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**DEVIATION REQUEST  
AND DECISION FORM**

Updated: 6/26/2019

**PROJECT INFORMATION – NEW LOG ROAD DEVIATION REQUEST**

|                     |  |
|---------------------|--|
| Project Name :      | Mayberry, Colorado Springs Filing No. 1    |
| Schedule No.(s) :   | 34000-00-259, -260, -349, -350, -356, -362 |
| Legal Description : | Mayberry, Colorado Springs Filing No. 1    |

**APPLICANT INFORMATION**

|                   |   |
|-------------------|---|
| Company :         | Colorado Springs Mayberry, LLC  |
| Name :            | Rick Scott  |
|                   | <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor |
| Mailing Address : | 32823 Temecula Parkway<br>Temecula, CA 92592.   |
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**ENGINEER INFORMATION**

|                   |   |                        |       |
|-------------------|---|------------------------|-------|
| Company :         | JPS Engineering, Inc.                                 | Colorado P.E. Number : | 29891 |
| Name :            | John P. Schwab, P.E.                                  |                        |       |
| Mailing Address : | 19 E. Willamette Avenue<br>Colorado Springs, CO 80903 |                        |       |
| Phone Number :    | 719-477-9429  |                        |       |
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| Email Address :   | john@jpsengr.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 **2.3.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ECM Section 2.3.2 Design Standards by Functional Class (Table 2-6 Roadway Design Standards):

New Log Road is ultimately classified as an Urban Minor Arterial roadway. The proposed deviations consist of modified cross-section elements including 15-foot attached sidewalks, bike lanes permitted, and on-street parking allowed for the ultimate road section, as well as an interim rural asphalt road section during the initial phase of development. The proposed deviations are depicted on the Typical Road Section Drawings (Sh. TY1-TY2).

The ECM-prescribed minimum horizontal centerline radius for an urban minor arterial is 565 feet. This deviation request also allows for a slightly reduced minimum centerline radius of 527 feet at couplet transitions as depicted on the attached Plan & Profile Drawing (Sh. PP1).

State the reason for the requested deviation:

The proposed roadway design deviations are requested based on the new urbanist development program which seeks to create a pedestrian-friendly community. The proposed typical road cross-sections were included in the previously approved Ellicott Town Center PUD.

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

The ultimate road section of New Log Road consists of a 2-lane, 1-way Couplet through the Town Center area in accordance with the approved Ellicott Town Center PUD, as depicted in Section A, Sheet TY2.

The interim road cross section consists of a 2-lane rural residential road section during Filing No. 1. The interim rural road section depicted on Section F, Sheet TY1 conforms to County standards for rural local roads.

The proposed minimum centerline radius of 527 feet is only a slight reduction compared to the standard minimum radius of 565 feet.

The proposed deviation will reduce traffic speed and provide for enhanced traffic calming.

The proposed access spacing along Log Road will be further evaluated and approved by the County in conjunction with future development of the adjoining commercial tracts.

**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:

The requested deviations are justified by the previously approved LSC Traffic Study and the Ellicott Town Center PUD. The traffic study demonstrates that traffic operations will provide acceptable levels of service.

Denial of the deviation request would result in significant revisions to the previously approved PUD development plan, requiring PC and Board of County Commissioners re-approvals.

**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 deviations will result in a comparable or superior roadway design, consistent with El Paso County standards and the approved Ellicott Town Center PUD. The previously approved PUD seeks to create a high-quality community enhancing property values in eastern El Paso County. The proposed deviations support the pedestrian-friendly nature of the overall development plan, resulting in a superior design.

The deviation will not adversely affect safety or operations.

The proposed roadway improvements will be constructed to County standards, and the requested deviations will not adversely affect safety or operations. The LSC Traffic Study for this project demonstrates that traffic operations through the proposed couplet will provide an acceptable level of service while creating the desired Town Center entry to the project. The proposed roadway deviations will generally improve pedestrian safety and will not adversely affect traffic operations.

The proposed deviations will reduce traffic speed and provide for enhanced traffic calming, resulting in improved traffic safety.

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

Maintenance will not be adversely affected based on the proposed deviations. The proposed road cross sections and site layout will provide ample access and clearance for maintenance, and all pavement designs will be subject to County approval.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance will not be adversely affected based on the proposed deviations. The proposed deviations in typical road cross sections will enhance the streetscape resulting in improved aesthetic appearance.

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

The proposed deviations consist of relatively minor changes to County standard road sections, consistent with the previously approved Ellicott Town Center PUD.

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.

This deviation request has no impact on control measure requirements of the County's 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 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:**

## **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.