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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  
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 Owner    Consultant    Contractor  
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**ENGINEER INFORMATION**

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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 , Development Manager      6-25-21  
 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 **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 access onto a private 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:

- Reason for deviation is to 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 Parkway access reduces the multi-family trips onto the private road which primarily serves the commercial portion of the preliminary plan.

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

- Roadway access standards do not address multi-family access needs.
- Entry and internal circulation function as private roads.
- Driveway length from centerline is 208' which is the equivalent length of a private road intersection access.
- Curve radius 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 does not have public or private road dedications but are served from internal circulation systems. The ECM does not address the use for multi-family housing design and developments. Access has been reviewed in the Traffic Impact Study (TIS) and found to conform to all other access and spacing criteria of the ECM.

4. Nonresidential Collector  
 Nonresidential collectors link local roadways and arterial roadways in locations characterized by nonresidential land uses or uncommitted future land uses. Urban nonresidential collectors are intended to accommodate multiple modes of transportation, high-volume turning movements or significant changes in roadway use over time (See Figure 2-14). Urban nonresidential collectors are managed to maximize the safe operation of through-movements. Intersection and parcel access locations and design are reviewed by the ECM Administrator to ensure roadway objectives are being met.

County engineer is authorized to consider these access points if roadway objectives are being met.

**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.

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 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.

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.

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:**

[Empty box for 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.