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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

PCD File No. __SF####_____

Project Name :	FLYING HORSE NORTH FILING NO. 5
Schedule No.(s) :	6136000005, 6136004037, 6136003004, 6136000003
Legal Description :	TWO TRACTS OF LAND WITHIN SECTIONS 30 & 31, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PM

APPLICANT INFORMATION

Company :	PRI #2, LLC.
Name :	DREW BALSICK
	☒ Owner ☐ Consultant ☐ Contractor
Mailing Address :	6835 CORPORATE DRIVE, STE. 200 COLORADO SPRINGS, COLORADO 80919
Phone Number :	719-592-9333
FAX Number :	-
Email Address :	DBALSICK@CLASSICHOMES.COM

ENGINEER INFORMATION

Company :	HR GREEN DEVELOPMENT, LLC.		
Name :	RICHARD LYON, PE	Colorado P.E. Number :	53921
Mailing Address :	1975 RESEARCH PARKWAY, STE. 160 COLORADO SPRINGS, COLORADO 80920		
Phone Number :	719-318-0871		
FAX Number :	-		
Email Address :	RICHIE.LYON@HRGREEN.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

Engineer's Seal, Signature
And Date of Signature

2.3.8

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

Sf2427

A deviation from the standards of or in Section **2.3.2** of the Engineering Criteria Manual (ECM) is requested.

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Identify the specific ECM standard which a deviation is requested:

2.3.8 Roadway Terminations
Requested is a rural local roadway that exceeds 1,600 feet for rural conditions that terminates at a cul-de-sac. A deviation is requested to exceed this length with a 2,400 LF section of road that terminates at a cul-de-sac turnaround as a temporary condition until such time that this roadway extends south to Holmes Road.

State the reason for the requested deviation:

The roadway termination is considered a temporary turnaround condition for fire protection. This roadway is an access for 21 lots within this filing, not exceeding the number of lots requiring a secondary access. The roadway is ultimately to connect to Holmes Road to the south of the Flying Horse North subdivision.

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

The alternative is to provide a secondary access which is not feasible for this filing. The filing is limited to 21 proposed lots for this reason.

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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 roadway terminates at the limits of the filing and subdivision boundary. There are no other routes for secondary access for this filing at this time. It is planned to have a future extension to Holmes Road to the south with a PUD amendment to incorporate additional property to allow this right-of-way extension. Until such time that this PUD amendment is proposed and approved, this filing is a standalone development with the roadway as proposed.

Please provide supporting correspondence from the fire district.

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 deviation will achieve the intended result with a comparable design by meeting the roadway's traffic criteria.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations as it meets traffic criteria and provides the necessary infrastructure for vehicular access, pedestrian access, and stormwater drainage. A cul-de-sac is provided for a fire truck turnaround and the number of lots proposed that are accessed by this roadway does not exceed the number of lots requiring a secondary access.

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

The deviation will not adversely affect maintenance and its associated cost as it is not change in typical section, only length of roadway to a termination point.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance as there is no proposed change to the typical section.

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

The deviation meets the design intent and purpose of the ECM standards by meeting traffic criteria, stormwater drainage criteria, and allows for vehicular and pedestrian use.

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 deviation will not be applicable regarding the County's MS4 permit. Stormwater drainage patterns and conveyance within this proposed modified roadway section is consistent with the standard section.

Water Quality and full spectrum detention ponds are provided for this filing to comply with the County's MS4.

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:

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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.