



**Planning and Community  
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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

Project Name : Waterview East Commercial

Schedule No.(s) : 509200002

Legal Description : TR IN SEC 9-15-65 DESC AS FOLS: COM AT THE N4 COR OF SD SEC 9, TH S00-19-23E ALG THE N/S CEN LN OF SD SEC 1613.76 FT TO A PT ON THE SLY ROW LN OF BRADLEY RD, TH S89-30-29W 3.77 FT, TH ALG THE ARC OF A CUR TO THE L HAVING A RAD OF 2759.79 FT, A C/A OF 15-09-41, ARC DIST OF 730.29 FT, WHICH CHORD BEARS S81-55-38W, DIST OF 728.16 FT, TH S74-20-48W 930.15 FT TO THE POB; TH S15-39-12W 394.68 FT, TH ALG THE ARC OF A NON TANG CUR TO THE R, HAVING A RAD OF 75.00 FT, A C/A OF 43-29-55, ARC DIST OF 56.94 FT, WHICH CHORD BEARS S36-01-21W, DIST OF 55.58 FT, TH S57-46-18W 68.47 FT, TH ALG THE ARC OF A CUR TO THE L, HAVING A RAD OF 450.00 FT, A C/A OF 35-44-30, ARC DIST OF 280.72 FT, WHICH CHORD BEARS S39-54-03W, DIST OF 267.19 FT, TH S67-58-24E 40.00 FT, TH S22-01-36W 538.15 FT, TH ALG THE ARC OF A CUR TO THE R, HAVING A RAD OF 260.00 FT, A C/A OF 13-32-35, ARC DIST OF 61.46 FT, WHICH CHORD BEARS S28-47-53W, DIST OF 61.31 FT, TH S00-00-00W 148.75 FT, TH N90-00-00W 515.00 FT, TH N00-29-10W 1123.38 FT, TH ALG THE ARC OF A CUR TO THE R HAVING A RAD OF 150.00 FT, A C/A OF 87-49-03, ARC DIST OF 229.91 FT, WHICH CHORD BEARS N43-25-21E, DIST OF 208.05 FT, TH N87-19-53E 53.06 FT, TH ALG THE ARC OF A CUR TO THE L HAVING A RAD OF 2967.79 FT, A C/A OF 12-59-05, ARC DIST OF 673.03, WHICH CHORD BEARS N80-50-20E, DIST OF 671.59 FT, TH N47-20-48E 21.87 FT

### **APPLICANT INFORMATION**

Company : CPR Entitlements, LLC

Name : Mr. P.A. Koscielsk

☒ Owner ☐ Consultant ☐ Contractor

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### **ENGINEER INFORMATION**

Company : LSC Transportation Consultants, Inc

Name : Jeffery C. Hodsdon

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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)

Date

Engineer's Seal, Signature  
And Date of Signature

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**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section 2.2.5.D (and 2.3.2) of the *Engineering Criteria Manual (ECM)* is requested. The request is for a right-in/right-out access to Legacy Hill Drive approximately 350 feet south of Bradley Road (and 250 feet north of the roundabout intersection (Frontside Drive)- centerline spacing). Please refer to the attached exhibits. Also, please refer to the TIS report prepared for this project for additional information.

Identify the specific ECM standard which a deviation is requested:

2.2.5.D Roadway Access Criteria - Collector Access Criteria

2.3.2 Design Standards by Classification Table 2-7 Urban Non-Residential Collector – NO Access Permitted.

(Note: This deviation is for private “access allowed” and if the proposed private shopping center access drive proposed to connect to Legacy Hill Road is considered comparable to a local public street, then “intersection spacing along a Collector” is a consideration with this deviation.

Note: While these elements will be considered as part of this request for the access point, at the design stage, a deviation for the access geometric elements will likely be required, including abbreviated right turn bay and taper lengths and skewed angle of the access drive).

