

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

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Date Issued: 12/31/07  
Revision Issued: N/A  
Rescinded: N/A

### 1.1. PURPOSE

The purpose of this resource is to provide a form for documenting the findings and decision by the ECM Administrator concerning a deviation request.

### 1.2. BACKGROUND

A deviation is a critical aspect of the review process and needs to be documented to ensure that the deviations granted are applied to a specific development application in conformance with the criteria for approval and that the action is documented as such requests can point to potential needed revisions to the ECM.

### 1.3. APPLICABLE STATUTES AND REGULATIONS

Section 5.9 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause unnecessary hardship or unsafe design because of topographical or other conditions particular to the site, and that a departure may be made without destroying the intent of such provision.

### 1.4. APPLICABILITY

All provisions of the ECM are subject to deviation by the ECM Administrator provided that one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

### 1.5. TECHNICAL GUIDANCE

The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

### 1.6. RELATED PROCEDURES

#### 1.6.1. Governing Procedures

P-AR-063-07 Deviation

#### 1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

**1.7. RESOURCE**

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. The form is used to document the review and decision concerning a requested deviation. The request and decision concerning each deviation from a specific section of the ECM shall be recorded on a separate form.



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## DEVIATION REVIEW AND DECISION FORM

Procedure # R-FM-051-07  
Issue Date: 12/31/07  
Revision Issued: 00/00/00

**DSD FILE NO.:**

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### General Property Information:

Address of Subject Property (Street Number/Name): 1 Meadowbrook Pkwy

Tax Schedule ID(s) #: 54081-01-054, 5405412001, 5405412002, 5405412003, 5405412004

Legal Description of Property:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 5 AND THE NORTHEAST QUARTER OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO CONSISTING OF TRACT A "CLAREMONT BUSINESS PARK FILING NO. 1C" AS RECORDED UNDER RECEPTION NO. 220714531 AND THAT PORTION OF TRACT C "CLAREMONT BUSINESS PARK FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 207712506, AMENDED BY SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 218046726, SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 219078479, AND SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 219160747, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF AFORESAID TRACT A "CLAREMONT BUSINESS PARK FILING NO. 1C";

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF 80 FOOT MEADOWBROOK PARKWAY THE FOLLOWING FOUR (4) COURSES;

THENCE 207.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 19°41'35", AND A CHORD OF 206.92 FEET WHICH BEARS N02°19'03"E TO A POINT OF TANGENT;

THENCE N12°09'05"W ALONG SAID TANGENT 118.69 FEET TO A POINT OF CURVE;

THENCE 932.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 101°48'12", AND A CHORD OF 814.87 FEET WHICH BEARS N38°45'53"E TO A POINT OF TANGENT;

THENCE N89°40'01"E ALONG SAID TANGENT 58.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD/U.S. HIGHWAY 24, CDOT PROJECT NO. NH 0243-058 UNIT 2;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE(5) COURSES;

THENCE S00°10'49"W A DISTANCE OF 550.15 FEET TO A POINT OF CURVE;

THENCE 264.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 605.00 FEET, A CENTRAL ANGLE OF 25°02'59", AND A CHORD OF 262.40 FEET WHICH BEARS S12°21'26"E;

THENCE S06°46'53"E NON-TANGENT TO THE PREVIOUS COURSE 142.31 FEET;

THENCE S14°56'24"W A DISTANCE OF 164.34 FEET;

THENCE S33°35'01"W A DISTANCE OF 192.22 FEET TO THE NORTHEAST CORNER OF LOT 2 "CLAREMONT BUSINESS PARK FILING NO. 1C";

THENCE N56°02'38"W ALONG THE NORTH LINES OF LOT 1 AND LOT 2, A DISTANCE OF 551.81 FEET TO THE POINT OF BEGINNING.

Subdivision or Project Name:  
Claremont Business Park 2

Section of ECM from Which Deviation is Sought: ECM Section 2.2.4.B.6/SD-4-1 & LDC 8.4.4.E.3,  
LDC 8.4.4.E.2 (Waiver Request)

Specific Criteria from Which a Deviation is Sought: Request to deviate from the standard Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1. The private roadway section shall meet all details of the Local Urban Road Section except requests to exclude the 5' wide sidewalk (each side) as defined in the detail and provide a 4' wide sidewalk on the one side only. (Request on Gary Watson Point only). This request also includes a waiver request for the proposed access road(s) to be considered "Private" and proposed to be owned by the adjacent property owners and maintained by the local Claremont Business Park HOA association.

