



AGENDA
BOARD OF ADJUSTMENT MEETING
Conference Room 101
Thursday, November 6, 2025
6:00 PM

I. INTRODUCTION OF THE BOARD AND CITY STAFF

II. APPROVAL OF MEETING SUMMARY

- A. Approval of October 2, 2025 Meeting Summary

III. REQUEST FOR AFFIDAVIT OF PUBLICATION

IV. PUBLIC HEARING ITEMS

- A. **B.A. 04-2025 14008 Olive Boulevard**: A request for an area variance for a cell tower proposed on a tract of land totaling 0.17 acres located south of Olive Boulevard, and east of Hog Hollow Road (16R340281).

V. ADJOURNMENT

PERSONS REQUIRING AN ACCOMODATION TO ATTEND AND PARTICIPATE IN THE BOARD OF ADJUSTMENT MEETING SHOULD CONTACT CITY CLERK VICKIE MCGOWND AT (636) 537-6716 AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE MEETING.

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BEFORE THE BOARD OF ADJUSTMENT
CITY OF CHESTERFIELD

II.

TRANSCRIPT OF PROCEEDINGS
OCTOBER 2, 2025
6:00 P.M.

CITY OF CHESTERFIELD
690 CHESTERFIELD PARKWAY WEST
CHESTERFIELD, MO 63017

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A P P E A R A N C E S

BOARD:

Katherine Hipp, Chair
Brendan Block
Jeannie Rader
Melissa Heberle
Barb Whitman
Mary Monachella, City Council Liaison

Chris Graville, attorney for the Board

STAFF:

Justin Wise, Senior Plan Examiner
Shane Streiler, Plan Examiner
Kathleen Hubeli

REPORTED BY:

Colin Wallis
Lexitas Legal
711 North Eleventh Street
St. Louis, Missouri, 63101
(314) 644-2191

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(Starting time of the hearing: 6:02 p.m.)

CHAIR HIPPI: I hereby call the Board of Adjustment of the City of Chesterfield meeting for October the 2nd, 2025, to order. I'm Katherine Hipp, chairman of the Board of Adjustment. Allow me to introduce the other members of the board in attendance at this time, beginning on my right. Please introduce yourself.

MR. BLOCK: Brendan Block.

MS. HEBERLE: Melissa Heberle.

MS. RADER: Jeannie Rader.

MS. WHITMAN: Barb Whitman.

CHAIR HIPPI: And, of course, also in attendance are the city council liaison, Mary Monachella, senior executive -- senior planner, Alyssa Ahner.

MR. STREILER: She's not present.

CHAIR HIPPI: Oh, she's not. Senior -- who is senior planner representative? Okay. Senior planner Justin Wise. Are you a senior planner, Justin?

MR. WISE: I'm the director, but I'm filling in that spot.

1 CHAIR HIPPI: Okay. Mr. Justin Wise is
2 here this evening. Executive assistant,
3 Kathleen Hubeli. And our court reporter from
4 Lexitas Legal. Thank you. The first order of
5 business is the approval of the March 6th,
6 2025, meeting minutes. The chair will
7 entertain a motion.

8 MS. WHITMAN: I make the motion.

9 MS. RADER: Second.

10 CHAIR HIPPI: There is a motion to approve.
11 Second to approve. All in favor?

12 (Multiple ayes.)

13 (Court reporter clarification.)

14 MS. WHITMAN: I made the motion.

15 CHAIR HIPPI: We got a motion on the floor.
16 It's been seconded and all have approved the
17 motion. So, the minutes are approved as
18 reported. Oh, you want to call roll. I'm
19 sorry. I skipped ahead. Ms. Hubeli, will you
20 please call the vote?

21 MS. HUBELI: Of course. Brendan Block?

22 MR. BLOCK: Brendan Block, here.

23 CHAIR HIPPI: Do you vote to approve the
24 minutes --

25 MR. BLOCK: Yes, I vote to approve.

1 MS. HUBELI: Melissa Heberle?

2 MS. HEBERLE: I approve the minutes.

3 MS. HUBELI: Katherine Hipp?

4 CHAIR HIPPI: I vote to approve the
5 minutes.

6 MS. HUBELI: Jeannie Rader?

7 MS. RADER: I approve.

8 MS. HUBELI: And Barb Whitman.

9 MS. WHITMAN: I approve.

10 CHAIR HIPPI: Thank you, the minutes are
11 approved. The Board will hear one petition
12 this evening. A BA-04-2025-14008, Olive
13 Boulevard. A request for an area variance for
14 a cell tower proposed on a traffic land
15 totaling 1.78 acres, located south of Olive
16 Boulevard and east of Hog Hollow, plat number
17 will be 16, R, like Romeo, 340281.

18 The chair notes that the affidavit of
19 publication and exhibits for the petition have
20 been placed on the dais. Thank you. As you
21 are called, you and your representative will be
22 asked to come forward, state your name and
23 explain the variance requested and the hardship
24 and practical difficulty which necessitates
25 this request. The petitioners are reminded

1 that the Board sits in a quasi-judicial manner.
2 By that, we mean we act on what is presented to
3 us tonight.

4 It is the petitioner's responsibility to
5 show particular hardships or practical
6 difficulties that they feel will entitle them
7 to a variance. Please be advised that finances
8 are not considered a hardship. After the
9 petitioners have presented their request, there
10 will be an opportunity for anyone in favor or
11 opposition to speak relative to the variance
12 request. The Board will generally make a
13 decision on the request this evening.

14 I will note that it takes four votes in
15 favor to approve a variance request. If the
16 decision of the board is unfavorable, you have
17 a right to appeal to the St. Louis County
18 Circuit Court. This action must be taken
19 within 30 days of the Board's decision. The
20 first and only item on the agenda is BA-04-2025
21 at the location of 1044 Olive Boulevard.
22 Before we mark that, I want to add one note to
23 the record, the city attorney, Mr. Chris
24 Graville, is with the Board of Adjustment Staff
25 as well and members as well.

1 Now, proceeding. Will the staff please
2 present their exhibits and any comments
3 regarding BA-04-2025? State your name.

4 MR. STREILER: Good evening.

5 (Shane Streiler sworn.)

6 CHAIR HIPPI: Thank you, sir. Please
7 proceed.

8 MR. STREILER : Good evening, everyone.
9 My name is Shane Streiler; I'm a planner with
10 the City of Chesterfield. This evening, we
11 will be -- I'm going to start the presentation
12 of the request for an area variance for a cell
13 tower proposed on a track of land totaling
14 0.17 acres located south of Olive Boulevard and
15 east of Hog Hollow road.

16 As you can see on the screen, is a view of
17 the subject site. It's a small parcel which is
18 located immediately west of the existing church
19 building, immediately east of an existing gas
20 station building. Located across the street
21 are some stores uses, and then located
22 northwest of a single-family residential
23 neighborhood.

24 Just providing a quick background of the
25 site. Before the City of Chesterfield

1 incorporated in 1988, the site was zoned a C-2
2 shopping district, but since the City of
3 Chesterfield has existed as its own city, the
4 site has remained vacant. But in 2011, the
5 subject site was incorporated into the St.
6 Andrew Kim Parish subdivision, so it was
7 rezoned to C-plan commercial district. And now
8 pertaining to what is being reviewed today,
9 back in December of last year, the city
10 received initial plans for the 140- foot tall
11 cell tower. And in August 2025, due to
12 concerns surrounding the height and the
13 distance of the tower, the board -- the
14 applicant submitted an application for Board of
15 Adjustment for the variance that we will be
16 discussing today.

17 So, in order to erect a proposed cell
18 tower at that location that you guys have just
19 seen, the applicant is requesting a variance
20 from the city's minimum distance requirement
21 from the nearest habitable structures. In this
22 case, that would be the two structures that
23 we'll be talking about today.

24 Specifically, in the city's code, what is
25 stated is that no new wireless facilities shall

1 be constructed within a distance greater than
2 or to equal 110 percent of the height of the
3 wireless facility structure in relation to the
4 nearest structure design for occupancy. So,
5 the proposed 140-foot tall cell tower needs to
6 be located at this time without the variance
7 more than or exactly 154 feet away from what's
8 being discussed today, the church building
9 immediately to the east, and then the gas
10 station building immediately to the west.

11 So, before the city can approve the
12 140-foot cell tower, through the
13 telecommunications facility siting permit, the
14 minimum distance requirement of 154 feet from
15 the nearest habitable structure would need to
16 be reduced for the two buildings next --
17 abutting adjacent to the site. So, through
18 this variance, the applicant is requesting a
19 reduction of the required distance from the
20 church building, immediately east of the site,
21 from 154 feet down to 40 feet, and then from
22 that gas station building immediately to the
23 west, a reduction of 154 feet to 94 feet. And
24 on the right side of the screen, you can see an
25 elevation of that proposed tower of 140-foot

1 tall.

2 Then here is a map showing the location of
3 the proposed cell tower at the subject site. I
4 provided a few arrows. There's one arrow
5 marking 40 feet away from the church building,
6 and there's an arrow marking 94 feet from the
7 church building. Then I provided a circle
8 showing the distance from where the tower is
9 currently proposed, where it is 154 feet. So,
10 within that 154 feet of the proposed tower is a
11 large portion of the existing church building
12 and gas station building.

13 Per the applicant, what was stated in
14 their defense for the variance is the -- per
15 the Telecommunications Act of 1996, it requires
16 approval of an application to construct a
17 telecommunications facility if necessary to
18 eliminate a gap in a carrier's coverage. This
19 is true even if denial of the application would
20 otherwise comply with state, federal and local
21 law or approval would violate local ordinances
22 or state law. And the applicant will discuss
23 that further in their presentation.

24 On the other side, the city has received
25 numerous letters of opposition from residents,

1 who are concerned about various aspects of how
2 the tower may impact their health and safety.
3 As part of your packets, you guys would have
4 been provided some of the letters of opposition
5 initially received. Since putting together the
6 packets, we have received additional letters,
7 which I'll be able to provide to the board
8 members. And that will conclude my
9 presentation, but I'll hand out the letters.

10 CHAIR HIPPI: Okay. We just received a
11 packet of -- how many letters do we have here?

12 MR. STREILER: In total, that adds on to
13 the seven initially provided. I'm quite sure
14 that is about 17 additional letters.

15 CHAIR HIPPI: So, let us mark this as
16 exhibit -- what you would, ma'am, mark this as
17 what -- Exhibit A? We need to mark this as an
18 exhibit pending this materials.

19 MR. GRAVILLE: We'll just say 1; is that
20 okay?

21 (Exhibit 1 marked.)

22 CHAIR HIPPI: So, Exhibit 1 will be
23 admitted to the record as a list. It's a --
24 many letters. Are they all in -- are they just
25 letters referencing both the opposition and --

1 MR. STREILER: They -- so we only received
2 letters of opposition.

3 CHAIR HIPPI: Okay. So, all the letters
4 you received are contained in Exhibit 1; is
5 that correct?

6 MR. STREILER: Only 17, and that's not an
7 exact number, or so letters are contained in
8 there. There are around seven contained in
9 that initial packet that was provided, at the
10 way end of the packet.

11 CHAIR HIPPI: Okay, Exhibit 1 will be the
12 additional 17 letters that you recently
13 obtained --

14 MR. STREILER: Yes.

15 CHAIR HIPPI: In conjunction with the
16 letters that were already received with the
17 initial packet that contained --

18 MR. STREILER: That is correct.

19 CHAIR HIPPI: Is that correct, sir?

20 MR. STREILER: Yeah.

21 CHAIR HIPPI: Okay, thank you. We're going
22 to go ahead and proceed forward without taking
23 questions from you at this time. We're going
24 to -- would the petition or any of the --
25 ma'am, who are you for?

1 MS. RIEDISSER: Hi, I'm Sasha Riedisser.
2 I'm attorney for the petitioner. And I've got
3 with me, Russ Been with Selective Solutions.

4 CHAIR HIPPI: Okay, bear with me one
5 moment.

6 MS. RIEDISSER: Absolutely.

7 CHAIR HIPPI: We have a fantastic script
8 prepared for me, and it doesn't quite include
9 you yet.

10 MS. RIEDISSER: That's fine.

11 CHAIR HIPPI: So, you are actually -- it
12 has, would the petitioner or the
13 representative, that's you, come forward and
14 present their evidence. Okay. So, Sasha, if
15 you'll raise your right hand and be sworn by
16 this young man.

17 (Sasha Riedisser sworn.)

18 CHAIR HIPPI: Thank you. If you would
19 please state your name for the record.

20 MS. RIEDISSER: Sasha Riedisser of the Law
21 Firm Norton Rose Fulbright.

22 CHAIR HIPPI: And you represent the
23 petitioner in this case; is that correct?

24 MS. RIEDISSER: I do.

25 CHAIR HIPPI: Thank you. Please go

1 forward.

2 MS. RIEDISSER: As we start, I just want
3 to note, we have not seen most of the letters
4 in opposition, so if possible, we'd like to
5 reserve some time at the end to address any
6 concerns that were raised since we got the
7 agenda packet, just so we can answer any
8 questions or just -- of the objections.

9 CHAIR HIPPI: We'll make that available for
10 you right now. If you would like to take this
11 extra copy at the end and hand it to whoever
12 you're working with, so they can review it
13 while you're speaking.

14 MS. RIEDISSER: That sounds great, thank
15 you.

16 CHAIR HIPPI: Thank you. Exhibit 1, 17
17 letters which have been received by the city.
18 Thank you. And we will reserve an opportunity
19 for you to respond to the letters, ma'am.

20 MS. RIEDISSER: Thank you. So, we
21 represent Harmony Towers and Selective
22 Solutions in their request for a variance
23 application. And the reason why we're here
24 today is there is a gap in coverage. I -- we
25 have a letter here that Russ can bring you that

1 he sent to one of the property owners adjacent
2 to the proposed facility, adjacent to the
3 property is a church, and the church actually
4 owns the area where we're going to put the cell
5 tower. And, so, one of the property owners has
6 obviously approved. They signed a lease.
7 They're letting us place a tower. The other
8 property owner is an owner of a gas station.
9 We've given them notice. They have not sent us
10 any objection, and Russ here has got the letter
11 that we sent them, so you can see. We've
12 delivered it. We sent the letter. We invited
13 their comment. We just haven't received any
14 objections from them.

15 CHAIR HIPPI: So, stop for a moment. We'll
16 mark that as an exhibit. I guess you want a --
17 a letter here. We're going to call this
18 Exhibit A, which is a letter dated
19 September 18th, 2025, from Mr. Russell Been.
20 Okay. We received that and we'll consider it.

21 (Exhibit A marked.)

22 MS. RIEDISSER: And if you look at that
23 letter, and I'm sure Mr. Been will tell you
24 when he's up here, he, himself, went to the gas
25 station. He bought himself a soda and couldn't

1 use a cell phone. And that's why we're here
2 today. Because in this area, and if you look
3 at the map, this is an area right along Olive
4 Boulevard, on the Chesterfield-Maryland Heights
5 border, and in this area, there's a significant
6 gap in coverage. And I'm going to help -- I
7 know that there's a lot of colors on here. I'm
8 going to help you understand what all this
9 means. If you look here at the border of
10 Maryland Heights, right here between where the
11 cell tower is on Chesterfield -- or on Olive,
12 and you've got the border of Maryland Heights,
13 you see all that green and yellow and what
14 normally you see on the map? That's where
15 there is no coverage. None.

16 It's not just bad coverage. It's
17 nonexistent. And if you look at these areas
18 that are light pink, the light pink areas are
19 terrible zones. These are the places where if
20 you're in a building, you're not making a phone
21 call. You're not able to call 911. You're not
22 able to get help, or not able to even take your
23 phone out unless you are connected to Wi-Fi,
24 you're not going to be able to text or get
25 help. So, these are areas where we have a

1 significant gap in coverage and a significant
2 need to fill in these gaps. So, what we're
3 proposing as a solution --

4 CHAIR HIPPI: Do you have -- do you have a
5 definition of a significant gap?

6 MS. RIEDISSER: So, what Missouri law
7 says, and I've got a copy of the statute if you
8 would like, you -- the carrier determines what
9 a significant gap is. They determine what
10 their needs are, and then it is their job to
11 determine, like, what is a significant gap; how
12 many customers are affected. I know in some
13 cases, I can't speak for this one, but in some
14 cases, it's usually like a 10 percent
15 threshold. Like, they don't want 10 percent of
16 their calls dropped.

17 And 10 percent of their calls dropped
18 outside. If you're having that many calls
19 dropped outside, the problems you're having
20 inside are so much worse. So, if you look at
21 this, you can compare -- I think it's really
22 helpful just to kind of look at them side by
23 side. All that light pink starts turning dark
24 pink. That dark pink is good service right
25 there in a busy section of Olive Boulevard.

1 And it's not just that dark pink filling, it's
2 also all this green and yellow. And up when
3 you get into Maryland Heights, it's really
4 light pink and a lot of that, like, no color,
5 no pink, you can see that start to fill in.

6 So, that's our significant gap in
7 coverage, and you can see this dark pink starts
8 filling in and starts getting coverage to this
9 area that really desperately needs it. So, why
10 is this important? This is important because
11 if you don't have good cell service, you're not
12 calling 911. If you're in an accident on Olive
13 Boulevard, and you don't have a cell phone, you
14 can't get service, you're not calling 911. If
15 you are in one of these businesses and somebody
16 needs to reach you, your kids need to reach
17 you, your grandkids need to reach you, and you
18 don't have good service, they can't reach you.

19 So, this is a public safety issue if
20 people cannot get help, if they cannot reach
21 their loved ones and they cannot call 911 in an
22 emergency. And this is a busy area of Olive to
23 not have cell service in. And at homes -- like
24 I know that we got some people here talking
25 about the residential areas, if you don't have

1 good service in your home, most homes don't
2 have landlines anymore. Most homes only have
3 cell phones. So, if you're in an emergency,
4 you don't have a landline, how are you getting
5 help? So, this is -- this significant gap in
6 coverage is creating a danger to health and
7 safety issue that we're trying to address.

8 So, this is our tower location. Like I
9 said, it's on Olive Boulevard. We've got the
10 gas station here. You've got the church here,
11 and, again, the church is our landlord, and
12 this is a tiny, narrow stretch of property that
13 I'll note -- I think we said 1988 since it has
14 any use put to it. Just for reference, I was
15 born in 1988, so we've got a parcel that for,
16 my entire life, has had no economically viable
17 use. And, so, when you're looking at what you
18 need to decide when you deciding whether to
19 grant a variance, you got everything for a
20 typical variance right here on this parcel.

21 You've got one neighbor who is absolutely
22 in favor of the application. You've got one
23 neighbor, who given the opportunity, has not
24 filed any objection. And you've got a tiny
25 narrow parcel that's different -- it's

1 different from the other parcels around it,
2 because it's not big enough to be used for
3 another use. And it is so narrow that there's
4 not anything else you can do for it to make
5 economically viable than put a cell tower on
6 it.

7 If you look from -- I think it's a little
8 bit easier to see how narrow that parcel is
9 when you look at it from above, but you can see
10 right there the dot where the tower on the
11 parcel is; you can see just how narrow and how
12 skinny that parcel is. And, so, I know that I
13 looked at -- the letters I was able to look at
14 had a lot of concerns about safety, especially
15 with reducing the radius of the -- of the
16 setbacks. And I understand that. But I want
17 to note, and we've got a map here that Mr. Been
18 will bring forward, and it has, at least for
19 the letters that we've got before the hearing,
20 we were able to mark out exactly where all of
21 their homes were in relationship to the tower.

22 There's not a single home, not a single
23 objector who lives within the setback area.
24 Even if we met all of the setbacks, it would
25 have no actual practical impact on any of the

1 objectors. What you have from us, though, is a
2 fall zone radius letter from a signed expert
3 engineer. What this engineer explains is, if
4 you think about cell towers, they're built
5 incredibly sturdy. And, so -- and Mr. Been
6 will have -- like when he speaks, he's got an
7 image that is actually, I think, really cool.
8 It's cool in the sense that, like even with the
9 tornado, even with absolute destruction around
10 the tower, they don't fall. They don't
11 collapse. They don't crumble. They're built
12 to withstand, like I said, a tornado. And if
13 they do, in the unlikely event something
14 happens that's catastrophically enough to harm
15 the tower, it doesn't collapse. It doesn't
16 fall over. They're designed to buckle in on
17 themselves, and so then you're not going to
18 have an issue.

19 I know that people think about this tower
20 is going to fall and it's going to lie like
21 this. That's not what's going to happen, and
22 that's what our engineer explains in this
23 letter. It's going to collapse down on itself.
24 That's when we have a zero fall radius. But,
25 again, like I said, even if, like, outside of

1 this, there's no one objecting to the facility
2 who has a structure within the setback.

3 So, why do we need a 140 feet tower? When
4 T-Mobile comes in and they've got a gap in
5 coverage, the first thing they do is they say
6 is, I've got a gap in coverage; I've got to fix
7 it. They look at what size tower do I need and
8 where do I have to put it? So, cell towers,
9 they work by talking to each other. They're in
10 this honeycomb pattern where you've got a tower
11 here, a tower here, a tower here. And they not
12 only have to be able to provide an area, like a
13 coverage of the area around them, they have to
14 be able to connect calls to other facilities;
15 they have to be able to hand off. So, the
16 providers have to have a tower placed in a very
17 narrow radius, which they call a search range.
18 Usually it's -- sometimes it's as low as a
19 quarter mile. I'm not sure -- Mr. Been can
20 talk about it a little bit more about what the
21 size was here, but there are really narrow
22 search ranges where you can put it, and they
23 have to be a very precise height, so that they
24 can get over the topography.

25 If you think of you've got all those

1 poles; you've got those tall trees around it.
2 The tower has to be able to get the coverage,
3 get the service, over those trees and into the
4 next tower. I think this imagine is really
5 helpful to understand why we need a 140-foot
6 tower. If you look at the difference between
7 the coverage provided on the left with 40 extra
8 less feet and the coverage provided on the
9 right, it's a really big difference. If you
10 look going down south in Chesterfield, you see
11 all that light pink that suddenly gets dark and
12 it's dark pink, that's going from not being
13 able to take a call inside at all to I can be
14 in a metal building and take a call or be in a
15 concrete building and take a call.

16 The same thing if you look over here into
17 Maryland Heights. You have all this, like, all
18 this white, all this area that really needs
19 some extra coverage, and if you look over here,
20 see how much more coverage you get with a
21 140-foot tower.

22 So, it says residential zone; I realize
23 that was incorrect. I apologize for that. It
24 is a commercially zoned property, but still.
25 There is no commercial use that you can put on

1 this narrow parcel to that would be
2 economically viable for the city or for the
3 landowner. And the property is narrow. When I
4 say it's narrow, it's 60 feet by 150 feet.
5 There's nowhere on this parcel that you could
6 put any other use like it. There's nothing
7 else you can put there. Like I said earlier,
8 the hardship is not common. The other parcels
9 aren't as skinny and narrow as this. And our
10 purpose is to get coverage and service to
11 T-Mobile's customers in this area. And that
12 gives them access to call 911; it gives them
13 access to work, to learn and to talk to their
14 family members.

15 This is the lowest height necessary, as we
16 talked about earlier. You know, T-Mobile comes
17 in -- it -- they also have a problem. You
18 can't have the tower, I was talking about the
19 height and the size, the tower can't be too
20 tall either. If it is too tall, then it covers
21 too far of an area, and your call won't
22 actually switch over directly to the next
23 facility. So, it has to be a very precise
24 calculation of how tall the tower is. So, this
25 is the lowest height possible to provide the

1 coverage and the handoff from one facility to
2 another that T-Mobile can have to fill this
3 gap. And the literal enforcement of the code
4 would result in an unnecessary hardship.

5 And why do I say it's unnecessary? It's
6 unnecessary because there are no objectors,
7 there are no residences within the setback
8 area. The two -- only two -- the only two
9 people -- the only two structures that are
10 within the setback, they don't have objections
11 to this. It's an unnecessary hardship because
12 the tower is not going to fall, and the people
13 who are affected had no objections. And
14 approval would be consistent with the codes --
15 with the goals that are within your code.

16 The goals of the Chesterfield code are to
17 promote the public safety, health and general
18 welfare of its citizens, and giving them
19 reliable service does just that. We were
20 talking earlier about this effective
21 prohibition. What the federal law says if
22 there's a substantial gap in coverage, and this
23 tower is necessary to remedy that substantial
24 gap in coverage, there is no -- there's no
25 choice but to approve it.

1 Federal law preempts local laws when it
2 would create a federal -- break this gap in
3 coverage. So, that's the end of our
4 presentation. I'm going to hand it over to Mr.
5 Been, if you --

6 CHAIR HIPPIE: One moment. We might have
7 questions.

8 MR. GRAVILLE: I have a question.

9 MS. RIEDISSER: Yes.

10 MR. GRAVILLE: Actually, I have a couple
11 of questions.

12 MS. RIEDISSER: Absolutely.

13 MR. GRAVILLE: Counselor, thank you for
14 being here tonight. As I'm watching this, I
15 can get to the last slide, because you say
16 there's no objectors; this is a hardship. What
17 you're really arguing is we can't say no,
18 correct?

19 MS. RIEDISSER: The federal law would not
20 allow you to say no. It would be a violation
21 of federal and state law to say no, yes.

22 MR. GRAVILLE: Right. So, when you talk
23 about the objectors, not within the things,
24 what this really comes down to for you all, is
25 because you -- there is a gap in the coverage,

1 we can't say no; and you provided the
2 engineering statement with regards to the
3 height, correct?

4 MS. RIEDISSER: Yes.

5 MR. GRAVILLE: So, it is your position
6 that regardless if everybody in here wants to
7 object, that we can't say no, correct?

8 MS. RIEDISSER: I would say the law is
9 pretty clear. You have to have
10 substantially -- two reasons you can't say no.
11 One of them is you have to have substantial
12 evidence in support of a denial. That's not
13 just federal law, it's also state law. So,
14 when I give you an engineering report that says
15 there is no risk to any other structures
16 around, you have to come back with actual
17 evidence against that in order to say, no, it's
18 actually a risk. And I haven't seen that --

19 MR. GRAVILLE: Well, you bring that up, I
20 get that. You say actual evidence. Are you
21 presenting any foundation evidence for the
22 record here tonight or just those pictures
23 without foundation?

24 MS. RIEDISSER: We submitted a signed and
25 stamped -- like, stamped engineering statement,

1 which is perfectly acceptable for these type of
2 purposes, for someone to come in and make a
3 record. And Mr. Been can also testify, he's
4 got 25 years --

5 MR. GRAVILLE: He's an engineer?

6 MS. RIEDISSER: He's not an engineer --

7 MR. GRAVILLE: He didn't produce that
8 stamp-sealed document?

9 MS. RIEDISSER: He did not.

10 MR. GRAVILLE: Okay. So, you don't
11 anticipate any evidentiary foundation for the
12 maps?

13 MS. RIEDISSER: I don't think that there's
14 more evidentiary foundation necessary since
15 it's an affidavit and it's stamped by an --

16 MR. GRAVILLE: Under Missouri law? Okay.

17 MS. RIEDISSER: Yes.

18 MR. GRAVILLE: Okay. This is -- that's
19 why there's a court reporter here. You have to
20 lay foundations for evidence, right? There's a
21 rule for affidavits and submitting those ahead
22 of time. I just want to make you aware of
23 that.

24 MS. RIEDISSER: I'll also add that our
25 testimony is also evidence, and our testimony,

1 especially Mr. Been's testimony, is based on
2 experience. It's based on decades of
3 Mr. Been's experience, like in his -- based on
4 decades of experience doing exactly this:
5 putting cell towers in, working with cell tower
6 companies, working to fill in these gaps. And
7 I do believe, I never had any issue in any
8 other jurisdiction presenting affidavits, sworn
9 affidavits, that say, yes, this is what's
10 happening. This is provided by the code; it's
11 provided in -- in general, most places that,
12 you know, if you have a sworn affidavit, that's
13 testimony.

14 MR. GRAVILLE: Where is that?

15 MS. RIEDISSER: I'm happy to send you an
16 analysis -- oh, he's saying the letter was
17 included. I'm happy to send another.

18 MR. GRAVILLE: Can you -- you don't have
19 anybody here to lay the foundation for those
20 maps.

21 MS. RIEDISSER: I'm happy to have Mr. Been
22 testify.

23 MR. GRAVILLE: Okay. Just wondering.

24 MS. WHITMAN: I have a question.

25 MS. RIEDISSER: Yes?

1 MS. WHITMAN: Can you go back to your
2 previous page?

3 MS. RIEDISSER: Yes. And we've got just
4 the bottom of it, but you should have the full
5 letter in your record.

6 MS. WHITMAN: So, you're -- this is what
7 you're saying is the evidence of no risk?

8 MS. RIEDISSER: Yes.

9 MS. WHITMAN: So, what I see in there is
10 all kinds of assumptions. That's not evidence.

11 MS. RIEDISSER: You would need evidence
12 that that is an assumption. You would need
13 evidence presented that that's an assumption.
14 You can't just question, like, is this -- is
15 this actually an assumption, right? Someone
16 has to present evidence that this is not
17 correct. That's what it means to have
18 substantial evidence --

19 MS. WHITMAN: She says assumptions in
20 there. She's making all kinds of
21 assumptions --

22 MS. RIEDISSER: She said, assuming that
23 the wind pressure profile is similar to what
24 she's used. She also talks about this is what
25 happens to these towers. And Mr. Been is going

1 to testify to actual facilities that he has
2 pictures of, that even in the face of a tornado
3 has stood -- withstood the wind speeds. They
4 are not designed to fall.

5 And, again, I point back to, even if you
6 have a problem with this fall zone letter, if
7 you have a problem with the RF maps, there's
8 not a single person affected by the setbacks
9 here today to object. The people who are
10 actually affected by it, they're not here.
11 They're not --

12 CHAIR HIPPI: The caveat is the word
13 "immediately impacted", because there may be
14 people here today that are impacted by, you
15 know, structures and the size and things of
16 that nature or just other, you know,
17 requirements. Maybe they disagree with your --
18 the radius frequency reports that demonstrate
19 that there is a significant gap in coverage.
20 So far, we haven't really gotten to those
21 details. I mean, I see your scatter patterns,
22 and it makes sense to me. I drive that area
23 all the time, and I'm very familiar with it.
24 And I see that would be a good use of land, but
25 you still have a responsibility to show us the

1 evidence of the radius -- of the gap.

2 I mean, see the colors, and they change,
3 but I'm little bit, like, is that -- I mean, I
4 never had cell phone problems there, but I
5 don't live in that area, but I drive it all
6 time and I drive -- and T-Mobile is who you're
7 pushing forward with, and, so, I'm kind of on
8 the lynchpin of, have you demonstrated to me
9 that there's a significant gap in coverage. I
10 see a gap, but is it significant? How do you
11 demonstrate the definition of significant?

12 MS. RIEDISSER: And, so, I've got the
13 Missouri State Statute here. What the Missouri
14 State Statute says is that the Board cannot
15 consider -- like, they can't evaluate the
16 decisions -- the decisions made by the
17 applicant. I've got that, and I've got it
18 highlighted --

19 MR. GRAVILLE: Counselor, I don't need you
20 to instruct them on the law. I'll handle that,
21 okay? It can't be -- the statute can't go on
22 the record --

23 MS. RIEDISSER: So --

24 MR. GRAVILLE: We'll wait -- this hearing
25 is set today for objectors to come in and

1 object. So, they can't object -- the statute
2 doesn't limit it to the people within the
3 distance of the fall zone.

