



**Planning and Community  
Development Department**  
**2880 International Circle**  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name : Wendy's Commercial Center  
Schedule No.(s) : 5406302008, 5406302009, 5406302011, 5406302010, 5406302012, 5406302006, 5406302007,  
5406307001, 5406307002  
Legal Description : WENDYS COMMERCIAL CENTER PLAT 10763

### APPLICANT INFORMATION

Company : Richard Holland Real Estate  
Name : Darryl Muir  
☐ Owner ☐ Consultant ☐ Contractor  
Mailing Address : 1515 North Academy Blvd., #400  
Colorado Springs, CO 80909  
  
Phone Number :  
FAX Number :  
Email Address :

### ENGINEER INFORMATION

Company : LSC Transportation Consultants, Inc.  
Name : Jeffrey C. Hodsdon  
Mailing Address : 2504 E. Pikes Peak Ave., Suite 304  
Colorado Springs, CO 80909  
  
Phone Number : 719-633-2868  
FAX Number : 719-633-5430  
Email Address : [Jeff@LSCtrans.com](mailto:Jeff@LSCtrans.com)

Colorado P.E. Number : 31684

**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.

Signature of owner (or authorized representative)

Date

Engineer's Seal, Signature  
And Date of Signature

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**DEVIATION REQUEST #1** (Attach diagrams, figures, and other documentation to clarify request)

**#1 Palmer Park Boulevard east of Powers – Urban Minor Arterial Design Standards**

A deviation from the standards of or in Section 2.3.2 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section of ECM from Which Deviation is Sought: 2.3.2 Design Standards by Functional Classification

Specific Criteria from Which a Deviation is Sought: Table 2-6 – Urban Minor Arterial Criteria, including:

- "No Access Permitted."
- Public Intersection Spacing (Powers to Waynoka, a proposed public street)

**State the reason for the requested deviation:**

The deviation is needed to allow for continued use of the existing signalized intersection shared by the Wendy's Commercial Center and parcels located south of Palmer Park Boulevard and to allow for the realignment of Waynoka Road to align with the rear access for the parcels south of Palmer Park Boulevard. The Waynoka realignment is needed per the concept in the Powers EA and also allows for a signalized capability to remain for both sides of Palmer Park. Please refer to the section in the TIS entitled "Traffic Control at the Palmer Park/Wendy's Access/Shopping Center (former Kmart) access" for additional details.

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

The deviation would allow for continued use of the signalized intersection located 425' east of Powers Boulevard. The ECM standard calls for no access except where no local public or private roadway can provide access, then temporary or partial turn-movement parcel access may be permitted.

The deviation would also allow for the realignment of Waynoka Rd (a public roadway) to about 709' east of Powers Boulevard (274' east of the Wendy's Commercial Center signalized access). The ECM calls for ¼ mile (1,320') for intersection spacing on Urban Minor Arterials.

## 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:

No other local public roadway can provide access other than Waynoka Road and Palmer Park Boulevard as access will not be allowed to Powers Boulevard (SH 21). Realignment of Waynoka Road to align with the existing back entrance for the parcels south of Palmer Park Boulevard will allow for the potential for the signalized intersection to be moved further east from Powers Boulevard to the realigned Waynoka Road intersection if and when the parcels south of Palmer Park Boulevard redevelop. It is unlikely that the Waynoka/Palmer Park intersection will be allowed to be converted to traffic signal control prior to the removal of the existing signal. Allowing use of the existing Wendy's Commercial Center intersection will give the proposed development access to a signalized intersection.

## 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 proposed realignment of Waynoka Road will result in a superior design to the existing short (190') offset that currently exists.

The deviation will not adversely affect safety or operations.

The proposed intersection spacing is projected to accommodate the projected queues on Palmer Park Boulevard. The proposed intersection spacing also allows for the potential for the existing traffic signal serving the Wendy's Commercial Center and parcels south of Palmer Park Boulevard to be moved further east of Powers Boulevard to the intersection of Waynoka/Palmer Park in the future which would enhance the safety and operations.

The request is to allow the continued use of the existing signalized Wendy's access/shopping center access provided safety or operational problems do not arise at the existing Wendy's/Shopping Center signalized access that cannot be addressed through countermeasures that would allow the full-movement signalized intersection to continue to operate. Please refer to the section in the TIS entitled "Traffic Control at the Palmer Park/Wendy's Access/Shopping Center (former Kmart) access" for additional details. Also, changes could potentially occur within the shopping center to the south, and it may be determined by a TIS for redevelopment, that the existing signalized intersection serving the shopping center access can no longer operate in a safe and efficient manner as a four-leg/full movement/signalized intersection.

