

File
PUD-98-006

711.14

**AMENDMENT TO BROOKMOOR PUD
COLORADO HOMES AND LIFE STYLE and MARTIN DELOHERY**

A request by Colorado Homes and Life Style and Martin Delohery to amend the existing development plan for Brookmoor. The property is currently zoned PUD (Planned Unit Development) District. The proposed change is to add a six foot berm along Lake Woodmoor Drive. The property is located on the north side of State Highway 105, south of Lake Woodmoor Drive and west of the westerly terminus of South Park Drive in the Woodmoor area. Tax schedule #'s 71141-00-012, 013. Approval includes authorization for the Chairman to sign the Development Plan/ Guide.

It is requested this item be continued to **October 22, 1998**

file
PUD-98-006

711.14

**AMENDMENT TO BROOKMOOR PUD
COLORADO HOMES AND LIFE STYLE AND MARTIN DELOHERY**

A request by Colorado Homes and Life Style and Martin Delohery to amend the existing Development Plan for Brookmoor. The property is currently zoned PUD (Planned Unit Development) District. The proposed changes are: revise entrance and gatehouse area, reduce setbacks, delete sidewalks, replace perimeter fence with landscaping, change fence along Woodmoor Drive to split rail and add a six foot berm along Lake Woodmoor Drive. The property is located on the north side of State Highway 105, south of Lake Woodmoor Drive and west of the westerly terminus of South Park Drive in the Woodmoor area. Tax schedule #'s 71141-00-012, 013. Approval includes authorization for the Chairman to sign the Development Plan/Guide and all other necessary documents to complete the rezoning process.

STAFF NOTE: The applicants' request for the addition of the berm was heard separately by the Planning Commission on September 15, 1998. The results of that hearing are included after the action of the July 21, 1998 hearing.

PLANNING COMMISSION ACTION: The request was approved unanimously (9-0) at the July 21, 1998, meeting of the Planning Commission, subject to the following conditions and notations:

CONDITIONS

1. Prior to scheduling this item for hearing by the Board of County Commissioners:
 - a. A revised plan shall be submitted which indicates setbacks and building heights which more clearly defined.
 - b. A grading plan shall be submitted to and approved by the El Paso County Department of Transportation which addresses, among other items, the removal of the existing berms on the property.
 - c. Indicate the correct owner(s)' name on the development plan.
 - d. Provide the Planning Department with a letter from the owner of Lot 1, Block 9, of the Harmon Hills Subdivision that indicates the exact changes to the setbacks on Lot 18 are agreeable. Front and rear setbacks of fifteen (15) feet and side setbacks of ten (10) feet.
 - e. The berm shall be removed.
2. Prior to issuance of building permits the property shall be in compliance with the approved grading plan as determined by the El Paso County Department of Transportation.
3. Development of the property shall be in accordance with the approved Development Plan. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.

4. Prior to recording, the Development Plan shall be revised to reflect the requirements of Section 16 and 37.5 of the El Paso County Land Development Code, including the Development Plan drawing at a size of 24" x 26".
5. If sidewalks are not installed an eight (8) foot area adjacent to all streets shall be designated as a walkway and landscaping which restricts pedestrian movement is prohibited. This shall be noted on the Development Plan.
6. Developer shall comply with any State, Federal or local laws, regulations, ordinances and review and permit requirements as they may apply regarding Prebles Meadow Jumping Mouse and other applicable threatened or endangered species.
7. Any change to the Development Plan must go back to the Planning Commission.

NOTATION:

1. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

STATUS OF CONDITIONS/ NOTATIONS

Condition #1 has been satisfied with the submittal of a revised plat and the removal of the berm on the eastern side of the drainage channel.

Notation #1 is no longer applicable with this submittal to the Board of County Commissioners.

SPEAKING FOR: Adrian Stanciu with L.D.C., representing applicant; Gary Bossow, developer.

SPEAKING AGAINST: Bruce Wright, attorney representing KAB/Pankey, property owner to the north.

Opposition/ concern was expressed regarding drainage/ erosion control plans/ existing berm which blocks his client's view. Approved plans have not been complied with.

PUBLIC NOTICE: The property was posted on October 26, 1998.

PUBLIC NOTIFICATION: The Planning Department notified adjoining property owners of this meeting on October 21, 1998.

ADJOINING PROPERTY OWNER RESPONSES: Nine (9) adjoining property owners were notified, with one (1) responding in favor, one (1) in opposition (because of an unfavorable effect on adjoining properties), and the balance failing to respond.

LEGAL PUBLICATION: This rezoning request was published in the El Paso County Advertiser & News on September 2, 1998.

STAFF NOTE: The following action is in reference to the applicants' request for a six foot berm along Lake Woodmoor Drive.

PLANNING COMMISSION ACTION: The request was approved unanimously (9-0) at the September 15, 1998, meeting of the Planning Commission, subject to the following conditions and notations:

CONDITIONS

1. Prior to scheduling this item for hearing by the Board of County Commissioners:
 - a. A revised plan shall be submitted which indicates setbacks and building heights which are more clearly defined.
 - b. A grading plan shall be submitted to and approved by the El Paso County Department of Transportation which addresses, among other items, the removal of the existing berm east of the drainage channel.
 - c. Indicate the correct owners name on the Development Plan.
 - d. Provide the Planning Department with a letter from the owner of Lot 1, Block 9 of the Harmon Hills subdivision that indicates the exact changes to the setbacks on Lot 18 are agreeable. Front and rear setbacks of fifteen (15) feet and side setbacks of ten (10) feet shall be shown.
 - e. All issues with the El Paso County Department of Transportation shall be resolved and the Development Plan shall be revised accordingly.
2. Prior to issuance of building permits the property shall be in compliance with the approved grading plan as determined by the El Paso County Department of Transportation.
3. Development of the property shall be in accordance with the approved Development Plan. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.
4. Prior to recording, the Development Plan shall be revised to reflect the requirements of Sections 16 and 37.5 of the El Paso County Land Development Code, including the Development Plan drawing at a size of 24" x 26".
5. If sidewalks are not installed an eight (8) foot area adjacent to all streets shall be designated as a walkway and landscaping which restricts pedestrian movement is prohibited. This shall be noted on the Development Plan.

6. Developer shall comply with Federal and State laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Department of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers, and/or the U.S. Fish & Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
7. No berm shall be located east of the drainage tract without the approval of the adjoining land owner and approval of revised plans pursuant to Section 16 of the El Paso County Land Development Code.
8. A twenty-five (25) foot sight triangle shall be provided on the Development Plan on either side of the access point.

NOTATIONS

1. Development of the property shall be in accordance with the approved Development Plan. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.
2. Prior to recording, the Development Plan shall be revised to reflect the requirements of Sections 16 and 37.5 of the El Paso County Land Development Code, including the Development Plan drawing at a size of 24" x 26".
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

STATUS OF CONDITIONS/ NOTATIONS

Conditions #1.a. - #1.e. have been satisfied.

Notation #3 is no longer applicable with this submittal to the Board of County Commissioners.

SPEAKING FOR: Adrian Stanciu, with L.D.C., representing owners.

SPEAKING AGAINST: None

ADJOINING PROPERTY OWNER RESPONSES: Nine (9) adjoining property owners were notified, with all nine (9) failing to respond.

ADJOINING LAND USE AND ZONING

| | | |
|-------|---|---|
| North | Vacant/Spillway for Lake/ Lake Woodmoor/School | C-2 (Commercial), RR-3 (Rural Residential) Districts |
| South | Vacant | City of Monument |
| East | Single Family Residential | RR-1 and RR-3 (Rural Residential Districts) |
| West | Vacant & Commercial | C-2 (Commercial) District |

HISTORY: The property was zoned A-5 (Agricultural) District in 1955 and reclassified to the RR-3 (Rural Residential) District in 1991. In 1986 The Heather Hills Sketch Plan was approved by the Planning Commission as an amendment to the Master Plan. The Plan indicated 58 residential units and approximately 6 acres of commercial property. The rezoning of the property to PUD (Planned Development) District was approved by the Board of County Commissioners on February 23, 1995. A final plat for a 14-lot subdivision was approved by the Board of County Commissioners on June 13, 1996.

AGENCY COMMENTS:

TOWN OF MONUMENT (response to July 21, 1998 request) - Thank you for the opportunity for The Town of Monument to respond to this amendment proposal for the Brookmoor PUD Development Plan. With respect to this proposed development, the Town has the following comments:

- 1) The proposed changes in building setback requirements appear to be somewhat confusing.
How will this provision be enforced when building permits sought for the homes?
- 2) Similar to paragraph 1, plat note number three is obviously intended to regulate the height of the buildings. While this is an appropriate and laudable goal, it also appears to employ cumbersome and convoluted language that will likely make enforcement of this provision without benefit of a topographical map more difficult than it needs to be. The Town would recommend a blanket provision with no contingencies.
- 3) The applicant is proposing a drainage channel which will discharge in Dirty Woman Creek. As you may know, such a solution would be unacceptable in the Town of Monument, as the Town requires all land use proposals to detain drainage on site and discharge it only at historic undeveloped flow rates. Even given that this PUD has been previously approved, we recommend the County explore a similar drainage policy. Our rationale for this has to do with the fact that Dirty Woman Creek is a known habitat for the Prebles Meadow Jumping Mouse,

a threatened species. Allowing run-off into this flood plain may have impacts upon those habitats. If you have not already done so, we recommend that the US Fish & Wildlife Department be contacted for their comments on this issue.

- 4) The applicant is proposing to change the fencing type from wrought iron with brick pillars to a split rail, and discusses in the letter of intent their reasons for this. The Town would have to ask what is the purpose of the fence. If this is to be a gated community with a specific gatehouse, it would seem reasonable to conclude that security has been regarded as an issue. A wrought iron fence with brick pillars lends itself more to maintaining security than does a split rail fence.
- 5) The applicant is also proposing to delete the sidewalks internal to the development. The rationale offered for this, that it would decrease the amount of hard surfacing and allow more greenery and landscaping, while correct in point of fact, would effectively defeat the purpose of having additional greenery and landscaping by acting as a psychological impediment to people going outside and walking around the neighborhood. In addition to the fact that this would be unacceptable under the Town's ordinances and development standards, the Town believes that given the lack of trail systems within Woodmoor, allowing this request would continue a poor planning policy.
- 6) Are street lights proposed internal to the subdivision? Are they proposed for along Lake Woodmoor Drive?
- 7) While the character of the landscaping as proposed is of low water intensity, the applicant is also proposing a "native seed mix" in addition to sod. We question the use of sod, and would ask the applicant for specifics on the varieties of seed to be included in the native mix.

