



**Planning and Community  
Development Department**  
**2880 International Circle**  
**Colorado Springs, Colorado 80910**  
Phone: 719.520.6300  
Fax: 719.520.6695  
Website [www.elpasoco.com](http://www.elpasoco.com)

## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	The Sanctuary - PUD
Schedule No.(s) :	4200000402, 4200000450, & 4220403091
Legal Description :	Exhibit A (see attached)

### APPLICANT INFORMATION

Company :	Tech Contractors		
Name :	Tom Kerby		
	<input type="checkbox"/> Owner	<input checked="" type="checkbox"/> Consultant	<input type="checkbox"/> Contractor
Mailing Address :	11910 Tourmaline Drive, Ste 130 Falcon, CO 80831		
Phone Number :	719.495.7444		
FAX Number :			
Email Address :	tom@meridianranch.com		

### ENGINEER INFORMATION

Company :	Tech Contractors	
Name:	Tom Kerby	Colorado P.E. Number : 31429
Mailing Address :	11910 Tourmaline Drive, Ste 130 Falcon, CO 80831	
Phone Number :	719.495.7444	
FAX Number :		
Email Address :	tom@meridianranch.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

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Engineer's Seal, Signature  
And Date of Signature

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

A deviation from the standards of or in Section **2.5.2.C.4** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.5.2.C.4 Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacings that minimize travel distances between access ramps. Private accesses may be used for these access points where the access is designed to meet access ramp requirements. The pavement markings and signing required by the ECM and MUTCD shall be provided for mid-block access ramps.

State the reason for the requested deviation:

The PUD modification to remove the need for a midblock crossing is consistent with proposed revisions to the Engineering Criteria Manual

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

The deviation would eliminate mid-block pedestrian crossings between on the following streets: Arriba Drive, Estes Ridge Drive, Nederland Drive, and Rico Ridge Drive.

## 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 PUD modification to remove the need for a midblock crossing is consistent with proposed revisions to the Engineering Criteria Manual

The design limits the use of mid-block pedestrian crossings that can create safety hazards by blocking or hindering sight lines and placing pedestrians in danger. The design concept also creates an aesthetically pleasing, consistent attached sidewalk to the curb. Pedestrians will generally cross the street at any location regardless of the presence of a pedestrian ramp due to the typically low traffic volume found on local streets

There are no Federal ADA requirements for the placement of midblock pedestrian crossings.

## 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 PUD modification to remove the need for a midblock crossing is consistent with proposed revisions to the Engineering Criteria Manual

The deviation will not adversely affect safety or operations.

The design enhances safety by eliminating potential dangerous mid-block crossings, where pedestrians enter the roadway from behind parked vehicles where lines of sight are limited or blocked. The deviation will also eliminate mid-block ramps where changes in direction of the sidewalk and/or grade could produce a tripping or stumbling hazard.

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

The deviation will not adversely affect the maintenance cost or the ability for maintenance vehicles to work on the street or within the right-of-way. Reducing mid-block pedestrian ramps will reduce the cost of maintenance due to eliminating signage and pavement markings.

The deviation will not adversely affect aesthetic appearance.

The deviation will improve the aesthetic appearance by creating unswerving smooth offset edge of the sidewalk from curb.

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

The PUD modification to remove the need for a midblock crossing is consistent with proposed revisions to the Engineering Criteria Manual

The deviation meets the design intent and purposes of the ECM standards by meeting all other aspects of the standards with respect road design, road safety and pedestrian safety. There are no Federal ADA maximum distances allowed between pedestrian crossing along street that would necessitate mid-block pedestrian ramps.

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 design does not inhibit the program requirements with respect to water quality and storm water runoff during construction and future permanent facilities.

**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:**

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## **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.

