



Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Crossroads Mixed Use Filing No. 1  
Schedule No.(s) : 5408007005  
Legal Description : A portion of Tract B 24/94 Business Park Fil No. 1, as amended by affidavit of correction rec. #219097386

### APPLICANT INFORMATION

Company : Colorado Springs Equities LLC  
Name : Danny Mientka  
☒ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 90 S. Cascade Avenue, Suite 1500, Colorado Springs, CO 80903-1639  
  
Phone Number : 719-448-4034  
FAX Number : N/A  
Email Address : danny@theequitygroup.net

### ENGINEER INFORMATION

Company : M&S Civil Consultants, Inc.  
Name : Virgil A. Sanchez  
Mailing Address : PO Box 1360, Colorado Springs, CO 80901  
  
Phone Number : 719-491-0818  
FAX Number : None  
Email Address : virgils@mscivil.com  
  
Colorado P.E. Number : 37160

### 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

4-22-2022

Engineer's Seal, Signature  
And Date of Signature

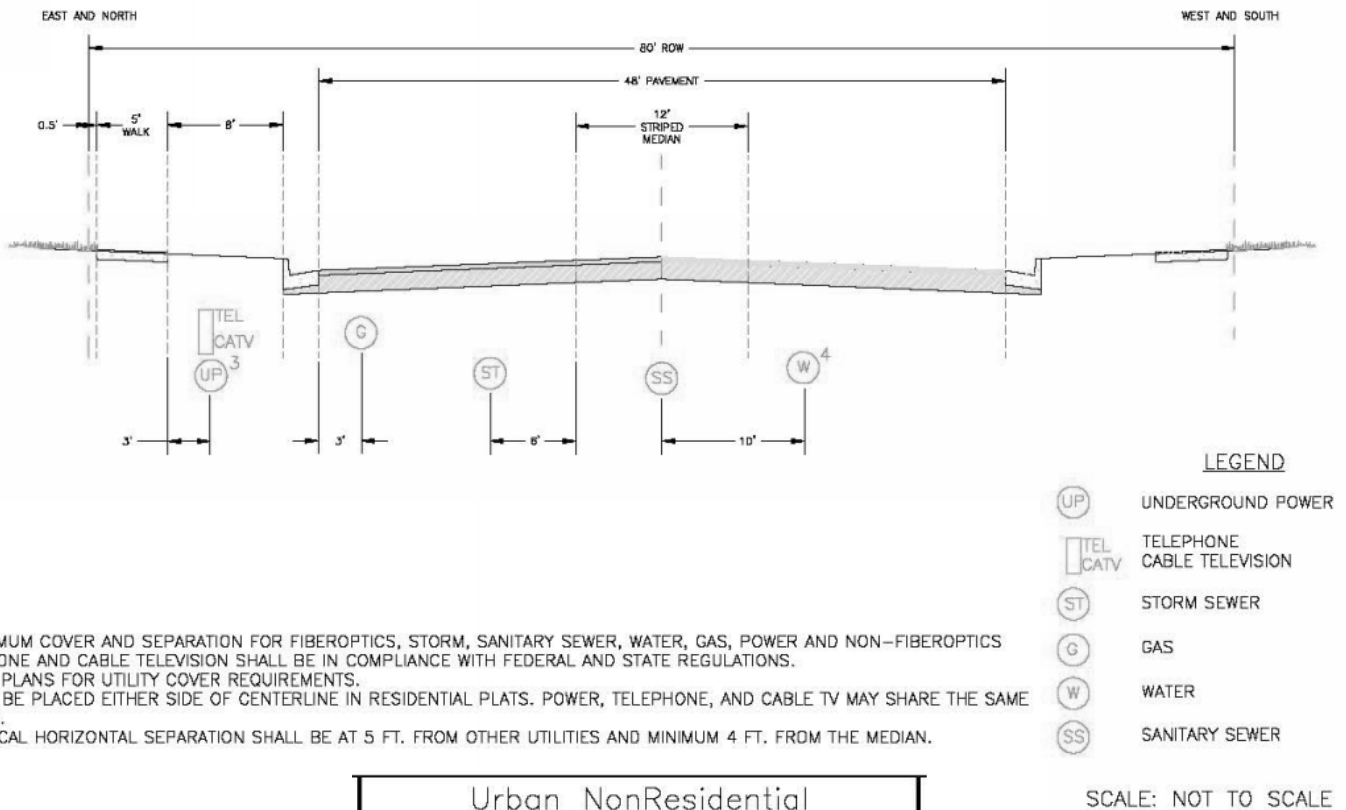


**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or Chapter 4, Section 4.3.5.E.2, **Utility Design: Utility Location of Underground Utilities (Longitudinal Placement)** & **Appendix F, Standard Drawings, SD-4-3** - of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation is requested from the above standard, which requires storm sewer to be longitudinally placed 6' from the striped median edge (not under the curb and gutter), according to the standard drawing (SD 4-3) below under a non-residential collector roadway (Proposed Meadowbrook Parkway).

