

RESOLUTION

A RESOLUTION FINDING THAT PROPOSED MODIFICATIONS TO THE EAST 144<sup>TH</sup> AVENUE AND I-25 URBAN RENEWAL PLAN DO NOT CONSTITUTE A SUBSTANTIAL CHANGE TO THE PLAN.

WHEREAS, the City Council approved the East 144<sup>th</sup> Avenue and I-25 Urban Renewal Plan (the "Plan") by Ordinance Number 3219 on November 13, 2012; and

WHEREAS, the City Council of the City of Thornton, Colorado, is desirous of modifying the Plan to clarify the Plan by adding the definition of Urban Renewal Project from the Colorado Revised Statutes (the "Statutes") and including that term where appropriate in the Plan; adding the phrase "undertakings and activities" to follow the Statutes when describing the improvements the Thornton Development Authority will carry out; and updating the definition of Comprehensive Plan to include any future amendments to the City of Thornton Comprehensive Plan that may occur while the Plan is in effect as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, this modification will not substantially change the urban renewal plan in land area, land use, design, building requirements, timing, or procedure; and

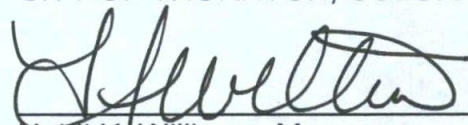
WHEREAS, such modification does not constitute a substantial change to the Plan as described in Section 31-25-107, C.R.S.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO AS FOLLOWS:

That the City Council hereby finds that the amendments to the East 144<sup>th</sup> Avenue and I-25 Urban Renewal Plan as shown in Exhibit "A" will not substantially change the urban renewal plan in land area, land use, design, building requirements, timing, or procedure, and approval of the modifications does not require a public hearing under the requirements of Section 31-25-107, C.R.S.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on October 13, 2015.

CITY OF THORNTON, COLORADO

  
Heidi K. Williams, Mayor

ATTEST:

  
Nancy A. Vincent, City Clerk





## East 144th Avenue and 1-25 Urban Renewal Area



**Urban Renewal Plan**

Thornton, Colorado

October 23, 2012

Amended and Restated  
October 27, 2015

Prepared for:  
City of Thornton, Colorado  
Thornton Development Authority (TOA)

Prepared by:  
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# East 144th Avenue and 1-25 Area

## Urban Renewal Plan

City of Thornton, Colorado

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# East 144th Avenue and 1-25 Area

## Urban Renewal Plan

City of Thornton, Colorado

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# East 144th Avenue and 1-25 Area

## Urban Renewal Plan

City of Thornton, Colorado

### **10 Introduction**

#### **1.1 Preface**

This East 144th Avenue and 1-25 Area Urban Renewal Plan (the "**Plan**" or the "**Urban Renewal Plan**") has been prepared by the Thornton Development Authority (the "**Authority**") for the City of Thornton, Colorado ("**City**"). It will be carried out by 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, 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. All figures, appendices, and attachments hereto are incorporated in and made a part of this Plan.

### **12 Blight Findings**

Under the Act, an urban renewal area is a blighted area, that 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 of the City (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 East 144th Avenue and 1-25 Area Conditions Survey, prepared by Ricker Cunningham, dated February, 2012, which is attached hereto as **Attachment 1** (the "**Survey**"), demonstrates that the East 144th Avenue and 1-25 Area Conditions Survey Area ("**Study Area**"), as defined in the Survey, is a blighted area under the Act.

### 1.3 Other Findings

The Area is appropriate for an urban renewal project including activities and undertakings and activities authorized by the Act ~~to be advanced by the Authority.~~

It is the intent of the City Council in adopting this Plan that the Authority exercise all powers authorized in the Act which are necessary, convenient or appropriate to accomplish the objectives stated herein. Further, it is the intent of this Plan that the Authority 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 proposed East 144th Avenue and 1-25 Area Urban Renewal Area (the "Urban Renewal Area" or the "Area") includes four parcels, all of which are located within the City limits as delineated in **Figure No. 1** and described in the legal description attached as **Appendix II**. Geographically, it is situated in the southeast quadrant of Interstate 25 (1-25) and East 144th Avenue in north Thornton and totals approximately 67 acres including legal parcels and rights-of-way, plus the Bull Canal.

