



**Planning and Community  
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# DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

## PROJECT INFORMATION

Project Name :	Crossroads Mixed-Use Preliminary Plan
Schedule No.(s) :	5408007005
Legal Description :	A portion of Tract B 24/94 Business Park Fil No. 1, as amended by affidavit of correction rec. #219097386

## APPLICANT INFORMATION

Company :	Colorado Springs Equities, LLC
Name :	Danny Mientka
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
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Email Address :	danny@theequitygroup.net

## ENGINEER INFORMATION

Company :	Kimley-Horn	Colorado P.E. Number :	53006
Name :	Jeffery Planck, PE		
Mailing Address :	4852 S. Ulster Street, Suite 1500 Denver, CO 80237		
Phone Number :	720 943 9962		
FAX Number :			
Email Address :	jeff.planck@kimley-horn.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.

DocuSigned by:  
 \_\_\_\_\_ 9/14/2021  
 Signature of owner (or authorized representative) 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 **2.3.7.E.1 & E.3 and Table 2-25** of the Engineering Criteria Manual (ECM) is requested.

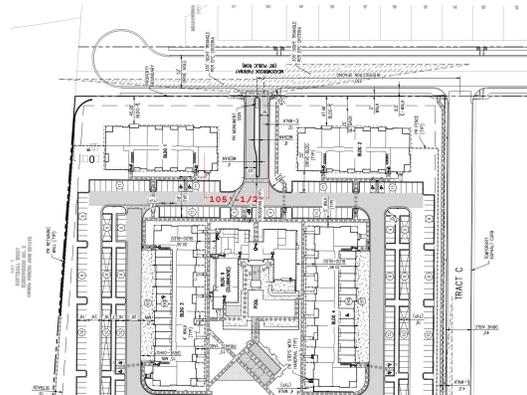
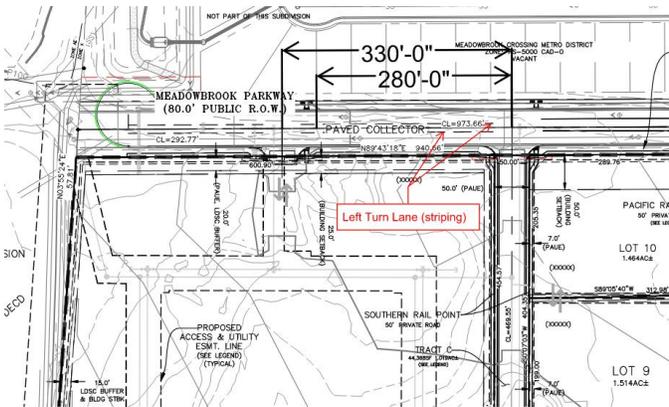
Identify the specific ECM standard which a deviation is requested:

205-foot left turn lane consisting of 155-foot deceleration lane length and 50-foot storage with a 160' taper is required per the ECM.

State the reason for the requested deviation:

330-foot spacing exists between the "West" access (multifamily driveway) on Meadowbrook and the "Middle" access (Southern Rail Point). According to the TIS, there is approximately 260 feet of available space for a westbound left turn lane at the west access due to the proposed location of the middle access.

Since there are geometric constraints with reconfiguring buildings on site, supporting traffic analysis has been provided that includes justifications for why the westbound left turn lane at the west access from Meadowbrook parkway can be accommodated in the current location. An image of the preliminary plan and development plan call out are provided below for reference. (Images are not to scale)



Shifting the access significantly impacts the site design and building orientation that exposes the vacant property on the west to additional use to use impacts and places the burden of additional buffering and screening against multifamily housing units on the future commercial development. It also disrupts the planned multifamily to single-family transition along Meadowbrook Parkway. The existing configuration uses the multi-family building configuration along Meadowbrook Parkway to provide frontage wide screening of the internal multifamily uses against the existing single-family residential land uses.

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

Alternative Turn Lane Design to provide 50-feet of storage length (standard), and 50-feet (per deviation) of deceleration lane length (substandard), and a 160-foot taper (standard) within the westbound left turn lane at the "west access" along Meadowbrook Parkway to accommodate spacing restrictions. The taper (160') and storage (50') meet criteria, the decel lane (50') is required to be 155-feet; can be accommodated.

