

# Plaza 3 Urban Renewal Plan

*Aurora, Colorado*

*November 2015*

*Prepared for:*

Aurora Urban Renewal Authority  
Aurora, Colorado City Council

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## ***Exhibits***

- Exhibit A: Urban Renewal Area and TIF Area Legal Description
- Exhibit B: Nine Mile Station Area Conditions Survey (June 2013) (Included by Reference)
- Exhibit C: Condition Survey Update (October 2015)

# Plaza 3 Urban Renewal Plan

## Section 1.0 Definitions

**Act** – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

**Area or Urban Renewal Area** – means the Plaza 3 Urban Renewal Area as depicted in **Figure 1** and legally described in **Exhibit A**.

**Authority** – means the Aurora Urban Renewal Authority.

**Authority Board** – means the Board of Commissioners of the Aurora Urban Renewal Authority

**Blight Study** – means the *Nine Mile Station Conditions Survey*, prepared by the Ricker-Cunningham consulting firm, dated June 2013, referenced hereto as **Exhibit B** and incorporated herein by reference only.

**City** – means the City of Aurora, a home-rule municipal corporation of the State of Colorado.

**City Code** – means the City Code of the City of Aurora.

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

**City Taxes** – means, collectively, (i) the Sales Tax, (ii) the Lodger’s Tax, (iii) the Occupational Privilege Tax, and (iv) the Use Tax.

**Comprehensive Plan** – means the *City of Aurora Comprehensive Plan* (2009), as may be amended from time to time.

**Conditions Survey** – see Blight Study.

**Condition Survey Update** – means the *Regatta Plaza Conditions Survey Update*, dated October 2015, referenced hereto as **Exhibit C** and incorporated herein by reference only.

**Cooperative Agreement** – means an agreement between developer(s) and the Authority or the City and/or other public bodies regarding the planning or implementation of this Urban Renewal Plan and its project, as well as programs, public works operations, and/or activities. Subjects of an agreement may include financing, installation, construction and reconstruction of public improvements, utility line relocation, storm water detention, environmental remediation, landscaping and/or other eligible improvements.

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

**Lodger’s Tax** - means the City lodger’s tax authorized by Chapter 130, Article IV, Division I of the City Code and imposed at the rate of 8.0%, subject to any generally applicable decreases in rate that may occur during the term of the Urban Renewal Plan and any generally applicable increases in rate that may be allocated to the Authority by amendment to the plan made by the City during the term of the plan. “City Lodger’s Tax” shall not mean that portion of the lodger’s tax dedicated to the Visitor’s Promotion Account in the City’s Gifts and Grants Fund pursuant to Section 130-369 of the City Code.

**Nine Mile Station** – refers to the Nine Mile Light Rail Station located at I-225 and Parker Road.

**Occupational Privilege Tax** – means, collectively, (i) the City Employer Occupational Privilege Tax authorized by Chapter 130, Article V of the City Code and currently imposed at the monthly rate of \$2.00 per employee, subject to any changes in rate that may occur during the term of the Urban Renewal Plan, and (ii) the City Employee Occupational Privilege Tax authorized by Chapter 130, Article VI of the City Code and currently imposed at the monthly rate of \$2.00 per employee, subject to any generally applicable decreases in rate that may occur during the term of the Urban Renewal Plan and any generally applicable increases in rate that may be allocated to the Authority by amendment to the plan made by the City during the term of the plan.

**Plan or Urban Renewal Plan** – means this Plaza 3 Urban Renewal Plan.

**Project** – means any activity and/or development of any size that is undertaken by the Authority alone or in cooperation with property owners, developers, stakeholders or other affected parties in order to eliminate and prevent blight within the Area and to accomplish the goals and objectives of this Plan and the Act. It is anticipated that the Project shall be completed in multiple phases.

**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 Tax Increment Financing Area.

**Public Finance and Redevelopment Agreement (PFRA)** – means one or more agreements between and among the Authority, the developer and/or developers of property within the Area, any special district or districts organized or caused to be organized by such developer or developers for the purpose of financing or refinancing public improvements within the Area, or such other individuals or entities as may be determined by the Authority to be necessary or desirable to carry out the purposes of this Urban Renewal Plan pursuant to any of the powers set forth in the Act or in any other provision of Colorado law.

**Regatta Plaza** – means the area currently known as Regatta Plaza, generally bounded by South Parker Road to the south, South Peoria Street to the west, East Cornell Avenue to the north and the western edge of the Spinnaker Run residential development and Interstate-225 to the east. The Regatta Plaza site has been subdivided into four urban renewal plans and related TIF areas, of which this Plan is one.

**Sales Tax** – means the sales tax authorized by Chapter 130, Article II, Division IV of the City Code and currently imposed at the rate of 3.75%, subject to any generally applicable decreases in rate that may occur during the term of the Urban Renewal Plan and any generally applicable increases in rate that may be allocated to the Authority by amendment to the Plan made by the City during the term of the Plan. “City sales tax” shall not mean the 0.25% sales tax dedicated to increased staffing of the City police department and operation and maintenance of the City detention facility and codified in the City Code at Section 130-2.

**Station Area Plan** – means the *Nine Mile Station Area Plan* which describes a long-term development vision for the area surrounding the Nine Mile light rail station. The *Nine Mile Station Area Plan* was approved by City Council as an amendment to the *City of Aurora Comprehensive Plan* in January, 2013. This boundary of the Station Area Plan encompasses a broader area than the Plaza 3 Urban Renewal Plan.

**Survey Area** – the area of study included within the Conditions Survey, and reviewed in the Condition Survey Update.

**Tax Increment** - means the increase in revenue derived from taxes that are actually collected above a specified tax base imposed in a Tax Increment Financing Area after a date to be specified in this Urban Renewal Plan.

**Tax Increment Area** – means the Area within which the Authority receives the increase in revenue from taxes that are actually collected above a specified tax base, and as defined and pursuant to the procedures set forth in Section 6.7 of this Plan.

**Tax Increment Financing (TIF)** – means collectively, the City Tax Increment and Property Tax Increment.

**TIF Area Effective Date of Allocation** – means with respect to any taxes allocated to the Authority by the designation of Tax Increment Area under the Plan, the date upon which the City approves the initial site plan for the redevelopment of property located within the Tax Increment Area, which shall not occur later than four years from the date of the creation of the Tax Increment Area via adoption of the Plan. Should an initial site plan for the proposed urban renewal development not be approved within four years, taxes shall automatically be allocated by the Authority pursuant to this Plan effective November 8, 2019.

**Transit-Oriented Development (TOD)** – refers to moderate to higher density development, located within an easy walk (approximately one-half mile) of a major transit stop, and containing a mix of residential, employment and shopping opportunities designed for pedestrians without excluding the automobile.

**TOD Zoning District** – refers to Division 6, Section 146-725 through 729 of the City Code and also a part of the *City of Aurora Comprehensive Plan*.

**Urban Renewal Area** – means the 3.085 acre Plaza 3 Urban Renewal Area depicted in **Figure 1** and legally described in **Exhibit A**.

**Urban Renewal Plan** – means this Plaza 3 Urban Renewal Plan.

**Use Tax** – means the City use tax authorized by Chapter 130, Article II, Division V of the City Code and currently imposed at the rate of 3.75% on construction materials used, stored, distributed, and/or consumed within the Urban Renewal Area, subject to any generally applicable decreases in rate that may occur during the term of the Urban Renewal Plan and any generally applicable increases in rate that may be allocated to the Authority by amendment to the Plan made by the City during the term of the -Plan. “City use tax” shall not mean the 0.25% use tax dedicated to increased staffing of the City police department and operation and maintenance of the City detention facility and codified in the City Code at Section 130-2.



## **Section 2.0 Introduction**

### **2.1 Preface**

This *Plaza 3 Urban Renewal Plan* (the “Plan” or the “Urban Renewal Plan”) has been prepared at the request of the Aurora Urban Renewal Authority (the “Authority”) for the City of Aurora, Colorado (“City”). It will be carried out by the Authority, pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “Act”). The administration and implementation of this Urban Renewal Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

It is the intent of the City Council in adopting this plan that the Authority lead and support efforts to eliminate blight and prevent its reoccurrence. To this end, the Authority may exercise all powers authorized in the Act, which may be necessary, convenient or appropriate to accomplish the objectives of this Urban Renewal Plan, including, but not limited to, acquiring, rehabilitating, administering and selling or leasing property; dedicating property it owns for public purposes; issuing obligations or incurring other debt for the purpose of financing the cost of its redevelopment activities and operations; establishing tax increment financing mechanisms; and facilitating the provision of public improvements.

