



**PLANNING COMMISSION  
STAFF REPORT**

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May 21, 2026

**AGENDA ITEM:** Planning File No. **TELEC-25-0002:** A Telecommunication Special Use Permit Application for the installation of a new telecommunication facility to be in place for up to two years.

**LOCATION:** 103 West Main Street / Public Right-of-Way

**APPLICANT** Ben Feldman, BMF Development LLC

**OWNER:** Town of Frisco  
PO Box 4100  
Frisco, CO 80443

**TOWN STAFF:** Kris Valdez, AICP, Principal Planner

**PROJECT DESCRIPTION**

The applicant, BMF Development LLC, on behalf of AT&T and NHPF West Main LLC, herein referred to as “Applicant,” is proposing a temporary ballast-mounted telecommunications facility required to maintain continuity of wireless service during the redevelopment of the building at 101 W Main Street, which currently hosts an existing permanent rooftop AT&T wireless facility.

The rooftop installation must be removed to accommodate approved redevelopment of the structure to an affordable housing development. The temporary facility is intended to serve as an interim solution for approximately 12 to 24 months, after which it will be fully removed and the site restored.

The proposed temporary tower will be approximately 60 feet tall, with an additional 5 feet for a lightning rod and antenna mounting. The facility includes three (3) sectors, each with two (2) antennas, for a total of six (6) antennas. All equipment is proposed solely to support interim service needs and does not represent a permanent telecommunications

installation, herein referred to as “Application” at 103 W Main Street, herein referred to as “Property”. Final utility routing is to be determined in coordination with Xcel if the Application is approved by the Planning Commission.

## **BACKGROUND**

On February 27, 2024, the Town Council approved 101 W. Main Housing Planned Unit Development (PUD) through Ordinance 24-01. The underlying zoning is Mixed-Use District.

On June 20, 2024, the Planning Commission approved MAJ-23-0011, a final review of a Major Site Plan application for a new mixed-use/affordable housing development consisting of 52 deed-restricted residential dwelling units and 1,546 sq. ft. of leasable nonresidential space.

On November 20, 2025, the Planning Commission approved a modification, MODSP-25-0003, to MAJ-23-0011 to revise the proposed roof design and make other minor design changes to the building and site.

The previously approved application at 101 W Main Street involves the demolition and reconstruction of an existing building. In coordination with the Town through a revocable license agreement, NHP has proposed temporary utility infrastructure to maintain cellular service within the community during construction. A temporary trailer will be installed in the public right-of-way within the parking spaces on the north side of Main Street, and will be supported by a temporary electrical meter and a temporary fiber handhole (HH) to provide necessary power and communications. The approximate location of the temporary trailer/tower and the fiber routing have already been identified in the Application packet (Attachment A). Without the proposed improvements, AT&T customers would not receive service in and around the Town, including along I-70. For a more complete description of this project, please refer to the attached application materials.



The Property is located within the public right-of-way for W Main Street, as shown on the left in the vicinity map with an aerial photography base layer. The Application's location is outlined by the red box.

**REQUIRED ACTION**

**Planning Commission:** Approval, approval with conditions, or denial of the Special Use Application.

**ANALYSIS – 2025 FRISCO COMPREHENSIVE PLAN**

The following goals and strategies of the 2025 Frisco Comprehensive Plan, herein referred to as “Plan,” are applicable to the review of the proposed development:

**Goal D.5:** *Continue to develop strategies for sustainable tourism that acknowledge and work towards creating greater harmony between resident quality of life, community character, visitor experience, and supporting the local economy.*

The Application is consistent with Goal D.5, as it supports a balanced approach to sustainable tourism by maintaining reliable wireless service for both residents and visitors during the construction of the permanent telecommunications infrastructure. Continuous connectivity enhances the visitor experience by providing access to navigation, reservations, and emergency services, while also supporting local businesses that rely on reliable communications.

**Goal H.3.2.**

*Prioritize infrastructure and services. Prioritize improvements to public infrastructure and facilities that support local housing needs, and prioritize improvements to community services that support the needs of local, year-round residents, and workers, including new permanent residents.*

The Application supports the goal of prioritizing infrastructure and services by ensuring the continuity of wireless communication services during the redevelopment of the existing building and the permanent rooftop facility. Maintaining reliable wireless service supports the needs of local residents, workers, businesses, and emergency communications while redevelopment activities are in process.

**Goal R.2:** *Strengthen wildfire and hazard mitigation efforts and improve infrastructure resiliency to protect the community.*

The Application is consistent with Goal R.2, as it supports wildfire and hazard mitigation efforts by maintaining uninterrupted wireless service during the construction of the permanent telecommunications infrastructure. Reliable communication infrastructure is critical for emergency response, evacuation coordination, and public safety during hazard events, and any lapse in service would create unnecessary risk. The temporary, ballast-mounted design minimizes ground disturbance and avoids introducing additional wildfire hazards while ensuring continuity of coverage during periods when the existing service is offline. The Application strengthens overall infrastructure resiliency in alignment with the Town’s goals.

The Application will improve service and network reliability for the community while also providing a public service benefit for the community. The Application appears to be in conformance with the purpose and recommendations of the Frisco Comprehensive Plan.

