
THE BEACH AT WOODMOOR

LETTER OF INTENT

MAY 2017 (REVISED NOVEMBER 2017)

OWNER/APPLICANT:

Lake Woodmoor Holdings LLC
1755 Telstar Drive, Suite 211
Colorado Springs CO 80920

CONSULTANT:

N.E.S. Inc.
619 North Cascade Avenue
Colorado Springs, Colorado 80903

LOCATION

The Beach at Woodmoor is located southeast of the Lake Woodmoor and west of Lewis-Palmer Elementary School. Lake Woodmoor Drive bisects the property and Lower Lake Road forms the eastern boundary of the northern parcel. The property is currently vacant, undeveloped land comprising 12.317 acres.

To the north of the site are residential lots of varying size, from 6,900 sf up to 25,600 sf. Most of the lots are vacant and there is only one home immediately adjacent to the site. To the east is Lower Lake Road, beyond which is a small residential cul-de-sac with 10 residential lots ranging from 11,300 sf to 29,600 sf and a mix of two-story and single-story ranch homes. Along the southern boundary of the site are 11 residential lots ranging from 8,600 sf to 19,300 sf, three of which are vacant. These properties are all one-story ranch homes and there is a concrete wall between these properties and the site.



REQUEST

Lake Woodmoor Holdings LLC requests approval of the following applications:

1. A Rezone from R-4 (Planned Development District – Obsolete) and RR-5 (Rural Residential – 5 acre lots) to PUD (Planned Unit Development District);
2. A PUD Development Plan/Preliminary Plan for The Beach at Woodmoor for a 35 single-family lots on 12.317 acres, at a gross density of 2.84 dwelling units per acre and a maximum height of 30 feet, including PUD modifications; and
3. A Final Plat for The Beach at Woodmoor Filing No. 1 for 35 lots and 7 tracts on 12.317 acres.

HISTORY

The part of the property north of Lake Woodmoor Drive was zoned R-4 (Planned Development District) in 1972. The zoning is now obsolete and any new development will require a rezoning. There is no record of a development plan approval in the El Paso County files. However, the attached Certificate of Amendment declaring the Woodmoor Beach and other properties subject to the restrictive covenants of the Woodmoor Corporation makes reference to “individual townhouses, condominiums and apartments”. The fact that the Woodmoor Beach property was platted as a single lot in June 1972 also suggests an intent to follow up with a townhome/condominium plat.

SITE DESCRIPTION

The 8.126-acre part of the site north of Lake Woodmoor Drive is relatively flat but slopes down in the northwest corner toward the lake. This northwest corner also contains the only trees on the property, a mix of pine and oak trees, but is otherwise characterized by native prairie grassland.



There are existing utilities and drainage facilities with associated easements running along the western boundary of the northern parcel adjacent to the lake. There is an existing utility road off Lake Woodmoor Drive that provides access to the pump station for the lake and the utilities that run along

the edge of the lake. A large spillway to the lake is located adjacent to the southwest boundary of the site.

A boat access driveway and ramp to the lake runs along the northern boundary of the property from Lower Lake Road to the Lake Woodmoor. The 10-foot boat access easement was originally granted to Woodmoor Water & Sanitation District in 2009 and was updated in 2015 by the current owners.



