

**Urban Renewal Plan for
Tejon and Costilla Urban Renewal Area
Colorado Springs, Colorado**

Prepared for:

Colorado Springs Urban Renewal Authority
30 South Nevada Avenue, Suite 603
Colorado Springs, CO 80903

Prepared
by:

DGC Consulting

DGC Consulting
18331 E. Davies Avenue
Foxfield, CO 80016

DRAFT
April 2018

Background information and other data have been furnished to DGC Consulting (DGC) by Colorado Springs Urban Renewal Authority, Colorado Springs Downtown Development Authority, City of Colorado Spring, and/or third parties, which DGC has used in preparing this report. DGC has relied on this information as furnished, and is neither responsible for nor has confirmed the accuracy of this information.

Contents

1.0	Introduction	5
1.1	Preface	5
1.2	Blight Findings	5
1.3	Other Findings.....	5
1.4	Urban Renewal Area Boundaries.....	6
2.0	Definitions.....	6
3.0	Purpose of the Plan.....	8
4.0	Blight Conditions	8
5.0	Plan’s Relationship to Local Objectives and Appropriate Land Uses	10
5.1	Plan Conformity	10
5.2	Consistency with Comprehensive Plan	10
5.3	Relationship to Other Community Plans.....	11
6.0	Authorized Urban Renewal Undertakings and Activities.....	11
6.1	Undertakings and Activities to Remedy Blight.....	11
6.2	Project Development Plan	12
6.3	Complete Public Improvements and Facilities.....	12
6.4	Plan Modification.....	13
6.5	Provide Relocation Assistance	13
6.6	Demolish, Clear and Prepare Improvements.....	13
6.7	Acquire and Dispose of Property	13
6.8	Enter into Redevelopment / Development Agreements.....	14
6.9	Enter Into Cooperation Agreements.....	14
7.0	Project Financing.....	14
8.0	Severability	16
Appendix	17
	Exhibit A: Tejon and Costilla Urban Renewal Area Map and Legal Description.....	17
	Exhibit B: Excerpts from 2001 City of Colorado Springs Comprehensive Plan.....	18

[This page intentionally left blank]

1.0 INTRODUCTION

1.1 Preface

This Tejon and Costilla Urban Renewal Plan (the “Plan” or the “Urban Renewal Plan”) has been prepared for the City of Colorado Springs, Colorado, a home rule municipal corporation of the State of Colorado (the “City”). The Plan will be carried out by the Colorado Springs Urban Renewal Authority (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 to date (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 by the City Council of the City. 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 impair or arrest the sound growth of the municipality or constitutes an economic or social liability, and are a menace to the public health, safety, morals or welfare.

The Tejon and Costilla Partial Block Conditions Study prepared by DGC Consulting, **dated February 2018**, provided to the Authority under separate cover and incorporated herein by this reference (the “Conditions Study”), demonstrates that the Tejon and Costilla Partial Block Study Area (“Study Area”), as defined in the Conditions Study, is eligible to be declared a blighted area by the City Council under the Act.

1.3 Other Findings

The Area (defined in Section 1.4) is appropriate for an urban renewal project to be carried out by the Authority. The activities and undertakings that constitute the urban renewal project as defined in the Act include, without limitation, demolition and clearance of existing improvements, site preparation, installation of needed public improvements, relocation of and provision of new utilities, parking improvements, traffic improvements, and life safety measures. Such actions are necessary to eliminate unsafe conditions, obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of blight.

As required by §31-25-107(4)(g) of the Act, this Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City, for the redevelopment of the Urban Renewal Area by private enterprise.

It is the intent of the City Council in adopting this Plan that the Authority exercises all powers authorized in the Act, which may be necessary, convenient or appropriate to accomplish the objectives of this Plan, except use of the power of eminent domain is not authorized. It is the intent of this Plan that the

Authority may exercise all such powers as may now be possessed or hereafter granted for the elimination of qualifying conditions in the Area.

The powers conferred by the Act are for public uses and purposes for which public money may be expended and police powers exercised. This Plan is in the public interest and necessity -- such finding being a matter of legislative determination by the City Council.

