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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## PROJECT INFORMATION

Project Name :	Paint Brush Hills Filing No. 14
Schedule No.(s) :	SF2024
Legal Description :	See attached.

## APPLICANT INFORMATION

Company :	The Landhuis Company
Name :	Jeff Mark
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	212 N. Wahsatch Avenue, Suite 301 Colorado Springs, CO 80903
Phone Number :	719-635-3200
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## ENGINEER INFORMATION

Company :	M&S Civil Consultants, Inc.	Colorado P.E. Number :	37160
Name :	Virgil A. Sanchez		
Mailing Address :	212 N. Wahsatch Avenue, Suite 305 Colorado Springs, CO 80903		
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Email Address :	<a href="mailto:virgils@mscivil.com">virgils@mscivil.com</a>		

## 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

\_\_\_\_\_  
Engineer's Seal, Signature  
And Date of Signature



\_\_\_\_\_  
3-22-21

\_\_\_\_\_  
Date

**EPC FILE NO. SP206  
SF2020**

PCD File No. \_\_\_\_\_

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

A deviation from the standards of or in Section **2.5.2.C.4** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ECM Section 2.5.2.C.4 Mid-Block Ramps on Local Roadways. Curb ramps on local roadways shall be spaced not greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block curb ramps shall be provided at spacing's that minimize travel distances between curb ramps. Private accesses may be used for these access points where the access is designed to meet curb ramp requirements. The pavement markings and signing required by the ECM and MUTCD shall be provided for mid-block curb ramps.

State the reason for the requested deviation:

Mid-block pedestrian crossings are not required by Federal/ADA regulations, they are provided as an increased convenience for people walking and accessibility support for those with physical limitations and people with disabilities.

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

We are requesting to reduce the number of mid-block pedestrian ramps on Keynes Drive, Kingsbury Drive and Country Manor Drive. Curb ramps are provided at the intersecting streets and we are providing one mid-block pedestrian crossing on Keynes Drive, Kingsbury Drive and Country Manor Drive in lieu of at 600 foot intervals. This will provide the needed accessibility and convenience required.

**LIMITS OF CONSIDERATION**

(At least one of the conditions listed below must be met for this deviation request to be considered.)

X 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:

Mid-block pedestrian crossings are not required by Federal/ADA regulations, they are provided as an increased convenience.

**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.

Curb ramps are provided at the intersecting streets and we are providing one mid-block pedestrian crossing on Keynes Drive, Kingsbury Drive and Country Manor Drive which will achieve a comparable design.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations, as it is not required but more of a convenience.

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

There will be less of a maintenance problem as there are less crossings to maintain.

The deviation will not adversely affect aesthetic appearance.

NA

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

The deviation meets the design intent and purpose of the ECM Section 2.5.2.C.4 Mid-Block Ramp, as a mid-block ramps are still provide but not at the interval indicated.

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.

NA

**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 1

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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.

Γ 1

L 1

**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.