



PLANNING COMMISSION A G E N D A

February 15, 2024

Notice is hereby given of a **Public Meeting** to be held before the **City of Wheat Ridge Planning Commission** on **February 15, 2024 at 6:30 p.m.**

This meeting will be conducted as a virtual meeting and in person at 7500 W. 29th Avenue, Municipal Building. The public may participate in these ways:

1. Provide comment in advance at www.wheatridgespeaks.org (comment by noon on February 14)
2. Virtually attend and participate in the meeting through a device or phone:
 - [Click here to join and provide public comment](#) (create a Zoom account to join)
 - Or call 1-669-900-6833 with Meeting ID 816 2774 5053 **and Passcode: 870477**
3. View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at <https://www.ci.wheatridge.co.us/view>
4. Attend in person.

1. CALL THE MEETING TO ORDER

2. ROLL CALL OF MEMBERS

3. PLEDGE OF ALLEGIANCE

4. APPROVE THE ORDER OF THE AGENDA

5. APPROVAL OF MINUTES – January 18, 2024

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda. Public comments may be limited to 3 minutes.)

(continued on next page)

7. PUBLIC HEARING *

8. OLD BUSINESS

9. NEW BUSINESS

- A. Resolution 1-2024 Carr Street Urban Renewal Plan
- B. Resolution 2-2024 Lutheran Legacy Urban Renewal Plan
- C. CU Student Research Opportunity, presentation by Jake Carias
- D. Upcoming Dates
- E. Project and Development Updates
- F. Commissioner Updates

10. ADJOURNMENT

* Public comment is welcome during any public hearing item. The standard procedure for a public hearing is as follows:

- a. Staff presentation
- b. Applicant presentation – if applicable
- c. Public comment – time may be limited at the discretion of the Chair, often to 3 minutes
- d. Staff/applicant response
- e. Close public hearing
- f. Commission discussion and decision

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Amanda Harrison, Public Information Officer at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.



**PLANNING COMMISSION
Minutes of Meeting
January 18, 2024**

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair DITULLIO at 6:30 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

2. ROLL CALL OF MEMBERS

Commission Members Present: Jerry DiTullio
Daniel Graeve
Will Kerns
Patrick Quinn
Jonathan Schelke

Commission Members Absent: Kristine Disney
Janet Leo

Staff Members Present: Jana Easley, Planning Manager
Scott Cutler, Senior Planner
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda.

5. APPROVAL OF MINUTES – December 7, 2023

It was moved by Commissioner QUINN and seconded by Commissioner GRAEVE to approve the minutes of December 7, 2023, as written. Motion carried 3-0-2 with Commissioners KERNS and SCHELKE abstaining.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case No. ZOA-24-01:** An ordinance amending Chapter 26 of the Wheat Ridge Code of Laws, concerning Electric Vehicle (EV) charging and parking requirements, and making conforming amendments therewith.

Chair DITULLIO opened the public hearing.

Mr. Cutler gave a short presentation regarding the ordinance and the House Bill that passed in June 2023 stating that multi-unit buildings are required to provide EV parking as of March 1, 2024, state-wide.

Public Input

Betsy Coppock, resident
25 Skyline Dr.

Ms. Coppock mentioned she is an EV owner and is a member of Sustainable Wheat Ridge. She mentioned it is important to have EV charging and parking at the multi-residential level as not all residents can afford to purchase single-family homes but want to be sustainable for the community and not have to use a level 3 charger away from their home which can be expensive. Ms. Coppock also mentioned that bike storage is important as well.

Chair DITULLIO closed the public input.

Commissioner SCHELKE asked if it was per building code to put a 240-volt outlet in a garage.

Mr. Cutler said he couldn't speak per the building code, but said it is normal for that to be added and could be a requirement of the building code in the future.

In response to a question from Commissioner QUINN, Mr. Cutler said the house bill requires multi-unit buildings to have an EV charging station and it depends on the size of the development as to how many stations are required.

Commissioner QUINN also inquired how this ordinance affects parking in affordable housing developments.

Mr. Cutler stated the overall quantity of EV stations will be lower because the number of spaces for affordable housing developments will be lower as well.

Mr. Quinn asked what happens to someone if they park in an EV parking space but do not have an EV.

Mr. Cutler mentioned that per the house bill, Cities or property owners can enforce if signage is in place.

There was discussion about shared parking which Mr. Cutler gave an explanation about.

Commissioner DITULLIO asked if the affordable housing development at 44th Avenue and Wadsworth Boulevard will be required to install EV charging stations.

Mr. Cutler stated yes for future phases so that the development complies with State laws. He added that Wheat Ridge is one of the last communities in the state to have an EV ordinance related to EV parking and acknowledged it will possibly add a bit of a cost to developers.

It was explained by Mr. Cutler and Ms. Easley the difference between Level 2 & 3 charging stations at Commercial sites as compared to 240-volt outlets at residential units.

Commissioner DITULLIO stated he still had concerns about taking parking spaces away from residents in affordable housing developments for EV parking spaces.

Chair DITULLIO closed the public hearing.

It was moved by Commissioner KERNS and seconded by Commissioner QUINN to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning electric vehicle (EV) charging and parking requirements and making conforming amendments therewith.

Motion carried 5-0.

- B. Case No. ZOA-24-02** An ordinance amending Articles V and XI of Chapter 26 of the Wheat Ridge Code of Laws, concerning bicycle parking and storage requirements, and making conforming amendments therewith.

Chair DITULLIO opened the public hearing.

Mr. Cutler gave a short presentation regarding the ordinance.

In response to a question from Commissioner Kerns, Mr. Cutler explained that parking requirements can be lowered for businesses if bike parking/storage is offered and the incentives are usually seen at large business complexes which Wheat Ridge does not have a lot of, but maybe will in the future when the Lutheran Campus is redeveloped.

Commissioner GRAEVE asked for a summary of the component of bicycle charging infrastructure that is related to this ordinance change.

Mr. Cutler state the demand for indoor storage for electric bikes has increased due to both the cost of the bikes and charging them. He added this ordinance has not changed the difference between bike parking for electric or non-electric. Ms. Easley added that bike storage would alleviate tenants in apartments taking bikes up to their units.

Commissioner SCHELKE stated he thinks this is a great ordinance for the city and those that commute to work.

Chair DITULLIO closed the public hearing.

It was moved by Commissioner SCHELKE and seconded by Commissioner KERNs to recommend approval of the proposed ordinance amending Articles V and XI of the Wheat Ridge Code of Laws concerning bicycle parking and storage requirements and making conforming amendments therewith.

Motion carried 5-0.

8. OLD BUSINESS

9. NEW BUSINESS

A. Upcoming Dates

Ms. Easley stated that the appointment of the new Planning Commissioner will take place on January 22. She added there will not be a Planning Commission meeting on February 1, but most likely there will be a meeting held on February 15.

B. Project and Development Updates

Ms. Easley mentioned that Tabor Lake Apartments received their CO. She also told the Commissioners that the City Plan is open for accepting City Plan Champions and currently has 38 champions and 168 subscribers and added the kickoff date will be held on January 31 between the City and czb consultants.

C. Commissioner Updates

Commissioner GRAEVE thanked City Council and staff for meeting the EV State law and making the City more efficient in the future because it is important to make these changes.

Commissioner QUINN reiterated that he likes the Property and Project map and appreciates the public interest.

Commissioner SCHELKE noted that he hopes the price of EVs will drop in the future.

10. ADJOURNMENT

It was moved by Commissioner QUINN and seconded by Commissioner GRAEVE to adjourn the meeting at 7:27 p.m. Motion carried 5-0.

Jerry DiTullio, Chair

Tammy Odean, Recording Secretary

DRAFT

HOW TO PARTICIPATE IN PUBLIC MEETINGS

In March 2020, to help control the spread of the COVID-19 virus, the City of Wheat Ridge began conducting virtual meetings for City Council, Planning Commission and other boards. Virtual meetings encourage public participation as usual while also keeping the community, elected officials, staff and residents safe while continuing to conduct important City business.

Starting in June 2021, the City returned to in-person public meetings and also retained the option for virtual public participation. The City will continue using this hybrid meeting format for the City Council and Planning Commission; this means that public meetings will continue to be virtually accessible and will also be held in-person if allowed by public health guidelines on the respective meeting date. This guide describes the various ways in which the public may participate in public meetings.

1. TO COMMENT IN ADVANCE

- Click this link: www.wheatridgespeaks.org
- Use Wheat Ridge Speaks to review agendas and staff reports and to submit written comment.
- For City Council meetings on Wheat Ridge Speaks:
 - You may submit comments at any time until noon on the day of the meeting.
 - For public hearings related to development or zoning, content will be posted about 10 days in advance.
 - For all other agenda items, content will be posted about 4 days in advance.
- For Planning Commission meetings on Wheat Ridge Speaks:
 - You may submit comments until noon the day before the meeting.
 - Content will be posted about 10 days in advance.

2. TO COMMENT VIRTUALLY DURING THE LIVE MEETING (by web or phone)

Join the live meeting through the web link or phone number (with access code) provided on the calendar on the City's website and provided on the top of all meeting agendas. Find the calendar at www.ci.wheatridge.co.us/calendar

- You will be joined into the meeting and automatically muted.
- When public comment is invited, all participants will be unmuted and called upon by last name. (For example, the Mayor or meeting Chair may say: "Now is the time for public comment. All members of the public will be unmuted. Please mute yourself or keep background noise to a minimum. If your last name begins with A through F, you may now speak.")
- Please only join via the Zoom web or phone meeting if you intend to participate. If you wish to simply view the meeting, see option 4 below.

3. TO COMMENT IN PERSON

- Confirm that local health guidelines allow the meeting to be held in-person. The meeting format will be described on the City's calendar at www.ci.wheatridge.co.us/calendar
- When you arrive, sign up on the roster to speak on a specific agenda item.
- Review these tips for commenting during a public meeting or hearing: <https://bit.ly/WRPublicHearings>

4. TO VIEW THE MEETING LIVE OR LATER

The meeting will be live streamed and archived for viewing at:

- www.wheatridgespeaks.org (watch here to follow along with the agenda packet)
- Channel 8 on your Comcast feed
- YouTube Live www.ci.wheatridge.co.us/view

HELPFUL TIPS FOR A GOOD VIRTUAL MEETING EXPERIENCE

- If joining through the web, log on 5 minutes before the start of the meeting, since some online products require downloads and installation.
- State your name when you speak.
- Turn off nearby cell phones, if you are using a computer to connect.
- Please use a headset or earbuds.
- **Only** have the virtual meeting application open on your computer. If you are running other programs like email or have additional websites open in your browser, it will interfere with your ability to hear or see the information. Close all other applications and windows when participating.
- Please limit distractions when possible. Be aware of background noise.
- Video streaming is a relatively new technology. Some things to be mindful of when connecting with your computer/tablet or smart phone.
 - If your computer/tablet or smart phone is older than 2015 it is recommended that you use a landline/standard telephone to dial into the virtual meeting number to ensure that you can hear the meeting clearly.
 - Internet service minimum needs to be 40-50 Mbps for best results with a virtual meeting.
 - Depending on the Internet speed and service in your neighborhood, the most reliable way to participate in the meeting is to call the phone number provided, rather than joining the meeting through the web link.



TO: Wheat Ridge Planning Commission

FROM: Steve Art – Renewal Wheat Ridge Executive Director

RE: Adoption of Resolution No. __-2024 relating to the proposed Carr Street Urban Renewal Plan and its adherence to the City’s Comprehensive Plan adopted in 2009

DATE: February 15, 2024

ITEM:

Review the proposed Carr Street Urban Renewal Plan (the ‘Plan’) and adoption of a Resolution regarding its conformity with the City’s Comprehensive Plan (‘Comp Plan’), *Envision Wheat Ridge*.

PROPOSED CARR STREET URBAN RENEWAL PLAN INTENT:

The proposed Plan anticipates private investment within its boundaries which will primarily be zoned Industrial Employment (IE). This may include the demolition of existing substandard and blighted structures, and the construction of improvements that support local goals related to land use, economic development, transportation, and sustainability.

A portion of the plan area includes a small grouping of residential including affordable multi-family and a small amount of commercial retail.

CONFORMANCE TO COMPREHENSIVE PLAN:

The Comp Plan adopted in October 2009 identifies several goals and objectives that will be accomplished and advanced through the completion of projects in the City’s Urban Renewal Plan areas. The Planning Commission is being asked to review this memo and the provided attachments to make a determination that the proposed Plan will further the same in manner consistent with the intentions of the Comp Plan.

Staff have completed a review of the Comp Plan as well as other planning documents including its five urban renewal plans as well as subarea plans. The attached documents provide verbatim excerpts from these documents which are considered to be accomplished by the proposed Plan. The proposed Plan is also believed to build on previous planning efforts and be consistent with the vision outlined in these and other City adopted plans.

REQUEST:

The Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge (RWR) will recommend the Wheat Ridge City Council adopt a future resolution approving the Plan.

The Colorado Urban Renewal Law, C.R.S. § 31-25-107(2), states that, *Prior to its approval of an urban renewal plan, the governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the urban renewal plan to the governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty days, without such recommendations, the governing body may proceed with the hearing on the urban renewal plan prescribed by subsection (3) of this section.*

RECOMMENDATION:

Staff supports the proposed Plan and recommends the Planning Commission adopt a Resolution confirming the Plan’s conformity with the Comp Plan.

This recommendation requires, then, that the Planning Commission review the following attachments:

1. Exhibit of proposed Plan area boundaries
2. Relevant excerpts from the Comp Plan
3. Proposed Carr Street Urban Renewal Plan

RECOMMENDED MOTION:

“I move to adopt Resolution __-2024, finding the Carr Street Urban Renewal Plan is in conformance with the Wheat Ridge Comprehensive Plan, *Envision Wheat Ridge*. Or

“I move to deny Resolution __ - 2024, finding the Carr Street Urban Renewal Plan does not conform to the Wheat Ridge Comprehensive Plan, *Envision Wheat Ridge* for the following reasons...”

EXHIBITS:

1. Resolution __- 2024
2. Relevant excerpts from Wheat Ridge Comprehensive Plan
3. Carr Street Urban Renewal Plan

**WHEAT RIDGE PLANNING COMMISSION
RESOLUTION NO. 01
Series of 2024**

TITLE: A RESOLUTION FINDING THE CARR STREET URBAN RENEWAL PLAN IS IN CONFORMANCE WITH THE WHEAT RIDGE COMPREHENSIVE PLAN.

