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## NORTH BAY AT LAKE WOODMOOR

### LETTER OF INTENT

NOVEMBER 2016, REVISED DECEMBER 2017

#### OWNER/APPLICANT:

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

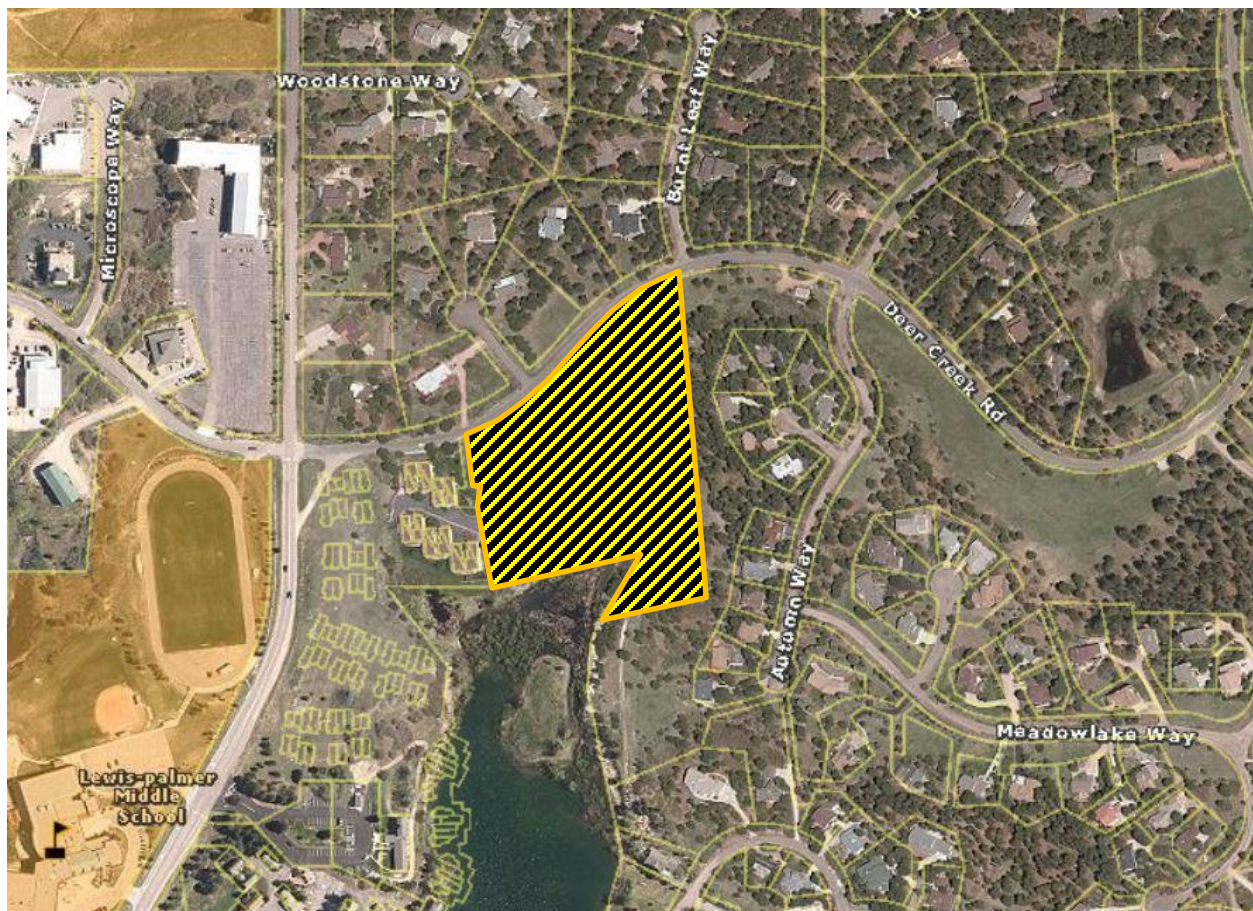
#### CONSULTANT:

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

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#### LOCATION

North Bay at Lake Woodmoor is located southeast of the intersection of Woodmoor Drive and Deer Creek Road. Deer Creek Road forms the northern boundary of the property and Lake Woodmoor lies to the south. To the west is The Cove at Woodmoor condominium development and to the east is an open and forested common area owned by the Woodmoor Improvement Association (WIA), beyond which is Lake Woodmoor single-family residential neighborhood. The site comprises approximately 7.23 acres.