The design plan sketch has been updated to be larger and now provides a total length of 260 feet instead of the previous 280 feet while updating the individual length components.

The deviation request has been updated with additional supporting analysis including 95th percentile vehicle queue lengths and CDOT standard lengths. Further, it should be noted that there will not be an access on the north leg of the middle access along Meadowbrook Parkway due to the configuration of the single-family development to north. This prevents having to provide back-to-back left turn lanes in the future which allows additional space for the proposed left turn lane at the west access along Meadowbrook Parkway.

The 95th percentile vehicle queues calculated within Synchro software demonstrate one (1) vehicle queue in the westbound left turn lane during the peak hour in 2026 and 2040. Further, CDOT guidelines for NR-C roadway (Non Rural Arterial) and lower classifications identify left turn lane requirements as storage length plus taper length. Based on CDOT storage requirement of one foot per left turning vehicle during the peak hour and a speed limit of 40 miles per hour, the westbound left turn lane should provide 55 feet of length plus a 145-foot taper based on CDOT standards. However, a minimum storage length of 100 feet is typically recommended when less than 100 vehicles are reported; therefore, the turn lane would be 100 feet plus a 145-foot taper based on CDOT standards. Therefore, it is believed the 100-foot turn lane plus 160-taper recommended in the deviation above is sufficient.

**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:**

This west access was reviewed and found to meet access spacing requirements; however, additional TIS analysis determined that a left turn lane would be required from Meadowbrook Parkway into this this access location.

The proposed site configuration and orientation and siting of multifamily buildings has been designed to concentrate buildings inwardly on the site. the building orientation is intended to shift the massing and siting impacts away from the vacant property to the west towards the commercial portions of the preliminary plan. The placement of Southern Rail Point is designed to provide an additional screening and buffer between planned multifamily and commercial land uses.

Shifting the "West Access" (Multifamily Access) westerly would require a reconfiguration of multifamily buildings toward the western property boundary which will shift the burden of providing adequate land use transitions, buffers, and screening on the vacant commercial property. Under the current site layout, buildings are designed to provide screening of the multifamily use against the existing single-family uses on the north side of Meadowbrook Parkway.

Shifting or moving the west access will create an undue hardship requiring a redesign of the site by reorienting and siting buildings, utilities, and site circulation to accommodate additional turn lane component lengths where it has been demonstrated that the alternative functions at an adequate level of performance and service. Since the proposed configuration provides an equal level of performance, there will be little to no benefit to the public by shifting the access and redesigning the site.

Based on the analysis provided in this request, the left turn lane, as reduced by the deviation, performs adequately within peak hours and at the 2026 and 2040 horizons. According to the TIS, "With the expected future connection of Meadowbrook Parkway to Peterson Road, the access intersections along Meadowbrook Parkway are expected to continue to operate acceptably with LOS C or better during the peak hours in 2040. Table 5 provides the results of the level of service at the key study area access intersections."

**Table 5 – Meadowbrook Parkway Project Accesses LOS Results**

Scenario	2026 Total Traffic				2040 Total Traffic			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
<b>Meadowbrook Parkway West Access (Residential)</b>								
Northbound Approach	8.5	A	8.4	A	10.3	B	10.6	B
Westbound Left	7.2	A	7.3	A	7.7	A	8.0	A
<b>Meadowbrook Parkway Middle Access</b>								
Northbound Approach	9.3	A	8.9	A	21.2	C	15.8	C
Westbound Left	8.4	A	7.9	A	9.3	A	9.1	A
<b>Meadowbrook Parkway East Access</b>								
Northbound Right	11.8	B	10.2	B	13.5	B	13.0	B

The deviation request has been updated with additional supporting analysis including 95th percentile vehicle queue lengths and CDOT standard lengths. Further, it should be noted that there will not be an access on the north leg of the middle access along Meadowbrook Parkway due to the configuration of the single-family development to north. This prevents having to provide back-to-back left turn lanes in the future which allows additional space for the proposed left turn lane at the west access along Meadowbrook Parkway.