TOWN OF MONUMENT - (response to September 15, 1998 request) - On 25 June 1998, the Town of Monument responded to a proposed amendment to an existing PUD for the Brookmoor Subdivision: First, let me take this opportunity to thank the County for taking seriously many of the Town's recommendations. We note that the plat note revisions the Town recommended have been done. With this in mind, we offer the following additional comments:

The Town renews its concern regarding the proposed drainage. Without benefit of a drainage plan to indicate how drainage is to be managed, we can only make assumptions based upon the information shown on both the amended PUD plan as well as the subdivision improvement plans. It still appears that drainage is to be directly discharged into the Dirty Woman Creek Drainage Basin. Again, to reiterate comments made in our June 25, 1998 letter, this plan would be unacceptable under the Town's Subdivision Code, which requires all new developments hold drainage above historic, undeveloped flow rates on site, and discharge it at historic rates.

We also note that the discharge would be directly into the Dirty Woman Creek basin. For your reference, the Town has been informed by the Colorado Department of Transportation (CDOT) that the future on- and off-bound ramps for northbound

Interstate 25, as proposed under the interchange upgrade project, pass over Dirty Woman Creek less than one-half mile from the site of this proposed subdivision, and would negatively impact a known Prebles Meadow Jumping Mouse (PMJM) habitat. CDOT, for the past month, has been conducting a study on the migratory patterns of the PMJM in the Dirty Woman and Monument Creek basins. At their site in Dirty Woman Creek, in the path of the future on and off ramps, they counted 21 PMJM, making it what they deem a "fairly active colony."

With this information in mind, we very strongly recommend that the applicant meet with US Fish & Wildlife and the Army Corps of Engineers to ascertain what impacts the direct discharge of drainage from the proposed subdivision will have upon a known and active PMJM colony, and indeed if such a drainage solution can even be permitted.

EL PASO COUNTY HEALTH DEPARTMENT (response to both requests) - Woodmoor Water and Sanitation. Earthmoving activities which exceed one (1) acre must have a Construction Activity Permit prior to commencement of the project.

EL PASO COUNTY SOIL CONSERVATION DISTRICT (response to July 21, 1998 request) - We have a concern that the grading and filing to construct the emergency spillway of the dam has not addressed the sediment leaving the site and impacting Dirty Woman Creek. We would like the new owners of this development to increase their efforts in reducing the sediment from the construction site from reaching Dirty Woman Creek. Once the wetlands along the creek are impacted by the sediment from development it will be extremely difficult for them to operate as a wetland.

EL PASO COUNTY DEPARTMENT OF TRANSPORTATION (response to July 21, 1998 request) - No objection.

EL PASO COUNTY DEPARTMENT OF TRANSPORTATION (response to September 15, 1998 request) - The P.U.D. Development Plan indicates a different berm cross-section and access configuration from what is shown on the construction plans. The revised grading on the construction plans is not clear. Assuming the construction plans are correct, the berm (and proposed vegetation) will need to be removed near the entry road to provide safe sight visibility for vehicles entering and leaving the subdivision.

Please resubmit the grading and erosion control of the berm as a detail at a revised scale.

A twenty-five foot sight triangle needs to be provided on the Development Plan on either side of the access point.

It appears that at least portions of the berm have already been constructed without any erosion control measures being implemented.

STAFF NOTE: The Department of Transportation indicated, on October 22, 1998, the only outstanding concern they have is that the berm not be located in the right-of-way.

COLORADO GEOLOGICAL SURVEY (response to September 15, 1998 request) - In response to your request I've inspected the plans for the 6-foot berm proposed by the Brookmoor developers. I have no objections to this addition. If the berm is to be composed of native material (as opposed to concrete) an attempt should be made to stabilize the vegetation as quickly as possible. Vegetative mats and geotextile fabrics would be useful in this project.

I've watched the Brookmoor development for some time from Highway 105 on my way to and from other sites in El Paso County. Last spring I was fairly appalled at what appeared to be a new Sand Dune Monument-the erosion of the hillside leading to Dirty Woman Creek. Since then it appears that some seeding has taken hold and is helping to secure the slope. Some of the silt fences appear in good shape, but in the channelways, these and the straw bales are almost totally buried. Some more effective mitigation needs to be employed in this area. This site clearly shows the problems associated with overlot grading in the coarse-grained Dawson, especially where slopes are involved (and there is potential for negative impact to a surface water feature). It is important that erosion control measures be routinely monitored for effectiveness.

ARMY CORPS OF ENGINEERS - On August 18, 1998, Diana L. Humphreys and Anita Culp conducted an on-site inspection regarding the construction of the Brookmoor PUD adjacent to Dirty Woman Creek near Monument, El Paso County, Colorado (Action No. 1998 30174).

Regulations pursuant to Section 404 of the Clean Water Act (Appendix A to 33 CFR 330) describe Nationwide Permit No. 26 for discharges of dredged or fill materials into waters of the United States as a headwaters and isolated waters discharge (brochure and summary enclosed). Based on the on-site investigation it appeared that small, isolated wetland seeps were filled during the construction of the Brookmoor PUD. Your wetland fill does not comply with the conditions of nationwide permit No. 26 (see below) and therefore the discharge of these materials into isolated wetlands and eroding into Dirty Woman Creek is a violation of Section 404 of the Clean Water Act, and the implementing regulations found in Title 33, Code of Federal Regulations, Part 320-330.

The following conditions of nationwide permit No. 26 are not presently met:

- a. General Condition No. 2: Proper maintenance: "Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety."
- b. General Condition No. 3: Erosion and Siltation Controls: The area of fill along the slopes to Dirty Woman Creek is exposed and had severely eroded and is continuing to erode. All exposed soil must be permanently stabilized at the earliest practicable date. You must stabilize slopes of your fill area to withstand the expected erosion forces at this location.

c. General Condition No. 11: Endangered Species: "No activity is authorized under any nationwide permit which is likely to jeopardize the existence of a threatened or endangered species." Dirty Woman Creek in the vicinity of your project has been identified as having populations of the Preble's Meadow Jumping Mouse, a federally listed threatened species. Erosion from the fill may have buried hibernating mice, is causing sedimentation into the habitat of the Preble's Meadow Jumping Mouse, and may adversely affect the continued existence of the mouse at this location.

You are required to correct the continual erosion from the wetland fill into Dirty Woman Creek by stabilizing exposed slopes by October 9, 1998. An on-site meeting will be set up with the U.S. Fish and Wildlife Service to best determine corrective actions in the Preble's Meadow Jumping Mouse habitat.

Legislation provides for administrative fines as well as civil or criminal penalties for violation of the Clean Water Act. This process, which is usually reserved for uncooperative or recalcitrant violators, can result in significant fines and/or imprisonment.

We look forward to your cooperation in these matters and hope to come to a mutually agreeable solution in the near future. If you have any questions, please feel free to write or call Diana L. Humphreys at (719) 543-9459.

You must not place any more dredged or fill material into waters of the United States until you have proper authorization. Please provide this office with evidence of compliance with this order by October 16, 1998.

STAFF NOTE: A meeting was held on-site with the applicant, Colorado Department of Wildlife, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service and the Planning Department on October 15, 1998. The applicant agreed to revegetating where needed and indicated they would comply with all requirements. The Corp determined it would do more harm than good to remove the sediment which eroded into the Creek area. The Corp will write a letter which will address restoration items and is willing to work with the applicant. Staff had not received the letter at the time this report was written.

The following agencies have either no comment or no objection to the request of September 15, 1998:

El Paso County Soil Conservation District

Other agencies notified of both requests, their comments will be provided at the meeting if available:

County Attorney's Office
Woodmoor Water and Sanitation District
Woodmoor Improvement Association
Comprehensive Section
Tri-Lakes Citizen Advisory Committee

PUD STANDARDS:

In considering a rezoning to PUD (Planned Unit Development) District, the following criteria must be addressed; which are contained within Section 16 N. of the Land Development Code :

1) That proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.

Proper posting, publication, and public notice was provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.

2) That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested parties were heard at those hearings.

Completeness of hearings will occur as part of the specified process.

3) That the proposed land use will be compatible with existing and permitted land uses in the surrounding area, and will be in harmony and responsive with the character of the surrounding area.

To the east are single-family lots of 1/2 acre in size. Commercial zoning and uses exist to the west. To the south is a 100 year floodplain which is designated as open space. To the north is Woodmoor Drive/Lake Woodmoor.

4) That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

There is no indication that commercial-grade mineral deposits are located in this area.

5) That a need for the development is demonstrated.

The applicant has established a gated community which will accommodate "empty nesters" and people who want a maintenance-free, secure development. All roads, lawns and open space areas would be maintained in common.

6) That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided.

This property is located within the Woodmoor Water & Sanitation District and the Woodmoor-Monument Fire Protection District.

7) That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided.

The subdivision is a gated community with its primary access onto Woodmoor Drive. All internal roads are private. None of the proposed amendments to the PUD affect the road network.

8) That the proposed development will not have a negative effect upon the existing and future development of the surrounding area.

The land use itself should not cause a negative effect. The proposed changes are internal to the development except for the perimeter fencing. The location of the berm will not affect the location of houses on individual lots.

9) That the proposed PUD District zoning will achieve and advance the stated purposes set forth in this Section, and is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

The PUD allows flexibility to accommodate this type of use. As part of the Development Plan specific criteria addressing internal setbacks, perimeter landscaping, etc. were developed. The applicant is proposing to amend various items which is allowed by the Land Development Code if the change is considered consistent with the efficient development and preservation of the PUD and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the Public interest, and is not solely to confer a special benefit upon any person.

PLANNING DEPARTMENT COMMENTS

The applicant is proposing to amend the approved development plan for Brookmoor. The proposed changes to the gatehouse/entryway and the fence along Woodmoor Drive appear to be minor changes and are included as attachments. Replacing the perimeter fencing with landscaping seems to take away from the concept of a "gated community" but the developer believes it will be more aesthetically pleasing. It appears from the plans the berm will be contained in the 25 foot building setback, which is required, along Lake Woodmoor Drive. The developer indicated the berm would provide privacy for the homes which would be located along Lake Woodmoor Drive. As the berm is contained within the building setback it will not affect where homes could be located.

