



Planning and Community  
Development Department  
2880 International Circle  
Colorado Springs, Colorado 80910  
Phone: 719.520.6300  
Fax: 719.520.6695  
Website www.elpasoco.com

## 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. Colorado P.E. Number : 37155  
Mailing Address : Same as above  
  
Phone Number : Same as above  
FAX Number :  
Email Address :

### 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)

3/4/21  
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 (24' paved width)

State the reason for the requested deviation:

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'. 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.

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. (Reference attached truck turning exhibit showing adequate site access)

Private roadway Tract width proposed is 30' 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.

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 WB-40 trucks, 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. 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:**

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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**

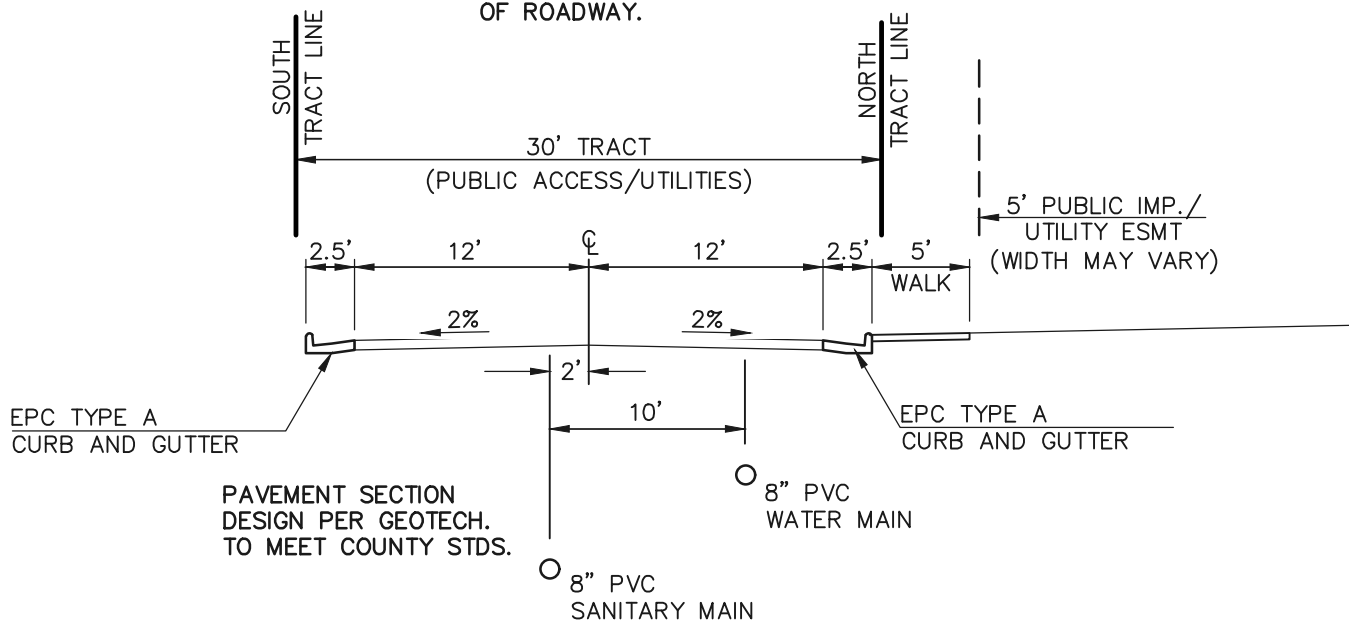
Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

## **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.

NO PARKING ALLOWED  
EITHER SIDE OF ROAD.

NO PARKING SIGNAGE  
REQUIRED BOTH SIDES  
OF ROADWAY.



