

Powder River Development Services, LLC
408 S Eagle Road, Suite 200
Eagle, ID 83616
(208) 938-8844 office
(208) 938-8855 fax
www.powderriverdev.com

September 10, 2018

City of Colorado Springs
Land Use Division | City Planning Office
30 S Nevada Avenue #105
Colorado Springs, CO 80903
Attn: Rachel Teixeira

Re: Airport Creek DN01471G Project Statement

Dear Ms. Teixeira:

Powder River Development Services, LLC on behalf of Capital Telecom Holdings and T-Mobile are proposing to construct a cellular site within the City of Colorado Springs, El Paso County. The proposed location for the site is 595 Airport Creek Point, Colorado Springs, CO 80916. The parcel number is 6424101006. The parcel is zoned PBC AO OS (Planned Business Center); current use of the parcel is for commercial and retail business.

Design for the new telecommunications facility will be a faux pine tree (monopine). The proposed height for the antenna facility will be 50'. The justification for the height is (1) to accommodate the coverage objective for engineering and (2) provide additional space on the facility for at least one additional cellular provider or government use. Ground equipment as well as the antenna facility will be housed within a 17' x 70' wood slat fence compound.

T-Mobile is experiencing significant under-coverage within the area for LTE, as continually reported by its customers. The best solution to increase capacity and coverage is by developing a new cellular site that will result in a more robust enhancement (including E911 services) of its current service levels. The possibility of adding a 2nd carrier (possibly a 3rd) will be greatly supported and encouraged by all parties involved if the height of 50' can be achieved.

The surrounding neighborhood will benefit from improved T-Mobile services while not diminishing the overall value and qualities of the area since the site is already a commercial use. The intent of the conditional use is consistent with the purpose of the Colorado Springs Zoning Code to promote public health, safety, and general welfare by also improving its existing services and emergency services. The conditional use will also be consistent with the comprehensive plan of the City.

As with any project of this size and magnitude, much consideration is given before deciding to go ahead. If there are any questions, please let me know.

Thank you,

Brandon Peterson
Site Acquisition (480) 278-3926 – brandon.peterson@powderriverdev.com

September 25, 2018

City of Colorado Springs
Land Use Division / City Planning Office
30 S Nevada Avenue #105
Colorado Springs, CO 80903
Attn: Rachel Teixeira

Re: Airport Creek DN01471G Project Statement addressing neighborhood concerns received in regard to Conditional Use Permit Application CPC18-00100.

To whom it may concern:

The Telecommunications Act (TCA) imposes several substantive limitations on state and local government regulation of telecommunications facilities.

Of importance to the present discussion, the TCA provides that a state or local government, or instrumentality thereof, "shall not prohibit or have the effect of prohibiting the provision of personal wireless services." 47 U.S.C. § 332(c)(7)(B)(i)(II). In accordance with this limitation, local officials must always ensure that neither their general policies, nor their individual opinions, prohibit or have the effect of prohibiting wireless service.

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Conditional Use (CPC18-00100)

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Regards,

Brandon Peterson - Site Acquisition - (614) 389-3914 - brandon.peterson@powderriverdev.com

Conditional Use (CPC18-00100)

FIGURE 5

Teixeira, Rachel

From: Brandon Peterson <brandon.peterson@powderriverdev.com>
Sent: Monday, October 1, 2018 3:03 PM
To: Christine.Caldwell@comcast.net
Cc: Teixeira, Rachel
Subject: Airport Creek - 595 Airport Creek Point: DN01471G Project Statement addressing neighborhood concern

CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!

Dear Christine Caldwell,

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<https://www.nreionline.com/office/growing-impact-wireless-accessibility-property-values>

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Teixeira, Rachel

From: Brandon Peterson <brandon.peterson@powderriverdev.com>
Sent: Monday, October 1, 2018 3:03 PM
To: paljoeym@gmail.com
Cc: Teixeira, Rachel
Subject: Airport Creek - 595 Airport Creek Point: DN01471G Project Statement addressing neighborhood concern

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Teixeira, Rachel

From: Brandon Peterson <brandon.peterson@powderriverdev.com>
Sent: Monday, October 1, 2018 3:06 PM
To: Teixeira, Rachel
Subject: FW: Airport Creek - 595 Airport Creek Point: DN01471G Project Statement addressing neighborhood concern: CPC CM1 18-00100

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Forgot to CC you on this one to Nicole Powell.

