



Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : The Villas at Claremont Ranch  
Schedule No.(s) : 5404303066 and 5404303062  
Legal Description : Tracts A and G Claremont Ranch Filing No. 7

### APPLICANT INFORMATION

Company : Phi Real Estate Services, LLC  
Name : Paul Broussard  
X Owner ☐ Consultant ☐ Contractor  
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### ENGINEER INFORMATION

Company : CATAMOUNT ENGINEERING  
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Colorado P.E. Number : 40510

### 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)

4/15/2022

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 Design Standards by Functional Classification** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Table 2-7 Roadway Design Standards for Urban Local Roadways.  
20' lane width required.  
30' paved width (excluding gutter pans) required.

State the reason for the requested deviation:

The deviation for proposed roadway width and associated lane width is needed because of the clustered development of townhomes within the proposed PUD development.

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

The proposed roadway section would be 20' paved width plus curb section pans. The driveway density for attached townhome product eliminates the ability to provide on-street parking allowed in the typical urban residential section. Alternatively, garage, driveway, and designated (striped) on-street parking has been provided exceeding the development parking requirement.

The proposed width has been verified to meet fire equipment access requirements throughout the proposed development and is similar typical of private access drives in similar high density residential and commercial developments. Utility corridors will be created within easements meeting widths required by utility providers. Storm system will be private and owned and maintained by the homeowner's association.

The proposed roadway section would provide a 20' paved width for the private PUD roadways and allow for no on-street parking. Table 2-7 requires 30' paved width and allows parking for urban local roadways and requires 24' paved width and allows parking for urban local (low volume) roadways.

## 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:

Private PUD roadways are being proposed due to the nature of the development rather than development of public roadways. While public roadways allow for parallel parking along roadways requiring increased width; an alternative approach to parking is being pursued with this PUD development. Code requires 2 spaces per dwelling unit (166 spaces) as well as an additional 1 guest space per 3 units (28 spaces). The proposed development provides 166 garaged spaces, 166 driveway spaces, and an additional 50 surface spaces (either parallel or within off-street lots). The off-street parking includes 2 ADA accessible spaces. The clustering of development allows for enhanced open space (buffers) along the perimeter of the development and central landscape corridors provide enhanced walkability within the development.

## 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 request is not based on financial considerations and is based on the justification described in the previous section.

The deviation will not adversely affect safety or operations.

The proposed PUD layout has been designed to enhance pedestrian access throughout the development with rear facing units facing common areas providing access to central walkways and landscape areas. Proposed development of garages and adequate driveway parking alleviate the need for excess on-street parking. Designated on-street parking has been provided as overflow/guest parking within numerous locations within the development. Designated utility easements are proposed to meet utility district requirements over roadway tracts. Roadway width allows for required fire department access.

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

The proposed roadways are private and will be owned and maintained by the Home Owners Association. The Home Owners Associates will provide plowing and snow removal as well as periodic maintenance providing reseal, milling, and pavement overlay when necessary. The Home Owners Association will be funded through monthly dues collected from the homeowners. The collected dues will be determined based on yearly analysis for upkeep costs associated with roadway, drainage, landscape, and hardscape facilities owned by the Home Owner's Association. Deviation in roadway width will not adversely affect maintenance or cost.

The deviation will not adversely affect aesthetic appearance.

The smaller roadway width limits hardscape requirements allowing for additional space designated for open space and pedestrian corridors enhancing the overall appearance of the development. Removing on-street parking will enhance the appearance of the development..

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

This deviation meets the design intent and purpose of the ECM standards as delineated in the previous sections.

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 does not affect the developments ability to meet the requirements of the County's MS4 permit. A full spectrum extended detention basin is proposed to treat and detain runoff from the entire development.

**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:**

The Deviation is only valid if the Board of County Commissioners approves the Planned Unit Development Modifications.

### **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.