1.4 Urban Renewal Area Boundaries

The Tejon and Costilla Urban Renewal Area (the “Urban Renewal Area” or the “Area”) is comprised of 1.5 acres in Downtown Colorado Springs. The Area includes four city lots in a city block and adjoining street rights of way. The Area is bounded on the north by the north right of way line of East Costilla Street, on the east by the east right of way line of South Tejon Street, on the south by the south right of way line of East Cimarron Street, and on the west by the west right of way line of South Nevada Avenue. The Area is depicted and shown on Exhibit A: Tejon and Costilla Urban Renewal Area and Legal Description.

2.0 DEFINITIONS

Act – has the meaning given to such term in Section 1.1 above.

Area or Urban Renewal Area – has the meaning given to such term in Section 1.4 above.

Authority – has the meaning given to such term in Section 1.1 above.

Available Property Tax Increment Revenues – means all Property Tax Increment Revenues available pursuant to the Tax Increment Financing provisions of the Act not payable to taxing bodies pursuant to agreements, if any, with the Authority or otherwise as provided in §31-25-107(9.5) of the Act. Upon approval of this Plan the Available Property Tax Increment Revenues are irrevocably pledged to payment of Bonds for the Duration of the Urban Renewal Project as provided in Section 7.0 below.

Base Valuation Revenues – means the revenues produced by the base valuation for taxable property and municipal sales taxes as provided in Section 7.0 of this Plan.

Bonds – shall have the same meaning as in §§31-25-103(3) and 109 of the Act, and, without limitation, specifically includes all revenues pledged to the Authority, including Available Property Tax Increment Revenues, and further pledged to pay Project costs pursuant to Redevelopment/Development Agreements or other reimbursement agreements between the Authority and owners and developers.

City – has the meaning given to such term in Section 1.1 above.

City Council – means the City Council of the City.

Colorado Springs Comprehensive Plan (or Comprehensive plan) – means 2001 City of Colorado Springs Comprehensive Plan, as such plan has been or may be amended from time to time.

Conditions Study (or Study or Survey) – has the meaning given to such term in Section 1.2 above.

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

County Treasurer – means the El Paso County Treasurer.

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

Duration – means the entire twenty-five (25) year time period authorized by §31-25-107(9) of the Act.

Effective Date of Plan Approval – means the date this Plan is approved by resolution of the City Council.

Impact Report – means the Tejon and Costilla Urban Renewal Area Impact Report prepared by DGC Consulting, **dated xxxxx**.

Metropolitan District (or Districts) – means a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Special District Act, 32-1-101, et seq., C.R.S., as from time to time amended, or any successor district or districts thereto as may be approved by the City.

Increment Valuation Revenues – means the revenues produced by the increment valuation of taxable property and municipal sales taxes as described in Section 7.0 of this Urban Renewal Plan.

Plan or Urban Renewal Plan – has the meaning given to such term in Section 1.1 above.

Pledged Revenues – means any and all revenues available to the Authority, including, without limitation, Available Property Tax Increment Revenues, Sales Tax Increment Revenues, any revenues available to the Authority from Metropolitan Districts, or any other source that are pledged by this Plan or otherwise to the payment of Bonds of the Authority.

Project or Urban Renewal Project – means all activities and undertakings described in §31-25-103(10), C.R.S., and otherwise authorized by the Act as required for the Duration of the Project to complete development and redevelopment of the Urban Renewal Area, including, without limitation financing and construction of all public and private improvements and payment of all financing obligations included in the definition of Bonds.

Property Taxes – means, without limitation, all levies to be made on an ad valorem basis by or for the benefit of any public body upon taxable real and personal property in the Area.

Property Tax Increment Revenues – means the property tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this 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.

Sales Tax Increment Revenues – means City sales tax revenues allocated to the Authority pursuant to §31-25-107(9) of the Act and Section 7.0 of this Plan.

Study Area – has the meaning given to such term in Section 1.2 above.

Tax Increment Financing or TIF – means tax allocation financing described in §31-25- 107(9) of the Act as in effect on the date this Plan is approved by the City Council. Tax Increment Financing shall be required for the full Duration to carry out all activities and undertakings to complete the Urban Renewal Project, including, without limitation, payment of all Bonds.

3.0 PURPOSE OF THE PLAN

The main public purpose of this Plan is to reduce, eliminate and prevent the spread of blight within the Area through redevelopment by private enterprise. The Plan sets goals to achieve this through implementing established objectives for the Area and assisting with the eligible costs of redevelopment, promoting economic growth and private investment through the tools available within the context of urban renewal tools, laws, and guidelines, including, without limitation, Tax Increment Financing.