Thanks,

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From: Brandon Peterson
Sent: Monday, October 1, 2018 2:04 PM
To: 'nicolephotography@yahoo.com' <nicolephotography@yahoo.com>
Subject: Airport Creek - 595 Airport Creek Point: DN01471G Project Statement addressing neighborhood concern

Dear Nicole Powell,

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Airport Creek - DN01471G

595 Airport Creek Point
Colorado Springs, CO 80916

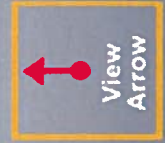
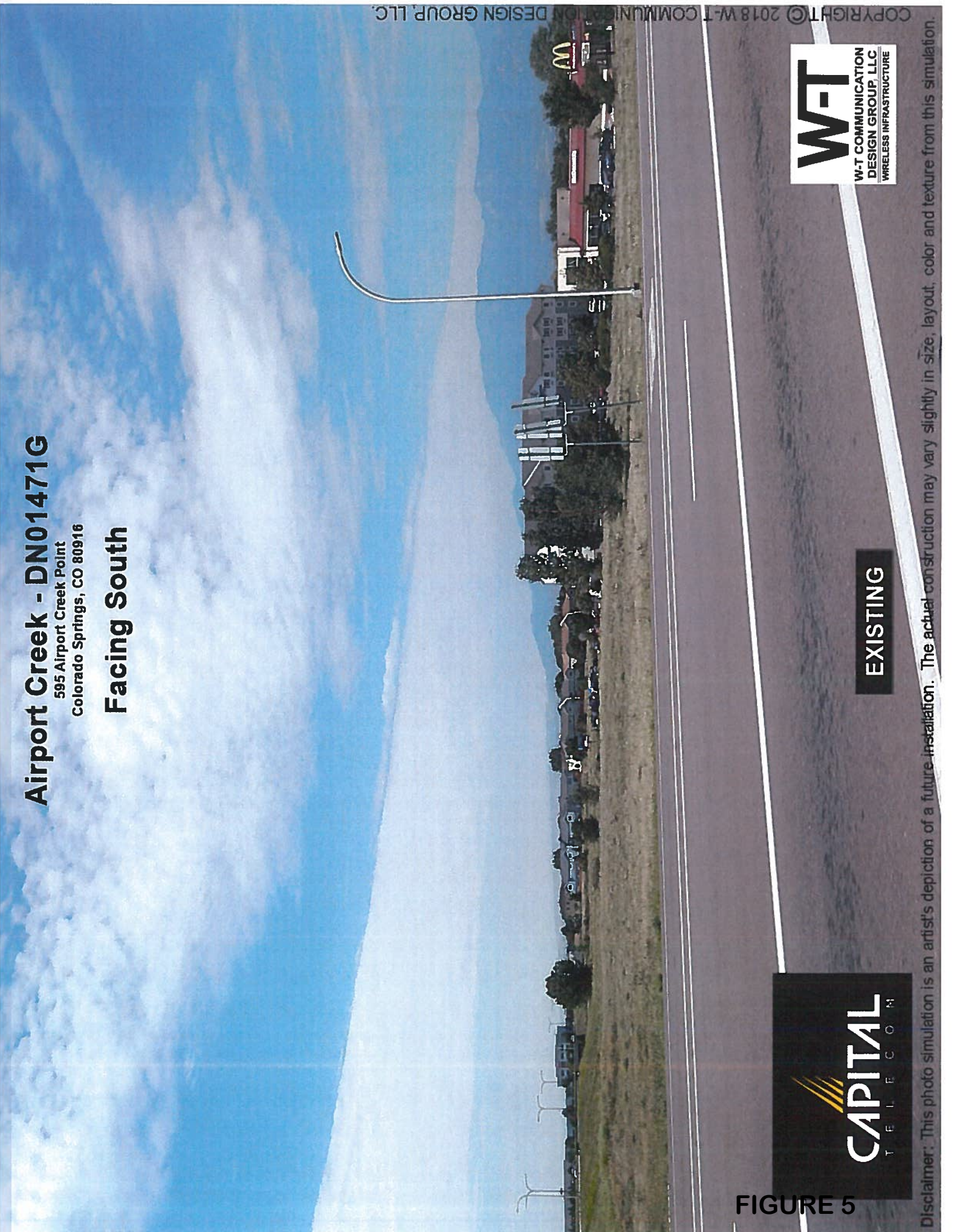


FIGURE 5

Disclaimer: This photo simulation is an artist's depiction of a future installation. The actual construction may vary slightly in size, layout, color and texture from this simulation.

