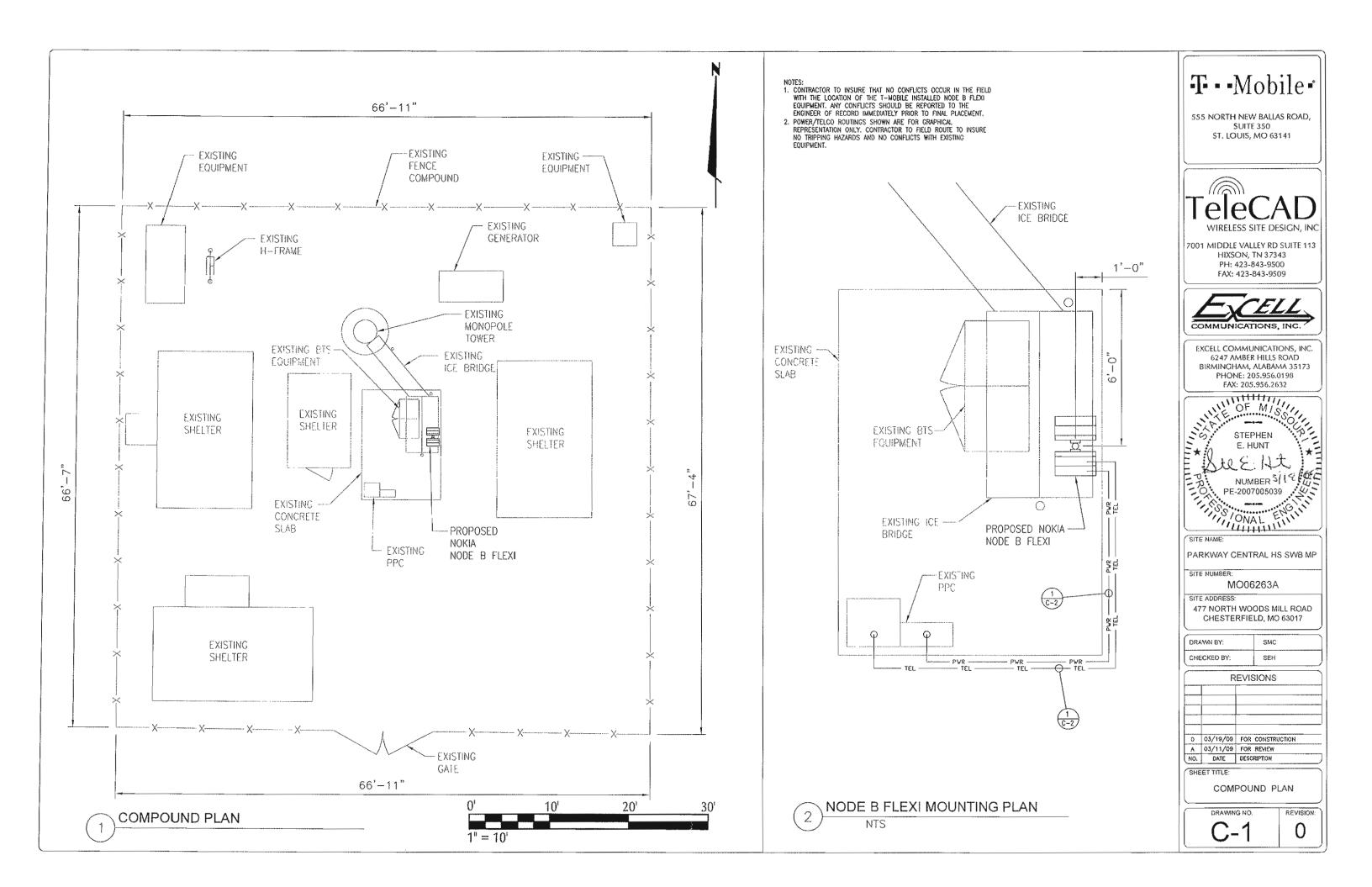


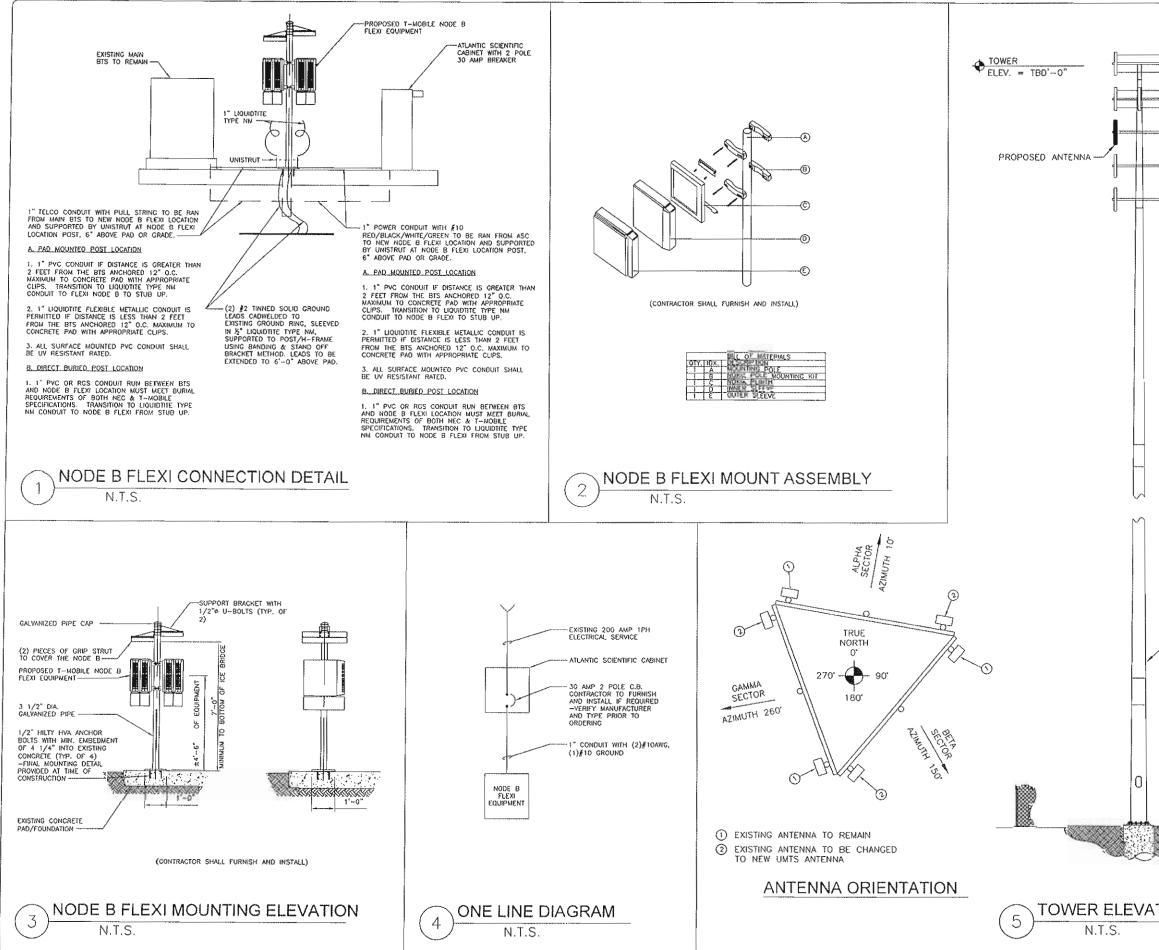


IG INDEX	
CRIPTION	REV. #