The original changes to the setbacks appeared confusing. Staff requested the developer to list the setbacks specifically on the plat, if they are different from the overall setbacks, so there is not confusion when people are applying for a building permit. There are various people who may approve plot plans and determining the correct setbacks should be as clear as possible. Those changes have been made on the revised plat.

The notes regarding the building height were also confusing. The developer has changed the note on the revised plat per staffs request.

Staff does not agree with the deletion of the sidewalks. People should be encouraged to walk through their neighborhood and walking in the street is not a good option. There are 59 lots in this development which could average out to over 100 people once full build-out is completed. The developer is providing a trail to the open space and there should be a safe way for people to get to the trail without walking in the street. Although sidewalks would be preferred perhaps the developer could stipulate on the plat that landscaping which would impede pedestrian movement is prohibited in the 8 feet of property adjacent to the street. Staff has included this as a condition.

There was also a concern about the existing berms on the property at the July 21st hearing. The Planning Commission required the berms to be removed prior to scheduling the request before the Board of County Commissioners. The applicant did state at that hearing they may come back before the Planning Commission to revisit the issue of the berm, which is why there was a second hearing on September 15. The neighbor to the north, who was represented by Bruce Wright at the July 21st hearing, was concerned about the berm which was next to his property. The applicant has indicated to staff he has removed that berm and the proposed berm along Lake Woodmoor Drive would not affect the neighbors property. Staff has spoken with Bruce Wright and the berm on Lake Woodmoor Drive is not a problem to his client.

The Land Development Code states that changes to an approved development plan are allowed if the change is considered consistent with the efficient development and preservation of the PUD and does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD or the Public interest, and is not solely to confer a special benefit upon any person. If the developer clarifies the points as discussed above by staff, then staff would consider that the changes are consistent with the approved development plan.

PLANNING DEPARTMENT RECOMMENDATION: The Planning Department concurs with the Planning Commission and recommends approval, subject to the following conditions and notations, noting modifications previously discussed. Approval includes authorization for the Chairman to sign the Development Plan/Guide and all other necessary documents to complete the rezoning process.

STAFF NOTE: The conditions and notations are incorporated from the actions of the Planning Commission on July 21st and September 15th.

CONDITIONS

1. Prior to issuance of building permits the property shall be in compliance with the approved grading plan as determined by the El Paso County Department of Transportation. The berm along Lake Woodmoor Drive shall not be located in the right-of-way.

2. Development of the property shall be in accordance with the approved Development Plan. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.

3. Prior to recording, the Development Plan shall be revised to reflect the *following*:
① requirements of Section 16 and 37.5 of the El Paso County Land Development Code, including the Development Plan drawing at a size of 24" x 26".

A B If sidewalks are not installed an eight (8) foot area adjacent to all streets shall be designated as a walkway and landscaping which restricts pedestrian movement is prohibited. ~~This shall be noted on the Development Plan.~~

4 f. Developer shall comply with any State, Federal or local laws, regulations, ordinances and review and permit requirements as they may apply regarding Prebles Meadow Jumping Mouse and other applicable threatened or endangered species.

6 g. Any change to the Development Plan must go back to the Planning Commission.

7 ① Change the setbacks for Lot 18, Block 1, as agreed to with the property owner. *by drawings dated Sept 29, 1998*

8 ② No berm shall be located east of the drainage tract without the approval of the adjoining land owner and approval of revised plans pursuant to Section 16 of the El Paso County Land Development Code.

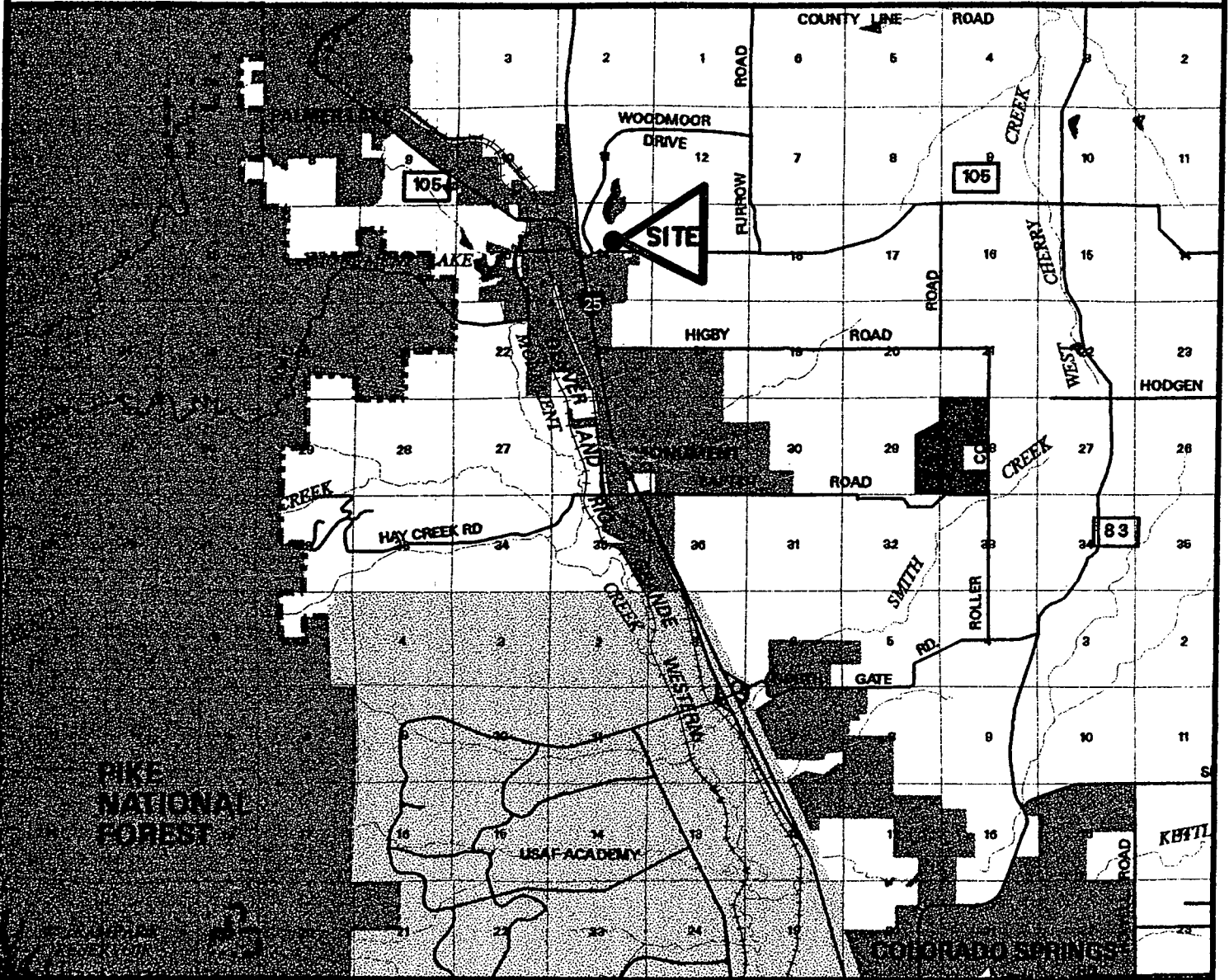
9 ③ A twenty-five (25) foot sight triangle shall be provided on the Development Plan on either side of the access point.

ENCLOSURES

- Vicinity Maps (2)
- Letter of Intent
- Development Plan
- Previously approved Gatehouse/Entryway
- Proposed Gatehouse/Entryway
- Previously Approved Fence
- Proposed Fence
- Previously Approved Setback Requirements
- Proposed Setback Requirements
- Proposed Building Height Requirements
- Adjoining Property Owner Letters
- Development Plan for Berm
- Detail Plan for Berm
- Planning Commission Resolution

Prepared by Lauren Light
11/3/98

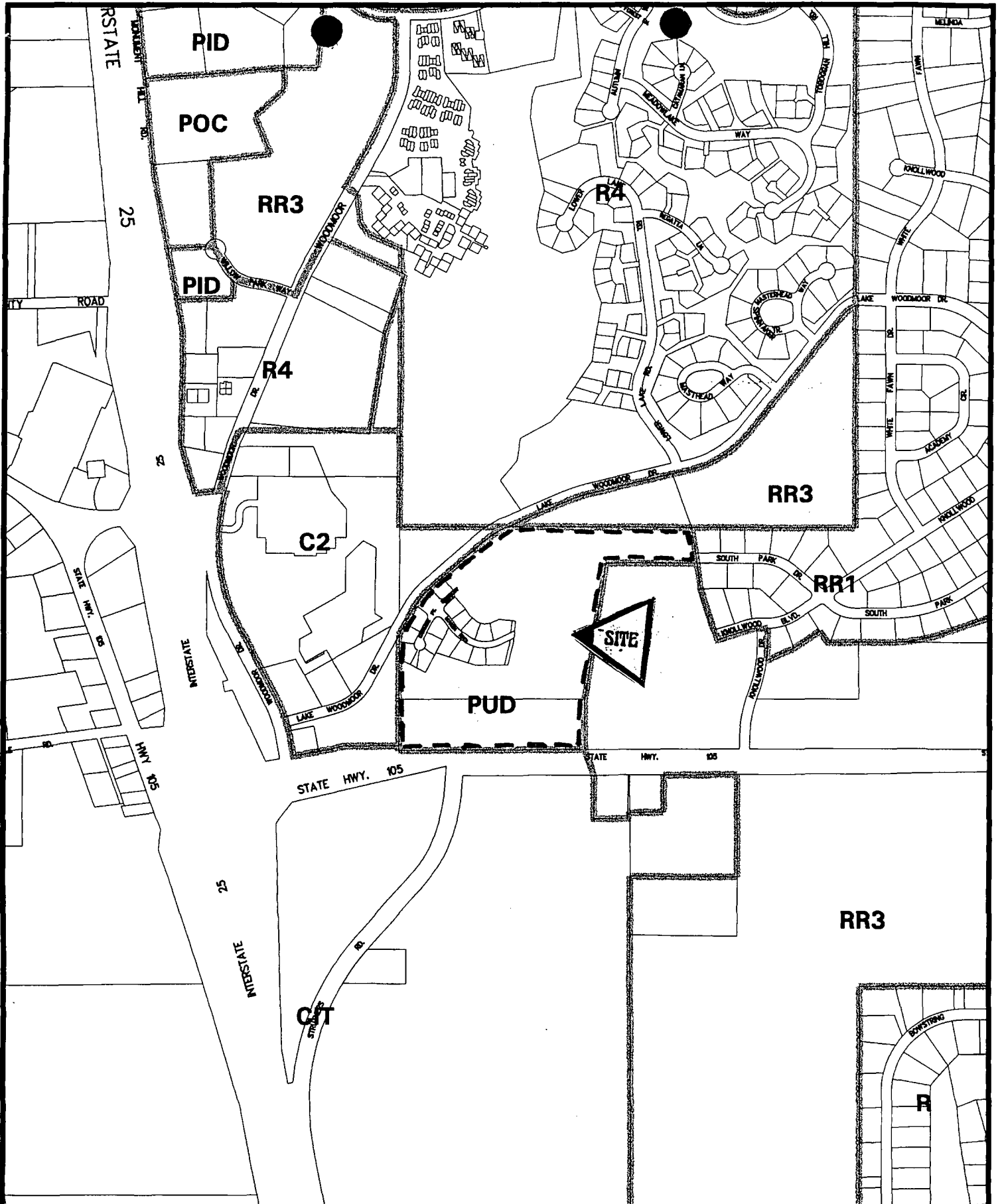
DOUGLAS COUNTY



Brookmoor Dev Plan amendment
 PUD-98-006, 711.14

Scale: 1:100,000
 June 08, 1998

COPYRIGHT 1998 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained herein may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of plotting and is for internal use only. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained herein.



