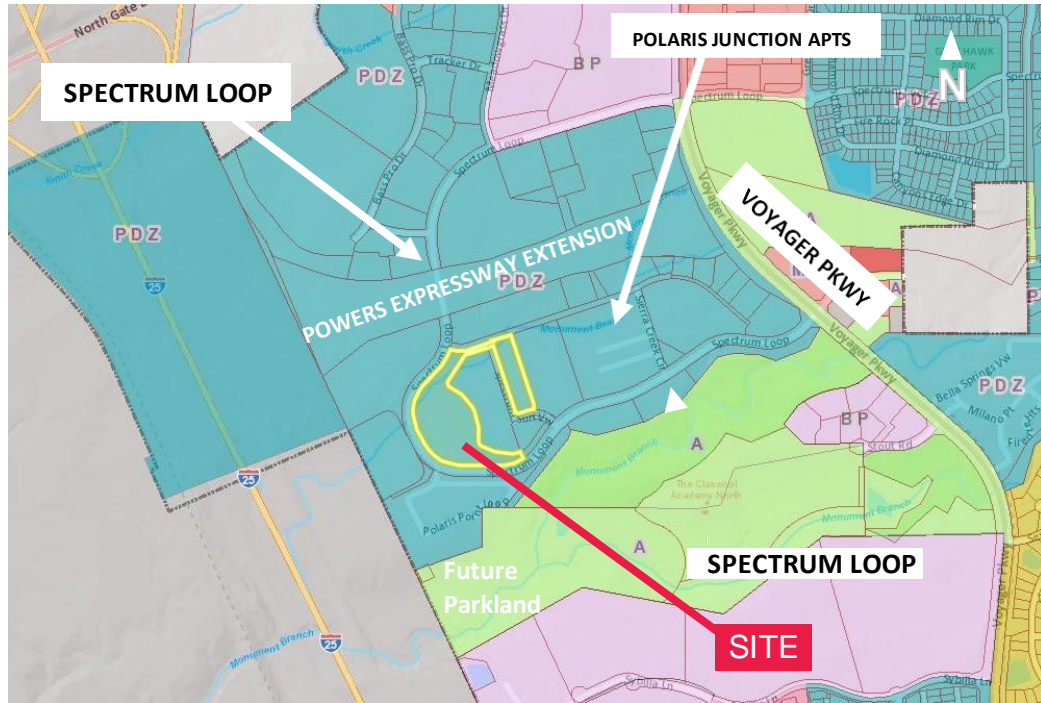




**LOT 1 POLARIS POINTE SOUTH FIL NO 4
DEVELOPMENT PLAN - MAJOR MODIFICATION
PLANNING COMMISSION JUNE 12, 2024**

Staff Report by Case Planner: Kyle Fenner, Senior Planner



Quick Facts **Project Summary**

Applicant
NES, Inc.

Property Owner
Notes Live Real Estate & Development LLC

Developer
Notes Live Real Estate & Development LLC

Address / Location
13045 Spectrum Loop
Colorado Springs, CO 80920

TSN(s)
6207302002

Zoning & Overlays
Current: PDZ (Planned Development Zone)

Site Area
18.0 Acres

Proposed Land Use
Amphitheater & Parking Lot

Applicable Code
Unified Development Code

Major modification to the Polaris Point South, Filing No. 4 Development Plan (AR PUD-22-00062) for the Sunset Amphitheater regarding relocating off-site parking, providing for new adjacent parking, and creating 274 new parking spaces located at 13045 Spectrum Loop.

(Quasi-Judicial)

File Number	Application Type	Decision Type
PUDD-24-0002	Major Modification to PDZ Development Plan	Quasi-Judicial

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	The property is part of the Northgate Annexation Plat No. 4 (Ordinance 85-191).	August 27, 1985
Master Plan	The project site is part of the Northgate Master Plan which is a fully implemented master plan.	March 3, 1997 (Original)
Concept Plan	Polaris Pointe at Northgate PUD Plan (CPC PUP 09-00017)	June 18, 2009 (Original)
Rezone	Copper Ridge at Northgate PUD Zone Change (CPC PUZ 09-00016) (Ordinance 09-91)	July 14, 2009
Development Plan	Polaris Point Filing No 4 (AR PUD 22-00062)	November 9, 2022
Variances	Polaris Point Filing No 4 (Sunset Amphitheater) (AR NV 22-00480 & AR NV 22-00481)	November 9, 2022
Subdivision	Lot 1 Polaris Pointe South Fil No 4	February 15, 2023
Prior Enforcement Action	None	

