

**GOLD HILL MESA
URBAN RENEWAL PLAN**

CITY OF COLORADO SPRINGS, COLORADO

MAY 2004

TABLE OF CONTENTS

Table of Contents

	<i>Page</i>
SECTION 1.0: PREFACE AND BACKGROUND	0
SECTION 2.0: QUALIFYING CONDITIONS	5
SECTION 3.0: RELATIONSHIP TO COMPREHENSIVE PLAN	6
SECTION 4.0: LAND USE PLAN AND PLAN OBJECTIVES	13
SECTION 5.0: PROJECT IMPLEMENTATION	17
SECTION 6.0: PROJECT FINANCING	19
SECTION 7.0: CHANGES & MINOR VARIATIONS FROM ADOPTED PLAN	22

EXHIBITS

Exhibit 1:	Gold Hill Mesa Conditions Survey
Exhibit 2:	El Paso County Financial Impact Report

GOLD HILL MESA

URBAN RENEWAL PLAN

Colorado Springs, Colorado

May, 2004

Prepared for: Colorado Springs Urban Renewal Authority

1.0 PREFACE AND BACKGROUND

1.1 PREFACE

This *Gold Hill Mesa Urban Renewal Plan* (the “Plan” or the “Urban Renewal Plan”) has been prepared for the Colorado Springs Urban Renewal Authority of the City of Colorado Springs, (the “Authority”) pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “Act”). The administration of this project and the enforcement of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

1.2 DESCRIPTION OF URBAN RENEWAL AREA

The Gold Hill Mesa Urban Renewal Area (referred to herein as “the Urban Renewal Area” or “the Area”) is located in the western area of the City of Colorado Springs. The site is generally bounded on the north by U.S. Highway 24 (south r.o.w. line) and Fountain Creek, on the west by South 21st Street (west r.o.w line), on the south by Lower Gold Camp Road (formerly Fountain Boulevard), and on the east by the A-1 Village Mobile Home Park and wooded area to its south. The Villa de Mesa Townhome community located in the center of the Area has been excluded. The boundaries of the Area are delineated on Figure No. 1, and described in the legal description included in Section 1.2.1. The figure controls the boundary description in case of any conflict with the legal description. The boundaries of the Urban Renewal Area are drawn narrowly to accomplish the planning and development objectives of the Urban Renewal Plan.

1.2.1 LEGAL DESCRIPTION

That certain parcel of land situated in the East One-Half of Section 14 and the West One-Half of the West One-Half of Section 13, both of Township 14 South, Range 67 West of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado, more particularly described as follows:

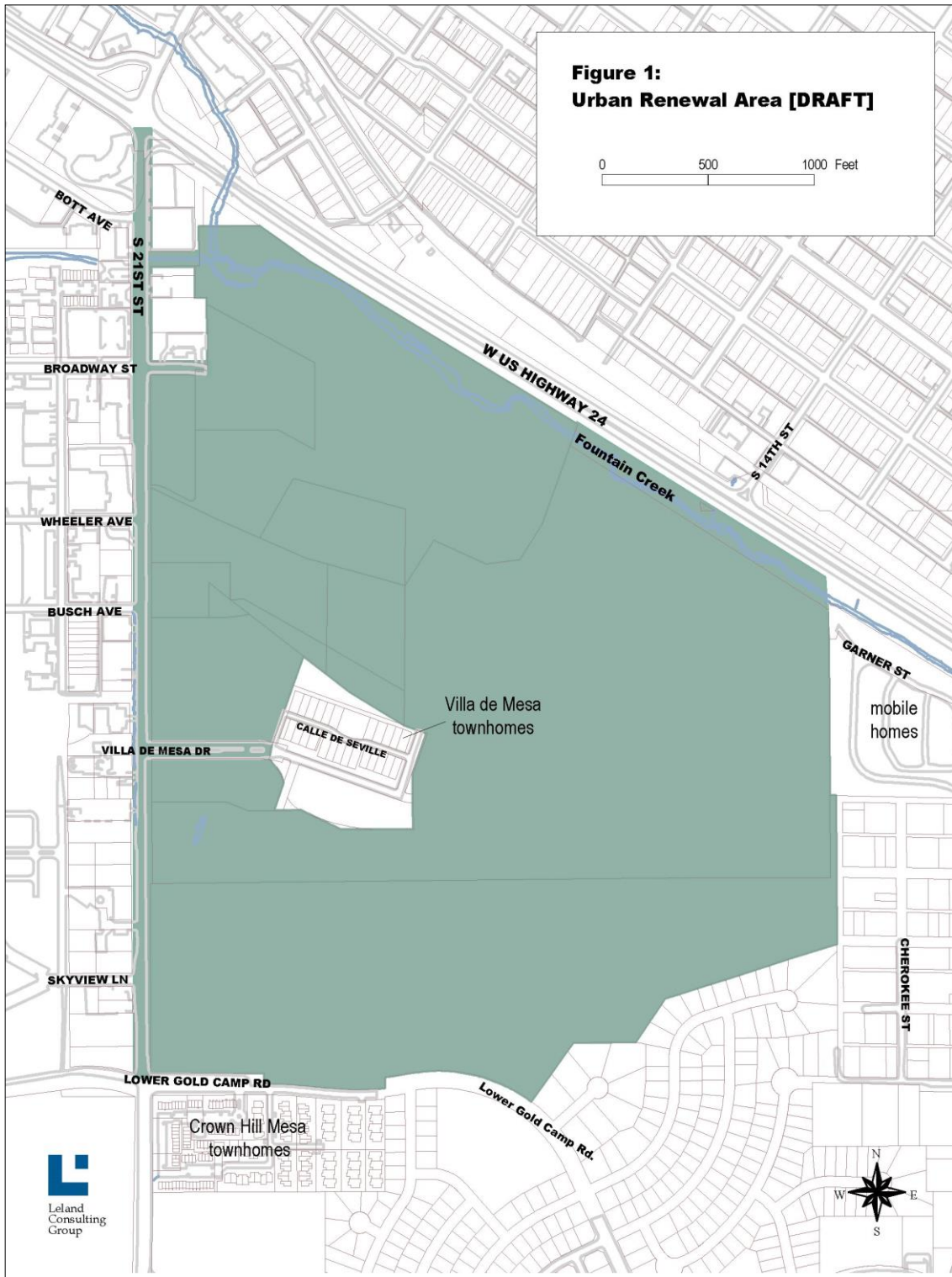
Commencing at the Northwest Corner of the Northeast One-Quarter said Section 14, (all bearings used in this description area relative to the West line of the Northeast One-Quarter of said Section 14, which was assumed to be South 00°00'00" East); thence North 89°42'59" East along the Northerly Line of said Northeast One-Quarter, 30.23 feet; thence South 00°00'00" East, 181.31 feet to the POINT OF BEGINNING, said point also being the Northwest Corner of Lot 1, Block 2, GOLDEN CYCLE SUBDIVISION NO. 1 as recorded in Plat Book A-2 at Page 54 of the records of said El Paso County;