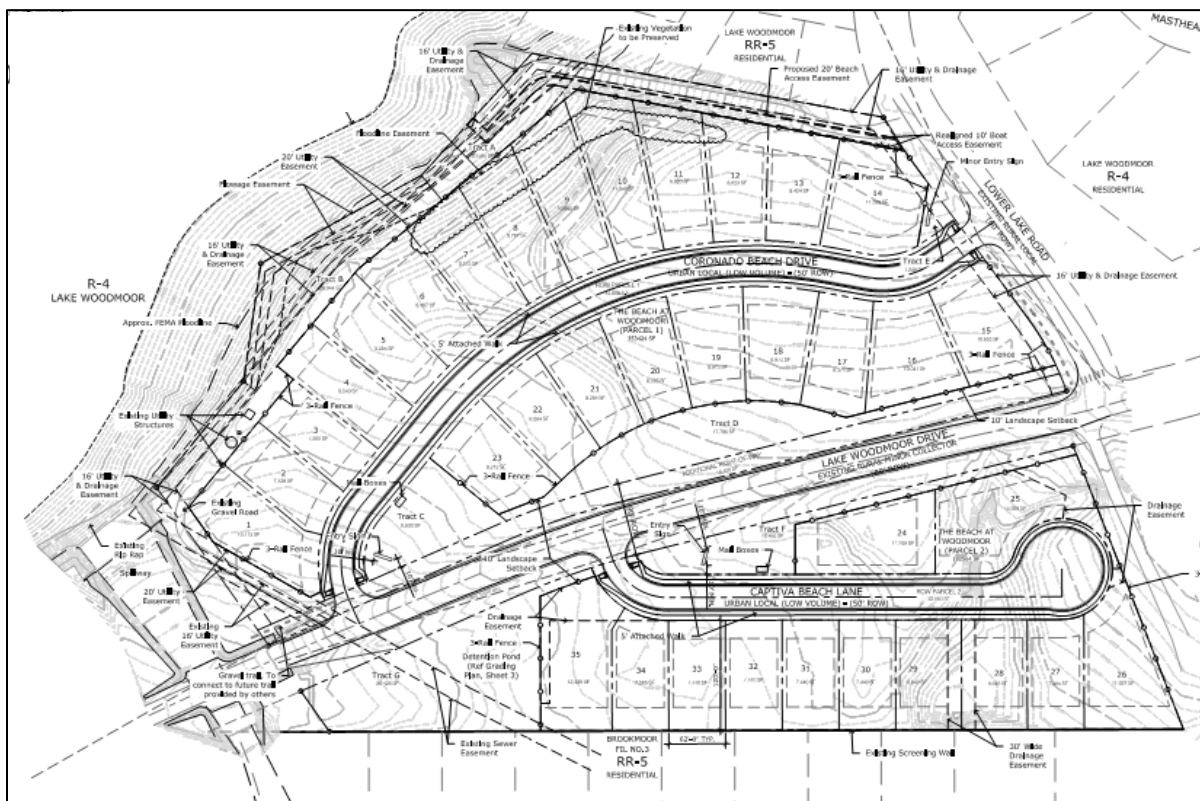
The southern 4.191-acre parcel is similarly a generally flat native prairie grassland area, with the exception of a natural drainageway running through the eastern section of the property. A sanitary sewer line cuts underneath Lake Woodmoor Road and occupies the western tip of the southern parcel. The easement associated with this utility does not match the location of the actual utility and will be vacated and realigned with the replat of the property.



PROJECT DESCRIPTION

The project proposes 35 single family lots. 23 of these lots will be located on the larger 8.126-acre parcel to the north of Lake Woodmoor Drive. These lots will be served by a new street, Coronado Beach Drive, connecting from Lake Woodmoor Drive in the southwest corner of the parcel to Lower Lake Road on the eastern edge of the parcel. The southern 4.191-acre parcel will include 12 lots with access off Lake Woodmoor Drive via a cul-de-sac, Captiva Beach Lane. Deviations have been requested for this street to address intersection spacing and the minimum centerline curve radius due to the constraints of the sites shape and site frontage to Lake Woodmoor Drive.

All homes will have a 2-car garage and a driveway that accommodates two parking spaces. Parking is also permitted on the street. The sidewalk along Coronado Beach Drive will form part of the Woodmoor trail network, as requested by the Woodmoor Improvement Association.



The lots range in size, with the minimum lot size being 7,200 sf. The lots are general 60' wide by 120' feet, but some lots have additional width to compensate for a slightly shallower depth. It has been verified that all the lots can accommodate one or more of the potential models offered by the prospective builder. Lots 15, 16, 23 and 25 have reduced rear yard setbacks from the required 25 feet to 15 feet and lot 24 has a reduced side setback from the required 15 feet adjacent to a street to 5'. The justification for this is that these lots have the benefit of an additional 10' landscape setback adjacent to Lake Woodmoor Drive.

