

POLARIS POINTE SOUTH FILING NO. 4 PUD DEVELOPMENT PLAN NON-USE VARIANCES (THE SUNSET AMPHITHEATER)

PROJECT STATEMENT

OCTOBER 4, 2022

REQUEST

N.E.S. Inc. on behalf of Northgate Properties, LLC, Copper Ridge Development, Inc., and Notes Live Corporation, requests approval of the following applications:

- A Non-use variance from Section 7.4.204.B.1.a-c-Conditions for on street parking credit
- Non-use variances from Section 7.4.204.C-percent of maximum parking reduction; and 7.4.204.C.1.d(2)-location of shared parking

LOCATION

The Sunset Amphitheater site is comprised of 9.022-Acres and is located west of Voyager Parkway, north of the south leg of Spectrum Loop, and south of Powers Boulevard, in the Polaris Pointe South Filing No. 4 Planned Unit Development. To the east is undeveloped land within the Polaris Pointe/Northgate development.



PROJECT DESCRIPTION

A Development Plan for Polaris Pointe South Filing No. 4 (The Sunset Amphitheater) has been submitted for City review and action. Based on amphitheater capacity of 8,000 seats, City Code requires 2,000 parking spaces (one space per four seats). A Parking and Access Plan has been prepared which assesses the venue parking needs and provides strategies for accommodating such parking. This study has determined that for a sell-out event, the venue needs 2,648 parking spaces to accommodate guests and operations and venue staff. This parking need projection factors in a 25% ride share usage and the necessary on-street accommodation for drop off and pick up. A total of 2,539 permanent parking spaces are provided, along with 500 interim spaces and a plan with contract for replacement and augmentation of those spaces.

PARKING PLAN

The Development Plan for The Sunset Amphitheater proposes a combination of on-site parking, on-street Spectrum Loop parking, and off-site shared parking in existing parking lots that have extra capacity during event times. With this plan, a total of 2,539 parking spaces are provided, including 30 on-street Spectrum Loop ride share drop-off and pick-up spaces. The Parking Plan is designed to provide a minimum of 70% of the required parking (1,400 spaces) within a ½ mile radius of the venue, and at no time during events shall less than 2,000 parking space be available. All parking will be within 2 miles and all lots will be provided with complimentary optional shuttle service. During large events, employees will be required to park at Roth Industries (which is owned by the amphitheater owner, and thus not included in the parking plan) or the Compassion International lots, and be shuttled to the venue.

On-site Parking

On-site parking is comprised of 736 spaces which includes 20 parking spaces at the rear of the amphitheater building for use primarily by venue staff, 216 parking stalls in a parking lot to the east of Lot 2, 3, and 4 (planned for future restaurant development), and 500 interim parking spaces on undeveloped Polaris Pointe property. Because the 500-space lot is intended to be interim, to be replaced off-site at a future date, this lot will be surfaced with grass and will not be striped. Temporary lighting will be brought in to serve the interim lot during events. The 216-space lot will likely be used for ADA parking (30 spaces, including 6 van), prepaid parking passes, and premium ticket holder parking. This lot will be striped and have overhead pole lighting. A 30-foot wide, lighted, concrete pedestrian walkway is provided between the parking lot and the amphitheater facility, as it is separated by the future restaurant development lots. A 6' wide detached sidewalk is also provided along the west side of the parking lot/east side of Spectrum Sun View. All parking spaces, including accessible spaces, and access drives meet the required dimensional standards.

On-street Parking

The Development Plan includes 469 parking spaces on Spectrum Loop. City Staff has agreed that on-street Spectrum Parking is a reasonable request, however, because parking is not currently allowed on Spectrum Loop, the developer is required to restripe the street to provide for parking. Restriping can be accommodated within the existing pavement section which will result in a 9' parking lane on both sides, 5' bike land on both sides, 11' travel lane on both sides, and a 12' striped median in the center. The

developer will also be installing a 6' detached sidewalk and 7' landscaped tree lawn along both sides of Spectrum Loop. This design will accommodate pedestrian, bike and vehicular traffic.

