



Planning and Community
Development Department
2880 International Circle
Colorado Springs, Colorado 80910
Phone: 719.520.6300
Fax: 719.520.6695
Website www.elpasoco.com

DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : CLOVERLEAF FILING NO. 2
Schedule No.(s) : 7124202236, 7124202239, 7123103007, 7124202238
Legal Description : SEE ATTACHED – Exhibit B

APPLICANT INFORMATION

Company : CMD Monument Hill LLC
Name : JOE DESJARDIN
☒ Owner ☐ Consultant ☐ Contractor
Mailing Address : 1864 Woodmoor Drive, Suite 100, MONUMENT CO, 80132

Phone Number : (719) 476-0800
FAX Number : N/A
Email Address : JDESJARDIN@PROTERRACO.COM

ENGINEER INFORMATION

Company : JR ENGINEERING
Name : MIKE BRAMLETT Colorado P.E. Number : 32314
Mailing Address : 5475 TECH CENTER DRIVE, SUITE 235, COLORADO SPRINGS, COLORADO, 80919

Phone Number : 719-593-2593
FAX Number : N/A
Email Address : MBRAMLETT@JREENGINEERING.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.

✓ *Joseph W. Desjardin*

11/12/2021

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature
And Date of Signature

Mike Bramlett



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

A deviation from the standards of or in Section **ECM section 2.3 Roadway Design** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Walters Point is an existing private road built in 2005 with the Walters Commons Filing 1 townhome development. The private roadway was built without sidewalks. Today's practice is to design and construct private roadways generally to the public roadway standards. To bring Walters Point closer to the urban local standard cross section, the pavement will be expanded and curb added in front of the 6 new lots as committed to with the Preliminary Plan. Regarding sidewalks, the developer will build a 5 ft attached sidewalk on the south side.

The developer requests a deviation from ECM table 2.7 – Local Roadway Design Standard be approved to delete the sidewalk on the north side of the roadway.

State the reason for the requested deviation:

The justification for the requested deviation is due to Walters Point being an existing private roadway built without sidewalks and no sidewalks exist to connect to.

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

A deviation is requested to remove the sidewalk from the cross section on the north side of the road since Walters Point is an existing private roadway with no pedestrian walks adjacent to the private roadway, nor public walkways along Cloverleaf Road at its intersection with Walters Point.

See Exhibit A for a graphical representation of the roadway cross section.

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:

Walters Point is an existing private roadway with no pedestrian walks adjacent to the private roadway, nor public walkways along Cloverleaf Road at its intersection with Walters Point.

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 design will achieve the intended result of providing a consistent "look" to the surrounding area. The developer will install sidewalk on the south side of the roadway in front of the six lots to be consistent with the proposed urban feel of the lots within the main part of the subdivision.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations of Walters Point as there are no pedestrian walks in the area currently.

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

Maintenance of the roadways will not be impacted.

The maintenance of Walters Point will not be a county responsibility. In the existing condition, Walters Point is located in a private easement (Recordation # 204059086) to Pulte Home Corporation (Walters Commons HOA) maintenance of the roadway is the responsibility of Walters Commons HOA.

The deviation will not adversely affect aesthetic appearance.

The deviation has no bearing on the aesthetic appearance.

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

Yes, the deviation meets the design intent and purpose 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.

Yes, all aspects of Cloverleaf Filing No. 2 will meet the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, regardless of this deviation request.

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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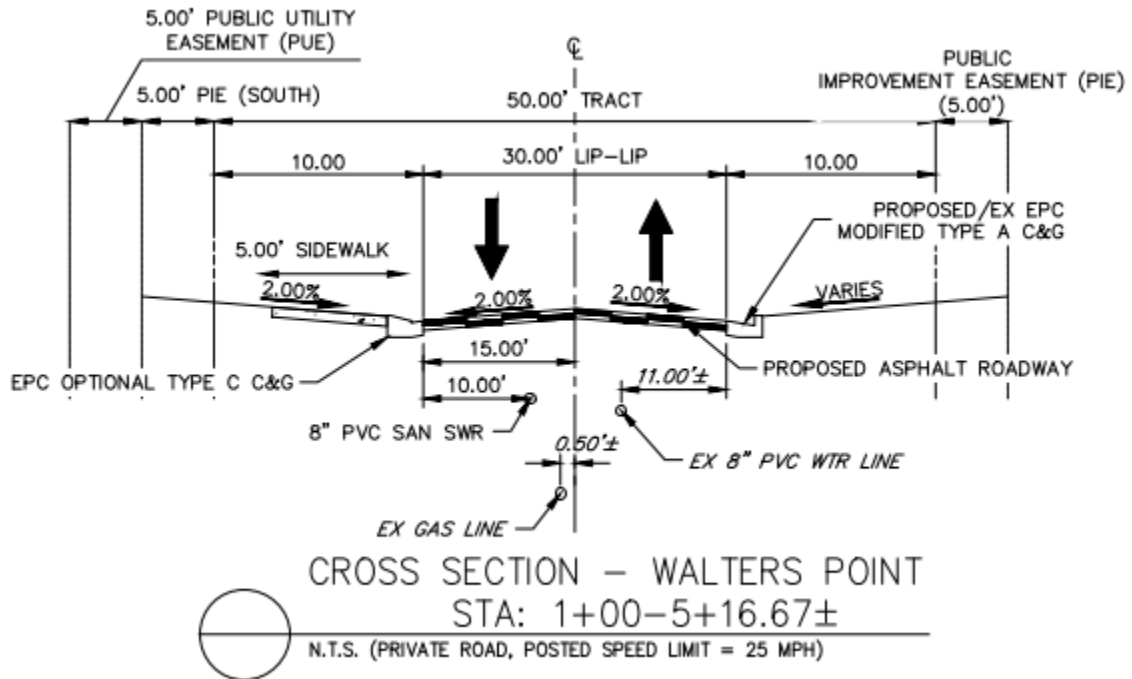
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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

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Walters Point Cross Section



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.

