
**Board of Adjustment
November 18, 2025
Staff Report**

Application Summary –

A request of Zachary Buchheit (attorney), on behalf of Broadway Office Park Condominium Association (owner) and SBA Towers II LLC (lessee), seeking to amend the existing 2012 “stealth” communication tower conditional use permit (CUP), on property commonly addressed as 1205 W. Broadway, allowing the existing tower to become a “non-stealth” communication tower as required by Sec. 29-3.3(n) and 29-64(m)(2)(i) and (ii) of the Unified Development Code.

Site Characteristics

The subject property is part of the Broadway Office Park complex that is located at the northeast corner of Pershing Road and W. Broadway and was authorized by Board Order #1843 (September 11, 2012) to be improved with a 110-foot stealth monopole communication tower. The site of the communication tower is located between two existing office buildings on the property and is surrounded by a wrought iron security fence and landscaping that are consistent with the previously approved site plan and Board Order. The office park is bordered on the east by the Broadway Townhomes, on the west by single-family dwellings, on the north, by a mixture of single- and two-family dwellings, and on the south by single-family dwellings south of W. Broadway.

The current monopole structure currently supports two cellular carriers whose equipment is full enclosed and non-visible to the surrounding development. The natural vegetation surrounding the site to the east provides significant screening from the adjacent townhouse development; however, is fully visible from the townhouse units closer to W. Broadway looking across the waterbody separating the office park from the residential units. Furthermore, the tower is visible from dwellings located north and west of the subject site looking southward. The tower is significantly obscured from view heading westbound on W. Broadway and looking northward from the southside of W. Broadway.

The tower’s located is at low point with respect to the surrounding development and its limited height as well as painted color were chosen to minimize the visual impacts that the tower may have created upon the surrounding neighborhoods. As of preparing this report, staff is unaware of any complaints associated with the tower’s presence in this location and have received minimal inquiries related to the pending application. The requested conversion of this tower from a “stealth” to “non-stealth” facility has been precipitated by advancements in cellular technologies and increase cellular usage demand since the tower’s original construction.

If the requested conversion is approved, the only change that would occur will be associated with the placement of antenna supporting the current carriers from internal locations to external locations at the same height on a reconstructed monopole structure. The antenna at the highest location will be “flat-mounted” to the reconstructed monopole and the lower carrier’s antenna will be attached to a platform extending approximately 4-7 feet from the monopole itself. The existing 110-foot approved height of the monopole will remain unchanged and there would be no expansion of the ground-mounted facilities supporting the carriers. A graphic illustration of the reconstructed monopole and the antenna locations are attached to this report and are shown on Sheets A-1 and A-2 of the WT Group design plans prepared on behalf of the applicant.

The subject site is located within the PD (Planned Development) zoning district. The tower's location on this site has been previously incorporated into the approved PD Plans governing the overall office park's development. Given there is no "ground" expansion of the facilities, there is no requirement to amend the current PD Plan governing the cellular communication tower site. However, given the current approval is restricted to a "stealth" monopole and the applicant desires to convert the existing tower to a "non-stealth" design approval of a new conditional use permit (CUP) is required. Such approval must show compliance with the provisions of Sec. 29-3.3(n) and 29-6.4 (m)(2)(i) and (ii) of the UDC, subject to certain limitation imposed by the adopted 2014 Uniform Wireless Communications Infrastructure Deployment Act.

Relief Sought and Purpose

The applicant is seeking approval of a conditional use permit (CUP) in accordance with the provisions of Section 29-3.3(n) and 29-6.4(m) of the Unified Development Code (UDC) to permit conversion of a 110-foot "stealth" monopole telecommunications tower to a "non-stealth" facility of equal height. The request for CUP approval is necessary given the proposed reconstructed tower will not be designed to enclose all proposed antenna within the tower itself. Pursuant to Section 29-6.4(m) the Board must evaluate the proposed CUP against the standard 6-part CUP criteria and the 8-part Communication Antenna and Tower criteria specified therein. The additional 8-part criteria contain provisions relating to the Board's Finding of Facts that the applicant has analyzed co-location opportunities, in lieu of new construction and that, if approved, the proposed tower would be made available for use by others.

In 2014, the State of Missouri adopted the Uniform Wireless Communications Infrastructure Deployment Act which places several restrictions on local government from requiring or considering certain information or documentation as a part of a CUP application for a new or modified cellular tower. Given these restrictions, the staff's evaluation of this request has been performed in compliance with the Act's limitations. The applicant's supporting documentation (attached) has provided a summary of the limitations that the City and the Board must comply with as it considers this application.

