

Response to the October 24th Kimley Horn Exhibit related to the Homestead Trail Cell Tower Development Plan (AR CM2 10-000124)

30 Oct 2019

Colorado Springs City Council Members,

The response to the Septemeber 13th Planning Commission concerns from Kimley Horn submitted October 24th 2019 does not provide any additional facts to this case that can or should affect the outcome of the Planning Commission's **unanimous** denial of the application.

It does not address in any way, the fact that this development plan does not satisfy the minimum criteria to develop a Commercial Mobile Radio Service (CMRS) tower on residential land. Colorado Springs City Code expressly requires conditional use. The developer did not apply for nor do they have conditional use for this development.

Additionally, they admit multiple misrepresentations in their application development plan with respect to the lease area and the documented "removal and replacement" of the current pole. Having additional construction documents and a letter **after** their application was denied, does not relieve them from accuracy in their initial application. This fact should be apparent, as on their application Mr. Grugran, representing Vertical Bridge, signed the following statement.

PROPERTY OWNER AND/OR APPLICANT/CONSULTANT ACKNOWLEDGEMENT OF RESPONSIBILITIES:			
The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I am fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. The applicant/owner by his or her signature understands and agrees that he or she is responsible for the completion of all on-site and off-site improvements as shown and approved on the final plan (including landscaping, paving, lighting, etc.) prior to receiving a Certificate of Occupancy.			
DocuSigned by: <i>Matthew Grugran</i>	1/21/2019		
Signature of Property Owner/Applicant	Date	Signature of Consultant Representative	Date

Their admission that their application is fraught with misrepresentations provides sufficient reason to deny their application.

Regardless of the words in the document submitted October 24th 2019, all plans submitted up to this point, show nothing to harden the existing structure. Vertical Bridge continues to use this terminology without depicting how the current pole will be structurally hardened or more importantly why it would be hardened. They will alter the words "remove and replace" and the "existing monopole to be replaced" but nothing in their actual plan is going to change. When studied by someone with even basic construction knowledge it is clear that the current pole has nothing to do with the new tower. The old pole will hold no weight and the new

tower could stand alone without the existing monopole in place. This is a replacement structure in every sense of the word.

The affidavit regarding the lease area is suspect for several reasons. There are important details missing that indicate the affidavit includes incorrect statements. Firstly, it is referred to as a 5.1 acre property while the county assessor and city planning office note this is a 5.01 acre property. Possibly another typo in a stack of documents riddled with inaccuracies. Additionally, their lease agreement cannot possibly say they can access the full site as the US Air Force has a lease with Century Link for a portion of the parcel. It is impossible to know what their agreement says as they have declined to share it.

Making changes to “future plans” that they will submit for this project does nothing to enforce Colorado Springs dedication to excellence. Their application is full of misrepresentations and Planning Commission denied it unanimously. Vertical Bridge failed to meet even the most basic requirement under Colorado Springs city code to file for and be granted conditional use for this development. They continue to twist the truth in describing this development as a modification when it is clear in every regard they are replacing the weight bearing structure with a new tower and keeping the existing pole in a poor attempt to develop under a federal law loophole that does not apply to this project.

City Council, please study the facts closely. When you do, you will certainly deny this application.

Sincerely,
Sally Maddocks
The Bluffs HOA President