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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  
 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  
 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  
 Colorado P.E. Number : 0053916

## 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

**PCD File # DEV-22-4**

**Please sign and stamp**

PCD File No. \_\_\_\_\_

**DEVIATION REQUEST** (Attach diagrams, figures, and other documentation to clarify request)

A deviation from the standards of or in Section **2.3.7.D.2** 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.2 Roadway Design, Intersections, Turn Lanes Required (Exclusive Right Turn Lanes Required):

“A right turn lane is required for any access with a projected peak hour right turning volume of 50 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:

The deviation of utilizing a continuous turn lane is requested due to the following reasons:

1. Construction of a right turn lane would require land dedication to the Public ROW and make it infeasible for a fueling truck to have adequate access to the development’s proposed gas canopies to fill the proposed underground fuel tanks due to site size and layout constraints.
2. Design and construction of a right turn lane would create undue hardship financially for the owners with no material benefit from a traffic flow standpoint to the public.

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.

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

Not installing a right-turn lane will not negatively impact the functionality of Yucatan Drive, nor the intersection of Yucatan Drive with Hancock Expressway.

Based on the existing distance between the intersection and the site access (~210’ measured edge to center), it would require a queue of 10 cars simultaneously unable to enter the site for any backup to encroach into the Hancock/Yucatan intersection.

**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:

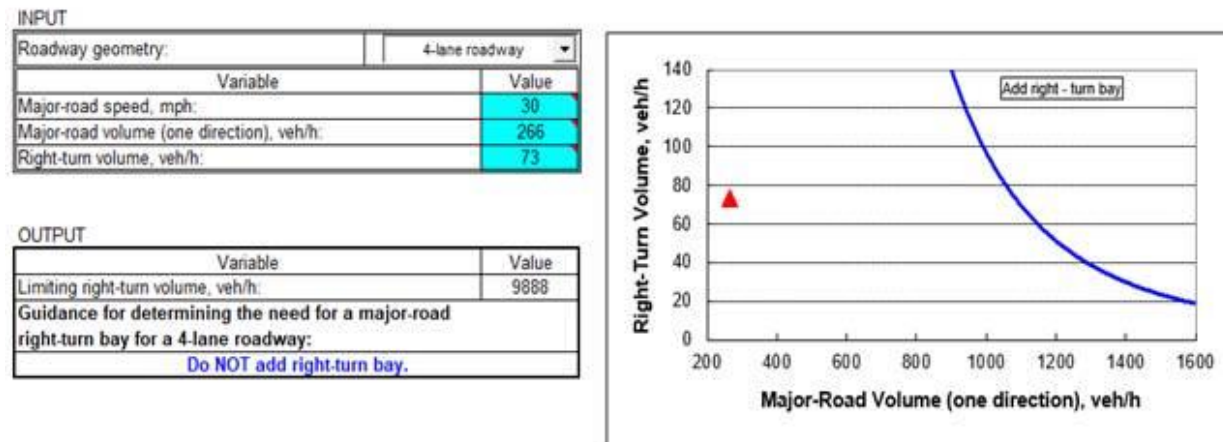
The El Paso County Engineering Criteria Manual, in Section 2.3.7.D.2 “Exclusive Right Turn Lanes Required”, that “Information in the TIS shall be used to determine whether an exclusive right turn lane is warranted.” After reviewing existing conditions with El Paso County staff, other turn lane implementation standards have been researched and have been provided for comparison. We have reviewed traffic criteria manuals for nearby municipalities and have found the following information:

The City of Colorado Springs does not have guidelines for right-turn lane requirements along roadways with classification lower than arterials, stating it should be determined on a case-by-case basis dependent on recommendations from the traffic impact study. This is consistent with CDOT standards as they only provide guidelines for arterial roadways and higher classifications. Typical traffic engineering practices does not require implementation of right turn lanes along collector roadways unless needed operationally. Arterial and higher classification roadways are intended to move vehicles more efficiently with higher speed limits, limited access, wider cross sections while minimizing locations with vehicles stopping. The character of collector roadways does not fit the intentions of arterial roadways and should not have the same criteria for turn lanes. Implementation of right turn lanes along collector roadways should be based on operational needs as providing right turn lanes frequently along collector roadways is overbuilding roadways and creates an environment less safe for pedestrians and bicycles. An alternative for implementation of right turn lanes could be determined through the widely governed National Cooperative Highway Research Program (NCHRP) Report 279: Intersection Channelization Design Guide.

