

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 :	Trails at Aspen Ridge Filing No. 4
Schedule No.(s) :	5509305003
Legal Description :	Unplatted Land

APPLICANT INFORMATION

Company : COLA, LLC	
Name : Tim Buschar	
🛛 Owner 🛛 Consultant 🖓 Contractor	
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Colorado Springs, CO 80921	
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ENGINEER INFORMATION

Company :	Matrix Design Group		
Name :	Nicole Schanel	Colorado P.E. Number :	52434
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	Colorado Springs, CO 80920		
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FAX Number :			
Email Address :	Nicole_schanel@matrixdesigngroup.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	Date			
Engineer's Seal, Signature And Date of Signature	Г	г		
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DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in <u>Section 6.3.2</u> of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Per Section 6.3.2 "A Pedestrian Access Route shall be provided where pedestrian access across a roadway is permitted."

State the reason for the requested deviation:

Multiple pedestrian ramps are 90' or closer due to previously approved intersection spacing deviation.

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

Pedestrian ramps provide access routes at most roadway intersections to provide sufficient pedestrian access throughout the site.

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:

Intersection spacing less than ¼ of a mile has been previously approved for this project. Due to the current intersection spacing, pedestrian ramp spacings are closer than required for pedestrian access across the roadways.

CRITERIA FOR APPROVAL

Per ECM section 5.8.7 the request for a deviation may be considered if the request is <u>not based exclusively on financial</u> <u>considerations</u>. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with <u>all of the following criteria</u>:

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

Per Section 5.8 of the ECM, "Section 5.8 of the ECM establishes a mechanism whereby an engineering design standard can be modified when if strictly adhered to, would cause <u>unnecessary hardship</u> 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"

The design revision provides a superior design to the roadway and enables Pedestrian Access Routes at each roadway intersection.

The deviation will not adversely affect safety or operations.

Intersection spacing deviation has been previously approved and does not adversely affect safety or operations of pedestrians.

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

The pedestrian ramps with the requested deviations will be built in conformance with all other roadway design criteria and will not affect maintenance nor costs.

The deviation will not adversely affect aesthetic appearance.

Intersection spacing deviation has been previously approved and does not adversely affect aesthetic appearance.

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

The previously approved intersection spacing deviation proves the design intent and purpose of the ECM standards are met and therefore will be met with the pedestrian ramp spacing as well.

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 proposed deviation is in conformance with Part I.E.3 and Part I.E.4 of the County's MS4 permit.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have m hereby granted based on the justification pro	et the criteria for approval. A deviation from Section vided.	of the ECM is
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Denied by the ECM Administrator This request has been determined not to hav hereby denied.	e met criteria for approval. A deviation from Section	of the ECM is
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L	L	

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.

PCD File No.