



**Planning and Community
Development Department**
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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019


PROJECT INFORMATION

Project Name : **BENT GRASS EAST COMMERCIAL FILING NO. 3**
 Schedule No.(s) : 53011-01-060
 Legal Description : Tract BB, Bent Grass East Commercial Filing No. 2B

APPLICANT INFORMATION

Company : Classic Consulting
 Name : Marc A. Whorton, P.E.
 Owner Consultant Contractor
 Mailing Address : 619 N. Cascade Ave., Suite 200
 Colorado Springs, CO 80903
 Phone Number : 719-785-2802
 FAX Number : 719-785-0799
 Email Address : Mwhorton@classicconsulting.net

ENGINEER INFORMATION

Company : Classic Consulting
 Name : Marc A. Whorton, P. E.
 Mailing Address : Same as above
 Phone Number : Same as above
 FAX Number :
 Email Address :
 Colorado P.E. Number : 37155

 8/31/2021

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)

8/31/21
 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.B.6 and 2.5.2.B.3** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The County std. roadway design criteria for an urban local roadway
Including the following: Min. CL curve radius, Paved width and sidewalk both sides

A private roadway is proposed (30' paved width)

State the reason for the requested deviation:

This site is a small commercial development that has 6 individual lots ranging from 24,180 SF to 45,047 SF that all have direct access to the proposed private roadway. Given the total site acreage of 5.0 ac. and its configuration related to the surrounding public roadways and adjacent properties, the Min. CL curve radius of 200' would not be reasonable functional. The typical public Right-of-Way requiring easements and setbacks would not allow for efficient commercial land use of this type. Each individual lot will be required to provide adequate parking and thus parking is not needed or allowed on the private roadway. No parking signs or striping will be provided for enforcement. Each individual lot will have their own direct driveway access to the private roadway. This type of commercial development is proposing 5.0' wide sidewalk along one side only of the private roadway with two mid-block pedestrian ramp crossings which will allow for adequate pedestrian access and circulation for all lots. Upon individual lot development, internal circulation sidewalks will be provided and connect to the mid-block ramps and/or perimeter sidewalks.

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

Min. CL curve Radius proposed is 100' compared to the 200' for Local and 100' for Local low-volume. (Reference attached truck turning exhibit showing adequate site access)

Private roadway Tract width proposed is 40' compared to std. 50' Right-of-Way with esmts. Additional esmts. provided for utilities and sidewalks.

Paved width proposed is 30'. This width is consistent with the County std. urban local roadway.

Sidewalk (5.0' attached) is proposed along one side of the private roadway only with two mid-block pedestrian ramp crossings compared to both sides for Local.

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 ECM does not provide an option for a private roadway for a commercial development such as this. A public Right-of-Way meeting all the County stds. limits the development ability for a commercial project like this. A private roadway with similar yet modified design aspects from the ECM std. will allow for adequate access without compromising public safety or accessibility. Per the TIS, the proposed private roadway design seems to be adequate to handle the site generated traffic. Per the provided truck turning exhibit for B-40 bus, the proposed CL radius provides adequate truck access through the site. Pedestrian access is provided to each lot with the proposed 5' attached sidewalk on one side of the road along with two mid-block pedestrian ramp crossings. Sidewalk is also provided on the perimeter of the site adjacent to Bent Grass Meadows Drive and Meridian Park Dr. which allows for further pedestrian circulation.

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 private roadway with similar yet modified design aspects from the ECM std. will allow for adequate access without compromising public safety or accessibility. The proposed roadway is very similar to the ECM std. Urban Local Roadway.

The deviation will not adversely affect safety or operations.

The private roadway will function very similar to the ECM std. Urban Local Roadway.

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

The proposed roadway will be private with ownership and maintenance by the Commercial business association that includes all 6 lots. Thus, no adverse maintenance burden on the County.

The deviation will not adversely affect aesthetic appearance.

The private roadway will be constructed and function very similar to the ECM std. Urban Local Roadway.

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

The private roadway will function very similar to the ECM std. Urban Local Roadway, thus, meeting the design intent of the ECM.

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 private roadway will collect surface stormwater runoff via ECM std. curb inlets and then route the developed flows via private storm sewer directly into the adjacent permanent stormwater quality pond (Pond 2) that was originally constructed with Bent Grass Residential Filing No. 1.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.2.4.B.6
2.5.2.B.3 of the ECM is hereby granted based on the justification provided.

