



Planning and Community  
Development Department  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Midtown Collection at Hannah Ridge Filing No. 1  
Schedule No.(s) : 53324-03-008  
Legal Description : Midtown Collection at Hannah Ridge Filing No. 1

### APPLICANT INFORMATION

Company : Elite Properties of America, Inc.  
Name : Jim Boulton (Vice President)  
☒ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 6385 Corporate Drive, Suite 200  
Colorado Springs, Co 80919  
  
Phone Number : 719-592-9333  
FAX Number : 719-457-1442  
Email Address : jrboulton@classichomes.com

### ENGINEER INFORMATION

Company : Classic Consulting Engineers & Surveyors  
Name : Kyle Campbell  
Mailing Address : 619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
  
Phone Number : 719-785-0790  
FAX Number : 719-785-0799  
Email Address : kcampbell@classicconsulting.net  
  
Colorado P.E. Number : 29794

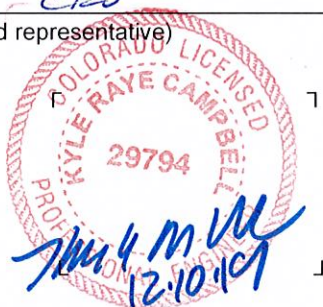
### OWNER, APPLICANT, AND ENGINEER DECLARATION

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



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

A deviation from the standards of or in Section **2.2.5.E** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Roads should not intersect urban local roadways closer than 175 feet from each other (centerline to centerline) and shall not intersect a rural roadway closer than 330 feet from each other.

State the reason for the requested deviation:

Unique building orientation and rear-loaded garages, along with a unique "small lot" community design provides an alternative community type not seen in El Paso County. Proposed lot depths dictate the private rear-loaded garage access location which is more compact than a typical County residential development. Single family residential front doors will face the public right-of-way. The depth of the lot dictates the intersection spacing which is closer to 130 feet from centerline to centerline compared to 175 feet.

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

The proposed alternative is approximately 45' less than the ECM standard. This reduced centerline to centerline spacing is due to a typical 79.5' deep lot and each unit being accessed front the front and rear of the home. Typically residential lots are back to back without "alleys" and the larger lot depth accommodates the minimum ECM intersection spacing.

## 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:

Adequate provisions for access, drainage and utilities.

## 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.

All proposed access points are full movement and pose no safety concerns. Access to maintenance and utility corridors are improved.

The deviation will not adversely affect safety or operations.

There are no safety or operation concerns by reducing the intersection spacing by approximately 45 feet.

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

The private access driveways will be owned and maintained by the Midtown Collection at Hannah Ridge H.O.A. El Paso County will not be responsible to maintain roadways outside the public right-of-way.

The deviation will not adversely affect aesthetic appearance.

Street right-of-ways and entries will be landscaped as indicated on the PUD Plan. The landscaping within the private tracts will be installed by the developer and maintained by the Midtown Collection at Hannah Ridge H.O.A.

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

The suggested Intersection spacing was slightly reduced from 175 feet to approximately 145'. The design intent and purpose of the ECM standards are upheld with this intersection spacing reduction.

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.

Proposed intersection spacing distance shorter than allowed by the ECM criteria is not applicable to the control measure requirements of the County's MS4 permit process.

**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.



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Email Address : jrboulton@classichomes.com

### ENGINEER INFORMATION

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Phone Number : 719-785-0790  
FAX Number : 719-785-0799  
Email Address : kcampbell@classicconsulting.net

### 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.

 CEO  
Signature of owner (or authorized representative)

12-10-19  
Date

Engineer's Seal, Signature  
And Date of Signature



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

A deviation from the standards of or in Section **2.3.8.A** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Cul-de-sacs shall be used only where absolutely necessary.

State the reason for the requested deviation:

Unique building orientation and rear-loaded garages, along with a unique "small lot" community design provides an alternative community type not seen in El Paso County. Permanent dead end or turnarounds provide an engineering solution to a real world situation allowing residents access to rear-loaded garages and fire apparatus access. Dead ends and turnarounds will provide access to utility corridors for maintenance.

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

Private roads provide access to rear-loaded garages and utility corridors outside of the public right-of-way. Lot layout for the unique single-family development dictate turn around and dead end locations. Turnaround length and geometry meet the current access requirements by the Cimarron Hills Fire Department and the Cherokee Metropolitan 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:

Adequate provisions for access, drainage and utilities. Design exceeds current access requirements by fire and utility districts.

## 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.

All proposed access points are full movement and pose no safety concerns. Access to rear-loaded garages and utility corridors are improved with hammerheads.

The deviation will not adversely affect safety or operations.

There are no safety or operation concerns regarding the private hammerhead roadway terminations.

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

The private access driveways will be owned and maintained by the H.O.A. El Paso County will not be responsible to maintain roadways not within the public right-of-way.

The deviation will not adversely affect aesthetic appearance.

Private street right-of-ways and entries will be landscaped as indicated on the PUD Plan. The landscaping within the private tracts will be installed by the developer and maintained by the Midtown Collections at Hannah Ridge H.O.A.

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

Permanent hammerhead turnarounds are located in the private right-of-way and are designed to the purpose and intent of the current ECM standards. Hammerheads are a private roadway improvement designed to a ECM standard.

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.

Permanent hammerhead turnarounds not applicable to the control measure requirements of the County's 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.

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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.