



**Planning and Community  
Development Department**  
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**DEVIATION REQUEST  
AND DECISION FORM**

Updated: 6/26/2019

**PROJECT INFORMATION**

Project Name : Eagle Rising PCD File No. SP205 & SF2225  
 Schedule No.(s) : 52290-00-034 & 52290-00-035  
 Legal Description : See Attached

**APPLICANT INFORMATION**

Company/Name : Casas Limited Partnership #4, MyPad, Inc., General Partner, Stephen J. Jacobs Jr., President; and  
 Company/Name : IQ Investors, LLC, Managed by SESMAR Corp., Stephen J. Jacobs, M.D., President  
 Owner  Consultant  Contractor  
 Mailing Address : P.O. Box 2076  
 Colorado Springs, CO 80901  
  
 Phone Number : (719) 359-1473  
 FAX Number :  
 Email Address : mypad.inc@gmail.com

**ENGINEER INFORMATION**

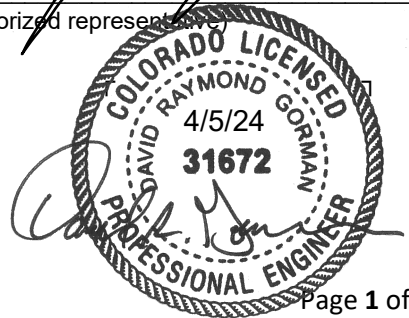
Company : M.V.E., Inc.  
 Name : David Gorman Colorado P.E. Number : 31672  
 Mailing Address : 1903 Lelaray St, Ste 200  
  
 Phone Number : (719) 635-5736  
 FAX Number :  
 Email Address : daveg@mvecivil.com

**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.

Stephen Jacobs Jr 4/5/24  
 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 2.3.8.A of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.3.8.A, Roadway Terminations – Cul-de-sacs

Cul-de-sacs shall have a maximum length of 1600 feet for rural condition

State the reason for the requested deviation:

- Connection of a suitable roadway to Kurie Road from Eagle Wing Drive is not feasible due to topographic challenges and the size and placement of the existing structures on the site. This leaves Eagle Wing Drive as the most viable connection for all but the four most northerly lots indicated on the Eagle Rising Preliminary Plan. Conversion of the existing path that leads from the existing barn structure to Kurie Road is not feasible with observance of El Paso County roadway design criteria.
- Existing public Eagle Wing Drive is a non-through road terminating at the Eagle Rising westerly boundary and is available for extension into the proposed subdivision as a non-through road. The existing private Eagle Wing View including the cul-de-sac termination as constructed from the current temporary Eagle Wing Drive cul-de-sac terminus is approximately 1,040 feet and needs to be retained to serve 13 of the proposed 17 lots in the subdivision. The length of 1,600 feet is not long enough to serve 2.5 acre or 5.0 acre lots in the rural condition.

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

The length of the existing public Eagle Wing Drive cul-de-sac from the offsite Rising Eagle Place intersection is 1,080 feet. The existing private Eagle Wing View cul-de-sac termination is located approximately 1,040 feet from the current temporary Eagle Wing Drive cul-de-sac terminus. Therefore, the total new cul-de-sac length, extending from the existing intersection of Rising Eagle Place and Eagle Wing Drive would be approximately 2,120 feet, exceeding the ECM standard of 1,600 feet by 520 feet.

Within the 2,120 foot cul-de-sac length, there is opportunity for emergency vehicles to turn around without traversing the entire dead end road length. A new public cul-de-sac bulb will be provided inside the Eagle Rising property to terminate Eagle Wing Drive and replace the existing temporary cul-de-sac bulb. Said new public cul-de-sac bulb will provide a turnaround at approximately 1,180 feet from the offsite Rising Eagle Place intersection to the Eagle Rising property. Then, the private cul-de-sac road extends another 940 feet to the end of the existing private Eagle Wing View cul-de-sac bulb. See attached exhibit.