### **2.2 Urban Renewal Area Boundaries**

The Plaza 3 Urban Renewal Area (the “Urban Renewal Area”) consists of 3.085 acres and is bounded roughly by Plaza 1 Urban Renewal Area to the north, S. Parker Road to the south, Plaza 1 Urban Renewal Area to the east, and South Peoria Street to the west. See **Figure 1**, below. The legal description, described in **Exhibit A** (attached), is the controlling boundary description. The Urban Renewal Area does not include the light rail station or a number of other parcels which are part of the larger Nine Mile Station Area Plan.

**Figure 1. Plaza 3 Urban Renewal Area Boundary**



### **2.3 I-225 Light Rail Corridor Light Rail Station**

The Aurora Light Rail Line (the “Aurora Line”) expansion is currently under construction and expected to open in 2016. The 10.5-mile line, connecting the existing Nine Mile Station on the Southeast Light Rail Line with the future Peoria Station on the East Rail Line (with service to Downtown Denver and Denver International Airport), will traverse the city and provide connectivity to major activity centers like the Aurora City Center and Anschutz Medical Campus. The Nine Mile Station is one of the station areas along the corridor targeted for redevelopment and investment.

**Figure 2. Aurora (I-225) Light Rail Corridor Map**



Source: Regional Transportation District (Denver)

### Section 3.0 Purpose of the Plan

The principal public purpose of this Urban Renewal Plan is to facilitate redevelopment in order to reduce, eliminate, and prevent the spread of blight within the Urban Renewal Area. A secondary public purpose of this Plan is to stimulate economic growth and investment within the Area consistent with goals, concepts and guidelines of both the Nine Mile Station Area Plan and the 2009 Aurora Comprehensive Plan. The Plaza 3 Urban Renewal Plan sets parameters for the future development and redevelopment of the area. Future redevelopment must fit within the parameters set forth within the Plan in order to be eligible for TIF to finance specific activities or undertakings and receiving incentives through TIF.

The 2009 Aurora Comprehensive Plan identified the Nine Mile Station area as an “urban center” and a focal point for residential, commercial and employment development built around the light rail station. In January 2013, City Council adopted the Nine Mile Station Area Plan which established a long-term vision for the station area and identified opportunities for redevelopment. Key concepts of the station area plan include creating a more walkable, higher density, cohesive “district” with a mix of uses and safe pedestrian connections to surrounding neighborhoods. The Station Area Plan identifies the creation of the Nine Mile Urban Renewal Area as a specific step towards implementing the Station Area Plan. The Station Area Plan was developed in consultation with the property owners, residents in the adjacent neighborhoods, the Regional Transportation District (RTD), and the Colorado Department of Transportation (CDOT).

Regatta Plaza, consisting of the shopping center and adjacent parcels between Cornell Avenue, Peoria Street and Parker Road, is the key, catalytic area which this Area is part of, due to its size, proximity to the light rail station, and extent of visible blight factors present. Regatta Plaza’s successful redevelopment will have the most significant impact on the Urban Renewal Area. The primary challenge will be developing a financially feasible development that not only is consistent with the Station Area Plan, but is also one which all of Regatta Plaza’s property owners support. Following the creation of the Urban Renewal Area, the Authority could use Tax Increment Financing to facilitate redevelopment and eliminate blight.

Increasing connectivity to the light rail station and Cherry Creek State Park is an essential component of this Urban Renewal Plan and will require the construction of a bike/pedestrian bridge over Parker Road (Colorado State Highway 83) from Regatta Plaza to the station. Currently, the station has direct trail connections to the Cherry Creek Trail and the State Park’s trail system, along with close access to the Cherry Creek Spillway trail. Without the bridge, access to the station, park and trail systems is inhibited by long wait times and at-grade crossings of high speed, heavy volume streets. The bridge would provide a safe and convenient bike and pedestrian crossing to better

integrate the community with public transportation, and the park and trail amenities south of Parker Road.

The redevelopment of the property within the Urban Renewal Area will be accomplished through the construction of new infrastructure and development, the attraction of new investment and reinvestment, and the elimination of slum and blight in the area. The effort will involve the Authority and City Council with participation and cooperation by the private sector.

## **Section 4.0 Blight Conditions**

### **4.1 Blight Findings (June 2013)**

Under section 31-25-103(2) C.R.S. (the “Act”), an Urban Renewal Plan can be adopted only after the City declares an area blighted after a public hearing. The Act requires that at least four specific blight factors (and at least five specific blight factors if private property is to be acquired by the Authority by eminent domain), of 11 possible qualifying conditions (listed below), must be present to make an area appropriate and eligible for urban renewal, and must substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations, or constitute an economic or social liability, and be a menace to the public health, safety, morals, or welfare.

The *Nine Mile Station Conditions Survey* (or “Blight Study”), dated June 2013 and prepared by Ricker-Cunningham, demonstrates that the Survey Area is a blighted area under the Act. The Blight Study is available for review as separate document. While blighting factors exist at varying levels of severity among the majority of the properties within the Survey Area (see **Figure 3**), it is not necessary for every property to have blighting conditions in order to declare an area blighted.

In the Survey Area, the Blight Study found that all eleven (11) possible blight factors are present. Conditions of blight identified within the Nine Mile Station Blight Study Area are:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property;
- (k) 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.

This Plan will remedy the blight conditions identified in the Blight Study and public investment will be prioritized over time by the city and the Authority.



**Figure 3. Blight Factor Findings**



#### **4.2 Blight Confirmation (October 2015)**

In October 2015, a Condition Survey Update was completed for all the properties within the Regatta Plaza site, which includes the Urban Renewal Area (see Exhibit C). The survey included a parcel by parcel evaluation of blight conditions as evaluated in the

original Blight Study. The Condition Survey Update confirmed the continuing presence of all of the original findings of blight within the Urban Renewal Area.



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

The implementation of this Urban Renewal Plan supports the objectives and requirements of the Comprehensive Plan, as well as the Station Area Plan, with respect to the redevelopment of the Urban Renewal Area. As development occurs in the Urban Renewal Area, it shall conform to all applicable City plans, ordinances, regulations, and policies.

### **5.1.1 Relationship to Aurora Comprehensive Plan**

The Comprehensive Plan anticipates the use of urban renewal as a means of financing infrastructure and other public improvements for elimination of blight. The purposes of this Urban Renewal Plan will be achieved more successfully if, as a part of the redevelopment, the goals of the Comprehensive Plan are met. The Authority, with the cooperation of the City, private enterprise and/or other public entities, will therefore undertake activities described in this Urban Renewal Plan to eliminate the conditions of blight while implementing the goals and objectives of the Comprehensive Plan.

Redevelopment within the Urban Renewal Area will support the following themes and strategic areas articulated in the Comprehensive Plan:

- **Managing the Geography of Growth.** Chapter IV, Section A of the Comprehensive Plan envisions that the city's future growth will: create distinct parts of the city that are composed of neighborhoods, places of employment, activity centers, parks, and natural spaces; have infill and redevelopment projects that contribute to neighborhood livability; include intensely developed and walkable activity centers of differing sizes scattered throughout the city and its neighborhoods; and provide residents with opportunities for a wider range of housing choices at locations remote or proximate to places of employment.

This Urban Renewal Plan supports the City's growth goals by channeling increased population and employment densities into the station area and placing more potential riders within walking distance of transit. Integrated retail, office,

residential, and public spaces in the Urban Renewal Area promote concentrations of public activity around the transit station, increasing the physical and cultural prominence of transit in the community and aiding in the long-term success and viability of the TOD.

- **Promoting the Quality of Life in the City:** Chapter IV, Section B of the Comprehensive Plan focuses on ensuring that the City of Aurora is: known for its high quality of life; is “a magnet both for residents and visitors because of its shopping, restaurants . . . open spaces . . . and other cultural amenities”; is a leader in smart growth and urban renewal; and that the city “has attractive visual corridors, streetscapes . . . [and] neighborhoods.”

This Urban Renewal Plan reinforces the adopted Station Area Plan which calls for a mix of office, residential and retail development near the light rail station. A new pedestrian bridge across Parker Road to enhance pedestrian safety and connectivity between the Urban Renewal Area and light rail station will contribute to the quality of development in the area. Retail within the area will be supported by new residential development, the surrounding neighborhoods, and street and rail commuters.

