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| |  |  |  | | --- | --- | --- | | epc logo | 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 : | Citizen on Constitution | | |
| Schedule No.(s) : | 5405000051 and 5405000035 | | |
| Legal Description : | Tracts M and N, Urban Collection at Palmer Ridge, County of El Paso, State of Colorado  To be re-platted as Lot 1 and Tracts A and B of Citizen on Constitution Filing No. 1 (PCD File No. SF-22-06) | | |
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| **APPLICANT INFORMATION** | | | |
| Company : | Citizen on Constitution, LLC | | |
| Name : | Rachel Harmon | | |
| ☒ Owner ☐ Consultant ☐ Contractor | | | |
| Mailing Address : | 1051 Greenwood Springs Blvd.  Greenwood, IN 46143 | | |
| Phone Number : | 317-886-7923 | | |
| FAX Number : |  | | |
| Email Address : | rharmon@thegarrettco.com | | |
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| **ENGINEER INFORMATION** | | | |
| Company : | Kimley-Horn and Associates | | |
| Name : | Mitchell Hess, P.E. | Colorado P.E. Number : | 53916 |
| Mailing Address : | 2 North Nevada Avenue, Suite 300  Colorado Springs, CO 80903 | | |
| Phone Number : | 719-453-0180 | | |
| FAX Number : |  | | |
| Email Address : | [mitchell.hess@kimley-horn.com](mailto:mitchell.hess@kimley-horn.com) | | |

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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)

A deviation from the standards of or in Section **2.2.5.B** of the Engineering Criteria Manual (ECM) is requested.

| Identify the specific ECM standard which a deviation is requested: |
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| The requested deviation is from the Rural and Urban Principal Arterial and Rural Minor Arterial Access Criteria – Access and Lot Division (ECM Section 2.2.5.B.3) to allow a right-out access onto Marksheffel Road.  Under future conditions Marksheffel Road is to be converted from a Principal Arterial to an Expressway, beginning at the intersection of Constitution Ave. Under these future conditions the Intersection Spacing and General Access Standards of Rural and Urban Expressway Criteria (ECM Section 2.2.5.A.1) would be deviated from to allow a right-out access onto Marksheffel Road. |

| State the reason for the requested deviation: |
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| The deviation is being requested to provide a right-out only access along Marksheffel Road. The proposed right-out access along Marksheffel Road will be located approximately 400 feet south of Constitution Ave and is expected to meet operational, vehicle queue, and sight distance standards.  ECM Section 2.3.7.B provides for such a deviation; provided sight distances, grades, and other considerations to not negatively impact traffic operations or safety. |

| Explain the proposed alternative and compare to the ECM standards (May provide applicable regional or national standards used as basis): |
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| There is no proposed alternative because the existing platted lot is located at the southwest corner of Constitution Avenue and Marksheffel Road and does not have more than ½ mile of frontage along either roadway. Any proposed access provided for this site would not meet the spacing criteria described above. Additionally, Section D106.2 of the International Fire Code (IFC versions 2009 and 2015) states that “Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” The proposed project includes 226 dwelling units and will require two separate accesses to the site. Although the proposed driveway connection to Marksheffel is planned to be a right-out-only driveway, it is intended to also serve as a right-in emergency access only driveway for emergency vehicles. |

**LIMITS OF CONSIDERATION**

(At least one of the conditions listed below must be met for this deviation request to be considered.)

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| ☒ 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: |
| As stated in the ECM, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems. The right-out access to Marksheffel Road is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that the site egress from the existed lot should be granted to allow for one right-out access to Marksheffel Road.  Additionally, Section D106.2 of the International Fire Code (IFC versions 2009 and 2015) states that “Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” The proposed project includes 226 dwelling units and will require two separate accesses to the site. Although the proposed driveway connection to Marksheffel is planned to be a right-out-only driveway, it is intended to also serve as a right-in emergency access only driveway for emergency vehicles. |

**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. |
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| The right-out site egress is expected to meet operational, vehicle queue, and sight distance standards. Construction of the right-out access will allow for traffic flow from the site, resulting in a comparable or superior design. |

| The deviation will not adversely affect safety or operations. |
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| ECM Section 2.4.1.B (Access Design Criteria – Access Spacing) states that “Accesses shall be separated by a distance equal to the entering sight distance values in Table 2-35.  According to Table 2-35 (Entering Sight Distance for Driveways) from ECM and a posted speed limit of 50 miles per hour along Marksheffel Road, the intersection sight distance for a vehicle turning right from stop along a four-lane roadway is 600 feet. Therefore, all obstructions for right turning vehicles from stop should be clear to the left within the triangle created with a vertex point located 10 feet from the edge of the major road traveled way and a line-of-sight distance of 600 feet located in the middle of the nearest southbound through lane along Marksheffel Road for the right-out access. It is believed that the proposed right-out only access along Marksheffel Road is appropriately located to provide the necessary sight distance needed for through volumes along Marksheffel Road. As this access is located approximately 400 feet from Constitution Avenue, sight distances of 600 feet will not be provided for vehicles turning from Constitution Avenue to southbound Marksheffel Road; however, these vehicles will be traveling at speeds much slower than 50 miles per hour. It is believed that vehicles are traveling at a speed of approximately 15 mph when turning from Constitution Avenue to Marksheffel Road and can be traveling at a speed of approximately 45 mph by the time they reach the proposed Marksheffel access. This equates to average speed of 30 mph. Table 2-35 has a sight distance of 420 feet with a speed limit of 35 mph along a four-lane roadway. Extrapolating to a speed limit of 30 mph (data parameter not given in Table 2-35) would equate to a sight distance of 360 feet. Therefore, it is believed that the proposed access along Marksheffel Road is appropriately located to provide necessary sight distances.  The proposed access is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed the deviation will not adversely affect safety or operations. |

| The deviation will not adversely affect maintenance and its associated cost. |
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| The proposed deviation will not adversely affect maintenance and its associated cost. The proposed roadway access does not include the addition of any intersection, or extensive public right-of-way modification. The proposed deviation is just to provide right-out access from the site on the south side of the intersection with Constitution Avenue. |

| The deviation will not adversely affect aesthetic appearance. |
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| The proposed deviation will not adversely affect the aesthetic appearance of the neighborhood. Visibility of the site from Marksheffel Road will be enhanced due to the sight visibility triangle clearances required. The proposed roadway will be landscaped per county standards which will enhance the aesthetic appearance of the site. |

| The deviation meets the design intent and purpose of the ECM standards. |
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| The design intent and purpose of the ECM Access Spacing Standards along arterial roadways is to serve through traffic and effectively facilitate the flow and progression of traffic while reducing stops and crashes. The proposed right-out access point onto Marksheffel Road is expected to meet operational, vehicle queue, and sight distance standards. Additionally, Section D106.2 of the International Fire Code (IFC versions 2009 and 2015) states that “Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” The proposed project includes 226 dwelling units and will require two separate accesses to the site. Although the proposed driveway connection to Marksheffel is planned to be a right-out-only driveway, it is intended to also serve as a right-in emergency access only driveway for emergency vehicles. |

| 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. |
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| Onsite Stormwater will be treated within an extended detention basin proposed as part of the adjacent development. No offsite flows will be accepted on-site from Marksheffel Road.  The access and associated design will conform to the Stormwater Management Plan and will meet the applicable MS4 Permit Standards/requirements. |

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**:

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* 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. 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. 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. 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. Technical Guidance

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

* 1. 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. 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.