Airport Creek - DN01471G
595 Airport Creek Point
Colorado Springs, CO 80916
Facing South



EXISTING

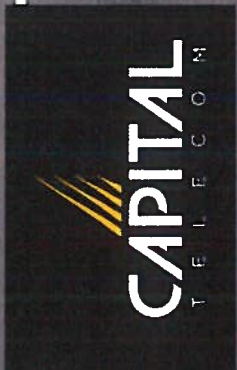
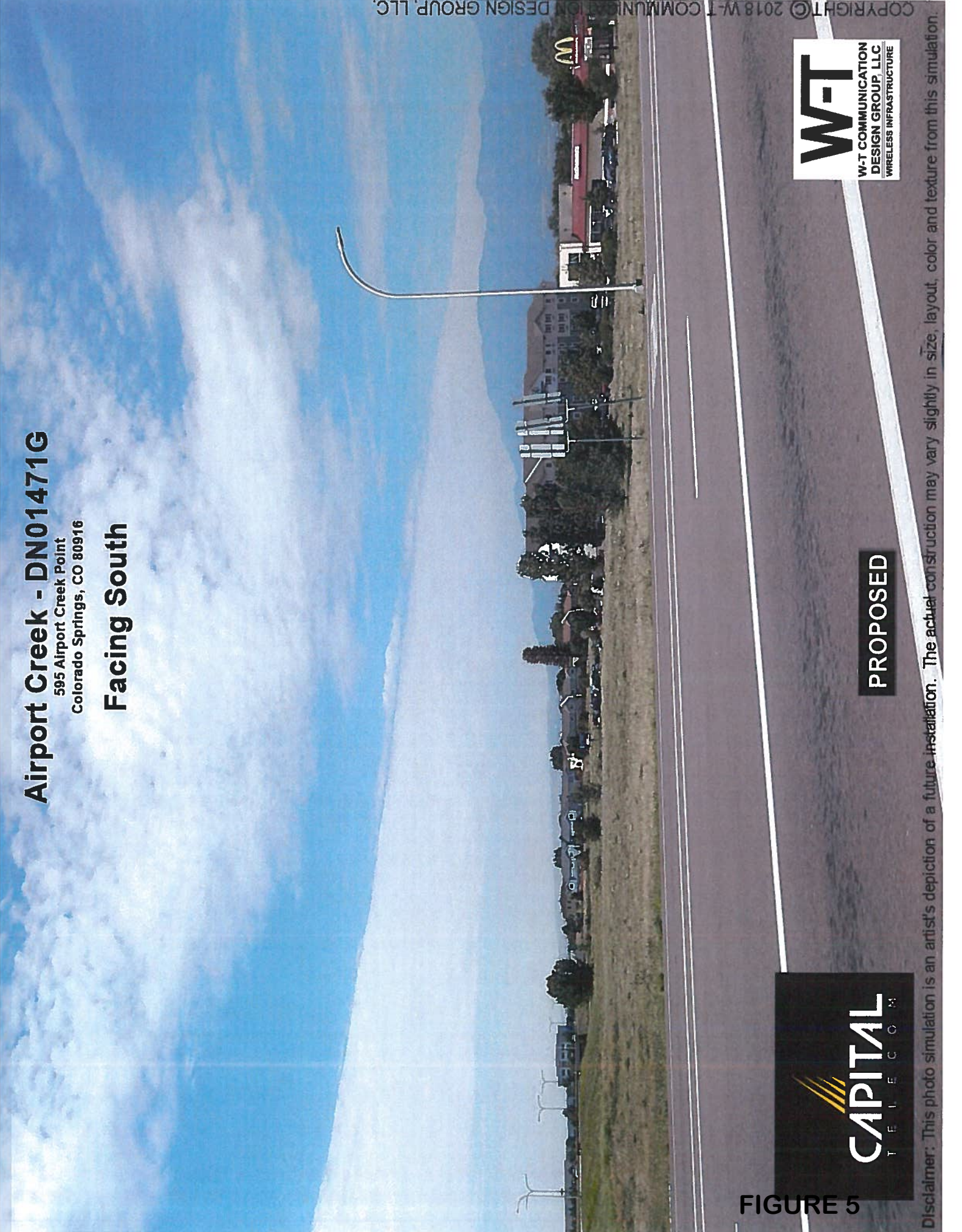


