



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

Updated: 6/26/2019

**PROJECT INFORMATION**

Project Name : Rolling Hills Ranch North - PUD  
 Schedule No.(s) : 4200000477  
 Legal Description : Exhibit A (see attached)

**APPLICANT INFORMATION**

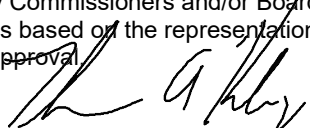
Company : Tech Contractors  
 Name : Thomas A. Kerby  
 Owner  Consultant  Contractor  
 Mailing Address : 11910 Tourmaline Drive, Ste 130  
 Falcon, CO 80831  
 Phone Number : 719.495.7444  
 FAX Number :  
 Email Address : tom@meridianranch.com

**ENGINEER INFORMATION**

Company : Tech Contractors  
 Name: Thomas A. Kerby Colorado P.E. Number : 31429  
 Mailing Address : 11910 Tourmaline Drive, Ste 130  
 Falcon, CO 80831  
 Phone Number : 719.495.7444  
 FAX Number :  
 Email Address : tom@meridianranch.com

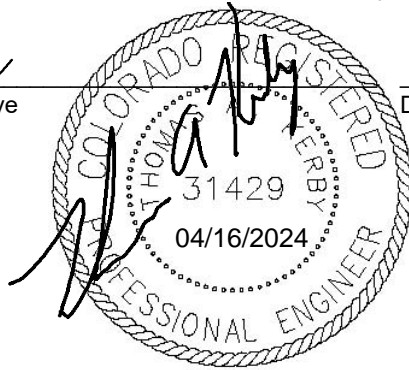
**OWNER, APPLICANT, AND ENGINEER DECLARATION**

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.

  
 Thomas A. Kerby, Authorized Representative  
 Tech Contractors

April 16, 2024  
 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.4** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.5.2.C.4 Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacings that minimize travel distances between access ramps. Private accesses may be used for these access points where the access is designed to meet access ramp requirements. The pavement markings and signing required by the ECM and MUTCD shall be provided for mid-block access ramps.

State the reason for the requested deviation:

The PUD modification to remove the need for a midblock crossing is consistent with the following considerations identified in Section 4.2.6.F.2.h of the Land Development Code:

- **Provision to promote pedestrian safety** – pedestrians entering the roadway from behind parked vehicles where lines of sight are limited or blocked can create a false sense of security the roadway without looking for traffic. The use of mid-block pedestrian crossings can create safety hazards by blocking or hindering sight lines and placing pedestrians in danger.
- **Provision of a more efficient pedestrian system** – pedestrian circulation within Meridian Ranch is focused on the provided trail system, which connects the residential areas to the parks and open space. The project is designed to encourage the use of the trail system, rather than the sidewalks, where possible. On the streets where mid-block crossings are not provided, there are no pedestrian destinations or trails that would necessitate a midblock crossing to connect to amenities.
- **Provision of additional open space** – by encouraging the residents to use the trail system, the project provides better access to the open space in the development.

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

The deviation would eliminate mid-block pedestrian crossings between intersections on the following streets: Chalk Cliffs Drive, Lava Falls Drive, Sunrise Ridge Drive, Crystal Falls Drive and House Rock Drive.

**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 desired change is to provide increased safety, where pedestrians enter the roadway from behind parked vehicles where lines of sight are limited or blocked. The use of mid-block pedestrian crossings can create safety hazards by blocking or hindering sight lines and placing pedestrians in danger.

The change will also provide a specific design characteristic within the project. The development has a focus on the trail system that meanders in an out of open space and local park space, the desire is to encourage the use of the trails. The design concept also creates an aesthetically pleasing, consistent sidewalk offset from the curb to sidewalk.

Pedestrians along residential streets will generally cross the street at any location regardless of the presence of a pedestrian ramp due to the typically low traffic volume found on local streets.

A suggested revision would be to revise the criteria such that mid-block pedestrian ramps are required as deemed necessary to provide access to schools, shopping, transportation facilities or other community facilities and services similar to the City of Colorado Springs standards.

**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 request will provide a superior design by eliminating potential crossing safety hazards.

Provision of a more efficient pedestrian system – pedestrian circulation within Meridian Ranch is focused on the provided trail system, which connects the residential areas to the parks and open space. The project is designed to encourage the use of the trail system, rather than the sidewalks, where possible. On all the streets where mid-block crossings are not provided, there are no pedestrian destinations or trails that would necessitate a midblock crossing to connect to amenities.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations.

The design enhances safety by eliminating potential dangerous mid-block crossings, where pedestrians enter the roadway from behind parked vehicles where lines of sight are limited or blocked. The deviation will also eliminate mid-block ramps where changes in direction of the sidewalk and/or grade could produce a tripping or stumbling hazard.

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

The deviation will not adversely affect the maintenance cost or the ability for maintenance vehicles to work on the street or within the right-of-way. Eliminating mid-block pedestrian ramps will reduce the cost of maintenance of pedestrian ramps, signage, and pavement markings.

The deviation will not adversely affect aesthetic appearance.

The deviation will improve the aesthetic appearance by creating unswerving smooth offset line of the sidewalk from curb.

