



# South Nevada Avenue Area Urban Renewal Plan

City of Colorado Springs, Colorado

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**Prepared for:**

Colorado Springs Urban Renewal Authority (CSURA)  
City of Colorado Springs City Council

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# South Nevada Avenue Area

## Urban Renewal Plan

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# South Nevada Avenue Area

## Urban Renewal Plan

City of Colorado Springs, Colorado

### 1.0 Introduction

#### 1.1 Preface

This South Nevada Avenue Area Urban Renewal Plan (the “**Plan**” or the “**Urban Renewal Plan**”) has been prepared for the City of Colorado Springs (“**City**”). It will be carried out by the Colorado Springs Urban Renewal Authority (the “**Authority**” or “**CSURA**”), 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 and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the **Authority**.

#### 1.2 Blight Findings

Under the **Act**, an urban renewal area is a blighted area, which has been designated as appropriate for an **Urban Renewal Project**. In each urban renewal area, conditions of blight, as defined by the **Act**, must be present, and in order for the **Authority** to exercise its powers, the **City Council** must find that the presence of those conditions of blight, “substantially impairs or arrests the sound growth of the municipality or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare.”

The South Nevada Avenue Area Urban Renewal Plan Area Conditions Survey (the “**Survey**”), prepared by RickerCunningham, dated August, 2015, and presented to the **Authority** under separate cover, demonstrates that the South Nevada Avenue Area (the “**Area**”), as defined in the **Survey** (therein referred to as the “**Study Area**”), is a blighted area under the **Act**.

### 1.3 Other Findings

The **Area**, as described in more detail in Section 1.4 below, will be eligible for one or more urban renewal activities and undertakings authorized by the **Act** to be advanced by the **Authority**. To this end, it is the intent of the **City Council** in adopting this Plan that the **Authority** has available to it any and all powers authorized in the **Act** which are necessary and appropriate to accomplish the objectives stated herein. Further, it is the intent of this Plan that the **Authority** exercises these powers for the elimination of qualifying blighting conditions in the **Area** and furtherance of the goals and objectives of the community's general plan. Because powers conferred by the **Act** are intended to advance improvements for which public money may be expended, the intent of this Plan is considered to be in the public interest and a necessity -- such finding being a matter of legislative determination by the **City Council**.