	0
	0
TION	0

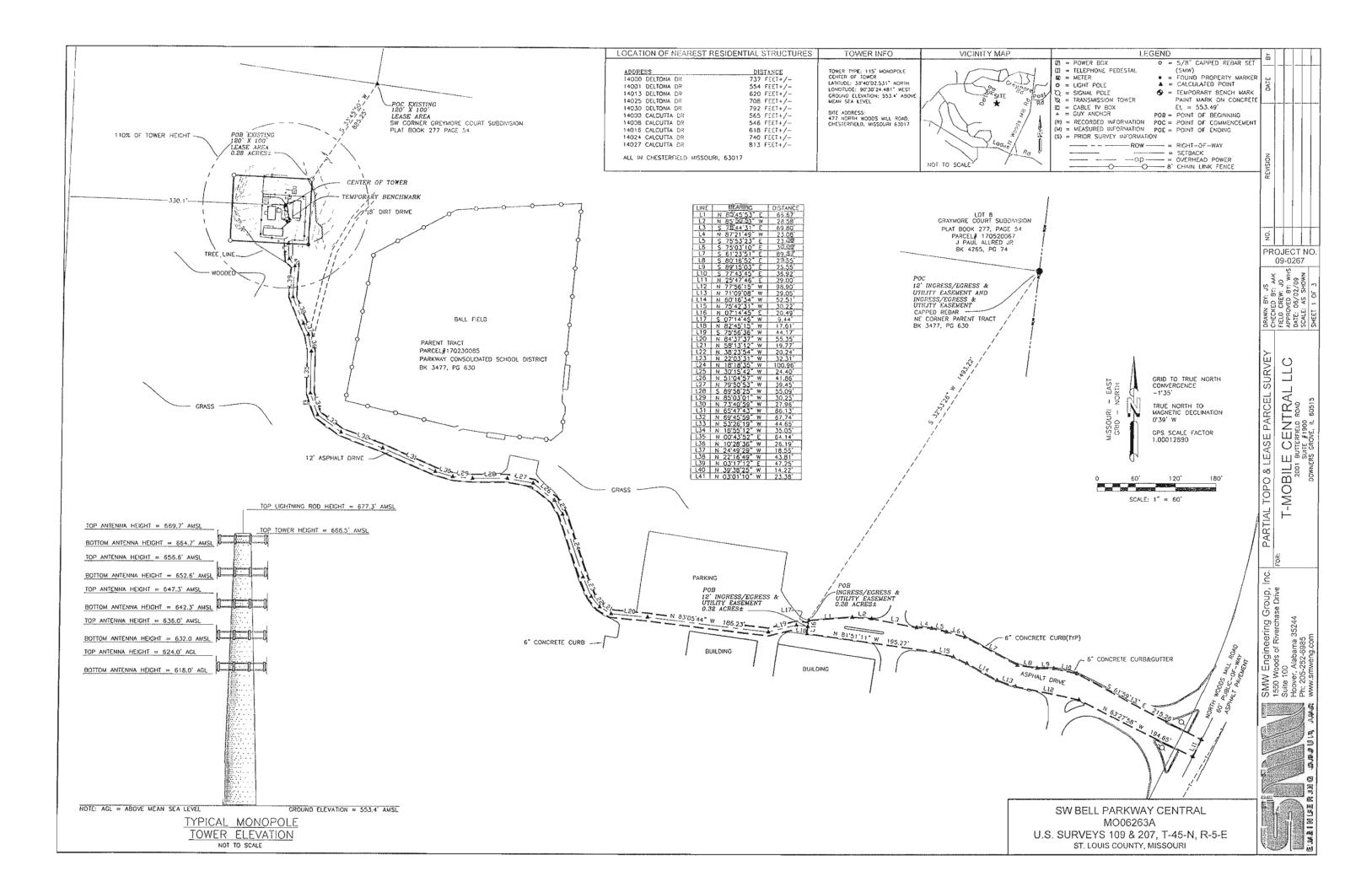
<b>REVIEW STATUS</b>		
SIGNATURE	DATE	
PPROVE AND ACCEPT THESE D O PROCEED WITH THE CONSTE ARE SUBJECT TO REVIEW BY MAY IMPOSE CHANGES OR MOD	RUCTION THE	

