

DEVIATION REQUEST (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.2.5.D and Table 2-7** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The applicant requests approval of a deviation of ECM Section 2.2.5.D and Table 2-7 to authorize commercial driveway access from the onto Southern Rail Point and Pacific Rail Point, private non-residential collectors.

Table 2-7. Roadway Design Standards for Urban Collectors and Locals (Abridged Excerpt)

Criteria	Collectors		Local	
	Non-Residential	Residential	Local	Local (low volume)
Access Permitted	No s	No s	Yes	Yes
s Where no local public or private roadway can provide access, temporary or partial turn movement parcel access may be permitted				

(Note: Table 2.7 is included as an attachment for complete reference)

State the reason for the requested deviation:

The deviation is requested to approve access from the proposed commercial lots onto private roads classified as non-residential collectors. The nonresidential collector classification is based on the projected commercial traffic volumes of approximately 10,000 ADT. The site has been designed to facilitate cross lot access and circulation between future uses which will reduce the amount of internal circulation needed on the private streets.

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

The ECM standard would require additional local (private equivalent) roads to intersect the proposed nonresidential collectors (Sothern Rail Point and Pacific Rail Point) which would significantly reduce the amount of land area needed to develop commercial land uses.

No direct access is permitted to public roads which are adjacent to the commercial development area, specifically, Meadowbrook Parkway on the north, Newt Drive on the east, and US Highway 24 on the south. The projected commercial ADT will require any internal roads to accommodate the projected traffic volumes as identified in the TIS. Incorporation of private roads in lieu of internal access easements allows traffic internal ingress and egress to and from the commercial area to be centralized on the private roads.

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 deviation is necessary to provide access to the affected parcels which would otherwise be prohibited from adjacent streets. The ECM standard would require additional local (private equivalent) roads to intersect the proposed nonresidential collectors (Sothern Rail Point and Pacific Rail Point) which would significantly reduce the amount of land area needed to develop commercial land uses.

No direct access is permitted to public roads which are adjacent to the commercial development area, specifically, Meadowbrook Parkway on the north, Newt Drive on the east, and US Highway 24 on the south. The projected commercial ADT will require any internal roads to accommodate the projected traffic volumes as identified in the TIS. Incorporation of private roads in lieu of internal access easements allows traffic internal ingress and egress to and from the commercial area to be centralized on the private roads.

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 private roads are functioning as enhanced driveways for internal circulation between lot clusters, centralize access locations to Meadowbrook Parkway, and integrate commercial traffic into the larger circulation system in a manner that does not impeded, restrict, or negatively impact traffic flows and/or operations at the Newt/Meadowbrook and Newt/US 24 intersections.

The deviation will not adversely affect safety or operations.

The deviation will not adversely impact safety or operations of the nearby supporting road network or intersections on Meadowbrook Drive, Newt Drive, or US Highway 24. Access to the internal private nonresidential collector roads channels incoming and outgoing traffic onto Meadowbrook Parkway in a manner that traffic can circulate into and out of the development while maintaining acceptable levels of service to impacted intersections.

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

The deviation will not affect maintenance and its associated cost. Access will be maintained by the Crossroads Metropolitan District Nos. 1 & 2.

The deviation will not adversely affect aesthetic appearance.

The deviation will not affect aesthetic appearance of the impacted roadway section. Roadway and Entry Feature landscaping will be provided to enhance the streetscape of the impacted roadway sections.

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

Access location will meet all the ECM standards, not included in this deviation.

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.

Access design conforms with the overall storm water management plan, also, meets the applicable MS4 permit.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

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.

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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.