

ORDINANCE NO. 118, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MODIFYING ORDINANCE NO. 074, 2016, WHICH MODIFIED THE APRIL 7, 2016
PLANNING AND ZONING BOARD DECISION APPROVING THE MAJOR AMENDMENT
TO THE CENTRE FOR ADVANCED TECHNOLOGY 22nd FILING, COMMUNITY
HORTICULTURE CENTER, #MJA 150006 PERTAINING TO THE GARDENS ON SPRING
CREEK TO REMOVE TWO CONDITIONS, SPECIFICALLY THE WEST SOUND WALL
AND CENTRAL OVERRIDE COMPONENT OF THE SOUND SYSTEM

WHEREAS, the City is the owner of certain property known as the "Gardens on Spring Creek" (or "Gardens") and the Applicant for the Major Amendment to the Centre for Advanced Technology 22nd Filing, Community Horticulture Center, #MJA 15006 (the "Major Amendment"); and

WHEREAS, the Major Amendment reflects a proposed plan to complete development by the City of a number of future components outlined in the original master plan for the Gardens approved in 2001, including new and expanded garden areas, the "great lawn" area that includes a covered stage structure and improvements for outdoor performances (referred to herein as the "Performance Area"), modified circulation through the gardens and to the Spring Creek Trail, a bicycle parking area, garden and arbor structures in various gardens and operational and management standards for events in the Performance Area (collectively, the "Project"); and

WHEREAS, in addition to the stage and related improvements such as the sound system and mixing station, the approved Major Amendment included five sound mitigation walls related to the Performance Area - four in close proximity to the stage and a fifth sound mitigation wall along the west boundary of the Gardens (referred to herein as the "West Sound Wall") and a sound monitoring system tied to a central override component system to be installed at the sound mixing station (the "Override System"), both of which were intended to mitigate the impact of sound from concert events involving amplified music on the neighborhood adjacent to the Gardens on the west; and

WHEREAS, at its regular meeting on April 7, 2016, the City's Planning and Zoning Board (the "Board") held a duly noticed public hearing, considered citizen comment and input on the Project proposed by the Major Amendment, and voted unanimously to approve the Centre for Advanced Technology 22nd Filing, Community Horticulture Center, #MJA 150006 subject to certain conditions (the "Board Decision"); and

WHEREAS, the Board Decision removed the condition and did not require construction of the West Sound Wall as a part of the Project; the Board Decision did, however, include the condition and require installation of the Override System; and

WHEREAS, since the City was the applicant for approval of the Major Amendment to permit construction of the Project, pursuant to Section 2.2.12(B) of the Fort Collins Land Use Code ("Land Use Code") the Board Decision was not subject to appeal but was instead considered by City Council as an "alternate review" and, on June 7, 2016, Council exercised its legislative power under Section 2.2.12(B) and adopted Ordinance No. 074, 2016, which

modified the Board Decision to add a condition requiring installation of the West Sound Wall (the "Council Approval"); and

WHEREAS, the bids for the Project are in excess of available funding and staff has recommended that Council further modify the Project to remove the requirement for installation of the West Sound Wall and the Override System; and

WHEREAS, Resolution 2017-017 Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions ("Rules") allows Council to change an action previously taken by the Council, including rescinding or amending a prior ordinance; and

WHEREAS, Council now wishes to exercise its legislative power to modify Ordinance No. 074, 2016 setting forth the Council Approval of the Project, with conditions through the adoption of this Ordinance which removes the conditions that require construction of the West Sound Wall and Sound Override System as a part of the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That Council hereby adopts this Ordinance pursuant to the Rules and Land Use Code Section 2.2.12(B) as an exercise of its legislative and administrative power and in its sole discretion to further modify the Board Decision and prior Council Approval regarding this City Project, and consider factors in addition to or in substitution of the standards of the Land Use Code, including but not limited to the provisions of Division 2.17 requiring that City projects be processed in the manner described by the Land Use Code.