State the reason for the requested deviation:

Exhibit 1 shows the location of the Waterview East Commercial development and Exhibit 2 shows the location of the proposed right-in/right-out access for which this deviation to the *ECM* criteria is requested. The applicant is requesting this access to improve access to the site as no access will be allowed to the west to Powers Boulevard (classified FW Freeway) or to the north to Bradley Road (an Urban Minor Arterial). Without this deviation, there would only be access to/from one side (the south side) of the development. This would hamper the marketing of the development, especially the proposed gas station/convenience store site on the “hard corner” of Bradley Road/Legacy Hill Drive. It would also be detrimental to the viability of the site and competitiveness in the market. Due to the topographic and grading conditions of the main parcel, the south access points are separated by a grade barrier. This means these retail uses are separated from the proposed self-storage use. The RI/RO access will reduce pressure off the main central access to the south that is not signalized. It is believed that the introduction of the RI/RO will create additional safe access and exist options reducing the resulting traffic at any one access point. It would also hamper Emergency Vehicle access to the site and reduce safety for the general public for the entire site. The site would only have one access for the retail portion of the site without this requested access point.

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

The deviation is a request for a right-in/right-out, restricted turn-movement access to the west side of Legacy Hill Drive about 345 feet south of Bradley Road (Centerline spacing). The ECM standard is NO private access to a Collector street. A private, internal commercial street would extend southwest from this access. . For reference, if the requested access drive were considered like a **public** local street connection to Legacy Hill Drive, *the closest local roadway intersection to an arterial roadway [Bradley Road] shall be 660 feet (right-of-way line of arterial to centerline of local roadway)*. For comparison, the spacing from the Bradley Road right-of-way line to the centerline of the requested access would be about 200feet. Please refer to Deviation Exhibit No. 2 for spacing dimensions.

## 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 site has no access to the west to Powers Boulevard (classified FW Freeway) or to the north to Bradley Road (an Urban Minor Arterial). Without this deviation, there would only be access to/from one side (the south side) of the development. This would hamper the marketing of the development and place undue staking and pressure on a single access point. The additional access would separate and provide a secondary access for the proposed gas station/convenience store use site on the "hard corner" of Bradley Road/Legacy Hill Drive. It would also be detrimental to the viability of the site and competitiveness with already limited access to the surrounding major corridors.

## 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 for a turn-restricted, right-in/right-out access to Legacy Hill would provide significantly better accessibility to the site ) especially to the corner gas station/convenience store lot, which will help to make up for no allowable direct access to Powers Boulevard or Bradley Road. The proposed 345' spacing south of Bradley Road would be able to accommodate an abbreviated right-turn bay to separate right turning traffic from through traffic on this section of Legacy Hill Drive.

The deviation will not adversely affect safety or operations.

The existing raised center median on Legacy Hill Drive will physically prevent left turning movements in/out of the access.

The right in/right-out access connection would be designed with a planned controlled northbound right-turn bay on Legacy Hill Drive to separate right turning traffic from southbound through traffic on this section of Legacy Hill Drive on the approach to the roundabout intersection.

The oblique angle of the access would allow for right turns from Legacy Hill onto the access drive at a higher turning speed, which would help mitigate the shorter length of the right turn bay and provide easing movement. A raised channelizing island would be recommended for separating in and out traffic given the oblique angle of the access, provide for a shorter pedestrian crossing distance. Please refer to the attached Deviation Exhibit No. 3.

The right-out/exiting turning movement would have a less-than-90-degree angle. Therefore, LSC recommends this right-out component be restricted to passenger vehicles only (no trucks). The analysis shows that projected queues on the southbound approach to the Frontside/Legacy Hill roundabout intersection would not regularly block the right-out turning movement onto Legacy Hill. The combination of width and corner radius for this right-out lane will need to accommodate a passenger-vehicle turning movement onto southbound Legacy Hill. The design will provide a more predicable set of movements for both pedestrians and drivers in this condition

Gaps from the planned traffic signal at Bradley/Legacy Hill would allow exiting right turns to enter southbound Legacy Hill Drive – the projected level of service is C.

The deviation will not adversely affect safety or operations.

Exhibit 3 shows the recommended configuration, including pedestrian crossing conceptual design.

Exhibit 4 shows a sight-distance analysis for the proposed right-in/right-out access. As shown in this exhibit, this intersection meets the criteria for both stopping sight distance and intersection sight distance, when considering the anticipated design speed of traffic turning from Bradley Road (or traveling straight across Bradley Road from the north side of the intersection).

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

The deviation will not impact maintenance costs. The access opening, curbs, and raised channelizing island would be maintained by the Metro District.

The deviation will not adversely affect aesthetic appearance.

The deviation will not impact aesthetic appearance as this area is being developed as an urban development and the access and design features will look similar to the nearby roundabout design elements. The shopping center management will maintain landscaping.

