

CITY OF WASHINGTON, MISSOURI
PLANNING & ZONING COMMISSION MEETING MINUTES
Monday, February 8, 2021 7:00 p.m.

The regular meeting of the Planning & Zoning Commission was held on the aforementioned date and time in the Council Chambers of City Hall, located at 405 Jefferson Street in Washington, MO.

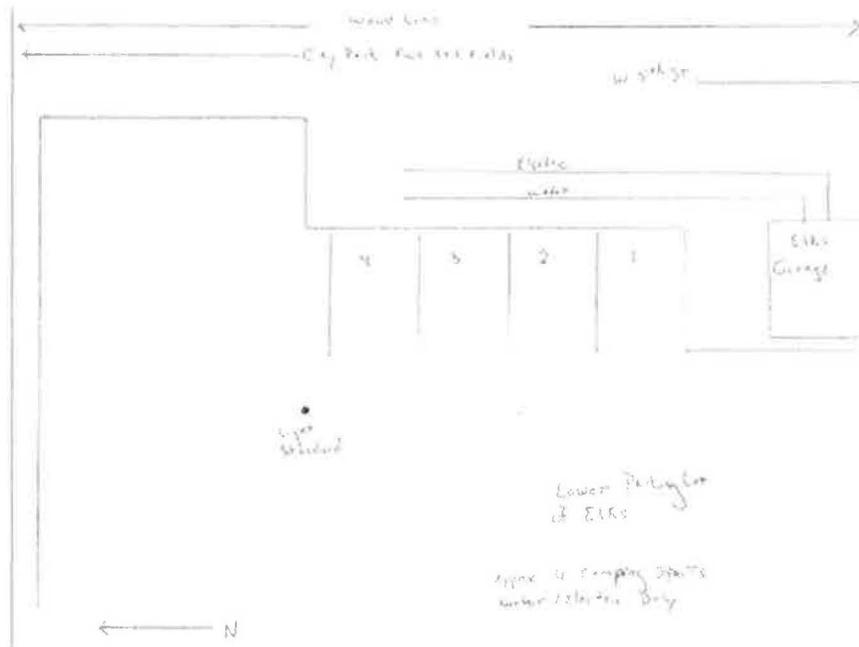
1) The meeting was called to order, Pledge of Allegiance, and the following roll call was taken:

Present: Tony Gokenbach, Mark Hidritch, Mark Piontek, Tom Holdmeier, Sandy Lucy, John Borgmann, Chuck Watson, Sal Maniaci

Absent: Mark Kluesner, Samantha Cerutti Wacker, Carolyn Witt

2) **Approval of Minutes from December 14, 2020-Motion made to approve, seconded and passed without dissent.**

3) **File No. 21-0102-**The applicant is requesting approval of a Special Use Permit to add up to four RV parking spots.



Sal Maniaci-The applicant is requesting to place four RV Parking Stalls at the Elks Lodge located at 1459 West 5th Street. According to Section 400.120 of the City Code, all Campgrounds and RV Parks for overnight guests shall request a Special Use Permit to be approved by City Council. The proposed plan shows four RV parking spaces on the western edge of the Elks new parking lot. They also propose to extend water and electric from the current garage to the proposed spots. There will be no sewer connection, as users will be directed to use the existing dump station on North Park Drive.

The proposed use is low impact to the surrounding properties and there is an existing buffer between the RV spots and the residential to the east. The Elks Lodge is currently over parked and the removal of

8 parking spaces will not violate City parking requirements. Guests will not be permitted to stay for more than 1 week at a time and the Elks will be required to register for the City bed tax for any transaction from guests. Staff recommends approval of the proposed RV Parking at 1459 West 5th Street.

John Borgmann-How many over their parking spots were there?

Sal Maniaci-I don't know that right off the top of my head.

John Borgmann-When I went out there and looked at it today and from what I know RV's is that they are going to half to be able to maneuver and you are going to lose that last row of double parking to the west just to get them in and out.

Sal Maniaci-It was more than eight and I can check to make sure but they did not have an issue with this beforehand. Everything they added was additional parking.

