

## Procedures Manual

**Subject: DEVIATION REVIEW AND DECISION FORM**

Date Issued: 12/31/07  
Revision Issued: N/A  
Rescinded: N/A

### 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.

### 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 5.9 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. RELATED PROCEDURES

#### 1.6.1. Governing Procedures

P-AR-063-07 Deviation

#### 1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

**1.7. RESOURCE**

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.



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# DEVIATION REVIEW AND DECISION FORM

Procedure # R-FM-051-07  
 Issue Date: 12/31/07  
 Revision Issued: 00/00/00

DSD FILE NO.:

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**General Property Information:**

Address of Subject Property (Street Number/Name):

Tax Schedule ID(s) #:

Legal Description of Property: Section 24, the south 1/4 of Section 13, and the west 1/2 of Section 19, Township 11 South, Range 65 West in El Paso County, Colorado

Subdivision or Project Name: Winsome

Revise to 2.3.8.A Cul-de-sacs

Section of ECM from Which Deviation is Sought: Section 2.8.8.A. cul-de-sacs

Proposed Nature and Extent of Deviation: The standard maximum dead end length for cul-de-sacs is 1,600'. The proposed interim dead end length of Alamar Way is approximately 4,650'.

**Applicant Information:**

Applicant: PT McCune LLC Email Address: JDesJardin@proterrace.com  
 Applicant is:  Owner  Consultant  Contractor  
 Mailing Address: 1864 Woodmoor Drive, Suite 100, Monument State: CO Postal Code: 80132  
 Telephone Number: 719-476-0800 Fax Number: \_\_\_\_\_

**Engineer Information:**

Engineer: Sean Kellar, PE, PTOE Email Address: skellar@kellarengineering.com  
 Company Name: Kellar Engineering LLC  
 Mailing Address: 1151 Eagle Drive, #215, Loveland State: CO Postal Code: 64112  
 Registration Number: 38560 State of Registration: CO  
 Telephone Number: 970-219-1602 Fax Number: \_\_\_\_\_

**Explanation of Request (Attached diagrams, figures and other documentation to clarify request):**

Section of ECM from Which Deviation is Sought: Section 2.3.8.A. Cul-de-sacs  
 Specific Criteria from Which a Deviation is Sought: Interim cul-de-sac dead end length exceeds 1,600'

Proposed Nature and Extent of Deviation: The standard is 1,600'. The proposed dead end length of Alamar Way is approximately 4,650'.

Identify which phase this applies to.

Reason for the Requested Deviation:

The proposed dead end length is a temporary situation that will go away when the next phase is constructed.

Comparison of Proposed Deviation to ECM Standard: The standard is 1,600' and the proposed temporary dead end length is approximately 4,650'

Revise. The referenced code does not apply. The referenced code pertains to the number of lots on a cul-de-sac while the deviation pertains to the length of a cul-de-sac.

Applicable Regional or National Standards used as Basis: Land Development Code (LDC) 8.4.4 (D)(1). Maximum Number of lots on dead-end road is 25. 22 lots are proposed in Phase 2 on the proposed dead-end road, Alamar Way.

**Application Consideration:**

**CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION**

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.

**If at least one of the criteria listed above is not met, this Application for deviation cannot be considered.**

**JUSTIFICATION**

In the proposed phasing scenario for Winsome, the interim dead-end length of Alamar Way would exceed 1,600'. However this would be temporary and would be until the next phase is constructed. The developer is planning on a new phase each year, therefore, the long cul-de-sac will not be for a long period of time.

Attach a written endorsement from the Fire District. Per ECM 2.3.8.A deviation request from the maximum length criteria will not be considered without an express written endorsement from the Fire District.  
  
The above justification does not address the check marked criteria for consideration. Timeline for the interim condition does not address specific design or construction problem.

**Criteria for Approval:**

**PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST**

The request for a deviation is not based exclusively on financial considerations.

The proposed deviation of the interim long cul-de-sac will allow for an appropriate subdivision layout and phasing of the development. The deviation will not adversely impact safety, operations, aesthetics, or maintenance costs. The proposed long cul-de-sac scenario is temporary until the next project phase is constructed.

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

The deviation will not adversely affect safety or operations.

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

The deviation will not adversely affect aesthetic appearance.

Revise. An explanation must be provided for each criteria of approval. The narrative must provide detailed explanation for how or why each criteria is met. Simply stating the deviation will not adversely impact safety, operations, aesthetics, or maintenance costs is not sufficient.

