



**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 :	Liberty Tree Academy, Phase 2
Schedule No.(s) :	PPR2018
Legal Description :	Lot 1178, Woodmen Hills Filing #10

APPLICANT INFORMATION

Company :	Liberty Tree Building Corp.		
Name :	Michael Peterson		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Owner	Consultant	Contractor
Mailing Address :	8579 Eastonville Road Falcon, CO 80831		
Phone Number :	719-822-3799		
FAX Number :			
Email Address :			

ENGINEER INFORMATION

Company :	Matrix Design Group	Colorado P.E. Number :	24520
Name :	David Kline		
Mailing Address :	1601 Blake Street, #200 Denver, CO 80202		
Phone Number :	303-572-0200		
FAX Number :	303-572-0202		
Email Address :	dave_kline@matrixdesigngroup.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



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

A deviation from the standards of or in Section **2.2.5.B.1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Rural and Urban Principal Arterial and Rural Minor Arterial Access Criteria.

State the reason for the requested deviation:

Site has limited access options due to the triangular shape of the property.

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

The triangular shape of the parcel has three sides. One side is encumbered by a drainage channel and adjacent private property. One side is next to a residential property. The only remaining side is adjacent to Eastonville Road. Due to the lot configuration, the proposed access aligns with an existing local roadway. The proposed four leg intersection is stop controlled on the side street/access drive, prioritizing the corridor operation at Eastonville Road.

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:

No feasible alternative is available or practical.

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.

Since the proposed intersection is adjacent to an existing local roadway, the result is compatible to the roadway network.

The deviation will not adversely affect safety or operations.

The proposed intersection meets the County design standards and meets design safety and operational criteria.

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

The proposed improvement is on private property and the associated costs are the responsibility of the property owner.

The deviation will not adversely affect aesthetic appearance.

The improvement meets the neighborhood character and does not have an adverse impact on aesthetic appearance.

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

The design is in accordance with County design guidelines.

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 project includes GEC documents.

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.