



TO: Denver Planning Board
FROM: Rob Haigh, Senior City Planner
DATE: February 22, 2023
RE: Official Zoning Map Amendment Application #2022I-00207

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code (DZC), Staff recommends approval for Application #2022I-00207.

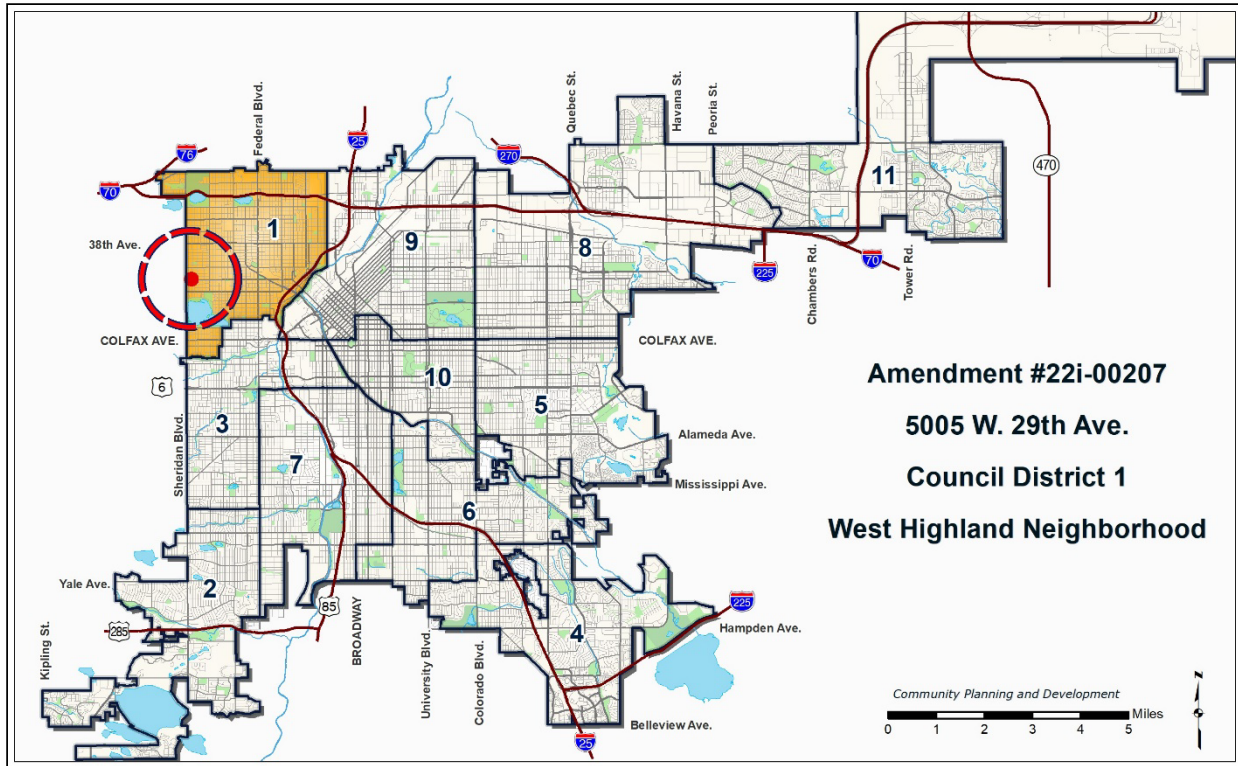
Request for Rezoning

Address: 5005 West 29th Avenue
Neighborhood/Council District: West Highland / Council District 1
RNOs: Inter-Neighborhood Cooperation (INC), West Highland Neighborhood Association, Sloan’s Lake Citizens Group, Strong Denver.
Area of Property: 13,034 square feet or 0.3 acres
Current Zoning: PUD 83 (Former Chapter 59)
Proposed Zoning: U-MX-3
Property Owner(s): 5005 W 29TH AVE LLC
Owner Representative: Josh Ward

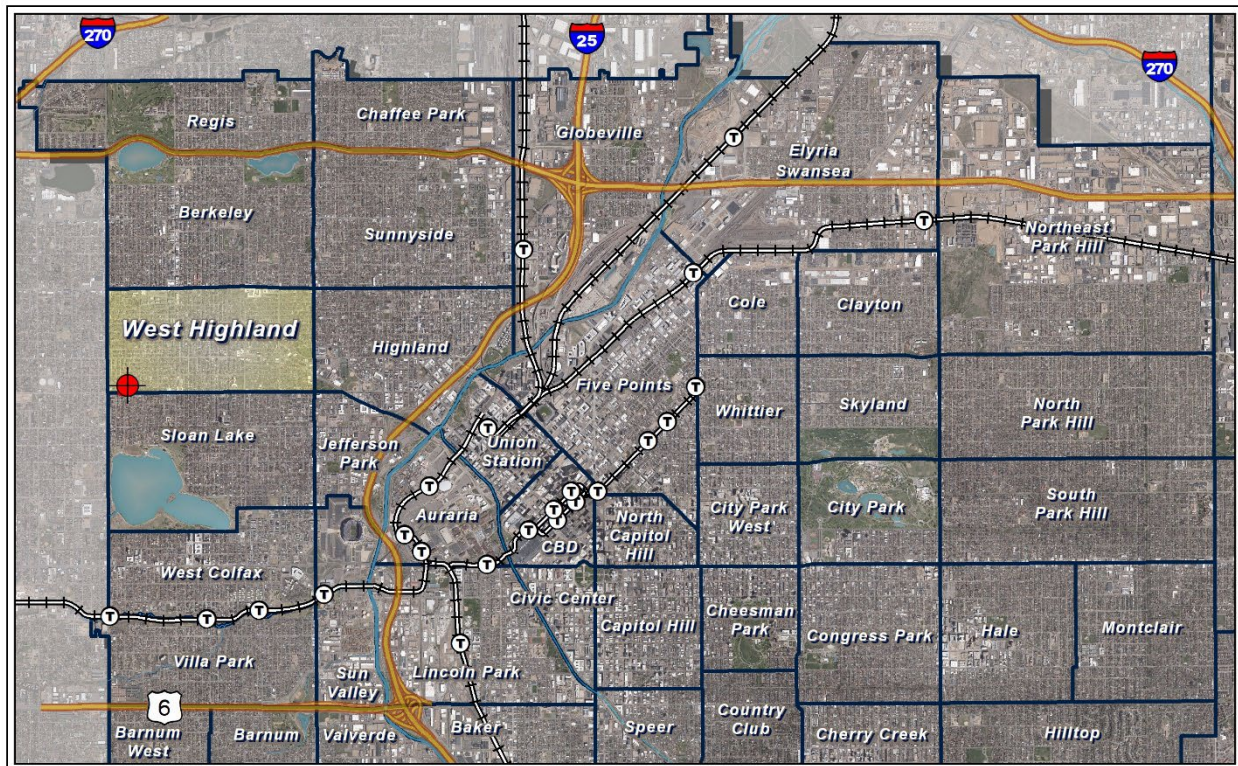
Summary of Rezoning Request

- The subject property is in the West Highland neighborhood, at the southeast intersection of West 29th Avenue and North Yates Street.
- The property is occupied by a one-story building, built in 1973 as a vehicle transmission repair shop. In 1982, the property was rezoned from B-2 to PUD 83 to allow for the continued use of this property for the transmission repair business without needing to annually renew their nonconforming use.
- The applicant is requesting the rezoning to facilitate the redevelopment of the property for use as an *Industrial Services – Contractor, Special Trades – General Use* as permitted in the U-MX-3 with limitations.
- The requested U-MX-3 (**U**rban, **M**ixed Use, **3** story maximum height) zone district is designed for areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. It is intended to provide safe, active, and pedestrian-scaled, diverse areas along corridors and embedded in residential neighborhoods. Further details of the zone districts can be found in Article 5 of the Denver Zoning Code (DZC).

