

# EXECUTIVE CONSULTING ENGINEERS, INC

July 18, 2022

Ms. Tamara Baxter, Senior Planner  
City of Colorado Springs  
Land Use Review Office  
30 S. Nevada Avenue, Suite 105  
Colorado Springs, Colorado 80903

**RE: Polaris Pointe South Filing No. 4 PUD Development Plan and Polaris Pointe South Filing No. 4 Final Plat; AR PUD 22-00062 and AR FP 22-00063**

Dear Tamara,

The following are our responses in green to the 3<sup>rd</sup> City comments for the PUD development. Additionally, we received an email outlining to address City comments for the project. Our responses are also in green next to each bullet. You will also find our responses in green to the parking agreements comments, which was provided on June 24, 2022. On July 7, 2022, we received another email from you requesting for a similar analysis done for the Robson Arena's transportation report for our project. LSC is finalizing updating the TIA report with requested analysis but requested more time to prepare. Therefore, we will forward the TIA report to you as soon as the report is available from LSC Transportation Consultant.

Per your email, July 18, 2022, we are not providing our responses to the public comments from Ms. Mary Talbott's comments dated June 27, 2022, Mr. Daniel W Litwhiler's email dated June 26, 2022, Mr. Jim Wahl's email dated June 19, 2022 and Ms. Mary Talbott's email dated June 18, 2022. Two additional public comments received on July 18, 2022, were not required to respond. Therefore, no responses are provided for all public comments to this response letter.

## **PUD DEVELOPMENT PLAN**

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### **Land Use Review (Tamara)**

1. On Cover Sheet, address/revise the following:
  - a. Required and Proposed Parking Standards:
    - i. Required parking for a stadium is 1 space per 4 seats. The project proposed 6000 seats which requires 1,500 seats. Does the maximum 6,000 seats capacity of the amphitheater include all seating areas: lawn areas, VIP Suites, VIP rooftops and VIP stadium seating? Please provide a breakdown of the maximum seating capacity proposed in each easing section. Please also label maximum seating calculations in each section on Sheet 2. – **Partially addressed. Remove '1,553 spaces (total)' from 'parking provided' line. Add '(Lot 7)' to the parking lines related to the parking garage. Bass Pro Shops is identified for remote parking. Please update where remote parking is anticipated. Additional language will need to be added upon a further full understanding of remote parking and the amount that can be handled at each location. This information should also be included on the Parking Plan sheet (refer to comment below regarding additional Parking Plan sheet). Please provide a noted on the cover sheet that a Temporary Use Permit cannot be applied for to use the required and necessary**

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49 parking space immediately adjacent to the amphitheater for food trucks or merchandise tables or similar types of uses. Based on recent news articles related to the increased seating at the amphitheater, the increased parking requirements should be addressed with the resubmittal. – **Partially addressed.** Below are additional comments.

- Under 'Land Use' in the site information, the private parking garage is now on Lot 5, not Lot 7. Please correct. Corrected. Now, parking garage is removed and provided onsite parking lot on Lot 5. Updated the site information.
- Remove the number of parking space provided after lawn areas, fixed seats-lower bowl, fixed seats-upper bowl, and VIP fire pits. This information is not needed. Based on an 8,000 seat venue, 2,000 parking spaces are required per city code. Removed and updated.
- Why has the parking garage parking been reduced by 13 spaces? This comment is no longer relevant with removal of the parking garage. Provided on surface on-site parking lot instead.
- The parking calculations that have been provided in the 'site information' should be separated out into a separate text box. A separate parking calculations text box is provided on the DP-1.
- Parking provided should be broke out per Lot 1 and Lot 5, as follows: Parking information is provided and updated per City's comments below. Parking counts changed and provided the updated parking counts at each location.
  - Off Street On-Site Parking Provided
    - Lot 1 (Amphitheater)
      - Total Parking 43 spaces
        - Reg. Parking 39 spaces
        - HC parking 4 spaces (2 van)
    - Lot 5 (Private Parking Garage)
      - Total Parking 287 spaces
        - Reg. Parking 260 spaces
        - HC parking 27 spaces (4 van)
  - Off Site (Remote) Parking Total 1,713 spaces
    - Progressive \_\_\_\_\_ spaces
    - Bass Pro Shops \_\_\_\_\_ spaces
    - Compassion International \_\_\_\_\_ spaces
    - The Classical Academy \_\_\_\_\_ spaces
  - [Please note that parking notes related to remote parking will need to be added as further identified with the nonuse variance application].

- ii. Based on the parking number provides, the project proposes that 1,157 required parking spaces will be accommodated off-site at The Classical Academy (TCA) and Bass Pro Shop. A parking plan is necessary to show how remote parking will be

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accommodated as these locations and should illustrate shuttle routes to the amphitheater. A shared parking arrangement must be memorialized in a written agreement that provides for shared parking and access and the writing is recorded in the office of the county clerk and recorder. Proposed off-street parking by this development cannot affected the minimum required off-street parking requirements for TCA and Bass Pro Shops. Please provide a breakdown, table, of the proposed uses at these locations which includes the required parking for their use and surplus parking to determine if off-site parking can be accommodated at these locations. – **Not addressed. The above comment remains. Per City Code Section 7.4.204, shared parking arrangements must be memorized in a written agreement that provides for shared parking and access. The agreements shall be recorded in the office of the clerk and recorder. These must be recorded prior to the final approval of the development plan and copies provided to the Planning Office. All remote parking specifics and shuttle operations shall be provided on a separate parking plan sheet and/or accompanying document. The parking plan and/or document should show the shuttle routes to and from remote parking lots to the shuttle drop off near the parking garage. The Parking Plan should also address the following:**

1. **Parameters for shuttling: hours of shuttle services and frequency of service from remote parking locations, who will be in charge of shuttle service (i.e. even organizers or owner of venue), also address how spectators will know about remote parking options.**
2. **A chart/table shall be provided for all remote parking locations which includes location, existing use, hours of operation, number existing parking spaces at remote location(s), and number of surplus parking or off-hours available parking at remote location(s).**
3. **As mentioned above, it has been publicized that the amphitheater capacity is going to be higher than depicted on the previous plan submittal; thus, any parking plan and/or document must account for the availability of off-site parking options to support the deficiency.**