Thence North 90°00'00" East along the North line of said Lot 1, 230.00 feet to a point on the East line of said GOLDEN CYCLE SUBDIVISION NO. 1; thence North 00°00'00" East along said East line, 180.94 feet; thence North 89°40'22" East, 284.95 feet to a point on the Southwesterly right-of-way line of that tract of land conveyed to the Colorado Department of Highways in Book 1961 at Page 983 of the records of said El Paso County; thence Southerly and Easterly along said Southwesterly right-of-way line for the following three (3) courses; (1) thence South 55°22'27" East, 281.72 feet; (2) thence South 59°09'04" East, 1146.85 feet; (3) thence on the arc of a curve to the right having a central angle of 00°48'50", a radius of 22,835.00 feet and an arc length of 324.37 feet to a point on the Westerly line of the that tract of land as described in Book 2974 at Page 468 of the records of said El Paso County; thence Southerly and Easterly along the Westerly and Northerly lines of said tract for the following three (3) courses; (1) thence South 20°31'59" West on a non-tangent line to the last mentioned curve, 101.92 feet; (2) thence on the arc of a curve to the right whose chord bears South 58°09'28" East, having a central angle of 00°14'11", a radius of 22,735.00 feet and an arc length of 93.80 feet; (3) thence South 58°02'22" East on the forward tangent to the last mentioned curve, 1339.21 feet to a point on the Westerly line of that tract of land described in Book 2889 at page 547 of the records of said El Paso County; thence South 00°08'24" East along said Westerly line, 853.50 feet to the Southerly line thereof; thence N89°56'50"E along said Southerly line, 30.86 feet to a point on the Westerly line of PORTLAND HEIGHTS as recorded in Plat Book I at Page 55 of the records of said El Paso County; thence South 00°03'10" East along said Westerly line, 680.79 feet to the Northeasterly Corner of that tract of land described in Reception No. 201135455 of the records of said El Paso County; thence Southwesterly along the Northwesterly lines of said tract for the following two (2) courses; (1) thence South 72°50'22" West, 847.25 feet (847.31 feet - record); (2) thence South 34°59'31" West, 244.13 feet to the North line of Parcel A as described in Reception No. 97035459 of the records of said El Paso County; thence Westerly and Southwesterly along the Northerly and Northwesterly lines of said tract for the following two (2) courses; (1) thence North 90°00'00" West, 292.45 feet; (2) thence South 36°14'22" West, 335.47 feet to the Northerly right-of-way line of Lower Gold Camp Road as shown on CROWN HILL MESA SUBDIVISION FILING NO. 3 as recorded at Reception No. 200156380 of the records of said El Paso County; thence Northwesterly, Westerly and Southerly along the Northerly right-of-way line of said Lower Gold Camp Road for the following four (4) courses; (1) thence on the arc of a curve to the left whose chord bears North 76°15'19" West, having a central angle of 44°59'22", a radius of 740.00 feet and an arc length of 581.06 feet; (2) thence South 81°15'00" West on the forward tangent to the last mentioned curve, 94.85 feet (3) thence on the arc of a curve to the right whose chord bears South 82°23'52" West, having a central angle of 02°17'44", a radius of 1145.00 feet and an arc length of 45.87 feet; (4) thence South 00°00'00" East, 49.94 feet to the Northerly line of that tract of land described in Book