City Location



Neighborhood Location



Aerial View



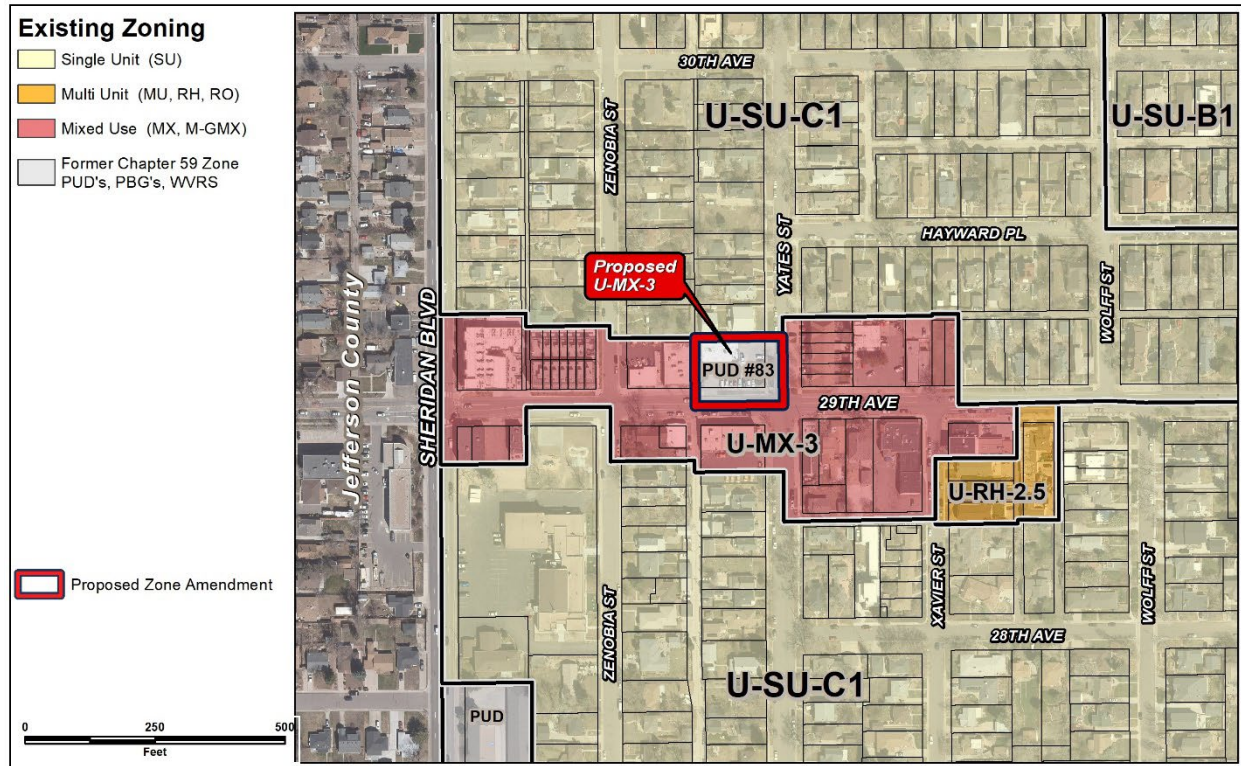
Existing Context

The property is in the West Highland neighborhood at the northwest corner of West 29th Avenue and North Yates Street. The subject property is located along the 29th Avenue corridor that contains a mix of commercial, retail, office, and residential uses. To the north and south of the 29th Avenue corridor, uses transition to primarily single-unit residential uses with embedded two-unit and multi-unit residential uses throughout. Transit access includes the Regional Transportation District (RTD) bus route 51 along Sheridan Boulevard, RTD bus route 32 on West 32nd Avenue, and RTD bus route 28 along West 26th Avenue.

The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	PUD 83	Automobile Services, Heavy (vacant)	1 story automotive repair building	Generally regular grid of streets. Block sizes and shapes are square and rectangular with alleys. Garages are rear, side and front loaded with On-Street vehicle parking.
North	U-SU-C1	Two-unit residential	1 story duplex and detached garage with alley access	
South	U-MX-3	Commercial office	1 story brick shopfront building	
East	U-MX-3	Rowhouse – Multi-unit residential	2 story rowhouse	
West	U-MX-3	Commercial Office	1 story brick office building	

Existing Zoning

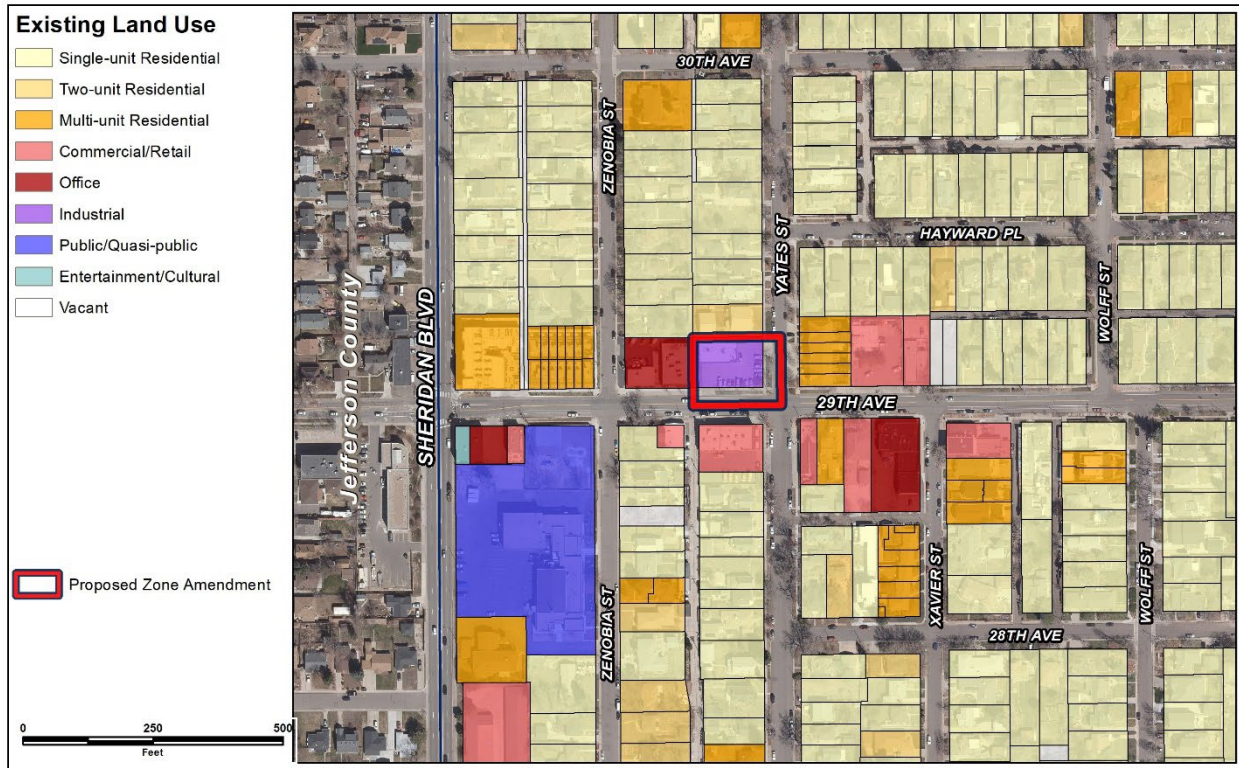


The subject site is zoned PUD 83, which is a Former Chapter 59 PUD zone district. The PUD is highly customized for the existing building and previous user that has been in place since before the PUD approval in 1982. Specifically, PUD 83 sets forth:

- Allowed uses: Transmission Repair Shop
- Size of the proposed district: 12,250 square feet.
- Size of the proposed structure: 3,879 square feet.
- Required parking: 1 space per 300 square feet of gross floor area resulting in 13 off-street parking spaces.
- Maximum structure height: 20 feet.
- The structure shall be located on the west and north property lines with a 49 foot, 10 inch setback from Yates and 45 foot, 8 inch setback from West 29th Avenue.
- The PUD also establishes a District Plan Map that includes a site plan dictating the location and layout of the improvements.

The subject property is surrounded to the west, south, and east by other U-MX-3 zone districts. The areas to the north of the subject property are zoned U-SU-C1. If the subject property is rezoned to U-MX-3, it will be subject to all protected district standards including additional setbacks and use limitations. For protected district standards see DZC page 5.3-15, 5.3-23, and 5.3-25 for setbacks in the Town House, General, and Shopfront building forms allowed in the U-MX-3 zone district.

Existing Land Use Map



Existing Building Form and Scale

All images from Google Maps Street View.



Subject property looking north from the intersection of West 29th Avenue



South – Property directly south of the subject site, looking southwest from West 29th Avenue.



West – property directly west of the subject property looking northwest from West 29th Avenue



East – Properties directly east of the subject property, looking east from North Yates Street



North – Properties directly north of the subject property, looking west from North Yates Street

Proposed Zoning

The **U-MX-3, Urban, Mixed-use, 3-story** district is a mixed-use zone district in the urban context. U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. The Mixed Use zone districts in the Urban Neighborhood Context are intended to promote safe, active, and pedestrian-scaled, diverse areas that enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods. In the U-MX-3 zone district the Town House, General and Shopfront building forms are allowed primary building forms. Maximum height allowed is 3 stories or 45 feet with additional limitations when adjacent to protected districts. Further details of the zone district can be found in Article 5 of the Denver Zoning Code.

The building forms allowed in the existing zone district and the proposed zone district are summarized below.