4 MS. RIEDISSER: I think that's a good
5 point. They're not allowed -- I'm not saying
6 they're not allowed to express. Obviously,
7 they had aesthetic concerns. I'm saying this
8 is not the time for those objections. The CUP
9 application is when there's a time for
10 objections for, I don't like the way this tower
11 looks. Or I don't like the way they designed
12 this. That's the time for that. The only
13 question for you today is whether or not
14 this -- like, after we leave here today, we
15 have a whole other application process to go
16 through.

17 The only question before the board today
18 is whether or not this is facility is a risk
19 and meets the requirement for a variance to the
20 setback. It's not a question of, is this
21 pretty enough? Is this aesthetically pleasing?
22 Should we let the tower here in the first
23 place? The only question is, should we allow
24 them to get outside of these setbacks, and the
25 question is -- the answer is, yes, no one is

1 here --

2 MR. GRAVILLE: Counselor? Counselor? I
3 don't need you to instruct them on the law.
4 Hey, this is the packet. Can you -- when
5 you're ready, can you show me where the
6 affidavits are in there?

7 MS. RIEDISSER: I'm happy -- do you want
8 to pull the affidavit off the application
9 packet?

10 MS. WHITMAN: I'd like to go up to your
11 letter up here, because you're putting this as
12 at a statement of the truth, but she's -- I
13 think it's a she says this is likely to result.
14 That's very iffy in my book.

15 MS. RIEDISSER: There's still no evidence
16 against what this -- and of course, Mr. Been
17 has much experience, as I said, with this type
18 of area. He's happy, and he's ready to talk
19 about the fall zone and the way the tower is
20 constructed. He works with tower developers
21 all the time. He works with these groups all
22 the time, but you've got to have something more
23 than it's iffy in order to say this is not
24 evidence. Like, you have to present
25 evidence --

1 MR. GRAVILLE: Well --

2 MS. RIEDISSER: -- actual evidence this
3 is -- and I can understand what you're saying
4 that you can't --

5 CHAIR HIPP: I'm going to stop you right
6 there.

7 MR. GRAVILLE: Okay.

8 CHAIR HIPP: Let's hear from Mr. Been.

9 MR. GRAVILLE: Well, hold on real quick,
10 real quick. Evidence requires foundation to be
11 part of the record. I just want to make that
12 clear. And this is what is said to be the
13 affidavit?

14 MS. RIEDISSER: Yes.

15 MR. GRAVILLE: And that's a sealed
16 document? So, it's not actually an affidavit,
17 it's just a sealed professional --

18 MS. RIEDISSER: It's stamped --

19 MR. GRAVILLE: -- engineer --

20 MS. RIEDISSER: Yes, it's stamped by an
21 engineer.

22 MR. GRAVILLE: Okay. So, do you have
23 affidavits?

24 MS. RIEDISSER: I am happy to provide it.
25 This is what we have from the engineer.

1 MR. GRAVILLE: Okay, well, I'm just -- I'm
2 checking because you said you have affidavits,
3 and I was looking for it. I wanted to make
4 sure it was in the packet.

5 MS. RIEDISSER: Okay. This is what we
6 have.

7 MR. GRAVILLE: Okay, thank you.

8 CHAIR HIPP: We're going --

9 MR. GRAVILLE: I think it is --

10 CHAIR HIPP: We're going to postpone
11 further questions of the attorney and have
12 Mr. Been come forward to the dais there, and
13 please be sworn in.

14 (Russell Been sworn.)

15 CHAIR HIPP: Are you Russell Been?

16 MR. BEEN: I am. My name is Russell Been.
17 I'm with Selective Solutions. We are a site
18 acquisition company. We work for the various
19 cell phone companies; we work for the various
20 tower companies. My first date in the industry
21 was November 18th, 1999, and I have been
22 leasing and zoning and permitting towers ever
23 since. Fortunately, I own the company now. I
24 don't work for somebody else, but I do -- I
25 have been, since that date, doing nothing but

1 leasing, zoning and permitting cell towers.

2 This was a sight that was issued to me
3 about 15 years ago by T-Mobile. A little
4 industry history, and I'm sure some of you have
5 been involved with Chesterfield government for
6 a long time. It used to be the cell phone
7 carriers coming in and saying, hey, we want to
8 put up a tower, and we're not going to let them
9 in on it. We don't want our competitors to
10 benefit from our work and money. Well, that
11 since has changed. The cell phone companies
12 have realized that if they don't spend the
13 million dollars putting up the tower, then they
14 can put more sites up on other people's towers.

15 So, they have since contracted with
16 different companies, in this case Harmony
17 Towers, and they're now trying to fill in those
18 gaps in coverage that they just had, and since,
19 really, the industry started building towers in
20 St. Louis in 1995 --

21 CHAIR HIPPE: How do you define a gap in
22 coverage?

23 MR. BEEN: In this case, I'll tell you
24 really simply, in this case, we went up -- one
25 of my employees and I went up to the site to

1 take pictures that we were going to present to
2 our client with T-Mobile. And it was about 95
3 degrees, and we went next door to the gas
4 station to buy a soda, and I literally
5 didn't -- you know how you have coverage and
6 you have that little 911 up there, I didn't
7 even have the 911 on my phone. That's a pretty
8 significant gap in coverage. When you have
9 zero coverage in a major metropolitan area,
10 that is a significant gap in coverage.

11 CHAIR HIPPI: There is a technical name,
12 besides you didn't get it when you were in a
13 gas station; you didn't get cell phone
14 coverage. I mean, is there more of a technical
15 coverage definition that we can kind of hang
16 our hat on?

17 MR. BEEN: That's really --

18 CHAIR HIPPI: You had a bad cell phone
19 moment, I mean --

20 MR. BEEN: That is really it. And the --
21 our RF engineer that designs those maps, I've
22 been working with since the early 2000s. He
23 could come in here, and he can testify to the
24 fact that at this area there is -- and there's
25 in the maps we provided in the application, it

1 gives -- it actually has some technical numbers
2 greater than so many decibels, less than so
3 many decibels and where those decibels need to
4 be for a -- and if you look, the colors are
5 actually defined in those maps as well.

6 The pink is X number of decibels, and the
7 magenta is so many decibels, and that equals 5G
8 coverage. And the light pink is so many
9 decibels, and that equals 3G coverage. Then,
10 if there's absolutely no coverage, no color
11 there, that means there's no coverage at all.
12 And I'll be honest with you, I am currently
13 working on 300 sites throughout the country.
14 And I'm working 45 sites in the St. Louis
15 metropolitan area, and almost never do I go to
16 an area that has zero coverage. And I did want
17 to add, over the last week, we've got a request
18 for information on the site from Verizon. So,
19 Verizon is interested in the site. They have
20 not made an official application, but they
21 requested information. So, Verizon is needing
22 coverage in this area as well.

23 The -- we've worked this area. We talked
24 with the Metro West Fire Department. We've
25 talked to the owners of the Dierberg Plaza.

1 We've worked our way down to the Catholic
2 church, and the Catholic church actually -- for
3 the longest time, I don't know if you're
4 familiar with the history of the Archdiocese,
5 when Archbishop May was in charge, he said
6 absolutely no cell towers.

7 And then when -- not Rigali, but -- no, it
8 was Rigali. When Rigali came in, he walked to
9 the facility directors and said where's all
10 my cell towers? And he contacted me, and,
11 said, hey, we are now open for cell towers.
12 And in back --

13 CHAIR HIPPI: For leasing the property --

14 MR. BEEN: For leasing the property,
15 correct. Correct. And since -- since about
16 eight years ago, I've put 20 cell towers on
17 various parishes throughout the greater
18 metropolitan St. Louis area. So, when this
19 ring came back, that's when we contacted the
20 Archdiocese and, said, we have at -- we have a
21 need for a tower; would you be willing to lease
22 us the property? And that's -- we had worked
23 our way down and back on Olive until we got to
24 this particular location.

25 T-Mobile -- excuse me. When we went to

1 T-Mobile and said, hey, what is your minimum
2 coverage objective for this site, and that's an
3 important word there, their coverage objective,
4 what are you trying to cover? What area are
5 you trying to cover, what frequency -- or not
6 frequency. Frequency is a bad word. What
7 radius, and how many, what they call pops,
8 which is pop is, a potential user. What pops
9 are you trying to coverage? And they said in
10 order to meet our coverage objective, the
11 minimal tower height is 140 feet, and that was
12 when we presented them.

13 And we don't want to be here, Harmony
14 didn't want to be here. If we can get away
15 with building a 100-foot tower and just go to
16 the wireless -- wireless facility permit, we
17 would. But our tenant, T-Mobile, said we have
18 to have 140 feet, and then we explained to them
19 the obvious -- the procedures we have to go
20 through, and the risk because there's a
21 difference between a variance and a conditional
22 use permit. A conditional use permit, we can
23 go to court tomorrow; that will fly through.

24 With a variance, it's extremely difficult
25 to prove your hardship. It's extremely

1 difficult. If you're denied, the process is
2 complete different. You end up in St. Louis
3 Circuit Court. Then you end up on an agenda
4 that might be a year from now, and we explained
5 those risks to them, and they said, yes, in
6 order to meet our coverage objective, we need
7 that 140 feet, so we're willing to take the
8 opportunity to go through these processes.
9 Yes, sir?

10 MR. BLOCK: So, if there's federal law
11 that's involved, why would it go to state court
12 because --

13 MR. BEEN: It's -- with a variance, in
14 order to appeal a variance, you go through the
15 circuit court.

16 MR. GRAVILLE: It's a -- correct. That's
17 actually a pretty -- you've got good advice on
18 that.

19 MR. BEEN: Now, could we file in federal
20 court tomorrow if we get denied? Yes, we
21 could. Again, we don't want to. We don't want
22 to. It's expensive for us. It's expensive for
23 the city. So, we want to show you that, yes,
24 we really do, in order to meet our coverage
25 objective, we need to have this 140 feet. This

1 letter from this engineer, she was having
2 trouble computing on like what happens if this
3 tower fails. And this Sabre Industries has
4 been building towers -- they were building
5 radio towers in the 50s. They've been building
6 towers for 70 years.

7 She couldn't compute because she's like,
8 they don't fail. Monopoles don't fail, and I'm
9 like, what happens if it does? And she's like,
10 but they don't. We've never -- Sabre
11 Industries has never had a tower fail. And she
12 goes -- and this is something that, and past
13 jurisdictions have asked and it's in several
14 codes throughout the country, can you engineer
15 a point in that tower that if it does fail,
16 instead of going (makes noise), it does this.
17 It folds on top of itself.

18 CHAIR HIPPI: Is that what zero radius fall
19 means?

20 MR. BEEN: That's correct.

21 CHAIR HIPPI: It collapses on itself?

22 MR. BEEN: It -- there's a point that the
23 tower releases, that's the best word I can
24 think, that's it going to withstand that
25 pressure and then it's going to release. And

1 this happens with the big self-support towers.
2 They don't always collapse onto themselves.
3 Sometimes they just bend. Because that
4 pressure is released, so it's going to do one
5 of these. And that's -- that's what she's
6 saying. Well, if it -- in the very unlikely
7 event that it would happen, this is what would
8 happen. It would release. Then, it would
9 actually be a strong enough pressure, strong
10 enough wind, it would actually fold. And it
11 wouldn't fold -- it's not going to fold. It's
12 a 140-foot tower; it's not going to fold at
13 7 feet. It's going to be further up the tower,
14 like 100 feet, and then it's going to give
15 there, and then if it does, it's going to have
16 a 40-foot piece collapsing onto itself.

17 We had -- I just -- one of the banes of my
18 existence is coming in here, and, you know,
19 people think I'm taking advantage of a tragedy.
20 I don't want to say I'm taking advantage of a
21 tragedy, but with my experience, one of the
22 things -- always the question is, well, what
23 happens when this tornado goes through? As
24 you're all familiar, May 16th, a tornado
25 went -- started in Clayton and it went through

1 North St. Louis. We sent our photographer, who
2 followed the path of the tornado. If I may, I
3 have some pictures here of five different
4 towers that were directly hit by the tornado.
5 And you can see --

6 CHAIR HIPPI: Okay, we'll mark that as
7 Exhibit B.

8 (Exhibit B marked.)

9 MS. RADER: I have a question.

10 MR. BEEN: Yes, ma'am.

11 MS. RADER: You're representing T-Mobile.
12 What are the other companies doing for the
13 coverage?

14 MR. BEEN: They will eventually end up on
15 this tower. Like -- as I mentioned, Verizon
16 has already requested information for this
17 tower --

18 MS. RADER: But they're still getting
19 coverage? I mean, I have Spectrum, and I have
20 coverage going by that area.

21 MR. BEEN: I'm sorry, did you say
22 Spectrum?

23 MS. RADER: Uh-huh.

24 MR. BEEN: They use Verizon. They're
25 actually using Verizon towers. And the trick

1 to -- if I may, and I'm not trying to give you
2 a lesson in telecom, but I do passionately love
3 my job. There's coverage, and if there's
4 capacity. And you've been all somewhere where
5 you're -- you're somewhere and you're like, I
6 got bars on my phone; why can't I connect?
7 Because your phone is actually acknowledging
8 the signal from the tower, but there's -- at
9 the base of that tower, there's an equipment
10 box. It's about five and a half feet tall,
11 looks like a little refrigerator. That has all
12 of the radios and computers in it. There's
13 only so many calls that each tower can handle
14 at one time.

15 So, you've all been driving down 270 at
16 Highway 40, and it's 5:00 o'clock, and you're
17 like, I'll call you when I get past this
18 intersection, and you're looking down, and you
19 still have bars on your phone. That's because
20 the antennas that are on top of St. John Mercy
21 are -- you're receiving that signal, but the
22 radios that are in the elevator penthouse of
23 St. John's, they don't have the capacity to
24 allow you to make a call. So, why at 10:00
25 o'clock in the morning, you might be able to be

1 in the area, and you might even be able to be
2 on a T-Mobile phone and be able to make a call
3 at 8:00 a.m. or 4:00 p.m., when there's 10,000
4 cars on Olive Boulevard at this location,
5 you're not making a call.

6 We were there -- we were there at 3:30
7 when we were taking our pictures, and I
8 couldn't get a signal to make a phone call.
9 And that's really what we're trying to fill in,
10 if there's a capacity issue at this location.
11 In 2019 -- I'm sorry.

12 CHAIR HIPPI: I'm sorry to interrupt, but
13 what data? I mean, we had the pictures of the
14 pink and the greater pink and then the green
15 and all that. Who provided you with that data?

16 MR. BEEN: That was a T-Mobile radio
17 frequency engineer.

18 CHAIR HIPPI: Do you have any sources other
19 than T-Mobile, because it seems, you know, you
20 have a contract with them. I know other people
21 will join, but I just want to know about the
22 independence of the data.

23 MR. BEEN: I don't. I'll be honest with
24 you, I don't. I can only work with what
25 T-Mobile's provided, and there used to be a

1 time where you would say go hire somebody;
2 state law prevents that now. The people --
3 people used to come up to me and say you must
4 love that new state law. I don't, because it
5 takes a lot of the -- sometimes I don't have to
6 go to a zoning meeting, and that's where I get
7 paid.

8 CHAIR HIPPI: So, if it's a different
9 character -- so I make sure I understand this.
10 Say you were going, and I know it's kind of
11 irrelevant, but I just want to understand for
12 the people here in the audience that maybe are
13 all kind of wondering about this, what if you
14 were going to be creating a tower for Verizon,
15 and Verizon could say, well, we don't need a
16 tower that is 140 feet high. Our capacity can
17 be utilized with a 100-foot tower. I mean,
18 what kind of -- and they gave you similar data.
19 How would that -- would that have an impact on
20 your thoughts?

21 MR. BEEN: Okay, I'm going to give the
22 thousand-foot view of radio frequency.
23 Verizon -- so, there are four frequency bands,
24 four licenses that are available for wireless
25 carriers in the St. Louis NTABTA. Those are --

1 currently three of them owned by T-Mobile,
2 Verizon and AT&T. The fourth one was owned by
3 Dish, and then EchoStar. They're going out of
4 business. They're selling off all of their
5 frequencies. But Verizon -- okay, so you have
6 licenses that are in the 600 megahertz. And
7 the 600 megahertz is a very short bandwidth
8 that can penetrate through steel and brick, and
9 they can get into a basement just fine. Then
10 you have the 900, which is a different kind of
11 wave that travels further but can't penetrate
12 as well.

13 And then you -- you'll hear a lot of
14 people say 1.5 gig, or 2.5 gig, those are --
15 those are very non-penetrating waves, but they
16 travel further. When there was -- I'm going to
17 fly in the wayback machine here, there's a
18 company called Clearwire that was here for a
19 little bit, they were a wireless internet
20 company. And they can use fiber to take their
21 signal back to their radios; they use
22 microwave. And those microwaves operated on
23 2.5 gigahertz because they were able to travel
24 further, and they were able to put microwave
25 dishes on each of their towers so the signal

1 could travel that way, and then they wouldn't
2 have to run fiber everywhere.

3 Verizon has a ton of 800, and they have
4 some 1.5. AT&T has a ton of 600, and they have
5 some 1.5. T-Mobile's main operating frequency
6 is the 900 and 1100 megahertz. So, they're
7 needing to go a little higher in order to --
8 for their signal fall to travel out to where it
9 needs to go, where Verizon has the more
10 penetrating, they might be able to go lower on
11 a tower because their signal is going to
12 penetrate where T-Mobile's isn't, so they have
13 to go higher in order for that signal, that
14 lower penetrating signal to go further. So, it
15 --

16 CHAIR HIPPI: Could all this be colocated
17 on your tower? I mean, you've got -- there's
18 no exclusive use. You have T-Mobile and
19 Verizon. Everyone can have their own megahertz
20 depending on how high they need to be?

21 MR. BEEN: Yes, ma'am.

22 CHAIR HIPPI: They're all kind of
23 piggybacking on the zero radius --

24 MR. BEEN: Monopole. Correct. And
25 that's -- that's the great thing about the way

1 things are done nowadays is I always compare
2 these companies, these tower companies, to a
3 strip mall owner. You take a strip mall, you
4 turn it on its side, that's the way the towers
5 work. They have these slots, small strip mall
6 slots available, and they want everyone to be
7 on here, so that they don't have to -- they
8 don't have to come up, they don't have next the
9 guy -- they don't have Verizon coming back
10 through and going, well, I need a tower, too,
11 so I'm going to go down the street, and then
12 they're going to be up here. That's the great
13 thing about these tower companies kind of
14 running the show now, is they're creating an
15 opportunity where everyone who needs coverage
16 in this area can go on this -- this tower.

17 CHAIR HIPPI: So, the data you're relying
18 on, supplied by T-Mobile, is going to be a user
19 of your tower. I mean, if it was -- it was
20 Verizon, I just picked that out, and they need
21 a tower a little lower, and then their stuff
22 would work at a different megahertz level, then
23 maybe what --

24 MR. BEEN: Correct.

25 CHAIR HIPPI: So, it's kind of

1 user-friendly at every level, but T-Mobile
2 needs a higher 140 --

3 MR. BEEN: Correct.

4 CHAIR HIPPI: -- because of their megahertz
5 level?

6 MR. BEEN: Correct.

7 CHAIR HIPPI: And this -- given T-Mobile's
8 interest in this area because of the
9 significant gap deficiency, you looked at other
10 locations, places, that could be alternative
11 land -- other alternative places. This one
12 fits both the needs of the area --

13 MR. BEEN: Correct. And one of the --
14 before I even leave my office, I get -- I get a
15 search ring that says somewhere --

16 CHAIR HIPPI: I want to restate -- I'm
17 going back to what you said. You had checked
18 all these other places. Where you selected is
19 your proper business. I'm just saying you --
20 this is what needs to be the height of the
21 tower at this location?

22 MR. BEEN: Correct.

23 CHAIR HIPPI: Okay.

24 MR. BEEN: And this is -- Sasha had
25 mentioned this earlier, when we first started

1 building towers, my first search rate for
2 T-Mobile in 1990, when they were launching,
3 they gave me a 5-mile circle. Said, find me
4 somewhere in these five miles. Of course, back
5 then, the only people who had phones were
6 lawyers and doctors, and they had them in their
7 cars. So, it worked having it on the
8 commercial strip center at the corner of 141
9 and Olive Boulevard, because that's where
10 people were driving. That tower would go for
11 five miles and not have any capacity issues
12 because there's only three people on the
13 phones. Now, everyone has a phone.

14 And, really, when -- when Covid happened,
15 and everyone was homeschooling and everyone was
16 working from home, they really discovered where
17 their needs were, because, you know, areas that
18 are around here, there's significant
19 residential near this site, they've discovered
20 that people who were having to work from home
21 or school from home, could not use their phone
22 without depending on Wi-Fi.

23 Well, at the time, the Wi-Fi was limited.
24 There wasn't fiber everywhere like there is
25 now. So, they really discovered where their

1 needs were, and this is, like I said, this site
2 that I've worked for T-Mobile back in the
3 teens, and it came back with -- you know, they
4 went through, and they -- we were working in
5 Perryville and all these rural towns because
6 they had zero coverage.

7 Now, they've come back through and said,
8 okay, now we need to fill these gaps. And
9 here's all the different places that we have
10 gaps. And I've -- we just did -- we just built
11 a tower in Florissant. I'm doing -- I'm
12 actually doing four in Florissant right now.
13 I'm doing -- I've got six sites downtown. I've
14 got four sites in South County. They're going
15 through, and they're like these are the
16 areas -- and they're mostly residential.

17 The one in Florissant is one on a Catholic
18 church. Because they're -- you know, in the
19 areas that are a lot of residential, sometimes
20 the only place to go is a church. So, they're
21 going through, and that's why we're where we're
22 at. They're trying to fill in coverage, and
23 then Harmony Towers, who owns this tower, is
24 trying to make it so that in the future, no one
25 else has to come in and say, I need a tower

1 here, too.

2 And I've had this question asked of me,
3 and they're going to say, well, if we approve
4 this site, is no one else going to come for a
5 tower? I would lie to you if I would say, no,
6 absolutely; no, this is it. That's all they're
7 going to have. There could be somebody
8 tomorrow come up and say, hey, we've got this
9 tower that we need, so I can't say this is the
10 do-all end-all. But this is a very, very good
11 solution that T-Mobile is looking -- T-Mobile
12 is on. Verizon is getting ready to apply to,
13 and Harmony has a salesperson that meets with
14 AT&T once a week that says, hey, we've got this
15 site as well.

16 MS. WHITMAN: So, when people apply to use
17 your tower, do they put more stuff on it?

18 MR. BEEN: Yes, ma'am.

19 MS. WHITMAN: So, how does that change the
20 stress power ability of a tower once you start
21 loading other companies on it?

22 MR. BEEN: So, when we design this tower,
23 and when we design the foundation of the tower
24 and the actual structure of the tower, we
25 design this for four times -- at least, these

1 companies know the max loading that every
2 company has. So, we design it for four times
3 the max loading of whatever carriers are going
4 to put the equipment on; we design that to be
5 structurally capable of holding four times that
6 amount. So, whenever licensees come and apply,
7 there is more than adequate structural capacity
8 on that tower for future carriers.

9 MS. WHITMAN: There's more than adequate
10 room. How does that change the structural --

11 MR. BEEN: Structural --

12 MS. WHITMAN: -- stress --

13 MR. BEEN: I'm talking about stress
14 tolerability. They built that so if there's
15 four -- if this tower is full up, 12 antennas
16 with radios and cable, that this is the same --
17 this -- that is the minimum design loading
18 they're going to have to where it would be able
19 to structurally -- structure capacity handle
20 all four carriers at their max load. So,
21 basically, what T-Mobile is planning on putting
22 up is less than 25 percent of the capable
23 stress probability of the tower that we're
24 putting in. Am I saying --

25 MS. WHITMAN: I get what you're saying.

1 MR. BEEN: Okay.

2 MR. BLOCK: I think the legal standard
3 that we're set to is a significant gap in
4 coverage. And that is different than capacity;
5 is that correct?

6 MR. BEEN: Well, it's -- the coverage
7 dictates the capacity, and in this case, those
8 maps that are up there, that is showing
9 coverage. So, there is -- like I said, when I
10 was standing there, I had zero connection on my
11 phone, which meant there was zero coverage.
12 Because if there was coverage, I would show
13 bars. There is, at this location, zero
14 coverage, which is why they're proposing --

15 MS. WHITMAN: You were using a T-Mobile
16 phone?

17 MR. BEEN: Yes, ma'am.

18 MS. WHITMAN: Maybe you should try
19 Verizon.

20 MR. BLOCK: I mean, I think that's -- I
21 think you've given a good presentation. I just
22 think that you're, you know, anecdotal evidence
23 really is just not evidence. I mean, because
24 anybody could say, I have a T-Mobile phone, and
25 I was at the same gas station and I had full

1 service, you know --

2 MR. BEEN: Well, that's why we brought the
3 coverage maps from the T-Mobile engineers.
4 That's what they do. They design systems based
5 on the available coverage. And I wouldn't be
6 here, we definitely wouldn't have Sasha here,
7 Sasha is costing us like \$10,000 tonight. They
8 don't want to spend that. My company, the
9 tower company -- we don't have the buckets of
10 money that the carriers do. If there was an
11 option to put this up without having to come
12 here, and your ordinance has that option. We
13 could have put up a 100-foot tower and gone
14 through the wireless facility permit and not
15 have to have come to a meeting, not have to
16 come to a hearing; not had to bring an
17 attorney. We could have done that, and we
18 wouldn't have if that 100-foot tower would have
19 done the trick.

20 And, again, me saying it, you know, I
21 still have to go home tonight, look my kids in
22 the eyes, and say, hey, I did my job, and I was
23 honest to the best of my ability.

24 CHAIR HIPPE: But the 140 feet for the
25 tower suits the minimal needs for the carrier

1 that's going to be on the tower --

2 MR. BEEN: Yes.

3 CHAIR HIPPI: -- correct?

4 MR. BEEN: Yes, ma'am.

5 CHAIR HIPPI: Based on their RFID data --

6 MR. BEEN: Yeah, based on their --

7 CHAIR HIPPI: And based on their --

8 MR. BEEN: Based on their technology and
9 their RF data, this 140-foot tower meets, and
10 allows them to meet their minimal coverage
11 objective for this site.

12 CHAIR HIPPI: And all other possible
13 considerations, instead of a tower, have been
14 analyzed with your -- with your technical
15 people, personnel; is that correct?

16 MR. BEEN: Yes, ma'am, yes, ma'am. I've
17 been working on this site for nearly two years.
18 And, again, we've met with Metro West. We've
19 met with various other landowners, that at the
20 time -- one, Metro West is a whole other
21 animal. We were not able to come to an
22 agreement, and then at their location, we would
23 have been even higher.

24 CHAIR HIPPI: Okay. We're going -- we'll
25 ask you to step down, sir, and we're going to

1 hear any other parties that are in favor of the
2 request for the variance.

3 MR. BEEN: Thank you.

4 CHAIR HIPPI: We'll hear out what's out
5 there in the community. First of all, I want
6 to thank you all for coming tonight. I realize
7 at times this gets a little tedious, but we're
8 pleased that you're here to hear this board.
9 There's a speaker's card that I have had, so I
10 don't have an agenda set for me, so it's not --
11 I'm not picking anyone that's in favor of this,
12 but the first speaker, Sasha. Sasha, she's
13 already spoken. Oh, for the record, Riedisser
14 R-i-e-d-i-s-s-e-r. Okay, thank you. And
15 Russell Been has already spoken. Thank you,
16 Mr. Been, very well spoken. Ms. Marla
17 O'Donnell?

18 MS. ODON: Maria.

19 CHAIR HIPPI: Maria, Ms. Maria O'Donnell.
20 Do I have -- am I saying your last name
21 correctly?

22 MS. ODON: Odon.

23 (Maria Odon sworn.)

24 CHAIR HIPPI: Okay, I'm noting that you are
25 in opposition. I'm going to go -- I'm going to

1 go just with my list. You know, usually we
2 would go in favor of and then opposition, but
3 the list that's been handed to me, we're going
4 to mix it up a little.

5 MS. ODON: I will be very, very brief. My
6 name is Maria Odon, and I live at 13 Glen Cove
7 Drive, and it is right behind where you're
8 going to put the tower.

9 CHAIR HIPPI: Can we put up a map? Can we
10 pull up a map --

11 MS. ODON: You can see the swing set --

12 CHAIR HIPPI: Exhibit B is the --

13 MS. ODON: There you are. It's right
14 there, that yellow -- is the swing set and the
15 subject site and the huge size of this tower.

16 CHAIR HIPPI: I'm going to say the record
17 will reflect that we have the Board of
18 Adjustment, what it looks like Exhibit -- is
19 that a marked exhibit or just -- Exhibit B,
20 you're referring to a swing sit, which I'm
21 going to take to --

22 MS. ODON: Right here.

23 CHAIR HIPPI: Three inches down on the
24 screen, 6 inches on the big fat screen and a
25 little to the left. Is that your yellow --

1 MS. ODON: You say you've been working for
2 two years with this subject -- no one -- no one
3 has sent this notice to my house, so I could at
4 least find out when this is going to happen, it
5 was just all of a sudden, about this meeting.
6 So, I'm totally opposed. I will be sitting in
7 my kitchen and looking at this tower. If I try
8 to sell my house, it's going to lower the
9 property --

10 CHAIR HIPPI: The market value of your
11 home? Is that what you said? Okay. What
12 carrier do you use, ma'am?

13 MS. ODON: That was my other thing. My
14 husband, rest in peace, was a physician. And
15 he never had any problems with the phone. He
16 was always on call. He never -- I have never
17 had any problems with the phone. I use
18 Spectrum, and in the past, I used AT&T. I do
19 not use T-Mobile, sorry to say.

20 CHAIR HIPPI: Those cell phones you're
21 referring to; your cell phone --

22 MS. ODON: Cell phone, home line and no
23 wireless -- not had any problems.

24 CHAIR HIPPI: And your greatest objection
25 is that it's large?

1 MS. ODON: It is very large in a small
2 area. Why do we have to shorten the area? Is
3 that safe? Is it safe? If you have some
4 parameters that this radius has to be, why do
5 we have to change --

6 (Court reporter clarification.)

7 MS. ODON: Okay. You say that the tower
8 is this tall, and it has to be this area. They
9 are lying for this big tower in a smaller base
10 area? Why? Why? And from what I heard, it is
11 like they had all the rights to build it up,
12 and no matter what I say, you say, they're
13 going to do it anyways. They are implying that
14 they're going to do it, whether I like it, my
15 neighbors like it, or you like it or not.
16 That's what I understood. If I'm wrong --

17 CHAIR HIPPI: Do we --

18 MR. GRAVILLE: I think those are
19 rhetorical questions. I think those are her
20 comments.

21 MS. ODON: That's all I have to say.

22 CHAIR HIPPI: Okay. Thank you.

23 MS. ODON: And I appreciate your --

24 CHAIR HIPPI: Okay, thank you very much for
25 coming this evening. Okay, our next -- Warren

1 Stemme, please. Mr. Stemme. Thank you for
2 being here this evening, Mr. Stemme. If you'll
3 kindly go to the podium.

4 (Warren Stemme sworn.)

5 CHAIR HIPPI: Thank you, Mr. Stemme.

6 MR. STEMME: Ma'am Chairwoman, and members
7 of the Board of Adjustment, I'm Warren Stemme,
8 resident of Chesterfield. And I appreciate the
9 opportunity to just visit with you a little bit
10 this evening about my concerns here. We
11 have -- I live in the subdivision just south --
12 the same subdivision of the previous speaker
13 does, and our family has a home, and my son
14 lives just across the street from her home.