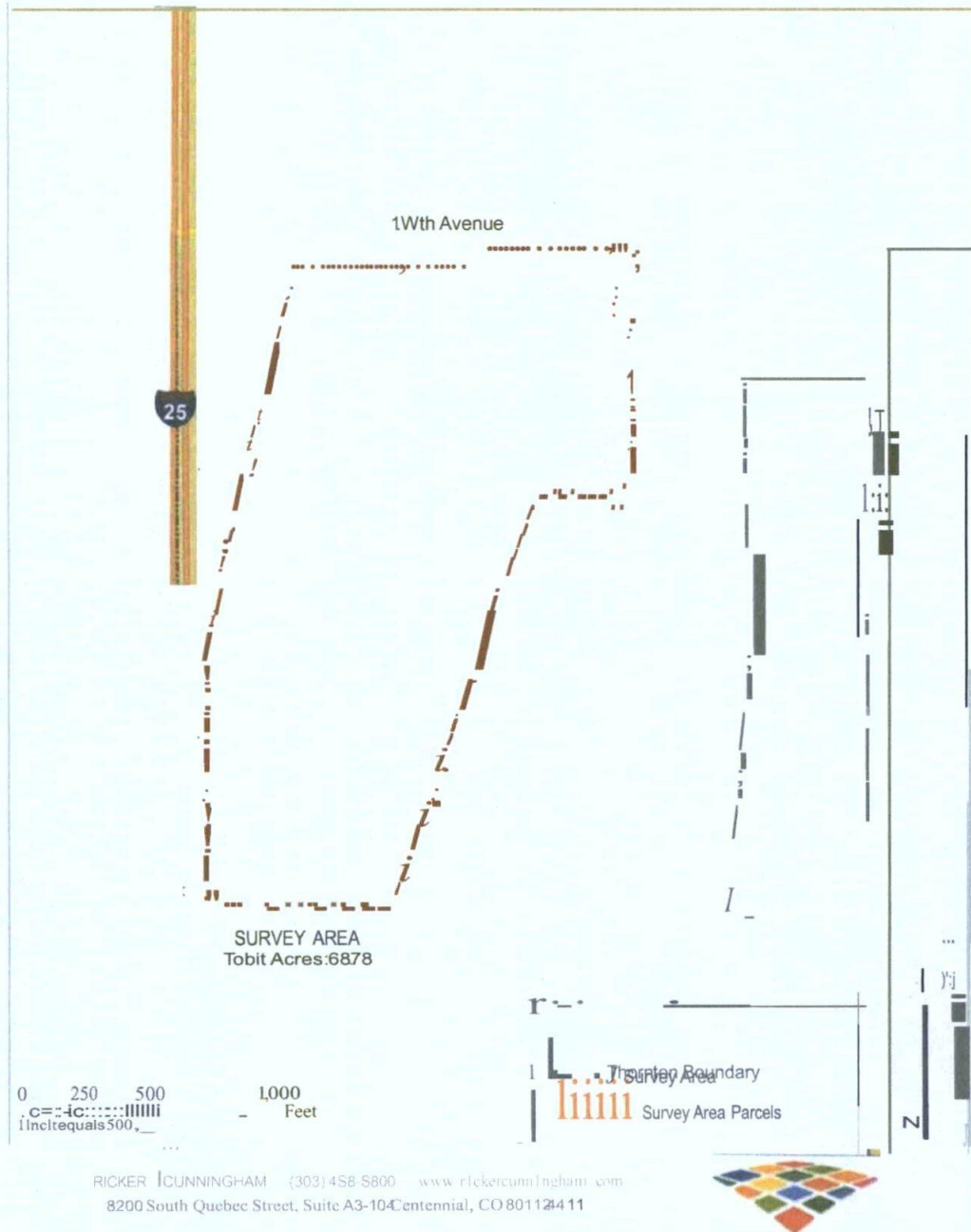
The legal description in Appendix II controls the map boundaries in Figure 1 in case of any conflict.

#### 1.4.1 Map of Urban Renewal Area (Figure 1)

The Urban Renewal Area map is presented as **Figure No. 1** on the following page.



Figure 1: Urban Renewal Area Map



## 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 terms herein shall have the same meaning as set forth in the Act.

**Area or Urban Renewal Area** – means the East 144th Avenue and 1-25 Urban Renewal Area as depicted in **Figure 1** and legally described in **Appendix II**.

**Authority** - means the Thornton Development Authority.

**Base Amount** – means that portion of the property taxes and municipal sales taxes defined in Section 7.3.2 of this Plan.

**Building and Zoning Code** – means the building and zoning codes of the City, including all rules, regulations, and policies implementing the building and zoning codes as set forth in the Thornton Municipal Code.

**City Council** – means the City Council of the City of Thornton.

**Comprehensive Plan** - Thornton Comprehensive Plan - means the most recently updated version of the 2007 Thornton Comprehensive Plan, which is dated May 26, 2010, and was amended September 11, 2012. All references herein to "Comprehensive Plan" included any amendments or modifications adopted in the future.

**Cooperation Agreement** – means any agreement between the Authority and 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.

**Impact Report** – means the East 144th Avenue and 1-25 Area Adams County Impact Report prepared by Ricker Cunningham, dated April 2012, attached hereto as **Attachment 2** and incorporated herein by this reference.

**Plan or Urban Renewal Plan** – means this East 144th Avenue and 1-25 Area Urban Renewal Plan.



**Property Tax Increment Revenue** – means the property tax increment revenue allocated to the Authority by the Act and Section 7.3.3 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 Revenue** - means the municipal sales tax increment revenue allocated to the Authority by the Act and Section 7.3.3 of this Plan.