Design Standards	Existing PUD 83	Proposed U-MX-3
Primary Building Forms Allowed	N/A	Town House, General and Shopfront
Height in Stories / Feet (max.)	20'	General and Shopfront: 3 stories / 45' Town House: 3 stories / 38'
Primary Street Build-To Percentages (min.)	N/A	Town House, General: 70% Shopfront: 75%
Primary Street Build-To Ranges (min./max.)	N/A	Town House: 10'/15' General: 0'/15' Shopfront: 0'/5' Residential Only Buildings: 0'/10'
Primary Street Setbacks (min.)	N/A	Town House: 10' General: 0' Shopfront: 0'
Primary Street Transparency (min.)	N/A	Town House: 40% General: 40% Shopfront: 60%, residential only buildings: 40%

Summary of City Agency Referral Comments

As part of the DZC review process, the rezoning application is referred to potentially affected city agencies and departments for comment. A summary of agency referral responses follows:

Assessor: Approved – No response.

Asset Management: Approved – No comments.

Denver Public Schools: Approved – No response.

Denver Fire Department: Approved – No comments.

Development Services - Transportation: Approved – No response.

Denver Parks and Recreation: Approved – No comments.

Development Services – Project Coordination: Approved – No response

Development Services – Wastewater: Approved – See comments below.

There is no objection to the rezone, however applicant should be under notice that DOTI will not approve any development of this property without assurance that there is sufficient sanitary and storm sewer capacity. A sanitary study and drainage study may be required. These studies may result in a requirement for the developer to install major infrastructure improvements or a limit to development if current infrastructure is insufficient. Approval of this rezone on behalf of Wastewater does not state, or imply, public storm/sanitary infrastructure can, or cannot, support the proposed zoning.

Department of Public Health and Environment: Approved – See comments below.

Denver Department of Public Health & Environment - Division of Environmental Quality (EQ) does not guarantee approval of any proposed development project at this site by providing a response to this Official Map Amendment Referral Agency Review Request. Future development is subject to existing land use controls and other environmental requirements in accordance with applicable local, state, and federal environmental regulations and statutes. EQ recommends the Property Owner conduct an environmental site assessment to determine the potential presence, nature, and extent of possible contamination on the site and to identify specific cleanup needs associated with future development. EQ may have additional information about localized potential environmental concerns at the site. However, providing such information about a specific site is beyond the scope of these zoning application comments.

Department of Transportation & Infrastructure – City Surveyor: Approved – No comment

Public Review Process

	Date
CPD informational notice of receipt of the rezoning application to all affected members of City Council, registered neighborhood organizations, and property owners:	01/05/2023
Property legally posted for a period of 15 days and CPD written notice of the Planning Board public hearing sent to all affected members of City Council, registered neighborhood organizations, and property owners:	2/14/2023
Planning Board Hearing:	03/01/2023
CPD written notice of the Land Use, Transportation and Infrastructure Committee meeting sent to all affected members of City Council and registered neighborhood organizations, at least ten working days before the meeting:	03/08/2023 (tentative)
Land Use, Transportation and Infrastructure Committee of the City Council:	03/21/2023 (tentative)
Property legally posted for a period of 21 days and CPD notice of the City Council public hearing sent to all affected members of City Council and registered neighborhood organizations:	04/10/2023 (tentative)
City Council Public Hearing:	05/01/2023 (tentative)

- **Registered Neighborhood Organizations (RNOs)**
 - Staff received one letter of support from Strong Denver.
- **Other Public Comment**
 - One letter of opposition has been received from a neighboring property owner citing concerns with how the proposed zone district and use will not be compatible with the adjacent residential uses.

Criteria for Review / Staff Evaluation

The criteria for review of this rezoning application are found in DZC, Sections 12.4.10.7 and 12.4.10.8, as follows:

DZC Section 12.4.10.7

1. Consistency with Adopted Plans
2. Uniformity of District Regulations and Restrictions
3. Public Health, Safety and General Welfare

DZC Section 12.4.10.8

1. Justifying Circumstances
2. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

1. Consistency with Adopted Plans

The following adopted plans currently apply to this property:

- *Denver Comprehensive Plan 2040*
- *Blueprint Denver (2019)*

Denver Comprehensive Plan 2040

The proposed rezoning is consistent with many of the adopted Denver Comprehensive Plan 2040 strategies, which are organized by vision element.

Strong and Authentic Neighborhoods Vision Element

The proposed rezoning would allow for a mix of uses on the subject property which is located along an established mixed use corridor. The site is approximately 0.1 mile from the RTD bus stop on Sheridan Boulevard that serves route 51, and is approximately ¼ mile from bus routes along West 29th Avenue and West 31st Avenue. The proposed U-MX-3 zoning would allow for a variety of neighborhood-serving uses including employment, housing, services, eating and drinking establishments, and office uses that build upon the mixed-use corridor on West 29th Avenue. It is therefore consistent with the following strategies in the Strong and Authentic Neighborhoods vision element:

- Strong and Authentic Neighborhoods Goal 1, Strategy A – Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- Strong and Authentic Neighborhoods Goal 1, Strategy D – Encourage quality infill development that is consistent with the surrounding neighborhoods and offers opportunities for increased amenities (p. 34).

Environmentally Resilient Vision Element

Similarly, the land use pattern detailed in the previous paragraph is also consistent with the following strategies in the Environmentally Resilient vision element:

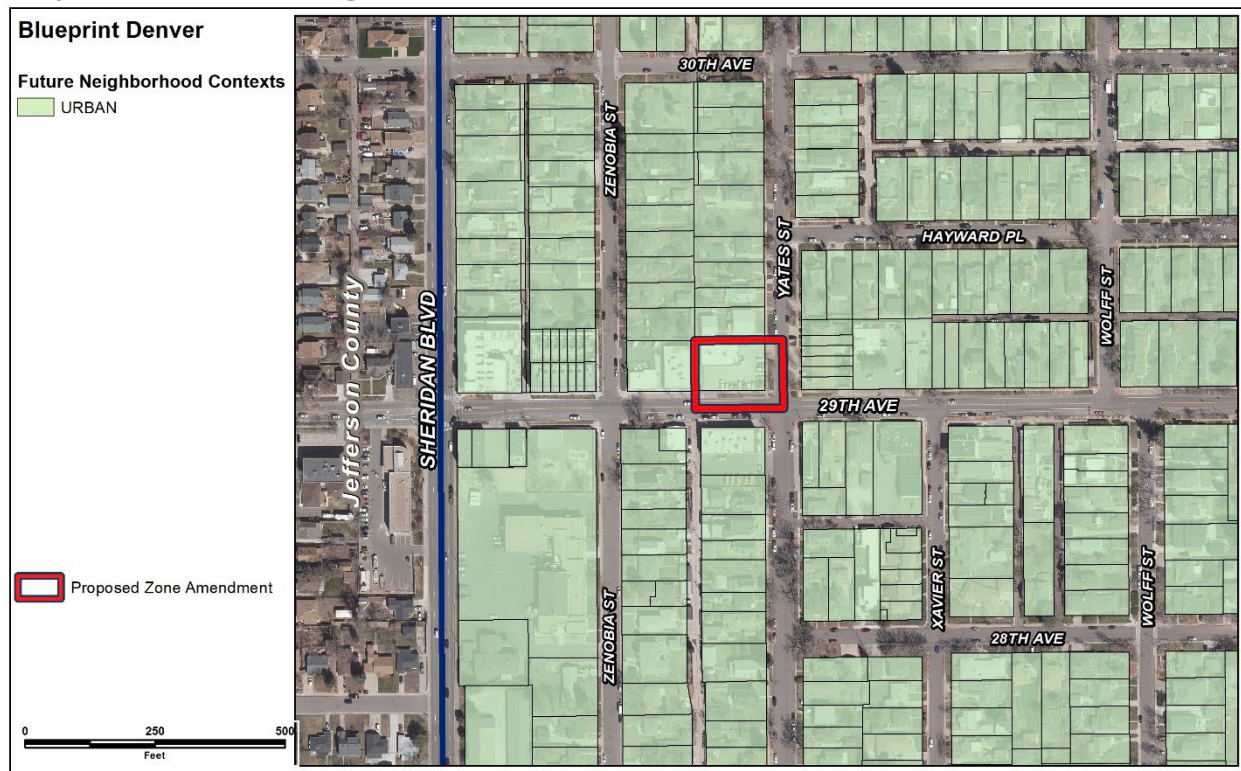
- Environmentally Resilient Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place (p. 54).
- Environmentally Resilient Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods (p. 54).
- Environmentally Resilient Goal 8, Strategy C – Focus growth by transit stations and along high- and medium-capacity transit corridors (p. 54).

The requested map amendment will allow for new development at an infill location where services and infrastructure are already in place. The requested U-MX-3 zone district broadens the variety of uses allowing residents to live, work and play in their neighborhood. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver

Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as a Local Corridor future place within the Urban Context and provides guidance from the future growth strategy for the city.