15 CHAIR HIPPI: So, your son is on Glen Cove
16 Drive --

17 MR. STEMME: Yes, ma'am. Yes, ma'am. And
18 I live in the same subdivision, it's not part
19 of this picture, but a little farther down.
20 Some concerns that I had: I know that the
21 gentleman that was presenting said other sites
22 have been looked at, and I'm a little bit late
23 to the game here, but having researched all of
24 their application, but I think you all should
25 consider what other sites have been looked at,

1 and why this one was chosen. If you could go
2 across the street here, across Olive to the
3 north, there's a vacant property there. It
4 used to be Chesterfield Manor Nursing Home.
5 It's now owned by Chesterfield Management
6 Association, LLP. I did a quick look --

7 MR. GRAVILLE: Sir? Sir, I don't want to
8 interrupt you, but I just want to -- I want to
9 make you aware: one of the things I've
10 instructed this body about is suggesting an
11 alternative location is not a proper criteria
12 for evaluation for the Board of Adjustment
13 under Missouri and federal law. So, we -- I
14 just don't want to -- I don't want to get your
15 hopes up or disappoint you. The gentleman did
16 bring it up and say he looked at alternative
17 sites, but that is not part of the standard we
18 can hold them to is, did you go to an
19 alternative site? Is there an alternative
20 location? I just want to make you aware of
21 that.

22 MR. STEMME: Okay, thank you. One other
23 concern I had, and, again, if this is not
24 something we can discuss, let me know, but the
25 lease that the archdiocese is engaging in with

1 this company, what's the length of it, and at
2 the end of that lease, will this thing be
3 deconstructed or taken down? If it -- at the
4 end of the lease or will it remain? So, if you
5 have any questions --

6 CHAIR HIPPI: What carrier do you use, sir?
7 Wireless carrier.

8 MR. STEMME: I use AT&T.

9 CHAIR HIPPI: And you're in this facility,
10 do you have a problem with connectivity or bars
11 on your phone getting cell coverage?

12 MR. STEMME: Only when I go down Hog
13 Hollow Road, which I do every day because my
14 business is located down there.

15 CHAIR HIPPI: All right. What about your
16 son who lives across from Ms. Odon? Is he --
17 what coverage does he have, do you know?

18 MR. STEMME: He has the same because I'm
19 paying for it. It's part of my business.

20 CHAIR HIPPI: Does he -- does he, in your
21 experience, because you're both paying for it,
22 do you ever have difficulty reaching him in
23 that location, which is right near the cell --
24 I mean, near the -- in the vicinity of the
25 proposed subject site?

1 MR. STEMME: I have not.

2 CHAIR HIPPI: Okay. All right, okay. Any
3 questions based on my questions? Okay, thank
4 you very much.

5 MR. STEMME: Thank you for your time.

6 CHAIR HIPPI: Yes, sir, thank you.

7 Mr. Robert Ott. Mr. Ott, thank you for being
8 here tonight.

9 (Robert Ott sworn.)

10 CHAIR HIPPI: Now, Mr. Ott, I see you're in
11 opposition. You have three minutes. I didn't
12 realize that, sorry. But you all had good
13 questions. This is what we're here for. This
14 is the community. We're here to establish --
15 we need to know what you think, and we
16 appreciate you being here.

17 MR. OTT: Very quickly, before I get
18 started on my prepared comments. I live right
19 next to Maria, right behind the gas station
20 that the gentleman said he couldn't get any
21 cell bars. I have no problems getting cell
22 service. I've had Verizon a number of years.
23 No problem at all. Secondly, they said they
24 didn't get any objections from the two
25 properties next to the proposal. One is the

1 church, who is leasing the property and getting
2 financial gain from it. No surprise they
3 didn't object to it. And I find it interesting
4 that they're -- what I heard was, the Catholic
5 church is proposing cell towers in many of
6 their locations around St. Louis. Again,
7 monetary gain, and we probably all have heard
8 about the church's financial problems, so this
9 may be why they're doing that. Third of all --

10 CHAIR HIPPI: That's not relevant to our
11 dialogue --

12 MR. OTT: Okay, well, I'm just --

13 CHAIR HIPPI: We can appreciate your
14 insight --

15 MR. OTT: And I'm just wondering, in the
16 future with Elon Musk and Starlink and things
17 like that if in the future these towers will
18 even be necessary. So, I live at 14 Glen Cover
19 Drive in the Westbury Manor subdivision. I,
20 along with at least four other neighbors at 8,
21 10, 12 Glen Cove are located directly behind
22 the 140-foot 14-story tower. Obviously, we do
23 not want this monstrosity looming over us. I
24 know the only purpose of this meeting is to
25 review the variance that is being requested,

1 which is the setback being only 40 feet from
2 the nearest structure, instead of the existing
3 requirement of 154 feet. As you know, the
4 nearest structures are the gas station and the
5 Catholic church. It's going to be squeezed
6 between those two entities.

7 Not surprisingly, as I said, the church
8 does not object to it because it's a monetary
9 gain. I don't know why the gas station
10 isn't -- doesn't have any objection. What I
11 heard was, they didn't object or comment at
12 all. It's a big corporation that owns hundreds
13 of gas stations. It's not surprising that this
14 paperwork didn't get up to the right people --

15 CHAIR HIPPI: They have an opportunity.
16 They were provided notice.

17 MR. OTT: I'm told our homes exceeded the
18 154 requirements. We were not asked if we
19 objected to the variance. Only a few of us
20 received a postcard notice about all this. I'm
21 very disappointed and not surprised that the
22 church did not come forward and talk to its
23 neighbors about this. Not very neighborly.
24 Despite assurances to the contrary, a tornado,
25 like the one that recently hit Maryland Heights

1 and North St. Louis, or powerful straight-line
2 winds could undoubtedly throw portions of this
3 tower all over our neighborhoods, despite what
4 we've heard earlier. I don't even know why
5 this is being considered, given the proximity
6 to Chesterfield citizens. Nobody wants this.
7 This tower does not belong anywhere near our
8 neighborhood. Approval would inch Olive
9 Boulevard closer to becoming another Manchester
10 Road, which I don't think anybody wants.

11 I've spoken to Barbara McGinnis, and been
12 told that she and other Ward 1 council members
13 are opposed to this as well. There must be a
14 very good reason for the existing 154-foot
15 requirement. Please do the right thing and
16 disapprove the variance.

17 (Court reporter clarification.)

18 CHAIR HIPPI: Now, these are the end of the
19 speakers. Is there anyone here wishing to
20 speak? Sir, back there in the green shirt with
21 the glasses. You sat here very quietly. Do
22 you have anything you want to say, sir? Come
23 up to the podium. You made it here this
24 evening, let's hear what you have to say. We
25 appreciate you being here.

1 MR. BERNSTEIN: Thank you.

2 CHAIR HIPP: Please state your name, sir.

3 MR. BERNSTEIN: I'm Mark Bernstein.

4 (Mark Bernstein sworn.)

5 CHAIR HIPP: Thank you. Please proceed,
6 Mr. Bernstein.

7 MR. BERNSTEIN: I'll just make it brief.
8 I live in Westbury Manor at 7 Glen Cove, too.
9 And I just think this is going to be a
10 monstrosity, as this gentleman just said, and
11 it's going to lower our property values. And I
12 know that there are -- the two houses, I think
13 it's at 10 and 11, have children in there. And
14 have there been any studies done about
15 radioactivity or health concerns or anything --
16 health concerns from these towers? That's what
17 I'm concerned about. I'm especially concerned
18 for his children. And those are my two main
19 concerns.

20 CHAIR HIPP: Thank you very much. What
21 carrier do you use, sir?

22 MR. BERNSTEIN: I use Consumer Cellular,
23 which uses AT&T. The only problem that I have
24 had is, if we try and make a call down in the
25 basement, we do not have reception in our

1 basement. But, otherwise, it's fine.

2 CHAIR HIPPI: Okay. Any questions based on
3 my questions for our gentlemen here, okay,
4 thank you.

5 MR. BERNSTEIN: Thank you.

6 CHAIR HIPPI: Would anyone else care to
7 speak? Yes, ma'am, way in the back, come on
8 up, please. I'll ask you to state your name
9 for the record and raise your right hand to be
10 sworn.

11 MS. WEBBER: Brynn Webber.

12 (Brynn Webber sworn.)

13 MS. WEBBER: Brynn Webber, and I live at
14 12 Glenn Cover, so right next to Maria there,
15 right behind the site. Between my husband and
16 I, we both have Verizon and AT&T and do not
17 have any issues at all. We also have three
18 children under three, along with our neighbors
19 next door that have two children very young as
20 well, so we also concerned, you know, all of
21 the studies have been done about -- we're not
22 planning on leaving soon, so we don't care
23 about property value right now, but we
24 obviously care about our children. So, I do
25 oppose this.

1 CHAIR HIPPI: Okay. Well, any questions
2 based on her comments? Anyone from the Board?
3 Okay, thank you, ma'am. We appreciate your
4 time. Anyone else in the audience? Ma'am, do
5 you want to speak? Okay, Mr. Been and
6 Ms. Sasha, come on up, both of you, since we
7 have both of you on the record. If you speak
8 clearly so the court reporter can keep track of
9 who is speaking, and we don't want to confuse
10 them --

11 MR. GRAVILLE: Real quick, real quick.
12 Sasha, do you have any questions of anybody
13 that stated anything earlier?

14 MS. RIEDISSER: No, I don't.

15 MR. GRAVILLE: You're good?

16 MS. RIEDISSER: Yeah, I don't have any
17 questions.

18 MR. GRAVILLE: No questions for any of the
19 public participants?

20 MR. BERNSTEIN: Correct.

21 MR. GRAVILLE: Okay.

22 MR. BEEN: Russell Been, Selective
23 Solutions. I did want to ask -- answer a
24 couple of questions that were brought up. One
25 question was, at the end of the lease, the

1 terms with the archdiocese does require that if
2 the lease is terminated, the site be returned
3 to its original condition, and the tower
4 removed and the foundation removed to three
5 feet below the grade, so that is in there.

6 I don't want to get overly technical, but
7 somebody goes, isn't Starlink going to take
8 this over? Elon Musk just released a -- an
9 article -- a report stating it's -- the title
10 was, "Why Starlink Won't Replace Mobile
11 Phones." It's a matter of physics. The amount
12 of time it takes your signal to get to the
13 satellite in space and then get back, there's
14 such a delay that you can't, and to quote
15 Scotty from Star Trek, you cannot break the
16 laws of physics. No matter what you do, that
17 signal is going to take 1.9 seconds to the
18 satellite and 1.9 seconds back. And even the
19 Teslas, their autodrive uses the cellular
20 systems because the -- it updates in
21 milliseconds versus seconds there and back.

22 I don't want to address health concerns,
23 but I do have a report from the American Cancer
24 Society that talks about cell phones and their
25 safety. Cell towers and their safety, I'd like

1 to at least put this into the record.

2 CHAIR HIPPI: We'll go through when you
3 presented all of your materials, and I'll have
4 --

5 MR. GRAVILLE: Do you have an extra copy
6 for the young lady back there with the three
7 kids?

8 MR. BEEN: I'll leave them here on the
9 chair if anybody would like a copy. And,
10 again, it's about physics and cell size and
11 wave size, and you can read the report; but,
12 basically, the American Cancer Society study,
13 and, you know, this is the new -- the new
14 weapon in the holster for all the cell tower
15 site acquisition guys, because we didn't pay
16 for it. The cell tower opposition people
17 didn't pay for it. They got so many questions
18 at the American Cancer Society, they funded
19 their own society. Their determination is,
20 there's no health effect from living near or
21 underneath a cell tower.

22 We did look, and we sent out -- when we
23 first started looking for a cell tower site,
24 we'll canvass an area with an offer package.
25 And I send these packages -- I used to send

1 them in a stamped envelope with my letterhead
2 with a stamp on it, and they end up right in
3 the trash. We send these, and I spent a vast
4 amount of money, I send them in a USPS two-day
5 overnight package so they look really
6 important. We sent over 20 letters in this
7 area to the various landlords that fell within
8 the general area of this, saying, hey, would
9 you be willing to consider a lease for the cell
10 tower. We've got -- we got three replies. One
11 was Metro West. One was the Dierbergs Plaza;
12 they were interested but not really. Like, ah.
13 Because the way they back right up, and there's
14 no space, they would be -- they would end up
15 giving up parking, which they didn't want to
16 do, so we didn't end up going up there.

17 And then we -- we met with the
18 archdiocese, who, yes, they are benefiting from
19 this financially, and that's why they're doing
20 it, and that's why they're doing --

21 MR. GRAVILLE: How significant -- just a
22 question, and I don't know the logistics,
23 how --

24 (Court reporter clarification.)

25 MR. GRAVILLE: Why -- did you guys have

1 any discussions of doing a rooftop antenna with
2 the archdiocese, why didn't that --

3 MR. BEEN: That's 20-foot tall in that
4 building, and even if we were allowed to go
5 10 feet above the roof line, that still only
6 puts us at 40 feet.

7 CHAIR HIPPI: So, you're saying it would
8 not be sufficient to get up to 140 feet that
9 you require --

10 MR. BEEN: Correct. Being on a rooftop
11 installation would not allow us to meet our
12 coverage.

13 MR. GRAVILLE: It's because of the weight
14 of the antenna?

15 MR. BEEN: Well, we have to put a 120-foot
16 structure on top of their building, and, yeah,
17 no, that would not -- that used to be a
18 mortuary, I believe.

19 MR. GRAVILLE: Okay, I was just curious --

20 MR. BEEN: Okay. And that's why. That's
21 why. And then I think that was -- the
22 questions. The main one I wanted to answer
23 was, yes, when this lease terminates, the tower
24 would be removed and returned to its original
25 condition. And that's per the lease. That I

1 would be happy to provide a redacted copy, if
2 that would be --

3 CHAIR HIPPI: I have a question based on
4 all that we've heard this evening, and I find
5 your presentation very moving; I really -- I
6 really want to hang my hat on the issue of the
7 gap in coverage. And that's my only hiccup. I
8 mean, it seems like I'm familiar with the area.
9 We've got people here that say they have no gap
10 in coverage --

11 MR. BEEN: Well, I don't mean to
12 interrupt, but if you notice, there was a trend
13 in who their carrier was. AT&T, AT&T, this
14 company that uses AT&T. There's a trend there,
15 and there's a reason why they all have them,
16 and I'm not going to say that why and they'll
17 come up and argue with me. But if you'll
18 notice, there's a trend. Almost everyone who
19 got up here said, yes, I have AT&T. I have no
20 problems. Currently, AT&T is not proposed to
21 go on this site. They probably have coverage.
22 They will eventually as the needs of the
23 work -- 6G is coming. They're talking about
24 6G, and that will -- your refrigerator will
25 operate from your cellphone. It's getting to

1 the point where everything in your home is
2 going to be operated, and that's just going to
3 bring even more need for more coverage and more
4 capacity.

5 But I would propose this, if you humor me.
6 There's a question about -- I'm not going to
7 say validity. I'm not going to say you're
8 accusing me of these not being true. There's a
9 question about the RF coverage. I would be
10 willing -- we request you table my proposal,
11 and at the next meeting, I will bring in
12 T-Mobile's RF engineer to testify to our -- to
13 their coverage needs.

14 CHAIR HIPPI: I think that would more
15 strongly fill your case, I mean, we -- I see
16 what you're saying. I've lived in this area
17 for 30 years. I know you in here. Some don't
18 want this in your backyard. I understand that,
19 property value, we're all homeowners here. And
20 there's kind of not -- it's important, but it's
21 not the driving force. The driving force is
22 the significant need -- I mean, they don't have
23 a significant need for another carrier.
24 T-Mobile's got a need to be more significantly
25 present, but that didn't mean there's a

1 significant gap in coverage. I guess I'm kind
2 of playing semantics here, but it seems like
3 somebody doesn't have a significant need, but
4 you all do, and that's T-Mobile.

5 T-Mobile's got the data. I can see how
6 they can look at their data and say, we need a
7 greater presence. Let's build the tower. Put
8 up some more -- more, you know, items. But I'm
9 just -- I just want to find the good common
10 ground that is facilitating the use of this
11 property. That's -- your point was very well
12 taken. And I understand it's a large eyesore
13 in the backyard, and I get that. But we need
14 to look at is the main issue is a significant
15 gap. In my opinion, you haven't demonstrated a
16 significant gap from an independent source,
17 other than T-Mobile, who is going to be the one
18 you're putting this up for at this time.

19 I know you're going to expand. I
20 appreciate that. We all want good coverage,
21 but I just have a little problem. Could you
22 just give me something more? Does anyone have
23 a significant --

24 MR. BLOCK: I agree with his proposal, to
25 --

1 CHAIR HIPPI: And I agree with it.

2 MR. BLOCK: -- to allow an engineer,
3 because right now, what we have here is
4 hearsay, even though we're not accusing --

5 CHAIR HIPPI: Right.

6 MR. BLOCK: -- anyone of bad drawings or
7 something --

8 CHAIR HIPPI: We just need some more data
9 to support a foundation.

10 MR. BEEN: It's your job not to trust me,
11 and I'm not offended by that at all --

12 (Court reporter clarification.)

13 CHAIR HIPPI: We need more information to
14 feel that you adequately persuaded us, and
15 carried the burden of presenting the evidence,
16 so that we can find there is a significant need
17 for this cell tower in general. Is there a
18 gap --

19 MR. BEEN: In order to satisfy that
20 request, we would ask for a table to bring this
21 back and bring our RF engineers --

22 CHAIR HIPPI: Can we have a motion on the
23 floor to table -- this BA-04-2025 until the
24 next meeting, when you will have an opportunity
25 to present to us more evidence for the gap, the

1 definition of the gap, of the significant gap
2 in coverage. I'm hung up on the significant
3 gap in coverage. I just don't see it yet. Not
4 that it's not there, but I just need more
5 information, so that I can be comfortable
6 feeling that you have provided sufficient
7 evidence to meet your burden. And it is your
8 burden to bear.

9 MR. BEEN: Yeah, we appreciate the
10 opportunity to bring that, and there's other
11 boards that would have said no.

12 MS. RIEDISSER: And we appreciate the
13 questions. Like I can tell you all are engaged
14 and ask the questions. I do these kinds of
15 hearings all the time. I can tell you're
16 trying to get it right, and, like, while we may
17 think that we've given everything you need to
18 make this decision, if you don't, like we're
19 happy to bring whatever you need. So, if
20 you're telling me you need an RF engineer to
21 come here and tell you what we couldn't with
22 these maps, let us help you get it right.

23 CHAIR HIPPE: So, we have a motion on the
24 floor. I make a motion that we table this to
25 the next meeting, where you will provide us

1 with more information, more evidence, who --
2 covering -- to present the evidence of the --
3 your significant gap in coverage. I think you
4 met the practical difficulty. You met the
5 other required terms, but I don't think you met
6 that one. Can I get a second?

7 MS. RADER: I will.

8 CHAIR HIPPI: Seconded by Ms. Jeannie
9 Rader. Would the Board please -- call the roll
10 to accept the motion to table BA-04-2025 until
11 the next meeting.

12 MS. HUBELI: Brendan Block?

13 MR. BLOCK: Yes.

14 MS. HUBELI: Melissa Heberle?

15 MS. HEBERLE: Yes.

16 MS. HUBELI: Katherine Hipp.

17 CHAIR HIPPI: Yes, I vote that we table
18 this until the next meeting.

19 MS. HUBELI: Jeannie Rader?

20 MS. RADER: Yes.

21 MS. HUBELI: And Barb Whitman.

22 MS. WHITMAN: Yes.

23 CHAIR HIPPI: Okay. The motion is carried,
24 we will see you at the next --

25 MR. GRAVILLE: Real quick. Just a couple

1 housekeeping things. Justin, well, first off,
2 I want to address the residents. There's a --
3 there's a statutory requirement for
4 notification. That is literally a line you
5 have drawn, and there is actually a case in
6 Missouri that says we can't expand the line, so
7 we notify according to the state statute. So,
8 I apologize. It's somewhat arbitrary. I
9 think -- Justin, what is it? 180 feet -- or
10 what's -- what footage do we notify under?
11 Whatever it is, if you didn't get notification,
12 it's because you're outside of the notification
13 area. It's because that's what the state
14 statute is, so we get that complaint a lot. I
15 apologize, but it's good that you guys have
16 good neighbors, because you're talking about
17 it.

18 The second thing is, I know we're going to
19 leave the evidence open for them to present
20 their RF engineer, when were the maps produced,
21 how they were produced, and what the ways they
22 were done and for you all to ask questions,
23 it's also an opportunity, the evidence is open,
24 for, I assume, for the residents, if they want
25 to address significant gaps in coverage as

1 well.

2 The final thing is, Justin, we may have to
3 talk about this later, we're not going to
4 readvertise this for public hearing, correct?

5 MR. WISE: Correct.

6 MR. GRAVILLE: So, it's not going to be
7 back in the paper. There will not be an
8 additional mailing that occurs. So, I wanted
9 to let you all know that.

10 CHAIR HIPPI: When is our next scheduled
11 meeting?

12 MR. WISE: November 6th, so it's the first
13 Thursday in November, 6:00 p.m. in this room.

14 CHAIR HIPPI: Okay. So, if you would like
15 to talk to your neighbors and have anyone else
16 come to the meeting on November 6th at
17 6:00 p.m., you'll now -- we're now postponing
18 the taking of evidence on this particular
19 petition. And we will meet again on the 6th of
20 November 6:00 p.m. to complete the task of
21 hearing of the rest of the information
22 presented by the petitioner.

23 MS. HUBELI: Can I ask for additional
24 copies of the exhibits that were introduced
25 tonight?

1 CHAIR HIPPI: Yes, and on that note, let me
2 just say, I'm going to introduce Exhibit --
3 let's say A was, I'm just going to put this in
4 the evidence if there's no opposition.

5 Mr. Russell Been's proposed variance, City of
6 Chesterfield, you just prepared that. We'll
7 add that into the record. Exhibit B is a map
8 of pretty much this sight, which is up right
9 now, and I've marked it as Exhibit B. Exhibit
10 C --

11 MR. GRAVILLE: We cannot enter the
12 statute.

13 CHAIR HIPPI: Okay, Exhibit C, we're not
14 going to enter into evidence. And Exhibit D,
15 we're not going -- no, we're putting Exhibit D
16 in. D is the cell tower -- oh, wait.

17 (Exhibit D marked.)

18 MR. GRAVILLE: They offered it, so you
19 might as well enter it.

20 CHAIR HIPPI: Okay, Exhibit E will be
21 entered. Exhibit D is also towers hit directly
22 by the May 16th, 2025, tornado in the North St.
23 Louis County. Several pages of houses that
24 were impacted by the tornado; I'll mark it as
25 Exhibit D.

1 MS. WHITMAN: And I don't think any of the
2 exhibits have the height of those towers that
3 you're trying to show us, sustaining the
4 tornado. I need to know the heights we're
5 talking about.

6 CHAIR HIPPI: That's a good point. If you
7 can address that, Exhibit D, what are the
8 heights in those photos? If you could give us
9 more information, we didn't touch upon that. I
10 mean, they look good standing tall after that
11 tornado, but tell us about more of them if
12 you're going to offer them as examples. How
13 tall are they? That's a very excellent point.
14 Okay, if there's any further discussion at this
15 time? I believe we are -- we have tabled this
16 presentation. Okay. The chair will now
17 entertain a motion to adjourn. There being no
18 other further business, Mr. Wise?

19 MR. WISE: We do have the 2026 proposed
20 meeting schedule that needs action.

21 CHAIR HIPPI: The 2026 proposed meeting
22 schedule. Can we have a motion on the floor to
23 accept the --

24 MS. WHITMAN: So moved.

25 MS. HEBERLE: I'll second.

1 CHAIR HIPPI: Moved and seconded. Can we
2 call a vote, please?

3 MS. HUBELI: Brendan Block.

4 MR. BLOCK: Yes.

5 MS. HUBELI: Melissa Heberle?

6 MS. HEBERLE: Yes.

7 MS. HUBELI: Katherine Hipp.

8 CHAIR HIPPI: Yes.

9 MS. HUBELI: Jeannie Rader?

10 MS. RADER: Yes.

11 MS. HUBELI: Barb Whitman?

12 MS. WHITMAN: Yes.

13 CHAIR HIPPI: And now, the meeting is
14 adjourned.

15 (Ending time of the hearing: 7:40 p.m.)
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1 I, Colin Wallis, in and for the State of
2 Missouri do hereby certify that the witness
3 whose testimony appears in the foregoing
4 Examination Under Oath was duly sworn by me;
5 that the testimony of the said witness was
6 taken by me to the best of my ability and
7 thereafter reduced to typewriting under my
8 direction; that I am neither counsel for,
9 related to, nor employed by any of the parties
10 to the action in which this examination was
11 taken, and further that I am not relative or
12 employee of any attorney or counsel employed by
13 the parties thereto, nor financially or
14 otherwise interested in the outcome of the
15 action.



17 within and for the State of Missouri
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Board of Adjustment Staff Report

Variance Type: Area Variance

Meeting Date: November 6th, 2025

From: Shane Streiler, Planner

Location: 14008 Olive Boulevard

Description: **B.A. 04-2025 14008 Olive Boulevard:** A request for an area variance for a cell tower proposed on a tract of land totaling 0.17 acres located south of Olive Boulevard, and east of Hog Hollow Road (16R340281).

PROPOSAL SUMMARY

On October 2nd, 2025, the Board of Adjustment (BOA) reviewed the request for a variance from the City's minimum distance requirement from the nearest habitable structure for a proposed 140-foot-tall cell tower. The applicant requested a reduction in the cell tower's required distance from the church building, immediately east of the proposed tower location, from 154 feet to 40 feet, and the required distance from the gas station building, immediately west, from 154 feet to 94 feet. At that time, the Board made a motion to table the petition to the next meeting to allow time for the petitioner to gather further materials to substantiate the request. Since the October BOA meeting, the City has not received any additional materials from the applicant. However, the petitioner has communicated that they will introduce materials at the November BOA meeting. The exhibits found attached to this report include those that were provided to the Board at the October 2nd meeting.

Exhibits

1. BOA 11/06 Staff Report
2. BOA 10/02 Staff Report
3. Notice of Public Hearing
4. Affidavit of Publication
5. Petitioner's Application
6. Request for Variance
7. Archdiocese Letter
8. Federal Aviation Administration Letter
9. Tower Engineer Letter
10. Attorney Letter
11. Service Maps
12. Petitioner's Submittal
13. BOA 10/02 Exhibits
 - a. Petitioner's Letter to Western Oil
 - b. Subject Site Aerial Map
 - c. Photos of Towers Hit by the 05/16 Tornado
 - d. American Cancer Society Study
14. Letters of Opposition



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

Board of Adjustment Staff Report

Variance Type: Area Variance

Meeting Date: October 2nd, 2025

From: Shane Streiler, Planner

Location: 14008 Olive Boulevard

Description: **B.A. 04-2025 14008 Olive Boulevard:** A request for an area variance for a cell tower proposed on a tract of land totaling 0.17 acres located south of Olive Boulevard, and east of Hog Hollow Road (16R340281).

PROPOSAL SUMMARY

Collective Solutions, LLC, on behalf of Harmoni Towers, is requesting a variance from the City's minimum distance requirement from the nearest habitable structure ([Unified Development Code Section 405.06.030\(B\)\(8\)\(d\)](#)) in order to erect a cell tower at a small vacant lot. The cited requirement states that *"no new wireless facility shall be constructed within a distance greater than or equal to 110% of the height of the wireless facility structure in relation to the nearest structure designed for occupancy."* This requirement stipulates that the proposed 140-foot-tall cell tower must be located more than 154 feet away from the church building at 13996 Olive Boulevard, immediately east of the subject site, and the gas station building at 14024 Olive Boulevard, immediately west. This requirement is in addition to the site's minimum yard setback requirements.



Figure 1: Subject Site

BACKGROUND

Before the City of Chesterfield's incorporation in 1988, the subject site was zoned "C2" Shopping District without a site-specific zoning ordinance. Since the approval of Ordinance 3157 in 2021, the subject site has been part of the St. Andrew Kim Parish "C8" Planned Commercial District. The subject site has remained vacant since 1988.

On December 13th, 2024, the City received the applicant's Telecommunications Facilities Siting Permit (FSP) application for the 140-foot-tall cell tower proposed at 14008 Olive Boulevard. In January 2025, per the City's comment letter, the applicant addressed comments pertaining to the FSP submittal by providing the no-hazard letter from the Federal Aviation Administration, and the letter of support from the Archdiocese of Saint Louis, the owner of the subject site and the adjacent church property.

As part of the most recent FSP resubmittal, received by the City on July 11th, 2025, the applicant provided the tower engineer letter stating that the proposed tower failure mechanism would effectively reduce the tower's fall zone to zero (0) feet. Additionally, the applicant provided a response letter stating their willingness to apply for a variance from the City's minimum distance requirement from the nearest habitable structure. On August 5th, the City provided direction on the Board of Adjustment process, and on August 27th, the applicant submitted the Board of Adjustment application.

REQUEST

The applicant intends to construct a 140-foot-tall cell tower in the center of a 50-foot-wide vacant lot to fill an identified gap in cell coverage. To erect the tower, the minimum distance requirement of 154 feet from the nearest habitable structure will need to be reduced. The applicant is proposing a reduction to 40 feet from the church building at 13996 Olive Boulevard and 94 feet from the gas station building at 14024 Olive Boulevard: A reduction from 110% of the tower height to 29% of the tower height from the church and 67% of the tower height from the gas station.

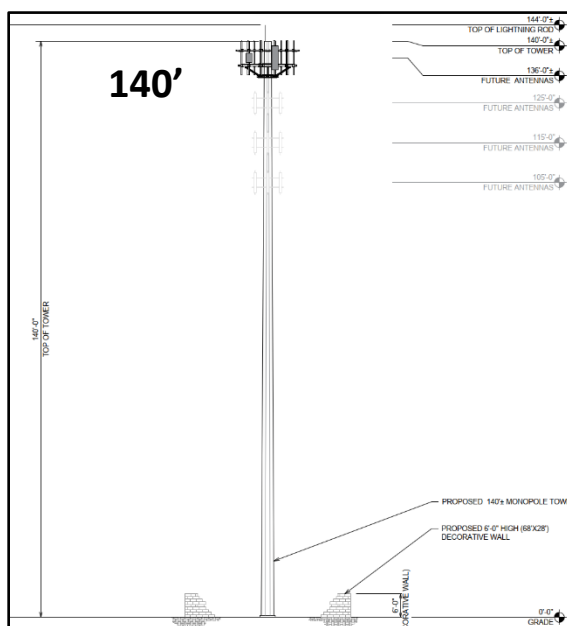


Figure 2: Proposed Tower Elevation

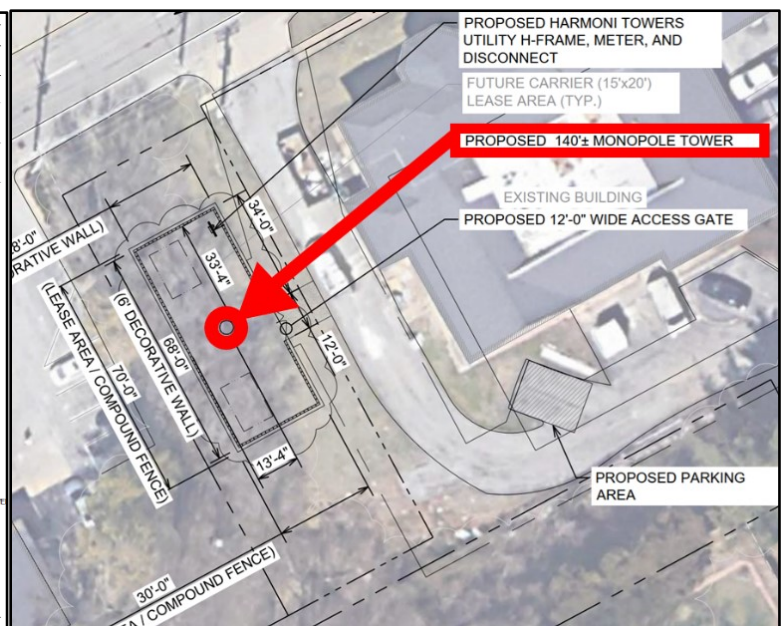


Figure 3: Proposed Tower Location

According to the applicant, *“The Telecommunications Act of 1996 requires approval of an application to construct a telecommunications facility if necessary to eliminate a gap in a carrier’s coverage. 47 U.S.C. § 332(c)(7)(B)(i)(II). This is true even if denial of that application would otherwise comply with state, federal, and local law or approval would violate local ordinances or state law.”* The applicant also cites federal court decisions as precedent for approving the subject variance: *Tarpon Towers II, LLC v. City of Sylvania, OH*, which required approval *“even if doing so would violate state or local law,”* and *New Cingular Wireless PCS, LLC v. Town of Fenton, NY*, which required approval of a variance. The referenced gap is best demonstrated by Figures 4 and 5, which depict the difference in coverage between the existing site and the site with the proposed 140-foot-tall tower.

