

Polaris Pointe South Filing No. 4 Sunset Amphitheater Appeal

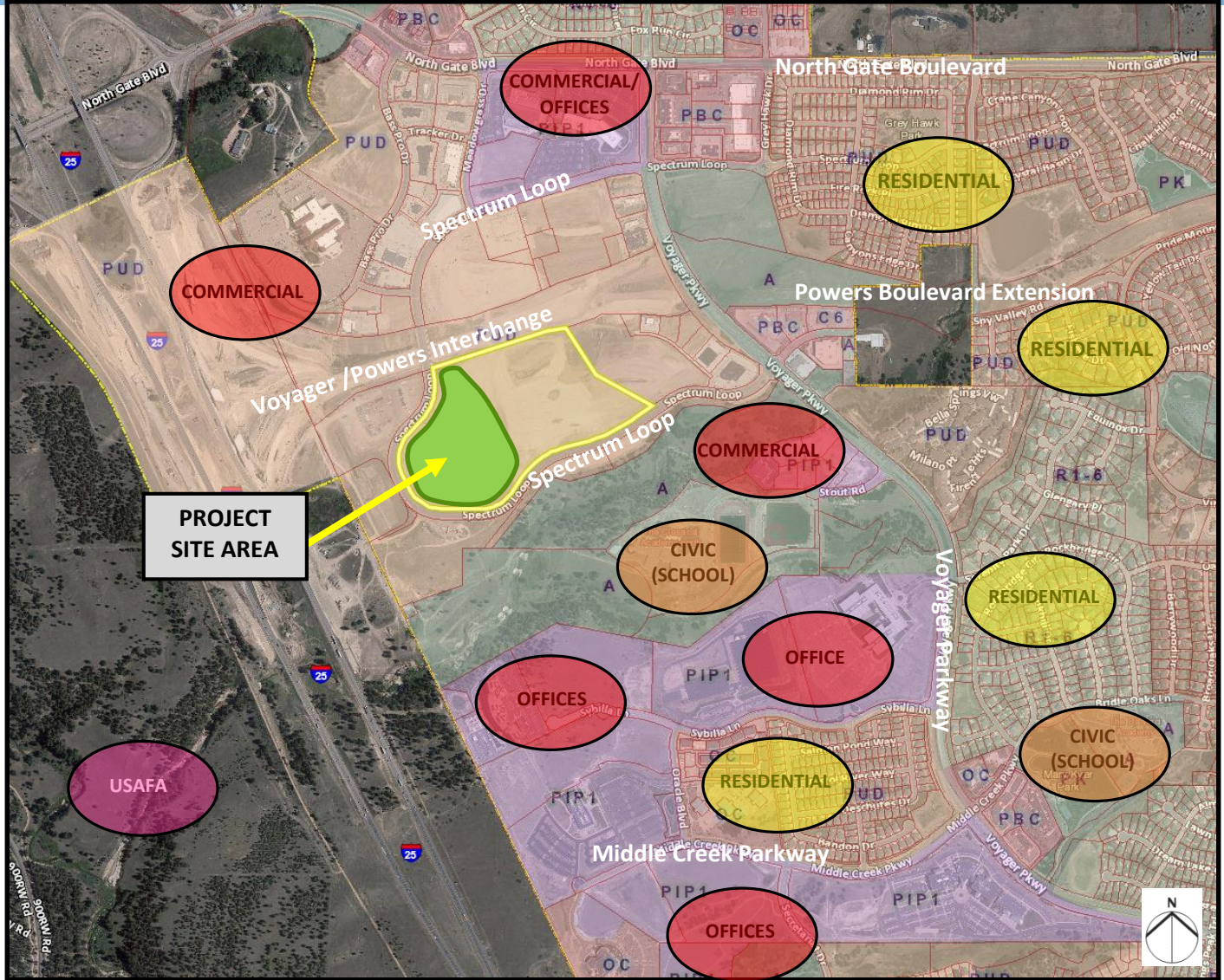
- AR PUD 22-00062
- AR NV 22-00480
- AR NV 22-00481