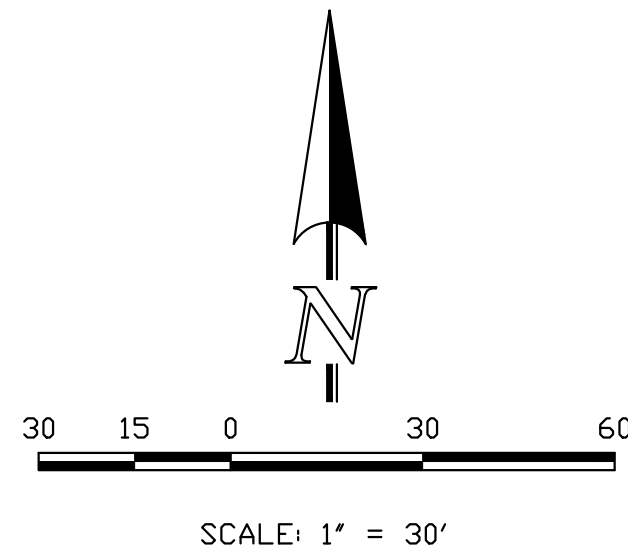
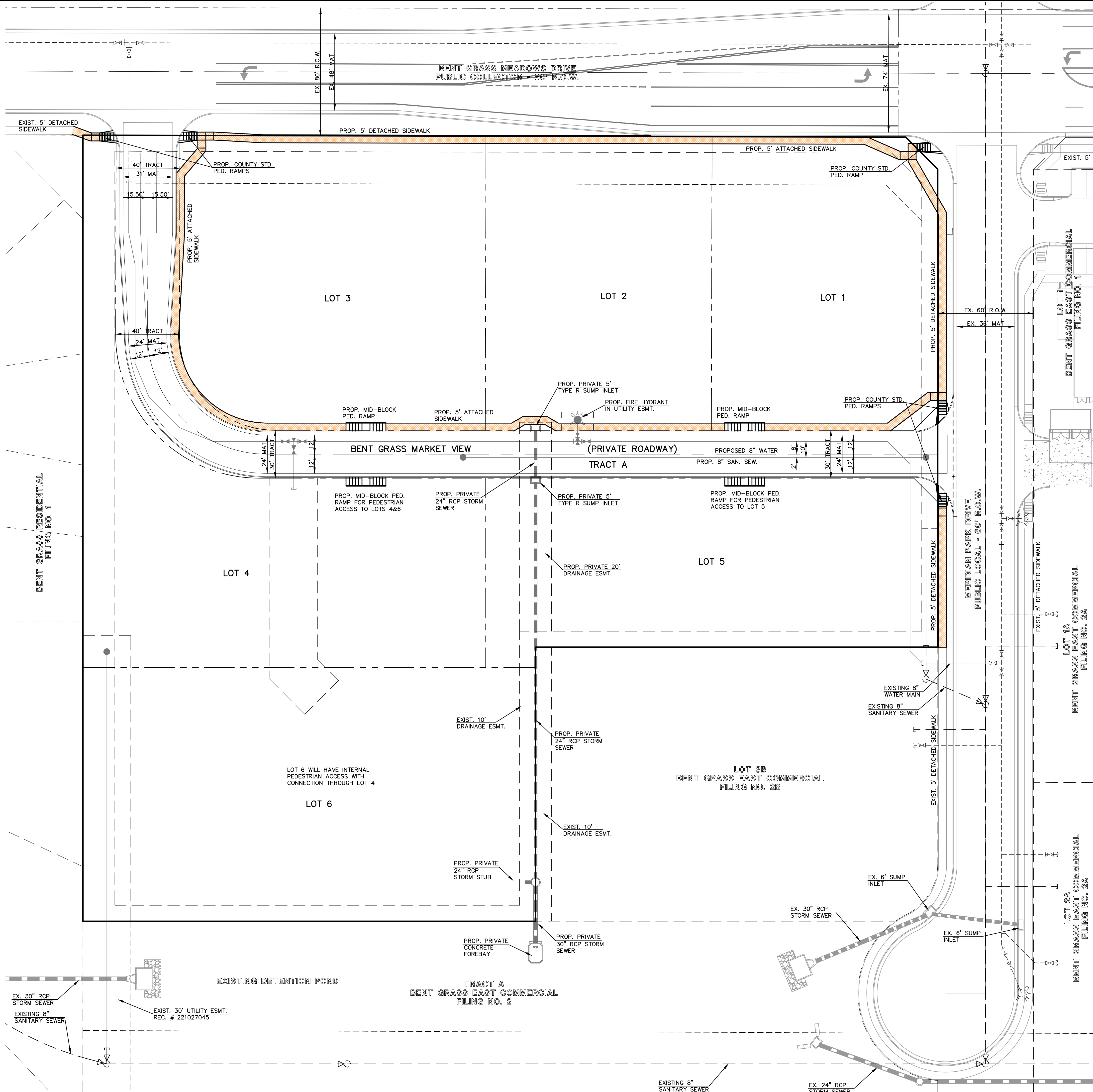
## TYPICAL PRIVATE ROAD CROSS SECTION

