



Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM IN
ASSOCIATION WITH A
REQUEST FOR A PUD
MODIFICATION FROM
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

PROJECT INFORMATION

Project Name : Waterside

Schedule No.(s) : 71114-04-112

Legal Description : All of the waterside condominiums subdivision, recorded in Plat Book 2, At Page 47 Records of El Paso County, Colorado

APPLICANT INFORMATION

Company : Lake Woodmoor Holdings, LLC

Name : Beth Diana

Owner Consultant Contractor

Mailing Address : 9540 Federal Drive, Suite 200
Colorado Springs, CO 80921

Phone Number : 719-867-2261

FAX Number : 719-260-7088

Email Address : Bdiana@laplatallc.com

ENGINEER INFORMATION

Company : Classic Consulting Engineers & Surveyors, LLC

Name : Kyle Campbell

Colorado P.E. Number : 29794

Mailing Address : 619 N. Cascade Ave. Suite 200
Colorado Springs, CO 80903

Phone Number : 719-785-0790

FAX Number : 719-785-0799

Email Address : kcampbell@classicconsulting.net

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

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

A deviation from the standards of or in Section **LDC 8.4.4 (E) (3)** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Private roads to meet county standards.

State the reason for the requested deviation:

The residential community being proposed consists of townhomes. While the main community access is from standard public roadways, the use of the private roadways is limited to closed looped areas that will be signed as being private in order to best accommodate and preserve the topography vegetation and unique setting.

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

A standard county public local roadway (low volume) is contained within a 50' wide public right of way (with a 24' wide asphalt mat). The proposed private street section is contained within a 30' wide private tract (owned and maintained by the Homeowners Association) and includes a 24' wide asphalt mat. All private roads to be built using county standard including curb and gutter, signage and pavement thickness, as well as adhering to county maximum grade criteria.

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 unique community attributes include preservation of open space and vegetation that is the result of the private street use which results in a more compact street network.

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 proposed private streets provide individual lot access, including vehicular (both resident and emergency), pedestrian and ADA visit ability (where required). County standard curb and gutter, asphalt pavement thickness, signage and drainage facility will be used.

The deviation will not adversely affect safety or operations.

Due to the HOA maintained access and use of county standard materials, no adverse safety or operations impacts are anticipated.

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

As maintenance of the proposed private roads will be by the HOA, no adverse maintenance or it's associated costs will be realized.

The deviation will not adversely affect aesthetic appearance.

The private roadway a community design that maintains portions of the site vegetation and also maintains the edge along the lake, while also introducing a proposed community trail along the lake

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

Providing individual lot access is still proposed with the proposed private streets.

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.

All impervious areas (public and private) are being treated in accordance with the County MS4 permit.

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:

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

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.