



**TO:** Denver City Council  
**FROM:** Kyle A. Dalton, AICP, Principal City Planner  
**DATE:** June 16, 2016  
**RE:** (A) Denver Zoning Code – Text Amendment #6 to revise sign standards in the DIA zone district and to create a Peña Station Next Design Overlay District, DO-6.  
(B) Denver Zoning Code – Map Amendment for rezoning to apply the proposed DO-6 zone district. (Case# 2016I-00010)

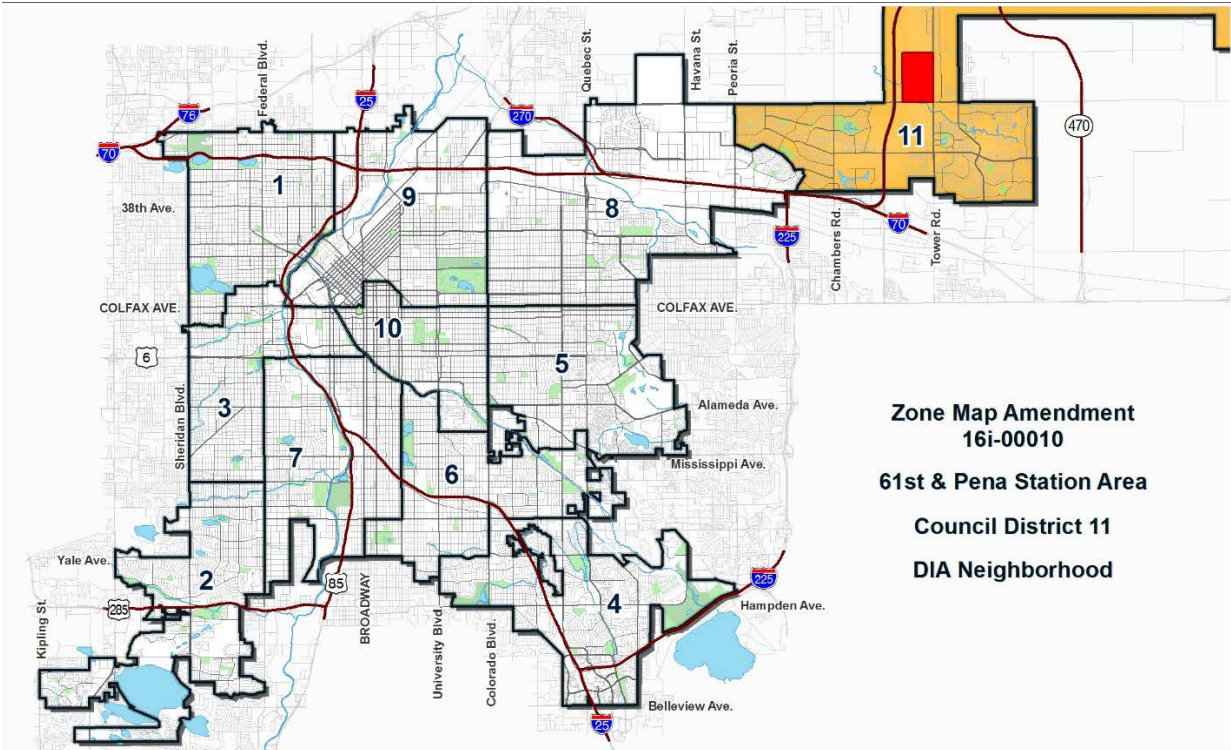
**I. Summary of Recommendation**

**A. Text Amendment**

Based on the review criteria for a text amendment stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends that the City Council approve Denver Zoning Code Text Amendment #6.

**B. Map Amendment**

Based on the review criteria for a map amendment stated in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), CPD staff recommends that the City Council approve Map Amendment #2016I-00010 to rezone to the Peña Station Next Design Overlay, DO-6, in the 61<sup>st</sup> & Peña Station Area.



**Zone Map Amendment  
16i-00010  
61st & Pena Station Area  
Council District 11  
DIA Neighborhood**

## II. Summary and Purpose

### A. Text Amendment

#### Sponsors

The Executive Director of Community Planning and Development and the Chief Executive Officer of Denver International Airport are sponsoring a text amendment to the Denver Zoning Code to revise sign standards in the DIA zone district and to create a new Peña Station Next Design Overlay (DO-6) zone district. The redlined draft text amendment is attached to this staff report.

#### DIA Sign Standards

The DIA Zone District is only mapped on property owned by Denver International Airport. DZC Section 9.5.2, Denver International Airport Zone District (DIA), states, “The Denver Manager of Aviation shall determine all design and development standards applicable to new development in the DIA zone district.” However, there are conflicting provisions in Article 10 that were carried forward from the Former Chapter 59. Division 10.10, Signs, sets forth standards for signs in the DIA zone district, even though the Manager of Aviation has authority to determine all design and development standards in the DIA zone district under Article 9.

The proposed text amendment would remove DIA sign standards from Division 10.10, Signs, to be consistent with the Airport CEO’s authority per DZC Section 9.5.2. However, for approximately 60 acres of DIA-zoned land near the 61<sup>st</sup> & Peña commuter rail station within the proposed DO-6 described below, the DO-6 sign standards will apply. Further, the 1988 airport intergovernmental agreement between Denver and Adams County, as amended, requires a “Scenic Buffer” that extends 1,000 feet on either side of the centerline of Peña Boulevard within the Transportation Corridor that “shall be preserved as open space.” The IGA also requires Denver to “ensure that no residential, commercial, or industrial development occurs” within the Scenic Buffer. This applies to the entire portion of the Peña corridor that borders the subject map amendment area.

Therefore, the effect of the DIA zone districts signage amendments will only be to clarify the authority to set sign standards in the airport proper – the area located east of the alignment of Himalaya Street near E-470, not in the Peña Boulevard Scenic Buffer.

#### Peña Station Next Design Overlay (DO-6)

The proposed text amendment would establish a new design overlay (DO-6), to enable innovative signage and illumination in the Peña & 61<sup>st</sup> Transit-Oriented Development area.

Typical signage can follow the sign standards already in the Denver Zoning Code for the underlying base zone district. A district plan will be required before signage can be allowed that exceeds the underlying base zone district code requirements. A district plan will allow flexibility in signage standards including changing content, number, height, type, and off-site content. However, the district plan must also demonstrate qualities such as creativity, design quality, showcasing innovation, and mitigation of impacts on surrounding areas, residential uses and Peña Boulevard. The district plan must be approved by Planning Board before signs can be erected under the district plan.

To ensure a high quality digital signage environment, all digital signs in the district will be required to meet minimum standards of pixel pitch (resolution). “Pole sign” billboards are also prohibited unless architecturally enhanced and explicitly permitted in the district plan.

Because of the large geographic area in the district plan (approximately 384 acres), not all signage will be known at the time a district plan is presented to Planning Board. Staff will be able to approve detailed supplemental plans to the district plan if the supplemental plans are consistent with the district plan. When a proposed supplemental plan or sign permit is inconsistent with the district plan, an amendment to the district plan must be submitted to the Planning Board. These district plan and supplemental plan procedures are consistent with existing sign procedures used elsewhere under the Denver Zoning Code.

Design Overlay 6 (DO-6) is intended to be available only in the 61<sup>st</sup> & Peña Station Area. Most of the area is currently zoned under Former Chapter 59. As with other overlay districts, the DO-6 provisions would not apply until the underlying zone districts are rezoned to Denver Zoning Code zone districts.

DZC Section 9.4.5.1 states that Design Overlay Districts are intended to provide a vehicle to implement land use and urban design recommendations and standards set forth in neighborhood or small area plans; to provide uniformity in the design standards applicable to arterial street or river corridors, for example, having varied underlying zoning; and to reinforce the desired character for newly redeveloping areas. The proposed Peña Station Next Design Overlay, DO-6 Denver Zoning Code text amendment, if approved by City Council, will modify underlying zone district sign and lighting standards to create uniform rules in a newly developing area of the city.

**Revisions since April 20, 2016, Planning Board public hearing**

After closing the April 20, 2016, public hearing, Planning Board added a condition to their recommendation of approval. They recommended to City Council that the following language be added to the *review criteria* that Planning Board would use in deciding whether to approve a District Plan under the DO-6 zone district:

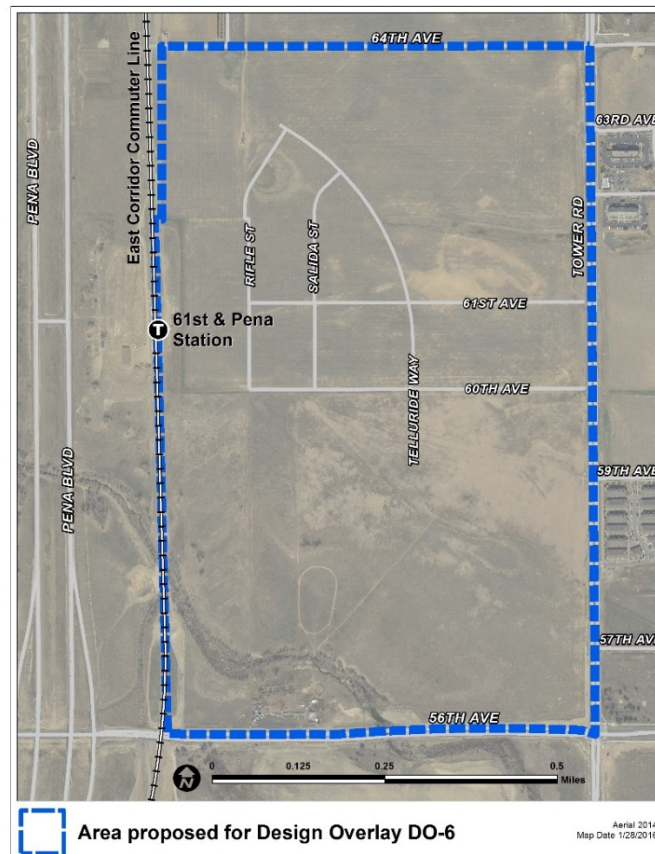
“Fostering civic pride in the beauty of the city, enhancing the aesthetic values of the city and its economic vitality, protecting property values, protecting and enhancing the city’s attraction to tourists and visitors, and promoting good urban design.”

