

Final Report

Zebulon Flats Existing Conditions Survey

The Economics of Land Use



Prepared for:

City of Colorado Springs Urban Renewal Authority

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1. Introduction

In October of 2020, Economic & Planning Systems (EPS), working with the City of Colorado Springs Urban Renewal Authority (CSURA), conducted the following existing conditions survey (Survey) of the proposed Zebulon Urban Renewal Plan Area (Study Area). This proposed plan area is bounded by Zebulon Drive to the west, Verde Drive to the north, an unnamed alleyway to the south, and commercial development to the east, which includes Family Dollar, Pitstop Carwash, and Shell gas station, as shown in **Figure 1** on page 5.

The CSURA anticipates creating a new plan area to support redevelopment plans of the site. The proposed Urban Renewal Area captures the redevelopment plans and, if approved, will aide in supporting the proposed redevelopment and enabling needed public improvements to be constructed in the area.

Purpose

The primary purpose of this Survey is to determine whether the Study Area qualifies as a “blighted area” within the meaning of Colorado Urban Renewal Law. Secondly, this Survey will influence whether the Study Area should be recommended to be established as a URA Plan Area for such urban renewal activities, as the URA and City Council deem appropriate.

Colorado Urban Renewal Law

The requirements for the establishment of a URA plan are outlined in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq. In order to establish an area for urban renewal, there are an array of conditions that must be documented to establish a condition of blight. The determination that constitutes a blighted area depends upon the presence of several physical, environmental, and social factors. Blight is attributable to a multiplicity of conditions which, in combination, tend to accelerate the phenomenon of deterioration of an area and prevent new development from occurring.

Urban Renewal Law

Blight Factors (C.R.S. § 31-25-103)

"Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, 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) 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 this subsection (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. For purposes of this paragraph (l), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation."*

Use of Eminent Domain

In order for an Urban Renewal Authority to use the powers of eminent domain to acquire properties, 5 of the 11 blight factors must be present (C.R.S. § 31-25-105.5(a)).

"Blighted area" shall have the same meaning as set forth in section 31-25-103 (2); except that, for the purposes of this section only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2)(a) to (2)(l), 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."

Urban Renewal Case Law

In addition to the State statute, several principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. The following parameters have been established through case law for determining blight and the role of judiciary review.

Tracy v. City of Boulder (Colo. Ct. App. 1981)

- Upheld the definition of blight presented in the Urban Renewal Law as a broad condition encompassing not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisioning the prevention of deterioration. Therefore, the existence of widespread nuisance violations and building condemnation is not required to designate an area blighted.
- Additionally, the determination of blight is the responsibility of the legislative body and a court's role in review is to verify if the conclusion is based upon factual evidence determined by the City Council at the time of a public hearing to be consistent with the statutory definition.

Interstate Trust Building Co. v. Denver Urban Renewal Authority (Colo. 1970)

- Determined that blight assessment is not on a building-to-building basis but is based on conditions observed throughout the plan area as a whole. The presence of one well maintained building does not defeat a determination that an area constitutes a blighted area.

Methodology

This Survey was completed by EPS to inventory and establish the existing conditions within the Study Area through data gathering and field observations of physical conditions. The Study Area was defined by the URA to encompass the proposed redevelopment of one property at the southeast corner of Zebulon Drive and Verde Drive. An inventory of parcels within the Study Area was compiled using parcel data from the El Paso County Assessor, documenting parcel ownership, use, vacancy, and assessed value. A series of Study Area maps were then developed to facilitate the field survey, and parcels were photographed to illustrate site conditions.

The field survey was conducted by EPS in October of 2020. The 11 factors of blight in the state statute were broken down into "conditions" - existing situations or circumstances identified in the Study Area that may qualify as blight under each of the 11 factors. The conditions documented in this report are submitted as evidence to support a "finding of blight" according to Urban Renewal Law. Under the Urban Renewal Law, the final determination of blight within the Study Area is within the sole discretion of the Colorado Springs City Council.

2. Study Area Analysis

Study Area

The proposed Zebulon Flats Urban Renewal Plan Area is comprised of two parcels on approximately 3.28 acres of land, as shown in **Table 1** and **Figure 1**. Both parcels are owned by 8844 Neenah LLC. Parcel 1 is the north portion of the property and parcel 2 is the south portion. Both parcels are vacant and have no building improvements.