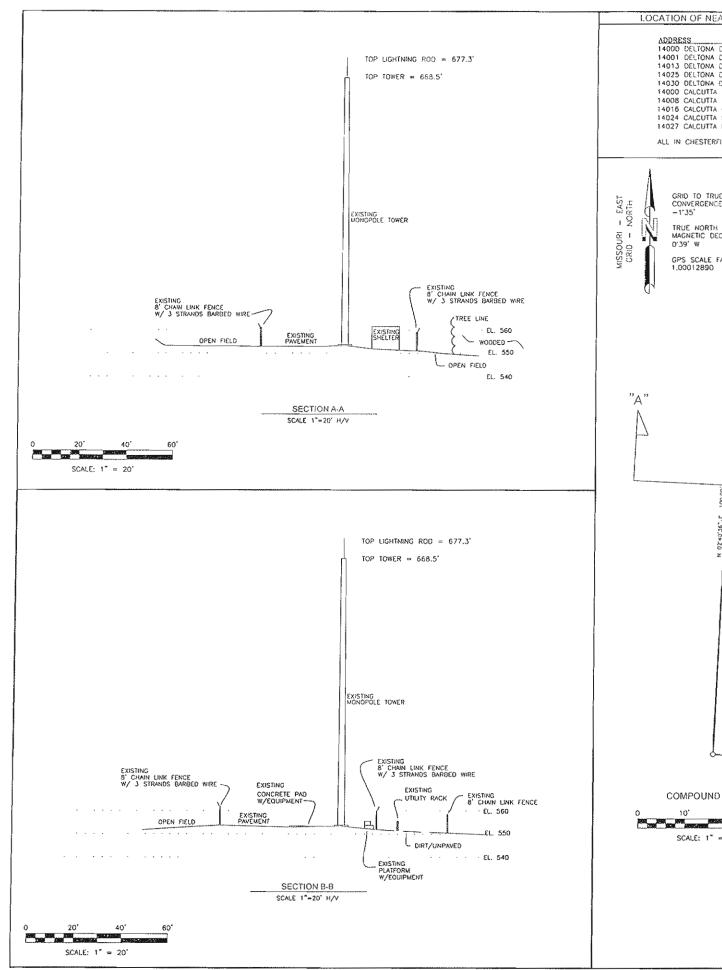


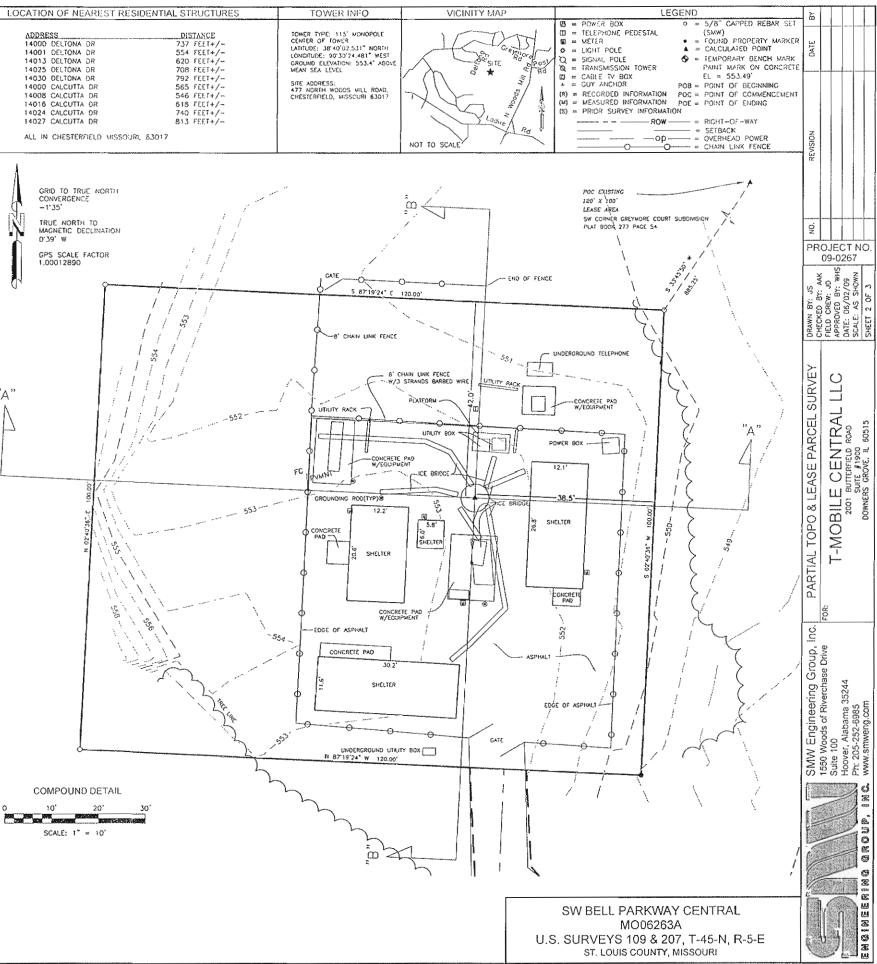


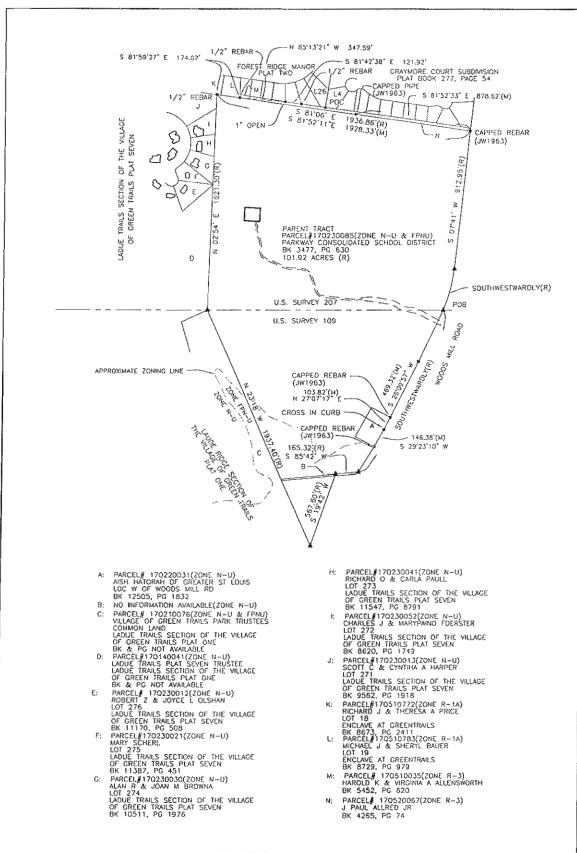


	·
	<b>T</b> •••Mobile•
$\underbrace{EXISTING ANTENNAS}_{ELEV. \approx TBD'-0"} \Phi$	555 NORTH NEW BALLAS ROAD,
$\begin{array}{c} \hline \\ \hline $	SUITE 350 ST. LOUIS, MO 63141
$\frac{T-MOBILE ANTENNAS}{ELEV. = 97'-6''}$	
$\begin{array}{c c} \hline \\ \hline $	TeleCAD
$\frac{\text{EXISTING ANTENNAS}}{\text{ELEV.} = \text{TBD'-0"}} \blacklozenge$	VIRELESS SITE DESIGN, INC
	7001 MIDDLE VALLEY RD SUITE 113 HIXSON, TN 37343 PH: 423-843-9500 FAX: 423-843-9509
	FSCELL
ANTENNAS TO BE ADDED 0	COMMUNICATIONS, INC.
ANTENNAS TO BE CHANGED 3 ANTENNAS TO BE REMOVED 0 TOTAL ANTENNAS ON TWR 6	EXCELL COMMUNICATIONS, INC. 6247 AMBER HILLS ROAD BIRMINCHAM, ALABAMA 35173