November 9, 2022

Tamara Baxter - Senior Planner



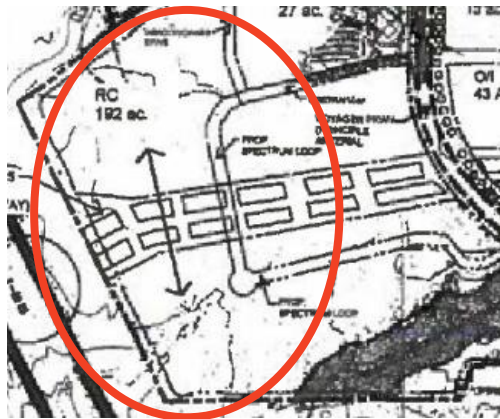
Context Map



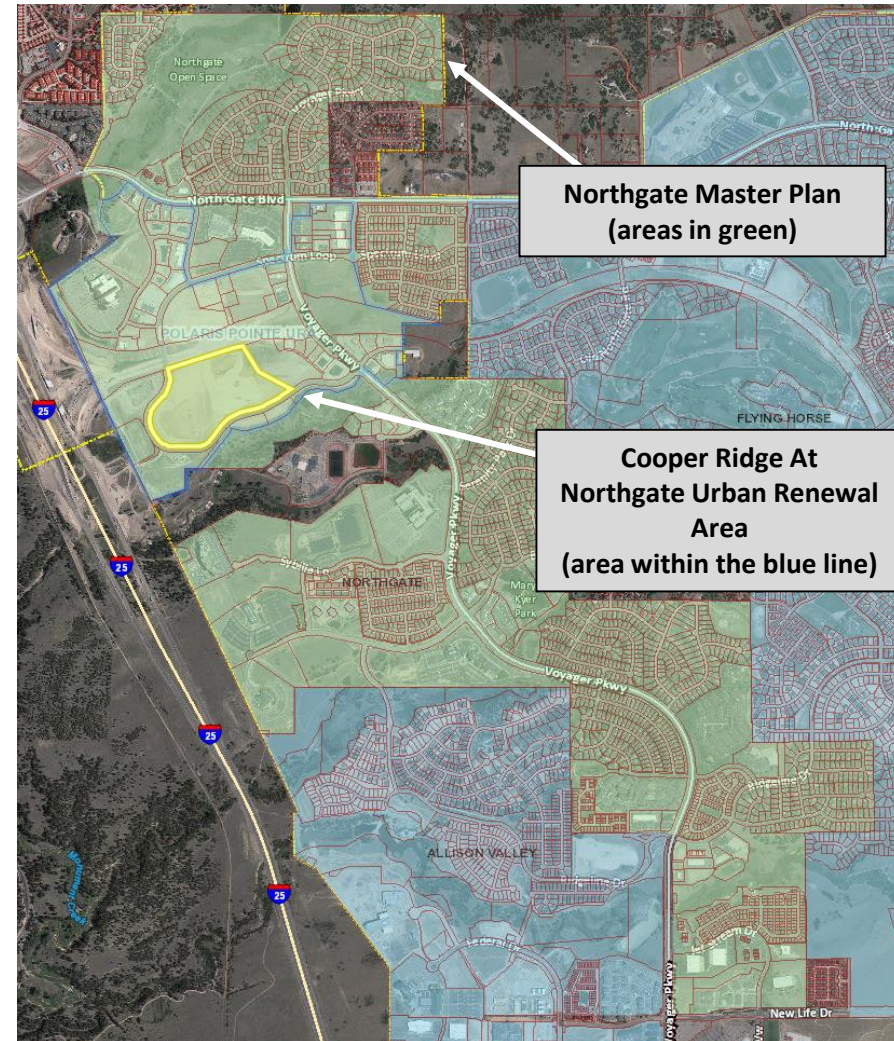
Master Plan & Urban Renewal Plan



- The project lies in the 'Northgate Master Plan' originally adopted in 1984.
- In 2009, the subject property designation was changed to 'Regional Commercial' on the Master Plan to better align with the City's Comprehensive Plan.



- The Northgate Master Plan is a fully implemented plan.
- The property is within the Copper Ridge at Northgate Urban Renewal Plan.