Consent of the Black Forest Fire District for this deviation request was sought. However, the Black Forest Fire Department does not currently respond to subdivision requests and no response was provided. It is noted that the Black Forest Fire Department currently provides service to the existing structures on the property at the end of the existing private road cul-de-sac.

Nine lots of Eagle Rising Filing No. 1 will access the proposed cul-de-sac roadway.

The total number of lots on the public cul-de-sac and private road cul-de-sac with this deviation will be 13, which is less than the maximum of 25 allowed in the Code. Due to the larger 2.5 acre sized lots, the cul-de-sac requires 520 feet of additional length.

The proposed public Eagle Wing Drive and existing private Eagle Wing View cul-de-sac are shown on the attached exhibit.

**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:

- The deviation is requested due to topographic and existing condition challenges. Connection of a suitable roadway to Kurie Road from Eagle Wing Drive is not feasible due to topographic challenges and the size and placement of the existing structures on the site which prohibit connection to Kurie Road. Conversion of the existing path that leads from the existing barn structure to Kurie

Road into a suitable roadway is not feasible due to grade and alignment constraints. The location of the existing barn structure prevents suitable road alignment. Trees, slopes and natural features all present challenges to any construction and maintenance of aesthetics. The private roadway, as-built, has been in use since 2017.

- Because decreased density and increased road frontage requirements are associated with 2.5 acre large-lot subdivisions, longer roadway lengths are needed to provide access to rural residential lots. Increased structure spacing, smaller densities and lower traffic volumes mean that the slightly larger cul-de-sac length presents no adverse effects on use, safety, operations, or maintenance.
- Black Forest Fire Protection District currently serves the existing parcel, having accessory structures and residence, by way of the existing private gravel cul-de-sac roadway extending from the current temporary Eagle Wing Drive paved cul-de-sac terminus point.
- El Paso County Board of County Commissioners approved the Eagle Rising Preliminary Plan which included the cul-de-sac of the length indicated in this Deviation Request under Resolution 13-407 on 8/24/13. The Reconsideration of Preliminary Plan including the cul-de-sac was approved under Resolution 20-423 on 12/8/2020 followed by Resolution 22-402 on 11/15/22.
- The proposed public paved Eagle Wing Drive cul-de-sac will be built to El Paso County standards except as allowed with approved waivers and deviations. The existing private gravel road will remain as currently constructed and is built to El Paso County standards except as allowed with approved waivers and deviations. One more roadway deviation, in addition to this one, is contained in the Eagle Rising EPC Project Files for SP205 and SF 2225. A private road waiver is requested with the Eagle Rising Filing No. 1 Final Plat (SF2225) pursuant to LDC 8.4.4(E)(3) to allow alternate design speed, alternate section thickness and pavement type. Private roadway maintenance will be conducted by the Owners Association (OA) as will be provided in the CCRs to be recorded at the time of final plat.
- The proposed deviation does not negatively impact any fire safety provisions. The difference between the 1,600' standard length and the planned 2,120' length is only 520' and is inconsequential with regard to accessibility or response times. Eagle Rising has an existing central water system with fire hydrants in place. This is a rarity for rural residential subdivisions in the county. The minor addition to cul-de-sac length does not affect the available water supply. The proposed deviation does not constitute an increased fire hazard.

## 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 new public cul-de-sac, constructed to El Paso County standard will allow additional opportunity for turn-around and passing on Eagle Wing Drive at the west boundary of the Eagle Rising development. The existing private cul-de-sac roadway will provide reliable and safe access to the residents of the proposed subdivision.

The deviation will not adversely affect safety or operations.