2786 at Page 137 of the records of said El Paso County; thence Westerly along the Northerly line of said tract for the following five (5) courses; (1) thence on the arc of a curve to the right whose chord bears South 89°32'00" West having a central angle of 11°26'00", a radius of 1195.00 feet and an arc length of 238.46 feet; (2) thence North 84°45'00" West on the forward tangent to the last mentioned curve, 188.00 feet; (3) thence on the arc of a curve to the left having a central angle of 5°15'00", a radius of 1230.00 feet and an arc length of 112.70 feet; (4) thence North 90°00'00" West on the forward tangent to the last mentioned curve, 30.00 feet to a point on the Easterly line of GOLD HILL PLAZA FILING NO. 1 as recorded in Plat Book B-3 at Page 69 of the records of said El Paso County; thence along the Easterly and Northerly lines of said GOLD HILL PLAZA FILING NO.1 for the following two (2) courses; (1) thence North 00°00'00" East, 50.00 feet; (2) thence North 90°00'00" West, 535.00 feet to a point on the Easterly right-of-way line of said South 21st Street; thence Northerly along said Easterly right-of-way line for the following three (3) courses; (1) thence North 00°00'00" East, 871.13 feet; (2) thence North 89°36'52" East, 10.00 feet; (3) thence North 00°00'00" East, 573.00 feet to the Northwest corner of Common Area C as platted in VILLA DEMESA FILING NO.1 as recorded in Plat Book K-2 at Page 6 of the records of said El Paso County; thence along the North line of said Common Area C for the following (2) courses; (1) thence North 90°00'00" East, 510.00 feet; (2) thence on the arc of a curve to the right having a central angle of 8°00'00", a radius of 310.00 feet and an arc length of 43.28 feet; thence on the arc of a curve to the right whose chord bears South 41°21'09" East, having a central angle of 2°42'18", a radius of 258.00 feet and an arc length of 12.18 feet; thence South 40°00'00" East on the forward tangent of the last mentioned curve, 40.00 feet; thence on the arc of a curve to the right having a central angle of 29°26'21", a radius of 150.00 feet and an arc length of 77.08 feet; thence South 19°30'00" West on a non-tangent line to the last mentioned curve, 133.88 feet to a point on the South line of said VILLA DEMESA FILING NO.1; thence Easterly, Northerly and Westerly along the Southerly, Easterly and Northerly lines of said VILLA DEMESA FILING NO. 1 for the following eight (8) courses; (1) thence North 90°00'00" East, 125.21 feet; (2) thence South 64°39'14" East, 210.24 feet; (3) thence North 90°00'00" East, 340.00 feet; (4) thence North 00°00'00" East, 253.97 feet; (5) thence North 19°30'00" East, 199.16 feet; (6) thence North 70°30'00" West, 114.51 feet; (7) thence North 58°53'17" West, 297.40 feet; (8) thence North 52°47'15" West, 274.78 feet to a point on the Easterly lines of said Tract A for the following three (3) courses; (1) thence South 20°00'00" West, 422.10 feet; (2) thence on the arc of a curve to the left whose chord bears North 85°31'20" West, having a central angle of 8°57'21", a radius of 390.00 feet and an arc length of 60.96 feet; (3) thence North 90°00'00" West on the forward tangent to the last mentioned curve, 510.00 feet to a point on the Easterly right-of-way line, 1685.28 feet to a point on the Southerly line of MOOR'S SUBDIVISION as recorded in Plat Book A-3 at Page 79 of the records of said El Paso County; thence Easterly, Northerly and Westerly along the Southerly, Easterly and Northerly lines of said MOORE'S SUBDIVISION for the following five (5) courses; (1) thence North 90°00'00" East, 150.00 feet; (2) thence on the arc of a curve to the right having a central angle of 14°15'00", a radius of 445.00 feet and an arc length of 110.68 feet; (3) thence North 14°15'00" East on a non-tangent line to the last mentioned curve, 30.00 feet; (4) thence North 00°00'00" East, 338.74 feet; (5) thence North 90°00'00" West, 56.92 feet to the Southeast corner of the K & J SUBDIVISION as recorded in Plat Book W-2 at Page 21 of the records of said El Paso County; thence Northerly and Westerly along the Easterly and Northerly lines of said K & J SUBDIVISION of the following two (2) courses;(1) thence North 00°00'00" East, 100.00 feet; (2) thence North 90°00'00" West, 210.00 feet to a point on the Easterly right-of way line of said South 21st Street; thence North 00°00'00" East along said Easterly right-of-way line, 44.71 feet to the POINT OF BEGINNING. Area = 209.436 Acres, More or Less.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