Section 3. That in light of budgetary and fundraising considerations with respect to the Project, Ordinance No. 074, 2016, which currently sets forth the Council Approval of the Project, is hereby modified to replace the conditions set forth in Section 2 of Ordinance No. 074, 2016, with the following modified conditions:

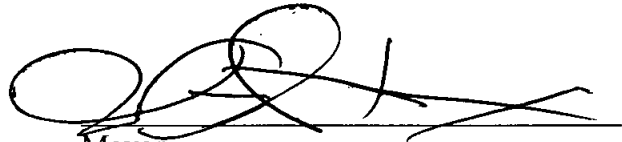
- A. The requirements set forth on Amended Exhibit "A" attached hereto and incorporated herein by reference, shall constitute the general standards related to time limitations, sound monitoring, and security and safety requirements for the Project.
- B. The City Project shall include the construction of sound mitigation walls substantially consistent with the design approved by the Planning and Zoning Board and shown on Amended Exhibit "B" attached hereto and incorporated herein by this reference.
- C. After one full year of operation of the constructed City Project, the Council may by ordinance adjust the limit on the number of music concert events per year.

D. That nothing set forth in the Board Decision or prior Council Approval as modified by this Ordinance shall relieve the City or the Project from compliance with ordinances regulating sound and noise set forth in the Fort Collins City Code, as they may exist from time to time.

Section 4. That notwithstanding the provisions of Section 2 above, staff is instructed to administratively incorporate into and update the approved plans for the Project to include the modified conditions set forth in Section 3 of this Ordinance.


Section 5. That the Board Decision and Council Approval shall continue in effect unmodified except as expressly set forth herein.

Introduced, considered favorably on first reading, and ordered published this 15th day of August, A.D. 2017, and to be presented for final passage on the 19th day of September, A.D. 2017.



Mayor

ATTEST:



Interim City Clerk

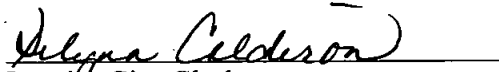


Passed and adopted on final reading on the 19th day of September, A.D. 2017.



Mayor

ATTEST:



Interim City Clerk



AMENDED

EXHIBIT A

Notes included with the Gardens on Spring Creek Amended Plan (See sheet LS003 of the Site Plan)

~~DRAFT 3-23-2018~~

THE FOLLOWING GENERAL OPERATION AND MANAGEMENT STANDARDS SHALL REMAIN IN EFFECT FOR ALL FUTURE GARDENS ON SPRING CREEK EVENTS.

GENERAL EVENT STANDARDS:

1. ALL EVENTS, INCLUDING MUSIC CONCERT EVENTS OR GENERAL EVENTS SHALL COMPLY WITH ALL APPLICABLE FORT COLLINS MUNICIPAL CODE NOISE STANDARDS, AS THEY EXIST FROM TIME TO TIME OF CHAPTER 20, ARTICLE II: ~~SOUND SHALL BE LIMITED TO 55 dB(A) FROM 7 A.M. TO 8:00 P.M. AND 50 dB(A) FROM 8:00 P.M. TO 7:00 A.M. AT THE GARDENS ON SPRING CREEK PROPERTY LINE ADJACENT TO THE LOW DENSITY RESIDENTIAL (R-L) ZONE DISTRICT, AND SHALL BE LIMITED TO 70 dB(A) FROM 7 A.M. TO 8:00 P.M. AND 65 dB(A) FROM 8:00 P.M. TO 7:00 A.M. AT THE GARDENS ON SPRING CREEK PROPERTY LINE ADJACENT TO THE EMPLOYMENT (E) ZONE DISTRICT.~~
2. 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.
3. THERE SHALL BE NO MULTI-DAY MUSIC CONCERT EVENTS SUCH AS MUSIC FESTIVALS.
4. 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 INCLUDE: GARDEN OF LIGHTS TOUR, SCHOOL FIELD TRIPS, EDUCATION PROGRAMS AND TOURS, ARTICULTURE/SCULPTURE IN THE GARDEN, SPRING PLANT SALE, YOGA IN THE GARDENS, GARDEN A'FARE, NATURE'S HARVEST FEST, HALLOWEEN ENCHANTED GARDEN. ADDITIONAL EVENTS MAY BE CONSIDERED. THERE SHALL BE NO ATTENDANCE CAP FOR GENERAL EVENTS. SUCH EVENTS MAY PROVIDE AMPLIFIED MUSIC IN COMPLIANCE WITH THE MUNICIPAL CODE.

