



**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 :	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 :	Waterview Commercial Investors, LLC
Name :	Mr. Heath Herber
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	2727 Glen Arbor Drive Colorado Springs, CO 80920
Phone Number :	719-331-0083
FAX Number :	
Email Address :	HHerber@wheatlandscapital.com

### ENGINEER INFORMATION

Company :	LSC Transportation Consultants, Inc	Colorado P.E. Number :	31684
Name :	Jeffery C. Hodsdon		
Mailing Address :	2504 East Pikes Peak Avenue, Suite 304 Colorado Springs, CO 80909		
Phone Number :	(719) 633-2868		
FAX Number :	(719) 633-5430		
Email Address :	jeff@lsctrans.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.

Waterview Commercial Investors, LLC  
Heath A. Herber, MGR 9/10/2023  
Signature of owner (or authorized representative) 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 2.2.5.D (and 2.3.2) of the *Engineering Criteria Manual (ECM)* is requested. The request is for a right-in-only access to Legacy Hill Drive approximately 350 feet south of Bradley Road (and 250 feet north of the roundabout intersection (Frontside Drive)- centerline spacing). A one-way, internal access drive would extend southwest from this access point and connect to the two-way internal access between the convenience store/gas station and the remainder of the commercial center. 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 is a deviation to this "no access allowed" criteria)  
  
2.4.1.C.1. Access Design Criteria -Horizontal Alignment.  
2.3.7.E.1.2 Turn Lane Design  
Note: The following proposed geometric elements will be considered as part of this request for the access point:  
• Abbreviated right-turn bay and taper lengths:  
• Skewed angle of the access drive with respect to Legacy Hill Road.

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-only 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 right-in-only access will reduce pressure off the main central access to the south that is not signalized. It is believed that the introduction of the right-in-only will create a necessary, additional access option thereby reducing the resulting traffic at any one access point. The access would allow for significantly better emergency-vehicle access to the site, which would enhance 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-only, 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, one-way, internal commercial street would extend southwest from this access into the site.

The access would meet this criterion:

*2.4.1.F.2 Access Design Criteria- Clearance From intersections*

*Access to commercial or industrial parcels fronting Nonresidential Collector roadways shall be located a minimum of 115 - 480 feet from the point of curvature or point of tangency of the curb line at the intersection depending on the sight distance and location with respect to the intersection, intersection control, and posted speed. Please refer to Deviation Exhibit No. 2 for spacing dimensions.*

*2.4.1.C.1. Access Design Criteria - Horizontal Alignment. Access points shall be aligned at 90 degrees to the adjacent road centerline or along a radial line in a cul-de-sac.*

The proposed access is at an obtuse angle, but in this situation, this will be beneficial as described in the operations section below.

*2.3.7.E.1,2 Turn Lane Design*

The proposed right-turn lane would have abbreviated lane and taper lengths. The ECM standard is 155-foot lane plus 160-foot taper, plus storage. Deviation Exhibit 3 shows the proposed lengths. The abbreviated lengths will be mitigated by the proposed 60' corner radius and skewed (obtuse) angle. This is described in the operations section below.

## 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 if the retail portion of the site were to be left with one access point only.

## 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-only 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 into of the access. Left turns out (or right turns out) will not occur as the access drive will be one-way-in only.

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



The deviation will not adversely affect safety or operations.

The obtuse angle of the access, combined with the larger-than-standard 60-foot corner radius, would allow for right turns from Legacy Hill onto the access drive at a higher turning speed, which would result in a reduced speed differential between southbound through traffic and right-turning traffic. This will mitigate the shorter length of the right-turn bay and provide a much easier right-turn movement. Right-turn-lane **stacking distance** is not needed, as the turn off Legacy Hill will be a "free" movement (except for the infrequent need to yield to crossing pedestrians). A pedestrian crossing of this access is shown. However, low pedestrian volumes are anticipated. Exhibit 3 shows the recommended configuration.

