Planning and Community Development Department
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DEVIATION REQUEST AND DECISION FORM IN ASSOCIATION WITH AREQUEST 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) Date 4/28/23

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.4: 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 maximum mid-block ped ramp spacing on local roadways (600') is requested. An excerpt of the standard is provided below.

4. **Mid-Block Ramps on Local Roadways.** Curb ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block curb ramps shall be provided at spacings 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:

The deviation is being requested in order to promote a reasonable sidewalk layout to accommodate pedestrian traffic from a logical access point that is considered comparable or superior to that of the ECM standards.

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 mid-block pedestrian ramp spacing. Requesting;

- 610' maximum spacing. Standard maximum spacing is 600' for local roadways.

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 an increase in the maximum ped ramp spacing include:

- Proposed access point (ped ramp) location avoids conflict with drainage structures, potentially ponded area, and steep grading
- Less directional changes when traveling from open-space area to public facilities on Sterling Ranch Road
- Only occurs at one location (SE corner) on-site

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 maximum ped ramp spacing will achieve a comparable level of performance as the standard distance with respect to the following:

- Pedestrian ramp traffic volume accommodation
- Pedestrian traffic patterns
- Provides superior means of travel from private to public facilities

Please discuss how comparable levels are met for each bullet point provided.

- **Pedestrian ramp traffic volume accommodation –** There is capacity (as compared to providing an additional ramp). but is changes to typical pedestrian patterns.
- **Pedestrian traffic patterns** – One fewer ramp will not significa instance, an added ped ramp at the low-point of BFP would lik
- **Central Access Point** – Deviation still allows the ability to prov space area to Sterling Ranch Road public facilities by providing
- **Alternative(s) Solution Comparison** – adding an additional ra conflicts and potentially increase maintenance dues to close pr inexperienced personnel may damage nearby structures. Relo because the provided Tract serves as pedestrian access to Ste main tie in location.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations.

Please discuss how reducing the amount of ramps for pedestrians does not adversely affect public safety or operations.

The deviation will not adversely affect safety or roadway operations. Safety and roadway operations would be negatively affected with adding an additional ramp since the added crossing location would provide another conflict point. Also, 11' of an increase in the travel distance would have a comparable level of safety and necessary operations as meeting the 600' maximum.

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

Deviation will not affect maintenance and its associated cost.

Deviation will not affect maintenance and its associated cost. Maintenance is less than providing an additional ramp. It is also likely less than the alternative of relocating the ramp out of the associated Tract since the ramp would be in closer proximity to other infrastructure and driveways.

The deviation will not adversely affect aesthetic appearance.

Deviation will not affect aesthetic appearance of the impacted roadway section.

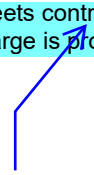
The deviation meets the design intent and purpose of the ECM standards.

The deviation meets the intent by providing a layout nearly identical to the standards that provides a more efficient means of travel from private to public facilities and a comparable level of performance.

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 requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit.

The requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit. Water quality treatment for the site discharge is provided at the downstream Pond W-5.



Add back previous descriptions

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator **2.5.2.C.4: Mid-Block Ramps on Local Roadways**

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.

⌜ ⌝

⌞ ⌟

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.

⌜ ⌝

⌞ ⌟

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.

DEVIATION EXHIBIT: MID-BLOCK PED RAMP SPACING