5. PRIVATE EVENTS SHALL BE ADDRESSED IN THE GARDEN'S OPERATIONS AND MANAGEMENT PLAN. PRIVATE EVENTS INCLUDE ALL PRIVATE RENTALS SUCH AS WEDDINGS, BIRTHDAYS, ETC. PRIVATE EVENTS SHALL NOT HAVE DJ'S AND ANY PROPOSED MUSIC MUST BE APPROVED BY GARDENS STAFF.

ALL EVENTS SHALL FOLLOW STANDARDS AS DESCRIBED BELOW.

TIME LIMITATION STANDARDS:

1. ALL MUSIC AND ANY ASSOCIATED SOUNDS GENERATED FROM ANY EVENT SHALL CONCLUDE NO LATER THAN 8PM.
2. EGRESS FOR ALL VISITORS DURING MUSIC CONCERT EVENTS SHALL BEGIN AT 8 P.M. AND CONCLUDE NO LATER THAN 9 P.M. NO PERFORMANCE RELATED SOUNDS SHALL BE GENERATED DURING THIS TIMEFRAME.
3. ALL EVENT OPERATIONS PERSONNEL SHALL EXIT THE GARDENS ON SPRING CREEK PREMISES NO LATER THAN 10 P.M.
4. ALL GENERAL EVENTS SHALL CONCLUDE BY 9 P.M. AND ALL PERSONNEL SHALL EXIT THE GARDENS ON SPRING CREEK PREMISES NO LATER THAN 10 P.M.
5. ALL PRIVATE EVENTS SHALL CONCLUDE BY 8 P.M. WITH EVERYONE OFF-SITE BY 9 P.M.

SOUND MONITORING STANDARDS:

1. DURING ALL AMPLIFIED MUSIC CONCERT EVENTS, A PROFESSIONAL SOUND ENGINEER SHALL BE PRESENT ON SITE AND ACTIVELY MONITOR AND REGULATE SOUND LEVELS TO MEET THE CITY OF FORT COLLINS MUNICIPAL CODE NOISE STANDARDS. ~~SOUND MONITORING LOCATIONS WILL BE TIED TO CENTRAL OVERRIDE SYSTEM AT THE MIXING STATION.~~
2. FOR ALL OTHER EVENTS, GARDENS ON SPRING CREEK STAFF SHALL BE PRESENT ON SITE AND ACTIVELY MONITOR AND REGULATE SOUND LEVELS TO MEET THE CITY OF FORT COLLINS MUNICIPAL CODE NOISE STANDARDS.
3. MORE SPECIFIC MONITORING OPERATIONS, MANAGEMENT AND ENFORCEMENT THAT MAY BE REQUIRED SHALL BE OUTLINED IN THE GSC OPERATIONS AND MANAGEMENT PLAN.

SECURITY AND SAFETY REQUIREMENTS:

1. DESIGNATED SECURITY STAFF SHALL BE PRESENT AT THE GARDENS ON SPRING CREEK ENTRY POINTS AND PERIMETER OF THE PREMISES DURING ALL MUSIC CONCERT EVENTS. DESIGNATED SECURITY STAFF SHALL CONSIST OF EITHER GARDENS ON SPRING CREEK STAFF OR A PRIVATE SECURITY COMPANY CONTRACTED THROUGH THE GARDENS ON SPRING CREEK.
2. EGRESS LIGHTING CONSISTING OF LOW LIGHT LEVEL, FULL CUT-OFF PEDESTRIAN LEVEL LIGHTS SHALL BE USED TO FACILITATE EGRESS FROM ALL MUSIC CONCERT EVENTS. ALL EGRESS AND EVENT-RELATED LIGHTING SHALL BE TURNED OFF NO LATER THAN 10 P.M.
3. CROSSING ASSISTANTS SHALL BE PRESENT AT CENTRE AVENUE TO FACILITATE CROSSING FROM THE N.R.C.S. PARKING LOT DURING ALL MUSIC CONCERT EVENTS, UNLESS A SIGNALIZED PEDESTRIAN CROSSING IS CONSTRUCTED AT THIS LOCATION IN THE FUTURE.

