



Highway 287 Urban Renewal Plan Conditions Survey

Town of Erie, Colorado

Surveyed Spring 2015 and Submitted July 2015

Prepared for:

Town of Erie Urban Renewal Authority (TOEURA)
Town of Erie Board of Trustees

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Highway 287 Urban Renewal Plan Area Conditions Survey

Town of Erie, Colorado

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1.0 Introduction

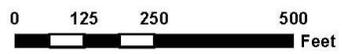
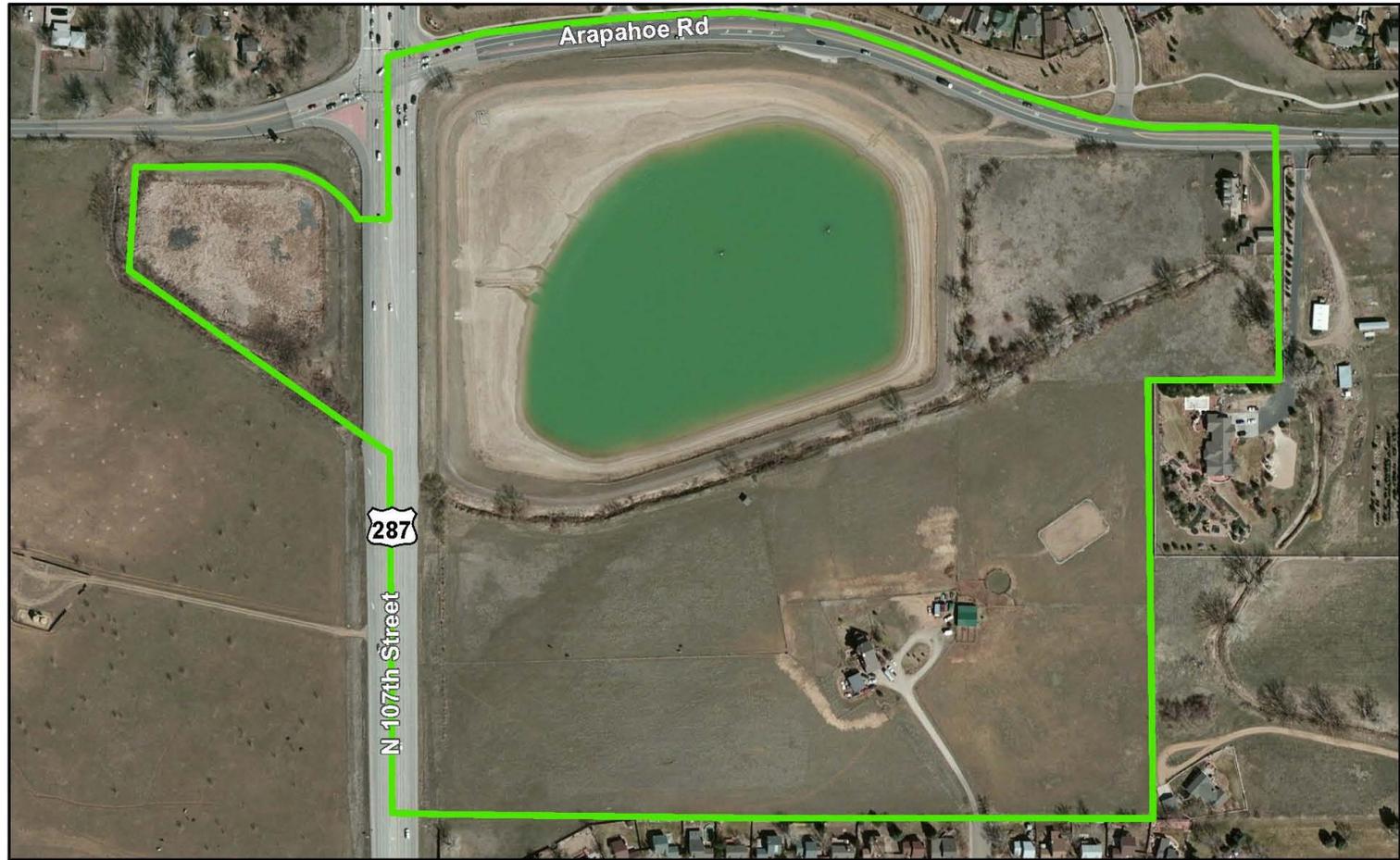
The following report, the *Highway 287 Urban Renewal Plan Area Conditions Survey* (the "Survey") was prepared for the Town of Erie Urban Renewal Authority (TOEURA and the "Authority") and the Town of Erie Board of Trustees (the Town) and submitted in July 2015. The purpose of this work was to analyze conditions within a defined Survey Area (also referred to here as "the Survey Area" or "Area") located within the Town of Erie, Colorado, in order to determine whether factors contributing to blight are present and whether the Area may, therefore, be considered eligible as an urban renewal area under the provisions of the Colorado Urban Renewal Law.

