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DEVIATION REQUEST AND DECISION FORM

Updated: 6/17/2019

PROJECT INFORMATION

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

Deviation No. 2 (09-21-2019): The request is to allow a non-through street, Grandwood Drive, with a length of 2,542 feet. Please refer to Deviation Exhibit 2. An emergency-use only connection is proposed from the end of the cul-de-sac to Higby Road as shown in the exhibit.

Identify the specific ECM standard which a deviation is requested:

2.3.8.A Roadway Terminations - Cul-de-Sacs
Maximum length of cul-de-sac (Rural conditions)

State the reason for the requested deviation:

- Challenging topography along Higby Road, including vertical and horizontal curves
- Preservation of natural land features within the site – which is the reason for the two separate proposed development areas
- El Paso County intersection spacing requirement for Minor Arterials
- Except for the Higby Road frontage and a right-of-way stub connection to Cambrook Ct., no other opportunity for a public road connection exists. The applicant is not proposing use of the right-of-way connection to Cambrook Ct. due to neighborhood opposition.
- The need for a practical rural subdivision layout of 2.5-acre lots (which are significantly greater than suburban or urban lots), given the shape of the parcels' developable area in combination with the above constraints

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

- The cul-de-sac termination on the east access (located 2,542 feet from Higby Road) would exceed the ECM standard of 1,600 feet by 942 feet.
- The proposed cul-de-sac is shown in the attached exhibit Figure 2 (site plan).
- An emergency-use only connection is proposed from the end of the cul-de-sac to Higby Road, as shown in the attached deviation exhibit (Figure 15).
- Twenty-one 2.5-acre lots would access this proposed cul-de-sac roadway. Five of these lots would also have frontage along Higby Road, although the homesite driveway accesses would be taken from the proposed internal road.
- **Please refer to the attached letter from the fire district.**

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:

- Sensitive natural features within the site to the west that are worthy of preservation.
- Limited connectivity to public roads. Although there is an established public right-of-way northeast that would allow for a through road connection or emergency access connection, this public right-of-way is through developed private property and it is our understanding that there is community opposition to the use of this right-of-way.
- Challenging topography along Higby Road that prevents access spacing from meeting County requirements.
- Twenty-one total lots would access the cul-de-sac. The Land Development Code indicates, "A corner lot is not counted in the maximum number of lots on a dead-end road when the fire department determines that adequate emergency access is provided to the corner lot by an alternative road." Five of these lots would also have frontage along Higby Road, although the homesite driveway access would be taken from the proposed internal road.
- The fire district has reviewed this request and an endorsement letter is attached. An emergency-use only connection to Higby Road is proposed.

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 proposed subdivision roadway will be built to county standards.
- An emergency-use only connection is proposed to Higby Road.
- The proposed number of dwelling units (21 units) on a non-through street would not exceed the limit (25 units) established by the Land Development Code. Therefore, a waiver would not be necessary.

The deviation will not adversely affect safety or operations.

- The projected ADT of 232 vehicles/day (vpd) would be relatively low and significantly lower than the design ADT for a Rural Local road (750 vpd).
- Regarding emergency services, please refer to the attached endorsement letter from the fire district.
- An emergency-use-only connection to Higby Road is proposed.

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

- The deviation will not adversely affect maintenance cost as the roadway will be built to county Rural Local roadway standards and a county-standard cul-de-sac “bulb” will be constructed at the terminus of the road (which will accommodate County maintenance vehicles and snow plows).
- The homeowners' association will maintain the emergency access connection.

The deviation will not adversely affect aesthetic appearance.

- The roadway will be built to Rural Local roadway standards.
- The subdivision has been designed to minimize the disturbance of natural features on the site. The approval of the deviation will result a more aesthetically appealing project due to preservation of natural features.
- The homeowners' association will be responsible for maintaining the emergency access road and easement (including the aesthetic appearance).

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

- The intent can be met, given the relatively low traffic volume and the addition of the emergency-only connection.
- The number of lots does not exceed the threshold number requiring a waiver of the Land Development Code.

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.