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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Crossroads Mixed Use Filing No. 2 at Meadowbrook Final Plan

Schedule No.(s) : 5408305005

Legal Description : A replat of Tract D Crossroads Mixed Use Fil No. 1, as amended by correction rec. #222714975

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

Colorado P.E. Number : 37160

Mailing Address : PO Box 1360, Colorado Springs, CO 80901

Phone Number : 719-491-0818

FAX Number : None

Email Address : virgils@mscivil.com

OWNER, APPLICANT, AND ENGINEER DECLARATION

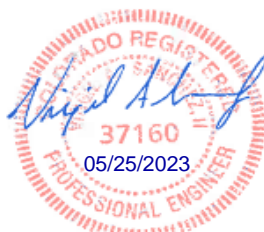
To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations 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.

05/25/2023

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature



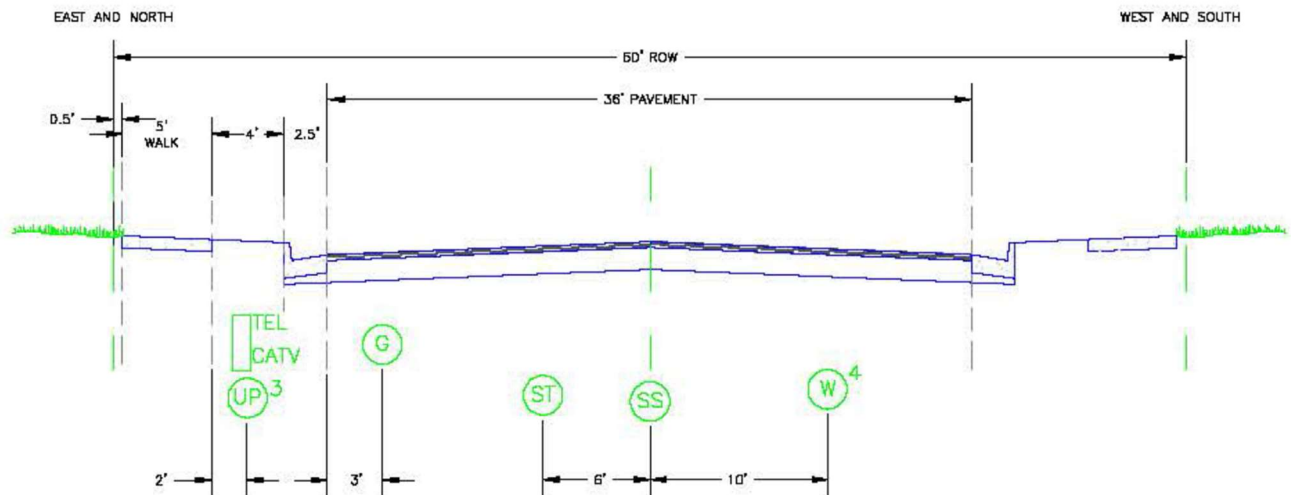
DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Appendix F, Standard Drawings, **SD 4-4, Urban Residential Collector** and **Table 2-7. Roadway Design Standards for Urban Collectors and Locals**- 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 for Southern Rail Point, Pacific Rail Point, and Central Rail Point is requested. The standard cross section includes two travel lanes (12') and two shoulders (6') within a 36-foot wide pavement mat; two 2.5-foot curb and gutter at the end of the pavement mat; two four (4) foot (typical) landscape/tree lawns; two five (5) foot detached sidewalks all within a 60-foot ROW.

SD 4-4 Urban Residential Collector:



