



**Planning and Community  
Development Department**  
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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

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Project Name : Claremont Business Park 2 Filing No. 2

Schedule No.(s): 5405412005, 5405412006, 5405412007, 5405412008, 5405412009, 5405412009, 5405412010, 5405412011

Legal Description: A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4 SE 1/4) OF SECTION 5 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO CONSISTING OF LOTS 8, 9, & 10, AND TRACT B "CLAREMONT BUSINESS PARK 2 FILING NO. 1" RECORDED UNDER RECEPTION NO. 221714714 OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF LOT 7, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1";  
THENCE N89°44'12"E A DISTANCE OF 17.02 FEET TO THE EASTERLY LINE OF TRACT C, SAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1" AND THE POINT OF BEGINNING;  
THENCE ALONG SAID LINE, 508.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 508.00 FEET, A CENTRAL ANGLE OF 57°19'36", THE CHORD OF 487.34 FEET WHICH BEARS N31°02'14"E TO THE NORTHERLY RIGHT-OF- WAY OF MEADOWBROOK PARKWAY;  
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES;  
1) THENCE CONTINUING 241.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 508.00 FEET, A CENTRAL ANGLE OF 27°15'58", THE CHORD OF 239.47 FEET WHICH BEARS N73°20'01"E TO A POINT OF COMPOUND CURVE;  
2) THENCE 85.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 32°37'55", THE CHORD OF 84.28 FEET WHICH BEARS S76°43'03"E TO THE WEST RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD;  
THENCE NON-TANGENT TO THE PREVIOUS COURSE, S00°10'49"E ALONG SAID WEST LINE, 464.30 FEET TO THE NORTHEAST CORNER OF LOT 5, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1";  
THENCE S89°44'12"W ALONG THE NORTH LINES OF LOTS 5, 6, AND 7, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1", 561.25 FEET TO THE POINT OF BEGINNING.

#### APPLICANT INFORMATION

Company : M&S Civil Consultants, Inc.

Name : Virgil A. Sanchez, P.E.

Owner  Consultant  Contractor

Mailing Address : PO Box 1360  
80901, CO

Phone Number : 719-491-0818

FAX Number :

Email Address : virgils@mscivil.com

#### ENGINEER INFORMATION

Company : M&S Civil Consultants, Inc.

Name : Virgil A. Sanchez, P.E.

Colorado P.E. Number : 37160

Mailing Address : PO Box 1360  
80901, CO

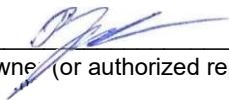
Phone Number : 719-491-0818

FAX Number :

Email Address : virgils@mscivil.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.

 \_\_\_\_\_ 06-05-23  
Signature of owner (or authorized representative) 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 **2.2.4.B.6/SD-4-1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Request to deviate from the standard Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1. The private roadway section shall meet all details of the Local Urban Road Section except requests to exclude the 5' wide sidewalk (each side) as defined in the detail and provide a 5' wide sidewalk on the (1) one side only.

For Information Only: A waiver request for the proposed access road (El Jefe Heights) to be considered "Private" and proposed to be located within an access easement and owned by the adjacent property owners and maintained by the local Claremont Business Park HOA association.

State the reason for the requested deviation:

The reason for this deviation is for the road to closely simulate the surrounding Claremont Business Park "Private" internal roads, such as Gary Watson Point, Woolsey Heights, Cole View, Selix Grove, all in which were constructed without sidewalk along the front of the business lots, except for Gary Watson Point that provide a 4' sidewalk on (1) side only.

The private road will be owned by the directly adjacent property owners and maintained by the local HOA, to similarly follow the private roadway arrangement within the rest of the Claremont Business Park commercial subdivision. The Claremont Business Park HOA has indicated that the proposed private road, El Jefe Heights shall be permitted to be included in the Claremont Business Park responsible maintenance jurisdiction.

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

Applicant proposes to construct a full 32' wide asphalt mat with standard curb and gutter types with the exclusion of the typical 5' sidewalk as detailed in the Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1. It's the applicants request to construct the roadway per the ECM Section 2.2.4.B.6/SD-4-1, without the 5' sidewalk and provide a 5' wide sidewalk on (1) one side only, and request to deviate from the standard 30' wide asphalt mat to a 32'.

**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:

This deviation request would provide alignment and simulation to the current characteristic, design and appearance of the Claremont Business Park commercial development. The surrounding Claremont Business Park "Private" internal roads, such as Gary Watson Point, Woolsey Heights, Cole View, and Selix Grove, all were constructed without sidewalk along the front of the business lots. The proposed 5' sidewalk will provide pedestrian access on the east side of the proposed private roadway of El Jefe Heights from public Meadowbrook Parkway to the existing 4' sidewalk on the north side of Gary Watson Point private 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 proposed deviated design to the ECM Section 2.2.4.B.6/SD-4-1 shall sustain the existing Claremont Business Park subdivision's atmosphere and character and therefore the subdivision shall appear in conformity throughout development. The private roadway section shall meet all details of the County Local Urban Road Section except for the sidewalk change request.

The deviation will not adversely affect safety or operations.

The Claremont Business Park commercial development is not directly adjacent to any residential developments that would generate a natural flow of pedestrian traffic along smaller private looped and/or dead-end roads. The proposed 5' wide sidewalk along the east side of El Jefe Heights shall provide employees and/or their customers within lots 1-3 businesses the opportunity access from the business subdivision to the adjacent Meadowbrook Parkway through to the commercial subdivision to the south and shall match to the existing sidewalk in Gary Watson Point. Therefore, no safety or operation / maintenance concerns or issues are anticipated with the approval of this deviation request.

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

This deviation request consists of excluding the 5' wide sidewalk as detailed on the Local Urban Road Section ECM Section 2.2.4.B.6/SD-4-1, and to provide a 5' wide sidewalk on (1) one side only, this request also includes a waiver request for the proposed access road(s) to be considered "Private", proposing the private roads to be owned by the directly adjacent property owners and maintained by the local Claremont Business Park HOA. The Claremont Business Park HOA has indicated that the proposed private roads, El Jefe Heights shall be permitted to be included in the Claremont Business Park responsible maintenance jurisdiction. Therefore, no maintenance or associated cost concerns or issues are anticipated with the approval of this deviation request.

The deviation will not adversely affect aesthetic appearance.

The proposed design shall sustain the existing Claremont Business Park subdivisions atmosphere, character and presence; therefore, the subdivision shall appear in conformity throughout the development. The existing subdivision provides landscaping that includes granite rock, shrubs, and trees along the front of the commercial lots providing an aesthetically pleasing presentation of a typical commercial development. Therefore, no adverse aesthetic appearance effects are anticipated with the approval of this request.

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

Yes, the private roadway section shall meet all details of the County Local Urban Road Section except for the 5' sidewalk. El Jefe Heights will provide proper access through the proposed commercial development as well as provides pedestrian access from Meadowbrook Parkway to and through to Gary Watson Point to the south.

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.

Yes, the deviation meets the control measure requirements. The subdivision will provide (1) sand filter basin to provide the required water quality capture volume for the El Jefe roadway flows.

**REVIEW AND RECOMMENDATION:**

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from Section 2.2.4.B.6/SD-4-1 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.