Spectrum Loop can accommodate approximately 499 parallel parking spaces, 30 of which will be reserved for ride share (Uber/Lyft) pick-up and drop-off parking. On-street parking will be first-come, first-served; however, ride share parking spaces will be managed during events with temporary signage and traffic management staff. The ride share pick-up and drop-off will occur at the rear of the amphitheater south of the private access drive and north of the north access drive to the amphitheater rear parking area. It should be noted that the Parking and Access Plan identifies a need for 27 pick-up spaces after a sold out event. Event staff will monitor this area, which will use variable temporary signage and ride share lanes along Spectrum Loop.

Because most of the on-street Spectrum Loop parking will not be immediately adjacent to the development property, a Non-use variance is required.

Off-site Parking

The Parking and Access Plan for the development includes 1,834 off-site shared parking spaces in four locations. All off-site parking will be secured with lease contracts (included with this submittal), and will be provided with optional shuttle service to the venue. Further, private security at a ratio of 1 security personnel per 250 vehicles will be provided to lots used during events.

The closest off-site lot is located at the Bass Pro Shops, 13012 Bass pro Drive, approximately .28 mile from the venue. This lot has 195 spaces available to share. The Classical Academy, at 975 Stout Road, is the next closest parking lot located inside the ½ mile radius of the venue. This lot has 475 spaces available to share. There are future plans for additional parking on The Classical Academy site, within .12 mile of the venue, to replace the 500 interim parking spaces on the Polaris Pointe property, as well as provide 400 additional parking spaces for a total of approximately 900. Compassion International, located at 12290 Voyager Parkway, has parking in two locations to share. One lot is located 1.3 miles from the venue and has 627 spaces available to share, and the second lot is 1.9 miles from the venue and has 537 spaces available to share.

City Code provides for reduction in the minimum parking space requirement in the form of an on-street parking credit if such parking is immediately adjacent to the property and shared parking if such parking is within 400' by direct pedestrian access. Because Spectrum Loop on-street parking is not all immediately adjacent to the subject property; off-site parking arrangements involve parking further than 400' by direct pedestrian access; and a credit for more than a 20% off-site parking is being requested Non-use variances for the proposed parking plan are required.

CONFORMANCE WITH NON-USE VARIANCE CRITERIA (CODE SECTION 7.5.802 B AND D)

Non-use variance from Section 7.4.204.B.1.a-c-Conditions for on street parking credit (allowing on-street parking that is not adjacent to the property):

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

The property is being developed as an outdoor concert venue that will likely be used less than 100 days per year. This condition does not exist with any other nearby properties within the PUD zone, or PUD Plan area. The infrequent use of the property for events creates an exceptional condition whereby constructing all required or proposed parking on-site, or using only on-street parking immediately adjacent to the property would result in economic and environmental waste in infrastructure that would be underutilized over 70% of the time.

2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and

Due to the extraordinary amount of time the property will not be in use (over 70%), it is not reasonable to require on-site parking at the maximum requirement of 1-4 spaces per seat (2,000 spaces). It is reasonable, however, to consider on-street parking that is not immediately adjacent to the property, as Spectrum Loop has adequate capacity upon restriping to not only provide 469 parking spaces and 30 ride share spaces, but also provide striped bike lanes on both sides, while accommodating the vehicular traffic required to handle traffic created by the venue as well as background traffic for the area. Allowing on-street parking on Spectrum Loop where not immediately adjacent to the subject property with restriping as necessary, installation of sidewalk on both sides of Spectrum Loop, and implementation of the recommendations of the Parking and Access Plan and Traffic Memorandum, would allow reasonable use of the venue and property.

3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Allowing on-street where not immediately adjacent to the subject property, with restriping as necessary, installation of sidewalk on both sides of Spectrum Loop, and implementation of the recommendations of the Parking and Access Plan and Traffic Memorandum (submitted with this application), will not have an adverse impact on surrounding properties. Retention of bike lanes on both sides of Spectrum Loop will continue to provide this alternate transportation options.

4. The proposed location of the vehicle will not create a pedestrian or vehicular safety problem.

On-street parking will be connected to the venue by a sidewalk on both sides of Spectrum Loop (installed by the developer) and pedestrian walkways throughout the venue site. All such pedestrian facilities are located away from vehicular traffic. Traffic will be managed in a number of ways, as provided in the Traffic Memorandum submitted with this application, including dynamic signage, on-site and off-site traffic management personnel, signal timing, and temporary turn lane improvements. Retention of bike lanes on both sides of Spectrum Loop will continue to provide this alternate transportation options.

