**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 : | Urban Collection at Palmer Village |
| Schedule No.(s) : | 5405100041, 5405100042, 5405100043, and 5405100044 |
| Legal Description : | See Attachment #1 |

## APPLICANT INFORMATION

| | |
|---|---|
| Company : | MDC Holdings – Richmond American Homes |
| Name : | Matt Childers |
| | ☒ Owner ☐ Consultant ☐ Contractor |
| Mailing Address : | 4350 S Monaco Street<br>Denver, CO 80237 |
| Phone Number : | 720-977-3827 |
| FAX Number : | 720-482-8587 |
| Email Address : | matt.childers@mdch.com |

## ENGINEER INFORMATION

| | | | |
|---|---|---|---|
| Company : | JR Engineering | | |
| Name : | Glenn Ellis | Colorado P.E. Number : | 38861 |
| Mailing Address : | 5475 Tech Center Drive, Suite 235<br>Colorado Springs, CO 80919 | | |
| Phone Number : | 303-267-6241 | | |
| FAX Number : | 303-721-9019 | | |
| Email Address : | gellis@jrengineering.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.

as Director of Entitlements — 02/07/2020

Signature of owner (or authorized representative) — Date

Engineer's Seal, Signature And Date of Signature

COLORADO LICENSED GLENN DEAN ELLIS 38861 02/07/2020 PROFESSIONAL ENGINEER



PCD File No. _____

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

A deviation from the standards of or in Section **2.3.2 – Design Standards by Functional Classication, Table 2-7 – ADT** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ADT threshold for the Local (Low Level) classification is 300.

State the reason for the requested deviation:

The ADT for each parcel (west and east) is anticipated to be 395 and 337, respectively. See Preliminary Plan in Attachment #2 for layout of the development. The development will utilize alleys (private) for accesses to each of the units. The low anticipated traffic demand for the neighborhood better aligns with the Local (Low Level) roadway classification.

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

The roadways function as a cul-de-sac to the extent that there is only one way in and out of the developments, and the roadway (private) will function more in line with a Local (Low Volume) roadway than the Local roadway with higher volumes and increased development standards.



PCD File No. _____

**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 private roadway network of the development will function and be laid out as alleys off of Hannah Ridge Drive. The County criteria does not address alleys. The change to the Local (Low Level) impacts the width of pavement, design vehicle, and minimum centerline criteria radii (for which a separate deviation request has been submitted). These standards have an impact on the overall site layout with no true benefit to the general public since the roadways essentially only serve the residents of the development and not the general public as a through street.

**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.

Due to the nature of the development, with only one access point, the design impacts related to this deviation will not adversely impact the design or quality of the roadways for their intended use. Based on the low volume of anticipated traffic, the Local (Low Level) design standards will not impact the use of the site, or reduce the quality of the development.

The deviation will not adversely affect safety or operations.

The revised design standards will not have an adverse affect on safety or operations. The anticipated volume of traffic within the development will only exceed the 300 ADT at the entrance, with reduced volumes farther into the development.

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

Maintenance will not be impacted by utilizing the reduced design standards. The ADT is slightly above the maximum threshold, but this will not impact the depth of pavement of the roadway, or other required components of the roadway (curb and gutter, cross-pans, etc.)

The deviation will not adversely affect aesthetic appearance.

The reduced standards of the roadway classification will not adversely affect the aesthetic appearance of the roadway or development. The characteristics of the development with the alley loaded units, and narrow roadways will complement the type of housing constructed within the development.

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

The design standards of the Local (Low Level) roadway allow reduced criteria as a result of lesser volumes. The nature of the development with the alley loaded units, the low level of traffic in the development is consistent with the design intent.

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.

Utilizing the Local (Low Level) classification will not have an impact on meeting these requirements.

**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.

**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.

**ECM ADMINISTRATOR COMMENTS/CONDITIONS**:



PCD File No. _____

## 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.

# Attachment #1

West Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Beginning at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following three (3) courses are along said southerly line.);

1.) Thence S89°54'50"E, 107.89 feet;
2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
3.) Thence S83°50'24"E, 364.67 feet to the westerly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County;

Thence S00°20'42"W, 370.62 feet along said westerly Right-of-way line to the northeast corner of Lot 26 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 609.42 feet along the northerly lines of said Lot 26 and Lots 25, 24, 15, 14, and 13 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 13, said corner also being on the west line of said Northeast Quarter of Section 5;

Thence N00°20'42"E, 413.81 feet along said west line to the Point of Beginning.

For a total of 243,396 SF, or 5.588 acres, more or less.

County of El Paso
State of Colorado

Per the Commitment for Title Insurance, issued by Stewart Title Guaranty Company, Commitment No. 18000311012, dated December 17, 2018.