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

The deviation will not adversely affect maintenance cost as this deviation is to keep an existing signalized intersection and relocate an existing intersection.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect the aesthetic appearance as the request is to keep an existing intersection and construct a new road segment and four-leg intersection (new Waynoka).

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

The proposed access spacing along Palmer Park is intended to allow the Waynoka realignment to be completed while maintaining the status quo at the existing signalized access to allow for the most favorable access possible for business accessibility – understanding that conditions may change with the shopping center to the south in the future. Should significant redevelopment occur in that shopping center, a TIS would reevaluate the access.

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.

**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:**

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## **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.



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Signature of owner (or authorized representative)	Date

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Engineer's Seal, Signature	
And Date of Signature	

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**DEVIATION REQUEST #2** (Attach diagrams, figures, and other documentation to clarify request)

**#2 Waynoka Road north of Palmer Park – Non-Residential Collector Design Standards**

A deviation from the standards of or in Section 2.3.2 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section of ECM from Which Deviation is Sought: 2.3.2 Design Standards by Functional Classification

Specific Criteria from Which a Deviation is Sought: Table 2-4 – Urban Non-Residential Collector

- minimum centerline curve radius
- design speed/posted speed
- "No Access Permitted."

State the reason for the requested deviation:

- The outside shoulder width component is replaced by right turn lanes, where required.
- The deviations from the criteria for the minimum centerline curve radius and corresponding design speed/posted speed are needed for the planned realignment of Waynoka Rd to align with the existing rear access for the shopping center located south of Palmer Park within the property owned by the applicant.
- "No Access Permitted." No local or private roadways can provide access. No access will be allowed to Powers Boulevard (SH 21) and no additional access will be allowed to Palmer Park Blvd (An Urban Minor Arterial).

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

### **Outside shoulder width**

For sections of Waynoka where exclusive right turn lanes are proposed, it is reasonable not to require an additional paved shoulder. The ECM does not specify if the 6' paved shoulder is also required adjacent to right turn lanes. CDOT Access Code criteria generally allow a narrower (4') shoulder next to right-turn lanes on state highways. This is a lower speed, urban street with curb and gutter and a lower classification than state highways.

### **Minimum Centerline Curve Radius & Design Speed**

The minimum centerline curve radius for a Non-Residential Collector from Table 2-7 is 565'. The centerline curve radius for the proposed realignment of Waynoka Road is 303'. For comparison, The City of Colorado Spring traffic engineering design standard for Collectors allows for a minimum horizontal alignment radius of 335 feet.

The design speed/posted speed limit for a Non-Residential Collector from Table 2-7 is 40/35 mph. The proposed design speed/posted speed limit between Palmer Park and just north of the site is 30/30 mph. This is due to the horizontal curve design speed for the proposed 300' radius and the short distance between this curve and Palmer Park.

### **No Access Permitted**

The ECM standards for Non-Residential Collectors call for no access except where no local public or private roadway can provide access, then temporary or partial turn movement parcel access may be permitted. The proposed deviation would allow for two full-movement access points (In addition to the two existing access points for the Golden Corral property). The access points to the realigned Waynoka Road are shown at about 354 and 780 feet north of Palmer Park Boulevard (about 426' north of the first access).

### **ECM Criteria for Access Design**

Two site access points are proposed to Waynoka Road. The following summarizes *Engineering Criteria Manual* Section 2.4.1 access criteria, which states the following five access design guidelines:

- Adequate spacing
- Proper alignments
- Clear sight distances
- Coordinated widths with its intended use
- Clearances from intersections

The following sections address each of these criteria for access:

### **Adequate Spacing**

Waynoka Road is a Non-Residential Collector roadway. The *ECM* indicates that accesses shall be separated by a distance equal to the entering sight-distance values in Table 2-35. Based on the proposed posted speed limit of 30 mph, the prescribed standard spacing would be 510 feet for multi-unit trucks. Please refer to the sight distance paragraph below for justification related to sight distance. Considering the **stopping sight distance** between intersections (as an alternative to "entering" sight distance between intersections), the stopping sight distance from Table 2-23 is 200'. The distance between the site access points (south to north) would be 354 (spacing from Palmer Park Boulevard to the proposed southernmost access point), 426, 133, and 242 feet.

### **Access Alignment**

The access points are shown to intersect Waynoka Road at 90 degrees to the centerline of realigned Waynoka. The adjacent roadway grades are essentially level. The vertical alignment criteria in ECM Section 2.4.1.C.2 shall be met for the driveways.

