

RESOLUTION NO. 56__-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL
OF THE CITY OF COLORADO SPRINGS MAKING CERTAIN FINDINGS AND
APPROVING THE IMAGINE DOWNTOWN FINAL PLAN OF DEVELOPMENT FOR
COLORADO SPRINGS DATED FEBRUARY 2, 2007 AS THE PLAN OF
DEVELOPMENT AND DESCRIBING THE PLAN OF DEVELOPMENT AREA
FOR THE COLORADO SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY**

RECITALS:

1. By Ordinance No. 06-135, the City Council of the City of Colorado Springs, Colorado (the "City Council"), has previously determined that it is prudent and necessary to establish the Colorado Springs Downtown Development Authority (the "Authority") for the public health, safety, prosperity, security, and welfare in order to halt or prevent deterioration of property values or structures within the central business district, to assist in the planning, development, and redevelopment of this district, and it will be of special benefit to the property within the boundaries of the district.

2. By Ordinance No. 07-15, the City Council has created and established the Authority in accordance with requirements of Part 8 of Article 25 of Title 31 C.R.S. (the "Downtown Development Authority statute") and other applicable law.

3. The Imagine Downtown Final Plan for Downtown Colorado Springs dated February 2, 2007 (the "Imagine Downtown Plan") constitutes a plan of development as defined in C.R.S. §31-25-802 (6.4) and sets forth the boundaries of the plan of development.

4. The boundaries of the Imagine Downtown Plan shall constitute the "plan of development area" as defined in section C.R.S. §31-25-802 (6.6) C.R.S.

5. School District 11 has been permitted to participate in an advisory capacity with respect to inclusion in the Imagine Downtown Plan as provided for in C.R.S. §31-25-807(3) (d).

6. The Board of the Colorado Springs Downtown Development Authority has considered and approved by resolution the Imagine Downtown Plan and recommended approval by the City of Colorado Springs Planning Commission and the City of Colorado Springs City Council.

7. The City of Colorado Springs Planning Commission has considered and recommended approval of the Imagine Downtown Plan with certain changes pertaining to study of traffic direction on Tejon Street which will be incorporated in the Imagine Downtown Plan presented to the City Council.

8. Following duly given public notice, the City Council held a public hearing on March 27, 2007 at which the City Council considered all written comments that were received by the City Council and all persons present were afforded the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE COLORADO SPRINGS COLORADO DOWNTOWN DEVELOPMENT AUTHORITY:

Section 1. The above recitals are incorporated by reference in this resolution and such recitals constitute findings by the City Council in support of the following resolving sections.

Section 2. The City Council finds and determines that there is a need to take corrective measures in order to halt or prevent deterioration of property values or structures within the boundaries of the Imagine Downtown Plan, to halt or prevent the growth of blighted areas therein, and further finds that the Imagine Downtown Plan will afford maximum opportunity, consistent with the sound needs and plans of the City of Colorado Springs as a whole, for development or redevelopment of the plan of development area as described in the Imagine Downtown Plan by the Authority and private enterprise.

Section 3. The City Council finds and determines that the Imagine Downtown Plan shall be used as a basis for development of public facilities and other improvements to public or private property of all kinds, including removal, site preparation, renovation, repair, remodeling, construction or other changes in existing buildings that may be necessary or appropriate to the execution of such plan which, in the opinion of the City Council, will aid and improve the downtown development area as described in the Imagine Downtown Plan.

The Imagine Downtown Plan as the plan of development will promote the economic growth and implement such physical changes as may be appropriate within the plan of development area.

Section 4. The City Council finds and determines that the tax increment provisions set forth in the Imagine Downtown Plan are necessary to provide tax increment financing and to implement the Imagine Downtown Plan.

Section 5 The City Council finds and determines that the boundaries of the plan of development and plan of development area are those boundaries described in Section VIII of the Imagine Downtown Plan.

Section 6. The City Council finds and determines that the Imagine Downtown Final Plan for the City of Colorado Springs dated February 2, 2007 as presented to City Council on March 27, 2007 has been duly reviewed and considered by City Council, is hereby adopted by the City Council and incorporated in this resolution by reference as if fully set forth herein.

Section 7. The City Council authorizes development projects within the boundaries of and consistent with the Imagine Downtown Plan.

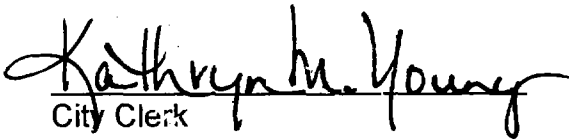
Section 8. The City of Colorado Springs and the Colorado Springs Downtown Development Authority are authorized to take any and all actions pursuant to the Downtown Development statute, Part 8 of Article 25 of Title 31 C.R.S., and other applicable law to carry out the Imagine Downtown Plan.

Dated at Colorado Springs, Colorado, this 27th day of March, 2007.

By:  _____

Mayor

ATTEST:


City Clerk



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
LAND USE REVIEW DIVISION

10
56-07

DATE: March 9, 2007
TO: Lorne C. Kramer, City Manager
FROM: William T. Healy, Planning and Community Development Director
Steve Tuck, Senior Planner *ST*
RE: Plan of Development for the Downtown Development Authority – City File No. CPC DP 07-00068

SUMMARY:

This is a request by the Colorado Springs Downtown Development Authority for approval of the Authority's Plan of Development. The Plan of Development will function as a decision making document for the Authority and is a requirement of the Colorado State Statutes for the operation of a Downtown Development Authority.