**Not addressed. The above comments remain. Per City Code Section 7.4.203, the 8000-seat amphitheater requires 2,000 parking spaces (1 space per 4 seats). On Lot 1 (amphitheater), 43 parking spaces are provided, thus 1,957 parking spaces will need to be accommodated remotely. Lot 5 (private parking garage), as shown, provides 287 off-site parking spaces. It is understood by staff that the remaining 1,670 remote parking spaces will be accommodated at nearby business locations such as Bass Pro Shops, The Classical Academy North Campus, Progressive and Compassion International. A nonuse variance application to City Code Section 7.4.203: Minimum Off-Street Parking Requirements for Specific Use and City Code Section 7.4.204.C.1.d.(2): Alternative Parking Option are necessary. An incomplete nonuse variance application was submitted to the Planning Department on May 17, 2022, which has not been processed. Additional required information/documents are necessary for a complete application. This has been relayed to the applicant Team. Per City's updated outlined comments email on July 7, 2022, Planning staff is now allowing one (1) nonuse variance application for three (3) variances from City Code related to parking.**

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As an alternative parking options per City Code 7.4.204.B.2.a-c for the proposed on-street parking in Spectrum Loop, we are requesting for on street parking credit with submitted Non Use Variance application. Per Todd Frisbie with Traffic Engineering department's email dated June 22, 2022, City Traffic will allow on-street parking in Spectrum Loop and can be used to count the parking spaces (560 spaces) toward the amphitheater venues as an on-site parking count. A Parking and Shuttle Plan with parking data, dimensions and locations of all on-site parking spaces is submitted along with the application. As stated per City Code 7.4.204.B.3, on street parking spaces (560 spaces) will be used only for the vehicular parking and are prohibited for the following uses and activities: (1) No sales; (2) Rental; (3) Storage; (4) Repair; (5) Servicing of vehicles, equipment or materials, dismantling; (6) Other activities. Proposed on street parking spaces are not for private use or reserved for the adjacent use. Such note is added on the Development Plan and Non Use Variance Plan cover sheet notes.

**As noted previously comments the following documentation are needed.**

- **Off-Site Parking Plan**

**Please note that remote parking for the amphitheater at these locations cannot affect parking requirements for these businesses / organizations required parking requirements. Amendments to approved development plans for these businesses / organization may be necessary. This will be determined when all necessary documentation has been submitted for remote parking.** With submitted Non Use Variance application, the off-site (remote) parking lot facilities at Bass Pro Shops, Discovery Canyon Campus, The Classical Academy and Compassion International sites, are not affected their parking requirements. As shown on the Development Plan cover sheet and on the Park and Shuttle Plan, available shared parking spaces are either the surplus parking spaces or off-hours available parking spaces.

- **Shared parking agreements shall be provided for review by staff prior to recordation.** Copies provided to City staff on June 16, 2022 meeting. We received City comments via an email, dated June 24, 2022, and responses are included with resubmittal. Updated shared parking agreements are provided with the resubmittal with exception of TCA parking agreement. A new parking agreement with TCA will be provided to City once TCA executes the new agreement by no later than July 25, 2022.
- **Provide operational details related to (including but not limited to): number of shuttles from the various remote parking lots, shuttle routes/circulation (routes to be show on a plan), patron parking procedures, and policing of traffic.** See submitted Parking and Shuttle Plan for details.
  - **Remote parking is proposed at the Progressive location. This location has a right-in/right-out off Voyager at Serenity Park Drive. A Sybilla Lane, shuttles can make a left turn, without out traffic signal, however, this left turn can be particularly challenging based on the vehicle speed and visibility along Voyager Parkway. For this location, address vehicle and shuttle**

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circulation out of this parking lot onto Voyager Parkway. Vehicle movement through the adjacent neighborhood is strongly discouraged. Progressive is no longer a designed remote shared parking facility. Therefore, the comment is not relevant.

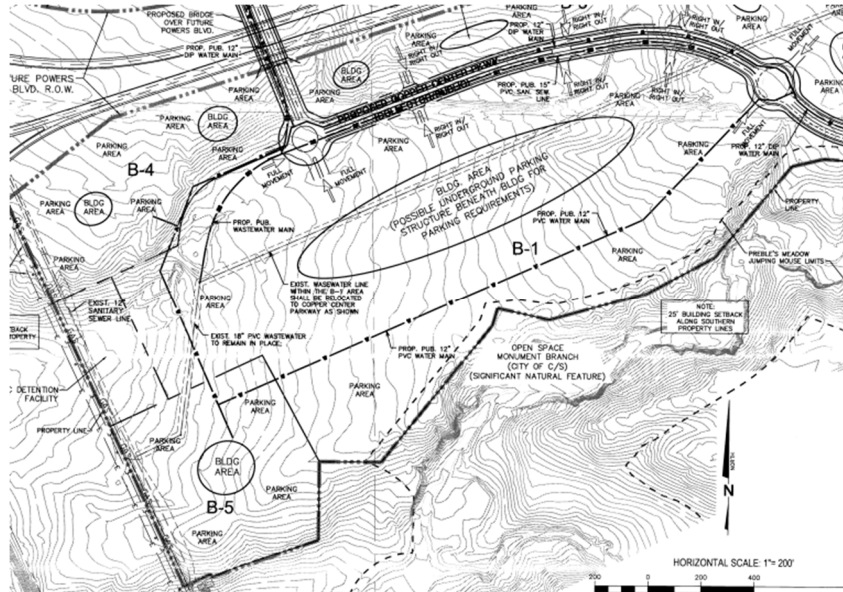
- Patrons that do not want to wait for the shuttles will more than likely walk to the venue along Voyager Parkway. Connectivity of sidewalk (two missing areas) on the west side of Voyager Parkway. How will this be addressed? Missing sidewalk will be constructed by the developer prior to the first performance.

The off-site parking plan is part of the development plan and will be addressed through the nonuse variance request. It is recommended that the response to this comment be provided in a separate 'Operational' document so that all details related to off-site, remote parking operations can be viewed in one document and associated plans to better understand the overall operational details/ A separate Non Use Variance package is submitted separate from DP package.