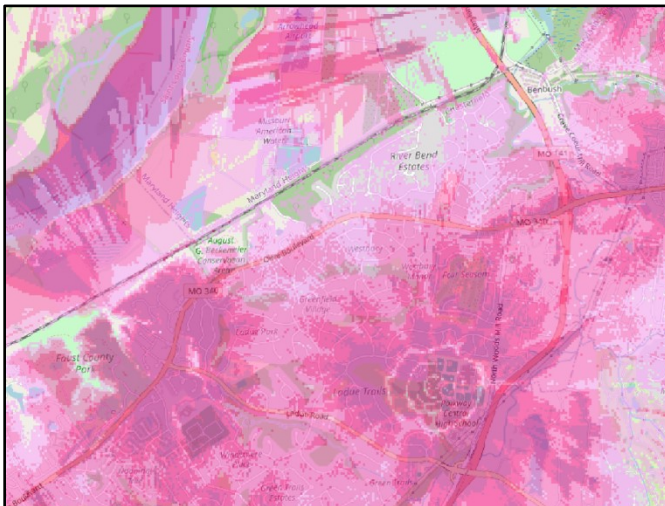


Figure 4: Cell Coverage Map of Existing Site

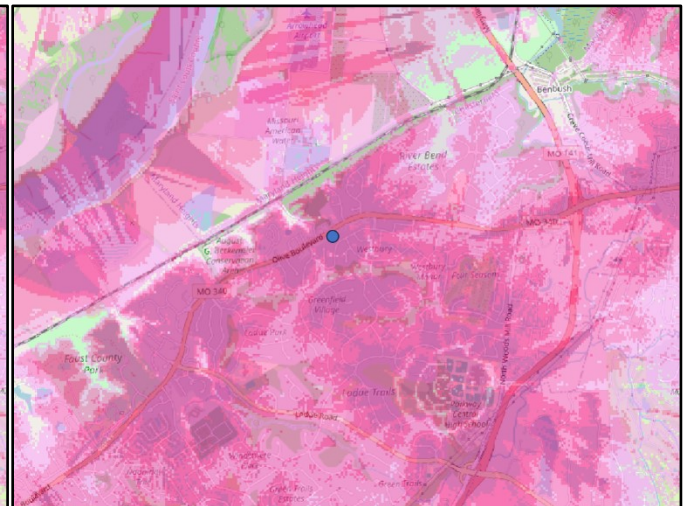


Figure 5: Cell Coverage Map of Proposed Site

Beyond the applicant’s defense of the variance based on their interpretation of federal telecommunications law, the applicant references the zero (0) foot fall zone radius. Per the [UDC](#), the failure mechanism can be used to satisfy the tower’s minimum yard setback requirements; however, the Department itself could not apply this exception similarly to the minimum distance requirement from the nearest habitable structure. The applicant also references the practical difficulties of using the lot for any other purpose, given its restrictively narrow shape, and their desire to utilize the lot, given the lack of available land within the identified cell coverage gap. Lastly, the applicant states that the provision of this public utility would benefit the public health, safety, and welfare of Chesterfield.

BOARD OF ADJUSTMENT POWERS AND RESPONSIBILITIES

In consideration of a request for a variance, the Board of Adjustment is required to follow Missouri State Statute and Chesterfield City Code requirements. Missouri Revised Statute Chapter 89.090 requires that a Board of Adjustment may only grant variances when the Applicant has established:

“There are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance” and “to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done”.

It should be noted, the practical difficulty relied on as a ground for a variance must be different from that suffered throughout the zone or the neighborhood. Hardships pertain to the nature of the property rather than the character of the owner. Thus, when granting a variance, the Board must consider the present and future effect of such variances on the property and neighboring property. Variances run with the land; they are not personal to the owner.

REVIEW OF VARIANCE REQUEST

The Department of Planning has reviewed the request and submits the following information for the Board's consideration during review.

Chapter 89 of the Missouri Revised Statutes states, "In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done..." (emphasis added).

In reviewing the statement of practical difficulty, several factors are to be considered by the Board:

1. How substantial the variation is in relationship to the requirement?
2. The effect, if the variance is allowed, on available governmental facilities.
3. Whether a substantial change will be produced in the character of the neighborhood or substantial detriment to adjoining properties or neighbors.
4. Whether the difficulty can be obviated by some feasible method other than the variance.
5. Whether the interest of justice will be served by allowing the variance.

A decision of the Board granting a variance that permits the erection of a structure shall be valid for a period of six (6) months, unless a building permit for such erection is obtained within this period and the erection is started and proceeds to completion in accordance with the terms of the decision.

Exhibits

1. Staff Report
2. Notice of Public Hearing
3. Affidavit of Publication
4. Petitioner's Application
5. Request for Variance
6. Letters of Support
7. Petitioner's Submittal

EXHIBIT 3

NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, October 2nd, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:

B.A. 04-2025 14008 Olive Boulevard: A request for an area variance for a cell tower proposed on a tract of land totaling 0.17 acres located south of Olive Boulevard, and east of Hog Hollow Road (16R340281).



All interested parties are invited to appear and be heard at the hearing. Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. to 4:30 p.m. If you should need additional information about this project, please contact Shane Streiler, Planner by telephone at 636-537-4735 or by email at sstreiler@chesterfield.mo.us.

City of Chesterfield
Shane Streiler
Planner

The Countian - St. Louis County
1400 S. Highway Drive
Fenton, MO, 63099
Phone: 3144211880 Fax: 0



Affidavit of Publication

To: City of Chesterfield - THERESA BARNICLE
690 Chesterfield Parkway West
Chesterfield, MO, 63017

Re: Legal Notice 4093514, CITY OF CHESTERFIELD
State of MO }
County of St. Louis County } SS:

Before the undersigned Notary Public personally appeared David Blumenthal on behalf of The Countian - St. Louis County, St. Louis County who, being duly sworn, attests that the said newspaper is qualified under the provisions of Missouri Law governing public notices to publish, and did so publish, the notice annexed hereto; starting with the 09/17/2025 edition and ending with the 09/17/2025 edition for a total of 1 publications, and that the date of publications were as follows: 09/17/2025.

Publishers fee: \$41.65

By: *D.B.*
David Blumenthal

Sworn to me on this 18th day of
September 2025

By: *Brandon M. Crail*
Brandon M. Crail
Notary Public, State of MO
No. 20297982
Qualified in St. Louis County
My commission expires on
March 5, 2028

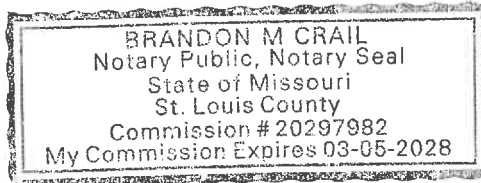
**NOTICE OF PUBLIC HEARING
CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT**
NOTICE IS HEREBY GIVEN that the Board of Adjustment of the City of Chesterfield will hold a Public Hearing on Thursday, October 2nd, 2025 at 6:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017.

The Board will consider the following:
B.A. 04-2025 14008 Olive

Boulevard: A request for an area variance for a cell tower proposed on a tract of land totaling 0.17 acres located south of Olive Boulevard, and east of Hog Hollow Road (16R340281).

All interested parties are invited to appear and be heard at the hearing. Copies of the request are available for review at City Hall Monday through Friday, from 8:30 a.m. and 4:30 p.m. If you should need additional information about this project, please contact Shane Streiler, Planner, by telephone at 636-537-4735 or by email at ssstreiler@chesterfield.mo.us.

City of Chesterfield
Shane Streiler
Planner
4093514 County Sep. 17, 2025





City of Chesterfield

DEPARTMENT OF PLANNING

BOARD OF ADJUSTMENT APPLICATION

The Board of Adjustment is a local body consisting of volunteers appointed by the Mayor. The Board hears requests for variances and appeals of administrative determinations. A variance is a deviation from the zoning ordinance requirements for a specific parcel. The types of variances heard before the Board of Adjustment are Use, Area, and Bulk Variances. A variance is granted only upon demonstration of a hardship such as lot size, topography, or other issues not created by the lot owner. For questions about this application, please contact the Department of Planning at 636-537-4746. For information about this and other projects under review by the Department, please visit "Active Developments" at chesterfield.mo.us/active-developments.html

Check (✓) the type of variance for which you are applying:

- Area or Bulk variance: A request to allow deviation from the dimensional (i.e. height, bulk yard) requirements of a zoning district.
- Use variance: A request to allow deviation for the permissible uses of a zoning district.
- Sign variance: A request to allow deviation from dimensional/quantity regulations
- Appeal of Administrative Determination

Please note: Areas in gray will be completed by the Department of Planning.

STATE OF MISSOURI

BOA NUMBER _____

HEARING DATE _____

CITY OF CHESTERFIELD

Petition for Appeal from Zoning Regulations

I. APPLICANT INFORMATION

Owner(s) of record of the hereinafter described property according to St. Louis County Assessor

Record: St. Louis County Catholic Church Real Estate Corporation

Address: 20 Archbishop May Drive

City: St. Louis State: MO Zip: 63119

Tel.: 314.792.7004 Fax: _____

Petitioner, if other than owner(s): Harmoni Towers, LLC C/O Collective Solutions, LLC

Address: 340 Marshall Road

City: Valley Park State: MO Zip: 63088

Tel.: 314-989-9810 Fax: _____

Legal Interest: Lessor

(Provide date of contract and date of expiration of contract)

*Attach additional sheets as necessary for other Parties of Interest (Architect, Engineer, etc.)

690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us

II. PROPERTY INFORMATION

Project Address: 14008 Olive Boulevard, Chesterfield, MO 63017

Locator Number(s): 16R340281

(List additional locator numbers on separate sheet and attach to petition)

Acreage: 0.17 (To the nearest tenth of an acre)

Subdivision Name (If applicable): Nannie T Stevens Share 5

Current Zoning District: C-8

Legal Description of Property:

see attached

(Attach additional sheets as necessary)

III. NATURE OF REQUEST FOR VARIANCE

Unique physical characteristics of the lot (e.g., size, slope, etc.):

The lot is long and narrow. Only 50' wide

(Attach additional sheets as necessary)

Description of the necessity of the proposed improvement:

Harmoni Towers, LLC is proposing a 140' monopole style wireless communications facility with a 4' lightning rod. Due to the lack of available antenna locations wireless service in the area is very poor. In fact adjacent properties have little to no coverage. The proposed tower would do much to improve coverage.

Ordinance Number and section to which a variance is sought:

UDC Section 405.06.030(B)(8)(d)

(Attach additional sheets as necessary)

Do deed restrictions or subdivision trust indentures for the property prohibit the use or construction which is requested by this petition? Check (✓) one Yes No

Statement of unnecessary hardship, practical difficulty or other information warranting action by the Board:

An RF study that accompanies this application shows that in order to meet its coverage objective, T-Mobile needs to place its antennas at 140' at the proposed tower location. Due to the exceptional narrowness of the property, strictly applying the ordinance would cause a hardship because we would not be able to meet the setback to the nearest habitable structure. The nearest structure is St. Andrew Kim parish, which is also the landlord of the tower. Both the parish and the Archdioceses of St. Louis has approved the location and height of the tower. Along with this application is a letter from a licensed engineer stating the fall radius of the tower will be within our leased property. Finally, the city requests that the applicants provide a fall-zone sheet for the tower and a signed and stamped letter from a certified engineer confirming that the proposed tower is equipped with a failure mechanism that necessitates a yard setback less than the height of the tower. Collective is providing both requested documents with this letter. There is no risk if the City of Chesterfield approves the application, and the city must approve the application. The Telecommunications Act of 1996 requires approval of an application to construct a telecommunications facility if necessary to eliminate a gap in a carrier's coverage. 47 U.S.C. § 332(c)(7)(B)(i)(II). This is true even if denial of that application would otherwise comply with state, federal, and local law or approval would violate local ordinances or state law. See, e.g., Tarpon Towers II, LLC v. City of Sylvania, 625 F. Supp. 3d 667 (N.D. Ohio 2022) (approval required even if doing so would violate state or local law); New Cingular Wireless PCS, LLC v. Town of Fenton, 843 F. Supp. 2d 236 (N.D.N.Y. 2012) (requiring approval of variance). Here, a telecommunications carrier has identified a significant gap in its coverage in the area near and around the site of the proposed tower. The carrier must place its telecommunications facility in a narrow search ring to permit the tower's antennas to communicate with others in the carrier's network and to remedy the gap in its coverage.

(Attach additional sheets as necessary)

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

Description of the effect or impact on neighboring properties:

The addition of the new tower will increase coverage and capacity for the surrounding neighbors. This will also allow the neighbors to get wireless home Internet which provides a high speed low cost alternative for nearby neighbors. It will increase access to E911 and emergency communications. The tower will be located between two of the existing taller Ameren distribution lines on Olive adding another vertical structure along a street with a very busy street scape. The site is along a commercial corridor and would have little to no effect on neighboring properties except to better their wireless communications.

(Attach additional sheets as necessary)

For Area or Bulk Variance Requests, complete the following section:

A. Setbacks/Height:

	The Petitioner(s) request the following setback(s):	City of Chesterfield Regulations require the following setback(s) for this site:
Front Yard:	_____	144'
Side Yard:	94'/40 _____	144'
Rear Yard:	_____	144
Height:	_____	_____

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing the dimensions and location (including distance from property lines) of all existing and proposed buildings and structures.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

For Sign Variance Requests, complete the following section:

B. Signage:

	The Petitioner(s) request the following :	City of Chesterfield Regulations allow the following for this site:
Number of attached business signs:	_____	_____
Size of attached business signs:	_____	_____
Number of freestanding business signs:	_____	_____
Size of freestanding business signs:	_____	_____

Explain why the sign variance request would not cause a public health or safety concern to the neighborhood or the public welfare.

Provide the following:

1. A \$90.00 fee. (Checks/money orders to be made payable to the City of Chesterfield.)
2. Two completed copies of this application with original signatures. *Please note: A copy with the Chairman's signature and the Board's decision will be returned to you.*
3. Seventeen (17) copies of the following for inclusion in the packet:
 - A site plan showing:
 - The subject property with adjoining streets, existing buildings, major parking lot, and distance to property lines.
 - The location of proposed signs.
 - If attached wall signs, the cross section of wall on which sign is to be placed with dimensions and total square feet (or portion of total wall that will contain petitioner's business).
 - A detail sign plan indicating:
 - Dimension of signs with detail sign lettering layout.
 - Total square feet of signs. If attached, what percent of wall.
 - Light detail, if any.
 - Letters from abutting property owners stating their position.
 - Copies of the completed application.
 - The City of Chesterfield rejection or denial.
 - Any other information as required by the City of Chesterfield

**690 Chesterfield Parkway West, Chesterfield, MO 63017-0760
Ph. (636)537-4746 Fax (636)537-4798 www.chesterfield.mo.us**

IV. COMPLIANCE

Is property in compliance with all previous conditions of approval of all applicable Ordinance requirements?

Yes No. If no, please explain:

Is property in compliance with all Zoning, Subdivision, and Code requirements?

Yes No. If no, please explain:

[THIS SPACE INTENTIONALLY LEFT BLANK]

V. STATEMENT OF CONSENT

STATEMENT OF CONSENT

I hereby give CONSENT to Russell S. Been (type, stamp or print clearly full name of agent) to act on my behalf to submit this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge of the property and I have an ownership interest and/or am the owner under contract in the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the City of Chesterfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I understand this application, related material and all attachments become official records of the City of Chesterfield, Missouri, and will not be returned. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the [checked] owner [] contract purchaser. (check (✓) one)

Thomas R. Du Bois

(Name- type, stamp or print clearly)
St. Louis County Catholic Church Real Estate Corp.

(Name of Firm)

Note: Attach additional sheets as necessary.

[Handwritten Signature]

(Signature)
20 Archbishop May Dr., St. Louis, MO
63119

(Address, City, State, Zip)

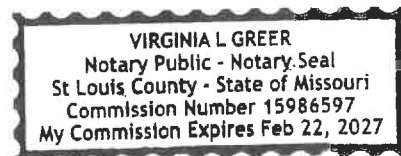
NOTARY PUBLIC INFORMATION: STATE OF MISSOURI, CITY OF CHESTERFIELD

The foregoing instrument was subscribed and sworn to before me this 22ND day of AUGUST 20 25.

Signed [Handwritten Signature] Print Name: VIRGINIA L GREER
Notary Public

Seal/Stamp:

My Commission Expires: 2/22/2027



**VII. CITY OF CHESTERFIELD
LIENS AND FINES CERTIFICATION**

Project Name: _____ **Ward:** _____
Address: _____ **Locator:** _____

STATE OF MISSOURI, CITY OF CHESTERFIELD

I do hereby certify to the Council of the City of Chesterfield that:

___ There are no fines and/or liens of record on the property by or owed to the City of Chesterfield.

___ There are the following fines and/or liens owed to the City of Chesterfield:

1. _____
2. _____
3. _____
4. _____
5. _____

Finance Director
City of Chesterfield

Date

[THIS PAGE FOR INTERNAL USE]

STAFF / BOA USE ONLY

Intake Date: _____

This petition is granted / denied (circle one) on the _____ day of _____ 20 _____

Signed: _____

Chairman

[THIS PAGE FOR INTERNAL USE]

EXHIBIT 6

Shane Streiler

From: Shane Streiler
Sent: Tuesday, August 5, 2025 1:46 PM
To: 'Russell Been'
Cc: Justin Wyse; Isaak Simmers; Zachary Wolff; susan@collectivesolutions.com; 'Sasha Riedisser'
Subject: Board of Adjustment for FSP 61-2024 Height / Setback Variance
Attachments: Board_of_Adjustment_Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Green Category

Good afternoon, Mr. Been.

There are outstanding comments from the previous comment letter that have not been fully addressed. However, Staff is not providing another letter at this time.

Per the response letter, I have attached the Board of Adjustment application since a variance is needed for the cell tower. Specifically, a variance from the City's minimum distance requirements from the nearest habitable structure ([UDC Section 405.06.030\(B\)\(8\)\(d\)](#)).

Please, call or email me if you have any questions. Thanks for working with us.

Shane Streiler
City Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017
Phone: 636.537.4735
Email: sstreiler@chesterfield.mo.us



EXHIBIT 7



Archdiocese of St. Louis

*Cardinal Rigali Center
20 Archbishop May Drive
St. Louis, Missouri 63119*

Thomas R Du Bois
Office of Building and Real Estate
p) 314.792.7004
f) 314.961.6234
tomdubois@archstl.org

Mr. Shane Streiler
City Planner
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: St Andrew Kim Catholic Church
13996 Olive Blvd

Dear Mr. Streiler,

At the request of Mr. Russell Been of Collective Solutions, LLC, the St Louis County Catholic Church Real Estate Corporation (the parish of St. Andrew Kim) does not take any exception to the design and location of the proposed cell tower on the Parish's property at 14008 Olive Blvd, adjacent to the Parish's Church building at 13996 Olive Blvd, Chesterfield, Missouri.

We acknowledge and accept the Church building location is within the 140' tower height and have no issue with its location.

If you have any questions, please feel free to reach out to me directly.

Thank you,



Thomas R Du Bois
Assistant Secretary
St Louis County Catholic Church Real Estate Corporation

EXHIBIT 8

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2024-ACE-6400-OE

Issued Date: 12/30/2024

Evelyn Radowicz
Harmoni Towers, LLC-ER
6210 Ardrey Kell Road
Suite 450
Charlotte, NC 28277

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole MOSTL2012 Creve Coeur
Location:	Chesterfield, MO
Latitude:	38-40-47.15N NAD 83
Longitude:	90-31-05.32W
Heights:	628 feet site elevation (SE) 150 feet above ground level (AGL) 778 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M Change 1.

This determination expires on 06/30/2026 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Terri Johnson, at (404) 305-5540, or teresa.ctr.johnson@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ACE-6400-OE.

Signature Control No: 639974498-642906159

(DNE)

Julie A. Morgan

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Case Description

Frequency Data
Map(s)

cc: FCC

Additional information for ASN 2024-ACE-6400-OE

The FAA recognizes emissions in the 3.7-3.98 GHz band at this location will result in Electromagnetic Interference (EMI) as described in Airworthiness Directives (AD) 2021-23-12 and 2021-23-13. NAS services including airport and helicopter operations within a radius of 42 NM will be impacted by 5G RF emissions. Operational use of this frequency band is not objectionable provided the Wireless Providers obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. For 2496-2690 MHz: No Objection with provision that upon receipt of notification from the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take immediate corrective action as is necessary to eliminate the harmful interference.

Part 77 authorizes the FAA to evaluate a structure or object's potential electromagnetic effects on air navigation, communication facilities, and other surveillance systems. It also authorizes study of impact on arrival, departure, and enroute procedures for aircraft operating under visual or instrument flight rules, as well as the impact on airport traffic capacity at existing public use airports. Broadcast in the 3.7 to 3.98 GHz frequency (5G C band) currently causes errors in certain aircraft radio altimeters and the FAA has determined they cannot be relied upon to perform their intended function when experiencing interference from wireless broadband operations in the 5G C band. The FAA has adopted Airworthiness Directives for all transport and commuter category aircraft equipped with radio altimeters that prohibit certain operations when in the presence of 5G C band.

This determination of no hazard is based upon those mitigations implemented by the FAA and operators of transport and commuter category aircraft, and helicopters operating in the vicinity of your proposed location. It is also based on telecommunication industry and FAA collaboration on acceptable power levels and other parameters as reflected in the FAA 5G C band evaluation process.

The FAA 5G C band compatibility evaluation is a data analytics system used by FAA to evaluate operational hazards related to aircraft design. The FAA 5G C band compatibility evaluation process refers to the process in which the telecommunication companies and the FAA have set parameters, such as power output, locations, frequencies, and tilt angles for antenna that mitigate the hazard to aviation. As the telecommunication companies and FAA refine the tools and methodology, the allowable frequencies and power levels may change in the FAA 5G C band compatibility evaluation process. Therefore, your proposal will not have a substantial adverse effect on the safe and efficient use of the navigable airspace by aircraft provided the equipment and emissions are in compliance with the parameters established through the FAA 5G C band compatibility evaluation process.

Any future changes that are not consistent with the parameters listed in the FAA 5G C band compatibility evaluation process will void this determination of no hazard.

The FAA recognizes emissions in 3.7-3.98 GHz at this location will result in Electromagnetic Interference (EMI) as described in Airworthiness Directives (AD) 2021-23-12 and 2021-23-13. NAS services including airport and helicopter operations within a radius of 42 NM will be impacted by 5G RF emissions. Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process.

Case Description for ASN 2024-ACE-6400-OE

Proposed site is a 150 ft AGL Monopole tower, including all antennas and lightning rod.

Frequency Data for ASN 2024-ACE-6400-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	824	MHz	500	W
806	901	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
3700	3980	MHz	3280	W
3700	3980	MHz	1640	W





March 24, 2025

Pat Quevillon
Challenger Consulting, Inc.
4300 Bunker Dr.
Quincy, IL 62305

RE: 120' Sabre Monopole for MOSTL2012 Creve Coeur, MO

Dear Mr. Quevillon,

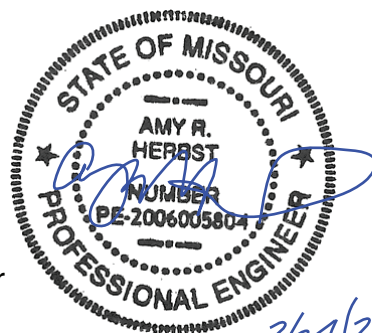
Upon receipt of order, we propose to design and supply the above referenced monopole for a Basic Wind Speed of 115 mph without ice and 40 mph with 2" ice, Risk Category III, Exposure Category C and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures, Antennas and Small Wind Turbine Support Structures".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above-referenced monopole designed and manufactured by Sabre Industries.* This would effectively result in a 0' fall radius.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



August 25, 2025

City of Chesterfield, Missouri
690 Chesterfield Pkwy. W.
Chesterfield, MO 63017-0760
Telephone: 636-537-4000

Norton Rose Fulbright US LLP
7676 Forsyth Boulevard, Suite 2230
St. Louis, Missouri 63105
United States of America

Direct line +1 314 505 8871
sasha.riedisser@nortonrosefulbright.com

Tel +1 314 505 8800
Fax +1 314 505 8899

To Whom It May Concern:

I am writing regarding the application by Harmoni Towers and Collective Solutions for a variance to construct a 140-foot telecommunications facility (the “Application”) at 14008 Olive Boulevard (the “Property”). Harmoni and Collective are providing, along with this letter, the Application and supporting documents. The Application seeks approval of setbacks less than allowed by the site-specific ordinance. See Application at p. 4.

As set forth below, the City should grant the Application.

First, the applicants are unable to satisfy the setbacks and provide necessary coverage for T-Mobile’s customers. T-Mobile needs a 140-foot tower, but the applicants cannot satisfy the setbacks for a tower of that height on the Property. And there is no other viable location for the facility. For these reasons, denial of the Application would effectively prohibit telecommunications service and violate federal law.

Second, there is no risk for reducing the setbacks as requested in the Application. Collective provided a fall zone letter certifying that the fall zone is less than the requested setbacks—zero feet. And the only structure within the City’s setbacks is owned by Harmoni’s landlord, the St. Louis County Catholic Church. The church has provided a signed consent to the construction of the tower within 140 feet of its structure.

Finally, the Application meets all of the requirements for a variance.

Please reach out to me if you have any questions or concerns following review of my letter. We hope to work cooperatively with the City of Chesterfield to resolve its concerns and provide the coverage and service necessary for the safety and well-being of its citizens and visitors.

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I. Need for 140’ Height on the Property

The Telecommunications Act of 1996 requires approval of an application to construct a telecommunications facility if necessary to eliminate a gap in a carrier’s coverage. 47 U.S.C. § 332(c)(7)(B)(i)(II). This is true even if denial of that application would otherwise comply with state, federal, and local law or approval would violate local ordinances or state law. *See, e.g., Tarpon Towers II, LLC v. City of Sylvania*, 625 F. Supp. 3d 667 (N.D. Ohio 2022) (approval required even if doing so would violate state or local law); *New Cingular Wireless PCS, LLC v. Town of Fenton*, 843 F. Supp. 2d 236 (N.D.N.Y. 2012) (requiring approval of variance).

Here, a telecommunications carrier (T-Mobile) has identified a significant gap in its coverage in the area near and around the site of the proposed tower. The carrier must place its telecommunications facility in a narrow search ring to permit the tower’s antennas to communicate with others in the carrier’s network and to remedy the gap in its coverage.

Below is a map depicting the present substantial gap in coverage. The darker the shade of pink in an area, the better the coverage. Areas that are not shaded pink have virtually no coverage. Areas shaded with the lightest pink will have unreliable service and coverage.

As you can see below, there are areas with no pink at all indicating virtually no coverage and areas with light pink shading indicating unreliable service.



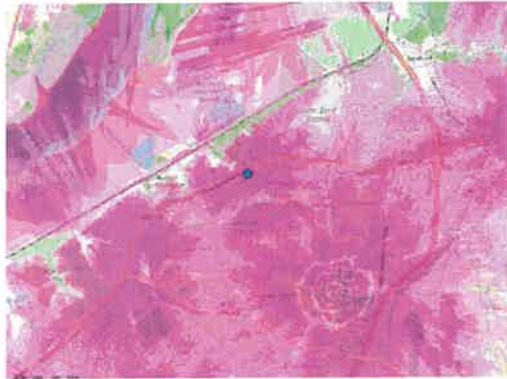
By comparison, the proposed tower will provide new coverage to areas that presently show no or unreliable coverage.



Following an exhaustive search in the relevant search ring, Collective determined that 14008 Olive Boulevard is the best and only location for the proposed tower. In other words, Collective has not identified any other available parcel to remedy the gap in coverage.

As explained in my July 3, 2025 letter, Harmoni must construct a 140-foot monopole to remedy its customer's substantial gap in coverage. Collective has provided radio frequency maps (copied below for convenience) that demonstrate this need.

High Speed 5G at 100 Feet

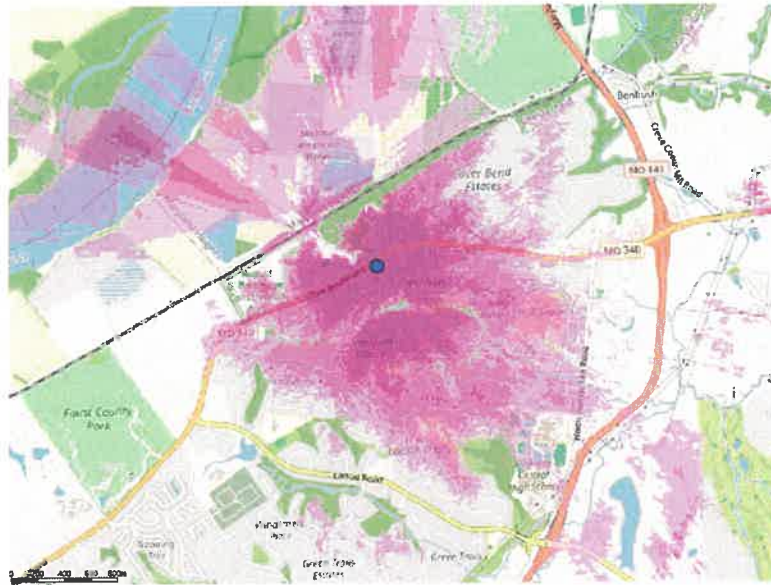


High Speed 5G at 140 Feet

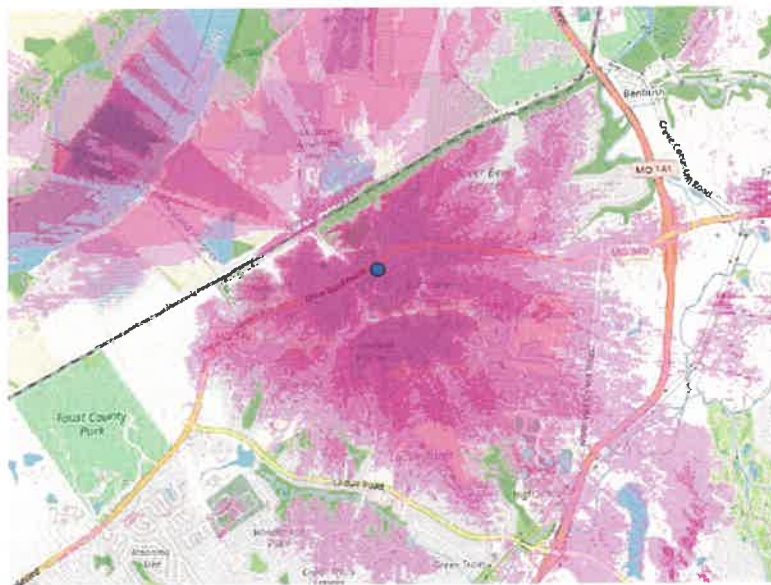


The increase in coverage with the additional height can be most clearly seen by comparing the maps showing only the coverage that will be provided by the proposed tower (without showing coverage provided by existing towers).

