



TO: Land Use, Transportation and Infrastructure Committee
FROM: Brandon Shaver, Senior City Planner
DATE: January 7, 2020
RE: Official Zoning Map Amendment Application #2020I-00078
1501 S. Acoma St.
Rezoning from I-A, UO-2 to I-MX-5, UO-2

Staff Report and Recommendation

Based on the criteria for review in the Denver Zoning Code, Staff recommends **approval** for Application #2020I-00078.

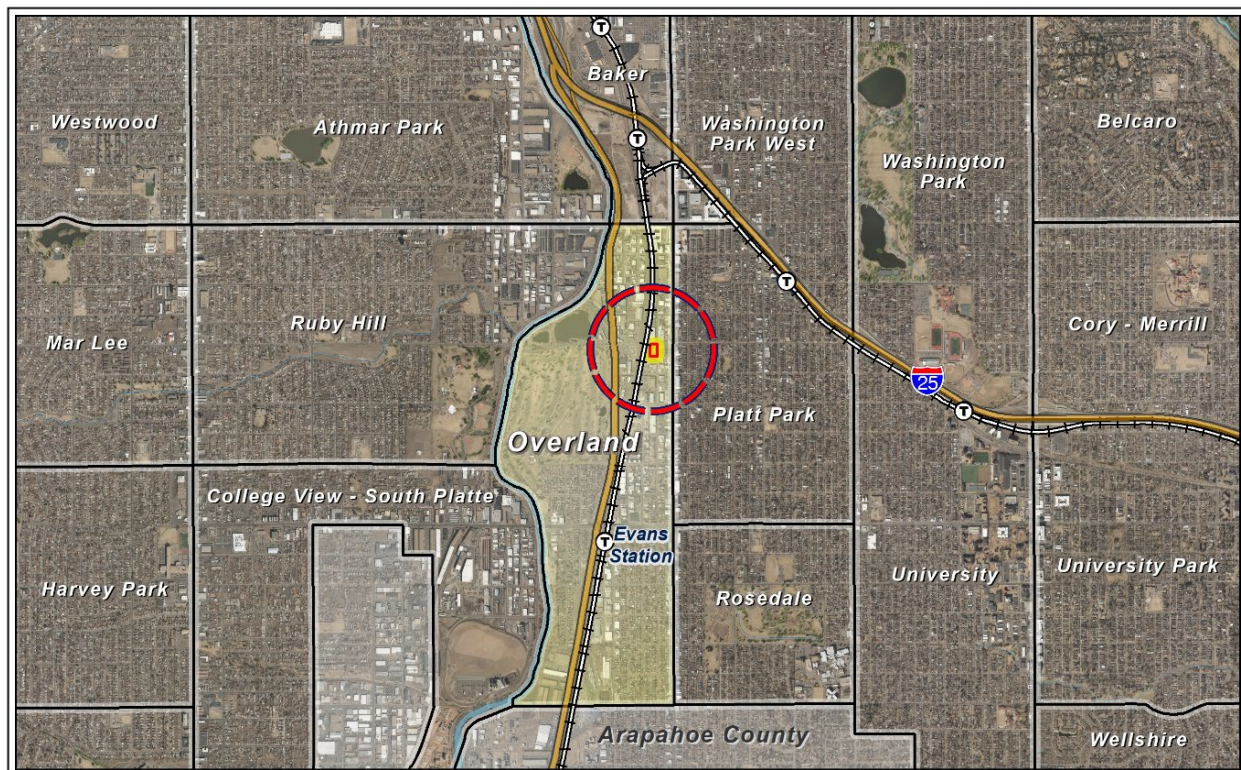
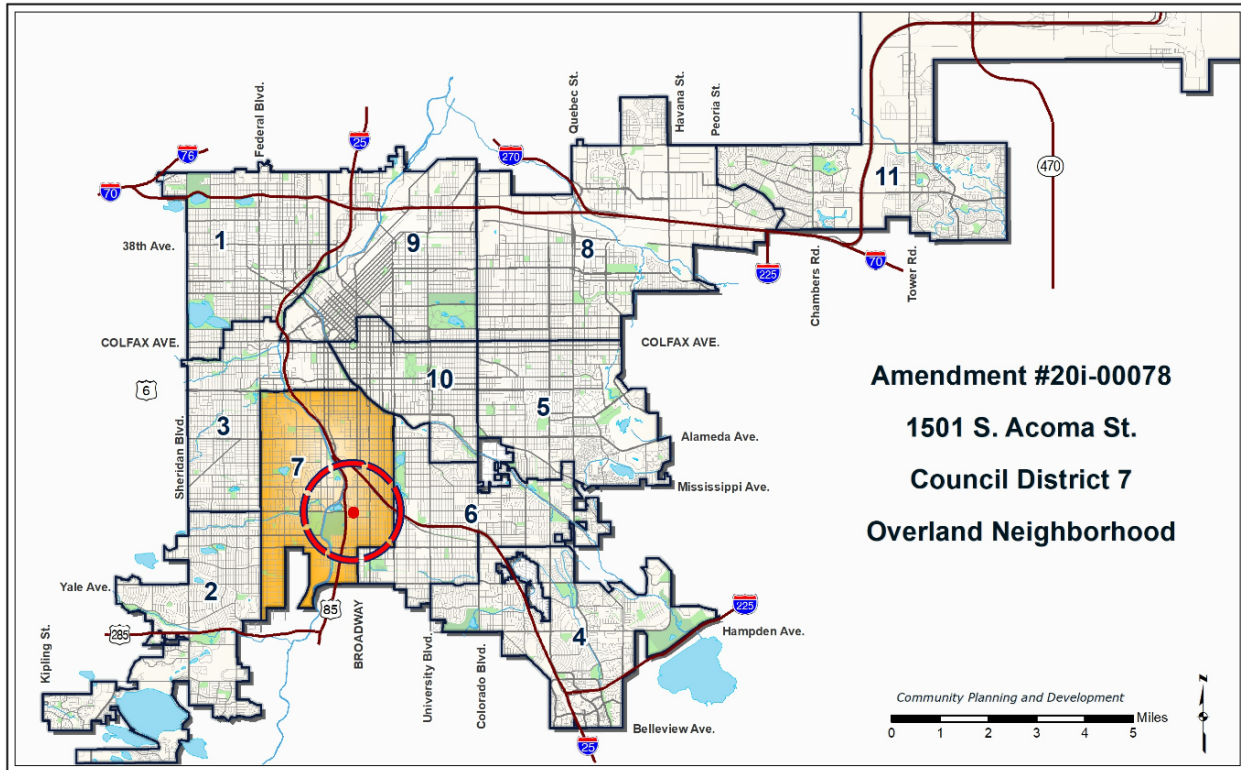
Request for Rezoning

Address: 1501 S. Acoma St.
Neighborhood/Council District: Overland / Council District 7
RNOs: Inter-Neighborhood Cooperation (INC), Overland Park
Neighborhood Association (OPNA)
Area of Property: 29,680 square feet or 0.68 acres
Current Zoning: I-A, UO-2
Proposed Zoning: I-MX-5, UO-2
Property Owner(s): 1501 S Acoma Property Owner LLC
Owner Representative: Cory Rutz

Summary of Rezoning Request

- The property is in the Overland statistical neighborhood at the southwest corner of West Florida Avenue and South Acoma Street.
- The property, owned by 1501 S Acoma Property Owner LLC, is currently occupied by an industrial storage lot.
- The applicant is requesting this rezoning to enable mixed-use redevelopment.
- The proposed zone district, I-MX-5, UO-2, can be summarized as follows (see map below illustrating proposed zone districts):
 - The I-MX-5 zone district stands for **I**ndustrial, **M**ixed Use, with a maximum height of **5** stories. The I-MX zone district is a mixed-use zone district that allows a wide range of light industrial, residential and commercial uses with minimum build-to and increased transparency requirements intended to promote active pedestrian areas on public streets. The I-MX-5 zone district allows up to 5 stories and 70 feet in building height. Further details of the zone district can be found in Division 9.1 of the Denver Zoning Code (DZC).
 - The applicant's request includes maintaining the Billboard Use Overlay, UO-2, on the property. There are no billboards currently on the subject property and no future billboards are contemplated in connection with this rezoning. Further details of the Billboard Use Overlay can be found in Section 9.4.4 of the Denver Zoning Code (DZC).