This text is copied from existing Denver Zoning Code Section 10.10.20.A.3, which contains one of the *purpose statements* for regulating outdoor general advertising devices in the billboard use overlay zone district, UO-2.

CPD and the Airport agree with Planning Board that these are important purposes of the proposed DO-6 zone district, just as they are important purposes of the existing UO-2 zone district. Therefore, to be consistent with how the language is used in Section 10.10.20, the sponsoring departments added the recommended language into the *intent statement* for the proposed design overlay zone district, DO-6, as shown in the attached redline draft in section 9.4.5.10.B.

## B. Map Amendment

The Executive Director of Community Planning & Development and the Chief Executive Officer of Denver International Airport are also sponsoring a map amendment to map the proposed DO-6, rezoning the area from Peña Boulevard to Tower Road, from 56<sup>th</sup> Avenue to 64<sup>th</sup> Avenue.



Separately, some property owners in the area have submitted official map amendment application #2015I-00101, which proposes to rezone a portion of the area in the proposed DO-6 zone district, concurrent with this map amendment. If map amendment #2015I-00101 is approved, the land area within the map amendment would also be subject to the new DO-6 zone district.

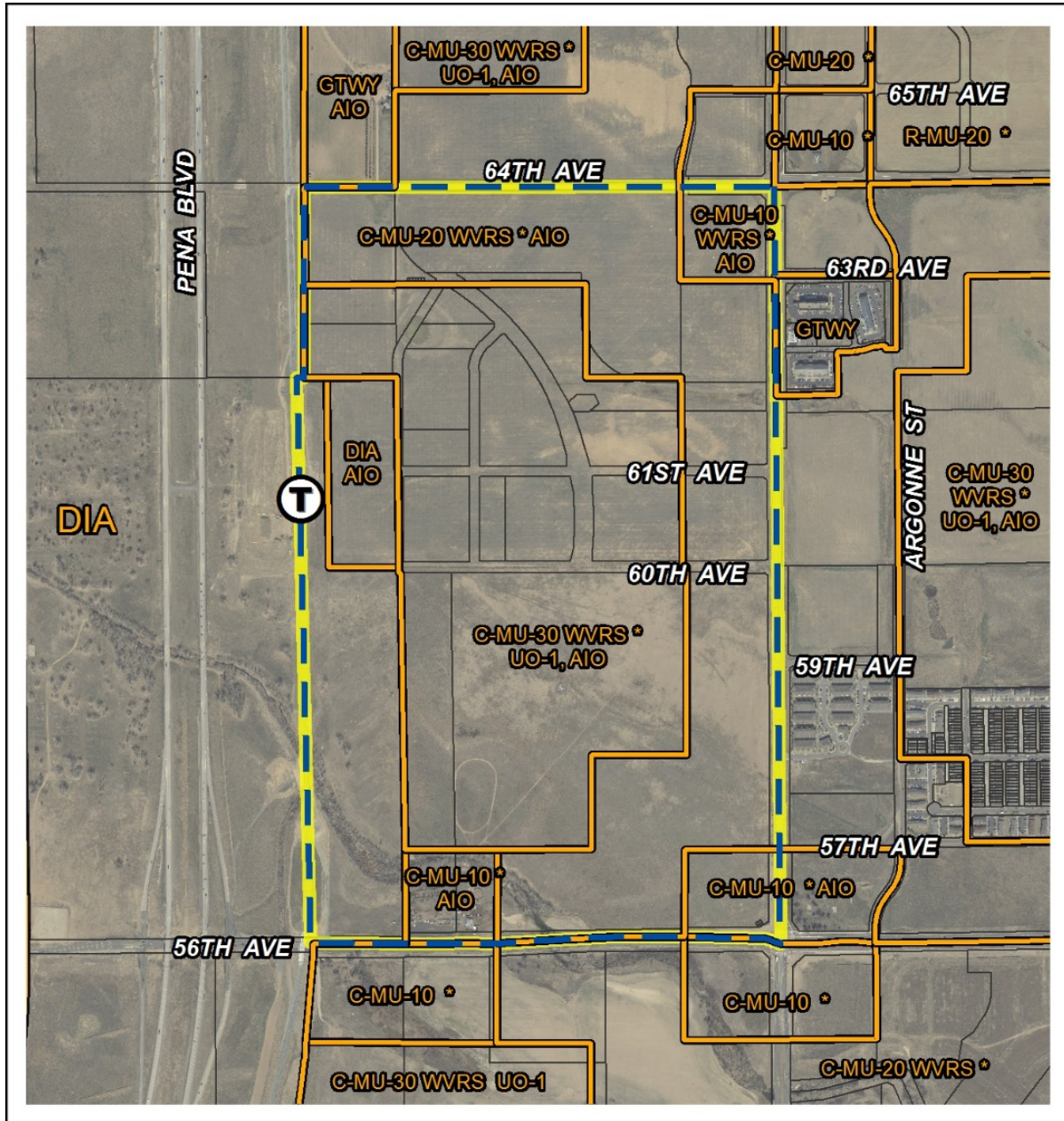
## III. Existing Context

The area to be rezoned contains multiple properties located in the Denver International Airport statistical neighborhood. The area to be rezoned is composed of primarily vacant land, though new trunk infrastructure is under construction in the area at the time of this staff report.

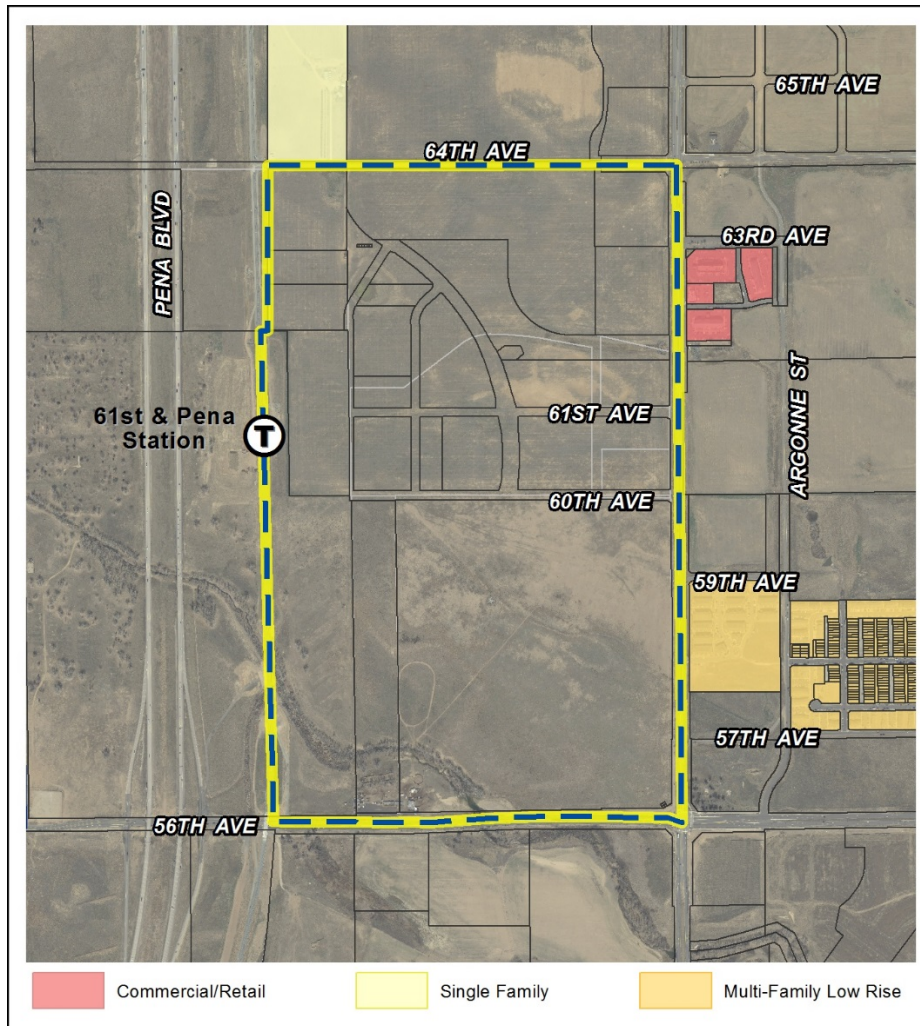
**Existing Building Form and Scale**

|       | Existing Zoning   | Existing Land Use  | Existing Building Form/Scale  | Existing Block, Lot, Street Pattern  |
|-------|---|--|---|--|
| Site  | C-MU-10 with conditions AIO, C-MU-10 with waivers and conditions AIO, C-MU-20 with waivers & conditions AIO, C-MU-30 with waivers and conditions UO-1 AIO, DIA, DIA AIO | Vacant Land; infrastructure and a commercial/ industrial building are under construction | Vacant Land   | Vacant Land. Surrounding arterial streets have been built. Modified rectangular grid developing in surrounding area. |
| North | Gateway AIO, C-MU-20 with waivers and conditions AIO, C-MU-10 with waivers and conditions AIO   | Vacant Land, ranch   | Vacant land, 1 story single unit house  |  |
| South | C-MU-10 with conditions, C-MU-20 with waivers and conditions  | Vacant Land  | Vacant land   |  |
| East  | C-MU-10 with conditions AIO, C-MU-10 with waivers and conditions AIO, C-MU-20 with waivers & conditions AIO, Gateway  | Hotels, restaurant, vacant, multi-family residential                                     | 1-4 story automobile-oriented hotel and retail buildings, 3-story multi-family residential, Vacant land |  |
| West  | DIA ( <i>note: this area of Peña Blvd. is also subject to scenic buffer restrictions in the airport IGA</i> )   | Vacant Land, Peña Boulevard, University of Colorado A Line                               | N/A   |  |

Existing Zoning



### Existing Land Use



(2014 aerial imagery. Where no color is indicated, land is vacant.)