- iii. General Note 18 identifies reciprocal parking easement agreements (Reception #219011596, 222005766 and 219011585). Please provide a copy of these agreements to better understand which lots in Polaris Pointe South are included in these agreements. – Required off street parking for the commercial out lots shall be accommodated within each lot with future development plans. Please add a note on the cover sheet that parking garage parking spaces have been accounted for to satisfy the required parking for the amphitheater and cannot be used towards off-street parking requirements/calculations for adjacent use types in the Polaris Pointe development. -**Partially addressed. The last sentence reads “employees of the center are prohibited to park on the adjacent property’s parking lot.” Please provide details on how employee parking will be addressed for the amphitheater. This should be addressed in the overall Parking Plan. Note #18 is updated. Employees will be parking at the designated spaces in Bass Pro Shops parking lot.**
- iv. Based on the proposed parking that is being provided, a Nonuse Variance will be necessary if compliance with City Code Sections 7.4.203 (Parking Space Requirement by Use) and 7.4.204 (Alternative Parking Options) cannot be met for the proposed amphitheater. If a Non-Use Variance for parking is necessary, a separate application will be required, include applicable review fees. Please refer to the Nonuse Variance checklist for a complete application. The project statement shall address the review criteria per City Code Section 7.5.802(B)(1-3). - **Based on the Cooper Ridge at Northgate – PUD Plan, an “possible underground parking structure beneath bldg. for parking requirements” has been identified within the area of the proposed project. Consideration should be taken to increase the size of the proposed private garage to reduce the need for remote parking and provide more parking options near the amphitheater.**



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**Not addressed. An incomplete nonuse variance request application has been submitted to the planning office. A complete Non Use Variance package is submitted to City for review and approval.**

2. Sound Study Sheet (actual Sheet 19) does not adequately provide sufficient information with respect to sound exposure and noise for the amphitheater. The purpose of a development plan review is to ensure the use is compatible with the surrounding area and minimize objectionable or adverse effects by proposing specific site design solutions (refer to City Code Section 7.5.502). For staff to adequately determine conformance with development plan review criteria #13 (City Code Section 7.5.502(E)), a more robust noise study prepared by an acoustical engineer is required. This report should include programming and system design as it relates to venue noise emission (particularly low frequencies) and overall amphitheater design, noise prediction, preventative measurements, monitoring and management. Suggested noise mitigation methods should be provided in the plan set. Refer to City Code Section 9.8.103(A) for distance of measurement of noise and Section 9.8.104 regarding the permissible noise levels allowed for a commercial use. – **Partially addressed. The ‘Community Sound Impact Assessment’ does not fully address the sound exposure and noise from the amphitheater. As noted in the assessment, a sound system has not been designed for this venue. To establish thresholds and operational parameters of the potential sound impacts from the amphitheater as a results of music concerts, and to clearly understand the da(A) that will be emitted, a site sound system design needs to be identified. On sheet 19, it is unclear how the db(A) have been established without a known sound system for the amphitheater. A more robust sound impact assessment is necessary to evaluate the impact of noise as it relates to the anticipated development patterns within the Polaris Pointe development. Sheet 19 also illustrates future residential development to the east of the parking garage. This use type is currently not permitted per the Cooper Ridge At Northgate PUD Plan and should be removed as it raises additional questions. If this use is visioned in this location, the sound impact assessment should take into consideration this future residential use. The uses show on sheet 19, should be reflect of what is being requested as part of this application. The parking garage has been identified as a 2-story, 25’ high parking garage. Please label the ‘pad’ sites that are not part of this application.**

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- a. Sheet 19, should address measurement of noise per City Code Section 9.8.103(A)&(B).
- i. In accordance with City Code Section 9.8.103(A), *"Distance Of Measurement: Noise occurring within the jurisdiction of the City shall be measured at a distance of at least twenty five feet (25') from a noise source located within the public right of way, and if the noise source is located on private property or property other than the public right of way, at least twenty five feet (25') from the property line of the property on which the noise source is located."*
  - ii. City Code Section 9.8.103(B) addresses 'measurement'.
    1. *The noise shall be measured on the A weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.*
    2. *For purposes of this article, measurements with sound level meters shall be made when the wind velocity at the time and place of the measurement is not more than five (5) miles per hour, or twenty five (25) miles per hour with a windscreen.*
    3. *In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of the sound level measurement. (Ord. 96-41; Ord. 01-42)*
  - iii. City Code Section 9.8.104, outlines permissible noise levels as measured or registered per City Code Section 9.8.103: Measurement of Noise. If noise levels cannot be meet, noise damping measures such as noise sound walls/barriers or fencing should be considered. A future analysis of noise mitigation of other outdoor venues such as Fiddlers Green in Greenwood Village should be considered and incorporated.

<u>Zone</u>	<u>7:00 A.M. To Next 7:00 P.M.</u>	<u>7:00 P.M. To Next 7:00 A.M.</u>
Residential	55 dB(A)	50 dB(A)
Commercial	60 dB(A)	55 dB(A)
Light industrial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

**Mostly addressed. Staff appreciates the *Environmental Noise Emissions* study prepared by LSTN Consultants.**

1. On page 9 of the study, it appears that the proposed environmental noise emission mitigation to the east of the seating bowl is off-site. A row of restaurant buildings at the rear of the seating bowl are proposed to provide further reduce the environmental noise emissions. It is unclear what the minimum height of these structures will need to be to provide necessary noise mitigation outlined in the noise study. This section of the report also notes that the gaps between the buildings will be filled with gates and walls that function as noise barriers, however in the site image provided on page 9 shows that the in between areas will be 'kitchen areas'. On sheet 12 of the development plan, the walls appear to be located on the future out lots and not incorporated within the amphitheater

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property. Please clarify which additional mitigation measures will be provided on-site. What mechanism will be in place that these structures, which are being used for noise mitigation per the study, will be constructed in the locations that are currently shown on the plan. In addition, when are these buildings anticipated to be constructed? Until these buildings are constructed, the sound mitigation that they are intended to provide will be not transpire. Sound mitigation measures, such as sound walls, should be located within the lot for the amphitheater. Refer to a sound wall that encompasses Fiddler's Green Amphitheater. While the restaurant buildings contained in the rear (East) of the venue are outside the site property line, the developer anticipates the structures to be complete contemporaneously to opening the Sunset Amphitheater. If the buildings were to not be completed, we will construct a 5 foot high modular retaining wall at the property line. Additionally, the developer of the amphitheater will complete temporary sound barriers similar to Fiddlers Green until the restaurants are complete.

