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**DEVIATION REQUEST
AND DECISION FORM**

Updated: 6/26/2019

PROJECT INFORMATION

Project Name :	Northcrest Flex Space PPR
Schedule No.(s) :	53323 09 004, 53323 09 005, 53323 09 006,
Legal Description :	Lot 3, Lot 4 & Lot 5 Northcrest Center Filing No 2

APPLICANT INFORMATION


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ENGINEER INFORMATION

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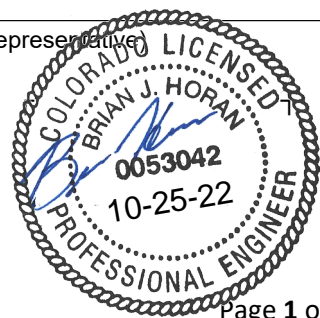
OWNER, APPLICANT, AND ENGINEER DECLARATION

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.



Signature of owner (or authorized representative) 10/25/222
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 **2.4.1B** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.4.1. Access Design Guidelines

B. Access Spacing. Accesses shall be separated by a distance equal to the entering sight distance values in Table 2-35. When turn lanes are present or will be needed in the future, the accesses shall be separated by a sufficient distance so that exclusive turn lanes including tapers will not overlap. Access shall not be permitted within a turn lane. Warrant criteria, design, and construction of turn lanes shall be governed by the requirements contained in Section 2.3.7D.

Table 2-36 provides for a commercial/retail access should be design for multi-unit trucks with the caveat that "if less than 2 multi-unit truck trips per day (average), use single unit truck. Table 2-35 provides for 25 mph roadways the following spacing should be provided for each design vehicle: Passenger Car/Pickup Trucks: 250', Single Unit Trucks: 325', Multi-Unit Trucks: 425'.

State the reason for the requested deviation:

A deviation from the above is being requested for the southern and northern proposed accesses located along Canada Drive. The total site frontage along this roadway is less than 450'. It is necessary to the on site and neighboring property uses to maintain two accesses along the frontage. The two accesses have been designed to separate passenger vehicle and large truck traffic to facilitate safety. Passenger vehicles will primarily use the access to the south while larger single unit trucks would use the access to the north. Additionally, an easement is provided to the west of the site that shares access with a day care use. It is the intent of this design to minimize the necessity of any and all traffic in the proximity of the day care use.

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

The deviation request covers both accesses along Canada Drive (Urban Local)

The Applicant proposes to develop the site with a business center (light industrial use). Generally, the building is oriented to direct foot traffic to the south side of the building with loading activities on the north side of the building. Two access drives are being proposed to facilitate this separation of foot traffic and loading activities.

Southern Access: The southern access, which is intended for passenger vehicles and the pedestrian accesses to the building, is proposed to be right-in/right-out along Canada Drive and connecting to the existing shared access off of Bismark Road to the west. The southern access is intended to only be used by passenger vehicles and pickup trucks. According to Section 2.4.1B Table 2-35 the Entering Sight Distance for Driveways for a 25 mph road and a single unit truck is 325'. A measure of sight distance for this entrance shows approximately 140' to Constitution Avenue. This represents a reduction from the standard of 185'. As the entrance is proposed right-in/right-out no conflicts exist with traffic coming from Constitution Avenue so no safety concerns are anticipated.

Northern Access: The northern access, which is intended for the loading traffic, is proposed as full movement along Canada Drive and connecting to the shared access off of Bismark Road to the west. The northern access is intended to be used by pickup trucks and single unit trucks. It is not anticipated that any multi unit trucks would use this access. As such and according to Section 2.4.1B Table 2-35 the Entering Sight Distance for Driveways for a 25 mph road and a passenger car vehicle is 325'. A measure of sight distance for this entrance shows approximately 255' to Constitution Avenue. As measured from Centerline to Centerline approximately 140' spacing between the southern and northern access is proposed.

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:

A number of factors contribute to the justification of this request.