The Survey Area includes three (3) parcels and adjacent rights-of-way located at the southwest and southeast corners of U.S. Highway 287 and Arapahoe Road in the town of Erie, Colorado. **Figure 1** on the following page illustrates the extent of the Survey Area. As the owners of the three parcels within the Survey Area, the Town and Authority waived their right to notification that the Survey was being conducted.

This *Highway 287 Urban Renewal Plan Area Conditions Survey* represents a necessary step in the determination of blight and establishment of an urban renewal area with the intent of addressing the conditions outlined herein. As such, it is also an important step in advancing community goals set out in the Town's comprehensive planning documents specifically related to infill development, redevelopment and commercial corridor revitalization.

Establishment of an urban renewal plan area, after a declaration of blight, will allow the Town of Erie, through its urban renewal authority, to use designated powers to assist in mitigating blighting conditions, improving and completing infrastructure, and advancing private investment within its boundaries.

Figure 1: Survey Area Boundaries – Highway 287 Urban Renewal Plan Area



 Study Area Boundary

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Date: Thursday, August 13, 2015

2.0 Definition of Blight

A determination of blight is a cumulative conclusion based on the presence of several physical, environmental, and social factors defined by state law. In reality, blight is often attributable to a multiplicity of conditions, which, in combination, tend to contribute to the phenomenon of deterioration of an area. For purposes of this Survey, the definition of a blighted area is based upon the definition articulated in the Colorado Urban Renewal Law, as follows:

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

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

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

Source: Colorado Revised Statute 31-25-103(2).

While the conclusion of whether an area constitutes a legally “blighted area” is a determination left to municipal legislative bodies, this Survey provides a detailed documentation of the aforementioned physical, environmental and social factors as they exist within the boundaries defined herein. Note: It is not legally necessary for every factor to be present in an area in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or structure to be counted, but rather, only needs to be present somewhere in the area as a whole. In other words, the presence of one or more well-maintained, non-blighted buildings or parcels does not necessarily preclude a finding of blight for the area in which blighting factors are present¹. Rather, an area qualifies as blighted when *four* or more factors are present (or *five* factors, in cases where the use of eminent domain is anticipated). As explained in item (l) above, this threshold may be reduced to the presence of *one* blighting factor in cases where no owners of property or other business interest within its boundaries objects to inclusion in an urban renewal area as is the case here. This Factor (l) applies in this instance whereas the Area's owners and business interests requested inclusion in an urban renewal area. Despite the statutorily allowable lower threshold (presence of one factor), every effort was made to identify all factors that are present and impacting properties within the Area boundaries.

With this understanding, the *Highway 287 Urban Renewal Plan Area Conditions Survey* presents an overview of factors within the Survey Area sufficient to make a determination of blight. Section 5.0 (Summary of Findings) provides conclusions regarding the presence of qualifying conditions in the Survey Area; however, the Erie Board of Trustees will make a final determination as to whether the Area constitutes a “blighted area” under the Colorado Urban Renewal Law.

¹ While not clearly addressed in Colorado Urban Renewal law, this interpretation has been favored by the courts.

3.0 Study Methodology

Ricker|Cunningham personnel conducted field investigations during the Spring of 2015 for the purpose of documenting conditions within the categories of blight listed above and described in greater detail below. Pertinent Geographic Information Systems (GIS) data from the Town of Erie was also obtained and subsequently analyzed. Finally, discussions with Town of Erie Staff and representatives of utility companies and agencies were conducted and collectively the results of these efforts are discussed herein.

