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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)

APPLICANT INFORMATION

Company : Citizen on Constitution, LLC
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 Owner Consultant Contractor
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ENGINEER INFORMATION

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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.

Rachel M. Harmon

Signature of owner (or authorized representative)

10.25.2022

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 **2.3.2 (Table 2-7)** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The requested deviation is for the proposed northbound left turn lane at the Constitution Avenue and Akers Drive intersection to be constructed to the maximum possible length. This is due to the proximity of the proposed roundabout along Akers Drive at the project access from the intersection of Constitution Avenue and Akers Drive. The spacing has recently been restricted due to constraints with the box culvert and the recent requirement by the county to increase the diameter of the roundabout.

A northbound left turn lane is warranted at the Constitution Avenue and Akers Drive intersection and based on the ECM design speed of 40 miles per hour for an Urban Non-Residential Collector, the deceleration lane length required (ECM 2.3.7.E.2 – Table 2-24) is 155 feet plus a 160-foot taper. Additionally, 50 feet of storage is required (ECM 2.3.7.E.3 – Table 2-30) due to the peak hour volume. Therefore, this left turn lane is recommended to provide a length of 205 feet plus a 160-foot taper for a design speed of 40 mph. Likewise, based on the ECM design speed of 30 miles per hour for an Urban Non-Residential Collector, the northbound left turn lane deceleration lane length required (ECM 2.3.7.E.2 – Table 2-24) is 115 feet plus a 120-foot taper. Additionally, 50 feet of storage is required (ECM 2.3.7.E.3 – Table 2-30) due to the peak hour volume. Therefore, this left turn lane is recommended to provide a length of 165 feet plus a 120-foot taper for a design speed of 30 mph. The proposed spacing between Constitution Avenue and the access intersection is not sufficient to allow for a 165-foot northbound left turn lane plus 120-foot taper at the Constitution Avenue and Akers Drive intersection.

State the reason for the requested deviation:

The deviation is being requested to provide a 105-foot northbound left turn lane plus a 50-foot taper which is the maximum possible length due to the recent requirement to increase the diameter of the roundabout and the location of box culvert. Because of the short distance between the proposed roundabout intersection and the intersection of Akers Drive with Constitution Avenue, it is not anticipated that traffic flows will approach a design speed of 40 mph, as vehicles will be exiting the roundabout at low speeds and will be required to begin braking very shortly after exiting as they approach the intersection.

A deviation to allow for the shortened northbound left turn lane at the Constitution Avenue and Akers Drive intersection to be constructed with the maximum possible length to meet operational, vehicle queue, and sight distance standards.

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

The alternative is to provide the maximum possible left turn lane length of 105 feet plus a 50-foot taper due to the recent requirement to increase the diameter of the roundabout and constraints with the box culvert.

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:

As stated in the ECM, a design speed of 40-mph for an Urban Non-Residential Collector is standard for this roadway classification and would require a deceleration land length of 155' plus a 160' taper. However, it is not expected that traffic will approach the 40-mph designated design speed in the distance between the proposed roundabout intersection with the site access drive and the intersection with Constitution Avenue. The maximum calculated exiting speed on the north leg of the roundabout was calculated at 26 mph from the design package submittal. However, with the north leg exiting approach of the roundabout being located less than 200 feet from the Constitution Avenue and Akers Drive intersection, this speed will not be realized as northbound left turn movements will have to slow to a stop for a red light or slow to turn at a manageable speed (10-15 mph) for this movement with a green light. The ECM does not provide left turn lane length requirements for a design speed under 25 mph; therefore, the maximum possible left turn lane length of 105-feet plus 50-taper should be considered due to slow travel speeds (15 mph) and the aforementioned design constraints. Based on this, the proposed alternative is expected to meet operational, vehicle queue, and sight distance standards.

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 intersection with a substandard left turn lane length is expected to meet operational, vehicle queue, and sight distance standards.

The deviation will not adversely affect safety or operations.

Due to the limited distance between the roundabout intersection and the intersection of Akers Drive with Constitution Avenue, traffic flows are not anticipated to reach design speeds of 40-mph. Therefore, a lower design speed for this section of roadway will not adversely affect safety or operations. All proposed intersections are expected to meet operational, vehicle queue, and sight distance standards.

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

The proposed deviation of a substandard left turn lane length will not adversely affect maintenance and its associated cost.

The deviation will not adversely affect aesthetic appearance.

The proposed deviation of a substandard left turn lane length will not adversely affect the aesthetic appearance of the neighborhood. The area surrounding the left turn lane on the south leg of Akers Avenue at Constitution Avenue will be landscaped per county standards which will enhance the aesthetic appearance.

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

The design intent and purpose of the ECM standards is met by providing sufficient intersection operational capacity, vehicle queues being contained with recommended turn lane lengths, and providing appropriate sight distances.

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 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:

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.