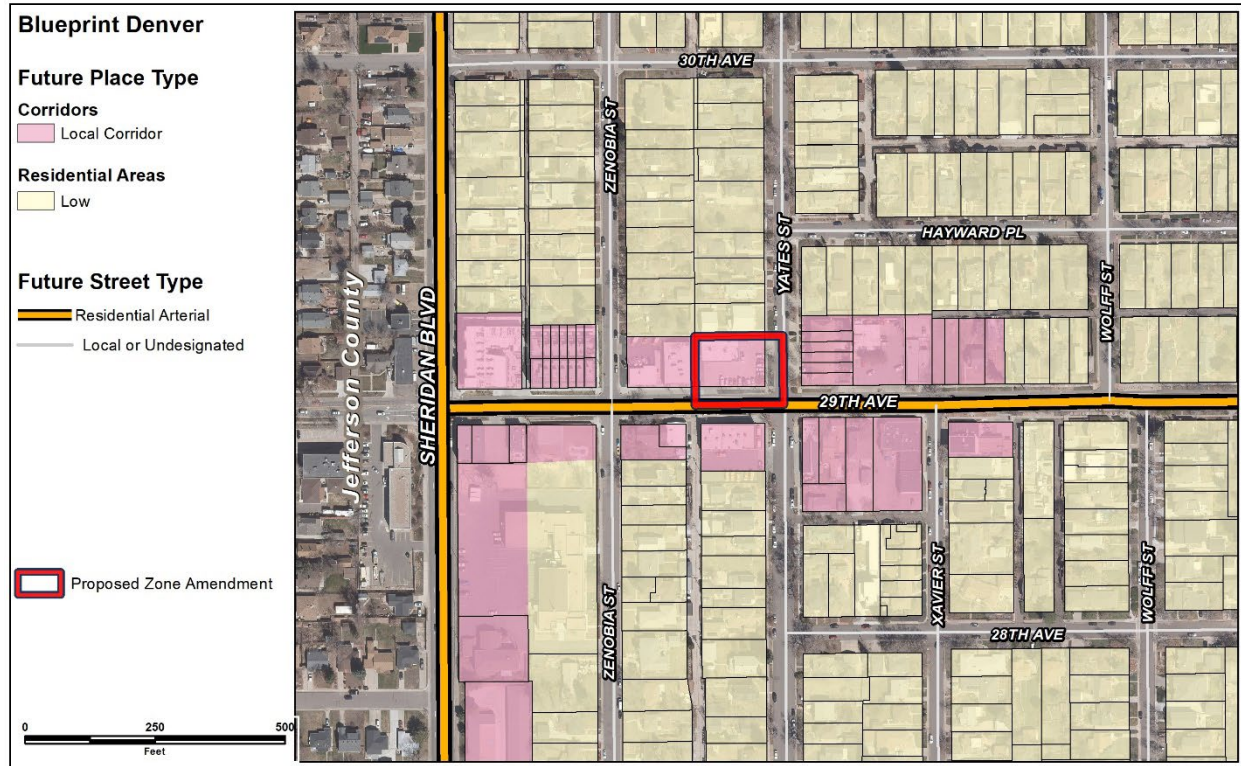
Blueprint Denver Future Neighborhood Context



In *Blueprint Denver*, future neighborhood contexts are used to help understand differences in things like land use and built form and mobility options at a higher scale, between neighborhoods. Small area plans provide more certain guidance on topics including building heights (p. 66). The subject property is within the Urban neighborhood context. The land use and built form in the Urban neighborhood context is described as “Small multi-unit residential and mixed-use areas typically embedded in 1-unit and 2-unit residential areas” (p. 136).

The proposed U-MX-3 zone district is part of the Denver Zoning Code Urban Neighborhood Context that is intended to “promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge,” and “to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.” (DZC Section 5.2.3.1)

Blueprint Denver Future Places



Within the Urban Neighborhood Context, the subject property is categorized as a Local Corridor future place type with a land use and built form defined by *Blueprint Denver* as primarily providing “options for dining, entertainment and shopping” and “may also include some residential and employment uses” (p.228). In addition, in a Local Corridor, “buildings have a distinctly linear orientation along the street with very shallow setbacks. The scale is intimate with a focus on the pedestrian. The public realm is typically defined by lower-scale buildings with active frontages” while “heights are generally up to three stories” (p. 228).

The proposed rezoning to U-MX-3 is appropriate and consistent with the Local Corridor designation as it allows for the mixed-use development of pedestrian-friendly building forms (up to three stories) that define and activate the public street edge. Additionally, the building form standards in the Denver Zoning Code help to ensure that any new development will appropriately transition toward the protected district north of the subject property.

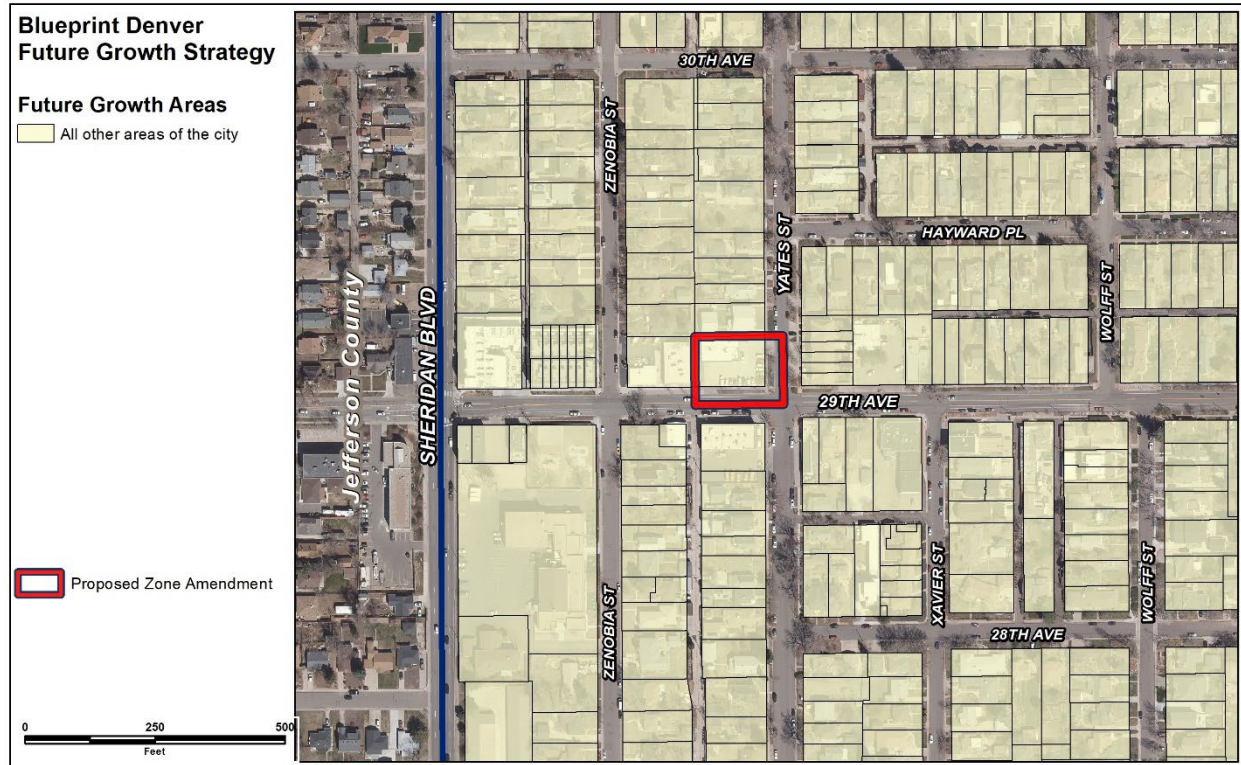
Street Types

In *Blueprint Denver*, street types work in concert with the future place to evaluate the appropriateness of the intensity of the adjacent development (p. 67). *Blueprint Denver* classifies West 29th Avenue as an Residential Arterial Future Street Type. Residential Arterials “are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). North Yates Street is a Local Street. Local Streets “are designed for the highest degree of property access and the lowest amount of through movement” (p. 154). Additionally, Residential Street Types serve “Primarily residential uses, but may also include schools, civic uses, parks, small retail nodes and other similar uses.”

The proposed rezoning to U-MX-3 is consistent with the *Blueprint Denver* Undesignated Local and Residential Arterial street classifications because U-MX-3 is intended for areas and intersections

primarily served by local and collector streets. The proposed rezoning continues to implement plan goals to establish and maintain this mixed-use node at an intersection of West 29th Avenue and North Yates Street

Growth Strategy



Blueprint Denver's growth strategy map is a version of the future places map, showing the aspiration for distributing future growth in Denver (p. 51). The subject property is located within "All other areas of the city, which are anticipated to see around 20% of new housing growth and 10% of new employment growth by 2040" (p. 51). The proposed map amendment to U-MX-3 is consistent with this map because will enable compatible development at this location to support continued viability of the local corridor that serves the surrounding residential neighborhood.