PUD Zone & PUD Concept Plan

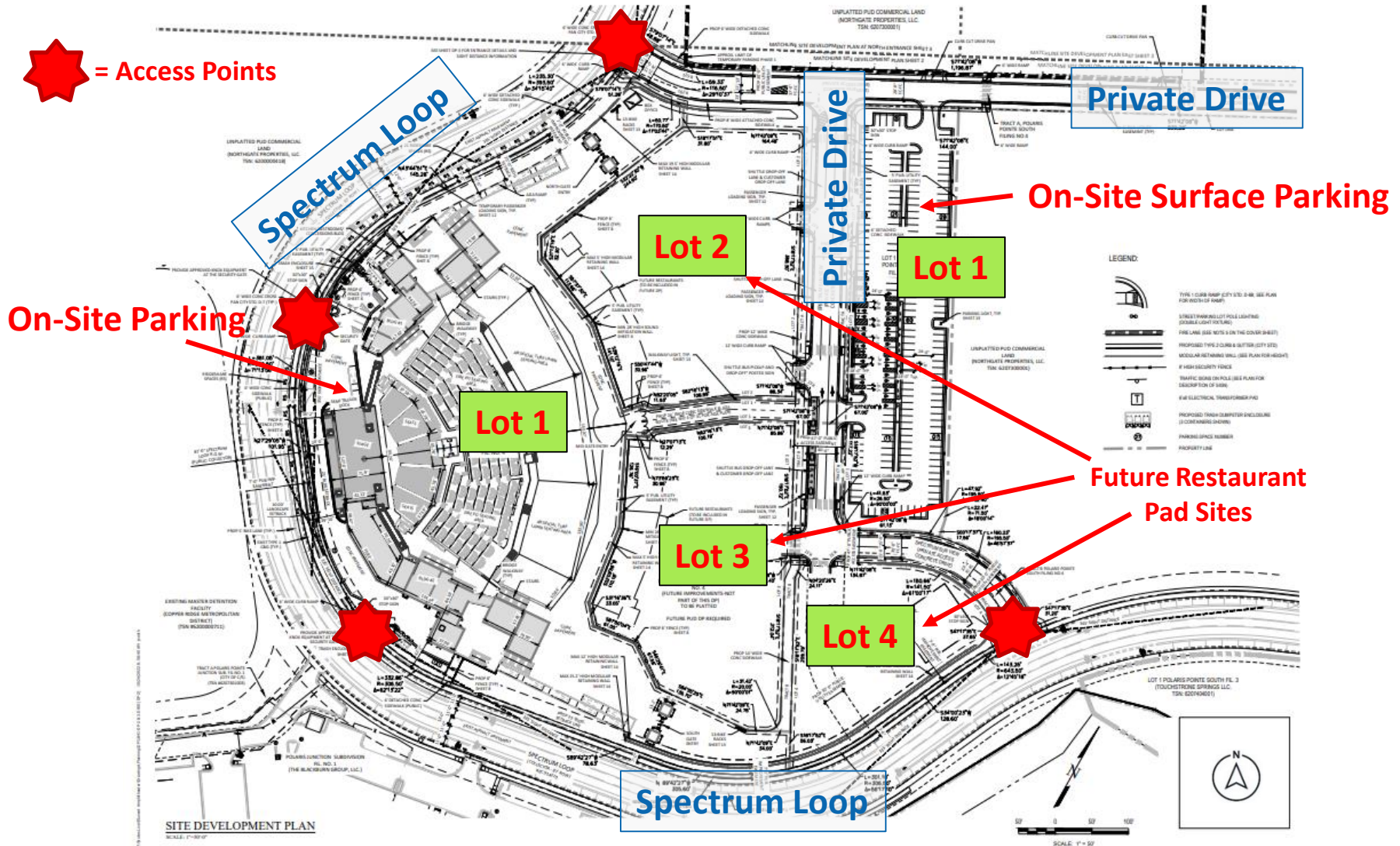


- In 2009, the 'Polaris Pointe at Northgate' development (approximately 192 acres) was rezoned to PUD (Planned Unit Development) with a High-Rise Overlay.
- An accompanying PUD Concept Plan ("Polaris Pointe at Northgate PUD Concept Plan") was approved which identified future use types in this development.
- The PUD Concept Plan identifies the area of the subject property consisting of 'mixed-use' types: entertainment center, restaurants, commercial and a mall.
- The proposed amphitheater project is consistent with the PUD Concept Plan. It was determined by Staff that the project is a 'use by right' in the PUD Zone District.
- Based on the scope of this project and the level of public interest surrounding this project, a decision by the Land Use Review Manager was made to refer this project to the Planning Commission.

PUD Development Plan



 = Access Points



Application



- Staff reviewed the application in accordance with City Code
 - Section 7.3.606 (PUD Development Plan)
 - Section 7.5.502(E) - (Development Plan)
 - Section 7.5.802(B) (Nonuse Variance)
 - 7.4.204(C)(1)(d)(2) (Off-site parking)
 - 7.4.204(B) (On-street parking)

- Staff found the request to be consistent with the standards and criteria of these City Code Sections.

