



**Planning and Zoning Division**

201 North Second St. - Room 420  
St. Charles, MO 63301  
P 636-949-7335 | 1-800-822-4012  
F 636-949-1815 | Planning@sccmo.org  
www.sccmo.org

December 22, 2022

This communication summarizes the following bill to be introduced at the January 9, 2023 County Council meeting:

**CONDITIONAL USE PERMIT AMENDMENT REQUEST – 29 EAST HIGHWAY N**

Application No:	CUP22-14
Property Owner:	Donald J. Twillman and Dolores M. Twillman Revoc Living Trust
Applicant:	Michelle Dohrman, Diamond Communications
Property Zoning:	A, Agricultural District and C2, General Commercial District
Conditional Use Request:	Amending Ordinance 13-102 (CUP21008) to allow replacement of an existing 150-foot telecommunication tower with a 180-foot telecommunication tower.
Location:	On the north side of Highway N, approximately 1,400 feet east of Highway Z, near the City of Wentzville
County Council District:	2
Account No.:	749040A000

The purpose of this application is to allow an existing 150-foot telecommunications tower to be replaced with a 180-foot telecommunications tower. To do so, the County Council must amend the conditions imposed by Ordinance 13-102 which granted a conditional use permit for the existing tower.

The existing tower is located behind a water tower of similar height which draws the eye of motorists on Highway N and Highway Z meaning that a telecommunications tower at that location is less visually intrusive.

Although the proposed replacement telecommunications facility would not meet setback and spacing standards for telecommunications towers, the County Council may adjust those requirements through the conditional use permit process “for good cause stated and shown”. (Section 405.505.C.7&8) Suggested rationale for doing so is provided in County staff’s memorandum dated December 12, 2012.

The Planning and Zoning Commission held a public hearing on December 21, 2022 and received the following input:

Speakers:	<u>  1  </u> Support	<u>  0  </u> Opposed	<u>  0  </u> Concerns
Letters on file:	<u>  0  </u> Support	<u>  0  </u> Opposed	<u>  0  </u> Concerns
Agency Letters on file:	none		

Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

  8   Approval      0   Denial      0   Abstentions

**Recommendation:**

Upon closing the public hearing, the Planning and Zoning Commission voted to recommend that the County Council approve this application with the requested setback and spacing adjustments. County staff concurs.

Sincerely,

Robert Myers, AICP  
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive  
Joann Leykam, Director of Administration  
Rory O’Sullivan, Acting County Counselor

# APPLICATION CUP22-14

## CONDITIONAL USE PERMIT AMENDMENT REQUEST – 29 EAST HWY N

Application No: CUP22-14  
Property Owner: Donald J. Twillman and Dolores M. Twillman Revoc  
Living Trust  
Applicant: Michelle Dohrman, Diamond Communications  
Property Zoning: A, Agricultural District and C2, General Commercial  
District  
Conditional Use Request: Amending Ordinance 13-102 (CUP21008) to allow  
replacement of an existing 150-foot  
telecommunication tower with a 180-foot  
telecommunication tower.  
Location: On the north side of Highway N, approximately  
1,400 feet east of Highway Z, near the City of  
Wentzville  
County Council District: 2  
Account No.: 749040A000

---

### CONTENTS:

- Staff Recommendation
  - Photo(s) of Site
  - Aerial Photo
  - Surrounding Zoning Map
  - Notification Area Map
  - Copy or Ordinance 13-102 for CUP 21008
  - CUP Narrative
  - Preliminary Concept Plan
  - Letters received:
    - ◆ None
-

## STAFF RECOMMENDATION

**To:** County Planning & Zoning Commission

**Prepared by:** Doug Moslehi

**Application No.:** CUP 22- 000014

**Date:** December 12, 2022

### BACKGROUND

**Applicant:** Donald J. and Dolores M. Twillman

**Property Owners:** Donald J. Twillman Revocable Living Trust and Dolores M. Twillman Revocable Living Trust

**Requested Action:** To amend Ordinance 13-102, a Conditional Use Permit for a telecommunications facility with a 150-foot tower

**Location:** 29 E Highway N. On the north side of Hwy N, approximately 1,200 feet east of Highway Z

**Parcel Size:** 4.0 acres

**Existing Zoning:** C2, General Commercial District

**Current Land Use:** Construction company, crane storage, single-family residence, and a telecommunications tower

**Adjacent Land Use and Zoning:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	A, Agricultural District	Single family residences
South	A, Agricultural District	Agricultural
East	A, Agricultural District	Single family residence
West	A, Agricultural District and C2, General Commercial district	Utilities (water tower for Public Water District No. 2) and Commercial (Fast Lane convenience store)

**Year 2030 Plan:** recommends future Commercial land uses

**Representation:** County Council District 2 – Joe Brazil

**Public Services:** School District – R4, Wentzville School District  
Fire District – Wentzville Fire Protection District

**Utilities:** Water – Public Water Supply District #2  
Sewer – Private Sewage Disposal System

The applicant proposes to remove an existing 150-foot telecommunications tower and replace it with a 180-foot telecommunications tower with related ground equipment. To do so requires amending the Conditional Use Permit (CUP) concept plan and conditions approved through Ordinance 13-102.