COAX TO BE ADDED 0 COAX TO BE CHANGED 0 COAX TO BE REMOVED 0	PHONE: 205.956.0198 FAX: 205.956.2632
TOTAL COAX ON TWR 12 TMAS TO BE ADDED 0	OF MIS
TMAS TO BE CHANGED 9 TMAS TO BE REMOVED 0	STEPHEN P
TOTAL TMAS ON TWR 9 MOUNTS TO BE ADDED 0	E. HUNT
	E Ster Alighter
CONTRACTOR TO COORDINATE WITH T-MOBILE FOR MOST	NUMBERS 1 4
RECENT RF DESIGN. NOTIFY ENGINEER IF CONFLICT EXISTS.	TISS ONAL ENGLIS
	SITE NAME:
	PARKWAY CENTRAL HS SWB MP
- EXISTING MONOPOLE	SITE NUMBER: MO06263A
	SITE ADDRESS: 477 NORTH WOODS MILL ROAD CHESTERFIELD, MO 63017
	DRAWN BY: SMC
	CHECKED BY: SEH
	REVISIONS
	0 03/19/09 FOR CONSTRUCTION A 03/11/09 FOR REVIEW
	NO. DATE DESCRIPTION
	DETAILS & TOWER ELEVATION
ATION	DRAWING NO. REVISION:
	C-2 0









ZONING TYPE: N-U: NON URBAN DISTRICT FPN-U: FLOOD PLAIN NON URBAN DISTRICT R-1A: RESIDENCE DISTRICT R-3: RESIDENCE DISTRICT (10,000 SO. FT.)

