



**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

Comments provided on this deviation does not constitute approval of these deviation requests. The deviations have been provided to the ECM Administrator for review and decision.

## PROJECT INFORMATION

Project Name : Judge Orr Eastonville Commercial Center  
Schedule No.(s) : 4232302003  
Legal Description : LOT 1177 WOODMEN HILLS FIL NO 10

## APPLICANT INFORMATION

Company : Phillip W Buford & Mary Jean Berg Buford Living Trust  
Name : Philip W. Buford and Mary Jean Berg Buford  
 Owner  Consultant  Contractor  
Mailing Address : PO Box 100  
17229 Highway 96  
Ordway, CO 81063  
Phone Number : 719-469-4354  
FAX Number : N/A  
Email Address : philipbuford@gmail.com

## ENGINEER INFORMATION

Company : LSC Transportation Consultants, Inc.  
Name : Jeffrey C. Hodsdon Colorado P.E. Number : 31684  
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

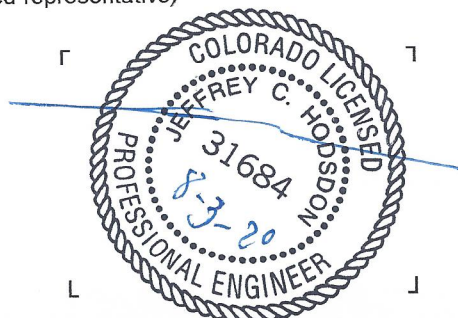
## OWNER, APPLICANT, AND ENGINEER DECLARATION

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)

The north site access (proposed public street connection to Eastonville Road) is proposed to align with existing Copenhagen Road at the Copenhagen Road/Eastonville Road intersection.

A deviation from the standards of or in Sections **2.2.5.C and 2.3.2** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

2.2.5.C (Roadway Access Criteria – Urban Minor Arterial Access Standards),  
2.3.2 (Design Standards by Function Classification)

Standard 2.2.5.C (Roadway Access Criteria – Urban Minor Arterial Access Standards) Spacing of roads accessing an Urban Minor Arterial that will result in a full movement intersection shall be planned at one-quarter mile. The quarter-mile standard is also reflected in the ECM Table 2-6 (Roadway Design Standards for Urban Expressways and Arterials).

State the reason for the requested deviation:

The proposed access spacing is less than one-quarter mile along both adjacent roads.

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

The standard requires intersection centerline spacing of 1/4-mile (1,320 feet)

- † The centerline spacing of the proposed **north site access** (which is proposed a public street intersection) would be 860 feet northeast of the Judge Orr Road/Eastonville Road intersection (see Deviation Exhibit 1)
- † The centerline spacing of the proposed south site access (which is proposed a public street intersection) would be 360 feet southwest of the Eastonville Road/Tex Tan Road intersection (see Deviation Exhibit 1)

**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 property only has ability to access public road ROW directly on Judge Orr and Eastonville. No local or collector ROW is available/accessible.
- † Two access points to commercial will be important for circulation and viability of the commercial property, with the other access proposed to Judge Orr Road.
- † The entire length of the property frontage along Eastonville is less than ¼ mile There would be less than ¼ mile either to Judge Orr Road to the southwest or Tex Tan Road to the northeast.
- † Due to the existing linear distance between Judge Orr Road and Tex Tan Road, it is not possible to place an intersection on Eastonville Road 1/4 mile from both aforementioned intersection locations.

Suggest indicating that the proposed roadway would align with the existing Copenhagen Road.

**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.

This deviation would allow for the proposed future north site access connection to be located a reasonable distance (although short of the ¼ mile standard) northeast of Judge Orr Road while aligning with the existing Copenhagen Road/Eastonville Road connection. This location would essentially maximize the spacing from the Judge Orr/Eastonville intersection, while aligning with an existing public street. Existing access locations have already been established along Eastonville Road. This will be beneficial, as this property does not have access options to the north.

