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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

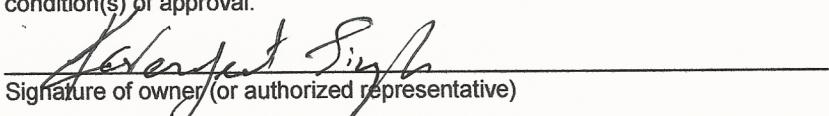
Company : BBKerns Designs  
Name : Bernie Kern, CPBD  
 Owner  Consultant  Contractor  
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### ENGINEER INFORMATION

Company : Kimley-Horn  
Name : Mitchell Hess  
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FAX Number : N/A  
Email Address : [Mitchell.Hess@kimley-horn.com](mailto: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.

  
Signature of owner (or authorized representative)

09-16-2021  
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 2.3.7.D.1 of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

EPC ECM Section 2.3.7.D.1 Roadway Design, Intersections, Turn Lanes Required (Exclusive Left Turn Lanes Required):

"A left turn lane is required for any access with a projected peak hour left ingress turning volume of 25 VPH or greater"

Note, this section also states: "Information in the TIS shall be used to determine whether an exclusive right turn lane is warranted."

State the reason for the requested deviation:

To maximize the length for back-to-back left turns between the project access and the access to south-bound Hancock Expressway east of the site access, a deviation allowing site access to remain as a two-way left turn lane is recommended.

This deviation request will improve access to the site, Hancock Expressway east bound, as well as through access to Clearview Drive to the West.

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

In analyzing the nearby street levels of service and intersection operations, Site Traffic Volumes were added to the background volumes to represent estimated traffic conditions for a short-term 2023 project buildout horizon, as well as a long term 2045 twenty-year planning horizon. Keeping a two-way left turn lane will not negatively impact the functionality of Yucatan Drive, nor the intersection of Yucatan Drive with Hancock Expressway.

Requiring a separate left turn lane will limit the amount of space available for both accesses (Left turn to the site, as well as left turn to South Hancock Expressway). By keeping a two-way turn lane, we will be able to maximize the amount of space for each.

## 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 ECM standard requiring a separate left turn lane for the development would limit the length available for the left turn lane for southbound Hancock Expressway. Currently, if queuing within the left turn lane for southbound Hancock Expressway is filled, cars can continue to queue within the dual left turn lane east of the development's driveway. Adding a dedicated left turn lane for the development would cause any extra queued cars hoping to turn left onto Hancock Expressway to queue within the west bound through lane of Yucatan Drive. By keeping the existing striping as-is, additional queueing can safely continue for left turns onto southbound Hancock Expressway and the left turn needs of the development can be accomplished.

Furthermore, providing a dedicated left turn lane for the development would create an unsafe condition as the existing development's driveway is offset to the west of the existing Allegion / Schlage Lock driveway (refer to attached exhibit). Cars traveling east bound on Yucatan Drive that need to turn left into the Allegion / Schlage Lock Property could collide with cars queued in a dedicated left turn lane which is striped further to the west of the existing dual left turn striping. As currently striped, cars queued within the dual left turn lane, waiting to turn left into the development will stop and queue further east which reduces potential unsafe conditions at these driveways.

## 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 requested deviation optimizes level of access to both the site and Hancock Expressway (Southbound) by maximizing the length for back-to-back left turns between the two turning access points.

The deviation will not adversely affect safety or operations.

The ECM standard requiring a separate turn lane will likely negatively impact safety and operations of the lane by limiting the amount of space vehicles have to enter the left turn lane for south-bound Hancock Expressway.

This deviation will preserve the existing two-way left turn lane and give vehicles the maximal amount of space to maneuver and change lanes.

Although the alternative may just be a restriping of the existing road, the restriping efforts would limit existing queues and could cause an unsafe condition as the Allegion / Schlage Lock Property driveway as discussed above.

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

The proposed deviation will preserve existing conditions, not affecting maintenance or costs.