In review of the Act's provisions, the most significant limitations on this application are found within Sections 67.5094(3) and (16) of the Act which state respectively, in part, that local governments cannot "dictate the type of wireless facilities, infrastructure, or technology to be used by the applicant...." or "impose any requirement or obligation regarding the presentation or appearance of facilities, including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if such regulations or obligations are unreasonable."

It should be noted that this application does not seek to increase the height of the existing tower nor expand the ground area allocated to the tower's current co-located users. When approved in 2012 this site was specifically evaluated for compliance with the then requirements of Chapter 29 (now shown as "use-specific standards" in Sec. 29-3.3(n) of the 2017 UDC) and was found to be fully compliant. As such, additional evaluation of this request's compliance with the "use-specific standards" has not been undertaken; however, it has been verified that the proposed modification of the tower would allow for additional co-location of cellular users meeting the minimum required by the current UDC provisions.

The tower's 2012 approval was granted based on the applicant's demonstration that the location was necessary to support a process called "cell splitting" resulting in the subject location being approximately equidistant from 3 existing cellular sites. No additional cellular sites have been constructed within the surrounding area since 2012; however, several sites have undergone modifications to support new technologies. The requested conversion is sought to accommodate equipment and technology upgrades associated with the deployment of 5G cellular technology as well as is intended to enhance coverage and speed for the community and residents in

the surrounding area. A full description of the purpose of this application is provided within the applicant's supporting documentation which is attached to this report.

Use-specific Standard Analysis–

All proposed telecommunication towers are required to meet the use-specific standards contained within Section 29-3.3(n) of the UDC. As noted above, this application does not seek to modify the current tower height nor the ground area allocated the tower's current collocated users. The applicant's attached correspondence details the proposed changes that will occur to the ground improvements and such changes are believed to be fully consistent with the UDC's regulatory standards. Compliance with UDC screening and landscaping have been previously achieved and are not to be modified and the reconstructed monopole structure will be capable supporting a total of four (4) cellular users which is fully compliant with current regulatory standards.

Conditional Use Permit Analysis –

In addition to the Board's finding that the proposed 110-foot tall tower is compliant with Section 29-3.3(n), it is also required to make Findings of Fact that the applicant has met the CUP standards of Section 29-6.4(m)(2)(i) and (ii) of the UDC, subject to the review limitations imposed by the 2014 adopted State of Missouri Uniform Wireless Communications Infrastructure Deployment Act. Staff's analysis of the 6- and 8-point CUP criteria are in "**bold**" below. Staff's analysis of the 8-part criteria are based upon the applicant's attached correspondence received on September 29, 2025.

"Standard" Conditional Use Permit Criteria (Section 29.6.4(m)(2)(i))

- (A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located. **The proposed location of the tower is within a PD (Planned Development) zoning district and is a permitted use per the 2012 approved CUP and amended PD Development Plan for the overall Lake Broadway Office Park. Analysis of the "use-specific standards" of Section 29-3.3(n) have been previously met and the proposed conversion would appear to fully meet these standards. The applicant's correspondence indicates that the converted tower will use neutral colors and minimized lighting to reduce visual impact.**

It is unclear if these treatments will be applied to the exterior antenna and antenna support structures (i.e. mounting platform(s)). Clarification from the applicant should be sought such that permit review can be fully informed; however, caution should be taken in considering such treatments as a condition of approval given the limitations imposed by Section 67.5094(16) of the 2014 "Uniform Wireless Communications Infrastructure Deployment Act"

- (B) The proposed conditional use is consistent with the city's adopted comprehensive plan. **Telecommunication towers are not specifically addressed within the Comprehensive Plan; however, can be tangentially related to creating Livable and Sustainable Communities as well as supporting Mobility, Accessibility, and Connectivity needs. The conversion of the existing tower from "stealth" to "non-stealth" will improve cellular service in the area and is supportive of Goal 5 (page 93) and Policy 2 (page 143) of the Plan which encourages "working with communications providers, to install the best wireless and fiber networks and emerging technologies" within the City as a mean of achieving Plan-related outcomes.**
- (C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to

the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site. **The proposed telecommunication tower has been constructed since 2012. There are no known or documented complaints relating to the tower. The tower's height and ground equipment area will not be modified as a part of this application. Staff finds that the surrounding buildings and existing natural vegetation provide significant visual buffering of the tower from the east and south while more direct site lines exist between the tower and those immediately adjacent properties to the north and west. The tower's location in a low lying/valley location when compared to adjacent development minimizes its visual impacts moving further away from the site in all directions.**

While the exterior mounting of antenna may increase possible visual impacts, these increased impacts must be weighed against the "added value" the conversion of the tower will bring to deployment of cellular service to the surrounding residents and community. Furthermore, based on the provisions of Sections 67.5094(3) and (16) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act denial of the tower's conversion based on its possible visual impacts would be inconsistent with the review/approval limitations imposed on local jurisdictions.

