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DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

PROJECT INFORMATION

Project Name : Rolling Thunder Business Park – Lot 12
 Schedule No.(s) : PPR2414
 Legal Description : Lot 12 Rolling Thunder Business Park

APPLICANT INFORMATION

Company : WT Holdings, LLC
 Name : William Tibbitt
 Owner Consultant Contractor
 Mailing Address : 30 E. Uintah St., Colorado Springs, CO 80903

 Phone Number : (719) 492-0084
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ENGINEER INFORMATION

Company : SK Design Group
 Name : Aurom Mahobian Colorado P.E. Number : 47162
 Mailing Address : 333 Perry St., Unit 209, Castle Rock, CO 80104

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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)

07/22/2024

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 **2.4.1.F.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Deviation is requested from the commercial entrance standard stating "Access to commercial or industrial properties fronting collector or local roads shall be a minimum of 50 feet from the point of curvature or point of tangency of the curb line at the intersection."

State the reason for the requested deviation:

This deviation is being requested for the following reasons.

- Shifting the entrance drive further south to meet the 50' minimum distance would require the relocation of an existing Electrical Box (owned by the electric utility) and the shared mailbox for the development (owned by USPS). This would cause an unnecessary burden on the property owner, the Utility company, the USPS, and the businesses within Rolling Thunder Business Park.
- There is not enough room to shift the drive south of the existing electrical box and USPS mailbox without encroaching into the 50' minimum setback from the southern intersection of Rolling Thunder Way, which is a much busier (public) roadway than the internal (private) drive of Maltese Pt. to the north.
- The entrance drive as currently shown does not cause safety or operational issues as it is a private drive (Fire House View) intersecting with another private drive (Malese Point) that dead ends into two cul-de-sacs.

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

The proposed alternative results in a distance of approximately 33' from the point of curvature to the access drive. Although this does not meet the 50' requirement outlined above, we believe this deviation is justified. The justifications for this request are explained 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:

This change is proposed in order to avoid conflicts with an existing electrical box and mailbox on the Site. We believe our justification for the location of the proposed drive demonstrates that although the access drive location deviates from the standards outlined in the El Paso County ECM, there will be no negative impacts on the public caused by this deviation.

- There are no other site access drives on Fire House View, so left turn conflicts with vehicles leaving the proposed development out of the site from the adjacent property to the west of the site are not a concern.
- Maltese Point, the private road north of the site, has no thru traffic, and ends with dead-end cul-de-sacs in both directions, therefore traffic volume expected to be traveling south on Fire House View will be very low.
- The busier of the two intersections bounding the site on the North and South is Rolling Thunder Way to the south. The distance being proposed from the site access drive to this intersection's point of tangency with Fire House View well exceeds the 50' requirement outlined in ECM Section 2.4.1.F.2 from Rolling Thunder Way. The speed limit of Rolling Thunder Way is also 10 mph greater than the speed limit within the Rolling Thunder Business Park.

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 intends to maintain existing electrical and mail service operations by avoiding the need to relocate the existing electrical box (owned by the utility company) and the shared mailbox (owned by USPS) that services multiple tenants of the Rolling Thunder Business Park. Potential service interruptions, coordination and approval from Electrical Utility and USPS, delays to the development of this lot, and cost burden on the owner are all considerations in supporting this deviation request. Furthermore, the deviation will achieve the intended result of vehicular safety given the existing conditions and operations of the internal private drives.

The deviation will not adversely affect safety or operations.

The deviation will not adversely affect safety or operations related to the Site or the overall development for the reasons outlines in the justification for the request. Sight distance triangles are shown on the plans and there are no sight distance issues associated with this deviation.

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

This deviation does not have any impacts on maintenance.

The deviation will not adversely affect aesthetic appearance.

This deviation does not affect aesthetic appearance.

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

Due to the reasons outlined in the justification section of this request, the intent and purpose of the ECM standards for entrance location are still achieved with the proposed deviation from the 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.

N/A

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.