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Airport Creek - DN01471G
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PROPOSED

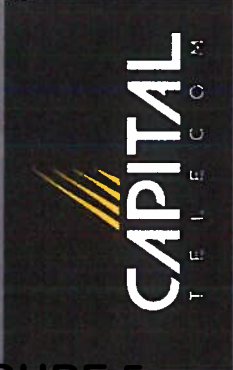
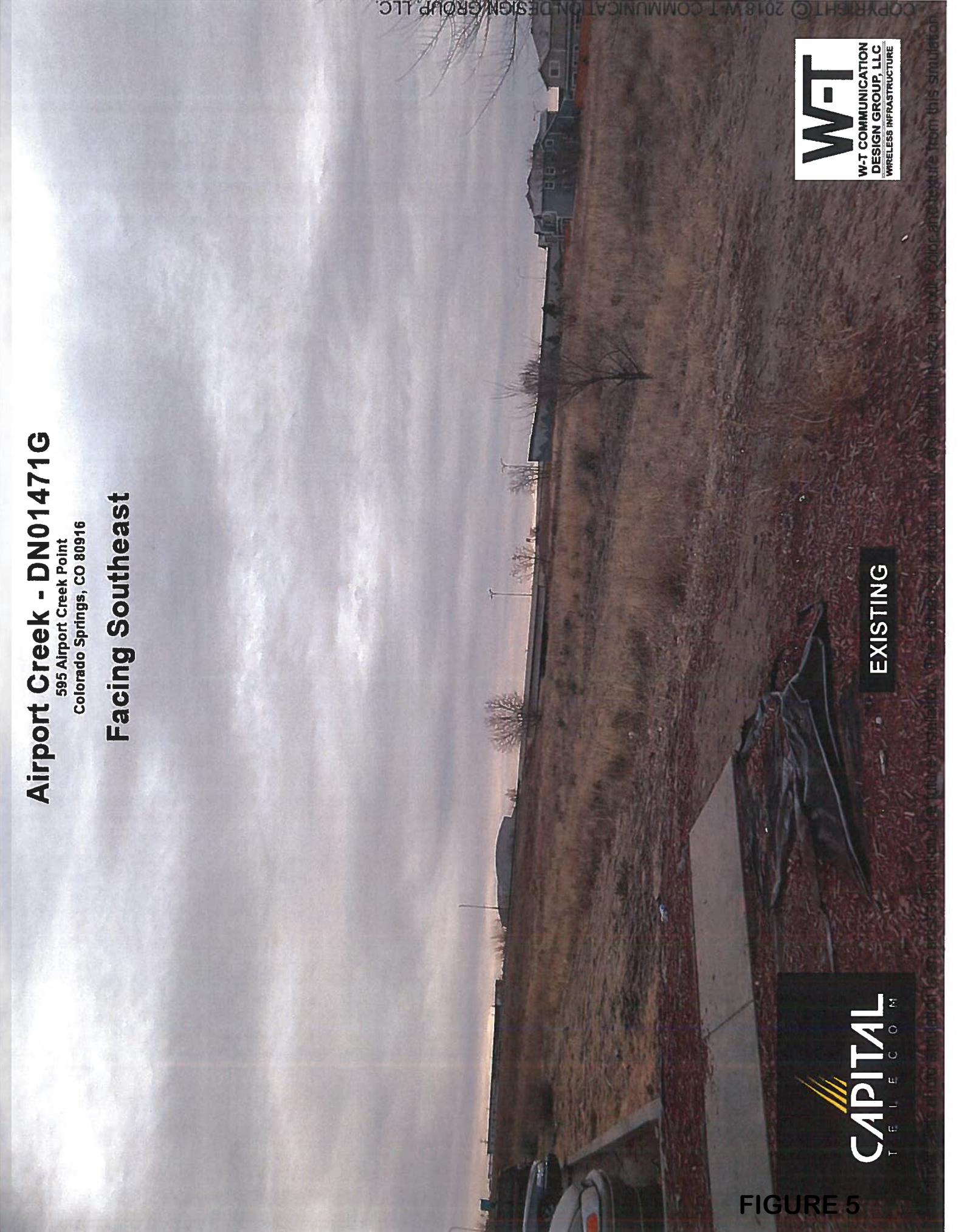