- Staff recommended approval the Planning Commission

Planning Commission Action



- Planning Commission hearing on November 9, 2022
- Presentation was made by City Staff, the project team, and members of the public spoke in favor and opposition.
- Planning Commission approved the PUD Development Plan by a vote of 6-3-0 (In Favor, Against, Absented)
- Planning Commission approved the nonuse variances by a vote of 5-4-0 (In Favor, Against, Absented)

Public Notification



- Public notification was made in accordance with City Code Section 7.5.901
- The City has established uniform standards for public notice to encourage and seek citizen input.
- Proper notification was sent out to property owners and associations directly adjacent to the proposed project site within 1,000 feet of the site. Twenty-six (26) property owners were notified.
- Notifications (postcards) were sent out with the initial project submittal, neighborhood meetings, and Planning Commission meeting.
- CONO (Council of Neighborhood Organization) was engaged to distribute notifications to homeowners' associations in order to disperse project and meeting(s) information.
- The site was posted per City Code requirements on seven (7) separate occasions with three (3) posters: one poster at the site and two posters along Voyage Parkway
- The City does not provide notifications on social media such as Nextdoor, Facebook or other platforms.

Public Involvement



- Two (2) Neighborhood Meetings were held:
 - Meeting in February. Held virtually due to COVID restrictions. Approximately 12 in attendance
 - Meeting in September. Initiate by the Project Team and held at the Boot Barn. Over 400 in attendance.
- All public comments received for this project become part of the public record. All written comments received by staff have been provided to the Commissioners.
- A listserv was created from those members of the public that provided written comments. These members were notified via email of any changes to the project and meetings.
- Public comments are not taken off social media such as Nextdoor, Facebook or other platforms
- During the review process of this project, staff received public comments in support and in opposition of the project. Primary concerns raised by the public included:
 - Noise
 - Traffic
 - Parking
 - Compatibility

Appeal of PC Approval



- Appeal of the Planning Commission decision was submitted by Messers Campbell and Fuqua both who live in the Grey Hawk Neighborhood.

- Planning Commission approved the project in error because it violates three (3) city ordinances
 - City Code Section 9.8.101: Noise Prohibited
 - The project can not meet the decibel levels established by City Code.
 - City Code Section 7.5.802: Nonuse Variance
 - Project does not meet the criteria for granting the variances for parking
 - City Code Sections 7.4.204(B)(1)(a-c) and 7.4.204(C)(1)(D): Parking
 - On-site and off-site parking will have an adverse effect on the surrounding community

Noise and Traffic Considerations



NOISE:

- Noise is governed through Chapter Section 9 (Noise Pollution) of City Code.
- Permissible decibels levels are established by times of the day and use types
- An “*Environmental Noise Emissions*” report prepared by LSTN Consultants analyzed noise emissions from the amphitheater and outlined mitigation measures: Physical, Electroacoustic; and Operational