1.2.2 FIGURE 1, URBAN RENEWAL AREA



1.3 PURPOSE OF THE PLAN

The purpose of the Gold Hill Mesa Urban Renewal Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area and to stimulate the growth and development of the Gold Hill Mesa neighborhood. In particular, this Urban Renewal Plan is intended to promote local objectives with respect to appropriate land uses, improved traffic, and other public improvements; provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the Plan creates a mixed-use community that furthers the goals and objectives of the revised 2002 Comprehensive Plan Update, as amended, and leverages the community's investment in public improvement projects in the area.

1.4 PUBLIC PARTICIPATION

The Plan has been made available to Colorado Springs residents and notification of the public hearing provided to property owners, tenants, and residents within the Area as required by the Act. Input on the development's intent was solicited of area residents, property owners and business owners and tenants prior to the Plan's completion. Specifically, comments were taken during a series of open houses and community meetings held in the context of developing the concept plan for the site.

Presentations were made to the Planning Commission and City Council in the winter of 2003/2004 to receive comments and input on the plan. To the extent provided in Colorado Public Records Act, Colo. Rev. Stat. Title 24, Article 72, Part 2 as the same may be amended from time to time, and pursuant to policies adopted by the Authority, project plans and proposals will be made available to the public.

1.5 DEFINITIONS

In addition to terms previously defined in the text, the following terms are used in this Urban Renewal Plan:

Cooperation Agreement - means any agreement between the Authority and the City or any public body (the term "public body" being used in this Urban Renewal Plan as defined by the Act) respecting action to be taken pursuant to any of the powers set forth in the Act or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the Authority under this Urban Renewal Plan.

Any such cooperation agreement may include, without limitation, agreements respecting the planning or undertaking of this Urban Renewal Plan and its projects, as well as programs, public works operations, or activities which the Authority, the City or such other public body is otherwise empowered to undertake and including without limitation, agreements respecting the financing, installation, construction and reconstruction of public improvements, utility line relocation, storm water detention, landscaping and/or other eligible improvements within the Urban Renewal Area.

Redevelopment / Development Agreement - means an agreement between the Authority and developer(s) respecting the redevelopment or redevelopment of property within the Urban Renewal Area.

Tax Increment Area - means the Urban Renewal Area from which tax increments will be derived for the financing described in the Plan.

2.0 QUALIFYING CONDITIONS

The *Gold Hill Mesa Conditions Survey*, dated September 2003 (the "Survey"), was completed by the Denver, Colorado office of Leland Consulting Group. The Survey is approximately 20 pages long, with an Appendix and 13 exhibits, which illustrate existing zoning in the study area, the location of qualifying conditions, and a final map synthesizing the number of qualifying conditions by parcel. The Survey contains the evidence of blight for the Gold Hill Mesa Urban Renewal Plan Area. The Survey is incorporated into this Urban Renewal Plan by reference.

The legal term “blighted area” describes a wide array of urban problems, which can range from physical deterioration of buildings and the environment, to health, social and economic problems in a particular area. Based on the Survey completed in connection with the adoption and approval of the Urban Renewal Plan, at least four qualifying conditions of blight, as defined in the Act, are present within the proposed Urban Renewal Area. These conditions, which are summarized as follows, are evidence of a “blighted area” as defined in the Act.

- a) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- b) Unsanitary or unsafe conditions;
- c) Predominance of defective or inadequate street layout;
- d) Slum, deteriorated, or deteriorating structures;
- e) Inadequate public improvements or utilities;
- f) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- g) Deterioration of site or other improvements;
- h) Unusual topography;
- i) Endangerment to life or property;
- j) Environmental contamination of buildings;
- k) Inadequate public improvements or utilities; or
- l) If there is no objection of such property owner or owners and the tenant or tenants of such owner or owners to the inclusion of such property in an urban renewal area.

As there is one single property owner within the Area, and no tenants, and there is no objection, condition (l) applies. In addition, as discussed in the Survey, 9 of 11 qualifying conditions listed in the Act are present within the study area. The only qualifying condition, which was not identified, was "*defective or unusual conditions of title rendering the title nonmarketable.*"

3.0 RELATIONSHIP TO COMPREHENSIVE PLAN

A general plan for the City, known as the *Colorado Springs Comprehensive Plan*, was updated in 2002. That plan specifically states “support the redevelopment of older,

obsolete industrial areas with a mix of uses in new activity centers, including residential, employment, commercial, recreational and entertainment uses;” and, elimination of conditions that would deter or inhibit future growth and revitalization efforts. This Urban Renewal Plan supports, implements, and is in conformance with the goals of, the revised Comprehensive Plan of the City. Specific goals and policies of the Comprehensive Plan that this Plan will further include the following:

3.1 LAND USE:

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern: Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

Policy LU 301: Promote a Mixed Land Use Pattern: Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

Strategy LU 301a: Support Mixed-Use Development in Neighborhoods: Support mixed-use development through neighborhood plans and zoning revisions. Develop zoning guidelines and standards that support mixed-use development and pedestrian access by facilitating the integration of residential and non-residential land uses.