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Facing Southeast

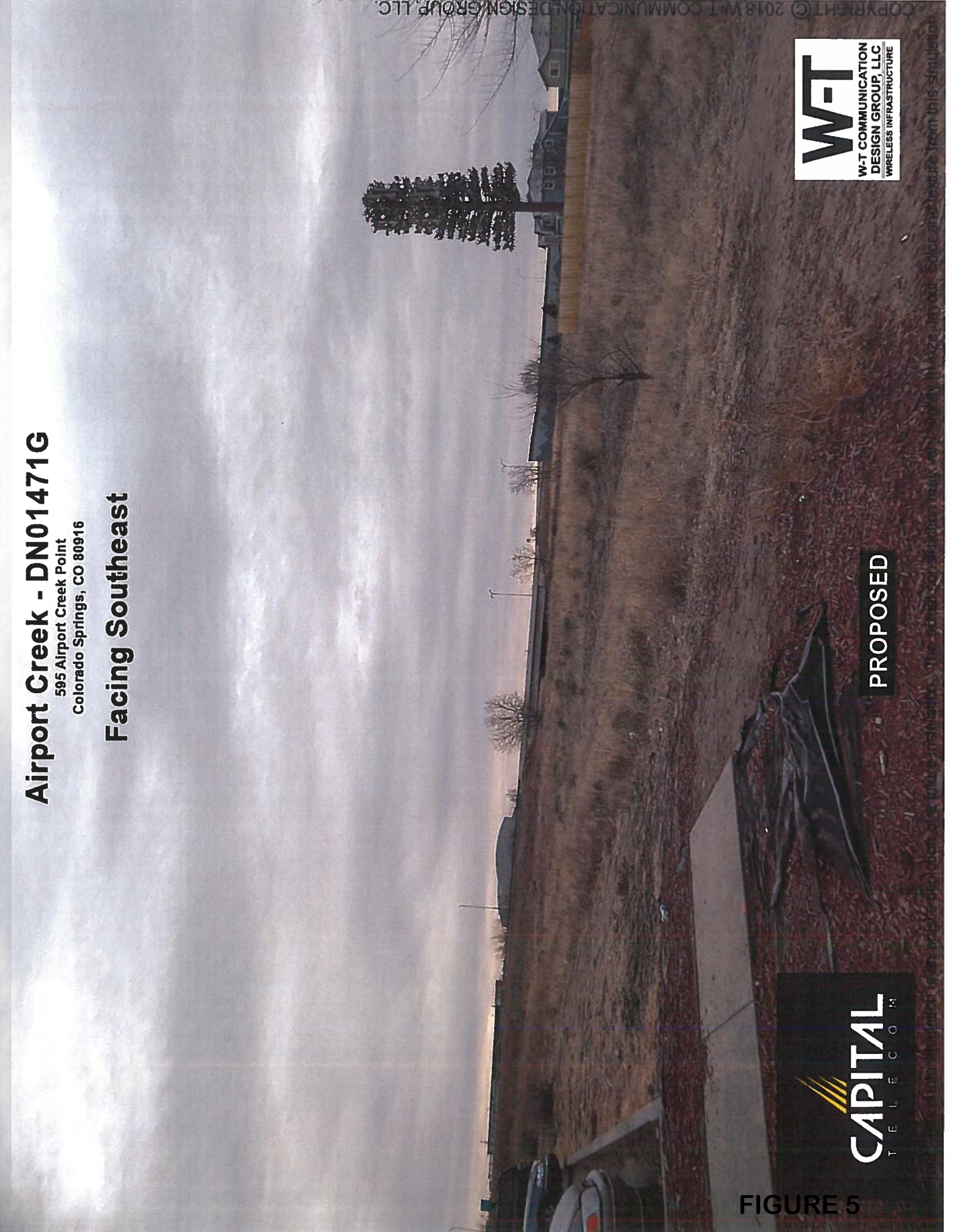


EXISTING



FIGURE 5

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595 Airport Creek Point
Colorado Springs, CO 80916
Facing Southeast

