

BROOMFIELD
120th AVENUE GATEWAY CORRIDOR
URBAN RENEWAL PLAN

City and County of Broomfield

November 1995
Amended November 2004

Broomfield 120th Avenue Gateway Corridor
Urban Renewal Plan

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Urban Renewal Plan: Broomfield 120th Avenue Gateway Corridor

A. PREFACE

The Urban Renewal Plan for the Broomfield 120th Avenue Gateway Corridor Urban Renewal Project (the “Project”) was originally approved by the City Council of the City of Broomfield (now the City and County of Broomfield and hereinafter called the “City”) on November 28, 1995 by Resolution No. 153-95 (the “1995 Plan”). Implementation of the 1995 Plan was delayed by an adverse ruling in litigation instituted by Boulder County. Because of the delay, the City Council adopted the West 120th Avenue Urban Renewal Plan on September 8, 1998 by Ordinance No. 1362 (the “1998 Plan”). The 1998 Plan covers that portion of the area included in the 1995 Plan east of Sheridan Boulevard. On November 12, 1999 the Colorado Court of Appeals reversed the original court ruling and held that the 1995 Plan was valid as originally adopted.

This modification eliminates any confusion between the 1995 Plan and the 1998 Plan by consolidating them into a single document that updates both plans to conform with the West 120th Avenue Corridor Sub-Area Plan as amended from time to time (the “Sub-Area Plan”). The modified Plan will retain the original name: Broomfield 120th Avenue Gateway Corridor Urban Renewal Plan (hereinafter the “Plan”) and will continue to be implemented in accordance with the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, C.R.S., as amended (the “Act”). The administration of the Project and the implementation of the Plan shall be the responsibility of the Broomfield Urban Renewal Authority (the “Authority”).

The modification removes Cimarron mobile home park from the Urban Renewal Plan boundary. Cimarron was originally included in the Urban Renewal Plan as there were anticipated drainage improvements needed in the vicinity of the property. Since that time, Cimarron residents have expressed concerns about remaining in the Plan area. In addition, drainage improvements have been better defined and there is no longer a need to retain Cimarron within the Plan area.

B. URBAN RENEWAL AREA BOUNDARIES

The Urban Renewal Area contains approximately 325 acres and is depicted in Exhibit 1. The Urban Renewal Area is described in Exhibit 2.

C. SUMMARY OF ELIGIBILITY CRITERIA

1. Blight Survey

In August 1995, the Authority contracted with WestPlan Consulting Group to prepare a Blight Survey covering an area of approximately 426 acres, including the Urban Renewal Area. The purpose of the survey was to establish whether conditions of blight, as defined in the Act, exist in the survey area. The Blight Survey dated October 1995, is incorporated herein by reference.

2. Summary of Blight Survey

The following is a summary of the conditions of blight that exist in the Urban Renewal Area, as more particularly set forth in the Blight Survey:

- a. There is a presence of deteriorated structures, sites and other improvements in the Urban Renewal Area.
- b. There is a presence of defective or inadequate street layout in the Urban Renewal Area including inadequate rights-of-way, dead-end access provided to existing developments with no emergency access and private property existing within dedicated street right-of-way.
- c. There is a strong presence of faulty lot layout within the Urban Renewal Area consisting of properties without or with limited street access, flag lots, and lots of inadequate size and shape creating setback and site development constraints. These lots represent 26% of the total lots and 30% of the total private property within the Urban Renewal Area.
- d. There is a strong presence of unsanitary and unsafe conditions that endanger life and property in the Urban Renewal Area including lack of pedestrian and bicycle facilities along major arterial streets; unsafe bus stops; auto hazards; unsafe and hazardous children's play areas; junk, debris and weeds; higher crime and accident rates than other areas of the city; flood plain hazards; abandoned sewage treatment facility and potential fire hazards.
- e. There is a strong presence of substandard improvements and conditions existing in the Urban Renewal Area related to substandard rights-of-way; lack of a planned internal street system to serve development and redevelopment; adverse impacts on adjacent residential areas; changes in site development in the mobile home park; failure to meet city setback standards; non-conforming uses and uses not in conformance with the City's Master Plan; water system, sewer line and fire protection problems and lack of street lighting and pedestrian facilities.
- f. There is a strong presence of adverse environmental conditions present in the Urban Renewal Area including the 100-year flood plain for two drainage basins through the area, areas of steep slopes, and areas of erosion along creek banks. The Urban Renewal Area is currently 29% covered by the 100-year flood plain and includes structures and unanchored materials within it. Alterations to the flood plain are taking place without required permits.

