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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	Meadowlake Industrial Park Filing No. 1 Preliminary Plan
Schedule No.(s) :	4300000552
Legal Description :	A PORT OF THE E2 OF SEC 09-13-64 DESC AS FOLS: BEG AT THE NE COR OF SD SEC 9; TH S 00<43'37" W ALG THE E LN OF SD SEC 9 1491.36 FT FOR POB; TH CONTINUE CONT S 00<43'37" W ALG SD E LN 1808.88 FT, N 89<45'08" W 2406.04 FT, N 19<30'09" W 675.81 FT TO A PT ON THE W LN OF SD E2, N 00<48'03" E ALG SD W LN 1176.51 FT, TH S 89<40'19" E PARA WITH THE LN OF SD E2 2638.19 FT TO POB

### APPLICANT INFORMATION

Company :	Vertex Consulting Services
Name :	Ms. Nina Ruiz
	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor
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### ENGINEER INFORMATION

Company :	LSC Transportation Consultants, Inc	Colorado P.E. Number :	31684
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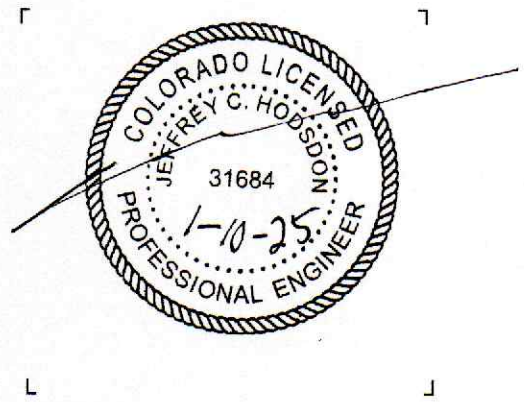
**OWNER, APPLICANT, AND ENGINEER DECLARATION**

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)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineer's Seal, Signature  
And Date of Signature



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

**REVISED 1-10-2025**

A deviation from the standards of or in Section **2.3.7.E.1** of the *Engineering Criteria Manual (ECM)* is requested. The requested deviation is to allow the existing eastbound left-turn deceleration lane at the intersection of Falcon Highway and Curtis Road to remain unchanged until proposed thresholds are met. The current full-width left-turn lane length is 290' and the current taper is 110'. This deviation would allow deferment of actual construction to lengthen the existing turn lane to add vehicle storage/stacking length and lengthen the taper to 240' with two conditions: 1) this Filing No. 1, first phase of development would escrow a fair-share amount toward future construction to lengthen this lane and 2) the recommended "trigger" for proceeding with the construction to lengthen the lane would be once the projected eastbound left-turn queue (95th percentile) exceeds 50'.

Additionally, the following proposed preliminary conditions of approval would be similar to those imposed on the Saddlehorn development with respect to this eastbound left-turn lane:

The developer shall participate in a fair and equitable manner in the lengthening of the eastbound left-turn deceleration lane on Falcon Highway at Curtis Road (based on 50-foot queuing distance), which shall include the following:

- a. Provision of escrow for the future lengthening of this turn lane. The amount was previously identified in Escrow Calculation Table of the Saddlehorn Filing No. 3 Traffic Impact Analysis (TIS). Escrow for this turn-lane upgrade would be part of an escrow agreement for offsite improvements be completed with the final plat and approval by the Planning and Community Development Department Director and the County Attorney's Office would be required prior to final-plat recordation.
- b. The applicant/developer would provide, no sooner than one year following recording of the Final Plat and prior to final acceptance of the Filing No. 1 subdivision improvements, updated traffic count(s) along with queuing and safety analyses to determine if the turn-lane improvements are necessary. If at least one-half of the commercial lots have not received building permits at that time, an additional analysis shall be required at the time that one-half of the lots has received building permits. If the analyses show that the turn-lane lengthening improvement is not needed, any escrow held for the turn lane(s) not needed may be released.
- c. If the turn-lane lengthening improvement is determined to be required upon those analyses, provide and receive approval of construction drawings (CDs) and a Financial Assurances Estimate (FAE) for the eastbound turn-lane lengthening improvement.
- d. Provide financial assurances with the final plat in the amount of the turn-lane FAE, minus any amounts held in escrow.
- e. Construct the turn-lane improvements within two years of approval of the CDS and FAE, if not already completed by the Saddlehorn development.
- f. Written notice by the El Paso County Engineer shall be required prior to initiation of an Application for Work-in-the-Right-of-Way Permit and scheduling of the pre-construction conference.
- g. Provide the draft escrow contribution table for review with the first submittal of the final plat.