### **Access Sight Distances**

The access sight distance criteria in section 2.4.1.D would apply:

The sight distance criteria apply to the spacing of access points (paragraph above)

The sight distance criteria are part of the criteria for "Clearances from Intersections" (see paragraph below)

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

The sight distance criteria also apply to proposed site improvements that may obstruct the required sight distance lines of sight:

*"Any potentially obstructing objects, such as but not limited to advertising signs, structures, trees, and bushes, shall be designed, placed, and maintained at a height not to interfere with the sight distance needed by any vehicle using the access."*

The Waynoka Road realignment has no significant vertical curvature that would limit access sight distance. However, the plan does show a horizontal curve alignment which can affect the sight distance across the inside of the proposed curve. Site improvements, such as signs, on-street parking, and landscaping, should not impede the required sight-distance lines of sight which are the areas shown between the street and the identified line of sight required for adequate sight distance.

Based on a 30-mph posted speed limit, sight distances for both approaches from both proposed site access locations exceed the required 510-foot requirement for multi-unit trucks, per ECM Table 2-35, with one exception – the sight distance to the south from the south access point. The available sight distance to the south from the south access is 290 feet (unobstructed to Palmer Park intersection). Although this is short of the 510-foot ECM minimum criteria for Multi-Unit Trucks, the design speeds for traffic arriving from the south (turning from Palmer Park or traveling straight north from the stop sign at the old Kmart shopping center access would be approximately between 10 and 20 mph, depending on the turning movement and turning-path radii. Based on the speed of the approaching vehicle as it turns the corner and is seen by the single-unit truck driver at the access the intersection sight distance, based on the AASHTO formula, is 290 feet. As 290 feet is available, the sight distance would be acceptable. For the infrequent multi-unit truck Figure 3c shows the sight distance lines for along an assumed turning movement path for a vehicle turning from Palmer Park.

### **Access Width**

The ECM requires a minimum of 25-foot width for a commercial access point on a Non-Residential Collector roadway. Both access points would meet this standard.

### **Clearances from Intersections**

Regarding access clearance from intersection criteria outlined in Section 2.4.1.F of the ECM:

*Access to commercial or industrial properties fronting collector or local roads shall be located a minimum of 50 feet from the point of curvature or point of tangency of the curb line at the intersection. Access to commercial or industrial parcels fronting Nonresidential Collector roadways shall be located a minimum of 115 – 480 feet from the point of curvature or point of tangency of the curb line at the intersection, depending on the sight distance and location with respect to the intersection, intersection control, and posted speed.*

*In all cases, a minimum corner clearance of 50 feet shall be provided. If the minimum corner clearance cannot be attained, the ECM Administrator may require investigation to determine if left turns should be prohibited into or out of the access point. For proposed access points near stop or signalized intersections, the ECM Administrator will require studies to determine if stopping queues will block the access point and if left turns should be prohibited into or out of the access point.*

Based on the proposed driveway locations shown in the site plan, the south access point would be located 354 feet (centerline) from Palmer Park Boulevard, which is within the aforementioned range/ECM criteria. Although within this range, the acceptable location depends on sight distance, queuing, intersection control and speeds.

## 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:

No other local or private roadways can provide access. Access will not be allowed to Powers Boulevard (SH 21) and additional access will not be allowed to Palmer Park Boulevard (a Minor Urban Arterial). Eventually, the access to Palmer Park may be converted to a right-in/right-out only, which will significantly degrade the accessibility to the site (from a business standpoint). Accessibility to the site from Waynoka would become significantly more important.

The realignment of Waynoka Road to align with the existing rear access for the shopping center located south of Palmer Park Boulevard will remove the existing short (190') offset and provide the potential for the traffic signal currently serving the shopping center to be moved further east from Powers Boulevard to the new Waynoka/Palmer Park intersection if and when the shopping center to the south redevelops. The adjustments to the centerline curve radius and corresponding design/posted speed limit are needed to realign Waynoka Road within the property owned by the applicant. The deviation for shoulder width would avoid unnecessary additional dedication of property which is already significantly affected by the Waynoka relocation.

## 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 requested deviation will result in the result in a superior design with the intersection of Waynoka Road aligning with the existing rear access for the shopping center located south of Palmer Park Boulevard. In order to achieve this realignment within the existing geographical constraints it is necessary to reduce the outside shoulder widths and centerline curve radius. The deviation also requests a corresponding reduction in the design/posted speed limit to 30 mph. This the design/posted speed limit for Local roadways. The minimum centerline curve radius for a Local Roadway is 200'. The proposed minimum centerline curve radius for Waynoka Road is 303'.