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APPROVED
Engineering Department

11/02/2021 11:34:21 AM
dsdnijkamp

**EPC Planning & Community
Development Department**

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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

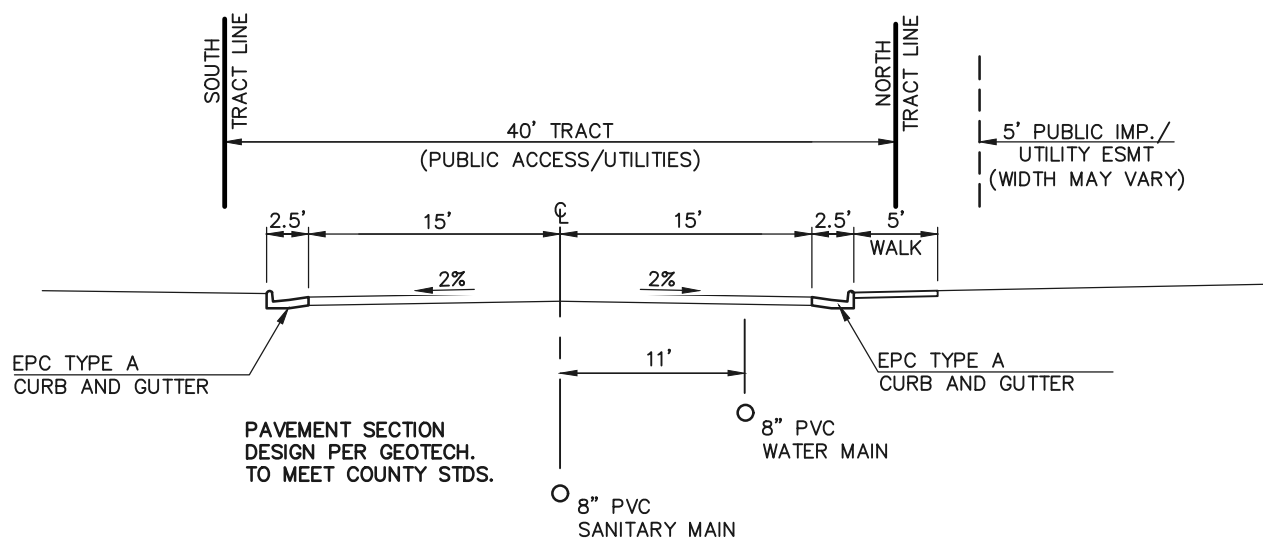
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

