

MINUTES OF THE MEETING  
ZONING AND PLANNING COMMISSION  
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI  
WEDNESDAY January 27, 2016, 4:00 P.M.

Chairman Moore called the meeting of the Zoning and Planning Commission to order at 4:04 P.M. The following members were present:

Chairman McPherson Moore  
Vice-Chair Thomas Kahn  
Commissioner Margaret Holtman  
Commissioner Tim Crowley  
Commissioner Robbye Toft  
Commissioner James Howe IV

Also present were Mayor Nancy Spewak, Anne Lamitola, Director of Public Works, Erin Seele, City Attorney, John Fox, Councilman, Will Penney, Building Official, and Andrea Sukanek, City Planning consultant.

Chairman Moore introduced the City's new planning consultant, Andrea Sukanek, to the members of the Commission. He then announced some basic procedures for the meeting.

**APPROVAL OF MINUTES**

Chairman Moore stated there was one set of minutes to approve which was for the December 23, 2015 meeting. Commissioner Kahn noted that on page 3, second line, second paragraph, that the word 'has' should be changed to 'had'. Commissioner Crowley moved to approve the minutes as amended and Commissioner Toft seconded the motion. All those present were in favor and the amended minutes were approved.

Chairman Moore asked if anyone had other business in addition to the agenda subjects and no one came forward.

**ZPC 15-06: Request for a SUP submitted by The Evangelical Lutheran Church, 9233 Clayton Road, for a cell tower disguised as a pine tree.**

Mr. John King, attorney representing Village Lutheran Church, provided an overview of the project which consists of an 85 foot tall disguised evergreen tree tower that will accommodate up to four cellular providers. He stated that cell phone use has continued to rise and that good service is important.

Mr. Doug Dolan, DRA properties, came forward and explained he is the developer of the proposed evergreen tree tower and he is representing AT&T and Sprint. Mr. Dolan presented the project details regarding the proposed tower and stated that the new tower is necessary due to the demolition of Fire House #1, located at 9225 Clayton Road, which currently houses cellular antennas for AT&T and Sprint. He indicated that he participated in several meetings with the City and the architect for the new fire house, and that the new structure could not accommodate the antennas due to the height restrictions for the building and the required 24-hour access to the antennas that would likely be disruptive to the City Fire Department's operations.

Mr. Dolan presented cellular coverage maps, showing that coverage losses would occur without a replacement site. He stated that the amount of homes with land lines continues to decrease, and that cellular coverage is important for safety purposes as many EMS calls are made from cellular phones. He presented the site plan for the new site, showing the location for the Mono-pine, the compound area including buildings for both carriers and fence material, the synthetic bark and branch material information, and the proposed landscaping. He presented many vantage points of the proposed tower. He added that T-Mobile, who is currently located at 9159 Clayton on a gray monopole, is potentially interested in relocating to the proposed Mono-pine. Mr. Dolan explained that the height to the top of the antennas on the Mono-pine is 85 feet with the top of the foliage extending an additional three feet for an overall height of 88 feet. He

stated that the antennas will be separated by ten foot increments and that the Mono-pine is designed to accommodate four carriers.

Mr. Dolan shared the project schedule and stressed that timing is critical due to the fact that Fire House #1 is being demolished on approximately June 6, 2015 and that the City of Ladue has informed them to vacate by that date.

Mr. David Wells, 901 S. Price Road, stated that he will be able to see the tower daily and that it is 20 feet taller than the cupola on the Fire House. He commented on the quantity of land that Village Lutheran has available and questioned why a different location was not considered for this tower. Mr. Dolan responded by referring to the site plan and showing that there were no viable locations on the church property.

Mr. Scott Davis, 26 Rio Vista and President of the Village Lutheran congregation, stated that after careful consideration and a vote of the congregation, they approved the proposed location, but there was no other location on the property that would meet the approval of the congregation.

Mrs. Lynn Wells, 901 S. Price Road, asked about the landscaping that would be installed behind the cellular compound and behind Firehouse #1. Mr. Dolan clarified that there is a tree preservation area behind the compound and that to his knowledge, there would be no tree removal associated with the Fire House removal.

Commissioner Crowley asked if evergreen trees could be installed by the applicant on the Wells' property. Mr. Wells stated that additional landscaping would be beneficial.