**Study Area** – means the geographic territory defined for the Survey, the boundaries of which are coterminous with the Area boundaries.

**Survey** – means the East 144th Avenue and 1-25 Area Conditions Survey, prepared by Ricker/Cunningham, dated February, 2012, attached hereto as **Attachment 1** and incorporated herein by this reference.

**Urban Renewal Project** ~~shall have the same meaning as in the Act.~~ means undertakings and activities for the elimination and for the prevention of the development or spread of slums and blight and may involve slum clearance and redevelopment, or rehabilitation, or conservation, or any combination or part thereof, in accordance with an urban renewal plan. Such undertakings and activities may include:

- (a) Acquisition of a slum area or a blighted area or portion thereof;
- (b) Demolition and removal of buildings and improvements;
- (c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of this part 1 in accordance with the urban renewal plan;
- (d) Disposition of any property acquired or held by the authority as a part of its undertaking of the urban renewal project for the urban renewal areas (including sale, initial leasing, or temporary retention by the authority itself) at the fair value of such property for uses in accordance with the urban renewal plan;
- (e) Carrying out plans for a program through voluntary action and the regulatory process for the repair, alteration, and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and
- (f) Acquisition of any other property where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration or to provide land for needed public facilities

### 3.0 Purpose of the Plan

The purpose of this Plan is to reduce, eliminate and prevent the spread of blight within the Area and to stimulate growth and investment within its Area boundaries. To accomplish this purpose, the Plan promotes local objectives expressed in adopted community plans with respect to appropriate land uses, private investment and public improvements, provided that the delineation of such objectives shall not be construed to require that any particular project-undertaking or activity necessarily promote all such objectives.



Specifically, the Plan seeks to advance the vision and priorities of the Comprehensive Plan. The development of properties within the Area will be accomplished through the improvement of existing and construction of new structures and infrastructure, and attraction of new investment and reinvestment in the Area through the involvement of the Authority and City with participation and cooperation by the private sector.

### 3.1 Development and Design Objectives

All development in the Area shall conform to the Building and Zoning Code and any site-specific zoning regulations or policies which might impact properties, all as in effect and as may be amended from time to time. While the Act authorizes the Authority to undertake zoning and planning activities to regulate land use, maximum densities, and building requirements in the Area, the City will regulate land use and building requirements through existing municipal codes and ordinances.

General development objectives for the Urban Renewal Area include development and redevelopment of properties in the Area for the purpose of generating revenue sufficient to fund public improvements, undertakings or activities that address conditions of blight that are diminishing the character and quality of this critical signature gateway to the community. Correspondingly, it is the intent of this Plan to provide a range of improvements that raise the standard of living for area residents in concert with commercial offerings that will complement the City's portfolio of unique destination offerings.

Specific objectives include the following:

1. Eliminate and prevent blight
2. Implement all applicable elements of the Comprehensive Plan
3. Support and advance actions identified in existing and any future plans prepared by the City related to redevelopment in commercial gateways that are consistent with the vision of this Plan
4. Convert surplus publicly-owned property to use as a new tax-generating commercial facility
5. Catalyze additional private investment through the introduction of a significant regional draw
6. Advance uses that can leverage public investment in planned improvements (for example, roadway, flood plain remediation, enhanced drainage)
7. Provide public improvements, including streetscape amenities, trail connections, parking
8. Provide a range of financing mechanisms for improvements



## 9. Facilitate public-private partnerships

**4.0 Blight Conditions**

Before an urban renewal plan can be adopted by the City, the Area must be determined by the City Council to be a "blighted area" 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 of the following factors (see below) in the Area, 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;
- U) 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.

The general methodology for conducting the Survey is to: (i) define the Study Area; (ii) gather information about properties, infrastructure and other improvements within the Area; (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 identified the presence of the following eight blight factors in the Study Area:



- (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
- (k5) 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

At the time this Plan was prepared, there was no known opposition among the property owners (or any tenants of property owners) to inclusion in the Urban Renewal Area or adoption of this Urban Renewal Plan. Assuming this condition remains the same, there would only need to be one factor found as per provision (l) of the Act, "(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), C.R.S.

## 5.0 Plan's Relationship to Local Objectives and Appropriate Land Uses

### 5.1 General Description

Implementation of this Urban Renewal Plan supports the objectives and requirements of the Comprehensive Plan with respect to development and redevelopment. As development occurs in the Area, it shall conform to the Comprehensive Plan and any subsequent updates, the Building and Zoning 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.



Conditions of blight within the Area will be remedied by the proposed Plan and redevelopment by private enterprise. Public improvements will be phased as the market allows and funded in part by tax increment revenues.

### 5.3 Relationship to Comprehensive Plan

~~A general plan for the City, known as the City of Thornton Comprehensive Plan, was adopted in 2007 and is proposed to be updated in 2012.~~ The Authority, with the cooperation of the City, private enterprise and other public bodies, will undertake projects/undertakings and activities described in this Plan in order to eliminate the conditions of blight identified herein while implementing the goals and objectives of the Comprehensive Plan and any subsequent updates. Specific elements of the ~~City of Thornton (2007)~~ Comprehensive Plan which this Plan advances, include the following (taken verbatim).

