

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

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Date Issued: 12/31/07  
Revision Issued: N/A  
Rescinded: N/A

### 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.

### 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 5.9 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. RELATED PROCEDURES

#### 1.6.1. Governing Procedures

P-AR-063-07 Deviation

#### 1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

**1.7. RESOURCE**

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.



Development Services  
 Department  
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**DEVIATION REVIEW  
 AND DECISION FORM**

Procedure # R-FM-051-07  
 Issue Date: 12/31/07  
 Revision Issued: 00/00/00  
**DSD FILE NO.:**

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**General Property Information:**

Address of Subject Property (Street Number/Name):  
 Tax Schedule ID(s) #:5500000336; 5500000341; 5500000342, 5514300008

BASIS OF BEARING: THE EAST-WEST CENTERLINE OF SECTION 14, T15S, R65W, OF THE 6th P.M. EL PASO COUNTY, COLORADO AS MONUMENTED. THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 15 IS A 3.25 INCH ALUMINUM CAP STAMPED "J.R. DEVELOPERS, T15S R65W, E1/4 S15 W1/4 S14, 1986, PLS 10377" FROM WHICH THE CENTER OF SECTION 14 BEARS N89°42'02"E, 2646.02 FEET AND IS MONUMENTED BY A 3.25 IN ALUMINUM CAP STAMPED "KM, T15S R65W, S14, C1/4, 2004, LS 16109".

A PARCEL OF LAND IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15 AND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 14, T15S, R65W OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, more particularly described as:

BEGINNING at A POINT ON THE SOUTHERLY LINE OF PARCEL NO. 21 AS DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 214104176 IN THE RECORDS OF EL PASO COUNTY, COLORADO SAID POINT BEING THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 15, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY COLORADO;

thence N89-42-02E ALONG SAID SOUTHERLY LINE, 192.66 feet;

thence along the arc of a curve to the RIGHT, said curve having a radius of 2030.00 feet, a central angle of 05°03'38", (the chord of which bears S19-09-08W a distance of 179.24 feet), an arc distance of 179.30 feet;

thence along the arc of a curve to the LEFT, said curve having a radius of 1240.00 feet, a central angle of 21°57'25", (the chord of which bears S10-42-15W a distance of 472.29 feet), an arc distance of 475.19 feet;

thence S00-16-28E a distance of 850.78 feet;

thence along the arc of a curve to the LEFT, said curve having a radius of 930.00 feet, a central angle of 30°42'13", (the chord of which bears S15-37-34E a distance of 492.43 feet), an arc distance of 498.37 feet;

thence S30-58-32E a distance of 128.77 feet;

thence along the arc of a curve to the RIGHT, said curve having a radius of 580.00 feet, a central angle of 34°19'25", (the chord of which bears S13-48-49E a distance of 342.28 feet), an arc distance of 347.45 feet;

thence S03-20-53W a distance of 189.10 feet;

thence S89-27-28W a distance of 183.12 feet;

thence N87-28-23W a distance of 87.83 feet;

thence N47-38-17W a distance of 61.43 feet;  
thence N83-57-54W a distance of 90.63 feet;  
thence S43-43-48W a distance of 49.76 feet;  
thence N84-44-11W a distance of 81.43 feet;  
thence S89-27-28W a distance of 679.00 feet;  
thence N35-13-35W a distance of 113.92 feet;  
thence N14-49-54E a distance of 298.16 feet;  
thence along the arc of a curve to the LEFT, said curve having a radius of 12070.00 feet, a central angle of  $01^{\circ}57'34''$ , (the chord of which bears N13-51-07E a distance of 412.74 feet), an arc distance of 412.76 feet;  
thence N14-51-00E a distance of 109.41 feet;  
thence along the arc of a curve to the LEFT, said curve having a radius of 5809.75 feet, a central angle of  $00^{\circ}58'38''$ , (the chord of which bears N14-21-44E a distance of 99.09 feet), an arc distance of 99.09 feet;  
thence N76-07-58W a distance of 8.19 feet;  
thence along the arc of a curve to the LEFT, said curve having a radius of 12070.00 feet, a central angle of  $05^{\circ}31'33''$ , (the chord of which bears N09-06-53E a distance of 1163.65 feet), an arc distance of 1164.10 feet;  
thence S89-53-02E a distance of 62.40 feet;  
thence N00-41-16E a distance of 57.06 feet;  
thence N89-53-02W a distance of 56.87 feet;  
thence along the arc of a curve to the LEFT, said curve having a radius of 12070.00 feet, a central angle of  $01^{\circ}47'06''$ , (the chord of which bears N05-11-13E a distance of 376.01 feet), an arc distance of 376.02 feet to the north line of the southeast quarter of section 15;  
thence N89-28-36E along said north line 6.30 feet to the southwest corner of AFORESAID PARCEL NO. 21 AS DESCRIBED IN WARRANTY DEED UNDER RECEPTION NO. 214104176;  
thence N89-28-36E ALONG THE SOUTHERLY LINE THEREOF 496.10 feet to the point of beginning.