2. **The operational mitigation strategies outlined under the 'Operation Mitigation' section of the study should be included in the General Notes on the development plan coversheets. Consider reducing performance end times during weekdays (Monday through Thursday) to 10:30pm. In addition, the maximum number of performances during April to September should be noted.** The owner and operator of the amphitheater affirmed that they are agreeing to reduce the performance end time to 10:30 pm from Monday through Thursday from April to October. The operational mitigation strategies outlined bullets are now added as Note #33.
3. A photometric plan is required for this project. Please provide a development wide lighting plan. The plan should address general location and general type of building and site lighting, including freestanding. Indicate type of light and provide typical lighting details. Are the details provided on Sheet 21 site lighting for the amphitheater? The photometric plan should also address any large video monitors that emit bright lights and light project from the trusses. Existing and proposed street-lighting shall be shown on the plan. **-Partially addressed. Sheet 12 identifies 'light and speaker towers'. Typical detail has not been provided. Have these light towers been incorporated in the photometric plan?** Yes. The photometric plan included the light towers. See resubmitted architectural elevation sheet, 6 of 29 for typical light tower detail.
4. Lots 2 thru 6 are being platted. Per City Code Section 7.7.301, the envisioned details of these lots shown on Sheets 26 and 27, should be carried forward on all applicable sheets in the plan set. As noted in general note 25 on the cover sheet, major amendments to the PUD development will be necessary for each of these lots. – **Partially addressed. Envisioned details have not been provided for Lot 6. For Lots 2 and 3, building envelopes should be identified as the envisioned structures that have been identified as part of the sound study to provided noise emission mitigation.** Lot 6 is removed and combined with Lot 5 as a parking lot.
5. **New LUR Comments**
  - a. **Planning staff recommends an in-person meeting to address the comments provided in this review letter and to discuss entitlement sequencing for this project. Please refer to email dated 6/9/22 with proposed dates the week of June 13<sup>th</sup>.** Team and City staff met on June 16<sup>th</sup> and discussed.
  - b. **It is recommended that the 'site development plan' provided on the coversheet be put on its own page or reduced to allow readability of text.** Enlarged text for better



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- readability and re-arranged cover sheet. With the nonuse variance for off-street parking, more information will be added to the cover sheet. Noted. The 'proposed private street section' illustration should be moved to sheet 19 or sheet 20. Relocated to site detail sheet.
- c. General Note 19. Will parking be allowed along Tract A as part of the easement agreement? The reception number should be provided for this agreement. We will provide the recorded copies once they are recorded.
  - d. Under 'Site Area Total', keep the acreages/square feet for each lot/tract, please make the following corrections: Corrected
    - i. Lot 5 (PUD Development Plan)
    - ii. Tract A (PUD Development Plan)
    - iii. Change Lots 1, 2, 3, 4, and 6 to read for each one
      - 1. Lot 1 (Separate DP Amendment)
      - 2. Lot 2 (Separate DP Amendment)
      - 3. Lot 3 (Separate DP Amendment)
      - 4. Lot 4 (Separate DP Amendment)
      - 5. Lot 6 (Separate DP Amendment)
  - e. Correct the spelling of 'street' in note #23. This note is removed since on-street parking is allowed by City Traffic department.
6. Based on the level of comments, staff reserves the right to provide additional comments with new or updated information provided in subsequent submittals. -Staff continues to reserve the right to provide additional comments with new or updated information provided with subsequent submittals. Staff also reserves the right to re-distribute subsequent submittals to internal and outside review agencies with new or updated information. Understood.

## **City Surveyor (Cory Sharp, 719-385-5098)**

1. Previous comments have been addressed. No further comments.

## **Landscape (Daniel Gould, 719-385-5375)**

1. Previous comments have been addressed, no further comments.

## **Parks and Recreation - Forestry (Jeff Cooper, 719-385-6543)**

1. Previous comment addressed.

## **Engineering Development Review (Joel Dagnillo, 719-385-5412)**

1. All EDRD comments on the development plan addressed - any additional comments will be made on the forthcoming construction plans.

## **SWENT, Stormwater Enterprise (Jonathan Scherer, 719-385-5546)**

1. Reviewed by Gajda Environmental Consulting ([tj.gajda@coloradosprings.gov](mailto:tj.gajda@coloradosprings.gov)). Please direct urgent comments to [Jonathan.scherer@coloradosprings.gov](mailto:Jonathan.scherer@coloradosprings.gov).
2. Comments associated with the DP and FP have been addressed.
3. The FDR for this development was approved 03/18/2022.

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## Traffic Engineering (Zaker Alazzeah, 719-385-5468)

1. Please provide a map that shows the total required parking vs the total available parking.  
Sent DP coversheet via email on July 13, 2022.

## CSFD Development Review (Steven Smith, 719-385-7362)

Per my phone conversation with Steve Smith on 6-22-2022, Steve dropped all 3 comments below. So, no action/responses are required.

1. Due to the significantly increased building use along the east side of the amphitheater, required access to/around those buildings is required. Since access to the west side of those buildings is not possible, the buildings must be fire sprinklered. No indication found on the plans that these buildings will be sprinklered. Please indicate this and locate the FDCs for the buildings. Ensure a fire hydrant is within 100 feet of each FDC.
2. Due to the significantly increased building use along the east side of the amphitheater, required access to/around those buildings is required. Show drives from the min drive west of the parking structure, to the buildings east of the amphitheater as fire lanes on the plans.
3. Due to the significantly increased building use along the east side of the amphitheater, required access to/around those buildings is required. Provide a fire apparatus movement exhibit showing fire apparatus movements to the east sides of these buildings.

## Colorado Springs Utilities (Corey Masoumi, 719-668-1856)

### Action Items:

1. Previous recommendation is remained. The new changes do not affect our previous comments. Approval can be recommended.

### Information Items:

Previous information may still apply.