The deviation will not adversely affect aesthetic appearance.

The deviation will not impact aesthetic appearance as the deviation will keep the existing conditions as-is.

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

The design meets the purpose of providing left-turn access to the site while maintaining adequate levels of service of the surrounding roadways and intersections.

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. No storm infrastructure will be impacted and no additional control measures would be required.

**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**

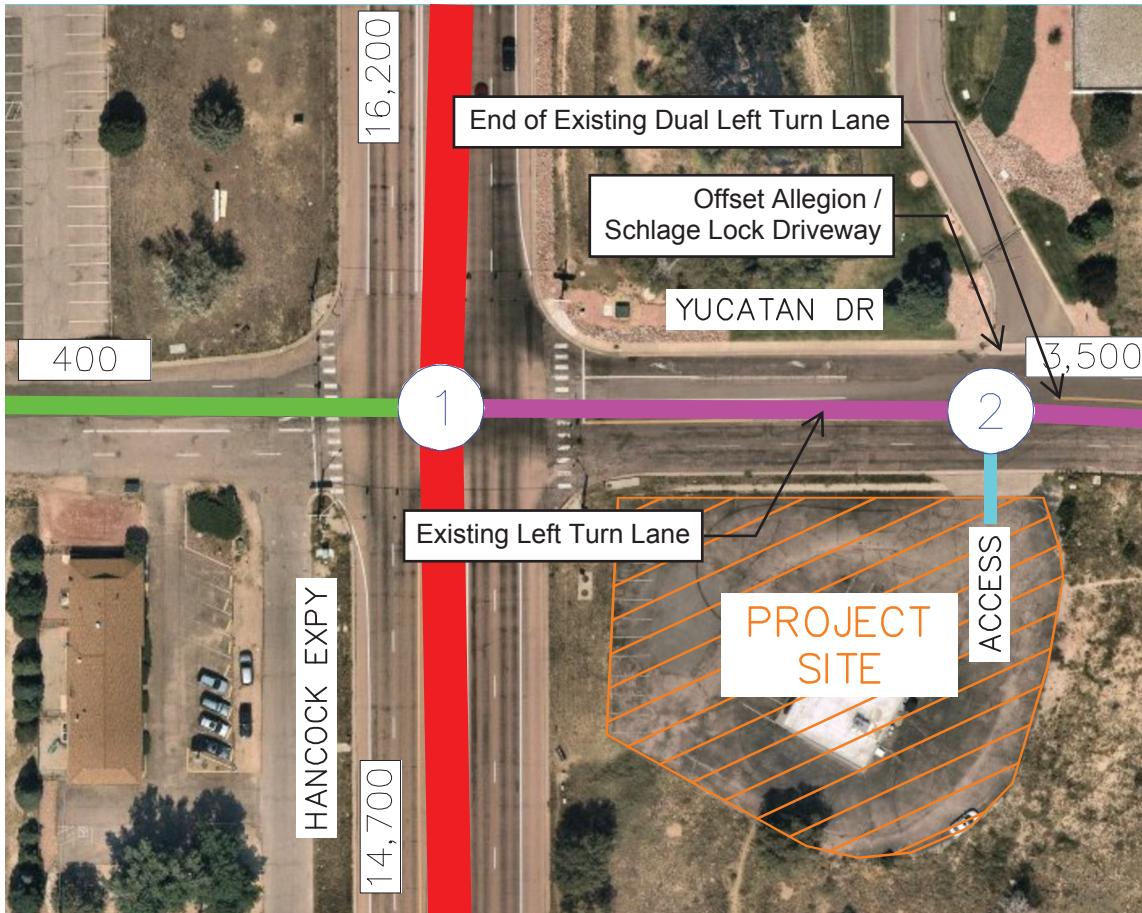
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **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.



**YUCATAN C-STORE**  
EL PASO COUNTY, COLORADO  
CIRCULATION PLAN