

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 11, 2008**

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

I. ROLL CALL

PRESENT

Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Lu Perantoni
Mr. Robert Puyear
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

ABSENT

Ms. Amy Nolan

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. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch welcomed Bob Puyear as a new member of the Planning Commission. He then acknowledged the attendance of Mayor John Nations and Councilmember Dan Hurt, Council Liaison.

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

- A. **T.S.P. 01-2008 Cricket Communications (Parkway Central High School/471 N. Woods Mill Road)**: A request to obtain approval for a Telecommunication Facility Siting Permit for collocation of additional antennas and equipment on an existing telecommunications tower on a 95.59 acre “NU” Non-Urban District-zoned tract of land located on N. Woods Mill Road. (17Q230085).

STAFF PRESENTATION:

Ms. Annissa McCaskill-Clay, Lead Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area.

Ms. McCaskill-Clay stated the following:

- The proposed facility includes the addition of three cellular telecommunications antennas to be located on an existing monopole structure, along with the associated telecommunications equipment to be located within the existing equipment yard for the said monopole structure.
- The City complied with all Public Hearing notification requirements, which include:
 - Publication in a newspaper of general circulation 15 days prior to the meeting.
 - Notification by the Petitioner of all landowners within 1500 feet of the property line of the lot for which the telecommunications facilities is proposed;
 - Publication in the St. Louis Countian and the Suburban Journal 15 days prior to the Public Hearing;
 - Notification by the City to all property owners within 225 feet of the proposed facility;
 - Notification by the City to all Trustees within one mile of the proposed facility;
 - Notices posted on the subject parcel, at City Hall, and on the City’s website.
- There are currently five antenna arrays on the existing tower. The Petitioner is proposing to add its antenna between the second and third antenna arrays.
- There will be no increase to the height of the tower.
- The City’s Comprehensive Plan designates the area as being a public school. The subject Land Use category is defined as “any institution funded by the community that provides primary or secondary education instruction to students”.
- The new ordinance for telecommunications places high priority on locating new antennas on existing structures – such as towers, water towers, and other utility facilities.

Chair Hirsch asked if all Ordinance requirements have been met. Ms. McCaskill-Clay replied that they have.

Chair Hirsch pointed out that the proposal is for an antenna to be co-located on an existing tower – no new tower is being built. In addition, the equipment yard would not be extended beyond its current boundaries.

PETITIONER’S PRESENTATION:

1. Mr. John King, Attorney representing Cricket Communications, 7701 Forsyth, Clayton, MO stated he was available for questions from both the Commission and area residents.
2. Mr. Ron Doering, Cricket Communications, 2908 Woodbridge Creek Drive, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Robert Scherl, Ladue Trails Subdivision, 14000 Calcutta Drive, Chesterfield, MO stated the following:
 - The residents were never notified when the existing tower was built and he is not happy with its appearance from his back yard.
 - He expressed concern that the existing tower lessens the value of his property.
 - He is not opposed to other things being built on the school property – such as sidewalks or a baseball diamond – but is opposed to the addition of another antenna on the site.
 - He received the registered letter notifying the residents of the Public Hearing only two days prior to the Hearing. He felt that if more notification had been given, more residents would have been in attendance at the Public Hearing.
 - There is currently more than one tower on the site – there are now two towers on the site but the second one was not shown in the PowerPoint presentation.
 - He felt that such towers belong along the side of the highway.
 - He felt having cellular towers around school areas is an inappropriate use of the site.
2. Mr. Scott Clayman, Ladue Trails Subdivision, 14083 Augusta Drive, Chesterfield, MO stated the following:
 - He feels that the industrialization of Chesterfield has overlooked the residents’ interest – particularly with the subject petition.
 - He objects to having only a two-day notice of the Public Hearing.

Chair Hirsch advised that the Planning Commission’s role for this particular petition is to hold a Public Hearing and to note any issues raised by the Commission and members of the public. The petition is forwarded to the Planning & Public Works Committee and then to City Council. The Planning Commission will not be voting on this petition.

Mr. Clayman continued as follows:

- He suggested that another Hearing be held where residents are given at least 15 days advance notice.
- He questioned as to why only some residents were notified. He felt that all the residents of Ladue Trails subdivision should have been notified, along with any persons being exposed to the tower.
- He stated that the tower emits electromagnetic activity and discussions have not been held regarding how much the proposed antenna would increase it and what the ramifications would be.
- He felt that the parents of the students attending the school, along with employees of the school, should be notified of the proposed antenna.
- He questioned whether a study has been done on electromagnetic activity and any possible ramifications from it.