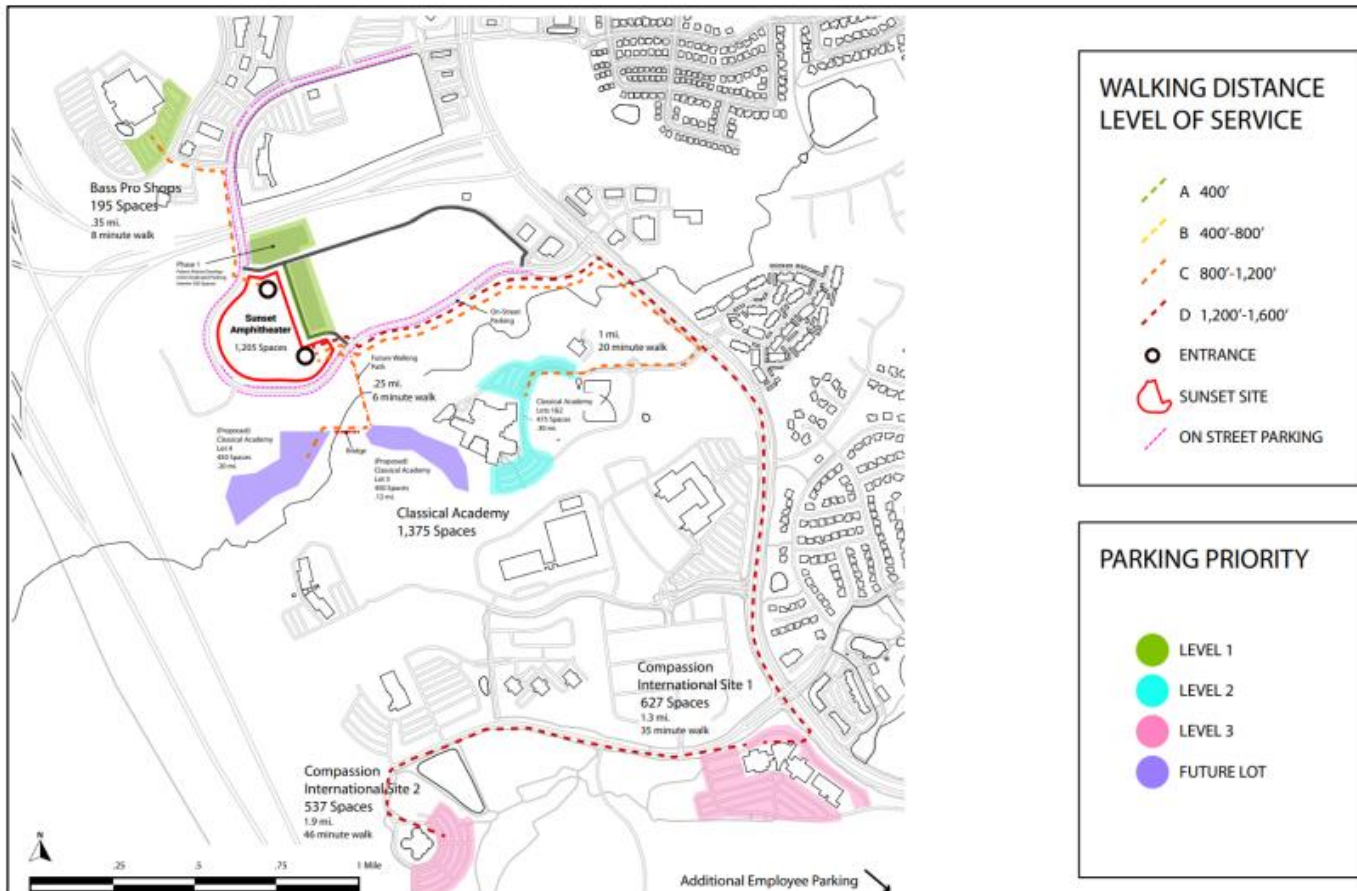
TRAFFIC:

- A *Traffic Technical Memorandum* was prepared by LSC Transportation Consultants.
- The memorandum analyzed the capacity of adjacent road networks, intersections, and built-out scenarios of the area. The memorandum provided specific recommendations for special event traffic control.
- The memorandum was reviewed and accepted by City Traffic Engineering with a few technical modifications that will need to be addressed but not impact the overall findings, conclusions, or recommendations.

Parking and Access Plan



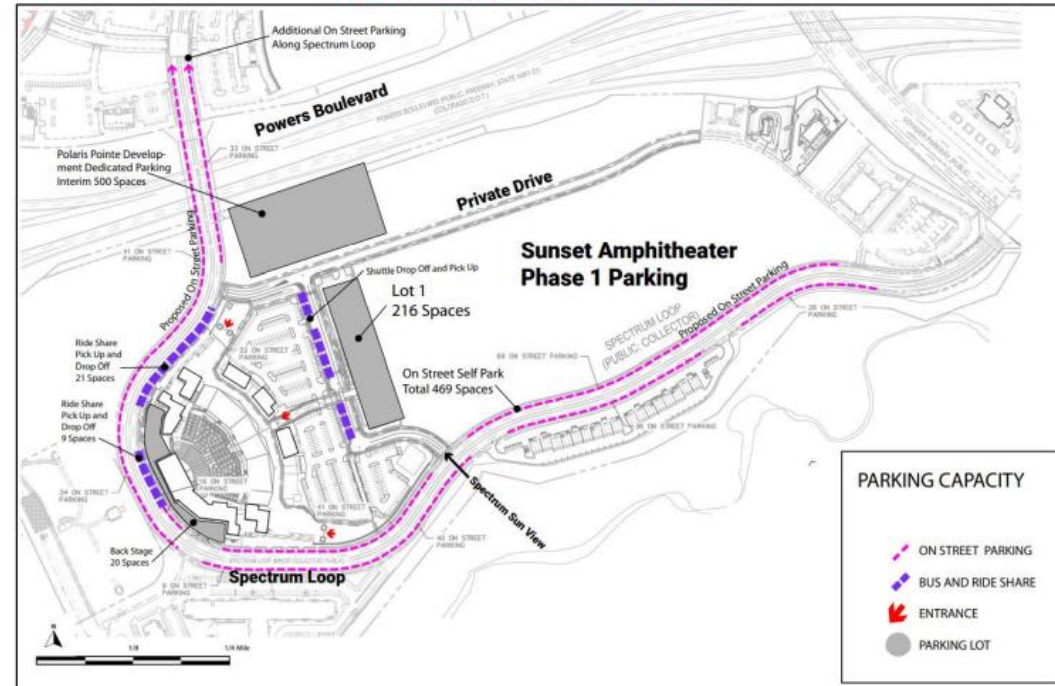
- Per City Code Section 7.4.203 -Outdoor Entertainment Use requires 1 space per 4 seats
- 8,000 seat venue requires 2,000 on-site parking spaces
- A combination of on-site, on-street and off-site parking is proposed
- A Parking & Access Plan has been prepared by Kimley Horn.



