



**Planning and Community  
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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

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Project Name : Paint Brush Hills Metropolitan District – Site Development Plan for the Equipment Storage Facility

Schedule No.(s) :

Legal Description : THE PAINT BRUSH HILLS SITE DEVELOPMENT PLAN LEGAL DESCRIPTION CONTAINS A PORTION OF:  
TRACT A, PAINT BRUSH HILLS FILING NO. 13C.  
A PORTION OF THE WEST HALF OF SECTION 25, AND THE EAST HALF OF PORTION 26, ALL IN  
TOWNSHIP 25 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:  
TRACT A AS PLATTED IN PAINT BRUSH HILLS FILING NO. 13C RECORDED UNDER RECEPTION NO.  
216713. RECORDS OF EL PASO COUNTY, COLORADO.  
CONTAINING A CALCULATED AREA OF 605920 SQUARE FEET OR 13.91 ACRES.  
PARCEL B, PAINT BRUSH HILLS METROPOLITAN EXEMPTION PLAT.  
RECORDED AT RECEPTION NO. 216713738 OF THE RECORDS OF THE CLERK AND RECORDERS  
OFFICE OF EL PASO COUNTY, COLORADO SITUATED IN THE NORTHWEST QUARTER OF SECTION  
25. TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL  
PASO, STATE OF COLORADO.  
CONTAINING AN AREA OF APPROXIMATELY 9,583 SQUARE FEET OR 0.220 ACRES.

#### APPLICANT INFORMATION

Company : Paint Brush Hills Metropolitan District

Name : Robert Guevara

Owner  Consultant  Contractor

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#### ENGINEER INFORMATION

Company : Kimley-Horn and Associates Inc.

Name : Adam Monchak

Colorado P.E. Number : P.E.0046008

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Phone Number : (720) 943-9961

FAX Number : (303) 228-2300

Email Address : [Adam.monchak@kimley-horn.com](mailto:Adam.monchak@kimley-horn.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.

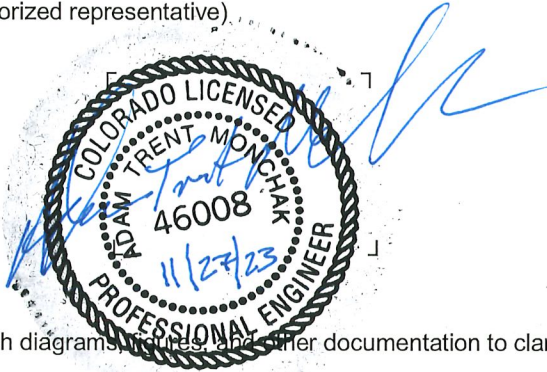
*Robert H. ...*

11/17/2023

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature  
And Date of Signature



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

A deviation from the standards of or in Section 2.2.5(D) of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The requested deviation is for access to a collector road (ECM Section 2.2.5).

State the reason for the requested deviation:

The deviation is being requested because the project is not introducing a new access point or increasing traffic on the collector road (Londonderry Drive). Access via Jaggar Way is not an option due to the existing mail boxes blocking access to the property as shown on the site plan.

The existing site includes a well house and a pump house. The project includes a new equipment storage shed. The equipment stored on site will be largely used for the site itself. There will be 1-2 average daily trips and the typical vehicle type is pick up trucks or small tractors.

The existing driveway is a dirt driveway which will be improved to gravel as part of the project. Traffic will not be impacted because it will still be operations staff who already access the site as described above.

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

The existing dirt driveway approach is being replaced with gravel. The gravel begins on private property and thus will not encourage additional traffic.

Because the driveway is existing and traffic patterns will not be impacted by the project, it is being requested that existing conditions can remain.

Per Table 2-35 in the ECM at a roadway speed of 35 MPH for a two lane roadway, required sight distance for pickup trucks is 350 feet. This sight distance is met at the current access point.

Access spacing is achieved per section 2.4 of the ECM, Accesses shall be separated by a distance equal to the entering sight distance which is 350 feet. No accesses exist within 350 feet of the existing PBH access. Turn lanes are not present adjacent to the PBH site.

**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:**

Traffic on Londonderry Drive will not be impacted by the updates because the project will not increase traffic to the site, and the driveway location is not moving. The driveway approach on Londonderry will have improved materials, but traffic will not be impacted.

Current ADT is 1-2 trips per day primarily with pick up trucks and occasionally with small tractors. These trips occur in the early morning and in the evening.

Access via Jaggar Way is not an option due to the existing mail boxes blocking access to the property as shown on the site plan.

**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 improves the existing driveway. Gravel provides a more formal drive than dirt.

Traffic patterns will not be impacted, but the maintenance vehicles accessing the site on a regular basis will have an improved approach. The site averages 1-2 trips per day from pick up trucks.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations because no additional traffic impacts are anticipated, the types of vehicles currently using the driveway will not change, and in general, the existing conditions will not be impacted.

Per Table 2-35 in the ECM at a roadway speed of 35 MPH for a two lane roadway, required sight distance for pickup trucks is 350 feet. This sight distance is met at the current access point.

Access spacing is achieved per section 2.4 of the ECM, Accesses shall be separated by a distance equal to the entering sight distance which is 350 feet. No accesses exist within 350 feet of the existing PBH access. Turn lanes are not present adjacent to the PBH site.

The site will be a right in right out only site, and signage indicated no left hand turns will be provided.

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

The gravel driveway is on private property and will not be maintained by El Paso County so no maintenance cost will be incurred.

Damage to curb, gutter, and sidewalk associated with construction and normal use of the access point will be repaired at the Metro's cost and no costs for EPC will be incurred.

The deviation will not adversely affect aesthetic appearance.

The proposed improvements are located on private property and will not significantly impact aesthetic appearance on Londonderry Drive. In fact, the gravel driveway will be an improved aesthetic from the existing dirt driveway.

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

The existing condition is private driveway with no acceleration or deceleration lane. The existing conditions are not changing, so the intent of the standards are met as they have been in the existing conditions.

Per Table 2-35 in the ECM at a roadway speed of 35 MPH for a two lane roadway, required sight distance for pickup trucks is 350 feet. This sight distance is met at the current access point.

Access spacing is achieved per section 2.4 of the ECM, Accesses shall be separated by a distance equal to the entering sight distance which is 350 feet. No accesses exist within 350 feet of the existing PBH access. Turn lanes are not present adjacent to the PBH site and will not be required for access.

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 MS4 permit is not applicable to this site.

**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.