## Exhibit A

### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTION 20,  
IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF REX ROAD IN THE ESTATES AT ROLLING HILLS  
RANCH FILING NO. 2, RECORDED WITH RECEPTION NO. 222714944 IN THE RECORDS OF EL PASO COUNTY, POINT  
BEING ON THE EASTERN BOUNDARY LINE OF SAID FILING;

THE FOLLOWING THREE (3) COURSES ARE ON SAID BOUNDARY LINE:

1. THENCE N07°26'02"E A DISTANCE OF 80.00 FEET;
2. THENCE N37°33'58"W A DISTANCE OF 31.11 FEET;
3. THENCE N07°26'02"E A DISTANCE OF 20.00 FEET;
4. THENCE S37°33'58"E A DISTANCE OF 31.11 FEET;
5. THENCE S82°33'58"E A DISTANCE OF 1387.37 FEET TO A POINT OF CURVE TO THE LEFT;
6. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 1930.00 FEET, A DELTA ANGLE OF 29°02'43", AN  
ARC LENGTH OF 978.39 FEET, WHOSE LONG CHORD BEARS N82°54'40"E A DISTANCE OF 967.95 FEET;
7. THENCE N68°23'18"W A DISTANCE OF 399.50 FEET TO A POINT OF CURVE TO THE RIGHT;
8. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2050.00 FEET, A DELTA ANGLE OF 02°03'13", AN  
ARC LENGTH OF 73.48 FEET, WHOSE LONG CHORD BEARS N69°24'55"E A DISTANCE OF 73.48 FEET;
9. THENCE N26°19'21"E A DISTANCE OF 31.42 FEET;
10. THENCE N71°53'44"E A DISTANCE OF 60.00 FEET;
11. THENCE S62°31'53"E A DISTANCE OF 31.42 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
12. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 2050.00 FEET, A DELTA ANGLE OF 02°03'13", AN  
ARC LENGTH OF 73.48 FEET, WHOSE LONG CHORD BEARS N69°24'55"E A DISTANCE OF 73.48 FEET TO A POINT  
ON THE WESTERN BOUNDARY OF FALCON REGIONAL PARK RECORDED WITH RECEPTION NO. 214096227;

THE FOLLOWING THREE (3) COURSES ARE ON SAID BOUNDARY LINE:

13. THENCE S00°13'03"E A DISTANCE OF 1457.61 FEET;
14. THENCE S45°14'56"W A DISTANCE OF 1695.49 FEET TO A POINT ON THE EASTERN BOUNDARY OF ROLLING  
HILLS RANCH FILING NO. 2 AT MERIDIAN RANCH, RECORDED WITH RECEPTION NO. 221714831 IN THE  
RECORDS OF EL PASO COUNTY, POINT BEING ON THE EASTERN BOUNDARY OF TRACT G OF SAID FILING;