Nonuse Variance #1



Figure 1: Site Plan & Onsite Parking



*Larger versions of maps are provided as an attachment

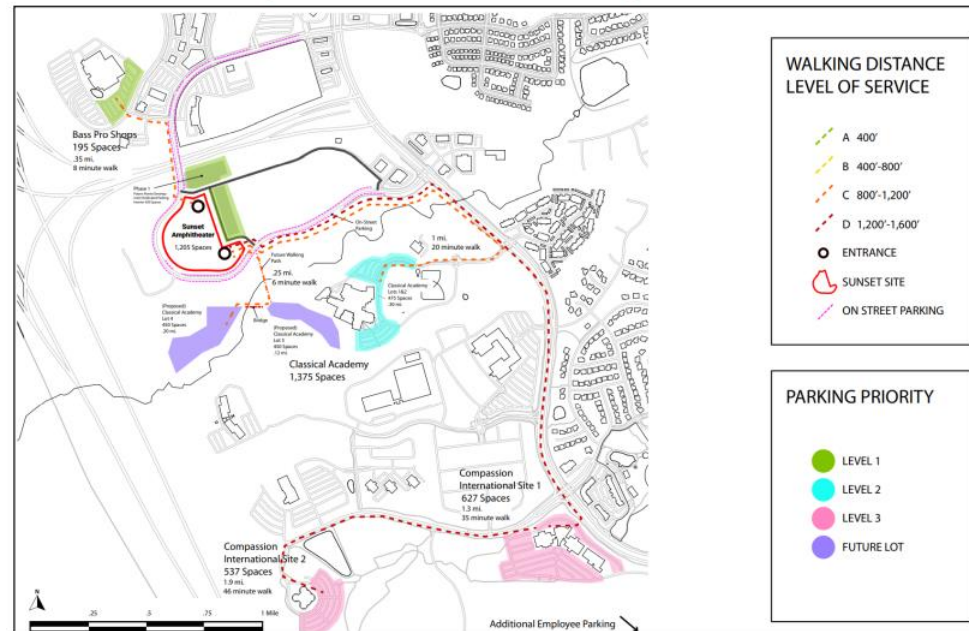
| CODE REQUIREMENT | PROPOSED |
|---|--|
| 64 spaces adjacent to property boundary | 405 spaces – both sides of Spectrum Loop; up to ½ mile |

Nonuse Variance #2



- City Code requires shared parking to be on a parcel/parcels adjacent to subject property within 400' by direct pedestrian access.
- Variance request #2 is to vary City Code Section 7.4.204(C)(1)(d)(2) to allow shared parking on properties within a 2 miles radius of the venue at Bass Pro Shop, The Classical Academy and Compassion International.
- In addition, the Project Team requests an increase to the maximum reduction of the minimum on-site parking requirements to eighty-five (85%) percent (300 spaces) where thirty-five (35%) percent (700 spaces) is allowed.

