

From: [Jeffrey Nowakowski](#)
To: [Haigh, Robert M. - CPD CE0429 City Planner Senior](#)
Subject: Re: [EXTERNAL] Rezoning of 5005 West 29th Avenue
Date: Sunday, February 26, 2023 11:08:22 AM
Attachments: [image001.png](#)
[image002.png](#)

Hello Mr. Haigh,

I wanted to send along the attached pictures as proof of zoning violations. These pictures were taken on a Sunday morning before 8:00am. showing over 20 large trucks in excess of 2 tons being stored on the property of Applewood. It may even be more than 20 trucks if the vans are over 2 tons. Only 1 of these trucks were in the process of a load and discharge.

Thanks you for all your assistance. We look forward to the upcoming Zoom meeting on this application.

Sincerely,

Jeffrey Nowakowski

On Mon, Feb 13, 2023 at 11:35 AM Haigh, Robert M. - CPD CE0429 City Planner Senior <Rob.Haigh@denvergov.org> wrote:

Good morning Jeffrey,

Thank you for your comment and detailed explanation of your concerns. It appears there may be some zoning violations occurring based on your description. The current and proposed use must be contained on the subject property and it sounds like the current use is expanding off the zone lot. Their commercial vehicles cannot be parked or stored, even temporarily, off the subject property.

Our Zoning and Neighborhood Inspections team is opening a case to investigate the current use. Additionally, there are additional limitations established in the Denver Zoning Code that the current and proposed use must comply with. Please be aware that following the rezoning, if approved, they would be held to these same requirement and would not be allowed to conduct their business off the subject property.

SECTION 11.5.3 CONTRACTORS, SPECIAL TRADE, GENERAL

11.5.3.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

- A. Trucks having a manufacturer's capacity of more than 2 tons shall not remain on the premises except as necessary to load and discharge contents.
- B. Any unenclosed areas permitted shall be provided with:
 - 1. A fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot;
 - 2. Proper grading for drainage; and
 - 3. Asphalt, oil or any other dust-free surfacing. These areas shall be maintained in good condition, free of weeds, dust, trash and debris.

Please let me know if you have any questions.

Thank you,



DENVER
THE MILE HIGH CITY

Rob Haigh | Senior City Planner
Community Planning and Development | City and County of Denver
[Pronouns](#) | He/Him/His
phone: (720) 865-2608

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From: Jeffrey Nowakowski <jgnowakowski1@gmail.com>

Sent: Friday, February 10, 2023 1:57 PM

To: Haigh, Robert M. - CPD CE0429 City Planner Senior <Rob.Haigh@denvergov.org>;
Rezoning - CPD <Rezoning@denvergov.org>

Subject: [EXTERNAL] Rezoning of 5005 West 29th Avenue

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



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HEATING & COOLING
ELECTRICAL
DRAIN CLEANING
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661
CAL & M



NO
RECYCLING
NO ENTRY
NO ALCOHOL

GO TOGETHER
RECYCLING
GFL



Planning Board Comments



Submission date: **28 February 2023, 7:45PM**
Receipt number: **489**
Related form version: **3**

Your information

Name	Amy Cole
Address or neighborhood	3255 West 29th Avenue
ZIP code	80211
Email	amycole@comcast.net

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	5005 West 29th
Case number	2022I-00207

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project? **Moderate opposition**

Your comment:

I'm a resident of this street and use 29th Avenue multiple times a day, both on foot, in the car and occasionally on my bike. I appreciate that in three directions adjacent to the subject property zoning is already U-MX-3, but it also adjoins a residential zone on Yates. With the construction of the two multi family complexes between Zenobia and Sheridan and another one underway on the south side of 29th, that portion of 29th has become increasingly congested and unsafe (I have already been advocating with the city for better marking for the bike lane and for "no parking" signage on the north side of 29th in that block), and I am concerned that rezoning this parcel will exacerbate that problem if an additional 3 story complex is built on this parcel which is not allowed now, but would be if this is approved. U-MX-2 could be a middle ground alternative. For these reasons, I contend that the rezoning does not further public health, safety and welfare and is not wholly consistent with neighborhood context.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

Haigh, Robert M. - CPD CE0429 City Planner Senior

From: Dino or Sharon DeVito <dsdpropertiesllc@gmail.com>
Sent: Thursday, February 23, 2023 11:13 AM
To: Haigh, Robert M. - CPD CE0429 City Planner Senior
Cc: ANTHONY; owensjco@gmail.com; andrew@yourcastle.com; anwwilson@comcast.net
Subject: [EXTERNAL] 5005 W. 29th Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Haigh,

As the owner/manager of 8 properties (2809 Yates St, 2840 Yates, 2625 Yates, 2481 Yates, 2458-74 Yates, 2481 Yates, 2475 Yates, 2460-62 Zenobia adjacent to Applewood Plumbing we have concerns regarding their intent to continue to expand their operations in our neighborhood.