Blueprint Denver Strategies

The following additional *Blueprint Denver* policies are applicable to the rezoning request:

- Land Use and Built Form: General Policy 3, Strategy A - "Rezone properties from the Former Chapter 59 zoning code so that the entire city is covered by the DZC, including continuing to incentivize owners to come out of the old code" (p. 73).

The proposed rezoning is also consistent with *Blueprint Denver* policies because it would eliminate a Former Chapter 59 zone district and bring the site into the Denver Zoning Code.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to U-MX-3 will result in the uniform application of zone district building form, use, and design regulations on this site as they are applied to any other sites zoned U-MX-3.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare of the City primarily through the implementation of the City's adopted plans and by allowing for redevelopment in a manner that will provide for the construction of additional neighborhood-serving commercial, retail, services, and employment uses, thereby providing residents more opportunities to live, work, and play within their neighborhood. The proposed rezoning would also facilitate housing density near a mix of uses or provide a greater mix of uses proximate to residential areas depending on the resulting development

4. Justifying Circumstance

The application identifies changed or changing conditions as the justifying circumstance under DZC Section 12.4.10.8.A.4., "Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include: ... c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning." The zoning on the subject site is a Former Chapter 59 PUD. Rezoning from Former Chapter 59 zoning into the Denver Zoning Code is an appropriate justifying circumstance. Additionally, rezoning out of the existing PUD 83 will provide more flexibility to modify the site to accommodate changing conditions in the neighborhood.

5. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The requested U-MX-3 zone district is within the Urban Neighborhood Context. The neighborhood context generally consists of single-unit and two-unit residential uses with embedded small-scale multi-unit residential and commercial areas (DZC, Division 5.1).

The proposed rezoning is also consistent with the general purpose of mixed-use districts to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping, and public gathering within and around the city's neighborhoods. The Mixed-Use districts are appropriate along corridors, embedded in neighborhoods and on large sites (DZC Section 5.2.3.1). The rezoning is consistent with the general purpose of the urban mixed-use districts as this is an existing neighborhood site and will promote a pedestrian scaled area along West 29th Avenue.

According to the zone district intent stated in the Denver Zoning Code, the U-MX-3 district "applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired." (DZC Section 5.2.3.2.C). The subject property is located in an established mixed-use corridor at the intersection of one local and one residential arterial street. The proposed U-MX-3 zoning would allow buildings and uses consistent with the purpose and intent of the zone district.

Attachments

1. Application
2. Current PUD 83
3. Public Comments



REZONING GUIDE

Zone Map Amendment (Rezoning) - Application

PROPERTY OWNER INFORMATION*		PROPERTY OWNER(S) REPRESENTATIVE**	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR APPLICATION	
<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***		<input type="checkbox"/> CHECK IF POINT OF CONTACT FOR FEE PAYMENT***	
Property Owner Name	5005 W. 29Th Ave. LLC	Representative Name	Joshua Ward
Address	14225 Foothill Rd	Address	5000 W 29Th Ave
City, State, Zip	Golden, Co 80401	City, State, Zip	Denver, Co 80212
Telephone	303-704-6395	Telephone	303-356-1595
Email	johnrogerward@gmail.com	Email	josh@applewoodfixit.com
*All standard zone map amendment applications must be initiated by owners (or authorized representatives) of at least 51% of the total area of the zone lots subject to the rezoning. See page 4.		**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.	
		***If contact for fee payment is other than above, please provide contact name and contact information on an attachment.	
SUBJECT PROPERTY INFORMATION			
Location (address):	5005 W 29Th Ave Denver, Co 80212		
Assessor's Parcel Numbers:	02303-12-012-000		
Area in Acres or Square Feet:	13,034		
Current Zone District(s):	PUD-83		
PROPOSAL			
Proposed Zone District:	U-MX-3		
PRE-APPLICATION INFORMATION			
In addition to the required pre-application meeting with Planning Services, did you have a concept or a pre-application meeting with Development Services?	<input checked="" type="checkbox"/> Yes - State the contact name & meeting date <u>Tanner Axt 12/1/2022</u> <input type="checkbox"/> No - Describe why not (in outreach attachment, see bottom of p. 3)		
Did you contact the City Council District Office regarding this application?	<input checked="" type="checkbox"/> Yes - if yes, state date and method <u>10/21/2022 In person meeting</u> <input type="checkbox"/> No - if no, describe why not (in outreach attachment, see bottom of p. 3)		



REZONING GUIDE

REZONING REVIEW CRITERIA (ACKNOWLEDGE EACH SECTION)

<p>General Review Criteria DZC Sec. 12.4.10.7.A</p> <p>Check box to affirm and include sections in the review criteria narrative attachment</p>	<p><input checked="" type="checkbox"/> Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan.</p> <p>Please provide a review criteria narrative attachment describing how the requested zone district is consistent with the policies and recommendations found in each of the adopted plans below. Each plan should have its' own subsection.</p> <p>1. Denver Comprehensive Plan 2040</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with <i>Denver Comprehensive Plan 2040's</i> a) equity goals, b) climate goals, and c) any other applicable goals/strategies.</p> <p>2. Blueprint Denver</p> <p>In this section of the attachment, describe how the proposed map amendment is consistent with: a) the neighborhood context, b) the future place type, c) the growth strategy, d) adjacent street types, e) plan policies and strategies, and f) equity concepts contained in <i>Blueprint Denver</i>.</p> <p>3. Neighborhood/ Small Area Plan and Other Plans (List all from pre-application meeting, if applicable):</p>
<p>General Review Criteria: DZC Sec. 12.4.10.7. B & C</p> <p>Check boxes to the right to affirm and include a section in the review criteria for Public Health, Safety and General Welfare narrative attachment.</p>	<p><input checked="" type="checkbox"/> Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</p> <p><input checked="" type="checkbox"/> Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</p> <p>In the review criteria narrative attachment, please provide an additional section describing how the requested rezoning furthers the public health, safety and general welfare of the City.</p>
<p>Review Criteria for Non-Legislative Rezonings: DZC Sec. 12.4.10.8</p> <p>For Justifying Circumstances, check box and include a section in the review criteria narrative attachment.</p> <p>For Neighborhood Context, Purpose and Intent, check box and include a section in the review criteria narrative attachment.</p>	<p>Justifying Circumstances - One of the following circumstances exists:</p> <p><input type="checkbox"/> The existing zoning of the land was the result of an error;</p> <p><input type="checkbox"/> The existing zoning of the land was based on a mistake of fact;</p> <p><input type="checkbox"/> The existing zoning of the land failed to take into account the constraints of development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;</p> <p><input checked="" type="checkbox"/> Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:</p> <p style="padding-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or,</p> <p style="padding-left: 20px;">b. A City adopted plan; or</p> <p style="padding-left: 20px;">c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.</p> <p><input type="checkbox"/> It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (overlay Zone Districts) of this Code.</p> <p>In the review criteria narrative attachment, please provide an additional section describing the selected justifying circumstance. If the changing conditions circumstance is selected, describe changes since the site was last zoned. Contact your pre-application case manager if you have questions.</p> <p><input checked="" type="checkbox"/> The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.</p> <p>In the review criteria narrative attachment, please provide a separate section describing how the rezoning aligns with a) the proposed district neighborhood context description, b) the general purpose statement, and c) the specific intent statement found in the Denver Zoning Code.</p>

Last updated: February 16, 2021

Return completed form and attachments to rezoning@denvergov.org

201 W. Colfax Ave., Dept. 205

Denver, CO 80202

720-865-2974 • rezoning@denvergov.org

#2022i-00207



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Rezoning Application Page 3 of 4

REQUIRED ATTACHMENTS

Please check boxes below to affirm the following **required** attachments are submitted with this rezoning application:

- Legal Description of subject property(s). **Submit as a separate Microsoft Word document.** View guidelines at: <https://www.denvergov.org/content/denvergov/en/transportation-infrastructure/programs-services/right-of-way-survey/guidelines-for-land-descriptions.html>
- Proof of ownership document for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed, or (c) Title policy or commitment dated no earlier than 60 days prior to application date. If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This can include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other legal documents as approved by the City Attorney's Office.
- Review Criteria Narratives. See page 2 for details.

ADDITIONAL ATTACHMENTS (IF APPLICABLE)

Additional information may be needed and/or required. Please check boxes below identifying additional attachments provided with this application.