## IV. 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:

Aviation: “The Denver International Airport (DIA) Planning Office has completed its Agency Review of Official Map Amendment for Pena Station Next Design Overlay 6 (DO-6), Tower to Pena, 56<sup>th</sup> to 64<sup>th</sup>. We approve with no comments.”

Environmental Health: Approved. “Notes: DEH is not aware of environmental concerns that would impact the rezoning. General Notes: Most of Colorado is high risk for radon, a naturally occurring radioactive gas. Due to concern for potential radon gas intrusion into buildings, DEH suggests installation of a radon mitigation system in structures planned for human occupation or frequent use. It may be more cost effective to install a radon system during new construction rather than after construction is complete. Denver’s Noise Ordinance (Chapter 36–Noise

Control, Denver Revised Municipal Code) identifies allowable levels of noise. Properties undergoing Re-Zoning may change the acoustic environment, but must maintain compliance with the Noise Ordinance. Compliance with the Noise Ordinance is based on the status of the receptor property (for example, adjacent Residential receptors), and not the status of the noise-generating property. Violations of the Noise Ordinance commonly result from, but are not limited to, the operation or improper placement of HV/AC units, generators, and loading docks. Construction noise is exempted from the Noise Ordinance during the following hours, 7am–9pm (Mon–Fri) and 8am–5pm (Sat & Sun). Variances for nighttime work are allowed, but the variance approval process requires 2 to 3 months. For variance requests or questions related to the Noise Ordinance, please contact Paul Riedesel, Denver Environmental Health (720-865-5410). Scope & Limitations: DEH performed a limited search for information known to DEH regarding environmental conditions at the subject site. This review was not intended to conform to ASTM standard practice for Phase I site assessments, nor was it designed to identify all potential environmental conditions. In addition, the review was not intended to assess environmental conditions for any potential right-of-way or easement conveyance process. The City and County of Denver provides no representations or warranties regarding the accuracy, reliability, or completeness of the information provided.”

City Surveyor: “Approved – No Comments.”

## V. Public Process

Below is a summary of the public process for this amendment.

|                              |   |
|------------------------------|---|
| <b>Oct. 2015 – Feb. 2016</b> | CPD, Aviation, and City Attorney’s Office staff met with affected property owners regarding the proposed text and map amendments.   |
| <b>December 5, 2015</b>      | CPD and Aviation staff presented a summary of the amendments to Inter-Neighborhood Cooperation Zoning and Planning committee.   |
| <b>February 1, 2016</b>      | Draft of DZC text and map amendment posted to CPD website for public and City agency review; Email notice to all Registered Neighborhood Organizations (RNOs) and City Councilmembers of scheduled Planning Board public hearing, with link to redline draft and summary. |
| <b>February 11, 2016</b>     | Council district office held a town hall meeting at which CPD explained the proposed text amendment.  |
| <b>February 16, 2016</b>     | Public notification sent for March 2, 2016, Planning Board Public hearing. Notice was emailed to all RNOs and City Councilmembers. Signs were posted throughout subject map amendment area.   |
| <b>March 2, 2016</b>         | Planning Board public hearing was held. The amendments were continued to May 4, 2016.   |
| <b>March 16, 2016</b>        | Planning Board rescheduled the amendments to April 20, 2016.  |
| <b>April 4, 2016</b>         | Public notification sent for April 20, 2016, Planning Board Public hearing. Notice was emailed to all RNOs and City Councilmembers. Signs were posted throughout subject map amendment area.  |
| <b>April 5, 2016</b>         | Planning Board held a study session on these amendments.  |
| <b>April 20, 2016</b>        | Planning Board continued consideration of these amendments and held a public hearing.   |



|                       |   |
|-----------------------|---|
| <b>April 26, 2016</b> | Public notification sent for May 11, 2016, PLAN Committee meeting. Notice was emailed to all RNOs and City Councilmembers. City Council staff emailed an additional notice on April 28, 2016. |
| <b>May 11, 2016</b>   | Neighborhoods & Planning Committee meeting.   |
| <b>May 27, 2016</b>   | Public notification sent for June 20, 2016, City Council public hearing. Notice was emailed to all RNOs and City Councilmembers.  |
| <b>June 20, 2016</b>  | City Council public hearing.  |

As of the date of this staff report, CPD has received two comments from one individual regarding the text and map amendments, and one letter from a landowner in the area to be rezoned in support of the amendments. These comments are attached to this staff report.

## VI. Criteria for Review and CPD Staff Evaluation

Design Overlay Districts are considered both zoning text amendments and map amendments and are subject to the review criteria found in Section 12.4.11 and 12.4.10 respectively. Accordingly, CPD analyzed the Denver Zoning Code Text Amendment #6 and map amendment #2016I-00010 for compliance with the review criteria (restated below) and finds that the proposed text amendment and map amendment meet each of the criteria.

### 1. Text Amendment and Map Amendment are Consistent with the City's Adopted Plans

The Text Amendment and Map Amendment are consistent with the City's following adopted plans:

- *Comprehensive Plan 2000*
- *Blueprint Denver (2002)*
- *61<sup>st</sup> & Peña Station Area Plan (2014)*

#### **Denver Comprehensive Plan 2000**

The proposed text and map amendments are consistent with many Denver Comprehensive Plan goals and objectives, including the following:

##### Land Use

- Strategy 2-A: (*paraphrased*) [P]roposed revisions should ensure that the Denver Zoning Ordinance will be flexible and accommodating of current and future land use needs...
- Strategy 4-A: Encourage mixed-use, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods.

##### Mobility

- Strategy 1-B: Promote public transit, both bus and rail, as a safe, attractive and convenient choice for people who might otherwise drive to employment, education, cultural, shopping or other destinations.
- Strategy 3-B: Promote transit-oriented development (TOD) as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area.

- Objective 10: Provide residents and visitors using Denver International Airport (DIA) with an airport that is a leader in service, efficiency, innovative practices, safety, convenience and aesthetics.

#### Denver's Legacies

- Strategy 2-B: Focus design standards and review efforts on new and evolving districts that are undergoing the most dramatic change. Periodically evaluate their need and effectiveness, recognizing that locations of review focus may change over time.
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

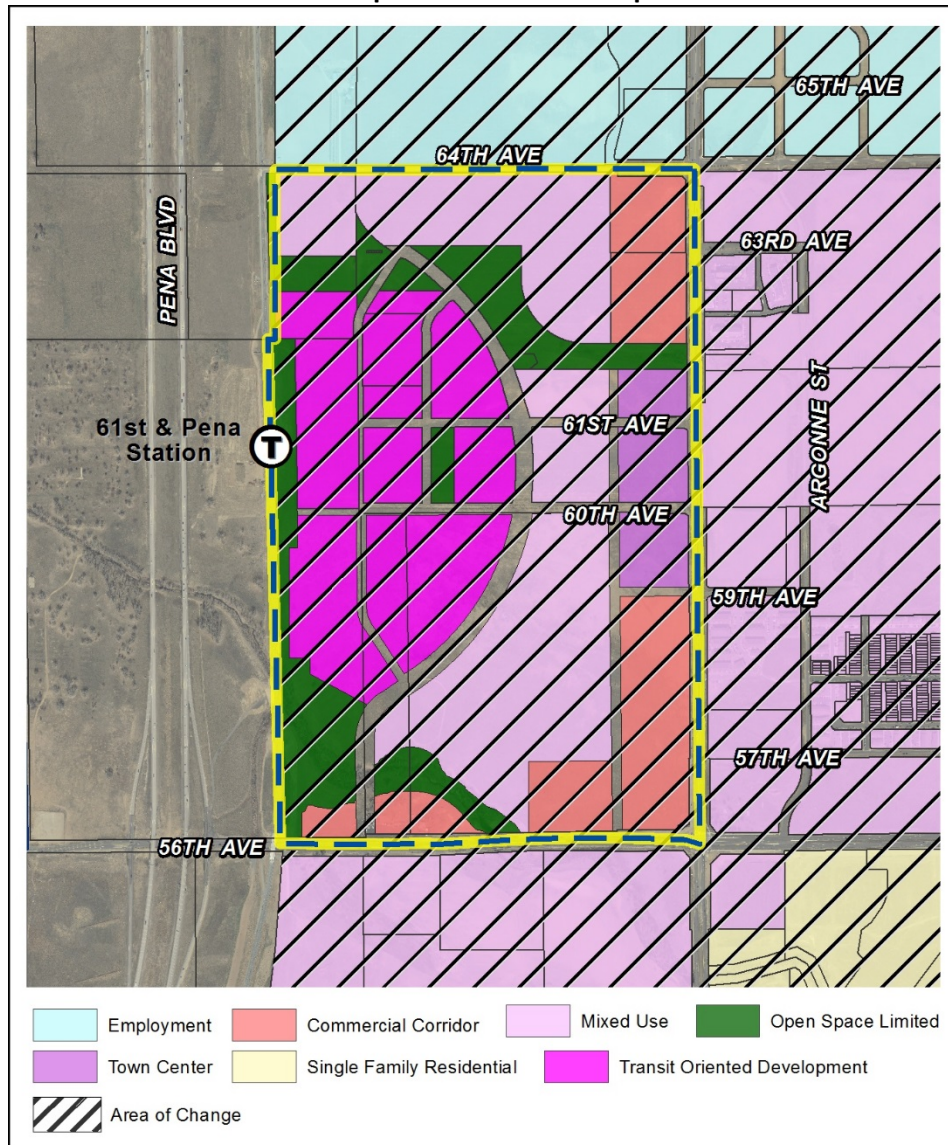
The clarification in the DIA zone district will improve efficiency in operations and permitting of new development at the airport by eliminating the current conflict in codes for sign standards. The new DO-6 zone district will enhance the vibrancy and excitement of the new urban center, is designed to be flexible over time, and targets a specific area with zoning that is appropriate for the development of the new transit-oriented community.