This expansion of their operation to provide additional parking is only a temporary stop-gap measure that only affords some relief as they will continue to expand and grow. We really need to address whether a business with this kind of traffic intensity and footprint really belongs in a primarily quiet residential neighborhood. The vehicles of their employees are parked continually in front of our properties and impede the quiet and peaceful habitude and use of these properties.

Their fleet of trucks continually are using our residential side streets to access the main arteries to conduct their business and a traffic study should be done to evaluate the impacts upon our neighborhood.

The collection of 2 commercial trash bins impedes the flow of traffic in both directions on Yates St for about 10-15 minutes daily.

These are serious concerns that impact our neighborhood and valuation of property significantly and will not diminish with time as Applewood is a very successful commercial enterprise that will continue to grow and encroach upon our neighborhood.

For these reasons we are not in favor of the proposed change in zoning for the purpose of expanding the operation of a commercial enterprise of this magnitude in our residential neighborhood and would encourage them to move their operation to a commercial zoned property that affords them easier access to main arteries and highways for the services they provide throughout the city.

Dino DeVito
303-587-6992

Planning Board Comments



Submission date: **1 March 2023, 3:16PM**
Receipt number: **491**
Related form version: **3**

Your information

Name	Lee Byrd
Address or neighborhood	2928 Yates St
ZIP code	80212
Email	leebyrd42@comcast.net

Agenda item you are commenting on

Rezoning

Rezoning

Address of rezoning	5005 West 29th Ave
Case number	20221-00207

Draft plan

Plan area or neighborhood

Proposed text amendment

Project name

Historic district application

Name of proposed historic district

Comprehensive Sign Plan

Address of comprehensive sign plan

Case number

DURA Renewal Plan

Address of renewal project

Name of project

Other

Name of project you would like to comment on

Submit your comments

Would you like to express support or opposition to the project? **Moderate opposition**

Your comment:

I have questions concerning the overall development being planned. Will the new office space be only use for Applewood employees? How much parking will be included based on the number of employees? Where will the cars exit, 29th or Yates? What are the plans for the lot Applewood owns just to the west of this lot? Will they sell that to a developer for residential development?

The traffic on 29th has increased greatly in the 15 years I have been here. As residential and businesses have developed along 29th, hte parking has moved to the side streets as has the traffic. If this rezoning will add to the traffic and parking problems, can't be for it.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

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.

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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,

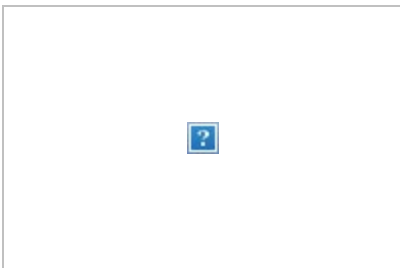
Hadley Carmichael

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[Review Carmichael Insurance Group](#)

Hadley Carmichael



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

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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,

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Best regards,

Jeff Nowakowski

From: [Heidi Finn](#)
To: [Haigh, Robert M. - CPD CE0429 City Planner Senior](#)
Subject: [EXTERNAL] 5000 W 29th
Date: Wednesday, April 12, 2023 6:53:55 AM

Hi Rob,

My name is Heidi Finn, writing to you as a 25yr resident of 2971 Yates St.

Myself and neighbors have noticed a public hearing sign posted on Applewood Plumbing site, 5000 W 29th which happens to be three houses from my primary residence.

I see the next hearing in May 1st, however, I am searching for context and proposed plans for the site and can't seem to find anything on Denver website. Help?

The neighbors as you can imagine, are concerned with the CMX3 zoning and how the city is going to require parking for whatever development is slated for the site as well as construction traffic, pedestrian cross walk safety, etc. It hasn't been done effectively as it could in surrounding development and streets which is why I/we are reaching out.

I sent an email to the owner of Applewood for a coffee meeting and we have quite a few concerned neighbors that plan to be on the May 1st call.

Any information prior to the meeting would be appreciated.

Thank you!

--

Heidi Finn, Principal
Urban Luxe Real Estate
Residential, Commercial Brokerage
3060 Larimer St.
Denver, CO 80205
tel:: 720.300.0330
em:: heidi@UrbanLuxeRealEstate.com

Denver I Breckenridge I Aspen I Belize