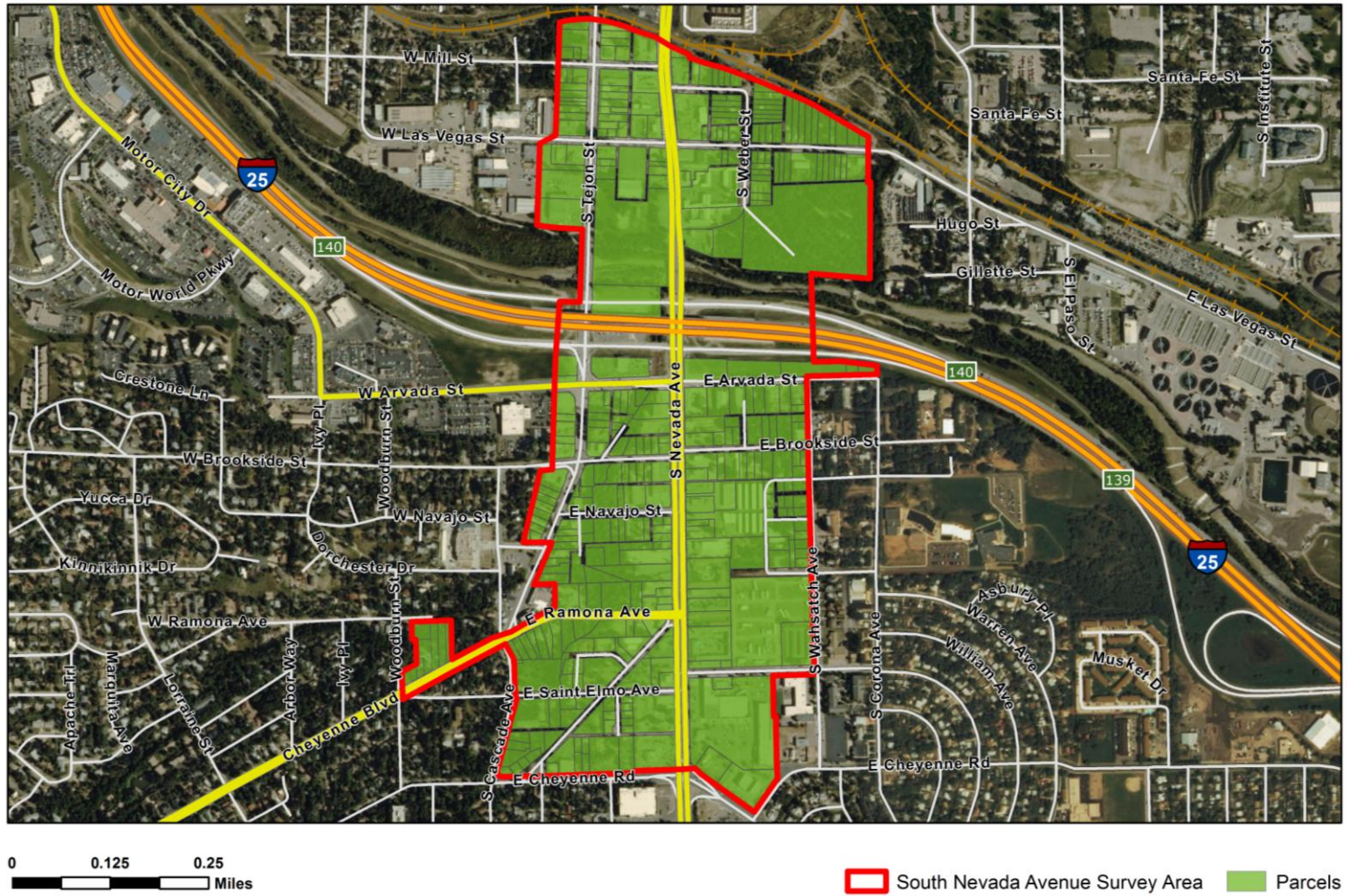
### 1.4 Urban Renewal Area Boundaries

The **Area** is comprised of 353 parcels representing approximately 208 acres including adjacent rights-of-way. All of the properties and improvements are located in the south central portion of the city of Colorado Springs between East Cheyenne Road on the south, Interstate 25 on the north, South Wahsatch Avenue on the east, and South Cascade Avenue on the west in the city of Colorado Springs and El Paso County, Colorado all within the city limits, and the vast majority of parcels are owned by a local individual or business interest (approximately 80% or 282 parcels). Uses in the Area include a mix of commercial retail, lodging, employment (office and industrial), higher-density residential product types and parks, trails and open space, with commercial being the dominant land use.

### 1.5 Public Participation

All property owners were notified of the Conditions Survey by postcard as required by the Act and a notice was published in the Colorado Springs Gazette. A public open house was conducted on August 18, 2015 to explain the urban renewal planning process and address questions posed by the attendees. The **CSURA** will consider the **Plan** on September 23, 2015 at a regular meeting of the **Authority**. The Planning Commission will review the **Plan** on October 15, 2015 and determine if it is consistent with the City's **Comprehensive Plan**, adopted 2001. The Colorado Springs City Council will consider adoption of the Plan at a public hearing on November 24, 2015. All property owners of record were notified of the public hearing, and as required by the **Act**, notice appeared

Figure No. 1: South Nevada Avenue Area Urban Renewal Plan Area



South Nevada Avenue Area Urban Renewal Plan (9.23.2015)



in the Colorado Springs Gazette, the community's designated legal newspaper of general circulation.

## 2.0 Definitions

**Act** – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended. Unless otherwise stated, all capitalized and bolded terms herein shall have the same meaning as set forth in the **Act**.

**Area or Urban Renewal Area** – means the South Nevada Avenue Area Urban Renewal Plan Area as depicted in Figure No. 1.

**Authority** – means the City of Colorado Springs Urban Renewal Authority (the **Authority**).

**Base Amount** – means that portion of *property taxes* which are produced by the levy at the rate fixed each year by or for taxing entities upon the valuation for assessment of taxable property in a **Tax Increment Area** last certified prior to the effective date of approval of the **Plan**; and, that portion of *municipal sales taxes* collected within the boundaries of the **Tax Increment Area** in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan.

**El Paso County Impact Report** – means the South Nevada Avenue Area Urban Renewal Plan - El Paso County Impact Report prepared by Ricker|Cunningham, dated September, 2015 and presented to the **Authority** Board under separate cover.

**Comprehensive Plan** – means the City of Colorado Springs Comprehensive Plan, adopted 2001.

**Cooperation Agreement** – means any agreement between the **Authority** and the City, or any public body (the term “public body” being used in this 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 Plan.

**C.R.S.** – means the Colorado Revised Statutes, as amended from time to time.

**Plan or Urban Renewal Plan** – means this South Nevada Avenue Area Urban Renewal Plan (the **Plan**).

**Redevelopment / Development Agreement** – means one or more agreements between the **Authority** and developer(s) and / or property owners or such other individuals or entities as may be determined by the **Authority** to be necessary or desirable to carry out the purposes of this **Plan**.

**Study Area** – means the geographic area defined for the **Survey**.

**Survey** – means the South Nevada Avenue Area Urban Renewal Plan Area Conditions Survey, prepared by RickerCunningham, dated August, 2015 and presented to the **Authority** Board under separate cover.

**Tax Increment** – means that portion of property and / or municipal sales taxes in excess of the **Base Amount** set forth in Section 7.3.2 of this **Plan** allocated to and, when collected paid into the **Authority's Tax Increment Revenue Fund**.

**Tax Increment Areas** – means one or more areas designated as a **Tax Increment Area**, as defined and pursuant to the procedures set forth in Section 6.12 of this **Plan**.

**Tax Increment Finance (or Financing) (TIF)** - means a financing mechanism which uses future revenues resulting from private investment within an established area (**Tax Increment Area**) to fund improvements for the public benefit.