Existing Context



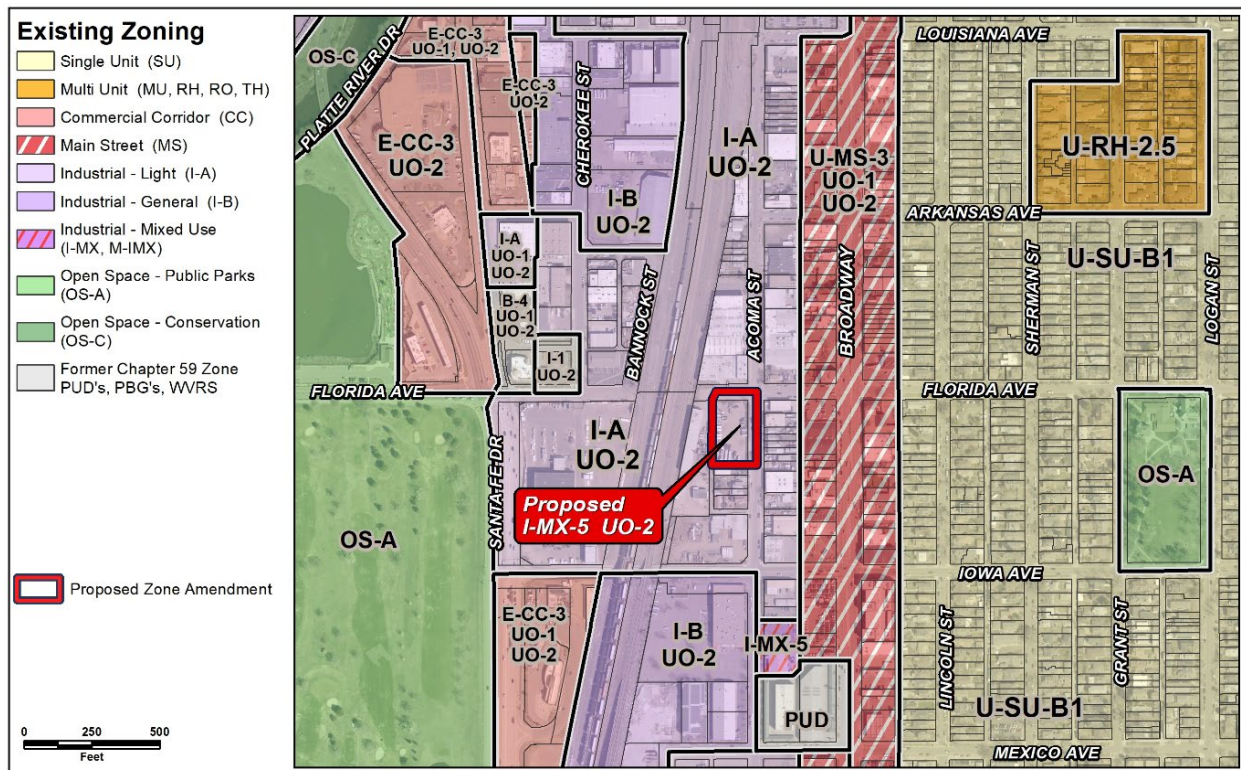


The subject property is located within the Overland neighborhood, at the southwest corner of West Florida Avenue and South Acoma Street. Significant public and private reinvestment along South Broadway (one block east of the subject property) in recent years suggest this area is continuing to transition from mostly industrial to more mixed-use in nature. The subject site has approximately 235 feet of frontage along South Acoma Street and has a lot depth of approximately 125 feet. Union Pacific, Burlington Northern Santa Fe and RTD rail lines are located approximately 200 feet west of the subject site. The subject property has indirect access to the west side of the railroad tracks at West Iowa Avenue and is served by RTD's frequent bus routes 0 and 0L along South Broadway.

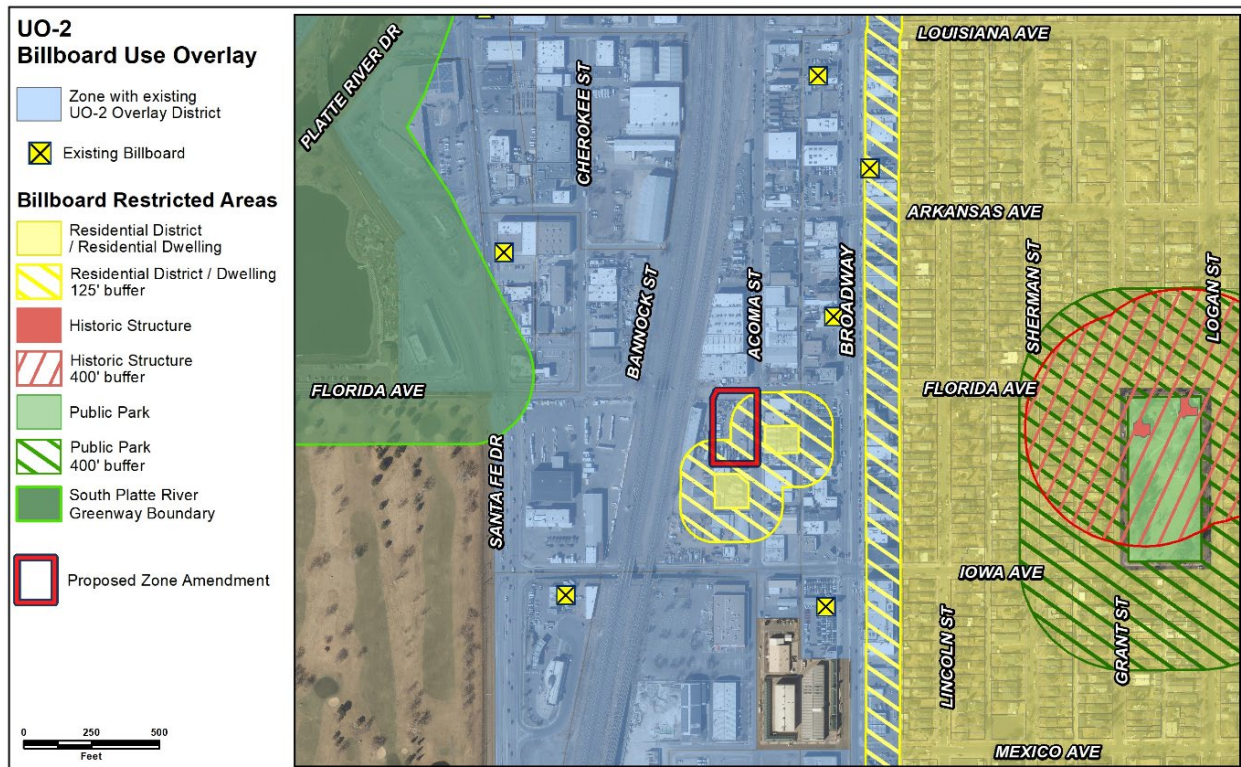
The following table summarizes the existing context proximate to the subject site:

	Existing Zoning	Existing Land Use	Existing Building Form/Scale	Existing Block, Lot, Street Pattern
Site	I-A, UO-2	Industrial	Fenced, unpaved surface lot	The area is served by the Denver cardinal street grid and block pattern is regular except for the railroad tracks running southwest/northeast. Major street connections are provided to South Broadway and South Santa Fe Drive.
North	I-A, UO-2	Industrial & Mixed-use	2-story industrial building used for self-storage with a 1-story residential structure and a 2-story industrial building with continuous street wall along east side of South Acoma Street	
South	I-A, UO-2	Mixed-use & Single-unit Residential	2-story mixed-use building and three single-unit residences	
East	I-A, UO-2	Industrial & Single-unit Residential	Two 1-story brick structures used for offices and four 2-story single-unit residences	
West	I-A, UO-2	Industrial	Fenced, unpaved surface lot along alley with a 1-story industrial structure	