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

Although the ECM criteria specifies "no access" to a Non-Residential Collector Street (Legacy Hill), the criteria does indicate that *"Where no local public or private roadway can provide access, temporary or partial turn movement parcel access may be permitted."* Although local public roadway access is provided on the south side of the site to Frontside Drive, given no ability to access Powers Boulevard or Bradley Road site frontage and given the size and type of development (shopping center/convenience commercial), the access would not be **"reasonable access"** (especially for the proposed gas station/convenience store lot on the key "hard corner" of Bradley Road/Legacy Hill Drive). A partial turn access is requested and left turns would be physically prevented. The section above details the safety and operational considerations.

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.

Water quality will be provided per the drainage report.

**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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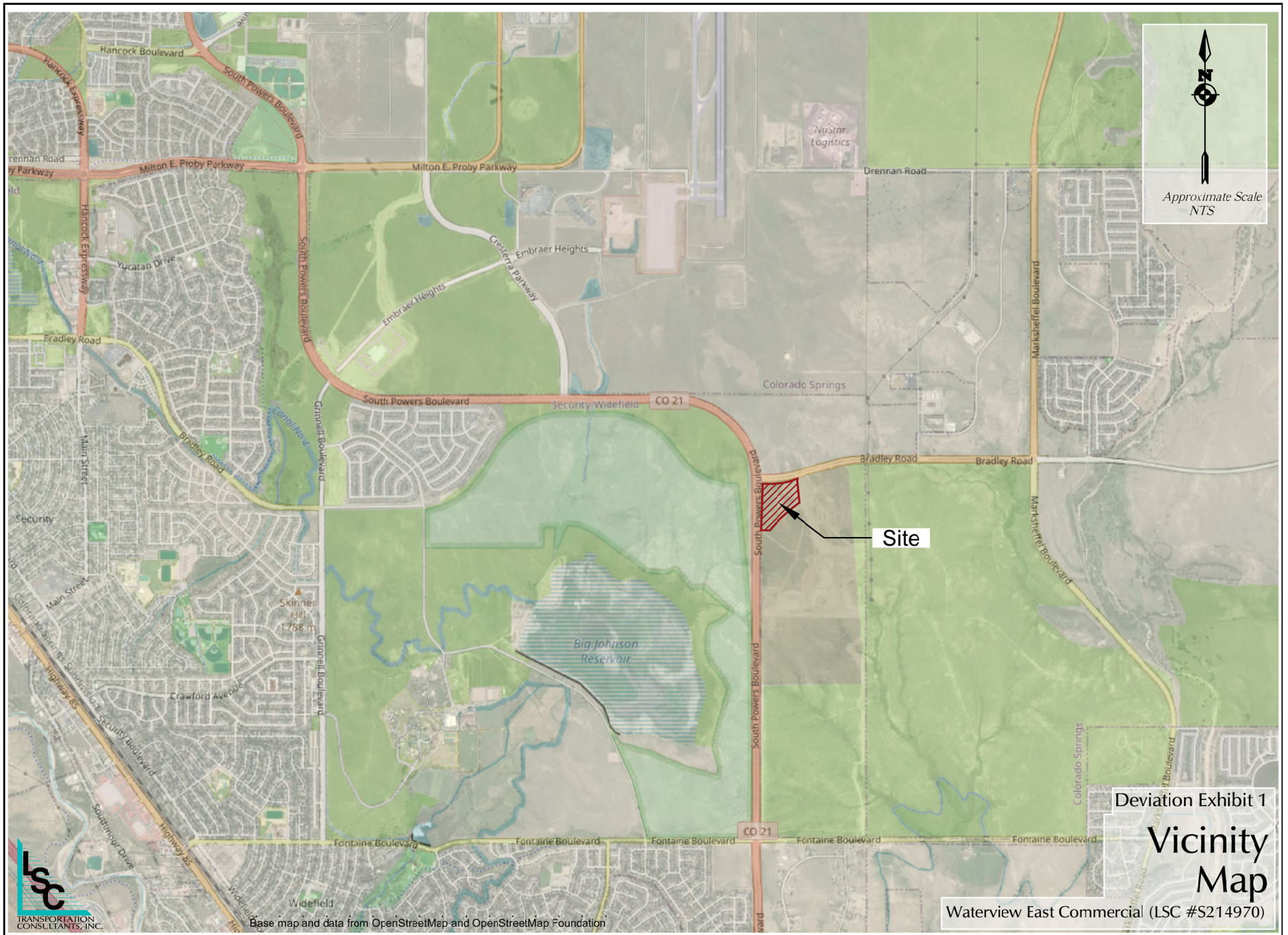
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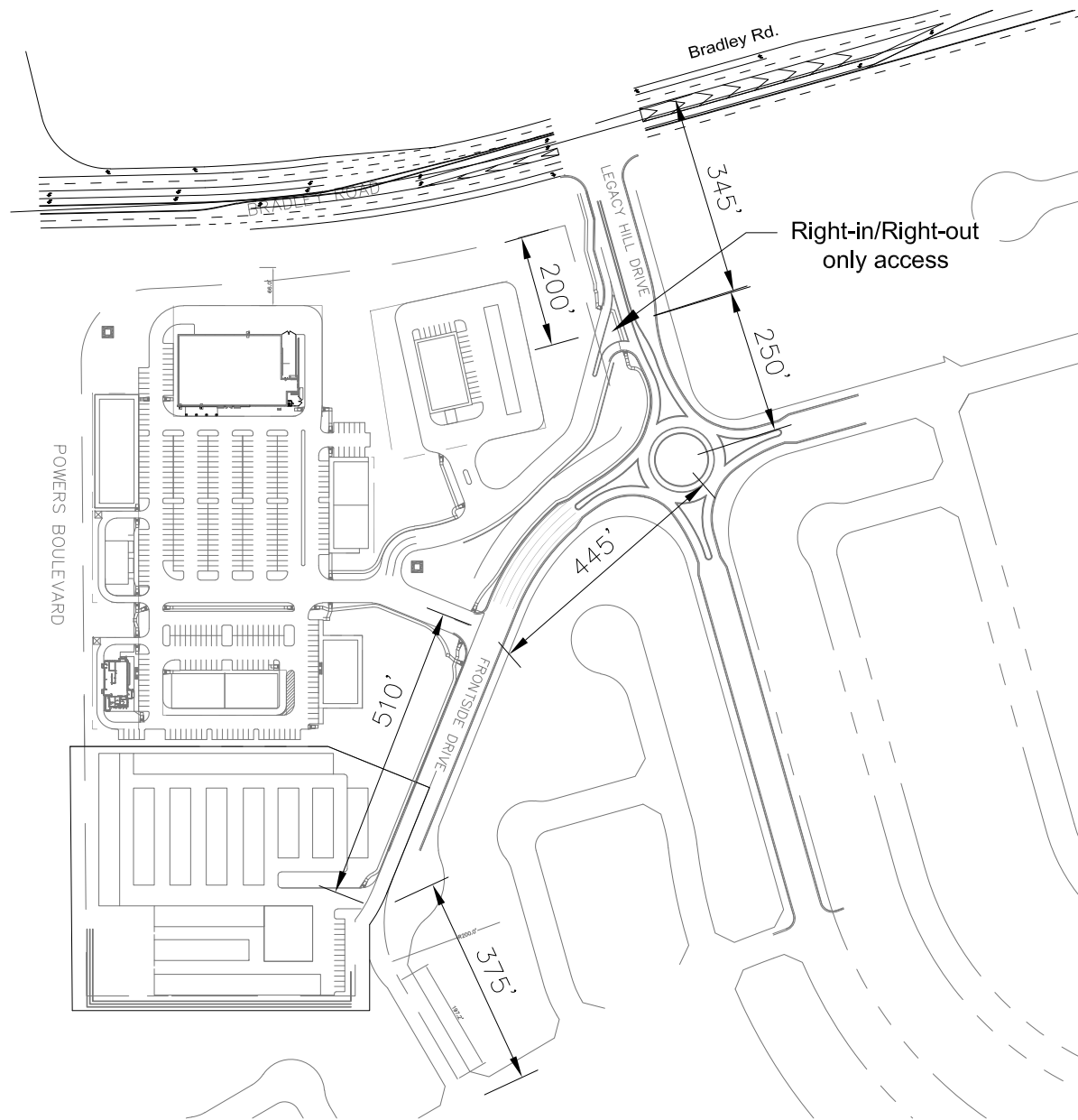
ECM ADMINISTRATOR COMMENTS/CONDITIONS:


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# Deviation Exhibits

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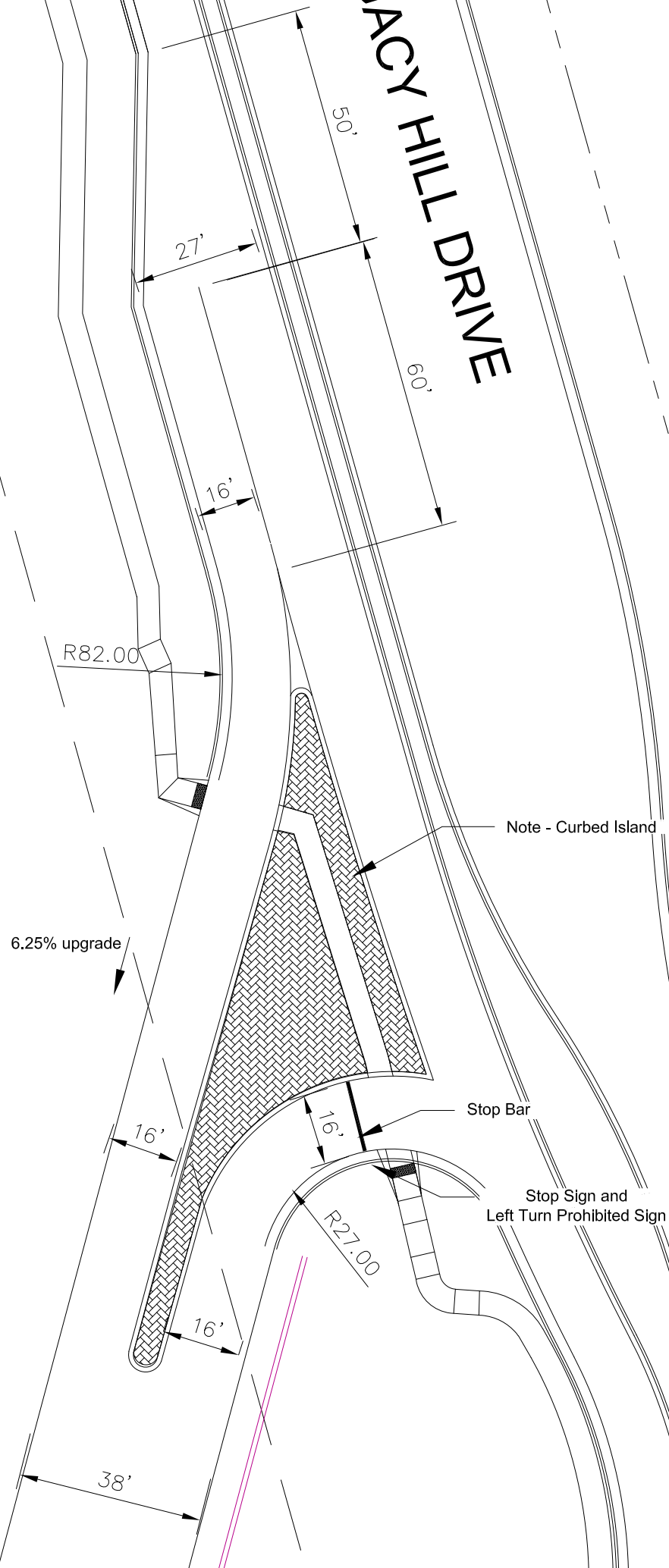




  
 Approximate Scale  
 1" = 300'

BRADLEY ROAD

LEGACY HILL DRIVE



Approximate Scale  
1" = 30'

Bradley Rd.



Approximate Scale  
1" = 100'



- = 445' intersection sight distance  
(based on a design speed of 40mph)
- = 280' intersection sight distance  
(based on a turning speed of 25mph)

- = 155' stopping sight distance (based  
on a turning speed of 25mph)
- = 305' stopping sight distance (based on a  
design speed of 40mph for through traffic)

- - - = Lines of sight to downstream near-side  
ped ramp and to right out portion of access  
(vehicle entry point to Legacy Hill Dr.)

Deviation Exhibit 4

## Sight Distance Analysis - Legacy Hill Dr.

Waterview East Commercial (LSC #S214970)