- g. There is a strong presence of vacant and underutilized property within the Urban Renewal Area. Currently 19% of the Urban Renewal Area consists of vacant property and 35% of the area is underutilized.

D. GENERAL DESCRIPTION OF URBAN RENEWAL PROJECT

The Blight Study identifies conditions that constitute “blight” as defined in the Act within the Urban Renewal Area. This Plan shall be implemented as part of a comprehensive program to eliminate and prevent blight in the Urban Renewal Area. The Authority and the City, with the cooperation of private enterprise and other public bodies, will undertake a program to eliminate the conditions of blight identified in the Blight Study while implementing the 1995 Master Plan (the “Master Plan”) and the Sub-Area Plan.

E. URBAN RENEWAL PLAN GOALS AND THE PLAN’S RELATIONSHIP TO LOCAL AND REGIONAL OBJECTIVES

1. Goals

This Plan has been adopted to achieve the following goals in the Urban Renewal Area:

- a. The Plan will implement the Master Plan, including the Sub-Area Plan, and insure the orderly growth and development of the 120th Avenue gateway corridor.
- b. Implementation of the Plan will eliminate and prevent conditions of blight in the Urban Renewal Area.
- c. Through the maximum possible participation of private enterprise and the cooperative efforts of the public sector, implementation of the Plan will eliminate and prevent economic deterioration in the Urban Renewal Area and the community at large.
- d. The Plan will assist in the mitigation and control of the danger from flooding in the Urban Renewal Area as well as adjoining property.
- e. The Plan will upgrade access, traffic, pedestrian and bicycle circulation, public utilities, public amenities, recreation and drainage in the Urban Renewal Area, while ensuring that existing and proposed development is sensitive to the surrounding residential neighborhoods.
- f. The Plan will help attract capital investment and new retail businesses, retention and expansion of existing businesses, and development of a competitive Regional retail market, thereby providing employment and strengthening the City’s economic base.

- g. The Plan will create a high quality image of the City and the Urban Renewal Area by creating an attractive visual image at the eastern entry to the City, through landscaping and design standards.
- h. The Plan will expand retail opportunities for the citizens of Broomfield and the surrounding area and create a stable sales tax base for the City.
- i. Implementation of the Plan will provide for the redevelopment of commercial land in the Urban Renewal Area and promote improvements of properties in the area.
- j. Where appropriate, the Plan will provide for conservation and improvement of existing housing resources and construction of new housing in areas of transition between existing and proposed uses.

2. Relationship to Local and Regional Objectives

The Plan conforms to and is designed to implement the Master Plan, including the Sub-Area Plan, and regional objectives as well.

- a. The Plan will promote and encourage commercial, mixed use and employment-related retail developments in the Urban Renewal Area, an objective of the Master Plan.
- b. The Plan will implement the provisions of the City's master drainage and flood improvement program, which is part of regional efforts to control flooding and promote a comprehensive drainage program to serve the entire region.
- c. Transportation improvements promoted by the Plan are consistent with intergovernmental efforts to fund, plan, design, and improve the 120th Avenue corridor through the City and the northern metropolitan area.
- d. Implementation of the Plan is consistent with regional efforts to create public/private partnerships to provide employment and generate revenues for both sectors.
- e. The improvement of internal street patterns in the Urban Renewal Area will improve and ease traffic and circulation problems in the City and the region.
- f. The Plan will provide the means for the orderly redevelopment of the Urban Renewal Area by resolving land use conflicts within the area.