1. Existing Zoning

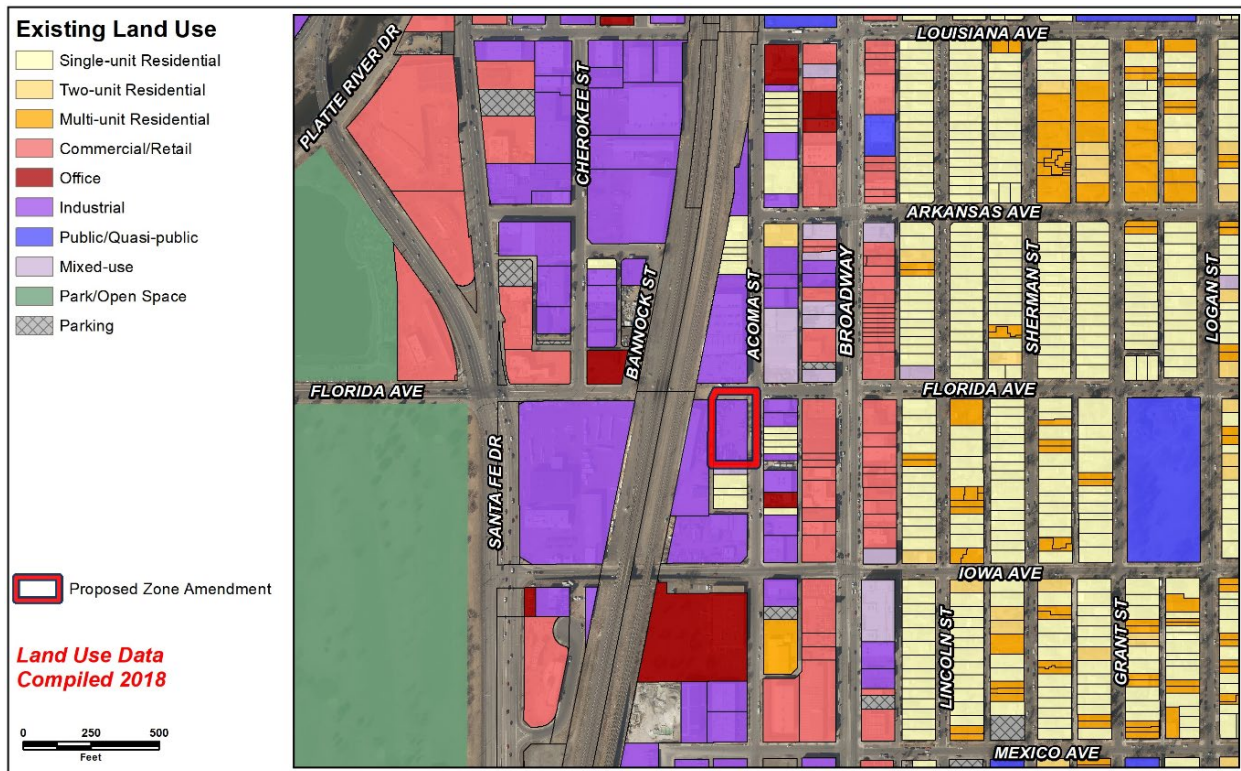


The existing zoning on the subject property is I-A, UO-2 which is a light industrial district that allows office, business and light industrial uses with the billboard use overlay. Residential uses are only permitted in the light industrial zone where a residential structure existed prior to July 1, 2004. The I-A zone district allows the General and Industrial primary building forms and regulates building mass through a maximum floor area ratio (FAR) of 2:1. This zone district does not specify a maximum building height except for sites within 175 feet of a protected district, in which case the maximum building height is 75 feet. The subject property is not within 175 feet of a protected zone district. Building forms in the I-A district do not include a build-to requirement, transparency requirement, or street-level activation standards and surface parking is permitted between the building and primary and side streets.



As previously stated, the Billboard Use Overlay District (UO-2) is also applied to the site. The UO-2 allows for “outdoor general advertising device” signs (i.e. billboards) within the applicable area. There are no billboards located on the subject property, but the use overlay is proposed to be retained with the requested zoning. Additional standards and limitations regarding minimum separation and distance requirements can be found in Section 10.10.20 of the Denver Zoning Code. The map above shows existing billboards in the area and some of the restrictions associated with them.

2. Existing Land Use Map



The existing land use on the subject property and many surrounding properties is industrial with some mixed-use interspersed. Single-unit residential uses, mostly constructed in the late 1890s, are also in existence along South Acoma Street from West Louisiana Avenue to West Iowa Avenue. Commercial/retail, mixed-use and office uses are focused along South Broadway.

3. Existing Building Form and Scale



Site - Aerial view, looking west (Source: Google Maps)



Site - from South Acoma Street (Source: Google Maps)



Site - from West Florida Avenue (Source: Google Maps)



North - from South Acoma Street (Source: Google Maps)



East – from South Acoma Street (Source: Google Maps)



South – from South Acoma Street (Source: Google Maps)



West – from West Florida Avenue (Source: Google Maps)

Proposed Zoning

I-MX-5 Zone District

The requested I-MX-5 zone district has a maximum height of 5 stories or 70 feet with allowable encroachments. A variety of residential, commercial and industrial uses are allowed, with limitations. Under the general building form, the requested district does not allow surface parking between the building and primary street, where the zone lot line is located within 65 feet of the building façade. The For additional details regarding building form standards in the I-MX-5 zone district, see DZC Section 9.1.3.

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

Design Standards	I-A, UO-2 (Existing)	I-MX-5 (Proposed)
Primary Building Forms Allowed	General, Industrial	Town House; General; Industrial
Height in Stories / Feet (max)	N/A, except max height of 75' within 175' of a protected district	5 stories/70'
Primary Street Build-To Percentages (min)	N/A	50%*
Primary Street Build-To Ranges	N/A	10' to 15'- Town House 0' to 10' – General
Minimum Zone Lot Size/Width	N/A	N/A
Primary Street Setbacks (min)	20'	10' – Town House 0' – General 0' – Industrial
Floor Area Ratio (Max)	2:1 FAR	N/A

*Standard varies between building forms

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

Department of Public Health and Environment: Approved – See comments below
 Redevelopment of this property may encounter adverse environmental conditions, including, but limited to, underground petroleum storage tanks and historic urban landfill material.

Denver Parks and Recreation: Approved – No comments

Public Works – R.O.W. - City Surveyor: Approved – Legal description accepted

Development Services - Transportation: Approved – No response

Development Services – Wastewater: Approved – No response

Development Services – Project Coordination: Approved – No comments on rezoning

Development Services – Fire Prevention: Approved – No response

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:	10/11/20
Applicant submitted revised application:	11/25/20
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:	12/22/20
Planning Board Public Hearing (voted 5-2 in favor):	1/6/21
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:	12/29/20
Land Use, Transportation and Infrastructure Committee of the City Council meeting:	1/12/21
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 (tentative):	2/8/21
City Council Public Hearing (tentative):	3/1/21

Public Outreach and Input

- **Registered Neighborhood Organizations (RNOs)**
 As of the date of this report, staff has received one written comment from an RNO in support of this application.
 - The Overland Park Neighborhood Association supports the rezoning based on the Good Neighbor Agreement they have negotiated with the applicant.
- **Other Public Comment**
 As of the date of this report, staff has received two written comments in support of this application.

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)*
- *Overland Neighborhood Plan (1993)*

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.

The proposed rezoning would allow for mixed-use development, including an increase in allowed housing density, while also enabling additional housing units close to services and amenities. It is therefore consistent with the following strategies in the Equitable, Affordable and Inclusive vision element:

- Equitable, Accessible and Inclusive Goal 1 – *Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities (p. 28).*
- Equitable, Affordable and Inclusive Goal 1, Strategy A – *Increase development of housing units close to transit and mixed-use developments (p. 28).*
- Equitable, Affordable and Inclusive Goal 2, Strategy A – *Create a greater mix of housing options in every neighborhood for all individuals and families (p. 28).*

The proposed rezoning would enable mixed-use infill development at a location where services and infrastructure are already in place. The proposed I-MX-5, UO-2 zoning designation would allow for a broader variety of uses including housing, retail, and services and 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).
- Strong and Authentic Neighborhoods Goal 2, Strategy D – *Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture and quality of life* (p. 34).

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

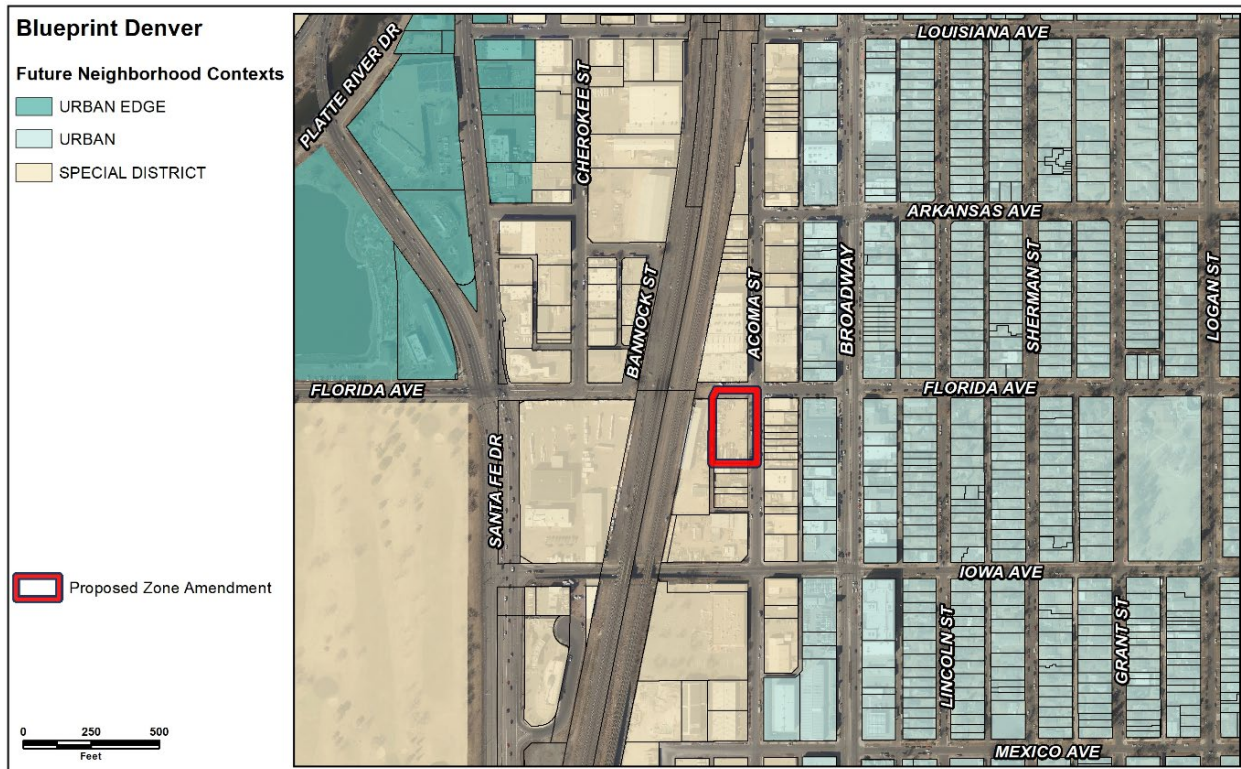
- Environmentally Resilient Goal 8, Strategy A - *Promote infill development where infrastructure and services are already in place* (p. 54).
- Environmentally Resilient Goal 8, Strategy B - *Encourage mixed-use communities where residents can live, work and play in their own neighborhoods* (p. 54).
- 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 enable mixed-use development at an infill location where infrastructure is already in place. The requested zone districts broaden the variety of uses allowing residents to live, work and play in the area. Therefore, the rezoning is consistent with *Denver Comprehensive Plan 2040* recommendations.