Said parcel contains a calculated area of 2,096,822 square feet (48.136 acres), more or less. TOGETHER WITH A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 15, BEING A PORTION OF "EXHIBIT C" AS DESCRIBED IN THE POSSESSION AND USE AGREEMENT UNDER RECEPTION NO. 216022299 IN THE EL PASO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE QUARTER CORNER COMMON TO SECTION 14 AND SECTION 15, T15S, R65W OF THE 6TH P.M., EL PASO COUNTY COLORADO;  
THENCE S $54^{\circ}45'03''$ W, 656.79 FEET TO THE EASTERLY LINE OF SAID "EXHIBIT C" BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD;  
THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 12070.00 FEET, A CENTRAL ANGLE OF  $00^{\circ}16'21''$ , (THE CHORD OF WHICH BEARS S $06^{\circ}-13'-04''$ W, 57.38 FEET), AN ARC DISTANCE OF 57.38 FEET;

thence S89-53-02E a distance of 62.40 feet;  
thence N00-41-16E a distance of 57.06 feet;  
thence N89-53-02W a distance of 56.87 feet TO THE POINT OF BEGINNING;

SAID PORTION OF "EXHIBIT C" CONTAINS 3,401 S.F. MORE OR LESS.

PREPARED BY:

VERNON P. TAYLOR, COLORADO P.L.S. NO. 25966 DATE  
FOR AND ON BEHALF OF M&S CIVIL CONSULTANTS, INC  
20 BOULDER CRESCENT, SUITE 110  
COLORADO SPRINGS, CO 80903

Subdivision or Project Name:  
Carriage Meadows North Filing No. 1

Section of ECM from Which Deviation is Sought: ECM 2.3.2 and 2.5.2.B - Provide sidewalks on both sides of streets  
Specific Criteria from Which a Deviation is Sought: Requirement to provide sidewalks on both sides of streets  
Proposed Nature and Extent of Deviation: Remove sidewalks from Peaceful Ridge Drive. This street only connects west to Marksheffel Road and there are no sidewalks along Marksheffel. This could create an unsafe condition of encouraging pedestrians to access Marksheffel Road without any receiving sidewalks or a real destination.

**Applicant Information:**

Applicant: Lorson, LLC  
Applicant is:  Owner  Consultant  Contractor  
Mailing Address: 212 N. Wahsatch Avenue, Suite 301, Colorado Springs  
Telephone Number: 719-635-3200  
Email Address: jmark@landhuisco.com  
State: CO Postal Code: 80903  
Fax Number: \_\_\_\_\_

**Engineer Information:**

Engineer: Richard Schindler, P.E.  
Company Name: Core Engineering Group, LLC  
Mailing Address: 15004 1st Avenue S, Burnsville  
Registration Number: 33997  
Telephone Number: 719-659-7800  
Email Address: rich@ceg1.com  
State: MN Postal Code: 55306  
State of Registration: Colorado  
Fax Number: \_\_\_\_\_

**Explanation of Request (Attached diagrams, figures and other documentation to clarify request):**

Section of ECM from Which Deviation is Sought: ECM 2.3.2 and 2.5.2.B  
Specific Criteria from Which a Deviation is Sought: Requirement to provide sidewalks on both sides of streets

Proposed Nature and Extent of Deviation: Remove sidewalks from Peaceful Ridge Drive. This street only connects west to Marksheffel Road and there are no sidewalks along Marksheffel. This could create an unsafe condition of encouraging pedestrians to access Marksheffel Road without any receiving sidewalks or a real destination.

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Reason for the Requested Deviation: This street only connects west to Marksheffel Road and there are no sidewalks along Marksheffel. The Marksheffel/Peaceful Ridge Drive intersection is only a Right-in/Right-out intersection and a raised median is proposed on Marksheffel Road. This could create an unsafe condition of encouraging pedestrians to access Marksheffel Road without any receiving sidewalks or a real destination.

Comparison of Proposed Deviation to ECM Standard: This is only one street and there are no pedestrian routes that would use Peaceful Ridge Drive.

Applicable Regional or National Standards used as Basis: There are no standards that apply.

**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

**JUSTIFICATION**

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.

This street only connects west to Marksheffel Road and there are no sidewalks along Marksheffel. The Marksheffel/Peaceful Ridge Drive intersection is only a Right-in/Right-out intersection and a raised median is proposed on Marksheffel Road. This could create an unsafe condition of encouraging pedestrians to access Marksheffel Road without any receiving sidewalks or a real destination.

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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**If at least one of the criteria listed above is not met, this application for deviation cannot be considered.**

**Criteria for Approval:**

**PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST**

The request for a deviation is not based exclusively on financial considerations.

Sidewalks on Peaceful Ridge Drive would not provide access anywhere and would create an unsafe condition of pedestrians trying to access Marksheffel Road at a non-standard location.

The deviation will achieve the intended result with a comparable or superior design and quality of improvement.

Sidewalks are provided on all interior streets and south to Fontaine Boulevard.

The deviation will not adversely affect safety or operations.

Removing the sidewalks will encourage pedestrians to stay within the development which is safer than trying to access Marksheffel Road at a non-standard location. Fontaine Boulevard provides a much safer crossing route.

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

Maintenance will be less expensive since there are no sidewalks to maintain.

The deviation will not adversely affect aesthetic appearance.

The street will look basically the same.

**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, 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.

Jeff [Signature] \_\_\_\_\_ Date 1/23/18

Signature of applicant (if different from owner) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Engineer \_\_\_\_\_ Date \_\_\_\_\_



**Review and Recommendation:**  
**APPROVED by the ECM Administrator**

Date \_\_\_\_\_  
This request has been determined to have met the criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby granted based on the justification provided. Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Additional comments or information are attached.

**DENIED by the ECM Administrator**

Date \_\_\_\_\_  
This request has been determined not to have met criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby denied. Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Additional comments or information are attached.