LEGAL DESCRIPTION – CLOVERLEAF FILING 2

THREE PARCELS OF LAND BEING ALL OF THOSE PROPERTIES RECORDED UNDER RECEPTION NOS. 220071778, 220071836 AND 221062390 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, BEING A PORTION OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66, TOGETHER WITH ALL OF TRACT H, WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE, LOCATED IN THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN THE 30.00' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "PLS 10377 1997 30.00 WC" AND THE 30.0' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SAID SECTION 23, MONUMENTED BY A 1-1/2" ALUMINUM CAP STAMPED "LS 2692", SAID LINE BEARING S89°54'49"E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE 30' REFERENCE MONUMENT TO THE EAST QUARTER CORNER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE N23°36'18"W A DISTANCE OF 971.92 FEET, TO A POINT ON THE SOUTHWESTERLY LINE OF TRACT B, WOODMOOR PLACER RECORDED IN BOOK U-2 AT PAGE 66 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON SAID SOUTHWESTERLY LINE, N47°53'03"W A DISTANCE OF 244.83 FEET, TO THE SOUTHWESTERLY CORNER OF TRACT H, WOODMOOR GREENS RECORDED IN BOOK U-2 AT PAGE 51;

THENCE ON THE PERIMETER OF SAID TRACT H, THE FOLLOWING THREE (3) COURSES:

1. N33°23'09"W A DISTANCE OF 130.11 FEET, TO A POINT OF NON-TANGENT CURVE, ON THE SOUTHERLY RIGHT-OF-WAY LINE OF LEGGINS WAY;
2. ON SAID SOUTHERLY RIGHT-OF-WAY LINE, ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S33°24'06"E, HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 15°37'05" AND AN ARC LENGTH OF 81.78 FEET, TO A POINT OF NON-TANGENT;
3. S52°28'59"E A DISTANCE OF 196.68 FEET, TO A POINT ON THE WESTERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. N81°20'01"E A DISTANCE OF 130.03 FEET;
2. N26°20'33"E A DISTANCE OF 511.07 FEET;

3. N52°03'56"E A DISTANCE OF 451.83 FEET;
4. N17°03'30"W A DISTANCE OF 222.24 FEET;
5. N07°26'50"W A DISTANCE OF 104.67 FEET;

THENCE DEPARTING THE WESTERLY LINE OF SAID TRACT B, THE FOLLOWING TEN (10) COURSES:

1. N84°15'58"E A DISTANCE OF 126.43 FEET;
2. N84°03'34"E A DISTANCE OF 224.55 FEET;
3. S05°52'43"E A DISTANCE OF 936.00 FEET;
4. S52°15'31"E A DISTANCE OF 279.39 FEET, TO A POINT OF CURVE;
5. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 01°22'45" AND AN ARC LENGTH OF 13.72 FEET, TO A POINT OF NON-TANGENT;
6. N28°37'11"E A DISTANCE OF 67.40 FEET, TO A POINT ON CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 345.00 FEET, A CENTRAL ANGLE OF 26°50'54" AND AN ARC LENGTH OF 161.66 FEET, TO A POINT OF NON-TANGENT;
8. S34°31'56"E A DISTANCE OF 97.38 FEET, TO A POINT OF NON-TANGENT CURVE;
9. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S45°14'01"E, HAVING A RADIUS OF 230.00 FEET, A CENTRAL ANGLE OF 22°29'51" AND AN ARC LENGTH OF 90.31 FEET, TO A POINT OF TANGENT;
10. N67°15'50"E A DISTANCE OF 11.14 FEET, TO THE SOUTHEASTERLY CORNER OF LOT 466, WOODMOOR GREENS, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLOVERLEAF ROAD, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FIVE (5) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N85°06'36"E, HAVING A RADIUS OF 410.00 FEET, A CENTRAL ANGLE OF 46°01'11" AND AN ARC LENGTH OF 329.31 FEET, TO A POINT OF NON-TANGENT;
2. S50°58'07"E A DISTANCE OF 104.84 FEET, TO A POINT OF NON-TANGENT CURVE;

3. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS $S39^{\circ}04'09''W$, HAVING A RADIUS OF 269.73 FEET, A CENTRAL ANGLE OF $95^{\circ}15'09''$ AND AN ARC LENGTH OF 448.43 FEET, TO A POINT OF NON-TANGENT;
4. $S44^{\circ}20'00''W$ A DISTANCE OF 278.41 FEET, TO A POINT OF NON-TANGENT CURVE;
5. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS $S45^{\circ}13'59''E$, HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF $15^{\circ}03'35''$ AND AN ARC LENGTH OF 81.48 FEET, TO A POINT OF NON-TANGENT, SAID POINT BEING ON THE SOUTHERLY LINE OF SAID TRACT B, WOODMOOR PLACER;

THENCE ON SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. $N61^{\circ}02'18''W$ A DISTANCE OF 958.19 FEET;
2. $N60^{\circ}38'25''W$ A DISTANCE OF 314.83 FEET;
3. $N83^{\circ}12'34''W$ A DISTANCE OF 466.58 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,623,721 SQUARE FEET OR 37.2755 ACRES.