



Planning and Community
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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/20199

PROJECT INFORMATION

Project Name : Mayberry Filing No. 4

Schedule No.(s) : 3414102013, 3414102014 3414102015

Legal Description : A Tract of land for the purpose of rezoning, being part of Tract C and part of Tract D, MAYBERRY, COLORADO SPRINGS FILING NO. 2, a subdivision of land in the North-Half of Section 14, Township 14 South, Range 63 West of the 6th Principal Meridian, in the County of El Paso, State of Colorado, the plat of said subdivision recorded March 10, 2021 in the Office of the Clerk of El Paso County, Colorado as Reception Number 221714698, said Tract more particularly described as follows:
Commencing at the North Quarter-corner of said Section 14, monumented by a found rebar with a 2 inch cap marked "PLS 11624" in a monument box, from whence the Northeast corner of said Section 14 monumented by a found 3/4 inch square bar with no cap in a monument box bears South 89° 44' 50" East a distance of 2606.58 feet as shown on said plat, being the North line of the Northeast Quarter of said Section 14 and all bearings herein are relative thereto; thence South 89° 44' 50" East 1303.29 feet on said North line to the Northeast corner of the West-Half of said Northeast Quarter; thence South 00° 21' 12" East 39.54 feet on the East line of said West-Half to the Northeast corner of said Tract D and the POINT OF BEGINNING of the Tract of land herein described;
Thence continuing South 00° 21' 12" East 475.02 feet on the East line of said Tract D; Thence departing said East line North 89° 28' 59" West 722.98 feet to a corner on the southerly line of said Tract A, being common with a corner on the northerly line of said Tract C; Thence North 00° 00' 00" East 10.73 feet on said southerly line, being coterminous with said northerly line of Tract C, to a corner common to said Tracts A and C; Thence South 89° 28' 59" East 341.89 feet continuing on said southerly line, a portion of which being coterminous with said northerly line of Tract C, to the Southeast corner of said Tract A; Thence on the easterly line segments of said Tract A, being coterminous with the westerly line segments of said Tract D, the following three (3) courses and distances: 1) North 00° 00' 00" West 223.01 feet; 2) Thence North 89° 28' 59" West 40.00 feet; 3) Thence North 00° 00' 00" East 241.26 feet to the Northwest corner of said Tract D; Thence South 89° 28' 49" East 418.15 feet on the North line of said Tract D to the POINT OF BEGINNING, said Tract containing 193,628 square feet or 4.445 acres; said Tract above described also being part of the proposed subdivision MAYBERRY, COLORADO SPRINGS FILING NO. 4

APPLICANT INFORMATION

Company : Mayberry Communities LLC
 Name : Scott Souders
 Owner Consultant Contractor
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ENGINEER INFORMATION

Company : HDR
 Name : Phil Johnson
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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.

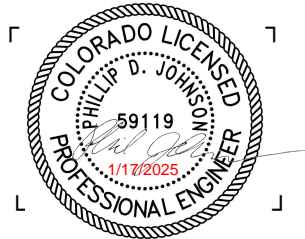


01/30/2025

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** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

ECM Section 2.3.7 E-1: Turn Lane Design Elements (Left Turn Lane) (Tables 2-26 and 2-30)
At the intersection of Springs Road and Filing 4 Access (Business Park Dr), the forecasted southbound left turning volumes warrant the installation of an exclusive left turn lane (50 southbound left turning vehicles in the AM peak hour).
Due to the proximity of this intersection with SH-94, a deviation from the ECM requirements is requested for the design of this left turn lane.

State the reason for the requested deviation:

The proposed Springs Road and Filing 4 Access (Business Park Dr) intersection is located about 250 ft south of SH-94, with about 230 ft of available roadway from the Springs Road and Filing 4 Access curb return to the SH-94 exit lane to southbound Springs Road.

Springs Road is identified as a minor collector with a design speed of 30 MPH. The Mayberry Filing 4 TIS noted that the posted speed limit will be 25 MPH.

Per ECM Tables 2-26 and 2-30, the minimum required left turn lane length for a design speed of 30 MPH, with a DHV of 60 or less, is determined as (Lane Length) + (Bay Taper) + (Storage Length) = 115 ft + 120 ft + 50 ft = 285 ft. Not enough roadway space is available to provide the minimum required left turn lane length south of SH-94.

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

The proposed left turn lane will consist of a 115 ft turn lane, an 80 ft bay taper, and a 40 ft tangent extending to the SH-94 exit lane, as shown on sheet C10.0 of the Mayberry Filing 4 Construction Documents (Signage and Striping Plan).

The proposed left turn lane design will meet the ECM Table 2-26 required deceleration length for a left turn lane with a design speed of 25 MPH. Vehicles exiting SH-94 are anticipated to travel at a low speed less than 25 MPH when making the sharp right turn onto southbound Springs Road, and therefore the provided deceleration length will be sufficient.

The southbound leg of the Springs Road and Filing 4 Access intersection will be uncontrolled, and the default behavior of vehicles will be to proceed through the intersection without stopping. Furthermore, the Mayberry Filing 4 TIS provides analysis which shows that queuing or stacking is not expected to occur for southbound left turning vehicles. Therefore, the storage length specified from Table 2-30 will not be needed.

The 40 ft tangent is intended to provide vehicles a sense of alignment before either entering the left turn lane or proceeding southbound on Springs Road.

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 requested deviation is justified by the Mayberry Filing 4 TIS. The traffic study demonstrates that the intersection will operate at an acceptable level of service, and the queuing or stacking is not expected to occur during the peak hours. The proposed Alternative would functionally equivalent to the ECM standards from an operations and safety standpoint.

Denial of the deviation would require a redesign of the intersection, and would significantly impact the current lot layout of Filing 4, the approved Filing 2 Access (located on the west leg of the proposed intersection), and the approved Filing 3 PUD.

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 deviation will result in a traffic condition which is functionally equivalent to the ECM requirements using the available roadway space. Therefore, a comparable or superior design will be achieved.

The deviation will not adversely affect safety or operations.

The Mayberry Filing 4 TIS demonstrates that the intersection will operate at an acceptable level of service, and that queuing or stacking is not expected to occur. The proposed deviation will result in a traffic condition which will not adversely affect operations and safety.

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

The proposed deviation consists solely of roadway striping, and therefore the difference in maintenance and costs will be negligible.

The deviation will not adversely affect aesthetic appearance.

The aesthetic appearance of Springs Road will not be adversely affected, since the proposed deviation consists solely of adjustments to proposed roadway striping.

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

The intent and purpose of the ECM standards is still met because as described above, the safety and operations of traffic are not adversely affected by the proposed alternative.

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.

This deviation request has no impact on control measure requirements 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.

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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.