Community & Economic Development Department

adcogov.org



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

phone 720.523.6800

EMAIL epermitcenter@adcogov.org

# **Request for Comments**

Case Name: House of Pots Comprehensive Plan Amendment

Case Number: PLN2023-00010

February 23, 2024

The Adams County Planning Commission is requesting comments on the following application: Comprehensive Plan Amendment to change the future land use designation on the property from Residential Medium to a designation consistent with the existing Commercial-2 zone district. This request is located at 1620 W 74th Way. The Assessor's Parcel Number is 0171933305013.

Applicant Information: Ian Bramlett, House of Pots

1620 W 74th Way Denver CO 80221

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 03/21/2024 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 EGleason@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.

Thank you for your review of this case.

Ella Gleason Senior Long Range Planner

Community & Economic Development Department





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

## COMPREHENSIVE PLAN AMENDMENT

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.

All applications 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 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. Once a complete application has been received, fees will be invoiced and payable online at https://permits.adcogov.org/CitizenAccess/.

- 1. Development Application Form (pg. 3)
- 2. Application Fees (see table) (Due upon application acceptance. Invoice: ibram001@gmail.com)
- 3. Written Explanation of the Proposed Amendment, including:
  - Proposed Text Changes
  - Proposed Map Changes (Map included; no changes proposed to zoning or map)
- 4. Site Plan Showing Proposed Development (No development proposed)
- 5. Regional Traffic Study (No rezoning or development proposed)
- 6. Neighborhood Meeting Summary (Per section 2-01-02 of Adams County Development Standards and Regulations, it is uncertain if this step is applicable given
- 7. Legal Description the lack of development. A Director will determine.)
- 8. Certificate of Taxes Paid
- 9. Certificate of Notice to Mineral Estate Owners/and Lessees(pg. 5) (Not applicable)
- 10. Certificate of Surface Development (pg. 6) (No development proposed)

Application Fees	Amount	Due
Comprehensive Plan	\$1,500	After complete application
Amendment		received
Tri-County Health	\$150 (TCHD Level 1)	After complete application received

Community & Economic Development Department www.adcogov.org



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

## Application Type:

	eptual Review	Preliminary PUD	Tempor	ary Use		
Subd	livision, Preliminary	Final PUD	Varianc	e		
Subd	livision, Final	Rezone	Conditio	onal Use		
Plat 0	Correction/ Vacation	Special Use	Other:			
				Oversight		
PROJECT NAME	:					
APPLICANT						
Name(s):			Phone #:			
Address:						
City, State, Zip:						
2nd Phone #:			Email:			
OWNER						
Name(s):			Phone #:			
Address:						
City, State, Zip:						
2nd Phone #:			Email:			
TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)						
Name:			Phone #:			
Address:						
City, State, Zip:						
2nd Phone #:			Email:			

## DESCRIPTION OF SITE

Address:	
City, State, Zip:	
Area (acres or square feet):	
Tax Assessor Parcel Number	
Existing Zoning:	
Existing Land Use:	
Proposed Land Use:	
Have you attended	d a Conceptual Review? YES NO
If Yes, please list	PRE#:

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name:

Date:

..

Name:

**Owner's Signature** 

**Owner's Printed Name** 

Wednesday, November 29, 2023

Parcel Number: 0171933305013 Tax Account ID: R0068466

Ian Bramlett

1620 W 74th Way Denver, CO 80221 (909) 744-7708

ibram001@gmail.com

Comprehensive Plan Amendment Written Explanation

To whom this may concern:

Pursuant to the settlement terms of Adams County case number: 2023C042205 and as advised by Adams County Assistant County Attorney Jonathon Lubrano, #52684, it has been made apparent that the future zoning and usage of the property located at 1620 W 74th Way, Denver, CO 80221 (Parcel Number: 0171933305013) is not concurrent with its existing zoning and usage.

Since 1985, the aforementioned property has been zoned, recognized, and taxed as a commercial property within the C-2 classification. Present comprehensive planning states that the property will no longer function as a commercial property and transition to residential zoning, presumably R-1, at an undisclosed time in the future.