PARENT TRACT OVERVIEW NOT TO SCALE

### NOTES

This is on As Built Survey, made on the around under the supervision of a Missouri Registered Engineer. Dete of field survey is May 21, 2009. 2. The following surveying instruments were used at time of field visit: Nikon NPL-352, Total Station, Reflectoriess and Hiper + Legocy E RTK, GD 1HZ,

. Bearings are based on Missouri East State Plane Coordinates NAD 83 by GPS

belong of observation.
 No underground utilities, underground encroachments or building foundations were measured or located as a part of this survey, unless otherwise shown. Trees and shrubs not located, unless otherwise shown.
 Benchmark used is a concrete monument and brass disc. NAVD 88 Datum with an established elevation of 547 feet, (197.2 meters). PID AA8572. Onsite benchmark is as

Shown herean. Elevations shown are in feet and refer to NAVO 88. 6. This survey was conducted for the purpose of a As Built Survey only, and is not

intended to defined the regulatory jurisdiction of any federal, state, regional or local agency, board, commission or other similar entity. 7. Attention is directed to the fact that this survey may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining scaled

. This Survey was conducted without the benefit of an Abstract Title search. 9. The Geodetic Coordinates and the elevation shown for the proposed centerline of the tower are accurate to within +/- 15 feet horizontally and to within +/- 3 feet vertically (FAA Accurocy Code 1A).

10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Boord for a Class "A Survey. 11. Field dota upon which this map or plot is based has a closure precision of not less.

than one-foot in 15,000 feet (1':15,000') and an ongular error that does not exceed 19 seconds times the square root of the number of ongles turned. Field traverse was not cdiusted.

This survey is not volid without the original signature and the original seal of a state licensed surveyor and mapper or Professional Engineer.
 This survey does not constitute a complete boundary survey of the Parent Tract.

### FLOOD NOTE

The subject property appears to lie in Zone "X" of the Flood Insurance Rate Vap Community Panet No. 29189C0145 H, which bears an effective date of August 2, 1995 and IS NOT in a special flood hazard area. No field measurements were used in this ation and an elevation certificate may be needed for verification

### PARENT TRACT (BOOK 3477, PAGE 630)

PARENT TRACT (BOOK 3477, PAGE 630) Tract of land in U.S. Surveys 109 and 207, Township 45 North, Ronge 5 East and described as: Beginning at the intersection of the South line of U.S. Survey 207 with the West line of Woods Mill Road 60 feet wide as now established; thence Southwestwardy along the West line of Woods Mill Road to lis intersection with Northwest line of the old mill race. Thence Southwestwardy along the West line of the old Mill race to the middle of Creve Couer Creek, thence South 85 degrees 42 minutes West 165.32 feet to a stone approximately in the center of said Creve Couer Creek, thence South 19 degrees 42 minutes West 567.60 feet to a stake, being the most Southern corner of the property herein described, thence North 23 degrees 18 minutes West 1937.40 feet to a stake in the said South line of U.S. Survey 207 Survey 202, thence North 2 degrees 54 minutes East 1621.30 feet to a stone, being the Northwest corner of the property herein described. 161 degrees 6 minutes East 1935.86 feet to the West line of Woods Mill Road as now established; thence along the West line of Woods Mill Road South 7 degrees 41 minutes West 912.95 feet to a stone; continuing along the west line of Woods Mill Road South and 912.95 feet to a stone; continuing along the west line of Woods Mill Road South And South 81 degrees 41 minutes West 1975.86 feet to the West line of Woods Mill Road South And 912.95 feet to a point; thence continuing along the west line of Woods Mill Road South and South 81 degrees 10 minutes West 1000 for Woods South 7 degrees 14 minutes West 912.95 feet to a point; thence continuing along the west line of Woods Mill Road South and South 81 degrees 15 minutes West 1505.50 feet to the West line of Woods Mill Road South And 812.85 feet to a point; thence continuing along the west line of Woods Mill Road South And South 812.85 degrees 1505.50 feet South 815.50 feet to a state of Woods South 7 degrees 14 minutes West 912.95 feet to a point; thence continuing along the west line o 912.95 feet to a point; thence continuing along the west line of Woods Mill Rood South and Southwestwordly to the point of beginning, containing 101.92 acres, more or less, according to survey by Clayton Surveying and Engineering Company mode during September and October 1930.

