

**MINUTES OF MEETING
ZONING AND PLANNING COMMISSION
CITY OF LADUE, ST. LOUIS COUNTY, MISSOURI
WEDNESDAY, MARCH 23, 2022 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 4:00 P.M. The following members were present:

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

Also present were Andrea Sukanek, City Planner; Erin Seele, City Attorney; Lori Mullins, Deputy City Clerk and Via Zoom Councilman John Fox

Approval of the Minutes from the February 9, 2022 meeting

Commissioner Crowley submitted an amendment to the minutes. The minutes were approved as amended upon motion by Commissioner Kahn and second by Commissioner Toft.

Items for Consideration

ZPC 22-02 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Lay Road adjacent to 35 Fair Oaks. Proposed antenna is 64'6" in height in the C residential zoning district.

Mr. Joe Markus, Black & Veatch Site Acquisition Manager, addressed the Commission representing New Cingular Wireless PCS LLC dba AT&T Mobility. He reported the City of Ladue approached AT&T in efforts to find ways to improve cell coverage in the City. Topography and mature trees hinder cell coverage in the area, thus the need to broadcast above the trees. The utility poles are owned by Union Electric Company d/b/a Ameren Missouri. Nine existing Ameren poles have been identified for replacement by AT&T. Mr. Markus reported tall poles provide better coverage, and there are not a lot of options. The proposed utility pole exceeds 70' in height and will increase capacity and coverage for approximately 1 mile on each side of the pole. There are no existing poles 50' or higher within ¼ mile. 80' tall trees in the surrounding area will assist in screening the tall pole.

Mr. Markus fielded questions with the following:

Due to the large diameter, a mono-pine cannot be erected in the right-of-way.

The size of the antenna on the top of the pole is 2.26 cubic feet. The components will be screened by foliage. This proposal does not replace existing smaller poles. The poles must be accessible to trucks, so the poles cannot be placed in back yards. The most recently erected poles on Warson Road are between 65 and 75 feet in height.

Ms. Sukanek elected to comment after Mr. Markus presents on all the proposals.

ZPC 22-03 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of McKnight Road adjacent to 1 Robin Hill Lane. Proposed antenna is 77' in height in the B residential zoning district.

Mr. Markus presented information regarding the proposal to replace the utility pole on McKnight Road. The proposed replacement includes a 74' pole with a 3' antenna on the top. Surrounding trees are 80' in height, and the foliage will screen the additional height in the summer. The poles requested are on the west side of the road where there is foliage.

David Bird, 1 Robin Hill, spoke in opposition of the S.U.P. The existing utility pole is in the right-of-way directly in front of their house. The existing utility pole is 28' in height; if granted the pole will more than double in height. He is in support of improving coverage. He requested the Commissioners to consider the aesthetics and to please consider moving it to the south where homes will not be impacted.

Ms. Seele stated that legally, the Commission can only approve or deny the application but cannot discuss alternatives for placement of the pole. By state law, the Commission can only consider the proposed location.

Tony Bommarito, 7 McKnight Lane, spoke in opposition of the S.U.P. on behalf of his neighbors. He shared his concern regarding the number of notices sent out, and the impact this has on McKnight Road residents and motorists. Often plantings intended as screening are not maintained. He requested this be postponed.

Discussion ensued.

ZPC 22-04 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Ladue Road adjacent to 9530 Ladue Road. Proposed antenna is 77' in height in the B residential zoning district.

Mr. Markus presented information 56' tall trees surround the pole, with a ravine is just beyond it. Ameren selects utility polls that meet the criteria to house antennas; the engineers use a modeling tool for current coverage vs. projected coverage. Studies are not readily shared as the information is considered proprietary. Locating sites for polls with potential to supply adequate coverage is difficult. Opposition is an issue. Someone will not be pleased regardless of the location.

Mr. Rand Goldstein, 9530 Ladue Road, reported if approved, the pole will be 21 feet taller than the tallest tree, and at the bottom of a valley. He inquired about locating a poll at the bottom of a valley that is intended to broadcast over the top of the trees. Placing it at the peak would make better sense. He does not like the aesthetics.

Larry Reed, Ladue Cellular Service Committee, reported to the Commission. The Mayor created the Committee to address the lack of cell coverage in Ladue and to re-engage the cell carriers. Some carriers have written Ladue out of their capital budgets. A T & T is the sole receptive carrier. Utility poles may be quite noticeable initially, and if you are looking for them eventually they do blend in and are not really a focal point. The Briarcliff subdivision has 70 homes and no cell service. This is dangerous. It is not worthy of Ladue to have such poor cell service. U.E. governs the poles, and they determine which poles can be utilized.

