



Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM IN
ASSOCIATION WITH
A REQUEST FOR A PUD
MODIFICATION FROM
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

PROJECT INFORMATION

Project Name : MEADOWBROOK PARK

Schedule No.(s) : 5408008002, 5408403001, 5408001029

Legal Description : TRACT A 24/94 BUSINESS PARK FIL NO 1; TR I MEADOWBROOK CROSSING FILING NO 1, AS AMENDED BY AFFIDAVIT OF CORRECTION REC #218068301; & TRACT IN SE4 SEC 08-14-65 AS FOLS, BEG AT A PT ON N BDRY LN OF SD SE4 WHENCE THE E4 COR BEARS S 89<33' E 2023.0 FT, TH S 89<33' E 598.6 FT, S 33<35' W 508.5 FT, S 56<25' E 30.0 FT, S 37<48' W 375.0 FT, S 17<09' W 148.2 FT, N 02<16' W 417.0 FT, N 06<38' E 358.0 FT, TH N 17<04' E 15.7 FT TO POB, EX THAT PT PLATTED TO CLAREMONT BUSINESS PARK FIL NO 2, EX THAT PT CONV TO D.O.T. FOR R/W BY REC # 205077959

APPLICANT INFORMATION

Company : COLORADO SPRINGS EQUITIES, LLC; MEADOWBROOK CROSSING, LLC; & MEADOWBROOK DEVELOPMENT, LLC

Name : ATTN: DANNY MIENTKA

☒ Owner ☐ Consultant ☐ Contractor

Mailing Address : 90 S. NEVADA AVE, COLORADO SPRINGS, CO 80903

Phone Number : 719-475-7621

FAX Number :

Email Address : danny@theequitygroup.com

ENGINEER INFORMATION

Company : KIMLEY-HORN

Name : JOHN HEIBERGER

Colorado P.E. Number : 0050096

Mailing Address : 2 S. NEVADA AVENUE, SUITE 300, COLORADO SPRINGS, CO 80903

Phone Number : (719) 453-0180

FAX Number :

Email Address : john.heiberger@kimley-horn.com

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 until corrections are made, 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)

Date

Engineer's Seal, Signature
And Date of Signature

DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.1.3 Standard Drawings, 2.3 ROADWAY DESIGN; & 2.4 ROADWAY ACCESS CRITERIA** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.1.3 Standard Drawings
Section 2.3 Roadway Design
Section 2.4 Roadway Access Criteria
Section 8.6.C.2 Easement Location and Dimensions

There is no Ch8 in the ECM. If this is an LDC section please remove as this is not part of the ECM. Contact Kari as to how this modification needs to be requested.

Please specify that the changes requested are to the proposed roadways

State the reason for the requested deviation:

This deviation request is to document the process of design criteria changes associated with the PUD process. The planned PUD maximizes planned densities by reducing the typical lot
A PUD Design Modification is requested to propose the use of private roads within a 50' private road easement and tract. The easement includes drainage/public improvement/public utility/landscaping/sidewalks& pedestrian easement as identified on the PUDSP and within the supporting tract table and notes. Ownership and maintenance of the private road facilities will be the responsibility of the Meadowbrook Park Homeowners' Association (MPHOA).

Section 8.6.C.2 Easement Location and Dimensions requires utility easements be placed along lot and tract lines, specifically five-feet (5') side and seven-feet (7') rear lot lines. The plan provides 3' side easements. Respective utility providers have reviewed the easement widths and locations and have "approved" their locations with as documented with the submittal .

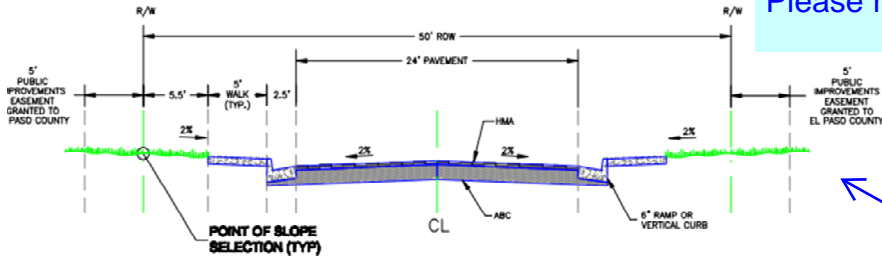
MVEA, CSU, BHE, & CMD have reviewed the proposed easements and support the locations and widths as depicted on the PUDSP. Documentation of their support has been provided with the submittal.

Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

A PUD Design Modification is requested to propose the use of private roads within a 50' private road easement. The easement includes drainage/public improvement/public utility/landscaping/sidewalks & pedestrian access as identified on the PUDSP and within the supporting tract table and notes. Ownership and maintenance of the private road facilities will be the responsibility of the Meadowbrook Crossing Metropolitan District

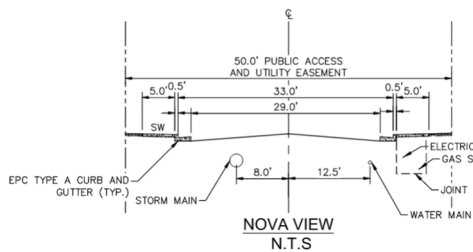
The previous page indicates that the home owners association will own and maintain the roads. Which is it? Please revise accordingly.