SUBJECT to easements granted Union Electric Light and Power Company and Union Electric Company, as reported, and casement granted Union Electric Company of Missouri, according to decree rendered October 22, 1954 in Cause No. 205269 of the Circuit Court of St. Lauis County.

SUBJECT to the right of the public in so much of above property as lies within Woods Mill Road as now existing and subject to right-of-way of Old Woods Mill Road in the Northeost port of above property

SUBJECT to right-of-way of a 30 feet road in Survey 109 established by deed recorded in Book 20, page 475,

EXISTING 100' X 120' LEASE AREA (PRIOR SURVEY BY ROMUOLD L. BUESCHER, PLS#1457-DATED MAY 8, 2000)

A tract of land being a part of U.S. Surveys 109 and 207, Township 45 North, Range 5 East and being part of a larger tract conveyed by deed to Parkway Consolidated School District recorded in Book 3477 page 630 of the St. Louis County, Missouri records being more particularly described as follows:

Commencing at the southwest corner of Greymore Court Subdivision recorded in plat book 277 page 54 of the St. Louis County, Missouri records, said point also being the north line of a tract conveyed to Parkway Consolidated School District recorded in Book 3477 at page 630 of the St. Louis County, Missouri records, thence southerly leaving the north line of aforementioned Parkway Consolidated School District tract S 33'45'50" W a distance of 888.25 feet to the point of beginning of herein described lease tract; thence S 02'40'36" W o distance of 100.00 feet to a point; thence N 87'19'24" W o distance of 120.00 feet to a point; thence N 02'40'35" E o distance of 100.00 feet to a point; thence \$ 8719'24" E a distance of 120.00 feet to the point of beginning and containing 12,000 square feet, or 0.275 acres, more or less.

INGRESS/EGRESS & UTIL An easement being a portion in the Recorded of Deeds Of Township 45 North, Range 5

Commence at a copped rebo Woods Mill Road, sold rebor described in Book 3477, Page of Beginning; thence N 85'45 thence S 85'50'53" E o disto 89.80 feet to a point; thence 75'53'23" E a distance of 23 to a point; thence S 61'23'5 distance of 29.55 feet to a thence \$ 77'43'45' E o disto 215.26, more or less feet to centerline of soid road a dis centerline a distance of 194, o point; thence N 71'09'08" distance of 52.51 feet to a thence N 81'51'11' W o dist 20.49 feet to the Point of B The bounds of said described contains 0.28 acres, more or

12' INGRESS/EGRESS & An easement being a portion in the Recorded of Deeds Of Township 45 North, Range

Commence of a copped reba Woods Mill Rood, said rebor described in Book 3477, Poo 1493.22 feet to o point; the of an Ingress/Foress and Ut the following described cente thence \$ 75'55'36" W a dist thence N 84"37"37" W a dist 19.77 feet to a point; thence 22'03'31" W a distance of 33 to a point; thence N 30'15'4 distance of 41.86 feet; thenc distance of 55.09 feet to a thence N 73'40'59" W o dist 86.13 feet to o point; thence 53'26'19" W a distance of 4 to a point; thence N 00'43'5 distance of 26.19 feet to a thence N 22'16'49" W o dist 47.25 feet to  $\sigma$  point; thence distance of 23.38 feet to the more or less.

CERTIFICATION To T-Mobile:

This is to certify that this m mode in accordance with "Mi Title Surveys, jointly establish includes Items 1-5, 10, 11(o Standards as adopted by ALT. certification, undersigned furth

 the survey measurements Distonce, and Closure Require Boundaries for ALTA/ACSM La