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

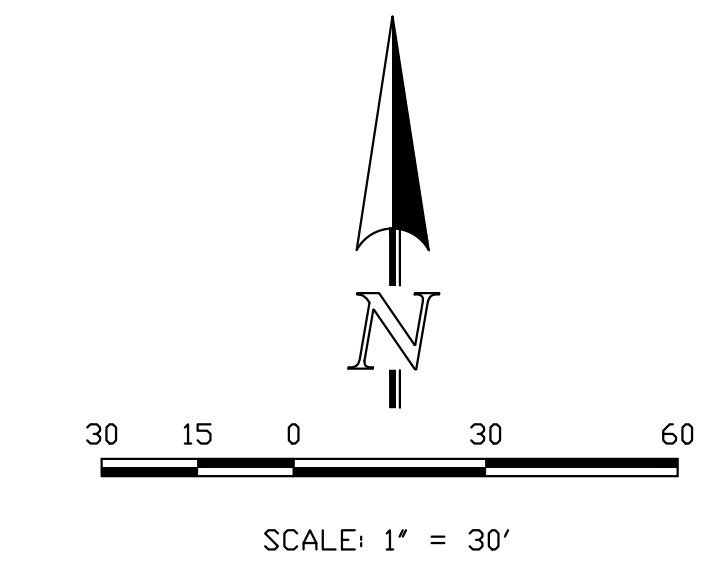
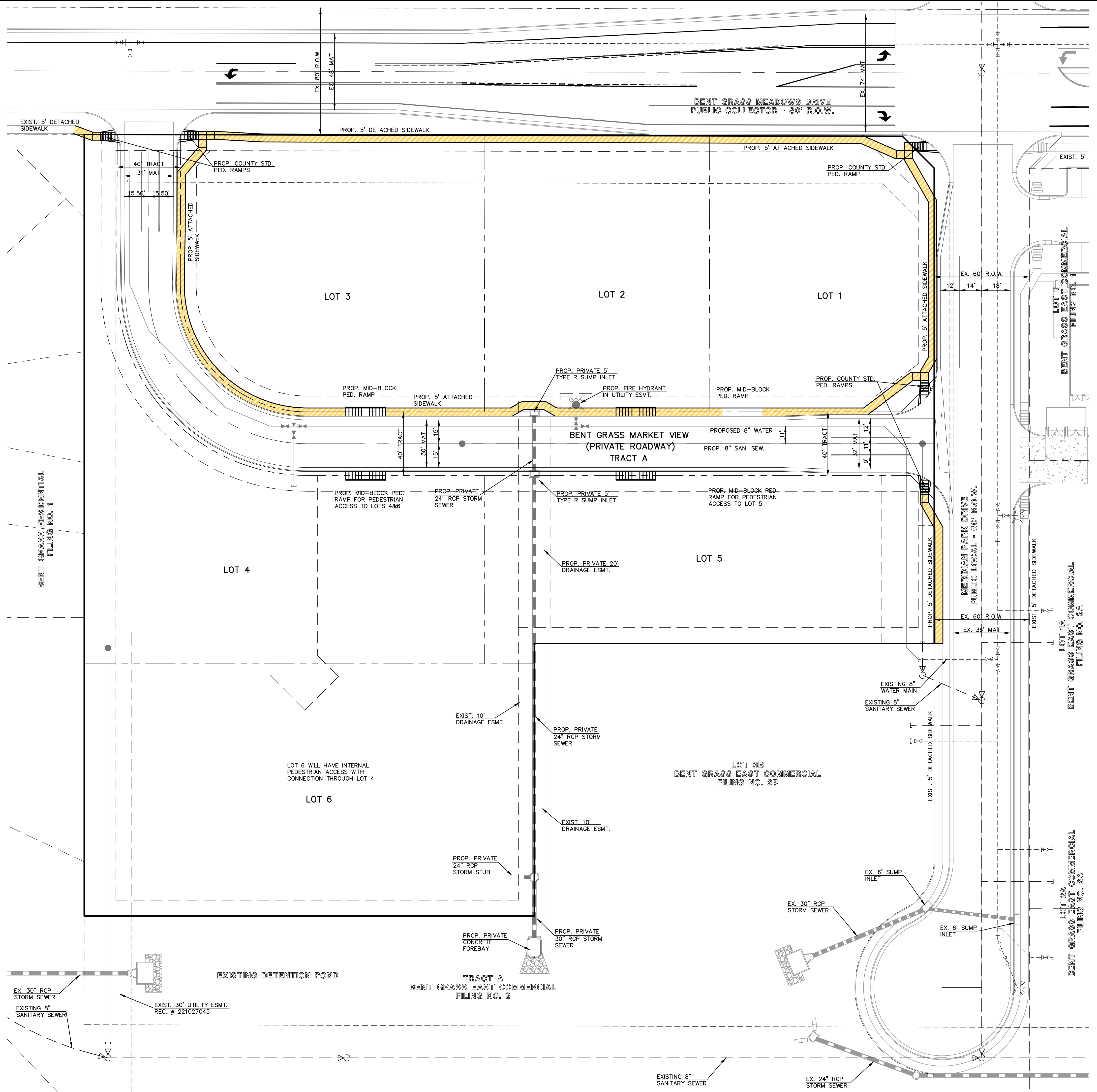
A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.