#### **Blueprint Denver – 2002**

Blueprint Denver categorizes land in the DIA zone district as either “DIA” or no category, and does not provide land use direction.

Land in the proposed DO-6 zone district has concept land uses of open space limited, mixed use, commercial corridor, town center, and transit oriented development. The proposed text amendment does not change the mix of allowed uses in the underlying zoning. In the DO-6 area, the district plan must demonstrate how any impacts on residential uses and Peña Boulevard are mitigated.

### Blueprint Denver Plan Map



The entire proposed DO-6 zone district is an Area of Change in Blueprint Denver. The goal for Areas of Change is “to channel growth where it will be beneficial and can best improve access to jobs, housing and services with fewer and shorter auto trips. Areas of Change are parts of the city where most people agree that development or redevelopment would be beneficial.”

In the Gateway Area of Change, Blueprint Denver recognizes opportunities and challenges. “The Gateway area extends from 40th and Chambers to DIA along Peña Boulevard. As one of the city’s new development areas, the 4,500-acre Gateway has much potential; however, the fact that it is owned by multiple parties creates some unique obstacles for planning.” At the time of the station area plan, there were four landowners, but the area is quickly developing and being subdivided, which will further fracture ownership. Using a design overlay to cover the entire station area at once, and employ one district plan for signage in the entire area, will create a consistent approach to place-making.

Blueprint Denver also recognizes the need for overlay zone districts stating “this type of zoning can apply to areas where there are similar objectives but where the base zoning varies or where additional standards are needed to reinforce a certain character.” (pg. 125) In the case of the proposed overlay, base zoning will vary considerably over the 380-acre area of the station area plan, but there are consistent objectives for the system of signage, so the overlay is an appropriate approach.

### **61<sup>st</sup> & Peña Station Area Plan – 2014**

The 61<sup>st</sup> & Peña Station Area Plan applies to the area proposed for the DO-6 zone district. Though the station area plan does not specifically address sign standards, this is typical of the content of planning documents, which often do not include that level of design standard detail. Still, many adopted plan recommendations are supportive of the proposed text and map amendment, including the following:

- “...positioned to **become a national model** for sustainable, transit-oriented, greenfield development while contributing to the robust economic generator that is Denver International Airport.” (pg. 1)
- “...station is **unique** within the City and County of Denver. Its location in the Gateway neighborhood near Denver International Airport truly **sets it apart from other transit communities** throughout Denver – and throughout the metropolitan region. As a site yet to be developed, it provides both tremendous opportunities...” (pg. 1)
- “As a greenfield area, the 61st and Peña transit community has the opportunity to **showcase the best in transit-oriented development. State of-the-art treatments** for creating mixed-use development, establishing walkable urban patterns, and advancing a lifestyle less reliant on the automobile can literally be developed from the ground up.” (pg. 1)
- “Key values include sustainability, **world-class design**, state of-the-art conservation practices, and **21st century solutions** for mobility and infrastructure...” (pg. 1)
- “As a **showcase community**, it will embrace a **21st century lifestyle** with easy transit connections to transportation hubs and amenities throughout the Denver region.” (pg. 1)
- “An **active, vibrant** environment promotes a feeling of **safety** and **visual interest** for pedestrians by providing... **civic amenities**.” (pg. 24)
- Promoting active edges on buildings... **increases visual and physical interaction between the public and private realm**... (pg. 24)
- “Attract office users seeking the synergy gained from being integrated into a well connected, walkable community that **promotes a culture** of corporate **innovation**.” (pg.26)
- “Encourage the use of **streetscape amenities** that promote high levels of pedestrian activity, physical comfort and **visual interest**...” (pg. 28)

### *“CATALYZE CONCEPTS AND RECOMMENDATIONS”*

- “Maintain the ability to react to changing market opportunities throughout the build-out of the station area while encouraging the highest intensity of uses near the station.
- Encourage high quality development with design elements and materials appropriate and durable for the High Plains environment
- Pursue new economy employers attracted to locations with high quality transit service, a walkable environment, and the proximity to DIA.

- Seek to attract large regional corporate headquarters looking to take advantage of the close proximity to DIA and easy transit access to downtown Denver and other major employment centers including Anschutz Medical Campus and the Denver Tech Center via the I-225 light rail line.”

Provisions of the proposed DO-6 require signs under the district plan to be high quality and durable. It also requires all digital signs in the DO-6 to meet minimum standards for resolution. The new sign flexibility will attract technological employers who desire to locate in the mixed-use TOD environment and who will be able to showcase their innovations under the new zoning. By proposing a district plan approach that can be amended and supplemented over time, the DO-6 will be flexible over time to react to changing opportunities and technologies. Therefore, the text and map amendment are consistent with the plan recommendations.

## **2. Text Amendment and Map Amendment Further the Public Health, Safety and Welfare**

This text amendment and map amendment further the public health, safety, and general welfare of Denver residents as they provide for implementation of adopted plans through new standards that are uniform throughout the station area.

## **3. Text Amendment and Map Amendment Results in Regulations that are Uniform Across the District**

This text amendment and map amendment will result in uniform regulations applicable to all development within the DIA and DO-6 zone districts. The DO-6 zone district sets forth a set of submittal requirements, review criteria, and other matters that apply to any applicant for a district plan or sign permit within the DO-6 zone district.

# **VII. Planning Board Recommendation**

## ***A. Text Amendment***

Following a public hearing on April 20, 2016, by a vote of 7 in favor and 1 against, Planning Board recommended approval of Denver Zoning Code Text Amendment 6 with the following conditions, finding that the applicable review criteria have been met:

1. That the Planning Board Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the Planning Board Review Draft made necessary by such edits.
2. That Section 9.4.5.10.U.12.b.iii incorporate language from Section 10.10.20.1 regarding “fostering civic pride in the beauty of the city, enhancing the aesthetic values of the city and its economic vitality, protecting property values, protecting and enhancing the city’s attraction to tourists and visitors, and promoting good urban design.”

## ***B. Map Amendment***

Following a public hearing on April 20, 2016, by a vote of 8 in favor and 0 against, Planning Board recommended approval of map amendment #2016I-00010, finding that the applicable review criteria have been met.

## **VIII. CPD Recommendation**

### **A. Text Amendment**

Based on the review criteria for a text amendment stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), CPD staff recommends approval of Denver Zoning Code Text Amendment #6.

### **B. Map Amendment**

Based on the review criteria for a map amendment stated in the Denver Zoning Code (DZC), Section 12.4.10 (Map Amendment), CPD staff recommends approval of Denver Zoning Code Map Amendment #2016I-00010 to rezone to the proposed DO-6 zone district in the 61<sup>st</sup> & Peña Station Area.

## **IX. Attachments**

1. Redline Draft of Proposed Denver Zoning Code Text Amendment #6
2. Proposal to rezone, map amendment #2016I-00010
3. Letter from Ferd Belz
4. Email from Christine O'Connor re: text amendment
5. Email from Christine O'Connor re: map amendment

**2. All Other Applicable Standards -- Modification Allowed**

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

**9.4.5.3 Design Overlay Districts Established**

The following Design Overlay Districts are established:

| DESIGN OVERLAY DISTRICT NAME                              | ZONING MAP DESIGNATOR |
|---|-----------------------|
| Uptown  | DO-1                  |
| Washington Street   | DO-2                  |
| Lafayette Street  | DO-3                  |
| Side Interior Setback                                     | DO-4                  |
| South Sloan's Lake  | DO-5                  |
| <a href="#">Peña Station Next Design Overlay District</a> | <a href="#">DO-6</a>  |

**9.4.5.4 Effect of Approval**

**A. Official Map Designator**

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

**B. Limitation on Permit Issuance**

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

**9.4.5.5 Uptown Design Overlay District (DO-1)**

**A. Creation**

- There is hereby created an design overlay district designated as the Uptown Design Overlay District.
- As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.