Please refer to the attached Deviation Exhibit.

Please refer to the TIS for details regarding turning-movement volumes and projected queue lengths.

Identify the specific ECM standard which a deviation is requested:

ECM Section 2.3.7.E.1: The design elements for a left-turn lane - taper, full-width-lane length, and storage length, which in combination makes up the left-turn lane; redirect taper length (Table 2-29).

State the reason for the requested deviation:

The deviation is needed to defer actual construction until "reasonably necessary." There is a drainage structure just to the west that would likely require widening. Deferring construction will likely "buy time" to 1) determine if there is the potential to change the existing TWSC traffic control at the intersection to AWSC in the short term and 2) allow for consideration of the most-likely permanent, future traffic-control solution at Falcon Highway/Curtis Road (i.e., traffic signal or modern roundabout, if AWSC is considered "interim only"). Allowing this deferment would minimize the potential for constructing a costly, potentially "throw away," improvement in case **AWSC** is selected as interim or permanent traffic control OR if a **modern roundabout** is selected as the future permanent traffic control (in the case of a phased approach to the intersection traffic control whereby AWSC is implemented initially, followed by longer-term modern roundabout implementation). The escrow would cover the development's fair-share cost of this potential turn-lane improvement if needed for an unchanged TWSC situation (i.e., EPC does not implement AWSC in the short term) **and/or** future **traffic-signal** control remains a possible future traffic-control option (i.e., not eliminated from consideration).

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

The *ECM* requires turn lanes to include deceleration distance plus stacking distance plus taper length. Based on a design speed of 60 mph and the turning volumes, the *ECM* criteria for turn lanes require a full-width left-turn lane length of 290' plus a 240'-foot taper plus 50 feet (100' based on long-term projections) for left-turn stacking/queuing for a total turn-lane length of 580 feet. The existing lane meets the standard for full-width lane length but provides no storage length. The lane taper is short of the 240' standard.

The Colorado State Highway Access Code includes the following criteria for design waivers (similar to county deviations):

(3) In consideration of a waiver request, the issuing authority and Department shall determine if, (a) absent approval of the waiver request, there is exceptional and undue hardship on the applicant, and (b) a waiver would meet acceptable standards of practice for engineering, operation and safety. A waiver may not be contrary to the public interest, shall consider the orderly development plan of the local government, shall consider the function of the highway, shall consider the general design practices of the Department, and is subject to and limited by the purposes of the Code as set forth in subsection 1.2.

(4) When a waiver is approved, the reasons for granting the waiver and references to the specific standards of practice shall be clearly stated in writing and included in the Department permit. Restrictions on the use of the permit should be imposed as necessary to keep potential safety problems to a minimum. By the terms and conditions of the permit, the permittee may be required to improve, modify, eliminate, or correct the condition giving rise to the waiver when it becomes evident that the reason for the waiver no longer exists. If the waiver is approved and the remainder of the application is in order, meets remaining Code criteria, a permit shall be approved and the subsequent Notice to Proceed may be approved.

(excerpt from *Colorado State Highway Access Code* Section 4.12)

***Absent approval of the waiver request, there is exceptional and undue hardship on the applicant***

This development will be responsible for other offsite improvements and/or escrow for future improvements. It would be difficult to fund the design and construction costs (even considering some offsetting funds already in escrow from Saddlehorn) to correct this existing deficiency up-front. This development will be individual lots for sale, which would make generating up-front capital difficult. Moreover, the adjacent Saddlehorn development has already established a standard procedure for when improvements should be constructed. Varying from that established standard would be an unwarranted exception to the established procedure. Requiring improvements to be constructed prior to them being triggered would present an undo hardship on the proposed development.