I, Ian Bramlett, one of two married property owners impacted, am **requesting the review and reevaluation of the Adams County Comprehensive Plan** in regards to my lot identified by the following information:

Address:

1620 W 74th Way Denver, CO 80221

Parcel Number:

0171933305013

Legal Description:

SUB:PERL MACK MANOR SEVENTH FILING BLK:36 LOT:13 DESC: EXC RD

Subdivision Plat:

PERL MACK MANOR SEVENTH FILING

As the property owner, it is clear that I have vested interest in upholding the property's commercial zoning. Regardless of this fact, it is without bias that this specific parcel's best usages now and in the future are authorized commercial applications executed by productive occupants.

By upholding the property's commercial zoning, sales tax may still be collected on premises whereas little to no sales tax would be generated on the identical parcel under a residential application.

The business currently operating at the property collects on average between \$500 and \$1,300 in sales tax per month. A conservative estimate projects that this retail application generates an additional \$6,000 in revenue for public services per year compared to a residential application that does not collect sales tax. If the property's business can manage to grow to \$1,000,000 annually of on site sales within 10 years, the property may contribute at least \$45,000 more to public funds per year than a standard residential application.

Regardless of the precise amount of annual sales tax generated by the property for entities including Colorado, Adams County, Colorado Department of Transportation, and Westminster Public Schools, it is clear that withdrawing these funds over a 10-, 20-, or 30-year period will result in hundreds of thousands of dollars in sales tax revenue lost for Colorado's assorted municipalities and organizations.

Every Adams County representative factoring the fiduciary interests of the County and State would agree that the comprehensive plan for this property must be reexamined and considered.

Before factoring the ancillary economic benefits of productive businesses operating in underserved communities, the potential sales tax loss alone makes it clear that the zoning of this parcel in specific should remain commercial and not be converted to residential so as to best serve the future interests of the property owner, the County, the State, and the general public at large.

## ANCILLARY SUPPORT

While other factors contribute to the property's optimal usage remaining commercial, the fact that residential zoning all but eliminates the collection of sales tax on the property is the most

apparent reason why the comprehensive plan encompassing 1620 W 74th Way should be amended. Nevertheless, other support for this position is readily available.

• Commercial properties pay significantly higher property taxes than residential properties.

In unincorporated Adams County a commercial property pays approximately 4.7 times more in property taxes than an identically sized lot zoned residential. Thereby, if the property is rezoned to residential from commercial at some point in the future, it will take more than 4 years to generate the same amount of property tax from the parcel than it would in a single year with the parcel being zoned commercial.

Commercial properties simply produce more property tax revenue per parcel than identical residential lots. Converting the property to residential costs the public property tax dollars.

• The property has been zoned commercial for over 38 years consecutively.

In 1985 the property was rezoned by Adams County from residential to C-2 to facilitate a print shop. The property has functioned in a commercial capacity ever since without interruption.

• Mandating the property become residential in the future would appear to be a potential oversight.

When observing the property from a survey plat or even from the intersection of 74th Way and Pecos St., it would appear as if the property could indeed be a residence.

Constructed in 1960 as a residence, the visual appearance of the building does little to suggest the property is definitively a business and not a residence (this fact in no small part contributed to my purchase of the property).

Despite these occurrences, the property is unequivocally a C-2 commercial property and taxed as such. This fact was verified in 1999 when eminent domain seized parts of the parcel adjacent to Pecos St. and the property's commercial zoning was upheld.

It's reasonable that a person without first hand knowledge of the area might assume that the property is currently residential and should remain as such. This assumption would be incorrect.

• A combination of parcel geography and neighborhood dynamics produce an environment more suitable for commercial activity than use as a residence.

A survey of the intersection of Pecos St. and 74th Way, the north easterly extent of the

parcel, yields credence that the property's best use, in all certainty, is not residential.

Geography:

First and foremost the location of the parcel sees that the property lines border three extremely audible, albeit commercially valuable, frontages along 74th Way, Pecos St., and the westbound entrance to Highway 36.

Sounds from Highway 36, which parallels the southern boundary lines of the property, and Pecos St, which parallels the eastern lot lines, can be heard and felt throughout the property. Drivers from Highway 36 have direct visibility into the private fenced yard in the rear of the property.

Being adjacent to these roadways means that occupants are at times too close for comfort to approximately 60,000 daily local drivers which present safety, privacy, and environmental issues for families with young children, pets, or special needs.

While people certainly live in worse conditions, these circumstances likely contributed to the fact that the property languished on the open market, all while having been incorrectly listed as a single family home, for over 10 months in 2019 despite being among the lowest priced properties available.