Commissioner Toft stated that the evergreen tree style monopole may not blend in with the surrounding landscape which appears to be primarily comprised of deciduous trees.

Mr. Dolan agreed to plant additional evergreen trees on both the Wells' property and on the Village Lutheran property in front of and to the south of the compound area.

Commissioner Toft asked about the lifespan of fiberglass leaves and Mr. Dolan responded that it is estimated to be 20 years, but that the limbs are detachable and can be replaced should they deteriorate. Commissioner Toft asked if there was a more expensive alternate to the fiberglass leaves and Mr. Dolan responded that there was not.

Commissioner Moore asked who the owner of the monopole is and Mr. Dolan stated that he will retain ownership. City Attorney, Erin Seele, stated that the Special Use Permit would be issued to Village Lutheran Church who is the property owner.

Commissioner Holtman asked how temporary cell service would be addressed and Mr. Dolan showed the Commissioners where it will be located, referencing the site plan.

Commissioner Howe asked for clarification on where additional carriers would be located within the compound and Mr. Dolan referred to the site plan and showed the Commissioners where additional carriers could be accommodated.

It was clarified that this application only includes AT&T and Sprint, and that if additional carriers are proposed; the Special Use Permit would require amending.

Councilman John Fox stated that the schedule for the Fire House #1 demolition is on target to begin on approximately June 6, 2016, but that it would not be demolished any sooner than that date.

Mr. King offered for additional plantings to be added per the approval of the City and the adjacent property owner.

Commissioner Toft made a motion to recommend approval to the City Council of the Special Use Permit with regard to the proposed disguised Mono-Pine Cellular structure at Village Lutheran Church subject to the following additional requirements; The applicant be required to plant and maintain live evergreens to the south and north pursuant to a design approved by the City's Building Department so as to screen both structures and fences being constructed as part of the project and also to provide

context to the proposed artificial evergreen tree tower. The applicant is further required to periodically replace the artificial greenery to address weathering, which was seconded by Commissioner Crowley. The vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner Margaret Holtman – “aye”

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

There were six (6) “ayes” and zero (0) “nays”.

The recommendation for the approval of the amended Special Use Permit for Village Lutheran Church to construct a cell tower disguised as a pine tree, to City Council, was approved.

**ZPC 15-07: Request for a re-subdivision plat for portions of Dwyer Place subdivision and 9909 Clayton Road and rezoning of a portion of adjusted lot 18 of Dwyer Place subdivision from G – Commercial to E-Residential and a portion of 9909 Clayton Road from E-Residential to G-Commercial.**

Mr. Dan Ellerman, project surveyor, explained that the purpose of his petition is to consolidate the undeveloped field portion of 9909 Clayton Road into the various Dwyer Place lots that are adjacent and to modify the zoning to match the newly created property lines. He stated that the existing zoning line was somewhat unclear and that the plat will provide an exact location for that line as well as clean up some easements and the right-of-way width on Clayton Road.

Ms. Sukanek stated that the Dwyer Place lots will be more in compliance than exists now and that the Zoning & Planning Commission and City Council can approve the lot to width ratio which does not meet the subdivision regulations for the City.

Mr. Peter Millman, 23 Dwyer Place, explained that he is buying the width of two lots in the undeveloped field as his neighbor was not interested in making the purchase.

Mr. Bob Olsen, attorney for 9909 Clayton Road, was present and expressed his support for this petition.

Mayor Spewak explained that this undeveloped field was essential un-buildable.

Ms. Lamitola explained that Chapter 94 of the Code of Ordinances prevails in lieu of the Zoning Code with regard to the subdividing of land.

Ms. Sukanek explained that accessory uses can occur on the portion of the lots being incorporated into the Dwyer Place lots.

Commissioner Crowley made a motion to recommend approval to the City Council of the re-subdivision of 9909 Clayton Road and portions of Dwyer Place as well as rezoning a portion of 9909 Clayton Road from E-residential to G-Commercial and a portion of Lot 18 of Dwyer Place from G-Commercial to E-residential which was seconded by Commissioner Holtman. The vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner Margaret Holtman – “aye”

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

There were six (6) “ayes” and zero (0) “nays”. Recommendation passed.