John Borgmann-The Senior Center?

Sal Maniaci-Yes, it is all included when we looked at the square footage of the building.

John Borgmann-I think you would be losing 24 spaces instead of the eight.

Sal Maniaci-We can verify that but I can say that back in 2018 when they demolished that house that was all considered additional parking.

After a short discussion, a motion was made, seconded and passed without dissent.

- 4) **File No. 21-0104**-The applicant is requesting approval of a Special Use Permit for a AT&T Cell tower located at 602 Alberta Lane.



Sal Maniaci-The applicant has requested to build a 175 foot Monopole cell tower located at 602 Alberta Lane.

According to Section 400.330, proposed undisguised telecommunication towers must obtain a special use permit granted that it is at least 200 ft. away from any residential structure, not more than 200 ft. in height, all support structures must meet regular setback requirements, and Landscaping or fencing must also be placed around the structure base and equipment.

The proposed plan, attached to this report shows the tower 37 ft. from the northern property line, 76 ft. from the eastern property line, 43 ft. from the southern property line, and 83 ft. from the western property line. The applicant also submitted a fall zone letter sealed by a structural engineer certifying that if the tower were to fail the impact zone could be up to 114 ft. from the base. There is one structure to the south within this fall zone, used as a self-storage structure with no regular occupancy. City Code was amended in 2020 to allow telecommunication towers to be within the height of the tower to neighboring commercial structures and property lines on a case-by-case basis. In this case, the applicant is arguing that the neighboring structure is a lower risk with no regular human occupants. The area is primarily industrial in nature with low traffic volume. If there were to be a case submitted for a tower within fall zone to a structure, staff feels this would be the appropriate case.

The proposed plan also shows a 6 ft. tall composite faux rock wall screening the base of the tower, per requirements. Staff recommends approval of the proposed cell tower at 602 Alberta Lane.

Tony Gokenbach-Is there any requirement on having an additionally insured in a case like this?

Mark Piontek-We do not have anything in our code that would require that.

John Borgmann-I just want to clarify that 65 ft. is what the engineer is saying is the fall zone?

Tony Gokenbach-It's 65% or around 114 ft.

Katie Linnenbrink-609 Commodore Drive-I am concerned, as my home is down on the cul-de-sac and I received a letter about two weeks ago and no one else in our subdivision had received a letter on this. I am kind of hearing that you all have talked about this before but this is the first time we have actually heard about it and have been able to come up and voice our opinion. So after a little bit of looking into it, I am a little bit concerned about the radioactive frequency waves that are going to come from this. In addition to, it is 200 ft. tall you are saying?

Sal Maniaci-175 ft.

Katie Linnenbrink-I am also concerned about the environmental impact regarding the wild life which it does affect that. I would like to know if any of those factors have been evaluated.

Sal Maniaci-The applicant is here and can answer those questions.

Tom Holdmeier-We will get those questions answered.

Sal Maniaci-It is heavily regulated by the state on what we can and cannot do because telecommunications are considered a utility. So the things that we can look at are the setbacks and the height and those sort of things. Doesn't mean it can't be addressed at a public meeting like this and the applicant can address those things. We can't require some information to be submitted as per state law.

Katie Linnenbrink-Another thing is that the land at the bottom is currently a wetland to my knowledge. And I think there is a certain amount of distance that needs to be in place.

Sal Maniaci-That lot is not in the floodplain but there could be some surrounding areas that are.

Katie Linnenbrink-If it is an environmental wetland a tower has to be so far away from it.

Sandy Lucy-You are saying that parcel is?

Tom Holdmeier-You are saying that the tower has to be so far away from it?

Katie Linnenbrink-I believe it does.

Sandy Lucy-Where is the wetland, down by the creek?

Katie Linnenbrink-Down behind the park.

Sal Maniaci-If there are any state/federal telecommunication requirements it is on the company to get their own license for that review. We do not review because when it comes to it if it has to be a certain height that is reviewed by the FAA, we don't review that. We specifically do height, location and zoning.

