

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

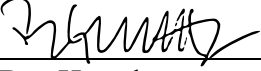
**SIGNATURE PAGE
TO REZONING APPLICATION**

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
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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,



Cory M. Rutz
For the Firm

Enclosures

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