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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Colorado Kids Ranch
 Schedule No.(s) : 6116000001
 Legal Description : THAT PART OF N2 OF SEC LY E OF CANTERBURY WEST, N OF SADDLEWOOD ROAD + W OF CANTERBURY EAST SEC 16011066 L/MR

APPLICANT INFORMATION

Company : Colorado Pumpkin Patch LLC
 Name : JD Chapman
 Owner Consultant Contractor
 Mailing Address : 18065 Saddlewood Road, Monument., Colorado 80132
 Phone Number : 7195511270
 FAX Number :
 Email Address : hello@coloradokidsranch.com

ENGINEER INFORMATION

Company : SM ROCHA LLC
 Name : Fred Lantz Colorado P.E. Number : 23410
 Mailing Address : 8700 Turnpike Drive, Suite 240, Westminster, CO 80031
 Phone Number : 3034589798 ext. 104
 FAX Number :
 Email Address : fred@smrocha.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.

J. Chapman Signature of owner (or authorized representative) 5.28.26 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 **2.2.4.A.2 and Table 2-4** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section 2.2.4.A.2 describes how access onto principal arterial roadways "is highly controlled with a limited number of full movement intersections and medians with infrequent openings, and no direct parcel access." Additionally, Table 2-4 indicates that access is not permitted onto rural principal arterial roadways.

Per the Highway 105 Corridor Plan, access onto Highway 105 at this location (south side of Highway 105 between Peaceful Pines and Cherry Springs Ranch Drive) is not planned for.

State the reason for the requested deviation:

The site currently has primary access onto Saddlewood Road boarding the southern property line, and a temporary access onto Highway 105 bordering the northern property line. The owner is seeking to convert the temporary access on Highway 105 into a permanent access so that site-generated traffic does not travel south through the residential roadways, potentially negatively impacting the surrounding neighborhood.

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

Access is being proposed onto Highway 105 approximately 1,500 feet to the east of the Canterbury Drive intersection with Highway 105 and approximately 1,500 feet to the west of Appaloosa Road. However, the ECM does not allow driveway access onto rural principal arterial roadways.

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 existing site access, located on the south side of Highway 105, is currently offset just over one-quarter-miles from the southern curb cut of Canterbury Drive to the west and the southern curb cut of Appaloosa Road to the east. The current condition of the temporary access is understood to operate with highly favorable results and without safety concerns. Moreover, its current condition is understood to be in compliance with the conditions of the permit.

A sight distance evaluation, as provided within the Colorado Pumpkin Patch TIS prepared by SMH Consultants, concludes how sight distance requirements within Section 2.4 of the County's ECM are met.

The accompanying Traffic Impact Study Addendum evaluated the proposed condition for permanent access onto Highway 105 during typical weekday and weekend peak periods. The TIS Addendum concludes that if existing access onto Saddlewood Road were to be vacated and permanent access onto Highway 105 were to be gained, the Highway 105 and site access intersection would operate with favorable to exceptionally favorable results during peak periods of a typical weekday and weekend (i.e., LOS C or better). The TIS Addendum also shows how vehicle queuing will be minimal during these peak periods.

Moreover, provision of left and right turn deceleration lanes, as evaluated within the accompanying TIS Addendum, will assist traffic flow by removing decelerating ingress vehicles from the eastbound and westbound through movements along Highway 105.

As a result, criteria defined within Section 2.4 of the County's ECM are believed to be met.

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.

Per the latest traffic study, analysis results conclude how traffic operations are LOS C or better for total traffic conditions with the proposed development. This complies with Section B.4.1.A of the County's ECM (LOS D or better).

Auxiliary lanes will be provided as warranted within the accompanying TIS Addendum. Additionally, all County design requirements defined with Section 2.4 of the ECM are believed to be met as sight distance was determined to be adequate, as evaluated within the Colorado Pumpkin Patch TIS prepared by SMH Consultants.

The deviation will not adversely affect safety or operations.

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The capacity and operational results anticipated with the proposed development are not projected to adversely affect safety or operations. With the conversion of temporary Highway 105 access to permanent access, the intersection is anticipated to operate with favorable to exceptionally favorable results during peak periods of a typical weekday and weekend (i.e., LOS C or better), as assessed within the accompanying TIS Addendum.

Moreover, provision of left and right turn deceleration lanes, as evaluated to be warranted within the accompanying TIS Addendum, will maintain the exceptionally favorable operations by removing decelerating ingress vehicles from the eastbound and westbound through movements along Highway 105.

Additionally, vacating access onto Saddlewood Road will ensure site-generated traffic does not travel through the neighboring residential roadways.

As a result, the projected operations and design of site access onto Highway 105 is done so with the intent to uphold safety and operations expected by the governing municipality.

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

This deviation will not adversely affect maintenance and its associated costs with repair of public infrastructure as a result of this access. Auxiliary lanes along Highway 105 will be designed pursuant to Section 2.3.7 of the ECM. The access will be privately owned and maintained by the property owner.

The deviation will not adversely affect aesthetic appearance.

This deviation will not adversely impact the aesthetic appearance of the surrounding environment as a result of this access. Since all design criteria within Section 2.4 of the County's ECM will be met, it will visually look like other access drives within the area.

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

This deviation meets the design intent and purpose of the ECM standards, as it is not expected to adversely affect safety, operations, and costs and aligns with the ECM's intent to protect the general public.

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 deviation will not impact Part 1.E.3 and Part 1.E.4 of the County's 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.

Γ _____ 1

L _____ 1

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.

Γ _____ 1

L _____ 1

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.