#### City of Thornton Comprehensive Plan

##### 2007 Plan and Goal

The 2007 Thornton Comprehensive Plan established a vision for Thornton that can be expressed by what the City strives to be;

- A City of Quality and Diverse Neighborhoods
- A City of Plentiful Quality Jobs
- A City of Great Amenities
- A City of Active and Engage Partnerships

#### Section 1: Introduction

##### City Council Charge (page 1.2)

To initiate the comprehensive planning process, the Thornton City Council set the tone and direction for the Comprehensive Plan with the creation and adoption of ten Value Statements offering overall guidance as a foundation for the Comprehensive Plan. These are:

1. We value **families** and **children**; the diversity of our residents.
2. We value the sense of **pride** in our community.
3. We value **planned growth** as part of a dynamic community.

4. We value **safety and security** in our homes, schools and neighborhood.
5. We value **well planned roadways and trails** that allow us to easily move about our daily lives.
6. We value **open space, clean water, recreation, arts and culture, clean air and entertainment.**
7. We value **partnership** with other governments, businesses and educational institutions.
8. We value **economic development** and a **stable tax base.**
9. We value **jobs** that meet the diversity of our population.
10. We value our **location** and wish to take advantage of **major thoroughfares** that provide **unique development opportunities.**

A future land use map identifies the use designation for properties within the Area. **Figure 2** on the following page illustrates the location of this designation within the Area. Definitions of use categories are presented below.

#### **Future Land Use Category**

##### **Regional Commercial**

Regional Commercial includes **Traditional Regional, Power Center and Lifestyle Center** retail uses. Traditional Regional is characterized by enclosed malls, with three or more large department store anchor tenants. Power Center uses are automotive-oriented sites anchored by two or more stand-alone "big box" stores of generally more than 100,000 square feet each, offering a wide variety of goods under one roof. Lifestyle Center is distinguished from Traditional Regional and Power Center by an attractive destination-oriented pedestrian environment, typified by superior architectural building treatments and extensive landscaping, with large retailers supported by restaurants, multi-screen cinema theaters, and amenities such as water features, public gathering spaces and sculptures.





#### 5.4 Relationship to Other Community Plans

Implementation of this Urban Renewal Plan will be consistent with development objectives expressed in all community adopted and accepted plans including the Comprehensive Plan and North Washington Subarea Plan, April 2005.

Specific elements of the North Washington Subarea Plan which this Plan advances, include the following (taken verbatim). A more extensive reference to specific objectives, policies and actions are presented in **Appendix I** of this Plan.

#### **North Washington Subarea Plan, April 2005**

##### **Section 1: Introduction (pages 1.1-1.3)**

The North Washington Subarea Plan recommendations shall:

- ~~1A~~ Provide for a diversity of land uses;
- ~~1B~~ Provide diverse economic enhancements of the tax base;
- ~~1C~~ Expand and diversify the employment base;
- ~~1D~~ Be based upon reasonable and achievable expectations given physical conditions and market influences; and
- ~~1E~~ Identify and recommend ways to address the infrastructure impacts of recommended plans.

##### Visionary Approach

- ~~11~~ To foster an environment that will encourage vision, promote dynamic thought, ideas, and generate forward thinking while being open to all.

##### Balanced and Acceptable Plan

- ~~12~~ To produce an economically and politically viable (land use) plan that will be approved by Council on behalf of and representative of the Subarea and City as a whole.



Tax Base and Economic Development

- 13** To attract diverse commercial development by providing land use opportunities that are anticipated to produce retail sales, attractive employment opportunities, and high paying jobs via industrial or office park development and to appeal to retailers, the City must responsibly promote and use economic incentives.

## Gateway to the Community

- 14** To establish a welcoming and inviting gateway into Thornton with strategically placed parks and open space. The development community will collaborate to strategically incorporate high quality parks, open space, cultural opportunities, combined with a harmonious blend of aesthetically- pleasing architecture structures, signage, and landscaping.

## Implementation

- 15** To be competitive with neighboring Cities, following the Council adoption of a Plan, the City should take immediate implementation steps to include:
- a) Encourage annexation of unincorporated parcels
  - b) Consider zoning parcels in advance of development to comply with the Plan
  - c) Plan for, and acquire when feasible, land for needed streets and parks/open space
  - d) Promote/Market the Plan area to the intended users
  - e) Consider the appropriate use of incentives when necessary
  - f) Consider a streamlined entitlement process
  - g) To retain a competitive edge with adjacent communities, the City must begin annexation and acquisition of needed rights-of-way to support the land use plan.

**6.0 Authorized Urban Renewal Undertakings and Activities**

The Act allows for a wide range of undertakings and activities to be used in the implementation of an urban renewal plan. In the case of this Plan, it is the Authority's intent to assist redevelopment through public investment to stimulate private investment in cooperation with improvement districts and property owners to accomplish its objectives. Public-private partnerships and other forms of cooperative development will be key to the Authority's strategy for preventing the spread of blight and eliminating existing blight conditions.