Site Only at 100 Feet



Site Only at 140 Feet



The applicants cannot construct the necessary 140-foot tower on the Property without a variance, and so federal law requires approval of the Application to prevent an effective prohibition of service.

II. There is No Need for Additional Setbacks

There is no risk if the City of Chesterfield approves the Application. The Property is owned by the owner of the adjacent structure (who has waived the setback requirement), and as shown in the engineer's fall zone letter, there is no risk to adjacent building in *the highly unlikely* event the tower were to fail. Indeed, the tower's fall zone is zero feet. This is because the facility will be designed to collapse upon itself rather than to fall over. There is simply no material risk to any adjacent structure.

III. The Application Satisfies the Requirements for a Variance

Even without the federal mandate to approve the Application, the Application satisfies the requirements for a variance.

First, the vacant parcel is zoned for residential use, but its narrow shape (approximately 60 feet wide by 150 feet deep) and location make it unsuitable for construction of a dwelling or for any other economically viable use, apart from placement of the proposed tower. Moreover, this hardship is not common to the neighboring properties.

Second, the Property owner's inability to put the Property to another economically viable use was created by the size and shape of the Property.

Third, the purpose of the variance is to permit T-Mobile to improve coverage in the area for connecting with friends and loved ones, learning and working remotely, and calling for help in an emergency. This is an important service for the community.

Fourth, for that reason, approval of the Application will benefit the safety and welfare of the community. And as explained above, approval of the Application will have no detrimental impact. The applicants are constructing the tower at the lowest height necessary to remedy the gap in coverage and have minimized to the best of their ability the needed variance.

Finally, literal enforcement of the setback requirements would result in an unnecessary hardship inconsistent with the City's goals of promoting public health, safety and general welfare and benefiting the public interest. The spirit of the zoning code will be observed and substantial justice done by approval of the Application.

August 25, 2025
Page 7

Accordingly, the city should approve Application. I appreciate your time and consideration of Collective and Harmoni's Application and my letter.

Sincerely,

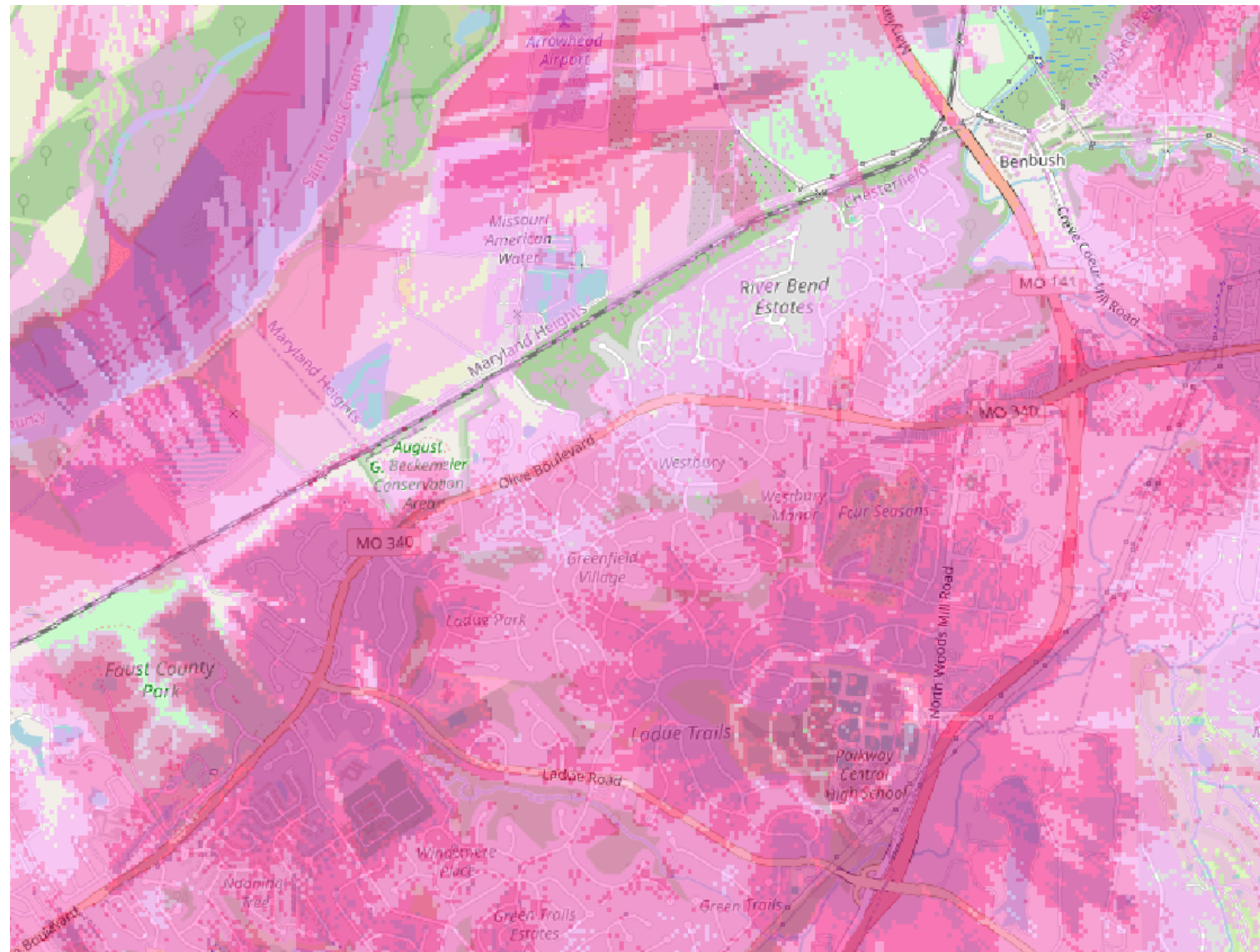
Sasha D. Riedisser

Sasha Riedisser

Creve Coeur, MO Current High Speed 5G Coverage

Coverage Legend

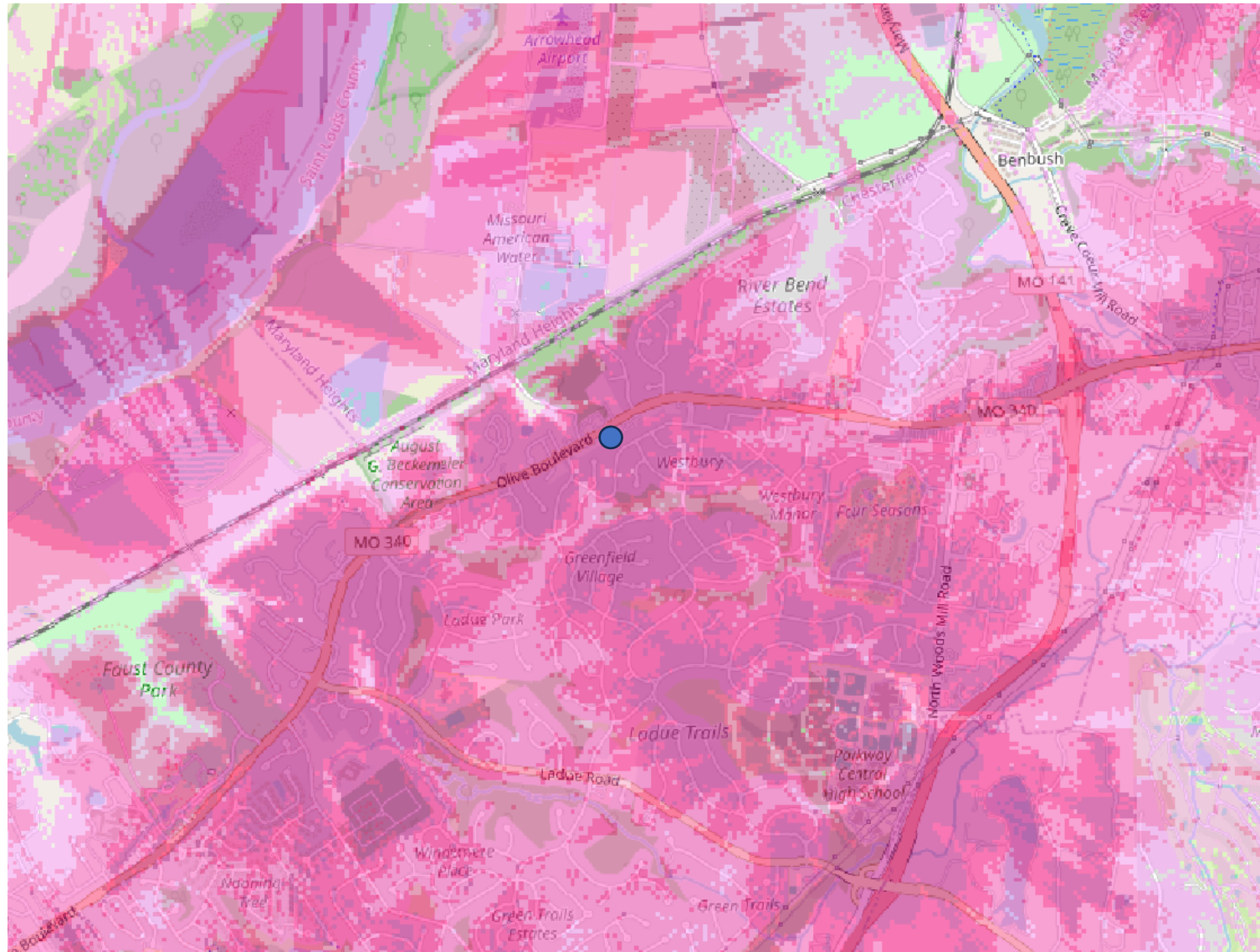
- Excellent
- Good
- Average
- Marginal



Creve Coeur, MO High Speed 5G w/ MO06973C @140'

Coverage Legend

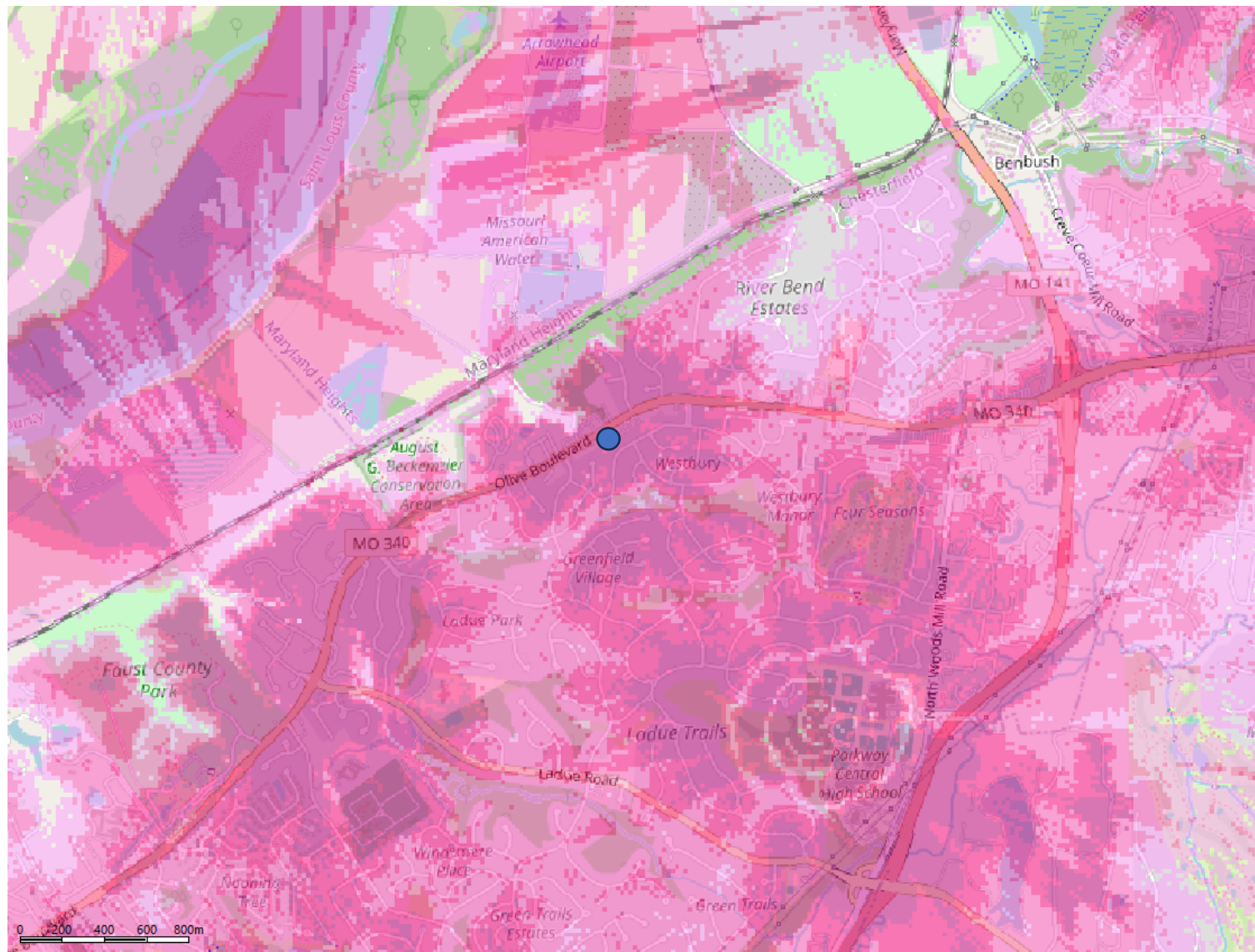
- Excellent
- Good
- Average
- Marginal
- Site Location



Creve Coeur, MO High Speed 5G w/ MO06973C @ 100'

Coverage Legend

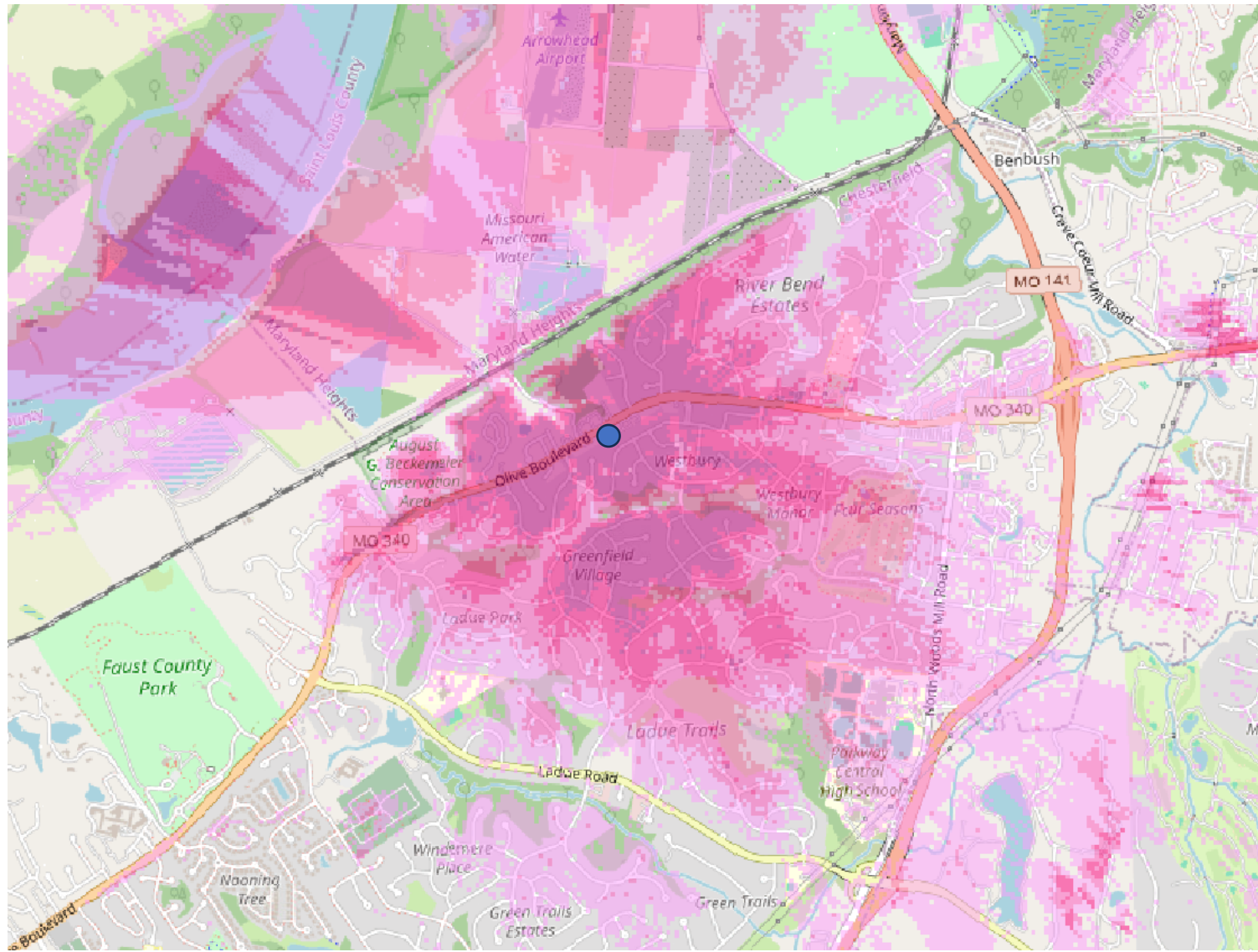
- Excellent
- Good
- Average
- Marginal
- Site Location



MO06973C Site Only High Speed 5G @ 140'

Coverage Legend

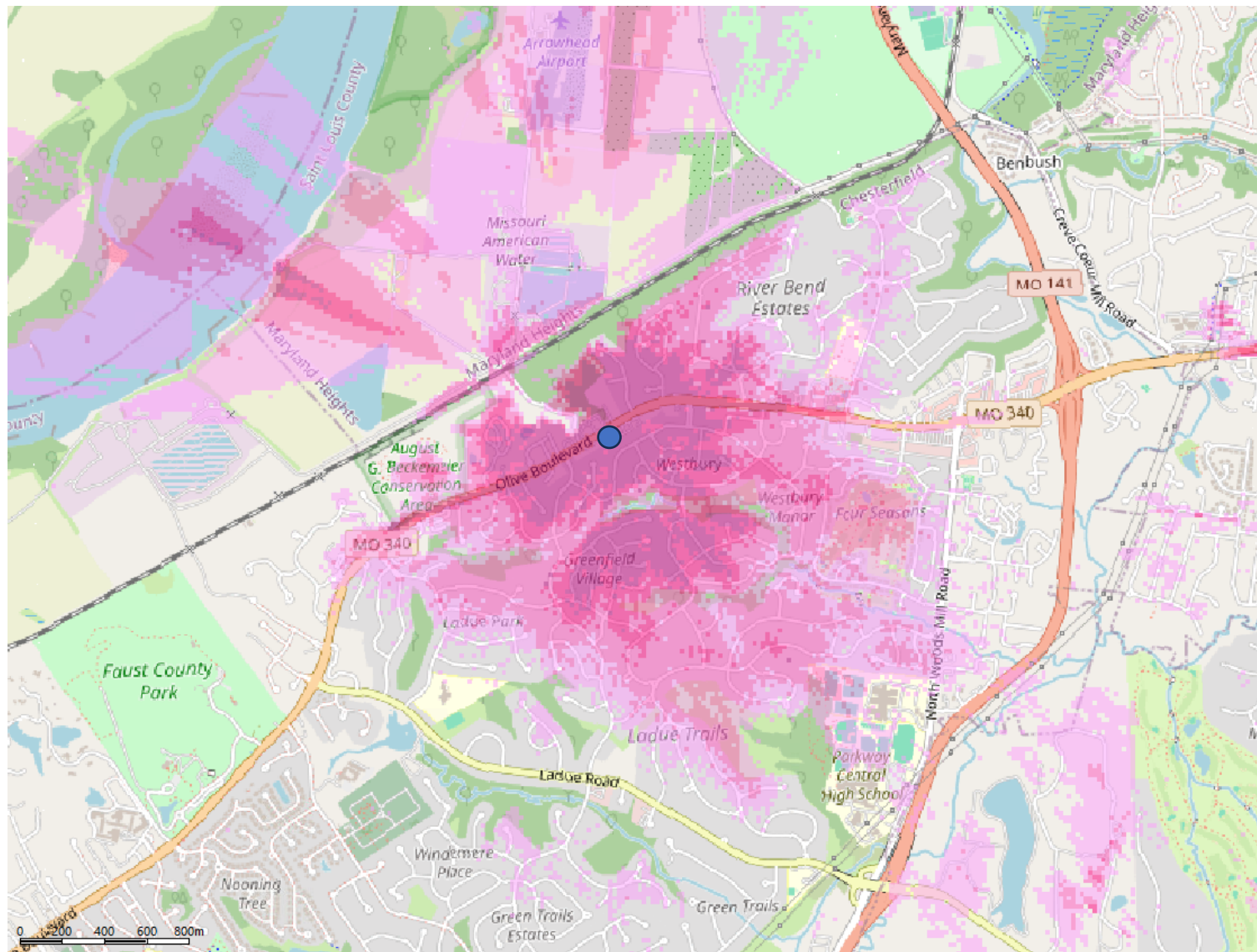
- Excellent
- Good
- Average
- Marginal
- Site Location

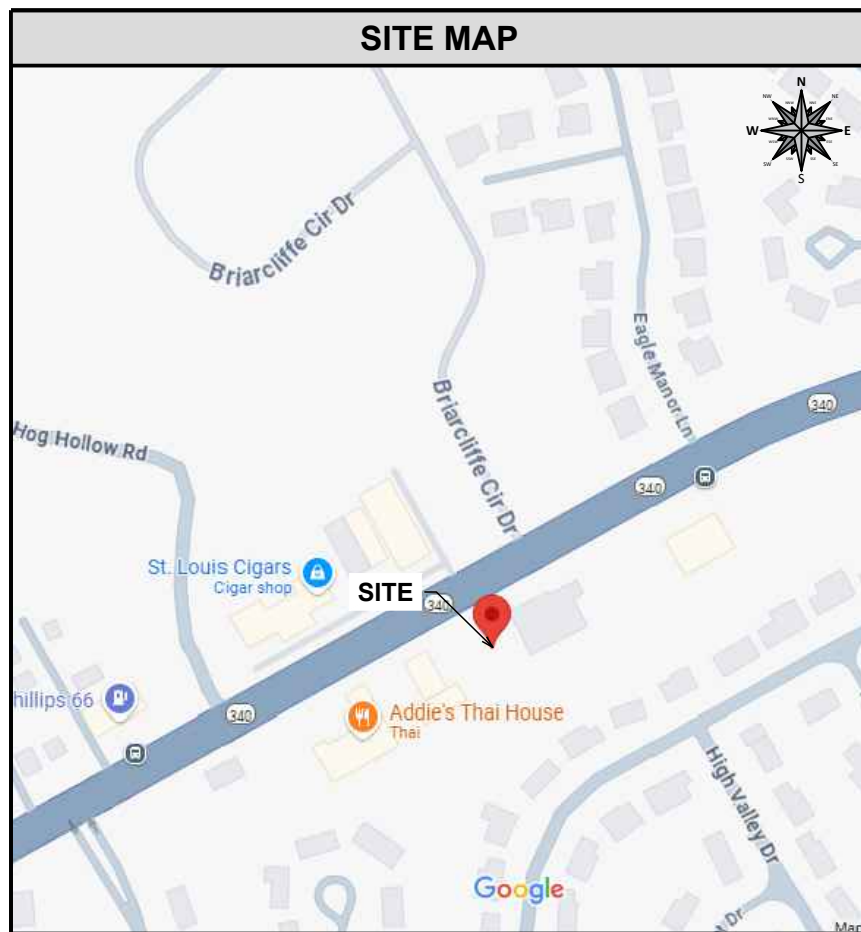


MO06973C Site Only High Speed 5G @ 100'

Coverage Legend


- Excellent
- Good
- Average
- Marginal
- Site Location






HARMONI SITE NAME:
CREVE COEUR
HARMONI SITE NUMBER:
MOSTL2012
SITE ADDRESS:
14008 OLIVE BOULEVARD
CHESTERFIELD, MO 63017
LATITUDE & LONGITUDE:
N 38° 40' 47.1498", W 90° 31' 5.3184"
T-MOBILE SITE ID: MO06973C



PREPARED BY:

 3227 WELLINGTON COURT
 RALEIGH, NC 27615
 o: 919-782-2710, f: 919-435-0631
 www.ets-llc.com

PREPARED FOR:

 HARMONI TOWERS, LLC
 6210 ARDREY KELL ROAD, SUITE 450
 CHARLOTTE, NC 28277

HARMONI SITE NAME:
CREVE COEUR
HARMONI SITE NUMBER:
MOSTL2012
SITE ADDRESS:
14008 OLIVE BOULEVARD
CHESTERFIELD, MO 63017
LATITUDE/LONGITUDE:
38.679764°, -90.518144°



GENERAL NOTES
 THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, THEREFORE HANDICAP ACCESS IS NOT REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

SCOPE OF WORK
 INSTALLATION OF A NEW 140-FT. MONOPOLE TOWER, NEW 70'-0"X30'-0" LEASE AREA, UTILITY H-FRAME, METER, AND DISCONNECT WITHIN A NEW 68'-0"X28'-0" DECORATIVE WALL.

CODE COMPLIANCE
 ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE FOLLOWING CODES:

- 2015 INTERNATIONAL BUILDING CODE
- 2015 INTERNATIONAL FIRE CODE
- 2015 INTERNATIONAL FUEL GAS CODE
- 2015 INTERNATIONAL MECHANICAL CODE
- 2015 INTERNATIONAL PLUMBING CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE
- 2015 INTERNATIONAL SWIMMING POOL & SPA CODE
- 2014 NATIONAL ELECTRICAL CODE



INDEX OF SHEETS	
T-1	TITLE PAGE
1 OF 4	SURVEY
2 OF 4	SURVEY
3 OF 4	SURVEY
4 OF 4	SURVEY
GN-1 : GN-3	GENERAL NOTES I : GENERAL NOTES III
C-1.1	OVERALL SITE PLAN
C-1.2	PROPOSED SITE PLAN
C-1.3	DIMENSIONED SITE PLAN
C-1.4	DETAILS
C-1.5	SIGNAGE DETAILS
C-2	TOWER ELEVATION

SITE SUMMARY	
SITE TYPE:	NEW CONSTRUCTION
STRUCTURE TYPE:	MONOPOLE TOWER
STRUCTURE OWNER:	HARMONI TOWERS
STRUCTURE HEIGHT (AGL):	140'±
OCCUPANCY TYPE:	UTILITY & MISCELLANEOUS (U)
STRUCTURE LATITUDE:	N 38° 40' 47.1498" (38.679764°)
STRUCTURE LONGITUDE:	W 90° 31' 5.3184" (-90.518144°)
JURISDICTION:	CITY OF CHESTERFIELD
COUNTY:	ST. LOUIS
PARCEL ID:	16R340281
GROUND ELEV. (AMSL):	627.640'
POWER PROVIDER:	AMEREN

REV	DATE	DETAILS
A	12/03/2024	ZONING DRAWINGS
0	12/03/2024	ZONING DRAWINGS
1	12/20/2024	ZONING DRAWINGS
2	02/17/2025	ZONING DRAWINGS
3	05/15/2025	ZONING DRAWINGS
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

DRAWN BY: HM CHECKED BY: VA

SHEET TITLE:
TITLE PAGE

SHEET # **T-1** CURRENT REV # 3
 ETS #: 24127091

0' 20' 40'
SCALE: 1"=40'



PROPOSED TOWER
1A-LETTER
ELEVATION OF GROUND
CENTER OF PROPOSED TOWER
ELEVATION OF GROUND: 628 (NAVD 88)
LATITUDE: 38 DEGREES 40 MINUTES 47.15
SECONDS NORTH (NAD 83)
LONGITUDE: 90 DEGREES 31 MINUTES 05.32
SECONDS WEST (NAD 83)
LATITUDE: 38.679764 NORTH (NAD 83)
LONGITUDE: 90.518144 WEST (NAD 83)

BOUNDARY ADJUSTMENT PLAT OF
STEVENS ESTATE
[PB 273-PG 6]
ADJUSTED LOT A
N/F
WESTERN OIL INC
16886, PG 1

PARENT PARCEL 2
N/F
ST. LOUIS COUNTY CATHOLIC CHURCH
REAL ESTATE CORPORATION
BOOK 24776 PAGE 2584
PARCEL ID: 16R340281

LOT 12
N/F
WEBER
DOC#2024082900089

LOT 13
N/F
O'DONNELL
BK 7797, PG 1709

WESTBURY PLAT 4
[PB 111-PG 20]

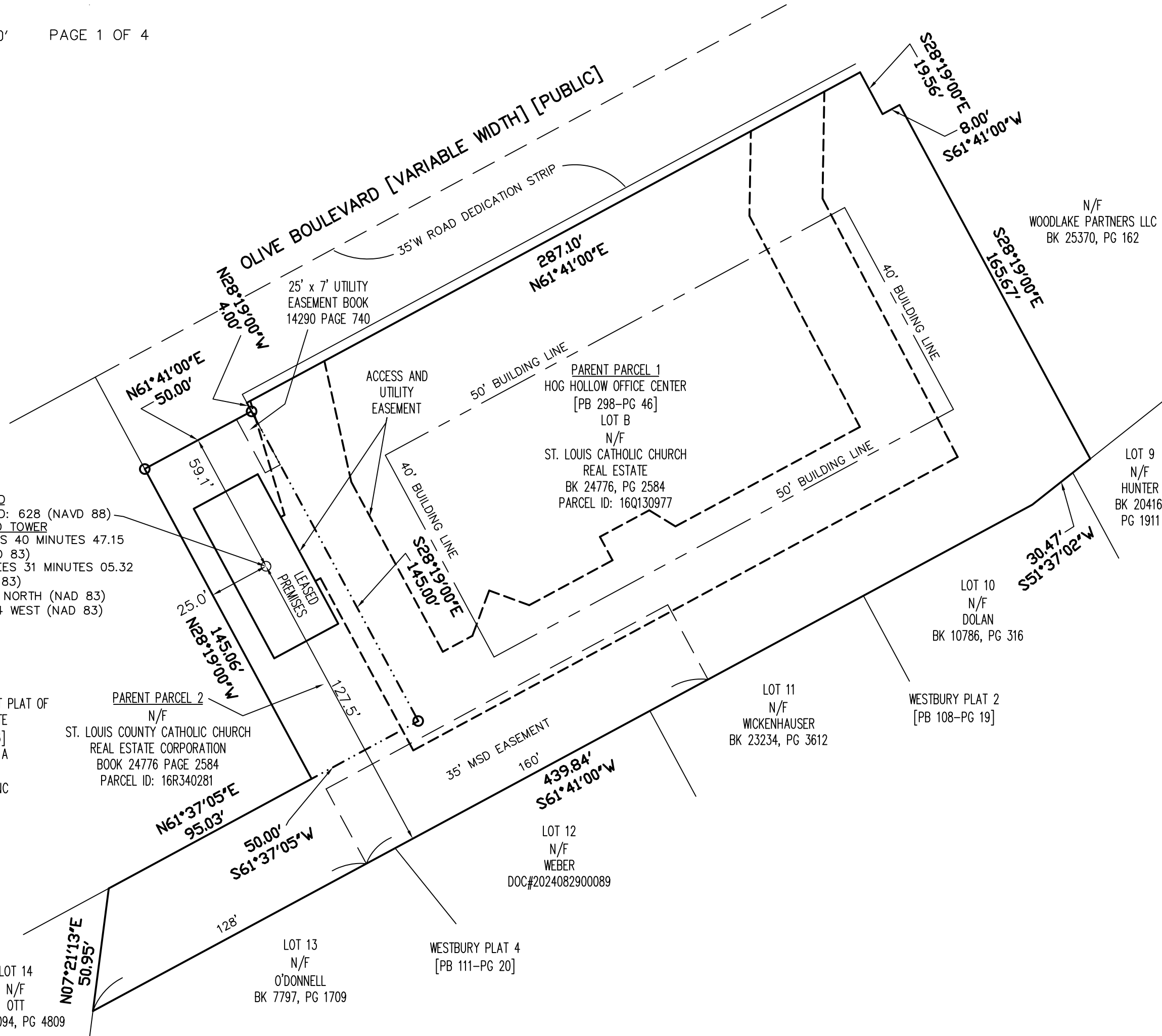
LOT 10
N/F
DOLAN
BK 10786, PG 316

LOT 11
N/F
WICKENHAUSER
BK 23234, PG 3612

WESTBURY PLAT 2
[PB 108-PG 19]