ADDITIONAL GENERAL STANDARDS:

1. ANY ALCOHOLIC BEVERAGES SOLD DURING EVENTS SHALL REQUIRE A PROFESSIONAL CONCESSIONAIRE TO SERVE AND FOLLOW ALL ASSOCIATED REGULATIONS AND MONITORING AS REQUIRED WITH ALCOHOLIC BEVERAGE SALES AT OTHER COMMUNITY FACILITIES WITHIN THE CITY OF FORT COLLINS. MORE SPECIFIC ALCOHOL OPERATIONAL REQUIREMENTS SHALL BE DEVELOPED WITH THE GSC OPERATIONS AND MANAGEMENT PLAN.
2. "NO PUBLIC ON-STREET PARKING" SHALL BE STRICTLY ENFORCED FOR GSC EVENTS AND DAY-TO-DAY GSC OPERATIONS ON CENTRE AVENUE AND ON STREETS IN THE WINDTRAIL AND SHEELY NEIGHBORHOODS. MORE SPECIFIC PARKING MANAGEMENT AND ENFORCEMENT PRACTICES SHALL BE OUTLINED IN THE GSC OPERATIONS AND MANAGEMENT PLAN.
3. OFF-STREET PARKING REQUIREMENTS: ANTICIPATED MINIMUM OFF-STREET PARKING QUANTITIES FOR GARDENS USES ARE SHOWN ON THE LAND USE TABLE ON SHEET LS100. THE PARKING QUANTITIES SHOWN ON LS100 REPRESENT ANTICIPATED MINIMUMS, AND SHALL BE ADJUSTED TO MEET THE PARKING DEMANDS FOR EVENTS IF NEEDED. PARKING LOCATIONS ARE SHOWN ON SHEET LS002. AGREEMENTS FOR OFF-SITE PARKING LOCATIONS SHALL BE MAINTAINED AND SHALL BE ADJUSTED, IF NEEDED, TO MEET PARKING DEMANDS FOR ALL GARDENS EVENTS.

RECREATIONAL, EDUCATIONAL, CULTURAL, ADMINISTRATIVE OR ENTERTAINMENT NEEDS OF THE COMMUNITY AS A WHOLE. SPECIFIC TO THE APPROVAL OF THIS COMMUNITY FACILITY, ALL PROPERTY ASSOCIATED WITH THIS PLAN SHALL REMAIN IN OWNERSHIP AND BE OPERATED DIRECTLY BY THE CITY OF FORT COLLINS. ANY REQUEST TO TRANSFER OWNERSHIP OR MANAGEMENT OF THE FACILITY TO AN ENTITY OTHER THAN THE CITY SHALL BE CONSIDERED A CHANGE OF USE REQUIRING A MAJOR AMENDMENT TO THESE PLANS WHICH MUST BE REVIEWED AND APPROVED PRIOR TO ANY SUCH TRANSFER.

2. LILAC PARK: PORTIONS OF THE PROPERTY LOCATED NORTH OF THE SPRING CREEK TRAIL SHALL BE RESERVED FOR THE EXPANSION OF LILAC PARK AND SHALL BE REVIEWED AND APPROVED AS A SEPARATE AMENDMENT TO THESE PLANS.