Exhibit 4 shows a sight-distance analysis for the proposed right-in-only access. As shown in this exhibit, this intersection meets the criteria for stopping 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). Entering (Intersection) sight distance would not apply as this is proposed as a right-in-only access.

Exhibits 5 and 6 show the truck-turning templates for a WB-50 and a WB62, respectively.

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, right-in-only access is requested and left turns would be physically prevented. There would be no vehicles turning onto Legacy Hill Drive, as the access would be an entrance only. 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.

The requirements of the MS4 permit will be met.

Review and Recommendation:

2.2.5

2.3.2

2.4.1

Approved by the ECM Administrator

This request has been determined to have met the criteria for approval. A deviation from Section 2.3.7 of the ECM is hereby granted based on the justification provided.

┌

**APPROVED**  
**Engineering Department**

└

03/27/2024 8:23:24 AM

*dotnikamp*

└

EPC Department of Public Works

┌

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.

┌

└

└

┌

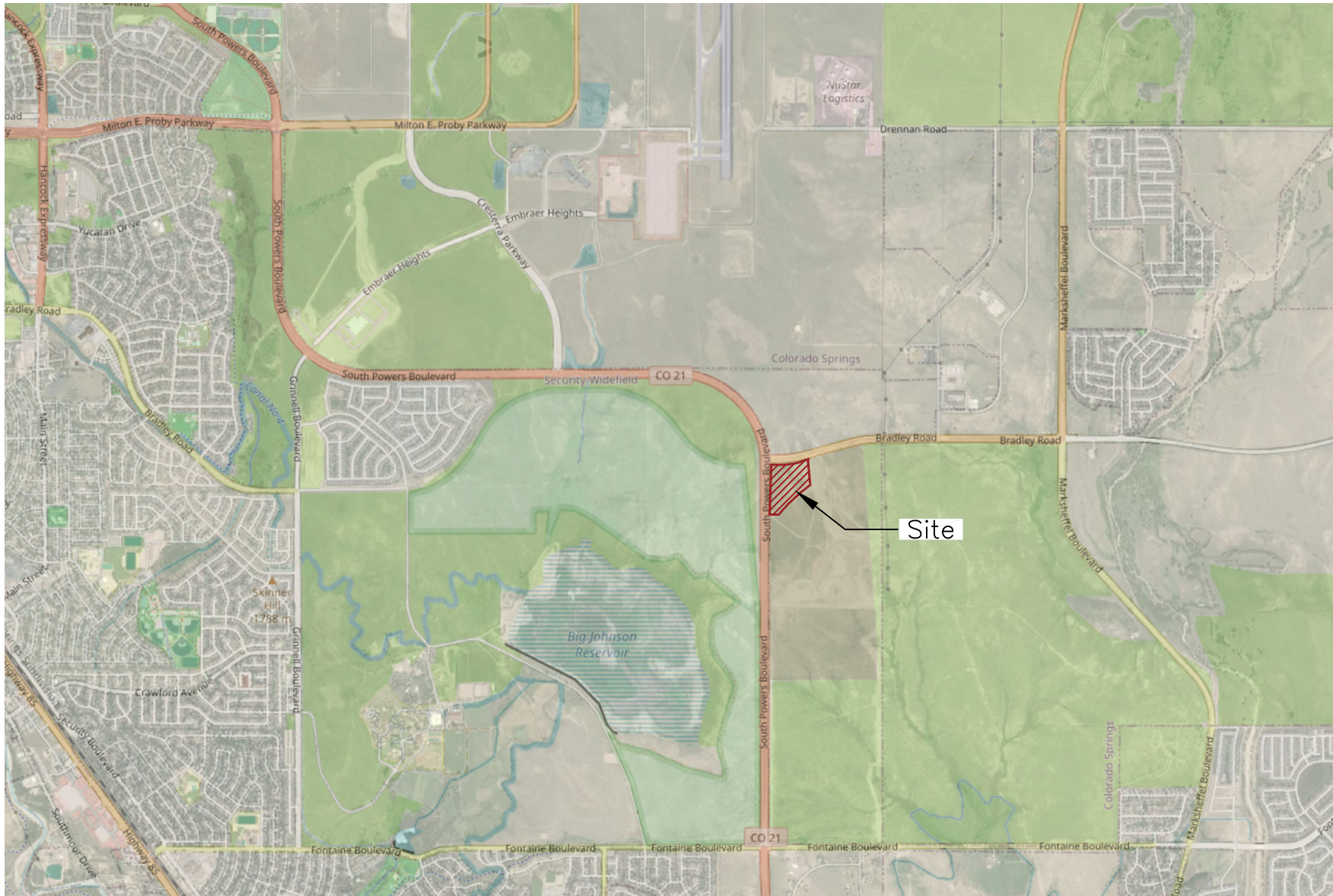
ECM ADMINISTRATOR COMMENTS/CONDITIONS:

With the approval of this deviation, a plat note waiver will need to be applied to Note #12 for Aspen Hills Filing No. 1 (Plat No. 14541) recorded at reception no. 220714541. The plat note currently states that no access is allowed to Legacy Hills Drive. The plat note waiver will remove this condition and reference to the Final Plat for Waterview East Commercial site. The subsequent final plat for Waterview East Commercial shall include a note stating access to Legacy Hills Drive is limited to the right-in only access shown on the preliminary plan and supersedes Trails at Aspen Ridge Filing No. 1 final plat note no. 12.

# Deviation Exhibits

---



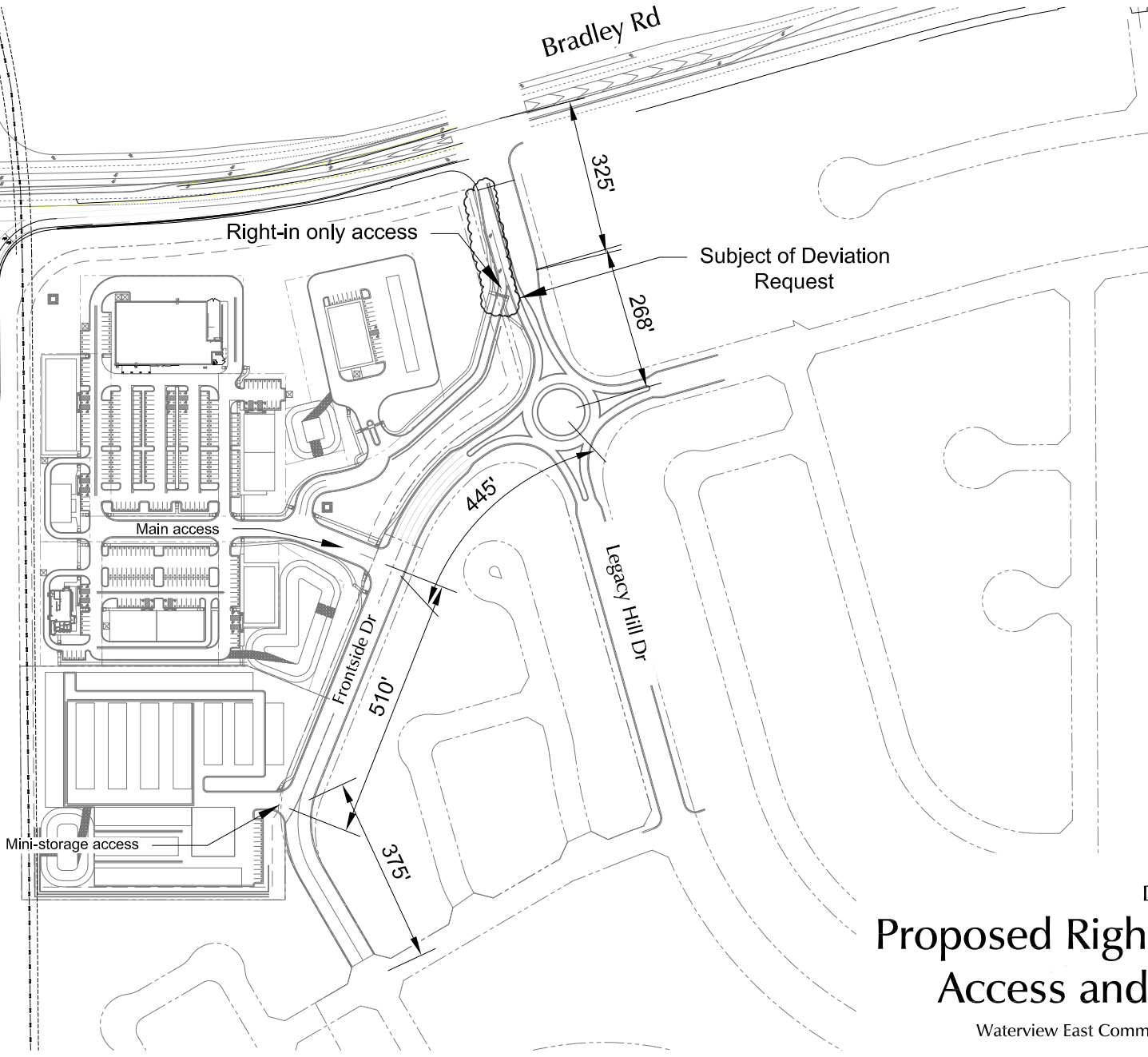


Site



Deviation Exhibit 1  
**Vicinity Map**  
Waterview East Commercial (LSC# S214970)

Powers Blvd  
BOOK 5307, PAGE 7472



Approximate  
Scale  
1" = 300'

Deviation Exhibit 2  
**Proposed Right-in-Only  
Access and Site Plan**

Waterview East Commercial (LSC# S214970)