- **Carrying Out an Enhanced Retail Strategy.** Chapter IV, Section F of the Comprehensive Plan identifies a vision of “older commercial corridors . . . [which] will have diversified and matured into mixed-use corridors with key commercial nodes acting as magnets for people”. This theme also recognizes that “the elimination of some retail locations and their replacement with office uses, high-quality multi-family residential units or mixed-use may be desirable” and that “under-utilized retail buildings and sites . . . will require zoning that allows mixed-use development with residential components and with higher densities, or other actions that encourage redevelopment.”

This Urban Renewal Plan will support existing retailers and improve the retail mix by helping to increase the customer base and improve the connectivity between the existing retail properties.

- **Creating Aurora’s Future Transportation System.** Chapter IV, Section H of the Comprehensive Plan envisions an “integrated and efficient transportation system that includes multiple travel options... [that] will link Aurora to the region, nation, and world.” In support of this vision, the plan calls for jobs and housing to be located in close proximity to each other and for “vibrant and mixed-use areas, attractive to residents, employees, and visitors” to “be developed around transit stations.” Additionally, the plan states that infrastructure improvements will facilitate and enhance mobility and accessibility for pedestrians and bicyclists.

This Urban Renewal Plan recognizes the strategic importance of the I-225 Light Rail Corridor and the connections it provides to the Denver Tech Center/south metro employment cluster, the medical and science uses on the Anschutz Medical Campus, and the East Line transit service to Denver International Airport and Downtown Denver. Easy transit access to these important destinations makes the Urban Renewal Area an attractive location for housing, employment, service, and retail uses. Design standards and development requirements provide for multimodal access to the station and for pedestrian and bicycle amenities.

- **Living in Neighborhoods.** Chapter IV, Section I of the Comprehensive Plan describes Types of Neighborhoods that include, “new, mixed-use neighborhoods in the redeveloped portions of the inner city in proximity to defined urban centers and rail transit stations.” In addition, this theme calls for high-quality housing in urban, mixed-use redevelopments with walkable, pedestrian-oriented streets including a mix of uses and the creation of community places and easily accessible amenities.

This Urban Renewal Plan supports redevelopment of Regatta Plaza as dense residential and mixed-use development with strong pedestrian and bike connections within the Urban Renewal Area and to the adjacent light rail station, Cherry Creek State Park and trails. This Plan also aims to support the incremental reorientation of businesses along Dartmouth Avenue to create a main street that flows into a redeveloped Regatta Plaza, and strengthen its connection to the light rail station, park and trails. This Plan requires quality design and integrated retail to serve both commuters and residents and which will strengthen the neighborhood.

- **Building Urban Activity Centers.** Chapter IV, Section K of the Comprehensive Plan describes centers and corridors that are increasingly linked by mass transit providing bus and rail options and stations which are accessible, as well as centers featuring key public spaces, such as parks and plazas, within an overall setting of densities higher than surrounding areas. In addition, Section K of the Comprehensive Plan addresses the significance of the City's centers and corridors being integrated into the regional transportation and roadway system.

This Urban Renewal Plan reinforces and enhances the existing urban activity center at I-225 and Parker Road. The Regatta Plaza area has the most need for redevelopment and has the greatest potential to create a denser and distinctive district within the Urban Renewal Area. Regatta Plaza, with its size and proposed siting for a pedestrian bridge, creates the best opportunity to introduce a denser and distinct district integrating businesses and residents with the convenience of the light rail station.

- **Redevelopment for Renewal.** Chapter IV, Section L of the Comprehensive Plan speaks of attracting private investment for high-quality, mixed-use, pedestrian-friendly projects in aging and blighted sections of the City.

This Urban Renewal Plan seeks to address blight factors present within the Urban Renewal Area and provide opportunities for new infrastructure,

commercial and residential development through incremental revenues generated by redevelopment (see Section 6.0).

- **I-225 Strategic Area.** Chapter V, Section E of the Comprehensive Plan identifies the I-225 Corridor as one of the “strategic areas” critical to the City’s economy and identity. The vision for the I-225 Corridor states that when the City’s goals are achieved: “Aurora’s main artery [will] pulse with activity. The corridor’s attractive appearance, distinctive gateways and dynamic activity centers around TOD passenger rail stations [will] invite users and visitors to access world-class facilities” along the route; “A variety of housing products and prices [will be] available in the corridor, with high densities near light rail transit stops.”

This Urban Renewal Plan will help reinforce the I-225 strategic area vision by supporting new investment in higher density housing and complimentary commercial and retail uses at this southern transit gateway to the community.

- **Parker Road Corridor.** Chapter V, Section G of the Comprehensive Plan identifies the Parker Road Corridor as one of the “strategic areas” with the City. At its heart is the confluence of Parker Road, I-225, the light rail station and Peoria Street.

The vision for this corridor includes seeing Regatta Plaza as a major, high-density, mixed-use center; improved and safer pedestrian and bicycle connections to Cherry Creek State Park and the Nine Mile light rail station; and safer pedestrian crossing over Parker Road which incorporates a pedestrian bridge from Nine Mile Station to Regatta Plaza.

### 5.1.2 Relationship to Nine Mile Station Area Plan

This Urban Renewal Plan incorporates the principles and standards of the Nine Mile Station Area Plan in its entirety as it relates to the Urban Renewal Area. The Station Area Plan establishes a long-term vision for the station area and provides a framework

for Transit-Oriented Development specific to the Nine Mile Station area. The Nine Mile Station Area Plan's Fundamental Concept Diagram (**Figure 4**) and the Regatta Plaza Framework Diagram (**Figure 5**), by their incorporation here, represent the mixed use, commercial/retail, office, housing and transit related land use elements of the Urban Renewal Plan. Unless otherwise specified in this Urban Renewal Plan, the Station Area Plan defines the land use plan and the minimum design standards and development requirements for development within the Urban Renewal Area.

## **5.2 Land Use: Fundamental Concept Diagram and Principles**

### **5.2.1 Land Use Concept**

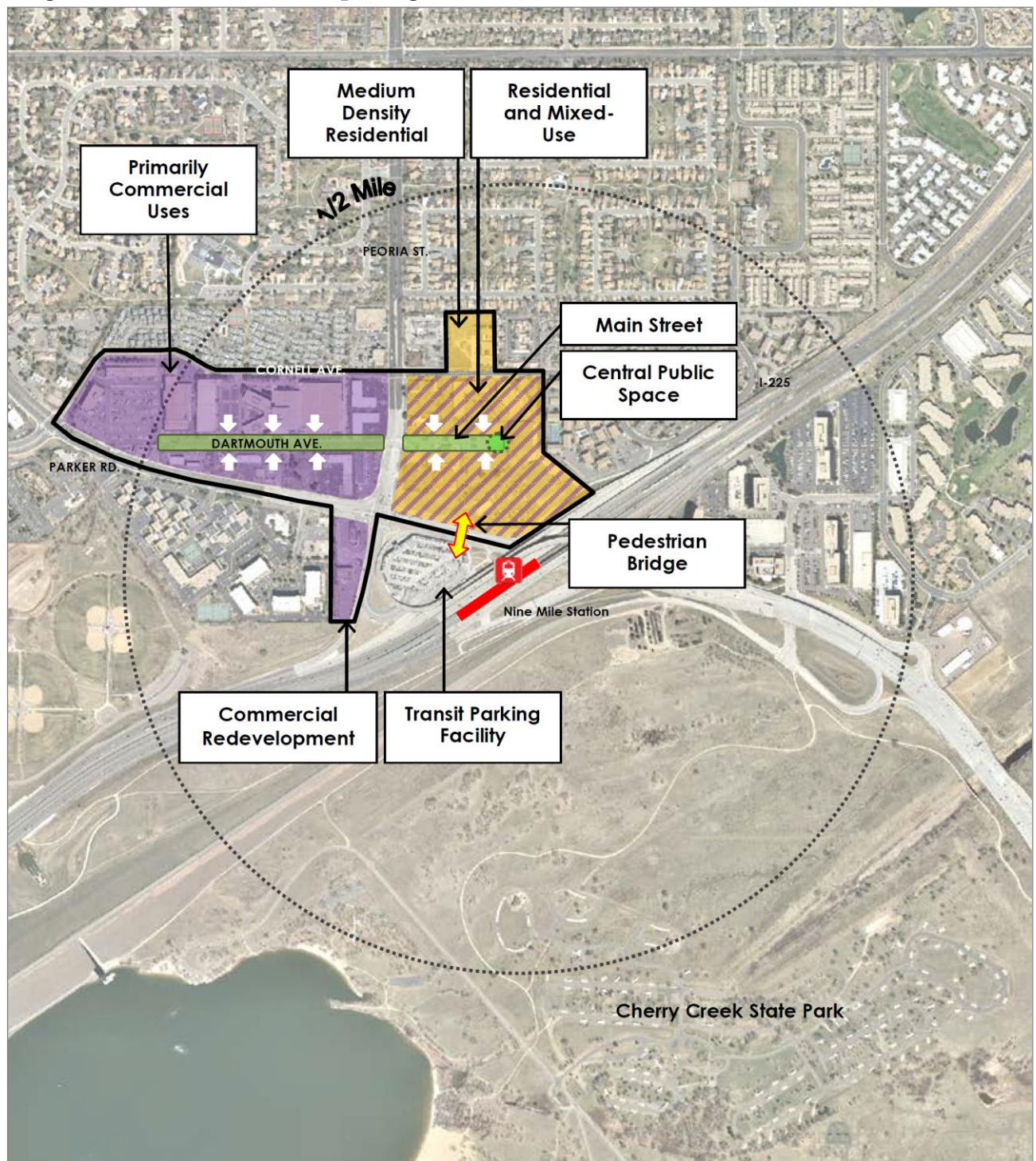
Given the significant public infrastructure investments in highway widening and the I-225 Light Rail Corridor, there is a unique opportunity to create a precedent-setting TOD program for Aurora. To this end, the Authority is interested in fostering the development of a great district or "urban village" characterized by compact residential development and a mix of retail and office uses in a pedestrian friendly environment, concentrated around the transit station, increasing the physical and cultural prominence of transit in the community and aiding in the long-term success and viability of the TOD. In contrast to conventional, suburban-style development which may include commercial strips, piecemeal development of retail pad sites, and low density multi-family complexes, the City is seeking to foster the growth of a high-density residential and employment district that will enable more people to live and work within an easy walking distance of the transit station. Recognizing the real challenges and complexities of undertaking dense, mixed use development, the Authority is prepared to provide financing assistance for public improvements.

