

Webster Groves Plan Commission
Meeting Minutes
June 1, 2020

Members Present	Charles Sindel (via Zoom)	PLANNER
	Jeff Smith	Danny Jendusa
	Steve Hunkins	DIRECTOR OF PLANNING & DEVELOPMENT
	Annie Tierney (via Zoom)	Mara Perry
	Scott Mueller (via Zoom)	CITY ATTORNEY
	Christopher Michael (via Zoom)	Neil Bruntrager
	Maddy Heikkila (via Zoom)	COUNCIL LIAISON
	Toni Hunt (via Zoom)	Pam Bliss

REGULAR SESSION

1. Smith opened the meeting at 7:00 p.m.
2. APPROVAL OF MINUTES:
Smith asked for a motion to approve the minutes from the March 2, 2020 meeting. Hunkins made a motion to approve. Hunt seconded the motion. The motion passed 8-0.
3. PUBLIC COMMENTS:
There were none.
4. PUBLIC HEARING:
 - a) 20-PC-09 630 S Elm Ave. (Wireless Communications Facility): An application by DRA Properties LLC for a Conditional Use Permit to install nine (9) cellular antennas atop an existing light pole as an accessory utility use at Moss Field at 630 S Elm Avenue.

Jendusa began with slides of the existing pole and equipment shelter at 630 S. Elm. The property is zoned "A4" residential at Moss Field on the Hixson Middle School grounds. In 2004 a use variance was granted to allow one of the light poles to become a stealth cellular tower. In 2004, they went back before Board of Adjustment for an approval to change the allowed height. In 2005, a second stealth tower was denied approval of a variance. The light pole with cellular facilities was later approved building permits and built in 2008. In 2014, a demolition permit was issued to remove all antennas, radios and cabling from the site. Only the light pole and shelter remained. Since the former facility was considered non-conforming it must request a Conditional Use Permit.

Jendusa went through the five factors for determining whether the proposed wireless communications facility use will NOT:

1. Substantially increase traffic hazards or congestion.
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood.
4. Adversely affect the general welfare of the community.
5. Overtax public utilities.

Jendusa said in addition to the above requirements no CUP shall be approved for a wireless communications facility unless the City Council finds that the following conditions exist:

1. That the design of the Wireless Communications Facilities, including ground layout, maximally reduces visual degradation and otherwise complies with provisions and intent of this Wireless Code;
2. That the design is visually compatible with the area, will not distract from the view of the surrounding area, is maximally concealed or blended in with the environment, and will not adversely affect property values;
3. That such conditional use shall not be inconsistent or adversely affect the regular permitted uses in the district in which the same is located;
4. and That the proposal fully complies with applicable law including the General Requirements herein; provided that an exception to the General Requirements, other than building or safety code compliance, may be approved upon evidence that compliance is not feasible or is shown to be unreasonable under the specific circumstances shown.

Jendusa also went through requirements for color, ground equipment, antenna design as well as the height which will be located on a platform ninety-three (93) feet above grade, per section 53.224 (7.D) no support structure may exceed one-hundred (100) ft in height.

Sindel asked if this was AT&T and Jendusa said yes.

Tierney asked how many towers were there currently and Jendusa said two.

Michael asked if this is included on the Parks Department Master Plan. Perry said this is the school district property. Smith then asked if the school was aware and Perry said yes there is a lease agreement.

Hunkins questioned the non-conforming issue. Jendusa said that is part of the determining factor for approval or denial.

Hunt asked about setbacks and Jendusa said those were established back in 2004 when the pole was installed.

Smith asked if staff's approval was based on that the platform was already present and Jendusa said that did impacted the decision.

Jendusa said should City Council approve of the CUP, staff recommends the following conditions:

1. All provisions of the City Code shall apply except as expressly modified in this Ordinance #XXXX.
2. The wireless communications facility shall be constructed to appear similar in design and in the location atop the existing light standard identified in Exhibit A with a maximum of nine (9) total antenna.
3. The wireless communications facility and disguised support structure shall be painted a neutral color consistent with the natural or built environment of the site.
4. All equipment servicing the facility shall be contained in a single shelter with an exterior finish compatible with the natural built environment of the site.
5. The antenna shall be attached flush to the existing platform.
6. The height of the antenna shall not exceed ninety-three (93)-ft above grade
7. All wiring connected to the light sources, antenna, and radio equipment shall be buried underground or ground-mounted. Power shall not be provided to the structure via overhead wiring.
8. All necessary permits shall be applied for prior to installation and all disturbed areas shall be restored to City standards.
9. This conditional use permit is personal to the owner and shall not run with the land.

The applicant Doug Dolan, 450 Somerset, said the existing site was US Cellular. The plan is to use the existing equipment platform and building.

Hunt asked if they will maintain the building, and Dolan said yes. The lights are maintained by the school district.

Tierney asked if this will be 5G, and Dolan said no 4G.

Daryl Barker, a member of St. Louis for Safe Technology spoke of the ill effects of cell phone use and smart electric meters. He would be happy to provide any statistics for further consideration.

Diane Serber, 164 Central spoke of her family's ill effects after a smart meter was installed outside her home. They have since fixed the problem and believes fiber optics are safer.

Dolan said the health and safety issues have been reviewed and proven safe. With the elimination of home land lines cell phones have become a necessity for 911 safety calls.

Neil Bruntrager, City Attorney stated these issues should not be part of the CUP review process and should not be used for approval or denial. The applicant has said this is not for 5G and therefore that is not an issue. Perry said any future changes would have to be reviewed for approval.

5. ADJOURNMENT OF REGULAR SESSION

Smith asked for a motion to close the regular session. Hunkins made a motion. Sindel seconded the motion. All in favor the motion passed 8-0.

EXECUTIVE SESSION:

VOTES:

- a) 20-PC-09 630 S Elm Ave. (Wireless Communications Facility): An application by DRA Properties LLC for a Conditional Use Permit to install nine (9) cellular antennas atop an existing light pole as an accessory utility use at Moss Field at 630 S Elm Avenue.

Tierney said this would adversely affect the neighborhood especially next to a school. There have been many studies on the use of cell phones and radiation. She will vote to disapprove. Heikkila wanted to confirm that any changes would have to be approved. Perry said yes but maybe limited. Bruntrager said the code is limited and they have no authority to say yes 4G no 5G as the City is limited in their zoning powers.

Smith went through the five factors for approval or denial as well as all the city's requirements.

Smith asked for a motion to approve. Hunkins made a motion. Sindel seconded the motion. Sindel, Smith, Heikkila, Hunkins, Hunt, Michael and Mueller all voted to approve. Tierney voted to disapprove. The motion passed 7-1.

6. OTHER BUSINESS:

Perry gave updates on the Olive & Oak restaurant. Staff will continue with the code changes they were working on and hopefully bring that forward soon.

7. NEXT REGULAR MEETING: July 6, 2020.

8. ADJOURNMENT OF THE EXECUTIVE

Smith asked for a motion to adjourn. Hunkins made a motion. Sindel seconded the motion. All in favor motion passed 8-0. The meeting adjourned at 8:16 P.M.