



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

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Falcon Marketplace  
Schedule No.(s) : 5300000589  
Legal Description : SE4SE4 SEC 1-13-65 INCLUDING THAT PART OF BLK 1 FALCON LY WITHIN THE SE4SE4 SEC 1-13-65, EX PT CONV TO R/W BY REC #204062427 & WOODMEN METRO BY REC # 207116129

### APPLICANT INFORMATION

Company : LG HI Falcon, LLC.  
Name : Steve Meier  
 Owner  Consultant  Contractor  
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Dallas, TX 75219  
  
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### ENGINEER INFORMATION

Company : Drexel, Barrell & Co.  
Name : Tim McConnell Colorado P.E. Number : 33797  
Mailing Address : 3 South 7<sup>th</sup> Street  
Colorado Springs, CO 80905  
  
Phone Number : 719-260-0887  
FAX Number :  
Email Address : tmconnell@drexelbarrell.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) BAP Date 12-18-19

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 **Appendix 1 Stormwater Quality & Procedures** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

I.7.1 B BMP's for New Development or Significant Redevelopment. All sites that include total development/redevelopment areas of one (1) acre of larger except developments with low density (rural) housing (2.5 acre of larger lots). Water Quality Capture Volume (WQCV), as discussed later in DCM2, shall be provided for the total site or individual lots/parcels.

State the reason for the requested deviation:

This deviation requests that runoff generated by approximately 22,100 sf of proposed offsite asphalt pavement, be exempted from onsite treatment for water quality. Capture of runoff generated by these offsite improvements in an onsite water quality facility is not feasible. These areas were considered in the design of downstream regional facility, Pond MN and as such the request is that they be exempted from WQ treatment by the Falcon Marketplace development.

- Eastonville Road expansion at Meridian Road 3,600 sf
- Meridian Road Left Turn Lane at Eastonville Rd - 15,400 sf
- Meridian Road Left Turn Lane Extension at E. Woodmen Road - 3,100 sf

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

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

As mentioned above, these areas will be treated for water quality by the downstream facility, Pond MN. While not being treated onsite, the intent of the ECM standards is still met.

**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 proposed turn lanes are located within active public right-of-way, and two of the three locations are downstream from the proposed Falcon Marketplace development. Surrounding drainage infrastructure is adequate to support the minimal additional runoff generated by the proposed asphalt pavement, as discussed in the Falcon Marketplace Final Drainage Report.

In addition to this, the three locations were all considered in the design of the downstream regional detention facility, Pond MN, and as such, while not being treated onsite, the flows will pass through a treatment facility prior to release.

**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.

Water quality treatment for these areas is covered by the regional detention facility, Pond MN downstream. In addition, given that these areas are active public right-of-way, capture of these flows by would be disruptive and not cost-effective.

The deviation will not adversely affect safety or operations.

This deviation will not adversely affect safety or operations. The existing detention facility and surrounding storm infrastructure is adequate to absorb the minimal additional flows generated by the proposed turn lane extensions.

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

This deviation will not adversely maintenance. The existing detention facility and surrounding storm infrastructure is adequate to absorb the minimal additional flows generated by the proposed turn lane extensions.

The deviation will not adversely affect aesthetic appearance.

Turn lane extension is required as part of this site development. All improvements will be installed to County standards, and as such are not anticipated to impact aesthetic appearance.

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

While not onsite, the downstream treatment for water quality meets the intent of the ECM standards.

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.

Development of these offsite areas will be subject to the same Stormwater Management Plan as the onsite work.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section appendix I-7.1 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:**

## **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.