Over time, commercial areas are envisioned to redevelop based on the following TOD principles, described more fully in the Station Area Plan and which guided the development of the Fundamental Concept Diagram, development requirements and design guidelines:

1. TOD works as a coherent district.

2. TODs must be walkable.
3. TODs connect to the surrounding neighborhoods and make for an attractive and convenient pedestrian experience.
4. TODs are dense and provide a diversity of land uses.
5. TODs require quality design and central spaces, such as plazas and main streets, to create strong station area identity.
6. TODs promote sustainability and efficiency in infrastructure.

Figure 4. Fundamental Concept Diagram





## 5.2.2 Land Use Principles

The Fundamental Concept Diagram provides a visual summary of the following development concepts and elements:

- **Mixed-Use Buildings with Active Edges.** Mixed-use is appropriate and desirable for all the areas indicated in the diagram; however frontages on Parker Road and Peoria Street generally are more suitable for commercial uses. The desired building form has active ground floor uses, particularly on the Dartmouth Avenue main street, along with concealed on-site parking. The high visibility corners at Parker Road and I-225, and Parker Road and Peoria Street, can have taller buildings to capitalize on their prominent locations.
- **Transit-Supportive Housing.** Residential uses are desirable within all the mixed-use areas, but this Plan particularly encourages new residential development on the east side of Peoria Street. Buildings should have elevators and be a minimum of three stories with at least forty percent four stories or higher. Buildings should have active first floor uses in appropriate locations. Having residential uses within an easy walk of the station is a paramount goal for this plan.
- **Central Public Space and Main Streets.** A central plaza or park space in the Regatta Plaza area is an important amenity, not only for any residential uses, but also to provide retail visitors and office workers a passive recreational area and a place to eat lunch outdoors. It is important that the ground floor uses near this central space be active uses, such as restaurants, retail uses, etc. Retail uses in small kiosks could also be located on the plaza or park, depending on its size. The public space and the extension of Dartmouth Avenue east of Peoria Street are seen as the major pedestrian spine and amenity in the area, and should be designed with wide and well landscaped sidewalks.

- **Effective, Pedestrian-Oriented Street Patterns.** The street pattern is proposed to remain intact with additional roads within the Regatta Plaza area. Dartmouth Avenue is envisioned as the connecting street which could be converted into a pedestrian-oriented retail street on both sides of Peoria. Its existing width and its views to the mountains make it potentially a very attractive street. It can become a signature street for the area, with redevelopment focused on a pedestrian-oriented streetscape and ground floor uses such as restaurants and cafes extending onto the sidewalks.

Walkability is a key design consideration for the Nine Mile Station area with wider sidewalks and street trees on the internal streets as well as on the major arterial streets. For a pedestrian-oriented environment, roadways should be as narrow as possible and rights-of-way designed with pedestrian and cyclists needs having priority along with automobile traffic.

Bicycle use is also a necessary and visible component, with bike usage incorporated either through sharrows or bike lanes. A system of bike connections will extend from the Nine Mile Station into the surrounding neighborhoods and Cherry Creek State Park. The Cherry Creek trail and other nearby trail connections south of Parker Road will be more accessible once a bridge to the light rail station is constructed.

The internal street grid and the pedestrian character created by the ground floor retail fronting Dartmouth Street will contribute to creating a “main street” and a sense of identity for the area. The street grid layout for the Regatta Plaza area also provides the structure for development phasing (**Figure 5**).

The commercial hub focused on Dartmouth west of Peoria and at the Regatta Plaza site will: activate the area with ground floor retail; provide for a transition to higher density development that can happen incrementally; and be supported by the drive-by visibility from Peoria and Parker Road due to the through-block, or

double-frontage lots that front these two streets.

- **Pedestrian Circulation and Bridge.** The pedestrian environment surrounding the Nine Mile Station is currently dominated by high volume, high speed roadways and highways. While these facilities serve an important mobility function for motorists traveling on I-225 and on Parker Road, they create barriers that are difficult and very dangerous for pedestrians to overcome. With new development to higher density residential and commercial uses, the potential for walking trips, particularly to and from the light rail platform, will be increased.

In addition to signal timing adjustments to increase pedestrian safety, the primary pedestrian improvement in the station area will be a pedestrian and bicycle bridge across Parker Road (**Figure 5**). The preferred location for the bridge is aligned perpendicular to Parker Road and connects the second level of the RTD parking facility with an elevator and stair tower on the north side of Parker Road. Alternative options include integrating the bridge into new development within Regatta Plaza and/or aligning the bridge at an angle across Parker Road. In order to facilitate bicycle use of the bridge, the use of ramps or elevators in addition to or in lieu of stairs should be considered in the design of the bridge.

The bridge should be enclosed, of sufficient width for pedestrians and cyclists, and be designed as a “signature structure” enhancing neighborhood identification and character. As part of the implementation of this Plan, the City and the Authority will work with the property owners and developers in the area to determine the best bridge funding strategy.

This Plan also supports further evaluation of options to improve the pedestrian connection from the office developments east of I-225 to the Urban Renewal Area and light rail station. Although not part of the Urban Renewal Area, this office area is part of the Station Area Plan and is recognized as an important element of

the overall station area. Improved connectivity with the office area will strengthen the attractiveness of the commercial and residential developments within the Plan Area.

### **5.3 Catalytic Property and Other Areas**

A key concept associated with implementation of the Plan is targeted investment that will serve to stimulate investment throughout the Area and fund future public improvements. Certain “catalytic” properties have the potential to define the TOD character of the Urban Renewal Area and will have the greatest impact on surrounding developments. The key catalytic property for the Plan is Regatta Plaza.

#### **5.3.1 Regatta Plaza**

The Regatta Plaza Core (**Figure 5**) was previously found and reconfirmed to have all eleven (11) blight factors and contains the key, catalytic properties of the Station Area Plan, collectively known as Regatta Plaza. Redevelopment of the center is complicated by several conditions, including: the center has multiple parcels under separate ownership, including King Soopers and Key Bank each wishing to remain at this location following redevelopment; existing development agreements require cooperation for reconfiguration of the center; King Soopers’ fuel station occupies a desirable location within the center, precluding higher density development adjacent to the light rail station without its relocation.

The area is envisioned as a mix of higher density residential, retail and other commercial uses that create an urban core around the light rail station.