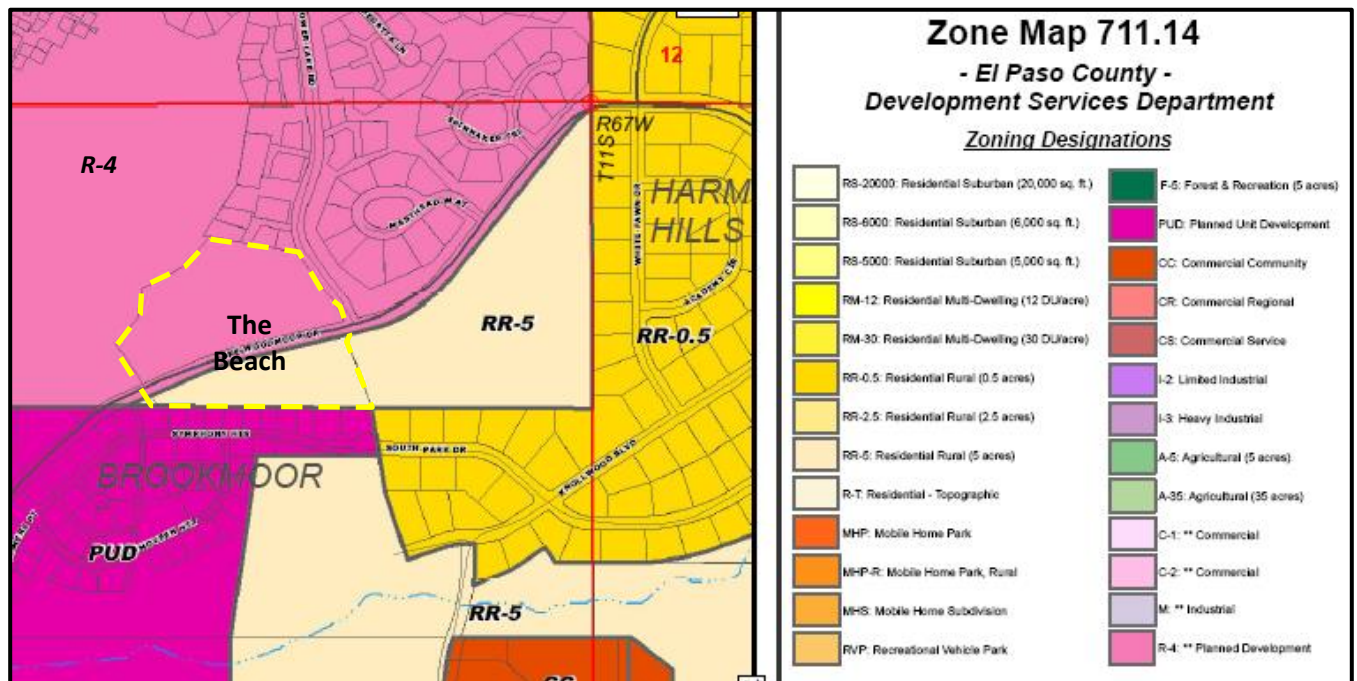
The requested maximum height is 30', which is standard for a single-family residential zoning. A mix of two-story and single-story ranch homes are anticipated

There is one area for detention and water quality proposed to the southwest of Lake Woodmoor Drive. There also four tracts proposed for landscaping, signage, and mailboxes, which will be owned and maintained by The Beach at Woodmoor Home Owners Association. The existing boat access easement along the northern boundary is to be retained within a separate tract. The area adjacent to the Lake that includes various utility easements are also to be maintained within a separate tract. A 30' wide drainage easement is included for the existing drainageway running to the east of lot 25 and between lots 28 and 29 in the southern parcel.

PROJECT JUSTIFICATION

PUD rezoning

The northern parcel of the site is zoned R-4 (Planned Development), as is the wider area to the north and east, including Lake Woodmoor. The southern parcel is zoned RR-5 (Rural Residential, 5 acre lots) together with the adjacent elementary school. Immediately to the south is PUD (Planned Unit Development) zoning and to the southeast RR-0.5 (Rural Residential, ½ acre lots).



The R-4 zoning is now obsolete and any new development proposal for the property requires a rezoning. It is proposed to rezone the property to PUD as this is the current equivalent of the old R-4 zoning. The PUD zoning allows for flexibility in the dimensional and design standards needed to accommodate the

proposed single-family product while ensuring the protection of the drainage way to the southeast and accommodating the various easements that encumber the property.