- g. The Plan will provide a means of mitigating land use conflicts with adjoining residential areas through implementation of planning and design standards for public and private improvements.
- h. The Plan promotes the development and expansion of safe and adequate pedestrian access and public transportation.
- i. The Plan implements and enhances recreational and community facilities by providing additions to the City trails system.
- j. The Plan enhances and upgrades visual corridors designated in the Master Plan, including the Sub-Area Plan.

F. LAND USE REGULATIONS AND BUILDING REQUIREMENTS

120th Avenue is an eastern gateway to the City. The Plan will provide a comprehensive and unified plan to promote and encourage high quality development of the Urban Renewal Area by private enterprise. The land use and building requirements contained in City codes and ordinances and the provisions of this Plan will control in the Urban Renewal Area. In implementing the Plan and considering all proposals for development and redevelopment, the City and the Authority will also implement and apply the any element, purpose, vision and standard contained in the Sub-Area Plan. In addition, the Authority may adopt additional Design Guidelines and Standards that are consistent with the Plan and Sub-Area Plan and apply to all development, redevelopment, and rehabilitation of real property in the Urban Renewal Area. Additional Design Guidelines and Standards, if adopted, are separate from and in addition to the requirements of the Plan and the Sub-Area Plan and may be adopted or modified by the Authority without the need to modify or amend this Plan or the Sub-Area Plan.

The Plan will implement the provisions of section 31-25-107(8) of the Act, which provides that, upon approval of the Plan by the City Council, the provisions of the Plan shall be controlling with respect to land area, land use, design, building requirements, timing or procedure applicable to the property covered by the Plan. No building permit for a new structure or significant exterior modifications shall be issued prior to and unless the Authority makes a finding of compliance with the Plan, the Sub-Area Plan, and any applicable Design Guidelines and Standards. In the event of a conflict involving the provisions of City codes, the Plan, the Sub-Area Plan, and any additional applicable Design Guidelines and Standards, the most restrictive provision shall govern.

1. Uses – For Properties Included Within the Sub-Area Plan

a. Permitted Uses. Except where approved PUD plans are in effect, permitted uses for properties included in the Sub-Area Plan shall be those uses permitted under the Sub-Area Plan “Permitted Uses by Land Use Designation” table and the associated Land Use Map.

2. Uses – For Properties Not Included Within the Sub-Area Plan

a. Permitted Uses. Permitted uses for properties in the Urban Renewal Area and not in the Sub-Area Plan shall be those uses allowed in the underlying zoning district of the Broomfield Municipal Code, provided, however, notwithstanding the foregoing language, except where approved PUD plans are in effect, the following uses are not permitted in the Urban Renewal Area.

b. Prohibited Uses.

- (1) Dairy processing and distribution;
- (2) plumbing, electrical and carpenter shops;
- (3) tractor, trailer, recreational vehicle, heavy machinery or farm equipment storage sales or service;
- (4) manufacture or bulk storage of oil, gasoline, or petroleum;
- (5) mini-storage or outdoor storage;
- (6) animal kennels;
- (7) chemical manufacturing plants;
- (8) cement, concrete, lime or gypsum manufacturing;
- (9) fertilizer manufacturing;
- (10) aggregate plants;
- (11) commercial manufacturing or storage of hazardous materials such as gasoline, flammable liquids and gases and industrial waste products;

- (12) outdoor storage of rubbish, refuse, wastes, junk or salvage yards, automobiles, shipping containers, or vegetable or animal by-products;
- (13) outdoor storage of equipment and vehicles;
- (14) landfills, sewage treatment or transfer stations.
- (15) Recreational vehicle storage or outdoor storage;
- c. Uses by Special Review. The following uses may be permitted upon special review and approval by the Authority:
 - (1) uses with drive through window service, including restaurants and banks;
 - (2) automotive uses, including gas stations, car washes, service and repair;
 - (3) nightclubs and bars.

