



**Planning and Community
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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Claremont Business Park 2 Filing No. 2

Schedule No.(s): 5405412005, 5405412006, 5405412007, 5405412008, 5405412009, 5405412009, 5405412010, 5405412011

Legal Description: A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE 1/4 SE 1/4) OF SECTION 5 AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 8, T14S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO CONSISTING OF LOTS 8, 9, & 10, AND TRACT B "CLAREMONT BUSINESS PARK 2 FILING NO. 1" RECORDED UNDER RECEPTION NO. 221714714 OF THE RECORDS OF EL PASO COUNTY, COLORADO, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF LOT 7, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1";
THENCE N89°44'12"E A DISTANCE OF 17.02 FEET TO THE EASTERLY LINE OF TRACT C, SAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1" AND THE POINT OF BEGINNING;
THENCE ALONG SAID LINE, 508.27 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 508.00 FEET, A CENTRAL ANGLE OF 57°19'36", THE CHORD OF 487.34 FEET WHICH BEARS N31°02'14"E TO THE NORTHERLY RIGHT-OF- WAY OF MEADOWBROOK PARKWAY;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES;
1) THENCE CONTINUING 241.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 508.00 FEET, A CENTRAL ANGLE OF 27°15'58", THE CHORD OF 239.47 FEET WHICH BEARS N73°20'01"E TO A POINT OF COMPOUND CURVE;
2) THENCE 85.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 32°37'55", THE CHORD OF 84.28 FEET WHICH BEARS S76°43'03"E TO THE WEST RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD;
THENCE NON-TANGENT TO THE PREVIOUS COURSE, S00°10'49"E ALONG SAID WEST LINE, 464.30 FEET TO THE NORTHEAST CORNER OF LOT 5, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1";
THENCE S89°44'12"W ALONG THE NORTH LINES OF LOTS 5, 6, AND 7, AFORESAID "CLAREMONT BUSINESS PARK 2 FILING NO. 1", 561.25 FEET TO THE POINT OF BEGINNING.

APPLICANT INFORMATION

Company : M&S Civil Consultants, Inc.

Name : Virgil A. Sanchez, P.E.

Owner Consultant Contractor

Mailing Address : PO Box 1360
80901, CO

Phone Number : 719-491-0818

FAX Number :

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ENGINEER INFORMATION

Company : M&S Civil Consultants, Inc.

Name : Virgil A. Sanchez, P.E.

Colorado P.E. Number : 37160

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80901, CO

Phone Number : 719-491-0818

FAX Number :

Email Address : virgils@mscivil.com

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)

06-05-23
 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 **Table 2-7. Roadway Design Standards for Urban Collectors and Locals-** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

A deviation from the standards of **Table 2-7. Roadway Design Standards for Urban Collectors and Locals** to deviate from the centerline minimum radius from 200' to 100' at (1) one curvilinear location within the El Jefe Heights roadway. A waiver request from the LDC has been submitted with this application for the proposed access road(s) to be considered "Private" and proposed to be owned by the adjacent property owners and maintained by the local Claremont Business Park HOA association.

Chapter 2 Transportation Facilities
 Adopted: 12/23/2004
 Revised: 12/13/2016
 REVISION 6
 Section 2.3.3-2.3.3

Table 2-7. Roadway Design Standards for Urban Collectors and Locals

Criteria	Collectors		Local	
	Non-Residential	Residential	Local	Local ⁴ (low volume)
Design Speed / Posted Speed (MPH)	40 / 35	40 / 35	25 / 25	20 / 20
Clear Zone	14'	14'	12'	7'
Minimum Centerline Curve Radius	565'	565'	200'	100'
Number of Through Lanes	2	2	2	2
Lane Width	12'	12'	12'	12'
Right-of-Way	80'	60'	60' ³	60' ³
Paved Width (Excluding Gutter Pan)	48'	36'	30'	24'

State the reason for the requested deviation:

The purpose of this request to deviate from the minimum centerline radius from 200' to 100' at one (1) curvilinear location within the El Jefe Heights roadway is due to the orientation of the existing driveway from Meadowbrook Pkwy to the project site to the existing allocated 45' accessway to the south for the second access from Gary Watson Point.

The two fixed access points necessitate a reverse "S" curve design to match up to both. With the fixed distance between and irregular location of the two access locations requires a deviation to (1) of the two curvilinear curves within El Jefe Street. We respectfully request approval for a 100' radius from the north curve; in contrast, the south curve shall be able to meet the minimum 200' radius. Support of the (1) centerline curve at 100' allows all other design criteria to be met. The granting of this request provides an efficient commercial development in terms of land, traffic patterns, and use on an irregular location of the two fixed access points to and through the site.

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

The proposed transportation layout includes the following deviation(s) from standard ECM Standards pertaining to an Urban Local roadway cross-section.

Requesting;

- 100' minimum centerline radius whereas a standard minimum centerline radius is 200'.

LIMITS OF CONSIDERATION

(At least one of the conditions listed below must be met for this deviation request to be considered.)

