

December 31, 2019

ADDENDUM  
LETTER of INTENT  
BROOKMOOR PUD AMENDMENT 2

There are 13 bullet points under the Approval Criteria (Chapter 4.2.6.D) in the Land Development Code for PUD Zoning. PUD Zoning has, of course, long since been approved for the Brookmoor Community. This proposed Amendment recognizes that earlier evaluation and relates most directly to only a few of the criteria. A more complete discussion of the impact of the proposed Amendment is provided, bullet by bullet, as follows:

*\* The proposed PUD District zoning advances the stated purposes set forth in this section.*

Response: The purposes of the original approved PUD zoning, that is to permit construction of a community of single family residences with common interests and harmony, remains unaffected and unchanged by the proposed Amendment.

*\* The application is in general conformity with the Master Plan.*

Response: The original application for zoning was found by the Board of County Commissioners to be in conformance with the Master Plan. The proposed Amendment to permit additional ingress and egress for Brookmoor residents is supported by the Master Plan. The impact to adjoining residents has been thoroughly studied and shown to be minor.

*\* 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.*

Response: The current development of Brookmoor complies with the requirements of the PUD Zoning as originally defined and approved. While this Amendment is certainly relevant to the health, safety and welfare of any County residents who might move or visit here, the shifting of ingress and egress by a small percentage of Brookmoor residents from one access point to the other access point will result in a net positive to health, safety and welfare.

*\* 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.*

Response: Brookmoor PUD was found compatible, harmonious, responsive and not to have a negative impact to the surrounding area when originally approved. The adjoining properties and roadways were all in existence at that time. The proposed ingress-egress Amendment affects few properties and slightly at that, indicating that the Amended PUD remains harmonious, responsive and will not have a negative impact to future development.

*\* 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.*

Response: Adjoining Commercial use to the west has been buffered with the stucco block wall. Adjoining single family use to the east (Harmon Hills Filing No. 2) is zoned RR-0.5 allowing a density of 2.0 dwelling units per acre. Brookmoor is single family use at a density of 1.8 dwelling units per acre. There is no use to use or intensity of use conflict between these properties. The property lying to the southeast (Parcel 71141-00-017) is unplatted, 14.19 acres in area, zoned RR-5, and home to Mr. & Mrs. James Maguire. Mr. Maguire telephoned us on Dec. 10, 2019 in response to the certified mailing expressing no particular concern with this proposed Amendment.

*\* 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.*

Response: All were found to be so by the Board when zoning was originally approved. This ingress-egress Amendment remains appropriate and compatible with the adjoining single family use and neighborhood.

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

Response: The primary portion of the Brookmoor development that presents a specific natural feature is the area to the south of the homesites in the non buildable Preservation Open Space of over seven acres. This area is unaffected by the ingress-egress Amendment.

*\* Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunity.*

Response: The Open Space mentioned above along with access points and a drainage channel were integrated into the plan that was approved. They remain and are unaffected by the proposed ingress-egress Amendment.

*\* The proposed development will not overburden the capabilities 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.*

Response: All but one of the Brookmoor lots has been built on and all mentioned services exist as required and needed. When discussing the ingress-egress Amendment, those safety related services come to mind first. All have been provided for and the Amendment continues those provisions, improving on safety given that in an emergency, two points of egress would be available to the residents rather than just one. The Tri-Lakes FPD comment dated November 25th, states "The Fire district supports the project for emergency access."

Response continued-

The question of possibly overburdening the capabilities of the adjoining roadway system has been addressed in the Traffic Impact Study which indicates the proposed Amendment will not overburden the existing roadways.

This is also perhaps the proper place to discuss the nature of South Park Drive. It was platted and left without a cul-de-sac with the express purpose of providing access to the then vacant property which is now Brookmoor. South Park Drive was never intended to be a dead end street, rather it was planned to be a through street accessing similar density new development adjoining it. Because Brookmoor developed with private roads, South Park Drive became a dead end street without a turn around. That has been solved with the cul-de-sac now in place. Opening and closing a gate will not add any homes to South Park Drive nor will it change the cul-de-sac in any fashion. South Park Drive remains an 800 foot long cul-de-sac with only 10 homes on it. The Traffic Impact Study and Report indicates the increase in traffic with approval is minimal and it will not overburden the roadway in any fashion.

To the suggestion that perhaps if access is permitted to South Park Drive for Brookmoor residents it should be permitted to Symphony Heights for Harmon Hills residents, the fact that Symphony Heights is a private road with a 36 foot right of way simply precludes such an option.

*\* 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.*

Response: Creation of over 7 acres of open space and protection of the Dirty Woman Creek floodplain remains and is unaffected by the proposed ingress-egress Amendment. This Open Space directly adjoins similar property to the east.

*\*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.*

Response: Nothing in the proposed ingress-egress Amendment will negatively effect anyone's mineral rights or the ability to perfect them, as they exist.

*\*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.*

Response: The proposed ingress-egress Amendment only alters the issue of ingress and egress to and from Symphony Heights to South Park Drive and then only as it relates to the property owners within Brookmoor. Public access is prohibited. As staff stated, today two full movement access points would be required. This is a limited step toward that standard.

*\* The owner has authorized the application.*

Response: The original Zoning request was authorized by the developer. This Amendment request is authorized by all 59 lot owners acting through their Homeowners Association.

We understand and agree that the settlement agreement between the County and Brookmoor required the gate to be closed after one year and allows for the HOA to submit a request to amend the PUD to permit this ingress-egress Amendment and that there is no presumption of unevaluated approval therein. That application, approved by 59 lot owners, is provided herewith.

We also understand there are adjoining property owners who oppose this Amendment and note their written responses. We are aware of others who either support or have expressed no concern. Leaving emotion aside, the scientific analysis provided in the Traffic Impact Study supports the proposed Amendment.

To recap,

- \*Public access remains closed.
- \*Ingress and egress movements onto South Park Drive are found to be minor and much less than they would otherwise have been.
- \*There is no increase in the amount of traffic created by Brookmoor. Any increase in vehicles that occurs into Harmon Hills results in an equal decrease at the Woodmoor Drive entry.
- \*Emergency evacuation of Brookmoor, if it were ever to be necessary, is enhanced. Emergency evacuation of Harmon Hills would be as well.
- \*The adjoining public roadway system was created to provide full access.
- \*The adjoining public roadway system can support the proposed Amendment.
- \*On balance, the Amendment creates a net increase in public safety.