Strategy LU 301b: Develop Criteria for Integrating a Mix of Uses in New and Established Development Areas: Develop criteria for integrating a mix of uses in areas of new development and within existing neighborhoods. Complimentary uses may be located in proximity to one another on a single parcel or across multiple parcels, or within a single building or group of buildings as appropriate.

Policy LU 302: Encourage Development of Mixed-Use Activity Centers: Encourage the development of activity centers designed to include a mix of uses that compliment and support each other such as commercial, employment-related, institutional, civic and residential. A walkable, pedestrian friendly environment will tie the mix of uses in activity centers together. Activity centers will vary in size, intensity, scale and types of uses depending on their function, location and surroundings. Activity centers will be designed so they are compatible with, accessible from, and serve as a benefit to the surrounding neighborhood or business area.

Objective LU 4: Encourage Infill and Redevelopment: Encourage infill and redevelopment projects that are in character and context with existing, and surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these

projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Policy LU 602: Integrate Housing with Other Supportive Land Uses: Integrate housing with supportive land uses, such as employment, education, health facilities, recreation and shopping, to ensure functional and attractive neighborhoods.

Strategy LU 801g: Support and Encourage the Redevelopment of Obsolete Industrial Areas as Activity Centers: Support the redevelopment of older, obsolete industrial areas with a mix of uses in new activity centers, including residential, employment, commercial, recreational and entertainment uses.

3.2 NEIGHBORHOODS:

Objective N 3: Integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choices for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space,

while having a positive impact on the neighborhood.

3.3 TRANSPORTATION:

Strategy T 103a: Integrate Mixed Land Use: Provide opportunities for mixed land uses to afford proximity choices for working, shopping, recreational and other activities. Encourage a variety of uses in activity centers, commercial centers, employment centers, regional centers and corridors.

Strategy T 103c: Improve Pedestrian and Transit Opportunities: Introduce sidewalks and paths between the buildings and through the parking lots in activity centers to provide opportunities for pedestrian use. Direct linkages to regional transit and local bus routes will be made.

3.4 COMMUNITY INFRASTRUCTURE AND SERVICES:

Objective CIS 1: Provide Efficient Services: Individual developers determine the timing of development, which makes it difficult for the City to pro-actively determine future service requirements and thus plan for their provision and maintenance in a systematic fashion. SCIP will be used to address deficiencies in infrastructure and services in the City. Strategic planning will be utilized as the process for programming and funding new infrastructure and service

needs. The Strategic Network of Long-Range Plans will form the basis for identifying and programming future infrastructure and service needs.

Policy CIS 102: Use Master Plans and Strategic Planning for Making Infrastructure and Services
Decision: Master plans for developing areas are the basis for making decision about the delivery and timing of new infrastructure and services in a manner consistent with the 2020 Land Use Map and the Strategic Network of Long-Range Plans.

Policy CIS 103: New Development Will Pay Its Fair Share of the Cost of Additional Infrastructure and Services: Ensure that new development pays its proportional fair share of the costs of new infrastructure and services required to serve the new development

Strategy CIS 103c: Utilize the Strategic Network of Long-Range Plans for Ongoing Requirements: Funding mechanisms developed through strategic planning efforts will support maintenance and service requirements for existing and new infrastructure.

3.5 NATURAL ENVIRONMENT:

Strategy NE 101d: Use Master Plans to Refine Open Space: Use individual master plans to identify and conserve significant natural features, natural areas, and greenways in individual master

plans that are generally consistent with the Open Space Plan, Comprehensive Plan policies, and the 2020 Land Use Map. Update individual master plans with City and property owner coordination.

Strategy NE 201e: Mining Activities: Formulate strategies to mitigate and/or eliminate the negative effects of mining activity on the City's mountain backdrop and the region's recreational and tourism resources.

Objective NE 3: Minimize Environmental Hazards and Constraints: Take into account natural and man-made hazards and the appropriate relationship between the natural and built environment in all planning policy, and development decisions. Minimize impacts from natural and man-made hazards to protect citizens, property and the environment. The City, County, and other appropriate governmental agencies will cooperatively develop plans, programs, regulations, and incentives to reduce the impacts from natural and man-made hazards.

3.5 COMMUNITY CHARACTER:

Policy CCA 601: New Development Will Be Compatible with the Surrounding Area: New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

4.0 LAND USE PLAN AND PLAN OBJECTIVES

4.1 GENERAL DESCRIPTION

The Gold Hill Mesa site comprises approximately 200 acres (of the 249 acre survey area) and is located entirely within and surrounded by the City of Colorado Springs in El Paso County, Colorado. The site is generally bounded on the north by U.S. Highway 24 (south r.o.w. line) and Fountain Creek, on the west by South 21st Street (west r.o.w line), on the south by Lower Gold Camp Road (formerly Fountain Boulevard), and on the east by the A-1 Village Mobile Home Park and wooded area to its south. The Villa de Mesa Townhome community has been excluded from the Area.