The proposed PUD District zoning is consistent with the approval criteria set forth in Section 4.2.6.D of the LDC as follows:

1. The application is in general conformity with the Master Plan;

The proposed residential subdivision satisfies the following policies of the County Policy Plan:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The site lies within the Woodmoor Sub-Area of the Tri-Lakes Area Comprehensive Plan and almost the entirety of the sub-area is identified as medium density residential development on the Tri-Lakes Area Concept plan. The proposed development will have a density of 2.8 du/ac, which is consistent with the intent of the Comprehensive Plan as it is similar in density to the surrounding residential development; the Symphony Heights neighborhood to the south has a density of 2.6 du/ac; the area to the north and west of the site has a density of 1.6 du/ac; and the recently approved development at The Dunes to the west of Lake Woodmoor has a density of 4.3 du/ac. The density of the proposed project is also significantly lower than the density of the previously intended townhome/condominium development; a typical townhome/condominium development will have a density of between 10-12 du/ac, similar The Cove Condominiums to the north of Lake Woodmoor.

2. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

The proposed development complies with the requirements of the LDC and will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County. The project proposes similar density to the surrounding area and continues the Woodmoor trail system. The project also offers additional housing choice and lot size variety.

3. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

The proposed single-family development is harmonious with the land uses surrounding the property, which primarily comprise similar single-family residential in terms of density, as described above, and the combination of two-story and ranch homes.

The Geotechnical Report prepared by CTL Thompson Inc. indicates that no geologic hazards were identified that preclude development of the site. The geological conditions that exist include expansive bedrock, shallow groundwater, regional issues of seismicity and naturally occurring radioactive materials. These can all be mitigated with engineering design and construction methods

commonly used in the area, such as spread footing foundations and slab-on-grade floors, as well as minimizing irrigation of landscaping to reduce problems associated with expansive soils.

- 4. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;**

There is no detrimental use to use relationship. The proposed PUD zoning for single-family residential is compatible with the existing single-family areas to the north, east and south. The lot sizes for the proposed development range from 7,200 – 15,000 square feet, which is similar to the lot sizes of adjacent residential properties; the lots to the south range from 8,000 – 12,764 square feet; the lots to the north range from 6,900 – 12,764 square feet; the lots to the east range from 11,300 – 29,600 square feet.

- 5. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;**

The proposed single-story ranch style units are similar to and compatible with the surrounding residential neighborhoods.

- 6. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;**

There are no such unique features on the site. The Environmental Report prepared by ECOS Ecosystems Services LLC concludes that the natural vegetation is not significant and there are no jurisdictional waters or wetland habitat.

- 7. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;**

The area adjacent to the Lake has been preserved in a tract and access to the lake is available via the boat ramp access. As requested by the Woodmoor Improvement District, the sidewalks within the development will form part of the trail network around the Woodmoor area.

- 8. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;**

All necessary utility and fire protection commitments have been obtained. The traffic report demonstrates that the development is within the capacity of existing roads.

- 9. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;**

The area adjacent to the Lake has been preserved in a tract and access to the lake is available via the boat ramp access. The Environmental Report prepared by ECOS Ecosystems Services LLC concludes that the development of the site would reduce the wildfire potential of the site (which is currently low) and would help to remove and control noxious weeds.

- 10. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;**

There are no mineral rights owners on this property.

- 11. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and**

Deviations are included to address the proposed intersection spacing.

- 12. The owner has authorized the application.**

Yes.

Preliminary Plan

The Preliminary Plan is consistent with the approval criteria set forth in Section 7.2.1.D.2.e of the LDC as follows:

- 1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

The site lies within the Woodmoor Sub-Area of the Tri-Lakes Area Comprehensive Plan and almost the entirety of the sub-area is identified as medium density residential development on the Tri-Lakes Area Concept plan. As noted above, this development is consistent with the intent of the Comprehensive Plan as it is similar in density to the surrounding residential development and of a lower density than the previously intended townhome/condominium development on the property.