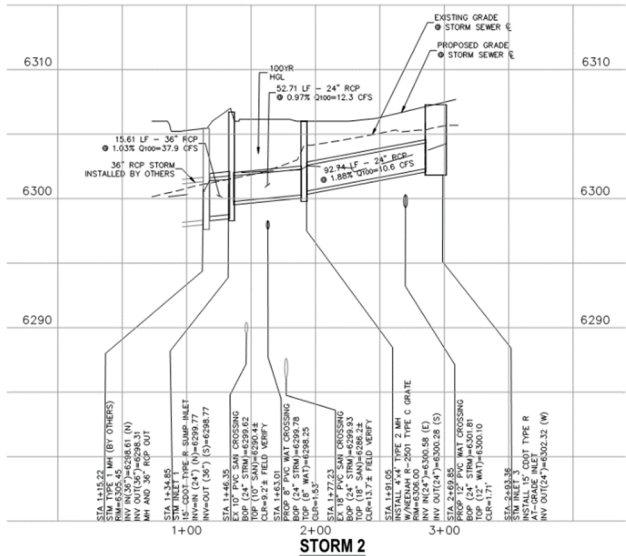
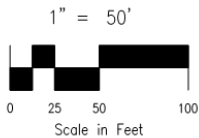
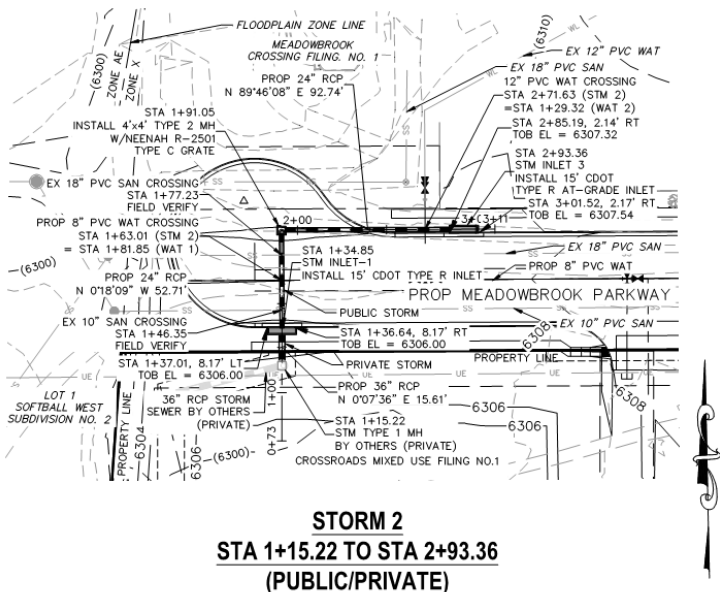


State the reason for the requested deviation:

The deviation is being requested due to geographical limitations caused by adjacent existing utilities that inhibit the ability to construct the storm sewer in the standard location with adequate utility spacing.

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

The proposed solution is to install the storm sewer in the location shown in the exhibit below. This location is under the proposed curb and gutter, as compared to the standard drawing above. The Neenah R-2501 grated inlet is used in the proposed condition to capture bypassed flows from the upstream inlet, and is in-line with the future extension of Meadowbrook Parkway to be replaced as a curb inlet.



## 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:

Utility spacing constraints, water lowering design considerations, existing infrastructure locations, maintenance of the storm sewer, proposed dry utilities, and future use of the grated inlet as a curb inlet were all considerations in determining the most efficient longitudinal placement of this storm sewer.

## 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 proposed solution will achieve the intended result of the standards with respect to:

- Underground utilities standards
- Lateral placement
- Storm sewer design
- Street capacity and stormwater conveyance
- Minimizing disturbance of adjacent infrastructure (fence, irrigation system, etc.)
- Future use of the extended roadway

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations since it is located out of the travel path of vehicles and pedestrians and is necessary to maintain adequate street capacity, protecting those traveling in the street and downstream infrastructure.

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

Deviation will not affect maintenance and its associated cost as this location is practical considering the justifications and effects on safety & roadway operations above. Future use of the grated inlet will assist in lowering maintenance and associated costs downstream, when Meadowbrook is extended.

The deviation will not adversely affect aesthetic appearance.

Deviation will not affect aesthetic appearance as the utility is underground. Future use of the grated inlet will assist in improving downstream aesthetics and functions when Meadowbrook is extended.

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

The deviation meets the intent and purpose of the ECM Standards of Chapter 4 and those pertaining to storm sewer design.

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 requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from **Chapter 2, and Appendix F, SD 4-4** 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 **Chapter 2, and Appendix F, SD 4-4** of the ECM is hereby denied.

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**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

## **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.