## Enumerations (Becky Allen, 719-799-2707)

1. It appears all comments have been addressed. The street name Spectrum Sun View has been approved and the UAP has been addressed by Enumerations and sent to CSU.

## USAFA (Beth Dukes, 719-333-3085)

1. USAFA letter dated May 25, 2022, is attached.

## CSPD (Officer C Ausec, Falcon Division)

1. No additional comments from this review agency.

## Bicycle Planning (Kate Brady, 719-385-5437)

1. The current site plan works much better for people arriving on foot. Noted.
2. Thank you for adding bike racks; that will be very helpful for people arriving by bike (please note: the DP shows two 13-bike racks, while the correspondence says 14-bike racks. Either is substantially better than what was shown originally). 13 bike racks provided at each location. 13 racks will provide 14 bikes to park at each location.
3. I remain very concerned about parking in the bike lanes. This is all the more important now that there is bike parking to allow people to ride their bikes to see shows. Your proposal is a multiple step, multiple location, multiple employee process. My understanding of the Land

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Use Review process is that it does not include a mechanism for enforcing a process-based solution to a problem; LUR and the associated inspection process covers infrastructure. Please add No Parking and bike lane signs every 200 ft adjacent to your property. Per Todd Frisbie with Traffic Engineering department's email dated June 22, 2022, City Traffic will allow on-street parking in Spectrum Loop and can be used to count the parking spaces toward the amphitheater venues as an on-site parking count. Therefore, no such sign will be posted along Spectrum Loop.

## **CSPD, Street Name Administrator (Bootsy Jones, 719-385-5362)**

1. **Spectrum Sun View is not labeled on the development plan drawings** Added street name on the plan.

## **FINAL PLAT**

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### **Land Use Review (Tamara)**

1. Comments have been addressed.

### **City Surveyor (Cory Sharp, 719-385-5098)**

1. Previous comments have been addressed, no further comments.

### **Engineering Development Review (Joel Dagnillo, 719-385-5412)**

1. Comments addressed - EDRD has no further comments on this item.

### **Colorado Springs Utilities (Corey Masoumi, 719-668-1856)**

#### **Action Items:**

1. Previous recommendation is remained. The new changes do not affect our previous comments. Approval can be recommended.

#### **Information Items:**

1. Contact Customer Contract Administration (CCA) at 719.668.8111 for an estimate of development charges, fees, Recovery Agreement Charges or other utility related costs that may apply to this development.
2. In instances where metered water and/or wastewater connections existed on the property, please contact CCA to discuss distribution of Water and/or Wastewater Development Charges to eligible lots.
3. When new water meters are proposed to serve the project or additional demand added to existing water meters, a Commercial Water Meter Sizing form will be required to be submitted to Colorado Springs Utilities prior to Service Contract issuance and building permit approval.
4. Colorado Springs Utilities requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. Refer to the Colorado Springs Utilities Line Extension and Service Standards or contact Field Engineering at 719-668-4985.

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5. Colorado Springs Utilities may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. Regarding natural gas extensions, Colorado Springs Utilities may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.
6. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.
7. Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
8. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
9. Colorado Springs Utilities requires wastewater and water construction drawings when new wastewater and water facilities are proposed. Plans can be submitted electronically to Utilities Development Services via [www.csu.org](http://www.csu.org).

## **SWENT, Stormwater Enterprise (Jonathan Scherer, 719-385-5546)**

1. Reviewed by Gajda Environmental Consulting ([tj.gajda@coloradosprings.gov](mailto:tj.gajda@coloradosprings.gov)). Please direct urgent comments to [Jonathan.scherer@coloradosprings.gov](mailto:Jonathan.scherer@coloradosprings.gov).
2. . Comments associated with the DP and FP have been addressed.
3. The FDR for this development was approved 03/18/2022.

## **USAFA (Beth Dukes, 719-333-3085)**

2. USAFA letter dated May 25, 2022, is attached.

## **Real Estate Services (Barb Reinardy, 719-385-5601)**

1. **Dedication Statement: "...to be platted into lots, a tract and easements.....".** Revised
2. **Please label Spectrum Loop as "Public Right-Of-Way".** Label added.

## **CSPD, Street Name Administrator (Bootsy Jones, 719-385-5362)**

1. Spectrum Sun View is properly labeled.

## Additional responses to email comments from City

**From:** [Baxter, Tamara](#)  
**To:** [Bob Yoo](#); [JW Roth](#)  
**Cc:** [Wintz, Katelynn A](#)  
**Subject:** Amphitheater - parking agreements  
**Date:** Friday, June 24, 2022 9:26:01 AM  
**Attachments:** [image001.png](#)

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Below are my general comments/questions.

## Bass Pro Shop

- Exhibit A is a GEC (Grading Erosion Control Plan). **Replaced with a new Exhibit**
  - This does not show parking spaces at the Bass Pro location. A site plan that shows the existing parking and identifies the surplus parking to be used for the amphitheater should be provided as Exhibit A. There is an approved development plan for this location. Bob, I think I sent it to you when we started this entitlement process. **A new Exhibit provided.**
- The number of surplus parking spaces is no identified in the agreement. **Noted the surplus parking space on the Exhibit.**
- Like the other agreements, there are no months, days per week, and times that the surplus parking will be used for remote parking. **The reason that no months, days per week and times for surplus parking were listed in the Agreement is because the Bass Pro Agreement is viewed as (Open/ Year-Round). If we needed parking 365 days out of the year, Bass Pro has the parking capacity to accommodate our requests and is not limiting us to specific days of the month or frequency that we use their parking each week. Bass Bro is a neighbor and Strategic Partner of Notes Live (owner and developer of the amphitheater) and generating volume to their parking lots is good for their business. Thus, Bass Pro is eager and willing to assist our needs in any way possible.**
  - Shuttle route plan should be provided. **Provided.**

TCA **(A new parking agreement with TCA will be provided to City once TCA executes the new agreement by no later than July 25, 2022. Most of comments below are not relevant with a new agreement.)**