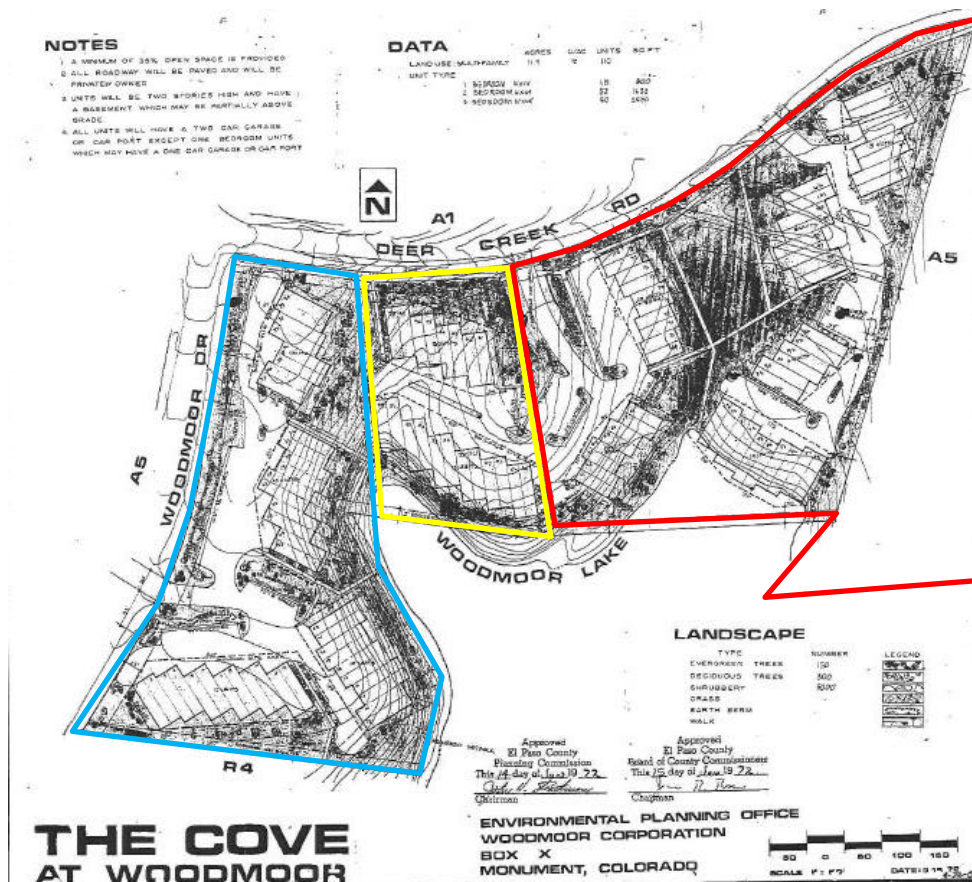
## REQUEST

Lake Woodmoor Holdings LLC requests approval of the following applications:

1. A Rezone from R-4 (Planned Development District – Obsolete) to PUD (Planned Unit Development District);
2. A Preliminary/PUD Development Plan for North Bay at Lake Woodmoor for a 28-unit townhome development on 7.23 acres, at a gross density of 3.87 dwelling units per acre and a maximum height of 30 feet, including PUD modifications; and
3. A Final Plat for North Bay at Woodmoor for 28 lots and 5 tracts on 7.23 acres.

## HISTORY

The property is part of a larger parcel for which a Development Plan was approved in 1972. The approved plan proposed 110 townhomes on 11.4 acres; a density of 9.6 dwelling units per acre. In 1974, two acres were platted for 20 Condominium units at The Cove at Woodmoor, which lies immediately west of the subject property (yellow). In 1979, four acres to the west of the Cove at Woodmoor were platted as the Waterside Condominiums (blue), which accounted for a further 40 units of the 110 units originally approved. The remaining 5.4 acres of the 1972 plan is part of the current PUD application site and would have accommodated the remaining 50 units approved by the 1972 Plan (red).





## SITE DESCRIPTION

The site comprises undulating grassland with scattered trees and more substantial wooded areas along the eastern and southern boundaries.

The central part of the site is within the floodplain and there are wetland areas in the northeast corner of the property and adjacent to Lake Woodmoor.

A number of informal trails currently cross the site providing access to the lake.



There is an existing utility road off Deer Creek Road that provides access to the lift station in the southeast corner of the site.

The dense wooded tract along the eastern boundary of the site that is owned by the WIA provides a substantial buffer to the existing single-family residential neighborhood beyond.

Adjacent to the site's western boundary is The Cove at Woodmoor Condominium development. The western section of the site includes part of the access road and parking area for condominiums. The right to use this area for such purposes is provided by a non-exclusive access easement.



## PROJECT JUSTIFICATION

### PUD rezoning

The property and the wider area to the south, west, and east are zoned R-4, which is an obsolete zoning for Planned Development. 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 and is therefore compatible with the surrounding R-4 zoning. The PUD zoning also allows for flexibility in the dimensional and design standards needed to accommodate the proposed townhome product and enables the protection of the floodway and wetlands areas.