Establishment of the Urban Renewal Area will take advantage of improving conditions and the upcoming development cycle by focusing urban renewal efforts in a small Area for the Duration in accordance with the mandates of the Act.

In 2017 the Authority commissioned a Conditions Study by DGC Consulting to determine of the Urban Renewal Area contained the factors that constitute a Blighted Area as defined in §31-25-103 of the Act. The Conditions Study documented that six of the statutory factors are present in the Area, which conditions support a finding and declaration by the City Council that the Area is a Blighted Area as defined in the Act.

4.0 BLIGHT CONDITIONS

Before an urban renewal plan can be approved and adopted by the City Council, the area must be found and declared to be a “blighted area” as defined in Section 31-25-103(2) of the Act. The Act provides that, in order for blight to be present within the area, at least four specific blight factors must be present in the area, and that such area, in its present condition and use 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.

A third-party consultant (DGC Consulting) was commissioned to conduct the Conditions Study (or Conditions Survey) in the Study Area. The general methodology for conducting the Conditions Study was the following:

1. Define the Study Area;
2. Conduct a visual field survey for the property and evaluate current conditions;
3. Review data provided by the City and;
4. Evaluate conditions found in the context of statutory blight criteria; and
5. Document the survey findings, as presented in the Conditions Study.

The Study Area is approximately 1.5 acres, including public rights-of-way, and is owned primarily by private entities. The future redevelopment of the Study Area is proposed to be a hotel with commercial retail uses.

Of the eleven (11) qualifying factors identified in the Act, the Conditions Study revealed the following six (6) qualifying conditions of blight, as defined in Section 31-25-103(2) of the Act, evident within the Study Area.

- a. Slum, deteriorating or deteriorated structures;
- 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; 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'S RELATIONSHIP TO LOCAL OBJECTIVES AND APPROPRIATE LAND USES

5.1 Plan Conformity

Implementation of this Plan supports the objectives and requirements of the Comprehensive Plan with respect to connectivity to neighborhoods, accessibility to open space, completion of infrastructure, and preservation of natural features, and quality design that promotes Colorado Springs's unique identity. As development occurs in the Area, it shall conform to the Comprehensive Plan and any subsequent updates; the Pikes Peak Regional Building Code and any rules, regulations, and policies promulgated pursuant thereto; any site-specific planning documents that might impact properties in the Area including, but not limited to, City-approved site, drainage, and public improvement plans; and, any applicable City design standards, all as in effect and as may be amended from time to time. Finally, existing conditions present within the Area will be remedied by the proposed Plan and funded in part by tax increment revenues and improvements phased as the market allows.

5.2 Consistency with Comprehensive Plan

As explained above, a comprehensive or general plan for the City known as the City of Colorado Springs Comprehensive Plan was adopted in 2001 as an amendment to the 1991 plan of the same name. The Authority, with the cooperation of the City, private businesses, and other public bodies, will undertake projects and activities described herein in order to eliminate the identified conditions of blight while also implementing the goals and objectives of the Comprehensive Plan and all other City-adopted plans which impact properties within the Area. Key goals and policies of that plan which this Urban Renewal Plan will advance are described in detail in Exhibit B: Excerpts from 2001 City of Colorado Springs Comprehensive Plan.

5.3 Relationship to Other Community Plans

Implementation of this Plan will be consistent with the development goals and objectives in other community plans and guides which pertain to development in the Area. The Imagine Downtown Master Plan prepared in 2007 summarizes a planning vision, goals, objectives, and actions for Downtown Colorado Springs, which includes the Urban Renewal Area. The Downtown Colorado Springs Form-Based Code prepared in 2007 summarizes development standards and design guidelines for Downtown, including the Downtown Central Sector of which the Urban Renewal Area is a part.

6.0 AUTHORIZED URBAN RENEWAL UNDERTAKINGS AND ACTIVITIES

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. The Authority is authorized to provide both financial assistance and public improvements in partnership with property owners and other affected parties in order to accomplish the objectives stated herein. Public-private partnerships and other forms of cooperative development, including Cooperation Agreements, will be essential to the Authority's strategy for preventing the spread of blight and eliminating existing blighting conditions. Without limitation, undertakings and activities of the Authority in the furtherance of this Plan as described as follows.