Please discuss the intersection sight distance at this intersection

The deviation will not adversely affect safety or operations.

- † Two access points to commercial site will result in better traffic operations because multiple access points will provide motorists with options for ingress/egress.
- † Although short of the ¼-mile intersection spacing requirement in each direction, there would be sufficient distance for intersection operations along this section of Eastonville Road.
- † The intersection is proposed to align with existing Copenhagen Road at the Copenhagen Road/Eastonville Road intersection, rather than creating a sub-standard offset intersection.
- † The site could be designed to create a clear line of sight to/from the southwest along Eastonville Road. The distance between intersections meets stopping sight distance criteria for a 40-mph design speed in ECM Table 2-17 (305 feet).

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

The spacing will not affect the maintenance cost as the spacing will not negatively affect the ability for snowplow and maintenance vehicles to enter and exit the side street with adequate sight distances provided at the proposed intersection location. The proposed public street will provide a connection between Eastonville & Judge Orr.

Eastonville Road has been identified as a roadway improvement project needed by the year 2040 per Map 13 and Table 4 of El Paso County's 2016 MTCP. As part of County project C14, Eastonville Road would be improved from a 2-lane Rural Unimproved County Road to a 2-lane Rural Minor Arterial. Access spacing for this site would not affect these aforementioned long-term improvements on Eastonville Road.

The deviation will not adversely affect aesthetic appearance.

Spacing will not affect the aesthetics, as it is not short to the extent that affects the general appearance of the road corridor. The spacing will be consistent with other intersections in the area, avoid hidden intersections, and avoid disturbing wetlands and wildlife habitat.

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

The proposed north access location (name TBD), although short of the ECM 1,320-foot spacing criteria, would maximize the distance possible between Judge Orr Road on Eastonville Road while aligning with the existing Copenhagen Road/Eastonville Road connection.

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. Grading and Erosion Control Plans and SWMP Report will provide protection of existing conditions and erosion control measures per standards.

I suggest indicating that the construction of the roadways and development of the site will be required to meet the above sections of the MS4. The spacing deviation requested in itself does not involve any disturbance.