Site History

Prior to the current construction activity, the land was vacant. The land was annexed in August of 1985 with Northgate Annexation #4. In 1997, the subject site was included in the now-implemented Northgate Master Plan. In 2009, 192.34 acres of the Northgate Annexation #4 was rezoned from PIP-1 (Planned Industrial Park-1) and OC/cr (Office with Conditions of Record) to PUD (Planned Unit Development) now known as PDZ (Planned Development Zone). An accompanying Polaris Pointe at Northgate PUD Concept Plan was approved.

All applications prior to this application were processed under the former City Code, Chapter 7. This major modification is being processed under the UDC. In addition, it is important to note that the subject application is typically an administrative review, however; as part of the previous approval of the Sunset Amphitheater Development Plan there were conditions placed that significant changes to this plan shall come before the Planning Commission.

Applicable Code

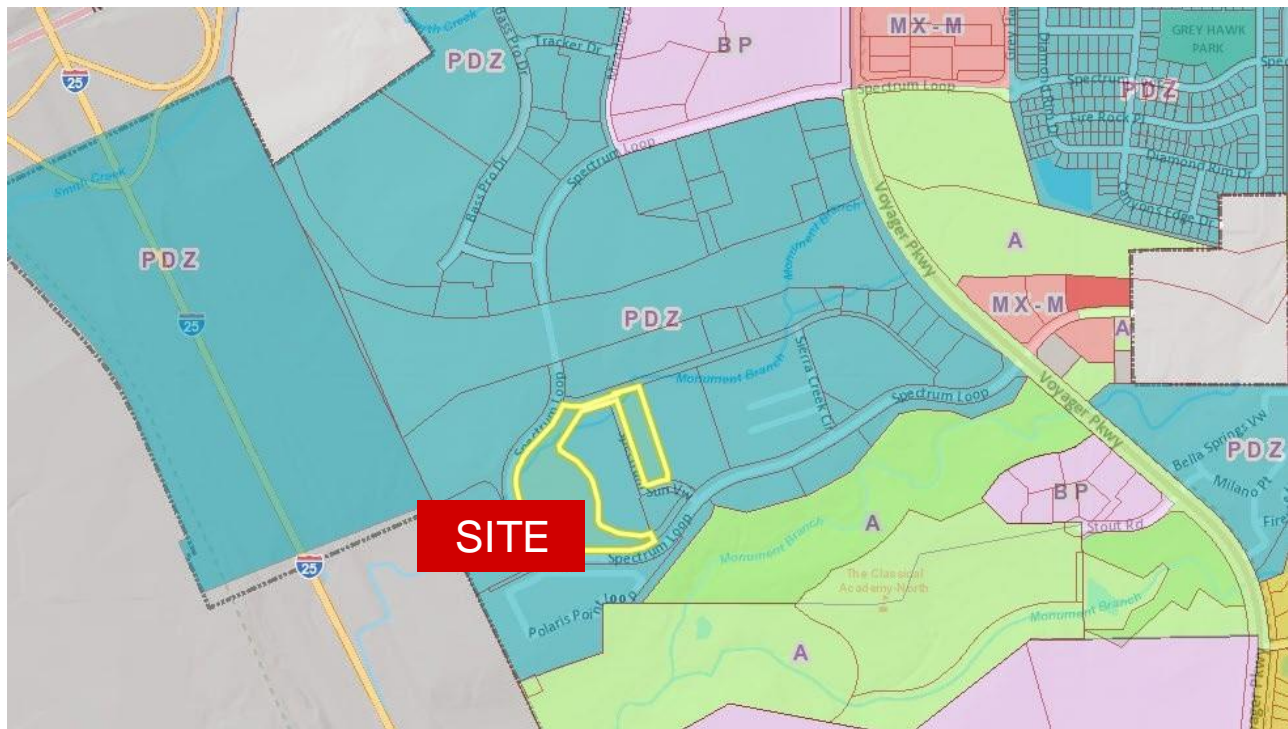
The subject application was submitted after the implementation date (06/05/2023) of the ReTool project. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	PUD (Planned Unit Development)	Vacant	Master Planned for Mixed-Use (Commercial, Offices & Residential)
West	PUD (Planned Unit Development)	Master Detention Facility	None
South	PUD (Planned Unit Development)	Multi-Family Residential	Polaris Junction Apartments
East	PUD (Planned Unit Development)	Vacant	Approved for Restaurant, Bar and Event Center

Zoning Map



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	In accordance with City Code Section 7.5.406, public notice was provided during the internal review of the project and for the Planning Commission public hearing.
Postcard Mailing Radius	1000'
Number of Postcards Mailed	13
Number of Comments Received	No public comment was received regarding this application.