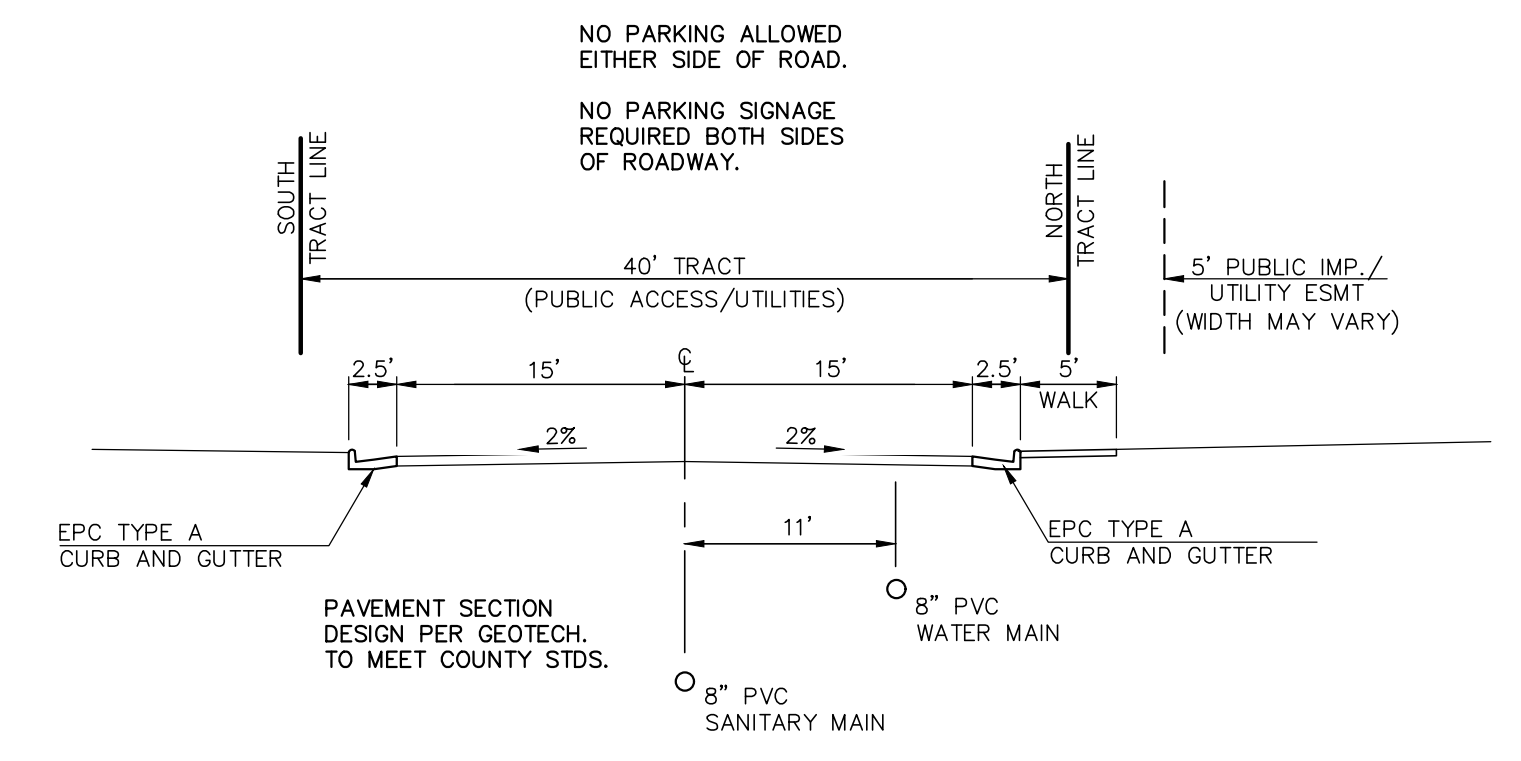
TYPICAL PRIVATE ROAD CROSS SECTION

SCALE: 1" = 10'

BENT GRASS MARKET VIEW
(PRIVATE ROADWAY)