5. The granting of the variance will not have an adverse impact upon the surrounding properties or neighborhood.

This development will enhance and support existing retail, restaurant and entertainment uses in the surrounding area, which will be further enhanced by allowing on-street parking, in part due to installation of sidewalk on both sides of Spectrum Loop. Security and on-site traffic management will minimize traffic impacts, as provided in the Traffic Memorandum, Parking and Access Plan, and Security agreements; including dynamic signage, on-site and off-site traffic management personnel, signal timing, and temporary turn lane improvements. Retention of bikes lanes on both sides of Spectrum Loop will continue to provide this alternate transportation options.

Non-use variances from Section 7.4.204.C-percent of maximum parking reduction; and 7.4.204.C.1.d(2)-location of shared parking (off-site parking more than 400' by direct pedestrian access; off-site parking credit in excess of 20%):

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

The property is being developed as an outdoor concert venue that will likely be used less than 100 days per year. This condition does not exist with any other nearby properties within the PUD zone, or PUD Plan area. The infrequent use of the property for events creates an exceptional condition whereby constructing all required or proposed parking on-site would result in economic and environmental waste in infrastructure that would be underutilized over 70% of the time.

2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and

Due to the extraordinary amount of time the property will not be in use (over 70%), it is not reasonable to required on-site parking at the maximum requirement of 1-4 spaces per seat (2,000 spaces), or only allow a parking credit parking that is within 400' of the property by direct pedestrian access, or only allow an off-site parking credit of 20%. Allowing an off-site parking credit of 88% and allowing off-site parking beyond 400' (up to 10,000 feet) from the property, with restriping of Spectrum Loop as necessary, installation of sidewalk on both sides of Spectrum Loop, providing complimentary shuttle service to and from all parking lots, and implementation of the recommendations of the Parking and Access Plan and Traffic Memorandum, would allow reasonable use of the venue and property. It should be noted that the code required minimum parking spaces of 2,000 (1-4 seats) is exceeded by the overall parking plan, which provides 2,539 permanent parking spaces, along with 500 interim spaces and a plan with contract for replacement and augmentation of those spaces.

3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Allowing off-site parking in excess of 20% (88%) of the required amount of parking, and allowing off-site parking in excess of 400' (up to 10,000 feet) by direct pedestrian access to the property, with implementation of the recommendations of the Parking and Access Plan and Traffic Memorandum,

will not have an adverse impact on surrounding properties. The provision of off-site parking, 70% of which is within a ½ mile radius and served by complimentary shuttles, will reduce traffic impacts in the surrounding area. Installation of sidewalks on both sides of Spectrum Loop and retention of bike lanes on both sides will further mitigate vehicular traffic issues.

4. The proposed location of the vehicle will not create a pedestrian or vehicular safety problem.

On-site parking will be connected to the venue by a pedestrian walkway, sidewalk along the east side of the parking lot on Lot 1, as well as on both sides of Spectrum Loop. All such pedestrian facilities are located away from vehicular traffic. Further, off-site parking lots will be served by complimentary shuttles with maximum wait times of 5-11 minutes. Traffic will be managed in a number of ways, as provided in the Traffic Memorandum and Parking and Access Report submitted with this application, including dynamic signage, on-site and off-site traffic management personnel, signal timing, and temporary turn lane improvements.

5. The granting of the variance will not have an adverse impact upon the surrounding properties or neighborhood.

This development will enhance and support existing retail, restaurant and entertainment uses in the surrounding area, which will be further enhanced by allowing a combination of on-site, on-street and off-site parking. Traffic impacts will also be reduced by allowing this parking strategy. Sidewalk and other pedestrian improvements and retention of bikes lanes will improve conditions in the area.

Security and on-site traffic management will minimize traffic impacts, as provided in the Traffic Impact Study submitted with this application, including dynamic signage, on-site and off-site traffic management personnel, signal timing, and temporary turn lane improvements.