LOT 9
N/F
HUNTER
BK 20416,
PG 1911

N/F
WOODLAKE PARTNERS LLC
BK 25370, PG 162



SURVEY
SITE: MOSTL2012

SITE ADDRESS:
14008 OLIVE BOULEVARD,
CHESTERFIELD, MO 63017
ST. LOUIS COUNTY
PROJECT NUMBER 10602

MINNICK SURVEYING, LLC
LC-2009001156

3520 HAMPTON AVE.
ST. LOUIS, MO 63139
(314) 721-9500
MINNICKSURVEYING.COM



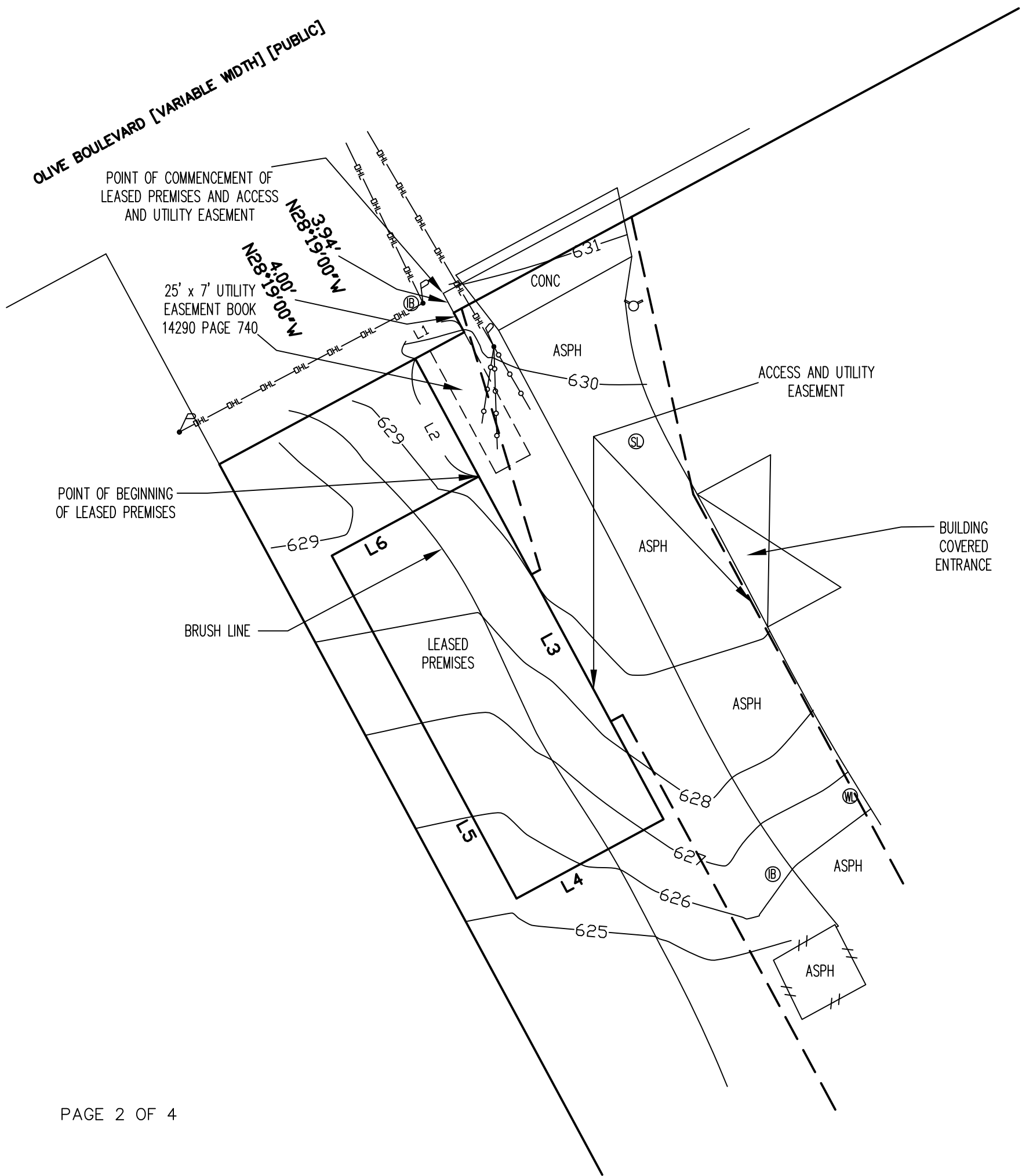
THIS MEDIA SHOULD NOT
BE CONSIDERED A
CERTIFIED DOCUMENT

PRELIMINARY, NOT FOR
CONSTRUCTION,
RECORDING PURPOSES OR
IMPLEMENTATION

JARED MINNICK
LAND SURVEYOR
PLS-2007017968
5/6/25

LEGEND	
	FOUND IRON PIPE [LS129]
	FENCE
	UTILITY POLE
	OVERHEAD UTILITY LINE
	GUY WIRE
	FIRE HYDRANT
	IRRIGATION BOX
	SEWER LID
	WATER LID

OLIVE BOULEVARD [VARIABLE WIDTH] [PUBLIC]



SURVEY
SITE: MOSTL2012

SITE ADDRESS:
14008 OLIVE BOULEVARD,
CHESTERFIELD, MO 63017
ST. LOUIS COUNTY
PROJECT NUMBER 10602

MINNICK SURVEYING, LLC
LC-2009001156

3520 HAMPTON AVE.
ST. LOUIS, MO 63139
(314) 721-9500
MINNICKSURVEYING.COM



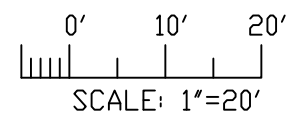
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BE CONSIDERED A
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PRELIMINARY, NOT FOR
CONSTRUCTION,
RECORDING PURPOSES OR
IMPLEMENTATION

JARED MINNICK
LAND SURVEYOR
PLS-2007017968

5/6/25

LINE TABLE			LEGEND
LINE#	LENGTH	DIRECTION	FOUND IRON PIPE [LS129]
L1	10.00'	S61°41'00"W	WOOD FENCE
L2	24.05'	S28°19'00"E	UTILITY POLE
L3	70.00'	S28°19'00"E	OVERHEAD UTILITY LINE
L4	30.00'	S61°41'00"W	GUY WIRE
L5	70.00'	N28°19'00"W	FIRE HYDRANT
L6	30.00'	N61°41'00"E	IRRIGATION BOX
			SEWER LID
			WATER LID



NOTES:

-BASIS OF BEARING: PLAT BOOK 298, PAGE 46

-UTILITIES SHOWN BASED ON ABOVEGROUND OBSERVATIONS, THIS IS NOT A COMPLETE INVENTORY OF UTILITIES IN THE AREA. NO UNDERGROUND UTILITIES SHOWN.

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT AS SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NUMBER 01-24029166-01T PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY DATED 6/19/24. ANY ADDITIONAL EASEMENTS AND/OR EXCEPTIONS REPORTED IN SCHEDULE B - SECTION 2 OF THE ABOVE REFERENCED COMMITMENT SHOWN OR NOTED ON THIS SURVEY:

9. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, EASEMENTS AND RIGHTS OF WAYS, IF ANY, SET FORTH ON THE PLAT, RECORDED, IN BOOK 11, PAGE 0818, OF THE ST. LOUIS COUNTY RECORDS.[NOT PROVIDED AT THIS TIME]

10. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, EASEMENTS AND RIGHTS OF WAYS, IF ANY, SET FORTH ON THE PLAT, RECORDED 08/22/1984, IN BOOK 231, PAGE 42, OF THE ST. LOUIS COUNTY RECORDS.[NOT PROVIDED AT THIS TIME, PLAT BOOK 230 PAGE 42, PROVIDED, NO ADDITIONAL EASEMENTS SHOWN]

11. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, EASEMENTS AND RIGHTS OF WAYS, IF ANY, SET FORTH ON THE PLAT, RECORDED 06/11/1990, IN BOOK 298, PAGE 46, OF THE ST. LOUIS COUNTY RECORDS.[SHOWN, AFFECTS PARENT PARCELS, DOES NOT AFFECT LEASES PREMISES OR ACCESS AND UTILITY EASEMENT]

12. SUBJECT TO THE RESTRICTIONS SET FORTH IN THE DEED, RECORDED 11/06/2002, IN BOOK 14290, PAGE 740, OF THE ST. LOUIS COUNTY RECORDS.[SHOWN, AFFECTS PARENT PARCELS, AFFECTS ACCESS AND UTILITY EASEMENT, DOES NOT AFFECT LEASED PREMISES]

- NO TITLE COMMITMENT PROVIDED FOR PARCEL 1 AT THIS TIME

PARENT PARCEL DESCRIPTION FROM BOOK 24766, PAGE 2584

PARCEL 1:

LOT B OF HOG HOLLOW OFFICE CENTER, AS PER PLAT THEREOF IN PLAT BOOK 298 PAGE 46 OF THE ST. LOUIS COUNTY RECORDS: EXCEPTING THEREFROM, THE FOLLOWING: PART OF LOT B OF HOG HOLLOW OFFICE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 298 PAGE 46 OF THE ST. LOUIS COUNTY RECORDS AS SET OUT BY DEEDS RECORDED IN BOOK 7622 PAGE 635 AND BOOK 7622 PAGE 636, DESCRIBED AS BOUNDED ON THE WEST, NORTH AND EAST BY GRANTOR'S WEST, NORTH AND EAST PROPERTY LINES SAID NORTH PROPERTY LINE BEING ALSO THE EXISTING SOUTH RIGHT OF WAY LINE OF ROUTE 340; AND ON THE SOUTH BY A LINE BEGINNING AT A POINT IN GRANTOR'S WEST PROPERTY LINE, SAID POINT BEING 46 FEET PERPENDICULAR DISTANCE SOUTH OF STATION 161+35 ON THE HERINAFTER DESCRIBED CENTERLINE OF RELOCATED ROUTE 340; THENCE EASTERLY AND PARALLEL WITH SAID CENTERLINE TO GRANTOR'S EAST PROPERTY LINE.

PARCEL 2:

A TRACT OF LAND LOCATED IN PART OF THE EAST 50 FEET OF THE WEST HALF OF LOT 4 IN SHARE S OF THE PARTITION OF MISSOURI STEVENS ESTATE IN SURVEY 206, TOWNSHIP 46 NORTH, RANGE 4 EAST, AS PER PLAT THEREOF RECORDED IN SURVEY RECORD 6 PAGE 82 OF THE SURVEYORS RECORD IN ST. LOUIS COUNTY, MISSOURI AND DESCRIBED AS FOLLOWS: A TRACT OF LAND BOUNDED ON THE WEST, EAST, AND SOUTH BY THE WEST, EAST AND SOUTH PROPERTY LINES OF A TRACT OF LAND AS CONVEYED TO THE STATE OF MISSOURI, ACTING BY AND THROUGH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION BY DEED DATED JULY 1, 1991, AND RECORDED IN BOOK 9080 PAGE 1788, (FORMERLY OWNED BY ALAN & LANA BEIRNE, HIS WIFE); ON THE NORTH BY A LINE BEGINNING AT A POINT 50 FEET PERPENDICULAR DISTANCE SOUTH OF STATION 157+30 ON THE HERINAFTER DESCRIBED CENTERLINE OF RELOCATED ROUTE 340; THENCE NORTHEASTERLY, PARALLEL TO SAID CENTERLINE, AND EXTENDING THROUGH THE WEST AND EAST PROPERTY LINE OF SAID BEIRNE TRACT TO A POINT OPPOSITE CENTERLINE STATION 164+78.03.

LEASED PREMISES

PART OF A TRACT OF LAND LOCATED IN PART OF THE EAST 50 FEET OF THE WEST HALF OF LOT 4 IN SHARE S OF THE PARTITION OF MISSOURI STEVENS ESTATE IN SURVEY 206, TOWNSHIP 46 NORTH, RANGE 6 EAST, AS PER PLAT THEREOF RECORDED IN SURVEY RECORD 6 PAGE 82 OF THE SURVEYORS RECORD IN ST. LOUIS COUNTY, MISSOURI AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT B OF HOG HOLLOW OFFICE CENTER, AS PER PLAT RECORDED IN PLAT BOOK 298 PAGE 46 OF THE ST. LOUIS COUNTY RECORDS; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 7.94 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 10.00 FEET TO A POINT; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 24.05 FEET TO THE POINT OF BEGINNING OF SAID LEASED PREMISES; THENCE CONTINUING SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 70.00 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 30.00 FEET TO A POINT; THENCE NORTH 28 DEGREES 19 MINUTES 00 SECONDS WEST, 70.00 FEET TO A POINT; THENCE NORTH 61 DEGREES 41 MINUTES 00 SECONDS EAST, 30.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2100 SQUARE FEET OR 0.04 ACRES MORE OR LESS.

ACCESS AND UTILITY EASEMENT

PART OF A TRACT OF LAND LOCATED IN PART OF THE EAST 50 FEET OF THE WEST HALF OF LOT 4 IN SHARE S OF THE PARTITION OF MISSOURI STEVENS ESTATE IN SURVEY 206, TOWNSHIP 46 NORTH, RANGE 6 EAST, AS PER PLAT THEREOF RECORDED IN SURVEY RECORD 6 PAGE 82 OF THE SURVEYORS RECORD IN ST. LOUIS COUNTY, MISSOURI AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

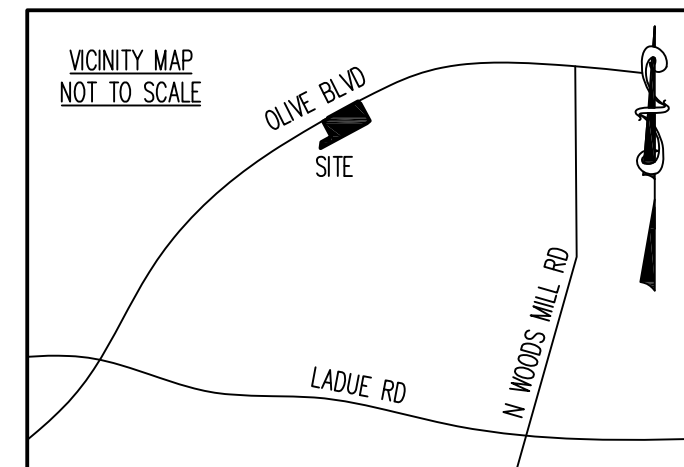
COMMENCING AT THE NORTHWEST CORNER OF LOT B OF HOG HOLLOW OFFICE CENTER, AS PER PLAT RECORDED IN PLAT BOOK 298 PAGE 46 OF THE ST. LOUIS COUNTY RECORDS; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 7.94 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 10.00 FEET TO A POINT; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 24.05 FEET TO THE NORTHEAST CORNER OF A LEASED PREMISES; THENCE ALONG THE NORTHEAST LINE OF SAID LEASED PREMISES; SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 20.00 FEET TO THE POINT OF BEGINNING OF THE ACCESS AND UTILITY EASEMENT; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 30.00 FEET TO A POINT; THENCE LEAVING SAID NORTHEAST LINE, NORTH 61 DEGREES 41 MINUTES 00 SECONDS EAST, 2.43 FEET TO A POINT; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 80.58 FEET TO A POINT; THENCE NORTH 61 DEGREES 41 MINUTES 00 SECONDS EAST, 254.93 FEET TO A POINT; THENCE NORTH 27 DEGREES 37 MINUTES 34 SECONDS WEST, 120.17 FEET TO A POINT; THENCE NORTH 00 DEGREES 58 MINUTES 30 SECONDS EAST, 44.11 FEET TO A POINT ON THE SOUTHEAST LINE OF OLIVE BOULEVARD; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 34.40 FEET TO A POINT; THENCE LEAVING SAID SOUTHEAST LINE, SOUTH 00 DEGREES 58 MINUTES 30 SECONDS WEST, 34.93 FEET TO A POINT; THENCE SOUTH 27 DEGREES 37 MINUTES 34 SECONDS EAST, 98.18 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 86.35 FEET TO A POINT; THENCE NORTH 58 DEGREES 25 MINUTES 25 SECONDS WEST, 12.68 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 23.08 FEET TO A POINT; THENCE SOUTH 28 DEGREES 19 MINUTES 00 SECONDS EAST, 10.97 FEET TO A POINT; THENCE SOUTH 61 DEGREES 42 MINUTES 00 SECONDS WEST, 39.03 FEET TO A POINT; THENCE NORTH 69 DEGREES 49 MINUTES 10 SECONDS WEST, 17.58 FEET TO A POINT; THENCE SOUTH 20 DEGREES 18 MINUTES 22 SECONDS WEST, 19.91 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 13.87 FEET TO A POINT; THENCE NORTH 28 DEGREES 19 MINUTES 00 SECONDS WEST, 79.48 FEET TO A POINT; THENCE NORTH 12 DEGREES 33 MINUTES 50 SECONDS WEST, 51.07 FEET TO A POINT ON THE SAID SOUTHEAST OF OLIVE BOULEVARD; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 34.70 FEET TO A POINT; THENCE LEAVING SAID SOUTHEAST LINE, SOUTH 16 DEGREES 44 MINUTES 04 SECONDS EAST, 49.05 FEET TO A POINT; THENCE SOUTH 61 DEGREES 41 MINUTES 00 SECONDS WEST, 1.75 FEET TO THE POINT OF BEGINNING. CONTAINING 16,197 SQUARE FEET OR 0.37 ACRES MORE OR LESS.

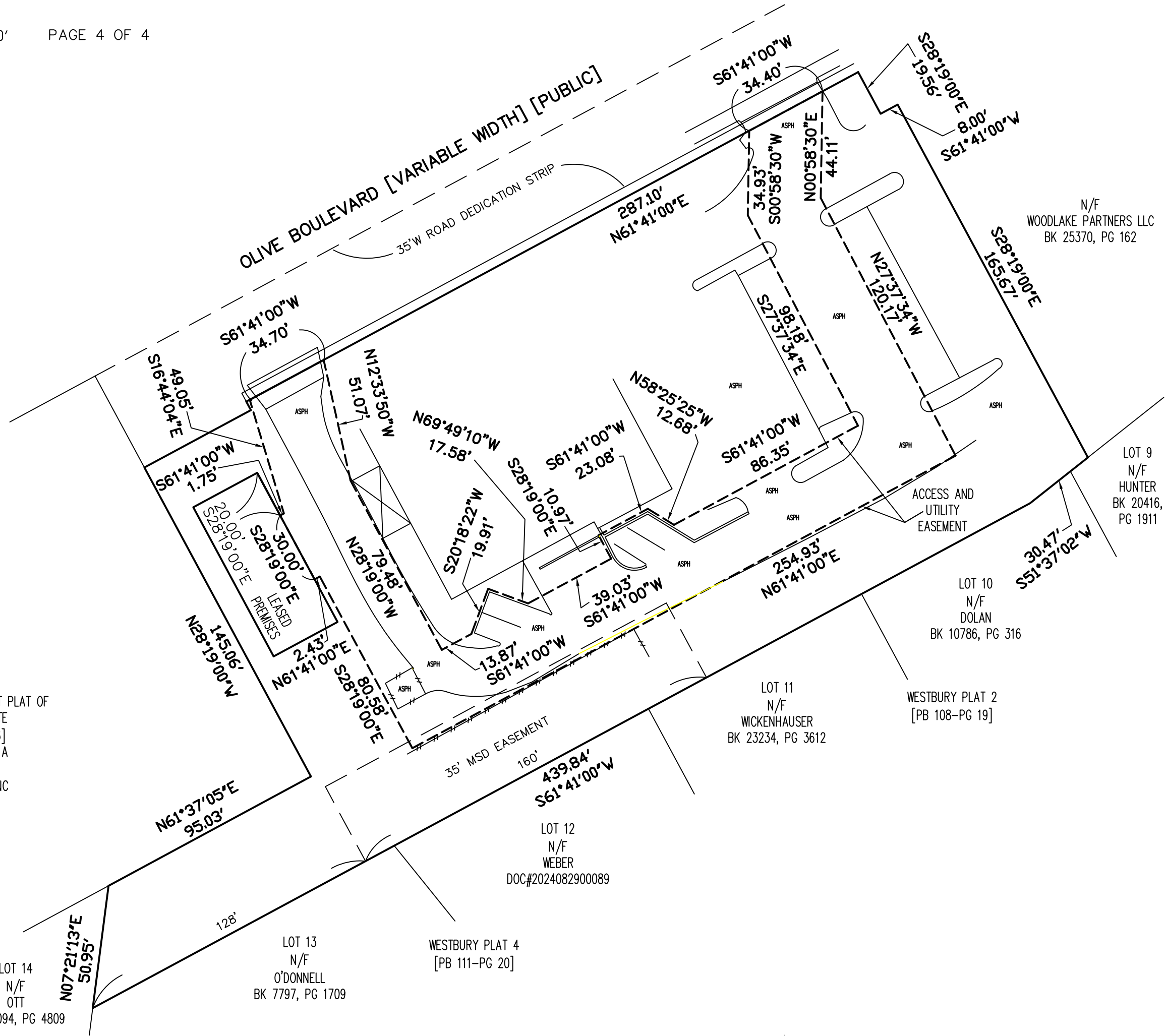
-ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE X, COMMUNITY PANEL NO. 29189C0170K, DATED 2/4/15.
-NO WETLANDS AREAS HAVE BEEN INVESTIGATED BY THIS SURVEY
-THE LEASED PREMISES IS CONTIGUOUS ALONG ITS COMMON BOUNDARIES TO THE ACCESS AND UTILITY EASEMENT, WHICH IN TURN IS CONTIGUOUS ALONG ITS COMMON BOUNDARIES TO THE OLIVE BLVD. RIGHT OF WAY, AND THERE ARE NO GAPS, GORES, SPACES OR OVERLAPS BETWEEN OR AMONG ANY OF SAID PARCELS OF LAND.

CERTIFICATION:
TO: HARMONI TOWERS LLC, A DELAWARE LIMITED LIABILITY COMPANY; ITS SUCCESSORS, ASSIGNS AND/OR DESIGNEES AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY:
I, JARED MINNICK, A MISSOURI PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE INFORMATION SHOWN HEREON WAS COMPILED USING DATA FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT THE FIELD SURVEY AND THE COMPILATION OF INFORMATION SHOWN HEREIN WERE CONDUCTED IN ACCORDANCE WITH THE MISSOURI STANDARDS FOR THE LEASED PREMISES. THE FIELD WORK WAS COMPLETED ON 10/16/24.
JARED MINNICK, PLS 2007017968
DATED: 5/6/25

SURVEY SITE: MOSTL2012	
SITE ADDRESS: 14008 OLIVE BOULEVARD, CHESTERFIELD, MO 63017 ST. LOUIS COUNTY PROJECT NUMBER 10795	
MINNICK SURVEYING, LLC	
LC-2009001156	
3520 HAMPTON AVE. ST. LOUIS, MO 63139 (314) 721-9500 MINNICKSURVEYING.COM	
THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT	
PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION	

JARED MINNICK
LAND SURVEYOR
PLS-2007017968
5/6/25





SURVEY SITE: MOSTL2012

SITE ADDRESS:
14008 OLIVE BOULEVARD,
CHESTERFIELD, MO 63017
ST. LOUIS COUNTY
PROJECT NUMBER 10602

MINNICK SURVEYING, LLC
LC-2009001156

3520 HAMPTON AVE.
ST. LOUIS, MO 63139
(314) 721-9500
MINNICKSURVEYING.COM

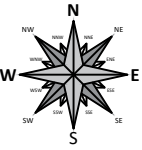
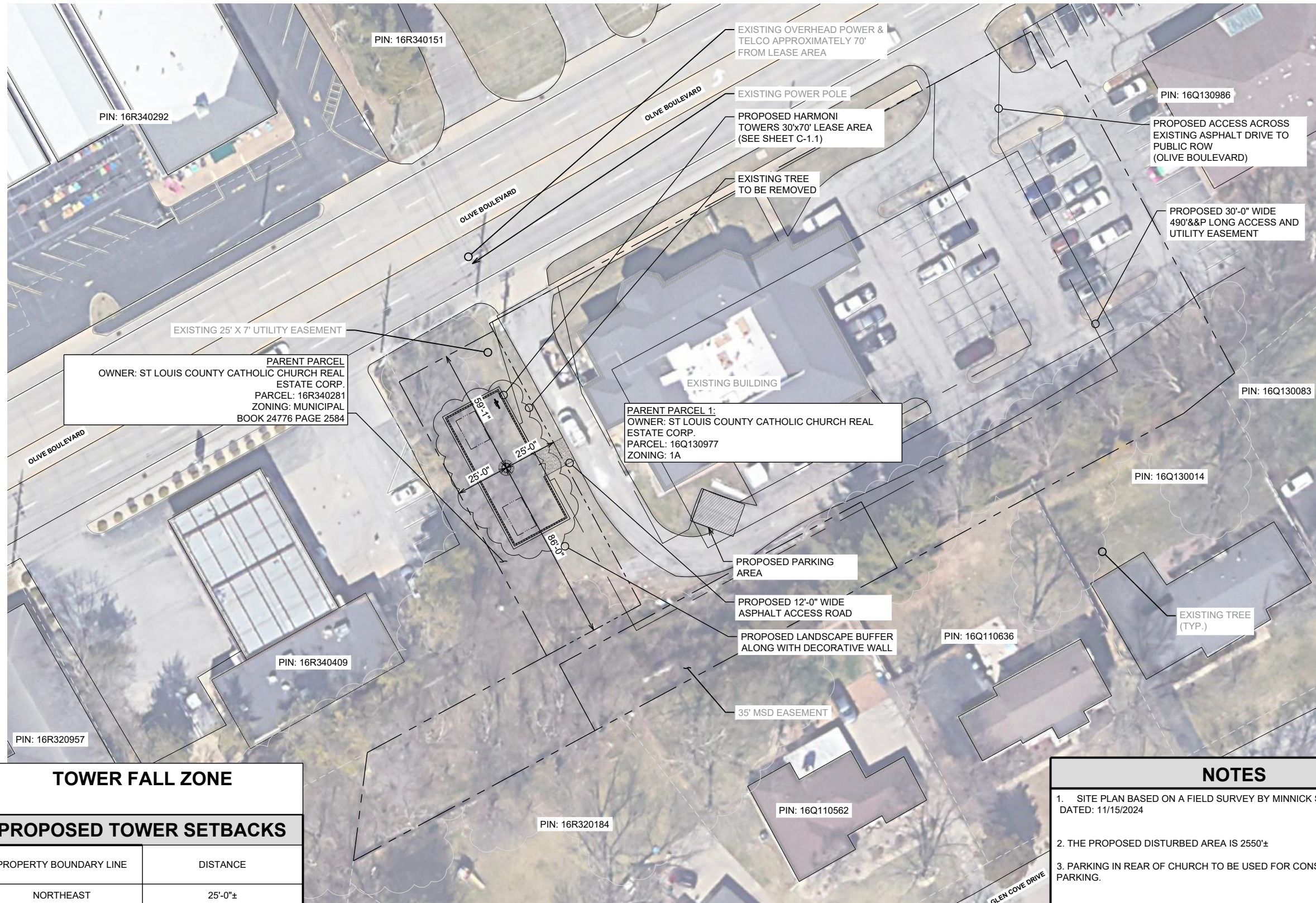
THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT

PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION




JARED MINNICK
LAND SURVEYOR
PLS-2007017968
5/6/25

LEGEND	
	FOUND IRON PIPE [LS129]
	FENCE
	UTILITY POLE
	OVERHEAD UTILITY LINE
	GUY WIRE
	FIRE HYDRANT
	IRRIGATION BOX
	SEWER LID
	WATER LID



PREPARED BY:



3227 WELLINGTON COURT
 RALEIGH, NC 27615
 o: 919-782-2710, f: 919-435-0631
 www.ets-pltc.com

PREPARED FOR:



HARMONI TOWERS, LLC
 6210 ARDREY KELL ROAD, SUITE 450
 CHARLOTTE, NC 28277

HARMONI SITE NAME:
CREVE COEUR

HARMONI SITE NUMBER:
MOSTL2012

SITE ADDRESS:
 14008 OLIVE BOULEVARD
 CHESTERFIELD, MO 63017

LATITUDE/LONGITUDE:
 38.679764°, -90.518144°



REV	DATE	DETAILS
A	12/03/2024	ZONING DRAWINGS
0	12/03/2024	ZONING DRAWINGS
1	12/20/2024	ZONING DRAWINGS
2	02/17/2025	ZONING DRAWINGS
3	05/15/2025	ZONING DRAWINGS
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DRAWN BY: HM CHECKED BY: VA

SHEET TITLE:
OVERALL SITE PLAN

SHEET # **C-1.1** CURRENT REV # 3
 ETS #: 24127091

TOWER FALL ZONE

PROPOSED TOWER SETBACKS

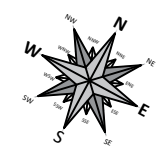
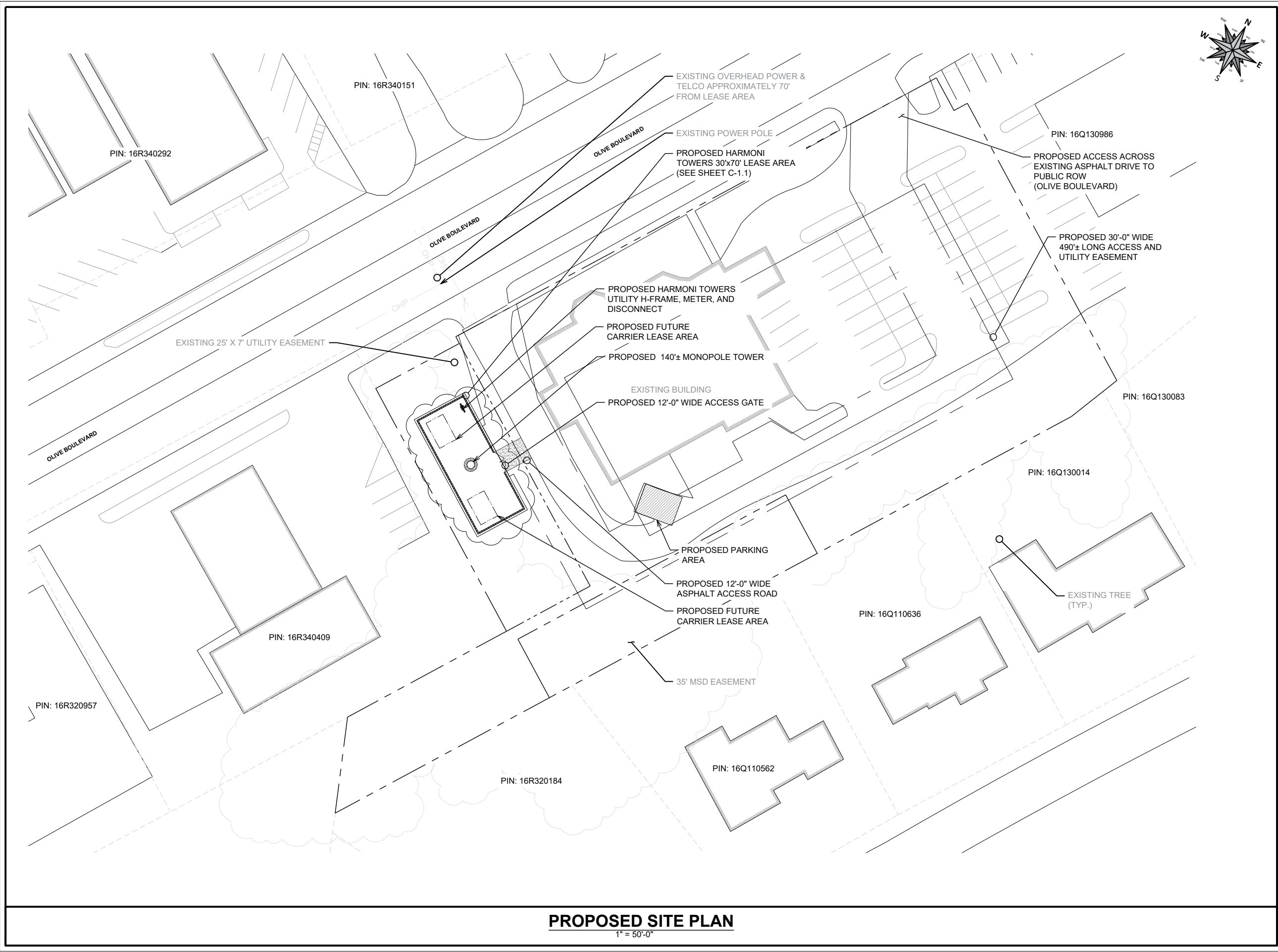
PROPERTY BOUNDARY LINE	DISTANCE
NORTHEAST	25'-0"±
SOUTHEAST	86'-6"±
SOUTHWEST	25'-0"±
NORTHWEST	59'-1"±

NOTES


1. SITE PLAN BASED ON A FIELD SURVEY BY MINNICK SURVEYING, LLC. DATED: 11/15/2024
2. THE PROPOSED DISTURBED AREA IS 2550'±
3. PARKING IN REAR OF CHURCH TO BE USED FOR CONSTRUCTION PARKING.