The Area includes the site of a former gold processing facility known as the Golden Cycle Mill. The mill operated from 1906 to 1949 processed approximately fifteen million tons of ore from Cripple Creek and Victor area gold mines. Today, the current property owner is actively cleaning the site of environmental contaminants under the State of Colorado VCUP program.

The cornerstone of the developer's and community's vision for revitalization of the area is creation of a high quality mixed-use traditional neighborhood development. A combination of uses are proposed including a range of housing products, village commercial, region-serving commercial, employment, transit improvements and infrastructure, all which will further promote redevelopment of the area as a gateway to the City from the west. Multiple pocket parks connect uses, as well as pathways and other open space elements, all regulated by neo-traditional neighborhood principles and design standards. Existing physical conditions present within the Area and resulting from previous mining activity including flood plain, faulty lot layout and topographical problems will all be remedied by the proposed plan. Improvements will be partially funded by tax increment financing and a special district millage. Local and regional public amenities will be monitored and maintained by a special service district.

The Urban Renewal Plan describes the Authority's intention to create a residential, retail and employment mixed-use area within the City. Through tax increment financing, revenues from the development in any part of the Area will assist in funding public improvements and other elements within the Urban Renewal Area.

4.2 DEVELOPMENT OBJECTIVES

The development objectives for the Urban Renewal Area include development of a variety of land uses and densities that will distinguish one area from another. Proposed land uses within the Urban Renewal Area include residential, neighborhood commercial, regional retail, office, parking facilities, and open space. Other objectives include:

- a) eliminate and prevent blight;
- b) promote a standard for urban-scale neighborhoods and infill development;
- c) promote region-serving commercial development;
- d) improve the relationship between this area and the balance of the western portion of the community;
- e) provide an attractive entry to the City;
- f) deliver superior infrastructure (telecommunications and recreation);
- g) provide a mix of land uses supportive of, and complementary to, planned improvements in the Urban Renewal Area;
- h) generate a mix of uses that helps ensure vitality within the project and surrounding area;
- i) provide densities and intensities of land uses appropriate to a mixed-use master planned community;
- j) provide ease of pedestrian circulation;
- k) design safe, convenient pedestrian linkages between the Area and nearby recreational and commercial centers;
- l) provide well-designed parking sufficient to meet the needs generated by development projects in the Area;
- m) provide improvements that link residential areas to the subject area;
- n) encourage the continued presence of businesses adjacent to the Area that are consistent with the vision; and

- o) encourage the development of affordable housing equivalent to a minimum of 20% of all housing units in the Urban Renewal Area. (Note: Affordability is assumed to address the housing needs of purchasers at or below 80% of the median household income for the Colorado Springs metropolitan area.)

4.3 DESIGN OBJECTIVES

Design objectives for the Urban Renewal Area include flexibility, adaptability to a mix of uses consistent with prevailing market conditions, and architectural character and treatment reflective of traditional neighborhood development. Other objectives include:

- a) facilitate pedestrian-oriented development with internal vehicular connections;
- b) generate a mix of land uses that help ensure vitality within the Area;
- c) produce a variety of land use densities and amenities to address market demand, and enhance developer participation;
- d) ensure parking opportunities are maximized without negatively impacting vehicular and pedestrian circulation, visual quality and compatibility, and convenient access;
- e) produce vehicular traffic patterns designed to enhance access into and out of the Area;
- f) design safe, convenient pedestrian linkages between the Urban Renewal Area and nearby residential and business park developments;
- g) minimize pedestrian/vehicular conflicts;
- h) design and construct public improvements consistent with design objectives for the entire Urban Renewal Area; and
- i) develop lighting standards and signage that exhibit a unified theme and complement proposed structures.

4.4 BUILDING STANDARDS

All development shall conform with the Comprehensive Plan, the Zoning Code, and any site-specific zoning for the properties in the Urban Renewal Area.

In conformance with the Act and the Urban Renewal Plan, the Authority may adopt additional design standards and other requirements applicable to properties in the Urban Renewal Area.

4.5 PUBLIC IMPROVEMENTS AND FACILITIES

The Authority may undertake certain actions to make the Urban Renewal Area more attractive for private investment. The Authority may, or cause others to, install, construct, and reconstruct any public improvements in the Urban Renewal Area, including, without limitation, streets, sidewalks, underground utility and service facilities, streetscapes, pedestrian corridors, and parking facilities. The Authority may also, or cause others to, install, construct and reconstruct any other authorized improvements in the Urban Renewal Area, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Urban Renewal Plan and the Act.

