

# Community & Economic Development Department

4430 S. Adams County Pkwy.

1st Floor, Suite W2000B

Brighton, CO 80601

PHONE 720.523.6800

EMAIL epermitcenter@adcogov.org

adcogov.org

# **Request for Comments**

Case Name: 6300 E 88th Minor Subdivision

Case Number: PLT2025-00027

June 12, 2025

The Adams County Planning Commission is requesting comments on the following application: **Minor Subdivision Final Plat to create two lots in the Commercial-5 and Mineral Conservation Overlay Zone Districts.** This request is located at 6300 E 88TH AVE. The Assessor's Parcel Number is 0172120002002, 0172120300001, 0172120302001.

Applicant Information: 76 AND 88, LLC (East) & PERF 88, LLC (West)

5040 ACOMA ST

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 07/08/2025 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to NEagleson@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/current-land-use-cases.

Si usted tiene preguntas, por favor escribanos un correo electrónico a cedespanol@adcogov.org para asistencia en español. Por favor incluya su dirección o número de caso para poder ayudarle major.

Thank you for your review of this case.

Nick Eagleson

Senior Strategic Planner

Nick Cagleson

BOARD OF COUNTY COMMISSIONERS



Community & Economic Development Department Planning & Development

4430 S. Adams County Pkwy., 1st Floor, Suite W2000B

Brighton, CO 80601-8218

Phone: 720.523.6800 Website: adcogov.org

A minor subdivision shall only be used to divide parcels of less than twenty (20) acres into four (4) or fewer lots. Minor subdivisions are processed through this application for final plat. Two public hearings are required in the processing of this application. A separate application for Subdivision Engineering Review must be filed in addition to this application for final plat.

Please include this page with your submittal. Submittal instructions and more information about checklist items can be found on pages 2-3.

#### Required Checklist Items

01	<b>/</b>	Development Application Form
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02 Written Explanation

03 | Final Plat

04 Legal Description

05 Conceptual Site Plan

06 Proof of Ownership

07 Proof of Water and Sewer Services

N/A Proof of Utilities

09 Certificate of Taxes Paid

N/A Receipt of Payment to Colorado Geological Survey

#### **Discretionary Checklist Items**

N/A School Impact Analysis

A Subdivision Engineering Review Application. If already filed, please identify the case number here: EGR2023-00051

Fees Due When Application is Deemed Complete		
Minor Subdivision (final plat)	• \$1,600	

# **Guide to Development Application Submittal**

This application shall be submitted electronically to epermitcenter@adcogov.org. If the submittal is too large to email as an attachment, the application may be sent as an unlocked Microsoft OneDrive link. Alternatively, the application may be delivered on a flash drive to the One-Stop Customer Service Center. All documents should be combined in a single PDF, although you may provide multiple PDFs to ensure no file exceeds 100 MB. Once a complete application has been received, fees will be invoiced and payable online at www.permits.adcogov.org.

#### **Required Checklist Items**

#### **Written Explanation of the Project:**

- A clear and concise description of the proposal. Please include the purpose of the project, and improvements that will be made to the site.
- Identify the number of tracts and number of lots being proposed.
- Please keep written explanation to three pages or less.

#### Final Plat Prepared by Registered Land Surveyor:

 A map or maps together with supporting documentation of certain described land providing permanent and accurate record of the legal description, dedications, exact size, shape, and location of lots, blocks, streets, easements, and parcels

#### **Legal Description:**

• A version of the legal description (from the final plat) that we can copy and paste. You may provide this in PDF or Microsoft Word versions.

### **Conceptual Site Plan Showing Proposed Development:**

- A detailed drawing of existing and proposed improvements
- Including:
  - O Streets, roads, and intersections
  - O Driveways, access points, and parking areas
  - Existing and proposed structures, wells, and septic systems,
  - o Easements, utility lines, and no build or hazardous areas
  - Scale, north arrow, and date of preparation
- An Improvement Location Certificate or Survey may be required during the official review

#### **Proof of Ownership:**

- A deed may be found in the Office of the Clerk and Recorder
- A title commitment is prepared by a professional title company

#### **Proof of Water and Sewer:**

- Public utilities A written statement from the appropriate water and/or sanitation district indicating that they will provide service to the property
- Private utilities Well permit(s) information can be obtained from the Colorado State Division of Water Resources at (303) 866-3587. A written statement from Adams County Health Department indicating the viability of obtaining Onsite Wastewater Treatment Systems

#### Proof of Utilities (Gas, Electric, etc.):

- A written statement from the appropriate utility provider indicating that they will provide service to the property
- Copy of a current bill from the service provider

#### Certificate of Taxes Paid:

- A Statement of Taxes Paid is not the equivalent of a Certificate of Taxes Paid. Colorado State Statutes require a Certificate of Taxes Paid to be submitted with this application.
- All taxes on the subject property must be paid in full. A certificate of taxes paid can be obtained in-person at the Adams County Treasurer's office. As of July 2023, the cost is \$10.
- You may also request a Certificate of Taxes Paid by e-mailing <a href="mailto:treasurer@adcogov.org">treasurer@adcogov.org</a>, and credit card payment can be processed by telephone.

Accela Case Type: PLT - Final Plat, Minor

#### **Receipt of Payment from Colorado Geological Survey:**

• The Colorado Geological Survey requires a fee payment for the review of any subdivision. These payments can be made at: <a href="https://commerce.cashnet.com/MinesCGS">https://commerce.cashnet.com/MinesCGS</a>. A receipt of this pre-payment must be provided in this application submittal.

### **Discretionary Checklist Items**

#### **School Impact Analysis:**

- Contact the applicable school district for the analysis. If the school district does not provide this, please include an email from them.
- Should include the increase in elementary, middle, and high school students and the existing school sites and structure of the applicable district in which the subdivision is proposed to be located.

#### **Subdivision Engineering Review Application:**

- Contact the <u>cedd-eng@adcogov.org</u> to determine if a subdivision engineering review is required. If it is determined that an application is not required, please include an email from them.
- This is a separate application submittal from the minor subdivision final plat. Please refer to the application checklist located at: https://epermits.adcogov.org/submittal-checklists.

Accela Case Type: PLT - Final Plat, Minor



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

PROJECT NAME	6300 East 88th Avenue (East & West Parcels)		
APPLICANT			
Name(s):	76 AND 88, LLC (East) & PERF 88, LLC(West)	Phone #:	303-918-1215
Address:	5040 Acoma Street		
City, State, Zip:	Denver, CO 80216		
2nd Phone #:		Email:	fred@5040group.com
OWNER			
Name(s):	Same as Applicant	Phone #:	
Address:			
City, State, Zip:			
2nd Phone #:		Email:	
TECHNICAL REF	PRESENTATIVE (Consultant, Engi	ineer, Survey	or, Architect, etc.)
Name:	Terra Forma Solutions, Inc.(Attn: Todd Johnson)	Phone #:	303-257-7653
Address:	3465 South Gaylord Court, A304		
City, State, Zip:	Englewood, CO 80113		
2nd Phone #:		Email:	todd@terraformas.com

# **DESCRIPTION OF SITE**

Address:	6300 East 88th Avenue
City, State, Zip:	Henderson, CO 80640
Area (acres or square feet):	Lot 1-2.530 (East) + Lot 2-1.561 (West) = 4.091 Acrea
Tax Assessor Parcel Number	01721200002002(East) & 01721203020001(West)
Existing Zoning:	C5
9.	
Existing Land Use:	Warehouse/Office(East) & Go Cart(West)
Proposed Land Use:	C5-Miscellaneous(East) & Parking Lot(West)
Have you attende	ed a Conceptual Review? YES × NO
If yes, please list	PRE#: USE 2023 00037(East) & 2023-00018(West)
under the authorit requirements, pro non-refundable.	at I am making this application as owner of the above-described property or acting ty of the owner (attached authorization, if not owner). I am familiar with all pertinent ocedures, and fees of the County. I understand that the Application Review Fee is All statements made on this form and additional application materials are true to owledge and belief.
Name:	Fred Orr Date:
	Owner's Printed Name
Name:	
	Owner's Signature



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# **Minor Subdivision Final Plat Requirements**

- 1. **Subdivision Name, Subtitle:** Name of subdivision at the top of the sheet, followed by a subtitle identifying the section, township and range information along with County and State.
- 2. **Property Description:** An accurate and clear property (legal) description of the overall boundary of the subdivision with the acreage of the subdivision. All courses in the property (legal) description shall be shown and labeled on the plat drawing, with all bearings having the same direction as called out in the legal description. The only exception being where more than one description is required, going a different direction over the same course. The direction shall then hold for the description having more weight (i.e., the overall boundary) for purposes of the plat. If both record and "as-measured" dimensions are being used, show both and clearly label on the plat drawing. Point of commencement and/or point of beginning shall be clearly labeled on the plat drawing.

### 3. Ownership Certificate:

- a. Know all men by these presents that (owner name(s)), being the sole owner of the following described tract of land:
- b. Legal Description
- c. Have (Has) by these presents laid out, platted and subdivided the same into lots, streets and easements as shown on this plat under the name and style of (subdivision name).
- 4. **Dedication Statements:** Statements of land to be dedicated to the County for parks or other public uses, grants of easements and dedication of public streets to the Adams County are required.
  - a. All plats with public streets shall have the following sentence in the dedication statement: *All public streets are hereby dedicated to Adams County for public use.*
  - b. All plats with public easements and/or tracts must have the following sentence in the dedication statement: The undersigned does hereby dedicate, grant and convey to Adams County those Public Easements (and tracts) as shown on the plat; and further restricts the use of all Public Easement to Adams County and/or its assigns, provided however, that the sole right and authority to release or quitclaim all or any such Public Easements shall remain exclusively vested in Adams County.
  - c. All plats with private streets shall have the following sentence in the dedication statement: *All private streets (insert names) are privately owned and maintained by (list owner name, Owner's Association, etc.)*.
  - d. All plats with other tracts being dedicated to the County shall have:



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- i. A sentence in the dedication statement similar to "Tract X is hereby dedicated to Adams County for public use".
- ii. A special numbered plat note defining the purpose and perpetual maintenance responsibility for the tract such as "Tract X is for public drainage, landscaping, trail and open space with maintenance of the surface being vested in the (District Name) Special Maintenance District".
- 5. **Surveyor's Statement:** Statement by a registered land surveyor, professionally licensed by the State of Colorado, to the effect that the layout represents a survey made by him and that the monuments thereon actually exist as located and that all dimensional and other details are correct.

#### 6. Access Provisions:

**a.** Statement Restricting Access: A statement restricting access rights across the right-of-way lines of major highways, parkways, streets or freeways, where required as a provision of approval.

#### 7. Easement Statement:

a. Six-foot (6') wide utility easements are hereby dedicated on private property adjacent to the front lot lines of each lot in the subdivision. In addition, eight-foot (8') wide dry utility easements are hereby dedicated around the perimeter of tracts, parcels and/or open space areas. These easements are dedicated to Adams County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of utilities. Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation.

#### 8. Storm Drainage Facilities Statement:

a. The policy of the County requires that maintenance access shall be provided to all storm drainage facilities to assure continuous operational capability of the system. The property owners shall be responsible for the maintenance of all drainage facilities including inlets, pipes, culverts, channels, ditches, hydraulic structures, and detention basins located on their land unless modified by the subdivision development agreement. Should the owner fail to maintain said facilities, the County shall have the right to enter said land for the sole purpose of operations and maintenance. All such maintenance cost will be assessed to the property owners.

#### 9. Layout:

a. **Boundary Lines:** The subdivision boundary will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing

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and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all nontangent curves. All dimensions to be determined by accurate field survey which must balance and close within limit of one in five thousand (5,000). Show adjacent and/or intersecting plat/deed lines and label appropriately to include recording information (book and page and/or reception number).

- b. **Streets:** All street rights of way defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance, and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all nontangent curves. Widths shall be labeled from each right-of-way line normal to the corresponding street center line. All street center lines defined by the plat will be clearly distinguishable from other map lines by use of distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a central angle (delta), radius and arc length. Radial bearings and/or chord bearings will be provided for all nontangent curves. The plat shall show the right-of-way lines, widths, locations and street names of all existing and proposed public or private streets:
  - i. Within the proposed subdivision, and
  - ii. Immediately abutting the proposed subdivision, and
  - iii. Any private street shall include the designation "(Private)" immediately following street name; any other private right of way that is not named shall include the designation "(Private)" in a manner that clearly conveys such a status.
- c. **Easements:** All easements as required by Adams County and other public and quasi-public agencies. Said easements shall be clearly labeled to include width, use and identification as public or private, if necessary. Tie to property lines and annotate with bearings and distances as necessary. Clearly show and label all existing easements, to include width and recording information, that cross, abut or are located within the subdivision boundary.
- d. Lots and Blocks: All lines of lots, blocks and other parcels of land defined by the plat will be clearly distinguishable from other map lines by use of a distinct line type and/or thickness. All lines will be labeled with a complete bearing and distance and all curves will be labeled with a radius and arc length. Lots must close to one in five thousand (5,000).
- e. **Readability:** All line annotation and all other text will be easily and clearly readable. No text shall overwrite other text or be overwritten by map lines.
- f. **Leader Lines:** Use leader lines whenever a dimension is not clearly and unmistakably associated with a given line, line segment or arc.



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- g. **Multiple Sheets:** Whenever a plat drawing spans multiple sheets, clear and well labeled match lines and a key map shall be included on each sheet. Labels will be of the nature "See Sheet of". Duplicate street names, widths, lot numbers, tract names, easement labeling or any such labeling when any feature is shown on multiple sheets.
- h. **Identification System:** All lots and blocks in the subdivision shall be numbered, beginning with the numeral "1" and continuing consecutively throughout the tract, with no omissions or duplications. All tracts shall be likewise labeled beginning with the letter "A". Lots and tracts shall be labeled with the area of the lot or tract.
- i. **Legend:** Provide a legend which designates all lines and symbols except where called out on plat drawing.
- j. **Inundation Mark:** The plat shall clearly show the 100-year floodplain line. Reference the appropriate FEMA panel by which the location of this line has been determined.
- 10. Easements: Book and page and/or reception number for all existing and newly created easements.
- 11. **Adjacent Subdivision:** Names of adjacent platted areas along with the reception and/or plat book and page number shall be shown. If unplatted, so indicate. Existing street rights of way that intersect the subdivision boundary or are adjacent to said boundary lines shall be clearly labeled with the street name, right of way width and appropriate deed or plat recording information wherein the right of way is defined. Show and label all existing lots and blocks that are immediately adjacent to the subdivision boundary.
- 12. **Basis of Bearings:** A clearly defined basis of bearings shall be provided, both verbally and graphically. All monumentation defining said line shall be shown and labeled on the plat drawing. When said line is not common with the subdivision boundary, it shall be accurately tied to the boundary with bearings and distances.
- 13. **Monuments:** All monuments used to determine and/or describe a boundary (including basis of bearings, point of beginning and point of commencement) shall be shown and clearly labeled on the plat drawing. Monuments for corners defined by the plat, or otherwise found to be missing in the field, shall be placed and set in accord with the requirements of the State of Colorado.
- 14. **Not A Part Of Subdivision:** All areas enclosed within the subdivision boundary which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision". All lines pertaining to such areas shall be dashed.
- 15. **Square Footage:** The area in square feet of all lot and tracts sought to be platted.
- 16. **Operation and Maintenance Manual reference:** Refer to the Operation and Maintenance Manual approved with this Subdivision for Additional Drainage Guidelines.



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17. All other information required by State law.

# **DESCRIPTION OF SITE**

Address:	6300 East 88th Avenue
City, State, Zip:	Henderson, CO 80640
Area (acres or square feet):	Lot 1-2.530 (East) + Lot 2-1.561 (West) = 4.091 Acrea
Tax Assessor Parcel Number	01721200002002(East) & 01721203020001(West)
Existing Zoning:	C5
Existing Land Use:	Warehouse/Office(East) & Go Cart(West)
Proposed Land Use:	C5-Miscellaneous(East) & Parking Lot(West)
Have you attende	d a Conceptual Review? YES x NO NO
If yes, please list I	PRE#: USE 2023 00037(East) & 2023-00018(West)
under the authorit requirements, pro non-refundable. <i>F</i>	at I am making this application as owner of the above-described property or acting by of the owner (attached authorization, if not owner). I am familiar with all pertinent cedures, and fees of the County. I understand that the Application Review Fee is All statements made on this form and additional application materials are true to owledge and belief.
Name:	Fred Orr Date: 5-1-12-5
Name:	Owner's Printed Name Owner's Signature



May 11, 2025

# RE: 6300 East 88th Avenue (East&West Parcel) – Final Plat Written Explanation

To whom it may concern,

The following provides a written explanation for the Final Plat application for 6300 East 88<sup>th</sup> Avenue, in association with applications; USE 2023 00037(East) & 2023-00018(West), Landscaping Relief and Construction Document submittals. As part of these processes, it was determined that the property boundary had discrepancies needing resolution.

The application for Final Plat shows and reestablishes a new boundary for the project and identifies the new Lot 1 and Lot 2 property information. Additionally, this application provides the required notes, easements along with the proposed access connecting the western parcel(Lot 2) to the eastern parcel(Lot 1) public access. The completion of this process will allow the other abovementioned applications to move forward with corrected data.

Please feel free to contact me at 303-257-7653 or <u>todd@terraformas.com</u> with questions or comments related to this document along with any additional information that may be needed.

Todd A. Johnson, P.E, President

For and on behalf of:

Terra Forma Solutions, Inc.



May 11, 2025

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Please feel free to contact me at 303-257-7653 or <u>todd@terraformas.com</u> with questions or comments related to this document along with any additional information that may be needed.

Todd A. Johnson, P.E, President

For and on behalf of:

Terra Forma Solutions, Inc.