**B. Lower Floor Building Design**

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated historic structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

**1. Lower Floor Design Standards**

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street front-

Figure 9.4-11



#### 9.4.5.10 Peña Station Next Design Overlay District (DO-6)

A. **Creation**

There is hereby created a design overlay district designated as the Peña Station Next Design Overlay District (DO-6).

B. **Intent**

The intent of this Section 9.4.5.10 is to:

1. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to showcase ever-evolving, cutting-edge technology and sustainability in a model transit-oriented development located at the commuter rail station at 61st Avenue near Peña Boulevard. Such ever-evolving, cutting-edge technology and elements supporting sustainability within the District are intended to be incorporated and displayed in ways that will foster civic pride and economic vitality, which may include:
  - a. Creative and artistic signs.
  - b. Special Lighting Elements.
  - c. Signs fused with art.
  - d. Self-illuminated signs.
  - e. Signs integrated with one or more iconic or distinctive features, and
  - f. Non-standard or one-of-a-kind advertising opportunities.



2. The flexibility referenced in Section 9.4.5.10.B.1 is intended to facilitate development of a coordinated program of signage and illumination elements that enhances the aesthetic values of the city and ensures quality design; enhances the city's attraction to and creates greater excitement and anticipation for residents, employees, and visitors; and promotes good urban design. Further, the processes to establish or amend a District Plan, and the review criteria in this Section 9.4.5.10, are intended to mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on residential uses and on users of Peña Boulevard, thereby protecting property values.
3. Signs permitted under the District Plan established in this section are intended to be in addition to signage permitted according to Division 10.10 Signs.

**C. Applicability**

1. The provisions of this Section 9.4.5.10, shall apply only with respect to:
  - a. Signs that are located within the DO-6 zone district and permitted by the District Plan, and
  - b. Special Lighting Elements that are located within the DO-6 zone district and permitted by the District Plan.
2. Notwithstanding Section 9.4.5.10.C.1., except to the extent otherwise stated in the District Plan, the provisions of this Section 9.4.5.10 shall not apply to signs permitted in Division 10.10 Signs, except Section 9.4.5.10.F Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and
3. Notwithstanding Sections 9.4.5.10.C.1 and 9.4.5.10.C.2, the provisions of this Section 9.4.5.10 shall not apply to any signs or Special Lighting Elements located on land retaining an underlying Zone District designation under Former Chapter 59 until such property is rezoned (through an Official Map Amendment) to an underlying Zone District under this Code.
4. A sign or Special Lighting Element that does not require a zoning permit or a building permit under the provisions of either the D.R.M.C. or this Code (other than this Section 9.4.5.10) shall not be deemed to require a zoning permit or a building permit, as appropriate, due to the provisions of this Section 9.4.5.10.

**D. Conflicting Provisions**

In addition to the provisions of Sections 9.4.2.2 and 9.4.2.3, if any provision of this Code (other than this Section 9.4.5.10) that is applicable to the underlying Zone District is varied by, or conflicts with, the provisions of the District Plan adopted in accordance with the requirements of this Section 9.4.5.10, then the provisions of the District Plan shall control.

**E. Glare**

Signs and Special Lighting Elements permitted under this Section 9.4.5.10 or under the terms of the District Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

**F. Minimum Pixel Pitch for Signs Using Digital Illumination**

A sign using digital illumination shall have a minimum pixel pitch of 11 millimeters, unless otherwise specified in the District Plan.

**G. Maximum Height**

1. Except as provided by Section 9.4.5.10.G.2 and 9.4.5.10.G.3 below, the District Plan shall not allow the height of any sign or equipment constituting any Special Lighting Element to exceed the maximum height specified in the allowed building form with the highest maximum height in feet, not including height exceptions, in the applicable underlying Zoning District.

2. The District Plan may allow temporary portable signs of any maximum height, subject to any limitations on time, area, size, number, design, illumination, location or other standards specified in the District Plan. Such portable signs shall require a zoning permit.
3. Temporary portable signs and equipment for Special Lighting Elements may extend above the maximum allowable height for the Zone District within which the sign or such equipment is located for limited timeframes for special events approved by the City for a period not to exceed the duration of the permitted special event.
4. Roof signs, and equipment for Special Lighting Elements, may extend above the Roof Line of the building to which the sign or Special Lighting Element is attached to the extent allowed by the District Plan; however, the District Plan shall not allow any sign or equipment for Special Lighting Elements to extend above the maximum allowable building form height for the Zone District within which the sign is located.

**H. Signs and Special Lighting Elements Subject to the District Plan**

The DO-6 zone district may have signs and Special Lighting Elements in accordance with the approved District Plan. Proposals for individual signs and Special Lighting Elements for which the applicant therefor elects in the subject application to have the provisions of this Section 9.4.5.10 shall comply with the requirements stated in the District Plan.

**I. Sign Types and Special Lighting Elements**

1. All sign types allowed by or defined in this Code, including but not limited to off-premises signs and outdoor general advertising devices, are allowed in the DO-6 zone district. In addition, the District Plan may define and allow other sign types not otherwise allowed or defined in this code. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the DO-6 according to an approved District Plan.
2. Special Lighting Elements are allowed in the DO-6 zone district. For purposes of this Section 9.4.5.10, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or medium are located within the DO-6 District, the illumination of:
  - a. The outside surface of any building, structure, part of any building or structure, or
  - b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.
3. In the DO-6 zone district, Outdoor General Advertising Device Ground Signs shall not be supported only by a pole or poles unless sufficient architectural enhancements are included as approved in the District Plan.

**J. Maximum Number**

There is no maximum on the number of signs or Special Lighting Elements that are allowed, unless otherwise stated in the District Plan.

**K. Maximum Area**

Unless otherwise stated in the District Plan, there is no maximum on: (1) the amount of area for any individual sign or Special Lighting Element, (2) the cumulative area of signage for any building or area, or (3) the cumulative area covered by Special Lighting Elements.

**L. Locations**

1. There is no requirement that signage or equipment for any Special Lighting Element be setback from the zone lot line or any built feature, however, signs and equipment for Special Lighting Elements shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Elements may project into public rights-of-way if such signs and equipment comply with applicable provisions of the D.R.M.C. pertaining to encroachments within public rights-of-way.

2. Signs allowed under this Section 9.4.5.10 may be sited on vacant zone lots.

**M. Illumination**

1. Illumination of signs and illumination integrated into Special Lighting Elements are allowed.
2. Flashing signs and flashing Special Lighting Elements are allowed.
3. Subject to the provision of this Section 9.4.5.10, illumination for or of signs and Special Lighting Elements may be from a concealed light source that may flash, blink or fluctuate by means of movement, changes in colors, changes in the intensity of light, changes in letters, numbers, symbols, designs or other images, ambient conditions such as fog, snow or wind, or otherwise. The frequency, cycle, or movement of any such flashing, blinking or fluctuation shall not be limited except as stated in the District Plan.
4. It is not a violation of this Section 9.4.5.10 if the illumination from or of any sign or Special Lighting Element is visible from beyond the boundaries of the zone lot or the separately-conveyable parcel of land upon which such sign or Special Lighting Element is located. However, the District Plan shall require louvers or other brightness reduction strategies to reduce the luminance of signs comprised of self-illuminated digital screens when viewed at Off-axis Angles.
  - a. For purposes of this Section 9.4.5.10, the term "Off-axis Angle", with respect to any screen or portion of a screen, as applicable, means any angle other than the angle perpendicular to such screen or portion of such screen, as applicable.

**N. Animation, Dynamic Elements and Full-Motion Video**

Animated Signs and animation, dynamic elements, and full-motion video as part of a Special Lighting Element are allowed.

**O. Materials**

1. The District Plan shall require that signs and equipment for Special Lighting Elements be professionally designed and fabricated from quality, durable materials, including a requirement that only quality illumination equipment be used for illuminated signs and Special Lighting Elements.
2. The District Plan shall not permit internally illuminated, translucent face box signs.

**P. Projecting Signs**

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building wall.

**Q. Accessory Uses**

Signs for accessory uses are allowed to the extent stated in the District Plan.

**R. Prohibition**

As a matter of public necessity, the City must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon unwilling audiences of adults and children, such displays constitute assaults upon individual privacy. Therefore, signs (including signs incorporated into a Special Lighting Element) subject to the District Plan shall not be displayed or exhibited in a manner that exposes to public view from any public streets, sidewalks, transportation facilities, and other public rights-of-way any:

1. Pictorial material that is obscene;

2. Statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;
3. Pictorial material depicting a person’s genitals, pubic hair, perineum, anus, or anal region; or
4. Pictorial material depicting explicit sexual acts.