- Written narrative explaining reason for the request** (optional)
- Outreach documentation attachment(s).** Please describe any community outreach to City Council district office(s), Registered Neighborhood Organizations (RNOs) and surrounding neighbors. If outreach was via email- please include email chain. If the outreach was conducted by telephone or meeting, please include contact date(s), names and a description of feedback received. If you have not reached out to the City Council district office, please explain why not. (optional - encouraged)
- Letters of Support.** If surrounding neighbors or community members have provided letters in support of the rezoning request, please include them with the application as an attachment (optional).
- Written Authorization to Represent Property Owner(s)** (if applicable)
- Individual Authorization to Sign on Behalf of a Corporate Entity** (e.g. if the deed of the subject property lists a corporate entity such as an LLC as the owner, this document is required.)
- Other Attachments.** Please describe below.

Assessor Record link

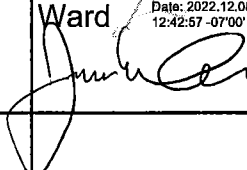
<https://www.denvergov.org/property/realproperty/summary/0230312012000>



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION

We, the undersigned represent that we are the owner(s) of the property described opposite our names, or have the authorization to sign on behalf of the owner as evidenced by a Power of Attorney or other authorization attached, and that we do hereby request initiation of this application. I hereby certify that, to the best of my knowledge and belief, all information supplied with this application is true and accurate. I understand that without such owner consent, the requested official map amendment action cannot lawfully be accomplished.

Property Owner Name(s) (please type or print legibly)	Property Address City, State, Zip Phone Email	Property Owner Interest % of the Area of the Zone Lots to Be Rezoned	Please sign below as an indication of your consent to the above certification statement	Date	Indicate the type of ownership documentation provided: (A) Assessor's record, (B) warranty deed, (C) title policy or commitment, or (D) other as approved	Has the owner authorized a representative in writing? (YES/NO)
EXAMPLE John Alan Smith and Josie Q. Smith	123 Sesame Street Denver, CO 80202 (303) 555-5555 sample@sample.gov	100%	<i>John Alan Smith</i> <i>Josie Q. Smith</i>	01/12/20	(A)	YES
5005 W. 29Th Ave. LLC	5005 W 29Th Ave Denver, Co 80212 josh@applewoodfixit.com	100	Joshua Ward 	12/8/22	A	YES
						YES
						YES
						YES

REVIEW CRITERIA NARRATIVE

Date: December 12, 2022

REZONING APPLICATION FOR:

5005 West 29th Avenue

Current zoning: PUD-83

Proposed Zone District: U-MX-3

Submitted by: Josh Ward
Applewood Plumbing Heating & Electric

We are requesting a rezone of this property to demolish the current structure and expand Applewood Plumbing Heating & Electric operations.

We feel this rezoning meets the following criteria:

- 1) This rezoning will be consistent with Denver's Adopted Plans:
 - a. This rezoning is consistent with the Denver Comprehensive Plan 2040 in that it:
 - i. Promotes infill development where infrastructure and services are already in place
 - ii. Encourages mixed-use communities where residents can live, work, and play in their own neighborhoods
 - iii. Encourages quality infill development that is consistent with the surrounding neighborhood and offers opportunities for increased amenities
 - iv. Will enhance the neighborhood through high-quality urban design
 - v. Will preserve the authenticity of the neighborhood and celebrate the history, architecture, and culture
 - vi. Ensures every neighborhood is economically strong and dynamic
 - vii. Helps to grow a strong, diversified economy through broadening the tax base with a focus on fiscal activity that is resilient to changes over time.
 - viii. Facilitates the growth of a diverse business sector that serves as the foundation for a global, innovative economy
 - ix. Ensures a broad range of jobs to align with the skills and interests of local residents
 - x. Sustains and grows Denver's local neighborhood businesses by promoting small, locally-owned businesses that reflect the unique character of Denver
 - xi. Ensures Denver has a productive, educated, competitive and knowledgeable workforce. This includes developing a highly trained local workforce with the skills and knowledge to effectively compete for a diverse range of local jobs
 - xii.
 - b. This rezoning is consistent with Blueprint Denver:

- i. In the Urban Neighborhood Context, small, multi-unit residential and mixed areas are typically embedded in 1-unit and 2-unit residential areas. Block patterns are generally with a mix of alley access. Buildings are lower scale and closer to the street.
 - ii. The local corridor, West 29th Avenue, provides for options for dining, entertainment and shopping, and includes residential and employment uses.
 - iii. Growth is guided to corridors (West 29th Avenue).
- 2) This rezoning furthers the Public Health, Safety and Welfare of residents of Denver.
 - a. A rezoned, redeveloped site will re-vitalize the West 29th Avenue corridor and the adjacent neighborhood with an infill development that is more appropriate, healthier, and safer.
- 3) There are Justifying Circumstances for this Rezoning:
 - a. The old zoning of PUD-83 was a special, stand-alone zoning that served a very specific purpose about 40 years ago. In the meantime, the city, the neighborhood context, and surrounding zoning have changed such that a new re-zoning, consistent with adjacent zoning, is in the public interest.
- 4) This rezoning aligns with the zone district's (U-MX-3) context description, purpose, and intent.
 - a. This rezoning will contextualize the site in general character; street, block, and access patterns; building placement and location; building heights; and mobility.
 - b. This rezoning is consistent with the general purpose of U-MX-3 as outlined in DZC Section 5.2.3.1 General Purpose.
 - c. This rezoning (U-MX-3) applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

Denver Property Taxation and Assessment System

[← New Search](#)

5005 W 29TH AVE

Owner	Schedule Number	Legal Description	Property Type
5005 W 29TH AVE LLC 5000 W 29TH AVE DENVER, CO 80212-1515	02303-12-012-000	L 25 TO 28 INC BLK 8 DELAPPE PLACE	INDUSTRIAL-

[Summary](#)
[Property Map](#)
[Assessed Values](#)
[Assessment Protest](#)
[Taxes](#)
[Neighborhood Sales](#)
[Chair](#)
[Print Summary](#)

Property Description

Style:	OTHER	Building Sqr. Foot:
Bedrooms:		Baths Full/Half:
Effective Year Built:	1973	Basement/Finish:
Lot Size:	13,034	Zoned As:
Mill Levy:	74.618	Document Type:

John Ward Trust Dated December 1, 2006
johnrogerward@gmail.com
303-927-0038

December 8, 2022

Community Planning and Development
City and County of Denver, Colorado
201 West Colfax Avenue, Department 205
Denver, Colorado 80202

Re: Rezoning Application – 5005 West 29th Avenue, Denver, Colorado

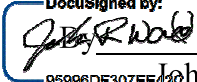
Dear Ladies and Gentlemen:

We are writing regarding a Rezoning Application for 5005 West 29th Avenue, Denver, Colorado, which application accompanies this letter. 5005 West 29th Avenue is owned by 5005 West 29th Avenue LLC, a Colorado limited liability company. The sole member of this LLC is the John Ward Trust Dated December 1, 2006. We are the Co-Trustees of the John Ward Trust Dated December 1, 2006.

We are writing as Co-Trustees of the Trust in accordance with the instructions on page 3 of the application to advise and confirm that we have granted authority to our son, Joshua Ward, to file and take any actions required or appropriate in conjunction with the rezoning application. We would very much appreciate your cooperation in assisting Josh with the application. Thank you.

John Ward Trust Dated December 1, 2006

DocuSigned by:



John R. Ward, Co-Trustee

Date: December 8, 2020

DocuSigned by:



Cathie J. Ward, Co-Trustee

Date: December 8, 2020

cc: Joshua Ward by electronic mail

14225 Foothill Road, Golden Colorado 80401

Legal description for 5005 W 29Th Avenue

Lots 25, 26, 27 and 28, Block 8, De Lappe Place,
City and County of Denver,
State of Colorado

ASSIGNMENT OF MEMBERSHIP INTERESTS

This Assignment of Membership Interests ("**Assignment**") is made by **John R. Ward** ("**John**"), to and for the benefit of the **John Ward Trust Dated December 1, 2006** (the "**Trust**"). John and the Trust are sometimes referred to herein collectively as the "**Parties**."

Recitals:

John is the only member of and owns all of the Membership Interests in 5005 W. 29th Ave. LLC, a Colorado limited liability company (the "**LLC**"). John desires to transfer and assign all of his Membership Interests in the LLC, including all rights, title and interest relating thereto, to his Trust. The Trust is agreeable to acquiring the Membership Interests, all in accordance with the provisions of this Assignment.

Covenants:

Now, therefore, in consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

1. As of the Effective Date defined below, John hereby assigns to the Trust all of his Membership Interests in the LLC, which assignment includes, but is not limited to, all his right to receive distributions, profits, losses or any other assets or liabilities and all his right to vote, manage or participate in the management of the LLC. The Membership Interests transferred herein are free and clear of all claims, security interests, pledges, mortgages, liens, charges, or other encumbrance of any nature whatsoever.

2. This Assignment shall be binding upon and inure to the benefit of the Parties, their respective heirs, executors, administrators, successors-in-interest and assigns.