# FADEN SUBDIVISION AMENDMENT NO. 1 CASE NO.

A SUBDIVISION OF PART OF LOTS 1 AND 2, BLOCK 1, FADEN SUBDIVISION, AND PART OF THE NORTH 7 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. SHEET 1 OF 3 - COVER

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND: (FROM OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. ABH70775754. EFFECTIVE MAY 26. 2022 AT 5:00 PM)

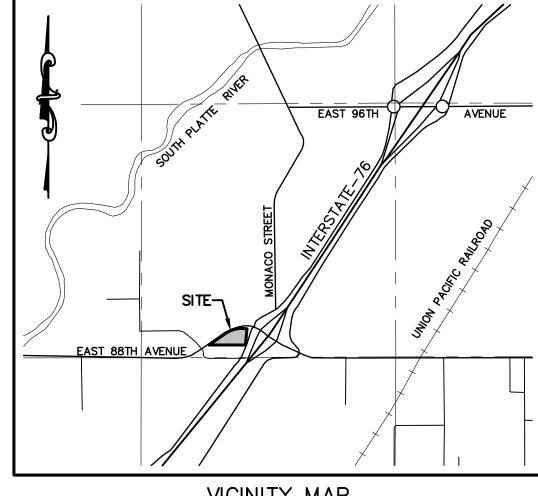
LOT 1, BLOCK 1, FADEN SUBDIVISION, COUNTY OF ADAMS STATE OF COLORADO, AND LOT 2 BLOCK 1, FADEN SUBDIVSION, COUNTY OF ADAMS, STATE OF COLORADO, AND THE NORTH 7 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4. EXCEPT THAT PART LYING WITHIN THE HIGHWAY, SECTION, 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO,

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO A LOT AND EASEMENTS AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF FADEN SUBDIVISION AMENDMENT NO. 1, AND DO HEREBY DEDICATE TO THE COUNTY OF ADAMS, STATE OF COLORADO, FOR PUBLIC USE ALL PUBLIC WAYS AND LANDS AS SHOWN ON THIS PLAT, FOREVER, AND ALSO RESERVE THOSE PORTIONS OF REAL PROPERTY WHICH ARE LABELED AS EASEMENTS ON THIS PLAT, FOR THE INSTALLATION AND MAINTENANCE OF UTILITY AND DRAINAGE FACILITIES, INCLUDING BUT NOT LIMITED TO ELECTRIC LINES, GAS LINES, WATER LINES, AND SEWER LINES TOGETHER WITH RIGHT TO TRIM INTERFERING TREES AND BRUSH, TOGETHER WITH A PERPETUAL RIGHT IN INGRESS AND EGRESS FOR INSTALLATION. MAINTENANCE AND REPLACEMENT OF SUCH LINES; SAID EASEMENTS AND RIGHTS TO BE USED IN A RESPONSIBLE AND PRUDENT MANNER.

EXECUTED THIS	DAY OF,	, 20
PERF 88 LLC & 76 AND 88	LLC	
FRED J. ORR,		) 88 LLC
ACKNOWLEDGEMENT:		
STATE OF COLORADO ) COUNTY OF ADAMS )		
THE FOREGOING WAS ACKNOWN BY FRED J. ORR,	/LEDGED BY ME THIS, PERF 88 LLC & 76	DAY OF, 20, S AND 88 LLC
NOTARY PUBLIC MY COMMISSION EXPIRES: MY ADDRESS IS:		

# PLAT NOTES

- 1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER ON PRIVATE PROPERTY ADJACENT TO THE FRONT LOT LINES OF EACH SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 2. THE LINEAL UNIT USED AND SHOWN HEREON IS U.S. SURVEY FOOT AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS. THE BEARINGS AND DISTANCES SHOWN HEREON ARE AS MEASURED UNLESS OTHERWISE NOTED.
- 3. ALL NOTES, DEDICATIONS AND PLAT RESTRICTIONS, AS SHOWN ON THE PLAT OF FADEN SUBDIVISION RECORDED AT RECEPTION NO. 803857 IN THE RECORDS OF ADAMS COUNTY, COLORADO SHALL APPLY UNLESS SPECIFICALLY AMENDED AND SUPERSEDED HEREBY.
- 4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY R.W. BAYER & ASSOCIATES, INC. OF THE PROPERTY SHOWN AND DESCRIBED HEREIN TO DETERMINE OWNERSHIP OF THE TRACT OF LAND, COMPATIBILITY OF THIS DESCRIPTION WITH THOSE OF ADJACENT TRACTS OF LAND OR RIGHTS-OF-WAY, EASEMENTS OR ENCUMBRANCES OF RECORD AFFECTING THIS TRACT OF LAND. R.W. BAYER & ASSOCIATES, INC. HAS RELIED UPON OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. RND70867390, EFFECTIVE APRIL 22, 2025 AT 5:00 PM, FOR OWNERSHIP AND FOR THE PURPOSE OF SHOWING RECORDED EASEMENTS AND RIGHT-OF-WAY ACROSS THESE PREMISES.
- 5. THIS PARCEL OF LAND LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED IN THE FEMA FLOOD INSURANCE RATE MAP, MAP NO. 08001C0606H EFFECTIVE MARCH 5, 2007.
- 6. BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MONUMENTED ON THE WEST END BY A 2" ALUMINUM CAP, PLS 23519 AND ON THE EAST END BY A 3-1/4" ALUMINUM CAP, PLS 38318, IS ASSUMED TO BEAR N89°57'30"W. ALL BEARINGS SHOWN HEREON ARE RELATIVE



VICINITY MAP SCALE: 1" = 2000'

PLAT NOTES: (CONTINUED)

- 7. THE POLICY OF THE COUNTY REQUIRES THAT MAINTENANCE ACCESS BE PROVIDED TO ALL STORM DRAINAGE FACILITIES TO ASSURE CONTINUOUS OPERATIONAL CAPABILITY OF THE SYSTEM. THE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE FACILITIES INCLUDING INLETS, PIPES, CULVERTS, LOCATED ON THEIR LAND UNLESS MODIFIED BY SUBDIVISION DEVELOPMENT AGREEMENT. SHOULD THE OWNER FAIL TO ADEQUATELY MAINTAIN SAID FACILITIES, THE COUNTY SHALL HAVE THE RIGHT TO ENTER SAID LAND FOR THE SOLE PURPOSE OF OPERATIONS AND MAINTENANCE. ALL SUCH MAINTENANCE COSTS WILL BE ASSESSED TO THE PROPERTY OWNER.
- 8. SIX-FOOT (6') WIDE UTILITY EASEMENTS ARE HEREBY DEDICATED LOT IN THE SUBDIVISION. IN ADDITION, EIGHT-FOOT (8') WIDE DRY UTILITY EASEMENTS ARE HEREBY DEDICATED AROUND THE PERIMETER OF TRACTS, PARCELS AND/OR OPEN SPACE AREAS. THESE EASEMENTS ARE DEDICATED TO ADAMS COUNTY FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION. MAINTENANCE, AND REPLACEMENT OF UTILITIES. UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION PERMANENT STRUCTURES. IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, WATER METERS AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEES, INCLUDING, WITHOUT LIMITATION, VEGETATION.
- 9. ANY PERSON WHO KNOWINGLY REMOVES ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.

PREPARED BY:

R.W. BAYER & ASSOCIATES, INC. 12170 TEJON STREET, UNIT 700 WESTMINSTER, COLORADO 80234 (303)452-4433 RWBSURVEYING@HOTMAIL.COM CAD FILE: 22033/22033.DWG

DATE PREPARED: JUNE 6, 2022 REVISED: APRIL 29, 2025

PLAT NOTES: (CONTINUED)

10. THE LEGAL DESCRIPTION OF THIS PROPERTY GIVEN IN THE OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. ABH70775754, EFFECTIVE MAY 26, 2022 AT 5:00 PM OVERLAPS WITH ADJACENT RIGHTS OF WAY AND PARCELS. A RECOMMENDED OR AS-SURVEYED LEGAL DESCRIPTION IS AS FOLLOWS:

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4, FROM WHICH THE SOUTHEAST CORNER THEREOF BEARS S89°57'30"E BETWEEN THE MONUMENTS SHOWN HEREON, THIS LINE BEING THE BASIS OF BEARINGS; THENCE NO0°04'47"E ALONG THE WEST LINE OF PARCEL DESCRIBED AT RECEPTION NO. 2011000052407, 279.28 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF EAST 88TH AVENUE, SAID POINT BEING THE SOUTHWEST CORNER OF A PARCEL DESCRIBED IN BOOK 1349 AT PAGE 466; THENCE N55°00'00"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 79.63 FEET TO A POINT DISTANT 325.00 FEET FROM THE SOUTH LINE OF SAID SOUTHEAST 1/4 AS MEASURED AT RIGHT ANGLES AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSE:

1) THENCE N55°00'00"E, 405.12 FEET TO A POINT OF TANGENT CURVATURE; 2) THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 616.30 FEET, THROUGH A CENTRAL ANGLE OF 44°46'03", AN ARC DISTANCE OF 481.54 FEET, THE CHORD OF SAID CURVE BEARS N77°23'01"E, 469.38 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 76;

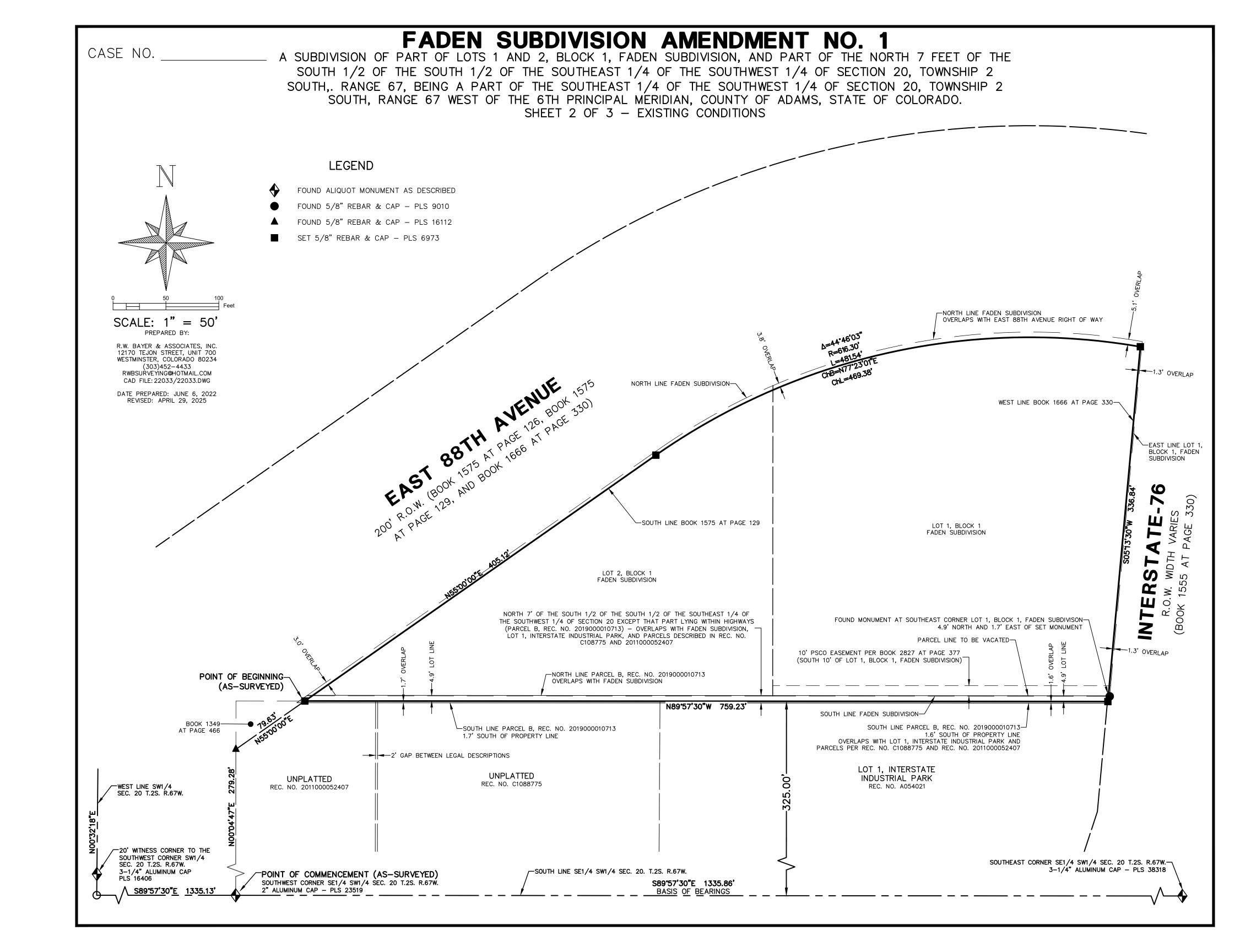
THENCE S05"13'30"W ALONG SAID WESTERLY RIGHT OF WAY LINE. 336.84 FEET TO THE NORTHEAST CORNER OF LOT 1, INTERSTATE INDUSTRIAL PARK, SAID POINT BEING DISTANT 325.00 FEET FROM THE SOUTH LINE OF SAID SOUTHEAST 1/4 AS MEASURED AT RIGHT ANGLES; THENCE N89°57'30"W ALONG THE NORTH LINE OF SAID LOT 1 EXTENDED WEST, SAID LINE BEING PARALLEL WITH AND 325.00 FEET DISTANT FROM THE SOUTH LINE OF SAID SOUTHEAST 1/4, 759,23 FEET TO THE POINT OF BEGINNING.

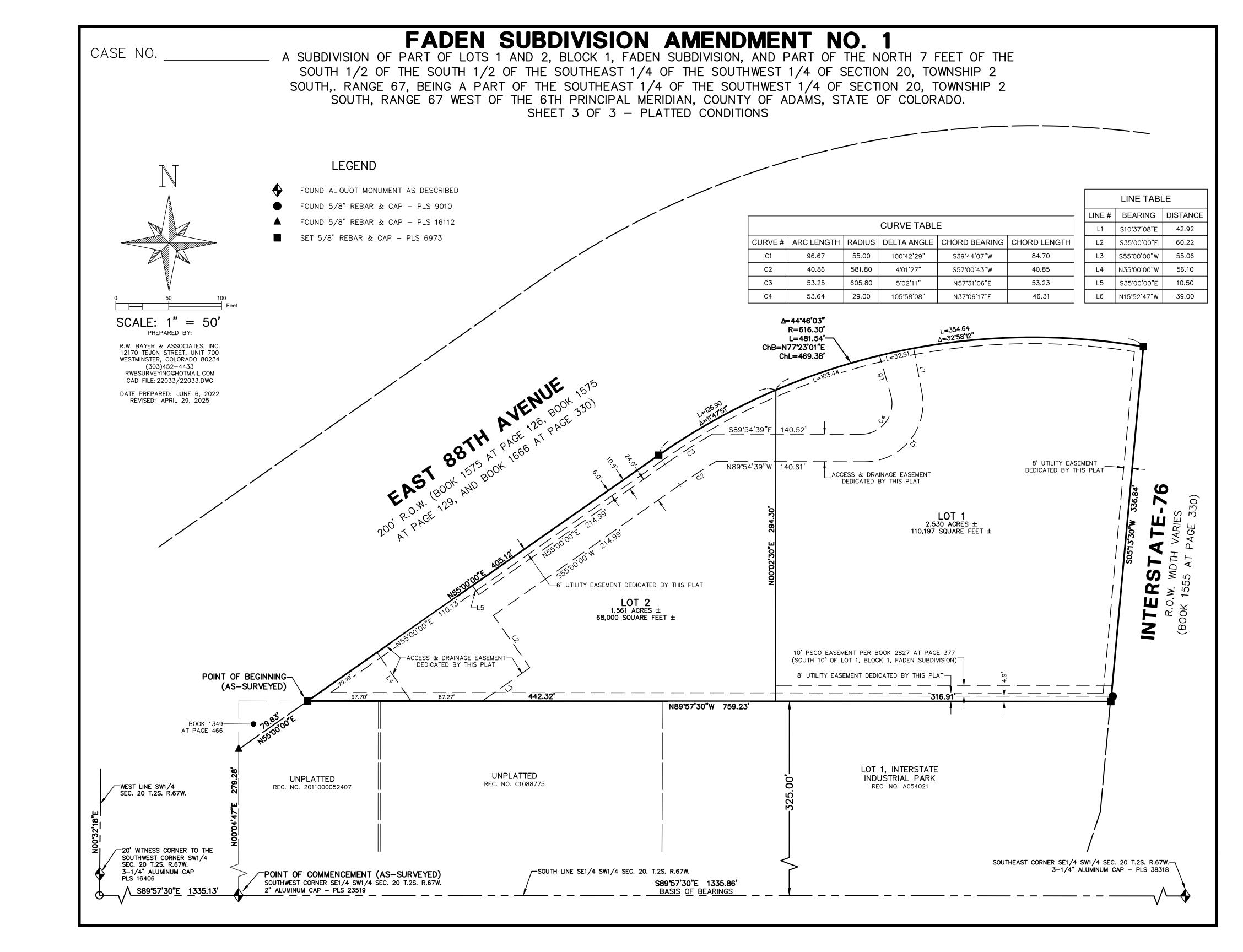
SURVEYOR'S CERTIFICATE:

I, RAYMOND W. BAYER, A REGISTERED LAND SURVEYOR, REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THERE ARE NO ROADS, PIPELINES, IRRIGATION DITCHES OR OTHER EASEMENTS IN EVIDENCE OR KNOWN BY ME TO EXIST ON OR ACROSS THE HEREIN BEFORE DESCRIBED PROPERTY, EXCEPT AS SHOWN ON THIS PLAT. I FURTHER CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT RESPONSIBILITY, CHANNELS, DITCHES, HYDRAULIC STRUCTURES, AND DETENTION BASINS SUPERVISION AND CHECKING, AND THAT THIS PLAT ACCURATELY REPRESENTS SAID SURVEY. AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON.

AYMOND W. BAYER, EG P.L.S. NO. 6973		
PPROVALS:		
LANNING COMMISSION APPROVAL:		
PPROVED BY THE ADAMS COUNTY PLANNING	COMMISSION THIS[	DAY
HAIR	_	
OARD OF COUNTY COMMISSIONERS APPROVA	L:	
PPROVED BY THE ADAMS COUNTY BOARD O		
LLLUD.	_	
HAIR		
ERTIFICATE OF THE CLERK AND RECORDER:		
HIS PLAT WAS FILED FOR RECORD IN THE O ECORDED, IN THE STATE OF COLORADO, AT	: .M., ON THE	AND
AY OF, A.D., 20	<del>.</del>	
Y:		
DEPUTY	COUNTY CLERK AND RECORDER	

RECEPTION NO .:





# **Legal Description:**

Lots 1 and 2, Block 1, Faden Subdivision, together with the north 7 feet of the south 1/2 of the south 1/2 of the southeast 1/4 of the southwest 1/4, except that part lying within the highway, Section 20, Township 2 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado.

Also equivalent to these three Adams County parcels:

- 0172120002002 (Lot 1)
- 0172120302001 (Lot 2)
- 0172120300001 (north 7 feet.)



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6800

FAX 720.523.6967

### **Development Team Review Comments**

# **Comment Responses**

The following comments have been provided by reviewers of your land use application. At this time, a resubmittal of your application is required before this case is ready to be scheduled for public hearing.

To prepare your resubmittal, you will be expected to provide:

- A response to each comment with a description of the revisions and the page of the response on the site plan;
- Any revised plans or renderings; and
- A list identifying any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided electronically through e-mail or a flash drive delivered to the One-Stop Customer Service Center. The following items will be expected by our One-Stop Customer Service Center:

- One digital copy of all new materials
  - o All digital materials shall be in a single PDF document
  - o The single PDF document shall be bookmarked
  - o If a Subdivision Improvements Agreement, Legal Description, or Development Agreement is required, then an additional Microsoft Word version of these documents shall also be provided
  - o Electronic copies can be emailed to <a href="mailto:epermitcenter@adcogov.org">epermitcenter@adcogov.org</a> as a PDF attachment. If the files are too large to attach, the email should include an unlocked Microsoft OneDrive link. Alternatively, the resubmittal can be delivered to the One-Stop counter on a flash drive.