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. This development is consistent with the intent of the Comprehensive Plan as it is lower in density than the adjacent townhome development to the west and the previously approved town home project on the property.

**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 less density than was previously proposed for this property and, unlike the previous proposal, retains a substantial area of open space and provides trail connections to the lake and adjacent neighborhoods. The project also offers alternative housing design to reduce environmental footprint by improving efficiencies and preserving more open space.

**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 townhome development is consistent with the existing R-4 zoning and the previously approved Development Plan for the property and is therefore a suitable use for the property. The

townhome development is harmonious with the existing and proposed uses surrounding the property, which comprise condominiums to the west and single-family residential to the east.

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 or very hard, shallow bedrock, shallow groundwater, erosion potential and flood potential. 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.

A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA for the adjustment of the floodplain. The project avoids the jurisdictional wetlands on the property.

- 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;**

The proposed PUD zoning for a townhome development will provide an appropriate transition between the less dense single-family residential to the east, and the more dense townhome development to the west. There is a substantial existing tree buffer of approximately 70 to 130 feet wide between the site and the single-family residential to the east. Additional landscaping is to be provided with this plan to supplement this buffer and replace any trees that may be removed.

- 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 bulk of the proposed townhomes and the associated landscaping and buffering are compatible with the surrounding area.

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

The natural features on the site have been preserved wherever possible and incorporated into the site design. The wetland areas have been preserved. A Conditional Letter of Map Revision (CLOMR) has been requested from FEMA for the realignment of the flood way.

- 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 development includes a large central open space that accounts for approximately 63% of the total site area. Walking trails have been incorporated, which are intended for public use to access Lake Woodmoor.

- 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 development conserves environmental features and provides interconnected open space and trails.

- 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**

No deviations are requested.

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

Yes.

#### **PUD Modifications:**

PUD Modifications are requested for the following:

1. **LDC Section 8.4.4(E)(2) Use of private roads.** Private roads provide more flexibility for the development to accommodate the physical constraints of the site and retain natural features. This is an identified purpose of PUD zoning.
2. **LDC Section 8.4.4(E)(3) Private Roads to be constructed and maintained to ECM standards.** A smaller road cross-section and the use of a hammerhead turnaround will allow for a more efficient design and will help with the goal of retaining natural features. This is an identified purpose of PUD zoning. The Tri-Lakes Monument Fire Department has approved the hammerhead turnaround for emergency access. The requested modifications to the ECM are:
  - a. Permanent hammerhead turnaround (ECM Section 2.3.8)
  - b. Minimum centerline radius (ECM Table 2-7)
  - c. Roadway cross section (ECM Section 2.2.4.B)
  - d. Vertical curve (ECM Section 2.3.4)

### **Preliminary/PUD Development Plan**

The Preliminary/PUD Development Plan proposes the construction of 28 townhomes in a combination of duplexes, triplexes and fourplexes at a gross density of 3.87 dwelling units per acre. This is significantly less dense than the approved 1972 plan. The maximum height of the buildings is 30 feet and each unit will have a two car garage. An additional 27 parking spaces are provided within the development.

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. This development is consistent with the intent of the Comprehensive Plan as it is lower in density than the adjacent townhome development to the west and the previously approved town home project 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. This proposed townhome development will provide new and affordable housing opportunities that will benefit the citizens of El Paso County.

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

The subdivision design standards are met. There is no approved sketch plan.

**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.

**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 or very hard, shallow bedrock, shallow groundwater, erosion potential and flood potential. 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;**

The project is divided by the floodway into two halves that will be accessed via individual private streets off Deer Creek Road. The eastern section of the site will be served by a dead end road that serves 14 units and continues to provide utility access to the lift station. The remaining 14 units in the western section of the development will be served via a loop road that utilizes the existing access road for the condominiums. As part of this development it is proposed to resurface and stripe the parking area which will provide a more efficient parking configuration.

**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;**

A substantial part of this project will remain as open space and serve as an amenity for residents. It is not proposed to provide public access to the floodway area but new trail connections are proposed that will continue the public access to the lake area.

**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;**

Landscaping is included to buffer the development from adjacent uses where appropriate.

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

As part of this application, a revised flood way is proposed and the wetland areas will be protected from development impact. This contrasts with the 1972 approved development



which proposed a more extensive development of the site. A detailed analysis of the natural features, wildlife and wetlands is provided in the accompanying ECOS environmental report.

**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;**

There are numerous utilities and utility easements that cross this site and a number of these are to be relocated to facilitate the development project, as depicted on the accompanying utility plans. 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 will serve letter from the FPD 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.

**Final Plat**

A Final Plat is submitted for 28 lots and 5 tracts, two of which are for private streets. 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). The SIA and CC&Rs will be submitted prior to the recording of the Final Plat.

**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