3. This Assignment shall be governed by and construed in accordance with the laws of the State of Colorado.

In witness whereof, this Assignment has been executed by the Parties effective (the "**Effective Date**") as of December 7, 2022.

[Signatures on following page.]

JOHN:

DocuSigned by:

John R. Ward

95996DF307EE42C...

John R. Ward

TRUST:

JOHN WARD TRUST DATED DECEMBER 1, 2006

DocuSigned by:

John R. Ward

95996DF307EE42C...

John R. Ward, Co-Trustee

DocuSigned by:

Cathie J. Ward

95996DF307EE42C...

Cathie J. Ward, Co-Trustee

**THE JOHN WARD TRUST
DATED DECEMBER 1, 2006**

Restatement dated 1-20, 20

CREATIVE PLANNING LEGAL, PA
5454 W. 110TH STREET
OVERLAND PARK, KANSAS 66211

The John Ward Trust

Article One Establishing the Trust

On December 1, 2006, I established the John Ward Trust, and reserved the right to amend the trust, in whole or in part. On this day, 1-20, 2022, I revoke all restatements and amendments to that instrument and now exercise my power to amend that instrument in its entirety, so that after amendment the John Ward Trust now states:

The parties to this restated trust are John R. Ward (the *Grantor*) and John R. Ward and Cathie J. Ward (collectively, the *Trustee*).

I intend to create a valid trust under the laws of Colorado and under the laws of any state in which any trust created under this trust document is administered. The terms of this trust prevail over any provision of Colorado law, except those provisions that are mandatory and may not be waived.

Section 1.01 Identifying the Trust

For convenience, the trust may be referred to as:

“The John Ward Trust dated December 1, 2006.”

To the extent practicable, for the purpose of transferring property to the trust or identifying the trust in any beneficiary or pay-on-death designation, the trust should be identified as:

“John R. Ward and Cathie J. Ward, Trustees of the John Ward Trust dated December 1, 2006, and any amendments thereto.”

For all purposes concerning the identity of the trust or any property titled in or payable to the trust, any description referring to the trust will be effective if it reasonably identifies the trust and indicates that the trust property is held in a fiduciary capacity.

Section 1.02 Reliance by Third Parties

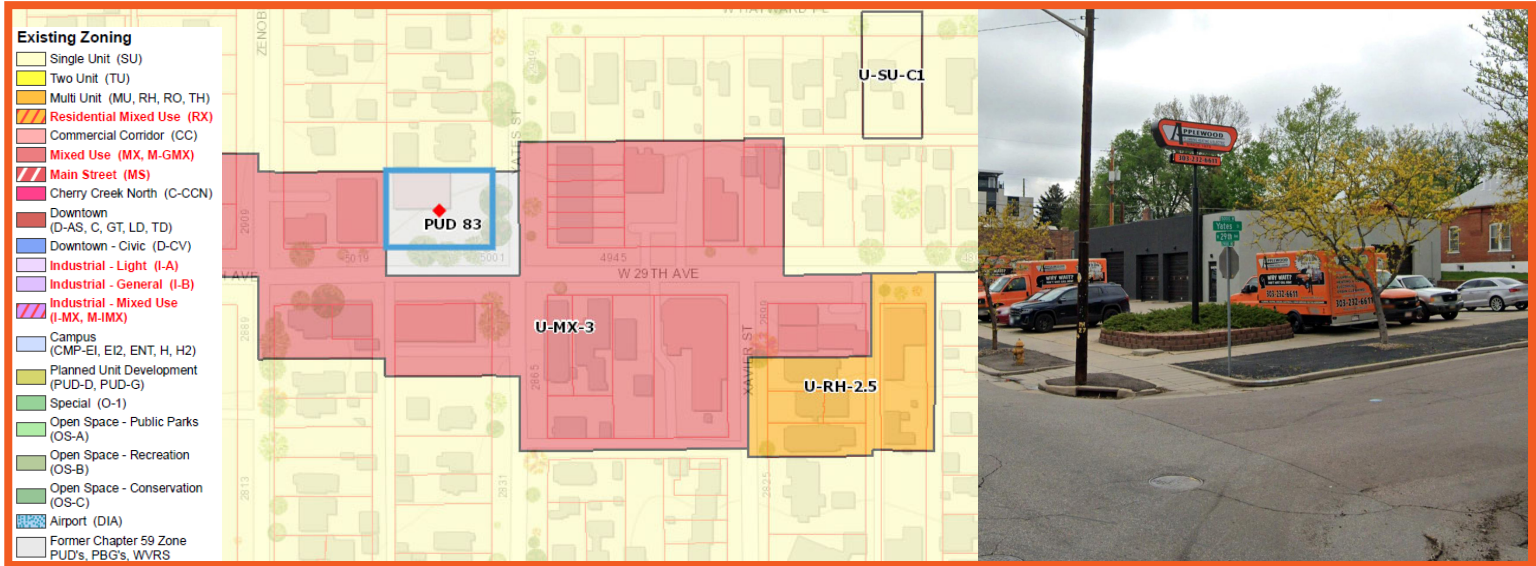
Third parties may require documentation to verify the existence of this trust, or particular provisions of it, including the name of the Trustee or the powers held by the Trustee. To protect the confidentiality of this instrument, the Trustee may use an affidavit or a certification of trust that identifies the Trustee and sets forth the authority of the Trustee to transact business on behalf of the trust instead of providing a copy of this instrument. The affidavit or certification may include pertinent pages from this instrument, including title or signature pages.

A third party may rely upon an affidavit or certification of trust that is signed by the Trustee with respect to the representations contained in it. A third party relying upon an affidavit or certification of trust will be exonerated from any liability for actions the third party takes or does not take in reliance upon the representations contained in the affidavit or certification of trust.

A third party dealing with the Trustee will not be required to inquire into this trust’s terms or the authority of the Trustee, or to see to the application of funds or other property received by the Trustee. The Trustee’s receipt of any money or property paid, transferred, or delivered to the Trustee will be a sufficient discharge to the third party from all liability in connection with its application. A written statement by the Trustee is conclusive evidence of the Trustee’s authority. Third parties are not liable for any loss resulting from their reliance on a written statement by the

John Ward Trust

Hi Neighbor. We're planning some improvements.



#2022i-00207



January 5, 2023 NO FEE Former Ch59

Over the past 32 years, we've made significant efforts to improve 29th Avenue in our neighborhood by purchasing and renovating older properties, which are all in use as our headquarters. Now, we're taking the necessary steps to re-zone the garage property located at 5005 W 29th Ave. Our goal is to have this previously excluded parcel brought up to current zoning standards, from PUD 83 to U-MX-3. U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. This change will allow us to create a new space consistent with other commercial properties on the 29th Avenue corridor. As always, our commitment to thoughtful design, beautiful improvements and neighborhood character will be at the forefront of our plans.

We welcome your thoughts and input on this project. Please feel free to reach out directly:

Josh Ward, Owner & President
Applewood Plumbing Heating & Electric
josh@applewoodfixit.com

#2022i-00207



Drew Dutcher

From: Paula Washenberger <paula@applewoodfixit.com>
Sent: Thursday, December 8, 2022 1:53 PM
To: Drew Dutcher
Subject: postcard and addresses
Attachments: zoning notification postcard 2.pdf

Hi Drew – postcard is attached, and here are the addresses that were mailed to.

- 2930 N Zenobia Street
- 2924 N Zenobia Street
- 5035 W 29th Ave
- 5025 W 29th Ave
- 5032 W 29th Ave
- 5016 W 29th Ave
- 5038 W 29th Ave
- 5008 W 29th Ave
- 5000 W 29th Ave
- 5020 W 29th Ave
- 2904 N Yates Street
- 2908 N Yates Street
- 2914 N Yates Street
- 2918 N Yates Street
- 2924 N Yates Street
- 2928 N Yates Street
- 2935 N Yates Street
- 2925 N Yates Street
- 2921 N Yates Street
- 2919 N Yates Street

Paula Washenberger

Director of Marketing & Talent Acquisition

Applewood Plumbing Heating & Electric

303-458-5988 Ext 184

paula@applewoodfixit.com

As a local, family-owned company, we are especially thankful to our community for supporting us throughout the years.

When you choose Applewood, you're investing in our employees and their families, and in turn, our community.

Visit us [here](#) to schedule service.

CONFIDENTIALITY: The information contained in this electronic message should be considered confidential, and is intended solely for the use of the individual or entity to which it is addressed. Copying, dissemination, or disclosure of this information is strictly prohibited without the express permission of the sender. If you are not the intended recipient, please delete this message and notify the sender immediately. Thank you.

Drew Dutcher

From: Eric Rymarz <eric.rymarz@urban-villages.com>
Sent: Thursday, December 8, 2022 8:39 PM
To: Drew Dutcher
Cc: Josh Ward; LUP@westhighlandneighborhood.org; Nicholas Ward; Paul Stewart; designreview@westhighlandneighborhood.org; president@westhighlandneighborhood.org; Karl Barton
Subject: Re: Upcoming LUP meeting of WHNA: Rezone of 5005 West 29th Avenue

Hi Drew,

Thanks for reaching back out and hope all is well!