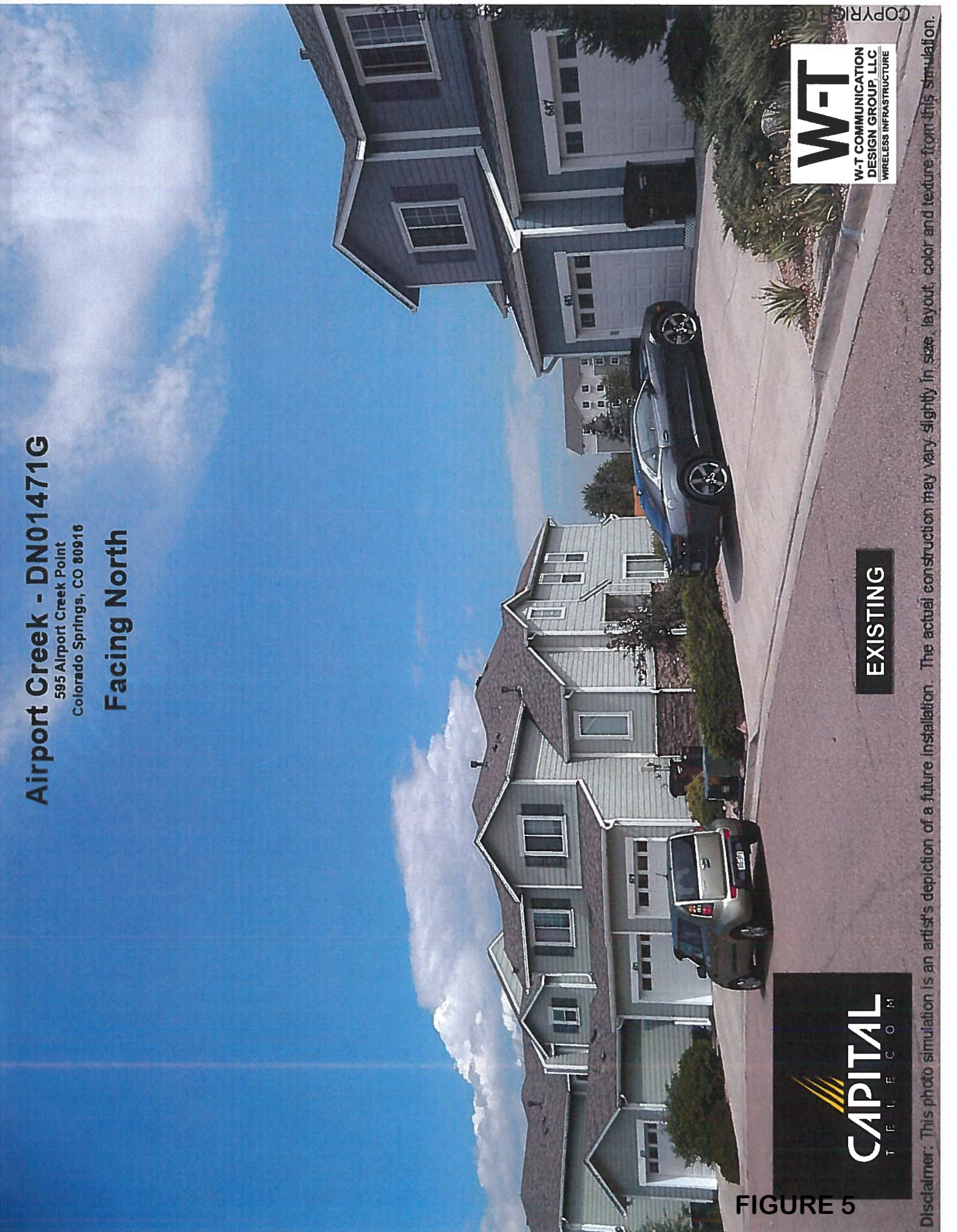


PROPOSED



FIGURE 5

Airport Creek - DN01471G
595 Airport Creek Point
Colorado Springs, CO 80916
Facing North



