



**Planning and Community  
Development Department**  
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## 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<br>Falcon, CO 80831   |
| Phone Number :    | 719.495.7444  |
| FAX Number :      |   |
| Email Address :   | <a href="mailto:tom@meridianranch.com">tom@meridianranch.com</a>  |

### ENGINEER INFORMATION

|                   |  |                        |       |
|-------------------|--|------------------------|-------|
| Company :         | Tech Contractors   | Colorado P.E. Number : | 31429 |
| Name:             | Tom Kerby  |                        |       |
| Mailing Address : | 11910 Tourmaline Drive, Ste 130<br>Falcon, CO 80831              |                        |       |
| Phone Number :    | 719.495.7444   |                        |       |
| FAX Number :      |  |                        |       |
| Email Address :   | <a href="mailto:tom@meridianranch.com">tom@meridianranch.com</a> |                        |       |

### 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

\_\_\_\_\_

\_\_\_\_\_

PUDSP224

Updated

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

A deviation from the standards of or in Section **2.2.4.b.3 Urban Minor Arterial & 2.3.2 Design Standards by Functional Classification, Table 2-3** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The specific ECM standard a deviation is requested is the criteria to construct Rex Road east of Estate Ridge Dr as an Urban 4-lane Minor Arterial based on the 2016 MTCP Map I4: 2040 Roadway Plan classification

State the reason for the requested deviation:

The portion of Rex Road between Mt Gateway Drive and Sunrise Ridge Drive has been planned and constructed as an Urban Residential Collector with a standard right of way width of 60 feet. The projected long term (2040) total ADT is estimated to be 7,470 vehicles per day (this project plus background traffic) which is below the threshold for an Urban Residential Collector.

With the projected low traffic volume and adjacent existing 60' right of way width logic dictates to construct the half section roadway within an 80-foot right of way until such time as the full width section is deemed necessary. This roadway is listed on the 2040 Major Transportation Plan and therefore fully reimbursable by the County, this move will shift available funds to other higher priority roadways.

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

The roadway design standards for Urban Minor Arterial roads will be used to design and construct Rex Road east of Sunrise Ridge Dr. Except that intersection spacing between Sunrise Ridge Dr and Eastonville Rd will be less than the ECM standard as shown in the attached Exhibit B. The proposed alternative road right of way matches the existing Rex Road right of way west of Sunrise Ridge Drive.

The proposed roadway will be the half section of the El Paso County standard section for Urban Minor Arterial road

The alternative design is to construct Rex Road east of Sunrise Ridge Drive as a half section of the Urban Minor Arterial. Transition from a Residential Urban Collector to the half section east of Sunrise Ridge Dr for approximately 400 feet, continuing east to ~~proposed~~ Rolling Ranch Drive. The half section will be constructed per the attached drawing depicting the half section from centerline south to southerly right of way line. A 80 foot right of way will be dedicated with an additional 20 foot wide reservation within the adjacent Tract K as shown on the Rolling Hills Ranch PUD in order to accommodate the future full width section when the County determines it is necessary for the County to construct the full width section.

The southern ROW line along Rex Road will match east and west of Sunrise Ridge Drive with additional ROW to be acquired by the County along the northern portion of the roadway west of Sunrise Ridge Drive from adjacent open space and private land owners at such time as when El Paso County deems it necessary to construct the full width Urban Minor Arterial roadway section from Eastonville Road west to near Mt. Gateway Drive.

Updated

Please update to reflect the portion of Rex road that will be done by this development (from Estate Ridge Dr to Eastonville)

## 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 previously recorded final plats for Estates at Meridian Ranch Filing 2 and Meridian Ranch Filing 9, located west of this project create a corridor of only 60' wide. This restriction provides sufficient room for an Urban Residential Collector and restricts the ability to construct the Urban Minor Arterial in this section west of the proposed project. This portion of Rex Road would require Rex Road to be constructed with lane tapers and redirects which could create confusion for the driver and pose unnecessary risk to future accidents. Any other alternative would require the acquisition of property for public and private entities in order to secure sufficient land to construct the Urban Minor Arterial west of the project and additional cost to the County as this roadway is identified in the 2040 Major Transportation Corridor Plan making Rex Road construction a reimbursable project.