Figure 5. Regatta Plaza Core



Key redevelopment elements of Regatta Plaza include:

Mixed Uses and Structures: Residential development must be incorporated into future redevelopment and include the following considerations:

- High quality residential uses, with urban characteristics, must be at least three to four stories or more in height.

- Residential building heights may be lower when adjacent to the property line with the Dam East neighborhood.
- Residential structures should incorporate elevators to appeal to a wider diversity of occupants.
- Residential units above commercial uses are strongly encouraged along the Main Street.
- Multi-tenant structures, incorporating a mix of uses and tenants shall be the primary characteristic of the redevelopment.
- Taller structures with office uses should be developed along I-225. Single use buildings will be limited.

Main Street: Dartmouth Avenue shall be developed as an active “main street” and include the following considerations:

- Ground floor retail uses will be oriented towards the main street frontage.
- Both pedestrian and vehicular traffic should be accommodated to provide access and visibility to retail store fronts.
- Streetscaping should be attractive and with sidewalks of appropriate width and scale to encourage pedestrian activity and open air patios for restaurants and cafes.

Park/Plaza: At least one small plaza or park will be incorporated into the redevelopment plan and include the following considerations:

- The park or plaza is located at approximately the center of the new development.
- Retail uses should surround this public space, but the height of buildings on the south and east sides of the park should be set back so that the park is not in shadow, if possible.

King Soopers/Grocery Store: A grocery store is an important part of the redevelopment plan as it will support both existing residential needs and future

residents on the site. Incorporating a grocery store should include the following considerations:

- King Soopers, already an important community asset, should be accommodated to allow for a larger store up to 80,000 square feet.
- Maximizing the development potential of the site and accommodating the larger grocery store may require relocating King Soopers to an alternative location and orientation, possibly along Cornell Avenue.
- King Soopers' associated fuel station should be relocated to a less prominent location with the redevelopment, ideally along Cornell Avenue and Peoria Street. Fuel station access would be improved and would also allow denser, more attractive and inviting structures at this highly visible location along Parker Road.

Parking: Parking must be carefully incorporated in the redevelopment plans for Regatta Plaza and include the following considerations:

- A commuter parking structure could be sited north of Parker Road or west of Peoria Street and south of Parker Road.
- A pedestrian bridge could connect any new parking structure with the RTD parking structure and to the light rail station.
- Any large parking structure should be wrapped with residential, office and/or retail uses on four sides. Retail and/or office uses could be located on top of the parking structure.
- To keep views to the mountains, the footprints of any building should be fairly compact (at approximately 20,000 square feet).

Density/Layout: Higher buildings are located near the intersection of Peoria Street and Parker Road. These uses could include both residential and office, depending on market demand.

Signature Buildings and Bridge:

- A signature building, either commercial, residential or both, should be located at the east terminus of Dartmouth Avenue.
- At the corner of I-225 and Parker Road, one or more tall buildings could be located as a signature building on I-225. These will serve as a buffer between I-225 and the rest of the redevelopment.
- A well, designed pedestrian bridge must be incorporated into the redevelopment plan.

Following the creation of the urban renewal area, the City could use Tax Increment Financing to facilitate redevelopment of Regatta Plaza which will require ongoing discussions and analysis with all property owners to develop a feasible plan. The center is currently zoned B-3 (Business) which is incompatible with the mixed-use and residential elements of the Urban Renewal Area Land Use Concept. Rezoning to the Transit-Oriented Development Zoning District should be pursued by the owners or City. Any new uses should contribute to furthering the goals and objectives of the Plaza 3 Urban Renewal Plan.

### **5.3.2 Area West of Peoria Street**

Development concepts for other properties around the Urban Renewal Area:

- The smaller parcels west of Peoria Street along Dartmouth and Parker Road will transition slowly from the existing one story buildings to two stories or taller. Modified setback requirements would assist to reorient new development frontage onto Dartmouth while still maintaining excellent visibility on Parker Road.
- The Parker Landing shopping area could redevelop with higher density buildings that front onto Dartmouth Avenue.
- The existing office building along Cornell Avenue could continue the existing office uses, or redevelop to residential at a height of no more than four stories so as not to be out of scale with the existing residential area north of Cornell.



## 5.4 Rezoning

The land within the Plaza 3 Urban Renewal Area is currently zoned with a variety of conventional zoning districts which do not permit the range, intensity and height of uses envisioned by this Plan and the Station Area Plan. The development potential of the area, especially Regatta Plaza, and Plan implementation will benefit most from TOD zoning. The City anticipates that TOD zoning will be applied at the request of property owners, however, the City will work proactively to rezone catalytic properties to protect and implement the Plan.

## 5.5 Design Standards

All development in the Area shall conform to the laws, rules, regulations, policies and other requirements and standards of the City and any other governmental entity which has jurisdiction over all or any portion of the Area. Furthermore, this Plan reinforces the design standards and development requirements presented within the Station Area Plan. In conformance with the Act and the Plan, the Authority may also adopt additional design standards and other requirements applicable to activities undertaken by the Authority. Unless otherwise approved by the City Council, any such standards and requirements adopted by the Authority shall be consistent with all other City zoning and development policies and regulations.

The following design standards are for all developments within the Urban Renewal Area. Future developments are required to meet the intent of the high quality district described in the Station Area Plan, including the use of urban methodologies for building form, density and context.

- **Block Size and Street Grid.** Blocks shall typically be no longer than 500 feet in length and no more than 1600 feet around the perimeter.
- **Residential Density.** The residential density may vary across the Urban Renewal Area depending on the zoning sub-district identified in the Station Area Plan. Overall, the plan envisions a dense urban neighborhood throughout the area. For

Regatta Plaza, the minimum residential density is 35 dwelling units per acre and the residential development must be of an urban format with design including elevators and alternatives to surface parking. The Regatta Plaza is expected to be the area with the most intensive development.

- **Building Heights.** Building heights are to be maximized (no height limit) where possible in the area, except for the maximum heights identified in the Station Area Plan. For the areas that are adjacent to or across from existing single family and townhouse residential neighborhoods, the building heights that front or back directly on these areas should transition in height. Upper story setbacks in specific locations are identified in the Station Area Plan.
- **Building Setbacks.** A continuous and consistent streetscape is desired and buildings shall generally be developed to the property line, forming a consistent and uniform street frontage. Setbacks of not more than twenty (20) feet are permitted for developments in the core and general sub-districts of the Station Area Plan to allow for provision of outdoor cafes, overhanging balconies and front yards for residential buildings.
- **Urban Form.** Building forms should be related to the width and activity on the street that they front, so that a sense of enclosure is created. A continuous building façade along all streets shall provide a defined urban edge to the street.
  - Continuous building frontage is required on Dartmouth Avenue and Cornell Avenue with building façades occupying a minimum of eighty (80) percent of the property's street-facing frontage.
  - Clear windows at grade are required for a minimum of sixty (60) percent of the façade length except for residential uses and grocery stores.
  - Entries shall front on the major streets and shall be generously proportioned and defined with architectural features. Awnings and structural canopies for weather protection at building entrances are desirable.
  - Feature buildings shall be located at prominent locations in the area as a terminus to views, particularly on Dartmouth Avenue, the intersection of

Dartmouth Avenue and Peoria Street, and at the intersection of Peoria Street and Parker Road.

- Storefront entry thresholds shall be at the adjacent sidewalk level and storefronts shall be scaled and detailed to break down large façades of buildings into small units. A variety of small scale storefront designs shall predominate over a uniform series of longer storefronts.
  - Drive-through windows of any kind shall not be permitted except where permitted in the City's Transit-Oriented Development (TOD) District zoning code and the Station Area Plan.
- **Pedestrian Realm.** Walkways, bridges and pedestrian crossings shall constitute a network that interconnects all transit, commercial and residential buildings. Open, visible gathering places and unobstructed paths with clear visual connection to destinations are favored. In areas that will be frequented by pedestrians, ground floor uses shall consist of active commercial uses, restaurants, and entertainment venues. The active spaces shall be organized in relation to a logical pedestrian flow, without isolating retail activities from public spaces and streets. Loading docks and entrances shall not be located on major pedestrian streets.
- **Landscape and Streetscape.** Landscape and streetscape shall be urban in character, allowing for pedestrian traffic and seating, and for visual relief from the urban environment. Streetscape and open space areas should add a distinctive identity to the Urban Renewal Area, using planting, paving, lighting, signage and street furnishings as cohesive elements that reflect the building design and architectural style. The landscaped treatment on each development parcel shall be coordinated with the public space streetscape design.
- **Landscape Materials.** Materials should be provided based on the following considerations:
  - Safety – avoid visual obstructions, especially at circulation intersections;
  - Local microclimate – provide summer shade and open canopies for warmth in winter;

