

**MINUTES OF MEETING**

**ZONING AND PLANNING COMMISSION**

**CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI**

**WEDNESDAY, NOVEMBER 30, 2016, 4:00 P.M.**

Chairman Moore called the meeting of the Zoning and Planning Commission to Order at 4:06 P.M. The following members were present:

Chairman McPherson Moore  
Vice-Chair Thomas Kahn  
Commissioner Margaret Holtman  
Commissioner Jim Howe  
Commissioner John Lochhead

Also present were Public Works Director Anne Lamitola, City Attorney Erin Seele, Building Official Will Penney, and City Planner Andrea Sukanek.

Chairman Moore introduced himself and announced some basic procedures for the meeting.

**APPROVAL OF MINUTES**

Chairman Moore stated there was one set of minutes to approve from the September 28, 2016 meeting of the commission. Commissioner Holtman moved to approve the minutes as written and the motion was seconded by Commissioner Kahn. All those present were in favor and the amended minutes were approved.

**PUBLIC FORUM**

Chairman Moore asked if anyone from the audience would like to approach the commission about non-agenda items and no one came forward. Chairman Moore then stated that the order of the meeting would be modified to accommodate the residents who were present for the Special Use Permit petition for the cellular Mono-pine proposed for Godwin Lane.

**ZPC 16-16** Request for a Special Use Permit for a stealth communication tower at a height of 85'. Proposed tower will be designed to look like a pine tree and will be located at 2 Godwin Lane.

John King came forward as the legal representative for Dolan Realty, the petitioner, for both the City mulch site and Godwin Lane proposed stealth communication tower locations. He provided a brief overview of the proposed facilities that are constructed to look like evergreen trees. He explained that there is a lease to purchase agreement with MoDOT for the Godwin location. He stated that with the rising use of cellular phones and the poor reception in Ladue, that cell sites are in demand. He noted that 70% of 911 calls are made from cellular phones.

Mr. Doug Dolan, petitioner, came forward and explained that cellular service is generally poor in various locations in Ladue including the area around McKnight and Interstate 64/40. He stated that both the Ladue residents and the motorists on Interstate 64/40 need improved coverage. He stated that a new Mono-pine has been constructed on Clayton Road on Village Lutheran's property adjacent to the Ladue Fire House.

Mr. Dolan stated that Verizon customers were polled and 97 Ladue residents responded, with a general consensus that cellular service is in need of improvement. Mr. Dolan distributed a report from Verizon that includes resident feedback.

Mr. Dolan showed a photo of an AT&T cellular site at Ladue Crest that is unsightly. AT&T has not formally agreed to move to the new Mono-pine tower, but they have expressed interest. Mr. Dolan explained that Verizon is the anchor carrier for the proposed tower.

Chairman Moore asked if the proposed towers at Godwin and South Outer 40 will match the Village Lutheran tower design and Mr. Dolan stated that the design will match, but to keep in mind landscaping and screening is not yet complete at the Village Lutheran site.

Mr. Dolan provided renderings of the Godwin tower from different properties. He is proposing \$15,000 of landscaping for the Godwin subdivision to utilize to beautify the entrance.

Ms. Jane Boudoures, 24 Ellsworth Lane, asked if the tower will only accommodate Verizon and Mr. Dolan stated that Verizon is the anchor tenant, but that four tenants can be accommodated on the tower.

Mr. Dolan showed the proposed enclosure wall which will have a stone appearance, the material for the bark and branches which are made from fiberglass, and examples of Mono-pines in other locations in the country. Mr. Dolan showed a potential landscape plan and reiterated that his company will work with the residents to landscape the development as they see fit within a \$15,000 budget.

Ms. Miya Kefalov, 39 Godwin Lane, stated that the neighbors of Godwin Lane are generally concerned about the proposed cellular facility. She stated that although good cell service and coverage is needed, that the residents she has polled in Godwin Lane already have good coverage. She stated that the photos are photo-shopped to provide the best perspective and that Godwin is a residential area that is not compatible with the cell tower. She stated the Village Lutheran tower is amongst a commercial surrounding. She said that the cell towers could be bad for your health. She stated that the generators that power the towers could be dangerous and asked for an environmental impact study to be conducted. She reiterated that the photos on the renderings are not going to look as beautiful once they are constructed.

