



**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 : Owl Marketplace Filing No. 1  
 Schedule No.(s) : 5301001014 & 5301001015  
 Legal Description : Lots 14 & 15 Falcon Ranchettes

**APPLICANT INFORMATION**

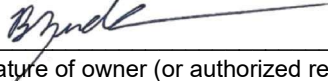
Company : Meridian & Owl X, LLC  
 Name : Brian Zurek  
 Owner  Consultant  Contractor  
 Mailing Address : PO Box 220, Scottsdale, AZ 85252-0220  
  
 Phone Number :  
 FAX Number :  
 Email Address :

**ENGINEER INFORMATION**

Company : Drexel, Barrell & Co.  
 Name : Kate Varnum Colorado P.E. Number : 53459  
 Mailing Address : 101 Sahwatch Street, Colorado Springs, CO 80903  
 Suite #100  
  
 Phone Number : (719) 260-0887  
 FAX Number :  
 Email Address : kvarnum@drexelbarrell.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.

 \_\_\_\_\_ 6/23/2024  
 Signature of owner (or authorized representative) Date

Engineer's Seal, Signature  
 And Date of Signature



6/23/2024

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

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

Identify the specific ECM standard which a deviation is requested:

- 2.2.4.B.4 - Urban Non-Residential Collector Cross Section;
- 2.3.2 - Design Standards by Functional Classification (Urban Non-Residential Collector in Table 2-7, specifically) including 2.3.3.C (Design Speed)
- 2.3.7.D.2 Exclusive Right-Turn Lanes Required

State the reason for the requested deviation:

Reason for the Requested Deviation: The deviation requests modifications to the design standards of an Urban Non-Residential Collector Street. This deviation will facilitate the completion of the frontage road connection (Meridian Park Drive) between Falcon Market Place and Owl Place, with extension to Bent Grass to the north to follow by others. No lot access is permitted to Owl Place or Meridian Road. Elements of this deviation will reduce the design speed of the street in order to allow the site to develop safely.

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

- 2.2.4.B.4 Urban Non-Residential Collector Cross Section;
  - R.O.W. - 62 feet (with six-foot public sidewalks on each side) instead of 80 feet.
  - Paved Width - 44 feet instead of 48 feet.
  - Outside Shoulder Width - Four-foot outside shoulders instead of six-foot outside shoulders.
  - Sidewalks - Attached six-foot sidewalks instead of five-foot detached sidewalks.

- 2.3.2 Design Standards by Functional Classification (Urban Non-Residential Collector in Table 2-7, specifically) including -
  - R.O.W. - 62 feet instead of 80 feet
  - Paved Width - 44 feet instead of 48 feet
  - Outside Shoulder Width - Four-foot outside shoulders instead of six-foot outside shoulders.
  - Sidewalks - Attached six-foot sidewalks instead of five-foot detached sidewalks.
- 2.3.3.C - Design Speed – Design speed of 25 mph instead of 40 mph.

2.3.7.D.2 Exclusive Right-Turn Lanes Required;  
Provision of right-turn deceleration lanes is not consistent with the existing southern portion of Falcon Market Place and is not feasible based on final access spacing and distance from the roundabout intersection at Falcon Market Place and Eastonville Road.

This deviation is similar to the one approved for Falcon Market Place (PCD File No. SP 17-001)

**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:

Several factors necessitate this deviation.

The spacing dimensions between Owl Place and the proposed roundabout connection at Falcon Market Place and Eastonville Road, is such that a reduction in design speed consistent with the resulting access/intersection spacing is needed.

The access points to proposed commercial lots from Meridian Park Drive are needed due to no access being permitted from Owl Place or Meridian Road.

Provision of right-turn deceleration lanes is not consistent with the existing southern portion of Falcon Market Place and is not feasible based on final access spacing and distance from the roundabout intersection at Falcon Market Place and Eastonville Road.

**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 elements of this deviation will assist in reducing the speed at which drivers will be comfortable traveling at.

The function of the street will also be reduced from that of the standard Non-Residential Collector. However, the volume of through traffic served by this street is far below the 20,000 vehicles per day of a standard Non-Residential Collector.

The deviation will not adversely affect safety or operations.

The narrowing of the cross section, along with the other deviations will work to reduce the travel speeds at which most drivers will be comfortable driving, and thus the proposed low design speed is reasonable.

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

The width of the street will be reduced from the standard Non-Residential cross section and, as such, there will be less pavement to maintain.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance would be improved as the width of asphalt pavement would be reduced.

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

The proposed elements of this deviation will be consistent with the requested modification to reduce the design of Meridian Park 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 requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit.

**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.

Γ

Γ

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.

Γ

Γ

L

J

**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.