



**Planning and Community  
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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

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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 6<sup>TH</sup> P.M., AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4, NE 1/4) OF SECTION 5, T13S, R65W OF THE 6<sup>TH</sup> 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 : None  
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.

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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 **Section 2.3.3.F.3: Broken Back Curves** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the minimum tangent length between broken back curves (200') is requested. An excerpt of the standard is provided below:

3. **Broken Back Curves.** Two curves in the same direction (broken back curves) shall be separated by a tangent with a length of at least two times the minimum length shown in Table 2-10. For local roadways, a minimum tangent of 200 feet shall be used to separate all broken back curves.

State the reason for the requested deviation:

The deviation is being requested to create a more efficient development in terms of land devoted to transportation facilities and to maximize land for single-family and open space land uses on an irregularly shaped infill development parcel. The intersection spacing of Sterling Ranch RD and Alzada to Bynum Rd restricts where Blue Feather Loop can intersect Bynum Dr., restricting the broken Back Curve tangent length requirement.

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

The proposed transportation facility layout includes the following deviation(s) from standard ECM Standards pertaining to an urban local roadway cross section. Requesting;

- 88.27' minimum tangent whereas typical standard is 200' minimum tangent length between broken back curves.

## 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 include:

- More efficient use of land for infill development
- Facilitate a single-family lot configuration that efficiently responds to utility, vehicle and pedestrian transportation, and drainage demands
- To minimize vehicle dominance of the street realm and streetscape in order to promote pedestrian dominance and orientation with the site plan design and development phase

## 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 improvements and proposed cross section will achieve a comparable level of performance as the standard cross section with respect to the following:

- Traffic volume capacity – an 88' tangent will not impede traffic capacity
- Utility placement – The 88' tangent will not have an impact on utility placement
- Stormwater conveyance - The 88' tangent will not have an impact on utility placement
- Pedestrian access and circulation – a mid-block t-intersection ped ramp is proposed in the center of the 88' length
- Fire district has reviewed and approved the access and circulation based on their criteria – See approval

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or roadway operations. The Black Forest Fire Rescue Protection District has reviewed and approved the access and circulation provided on the preliminary plan based on their criteria and do not object to the configurations and improvements as shown on the preliminary plan. The Traffic Study is in support of the current layout. Site distances of 150' will not be impeded as the lots on the inside corners are set back.

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

This deviation request would not affect maintenance and any associated cost. These are public roads and shall be maintained by El Paso County. The tangent length between the broken back curves will not financially impact associated roadway maintenance. Any maintenance will be the same as the typical standard length vs. the shortened tangent length.

The deviation will not adversely affect aesthetic appearance.

Approval of this deviation request would not affect the aesthetic appearance of the roadway. Typical roadway and Tract H shall be landscaped, and views of the deviated tangent length will be negligible.

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

The deviation meets the intent by providing a street cross section and other design features that are consistent with the anticipated function and traffic volumes as described in the TIS. The ECM standards are necessary to protect and promote public health, safety, and the general welfare of the public. This deviation request will have a negligible impact to the purpose of the ECM standards.

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. Water Quality is being provide by the offsite WQ Pond W4, which is the Sterling Ranch Metro District maintains.

**REVIEW AND RECOMMENDATION:**

ECM Section 2.3.3.F.3 & Table 2-10

**Approved by the ECM Administrator**

This request has been determined to have met the criteria for approval. A deviation from **Chapter 2, and Appendix F, SD 4-4** 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 **Chapter 2, and Appendix F, SD 4-4** 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**

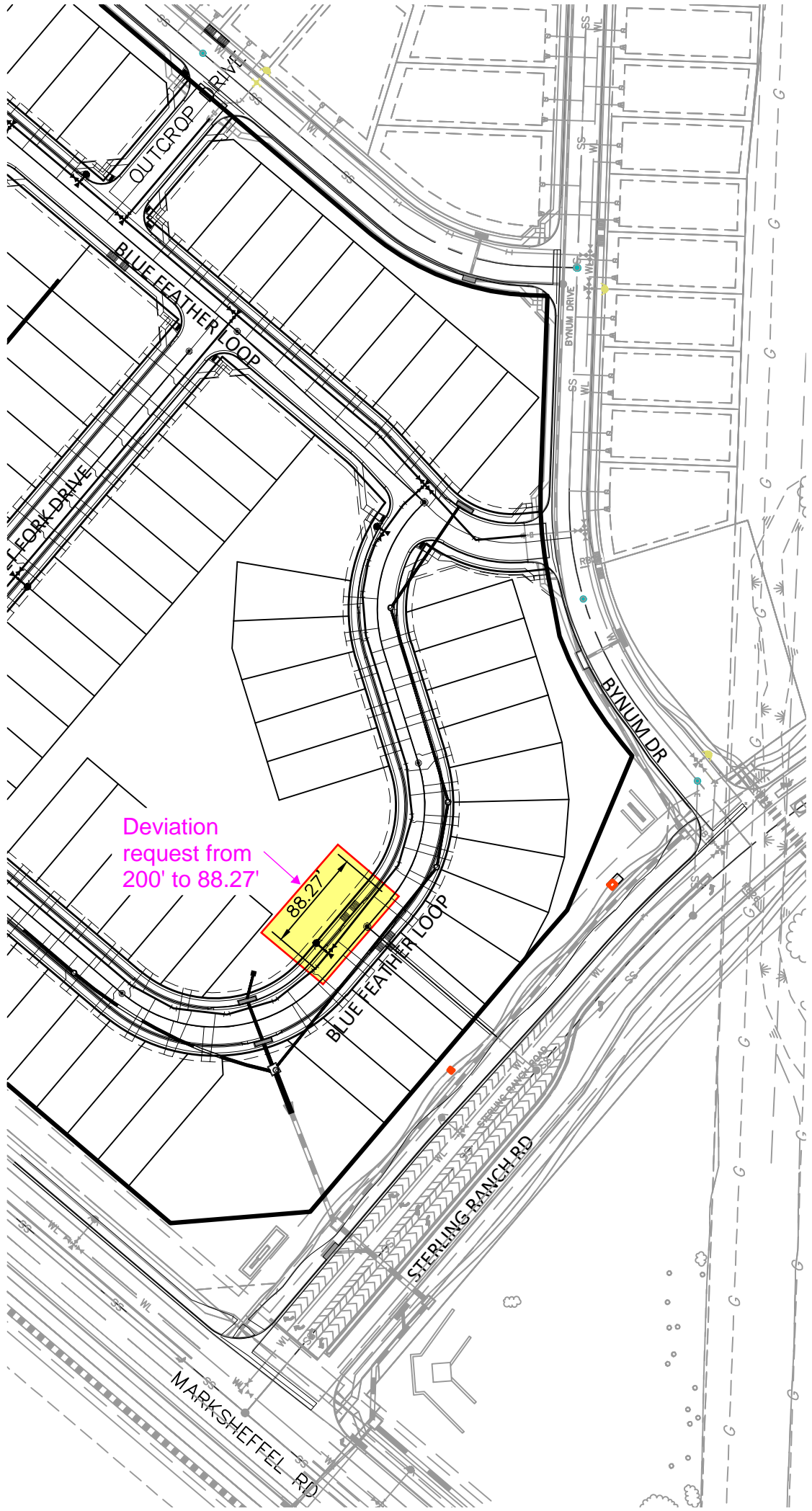
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **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.



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