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

# **Re-submittal Form**

Case Name/ Number: USE2023-00037; 76 and 88, LLC.
Case Manager: Layla Bajelan
Re-submitted Items:
Development Plan/ Site Plan
Plat
Parking/ Landscape Plan
Engineering Documents
Subdivision Improvements Agreement (Microsoft Word version)
Other:
* All re-submittals must have this cover sheet and a cover letter addressing review comments.
Please note the re-submittal review period is 21 days.
<ul> <li>Restate each comment that requires a response</li> <li>Provide a response below the comment with a description of the revisions</li> <li>Identify any additional changes made to the original document</li> </ul>
For County Use Only:
Date Accepted:
Staff (accepting intake):
Resubmittal Active: Engineering; Planner; Right-of-Way; Addressing; Building Safety;
Neighborhood Services; Environmental; Parks; Attorney; Finance; Plan Coordination



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6880

FAX 720.523.6967
EMAIL: epermitcenter@adcogov.org

# **Development Review Team Comments**

Date: 10/19/2023

Project Number: USE2023-00037

Project Name: 76 AND 88, LLC

**Commenting Division:** Planner Review

Name of Reviewer: Layla Bajelan

**Date:** 10/19/2023

**Email:** 

#### **Resubmittal Required**

PLN01: "Automotive" is not a use within the Adams County Development Standards and Regulations use chart. (Section 3-07) Please refer to the Director Interpretation dated April 4, 2023 (Request for Interpretation of Use at 6300 East 88th Avenue (east parcel)) for the uses that have been defined. Response: Narrative has been updated to follow recent direction from the County.

PLN02: The Commercial-5 (C-5) zoned district only allows for one principally permitted use per lot and the applicant is still including all the existing users within the change-in-use permit. The Director Determination/Interpretation, noted there are several uses existing (unpermitted) within the building currently. The applicant/ property owner must choose one of the specific uses and permit for that. This may mean that some tenants may not have a path forward, depending on what use you choose to permit. **Response:** Narrative has been updated to follow recent direction from the County.

PLN03: A landscape plan is required, as outlined in Section 4-19. Existing landscaping can be counted towards the minimum requirements, but ROW landscaping (4-19-07) is required and parking lot landscaping is applicable to this site. Response: Administrative Relief has been requested see Narrative.

PLN04: The change-in-use permit requires for the site to be brought up to compliance with all of the Adams County Development Standards and Regulations. Response: We believe will be in compliance with the apaproval of the Administrative Relief.

PLN05: Please submit a landscape plan that shows conformance with all of the minimum requirements outlined in Section 4-19. Existing landscaping can be counted towards the minimum requirements, but ROW landscaping (4-19-07) is required and parking lot landscaping is applicable to this site. Response: Landscaping plan has been provided to document the existing site conditions and an Administrative Relief has been requested.

PLN06: Will signage be proposed with this use? If so, they require separate building permits. Response: No Signage is being proposed.

PLN07: Please provide more information on the fencing proposed as the existing fencing appears to be in disrepair. Response: Existing fencing is to remain and the fencing located on the southern boundary is the neighbors fence.

PLN08: Please provide a circulation plan to show how vehicles will move through the site.

Response: A circulation plan has been provided in the Change In Use Plans

Additional comments will be provided once a specific use is proposed.

**Commenting Division:** ROW Review

Name of Reviewer: David Dittmer

**Date:** 10/16/2023

**Email:** 

#### **Complete**

ROW1: East 55th Ave is classified as a Local Street. Response: We believe these comments are related to a different project, however if referencing 88th Avenue, no improvements are proposed with this application.

ROW2: It appears only 20' has been dedicated to the county. Due to traffic impact, and engineering review additional right-of-way may be required and dedicated to the county by separate document. If required, it will be a 10' strip of land. This will impact the site plan and setbacks. **Response:** See above.

ROW3: The detention location as shown must be dedicated to the county by separate instrument as an easement to be owned and maintained by the owner(s). The county will not require additional access to the site as access is available from county ROW. Response: See above.

**Commenting Division:** Development Engineering Review

Name of Reviewer: Laurie Clark

**Date:** 10/12/2023

**Email:** 

#### **Complete**

ENG1: There are no Engineering comments specific to the Lot Line Vacation. The following comments will apply if the site is developed or redeveloped. Response: Noted.

ENG2: Flood Insurance Rate Map – FIRM Panel # (08001C0606H), Federal Emergency Management Agency, January 20, 2016. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; a floodplain use permit will not be required. Response: Noted.

ENG3: Property IS in Adams County MS4 Stormwater Permit area. If the proposed improvements disturb more than one (1) acre of land OR are part of a larger development that disturbs over one (1) acre, a Stormwater Quality (SWQ) Permit WILL be required and the applicant will be required to prepare a Stormwater Management Plan (SWMP) using the Adams County ESC Template, and obtain both a County SWQ Permit and a State Permit COR400000. Builder/developer is responsible for adhering to all the regulations of Adams County Ordinance 11 regarding illicit discharge. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMPs. Response: Noted.

ENG4: If the applicant proposes to import greater than 10 CY of soil to this site, additional permitting is required. Per Section 4-04-02-02, of the Adams County Development Standards and Regulations, a Temporary or Special Use Permit is required to ensure that only clean, inert soil is imported into any site within un-incorporated Adams County. A Conditional Use Permit will be required if the importation exceeds 500,000 CY. Response: Noted.

ENG5: A drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval. Drainage design shall have no adverse off-site impacts on neighboring properties or the public ROW. Response: Noted.

ENG6: LOW IMPACT DEVELOPMENT (LID) STANDARDS AND REQUIREMENTS Section 9-01-03-14: All construction projects shall reduce drainage impacts to the maximum extent practicable, and implement practices such as:

- 1. On-site structural and non-structural BMPs to promote infiltration, evapo-transpiration or use of stormwater,
- 2. Minimization of Directly Connected Impervious Area (MDCIA),
- 3. Green Infrastructure (GI),
- 4. Preservation of natural drainage systems that result in the infiltration, evapo-transpiration or use of stormwater in order to protect water quality and aquatic habitat.
- 5. Use of vegetation, soils, and roots to slow and filter stormwater runoff.
- 6. Management of stormwater as a resource rather than a waste product by creating functional, attractive, and environmentally friendly developments.
- 7. Treatment of stormwater flows as close to the impervious area as possible.

LID shall be designed and maintained to meet the standards of these Regulations and the Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual, Volume 3. **Response: Noted.** 

BOARD OF COUNTY COMMISSIONERS

**Commenting Division: Development Engineering Review** 

Name of Reviewer: Laurie Clark

**Date:** 10/12/2023

**Email:** 

#### Comment

ENG7: The applicant is required to complete a traffic trip generation analysis signed and stamped by a professional engineer. If the proposed scope of work shows the use on the site will generate over 20 vehicles per day, then a traffic impact study signed and stamped by a professional engineer will be required. Response: As outlined in the narrative the Change In Use is not increasing any daily traffic or patterns and will function as originally permitted. Additionally, as outlined by the County and included in the narrative, no additional improvements to 88th Avenue will be required.

EGR8: The proposed site improvements are required to go through an engineering review process. The developer is required to submit for review and receive approval of all civil site construction plans and reports. Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County One Stop Customer Center the following: Engineering Review Application, Engineering Review Fee, a copy of all construction documents, plans and reports in PDF format. Response: Understood and engineering plans have been provided for review.

ENG9: All existing and proposed access points onto Adams County maintained right-of-way must be permitted. Response: As outlined in the narrative the Change In Use is not increasing any daily traffic or patterns and will function as originally permitted. Additionally, as outlined by the County and included in the narrative, no additional improvements to 88th Avenue will be required.

ENG10: E 88th Avenue adjacent to the site is classified as a Principal Arterial and is Adams County right-of-way. **Response: Noted.** 

ENG11: The developer is required to construct roadway improvements adjacent to the proposed site such as road widening, curb, gutter, and sidewalks. Roadway improvements will be determined based on the Traffic Impact Study and Adams County typical road sections. Response: As outlined in the narrative the Change In Use is not increasing any daily traffic or patterns and will function as originally permitted. Additionally, as outlined by the County and included in the narrative, no additional improvements to 88th Avenue will be required.

ENG12: A Subdivision Improvements Agreement (SIA) will be required for public improvements. Response: As outlined in the narrative the Change In Use is not increasing any daily traffic or patterns and will function as originally permitted. Additionally, as outlined by the County and included in the narrative, no additional improvements to 88th Avenue will be required.

ENG13: No building permits will be issued until all public improvements have been constructed, inspected, and preliminarily accepted by the Adams County Public Works Department. Response: Noted/No permits.

ENG14: The developer is responsible for the repair or replacement of any broken or damaged public infrastructure. Response: Noted.

ENG15: All proposed drainage facilities with maintenance access shall be within dedicated easements. Response: Understand.

**Commenting Division:** Environmental Analyst Review

Name of Reviewer: Megan Grant

**Date: Email:** 

#### **Resubmittal Required**

ENV1. The subject parcel is located within the Adams County Mineral Conservation Overlay (MCO) district, the purpose of which is to establish reasonable and uniform limitations, safeguards, and controls for the conservation and wise utilization of natural resources and for rehabilitation of excavated land. Land within this classification is designated as containing commercial mineral deposits in sufficient size parcels and in areas where extraction and rehabilitation can be undertaken while still protecting the health, safety, and welfare of the inhabitants of the area and the County. Although this parcel is located within the MCO district, the parcel is less than 5 acres and previously developed; therefore, the MCO restrictions are not applicable in this case. Response: Noted.

The following comments apply to operations:

ENV2. The applicant/operator shall follow all applicable hazardous materials and waste management regulations to ensure proper management of hazardous materials and waste such that they do not present a significant actual or potential hazard to public health, safety, or environment. Response: Noted.

ENV3. For projects that may require an air permit, the applicant shall contact the APCD at (303) 692-3100 for information about the process. Additional information is available at:

https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissio ns-business-and-industry. Response: As outlined in the narrative the Change In Use is not materially modifying any uses from what was originally permitted. Additionally, see also conditions outlined by the County and included in the narrative.

ENV4. Please provide a copy of the air permit(s) for Adams County review. Response: Not Applicable.

ENV5. If the company employs fewer than 100 employees and releases less than 75 tons/year of regulated pollutants, the applicant may qualify for the CDPHE Air Pollution Control Division's Small Business Assistance Program. For assistance with air quality requirements and pollution prevention practices, the applicant should call (303) 692-3175 or visit https://www.colorado.gov/pacific/cdphe/small-business-assistance- program-sbap. Response: Noted.

ENV6. Applicant/operator shall perform truck and equipment repair and maintenance on a concrete pad. A description of repair and maintenance operations, locations on site, and handling of fluids, used oil, and material storage is required. Response: Noted.

ENV7. All hydraulic fluids, oils, and other pollutant sources used for vehicle and equipment maintenance and repair shall be stored within a covered area and in secondary containment. Response: Noted.

ENV8. Applicant/operator should limit engine idling to the maximum extent feasible to mitigate air quality impacts and off-site noise to surrounding properties. (Refer to CRS Title 42 - Vehicles and Traffic Idling Standard, Article 14 – State Idling Standard, Section 42-14-105. Idling for Colorado law.) Response: Noted.

ENV9. Exposure to air pollution is associated with numerous health problems including asthma, lung cancer, and heart disease. Traffic in unpaved areas may contribute to increased fugitive dust emissions. Applicant will be required to implement dust control measures to prevent off-site impacts if truck traffic into and within parcel occurs on non-paved surfaces. Response: Noted.

ENV10. An inert fill permit must be obtained prior to importing any volume of fill material onto the parcel as part of site development. The permit type will depend on the duration and total volume of fill imported to the site. Response: Noted.

BOARD OF COUNTY COMMISSIONERS

**Commenting Division:** ROW Review

Name of Reviewer: David Dittmer

**Date:** 10/10/2023

**Email:** 

#### **Complete**

ROW1: East 55th Ave is classified as a Local Street. Response: Same as above see response.

ROW2: It appears only 20' has been dedicated to the county. Due to traffic impact, and engineering review, the additional right-of-way will be required and dedicated to the county by separate document. This will impact the site plan and setbacks. Response: Same as above see response.

ROW3: The detention location as shown must be dedicated to the county by separate instrument as an easement grant, to be owned and maintained by the owner(s). The county will not require additional access to the site as access is available from county ROW. Response: Same as above see response.



1st Floor, Suite W2000
Brighton, CO 80601-8204
PHONE 720.523.6800
FAX 720.523.6998

# **CHANGE IN USE PERMIT**

Application submittals must include all documents on this checklist as well as this page. Please use the reference guide (pg. 2) included in this packet for more information on each submittal item.

Change in use applications are submitted online through the E-permit Center customer portal at <a href="http://epermits.adcogov.org/">http://epermits.adcogov.org/</a>. Click "Epermit Center on the Left hand side to sign in/create an account. You will then click "New" and "Land Use Case" to start this application. Include the following checklist and development application form with your application materials.

- 01 1. Development Application Form (filled out in entirety)
- N/A 2. Written Explanation Must include compliance with current Zoning regualations and overlays.
  - 03 3. Site Plan (See Page 2)
    - 4. Parking Plan (See Page 2)
    - 5. Landscape Plan (See Page 2)
    - 6. Lighting Plan (See Page 2) if applicable
- N/A 7. Proof of water and sewer (see Page 2)
- N/A 8. Architectural Plans (See Page 2)

# Engineering and ROW Requirments:

- N/A 1. Legal description and all other requirements as to a Plat Submittal. (See Page 2)
- N/A 2. Any engineering details or traffic study and need for additional ROW dedication based upon those findings and drainage dedications.
- N/A 3. Documentation of Parcel creation date.

Α	lready
P	aid

5.5.22

Application Fees	Amount	Due
Change in Use Permit	\$200	After Complete Application Received

# Change in Use- Guide to Development Application Submittal

Change in Use applications are submitted online through the E-permit Center customer portal at <a href="http://epermits.adcogov.org/">http://epermits.adcogov.org/</a>. Application submittals that do not conform to these guidelines shall not be accepted.

### 2. Written Explanation of the Project must include:

- Written explanation that clearly defines the proposed use and any former uses on the property within the last six months. If the use was approved through a land use case (Conditional, Special, or Temporary Use permit, etc.) please include the case number in the written explanation.
- Documentation showing conformance with any applicable zoning overlays. Please visit https://www.adcogov.org/ gis-interactive-maps to determine if your property is within an overlay

#### 3. Site Plan of Proposed Development <u>must</u> include:

- Location of any existing or proposed improvements
- Labels for all adjacent public ROW
- Location of any easements
- Distances from any proposed improvements to all property lines, existing structures, and well and septic systems, if applicable
- Curb, gutter, and sidewalk
- Trash enclosures and screening, including a detail
- Fences, including a detail drawing

### 4. Parking Plan must include:

- Location and dimensions of parking spaces including required ADA Spaces, please refer to section 4-13
- Details on the parking surface materials and
- Circulation patterns
- Location of loading zones, if applicable
- Location and dimensions of bicycle racks, including a detail drawing

### 5. Landscape Plan <u>must</u> include:

- Scale written and graphic;
- North arrow;
- Label the zoning of subject property and adjacent properties;
- Label the current land use of subject property and all adjacent properties;
- Existing plant material, if applicable;
- Plants to be removed or relocated, if applicable;
- Existing and proposed structures, overhangs, and pavings, if applicable;
- Planting details specifying mulching materials;
- Details of berms, walls, or any other structural buffering device if required by these standards and regulations;
- Title block with name of project,
   name of person preparing plan and date;
- A written statement describing type of irrigation system proposed - detail the proposed irrigation system or method of irrigation;

### Landscape Plan requirments continued.

- Plant schedule showing the following:
  - o Number and location of plants of each species; and, Plant name (common name, botanical nameand variety name):
  - o Size and condition of plants size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball and burlap, and/ or bare root plant division (list shall be divided according to trees, shrubs and ground covers, and turf types); and,
- Landscape maintenance agreement that addresses pruning and maintenance of landscaping
- Cost estimate including materials and cost of installation.

### 6. Lighting Plan must include:

- Documentation showing conformance with Section 4-13-02-07 and Section 4-14-01
- Proposed installation timelines and cost estimates

#### 7. Proof of Water and Sewer must include:

- "Will Serve" letter from a local waterdistrict, or
- Well and septic permits

#### 8. Architectural Plans <u>must</u> include:

 Complete Architectural Plans that include the total square footage of the proposed use and elevations demonstrating conformance with height restrictions.

### **Engineering and ROW Requirments:**

- Legal description and all other requirements as to a Plat Submittal
  - i. Title commitment (liens and encumbrances)
  - ii. Any and all rights-of-way affecting the property and the recording information or prescriptive right by use information.
  - iii. Ownership with copies of deeds (Vesting)
  - iv. Existing structures and/or future structures
  - v. Flood plain or flood way extent
- Any engineering details or traffic study and need for additional ROW dedication based upon those findings and drainage dedications
- Note as to minor or major subdivision depending on parcel creation date, if not currently in a subdivision



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

# **DEVELOPMENT APPLICATION FORM**

Application Type	<b>:</b>		
Subo	ceptual Review Preliminary PUD division, Preliminary Final PUD division, Final Rezone Correction/ Vacation Special Use	Variance	9
PROJECT NAME	: 6300 East 88th Avenue (East & West Par	cels)	
APPLICANT			
Name(s):	76 AND 88, LLC	Phone #:	303-918-1215
Address:	Same as Applicant		
City, State, Zip:	Denver, CO 80216		
2nd Phone #:		Email:	fred@5040group.com
OWNER			
Name(s):	Same as Applicant	Phone #:	
Address:			
City, State, Zip:			
2nd Phone #:	3465 South Gaylord Court, A304	Email:	
TECHNICAL REF	PRESENTATIVE (Consultant, Engi	neer, Surve	yor, Architect, etc.)
Name:	Terra Forma Solutions, Inc.(Attn: Todd Johnson)	Phone #:	303-257-7653
Address:			
City, State, Zip:	Englewood, CO 80113		
2nd Phone #:	C5	Email:	todd@terraformas.com

# **DESCRIPTION OF SITE**

Address:	6300 East 88th Avenue
City, State, Zip:	Henderson, CO 80640
Area (acres or square feet):	Lot 1-2.530 (East) + Lot 2-1.561 (West) = 4.091 Acrea
Tax Assessor Parcel Number	01721200002002(East) & 01721203020001(West)
Existing Zoning:	C5
Existing Land Use:	Warehouse/Office(East) & Go Cart(West)
Proposed Land Use:	C5-Miscellaneous(East) & Parking Lot(West)
Have you attende	ed a Conceptual Review? YES X NO NO
If Yes, please list	PRE#: Resubmital, Multiple Staff Discussions
under the autho pertinent requiren Fee is non-refun	nat I am making this application as owner of the above described property or acting rity of the owner (attached authorization, if not owner). I am familiar with all nents, procedures, and fees of the County. I understand that the Application Review dable. All statements made on this form and additional application materials are f my knowledge and belief.
Name:	Fred Orr Date:
	Owner's Printed Name
Name:	
	Owner's Signature



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

# **CHANGE IN USE PERMIT**

Application submittals must include all documents on this checklist as well as this page. Please use the reference guide (pg. 2) included in this packet for more information on each submittal item.