This property was zoned A, Agricultural District, with the adoption of County zoning in 1959. In 2004 the property was rezoned to C3, Highway and Major Commercial District with conditional use permits for a

single-family residence and heavy machinery repair and storage. In September of 2007 the County eliminated the C-3 District and re-zoned the parcel to C-2, General Commercial District. In 2011, the County Council approved a Conditional Use Permit (CUP 12053) through Ordinance 11-070 for a 150-foot telecommunications tower. That approval expired in September of 2013. In December 2013 the County Council approved a second Conditional Use Permit (CUP 21008) through Ordinance 13-102 for a 150-foot telecommunications tower.

### **CONSIDERATION**

Conditional Use Permits (CUPs) are evaluated based on criteria established within Section 405.510.B of the County Code. The CUP criteria are as follows:

“Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions as will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit.”

To amend a CUP concept plan and conditions approved by the Governing Body, the process is as follows (Sections 405.510.E.2 and 405.510.H):

- The property owner or authorized representative shall submit a written request to amend conditions to the Planning and Zoning Division for review. The Division shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- The Division shall then forward the request and its report to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the proposed condition amendments and file a report with the County Council in which the Planning and Zoning Commission shall grant, deny or modify the requested condition amendments. If the Planning and Zoning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, and not consistent in purpose and content with the nature of the conditions imposed by the Governing Body, the request shall be considered as a new CUP application and the review and final decision on the request shall be rendered pursuant to, and as provided for, in the provisions of this Section 405.510 and Section 405.511 applicable to new CUP applications.
- If the Planning and Zoning Commission determines that the requested condition amendments are consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, and also consistent in purpose and content with the nature of the conditions imposed by the Governing Body, it shall not require a new public hearing on the matter, and it shall forward its approval report and recommendation to the Governing Body for final decision. The County Executive may forward the recommendation of the Planning and Zoning Commission to the Council for placement on the County Council's Consent Agenda.”

County staff has reviewed this request and recommends that the proposed CUP amendments are consistent in purpose and content with the nature of the proposal as originally advertised for public hearing and are consistent in purpose and content with the nature of the conditions imposed by the Governing Body in the approved Conditional Use Permit. Nonetheless, County staff recommends that the Planning and Zoning Commission hold a public hearing as part of its deliberations and forward its report and recommendation to the County Council.

In terms of height, the applicant has determined that the additional height is necessary to achieve their objective of expanding reliable consumer communication service in the surrounding area. The proposed tower is immediately adjacent to a 150-foot tall water tower, operated by Public Water Supply District No. 2, which obscures view of the tower from the southwest. A densely wooded area partially obscures view of the tower from the north. As an alternative to replace the existing telecommunication tower, the applicant investigated placing antennae on the adjacent water tower but determined that would not be a workable option. As proposed the tower would be approximately 280 feet from the residence on the property and approximately 400 feet from the nearest residence to the northwest.

The Unified Development Ordinance (Section 405.505.A.3) requires that the proposed tower be set back from property lines no less than the height of the tower and requires a minimum distance between telecommunication towers of at least one mile (5,280 feet). In this case the proposed setback of the tower is 25.23 feet from the northern property line and 15.15 feet from the western property line. Additionally, the proposed tower is only 3,000 feet from an existing tower on Buckner Road. Rather than having to apply to the Board of Zoning Adjustment for variances, the County Council, as part of the CUP approval process, may adjust these setback and spacing standards "for good cause stated and shown". (Section 405.505.C.7&8) County staff views the reasons to adjust County setback and spacing requirements as:

- existing land use entitlements granted by Ordinance 13-102,
- matching the same setbacks and spacing of the existing telecommunications tower,
- proximity of the adjoining utilitarian water tower on a parcel with ample open space behind that structure, and
- the telecommunications tower on Buckner Road being used by Union Electric Company (Ameren) exclusively for internal communications, meaning that its location has no bearing on consumer cellular service/cell coverage.

## **RECOMMENDATION**

County staff recommends that the Planning and Zoning Commission hold a public hearing as part of its deliberations and forward a report and recommendation for approval of an amended concept plan and conditions as follows

1. The telecommunications tower shall not exceed 180 feet in height.
2. A site plan substantially complying with the revised concept plan attached hereto as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.
3. The tower shall be painted a single color that shall be indicated on the site plan.
4. No lighting or outdoor signage, except for warning signs and signs indicating owner contact information, limited to two square feet each shall be authorized within the conditional use permit site area.
5. A minimum six-foot-high chain link fence will be required around the facility. The fence shall be screened by a Type 1 landscape buffer as defined in Section 405.435 of the Unified Development Ordinance.
6. The approved conditional use shall not commence on the site until such time as all improvements required by an approved site plan shall be built and approved.
7. This conditional use permit shall be null and void if no improvements required by this permit and authorized by a duly approved site plan are installed or built at the subject property within two years of the effective date of this ordinance.