**Tax Increment Revenue Fund** - means a fund supervised by the **Authority** and the resources of which include incremental ad valorem property and municipal sales tax revenue resulting from investment and reinvestment in an established urban renewal area.

**City Council** – means the **City Council** of the City of Colorado Springs.

**Urban Renewal Project** – as defined in the **Act**.

### 3.0 Plan Purpose

The purpose of this **Plan** is to reduce, eliminate and prevent the spread of blight and to stimulate and catalyze growth and investment within the **Area** boundaries. To accomplish this purpose, the **Plan** is intended to promote local objectives expressed in adopted community plans and advance the vision and priorities of the City of Colorado Springs Comprehensive Plan, adopted in 2001. These objectives and priorities are referenced in the discussion that follows



and more specific excerpts (taken verbatim) presented in Appendix A of this **Plan** and further addressed in Section 5.0 below.

### **3.1 Plan Approach - Eliminating Conditions of Blight**

As explained above, the purpose and intent of this, and all urban renewal plans, is to both remove conditions of blight and advance local objectives. The approach to eliminating conditions of blight in the **Area** will be to actively promote investment within its boundaries; where necessary participate in investment within its boundaries; and, to make financial resources available to assist property and business interests with the same, especially investment that otherwise would have been infeasible due to the presence of these conditions.

### **3.2 Plan Approach - Advancing Local Objectives**

The approach to advancing local objectives is to ensure the vision aligns with that of the community; and, to further stated principles, both as expressed in the 2001 **Comprehensive Plan** and presented below.

#### **3.2.1 Plan Vision**

Renewal of the South Nevada Avenue Area will involve new development, redevelopment and stabilization of both public and private spaces. Key to all initiatives will be acknowledgement of the Area's historic roots and role in the community. While commercial at its core, surrounding residential neighborhoods give the Area its character and lifeblood; therefore, new uses will be both local- and region-serving. Given its strategic location at a critical gateway to destinations beyond the I-25 corridor including the Ivywild and Broadmoor neighborhoods, future improvements will be of an appropriate quality. Natural features including parks, open spaces, trails, tree stands and waterways will be improved and maintained so that they are a true amenity rather than an obstacle. Finally, efforts will be made to maintain the Area's diversity of uses and markets they serve while enhancing both its environment for businesses and quality of life for its residents.

#### **3.2.2 Plan Principles**

While an overriding goal of the **Plan** is to facilitate reinvestment in the **Area** sufficient to fund public improvements, particularly those that serve to mitigate

conditions of blight; in order to effectively advance local objectives, development and redevelopment within its boundaries will need to reflect intentions expressed in the general plan for the community. Specific elements of the 2001 **Comprehensive Plan** that this **Plan** will advance through revitalization of the South Nevada Avenue **Area** are presented in Appendix A.

### 3.3 Plan Implementation

As the **Plan's** administrator, the **Authority** will seek to advance its objectives through the completion of projects which leverage private investment and reinvestment within its boundaries. Specifically, the **Authority** will work in cooperation with the City to: advance investment in the public realm (drainageways, roads and sidewalks, parks, trails, open space), encourage infill development of a quality exceeding existing conditions and prevailing standards; and, judiciously use limited resources which benefit the community at-large.

All development in the **Area** shall conform to existing municipal codes and ordinances and any site-specific regulations or policies which might impact improvements within its boundaries, all as are in effect and as may be amended from time to time. Although the **Act** authorizes the **Authority** to regulate land uses, establish maximum or minimum densities, and institute other building requirements in an urban renewal area; for the purpose of this **Plan**, the **Authority** anticipates that these will be the responsibility of the City.

### 4.0 Blight Conditions

Before an urban renewal plan can be adopted by the City, the proposed urban renewal area must be determined to be "blighted" as defined in Section 31-25-103(2) of the **Act**, which provides that *"in its present condition and use, the presence of at least four (or five in cases where the use of eminent domain is anticipated) of the following factors (see below) substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare."* Statutory factors include:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;

- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) 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;
- (j) Environmental contamination of buildings or property;
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or
- (l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of Section 31-25-103(2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

A study of conditions was completed during the Summer of 2015 and presented to the **Authority** on August 26, 2015. The general methodology for conducting the **Survey** was to: (i) define the **Study Area**; (ii) gather information about properties, infrastructure and other improvements within its boundaries; (iii) evaluate evidence of blight through field reconnaissance, review of aerial photography, discussions with representatives of various City departments; and, (iv) record observed and documented conditions listed as blight factors in the **Act**.

Among the 11 qualifying factors identified in the **Act**, the **Survey** showed the presence of the following ten (10) blight factors in the area which is the subject of this **Plan** and reflected herein as Figure 1.