6.1 Undertakings and Activities to Remedy Blight

As described in Section 4.0 of this Plan, six (6) qualifying conditions of blight were identified in the Study Area of which this Urban Renewal Plan Area is a part. Implementation of this Plan by providing urban renewal resources for public and private improvements will remedy many of the following conditions:

(a) Slum, deteriorating or deteriorated structures

Several private structures in the Study Area exhibited a wide range of exterior deterioration in terms of walls, foundations, eaves, finishes, windows and doors, stairways, loading docks, ancillary structures, and exposed electrical and structural elements. It is expected that these buildings will be demolished and cleared, and that new public and private improvements will be constructed in the Area to remedy this condition.

(d) Unsanitary or unsafe conditions

The site survey identified multiple examples of unsanitary or unsafe conditions in the Study Area. These include poor outdoor lighting, uneven surfaces for pedestrians, poor drainage, insufficient grading, trash and debris, abandoned/inoperable vehicles and equipment, presence of hazardous materials and conditions, evidence of vagrants/vandalism/graffiti and unsafe level changes/drop-offs. Urban renewal resources focused on improvements to the pedestrian zone and right-of-way, including sidewalks, curb and gutter, lighting, and drainage improvements, as well as street paving and intersection improvements. Urban renewal resources to encourage private redevelopment will help to eliminate evidence of blight including abandoned vehicles, equipment, graffiti, and vandalism.

(e) Deterioration of site or other improvements

The site survey documented widespread deterioration of site and other improvements throughout the Study area. These included deteriorated/lack of on-site parking lot paving, curb and gutter, sidewalks, outdoor lighting, and surface drainage facilities. In addition, there were numerous examples of lack of site maintenance, non-conformance to development regulations, deteriorated signage, and deteriorated site improvements such as fencing and walls. Urban renewal resources focused on private development and public improvements will help to eliminate these blight factors.

(f) Unusual topography or inadequate public improvements or utilities

There were widespread examples of inadequate public improvements or utilities in the public right-of-way. This included poor site grading that prevented surface drainage, deteriorated/lack of street pavement, curb and gutter, overhead lighting, and sidewalks. Urban renewal resources focused on improvements in the public right-of-way will help to eliminate these blight factors.

(h) The existence of conditions that endanger life or property by fire or other causes

Examples of life or property-endangering conditions were observed in the Study Area. These include dry debris and hazardous materials near structures, dead trees and shrubs in high traffic areas, and unsafe level changes that could result injury. Urban renewal resources supporting private redevelopment improvements can eliminate or mitigate these conditions.

(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

Many parts of the Study Area have vacant sites or are physically underutilized. This is documented in the Downtown Colorado Springs Market Assessment and a conclusion of a FAR analysis included in the Conditions Study. Urban renewal resources that help to stimulate private development and which are used to construct public improvements will help to eliminate these blight factors.

6.2 Project Development Plan

The primary goal of this Plan is to eliminate the current conditions of blight in the Area and prevent those conditions from reoccurring. The contemplated redevelopment of the Area is for use as hotel, related retail, and parking facilities; provided however, the Authority is authorized to approve any uses for the Area that eliminate blight and are consistent with the Comprehensive Plan and applicable zoning, including, without limitation, mixed use development, including residential, commercial, industrial, and public uses.

6.3 Complete Public Improvements and Facilities

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or may cause others, including, without limitation, one or more Metropolitan Districts to install, construct, and reconstruct any public improvements, including, without limitation, parking facilities. The Authority may, or may cause others to, demolish and clear buildings and existing

improvements for the purpose of promoting the objectives of the Plan and the Act. Additionally, the Authority may, or may cause others to, install, construct and reconstruct any other authorized improvements, including, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan and the Act.

6.4 Plan Modification

The Authority may propose, and City Council may make, modifications to this Plan as may be necessary; provided, however, any modification of the Plan shall (a) comply with the provisions of the Act, including §31-25-107(7); (b) not impair Pledged Revenues or the ability of the Authority to pay any outstanding Bonds, including any reimbursement obligations of the Authority; or (c) not impair the ability of the Authority or any party to any then-existing agreement to fully perform their respective covenants and duties under any such agreement. The Authority may, in specific cases, allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement or application of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

6.5 Provide Relocation Assistance

While 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; if such relocation becomes necessary, the Authority will adopt a relocation plan to comply with applicable provisions of the Act.