3. Plan Review Process

The purposes of the Plan are to eliminate and prevent blight in the Urban Renewal Area and to achieve development of the highest quality in the Urban Renewal Area. To assure that those purposes are accomplished, the Authority shall hold a public hearing on all plans or proposals for development or redevelopment in the Urban Renewal Area to determine compliance with the Plan. No building permit for a new structure or significant exterior modifications shall be issued prior to and unless the Authority makes a finding of compliance with the Plan, the Sub-Area Plan, and any applicable Design Guidelines or Standards.

a. Urban Renewal Site Plan.

Each plan or proposal shall consist of an Urban Renewal Site Plan (“site plan”) . The site plan shall be submitted to the Authority in a form consistent with Site Development Plan submittal, format and contents requirements of the Broomfield Municipal Code as they may be amended from time to time.

b. Public Hearings, Notice.

The Authority shall hold a public hearing on any proposed site plan. Additionally, the City and County of Broomfield Land Use Review Commission shall hold a public hearing on Urban Renewal Site Plans prior to consideration of the site plan by the

Authority. The Land Use Review Commission shall make recommendation to the Authority as to conformity to the Plan and applicable urban renewal design standards.

Notice of hearings shall be consistent with notice requirement for Site Development Plans in the Broomfield Municipal Code as they may be amended from time to time.

c. Administrative Modifications.

Administrative modifications to an approved urban renewal site plan shall be per the provisions of the Broomfield Municipal Code for modifications to a Site Development Plan.

d. Review Standards.

The decision of the Authority shall be based on whether a proposed site development plan meets the following standards.

- (1) The proposal should be consistent with any element, purpose, vision and standard of this Plan and the Sub-Area Plan.
- (2) The proposal should identify and specify factors that mitigate any potential negative impacts on nearby properties.
- (3) The proposal should identify and specify factors that maximize potential positive impacts on nearby properties.
- (4) The proposal should include adequate facilities for pedestrians, bicyclists and motorists.
- (5) The proposal should optimize conservation of energy, water, and other resources on a site-specific scale.
- (6) The land uses within the proposal should be compatible with one another.
- (7) The proposal should include any common areas serving the site, and contain adequate provisions for ownership and maintenance of such areas.
- (8) The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.

G. PROJECT ACTIVITIES

1. Land Acquisition

In order to carry out this Plan, the Authority may exercise any and all of its rights and powers under the Act and any other applicable law, ordinance or regulation. The Authority may acquire any interest in property by any manner available, including, without limitation, by exercise of the power of eminent domain. The Authority may acquire property for the following reasons: To eliminate or prevent conditions of blight; to carry out one or more objectives of the Plan; to assemble property for redevelopment by private enterprise; for needed public improvements and for any other lawful purpose authorized by the Plan, the Act or any other applicable law.

2. Relocation

If acquisition of property displaces any person, family or business, the Authority may assist such party in finding another location, and may, but is not obligated to, make relocation payments to eligible residents and businesses in such amounts and under such terms and conditions as it may determine; provided, however, the Authority shall make relocation payments if and to the extent that such payments may be required by the Act or any other applicable law.

3. Demolition, Clearance and Site Preparation

The Authority may demolish and clear those buildings, structures and other improvements from property it acquires if such buildings, structures and other improvements are not to be rehabilitated in accordance with this Plan. The Authority may provide rough and finished site grading and other site preparation services as part of a comprehensive redevelopment program.

4. Property Management

During such time as any property is owned by the Authority, such property shall be under the management and control of the Authority and may be rented or leased by it pending disposition for redevelopment or rehabilitation.

5. Public Improvements

All public improvements shall comply with the Sub-Area Plan and, if the Authority adopts Design Guidelines and Standards, with respect to the design and construction of all public improvements and infrastructure, including criteria and standards to address street, streetscape, utility, drainage and flood problems in the Urban Renewal Area as well as other elements deemed necessary by the Authority to eliminate and prevent conditions of blight and to carry out the provisions of the Act and the Plan.

6. Land Disposition, Redevelopment and Rehabilitation

Purchasers or owners of property within the Urban Renewal Area will be obligated to develop, redevelop or rehabilitate such property in accordance with the provisions of this Plan, the Sub-Area Plan, and, if adopted by the Authority, the Design Guidelines and Standards.

