



**MINUTES  
BOARD OF ADJUSTMENT  
ONE ST. PETERS CENTRE BLVD., ST PETERS, MO 63376  
MEETING OF DECEMBER 18, 2013  
6:00 P.M.**

CALL TO ORDER

Chairman Dan Meyer called the meeting to order at 6:00 p.m.

ATTENDANCE

Those in attendance were Mr. Bill Kendall; Mr. Tom Fann; Mr. Nick Trupiano; Mr. Dan Meyer; Mr. William Jaggi; Ms. Julie Powers, Director of Planning, Community and Economic Development; and Ms. Melissa Vollmer, Recording Secretary.

MINUTES

Mr. Meyer asked the Board for any comments or questions regarding the minutes of November 20, 2013. Mr. Jaggi made a motion and Mr. Fann seconded to approve the minutes as presented. The motion carried unanimously.

COMMUNICATIONS AND REPORTS OF OFFICERS

Mr. Meyer asked for any reports or communications from the Officers or Staff. Mr. Braunfeld indicated there were none.

PETITION 13-Y:

Mr. Meyer stated that the purpose of the meeting was to consider Petition 13-Y. St. Charles Tower, Inc. requests a variance to permit a communications tower which is not concealed within another structure (stealth tower) in the C-3 General Commercial District. The subject site is located south of Highway 94, east of Heritage Landing.

Mr. Meyer further stated that the evidence and testimony received this evening would be the only record considered by the Board. Title IV Land Use of the Municipal Code, as amended, shall be Exhibit #1 for this petition.

Mr. Meyer declared the public hearing open to consider Petition 13-Y. The petitioner or their agent was requested to step forward to present their position. Ms. Lindsay Biesterfeld and Greg Yocom, St. Charles Tower, Inc. were sworn in as the petitioners. Ms. Lindsay Biesterfeld explained that St. Charles Tower is proposing a communications tower on a portion of the Heritage commercial building parking lot. The stealth design was originally proposed as a "monopine" tree; however, at the December 4, 2013 Planning and Zoning Commission meeting, the Commission reviewed the photo simulations of the standard tower in contrast to the stealth tree and requested that St. Charles Tower get a variance from the stealth requirement. Mr. Yocom explained that with the amount of data used by the general public, greater capacity is needed for each carrier and the flagpole style stealth towers are no longer able to hold all of the needed equipment. Due to the requirement that the communications tower be 'stealth', the monopine tree was proposed as the branches hide the additional equipment that is needed on the towers. Mr. Yocom noted that the Planning and Zoning Commission requested that St. Charles Tower obtain a variance to allow the standard monopole tower in lieu of the stealth "monopine" tree tower at this location.

Mr. Meyer asked if there were any questions of the petitioner. Being none, Ms. Julie Powers was sworn in to present the City's position for Petition 13-Y.

Ms. Powers stated that St. Charles Tower, Inc. requests a variance to permit a communications tower which is not concealed within another structure (stealth tower) in the C-3 General Commercial District.

St. Charles Tower is proposing the addition of a communications tower on a portion of the Heritage commercial building parking lot. The stealth design was originally proposed as a "monopine" tree which would be one hundred and five feet tall. The related equipment would be screened by a tan, vinyl fence.

At the Planning Commission meeting of December 4, 2013, the applicant showed photo simulations of the stealth tree. These photos indicated a stealth tree that would be much taller than the natural trees existing on the site. The applicant also showed photo simulations of a traditional tower with antennas mounted on the exterior of the tower. Because the site is zoned C-3 General Commercial, the code only allows stealth towers. However, staff and the Commission noted that this lot is along the south side of Highway 364 South Outer Road (Page Ave.). Also, the area is fronted by very tall electric poles that align Highway 364. When staff and the Commission reviewed the photo simulations of the standard tower, in contrast to the stealth tree, the standard tower seemed less obtrusive and more appropriate along the highway frontage, near the tall utility poles.

Noting the above, the Commission voted to hold action on the requested special use permit to allow time for the applicant to submit to the Board of Adjustment for the traditional, not stealth tower. The Commission will take up this matter again on January 8, 2014.

Based on this, St. Charles Tower, Inc. requests a variance to permit a communication tower which is not concealed within another structure (stealth tower). The property is located on the south of Highway 94, east of Heritage Landing.

Ms. Powers noted that the variance requested by the applicant is from requirements of the Zoning and Subdivision Regulations (Title IV Land Use Chapter 405 as amended) it states:

**SECTION 405.210 D. Special Use Permit Required**

11. Transmission towers or antennas if concealed within another structure (stealth towers) or attached to another structure.

Ms. Powers noted that the proposed project will include the installation of a new 105 foot tall communications tower. The tower will be designed for a total of three telecommunications providers. The associated equipment shelter will occupy a small portion of the northeast corner of the existing parking lot and be screened by a six foot tall sigh proof vinyl fence. Although this portion of the parking lot is not often used, some minor adjustments will be required to maintain appropriate traffic circulation. The plan shows the curb being removed and the asphalt repaired; another curb will be installed to help guide traffic. With these modifications ample parking will remain.

Staff notes this site was previously approved for a stealth flagpole, which was not installed. At that time, the flagpole was approved without the flag as the applicant suggested that the flag would draw attention to the tower rather than allowing it to blend into the background. Also, at that time the Heritage subdivision representatives advised that a flag is not needed since the subdivision already has flags at the entrance.