**S. Varying Regulations by Subareas within the District Plan**

1. The District Plan shall contain geographically defined areas within the plan that have different regulations from those applicable to other geographic areas within the District Plan.
2. The District Plan shall identify a methodology to identify and characterize subareas within the DO-6 zone district distinguished from one another based on factors including but not limited to:
  - a. The intensity and mix of land uses existing or planned to occur within such subareas.
  - b. The density of the built environment existing or planned within such subareas, and
  - c. The subarea’s location within, or in proximity to, (1) existing or planned major gateways or entrances to a rail station, or (2) other existing or planned publicly accessible spaces, major arterials, or major entrances to the DO-6 zone district, such that allowances for signage and Special Lighting Elements are greater and/or more flexible for subareas located closest to existing or planned gateways, major entrances, publicly-accessible spaces, or major arterials.
3. Based on the methodology described above, the District Plan shall assign differing standards to each such subarea, as appropriate, which will result in signage and Special Lighting Elements within each subarea consistent with the differences in character of each such subarea. Differing standards may include, but are not limited to, appropriate scale, permitted sign types, maximum sign areas, appropriate locations, and appropriate illumination levels or animation.

**T. Supplemental Plans**

The District Plan may establish a convention whereby certain signs or and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and replaced unless a Supplemental Plan is approved under Section 9.4.5.10.W with respect to such signs and/or Special Lighting Elements, as appropriate. The District Plan may establish a convention whereby certain signs and/or Special Lighting Elements may be installed, operated, maintained, repaired, and replaced without the need for approval of a Supplemental Plan.

**U. Process to Establish or Amend the District Plan**

1. **Definition**  
For purposes of this Section 9.4.5.10, the term “District Plan” means the plan approved in accordance with this Section 9.4.5.10.U, as such plan may be amended from time to time in accordance with the provisions of this Section 9.4.5.10.
2. **Intent of District Plan Approach**
  - a. The DO-6 zone district is envisioned to showcase ever-evolving, cutting-edge technologies and sustainability in a unified, cohesive and integrated program throughout the DO-6 zone district. The District Plan is the mechanism that efficiently reconciles the vision for the DO-6 zone district with the reality that the district will be built over a long period of time during which technology and best practices for sustainability will evolve.



- iii. As part of the review procedure for Supplemental Plans, authority for the review body to require specific mitigation measures reasonably necessary to mitigate possible material adverse impacts, when it finds such possible impacts. For purposes of this provision, “material adverse impacts” include, but are not limited to, nuisance or distraction to near-by permitted land uses or to motor vehicles on Peña Boulevard and other major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.
- iv. Provisions allowing technology and elements supporting sustainability and “smart-cities” components to be incorporated and displayed in many ways, which may include:
  - a) Creative and artistic signs,
  - b) Special Lighting Elements,
  - c) Signs fused with art,
  - d) Self-illuminated signs,
  - e) Signs integrated with one or more iconic or distinctive features,
  - f) Non-standard or one-of-a-kind advertising opportunities, and
  - g) Smart signs
- v. Provisions addressing design review for signs and Special Lighting Elements,
- vi. Design standards and guidelines that include:
  - a) The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;
  - b) The parameters for acceptable sign shape, size, typography, lighting, exposed structures, animation, luminance, colors and materials, and the frequency of changeable copy, graphics, or lighting;
  - c) Identification of areas from which signs and Special Lighting Elements are intended to be viewed;
  - d) General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and
  - e) Review criteria that ensure all features of signs, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to and/or integrated into the architecture and architectural features of the building on which it is located or to which it relates.
- vii. Design standards and guidelines for allowable Special Lighting Elements, including:
  - a) A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;
  - b) A general description of the surfaces of any existing or proposed buildings, structures, or other surfaces, materials, mediums or substrates that may be illuminated by Special Lighting Elements; and
  - c) General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.
- viii. Information describing the general locations where signs and Special Lighting Elements are allowed,

- ix. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements.
- x. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and
- xi. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Plan or amendment consistent with the criteria stated in Section 9.4.5.10.U.11.

**7. Review**

Community Planning and Development will review information received in the applicant's submittal and forward a recommendation to the Planning Board within 45 days after the submittal of a complete application for the District Plan or amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) unless the applicant agrees in writing to an extension of time.

**8. Notice of Complete Application**

- a. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Plan or any proposed amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or Section 9.4.5.10.W) to:
  - i. Neighborhood organizations registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,
  - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
  - iii. The at-large City Council members.
- b. No later than 10 days after receipt of a determination of a complete application from Community Planning and Development, the applicant shall send informational notice of the proposed District Plan or a proposed amendment to the District Plan (other than amendments effected through Sections 9.4.5.10.V or 9.4.5.10.W) to each property owner within the DO-6 zone district according to the address stated in records of the Denver Assessor's Office as of the date the applicant checked such records, which date shall not be earlier than the date the applicant submitted its application to Community Planning and Development, and not later than 10 days after the applicant's receipt of a determination that the application is complete from Community Planning and Development. However, for property included within any condominium or cooperative, as such terms are defined in C.R.S. Section 38-33.3-103, the applicant shall only be required to send notice to the owners association for such condominium or cooperative and not to each property owner.
- c. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- d. Notification shall include the location and general description of the proposed action; and the process to be followed, including the date, time and place of the Planning Board public meeting, if such has been scheduled; and information concerning when and where written comments may be submitted.
- e. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly

construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**9. Notice of Planning Board Public Meeting**

- a. No later than 15 days before the required Planning Board public meeting, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.
- b. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- c. Notification shall include the location and general description of the proposed action and the process to be followed, including the date, time and place of the scheduled public meeting.
- d. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**10. Adoption of a Plan or Plan Amendment**

The Planning Board shall review Community Planning and Development's recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions, or deny such District Plan or amendment.

**11. Appeals**

The Planning Board's decision on an application for a District Plan or an amendment thereto may be appealed to the District Court.

**12. Criteria for Review**

The Planning Board may approve an application for the District Plan or an amendment to the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) if the application complies with all of the following criteria:

- a. The District Plan complies with all applicable standards contained in this Code.
- b. The cumulative effect of the District Plan's allowances for signs and Special Lighting Elements:
  - i. Encourages exciting, iconographic, and inventive signage, attention-getting devices, and special elements that distinguish the DO-6 zone district from other places in Denver;
  - ii. Creates excitement and anticipation for residents, employees, and visitors of the DO-6 zone district;
  - iii. Exhibits design excellence, inventiveness, and sensitivity to the existing or planned character of a specific subarea;



- iv. Ultimately assists in attracting employers and visitors to the DO-6 zone district; and
- v. Establishes a coordinated program of signage for signage subject to the District Plan.
- c. Sign allowance and design reflects the existing or planned character of the District Plan subarea in which such signs are proposed.
- d. The District Plan contains specific mitigation measures reasonably necessary to mitigate possible material adverse impacts of signs and Special Lighting Elements, on existing nearby residential uses or structures or motor vehicles on major roadways located within the DO-6 zone district.
- e. The District Plan contains restrictions to prevent the cumulative effect of signs approved in reliance on the standards set forth in this Section 9.4.5.10 (as opposed to signs approved in reliance on Division 10.10 Signs or Former Chapter 59) from being visually overwhelming when viewed from various residential areas, major public use roadways and/or other significant public areas outside the DO-6 zone district when used in their ordinary course. Such restrictions may include limitations on signage area, spacing between signs, sign locations, and/or sign heights.

**V. Minor Deviations to the District Plan**

**1. Allowed**

Minor deviations from the District Plan for individual signs or individual Special Lighting Elements may be allowed by Community Planning and Development if:

- a. Such deviations appear necessary in light of technical or engineering considerations, or to accommodate the implementation of future technology that is generally consistent with the intent of the District Plan and Section 9.4.5.10.B, and
- b. The at-large city council members and the city council members and registered neighborhood organizations whose boundaries are within 200 feet of the subject sign(s) and/or Special Lighting Element(s) are first notified.
- c. Notwithstanding the foregoing, no minor deviation shall be allowed which violates the Denver Building Code, Denver Fire Code, or any applicable provision of the D.R.M.C.

**2. Not Allowed**

Minor deviations for individual signs and or individual Special Lighting Elements shall not be allowed under any of the following circumstances:

- a. The individual sign or Special Lighting Element is oriented or illuminated so that it adversely affects existing nearby residential uses or structures beyond what is allowed by the District Plan.
- b. For projecting signs, a projection greater than 6 inches above the maximum otherwise allowed.
- c. A change in signage type, illumination, or animation that is not allowed by the District Plan.

**3. Plan Amendment Required**

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Plan and is not allowed under Section 9.4.5.10.V.1 shall require an amendment to the District Plan, approved under Section 9.4.5.10.U.

**W. Supplemental Plans**

**1. Definition**

For purposes of this Section 9.4.5.10, the term “Supplemental Plan” means a supplement to the District Plan that is approved in accordance with this Section 9.4.5.10.W.