## 6.1 Public Improvements and Facilities

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or cooperate with others to, install, construct, and reconstruct any public improvements. Additionally, the Authority may, or cooperate with others to, demolish and clear buildings and existing improvements for the purpose of promoting the objectives of the Plan and the Act.

Public ~~projects~~ improvements are intended to stimulate (directly and indirectly) private sector investment in and around the Area. It is the intent of this Plan that the combination of public and private investment that may be necessary to advance the objectives stated herein will assist in the investment and reinvestment in the Area and thereby contribute to the overall economic well-being of the community.

As described in **Section 4.0** of this Plan, eight qualifying conditions of blight, as defined in Section 31-25-103(2) of the Act, are evident in the Area. This Plan proposes addressing each of these conditions through completion of the following public improvements and facilities:

- (b) Predominance of defective or inadequate street layout: construction of sidewalks, curbs and gutters, and public parking; roadway improvements that will serve to minimize the number of traffic accidents including siting curb cuts in appropriate locations;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness: improved vehicular and pedestrian access to interior portions of the Area and promotion of land use plans that facilitate redevelopment;
- (d) Unsanitary or unsafe conditions: enhanced lighting on public rights-of-way; assistance with flood mitigation and fire protection measures; relocation of Bull Canal and drainage improvements;
- (e) Deterioration of site or other improvements: provision of water and sewer improvements, streets, sidewalks, and other related site improvements;
- (f) Unusual topography or inadequate public improvements or utilities: water flow and infrastructure enhancements; water and sewer improvements; storm water detention and release systems; complete street improvements; and, trail connections;
- (h) The existence of conditions that endanger life or property by fire or other causes: (see(d) above)
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities:



(see (d), (e), and (f) above);

- {kS) 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: construction of public improvements.

## 6.2 Other Improvements and Facilities

There could be other non-public improvements in the Area that may be required to accommodate development and redevelopment. The Authority may assist in the financing, design and construction of these improvements to the extent authorized by the Act.

## 6.3 Development Opportunities-Catalyst ~~Projects~~Developments

A key concept associated with implementation of the Plan is targeted investment that will serve to catalyze development throughout the Area and fund future public improvements.

## 6.4 Development Standards

All development in the Area shall conform to applicable rules, regulations, policies and other requirements and standards of the City and any other governmental entity which has jurisdiction over all or any portion of the Area. In addition, all developer's in the Area will be required to submit to the Authority, for review and approval, design standards for buildings, facades, landscaping and any public art elements.

In conformance with the Act and the Plan, the Authority may adopt design standards and other requirements applicable to projects undertakings and activities undertaken by the Authority in the Area. Unless otherwise approved by City Council, any such standards and requirements adopted by the Authority shall be consistent with all other City zoning and development policies and regulations.

## 6.5 Variations in the Plan

The Authority may propose, and the City Council may make, such modifications to this Urban Renewal Plan as may be necessary provided they are consistent with the Comprehensive Plan and any subsequent updates, as well as the Act, or

such amendments made in accordance with this Plan and as otherwise contemplated by this Plan.

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 Urban Renewal Plan Review Process**

The review process for the Plan is intended to provide a mechanism to allow those parties responsible for implementing key projects, undertakings and activities to periodically evaluate its effectiveness and make adjustments to ensure efficiency in implementing the recommended activities.

The following steps are intended to serve as a guide for future Plan review:

- (a) The Authority may propose modifications, and the City Council may make such modifications as may be necessary provided they are consistent with the Comprehensive Plan and any subsequent updates, as well as the Act.
- (b) 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 Property Acquisition and Land Assemblage**

The Authority may acquire property by



negotiation or any other method authorized by the Act, except that acquisition of property under the power of eminent domain by the Authority is not authorized. The Authority may temporarily operate, manage and maintain property acquired in the Area. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

#### 6.8 Relocation Assistance

Activities under this Plan will not 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.

#### 6.9 Demolition, Clearance, Environmental Remediation, and Site Prep

In carrying out this Plan, it is anticipated that the Authority may, on a case-by-case basis, elect to demolish or to cooperate with others to clear buildings, structures and other improvements. Additionally, development activities consistent with this Plan, including but not limited to Redevelopment or Cooperation Agreements, may require such demolition and clearance to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

With respect to property acquired by the Authority, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other

improvements pursuant to this Plan, if in the judgment of the Authority, such buildings, structures and other improvements are not to be rehabilitated in accordance with this Plan. The Authority may also undertake such additional site preparation activities as it deems necessary to facilitate the disposition and development of such property.