## 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 will provide a comparable design in that the estimated ADTs for this section fall more than 50% below the threshold for an Urban Minor Arterial roadway section.

The design provides the southern half of the roadway (centerline to southern curb. This provides a better design in that when and if the roadway is widened to the full width Urban Minor Arterial, all of the improvements south of the centerline will provide a future cost savings without the need to redesign and/or remove/replace large portions of the roadway.

The deviation will not adversely affect safety or operations.

The Engineering Criteria Manual identifies 20,000 ADTs as the maximum volume of traffic that can be safely conveyed on an Urban Minor Arterial Street section, the estimated 2040 ADT is sufficiently below at 7,470 to justify a half section. Constructing a full width Urban Minor Arterial would require lane drop, tapers and redirects to accommodate the existing narrower section to the west of Sunrise Ridge Dr. The design will have the travel lanes east and west of Sunrise Ridge match eliminating the need to include lane drops east of Sunrise Ridge Dr.

Merging traffic at lane drops and redirects create a potential risk for accidents east of the intersection. The half section will safely carry the anticipated total traffic volume from Eastonville Road to Mt. Gateway at the projected total traffic volume.

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

The proposed deviation will not adversely impact maintenance for this street section in that it will not receive traffic higher than normal for this type of roadway classification

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect the aesthetics of the area as it will match an already established street section.

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

The proposed deviation and design allows for the accommodation of the future widening of Rex Road to full width Urban Minor Arterial if and when it is deemed necessary due to any unforeseen increase traffic volume closer to the 20,000 ADTs.

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 deviation is not different than any other proposed roadway within El Paso County matching all other requirements for similarly classified roads and meets all requirements associated with 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 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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|--|
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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:

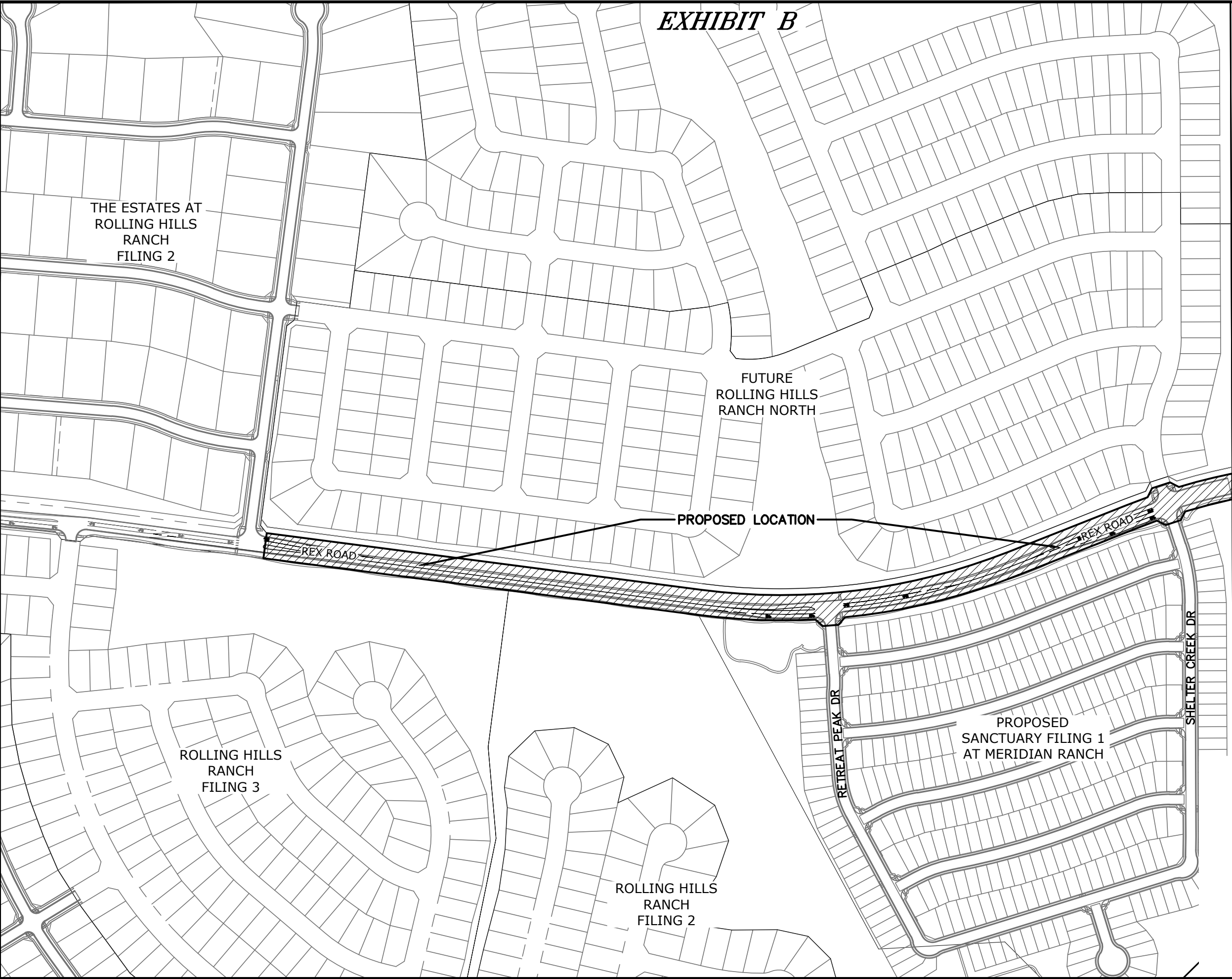
15. THENCE S00°11'44"E A DISTANCE OF 550.00 FEET;
16. THENCE N89°25'12"W A DISTANCE OF 434.55 FEET;
17. THENCE N44°25'12"W A DISTANCE OF 31.11 FEET;
18. THENCE S88°37'48"E A DISTANCE OF 145.01 FEET;
19. THENCE S89°25'12"E A DISTANCE OF 159.35 FEET;
20. THENCE N54°57'02"E A DISTANCE OF 140.35 FEET;
21. 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.