6.6 Demolish, Clear and Prepare Improvements

The Authority is authorized to demolish or cooperate with others to clear buildings, structures and other improvements within the Area in an effort to advance projects deemed consistent with the vision stated herein. Such demolition or site clearance is necessary to eliminate unhealthy, unsanitary, and unsafe conditions; eliminate obsolete uses deemed detrimental to the public welfare; remove and prevent the spread of blight; and facilitate redevelopment of the Area by private enterprise.

6.7 Acquire and Dispose of Property

It is not expected that the Authority will be required to acquire property to carry out the Project. However, if the Authority determines such acquisition is necessary, it is authorized to acquire any such property by negotiation or any other method, except that the Authority is not authorized to acquire property by eminent domain. Properties acquired by the Authority by negotiation may be temporarily 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.

6.8 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, including the further pledge by the Authority of Pledged Revenues to pay eligible costs pursuant to the Act or any other applicable law. Further, such Redevelopment/Development Agreements, or other contracts, may contain terms, provisions, activities, and undertakings 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.

6.9 Enter Into Cooperation Agreements

The Authority is authorized to enter into such Cooperation Agreements as may be required by the Act, including tax sharing agreements. The Authority may also use the mediation and other provisions of the Act when necessary to provide adequate financing to carry out this Plan. This paragraph shall not be construed to require any particular form of cooperation.

6.10 Other Project Undertakings and Activities

Other Project undertakings and activities deemed necessary by the Authority to carry out the Plan may be undertaken and performed by the Authority or pursuant to agreements with other parties or public bodies in accordance with the authorization of the Act and any applicable law or laws.

7.0 PROJECT FINANCING

The Authority is authorized to finance the Project by any method authorized by the Act or any other applicable law, including without limitation, appropriations, loans or advances from the City; federal loans and grants; state loans and grants; interest income; pay as you go arrangements; annual appropriation agreements; agreements with public and private parties or entities including, without limitation, metropolitan districts; issuance of Bonds; sale of securities; Tax Increment Financing (including both property and sales tax increments); loans, advances and grants from any other available source.

Any financing method legally available to the City, the Authority, any private developer, redeveloper or owner may be used to finance in whole or in part any lawful cost or financial obligation, including without limitation, the cost of public improvements described, authorized or anticipated in the Act or Plan or in any manner related or incidental to the redevelopment of the Area. Such methods may be combined to finance all or any part of the Project. Any financing method authorized by the Plan or by any applicable law, including without limitation, the Act, may be used to pay the principal of and interest on and to establish reserves for Bonds and all forms of indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Authority or the City to finance the Project in whole or in part.

The Authority is authorized to issue Bonds, including notes or any other financing instruments or documents in amounts sufficient to finance all or part of the Project. The Authority is authorized to

borrow funds and to create indebtedness in carrying out this Plan. The principal, interest and any premiums due on or in connection with such indebtedness may be paid from Tax Increment Financing revenue or any other funds available to the Authority, including, without limitation, Pledged Revenues.

The Project may be financed by the Authority under the Tax Increment Financing provisions of the Act. Property taxes levied after the effective date of the approval of this Plan upon taxable property in the Area each year by or for the benefit of each specific public body that levies Property Taxes in the Urban Area on taxable property in the Urban Renewal Area or all or a portion of municipal sales taxes collected within the Area, or both such taxes, shall be divided for a period not to exceed twenty-five (25) years after the effective date of this allocation provision, as follows:

Base Valuation Revenues

That portion of the taxes which are produced by the levy at the rate fixed each year by or for each such specific public body upon the valuation for assessment of taxable property in the Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the Area, the effective date of the modification of the Plan, and, subject to the City Council approval, that portion of municipal sales taxes, not including any sales taxes for remote sales as specified in §39-26-104(2), C.R.S., collected within the boundaries of the Area in the twelve-month period ending on the last day of the month prior to the effective date of the approval of the Plan, or, both such portions, must be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Valuation Revenues

That portion of said property taxes or, subject to City Council approval, all or any portion of said sales taxes, or both, in excess of the base amount of property taxes or sales taxes paid into the funds of each such public body as provided above must 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, or to make payments under an agreement executed pursuant to §31-25-107(11) of the Act.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the base valuation for assessment of the taxable property in the Urban Renewal Area, as provided above, all of the taxes levied upon the taxable property in the Urban Renewal Area must be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in the Urban Renewal Area exceed the base year municipal sales tax collections in such urban renewal area, as provided above, all such sales tax collections must be paid into the funds of the municipality.