City Attorney Heggie addressed the audience stating the following:

- Last year the City of Chesterfield passed a new Cell Tower Ordinance – Ordinance 2391 - which they feel is one of the most comprehensive, extensive cell tower regulation ordinances in the country. The ordinance was passed in order to give the City Council as much control over cell towers as possible.
- All cities in the country are bound by the Federal Telecommunications Act of 1996. This Act forbids the City to take into account any thought or consideration about electromagnetic fields or radiation that might emit from the towers. This decision was made by the United States Congress and any concerns about it can be raised with the residents' elected officials at the federal level.
- The City Council passed Ordinance 2391 in an attempt to broaden the number of people who receive notices regarding proposed cell towers. Prior to the new Ordinance being enacted, there were no public notification requirements. The Council felt this was improper and they have changed it in an effort to broaden the scope on it as much as possible.
- The City Council is well aware of the residents' concerns in terms of cell towers and antennas. The cell tower industry is also very concerned about the matter and knows its rights under the Federal Telecommunications Ordinance. The industry does want to get as much coverage as possible within any metropolitan area.
- Because the Federal Telecommunications Act requires the City to have cell tower and cell phone coverage - and in an effort to control the number of towers throughout the City - the City Council decided to require cell phone companies to collocate as many antennas as is reasonable on an existing tower. The Council believes this requirement will limit the number of towers within the City.
- If the cell tower companies can show there is a gap in coverage, the City is obligated to find a tower space for them. The Ordinance passed by City

Council last October was an attempt to regulate this process as much as possible so that the residents' concerns could be heard and addressed.

Mr. Clayman expressed his appreciation for the City's effort to limit the number of towers. He then asked how the City can limit any more towers in the future on this site and questioned whether the subject tower could ever be extended in height.

City Attorney Heggie stated that City Council has no interest in extending the height of the subject tower. If a request were made for an increase in height, another Public Hearing would need to be scheduled. He added that the Public Hearing is the initial step in the meeting process. The petition will go forward to the Planning & Public Works Committee of City Council, and then to the City Council where a decision will be made as to whether a permit will be granted to allow the additional antenna on the existing tower. It is Council's hope and belief that by putting in this additional antenna, it will eliminate the need for any future towers in this area. Because of the changing technology, the antennas are becoming more powerful and covering a broader area, which helps reduce the need for additional towers.

Chair Hirsch pointed out that all of the City's ordinances are available online through the City's website where interested residents can familiarize themselves with the requirements of the City's Telecommunications Ordinance.

Mr. Clayman asked if there are alternative sites to which existing antennas could possibly be moved to in the future. Chair Hirsch indicated that this could not be answered at this time – the Commission is only reviewing the subject petition at this time.

Mr. Clayman then asked if there are alternative sites for the proposed antenna and, if so, asked where the sites are located. He also asked if antennas could be added to the City Hall building. Chair Hirsch stated that these questions would be added as issues and forwarded to City Council.

3. Ms. Ellen Lindsey, Forest Crest Subdivision, 12 Greymore Drive, Chesterfield, MO stated the following:

- Her property backs up to Parkway Central Middle School.
- She stated that some of her questions were asked by the previous two speakers.
- She expressed concern about antennas being located so near a school where students are exposed to them for a number of years. She expressed concern that they could cause future health issues because of exposure to the electromagnetic field.
- She felt that an alternative site should be considered for the proposed antenna.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. John King responded as follows:

- They always look for other sites, but the City has mandated that they co-locate the antennas on existing towers.
- In this instance, they need this location. The tower already has five antenna arrays on it.
- He understands the residents' concerns but they are prohibited from putting up another tower if they can achieve coverage by collocating on the existing tower.

Ms. McCaskill-Clay then clarified the notification process to the residents:

- The Petitioner was required to send out certified letters to property owners within 1,500 feet of the subject site.
- The City was required to notify property owners within 225 feet of the proposed facility 15 days prior to the Public Hearing.
- The residents who received their notifications 2-3 days prior to the Public Hearing were those residents who received certified letters sent out by the Petitioner.
- The City does not require that its letters be sent by certified mail.
- The City has copies of every certified letter sent out by the Petitioner, along with copies of the receipts. If this information had not been provided, the Public Hearing would have been pulled from the Agenda.