East Parcel:

That portion of the Northeast Quarter of Section 5, Township 14 South, Range 65 West of the 6th P.M. of El Paso County, Colorado, more particularly described as follows;

(Bearings referred to herein are based on the north line of said Northeast Quarter of Section 5, assumed to bear N89°53'50"E.)

Commencing at the northwest corner of said Northeast Quarter, said corner being on the southerly line of Constitution Avenue as described in "Constitution Avenue / Peterson Road Right-of-way", recorded in Plat Book V-3 at Page 169 of the records of said County (the following six (6) courses are along said southerly line);

1.) Thence S89°54'50"E, 107.89 feet;
2.) Thence along the arc of a curve to the right, said curve having a central angle of 6°04'26", a radius of 1,310.93 feet, for an arc distance of 138.97 feet;
3.) Thence S83°50'24"E, 396.82;
4.) Thence along the arc of a curve to the left, said curve having a central angle of 1°55'47", a radius of 1,430.93 feet, for an arc distance of 48.19 feet to a point on the easterly Right-of-way line of Hannah Ridge Drive, an 80 foot Right-of-way as shown on Jessica Heights Filing No. 1 as recorded under Reception No. 206712249 of the records of said County, said point also being the Point of Beginning of the Tract of land herein described;
5.) Thence continuing along the arc of a curve to the left, said curve having a central angle of 4°19'59", a radius of 1,430.93 feet, for an arc distance of 108.22 feet to a line 60 feet south of and parallel to said north line of the Northeast Quarter of Section 5;
6.) Thence N89°32'50"E, 524.11 feet along said parallel line to its intersection with the west line of the northeast corner of said Northeast Quarter of Section 5;

Thence S00°17'12"W, 364.14 feet along said west line to the northeast corner of Lot 85 of said Jessica Heights Filing No. 1;

Thence N89°39'18"W, 632.60 feet along the northerly lines of said Lot 85 and Lots 86, 87, 96, 97, and 98 of said Jessica Heights Filing No. 1 to the northwest corner of said Lot 98, said corner also being on the said easterly Right-of-way line of Hannah Ridge Drive;

Thence N00°20'42"E, 363.29 feet along said easterly Right-of-way line to the Point of Beginning.

For a total of 228,886 SF, or 5.254 acres, more or less.

County of El Paso
State of Colorado

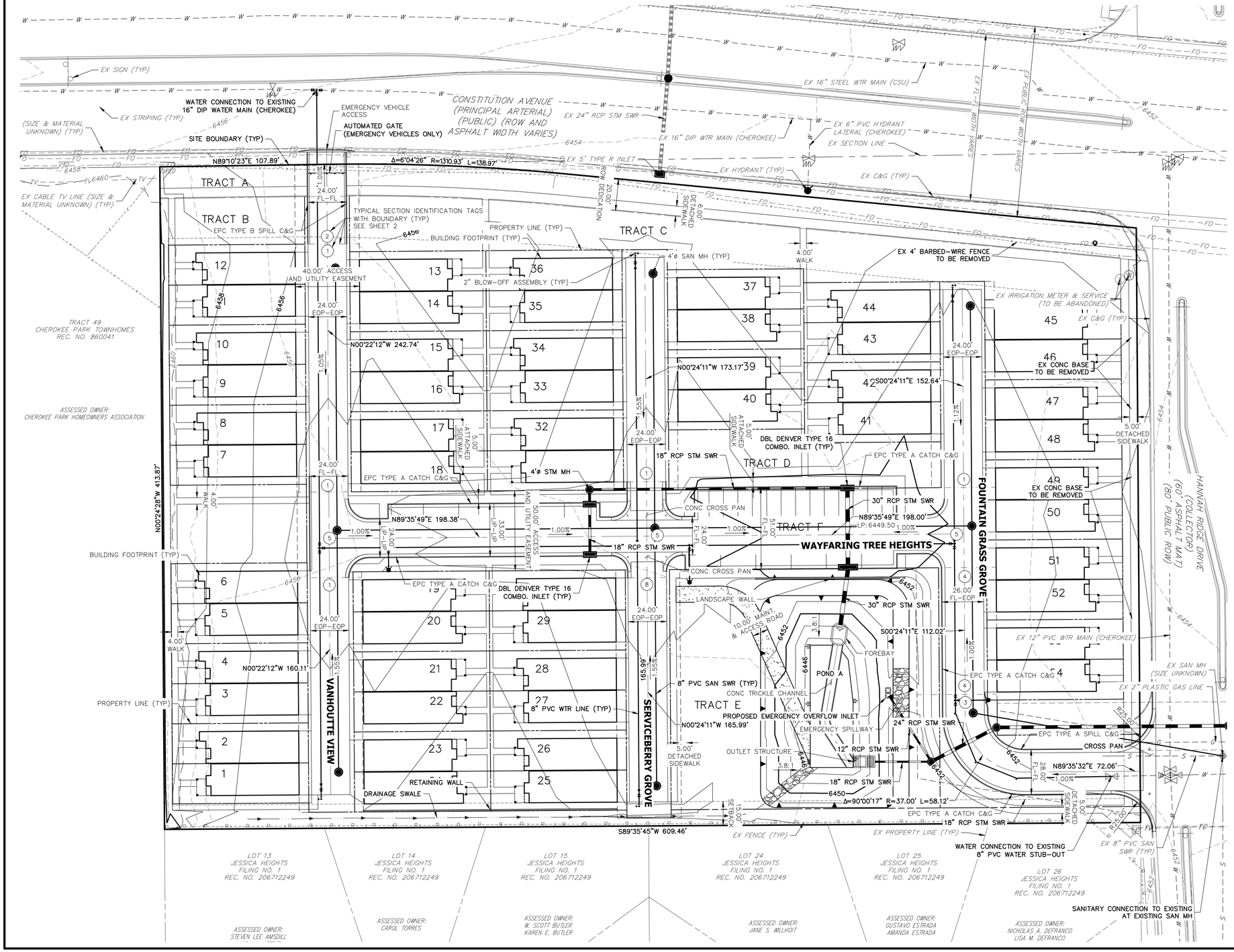
Per the Commitment for Title Insurance, issued by Stewart Title Guaranty Company, Commitment No. 18000311012, dated December 17, 2018.