**ANALYSIS – TELECOMMUNICATION FACILITIES [§180-5.2.11]**

The purpose and intent of Frisco Town Code, herein referred to as “Code” 180-5.2.11 Telecommunication Facilities, is to accommodate the telecommunication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. The Applicant shall demonstrate that its proposed telecommunication facility meets all standards and provisions of Section 5.2.11.

All telecommunication facilities not treated as permitted uses pursuant to Section 180-5.2.11.F. are deemed to be special uses and require a special use permit. An Applicant proposing a telecommunication facility that exceeds the height limitations set by the zoning district in which such facility is proposed shall obtain a special use permit, in lieu of a variance. The Property does not have a specific zone district for the W Main Street public right-of-way. Therefore, the Application is reviewed under Code Section 180-5.2.11.H, *Public Property*, which states,

*Public Property.*

1. *A telecommunication facility applicant proposing to locate a telecommunication facility on any public property or public right-of-way shall contact the Public Works Department and the Community Development Department prior to submitting an application.*

2. *Any telecommunications facility proposed to be located in a public right-of-way is additionally subject to the following requirements:*

*a. The facility must meet all setback and other requirements of the zoning district in which it is located, unless located in a public right-of-way.*

*b. The facility must not create any threat or impairment to public health and safety, including, but not necessarily limited to, blocking vehicular and pedestrian sightlines.*

*c. The height of the facility shall not exceed the maximum permitted height of public utility poles located in the same zoning district.*

The Application has been coordinated with the Public Works Department and the Community Development Department, consistent with requirements for use of public property. The revocable license agreement was approved by the Town Council on May 12, 2026, to place the telecommunications equipment in the Town-owned right-of-way. The Application has been reviewed to ensure it does not pose a threat to public health and safety, including by maintaining clear vehicular and pedestrian sightlines, with the proposed conditions, and the proposed height, is approximately 60 feet with a five (5) foot lightning rod. The Town Code does not state a maximum height for a public utility. The current utility poles in the area are lower than sixty feet, which is why this Applicant is before the Commission for a special use permit.

Applications to construct telecommunication facilities that require a special use permit shall have a public hearing before the Planning Commission, which may impose any reasonable conditions to ensure that the proposal satisfies the criteria set forth in this Chapter.

The requirements of the Telecommunications Facilities use-specific standards are applicable to the review of the proposed project as follows:

**180-5.2.11.C. General Requirements.** Unless otherwise provided by this Chapter or other applicable law, the following general requirements shall apply to all telecommunications facilities located within the Town of Frisco.

**1. Federal Requirements.** *All towers and antennas must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.*

As stated in the Applicant's submitted materials, the design, siting, and operation of the Application will be in accordance with FAA and FCC regulations. The Applicant will work with all applicable agencies on their respective reviews.

## **2. Radio Frequency Standards**

- a. *All owners of telecommunication facilities shall comply with federal standards for radio frequency emissions.*

As stated in the Applicant's submitted materials, the construction and operation of the Application is subject to FCC oversight, review, and approval. The Application states that it does comply with federal standards for radio frequency emissions. The Application includes a radio emissions report that meets the FCC standards. The Application meets this requirement.

- b. *With the exception of any low power telecommunications facility, at the time of application for a tower, antenna or related telecommunication facilities, and thereafter at the request of the Town upon complaint (but not more than annually), the owner shall submit a project implementation report that provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and that compares the results with established federal standards.*

The Application states that the proposed facility will comply with all FCC radio frequency emission and exposure rules. As stated above, the Application materials include a report detailing the cumulative field measurements of radio frequency emissions from all antennas installed at the Property and comparing the results with established federal standards. The Predicted RF Emission Diagram shown below demonstrates the effects of the tower's frequency.

The Application was reviewed by the Town engineering consultant SEH for general conformance with applicable Town standards and engineering principles. SEH noted that, although they do not provide specialized review of cellular, telecommunications, or radio-frequency systems, they evaluated the proposed facility for potential right-of-way and public-safety impacts. Initial review of the RF study identified a portion of the adjacent roof area exceeding FCC general public exposure thresholds; however, the Applicant subsequently revised the antenna configuration by increasing antenna mounting heights to reduce the affected exposure area. The revised RF report indicates that RF levels remain generally above the roofline, with only a limited sloped roof area marginally exceeding the FCC General Public Maximum Permissible Exposure threshold.

