



Planning and Community  
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## DEVIATION REQUEST AND DECISION FORM

Updated: 6/26/2019

### PROJECT INFORMATION

Project Name :	Yucatan Convenience Store
Schedule No.(s) :	6501205016
Legal Description :	Lot 1 Clearview West Filing No. 2 (4815 Yucatan Dr. Colorado Springs, CO 80911)

### APPLICANT INFORMATION

Company :	BBKerns Designs
Name :	Bernie Kern, CPBD
	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Mailing Address :	1253 N Meade Ave Colorado Springs, CO 80909
Phone Number :	719-375-4956
FAX Number :	N/A
Email Address :	bbkerndesigns@q.com

### ENGINEER INFORMATION

Company :	Kimley-Horn	Colorado P.E. Number :	0053916
Name :	Mitchell Hess		
Mailing Address :	2 N Nevada Ave, Suite 300 Colorado Springs, CO 80903		
Phone Number :	719-284-7281		
FAX Number :	N/A		
Email Address :	Mitchell.Hess@kimley-horn.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.

*Karandeep Singh* \_\_\_\_\_ Date 09-16-2022  
Signature of owner (or authorized representative)

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 \_\_\_\_\_ of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

Urban Minor Arterial Roadway, Standard Cross-section:  
El Paso County Engineering Criteria Manual – Appendix F, Standard Drawing SD\_2-5

State the reason for the requested deviation:

A deviation to the typical Minor Arterial cross-section by not installing a North/South bearing sidewalk along the eastern edge Hancock Expressway is requested for the following reasons:

1. There is no sidewalk on the eastern edge of Hancock Expressway to the North or South to tie into, despite these properties having been previously developed. These developments do not provide any pedestrian access to tie-in to. Additionally, there is no sidewalk along the eastern edge of Hancock Expressway until near the intersection with Milton E Proby Parkway.
2. There is no sidewalk on west edge of Hancock Expressway until north of Milton E Proby Pkwy.
3. There is no sidewalk along either side of Clearview Frontage Road, west of Hancock Expressway across from development.

All businesses in the vicinity and along Hancock Expressway are set-up for Vehicular Access, discouraging pedestrian accessibility. The requirement for providing a North/South bearing sidewalk is inconsistent with the surrounding developments as there is nothing for pedestrians to utilize in the area, and no accessways for them to use for access for these improvements.

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

The proposed alternative is not to install a sidewalk along the western edge of the site, instead leaving existing vegetation and landscaped area undisturbed. Because the proposed development will not increase pedestrian traffic, the existing pedestrian facilities (a single sidewalk along Yucatan Drive at the north end of the site) will be sufficient to handle the limited amount of pedestrian traffic expected.

**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:

Because of the reasons stated in this deviation request, pedestrian access for this site is not available regardless of the installation of a north/south bearing sidewalk along Hancock Expressway. Therefore, the requirement does not achieve the intent of the ECM standards and represents an unnecessary and undue burden on the development.

Lack of Sidewalk to the North:



Lack of Sidewalk to the South:



**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 development cannot provide the intended result of pedestrian accessibility due to the constraints of the existing developments to the north and south of the site (refer to attached exhibit). Both developments have been constructed without a sidewalk on the eastern edge of Hancock Expressway, consistent with the character of the area, lacking a North/South bearing sidewalk on the stretch of Hancock Expressway from Bradley Road to just south of Milton E Proby Parkway.

The deviation will not adversely affect safety or operations.

The addition of gas canister functionality to the site will increase frequency of use for the site by vehicles, but the gas will not be an attractive feature to pedestrians. As such, this development proposal is not expected to increase pedestrian traffic. Furthermore, pedestrians do not currently have full access to the site from the surrounding off-site areas, as previously described above.

Therefore, the acceptance of this deviation will not adversely affect operations of the site nor the safety of those operations.

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

The acceptance of this deviation will result in less infrastructure to be maintained and avoiding an increase in the disturbed areas, while keeping existing vegetated area. This provides a positive impact on the stormwater infiltration and keeps maintenance responsibilities and costs lower than they would be with the installation of additional paved areas.

The deviation will not adversely affect aesthetic appearance.

As stated above, the approval of this deviation will result in a decrease in paved areas and an increase in retained existing vegetated areas. Thus, the approval of this deviation will result in a net positive for the aesthetic appearance of the site.

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

In the case of this deviation, the ECM standard does not achieve the design intent or purpose it is meant to, due to the lack of infrastructure from the surrounding developments.

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 will preserve existing conditions, so no storm infrastructure will be impacted and no additional control measures would be required.

If the deviation is denied, additional control measures may be needed due to additional paved surfaces.

**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.



EXHIBIT NOT TO SCALE

**Kimley»Horn**

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