***A waiver would meet acceptable standards of practice for engineering, operation and safety.***

The proposed triggers for the upgrade of this turn lane presented in this deviation are reasonable from an operational and safety standpoint, considering also, that the *MTCP* roadway classification as a "Collector" roadway (verses an "Arterial" roadway).

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

**[...] Shall consider the function of the highway**

Considering that Falcon Highway is now classified as a Rural Major Collector rather than a Rural Minor Arterial: CDOT does have a provision for a lower classification of roadway with a speed limit greater than 40 mph to allow a left-turn lane with deceleration length only (no need for additional stacking distance). In the Access Code, this is the case for an NR-B category state highway. While the CDOT category applies to developed urban areas, it does demonstrate that for a lower category highway, with speeds over 40 mph with pre-existing constraints, there is a provision for only providing deceleration distance rather than deceleration plus storage distance.

Note: The standard redirect taper ratio is 55:1. The existing westbound ratio appears to be approximately 30:1. Although the redirect taper is short of the standard, the lane shift left is likely obvious to drivers. Continuation on a straight trajectory would direct a vehicle into the north-side roadside ditch. LSC recommends that as part of the future (with deviation) lengthening project, the lengthening of the redirect taper to a 55:1 ratio in the westbound direction should be incorporated into the design of the eastbound left-turn-lane improvement to lengthen the taper and add stacking length. Note: This is an **existing deficiency** associated with the existing westbound travel lane in the opposite direction of the subject turn 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:

There is a drainage structure just to the west that would likely require widening. This is a significant constraint. For the justification related to safety and operational functionality, please refer to the section below entitled "*The deviation will not adversely affect safety or operations.*"

With inclusion of the proposed conditions of approval listed above, this request is now in line with the condition of approval indicated by staff with Saddlehorn Filing No. 4.

**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 proposed escrow and triggers will provide assurances of applicant participation (or completion of the improvement) and a mechanism for timing of the improvement when necessary. The escrow would be a fair-share amount of the complete improvement to ECM.

The deviation will not adversely affect safety or operations.

- The TIS includes a preliminary analysis of AWSC warrants at this intersection. If AWSC is implemented in the short term, the added length for deceleration distance would not be necessary, as long as the AWSC remains in place, because all eastbound traffic would slow and stop at the intersection.
- The proposed trigger - a 95<sup>th</sup>-percentile queue length of 50 feet or longer - is reasonable as that queue length would translate to about two passenger vehicles/pickup trucks or one larger commercial vehicle. A 50'-queue comprises only 17 percent of the existing full-width lane length.
- The queuing analysis in the TIS indicates a calculated short-term, 95<sup>th</sup>-percentile queue length of 37 feet.
- The existing lane-transition taper is a reasonable length at 110', despite being less than the 240' standard length.
- For the existing deficiency of the westbound redirect taper, consideration for posting a warning sign MUTCD W5-1.
- The conditions of approval listed above require update(s) to the data, analysis and results/findings contained in the TIS at a logical/practical timeframe and level of development parameters.

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

As the proposed lanes are shorter than those required by the *ECM*, the associated maintenance costs would be lower.

The deviation will not adversely affect aesthetic appearance.

The deviation proposes deferring an improvement, so no change to current aesthetics.

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

The deviation is a request to defer bringing turn-lane elements up to *ECM* standards when reasonably necessary to do so. "Reasonably necessary" has been defined through proposed "triggers." There is a drainage structure just to the west that would likely require widening. The deferment would minimize the potential for constructing a "throw away," potentially costly improvement. The lane lengthening would not be necessary if a modern roundabout is selected as the future traffic control, or if AWSC followed by a roundabout becomes the phased approach to the traffic control. The escrow would cover the development's fair-share cost of this **potentially** needed improvement.

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.

Water quality will be provided.