When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in the Urban Renewal Area must be paid into the funds of the respective public bodies, and all moneys remaining in the special fund that have not previously been rebated and that originated as property tax increment generated based on the mill levy of a taxing body, other than the municipality, within the boundaries of the Urban Renewal Area must be repaid to each taxing body based on the pro rata share of the prior year's property tax increment attributable to each taxing body's current mill levy in which property taxes were divided pursuant to provision. Any moneys remaining in the special fund not generated by property tax increment are excluded from any such repayment requirement. Notwithstanding any other provision of law, revenues excluded by §31-25-107(9)(a)(II) of the Act are not intended to be included in Available Property Tax Increment Revenues.

The Increment Valuation Revenues are irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such Bonds, including any loans, advances and other indebtedness incurred by the Authority to finance the Urban Renewal Project, but excluding any offsets collected by the County Treasurer for return of overpayments or any reserve funds reserved by the Authority for such purposes in accordance with §31-25-107(9)(a)(III) and (b) of the Act, and also excluding a reasonable amount each year as determined by the Authority for payment of maintenance and operating expenses associated with administering the Plan, carrying out the Urban Renewal Project, and maintaining the existence of the Authority.

The Available Property Tax Increment Revenues (as described and defined in this Plan) are immediately subject to the lien provided by the provisions of §11-57-208, C.R.S., effective as of the date this Plan is approved by the City Council of the City. Such pledge is necessary and required for the benefit of the Authority and private enterprise to carry the Urban Renewal Project in accordance with the requirements of §31-25-107(4)(g) of the Act. Such Available Property Tax Increment Revenues are and shall be subject to the lien of such pledge for the Duration of the Project without any physical delivery, filing, or further act. The creation, perfection, enforcement and priority of the pledge of the Available Property Tax Increment Revenues as provided herein shall be governed by §11-57-208, C.R.S. The lien of such pledge on the Available Property Tax Increment Revenues shall have priority over any and all other obligations and liabilities of the Authority with respect to the Available Property Tax Increment Revenues.

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.

APPENDIX

Exhibit A: Tejon and Costilla Urban Renewal Area Map and Legal Description

(to be included when available)

Exhibit B: Excerpts from 2001 City of Colorado Springs Comprehensive Plan

City of Colorado Springs Comprehensive Plan, adopted 2001 (excerpts taken verbatim, but formatted for emphasis)

Introduction

Major Issues Addressed by the Plan

This Plan is based on the concept that how the City deals with its growth issues will be more effective in improving our quality of life than any attempts to slow down or stop growth. The city has significant room to grow, and so our challenge is to improve the character of physical development, while protecting and preserving the natural features of the city's setting. Major issues thus correspond to the subjects of the Plan's chapters.

- 1. Develop a coordinated land use pattern that efficiently uses land by encouraging mixed use activity centers rather than segregated land uses.*
- 2. Recognize the central importance of all neighborhoods.*
- 3. Create opportunities for travel modes that can reduce the rate of growth in automobile use.*
- 4. Evaluate effective tools for assessing the fiscal impact of development.*
- 5. Continually improve the community's stewardship of its natural setting.*
- 6. Strengthen the quality of development's visual character and appearance.*
- 7. Maintain a citywide context or perspective as an integral part of incremental land use decision-making.*

The Organization of the Plan

The Plan is then organized into the following policy chapter headings, each containing sets of objectives, policies, and strategies and supporting maps:

- I. Land Use*
- II. Neighborhoods*
- III. Transportation*
- IV. Community Infrastructure and Services*
- V. Natural Environment*
- VI. Community Character and Appearance*
- VII. 2020 Land Use Map*

Objectives are, in essence, goal statements, in that they represent a desired result. Policies represent a more focused statement of action to achieve an objective. Strategies represent specific steps and frequently identify tools or techniques that should be developed.