**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.

Γ \_\_\_\_\_ 7

L \_\_\_\_\_ 7

**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 \_\_\_\_\_ 7

L \_\_\_\_\_ 7

**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**

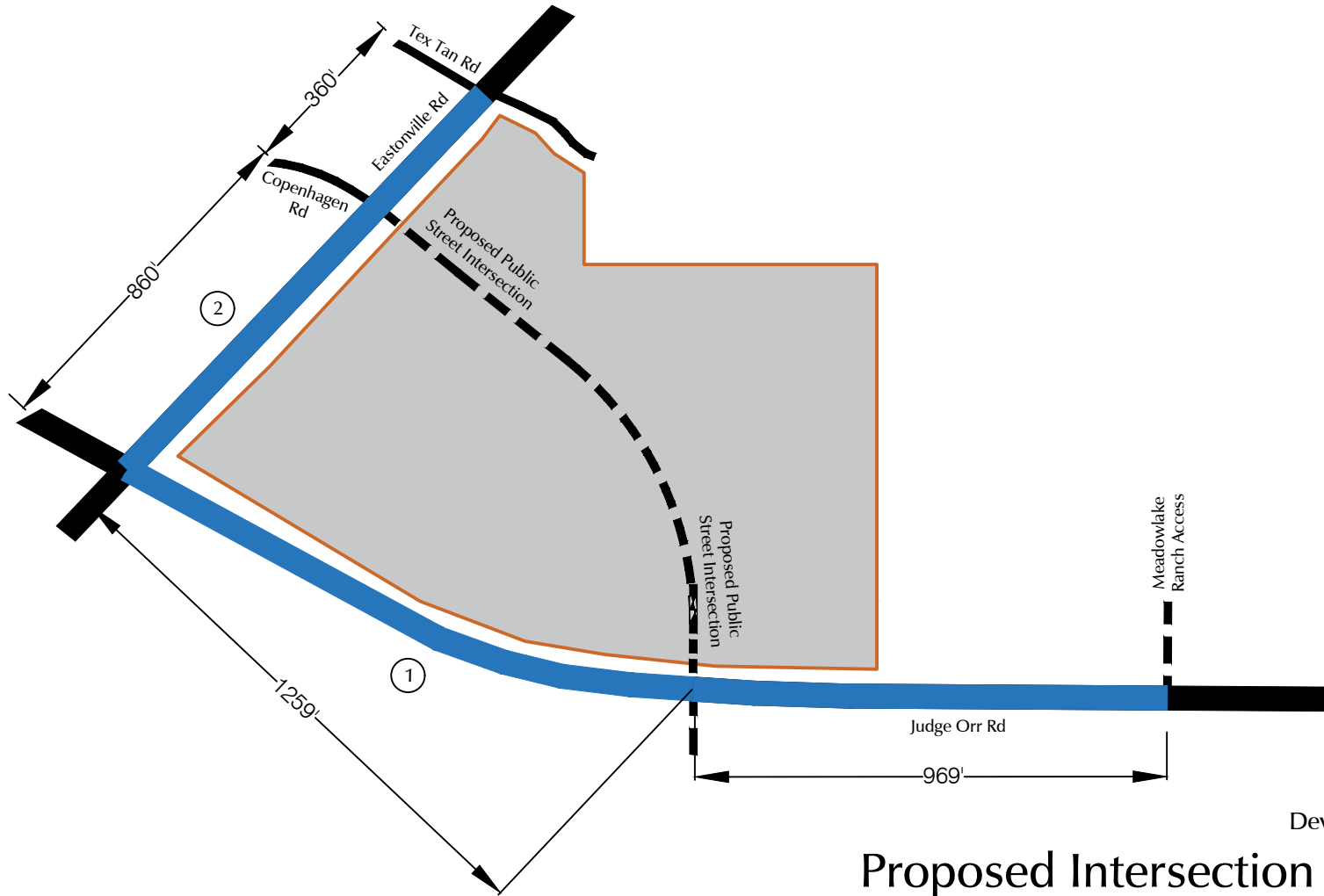
A Deviation Review Fee shall be paid in full at the time of submission of a request for deviation. The fee for Deviation Review shall be as determined by resolution of the BoCC.

Deviation Request from ECM 2.2.5.C -- Roadway Access Criteria (Rural Minor Arterial)

-  Existing roadway
-  Proposed roadway (including future roadways by others)
-  Portion of roadway for which deviation is requested
-  Intersection centerline spacing

 Site property boundary

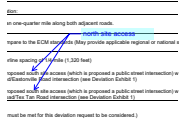
- ① Sections of Judge Orr Rd for which deviation is requested
- ② Sections of Eastonville Rd for which deviation is requested



Deviation Exhibit 1  
**Proposed Intersection Spacing**  
 Judge Orr Eastonville Commercial Center (LSC #194730)

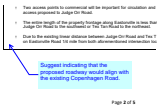
# Deviation 2\_v1\_redlines.pdf Markup Summary

## Callout (4)



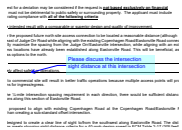
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north site access



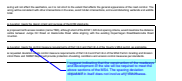
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Suggest indicating that the proposed roadway would align with the existing Copenhagen Road.



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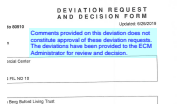
Please discuss the intersection sight distance at this intersection



**Subject:** Callout  
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I suggest indicating that the construction of the roadways and development of the site will be required to meet the above sections of the MS4. The spacing deviation requested in itself does not involve any disturbance.

## Text Box (1)



**Subject:** Text Box  
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**Author:** Daniel Torres  
**Date:** 10/5/2020 4:35:32 PM  
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**Space:**

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