WHEREAS, the Wheat Ridge Urban Renewal Authority is authorized under C.R.S. 31-25-105 (1)(i) of the Urban Renewal Law to prepare a plan for redevelopment for certain areas of the City of Wheat Ridge, Colorado; and

WHEREAS, the Wheat Ridge City Council, upon recommendation of the Wheat Ridge Urban Renewal Authority, did on February 15, 2024, make a finding of the presence of blight in the area included in the Carr Street Urban Renewal Plan via Ordinance 467-1981; and

WHEREAS, the Wheat Ridge Urban Renewal Authority will conduct a public meeting for the purpose of receiving comment on the site plan; and

WHEREAS, under C.R.S. 31-25-107(2), the redevelopment plan is to be forwarded to the Planning Commission to determine its conformity with the comprehensive plan for the City.

NOW THEREFORE BE IT RESOLVED by the Wheat Ridge Planning Commission as follows:

Section 1. The proposed formation of the Carr Street Urban Renewal Plan is in conformance with the Wheat Ridge Comprehensive Plan.

Section 2. This Resolution No. 01-2024 shall be transmitted to the Wheat Ridge City Council pursuant to the requirements of C.R.S. 31-25-107(2).

DONE AND RESOLVED THIS ____ day of February 2024.

WHEAT RIDGE PLANNING COMMISSION

By: _____
Chairperson

ATTEST:

Secretary to the Commission

ATTACHMENT 2

Carr Street Urban Renewal Plan Conformance with Comprehensive Plan

Envision Wheat Ridge, Comprehensive Plan, adopted October 2009 (excerpts taken verbatim)
Those that are particularly relevant to potential actions within the Plan Area are ***bolded in Blue***.

1 - INTRODUCTION

Comprehensive Plan Basics

Building on Previous Planning Efforts

Page 2

The Plan update included review of these previous efforts and documents. Many of the goals, policies, and ideas for the future represented in the previous planning efforts are still relevant, and are carried forth in this plan. Some examples of overarching themes in this plan that are carried forth from previous planning efforts include:

- **Commit to quality development and redevelopment (from the 2000 Comprehensive Plan);**
- Preserve and enhance Wheat Ridge's Neighborhoods (2000 Comprehensive Plan);
- Continue to provide quality community services, parks, and open spaces (2000 Comprehensive Plan);
- Encourage alternative transportation opportunities and intergovernmental cooperation on regional issues (2000 Comprehensive Plan);
- Focus on increasing housing options to attract a range of household types (Neighborhood Revitalization Strategy);
- **Prioritize the redevelopment of key commercial areas (Neighborhood Revitalization Strategy);**
- **Enhance community character and gateways (Neighborhood Revitalization Strategy);**
- Promote transit-supportive development (Northwest Subarea Plan); and
- Develop a Town Center (Wadsworth Subarea Plan);
- Increase property maintenance and stability (Fruitdale Subarea Plan).

Previous Planning Efforts in Wheat Ridge

Comprehensive Plans

- 2000 Comprehensive Plan
- Repositioning Wheat Ridge: Neighborhood Revitalization Strategy (NRS, 2005)

Subarea Plans

- Northwest Subarea Plan (2006)
- Wadsworth Corridor Subarea Plan (2007)
- Fruitdale Subarea Plan (2007)

- 44th Avenue Subarea Plan (2023) *(completed after adoption of Envision Wheat Ridge)*
- 38th Avenue Corridor Plan (2011) *(completed after adoption of Envision Wheat Ridge)*
- Urban Renewal Plans
- Wadsworth Boulevard Corridor Urban Renewal Plan (2001)
- West 44th Avenue Ward Road Urban Renewal Plan (2001)
- 38th Avenue Corridor Urban Renewal Plan (2001)
- I-70 / Kipling Corridors Urban Renewal Plan (2009)
- West 38 Urban Renewal Plan (2015) *(completed after adoption of Envision Wheat Ridge)*

Key Trends and Issues

Throughout the planning process a number of key trends and issues emerged as important topics for the Envision Wheat Ridge Plan to address. The list of key trends and issues are summarized below:

Economic and Fiscal Issues

- Developing a clear economic strategy;
- Defining roles and responsibilities of partner organizations;
- **Addressing opportunities for future employment and retail centers;**
- **Identifying prime areas for redevelopment and infill, and address barriers to development;**
- Addressing the fiscal realities of the City and how to achieve sustainable revenue sources to maintain current levels of City services; and
- Investing in new technology to advance economic development.
- Land Use, Housing, and Design Issues
- Recognizing the importance of the community's neighborhoods and addressing how to increase the variety of housing options (beyond the single-family ranch homes and older apartments);
- Addressing how to reinvest in existing neighborhoods to maintain their character but also make them more appealing to new residents;
- **Achieving a sustainable balance of housing, retail, and employment land uses over time;**
- Identifying appropriate density and design for different parts of the community; and
- **Establishing areas for future activity centers such as a larger scale Town Center and smaller neighborhood centers.**

Community Character and Livability Issues

- Addressing how to promote the community's assets to attract new residents, employees, and visitors.
- Accommodating the needs of different types of households;
- Coordinating with the school district to maintain quality schools;
- Identifying barriers for active lifestyles and promoting healthy lifestyles;
- Continuing parks, recreation, and open space investment and offerings;
- Engaging residents in crime prevention and code enforcement efforts; and
- Including sustainability as a key theme throughout the Plan.

Other Issues

- Incorporating previous planning efforts into the Comprehensive Plan; and
- Focusing on strategic implementation and priority actions to achieve the Plan's goals.

2 - COMMUNITY VISION AND VALUES

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Key Values

The following six broad Key Values are the primary principles behind the Community Vision. They describe the community's aspirations and organize the more specific policies into the chapters of this Comprehensive Plan.

Create a Resilient Local Economy Based on a Balanced Mix of Land Uses

- A diverse mix of land uses including residential neighborhoods, primary employment, and commercial goods and services will build and sustain a broad and resilient tax base.

Promote Vibrant Neighborhoods and an Array of Housing Options

- Maintaining the character of existing neighborhoods and establishing new housing options will retain and attract a range of household types.

Enhance Community Character and Accentuate Quality Design

- Marketing Wheat Ridge's unique qualities and emphasizing quality design for new development and redevelopment will reposition Wheat Ridge as a unique community.

Increase Transportation Connections and Options

- Continued coordination and investment in transportation efficiency, travel options and connections will improve mobility for community residents, employees, and visitors.

Provide Quality Community Amenities, Services, and Resources

- A commitment to providing exemplary community services will maintain the high quality of life for community residents and will help attract future households and employers.

Ensure a Sustainable Future *

- Continued focus on the future implications of today's choices and their impacts on the community's residents, the natural environment, and community prosperity will ensure a prosperous future for future generations.

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* Vision for a Sustainable Future

- A sustainable future is a continuous journey to balance social, environmental, and economic interests. It respects and provides stewardship of the natural environment, facilitates active lifestyles and civic engagement, and bestows economic prosperity to individuals and the community.
- **A community with a sustainable future focuses on its local progress while also considering the global impacts of its decisions.**

3 – Structure Plan

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Introduction

Overview

The Structure Plan is intended to provide strategic guidance and general land uses for future **redevelopment** to aid the Wheat Ridge community in achieving its future vision. It provides high-level guidance for the community's areas and corridors - it is not intended to be parcel-based, nor is it a zoning map. The Structure Plan, in combination with goals and policies, will help the community determine appropriate locations and strategies for:

1. conservation of the community's assets and foundation;
2. **areas in need of reinvestment and revitalization; and**
3. **targeted development and redevelopment to achieve vibrant commercial, mixed-use, and employment areas.**

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Foundations

Foundations are neighborhoods and commercial areas with common characteristics, upon which the focus areas are layered. They include:

Neighborhood Revitalization - residential areas -- individual properties or general pockets that might benefit from reinvestment; often require special attention because they have issues related to dilapidated properties, code enforcement, crime and safety, lower rates of owner occupancy, and / or incompatible mix of uses; promote home ownership and spur reinvestment through infrastructure improvements; and / or, limited small-scale residential redevelopment will be encouraged in areas that exhibit several of the following characteristics of neighborhoods in need of revitalization

Criteria to distinguish Neighborhood Revitalization Areas

- **Increasing incompatibility of uses**
- Infrastructure needs (e.g., utilities in disrepair)
- Less stability than established neighborhoods

Neighborhood Buffer Areas

- Along both sides of Kipling Street north of 44th Avenue

- 44th Avenue near Youngfield Street
- Along Wadsworth Boulevard
- Along Sheridan Boulevard

Mixed-Use Commercial Areas

Existing Areas

- Kipling Street at I-70
- Youngfield Street and 38th Avenue at I-70
- 38th Avenue between Sheridan and Wadsworth Boulevards
- The plan designates existing commercial areas mixed with office and employment as mixed-use commercial areas. Focus in these areas is on long-term infill and redevelopment, reinvestment, and high quality urban design and landscaping for vacant or underutilized properties, with "centers" being the primary emphasis.

4 - ECONOMY AND LAND USE

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Relationship to the Community Vision and Structure Plan

Emphasis on retention and reinvestment in commercial areas will ensure that residents have convenient local locations to shop, in addition to generating retail sales tax to maintain City services. To provide balance to the community's strong residential base, future employment and commercial development efforts will target key areas.

GOAL

ELU1: Make Wheat Ridge a "community of choice" in which to live, work, shop, and recreate. Wheat Ridge will actively promote the community's positive assets to attract and retain residents, employers, and visitors. The City will emphasize and market its high quality of life to position Wheat Ridge as a desirable place to live, work, recreate, and visit.

Policy: ELU 1.1 Attract Primary Employers to Attract Strong Households

Strategy: Use community assets such as access to transportation, amenities, and area job creators to drive primary employers.

Policy: ELU 1.2 Become a Regional Destination

Strategy: Enhance city entrances, specialty business districts, brand community, promote tourism

Goal ELU2: Attract Quality Retail Development and Actively Retain Existing Retailers to Locate in Wheat Ridge

Actively retain existing retailers and attract quality retail development. Wheat Ridge will proactively work with existing quality retailers to remain and thrive in Wheat Ridge, and encourage new businesses, particularly those that provide healthy and high quality products and goods and services

to locate in Wheat Ridge. In addition, the City will plan for future regional retail, community commercial, and neighborhood commercial centers and promote opportunities for niche and specialty businesses and districts.

ELU 2.1 – Retain and Enhance Existing Retailers

The City, in conjunction with its economic development partners, will work with existing quality retailers and businesses to remain and expand in Wheat Ridge so that goods are purchased locally and retail sales taxes are not lost to neighboring communities.

Strategies:

C. Assist existing retailers with expansion plans or opportunities for local relocation.

ELU 2.2 – Promote Specialty Retail Businesses

The City, in partnership economic development partners, and the development and business communities, will work to establish and grow unique small businesses and niche business districts in areas identified as activity centers and along key corridors.

Strategies:

E. Work with local brokers and developers to identify and attract regional niche retailers for a potential location in Wheat Ridge.

ELU 2.3 – Rehabilitate Underutilized Retail Spaces

Coordination and partnership between the City, economic development partners, and the development community to improve the appearance and function of outdated and inefficient retail spaces will re-energize the community's primary corridors and key activity centers.

Strategies:

B. Encourage land assemblage and denser nodes of development within activity centers.

C. Partner with area economic development organizations.

D. Continue to work with local property owners on identifying opportunities for façade and landscaping improvements and upgrades.

Goal ELU3 – Retain and Diversify Local Employment

Wheat Ridge will foster a business climate that encourages expansion or creation of employment opportunities. Emphasis will be placed on growing the community's existing health care industry, redevelopment of the area surrounding the future FasTracks Gold Line Transit Station, and allowing secondary employment opportunities in the Crossing at Clear Creek Regional Commercial Center area. This business climate will require the retention of industrially zoned lands, and will place emphasis on new, high-quality employment opportunities in growing fields such as clean energy and biotechnology.

Policies:

ELU 3.1 – Retain and Expand Established Employers

The City and its economic development partners will work with the community's existing primary employers such as Exempla Lutheran Hospital to maintain and grow operations to provide quality local jobs to residents.

Strategies:

A. Supply an adequate mix of housing in the community to create a "whole community" where residents can live and work;

D. Work closely with local employers and business owners to address issues and retain them in Wheat Ridge; and

E. Coordinate with employers to develop plans for future growth and expansion and help facilitate their plans through the City's development review process.

ELU 3.2 – Generate New Primary Employment

The City, in partnership with economic development and other business organizations, will recruit new primary employers to locate in Wheat Ridge, in order to provide quality jobs for the community's large residential base, and to draw employees into the city on a daily basis.

Strategies:

A. Market development sites within Enterprise Zone and Urban Renewal Authority areas

C. Work on a package of appropriate incentives and establish the criteria by which these incentives can be used.

Goal ELU4 – Increase the Diversity of Land Uses

Wheat Ridge will work to ensure that the limited future development and redevelopment areas provide increased opportunities for employment, retail, and commercial services, along new housing options, to achieve a sustainable and balanced mix of land uses for the community.

Policies:

ELU 4.1– Efficient Use of Limited Land

Because of the limited amount of land available for new development, the City will require efficient use of newly developing and redeveloping areas by promoting higher-intensity development.

Strategies:

- A. Emphasize mixed-use development in developing and redeveloping areas.
- C. Prioritize areas for future subarea and corridor plans, and potential overlay districts to identify opportunities for property assemblage and efficient use of land.
- E. Seek to remove height and density limitations from the City Charter in targeted development and redevelopment locations and examine/rezone those areas as necessary to achieve goals.

Goal ELU5: Revitalize Key Redevelopment Areas

Policies:

ELU 5.1 – Infill and Redevelopment

Many properties along Wheat Ridge’s primary corridors and in activity centers are dated and underutilized. The City will work with partners and private developers to promote infill and redevelopment in key areas shown on the Structure Plan.