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#### 6.10 Property Disposition

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

#### 6.11 Redevelopment and Rehabilitation Actions

Development and redevelopment actions within the Area may include such undertakings and activities as are in accordance with this Plan and the Act, including without limitation: demolition and removal of buildings and improvements; installation, construction and reconstruction of public improvements; elimination of unhealthful, unsanitary or unsafe conditions; elimination of obsolete or other uses detrimental to the public welfare; prevention of the spread of deterioration; and, provision of land for needed public facilities. The Authority may enter into Cooperation Agreements and Redevelopment /Development Agreements to provide assistance or undertake all other actions authorized by the Act or other applicable law to develop and redevelop the Area.

#### 6.12 Redevelopment / Development Agreements

The Authority is authorized to enter into Redevelopment/Development Agreements or other contracts with other public bodies and private parties to provide financial assistance in support of development projects or redevelopment consistent with this Plan as may be more fully set forth in the provisions of such agreements.



Existing agreements between the City and private parties that are consistent with this Plan are intended to remain in full force and effect, unless all parties to such agreements agree otherwise.

#### **6.13 Cooperation Agreements**

For the purpose of this Plan, the Authority may enter into one or more Cooperation Agreements pursuant to the Act. The City and the Authority recognize the need to cooperate in the implementation of this Plan and, as such, Cooperation Agreements may include, without limitation, agreements regarding the planning or implementation of this Plan and its projects, undertakings and activities, ~~as well as programs, public works operations, or activities~~ which the Authority, the City or such other public body is otherwise empowered to undertake and including without limitation, agreements respecting the financing, installation, construction, maintenance, and reconstruction of public improvements, utility line relocation, storm water detention, environmental remediation, landscaping and/or other eligible improvements. This paragraph shall not be construed to require any particular form of cooperation.

## 7.0 Urban Renewal Project Financing

### 7.1 Public Investment Objective

It is the intent of the Plan that the public sector plays a significant role in urban renewal efforts as a strategic partner. However, experience has proven that a critical component to the success of any urban renewal strategy is participation by both the public and private sectors. Leveraging of resources will be key as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Typical public infrastructure investments may include, but are not limited to: unifying streetscape elements (but for specific modifications made on private property); improving access and circulation; improving streets and public spaces; providing for infrastructure improvements; completing roads and utilities; and creating various financing mechanisms.

### 7.2 Authorization

The Authority may finance undertakings-the Urban Renewal Project pursuant to this Plan by any method authorized under the Act or any other applicable law, including without limitation 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; development or redevelopment agreements, reimbursement agreements; and /or utilization of the following: federal or state loans or grants; interest income; annual appropriation agreements; agreements with public or private entities; and, 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 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-~~The Urban Renewal Project may be financed by the Authority under the tax increment financing provisions of the Act, Section 31-25-107(9), C.R.S., which is by this reference incorporated herein as if set forth in its entirety. If there is any conflict between the Act and this Urban Renewal Plan, the provisions of the Act shall control, and the language in this Plan shall be automatically deemed to conform with the Act as it exists as of the effective date of the Plan.

Under the current provisions of the Act, such tax incremental revenues may be used for a period not to exceed the statutory requirement, which is presently 25 years after the effective date of adoption of this Plan. ~~If the time period for collection of such tax increments is extended beyond the present 25-year limit.~~

#### 7.3.1 Special Fund

The Authority shall establish a special fund as required by the Act for the deposit of all funds generated pursuant to the division of ad valorem property and sales tax revenue described in this section.

#### 7.3.2 Base Amount

That portion of the 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 Urban Renewal Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the urban renewal area, the effective date of the modification of the Plan, or that portion of municipal sales taxes collected within the boundaries of the Urban Renewal Area in the 12-month period ending on the last day of the month prior to the effective date of approval of the Plan, or both such portions (the "Base Amount"), shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

#### 7.3.3 Increment Amount

All the property taxes, and all the sales taxes, unless the Authority and the City later agree to a lesser amount, in excess of the Base Amount paid into the funds of each such public body in accordance with Section



7.3.2 above, shall be allocated to, and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, the Urban Renewal Project within such Urban Renewal Area. Without limiting the foregoing, any financial obligations of the Authority in connection with existing agreements and any future agreements with metropolitan districts that may be formed to provide services in the Urban Renewal Area may be paid by the Authority with the taxes described herein. Any excess municipal sales tax collections not allocated pursuant to this subparagraph shall be paid into the funds of the municipality.

Unless and until the total valuation for assessment of the taxable property in the Urban Renewal Area exceeds the Base Amount for assessment of the taxable property in the Urban Renewal Area, all of the taxes levied upon taxable property in the Urban Renewal Area shall 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 Amount of municipal sales tax collections in the Urban Renewal Area, all such sales tax collections shall be paid into the funds of the City. 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 shall be paid into the funds of the respective public bodies.

The increment portion of the taxes, as described in this subsection 7.3.3, may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances and indebtedness incurred by the Authority to finance the Urban Renewal Project ~~(as defined in the Act)~~; provided, however, that this irrevocable pledge shall not extend to any taxes that are placed in a reserve fund by the Authority to be returned to the County for refunds of overpayments by taxpayers in accordance with Section 31-25-107(9)(a)(III) and (b), C.R.S.