-bli

R. Salmon ari Professional Enginee

	<u>};</u>
LITY EASEMENT (AS SURVEYED) n of that certain tract of land as described in Book 3477, Page 630 Mice, SL. Louis County, Missouri lying in U.S. Surveyors 109 and 207, 5 East and being more particularly described as follows:	DATE
bar (JW1963) found in place on the westerly right-of-way of North also being the northeest corner of that certain tract of land as ge 630; thence 5 32:53'26' W a distance of 1493.22 feet to the Point (5'53' E leaving soid right-of-way a distance of 66.67 feet to a point; tance of 28.58 feet to a point; thence S 78'44'31' E a distance of zs 87'21'49'' E a distance of 23.08 feet to a point; thence S 23.08 feet to a point; thence S 75'03'10'' E a distance of 30.09 feet 51'' E a distance of 28.87 feet to a point; thence S 80'16'52'' E o point; thence S 89'15'03'' E a distance of 25.55 feet to a point; tance of 36.92 feet to a point; thence S 61'59'13' E a distance of to the centerline of Woods Mill Rood; thence S 25'47'45' W dong the stonce of 29.00 feet to a point; thence N 63'27'58'' W leaving said 4.65 feet to a point; thence N 77'56'15' W a distance of 98.00 feet to 'W a distance of 29.05 feet to a point; thence N 60'16'34'' W a point; thence N 75'42'31'' W a distance of 30.22 feet to a point;	REVSION
itance of 195.27 feet to a point; thence N 0714'45° E o distance of Beginning, at easement to adjoin lease area and right—of—way contiguously and or less.	2 PROJECT NO 09-0267
UTILITY EASEMENT (AS SURVEYED) n of that certain tract of land as described in Book 3477, Page 630 Mice, St. Louis County, Missouri lying in U.S. Surveyors 109 and 207, 5 East and being more particularly described as follows:	DRAWN BY: JS CHECKED BY: AAK FIELO CREW: JD APPROVED BY: WHS DATE: 06/02/09 DATE: 06/02/09 SCALE: AS SHOWN SHEET 3 OF 3
ar (JW1963) found in place on the westerly right-of-way of North olso being the northeast corner of that certain tract of land as ge 630; thence S 32'53'26' W leaving said right-of-way a distance of ence S 07'14'45' W a distance of 9.44 feet to the Point of Beginning Littly Easement being 12 feet in width and lying 6 feet on each side of	DRAWN CHECKE FIELD C APPROV DATE: 0 SCALE: SHEET
ertine; thence N 82's5'15" W a distance of 17.61 feet to a point; tance of 44.17 feet; thence N 83'05'44" W a distance of 186.23 feet; tance of 53.55 feet to a point; thence N 58'13'12" W a distance of te N 38'23'54" W a distance of 20.24 feet to a point; thence N 32.31 feet to a point; thence N 18'18'35" W a distance of 100.96 feet 42" W a distance of 24.40 feet to a point; thence S 51'04'57" W a point; thence N 85'03'01" W a distance of 30.25 feet to a point; thence N 85'03'01" W a distance of 30.25 feet to a point; thence N 85'03'01" W a distance of 30.25 feet to a point; thence N 85'03'01" W a distance of 30.25 feet 44.55 feet to a point; thence N 85'47'43" W a distance of tance of 43.51 feet to a point; thence N 10'28'36" W a point; thence N 85'59" W a distance of 18.55 feet to a point; thence N 24'49'29" W a distance of 18.55 feet to a point; thence N 24'49'29" W a distance of 18.55 feet to a point; thence of 24'14 feet to a point; thence N 03'01'10" W a te N 39'38'25" W a distance of 14.22 feet; thence N 03'01'10" W a te Point of Ending. Sold above described easement contains 0.32 acres,	AL TOPO & LEASE PARCEL SURVEY T-MOBILE CENTRAL LLC 2001 BUTERFILD ROAD DOWNERS CROVE, 1L 60515
linimum Standard Detail Requirements for ALTA/ACSM Land shed and adopted by ALTA, ACSM and NSPS in 2005, and (a) & 12 of Table A thereof. Pursuant to the Accurocy TA, NSPS, and ACSM and in effect on the date of this ther certifies that; were mode in accordance with the "Minimum Angle,	PARTI
ements for Survey Measurements Which Control Lond and Title Surveys.	FOR
JERRY R. SALMON WUMBER PE-017459 SIONAL ENGL 8-12-09	SMW Engineering Group, Inc. 1550 Woods of Riverchase Drive Suite 100 Hoover, Alabama 35244 Ph: 205-252-6985 M@ www.smweng.com
	ALMO BROUP.
SW BELL PARKWAY CENTRAL MO06263A U.S. SURVEYS 109 & 207, T-45-N, R-5-E ST. LOUIS COUNTY, MISSOURI	