



**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 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.	Colorado P.E. Number :	37160
Name :	Virgil A. Sanchez		
Mailing Address :	PO Box 1360, Colorado Springs, CO 80901		
Phone Number :	719-491-0818		
FAX Number :	None		
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

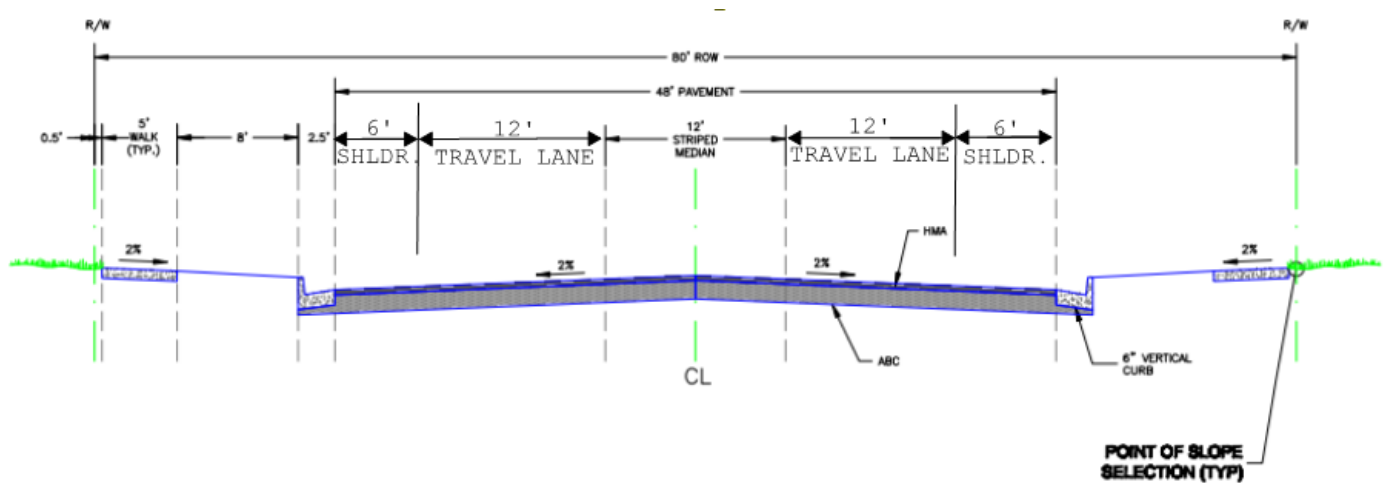


**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Appendix F, Standard Drawings, **SD 2-3, Urban Non-Residential Collector** and **Table 2-7. Roadway Design Standards for Urban Collectors and Locals-** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the standard Urban Non-Residential Collector Roadway Cross Section for Pro Omnibus Heights and Nox Album View is requested. The standard cross section includes two travel lanes (12'), a striped median (12'), and two shoulders (6') within a 48-foot wide pavement mat; two 2.5-foot curb and gutter at the end of the pavement mat, two eight (8) foot (typical) landscape/tree lawns, two five (5) foot detached sidewalks all within an 80-foot ROW. A deviation from the minimum centerline radius for Urban Non-Residential Collector Roadways is also requested. The minimum radius is 565 feet.



**Roadway Design Parameters**  
 Design Speed: 40 mph  
 Posted Speed: 35 mph  
 Maximum ADT: 20,000  
 Design Vehicle: WB-50

SCALE: NOT TO SCALE

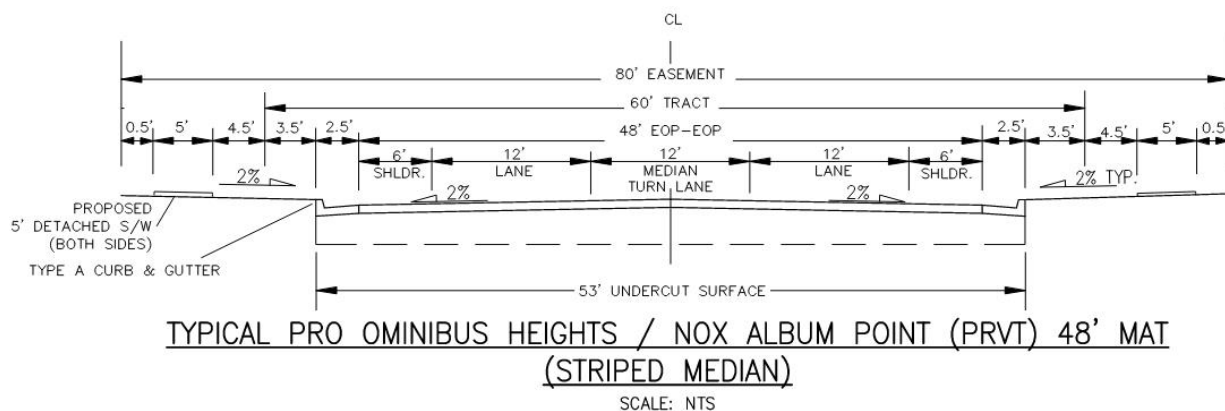
State the reason for the requested deviation:

The deviation is being requested in order to create a more efficient development in terms of land devoted to transportation facilities and to maximize land for commercial land uses on an irregularly shaped infill development parcel.

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

The proposed private road cross section includes the following deviation(s) from standard ECM Standards for an urban residential collector section. Requesting for Pro Omnibus Heights and Nox Album Point;

- 60-foot Tract. Typical cross section is within an 80-foot easement.
- 48 foot pavement width, where typical cross section has a 48' pavement width. No Change
- Two 12-foot travel lanes, where typical cross section has two 12-foot travel lanes with two 6' shoulders. No Change
- Striped 12' median, whereas typical cross section has 12' striped median. No Change.
- 5-foot detached sidewalk, where typical cross section has 5' detached sidewalks, No Change.
- 200' minimum centerline radius (standard for urban local roadways) whereas typical cross section is 200' minimum centerline radius. No Change.
- Two 8' landscape/tree lawns. Typical cross section has two 8' landscape/tree lawns. No. change.
- 25 MPH design speed / 25 MPH posted speed (urban local), whereas typical cross section is 40/35 MPH.
- Typical cross section intersection spacing is 660' or 330' when intersecting local roadways. The layout of all of the commercial lots is not known at this time. Therefore, a deviation for the future applications will be necessary. Direct lot access allowance in conformance with ECM Section 2.4 is implied with this deviation for Lots 1-15. Each lot access will be reviewed with each application submitted.
- Parking will not be permitted. No Change.



**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 Pro Omnibus Heights, and Nox Album Point 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
- Lower design speed and posted speed is more appropriate for high density commercial development with frequent driveway access points and slower speeds through drive aisles
- Typical cross section intersection spacing is 660' or 330' when intersecting local roadways. The layout of all of the commercial lots is not known at this time. Therefore, a deviation for the future applications will be necessary. Access spacing will also need to be considered. (Table 2-35)

**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.
- Lower design speed and posted speed is more appropriate for high density commercial development with frequent driveway access points and slower speeds through drive aisles

The deviation will not adversely affect safety or operations.

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 affect maintenance and its associated cost. Access will be maintained by the Crossroads Metropolitan District No. 2.

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.

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 does not influence the projects overall applicability to meeting the control measure requirements of Part I.E.3 and Part I.E.4 of the 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 **Chapter 2 Table 2-7, and Appendix F SD 2-4** 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 Chapter 2 Table 2-7, and Appendix F SD 2-4** 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.