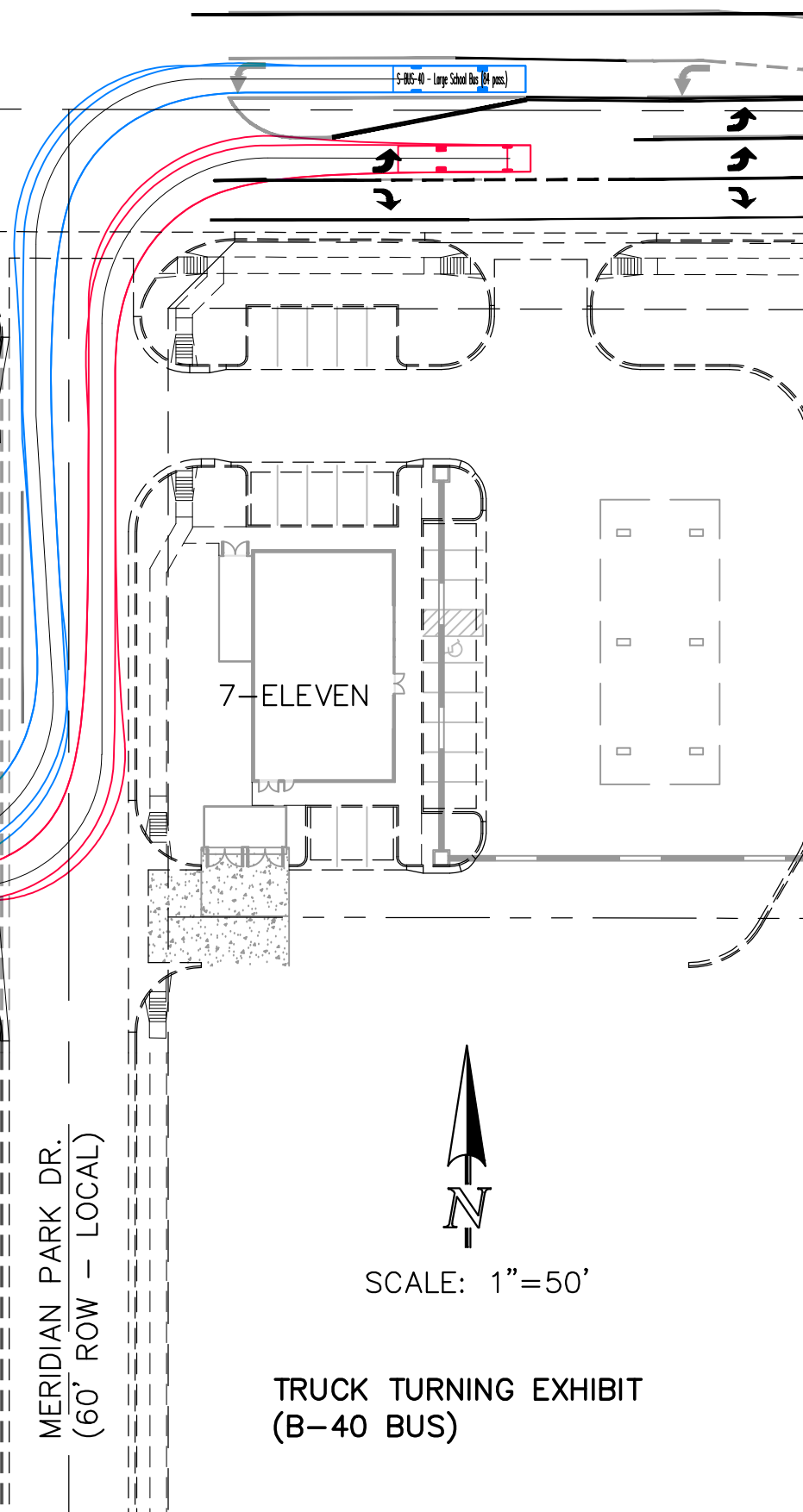
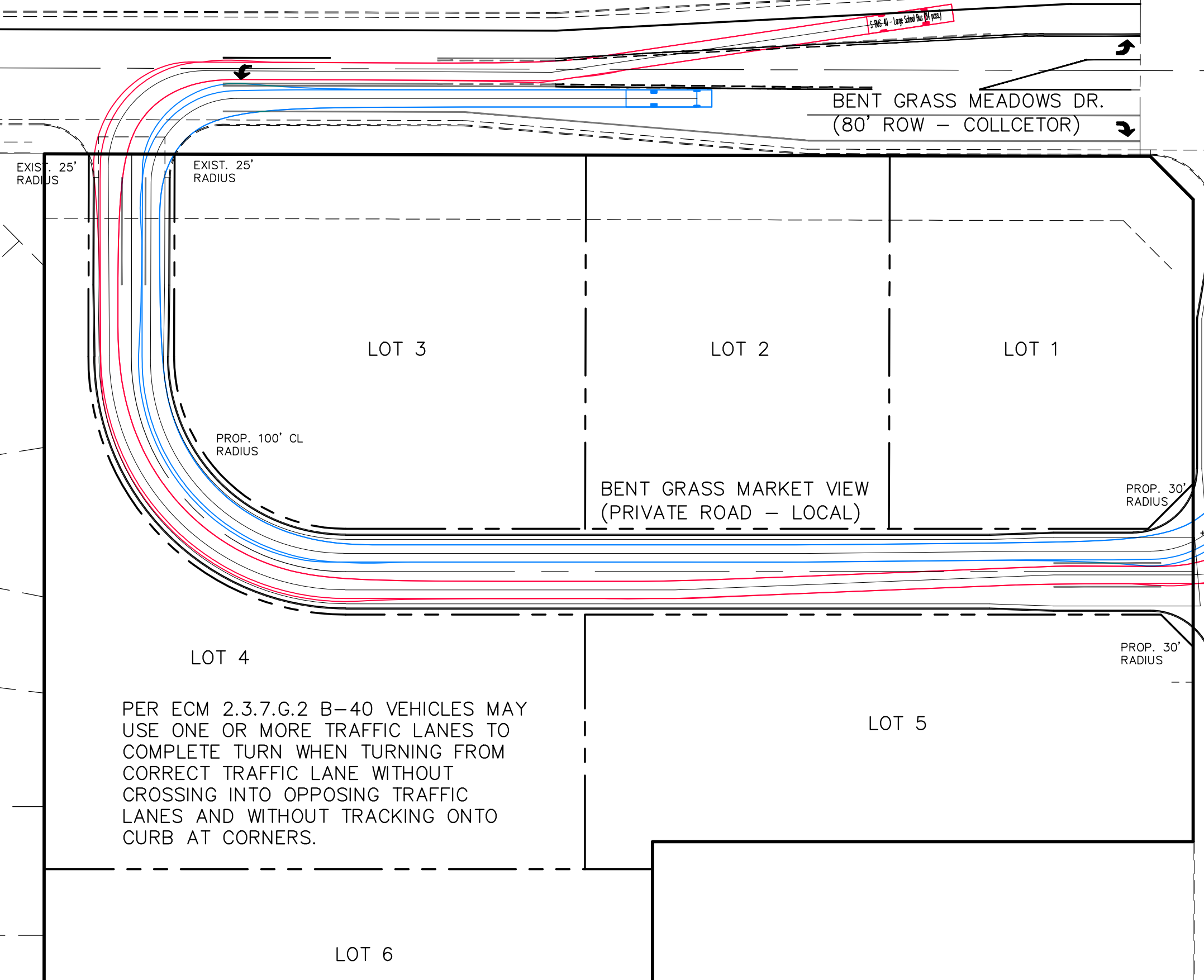
DESCRIPTION	SYMBOL
PROPERTY LINE	---
BOUNDARY LINE	---
PROPOSED PRIVATE STORM SEWER	--- --- --- --- --- --- --- --- ---
PROPOSED STORM INLET	□
EXISTING STORM SEWER	--- --- --- --- --- --- --- --- ---
EXISTING STORM INLET	□
EXISTING FIRE HYDRANT	⊗
EXISTING WATER MAIN	--- --- --- --- --- --- --- --- ---
EXISTING SANITARY SEWER MAIN W/ MANHOLE	--- --- --- --- --- --- --- --- ---
PROPOSED SANITARY	--- --- --- --- --- --- --- --- ---
PROPOSED WATER	--- --- --- --- --- --- --- --- ---



BENT GRASS EAST COMMERCIAL FILING NO. 3			
PEDESTRIAN ACCESS EXHIBIT			
DESIGNED BY	MAW	SCALE	DATE 8/30/21
DRAWN BY	MAW	(H) 1" = 30'	SHEET 1 OF 1
CHECKED BY		(V) 1" = N/A	JOB NO. 2177.64

N:\217764\DRAWINGS\DEVELOPMENT\sidewalk_exhibit.dwg, 10/12/2021 8:33:30 AM, 1:1

N:\217764\DRAWINGS\truck turning.dwg, 10/12/2021 8:35:26 AM, 1:50



PER ECM 2.3.7.G.2 B-40 VEHICLES MAY USE ONE OR MORE TRAFFIC LANES TO COMPLETE TURN WHEN TURNING FROM CORRECT TRAFFIC LANE WITHOUT CROSSING INTO OPPOSING TRAFFIC LANES AND WITHOUT TRACKING ONTO CURB AT CORNERS.



SCALE: 1"=50'

TRUCK TURNING EXHIBIT
(B-40 BUS)