



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 :	Rising Moon	Date: 11/1/2024
Schedule No.(s) :	5503101010	
Legal Description :	TRACT B MORNING SUN I	Please provide an exhibit with this deviation that includes items such as ROW width, roadway classification, and peak hour traffic at the intersection.

APPLICANT INFORMATION

Company :	Norwood Development Group
Name :	Bobby Ingels
	<input type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	Norwood Development Group
	111 South Tejon Street, Suite 222
	Colorado Springs CO, 80903
Phone Number :	719-593-2619
FAX Number :	
Email Address :	bingels@norwood.dev

ENGINEER INFORMATION

Company :	LSC Transportation Consultants, Inc.	Colorado P.E. Number :	31684
Name :	Jeffrey C. Hodsdon		
Mailing Address :	2504 E. Pikes Peak Ave		
	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.

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)

Exclusive Right Turn Lanes Required: A deviation from the standards of or in Section 2.3.7.D.2 of the Engineering Criteria Manual (ECM) is requested. The request is NOT to add exclusive right-turn lanes for right turning movement volumes which exceed and/or are projected to exceed 50 vehicles per hour (vph). at the intersections of Peaceful Meadow Street/Harvest Moon Terrace and Hazy Morning Drive/Harvest Moon Terrace.

Exclusive Left Turn Lanes Required: A deviation from the standards of or in Section 2.3.7.D.1 of the Engineering Criteria Manual (ECM) is requested. The request is NOT to add exclusive left-turn lanes for right turning movement volumes which exceed and/or are projected to exceed 50 vehicles per hour (vph) at the intersections of Peaceful Meadow Street/Harvest Moon Terrace and Hazy Morning Drive/Harvest Moon Terrace.

Identify the specific ECM standard which a deviation is requested:

2.3.7.D.2 Turn Lanes Required, Exclusive Right- Turn Lanes Required.
2.3.7.D.1 Turn Lanes Required, Exclusive Left- Turn Lanes Required.

State the reason for the requested deviation:

The deviation is requested as the turn lanes are not necessary, would have negative implications, and the existing condition with no exclusive turn lanes represents the superior design when compared to an altered design with the turn lanes added.

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

The deviation request is to waive the requirement for adding exclusive auxiliary left- and right-turn lanes on these Urban Local streets. Based on the **existing and future** traffic volumes shown in TIS and the following criteria contained in the *ECM (and the CDOT Access Code, by reference)*, some turning movements have projected turning volumes which fall above the threshold requiring left- and right-turn auxiliary lanes.

ECM Standard: 2. Exclusive right-turn lanes shall be provided wherever right-turn lanes are specified as being needed by an approved TIS, identified in the MTCP, required by the ECM or determined to be warranted by the ECM Administrator. Information in the TIS shall be used to determine whether an exclusive right-turn lane is warranted. Warrant determinations shall also be based on this chapter, which include:

*Minor Arterials (State Highway Access Code Designation - RB for Rural and NR-B for Urban) and Lower Classifications Right-Turn Lane: **A right-turn lane is required for any access with a projected peak-hour right-turning volume of 50 VPH or greater. An acceleration lane is generally not required.***

*Minor Arterials (State Highway Access Code Designation - RB for Rural and NR-B for Urban) and Lower Classifications Left-Turn Lane: **A left-turn lane is required for any access with a projected peak-hour left-turning volume of 25 VPH or greater.***

Not Needed as "Speed Change Lanes" for mitigation of turning vehicle "speed differential"

General Background: The auxiliary turn-lane criteria in the *ECM* was derived from the *Colorado State Highway Access Code* (the *ECM* criteria even reference the State Highway Access Code designation). The auxiliary turn-lane requirements in the Access Code are for the purposes of mitigating "speed-change differential" between through traffic on a major road (with a free-flowing condition or periodic free-flowing condition – i.e., without a full-time stop condition) and turning traffic from the major road onto a minor road.

Colorado State Highway Access Code (CSHAC) Applicable Criteria

The CDOT Access Code standards are adopted by reference per *ECM* section 1.5. Moreover, left-and right-turn deceleration and acceleration lane criteria in the *ECM* was derived from the CSHAC. Auxiliary turn-lane requirements in the CSHAC are primarily for the purposes of mitigating "speed-change differential" between through traffic on a major road (without a stop condition) and turning traffic from the major road onto a minor road.

The following definitions are presented in CSHAC Section 1.5

(29) "Deceleration lane" means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is to make an exit to turn from a roadway to slow to the safe speed on the ramp ahead after it has left the mainstream of faster-moving traffic. [§ 42-1-102(23), C.R.S.]

