

**THE DISCOVERY BOARD OF DIRECTORS
INVITES YOU TO ATTEND**

**THE
DISCOVERY HOMEOWNERS ASSOCIATION**

ANNUAL MEETING & SOCIAL

NOVEMBER 30, 2006 - 6:30 P.M.

**WYNDHAM HOTEL
ASPEN ROOM
5580 TECH CENTER DRIVE**



**WINE & CHEESE
SOFT DRINKS
HOT & COLD HEARTY APPETIZERS**

6:30 - 7:15 P.M. – SOCIAL

**7:15 – 9:00 P.M. – BUSINESS MEETING
ELECTION**

During the November Annual Homeowners meeting, there will be a demonstration of and discussion about our web site. The intent is to make sure that everyone is familiar with the web site, what is available there, and how it can be used.

**PLEASE RSVP BY NOVEMBER BY 27TH TO JAN DORAN – 598-9075
OR EMAIL, jdoran1003@aol.com**



DISCOVERY HOMEOWNERS ASSOCIATION

NEWSLETTER – NOVEMBER 1, 2006

DISCOVERY BOARD OF DIRECTORS

President	Randy Cubero	599-4535
Vice President	Gerald Farney	599-0519
Secretary	Sharon Davidson (<i>recently moved from Discovery</i>)	
Treasurer	Eli Muhl (<i>recently moved from Discovery</i>)	
ACC Chairman	Vinai Thummalapally	536-9068
Covenant C	Randy Cubero	599-4535
	John Dwors	592-9460
Director (webmaster)	Lynn Sim	531-0540
Administrator	Jan Doran	598-9075



PRESIDENT'S CORNER

RANDY CUBERO

In this newsletter I would like to pick up where I left off two newsletters ago and have everyone read the first ten Sections of Article III of our Covenants below with the purpose in mind of updating and modernizing our Use Restrictions for our properties. This second round of suggested changes to the Use Restrictions will be in bold print: black for those suggestions made by me in my first newsletter and gray shaded for those suggestions made by concerned Discovery homeowners. All changes will first be approved by the Architectural Control Committee and then by the Executive Board followed by the required approval of a majority of our Discovery Homeowners. Our strategy to updating the Covenants will be to piecemeal appropriate sections to the Homeowners at a time for a series of votes until all the articles are updated. This process we estimate will take the better part of a year and we will begin by presenting those changes approved by the ACC and Executive Board to the general membership at our annual meeting in November. Send you comments directly to me at rcubero@adelphia.net or to any of the Executive Board members. Remember that our overarching goals of enhancing our property values and increasing the safety of our neighborhood should always take precedence in considering

any and all changes to our covenants.

Article III

Use Restrictions

The following restrictions, covenants and easements are imposed uniformly upon the Properties and the use thereof as a common scheme for the benefit of each Lot and may be enforced by the Architectural Control Committee, any Owner or the Association.

Section 1. Land Use, Building Type and Occupancy. Lots shall be used solely for one detached single family residential dwelling purposes not to exceed thirty-five (35) feet in height. However, in no case will structures exceed in height sixteen (16) feet above the highest point on the Lot except where this height restriction is waived by the Architectural Control Committee on relatively flat Lots where the committee determines that the views from other Lots will not be adversely affected. **(There is a recommendation that the 16 feet limitation be removed and replaced with a statement to preserve the views from the other affected lots as a “bottom line.”)** No building shall be permitted on any Lot unless such building has been duly constructed thereon and the removal of dwellings or structures from other locations to any Lot shall not be permitted. A private garage for not less than two (2) cars shall be provided with each single family dwelling, and in accordance with the set back requirements herein contained. **(Recommend that we place a statement with regard to sheds: “Sheds will be allowed if they are located adjacent to the main residence and are integrated with the main residence by conforming to the same style, paint and materials use in the construction of the main residence.”)**

Section 2. Subdivision. No further subdivision or re-subdivisions of any Lot or combination of Lots as shown on the recorded plat shall be permitted.

Section 3. Building Size. No dwelling shall be permitted on any Lot in which the finished living area on the primary level, exclusive of open porches and garages, is less than 1400 **(2400)** square feet. **(recommended that we leave at 1400 square feet as very few multi-level homes would have more than 2400 square feet on the primary level)**

Section 4. Buildings Costs. No dwelling shall be permitted to be constructed on any Lot at a cost of less than \$50,000**(\$150,000)** **(recommended that we not place a hard figure on cost but rather replace it with a statement such as, “at a cost that is not of the quality and workmanship of the houses that are currently found or being built in the Discovery Subdivision.”)** ~~based on the cost levels prevailing on the date these covenants are recorded.~~ It is the intention and purpose of this covenant to insure all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost dated herein for the minimum permitted dwelling size.