Change in use applications are submitted online through the E-permit Center customer portal at <a href="http://epermits.adcogov.org/">http://epermits.adcogov.org/</a>. Click "Epermit Center on the Left hand side to sign in/create an account. You will then click "New" and "Land Use Case" to start this application. Include the following checklist and development application form with your application materials.

- 01 1. Development Application Form (filled out in entirety)
- N/A 2. Written Explanation Must include compliance with current Zoning regualations and overlays.
- 03 3. Site Plan (See Page 2)
  - 4. Parking Plan (See Page 2)
  - 5. Landscape Plan (See Page 2)
  - 6. Lighting Plan (See Page 2) if applicable
- N/A 7. Proof of water and sewer (see Page 2)
- N/A 8. Architectural Plans (See Page 2)

# Engineering and ROW Requirments:

- N/A 1. Legal description and all other requirements as to a Plat Submittal. (See Page 2)
- N/A 2. Any engineering details or traffic study and need for additional ROW dedication based upon those findings and drainage dedications.
- N/A 3. Documentation of Parcel creation date.

Already	
Paid	

Application Fees	Amount	Due
Change in Use Permit	\$200	After Complete
		Application Received

# Change in Use- Guide to Development Application Submittal

Change in Use applications are submitted online through the E-permit Center customer portal at <a href="http://epermits.adcogov.org/">http://epermits.adcogov.org/</a>. Application submittals that do not conform to these guidelines shall not be accepted.

# 2. Written Explanation of the Project must include:

- Written explanation that clearly defines the proposed use and any former uses on the property within the last six months. If the use was approved through a land use case (Conditional, Special, or Temporary Use permit, etc.) please include the case number in the written explanation.
- Documentation showing conformance with any applicable zoning overlays. Please visit https://www.adcogov.org/ gis-interactive-maps to determine if your property is within an overlay

# 3. Site Plan of Proposed Development must include:

- Location of any existing or proposed improvements
- Labels for all adjacent public ROW
- Location of any easements
- Distances from any proposed improvements to all property lines, existing structures, and well and septic systems, if applicable
- · Curb, gutter, and sidewalk
- Trash enclosures and screening, including a detail
- Fences, including a detail drawing

## 4. Parking Plan must include:

- Location and dimensions of parking spaces including required ADA Spaces, please refer to section 4-13
- Details on the parking surface materials and
- Circulation patterns
- Location of loading zones, if applicable
- Location and dimensions of bicycle racks, including a detail drawing

### 5. Landscape Plan must include:

- Scale written and graphic;
- North arrow;
- Label the zoning of subject property and adjacent properties;
- Label the current land use of subject property and all adjacent properties;
- Existing plant material, if applicable;
- Plants to be removed or relocated, if applicable;
- Existing and proposed structures, overhangs, and pavings, if applicable;
- Planting details specifying mulching materials;
- Details of berms, walls, or any other structural buffering device if required by these standards and regulations;
- Title block with name of project,
   name of person preparing plan and date;
- A written statement describing type of irrigation system proposed - detail the proposed irrigation system or method of irrigation;

# Landscape Plan requirments continued.

- Plant schedule showing the following:
  - o Number and location of plants of each species; and, Plant name (common name, botanical nameand variety name);
  - o Size and condition of plants size be expressed in terms of size of container, height of plant, or caliper of tree; condition to be expressed in terms of size of container, ball and burlap, and/or bare root plant division (list shall be divided according to trees, shrubs and ground covers, and turf types); and,
- Landscape maintenance agreement that addresses pruning and maintenance of landscaping
- Cost estimate including materials and cost of installation.

### 6. Lighting Plan must include:

- Documentation showing conformance with Section 4-13-02-07 and Section 4-14-01
- Proposed installation timelines and cost estimates

## 7. Proof of Water and Sewer must include:

- "Will Serve" letter from a local waterdistrict, or
- · Well and septic permits

#### 8. Architectural Plans must include:

 Complete Architectural Plans that include the total square footage of the proposed use and elevations demonstrating conformance with height restrictions.

#### **Engineering and ROW Requirments:**

- Legal description and all other requirements as to a Plat Submittal
  - i. Title commitment (liens and encumbrances)
  - ii. Any and all rights-of-way affecting the property and the recording information or prescriptive right by use information.
  - iii. Ownership with copies of deeds (Vesting)
  - iv. Existing structures and/or future structures
    - V. Flood plain or flood way extent
- Any engineering details or traffic study and need for additional ROW dedication based upon those findings and drainage dedications
- Note as to minor or major subdivision depending on parcel creation date, if not currently in a subdivision



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

# **DEVELOPMENT APPLICATION FORM**

Application Type:				
Subo	ceptual Review Preliminary PUD division, Preliminary Final PUD division, Final Rezone Correction/ Vacation Special Use	☐ Variance		
PROJECT NAME: 6300 East 88th Avenue (East Parcel) 76 AND 88, LLC				
APPLICANT				
Name(s):	76 AND 88, LLC	Phone #:	303-918-1215	
Address:	5040 Acoma Street			
City, State, Zip:	Denver, CO 80216			
2nd Phone #:		Email:	fred@5040group.com	
OWNER				
Name(s):	Same as Applicant	Phone #:		
Address:				
City, State, Zip:				
2nd Phone #:		Email:		
TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)				
Name:	Terra Forma Solutions, Inc(Attn:Todd Johnson)	Phone #:	303-257-7653	
Address:	3465 South Gaylord Court, A304			
City, State, Zip:	Englewood, CO 80113			
2nd Phone #:		Email:	todd@terraformas.com	

# **DESCRIPTION OF SITE**

Address:	6300 East 88th Avenue
City, State, Zip:	Henderson, CO 80640
Area (acres or square feet):	2.450 (Faden Subdivision Block 1, Lot 1)
Tax Assessor Parcel Number	01721200002002
Existing Zoning:	C5
Existing Land Use:	Warehouse/Office
Proposed Land Use:	Automotive
Have you attende	d a Conceptual Review? YES X NO NO
If Yes, please list	PRE#: Resubmital, Multiple Staff Discussions
under the author pertinent requirem Fee is non-refund	at I am making this application as owner of the above described property or acting rity of the owner (attached authorization, if not owner). I am familiar with all nents, procedures, and fees of the County. I understand that the Application Review dable. All statements made on this form and additional application materials are my knowledge and belief.
Name:	Fred Orr Date: 1-31-23
Name:	Owner's Printed Name Owner's Signature



October 13, 2024

# RE: 6300 East 88<sup>th</sup> Avenue (East Parcel) 76 AND 88, LLC, USE 2023-00037 – Written Explanation and Administrative Relief from Landscaping

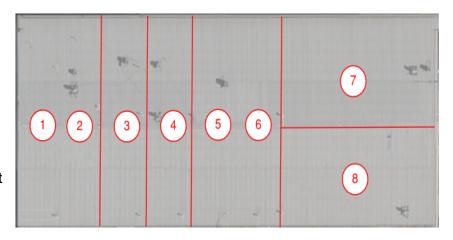
To whom it may concern,

The following supplements the Change in Use (CIU) application for the above listed project, this application was originally submitted in August of 2022. The CIU has been requested by the County. Additionally, the County has provided additional direction as outlined in letter RE "Request for Interpretations of One Principal Permitted Use", attached herein.

The application requests to revise the current "Warehouse/Office" use and redesignate to a new overall primary designation as "Automotive". The "Automotive" use will be comprised of repair, including top, body, upholstery repair, paint and tire re-treading shops, associated sales, resales, leasing and office uses. Listed uses are shown in both the commercial and industrial categories of the County's Use table. The multitenant building can be comprised of one or multiple businesses that associate with this primary automotive use. The overall existing zoning classification of C5 is not being changed.

The existing building tenant(s) are as follows:

- Unit 1 & 2 Westminster All Audi and VW - Auto repair
- Unit 3 Vacant
- Unit 4 Vacant
- Unit 5 Vacant
- Unit 6 Vacant
- Unit 7 (2 units) A+ Window Tint
   Automotive
- Unit 8 (2 units) Vacant



The 25,000 sf building was originally permitted and built in 1985 and has a total of 10 units. The units are typically occupied with three-to-five-year leases. Tennant storage is located on the south and east sides of the site. The site was originally permitted for parking, landscaping, access, drainage, lighting and the current conditions are being documented as part of this process with any changes noted.



Not all documents listed in the application checklist are needed or have been waived by staff for this process. Below is a list and explanation of documents.

- 1. Development Application Included.
- **2. Written Explanation –** Included, this document.
- 3. Site Plan Included as the plans. The site plan documents the current conditions on the site and no new elements are being proposed unless identified on the documents such as pavement markings. Access is provided at the north center of the site to 88<sup>th</sup> Avenue. No additional traffic is being generated with this CIU. Site circulation is through access/drive isles in front of the building to access drives/isles around the west, south and east sides of the building. Parking is located in the front of the building for employees and tenants and is in excess of the parking needed for this type of use. ADA spaces are provided. Partial screening by privacy fences for those areas that are visible to the public such as the southeast side of the building but the existing fence along the south with adjacent industrial uses is not being changed. The parking and rear storage areas are surfaced with asphalt, gravel or recycled asphalt. Drainage/water quality occurs within the perimeter swales and subsequent 88<sup>th</sup> right of way swale or to the drainage system on the southeast side of the site as originally permitted; see also drainage letter for additional detail.
- 4. Parking Plan Included and shown with site plan, see above outline.
- **5.** Landscape Plan Included. Landscaping occurs along the 88<sup>th</sup> frontage as shown on the plan, no additional landscaping is being proposed to maintain the parking/site areas as originally permitted. The screen fence along the west, south and part of the eastern perimeter of the site will provide a visual barrier to the interior. Additionally, see below for Administrative Relief from Landscaping Request.
- **6. Lighting Plan –** Included. Existing building lighting is as shown on the plans and illuminates the exterior of the building area and parking. See also administrative relief below.
- 7. **Proof of Water and Sewer –** No change in sewer or water is proposed as part of this CIU, existing service is through South Adams County Water and Sanitation District.
- **8. Architectural Plans –** Not included, building is not being revised, waived by staff.
- **9. Engineering/ROW –** Not included, waived by staff, see also note from Jen Rutter regarding no improvements to 88<sup>th</sup> Avenue.

Please feel free to contact me at 303-257-7653 or todd@terraformas.com with any questions or comments related to this document.

Todd A. Johnson, P.E, President

For and on behalf of:

Terra Forma Solutions, Inc.



# **Administrative Relief from Landscaping Request**

Jenni Hall Director of & Economic Development Adams County, Colorado

# RE: 6300 East 88th Avenue (East Parcel) 76 AND 88, LLC, USE 2023-00037 – Administrative Relief from Landscaping Request

Dear Ms Hall,

The site was originally permitted through the County in the early 80's and met the County's requirements at the time of permitting. The Change In Use(CIU) has been required by the County in order to more closely align with current Code Uses. The change is use very closely matches what was originally permitted and should not require the property to then adhere to all other current regulations. If implemented this would severely jeopardize the current operations and viability of the property.

Existing mature junipers along east 88th Avenue provide a natural landscape buffer along the street frontage. Along the east I-76 frontage road, there is a row of existing trees which are located on the property line providing a natural buffer.

We respectfully request that the current conditions related to landscaping be maintained and no additional onsite or right of way landscaping be added.

Best regards,

Tim Dunn A.S.L.A. R.L.A. Colorado Registered Landscape Architect License #400

## Approved or Denied

Jenni Hall Director of Community & Economic Development Adams County, Colorado



From: Jen Rutter < <u>JRutter@adcogov.org</u>>
Sent: Friday, August 9, 2024 10:06 AM
To: Todd Johnson < <u>Todd@terraformas.com</u>>

Cc: Chase Evans <a href="mailto:CEvans@adcogov.org">CEvans@adcogov.org</a>; Jenni R. Hall <a href="mailto:JRHall@adcogov.org">JRHall@adcogov.org</a>; Lucas Workman

<LWorkman@adcogov.org>

Subject: 6300 East 88th Avenue - Path to Compliance

Good afternoon.

Thank you for your patience as we worked through several code interpretations over the last five months. As I understand, there has been ongoing code enforcement for conditions on the property, but hopefully we can provide a path forward so that compliance can be achieved.

Please find attached two Director Determination memos that address the following:

- 1. Outdoor Storage and Merchandise for Sale in the Commercial-5 Zone District
- 2. The regulation of one principally permitted use per lot.

The last time we spoke in March of this year, we discussed the Change in Use applications that had been submitted and what site improvements may be required, as well as paths towards compliance with the County's regulations. Here are our recommended paths forward for each property:

### **West Property**

- Continue the application for the Change in Use to a Commercial Parking Lot.
- If there is a need for relief from the landscaping requirements, that can be processed through an administrative Relief from Landscaping request. Please see Section 4-19-15 for details on what that entails.
- East 88th Avenue may be maintained, and no additional improvements will be required at this time.

## **East Property**

- When the regulations are updated to allow the multi-tenant use, you should apply for a Change in Use and comply with the regulations at that time.
  - o The Salvage Yard use shall cease (see attached Director Determination)
- If there is a need for relief from the landscaping requirements, that can be processed through an administrative Relief from Landscaping request. Please see Section 4-19-15 for details on what that entails.
- East 88th Avenue may be maintained, and no additional improvements will be required at this time.

\*\*This information is based on the conversations we had earlier this year. It is my understanding that additional code violations have been issued since that time, which would require additional remedies that I have not listed.

Please let us know if you have any questions or if you would like to set up a meeting to discuss.

Thank you, Jen



Jen Rutter, AICP

Planning & Development Manager, *Community & Economic Development* ADAMS COUNTY, COLORADO 4430 South Adams County Parkway, 1st Floor, Suite W2000A Brighton, CO 80601

O: 720.523.6841 | <u>irutter@adcogov.org</u>

www.adcogov.org





4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6880 FAX 720.523.6967 EMAIL: epermitcenter@adcogov.org

To: CED & CSWB Staff

From: Jenni Hall, Director of Community and Economic Development

Date: July 25, 2024

Re: Request for Interpretation of One Principal Permitted Use

At a June 4, 2024, Study Session, the Board of County Commissioners directed Staff to prepare a Director Determination regarding contradictory regulations and the historically inconsistent application of regulations pertaining to more than one permitted use on a property. Per Adams County Development Standards & Regulations (DSR) Section 1-03-01 and 3-05-02, the Director of Community and Economic Development may interpret the text of the development regulations. The intent of this Director Determination is to provide interim policy guidance regarding regulations and code enforcement associated with one principal permitted use until the adoption of the new DSR, anticipated to be completed in late 2025.

### Discussion

Conflicting language exists in the DSR regarding properties with more than one principal permitted use. Only one principal use is permitted in most zone districts. However, an existing definition for Commercial/Industrial Complex (Section 11-02-114) validates the existence and regulation of multi-tenant properties. This definition for Commercial/Industrial Complex is not currently in the Use Chart (Section 3-07), and this discrepancy is likely a reflection of how the current DSR has been amended over time.

Multi-tenant properties are prolific throughout Adams County and elsewhere, with examples including strip malls and other commercial complexes. Furthermore, the County's 2022 Comprehensive Plan supports the concept of multi-tenant properties and the existence of more than one principal use per lot through a number of strategies that promote mixed use development, innovation, business development, access to services, and community health needs. Moreover, best practices in land use planning promote compact development to minimize environmental impacts.

The current process for the County to regulate and permit multi-tenant properties is through a Change-in-Use Permit (Section 4-02-01). However, recent code violations, land use applications and conceptual reviews for proposals for properties with more than one principal permitted use have prompted the need for policy direction in advance of a comprehensive update to the DSR to provide clarity for property owners, Staff, and the County.

### Applicable Code Provisions

Use Chart and Dimensional Requirements (Section 3-07)

BOARD OF COUNTY COMMISSIONERS



- Zone districts that permit only one principal use include (Section 3-08 through Section 3-27): A-1, A-2, A-3, R-E, R-1-C, R-1-A, R-2, R-3, R-4, C-O, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, Mobile Home Dwelling, and Mixed Use.
- Zones districts that permit more than one principal use (Section 3-28, Section 3-29, Section 3-30, Section 3-31, Section 3-35): Neighborhood Park District, Regional Park, Natural Areas, Transit-Oriented Development, and Aviation.
- Definition for Commercial/Industrial Complex (Section 11-02-114): A commercial and/or industrial multi-structure development or an establishment where multiple principle uses exist within a single commercial or industrial structure on one (1) lot.
- A change in use is required (Section 4-02-01): If the property consists of multiple buildings/tenants: The required amount of parking stalls is increased by twenty-five (25) percent or more; b. the gross floor area is increased by fifty (50) percent or more.

## Interpretation

The Director finds that congruent permitted uses that fall within the same use category in each respective agricultural, industrial, and commercial zone district may be considered as one principal permitted use (e.g. all commercial uses allowed within the C-5 zone district as a permitted use may be considered one principal permitted use on a C-5 zone property). Residential districts are exempt from this interpretation. This applies to both current developments with or without code violations and future proposals for more than one principal permitted use until further direction can be provided through the adoption of the new DSR in 2025. The Director finds that existing code violations pertaining to one principal permitted use may not be enforced, so long as they are consistent with the intent of the zone district and congruent with current principal permitted uses. Any other code violations including, but not limited to, outdoor storage, as well as health and safety, will continue to be enforced consistent with the regulations in the DSR.

When reviewing a change in use application for a new tenant at an existing multi-tenant property, Section 4-02-01 applies. When reviewing an application for a new proposal with more than one principal permitted use, parking for all uses must be accommodated on site and all use standards must be met per the DSR. Nothing in this interpretation shall be construed to limit changes to performance standards in the updated DSR.