ISSUES:

1. Notification of the Public Hearing – Were residents properly notified?
2. Additional tower on the site. Ms. McCaskill-Clay stated that on June 2nd, the City Council approved temporary locations for some collations that are currently under review by the City. The temporary locations are allowed for 90 days.
3. The effect of electromagnetic activity on health – whether this factor should be considered.
4. Limitation of towers
5. Possible alternative sites – is this the most appropriate site in the area to meet Cricket Communications' needs?

Commissioner Geckeler asked that Staff explain how residents can find the new cell tower ordinance online. She noted that the ordinance is one of the strictest ordinances in the country and hoped that everyone would take the opportunity to read it.

Ms. McCaskill-Clay gave the City's web address as www.Chesterfield.mo.us. The right-hand corner of the home page contains "Info Finder". Type "telecommunications" or "2391" in this area and hit "go". A new page will appear showing "ordinance number 2391". Click on it and it will take you to a

digital version of the City's new telecommunications ordinance, which can be read online.

Commissioner Geckeler stated that a lot of people have concerns about possible health issues from the cell towers – especially when located in school areas. She added that, unfortunately, the Federal Telecommunications Act does not permit the consideration of health concerns. Other countries are different. Anyone who is concerned about this issue needs to get involved with the federal communications process.

Chair Hirsch stated that the subject petition would move forward to the Planning & Public Works Committee on June 19th. The earliest time it would come before the City Council would be July 21st. All meetings are open to the public. City Council meetings have a “Public Comment” period for residents to express any concerns. Also, all agendas for these meetings are posted on the City's website.

Mayor Nations addressed the audience and thanked the residents for expressing their concerns. He added that this has been a very frustrating issue for himself and the City Council because it is an area that gets pre-empted by federal law. The City has already defended a lawsuit with regard to the placement of cell towers around the city. In response to Mr. Clayman's question about sites in the middle of the city, Mayor Nations pointed out that there are already towers on top of the Double Tree Hotel, the Drury Hotel, and other locations around the city.

Mr. Robert Scherl noted that the Parkway School District receives money for having the tower on its property and asked how the School District uses this money. Mayor Nations replied that the School District would have to respond to this question.

A resident in the audience asked why there is a second tower on the site. Ms. McCaskill-Clay responded that City Council approved a temporary tower on June 2nd for Cricket Communications for 90 days. The photographs of the site displayed in the PowerPoint Presentation were taken prior to the second temporary tower being erected.

Chair Hirsch stated that Mr. King would be happy to meet with the residents after the meeting to address any more of their questions.

Commissioner Watson read the Closing Comments for the Public Hearing.

Chair Hirsch then reminded the residents that any written comments sent to the Department of Planning & Public Works would be become a part of the public record and considered by City Council.

V. APPROVAL OF MEETING MINUTES

Commissioner Watson made a motion to approve the minutes of the May 28, 2008 Planning Commission Meeting. The motion was seconded by Commissioner Grissom and passed by a voice vote of 7 to 0.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Chesterfield Commons Six Outparcel Four (Culver's Restaurant):** Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 1.3 acre tract of land located in a "C-8" Planned Commercial District north of Chesterfield Airport Road, and west of Boone's Crossing.

Commissioner Banks, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for Chesterfield Commons Six Outparcel Four (Culver's Restaurant). The motion was seconded by Commissioner Watson and passed by a voice vote of 7 to 0.

- B. Sentrus Place:** Record Plat for a 23.4 acre tract of land zoned "PI" Planned Industrial District located north of Chesterfield Airport Road across from the intersection with Cepi Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Sentrus Place. The motion was seconded by Commissioner Grissom and passed by a voice vote of 7 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Ordinance Review Committee

The Ordinance Review Committee, in cooperation with the Architectural Review Committee, will meet June 12th to discuss the "Architectural Guidelines" and the

“Residential Districts”. If time permits, discussion will also be held regarding “Planned Commercial” and “Planned Industrial”.

B. Nominating Committee

Commissioner Perantoni, speaking for the Nominating Committee, nominated the following Commissioners as Officers of the Planning Commission for 2008-2009:

Chair	Maurice L. Hirsch, Jr.
Vice-Chair	David Banks
Secretary	Michael Watson

Chair Hirsch asked for any other nominations. None were given.

Commissioner Puyear made a motion to accept and elect by acclamation the above nominees. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

XI. ADJOURNMENT

The meeting adjourned at 7:41 p.m.

Michael Watson, Secretary