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (h) The existence of conditions that endanger life or property by fire or other causes;

- (i) 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;
- (j) Environmental contamination of buildings or property; and
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

## **5.0 Plan Relationship to Other Community Documents**

### **5.1 Plan Conformity**

As supported by specific references presented herein, implementation of this **Plan** will further the principles and objectives of the **Comprehensive Plan** (and any subsequent updates) with respect to redevelopment of its community's commercial corridors and preservation of its historic neighborhoods. In addition, as also stated previously, development in the **Area** shall conform to all regulating documents, including the current building code and other rules, regulations, and policies promulgated pursuant thereto. Any planning documents that might impact development in the **Area** including, but not limited to, City-approved site, drainage, and public improvement plans, and any applicable City design standards that are in effect and may be amended from time to time, will also be adhered to. Finally, conditions of blight within the **Area** will be remedied by improvements, public and private and funded in part by incremental taxes, to the extent deemed appropriate by the **Authority** in consultation with the City and affected property owners.

### **5.2 Consistency with the Comprehensive Plan**

As explained earlier, a general plan for the City known as the City of Colorado Springs Comprehensive Plan, was adopted in 2001. The **Authority**, with the cooperation of the City, private enterprise and other public bodies, will engage in undertakings and activities in order to eliminate the identified conditions of blight while also implementing the goals and objectives of the **Comprehensive Plan** and all other relevant City-adopted plans for the **Area**. Key elements of that plan which this South Nevada Avenue Area Urban Renewal Plan will advance are described above and in greater detail in Appendix A.

## **Introduction**

### Our Community Envisions a Colorado Springs ...

- That is the most livable city on the Front Range of the Rocky Mountains,
- That respects its heritage and its natural setting
- That projects a highly attractive image and protects its unique character and scenic beauty
- That provides an incomparable system of open spaces, natural areas, and greenways
- That is truly a city of neighborhoods - with affordable housing, walkable destinations, convenient parks, and quality schools
- That establishes positive connections between different land uses and achieves a well designed balance between their location and mix encourages innovation and creativity in development and the creation of an aesthetically appealing community
- That successfully integrates the uses and activities that meet the daily needs of residents, including housing, shops, work places, schools, parks, and civic facilities.

### **5.3 Correlation with Other Community Plans**

Implementation of this **Plan** will be consistent with objectives expressed in all City-adopted and accepted plans that speak specifically to improvements in the **Area**.

### **6.0 Authorized Authority Undertakings and Activities**

Whereas the **Act** allows for a wide range of activities to be used in the furtherance of the goals of an urban renewal plan, it is the **Authority's** intent to provide financial assistance and deliver public improvements only as shown to be necessary, in partnership with property owners and other affected parties, in order to accomplish the objectives stated herein. Partnerships and other forms of cooperative agreements are an essential component of the **Authority's** strategy for preventing the spread of and eliminating existing blighting conditions. Representative undertakings of the **Authority** in the furtherance of this **Plan** are described in the discussion that follows.

#### **6.1 Complete Public Improvements and Facilities**

The **Authority** may, or may cooperate with others to, finance, install, construct, and reconstruct any public improvements. Additionally, the **Authority** may, or may

cooperate with others to, demolish and clear existing improvements for the purpose of promoting the objectives of the **Plan** and the **Act**.

Whereas public improvements or investment should, whenever possible, stimulate directly and indirectly desired private sector investment, it is the intent of this **Plan** that the combination of public and private investment that occurs in the **Area** will benefit the properties within its boundaries, as well as the community at-large.

As described in Section 4.0 of this **Plan**, ten (10) qualifying conditions of blight, as defined in Section 31-25-103(2) of the **Act**, are evident in the **Area**. The **Plan** proposes to remedy these conditions (presented below) by making specific improvements or providing resources for improvements including the following:

- (a) Slum, deteriorated, or deteriorating structures -- demolition of vacant and obsolete structures which endanger the health and welfare of individuals;
- (b) Predominance of defective or inadequate street layout -- curb and gutter, driveway, pedestrian, and safety improvements;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness -- vehicular access and other roadway improvements; pedestrian and safety improvements;
- (d) Unsanitary or unsafe conditions -- enhanced lighting within public rights-of-way; pedestrian improvements within public spaces; floodway and drainage improvements; and, any required improvements deemed reasonable and for the public benefit;
- (e) Deterioration of site or other improvements -- removal of trash and remnant infrastructure, parking lot improvements, fencing and other physical improvements within properties and public spaces;
- (f) Unusual topography or inadequate public improvements or utilities -- grading to improve drainage, completion of roadways and undergrounding of utility lines, as well as improvements which will leverage private investment within the Area;
- (h) The existence of conditions that endanger life or property by fire or other causes -  
- roadway improvements that lessen the number of traffic incidents within adjacent rights-of-way and mitigation of environmentally contaminating substances;
- (i) 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 -- see factor (a) above;
- (j) Environmental contamination of buildings or property -- mitigation and removal of environmentally contaminating substances; and

(k5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements -- investments which lessen both traffic and criminal incidents, participation in eligible expenses (as per the Act) that make development in the **Area** feasible, and put vacant properties into productive use.

## **6.2 Complete Other Improvements and Facilities**

To the extent that non-public improvements in the **Area** may be required to accommodate development and redevelopment and still benefit the public, the **Authority** is hereby authorized to assist in the financing or construction of such improvements to the extent authorized by the **Act**.