2. **Intent**  
The intent of Supplemental Plans is to allow for a coordinated program with respect to numerous buildings, signs and Special Lighting Elements that will be designed, developed, constructed and installed within the DO-6 zone district over time in phases.
3. **Requirement**  
To the extent the District Plan provides that any sign and/or Special Lighting Element may not be installed within certain areas until a Supplemental Plan for such area is approved, then no sign and/or Special Lighting Element, as appropriate, may be installed in such area until a Supplemental Plan for such area is approved or such sign and/or Special Lighting Element is exempt from such requirement as stated in the District Plan.
4. **Submittal Requirements**  
An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:
  - a. Information as required by the District Plan, and
  - b. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criterion stated in Section 9.4.5.10.W.7.
5. **Review**  
The Zoning Administrator will review information received in the applicant's submittal and, within 45 days after the submittal of a complete application for a Supplemental Plan, make a final decision to approve, approve with conditions or deny such plan unless the applicant agrees in writing to an extension of time.
6. **Notice to Others**
  - a. The Zoning Administrator shall send notice of the Supplemental Plan to:
    - i. Neighborhood organizations which are registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,
    - ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and
    - iii. The at-large City Council members.
  - b. Notices required by this Section 9.4.5.10.V.6. shall be sent at least 14 days prior to the Zoning Administrator's decision to approve, approve with conditions or deny such plan.
7. **Criterion for Review**  
The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan is consistent with the provisions of the District Plan.
8. **Appeals**  
Any decision of the Zoning Administrator under this Section 9.4.5.10.W may be appealed to the Planning Board. Thereafter, the Planning Board's decision may be appealed to the District Court.
9. **Effect of Approval of a Supplemental Plan**  
Upon the Zoning Administrator's approval of a Supplemental Plan, such Supplemental Plan shall be deemed an amendment to, and shall be deemed to have become part of, the District Plan. An approved Supplemental Plan shall be incorporated into the next Amend- ed District Sign Plan, at which time the Supplemental Plan shall expire.

## SECTION 9.5.2 DENVER INTERNATIONAL AIRPORT ZONE DISTRICT (DIA)

### 9.5.2.1 Building Forms

The Denver Manager of Aviation shall determine all ~~design and development standards applicable to new development~~applicable building form standards in the DIA Zone District.

### 9.5.2.2 Design Standards

#### A. Signage

Design and development standards governing signage in the DIA Zone District shall be determined by the Denver Manager of Aviation, except that in the Peña Station Next Design Overlay District (DO-6), Section 9.4.5.10 and Division 10.10 Signs shall apply.

#### B. All Other Design Standards

All other dDesign and development standards governing uses and structures in the DIA Zone District, including but not limited to landscaping and parking, shall be determined by the Denver Manager of Aviation.

### 9.5.2.3 Permitted Uses in the DIA Zone District

See Section 9.5.5, Uses and Required Minimum Parking.

## SECTION 9.5.3 DIA INFLUENCE AREA OVERLAY ZONE (AIO-)

### 9.5.3.1 DIA Influence Area

The DIA Influence Area is defined as the land area located north of 56<sup>th</sup> Avenue in the City and County of Denver's DIA statistical neighborhood, as shown in Figure 9.5-1, and on the Official Map.

## SECTION 10.10.20 OUTDOOR GENERAL ADVERTISING DEVICES IN THE BILLBOARD USE OVERLAY ZONE DISTRICT

### 10.10.20.1 Purpose and Applicability

#### A. Purpose

Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

1. That the regulation of outdoor general advertising devices within the city is required in the interests of the economic prosperity, civic pride, quality of life and general welfare of the people;
2. That it is desirable to preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
3. That the regulation of outdoor general advertising devices will foster civic pride in the beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will protect property values, will protect and enhance the city's attraction to tourists and visitors and promote good urban design;
4. That the regulation of outdoor general advertising devices will strengthen and preserve the municipality's unique environmental heritage and enhance the quality of life of its citizens; and
5. That the regulation of outdoor general advertising devices within the city is necessary for the promotion of safety upon the streets and highways in the City and County of Denver.

#### B. Applicability

1. This Division shall govern and control the erection, remodeling, enlargement, moving, operation and maintenance of all outdoor general advertising devices, also known as "billboards", as they are permitted in the Billboard Use Overlay District (UO-2) in accordance with Section 9.4.4.7 and may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within 660 feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway.
2. Outdoor advertising devices may be erected and maintained in the D-TD Zone District but only as permitted by a district sign plan authorized pursuant to Section 10.10.14. For such outdoor advertising devices in the D-TD Zone District, the provisions of this Section 10.10.20 shall not apply.
3. Outdoor advertising devices may be erected and maintained in the DO-6 Zone District but only as permitted by a district plan authorized under Section 9.4.5.10. For such outdoor advertising devices in the DO-6 Zone District, the provisions of this Section 10.10.20 shall not apply.
4. Except in the DO-6 Overlay District, outdoor advertising devices may be erected and maintained in the DIA Zone District as permitted by the Manager of Aviation pursuant to Section 9.5.2.2. For such outdoor advertising devices in the DIA Zone District, the provisions of this Section 10.10.20 shall not apply. Except in the DO-6 Overlay District, outdoor advertising devices may be erected and maintained in the DIA Zone District as permitted by the Manager of Aviation pursuant to Section 9.5.2.2. For such outdoor advertising devices in the DIA Zone District, the provisions of this Section 10.10.20 shall not apply.

## Zone Map Amendment (Rezoning) - Proposal

| 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   | Multiple owners (refer to the attached map)   | Representative Name  | Kim Day, CEO, Denver International Airport<br>Brad Buchanan, FAIA, Executive Director of Community Planning and Development |
| Address   |   | Address  |   |
| City, State, Zip  |   | City, State, Zip   |   |
| Telephone   |   | Telephone  |   |
| Email   |   | Email  |   |
| <p><b>*If More Than One Property Owner:</b><br/>           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><b>**Property owner shall provide a written letter authorizing the representative to act on his/her behalf.</b></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.                                     |   |  |   |
| SUBJECT PROPERTY INFORMATION  |   |  |   |
| Location (address and/or boundary description):   | Boundaries being approximately Pena Blvd, 64th Ave, Tower Rd, and 56th Ave  |  |   |
| Assessor's Parcel Numbers:  | Multiple parcels (refer to the attached map)  |  |   |
| Area in Acres or Square Feet:   | approximately 384 acres   |  |   |
| Current Zone District(s):   | DIA; DIA AIO; C-MU-10 with conditions, AIO; C-MU-10 with waivers and conditions, AIO; C-MU-20 with waivers and conditions, AIO; C-MU-30 with waivers and conditions, UO-1, AIO  |  |   |
| PROPOSAL  |   |  |   |
| Proposed Zone District:   | DIA, DO-6; DIA, AIO, DO-6; C-MU-10 with conditions, AIO, DO-6; C-MU-10 with waivers and conditions, AIO, DO-6; C-MU-20 with waivers and conditions, AIO, DO-6; C-MU-30 with waivers and conditions, UO-1, AIO, DO-6.<br><br>(DO-6 is not yet in effect. The text of the DO-6 Overlay District is subject to change until the final approval by City Council.) |  |   |



PENA BLVD

East Corridor Commuter Line

64TH AVE

63RD AVE

TOWER RD

RIFLE ST

SALIDA ST

61ST AVE

61st & Pena Station

TELLURIDE WAY

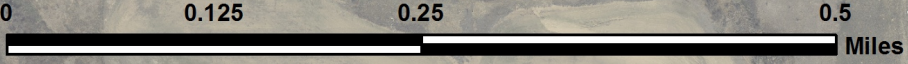
60TH AVE

PENA BLVD

59TH AVE

57TH AVE

56TH AVE



Area proposed for Design Overlay DO-6

Aerial 2014  
Map Date 1/28/2016

That the zoning classifications within the following boundary shall be and hereby are amended to include the Design Overlay Designation **"DO-6"**

A parcel of land located in section 9, township 3 south, range 66 west of the sixth principal meridian, City and County of Denver, state of Colorado, being more particularly described as follows:

Commencing at the north one-quarter corner of section 9, township 3 south, range 66 west of the 6th principal meridian;

Thence on the west line of the northeast one-quarter of said section 9, S00°21'23"E a distance of 30.00 feet, to a point on the southerly right-of-way line of East 64th Avenue, said point being the point of beginning;

Thence on said southerly right-of-way line, the following four (4) courses:

1. S89°51'30"E a distance of 2048.17 feet;
2. S00°08'30"W a distance of 35.00 feet;
3. S89°51'30"E a distance of 505.27 feet;
4. S45°01'27"E a distance of 35.26 feet, to a point on the westerly right-of-way line of Tower Road;

Thence on said westerly right-of-way line, the following four (4) courses:

1. S00°11'13"E a distance of 2559.07 feet to a point on the south line of the northeast one-quarter of said section 9;
2. S00°06'12"E, a distance of 1960.19 feet
3. S89°54'01"W, a distance of 10.00 feet
4. S00°06'12"E, a distance of 508.85 feet, to a point on the northerly right-of-way line of East 56th Avenue;

Thence on said northerly right-of-way line the following eight (8) courses:

1. S46°50'48"W a distance of 69.96 feet;
2. S89°54'01"W a distance of 539.10 feet
3. S00°06'12"E a distance of 10.00 feet
4. S89°54'01"W a distance of 663.79 feet
5. S87°51'44"W a distance of 944.79 feet;
6. S89°54'01"W a distance of 350.70 feet, to a point on the west line of the southeast one-quarter of said section 9;
7. On said west line, S00°21'27"E a distance of 40.00 feet
8. S89°53'59"W a distance of 624.71 feet

Thence N01°27'06"W a distance of 3939.30 feet, to a point on the south line of the northeast one-quarter of the northwest one-quarter of said section 9;

Thence on said south line, S89°51'57"E a distance of 56.85 feet, to the southwesterly corner of that property described under reception No. 2012179295;

Thence on the westerly line of said parcel, N00°16'33"E a distance of 1294.96 feet to a point on the southerly right-of-way line of West 64th Avenue;

Thence S89°51'09"E along said southerly right-of-way line, a distance of 628.84 feet to the point of beginning.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

City and County of Denver Planning Board  
c/o Kyle A. Dalton, AICP, Senior City Planner  
Community Planning & Development  
City and County of Denver  
201 W. Colfax Ave., Dept. 205  
Denver, CO 80202

Dear Planning Board Members,

L. C. Fulenwider, Inc. (LCF) is in full support of the following proposed Text and Map Amendments; Text Amendment #6, Map Amendment 2016I-00010, Map Amendment 2015I-00101 and Text Amendment #7. In partnership with Denver International Airport (DIA), LCF is developing the transit-oriented development ("TOD") at the 61<sup>st</sup> and Peña Station area on the RTD East Line from Union Station to DIA. Our plan envisions a mixed-use, pedestrian-oriented TOD as the Planning Board approved with the 61st and Peña Station Area Plan. This TOD is unique in that it is the first greenfield TOD in the City and County of Denver (City) and thus today is a blank canvas. LCF has been working closely with DIA, the City and Panasonic to paint this canvas to be the most progressive, innovative and technologically advanced community TOD in the country. These amendments afford us the ability to accomplish this endeavor.