Blueprint Denver (2019)

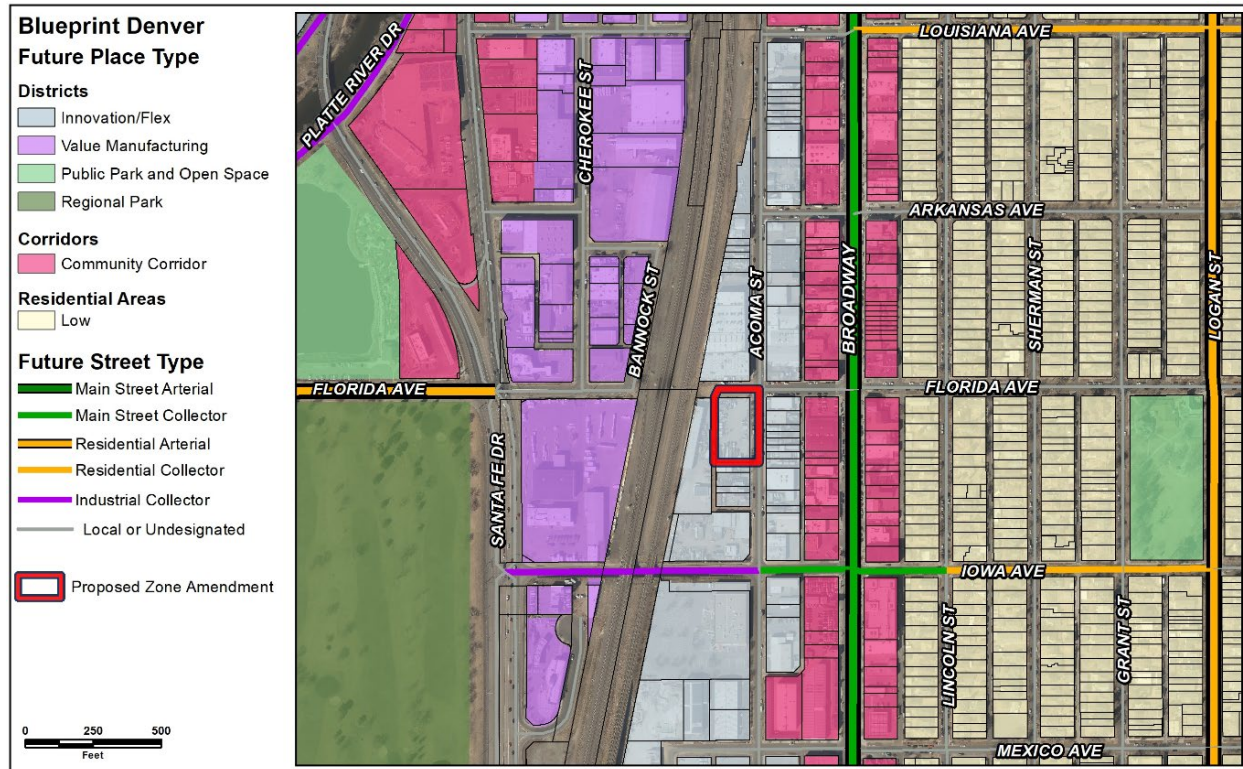
Blueprint Denver was adopted in 2019 as a supplement to *Comprehensive Plan 2040* and establishes an integrated framework for the city's land use and transportation decisions. *Blueprint Denver* identifies the subject property as part of an Innovation-Flex future place within the District Context and 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 land use and built form and mobility options at a higher scale, between neighborhoods. The subject property is within the District Context. Blueprint states, “Districts are areas with a specially designed purpose, such as educational campuses, civic centers or manufacturing areas. Residential uses are largely limited to the campus and innovation/flex districts” (p. 280). The proposed I-MX-5 base zone district is appropriate for the District context and is “intended to promote safe, active, and pedestrian-scaled diverse areas through the use of building forms that clearly activate the public street realm” and “the Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character and improves the transition between commercial development and adjacent residential neighborhoods.” (DZC 9.1.2.1). Since the proposed I-MX-5, UO-2 zone district allows for a mix of uses and allowable building forms that contribute to street activation, the proposed rezoning to I-MX-5 is consistent with the District context designation.

Blueprint Denver Future Places



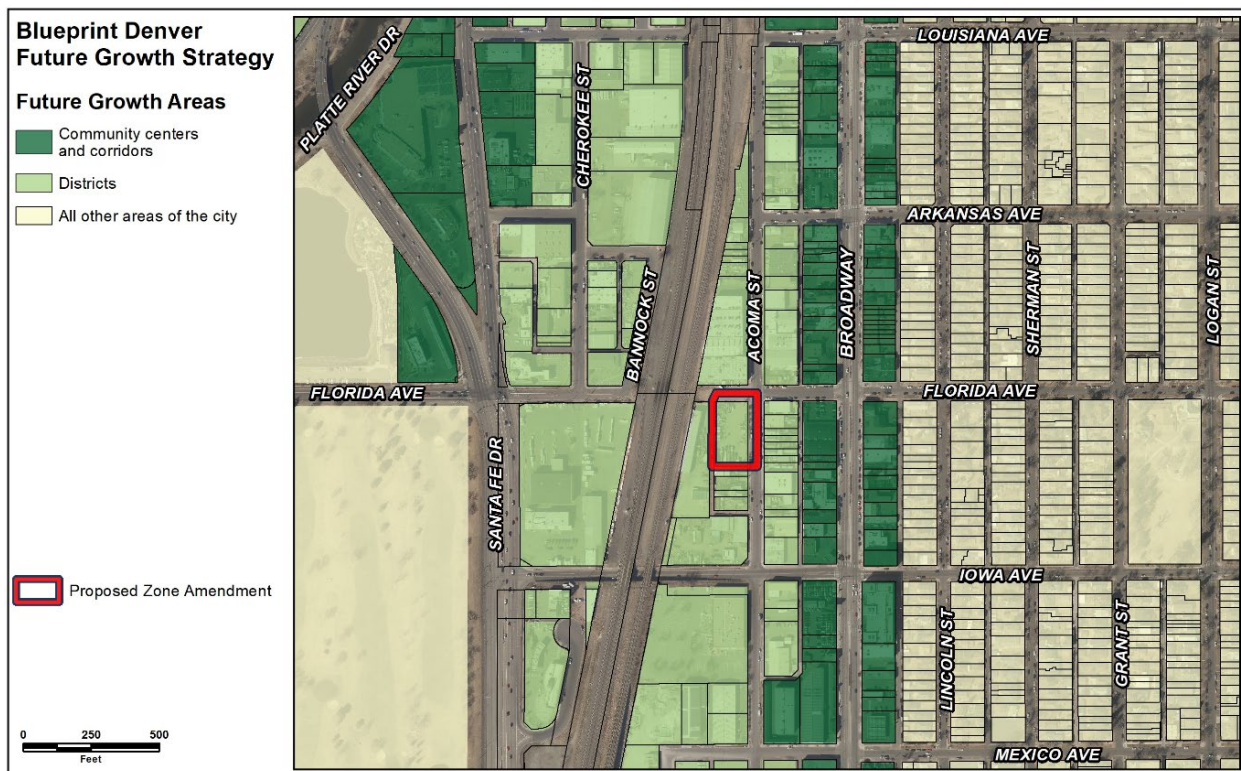
Blueprint Denver describes the Innovation/Flex district in the District context as “an ideal location for businesses that need to mix research/design, manufacturing and logistics with an area that has more urban amenities, a greater mix of uses and strong transit connections” (p. 284). Additionally, “multi-unit residential is compatible” in Innovation/Flex areas, which are characterized by a “reduced intensity of use and the desire to create more vibrant urban places” (p. 284). As mentioned in the Land Use & Built Form: Economics Policy 1 Strategy A, “residential uses are appropriate in innovation/flex districts” (p. 91). Strategy D continues, “Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts” (p. 91).