The applicant's statement that the tower will use neutral colors and minimal lighting appears to indicate that the tower's existing appearance will remain consistent with the current design. However, clarification of this assumption and how the exterior-mounted antenna as well as mounting platform(s) will be treated requires clarification. Caution on stipulating that certain design treatments become a condition of possible request approval is advised so as to avoid possible conflict with the review/approval limitations imposed by Sections 67.5094(3) and (16) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act.

- (D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion. **Access to the site is provided via an existing on-site ingress/egress easement that conforms to the same access provided in 2012. This access uses the existing concrete driveway serving the site that is connected to Pershing Road and has adequate on-site parking to support the periodic maintenance of the tower. All service activities associated with the proposed tower would occur from within the lease parcel or the parent tract of the lease parcel. The location of the access minimizes possible traffic hazards.**
- (E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided. **Conversion of the tower from a "stealth" to "non-stealth" structure will have limited to no impact on utility service demands. The site is unmanned and does not need water or sewer service. Water service exists on the parent tract and is sufficient to support fire protection needs.**
- (F) The proposed variance will not cause significant adverse impacts to surrounding properties. **From a traffic impacts perspective there will be no greater impact than presently exist. While mounting antenna to the exterior to the existing monopole may create additional visual impacts initially, it is staff belief that such impacts will dissipate over time similar to what likely occurred shortly after the tower was initially constructed. Furthermore, according to the applicant's statements within their attached correspondence the conversion of the tower will result in the ability to provide 5G coverage to the surrounding area and its residents which is presently not possible.**

"Communication Tower and Antenna" Criteria (Section 29.6.4(m)(2)(ii))

- (A) Whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. Notwithstanding this fact, the applicant and T-Mobile did evaluate other towers within the area for proposed colocation opportunities; however, did not identify any suitable towers within the defined coverage area.**

Furthermore, as stated above, this tower's original approval was justified based on the need to facilitate "cell splitting" the then existing carrier demands between three nearby sites to ensure adequate service capacity and quality were maintained. Since that time, advances in cellular technologies coupled with the increasing usage of cellular service as a substitute to traditional landline and data transmission (i.e. internet) services make this tower's placement no less significant, but rather likely more essential. The request to convert the site is viewed as being fully driven on the inability to provide contemporary cellular service in the most efficient and technologically viable manner.

- (B) Whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet system engineering requirements. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. The applicant is not seeking to construct a new tower within the built environment, but rather repurpose an existing, strategically located structure with current cellular technology. Allowing such a conversion, is viewed as being less disruptive to the community given the present site has been previously vetted and will be reused versus attempting to find another suitable location, which according to the applicant, is unavailable.**
- (C) Whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antenna. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. The applicant will be required to secure a building permit for the proposed conversion of the tower showing compliance with the City's adopted building code. The applicant was fully aware of this requirement and has submitted a structural analysis showing compliance with applicable code requirements. This analysis will be fully reviewed by the City's Building and Site Development Division prior to any issuance of building permits.**
- (D) Whether or not the fees, costs, or other contractual terms required by the owner(s) of existing tower(s), structure(s) or building(s) within the required geographic area of the applicant or to retrofit the existing tower(s) or structure(s) are reasonable. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. The applicant has provided no information to the City to evaluate this criterion. It is worth noting the applicant owns and maintains the tower on behalf of the carriers co-located upon it. The request to convert the tower from a "stealth" to "non-stealth" facility is to facilitate the deployment of contemporary cellular services and enhanced functionality within the community and neighborhood which fulfills policies and goals contained within the City's comprehensive plan. The expenses associated with the proposed modifications will be borne by the applicant and its co-located carriers with such expenses being recaptured by payment of fees from end users of the cellular services offered.**