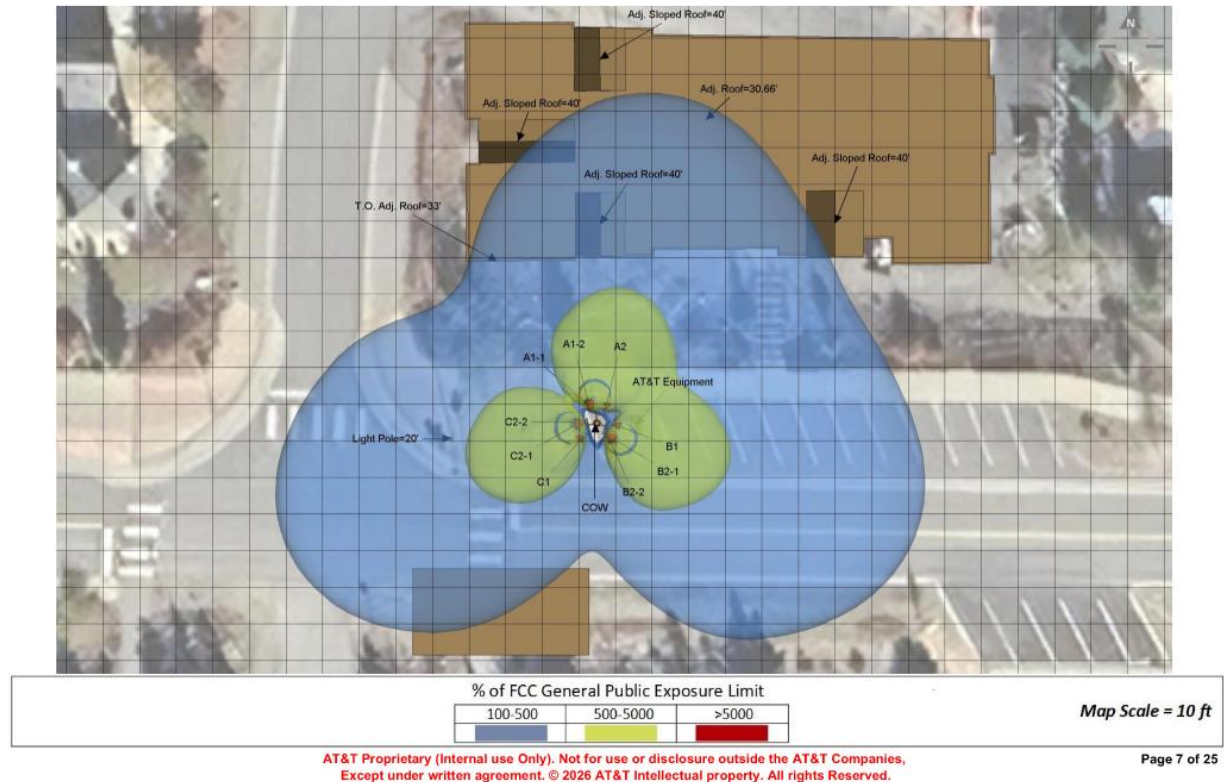
The Applicant has stated that antenna height adjustments and, if necessary, power reductions will be implemented during construction to ensure compliance with FCC standards for both construction workers and future building occupants.

SEH also identified that the temporary facility is located within the Main Street clear zone and recommended additional traffic safety and visibility measures, including reflective devices and barrier modifications.

Conditions of approval have been provided to address the Town's engineering consultant's concerns.

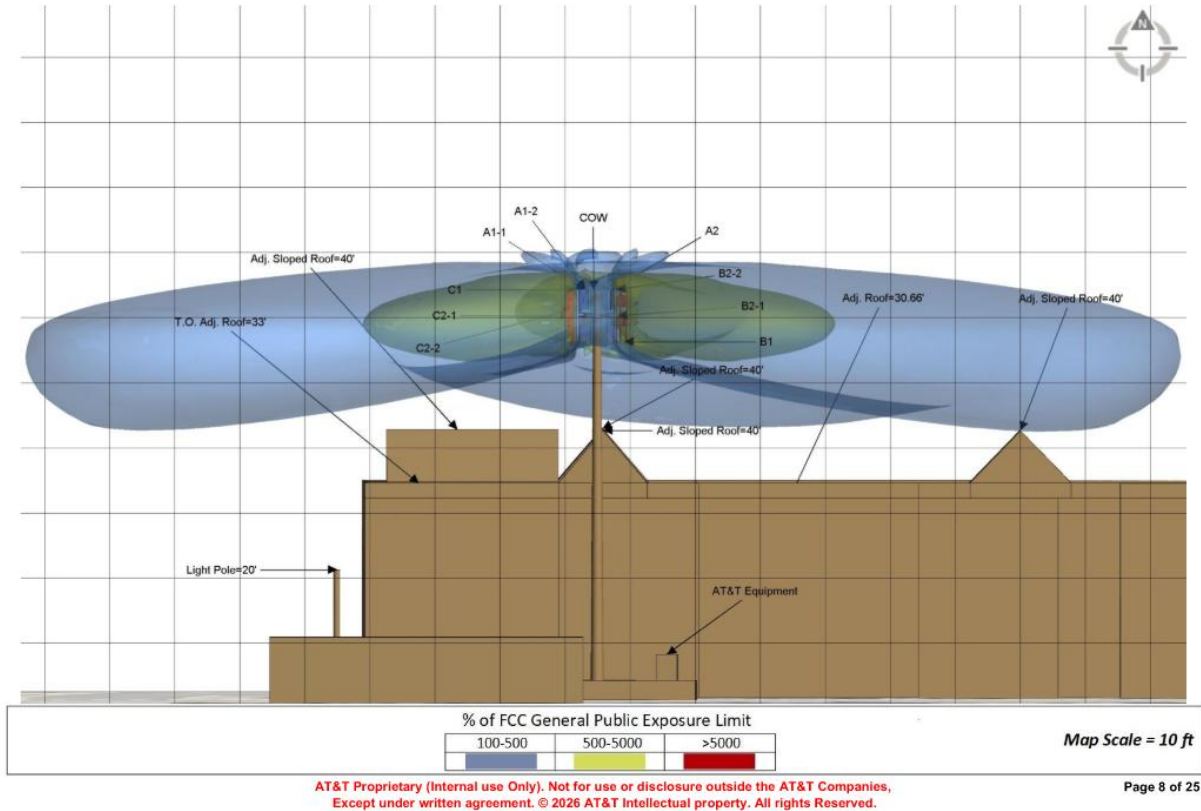
#### 4. Predicted RF Emission Diagram(s)