The proposed I-MX-5, UO-2 zone district allows for a variety of industrial, commercial and residential uses in a pedestrian-oriented pattern with an active street level. *Blueprint Denver* notes that in Innovation/Flex areas, “building scale varies greatly, and can be dependent upon the surrounding context and character” (p. 285). The surrounding buildings are currently lower than the five-story maximum height allowed under I-MX-5, but the current entitlement for these buildings potentially allows buildings much taller in the areas zoned I-A surrounding the subject property. Buildings in the I-A zone district are limited by a maximum floor area ratio of 2.0, rather than a maximum height, except when located in proximity to a protected district. Therefore I-MX-5, UO-2 is appropriate for an Innovation/Flex location.

Street Types

Blueprint Denver classifies West Florida Avenue and South Acoma Street as local or undesignated streets. Local streets “are designed for the highest degree of property access” (p. 154) and “can vary in their land uses and are found in all neighborhood contexts. They are most often characterized by residential uses” (p. 160). One block to the east, Broadway is designated as a main street arterial. “Arterial streets are designed for the highest amount of through movement and the lowest degree of property access” (p. 154). Just one block to the south, West Iowa Avenue is an industrial collector. “Collector streets are in between a local street and an arterial street; they collect movement from local streets and convey it to arterial streets” (p. 154). The land use and built form characteristics of Industrial streets are described as “manufacturing but may contain other uses. Buildings are generally low-rise and may be setback to accommodate site specific needs” (p. 160). The proposed I-MX-5, UO-2 zone district is intended for industrial-dominated areas served primarily by collector streets (DZC Section 9.1.2.1.A.3). As West Iowa Avenue is a collector street and considering that two local streets convey traffic to an even higher intensity street (Broadway), the requested zone district is appropriate considering the surrounding street type designations.

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 part of the districts area. Citywide, districts are anticipated to see around 5% of new housing growth and 15% of new employment growth

by 2040 (p. 51). *Blueprint* notes that “Higher intensity residential areas near downtown, mid-scale housing in innovation/flex districts and low-scale greenfield residential all contribute to Denver’s future housing stock” (p.49). The proposed map amendment to I-MX-5, UO-2 will allow mixed-use growth in an Innovation/Flex district, which is an intended location for this kind of growth and helps to support the future employment and housing growth anticipated by *Blueprint Denver*. Therefore, this proposed rezoning is consistent with the growth strategy.

Additional Applicable Strategies

The proposed rezoning is also consistent with the following strategies from *Blueprint Denver*:

- Land Use and Built Form – General Policy 1 – *Promote and anticipate planned growth in major centers and corridors and key residential areas connected by rail service and transit priority streets* (p. 72).
- Land Use and Built Form – Housing Policy 8 – *Capture 80 percent of new housing growth in regional centers, community centers and corridors, high-intensity residential areas, greenfield residential areas, innovation flex districts and university campus districts* (p. 86).
- Land Use and Built Form – Economics Policy 3, Strategy D – *Within innovation/flex districts, enable housing and other uses to complement manufacturing. Promote urban, pedestrian-friendly building forms that are appropriate for vibrant, mixed-use districts* (p. 91).

Overland Neighborhood Plan (1993)

This neighborhood plan was adopted by City Council in 1993 and applies to the subject property. The plan identifies that commercial and industrial businesses have been grouped into corridors. The plan further outlines concerns around providing adequate transition from industrial uses to residential communities. This site is adjacent to residential uses, but it is in an area that transitions from industrial to commercial. The most specifically applicable recommendation in this plan is Action Recommendation LZ-2, which recommends that commercial and industrial businesses invest in their sites, including beautification and clean-up (p. 13). Reinvestment in the site will be enabled by this rezoning. Based on the foregoing, the proposed rezoning is consistent with the Overland Neighborhood Plan.

2. Uniformity of District Regulations and Restrictions

The proposed rezoning to I-MX-5, UO-2 will result in the uniform application of zone district building form, use and design regulations.

3. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety, and general welfare through implementation of the city’s adopted land use plan. The proposed rezoning would also facilitate increased housing density near services and amenities along Broadway and foster the creation of a walkable, urban area within walking distance to high-capacity transit. An increase in density and broadened mix of uses can also provide better health outcomes through increased physical activity and lessen the need for driving as services and amenities can occur within walkable and bikeable distances.

4. Justifying Circumstances

The application identifies several changed or changing conditions and a change in plan direction as the justifying circumstances 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: (a.) Changed or changing conditions in a particular area, or in the city generally; or, (b.) a City adopted plan; or, (c.) that the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning”*.

Recent physical changes within proximity to the subject site include new streetscaping improvements along South Broadway that prioritize pedestrians and increase safety along the corridor. Other changes include the opening of new multi-unit residential projects at South Broadway and West Arizona Avenue and at South Bannock Street and West Colorado Avenue, adjacent to the railroad tracks. Lastly, increasing private investments along South Broadway in recent years justify this rezoning request to recognize the changing conditions.

A change to a City adopted plan, Blueprint Denver, also justifies this rezoning. When Blueprint was adopted in 2019, the subject property was mapped as a value manufacturing area in a district context. This future place does not integrate well with residential uses and the requested zone district, I-MX-5, was not consistent with the plan direction. Through the Blueprint Denver annual update process in 2020, this area of the city was remapped to an innovation/flex future place which supports residential uses and therefore, further justifies this rezoning.

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

Both the I-A and I-MX-5 zone districts fall within the industrial context description set forth in the Code, meaning that the approval of the rezoning will not impact the consistency with the applicable neighborhood context description. It is important to note, in any event, that the industrial context specifically contemplates and includes “areas subject to transitions from industrial to mixed use,” which, as noted above, describes the mixed-use nature of the area in the vicinity of the subject property.

The general purpose of the industrial mixed-use districts, which includes I-MX-5, is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” (DZC Section 9.1.2.1.A.1.B.–C). The I-MX-5 district zoning will allow the subject property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the heavier industrial properties to the west and the evolving mixed-use areas along South Broadway to the east. The third purpose statement for the industrial mixed-use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” (DZC Section 9.1.2.1.A.1.a).

The I-MX-5 purpose statement provides that the district is appropriate for “industrially dominated areas served primarily by collector streets.” (DZC Section 9.1.2.1.A.3). As discussed above in conjunction with adopted plans, this Property is near frequent bus service along South Broadway. Although the Property is located on South Acoma Street, which is a local street, it is also served by two more intense streets (as designated by Blueprint): (1) West Iowa Avenue is an industrial collector to the south of the Property;

and (2) South Broadway is a main street arterial. As such, the Property may best be considered as served primarily by collector and local streets with important access points to arterial streets, which is consistent with the stated purpose and intent of the I-MX-5 district.

There is no specific intent statement for the UO-2 zone district, but DZC Section 9.4.4.1 states the following general purpose for Use Overlay districts: "Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010." This site currently has the UO-2 use overlay, which maintained the status quo regarding billboard uses. By retaining the UO-2 in this rezoning, the site would continue to maintain the status quo regarding billboard uses and therefore it is consistent with the general purpose of the DZC use overlays.

Attachments

1. Rezoning application
2. Public comments

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	
Property Owner Name		Representative Name	
Address		Address	
City, State, Zip		City, State, Zip	
Telephone		Telephone	
Email		Email	
<p>*If More Than One Property Owner: All standard zone map amendment applications shall be initiated by all the owners of at least 51% of the total area of the zone lots subject to the rezoning application, or their representatives authorized in writing to do so. See page 3.</p>		<p>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</p>	
<p>Please attach Proof of Ownership acceptable to the Manager for each property owner signing the application, such as (a) Assessor's Record, (b) Warranty deed or deed of trust, or (c) Title policy or commitment dated no earlier than 60 days prior to application date.</p> <p>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.</p>			
SUBJECT PROPERTY INFORMATION			
Location (address and/or boundary description):			
Assessor's Parcel Numbers:			
Area in Acres or Square Feet:			
Current Zone District(s):			
PROPOSAL			
Proposed Zone District:			

REVIEW CRITERIA	
<p>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.7</p>	<p><input 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. Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</p> <p><input 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 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>Additional Review Criteria for Non-Legislative Rezoning: The proposal must comply with both of the additional review criteria DZC Sec. 12.4.10.8</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 on 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 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="margin-left: 20px;">a. Changed or changing conditions in a particular area, or in the city generally; or</p> <p style="margin-left: 20px;">b. A City adopted plan; or</p> <p style="margin-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. Please provide an attachment describing the justifying circumstance.</p> <p><input 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. Please provide an attachment describing how the above criterion is met.</p>
REQUIRED ATTACHMENTS	
Please ensure the following required attachments are submitted with this application:	
<p><input type="checkbox"/> Legal Description (required to be attached in Microsoft Word document format)</p> <p><input type="checkbox"/> Proof of Ownership Document(s)</p> <p><input type="checkbox"/> Review Criteria, as identified above</p>	
ADDITIONAL ATTACHMENTS	
Please identify any additional attachments provided with this application:	
<p><input type="checkbox"/> Written Authorization to Represent Property Owner(s)</p> <p><input type="checkbox"/> Individual Authorization to Sign on Behalf of a Corporate Entity</p>	
Please list any additional attachments:	