Table 1. Parcels Contained in the URA Study Area

| # | Parcel | Address | Owner | Occupancy | Acres | Sq. Ft. | Assessed Value |
|-----------------|------------|-----------------|----------------|-----------|-------------|----------------|-----------------|
| 1 | 6422410001 | 3725 Verde Dr | 884 Neenah LLC | Vacant | 1.18 | 51,401 | \$32,570 |
| 2 | 6427111051 | 1609 Zebulon Dr | 884 Neenah LLC | Vacant | 2.10 | 91,476 | \$48,310 |
| Subtotal | | | | | 3.28 | 142,877 | \$80,880 |

Source: El Paso County Assessor; Economic & Planning Systems

Figure 1. Zebulon Flats Proposed URA Boundary and Parcels



Field Survey Approach

The following assessment is based on a field survey conducted by EPS in October 2020. The survey team walked the entire Study Area, taking notes and photographs to document existing conditions corresponding to the blight factor evaluation criteria detailed in the following section.

Blight Factor Evaluation Criteria

This section details the conditions used to evaluate blight during the field survey. The following conditions correspond with 5 of the 11 blight factors in the Urban Renewal Law. Additional information on a number of these factors for which data was available was also collected. The remaining blight factors cannot be visually inspected and are dependent on other data sources. Given the prevalence of physically observable conditions of blight, these remaining blight factors were not investigated.

Street Layout

The following conditions evaluate the Urban Renewal Law blight factor “(b) *predominance of defective or inadequate street layout,*” through assessment of the safety, quality, and efficiency of street layouts, site access, and internal circulation.

Typical examples of conditions that portray this criterion include:

- Inadequate Street or Alley Width / Cross-section / Geometry
- Poor Provision of Streets or Unsafe Conditions for Vehicular Traffic
- Poor Provision of Sidewalks/Walkways or Unsafe Conditions for Pedestrians
- Insufficient Roadway Capacity
- Inadequate Emergency Vehicle Access
- Poor Vehicular or Pedestrian Access to Buildings or Sites
- Excessive Curb Cuts / Driveways along Commercial Blocks
- Poor Internal Vehicular or Pedestrian Circulation

Unsafe/Unsanitary

The following conditions establish evidence of Urban Renewal Law blight factor “(d) *unsanitary or unsafe conditions,*” by evaluating visual conditions that indicate the occurrence of activities that inhibit the safety and health of the area including, but not limited to, excessive litter, unenclosed dumpsters, and vandalism.

Typical examples include:

- Floodplains or Flood Prone Areas
- Inadequate Storm Drainage Systems/Evidence of Standing Water
- Poor Fire Protection Facilities
- Above Average Incidences of Public Safety Responses

- Inadequate Sanitation or Water Systems
- Existence of Contaminants or Hazardous Conditions or Materials
- High or Unusual Crime Statistics
- Open/Unenclosed Trash Dumpsters
- Cracked or Uneven Surfaces for Pedestrians
- Illegal Dumping/Excessive Litter
- Vagrants/Vandalism/Graffiti/Gang Activity
- Open Ditches, Holes, or Trenches in Pedestrian Areas
- Poorly Lit or Unlit Areas
- Insufficient Grading/Steep Slopes
- Unsafe or Exposed Electrical Wire

Site Improvements

The following conditions evaluate the Urban Renewal Law blight factor “(e) *deterioration of site or other improvements,*” by evidence of overall maintenance deficiencies within the plan area including, deterioration, poorly maintained landscaping, and overall neglect.

Examples of blighted Site Improvements are shown below:

- Neglected Properties or Evidence of Maintenance Deficiencies
- Deteriorated Signage or Lighting
- Deteriorated Fences, Walls, or Gates
- Deteriorated On-Site Parking Surfaces, Curb and Gutter, or Sidewalks
- Unpaved Parking Lot (Commercial Properties)
- Poor Parking Lot/Driveway Layout
- Poorly Maintained Landscaping/Overgrown Vegetation

Infrastructure

The observation of the following infrastructure insufficiencies is evidence of Urban Renewal Law blight factor “(f) *unusual topography or inadequate public improvements or utilities.*”

Prototypical features of blight under this topic include:

- Deteriorated Pavement, Curb, Sidewalks, Lighting, or Drainage
- Lack of Pavement, Curb, Sidewalks, Lighting, or Drainage
- Presence of Overhead Utilities or Billboards
- Inadequate Fire Protection Facilities/Hydrants
- Inadequate Sanitation or Water Systems
- Unusual Topography

Vacancy

The following conditions are evidence of Urban Renewal Law blight factor "(k) 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." Various examples of features that fulfill this criterion include:

- An Undeveloped Parcel in a Generally Urbanized Area
- Disproportionately Underdeveloped Parcel
- Vacant Structures
- Vacant Units in Multi-Unit Structures

Other Considerations

The remaining six blight factors specified in the Urban Renewal Law were not investigated further due to sufficient evidence from the visual field survey supporting a condition of blight in 5 of the 11 blight factors.