FLOODPLAIN NOTES:

1. PORTIONS OF THIS PROPERTY ARE LOCATED IN THE FEMA REGULATORY 100-YEAR FLOODPLAIN AND FLOODWAY FOR SPRING CREEK.
2. ALL DEVELOPMENT WITHIN THE FLOODPLAIN MUST COMPLY WITH THE FLOODPLAIN REGULATIONS OF CHAPTER 10 OF CITY OF FORT COLLINS MUNICIPAL CODE.
3. NON-STRUCTURAL DEVELOPMENT (FENCES, DETENTION PONDS, HARD SURFACE PATHS, FILL, DRIVEWAYS, PARKING AREAS, VEGETATION, ETC.) IS ALLOWED WITHIN THE 100 YEAR FLOODWAY, PROVIDED THE DEVELOPMENT WILL NOT CAUSE A RISE IN THE BASE FLOOD ELEVATION OR A CHANGE TO THE FLOODWAY OR FLOOD FRINGE BOUNDARIES. NON-STRUCTURAL DEVELOPMENT IS NOT RESTRICTED IN THE FLOOD FRINGE. REFER TO THE PROJECT'S FLOODPLAIN USE PERMIT AND FLOODPLAIN MANAGEMENT PLAN FOR FURTHER DETAILS AND RESTRICTIONS.
4. ALL STRUCTURES PROPOSED IN THE FLOODPLAIN SHALL BE PERMANENTLY ANCHORED AND SHALL MEET ALL CITY STRUCTURAL REQUIREMENTS. REFER TO THE PROJECT'S FLOODPLAIN USE PERMIT AND FLOODPLAIN MANAGEMENT PLAN FOR STRUCTURE DETAILS, RESTRICTIONS AND REQUIREMENTS.

NATURAL AREA BUFFER REQUIREMENTS:

1. STANDARDS FOR PROTECTION DURING CONSTRUCTION - THE DIRECTOR SHALL ESTABLISH A "LIMITS OF DEVELOPMENT" ("LOD") LINE(S) TO ESTABLISH

4. THE PROJECT IS REQUIRED TO COMPLETE ALL IMPROVEMENTS AND CONDUCT ALL OPERATIONS IN ACCORDANCE WITH THE FINAL PLANS. ANY MODIFICATIONS TO THESE PLANS SHALL REQUIRE A PLAN AMENDMENT TO BE REVIEWED AND APPROVED.

5. THE OPERATIONAL AND MANAGEMENT STANDARDS NOTED WITH THESE PLANS REPRESENT THE GENERAL STANDARDS FOR THE PROJECT. IN ADDITION TO THE GENERAL STANDARDS OUTLINED HERE, GSC SHALL DEVELOP A COMPREHENSIVE **OPERATIONS AND MANAGEMENT PLAN** THAT SPECIFICALLY ADDRESSES POLICIES AND ACTIONS THAT WILL BE ADMINISTERED FOR ALL EVENTS AND COMMUNITY FACILITY ACTIVITIES. NEIGHBORHOOD REPRESENTATIVES SHALL BE INCLUDED IN THE DEVELOPMENT, IMPLEMENTATION AND MAINTENANCE OF THE OPERATIONS AND MANAGEMENT PLAN. THE OPERATIONS AND MANAGEMENT PLAN MAY BE PERIODICALLY AMENDED WITHOUT AMENDING THESE PLANS, PROVIDED THAT SUCH AMENDMENTS REMAIN IN COMPLIANCE WITH THE GENERAL STANDARDS OUTLINED WITH THIS FINAL PLAN. THE GSC OPERATIONS AND MANAGEMENT SHALL AT A MINIMUM ADDRESS THE FOLLOWING:

- a). CREATION AND ON-GOING ENGAGEMENT OF A NEIGHBORHOOD COMMITTEE.
- b). PARKING MANAGEMENT AND ENFORCEMENT.
- c). SOUND/NOISE MANAGEMENT AND ENFORCEMENT.
- d). MANAGEMENT REQUIREMENTS AND RESTRICTIONS FOR ALL OUTDOOR PRIVATE EVENTS, INCLUDING LIMITATIONS FOR MUSIC AND INSTRUMENT AMPLIFICATION AND VOCAL PERFORMANCES.
- e). ENFORCEMENT PROCEDURES FOR EVENT IMPACTS THAT MAY OCCUR INCLUDING: LOITERING, DAY-CAMPING AND LITTERING.
- f). MANAGEMENT OF ALCOHOL SALES AT ALL EVENTS.
- g). THE ESTABLISHMENT OF A NEIGHBORHOOD HOTLINE FOR THE COORDINATION AND ENFORCEMENT OF GSC IMPACTS THAT MAY OCCUR.
- h). COORDINATION OF GSC EVENTS WITH NEIGHBORHOOD EVENTS.