A discussion ensued regarding how the right-of-way was obtained during the I-64 construction project in the 1960's. Marjorie Ivey, 28 Godwin Lane, added some information to the discussion regarding how Ladue Crest was utilized as an on-ramp to I-64 prior to the development of the McKnight Road ramps.

Chairman Moore called on City Attorney Erin Seele to speak on the Federal requirements and legal impediments that exist with regard to municipal regulations of cellular facilities. Ms. Seele stated that Federal and State law, specifically Chapter 67 of Missouri's Revised State Statutes, have limited municipality's decision making ability with regard to cellular sites. There are two items that have been suggested at this meeting that cannot be requested by the City of Ladue: requiring the petitioner to consider other locations other than what has been proposed because the City cannot evaluate an application based on other available sites, and requiring an environmental impact study relating to RF frequency. There are 19 items outlined in Missouri State Statutes that cannot be requested or considered that include environmental testing and monitoring. There are additional federal limitations and requirements. However, Ms. Seele stressed that the City can make determinations regarding whether the proposed project fits in with the neighborhood, meets applicable code requirements, and whether the project would have a negative impact on the surrounding property values.

Mr. Galati, 1 Godwin Lane, lives across the street from the cellular tower and states that the location is unacceptable to him.

Ms. Kefalov, 39 Godwin Lane, inquired about the variances that will be needed for the project and stated that her understanding is that four or five variances will be needed. She also stated that the schools are the most important reason to move to Ladue, not the cellular service. She expressed concerns about the possibility of a tree falling down and damaging the tower or the associated structures within the enclosure.

Erin Seele stated that MoDOT is requiring that trustees approve the project prior to their selling the land to Dolan Realty.

Chairman Moore explained that the Zoning Board of Adjustment is the entity that hears petitions for variances. The tentative date for these matters to go before the Zoning Board of Adjustment is January 9, 2017 at 4:00 pm.

Marjorie Ivey, 28 Godwin Lane, requested additional information about the structures within the enclosure including whether there will be shelters, cabinets, and generators. She believes these structures will be highly visible and wants clarification. She commented on the status of the property being in a lease and asked about ownership should the cellular company vacate the tower.

Chairman Moore stated that there will be provisions for maintenance for the cellular facility and the associated buildings. He stated that it was his understanding that Mr. Dolan has attempted to schedule a neighborhood meeting, but that the meeting has not yet taken place and encouraged the meeting to be scheduled.

Ms. Cathy Milton, 6 Ellsworth Lane, inquired about the Verizon letter and that to her knowledge there were some Ladue residents who stated that they were fine with their coverage. She asked for additional information about the safety of cellular towers. Mr. Dolan stated that

Federal agencies have cellular facilities and approved them. As an example, Mr. Dolan stated that cellular facilities are located on top of college residential buildings.

Mr. Dolan stated that there are cabinets that will be present, but that they will be concealed with a site proof fence. There is an emergency generator present that would also become operational in the event of a power outage.

Mr. John Lochhead asked whether cellular antennas on top of poles would be beneficial to address coverage issues, and Mr. Dolan stated that those do not have as large of a radius as the taller facilities.

Ms. Alice Spitznagel, 5 Godwin Lane, stated the tower will be highly visible from her home. She asked about the frequency of maintenance of the cellular facilities and Mr. Dolan stated that the tower will be accessed approximately quarterly for maintenance. Ms. Spitznagel noted there is a lot of traffic in the area.

Mayor Emeritus Tony Bommarito, 7 McKnight Lane, stated that the City's landscape reviewer should review the proposed landscape plan. He stated a maintenance agreement would be preferred. He stated that the enclosure should be approved by the architectural review board.