- The number of parking to accommodate remote parking at this location is not identified. **Parking information provided on the Exhibit.**
- There is no exhibit attached to this agreement. There is an approved development plan for this location which was provided to the team upon the initial review of this project. **Included.**
- The months provided are different than what has been represented to staff for concerts and different than the other agreements. Also, the times of operation of the parking is different than three of the other agreements. Is there a timeframe for clean up? Is there a limit on the days per week and the # of nights during the months that the parking can be utilities (i.e. not to exceed 50 nights)?
- Throughout the documents, “(name)” should be filled out with the Tenant/ Lessee / Organization name.
- Provided shuttle route plan. **Provided.**

## ASD20

Exhibit map not attached. Please provide. **A new Exhibit provided.**



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Shuttle route plan should also be provided. **Provided**

## Compassion International

- Refer to comment below regarding CSPD. This agreement is very specific about the use of CSPD involvement. **The Notes Live (owner and developer of the amphitheater) application has been accepted and have paid required deposit to have a company account with CSPD to provide security for all parking lots (on-site parking lot, BPS, TCA, DCC and Compassion International) and locations during concerts and events at the Sunset Amphitheater. CSPD has setup our project in the system and can begin securing officers for dates moving forward. Our representative is Jamie Durant. The account number is ID: C170-581.**
- Provide shuttle route plan.
- Just a side noted, on page 1 it notes that on Exhibit A, the portion of the parking to be use for remote parking is in blue, its green. **Provided a new Exhibit.**

## ADDITIONAL COMMENTS:

### CSPD (See our response to CSPD above)

- Identified in the Commission International agreement, it notes CSPD will be used for security and two CSPD offers with patrol cars will be provided during the usage of the event. **Correct. At least two (2) uniformed officers with patrol cars at each off-site parking facility.**
- Has there been any discussion with CSDP about these requirements for them to be at these locations during the duration of the concerts? **Yes. Please see our response above to the CSPD issue.**
- Typically, a request for CSDP is through a Special Events Permit through the Parks Department which is forwarded to CSPD. CSPD than will staff a stationary event with off-duty officers if staffing is available. **Specific to this project, Jamie Durant is the Off Duty representative for CSPD.**
- Please provide confirmation of discussions with CSDP regarding security at these location as represented in these agreements. **This project is assigned with a new Customer Number 65372 and Ticket ID: C170-581.**

**Uber/Lyft** The 30%++ average usage of Uber & Lyft (ride-share) at venues such as the Sunset Amphitheater was provided to us by the President of AEG Presents, who is the world's leading Entertainment and Sports Company. AEG owns or manages venues all across the United States and Europe and welcomes over **100 Million guests** to their Entertainment Campuses each year. AEG is familiar with the Sunset Amphitheater, its location in northern Colorado Springs, and how similar venues across the country scale when it comes to Uber / Lyft transportation volume based on a venue's location and demographics. See attached letter from AEG. With provided on-street and off-street parking spaces, Uber/Lyft credit is not requested, but information is provided for City information. We will have the actual data at this location after a year of operation. Then, City will have better understanding of Uber/Lyft operation. A copy of AEG letter included with the resubmittal.

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- The viability of Uber and Lyft to be used by 30% of attendees is questionable. This is not an urban area like near Wagner stadium downtown, or Denver. There is no public transportation that comes to this area. **We are not requesting Uber/Lyft public transportation as an alternative parking option. Therefore, no response is provided for this comment.**
- Please provided numbers from Uber and Lyft on the number of trips that are made to the Boot Barn, or the Polaris Pointed Development, from various location in Colorado Springs. **We are not requesting Uber/Lyft public transportation as an alternative parking option. Therefore, no response is provided for this comment.**
- Bob, as noted during our meeting, from the Polaris Pointe Beast and Brews to Village 7, it's a \$60 ride, one-way. **We are not requesting the Uber/Lyft public transportation as an alternative parking option. This comment is more as a statement and not comment to address. No response is provided for this comment.**

## School Agreements

- Since 99% of parking that is required for the amphitheater is proposed to be remote, both school agreements indicate that parking will not be allowed at this location if it conflicts with school or district events/activities. **796 (236 on-site parking spaces and 560 on street on-site parking spaces) off street on-site parking spaces is now provided for the venue. The remaining required 1,204 parking spaces will be full filled at the off-site remote parking facilities at Bass Pro Shops and Compassion International sites, if and when conflict with the school or district's events or activities at TCA or Discovery Canyon Campus. Important note, both Compassion International & Bass Pro will allow over 1,300 guaranteed parking spaces in our Agreements without conflict. Both Compassion and Bass Pro have designated other parking areas at their locations for their employees and guests that is outside of what has been guaranteed to the amphitheater venues. Because we will know (months) in advance of when concerts and events will be scheduled, we will have plenty of time to work with our Strategic Partners on parking arrangements.**
- What happens with scheduling conflicts at these locations? Annual concert schedules vary. How will remote parking be dealt with, if there are conflicts in scheduling with the school locations, particularly in May, August and September months when school is in session, which could be approximately 1,500 spaces at both schools that could not be used. Is the fall back Bass Pro Shop and Compassion (pending no conflicts with their schedule)? **See our response above.**

## Off-Peak events

- The Compassion International and ASD20 agreements noted that the amphitheater will utilize the amphitheater by them for up to two off-peak events. This is fine; however, the development plan application needs to address not only peak concert months which has

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been represented as being May -September, not to exceed 50 concerts We cannot limit to fixed number of performances. # of performances depends on the AEG's schedule with artists/performers and are TBD item. Please provide City code limiting the number of performances, if this is enforced. , but it also needs to address the number of possible events that will be allow other months of the year. We cannot determine the # of events outside of concert months. # of events are driven by the local market and demand. We do not support to limit the number of events per year. If this is enforced by City, please provide City Code for this comment. I know the focus right now is the concerts, but the development plan needs to take into consideration if there will be up to 20 events outside of the concert season. The operator/developer of the amphitheater Also, all parking agreements, like the Compassion agreement, needs to note that other days may be use with prior approval. As noted under Bass Pro Shops, the reason that no months, days per week and times for surplus parking were listed in the Agreement is because the Bass Pro Agreement is viewed as (Open/ Year-Round). If we needed parking 365 days out of the year, Bass Pro has the parking capacity to accommodate our requests and is not limiting us to specific days of the month or frequency that we use their parking each week. Other agreements in general, a paragraph to cover the days outside of performance days as "Written requests for other days of the week will be considered on a case-by-case basis and based upon availability." This will allow us to use the specific days for the specific parking location as needed on any days of the months without the restrictions. This applies to all other parking facilities.