Figure 5: Pedestrian Access and Walking Distances



*Larger versions of maps are provided as an attachment

| CODE REQUIREMENT (MAX REDUCTION) | PROPOSED (MAX REDUCTION) |
|-------------------------------------|-----------------------------|
| 35% (- 700 spaces) | 85% (- 300 spaces) |
| 1,300 on-site | 1,700 |

Parking Summary



| PARKING CALCULATIONS | |
|---|-------|
| Total Parking Required (1 per 4 seats) | 2,000 |
| Total Parking Provided: | |
| • On-Site | 236 |
| • On-Street (Adjacent) | 64 |
| Subtotal | 300 |
| On Street (Variance #1) | 405 |
| Off-Site Shared Parking (Variance #2) | 1,834 |
| Subtotal | 2,239 |
| Off-Site Shared Parking (Variance #2): | |
| • Bass Pro Shop (0.28 miles from the venue) | 195 |
| • The Classical Academy (1.2 miles from the venue) | 475 |
| • Compassion International: Lot 1 (1.3 miles from venue) and Lot 2 (1.9 miles from the venue) | 1,164 |
| Subtotal | 1,834 |
| Total Parking Available | 2,303 |
| Interim Parking | 500 |

Compatibility



- Polaris Pointe Development is a 'regional commercial center' for the north end of Colorado Springs. Per PlanCOS, regional commercial centers are large, intensive activity centers that combine the uses of commercial and employment centers and serve the city and region as a whole. These centers are supported by a variety of uses including housing.
- Two two similar successful venues used alternative parking options such as remote parking, shuttles, on-street parking.
- The Weidner Field and Robson Arena have illustrated that with mitigation measures in place, a venue like the amphitheater can successfully be part of the surrounding community.



Weidner Field



Robson Arena

Annual Reporting



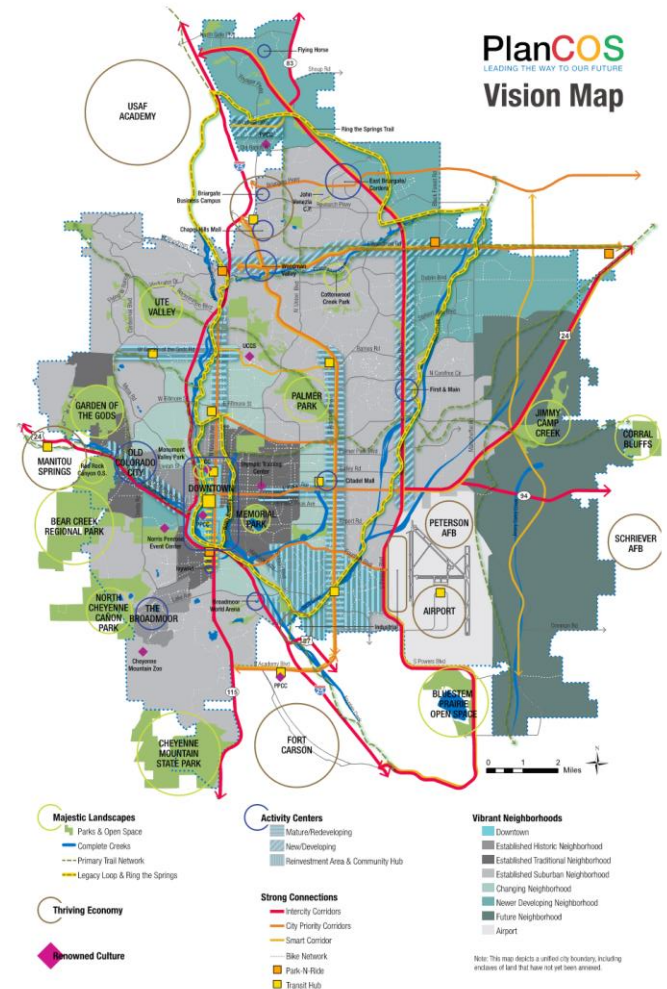
- A condition of approval by City Planning Commission stipulated that an agreement between the venue operator and the City of Colorado Springs must be executed prior to the plan approval and that the agreement would outline operational parameters, including but not limited to parking, noise, traffic movement, and requirements for annual reporting.
- Upon further discussion of this agreement, it was determined that an agreement was not the best mechanism to achieve continuous monitoring of this venue.
- Staff, consistent with the direction of the City Attorney's Office, request minor modifications to the general notes on the cover sheet of the development plan which would achieve the same outcome as an agreement.
- The revised general notes are documented and included in the packet as "Development Requirements".