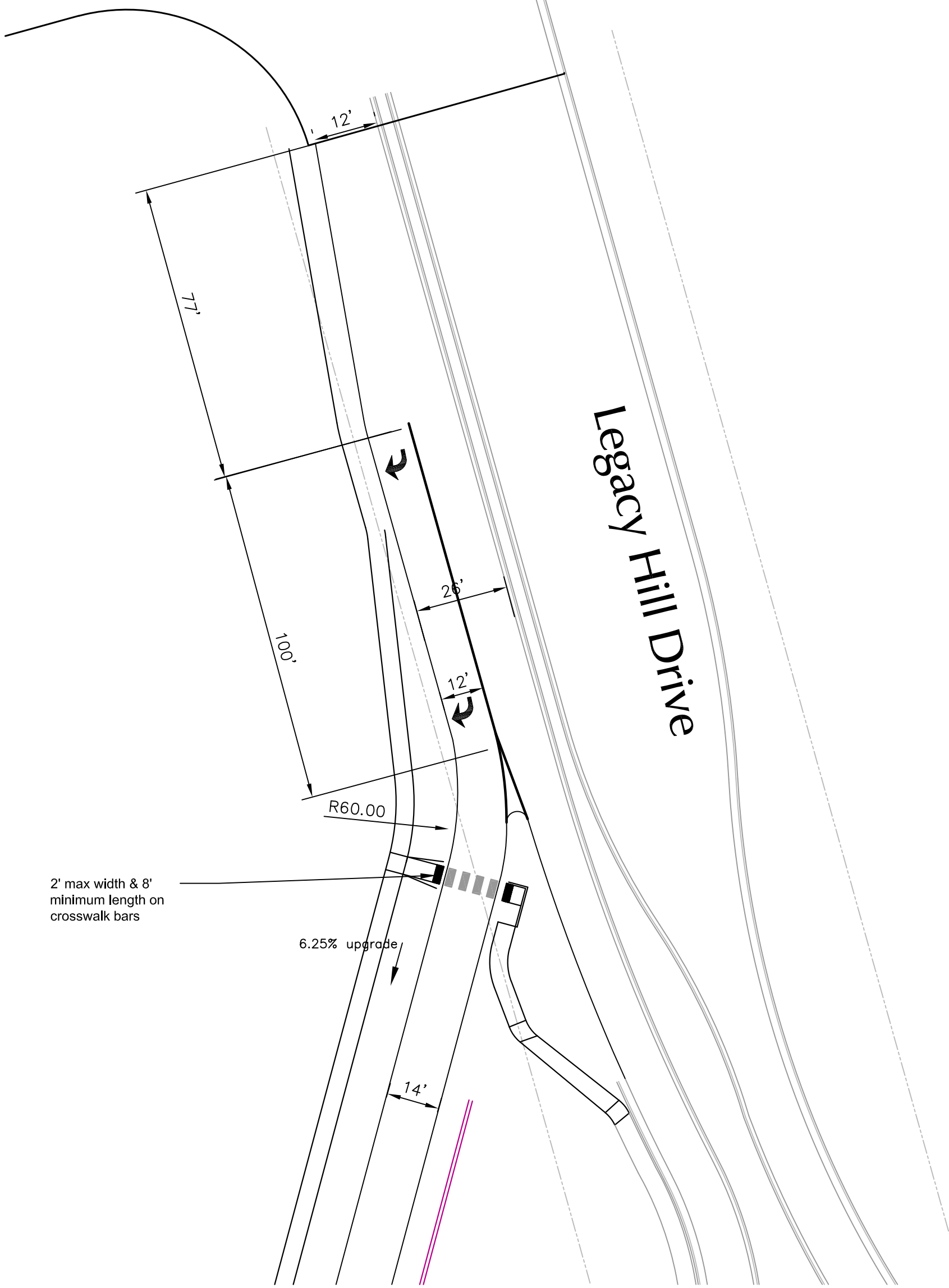




Bradley Road



Approximate  
Scale  
1" = 30'