# 6300 EAST 88TH AVENUE - EAST - USE 2023-00018

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO





# SHEET INDEX:

TS TITLE SHEET
SP SITE PLAN AND PARKING 3 LS LANDSCAPE PLAN 4 LP LIGHTING PLAN



# **PROJECT CONTACTS:**

# OWNER:

76 AND 88 LLC ATTN: FRED ORR 5040 ACOMA STREET **DENVER, CO 80216** 

# **CIVIL ENGINEER:** TERRA FORMA SOLUTIONS

ATTN: TODD JOHNSON, PE 303.257.7653 LANDSCAPE:

TIM DUNN LANDSCAPE ARCHITECTURE ATTN: TIM DUNN 720.350.2411

# **SURVEYOR:**

ENGINEERING SERVICE COMPANY 14190 EAST EVANS AVENUE AURORA, CO 80014 303.337.1393

# LIGHTING:

STUDIO LIGHTNING ATTN: JACOB BENNEFIELD, LC 63 SUNSET DR. **BAILEY, CO 80421** 303.242.1572

# **LEGAL DESCRIPTION:**

LOT 1, BLOCK 1, FADEN SUBDIVISION, COUNTY OF ADAMS, STATE OF COLORADO

THE NORTH 7 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, EXCEPT THAT PART LYING WITHIN THE HIGHWAY, SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

# **BENCHMARK:**

ADAMS COUNTY CONTROL MONUMENT NUMBER 0212 - 3 - 1/4" DIAMETER ALUMINUM CAP (STAMPED 95 0212 1995 2S67W S 20) ATOP AN ALUMINUM ROD LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF INTERSTATE HIGHWAY 76 AND EAST 88TH AVENUE. 0.05 MI SOUTHEAST OF THE CENTER LINE OF E. 88TH AVE, AND 39 FT SOUTHWEST OF THE CENTERLINE OF OLD 88TH AVE.

ELEVATION: 5103.29 FEET (NAVD 1988 DATUM).

# **BASIS OF BEARINGS:**

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN BEARING N89°57'30"W BOUND BY THE MONUMENTS SHOWN



<b>\</b>				
DATE				9/27/2024
REV. NO.   DESCRIPTION				REVISED PER COUNTY COMMENTS
REV. NO.				τ-

**AVENUE** 88TH

6300 E.

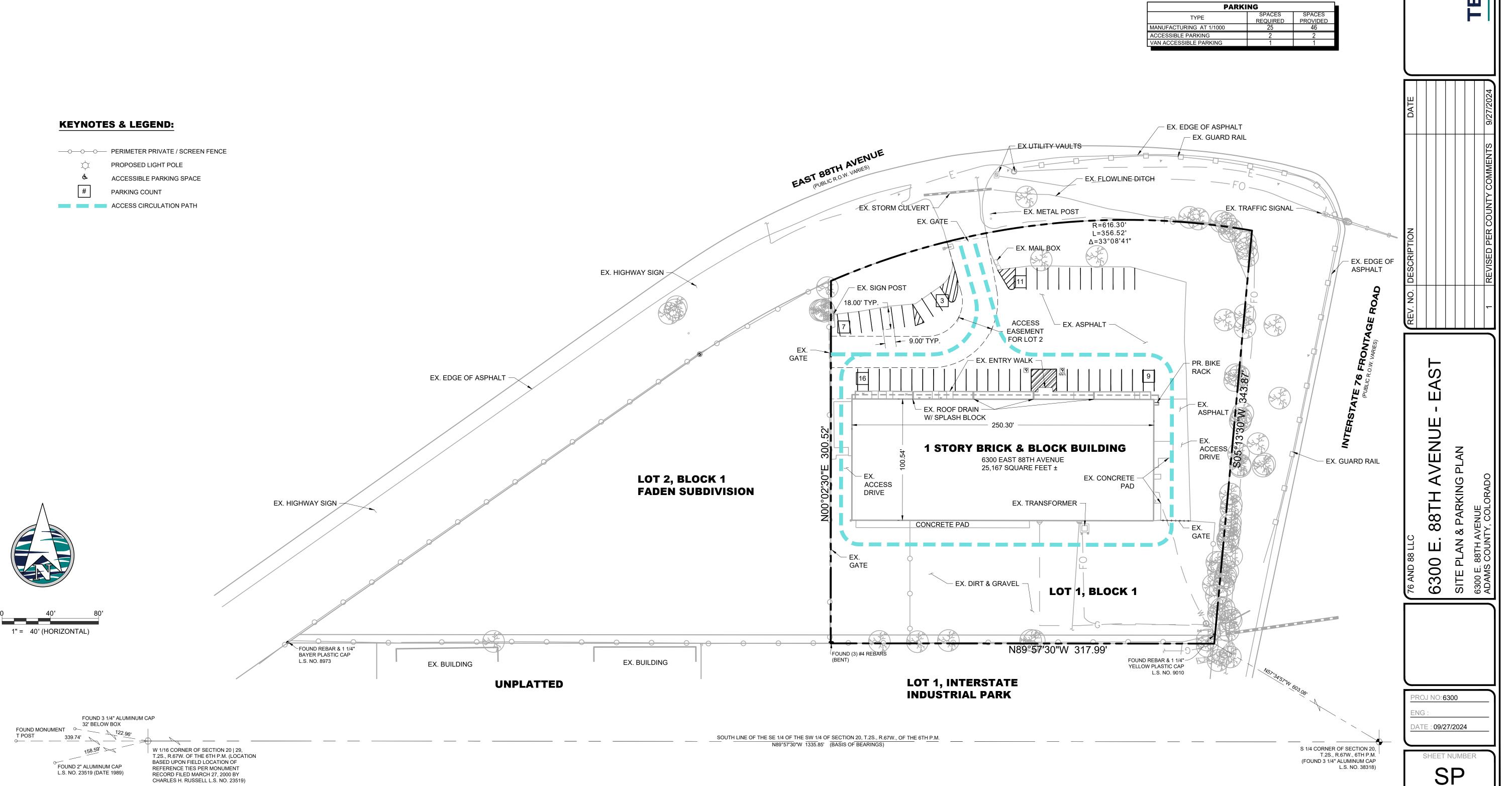
DATE: 09/27/2024

SHEET NUMBER

# 6300 EAST 88TH AVENUE - EAST - USE 2023-00018

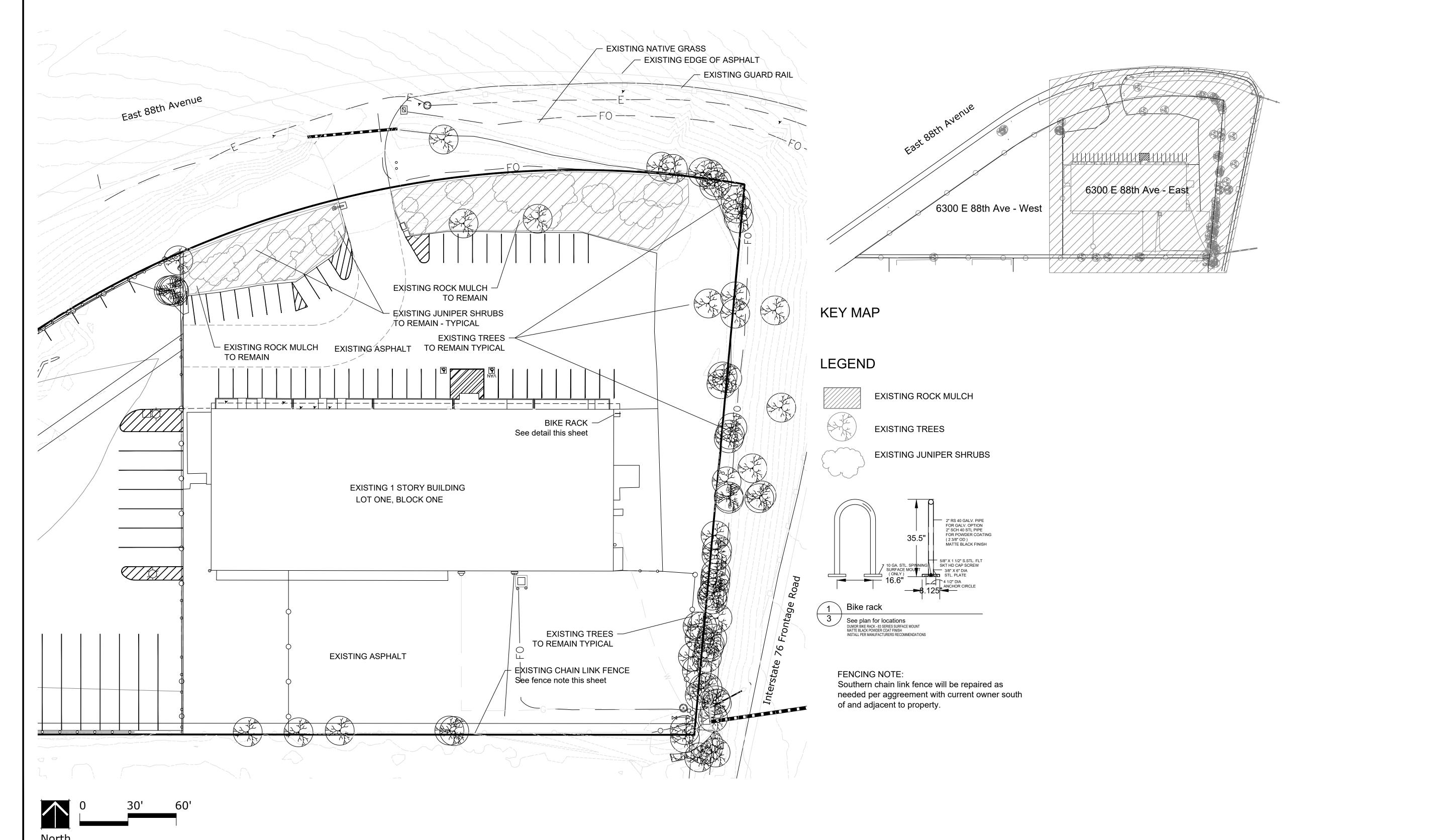
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO

PARKING								
TYPE	SPACES REQUIRED	SPACES PROVIDED						
MANUFACTURING AT 1/1000	25	46						
ACCESSIBLE PARKING	2	2						
VAN ACCESSIBLE PARKING	1	1						



# 6300 EAST 88TH AVENUE - EAST - USE 2023 - 00018

SITUATED IN THE SOUTHWEST CORNER OF SECTION 20 TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN COUNTY OF ADAMS, STATE OF COLORADO



TIM DUNN A.S.L.A. R.L.A.

TIM DUNN DESIGN LANDSCAPE ARCHITECTURE
tadunn1958@gmail.com 720-350-2411
www.timdunnlandscapearchitect.com

REV. NO. DESCRIPTION DATE
1 8/23/23
2 9/23/24

76 AND 88 LLC
6300 E. 88TH AVENUE - EAS
LANDSCAPE PLAN

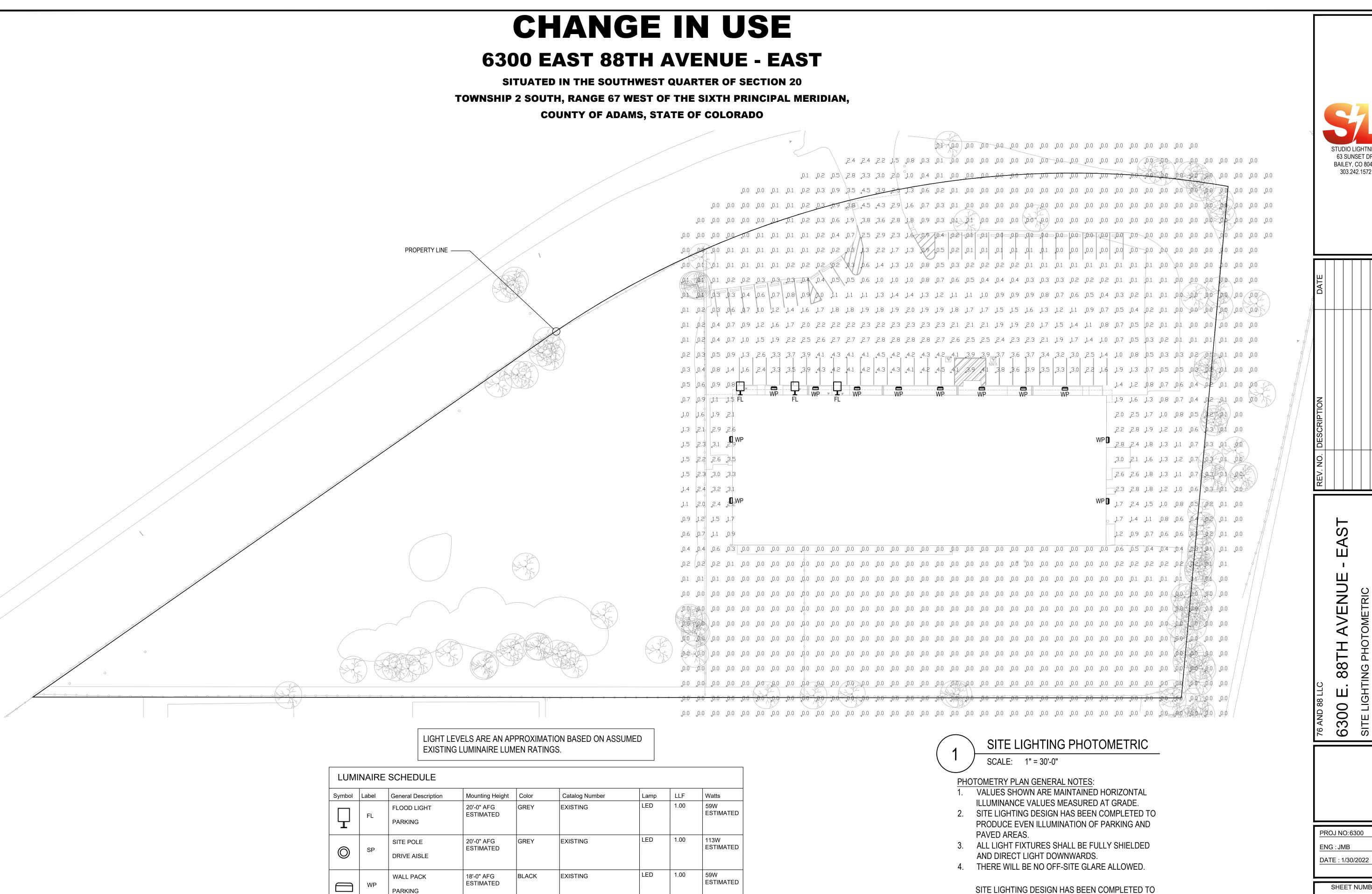
PROJ NO:

PROJ NO:

LA: TAD

DATE: 9/27/24

SHEET NUMBER



PARKING

STUDIO LIGHTNING 63 SUNSET DR. BAILEY, CO 80421 303.242.1572

DATE					
REV. NO. DESCRIPTION					

S

SITE LIGHTING F 6300 E. 88TH AVENUI ADAMS COUNTY, CO 88 6300

PROJ NO:6300

ENG: JMB

CONFORM TO ADAMS COUNTY EXTERIOR LIGHTING

STANDARDS

SHEET NUMBER

OF 4



September 7, 2023

Adams County Development Department 4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601

# **Drainage Conformance Letter**

**RE:** 6300 East 88<sup>th</sup>

**Lot 1 / Block 1 – Faden Subdivision – Drainage Conformance Letter** 

To Whom it may Concern,

The purpose of this letter is to illustrate how the proposed development activities on Lot 1 are in general conformance with Adams County – Storm Design and Stormwater Quality Regulations dated August 2017.

The current application proposes the addition of:

Additional parking striping on top of the existing asphalt to provide additional parking for the
existing building.

With the above addition the imperviousness and drainage patterns for the site remain unchanged.

### **GENERAL DRAINAGE PLAN**

The proposed drainage will remain the same:

- Runoff on the south side of the existing building will traverse across the existing dirt and
  gravel parking lot to the south east corner of the site and into the existing flowline swale along
  the east side of the site.
- Runoff on the east side of the existing building will traverse across the existing gravel access road and into the existing flowline swale that conveys the flow to the north east corner of the site.
- Runoff on the north side of the existing building will traverse across the existing asphalt and landscaping offsite into the existing roadside flowline swale of East 88<sup>th</sup> Avenue that conveys the flow west along the roadside swale.
- Runoff on the west side of the existing building will traverse across the existing asphalt offsite to Lot 2.



## **SUMMARY**

The imperviousness, runoff coefficients, drainage patterns, and runoff flows will remain the same as the existing site with no changes.

In summary, it is our opinion that the unmodified, imperviousness, runoff coefficients, drainage patterns, and runoff flows are in general conformance with Adams County. The existing storm infrastructure downstream from the site will not be negatively impacted by the proposed restriping of the existing asphalt.

Please feel free to contact me at 303-257-7653 or todd@terraformas.com with any questions or comments.



Todd A. Johnson, P.E, President For and on behalf of: **Terra Forma Solutions, Inc.** 



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720,523,6800

PHONE 720.523.6800 FAX 720.523.6967

# **Development Team Review Comments**

# **Comment Responses**

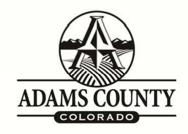
The following comments have been provided by reviewers of your land use application. At this time, a resubmittal of your application is required before this case is ready to be scheduled for public hearing.

To prepare your resubmittal, you will be expected to provide:

- A response to each comment with a description of the revisions and the page of the response on the site plan;
- Any revised plans or renderings; and
- A list identifying any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided electronically through e-mail or a flash drive delivered to the One-Stop Customer Service Center. The following items will be expected by our One-Stop Customer Service Center:

- One digital copy of all new materials
  - o All digital materials shall be in a single PDF document
  - o The single PDF document shall be bookmarked
  - o If a Subdivision Improvements Agreement, Legal Description, or Development Agreement is required, then an additional Microsoft Word version of these documents shall also be provided
  - o Electronic copies can be emailed to <a href="mailto:epermitcenter@adcogov.org">epermitcenter@adcogov.org</a> as a PDF attachment. If the files are too large to attach, the email should include an unlocked Microsoft OneDrive link. Alternatively, the resubmittal can be delivered to the One-Stop counter on a flash drive.



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

# Re-submittal Form

Case Name/ Number: USE2023-00018; Perf 88
Case Manager: Layla Bajelan
Re-submitted Items:
Development Plan/ Site Plan
Plat
Parking/ Landscape Plan
Engineering Documents
Subdivision Improvements Agreement (Microsoft Word version)
Other:
All re-submittals must have this cover sheet and a cover letter addressing review comments.
Please note the re-submittal review period is 21 days.
The cover letter must include the following information:
Restate each comment that requires a response  Provide a response help with a description of the revisions.
<ul> <li>Provide a response below the comment with a description of the revisions</li> <li>Identify any additional changes made to the original document</li> </ul>
For County Use Only:
Date Accepted:
Staff (accepting intake):
Resubmittal Active: Addressing, Building Safety, Neighborhood Services,
Engineering, Environmental, Parks, Planner, ROW, SIA - Finance, SIA - Attorney



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6880

FAX 720.523.6967
EMAIL: epermitcenter@adcogov.org

# **Development Review Team Comments**

**Date:** 10/3/2023

Project Number: USE2023-00018

Project Name: Perf 88

**Commenting Division:** Planner Review 2nd Review

Name of Reviewer: Layla Bajelan

**Date:** 10/03/2023

**Email:** 

### **Resubmittal Required**

PLN01: Applicant must apply for administrative relief from landscaping application for this request to be considered. It is not done through the change-in-use permit. Application packet can be found here: <a href="https://epermits.adcogov.org/submittal-checklists">https://epermits.adcogov.org/submittal-checklists</a>.

