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**DEVIATION REQUEST  
AND DECISION FORM**

Updated: 6/26/2019

**PROJECT INFORMATION**

Project Name : 11505 Meridian Market View – Public Storage  
 Schedule No.(s) : 5312101017  
 Legal Description : Lot 2, Falcon Highlands Market Place, Filing No.2

**APPLICANT INFORMATION**

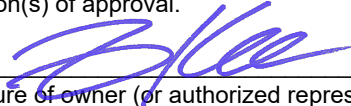
Company : Galloway & Company Inc.  
 Name : Troy Kelts  
 Owner  Consultant  Contractor  
 Mailing Address : 5500 Greenwood Plaza Blvd  
 Greenwood Village, CO 80111  
 Phone Number : 303-770-8884  
 FAX Number :  
 Email Address : troykelts@gallowayus.com

**ENGINEER INFORMATION**

Company : Galloway  
 Name : Brian Horan Colorado P.E. Number : 0053042  
 Mailing Address : 5500 Greenwood Plaza Blvd, Suite 200  
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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.

 \_\_\_\_\_ Date 4/19/2023

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 **2.3.7.B.** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

**2.3.7.B Intersection Spacing and General Access Standards**

Full movement intersections and major accesses spacing shall meet the requirements in Section 2.2.5. While access to a major roadway should be avoided, right-in/right-out and three quarter movement accesses may be permitted as a deviation if they meet the criteria for sight distances, turn lane requirements, grades and do not negatively impact traffic operations or safety. The applicant shall have the burden of proof that no other "viable or practical" property access is available. A deviation request should be supported by a traffic study or memorandum that provides information to assist the ECM Administrator in determining the proposed deviation minimizes negative safety and other operational impacts along upstream and downstream roadway segments.

State the reason for the requested deviation:

A deviation from the above standard is requested to allow access onto Foxtail Meadow Lane. The absence of this access location would pose an operational safety hardship on the site for large vehicle customers and emergency vehicles to safely access the property. Without access to Foxtail Meadow Lane, large trucks, vehicles with trailers and emergency vehicles may have to circulate the entirety of the perimeter of the site to use the access via the private drives shared with Walmart and Culvers, which presents increased opportunity for operational hazards and accidents around the site. The existing configuration of the adjacent retail properties to the north and east combined with the restricted access along Meridian Road results in the internal private drive, Meridian Market View, being a major means for access and egress for these adjacent properties. The existing traffic on Meridian Market View present service limitations for emergency vehicles, large trucks, and vehicles with trailers. The access to Foxtail Meadow Lane allows for a large percentage of customer vehicles to avoid exiting or entering the site from the north or east which serves a high volume of Walmart patrons and Culvers users.

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

The proposed alternative to no access is a limited access to Foxtail Meadow Lane. The ECM and other standards provide exceptions to standards if the proposed alternative provides operational or safety benefits to the network or site. The proposed alternative is not explicitly restricted in the ECM.

Per section 2.2.5 Roadway Access Criteria D. Collector Standards - single family residence access is restricted but no other land use is restricted access to Collectors. Other roadway classifications describe accesses being limited if access to lower functional classification roadways is available but not within the Collector guidance. Additionally, Foxtail Meadow Lane provides connection between Woodmen Road and Rolling Thunder Way in a segment approximately a quarter mile long. It serves as intersection access to future development as well as loading vehicles for the Walmart. Due to the low volume of the proposed use and the functional characteristics of Foxtail Meadow Lane no operational or safety concerns exist with the proposed access to Foxtail Meadow Lane.

**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 access meets sight distance requirements
2. Foxtail Meadow Lane carries low volume at slow speed so no operational or safety concerns are anticipated
3. Access to Foxtail Meadow Lane allows for a large percentage of customer vehicles to avoid exiting or entering the site from the north or east which serves a high volume of Walmart patrons and Culvers users.

**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. Any traffic that would use the proposed Foxtail Meadow Lane access would likely use an access to the north. This alternative prevents additional turning movements and is comparable to an access to the north without the hardship of significant grade challenges.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations. Traffic to self storage uses is minimal. Site generated traffic will not adversely affect safety or operations on Foxtail Meadow Lane. Development would not significantly impact surrounding roadways.

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 represent no impact to maintenance or cost from the standard.

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 full movement intersection to the south will serve as access to future 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. Namely the access does not adversely affect safety or operations of the site or network and granting the deviation likely represents an improvement to both safety and operations for access to this property.

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.

**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:**

## **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.