Chapter 1 - Land Use

Definitions

Activity Center: Activity center is a general term for a mixed-use center that integrates a range of uses and activities which complement and support each other. Typically, an activity center includes a predominant type of use, such as commercial or employment-related, that is then supported by a mix of one or more other uses, such as residential, civic, or institutional. The predominant use generally determines the type of center. Activity centers vary in size, intensity, scale, and their mix of supportive uses, depending on their purpose, location, and context. In each case, activity centers are intended to be mixed use and pedestrian-oriented and to establish good connections and transitions to surrounding areas. The Comprehensive Plan includes the following types of activity centers.

Infill Development: Development of vacant parcels within a built up area. Parks and open space are also considered as infill, since they are permanent uses for vacant parcels.

Mixed-Use Development: Development that integrates two or more land uses, such as residential, commercial, and office, with a strong pedestrian orientation.

Redevelopment: Development of sites that were formerly developed and cleared or that require the clearance of existing structures and improvements prior to new building.

Significant Natural Features: Those ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrops, unique vegetation, floodplains, streams, surface water, air, natural drainage ways and wildlife habitats that contributes to the attractiveness of the community.

Strategic Network of Long-Range Plans: A network of long-range plans to be developed for transportation, infrastructure, and services as identified in the City's Strategic Plan. They include the Intermodal Transportation Plan, the Long-range Public Works Infrastructure and Services Plan, the Long-Range Plan for Police Services, the Long-range Plan for Fire Services, the Parks Capital System Master Plan, and the Parks System Services Master Plan.

Transit-Oriented Development: Development that supports transit use through a concentration and mix of uses and pedestrian connections.

Land Use Pattern

Objective LU 2: Develop A Land Use Pattern That Preserves the City's Natural Environment, Livability, And Sense of Community

A focused pattern of development makes more efficient use of land and natural and financial resources than scattered, "leap frog" development. In contrast to dispersed patterns of development, a consolidated pattern helps to decrease traffic congestion and facilitates the ability of the City to provide needed services and public facilities, such as street maintenance, public transit, police and fire protection, and emergency services. A more focused land use pattern should be planned to better protect open spaces and natural resources, deliver public facilities and services more effectively, provide a greater range of options for housing in

neighborhoods, preserve the unique character of the community, and make available a greater range of choices in modes of transportation.

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 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

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 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 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.

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.

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.

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 (policy may apply if there is a residential component to the project)

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.

Housing (policy may apply if there is a residential component to the project)

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.

Policy LU 701: Plan and Develop New Commercial Areas as Activity Centers

Plan and develop new commercial areas as regional centers, commercial centers, community activity centers, or neighborhood centers according to their function, size, location, intensity, and mix of uses. The development of commercial areas in linear, "strip" configurations along roadways will be discouraged.

Strategy LU 701a: Locate New Commercial Uses in Activity Centers

Locate new commercial (retail, office, services, etc.) development in identified regional centers, commercial centers, and community or neighborhood activity centers. Prohibit strip commercial development along new major roadways.

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 701f: Encourage New Commercial Development in New and Developing Corridors to Form Activity Centers

Encourage new commercial development in new and developing corridors to take place in activity centers that incorporate a mix of uses and avoid large, single-use buildings and dominating parking 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.

Strategy LU 702b: Redevelop and Infill Commercial Uses in Mature/Development Corridors to Form Activity Centers

Redevelop and infill commercial uses in mature/redevelopment corridors to support the formation and evolution of new activity centers. Coordinate the formation of new activity centers with the redevelopment of the entire corridor.

Strategy LU 702c: Support and Encourage the Evolution of Existing Commercial Areas into Activity Centers

Support and encourage the evolution and transformation over time of existing commercial areas from their exclusive auto orientation and single use functions into activity centers with mixed uses, pedestrian and transit orientation, and better relationships to the surrounding residential areas.

Strategy LU 703e: Encourage the Redevelopment of Obsolete Community Activity Centers and Redevelopment Corridors as Mixed-use Activity Centers

Support the redevelopment of aging local commercial centers and redevelopment corridors as mixed-use activity centers.

Chapter 2 - Neighborhoods

Definitions

Neighborhood: A geographic sub-area within the city that contains residential land uses. The extent of a neighborhood is variable and may be defined by tradition, period of building and development, or subdivision patterns. Neighborhood boundaries may include such features as major streets or other physical features.

Enhancement

Objective N 2: Enhance Neighborhoods (policy may apply if there is a residential component to the project)

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.