Mark Piontek-You mentioned something about the radio frequency. If I am not mistaken, federal law prohibits us from denying a permit for a cell tower because of concerns over radio frequency. I would

also say we are not aware of any requirement or code and I am not aware of any that we can enforce that would require that cell tower to be located any particular distance from any wetlands.

Katie Linnenbrink-But you are not confident about that?

Mark Piontek-I am pretty confident, yes mam'.

Katie Linnenbrink-Let's say we call the Department of Natural Resources then they could say yes or no.

Mark Piontek-If it is a wetland issue it is going to be the Army Corps of Engineers issue but I am not aware and I am pretty confident of that that there is nothing we have to enforce to prevent that tower from being placed any distance from a wetland. I am not aware of any federal law that prohibits it either. I may be wrong about that.

Katie Linnenbrink-It is a tower there are so many places that, a parking lot, why can't you put it on a parking lot? Why next to woods? And I don't even know if the people down below in those trailer parks, I don't even know if any of them were notified.

Tom Holdmeier-We have a certain distance on sending letters.

Mark Piontek-185 ft.

Chuck Watson-Anybody within 185 ft. of that are notified.

Mark Piontek-You also mentioned that we discussed this before. We have not discussed this proposal before. We have discussed cell towers at other locations but this is the first time we have seen this application. It has not been discussed previously.

Katie Linnenbrink-I thought he said something about changing the height for this plan.

Mark Piontek-We changed the code some time ago to address different heights of the towers but we didn't get this application at that time.

Rick Muench-I am the property to the north. I would think I would be in the fall zone of that tower. How big is the base of that tower?

Tom Holdmeier-We can try to find that out.

Rick Muench-My concerns are the fall hazard, the microwave radiation, eyesore and deduction of property value. How would you like it in your back yard? If you are going to sell the property and they might want to build a nice house and have to drive by a 175 ft. cell tower every day. These are my concerns being the closest property owner to that. We have a 24/7 business that we run out of there and what would happen if that tower fell over?

Chuck Watson-We did have one picture that showed the fall zone and it is not within that red circle. You are well outside the fall zone.

Rick Muench-I am not 175 ft. away from that. I am more like 75 ft. away.

Sandy Lucy-It collapses.

Sal Maniaci-That circle is 114 ft. from the base.

Rick Muench-The base may be in my driveway. It's called Sandra Lane. I don't know what the size of the base is.

Sal Maniaci-It's not that large.

Tom Holdmeier-We will find out for you.

Rick Muench-The depreciation of my property will go down with a cell tower that close in my back yard. I do not think anyone would like that.

Ben Woodard-Attorney from Stinson LLP, a law firm in St. Louis. I spoke with Mr. Sprague and he let me go first so he could address all the questions/concerns at once. So listening to the other citizens concerns, my focus is on the fall risk. Right now this is assuming that this is a 114 ft. fall risk.

Right now, this is ft. 37 from the northern property line, 76 ft. from the eastern property line, 43 ft. from the southern property line and 83 ft. from the western property line. One hundred seventy five feet

tower proposed. Even if we assume that the tower has a fall risk of 114 ft. as you all anticipated that is well over the four adjoining properties. It also extends entirely over the building directly to the south as you can see which is my understanding it is storage. But more significantly it extends over, at least partially, over Alberta Lane which is just west of there. And also would extend north of there over the road at Sandra Lane. I think extending over those roads is a significant concern for safety personnel and any person that might be walking by. It is my understanding that there is a dance studio nearby and a office and a 24 hour business. So, the possibility of a pedestrian or regular traffic and it falling on Sandra Lane or Alberta Lane. Even under their own estimates of a fall risk at 114 ft. So I think this is something that the Planning & Zoning Commission should consider. It does not justify the exception to setback rules here that are in place to protect these kind of interests. A proposed AT&T tower would also not noticeably improve cell service. (Handout) So this is the difference between my clients tower and SBA owns a tower in Washington also. The difference between my clients tower and the existing SBA tower here on the map and the new proposed AT&T tower, they are 1/3 mile from each other. As you will see from those propagation maps this will not improve cell service. My client has space on our tower for AT&T. Currently AT&T is not on my clients tower but there is space. Along those lines my client has reached out to AT&T and said that there was room and we have not heard back from anyone on that. Lastly, I will point out is that the code requires the application to be signed by the property owner and I noticed that the application is not signed by the property owner. It is just signed by Mr. Sprague. It appears that Anytime Storage is just south of there and is owned by Scott Langford. I could not find his signature on this application. So on that matter by itself, my client thinks it should be denied. I welcome any questions you might have. Thank you, I appreciate your time.