REZONING GUIDE

PROPERTY OWNER OR PROPERTY OWNER(S) REPRESENTATIVE CERTIFICATION/PETITION

We, the undersigned represent that we are the owners 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 or deed of trust, (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>	01/01/12	(A)	YES

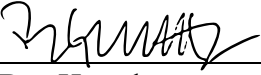
**SIGNATURE PAGE
TO REZONING APPLICATION**

1501 S. ACOMA STREET

1501 S. ACOMA PROPERTY OWNER, LLC,
a Colorado limited liability company

By: Flywheel 1501, LLC,
a Colorado limited liability company,
its Managing Member

By: FW 1501 Manager, LLC,
a Colorado limited liability company,
it Manager

By: 
Name: Ben Hrouda
Title: Manager

**Legal Description of Subject Property
Rezoning Application**

1501 S. Acoma Street

Lots 40 through 48, inclusive, and the North 1/2 of Lot 39, Block 7,
Overland Park Sub-Division,
City and County of Denver,
State of Colorado

1501 S ACOMA ST

Owner	1501 S ACOMA PROPERTY OWNER 2828 N SPEER BLVD 220 DENVER , CO 80211-4236
Schedule Number	05226-02-020-000
Legal Description	OVERLAND PARK SUB B7 N/2 OF L39 & ALL OF L40 TO 48 INC
Property Type	COMMERCIAL - MISC IMPROVEMENTS
Tax District	DENV

Print Summary

Property Description			
Style:	OTHER	Building Sqr. Foot:	0
Bedrooms:		Baths Full/Half:	0/0
Effective Year Built:	0000	Basement/Finish:	0/0
Lot Size:	29,680	Zoned As:	I-A

Note: Valuation zoning may be different from City's new zoning code.

Current Year				
	Actual	Assessed	Exempt	
Land		\$816,200	\$236,700	\$0
Improvements		\$4,600	\$1,330	
Total		\$820,800	\$238,030	

Prior Year				
	Actual	Assessed	Exempt	
Land		\$816,200	\$236,700	\$0
Improvements		\$4,600	\$1,330	
Total		\$820,800	\$238,030	

Real Estates Property Taxes for current tax year

Please click on additional information below to check for any delinquencies on this property/schedule number and for tax sale information.

	Installment 1 (Feb 28 Feb 29 in Leap Years)	Installment 2 (Jun 15)	Full Payment (Due Apr 30)
Date Paid	5/15/2020	6/4/2020	
Original Tax Levy	\$8,582.89	\$8,582.88	\$17,165.77
Liens/Fees	\$0.00	\$0.00	\$0.00
Interest	\$85.83	\$0.00	\$85.83
Paid	\$8,668.72	\$8,582.88	\$17,251.60
Due	\$0.00	\$0.00	\$0.00

Additional Information

Note: If "Y" is shown below, there is a special situation pertaining to this parcel. For additional information about this, click on the name to take you to an explanation.

Additional Assessment ⓘ	N	Prior Year Delinquency ⓘ	N
Additional Owner(s) ⓘ	N	Scheduled to be Paid by Mortgage Company ⓘ	N
Adjustments ⓘ	N	Sewer/Storm Drainage Liens ⓘ	N
Local Improvement Assessment ⓘ	N	Tax Lien Sale ⓘ	N
Maintenance District ⓘ	N	Treasurer's Deed ⓘ	N
Pending Local Improvement ⓘ	N		

Real estate property taxes paid for prior tax year: **\$13,418.96**

Assessed Value for the current tax year

Assessed Land	\$236,700.00	Assessed Improvements	\$1,330.00
Exemption	\$0.00	Total Assessed Value	\$238,030.00

**WRITTEN CONSENT OF A MANAGER
OF
FW 1501 MANAGER, LLC**

August __, 2020

The undersigned, being a manager of FW 1501 Manager, LLC, a Colorado limited liability company (the “Company”), in lieu of holding a special meeting, hereby adopts, approves, and consents to the following preambles and resolutions by written consent pursuant to the Operating Agreement of the Company (the “Operating Agreement”), and the Colorado Limited Liability Company Act (Colo. Rev. Stat. §§ 7-80-101, *et seq.*) (the “Law”):

WHEREAS, the Company is the sole manager of Flywheel 1501, LLC, a Colorado limited liability company (“Flywheel 1501”), which is the sole member and managing member of 1501 S. Acoma Property Owner, LLC, a Colorado limited liability company (“Owner”);

WHEREAS, pursuant to the Operating Agreement, a Manager of the Company, acting individually, has the ability to direct, manage and control the business of the Company, without the consent or concurrence of any other Manager;

WHEREAS, Benjamin Hrouda is a manager of the Company;

WHEREAS, the Company desires to cause Owner to rezone (the “Rezoning”) certain real property owned by Owner, which is generally located at 1501 S. Acoma Street, Denver, Colorado;

WHEREAS, in connection with the Rezoning, Owner will execute and deliver certain documents necessary to effectuate the Rezoning (collectively, the “Rezoning Documents”); and

WHEREAS, the undersigned deem that the Rezoning, and the execution and delivery of the Rezoning Documents, are each reasonably expected to benefit the Company, Flywheel 1501 and Owner, and are in the best interest of the Company, Flywheel 1501 and Owner.

NOW, THEREFORE, BE IT RESOLVED, the undersigned, being a manager of the Company, hereby approves, in all respects, the Rezoning and the execution and delivery of the Rezoning Documents;

FURTHER RESOLVED, that Benjamin Hrouda, in his capacity as a manager of the Company, in the Company’s capacity as the sole manager of and on behalf of Flywheel 1501, in Flywheel 1501’s capacity as the sole managing member of and on behalf of Owner, be, and hereby is, authorized and directed to execute and deliver the Rezoning Documents, each containing such terms, provisions, modifications, and changes as such person deems appropriate, and to take such other and further actions and to execute and deliver such other and further documents as may be reasonably necessary to effectuate the Rezoning, as such person shall determine in his reasonable discretion;

FURTHER RESOLVED, that any and all actions taken on behalf of the Company prior to the date hereof and in connection with the Rezoning are hereby ratified, confirmed, and approved in all respects;

FURTHER RESOLVED, that this consent may be executed in counterparts, including facsimile or other electronic signatures, each of which shall be deemed an original for all purposes and all of which will constitute one and the same instrument; and

FURTHER RESOLVED, that the actions taken by this consent shall have the same force and effect as if taken by the undersigned at a special meeting of the managers of the Company, duly called and constituted pursuant to the Law and the Operating Agreement.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned, a manager of the Company, hereby consents to, approves, and adopts the foregoing preambles and resolutions effective as of the date first above written.

MANAGER:



BENJAMIN HROUDA

1501 S. Acoma Property Owner, LLC
c/o Flywheel Capital
2828 Speer Blvd., Suite 220
Denver, Colorado 80211

August 12, 2020

Community Planning and Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: Authorization with respect to the proposed land use application for certain real property located at 1501 S. Acoma Street (“**Property**”) in the City and County of Denver (“**City**”)

Ladies and Gentlemen:

The undersigned (“**Owner**”), as owner of the Property, hereby designates Otten Johnson Robinson Neff & Ragonetti, P.C., a Colorado professional corporation (“**Representative**”), as authorized representative of Owner to submit on behalf of Owner all applications and supporting materials required or requested by the City in connection with the proposed Zone Map Amendment for the Property and any related development approvals in connection therewith. In furtherance of the foregoing, Owner request that any verbal or written communication regarding this application be given to Representative pursuant to such contact information provided by Representative to the City.

1501 S. ACOMA PROPERTY OWNER, LLC,
a Colorado limited liability company

By: Flywheel 1501, LLC,
a Colorado limited liability company,
its Managing Member

By: FW 1501 Manager, LLC
a Colorado limited liability company,
its Manager

By: 
Ben Hrouda, Manager

August 12, 2020

CORY M. RUTZ
303 575 7531
CRUTZ@OTTENJOHNSON.COM

VIA E-MAIL

Community Planning & Development
City and County of Denver
201 W. Colfax Avenue
Denver, Colorado 80202

Re: Rezoning Application for 1501 S. Acoma Street

Dear Community Planning & Development:

This firm represents 1501 S. Acoma Property Owner, LLC, a Colorado limited liability company, together with its affiliates (the “**Applicant**”), with respect to certain real property located at 1501 S. Acoma Street (the “**Property**”) in the City and County of Denver (the “**City**”). This letter is submitted in support of the Applicant’s application for rezoning of the Property (the “**Rezoning**”) from Light Industrial District (I-A) to Industrial Mixed Use Five District (I-MX-5), while maintaining the existing Billboard Use Overlay (UO-2), under the Denver Zoning Code (“**Code**”), as discussed at the pre-application meeting for the Rezoning on June 11, 2020.