Inversely, commercial visitors view the geography of the property as an asset as they are primarily concerned with convenience relative to their starting point and thereby overlook many of the regional setbacks associated with the property.

Neighborhood within 500 feet:

For a commercial property buyer like myself, the location of the property in relation to the freeway, regardless of its aesthetic drawbacks, was of great appeal and, along with the zoning, was a driving factor for acquiring the property.

What I overlooked as a commercial property buyer from out-of-state that a local residential buyer may not have was the level of homelessness, crime, and rampant drug use that is found in this neighborhood; especially at the corner of 74th Way and Pecos St.

In short, because of factors beyond their control, any parent concerned with their family's happiness and well being would consider any and all viable alternatives before and immediately after establishing residency at the building located on Adams County parcel #0171933305013.

Even if one excludes the high levels of law enforcement and emergency response in the area, which are among the highest anywhere in Adams County, it is impossible to ignore

that the corner of 74th Way and Pecos St. is a major thoroughfare for pedestrians and thereby attracts all walks of life.

Diversity makes Adams County great, but in this instance, high foot traffic has yielded multiple reported instances of vandalism, squatter incursion, illegal dumping, aggressive conflicts, automobile accidents, and criminal activity.

From the property's front door I've personally observed the following crimes:

Hit and run, prostitution, controlled substance consumption and distribution, assault, attempted mail fraud, and auto theft.

While these neighborhood characteristics may be subjectively tolerable, they are not ideal for most and certainly not an accurate representation of Adams County living standards.

• Given the property's commercial zoning, the parcel will continue to be developed for commercial usage for the foreseeable future.

In coordination with Adams County development review engineer Greg Labrie, it is my intent to remove the majority of existing landscaping from the north side of the parcel in order to accommodate a new, relocated access point for the property as far from the intersection of 74th and Pecos as the parcel will accommodate.

This project will also see the installation of multiple paved parking places, disability accommodations, and pathways. All concrete poured will need to be reinforced to account for heavy forklift-delivered freight.

Once these initiatives have been implemented and adequate landscaping has been redesigned, the maximum amount of permissible signage for the property will be pursued. These signs will be electrified. In particular, future home buyers may not see this improvement as an asset, especially given its use will be unlawful in a residential application.

Afterwards, capital improvements promoting the sustained commercialization of the property will be continually addressed on a recurring basis as needed.

Should Adams County not amend its comprehensive plan for the property and one day enforce its rezoning from commercial to residential, the parcel and its structure will already be highly tailored for retail operation and customer intake. What remains may or may not be suitable for habitation, but will most certainly serve well as a functional commercial location.

• A shift away from commercial zoning causes monetary damages.

For 60% of the parcel's existence it has functioned as a commercial property. It is predominantly valued for its commercial usage. The parcel is currently zoned commercial and the business that operates on site owes its livelihood to this commercial authorization.

In several regards, the parcel devalues significantly when utilized and zoned as a residential property instead of its existing and historical commercial usage.

Not only would the property sell for less than it would if zoned commercial, hundreds of thousands of dollars invested by the owner in regards to the commercialization of the property will have been misappropriated.

Rezoned residential, the property offers just a 850 sq ft residential home with black mold history and adjacency to multiple high traffic intersections. This combination is unlikely to garner strong interest or among home buyers.

Further, should business no longer be permissible on premise, relocation expenses will be incurred, constituting damages.

Additionally, elimination of sales tax revenue from this property subsequently removes funds that would be readily available for public use, extending damages beyond ownership alone.

• Insistence that the parcel be stripped of its commercial zoning positions the County and property ownership as potential litigants

Indeterminate of right or wrong, good or bad, what's best or otherwise, an inability by multiple parties to agree on a suitable determination for the property may result in legal action.

In fact, this very request for a comprehensive plan amendment is the direct byproduct of Adams County's litigious motivations involving my property.

Should either party resolve that legal action is the only recourse, both sides are likely to expend resources that may be better utilized otherwise.

Instead of costing the County or the property owner funds, the property would be better served producing revenue commercially for all parties involved.

SUMMARY

In regards to Adams County parcel # 0171933305013, the Adams County Comprehensive Plan should be amended to uphold this specific property's commercial zoning by removing any expectation of future residential use.