PlanCOS Conformance



PlanCOS
LEADING THE WAY TO OUR FUTURE
Vision Map

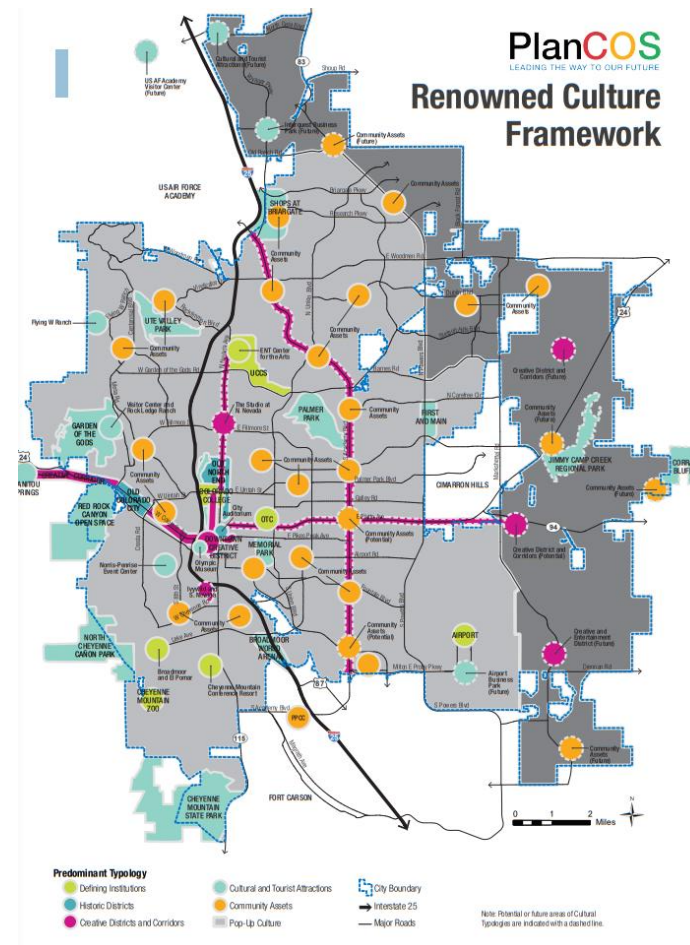
- PlanCOS was adopted in 2019, which sets out the ‘Vision’ of “*We will build a great city that matches our scenery.*”
- The project site is identified as a ‘New/Developing Area’ on the PlanCOS Vision Map
- Big Ideas from PlanCOS which provide the basis of the goals/vision themes in PlanCOS that pertain to this proposed Project include:
 - **Unique Places** is strengthened by reinvestment in magnetic activity centers that are located in new and reinvented areas through the city. The ‘Unique Places Framework Map’ identifies this area as ‘Regional Employment and Activity Centers’. Regional centers are major concentrations of employment and commercial activity.
 - **Thriving Economy** fosters an environment of inclusivity and economic diversity by attracting an innovative and adaptive workforce. The ‘Thriving Economy Framework Map’ identifies this area as ‘Spinoffs and Startups’.



PlanCOS Conformance



- **Renowned Culture** promotes and embraces arts, culture, and education as an essential part of the lives and identity of the city.
 - The ‘Renowned Culture Framework Map’ identified this area as a **“Cultural and Tourist Attraction (Future)”**.
 - PlanCOS is intended to provide a framework and impetus for a variety of implementation initiatives throughout the city organization, and intended to be undertaken collaboratively.
 - ‘Strategies’ outlined in PlanCOS are approaches to further the identified goals and policies in PlanCOS such as **“Strategy RC-3.D-2: Build one or more outdoor amphitheatres in locations such as parks and redeveloping or newly developing areas of the city.”** This supports **“Goal RC-3: Ensure the accessibility and diversity of arts and culture opportunities throughout the city.”**



Recommendation



AR PUD 22-00062 (PUD Development Plan)

Deny the appeal and uphold the PUD Development Plan approval based upon the finding that the appeal criteria found in City Code Section 7.5.906(B) are not met, and uphold the action of Planning Commission to approve the application based upon the findings that the application complies with the review criteria for granting a PUD Development Plan as set forth in City Code Section 7.3.606, and the review criteria for granting a Development Plan, as set forth in City Code Section 7.5.502(E), with the following conditions of approval:

1. The LSC Transportation Consultants, Inc. Traffic Technical Memorandum dated October 14, 2022, shall be updated to include the traffic counts adjustments and split ratio; additional analysis for Powers off-ramp/Voyage Parkway intersection; and include the project queue analysis in Table 5 of the memorandum which shall be approved by City Traffic Engineering.

It should be noted that if the appeal of PUD development plan approval is granted (meaning the project is denied) the appeals of the two related non-use variances must also be granted.