BROOKMOOR DEV. PLAN AMEND
PUD-98-006, 711.14

SEE BACK FOR ZONE LEGEND

↑
 July 08, 1998

COPYRIGHT 1998 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of plotting and is for internal use only. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



LDC, Inc.

3520 AUSTIN BLUFFS PARKWAY
COLORADO SPRINGS, CO 80918
(719) 528-6133
FAX (719) 528-6848
e-mail: ldcinc@gte.net

June 5th, 1998

County Planning Department

Re: **Brookmoor - PUD Development Plan Amendment**

LDC, Inc. is representing owners of the above referenced property in this request to amend the currently approved PUD Development Plan. Ownership of the property has changed since the last plan was approved and the new owner is going for a different style of development. The changes are as follows:

The entrance and gate house area have been revised to show existing conditions.

The fence along Lake Woodmoor Drive is being changed from a wrought iron with brick pillars to split rail which we feel will be more aesthetically pleasing.

The 5' perimeter fence is being replaced with a landscape buffer which we feel will also be more aesthetically pleasing.

The sidewalks are being removed. We believe that given the relatively small size of the development and the fact that the streets are private with no on-street parking, sidewalks are not necessary. Deleting the sidewalks would also give us a decrease of hard surfacing and allow more greenery and landscaping.

The front and rear setbacks are being reduced as noted on the plans and development guide. The allowable lot coverage of 35% is not being increased but the reduction in the setbacks will allow the developer more flexibility with the placement and design of the houses.

Owner: Colorado Homes & Life Style
PO Box 5055
Vail, CO 81658-5055
(970) 949-3880

Thank you for your consideration,


LDC, Inc. by Adrian Stanciu



LDC, Inc.

3520 AUSTIN BLUFFS PARKWAY
COLORADO SPRINGS, CO 80918
(719) 528-6133
FAX (719) 528-6848
e-mail: ldcinc@gte.net

August 3rd, 1998, 1998

County Planning Department

Re: **Brookmoor - PUD Development Plan Amendment**

LDC, Inc. is representing the owners of the above referenced property in this request to amend the currently approved PUD Development Plan. Ownership of the property has changed since the last plan was approved and the new owner is going for a different style of development. This application has already been approved by the Planning Commission on July 21st to allow for the following changes:

The entrance and gate house area have been revised to show existing conditions.

The fence along Lake Woodmoor Drive is being changed from a wrought iron with brick pillars to split rail which we feel will be more aesthetically pleasing.

The 5' perimeter fence is being replaced with a landscape buffer which we feel will also be more aesthetically pleasing.

The sidewalks are being removed and an eight foot wide area of "pedestrian friendly" landscaping will be installed

The front and rear setbacks are being reduced as noted on the plans and development guide.

The Development Plan is now being resubmitted to add a six foot berm along Lake Woodmoor Drive. This item was discussed at the Planning Commission Hearing as a possible future amendment. In discussions with the attorney representing the property owner to the North it was discovered that their objection was to a berm along the northern boundary of the property. This area was left rather high during the initial over lot grading but was never intended to remain that way. The owner has already regraded this portion of the property to adhere to the approved grading plan.

The only change we are requesting from what the Planning Commission has approved is the addition of the six foot berm along Lake Woodmoor Drive.

Owner: Colorado Homes & Life Style & Martin J. Delohery
PO Box 5055 1785 Woodmoor Drive
Vail, CO 81658-5055 Monument, CO 80132-9070
(970) 949-3880

Thank you for your consideration,

LDC, Inc. by Adrian Stanciu

File: 97093.1 - Letter of Intent 2.doc

-185-

ZONED P. U. D.
THE BEACH AT WOODMOOR
71142-00-015

UNPLATTED
71142-00-008

ZONED A

ZONED RR-3
UNPLATTED
71141-00-006

UNPLATTED
71141-00-005

ZONED C

S 68°13'00" W
2.08'

VACANT

Δ = 1756'00"
R = 600.00"
L = 187.80'

ZONED C

VACANT

S 48°17'00" W
388.19'

71142-00-005
UNPLATTED

ZONED C

Δ = 20°51'05"
R = 570.00"
L = 207.45'

COMMERCIAL
ZONED C

UNPLATTED
71142-00-038

S 00°12'58" E
302.25'

S 00°12'58" E
376.61'

P.O.B.
PARCEL B

S 89°44'11" W
1079.44'

OPEN
PRESERVATION OPEN SPACE 7.42 ACRES
FLOOD PLAIN
DIRTY WOMAN CREEK

NO ACCESS TO HIGHWAY
30' Sanitary Sewer Easement

CITY OF
MONUMENT

N 89°27'05" E
1079.70'

HWY. 106 100' R.&V.

PARCEL A
71141-00-004
25.43 ACRES

PRIVATE TRAIL SYSTEM
INTO PRESERVATION AREA

NON-BUILDABLE AREA

S P A C E

N 00°15'49" W
286.88'

N 08°13'45" E



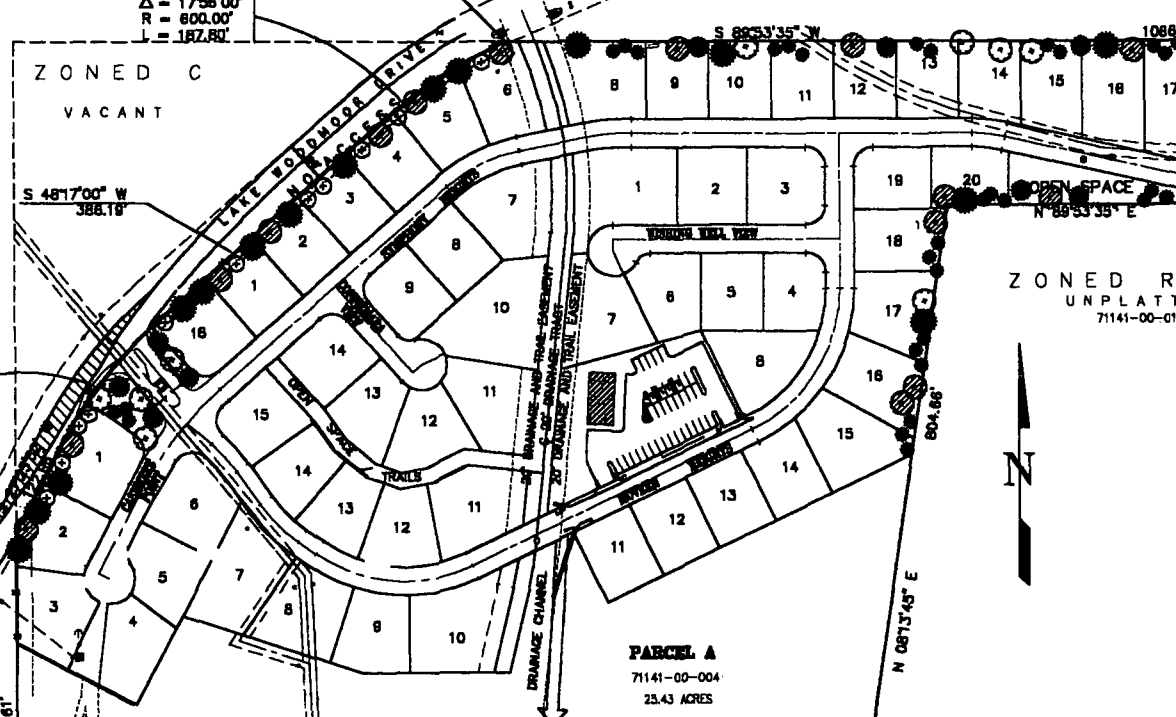
FOR PUBLIC
ZONED RR-3
UNPLATTED
71141-00-011

OPEN SPACE
N 89°53'35" E
532.82'

HARMON HILLS
FILING NO. 2

GRAVEL SOUTH PARK DR.
(PUBLIC STREET)

