



Planning and Community
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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

The ECM administrator will provide additional review once the comments provided have been addressed.

ENGINEER INFORMATION

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

Please provide an exhibit of the proposed roadway

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.

Russell W. Whorton _____ Date 3/4/21

Engineer's Seal, Signature
And Date of Signature



SP2010

Right of way width is already included as part of the waiver request per LDC 8.4.4.E.3 and may be removed.

Per the TIS, the intersection spacing of the private roadway is met. This may be removed.

Attach diagrams, figures, and other documentation to clarify requests 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, Right-of-Way width, Paved width, Intersection Spacing and sidewalk both sides

A private roadway is proposed (24' paved width)

Comments have been provided in the TIS regarding the proposed roadway and its adequacy. Please coordinate with the traffic engineer regarding any recommendations/justification provided from their analysis.

The intersection spacing referenced is for roadways. this can be removed.

State the reason for the requested deviation:

Please indicate how this will be enforced.

This site is a small commercial development that has 6 individual lots ranging from 25,706 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 based on the proposed paved width of 24'. Each individual lots will have their own direct driveway access to the private road and given the lot dimensions the intersection spacing will likely need to be less than the typical 175' min. This type of commercial development is proposing 5.0' wide sidewalk along one side only of the private roadway which will allow for adequate pedestrian access and circulation.

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 75' compared to the 200' for Local and 100' for Local low-volume.
Private roadway Tract width proposed is 40' compared to std. 50' Right-of-Way with esmts. Additional esmts. provided for utilities.
Paved width proposed is 24' compared to 30' for Local and 24' for Local low-volume.
Exact intersection spacing unknown at this time and will be provided with each individual lot Site Plan. This compares to 175' for Local and 150' for Local low-volume.
Sidewalk (5.0' attached) is proposed along one side of the private street only compared to both sides for Local.

the preliminary plan indicates a 30' ft. tract. Please coordinate with NES and Traffic engineer so that the documents are consistent with each other.

Access spacing for the driveways is per ECM Section 2.4 and table 2-35. each driveway access point would not be known till each individual site plan. This may be remove

Per ECM 2-36 the design vehicle for commercial/retail land uses are multi-unit trucks. Provide an auto-turn exhibit with the appropriate design vehicle for this roadway to ensure that the radius proposed 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:

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.

Please provide further justification for the proposed alternatives to the ECM standards. How is the proposed road section adequate for the traffic that is generated by the site, especially the truck traffic? indicate how the proposed radius of the roadway is adequate? Additionally please provide justification for the lack of the sidewalk on the south side of the proposed roadway. Based on the proposed land uses in the TIS (Fast food, business park, and shopping center) it appears that pedestrian access by means of a sidewalk and midblock crossing would be needed and beneficial to the development to access the southerly lots.

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. Local low-volume.

The deviation will not adversely affect safety or operations.

The private roadway will function very similar to the ECM std. Local low-volume.

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. Local low-volume.

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

The private roadway will function very similar to the ECM std. Local low-volume, 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 _____ 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.