REQUIREMENTS SPECIFIC TO THIS PLAN APPROVAL:

- 1. USE AND OWNERSHIP REQUIREMENTS: THE DESIGNATED USE PER THE CITY LAND USE CODE FOR THE GARDENS ON SPRING CREEK IS A *COMMUNITY FACILITY*, WHICH IS DEFINED AS A *PUBLICLY OWNED OR PUBLICLY LEASED FACILITY OR OFFICE BUILDING WHICH IS PRIMARILY INTENDED TO SERVE THE*

THE BOUNDARY OF THE PROJECT OUTSIDE OF WHICH NO LAND DISTURBANCE ACTIVITIES WILL OCCUR DURING THE CONSTRUCTION OF THE PROJECT.

2. ALL AREAS WITHIN THE SPRING CREEK, SHERWOOD LATERAL AND WETLAND AREA BUFFER ZONES SHALL BE MAINTAINED IN A NATIVE LANDSCAPE. SEE SECTION 3.4.1 OF THE LAND USE CODE FOR ALLOWABLE USES WITHIN THE BUFFER ZONES.
3. CONSTRUCTION SHALL BE ORGANIZED AND TIMED TO MINIMIZE THE DISTURBANCE OF SENSITIVE SPECIES OCCUPYING OR USING ON-SITE AND ADJACENT NATURAL HABITATS OR FEATURES, INCLUDING THE SPRING CREEK CORRIDOR, SHERWOOD LATERAL DITCH AND WETLAND AREAS.
4. CONSTRUCTION OF BARRIER FENCING SHALL BE PROVIDED AT THE LIMITS OF THE DEVELOPMENT DURING CONSTRUCTION.

STANDARD PLAN NOTES AND REQUIREMENTS:

1. REFER TO FINAL UTILITY PLANS FOR EXACT LOCATIONS AND CONSTRUCTION INFORMATION FOR STORM DRAINAGE STRUCTURES, UTILITY MAINS AND SERVICES, PROPOSED TOPOGRAPHY, STREET IMPROVEMENTS.
2. REFER TO THE SUBDIVISION PLAT AND UTILITY PLANS FOR EXACT LOCATIONS, AREAS AND DIMENSIONS OF ALL EASEMENTS, LOTS, TRACTS, STREETS, WALKS AND OTHER SURVEY INFORMATION.
3. ALL CONSTRUCTION WITH THIS DEVELOPMENT PLAN MUST BE COMPLETED IN ONE PHASE UNLESS A PHASING PLAN IS SHOWN WITH THESE PLANS.
4. ALL EXTERIOR LIGHTING PROVIDED SHALL COMPLY WITH THE FOOT-CANDLE REQUIREMENTS IN SECTION 3.2.4 OF THE LAND USE CODE AND SHALL USE A CONCEALED, FULLY SHIELDED LIGHT SOURCE WITH SHARP CUT-OFF CAPABILITY SO AS TO MINIMIZE UP-LIGHT, SPILL LIGHT, GLARE AND UNNECESSARY DIFFUSION.
5. FIRE HYDRANTS MUST MEET OR EXCEED Poudre FIRE AUTHORITY STANDARDS. ALL BUILDINGS MUST PROVIDE AN APPROVED FIRE EXTINGUISHING SYSTEM.
6. ALL BIKE RACKS PROVIDED MUST BE PERMANENTLY ANCHORED.