The 95th percentile vehicle queues calculated within Synchro software demonstrate one (1) vehicle queue in the westbound left turn lane during the peak hour in 2026 and 2040. Further, CDOT guidelines for NR-C roadway (Non Rural Arterial) and lower classifications identify left turn lane requirements as storage length plus taper length. Based on CDOT storage requirement of one foot per left turning vehicle during the peak hour and a speed limit of 40 miles per hour, the westbound left turn lane should provide 55 feet of length plus a 145-foot taper based on CDOT standards. However, a minimum storage length of 100 feet is typically recommended when less than 100 vehicles are reported; therefore, the turn lane would be 100 feet plus a 145-foot taper based on CDOT standards. Therefore, it is believed the 100-foot turn lane plus 160-taper recommended in the deviation above is sufficient.

## 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 alternate turn lane configuration is projected to perform at an 'LOS A' through the 2040 horizon which is an acceptable and comparable levels of service. Intersection spacing requirements have been analyzed in the TIS and have been found to meet ECM criteria. Required left turn lanes from Meadowbrook Parkway have been provided on the preliminary plan as recommended by the TIS. The Cimarron Hills Fire Protection District has reviewed and approved the access and circulation based on their criteria.

The deviation will not adversely affect safety or operations.

The proposed left turn lane is projected to operate at an 'LOS A' into the 2040 horizon. The impacted access meets required sight distances for motorists entering Meadowbrook Parkway. Intersection spacing requirements have been analyzed in the TIS and have been found to meet ECM criteria. Required left turn lanes from Meadowbrook Parkway have been provided on the preliminary plan as recommended by the TIS. The Cimarron Hills Fire Protection District has reviewed and approved the access and circulation based on their criteria.

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

The deviation is not anticipated to adversely affect maintenance of Meadowbrook Parkway and its associated costs.

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 section.

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 design intent and purpose of the Roadway Design Criteria that includes "Layout Road to Achieve Optimum Subdivision of Land", and related concern for the design which emphasizes: "The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land."

The proposed left turn lane is projected to operate at an 'LOS A' into the 2040 horizon. The impacted access meets required sight distances for motorists entering Meadowbrook Parkway. Intersection spacing requirements have been analyzed in the TIS and have been found to meet ECM criteria. Required left turn lanes from Meadowbrook Parkway have been provided on the preliminary plan as recommended by the TIS. The Cimarron Hills Fire Protection District has reviewed and approved the access and circulation based on their criteria.

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 and associated left turn lane 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 2.3.7.E1 &E3 table 2.25 of the ECM is hereby granted based on the justification provided.

┌ **APPROVED** ┐  
**Engineering Department** ┐  
*09/17/2021 11:16:31 AM*  
*dsdnijkamp*  
└ **EPC Planning & Community** ┘  
**Development Department** ┘

**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.

**Certificate Of Completion**

Envelope Id: 91281A34C8A04A4CBCDD3260606403D0	Status: Completed
Subject: Please DocuSign: Meadowbrook Parkway - West Access Left Turn Lane Deviation_2021-09-14.pdf	
Source Envelope:	
Document Pages: 8	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Jim Houk
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	401 Fayetteville St.
	Suite 600
	Raleigh, NC 27601
	Jim.Houk@kimley-horn.com
	IP Address: 134.238.198.139

**Record Tracking**

Status: Original	Holder: Jim Houk	Location: DocuSign
9/14/2021 7:00:29 PM	Jim.Houk@kimley-horn.com	

**Signer Events**

Danny  
 danny@theequitygroup.net  
 Security Level: Email, Account Authentication (None)

**Signature**



Signature Adoption: Pre-selected Style  
 Using IP Address: 65.157.77.186

**Timestamp**

Sent: 9/14/2021 7:04:24 PM  
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 Signed: 9/14/2021 7:05:33 PM

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

**In Person Signer Events**

**Signature**

**Timestamp**

**Editor Delivery Events**

**Status**

**Timestamp**

**Agent Delivery Events**

**Status**

**Timestamp**

**Intermediary Delivery Events**

**Status**

**Timestamp**

**Certified Delivery Events**

**Status**

**Timestamp**

**Carbon Copy Events**

**Status**

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**Signature**

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**Notary Events**

**Signature**

**Timestamp**

**Envelope Summary Events**

**Status**

**Timestamps**

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Completed	Security Checked	9/14/2021 7:05:33 PM

**Payment Events**

**Status**

**Timestamps**