## **6.3 Promote Development and Redevelopment**

A key concept associated with implementation of the **Plan** is commitment to priority public investments that serve to catalyze and make feasible private investment that generates resources to fund the same. The potential impact of this investment to El Paso County is quantified in the South Nevada Avenue Area Urban Renewal Plan – El Paso County Impact Report which was presented to the **Authority** Board under separate cover.

## **6.4 Adopt Standards**

As stated earlier, all development shall conform to applicable rules, regulations, policies, other requirements, and standards of the City and any other governmental entity with jurisdiction in the **Area**. While the **Act** allows for the adoption of standards and requirements applicable to projects undertaken in an urban renewal area, in the context of this **Plan**, it is the **Authority's** intention that investment in the **Area** conform to City-approved documents.

## **6.5 Modify the Plan**

The **Authority** may propose, and the **City Council** may make, modifications to this **Plan** as may be necessary provided they are consistent with the **Comprehensive Plan** and any subsequent updates. Additionally, any such amendments made in accordance with this **Plan** and as otherwise contemplated, must also be compliant with the **Act**. Finally, the **Authority** may, in specific cases, allow non-substantive variations from the



provisions of this **Plan** if it determines that a literal enforcement of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

#### **6.6 Review the Plan**

An ongoing process of review is recommended as a mechanism to allow those parties responsible for administering and implementing key projects within its boundaries to periodically evaluate its effectiveness and potentially make adjustments. Modifications may be developed from suggestions by the **Authority**, property and business owners, and City staff operating in support of the **Authority** and advancement of this **Plan**.

#### **6.7 Provide Relocation Assistance**

It is not anticipated, as of the date of this **Plan**, that acquisition of real property will result in the relocation of any individuals, families, or business concerns. However, if such relocation becomes necessary, the **Authority** will adopt a relocation plan in conformance with the **Act**.

#### **6.8 Demolish, Clear and Prepare Improvements**

While not anticipated as of the date of this **Plan**, the **Authority** may, on a case-by-case basis, elect to demolish or cooperate with others to clear buildings, structures and other improvements within the **Area** in an effort to advance activities and undertakings deemed consistent with the vision stated herein. Additionally, existing **Development or Cooperation Agreements** may require such demolition or site clearance to: eliminate unhealthy, unsanitary, and unsafe conditions, obsolete uses deemed detrimental to the public welfare; and, otherwise remove and prevent the spread of deterioration.

#### **6.9 Acquire and Dispose of Property**

While the **Act** allows for the acquisition of property by negotiation or any other method. The use of eminent domain by the Authority is not authorized for use within the **Plan Area**. Properties acquired by entities other than the **Authority** may temporarily be operated, managed and maintained by the **Authority** if requested to do so by the acquiring entity and deemed in the best interest of the **Urban Renewal Project** and the **Plan**. Such property shall be under the management and control of the **Authority** and may be rented or leased pending its disposition for redevelopment.

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 in accordance with the **Act** and this **Plan**.

#### **6.10 Enter Into Redevelopment / Development Agreements**

The **Authority** may enter into Redevelopment / Development Agreements or other contracts with developer(s) or property owners or such other individuals or entities determined to be necessary to carry out the purposes of this **Plan**. Further, such Agreements, or other contracts, may contain terms and provisions deemed necessary or appropriate for the purpose of undertaking the activities contemplated by this **Plan** and the Act. Any existing agreements between the City and private parties that are consistent with this **Plan** are intended to remain in full force and effect, unless all parties to such agreements agree otherwise.

#### **6.11 Enter Into Cooperation Agreements**

For the purpose of this **Plan**, the **Authority** may enter into one or more **Cooperation Agreements** pursuant to the **Act**. Whereas the City and the **Authority** recognize the need to cooperate in the implementation of this **Plan**, these **Cooperation Agreements** may include without limitation the planning, financing, installation, construction and / or reconstruction of public or other eligible improvements. This paragraph shall not be construed to require any particular form of cooperation.

#### **6.12 Create Tax Increment Areas**

The boundaries of the **Urban Renewal Area** shall be as set forth in Section 1.4 and illustrated in Figure 1. It is the intent of the **City Council** in approving this **Plan** to authorize, and the **City Council** hereby authorizes, the use of **Tax Increment Financing** by the **Authority** as part of its efforts to advance the vision, objectives and activities described herein. The **Authority** is specifically authorized to expend the revenue from **Property and Sales Tax Increments** to the extent authorized by the **Act** and this **Plan**.

While this **Plan** contemplates that the primary method of assisting with financing eligible expenses in the **Area** will be through the use of **Property Tax Increment** revenue, the **City Council** may allocate **Municipal Sales Tax Increment** if requested to do so by the **Authority** and only after receipt of a financing plan outlining the proposed amounts and purpose for which the **Municipal Sales Tax Increment** is to be used. As such, the use of **Sales Tax Increment** is hereby authorized pursuant to Section 31-25-

107(9), **C.R.S.**, which is by this reference incorporated herein as if set forth in its entirety, but any such pledge of **Sales Tax Increment** by the **Authority** in a **Development or Redevelopment Agreement** shall not be authorized until a separate **Cooperation Agreement** between the **Authority** and the City setting forth the allocation of **Sales Tax Increment**. The approval of such **Cooperation Agreement** by the City and the **Authority** is hereby found by the City not to be a substantial modification of the **Urban Renewal Plan**, and is not an addition of a new **Urban Renewal Project**, does not alter the boundaries of the **Plan Area**, does not change the mill levy or sales tax component of the **Plan** (up to 100% of the **Sales Tax Increment** being hereby authorized by the **Plan**), and is not an extension of the **Plan** or the duration of a specific **Urban Renewal Project**, regardless of when such **Cooperation Agreement** may be approved. The entire **Plan Area** is hereby designated as a single **Tax Increment Area**.