**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, 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
_____	_____
Signature of applicant (if different from owner)	Date
<i>Sean Kellar</i>	<u>1/16/2019</u>
_____	_____
Signature of Engineer	Date

Engineer's Seal



**Review and Recommendation:  
APPROVED by the ECM Administrator**

\_\_\_\_\_ Date \_\_\_\_\_  
 This request has been determined to have met the criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby granted based on the justification provided. Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

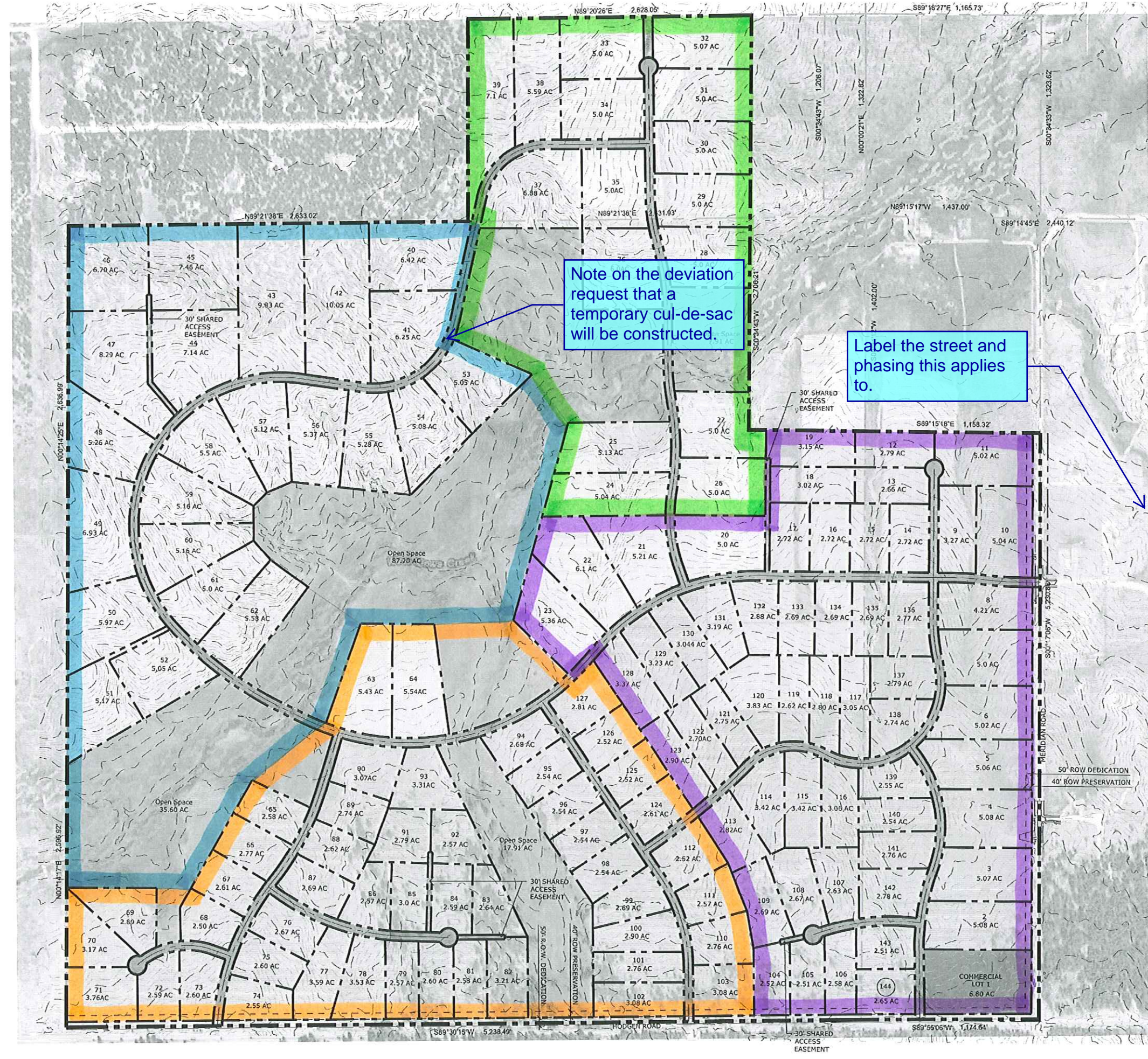
\_\_\_ Additional comments or information are attached.

**DENIED by the ECM Administrator**

\_\_\_\_\_ Date \_\_\_\_\_  
 This request has been determined not to have met criteria for approval. A deviation from Section \_\_\_\_\_ of ECM is hereby denied. Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_ Additional comments or information are attached.



Note on the deviation request that a temporary cul-de-sac will be constructed.

Label the street and phasing this applies to.

**LOT COUNT**  
 5+ ACRE LOTS = 52  
 2.5 ACRE LOTS = 91  
 6.80 ACRE COMMERCIAL = 1  
 TOTAL = 144  
 SHARED ACCESS TRACTS = 2.18 AC  
 OPEN SPACE AREA TOTAL = 148.62 AC  
 LINEAR FEET ROAD = 28,334

*PHASE*      *LOTS*

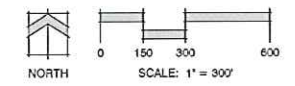
1	48
2	23
3	56 + 1
4	16

Land Planning  
 Landscape Architecture  
 Urban Design

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McCune Ranch  
 CONCEPT LAYOUT

DATE:	8/28/18	
PROJECT MGR:	A. BARLOW	
PREPARED BY:	B. SWENSON	
DATE:	BY:	DESCRIPTION:



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