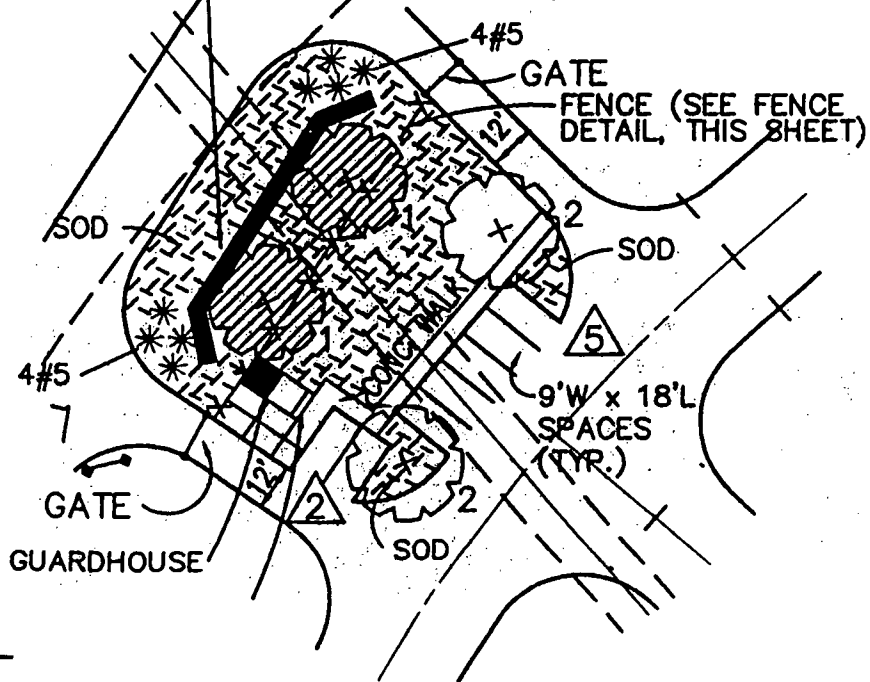
71141-02-004
LOT 1



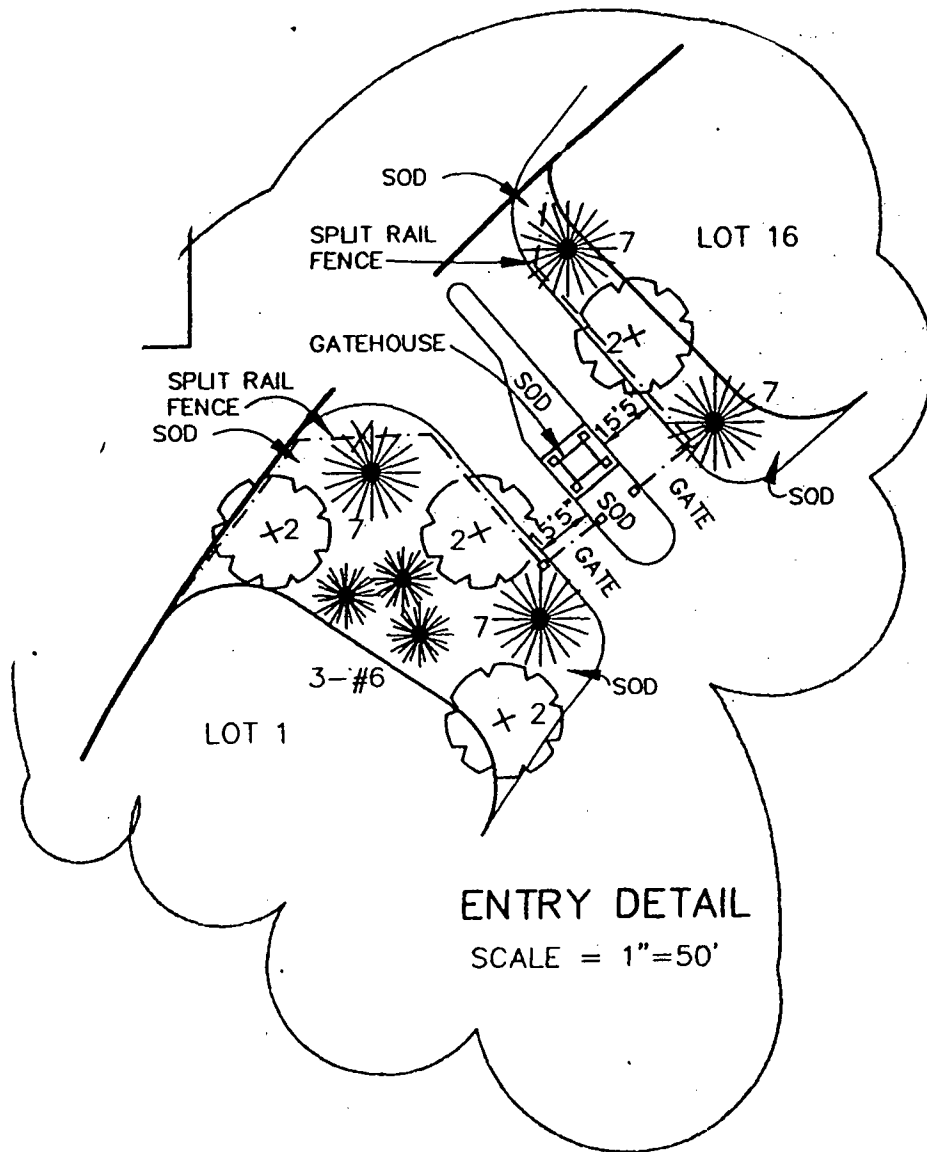
-186-

PREVIOUSLY APPROVED
GATEHOUSE and ENTRANCEWAY.

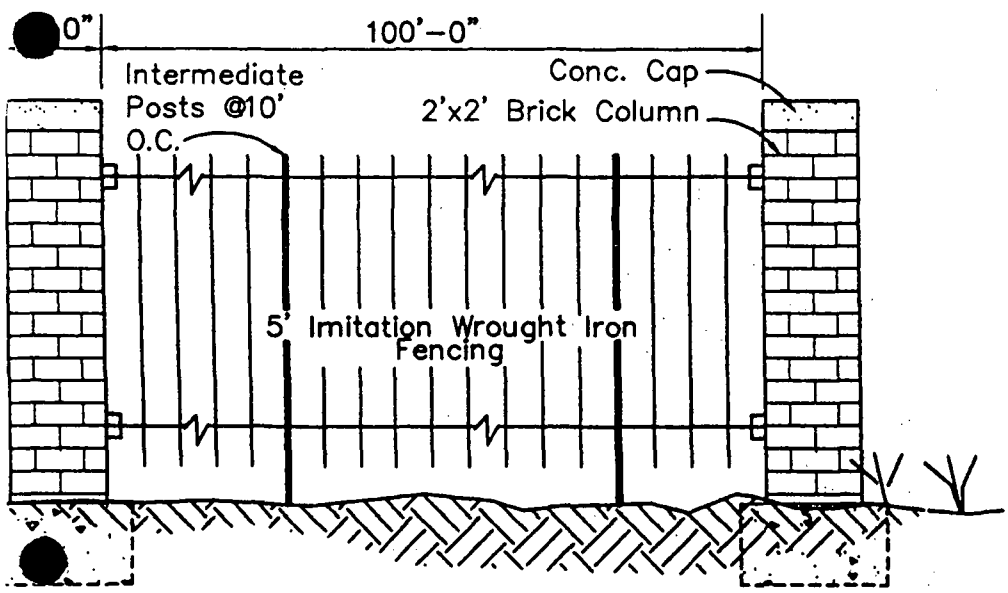
DECORATIVE LOW PROFILE
ENTRY FEATURE W/ NAME



PROPOSED GATEHOUSE AND ENTRYWAY.



PREVIOUSLY APPROVED FENCE



FENCE DETAIL
 (For Lake Woodmoor Drive)
 N.T.S.

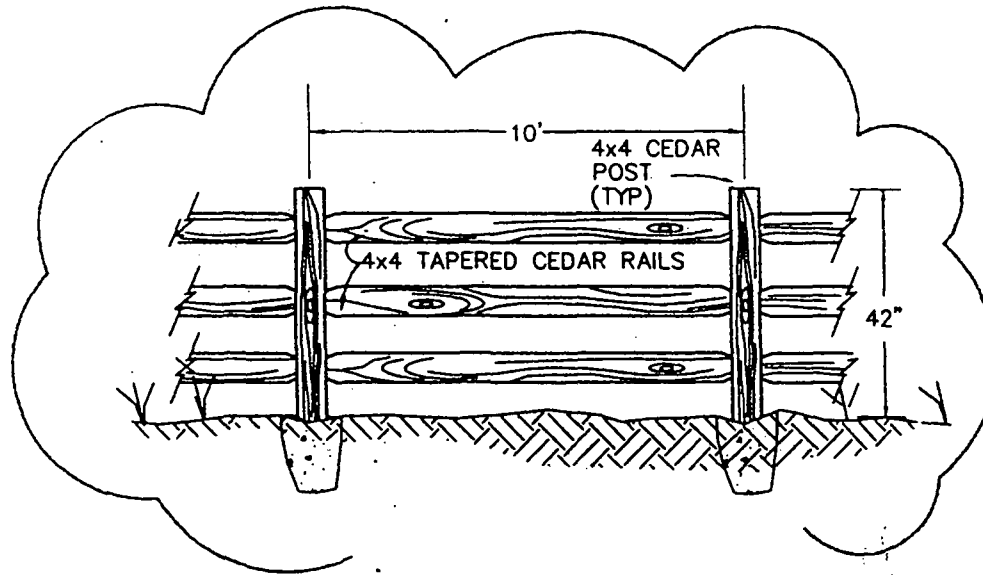
-189-

BROOKMOOR
 P.U.D. DEVELOPMENT PLAN
 LANDSCAPE PLAN



| | | | |
|---|-------------------|-----------------|----------------|
| 5 | PROJECT NO. 94160 | Drawn By: DebK | Date: 09/09/94 |
| | | Checked By: RAM | Sheet: 3 Of 3 |

PROPOSED FENCE



FENCE DETAIL
(For Lake Woodmoor Drive)
N.T.S.