Jessica Ponder-613 Commodore Drive-I am adjacent to the only people that were notified which I understand to be 185 ft. radius which is almost as high as this proposed tower. So maybe there is a reason to modify procedures if the effect range is going to be larger. Sounds like there has been a lot of change that Sal described in terms of making it go higher than 100 ft. and then modifying the fall range and extending that and now I understand that we have moved it to a case by case basis. This has been a progression of additional heights allowed and additional distances. So maybe there is room to change the regulations to include more properties because I also have concerns about property value based on where I am at and how high this tower is going to be and what effect it would have. And now I am concerned knowing how high this tower is going to be about the fall range and I appreciate how we have a sealed envelope with an engineer who has signed off on it. I would be interested in the name of that engineer. Who they are and whether they have the ability to make that declaration at 144 ft. but as he mentioned, 114 ft. does not compass the distance around this tower. And if you are going to talk about a dance studio, there's children in there. This is not the issue of an empty building with peoples stuff that you can just rebuy. We are talking about children in a class, we are talking about a lot of risks to a lot of people in the neighborhood as he mentioned. We are talking about the risk of people driving by. God forbid that it not be one of my children and one of yours. Please consider the families that live in this area and the risks to them if this thing were to fall or if this engineer made the wrong calculations at 175 ft., God forbid we go any further than someone's calculation in a book. I would wish that the council consider the children in that dance class. Thank you.

Jake Sprague-Network Real Estate-I represent AT&T in this matter. I will be glad to address any of the previous comments and concerns that were brought up. Real quick I just want to go through what our process is in finding a new location for a tower and what drives that. So what AT&T does is that they determine the need for a new tower area and they issue what is called a search ring and they engage my firm, Network Real Estate, over to start the site acquisition and that is working with the Planning and Zoning Commission and working with Sal and ultimately getting it built. So to identify

the need. They determine by those propagation maps that there is a need and a hole in that network and people saying that they get bad coverage here seems to be the sentiment based on conversations with those in the audience. This is a real coverage hole right now. What we do then is identify what will fit with the network. Geographically it has to communicate with the other towers in the network. We always search for the location that has the least visual impact. Of course, safety is an utmost concern. Obviously, there are the regulations. There is the Zoning Board here. We talked about the wetlands. All that stuff, there are requirements that we have to get like a NEPA Report which addresses the wetlands, it addresses the wildlife, it is very thorough and I can provide the Board with it. We have to provide the FCC with this report before we are able to get the tower certified and actually on air. (Power Point). So what we proposed is this 175 ft. monopole tower, entered a ground lease with Anytime Storage, 60 x 80. The tower has been designed with the fall radius not to exceed 65% of the tower height. I know the engineers are putting their professional reputation on the line. It is not based on, oh, I hope this is right. It is based on a set of standards that they have to follow. There are stress points within the tower and it will break and just kind of tumble on its own. The weather event that would cause this to go over would have to be something catastrophic like a tornado. It's absolutely designed to be safe. The flag pole tower is not really something AT&T can connect to. This is where it gets out of my expertise so we rely on the AT&T engineers to let us know what works. The SBA tower to the south is actually 175 ft. tower and the fall zone is on residential property. I know there has been some issues from other residents that live in that subdivision but I have not been here for any of the opposition. They really seem to not like that tower. So doing an enhancement on that would not be something the city would like to see. We chose this spot because it has some natural protection with trees behind it. It is a natural buffer. It is also in an industrial area. The 175 ft. tower also allows for different carriers. I would happy to answer any questions the board may have. Thank you.