##### 4.1 Predictive Cumulative MPE Contribution from All Sources: 3D Top View



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**4.2 Predictive Cumulative MPE Contribution from All Sources: 3D Perspective View - 1**



- c. *If, upon review, or at any time any telecommunications facility within the Town is operational, the Town finds that the facility does not meet federal standards, the Town may require corrective action within a reasonable period of time, and if not corrected, may require removal of the telecommunication facilities at the owner’s expense. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the owner.*

As stated in the Application, the Applicant acknowledges this requirement and agrees to comply with corrective actions if the Town finds that the facility does not meet federal standards. The Application meets this requirement.

**3. Building Codes; Safety Standards**

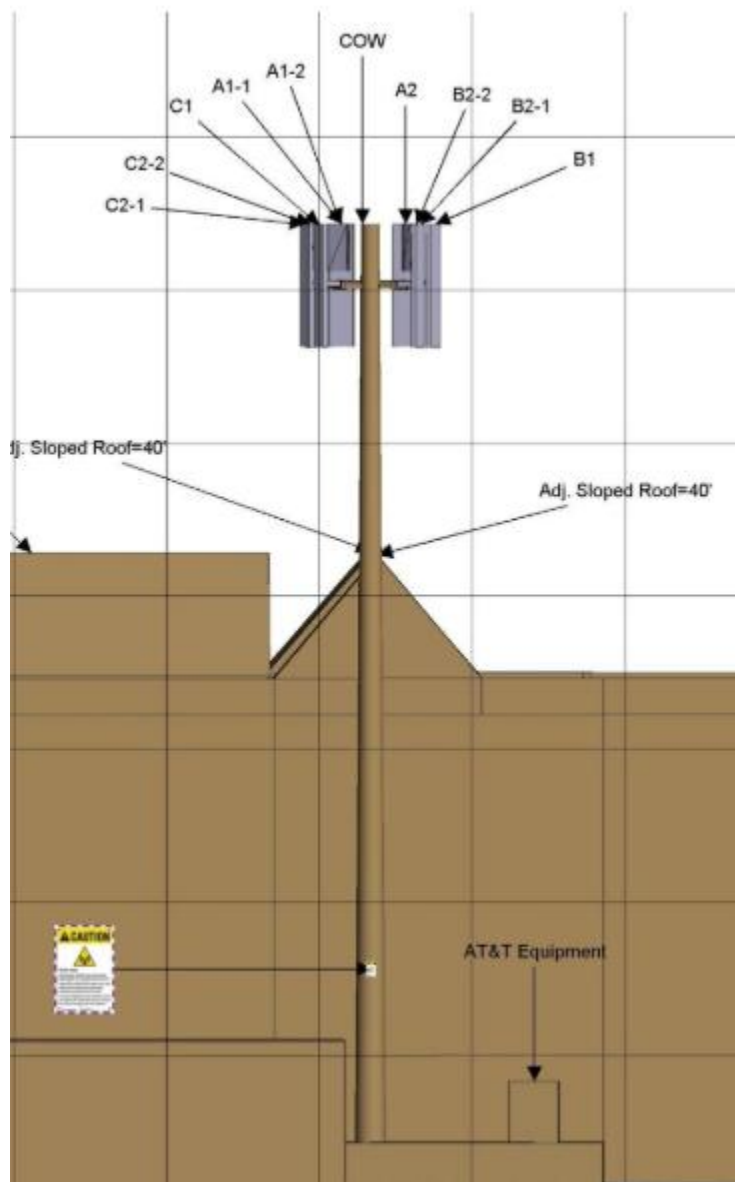
- a. *To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is of sufficient structural strength to accommodate reasonable co-location, if required, and is maintained in compliance with standards for towers that are published by the Electronic Industries Association, as amended from time to time, and all other applicable codes of the Town.*

The Applicant will ensure the structural integrity of the tower and has already submitted a building permit for the Property. The Applicant is also working closely with Xcel Energy on the installation of utilities for the Application. The Application meets this standard.

b. In addition to any other applicable standards and requirements, the following shall apply to all towers and telecommunication facilities:

I. Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.

The Application demonstrates that sufficient anti-climbing measures are in place. The chain-link fence will require a wind screen per Section 180-6.18.7. The Application meets this standard.



*II. No guy wires employed may be anchored within the area in front of any principal building or structure on a parcel.*

As shown in the elevation above, the Application does not include any guy wires. The Application meets this standard.

*III. All telecommunication facilities shall comply with the power line clearance standards set forth by Colorado Public Utilities Commission.*

The Application complies with the power line clearance standards set forth by the Colorado Public Utilities Commission. There are no overhead powerlines in the vicinity of the Property. The Application meets this standard.