Additionally, the applicant should take a look at Section 4-19-15 of the Adams County Development Standards and Regulations. The application is to provide flexibility, when needed, and will not remove landscaping requirements completely. It is unlikely that no landscaping or mitigation measures will be required, due to the location of the site. Response: Landscaping plan has been provided to document the existing site conditions and an Administrative Relief has been requested.

PLN02: Bicycle parking is required. The request to reduce the number of spaces can be made within the relief from landscaping application. Response: No building is being proposed and no parking bike parking is required.

PLN03: ADA parking is required in accordance with Section 4-15-04-07. Please demonstrate compliance with this on the site plan. Response: No building is being proposed and no accessible parking is required.

PLN04: Please provide more information on the fencing proposed as the existing fencing appears to be in disrepair. The resubmittal notes that the fence is existing and is proposed to remain. Please provide pictures and details that demonstrate that the fence meets the regulations and is not in disrepair. Response: The southern neighbor's existing fencing is to remain along the southern property, a privacy fence along 88<sup>th</sup> Avenue has been detailed on the plans.

**Commenting Division:** ROW Review 2nd Review

Name of Reviewer: David Dittmer

**Date:** 09/27/2023

Email:

## **Complete**

ROW1: Per Engineering Review, the detention area and all related storm water facilities need to be dedicated to the county by separate documents. Legal descriptions and an illustration for each as Exhibits, one for access and one for drainage (A and B) labeled, each sheet wet stamped by a state licensed surveyor and provided to myself, and cc the engineer reviewing the EGR case.

Once these legal descriptions are received, I will provide draft easements for execution by the owner of the property. I will need a copy of a recorded Statement of Authority for the signatory for PERF 88, or a copy of the operating agreement to verify signatories ability to encumber the property. **Response:** Noted, once acceptance of the concepts the documents will be provided.

ROW2: It appears by the site plan there are proposed drainage facilities with the county ROW of E. 88th Ave at the outfall. If this is the case an encroachment agreement will be required with the county to install any facilities at this location. Response: Noted, once acceptance of the concepts the documents will be provided.

ROW3: Label all easements as it appears there are line weights provided on the site plan that indicate this (along south line) **Response: Updated.** 

**Commenting Division:** Development Engineering Review 2nd Review

Name of Reviewer: Laurie Clark

**Date:** 09/25/2023

**Email:** 

### **Resubmittal Required**

ENG9 (repeat comment): The proposed site improvements are required to go through an engineering review process. All Engineering Documents shall be reviewed through the Engineering Review Process which requires a separate application and is tracked through a separate case number. Do not upload engineering/civil site design documents to the BDP Case for review by a Development Services Engineer. All requested resubmittal items for the EGR case must be submitted via email to the One Stop Customer Center. Response: Noted.

**Commenting Division:** Application Intake 2nd Review

Name of Reviewer: Megan Ulibarri

**Date:** 09/14/2023

**Email:** 

Complete

BOARD OF COUNTY COMMISSIONERS

**Commenting Division:** Development Engineering Review

Name of Reviewer: Laurie Clark

**Date:** 05/30/2023

**Email:** 

### **Resubmittal Required**

ENG1: According to the Federal Emergency Management Agency's January 20, 2016 Flood Insurance Rate Map (FIRM Panel #08001C0606H), the project site is NOT located within a regulated 100-yr floodplain. A Floodplain Use Permit is NOT required. Response: Noted.

ENG2: Property IS in Adams County MS4 Stormwater Permit area. Proposed improvements appear to disturb more than one (1) acre of ground. A Stormwater Quality (SWQ) Permit WILL be required as long as (1) acre or more of ground is disturbed, and a State Permit COR400000 WILL be required as long as one (1) acre or more of ground is disturbed. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMPs. Builder/developer is responsible for adhering to all the regulations of Adams County Ordinance 11 regarding illicit discharge. Response: Noted.

ENG3: All proposed access to the site will require an Access Permit through Adams County. Response: Noted.

ENG4: If the applicant proposes to import greater than 10 CY of soil to this site, additional permitting is required. Per Section 4-04-02-02, of the Adams County Development Standards and Regulations, a Temporary or Special Use Permit is required to ensure that only clean, inert soil is imported into any site within un-incorporated Adams County. A Conditional Use Permit will be required if the importation exceeds 500,000 CY. Response: Noted.

ENG5: All improvements to the property must be done outside of Adams County Right-of-Way. Response: Noted.

ENG6: The applicant is proposing to install over 3,000 square feet of impervious area on the whole project site, therefore a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval. The County may grant administrative relief from the criteria if the increase in impervious area is less than 5% of the overall development and if the nature of the work applied for meets the intent of these standards and specifications. Such relief shall be based upon technical justification submitted with the drainage letter and grading plan. Drainage design shall have no adverse off-site impacts on neighboring properties or the public ROW. Response: Noted.

ENG7: The applicant is required to complete a trip generation analysis, signed and stamped by a professional engineer. If the vehicle trips per day exceed twenty, the applicant will be required to submit a traffic impact study and may be responsible for roadway improvements (i.e. curb, gutter and sidewalk). Response: As outlined in the narrative the CIU and traffic analysis, the site reduces traffic from past permitted uses. Additionally, as outlined by the County, no additional improvements to 88th Avenue will be required.

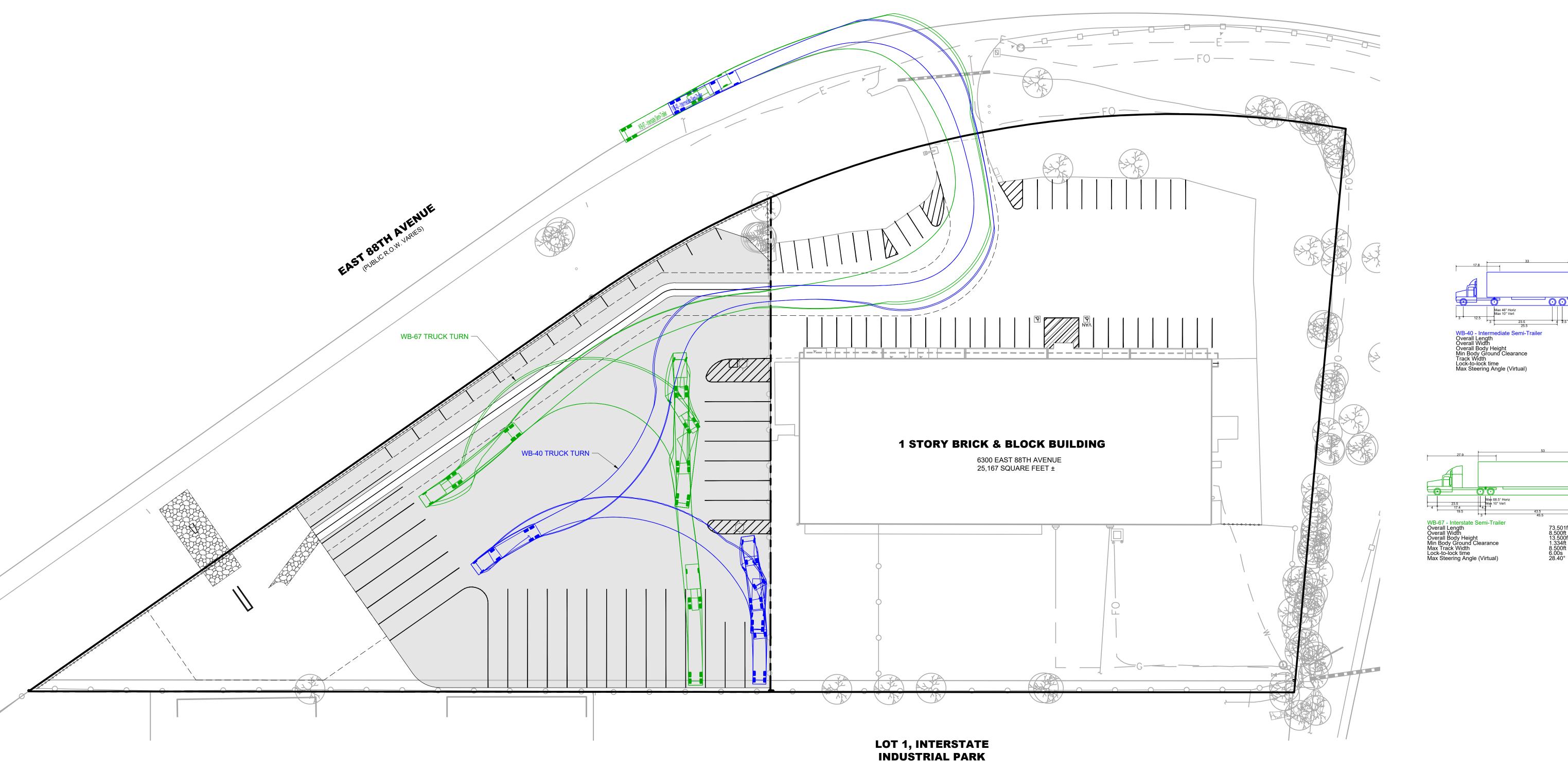
ENG8; The developer is required to construct roadway improvements adjacent to the proposed site. Roadway improvements will consist of curb, gutter and sidewalk adjacent to the site and, any roadway improvements as required by the approved traffic impact study. Response: As outlined in the narrative the CIU and traffic analysis, the site reduces traffic from past permitted uses. Additionally, as outlined by the County, no additional improvements to 88th Avenue will be required.

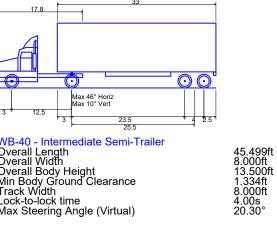
ENG9: The proposed site improvements are required to go through an engineering review process. All Engineering Documents shall be reviewed through the Engineering Review Process which requires a separate application and is tracked through a separate case number. Do not upload engineering/civil site design documents to the BDP Case for review by a Development Services Engineer. All requested resubmittal items for the EGR case must be submitted via email to the One Stop Customer Center. Response: Noted.

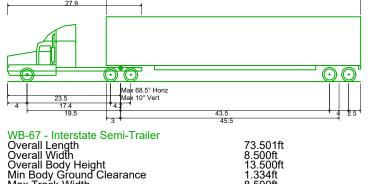
BOARD OF COUNTY COMMISSIONERS

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October 13, 2024

# RE: 6300 East 88<sup>th</sup> Avenue (West Parcel) PERF 88 LLC, USE 2023-00018 – Written Explanation and Administrative Relief from Landscaping

To whom it may concern,

The following supplements the Change in Use (CIU) application for the above listed project, this application was originally submitted in August of 2022. The CIU has been requested by the County. Additionally, the County has provided additional direction as outlined in letter RE "Request for Interpretations of One Principal Permitted Use", attached herein.

The application requests the removal of the current "Go Cart" use and redesignates to a new primary designation as "Parking Lot." The new use will allow the site to be utilized for temporary staging and security of vehicles by users. Staging and temporary parking of vehicles has grown rapidly with the increased demand of immediate goods and services and restrictions that master planned and mixed-use community restrictions impose. Staging of vehicles allows vehicles to be located in a sub region area of a greater metropolitan area to be quickly distributed to where the immediate demand is realized on an hourly, daily or weekly situation. Temporary parking allows small businesses such as landscapers, heating and colling, surveyors, mobile repair units and the like to park vehicles overnight, weekend and as needed in locations close to their homes or businesses due to restrictions for parking such vehicles in their neighborhoods.

The "Parking Lot" classifications was selected as it is the closest primary use that matches the above-described need and context of the site. The parking of vehicles will not allow inoperable vehicles, storage of materials or be allowed for more than 72 hours. The overall existing zoning classification of C5 is not being changed.

The CIU application also requests the following documents supplement the application and an explanation of those documents is provided to supplement the applicable documents. As noted in the application not all documents are needed or have been waived by staff for this process.

- 1. **Development Application –** Included.
- **2. Written Explanation –** Included, this document.
- 3. Site Plan Included as the plans. The site has been orientated with vehicle access from the northeast through the adjoining parcel a access easement will memorialize this agreement. Parking has been laid out to accommodate larger semi vehicles to smaller trucks/vans. A vehicle turning area in the middle accommodates the movements for the largest design vehicles to back into the stalls. The perimeter will be screened with a privacy fence along 88<sup>th</sup> Avenue with the existing southern fence, owned by the adjacent property owner being maintained. The fencing



located along the property lines will secure the property, similar to the current situation. The parking areas will be surfaced with gravel or recycled asphalt, no curb or gutter is proposed. Drainage will be directed to the western area to a new water quality and detention facility and released to the historic drainage path to a swale along 88<sup>th</sup> Avenue.

- **4. Parking Plan –** Included and shown with site plan, see above outline. No ADA spaces, bicycle racks have been provided due to the type of facility and no building.
- 5. Landscape Plan Included. Minimal, low or no water landscaping is only being proposed around the new water quality/detention facility. No additional landscaping is being proposed since the facility will be screened with a privacy fence to the public and a visual barrier to the interior. Additionally, no water is associated with the site to support daily irrigation, any landscaping around the pond will utilize a temporary watering with bags or water truck. See below for Administrative Relief from Landscaping Request.
- **6. Lighting Plan –** Included. Lighting has been limited to illuminating just the larger turning area in the middle of the site.
- 7. Proof of Water and Sewer No sewer or water is proposed as part of this CIU.
- 8. Architectural Plans Not included, no buildings are proposed with this CIU, waived by staff.
- **9. Engineering/ROW** After the initial review Engineering requested construction documents to support this application, they are now provided with the application. ROW is not included, no additional ROW is being requested, waived by staff, see also note from Jen Rutter regarding no improvements to 88<sup>th</sup> Avenue.
- **10. Traffic Analysis -** After the initial review Engineering requested a traffic analysis to support this application, it is now provided with the application and see note from Jen Rutter regarding no improvements to 88<sup>th</sup> Avenue.

Please feel free to contact me at 303-257-7653 or  $\underline{todd@terraformas.com}$  with any questions or

comments related to this document.

Todd A. Johnson, P.E. President

For and on behalf of:

Terra Forma Solutions, Inc.



# **Administrative Relief of the Landscaping Regulations**

Jenni Hall Director of & Economic Development Adams County, Colorado

RE: 6300 East 88th Avenue (West Parcel) 88<sup>th</sup> PERF, LLC, USE 2023-00018 – Administrative Relief of the Landscaping Regulations

Dear Ms Hall,

The site was originally permitted for as a "Go Cart" Use and met the County's requirements at the time of permitting. This Change In Use(CIU) being request is to change the use to "Parking Lot" as outlined in C5 zoning.

The oddly shaped lot limits any uses other than a parking lot and interior landscaping has been limited to non-paved areas around and in the detention and water quality. A solid wood privacy fence along 88<sup>th</sup> Avenue will provide sufficient screening from the passing public of any vehicles parked on the site and also provide security. The exterior screening should then negate the need for any interior buffer landscaping and make the site feasible for parking and maneuvering of larger semitrucks. A denial of this request would make it very difficult for the property to function or provide sufficient monetary income to justify the added improvements. Additionally, the perimeter landscaping along the 88<sup>th</sup> Right of Way is requested to be waived.

We respectfully request that the proposed plan for limited interior landscaping and removal of any landscaping within the right of way of 88<sup>th</sup> Avenue be accepted.

Best regards,

Tim Dunn A.S.L.A. R.L.A. Colorado Registered Landscape Architect License #400

## Approved or Denied

Jenni Hall
Director of Community & Economic Development
Adams County, Colorado



From: Jen Rutter < <u>JRutter@adcogov.org</u>>
Sent: Friday, August 9, 2024 10:06 AM
To: Todd Johnson < <u>Todd@terraformas.com</u>>

Cc: Chase Evans <a href="mailto:CEvans@adcogov.org">CEvans@adcogov.org</a>; Jenni R. Hall <a href="mailto:JRHall@adcogov.org">JRHall@adcogov.org</a>; Lucas Workman

<LWorkman@adcogov.org>

Subject: 6300 East 88th Avenue - Path to Compliance

Good afternoon.

Thank you for your patience as we worked through several code interpretations over the last five months. As I understand, there has been ongoing code enforcement for conditions on the property, but hopefully we can provide a path forward so that compliance can be achieved.

Please find attached two Director Determination memos that address the following:

- 1. Outdoor Storage and Merchandise for Sale in the Commercial-5 Zone District
- 2. The regulation of one principally permitted use per lot.

The last time we spoke in March of this year, we discussed the Change in Use applications that had been submitted and what site improvements may be required, as well as paths towards compliance with the County's regulations. Here are our recommended paths forward for each property:

### **West Property**

- Continue the application for the Change in Use to a Commercial Parking Lot.
- If there is a need for relief from the landscaping requirements, that can be processed through an administrative Relief from Landscaping request. Please see Section 4-19-15 for details on what that entails.
- East 88th Avenue may be maintained, and no additional improvements will be required at this time.

## **East Property**

- When the regulations are updated to allow the multi-tenant use, you should apply for a Change in Use and comply with the regulations at that time.
  - o The Salvage Yard use shall cease (see attached Director Determination)
- If there is a need for relief from the landscaping requirements, that can be processed through an administrative Relief from Landscaping request. Please see Section 4-19-15 for details on what that entails.
- East 88th Avenue may be maintained, and no additional improvements will be required at this time.

\*\*This information is based on the conversations we had earlier this year. It is my understanding that additional code violations have been issued since that time, which would require additional remedies that I have not listed.

Please let us know if you have any questions or if you would like to set up a meeting to discuss.

Thank you, Jen



Jen Rutter, AICP

Planning & Development Manager, *Community & Economic Development* ADAMS COUNTY, COLORADO 4430 South Adams County Parkway, 1st Floor, Suite W2000A Brighton, CO 80601

O: 720.523.6841 | <u>irutter@adcogov.org</u>

www.adcogov.org





4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6880 FAX 720.523.6967 EMAIL: epermitcenter@adcogov.org

To: CED & CSWB Staff

From: Jenni Hall, Director of Community and Economic Development

Date: July 25, 2024

Re: Request for Interpretation of One Principal Permitted Use

At a June 4, 2024, Study Session, the Board of County Commissioners directed Staff to prepare a Director Determination regarding contradictory regulations and the historically inconsistent application of regulations pertaining to more than one permitted use on a property. Per Adams County Development Standards & Regulations (DSR) Section 1-03-01 and 3-05-02, the Director of Community and Economic Development may interpret the text of the development regulations. The intent of this Director Determination is to provide interim policy guidance regarding regulations and code enforcement associated with one principal permitted use until the adoption of the new DSR, anticipated to be completed in late 2025.

### Discussion

Conflicting language exists in the DSR regarding properties with more than one principal permitted use. Only one principal use is permitted in most zone districts. However, an existing definition for Commercial/Industrial Complex (Section 11-02-114) validates the existence and regulation of multi-tenant properties. This definition for Commercial/Industrial Complex is not currently in the Use Chart (Section 3-07), and this discrepancy is likely a reflection of how the current DSR has been amended over time.