- The projected ADT of 85 vehicles per day (vpd) for the 9 lots accessing the private cul-de-sac road is relatively low. This request will have no adverse impacts on safety and operations.
- The requested cul-de-sac length is only slightly greater than allowed by criteria (520' over criteria allowance). There is no appreciable difference in safety or operations.
- A public cul-de-sac turn-around is being constructed at the west end of the subdivision, providing opportunity for vehicle turn-around and passing if necessary.
- On October 25, 2023, Black Forest Fire District Fire trucks successfully traversed the existing private cul-de-sac in an emergency in actual use with no problem encountered. The Black Forest Fire District already serves lots 6 and 7 and the associated existing structures from the end of the public Eagle Wing Drive Cul-de-Sac and the private road Cul-de-Sac. This deviation request does not negatively impact any fire safety or other safety considerations.

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

- The deviation will not adversely affect maintenance cost. The existing cul-de-sac length is private and will be maintained by the HOA. The new county cul-de-sac constructed to current standards will replace the current temporary cul-de-sac where the pavement is failing.

The deviation will not adversely affect aesthetic appearance.

The proposed length of the cul-de-sac has no connection to aesthetic appearance in comparison to alternatives, except that the proposal preserves existing natural terrain and natural features of the site.

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

- The intent can be met considering the proposed cul-de-sac extension beyond the 1,600 feet is only minor at 2,120 feet (520-foot difference).
- A proposed public turn-round location is provided at the 1,080-foot point from the closest westerly roadway intersection of Eagle Wing Drive and Rising Eagle Place.
- The traffic volume on Eagle Wing Drive will remain low as to not trigger additional improvements. The projected ADT of the private cul-de-sac road is 85 vehicles per day (vpd) for the 9 lots accessing the private cul-de-sac road.
- The number of lots does not exceed the threshold number requiring a waiver of the Land Development Code.
- The purpose of the ECM standard is met allowing two-way traffic to pass with ease. ADT remains fewer than 200, allowing gravel roadway.
- The intent and purpose of the ECM standards is met by constructing a road that is mostly in conformance with the criteria, and since the ADT is less than 200 for this section to allow for gravel road surface, we meet the intent of a road to access all lots in the subdivision.

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 proposed deviation requests have no impact on control measure requirements specified by the County's MS4 Permit.
- Appropriate stormwater control measures will be implemented by the project in accordance with the approved Drainage Report and Drainage Plans.

**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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L J

**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 Γ

L J

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

Approval of this deviation does not relieve the developer from meeting any fire district requirements associated with development of this subdivision.

## **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.



212 N. Wahsatch Ave., Ste. 305  
Colorado Springs, CO 80903  
Mail to: PO Box 1360  
Colorado Springs, CO 80901  
719.955.5485

**EAGLE RISING FILING NO. 1**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4, SE1/4) SECTION 29, T12S, R65W, OF THE 6th P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED RECORDED UNDER RECEPTION NO. 216091687 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N00°13'10"W ALONG THE EAST LINE THEREOF, 1,324.32 FEET TO THE SOUTH LINE OF "PARK FOREST ESTATES FILING NO. 2" AS RECORDED IN BOOK B-2 AT PAGE 52 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N89°20'54"E ALONG THE SOUTH LINE THEREOF, 405.98 FEET;

THENCE S00°42'15"E A DISTANCE OF 128.76 FEET;

THENCE S34°43'55"E A DISTANCE OF 165.41 FEET;

THENCE S36°51'01"E A DISTANCE OF 37.27 FEET;

THENCE S41°13'47"E A DISTANCE OF 32.71 FEET;

THENCE S42°40'08"E A DISTANCE OF 258.35 FEET;

THENCE S45°59'28"W A DISTANCE OF 314.01 FEET;

THENCE S43°17'37"E A DISTANCE OF 540.81 FEET;

THENCE S42°52'53"E A DISTANCE OF 499.61 FEET;

THENCE S33°45'28"W A DISTANCE OF 165.64 FEET;

THENCE N61°46'05"W A DISTANCE OF 467.41 FEET;

THENCE S50°41'14"W A DISTANCE OF 334.09 FEET;

THENCE 334.73 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 405.00 FEET, A CENTRAL ANGLE OF 47°21'17" THE CHORD OF 325.28 FEET WHICH BEARS S07°17'14"W;

