

John C. Flanders
R. Lee Elsberg
Mark A. Herber*
Scott W. Dunn
Elizabeth A. Montague
Theodore J. Finn
*Also licensed in Texas & Oklahoma



Crystal M. Mitchell*
Elizabeth A. Raba
Andrew N. Dunkin
Mark E. Ringer
Abigail S. Gasser

*Also licensed in Indiana & Arizona

September 3, 2024

Mayor Joan Peck and Members of Longmont City Council
350 Kimbark Street
Longmont, CO 80501

RE: Modern West 2 Concept Plan Amendment

Dear Mayor Peck and Members of City Council:

By this letter, sent on behalf of ModernWest Longmont, LLC (“ModernWest”), the Applicant for the Modern West 2 Concept Plan Amendment, ModernWest, requests that its application (“Application”) be withdrawn pursuant to Section 15.02.040 (E) of the Municipal Code (“Code”) prior to a formal decision by the City Council on the Application.

The Applicant recognizes the concerns raised at the August 27th meeting by members of the community. In moving forward it is clear that it is necessary for both the City and ModernWest to further communicate with the FAA to assess what the FAA may consider compatible. We hope the City Council recognizes that ModernWest has demonstrated its desire to address FAA concerns; however it is apparent that more needs to be done.

To the extent progress can be made with the FAA and the City in developing plans that are considered compatible, ModernWest would like to have the flexibility to resubmit a proposed Concept Plan without potentially needing to wait a year under Section 15.02.050 (b) (7) c. of the Code.

ModernWest noted concerns by members of City Council of legal action by ModernWest in the case of a denial of the Application. This has never been the intent of the applicant, and permitting a withdrawal would preclude that from being an option.

ModernWest wants to move forward as soon as possible to work with the City and the FAA and is confident that plans can be developed that will be considered compatible. In the event the City Council does not want to permit withdrawal and denies the Application, ModernWest requests that a Council denial state, pursuant to Section 15.02.050 (b) (7) (E) of the Code, that a re-application can be considered at a time earlier than a year.

ModernWest thanks you for your consideration of this request.

Sincerely,

Scott W. Dunn