### The deviation will not adversely affect safety or operations.

See the attached sight distance analysis figure. Based on a posted speed of 30 miles per hour (mph) on Waynoka Road and the criteria contained in Table 2-35 of the ECM, the required sight distance is 300 feet for passenger cars, 390 feet for single unit trucks and 510' for multi-unit trucks. The required sight distance of 200 feet along the roadway, based on the criteria contained in Table 2-33, is also shown in the figure.

The required entering sight distance and stopping sight distance can be met, if the areas between the sight distance lines and the curb line have low-level landscaping and are kept free of other obstructions (such as monument signs and parking areas) that would restrict the drivers' line of sight. Landscaping should be low — about 18 inches or lower in height — in these areas.

As the ECM-standard sight distance for single unit trucks from the south access point extends past Palmer Park Boulevard, Figure 3 also shows the sight distance line from the access to vehicles traveling from westbound on Palmer Park and then turning right onto Waynoka Drive and the sight distance line from the access to vehicles traveling eastbound on Palmer Park and then turning left onto Waynoka Drive. It should be noted that vehicles turning from Palmer Park Boulevard will (for most vehicles) be turning onto northbound Waynoka at a speed less than the posted 30 miles per hour. Based on a slower turning speed, the available sight distance would be adequate and it would not be necessary to limit obstructions on the northeast and northwest corners of Palmer Park/Waynoka outside of the right-of-way.

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

The deviation will not adversely affect maintenance cost as the street will be comparable to a standard width non-residential collector.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect the aesthetic appearance as the street will be constructed to an urban standard.

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

This deviation has been prepared with a focus on the underlying intent of the criteria. Granted the design speed is lower than a standard non-residential collector, and access spacing along the relocated Waynoka is intended to provide the most favorable access possible for business accessibility, given the potential for future restriction of the access to Palmer Park.

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.

**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:**

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## **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.