ENT ON LAKE

ENT 6/3/98 DebK

| REVISION | BY | DATE |
|----------|------|----------|
| | DebK | 02/13/95 |
| | DebK | 03/21/95 |
| | DebK | 04/12/95 |
| | DebK | 06/21/95 |

| | | | |
|-------------------|--|--|----------------|
| PROJECT NO. 94160 | | BROOKMOOR P.U.D. DEVELOPMENT PLAN LANDSCAPE PLAN | |
| | | Drawn By: DebK | Date: 09/09/94 |
| | | Checked By: RAM | Sheet: 3 Of 3 |



-190-

PREVIOUSLY APPROVED SETBACKS

BLDG SIZES:

LARGE LOTS....1750 SF Approx
SMALL LOTS....1500 SF Approx
AVG LOT SIZE = 9438.6 S.F.
DENSITY = 1.80 UNITS PER ACRE
BLDG HEIGHT = 20' MAX 1 STORY
AREA = 32.85 Acres - Gross
NO. OF LOTS = 59

NOTES:

SETBACKS: FRONT 15' MIN
SIDEYARD 5' MIN
REARYARD 15' MIN (25' on Perimeter)

*LOT 18, BLOCK 1 ONLY: FRONT 25'
REARYARD 25'
SIDEYARD 10'

FENCING ON PERIMETER BOUNDARY ONLY
NO INTERIOR FENCING
GARAGES MAY BE SIDE ENTRY, 2 OR 3 CARS
ALL INTERIOR STREETS ARE PRIVATE, PAVED
OFFSTREET PARKING: UNITS 59 x 3 = 177 Spaces
ENTRANCE = 7 Spaces
COMMUNITY CENTER = 34 Spaces
COMMUNITY CENTER = 2,000 S.F. APPROX.
INTERIOR LANDSCAPING BY BUILDER

-19/-

Proposed SETBACK Requirements

BLDG SIZES:

AVG LOT SIZE = 9438.6 S.F.
 DENSITY = 1.80 UNITS PER ACRE
 BLDG HEIGHT = SEE NOTE 3, THIS SHEET
 AREA = 32.85 Acres - Gross
 NO. OF LOTS = 59
 MAX. LOT COVERAGE: 35%

NOTES:

SETBACKS: FRONT 15' MIN., 18' FOR NON-PERIMETER LOTS
 SIDEYARD 5' MIN
 REARYARD A) 15' MIN ON PERIMETER
 B) ADJOINING PARCELS A AND B, 10' MIN.,
 EXCEPT LOT 5 BLOCK 2

*LOT 18 BLOCK 1 ONLY: FRONT 15'
 SIDEYARD 10' AS SHOWN
 REARYARD 15'

FENCING ON LAKE WOODMOOR DRIVE ONLY

NO INTERIOR FENCING

GARAGES MAY BE SIDE ENTRY, 2 OR 3 CARS

ALL INTERIOR STREETS ARE PRIVATE, PAVED

OFFSTREET PARKING: UNITS $59 \times 3 = 177$ Spaces

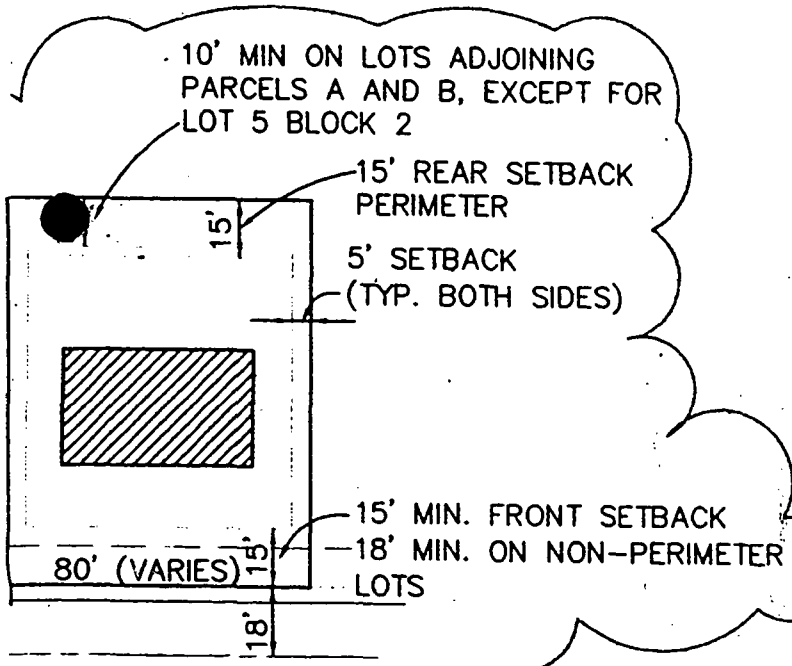
ENTRANCE = 7 Spaces

COMMUNITY CENTER = 34 Spaces

COMMUNITY CENTER = 2,000 S.F. APPROX.

INTERIOR LANDSCAPING BY BUILDER

NO ON STREET PARKING TO BE ALLOWED



PRIVATE STREET
 LOT CONFIGURATION

-192-

Building HEIGHT Requirements

NOTES:

1. MAINTENANCE OF STREETS TO BE BY HOMEOWNER'S ASSOCIATION.
2. PHASES I AND II HAVE BEEN SHOWN AS PLATTED FOR THIS AMENDMENT.
3. NO STRUCTURE SHALL EXCEED ONE (1) STORY, WITH THE BASEMENT LEVEL NOT CONSIDERED AS A STORY. THE BUILDING HEIGHT SHALL NOT EXCEED TWENTY (20) FEET FROM THE STREET VIEW. THE OVERALL BUILDING HEIGHT SHALL NOT EXCEED THIRTY (30) FEET BASED ON SLOPED LOTS WHERE THE AVERAGE HEIGHT OF ALL FOUNDATION CORNERS DOES NOT EXCEED THIRTY (30) FEET. THE BUILDING HEIGHT IS MEASURED FROM FINISH GRADE AT THE FOUNDATION TO THE ROOF RIDGE LINE SUBTRACTING FIVE (5) FEET FOR ROOF SLOPE ALLOWANCES.

El Paso County Planning Department



June 29, 1998

RECEIVED

JUL 6 1998

This letter is to inform you of the following petition which has been submitted to El Paso County:

Planning Dept
711.14

PUD-98-006

AMENDMENT TO BROOKMOOR PUD COLORADO HOMES AND LIFE STYLE AND MARTIN DELOHERY

A request by Colorado Homes and Life Style and Martin Delohery to amend the existing Development Plan for Brookmoor. The property is currently zoned PUD (Planned Unit Development) District. The proposed changes are: revise entrance and gatehouse area, reduce setbacks, delete sidewalks, replace perimeter fence with landscaping and change fence along Woodmoor Drive to split rail. The property is located on the north side of State Highway 105, south of Lake Woodmoor Drive and west of the westerly terminus of South Park Drive in the Woodmoor area. Tax schedule #'s 71141-00-012, 013.

The County Assessor's records show you as an adjoining property owner. Your position on the above matter would be appreciated and will be made part of the record of the Planning Commission hearings. A return of this letter to the Planning Department at the address listed below is, therefore, requested.

For

Against

No Opinion

Comments: I MET W DEVELOPER AND HAVE NO OBJECTION

PROVIDED SET BACKS ADJOINING MY PROPERTY REMAIN AS DISCUSSED
(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.) AND AGREED -

This item is scheduled to be heard by the El Paso County Planning Commission on July 21, 1998. However, due to the number of items to be considered by the Planning Commission, a second meeting may be required. If a second meeting is necessary, it will be held on July 28, 1998. The meeting begins at 9:00 A.M. and will be conducted in Third Floor Hearing Room of the County Office Building, 27 East Vermijo, Colorado Springs. **The date and order when this item will be considered can be obtained by calling the Planning Department on the THURSDAY PRIOR TO THE FIRST MEETING DATE or through El Paso County's Web site (www.co.el-paso.co.us).** The Planning Commission's Agenda is published in the Legal Advertisement section of the Gazette Telegraph on the Sunday prior to the first meeting.

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call (719) 520-6300.

Sincerely,

Lauren Light
Lauren Light, Senior Planner

Your Name: Ralph Joelf Address: 1360 S. PARK DR.
Lot 1 Blk. 9 Hermon Hill Fil 2

Property Location: 1360 S. Park Dr. Phone: 719-488-9283

-194-

El Paso County Planning Department



June 29, 1998

RECEIVED

JUL 8 1998

This letter is to inform you of the following petition which has been submitted to El Paso County:

Planning Dept.

PUD-98-006

711.14

AMENDMENT TO BROOKMOOR PUD COLORADO HOMES AND LIFE STYLE AND MARTIN DELOHERY

A request by Colorado Homes and Life Style and Martin Delohery to amend the existing Development Plan for Brookmoor. The property is currently zoned PUD (Planned Unit Development) District. The proposed changes are: revise entrance and gatehouse area, reduce setbacks, delete sidewalks, replace perimeter fence with landscaping and change fence along Woodmoor Drive to split rail. The property is located on the north side of State Highway 105, south of Lake Woodmoor Drive and west of the westerly terminus of South Park Drive in the Woodmoor area. Tax schedule #'s 71141-00-012, 013.

The County Assessor's records show you as an adjoining property owner. Your position on the above matter would be appreciated and will be made part of the record of the Planning Commission hearings. A return of this letter to the Planning Department at the address listed below is, therefore, requested.

For

Against

No Opinion

Comments: unfavorable effect on value of adjoining properties.

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

This item is scheduled to be heard by the El Paso County Planning Commission on July 21, 1998. However, due to the number of items to be considered by the Planning Commission, a second meeting may be required. If a second meeting is necessary, it will be held on July 28, 1998. The meeting begins at 9:00 A.M. and will be conducted in Third Floor Hearing Room of the County Office Building, 27 East Vermijo, Colorado Springs. **The date and order when this item will be considered can be obtained by calling the Planning Department on the THURSDAY PRIOR TO THE FIRST MEETING DATE or through El Paso County's Web site (www.co.el-paso.co.us).** The Planning Commission's Agenda is published in the Legal Advertisement section of the Gazette Telegraph on the Sunday prior to the first meeting.

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call (719) 520-6300.

Sincerely,

Lauren Light
Lauren Light, Senior Planner

Your Name: Laurence Kling for Pinetree Properties Address: 3550 N. 1st Ave. #150
Tuc, Az 85719
Property Location: SEC Interstate 25 Phone: _____

-195-

El Paso County Planning Department



September 3, 1998

RECEIVED

SEP 15 1998

Planning Dept.

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUD-98-006

711.14

AMENDMENT TO BROOKMOOR PUD COLORADO HOMES AND LIFE STYLE and MARTIN DELOHERY

A request by Colorado Homes and Life Style and Martin Delohery to amend the existing development plan for Brookmoor. The property is currently zoned PUD (Planned Unit Development) District. The proposed change is to add a six foot berm along Lake Woodmoor Drive. The property is located on the north side of State Highway 105, south of Lake Woodmoor Drive and west of the westerly terminus of South Park Drive in the Woodmoor area. Tax schedule #'s 71141-00-012, 013.

The County Assessor's records show you as an adjoining property owner. Your position on the above matter would be appreciated and will be made part of the record of the Planning Commission hearings. A return of this letter to the Planning Department at the address listed below is, therefore, requested.

