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## **DEVIATION REQUEST AND DECISION FORM**

Updated: 6/26/2019

### **PROJECT INFORMATION**

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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	
Name :	Rachel Harmon	
	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Consultant <input type="checkbox"/> Contractor	
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**ENGINEER INFORMATION**

Company :	Kimley-Horn and Associates	
Name :	Mitchell Hess, P.E.	Colorado P.E. Number : 53916
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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.1** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

The requested deviation is from the half-mile intersection spacing criteria for a full movement intersection along an urban principal arterial (ECM Section 2.2.5.B.1: Rural and Urban Principal Arterial Access Criteria).

State the reason for the requested deviation:

The deviation is being requested to provide a full movement access from a future south leg of Akers Drive at Constitution Avenue. The future south leg of Akers Drive along Constitution Avenue will be located approximately 1,050 feet west of Marksheffel Road (measured edge line to center), and approximately 825 feet east of Hannah Ridge Drive. 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 intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that a south leg of Akers Drive at Constitution Avenue should be granted to allow for one full movement access to the existing lot.

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

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. The existing platted lot requires access and as stated within the ECM, one parcel access shall be granted to each existing lot.

**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, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems. The intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards; therefore, it is believed that a south leg of Akers Drive at Constitution Avenue should be granted to allow for one full movement access to the existing lot.

Staff recommends to also identify that Akers south will align with Akers north

**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 of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance standards. Construction of the south leg of Akers Drive will result in a comparable or superior design.

The deviation will not adversely affect safety or operations.

The intersection of Constitution Avenue and Akers Drive 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.

The proposed deviation will not adversely affect maintenance and its associated cost. There is already an existing intersection at Constitution Avenue and Akers Drive. The proposed deviation is just to continue the build out of Akers Drive on the south side of Constitution Avenue.

The deviation will not adversely affect aesthetic appearance.

The proposed deviation will not adversely affect the aesthetic appearance of the neighborhood. There is already an existing intersection at Constitution Avenue and Akers Drive. The proposed deviation is just to continue the build out of Akers Drive on the south side of Constitution Avenue. 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.

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 intersection of Constitution Avenue and Akers Drive is expected to meet operational, vehicle queue, and sight distance 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.

Stormwater in the proposed south leg of Akers Drive will be treated within an extended detention basin proposed as part of the adjacent development.

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.