The Authority may set aside and reserve a reasonable amount as determined by the Authority of all incremental taxes paid to the Authority for payment of expenses associated with administering the Plan.

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

The Plan is designed to provide for the use of tax increment financing as one tool to facilitate investment and reinvestment within the Area. However, in addition to tax increment financing, 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 the tools either independently or in various combinations. Given the obstacles associated with redevelopment, the Authority recognizes that it is imperative that solutions and resources be put in place, which solutions and resources are comprehensive, flexible and creative.

#### **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.

# **East 144th Avenue and 1-25 Area**

## **Urban Renewal Plan**

City of Thornton, Colorado

### **Appendix I:**

Excerpts from North Washington Subarea Plan, April 2005



## Section 2: Land Use and Housing (pages 2.1-2.14)

### Land Use and Housing Guiding Principles

- 2-A Ensure Plan reinforces a positive, aesthetically pleasing gateway to Thornton through incorporation of architectural and design standards.
- 2-B Ensure plan creates an economic advantage to the community.
- 2-C Ensure plan is economically viable and reflects dynamic market timing and change.
- 2-D Ensure plan takes into account surrounding land uses, recognizing the larger regular context and avoiding adverse impacts on neighboring community of interest.
- 2-E Ensure plan creates a benefit to all present and future citizens of Thornton.
- 2-F Ensure plan incorporates a diversity of uses, is flexible and supports self-sustaining development.

### Key Features

- 2-2 High visibility regional retail/commercial development located along I-25, will enhance the City's sales tax base. Complementing the regional retail yet less intense in scale will be "gateway"/mixed use center at I-25/136th Avenue.
- 2-3 The Regional Employment Center, consisting of a Corporate Campus, an Industrial Park, and an urban village. (See Exhibit 2.17 Development Hierarchy).
  - c. A high intensity, mixed-use Urban Village, east of Washington Street and north of 144th Avenue, will help support the corporate campus and regional retail uses. The Urban Village would have a mix of retail/commercial development, offices, residential units located above retail development, be fairly compact in size, designed at a pedestrian scale and offer a vibrant street life. The Urban Village will also have comfortable streets for walking, parks, open space and convenient commercial establishments.

## Section 3: Economics and Marketing (page 3.1)

### Economic and Marketing Guiding Principles

- 3-A Maximize economic opportunity presented by proximity to DIA, prospect for commuter rail, and presence of developed infrastructure.
- 3-B Use economic incentives to attract high quality jobs, maximum sales tax revenue, and promote economically viable and aesthetically pleasing development.

- 3-C Ensure entitlement process is clear, consistent and timely.
- 3-D Ensure plan has mix of complementary uses, and densities which broaden Thornton's image beyond a bedroom community and translate into economic benefit.
- 3-E Recognize Big Dry Creek as both an environmental and economic amenity.

#### **Section 4: Transportation and Infrastructure (pages 4.1-4.2)**

##### Transportation Guiding Principles

- 4-A Obtain future ROW consistent with long term plans
- 4-B Create Welcoming Gateways (like 136th/I-25 or Church Ranch Road/US 36)
- 4-C Cooperate with surrounding jurisdictions
- 4-D Establish and maintain level of service
- 4-E Minimize noise impacts on neighboring uses
- 4-F Couple desired transportation modes with projected land uses
- 4-G Balance aesthetics and function

##### Infrastructure Guiding Principles

- 4-H Establish utility corridors in accordance with a Master Plan and in coordination with transportation and land use
- 4-I Underground utilities when possible to minimize visual impact
- 4-J Develop a long range plan for high-tech infrastructure
- 4-K Leverage Thornton's water advantage

##### Future Roadway System

- 4-1 Access to and from the Subarea from 1-25, the north-south freeway, will be improved. Interchanges are planned for 144th Avenue and 128th Avenue. The ~~project to construct an~~ interchange at 144th Avenue will also include widening of 144th to four lanes, with eventual widening to six lanes.
- 4-2 In addition to interchanges, two overpasses over the interstate are recommended, one between 136th Avenue and 144th Avenue, the other between 144th Avenue and E-470. These two to four lane overpasses will accommodate trips that would have had to cross at interchanges, thus reducing traffic on the interchange bridges. These overpasses are expected to be linked to the major roadway system on either side of 1-25.
- 4-12 Widen Washington Street, 144th Avenue to 152nd Avenue from two to six lanes.
- 4-13 Construct Grant Street on new alignment from 136th Avenue to 144th Avenue.



- 4-14 Construct Grant Street on new alignment from 144th Avenue to Washington Street and then to 152nd Avenue.
- 4-16 Widen Washington Street, 136th Avenue to 144th Avenue, from two to six lanes.

