

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 28, 2008**

**CORRECTED 8/11/08
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The meeting was called to order at 7:00 p.m.

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Mr. David Banks, Acting Chair

ABSENT

Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Dan Hurt, Council Liaison
Harry O'Rourke, representing City Attorney Rob Heggie
Mr. Michael G. Herring, City Administrator
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Susan Mueller, Principal Engineer
Ms. Mara Perry, Senior Planner
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Watson

III. PLEDGE OF ALLEGIANCE – All

Acting Chair Banks acknowledged the attendance of Mayor John Nations; Councilmember Dan Hurt, Council Liaison; Councilmember Gene Schenberg, Ward I; Councilmember Mike Casey, Ward III; and City Administrator Michael Herring.

IV. AWARD RECOGNITION

A. Recognition of APA Award received from The St. Louis Metropolitan Section of the Missouri Chapter of the American Planning Association

Ms. Aimee Nassif, Planning & Development Services Director, stated that every year the St. Louis Metro Section of the Missouri American Planning Association recognizes various planning agencies and municipalities for "Outstanding Projects, Programs, or Tools". This year the City's Department of Planning & Public Works was awarded this honor for work done in connection with the "Planned Commercial and Residential District for Downtown Chesterfield". Both Mike Geisel, Director of Planning & Public Works, and Mara Perry, Senior Planner, worked diligently with citizens, the Planning Commission, and City Council to produce a plan for downtown Chesterfield. Staff also wrote a form-based and use-based code, which was recognized by the Planning Association.

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

A. T.S.P. 03-2008 Cricket Communications (Wildwood Plaza Shopping Center): A request to obtain approval for a Telecommunication Facility Siting Permit in a "C2" Shopping District-zoned 6.82 acre tract of land located at 14808 Clayton Road, at the intersection of Clayton Road and Wildwood Parkway. (21R420686).

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:
 - Two flush-mounted antennas to be added to an existing tower;
 - Associated equipment; and
 - Vinyl sight-proof fence.
- All Public Hearing notification requirements were met.
- All of the equipment is to be contained within the existing lease area.
- The vinyl fencing will be located along the existing concrete pad. Bollards will also be added along the fencing to protect any additional equipment being placed on the site.
- The City of Chesterfield's Land Use Plan designates the area as "Community Retail".
- A Conceptual Land Use category is defined as "A center, characterized by one national anchor store or grocery store at a maximum of 150,000 square feet that provides general merchandise and services and attracts customers from multiple neighborhoods within Chesterfield and neighboring municipalities that will generally travel up to 15 minutes to reach the center."

Commissioner Geckeler asked how long the existing tower has been up. Ms. McCaskill-Clay replied that the tower was approved by the City of Chesterfield on May 26, 1999.

PETITIONER'S PRESENTATION:

1. Mr. William Joyce, Attorney representing the Petitioner, 7701 Forsyth, Ste. 400, Clayton, MO stated the following:
 - Two flush-mounted antennas will be added to the existing tower.
 - The equipment area will be enclosed with a fence.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Thomas Joerding, 585 Fieldstone, Chesterfield, MO stated the following:
 - When the tower was first installed, it caused interference with his television reception. As a result, he was not able to get local t.v. channels.
 - In order to receive local t.v. stations, he had to contract with DirectTV and now pays a monthly cost to receive local channels.
 - He asked that the Commission take this into consideration before granting approval to Cricket Communications for additional antennas.
 - He questioned whether the additional antennas would affect his t.v. reception resulting in additional costs.

Acting Chair Banks advised that these types of issues are regulated by the FCC rather than the Planning Commission. The Planning Commission conducts the Public Hearing process for telecommunication petitions, but does not vote on the petition. Any issues raised during the Public Hearing process are noted and forwarded to the City Council for its consideration when voting on the petition.

Mr. Harry O'Rourke, representing the City Attorney, added that any interference caused by the tower is regulated by the FCC.

2. Ms. JoAnne Laws, 461 Ivy Wood, Ballwin, MO asked the following questions:
 - Will the equipment produce any sound?
 - Is the equipment a draw for lightning?
 - Will any high-voltage lines be added now or in the future?
 - Is the pole leased, or owned, by Cricket? Is it owned by Chesterfield?
 - Will Cricket be able to lease some of the area to other firms, such as Charter, Dish Network, etc?
 - Is the equipment a repeater-type?

