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Dear Neighbor,

On February 8, 2016 the City of Fort Collins hosted a meeting at the Gardens on Spring Creek to discuss ways to address concerns staff has heard from neighbors in relation to the Garden's development proposal, specifically the increase in capacity of the music venue from 350 to 1500 people.

The Planning and Zoning Board originally began their consideration of this proposal at the December 17, 2015 hearing. The Board voted to continue the hearing and is scheduled to further consider this item at their regular hearing on April 7, 2016. All materials from the Board's December 17, 2015 hearing can be found here: <http://www.fcgov.com/cityclerk/planning-zoning.php>. Materials for the April 7 hearing will also be posted at this link.

Of those that attended the meeting, it was clear that many do not support the project at all or have strong concerns. We utilized "clicker" polling technology and got the following response:

QUESTION	RESPONSES	PERCENTAGE
Terrible idea and it should not be built in this location	15	40%
I am highly concerned about negative impacts to the neighborhood	11	30%
I am slightly concerned but also support the idea	6	16%
I can't wait to see the schedule of events	4	11%
Other	1	3%
Total	37	100%

The City wanted to acknowledge the feelings amongst neighbors, however, the purpose of the meeting was to propose and discuss actions to address concerns. From a previous meeting with a smaller group of neighbors, staff compiled the following list of concerns:

- Noise/Sound
- Parking
- Trespass/Loitering/Camping
- Non-ticketed/Private Events
- Port-a-Lets
- Alcohol
- Enforcement
- Floodplain/Environmental Assessment
- Other/Grove/Lilac Park

Through the polling exercise noise, parking, enforcement, and trespassing issues were the top concerns of those in the room.

The following information was presented and additions have been made based on comments and questions from the meeting. The mitigations listed below will be incorporated into the Garden's operations in two ways:

- As General Standards that will be included with the plan notes presented at the upcoming Planning and Zoning meeting or;
- As operating agreements to be finalized with neighbor input.

Items where full details are not yet finalized are also noted below. The City is interested in and supports the formation of a Neighborhood Committee to help develop and refine details and processes to limit the impacts to the neighborhood.

An updated draft of the General Standards can be viewed online at the link below, under the "neighborhood meeting" heading for the Gardens, click on "General Notes proposed for the Major Amendment": <http://www.fcgov.com/developmentreview/agendas.php>

#### **Concern: Noise and Sound**

- No more than 8 music concert events per year (to occur between May and September) and to not overlap with other major CSU events. All music concert events shall be ticketed.
- All music for all events to end by 8 PM.
- Active enforcement and sound level monitoring to occur throughout all music concerts.
- Sound enforcement for all events will now be further restricted by measuring the sound levels from the Garden's property line (not the receiving residential property lines further west of the Gardens property)
- Sound walls included in proposed plan. Wall placement is being reconsidered and adjusted following feedback from February 8 meeting (not yet finalized.)
- Gardens investigating distributed sound system and a system with a direct override to control the sound board. (Not yet finalized.) This was noted as a strong neighborhood preference.

#### **Concern: Parking**

- Parking instructions and options will be provided and included with ticket purchase for all music concert events.
- "No public on-street parking" shall be strictly enforced for all music concerts on Centre Avenue and on streets in the Windtrail and Sheely neighborhoods.
- Neighborhood parking enforcement will be addressed through a windshield pass system, active barricade, or other agreeable method.

#### **Concern: Trespass/Loitering/Camping**

- Garden gates will open one hour (or time most suitable as determined by Gardens and neighbors) prior to show times to allow ticket holders onto property.
- The Gardens will work with the Parks department, Rangers, Neighborhood Services, and Police Services to address any unlawful and disruptive behaviors either on Gardens property or on adjacent public property.

#### **Concern: Non-ticketed Events, Private Events, and questions regarding unlimited concert events**

Concerns were expressed that the different types of events need to be better defined in order to provide assurances that music performances with an attendance of 1,500 people will be limited to 8 events per year. In order to provide these assurances staff is considering the following definitions and limitations:

- The terms “ticketed events” and “non-ticketed events” are problematic. Concerns were expressed that the term “non-ticketed events” might allow the opportunity for free concerts, such as the City Orchestra or programs such as Bohemian Nights, and therefore the limitation of 8 performances per year could be expanded. To provide assurances that this is not the case, staff will propose the term “music concert event” to clarify that concerts shall be limited:

“There shall be a maximum of (8) music concert events per year with an attendance cap of 1,500 persons. The maximum attendance shall be managed and regulated through ticket sales. All music concert events shall be ticketed.”

- To further clarify that “non-ticketed events” shall not include large, free concerts, these events can be called “General Events” defined as:

“A general event shall be defined as any event which uses all or a portion of the gardens, other than day-to-day attendance for the purpose of viewing the gardens, in which attendance is anticipated to be more than 100 persons for the event.”

- “General Events” that are already occurring at the Gardens will also be noted. The intent is to fully describe the scope of all events that may occur at the Gardens and to provide further assurances that large free concerts shall not take place.

General Events would include: garden of lights tour, school field trips, education programs and tours, art/culture/sculpture in the garden, spring plant sale, yoga in the gardens, garden a’fare, nature’s harvest fest, halloween enchanted garden. There shall be no attendance cap for general events. Such events may provide amplified music in compliance with the municipal code.

- Private events will also be addressed in the plan’s operating agreement. Private events include all private rentals such as weddings, birthdays etc. Private events are limited to 350 attendees and they must end by 8PM with everyone off-site by 9PM. Private events may not have DJs and any proposed music must be approved by Gardens staff and is often restricted based on location and type.

The Gardens does not currently, nor do they intend, to allow private concerts onsite.

