



**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 : Owl Marketplace Filing No. 1 |
| Schedule No.(s) : 5301001014 & 5301001015 |
| Legal Description : Lots 14 & 15 Falcon Ranchettes |

APPLICANT INFORMATION

| |
|---|
| Company : Meridian & Owl X, LLC |
| Name : Brian Zurek |
| <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor |
| Mailing Address : PO Box 220, Scottsdale, AZ 85252-0220 |
| Phone Number : |
| FAX Number : |
| Email Address : |

ENGINEER INFORMATION

| | |
|--|------------------------------|
| Company : Drexel, Barrell & Co. | Colorado P.E. Number : 53459 |
| Name : Kate Varnum | |
| Mailing Address : 101 Sahwach Street, Colorado Springs, CO 80903 Suite #100 | |
| Phone Number : (719) 260-0887 | |
| FAX Number : | |
| Email Address : kvarnum@drexelbarrell.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.

9/14/2024
 Signature of owner (or authorized representative) Date

Engineer's Seal, Signature
And Date of Signature



6/23/2024

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

A deviation from the standards of or in Section **2.4.1.E.4** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

-2.4.1.E.4 Two-Way Commercial or Industrial Access Points...For Nonresidential Collector Roadways: A minimum of 25-foot and a maximum of 40-foot access width.

State the reason for the requested deviation:

Reason for the Requested Deviation: The deviation requests modifications to the design standards for driveway width on to an urban Non-Residential Collector Street to allow for larger commercial truck traffic to access the proposed Murphy Oil use on Lot 1.

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

-2.4.1.E.4 Two-Way Commercial or Industrial Access Points – 40' wide. Proposed alternative 50' wide.

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 gas station use for Lot 1 Owl Marketplace (as indicated by the Site Development Plan application PPR244) will result in larger commercial gas tanker delivery trucks accessing the property. The access to Lot 1 is a shared driveway between Lots 1 and 2. The proposed use for Lot 2 is a fast-food restaurant. The larger (50') driveway width would allow for regular passenger vehicle traffic to maneuver through the intersection from both Lots 1 and 2, while allowing for truck traffic to safely access and turn through the proposed gas station on Lot 1. The attached truck turning movement for a WB-62 size vehicle indicates that approximately 9.5-ft spacing is available on the north side between the curb flowline and edge of truck turning movement, which indicates that a passenger vehicle would be able to safely sit at the intersection while a truck accesses the site.

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 wider driveway will allow for the commercial truck traffic to access Lot 1 while allowing for regular passenger vehicles to utilize the intersection simultaneously. A narrower driveway would result in a truck turning movement impacting the west-facing traffic exiting Lots 1 or 2.

The deviation will not adversely affect safety or operations.

The widening of this driveway will result in the ability for two-way traffic to utilize the intersection, even when delivery trucks are present. Public safety will not be compromised at this intersection.

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

The wider driveway will result in additional pavement on the lot user side of the property. There will be no adverse effect on maintenance responsibilities for the County.

The deviation will not adversely affect aesthetic appearance.

Aesthetic appearance would not be affected. This is a commercial development with large parking lots and drive aisles.

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

The proposed elements of this deviation are consistent with the intent and purposes of the ECM standards.

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 2.4.1.E.4 of the ECM is hereby granted based on the justification provided.

Γ Γ

L J

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.