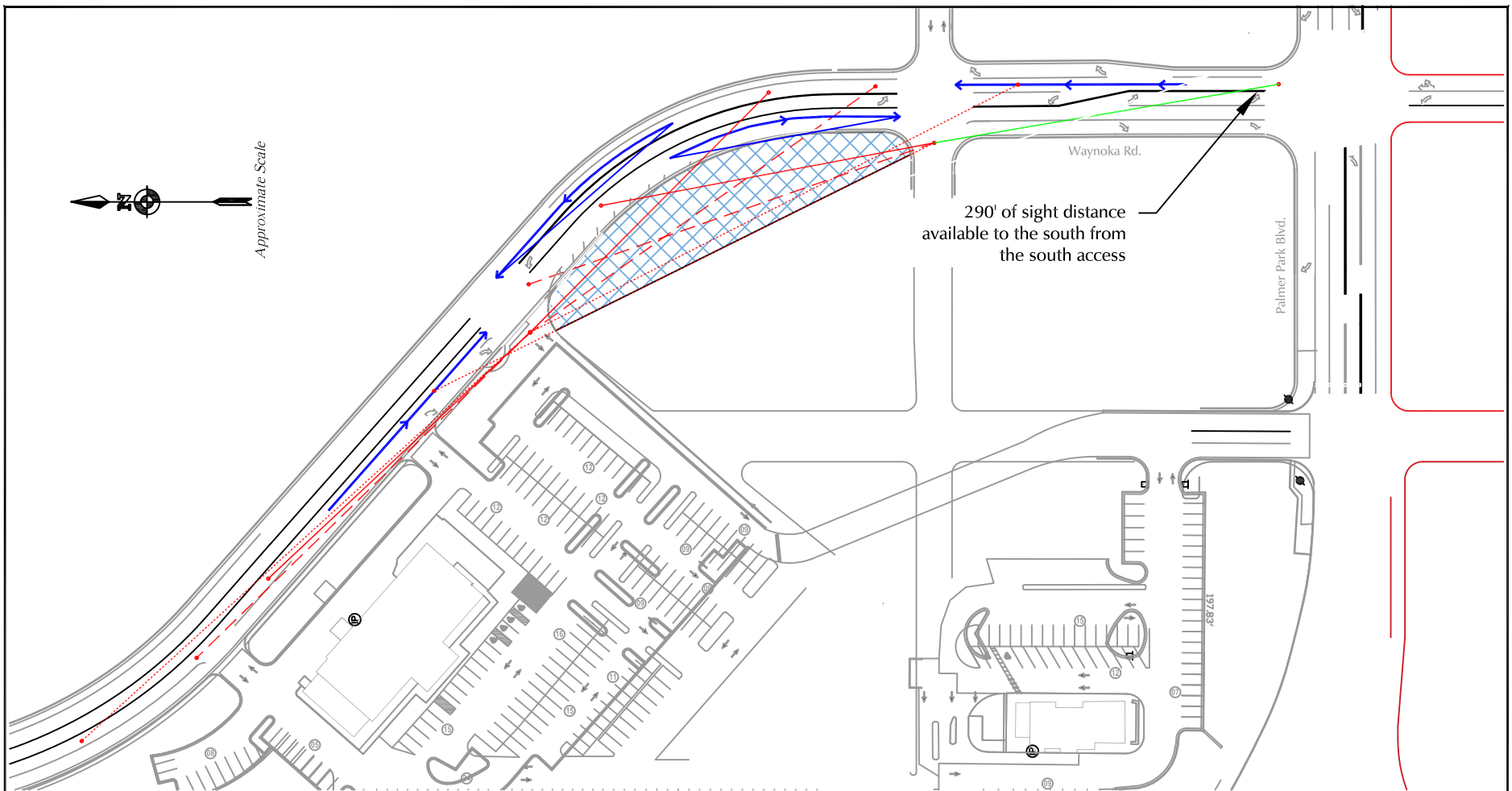
## **1.7. REVIEW FEES**

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.

# Sight Distance Figures

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LEGEND:

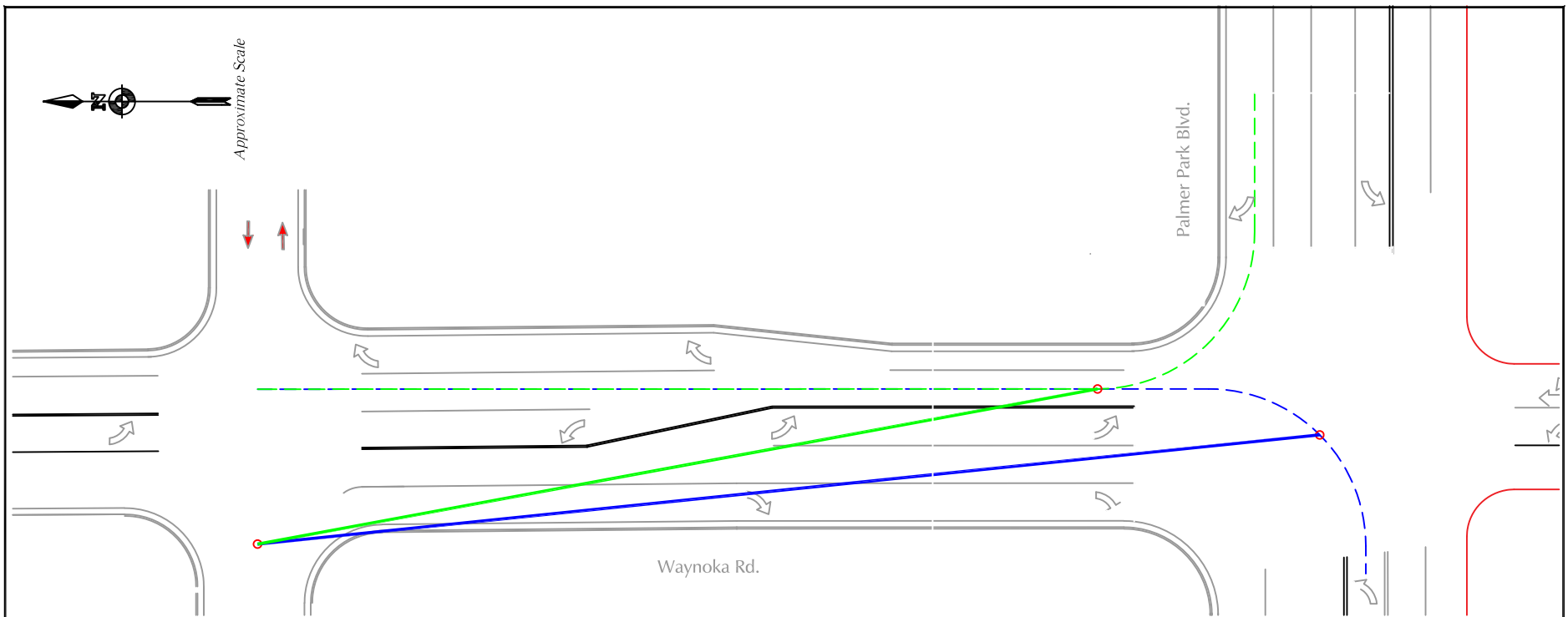
- ..... = ECM Required Entering Sight Distance For Multi-Unit Trucks  
(510' from Table 2-35 based on a posted speed limit of 30 mph)
- - - - = ECM Required Entering Sight Distance For Single Unit Trucks  
(390' from Table 2-35 based on a posted speed limit of 30 mph)
- = ECM Required Entering Sight Distance For Passenger Cars  
(300' from Table 2-35 based on a posted speed limit of 30 mph)
- → → = ECM Required Sight Distance Along the Roadway  
(200' from Table 2-33 based on a posted speed limit of 30 mph)



