

MINUTES
ROLLA PLANNING AND ZONING COMMISSION MEETING
ROLLA CITY HALL COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 14th, 2021

- Presiding:** Don Brown, Chairperson
- Commission Members Present:** Walt Bowe, Lister Florence Jr., Russell Schmidt, Monte Shields, Steven Shields
- Commission Members Absent:** Robert Anderson, Janece Martin, Kevin Crider
- City Officials in Attendance:** Tom Coots, *City Planner*, Sarah West, *Administrative Assistant*, Steve Flowers, *Community Development Director*
- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, August 10th, 2021. **Chairperson Don Brown approved the minutes as printed and distributed.**
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:**
1. **ZON21-04, 101 North Rucker:** Map Amendment (rezoning) from C-1, Neighborhood Business to the C-2, General Retail District. **Approved by City Council at September 7, 2021 meeting.**
 2. **ZON21-05, Self-Storage, Joshua Ratliff:** Map Amendment (rezoning) from R-3, Multi-Family to the C-3, Highway Commercial District. **Approved by City Council at September 7, 2021 meeting.**
 3. **SUB21-06, YCHC Addition:** Minor Subdivision to combine two lots located at 1081 East 18th Street. **Approved by City Council at September 7, 2021 meeting.**
- III. OLD BUSINESS:** NONE
- IV. PUBLIC HEARING:**
1. **VAC21-01, Alleyway Vacation:** A request was made to vacate a portion of the right-of-way of the alley between Oak Street and Olive Street; between US 63 and 18th Street; and adjacent to 1808 and 1810 N Bishop, 1808 N Oak, and 1809 N Olive.
- Tom Coots** presents the staff report. **Schmidt** asks how the vacation will affect the nearby lots. **Coots** explains the applicant owns all the adjacent lots and may resubdivide the lots. The southern area would remain as-is. **Brown** asks for clarification regarding access. **Coots** explains that if the request is approved, the applicant will have the ability to block

the alleyway if desired. **Florence** asks if the applicant owns the property surrounding the alleyway. **Coots** confirms the applicant owns 1808 Oak, 1809 Olive, 1808 Bishop, and 1810 Bishop.

Brown opens the public hearing.

Zhenhong “Tommy” Lin is the applicant. He explains the alleyway is not properly maintained, and is not used often. He also claims it would be a tremendous help to have alley vacated. **Schmidt** comments that the alleyway was used judging by the number of vehicles parked in the alleyway. **Lin** states that vehicles did not go north to Bishop Ave. He estimates very few vehicles used the alley daily. He also states he wished to reduce foot traffic.

Brown asks for any other questions from the commissioners or the audience. Seeing none, he closes the public hearing and entertains a motion.

A motion was made by Monte Shields, seconded by Steven Shields, to recommend approval of the request to vacate the north portion of the alleyway between US 63 and 18th street. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Schmidt, Monte Shields, and Steven Shields. Nays: None. Absent: Anderson, Martin, and Crider. The motion passes unanimously.

2. CUP21-02, Collective Solutions, LLC: Conditional Use Permit (CUP) to allow a Wireless Communications Facility not permitted by Section 42-400 or 42-401.

Coots presents the staff report. **Brown** asks about fencing. **Coots** confirms that a fence is proposed. The fence is a security fence with screening slats. **Schmidt** asks what the main reason the requested tower needed a Conditional Use Permit (CUP) for. **Coots** states the main reason was because the requested tower was not a concealed or disguised type or a small-cell application. **Brown** asks if before the 2019 code, it was required to have a Conditional Use Permit (CUP) for a cell tower. **Coots** is unsure about the previous requirements, but states he knew of no other Conditional Use Permits (CUP) that have been issued before for a cell tower. **Schmidt** asks if any other cell towers were other concealed type towers. **Coots** states there were cell towers located on water towers, buildings, and one located in a flag pole in Schuman Park. **Brown** asks for an estimate on cell towers similar to the one requested in the City of Rolla. **Coots** estimates that there were roughly six to twelve cell towers similar to the one being requested in the City of Rolla.

Brown opened the public hearing.

Russell Been, located at 340 Marshall Road Valley Park, MO 63088, is a representative for Collective Solutions. He explained the request for a Conditional Use Permit (CUP). He handed out a packet of information for the Commission. **Florence** asks about the replacement for the facility on 420 16th street. **Been** confirms the need for a new location.

Schmidt asks if the old tower will be abandoned. **Been** says his client would relocate to the new tower, but the other tower would remain. Another company owns and operates the other tower. **Schmidt** asks regarding the 90 year lease upon the current cell tower. **Been** states that SBA is responsible for their contract with the city.

Megan Johnson, located at 1601 Broadway Rolla MO 65401, expresses health concerns due to the proposed tower being in close proximity to a school. Also asks why a cell tower is needed in the area.

Terri Higgins, located at 1113 Missouri Avenue Rolla MO 65401, expresses health concerns regarding the proposed tower being in close proximity to a school and also in a residential area. She submitted an email with a link to a website about health issues and cell towers prior to the meeting.

Zach Buchheit, located at 7700 Forsyth Boulevard Suite 1100 St. Louis MO 63105, is a representative for SBA Communications. He explained that he does not believe the request meets several provisions in the city code, including a fall zone setback, submission of various reports, paint scheme, landscaping and screening, and disguising the antennas. He explained that he does not believe the request meets the criteria for approval of a CUP. He explained that his client is not aware of any issues with the cell tower on which the applicants' client are currently located. He handed out some papers and maps for the Commission. **Brown** suggests a lack of communication between SBA and AT&T. **Brown** expresses that there is more risk concerning the fall zone with the current tower than with the one being proposed. **Buchheit** states the current tower met the code requirements at the time it was built.

Florence called Russell Been back to explain the setbacks of the proposed tower. **Been** states that those setbacks could be addressed by the board. He went on to rebut some of the testimony from Mr. Buchheit. **Schmidt** asks if the proposed tower would replace the current system for first responders. **Been** states the proposed tower will be in addition to the current system, and be strictly for first responders. **Schmidt** asks what providers are proposed on the tower. **Been** states that AT&T and Parallel Infrastructures have an agreement to locate on the proposed tower. **Bowe** asks if there is an option to put the updated technology on the pre-existing tower. **Been** states that this would not be possible.

Buchheit asked if he would be allowed to rebut. He reiterated the points about the deficiencies in the application. He said that the city is required to follow its code, even if it is in conflict with any state statutes.

Been asked if he could quickly rebut again. He explained that in fact the state statutes overrule the city codes on some issues and prohibit denial of a request for certain reasons.

Brown closes the public hearing and entertains a motion for a roll call vote.

A motion was made by Bowe, seconded by Schmidt, to recommend tabling the request for a Conditional Use Permit (CUP) to allow a Wireless Communications Facility, to the

next Planning and Zoning meeting on Tuesday, October 12, 2021. A roll call vote on the motion showed the following: Ayes: Bowe, Florence, Schmidt, Monte Shields, and Steven Shields. Nays: None. Absent: Anderson, Martin, and Crider. The motion passes unanimously.

V. NEW BUSINESS: NONE

VII. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:

VII. CITIZEN COMMENTS: NONE

Meeting adjourned: 6:47 p.m.

Minutes prepared by: Sarah West

NEXT MEETING:

Tuesday, October 12th, 2021