Section 5. Building Location. No building shall be located on any Lot or building site nearer to the front Lot line or nearer to the side street lines than shall be allowed by the applicable zoning ordinances of the City of Colorado Springs, Colorado: but in any event, no building shall be located on any Lot nearer than twenty (20) feet to the front Lot line or nearer than fifteen (15) feet to any side street line. No building shall be located nearer than five (5) feet to an interior Lot line and no dwelling shall be located on any Lot nearer than twenty (20) feet to the rear Lot line. For the purposes of this covenant, eaves, steps and open porches shall be considered as part of the building.

Section 6. Building Construction. All buildings erected on the Properties shall be designed and constructed in accordance with the following standards:

- a.)** Roof materials shall be shake or cedar variety shingles unless a different material is approved by the Architectural Control Committee. **(Roofing materials shall not be shake or cedar variety and shall be approved by the Architectural Control Committee.) (recommendation to remove this entire sentence.)**

b.) Gutters are ~~not required~~: **(recommended for the proper draining around the residence.)** ~~however, if they are used, Gutters and downspouts shall be constructed of wood or (metal and)~~ shall be painted to blend with the earth tone colors of the dwelling.

c.) Aluminum or wood windows are allowed: however, if aluminum windows are used, they must be anodized or painted to blend with the earth tone colors of the dwelling.

d.) Mailboxes will be designed by the Declarant: and this design will be used throughout the subdivision.

e.) Only earth tone colors shall be used on exterior siding and garage doors.

~~Garage doors shall be wood, wood composition material only.~~ **(recommend removal of this statement)**

f.) All exterior walls shall be constructed of wood, stone, stucco, or brick. Wood can be stained, **(or painted in earth tones)** or left natural to weather. ~~Painting exterior wood shall not be allowed.~~ Stucco must be either **tan**, dark tan or brown in color. Stone must be left natural and shall not be painted. Brick shall be limited to sand brick, clinker brick and bricks without a sheen appearance, brick with a color that blends with the natural surroundings. Standard red brick is an example of a disapproved material. **(Should standard red brick be disapproved??) (recommended that standard red brick be disapproved)**

g.) Only two (2) combinations of the allowed materials may be used unless prior approval of the Architectural Control Committee is obtained.

h.) (Oversized garages will require special approval by ACC and must be integrated and connected with main residential structure and will require an acceptable landscaping plan to retain or restore the natural surroundings to the new construction.)

~~**i.)** Only two (2) and three (3) car sized garages are allowed. (Section 1 stipulates that a private garage for not less than 2 cars shall be provided with each family dwelling.)~~ No carports will be permitted.

j.) Exposed concrete will be allowed only when it is textured or patterned and is to be approved by the Architectural Control Committee. All other exposed concrete must be stuccoed.

k.) Bright accent colors can be used in-small areas to add interest and variety such as on door panels, **trim (recommended that we remove “trim” for bright accent colors.)** and small wall panels.

Section 7. Building Design. Only custom designed homes will be approved: standard builder models will not be allowed. The design should be done in an effort to protect as much of the natural environment as possible, minimizing the removal of trees and the disturbance of the natural topography and native vegetation. Modern, multi-level, shed roof dwellings using natural materials will be encouraged.

Section 8. Fences or Walls. **(recommended wording: Generally fences or wall are not encouraged so as to preserve our natural habitat and not restrict our indigenous wildlife. Fences or walls are permitted** to enclose limited areas on the Lot where privacy is desired in either the front, side or rear yard. Fencing the entire Lot or long continuous fences on any Lot lines will be discouraged except along the Lot lines that adjoin the City Park **or creek areas.** All fences or walls will be consistent with and a visual extension of the architecture of the house. Similar materials will be used and the scale will be appropriate.