- Low watering requirements – for the majority of plant materials and trees;
  - Attractiveness – intensity in key locations with seasonal color, texture, scale; and
  - Screening – screen service areas, parking lots, meters and garbage dumpsters.
- **Roof Landscaping.** Alternative uses for building roofs such as terraces, roof gardens, amenity decks, patios, or green roofs, should be implemented where possible.
- **Sustainability.** Sustainability should be encouraged by promoting the use of the well- established Leadership in Energy and Environmental Design (LEED) rating system.
- **Solar Orientation, Shading and Solar Access.** Building façades shall be environmentally responsible by adapting fenestration, shading and materials individually to respond to the environmental conditions of each façade’s orientation.
- **Parking:** Parking within the Urban Renewal Area will be subject to the detailed requirements of the City’s Transit-Oriented Development (TOD) District zoning code and its provisions for shared parking, on-street parking, bicycle parking, and parking structure design.
- **Architecture:** Architectural design should distinguish the Nine Mile Station area from other development areas in Aurora by providing distinctive detail, particularly with respect to building size and relationship to public spaces. Long building profiles shall be broken up with relief in the façades and rooflines to minimize apparent bulk and mass. In addition, 360 degree architecture will be required, with no unimproved building faces being visible from public rights-of-way.
- **Materials and Finishes.** Materials, finishes and detailing shall enrich the station area’s visual and tactile qualities. Regionally-appropriate and compatible materials shall be used, carefully detailed, and combined. The building materials shall establish a consistent and high level of quality that is durable and appropriate to pedestrian contact at the street level. Materials used shall convey a high level of visual amenity that is commensurate with the urban character of the station area. Quality materials on the ground floor façade are required on all buildings on major

streets. Except for grocery stores, eighty-five (85) percent of a building façade, excluding doors and windows, facing a public park or plaza must be brick, stone or cultured stone.

## **Section 6.0 Authorized Urban Renewal Undertakings and Activities**

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. In the case of this Plan, it is the Authority's intent to undertake urban renewal activities to stimulate private investment in cooperation with property owners, developers, stakeholders and other affected parties in order to accomplish its objectives. Public-private partnerships and other forms of cooperative development will be key to the Authority's strategy for eliminating existing blight conditions and preventing the spread and reoccurrence of blight within the Urban Renewal Area. Through urban renewal activities, this Plan can potentially address all eleven (11) qualifying conditions of blight under the Act within the Area as described in Section 4.1 and in the Blight Study.

### **6.1 Public Improvements and Facilities**

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or may cause others to, install, construct, and reconstruct any public improvements. 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.

Public undertakings are intended to stimulate (directly and indirectly) private sector investment to assist in the conversion of the Area into a viable commercial, employment and mixed-use district supported by accessible transportation with attractive public spaces, which contribute to increased revenues from property and City taxes.

### **6.1.1 Pedestrian Bridge**

The Authority, in conjunction with the City, RTD, and any appropriate property owners, will work to fund the design and construction of a pedestrian bridge as conceived within the Station Area Plan. The City and Authority will also seek to partially fund the bridge through grants. The Authority may exercise its powers under the Act as reference in Section 6.6 of this Plan, to acquire property to accommodate the bridge and its ancillary structures.

### **6.2 Other Improvements and Facilities**

Other non-public improvements or facilities in the Area may be required in connection with urban renewal activities and undertakings to accommodate development of the Area. These may include items such as enhanced building façades and upgraded lighting, landscaping, benches and other amenities. The Authority may assist in the financing or construction of these improvements insofar as such improvements and activities serve a public purpose and further the goals and objectives of this Plan.

### **6.3 Brownfields**

The Authority may also nominate sites for assessment under the United States Environmental Protection Agency's Targeted Brownfields Assessment Program. The Authority, in conjunction with the City, can direct Revolving Loan Funds to help fund remediation and use TIF to offset redevelopment costs. Other loan and grant program funds may be directed to the Area as appropriate.

### **6.4 Development Opportunities – Catalyst Activities**

A key concept associated with implementation of the Plan is targeted investment that will serve to catalyze development throughout the Area and fund needed public improvements. The Regatta Plaza properties (see Exhibit C) are the largest and most significant catalyst opportunity. This site should be rezoned as prescribed in the Station

Area Plan and redeveloped with the mixed-use and pedestrian-oriented character of a TOD.

## **6.5 Development Standards**

In conformance with the Act and the Plan, the Authority may adopt design standards and other requirements applicable to activities undertaken by the Authority. It is the intent of the City Council in adopting this Plan to conform to all concepts, land uses and design standards of this Plan. Unless otherwise approved by the City Council, any such standards and requirements adopted by the Authority shall be consistent with all other City zoning and development policies and regulations.

## **6.6 Variations in Plan**

Over time, the Authority may propose and the City Council may make such modifications to this Urban Renewal Plan as may be necessary provided they are consistent with the Comprehensive Plan and any subsequent updates, as well as the Act. The Authority may in specific cases allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement of the provisions of this Plan would constitute an unreasonable limitation beyond the intent and purpose of this Plan. If any portion of this Urban Renewal Plan is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the Plan.

## **6.7 Financing of Undertakings and Activities and Creation of Tax Increment Areas**

The Authority may finance undertakings pursuant to this Plan by any method authorized under the Act or any other applicable law, including without limitation, utilization of the following: issuance of notes, bonds and other obligations in an amount sufficient to finance all or part of this Plan; borrowing of funds and creation of indebtedness; loans, advances, and reimbursement agreements; appropriations, loans, grants or advances from the City; federal, state or other loans or grants; interest income; agreements with public or private entities, including any arrangements made for the payment of moneys in lieu of taxes; sale of property or other assets; and pledging of

lawfully available revenues to one or more special districts or other governmental or quasi-governmental entities to be used and pledged by such entities to pay their obligations incurred to finance public infrastructure and other lawful improvements under the Act.

For purposes of this Plan, “Debt” may include bonds, refunding bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, advance and reimbursement agreements, Public Finance and Redevelopment Agreement(s), or any other obligation lawfully created by the Authority, any special district or other governmental or quasi-governmental entity.

In addition to the above referenced financing methods, an accepted method for financing urban renewal undertakings and activities is to utilize incremental tax revenues, including property and/or municipal excise tax revenues (including sales, lodgers, use and occupational privilege tax revenues) attributable to the redevelopment in the Plan area to pay the principal of, the interest on, and any premiums due in connection with the bonds, or loans or advances to, or indebtedness incurred by the Authority.

It is the intent of the City Council in approving this Urban Renewal Plan to authorize the use of Tax Increment Financing by the Authority as part of its efforts to assist in the redevelopment of the Area. Pursuant to the provisions of Section 31-25-107(9) of the Act and Section 130-4 of the City Code, the City Council, in approving this Plan, creates a Tax Increment Area contiguous with the Urban Renewal Area. Subject to the TIF Area Effective Date of Allocation, the Authority is specifically authorized to use incremental revenues, except those previously dedicated, for the benefit of the Area, to the extent authorized by the provisions of Section 31-25-107(9) of the Act and Section 130-4 of the City Code, as the same may be amended from time to time, which sections are incorporated herein by reference in their entirety.

The Plan authorizes the Authority to use or allocate all or a portion of such incremental tax revenues to finance the costs of urban renewal undertakings and activities through the provisions of one or more public finance and redevelopment agreements, including,



to the extent determined by the Authority, pledging all or part of said revenues to a special district or other government or quasi-governmental entity created for the purpose of financing public infrastructure and other lawful improvements for the benefit of a redevelopment, and to be pledged by such district or entity for payments on obligations it incurs to fund such infrastructure or improvements or, at the option of the Authority, to be used as security for debt or other obligations of the Authority to fund public infrastructure and other lawful improvements under the Act and the City Code.

Each Tax Increment Area approved by City Council shall continue in existence for a period of not to exceed twenty-five years from the TIF Area Effective Date of Allocation as specified by the Authority and detailed in this Plan.

#### **6.7.1 Eligible Activities for TIF Consideration**

Redevelopment activities located within the Area will need to conform with the Act, to this Plan as well as the City's Comprehensive Plan, and the Station Area Plan in order to be considered for TIF, although the Authority may include certain properties within the Tax Increment Area to reserve revenues for other area activities or improvements.