The Town of Monument turn lane requirements are based on Triview Metro District or NCHRP 279 if there is an absence of criteria. Triview Metro District does not have criteria for turn lanes; therefore, NCHRP 279 would be utilized and is consistent with widely governed NCHRP implementation methodology. A right turn lane is not warranted and well below the curve for implementation at the access along Yucatan Drive using NCHRP guidelines. The table and calculations for NCHRP right turn lane warrants at the project access are shown in Appendix E of the Traffic Study (one excerpt is included below).

As you can see in Figure 2-6 below, the data point representing this site and its traffic/access volumes does not remotely approach meeting the threshold for suggested implementation of a right turn lane. A right turn volume of 73 veh/hr would require over 1000 veh/hr of through-traffic to be considered disruptive enough to warrant a right-turn lane (Compared against the Major-Road Volume of 266 veh/hr, a volume almost a quarter of that. This indicates that utilizing a through lane for right-turns onto the site will not be disruptive to through-traffic, nor to the functionality of the roadway or the Hancock/Yucatan intersection.

**Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.**



Finally, it should be noted that none of the adjacent collector streets in the surrounding street system incorporate right turn lanes.

**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 omission of an exclusive right-turn lane will achieve an appropriate level of site access without disrupting east-bound traffic on Yucatan Drive requiring an exclusive right turn lane.

When compared with the alternative, construction of a right-turn lane will:

- Trigger significant expansion of the scope of the project, including dedication of ROW from the site and the design and construction beyond the intended scope of the project.
- Not improve level of access to the site
- Not improve level of service of Yucatan Drive, Hancock Expressway, nor the Hancock/Yucatan Intersection. None of these are negatively impacted with the omission of a right turn lane
- Create an undue financial hardship to the applicant with no material benefit to the public
- Prevent the applicant from pursuing the proposed improvements.

Finally, it should be noted that none of the adjacent collector streets in the surrounding street system incorporate right turn lanes.

The deviation will not adversely affect safety or operations.

Because the through-traffic volume required (based on NCHRP 279 guidelines) to warrant a separate right-turn lane at the right-turn volume for this site (73 veh/hr) is nearly 4 times the actual through-traffic volume (>1000 veh/hr vs. 266 veh/hr), the factor of safety and level of operational functionality will not be negatively impacted by utilizing a through lane for right-hand turns onto the site.

(There is a second EB lane that would allow vehicles to pass if for some reason the right turns were holding up traffic)

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

Because the deviation requests minimizing additional construction and limiting infrastructure, it will not result in an increase of maintenance or associated costs from existing conditions.

The deviation will not adversely affect aesthetic appearance.

The deviation will not impact aesthetic appearance from existing conditions. The deviation should allow for a reduction in asphalt and pavement which may allow for additional landscape areas onsite. ●

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

The design meets the purpose of providing right-turn access to the site without disrupting the level of service of the surrounding roadways and intersections. A continuous right-turn lane would still be appropriate for a roadway with 4 times the volume of through traffic. Finally, it should be noted that none of the adjacent collector streets in the surrounding street system incorporate right turn lanes. ●

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, the road would need to be widened which may trigger additional MS4 permit implications and additional control measures may 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:**

Please correct redlines, add exhibit, sign, stamp and resubmit

Recommended for approval with condition that site generated traffic, congestion, LOS, collisions etc. may require modification to site operations to mitigate issues related to inability to meet ECM traffic engineering criteria.

## 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.

Provide exhibit