- (E) Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. Based on staff's analysis of the surrounding built environment, there are no other structures suitably located or of sufficient height to support additional cellular facilities capable of meeting the applicant's needs. This location was strategically chosen in 2012 to be equidistant from three other facilities in order to fill a "hole/gap" in the then existing cellular grid. As demand for cellular service and technologies has evolved, this site's importance within the overall network has not become less important. Conversion of the tower will allow for greater functionality and access to contemporary cellular services which cannot be offered elsewhere within the coverage area.**
- (F) Whether or not the proposal minimizes the number and size of towers or structures that will be required in the area. **The applicant's correspondence states that "the proposal minimizes the number and size of towers required in the area by utilizing an existing site with an existing tower and simply converting that existing tower from a stealth to monopole design. Rather than constructing a new tower, the applicant is converting an existing tower to make it more usable and to provide additional and improved service and coverage to the community in the area, thereby reducing visual clutter and land use impact."**

Staff would agree that this proposal is a better alternative than attempting to identify and construct a new facility elsewhere within the coverage area. Such action would likely require displacement of existing residential uses and result in greater community impacts than the long-term benefits which can be gained by authorizing the new CUP and allowing the modifications sought at this present location.

- (G) Whether or not the applicant has previously failed to take advantage of available shared use opportunities provided by this section or otherwise. **Consideration of this criterion as justification to deny this application is specifically precluded by Section 67.5094(1) and (2) of the 2014 Uniform Wireless Communications Infrastructure Deployment Act. The existing stealth tower was previously approved in 2012 as a stealth monopole design as part of a "cell splitting" initiative to ensure cellular system capacity and functionality. The current stealth design limits carrier ability to upgrade equipment to current technologies. The proposed change to a standard monopole will be engineered to support co-location and newer 5G technology. The applicant has not previously failed to take advantage of shared use opportunities as none were identified to exist in 2012 and none have been created since that time within the coverage area.**
- (H) Whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms. **The applicant indicates that in addition to the two current carriers on the tower, space to accommodate 2 additional users will be made available. The provision of four locations on a tower of this size is consistent with adopted City regulations.**

Conclusion -

This application seeks to modify an existing cellular tower constructed prior to the adoption of the State of Missouri's 2014 Uniform Wireless Communications Infrastructure Deployment Act. As such, several of the criteria contained within the City's regulations resulting in the tower's construction as a "stealth" facility are no longer valid considerations when rendering a decision on a conditional use permit. In light of these State-mandated evaluation changes, staff has concluded that the conversion of the existing 110-foot telecommunication tower from a "stealth" to "non-stealth" monopole is regulatorily compliant.

The conversion of the tower while likely resulting in an initial visual impact that will dissipate over time as the improvements become an established element within the built environment. The proposed exterior mounting of the two existing carriers will result in antenna being both “flat” and “array” mounted to the existing 110-foot tall monopole structure. The flat-mounted antenna will be at the highest location (106-feet) with greatest potential to be visible while the array-mounted antenna will be approximately 20-feet lower (85-feet) and more screened by existing natural vegetation. The tower will retain capacity for two additional co-located users to ensure full compliance with the City’s regulations which are geared toward reducing new tower construction.

The tower’s conversion makes use of a strategically placed structure and will result in its being upgraded to support current cellular technologies meeting the communication needs of the community and the neighborhood specifically within which it is located. This utilization of supports policies and goals of the comprehensive plan as well as reduces potential displacement of existing housing that would likely be required if a new tower were to be constructed.

The requirements for ground-level screening and buffering have been previously met and are presently code compliant. No expansion of the ground-mounted equipment is proposed; however, minor equipment upgrades will be made as a result of the tower’s conversion. A full analysis of tower’s structural integrity post-modification has been submitted showing a “passing” analysis. This report’s findings will be evaluated and verified by the City’s Building and Site Development Division prior to issuance of a building permit to allow tower modifications.

Recommendation Action –

Should the Board determine that compelling testimony has been given that is supportive of standards found within Sec. 29-6.4(m)(2)(i) and (ii), subject to the limitations established by the 2014 Uniform Wireless Communications Infrastructure Deployment Act, then it would be appropriate to recommend approval of the requested conditional use permit allowing conversion of the existing 110-foot stealth facility to a non-stealth facility. However, if a determination is made that the request is not supported by the testimony given, subject to the limitations established by the 2014 Uniform Wireless Communications Infrastructure Deployment Act, then a recommendation of denial would be appropriate.

Should the Board find compelling evidence has been provided to support approval such recommendation should be subject to the following:

1. The tower shall be constructed substantially in compliance with the Development Plans prepared by WT Group attached to this report and sealed 7/8/25

For the purposes of establishing a “complete” public record, Board justification supporting or denial of the requested conditional use permit as defined in Sec. 29-6.4(m)(2)(i) and (ii) shall be stated within the public record prior to a final decision being rendered.