*IV. All telecommunication facilities must be structurally designed and physically sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower shall be designed and maintained to withstand without failure maximum forces expected from wind, snow, ice, tornadoes, and other natural occurrences, when the tower is fully loaded with antennas, transmitters, and other telecommunication facilities and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Town's Building Official prepared and stamped by a structural engineer licensed in the State of Colorado describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided upon request.*

The Application demonstrates that the tower is designed to withstand the forces from wind, snow, ice, tornadoes, and other natural occurrences. In addition, during the building permit review, the tower structure will be further evaluated to ensure it maintains structural integrity throughout the installation period. The Application meets this standard.

*c. If, upon inspection, the Town concludes that a telecommunication facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of a telecommunication facility, the owner shall have 30 days to bring such telecommunication facility into compliance with such standards. Upon good cause shown by the owner, the Town's Building Official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such telecommunication facility into compliance within said time limit, the Town may remove such telecommunication facility at the owner's expense.*

The Applicant acknowledges this requirement in the Application narrative. The Application and the Applicant or their assigns will be required to comply with this standard as necessary.

#### **4. Order of Preference**

##### *a. Zoning District*

*Applicants are encouraged to construct alternative telecommunication facilities in commercial districts. An Applicant requesting approval to construct a telecommunication facility in a residential district must first demonstrate to the reasonable satisfaction of the Town that a location in a commercial district would not meet the Applicant's service needs. Small cell facilities, however, shall be permitted as uses by right in all zone districts, subject to the process and standards described in Section 5.2.11.J.*

The Application is proposed within the public right-of-way along W Main Street. As stated in the Application narrative, other sites were researched for the tower installation; however, the coverage maps did not show service along the I-70 corridor. The only viable location for the tower was on or near the property at 101 W Main Street. It was not possible to install the tower directly on the 101 W Main Street property during construction due to staging constraints and the construction process itself. The Application meets this standard.

##### *b. Facility Type*

*Wall- or roof-mounted telecommunication facilities and low power telecommunications facilities are preferred over freestanding telecommunication facilities. An Applicant requesting approval to construct a freestanding telecommunication facility, which is not a low power facility must first demonstrate to the reasonable satisfaction of the Town that a wall- or roof-mounted facility is not feasible or is inadequate to provide service. When appropriate, the Town may require that an alternative telecommunication facility that reflects the character of the surrounding property (developed or undeveloped) be employed.*

The Application narrative demonstrates that this temporary tower is needed for the next 12 to 24 months to provide an effective signal over the existing natural and built environment. The Application meets this standard.

#### **5. Design Standards**

- a. The location and design of a telecommunication facility and any accessory equipment shall use materials, colors, textures, screening, and landscaping that will blend the telecommunication facility to the surrounding natural setting and built environment. Accessory equipment in areas of high visibility shall, where possible, be sited below the ridgeline or designed (e.g., placed underground, depressed, or located behind earth berms) to minimize its profile.*

The Applicant is proposing a temporary cell tower on wheels. Since the Code does not provide a process for temporary cell towers, this installation is subject to the same standards as a permanent telecommunications facility. The Application includes photorealistic simulations of the temporary telecommunication facility. Staff has

determined that the Applicant has made efforts to ensure the temporary facility blends in with both the natural landscape and the built environment. The materials, colors, and finishes used in the Application are designed to blend in with the surrounding area. These finishes feature neutral, non-reflective colors. Additionally, the accessory equipment, as depicted in the Application, is positioned at ground level to minimize visibility in the view corridors. The Application meets this standard.

- b. Any accessory equipment located within an overlay district adopted by the Town must generally conform with the intent of the specific district standards.*

The Application is not located in an overlay district. This standard is not applicable.

- c. Roof- and wall-mounted facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached. Wall-mounted facilities shall be mounted as flush to the building wall as possible. A wall-mounted facility shall not encroach into the required setback for the building to which it is attached, and shall not extend across any required utility, pedestrian or sidewalk easement or extend across the property line.*

The Application is not being mounted on any structure. This standard is not applicable.

- d. Freestanding telecommunication facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light falling onto nearby properties, particularly residences.*

The Application does not propose any lighting on the ballast. This standard is not applicable.

- e. No portion of any antenna array may extend across a required property setback or beyond the property line.*

As shown in the Application, the proposed equipment is located within the public right-of-way along W Main Street. The Town executes revocable license agreements to allow private use of Town rights-of-way, while also protecting the Town's rights and ability to remove encroachments and to utilize rights-of-way in the future. The Town Council approved a revocable license agreement for the right-of-way at their May 12, 2026, meeting

- f. All Applicants under this Article VII shall comply with the landscaping requirements and guidelines found in Section 180-6.14 of this Chapter.*

The Application meets the definition of a "Public Utility Facility," for which the amount of landscaping required shall be determined by the Town. Staff does not recommend requiring

any new landscaping for the Application due to the temporary nature of the installation; no new landscaping is proposed. The Application meets this standard.

- g. The height, bulk, and setback requirements for the telecommunication facility shall be controlled by the district regulations of the zoning district in which the facility is located. Accessory equipment shall be compatible with the surrounding area and must conform with all zoning requirements.*

The Application is located in the public right-of-way. Per section 180-5.2.11.H.2.a. “The facility must meet all setback and other requirements of the zoning district in which it is located, unless located in a public right-of-way.” Since this Application is located in the public right-of-way, no setback is required.