Public Engagement

It was determined that a neighborhood meeting was not necessary.

Timeline of Review

Initial Submittal Date	January 19, 2024
Number of Review Cycles	2
Item(s) Ready for Agenda	June 6, 2024.

Agency Review

Traffic Engineering

As part of this review Traffic Engineering required the previous LSC Traffic Study to be updated to eliminate language pertaining to TCA (The Classical Academy) and to add language pertaining to the new parking lots. Traffic Engineering also asked for three notes to be added to the development plan (see General Note #s: 42, 43 and 44 as part of the Development Plan). These are the only new notes on the development plan. General Note #40 on the Polaris Point South Filing No. 4 PDZ Development Plan currently states that any changes to the LSC Traffic Technical Memorandum require Planning Commission approval. All Traffic Engineering comments have been addressed.

USAFA (United States Air Force Academy)

USAFA provided a letter with standard comments; these comments were previously included on the development plan and remain.

SWENT (Stormwater Enterprise)

The original approval for Polaris Point South Filing No. 4 (AR PUD 22-00062) had an approved Final Drainage Letter. The proposed modification made no changes to the overall drainage of the site. Drainage associated with the proposed new parking lots have been addressed with those applications.

SWENT had no concerns with the proposed modification.

CSU (Colorado Springs Utilities)

CSU had no concerns with the proposed modification.

Major Modification of an Approved Development Plan

Summary of Application

Polaris Pointe South Filing No. 4 PDZ Development Plan (AR PUD 22-00062) is being amended to address the relocation of off-site parking at The Classical Academy (TCA) and update the LSC Traffic Technical Memorandum and Sunset Amphitheater Parking and Access Plan prepared by Kimley Horn. The modification to the PDZ Development Plan proposes to eliminate the previously approved 500 interim parking spaces proposed to the north of the Amphitheater site, as well as the 475 remote parking spaces at The Classical Academy (TCA) which is approximately 1.2 miles away from the venue. The parking agreement with The Classical Academy will be terminated.

The two new parking lots will provide 749 new parking spaces for a total of an additional 274 developed, dedicated parking spaces within walking distance of the venue. This adjacency will eliminate the need for shuttle service to and from The Classical Academy. It is important to note that the 500 interim parking spaces were not counted as 'provided parking' with the original PDZ Development plan approval so, its elimination does not affect the criteria or parking required for this modification. (see Attachment 3 - Parking Proximity Map). The new parking lots proposed are currently in review for final subdivision plat; this is being reviewed administratively by city staff. These applications shall be approved after a final determination with City Planning Commission.

In most cases, the modification of a development plan would not be brought before the City Planning Commission. This case is unique because General Note #40 in the original approval of Polaris Pointe South Filing No. 4 PDZ Development Plan (AR PUD 22-00062) states: *"Any changes to the following reports shall trigger a PUD development plan amendment, may require additional consideration of the non-use variances and will require City Planning Commission approval..."* Although this amendment is being brought forward to Planning Commission the scope of change, and thus the areas under review per applicable criteria, are only related to the traffic and parking changes. Should the Planning Commission choose to not approve the proposed modification the original development plan would remain as approved.

The LSC Technical Memorandum was updated to accompany development plan applications for the two proposed parking lots adjacent to the venue. The memorandum states: *"The applicant no longer intends to utilize The Classical Academy for event parking, as was previously anticipated and assumed in the previous version of this report dated January 9, 2023. Two additional parcels along Spectrum Loop have been secured by the applicant to meet the parking requirements of the development. These additional parking areas will also remove the need for the temporary 500 space parking area assumed in the Phase 1 analysis in the previous version of the report."*

The Kimey-Horn Parking & Access Plan amendment addresses the following programmatic changes to the site's parking needs and parking management approach:

- Classical Academy parking will no longer be leased for use during Venue events.
- Instead, the Client has secured two site-adjacent parcels which will provide additional parking immediately adjacent to the venue. Lot 2 is located just east of Lot 1 and Lot 3 is located south of Spectrum Loop; combined, these new lots will provide a total of roughly 747 additional stalls for event parking needs.

