



Planning and Community
Development Department
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Colorado Springs, Colorado 80910
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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	<div>┌</div> <div>└</div>	
	<div>L</div> <div>J</div>	

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

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 roadway section of the proposed roadways within the subdivision.

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 Crossing Metropolitan District No. 1.

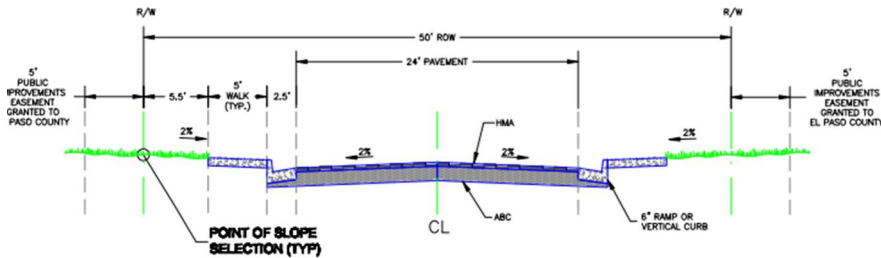
Mountain View Electric Association (MVEA), Colorado Springs (CSU), Black Hills Energy (BHE), & Cherokee Metro District (CMD) have reviewed the proposed easements and support the locations and widths as depicted on the PUDSP. Cimarron Hills Fire Department (CHFD) has also issued a letter specifically confirming their support for the adjusted changes.

State the reason for the requested deviation:

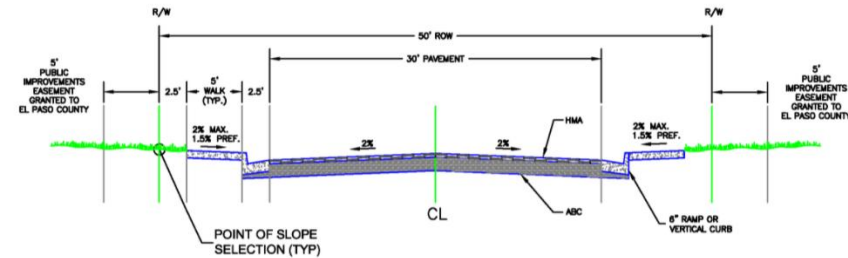
Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis):

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 No. 1.

STANDARD COUNTY URBAN LOCAL (LOW VOLUME) CROSS SECTION:

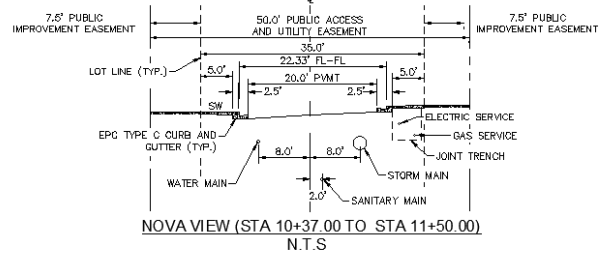
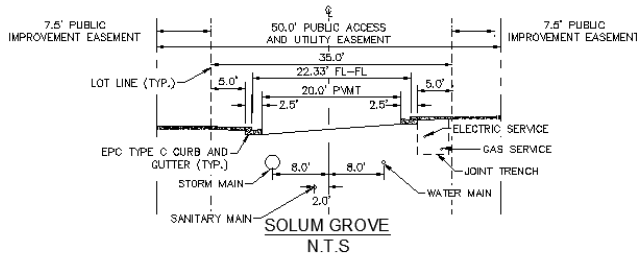
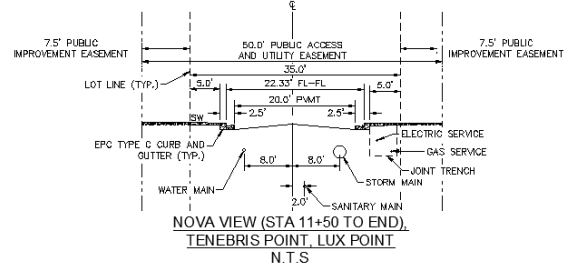
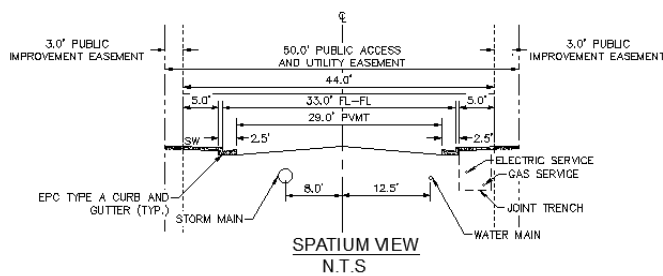