Multi-tenant properties are prolific throughout Adams County and elsewhere, with examples including strip malls and other commercial complexes. Furthermore, the County's 2022 Comprehensive Plan supports the concept of multi-tenant properties and the existence of more than one principal use per lot through a number of strategies that promote mixed use development, innovation, business development, access to services, and community health needs. Moreover, best practices in land use planning promote compact development to minimize environmental impacts.

The current process for the County to regulate and permit multi-tenant properties is through a Change-in-Use Permit (Section 4-02-01). However, recent code violations, land use applications and conceptual reviews for proposals for properties with more than one principal permitted use have prompted the need for policy direction in advance of a comprehensive update to the DSR to provide clarity for property owners, Staff, and the County.

### Applicable Code Provisions

Use Chart and Dimensional Requirements (Section 3-07)

" Tedesco Emma Pinter Steve O'Dorisio Lynn Baca



- Zone districts that permit only one principal use include (Section 3-08 through Section 3-27): A-1, A-2, A-3, R-E, R-1-C, R-1-A, R-2, R-3, R-4, C-O, C-1, C-2, C-3, C-4, C-5, I-1, I-2, I-3, Mobile Home Dwelling, and Mixed Use.
- Zones districts that permit more than one principal use (Section 3-28, Section 3-29, Section 3-30, Section 3-31, Section 3-35): Neighborhood Park District, Regional Park, Natural Areas, Transit-Oriented Development, and Aviation.
- Definition for Commercial/Industrial Complex (Section 11-02-114): A commercial and/or industrial multi-structure development or an establishment where multiple principle uses exist within a single commercial or industrial structure on one (1) lot.
- A change in use is required (Section 4-02-01): If the property consists of multiple buildings/tenants: The required amount of parking stalls is increased by twenty-five (25) percent or more; b. the gross floor area is increased by fifty (50) percent or more.

## Interpretation

The Director finds that congruent permitted uses that fall within the same use category in each respective agricultural, industrial, and commercial zone district may be considered as one principal permitted use (e.g. all commercial uses allowed within the C-5 zone district as a permitted use may be considered one principal permitted use on a C-5 zone property). Residential districts are exempt from this interpretation. This applies to both current developments with or without code violations and future proposals for more than one principal permitted use until further direction can be provided through the adoption of the new DSR in 2025. The Director finds that existing code violations pertaining to one principal permitted use may not be enforced, so long as they are consistent with the intent of the zone district and congruent with current principal permitted uses. Any other code violations including, but not limited to, outdoor storage, as well as health and safety, will continue to be enforced consistent with the regulations in the DSR.

When reviewing a change in use application for a new tenant at an existing multi-tenant property, Section 4-02-01 applies. When reviewing an application for a new proposal with more than one principal permitted use, parking for all uses must be accommodated on site and all use standards must be met per the DSR. Nothing in this interpretation shall be construed to limit changes to performance standards in the updated DSR.

# 6300 EAST 88TH AVENUE - WEST - USE 2023-00037

SITUATED IN THE SOUTHWEST QUARTER OF SECTION 20
TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO





# **SHEET INDEX:**

1 TS TITLE SHEET
2 SP SITE PLAN AND PARKING
3 LS LANDSCAPE PLAN
4 LP LIGHTING PLAN



# **PROJECT CONTACTS:**

# OWNER: 76 AND 88 LLC

720.350.2411

76 AND 88 LLC ATTN: FRED ORR 5040 ACOMA STREET DENVER, CO 80216

# CIVIL ENGINEER: TERRA FORMA SOLUTIONS

ATTN: TODD JOHNSON, PE

303.257.7653

LANDSCAPE:

TIM DUNN LANDSCAPE ARCHITECTURE
ATTN: TIM DUNN

# **SURVEYOR:**

ENGINEERING SERVICE COMPANY 14190 EAST EVANS AVENUE AURORA, CO 80014 303.337.1393

# **LIGHTING:**

STUDIO LIGHTNING ATTN: JACOB BENNEFIELD, LC 63 SUNSET DR. BAILEY, CO 80421 303.242.1572

# **LEGAL DESCRIPTION:**

LOT 2, BLOCK 1, FADEN SUBDIVISION, COUNTY OF ADAMS, STATE OF COLORADO

AND

THE NORTH 7 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, EXCEPT THAT PART LYING WITHIN THE HIGHWAY, SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

# **BENCHMARK:**

ADAMS COUNTY CONTROL MONUMENT NUMBER 0212 - 3 - 1/4" DIAMETER ALUMINUM CAP (STAMPED 95 0212 1995 2S67W S 20) ATOP AN ALUMINUM ROD LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF INTERSTATE HIGHWAY 76 AND EAST 88TH AVENUE. 0.05 MI SOUTHEAST OF THE CENTER LINE OF E. 88TH AVE, AND 39 FT SOUTHWEST OF THE CENTERLINE OF OLD 88TH AVE.

ELEVATION: 5103.29 FEET (NAVD 1988 DATUM).

# **BASIS OF BEARINGS:**

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW  $\frac{1}{4}$  SECTION 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN BEARING N89°57'30"W BOUND BY THE MONUMENTS SHOWN HEREON.



$\overline{}$				
DATE				10/1/2024
REV. NO.   DESCRIPTION				REVISED PER COUNTY COMMENTS
REV. NO.				_

88TH AVENUE - W

6300 E. 88T

PROJ NO:6300

DATE: 09/27/2024

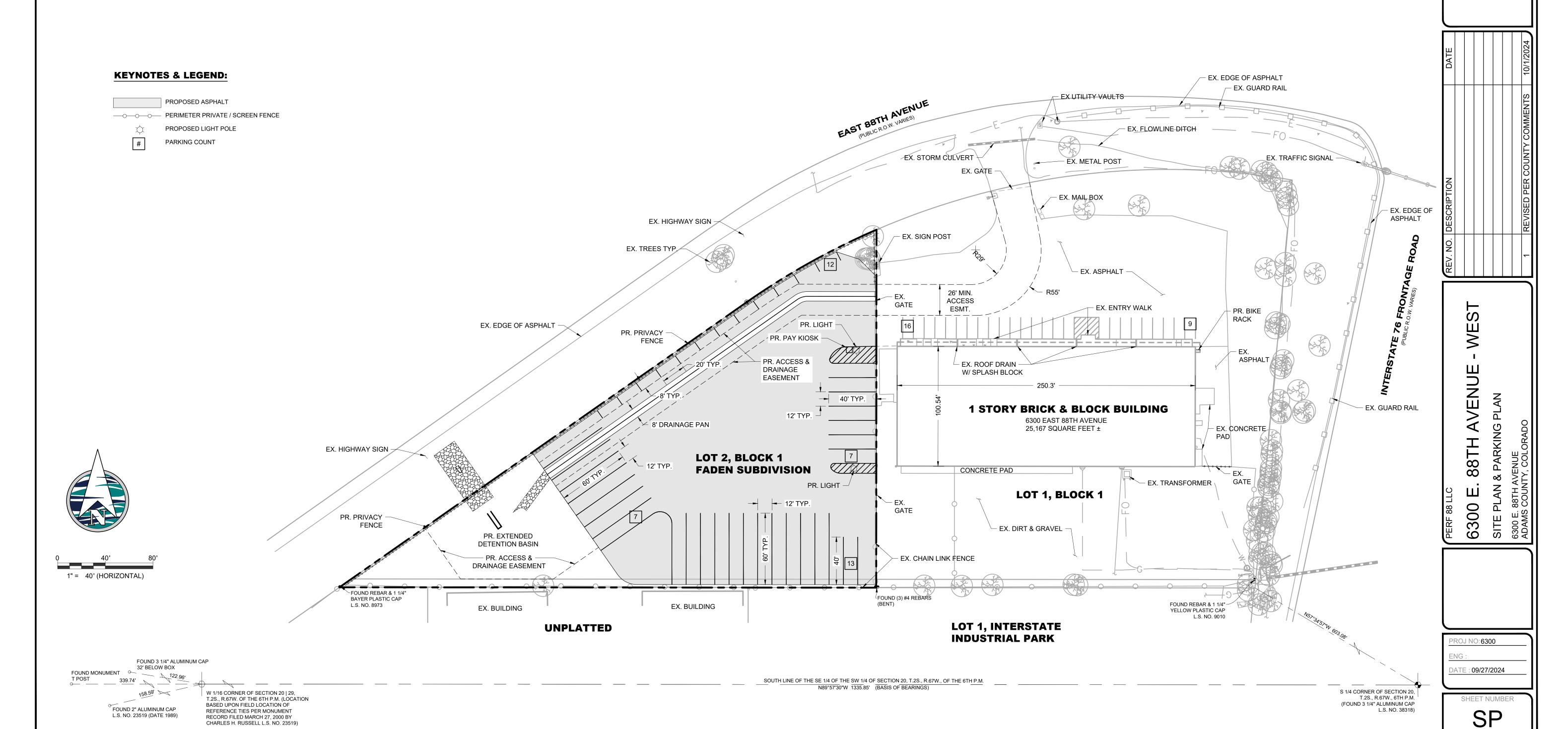
TS

1 OF 4

# 6300 EAST 88TH AVENUE - WEST - USE 2023-00037

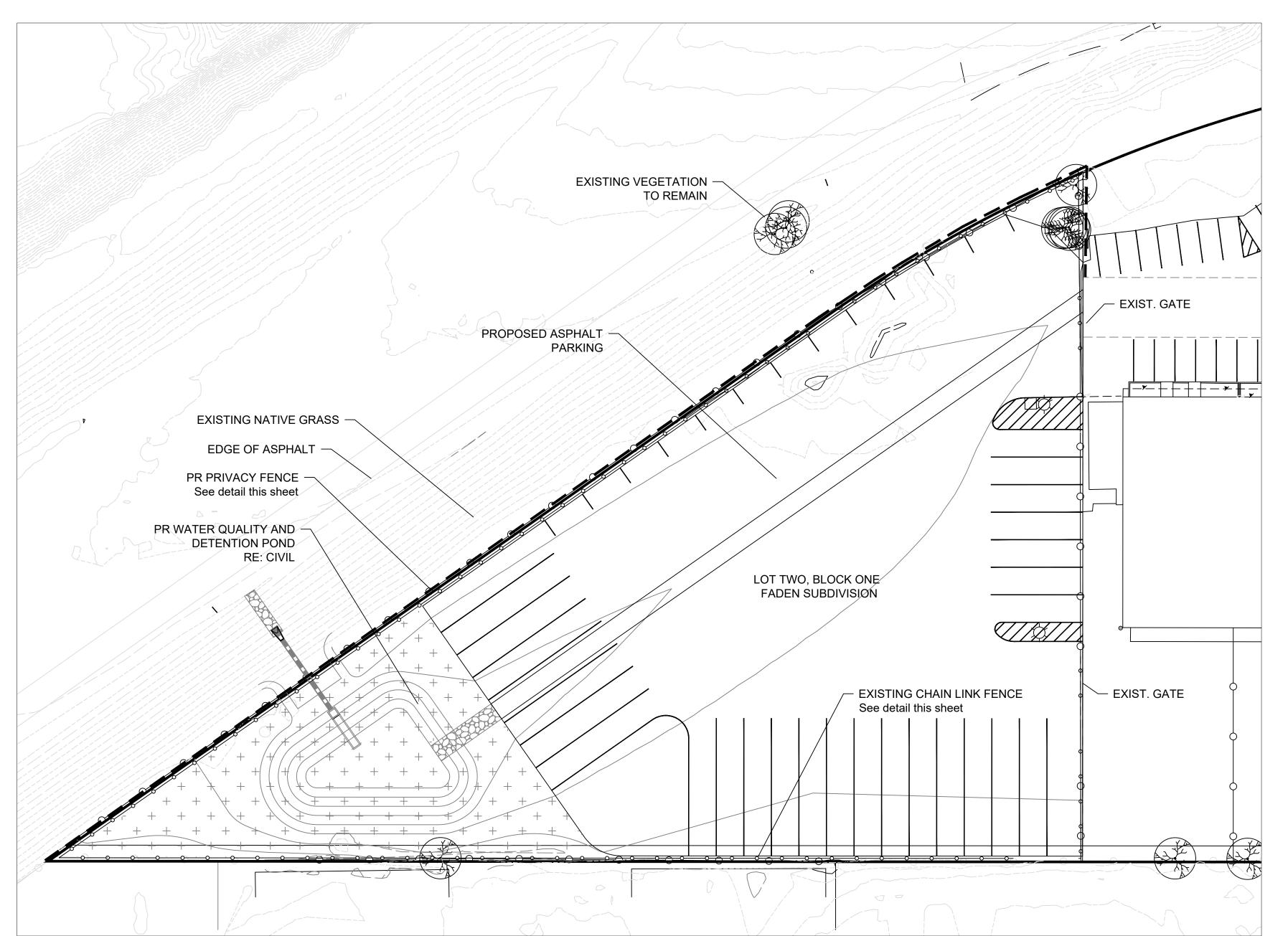
SITUATED IN THE SOUTHWEST QUARTER OF SECTION 20
TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF ADAMS, STATE OF COLORADO

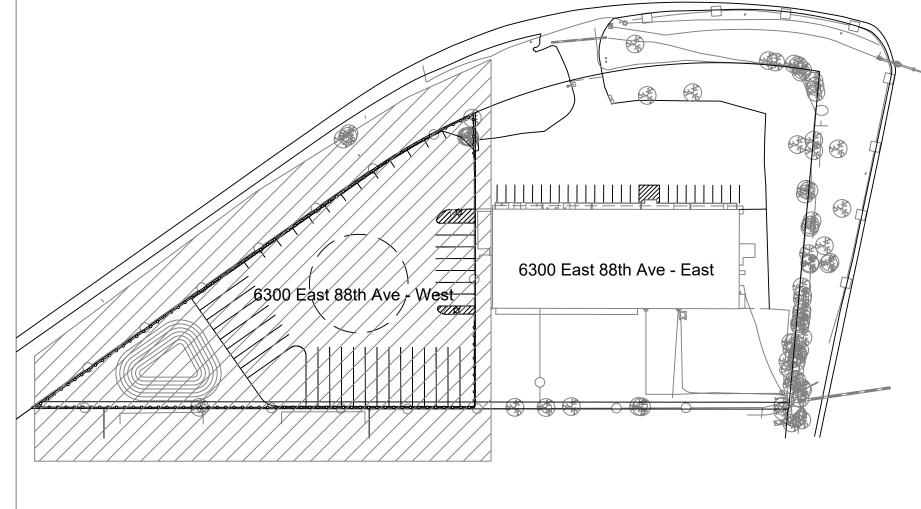




# 6300 EAST 88TH AVENUE - WEST - USE - 2023-00018

SITUATED IN THE SOUTHWEST CORNER OF SECTION 20
TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN
COUNTY OF ADAMS, STATE OF COLORADO





# **KEY MAP**

# LEGEND



NON-IRRIGATED SEED MIX

Pawnee Buttes Native Prairie Mix

Blue Grama, Buffalo Grass, Sideoats Grama, Western Wheatgrass,

Green Needlegrass, Sand Dropseed
Application rate of 20 lbs/ acre

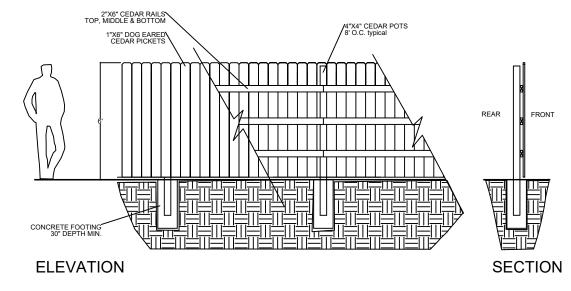


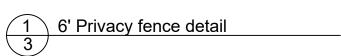
EXSTING VEGETATION

— — 6' PRIVACY FENCE

FENCING NOTE:

Southern chain link fence will be repaired as needed per aggreement with current owner south of and adjacenct to property.





 DESCRIPTION
 DATE

 8/25/23
 TIM DUNN A.S.

 9/23/24
 TIM DUNN DES

 tadunn1958@gr

 www.timdunnlan.

E. 88TH AVENUE - WEST

6300 E. 88TH LANDSCAPE PLAN

DEC LNO:

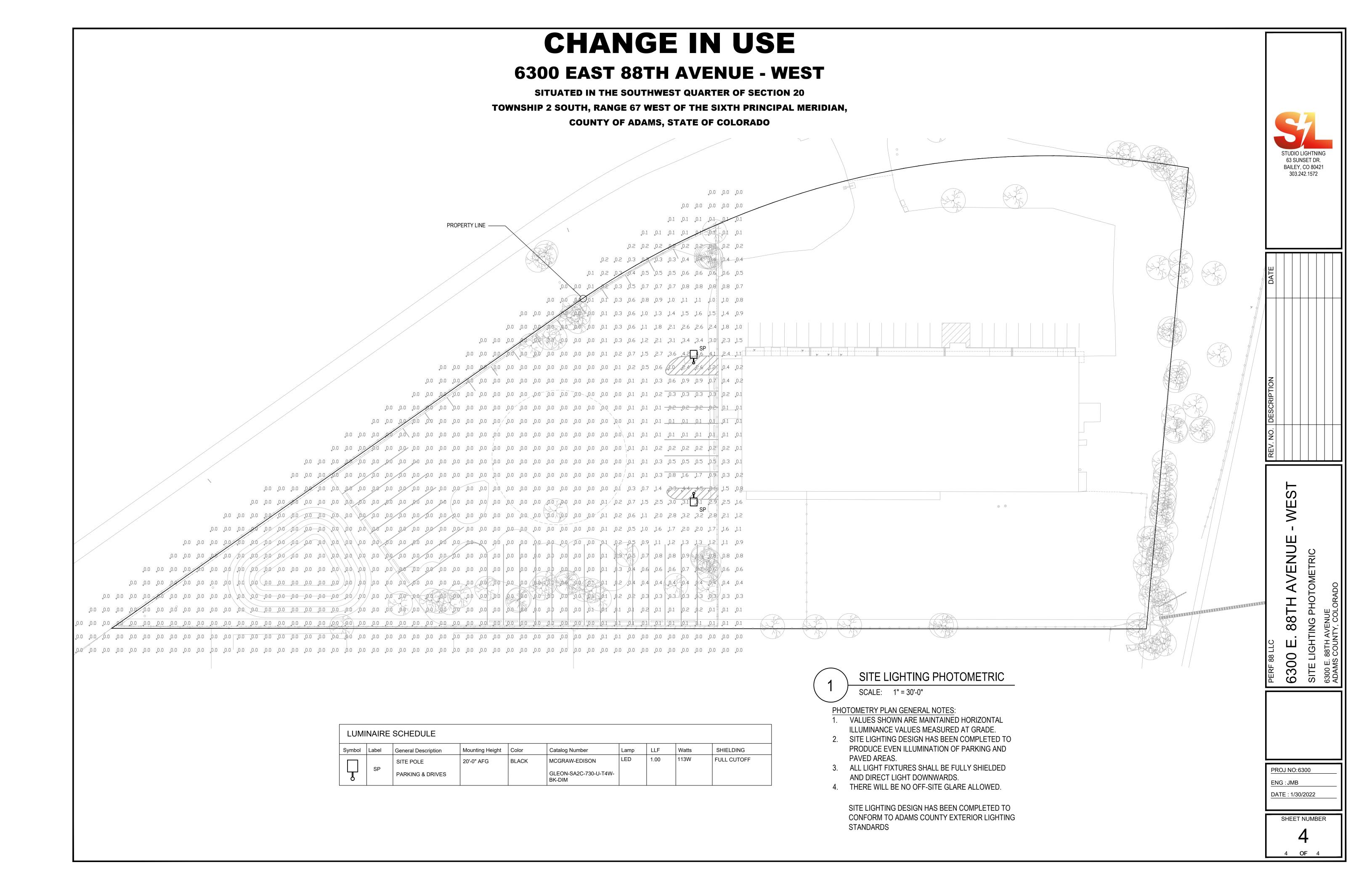
PROJ NO:

LA: TAD

DATE: 9/27/24

SHEET NUMBER

North Scale 1"=30'





August 6, 2023

# RE: 6300 East 88th Avenue (West Parcel) PERF 88, LLC - Traffic Impact Analysis

To Adams County,

Terra Forma Solutions, Inc, (TFS) is providing the following Preliminary Traffic Analysis for the subject project as part of the Change In Use (CIU) Application. The study is an overview analysis of the past and current conditions and potential impacts based upon general transportation criteria and standards.