Public projects are intended to stimulate private sector investment in and around the Urban Renewal Area. The combination of public and private investment will assist in the reinvestment and conversion of the Urban Renewal Area into a viable mixed-use residential and commercial business center contributing increased property and sales taxes to the City of Colorado Springs, El Paso County Schools (District 11) and El Paso County.

4.5.1 INFRASTRUCTURE

New infrastructure that is required will be located in public rights-of-way or dedicated easements. These systems will be added to the existing infrastructure to the extent possible. Existing services may be removed or abandoned to accommodate new development in the Area.

In undertaking all activities and improvements pursuant to this Urban Renewal Plan, the Authority shall comply with all applicable building and zoning regulations, and other applicable ordinances of the City. All development in the

Urban Renewal Area shall comply with the Urban Renewal Plan, all applicable building and zoning regulations, and other applicable ordinances of the City.

4.6 OTHER IMPROVEMENTS AND FACILITIES

There could be other non-public improvements in the Urban Renewal Area that may be required to accommodate development. The Authority may assist in the financing or construction of these improvements.

5.0 PROJECT IMPLEMENTATION

5.1 PROPERTY ACQUISITION AND LAND ASSEMBLAGE

The Authority through purchase or condemnation in accordance with the Act and the Urban Renewal Plan may acquire property. Any property acquired under the power of eminent domain must be approved by a majority vote of the City Council of the City of Colorado Springs. The Authority may temporarily operate, manage and maintain property acquired in the Urban Renewal Area. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

5.2 RELOCATION ASSISTANCE

It is not anticipated that acquisition of real property by the Authority will result in the relocation of any individuals, families, or business concerns. However, if such relocation becomes necessary, the Authority shall adopt a relocation plan consistent with specific objectives which will be identified in that plan.

5.2.1 MITIGATE INCONVENIENCE AND EXPENSE

Development of any relocation program for the area will be designed to mitigate the inconvenience and expense of individuals, families and business concerns that may be displaced by acquisition of property by the Authority.

5.2.2 INFORMATION PROGRAM

Any relocation program will be accompanied by an information program to keep all affected parties advised of relocation activities on a continuing basis and to encourage all such parties to keep the Authority informed of their needs and requirements.

5.3 DEMOLITION, CLEARANCE, AND SITE PREPARATION

In carrying out this Urban Renewal Plan, it is not anticipated that the Authority will be required to demolish and clear buildings, structures and other improvements from property in the Urban Renewal Area. However, development activities consistent with this Plan may require such demolition and clearance to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

With respect to property acquired by the Authority, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements from property pursuant to this Urban Renewal Plan if in the judgment of the Authority such building, structures and other improvements are not to be rehabilitated in accordance with this Urban Renewal Plan. The Authority may also undertake such additional site preparation activities, as it deems necessary, to facilitate the disposition and redevelopment of such property.

5.4 PROPERTY DISPOSITION

The Authority may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, as it deems necessary to redevelop such property. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with this Urban Renewal Plan. All property and interest in real estate acquired by the Authority in the Urban Renewal Area that is not dedicated or transferred to public entities, shall be sold

or otherwise disposed of for redevelopment in accordance with the provision of this Plan and the Act.

5.5 REDEVELOPMENT AND REHABILITATION ACTIONS

Redevelopment and rehabilitation actions within the Urban Renewal Area may include such undertakings and activities as are in accordance with this Urban Renewal Plan and the Act, including without limitation: demolition and removal of buildings and improvements as set forth herein; installation, construction and reconstruction of public improvements as set forth herein; elimination of unhealthful, unsanitary or unsafe conditions; elimination of obsolete or other uses detrimental to the public welfare; prevention of the spread of deterioration; and provision of land for needed public facilities.

5.6 REDEVELOPMENT AGREEMENTS

The Authority is authorized to enter into Redevelopment Agreements or other contracts with developer(s) and such other individuals or entities as are determined by the Authority to be necessary or desirable to carry out the purposes of this Urban Renewal Plan. Such Redevelopment Agreements, or other contracts, may contain such terms and provisions as shall be deemed necessary or appropriate by the Authority for the purpose of undertaking the activities contemplated by this Urban Renewal Plan and the Act, and may further provide for such undertakings by the Authority, including financial assistance, as may be necessary for the achievement of the objectives of this Urban Renewal Plan or as may otherwise be authorized by the Act.

6.0 PROJECT FINANCING

6.1 PUBLIC INVESTMENT OBJECTIVE

As reflected in the plan, it is the intent of the Authority that the public sector continues to play a significant role in revitalization efforts as a strategic partner. Experience has proven that a critical component to the success of any revitalization strategy is

participation by both the public and private sectors. Leveraging of resources is key, as no one entity, either public or private has sufficient resources alone to sustain a long-term improvement effort. Typical public infrastructure investments may include any or all of the following: unifying streetscape elements, access and circulation improvements, parking, utilities, and creation of special districts.