THENCE S56°14'32"E, NON-TANGENT TO THE PREVIOUS COURSE, 474.06 FEET;

THENCE S83°30'06"W A DISTANCE OF 384.26 FEET;

THENCE S06°58'34"E A DISTANCE OF 325.86 FEET;

THENCE N72°11'14"W A DISTANCE OF 437.27 FEET;

THENCE N00°13'51"W A DISTANCE OF 298.01 FEET;

THENCE 19.87 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 100.55 FEET, A CENTRAL ANGLE OF 11°19'26" THE CHORD OF 19.84 FEET WHICH BEARS N84°20'17"W TO A POINT OF TANGENT;

THENCE S90°00'00"W A DISTANCE OF 8.37 FEET TO THE EAST LINE OF "EAGLE WING ESTATES" AS RECORDED UNDER RECEPTION NO. 204074316 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N00°14'32"W ALONG SAID EAST LINE, 805.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,537,499 SQUARE FEET (35.296 ACRES, MORE OR LESS).

BASIS OF BEARINGS:

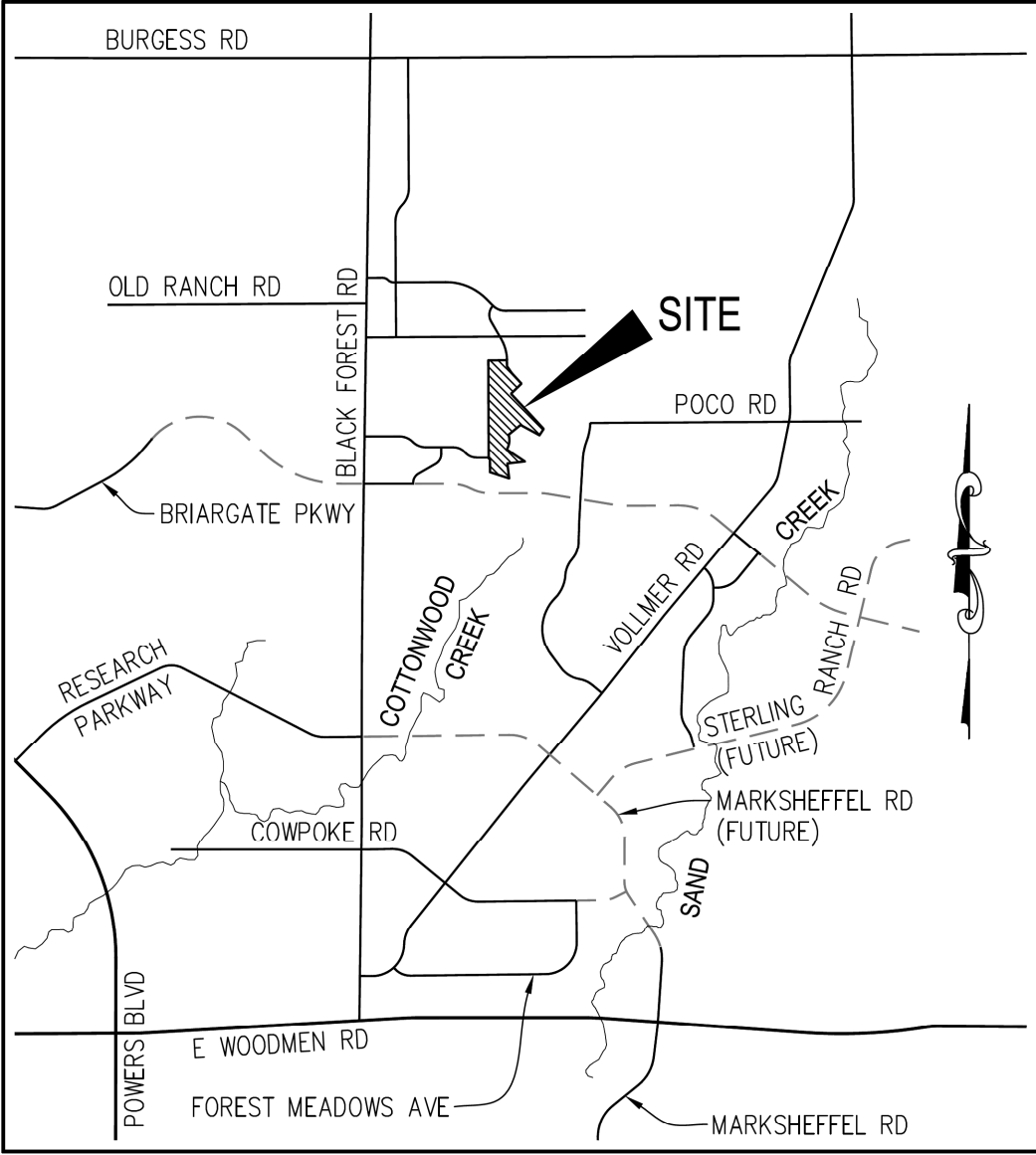
THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE 1/4) SECTION 29, T12S, R65W, 6TH P.M., EL PASO COUNTY, COLORADO, BEING MONUMENTED ON THE SOUTH BY A FOUND 3 1/4" ALUMINUM CAP STAMPED "PLS 4842" AND ON THE NORTH BY A 1 1/2" ALUMINUM CAP STAMPED "PLS 26965", AND IS ASSUMED TO BEAR N00°13'10"W, A DISTANCE OF 1,324.32 FEET.