#### **Concern: Port-a-Lets**

The Gardens will rely on GSI Sanitation recommendations for number of needed Port-a-lets (currently estimated at 5 for a 3-hour event.)

- Port-a-Lets will be onsite for as minimal time necessary for vendor schedule.
- Port-a-Lets will be ground anchored.
- Bike path will not be used or impacted during pick-up or delivery.
- The proposed plan does provide space for additional Port-a-Lets should the need arise.

#### **Concern: Alcohol and Intoxication**

The Gardens has no desire to have intoxicated people on-site or on adjacent property.

- Alcohol sales could be limited by drink number or by limiting times of sales (i.e. alcohol only available from 5:30-7:30.) Details are not finalized.
- Any limitations on alcohol made available will be determined by Gardens with neighbor committee input.
- Sales conducted by trained and licensed servers.
- No permanent alcohol signage or advertising will be allowed.

**Concern: Enforcement**

- The Gardens is committed to being a good neighbor and to working directly with appropriate enforcement staff to ensure illegal and disruptive behaviors are addressed in a timely manner.
- The Gardens supports the creation of a Neighborhood Committee and an Event Hotline. (Details have not been finalized.)

**Concern: Floodplain**

All development activities on all properties located within a Federal Emergency Management Agency (FEMA) regulatory floodplain are subject to the requirements of Chapter 10 of the City Municipal Code. This includes the Gardens on Spring Creek property, which is in the FEMA regulatory 100-year floodplain for Spring Creek. As required by City code, the project's engineer has provided City staff with a detailed floodplain analysis. The analysis must demonstrate that the Garden's proposed improvements will not increase existing flood risk in the area. All new construction of structures as well as filling, excavation, or grading associated with the proposed site work in the floodplain are considered in the analysis. The analysis must confirm that: The proposed improvements will not cause a rise in the FEMA Base Flood Elevation (BFE), will not change the boundaries of the FEMA floodplain boundaries, and will not reduce the required regulatory flood storage volume in the area. Compliance with these requirements is achieved through several measures:

- All proposed earthwork is balanced so that any proposed raise in grade (fill) is offset by lowering the grade (cut) in other areas of the site. The result is called a "No-Rise Certification" which must be provided to the city along with a Floodplain Use Permit. The certification includes required volume calculations for all site elements, including temporary elements. The calculations also take into account proposed plant material.
- All new accessory structures, including the proposed stage, must be elevated above the Regulatory Flood Protection Elevation (RFPE), which is defined as 12 inches above the base flood elevation (BFE), or "flood vented". The RFPE elevation is 4,999.42 feet. The term "flood vented" means that the proposed structures (such as the proposed stage and pergolas), must be open on the sides and not fully enclosed. Examples of open structures in the FEMA floodplain can be found in City Parks such as Edora, Spring Creek, Lee Martinez, and Rolland Moore. These parks have open structures in the floodplain/floodway (such as picnic shelters) but not enclosed buildings. Enclosed structures at these parks, such as bathrooms, are outside of the regulatory FEMA floodplain. In addition to flood venting, all permanent features such as the garden's pergolas must be permanently anchored. There are also restrictions on the types of materials used for structures below the Regulatory Flood Protection Elevation.
- Outdoor storage of materials that might float away is prohibited. All outdoor materials will be confined inside latched utility sheds behind the stage and within the Garden's maintenance/service yard buildings, anchored and removed after each event, or will be elevated above regulatory flood levels.

At the meeting neighbors continue to express the lack of information and rationale for expanding the amphitheater attendee limit from 350 to 1500. Many expressed a desire to negotiate this number or return it to the 350 originally proposed.

The proposed 1500 number is based on:

- Size and projected future growth in Fort Collins
- Filling a niche venue size that currently does not exist in Fort Collins
- Creating a venue that can support desired performances at a \$40-\$50 ticket price

**Comments captured at the meeting:**

- More clarity on tangible mitigation for each subject item.
- Preference for a distributed sound system. Concern with loitering/event crashing along Spring Creek Trail and Lilac Park area.
- Sound transition and stage orientation unreasonably impacts areas to the SW, in particular 603 Gilgalad Way.
- Overall effects of impacts -- in particular sound levels, number of concert events per year, and the ticketed scope of the venue, seems out of place at this location. IE: Too much program for the location.
- Parking/enforcement for un-ticketed events.
- Renters (like the symphony) can't use the venue – counts against 8.
- First, I love it. Yay! –Second... In case it hasn't been addressed... is the local mobile network robust enough for the increased usage during events?
- 1500 CAPACITY NEGOTIABLE?
- Do 500 Capacity at Gardens + 1500 where there are TOILETS like the new SE area Park & not next to homes.
- No alcohol, only family concerts to promote the love of nature + get families outdoors.
- Do non-ticketed events get to have amplified music?
- NOISE CITATION – CRIMINAL (MANDATORY COURT APPEARANCE).
- How will you stop the additional 1500 spectators from gathering outside the fence line for ticketed concerts
- Automated sound control: have the sound level meter directly connected to the sound board. That way any exceedance would be automatically addressed, w/o needing human intervention.
- Trash/litter along Spring Creek?
- Consider 500 year flood rather than 100; given that 100-yr flood is likely inaccurate due to outdated FEMA regulations.
- Outside security/police to monitor safe transit along Spring Creek to Shields to the west and railroad overpass to the east. Essentially Sheely, Gilgalad neighborhoods.
- Free/discounted tickets for neighbors?

If you have questions or comments regarding the meeting please contact Ginny Sawyer at [gsawyer@fcgov.com](mailto:gsawyer@fcgov.com) or 224-6094.

For project specific questions please contact Jason Holland at [jholland@fcgov.com](mailto:jholland@fcgov.com) or 224-6126.

Thank you.

Ginny Sawyer