Tom Holdmeier-Do you know the diameter of the base?

Jake Sprague-That I do not know specifically. It won't be out of the lease area I can tell you that for certain. It is usually from eight feet to thirteen feet. I am guessing at this point. That is going to be addressed at site plan and building permit approval.

John Borgmann-You showed a picture of the tower with antennas on the outside in a triangle. Is that how your tower would be mounted?

Jake Sprague-With todays network requirements the towers really have to have the radio heads up on the top where it is so the triangle platform is more popular because it can accommodate all the radio heads on top.

John Borgmann-It's going to be exposed like that instead of the enclosed tower?

Jake Sprague-You are correct. Thank you. I appreciate your time.

Ben Woodard-One, the SBA's tower I do not believe it is a fall risk is in the neighborhood. I would have to go back and check but I am confident that is correct. The propagation maps that I gave you were taken from the FCC. The last thing that I would like to address is the signature of the landowner which is code.

Mark Piontek-We can always add that signature before it goes to City Council.

Sal Maniaci-I think what happened is that they mailed the originals and emailed me the documents and I think that I used the electronic one and the signed one was mailed so we need to check in the office and find out what happened. I will switch that out before it goes to Council. If not we will make sure we get with the applicant and get that signature.

Jessica Ponder-I just wanted to reiterate that I do live in that cul-de-sac and I do work from home and that is why I bought that property. It is a great place to raise my children. I have no concerns of coverage. I have not had any problems. I have lived there for six months now and have never had

problems with my cell service so whoever made these maps they are wrong. And I would like to add that if there is 175 ft. tower that is nearby that can accommodate the needs I really don't understand why would need another one.

John Borgmann-What service do you have?

Jessica Ponder-I have Google Fi and have had no issues.

Sal Maniaci-The cell tower at Cecelia is T-Mobile.

Mark Piontek-Can I clarify a couple of things. Since 2014 Missouri Law prohibits us from evaluating the business decisions in deciding whether or not to put up a tower. We are prohibited from looking basically at these propagation maps and frankly not saying well you need service here so we are not going to approve your tower. We are not allowed to do that. Secondly, Missouri law prohibits us from looking at the radio frequency emissions as a factor in whether you approve the tower or not. Finally, Missouri law also prohibits us from requiring any cell tower provider to co-locate on another tower. We cannot make it a condition of approval that they co-locate on an existing tower. We used to do that with our old code which allowed that or required that but since they changed the code in 2014 we are not allowed to do that.

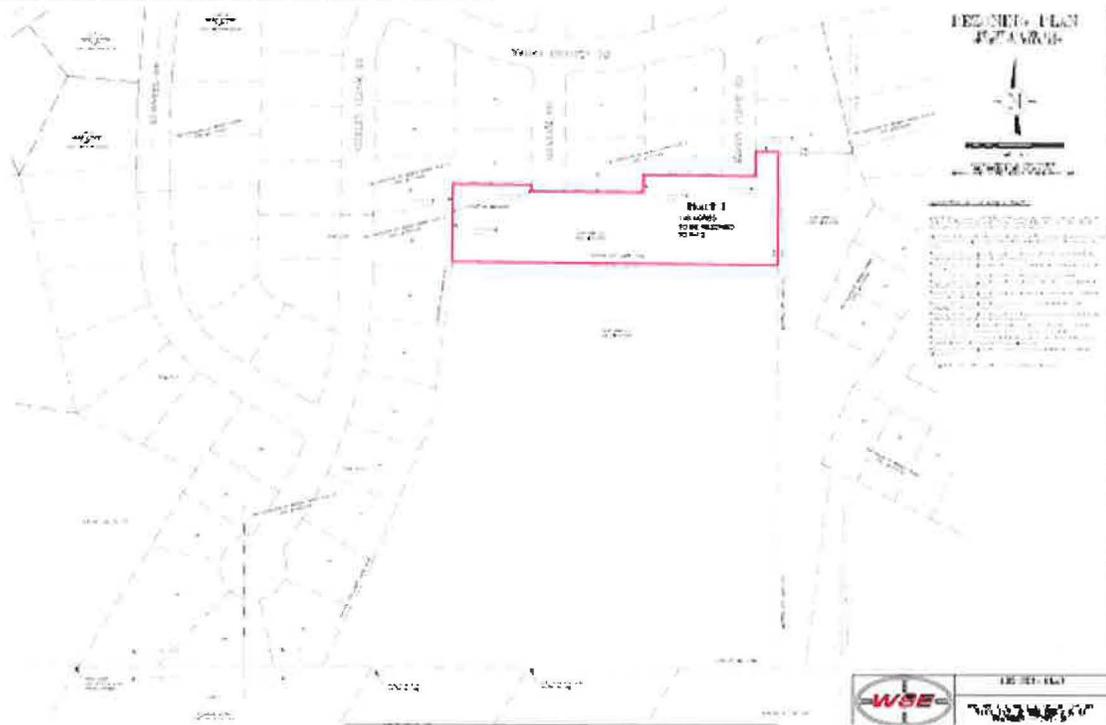
Ben Woodard-I am familiar with the State Statute that you are referring to. We could dispute on whether we can apply that or not. This is really going to achieve better service.

