



**Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

| | |
|---------------------|-----------------------------------|
| Project Name : | Creeside at Lorson Ranch filing 2 |
| Schedule No.(s) : | 5523114075 |
| Legal Description : | See Attached |

APPLICANT INFORMATION

| | |
|-------------------|---|
| Company : | Matrix Design Group |
| Name : | Jason Alwine |
| | <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor |
| Mailing Address : | 2435 Research Parkway, Suite 300, Colorado Springs, CO 80920 |
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| FAX Number : | |
| Email Address : | jason.alwine@matrixdesigngroup.com |

ENGINEER INFORMATION

| | | | |
|-------------------|---|------------------------|-------|
| Company : | Core Engineering Group | Colorado P.E. Number : | 33997 |
| Name : | Richard Schindler, P.E. | | |
| Mailing Address : | 15004 1 st Avenue S. Burnsville, MN 55306 | | |
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| Email Address : | Rich@ceg1.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

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Please include exhibit showing location of pedestrian ramps. Ensure exhibit is large enough to include ramps in close proximity to area of question.

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

A deviation from the standards of or in Section 2.5.2.(C3) of the Engineering Criteria Manual (ECM)

Identify the specific ECM standard which a deviation is requested:

Pedestrian ramps at "T" intersections.

ECM 2.5.2.C.3 - All "T" intersections will have a minimum of 4 curb ramps.

State the reason for the requested deviation:

Allow only two pedestrian ramps to be constructed at the T-intersection of Luneth Drive and Shunka Lane.

Include explanation of why there is a request for only 2 ramps.

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

The proposed alternative is to construct pedestrian ramps crossing Shunka Lane and no ramps crossing Luneth Drive at this T-intersection. The ECM standard is for T-intersections to have a minimum of ~~three~~ four curb ramps.

Include description of where the next closest set of ramps would be.

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:

The intersection is in close proximity of another intersection with all the required ramps proposed/constructed. Installation of an additional ramp at this intersection is not feasible as the grading cannot meet ADA requirements along the ADA curb returns. The additional ramps may also be a safety concern as the removed crossing is at the edge of a large curve. The crossing at Luneth Drive and Akela Lane is approximately 120' feet away and provides a much safer intersection for pedestrian movements.

The standard does not impose any particular hardship on the applicant. However, it will be more beneficial to pedestrian continuity and public safety.

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.

Elimination of one of the three ramps at this intersection will not impede pedestrian movements and will result in safer pedestrian crossing due to grading concerns and the inability to meet ADA slope requirements (where required). The additional ramps may also be a safety concern as the removed crossing is at the edge of a large curve. A pedestrian will be able to cross at an alternate location within approximately 120' of the eliminated ramps.

The deviation will not adversely affect safety or operations.

Elimination of one of the three ramps at this intersection will not impede pedestrian movements and will result in safer pedestrian crossing due to grading concerns and the inability to meet ADA slope requirements (where required). The additional ramps may also be a safety concern as the removed crossing is at the edge of a large curve. A pedestrian will be able to cross at an alternate location within approximately 120' of the eliminated ramps.

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

Maintaining fewer pedestrian ramps will be less expensive.

The deviation will not adversely affect aesthetic appearance.

Fewer pedestrian ramps will not visually affect the intersection's appearance nor prevent adequate, safe pedestrian movements.

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

The deviation will meet the design intent and purpose of the ECM as elimination of ramps at the intersections will not impede pedestrian movements and will result in safer pedestrian crossing.

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.

Water quality requirements will be met regardless of pedestrian ramp elimination.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.5.2.(C2) 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 2.5.2.(C2) 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.