6.2 AUTHORIZATION

The Authority is authorized to finance this Urban Renewal Plan by any method authorized under the Act or any other applicable law, including without limitation, the following:

The Authority is authorized to issue notes and bonds in an amount sufficient to finance all or part of this Plan. The Authority is authorized to borrow funds and create indebtedness in carrying out this Plan. The principal, interest, costs and fees on such indebtedness are to be paid for with any lawfully available funds of the Authority.

Debt may include bonds, refunding bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, or any other obligation lawfully created. Pursuant to the Olson decision of the Colorado Court of Appeals, Article X, Section 20 (TABOR) of the Colorado Constitution does not limit the debt options of an urban renewal authority in Colorado.

6.3 PROJECT REVENUES

Tax Increment Financing

The Urban Renewal Plan contemplates that a primary method of financing this project shall be the use of municipal sales (exclusive of the Trails, Open Space and Parks portion and the portion of the Public Safety Sales Tax Fund) and property tax increment. The City Council will consider the authorization of a sales tax increment when the Colorado Springs Urban Renewal Authority submits a plan of finance outlining the proposed amounts and purpose for which the municipal sales tax increments are to be used. Upon

City Council approval, the municipal sales tax increment will be distributed in accordance with the tax increment financing provisions of Section 31-25-107 (9), C.R.S. which is by this reference incorporated herein as if set forth in its entirety. If there is any conflict between the Act and this Urban Renewal Plan, the provisions of the Act shall control, and the language in the Plan will be automatically deemed to conform to the statute.

All property and sales taxes collected within the Tax Increment Area, by or for the benefit of any public body, shall be divided for a period not to exceed 25 years as follows:

- a) That portion of the taxes which are produced by the levy at the rate fixed each year by or for each such public body upon the valuation for assessment of taxable property in the Urban Renewal Area last certified, prior to the effective date of approval of the Urban Renewal Plan, or as to an area later added to the Urban Renewal Area, the effective date of the modification of the Plan or that portion of municipal sales tax collected within the boundaries of said Urban Renewal Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan, or both such portions, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.
- b) That portion of said property taxes and that portion of said sales taxes in excess of such amounts in subparagraph a) shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by (whether funded, refunded, assumed or otherwise) the Authority for financing or refinancing, in whole or in part, the urban renewal project within the Urban Renewal Area. Any excess municipal sales tax collections not allocated pursuant to this subparagraph shall be paid into the funds of the municipality.
- c) The portion of taxes described in subparagraph b) may be irrevocably pledged to the Authority for the payment of the principal of, the interest on, and any

premiums due in connection with such bonds, loans, advances, and indebtedness.

- d) The City and the Authority may enter into agreements with other public bodies and private parties to provide financial assistance in support of development projects consistent with this plan as may be more fully set forth in the provisions of such agreements. Existing agreements between the City and private parties that are consistent with this plan are intended to remain in full force and effect.

6.4 FINANCING MECHANISMS / STRUCTURES

The Authority recognizes that tax increment financing is one tool which can be made available to facilitate investment and that others are needed. The Authority is committed to making a variety of strategies and mechanism available which are financial, physical, market and organizational in nature. It is the intent of this Plan that the tools may be used either independently or in various combinations. Given the obstacles associated with infill and Brownfield development, the Authority recognizes that it is imperative that solutions and resources be put in place which are comprehensive, flexible and creative. Among those deemed reasonable for the Urban Renewal Area are – improvement district(s) and an overlay district.

6.5 AUTHORITY PARTICIPATING INTEREST IN PRIVATE DEVELOPMENT PROJECTS

The Authority may require a participating interest in private development projects in which it provides financial support. The philosophy behind this is that public support is frequently needed for projects of this nature, in order to fill a gap left by available traditional financing. In the event the project(s) produces revenues in excess of a market rate of return, the public sector might become a partner and share in the success of the project. In this event, the Authority may also require an excess profits provision. The terms of the participating interest and excess profits provisions will be negotiated in the Redevelopment Agreement(s).

7.0 CHANGES AND MINOR VARIATIONS FROM ADOPTED PLAN

7.1 CHANGES IN THE APPROVED URBAN RENEWAL PLAN

This Urban Renewal Plan may be modified pursuant to the provisions of the Act governing such modification, including Section 31-25-107 thereof, as the same may be amended from time to time.

7.2 MINOR VARIATIONS

In specific cases, where a literal enforcement of the provisions contained in the Urban Renewal Plan constitutes an unreasonable limitation beyond the intent and purpose of these provisions, the Authority may allow minor variances from these provisions. In such cases, the Authority shall notify the City.

7.3 INTER-AGENCY COOPERATION

For the purpose of this Plan, the Authority may enter into one or more Cooperation Agreements with the City or other public bodies pursuant to the Act. The City and Authority recognize the need to cooperate in the implementation of this Urban Renewal Plan for, but not limited to, such items as project financing and administering the construction of public improvements. This paragraph shall not be construed to require any particular form of cooperation.