#### **6.7.2 Tax Increment Financing Area**

Pursuant to the provisions of Section 31-25-107(9) of the Act and Section 130-4 of the City Code, the City Council, in approving this Plan, authorizes the creation of a Tax Increment Area, contiguous with the boundaries of the Urban Renewal Area. This Tax Increment Area shall be deemed established on the date of approval of this Plan. The overall boundaries and legal description for the Tax Increment Area are shown in **Figure 1 and Exhibit A**. The Tax Increment Area is planned to facilitate a portion of the Regatta Plaza site redevelopment, and will contain a predominantly mixed use project of approximately 156 residential units, approximately 17,000 square feet of retail space, and associated parking and public improvements.

Upon submittal and approval of a site plan for redevelopment within the Tax Increment Area, also known as the TIF Area Effective Date of Allocation, the boundary, legal

description and TIF allocation for the Tax Increment Area shall commence. Such delineation and allocation shall not be considered an amendment to the Urban Renewal Plan under the Act.

Under the terms of an approved PFRA(s) between the City of Aurora, the Authority and a third-party redeveloper of the TIF Area, the Authority intends to rebate a portion of incremental tax revenue generated within the TIF Area to offset costs associated with development, park, drainage, and other public improvements. The redevelopment plans shall be consistent with the City's Comprehensive Plan and this Urban Renewal Plan. For a period of 25 years, 100% of all incremental tax revenue generated from activities in the TIF Area shall be shared between the Authority and any private or public parties as defined in a PFRA(s) or Intergovernmental Agreement.

## **6.8 Property Acquisition and Land Assemblage**

The Authority may acquire property or any interest therein by negotiation or any other method authorized by the Act. In addition, the Authority may acquire private property or any interest therein through the exercise of the power of eminent domain, which property or interest may be transferred to a private party as the Authority deems appropriate; provided, however, that any such acquisition and/or transfer shall be conducted in accordance with Sections 31-25-105.5 and 31-25-107(4.5) of the Act, as from time to time amended. The Authority may operate, manage and maintain such acquired property in accordance with the powers granted to it under the Act.

## **6.9 Relocation Assistance**

It is not anticipated that acquisition of real property by the Authority will result in the relocation of any individuals or families, however, business concerns could be impacted. If such relocation becomes necessary, the Authority shall act in accordance with the Relocation Assistance and Land Acquisition Policy adopted by the Authority Board on October 18, 2004, per Authority Resolution R2004-02, or its subsequent amendment, and in conformance with the Act.

## **6.10 Demolition, Clearance, Environmental Remediation, and Site Prep**

In carrying out this Plan, it is anticipated that the Authority may, on a case-by-case basis, elect to demolish and clear buildings, structures and other improvements. Additionally, redevelopment activities consistent with this Plan, including but not limited to Public Finance and Redevelopment Agreements, may require such demolition and clearance to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration. Environmental remediation, if required, may be facilitated through the use of various Federal programs that are available as a result of being located within the Area.

With respect to property acquired by the Authority, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements pursuant to this Plan, if, in the judgment of the Authority it is the best means to forward the implementation of the Plan. The Authority may also undertake such additional site preparation and environmental remediation activities, as it deems necessary to facilitate the disposition and/or development of such property.

## **6.11 Property Disposition**

The Authority may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, as it deems necessary to develop such property. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with the Act and this Plan.

## **6.12 Redevelopment and Rehabilitation Actions**

Redevelopment and rehabilitation actions by the Authority may include such undertakings and activities as are in accordance with this Plan and the Act, including without limitation: demolition and removal of buildings and improvements as set forth

herein; installation, construction and reconstruction of public improvements as set forth herein; rehabilitation of buildings and sites; elimination of unhealthy, unsanitary or unsafe conditions; elimination of obsolete or other uses detrimental to the public welfare; prevention of the spread of deterioration; and, provision of land for needed public facilities. The Authority may enter into Cooperative Agreements and Redevelopment/Development Agreements to provide assistance or undertake all other actions authorized by the Act or other applicable law to redevelop and rehabilitate the Area.

### **6.13 Public Finance and Redevelopment Agreements**

For the purpose of this Plan, the Authority is authorized to use or allocate all or a portion of the Tax Increment to finance the costs of urban renewal activities and undertakings necessary or desirable to carry out the purposes of this Plan through the provisions of a Public Finance and Redevelopment Agreement (PFRA), intergovernmental agreement or other lawful agreement. At the discretion of the Authority, this may include pledging all or part of said revenues to a special district or other government or quasi-governmental entity created for the purpose of financing public infrastructure and other lawful improvements for the benefit of a redevelopment, and to be pledged by such district or entity for payments on obligations it incurs to fund such infrastructure or improvements. Furthermore, the Authority may, at its discretion, pledge all or part of said revenues as security for debt or other obligations of the authority to fund public infrastructure and other improvements under the Act and the City Code.

Such PFRAs, or other contracts, may contain such terms and provisions as shall be deemed necessary or appropriate by the Authority for the purpose of undertaking the activities contemplated by this Plan and the Act, and may further provide for such undertakings by the Authority as may be necessary for the achievement of the objectives of this Plan or as may otherwise be authorized by the Act.

Existing agreements between the City and private parties that are consistent with this Plan are intended to remain in full force and effect.

#### **6.14 Cooperative Agreements**

For the purpose of this Plan, the Authority may enter into one or more Cooperative Agreements pursuant to the Act. The City and the Authority recognize the need to cooperate in the implementation of this Plan and, as such, Cooperative Agreement(s) may include, without limitation, agreements regarding the planning or implementation of this Plan and its undertakings and activities, as well as programs, public works operations, or activities which the Authority, the City or such other public body is otherwise empowered to undertake and includes, without limitation, agreements respecting the financing, installation, construction and reconstruction of public improvements, utility line relocation, storm water detention, environmental remediation, landscaping and/or other eligible improvements. The Cooperative Agreements may reference or include services that are typically provided by such Agencies, such as public education and other programs and services. This paragraph shall not be construed to require any particular form of cooperation.

## EXHIBIT A: Urban Renewal Area and TIF Area Legal Description

### PLAZA 3 URBAN RENEWAL AREA

A PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK 5, DILLON SUBDIVISION FILING NO. ONE AS RECORDED UNDER RECEPTION NO. 1442626, IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE AND A PORTION OF TRACT B, LAKEVIEW AS RECORDED UNDER RECEPTION NO. 1247879, IN SAID RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, COUNTY OF ARAPAHOE, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 36 AND CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 36 TO BEAR NORTH 00°27'00" WEST, A DISTANCE OF 2639.50 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 83°38'27" EAST, A DISTANCE OF 55.39 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PEORIA STREET AS SHOWN ON SAID DILLON SUBDIVISION FILING NO. ONE AND THE POINT OF BEGINNING.

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY, NORTH 89°33'00" EAST, A DISTANCE OF 280.00 FEET;

THENCE SOUTH 00°27'00" EAST, A DISTANCE OF 449.20 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF EAST PARKER ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 80°18'55" WEST, A DISTANCE OF 10.41 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THAT PROPERTY AS DESCRIBED IN QUITCLAIM DEED AS RECORDED UNDER RECEPTION NO. 84014843;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND SAID SOUTHERLY BOUNDARY THE FOLLOWING FIVE (5) COURSES:

1) NORTH 79°12'59" WEST, A DISTANCE OF 274.96 FEET TO THE BEGINNING OF A NONTANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 166.14 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 08°26'41" EAST;

2) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°01'03", AN ARC LENGTH OF 52.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 51.31 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 26°16'53" EAST;

3) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°42'35", AN ARC LENGTH OF 34.67 FEET;

4) NON-TANGENT TO SAID CURVE, NORTH  $10^{\circ}00'29''$  EAST, A DISTANCE OF 359.27 FEET;

5) NORTH  $89^{\circ}30'16''$  EAST, A DISTANCE OF 7.82 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 3.085 ACRES, (134,362 SQUARE FEET), MORE OR LESS.

**EXHIBIT B: Nine Mile Station Area Conditions Survey**

**(By Reference only)**

*Prepared and approved pursuant to City Council Resolution R2013-66 as separate document  
and available for public viewing.*



## **EXHIBIT C: Condition Survey Update (October 2015)**



## **CONDITION SURVEY UPDATE – REGATTA PLAZA**

Visual Survey Conducted October 13, 2015

### **BACKGROUND**

Per Colorado Revised Statute, the creation of an urban renewal area first requires a finding of blight. A blight study that finds four or more “blighting conditions” as defined in section 31-25-103(2), C.R.S., may make an area appropriate for urban renewal, as declared by the Aurora City Council after a public hearing.

