



**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  
 Owner  Consultant  Contractor  
 Mailing Address : 1253 N Meade Ave  
 Colorado Springs, CO 80909  
 Phone Number : 719-375-4956  
 FAX Number : N/A  
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**ENGINEER INFORMATION**

Company : Kimley-Horn  
 Name : Mitchell Hess  
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 Colorado Springs, CO 80903  
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 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.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.

I don't see how this would affect the west side of Hancock

this should state access to Allegion/Schlage?

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 would limit the length available for the left turn lane for southbound Hancock Expressway. This, in turn, would cause additional congestion for the other lanes and back up westbound through traffic on Yucatan Drive. By providing a single lane to serve as a two-way left turn lane, we will provide the maximum length possible for back-to-back turns between the two accesses.

I don't understand this

**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.

Wouldn't it just be restriping?

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.

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.

Γ \_\_\_\_\_ 7

L \_\_\_\_\_ 7

**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.

Γ \_\_\_\_\_ 7

L \_\_\_\_\_ 7

**ECM ADMINISTRATOR COMMENTS/CONDITIONS:**

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

This deviation may only require minor road re-striping for a TWLTL. Request is not clear.

## 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