SCALE: 1" = 10'

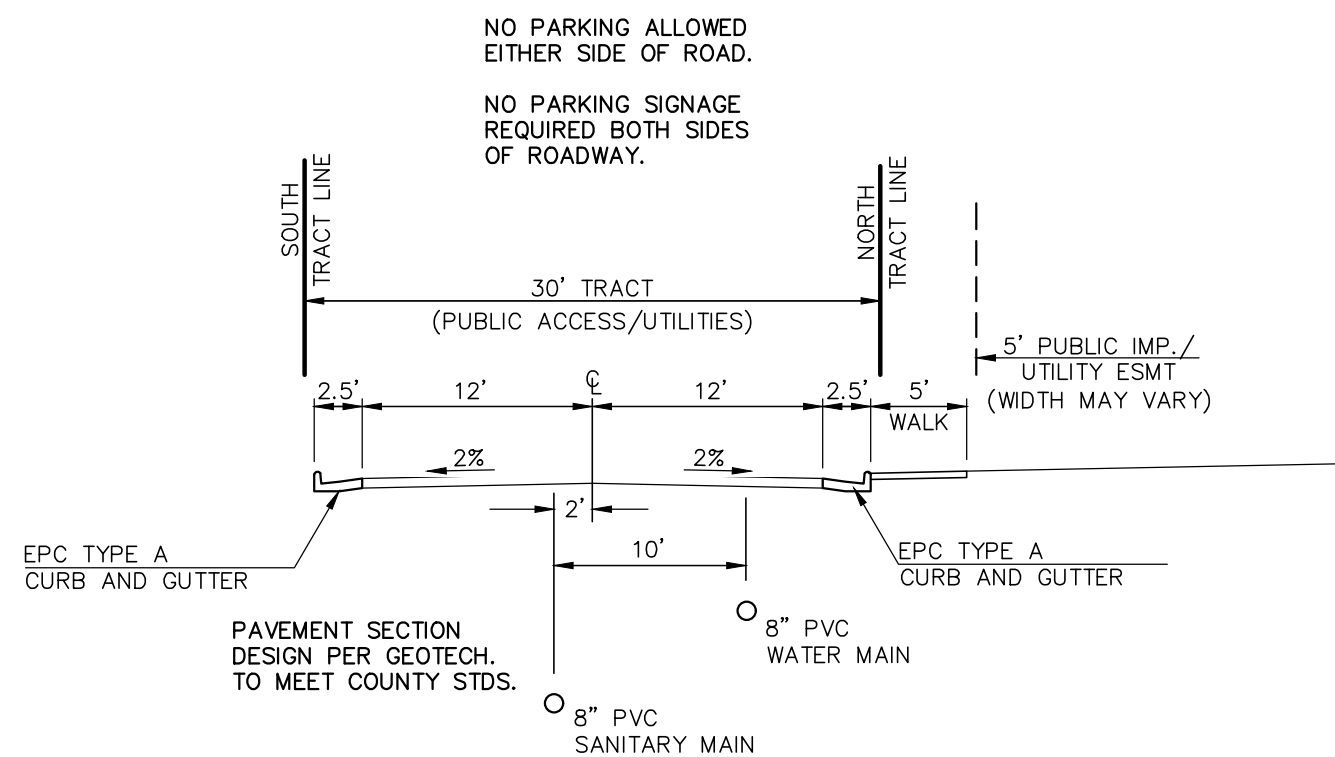
BENT GRASS MARKET VIEW



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LEGEND	
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	---



TYPICAL PRIVATE ROAD CROSS SECTION

SCALE: 1" = 10'