Strategies:

- A. Provide financing tools and incentives (such as Tax Increment Financing in Urban Renewal Areas and Enterprise Zone tax credits) to jump-start redevelopment in underutilized areas.
- B. Identify areas with potential for property assemblage (through future subarea and corridor plans) and provide assistance with assemblage.
- C. Actively pursue grants and technical assistance in determining the existence of brownfields at key redevelopment locations.
- D. Coordinate with all interested parties (property owners, adjacent property owners, and City) to plan and define the vision for future development on infill sites.
- E. Identify areas for future overlay districts.
- F. Enter public-private partnerships (between City government, developers, financial institutions, nonprofit organizations, and neighborhood organizations) to increase cooperation and development success.

ELU 5.2 - High Quality Redevelopment

The City will require high quality urban design for all future infill and redevelopment, in order to ensure compatibility with surrounding neighborhoods, and to improve the overall appearance of the community’s primary corridors and activity centers.

Strategies:

- A. Assist with property assemblage to promote well-coordinated, complete areas for redevelopment (not piecemeal properties)

C. Identify areas for future subarea and corridor plans, and potential thematic-based overlay districts (to establish guidelines and standards to address suitable design and scale, variety and visual interest, and appropriate materials specific to each subarea or corridor)

6 - COMMUNITY CHARACTER AND DESIGN

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Policies

Goal CC1: Create Recognizable Gateways and Corridors

Wheat Ridge will establish a clear identity that promotes a positive community image in primary community entrances (“gateways”).

CC 1.1 – Gateway Identity

In collaboration with economic development partners, private developers, and other groups, the City will improve primary gateways into the community (as shown on the Structure Plan) so that they project a positive, cohesive community identity and clear sense of place.

Strategies:

A. Develop signage and landscaping at gateways and along I-70 that uses recent community branding efforts to “tell the Wheat Ridge story” (such as the themed gateway signage and streetscape on 38th Avenue near Sheridan)

B. Provide and maintain attractively landscaped areas at community entrances (such as the recent I-70 and Kipling interchange improvements)

CC 1.2 – Corridor Image

The City will work with private developers, economic development partners, Colorado Department of Transportation and other organizations to enhance the image of the city’s primary corridors (as identified on the Structure Plan).

Strategies:

- A. **Develop a corridor design plan to differentiate primary corridors with attractively landscaped parkways and areas, unique architecture and streetscape improvements.**
- B. **Enter public / private partnerships to coordinate, fund, develop, and maintain streetscape improvements.**
- C. **Continue the community sign code to ensure quality new signage along corridors and to encourage upgrade to existing non-conforming signage.**

Goal CC# - Ensure quality design for development and redevelopment

Policies: The City will require new development and redevelopment to exemplify high quality urban design to enhance Wheat Ridge’s character.

7 - TRANSPORTATION

Pages 65

Goal T 1: Provide an Integrated Transportation System to Address all Modes of Travel and Future Funding Priorities

Wheat Ridge will accommodate all modes of travel including motorists, pedestrians, bicycles, and transit riders.

Policies:

T 1.1 – Targeted Improvement Areas

The City will focus future investment for infrastructure improvements in targeted corridors and intersections, as identified on the Transportation Structure Plan.

Strategies:

A. Institute transportation improvements as activity centers and primary corridors develop and redevelop

C. Establish criteria to identify neighborhoods that are not targeted areas for street or sidewalk enhancements

T 1.2 – Improvements Funding

The City will continue to invest in transportation infrastructure improvements and will seek opportunities to partner with regional, state, and national agencies to establish funding for key projects.

Strategies:

A. Seek to establish a new local funding source for pedestrian and bicycle system improvements

B. Work to establish a blend of local and matching funds for multi-modal improvements.

8 - COMMUNITY SERVICES

Page 85

Goal CS 2 – Continue investment in parks, recreation and open space

9- Sustainable Future

Goal SF 1 – Establish and maintain a resilient and sustainable tax base.

Wheat Ridge will establish and maintain a resilient tax base that will be able to fund community services. The City will base future economic development strategies and land use decisions on community service expectations and fiscal realities.

Policies:

SF 1 – Coordinated Planning

Strategies:

- A. Review and align zoning regulations ... in order to generate revenue and meet existing residential service requirements.
- B. Align development impact fees to ensure development and redevelopment “pays its way”.

SF 1.2 – Diverse Revenue Base – The City will work with economic development partners to diversify and broaden the City’s revenue base.

Strategies:

- C. Develop programs to encourage local shopping and dining.

Goal SF 2 – Protect and preserve natural assets

Policies: Natural Resource Stewardship

Strategies:

- A. Continue floodplain development permit process to limit development in floodplains.
- B. Review and update development code to maintain development buffers and setbacks adjacent to areas with sensitive natural resources.

10 - PLAN IMPLEMENTATION

Page 111

Primary Target Industries
Short and long term priorities

Identify Appropriate Financial Tools

Page 112

Public agencies can employ a number of financing tools to finance public improvements. The special districts, authorities, and other tools described in the following table are a short list of financing tools that are applicable to the redevelopment of key areas in Wheat Ridge.

Economic Strategies for Geographic Areas

Potential Financing Tools

- **Urban Renewal Area**
- Local Marketing District
- Business Improvement District
- Metropolitan Districts
- General Improvement Districts
- **Urban Renewal Area**
- Special Improvement Districts
- Public Improvement Fees
- Use Tax Rebates

ATTACHMENT 3

Draft Report

Carr Street Urban Renewal Plan

The Economics of Land Use



Prepared for:

Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge
and the City of Wheat Ridge

Prepared by:

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Figure 1. Carr Street Urban Renewal Plan Area2

1. Introduction

Preface

This Carr Street Urban Renewal Plan ("Plan" or the "Urban Renewal Plan") has been prepared for the City of Wheat Ridge, Colorado (the "City"), a home rule municipal corporation of the State of Colorado. The Plan will be carried out by the Wheat Ridge 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.

Blight Findings

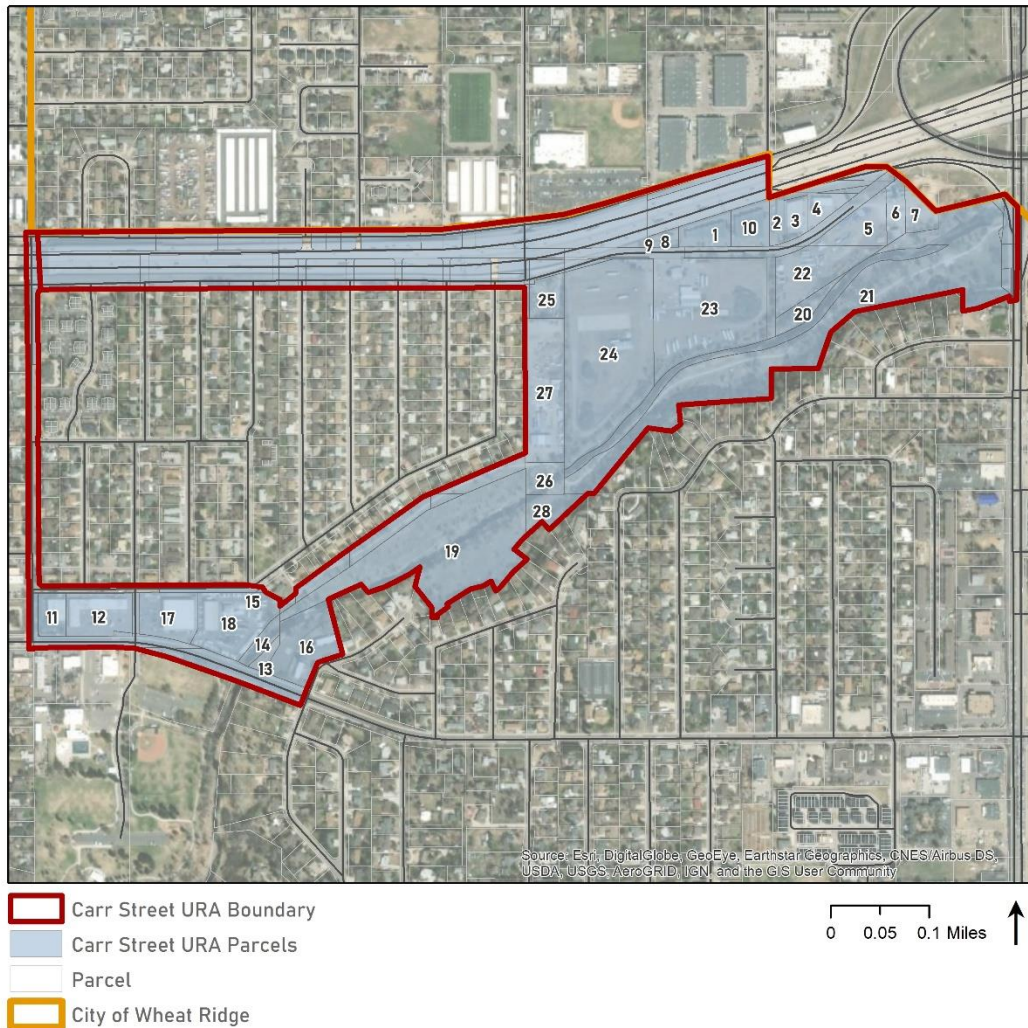
Under the Act, an urban renewal area is a blighted area, as defined by the Act, and has been designated as appropriate for an urban renewal project by the City Council of the City (the "City Council"). In each urban renewal area, conditions of blight must be present, and the City Council must find that 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 is a menace to the public health, safety, morals, or welfare for the Authority to exercise its powers.

The Carr Street Conditions Survey prepared by Economic & Planning Systems (EPS) in August 2023 ("Conditions Survey") was provided to the Authority under separate cover and demonstrates that the Carr Street 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. The Conditions Survey identified and documented 7 of the 11 blight factors present in the Study Area. A description of the blight factors and observations is presented below in Section 4 of this report.

Urban Renewal Area Boundaries

The Carr Street Urban Renewal Area ("URA" or "Plan Area") is located in the City of Wheat Ridge in Jefferson County. The Plan Area is comprised of 28 parcels on approximately 109 acres of land plus adjacent right-of-way (ROW). The location of the Plan Area to which this Plan applies is generally bound by West I-70 Frontage Road North to the north, West 44th Avenue to the south, Garison Street to the west, and Wadsworth Boulevard and Clear Creek to the east, as shown below in **Figure 1** and more particularly described on Exhibit A attached hereto and made a part of hereof.

Figure 1. Carr Street Urban Renewal Plan Area



Ownership

Parcels located within the Plan Area are owned by 15 individual owners including multiple parcels owned by the City of Wheat Ridge, Arvex Properties Inc., Wheat Ridge Industrial Park LLC, Triad Real Estate, and Exchange 8150 West 48th Ave LLC. The full list of owners is provided below.

- 9195 W 444th Ave LLC
- Arvex Properties Inc.
- Boyd Michael J
- City of Wheat Ridge
- DTI Holdings LLC
- Exchange 8150 West 48th Ave LLC
- Jeffco Housing Corporation
- Macatr LLC
- Metropolitan Denver Sewage Disposal District
- Potuzak Charles
- Ridgeview Center LLC
- Thompson Max L
- Triad Real Estate
- Wheat Ridge Lumber LLC
- Wheat Ridge Industrial Park LLC

Zoning and Land Use

The properties within the Plan Area are largely developed with older commercial and industrial development and there is one site that is currently vacant that could be developed as an industrial property. Additionally, there is open space with Clear Creek and the Clear Creek trail running through the eastern side of the Plan Area. The Plan Area includes a mix of industrial, commercial, and residential zone districts including Industrial Employment (I-E), Planned Industrial Development (PID), Commercial-One (C-1), Commercial-Two (C-2), Residential-Two (R-2), and Residential-Three (R-3). Additionally, there is a small portion zoned as Agricultural-One (A-1), but it is currently used for industrial and is surrounded by established development. Each zoning district is further described below.

The industrial zone districts are located in the northeast corner of the Plan Area. Industrial Employment (I-E) is intended for light industrial and commercial uses that support employment. Planned Industrial Development (PID) is intended to promote health, safety, and general welfare by permitting greater flexibility and innovation in land development based upon a comprehensive, integrated plan.

The commercial zone districts are located along the south side of the Plan Area along 44th Avenue. Commercial-One (C-1) is intended to provide a wide range of commercial land uses, including office, general business, and retail sales and service establishments. Commercial-Two (C-2) is intended to provide an even wider range of commercial land uses, including office, general business, more intensive retail sales, wholesale businesses, and light manufacturing.

The residential zone districts are located along the eastern side of the Plan Area. This area is currently used for open space on either side of Clear Creek and includes the Clear Creek Trail. Wheat Ridge Park, located at the corner of 44th Avenue and Everett Drive, is zoned R-3 and is an affordable housing development owned by Foothills Regional Housing. This residentially zoned area is not expected to redevelop. Residential-Two (R-2) provides high quality, safe, quiet, and stable low to moderate density residential neighborhoods. Residential-Three (R-3) provides high quality, safe, quiet, and stable medium to high density residential neighborhoods.

The area zoned as A-1 is anticipated to be rezoned before redevelopment occurs. This area is most likely to rezone to I-E, which aligns with the adjacent parcels. Agricultural-One (A-1) is intended for high quality, safe, quiet, and stable residential estate living environment within a quasi-rural or agricultural setting. This zone district permits large lot, single unit residential and related uses, and agricultural uses and activities.

The land uses proposed in the Plan Area generally align with the zoning classifications, particularly with the anticipated rezoning of the one site currently designated as A-1. The area is predominately industrial and commercial uses, and is generally consistent with the underlying zoning.

2. Definitions

Terms used in this Plan are defined below and are representative of Urban Renewal Law C.R.S. § 31-25-103.