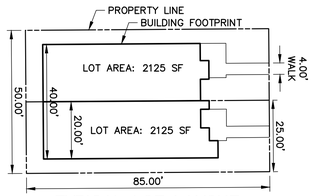
Attachment #2

# PALMER VILLAGE

## A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE 6TH PRIME MERIDIAN EL PASO COUNTY, COLORADO

## PUD DEVELOPMENT/PRELIMINARY PLAN




TYPICAL LOT LAYOUT
N.T.S

## PRELIMINARY PLAN NOTES

1. ALL PROPOSED ROADS ARE CLASSIFIED AS PRIVATE URBAN LOCAL (LOW VOLUME) WITH A DESIGN AND POSTED SPEED OF 20 MPH.
2. ALL PROPOSED WATER AND SANITARY UTILITIES ARE PUBLIC.
3. ALL PROPOSED STORMWATER UTILITIES ARE PRIVATE.
4. ALL DEAD-END WATER LINES HAVE A 2-INCH BLOW OFF VALVE.
5. ALL PROPOSED WATER LINES AND SANITARY SEWER ARE 8" PVC.
6. ALL PROPOSED STORM INLETS ARE DOUBLE DENVER TYPE 16 COMBINATION INLETS UNLESS OTHERWISE NOTED.
7. THE 40-FOOT ACCESS & UTILITY EASEMENT SHALL COVER FOUNTAIN GRASS GROVE, SERVICEBERRY GROVE, AND VANHOUTTE VIEW. THE 50-FOOT ACCESS & UTILITY EASEMENT SHALL COVER FOUNTAIN GRASS GROVE (ENTRANCE).
8. THE STORM SEWER OUTFALL SYSTEM FOR POND A WILL BE CENTERED IN A 29-FOOT DRAINAGE EASEMENT. POND B OUTFALL SYSTEM WILL BE CENTERED IN A 30-FOOT DRAINAGE EASEMENT.
9. A PUBLIC IMPROVEMENT EASEMENT SHALL EXTEND 1 FOOT BEHIND THE SIDEWALKS ALONG CONSTITUTION AVENUE AND HANNAH RIDGE DRIVE TO THE RIGHT-OF-WAY TO COVER THE SIDEWALKS.
10. THE EROSION CONTROL PLAN AND COST ESTIMATE WILL BE SUBMITTED IN CONJUNCTION WITH CONSTRUCTION DOCUMENTS & ASSURANCES POSTED PRIOR TO OBTAINING A GRADING PERMIT.

30 15 0 30 60
ORIGINAL SCALE: 1" = 30'

## ENGINEER'S STATEMENT

PREPARED UNDER MY DIRECT SUPERVISION AND ON BEHALF OF JR ENGINEERING

GLENN D. ELLIS, P.E.
COLORADO P.E. 38861
FOR AND ON BEHALF OF JR ENGINEERING, LLC

COLORADO REGISTERED GLENN D. ELLIS 38861 PROFESSIONAL ENGINEER

Know what's below. Call before you dig.

UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, JR ENGINEERING APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.