**ZPC 15-08: Request for text amendment to Chapter 1 of the Ladue Code of Ordinances relating to self-preemption and text amendment of Ordinance 1175, Section VII (F) to allow for modification:**

- **Height requirements for concealed communication antennas being approved by Special Use Permit and**

- **Various regulations for temporary communication towers**

Ms. Seele presented the proposed code changes with regard to concealed antennas, temporary towers, and self-preemption. In essence, the current code restricts cell towers to 45 feet. The proposed amendment would allow the Zoning & Planning Commission and the City Council to approve taller architectural features that are utilized to house the concealed communication antennas.

With regard to temporary towers, they currently have to go through the full zoning procedure, and the proposed amendment would allow for separate requirements to enable the City to approve such temporary towers without the full zoning process.

Commissioner Toft asked about towers damaged by natural disasters. The Commissioners discussed that a damaged tower should be covered by the expedient process. Ms. Seele stated that she could make revisions to the proposed language if the Commissioners see fit. Councilman Fox offered that the City Council could hold an emergency meeting in the event of a damaged tower so that the City would be able to be responsive in a timely fashion.

Mr. Michael Minton, representing St. Peter's Episcopal Church, explained the existing and proposed height for the concealed antennas at St. Peter's.

Ms. Sukanek asked for clarification when the temporary tower ordinance would be applicable and Ms. Seele responded that it is primarily to avoid gaps in existing service resulting from tower replacement or relocation.

Commissioner Howe asked about the distance requirements between cellular antennas and towers and Ms. Seele responded that the City cannot restrict the locations of such antennas and towers.

Commissioner Crowley asked whether the ordinance should restrict the height at all. Commissioner Kahn stated he was supportive of eliminating height restrictions. The Commissioners discussed potential changes to the proposed code to section which

included eliminating the height restriction for concealed antennas and by adding language allowing temporary towers and antennas to be approved by the City Council for unanticipated occurrences such as Acts of God.

Commissioner Toft made a motion to recommend approval to the City Council of the text amendments with regard to Chapter 1 of the Ladue Code of Ordinances relating to self-preemption and text amendment of Ordinance 1175, Section VII (F) to allow for modification of height requirements for concealed communication antennas and various regulations for temporary communication towers with two minor modifications; eliminating 'and in no event is more than 122' in total height measured from the ground from the last sentence of Section VII.F(2)(b)(1) and by adding the language 'unanticipated occurrence or' after the word 'an' in the fourth line of Section VII.F(7) which was seconded by Commissioner Kahn. The vote was as follows:

Chairman McPherson Moore – “aye”

Vice-Chair Thomas Kahn – “aye”

Commissioner Margaret Holtman – “aye”

Commissioner Tim Crowley – “aye”

Commissioner Robbye Toft – “aye”

Commissioner James Howe IV – “aye”

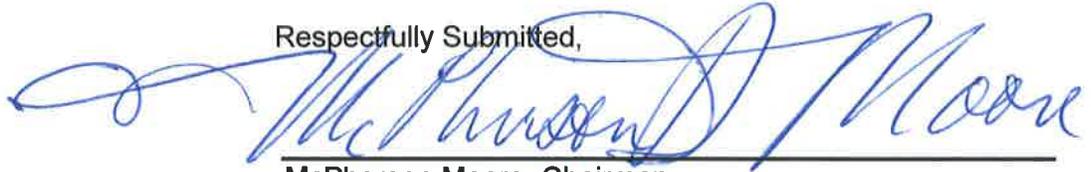
There were six (6) “ayes” and zero (0) “nays”. Recommendation passed.

The recommendation for the text amendments of Chapter 1 of the Ladue Code of Ordinances relating to self-preemption and text amendment of Ordinance 1175, Section VII (F) to allow for modification of height requirements for concealed communication antennas and various regulations for temporary communication towers was approved.

Chairman Moore announced that the next meeting of the Zoning & Planning Commission would be Wednesday, February 24, 2016 at 4:00 pm.

Commissioner Toft moved to adjourn the meeting, seconded by Commissioner Crowley and the motion unanimously passed. The meeting was adjourned at 5:54 P.M.

Respectfully Submitted,

A handwritten signature in blue ink, reading "McPherson Moore". The signature is written in a cursive style with a large initial "M" and a long horizontal flourish extending to the left.

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McPherson Moore, Chairman