## **6. Co-Location**

- a. No building permit shall be granted to construct a new freestanding telecommunication facility unless the Applicant first demonstrates to the reasonable satisfaction of the Town that no existing tower or structure can accommodate the Applicant’s needs. Evidence submitted to demonstrate that no existing tower or structure can accommodate the Applicant’s proposed telecommunication facility shall consist of one or more of the following:*

- I. No existing towers or structures are located within the geographic area required to meet the Applicant’s coverage requirements.***

- II. Existing towers or structures are not of sufficient height to meet the Applicant’s engineering requirements.***

- III. Existing towers or structures do not have sufficient structural strength to support the Applicant’s proposed antenna and related equipment.*

- IV. The Applicant’s proposed antenna would cause electromagnetic interference with the antennas on the existing towers or structures, or the antennas on the existing towers or structures would cause interference with the Applicant’s proposed antenna.*

- V. The Applicant demonstrates that there are other limiting factors, including but not limited to engineering factors, that render existing towers and structures unsuitable for co-location.***

- VI. There is insufficient land area to accommodate the placement of additional accessory equipment on the property.*

As shown in the Application, no existing tower or structure can accommodate the Applicant’s proposed telecommunication facility due to reasons I, II, and V as bolded above. The Applicant stated that there are no existing towers in the geographic area capable of providing the necessary coverage for AT&T, and that any existing structures are not high enough to meet AT&T’s engineering requirements. There are no nearby towers that can accommodate AT&T and that meet AT&T’s engineering and cellular coverage objectives. The Application meets this standard.

b. *No telecommunication facility owner or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence and a written statement to explain why co-location is not possible at a particular facility or site.*

The Application is temporary in nature for up to two years. Co-location is not possible due to the Application's temporary nature.

c. *If a telecommunication competitor attempts to co-locate a telecommunication facility on an existing or approved telecommunication facility or location, and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of co-location.*

As stated above, the Application is time-limited for up to two years. Therefore, co-location is not feasible.

**7. Prohibited Use.** *Advertising or communication of any visual messages from a tower or antenna is prohibited.*

The Application materials acknowledge this requirement and state that no advertising will be placed on the tower. The Application meets this standard.

#### **180-5.2.11.D. Permit and Application Requirements**

**1. Building Permit.** *It shall be unlawful for any person, firm, or corporation to construct or erect a telecommunication facility without first obtaining a building permit.*

The 2018 IBC, Section 3103.1.1 Conformance, states that "*temporary structures and uses shall conform to the structural strength, ... to ensure public health, safety, and general welfare.*" Section 3103.1.2, Permit Required, states that "*Temporary structures that cover an area greater than 120 square feet...shall not be erected, operated, or maintained for any purpose without obtaining a permit from the building official.*"

A building permit is required and has already been submitted to the Town.

#### **180-5.2.11.G. Special Uses**

**1. Generally.** *All telecommunication facilities not treated as permitted uses pursuant to Section 180-5.2.11.F are deemed to be special uses and shall require a special use permit. An Applicant proposing a telecommunication facility that exceeds the height limitations set by the zoning district in which such facility is proposed shall obtain a special use permit, in lieu of a variance.*

The Applicant proposes a 65-foot temporary telecommunications tower. The Application is located in the public right-of-way. Per section 180-5.2.11.H.2.c. *“The height of the facility shall not exceed the maximum permitted height of public utility poles located in the same zoning district.”* The public rights-of-way in the Town do not have an underlying zone district. Since this Application is located in the public right-of-way, the height is determined by the need to provide service as outlined in the Application. Therefore, the Application meets this standard.

**3. Height.** *An Applicant proposing to construct a telecommunication facility that exceeds the height limitations set by the zoning district in which such facility is proposed shall provide a statement that justifies the need for the proposed facility and height requested. Such a statement shall include evidence that:*

- a. The facility is designed to be the minimum height necessary to provide service;*

As stated above, the Applicant proposes a 65-foot temporary telecommunications tower. The Application is located in the public right-of-way. Per section 180-5.2.11.H.2.c. *“The height of the facility shall not exceed the maximum permitted height of public utility poles located in the same zoning district.”* The public rights-of-way in the Town do not have an underlying zone district. Since this Application is located in the public right-of-way, the height is determined by the need to provide service as outlined in the Application. Therefore, the Application meets this standard.

- b. A greater number of towers built at a lesser height would be inadequate to meet the Applicant’s service demands*

As noted in the Application narrative, the temporary site within the public right-of-way will maintain service for AT&T customers while the affordable housing project at 101 W Main Street is under construction. The location and height of the proposed facility are the minimum necessary to maintain the coverage for the area. At a future date, the Applicant will submit an application for a permanent telecommunications facility to maintain or expand the coverage area at the 101 W Main Street property. The Application meets this standard.

**4. Factors Considered in Granting Special Use Permits for Telecommunication Facilities.** *In addition to the applicable requirements of this Chapter, the Town shall consider the following factors in determining whether to issue a special use permit:*

- a. Demonstrated need for a facility that exceeds the height limitation for the zoning district; and*

As stated above, the temporary site within the public right-of-way will maintain service for AT&T customers while the affordable housing project at 101 W Main Street is under construction. The exact location and height of the proposed facility are the minimum necessary to maintain the coverage for the area. At a future date, the Applicant will submit

an application for a permanent telecommunications facility on the 101 W Main Street property to maintain or expand the coverage area. The Application meets this standard.

