Planning and Community Development Department
2880 International Circle
Colorado Springs, Colorado 80910
Phone: 719.520.6300
Fax: 719.520.6695
Website www.elpasoco.com

DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	Trails at Aspen Ridge Filing No. 2
Schedule No.(s) :	5500000412
Legal Description :	Unplatted Land

APPLICANT INFORMATION

Company :	COLA, LLC
Name :	Tim Buschar
	☒ Owner ☐ Consultant ☐ Contractor
Mailing Address :	555 Middle Creek Pkwy, Suite 380
	Colorado Springs, CO 80921
Phone Number :	(719) 382-9433
FAX Number :	
Email Address :	

ENGINEER INFORMATION

Company :	Matrix Design Group		
Name :	Nicole Schanel	Colorado P.E. Number :	52434
Mailing Address :	2435 Research Parkway, Suite 300		
	Colorado Springs, CO 80920		
Phone Number :	719-575-0100		
FAX Number :			
Email Address :	Nicole_schanel@matrixdesigngroup.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.

Tim Buschar — 4/15/20

Signature of owner (or authorized representative) — Date

Engineer's Seal, Signature And Date of Signature

PCD File No. _____

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

A deviation from the standards of or in Section **Section 3.3.1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Per Section 2.5.2.C.3. “All "T" Intersections shall have a minimum of three access ramps as shown in Figure 2-36....”

State the reason for the requested deviation:

The intersection of Nutterbutter Point and Bird Ridge Drive is designed with two ramps on the east side of Bird Ridge Drive, allowing pedestrian traffic to flow north and south. A typically directional ramp at the intersection of Nutterbutter Point and Bird Ridge Drive is not feasible due to the configuration and lot layout along the private roadway, Nutterbutter Point, and available right-of-way and/or easement. Due to the private roadway, a typical direcitonal ramp encroaches into the private lots and building setback. The uni-directional ramps proposed do not promote pedestrian traffic across Bird Ridge Drive, therefore, access across Bird Ridge Drive has been provided north of said intersection, utilizing midblock ramps per County criteria.

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

Due to the limitations imposed by the private roadway and available right-of-way, uni-directional ramps are proposed at the intersection of Nutterbutter Point and Bird Ridge Drive to allow pedestrian traffic to flow north and south. Access across Bird Ridge Drive has been provided north of said intersection to line up with the sidewalk that will be be located along the frontage of the houses on the north side of Nutterbutter Point, utilizing midblock ramps per County criteria. Access across Bird Ridge Drive is also provided south of said intersection at the intersection of Turtle Lake Way (public road) and Bird Ridge Drive. In addition, sidewalk is not proposed along the private road, Nutterbutter Point, and does not produce pedestrian traffic across Bird Ridge Drive that would require a directional ramp.

PCD File No. _____

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 typical ramp configuration does not coincide with the intersection of a local public and private roadway. Due to right-of-way constraints, a typical directional ramp encroaches into private homeowner lots, lot setbacks, and lot driveway without available space for additional easement. Without pedestrian traffic produced off of the private road, Nutterbutter Point, pedestrian traffic at said intersection across Bird Ridge Drive is unlikely.

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.

Per Section 5.8 of the ECM, "*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"*

The design revision provides a superior design to pedestrian traffic path and to the intersection of the private and public roadway, Nutterbutter Point and Bird Ridge Drive, with relation to the geographical constraints, conventional construction practices, and enables proper pedestrian flow alternatives per EPC criteria.

The deviation will not adversely affect safety or operations.

The proposed deviation will not adversely impact safety or operations by allowing the an alternative pedestrian path. The proposed pedestrian path and ramp layout provides a safe crossing point while adhering to EPC and ADA criteria.

PCD File No. _____

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

Proposed ramp configuration will be in conformance with all pertinent safety and maintenance guidelines and will not increase maintenance costs.

The deviation will not adversely affect aesthetic appearance.

The proposed layout provides a typical aesthetic appearance with pedestrian flow path along and across Bird Ridge Drive as there is no sidewalk proposed along the private road, Nutterbutter Point.

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

The proposed ramp configuration provides a pedestrian path and multiple access points along and across Bird Ridge Drive.

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 in conformance with Part I.E.3 and Part I.E.4 of the County's MS4 permit.

PCD File No. _____

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.

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.

