



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 : 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  
 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  
 Name : Mitchell Hess  
 Colorado P.E. Number : 0053916  
 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.

*Akshay 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 **2.2.5** of the Engineering Criteria Manual (ECM) is requested.

Identify the specific ECM standard which a deviation is requested:

EPC ECM Section 2.2.5. C/D Planning, Roadway Access Criteria, Collector Access Standards:

“...On minor collector roadways, the closest local roadway intersection to an arterial roadway shall be 330 feet.”

“However, one parcel access shall be granted to each existing lot, if it does not create safety or operational problems.”

and ECM 2.3.2 Roadway Design, Design Standards by Functional Classification Table 2-7 (Footnote 5)

“Where no local public or private roadway can provide access, temporary or partial turn movement parcel access may be permitted.”

State the reason for the requested deviation:

Because the site access lies within 330 feet of the intersection of Yucatan Drive and Hancock Expressway, it does not conform to the ECM. However, this site access is deemed allowable from the following section, guaranteeing parcel access to each existing lot.

This deviation request is to allow this site access to remain with full turning movement, rather than limited to partial turn movement per ECM section 2.3.2, Table 2-7 (Footnote 5).

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

This site access is currently existing and provides access to Yucatan Drive via full turning movements. This is the only access to the parcel and sight distances are expected to be met for all exiting turn movements (refer to attached exhibit).

Acceptable intersection operations are expected, and vehicle queues are expected to be managed onsite. Therefore, it is believed that the access along Yucatan Drive should be allowed to remain with full turning movements. Further, restricting exiting left-turn movements (a majority of the traffic is anticipated to be using Hancock Expressway) at this access would require vehicles to reroute through the existing residential street system to the east.

**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 a majority of the traffic leaving the site will be utilizing Hancock Expressway, the ECM standard that would limit turning movement from the site access would create additional displaced turning movements and convoluted routing through residential areas, creating more congestion and potentially having negative impacts on both operations and safety of Yucatan Drive.

**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 by directly routing traffic utilizing left-turn movements from the site. This will reduce level of traffic on Yucatan Drive to the east through residential areas.

The deviation will not adversely affect safety or operations.

This deviation will preserve the existing full movement site access.

Denial of this deviation will more negatively impact the operations of Yucatan Drive. Additionally, since a majority of the traffic leaving the site will be utilizing Hancock Expressway, the ECM standard that would limit turning movement from the site access would create additional displaced turning movements and convoluted routing through residential areas, creating more congestion and potentially having negative impacts on both operations and safety of Yucatan Drive and create potential safety issues at and near the site access point.

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 from existing conditions as the deviation would allow the access to remain as-is.

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

The design meets the purpose of granting access to each lot by maintaining existing site access while not negatively affecting level 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, and no storm infrastructure will be impacted.

**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**

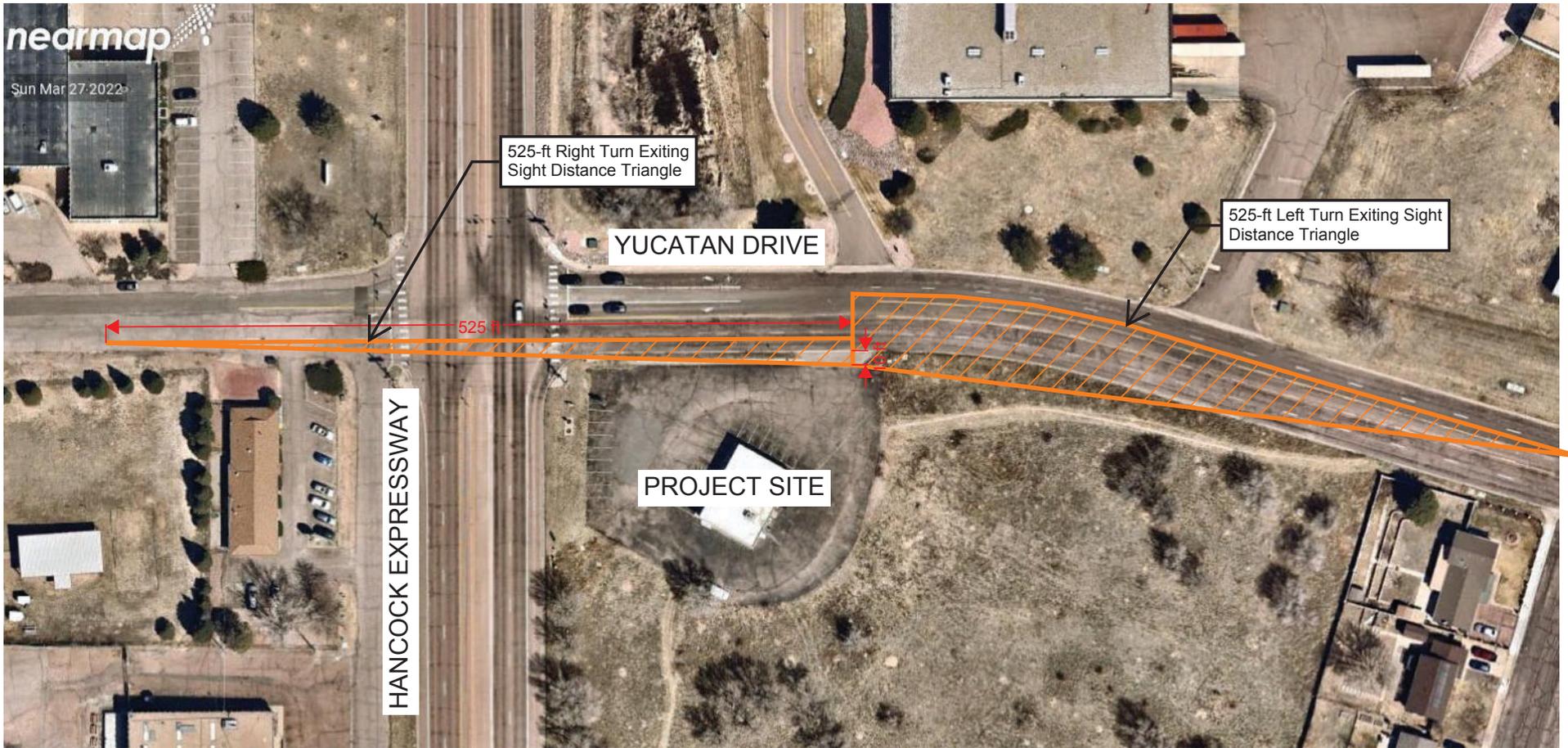
The review shall ensure all criteria for approval are adequately considered and that justification for the deviation is properly documented.

## **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  
 SIGHT DISTANCE EXHIBIT



**Kimley-Horn**  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
 2 N NEVADA AVE., SUITE 500, COLORADO SPRINGS, 80903  
 PHONE: 719-453-0180