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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	Sanctuary of Peace Residential Community
Schedule No.(s) :	7103001034
Legal Description :	A portion of the SW quarter of Section 27, T11S, R66W of the 6 <sup>th</sup> PM, El Paso County, Colorado.

### APPLICANT INFORMATION

Company :	Benet Hill Monastery of Colorado Springs	
Name :	Vincent Crowder, Property and Building Manager	
	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	15760 State Highway 83, Colorado Springs, CO 80921	
Phone Number :	719-633-0655	
FAX Number :		
Email Address :	vcrowder@benethillmonastery.org	

### ENGINEER INFORMATION

Company :	M.V.E., Inc.	Colorado P.E. Number:	31672
Name :	David R. Gorman		
Mailing Address :	1903 Lelaray St, Ste 200, Colorado Springs, CO 80909		
Phone Number :	719-635-5736		
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Email Address :	daveg@mvecivil.com		

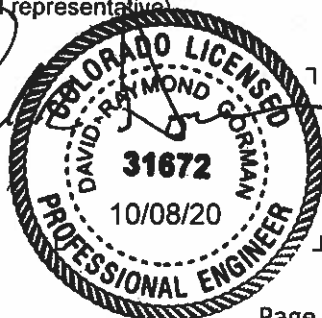
### OWNER, APPLICANT, AND ENGINEER DECLARATION

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 10.9.2020

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 **2.2.4.B.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.3.3.E *“Horizontal alignment design speed must be consistent with the requirement for vertical alignment design speed. The minimum acceptable design radii are shown in Tables 2-4 through 2-7.”*

This request is to allow centerline curve radii as small as 50 feet on the private local low-volume residential roadway where 100 feet is the minimum according to Table 2-7.

State the reason for the requested deviation:

The purpose of the deviation is to create a private local low-volume roadway that minimizes disturbance to the existing topography, utilizing the existing trail as much as possible while providing access to the 14 proposed residential buildings on the site.

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

The proposal is to allow the proposed private roadway to be constructed with some of the centerline curve radii reduced to 50 feet. The minimum radius for local low-volume roadways is 100 feet. In this case, the requested private roadway will carry local traffic at low speeds in a clustered neighborhood located off Benet Lane near the Benet Hill Monastery. The character of the development in a forested area, reduced width roadways and tighter curves are all conducive to lower speeds.

**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 intended nature of the PUD site is to be a clustered residential neighborhood amidst 45 acres of forested open space land in Black Forest. The proposed centerline radii will enable the development to better harmonize with the natural topography, trees and vegetation. The tighter radii serves to compact the developed area while enlarging the preserved open space tracts on the site. The 50' centerline radii will not present a safety hazard in the limited population close contained neighborhood due to low volume and low speeds on the roadway.

**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.

There are no financial considerations associated with the deviation request. The deviation will allow the proposed private road to provide access to the 14 lots within the PUD in a safe manner that allows a compact developed area, enlarged open space that preserves the natural topography of site as much as practically possible.

The deviation will not adversely affect safety or operations.

This deviation will not adversely affect safety or operations. The proposed radii are safe for the purpose of providing access to low-speed, low-volume roadway in the restricted conditions of the forested environment.

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

No portion of the site, including the asphalt sidewalks, are the maintenance responsibility of El Paso County. Maintenance will be performed by the Sanctuary of Peace Property Owners Association.

The deviation will not adversely affect aesthetic appearance.

The is no aspect of the proposed reduced centerline radii will adversely affect the aesthetic appearance of the site or roadway.

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

The proposed roadway with reduced centerline curve radii will provide safe and effective access to the residents of site as intended in the criteria due to low speeds and low volumes on the roadway and general conditions of the forested area.

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 proposed deviation does not affect the water quality of the site as with storm detention and water quality treatment in an on-site private BMP's with Water Quality Treatment Volume and slow release.

**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.