If the comprehensive plan insists the property is best utilized residentially, the result will be a loss of hundreds of thousands of sales tax dollars, lower property tax revenue, and a monetarily impacted property owner.

The specifics of the parcel's location and neighborhood dynamics render an unideal environment for residential use. Forcing this outcome produces a less valuable property that is difficult to sell if necessary.

I understand that what the property is and what it was, as well as has essentially always been, is not necessarily indicative of its best future use. Unless the nature of the intersection of 74th Way and Pecos St changes suddenly and dramatically though, it is hard to perceive a better future use for the property in question than commercial zoning.

Any dissenting party who contests otherwise is invited to prove their theory by making temporary residence on the property, for one night, one week, or otherwise, free of charge, so that they may experience first hand whether their opinion can be substantiated.

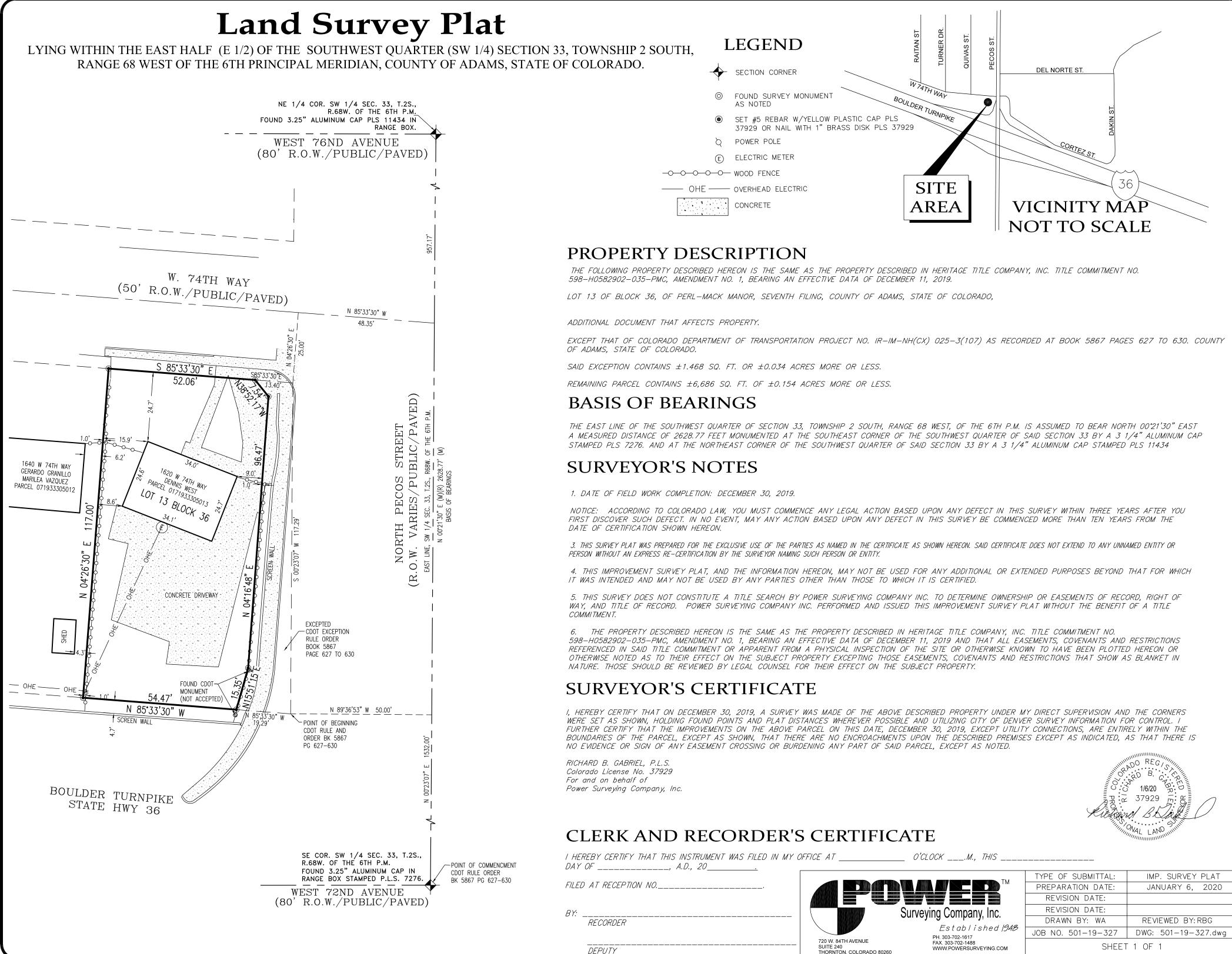
## THANK YOU KINDLY FOR YOUR CONSIDERATION