Discussion ensued. Topics included the numerous private streets in the City of Ladue, and the issue of these streets not having any right-of-way. St. Peters was granted a Special Use Permit to use the steeple for an antenna and no carriers opted to use this.

Ms. Seele stated we are prohibited from looking at other locations or evaluating their business decision, per statute.

Tall, small-cell towers to target the area would help with coverage. There is no other poll on Ladue Road that could be used due to specific requirements.

Ms. Sukanek shared the following conditions:

- Communication Antenna must be Constructed, operated and maintained based on plans for such an antennas approved by the City
- The City must be in receipt of a structural report with and engineer certification.
- Equipment shall be attached in the most inconspicuous location possible
- Equipment color must match the support structure
- Must be removed when no longer in use
- Poles over 70'; require a separate waiver

The Comprehensive plan and strategic plan highly support improving cell coverage.

Chairman Moore stated the criteria on approving S.U.P. applications and requested the City Attorney instruct the Commissioners with guidelines for consideration.

Ms. Seele stated that cell phones are different as there are federal and state laws that limit cities consideration. The commission is limited to looking at the area presented, and the effect on the area/ property values.

ZPC 22-02 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Lay Road adjacent to 35 Fair Oaks. Proposed antenna is 64'6" in height in the C residential zoning district.

Pursuant to Ordinance 1175, the Zoning Code of the City of Ladue, all applications for S.U.P. are discussed and reviewed by the Zoning and Planning Commission prior to the City Council's final review and decision.

Commissioner Toft moved the following, that the Request for a Special Use Permit to be granted with regard to the location of a new Cingular Wireless Pole across from 1260 Lay Road within the City's Right-of-way, subject to the recommendations of the City Planner. Commissioner Crowley seconded the motion. The motion passed unanimously.

ZPC 22-03 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of way of McKnight Road adjacent to 1 Robin Hill Lane. Proposed antenna is 77' in height in the B residential zoning district.

Chairman Moore stated that an appeal was made to table this request.

Ms. Seele reported that small cells facilities, as towers, are subject to a federal Shot clock and must move forward within 60 days or will be deemed approved unless the applicant agrees. This will go to City Council for final approval.

Commissioner Toft moved denial of the Special Use Permit to install a cellular antenna on a utility pole in the public right-of way of McKnight Road adjacent to 1 Robin Hill Lane. Seconded by Commissioner Lochhead.

Discussion Ensued.

The vote was as follows:

Commissioner Crowley	"No"
Chairman McPherson Moore	"No"
Commissioner Robbye Toft	"Yes"
Commissioner Susan Gausnell	"No"

Commissioner Tom Kahn "Yes"
Commissioner John Lochhead "Yes"

With three votes in favor, and three votes opposed, the motion to deny fails.

Commissioner Crowley moved to send ZP 22-03 to the City Council with no recommendation.
Commissioner Kahn seconded.
The vote was as follows:

Commissioner Crowley "Yes"
Chairman McPherson Moore "Yes"
Commissioner Robbye Toft "No"
Commissioner Susan Gausnell "Yes"
Commissioner Tom Kahn "Yes"
Commissioner John Lochhead "No"

With four votes in favor, and two votes opposed the motion carries. ZP 22-03 will proceed to the City Council with no recommendation.

ZPC 22-04 Request for a Special Use Permit to install a cellular antenna on a utility pole in the public right-of-way of Ladue Road adjacent to 9530 Ladue Road. Proposed antenna is 77' in height in the B residential zoning district.

Commissioner Kahn moved to send ZP 22-04 to the City Council with no recommendation;
seconded by Commissioner Crowley.

The vote was as follows:

Commissioner Crowley "Yes"
Chairman McPherson Moore "Yes"
Commissioner Robbye Toft "No"
Commissioner Susan Gausnell "Yes"
Commissioner Tom Kahn "Yes"
Commissioner John Lochhead "No"

With four votes in favor, and two votes opposed the motion fails. ZP 22-04 will proceed to the City Council with no recommendation.

The meeting was adjourned upon motion by Commissioner Crowley and second by Commissioner Kahn at 5:35p.m.


Chairman McPherson Moore