For Against No Opinion

Comments: Please note comments on separate page

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

This item is scheduled to be heard by the El Paso County Planning Commission on September 15, 1998. However, due to the number of items to be considered by the Planning Commission, a second meeting may be required. If a second meeting is necessary, it will be held on September 22, 1998. The meeting begins at 9:00 A.M. and will be conducted in Third Floor Hearing Room of the County Office Building, 27 East Vermijo, Colorado Springs. **The date and order when this item will be considered can be obtained by calling the Planning Department on the THURSDAY PRIOR TO THE FIRST MEETING DATE or through El Paso County's Web site (www.co.el-paso.co.us).** (Actions taken by the Planning Commission are posted on the internet following the meeting.) The Planning Commission's Agenda is published in the Legal Advertisement section of the Gazette Telegraph on the Sunday prior to the first meeting.

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call (719) 520-6300.

Sincerely,

Lauren Light
Lauren Light, Senior Planner

Your Name: Doris and Ralph Loff Address: 1360 S. PARK DR

Property Location: Monument Co. Phone: (719) 488-9283

RALPH M. LOEFF

1360 South Park Drive • Monument, Colorado 80132 • (719) 488-9283

RECEIVED

SEP 15 1998

Planning Dept.

September 9, 1998

COMMENTS

I met with the representative of Colorado Homes and Life Style and Martin Delohery, Inc. in August. I expressed my concern over the possibility "remote" but "possible" of a buyer choosing the lowest point of the lot for the house. This choice would be detrimental to both my view and my privacy.

I was offered some minor set-back adjustments but they are meaningless due to the fact that a new owner's architect could choose a poor site.

At any rate, I would like to see an agreement for limited home sites to affect only this property in question. This would be Lot #18 on the development plan.

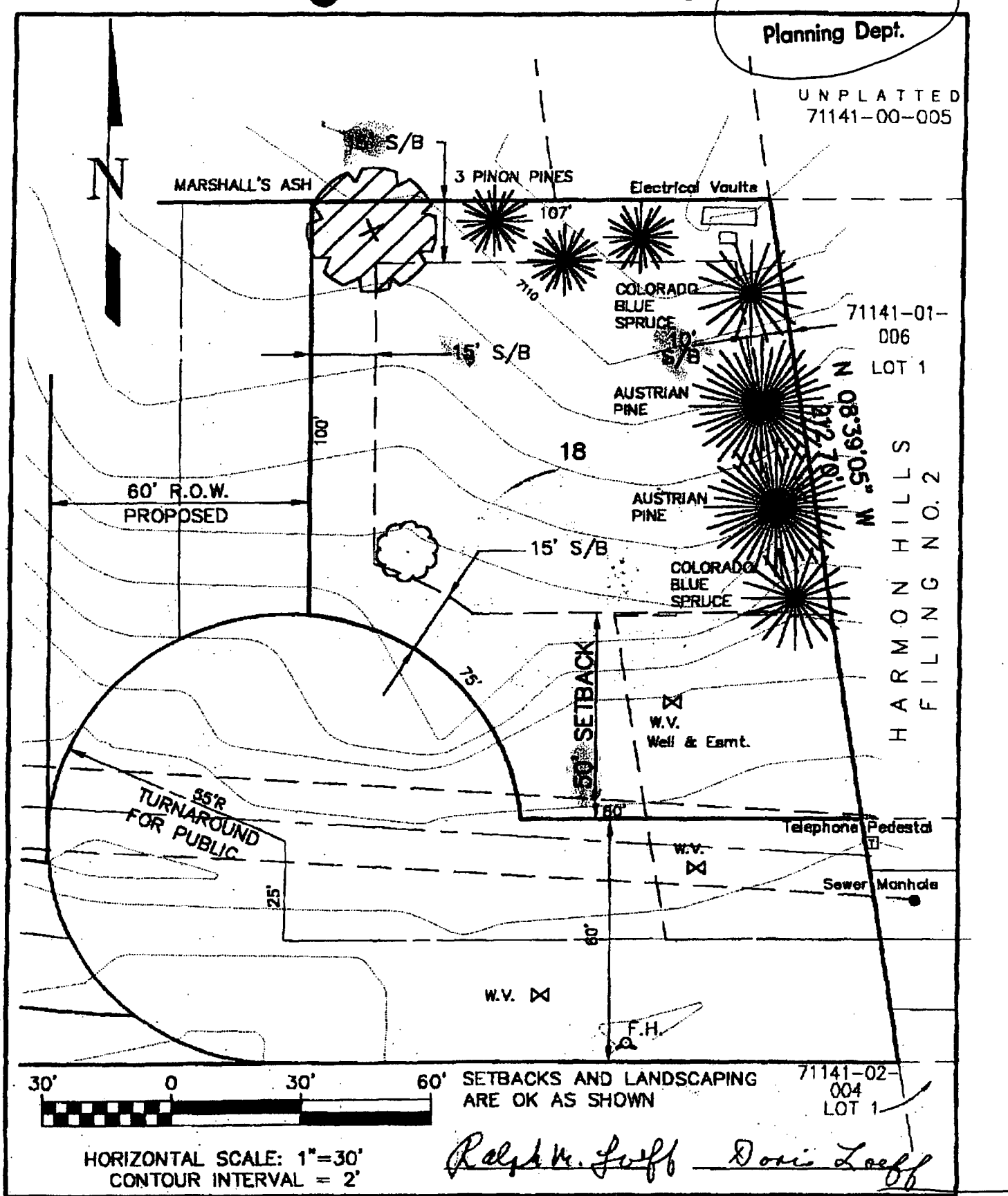
Thank you for your consideration.

Ralph Loeff

SEP 29 1998

Planning Dept.

UNPLATTED
71141-00-005



Ralph M. Loeff *Doris Loeff*

Thanks you! | 9/27/98

ZONED C

S 66°13'00" W

2.05'

Conc. Edge of Spillway

☉ of Spillway Easement

LAKE WOOD BK. K-2

N.T.S.

△ = 17°56'00"

R = 600.00'

L = 187.80'

Telephone Pedestal at base of power pole.

Gas Line Marker

Gas Line Marker

Electric

ZONED C

10' LANDSCAPE EASEMENT

6' BERM
2:1 SLOPE

VACANT

LAKE WOODMOOR DR.
PLATTED
BK. O-2, PG. 70

S 48°17'00" W

386.19'

LAKE WOODMOOR DRIVE

SYMPHONY HEIGHTS

CONEMARA VIEW

OPEN SPACE BLOCK 3

TRAILS

DRAINAGE TRACT

MOVEEN

SPLIT RAIL FENCE. SEE
DETAIL SH.
3 OF 3

Telephone Line Marker

20' Drainage Easement

71142-00-035

UNPLATTED

ZONED C

ENTRY
SEE DETAIL, SH.3

● = 20°51'08"
R = 570.00'
L = 207.45'

REALIGNMENT OF
EXISTING ROADWAY
SUBJECT TO
FINAL ENGINEER-
ING DESIGN

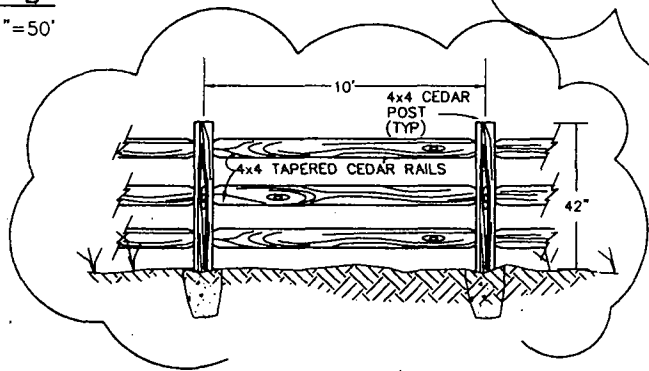
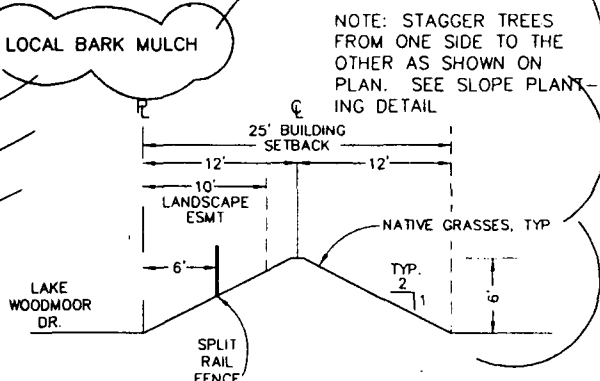
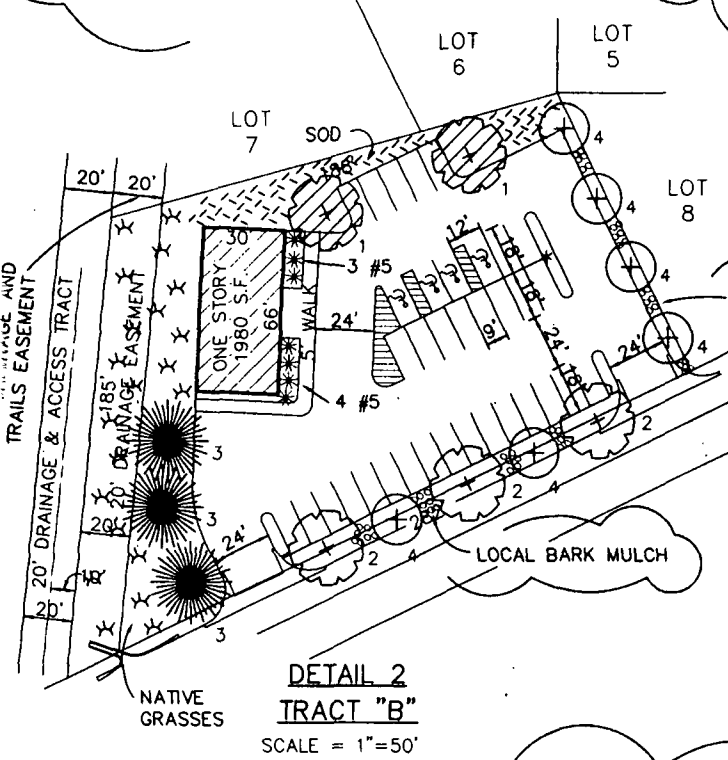
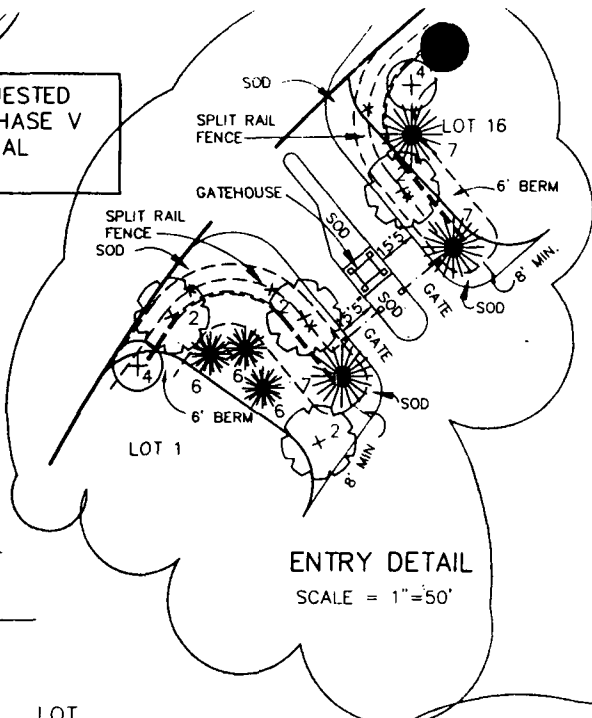
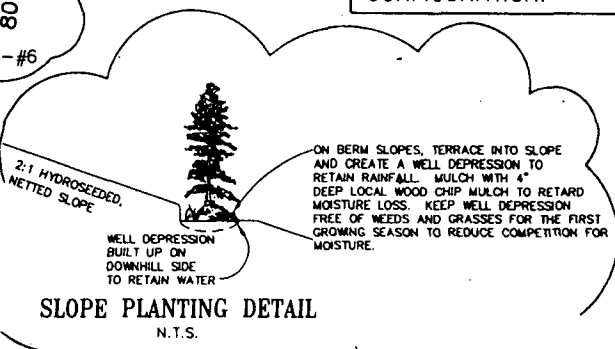
6' BERM
2:1 SLOPE