**Applicant Information:**

Applicant:   M&S Civil Consultants, Inc.   Email Address:   virgils@mscivil.com    
Applicant is:        Owner   X   Consultant        Contractor  
Mailing Address:   PO Box 1360   State:   CO   Postal Code:   80901    
Telephone Number:   719-491-0818   Fax Number:                     

**Engineer Information:**

Engineer:   Virgil A. Sanchez, P.E.   Email Address:   virgils@mscivil.com    
Company Name:   M&S Civil Consultants, Inc.    
Mailing Address:   PO Box 1360   State:   CO   Postal Code:   80901    
Registration Number:   37160   State of Registration:   CO    
Telephone Number:   719-491-0818   Fax Number:                     

**Explanation of Request (Attached diagrams, figures and other documentation to clarify request):**

Section of ECM from Which Deviation is Sought: ECM Section 2.2.4.B.6/SD-4-1 & LDC 8.4.4.E.3, LDC 8.4.4.E.2  
(Waiver Request)

Specific Criteria from Which a Deviation is Sought: Request to deviate from the standard Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1. The private roadway section shall meet all details of the Local Urban Road Section except requests to exclude the 5' wide sidewalk (each side) as defined in the detail and provide a 4' wide sidewalk on the one side only. (Request on Gary Watson Point only). This request also includes a waiver request for the proposed access road(s) to be considered "Private" and proposed to be owned by the adjacent property owners and maintained by the local Claremont Business Park HOA association.

Proposed Nature and Extent of Deviation: Applicant proposes to construct a full 30' wide asphalt mat with standard curb and gutter types with the exclusion of the typical 5' sidewalk as detailed in the Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1. It's the applicants request to construct the roadway per the ECM Section 2.2.4.B.6/SD-4-1, without the 5' sidewalk and provide a 4' wide sidewalk on one side only, in order to simulate the surrounding Claremont Business Park private internal roads, such as Woolsey Heights, Cole View, Selix Grove, all in which were constructed without sidewalk along the front of the business lots. This request also includes a waiver for the proposed access road(s) to be considered "Private", proposing the private roads to be owned by the directly adjacent property owners and maintained by the local Claremont Business park HOA, to similarly follow the private roadway arrangement within the rest of the Claremont Business Park commercial subdivision. The Claremont Business Park HOA has indicated that the proposed private roads, Gary Watson Point and El Jefe Heights shall be permitted to be included in the Claremont Business Park responsible maintenance jurisdiction.

**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

**JUSTIFICATION**

X The ECM standard is inapplicable to a particular situation.

This deviation request would provide alignment and simulation to the current characteristic, design and appearance of the Claremont Business Park commercial development.

☐ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.

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☐ A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.

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**If at least one of the criteria listed above is not met, this application for deviation cannot be considered.**

**Criteria for Approval:**

**PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST**

The request for a deviation is not based exclusively on financial considerations.

This deviation request is not based on a financial consideration. This request is based on preserving the existing characteristics of the Claremont Business Park subdivision that all internal private streets have excluded sidewalks along the front of the business lots and therefore lends additional space for increased screening by means of additional surface landscaping. This request also includes a waiver for the proposed access road(s) to be considered "Private", proposing the private roads to be owned by the adjacent property owners and maintained by the local Claremont Business park HOA.

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

The proposed deviated design to the ECM Section 2.2.4.B.6/SD-4-1 shall sustain the existing Claremont Business Park subdivision's atmosphere and character and therefore the subdivision shall appear in conformity throughout development.

The deviation will not adversely affect safety or operations.

The Claremont Business Park commercial development is not directly adjacent to any residential developments that would generate a natural flow of pedestrian traffic along smaller private looped and/or dead-end roads. The proposed 4' sidewalk along Gary Watson Point shall provide employees and/or their customers within the lots 1-7 businesses the opportunity access from the business subdivision to the adjacent Meadowbrook Parkway. Therefore, no safety or operation / maintenance concerns or issues are anticipated with the approval of this deviation request.

The deviation will not adversely affect maintenance and its associated cost.

This deviation request consists of excluding the 5' wide sidewalk as detailed on the Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1, and to provide a 4' wide sidewalk on one side only, (Request on Gary Watson Point only). This includes a waiver request for the proposed access road(s) to be considered "Private", proposing the private roads to be owned by the directly adjacent property owners and maintained by the local Claremont Business park HOA. The Claremont Business Park HOA has indicated that the proposed private roads, Gary Watson Point and El Jefe Heights shall be permitted to be included in the Claremont Business Park responsible maintenance jurisdiction. Therefore, no maintenance or associated cost concerns or issues are anticipated with the approval of this deviation request.

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The deviation will not adversely affect aesthetic appearance.

This proposed design shall sustain the existing Claremont Business Park subdivision's atmosphere, character and presence; therefore the subdivision shall appear in conformity throughout development. The existing subdivision provides landscaping that includes granite rock, shrubs and trees along the front of the commercial lots providing an aesthetically pleasing presentation of a typical commercial development. Therefore, no adverse aesthetic appearance effects are anticipated with the approval of this deviation request.

**Owner, Applicant and Engineer Declaration:**

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval.

Signature of owner (or authorized representative)

7-2-20  
Date

Signature of applicant (if different from owner)

Date

Signature of Engineer

7-1-20  
Date

Engineer's Seal



**Review and Recommendation:**

**APPROVED by the ECM Administrator**

Date

This request has been determined to have met the criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby granted based on the justification provided. Comments:

\_\_\_\_ Additional comments or information are attached.

**DENIED by the ECM Administrator**

Date

This request has been determined not to have met criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby denied. Comments:

\_\_\_\_ Additional comments or information are attached.