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**DEVIATION REQUEST
 AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Crossroads at Meadowbrook Mixed Use 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
 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 _____

Engineer's Seal, Signature
 And Date of Signature



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

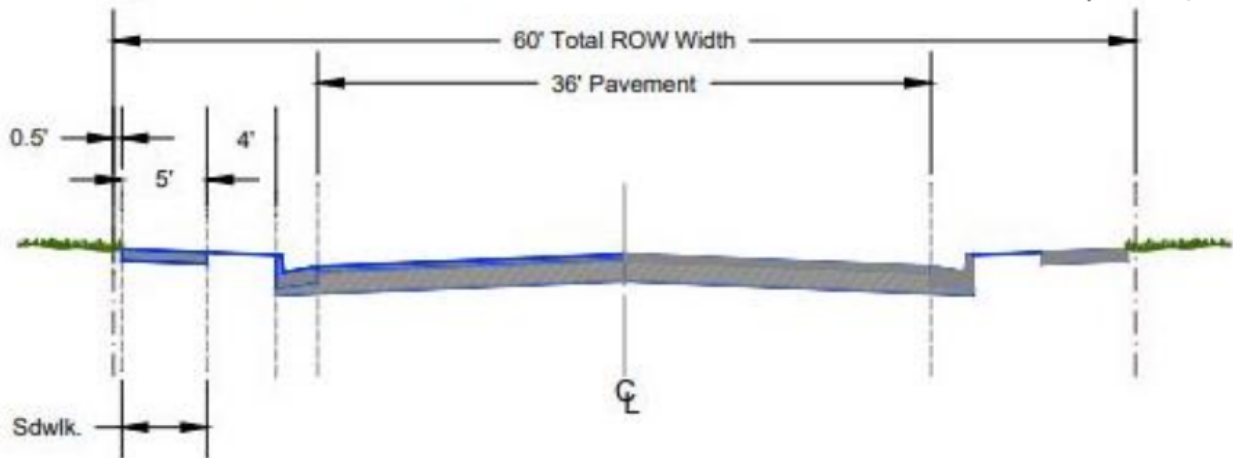
A deviation from the standards of or in Appendix F, Standard Drawings, **SD 4-4, Urban Residential Collector-** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the standard Urban Residential Collector Roadway Cross Section is requested. The standard cross section includes two travel lanes within a 36-foot wide pavement mat; two 2.5-foot curb and gutter at the end of the pavement mat; two (2) four (4) foot (typical) landscape/tree lawns; two (2) five (5) foot detached sidewalks all within a 60-foot ROW.

The applicant requests a deviation from the 60-foot ROW width, along with a 4.5' landscape lawn for a private road to be known as Pacific Rail Point.

Figure 2-15. Typical Urban Residential Collector Cross Section Traffic volumes up to 10,000/day



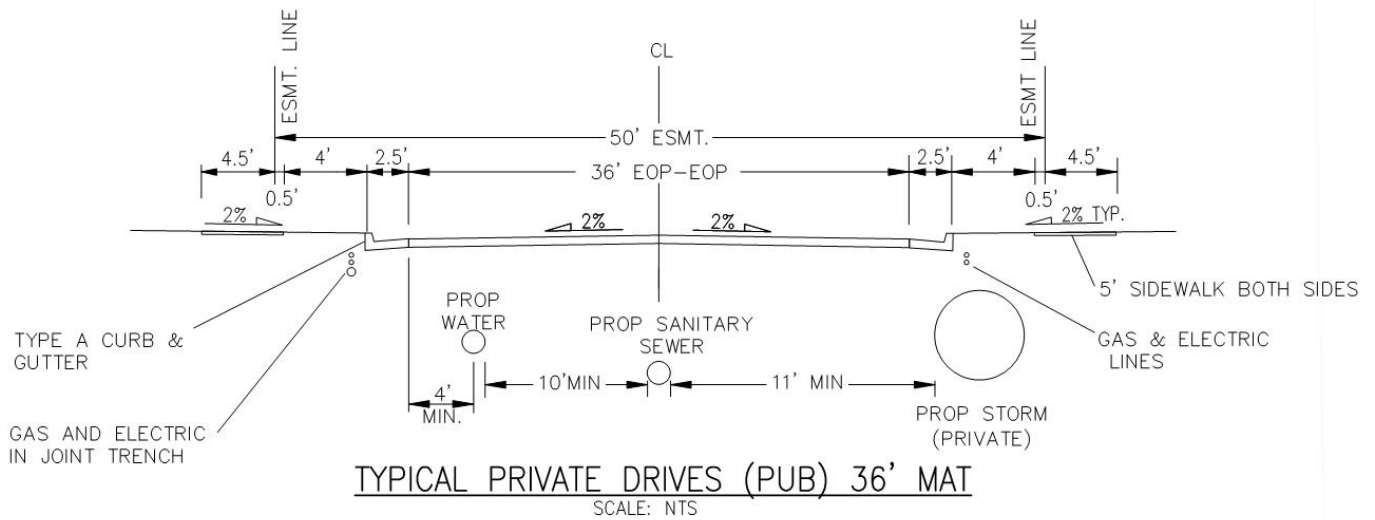
State the reason for the requested deviation:

The deviation is being requested in order to create a more efficient development in terms of land devoted to transportation facilities and to maximize land for mixed use multifamily/commercial land uses on an irregularly shaped infill development parcel.

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

The proposed private road cross section includes the following deviation from standard ECM Standards for an urban residential collector section.

- 50-foot tract dedicated for private road and utility use. Typical cross section is within a 60-foot Public ROW.
- 36 foot pavement width, where typical cross section has a 36' pavement width. No Change.
- Two 18-foot travel lanes, where typical cross section has two 18-foot travel lanes. No Change
- 5-foot detached sidewalk, where typical cross section has 5' detached sidewalks, No Change. However, the sidewalk is outside of the 50-foot tract. Attached sidewalk is not requested because it may cause problems with future development driveway cuts and ADA ramps.



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:

Justification for the requested deviation include:

- More efficient use of land for infill development
- Facilitate a mixed-use design and lot configuration that responds to market demands and maintains infill design flexibility to integrate the proposed mix of multifamily and commercial land uses,
- To reduce spatial constraints created by incorporating multiple buffers required to accommodate multiple zone districts (mixed use development);
- To minimize vehicle dominance of the street realm and streetscape in order to promote pedestrian dominance and orientation with the site plan design and development phase

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 private improvements and proposed cross section will achieve a comparable level of performance as the standard cross section with respect to the following:

- Traffic volume capacity
- Utility placement
- Stormwater conveyance
- Pedestrian access and circulation
- Fire district has reviewed and approved the access and circulation based on their criteria.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations.

Spacing requirements have been met in accordance and evaluated for compliance within the TIS. Required right and left auxiliary turn lanes have been evaluated in the TIS and incorporated on Preliminary Plan. The Cimarron Hills Fire Protection District has reviewed and approved the access and circulation provided on the preliminary plan based on their criteria and do not object to the configurations and improvements as shown on the preliminary plan.

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

Deviation will not affect maintenance and its associated cost. Access will be maintained by the Crossroads Metropolitan District Nos. 1 & 2.

The deviation will not adversely affect aesthetic appearance.

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.

The deviation meets the intent by providing a street cross section that is consistent with the anticipated function and traffic volumes as described in the TIS.

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.