- **Act or Urban Renewal Law** – Urban Renewal Law of the State of Colorado, C.R.S. § 31-25-101 et seq.
- **Available Property Tax Increment Revenues** – 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 C.R.S. § 31-25-107(9.5) of the Act. In the event that an agreement is reached with a taxing body pursuant to C.R.S. § 31-25-107(9.5) of the Act after the effective date of Plan approval by the City Council, the Property Tax Increment Revenues generated by said taxing body’s mill levy shall become Available Property Tax Increment Revenues, and the addition of such revenue shall not be a substantial modification to this Plan.
- **Available Revenues** – any and all revenues available to the Authority, including, without limitation, Available Property Tax Increment Revenues, any revenues available to the Authority from Districts, or any other source that are available under this Plan or otherwise under the Act.
- **Bonds** – any bonds (including refunding bonds), notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, or other obligations.
- **District (or Districts)** – for purposes of C.R.S. § 31-25-107(9) means a metropolitan district which is 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 a business improvement district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Business Improvement District Act, 31-25-1201, 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. Provided however, for purposes of C.R.S. § 31-25-104, the term “District” shall be limited to metropolitan [or special] district which is 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.
- **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** – the property tax revenues allocated to the Authority pursuant to C.R.S. § 31-25-107(9) of the Act and Section 7.0 of this Plan.
- **Real property** – lands, lands under water, structures, and any and all easements, franchises, incorporeal hereditaments, and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.
- **Redevelopment/Development Agreement** – one or more agreements between the Authority and developer(s) and/or property owners or such other individuals or entities as determined by the Authority to be essential to carry out the objectives of this Plan.
- **Slum area** – an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.
- **Tax increment financing (TIF)** – the tax allocation financing as described in C.R.S. 31-25-107(9) of the Act as in effect on the date this Plan is approved by City Council.
- **Urban Renewal Authority or Authority** – a corporate body organized pursuant to the provisions of the Act for the purposes, with the powers, and subject to the restrictions set forth in the Act.
- **Urban Renewal Plan or Plan** – a plan, as it exists from time to time, for an urban renewal project, which plan conforms to a general or master plan for the physical development of the municipality as a whole and which is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
- **Urban Renewal Project** – 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.

3. Plan Purpose

The purpose of this Plan is to reduce, eliminate, and prevent the spread of blight within the Plan Area through private development. The Plan sets goals to achieve this through implementing established objectives for the Area and assisting with the eligible costs of environmental mitigation, 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 (TIF).

Establishment of the Urban Renewal Area will help improve conditions by providing public resources to be paired with private investment that enable property owners and developers to mitigate blight and transform the area. The urban renewal efforts will be focused within the plan area for the duration in accordance with the mandates of the Act.

Vision

The overall vision of the Plan Area, as expressed in the *44th Avenue Subarea Plan*, is an industrial employment node and commercial corridor. In the Subarea Plan, the City identified transformational elements that, in addition to the redevelopment of sites in the subarea, also calls for improved street and multimodal connections, and new streetscape elements. The Plan Area is within the urban context and will offer redevelopment and infill development opportunities rather than developing on the outside or edges of the city.

The northeast corner of the Plan Area is envisioned as an industrial employment node. This area currently consists of industrial employment users with opportunities for redevelopment. This node is anticipated to expand with a larger mix of employment types such as a diversity of industrial and automotive uses. The priority is to preserve and expand the industrial nature and employment opportunities with economic benefit and job growth.

The vision for the southern section of the Plan Area, as described in the *44th Avenue Subarea Plan*, is a commercial node along 44th Avenue from Garrison Street to Clear Creek with a focus on small business. This node is targeted for infill and redevelopment of existing commercial properties into a mix of retail and office uses that prioritize local and family-oriented businesses. These commercial properties will include public improvements such as bike parking, seating, lighting, signage and wayfinding, and landscaping. The 44th Avenue Bridge at Clear Creek will have multimodal additions, such as space allocated to pedestrians and bikes or a new parallel bridge for pedestrians and bikes. ROW improvements throughout the Plan Area with a focus on 44th Avenue and Garrison Street, may

include landscape and tree planting, pedestrian and bike infrastructure, improved crossings, streetscape, public art, and undergrounding overhead utilities.

To improve neighborhood connectivity, additional sidewalk connections will be made to Clear Creek Trail at available points. On the north side of the Plan Area, the I-70 underpass at Carr Street will be improved with increased lighting, public art, and physical buffers for safer crossings.

4. Blight Conditions

Before an urban renewal plan can be adopted by the City Council, there must be a determination that an area constitutes a blighted area. This determination depends upon the presence of several physical, environmental, and social factors. Blight is attributable to a range of conditions that, in combination, tend to accelerate the phenomenon of deterioration of an area. The definition of a blighted area is based upon the definition articulated in the Urban Renewal Law (C.R.S. § 31-25-103) as follows:

"Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;*
- b. Predominance of defective or inadequate street layout;*
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- d. Unsanitary or unsafe conditions;*
- e. Deterioration of site or other improvements;*
- f. Unusual topography or inadequate public improvements or utilities;*
- g. Defective or unusual conditions of title rendering the title nonmarketable;*
- h. The existence of conditions that endanger life or property by fire and 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, building, or other improvements; or*
- l. If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound*

growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

To use the powers of eminent domain, the definition of "blighted" is broadened to require that five of the eleven blight factors must be present (C.R.S. § 31-25-105.5(5)(a)):

(a) "Blighted area" shall have the same meaning as set forth in section 31-25-103 (2); except that, for the purposes of this section only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2)(a) to (2)(l), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

The methodology used to prepare the Conditions Survey for the Plan Area involved the following steps: (i) identify parcels to be included in the Plan Area; (ii) gather information about the properties and infrastructure within the Plan Area boundaries; (iii) evaluate evidence of blight through field reconnaissance; and (iv) record observed and documented conditions listed as blight factors in State Statute. The entire Conditions Survey is provided under separate cover.

5. Plan Goals and Conformance

Plan Goals and Objectives

The overall objective of this Plan is to remediate unfavorable existing conditions and prevent further deterioration by implementation of the relevant provisions contained in the following documents:

- Envision Wheat Ridge (City of Wheat Ridge Comprehensive Plan), 2009
- 44th Avenue Subarea Plan, 2023

The Plan is intended to stimulate private sector development in the Plan Area with a combination of private investment and Authority financing. The Plan has the following objectives:

- Implement Envision Wheat Ridge and 44th Avenue Subarea Plan
- Prevent and eliminate conditions of blight within the City of Wheat Ridge
- Encourage and provide incentives for private and economic development
- Encourage the development of projects that would not otherwise be considered financially feasible without the participation of Renewal Wheat Ridge (RWR)
- Enhance the current property tax revenue within the city and county with development that will increase the assessed valuation

Plan Conformance

Urban Renewal Law

This Plan is in conformity with and subject to the applicable statutory requirements of the Urban Renewal Law.

Envision Wheat Ridge

The City of Wheat Ridge last updated and adopted its Comprehensive Plan, known as *Envision Wheat Ridge*, in 2009, which established the vision and direction for the future of Wheat Ridge. The City's vision is organized around six key values to describe the community's aspirations. This Plan is intended to implement *Envision Wheat Ridge* and is in direct conformance with *Envision Wheat Ridge*. The URA Plan directly supports five key values in *Envision Wheat Ridge* of economy and land use, community character and design, transportation, community services, and sustainable future. The following excerpts from *Envision Wheat Ridge* highlight the linkage between *Envision Wheat Ridge* and this Plan under these five key values. These are representative excerpts, and not an all-inclusive list of relevant statements:

Key Value - Economy and Land Use

The motivation behind this key value is to create a resilient local economy based on a balanced mix of land uses. The value highlights the importance of prioritizing opportunities for local employment, commercial goods and services, and mixed-use activity centers to serve and balance the community's residential foundations and ensuring long-term fiscal stability.

- **Goal ELU 1** – Make Wheat Ridge a “community of choice” in which to live, work, shop, and recreate
 - **Policy ELU 1.1** – Attract primary employers to attract strong households
- **Goal ELU 2** – Attract quality retail development and actively retain existing retailers to locate in Wheat Ridge
 - **Policy ELU 2.1** – Retain and enhance existing retailers
 - **Policy ELU 2.3** – Rehabilitate underutilized retail spaces
- **Goal ELU 3** – Retain and diversify local employment
 - **Policy ELU 3.2** – Generate new primary employment
- **Goal ELU 4** – Increase the diversity of land uses
 - **Policy ELU 4.1** – Efficient use of limited land
- **Goal ELU 5** – Revitalize key redevelopment areas, targeting areas with immediate redevelopment needs with efforts that support and promote investment and quality design, projecting a positive image for the community and enhancing the surrounding context.
 - **ELU 5.2** – Infill and redevelopment
 - **ELU 5.3** – High quality redevelopment

Key Value – Community Character and Design

This value aims to enhance community character and accentuate quality design in new development and redevelopment, so as to accentuate the community's character and attractiveness, and add a sense of place and appeal to the community's unique places.

- **Goal CC 3** – Ensure quality design for development and redevelopment.
 - **Policy CC 3.1** – Require new development and redevelopment to exemplify high quality urban design to enhance the city's character.

Key Value – Transportation

This key value is for continued coordination and investment in transportation efficiency, travel options and connections will improve mobility for community residents, employees, and visitors.

- **Goal T 1** – Provide an integrated transportation system to address all modes of travel and future funding priorities.
 - **Policy T 1.1** – Focus future investment for infrastructure improvements in targeted corridors and intersections
 - **Policy T 1.2** – Improvements funding
 - **Policy T 1.3** – Complete streets
- **Goal T 3** – Increase transportation efficiency and options
 - **Policy T 3.2** – Expanded travel options
 - **Policy T 3.4** – Priority pedestrian and bicycle improvements
 - **Policy T 3.5** – Increase mobility

Key Value – Community Services

This key value highlights the importance of providing quality community amenities, services, and resources that sustain and enhance the community's livability.

- **Goal CS 2** – Continue to invest in parks, recreation, and open space.
 - **Policy CS 2.1** - Continue to maintain and enhance parks, recreation, and open space offerings and facilities, while periodically identifying future parkland needs.

Key Value – Sustainable Future

This key value aims to ensure a sustainable future, balancing the needs and quality of life of the community, with stewardship and respect for the natural environment and resources, and economic opportunities and benefits.

- **Goal SF 1** – Establish and maintain a resilient and sustainable tax base that will be able to support community services.
 - **Policy SF 1.2** – Create a diverse and broader revenue base by facilitating the development of local and regional retail and employment and encouraging local shopping and dining.
- **Goal SF 2** – Protect and preserve natural assets including its scenic and environmental assets, the urban tree canopy, and drainage ways.
 - **Policy SF 2.1** – Provide stewardship of unique and sensitive natural resources and areas.

- **Goal SF 4** – Maintain a healthy and active community and encourage opportunities for lifelong activity and engagement.
 - **Policy SF 4.1** – Promote physical activity and increase recreational opportunities, partly by developing pedestrian and bicycle connections between neighborhoods and existing and proposed community activity center and employment opportunities.

44th Avenue Subarea Plan

The City of Wheat Ridge 44th Avenue Subarea Plan identifies parcels in the Plan Areas as high economic development opportunity, specifically the industrial node in the northeast corner and commercial properties along 44th Avenue. These two nodes are identified as potential catalyst sites based on economic and land use metrics. The Carr Street URA Plan directly implements the 44th Avenue Subarea Plan and the following excerpts are representative of the alignment between the two.

Primary Corridor Investments – Strategies focused on large area and infill developments, improvements to existing uses, and the pedestrian experience.

- **Topic B: Existing uses and infill development** – To enhance the existing uses and provide new community needs through individual property improvements, infill development, and strategic redevelopment.
 - **Strategy B-1: Small Business Focus** – For the properties along West 44th Avenue east of Kipling Street it is important to focus on a variety of small businesses and eclectic building forms. As the primary commercial zone within the larger Subarea, new smaller-footprint, infill development and existing property improvements should focus on retaining and encouraging new local and/or small businesses to thrive.
 - **Strategy B-3: Site Improvements** – Along the corridor general investments and site enhancements should be encouraged and should be made to existing properties in the area where feasible.
 - **Strategy B-4: Building Improvements** – Many existing buildings may benefit from both internal and external improvements to better serve the needs of the owner, user, and passersby.
- **Topic C: Pedestrian Experience** – In addition to safety, walkability and ease of access discussed under the Overall Connectivity Improvements (OCI), the experience for a pedestrian along a major corridor should be memorable and enjoyable, benefiting users of all ages and abilities.
 - **Strategy C-1: Family-Focused Activity Center** – Rebranding of the areas adjacent to the northern edge of Anderson Park as a family focused recreation center, while still accommodating current uses that are less aligned with that vision.

- **Strategy C-2: Corridor Adjacent Connectivity and Infrastructure** – Work with existing commercial property owners to identify primary, public-facing nodes on private property and to encourage off corridor connectivity.
- **Strategy C-3: Streetscape Design** – focused on the safety and quality of the experience for non-motorists, as motorists generally operate with minimal restrictions in this area.

Community Subarea Enhancements – Strategies focused on historic uses, smaller-scale change, and redevelopment in support of larger community assets and amenities

- **Topic D: Historic Character** – Reflects many long time uses, including agriculture, employment, and open space that have made up the land-use fabric of the area for many years.
 - **Strategy D-2: Employment Node** – The northeast corner of the Subarea currently contains numerous large footprint employment users. This node should continue to serve its important employment role, evolving over time to capture a larger mix of employment types, allowing new users and development to better address community needs for small-scale and light industrial uses, connectivity, and environmental sustainability.

Overall Connectivity Improvements – Strategies focused on addressing gaps and barriers for additional north-south and east-west connectivity throughout the Subarea to maximize the safety and comfort for all users

- **Topic F: East/West Connectivity** – With West 44th Avenue serving as the only major east-west connection in the Subarea, it is essential to improve multi-modal connectivity along the corridor as well as to the greater community, regional networks, and major destinations in and around the Subarea.
 - **Strategy F-1: West 44th Avenue Corridor Enhancements** – Guide investment into targeted enhancements and infrastructure changes along the roadway to regulate traffic flow, increase pedestrian and bicycle safety, and enhance the user experience.
 - **Strategy F-2: Neighborhood Connectivity** – Provide new connectivity options through new development specifically
- **Topic G: North/South Connectivity** – Kipling Street serves as the only north/south connection, and north/south connectivity is challenging given the interstate to the north and Clear Creek to the south. It is essential to increase both access and safety to major destinations in and around Wheat Ridge.
 - **Strategy G-2: I-70 Bridges and Underpasses** – Create safer crossings across the interstate for non-vehicular uses, either integrated in existing

vehicular crossings, or through the creation of standalone pedestrian and bicycle crossings.