STANDARD COUNTY URBAN LOCAL (LOW VOLUME) CROSS SECTION:

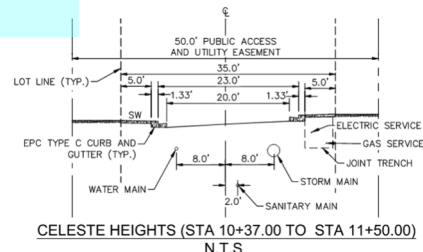
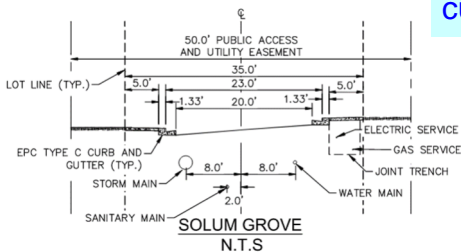
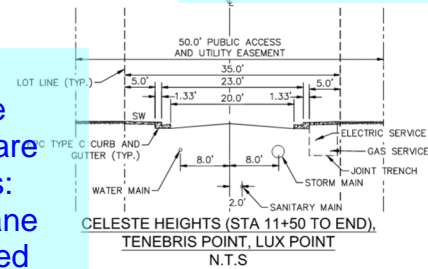


Please also provide the urban local road cross section for comparison. Per the ADT to be generated at least one roadway will not meet the 300 ADT threshold of the urban local low volume road.

PROPOSED MEADOWBROOK PARK PUD PRIVATE ROAD CROSS SECTIONS



Please list the deviations from the standard that you are requesting such as: pavement width, lane width, superelevated roadway and roadway termination without a cul-de-sac.



All proposed cross sections provide adequate space/locations for required roadway and utility facilities (pavement/driving surface, water/wastewater, stormwater, electric, and gas utilities). MVEA, CSU, BHE, & CMD have reviewed the proposed easements and support the locations and widths as depicted on the PUDSP. Documentation of their support has been provided with the submittal.

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LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request.)

- ☒ The ECM standard is inapplicable to the particular situation.
- ☐ Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship 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 condition that cannot be reasonably avoided and does not impose an undue hardship on the applicant with little or no material benefit to the public.

Provide justification:

No standard is provided in the ECM for a private roadway. County Land Development Code and PUD provisions permit the use of private streets/roads with BOCC approval of a PUD modification. The modification process may include Private streets/roads are required to be constructed and maintained to applicable ECM standards and cross sections except as may be otherwise determined in the waiver or PUD modification. The ECM/LDC do not contemplate emerging development, industry, and market trends for higher urban densities

The Code states that private roads shall generally be "constructed and maintained to ECM standards except as may be otherwise determined in the waiver". Per the Code, private road waivers may only include design standards for the following:

- *Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;*
- *Design speed where it is unlikely the road will be needed for use by the general public;*
- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*
- *Maximum and minimum block lengths; and*
- *Maximum grade.*

The proposed private road network includes modification of the following components:

- Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities: Proposed cross sections are within a 50' public access and utility easement. Pavement widths have been reduced to 20-feet (with two (2) 10-foot travel lanes). Required sidewalks and easements for utility providers has been identified within each cross section

- Design speed where it is unlikely the road will be needed for use by the general public;
- Maximum and minimum block lengths;

Please indicate also indicate that a 29' paved width as opposed to 30' is also proposed in one of the roadway cross sections. Please also discuss justification for the other deviations from the County standard cross section. A written endorsement from the fire district will be required for the roadway terminations and the reduced paved width of 20ft. Also please discuss the fire lanes that will be proposed.

CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

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

The roadway design criteria have been reviewed and found to result in a comparable design and performance as the standard urban local low volume roadway cross sections. A modified cross section has been provided for the private streets that includes all required pedestrian facilities and utilities to serve the subdivision in addition to each individual lot.

Not all roadways will meet the local low volume threshold of 300 ADT per the TIS. Please revise accordingly to include the urban local roadway.

The deviation will not adversely affect safety or operations.

The proposed modifications will not adversely affect safety or operations of the proposed private roads. Adequate alternate pedestrian access and circulation has been provided via internal pedestrian walkways which are connected to public sidewalks along planned private roads. Individual lot access and vehicular circulation has been analyzed to ensure compliance with applicable sight distance and driveway spacing requirements. Road widths and associated geometries accommodate emergency vehicle use and maneuverability.

Please revise. This section is regarding maintenance and cost.

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

The deviation will not adversely affect safety or operations. Adequate alternate pedestrian access and circulation has been provided via attached sidewalks on either side of private street and internal pedestrian walkways which are connected to public sidewalks adjacent to the development. The modification does not include any component or features which require specialized maintenance activities and/or equipment. The modification which results in a reduced (private) cross section width, consolidates facilities planned therein thereby reducing overall construction and maintenance costs.

The deviation will not adversely affect aesthetic appearance.

The planned private roads will not adversely affect aesthetic appearances within the proposed development. The private street and modified cross section (reduced width) is incorporated into the overall design concept of higher density, smaller footprint product. The scale of the street realm is proportionate to the scale and massing of residential structures in the private (lot) realm. The overall design is consistent, compatible, and competitive with current market driven subdivision and housing development design and aesthetics.

The deviation meets the design intent and purpose of the ECM standards.

Proposed private street/road design modifications meet the design intent and purpose of the ECM standards. All required roadway, pedestrian, and utility components are included with the proposed cross sections.

The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

The proposed PUD roadway design modifications will meet the control measure requirements of the County MS4 Permit.

Please elaborate and indicate how it meets the requirements such as a water quality facility has been provided for the entire site.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

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

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Denied by the ECM Administrator

This request has been determined not to have met criteria for approval. A deviation from Section _____ of the ECM is hereby denied.

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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

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. 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.

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 5.8 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. LIMITS OF APPROVAL

Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

1.7. REVIEW FEES

A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.