**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 : | Skyline at Lorson Ranch |
| Schedule No.(s) : | 5500000440, 5500000274, 5500000275, 5513300005, 5513310105 |
| Legal Description : | See Attached |

## APPLICANT INFORMATION

| | |
|---|---|
| Company : | Matrix Design Group |
| Name : | Jason Alwine |
| | ☐ Owner ☒ Consultant ☐ Contractor |
| Mailing Address : | 2435 Research Parkway, Suite 300, Colorado Springs, CO 80920 |
| Phone Number : | (719) 575-0100 |
| FAX Number : | |
| Email Address : | jason.alwine@matrixdesigngroup.com |

## ENGINEER INFORMATION

| | | | |
|---|---|---|---|
| Company : | Core Engineering Group | | |
| Name : | Richard Schindler, P.E. | Colorado P.E. Number : | 33997 |
| Mailing Address : | 15004 1st Avenue S.<br>Burnsville, MN 55306 | | |
| Phone Number : | (719) 570-1100 | | |
| FAX Number : | | | |
| Email Address : | Rich@ceg1.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) — Date: 9/30/21

Engineer's Seal, Signature
And Date of Signature



PCD File No. _____

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

A deviation from the standards of or in Section *2.2.5 (E)* of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Road Access Criteria: roads shall not intersect urban local roadways closer than 175' from each other (centerline to centerline).

State the reason for the requested deviation:

To permit urban local roadways and a collector roadway to intersect centerline to centerline closer than 175'.

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

The proposed alternative to the ECM standard is requested because of a desire by the owner/ developer to provide smaller lot sizes to meet current housing market demands. This recent shift in market demand towards smaller lots with more common open space results in intersections spaced less than the required 175'. The 175' spacing requirement of ECM did not consider these smaller lots. Applying this standard would prevent the use of the small lots illustrated with this PUDSP.



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 175' intersection spacing requirement was created when single-family residential lots were larger in nature based on market demand at that time. In recent years market demand has shifted towards smaller lots with more common open space. The 175' spacing requirement did not consider these smaller lots. Applying this standard would prevent the use of the small lots illustrated with this PUDSP.

The proposed waiver to the standard is not a result of an undue hardship but rather a desire by the owner/ developer to provide smaller lot sizes to meet current housing market demands. This recent shift in market demand towards smaller lots with more common open space results in intersections spaced less than the required 175'. The 175' spacing requirement did not consider these smaller lots. Applying this standard would prevent the use of the small lots illustrated with this PUDSP.

**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 as proposed is superior to the standard in that it adds another housing style to the community creating a mixed-residential development.

The deviation will not adversely affect safety or operations.

The modification to permit roadway intersections less than 175' will not adversely affect safety or operations as these intersections are not designed as through streets limiting traffic to residents. The intersection spacing as shown at the intersections of Garganey Lane & Grayling Drive and Woodrat Way & Grayling Drive is 160' centerline to centerline. This includes increased landscape setbacks along Grayling Drive.



PCD File No. _____

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

All public roads will be designed and built to EPC Standards to be owned and maintained by El Paso County.

The deviation will not adversely affect aesthetic appearance.

The requested deviation will not adversely affect aesthetic appearance.

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

The deviation will meet the design intent and purpose of the ECM as these intersections are not designed as through streets and will limit traffic to residents.

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 does not affect drainage; therefore is not applicable to the MS4 permit.

State that water quality requirements will be met regardless of the intersection spacing



PCD File No. _____

**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.

Provide exhibits showing the subject locations



PCD File No. _____