- **Topic H: Priority Crossings** – Safe street crossings are an important consideration throughout the Subarea, and additional improvements have been considered as well.
 - **Strategy H-2: General Intersection Improvements** – All crossings should provide for safe movement along the corridor.
 - **Strategy H-3: 44th Avenue Bridget at Clear Creek** – Address the mobility concerns at this bridge for vehicles, and look at alternatives for safer, more efficient crossings for pedestrians and cyclists.

Development Standards and Procedures

All development within the Plan Area shall conform to the City's Land Use Code and any site-specific City zoning regulations and policies that might impact properties in the Plan Area, all as in effect and as may be amended. However, as authorized by the Urban Renewal Law, the Authority may arrange with the City for the planning, replanning, zoning or rezoning of any part of the Plan Area as needed in connection with the urban renewal project described in this Plan.

6. 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 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.

Undertakings and Activities to Remedy Blight

As described in **Section 4** of this Plan, seven qualifying conditions of blight were identified in the Study Area of which this Urban Renewal Areas is a part. Each of the seven qualifying conditions was observed within the Urban Renewal Area. Implementation of this Plan by providing urban renewal resources for public and private improvements will remedy the conditions identified:

b. *Predominance of defective or inadequate street layout*

The investment of streetscape and increased bicycle and pedestrian pathways and connections throughout the Plan Area will create an improved pedestrian environment.

c. *Faulty lot layout*

The redevelopment of the northeast corner of the Plan Area will provide improved internal vehicular access and connectivity.

d. *Unsanitary or unsafe conditions*

The private investments and onsite redevelopment will eliminate the vandalism/graffiti, presence of vagrants, and excessive litter. Additionally, the private investment will provide new jobs and establish an employment node.

e. *Deterioration of site or other improvements*

The development of the Plan Area will turn neglected properties into a thriving employment center and commercial node with the necessary site improvements.

f. Unusual topography or inadequate public improvements or utilities

The overall redevelopment and investment in the Plan Area will address the maintenance deficiencies and provide adequate infrastructure.

h. Existence of conditions that endanger life or property

The redevelopment areas of the Plan Area in a flood hazard area will meet the necessary standards and regulations for development to occur.

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 - Observed

The Plan Area is currently underutilized and includes vacant property. Through private investment and support from the Authority, the Plan Area will develop and redevelop into vibrant nodes and be fully utilized.

Project Development Plan

The primary goal of this Plan is to eliminate the current conditions of blight in the Urban Renewal Area and prevent those conditions from reoccurring. The contemplated redevelopment of the Area is for use as industrial 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, hotel, commercial, retail, office, industrial, cultural, and public uses.

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 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.

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 C.R.S. § 31-25-107(9) § 31-25-107(7); (b) not impair Available Revenues then-pledged by the Authority 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.

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 as necessary to comply with applicable provisions of the Act.

Demolition, 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.

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, including that the Authority is 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.

Enter into Redevelopment/Development Agreements

The Authority may enter into Redevelopment/Development Agreements or other contracts with developer(s) or property owners or other such individuals or entities determined to be necessary to carry out the purposes of this Plan, including the pledge by the Authority of Available 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.

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.

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. Project Financing

Financing Powers

Except as hereafter specifically provided, the undertakings and activities of the urban renewal project described in this Plan may be financed, in whole or in part, by the Authority to the full extent authorized under the TIF provisions of C.R.S. § 31-25-107(9)(a) in the Urban Renewal Law, as amended, and with any other available sources of revenues and means of financing authorized to be undertaken by the Authority pursuant to the Urban Renewal Law and under any other applicable law, which shall include, without limitation:

- The collection and use of revenues from property tax increment, sales tax increment, interest income, federal loans or grants, agreements with public, quasi-public, or private parties and entities, loans or advances from any other available source, and any other available sources of revenue.
- The issuance of bonds and other indebtedness, including, without limitation, notes or any other financing instruments or documents in amounts sufficient to finance all or part of the Plan. The borrowing of funds and creation of other indebtedness.
- The use of any and all financing methods legally available to the City, the Authority, any private developer, redeveloper, or owner 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 Plan Area. Such methods may be combined to finance all or part of activities and undertakings throughout the Plan Area.
- The principal, interest, any premiums and any other amounts legally due on or in connection with any indebtedness or obligation of the Authority may be paid from property tax increments, sales tax increments or any other funds, revenues, assets or property legally available to the Authority.

This Plan contemplates, however, that the primary method of assisting with financing eligible expenses in the Plan Area will be through the use of revenues generated by Property Tax Increment and Sales Tax Increment. It is the intent of the City Council in approving this Plan to authorize the use of TIF by the Authority as part of its efforts to advance the vision, objectives, and activities described herein.

Tax Increment Financing District

Pursuant to the provisions of C.R.S. § 31-25-107(9) of the Urban Renewal Law, in approving this Plan, the City Council hereby approves the Plan Area as a single tax increment financing district with the same boundary as the Plan Area (the "TIF District"). The boundaries of this TIF District shall therefore be as depicted in **Figure 1** and described on Exhibit A.

Property Tax Increment Financing

The Authority is specifically authorized to collect and expend property tax increment revenue to the full extent authorized by the Urban Renewal Law and to use that revenue for all purposes authorized under this Plan.

Property Tax Increment Limitations

The Authority shall establish a fund for the financing authorized under this Plan that shall be funded with the property tax allocation authorized to the Authority under the Urban Renewal Law in C.R.S. § 31-25-107(9). Under this method, the property taxes of specifically designated public bodies, if any, levied after the effective date of the approval of this Plan upon taxable property in the Plan Area each year by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of the taxes that 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 Plan Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the Plan Area, the effective date of the modification of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – That portion of said property taxes in excess of such base amount 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, a specific project. Any excess property tax collections not allocated in this way must be paid into the funds of the municipality or other taxing entity, as applicable.

Unless and until the total valuation for assessment of the taxable property in the Plan Area exceeds the base valuation for assessment of the taxable property in the Plan Area, all of the taxes levied upon the taxable property in the Plan Area must be paid into the funds of the respective public bodies.

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 in the Plan 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 City, within the boundaries of the Plan 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. 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 C.R.S. § 31-25-107(9)(a)(II) of the Act are not intended to be included in Available Property Tax Increment Revenues.

Notwithstanding any other provision of law, any additional revenues the City, county, special district, or school district receives either because the voters have authorized the City, county, special district, or school district to retain and spend said moneys pursuant to section 20(7)(d) of Article X of the Colorado Constitution subsequent to the creation of this special fund or as a result of an increase in the property tax mill levy approved by the voters of the City, county, special district, or school district subsequent to the creation of the special fund, to the extent the total mill levy of the City, county, special district, or school district exceeds the respective mill levy in effect at the time of approval or substantial modification of the Plan, are not included in the amount of the increment that is allocated to and, when collected, paid into the special fund of the authority.

In calculating and making these payments, the County Treasurer may offset the Authority's pro rata portion of any property taxes that are paid to the Authority under these terms and that are subsequently refunded to the taxpayer against any subsequent payments due to the Authority for an urban renewal project. The Authority shall make adequate provision for the return of overpayments in the event that there are not sufficient property taxes due to the Authority to offset the Authority's pro rata portion of the refunds. The Authority may establish a reserve fund for this purpose or enter into an intergovernmental agreement with the municipal governing body in which the municipality assumes responsibility for the return of the overpayments.

The portion of taxes collected 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. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with C.R.S. § 31-25-107(9)(a)(III) and (b). The Authority shall 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.

At the time of general reassessment of taxable property valuations in Jefferson County, including all or part of the Plan Area subject to division of valuation for assessment between base and increment, as provided above, the portions of valuations for assessment to be allocated as provided above shall be proportionately adjusted in accordance with such reassessment or change. Note that at the time of this Plan adoption, such a general reassessment occurs every two years, in the odd-numbered years.

Sales Tax Increment Financing

The urban renewal project under the Plan may also be financed by the Authority under the sales tax allocation financing provisions of the Urban Renewal Law in C.R.S. § 31-25-107(9). The Urban Renewal Law allows that upon the adoption or amendment of an Urban Renewal Plan, sales taxes flowing to the city and/or county may be “frozen” at their current level. The current level is established based on the previous 12 months prior to the adoption of this Plan. Thereafter, the jurisdiction can continue to receive this fixed sales tax revenue. The Authority thereafter may receive all, or an agreed upon portion of the additional sales taxes (the increment) that are generated above the base. The Authority may use these incremental revenues to finance the issuance of bonds, reimburse developers for public improvement costs, reimburse the city for public improvement costs, and pay off financial obligations and other debts incurred in the administration of the Plan. This increment is not an additional sales tax, but rather is a portion of the established tax collected by the jurisdiction, and the sales tax increment resulting from redevelopment efforts and activities contemplated in this Plan.

Sales Tax Increment Limitations

A fund for financing projects may be accrued and used by the Authority under the tax allocation financing provisions of the Urban Renewal Law. Under this method, municipal sales taxes collected within the Plan Area, by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of sales taxes, not including any sales taxes for remote sales as specified in C.R.S. § 39-26-104 (2), collected within the boundaries of the Plan Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – All or any portion of said sales taxes in excess of such base amount, 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, a specific project. Any excess sales tax collections

not allocated in this way must be paid into the funds of the jurisdiction, as applicable.

Unless and until the total sales tax collections in the Plan Area exceed the base year sales tax collections in the Plan Area, all such sales tax collections must be paid into the funds of the respective taxing entity.

The portion of taxes collected 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. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with C.R.S. § 31-25-107(9)(a)(III) and (b). The Authority shall 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.

Tax Increment Reimbursements

Tax increment revenues may be used to reimburse the city and/or a developer for costs incurred for improvements related to a project to pay the debt incurred by the Authority with such entities for urban renewal activities and purposes. Tax increment revenues may also be used to pay bonded indebtedness, financial obligations, and debts of the Authority related to urban renewal activities under this Plan.

Within the 12-month period prior to the effective date of the approval or modification of the Plan requiring the allocation of moneys to the Authority as outlined previously, the city, county, special district, or school district is entitled to the reimbursement of any moneys that such city, county, special district, or school district pays to, contributes to, or invests in the Authority for a project. The reimbursement is to be paid from the special fund of the Authority.

8. Severability and Reasonable Variations

The Authority shall have the ability to approve reasonable variations (as determined by the Board) from the strict application of these Plan provisions, so long as such variations reasonably accommodate the intent and purpose of this Plan and the Urban Renewal Law. Plan provisions may be altered by market conditions, redevelopment opportunities and/or the needs of the community affected by the Plan.

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

9. Effective Date of the Plan

This Plan shall be effective upon its final approval by the City Council. Except as otherwise permitted under the Urban Renewal Law, the term of the TIF period is twenty-five (25) years from the effective date of the Plan, unless the Authority deems, to the extent consistent with the terms in the applicable, agreements, including, without, limitation, Redevelopment/Development Agreements and Cooperation Agreements, that all activities to accomplish the Project have been completed and all debts incurred to finance such activities and all expenses of the Authority have been repaid. In that event, the Authority may declare the Plan fully implemented.



RENEWAL WHEAT RIDGE

Progress Through Partnership

TO: Planning Commission

FROM: Steve Art, Urban Renewal Manager

RE: Adoption of Resolution No. __-2024 relating to the Lutheran Legacy Urban Renewal Plan and its adherence to the City's Comprehensive Plan adopted in 2009

DATE: February 15, 2024

ITEM:

Review of the Lutheran Legacy Urban Renewal Plan (the Plan), and adoption of Resolution regarding its conformity with the City's Comprehensive Plan, Envision Wheat Ridge, adopted 2009 (Comp Plan).

LUTHERAN LEGACY URBAN RENEWAL PLAN INTENT:

The Plan anticipates private investment within its boundaries including residential land uses, a high standard of development, demolition of existing blighted structures, and the construction of improvements that support local goals related to land use, economic development, housing diversity, community services, transportation, and sustainability.

CONFORMANCE TO COMPREHENSIVE PLAN:

The Comp Plan, adopted in October 2009, identifies several goals and objectives that will be accomplished and advanced through completion of projects in urban renewal areas. The Planning Commission is being asked to review this memo and the attachments, and make a determination that the Plan will further the same in a manner consistent with the intentions of the Comprehensive Plan.

Staff has completed a review of Comp Plan and relevant corridor plan, and provided verbatim excerpts from these documents which are accomplished by the Plan. The Plan is also believed to build on previous planning efforts and be consistent with the vision outlined in these and other City adopted plans.

REQUEST:

The Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge (RWR) will recommend the Wheat Ridge City Council adopt a future resolution approving the Plan.

The Colorado Urban Renewal Law, C.R.S. § 31-25-107(2), states that, Prior to its approval of an urban renewal plan, the governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the urban renewal plan to the governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within said thirty days, without

such recommendations, the governing body may proceed with the hearing on the urban renewal plan prescribed by subsection (3) of this section.

RECOMMENDATIONS:

Staff supports the Plan and recommends the Planning Commission adopt a resolution confirming the Plan’s conformity with Envision Wheat Ridge, for the reasons cited above.

This recommendation requires, then, that the Planning Commission review the following attachments:

1. Exhibit of the Lutheran Legacy Campus Urban Renewal Area boundaries, and
2. Relevant excerpts from the Comp Plan, and
3. Lutheran Legacy Campus Urban Renewal Plan.

RECOMMENDED MOTION:

“I move to adopt Resolution __- 2024, finding the Plan is in conformance with the Wheat Ridge Comprehensive Plan, Envision Wheat Ridge.”

Or,

“I move to deny Resolution __-2024, finding the Plan is not in conformance with the Wheat Ridge Comprehensive Plan, Envision Wheat Ridge for the following reasons_____:”

Attachments:

1. Resolution __-2024
2. Conformance to Comprehensive Plan
3. Lutheran Legacy Campus Urban Renewal Plan

**WHEAT RIDGE PLANNING COMMISSION
RESOLUTION NO. __
Series of 2024**

**TITLE: A RESOLUTION FINDING THE LUTHERAN LEGACY CAMPUS
URBAN RENEWAL PLAN IS IN CONFORMANCE WITH THE
WHEAT RIDGE COMPREHENSIVE PLAN.**

WHEREAS, the Wheat Ridge Urban Renewal Authority is authorized under C.R.S. 31-25-105 (1)(i) of the Urban Renewal Law to prepare a plan for redevelopment for certain areas of the City of Wheat Ridge, Colorado; and

WHEREAS, the Wheat Ridge City Council, upon recommendation of the Wheat Ridge Urban Renewal Authority, did on March 6, 2023, make a finding of the presence of blight in the area included in the Lutheran Legacy Campus Urban Renewal Plan via Ordinance 467-1981; and

WHEREAS, the Wheat Ridge Urban Renewal Authority will conduct a public meeting for the purpose of receiving comment on the site plan; and

WHEREAS, under C.R.S. 31-25-107(2), the redevelopment plan is to be forwarded to the Planning Commission to determine its conformity with the comprehensive plan for the City.