PREVIOUS COUNCIL ACTION:

On January 23, 2007 The City Council adopted Ordinance No. 07-15 establishing the Colorado Springs Downtown Development Authority. On February 13, 2007 the Council approved Resolution No. 18-07 setting the public hearing date of March 27, 2007 for the Plan of Development.

BACKGROUND:

The attached Planning Commission Record of Decision and staff report from the March 8, 2007 meeting provide the background information.

FINANCIAL IMPLICATIONS:

Not applicable.

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission approved by a vote of 7-1 the Plan of Development with revisions as indicated in the Record of Decision at their meeting of March 8, 2007. The revisions included modifying "development plan" to "plan of development" to avoid confusing the terms, and 3 revisions indicating Tejon Street as a 2-way street shall be studied with the option of maintaining 1-way traffic instead of requiring the street to accommodate 2-way traffic.

STAKEHOLDER PROCESS:

The Plan of Development as approved by the Downtown Development Authority is the same document as the final product of the recently completed Imagine Downtown process. The stakeholder process for the Imagine Downtown project is outlined in the Plan of Development.

ALTERNATIVES:

Approve, deny, modify, or postpone the Plan of Development.

RECOMMENDATION:

Approve the Plan of Development for the Downtown Development Authority with the recommended revisions of the Planning Commission.

PROPOSED MOTION:

CPC DP 07-00068 – PLAN OF DEVELOPMENT

Approve the Plan of Development with revisions as recommended by the Planning Commission.

C: File No. CPC DP 07-00068
Paul Tice, Land Use Review Manager

ALPERN, MYERS, STUART, SCHEUERMAN & HICKEY, LLC
ATTORNEYS AT LAW
14 NORTH SIERRA MADRE STREET, SUITE A
COLORADO SPRINGS, COLORADO 80903-3379

Howard J. Alpern
Kenneth P. Myers
Dan D. Stuart
Jack J. Scheuerman
Lisa Tormoen Hickey
Matthew J. Werner
Todd S. Welch

TELEPHONE (719) 471-7955 EXTENSION 144
FACSIMILE (719) 630-1794
alziegler@coloradolawyers.net

Associates
Jennifer McPherson
Virginia V. Koulitchzka

Of Counsel
M. Allen Ziegler, Jr.

March 12, 2007

Mayor Lionel Rivera
Vice Mayor Larry Small
Members of the Colorado Springs City Council

Re: Imagine Downtown Final Plan of Development for Downtown Colorado Springs Dated February 2, 2007, a Plan of Development for the Colorado Springs Downtown Development Authority

Dear Mayor Rivera, Vice Mayor Small, and Council Members

The Colorado Springs Downtown Development Authority (the "Authority") requests City Council approval of the Imagine Downtown Final Plan for Colorado Springs dated February 2, 2007 (the "Imagine Downtown Plan"). The Imagine Downtown Plan is the plan of development for the Authority under the downtown authority development statute, C.R.S. §31-25-801 et. seq. The Imagine Downtown Plan serves as the vision statement for the Authority and also as a document upon which the Authority bases its decisions. The Imagine Downtown Plan sets forth the "plan of development area" under the downtown development authority statute. The plan of development area is the area in which in which the Authority may undertake development projects which are consistent with the provisions of Imagine Downtown Plan.

Section IX of the Imagine Downtown Plan establishes the tax increment financing provisions which are provided for under the downtown development authority statute. Tax increment financing provisions take effect upon approval by City Council of the Imagine Downtown Plan. All existing urban renewal areas located within the boundaries of the Imagine Downtown Plan are not included within the tax increment financing provisions of Plan.

A resolution is submitted which makes certain findings and approves the Imagine Downtown Plan as the plan of development for the Authority and describes the plan of development area for the Authority. Also submitted is the resolution of the Board of the Authority approving the Imagine Downtown Plan.

The Planning Commission requested changes in the Imagine Downtown Plan pertaining to the study of Tejon Street as a one-way or two way street and the composition of the committee studying this issue and other minor changes. The Planning Commission changes are acceptable to the Authority.

ALPERN, MYERS, STUART, SCHEUERMAN & HICKEY, LLC

March 14, 2007

Page 2 of 2

At the November 7, 2006, election, the qualified electors within the boundaries of the proposed Colorado Springs Downtown Development Authority approved the creation of the Authority, approved a 5-mill levy for the Authority, approved the detaboring of revenue for the Authority, and approved the issuance of debt up to \$90 million for the Authority. At the January 9, 2007 and January 23, 2007 City Council meetings, City Council approved Ordinance 07-15 creating the Authority and incorporating the provisions approved by the voters.

As set forth in the downtown development authority statute, C.R.S. §31-25-801, *et seq.*, and in Ordinance 07-15 creating the Authority, the justification for the creation of the Authority is to provide for the public health, safety, prosperity, security and welfare of inhabitants within the boundaries of the Authority, to halt or prevent the deterioration of property values or structures within the central business district of Colorado Springs, to assist in the planning, development and redevelopment of this area, to be of special benefit to the property within the boundaries of the Authority. The Authority is intended to provide downtown with a methodology and a financing tool to participate in certain types of development projects, whether it is targeted specifically to development goals such as residential growth, or to general development, or other types of development. The Imagine Downtown Plan meets these requirements.

Sincerely yours,

ALPERN, MYERS, STUART, SCHEUERMAN & HICKEY, LLC



By: M. Allen Ziegler, Jr.

copy: Beth Kosley Executive Director
Downtown Partnership