STANDARD COUNTY URBAN LOCAL CROSS SECTION:



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

PROPOSED MEADOWBROOK PARK PUD PRIVATE ROAD CROSS SECTIONS



Deviations Requested from Urban Local Roadway Section:

- Change of pavement width from 30 feet EOP (Edge of Pavement) to EOP to 29 feet EOP to EOP

Deviations Requested from Urban Local (Low Volume) Roadway Section:

- Change of pavement width from 24 feet EOP (Edge of Pavement) to EOP to 20 feet EOP to EOP
- Change of crowned pavement to superelevated roadway section for certain portions of roadway to facilitate drainage
- Change of lane width from 12 feet to 10 feet

All proposed cross sections provide adequate space/locations for required roadway and utility facilities (pavement/driving surface, water/wastewater, stormwater, electric, and gas utilities). Mountain View Electric Association (MVEA), Colorado Springs (CSU), Black Hills Energy (BHE), & Cherokee Metro District (CMD) have reviewed the proposed easements and support the locations and widths as depicted on the PUDSP. Cimmaron Hills Fire Department (CHFD) has also issued a letter specifically confirming their support for the adjusted changes.

LIMITS OF CONSIDERATION

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

- ☒ 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 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.

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), for the urban local low volume (SD_2-1) roadway. Pavement widths have been reduced to 29-feet (with two (2) 12-foot travel lanes), for the urban local low volume (SD_2-2) roadway. Required sidewalks and easements for utility providers has been identified within each cross section.
- In sections of the urban local low volume (SD_2-1) roadway, a superelevated section, over the crowned roadway section is necessary to capture the runoff from the roadways to treat for water quality.
- A written endorsement from the Cimarron Hills Fire Department has been attached to this request, verifying all roadway widths, fire lanes, radii and dead-end lengths. An exhibit is attached to the endorsement to further clarify the departments approval.
- Design speed where it is unlikely the road will be needed for use by the general public;
- Maximum and minimum block lengths;

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 (SD_2-1) and urban local (SD_2-2) 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.

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.

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

The deviation will not adversely affect maintenance and cost. 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. All the runoff from proposed roadways will be captured and receive water quality treatment provided by an Extended Detention Basin and Rain Garden on Site. 100 Year Detention will be provided by the Extended Detention Basin. The drainage system has been designed in a way to capture impervious surfaces throughout 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.



CIMARRON HILLS FIRE DEPARTMENT

1835 Tuskegee Place

Colorado Springs, CO 80915

719.591.0960

Fax 719.591.0996

Fire and Life Safety Division Approval/Explanation Letter

March 1, 2021

RE: Meadowbrook Single Family Home Project
Residential Properties Zoning RR-5, CAD-O

To Whom It May Concern,

The Cimarron Hills Fire Protection District (CHFPD) has reviewed the preliminary plans for the above property. The Property is located in our Fire District at Meadowbrook Drive and Hwy 24. We acknowledge that the intended and anticipated use of the property is Residential.

CHFD has reviewed the Planned Unit Development with the development team and have approved the following details:

- ✓ The shown road widths are acceptable and fire lanes that will be provided will give us the access that we need. Turning radius and access are within our apparatus specs.
- ✓ Dead end lengths are acceptable per our CHFD Amendments as fire hydrants will be added to give us adequate flows and connections.
- ✓ KNOX box gate access is allowed for emergency access and approved.

If you have any questions or need any other information, please don't hesitate to contact the Cimarron Hills Fire and Life Safety Division.

Sincerely,

John (J.T.) McLeod
Division Chief of Fire and Life Safety
Fire Inspector III-Plans Examiner
719-591-0960
jmcleod@cimarronhillsfire.org

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PROJECT NO. 096956009
SHEET
OF

DESIGNED BY: LMS
DRAWN BY: LMS
CHECKED BY: JEH
DATE: XX/XX/21

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