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## Additional City comments from Tamara Baxter via email, dated July 7, 2022

Based on additional meetings and discussion that have occurred with planning staff, other City departments and leadership, with the upcoming resubmittal, below outlines what staff is expecting to be thoroughly addressed for this project.

### **Nonuse Variance**

- Planning staff will allow one (1) nonuse variance application for three (3) variances from City Code (see below) related to parking. A separate project statement for the nonuse variance request should be provided which addresses the three (3) criteria outline in City Code Section 7.5.802.B.1-3. In addition, address City Code Section 7.5.802.D & E as it relates to nonuse variance requests specific to parking. [Please noted that sections of the code identified have been attached]. Understood. A separate project statement for the Non Use Variance is provided with resubmittal.
- The three sections of City Code that are being varied for off-site and on-street parking that are being varied include the following and show each be individually called out in the project statement. Information on three sections of City Code is called out in the project statement, Development Plan and Park & Shuttle Plan cover sheet.

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- City Code Section 7.4.204.C.1.D.(2). The variance request is from the 400' distance from the subject property for shared parking at remote locations.
  - *"The location of the shared parking is on a parcel or parcels adjacent to the subject property within four hundred feet (400') by direct pedestrian access."*
- City Code Section 7.4.204.C.1.D.(2). The variance is from exceeding the 35% maximum reduction that can be granted by the Planning Manager.
  - *"The Manager may reduce the minimum on site parking requirement by five percent (5%) for each of the conditions in subsections C1a, C1b, and C1c of this section. The Manager may reduce the minimum on site parking requirement by up to twenty percent (20%) for approved shared parking arrangements under subsection C1d of this section. The maximum reduction of the minimum on site parking requirement allowed under this subsection is thirty five percent (35%)."*
- City Code Section 7.4.204.B.1.a-c. The variance is for on-street parking beyond the project boundary.
  - *B. On Street Parking Credit: If the conditions of this subsection B are met, the Manager may count certain on street parking spaces as off street parking spaces for purposes of the minimum off street parking requirements in section [7.4.203](#) of this part.*
    1. *Conditions For On Street Parking Credit: The Manager may count immediately adjacent on street parking in determining whether the minimum off street parking requirements for a particular proposed use have been met if all of the following conditions are satisfied:*
      - a. *The City street immediately adjacent to the subject property allows on street parking; and*
      - b. *The subject property has a minimum lot width of thirty feet (30') adjacent to the street containing the on street parking spaces; and*
      - c. *The scope, scale and other characteristics of the proposed use(s) are such that counting on street parking toward the minimum off street parking requirement would not generate significant off site impacts upon neighboring properties."*
- For the proposed on-street parking proposed, both City Code Sections 7.4.204.B.2.a-c and 7.4.204.B.3 need to be addressed in the project statement. **Addressed in the project statement for Non Use Variance statement.**

## **Parking and Shuttle Plan Exhibit**

- A detailed parking plan should be provided for each location that will accommodate off-site event parking. Event parking areas and number of parking spaces should be clearly identified at each location. **A detailed Parking and Shuttle Plan included with resubmittal.**
  - Proposed off-site parking should not affect the minimum required off-street parking requirements for the remote locations (TCA, Bass Pro Shops, Compassion International, and DCC). **We are not affecting the off-site parking requirements. Either surplus number of parking spaces or off-hour available parking spaces are considered in the off-site remote parking spaces for the venue.**

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- Provide a breakdown of the uses at these locations (based on approved existing development plan) which includes the required parking for the approved uses at these locations and surplus parking to determine if off-site parking can be accommodated at these locations. For example, Bass Pro Shops operates until 9 pm. Per the approved site information (see below), 585 spaces are required and 780 spaces have been provided. Thus, the surplus at Bass Pro Shops is 195 parking spaces. [A table of information at each location is provided on both the Development plan and Parking & Shuttle Plan cover sheet.](#)

SITE INFORMATION:			
SITE AREA Total:	27.675 ACRES	(1,205,530 S.F.)	MAXIMUM BUILDING HEIGHT: 65 FEET
LOT 4 (BASS PRO SITE)	19.253 ACRES	(838,652 S.F.)	BUILDING COVERAGE: 119,000 S.F. (14.2%)
TRACT A (DETENTION)	4.381 ACRES	(190,836 S.F.)	
BASS PRO DRIVE R.O.W.	3.200 ACRES	(139,393 S.F.)	PAVEMENT COVERAGE 576,590 S.F. (47.7%)
TRACKER DRIVE R.O.W.	0.841 ACRE	(36,649 S.F.)	LOT 4 (BASS PRO SITE) 462,600 S.F. (55.1%)
			BASS PRO DRIVE R.O.W. 109,600 S.F. (77.4%)
			TRACKER DRIVE R.O.W. 4,390 S.F. (68.2%)
LAND USE:			PARKING INFORMATION:
LOT 4:	RETAIL, RESTAURANT & INDOOR SPORTS & RECREATION STORE AND FACILITY.		PARKING REQUIRED:
TRACT A	PUBLIC DETENTION FACILITY		LOT 4 (1/200 S.F.) 585 SPACES
BASS PRO DRIVE R.O.W.	PUBLIC RIGHT-OF-WAY		
TRACKER DRIVE R.O.W.	PUBLIC RIGHT-OF-WAY		PARKING PROVIDED:
			REG. PARKING 780 SPACES
EXISTING ZONING:	PER CITY ORDINANCE NO.09-91: PUD PLANNED UNIT DEVELOPMENT-COMMERCIAL, 120 FEET MAXIMUM HEIGHT		H/C PARKING 16 SPACES
MASTER PLAN:	NORTHGATE		RV PARKING 14 SPACES
DRAINAGE BASIN:	MONUMENT BRANCH		
SCHEDULED FOR CONSTRUCTION:	SUMMER 2012		REQUIRED PUBLIC FACILITIES TO BE CONSTRUCTED WITH THIS PROJECT INCLUDE:
CONCEPT PLAN: COPPER RIDGE AT URBAN RENEWAL AREA:	NORTHGATE - PUD PLAN THIS PROJECT IS LOCATED WITHIN AND IS SUBJECT TO THE COPPER RIDGE AT NORTHGATE URBAN RENEWAL PLAN		1.) TWO CITY STREETS (BASS PRO DRIVE & TRACKER DRIVE) WITH 50' PAVEMENT WIDTH, MEDIANS, CURB & GUTTER AND 5' DETACHED SIDEWALKS; AND 2.) CITY UTILITIES AND DRAINAGE FACILITIES, AS REQUIRED.
BUILDING SETBACKS:	25 FT TO NORTH GATE BOULEVARD, MEADOWGRASS DRIVE, FUTURE POWERS BLVD R.O.W., THE WESTERN PROPERTY ADJACENT TO AIR FORCE ACADEMY PROPERTY AND TO MINING MUSEUM PROPERTY .		NOTE: DETENTION POND SHALL BE PUBLIC AND STRUCTURE, AESTHETIC MAINTENANCE BY THE BUSINESS OWNERS ASSOCIATION.
			LANDSCAPE SETBACK/BUFFER: 20 FT. TO NORTH GATE BLVD, 10 FT TO MEADOWGRASS DRIVE, 25 FT TO INTERSTATE 25; NO REQUIREMENT TO MINING MUSEUM.