Since the original proposal, the industry has advised that stealth flagpoles are too limited for the equipment needs of the carriers. With the amount of data used by the general public, greater capacity is needed for each carrier. Therefore, the stealth trees are proposed where monopoles are not allowed as the tree branches allow a greater number of antenna to be camouflaged.

Staff is of the opinion the placement of a tower at this location adjacent to Highway 364 is appropriate given the other commercial activities and other utilities along this corridor; this was staff's recommendation to the Commission. The proposed placement of this tower helps to minimize its visibility to the majority of surrounding land uses, especially the single-family uses. The proposed tower will be approximately 725 feet away from the single-family residential uses and buffered by the two story Heritage commercial building. The multi-family residential uses are located approximately 300 feet away from the proposed tower and separated from the tower by two large parking lots. Also, staff notes that the capacity of the tower to add two additional carriers would help reduce the need for additional towers in the area.

When this proposal was reviewed at the Land Use Review meeting, staff had concern regarding the ability of a stealth tree to blend in with the lower tree growth and brush in the area. Staff maintains this concern and, therefore, requested that the applicant provide photo simulations of the stealth tree at this location. In addition, staff requested photo simulations of a standard monopole. While the underlying C-3 District only allows a stealth tower, staff advised that consideration of the standard tower is reasonable given the proximity of very large utility poles along the Highway 364 corridor.

At the Planning Commission meeting, the Commission agreed that use of a stealth tree at the subject location would not be appropriate as the tree would stand out rather than blend into the area.

Ms. Powers stated the code considerations as follows:

1. If the petitioner complied with the provisions of this Zoning Code (does not obtain the variance they are requesting), will they not be able to get a reasonable return from, or make reasonable use of the property?

The applicant was able to submit for a special use permit for a stealth tower on the property, but because of industry changes it would not have the capacity for multiple carriers. Therefore, the reasonable return from the tower for the operator and users, and as a co-location benefit to the community, would not be realized.

2. Does the hardship result from the strict application of these regulations?

If a stealth tower is required, per the code, a hardship would result as co-location of antenna could not occur, possibly resulting in more towers in the community and/or the continuance of poor service in the area. Also, the appearance of the site would be impacted as the stealth tree, in staff and the Commission's opinions, is not attractive at this location.

3. Is the hardship suffered by the property in question?

The property does not suffer an obvious hardship as it has been commercially developed for some time. However, the tower would be an additional utility use that must be accommodated for in the community to ensure that all residents have access to telephone service. Noting that, limiting the tower options for the site would pose a hardship for the telecommunications system in the community.

4. Is the hardship the result of the applicant's own actions?

The hardship is a result of code limitations on non-stealth towers. Typically standard towers are appropriate in industrial areas. However, in this case, the planned placement of the tower at the rear, unused portion of the site, and the proximity to a highway make the variance reasonable.

5. Is the requested variance in harmony with the general purpose and intent of the zoning regulations and does it preserve the spirit?

If the variance is approved the development will be in harmony with the general purpose and intent of the zoning regulations since the tower will be at the rear of the site and adjacent to a highway and other utility facilities.

6. If the variance is granted, will the public safety and welfare have been assured and will substantial justice have been done?

The public safety and welfare will have been assured and substantial justice will have been done because the applicant will be able to use their property to the fullest extend and will have no ill effects on surrounding properties or the City as a whole.

Based on this analysis, staff recommends approval of the requested variance to permit a non-stealth tower at the subject location subject to consistent paint color between the pole and antenna.

Mr. Meyer asked if any of the board members had questions for Ms. Powers. Mr. Meyer asked if there was anyone in the audience to speak in favor, opposition or in comment of Petition 13-Y. Seeing no one present to comment, Mr. Meyer closed the public hearing.

Mr. Fann made a motion and Mr. Jaggi seconded to approve Petition 13-Y.

Mr. Meyer requested Ms. Vollmer call the roll, which resulted in the following votes:

Mr. Fann	Yes
Mr. Kendall	Yes
Mr. Trupiano	Yes
Mr. Meyer	Yes
Mr. Jaggi	Yes

There being 5 yes and 0 no vote, Mr. Meyer declared that Petition 13-Y was approved.

Mr. Fann presented the findings of fact as follows:

1. The property is located at 1600 Heritage Landing Drive.
2. The lot is presently zoned C-3 General Commercial District.
3. Adjacent zoning is C-3 General Commercial District.
4. The Zoning and Subdivision Regulations require transmission towers in commercial districts to be concealed within another structure (stealth).

Mr. Jaggi made a motion and Mr. Trupiano seconded to approve the findings of fact. The motion carried unanimously.

Mr. Jaggi presented the Conclusions of Law for Petition 13-Y as follows:

1. The variance will not impair the supply of light or air to the adjacent properties.
2. The variance will not increase congestion in the public streets.
3. The variance will not impact the safety of the community.
4. The variance will not impact on the general health and welfare of the community.

Mr. Fann made a motion and Mr. Trupiano seconded to enact the Conclusions of Law. The motion carried unanimously.

ELECTION OF OFFICERS

Mr. Jaggi made a motion and Mr. Fann seconded to keep the structure of the board as is. The motion carried unanimously.

Mr. Meyer made a motion and Mr. Jaggi seconded to adjourn the meeting at 6:30 p.m. The motion carried unanimously.

Respectfully submitted:

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Melissa Vollmer  
Recording Secretary

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Dan Meyer  
Chairman