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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	The Shire at Old Ranch
Schedule No.(s) :	
Legal Description :	S2S2SW4 Sec 23-12-66

APPLICANT INFORMATION

Company :	Kess Properties, LLC
Name :	Mark Phelan
	☒ Owner ☐ Consultant ☐ Contractor
Mailing Address :	4955 Austin Bluffs Parkway
	Colorado Springs, CO 80918
Phone Number :	(719) 574-8058
FAX Number :	N/A
Email Address:	mark@phelangardens.com

ENGINEER INFORMATION

Company :	Kimley-Horn and Associates, Inc		
Name :	Curtis D. Rowe, P.E., PTOE	Colorado P.E. Number :	CE-36355
Mailing Address :	4582 South Ulster Street		
	Denver, CO 80237		
Phone Number :	(303) 228-2304		
FAX Number :	N/A		
Email Address :	curtis.rowe@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.

_____ _____

Signature of owner (or authorized representative) Date

Engineer's Seal, Signature And Date of Signature

03/26/2020

DEV191

PCD File No. _____

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

A deviation from the standards of or in Section **2** of the Engineering Criteria Manual (ECM) is requested.

2.2.4.A.4

Identify the specific ECM standard which a deviation is requested:

2.3.2 Design Standards by Functional Classification
Table 2-5: Access Permitted along Major Collectors

Replace with: "No full movement access is permitted where the local roadways can be expected to provide access."

State the reason for the requested deviation:

Full movement access requested along Howells Road. Lessens project impact on adjacent residential neighborhood and local Ridgeway Lane roadway by not forcing all project traffic to use that roadway. Proposed access condition meets sight distance requirements, spacing, auxiliary turn lanes, acceptable operations, lower vehicle queues, less vehicle miles traveled, lower vehicle emissions, maintains Local Road ADT under threshold for Ridgeway Lane (not true otherwise), improves air quality, and no degradation of traffic progression.

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

ECM Standard would require access only from Ridgeway Lane Local Roadway. Request is for access from Howells Road (full movement) instead to lessen project impact on adjacent residences. ECM 2.3.2, Table 2-5 used as basis.

Revise to explain proposed alternative. (i.e. the conclusions/recommendation on the traffic study)

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:

Loading of all vehicles on local residential street has significant impact on local residents and character of existing roadway.

CRITERIA FOR APPROVAL

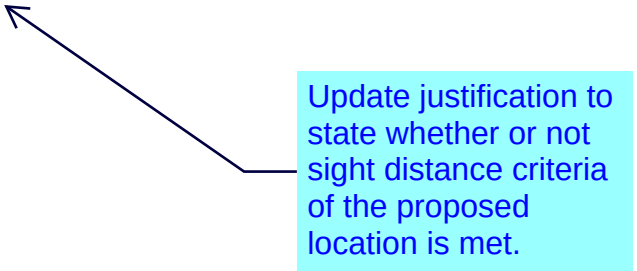
Per ECM section 5.8.7 the request for a deviation may be considered if the request is **not based exclusively on financial considerations**. The deviation must not be detrimental to public safety or surrounding property. The applicant must include supporting information demonstrating compliance with **all of the following criteria**:

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

No, it is not based on financial reasons. It is proposed to lessen the traffic impact on local residents and character of local street. Also, reduces vehicle miles traveled, vehicle emissions, and vehicle queues. It maintains the local character roadway of Ridgeway Lane by maintaining the ADT under the traffic volume threshold for local roadways.

The deviation will not adversely affect safety or operations.

Intersection operations of the access as proposed with the deviation works well and access will meet spacing ECM spacing requirements.



PCD File No. _____

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

Roadway maintenance costs reduced with less vehicle miles traveled.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance not impacted.

Explain how aesthetic appearance is not impacted

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

See attached deviation letter for access intersection operations and vehicle queuing, intersection access spacings (ECM 2.2.5.D, sight distances (ECM Table 2-22, Table 2-36), roadway average daily traffic volumes, vehicle miles traveled

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.

Deviation is for traffic related purposes ~~and additional site civil or drainage details can be provided upon request.~~

The drainage report for the site development plan will address requirements 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.

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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:

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.

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