## GENERAL NOTES

- On the cover sheet of the development plan, provide a table that reflects the number of parking spaces available for events, days of the week as well as months parking is available and identify any restrictions at each location. [A table of information at each location is provided on both the Development plan and Parking & Shuttle Plan cover sheet.](#)
- Address how the minimum off-site required parking can be provided should one or two of these locations render unavailable to be use for parking for amphitheater events. [796 \(236 on-site parking spaces and 560 on street on-site parking spaces\) off street on-site parking spaces is now provided for the venue. The remaining required 1,204 parking spaces will be full filled at the off-site remote parking facilities at Bass Pro Shops and Compassion International sites, if and when conflict with the school or district's events or activities at TCA or Discovery Canyon Campus. Important note, both Compassion International & Bass Pro will allow over 1,300 guaranteed parking spaces in our Agreements without conflict. Both Compassion and Bass Pro have designated other parking areas at their locations for their employees and guests that is outside of what has been guaranteed to the amphitheater venues. Our response note is added on the Parking & Shuttle Plan cover sheet as note #6.](#)



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- A detailed shuttle/circulation plan from each location to the amphitheater should be provided with the parking plan. See [Parking and Shuttle Plans for the shuttle routes to and from the amphitheater to off-site remote parking facility.](#)

## **Parking Agreements:**

- The parking agreements should have basic information that is consistent: number of event parking spaces, days of week, and months of use. This should also include any off-peak concert season remote parking availability. An exhibit should be attached to each agreement that clearly identifies the number parking spaces and areas that are available for event parking as described in the parking agreements. [Most parking agreements are consistent with available days and months for the venue. Information is provided on Development and Parking & Shuttle cover sheets. For any off-peak concert days and months for non-concert uses, the agreement allows for the lessee to submit written requests with advance notice, and the availability at each location is on a case by case basis and based upon availability. Agreements are in line with these languages or similar languages.](#)
- Each parking agreement will be recorded against the property providing the additional parking (TCA, DCC, Compassion International, and Bass Pro Shop) for remote parking and against the amphitheater property. [Both parties are aware of the recordation.](#)
- Should some of the location require CSPD to be used at the location, per the agreements, provide written documentation from CSPD that they are able to accommodate these parking agreement requirements. [The Notes Live \(owner and developer of the amphitheater\) application has been accepted and have paid required deposit to have a company account with CSPD to provide security for all parking lots \(on-site parking lot, BPS, TCA, DCC and Compassion International\) and locations during concerts and events at the Sunset Amphitheater. CSPD has setup our project in the system and can begin securing officers for dates moving forward. Our representative is Jamie Durant. The account number is ID: C170-581.](#)
- Address if the agreements will be held in perpetuity and how will off-site, remote parking be handled if one or two of these four locations does not renew the parking agreements. [Notes Live \(the developer and operator of the amphitheater\) has established long term contracts with our parking vendors but will ensure that our venue does not generate parking demand beyond the contracted capacity.](#)

## **Parking on both sides of Spectrum Loop**

- Provide a cross-section of Spectrum Loop reflecting the changes from 5-lane to 3-lane per Traffic Engineering's email dated June 22, 2022. This needs to be fully understood. [The developer, Gary Erickson understands the changes may come in near future.](#)
- Sidewalks on both sides of Spectrum Loop from Voyager Parkway to Voyager Parkway will need to be installed to avoid pedestrians from walking in Spectrum Loop should all portions be counted as off-site parking. [We understand and will provide new sections of missing sidewalk in Spectrum Loop.](#) Landscaping will need to be installed along these sidewalks. Preference is cobble/rock with weed fabric. As projects along Spectrum Loop come in for review by Planning for development, these areas can be modified as needed per the project in compliance with city

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regulations. We would like to defer request until adjacent development develops. We normally ended up replacing the existing landscaping and replace with other means of landscaping.

- Note that per the Traffic criteria manual, on-street parking has a larger dimension measurement. We are providing 9'x22' parallel parking spaces. This dimension was confirmed by Zaker Alazzeah with Traffic Engineering on his email dated July 13, 2022 and per Chapter 7 of the City Code. Please consult the City's Traffic manual when providing the numbers for the proposed on-street parking along both sides of Spectrum Loop from Voyager Parkway to Voyager Parkway. Noted.

## **Traffic Impact Analysis (TIA)**

- As previously identified in an email, the TIA will need to be updated to reflect the increase in the number of seats to 8,000 proposed. LSC Transportation Consultant is updating the study to 8,000 seating capacity. Additionally, LSC is updating their report per Tamara's email comment, dated July 7, 2022 in regard to the Robson Arena's Transportation Report. Updated copy of the report will be forwarded to City when LSC is finished with the report.

## **Additional Comment**

- Provide documentation to support the viability of 30% of the attendees using Uber and Lyft as a means of transportation. We are not requesting for the public shared rides credit for the on-site parking requirement; therefore no document is provided. But, instead, AEG's letter is included in our resubmittal in the Non Use Variance package.
-