We ask that you approve the proposed Text and Map Amendments.

Sincerely,



Ferd Belz  
Senior Vice President  
L. C. Fulenwider, Inc.



**From:** [Christine O'Connor](#)  
**To:** [Planning Services - CPD](#)  
**Cc:** [Dalton, Kyle A. - Community Planning and Development](#); [Showalter, Sarah K - CPD Planning Services](#)  
**Subject:** Re: Official Map Amendment and Text Amendment Neighborhoods and Planning Committee Meeting Notification #20161-00010: Pena Station Next Design Overlay and Denver International Airport Signage and Text Amendment #6  
**Date:** Tuesday, March 01, 2016 3:04:53 PM

Done when you came to INC. Pointless.


On Mar 1, 2016, at 11:31 AM, Planning Services - CPD wrote:

| NEIGHBORHOODS & PLANNING COMMITTEE MEETING FOR OFFICIAL MAP AMENDMENT AND TEXT AMENDMENT |  |                    |   |
|--|--|--------------------|---|
| <b>CASE NUMBERS</b>  | Pena Station Next Design Overlay and Denver International Airport Signage (Text Amendment) & #20161-00010 (Map Amendment)  |                    |   |
| <b>Text Amendment #6</b>   | This text amendment proposes to establish a new design overlay (DO-6), to enable innovative signage and illumination in the Peña & 61st Transit-Oriented Development area, and clarify the Manager of Aviation's authority to regulate signs in the DIA zone district, enabling new iconic signage on airport property east of E-470.<br><br>For more information, visit <a href="http://denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments.html">http://denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments.html</a> |                    |   |
| <b>#20161-00010 (Map Amendment)</b>  | This official map amendment proposes to apply the new DO-6 design overlay district*<br><br>The subject properties are shown on the map in the Proposal found online at: <a href="http://denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/text_amendments/161-00010_Proposal_to_Rezone.pdf">http://denvergov.org/content/dam/denvergov/Portals/646/documents/Zoning/text_amendments/161-00010_Proposal_to_Rezone.pdf</a><br><br><b>*The text of the DO-6 design overlay district is subject to change until the final approval by City Council.</b>                                       |                    |   |
| <b>SPONSOR</b>   | Kim Day, CEO, Denver International Airport<br>Brad Buchanan, FAIA, Executive Director of Community Planning and Development  |                    |   |
| <b>CASE MANAGER</b>  | Kyle Dalton<br>Principal City Planner  | <b>PHONE/EMAIL</b> | 720-865-2972 / <a href="mailto:kyle.dalton@denvergov.org">kyle.dalton@denvergov.org</a> |
| CITY COUNCIL NEIGHBORHOODS & PLANNING COMMITTEE MEETING INFORMATION                      |  |                    |   |
| <b>DATE</b>  | Wednesday, March 16th, 2016  |                    |   |
| <b>TIME</b>  | 10:30 AM   |                    |   |
| <b>PLACE</b>   | City and County of Denver Building, 1437 Bannock St  |                    |   |
| <b>ROOM</b>  | Conference Room, Room 391  |                    |   |
| <b>** NOTICE IS PROVIDED TO ALL REGISTERED NEIGHBORHOOD ORGANIZATIONS **</b>             |  |                    |   |
| <b>** NOTICE IS PROVIDED TO ALL CITY COUNCIL MEMBERS **</b>                              |  |                    |   |

The above-referenced Official Text Amendment and Map Amendment Proposal may be viewed and/or downloaded at <http://denvergov.org/content/denvergov/en/community-planning-and-development/zoning/text-amendments.html>. Any questions regarding these proposals may be directed to Kyle Dalton, Principal City Planner, at 720-865-2972.

RNOs:  
RNOs may take a position on the text amendment, the map amendment, or both. The "RNO Position Statement.pdf" located at <http://www.denvergov.org/Rezoning> should be e-mailed to CPD at [rezoning@denvergov.org](mailto:rezoning@denvergov.org) so that your organization's position regarding this either or both of these proposals may be addressed at the Planning Board Hearing.

**ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT ON EITHER OR BOTH OF THE TEXT AMENDMENT AND THE MAP AMENDMENT PROPOSALS AT THE PUBLIC HEARING BEFORE CITY COUNCIL.**


 Heidi Tippetts | Operations Assistant  
 Community Planning and Development | Planning Services  
 City & County of Denver  
 720\*865\*2557 Phone | [Heidi.Tippetts@denvergov.org](mailto:Heidi.Tippetts@denvergov.org)

**From:** [Christine O'Connor](#)  
**To:** [Planning Services - CPD](#)  
**Cc:** [Dalton, Kyle A. - Community Planning and Development](#); [Showalter, Sarah K - CPD Planning Services](#)  
**Subject:** Re: Denver Zoning Code Text Amendment Planning Board Public Hearing Notification: Text Amendment #7, Airport Influence Overlay District Revisions  
**Date:** Tuesday, March 01, 2016 3:04:18 PM

Already done deal. No point.  
 On Mar 1, 2016, at 12:50 PM, Planning Services - CPD wrote:

| DENVER ZONING CODE TEXT AMENDMENT<br>NOTIFICATION OF CITY COUNCIL<br>NEIGHBORHOODS & PLANNING COMMITTEE MEETING |   |                    |  |
|---|---|--------------------|--|
| <b>NAME AND NUMBER</b>  | Text Amendment #7: Airport Influence Overlay District Revisions   |                    |  |
| <b>PROPOSED BY</b>  | Councilwoman Stacie Gilmore<br>4685 Peoria St., #245<br>Denver, CO 80239  |                    |  |
| <b>SUMMARY OF CONTENTS</b>  | This proposed text amendment would create more opportunities for multi-unit housing to promote transit-oriented development near the Peña & 61 <sup>st</sup> station, by enabling multi-unit dwelling unit uses between 62 <sup>nd</sup> and 64 <sup>th</sup> Avenues, with reasonable residential protections. |                    |  |
| <b>CASE MANAGER</b>   | Kyle Dalton<br>Principal City Planner - Regulatory  | <b>PHONE/EMAIL</b> | (720) 865 2972<br><a href="mailto:Kyle.Dalton@denvergov.org">Kyle.Dalton@denvergov.org</a> |
| CITY COUNCIL NEIGHBORHOODS & PLANNING COMMITTEE MEETING INFORMATION   |   |                    |  |
| <b>DATE</b>   | Wednesday, March 16th, 2016   |                    |  |
| <b>TIME</b>   | 10:30 am  |                    |  |
| <b>PLACE</b>  | City & County Building, 1437 Bannock St.  |                    |  |
| <b>ROOM</b>   | Conference Room, Room 391   |                    |  |
| <b>** NOTICE IS PROVIDED TO ALL REGISTERED NEIGHBORHOOD ORGANIZATIONS **</b>                                    |   |                    |  |
| <b>** NOTICE IS PROVIDED TO ALL CITY COUNCIL MEMBERS **</b>   |   |                    |  |

A redline draft of the above-referenced proposed Text Amendment to the Denver Zoning Code and a summary of the process can be viewed at <http://www.denvergov.org/TextAmendments/>.

Any questions regarding this amendment may be directed to the Case Manager above.

**WRITTEN COMMENTS WILL BE DISPERSED AS FOLLOWS:**

Written comments received by CPD staff by 12 p.m. (noon) on the Thursday prior to the City Council public hearing will be included in the CPD staff report packet that is distributed to City Council.

Written comments may be emailed to [rezoning@denvergov.org](mailto:rezoning@denvergov.org). After 12 p.m. (noon) on the Thursday prior to the City Council public hearing and up until 3:00 p.m. on the day of the City Council public hearing, written comments should be emailed to [dencc@denvergov.org](mailto:dencc@denvergov.org). To submit written comments after 3 p.m. on the day of the City Council public hearing,

bring copies of written comments to the public hearing and ask the Council Secretary to distribute the comments to the Council.

Notwithstanding the foregoing, in order to provide Council members adequate time to review written comments, members of the public are strongly encouraged to submit their comments prior to the day of the public hearing.

**ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE PUBLIC HEARING BEFORE CITY COUNCIL.**

<image002.jpg> Heidi Tippetts | Operations Assistant  
 Community Planning and Development | Planning Services  
 City & County of Denver  
 720\*865\*2557 Phone | [Heidi.Tippetts@denvergov.org](mailto:Heidi.Tippetts@denvergov.org)