- Additionally, the Polaris Point temporary parking lot parcel north of the venue will no longer be needed to meet Code Sec. 7.4.204 parking requirements. A one-phase approach to parking will replace the previous two-phase plan, with Lots 1, 2, and 3 opening concurrently with the Venue.

Applicant also requests the following changes to the language of General Note #40.

- General Note #40 currently reads: “Any changes to the following reports shall trigger a PUD Development Plan Amendment, may require additional consideration of the non-use variances, and will require city planning commission approval:”
- General Note #40 Proposed Change: “Any changes to the following reports shall trigger a PUD Development Plan Amendment, may require additional consideration of the non-use variances, and staff may require city planning commission approval:”

Application Review Criteria

UDC Code Section 7.5.515

7.5.515.D - Development Plan Review Criteria

The decision-making body shall review the Development Plan application or amendment and approve, approve with conditions, or deny the application based on the following criteria:

- The decision-making criteria in Section 7.5.409 (General Criteria for Approval) apply unless modified by this Subsection 4;*
- The application complies with all applicable Use-specific standards in Part 7.3.3 related to the proposed use(s);*
- The details of the site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved Development Plans;*
- Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable;*
- The Development Plan substantially complies with any City-adopted plans that are applicable to the site, such as Land Use Plans, approved master plans for a specific development, neighborhood plans, corridor plans, facilities plans, urban renewal plans, or design manuals;*
- The project meets dimensional standards applicable to the zone district, or any applicable requirement in an FBZ or PDZ district;*
- The project grading, drainage, flood protection, stormwater quality, and stormwater mitigation comply with the City's Engineering Criteria, the drainage report prepared for the project on file with the Stormwater Enterprise Manager, and other federal, state, and City regulations;*
- The project complies with all the development standards of Article 7.4 (Development Standards and Incentives), including access and connectivity requirements in Part 7.4.4 (Access and Connectivity), the landscaping and green space requirements in Part 7.4.9 (Landscaping and Green Space), and the parking and loading requirements in Part 7.4.10 (Parking and Loading);*
- The project complies with all applicable requirements of any Overlay District in which the property is located, as listed in Part 7.2.6 (Overlay Districts);*
- The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;*

- k. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties; and*
- l. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians, and emergency vehicles in accordance with the Engineering Criteria, public safety needs for ingress and egress, and a City accepted traffic impact study, if required, prepared for the project.*

Staff finds that the applicable criteria related to the scope of work as part of the requested major modification meet the review criteria in accordance with UDC Section 7.5.515.D.

UDC Code Section 7.5.516

7.5.516.D – Major Modification Review Criteria

A Major Modification may be approved if the applicable decision-making body determines that the request:

- a. Complies with the provisions of this UDC and all applicable City regulations;
- b. Is consistent with any conditions in the approval or permit proposed to be modified, unless the decision-making body that imposed that condition modifies that condition;
- c. Does not create more adverse impacts on surrounding properties than the development approval or permit proposed to be modified; and
- d. Is consistent with the Colorado Springs Comprehensive Plan, other plans adopted by City Council, and the intent of the zone district in which the property is located.

Staff finds that the review criteria for a major modification to an approved development plan have been met in accordance with UDC Section 7.5.516.D.

Compliance with Development Standards

The development standards for parking were determined with the original PDZ Development Plan approval of (AR PUD 22-00062) Polaris Pointe South Filing No. 4 together with nonuse variances AR NV 22-00480 and AR NV 22-00481. The modifications being contemplated with this application meet and exceed the development standards set forth with these approved applications and do not affect the two nonuse variances.

Compliance with Relevant Guiding Plans and Overlays

The project site is part of the Northgate Master Plan which is a fully implemented master plan, which designates the property as 'Regional Commercial'. Per City Code Section 7.5.514.3.a, an implemented master plan is a "master plan that is eighty five percent (85%) or more built out and the remaining vacant land is zoned in conformance with the master plan."