Typically we provide a letter prior to the planning board meeting. From my perspective you have ticked all the pre-application boxes so feel free to submit. No further action required at this time but I'm sure we'll reach out with questions in the new year.

Cheers, Eric

On Thu, Dec 8, 2022 at 1:37 PM Drew Dutcher <drewd@pivotal-arch.com> wrote:

Dear Eric and Friends at WHNA:

Thank you for meeting with us on 11/15.

Is WHNA able to provide a letter of support for the rezoning of 5005 W 29th from PUD 83 to U-MX-3?

We are about to submit the application and would love to have your support if you are able.

I am happy to discuss if you or any member of WHNA would like.

Drew Dutcher

Project Manager



763 Santa Fe Drive

#2022i-00207

Drew Dutcher

From: Josh Ward <josh@applewoodfixit.com>
Sent: Thursday, December 8, 2022 1:44 PM
To: Drew Dutcher
Subject: Fwd: Zoning Change at 29th and Yates

From: Josh Ward <josh@applewoodfixit.com>
Sent: Tuesday, December 6, 2022 3:14 PM
To: LEE BYRD <leebyrd42@comcast.net>
Subject: RE: Zoning Change at 29th and Yates

Hi Lee

Our current plan would be to build a new three story building for Applewood's use. We have no plans to sell it to a developer. The street level would be a parking garage that would allow for more parking than we have on the existing lot. Keep in mind our planning is in the very initial stage. The zoning of our building to the west is already U-MX-3 as well as our building on the south side of 29th.

It's great to hear that you have used our services. We certainly appreciate your business!

Thanks

Josh Ward
President
Applewood Plumbing Heating & Electric
303-458-5988 ext102
josh@applewoodfixit.com

As a local, family-owned company, we are especially thankful to our community for supporting us throughout the years. When you choose Applewood, you're investing in our employees and their families, and in turn, our community. Visit us [here](#) to schedule service.

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From: LEE BYRD <leebyrd42@comcast.net>
Sent: Tuesday, December 6, 2022 9:21 AM
To: Josh Ward <josh@applewoodfixit.com>
Subject: Zoning Change at 29th and Yates

Hello Josh:

Just received you card about the zoning change you are proposing for the old Arnold's Auto Repair property. Thank you for the alert. I live at 2928 Yates St so right across the street. Obviously any changes or construction on that property will directly affect me and my neighbors.

What are your plans for that property? Are you planning to build another building for Applewood use? Does this zoning change also apply to your property just to the west on 29th and Zenobia?

My concerns are many. If you are planning to sell these lots for future commercial or residential development, I just do not feel the area can take more density. Traffic has increased so much on 29th since I moved to this address in 2007. And parking is bad enough on the street as is. I know they always say that parking is built in but never enough. Just see how much the street parking has increased since the two units were built on 29th and Sheridan. There is very limited parking as is on Yates right now.

Honestly Josh, when Joe said he was selling to Applewood for use as is, I was happy. You did a great job painting the building and love the new sign. Personally, I am happy to have you as a neighbor in your present footprint. I have used your services several times including a new HVAC system a few years ago. However, I just can't get in line with any higher density development.

Please let me know of your plans for the property so can determine if this is something I can embrace as your neighbor.

Thanks much.

Lee Byrd
leebyrd42@comcast.net

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Hadley Carmichael](#)
To: [Haigh, Robert M. - CPD CE0429 City Planner Senior; Rezoning - CPD](#)
Subject: [EXTERNAL] Rezoning of 5005 West 29th Avenue
Date: Friday, February 17, 2023 10:03:39 AM

Dear Mr. Haigh and other member of the Zoning Board,

I am writing to you to voice my opposition to the proposed rezoning of 5005 West 29th Avenue. Any rezoning of this property will only exacerbate the ongoing issues with parking and traffic safety related to Applewood Plumbing. This is no longer a small business that fits into a residential neighborhood, it is being used as a high frequency commercial truck depot with upwards of 50 large box trucks coming and going all day, **7 days a week.**

It is almost impossible to safely cross at the interaction of 29 and Yates- by both car and pedestrian- due to the large amount of traffic/parking/commotion caused by Applewood. Cars and trucks are parked too close to the curbs (and even legally) make it incredibly difficult to see oncoming traffic.

The orange trucks are parked all over the surrounding side streets. The employees are constantly parked illegally on Yates St. I do not see how an expansion of Applewood will eliminate these safety issues but in turn will only compound them. This is NOT an area zoned for this type of business.

Starting very early every day Applewood trucks line up waiting to resupply with tools and materials. This process causes a massive, dangerous traffic situation blocking North Yates street for extended periods of time. The sidewalk is completely closed off to pedestrians for several hours every morning as large trucks empty garbage and wait to enter the parking lot, this is at a time children are walking to school and the nearby day care center. The waiting trucks also block off the 29th Ave bike lane which is a main thoroughfare for bikers trying to get to work downtown. Bikes have to go around the trucks and into the heavy traffic on 29th Ave. This is just a disaster waiting to happen.

I ask that before rezoning this property is considered by the board that you come and observe the location between 6:00am-8:00am when a majority of the industrial trucks are driving through the neighborhood. This is when the most dangerous situation is occurring, blocking sidewalks, roads and bike lanes.

Thank you for your consideration. I hope you will consider the safety of families and neighbors of this residential neighborhood before allowing rezoning of this property. I actually hope you will consider if the current usage at this location fits the existing zoning. This business is being operated as a heavy industrial site, not something suited for a residential community.

Best regards,

Hadley Carmichael

--

LIKE WORKING WITH ME? PLEASE LEAVE ME A GOOGLE REVIEW *****

[Review Carmichael Insurance Group](#)

Hadley Carmichael



Owner
Carmichael Insurance Group
4938 West Hayward Place
Denver, CO 80212
(720) 271-0635
Carmichael Insurance Group

We do not offer every plan available in your area. Any information we provide is limited to those plans we do offer in your area. Please contact [Medicare.gov](https://www.medicare.gov) or 1-800-MEDICARE to get information on all of your options.

From: [Jeffrey Nowakowski](#)
To: [Haigh, Robert M.](#) - CPD CE0429 City Planner Senior; [Rezoning - CPD](#)
Subject: [EXTERNAL] Rezoning of 5005 West 29th Avenue
Date: Friday, February 10, 2023 1:57:12 PM

Dear Mr. Haigh and other member of the Zoning Board,

I am writing to you to voice my opposition to the proposed rezoning of 5005 West 29th Avenue. Any rezoning of this property will only exacerbate the ongoing issues with parking and traffic safety related to Applewood Plumbing. This is no longer a small business that fits into a residential neighborhood, it is being used as a high frequency commercial truck depot with upwards of 50 large box trucks coming and going all day, **7 days a week.**

This business does not provide nearly enough parking for its employees or the service techs driving the heavy duty commercial trucks used by Applewood. On any given day there are 30-40 employees and large box trucks parked in the surrounding neighborhood, often blocking driveways and sidewalks. While the application says the proposed building will provide more parking for the employees it will not provide parking for the large commercial trucks that are currently stored on the property. The existing parking lot at 5005 West 29th Ave is used as parking for over 1/2 of the commercial trucks this business uses. You will often find these trucks double and triple parked at 5005 West 29th Ave. The trucks that do not fit into the parking lot then illegally park on the residential streets and sit idling near neighbor's homes and bedroom windows. This process starts as early as 6:00am any given day. If Applewood were allowed to rezone this property and build a large commercial building they will quadruple the number of employees while only increasing employee parking by a few spots.

Starting very early every day Applewood trucks line up waiting to resupply with tools and materials. This process causes a massive, dangerous traffic situation blocking North Yates street for extended periods of time. The sidewalk is completely closed off to pedestrians for several hours every morning as large trucks empty garbage and wait to enter the parking lot, this is at a time children are walking to school and the nearby day care center. The waiting trucks also block off the 29th Ave bike lane which is a main thoroughfare for bikers trying to get to work downtown. Bikes have to go around the trucks and into the heavy traffic on 29th Ave. This is just a disaster waiting to happen.

I ask that before rezoning this property is considered by the board that you come and observe the location between 6:00am-8:00am when a majority of the industrial trucks are driving through the neighborhood. This is when the most dangerous situation is occurring, blocking sidewalks, roads and bike lanes.

Thank you for your consideration. I hope you will consider the safety of families and neighbors of this residential neighborhood before allowing rezoning of this property. I actually hope you will consider if the current usage at this location fits the existing zoning. This business is being operated as a heavy industrial site, not something suited for a residential community.

Best regards,

Jeff Nowakowski