

**MINUTES OF MEETING
ZONING AND PLANNING COMMISSION
WEDNESDAY, NOVEMBER 29, 2023 4:00 P.M.**

Chairman Moore introduced himself, covered the basic procedures, and called the meeting of the Zoning and Planning Commission to order at 4:05 P.M. The following members were present:

Chairman McPherson Moore
Commissioner Tim Crowley
Commissioner Susan Gausnell
Commissioner Maggie Holtman
Commissioner Tom Kahn
Commissioner John Lochhead
Commissioner Robbye Toft

Also present were Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Approval of the Minutes from the meeting on October 25, 2023

Commissioner Toft requested an amendment to the minutes; the amended minutes were approved unanimously upon motion by Commissioner Gausnell and second by Commissioner Holtman.

Items for Consideration

ZPC 23-11 Discussion of revocation of Special Use Permit issued in 2001 for a cell tower at 9159 Clayton Road (ZPC #00-19) due to noncompliance with conditions of permit. Property is in the G1 zoning district. (Continued from 10-25-23 ZP)

Ms. Sukanek reported that the 2001 Special Use Permit was granted with conditions and is not currently compliant with conditions #5 and #7. Including the obligation to dismantle and remove the tower when no longer in use by the holder of the S.U.P. These conditions have not been complied with, and no information regarding the transfer of ownership has been received by the City.

The tower does not supply services to the community, and it is in violation of the of the S.U.P. and the zoning ordinance. The City has the authority to revoke the S.U.P. Staff recommendation is a one-year grace period plus 90 days to remove the tower or find a user for the tower. If a user is not found by July 2024, and the S.U.P. is not transferred, the City reserves the right to dismantle and remove the tower at the expense of Crown Castle.

Discussion ensued. The applicant was given 10 days from the last meeting date to report to the City the date the use of the tower ceased. There was no specific date given. The City was provided with an email by a T-Mobile representative stating they are no longer using the tower as of January.

Attorney Mark Brady, representing Crown Castle Telecommunications, reached out to T-Mobile, and was told February was when the tower ceased function. Mr. Brady stated the tower could produce the signal and was performing its function, although the antenna was not propagating a signal.

Mr. Brady's stated his understanding is that Crown Castle has acquired the easement that authorizes the location of the tower in 2021 from the owners of Ladue Market. Mr. Brady had limited information regarding letters/notices from the City regarding the validity of the S.U.P.

In response to questioning, Ms. Sukanek reported that the holder of the S.U.P. is responsible for notifying the City of any change in ownership, allowing the City to evaluate and determine if the S.U.P. will be transferred to the new owner. This was not done by the previous S.U.P. holder. T-Mobile passed ownership of the tower to Global Signal Acquisitions without notifying the City.

Commissioner Toft stated that an affidavit from a manager or director of T-Mobile with the date on which utilization of the tower ceased supported with written documentation within 10 days of this meeting.

Commissioner Toft moved that the applicant for continuance provide the City, with-in 10 days from the date of this meeting, an affidavit from a director or manager of T-Mobile stating the specific date and time which the use of this antenna or tower ceased and that be supported by written documents from T-Mobile, with the suggestion this person be present; and that if not received within the 10 day period, the Commission deny any request for further continuances.

Discussion ensued regarding the lease, parties of and payment of said lease

Ms. Seele pointed out that 10 days would be a Saturday.

Commissioner Toft moved if within 9 days, the City is not provided with an affidavit from a director or manager of T-Mobile stating the specific date and time which the use of this antenna or tower ceased and supporting written documents from T-Mobile the ruling will be that the pole has been effectively abandoned and the S.U.P. be revoked. The motion passed unanimously upon second by Commissioner Gausnell.

Mr. Brady inquired about the December meeting, assuming he would provide the City with the affidavit and supporting documentation and was told that would be heard in December.

ZPC 23-10 Request for approval of Site Development Plan for 9155-9159 Clayton Road. The proposal would add a 2-story building to the existing commercial property in the G1 zoning district

Mr. Ken Keitel of Terraspec Architectural and Landscape Engineers, presented a redlined drawing with a secondary entrance off of Price Road to allow firetrucks to get through. The patio was replaced with parking, and patio seating was moved to the front of the building. Additional landscape was also added.

Ms. Lamitola voiced concerns about traffic and suggested right in and right out only should be considered.

Randy Renner of Period Restoration shared that the building is not yet up, and use is not determined. An office building would not increase traffic. He did not want two entrances and added the second entrance at the suggestion of the Fire Department.

Discussion ensued regarding the impact of the tower. Mr. Renner has not been contacted by anyone in regard to the tower.

Ms. Sukanek reported that the Fire Marshall did not require the second entrance, it was suggested. The plan was approved by A.R.B. and Z.B.A. has approved the variance for being near the road. It was noted that the property did not qualify for a monument sign.

Mr. Brady inserted that the plans being reviewed have the tower removed, and he is of the belief that the tower will remain.

Ms. Sukanek explained the Commissioners are permitted to waive the following:

*Floor Area Ratio max is 40%, the proposal is 42.4%

*Green-space requirement is 30%, the proposal is 21.64%

*Required 10' Planting strip, proposal between 5 and 10 feet

*Required 20' Buffer between residential and commercial property, proposal is 8'

Discussion included the tower and the impact on parking spaces. The public hearing could not be held in before the January Council Meeting.

Commissioner Toft moved that the application for Special Use Permit for 9155-9199 Clayton Road be continued to the December meeting so the applicant can consider the right in, right out proposal and there is resolution of the cell tower and adjacent building. The motion passed unanimously upon second by Commissioner Holtman.

ZPC 23-12 Request for approval of a Special Use Permit for a 100' monopole wireless communication tower located at 73 Hunter Avenue. The property lies in the G2 Commercial Zoning District.

Susan Story, representing Ameren addressed the Commissioners. Ameren is building a private network for monitoring smart meter reading. Everything is in house and owned by Ameren for safety and security. There are 42 sites for the entire area, and they are all on Ameren property. The proposal is for at 100' pole at 73 Hunter Ave. The proposed fence will be vinyl and light gray to match the existing equipment.

Discussion included the necessity of the 100' height, the color, the coverage etc.

Ms. Sukanek presented the requirements as listed on the report.

Commissioner Toft moved that the application for a Special Use Permit by Ameren for 7300 Hunter Avenue be granted subject to the following conditions, that the fencing be changed to an 8' tall vinyl fence in gray, brown or green, that the structure be consistent with the plans submitted, subject to the recommendations set forth by the City Planner including notification of when use of the tower ceases. The motion passed unanimously upon second by Commissioner Gausnell.

Adjournment

Commissioner Toft moved adjournment at 5:45. The motion passed unanimously upon second by Commissioner Lochhead.


Chairman McPherson Moore