**Section 5: Parks and Open Space (pages 5.1- 5.2)**

Parks and Open Space Guiding Principles

- 5-F Enhance the continuity of natural features

Open Space Master Plan

In the North Washington Subarea, the plan provides for:

- 6. Development of a trail system oriented to the Bull Canal

Parks, Open Space and Trails

- 5-4 A region-wide and city-wide trail system will be an important element supporting development of the Subarea. The trails system should include:
  - g. Bull Canal Trail through the Regional Employment Center

**Section 6: Implementation (pages 6.2-6.4)**

Implementation Strategy

- 6-6 One of the major competitive attributes of the Subarea is the availability of water and wastewater facilities for new development, and the systematic planning for and scheduling of major roadway improvements. Within the financial capability of the City, and through partnering with the private sector, this aggressive provision of infrastructure should be continued through the use of the CIP and other financing techniques.
- 6-7 The Corporate Campus and the Urban Village/Big Dry Creek projects/improvements are the heart of future development in the Subarea. While there are difficulties that will need to be overcome to make them a reality, they offer tremendous opportunities for the development community. These opportunities need to be brought to the attention of

property owners and developers. Involvement of the Urban Land Institute (as recommended later) would provide such exposure.

#### Public Policy Actions

- PP-4 Designate an Urban Village – Big Dry Creek Development Overlay District. Designation of this district would be designed to direct development to the Urban Village concept. The District would include the identification of architectural and site design standards, appropriate uses, and review/approval process.
- PP-8 Negotiate agreements with other jurisdictions to address interchanges, overpasses, drainage and overpass links to the major street system in each community. This plan includes a number of areas for which coordination and joint participation are needed. The earlier these issues are resolved, the easier it will be to accommodate and guide the development that is coming to each community.
- PP-9 Work with other jurisdictions to resolve Big Dry Creek drainage/ floodway / floodplain issues. The crucial issue is to confirm the floodway / floodplain through the Subarea so that more detailed planning can take place. Decisions regarding the 1-25 opening on the west and the railroad opening on the east need to be made as early as possible. If no decision can be reached, the City will need to proceed with the current floodplain/floodway designation, supplemented by findings of the drainage study of the Big Dry Creek tributaries now underway by the City of Thornton and the Urban Drainage District.

#### Public-Private Partnerships

- PR-5 Work with School Districts to incorporate school sites and joint-use parks into the Subarea as development occurs.
- PR-6 Research potential for alternative funding tools to provide infrastructure funding. These funding tools may include: metropolitan districts, special improvement districts, general improvement districts, tax increment financing, tax rebates, impact fees, dedicated sales tax, and land assemblage by the City.



# **East 144th Avenue and 1-25 Area**

Urban Renewal Plan

City of Thornton, Colorado

Appendix II:

Urban Renewal Legal Description

## Parcel Description

(Provided by Heritage Title Company, hc.)

## Parcel A:

A parcel of land located in the northeast  $\frac{1}{4}$  of Section 22, Township 1south, Range 68 west of the 6th p.m., County of Adams, State of Colorado, being more particularly described as follows:

## Basis of Bearings:

The north line of the northeast  $\frac{1}{4}$  of Section 22, Township 1south, Range 68 west of the 6th p.m., being assumed to bear south  $89^{\circ}35'00''$  east. Commencing at the north  $\frac{1}{4}$  corner of said Section 22; thence south  $60^{\circ}57'23''$  east, a distance of 395.43 feet to a point on the easterly boundary of proposed Colorado Department of Highways right-of-way project no. S04-01/CDOT stu-m286-011, parcel no.4, and the point of beginning; thence north  $82^{\circ}26'40''$  east, along said easterly boundary of parcel no.4, a distance of 536.81 feet to a point on the westerly boundary of proposed Colorado Department of Highways right-of-way project no. S04-01/COOT stu-m286-011, parcel no.4a; thence south  $00^{\circ}25'00''$  west, along said westerly boundary of parcel no.4a, a distance of 25.00 feet to the southwestly corner of said parcel 4a; thence south  $89^{\circ}35'00''$  east along the southerly boundary of said parcel 4a, a distance of 101.51 feet to a point on the westerly boundary of the Bull Canal right-of-way; thence along said westerly boundary of the Bull Canal right-of-way the following five (5) courses:

1. South  $23^{\circ}46'52''$  west, a distance of 187.42 feet;
2. South  $39^{\circ}04'12''$  west, a distance of 296.97 feet;
3. South  $20^{\circ}47'02''$  west, a distance of 340.50 feet;
4. South  $62^{\circ}50'42''$  west, a distance of 326.30 feet;
5. South  $77^{\circ}00'42''$  west, a distance of 185.22 feet to a point on the easterly boundary of said parcel no.4; thence north  $14^{\circ}18'31''$  east along said easterly boundary of parcel no.4, a distance of 893.84 feet to the point of beginning, County of Adams, State of Colorado.

## Parcel B:

Lots 1 and 2, School District Number 12 Service Center, County of Adams, State of Colorado. Except for that portion conveyed to the City of Thornton in Warranty Deed recorded November 29, 1991 in 83841 P424, and except for that portion conveyed to the City of Westminster in Special Warranty Deed recorded July 6, 2006 at Reception No. 20060706000681880.