2' max width & 8'  
minimum length on  
crosswalk bars

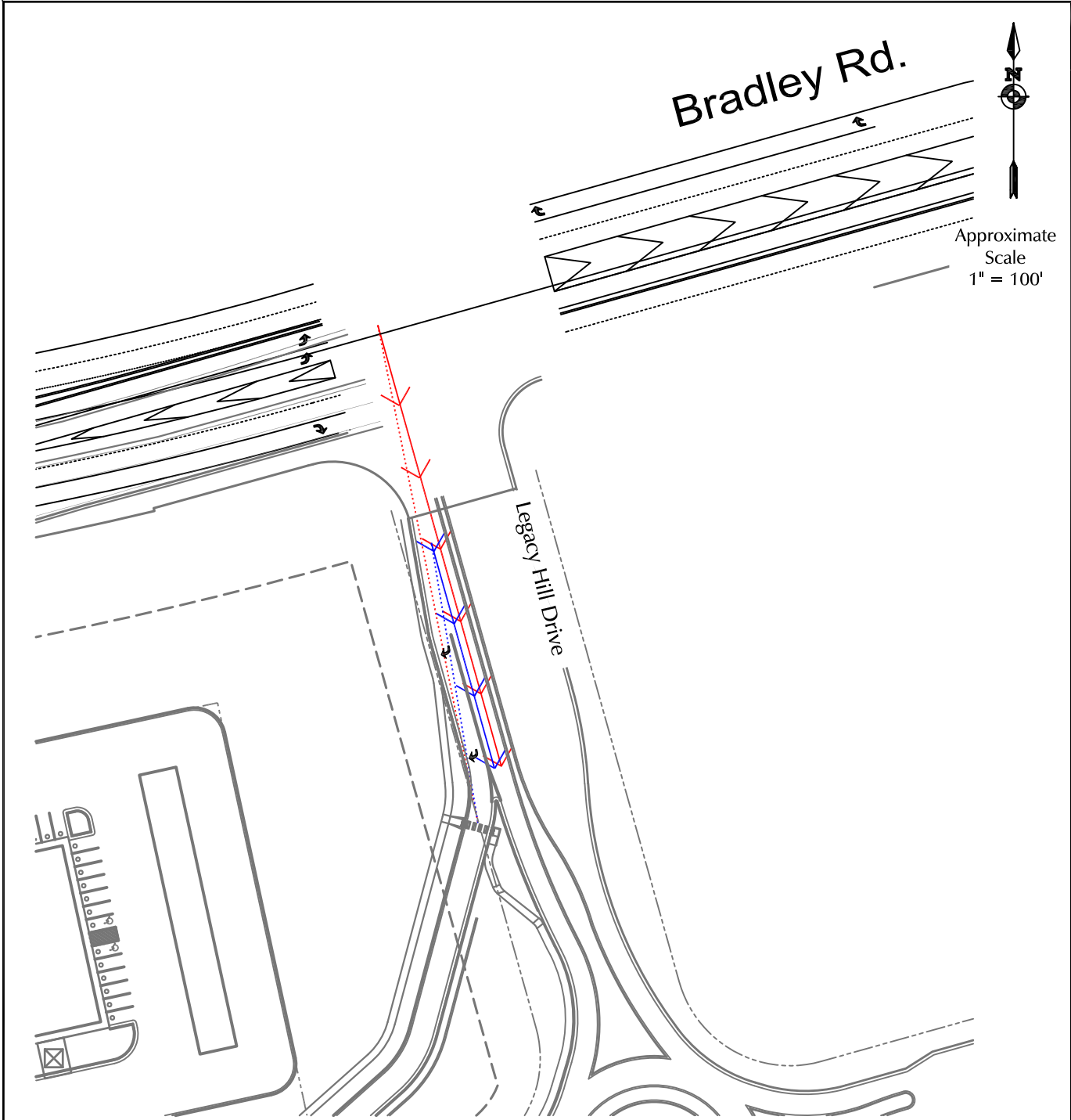
6.25% upgrade

Legacy Hill Drive






Deviation Exhibit 3  
Right-in Only Access Design

Waterview East Commercial (LSC# S214970)



Approximate  
Scale  
1" = 100'

-  = 155' stopping sight distance (based on an upstream turning speed of 25mph) - vehicles turning from eastbound or westbound Bradley Road
-  = 305' stopping sight distance (based on a design speed of 40mph for through traffic) - Non-Residential Collector Classification
-  = Lines of sight to downstream, near-side pedestrian ramp

Deviation Exhibit 4

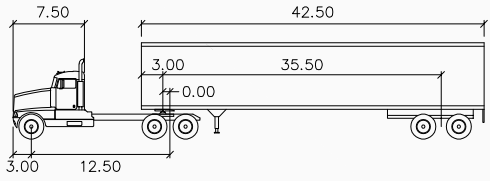
# Sight Distance Analysis - Legacy Hill Dr.

Waterview East Commercial (LSC# S214970)



**LEGEND:**

- ..... = Vehicle Body Clearance (1 foot) (Dot)
- (green) = Vehicle Body
- (red) = Front Tires
- (blue) = Rear Tires



WB-50

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 17.7
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



Approximate Scale  
Scale: 1" = 60'



Deviation Exhibit 5

**WB-50**

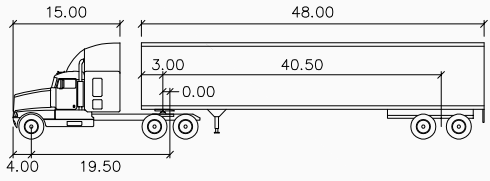
**AutoTurn Movements**

Waterview East Commercial (LSC #214970)



**LEGEND:**

- ..... = Vehicle Body Clearance (1 foot) (Dot)
- (Green) = Vehicle Body
- (Red) = Front Tires
- (Blue) = Rear Tires



WB-62

	feet		
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.50		



Approximate Scale  
Scale: 1" = 60'



Deviation Exhibit 6

**WB-62**

**AutoTurn Movements**

Waterview East Commercial (LSC #214970)

