

Procedures Manual

Subject: DEVIATION REVIEW AND DECISION FORM

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.

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 5.9 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. RELATED PROCEDURES

1.6.1. Governing Procedures

P-AR-063-07 Deviation

1.6.2. Other Related Procedures

P-AR-012-07 Administrative Relief

1.7. RESOURCE

Attached is the Deviation Review and Decision Form that is used by the applicant/engineer for requesting and justifying a deviation. The form is reviewed by the ECM Administrator and approved or denied. 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.



Development Services Department
2880 International Circle
Colorado Springs, Colorado 80910

DEVIATION REVIEW AND DECISION FORM

Phone: 719.520.6300
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Website www.elpasoco.com

Procedure # R-FM-051-07
Issue Date: 12/31/07
Revision Issued: 00/00/00

DSD FILE NO.:

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General Property Information:

Address of Subject Property (Street Number/Name): 8140 Sandy Court
Tax Schedule ID(s) #: 5333303016
Legal Description of Property: Rocky Mountain Industrial Park Fil. No. 1A, Lot 2

Subdivision or Project Name:
Jackson Office Warehouse & Storage
Buildings

Section of ECM from Which Deviation is Sought: 2.2.4 Design Standards for Transportation Facilities w/ Figure 2-16
(Typical Urban Local Cross Section)
Specific Criteria from Which a Deviation is Sought:
Use of sidewalks.

Proposed Nature and Extent of Deviation:
Use a Rural Local cross section with no sidewalk.

Applicant Information:

Applicant: LWA Studios
Applicant is: Owner Consultant Contractor
Mailing Address: 201 E. Las Animas, Suite 113
Telephone Number: 719-635-0880
Email Address: larry@lgastudios.com
State: CO Postal Code: 80903
Fax Number: _____

Engineer Information:

Engineer: Michael A. Bartusek, PE
Company Name: Associated Design Professionals, Inc.
Mailing Address: 3520 Austin Bluffs Pkwy., Suite 102
Colorado Springs
Registration Number: 23329
Telephone Number: (719) 266-5212
Email Address: mbartusek@adpcivil.com
State: CO Postal Code: 80918
State of Registration: Colorado
Fax Number: (719) 266-5341

Explanation of Request (Attached diagrams, figures and other documentation to clarify request):

Section of ECM from Which Deviation is Sought: 2.2.4 Design Standards for Transportation Facilities w/ Figure 2-16
(Typical Urban Local Cross Section)
Specific Criteria from Which a Deviation is Sought: Use of sidewalks.

Proposed Nature and Extent of Deviation:
Reason for the Requested Deviation: Use of Urban Local cross section with sidewalks.

Comparison of Proposed Deviation to ECM Standard: To conform with all other adjacent developed lots within the entire Rocky Mountain Industrial Park development.

Applicable Regional or National Standards used as Basis: _____

Application Consideration:

CHECK IF APPLICATION MEETS CRITERIA FOR CONSIDERATION

JUSTIFICATION

The ECM standard is inapplicable to a particular situation.

Approved plans for the Rocky Mountain Industrial Park Subdivision do not require sidewalks. All street improvements are constructed and no sidewalks exist in the development.

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.

If at least one of the criteria listed above is not met, this application for deviation cannot be considered.

Criteria for Approval:

PLEASE EXPLAIN HOW EACH OF THE FOLLOWING CRITERIA HAVE BEEN SATISFIED BY THIS REQUEST

The request for a deviation is not based exclusively on financial considerations. For this proposed lot development adjacent lots do not have sidewalk sections.

The deviation will achieve the intended result with a comparable or superior design and quality of improvement. The proposed deviation will match the adjacent lot cross sections which have functioned without problems.

The deviation will not adversely affect safety or operations. The proposed cross section will meet the guidelines set forth in ECM 2.2.4 for Rural Local Cross Section with no modification to the existing ROW or Street Section. The addition of a sidewalk would not improve safety since there are no sidewalks in the entire industrial development.

The deviation will not adversely affect maintenance and its associated cost. There would be no maintenance cost associated with this Deviation.

The deviation will not adversely affect aesthetic appearance. Deviation will match surrounding lot development.

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,

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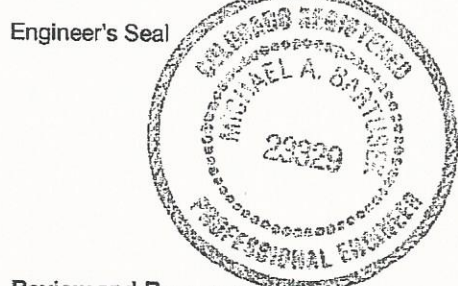
DSD File No. _____

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] _____ Date 1/25/2018

Signature of applicant (if different from owner) _____ Date _____

[Signature] _____ Date 1/25/18



Review and Recommendation:
APPROVED by the ECM Administrator

_____ Date _____
This request has been determined to have met the criteria for approval. A deviation from Section _____ of ECM is hereby granted based on the justification provided. Comments:

____ Additional comments or information are attached.

DENIED by the ECM Administrator

_____ Date _____
This request has been determined not to have met criteria for approval. A deviation from Section _____ of ECM is hereby denied. Comments:

____ Additional comments or information are attached.