The project is located within the Copper Ridge at Northgate Urban Renewal Plan which was prepared by the City of Colorado Springs Urban Renewal Authority. According to this plan, "*all development in the area shall conform to the Zoning Code and any site-specific zoning regulations or policies which might impact properties...*" The plan identifies entertainment as one of the proposed uses in the district.

The 2017 Major Amendment to the Northgate Master Plan (CPC MP 84-481-A19MJ08) changed the land uses for this property from O/I (Office-Industrial Park/Research & Development) to RC (Regional Commercial).

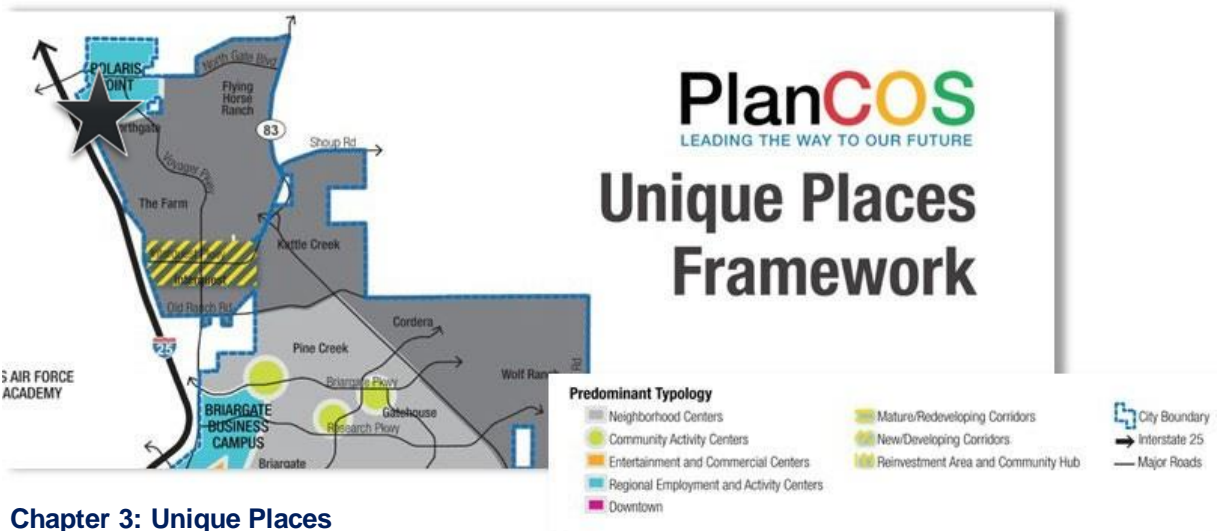
The proposed modifications at hand as part of this overall development plan remain in conformance with all applicable supporting plans and overlays.



PlanCOS Vision Map

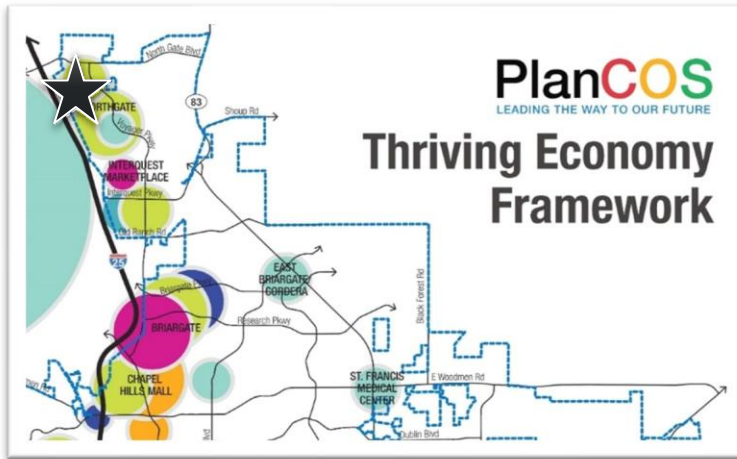
City Planning staff has evaluated the proposed application for conformance with the City’s current comprehensive plan (“PlanCOS”), adopted in January 2019. According to PlanCOS Vision Map the project site is identified as a ‘New/Developing Area’.

