



Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM IN
ASSOCIATION WITH A
REQUEST FOR A PUD
MODIFICATION FROM
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

PROJECT INFORMATION

Project Name : The Villas at Claremont Ranch

Schedule No.(s) : 5404303062, 5404303066

Legal Description : Tracts A and G Claremont Ranch Filing No. 7

APPLICANT INFORMATION

Company : Phi Real Estate Services, LLC

Name : Paul Broussard

Owner Consultant Contractor

Mailing Address : 200 W. City Center Dr. Ste 200

Phone Number : 719.584.2800

FAX Number :

Email Address : pbroussard@premierhomesinc.com

ENGINEER INFORMATION

Company : Catamount Engineering

Name : David Mijares

Colorado P.E. Number : 40510

Mailing Address : 321 W. Henrietta Avenue, Ste A
Woodland Park, CO 80863

Phone Number : 719.426.2124

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Email Address : david@catamounteng.com

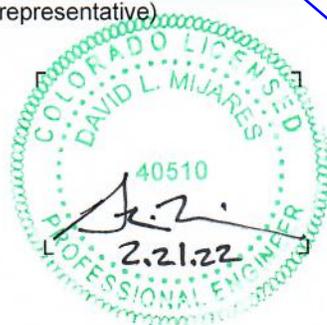
OWNER, APPLICANT, AND ENGINEER DECLARATION

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



Provide owner's signature

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

A deviation from the standards of or in Section **2.3 ROADWAY DESIGN** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

LDC SECTION 8.4.4.C PUBLIC ROADS REQUIRED
LDC SECTION 8.4.4.E.3 PRIVATE ROADS TO MEET COUNTY STANDARDS
TABLE 2-7 ROADWAY DESIGN STANDARDS FOR URBAN COLLECTORS AND LOCALS.
RIGHT OF WAY 60'
PAVED WIDTH 30'

State the reason for the requested deviation:

The deviation for proposed private roadways, row width, and lane width is needed due to the clustered development of townhomes within the proposed PUD development.

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

The proposed roadways would be privately owned and maintained by a Home Owners Association formed for the development. The HOA would own the roadways and common area improvements within tracts. The Home Owners Association will be funded through monthly dues collected from individual homeowners. The collected dues will be determined based on yearly analysis for upkeep costs associated with roadway, drainage, landscape, and hardscape facilities owned by the Home Owners Association. Ownership and ongoing maintenance of common improvements would be the responsibility of the Home Owners Association rather than El Paso County.

Roadway improvements would be contained in a 24' tract with overall HOA ownership contained within a 64' tract centered along roadway improvements rather than 60' public ROW.

Roadway sections would be 20' paved width plus ramp curb sections. The driveway density for attached townhome product eliminates the ability to provide on-street parking allowed in the typical urban residential section. Alternatively, garage, driveway, and designated (striped) on-street parking has been provided exceeding the development parking standard.

The proposed width has been verified to meet fire equipment access requirements throughout the proposed development and is typical of private access drives in similar high density residential and commercial developments. Utility corridors will be created within easements meeting widths required by utility providers. Storm system will be private and owned and maintained by the Home Owners Association.

The proposed roadway section would provide a 20' paved width for the private PUD roadways and allow for no on-street parking. Table 2-7 requires 30' paved width and allows parking for urban local roadways and requires 24' paved width allows parking for urban local (low volume) roadway.

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:

Private PUD roadways are being proposed due to the nature of the development rather than development of public roadways. While public roadways allow for parallel parking along roadways requiring increased width; an alternative approach to parking is being pursued with this PUD development and on-street parking will not be allowed. The clustering of development allows for enhanced open space (buffers) along the perimeter of the development and central landscape corridors provide enhanced walkability within the development.

Include information on what the alternative parking approach is.

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 request is not based on financial considerations and is based on the justification described in the previous section.

The deviation will not adversely affect safety or operations.

The proposed PUD layout has been designed to enhance pedestrian access throughout the development with rear facing units facing common areas providing access to central walkways and landscape areas. Proposed development of garages and adequate driveway parking alleviate the need for excess on-street parking. Designated on-street parking has been provided as overflow/guest parking within numerous locations within the development. Designated utility easements are proposed to meet utility district requirements over roadway tracts. Roadway width allows for required fire department access.

Add more information on maintenance, such as plowing and snow removal.

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

The proposed roadways are private and will be owned and maintained by the Home Owners Association. The Home Owners Association will be funded through monthly dues collected from the homeowners. The collected dues will be determined based on yearly analysis for upkeep costs associated with roadway, drainage, landscape, and hardscape facilities owned by the Home Owner's Association. Deviation in roadway width will not adversely affect maintenance or cost

The deviation will not adversely affect aesthetic appearance.

The smaller roadway width limits hardscape requirements allowing for additional space designated for open space and pedestrian corridors enhancing the overall appearance of the development. Removing on-street parking will enhance the appearance of the development.

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

This deviation meets the design intent and purpose of the ECM standards as delineated in the previous sections

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.

This deviation does not affect the development's ability to meet the requirements of the County's MS4 permit. A full spectrum extended detention basin is proposed to treat and detain runoff from the entire development

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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L J

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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L J

ECM ADMINISTRATOR COMMENTS/CONDITIONS:

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

change to "if"

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.