EXISTING

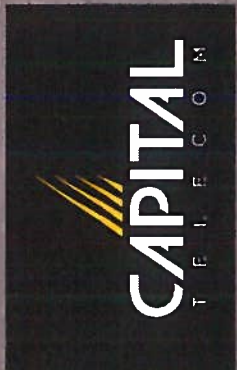
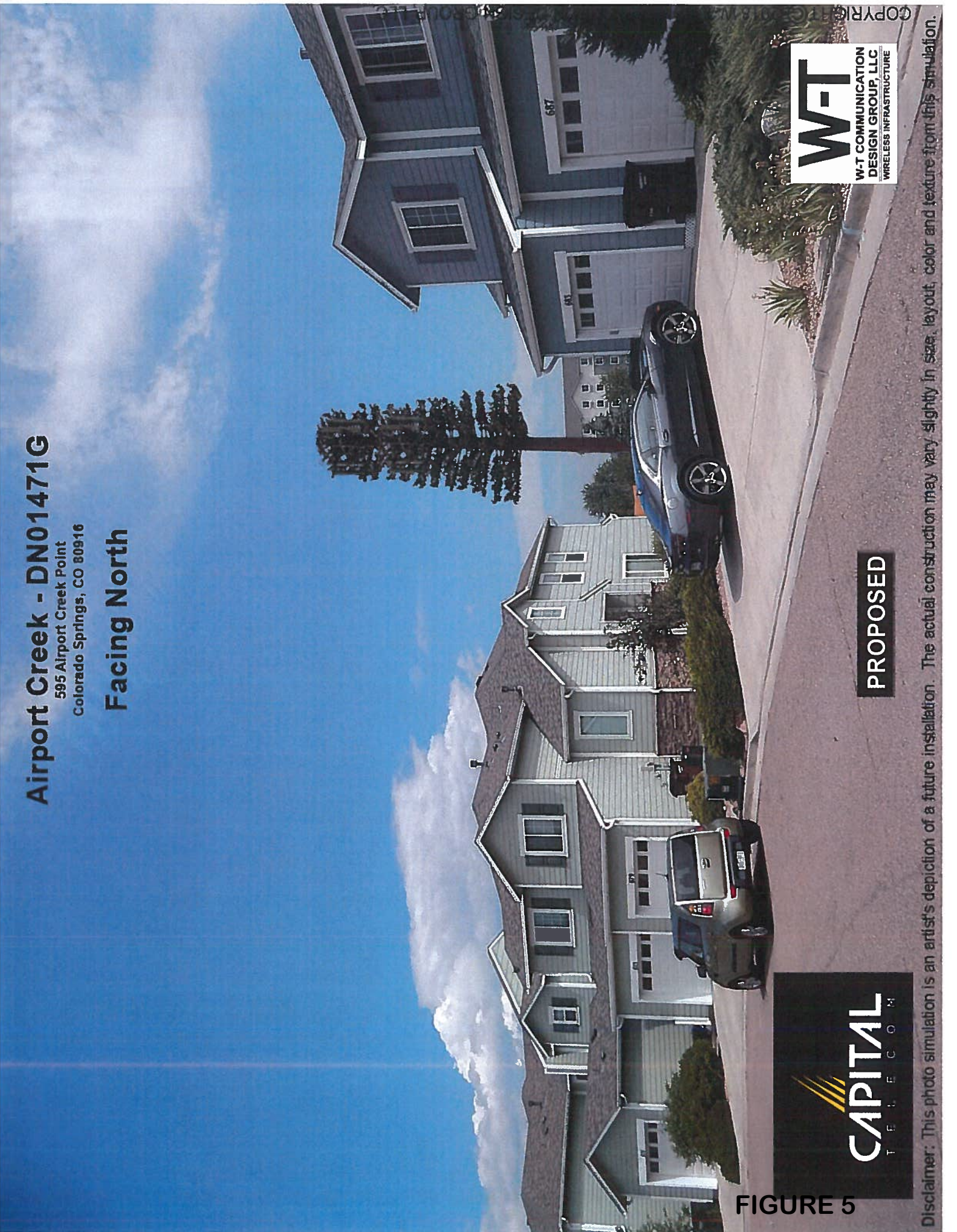


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Airport Creek - DN01471G
595 Airport Creek Point
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Facing North



PROPOSED



FIGURE 5

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Facing Southwest



EXISTING

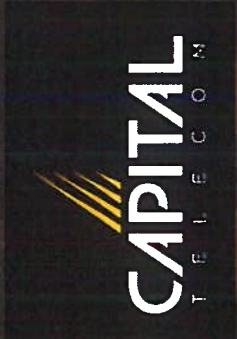


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To whom it may concern:

The Telecommunications Act (TCA) imposes several substantive limitations on state and local government regulation of telecommunications facilities.

Of importance to the present discussion, the TCA provides that a state or local government, or instrumentality thereof, “shall not prohibit or have the effect of prohibiting the provision of personal wireless services.” 47 U.S.C. § 332(c)(7)(B)(i)(II). In accordance with this limitation, local officials must always ensure that neither their general policies, nor their individual opinions, prohibit or have the effect of prohibiting wireless service.