7. ALL SIDEWALKS AND RAMPS MUST CONFORM TO CITY STANDARDS. ACCESSIBLE RAMPS MUST BE PROVIDED AT ALL STREET AND DRIVE INTERSECTIONS AND AT ALL DESIGNATED ACCESSABLE PARKING SPACES. ACCESSABLE PARKING SPACES MUST SLOPE NO MORE THAN 1:48 IN ANY DIRECTION. ALL ACCESSIBLE ROUTES MUST SLOPE NO MORE THAN 1:20 IN DIRECTION OF TRAVEL AND WITH NO MORE THAN 1:48 CROSS SLOPE.
8. ANY DAMAGED CURB, GUTTER AND SIDEWALK EXISTING PRIOR TO CONSTRUCTION, AS WELL AS STREETS, SIDEWALKS, CURBS AND GUTTERS, DESTROYED, DAMAGED OR REMOVED DUE TO CONSTRUCTION OF THIS PROJECT, SHALL BE REPLACED OR RESTORED TO CITY OF FORT COLLINS STANDARDS AT THE DEVELOPER'S EXPENSE PRIOR TO THE ACCEPTANCE OF COMPLETED IMPROVEMENTS AND/OR PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

GENERAL LANDSCAPE NOTES:

1. MAINTENANCE: TREES AND VEGETATION, IRRIGATION SYSTEMS, FENCES, WALLS AND OTHER LANDSCAPE ELEMENTS WITH THESE FINAL PLANS SHALL BE CONSIDERED AS ELEMENTS OF THE PROJECT IN THE SAME MANNER AS PARKING, BUILDING MATERIALS AND OTHER SITE DETAILS. THE APPLICANT, LANDOWNER OR SUCCESSORS IN INTEREST SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE REGULAR MAINTENANCE OF ALL LANDSCAPING ELEMENTS IN GOOD CONDITION. ALL LANDSCAPING SHALL BE MAINTAINED FREE FROM DISEASE, PESTS, WEEDS AND LITTER, AND ALL LANDSCAPE STRUCTURES SUCH AS FENCES AND WALLS SHALL BE REPAIRED AND REPLACED PERIODICALLY TO MAINTAIN A STRUCTURALLY SOUND CONDITION.
2. THE FOLLOWING SEPARATIONS SHALL BE PROVIDED BETWEEN TREES/SHRUBS AND UTILITIES:

40 FEET BETWEEN CANOPY TREES AND STREET LIGHTS

15 FEET BETWEEN ORNAMENTAL TREES AND STREETLIGHTS

10 FEET BETWEEN TREES AND PUBLIC WATER, SANITARY AND STORM SEWER MAIN LINES

6 FEET BETWEEN TREES AND PUBLIC WATER, SANITARY AND STORM SEWER SERVICE LINES.

4 FEET BETWEEN SHRUBS AND PUBLIC WATER AND SANITARY AND STORM SEWER LINES

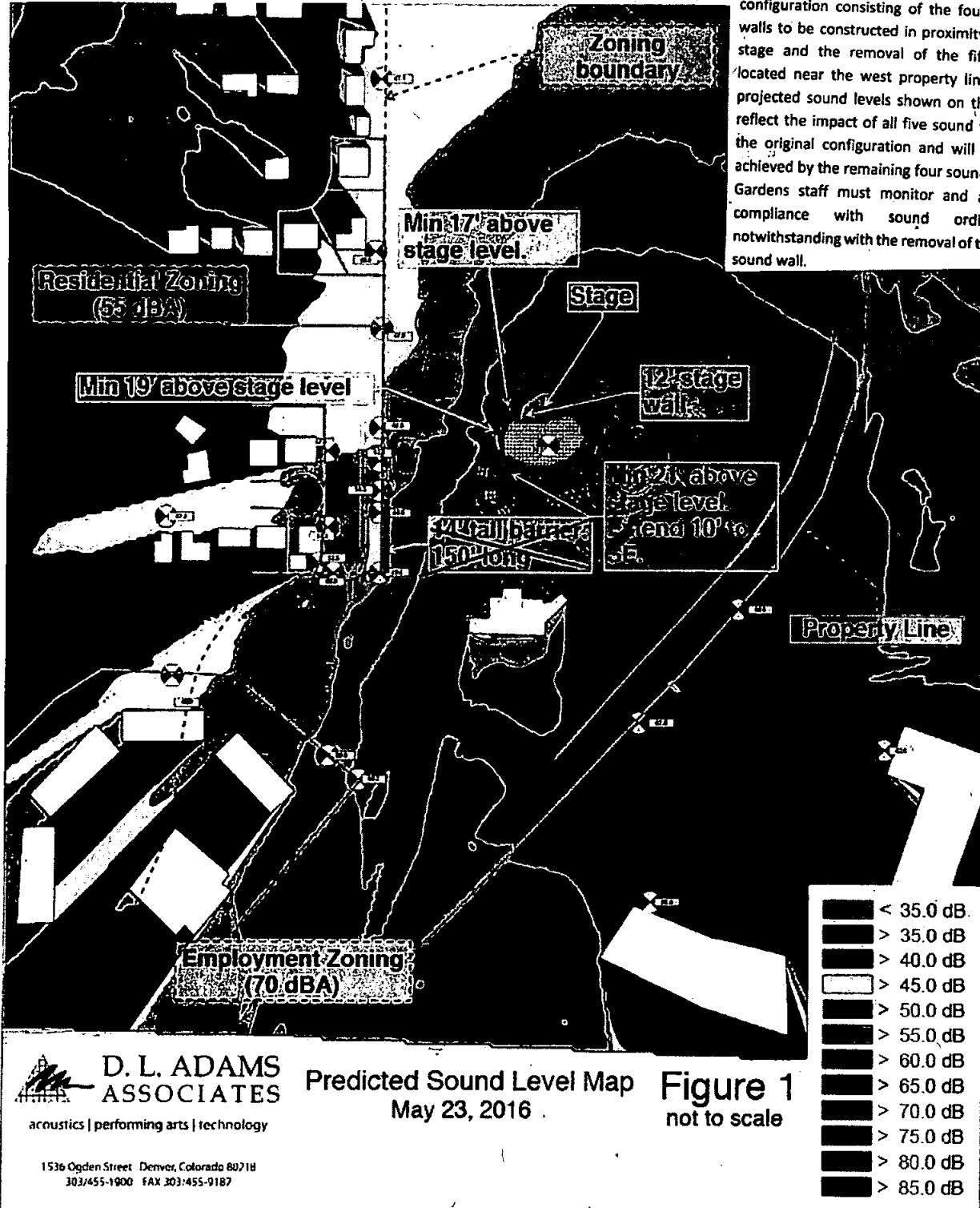
4 FEET BETWEEN TREES AND GAS LINES

3. THE FINAL LANDSCAPE PLAN SHALL BE COORDINATED WITH ALL OTHER FINAL PLAN ELEMENTS SO THAT THE PROPOSED GRADING, STORM DRAINAGE, AND OTHER DEVELOPMENT IMPROVEMENTS DO NOT CONFLICT WITH NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.

AMENDED
OPTION B

AMENDED
EXHIBIT B

NOTE: This Amended Exhibit B is intended to depict only the approved sound wall configuration consisting of the four sound walls to be constructed in proximity to the stage and the removal of the fifth wall located near the west property line. The projected sound levels shown on this map reflect the impact of all five sound walls in the original configuration and will not be achieved by the remaining four sound walls. Gardens staff must monitor and achieve compliance with sound ordinances notwithstanding with the removal of the fifth sound wall.



Option B Sound Level Map (New)

~~55 dBA max. @ HOA property line~~

- ~~150' long, 14' high sound wall 5' east of west Gardens property line. Note: this wall has been shifted 5' to the east compared to what was shown in Option A.~~
- ~~Extend 21' interior sound wall 10' to southeast~~
- (4) Four interior sound walls @ stage - 12', 17', 19', and 21' in height