Telephone Line Marker

Gas Line Marker

199

AREA SHOWN AS REQUESTED BY PUBLIC WORKS. PHASE V PLAT MAY CHANGE FINAL CONFIGURATION.



EASEMENT ON LAKE

AMENDMENT 6/3/98 DebK
COMMENTS 7/31/98 DebK

| REVISIONS | | |
|-------------|------|----------|
| DESCRIPTION | BY | DATE |
| | DebK | 02/13/95 |
| | DebK | 03/21/95 |
| | DebK | 04/12/95 |
| | DebK | 06/21/95 |

| | | |
|---|-----------------|----------------|
| BROOKMOOR P.U.D. DEVELOPMENT PLAN LANDSCAPE PLAN | | |
| PROJECT NO. 97093.1 | Drawn By: DebK | Date: 09/09/94 |
| | Checked By: RAM | Sheet: 3 Of 3 |



ZONE CHANGE (APPROVED)

Commissioner Peterson-Falcone moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUD-98-006

WHEREAS, Colorado Homes and Life Style and Martin Delohery did file a petition with the Planning Department of El Paso County to amend the existing Development Plan for Brookmoor, currently zoned PUD (Planned Unit Development) Zone District; and

WHEREAS, a public hearing was held by this Commission on July 21, 1998; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, comments of the El Paso County Planning Department, comments of public officials and agencies, and comments from all interested parties, this Commission finds as follows:

1. That proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
2. That the hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at that hearing.
3. That the proposed land use will be compatible with existing and permitted land uses in the surrounding area, and will be in harmony and responsive with the character of the surrounding area.
4. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.
5. That a need for the development has been demonstrated.
6. That the proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County.

7. That the proposed development will not have a negative effect upon the existing and future development of the surrounding area.
8. That the proposed PUD (Planned Unit Development) District zoning will achieve and advance the stated purposes set forth in Section 16 of the El Paso County Land Development Code.
9. That existing and proposed public services and facilities are adequate for the proposed development, and that proposed public services and facilities will be timely provided.
10. That the existing and proposed internal/external transportation network is suitable and adequate to carry the anticipated traffic generated by the proposed development, and that the proposed transportation network improvements will be timely provided.
11. That for the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the petition of Colorado Homes and Life Style and Martin Delohery for an amendment to the existing Development Plan for Brookmoor, currently zoned PUD (Planned Unit Development) Zone District for the following described unincorporated area of El Paso County be approved. Said amendment will include revision of entrance and gatehouse area, reduction of setbacks, deletion of sidewalks, replacement of perimeter fence with landscaping and changing the fence along Woodmoor Drive to split rail.

See Attached Exhibit A

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Prior to scheduling this item for hearing by the Board of County Commissioners:
 - a. A revised plan shall be submitted which indicates setbacks and building heights which more clearly defined.
 - b. A grading plan shall be submitted to and approved by the El Paso County Department of Transportation which addresses, among other items, the removal of the existing berms on the property.
 - c. Indicate the correct owner(s)' name on the development plan.

- d. Provide the Planning Department with a letter from the owner of Lot 1, Block 9, of the Harmon Hills Subdivision that indicates the exact changes to the setbacks on Lot 18 are agreeable. Front and rear setbacks of fifteen (15) feet and side setbacks of ten (10) feet.
 - e. The berm shall be removed.
2. Prior to issuance of building permits the property shall be in compliance with the approved grading plan as determined by the El Paso County Department of Transportation.
 3. Development of the property shall be in accordance with the approved Development Plan. Minor modifications may be made subject to the limitations contained in Section 16, paragraph Q. of the El Paso County Land Development Code.
 4. Prior to recording, the Development Plan shall be revised to reflect the requirements of Section 16 and 37.5 of the El Paso County Land Development Code, including the Development Plan drawing at a size of 24" x 26".
 5. If sidewalks are not installed an eight (8) foot area adjacent to all streets shall be designated as a walkway and landscaping which restricts pedestrian movement is prohibited. This shall be noted on the Development Plan.
 6. Developer shall comply with any State, Federal or local laws, regulations, ordinances and review and permit requirements as they may apply regarding Prebles Meadow Jumping Mouse and other applicable threatened or endangered species.
 7. Any change to the Development Plan must go back to the Planning Commission.

NOTATION:

1. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Salute seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

| | |
|-------------------------------|-----|
| Commissioner Bernstein | aye |
| Commissioner Eskanos | aye |
| Commissioner Bebb | aye |
| Commissioner Jambura | aye |
| Commissioner Peterson-Falcone | aye |
| Commissioner Salute | aye |
| Commissioner Hoffman | aye |
| Commissioner Mason | aye |
| Commissioner Brown | aye |

The Resolution was adopted by a unanimous vote of 9 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: July 21, 1998

PARCEL A: 71141-00-001

Exhibit A - PUD-98-006

That portion of the South half of the Northeast Quarter of Section 14, Township 11 South, Range 67 West of the Sixth P.M., El Paso County, Colorado more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 9, HARMON HILLS FILING NO. 2, as recorded in the records of El Paso County, Colorado, in Plat Book F-2 at Page 5; thence S89°53'35"W along the North line of the South half of the Northeast Quarter of said Section 14 (Bearing Basis), a distance of 1066.26 feet to a point on the Southeasterly right-of-way line of Lake Woodmoor Drive (60' right-of-way), as platted in LAKE WOODMOOR (Plat Book K-2, Page 83) (the following three (3) courses are along said Southeasterly right-of-way line); 1) S66°13'00"W, 2.05 feet; 2) on a curve to the left, said curve having a central angle of 17°56'00", a radius of 600.00 feet, an arc length of 187.80 feet; 3) S48°17'00"W, 386.19 feet to a point on said Southeasterly right-of-way line of Lake Woodmoor Drive (60' right-of-way), as platted in A REPLAT OF A PORTION OF LAKE WOODMOOR DRIVE, LAKE WOODMOOR (Plat Book O-2, Page 70) (the following two (2) courses are along said Southeasterly right-of-way line); 1) on a curve to the left, said curve having a central angle of 20°51'08", a radius of 570.00 feet, an arc length of 207.45 feet; 2) S27°25'52"W, 122.96 feet to a point on the West line of the South half of the Northeast Quarter of said Section 14; thence S00°12'59"E along said West line, 379.61 feet to the Southwest corner of the first tract of land described in deed recorded in Book 2073 at Page 356 of the records of El Paso County; thence N89°44'11"E on the Southerly line of said tract, a distance of 1079.44 feet; thence N08°13'45"E, a distance of 804.66 feet to a point on the Southerly right-of-way of South Park Drive extended; thence N89°53'35"E along the said Southerly right-of-way extended, a distance of 532.92 feet to the West boundary of said HARMON HILLS FILING NO. 2; thence N08°39'05"W along the West boundary of said HARMON HILLS FILING NO. 2, a distance of 212.70 feet to the point of beginning;

Containing 25.43 acres, more or less.

PARCEL B: 71141-00-007

That portion of the South half of the Northeast Quarter of Section 14, Township 11 South, Range 67 West of the Sixth P.M., El Paso County, Colorado, more particularly described as follows:

Commencing at the Northwest corner of Lot 1, Block 9, HARMON HILLS FILING NO. 2, as recorded in the records of El Paso County, Colorado, in Plat Book F-2 at Page 5; thence S89°53'35"W, along the North line of the South half of the Northeast Quarter of said Section 14, a distance of 1698.12 feet to the Northwest corner of the South half of the Northeast Quarter of said Section 14; thence S00°12'59"E, along the West line of the South half of the Northeast Quarter of said Section 14, a distance of 1009.26 feet to the Southwest corner of the first tract of land described in deed recorded in Book 2075 at Page 356 and being also the Southwest corner of that tract described in deed recorded in Book 2978 at Page 921. of the records of said El Paso County and the point of beginning of the tract to be described; thence continue S00°12'59"E, along said West line, a distance of 302.25 feet to a point on the North right-of-way line of Colorado State Highway No. 105 (S.H. No. 50) said point being N00°12'59"W, 40.00 feet from the center of said Section 14; thence N89°27'05"E, parallel with, and 40.00 feet Northerly of, as measured at right angles to, the South line of the South half of the Northeast Quarter and generally along an existing East-West fence line, a distance of 1079.70 feet to a point; thence N00°15'49"W, a distance of 296.88 feet, to the Southeast corner of the last mentioned tracts above; thence S89°44'11"W on the South line of said last mentioned tracts, a distance of 1079.44 feet, more or less to the point of beginning; CONTAINING 7.42 acres, more or less