



Board Summary Report

File #: 26-115

Agenda Date: 2/17/2026

Agenda #: 8.b.

To: Board of County Commissioners

Through: Bryan Weimer, Director of Public Works and Development, Department

Prepared By:
Kat Hammer, Senior Planner, Public Works and Development

Presenter: Kat Hammer, Senior Planner, Public Works and Development

Subject:
CZ25-001 - Dayton Station Transit Oriented Development (TOD) Conventional Rezone To Residential Multi-Family (R-MF) (continued from February 3, 2026)

Purpose and Request:

Following a public hearing on February 3, 2026, the Board of County Commissioners (BOCC) continued the Dayton Station Transit Oriented Development (TOD) Conventional Rezone to Residential Multi-Family (R-MF) to February 17, 2026, to obtain additional information and further consider the information presented. The requested information includes updated letters requesting cash-in-lieu of land dedication from Cherry Creek School District and Arapahoe County Open Spaces and an updated Board Summary report. The applicant, Zipper Line Strategies, on behalf of the property owner, ARD CO Dayton Station LLC (Avanti Residential), is requesting approval from the Board of County Commissioners for a Conventional Rezone from Agricultural-1, (A-1) to Residential Multi-Family (R-MF) for a vacant, 5.7-acre property adjacent to the Dayton Station Park and Ride.

Alignment with Strategic Plan: Good Governance - Plan for future service, infrastructure, and fiscal needs.

Background and Discussion: A public hearing for the Dayton Station Transit Oriented Development (TOD) Conventional Rezone to Residential Multi-Family (R-MF) was held on February 3, 2026, before the BOCC. After hearing testimony from County staff, the applicant, and the public, the hearing was closed for public comment and continued to February 17, 2026, to consider supplemental materials to assist the Board in making a determination for this application. The continuance was needed to supplement the record with regard to materials relevant to necessary fees for cash in lieu of land dedication to offset the impacts of the development.

In advance of the February 3, 2026, public hearing, the record made reference to the cash-in-lieu requests consistent with the Land Development Code from impacted entities. The record was lacking, however, with regard to the specific amounts sought. The record has now been supplemented with the specifics of those requests. Notably, due to the complicated history of the parcel, required fees related to school and park purposes were not previously paid at the time of platting.

Section 5-3.2.B of the Land Development Code sets out the approval criteria for rezoning

applications. Subsection 5-3.2.B.3. requires that an applicant, “Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, schools, parks, and libraries.” In this matter, the projected burdens placed on the Cherry Creek School District has caused it to request cash-in-lieu of land dedication in the amount of \$149,470.78 to address those impacts of the development. The school district requests cash-in-lieu of land dedication based on the 2025 assessed value; the per-acre valuation applied is \$313,635.08. As set forth in the record, the school district is requesting cash-in-lieu of land dedication because the parcel’s size and location do not meet the district’s standards for a new school or facility site. Cash-in-lieu provides the district with the flexibility to address the projected impacts of this development without otherwise shifting resources intended to serve the school district’s student population at other locations.

Additionally, Arapahoe County Open Spaces is requesting cash-in-lieu in the amount of \$311,323.75 to satisfy the criteria at the above quoted subsection 5-3.2.B.3. (which includes reference to “parks”), and also subsection 5-3.2.B.9., which states, “Enhance the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project’s residents and employees.” The cash-in-lieu will be used consistent with County policy to address the impacts of the development, including the financial support of parks in the other jurisdictions abutting this development.

Alternatives: The Board of County Commissioners has alternatives that include the following:

1. Approve the proposed Conventional Rezone with Conditions of Approval as recommended by staff or with changes.
2. Continue to a date certain with more information.
3. Deny the Conventional Rezone.

Fiscal Impact: No fiscal impacts are anticipated at this time.

Alignment with Strategic Implementation Strategies: : This proposal is a quasi-judicial application and is evaluated against criteria in the Land Development Code.

Staff Recommendation: Considering the findings of the Planning Commission staff report and other information provided herein, Staff recommends approval of Case No. CZ25-001, Dayton Station Transit Oriented Development (TOD) Conventional Rezone to Multi-Family (MF), subject to the following conditions of approval:

1. The applicant shall submit a revised Dayton Station Rezoning Plan consistent with the direction provided by Mapping staff within thirty (30) days of this approval.
2. The applicant shall submit a properly signed, dated, and stamped Phase I Drainage Report and Traffic Impact Study consistent with the requirements and procedures set forth in the Land Development Code.
3. Upon approval of the necessary Administrative Site Plan, but prior to final execution of the same, the applicant shall pay fees in lieu of land dedication to offset the impacts of the development per LDC §§ 5-3.2.B.3 & 5-3.2.B.9, in the amount of \$311,323.75 to Arapahoe County Open Spaces and in the amount of \$149,470.78 to Cherry Creek Schools.

Concurrence: This application was before the Planning Commission on December 2, 2025, but without specific fee amounts in the record. The Planning Commission recommended approval of the proposed Conventional Rezone application in a 4-0 vote. Please see the attached draft Planning Commission Minutes of the December 2, 2025, meeting.