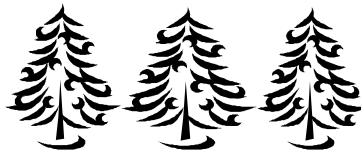
Section 9. Removal of Trees. The removal of **(recommended we use the word, “live”)** trees, shrubs and other landscaping will not be allowed unless the landscaping is replaced by a comparable **(landscaping plan)** and must be approved by the Architectural Control Committee. No existing trees, rocks, scrub oak or other natural vegetation shall be removed from the Lot unless required in the construction of the dwelling and must be approved by the Architectural Control Committee. If trees must be removed, they must be replanted on the Lot if possible or the Architectural Control Committee must be advised thirty (30) days prior to the removal of any tree that will not be replanted on the Lot so that the Committee will have the opportunity to replant the tree, if possible, in another area within the development. The existing natural vegetation, trees and rock outcroppings that are to remain on each Lot must be maintained without change. **(recommend we indicate “The removal of dead trees/shrubs/vegetation is the homeowners responsibility and should be accomplished as soon as possible during the normal upkeep**

and maintenance of the residence.)

Section 10. Landscaping. Excluding paved driveways, patios and sidewalks, all areas of the Lot are to be grassed, shrubbed, treed or otherwise landscaped. Preservation of the natural landscaping will be encouraged and only those areas that are disturbed or graded during the course of construction or that are enclosed by walls or fences can be replanted with landscaping not native to the area. Substitute materials such as rock, gravel or paving must be approved by the Architectural Control committee and will generally be discouraged **(unless environmental conditions or water conservation measures are to be considered)**. Landscaping shown on the approved plot plan must be completed within one (1) year after construction of the house has been completed.

One final note: This will be the first of two installments prior to our November General Meeting to change the Covenants. This is an extremely important project and we would request that everyone attend the November meeting if at all possible. Once we secure general membership consensus for changing the covenants at the General Meeting, we will still be required to seek the approval of non-attending homeowners until we can acquire a majority vote. That may also require a door to door campaign to explain the issues and request a favorable response. Please send me your comments or suggestions to rcubero@adelphia.net.

**Most appreciatively,
Randy**



FIREWISE CHIPPING PROJECT

The Colorado Springs Fire Department did an outstanding job chipping all the brush and limbs that our Discovery residents cleared from their yards. We were very fortunate to be awarded this opportunity and extend our thanks to CSFD and the FireWise Division.

15 Discovery residents signed up to take advantage of the grant which is valued at \$1000.00. Thank you all for your participation in making Discovery a safer place to live and creating defendable space in case of a forest fire.

We will apply again for 2007 and keep you informed of the process for participating.

“Value, Safety and Communication”

A DIFFERENT VIEW

JOHN DWORS – COVENANT COMPLIANCE CHAIRMAN

First of all, thanks to all for the effort put into making our neighborhood look terrific this summer. Many creative and beautiful landscaping projects were completed that continue to increase the beauty and value of our neighborhood.

I am asking all of you to look at your home from a “*different view.*” As the weather changes, many of the plants and flowers that were in full bloom during the spring and summer are fading or have already entered their dormant season. The property seems to be barer and some of the less desirable aspects of our homes are more evident. Taking a “*different view*” or your property would simply be the following:

- Walk to your neighbors yard and look at your property from their perspective – how does your property look from that view?
- You may see some things that you may not have been aware of before taking this “*different view.*”
- Are there things you can do to enhance your property so it is more attractive on your neighbors’ side?

If we all do this, I believe that your neighbor will be appreciative and it will also improve the value of our homes. Real estate agents have commented that when selling property, their clients look at the neighboring homes. Their impression and opinion of the neighbor is shaped by what they see, not only the price of the home they may be thinking of buying. If we all do this, the entire subdivision will look even more attractive. “*Value, Safety Communication.*”

With this in mind, two other items have been brought to my attention.

- Trailers and recreational vehicles need to be stored in your garage or at a vehicle storage facility. Rates for this option are very reasonable. Our covenants do not allow the storage of trailers, motor homes or recreational vehicles on your lot if they can be seen, either from the street or from any other property.
- Cars and other vehicles need to be parked on the street facing the correct direction. After several complaints, I called the Falcon Police Station and asked if this was in fact a violation of the City Parking Ordinance. They clearly stated that it is a violation and that they would monitor this issue in the Discovery area. This does not enhance the beauty of our neighborhood and the police have begun to issue tickets for this violation.

Thank you in advance for your help in these matters. When problems occur, I will generally attempt to contact neighbors in person and explain the concern. I have been pleasantly surprised that in most cases, the issue was almost always taken care of very promptly and the exchanges have been positive in nature.

In the event that I am not able to speak with you personally regarding a concern, I have been leaving an informal note with my telephone number. I would always prefer the direct face to face discussion, but this is not always possible. Thanks again for your support and cooperation. Please call me if you have any questions or concerns (590-9460).