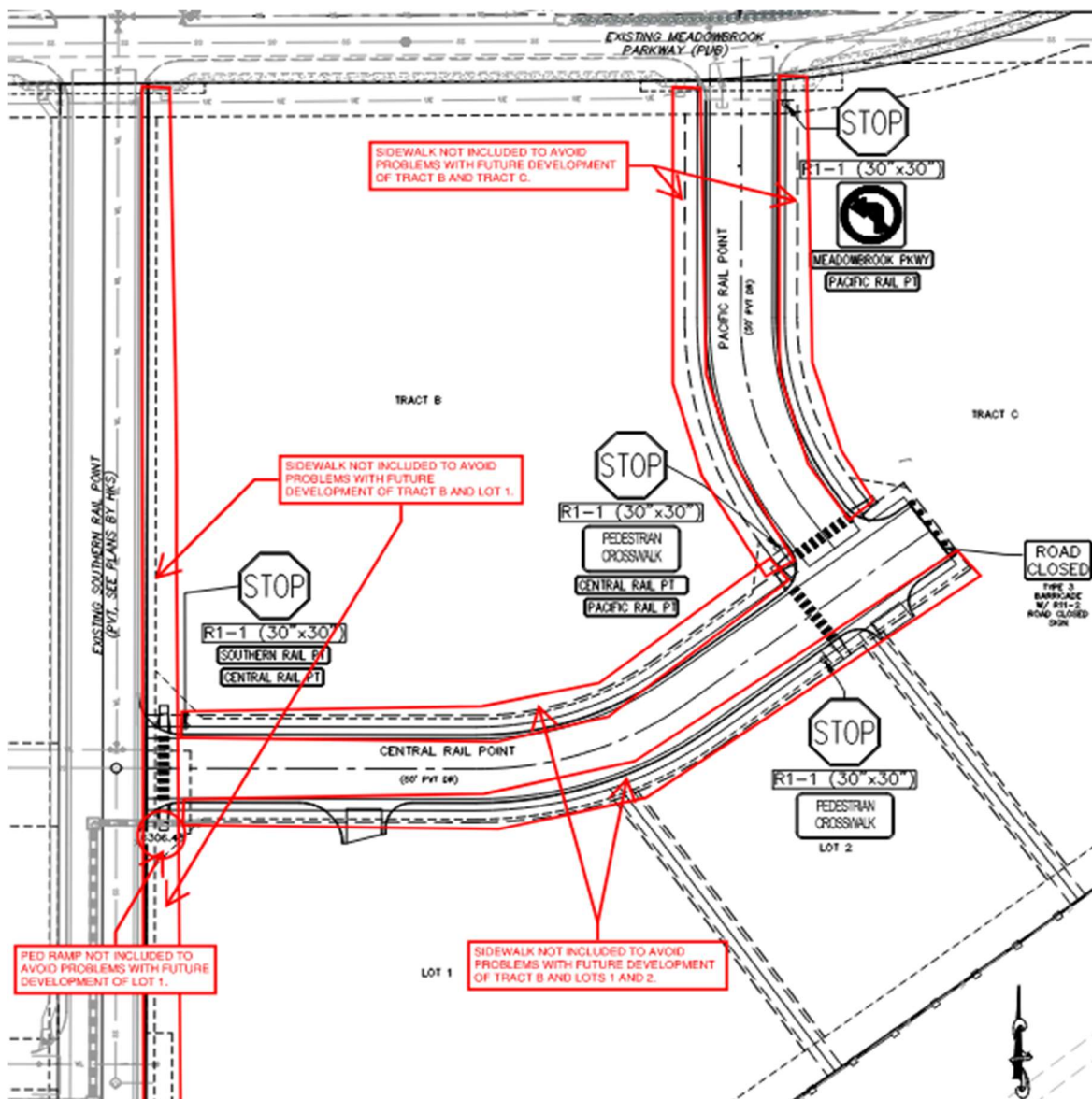
State the reason for the requested deviation:

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(s) from standard ECM Standards for an urban residential collector section. Requesting;

- 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 12-foot travel lanes with two 6' shoulders, where typical cross section has two 12-foot travel lanes with two 6' shoulders. No Change.
- 40 MPH design speed/35 MPH posted speed, where typical cross section has 40 MPH design speed/35 MPH posted speed. No Change.
- 5-foot detached sidewalk on one side, where typical cross section has 5' detached sidewalks on both sides. The sidewalk is outside of the 50-foot tract. An additional 5 foot Public Access Utility Easement has been provided to accommodate the portion of sidewalk lying outside the tract. Only one side of the roadways are proposed to have an attached sidewalk. Several sidewalks and ADA Ped Ramps are not proposed with Filing No. 2 in the specified areas (outlined in red) because they may cause problems with future development and driveway cuts.



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 deviations for Southern Rail Point, Central Rail Point, and Pacific Rail Point 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
- Road will be designed more like URBAN LOCAL road cross section and associated standards (with an additional 6' of pavement)
- Lower design speed and posted speed is more appropriate for high density commercial development with frequent driveway access points and slower speeds through drive aisles.

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.
- Lower design speed and posted speed is more appropriate for high density commercial development with frequent driveway access points and slower speeds through drive aisles

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations. 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 No. 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:

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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.