- 2. The subdivision is consistent with the purposes of this Code;**

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The project proposes similar density to the surrounding area and continues the Woodmoor trail system. The project also offers additional housing choice and lot size variety.

- 3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

The subdivision design standards are met, subject to the requested PUD modification and deviation requests. There is no approved sketch plan for this property.

- 4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**

A sufficient water supply is available as demonstrated in the Water Resources and Wastewater Treatment Report prepared by Kiowa Engineering Corporation and through the water supply commitment from Woodmoor Water & Sanitation District.

- 5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;**

Public sewage disposal is addressed in the Water Resources and Wastewater Treatment Report prepared by Kiowa Engineering Corporation and through the wastewater treatment commitment from Woodmoor Water & Sanitation District.

- 6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];**

The Geotechnical Report prepared by CTL Thompson Inc. indicates that no geologic hazards were identified that preclude development of the site. The geological conditions that exist include expansive bedrock, shallow groundwater, regional issues of seismicity and naturally occurring radioactive materials. These can all be mitigated with engineering design and construction methods commonly used in the area, such as spread footing foundations and slab-on-grade floors, as well as minimizing irrigation of landscaping to reduce problems associated with expansive soils.

- 7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Drainage Report, the grading and erosion control plan, and the construction drawings for stormwater facilities, all prepared by Kiowa Engineering Corporation

- 8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

All residential lots, except lots 26 and 35, will have direct access to public streets. Lots 26 and 35 will have the right of access via an access easements across adjacent lots. Access to Lake Woodmoor will be maintained via the Boat Access Easement granted to Woodmoor Water & Sanitation District. The existing gravel access road within the utility easement will be contained within a tract that is accessible from the public street to allow ongoing maintenance of the utilities and pump station facilities for Lake Woodmoor. All other tracts required for drainage and utilities will be accessible by public streets.

- 9. The proposed subdivision has established an adequate level of compatibility by**

- 1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

The area adjacent to the Lake has been preserved in a tract and access to the lake is available via the boat ramp access.

- 2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County;**

Appropriate provision is made in this regard given the context of the site and surrounding area. The plan was designed to minimize cost of transportation and utility infrastructure improvements.

3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

No transition is required as adjacent land uses are compatible in terms of density, lot size and type of residential development. Street landscaping is provided to enhance the attractiveness of the development.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

A detailed analysis of the natural features, wildlife and wetlands is provided in the accompanying ECOS environmental report. This confirms that there are no environmentally sensitive areas on the site, with particular reference to wetland habitats, and protected/endangered wildlife and plant species.

5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

The Traffic Report by LSC Transportation Consultants Inc. demonstrates that the development will not materially impact existing levels of service on surrounding County Roads. The reports relating to water supply, wastewater treatment and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Water and sanitary sewer service is to be provided by Woodmoor Water and Sanitation District and Mountain View Electric Association Inc. and Black Hills Energy will provide electric and natural gas services to the subdivision respectively. The required Will Serve letters are included with the submittal.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The site lies within the Tri-Lakes Monument Fire Protection District. A service commitment letter from the District and a Fire Protection Report are included with the submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The proposed subdivision meets the applicable sections of these parts of the Code, subject to the requested PUD modification and deviation requests.

Final Plat

A Final Plat is submitted for The Beach at Woodmoor Filing No. 1 for 35 lots and 8 tracts for utilities, drainage, landscaping, signage, mailboxes and public access to the lake. All tracts will be owned and maintained by The Beach at Woodmoor Home Owners Association. The Final Plat accords with the approval criteria set forth in Section 7.2.1.D.3.f of the LDC, which are broadly the same as those for the Preliminary Plan referenced above. The additional criteria are that the Final Plat should be consistent with the Preliminary Plan, which it clearly is, and that any off-site impacts are addressed in a Subdivision Improvement Agreement (SIA). An SIA is included with the submittal which addresses the off-site improvements required by the proposed subdivision.

ACCOMPANYING REPORTS:

The following Reports are submitted to support this application:

Geotechnical Report by CTL Thompson Inc.

Traffic Report by LSC Transportation Consultants Inc.