BENT GRASS MARKET VIEW



BENT GRASS EAST  
COMMERCIAL FILING NO. 3  
PEDESTRIAN ACCESS EXHIBIT

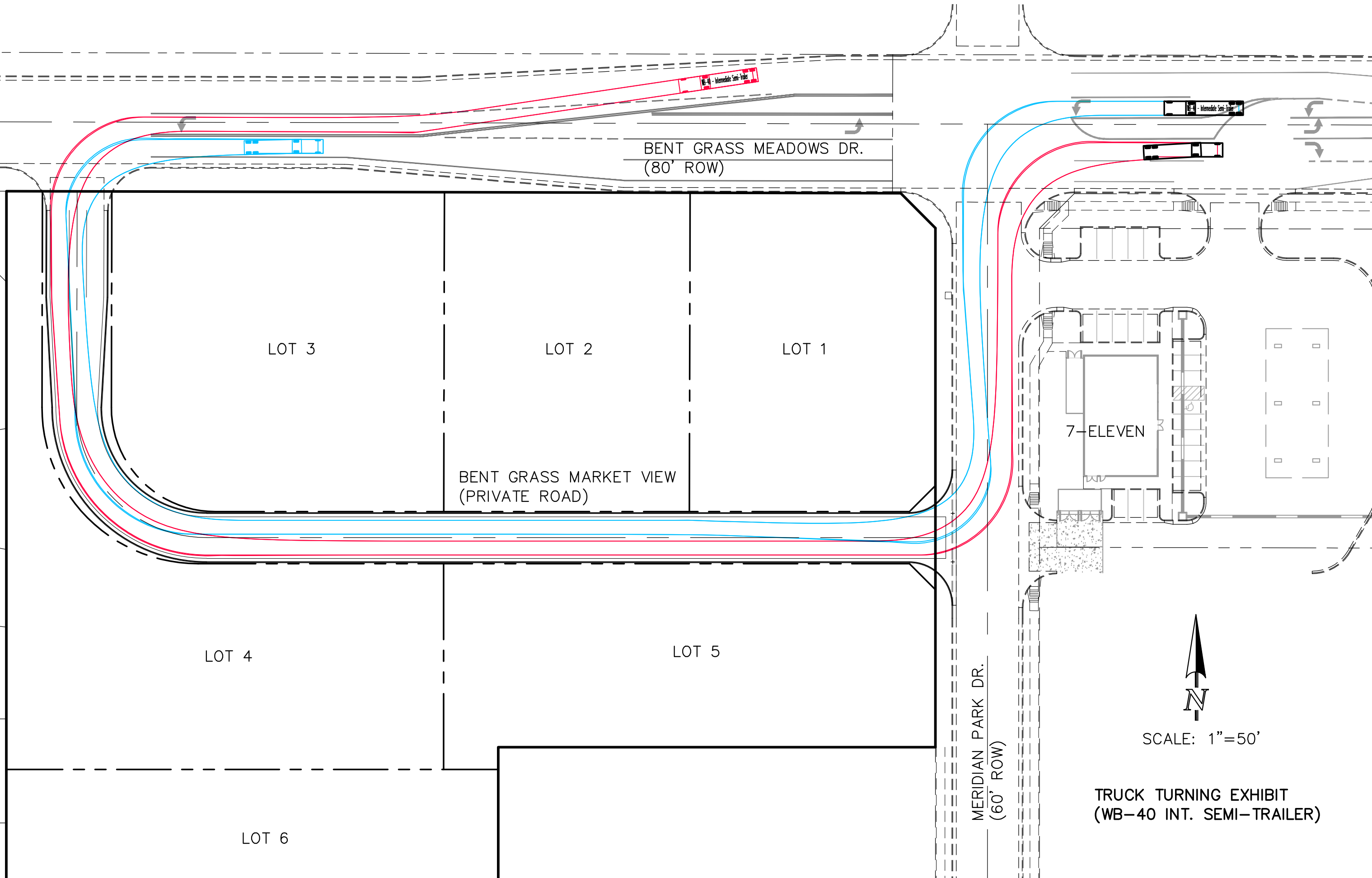
DESIGNED BY	PRA	SCALE	DATE	4-5-21
DRAWN BY	PRA	(H) 1"= 30'	SHEET	1 OF 1
CHECKED BY		(V) 1"= N/A	JOB NO.	2177.64

619 N. Cascade Avenue, Suite 200  
Colorado Springs, Colorado 80903  
(719)785-0790  
(719)785-0799 (Fax)





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BENT GRASS MEADOWS DR.  
(80' ROW)

LOT 3

LOT 2

LOT 1

BENT GRASS MARKET VIEW  
(PRIVATE ROAD)

LOT 4

LOT 5

LOT 6

7-ELEVEN

MERIDIAN PARK DR.  
(60' ROW)



SCALE: 1"=50'

TRUCK TURNING EXHIBIT  
(WB-40 INT. SEMI-TRAILER)