NOW THEREFORE BE IT RESOLVED by the Wheat Ridge Planning Commission as follows:

Section 1. The proposed formation of the Lutheran Legacy Campus Urban Renewal Plan is in conformance with the Wheat Ridge Comprehensive Plan.

Section 2. This Resolution No. __-2024 shall be transmitted to the Wheat Ridge City Council pursuant to the requirements of C.R.S. 31-25-107(2).

DONE AND RESOLVED THIS 15th day of February 2024.

WHEAT RIDGE PLANNING COMMISSION

By: _____
Chairperson

ATTEST:

Secretary to the Commission

Final Report

Lutheran Legacy Campus Urban Renewal Plan

The Economics of Land Use



Prepared for:

Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge
and the City of Wheat Ridge

Prepared by:

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October 25, 2023

EPS #223132

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1. Introduction

Preface

This document, Lutheran Legacy Campus Urban Renewal Plan ("Plan" or the "Urban Renewal Plan") has been prepared for the City of Wheat Ridge, Colorado (the "City"), a home rule municipality of the State of Colorado. The Plan will be carried out by Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge (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.

Blight Findings

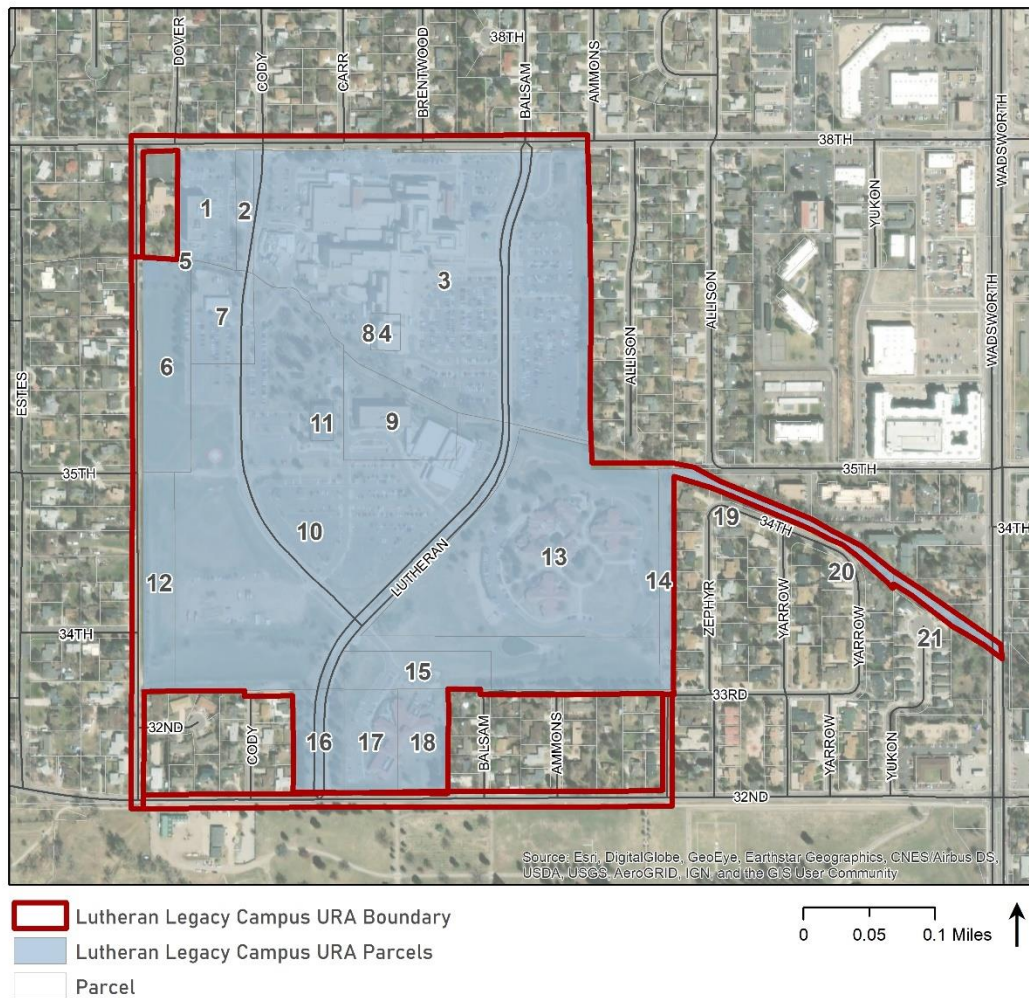
Under the Act, an urban renewal area is a blighted area, as defined by the Act, and has been designated as appropriate for an urban renewal project by the City Council of the City (the "City Council"). In each urban renewal area, conditions of blight must be present, and the City Council must find that 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 is a menace to the public health, safety, morals, or welfare for the Authority to exercise its powers.

The Project Lutheran Legacy Campus Existing Conditions Survey prepared by Economic & Planning Systems (EPS) in August 2023 ("Conditions Survey") was provided to the Authority under separate cover and demonstrates that the Project Lutheran Legacy Campus ("Study Area"), as defined in the Conditions Study, is eligible to be declared a blighted area by the City Council under the Act. The Conditions Survey identified and documented 6 of the 11 blight factors present in the Study Area. A description of the blight factors and observations is presented below in Section 4 of this report.

Urban Renewal Area Boundaries

The Lutheran Legacy Campus Urban Renewal Area ("URA" or "Plan Area") is located in the City of Wheat Ridge in Jefferson County. The Plan Area is comprised of 21 parcels on approximately 146 acres of land and adjacent right of way (ROW) along West 38th Avenue, West 32nd Avenue, Dudley Street, Allison Street, and the Rocky Mountain Ditch. The address of the Plan Area to which this Plan applies is generally located at 8300 West 38th Avenue, illustrated below in **Figure 1** and more particularly described in Exhibit A attached hereto and made a part of hereof.

Figure 1. Lutheran Legacy Campus Urban Renewal Plan Area



Ownership

The parcels located within the Plan Area are owned by the Sisters of Charity of Leavenworth Health, Foothills Medical Building Company LLP, and the City and County of Denver.

Zoning and Land Use

The parcels within the Plan Area are currently used as a combination of hospital and medical offices, parking for these facilities, vacant land, and water elements including an irrigation ditch and some ponds that function as landscape features, as shown in **Table 1**. The improvements in the Plan Area include the hospital with approximately 675,100 square feet and various medical office buildings with a total of approximately 147,000 square feet.

Most of the Plan Area is currently zoned Planned Hospital Development (PHD) except for the medical office building at the northwest corner of the Plan Area (parcel 39-271-01-004), which is zoned Planned Commercial District (PCD) and parcels along the western edge of the Plan Area that are zoned Residential-One (R-1) (parcel 39-271-01-005) and Residential-Two (R-2) (parcel 39-271-12-001). PHD and PCD designated areas have property specific zoning and their own list of permitted uses and development standards that apply to the specific property. R-1 and R-2 zoning districts typically provide high quality, safe, quiet, and stable low- to moderate-density residential neighborhoods, and prohibit activities of any nature that are incompatible with the residential character.

Table 1. Parcels contained in the Plan Area

#	Parcel	Land Use	Land Acres	Bldg. Sq. Ft.	Assessed Valuation		
					Land	Improv.	Total
1	39-271-01-004	Medical Office	2.52	44,805	\$635,663	\$1,200,559	\$1,836,222
2	39-262-00-021	Vacant	38.45	0	\$499,822	\$0	\$499,822
3	39-262-00-045	Hospital	29.06	675,098	\$377,761	\$14,491,127	\$14,868,888
4	39-262-00-041	Medical Office	0.40	46,454	\$105,623	\$1,612,303	\$1,717,926
5	39-271-01-005	Vacant	0.01	0	\$203	\$0	\$203
6	39-271-01-002	Vacant	3.34	0	\$43,465	\$0	\$43,465
7	39-271-00-012	Parking	2.16	0	\$136,431	\$14,462	\$150,893
8	39-262-00-011	Medical Office	0.40	46,454	\$6,742	\$102,913	\$109,655
9	39-262-00-012	Vacant	3.30	0	\$448,134	\$0	\$448,134
10	39-262-00-021	Vacant	38.45	0	\$499,822	\$0	\$499,822
11	39-271-00-043	Vacant	0.32	0	\$64,477	\$0	\$64,477
12	39-271-12-001	Vacant	2.52	0	\$32,750	\$0	\$32,750
13	39-262-00-040	Medical Office	14.27	8,676	\$1,938,278	\$249,105	\$2,187,383
14	39-262-99-001	Vacant	1.26	0	\$5,828	\$0	\$5,828
15	39-262-00-044	Vacant	2.02	0	\$26,260	\$0	\$26,260
16	39-271-00-042	Exempt Vacant	1.91	0	\$8,839	\$0	\$8,839
17	39-262-08-007	Vacant	1.99	0	\$25,830	\$0	\$25,830
18	39-262-08-006	Medical Office	2.00	638	\$12,641	\$9,606	\$22,247
19	WATER	Vacant	0.54	0	\$0	\$0	\$0
20	WATER	Vacant	0.43	0	\$0	\$0	\$0
21	WATER	Vacant	0.57	0	\$0	\$0	\$0
Total			145.91	822,125	\$4,868,569	\$17,680,075	\$22,548,644

Source: Jefferson County Assessor; Economic & Planning Systems

Since the relocation of the hospital was not anticipated, the land uses proposed in the Plan Area do not align with current zoning classifications. However, in 2021, the City adopted the *Lutheran Legacy Campus Master Plan* that charts the path for redevelopment and recommends amendments to the zoning, as well as *Envision Wheat Ridge* and the City Charter in order to facilitate redevelopment of the campus.

2. Definitions

Terms used in this Plan are defined below and are representative of Urban Renewal Law C.R.S. § 31-25-103.

- **Act or Urban Renewal Law** – Urban Renewal Law of the State of Colorado, C.R.S. § 31-25-101 et seq.
- **Available Property Tax Increment Revenues** – 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 C.R.S. §31-25-107(9.5) of the Act. In the event that an agreement is reached with a taxing body pursuant to C.R.S. § 31-25-107(9.5) of the Act after the effective date of Plan approval by the City Council, the Property Tax Increment Revenues generated by said taxing body’s mill levy shall become Available Property Tax Increment Revenues, and the addition of such revenue shall not be a substantial modification to this Plan.
- **Available Revenues** – any and all revenues available to the Authority, including, without limitation, Available Property Tax Increment Revenues, any revenues available to the Authority from Districts, or any other source that are available under this Plan or otherwise under the Act.
- **Bonds** – any bonds (including refunding bonds), notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures, or other obligations.
- **District (or Districts)** – for purposes of C.R.S. § 31-25-107(9) means a metropolitan district which is 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 a business improvement district which is a quasi-municipal corporation and political subdivision of the State of Colorado organized under the Colorado Business Improvement District Act, 31-25-1201, 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. Provided however, for purposes of C.R.S. § 31-25-104, the term “District” shall be limited to metropolitan [or special] district which is 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.
- **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** – the property tax revenues allocated to the Authority pursuant to C.R.S. §31-25-107(9) of the Act and Section 7.0 of this Plan.

- **Real property** – lands, lands under water, structures, and any and all easements, franchises, incorporeal hereditaments, and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise.
- **Redevelopment/Development Agreement** – one or more agreements between the Authority and developer(s) and/or property owners or such other individuals or entities as determined by the Authority to be essential to carry out the objectives of this Plan.
- **Slum area** – an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare.
- **Tax increment financing (TIF)** – the tax allocation financing as described in C.R.S. 31-25-107(9) of the Act as in effect on the date this Plan is approved by City Council.
- **Urban Renewal Authority or Authority** – a corporate body organized pursuant to the provisions of the Act for the purposes, with the powers, and subject to the restrictions set forth in the Act.
- **Urban Renewal Plan or Plan** – a plan, as it exists from time to time, for an urban renewal project, which plan conforms to a general or master plan for the physical development of the municipality as a whole and which is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
- **Urban Renewal Project** – 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.

3. Plan Purpose

The purpose of this Plan is to reduce, eliminate, and prevent the spread of blight within the Plan Area following the relocation of the hospital, through private development. The Plan sets goals to achieve this through implementing established objectives for the Area and assisting with the eligible costs of environmental mitigation, 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 (TIF).

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.

Vision

The vision of the Plan Area, as expressed in the *Lutheran Legacy Campus Master Plan*, is to create a flexible mixed-use development in the center with medium to higher density between North Lutheran Parkway and Lutheran Parkway West. Mindful of low-density residential areas neighboring the campus, the Plan seeks to create a buffer along the periphery of the site with a mix of lower density residences and/or open space, integrated with bicycle and pedestrian pathways that can connect residents to the center of the site. Further, the Plan aims to preserve and repurpose viable existing assets including several medical office buildings, a portion of the main existing hospital building, certain sites of historic significance, and the campus' highly valued open spaces, including the Rocky Mountain Ditch that traverses the Plan Area from the southeast to northwest. Lastly, the Plan encourages high urban design quality and sustainability integrated into any potential future development.

The Plan Area is a brownfield redevelopment and an infill development using space within the urban context rather than developing on the outside or edges of the city, recognizing the unique opportunity that the relocation of the existing medical campus offers. The *Lutheran Legacy Campus Master Plan* sets goals that were informed by the community and a market study to guide future development within the Plan Area. Based on the expectations of the Master Plan, the Urban Renewal Plan aims to facilitate one of the two following scenarios:

Scenario 1

The first scenario that the Plan can enable is a medium-density mixed-use development in the center of the site between North Lutheran Parkway and Lutheran Parkway West, with a combination of retail, office, employment, and residential opportunities. The center of the site would accommodate community amenities such as pocket parks, an amphitheater, and civic amenities, along with office uses. It would promote retail uses along the eastern portion of 38th Avenue and along the northern portion of North Lutheran Parkway.