## 7.0 Project Financing

### 7.1 Public Investment Objective

A critical component to the success of any urban renewal strategy is participation by both the public and private sectors. Leveraging of resources is critical as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Possible public investments for which the **Authority**, with the support of the City, may participate include (but are not limited to): pedestrian improvements such as sidewalks, street lights and other design enhancements intended to improve safety for vehicular and non-vehicular movement; roadway improvements including curbs, gutters, and traffic lights; and, infrastructure for drainage and utilities under the authority of the City. The **Authority** may also provide financial assistance for other expenses considered eligible under the **Act**.

### 7.2 Financial Mechanisms

The **Authority** may finance undertakings pursuant to this **Plan** by any method authorized under the **Act** or any other applicable law, including without limitation of the following: issuance of notes, bonds and other obligations as defined in the **Act** in an amount sufficient to finance all or part of this **Plan**; borrowing of funds and creation of indebtedness; reimbursement agreements; and / or, utilization of federal or state loans or grants, interest income, annual appropriation agreements, agreements with public or private entities, loans, advances, and grants from any other available sources. The principal, interest, costs and fees on any indebtedness are to be paid for with any lawfully available funds of the **Authority**.

Debt incurred by the **Authority** may include bonds, refunding bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, or any other obligation lawfully created.

### **7.3 Tax Increment Financing**

Activities may be financed by the **Authority** under the TIF provisions of the **Act**. Such incremental revenues may be used for a period not to exceed the statutory requirement, which is presently twenty-five (25) years after the effective date of the Plan adoption which authorizes and creates the **Tax Increment Area**.

#### **7.3.1 Special Fund**

In accordance with the requirements of the law, the **Authority** shall establish a **Tax Increment Revenue Fund** for the deposit of all funds generated pursuant to the division of ad valorem property and municipal sales tax revenue described in this section.

#### **7.3.2 Base Amount**

The **Base Amount** includes that portion of property taxes which are produced by the levy at the rate fixed each year by or for each public body upon the valuation for assessment of taxable property in the **Tax Increment Area** last certified prior to the effective date of approval of the **Plan** (or future modifications); and, that portion of municipal sales taxes collected within the boundaries of the **Tax Increment Area** in the twelve-month period ending on the last day of the month prior to the effective date of approval of the **Plan** and paid to the public body, as are all other taxes collected by or for said public body.

#### **7.3.3 Incremental Revenues**

Incremental revenues including that portion of said property, and as authorized by the **City Council** pursuant to Section 6.12 above, municipal sales taxes in excess of the **Base Amount** set forth in Section 7.3.2 above shall be allocated to, and when collected, paid into the **Authority's Tax Increment Revenue Fund**. The **Authority** may use these funds to pay the principal of, the interest on, and any other premiums due in connection with the bonds, loans or advances to, or

indebtedness incurred (whether funded, refunded, assumed, or otherwise) by the **Authority**, for financing or refinancing, in whole or in part, any portion of an **Urban Renewal Project** considered eligible under the **Act**. Unless and until the total valuation for assessment of the taxable property in any **Tax Increment Area** exceeds the base valuation, all of the taxes levied upon taxable property in the **Tax Increment Area** shall be paid into the funds of the respective public bodies. Also, when such bonds, loans, advances and indebtedness, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the same taxable property shall be paid to the respective public bodies.

Further, the incremental portion of said taxes, as described in this subsection 7.3.3, may be irrevocably pledged by the **Authority** for the payment of, principal and interest on, and any premiums due in connection with such bonds, loans, advances and / or indebtedness incurred by **Authority** to finance an **Urban Renewal Project** (as defined in the **Act**); except:

- (a) Any offsets collected by the County Treasurer for return of overpayments or any funds reserved by the **Authority** for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), **C.R.S.**
- (b) Any reasonable (as determined by the **Authority**) set-asides or reserves of incremental taxes paid to the **Authority** for payment of expenses associated with administering the **Plan**.

If there is any conflict between the **Act** and this **Plan**, the provisions of the **Act** shall prevail, and the language in the **Plan** shall be automatically deemed to conform to the statute.

#### **7.4 Other Financing Mechanisms / Structures**

The **Plan** is designed to provide for the use of **TIF** as one tool to facilitate investment and reinvestment within the **Area**. However, in addition to **TIF**, the **Authority** shall be authorized to finance implementation of the **Plan** by any method authorized by the **Act**. The **Authority** is committed to making a variety of strategies and mechanisms available which are financial, physical, market and organizational in nature. It is the intent of this **Plan** to use these tools either independently or in various combinations. Given the obstacles associated with infill development and redevelopment, the **Authority** recognizes that it is imperative that solutions and resources be put in place which are

comprehensive, flexible and creative. Finally, the **Authority** may contract with the City to administer various incentives.