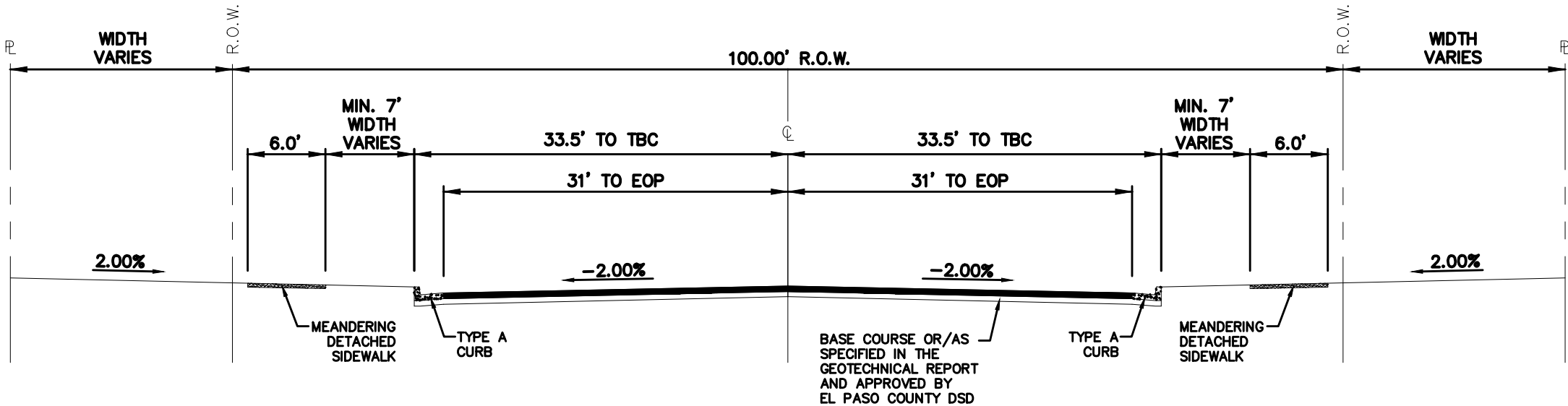
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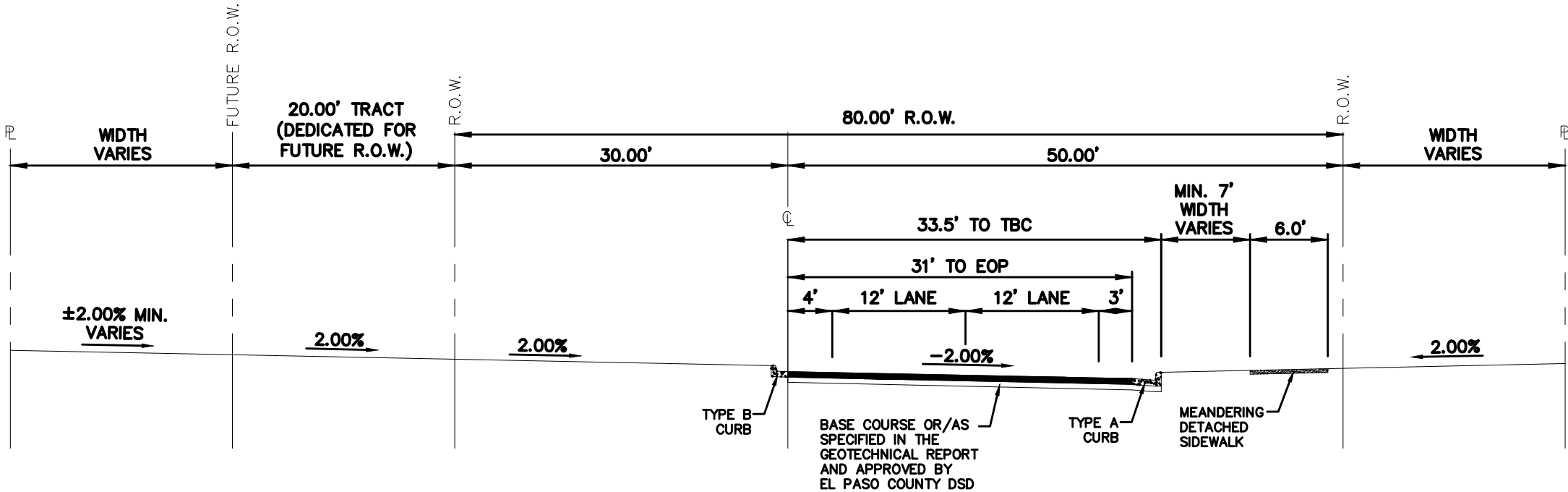
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| Scale        | 1"=300'   | Drawn by<br>TAK |          | REX ROAD DEVIATION<br><br>DEVIATION EXHIBIT<br><br>THE SANCTUARY FILING 1<br><br><br>TECH CONTRACTORS<br>11886 STAPLETON DRIVE<br>FALCON, CO 80831<br>TELEPHONE: 719.495.7444<br>FAX: 719.495.3349 |
|              |           | Checked by      |          |  |
| Sheet Number | EXHIBIT B | Date            | MAY 2022 |  |

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EXHIBIT C



REX ROAD  
MINOR ARTERIAL  
SCALE : N.T.S.



REX ROAD  
TEMP. MINOR ARTERIAL  
SCALE : N.T.S.

TECH CONTRACTORS  
11886 STAPLETON DRIVE  
FALCON, CO 80831  
TELEPHONE: 719.495.7444  
FAX: 719.495.3349

REX ROAD DEVIATION  
DEVIATION EXHIBIT  
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EXHIBIT C

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