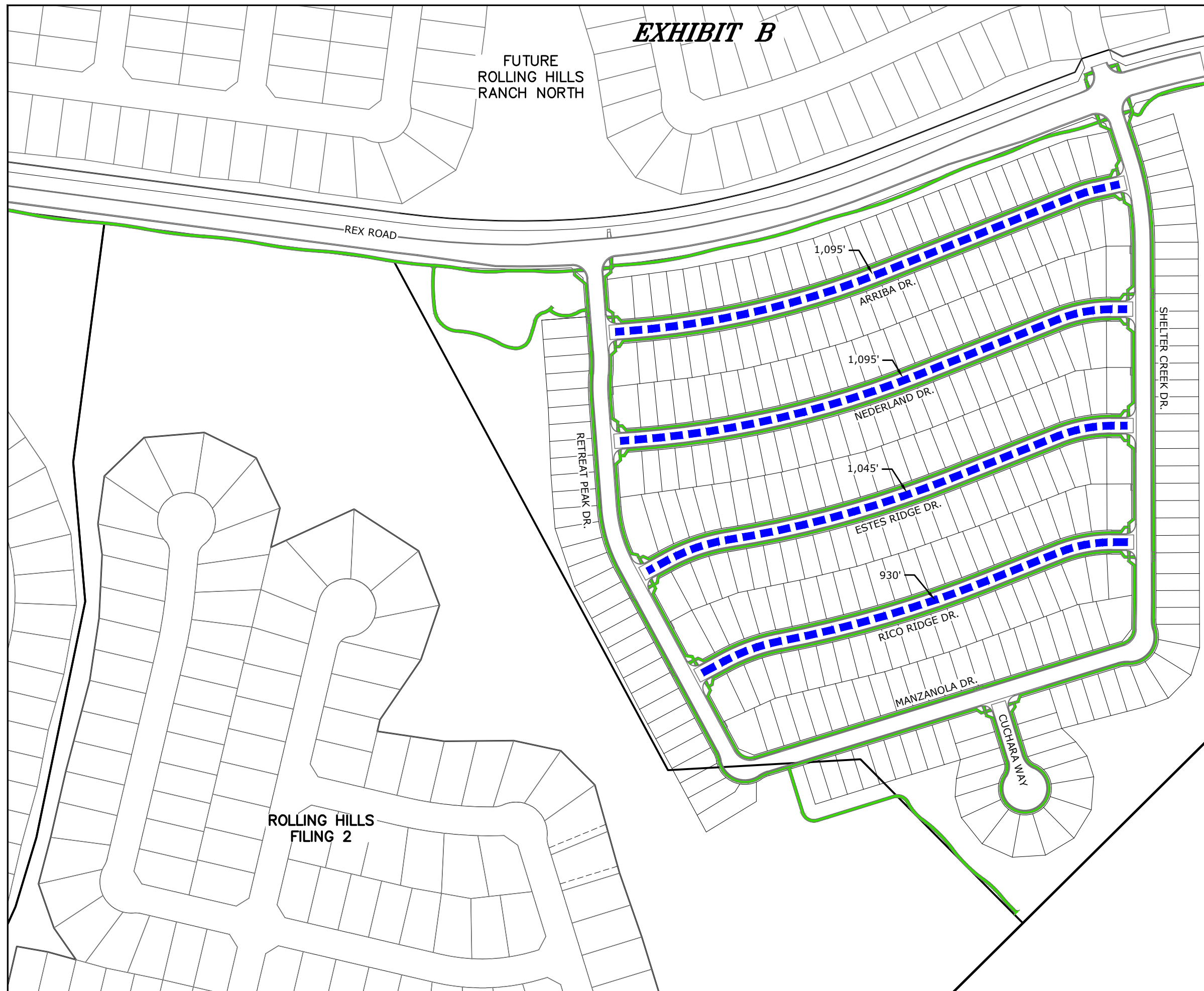
THE FOLLOWING FIFTY FOUR (54) COURSES ARE ON SAID BOUNDARY LINE OF TRACT G:

15. THENCE S00°11'44"E A DISTANCE OF 550.00 FEET;
16. THENCE N89°25'12"W A DISTANCE OF 434.55 FEET;
17. THENCE N44°25'12"W A DISTANCE OF 31.11 FEET;
18. THENCE S88°37'48"E A DISTANCE OF 145.01 FEET;
19. THENCE S89°25'12"E A DISTANCE OF 159.35 FEET;
20. THENCE N54°57'02"E A DISTANCE OF 140.35 FEET;
21. THENCE N07°17'28"W A DISTANCE OF 131.23 FEET;
22. THENCE N06°36'04"W A DISTANCE OF 92.75 FEET;
23. THENCE N00°11'44"W A DISTANCE OF 140.00 FEET;
24. THENCE N03°36'05"E A DISTANCE OF 68.00 FEET;
25. THENCE N18°30'43"E A DISTANCE OF 68.00 FEET;
26. THENCE N31°54'11"E A DISTANCE OF 148.26 FEET;
27. THENCE N15°46'41"E A DISTANCE OF 155.55 FEET;
28. THENCE N02°05'40"W A DISTANCE OF 173.54 FEET;
29. THENCE N15°46'29"W A DISTANCE OF 137.52 FEET;
30. THENCE S75°07'03"W A DISTANCE OF 130.10 FEET;
31. THENCE N17°05'06"W A DISTANCE OF 20.00 FEET;
32. THENCE N72°54'54"E A DISTANCE OF 130.00 FEET;

