



**Planning and Community
Development Department**
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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 MIENKA

Owner Consultant Contractor

Mailing Address : 90 S. CASCADE AVENUE, SUITE 1500
COLORADO SPRINGS, CO 80903

Phone Number : (719) 475-7621

FAX Number :
Email Address : danny@theequitygroup.net

ENGINEER INFORMATION

Company :	MS CIVIL CONSULTANTS	
Name :	VIRGIL SANCHEZ	Colorado P.E. Number : 37160
Mailing Address :	102 E. PIKES PEAK, 5TH FLOOR COLORADO SPRINGS, CO 80903	
Phone Number :	719-955-5485	
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.

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 _____ of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

FULL MOVEMENT ACCESS WHERE RIGHT-IN/RIGHT OUT PREVIOUSLY APPROVED.

State the reason for the requested deviation:

THE DEVIATION IS REQUESTED TO PROVIDE A SECOND POINT OF ACCESS FOR THE PROPOSED CROSSROADS NORTH DEVELOPMENT/SUBDIVISION. THE GENERAL SITE IS BOUND BY US HIGHWAY 24 ON THE NORTH AND WEST, STATE HIGHWAY 94 ON THE SOUTH, AND MARKSEFFEL ON THE EAST. ACCESS INTO THE SITE IS CURRENTLY PROVIDED BY AIR LANE WHICH IS A RURAL LOCAL

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

FULL MOVEMENT PROPOSED WITH MEDIAN AND PLANNED SIGNALIZED ACCESS CONTROL. INTERIM CONDITION INCLUDES A RI/RO WITH RAISED MEDIAN TO PREVENT NBOUND LEFT TURNS OUT OF THE DEVELOPMENT FROM THE RESTRICTED ACCESS

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:

CURRENT TRAFFIC ANALYSIS IDENTIFIES FULL MOVEMENT ACCESS WITHIN ACCEPTABLE LEVELS OF SERVICE WITHOUT ADVERSLY AFFECTING EXISTING AND PLANNED TRAFFIC OPERATIONS ON UIMPACTED LEGS OF MARKSHEFFEL ROAD.

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 DEVIATION AS IMPLEMENTED IN THE TRAFFIC STUDY ANALYSIS SHOWS ACCEPTABLE PERFORMANCE OF THE PROPOSED INTERSECTION THROUGH ALL PEAK TIMES AND ACROSS ALL PLANNING HORIZENS.

The deviation will not adversely affect safety or operations.

THE DEVIATION AS IMPLEMENTED IN THE TRAFFIC STUDY ANALYSIS SHOWS ACCEPTABLE PERFORMANCE OF THE PROPOSED INTERSECTION THROUGH ALL PEAK TIMES AND ACROSS ALL PLANNING HORIZENS.

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

THE DEVIATION WILL NOT HAVE ADVERSE IMPACTS TO MAINTENACE OR THE FUNDING OF MAINTENANCE TAKS OR OPERATIONS.

The deviation will not adversely affect aesthetic appearance.

THE DEVIATION WILL NOT ADVERSELY AFFECT AESTHETIC APPEARANCES OF THE CORRIDOR.

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

THE DEVIATION MEETS THE DESIGN INENT AND PURPOSE OF THE ECM STANDARDS

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 deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.

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:

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.