In June 2013, Ricker-Cunningham consulting firm completed the Nine Mile Station Conditions Survey (or “Blight Study”). At a public hearing held September 30, 2013, the City Council accepted the Blight Study findings and designated the study area as “blighted.” Within the study area, Ricker-Cunningham identified all eleven (11) possible blight factors as being present:

- Slum, deteriorated, or deteriorating structures;
- Predominance of defective or inadequate street layout;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of site or other improvements;
- Unusual topography or inadequate public improvements or utilities;
- Defective or unusual conditions of title rendering the title non-marketable;
- The existence of conditions that endanger life or property by fire or other causes;
- 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;
- Environmental contamination of buildings or property; or
- The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.

The entire “Study Area” boundary for the Blight Study was subsequently incorporated into the Nine Mile Station Urban Renewal Plan, approved by City Council on February 24, 2014.

### **UPDATED CONDITION SURVEY**

The Blight Study makes clear that the presence of “blighting factors” exists at varying levels of severity (major and minor) among the majority of the properties within the Nine Mile Station Urban Renewal Area. On October 13, 2015, a visual survey was conducted of the study area (see attached “map”) to confirm that the blight factors identified in the original Blight Study are still present. Additionally, because the Aurora City Council anticipates holding a public hearing to consider approving the Plaza 1 Urban Renewal Plan, Plaza 2 Urban Renewal Plan, Plaza 3 Urban Renewal Plan and Plaza 4 Urban Renewal Plan, each authorizing the Aurora Urban Renewal Authority to exercise the power of eminent domain for several properties in the area commonly known as Regatta Plaza shopping center, this Condition Survey Update analyzes Regatta Plaza specifically.

The Condition Survey Update consisted of a visual inspection of the area and search for new information which could indicate a change of blighting factors. A blight factor is deemed to be present if there is no evidence of changing conditions related to the original determination of blight. Consistent with the original Blight Study, a parcel by parcel evaluation was conducted. However, it is not necessary for every property to have blighting conditions for the area to be considered blighted.

The findings from this Condition Survey Update indicate the continuing presence of all of the original findings of blight within the areas proposed to be Plaza 1 Urban Renewal Area, Plaza 2 Urban Renewal Area, Plaza 3 Urban Renewal Area, and Plaza 4 Urban Renewal Area, all of which make up portions of the area commonly known as Regatta Plaza.

#### Summary of Blight Reconfirmation

| Blight Factor   | Regatta Plaza (at least one parcel) |
|---|-------------------------------------|
| (a) Slum, deteriorated, or deteriorating structures   | X                                   |
| (b) Predominance of defective or inadequate street layout   | X                                   |
| (c) Faulty lot layout in relation to size, adequacy, accessibility or usefulness  | X                                   |
| (d) Unsanitary or unsafe conditions   | X                                   |
| (e) Deterioration of site or other improvements   | X                                   |
| (f) Unusual topography or inadequate public improvements or utilities   | X                                   |
| (g) Defective or unusual conditions of title rendering the title non-marketable   | X                                   |
| (h) The existence of conditions that endanger life or property by fire or other causes  | X                                   |
| (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 | X                                   |
| (j) Environmental contamination of buildings or property  | X                                   |
| (k) The existence of health, safety or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.                      | X                                   |

(see Appendix A - Field Survey Report)

#### (a) Slum/Deteriorated Structures

Exterior visual surveys confirmed the presence of deteriorated structures within the Regatta Plaza shopping center. Blight found in this category include deterioration or absence of fascia boards and soffits, foundations, exterior finishes, windows and doors, loading areas, and fences/walls/gates. Therefore, this blight factor is still present.

#### (b) Defective or Inadequate Street Layout

Public or private improvements that might have improved vehicular access, internal circulation, driveway definition or curb cuts, or parking layouts have not occurred since the original Blight Study was performed. This was confirmed by exterior visual surveys and City of Aurora records which indicate no new physical improvements or changes have occurred to address this blight factor. Therefore, this blight factor is still present.

**(c) Faulty Lot Layout**

This blight factor is present when there are irregularly shaped lots or sizes or when lots are impacted by faulty streets (blight factor “b”). Public or private improvements, such as land subdivisions or vehicular access improvement that might have addressed this blight factor have not occurred since the original Blight Study was performed. This was confirmed by exterior visual surveys and city records which indicate no new physical improvements or changes have occurred to address this blight factor. Therefore, this blight factor is still present.

**(d) Unsanitary or Unsafe Conditions**

A number of factors contribute to this blight factor including insufficient improvements for non-vehicular movement, the presence of hazardous contaminants (blight factor “j”) and the lack of protection from fire (i.e., fire suppression systems). City of Aurora building permit records indicate no building permits have been issued for new fire suppression systems for buildings with the study area since the original Blight study was performed. The City of Aurora also has no information that any new environmental remediation has occurred on any of the identified properties subjected to blight factor “j”. Therefore, this blight factor is presumed to be still present.

**(e) Deterioration of Site or Other Improvements**

Exterior visual surveys confirmed the presence of deteriorated sites within Regatta Plaza. Evidence of site deterioration include deteriorated signs and fences, poorly maintained parking lots and streets, the presence of trash and debris, cracked or missing asphalt and pavement, poorly maintained landscaping and overgrown vegetation. These conditions negatively impact a site’s usefulness and desirability and negatively impact nearby properties. Therefore, this blight factor is still present.

**(f) Unusual Topography or Inadequate Public Improvements or Utilities**

Exterior visual surveys and City of Aurora records indicate that new public or private improvements that might have addressed this blight factor have not occurred since the original Blight Study was performed. The original blight factor identified the need to provide storm water detention and water quality enhancements for all new developments and redevelopments. This impacts all parcels in Regatta Plaza. Additionally, the lack of a pedestrian bridge over Parker Road adjacent to Regatta Plaza continues to be a problem for safe pedestrian crossings over this very wide state road. Therefore, this blight factor is still present.

**(g) Non-Marketable Title Conditions**

The original blight study referred to the Covenants, Conditions, and Restrictions (“CC&Rs”) for Regatta Plaza which has easement requirements and restrictions on future tenants and structures. Additionally, there is a public utility easement over much of site # 13. There are no records indicating the CC&Rs have been amended. Therefore, this blight factor is still present.

**(h) Conditions that Endanger Life or Property**

The original Blight Study identified the lack of fire protection and the presence of hazardous contaminants (blight factors “d” and “j”) as contributing to this blight factor. As indicated in “d” and “j” there are no City of Aurora records indicating that these issues have been addressed. Therefore, this blight factor is still present.

**(i) Unsafe or Unhealthy Buildings**

The original Blight Study identified the presence of blight factor “h” as contributing to this blight factor. Therefore, this blight factor is still present.

**(j) Environmental Contamination of Buildings or Property**

The original Blight Study identified 10 businesses within seven properties identified by the State of Colorado as being the subject of an environmental investigation by the Environmental Protection Agency. These “potential environmental hazards” were identified by SEH, Inc. who researched the available public environmental records. There is no indication that any new environmental remediation has occurred within Regatta Plaza. Therefore, this blight factor is still presumed present.

**(k.5) High Levels of Municipal Services or Underutilization or Vacancy of Sites, Buildings, or Other Improvements**

Exterior and interior visual surveys indicate continuing building vacancies for certain properties within Regatta Plaza. This Condition Survey Update clearly shows the continuing high vacancy and underutilization of Regatta Plaza. Therefore, this blight factor is still present.



## Selected Blight Photos from Condition Survey Update



**Blight Factor (a): Slum/Deteriorated Structures:**  
**Building disrepair**



**Blight Factor (a): Slum/Deteriorated Structures:**  
**Building disrepair**



**Blight Factor (a): Slum/Deteriorated Structures:**  
**Paint/siding deterioration**



**Blight Factor (e): Deterioration of Site or Other**  
**Improvements: Deteriorated signage**



**Blight Factor (e): Deterioration of Site or Other**  
**Improvements: Deteriorated parking area**



**Blight Factor (e): Deterioration of Site or Other**  
**Improvements: Trash/Debris**





**Blight Factor (e): Deterioration of Site or Other Improvements: Damaged wall**



**Blight Factor (e): Deterioration of Site or Other Improvements: Poorly maintained signage**



**Blight Factor (k.5): Underutilization or Vacancy of Sites/Buildings**