

# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa Price, Director of Planning

DATE: August 11, 1998

SUBJECT: Planning and Zoning Committee Meeting Summary from August 6, 1998

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, August 6, 1998, in the City Council Conference Room. In attendance were Acting Chair Mary Brown (Ward IV); Councilmember Barry Flachsbart (Ward I); and Councilmember Barry Streeter (Ward II). Also in attendance were: Robert Grant, Planning Commission Chair; Teresa Price, Director of Planning; and, Laura Griggs-McElhanon, Assistant Director of Planning.

\* To Be Discussed at 8/17 City Council Meeting

## I. Approval of Planning and Zoning Committee meeting summary of July 8, 1998.

A motion to approve the meeting summary of July 8, 1998, was made by Councilmember Streeter, seconded by Councilmember Flachsbart, and approved by a vote of 3 to 0.

Acting Chair Brown requested clarification from the Planning Department concerning the landscape expenditure credits discussed at the last meeting.

Planning Director Teresa Price responded that the Department has been using the effective date of the Tree Ordinance, November 17, 1997, as the date to determine landscape expenditure credits. However, she stated that she would prefer a directive from P&Z Committee as to the date to use.

There was general discussion between the Committee and the Planning Director on off-site mitigation, on-site planting (it was clarified that landscaping on-site over and beyond the landscape requirements can be counted as a credit), and activity into the tree bank.

A motion to have the effective date of landscaping expenditures be the date of the tree ordinance, November 17, 1998, was made by Acting Chair Brown, seconded by Councilmember Streeter and approved by a vote of 3 to 0.

Acting Chair Brown inquired as to when the Committee would be meeting with the Fire Protection District.

Planning Director Teresa Price stated that there would be a meeting in October with both the Chesterfield and Metro West Fire Protection District.

Acting Chair Brown inquired as to the status of the pawn shop issue.

Planning Director Teresa Price stated that the Department hasn't heard from the City Attorney yet.

**\*II.** Department Update – Director Teresa Price

Planning Director Teresa Price stated that the current policy concerning power of review of Site Development Plans doesn't indicate how long the City Council has to exercise their power of review.

Councilmember Streeter stated that he thought it was by the next City Council meeting.

Councilmember Flachsbart stated that it should only require one Councilmember, not both from a particular Ward.

There was general discussion of this, including whether the Mayor has power of review.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Streeter to use the following power of review policy:

Either Councilmember of the Ward, where a development is proposed, or the Mayor, may request that the site plan for a development be reviewed and approved by the entire City Council. This request must be made no later than 24 hours before posting the agenda for the next City Council meeting after Planning Commission review and approval. The City Council will then take appropriate action relative to the proposal.

The motion was approved by a vote of 3 to 0.

**Note: A policy relative to this matter, as recommended by the Planning & Zoning Committee, will be needed for the August 17, 1998, City Council Meeting.**

**\*III.** Amendment to Ordinance No. 1298 – Memorandum and Ordinance from Douglas R. Beach, City Attorney. (The State Statute, in 1998, deleted to requirement of having a City Engineer as a voting member in order to regulate the height, spacing and lighting of outdoor advertising structures. Accordingly, we have prepared an Ordinance going back to a nine member Planning Commission.)

There was general discussion about the proposed wording, as recommended by the City Attorney.

Staff was directed to discuss this with the City Attorney, and make necessary revisions relative to the Mayor and City Councilmember being non-voting members of the Planning Commission.

A motion to approve, as amended (if necessary), was made by Councilmember Flachsbart, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

**Note: One bill relative to this matter, prepared by the City Attorney, as recommended by the Planning & Zoning Committee, will be needed for the August 17, 1998, City Council Meeting.**

**SEE Bill #**

- IV. Yia Yia's Restaurant: Swingley Ridge Trust Fund – Memorandum and Ordinance from Douglas R. Beach, City Attorney. (The Ordinance would close out the Swingley Ridge Road Trust Fund.)

There was general discussion of the specific wording of the Ordinance.

A motion to recommend approval of the Ordinance was made by Councilmember Flachsbart, seconded by Acting Chair Brown, and approved by a vote of 3 to 0.

**Note: One bill relative to this matter, prepared by the City Attorney, as recommended by the Planning & Zoning Committee, will be needed for the August 17, 1998, City Council Meeting.**

**SEE Bill #**

- V. **P.Z. 17-98 AT & T Wireless PCS, Inc. c/o Quinn, Ground and Banton, L.L.P.**; a request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 18.4 acre tract of land on Wildhorse Creek Road.

A motion to approve the rezoning request (P.Z. 17-98) was made by Councilmember Flachsbart, seconded by Councilmember Streeter, and was approved by a vote of 3 to 0.

**Note: One bill relative to this matter, as recommended by the Planning Commission and the Planning & Zoning Committee, will be needed for the August 17, 1998, City Council Meeting.**

**SEE Bill #**

- VI. **P.Z. 18-98 AT & T Wireless PCS, Inc. c/o Quinn, Ground and Banton, L.L.P.**; a request for a Conditional Use Permit in the "LLR" Large Lot Residential District for a 18.4 acre tract of land located on Wildhorse Creek Road. Proposed Use: Operation of a church and placement of a wireless telephone transmitting and receiving facility.

Acting Chair Brown summarized that the Conditional Use Permit already approved for Sprint was for a 52 foot wooden cell tower. The FAA said it has to be red and white with a light. AT & T needs 80 feet to co-locate. Nextell is proposing whip antennae.

Planning Director Teresa Price stated that the Sprint CUP was approved contingent on FAA approval. The FAA said any structure over 10 feet has to be red and white with a light. The FAA also said that the tower

could be 104 feet tall. During the Sprint process, the petitioner was advised that the City prefers co-use, so they came in for an 80 foot tower request to allow AT&T to co-locate. Then came Nextell. Everything is to be internal with the exception of whips. Nextell whips won't need a public hearing.

There was general discussion of cell towers (increase in height, one tower versus multiple towers).

Councilmember Flachsbart stated that he intends to vote no because he doesn't want it to look like a tower.

There was general discussion of how to camouflage the tower if the FAA requires it to be red and white.

Paul Ground, attorney for AT & T, stated that the FAA says it has to be painted and lighted. AT & T can't cover this area with towers elsewhere. His client needs 60 feet at this location. At another location, they might need 70 to 80 feet. AT & T could be located on a 60 foot tower next to the 52 foot Sprint tower. Nextell needs 80 feet.

Planning Commission Chairman Bob Grant stated that part of the delay at the Planning Commission was that the Commission had trouble getting representatives from all 3 cell towers at the same meeting. Nextell advised the Planning Commission that their signal has to be 80 feet.

Paul Ground stated that AT & T representatives met with the Chesterfield Arts Council to discuss designing a tower as artwork.

A motion was made by Councilmember Flachsbart, and seconded by Acting Chair Brown, to move the petition (P.Z. 18-98) to the City Council for resolution.

The motion was amended by Councilmember Flachsbart, with the amendment accepted by Acting Chair Brown, to forward the petition (P.Z. 18-98) to the City Council with no recommendation.

There was general discussion.

Councilmember Flachsbart called the question.

The motion was approved by a vote of 3 to 0.

**Note: A CUP is an administrative procedure. The City Council can either receive and file the petition, in which case the CUP would become effective 15 days later, or exercise their power of review, which would require the scheduling of a Public Hearing before the Council or the Planning and Zoning Committee.**

The next regularly scheduled meeting will be held at 5:30 p.m. on Thursday, August 20, 1998.

**The meeting adjourned at 6:42 p.m.**

TP/LPGM/lpgm

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