### SITE/USES/OVERVIEW

The subject property is located just south and west of east 88<sup>th</sup> Avenue and Interstate 76, see exhibits to the right. The existing site full movement access from 88<sup>th</sup> Avenue is located approximately 400 feet west of the I-76 signalized frontage roads and approximately 500 feet west of the I-76 signalized ramps. The subject property (west) obtains its access through the eastern property that has the full movement access. This cross-access relationship will be maintained and no additional access to 88<sup>th</sup> Avenue is proposed with this application. 88<sup>th</sup> Avenue is a five-lane facility with two lanes in each direction and a painted center turn lane. The site has a painted left turn lane within the



median and any left turn westbound vehicles turning from the site could use the median as refuge if no immediate opening is allowed in the westbound direction. A painted shoulder also exists on the southside of 88<sup>th</sup> for additional eastbound right turning vehicles.





The site currently has a use as a "Go Cart" track with a proposed use as "Parking Lot". The previously permitted go cart track also accommodated a nine-hole miniature golf course, see exhibit below. The exact timing of the facility is not known but the below images are apparent from approximately 1993-2004.



The proposed use will allow the site to be utilized for temporary staging of commercial and larger vehicles by users. Staging and temporary parking of commercial vehicles has grown rapidly with the increased demand of immediate goods and services and the restrictions that master planned and mixed-use community restrictions impose. Staging of commercial vehicles allows vehicles to be located in a sub region area of a greater metropolitan area to be quickly distributed to where the immediate demand is realized on an hourly, daily or weekly situation. Temporary parking allows small businesses such as landscapers, heating and colling, surveyors, mobile repair units and the like to park vehicles overnight, weekend and as needed in locations close to their homes or businesses due to restrictions for parking such vehicles in their neighborhoods.

The "Parking Lot" classifications was selected as it is the closest primary use that matches the above-described need and context of the site. The parking of vehicles will not allow inoperable vehicles, storage of materials or be allowed for more than 72 hours.



### TRIP GENERATION

No specific ITE categories exist for either the existing use or the proposed use, however we have calculated similar uses for comparison as shown in the below summary. As outlined in the comparison the existing and proposed use are very similar in quantity. Existing uses were most likely off peak with nights and weekends and the proposed use is also projected to be slightly off peak by trips occurring early or late in the day for picking up and dropping off vehicles or throughout the day for vehicles being staged for distribution.

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6300 East 88th Avenue - Trip G	enera	ation	/Con	nparis	on								
Existing													
llee	ITE	Acres	Unit	Doto	ADT	AM In	AM	AM Out	AM	PM In	PM	PM Out	PM
Use	Code	Acres	Unit	Rate	ADI	Rate	ADT	Rate	ADT	Rate	ADT	Rate	ADT
Miniature Golf Course (Holes)	431	1.520	72	0.00	0	0.00	0	0.00	0	0.11	8	0.22	16
Water Slide Park (Acres/Saturday)	482	1.520	1.52	150.33	229	0.00	0	0.00	0	13.29	20	9.63	15
Water Slide Park (Parking Spaces)	482	1.520	39	2.27	89	0.06	2	0.02	1	0.06	2	0.22	9
Recreational Community Center (GFA)	495	1.520	15	28.82	432	1.16	17	0.60	9	1.09	16	1.22	18
Recreational Community Center (Employees)	495	1.520	3.9	27.25	106	1.34	5	0.66	3	1.17	5	1.49	6
Total/Average					214		8		4		10		13
Proposed													
Use	ITE	Acres	Unit	Rate	ADT	AM In	AM	AM Out	AM	PM In	PM	PM Out	PM
ose	se Code Acres Unit	Unit	Rate	ADI	Rate	ADT	Rate	ADT	Rate	ADT	Rate	ADT	
Intermodal Truck Terminal (Spaces)	30	1.520	39	0.00	0	0.32	12	0.34	13	0.37	14	0.35	14
Specialty Trade Contractor (Employees)	180	1.520	31.2	3.71	116	0.44	14	0.16	5	0.23	7	0.49	15
Total/Average					116		13		9		11		15

Based on the findings contained herein, it is my professional opinion that the development of project does not change the access conditions or function within the existing transportation network and should not have a significant impact to the transportation systems. Please feel free to contact me at 303-257-7653 or todd@terraformas.com with any questions or comments related to this document.



Todd A. Johnson, P.E, President For and on behalf of:

Terra Forma Solutions, Inc.



# **Customer Distribution**



**Prevent fraud** - Please call a member of our closing team for wire transfer instructions or to initiate a wire transfer. Note that our wiring instructions will never change.

Order Number: RND70867390 Date: 04/28/2025

Property Address: 6300 E 88TH AVE, HENDERSON, CO 80640

For Closing Assistance

For Title Assistance

MARY CLARKE-GENTRY 5975 GREENWOOD PLAZA BLVD GREENWOOD VILLAGE, CO 80111 (303) 850-4198 (Work) mclarke@ltgc.com

RE1313 Attention: BRITTANY NEWMAN 5040 ACOMA ST DENVER, CO 80216 (303) 295-1313 (Work) brittany@re1313.com Delivered via: Electronic Mail



# **Estimate of Title Fees**

**Order Number:** RND70867390 **Date:** 04/28/2025

Property Address: 6300 E 88TH AVE, HENDERSON, CO 80640

Seller(s): 76 & 88, LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCEL A; AND PERF 88 LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCELS B AND C

Buyer(s): A BUYER TO BE DETERMINED

Thank you for putting your trust in Land Title. Below is the estimate of title fees for the transaction. The final fees will be collected at closing. Visit <a href="https://linear.nih.google.com">ltgc.com</a> to learn more about Land Title.

Estimate of Title Insurance Fees						
"TBD" Commitment	\$436.00					
TOTAL	\$436.00					

**Note:** The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the documents on your property.

## **Chain of Title Documents:**

Adams county recorded 01/05/2007 under reception no. 2007000002787

Adams county recorded 02/13/2019 under reception no. 2019000010713

### Plat Map(s):

Adams county recorded 02/07/1967 under reception no. 803857

#### ALTA COMMITMENT

# Old Republic National Title Insurance Company Schedule A

Order Number: RND70867390

### **Property Address:**

6300 E 88TH AVE, HENDERSON, CO 80640

1. Effective Date:

04/22/2025 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment \$0.00

Proposed Insured:

A BUYER TO BE DETERMINED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

**FEE SIMPLE** 

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

76 & 88, LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCEL A; AND

PERF 88 LLC, A COLORADO LIMITED LIABILITY COMPANY, AS TO PARCELS B AND C

5. The Land referred to in this Commitment is described as follows:

PARCEL A:

LOT 1, BLOCK 1, FADEN SUBDIVISION, COUNTY OF ADAMS, STATE OF COLORADO.

PARCEL B:

LOT 2, BLOCK 1, FADEN SUBDIVISION, COUNTY OF ADAMS, STATE OF COLORADO.

PARCEL C:

THE NORTH 7 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, EXCEPT THAT PART LYING WITHIN THE HIGHWAY, SECTION. 20, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

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### **ALTA COMMITMENT**

# Old Republic National Title Insurance Company Schedule B, Part I (Requirements)

Order Number: RND70867390

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

### **ALTA COMMITMENT**

# Old Republic National Title Insurance Company Schedule B, Part II

(Exceptions)

Order Number: RND70867390

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the
  public records or attaching subsequent to the effective date hereof but prior to the date of the proposed
  insured acquires of record for value the estate or interest or mortgage thereon covered by this
  Commitment.
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
- 8. EXISTING LEASES AND TENANCIES, IF ANY.
- 9. LACK OF ACCESS TO AND FROM PUBLIC ROAD, HIGHWAY, OR STREET. (AFFECTS PARCEL B AND C)
- 10. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF FADEN SUBDIVISION RECORDED FEBRUARY 07, 1967 UNDER RECEPTION NO. 803857.
- 11. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO, FOR UTILITIES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED JANUARY 06, 1984, IN BOOK 2827 AT PAGE 377.
- 12. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED NOVEMBER 21, 1984 IN BOOK 2939 AT PAGE 473.
- 13. TERMS, CONDITIONS AND PROVISIONS OF ZONING HEARING DECISION CASE #87-86-Z RECORDED DECEMBER 24, 1986 UNDER RECEPTION NO. 705283.
- 14. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION RECORDED NOVEMBER 03, 1987 UNDER RECEPTION NO. 779400.



# Land Title Guarantee Company Disclosure Statements

### Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

**Note:** Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

**Note:** Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

**Note:** Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

**Note:** Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Note:** Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.

**Note:** Pursuant to CRS 24-21-514.5, Colorado notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.



# Joint Notice of Privacy Policy of Land Title Guarantee Company Land Title Insurance Corporation and Old Republic National Title Insurancy Company

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
- your transactions with, or from the services being performed by us, our affiliates, or others;
- a consumer reporting agency, if such information is provided to us in connection with your transaction;

and

• The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the
  course of our business, but only to the extent necessary for these providers to perform their services and to
  provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration

Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



# **Commitment For Title Insurance** Issued by Old Republic National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

#### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I-Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

#### **COMMITMENT CONDITIONS**

#### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this
- (g)"Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.
- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
  - (a)the Notice:
  - (b)the Commitment to Issue Policy;
  - (c) the Commitment Conditions:
  - (d)Schedule A:
  - (e)Schedule B, Part I—Requirements; and
  - (f) Schedule B, Part II—Exceptions; and
  - (g)a counter-signature by the Company or its issuing agent that may be in electronic form.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - comply with the Schedule B, Part I-Requirements;
  - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d)The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g)In any event, the Company's liability is limited by the terms and provisions of the Policy.

### 6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a)Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.

- (d)The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

#### 7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

#### 8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

#### 9 ARRITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by: Land Title Guarantee Company 3033 East First Avenue Suite 600 Denver, Colorado 80206 303-321-1880

Craig B. Rants, Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY A Stock Company

1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607 (612) 371-1111 www.oldrepublictitle.com

By CMONICO Pr

President

Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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## South Adams County Water & Sanitation District

6595 E 70th Avenue Commerce City CO 80022

303.288.2646

www.sacwsd.org

## Water and Wastewater Account Information

Account Number:

503019.01

Service Address:

6300 E 88TH AVE

Service Period

09/28/2022 to 10/27/2022

Billing Date: Due Date:

10/27/2022 11/16/2022

Water Meter Reading: \*Use measured in 1,000 gallon increments

Previous

Reading

Date

Reading

1364

Current

Domestic

2-43-9

Date 09/19/2022

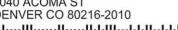
1,353

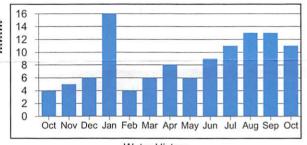
10/19/2022

\*Usage 11

76 & 88 LLC C/O STANDARD GROUP LLC 5040 ACOMA ST DENVER CO 80216-2010

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Water History

### Special Message

Dedicated to Providing Affordable and Sustainable Water Resources

## **Current Water and Sewer Charges**

Water Commercial 1 Inch Base Water Usage Calculation:

Level 1: 7 @ 0 = \$.00

Total Water Usage Charges: Sewer Commerical 1 Inch

26.60 85.69

46.55

### **Current Bill Summary**

Previous Bill Amount: Payments: Adjustments:

193.79CR .00

193.79

**Current Charges** 

**AMOUNT DUE** 

\$

Amount Enclosed

Water Water Service Fee Sewer Centralized Water Softening Fee

26.60 46.55 85.69

**TOTAL AMOUNT DUE** 

Amount Automatically withdrawn on 11/16/2022

21.65

180.49

180.49

Payment Coupon

Account Number:

503019.01

Service Address: Service Period

6300 E 88TH AVE 09/28/2022 to

Billing Date:

10/27/2022 10/27/2022

Due Date:

11/16/2022

Please return this portion along with your payment. Please make check payable to:

> South Adams County Water & Sanitation District **Payment Processing** PO Box 494 Pleasant Grove, UT 84062

76 & 88 LLC C/O STANDARD GROUP LLC 5040 ACOMA ST DENVER CO 80216-2010

05030190100000180497

2-43-9

# Billing and Payment Information South Adams County Water & Sanitation District Customer Service - 303.288.2646 www.sacwsd.org

## Payments:

- Payments may be made online at www.sacwsd.org. The "Bill Pay" link appears in the left column on our Home Page.
  Credit and debit card payments are accepted for online payment.
- Phone payments are also accepted using a credit card, debit card, or check. Please call the District's main phone number at 303.288.2646. Have your utility account number and your credit/debit card number available.
- Utility payments may be mailed using the enclosed envelope. Please be sure to use the appropriate postage.
- For your convenience, there is a payment drop box located to the left of the main entrance at the District's Administrative office located at 6595 E. 70th Ave.
- In person payments may be made at 6595 E. 70th Ave during the normal business hours of: Monday-Thursday 8:00 am to 5:00 pm; Friday 7:00 am to 4:00 pm.

## Late Payments:

- Payments for current water bills are due 20 days after the "Billing Date" that appears on your statement.
- If the previous amount due has not been received after the 10 days, the account will be assessed a "Late Fee" of \$10.00.

## Failure to Pay/Shut-Off:

- If a failure to pay fee has been applied, and/or water has been disconnected, you will need to pay the ENTIRE balance including the failure to pay fee on the account before water will be restored.
- Once payment has been made in full, please contact the office during normal business hours to have water restored.

### Returned Checks:

- If the District received a returned check from the bank for insufficient funds (NSF), stopped payment or account closed, a \$20.00 NSF fee and a \$30.00 NSF trip charge are assessed to the account and water service will be disconnected at the property.
- To restore service, the entire amount of the returned check must be paid including the NSF fee and the NSF trip charge. Payments must be made with cash, money order or credit card.



### Adding County Treasurer & Lubiic Trustee

# **RECEIPT OF PAYMENT (Tax, Fees, Costs, Interests,**

# Penalties)

Account	Parcel Number	Receipt Date	Receipt Number
R0076939	0172120002003	Apr 3, 2021	2021-04-03-WEB-16502

PERF 88 LLC 5040 ACOMA ST DENVER, CO 80216-2010

Situs Address **Payor** 6300 E 88TH AVE fred orr **Legal Description** SUB:FADEN SUBD BLK:1 LOT:2 DESC: UND 1/2 INT IN

Property Code	Actual	Assessed	Year	Area	Mill Levy
VACANT COMMERCIAL LD - 0200	49,985	14,500	2020	212	85.561

Payments Received

Credit card \$1,240.64

Paymen	ts Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance	
2020	Tax Charge	\$1,240.64	\$0.00	\$1,240.64	\$0.00	
				\$1,240.64	\$0.00	
Balance Due as of Apr 3, 2021						

WE ARE EXPANDING TO SERVE YOU BETTER! WATCH FOR NEW LOCATIONS ON OUR WEBSITE!

4430 S ADAMS COUNTY PKWY C2436

BRIGHTON CO 80601

[Stay Safe! Please use website services www.adcotax.com]

Email: treasurer@adcogov.org Telephone: 720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!



### Adding County Treasurer & Lubile Trustee

# **RECEIPT OF PAYMENT (Tax, Fees, Costs, Interests,**

**Penalties)** 

Account	Parcel Number	Receipt Date	Receipt Number
R0076940	0172120002004	Apr 3, 2021	2021-04-03-WEB-16503

PERF 88 LLC 5040 ACOMA ST DENVER, CO 80216-2010

Situs AddressPayor6300 E 88TH AVEfred orr

**Legal Description** 

SUB:FADEN SUBD BLK:1 LOT:2 DESC: UND 1/2 INT IN

Property Code	Actual	Assessed	Year	Area	Mill Levy
VACANT COMMERCIAL LD - 0200	158,284	45,900	2020	212	85.561

Payments Received

Credit card \$3,927.24

Paymen	its Applied				
Year	Charges	Billed	Prior Payments	New Payments	Balance
2020	Tax Charge	\$3,927.24	\$0.00	\$3,927.24	\$0.00
				\$3,927.24	\$0.00
Balance Due as of Apr 3, 2021					\$0.00

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Situs Address

# ADAMS COUNTY COLORADO TREASURER'S OFFICE RECEIPT OF PAYMENT

 Account
 Parcel Number
 Receipt Date
 Receipt Number

 R0076938
 0172120002002
 Apr 21, 2025
 2025-04-21-WEB-22086

76 AND 88 LLC 5040 ACOMA STREET DENVER, CO 80216

6300 E 8	88TH AVE	Fred J Orr						
Legal De	escription							
SUB:FA	DEN SUBD BLK:1 LOT:1							
Property	Code		Actual	Assessed	Year	Area	Mill Levy	
COMM	LND WHSE/STORAG - 2135		747,054	206,350	2024	217	98.152	
WAREH	IOUSE/STG - 2235		2,261,246	624,600	2024	217	98.152	
Payment	s Received							
Credit card				\$81,559.40				
Payment	s Applied							
Year	Charges	Billed	Prio	or Payments	New Paym	ents	Balance	
2024	Tax Charge	\$81,559.40		\$0.00	\$81,55	9.40	\$0.00	

Balance Due as of Apr 21, 2025

**Payor** 

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EMAIL: treasurer@adcogov.org | PHONE: 720.523.6160 | WEBSITE: www.adcotax.com

\$0.00

\$0.00

\$81,559.40