(a) Slum, deteriorated, or deteriorating structures;

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(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.

Results of Field Survey

This section summarizes the findings of the visual field survey of the Study Area conducted in October 2020. **Table 2** documents the specific blight conditions observed. These conditions are further detailed following the table, for each specific category, and include image documentation.

Table 2. Blight Conditions Observed in Study Area

| Conditions Observed | | | |
|---------------------|-------|--|---|
| Street Layout | 2.01 | Inadequate Street or Alley Width / Cross-section / Geometry | |
| | 2.02 | Poor Provisions or Unsafe Conditions for Vehicular Traffic | X |
| | 2.03 | Poor Provisions or Unsafe Conditions for Pedestrians | X |
| | 2.04 | Insufficient Roadway Capacity Leading to Unusual Congestion | |
| | 2.05 | Inadequate Emergency Vehicle Access | |
| | 2.06 | Poor Vehicular or Pedestrian Access to Buildings or Sites | |
| | 2.07 | Excessive Curb Cuts / Driveways along Commercial Blocks | |
| | 2.08 | Poor Internal Vehicular or Pedestrian Circulation | |
| Unsafe / Unsanitary | 4.01 | Floodplains or Flood Prone Areas | |
| | 4.02 | Inadequate Storm Drainage Systems/Evidence of Standing Water | |
| | 4.03 | Poor Fire Protection Facilities | |
| | 4.04 | Above Average Incidences of Public Safety Responses | |
| | 4.05 | Inadequate Sanitation or Water Systems | |
| | 4.06 | Existence of Contaminants or Hazardous Conditions or Materials | |
| | 4.07 | High or Unusual Crime Statistics | X |
| | 4.08 | Open / Unenclosed Trash Dumpsters | |
| | 4.09 | Cracked or Uneven Surfaces for Pedestrians | |
| | 4.10 | Illegal Dumping / Excessive Litter | X |
| | 4.11 | Vagrants/Vandalism/Graffiti/Gang Activity | |
| | 4.12 | Open Ditches, Holes, or Trenches in Pedestrian Areas | |
| Site Improvements | 5.01 | Neglected Properties or Evidence of Maintenance Deficiencies | X |
| | 5.02 | Deteriorated Signage or Lighting | |
| | 5.03 | Deteriorated Fences, Walls, or Gates | X |
| | 5.04 | Deteriorated On-Site Parking Surfaces, Curb & Gutter, or Sidewalks | X |
| | 5.05 | Unpaved Parking Lot (Commercial Properties) | |
| | 5.06 | Poor Parking Lot / Driveway Layout | |
| | 5.07 | Poorly Maintained Landscaping / Overgrown Vegetation | X |
| Infrastructure | 6.01 | Deteriorated pavement, curb, sidewalks, lighting, or drainage | X |
| | 6.02 | Lack of pavement, curb, sidewalks, lighting, or drainage | X |
| | 6.03 | Presence of Overhead Utilities or Billboards | |
| | 6.04 | Inadequate Fire Protection Facilities / Hydrants | |
| | 6.05 | Inadequate Sanitation or Water Systems | |
| | 6.06 | Unusual Topography | X |
| Vacancy | 11.04 | An Undeveloped Parcel in a Generally Urbanized Area | X |
| | 11.05 | Disproportionately Underdeveloped Parcel | |
| | 11.06 | Vacant Structures | |
| | 11.07 | Vacant Units in Multi-Unit Structures | |

1. Street Layout; predominance of defective or inadequate street layout

In the southeast corner of the Study Area, poor provisions of the streets for vehicular traffic were observed in the form of large potholes and deteriorating pavement, shown in **Figure 2**. Throughout the Study Area, provisions of walkways for pedestrians were observed in the form of lack of sidewalks. In particular in the northeast corner and northwest corner there are curb cuts and the beginning of a sidewalk that abruptly ends, shown in **Figure 3**. Additionally, there were no sidewalk or pedestrian improvements along any of the other perimeters of the property, which is evident in other photos included in this study.

Figure 2. Poor Provision of Street Improvements



Figure 3. Lack of Sidewalks



2. Unsafe/Unsanitary: unsaitary or unsafe conditions

Throughout the Study Area unsafe and unsanitary conditions were documented, including illegal dumping and litter. Illegal dumping was observed at the southern edge of the property, shown in **Figure 4**. Excessive litter was observed and documented throughout the property and along each edge of the property, shown in **Figure 5**. Additionally, there was evidence of crime along Verde Drive adjacent to the property. Broken glass was on the ground, which appears to be from a previous break-in to a parked vehicle, shown in **Figure 6**.

