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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Crossroads Preliminary Plan  
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  
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### ENGINEER INFORMATION

Company : Kimley-Horn  
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FAX Number :  
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### 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.

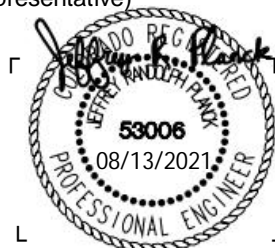
*Kelly Nelson*

Signature of owner (or authorized representative)

8-16-2021

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 **2.2.5.D and Table 2-7** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The applicant requests approval of a deviation of ECM Section 2.2.5.D and Table 2-7 to authorize driveway access from the multifamily Lot 11 onto Meadowbrook Parkway, a public non-residential collector.

2.2.5.D Collector Access Standards. Collector roadways shall intersect another roadway (centerline to centerline) in accordance with the standards in Section 2.3.7. On minor collector roadways, the closest local roadway intersection to an arterial roadway shall be 330 feet (right-of-way line of arterial to centerline of local roadway). On major collector roadways, the closest local roadway intersection to an arterial roadway shall be 660 feet (right-of-way line of arterial to centerline of local roadway). Single-family residence access to major collector roadways is not permitted (even though existing conditions show otherwise).

Table 2-7. Roadway Design Standards for Urban Collectors and Locals (Abridged Excerpt)

Criteria	Collectors		Local	
	Non-Residential	Residential	Local	Local (low volume)
Access Permitted	No s	No s	Yes	Yes

sWhere no local public or private roadway can provide access, temporary or partial turn movement parcel access may be permitted

(Note: Table 2.7 is included as an attachment for complete reference)

State the reason for the requested deviation:

The deviation is requested for the following reason(s):

- Provide two points of access to the multi-family use.
- Roadway access standards specifically address a single-family context.
- The Engineering Criteria Manual (ECM) does not specifically address multi-family access standards and multi-family access needs.
- Meadowbrook Park access reduces the multi-family trips onto the private road which primarily serves the commercial portion of the preliminary plan.
- Prevent overloading the middle collector access that primarily serves the retail area and reducing travel times and distances which would require vehicles to backtrack throughout the entire site if only the access on south side of the site was provided for access.

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

Proposed multifamily access to Meadowbrook Parkway is located approximately

- Access location meets the 330-foot spacing requirement for non-residential collector intersections with local roadways.
- Access drive aisle is 40-feet wide
- Driveway length from Meadowbrook Parkway centerline is 208' which is the equivalent length of a private road intersection access. Adequate stacking and queuing distances are provided.
- Curve radius (25 -foot) of entry point meets the criteria for a private road access.



## 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:

Multifamily housing typically does not have internal public or private road dedications for access and circulation. Multifamily development is typically served by private internal circulation systems.

The ECM does not provide criteria for the design of multi-family housing access and circulation. Access has been reviewed in the Traffic Impact Study (TIS) and found to conform to all other access and spacing criteria of the ECM. Intersection and parcel access locations and design meet roadway objectives.

Multifamily land uses are compatible against higher traffic volume roadways because of the density (number of units and ADT). Where multifamily land uses are most often seen are transitions between commercial/industrial and lower density residential land uses and are located at or near intersections of major roadways (arterial and collector status)

## 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.

Intersection spacing requirements have been analyzed in the TIS and have been found to meet ECM criteria. Required left turn lanes from Meadowbrook Parkway have been provided on the preliminary plan as recommended by the TIS. The Cimarron Hills Fire Protection District has reviewed and approved the access and circulation based on their criteria.

The deviation will not adversely affect safety or operations.

Spacing requirements have been met in accordance with the TIS.

Required turn lanes have been included within the TIS and Preliminary Plan.

Fire district has reviewed and approved the access and circulation based on their criteria.

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

The deviation will not affect maintenance and its associated cost. Access will be maintained by the property owner.

The deviation will not adversely affect aesthetic appearance.

The deviation will not affect aesthetic appearance of the impacted roadway section. Roadway and Entry Feature landscaping will be provided to enhance the streetscape of the impacted roadway section.

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

Access location will meet all the ECM standards, not included in this deviation.

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. Access design conforms with the overall storm water management plan, also, meets the applicable 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.