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December 3, 2001

Via fax and U.S. Mail

Susan Wood
Jefferson County Planning & Zoning Dept.
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419

Re: Pinnacle Towers Inc.'s Rezoning & Exemption from Platting Application
Cases No.: 00015485RZP1 and 00015485EXP1

Dear Ms. Wood:

As you are aware, our firm represents the Crescent Park Land and Homeowners Association ("CPHOA") in matters concerning the above-referenced rezoning application. It has come to our attention that Pinnacle Towers Inc. ("PTI") has requested a continuance of the currently scheduled December 10, 2001 hearing before the Board of County Commissioners ("BCC"). It would appear as though the request for a continuance is nothing more than a delay tactic and an effort to subvert the county process.

This request, should the county choose to honor it, would require that the county depart from its usual course of procedure in considering applications for rezoning. The Jefferson County Zoning Resolution spells out the procedure by which an applicant may attempt to obtain a rezoning. This process consists primarily of three steps: 1) review by planning and zoning staff; 2) a hearing before the Planning Commission; and 3) a hearing before the Board of County Commissioners. Each of these steps affords the public opportunity to review and comment on the proposal put forth by the applicant. PTI's request attempts to subvert this process by not only cutting out public participation but also by cutting out review by the Planning Commission.

Section 1.G.3.c of the Zoning Resolution guarantees referral agencies, like CPHOA, the opportunity to review and comment on PTI's proposal. Section 1.G.3.p mandates review by the Planning Commission prior to an application being passed on to the BCC. In issuing its recommendation of denial, the Planning Commission specifically requested that the application be remanded for their review in the event PTI attempted to amend or modify its application prior to the BCC hearing. PTI has admits that its amendment "will not address the Planning Commission's conclusions concerning proof of access and proof of fire protection, which were a basis of its recommendation of denial of PTI's application. See Benkert letter to Susan Wood –