Final Drainage Report by Kiowa Engineering Corporation

Water Resources and Wastewater Treatment Report by Kiowa Engineering Corporation

Environmental Report by ECOS Ecosystems Services LLC

Filed at El Paso, Texas, on JUN 16 1972
Section No. 893666 HARRIET BEATS

2496-968
BOOK 2496 PAGE 800

CERTIFICATE OF AMENDMENT OF FILING

THIS IS TO CERTIFY that the Certificate dated April 28, 1972 filed on May 4, 1972 in Book 2486, Page 679 in the office of County Recorder, El Paso County, Colorado, wherein The Woodmoor Corporation, a Colorado corporation, stated it was the owner of the following subdivisions filed with the County of El Paso but not yet recorded: WOODMOOR DUNES, WOODMOOR PENINSULA, WOODMOOR COVE and WOODMOOR BEACH; and whereby said corporation declared that the Declaration of Covenants, Conditions and Restrictions filed on July 12, 1971 in Book 2421, Page 214 in the office of the County Recorder, El Paso County, Colorado, applied to said four subdivision and to all lots contained therein. This is to further certify that said Declaration of Covenants, Conditions and Restrictions provides that said Declaration may be amended by a recorded instrument in writing signed by not less than 90% of the lot owners.

This is to further certify that The Woodmoor Corporation is the owner of all the lots and all land contained in the above referenced subdivisions.

It is hereby declared that said Declaration of Covenants, Conditions and Restrictions, insofar as Woodmoor Dunes, Woodmoor Peninsula, Woodmoor Cove and Woodmoor Beach are concerned, are hereby amended as follows:

1. ARTICLE V, Sections 1, 2 and 3 are hereby deleted and the following are substituted therefor:

"Section 1. Building Type and Occupancy. All lots shall be known and described as residential tracts and shall be used only for Residences. No building shall be allowed or erected on any tract in said subdivision except a Residence provided that no such building shall exceed two and one-half (2 1/2) stories in height. All porches, storage areas, garden houses, etc. must be attached to said dwelling house and be constructed so as to constitute one building only except that one ancillary building in keeping with the overall architecture of scheme of the dwelling will be permitted provided that it is included both as to design and location on a plan submitted to the Committee.

"Section 2. Dwelling Size. Individual townhouses, condominiums and apartments shall occupy a floor area of actually and fully enclosed building of not less than five hundred (500) square feet. Balconies, open porches and garages are not included in such minimum footage. No fences may be built outside building setback lines without written permission of the Committee.

"Section 3. Building Location. Location of any building on said subdivisions shall be governed by the zoning ordinances of the County of El Paso, State of Colorado, applicable to said subdivision."

2. ADD new Section 15 as follows:

Section 15. Party Wall and Common Roof. Each wall which is built as part of the original construction of the homes upon the lots

and placed on the dividing line between the Lots shall constitute a Party Wall and to the extent not inconsistent with the provisions of this Article, the general rules of law regarding Party Walls and of liability for property damage due to negligent or willful acts or omissions shall apply thereto.

(1) The cost of reasonable repair and maintenance of the Party Wall shall be shared by the Owners who make use of the Wall in proportion to such use.

(2) If a Party Wall is destroyed or damaged by fire or other casualty, any Owner who has used the Wall may restore it and if the other Owners thereafter make use of the Wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

(3) Notwithstanding any other provisions of this Article, an Owner who by his negligent or willful act causes the Party Wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

(4) The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to Owner's successors in title.

(5) In the event of any dispute arising concerning a Party Wall, or under the provisions of this Article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision of the majority of all the arbitrators shall be final and conclusive of the question involved.

THE WOODMOOR CORPORATION

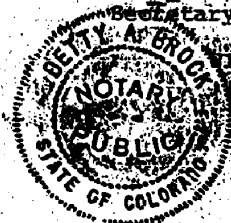
John A. Thompson
John A. Thompson
Executive Vice President



John J. Wilkinson, Secretary

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing Certificate of Amendment of Filing was acknowledged before me this 5th day of May, 1972, by John A. Thompson, Executive Vice President, and John J. Wilkinson, Secretary, of The Woodmoor Corporation.



WITNESS my hand and official seal.

Liberty A. Brock
Notary Public

My Commission Expires: October 21, 1975