PREPARED BY:

---

VERNON P. TAYLOR, COLORADO PLS NO. 25966      DATE  
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC





VICINITY MAP

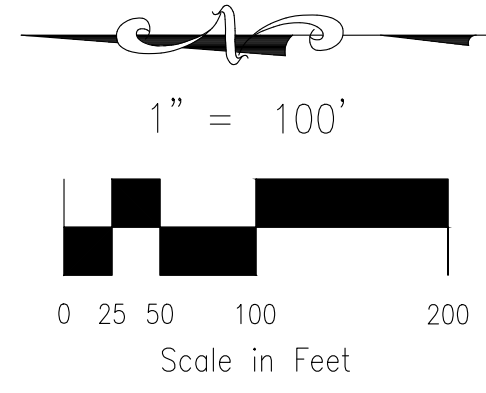
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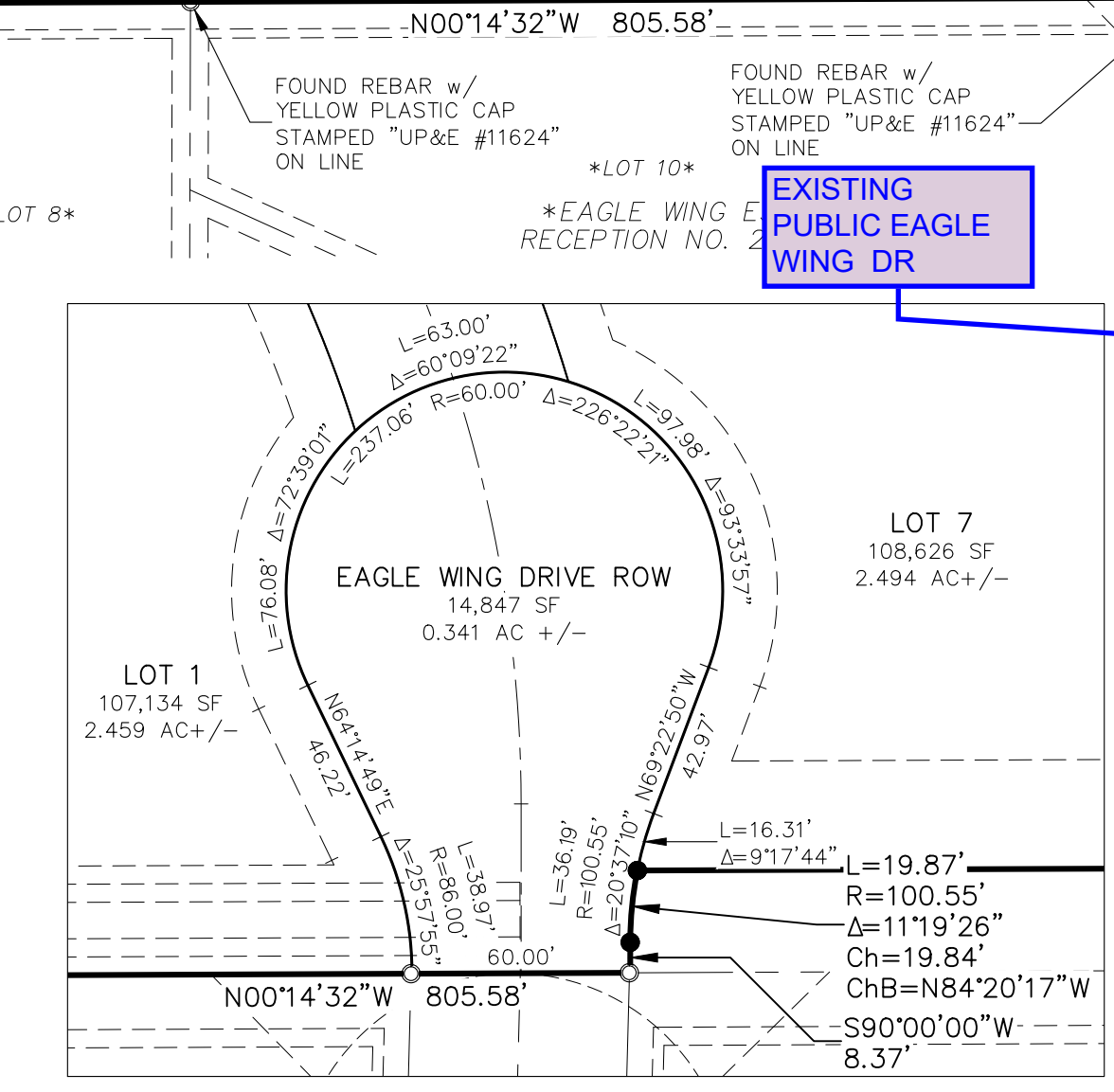
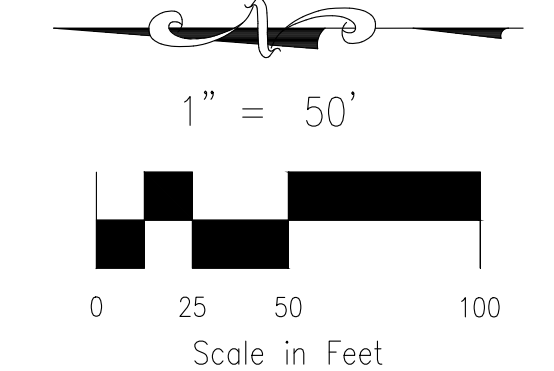