Mr. Rick Sachs, 9 Godwin Lane, asked what are the benefits to the Godwin Lane residents and asked about why Verizon is the anchor. Mr. Dolan stated that AT&T has a nearby wooden pole with antennas near the Ladue Crest entrance. Mr. Dolan stated that Verizon and AT&T have numerous dropped calls according to reports from those carriers. Mr. Dolan stated that Ladue Crest and Godwin residents will benefit from this facility as well as motorists on McKnight and I-64/40. Mr. Dolan said that a tower he developed in Frontenac started with one carrier and that three other carriers joined.

Ms. Donna Schwarze, 17 Godwin Lane, asked if other residential neighborhoods have had towers constructed on them and Mr. Dolan explained there are residential properties adjacent to the Village Lutheran tower.

Ms. Marjorie Ivey, 26 Godwin Lane, asked if the generator will be powered by Diesel fuel and stated that she prefers natural gas for environmental reasons. She added that the photos presented by Mr. Dolan of the subdivision entrance were outdated and inaccurate.

Mr. Robert Mueller, 16 Ladue Crest Lane and president of the subdivision, stated that the tower at their entrance is unsightly and was never properly landscaped. He stated that the equipment continues to grow and he understands that cellular coverage is important. Parking of AT&T vehicles at the Ladue Crest tower is frequent and blocks a lane of traffic. He stated that the equipment will need to be maintained at the Godwin site and that off-street parking should be considered. He asked who will own the tower.

Mr. Dolan explained that Dolan Realty will own the tower. Mr. Dolan stated that there will be off-street parking for maintenance vehicles.

Ms. Kefalov stated that a driveway serving the site is unacceptable and comes as a surprise. Mr. Dolan stated that he would like to schedule the neighborhood meeting so that all details can be discussed.

Commissioner Holtman made a motion recommending continuance to a future meeting contingent on a neighborhood meeting being held and that the Zoning Board of Adjustment hears the variance requests prior to the matter returning to the Zoning & Planning Commission. John Lochhead seconded the motion to continue the matter. Mr. Dolan agreed to the extension of the timeframe for review. The vote was as follows:

- Chairman McPherson Moore-“aye”
- Vice-Chair Thomas Kahn-“aye”
- Commissioner Margaret Holtman-“aye”
- Commissioner John Lochhead-“aye”
- Commissioner Jim Howe – “aye”

There were five (5) “ayes” and zero (0) “nays”. The matter was continued.

**ZPC 16-17** Request for a Special Use Permit for a stealth communication tower at a height of 85’. Proposed tower will be designed to look like a pine tree and will be located at 9810 S. Outer 40; Ladue Mulch Site.

Mr. Doug Dolan of Dolan Realty came forward to present information on the proposed project to the commission. He provided a site plan and explained that the location has changed due to an upcoming MSD project. He showed where the nearby residential properties are located with the nearest home be over 500 feet away.

Mr. Michael Tierney, 10 Twin Springs Lane, stated that his concerns are similar to that of the Godwin Lane residents. He stated the mulch site is a nuisance due to noise, foliage loss, and odor issues. He believes the tower will negatively impact his property. The tower will be an encroachment to his property rights. His home is approximately 1000 feet from the proposed tower.

Mr. Lochhead stated that there will be variances needed for this project as well. Mr. Moore stated that the document regarding the required variances can be made available to the public. Commissioner Kahn stated that the Zoning & Planning Commission is a recommending agency with City Council making the final determination.

Ms. Marjorie Ivey, 28 Godwin Lane, made a suggestion that towers be erected on top of MoDOT sound walls.

Mr. Tierney, 10 Twin Springs Lane, asked about cellular coverage issues near the mulch site. Mr. Dolan stated that coverage is inadequate because the existing antennas are on the roofs of commercial buildings and that for cellular service to be improved, the antennas need to be higher.

Commissioner Holtman made a motion recommending continuance to a future meeting contingent on the Zoning Board of Adjustment hearing the variance requests prior to the matter returning to the Zoning & Planning Commission. John Lochhead seconded the motion to continue the matter. Mr. Dolan agreed to the extension of the timeframe for review.

