



**MINUTES OF THE
PLANNING AND ZONING COMMISSION MEETING
1 GOVERNMENT CTR ♦ BALLWIN MO 63011
JULY 6, 2020**

Chairman Weaver called the meeting to order at 7:07 p.m. Members in attendance were:

PRESENT

Chairman Mark Weaver
Secretary Lisa Zimmerman
Commissioner Grant Alexander
Commissioner Tracy Bolte
Commissioner Olivia Pieknik
Commissioner Chad Silker
Commissioner Victoria Winfrey
Alderman Kevin Roach
Mayor Tim Pogue

City Administrator Bob Kuntz
Planning Technician Shawn Edghill
City Attorney Robert E. Jones

ABSENT

Commissioner Gary Carr

Approval of Minutes

A motion was made by Mayor Pogue to accept the minutes of the May 4, 2020 meeting as submitted. Commissioner Alexander seconded the motion, which received unanimous approval from the Commission members present.

SUE 20-04 – Special Use Exception (Communications Tower)

Clayton Road Cell Tower, 15407 Clayton Rd

Petitioner: Matt Schlichter, Network Real Estate, 5055 Hwy N, Ste. 200, St. Charles, MO 63304

Mr. Matt Schlichter addressed the Commission, requesting approval for the construction of a cell tower and related equipment building at 15407 Clayton Rd. Mr. Schlichter stated that his company first looks for places to collocate wireless equipment; in this case, there were no options for collocation. The equipment is anticipated to fulfill not only the current wireless needs of the population, but also the future needs. This location was chosen because it is one of the few commercial properties in the area where the equipment is needed.

No additional curb cuts will be needed. The proposed structure is a 100' monopole, built to the current national standard, and designed for collocation. The petitioner is proposing to build a Simtek fence around the perimeter to provide a sight-proof barrier in lieu of landscaping. Mr. Schlichter stated that there is already landscaping in place along Kehrs Mill Road.

Chairman Weaver asked why the monopole could not be located next to the water tank. Mr. Schlichter said that the water tank would interfere with coverage.

Mayor Pogue asked if the petitioner has a lease agreement with the property owners. Mr. Schlichter said they do have one; however, it will not be finalized for a few weeks. Mayor Pogue asked if the petitioner has a letter of intent to show the Commission. Mr. Schlichter said that a redacted lease agreement was submitted to Planning Technician Edghill. Mr. Schlichter said the lease agreement is for 90 years.

Commissioner Pieknik asked if AT&T has other permanent structures in Ballwin already. Mr. Schlichter said yes. Ms. Pieknik asked if other carriers have permanent structures in the City. Planning Technician Edghill said they do.

Mayor Pogue said that he appreciates the petitioner's efforts to preserve landscaping along Kehrs Mill Road, and asked if any thought has been given to additional landscaping around the proposed fencing. Mr. Schlichter said that there is such a large utility easement along Kehrs Mill Road, and they can't legally build on top of it. The leased space is so tight, that if they moved the wall inward to place landscaping, it would significantly impact the ability for another carrier to build facilities to collocate on the pole. This would lead to those carriers to request an additional pole in the same area.

Commissioner Bolte asked if the landscaping is being requested to hide the wall or the equipment building. He said the equipment building will be higher than six feet. Mr. Schlichter said that in many cases, the fencing proposed is chain link, and the landscaping is used to shield the view of the building. The petitioner is proposing an attractive, durable sight-proof fence to achieve the same aesthetic as landscaping, without sacrificing the ground space that would be reserved for attracting a collocator. Alderman Roach said if the fence is lower than the equipment, is that achieving the desired result? Commissioner Bolte said that was what he was referencing with his question. Mr. Schlichter said the Simtek fence comes in 6' and 8' heights. City Attorney Jones said that the Planning & Zoning Commission can include restrictions to the height of the fence and equipment in its recommendation to the Board of Aldermen.

Secretary Zimmerman said she has significant concerns regarding the safety of 5G technology. Mr. Schlichter said that is regulated by the FCC. Ms. Zimmerman feels the City of Ballwin should be discussing the health concerns of 5G before allowing the technology across the board. Commissioner Bolte stated that 5G is not one spectrum; it utilizes multiple bands of spectrum.

Chairman Weaver opened the public hearing and asked if anyone wished to speak in favor of Petition SUE 20-04. No one came forward. Chairman Weaver asked if anyone wished to speak in opposition to the petition. No one came forward, and Chairman Weaver closed the public hearing.

Commissioner Bolte clarified that the staff review report mentioned enclosed antennas, but they will not be enclosed, per the petitioner. Alderman Roach said that he doesn't feel that he has enough information regarding the proposal to make a positive recommendation. Commissioner Pieknik asked if the Commission has approved cell towers in the past, and if so, why are there reservations about this one. Planning Technician Edghill said that previously approved cell towers have been constructed as "stealth" towers – built to look like flagpoles, etc.

Mr. Schlichter said that the AT&T equipment building will be on a concrete pad and will only be 6' tall. Alderman Roach asked if the SUE will state a requirement that the equipment will not exceed the height of the fence, and include future carriers. Mayor Pogue said that additional carriers would come before the Planning & Zoning Commission for a site amendment and could be addressed at that time.

Mayor Pogue made a motion to recommend approval of Petition SUE 20-04 to the Board of Aldermen, with the provision that the Simtek wall be constructed to a height of 8 feet, and any equipment buildings will be lower than the 8 foot height. Commissioner Silker seconded the motion, and a voice vote was taken with the following result: Aye – Weaver, Zimmerman, Alexander, Pieknik, Silker, Winfrey, Pogue; Nay – Roach; Abstain – Bolte. The motion passed, 7-1.

Other Business

Chairman Weaver asked if there will be a meeting in August. Planning Technician Edghill stated that there will be a petition from ELCO Cadillac for a new showroom, and he is still waiting to hear whether Panera will be ready for a hearing. There may be another restaurant submitting a petition.

Adjournment

Mayor Pogue made a motion to adjourn the meeting. Commissioner Pieknik seconded the motion, which received unanimous approval from the Commission members present. The meeting was adjourned at 8:36 p.m.

Mark Weaver, Chairman
Planning & Zoning Commission