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

The deviation meets the design intent and purposes of the ECM standards by meeting all other aspects of the standards with respect road design, road safety and pedestrian safety. There is no Federal ADA maximum distances allowed between pedestrian crossing along street that would necessitate mid-block pedestrian ramps.

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 design does not inhibit the program requirements with respect to water quality and storm water runoff during construction and future permanent facilities.

**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.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 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.

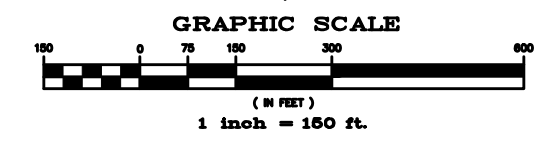
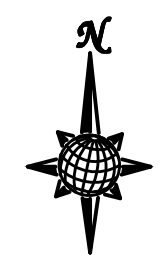
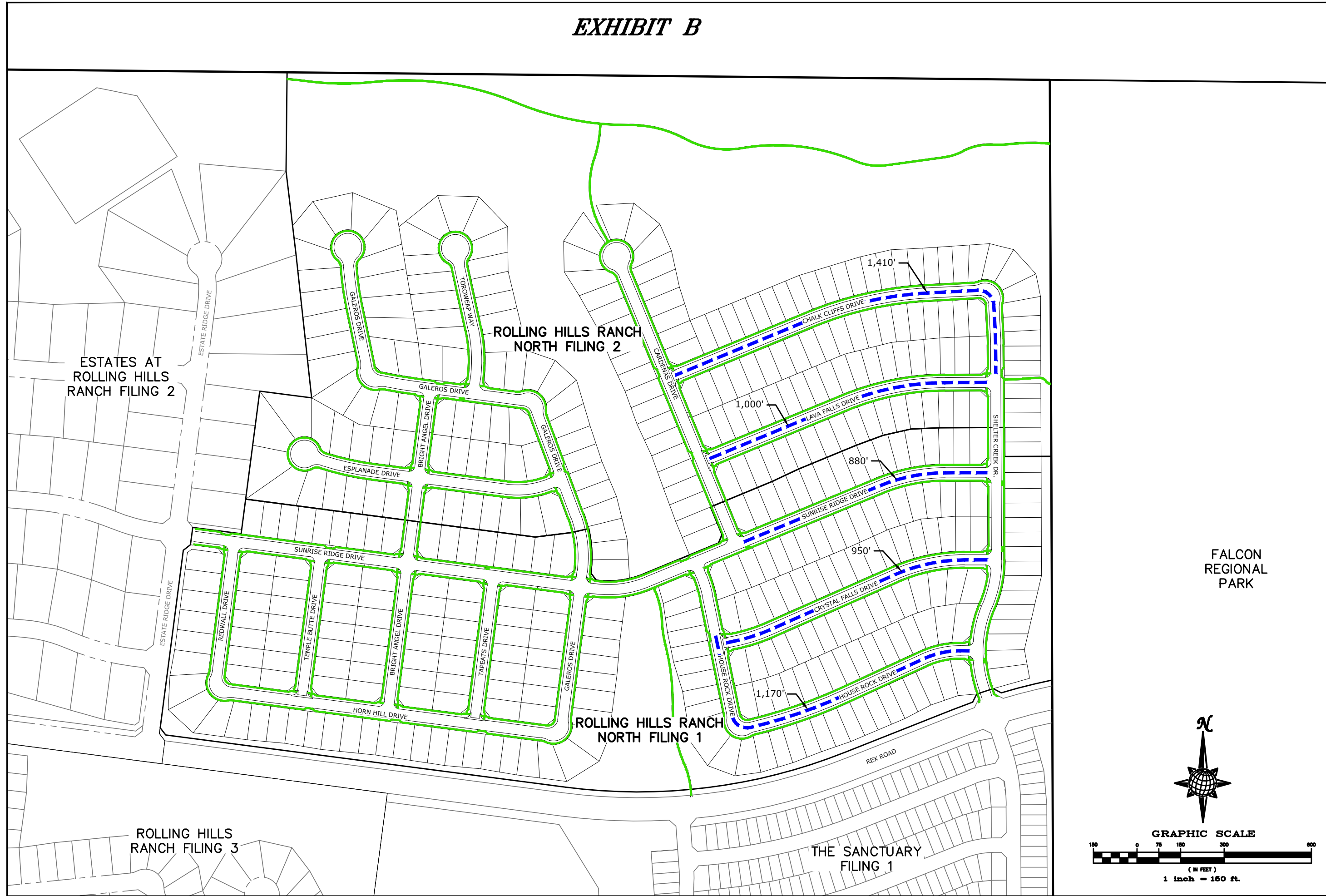
## **1.6. LIMITS OF APPROVAL**

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.

# EXHIBIT B



Scale	AS SHOWN	1 of 1	Date	DATE	Drawn by	Checked by	Title	No.	Revisions	Date	Inch	Appr.	Drawn
<p>TECH CONTRACTORS 11886 STAPLETON DRIVE FALCON, CO 80831 TELEPHONE: 719-495-7444 FAX: 719-495-3349</p>													
<p><b>MERIDIAN RANCH</b></p>													
<p>MID BLOCK FED CROSSING DEMONSTRATION ROLLING HILLS RANCH NORTH FID MERIDIAN RANCH</p>													

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