**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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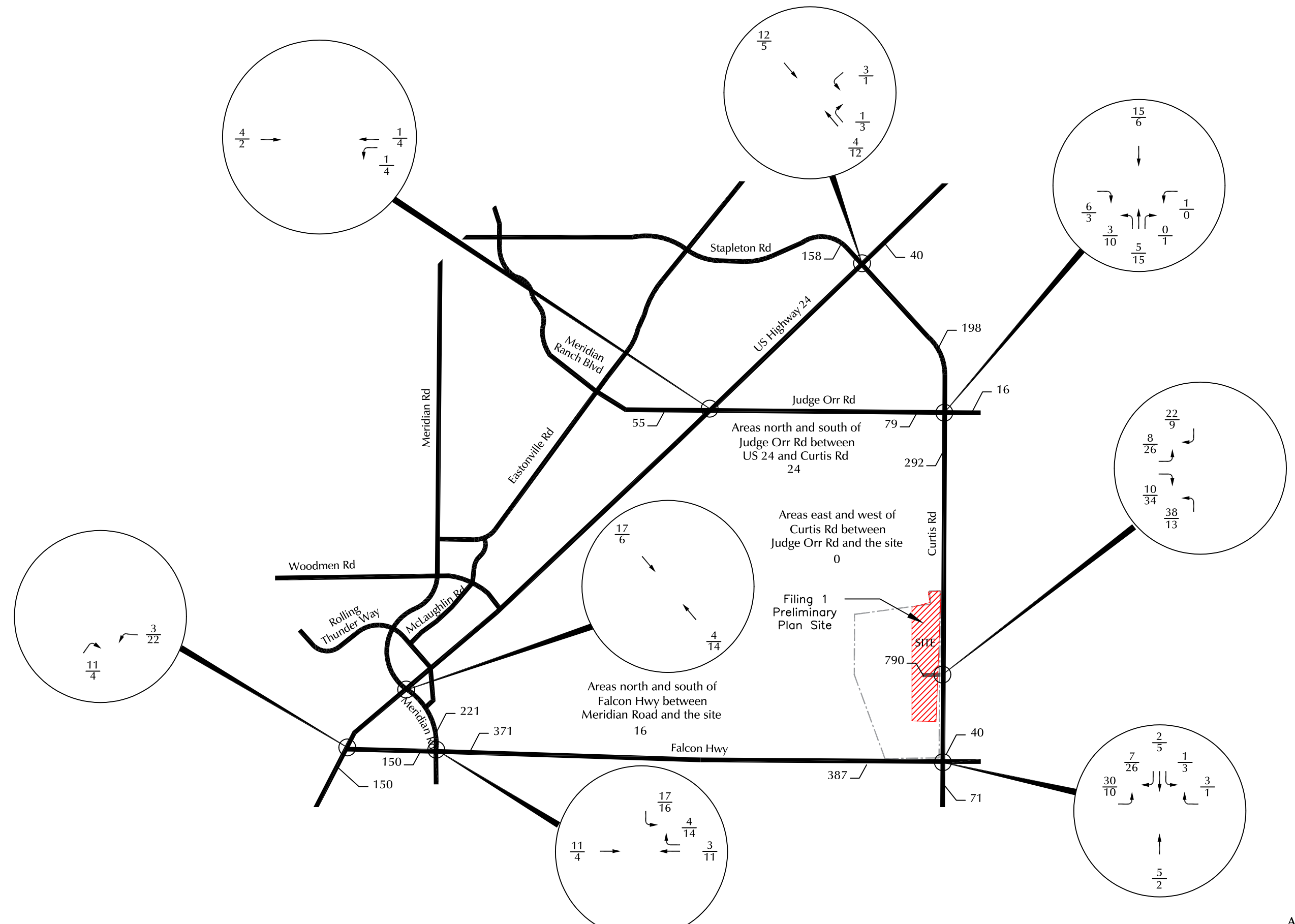
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**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**



Approximate Scale  
Scale: 1" = 3,000'



$\frac{XX}{XX}$  = AM Weekday Peak-Hour Traffic (vehicles per hour)  
 $\frac{XX}{XX}$  = PM Weekday Peak-Hour Traffic (vehicles per hour)  
 X,XXX = Average Daily Traffic (vehicles per day)

\*Expanded to show site-generated traffic at the Master TIS study area intersections, for reference, and used in the Appendix B study area determination

Appendix Figure A-1  
**Short-Term Site-Generated Traffic\***  
 Meadowlake Industrial Park Filing No. 1 Preliminary Plan (LSC #S234040)