



**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 :	Crossroads North
Schedule No.(s) :	5408001008, 5408001029, 5408001032, 5408001033, 5408001034, 5408001041, 5408001042, 5408001050, 5408001051, 5408001052
Legal Description :	LOTS 12, 13, 14, 15, 16 AND 18, HILLCREST ACRES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 12, 1960 AT RECEPTION NO. 153860, EXCEPT THAT PORTION ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO AS DESCRIBED IN RULE AND ORDER RECORDED APRIL 28, 2004 UNDER RECEPTION NO. 204068322, AND EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO BY SPECIAL WARRANTY DEED RECORDED DECEMBER 17, 2014 AT RECEPTION NO. 214116021 AND RECORDED DECEMBER 17, 2014 AT RECEPTION NO. 214116022, COUNTY OF EL PASO, STATE OF COLORADO. LOT 17, HILLCREST ACRES, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO BY SPECIAL WARRANTY DEED RECORDED DECEMBER 30, 2014 AT RECEPTION NO. 214119767. LOT 19, HILLCREST ACRES, COUNTY OF EL PASO, STATE OF COLORADO, AS AMENDED BY SURVEYOR'S STATEMENT RECORDED JUNE 22, 1960 IN BOOK 1812 AT PAGE 136, EXCEPT THAT PORTION TAKEN BY DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO AS CONTAINED IN RULE AND ORDER RECORDED OCTOBER 13, 2004 UNDER RECEPTION NO. 204171223 AND EXCEPT THAT PORTION CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO BY SPECIAL WARRANTY DEED RECORDED DECEMBER 30, 2014 AT RECEPTION NO. 214119768. LOT 20, HILLCREST ACRES, EXCEPT THOSE PORTIONS CONVEYED IN DEED RECORDED JANUARY 20, 1961 IN BOOK 1840 AT PAGE 498 AND IN DEED RECORDED APRIL 12, 2002 UNDER RECEPTION NO. 202058754 AND IN DEED RECORDED DECEMBER 30, 2014 AT RECEPTION NO. 214119796, COUNTY OF EL PASO, STATE OF COLORADO.

APPLICANT INFORMATION

Company :	Colorado Springs Equities LLC
Name :	Danny Mientka
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	90 S. Cascade Avenue, Suite 1500, Colorado Springs, CO 80903-1639
Phone Number :	719-448-4034
FAX Number :	N/A
Email Address :	danny@theequitygroup.net

ENGINEER INFORMATION

Company :	M&S Civil Consultants, Inc.		
Name :	Virgil A. Sanchez	Colorado P.E. Number :	37160
Mailing Address :	PO Box 1360, Colorado Springs, CO 80901		
Phone Number :	719-491-0818		
FAX Number :	None		
Email Address :	virgils@mscivil.com		

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:

Justification for the requested deviations for Air Lane include:

- More efficient use of land for infill development
- Facilitate a commercial design and lot configuration that responds to market demands and maintains infill design flexibility to integrate the proposed commercial and future park land uses
- To reduce spatial constraints created by incorporating multiple buffers required to accommodate multiple zone districts (mixed use development)
- To minimize vehicle dominance of the street realm and streetscape in order to promote pedestrian dominance and orientation with the site plan design and development phase

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 private improvements and proposed cross section will achieve a comparable level of performance as the standard cross section with respect to the following:

- Traffic volume capacity
- Utility placement
- Stormwater conveyance
- Pedestrian access and circulation
- Fire district has reviewed and approved the access and circulation based on their criteria.

Revise. Air Lane is a public road. Unresolved.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations. The Falcon Fire Protection District has reviewed and approved the access and circulation provided on the preliminary plan based on their criteria and do not object to the configurations and improvements as shown on the preliminary plan.

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

Deviation will not adversely affect maintenance and its associated cost.



Explain how or why it
meets the specific
criteria
Unresolved

The deviation will not adversely affect aesthetic appearance.

Deviation will not affect aesthetic appearance of the impacted roadway section.

Roadway and Entry Feature landscaping will be provided to enhance the streetscape of the impacted roadway section(s).

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

The deviation meets the intent by providing a street cross section that is consistent with the anticipated function and traffic volumes as described in the TIS.



Explain how or why it
meets the specific
criteria
Unresolved

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 requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit.



Explain how or why it
meets the specific
criteria
Unresolved

Revise to Chapter 2 Table 2-7 and Appendix F SD_2-4
Unresolved

on from **Chapter 2, and Appendix F, SD 4-4** of the

ECM is hereby granted based on the justification provided.

Γ

Γ

L

J

Denied by the ECM Administrator

This request has been determined not to have met criteria for approval. A deviation from **Chapter 2, and Appendix F, SD 4-4** of the ECM is hereby denied.

Γ

Γ

L

J

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.