Whereas the 11 factors listed in the Urban Renewal Law (see Section 2.0 of this report) contain few specific details or quantitative benchmarks to guide the conditions survey process, Ricker|Cunningham has developed a checklist of more specific categories of blighting conditions within each statutory factor to aid in their identification and characterization. This checklist has been used in nearly 75 urban renewal conditions surveys for more than 40 communities in Colorado and the Southern and Western United States.

(a) Slum, deteriorated, or deteriorating structures

This factor is said to be present when the physical condition of structures in the area present specific life-safety concerns. Sub-categories include deterioration or absence of the following:

- Roof
- Walls fascia board and soffit
- Foundation
- Gutters and downspouts
- Exterior finish
- Windows and doors
- Stairways and fire escapes
- Mechanical equipment
- Loading areas
- Fences, walls and gates
- Other non-primary structures

(b) Predominance of defective or inadequate street layout

This factor is said to be present when the layout (or non-existence) of streets or roads creates problems for health, safety, welfare or sound development. Sub-categories include inadequate or elevated:

- Vehicular access
- Internal circulation
- Driveway definitions and curb cuts
- Parking layout
- Traffic accident history

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

This factor is said to be present when lot size or configuration inhibits or is likely to inhibit sound development. Sub-categories include inadequate or unsafe:

- Lot shape or layout
- Vehicular access - parcels with poor access are usually found to have both category (b) and (c) present
- Lot size

(d) Unsanitary or unsafe conditions

This factor is said to be present when safety hazards and conditions are likely to have adverse effects on the health or welfare of persons in the area due to problems with a lack of infrastructure. Sub-categories include the presence of:

- Poorly lit or unlit areas
- Cracked or uneven sidewalks
- Hazardous contaminants
- Poor drainage
- Flood hazards
- Steep slopes
- Unscreened trash or mechanical equipment
- Pedestrian safety issues
- High crime incidence
- Lack of fire protection

- Vagrants, vandalism and graffiti

(e) Deterioration of site or other improvements

This factor is related to factor (a), and said to be present when land and/or structures have been either damaged or neglected. Sub-categories include the presence of, deteriorating or lack of:

- Billboards
- Signage
- Poorly maintained properties, streets, and other public improvements
- Trash, debris and weeds
- Parking surfaces, curbs and gutters
- Landscaping

(f) Unusual topography or inadequate public improvements or utilities

This factor represents the combination of two formerly separate factors. To that end, it is said to be present when the topography is incompatible with development (hilly, sloped, etc.) or properties are lacking complete public infrastructure. Sub-categories include the presence of, deteriorating or lack of:

- Slopes or unusual terrain
- Street pavement
- Curb and gutter
- Street lighting
- Overhead utilities
- Sidewalks
- Roads
- Water and sewer service
- Storm water quality and drainage improvements

(g) Defective or unusual conditions of title rendering the title non-marketable

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions, unclear ownership, etc. Due to the expense of title searches, this blight factor is typically not examined unless

developers or land owners provide documentation of known problematic title issues. (No sub-categories).

(h) Existence of conditions that endanger life or property by fire or other causes

This factor is said to be present when site and / or building maintenance or use issues exist that may threaten site users. This factor also includes potential threats from fire or other causes. Sub-categories include the presence of:

- Fire safety problems
- Hazardous contaminants
- High frequency of crime
- Floodplain and flood hazards

(i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities

This factor is said to be present when primary improvements, specifically those described in the context of factors (a) and (d) above, as well as property, poses a danger to the extent that habitation and/or daily use is considered unsafe. Sub-categories include the presence or lack of:

- Hazardous contaminants
- Fire safety infrastructure
- Unsafe building facilities
- All of the factors listed under (h) above

(j) Environmental contamination of buildings or property

This factor is said to be present when there exist threats from chemical or biological contamination. Unlike category (i) above, this factor can be said to exist even when such contamination does not pose a direct health hazard, so long as it causes other problems (i.e. inhibits development). Sub-categories include the presence of:

- Hazardous contaminants

(k.5) 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 factor is said to be present when properties or their improvements are underutilized; or, there is a disproportionate amount of public service being provided. For instance, properties generating frequent calls for police or fire service or code enforcement often require more than their share of services. Sub-categories include the presence of:

- High frequency of fire calls
- High crime incidence
- Site and building underutilization
- All of the factors listed under (d) and (h) above

4.0 Survey Area Description

The Survey Area includes three legal parcels comprising approximately 50.3 acres along with adjacent rights-of-way, and two of the three parcels have aging residential structures with auxiliary buildings present within their boundaries, both ranging in age from approximately 40 to 50 years old. As illustrated in **Table 1**, the subject parcels are owned by the Town of Erie and Town of Erie Urban Renewal Authority, and are zoned Planned Development and Community Commercial (definitions provided below). As shown in the *Town of Erie 2005 Comprehensive Plan*, the Area in its entirety is designated for *Regional Commercial* uses.

Community Commercial (CC)

1. Purpose. To provide areas for a full range of community-oriented retail and service commercial uses.

Planned Development (PD)

1. Purpose a. This Section makes available, pursuant to the Planned Unit Development Act of 1972, Article 67 of Title 24, C.R.S., a procedure to modify specific regulations of the UDC within a Planned Development (PD) zone district at the time of initial zoning for annexation or as a rezoning of a property from another zone district.

The PD zone district may be used when: i. There is a special public benefit that does not coincide with standard zoning district requirements; or,

- ii. A development proposal is unable to meet the standard zoning district requirements due to physical constraints of the property; or,
- iii. A development proposal is unable to meet the standard zoning district requirements due to unique development design; or,
- iv. A development proposal is unable to meet the standard zoning district requirements due to a unique mix of land uses.

Table 1
Highway 287 Urban Renewal Plan Survey Area
Property Ownership

Map #	Parcel Number	Property Ownership	Acres	% of Area
0	146534100006	Erie Urban Renewal Authority	22.2	44%
1	146534100004	Erie Urban Renewal Authority	6.0	12%
2	146534100005	Town of Erie	22.1	44%
Totals			50.3	100%

Source: Boulder County Assessor and Ricker |Cunningham.

5.0 Summary of Findings

The presence of blight that “...*substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare...*” [Colorado Revised Statute 31-25-103(2)]

It is the conclusion of this report that, within the Survey Area, there are physical conditions sufficient to meet criteria established in the Act as "blighting factors." Specifically, seven of the possible 11 blight factors were found to be present including: 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; and, k.5) substantial physical underutilization or vacancy of sites, buildings, or other improvements. Each of these is described in greater detail below.

(b) Predominance of defective or inadequate street layout

Predominance of defective or inadequate street layout can be considered present when existing roads are insufficient to meet the needs of land uses within an area (capacity), there are a lack of streets, or the streets that are in place are deteriorating or substandard. Note: This assumes, based on zoning or existing improvements that streets built to municipal standards should be present within the property. Among the streets serving the Survey Area, they can be considered inadequate due primarily to a lack of sidewalks and limited or no driveway definitions along either Arapahoe Road or Highway 287. Within the properties that comprise the Study Area, existing access is informal and internal roadway improvements are suboptimal, lacking curb and gutter, dedicated space for pedestrian and bicycle movement, and appropriate lighting for safe movement.

Based on a review of municipal documents, established criteria dictate whether streets are considered substandard and requiring improvement upon development or redevelopment of adjacent parcels. While Highway 287 is a State Highway with its improvement standards dictated by an entity other than the Town, Arapahoe Road is a local arterial and will require improvement upon development of the subject parcels.

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

Because faulty streets often produce faulty lots, particularly when they impact vehicular access, properties within the Survey Area that suffer from conditions associated with Factor (b) also suffer from this Factor (c) for the reasons explained above. Commercial properties that lack access and visibility, which is the case for parcels within the Study Area are at a significant competitive disadvantage to those with access and visibility, causing them to have little or no value. Similarly, commercial properties that are either underserved for parking or served by parking that is inadequate are also at a competitive disadvantage. Based on the existing zoning, properties within the Area should have appropriate accommodations for parking, as well as landscaping and other improvements that allow for safe movement. Parcels within the Survey Area lack any of these improvements.

