

DE#	Development Address	Description of Exception	Date Applied	Delivered to Committee	Action Date	Action
04-04	Kansas Avenue	Canyon View Car Wash	2/27/04	2/27/04	2/27/054	Not Considered Due to Location Being Outside City Limits

REQUEST FOR T.E.D.S. EXCEPTION

Reconstruction of a portion of Kansas Avenue north of Broadway (State Hwy. 340)

February 27, 2004

RECEIVED
FEB 27 2004
COMMUNITY DEVELOPMENT
DEPT.

Introduction

This T.E.D.S. Exception is being requested as part of the proposed **Canyon View Car Wash** to be located at the northwest corner of Kansas Avenue and Broadway, which is Colorado State Highway 340. As with most land development applications, the Developer of this project, Canyon View Car Wash, LLC, is required, and is willing, to make improvements to public street frontages that surround this parcel. These improvements include constructing new curb, gutter, and sidewalk to Kansas Avenue as well as to both Broadway and Redlands Parkway.

History

This proposed project has been in the making for the last several years starting with a Growth Plan Amendment and then with the following land use applications. As this project has evolved through the design and review processes, it was determined that the existing grade of Kansas Avenue as it intersects with Broadway is excessively steep. Survey data indicates that this existing grade is on the order of 12%. To correct this existing deficiency, the City staff required this Developer to design the improvements to reconstruct this portion of Kansas Avenue to meet T.E.D.S. requirements. Section 5.1.5.1 of the T.E.D.S. Manual discusses the requirements that need to be met which, in this case would be to provide a maximum grade of 4% for a minimum of 50-feet from the flowline, or existing edge of asphalt, of Broadway. Plans for construction were then prepared detailing improvements which would satisfy this design criteria.

An interesting side note developed through the course of this project which has also turned out to be a major issue, Kansas Avenue as it proceeds north from Broadway is not situated within the platted right-of-way. In fact, the entire street falls outside of the current right-of-way for an approximate distance of 300-feet resting, instead, on private property owned by Mr. Tom Spehar.

To complicate matters, several years ago, the project on the south side of Broadway, **Meadowlark Gardens**, constructed site improvements that included providing an access onto Broadway adjacent to Kansas Avenue. Therefore, in holding to the desire to keep intersecting streets located directly across from one another, the ability to significantly shift the horizontal alignment of Kansas Avenue did not exist.

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With these two design criteria related to the vertical and horizontal alignments, plans were then prepared on improving Kansas Avenue as part of the Canyon View Car Wash project. What resulted from these plans is that additional improvements would be required on the Spehar property in order to raise the road to the required grade. In December of 2003, it was then required of the Developer to obtain any additional right-of-way from Mr. Spehar for these improvements prior to approving the plans for this project. After initial attempts to negotiate this additional right-of-way with Mr. Spehar, he has apparently decided not to sell any of his property for these improvements to Kansas Avenue.

Proposed T.E.D.S. Exception

In short, the request that is being made is for the grade of Kansas Avenue intersecting with Broadway be allowed to be constructed at 6% rather than 4% as defined in Section 5.1.5.1. of the T.E.D.S. Manual. Enclosed are roadway plan/profile and cross-sections along Kansas Avenue illustrating the proposed improvements. The reason that this request is being made is so improvements can be made to Kansas Avenue which could be constructed without further encroachment onto Mr. Tom Spehar's property. The following are factors that have influenced this request:

- Although a grade of 4% can be maintained on Kansas Avenue, however, to avoid further encroachment onto the Spehar property, the alignment would have to shift further to the west. This would result in the intersecting access of Meadowlark Gardens would not be across from Kansas Avenue.
- As shown on the plans for the proposed construction, at approximate Sta. 2+50 there is low point in the existing roadway of Kansas Avenue. At this location there is a culvert crossing the roadway which carries irrigation tail water as it proceeds downstream. This water has supplied a wetlands area, as determined by the Corps of Engineers, located to the west of Kansas Avenue. To avoid disturbance to these wetlands, we are forced into keeping road improvements at this location to a minimum. Therefore, we have developed a design that maintains both horizontal and vertical alignments at this location.
- The site grading for this project has been a difficult exercise due to the range of the topography around this site. The original design for Kansas Avenue, although meeting T.E.D.S. criteria resulted in fairly steep grades coming into the site because of the increased elevation on Kansas Avenue. A benefit of granting this T.E.D.S. exception would be that these grades will be improved making a safer condition around the driveway onto Kansas Avenue.

In addition to the original design that was prepared for this project showing the 4% grade, which are also enclosed for reference, it was investigated on whether a 5% grade would satisfy the three

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conditions just identified. What was determined is that improvements near Broadway can be made to work without impacting the Spehar property, but the increased elevation would begin to impact both the Spehar property and the wetlands once past Sta. 2+00.

It should be pointed out that, although the T.E.D.S. criteria would not quite be satisfied, the proposed improvements will be a great deal better than current conditions, improving the grade from approximately 12% to 6%. As Kansas Avenue approaches Broadway, this design would raise the street elevation between 1½ to two feet, improving site distances around this intersection. Therefore, in granting this exception, a safer intersection will still be provided. In researching further design requirements that would apply based on the CDOT Access Code, Section Four of that code was referred to. There is no criteria identified in the Access Code that would be compromised by this request.

Conclusion

We feel as though the Developer has attempted to propose improvements to Kansas Avenue that would meet T.E.D.S. criteria. However, due to circumstances beyond their control, they would not be able to follow through with these improvements. We feel as though this is a one-time exception based on these unique circumstances and that a revision to the T.E.D.S. Manual is not necessary.



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