



Planning and Community
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**DEVIATION REQUEST
AND DECISION FORM IN
ASSOCIATION WITH A
REQUEST FOR A PUD
MODIFICATION FROM
THE ECM**

Updated: 6/26/2019

Pursuant to the El Paso County Land Development Code, the Board of County Commissioners may approve as part of the Planned Unit Development (PUD) approval a Modification to the Engineering Criteria Manual standards provided the Board can make the findings listed Section 4.2.6.F.2.h of the Land Development Code:

The proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The review and approval of this Deviation does not authorize construction of the requested improvements until and unless the Board of County Commissioners approves the Modifications in association with the Planned Unit Development request, the applicant has received approval of all associated engineering documents, the applicant has provided the necessary financial assurances, and a construction permit has been issued by the Planning and Community Development Department.

PROJECT INFORMATION

Project Name: Copper Chase at Sterling Ranch Fil No. 1

Schedule No.(s) : 5232410003

Legal Description : A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4, SE 1/4) OF SECTION 32, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4, SW 1/4) OF SECTION 33, T12S, R65W OF THE 6TH P.M., AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 5, T13S, R65W OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING TRACT E, "STERLING RANCH FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 222714894 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER'S OFFICE.SAID PARCEL CONTAINS 856,016 SQUARE FEET (19.651 ACRES, MORE OR LESS).

APPLICANT INFORMATION

Company : Challenger Homes

Name : Jim Byers

Owner Consultant Contractor

Mailing Address : 8605 Explorer Drive, Suite 250, Colorado Springs, CO 80920

Phone Number : 719-602-5192

FAX Number : N/A

Email Address : jim@mychallengerhomes.com

ENGINEER INFORMATION

Company : M&S Civil Consultants, Inc.

Name : Virgil A. Sanchez Colorado P.E. Number : 37160

Mailing Address : PO Box 1360, Colorado Springs, CO 80901

Phone Number : 719-491-0818

FAX Number : N/A

Email Address : virgils@mscivil.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) 6-19-23
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 **2.5.2.C.3: Accessible Curb Ramps – “T” Intersections Mid-Block Ramps on Local Roadways** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the number of ped ramps at a “T” intersection (4) is requested. An excerpt of the standard is provided below.

3. "T" Intersections. All "T" intersections shall have a minimum of four curb ramps as shown in Figure 2-36. A private access may be used as a curb ramp provided it is designed to meet ramp requirements and it is within the intersection and directly across from other ramps.

State the reason for the requested deviation:

The deviation is being requested in order to promote safer pedestrian circulation paths that function similar to or superior to that of the ECM standards and responds to market demands of lot density and various site constraints.

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

The proposed layout includes the following deviation(s) from standard ECM Standards for the number of PED ramps at a “T” intersection. Requesting;

- 2 PED ramps at Blue Feather Loop and Lost Trail Drive northeastern intersection.
- 2 PED ramps at Blue Feather Loop and Salt Fork Drive northeastern intersection.
- 2 PED ramps at Blue Feather Loop and Blue Feather Loop intersection.

The PED ramps at the southeastern end of these intersections will be installed as required. Installation of all required PED ramps at the northeastern end is not logical since it would create additional conflict points for pedestrian and vehicular travel paths due to the close proximity of the intersections. It is also not feasible to have these additional PED ramps due to the smaller lot geometry and associated features such as driveway requirements and lot density. As an alternative solution to these problems, one PED ramp will be constructed at a central point between the locations to create a comparable pedestrian circulation path that does not impede pedestrian movements and creates safer pedestrian crossings.

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:

Justification for the requested deviations for reduction in the number of PED ramps at these three intersections include:

- Proposed crossing location provides midpoint access coming from both sides
- Reduces number of conflict points between pedestrian and vehicle traffic paths resulting from proximity of intersections and lot density
- Lot geometry, density, and associated features such as driveways promote the desire for a solution to the original problem
- Similar circulation paths can be achieved with this solution
- Doesn't impede pedestrian movements
- Eliminates "cluttered" look at the close-proximity intersections

The PED ramps at the southeastern end of these intersections will be installed as required. Installation of all required PED ramps at the northeastern end is not logical since it would create additional conflict points for pedestrian and vehicular travel paths due to the close proximity of the intersections. It is also not feasible to have these additional PED ramps due to the smaller lot geometry and associated features such as driveway requirements and lot density. As an alternative solution to these problems, one PED ramp will be constructed at a central point between the locations to create a comparable pedestrian circulation path that does not impede pedestrian movements and creates safer pedestrian circulation paths.

The standard does not impose a particular hardship on the applicant. However, it will be more beneficial to pedestrian safety and circulation paths considering the aforementioned justifications.

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.

The number of PED ramps provided will achieve a comparable or superior level of performance as the standard with respect to the following:

- Pedestrian ramp traffic volume accommodation – Directly decreasing the number of available circulation patterns (by not adding the 4th ramp) moderately increases travel time at the proposed BFL crossing. Since the travel time and volume are directly related, capacity is anticipated to be similar to the non-deviation conditions.
- Pedestrian circulation patterns – A Central access point for crossing BFL is proposed which continues to provide a comparable path as the purpose the eliminated ramps would serve.
- Pedestrian Safety – Adding the additional ramps at the close-proximity, affected intersections would result in additional conflict points with vehicular traffic, therefore, a superior level of safety is anticipated to be provided with the proposed alternative.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations. Pedestrian crossings will be safer and will not impede pedestrian movements.

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

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.

Deviation will not adversely affect aesthetic appearance of the impacted intersections. Fewer PED ramps will make the close-proximity intersections in question not look so cluttered.

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

The deviation meets the intent and purpose of the ECM standards as elimination of ramps at each intersection will not impede pedestrian movements and will result in safer pedestrian crossing due to the aforementioned justifications.

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. Stormwater quality requirements will be met regardless of PED 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.C.3 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.C.3 of the ECM is hereby denied.

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ECM ADMINISTRATOR COMMENTS/CONDITIONS:

The Deviation is only valid until and unless the Board of County Commissioners approves the Planned Unit Development Modifications.

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.