Prior to submitting this application, the Applicant has met with various registered neighborhood organizations and other community groups to discuss the proposed Rezoning, and will continue to engage with such groups throughout the Rezoning process. The Applicant also worked closely with the OPNA and Councilman Clark in connection with the recent amendment to Blueprint Denver to change the designation of a portion of the Overland Park neighborhood, including the Property, from “Value Manufacturing” to “Innovation/Flex.” This process included significant discussion and conversation with the OPNA about the desired current and future development of the area

Property Background and Context

The Property is an approximately 29,680 square foot parcel located on the southwest corner of the intersection of South Acoma Street and West Florida Avenue within the Overland Park neighborhood of the City. The Property is currently unimproved, and has historically been used for an automotive salvage and outside storage facility. The approximately six-foot fence surrounding the Property is frequently victim of graffiti, vandalism and litter. In its current state, the Property does not contribute to the surrounding area.

The area surrounding the Property comprises a broad mix of industrial and residential uses. Indeed, on the block of South Acoma between West Iowa Avenue and West Florida Avenue are seven single-family residences, one

place of worship, a thrift store, a professional services office and several light industrial uses, including a pet harness manufacturer and a gourmet popcorn production facility. This mix of uses, approximately one-third of which comprises Victorian-style, single-family homes, continues along Acoma Street both to the north and to the south, in each instance for several blocks.

Criteria for Rezoning

Pursuant to the Code, applications for rezoning must meet all of the “general review criteria” set forth in Section 12.4.10.7 as well as (i) at least one of the “justifying circumstances” of the first group of “additional review criteria” set forth in Section 12.4.10.8.A, and (ii) the general additional review standard set forth in Section 12.4.10.8.B. The Rezoning to I-MX-5 meets these review criteria as follows:

General Review Criteria: 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 the adoption of the City’s plan. Code § 12.4.10.7.A.

The City has adopted three plans that guide the use and development of this Property: the Denver Comprehensive Plan 2040, Blueprint Denver 2019 and the Overland Neighborhood Plan. In addition to the adopted plans that directly impact the Property, the Broadway Corridor Transportation and Urban Design Study, the Evans Station Area Plan, and the I-25 & Broadway Station Area Plan all relate to areas in the vicinity of the Property and provide additional context for the future development of the larger area.

Blueprint specifically describes the Property as appropriate for future land uses consistent with an “Innovation/Flex” place type, which is generally described as including uses such as “assembly facilities, labs, small logistics and warehousing, local food catering, tech firms, value manufacturing and office uses.” Of note here, Blueprint expressly notes that “residential uses are compatible” with the Innovation/Flex place type. Indeed, Blueprint labels much of the area surrounding the Property as a community center and corridor, which, based on the Growth Strategies map depicting “future growth areas,” should anticipate an increase in residential households within such districts by 25 percent by 2040—the Property itself, as one of several “districts” depicted on the same map, is noted as appropriate for a five percent growth in residential households by 2040.

Also important to note is that the Property is not located within a manufacturing preservation area, which are areas within the City identified to preserve the ability to preserve and expand manufacturing areas. Instead, Blueprint considers the Property and the rest of the area between South Broadway and Overland Park as both low value and low threat, meaning that the current industrial uses are not considered particularly valuable, nor is there a particular threat to redevelopment. Such areas are appropriate for a broader mix of uses consistent with the Rezoning.

All of the foregoing plans generally stress the importance of allowing for density, and particularly residential density, in and around areas where investment in transit options has occurred. For example, residential development, which would be permitted by the I-MX-5 district, is desirable at this location because of the Property’s proximity to multi-modal transportation, including South Broadway, which Blueprint designates as a “high capacity transit corridor” and three RTD light rail transit stations. The Broadway Corridor Transportation and Urban Design Study from 2001 identified the lack of housing and mixed-use development as key factors

limiting the redevelopment of South Broadway at that time. Since 2001, the City has adopted two station area plans that effectively bookend the Property—the Evans Station Area Plan in 2009 and the I-25 and Broadway Station Area Plan in 2016—and envision dense, mixed-use development to extending from each station area toward the Property. The Evans Station Area Plan calls for eight-story buildings directly north of Evans Station along the light rail line, and five-story development east along Evans Avenue and north along South Broadway. Similarly, the I-25 and Broadway Station Area Plan envisions sixteen-story development west of the light rail line, and five- to sixteen-story buildings between the rail lines and South Broadway.

In addition to motorized public transit options, Blueprint designates the Property and much of the surrounding area as “pedestrian enhanced,” meaning that people walking is intended to be a priority in the design of all streets. The pedestrian enhanced areas, which intentionally extend beyond the main thoroughfare (in this case, South Broadway) in order “to encourage placemaking for pedestrians within an area, not just along one corridor.” Although Blueprint mainly focuses on design improvements for purposes of enhancing pedestrian connectivity and safety, allowing for a mix of uses—that is, uses that allow and encourage interactions among different land uses as opposed to a single-purpose district that offers merely a single-stop for a given visitor—help increase pedestrian activity.

More broadly, the Comprehensive Plan includes goals such as “increase development of housing units close to transit and mixed use developments” and “create a greater mix of housing options in every neighborhood for all individuals and families.” As noted above, the Rezoning would allow for more dense residential development in an area that already contains a diverse mix of uses and offers proximity to several transit options, all of which is consistent with the Comprehensive Plan.

Similarly, the Overland Neighborhood Plan notes that the intent of the plan is to promote “desired neighborhood improvements, urban design, housing, business types, traffic and public services which encourage, and contribute to the economic, social and physical health, safety and welfare of the people who live and work in Overland.” Certainly there can be no better evidence of the desired development of the people who live and work in Overland than development, as proposed by the Rezoning, and is specifically consistent with the recent amendment to the Comprehensive Plan, which was the culmination of months of neighborhood input. The Overland Neighborhood Plan also supports development of “remaining vacant land in a manner that is compatible with the land use character and density of surrounding land uses.” As noted above, the Rezoning would allow for development that better compliments and contributes to the existing mix of land uses surrounding the Property.

General Review Criteria: 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. Code § 12.4.10.7.B.

Approval of the Rezoning will result in the uniform application of building form, use, and design regulations. The Applicant seeks no further variance from these regulations.

General Review Criteria: Public Health, Safety, and Welfare. The proposed official map amendment furthers the public health, safety and general welfare of the City. Code § 12.4.10.7.C.

Approval of the Rezoning will further the public health, safety, and welfare by implementing the City's adopted land use policies, as set forth above. The Property is also located within approximately 160 feet from the commercial rail line running parallel to the RTD light rail line. As noted in the City's Report to Mayor Michael B. Hancock by the Mayor's Railroad Safety Working Group dated July 2016 (the "**Railroad Safety Report**"), areas "near the rail tracks are vibrant, attractive places for constituents to live and work." The Railroad Safety Report further notes that, as a result of recent updates to applicable fire codes, building code and regulations applicable to the railroads themselves, the "risk of danger in these urban areas is low." However, the Applicant remains committed to working with City staff and other appropriate agencies to ensure that any future redevelopment of the Property appropriately manages any risk associated with the Property's proximity to the commercial rail lines.

Additional Review Criteria: Justifying Circumstances. 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: (a) changed or changing conditions in a particular area, or in the City generally; or (b) a City adopted plan; or (c) that the City adopted the Code and the property retained Former Chapter 59 zoning. Code § 12.4.10.8.A.

The Rezoning satisfies the criteria in clauses (a) and (b), as follows:

With respect to clause (a), the redevelopment of the South Broadway corridor has catalyzed change to this historically industrial area. Restaurants, bars, coffee shops, antique stores, and art galleries now dominate South Broadway between I-25 and Evans Avenue. In addition to the revitalization of the existing structures along South Broadway, new residential uses have been constructed in recent years, including a 40-unit for-sale residential building on South Broadway and East Iowa, just two blocks from the Property, and more significant residential development north and south, respectively, of the Evans and Broadway RTD stations.

Following approval of the Rezoning, the Property may be developed under the requested I-MX-5 zoning, subject to the maximum height allowed under the I-MX-5 designation (seventy feet), which will be more consistent with its current surroundings on South Acoma Street and anticipated development along South Broadway, both in terms of uses and density, than the current I-A zoning. Various properties along South Broadway from West Mexico Avenue south to East Jewell Avenue, as well as several on South Acoma Street in the vicinity of the Property, are already zoned for five-story mixed-use structures in recognition of this change in condition. At the intersection of South Broadway and East Jewell Avenue, many lots are zoned for eight-story mixed-use development.

With respect to clause (b), The changing condition of the area was recognized and formalized in the recent amendment to Blueprint, approved earlier this year, changing the future land use designation for the area from a more traditional industrial designation—which would not have permitted a mix of uses—to the current Industrial/Flex designation, which promotes and encourages a broad mix of uses, including residential uses. As discussed in more detail above, the Property's current single-use Light Industrial District (I-A) designation is inconsistent with its status as an "Innovation/Flex" land use under Blueprint, whereas the I-MX-5 district is better aligned with the intent of the "Innovation/Flex" label.

Additional Review Criteria: Consistency with Neighborhood Context Description, Zone District Purpose, and Intent Statements. 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. Code § 12.4.10.8.B.