Γ Γ

L J

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

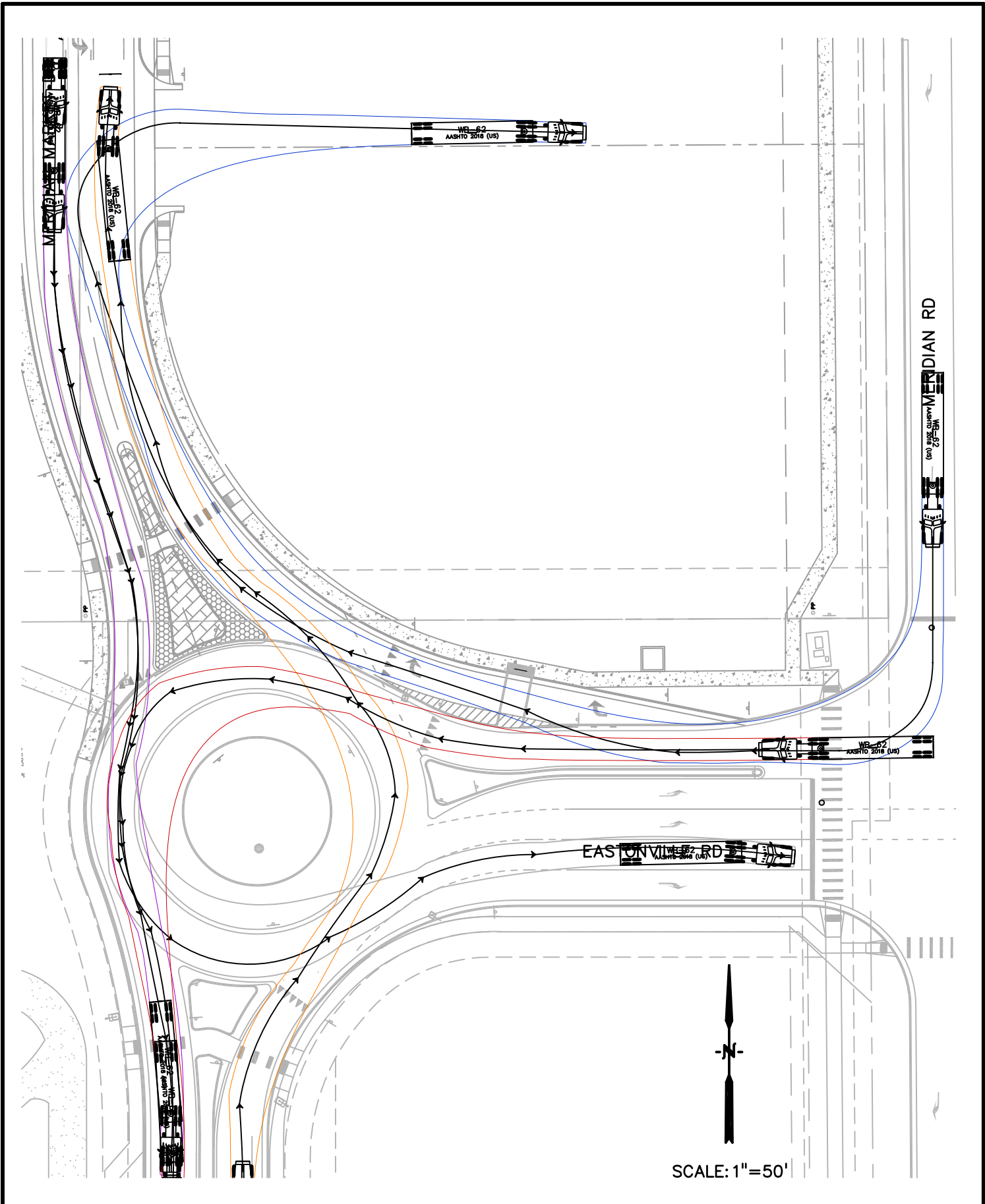
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

1.6. LIMITS OF APPROVAL

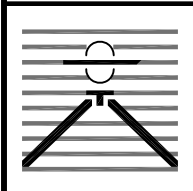
Whether a request for deviation is approved as proposed or with conditions, the approval is for project-specific use and shall not constitute a precedent or general deviation from these Standards.

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.



SCALE: 1"=50'



**OWL MARKETPLACE
TURNING MOVEMENTS
WB-62**

| | |
|---|--------------|
| Drexel, Barrell & Co. Engineers • Surveyors | |
| DATE: 3-11-2024 | DWG. NO. |
| JOB NO: 21611-01 | EX |
| | SHEET 1 OF 1 |