By federal law, State and Local authorities are prohibited from regulating the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of **Radio Frequency (RF)** emissions if the facilities comply with the Federal Communications Commission (FCC) regulations concerning RF emissions. Therefore, State and Local decision-makers do not consider comments or information concerning potential health effects or other environmental effects when determining whether to approve permits for cellular facilities. Also, State and Local decision makers do not require information from the applicant concerning such effects from RF emissions associated with the project. Information regarding potential health effects is available from the cellular providers upon request as it is required from the FCC. The State and Local decision makers are preempted by the Federal Telecommunication Act from considering Electric Magnetic Radiation (EMR) when reviewing the proposed location of cellular facilities. Generally, this information is available from the cellular providers upon request as it is required by the FCC.

Under Section 253 of the Telecommunications Act, local regulations may not prohibit or have the effect of prohibiting the provision of personal wireless services.[30] Prohibition includes not only a general ban on all towers in a jurisdiction,[31] but also policies that “have the necessary result that all possible sites in a given area will be rejected.”[32] The denial of an individual application does not in and of itself establish an “effective ban,” but it can be a factor in establishing that there is such a ban if there are significant gaps in service and no reasonable alternatives for filling those gaps.[33] The carrier has the burden of establishing an effective prohibition.

IMPACT ON PROPERTY VALUES

The issue of whether property values may be affected by a new wireless installation is also not a legally recognized criterion in the local wireless siting process. The reason for this is that applicable federal law strongly promotes the deployment of any and all advanced telecommunications services and the lack of any case law or precedents of which have successfully halted or delayed wireless siting for these reasons. Moreover, it is worth noting that

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FIGURE 5

the argument could be made that having great cellular service is a requirement for many homebuyers these days. I've included a link from the Nation Real Estate Investor publication that discusses the change in buyer's needs since more people work from home and require excellent cellular service to do their jobs (I'm one of those people).

<https://www.nreionline.com/office/growing-impact-wireless-accessibility-property-values>

ARGUMENTS REGARDING LACK OF NEIGHBORHOOD DEMAND FOR WIRELESS SERVICES (OR SERVICES FROM PARTICULAR PROVIDERS)

Wireless technology is mobile, and therefore access to such technology has very little to do with demand or interest in any particular neighborhood. It has far more to do with the federal right and ability of the carrier to provide an adequate signal to mobile users in and traveling through the service area, whether or not those users live in the neighborhood.

Most jurisdictions recognize broadband networks as fundamental infrastructure to the future of citizens and businesses. Such broadband networks rely upon both wired and wireless telecommunications technology for both infinite capacity and mobility and connectivity. Citizens are increasingly relying upon cell phones, smart phones, and the wide range of wireless devices available instead of landline phones and wireline internet connections. The Federal Communications Commission estimates that wireless phones are the source of over 70% of calls to the 9-1-1 emergency communications center, and federal surveys show that two out of every five Americans have dropped their landline phones completely (41%). Dependable access anywhere and everywhere, without signal loss, is viewed by many as essential to their daily lives. As the technology is mobile, access to the technology has very little to do with demand or interest in any particular neighborhood. It has far more to do with the right and ability of the carrier to provide an adequate signal to mobile users wherever those users happen to be in the service area, regardless of neighborhood. Reliable wireless access depends upon signal availability. Increasing numbers of wireless users, wireless devices, and data traffic means more antennas are necessary to provide reliable signals.

ARGUMENT OF INCREASE IN RISK OF FIRE AND COLLAPSE

The issued raised that Cellular Towers are at high risk to catch fire I would like to point out that there are just under a quarter million cell phone towers in the United States. That puts it at roughly 0.010% likelihood of any one tower catching on fire according to fire statistics. All towers constructed are permitted by a jurisdiction and required to pass certain structural criteria, electrical requirements, drainage requirements, and so on. We've actually seen entire areas where a tornado had swept through and the only structures left standing were cellular towers so as you can imagine tower collapses are even more rare than one catching fire.

CURRENT ZONING SETBACKS ARE BEING MET WITH THE PLACEMENT OF THIS TOWER.

Currently the City of Colorado Springs Zoning code requires a setback of 1 foot for every foot of tower height from the front yard of the property line (50' min. in this case) and a 25' setback from the side yard. The property is zoned PBC AO SS which all permit stealth cellular towers pending a CUP approval. The maximum building height allowed in this zone is 45' but we are asking for 50' to accommodate at least 2 carriers on the tower which is encouraged by the City of Colorado Springs.

Regards,

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FIGURE 5