

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Clay Frickey, Interim Planning Manager  
Katelyn Puga, City Planner  
Brad Yatabe, Legal

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### SUBJECT

**First Reading of Ordinance No. 090, 2023, Authorizing An Extension of the Temporary Exception to the Land Use Code to Allow T-Mobile to Place a Temporary Wireless Telecommunications Facility at 1800 East Harmony Road to Replace Lost Wireless Service Coverage.**

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### EXECUTIVE SUMMARY

The purpose of this item is to extend the authorization for a temporary wireless telecommunication facility known as a cell-on-wheels (COW), operated by T-Mobile, currently located at 1800 East Harmony. The current temporary authorization expired on June 1, 2023. This temporary facility is in place to address a critical loss in T-Mobile's existing cellular coverage in south Fort Collins caused by T-Mobile's removal of wireless equipment from Platte River Power Authority ("PRPA") infrastructure, to be used only until a permanent facility (proposed at 4518 Innovation Drive) is fully constructed by December 2023. This is the final request for an extension of authorization.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

On May 31, 2023 T-Mobile submitted a formal request to the City requesting a third extension of Ordinance No. 167, 2021 to continue the maintenance and operation of a temporary cell-on-wheels (COW) located at 1800 E. Harmony Rd. The original ordinance placed the expiration of the temporary authorization on June 7, 2022. At the time of Second Reading on December 21, 2021 this aligned with the projected approval timeline for T-Mobile's proposed permanent facility at 4518 Innovation Drive.

A hearing for that permanent facility was held on January 24, 2023, with the Hearing Officer's determination being released on February 4, 2023. A decision of approval with two conditions was made. Those conditions were that (1) a fall zone letter be provided by the applicant, and (2) the facility be redesigned from an unconcealed monopole to a concealed monopine. No appeal was filed against the decision within the required 14-day timeframe, and the decision was made final on February 18, 2023. T-Mobile submitted Final Development Plan (FDP) documentation to the City on March 23, 2023, and the project was deemed complete and routed for staff review on April 1, 2023. At the time of that routing it was estimated that final approval would be granted within 10 weeks at which point T-Mobile will be allowed to file for building permits and begin construction.

Due to the conditions of approval, the time needed for the redesign, and the time needed for final construction after final plan approval, T-Mobile is requesting that the current authorization for the COW be extended past June 1, 2023 as it is no longer feasible for the facility to be constructed by the June 2023 deadline as originally anticipated. This is the third extension request for the T-Mobile COW site. The previous extension requests were approved by City Council based on the same reasoning.

Since the latest extension request expired on June 1, 2023 a zoning violation will be issued for the T-Mobile COW site to notify T-Mobile that they are out of compliance with the Land Use Code and will need to remove the COW unless Council grants the extension request. Granting the extension will allow the site to operate under compliance through the end of December 1, 2023.

Staff is supportive of the request due to T-Mobile's diligent and timely pursuit of final plan approval. To date, no public comments or complaints have been received regarding the temporary facility.

Staff recommends that Council not grant further extensions beyond December 1, 2023, because the current requested extension should provide ample time for completion of the permanent facility.

### **CITY FINANCIAL IMPACTS**

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Not applicable.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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A mailed notice regarding the proposal and the Council date to review the Ordinance will be sent to all property owners of record with 800 feet of the site. That notice was mailed on June 5, 2023, two weeks before the City Council Regular Session on June 20, 2023.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. T-Mobile Temporary COW 3rd Extension Request