Strategy N 202e: Encourage Development of Public Gathering Places in Redeveloping Neighborhoods (policy may apply if there is a residential component to the project)

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.

Strategy N 203b: Achieve Balanced Mix of Land Uses

Use the land development review process to plan well-functioning new neighborhoods. Reserve planned land uses in new neighborhoods to achieve a balanced mix of land uses over time.

Strategy N 203f: Develop Gathering Places

Plan and develop a landscaped, outdoor center for each new neighborhood in conjunction with schools, parks, recreational facilities, supporting retail uses, community centers, neighborhood life centers or other civic or institutional uses to function as a focal point and gathering place for the public.

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.

Policy N 301: Identify and Develop Mutually Supportive Mixed Uses

Develop an appropriate mix of land uses and differing housing types in both new and existing neighborhoods.

Strategy N 301a: Identify Non-Residential Land Uses that Support Neighborhoods *Identify the type, scale and nature of non-residential uses that contribute to the efficient functioning and attractiveness of neighborhoods.*

Policy N 302: Promote Development of Mixed-Use Neighborhoods

Provide residents the choice of walking, bicycling or driving to parks, schools, work, shopping, places of worship, and transit stops in their own and other neighborhoods.

Chapter 3 - Transportation

Planning and Mobility

Policy T 103: Transportation System and Land Use Pattern

Develop a land use pattern and a transportation system that are mutually supportive. Enhance access to housing, jobs, schools, goods and services, shopping, and recreation through the joint planning of land uses and transportation. Link sites used for living, working, shopping and recreating and make them accessible via transit, bike, foot and car.

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.

Livable Communities

Strategy T 201e: Bicycle and Pedestrian Safety

Designed pedestrian and bicycle facilities, including sidewalks, on-road lanes, off-road trails, connections, crossings, signals, and bridges to facilitate movement in a safe and efficient manner. Facilitate convenient and safe bicycle and pedestrian movement at crossings and traffic signals.

Strategy T 201f: Roadway Beautification

Conduct and implement a citywide street beautification plan. Design residential streets that minimize road mat width and include detached sidewalks, landscaping and adequate pedestrian crossings to enhance neighborhoods. Maintain and protect existing landscaped medians. Include landscaped medians or side parking in new street design. Design streetlights for pedestrian use and to complement neighborhood character. Place utility boxes, cable boxes and similar facilities as unobtrusively as possible, with consideration for operability and safety.

Strategy T 201g: Recognize Neighborhood Character

Plan, develop and implement a transportation system that enhances the livability of residential neighborhoods. Recognize the importance of and contribution to neighborhood identity and integrity by protecting and improving the quality of life within neighborhoods, while at the same time facilitating the movement of pedestrian, bike and vehicular traffic. Include traffic calming and pedestrian safety in transportation projects located within neighborhoods.

Strategy T 201h: Streetscape and Neighborhood Creation and Preservation

Develop streetscape design criteria that consider the elements essential to the creation and preservation of neighborhood character, including trees, medians, parkways, scenic vistas and the relationship between homes and roadways. Incorporate historic elements such as landscaping, medians, smaller turning radii and narrower configurations in historic neighborhoods. Incorporate design criteria fostering neighborhood livability in all new development and redevelopment.

Policy T 202: Improve Mobility with Multi-Modal System

Plan and develop an integrated all-mode transportation system. Facilities and services will jointly serve all modes while respecting and maintaining the integrity of existing neighborhoods. Support and implement alternative modes and facilities to help maintain and increase Colorado Spring's attractive quality of life.

Strategy T 202a: Improve Mobility Options

Develop a transportation system that increases mobility options, including alternative ways to travel and strategies to manage demand.

Strategy T 202b: Transportation and Land Use

Provide mobility choices for City residents, visitors and businesses in support of the City's land use and development visions, objectives and policies.

Strategy T 202c: Incorporate Non-motorized Transportation Facilities

Incorporate non-motorized transportation facilities into the planning and construction of general transportation improvements, including road construction, bridge construction, subdivision development and new transit systems.

Chapter 6 - Community Character/Appearance

Built Environment and Natural Setting Streets

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.

Strategy CCA 401b: Design Mixed-use to Provide Significant Benefits

Design mixed-use development, including infill and redevelopment, to provide significant benefits to the surrounding area.

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.

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.