*b. Proximity of the tower to residential structures and residential district boundaries; and*

While the Property is located adjacent to mixed-use and residential uses, the radio frequency safety analysis recommends standard mitigation measures, including installing warning signage and implementing access restrictions, to ensure compliance with FCC regulations. With these measures in place, the Application is not expected to pose a risk to occupants of nearby residential structures, and therefore, proximity to residential uses does not present a significant health or safety risk.

The Application was reviewed by the Town engineering consultant SEH for general conformance with applicable Town standards and engineering principles. SEH noted that, although they do not provide specialized review of cellular, telecommunications, or radio-frequency systems, they evaluated the proposed facility for potential right-of-way and public-safety impacts. Initial review of the RF study identified a portion of the adjacent roof area exceeding FCC general public exposure thresholds; however, the Applicant subsequently revised the antenna configuration by increasing antenna mounting heights to reduce the affected exposure area. The revised RF report indicates that RF levels remain generally above the roofline, with only a limited sloped roof area marginally exceeding the FCC General Public Maximum Permissible Exposure threshold.

The Applicant has stated that antenna height adjustments and, if necessary, power reductions will be implemented during construction to ensure compliance with FCC standards for both construction workers and future building occupants.

*c. Nature of uses on adjacent and nearby properties; and*

The adjacent property uses are described below.

<b>Location</b>	<b>Land Use</b>	<b>Zoning</b>
North	Future affordable residential	PUD and Mixed Use
East	Residential	Mixed Use
West	Commercial and Residential	Mixed-Use
South	Residential	Royal Mountain PUD and Mixed Use

*d. Surrounding topography; and*

The surrounding topography is flat. The Property is surrounded by developed properties that are also graded and flat.

*e. Surrounding coverage and tree foliage; and*

Existing vegetation surrounds the Property, including pine and aspen trees, as well as low-lying vegetation on adjacent properties. There is no existing vegetation immediately adjacent in the public right-of-way. The surrounding coverage and foliage are typical of this elevation.

*f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and*

In accordance with 180-5.2.11.C.5 of the Code, the Town may waive specific design guideline requirements where strict application would not further the overall intent of 180-5.2.11.C, as outlined in 180-5.2.11.A. In this case, staff finds that the visual impacts associated with the proposed temporary ballast-mounted telecommunications tower are largely unavoidable due to the engineering, safety, and structural requirements necessary to support an interim, non-guyed facility within the public right-of-way.

Temporary ballast-mounted towers are not conducive to stealth design techniques, architectural screening, or integrated structural treatments. The need for ballast weights, non-penetrating foundations, required separation distances, and structural stability significantly limits the ability to reduce visual impacts. These constraints are further influenced by the site's location within the W Main Street right-of-way, where space limitations and required setbacks restrict alternative placement options. Accordingly, staff finds that a waiver of certain design standards is reasonable for this Application.

*g. Proposed ingress and egress to the property; and*

The Application is located in the public right-of-way along W Main Street, which provides ingress and egress to the tower location.

*h. An evaluation of the Applicant's plans for development of its telecommunication facilities within the Town, as well as those plans on file from other telecommunication providers; and*

As stated in the Application, the Applicant plans to build a telecommunications facility on the property at 101 W Main Street in the future. While the building is under construction, the Applicant will use the temporary telecommunications facility.

*i. An evaluation of the criteria set forth in Sections 180-5.2.11.C and 180-5.2.11.D above; and*

An evaluation of each of the criteria set forth in Sections 180-5.2.11.C and 180-5.2.11.D. is described in the submittal materials and outlined above in this staff report.

*j. Availability of suitable existing towers and other structures as discussed in Subsection 180-5.2.11.C.6; and*

As stated above and in the Application, there is no existing tower or structure capable of accommodating the Applicant's proposed telecommunications facility. The Applicant stated that there are no existing towers in the geographic area capable of providing the necessary coverage for AT&T. There are no nearby towers that can accommodate AT&T and that meet AT&T's engineering objectives. Additional analysis of Subsection 180-5.2.11.C.6 is provided above in this staff report.

- k. Any other information that the Town deems reasonably necessary in connection with the review of the application*

The Town of Frisco did not request any additional information.

#### **5. The Following Additional Provisions Shall Govern the Issuance of Special Use Permits for Telecommunication Facilities.**

- a. In granting a special use permit, the Town may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed telecommunication facility on adjoining properties.*

As stated above, the Application was reviewed by the Town engineering consultant, SEH, for general conformance with applicable Town standards and engineering principles. SEH noted that, although they do not provide specialized review of cellular, telecommunications, or radio-frequency systems, they evaluated the proposed facility for potential right-of-way and public-safety impacts. Initial review of the RF study identified a portion of the adjacent roof area exceeding FCC general public exposure thresholds; however, the Applicant subsequently revised the antenna configuration by increasing antenna mounting heights to reduce the affected exposure area. The revised RF report indicates that RF levels remain generally above the roofline, with only a limited sloped roof area marginally exceeding the FCC General Public Maximum Permissible Exposure threshold.