(75) "Speed change lane" means a separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase or decrease its speed to a rate at which it can more safely merge or diverge with through traffic. Acceleration and deceleration lanes are speed change lanes.

Moreover, notwithstanding the above, even if the County turn-lane thresholds were followed strictly for Urban Local street intersections within study area, the following criteria in the CSHAC applies to these intersections.

3.5 (5) The auxiliary lanes required in the category design standards may be waived when the 20th year predicted roadway volumes conflicting with the turning vehicle are below the following minimum volume thresholds. The right-turn deceleration lane may be dropped if the volume in the travel lane is predicted to be below 150 DHV. The left-turn deceleration lane may be dropped if the opposing traffic is predicted to be below 100 DHV. The right-turn acceleration lane may be dropped if the adjacent traveled lane is predicted to be below 120 DHV. The left-turn acceleration lane may be dropped if the volume in the inside lane in the direction of travel is predicted to be below 120 DHV.

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:

Please refer to the section above, which describes the site-specific situation and why the underlying **intent and purpose** of the ECM standard is inapplicable to this particular situation.

Generally, the character and function of Urban Local streets differ significantly from the type of roadways referenced in the above definitions. Urban local streets do not have “mainstream [or] high-speed moving traffic,” and so there is no speed-differential to mitigate. This is the case for these County Urban Local street intersections within study area.

Also, there is not sufficient ROW.

Moreover, notwithstanding the above, even if the County turn-lane thresholds were followed strictly for Urban Local street intersections within study area, the following criteria in the CSHAC applies to these intersections.

3.5 (5) The auxiliary lanes required in the category design standards may be waived when the 20th year predicted roadway volumes conflicting with the turning vehicle are below the following minimum volume thresholds. The right-turn deceleration lane may be dropped if the volume in the travel lane is predicted to be below 150 DHV. The left-turn deceleration lane may be dropped if the opposing traffic is predicted to be below 100 DHV. The right-turn acceleration lane may be dropped if the adjacent traveled lane is predicted to be below 120 DHV. The left-turn acceleration lane may be dropped if the volume in the inside lane in the direction of travel is predicted to be below 120 DHV.

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 existing laneage and intersection configuration, without additional turn lanes, will have a comparable result and is already a superior design and quality of improvement. For the reasons already identified in the sections above.

The deviation will not adversely affect safety or operations.

- Auxiliary turn lanes for purposes of mitigating speed differential are not necessary at these intersections.
- Auxiliary turn lanes would result in longer crossing distances for pedestrians, and encourage higher travel speeds through the neighborhood, both which would negatively impact safety.

Additionally

- The LOS is projected to remain acceptable with the existing laneage.

LSC has reviewed the potential need for right- and left-turn “bays,” or “stacking lanes” (different from “deceleration lanes”) on stop-sign-controlled approaches to the study-area intersections for other reasons – such as purposes of maintaining an acceptable LOS or mitigate any potential queuing and blocking issues. The traffic analysis findings do not indicate any such issues. All individual turning movements at the study-area intersections are projected to operate at LOS A with existing laneage. Projected queues are not anticipated to result in queuing or blocking issues on any approach.

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

The deviation would not adversely affect maintenance and associated cost. However, **without** the deviation (if turn lanes were required to be installed), the maintenance cost **would be** adversely affected. Expanding the pavement for turn lanes would only add pavement surface and pavement markings to maintain and additional pavement width needing snow removal. Additional impervious surface would also be introduced.

The deviation will not adversely affect aesthetic appearance.

The deviation would not adversely affect aesthetic appearance, However, **without** the deviation (if turn lanes were required to be installed), the aesthetic appearance **would be** adversely affected. Expanding the pavement for turn lanes would remove landscaping and negatively alter the streetscape.

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

The turn-lane criteria in the *ECM* was derived from the *Colorado State Highway Access Code* and auxiliary turn-lane requirements in the Access Code are for the purposes of mitigating “speed-change differential” between through traffic on a major road (with a free-flowing condition or periodic free-flowing condition – i.e., without a full-time stop condition) and turning traffic from the major road onto a minor road. The intent is for the volume-threshold criteria to be applied to determine the need for “**speed change lanes.**” The subject turning movements are not currently and will not likely ever function as “speed change lanes” given site-specific local residential conditions.

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 requested deviation meets control measure requirements of Part I.E.3 and Part I.E.4 of the MS4 Permit.

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.