SPEAKERS – NEUTRAL:

1. Mr. David Fares, Librarian at the Christian Science Reading Room, 14796 Clayton Road, Chesterfield, MO asked the following questions:
 - What is the maximum occupancy of the building?
 - Knowing the occupancy load, would managers provide carpooling?

Ms. McCaskill-Clay clarified that the petition does not pertain to the occupancy of the commercial enterprise on the site - it only relates to the cell tower on the site.

Acting Chair Banks added that, as far as the City knows, there is no change to the occupancy of the building.

REBUTTAL:

Mr. William Joyce responded to the questions raised above as follows:

- Sound – It is his understanding that the equipment will not be emitting any sound. It is not mechanical equipment – it is all electronic, which may produce a low hum
- Lightning – The request is to mount two small antennas on the existing pole approximately 10-15 feet down from the top. The additional antennas will not affect the draw of lightning to the pole.
- High Voltage Lines – No high-voltage lines will be added at this time. He does not think high-voltage lines would be necessary in the future for the cell phone equipment.
- Owner of the Pole – The pole is owned by a third party and leased by Cricket Communications. It is his understanding that it is not owned by the City but he did not have the name of the owner of the pole. Ms. McCaskill-Clay stated that when the tower was built, the owner was AT&T Wireless. Unless there has been a change in ownership, it is assumed that the owner is AT&T Wireless.
- Leasing Space – Under the terms of its agreement, Cricket Communications would not have the ability to lease out any of its space to anyone else.
- Repeater Equipment – Mr. Joyce indicated that he was not familiar with the term “repeater equipment” but added that the proposed equipment will not be producing any sound. Ms. McCaskill-Clay stated that a repeater is a type of equipment that bounces the signal from one place to another like a relay. It is her understanding that the proposed equipment is not a relay – it is a straight antenna to allow for coverage for Cricket’s communications system.

Acting Chair Banks asked how many other leasers are in the site. Ms. McCaskill-Clay responded that it is her understanding that Cricket is the first additional leaser.

ISSUES:

No additional issues were raised.

Commissioner Geckeler read the Closing Comments for the Public Hearings.

VI. APPROVAL OF MEETING MINUTES

Commissioner Watson made a motion to approve the minutes of the July 14, 2008 Planning Commission Meeting. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 6 to 0.**

VII. PUBLIC COMMENT - None

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **15889 Whitemarsh Circle**: A request for a Residential Addition to the north side of an existing home zoned "R1A" Residence District and located at 15889 Whitemarsh Circle, in the Chesterfield Meadows Subdivision.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Residential Addition for **15889 Whitemarsh Circle**. The motion was seconded by Commissioner Watson and **passed by a voice vote of 6 to 0.**

- B. **Jared's Jewelers (Chesterfield Mall)**: A request for amendment to the architectural elevations on a freestanding building in a "C8" Planned Commercial-zoned regional shopping center to permit lighting of an architectural feature.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the amendment to the architectural elevations for **Jared's Jewelers (Chesterfield Mall)**. The motion was seconded by Commissioner Puyear and **passed by a voice vote of 4 to 2** with Commissioners Geckeler and ~~Grissom~~ ~~Watson~~ voting "no".

IX. OLD BUSINESS - None

X. NEW BUSINESS

- A. **City of Chesterfield Section 1003.168.D.7. (Temporary Signs-Development Related)**: A request to amend the City of Chesterfield Zoning Ordinance Section 1003.168.D.7 for Temporary Signs-Development Related to amend the criteria for Subdivision Direction Signs, Subdivision Promotion Signs and to add criteria for Display House Signs.

Ms. Aimee Nassif, Planning & Development Services Director, stated that the proposed amended language will increase the readability of the ordinance and will increase understanding of the requirements as to where signs can be located. The amendment relates to subdivision promotion signs, subdivision identification signs, and display house signs.

Commissioner Geckeler asked if it would present a legal problem to include in the amended ordinance the following language, which is now in the current ordinance:

(e) All subdivision direction signs, display house promotion and subdivision promotion signs shall be removed from the site on which they are located within one (1) year of the date the authorization was issued for said sign. Application of one (1) year extensions may be made through the Department of Planning at any time within the last thirty (30) days of expiration.

Ms. Nassif replied that she would have the City Attorney review the language to determine if it poses any legal problem.

Commissioner Geckeler made a motion to approve City of Chesterfield Section 1003.168.D.7. (Temporary Signs-Development Related) with an amendment to include the language as noted in paragraph (e) above. The motion was seconded by Commissioner Grissom.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 6 to 0.

XI. COMMITTEE REPORTS - None

XII. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Michael Watson, Secretary