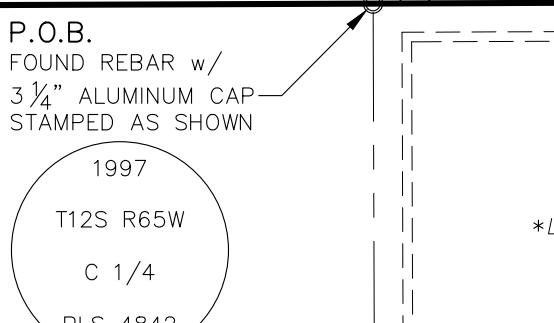
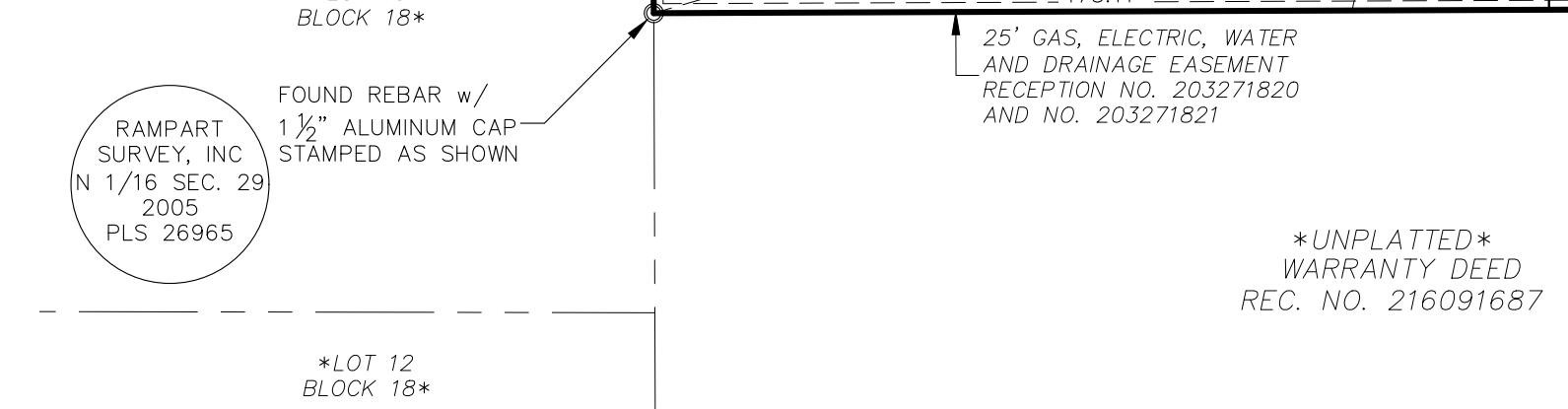
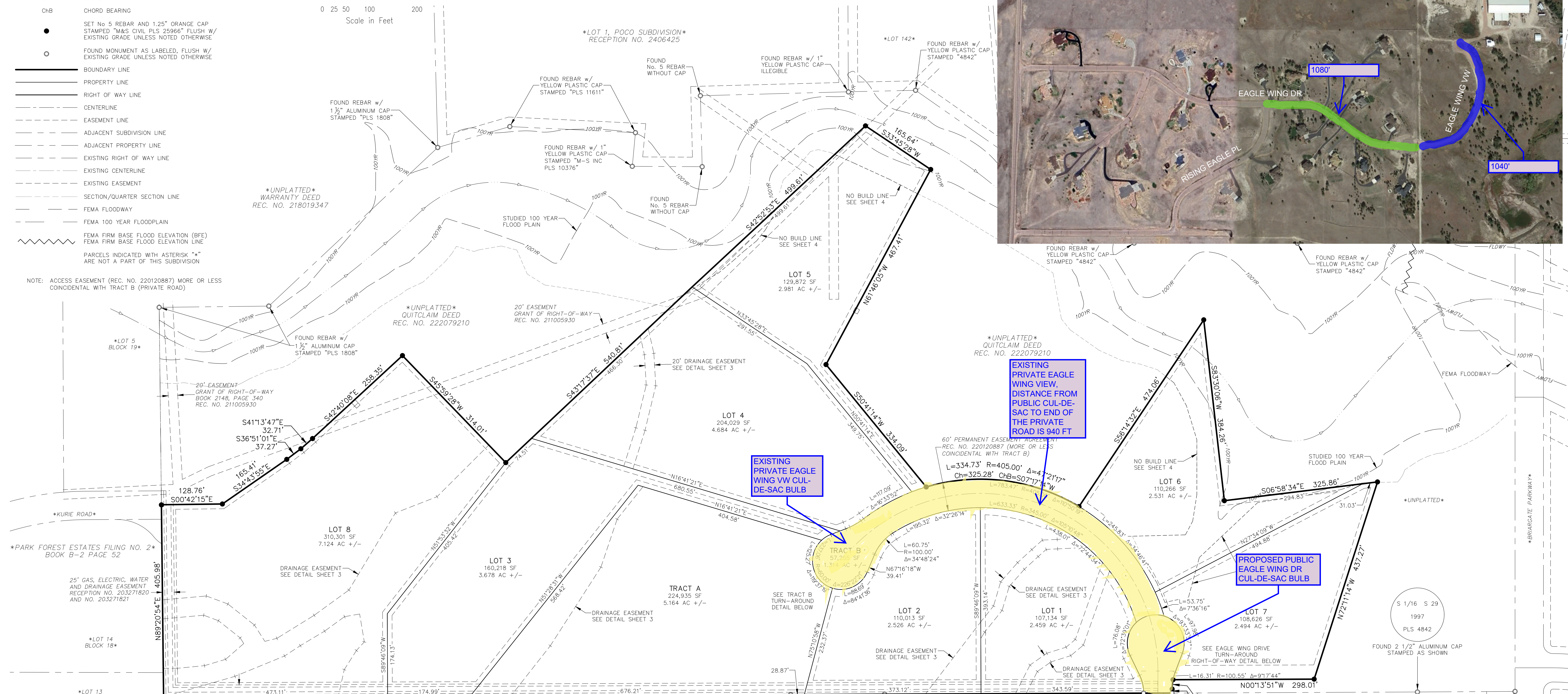
# EAGLE RISING FILING NO. 1