OVERALL SITE PLAN

1" = 50'-0"



PREPARED BY:



3227 WELLINGTON COURT
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 o: 919-782-2710, f: 919-435-0631
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 6210 ARDREY KELL ROAD, SUITE 450
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HARMONI SITE NAME:
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LATITUDE/LONGITUDE:
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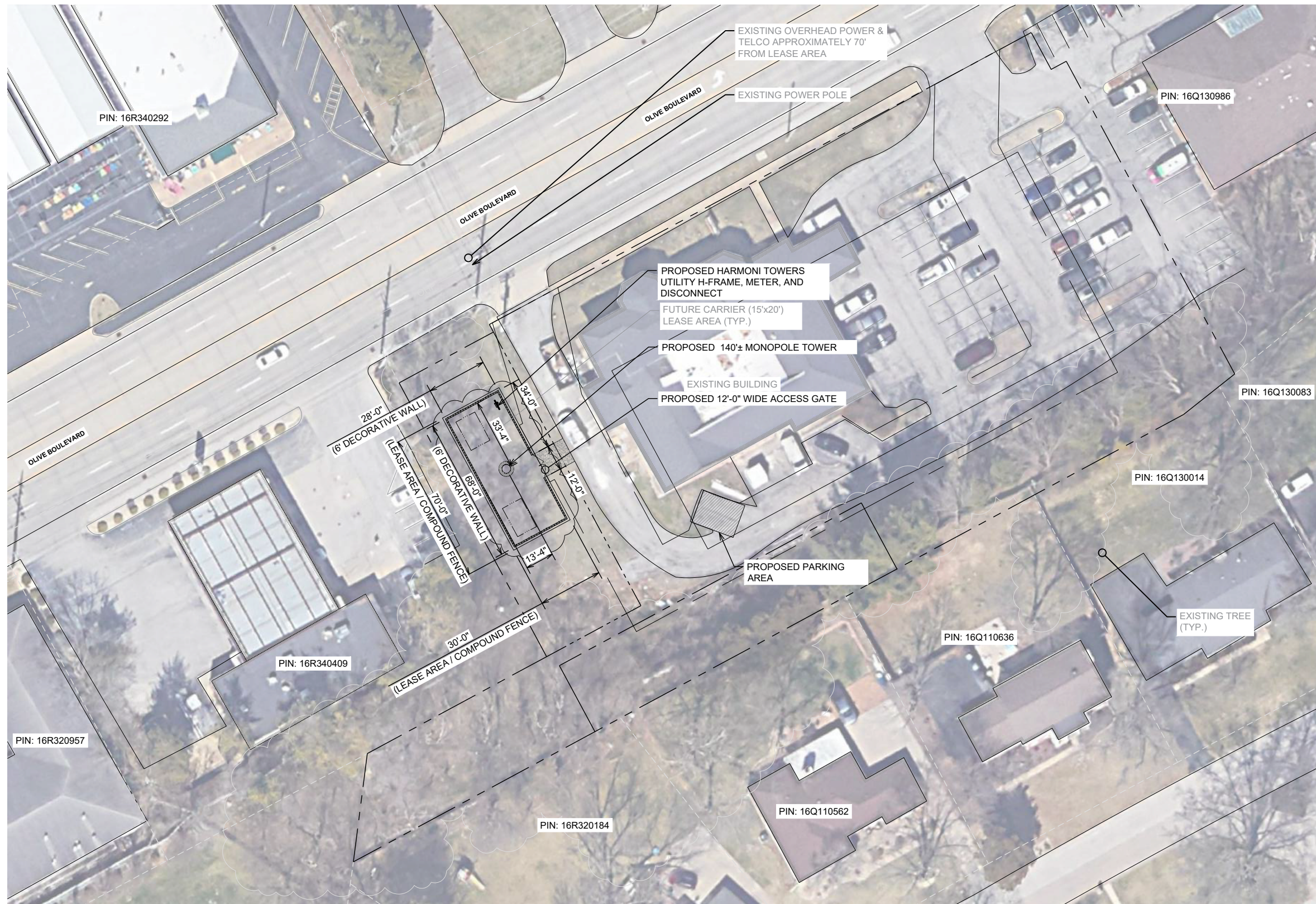
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3	05/15/2025	ZONING DRAWINGS
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DRAWN BY: HM CHECKED BY: VA

SHEET TITLE:
PROPOSED SITE PLAN

SHEET # **C-1.2** CURRENT REV # 3
 ETS #: 24127091

PROPOSED SITE PLAN
 1" = 50'-0"



PREPARED BY:

 3227 WELLINGTON COURT
 RALEIGH, NC 27615
 o: 919-782-2710, f: 919-435-0631
 www.ets-pllc.com

PREPARED FOR:

 HARMONI TOWERS, LLC
 6210 ARDREY KELL ROAD, SUITE 450
 CHARLOTTE, NC 28277

HARMONI SITE NAME:
CREVE COEUR
 HARMONI SITE NUMBER:
MOSTL2012
 SITE ADDRESS:
 14008 OLIVE BOULEVARD
 CHESTERFIELD, MO 63017
 LATITUDE/LONGITUDE:
 38.679764°, -90.518144°



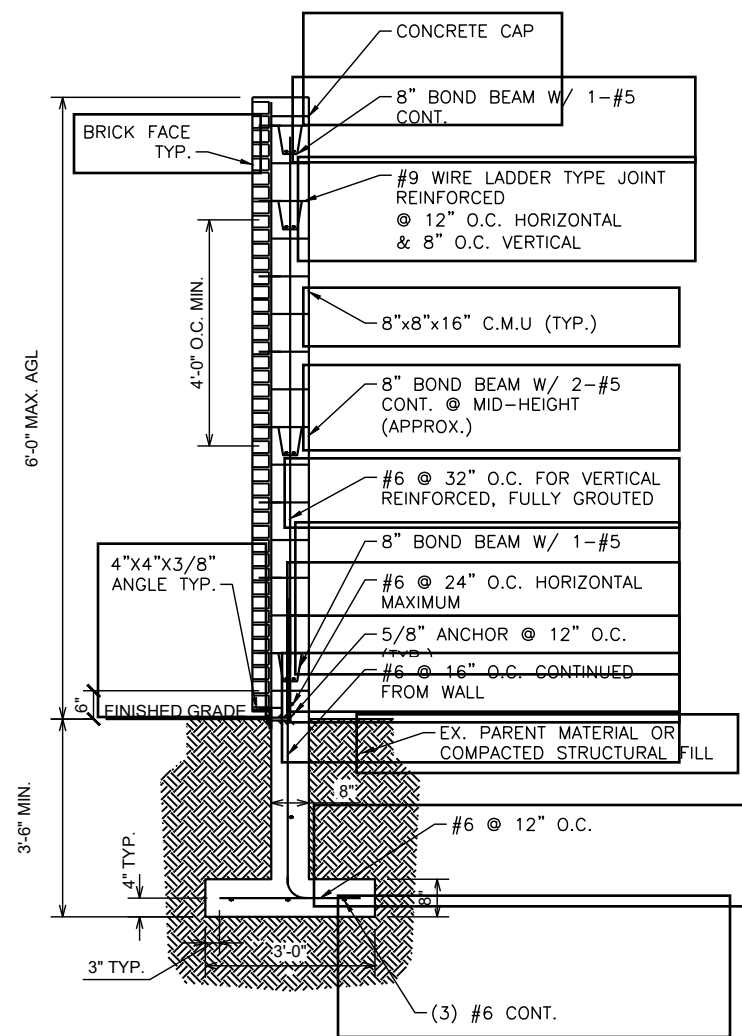
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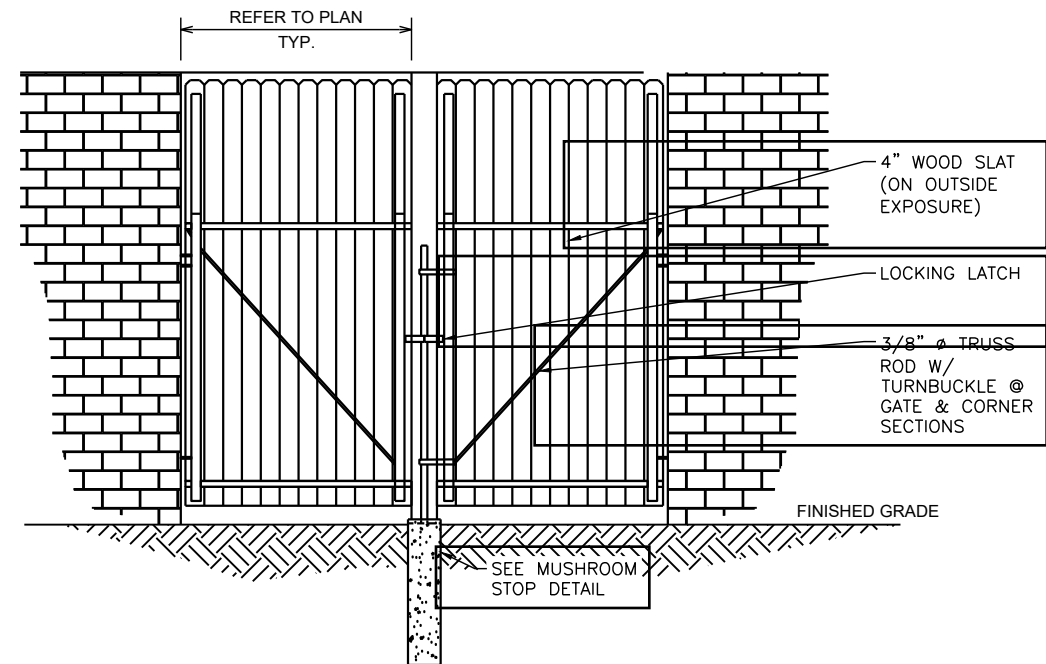
SHEET TITLE:
DIMENSIONED SITE PLAN

SHEET # **C-1.3** CURRENT REV # 3
 ETS #: 24127091

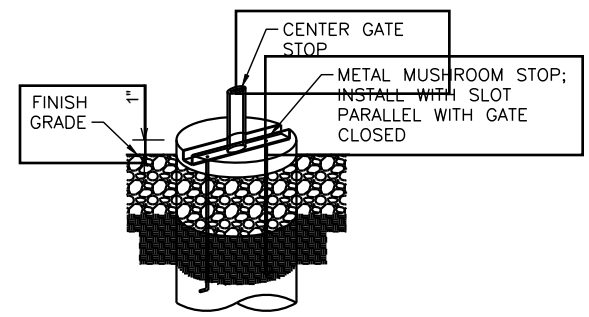
DIMENSIONED SITE PLAN
 1" = 50'-0"



DECORATIVE WALL DETAIL
N.T.S.



WOOD DOUBLE SLAT GATE
N.T.S.



MUSHROOM STOP DETAIL
N.T.S.

NOT USED
N.T.S.

PREPARED BY:

3227 WELLINGTON COURT
RALEIGH, NC 27615
o: 919-782-2710, f: 919-435-0631
www.ets-pllc.com

PREPARED FOR:

HARMONI TOWERS, LLC
6210 ARDREY KELL ROAD, SUITE 450
CHARLOTTE, NC 28277

HARMONI SITE NAME:
CREVE COEUR

HARMONI SITE NUMBER:
MOSTL2012

SITE ADDRESS:
14008 OLIVE BOULEVARD
CHESTERFIELD, MO 63017

LATITUDE/LONGITUDE:
38.679764°, -90.518144°



REV	DATE	DETAILS
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SHEET TITLE:
DETAILS

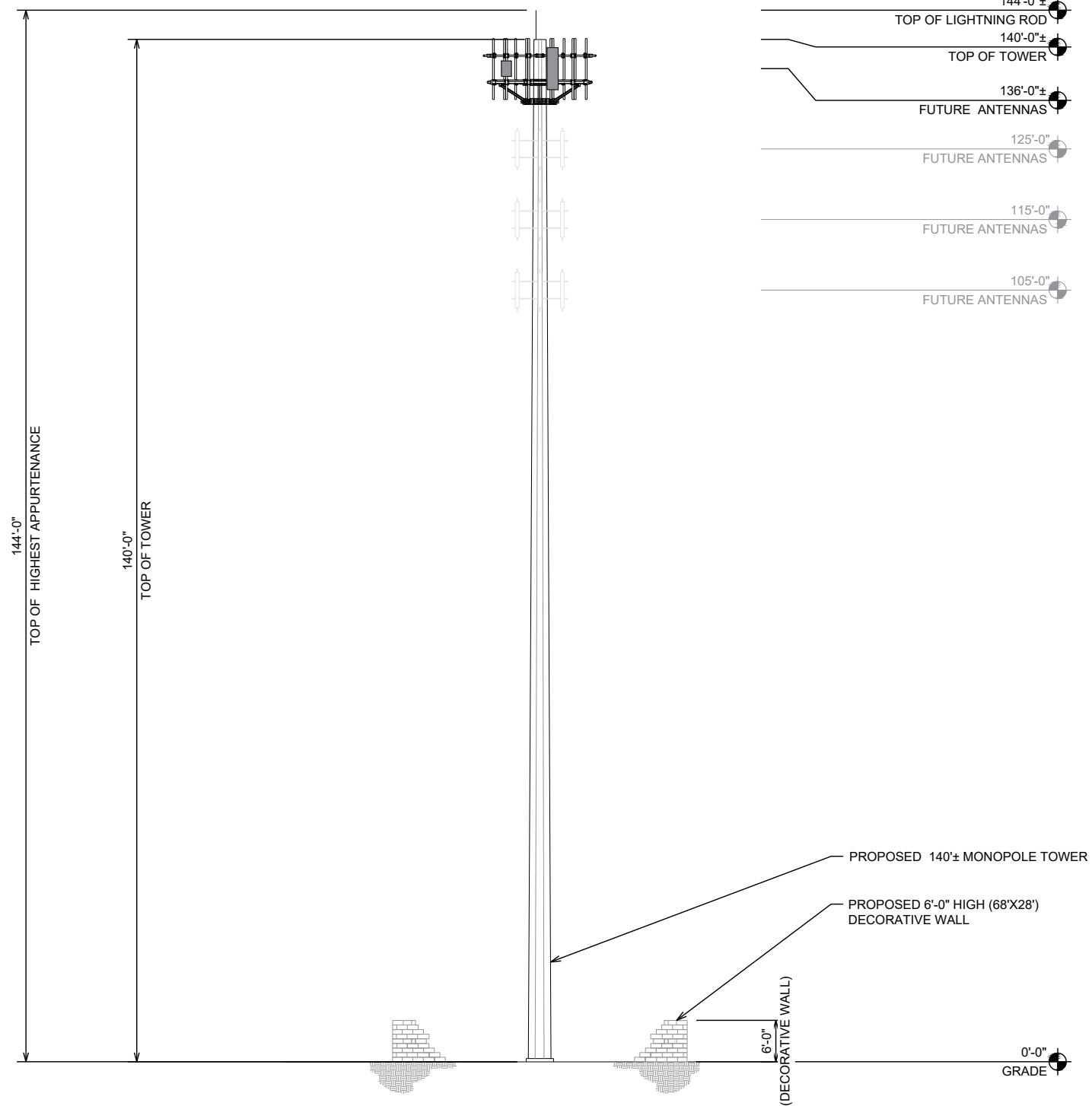
SHEET # **C-1.4** CURRENT REV # 3
ETS #: 24127091

STRUCTURE INFORMATION IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. STRUCTURAL INTEGRITY OF SUPPORTING STRUCTURES, ANTENNA MOUNTS, AND FOUNDATION SHALL BE VERIFIED AS ACCEPTABLE BY AN ENGINEER CERTIFIED STRUCTURAL ANALYSIS, UTILIZING THE NEW LOADING REPRESENTED WITHIN THESE DRAWINGS PRIOR TO THE EXECUTION OF EQUIPMENT CHANGES CONTAINED IN THESE DRAWINGS. CONTRACTOR SHALL OBTAIN ALL STRUCTURAL REPORTS AND FOLLOW ALL RECOMMENDATIONS

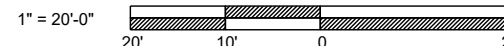
NOTE:
AN ANALYSIS OF THE STRUCTURE AND FOUNDATION HAS BEEN PERFORMED BY OTHERS. THE HEIGHT, LOCATION, AND MOUNTING SHOWN IN THESE PLANS ARE FOR REFERENCE ONLY AND THE STRUCTURAL ANALYSIS SHOULD SUPERSEDE THESE DRAWINGS.

NOTE:
CONTRACTOR SHALL NOT PROCEED WITH ANY CONSTRUCTION UNTIL A PASSING MOUNT ANALYSIS IS COMPLETED. IF EITHER THE ANALYSIS FAILS OR ANY EQUIPMENT CHANGES, THE CONTRACTOR SHALL NOT PROCEED WITH CONSTRUCTION UNTIL A MODIFICATION DESIGN AND/OR A NEW MOUNT ANALYSIS HAS BEEN COMPLETED.

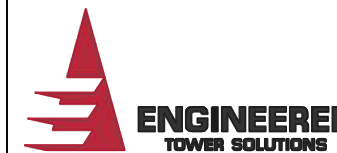
NOTE:
ALL EQUIPMENT WILL BE GALVANIZED STEEL IN COLOR



TOWER ELEVATION



PREPARED BY:



3227 WELLINGTON COURT
RALEIGH, NC 27615
o: 919-782-2710, f: 919-435-0631
www.ets-pllc.com

PREPARED FOR:



HARMONI TOWERS, LLC
6210 ARDREY KELL ROAD, SUITE 450
CHARLOTTE, NC 28277

HARMONI SITE NAME:

CREVE COEUR

HARMONI SITE NUMBER:
MOSTL2012

SITE ADDRESS:
14008 OLIVE BOULEVARD
CHESTERFIELD, MO 63017

LATITUDE/LONGITUDE:
38.679764°, -90.518144°

SEAL:



REV	DATE	DETAILS
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DRAWN BY: HM CHECKED BY: VA

SHEET TITLE:

TOWER ELEVATION

SHEET # **C-2** CURRENT REV # 3
ETS #: 24127091

BOA 10/02

Exhibits



Collective Solutions, LLC
Site Acquisition, Zoning and Permitting

340 Marshall Road, Valley Park, MO 63088

September 18, 2025

Western Oil Company
3553 Rider Trail S.
Earth City, MO 63045

RE: Proposed Variance City of Chesterfield

Dear Sir or Madam:

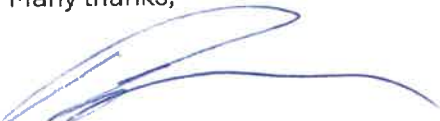
I represent Harmoni Towers, a tower company that has been contracted by T-Mobile to help them close a coverage gap in the Northern Chesterfield Missouri area. Harmoni Towers has entered into a lease with the Archdioceses of St. Louis for the property located at 14008 Olive Blvd. This property is adjacent to property owned by Western Oil Company. Harmoni Towers is proposing a 140' monopole style wireless tower on the opposite side of the trees between Western Oil's Property and the Archdioceses.

The City of Chesterfield's zoning code requires a tower be setback the height of the tower from an occupiable structure. The tower is located approximately 100' from the building located on your property. Chesterfield is requiring that Harmoni Towers seek a variance from that setback. We have provided to Chesterfield and attached here is a letter from a tower engineer stating that there is 0' fall radius to this tower and that in the almost unheard-of chance that this tower would fail, it would fail onto itself and would remain on the property leased from the Archdioceses.

As a side note, while we were visiting the site, we stopped into the Phillips 66 to purchase a drink and noticed that almost all of us had no phone signal. This is the very thing the tower is being put up to remedy.

The City of Chesterfield has requested we reach out to you and garner your thoughts on this application. I have attached a site plan and engineering studies for the proposed tower. If you have any questions or concerns, please call me at (314) 989-9810. I would be happy to meet with anyone on site.

Many thanks,



Russell S. Been
Collective Solutions, LLC
Agent for Harmoni Towers, LLC

Phone: 314-989-9810 • Fax: 314-667-5836
www.collectivesolutions.com

EXHIBIT B

Home, Russ Been. Your subscription is active.

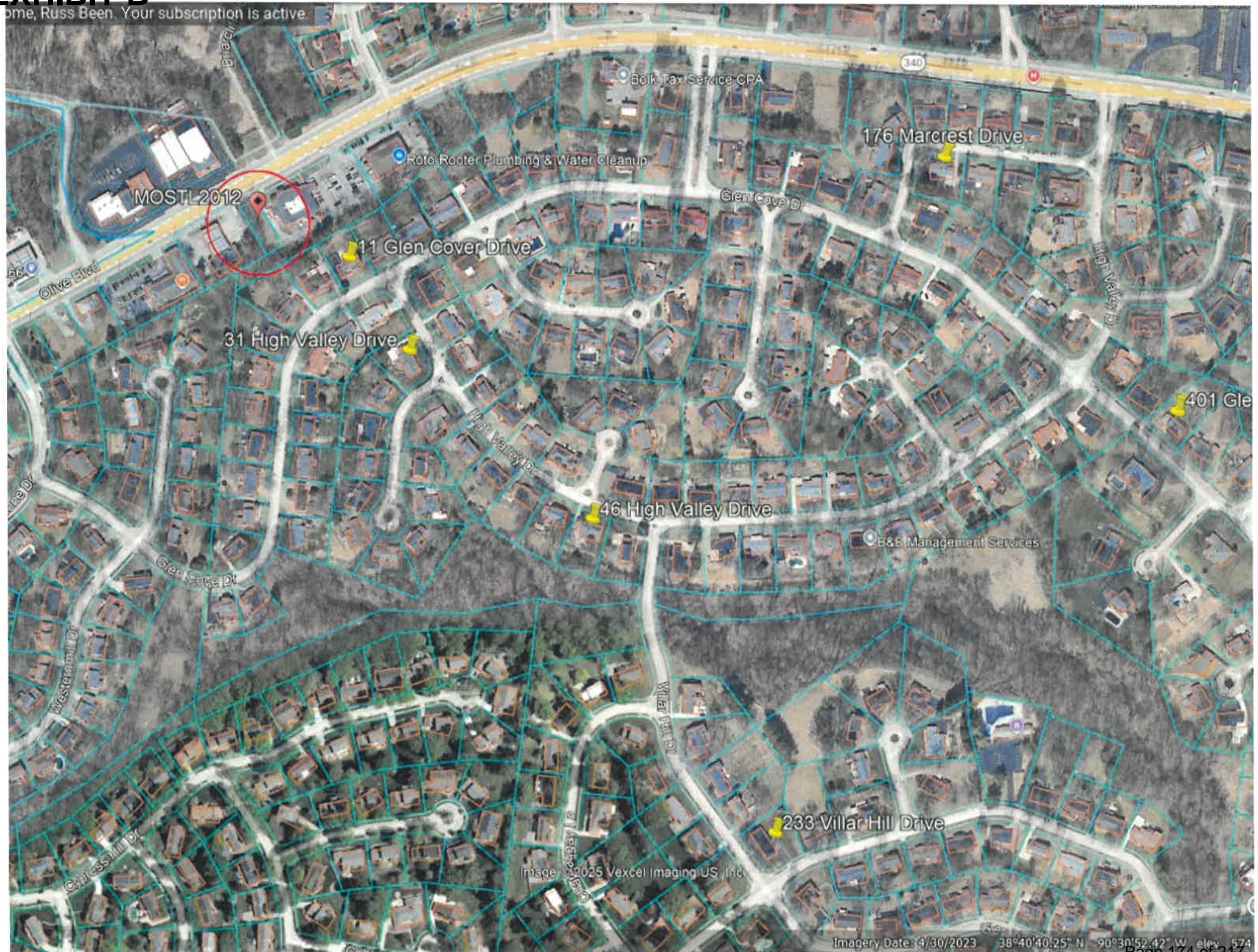
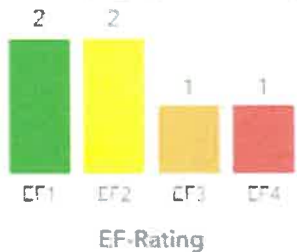


Image © 2025 Vexcel Imaging US, Inc.

Imagery Date: 4/30/2023 38°40'40.25" N 90°30'52.42" W elev. 574

Towers Hit Directly by the May 16, 2025 Tornado in North St. Louis City EF3 152 MPH Winds





Collective Solutions, LLC
Site Acquisition, Zoning and Permitting
www.collectivesolutions.com
(314) 989-9810



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Site Acquisition, Zoning and Permitting
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(314) 989-9810



Collective Solutions, LLC
Site Acquisition, Zoning and Permitting
www.collectivesolutions.com
(314) 980-9810



Collective Solutions, LLC
Site Acquisition, Zoning and Permitting
www.collectivesolutions.com
(314) 989-9810



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www.collectivesolutions.com
(314) 989-9810



Cellular Phone Towers

Cellular (cell) phones first became widely available in the United States in the 1990s, but since then their use has increased dramatically. The widespread use of cell phones has led to cell phone towers being placed in many communities. These towers, also called *base stations*, have electronic equipment and antennas that receive and transmit radiofrequency (RF) signals.

How do cellular phone towers work?

Cell phone base stations may be free-standing towers or mounted on existing structures, such as trees, water tanks, or tall buildings. The antennas need to be high enough to adequately cover the area. Base stations are usually from 50-200 feet high.

Cell phones communicate with nearby cell towers mainly through radiofrequency (RF) waves, a form of energy in the electromagnetic spectrum between FM radio waves and microwaves. Like FM radio waves, microwaves, visible light, and heat, they are forms of **non-ionizing radiation**. This means they do not directly damage the DNA inside cells, which is how stronger (**ionizing**) types of radiation such as x-rays, gamma rays, and ultraviolet (UV) light are thought to be able to cause cancer.

At very high levels, RF waves can heat up body tissues. (This is the basis for how microwave ovens work.) But the levels of energy used by cell phones and towers are much lower.

When a person makes a cell phone call, a signal is sent from the phone's antenna to the nearest base station antenna. The base station responds to this signal by assigning it an available radiofrequency channel. RF waves transfer the voice information to the base station. The voice signals are then sent to a switching center, which transfers the call to its destination. Voice signals are then relayed back and forth during the call.

How are people exposed to the energy from cellular phone towers?

As people use cell phones to make calls, signals are transmitted back and forth to the base station. The RF waves produced at the base station are given off into the environment, where people can be exposed to them.

The energy from a cellular phone tower antenna, like that of other telecommunication antennas, is directed toward the horizon (parallel to the ground), with some downward scatter. Base station antennas use higher power levels than other types of land-mobile antennas, but much lower levels than those from radio and television broadcast stations. The amount of energy decreases rapidly as the distance from the antenna increases. As a result, the level of exposure to radio waves at ground level is very low compared to the level close to the antenna.

Public exposure to radio waves from cell phone tower antennas is slight for several reasons. The power levels are relatively low, the antennas are mounted high above ground level, and the signals are transmitted intermittently, rather than constantly.

At ground level near typical cellular base stations, the amount of RF energy is thousands of times less than the limits for safe exposure set by the US Federal Communication Commission (FCC) and other regulatory authorities. It is very unlikely that a person could be exposed to RF levels in excess of these limits just by being near a cell phone tower.

When a cellular antenna is mounted on a roof, it is possible that a person on the roof could be exposed to RF levels greater than those typically encountered on the ground. But even then, exposure levels approaching or exceeding the FCC safety guidelines are only likely to be found very close to and directly in front of the antennas. If this is the case, access to these areas should be limited.

The level of RF energy inside buildings where a base station is mounted is typically much lower than the level outside, depending on the construction materials of the building. Wood or cement block reduces the exposure level of RF radiation by a factor of about 10. The energy level *behind* an antenna is hundreds to thousands of times lower than in front. Therefore, if an antenna is mounted on the side of a building, the exposure level in the room directly behind the wall is typically well below the recommended exposure limits.

Do cellular phone towers cause cancer?

Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea. In theory, there are some important points that would argue against cellular phone towers being able to cause cancer.

First, the energy level of radiofrequency (RF) waves is relatively low, especially when compared with the types of radiation that are known to increase cancer risk, such as gamma rays, x-rays, and ultraviolet (UV) light. The energy of RF waves given off by cell phone towers is not enough to break chemical bonds in DNA molecules, which is how these stronger forms of radiation may lead to cancer.

A second issue has to do with wavelength. RF waves have long wavelengths, which can only be concentrated to about an inch or two in size. This makes it unlikely that the energy from RF waves could be concentrated enough to affect individual cells in the body.

Third, even if RF waves were somehow able to affect cells in the body at higher doses, the level of RF waves present at ground level is very low – well below the recommended limits. Levels of energy from RF waves near cell phone towers are not significantly different from the background levels of RF radiation in urban areas from other sources, such as radio and television broadcast stations.

Studies in people

Very few human studies have focused specifically on cellular phone towers and cancer risk.

In one large study, British researchers compared a group of more than 1,000 families of young children with cancer against a similar group of families of children without cancer. They found no link between a mother's exposure to the towers during pregnancy (based on the distance from the home to the nearest tower and on the amount of energy given off by nearby towers) and the risk of early childhood cancer.