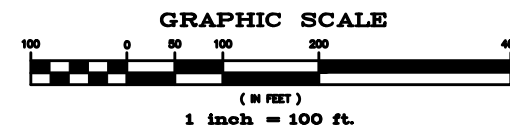
33. THENCE N17°05'06"W A DISTANCE OF 135.00 FEET;
34. THENCE N19°07'50"W A DISTANCE OF 140.09 FEET;
35. THENCE N15°41'41"W A DISTANCE OF 190.00 FEET;
36. THENCE N44°54'02"W A DISTANCE OF 100.00 FEET;
37. THENCE N77°50'23"W A DISTANCE OF 100.00 FEET;
38. THENCE S89°33'31"W A DISTANCE OF 144.08 FEET;
39. THENCE N81°38'27"W A DISTANCE OF 140.51 FEET;
40. THENCE N13°13'49"E A DISTANCE OF 25.00 FEET;
41. THENCE N34°17'58"W A DISTANCE OF 150.03 FEET;
42. THENCE N18°54'02"W A DISTANCE OF 120.00 FEET;
43. THENCE N21°09'09"W A DISTANCE OF 120.74 FEET;
44. THENCE N57°03'06"W A DISTANCE OF 159.45 FEET;
45. THENCE S65°18'37"W A DISTANCE OF 190.15 FEET;
46. THENCE N13°13'49"E A DISTANCE OF 83.94 FEET;
47. THENCE N25°28'40"W A DISTANCE OF 115.00 FEET;
48. THENCE N63°55'37"W A DISTANCE OF 120.00 FEET;
49. THENCE S85°11'52"W A DISTANCE OF 125.00 FEET;
50. THENCE S45°59'27"W A DISTANCE OF 115.00 FEET;
51. THENCE S07°31'57"W A DISTANCE OF 100.00 FEET;
52. THENCE S07°44'26"E A DISTANCE OF 64.26 FEET;
53. THENCE S02°52'31"W A DISTANCE OF 132.15 FEET;
54. THENCE S08°28'13"W A DISTANCE OF 130.45 FEET;
55. THENCE S14°41'57"W A DISTANCE OF 195.06 FEET;
56. THENCE S12°58'38"W A DISTANCE OF 140.44 FEET;
57. THENCE S14°40'50"W A DISTANCE OF 100.00 FEET;
58. THENCE S19°23'52"E A DISTANCE OF 96.71 FEET;
59. THENCE S34°40'06"E A DISTANCE OF 80.55 FEET;
60. THENCE N74°29'49"W A DISTANCE OF 61.04 FEET;
61. THENCE N79°59'14"W A DISTANCE OF 65.10 FEET;
62. THENCE S13°13'49"W A DISTANCE OF 120.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT;
63. THENCE ON THE ARC OF SAID CURVE, HAVING A RADIUS OF 1570.00 FEET, A DELTA ANGLE OF 02°14'17", AN ARC LENGTH OF 61.32 FEET, WHOSE LONG CHORD BEARS N73°16'41"W A DISTANCE OF 61.32 FEET;
64. THENCE N24°44'20"E A DISTANCE OF 200.00 FEET;
65. THENCE N16°41'21"E A DISTANCE OF 150.00 FEET;
66. THENCE N11°42'15"E A DISTANCE OF 500.00 FEET;
67. THENCE N04°57'36"W A DISTANCE OF 290.00 FEET;
68. THENCE N07°26'02"E A DISTANCE OF 500.00 FEET;
69. THENCE N82°33'58"W A DISTANCE OF 782.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE PARCEL OF LAND CONTAINS 74.394 ACRES, MORE OR LESS.





FALCON  
REGIONAL  
PARK

[illegible]