PREPARED FOR
RICHMOND AMERICAN HOMES
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Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

| No. | REVISION | BY | DATE |
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| | |
|---|---|
| H-SCALE | 1" = 30' |
| V-SCALE | N/A |
| DATE | 02/07/20 |
| DESIGNED BY | NQJ |
| DRAWN BY | RPD |
| CHECKED BY | |

PALMER VILLAGE
PUD DEVELOPMENT/PRELIMINARY PLAN
GRADING & UTILITY

SHEET 3 OF 10

JOB NO. 25149.01

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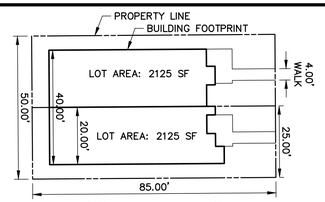


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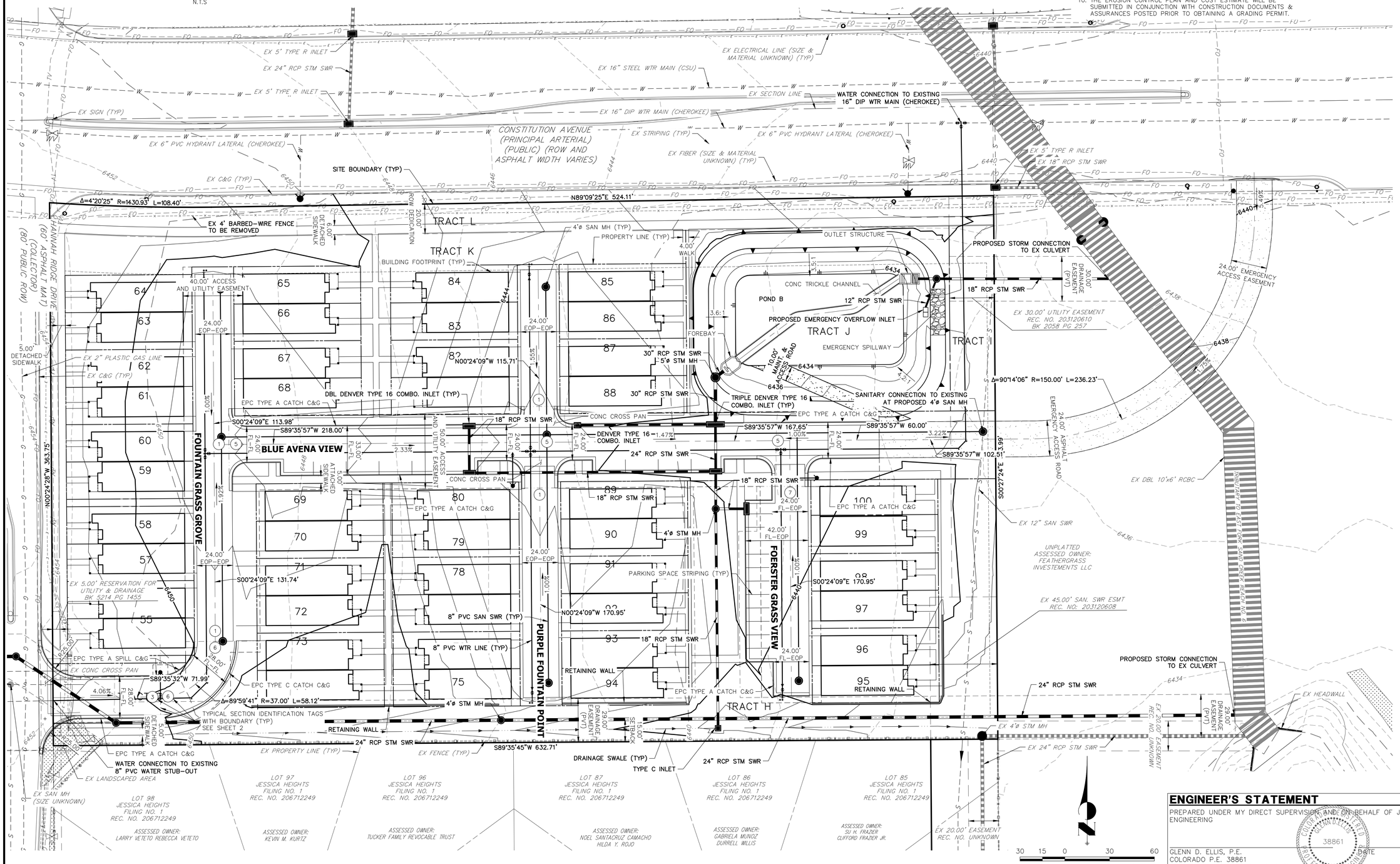


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DATE

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PALMER VILLAGE
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