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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	GRANDVIEW PHASE 3 (PUDSP-241)
Schedule No.(s) :	4200000474
Legal Description :	A TRACT OF LAND BEING A PORTION THE SOUTHEAST QUARTER OF SECTION 21, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, A PORTION OF THE NORTHWEST QUARTER OF SECTION 27 AND A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH/ PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

### APPLICANT INFORMATION

Company :	MELODY HOMES, INC.
Name :	RILEY HILLEN
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
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Phone Number :	303-503-4903
FAX Number :	-
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### ENGINEER INFORMATION

Company :	HR GREEN DEVELOPMENT, LLC.	Colorado P.E. Number :	54022
Name :	KEN HUHN, PE		
Mailing Address :	1975 RESEARCH PARKWAY, STE. 160 COLORADO SPRINGS, COLORADO 80920		
Phone Number :	720-602-4965		
FAX Number :	-		
Email Address :	KHUHN@HRGREEN.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 2.5.2.C.3 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

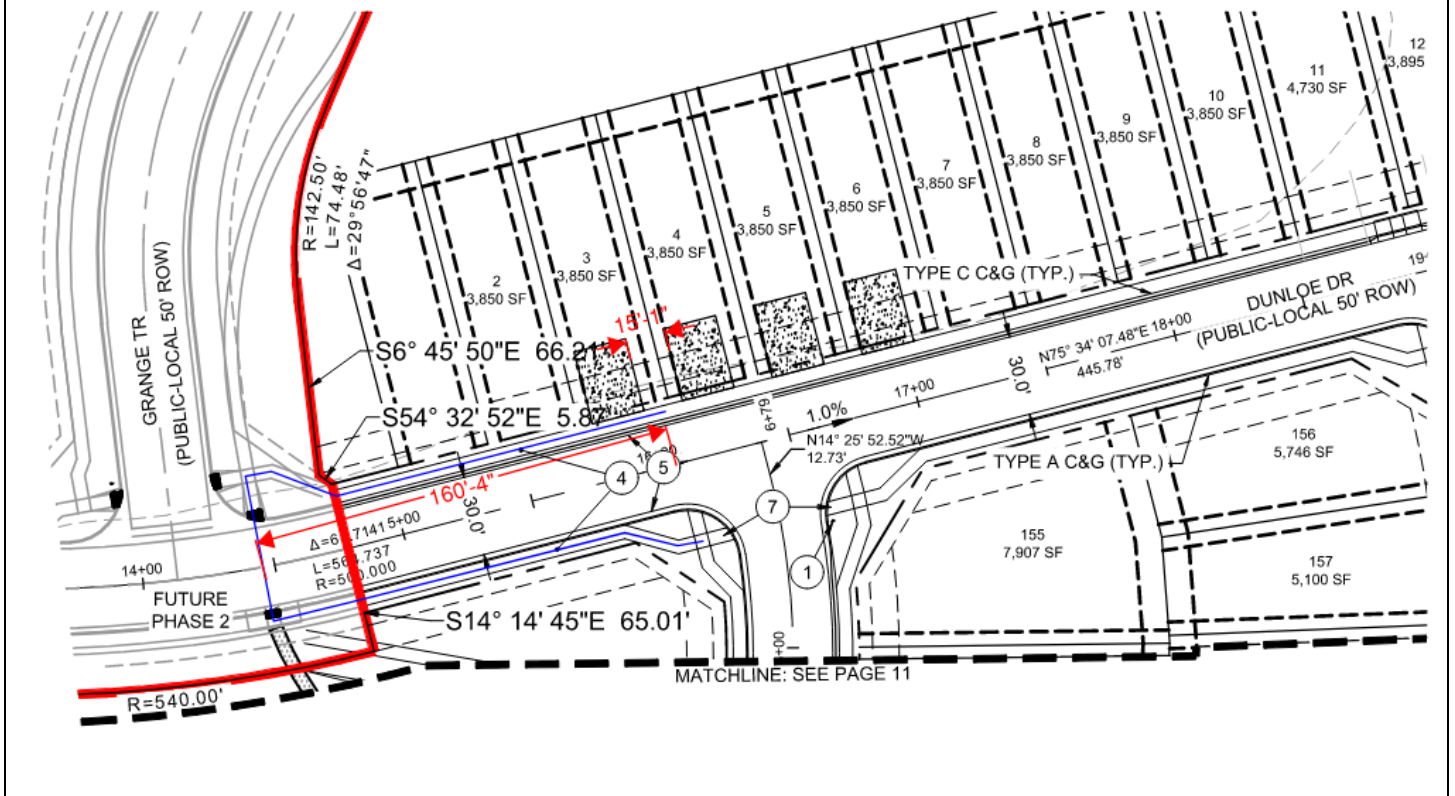
All "T" intersections shall have a minimum of four access ramps as shown in Figure 2-36. A private access may be used as an access ramp provided it is designed to meet ramp requirements and it is within the intersection and directly across from other ramps.

State the reason for the requested deviation:

The single family residential units on the north side of the property are laid out with very little separation between driveways due to a 35' roadway frontage. As a result, the access ramp will conflict with the driveways in some locations, where spacing between driveways is limited to approximately 15'. (SEE EXHIBIT IN NEXT SECTION)

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

The alternative is to provide an alternate pedestrian crossing. In this location, the pedestrian can cross the street via an alternate route 160 feet west of the pedestrian ramp landing.



**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:

Additional space needed for a pedestrian crossing is not easily generated with the single family residential units. Spacing to the east has been added to accommodate a complete T-intersection ramp network at Althone Way and Dunloe Drive. The design objective to safely transport pedestrians can be accomplished by rerouting the pedestrians slightly.

**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 deviation will achieve the intended result with a comparable design and quality of improvement by maintaining the functionality of the pedestrian access as well as the functionality of the single family residential lots.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations. The alternate pedestrian crossing route eliminates the street crossing and is therefore safer at this location.

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

The deviation will not adversely affect maintenance and its associated cost as the amount of ADA crossings is not greater-than the mandatory amount.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance as it will be consistent with the rest of the PUD.

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

The deviation meets the design intent and purpose of the ECM standards by still providing pedestrian access to both sides of the T-intersection.

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 deviation will not be applicable regarding 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.

Γ 1

L 1

**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.

Γ 1

L 1

**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.