



**Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Space Village Road Minor Subdivision MS227; Space Village Road Outdoor Storage PPR233

Schedule No.(s) : 5417001005

Legal Description : THAT PART OF N2N2 SEC 17-14-65 AS FOLS: BEG AT A PT ON ELY R/W LN OF PETERSON RD FROM WHENCE THE CEN OF SD SEC BEARS S 55<18'44" E ON AN ASSUMED BEARING 3211.93 FT, TH N 0<29'47" W ALG AFSD ELY R/W LN 100.0 FT, N 53<47'20" E 1124.66 FT TO SLY R/W LN OF HWY 94, N 89<59'43" E ALG SD R/W LN TO INTEC N-S C/L OF SEC, SLY ON SD LN 600.0 FT M/L, ELY AT R/A 25.0 FT M/L S 0<12'31" E 173.89 FT, TH S 89<51'09" W 2634.38 FT TO POB EX THAT 2.00 ACRE TRACT CONV BY BK 3679-489, EX PT PLATTED TO COWPERWOOD SAIC PLAT 12088 (54170-01-004)

APPLICANT INFORMATION

Company : Hampton Partners

Name : Tucker Robinson

Applicant Consultant Contractor

Mailing Address : 201 Fillmore St., Suite 201
Denver, CO 80206

Phone Number : 303.694.1085

FAX Number : n/a

Email Address : tucker@hamptonpartners.net

FYI: Staff has been informed that Space Village Avenue ownership has been transferred to the City of Colorado Springs. A deviation request is no longer required. Please coordinate with the City for any requirements.

A revised deviation request is not included in the re-submittal.

ENGINEER INFORMATION

Company : Sterling Design Associates, llc

Name : Jay M. Newell

Mailing Address : 2009 W. Littleton Blvd. #300
Littleton, CO 80120

Phone Number : 303.794.4727

FAX Number : n/a

Email Address : jay@sterlingdesignassociates.com

Colorado P.E. Number : 35219

Per comment above "...deviation request is no longer required." Therefore the file number is not revised and a revised deviation request is not included in the re-submittal.

Fill in file number, "MS227"

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)

4 / 14 / 23

Date

Engineer's Seal, Signature
And Date of Signature



4 / 14 / 23

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

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

Identify the specific ECM standard which a deviation is requested:

SD_2-5 – Urban Minor Arterial Roadway; detached sidewalk

State the reason for the requested deviation:

The standard detached sidewalk does not match the existing sidewalk condition along the similar south side of the Urban Minor Arterial Roadway (Space Village Avenue) approximately 530 ft. to the east and adjacent to the associated existing commercial development. Existing utilities, both wet and dry, conflict with the standard detached sidewalk location. Existing grades slope immediately down and away from the existing roadway across the R.O.W. in conflict with the standard sidewalk location.

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

Alternatively, an attached walk of the standard width is proposed.

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 standard detached sidewalk does not match the existing sidewalk condition along the similar south side of the Urban Minor Arterial Roadway (Space Village Avenue) approximately 530 ft. to the east and adjacent to the associated existing commercial development. The fill, slope and/or retaining wall required to make up the vertical differential from proposed to existing grades represents an atypical situation, is undesirable within the R.O.W. and would constrain the private property's development. Installation of a sidewalk in conflict with existing utilities creates the potential for future maintenance difficulties.

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 attached sidewalk will meet the width, thickness, and material requirements of the standard detached sidewalk.

The deviation will not adversely affect safety or operations.

The proposed attached sidewalk provides for safety and operations similar to that of the existing attached sidewalk located along the south side of Space Village Avenue approximately 530 ft. to the east.

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

Maintenance and its associated costs are similar for attached and detached sidewalks. Maintenance and its associated costs for utilities underneath sidewalks may be more expensive than for those not located underneath sidewalks.

The deviation will not adversely affect aesthetic appearance.

The proposed attached sidewalk provides aesthetics similar to that of the existing attached sidewalk located along the south side of Space Village Avenue approximately 530 ft. to the east; and similar to detached walks as the landscaping area associated with the standard detached walk will not be eliminated, but replaced on the south side of the proposed attached sidewalk.

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

The proposed attached sidewalk will provide for pedestrian access and circulation.

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 attached sidewalk will meet the stated requirements similar to that of the standard detached sidewalk.

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.

Γ _____ 7

L _____ 7

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.

Γ _____ 7

L _____ 7

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.