To achieve the ‘Vision’ of PlanCOS, the plan is organized around six (6) powerful vision themes; this application aligns with three (3) of these six (6) themes. They are: 1. Unique Places; 2. Thriving Economy; and 3. Renowned Culture. These themes, in part, are intended to shape the City and are further described below as this application



Chapter 3: Unique Places

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’. Unique Places, Typology 3: Entertainment and Commercial Centers goal is “...to create, redevelop, or reinforce entertainment and large commercial places in a manner that increases their multimodal connectivity, number, quality, and extent of their defining attributes.”



Chapter 4: Throwing Economy

Throwing Economy fosters an environment of inclusivity and economic diversity by attracting an innovative and adaptive workforce.

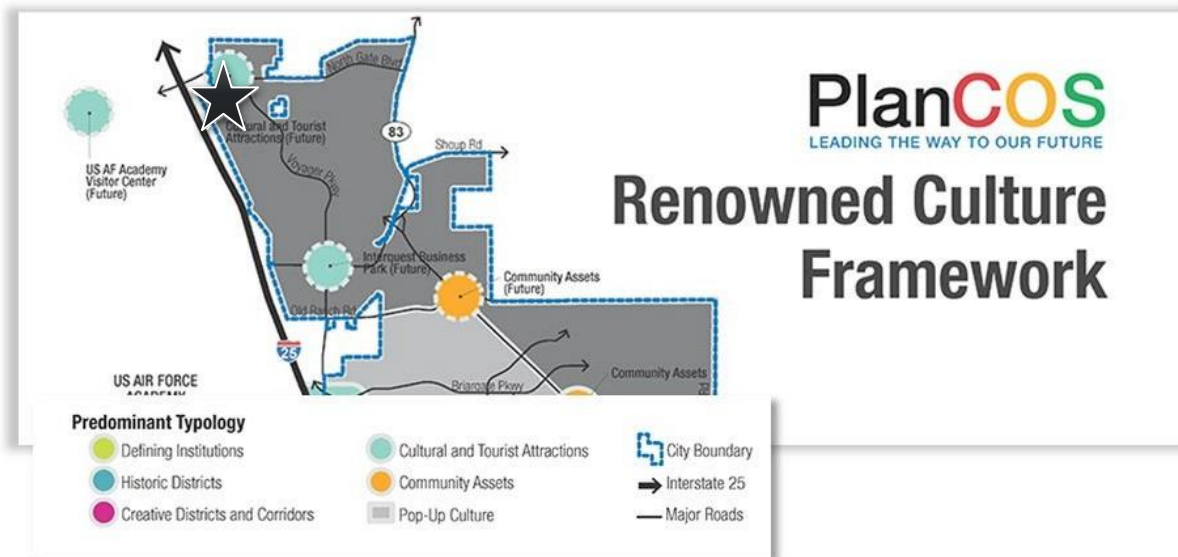
The ‘Throwing Economy Framework Map’ identifies this area as “Spinoffs and Startups.” The goal of Typology 2: Spin Offs and Start Ups is “to become increasingly competitive at business and worker attraction in medium and high-wage jobs by supporting the creation of environments that attract them and allow them to thrive.”

Throwing Economy, Typology 3: is what PlanCOS refers to as the ‘Experience Economy. This typology fosters an environment of inclusivity and economic diversity by attracting an innovative and adaptive workforce.

GOAL TE-1: Build on our quality of place and existing competitive advantages.

Policy TE-1.A: Preserve and strengthen key economic sectors and strive to grow medium and high-wage jobs in targeted industry clusters.

The area around the Sunset Amphitheater has numerous entertainment opportunities supporting Goal TE -1 by meeting Policy TE-1.A



Chapter 6: Renowned Culture

Renowned Culture promotes and embraces arts, culture and education as 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)”.

The goal of this cultural topography is “to recognize, protect, and enhance the values associated with special places in our community, including those most important to our tourism industry.” The area of the amphitheater is identified as a place of “Cultural and Tourist Attractions.”

GOAL RC-2: Add to, enhance, and promote Colorado Springs’ institutions, attractions, and community assets integral to our local culture and civic pride.

Policy RC-2.B: Promote existing and new arts and cultural hubs, venues, and focal points as elements of activity centers throughout the city.

Strategy RC-2.B-1: Support the approval of development and public facility plans that include public art and creative and performance space as part of activity centers.

Statement of Compliance

PUDD-24-0002

After evaluation of the Polaris Pointe South Filing No. 4 Development Plan Major Modification, the application meets the review criteria, as set forth in City Code Section 7.5.515.D and 7.5.516.D.