## **8.0 Severability**

If any portion of this **Plan** is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the **Plan**.

# South Nevada Avenue Area

## Urban Renewal Plan

City of Colorado Springs, Colorado

### Appendix A:

#### Chapter 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.

##### Strategy LU 201c: Evaluate Fiscal and Operational Impacts of New Development

Evaluate the impact of proposed developments on the City's fiscal and operational ability to provide and maintain the services and infrastructure necessary to support such development.

##### Policy LU 203: Develop a Land Use Pattern that is Mutually Supportive with the Intermodal Transportation System

Develop a land use pattern that supports, and is in turn supported by, increased pedestrian, bicycle, and transit travel and that reduces the need for automobile use.

##### Strategy LU 203a: Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other

Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.

##### Strategy LU 203b: Concentrate and Mix Uses

Concentrate and mix activities and uses in and around defined centers in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation.

#### Land Use Mix

##### Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses

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Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

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.

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.

Strategy LU 302a: Promote an Integrated Pedestrian Circulation System

Design pedestrian sidewalks and pathways in activity centers so that they function as an integral part of the overall circulation system. Provide pedestrian connections for activity centers, linking parking areas, transit stops, and surrounding neighborhoods with principal and complimentary uses within the center.

Strategy LU 302b: Promote Pedestrian Orientation of New Activity Centers to the Public Right-of-Way and Public Spaces

Orient buildings within activity centers toward the street, sidewalks, or public spaces to facilitate pedestrian access and circulation.

Strategy LU 302c: Promote Compatibility between Land Uses of Differing Intensities

Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Strategy LU 302e: Incorporate Mixed-use Activity Center Principles into the Design of New and Redeveloping Employment and Commercial Centers

Design and develop commercial and employment centers as activity centers that include a range of integrated uses, such as retail, concentrated office, research and development, institutional, entertainment, and civic activities.

Policy LU 303: Promote A Pedestrian-oriented and Transit-oriented Development Pattern

Promote a land use pattern that reduces reliance on automobile travel and supports pedestrian-oriented and transit-oriented development.

Strategy LU 303a: Design Pedestrian Friendly Environments

Plan and design neighborhoods and activity centers as coordinated pedestrian friendly environments.

**Infill and Redevelopment**

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, 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 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area.

Strategy LU 401a: Identify Infill and Redevelopment Opportunities and Target Public Investments

Identify major infill and redevelopment opportunities and target infrastructure improvements to the preferred infill development and redevelopment areas.

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#### Strategy LU 401b: Provide Incentives to Foster Private Reinvestment

Utilize incentives to encourage infill and redevelopment. Regulatory incentives can be used to expedite the development approval process. Available financial incentives, such as rehabilitation loans/grants, if targeted and strategic, should be utilized to support additional investment in the community, as well as to assist existing residents to remain in areas that are redeveloping.

### **Residential Development**

#### Objective LU 5: Develop Cohesive Residential Area

Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

#### Strategy LU 501a: Link Neighborhood Layout and Design to a Larger Residential Area

In master plans and in community planning areas, layout and design individual neighborhoods to form a coherent residential area.

#### Strategy LU 502c: Plan Community Activity Centers to Serve Residential Areas

Plan community activity centers to serve more than one neighborhood in a residential area.

#### Strategy LU 502d: Plan Residential Areas to Conserve Natural Features

Plan neighborhoods in areas that contain significant natural features and environmental constraints to conserve those features through lower average densities or clustering of development.

#### Strategy LU 502e: Locate Higher Density Housing as a Transition and Buffer to Residential Areas

Locate higher density housing in relation to activity centers and gradually decrease the density of that housing as a transition and buffer to the surrounding residential areas.

## **Housing**

### Strategy LU 601d: Integrate Affordable Housing into Neighborhoods

Integrate housing that is affordable to a broad range of incomes and households within neighborhoods, whether by location or design. Ensure that affordable housing will complement the formation of a neighborhood. Avoid the segregation of affordable housing.

### 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.

## **Commercial Development**

### Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings

Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

### Strategy LU 701b: Locate and Design Neighborhood Centers to be Local Pedestrian-Oriented Amenities

Design neighborhood centers primarily for walk-up pedestrian access with low-impact uses and a limited range of convenience goods and services that benefit neighborhood residents. Locate neighborhood centers to take advantage of daily activity patterns, such as the corner of a residential collector street, at the entrance to a neighborhood, or in conjunction with a park, school, civic use, or public space. Prohibit auto-related uses and other uses that produce noxious fumes or excessive light and noise.

### Strategy LU 701c: Locate and Design Community Activity Centers to Serve Multiple Neighborhoods

Locate community activity centers to serve multiple neighborhoods in a residential area with a mix of retail, office,

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service civic, and attached residential uses. Design community activity centers to balance automobile access from arterial streets with transit orientation, pedestrian access and circulation, and good transitions and connections from the surrounding neighborhoods.