Figure 3a

## Sight Distance Analysis

Wendy's Commercial Center at Palmer Park & Powers (LSC #174760)



LEGEND:

- - - = Vehicle path from eastbound Palmer Park Blvd to northbound Waynoka Rd
- = Sight distance line to eastbound to northbound vehicle  
(Available distance is 342' which meets or exceeds the AASTHO value for a Multi-Unit Truck with an approach speed of 20 mph)
- - - = Vehicle path from westbound Palmer Park Blvd to northbound Waynoka Rd
- = Sight distance line to westbound to northbound vehicle  
(Available distance is 267' which meets or exceeds the AASTHO value for a Multi-Unit Truck with an approach speed of 16 mph)

Figure 3b

## Sight Distance Analysis AASHTO Criteria

Wendy's Commercial Center at Palmer Park & Powers (LSC #174760)



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Signature of owner (or authorized representative)

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Engineer's Seal, Signature  
And Date of Signature

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**DEVIATION REQUEST #3** (Attach diagrams, figures, and other documentation to clarify request)

**#3 Waynoka Road & Palmer Park Auxiliary Turn Lane Design**

A deviation from the standards of or in Section **2.3.7.E** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Section of ECM from Which Deviation is Sought: **2.3.7.E Intersections - Turn Lane Design**

Specific Criteria from Which a Deviation is Sought: **Turn Lane Design Elements for right and left turn lanes and tapers.**

State the reason for the requested deviation:

The deviation is requested given the constrained distance for back-to-back left-turn lanes between existing Wendy's Commercial Center signalized access and the proposed realigned intersection of Waynoka Road (about 274 feet - center to center. Please refer to Deviation No. 1. Also, given the distance along Waynoka Road between Palmer Park and the first access point a deviation is requested for the back-to-back left-turn lanes between the proposed Wendy's Commercial Center access and Palmer Park.

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

The proposed laneage is shown in the attached Recommended Palmer Park Boulevard Improvements figure (Figure 10) from the Wendy's Commercial Center at Palmer Park and Powers Traffic Impact Study. The attached Table 1 shows a comparison to the ECM standards. Also attached is Figure 11 from the TIS showing the proposed laneage on Waynoka.

## 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 requested given the constrained distance for back-to-back left-turn lanes between the existing Wendy's Commercial Center access and the relocated Waynoka intersection.

The deviation for the Waynoka turn lanes is due to the location of the access to Waynoka Road and the distance that would be available between the intersections for turn lanes. Please refer to deviation no. 2 regarding the request for access to Waynoka and the spacing of access. Given the distance along Waynoka Road between Palmer Park and the first access point, a deviation is needed for the length of auxiliary turn lanes between the proposed Wendy's Commercial Center access and Palmer Park.

## 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.

While allowing the Waynoka realignment to be completed, the proposed turn lanes on Palmer Park Boulevard will allow for back-to-back stacking of left-turning vehicles between intersections to accommodate the stacking of the current traffic into the shopping center to the south and the forecast site traffic turning eastbound to northbound.

The deviation will not adversely affect safety or operations.

The 2040 queuing analysis contained in the TIS indicates no queue block time or spillback time during either peak hour for the eastbound left-turn lane approaching the Wendy's Commercial Center access and the westbound left-turn lane approaching Waynoka Road. Please refer to the queuing analysis section of the updated TIS. The westbound left is based on current traffic levels into the shopping center. Should significant redevelopment occur in that shopping center, a TIS would need to reevaluate this queuing.

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

Maintenance cost will not be adversely affected as the center turn lane width already exists between the two intersections and all of it would be utilized for the back-to-back turn lanes and the taper.

The deviation will not adversely affect aesthetic appearance.

The aesthetic appearance will not be adversely affected as the lane will be striped and marked with County and MUTCD standard pavement markings and will look consistent with other auxiliary turn lanes in urban areas.

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

The proposed design will provide for the storage of left-turning vehicles while allowing the Waynoka realignment to be completed. The westbound left is based on current traffic levels into the shopping center. Should significant redevelopment occur in that shopping center, a TIS would need to reevaluate this queuing.

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.

**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:**

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### **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.