In another study, researchers compared a group of more than 2,600 children with cancer to a group of similar children without cancer. They found that those who lived in a town that could have exposed them to higher than average RF radiation from cellular phone towers in the previous 5 years had a slightly higher risk of cancer, although not of any certain type of cancer (like leukemia or brain tumors). This study estimated the children's possible exposure based on the number of towers in their town and how strong the signals were from the towers. It did not look at actual exposure of any individual child based on how far their home or school was from a tower. This limitation reduces confidence in the results of the study.

One study looked for signs of DNA and cell damage in blood cells as a possible indicator of cancer-causing potential. They found that the damage was no worse in people who lived near a cell phone tower as compared with those didn't.

The amount of exposure from living near a cell phone tower is typically many times lower than the exposure from using a cell phone. About 30 studies have looked at possible links between cell phone use and tumors in people. Most studies to date have not found a link between cell phone use and the development of tumors, although these studies have had some important limitations. This is an area of active research. For more information, see [Cellular Phones](#).

Studies done in the lab

Laboratory studies have looked at whether the types of RF waves used in cell phone communication can cause DNA damage. Most of these studies have supported the idea that the RF waves given off by cell phones and towers don't have enough energy to damage DNA directly. Because of this, it's not clear how cell phones and towers might be able to cause cancer, but research in this area continues.

Some scientists have reported that RF waves may produce other effects in human cells (in lab dishes) that might possibly help tumors grow. However, these studies have not been verified, and these effects weren't seen in a study that looked at the blood cells from people living near a cellular phone tower.

Several studies in rats and mice have looked at whether RF energy might promote the development of tumors caused by other known carcinogens (cancer-causing agents). These studies did not find evidence of tumor promotion, but this is still an area of research.

A large study by the US National Toxicology Program (NTP) exposed groups of lab rats and mice to RF energy over their entire bodies for about 9 hours a day, starting before birth and continuing for up to 2 years. The NTP recently released partial findings from this study, which found increased (although still low) risks of brain and heart tumors in male rats exposed to RF radiation, although there was no increased risk among female rats. Some aspects this study, such as the high doses of RF radiation and the long amount of time the rats were exposed to it, make it hard to know just how well these results might be

applied to people. Still, the results add evidence to the idea that the signals used in cell phone communication might potentially impact human health.

What expert agencies say

About cell phone towers

The 3 expert agencies that usually classify cancer-causing exposures (carcinogens) – the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), and the US Environmental Protection Agency (EPA) – have not classified cell phone towers specifically as to their cancer-causing potential.

The **US Federal Communications Commission (FCC)** has said this about cell phone towers near homes or schools:

“Radiofrequency emissions from antennas used for cellular and PCS [personal communications service] transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.”

About RF radiation

Some of the agencies that classify cancer-causing exposures have, however, made statements about radiofrequency radiation.

The **International Agency for Research on Cancer (IARC)** has classified RF fields as “possibly carcinogenic to humans,” based on limited evidence of a possible increase in risk for brain tumors among cell phone users, and inadequate evidence for other types of cancer. (For more information on the IARC classification system, see [Known and Probable Human Carcinogens](#).) IARC also noted that exposure to the brain from RF fields from cell phone base stations (mounted on roofs or towers) is less than 1/100th the exposure to the brain from mobile devices such as cell phones.

The **Environmental Protection Agency (EPA)** states:

“At very high levels, RF energy is dangerous. It can heat the body’s tissues rapidly. However, such high levels are found only near certain equipment, such as powerful long-distance transmitters. Cellphones and wireless networks produce RF, but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level, exposure to RF from sources like cellphone towers is usually very low.

Some people are concerned about potential health effects, especially on the developing brains and bodies of children. Some studies suggest that heavy long-term use of cellphones could have health effects. Other studies don’t find any health effects from cellphone use. Long-term studies on animals exposed to the RF found in wireless networks (Wi-Fi) have, so far, found no health effects. Scientists continue to study the effects of long-term exposure to low levels of RF.”

Can I limit my exposure?

Cell phone towers are not known to cause any health effects. But if you are concerned about possible exposure from a cell phone tower near your home or office, you can ask a government agency or private firm to measure the RF field strength near the tower (where a person could be exposed) to ensure that it is within the acceptable range.

What should I do if I’ve been exposed to cellular phone towers?

There is no test to measure whether you have been exposed to RF radiation from cellular phone towers. But as noted above, most researchers and regulatory authorities do not believe that cell phone towers pose health risks under ordinary conditions. If you have additional health concerns, you might want to talk with your doctor.

Additional resources

More information from your American Cancer Society

The following related information may also be helpful to you. These materials may be viewed on our website or ordered from our toll-free number, at 1-800-227-2345.

Cellular Phones

Does This Cause Cancer?

Known and Probable Human Carcinogens

Microwaves, Radio Waves, and Other Types of Radiofrequency Radiation

Other organizations and websites*

Along with the American Cancer Society, other sources of information and support include:

Environmental Protection Agency

Home page: www.epa.gov

Understanding radiation: www.epa.gov/radiation/understanding-radiation-overview.html

Federal Communications Commission

RF Safety Program, Office of Engineering and Technology

Website: www.fcc.gov/oet/rfsafety

Food and Drug Administration

Home page: www.fda.gov

Radiation-emitting products: Cell phones: [www.fda.gov/Radiation-](http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/default.htm)

[EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/default.htm](http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/default.htm)

National Cancer Institute

Toll-free number: 1-800-422-6237 (1-800-4-CANCER)

Home page: www.cancer.gov

Cellular telephone use and cancer risk: www.cancer.gov/cancertopics/factsheet/Risk/cellphones

National Institute of Environmental Health Sciences

Home page: www.niehs.nih.gov

Electric and magnetic fields: www.niehs.nih.gov/health/topics/agents/emf/index.cfm

World Health Organization

Electromagnetic fields and public health: base stations and wireless technologies

Website: www.who.int/mediacentre/factsheets/fs304/en/index.html

** Inclusion on this list does not imply endorsement by the American Cancer Society*

No matter who you are, we can help. Contact us anytime, day or night, for information and support. Call us at 1-800-227-2345 or visit www.cancer.org.

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Last Medical Review: 12/02/2014

Last Revised: 05/31/2016

Letters of Opposition

Shane Streiler

From: Kathryn Ayers Wickenhauser <kathrynayers@gmail.com>
Sent: Thursday, September 25, 2025 7:11 AM
To: Shane Streiler
Cc: Kathryn Wickenhauser; Keith
Subject: Follow Up to 14008 Olive Variance Conversation

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hi Shane,

Thank you for the time yesterday! I appreciate you explaining the requested variance request and what the upcoming Board of Adjustment meeting is specifically about. As I understand from our conversation, there is a proposal for a 140 foot cell phone tower at 14008 Olive Boulevard, and current City Code requires 110% of the height (154 feet) to the nearest habitable structure. The variance requested is to reduce that distance to 40 feet. In other words, this is equivalent to a requirement of about half of a football field distance (51 yards) being reduced to about the 13 yard line.

First, to answer your question about the Public hearing sign, it is still up. If you have more than one sign, I suggest you move the sign from parallel to the street to two signs back to back and perpendicular to the street so they can be seen while driving. Since the profile of the sign is parallel to the street, it isn't very easy to see, and that's how I personally missed it when I drive by there every day.

Second, I am requesting a copy of any and all materials/plans the Board of Adjustment is reviewing at the Public Hearing on Thursday. I am particularly interested in the case the property owner is making to justify their hardship and their request for the variance, but I would like all materials available, especially since my home is adjacent and impacted by this site, and since I am out of town for a family wedding at the time of the hearing.

I will write a formal letter under a different email, but I would like to underscore how concerned I am for the safety of my family at 11 Glen Cove Drive. I understand the role you have and the desire to remain neutral. I also believe that the City of Chesterfield can and should do it's best to prioritize the health and safety of its residents and visitors above all else. This proposed tower is an extreme height, and if it were to come down in any way, it could injure or cause death to my family or my neighbors. Towers have failed and caused death before, so I find the consideration of this variance to be a threat to safety.

Additionally, I mentioned to you that we have had to work with the property owner previously and they were extremely challenging, including threatening my neighbors at 12 and 13 Glen Cove. It concerns me that they are involved here, and that they will continue to be challenging and have disregard for their residential neighbors.

Furthermore, I understand that this has been an ongoing proposal and conversation. I am disappointed that as an impacted property owner, I did not find out about this sooner, and that there is a short amount of time to voice opposition to this variance.

I have shared information from our conversation with my neighbors, and I expect that some of them will share their shared opposition with you too.

If you have any questions for me, or if it would be helpful for any Board of Adjustment volunteer or Chesterfield employee (including you) to see the vantage point of this tower from our house at 11 Glen Cove, I welcome the opportunity to assist.

Please let me know if there is anything else I can do to be helpful here. You are welcome to reach out to me at any time at 314-541-5289, and any materials could be sent to this email address as well as the emails cc'd.

Thank you Shane!
Kathryn

Sent from my iPad

Shane Streiler

From: Elizabeth Corley <ecorley@yahoo.com>
Sent: Thursday, September 25, 2025 3:38 PM
To: Shane Streiler
Subject: Please Deny Tower Setback Variance – 14008 Olive Blvd

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board Members,

I strongly oppose the variance request for the 140-foot cell tower at 14008 Olive Blvd. Current code requires a 154-foot setback from habitable buildings, yet the applicant is seeking to reduce this to only 40 feet. This safety rule exists for a reason, and reducing it by over 100 feet would put nearby homes, churches, and businesses at risk.

Please protect our neighborhood and deny this variance

Sincerely
Elizabeth Gilbertson

Shane Streiler

From: Jennifer H <jhardin0515@gmail.com>
Sent: Thursday, September 25, 2025 8:16 PM
To: Shane Streiler
Subject: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Follow Up Flag: Flag for follow up
Flag Status: Completed

Jennifer Hardin
233 Villar Hill Drive
Chesterfield, MO 63017
[Jhardin0515@gmail.com](mailto:jhardin0515@gmail.com)
913-633-4579
9-25-25

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd., adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154-foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

I believe installing this would require taking out necessary vegetation that is used to protect the homes in the area from seeing and hearing the traffic and visitors to the nearby establishments. This does not seem like something you would want in this area and I. Such a small section of land. There is plenty of open space off of Olive where it will not negatively impact so many in our community.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on prerequisites of:

- A certified structural engineering "fall-zone" study made public and independently reviewed;
- Height reduction to the minimum necessary for coverage;
- Evidence that no alternative sites or designs exist; and
- Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,
Jennifer Hardin

Shane Streiler

From: Laura Aguilar <laurateresa.aguilar@hotmail.com>
Sent: Friday, September 26, 2025 7:36 AM
To: Shane Streiler
Subject: Oppose the cell tower

Follow Up Flag: Follow up
Flag Status: Completed

Subject: Please Deny Tower Setback Variance – 14008 Olive Blvd

Dear Board Members,

I strongly oppose the variance request for the 140-foot cell tower at 14008 Olive Blvd. Current code requires a 154-foot setback from habitable buildings, yet the applicant is seeking to reduce this to only 40 feet. This safety rule exists for a reason, and reducing it by over 100 feet would put nearby homes, churches, and businesses at risk.

Please protect our neighborhood and deny this variance.

Sincerely,

Laura Cucchi Aguilar

314.960.1356

"As for me and my house, we will serve the Lord" Joshua 24:15

Shane Streiler

From: Caitlyn Williams <caitlyn.m.williams@gmail.com>
Sent: Friday, September 26, 2025 7:52 AM
To: Shane Streiler
Subject: Opposition to Proposed Cell Tower Variance on olive

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Adjustment,

I urge you to reject the variance request for the proposed cell tower on Olive Blvd. The code requires a 154-foot setback, but the applicant asks for only 40 feet. Approving such a large reduction undermines the safety standard intended to prevent harm in the event of a tower collapse or storm damage.

This is not a minimal variance—it is a drastic departure from the code. Please deny the request.

Respectfully,

Caitlyn Williams

46 High Valley Dr, Chesterfield, MO 63017

Shane Streiler

From: David Stehly <davestehly66@gmail.com>
Sent: Friday, September 26, 2025 10:36 AM
To: PDSDirector <PDSDirector@chesterfield.mo.us>
Subject: Proposed Cell Phone Tower

Good Morning Mr. Wyse -

I wanted to express my opposition to the zoning variance request to allow the construction of the cell phone tower proposed along Olive Boulevard. I feel it would be a negative aesthetic to my neighborhood as well as a potential threat to property and human life in the event of a catastrophic event causing it to fall. I believe the variance is in place to prevent this type of structure and should be held in force. Please pass this message along to the other members of the board.

Thank you very much.

Sincerely,
David J. Stehly
31 High Valley Drive

9/26/2025

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Opposition from Adjacent Property Owner to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

As an adjacent property owner and resident at 11 Glen Cove Drive, I am writing to strongly oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, backing up to my house and neighborhood.

The applicant seeks to reduce the required 154-foot setback from habitable structures to only 40 feet from St. Andrew Kim Church and 94 feet from the gas station at 14024 Olive. **This variance request is substantial and extreme.** Reducing the 154-foot requirement to 40 feet represents an extreme deviation from the 110% separation standard in UDC Section 405.06.030(B)(8)(d) and is far beyond "minor". Such a large reduction undermines the purpose of the ordinance and sets a dangerous precedent.

It is also unclear from the information in the packet whether the tower location would comply with the required 154-foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety. The Board should require this information before even considering this variance.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards. Missouri law requires that hardship be tied to the nature of the property and not be common to the area or self-imposed. The applicant cites the narrow lot as justification. However, purchasing or leasing land that is unsuitable for a 140-foot tower does not create a unique hardship that justifies discarding safety requirements. **This hardship is self-created, and not unique.**

The applicant has not proven that alternative sites have been appropriately explored. The Telecommunications Act does not compel approval of this specific site if less intrusive alternatives exist. Co-location on existing structures, use of shorter towers, or siting in less constrained parcels may achieve the same coverage objectives without violating city code. The applicant has not demonstrated that these options were exhausted.

Furthermore, it is interesting that the representative of the property to be leased is the signatory of the letter representing St. Andrew Kim property as well, as the signatory represents the organization to profit from this lease. This represents a conflict of interest.

I take strong exception to the statement that “this site...would have little to no effect on neighboring properties”. This is categorically untrue and a laughable assertion. Not only am I concerned about the health and safety of my family with a tower of this size, but my family will also be impacted by clearing this space of trees which act as a visual and sound barrier between our house/neighborhood and the five lanes of Olive Boulevard. There is no contest that this tower will be visually intrusive. According to the FCC website, the tallest tower in Chesterfield is around 76 feet tall for St. Louis County Emergency Management. This proposed tower is twice that size; there is no disguising a 140-foot tower as another object. Furthermore, this tower, especially at its size will immediately reduce our property value, which will in turn decrease the taxes Chesterfield receives from us and have additional downstream and real repercussions to the funding of other needed utilities. **Considering this variance is contrary to the requirement that variances protect public safety, welfare, and the character of the neighborhood. This statement of “little impact” to neighboring properties is frankly insulting and illustrates disregard for the neighborhood.**

I urge the Board to deny this variance, as it directly contradicts the reason the variance exists.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. As a Chesterfield resident directly impacted by this request, for the health and safety of my family, I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Kathryn Ayers Wickenhauser

Shane Streiler

From: Mitch Bolen <mitchbolen16@gmail.com>
Sent: Friday, September 26, 2025 5:14 PM
To: Shane Streiler
Subject: Cell tower concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Shane

My name is Mitch Bolen and I have lived at 15 Glen Cove in Westbury for over 30 years now. I am aware that a cell tower is being proposed for 14008 Olive Street. It will be 140 feet high and is very near my home. A variance is being requested.

I am joining many of my neighbors in being opposed to granting this variance. This distance was established for safety and those concerns are very real today.

We know we can have bad storms in this area. Safety is a concern! Please do not allow this project to go forward in this location .

Mitch Bolen

Shane Streiler

From: Fara Heumann <fmheumann@gmail.com>
Sent: Saturday, September 27, 2025 8:06 AM
To: Shane Streiler; Barbara McGuinness; Mary Monachella
Subject: Opposition to proposed cell tower variance

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Please oppose the variance request for the proposed cell tower on Olive. I have just moved into the Chesterfield area and I love it. I was shocked that something like this could potentially be approved. To me, it seems like an unnecessary safety risk. Can't we find another site for such a large tower, away from main roads and residential homes? I ask you to uphold the code designed to protect us, and deny this variance.

Thank you,

Fara Heumann

Fara Heumann
254 Heather Crest Dr
Chesterfield, MO 63017
fmheumann@gmail.com
314-443-8757
9/27/2025



Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance

Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be “injurious to other property or detrimental to the public welfare.” This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on pre-requisites of:

A certified structural engineering “fall-zone” study made public and independently reviewed;

Height reduction to the minimum necessary for coverage;

Evidence that no alternative sites or designs exist; and

Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,


Sara Heumann

Shane Streiler

From: Bryn Phelan <bmphelan510@icloud.com>
Sent: Saturday, September 27, 2025 1:16 PM
To: Shane Streiler
Subject: Variance Puts Neighborhood at Risk – Please Deny

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Board Members,

The proposed 140-foot tower at 14008 Olive Blvd should, by city ordinance, be set back 154 feet from habitable structures. Allowing a variance down to 40 feet disregards the safety margin designed to protect residents and visitors. Our community frequently experiences severe weather, and this rule is vital. We live at 12 Glen Cove Dr. and have 3 young kids. I'm not comfortable risking this for my children when there are much better areas to put this in the area.

I ask you to uphold the code and deny this variance.

Thank you,

The Weber Family at 12 Glen Cove Dr.

Sara Blackburn
35 Ridge Point Drive
Chesterfield, MO 63017
sfcrane@gmail.com
9/28/2025

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017
Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

As an additional concern, radiation exposure from cell towers can cause multiple adverse health effects. Documented scientific research has shown an increased cancer risk, cellular stress, headaches, sleep issues, genetic damage, changes to the reproductive system, memory deficits, and impacts to the nervous system.

There are many families within close proximity to the proposed tower. It has been documented that children are more vulnerable to RF radiation as they absorb it deeper into the brains and bodies.

Please help keep our community safe and healthy by denying this variance.

If approval were to be considered, it should be conditioned on pre-requisites of:

- A certified structural engineering "fall-zone" study made public and independently reviewed;

- Height reduction to the minimum necessary for coverage;
- Evidence that no alternative sites or designs exist; and
- Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Sara Blackburn

Anna Schilligo
30 Glen Cove Drive
Chesterfield, MO 63017
schilligoan@gmail.com
314-954-1800
9/29/2025

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on pre-requisites of:

A certified structural engineering "fall-zone" study made public and independently reviewed;

Height reduction to the minimum necessary for coverage;

Evidence that no alternative sites or designs exist; and

Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Anna Schilligo

Shane Streiler

From: Jamie Menzel <jamie.menzel@gmail.com>
Sent: Monday, September 29, 2025 3:57 PM
To: Shane Streiler
Subject: Opposition to Proposed Cell Tower Variance

Dear Board of Adjustment,

I am writing to urge you to reject the variance request for the proposed cell phone tower on Olive Blvd. We are residents of Westbury Manor, and the proposed site is across the street from our house on Glen Cove Drive. The code currently requires a 110% setback from the nearest dwelling, but the applicant is requesting it to be reduced to 40 feet, which is only 26%. The code is a safety standard intended to protect lives and structures in the event of collapse. While the Parish of St. Andrew Kim has signed a waiver for the structure to be built, my neighbors in Westbury Manor have not been given that same opportunity. Many of us in the vicinity of the proposed cell phone tower (me included) have young children and are worried about their safety. In the past few years, several tornadoes have gone through our neighborhood. One of which, hit nearby Central High School, took off its roof and destroyed several power poles in the process. While this tower is considered a "no fail structure", there are several instances where cell phone towers have failed, including in Missouri in 2014 and 2018. Both instances resulted in deaths. The code is in place to protect property and save residents from harm. A significant variance from that code, as in this case, could result in very serious consequences for those neighboring it.

Additionally, the proposed plan would also clear significant vegetation which would increase noise pollution and create direct sight lines to the cell tower for many homes along this stretch of Glen Cove (if not beyond). This would certainly have a negative impact on the property values of those affected.

This drastic departure from the code could endanger our homes and would lower our property values. Please deny the request.

Respectfully,

Christopher and Jamie Smith

28 Glen Cove Drive

Shane Streiler

From: Bridget Lippmann <blmurph1@gmail.com>
Sent: Monday, September 29, 2025 9:16 PM
To: Shane Streiler
Subject: Opposition to Proposed Cell Tower Variance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Adjustment,

My name is Bridget Lippmann and I am a resident in the Westbury Manor neighborhood, adjacent to the proposed site for the cell tower construction on Olive Blvd. It has come to my attention that the code for such a structure requires a 154-foot setback, but the applicant asks for only 40 feet. Approving such a large reduction undermines the safety standard intended to prevent harm in the event of a tower collapse or storm damage. This is a drastic departure from the code, which is in place for a reason.

I myself have 2 daughters, ages 5 and 7. I know several families who live closest to the proposed site. I cannot imagine the devastation that would occur if the tower were to be damaged and collapse, and harm our neighbors and friends within its range. Severe storms pass through our entire region, and this cannot be avoided, as no one would argue. It is bad enough when the storm itself rips apart a city, as we all bore witness to in May of this year. To place the cell tower in its proposed location, with such close vicinity to residents (as well as local businesses), who could bear the brunt if the unthinkable were to happen, should be strongly opposed. Please place yourself in our shoes - how would you feel if this proposal was for your "backyard"?

Please deny the request.

Respectfully,

Bridget Lippmann

Shane Streiler

From: Margarita Broughton <mbroughton@swbell.net>
Sent: Tuesday, September 30, 2025 10:33 AM
To: Shane Streiler
Subject: Opposition to Proposed Cell Tower Variance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Adjustment,

I urge you to reject the variance request for the proposed cell tower on Olive Blvd. The code requires a 154-foot setback, but the applicant asks for only 40 feet. Approving such a large reduction undermines the safety standard intended to prevent harm in the event of a tower collapse or storm damage. Our community frequently experiences severe weather, making this rule vital.

This is not a minimal variance—it is a drastic departure from the code. Please deny the request.

Respectfully,

Margarita Broughton

Michael and Allison Tulley
430 Greenstone Drive
Chesterfield, MO 63017

September 30, 2025

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment,

We are writing to strongly oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision.

Chesterfield Unified Development Code §405.06.030(B)(8)(a) is crystal clear: wireless communication towers must be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, that means a minimum setback of 154 feet. The applicant is now asking for a drastic reduction of that requirement to only 40 feet from nearby structures, including a church and a gas station. That is not a minor tweak — it's gutting the very purpose of the setback requirement.

Even more concerning, it remains unclear whether this tower would comply with the 154-foot residential setback from homes along Glen Cove Drive. Without transparent, precise measurements, neighbors are left in the dark — which is unacceptable when we're talking about a structure of this size looming over homes and families.

The 110% rule is not arbitrary; it exists to ensure that if a tower fails, collapses, or is damaged in one of the severe storms or tornadoes our area routinely faces, it will not crash down onto people, homes, or businesses. To slash that buffer zone by more than 100 feet not only undermines the safety intent of the ordinance but also needlessly increases anxiety for the surrounding community.

The applicant has also failed to demonstrate any legitimate "hardship" as required under §405.02.180 (Variance Standards). Wanting to squeeze a tower into a smaller space for convenience or profit is not a hardship. A true hardship means the property cannot reasonably be used without relief — and that is simply not the case here. Granting this variance would be directly "injurious to other property and detrimental to the public welfare," in clear violation of the code's own standards.

We urge the Board to deny this variance outright. The ordinance is on the books to protect residents and property. Approving such an extreme reduction would not only endanger nearby structures and families but also set a terrible precedent: that the code can be ignored whenever it proves inconvenient.

Please uphold the integrity of Chesterfield's code and the safety of its citizens. Our community deserves better than a 140-foot shortcut.

Sincerely,
Michael and Allison Tulley

Shane Streiler

From: Claire Vatterott <clairevatterott@gmail.com>
Sent: Tuesday, September 30, 2025 2:42 PM
To: Shane Streiler
Subject: Please Deny Proposed Cell Tower Variance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Adjustment,

I am reaching out as a concerned neighbor regarding the proposed cell tower on Olive Blvd. The existing code requires a 154-foot setback for good reason. Those standards are in place to protect the safety and well-being of the families and homes in our community.

The applicant's request to reduce this setback to just 40 feet is *not* a small adjustment. It is a major departure from what the code intends, and it would put nearby neighbors at unnecessary risk should the tower ever collapse or be damaged in severe weather, which we have seen in this very area.

These safety requirements are there to protect people, not just property lines. Allowing such a drastic variance would undermine the very safeguards our community relies on.

For these reasons, I respectfully ask that you deny this variance request and uphold the safety standards designed to keep our neighborhood secure.

Thank you for your consideration,

Claire Jackson

JOE & DENISE NELSON
17 Glen Cove Drive
Chesterfield, MO 63017
joedenisenelson@yahoo.com
(314) 580-2880

September 30, 2025

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on pre-requisites of:

- A certified structural engineering "fall-zone" study made public and independently reviewed;
- Height reduction to the minimum necessary for coverage;
- Evidence that no alternative sites or designs exist; and
- Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Denise Nelson Joe Nelson

Shane Streiler

From: Jennifer Epstein <jepstein213@gmail.com>
Sent: Tuesday, September 30, 2025 8:40 PM
To: Shane Streiler
Subject: Cell Tower

Follow Up Flag: Follow up
Flag Status: Completed

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at [14008 Olive Blvd](#), adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, §405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Jennifer Epstein

Sent from my iPhone

From: Robert Ott <robertjayott@hotmail.com>
Sent: Wednesday, October 1, 2025 11:09 PM
To: Barbara McGuinness <BMcGuinness@chesterfield.mo.us>
Subject: Proposed Cell Tower on Olive Blvd.

Barbara,

There is a Board of Adjustment meeting on October 2nd to discuss (approve?) a variance request for a proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. The current code required that a wireless communication tower be set back from any habitable structure a distance equal to 110% of the towers' height. For a 140-foot tower this means the setback be at least 154 feet. The applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures.

I, along with four other neighbors, live on Glen Cove Drive directly behind where the tower would be located (8, 10, 12 and 14 Glen Cove Drive). We may, or may not, be within the 154 distance. Without precise measurement we cannot be confident that the tower will not also encroach on the required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The applicant will explain how the tower is failure free - I do not believe it and neither should you. The property is owned by the Catholic church - they are only seeking money (the property will be leased to the cell tower company) and don't care about those affected around them. No one has come by from that organization (or anyone for that matter) to make us aware of this proposed 14 story tower or asked us about our concerns about having it in our back yard. Only a few of us received the small postcard making us aware of this proposal - small enough to almost discard without reading it.

Please do not approve this variance for this unsightly and potentially dangerous structure. There has been no consideration for the residents affected by this 14 story tower. I purchased my home in 1990 when Olive Blvd was a quaint two-lane road. Over the years I have endured the change to a 5 lane "highway", then the construction of a gas station and commercial building behind my house, then a funeral home (now the church). Now I am supposed to live with a 14-story tower that will significantly lower property values, making it very difficult to sell at any price. For what, so the Catholic church can get a revenue stream? Cell towers will be eventually become obsolete due to satellite communications (think Elon Musk Starlink). Will they tear down and remove the tower when that happens?

It is simple - they need approval of a variance - don't approve it!

I would welcome an opportunity to show you how this tower will affect my life - please contact me so you can stop by.

Respectfully,

Robert (Bob) Ott
14 Glen Cove Drive
Chesterfield, MO
(314) 484-1195

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

JOANNE KELLY
25 GLEN COVE DR.
CHESTERFIELD MO
63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on pre-requisites of:

- A certified structural engineering "fall-zone" study made public and independently reviewed;
- Height reduction to the minimum necessary for coverage;
- Evidence that no alternative sites or designs exist; and
- Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Board of Adjustment
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017

Steve Brainer
27 Glen Cove Drive
Chesterfield Mo.
63017

Re: Opposition to Variance Request regarding wireless tower at 14008 Olive Blvd

Dear Members of the Board of Adjustment:

I am writing to respectfully oppose the variance request for the proposed 140-foot wireless tower at 14008 Olive Blvd, adjacent to Glen Cove Drive and Westbury Manor subdivision. Chesterfield Unified Development Code, § 405.06.030(B)(8)(a) requires that wireless communication towers be set back from any habitable structure a distance equal to 110% of the tower's height. For a 140-foot tower, this means a setback of at least 154 feet. I understand the applicant is requesting a drastic reduction of that requirement to only 40 feet from the nearest structures, including the church and gas station.

It is also unclear whether the tower location would comply with the required 154 foot setback from nearby residential houses along Glen Cove Drive. Without precise measurements, neighbors cannot be confident the tower will not also encroach on required residential setbacks, which raises further concerns about the proposal's compliance and safety.

The 110% rule exists to ensure that, in the event of structural failure, collapse, or storm damage, the tower does not endanger people or buildings. Reducing this distance undermines the purpose of the code and places neighboring properties and families at unnecessary risk. In our area, where tornadoes and strong storms are not uncommon, approving such a variance would heighten both actual danger and community anxiety. The applicant has not demonstrated a true hardship as required under § 405.02.180 (Variance Standards), which permits variances only when strict application of the code causes practical difficulty and when relief will not be "injurious to other property or detrimental to the public welfare." This request does not meet those standards.

I urge the Board to deny this variance. If approval were to be considered, it should be conditioned on pre-requisites of:

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- Height reduction to the minimum necessary for coverage;
- Evidence that no alternative sites or designs exist; and
- Ongoing safety and inspection requirements.

The ordinance exists to safeguard residents, and reducing the setback by more than 100 feet (while leaving uncertainty about residential compliance) would directly contradict that intent. I ask the Board to uphold the integrity of the code and protect the welfare of our community by denying this variance.

Sincerely,

Shane Streiler

From: Kelly Craig <craig.kellyd@gmail.com>
Sent: Monday, October 6, 2025 9:46 AM
To: Shane Streiler
Subject: Opposition to Proposed Cell Tower Variance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Board of Adjustment,

I urge you to reject the variance request for the proposed cell tower on Olive Blvd. The code requires a 154-foot setback, but the applicant asks for only 40 feet. Approving such a large reduction undermines the safety standard intended to prevent harm in the event of a tower collapse or storm damage.

This is not a minimal variance—it is a drastic departure from the code. Please deny the request.

Respectfully,

Kelly Craig

Sent from my iPhone

Shane Streiler

From: John O'Donnell <john.odonnell@heartlandsconservancy.org>
Sent: Monday, October 6, 2025 3:16 PM
To: Shane Streiler
Subject: 14008 Olive Blvd Variance

Follow Up Flag: Follow up
Flag Status: Completed

Shane,

My mother lives at 13 Glen Cove Dr. which is adjacent to the lot in question. She went to a public meeting recently where she was informed that T-Mobile plans to build a 100 foot cell tower on this small lot. The lot in question is behind my mother's property and will be blatantly visible from her kitchen window.


She is widowed and living on a fixed income and her home is her last safety net. She fears the steep drop in property value after this tower goes in. We are working on getting more neighbors involved to voice their concerns about this issue and I look forward to hearing back from you all if this is really the best location for a new cell tower in this community.

John O'Donnell

Water Program Manager, HeartLands Conservancy

 618-566-4451 ext 14  heartlandsconservancy.org

 john.odonnell@heartlandsconservancy.org

 29 E Main Street, Belleville, IL 62220