Strategy LU 701d: Locate and Design Commercial Centers to Serve Multiple Residential Areas in the Wider Community

Locate commercial centers as major concentrations of retail activity with a broad mix of supportive uses to serve several residential areas within the larger community. Design commercial centers as major destinations with good automobile access and transit service from the adjoining arterial streets via collector streets to an internal street and parking system. Balance auto and transit access with strong pedestrian orientation, gradual transitions in density and scale, and direct accessibility from surrounding residential areas.

Policy LU 702: Design Commercial Redevelopment and Infill Projects as Activity Centers

Design all commercial redevelopment and infill projects as activity centers that incorporate a mix of uses, pedestrian orientation, and transit service wherever possible.

Strategy LU 702a: Redevelop Obsolete Commercial Areas as Activity Centers

Redevelop commercial areas that are obsolete or underutilized either as community activity centers, commercial centers, or employment centers, depending on their size, location and primary function.

**Chapter 2: Neighborhoods**

Objective N 2: Enhance Neighborhoods

Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.

Policy N 201: Protect Established and Stable Neighborhoods

Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.

Strategy N 201a: Preserve and Enhance the Physical Elements that Define a Neighborhood's Character

In considering development proposals, preserve the physical elements that contribute to a neighborhood's identity and character, such as natural features, buildings and development patterns, historic and cultural features, parks, open space and schools. Where appropriate, utilize historic preservation districts and conservation districts as tools to achieve preservation and enhancement of historic and cultural resources.

Policy N 202: Assist and Support Established and Redeveloping Neighborhoods

Assist established and redeveloping neighborhoods in neighborhood planning, improving transportation and infrastructure systems, and promoting redevelopment efforts.

Strategy N 202b: Provide Incentives to Foster Reinvestment

Utilize incentives to encourage redevelopment. Regulatory incentives may be used to expedite the development approval process. Change zoning classifications when consistent with neighborhood redevelopment plans. Target financial incentives, such as rehabilitation loans/grants, offsets of development fees, and tax-advantaged project financing, to leverage additional investment in redeveloping neighborhoods and assist current residents to remain.

Strategy N 202e: Encourage Development of Public Gathering Places in Redeveloping Neighborhoods

Encourage the development of a landscaped, outdoor center in each redeveloped neighborhood to serve as a focal point and gathering place for the public. This may occur in conjunction with existing schools, parks, recreational facilities, supporting retail uses, community centers, neighborhood life centers, or other civic or institutional uses. Where existing facilities are inappropriate, a new center may be developed.

**Mixed-Use**

Objective N 3: Vary Neighborhood Patterns

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.

## **Chapter 6: Community Character/Appearance**

### **Unique Areas**

#### Objective CCA 3: Improve the Character of Individual Areas and Elements of the City

Colorado Springs is made up of individual and unique areas and elements that contribute to the overall character and identity of the City. The man-made counterpart to the City's natural setting is its historic character and legacy. This legacy is continually evolving and being created anew in the City's diverse areas. It is important that the appearance and character of these individual areas, old and new, are preserved and enhanced in order to maintain their individuality and to ensure the overall character of the city is upheld. Defining and improving the image of individual areas and elements will enhance the City's overall character and appearance and reinforce its unique identity.

#### Policy CCA 301: Foster the Character of Individual Areas and Elements within the Community

The City will help to define and foster the unique character, image, and identity of individual areas and elements within the community.

### **Mixed Uses**

#### Objective CCA 4: Integrate Different Land Uses

The separation of land uses that exists in Colorado Springs increases the reliance on the automobile and detracts from the dynamic urban setting. Integrating land uses increases the opportunities for various modes of travel and contributes to a more interesting and appealing land use pattern. Colorado Springs will encourage new development to integrate a diversity of land uses.

#### Policy CCA 401: Support Mixed Land Uses

The City will encourage design that supports mixed land uses and promotes compatibility, accessibility, and appropriate transitions between uses that vary in intensity and scale.

### **Public Places**

#### Objective CCA 5: Design of Public Spaces

Public spaces and civic buildings are often prominent features in the urban setting and contribute to the character and appearance of a community. The design and location of public spaces and civic buildings will serve as focal points to structure the layout and design of private uses.



Policy CCA 501: Support Enhanced Civic Design

Place civic facilities, such as community buildings, government offices, recreation centers, post offices, libraries, and schools, in central locations, and make them highly visible focal points. The urban design and architectural quality will express quality design, permanence, importance, community identity, and sensitivity to climate.

Strategy 501b: Locate and Design Public Places to Give Quality, Identity, and Focus to the Community

Locate and design public spaces and civic facilities to set a standard in quality design, to provide a focal point and meeting place, and to express community identity within the context of the surrounding private development.

**Compatibility**

Objective CCA 6: Fit New Development into the Character of the Surrounding Area

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

# South Nevada Avenue Area

## Urban Renewal Plan

City of Colorado Springs, Colorado

### Appendix B:

South Nevada Avenue Area Urban Renewal Area Legal Description