Ian Bramlett

~ Yan

1620 W 74th Way Denver, CO 80221 (909) 744-7708

ibram001@gmail.com



, A.D., ZU				
			TYPE OF SUBMITTAL:	IMP. SURVEY PLAT
EPTION NO			PREPARATION DATE:	JANUARY 6, 2020
			REVISION DATE:	
		Surveying Company, Inc.	REVISION DATE:	
 R			DRAWN BY: WA	REVIEWED BY: RBG
		<i>Established  948</i> PH. 303-702-1617	JOB NO. 501-19-327	DWG: 501-19-327.dwg
	720 W. 84TH AVENUE SUITE 240	FAX. 303-702-1488 WWW.POWERSURVEYING.COM	SHEE	T 1 OF 1
	THORNTON, COLORADO 80260			

# Adams County Commercial Property Profile

Parcel Number: 0171933305013

Owners Name and Address:	Property Address:
BRAMLETT IAN AND BOYINGTON ISAMIRA 1620 W 74TH WAY DENVER CO 80221-3401	1620 W 74TH WAY

## Account Summary

## **Legal Description**

SUB:PERL MACK MANOR SEVENTH FILING BLK:36 LOT:13 DESC: EXC RD

### **Subdivision Plat**

PERL MACK MANOR SEVENTH FILING

### **Account Summary**

Account Numbers	Date Added	Tax District	Mill Levy	
R0068466	On or Before 01/01/1996	<u>495</u>	122.471	

## Permits

### **Permit Cases**



# TREASURER & PUBLIC TRUSTEE ADAMS COUNTY, COLORADO Certificate Of Taxes Due

Account Number R0068466

### Parcel 0171933305013 Assessed To BRAMLETT IAN AND C/O:BOYINGTON ISAMIRA 1620 W 74TH WAY

Certificate Number 2023-238099 Order Number Vendor ID Counter

1620 W 74TH WAY DENVER, CO 80221-3401

Legal Description SUB:PERL MACK MANOR SEVENTH FILING BLK:36 LOT:13 DESC: EXC RD			S	Situs Address 1620 W 74TH WAY		
			1			
Year	Tax	Interest	Fees	Payments	Balance	
Tax Charge						
2022	\$5,216.04	\$0.00	\$0.00	(\$5,216.04)	\$0.00	
Total Tax Charge					\$0.00	
Grand Total Due as of 11/27/	/2023				\$0.00	

Tax Billed at 2022 Rates for Tax Area 495 - 495

Authority	Mill Levy	Amount	Values	Actual	Assessed
RANGEVIEW LIBRARY DISTRICT	3.6150000*	\$153.96	COMM LND	\$39,046	\$11,320
CRESTVIEW WATER & SANITATIO	3.4340000	\$146.25	MERCHANDIS		
ADAMS COUNTY FIRE PROTECTIO	17.5540000	\$747.62	MERCHANDISING	\$107,835	\$31,270
ADAMS COUNTY	26.9670000	\$1,148.54	Total	\$146,881	\$42,590
HYLAND HILLS PARK & RECREAT	5.1240000	\$218.23			
SD 50	64.7770000	\$2,758.85			
URBAN DRAINAGE SOUTH PLATTE	0.1000000	\$4.26			
URBAN DRAINAGE & FLOOD CONT	0.9000000	\$38.33			
Taxes Billed 2022 * Credit Levy	122.4710000	\$5,216.04			

ALL TAX SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR; PLEASE CONTACT THE TREASURY PRIOR TO MAKING A PAYMENT AFTER AUGUST 1. TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR, THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax, or, miscellaneous tax collected on behalf of other entities, special or local improvement district assessments, or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding lien sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption on this date are as noted herein. In witness whereof, I have hereunto set my hand and seal.

TREASURER & PUBLIC TRUSTEE, ADAMS COUNTY,

Alexander L Villagran

Nyale L. Willy -

4430 S. Adams County Parkway Brighton, CO 80601