

MINUTES OF MEETING
ZONING AND PLANNING COMMISSION
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI
WEDNESDAY, DECEMBER 19, 2018, 4:00 P.M.

Chairman McPherson D. Moore introduced himself, covered the basic procedures, and called the meeting of the Zoning and Planning Commission to Order at 4:06 P.M. The following members were present:

Chairman McPherson D. Moore
Vice-Chair Thomas Kahn
Commissioner Jim Howe
Commissioner Robbye Toft
Commissioner Tim Crowley
Commissioner Margaret Holtman
Commissioner John Lochhead

Also present were City Planner, Andrea Sukanek; City Attorney, Erin Seele; Director of Public Works, Anne Lamitola; Administrative Assistant, Lori Wrobel; Mayor Nancy Spewak, and Councilman John Fox.

Chairman Moore called for a moment of silence in honor of the late Mr. Ronald Holtman.

Approval of the Minutes from the November 28, 2018 meeting.

After discussion, Commissioner Crowley made a motion to approve the minutes as amended. Commissioner Toft seconded the motion. All those present were in favor and the minutes were approved.

ZPC 18-17 Amendments to the Ladue Zoning Ordinance #1175 regarding communication antennas and towers.

Ms. Sukanek presented information on Amendments to the Ladue Zoning Ordinance #1175 regarding communication antennas and towers via Power Point.

HB 1991 limits the City's ability to regulate small cell wireless facilities. Under this bill, the following uses must be permitted uses with no zoning review:

- The collocation of small wireless facilities and their maintenance and modification on existing structures in the right-of-way
- The placement of new or modified utility poles for small wireless facilities in the right-of-way in zoning districts that are not single-family residential G1, G2, H – Industrial
- The bill states that new, replacement, or modified utility poles installed in the right-of-way shall not exceed the greater of 10 feet in height above the tallest

existing utility pole in place as of January 1, 2019 located within 500 feet of the new pole in the same right-of-way or 50 feet above ground level.

- If antenna does not meet these requirements, zoning restrictions may apply.

City Requirements

There are a limited number of requirements the City may put on the pole application. The proposed code includes the following requirements:

- As legally allowed the appearance of any new, modified, or replacement Utility Pole shall conform to general City standards. Antenna and equipment shall be painted and designed to blend with the Utility Pole to the extent practical, including the concealment of all cables within the Utility Pole structure
- Facility shall not materially interfere with the safe operation of traffic and control equipment or City-owned communications equipment
- Facility shall not materially interfere with compliance with the American Disabilities Act, or similar federal or state standards regarding pedestrian access or movement
- Facility shall not materially obstruct or hinder the usual travel or public safety on the rights-of-way or conflict with any proposed right-of-way improvement project
- Facility shall not materially obstruct the legal use of the rights-of-way by the City, utility, or other third-party
- Facility shall comply with the spacing requirements within Chapter 90 of the Ladue Code of Ordinances (ROW code)
- Facility shall comply with applicable national safety codes, including recognized engineering standards for Utility Poles or Support Structures
- Facility shall comply with the decorative pole replacement and other beautification requirements
- Facility shall comply with undergrounding requirements
- Facility shall not result in the interference or impairment of the operation of existing utility facilities, or City or third-party attachments
- No trees or other vegetation may be removed from the right-of-way without the owner's consent. New Utility Poles shall be located outside of the drip line of existing trees to prevent root disturbance

Application requirements

- Application materials are required that show compliance with the City requirements, including:
 - site plan
 - images of the completed installation

- proof that it complies with the size requirements
- Structural report stating that the pole can safely support the equipment
- Authorization from the owner of the utility pole (or other applicable structure)

Other changes

- HB 1991 states that applications for multiple antennas may be consolidated into a single application for up to 20 site
- This is included in the proposed code
- There are time limitations for various types of permit decisions
- The City has 15 days to notify applicant of application deficiencies in the application
- A colocation must be approved or denied within 45 days
- The proposed code states that the City will issue decisions within the required time frame

Special Use Permits would still be required for:

- All communication towers, including stealth towers
- Non-concealed antennas (unless they are in the right-of-way in a non-residential zoning district)
- Concealed antennas in a residential zoning district

Approval of the following would change:

- Antennas on utility poles within the ROW in commercial and industrial zoning – use is permitted
- Concealed antennas and those installed on the roof of a building and set back, as required, from the edge – use is permitted, but would require administrative review

Changes to SUP Requirements for Concealed Antennas

- Remove requirement that antenna must be completely housed within the building
- Require that cable be routed internally, unless exterior cable is designed to match vertical element of building
- Equipment must be contained within building or underground. Equipment enclosure that resembles a building may be allowed
- Changes to building exterior must be reviewed by ARB

Changes to SUP Requirements

- The City only has 60 days to approve small cell facilities that require zoning approval. Currently the process takes about 90 days
- City Council referrals will be waived applications will go straight to Zoning and Planning. These items will not be able to be continued, unless there is a significant change that resets the “shot clock”
- Total application fees for a small wireless facility on a modified or replaced utility pole may not exceed \$500 per pole. Our SUP cost is \$500. This means that the Building Permit fee may need to be waived if the SUP included only one pole. (May increase \$500 fee for SUP if multiple poles are to be modified)

Discussion ensued. Commissioner Toft made a motion that the commission approve and submit to the City Council the ordinance as recommended with the following stipulations and modifications. That antennas on a roof top be no more than 10 feet above the top of the building; under no circumstances be more than 60 feet above grade and be set back no less than 20 feet from any edge of the building. Any rooftop antenna must be screened in a manner that is architecturally consistent with the structure. Commissioner Crowley seconded the motion. All present were in favor.

Adjournment

Commissioner Crowley made a motion to adjourn, seconded by Commissioner Toft.

All those present were in favor and the meeting was adjourned at 5:07.

The next meeting will be held on January 23.

Chairman McPherson Moore