## Table 1

Auxiliary Turn Lanes/Speed Change Lanes

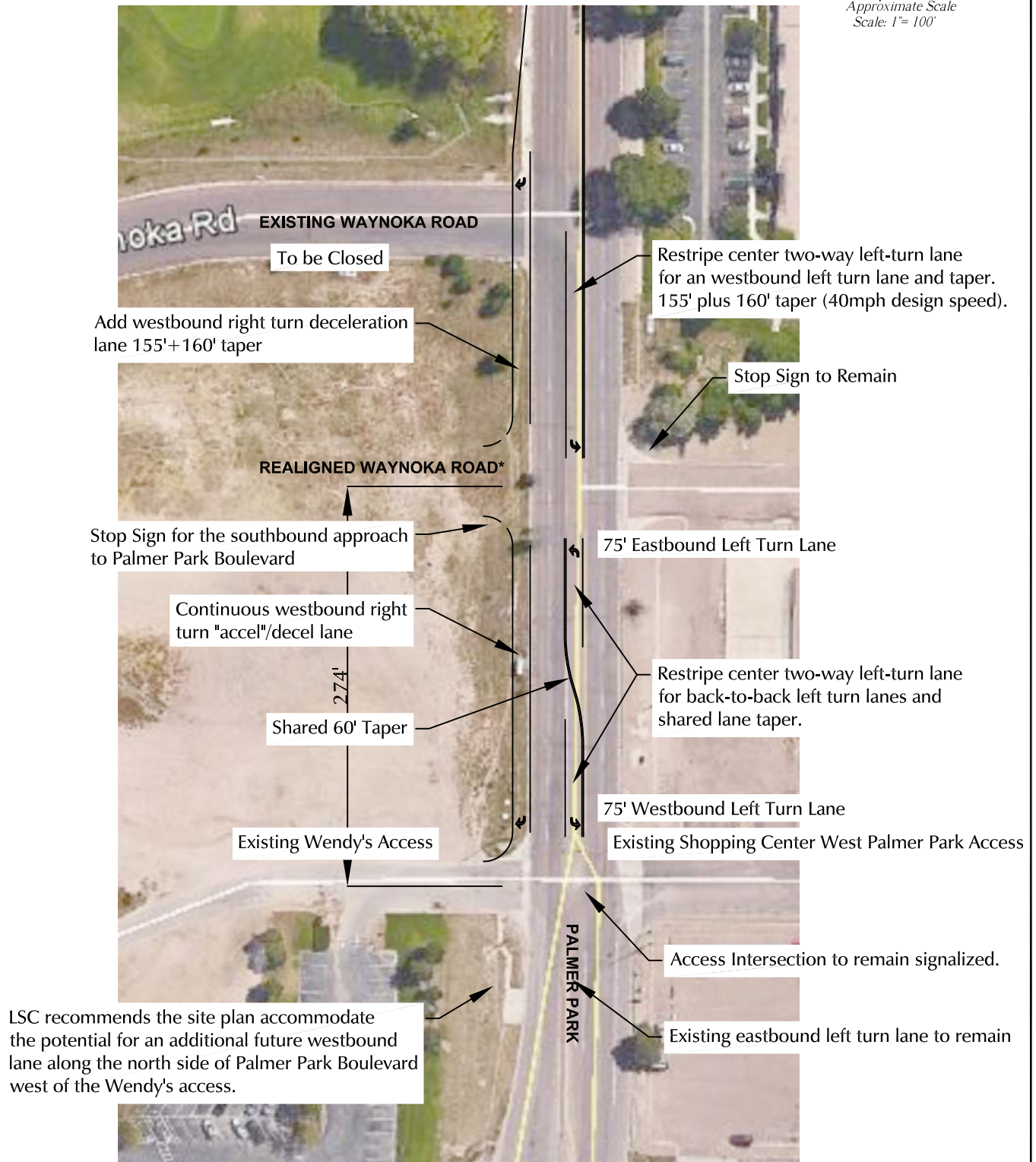
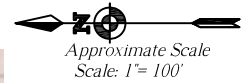
Table 1 Auxiliary Turn Lanes/Speed Change Lanes Wendys Commercial Center									
Intersection Turn Lane	El Paso County Engineering Criteria Manual Standard (ft)				Proposed (ft)		Difference From Standard (ft)		
	Taper Length	Deceleration Distance	Stacking Distance	Total Full Width Lane Distance	Taper Length	Total Full Width Lane Distance	Taper Length	Total Full Width Lane Distance	
Palmer Park Blvd/Wendys Commercial Center Access									
Westbound Left Turn Decel. Lane	160	155	50	205	60	75	-100	-130	
Westbound Right Turn Decel. Lane	160	155	- - -	155	188' (continuous "accel"/decel lane)		-127		
Palmer Park Blvd/Waynoka Rd									
Eastbound Left Turn Decel. Lane	160	155	100	255	60	75	-100	-180	
Westbound Left Turn Decel. Lane	160	155	50	205	160	155	0	-50	
Westbound Right Turn Decel. Lane	160	155	- - -	155	160	155	0	0	
Notes:									
Source: LSC Transportation Consultants, Inc.									
Jun-20									

## Additional Attachments

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Figures 10 and 11 from the traffic impact study





\*Realign Waynoka Road to align with the east/rear access to the shopping center south of Palmer Park Boulevard.