1. The southern entrance is proposed to be restricted to right-in/right-out eliminating the majority of the conflict points related to this access.
2. As shown in the Traffic Memorandum fewer than 20 inbound peak hour trips are expected. This trips will be distributed across multiple entrances and movements. No safety concerns are anticipated from the proposed design.
3. The access locations will allow for passenger vehicles to remain separate from larger vehicle traffic and more opportunity to circulate through the site. Vehicles would have to turn around via multiple maneuvers if only one access was provided. This is a safety concern for on site vehicular and pedestrian users. Additionally, if these accesses are not provided all traffic will have to circulate both inbound and outbound via the shared access along Bismark Road along the neighboring day care use. It is the intent of this proposed to design to keep these traffic flows separate for safety of the neighboring use.
4. The neighborhoods to the south and north of Constitution Avenue have driveways and roadway intersections in a similar proximity and spacing to that being proposed. The proposed access locations are in conformance with the surrounding neighborhood and would not be out of character for the area.
5. As shown in the updated TIS turn lanes would not be warranted along Canada Drive at the proposed access.

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 deviation will achieve the intended result with a comparable or superior design and quality of improvement. This is achieved by physically restricting the southern access movements to alleviate any safety concerns.

Per ECM 2.4.1.F Access Clearance from Intersections:

2. Commercial. 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.

The southern entrance adheres to this standard.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations. Traffic memorandum suggests projected AM/PM peak hour trips to be 22/20 trips respectively. Site generated traffic will not adversely affect safety or operations. The proposed alternative namely provided multiple points of access to the site as well as separating dissimilar vehicle types will provide a more safe alternative for onsite users as well as reduce the number of vehicles that may conflict with users to the west via the shared drive.

Said differently, this deviation is required to provide a second access location along the frontage to Canada Drive. The second access is necessary to improve safety and circulation as mentioned previously. The deviation from the spacing/site distance requirement is being mitigated by restricting this access to right-in/right-out. The addition of the right-in/right-out access is a superior design to forcing all traffic through a single access along Canada Drive or worse still forcing all traffic through the shared access along Bismark Road. Providing multiple points of access as well as separately dissimilar traffic is a superior design and will be facilitated through the approval of this deviation.

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

The deviation will not adversely affect maintenance and its associated cost. The proposed alternative represents no impact to maintenance of cost from the standard. The effect of the additional access location, which can be accomplished through this deviation, would have minimal impact to public snowplow operations.

The deviation will not adversely affect aesthetic appearance.

The deviation will not adversely affect aesthetic appearance. The proposed alternative represents no impact to the aesthetic appearance from the standard. The effect of the additional access location, which can be accomplished through this deviation, will not impact the aesthetic appearance of the area as multiple driveways are in proximity of the development due to the existing residential development.

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

The deviation meets the design intent and purpose of the ECM standards as the intent of the standard is to maintain safety and circulation through the network. The deviation will reduce conflicts on site as well as with neighboring uses. The ECM standard's intent and purpose is to maintain safety for vehicles utilizing the entrance. The restriction to right-in/right-out removes and conflicts with Constitution Avenue. The allowance for the entrance keeps the minimal truck traffic anticipated separate from the passenger vehicle traffic. The more opportunities vehicles have, both passenger and truck traffic, to enter/exit the site the fewer vehicles need to utilize the existing shared access. Not approving this variance will direct more vehicles to the shared access with the day care use.

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.

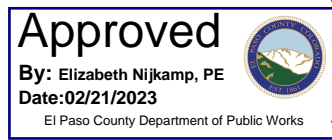
The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. This section of the criteria is being adhered to and the deviation does not impact the meeting of the criteria.

REVIEW AND RECOMMENDATION:

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.4.1.B 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:

Approved with the following conditions:
Southern access entrance along Canada Drive to be right in/right out only and have a sign(s) posted according to MUCTD limiting turns and vehicle size.

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.