ARCHITECTURAL CONTROL COMMITTEE REPORT VINAI THUMMALAPALLY - CHAIRMAN

Architectural Control Committee (ACC)

Please join me in welcoming David Adair and John Friedman to our ACC. This brings the number of volunteers to seven, hopefully ringing in good luck!

The ACC has been busy during the past few months, reviewing numerous applications. If you have been involved in any home improvement projects, and went through the ACC's process, I'd like to thank you. I hope the process was not painful. If you have any feedback that you think would help us improve in any way, please let us know.

If you are aware of any neighbors undertaking any projects that you have not been notified about, please take the initiative and ask the neighbor about what they are up to. If you do not feel comfortable asking the neighbor, please call me. The fact is, there are a few homeowners in Discovery, going ahead with projects without following the required procedure. These neighbors may be taking an enormous risk because if their project does not meet the basic requirements of our covenants, it is possible they may be asked to change, at a significant cost and aggravation. Your involvement will determine how pristine Discovery continues to be.

Vinai Thummalapally
7325 Buckey Court
Home: 536-9068 Cell: 351-2327

“Value, Safety and Communication”



MUST DO - BEFORE YOU UNDO! PLEASE

Please read **Article III, Sections 9 & 10**, regarding **Removal of Trees and Landscaping**. These sections are part of the Covenant review provided on pages 4 and 5 of this newsletter. Please disregard the proposed changes as they have not yet been approved.

- You **must** get Architectural Control Committee (ACC) approval before removing trees and shrubs from your property.
- You **must** provide the ACC with a plan for replacing trees and shrubs if the ACC has approved removal.
- You **must** submit **all major** landscaping changes to the ACC for their approval.

“Value, Safety and Communication”



BARKING DOGS – *WHAT CAN WE DO?*

We talked about this in our last newsletter

The Discovery Board continues to receive calls about dogs that are left unattended in the yard and bark all day and sometimes all night.

There is very little the Board can do other than send a letter to the homeowner that has the offending dog and register the complaint. Our covenants do not address a legal remedy for us to follow.

The City of Colorado Springs has an ordinance against “nuisance barking” and it is the responsibility of the Humane Society (227-3787) to enforce. There are specific rules in filing a complaint.

As a first step, we recommend that you personally contact your neighbor, who may not be aware that the dog is constantly barking, and discuss ways to solve the problem.

If you are a dog owner please be considerate of your neighbors and take steps to assure that your dog is not creating a nuisance. **Incessant barking is unbearable.**

“Value, Safety and Communication”



HOME SALES IN DISCOVERY

Home sales in Discovery continue to be brisk and prices still remain steady.

Number sold since January 1, 2006 – 23

Average Price - \$358,217.00

“Value, Safety and Communication”



GARAGE SALES!

The Discovery Homeowners Association’s board has had several complaints during this last summer regarding the “perpetual” garage sales in our neighborhood. Now, we all know the garage sale has become an American institution over the past fifty or so years, but many cities have enacted ordinances to prevent abuse of this time honored tradition. The City of Colorado Springs is no exception. So, for the edification of those few who get a little exuberant with this pastime (and you know who you are!), the following is provided from www.springsgov.com:

Colorado Springs’ “city zoning requirements restrict garage sales to **two per household per year**, and they are **limited to two days in length** per garage sale. The first \$300 of sales per year at a garage sale is exempt from City sales tax. If sales do not exceed \$300 in a year, a sales tax license is not required, and City sales tax does not have to be collected. See **Section 2-7-416 (Garage Sales) of the Sales and Use Tax Ordinance** or contact the **Sales Tax Department** for more information”.

Garage sale “signs may be placed on private property only. It is not permissible to place them on light poles, utility boxes, stop signs or any City property, including the right of way”.

As the Colorado Springs City code addresses garage sales, the Discovery Covenants do not. Consequently, the best approach for solving the never ending garage sale on your street is to inform your non-compliant neighbor of the Colorado Springs ordinance. Or, if worse comes to worse, there are approximately ten Code Enforcement Officers that provide enforcement within the city limits. The officers work four ten-hour days, staggering Monday through Saturday. Your complaint can be filed over the phone 444-7891 during office hours: Monday through Friday, 8:00 a.m. to 5:00 p.m.

“Value, Safety and Communication”



ANNUAL DUES PAYMENTS

Third and final dues payments were mailed in August. There are still six (6) unpaid. A final letter will be mailed before filing a lien against the property (*Article V, Sections 1 through 6 of the Discovery Homeowners Association Covenants*).