The scenario will provide a diversity of housing options for both rent and ownership, catering to an array of preferences, income levels, and households, distributed across the site at varying densities – medium density towards the center of the site (30 dwelling units per acre), and lower-density along the southern portions of North Lutheran Parkway and Lutheran Parkway West (10 dwelling units per acre) and along the edges of the site (8 dwelling units per acre).

Lastly, this scenario will incorporate active and passive open spaces along the Rocky Mountain Ditch and the edges of the Plan Area that can become assets to future residents of the campus and to the overall neighborhood.

Scenario 2

Within the second scenario, the Plan aims to create a higher density residential development with flexible mixed-use development, comprising retail, office, and employment opportunities similar to Scenario 1. Likewise, it will also create a diverse set of housing options of higher density towards the center of the site (60 dwelling units per acre) and medium to lower density towards the edges of the Plan Area with 25 dwelling units per acre along the Parkways and 8 dwelling units per acre along the edges of the site.

Drawing from elements in the first scenario, Scenario 2 will also incorporate active and passive open spaces along the Rocky Mountain Ditch and in the peripheral zones of the Plan Area.

4. Blight Conditions

Before an urban renewal plan can be adopted by the City Council, there must be a determination that an area constitutes a blighted area. This determination depends upon the presence of several physical, environmental, and social factors. Blight is attributable to a range of conditions that, in combination, tend to accelerate the phenomenon of deterioration of an area. The definition of a blighted area is based upon the definition articulated in the Urban Renewal Law (C.R.S. § 31-25-103) as follows:

"Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;*
- b. Predominance of defective or inadequate street layout;*
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- d. Unsanitary or unsafe conditions;*
- e. Deterioration of site or other improvements;*
- f. Unusual topography or inadequate public improvements or utilities;*
- g. Defective or unusual conditions of title rendering the title nonmarketable;*
- h. The existence of conditions that endanger life or property by fire and 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, building, or other improvements; or*
- l. If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, "blighted area" also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of this subsection (2), substantially impairs or arrests the sound*

growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare. For purposes of this paragraph (1), the fact that an owner of an interest in such property does not object to the inclusion of such property in the urban renewal area does not mean that the owner has waived any rights of such owner in connection with laws governing condemnation.

To use the powers of eminent domain, the definition of "blighted" is broadened to require that five of the eleven blight factors must be present (C.R.S. § 31-25-105.5(5)(a)):

(a) "Blighted area" shall have the same meaning as set forth in section 31-25-103 (2); except that, for the purposes of this section only, "blighted area" means an area that, in its present condition and use and, by reason of the presence of at least five of the factors specified in section 31-25-103 (2)(a) to (2)(l), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

The methodology used to prepare the Conditions Survey for the Plan Area involved the following steps: (i) identify parcels to be included in the Plan Area; (ii) gather information about the properties and infrastructure within the Plan Area boundaries; (iii) evaluate evidence of blight through field reconnaissance; and (iv) record observed and documented conditions listed as blight factors in State Statute. Based on the parameters established by the State regarding the determination of blight, this has been found to meet these conditions. The entire Conditions Survey is provided under separate cover.

5. Plan Goals and Conformance

Plan Goals and Objectives

The overall objective of this Plan is to remediate unfavorable existing conditions and prevent further deterioration by implementation of the relevant provisions contained in the following documents:

- Envision Wheat Ridge (City of Wheat Ridge Comprehensive Plan), 2009
- Lutheran Legacy Campus Master Plan, 2021

The Plan is intended to stimulate private sector development in the Plan Area with a combination of private investment and Authority financing. The Plan has the following objectives:

- Implement the Lutheran Legacy Campus Master Plan and Envision Wheat Ridge
- Prevent and eliminate conditions of blight within the City of Wheat Ridge
- Encourage and provide incentives for private development
- Encourage the development of projects that would not otherwise be considered financially feasible without the participation of Renewal Wheat Ridge
- Enhance the current property tax revenue within the city and county with development that will increase the assessed valuation

Plan Conformance

Urban Renewal Law

This Plan is in conformity with and subject to the applicable statutory requirements of the Urban Renewal Law of the State of Colorado.

Envision Wheat Ridge

The City of Wheat Ridge last updated and adopted its Comprehensive Plan, known as *Envision Wheat Ridge*, in 2009, which established the vision and direction for the future of Wheat Ridge. *Envision Wheat Ridge* did not anticipate the relocation of the hospital; therefore, its Structure Plan designates the Urban Renewal Area as a public/institutional land use for primary employment and noted the site's role as a community and neighborhood anchor. The specific vision for this site has evolved, given the hospital's decision to leave this site (which caused the City to

reconsider the long-term vision for the site and commission the Lutheran Legacy Master Plan). In addition to the specific vision found in that plan, the Comprehensive Plan speaks to the benefit of redevelopment, as noted in the following sections below.

The redevelopment in this Plan supports five key values from *Envision Wheat Ridge* and corresponding goals and policies. The following excerpts from *Envision Wheat Ridge* highlight the linkage between *Envision Wheat Ridge* and this Plan under these five key values. These are representative excerpts, and not an all-inclusive list of relevant statements:

Key Value - Economy and Land Use

The motivation behind this key value is to create a resilient local economy based on a balanced mix of land uses. The value highlights the importance of prioritizing opportunities for local employment, commercial goods and services, and mixed-use activity centers to serve and balance the community's residential foundations and ensuring long-term fiscal stability.

- **Goal ELU 4** – Increase the diversity of land uses, ensuring that limited future development and redevelopment areas provide increased opportunities for employment, retail, and commercial services, along new housing options, to achieve a sustainable and balanced mix of land uses for the community.
 - **Policy ELU 4.1** – Efficiently use limited land for development and redevelopment by promoting higher-intensity development.
- **Goal ELU 5** – Revitalize key redevelopment areas, targeting areas with immediate redevelopment needs with efforts that support and promote investment and quality design, projecting a positive image for the community and enhancing the surrounding context.
 - **Policy ELU 5.2** – Require high quality urban design for all future infill and redevelopment to ensure compatibility with surrounding neighborhoods, and to improve overall appearance of the community's primary corridors and activity centers.

Key Value – Neighborhoods and Housing

By promoting vibrant neighborhoods and an array of housing options, this key value recognizes the importance of catering to new household types and residents who are looking for alternatives to the community's large supply of single-family housing. It further elaborates on how new housing types will help satisfy current market demands, attract new households, provide housing options for residents to remain in the community as they age, and meet housing needs for new employers.

- **Goal NH 2** – Increase the diversity of the community’s housing supply to attract new household types and meet the changing needs of the community’s residents.
 - **Policy NH 2.1** – Direct development of new housing types such as townhomes, condos/lofts, and senior living units to meet market demand.

Key Value – Community Character and Design

This value aims to enhance community character and accentuate quality design in new development and redevelopment, so as to accentuate the community’s character and attractiveness, and add a sense of place and appeal to the community’s unique places.

- **Goal CC 2** – The City of Wheat Ridge will lead by example by committing to quality, energy efficient buildings and facilities.
 - **Policy CC 2.1** – When updating existing facilities or constructing new public facilities, the City of What Ridge will meet or exceed established design and character requirements to set the tone for future private development efforts.
- **Goal CC 3** – Ensure quality design for development and redevelopment.
 - **Policy CC 3.1** – Require new development and redevelopment to exemplify high quality urban design to enhance the city’s character.

Key Value – Community Services

This key value highlights the importance of providing quality community amenities, services, and resources that sustain and enhance the community’s livability.

- **Goal CS 2** – Continue to invest in parks, recreation, and open space.
 - **Policy CS 2.1** - Continue to maintain and enhance parks, recreation, and open space offerings and facilities, while periodically identifying future parkland needs.
- **Goal CS 6** – Continue to support diverse arts and cultural amenities.
 - **Policy CS 6.1** – Continue to provide existing arts and cultural offerings such as community concerts, public art, the historic park, and the Carnation Festival and seek opportunities to partner and expand arts and cultural programs.

Key Value – Sustainable Future

This key value aims to ensure a sustainable future, balancing the needs and quality of life of the community, with stewardship and respect for the natural environment and resources, and economic opportunities and benefits.

- **Goal SF 1** – Establish and maintain a resilient and sustainable tax base that will be able to support community services.
 - **Policy SF 1.2** – Create a diverse and broader revenue base by facilitating the development of local and regional retail and employment and encouraging local shopping and dining.
- **Goal SF 2** – Protect and preserve natural assets including its scenic and environmental assets, the urban tree canopy, and drainage ways.
 - **Policy SF 2.1** – Provide stewardship of unique and sensitive natural resources and areas.
- **Goal SF 4** – Maintain a healthy and active community and encourage opportunities for lifelong activity and engagement.
 - **Policy SF 4.1** – Promote physical activity and increase recreational opportunities, partly by developing pedestrian and bicycle connections between neighborhoods and existing and proposed community activity center and employment opportunities.

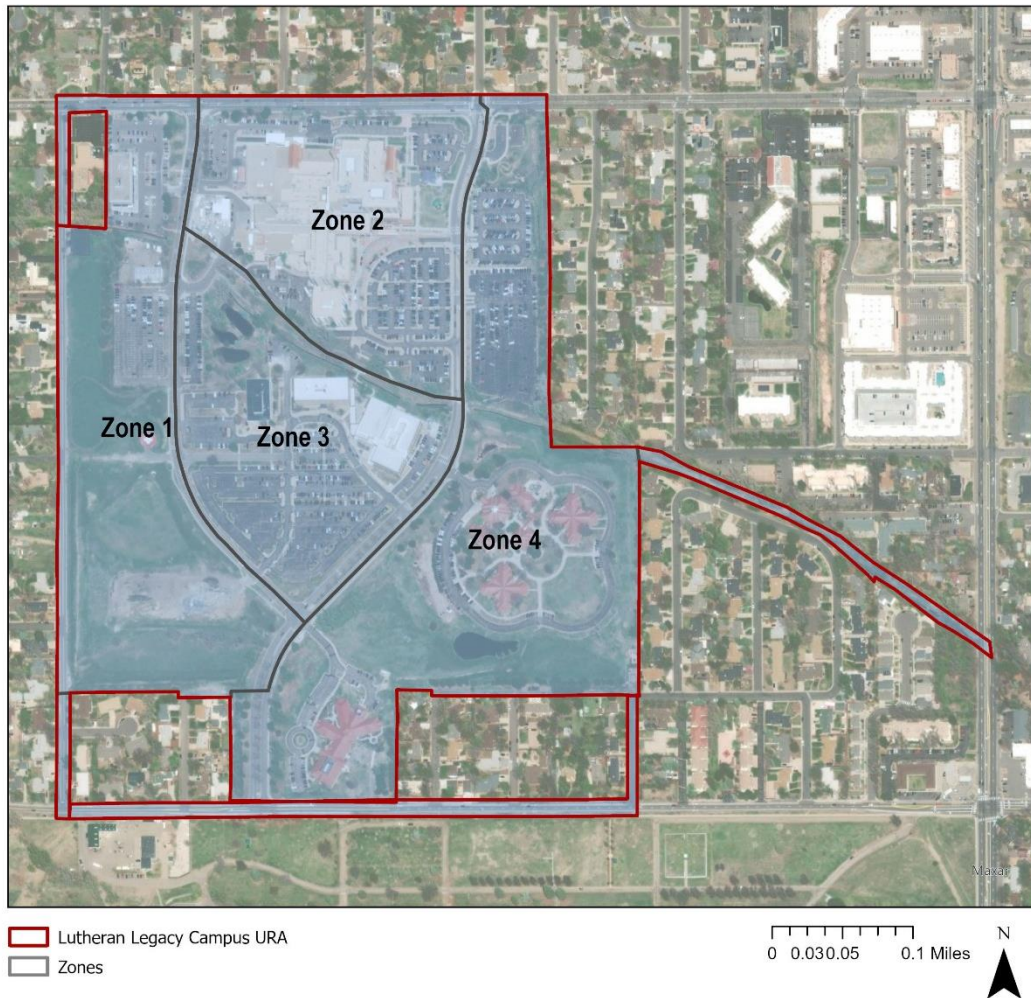
Lutheran Legacy Campus Master Plan

The *Lutheran Legacy Master Plan* is considered an amendment to the City's Comprehensive Plan and this Plan directly supports the overall themes in both *Envision Wheat Ridge* and the *Lutheran Legacy Master Plan*. The following recommendations from the *Lutheran Legacy Master Plan* are supported by this Plan.

Detailed Recommendations and Considerations

The Master Plan, informed by the community's vision, divides the campus into four zones, and lays out specific recommendations for the potential mix of uses, urban design and building form, and for multimodal connectivity.

Figure 2. Lutheran Legacy Campus Master Plan Zones



Zone 1: West of Lutheran Parkway West

Given the proximity to the existing residential neighborhood west of Dudley Street, Zone 1 will have fewer intensive uses and primarily consist of lower density residential units that are compatible with the surrounding single-family homes. The existing medical offices on the corner of 38th and Dudley will be preserved, and open space will be integrated into the site providing connectivity to other zones that provide more uses. With Lower Density Residential being the primary development type of the zone, single family homes, duplexes, triplexes, and other attached products will be constructed and building form should be compatible with the surrounding regardless of housing type. Walkability and connectivity to other zones and existing neighborhoods should be prioritized. With more intensive uses located in other zones, the site will offer safe bike and pedestrian routes so residents will not have to use vehicles to access amenities. This zone will act as a buffer between existing neighborhoods and dense development in the center of the site.

Zone 2: Between Lutheran Parkway West and North Lutheran Parkway, generally north of the Rocky Mountain Ditch.

This zone can provide a mix of uses including community destinations, employment opportunities, and a diversity of housing. A distinguishing element of this zone would be the retail along 38th Avenue and the northern most section of North Lutheran Parkway. With denser, multifamily housing, office, civic uses, and retail concentrated in this space, a dynamic and vibrant public realm will be key to allow for an engaging experience. Buildings should be designed to maximize public access and circulation for pedestrians. Retail with an engaging ground floor and streetscaping will be key to encouraging street traffic. Some strategic retail will be a key component for delivering additional community needs and amenities, particularly creating a walkable, main street environment. Access to the Rocky Mountain Ditch will be another key amenity to this zone. The concentration of civic uses also provides the opportunity to integrate facilities such as amphitheaters, libraries, and plazas for residents and visitors to enjoy. The Chapel and Blue House should be targeted for preservation, rehabilitation, or restoration, assuming that other adjacent development can offset the reduced return on the investment.