(d) Unsanitary or unsafe conditions

Factors that were identified contributing to unsafe conditions within and surrounding the Survey Area included insufficient improvements for non-vehicular movement due to a lack of adequate streets, lighting or sidewalks, and vehicular movement due to ill-defined access points. Although inadequate infrastructure to accommodate safe non-vehicular and vehicular movement can render properties vulnerable to unlawful activity, no information was provided to support this condition within the Survey Area.

While this factor includes the presence of a flood zone or floodway, none of the parcels within the Survey Area are impacted by flooding conditions. In addition, while disproportionately high levels of criminal activity qualify as a condition associated with this factor, no information was provided supporting the presence of this concern.

Conditions observed that while not unsafe are considered unsanitary and contributing to an overall appearance of neglect include the presence of weeds and unscreened trash, as well as incidents of remnant infrastructure and fencing.

(e) Deterioration of site or other improvements

In the context of developed properties, this factor generally considers the absence or condition of parking, landscaping, and signage largely based on expectations based on their zoning. Although residential and supporting structures are present within two properties in the Area, they are all zoned for commercial uses and none of these improvements are present. In addition, as explained above, there are numerous instances of unsanitary conditions including the presence of weeds and unscreened trash, as well as incidents of remnant infrastructure and fencing.

(f) Unusual topography or inadequate public improvements or utilities

Parcels within the Study Area are comparatively level, therefore there are no significant grade changes. However, infrastructure improvements within its boundaries are both inadequate and absent. Based on information obtained from a variety of utility providers, the Area's water, sewer, electric and gas are

provided and managed by a variety of entities. Further, while located in the vicinity of the Survey Area, no parcels within its boundaries are fully improved with infrastructure sufficient to support a commercial redevelopment program. In addition, a lack of drainage improvements will be required along the northern portion of the property in order to detain water which has historically accumulated within its boundaries. In addition, overhead utilities are present along Arapahoe Road. While their presence is allowed and not unusual on and within municipal parcels and along transportation corridors, they are considered a visual and functional condition which contributes to blight.

In terms of the street infrastructure surrounding the Area, while capable of supporting redevelopment of the subject parcels, curb and gutter, sidewalk and lighting infrastructure is inconsistent and will require improvement with redevelopment of the parcels.

(g) Defective or unusual conditions of title rendering the title non-marketable

This factor is said to be present when there are problems with the marketability of property titles, including unusual restrictions such as the presence of utility and / or infrastructure easements, or unclear ownership. While no title search was conducted for this study, largely due to the extraordinary costs associated with this type of research, research showed the presence of an oil and gas easement, owned by Richardson Operating Company. As illustrated in **Figure 2**, the easement is located within the southern portion of the Study Area and in an area that will impact the location and amount of future improvements within its boundaries.

(k.5) 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

Whereas the urban renewal law defines this factor as including either high levels of municipal services or underutilization or vacancy, this Factor is considered present due to the fact that all of the parcels within its boundaries are either vacant or significantly under-utilized. While vacancies among properties within a municipality are not unusual particularly along its outermost boundaries, in this instance whereas they are zoned for commercial uses and largely surrounded by improved parcels, there can be a reasonable expectation of development.

Figure 2: Well Locations



6.0 Summary of Factors

Table 2 summarizes the findings across all surveyed parcels. As explained earlier in this report, it is not legally necessary for *every* factor to be present in an area in order for it to be considered “blighted”. In addition, a given factor need not be present on each and every parcel or structure to be counted, but rather, only needs to be present somewhere in the area as a whole. As shown, seven of the 11 total possible factors were found, to some extent, within the Survey Area. Additionally, all seven factors were present to a degree that appeared likely to have a significantly negative impact on the public’s safety and welfare and impede the ability for sound growth and development.

Table 2
Highway 287 Urban Renewal Plan Survey Area - Summary of Findings

Blight Qualifying Factor	Present Total Survey Area
(a)	
(b)	x
(c)	x
(d)	x
(e)	x
(f)	x
(g)	x
(h)	
(i)	
(j)	
(k5)	x
Total Factors	7