John Borgmann-SO what can we look at?

Mark Piontek-You can look at the zoning, the height of the tower, and the fall zone, safety code issues.

Tony Gokenbach, nay, Mark Hidritch, yay, Tom Holdmeier, Sandy Lucy, yay, John Borgmann, yay, Chuck Watson. Motion was approved by roll call vote.

- 5) **File No. 21-0105**- The applicant is requesting approval of a rezoning of approximately 2 acres from R-1A Single Family Residential to R-1D Single Family Residential to match the existing zoning in Malvern Hill and south side of the Overlook



A motion was made, seconded and passed without dissent.

between the larger lots to the north and the smaller lots to the south. It also matches the existing zoning in the Overlook at Weber Farms and Villas at Weber Farms. Staff sees no detriment to the surrounding properties by allowing the rezoning.

The second is a petition for voluntary annexation. The petition includes 7.95 acres of property directly south of the existing subdivision and north of the proposed plat. It is adjacent to existing City limits and will have access via Graham Road, Mason Close Road, and Statten Drive. The applicant has also requested that the property be annexed into the City as R-1D Single Family Residential. This matches the surrounding zoning adjacent to the proposed annexation.

The third application is requesting approval of a preliminary plat for the Overlook at Weber Farms Plat 6. This next and potentially final phase of the subdivision includes the extension of Graham Road, Mason Close Road, and Statten Drive to allow for the creation of 27 lots. The plat proposes to terminate Graham Road with a 96 ft. wide cul-de-sac. The plat also completes two connection points at Statten and Mason Close Road and Statten Graham Road allowing for more continuity in the subdivision. The proposed grades of the street extensions are not to exceed 12% as was approved as a variance with the previous two plats. The applicant will be required to denote that on the final plat. There is also a lake proposed and shown as part of "common ground A" and a "lake maintenance easement" to the rear of the lots that access the lake. The remainder of the plat meets code requirements showing the appropriate right-of-way widths, utility easements, and general notes, with the exception of lots 100-104. The sanitary sewer is not shown inside a utility easement to the rear of these lots. An easement will be required on the final plat.

The following are attached to better describe the requested applications

1. The rezoning exhibit
2. The annexation legal exhibit
3. The preliminary plat for Plat 6.

Recommendation:

Staff recommends approval of all three application with the following conditions of approval for the preliminary plat:

1. Construction plans must show hydrants located at every intersection. The number of hydrants and their locations must meet minimum standard set forth in the Development Code.
2. The final plat must denote the street grades that exceed 10%, not to exceed 12%.
3. A utility easement must be shown to the rear of lots 100-104.

Motion was made seconded and passed without dissent.

Motion to adjourn, seconded and passed without dissent at 8:15 p.m.



Thomas R. Holdmeier
Chairman