Zone 3: Between Lutheran Parkway West and North Lutheran Parkway, generally south of the Rocky Mountain Ditch

This zone accommodates the greatest diversity of development types including community destinations, employment opportunities, and a diversity of housing. With denser, multifamily housing, office, and civic uses concentrated in this space, a dynamic and vibrant public realm will be key to allow for an engaging experience for residents, workers, and visitors. The plan calls for buildings that will maximize public access and circulation for pedestrians and provide amenities that encourage people to linger and engage with the space. Given the density of the zone, non-vehicular modes of

transportation should be prioritized to minimize congestion on site. With transit stops remaining on the edge of the Campus, safe and accessible bike and pedestrian routes leading to this zone will be critical. The Rocky Mountain Ditch will be a key amenity to this zone. A potential concentration of civic uses provides opportunities to integrate facilities such as amphitheatres, libraries, and plazas for residents and visitors to enjoy.

Zone 4: Eastern and southern edges of campus, generally east of Lutheran Parkway North

Given the proximity to the existing residential neighborhood along Allison Street, Zone 4 will have fewer intensive uses and primarily consist of the Lower Density Residential development type, with dwelling units that are compatible with the surrounding single-family homes. The existing hospice center at the south end of zone will be preserved, and open space will be integrated into the site providing connectivity to other zones that provide more uses. There could also be retail along Lutheran Parkway and 38th Avenue, and some office use at the current West Pines location. With lower density residential being the primary use of the zone, single family homes, duplexes, and triplexes, and other attached products will be constructed. Walkability and connectivity to other zones and existing neighborhoods should be prioritized. With more intensive uses located in other zones, the site will offer safe bike and pedestrian routes so residents will not have to use vehicles to access amenities. This zone will act as a buffer between existing neighborhoods and denser development in the center of the site. Retail will be a key component for delivering additional community needs and amenities, particularly creating a walkable, main street environment.

Process moving forward – Evaluate creation of Urban Renewal Area

The Master Plan, in consideration of challenges around funding redevelopment and/or adaptive reuse of existing structures, updating and/or expanding utility and infrastructure systems, and enhancing the public realm, recommends the creation of an Urban Renewal Area.

- The City should evaluate the creation of an Urban Renewal Plan Area (URPA), beginning with a Conditions Survey. The Wheat Ridge Urban Renewal Authority, otherwise known as Renewal Wheat Ridge (RWR) is committed to improving the visual aesthetics and environmental aspects of the community, both concerns that have been noted in the engagement process given the infrastructural implications of redevelopment and the declining quality of the existing open space.

Potential Funding Strategies and Financing Tools – Tax Increment Financing through Urban Renewal

The Master Plan recognizes that Tax Increment Financing (TIF) as a major tool that can be used to fund projects, and that creating it through an Urban Renewal Area for the campus authorizes the use of TIF for the removal of blight conditions.

- The URA can use TIF to pay for eligible redevelopment and public improvement costs associated with the project. TIF redirects the incremental property taxes from all taxing entities from a new development within a defined URA to pay for eligible expenses including extraordinary costs for remediation.

Development Standards and Procedures

All development within the Plan Area shall conform to the City's Land Use Code and any site-specific City zoning regulations and policies that might impact properties in the Plan Area, all as in effect and as may be amended. However, as authorized by the Urban Renewal Law, the Authority may arrange with the City for the planning, replanning, zoning or rezoning of any part of the Plan Area as needed in connection with the urban renewal project described in this Plan.

6. 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 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.

Undertakings and Activities to Remedy Blight

As described in Section 4 of this Plan, six qualifying conditions of blight were identified in the Study Area of which this Urban Renewal Areas is a part. Implementation of this Plan by providing urban renewal resources for public and private improvements will remedy the conditions identified:

b. Predominance of defective or inadequate street layout

The Plan Area is large, at over 100 acres, and the private investment of improved road conditions and incorporating bicycle and pedestrian pathways throughout the site will create an improved pedestrian environment.

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

The development and improvement of the Plan Area as a whole will provide internal vehicular access and connectivity.

d. Unsanitary or unsafe conditions

Private investments, onsite development, occupation, and operations will eliminate vandalism/graffiti, presence of vagrants, and excessive litter. Further, improved bicycle and pedestrian pathways will correct and prevent cracked or uneven surfaces for pedestrians.

e. Deterioration of site or other improvements

The development of the Plan Area will turn an underutilized and neglected property into a thriving mixed-use development with the necessary site improvement.

f. Unusual topography or inadequate public improvements or utilities

The unusual topography observed along the Rocky Mountain Ditch will likely be preserved and improved by providing a walking trail or other active and passive open space use to enhance natural features of the Plan Area. Overall development of the site will also allow periodic maintenance of deteriorated public improvements or utilities.

k.5. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, building, or other improvements

The Plan Area is currently underdeveloped and following the relocation of the hospital and associated offices, most of the Plan Area will become vacant. Through private investment and support from the Authority, the Plan Area will develop into a vibrant property and be fully utilized.

Project Development Plan

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

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 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.

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 C.R.S. §31-25-107(7); (b) not impair Available Revenues then-pledged by the Authority 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.

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 as necessary to comply with applicable provisions of the Act.

Demolition, 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.

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, including that the Authority is 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.

Enter into Redevelopment/Development Agreements

The Authority may enter into Redevelopment/Development Agreements or other contracts with developer(s) or property owners or other such individuals or entities determined to be necessary to carry out the purposes of this Plan, including the pledge by the Authority of Available 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.

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.

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. Project Financing

Financing Powers

Except as hereafter specifically provided, the undertakings and activities of the urban renewal project described in this Plan may be financed, in whole or in part, by the Authority to the full extent authorized under the TIF provisions of C.R.S. § 31-25-107(9)(a) in the Urban Renewal Law, as amended, and with any other available sources of revenues and means of financing authorized to be undertaken by the Authority pursuant to the Urban Renewal Law and under any other applicable law, which shall include, without limitation:

- The collection and use of revenues from property tax increment, sales tax increment, interest income, federal loans or grants, agreements with public, quasi-public, or private parties and entities, loans or advances from any other available source, and any other available sources of revenue.
- The issuance of bonds and other indebtedness, including, without limitation, notes or any other financing instruments or documents in amounts sufficient to finance all or part of the Plan. The borrowing of funds and creation of other indebtedness.
- The use of any and all financing methods legally available to the City, the Authority, any private developer, redeveloper, or owner 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 Plan Area. Such methods may be combined to finance all or part of activities and undertakings throughout the Plan Area.
- The principal, interest, any premiums and any other amounts legally due on or in connection with any indebtedness or obligation of the Authority may be paid from property tax increments, sales tax increments or any other funds, revenues, assets or property legally available to the Authority.

This Plan contemplates, however, that the primary method of assisting with financing eligible expenses in the Plan Area will be through the use of revenues generated by Property Tax Increment and Sales Tax Increment. It is the intent of the City Council in approving this Plan to authorize the use of TIF by the Authority as part of its efforts to advance the vision, objectives, and activities described herein.

Tax Increment Financing District

Pursuant to the provisions of C.R.S. § 31-25-107(9) of the Urban Renewal Law, in approving this Plan, the City Council hereby approves the Plan Area as a single tax increment financing district with the same boundary as the Plan Area (the "TIF District"). The boundaries of this TIF District shall therefore be as depicted in **Figure 1** and described on Exhibit A.

Property Tax Increment Financing

The Authority is specifically authorized to collect and expend property tax increment revenue to the full extent authorized by the Urban Renewal Law and to use that revenue for all purposes authorized under this Plan.

Property Tax Increment Limitations

The Authority shall establish a fund for the financing authorized under this Plan that shall be funded with the property tax allocation authorized to the Authority under the Urban Renewal Law in C.R.S. § 31-25-107(9). Under this method, the property taxes of specifically designated public bodies, if any, levied after the effective date of the approval of this Plan upon taxable property in the Plan Area each year by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of the taxes that 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 Plan Area last certified prior to the effective date of approval of the Plan or, as to an area later added to the Plan Area, the effective date of the modification of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – That portion of said property taxes in excess of such base amount 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, a specific project. Any excess property tax collections not allocated in this way must be paid into the funds of the municipality or other taxing entity, as applicable.

Unless and until the total valuation for assessment of the taxable property in the Plan Area exceeds the base valuation for assessment of the taxable property in the Plan Area, all of the taxes levied upon the taxable property in the Plan Area must be paid into the funds of the respective public bodies.

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 in the Plan 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 City, within the boundaries of the Plan 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. 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 C.R.S. § 31-25-107(9)(a)(II) of the Act are not intended to be included in Available Property Tax Increment Revenues.

Notwithstanding any other provision of law, any additional revenues the City, county, special district, or school district receives either because the voters have authorized the City, county, special district, or school district to retain and spend said moneys pursuant to section 20(7)(d) of Article X of the Colorado Constitution subsequent to the creation of this special fund or as a result of an increase in the property tax mill levy approved by the voters of the City, county, special district, or school district subsequent to the creation of the special fund, to the extent the total mill levy of the City, county, special district, or school district exceeds the respective mill levy in effect at the time of approval or substantial modification of the Plan, are not included in the amount of the increment that is allocated to and, when collected, paid into the special fund of the authority.

In calculating and making these payments, the County Treasurer may offset the Authority's pro rata portion of any property taxes that are paid to the Authority under these terms and that are subsequently refunded to the taxpayer against any subsequent payments due to the Authority for an urban renewal project. The Authority shall make adequate provision for the return of overpayments in the event that there are not sufficient property taxes due to the Authority to offset the Authority's pro rata portion of the refunds. The Authority may establish a reserve fund for this purpose or enter into an intergovernmental agreement with the municipal governing body in which the municipality assumes responsibility for the return of the overpayments.

The portion of taxes collected 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. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with C.R.S. § 31-25-107(9)(a)(III) and (b). The Authority shall 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.

At the time of general reassessment of taxable property valuations in Jefferson County, including all or part of the Plan Area subject to division of valuation for assessment between base and increment, as provided above, the portions of valuations for assessment to be allocated as provided above shall be proportionately adjusted in accordance with such reassessment or change. Note that at the time of this Plan adoption, such a general reassessment occurs every two years, in the odd-numbered years.

Sales Tax Increment Financing

The urban renewal project under the Plan may also be financed by the Authority under the sales tax allocation financing provisions of the Urban Renewal Law in C.R.S. § 31-25-107(9). The Urban Renewal Law allows that upon the adoption or amendment of an Urban Renewal Plan, sales taxes flowing to the city and/or county may be “frozen” at their current level. The current level is established based on the previous 12 months prior to the adoption of this Plan. Thereafter, the jurisdiction can continue to receive this fixed sales tax revenue. The Authority thereafter may receive all, or an agreed upon portion of the additional sales taxes (the increment) that are generated above the base. The Authority may use these incremental revenues to finance the issuance of bonds, reimburse developers for public improvement costs, reimburse the city for public improvement costs, and pay off financial obligations and other debts incurred in the administration of the Plan. This increment is not an additional sales tax, but rather is a portion of the established tax collected by the jurisdiction, and the sales tax increment resulting from redevelopment efforts and activities contemplated in this Plan.

Sales Tax Increment Limitations

A fund for financing projects may be accrued and used by the Authority under the tax allocation financing provisions of the Urban Renewal Law. Under this method, municipal sales taxes collected within the Plan Area, by or for the benefit of the designated public body must be divided for a period not to exceed twenty-five (25) years after the effective date of the adoption of the tax allocation provision, as follows:

Base Amount – That portion of sales taxes, not including any sales taxes for remote sales as specified in C.R.S. § 39-26-104 (2), collected within the boundaries of the Plan Area in the twelve-month period ending on the last day of the month prior to the effective date of approval of the Plan, shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

Increment Amount – All or any portion of said sales taxes in excess of such base amount, 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, a specific project. Any excess sales tax collections not allocated in this way must be paid into the funds of the jurisdiction, as applicable.

Unless and until the total sales tax collections in the Plan Area exceed the base year sales tax collections in the Plan Area, all such sales tax collections must be paid into the funds of the respective taxing entity.

The portion of taxes collected 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. This irrevocable pledge shall not extend to any taxes that are placed in a reserve fund to be returned to the county for refunds of overpayments by taxpayers or any reserve funds reserved by the Authority for such purposes in accordance with C.R.S. § 31-25-107(9)(a)(III) and (b). The Authority shall 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.

Tax Increment Reimbursements

Tax increment revenues may be used to reimburse the city and/or a developer for costs incurred for improvements related to a project to pay the debt incurred by the Authority with such entities for urban renewal activities and purposes. Tax increment revenues may also be used to pay bonded indebtedness, financial obligations, and debts of the Authority related to urban renewal activities under this Plan.

Within the 12-month period prior to the effective date of the approval or modification of the Plan requiring the allocation of moneys to the Authority as outlined previously, the city, county, special district, or school district is entitled to the reimbursement of any moneys that such city, county, special district, or school district pays to, contributes to, or invests in the Authority for a project. The reimbursement is to be paid from the special fund of the Authority.

8. Severability and Reasonable Variations

The Authority shall have the ability to approve reasonable variations (as determined by the Board) from the strict application of these Plan provisions, so long as such variations reasonably accommodate the intent and purpose of this Plan and the Urban Renewal Law. Plan provisions may be altered by market conditions, redevelopment opportunities and/or the needs of the community affected by the Plan.

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

9. Effective Date of the Plan

This Plan shall be effective upon its final approval by the City Council. Except as otherwise permitted under the Urban Renewal Law, the term of the TIF period is twenty-five (25) years from the effective date of the Plan, unless the Authority deems, to the extent consistent with the terms in the applicable, agreements, including, without, limitation, Redevelopment/ Development Agreements and Cooperation Agreements, that all activities to accomplish the Project have been completed and all debts incurred to finance such activities and all expenses of the Authority have been repaid. In that event, the Authority may declare the Plan fully implemented.