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**DEVIATION REQUEST
 AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Hillpointe Apartments at Peterson Road
 Schedule No.(s) : 5408007001, 5408007004, 5408007008
 Legal Description : Lot 1 Cimarron Hills Southeast Mixed Use Filing No. 1

APPLICANT INFORMATION

Company : Hillpointe, LLC.
 Name : Mark Foster
 Owner Consultant Contractor
 Mailing Address : 3773 Cherry Creek Drive North Denver, Colorado 80209

 Phone Number : 303-910-5470
 FAX Number :
 Email Address : MFoster@hillpointe.com

ENGINEER INFORMATION

Company : HR Green Development, LLC.
 Name : Richie Lyon, PE Colorado P.E. Number : 53921
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 Email Address : Richie.Lyon@hrgreen.com

OWNER, APPLICANT, AND ENGINEER DECLARATION

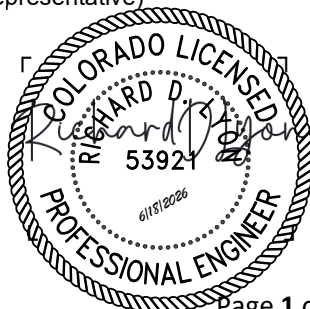
To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial. I have familiarized myself with the rules, regulations 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)

6/18/2026

Date

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 **2.4.1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ECM 2.4.1 Access Design Criteria

The primary shared access on Meadowbrook Parkway for Lot 1 and adjacent future development Tract B is approximately 555' feet from the intersection of Peterson Road and Meadowbrook Parkway which is within the 660' access spacing requirement from a minor arterial roadway.

State the reason for the requested deviation:

The shared primary access location is the most feasible location for an access to the Lot 1 and future development Tract B sites. The profile of Meadowbrook Parkway has slopes exceeding 5.0% for the roadway alignment area east of the proposed access location and an access to Lot 1 within that area would be on the inside of a horizontal curve which is not conducive to sight lines and distances. The safest and most practical location for the proposed primary shared access is the chosen location, approximately 550' east of the intersection of Meadowbrook Parkway and Peterson Road.

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

Alternatives were explored and discussed with El Paso County Planning, Engineering, and Public Works staff. Hardship to the subdivision for the extension of Meadowbrook Road is known due to the high elevation point from which it is being extended (east extent) and the horizontal curvature requirements that the County has granted a deviation for as a part of the final plat SF2420. The design of Meadowbrook Parkway limits feasible locations for access to Lot 1. A shared primary access to Lot 1 and future development Tract B was decided upon to reduce the number of access points and push its location as far east, away from the minor arterial roadway of Peterson Road, as possible.

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:

Topography for the design of Meadowbrook Parkway as well as horizontal curves that were required for its design limit feasibility for access along the roadway.

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 for the roadway access point will achieve the intended result by following recommendations made in the Traffic Impact Study as a result of directing traffic to this chosen location.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations for the primary access location as the roadway is to be designed with a posted speed less than typical for a non-residential collector and the primary access location is chosen for a location of the least slope and best sight distances available along the roadway. Additionally, an eastbound right turn into the site is to be added to Meadowbrook Parkway and striping for full turn movements at the private entry intersection are to be constructed for added safety and to meet criteria per the Traffic Impact Study.

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

The deviation will not adversely affect maintenance and its associated cost as the access drive within the lots are private and the roadway remains a typical section that does not have extra features that add maintenance cost.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance as it follows a typical section and the deviation requested does not change its appearance or aesthetics.

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

The deviation for access spacing meets the design intent and purpose of the ECM standards by providing access at a safe location with sufficient sight line distances. A distance meeting the criteria would place the primary access in an unsafe curved location with relatively steep slopes for an entryway. Additionally, an eastbound right turn into the site is to be added to Meadowbrook Parkway and striping for full turn movements at the private entry intersection are to be constructed for added safety and to meet criteria per the Traffic Impact Study.

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 meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. WQ and detention standards are met for the development as a whole and this deviation does not violate those 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.

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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.