A PORTION OF THE EAST HALF (E 1/2) OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

- LEGEND:**
- SF SQUARE FEET
  - (R) RADIAL BEARING
  - (xxxx) ADDRESS
  - Ch CHORD
  - ChB CHORD BEARING
  - SET No 5 REBAR AND 1.25" ORANGE CAP STAMPED "M&S CIVIL PLS 25966" FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
  - FOUND MONUMENT AS LABELED, FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
  - BOUNDARY LINE
  - PROPERTY LINE
  - RIGHT OF WAY LINE
  - CENTERLINE
  - EASEMENT LINE
  - ADJACENT SUBDIVISION LINE
  - ADJACENT PROPERTY LINE
  - EXISTING RIGHT OF WAY LINE
  - EXISTING CENTERLINE
  - EXISTING EASEMENT
  - SECTION/QUARTER SECTION LINE
  - FEMA FLOODWAY
  - FEMA 100 YEAR FLOODPLAIN
  - FEMA FIRM BASE FLOOD ELEVATION (BFE)
  - FEMA FIRM BASE FLOOD ELEVATION LINE
  - PARCELS INDICATED WITH ASTERISK "\*" ARE NOT A PART OF THIS SUBDIVISION



NOTE: ACCESS EASEMENT (REC. NO. 220120887) MORE OR LESS COINCIDENTAL WITH TRACT B (PRIVATE ROAD)



EXISTING PRIVATE EAGLE WING VIEW, DISTANCE FROM PUBLIC CUL-DE-SAC TO END OF THE PRIVATE ROAD IS 940 FT

EXISTING PRIVATE EAGLE WING VIEW CUL-DE-SAC BULB

PROPOSED PUBLIC EAGLE WING DR CUL-DE-SAC BULB

EXISTING PUBLIC EAGLE WING DR

EXISTING TEMPORARY EAGLE WING DR CUL-DE-SAC BULB

EAGLE RISING FILING NO. 1  
FINAL PLAT  
JOB NO. 43-043  
DATE PREPARED: 06/30/2022  
DATE REVISED:



212 N. WAHSATCH AVE., STE. 305  
COLORADO SPRINGS, CO 80903  
PHONE: 719.955.5485

File: C:\30034\Eagle Rising\Map\Survey\Plot\13043 Eagle Rising No. 1 FP.dwg Plotstamp: 7/6/2022 11:18 AM