The vote was as follows:

Chairman McPherson Moore-“aye”  
Vice-Chair Thomas Kahn-“aye”  
Commissioner Margaret Holtman-“aye”  
Commissioner John Lochhead-“aye”  
Commissioner Jim Howe – “aye”

There were five (5) “ayes” and zero (0) “nays”. The matter was continued.

**ZPC 16-15**

Proposed amendment to Zoning Ordinance (#1175) regarding development standards for storm water management. Proposed changes to the ordinance include green space requirements for residential development, definition of green space, storm water management requirements for new construction, and erosion control requirements during construction. Amendment also includes a proposed change to Chapter 94 of the Ladue Code of Ordinances regarding a requirement for retention/detention basins in subdivisions.

Commissioner Moore called on City Planner Andrea Sukanek to provide the City’s perspective on this application. Ms. Sukanek stated that the storm water sub-committee has been meeting since May 2016 and they have developed five recommendations. The committee members were announced; Chairman Ray Potter, Councilman Patrick Hensley, Ann Carter, Trae Meyr, Maryann Rober, and staff liaisons Andrea Sukanek & Will Penney.

The recommendations include greenspace requirements. Ms. Sukanek stated that in lieu of establishing maximum coverage limits like many communities have done, that the subcommittee is recommending establishing open space requirements. She explained that case studies for various recent residential projects were evaluated. She explained that permeable pavement would not be included in the open space. Chairman Moore stated that the term “paved” needs to be further defined, especially as it relates to the use of gravel. Chairman Moore asked about the exception of stepping stones, and expressed concern that large stones would impede water absorption. Councilman Fox suggested that visual examples be included in the ordinance.

Commissioner Kahn asked about the proposed percentages for E & E-1 Zoning districts with regards to whether they are too restrictive. Ms. Sukanek explained what research was performed including case studies and evaluating ordinances for other communities.

Commissioner Howe asked if the proposed open space requirements apply to additions and Ms. Sukanek stated that any project will be required to meet the new requirements including driveways, sports courts, new homes, and additions.

Chairman Moore asked whether permits are required for flatwork projects and Building Official Will Penney stated that it is desired.

Commissioner Kahn wanted to ensure that the existing ordinances will still apply, such as rear and side yard maximum coverages, and Ms. Sukanek confirmed that they will remain in place.

A discussion ensued with regard to storm water retention and detention basin requirements and it was concluded that language should be added to ensure MSD approval and language about maintenance responsibilities within subdivisions.

Mr. Rick Sachs, 9 Godwin Lane, stated he was the involved with the MSD Board and the implementation of the Clean Water Act by MSD. He cautioned the Zoning & Planning Commission to not be overly restrictive with new regulations.

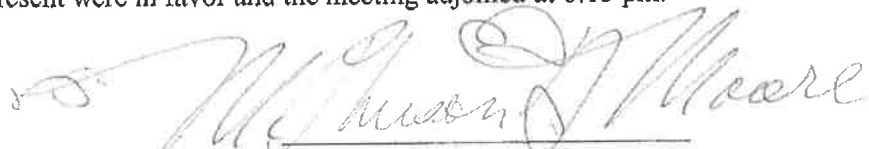
Chairman Moore stated that for Section Four of the recommendations, that clarification is needed between the various downspout conditions that are being proposed and requested a definition of "piping." Ms. Sukanek explained the reasoning behind the recommendations in Section Four and explained that some of the alternatives are meant to address properties in higher density areas, in which buildings are built to the setback line.

Ms. Sukanek explained the proposed recommendations for Section Five, which address land disturbance for projects with less than one acre of disturbance.

Ms. Sukanek stated the next steps are tweaking the recommendations in response to the feedback obtained at this meeting, then preparing the proposed recommendations in ordinance format. Ms. Sukanek will present these updates at the next meeting.

Ms. Lamitola thanked Ms. Sukanek and the storm water sub-committee for their hard work in putting together these well thought-out recommendations.

Chairman Moore announced that the next meeting is scheduled for January 25, 2017 at 4:00 pm. Commissioner Howe made a motion to adjourn the meeting and Commissioner Kahn seconded the motion. All present were in favor and the meeting adjourned at 6:13 pm.

  
Chairman McPherson Moore