Figure 4. Illegal Dumping



Figure 5. Excessive Litter



Figure 6. Crime Evidence



3. Site Improvements: deterioration of site or other improvements

The deterioration and overall neglect of the property in the Study Area is well documented. The main conditions of site deterioration include the deterioration of fences along the west and south sides of the property (**Figure 7**), deterioration of curbs on the south and east sides of the property (**Figure 8**), and overgrown vegetation on all sides of the property (**Figure 9**). Overall, there was evidence that the property has been neglected with little maintenance.

Figure 7. Deteriorated Fences



Figure 8. Deteriorated Curbs



Figure 9. Overgrown Vegetation



4. Infrastructure: unusual topography or indadequate public improvements or utilites

Inadequate infrastructure was observed throughout the Study Area, predominately in the form of deteriorated pavement, deteriorated or missing curbs, and missing sidewalks, shown in **Figure 10**. Additionally, unusual topography was observed on the southeast side of the property in the form of steep slopes, shown in **Figure 11**.

Figure 10. Deteriorated Pavement and Curbs and Missing Sidewalks





Figure 11. Steep Slopes



5. Vacancy: 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.

The entire 3.28 acre property is vacant with no building improvements. The property is surrounded by development with three commercial properties to the east, development to the north, a project under construction to the south, plans for a church to the west, and a housing development to the southwest, shown in **Figure 12**.

Figure 12. Vacant Property



Other Considerations

The team collected and analyzed additional non-visual information on the Study Area that contributed to the documentation of blight factors.

Crime

High or unusual crime is one determining criteria for the Urban Renewal Law blight factor “(d) Unsanitary or unsafe conditions.” The Colorado Springs Police Department tracks the number of crime offenses reported, including unfounded offenses, by Census Tract and citywide. The Study Area is located within Census Tract 54. From 2012 to 2018, Census Tract 54 had a total of 6,338 offenses reported, which is an average of 905 offenses per year, shown in **Table 3**. This represents an average of 2.2 percent of the total crime offenses in the city over this time period. On a per capita basis, Census Tract 54 had more crime offenses compared to the city as whole. From 2012 to 2018, Census Tract 54 averaged 0.15 offenses per resident, while the City averaged 0.09 offenses per resident. Based on this data, there is evidence of high or unusual crime in the Study Area.

Table 3. Annual Crime Offenses, 2012-2018

| Offenses | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2012-2018 | |
|----------------------------|--------|--------|--------|--------|--------|--------|--------|-----------|--------|
| | | | | | | | | Total | Avg. |
| Colorado Springs | 35,143 | 48,602 | 49,064 | 47,366 | 36,091 | 33,845 | 36,991 | 287,102 | 41,015 |
| Census Tract 54 | 652 | 1,077 | 930 | 959 | 1,015 | 755 | 950 | 6,338 | 905 |
| % Total | 1.9% | 2.2% | 1.9% | 2.0% | 2.8% | 2.2% | 2.6% | 2.2% | 2.2% |
| Offenses Per Capita | | | | | | | | | |
| Colorado Springs | 0.08 | 0.11 | 0.11 | 0.11 | 0.08 | 0.08 | 0.08 | --- | 0.09 |
| Census Tract 54 | 0.10 | 0.18 | 0.16 | 0.16 | 0.17 | 0.13 | 0.15 | --- | 0.15 |

Source: Colorado Springs Police Department; U.S. Census ACS 5-Yr; Economic & Planning Systems

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3. Conclusions

Based on the definition of a blighted area in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq., and based on the field survey results of the Study Area, EPS concludes that the Study Area is a blighted area as defined in the Colorado Urban Renewal Law, Colorado Revised Statutes (C.R.S.) § 31-25-101 et seq.

The visual field survey conducted in October 2020 documented 5 of the 11 factors of blight within the Study Area. Therefore, this blighted area, as written in the Urban Renewal Law, “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.”

Evidence of the following Urban Renewal Law blight factors are documented in this report:

- (b) Predominance of defective or inadequate street layout.*
- (d) Unsanitary or unsafe conditions.*
- (e) Deterioration of site or other improvements.*
- (f) Unusual topography or inadequate public improvements or utilities.*
- (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.*

Evidence of the following Urban Renewal Law blight factors were not visually observable, and based on the presence of other, more significant physical conditions, these factors of blight did not warrant further investigation.

- (a) Slum, deteriorated, or deteriorating structures.*
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.*
- (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.*

As established by Urban Renewal case law in Colorado, this assessment is based on the condition of the Study Area as a whole. There is substantial evidence and documentation of 5 of the 11 blight factors in the Study Area as a whole.