The Authority may dispose of property it acquires by means of a reasonable competitive bidding procedure it establishes in accordance with the Act and pursuant to redevelopment agreements between the Authority and such purchasers.

The Authority may also enter into owner participation agreements with property owners in the Urban Renewal Area for the development, redevelopment or rehabilitation of their property. Such agreements will provide for such participation and assistance as the Authority may elect to provide to such owners.

All such redevelopment, owner participation and other agreements shall contain, at a minimum, provisions requiring:

- a. Compliance with the Plan, the Sub-Area Plan, City codes and ordinances, and, if applicable, Design Guidelines and Standards;
- b. covenants to begin and complete development, construction or rehabilitation of both public and private improvements within a period of time deemed to be reasonable by the Authority;
- c. the financial commitments of each party (but nothing herein shall obligate the Authority to make any such financial commitment to any party or transaction).

7. Cooperation Agreements

For the purposes of planning and carrying out this Plan, the Authority may enter into one or more cooperation agreements with the City or other public bodies. Without limitation, such agreements may include project financing and implementation; design, location and construction of public improvements and any other matters required to carry out this Project. It is recognized that cooperation with the City, other municipalities and other public and private bodies may be required to coordinate such issues as the design, construction and timing of public and private improvements within and outside of the Urban Renewal Area to properly and efficiently carry out the goals and objectives of this Plan. Cooperation agreements addressing such issues are deemed necessary and incidental to the planning and execution of the Project.

8. Temporary Parking and Design Standards

A temporary parking lot for the Cross of Christ Lutheran Church may be installed per the requirements outlined in the Sub-Area Plan. In addition, Broomfield Municipal Code variations for elements stipulated in the Sub-Area Plan shall be allowed subject to approval by the Urban Renewal Authority.

9. Other Project Undertakings and Activities

Other Project undertakings and activities deemed necessary by the Authority to carry 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 and all applicable laws.

H. PROJECT FINANCING

The Authority is authorized to finance this 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; sale of securities; property and sales tax increments; loans, advances and grants from any other available source.

Any and all financing methods legally available to the City, the Authority, any private developer, redeveloper or owner may be used to finance in whole or in part any and all costs, including without limitation, the cost of public improvements, described or anticipated in the Plan or in any manner related or incidental to the development of the Urban Renewal 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 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 notes, bonds 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 increments or any other funds available to the Authority.

The Project may be financed by the Authority under the tax allocation financing provisions of the Act. Under the tax allocation method of financing the Project, property taxes levied after the effective date of the approval of this Plan upon taxable property in the Urban Renewal Area each year by or for the benefit of any public body or all or a portion of municipal sales taxes collected within the Urban

Renewal Area, or both such taxes, shall be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of this tax allocation provision, as follows:

1. Base Amount

That portion of the taxes which are produced by the levy at the rate fixed each year by or for such public body upon the valuation for assessment of taxable property in the Urban Renewal Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the Urban Renewal Area, the effective date of the modification of the Plan, and, subject to the City Council approval, that portion of municipal sales taxes collected within the boundaries of the Urban Renewal 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, in the case of municipal sales taxes, both such portions, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

2. Increment Amount

That portion of said property taxes in excess of such base amount or, subject to City Council approval, that portion of said municipal sales taxes in excess of such base amount, or both, 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 Project.

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, 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 all or the relevant part of the municipal sales tax collections in the Urban Renewal Area exceed the base year 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, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds of the respective public bodies and all such municipal sales tax collections in the Urban Renewal Area shall be paid into the funds of the City.

The increment portion of the taxes, as described in subparagraph (II), 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 Project.

I. CHANGES IN APPROVED PLAN

This Plan may be modified pursuant to the provisions of the Act governing such modifications, including Section 31-25-107, C.R.S.

J. MINOR VARIATIONS

The Authority may in specific cases allow minor variations from the provisions of the Plan if it determines that a literal enforcement of the provisions of the Plan would constitute an unreasonable limitation beyond the intent and purpose of the Plan.