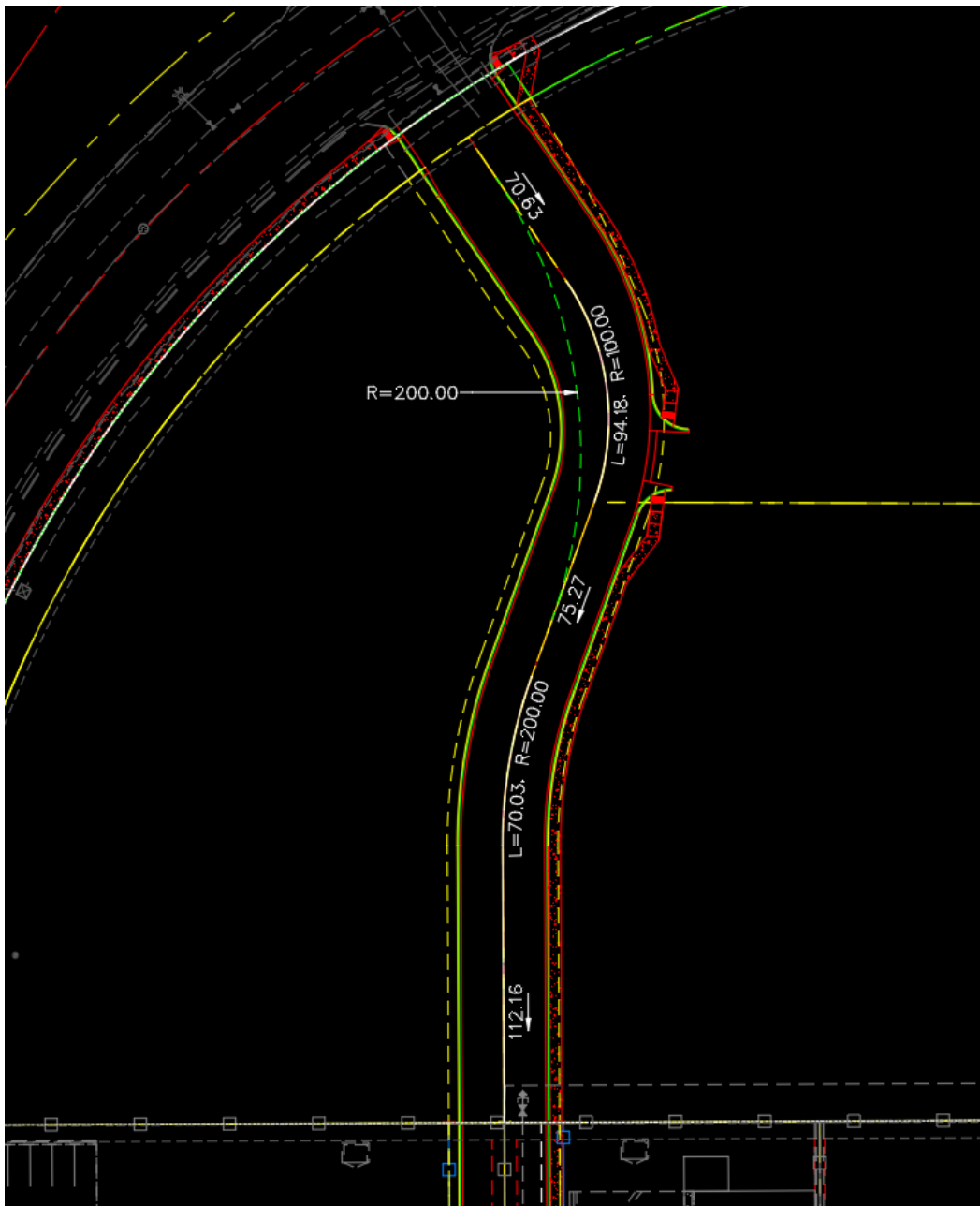
- The ECM standard is inapplicable to the particular situation.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
- 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 proposed transportation layout includes the following deviation(s) from standard ECM Standards pertaining to an Urban Local roadway cross-section.

Requesting:

- We request approval of a 100' minimum centerline radius, whereas the radius requirement is 200' at (1) one (north curve) curvilinear location within the El Jefe Heights roadway. Meeting the 200' radius requirement would inhibit adequate distance between the two proposed curves. See the image below of the proposal for the 100' vs. the 200' radius requirement.



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 improvements and proposed cross section will achieve a comparable level of performance as the standard cross section with respect to the following:

- Traffic volume capacity and operations
- Utility placement within the roadway
- Stormwater conveyance
- Pedestrian access and circulation

The deviation will not adversely affect safety or operations.

The applicant's opinion is that granting this deviation request will not adversely affect safety or roadway operations.

The reduced radii 100' curve (north) is located approx. 100' from the intersection of El Jefe Heights and Meadowbrook Pkwy. The reduced curve radii are expected to have minimal effect on the roadway operation, as northbound is an approach to a "stop" condition, and southbound, the speed of traffic southbound from Meadowbrook Pkwy is anticipated to be relatively slow in the direction of the reduced radii curvature.

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

Deviation will not affect maintenance and its associated cost. A waiver request from the LDC has been submitted with this application for the proposed access road(s) to be considered "Private" and proposed to be owned by the adjacent property owners and maintained by the local Claremont Business Park HOA association.

The deviation will not adversely affect aesthetic appearance.

The granting of this deviation request shall be relatively aesthetically unnoticeable. The proposed private street will resemble that of a typical roadway, featuring typical street and landscaping of a commercial area.

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

Yes, approval of the deviation request, the private roadway section shall meet all details of the County standards of Table 2-7. Roadway Design Standards for Urban Collectors and Locals of the Engineering Criteria Manual (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.

Yes, The deviation meets the control measure requirements. The subdivision will provide (1) sand filter basin to provide the required water quality capture volume for the El Jefe roadway flows.

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/SD-4-1 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.