Both the I-A and I-MX-5 zone districts fall within the industrial context description set forth in the Code, meaning that the approval of the Rezoning will not impact the consistency with the applicable neighborhood context. It is important to note, in any event, that the industrial context specifically contemplates and includes “areas subject to transitions from industrial to mixed use,” which, as noted above, describes the mixed-use nature of the area in the vicinity of the Property. Code § 9.1.1. Indeed, the Property is within an area of transition between more traditional industrial uses to its west and predominantly commercial, residential and mixed uses to its east. To the west, on either side of the light rail and commercial rail lines, exists a combination of Heavy Industrial (I-B) and Light Industrial (I-A) districts. To the east are mostly Urban Main Street (U-MS) districts along South Broadway and Urban Single Unit (U-SU) districts further east. Therefore, the I-MX-5 district contemplated by the Rezoning is consistent with the transitional nature of the Industrial Context, and creates an important buffer between the diverging uses.

The general purpose of the industrial mixed use districts, which includes I-MX-5, is to “accommodate a variety of industrial, commercial, civic, and residential uses” and to “provide a transition between mixed-use areas and I-A or I-B Industrial Districts.” Code § 9.1.2.1.A.1.b.–c. The I-MX-5 district zoning will allow the Property to serve both purposes. As noted above, the mixed-use zoning allows for a smoother transition and visual buffer between the heavier industrial properties to the west and the evolving mixed-use areas along South Broadway to the east. The third purpose statement for the industrial mixed use districts encourages development in a “pedestrian-oriented pattern, with buildings built up to the street and an active street level.” Code § 9.1.2.1.A.1.a. As several of the adjacent properties are single-family homes—mostly homes with historic potential and prominent front porches that engage the street—the I-MX-5 designation would be consistent with, and a better mechanism for, preserving these historic residential areas within the larger mixed use industrial context.

Specific to the I-MX-5 district, the purpose statement provides that the district is appropriate for “industrially-dominated areas served primarily by collector streets.” Code § 9.1.2.1.A.3. As discussed above in conjunction with adopted plans, this Property is located in close proximity to three RTD light rail stations and frequent bus service along South Broadway. Although the Property is located on South Acoma Street, which is a local road, it is also served by two more intense streets (as designated by Blueprint): (1) West Iowa Avenue is an industrial collector to the west of the Property and a main street collector to the east of the Property; and (2) West Florida Avenue is a local road where it abuts the Property, but to the west turns quickly into a residential arterial. In addition to light rail and pedestrian options, this location also provides excellent vehicular access, as West Iowa Avenue, located just to the south of the Property, is one of few vehicular crossings over the light rail and commercial rail tracks to Overland Park. Of course, Broadway Street, which largely serves the entire Overland Park area, is a main street arterial. As such, the Property may best be considered as served primarily by collector and local streets with important access points to arterial streets, which is consistent with the stated purpose and intent of the I-MX-5 district.

Community Planning & Development
August 12, 2020
Page 6

For the foregoing reasons, the Rezoning meets and complies with the applicable rezoning criteria. As such, on behalf of the Applicant, we respectfully request that the City approve the Rezoning.

Sincerely,

A handwritten signature in blue ink that reads "Cory Rutz". The signature is written in a cursive, flowing style.

Cory M. Rutz
For the Firm

Enclosures

cc: 1501 S. Acoma Property Owner, LLC (by e-mail)



FLYWHEEL CAPITAL

December 19, 2020

Mara Owen
Amy Razzaque
Overland Park Neighborhood Association

RE: Good Neighbor Agreement – 1501 S Acoma Property Owner, LLC

Dear Mara and Amy:

1501 S Acoma Property Owner, LLC ("Flywheel") is the owner of the real property located at the northwest corner of the intersection of East Florida Avenue and South Acoma Street in the City, containing approximately 0.681 acres, and currently used as semi-truck parking (the "Property").

The Parties desire to enter into this Agreement for the purposes of developing a coherent framework for development of the Property, the creation of on-site affordable housing, funding a scholarship or gift to Urban Peak, and fully satisfying requirements of this Agreement.

Flywheel shall ensure that at least ten percent (10%) of all housing units constructed on the Property include a maximum affordability restriction of eighty percent (80%) AMI (area median income) with an affordable period of no less than twenty (20) years.

Flywheel shall also fund a scholarship or gift to Urban Peak upon construction. Urban Peak has a goal of "Igniting the potential in youth to exit homelessness and create self-determined, fulfilled lives." The fund will be a one-time donation of \$10,000, for the RNO to provide scholarships or a gift to the organization.

It is Flywheel's goal, that by providing the above items, along with continued discussions with The Overland Park RNO regarding the project, we will receive the neighborhood support for the project and our efforts to rezone the property from I-A to I-MX-5. If the neighborhood is in support of the proposed above, please sign the agreement below. In addition to the signature below, we are asking for a "Letter of Support" from the neighborhood regarding the rezoning.

Thanks,

Flywheel Capital, LLC

Overland Park Neighborhood Association

By: Mara Owen and Amy Razzaque

Its: Co-Presidents

5617588894
ferrerg@comcast.net

850 Reynolds Ave
Conway, Ar 72032

December 29, 2020

To Whom It May Concern,

As property owners on South Acoma Street in Denver, we are writing this letter in support of the rezoning of the property on the southwest corner of the intersection of South Acoma Street and Florida Avenue proposed by Flywheel Capital , from IA to I-MX-5.

Our two property addresses in Denver are: 1324 and 1328 South Acoma Street..

We support this project because we believe that it will provide for additional housing and business opportunities and that it will improve the overall living and neighborhood environment in the area. Please feel free to contact us with any questions you may have.

Sincerely yours,

Gabriel and Marisol Ferrer

1563 S Acoma Street
Denver, CO 80223
September 19, 2019

To whom it may concern,

We are writing this letter of support for the rezoning of property at 1501 S Acoma Street from IA to I-MX-5. We own the following properties in close proximity to this development:

Houses

1332 S Acoma Street
1334 S Acoma Street
1340 S Acoma Street
1354 S Acoma Street
1563 S Acoma Street (our primary residence)

Commercial Restaurants

1417 S Broadway
1446 S Broadway

Apartments

1419 S Broadway

We are pleased with the prospect of adding new residential dwellings to the neighborhood because we feel it will increase cleanliness, reduce illegal transient dwellings, and support the nearby commercial businesses. Living just a few lots away from this potential development, we are excited about the potential of having additional residential neighbors.

Currently the subject property is a dirt lot for trash, dumpster, and transient trailer parking. The current use on this lot has led to increased trash, IV drug use, and human waste to the area. We feel that the additional daily, residential dwelling will encourage cleanliness and positive impact on the block and South Acoma Street at large.

Flywheel has proven to be a good collaborative neighbor, as we worked together with the city to pave W Florida Ave and the alley west of S Acoma. We also appreciate Flywheel's \$10,000 donation to Urban Peak, an organization that provides desperately needed assistance and housing to homeless teens. Additionally we are pleased with the work that Flywheel has already done to clean, improve, and bring good tenants to the buildings they own immediately to the north of the subject property, on the northwest corner of S Acoma and W Florida Avenue. Lastly, the condominium project at the former site of the Broadway Motel is clean, attractive, and has brought additional residents to the community.

Please feel free to contact us with any questions.

Sincerely,
Bryan and Molly Ferrer
bryan@ferrerproperties.me
303-513-2031



January 5, 2021

Denver Planning and Zoning,

The Overland Park Neighborhood Association (OPNA) is writing this letter of support for the proposed rezoning of a property within the Overland Park Neighborhood RNO at 1501 South Acoma Street from I-A to I-MX-5.

On Thursday, August 27, 2020 at 6:30pm, at the regular and public monthly meeting of the Overland Park Neighborhood Association, members of the association heard the proposal to rezone the property at 1501 S. Acoma St. from I-A to I-MX-5. After a thorough and positive discussion by the members, a vote was taken to support the rezoning by writing a letter of support and creating a Good Neighbor Agreement. This vote passed unanimously. Please see our [meeting minutes](#) for additional information.

The neighborhood association was very pleased to see the specifics of their proposal include on-site affordability restricting 10% of all housing units constructed on the Property to a maximum affordability of 80% AMI for no less than twenty years. OPNA was also happy to see the proposal include support for a vital organization in our neighborhood by funding a scholarship or gift to [Urban Peak](#) whose youth shelter is located at 1630 South Acoma Street.

OPNA has entered into a Good Neighborhood Agreement with Flywheel Capital, LLC to memorialize these positive neighborhood aspects, and in addition further encourages the developers to continue their active engagement with the neighborhood and especially with immediate neighbors as the development proceeds.

We are happy to support this project which offers a substantial benefit in affordability and cohesive urban design to our neighborhood, and the Denver community at large.

Please feel free to contact us with any questions.

Sincerely,

Amy Razzaque and Mara Owen

Co-Presidents of the Overland Park Neighborhood Association

amyrazz37@gmail.com; mkowen18@gmail.com