ECM ADMINISTRATOR COMMENTS/CONDITIONS:

PCD File No. _____

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.

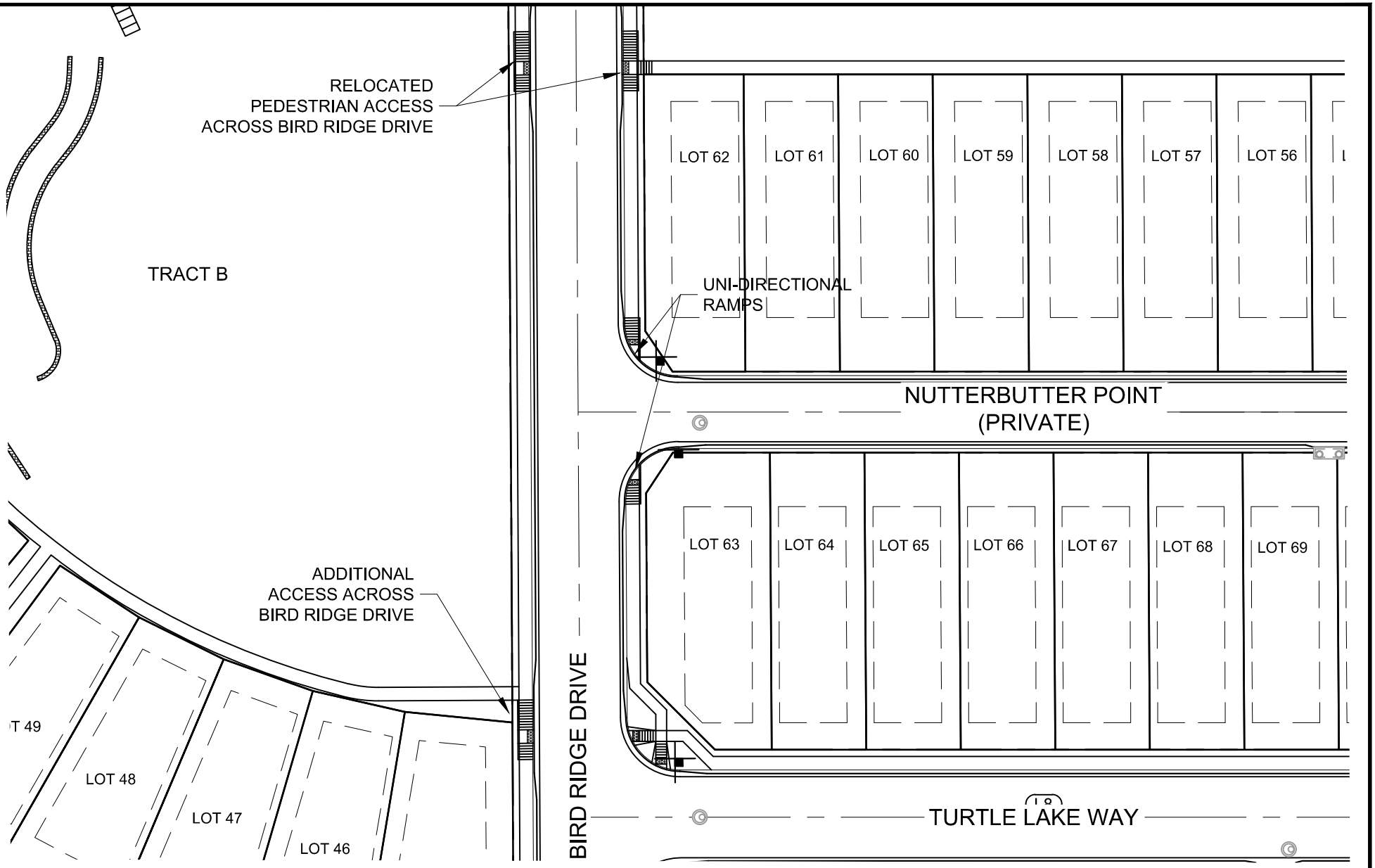
1.6. LIMITS OF APPROVAL

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.

PCD File No. _____



NUTTERBUTTER POINT & BIRD RIDGE DRIVE INTERSECTION RAMPS
TRAILS AT ASPEN RIDGE FILING NO. 2 DEVIATION EXHIBIT
MARCH, 2020

Matrix
Excellence by Design