Figure 10

## Recommended Palmer Park Boulevard Improvements

Wendy's Commercial Center at Palmer Park & Powers (LSC #174760)

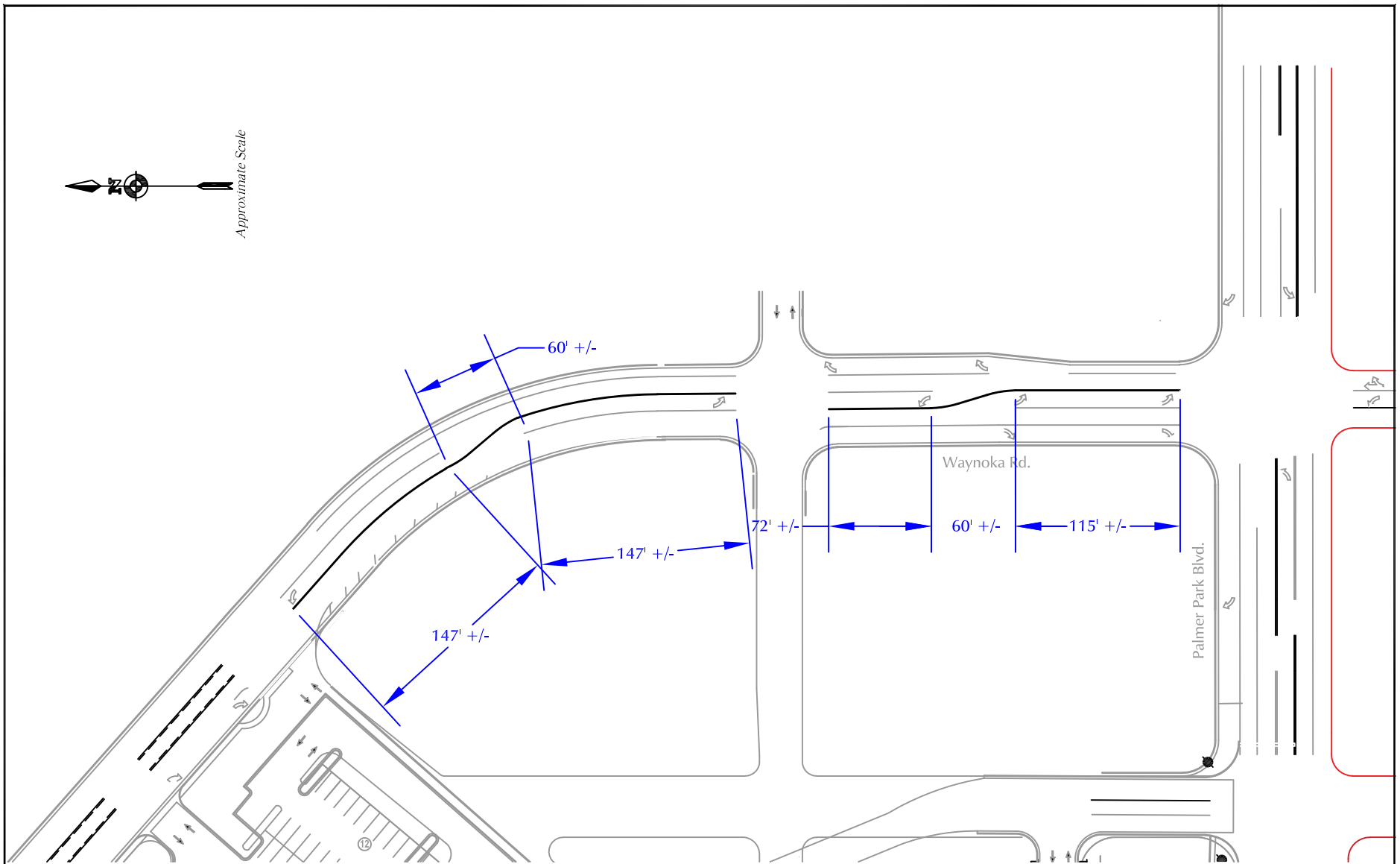


Figure 11

## Recommended Waynoka Road (Realigned) Lane Concept

Wendy's Commercial Center at Palmer Park & Powers (LSC #174760)