The Applicant has stated that antenna height adjustments and, if necessary, power reductions will be implemented during construction to ensure compliance with FCC standards for both construction workers and future building occupants.

SEH also identified that the temporary facility is located within the Main Street clear zone and recommended additional traffic safety and visibility measures, including reflective devices and barrier modifications.

Conditions of approval have been provided to address the Town's engineering consultant's concerns.

- b. *Telecommunication facilities approved as a special use shall not require a variance for any specific conditions approved as part of the special use process.*

As stated above, the Revocable License Agreement for use of the public right-of-way was approved by the Town Council on May 12, 2026.

- c. *Any information of an engineering nature that the Applicant submits, whether civil, mechanical, structural, or electrical, shall be certified by a licensed professional engineer, or a qualified radio frequency engineer.*

All engineering information was developed by a licensed professional engineer and a qualified radio-frequency engineer.

**ANALYSIS – AGENCY REVIEWS**

Referral Agencies, including the Town of Frisco Public Works Department, SEH (Town Engineering consultant), the Town of Frisco Building Division, Frisco Sanitation, and Summit Fire & EMS, were sent information on this project. SEH noted that the proposed temporary telecommunications facility is located within the Main Street clear zone and recommended additional safety measures, including reflective delineators, barrier modifications, and coordination through the required Right-of-Way Permit process. SEH also reviewed the submitted RF exposure analysis and identified a limited portion of the adjacent roof area that slightly exceeds FCC General Public exposure thresholds. The Applicant subsequently revised the antenna configuration to increase antenna mounting heights and indicated that additional adjustments or power reductions will be implemented as necessary to maintain FCC compliance during construction and occupancy of the adjacent building.

**PUBLIC COMMENT**

As of May 14, 2026, the Community Development Department has received no public comments on the project.

**STAFF RECOMMENDATIONS**

**Recommended Findings**

The Community Development Department recommends the following findings pertaining to the Telecommunication Special Use Permit Application for the installation of a new telecommunication facility, located at 103 W Main Street in the Public Right-of-Way.

*Based upon the review of the Staff Report dated May 21, 2026, and the evidence and testimony presented, the Planning Commission finds:*

- a. *The Applicant has demonstrated a need for a facility that exceeds the height limitation for the zoning district due to the exact location and height being strategic to the overall service coverage for AT&T on a temporary basis during the construction of the project at 101 W Main Street.*
- b. *The location has been determined to be conducive to the special permit request. Specifically, the proposed location is surrounded by Mixed Use Zone Districts and Planned Unit Development Overlay District. The surrounding topography is relatively flat.*
- c. *The Applicant has not demonstrated that the design of the tower will reduce visual obtrusiveness.*
- d. *There will be no new access created; the existing access from W Main Street will be utilized.*
- e. *The Applicant has demonstrated compliance with criteria set forth in Frisco Town Code, Sections 180-5.2.11.C. and 180-5.2.11.D. with the granting of the waiver request, as stated within the Staff Report.*
- f. *The Applicant has demonstrated that the use of existing transmission or distribution structures is not feasible due to coverage requirements. The temporary telecommunications tower will provide critical cellular coverage within the Town and along the I-70 corridor.*

### **Recommended Action**

Based on the findings above, the Community Development Department recommends APPROVAL of a Telecommunication Special Use Permit Application for the installation of a new telecommunication facility, located at 103 W Main Street, in the Public Right-of-Way.

### **Recommended Conditions**

1. Prior to issuance of the building permit, the Applicant shall submit an updated plan set addressing the engineering comments provided by SEH, including but not limited to reflective panels or delineators on barriers, barrier modifications to minimize blunt ends, and any additional traffic safety devices deemed necessary by the Town. The revised plan set shall be approved by the Public Works Division prior to any installation of equipment within the Town right-of-way.
2. The Applicant shall coordinate all right-of-way work and traffic control measures with the Town and the adjacent construction contractor to minimize conflicts with ongoing sidewalk, roadway, parking, utility, and streetscape improvements.

3. Prior to operation of the telecommunications facility, the Applicant shall provide final confirmation from a qualified RF engineer demonstrating compliance with FCC Maximum Permissible Exposure standards for workers and the general public.
4. If construction of the adjacent building reaches elevations where RF exposure levels exceed FCC General Public exposure limits, the Applicant shall adjust antenna heights, reduce power levels, or implement other mitigation measures necessary to maintain FCC compliance throughout the duration of the temporary installation. Modifications to the height and/or design of the tower shall be submitted to and approved by the Town.
5. Prior to installation, the applicant shall provide the Town with a financial guarantee or bond sufficient at 150% the value of the cost for restoration of disturbed pavement and removal of the temporary telecommunications facility.

#### **Recommended Motion**

Should the Planning Commission choose to approve this special use permit application, the Community Development Department recommends the following motion:

***With respect to File No. TELECOM-25-0002, I move that the recommended findings set forth in the May 21, 2026, staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby APPROVES the request for a Telecommunication Special Use Permit Application for the installation of a new telecommunication facility to be in place for up to two years, located at 103 W Main Street / Public Right-of-Way.***

<b>ATTACHMENTS</b>
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Attachments:

- Attachment A: Application
- Attachment B: Referral Comments from SEH

cc: Ben Feldman, BMF Development LLC