



**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, AUGUST 5, 2025**

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| <b>ATTENDANCE</b>              | <p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance:<br/>Brooke Howe; Randall Miller; Dave Mohrhaus, Chair; Richard Sall; and Lynn Sauve.</p> <p>Also present were Matt Hader, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Molly Orkild-Larson, Principal Planner; Kat Hammer, Senior Planner; and Kim Lynch, Planning Technician.</p> |
| <b>CALL TO ORDER</b>           | <p>Mr. Mohrhaus called the meeting to order at 6:30 p.m. and the roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and the public.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>GENERAL BUSINESS ITEMS:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>APPROVAL OF THE MINUTES</b> | <p><b>The motion was made by Ms. Sauve and duly seconded by Mr. Miller to approve the minutes from the July 15, 2025, Planning Commission meeting, as submitted:</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</b></p>                                                                                                                                                                                                                                                                                                                                    |
| <b>PUBLIC HEARING ITEMS:</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>ITEM 1</b>                  | <p><b>CASE NO. LDC24-004, AFFORDABLE HOUSING / LAND DEVELOPMENT CODE (LDC) AMENDMENT – KAT HAMMER, SENIOR PLANNER; PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Mr. Hader cited the Land Development Code Chapter 5 - Section 2 requirements and stated they had been met; therefore, the PC had jurisdiction to proceed.</p>                                                                                                                                                                                                                                                                                                                              |



Ms. Hammer introduced this County-initiated project that proposed amending the Land Development Code (LDC), specifically, Chapter 2, Zoning Districts, Chapter 3, Permitted Uses, Chapter 4, Development Guidelines and Standards, Section 5-3.3 Zoning Procedures - Planned Unit Development and Chapter 7 - Definitions.

She provided background on recent State Legislation as follows:

**HB24-1304, Minimum Parking Requirements**

She explained this bill prohibited minimum parking requirements in Metropolitan Planning Organizations (MPOs) for Multi-Family Development and adaptive reuse for residential purposes.

**HB24-1313, Housing in Transit-Oriented Communities**

- Focused on zoning capacity.
- Rezone transit areas based on an average density of 40 DU/acre (minimum of 15 DU/acre)
  - Did not require the County to ensure housing is built, only to provide zoning that enables it to be permitted.

**Proposition 123, Affordable Housing Programs**

- Focused on housing production.
- Created the State Affordable Housing Fund, providing grant money to local jurisdictions that provide an Affordable Housing Commitment (increase affordable housing by 3% per year and expedited review process).
- Arapahoe County commitment included a goal of 130 affordable units.

**HB24-1007, Prohibits Residential Occupancy Limits**

- Prohibited municipalities from placing limitations on residential occupancy.

She described the changes to each Section of the LDC and demonstrated the new language to be incorporated into the code in detail as follows:

**Multi-Family Zone District**

- Currently, the Code does not permit multi-family development by right.
- All multifamily development projects must go through a PUD process with public hearings.
- Creation of an MF zone district and development standards allowed multifamily development with approval of an Administrative Site Plan if all standards were met.
- Higher-density multi-family housing and neighborhood-serving commercial uses would be conveniently located near collector and arterial streets.
- This would ensure easy access to major employment, activity centers, and public amenities or complementary uses (schools, parks, open space and public transit).



- Transitional areas between non-residential areas and lower-density residential uses would be encouraged.
- Housing types would be single-family attached, two-family, townhome, and multi-family dwelling units.
- There would be no minimum lot size and a maximum building height of 55 feet for MF and 40 feet for other dwelling units.
- Proposed density was 13 – 35 DU/acre.

#### **Mixed-Use Zone District**

- LDC does not currently allow mixed-use development by right.
- Mixed-use projects now must go through a longer PUD process.
- Creation of a MU zone with development standards would allow mixed-use projects to be approved administratively if the plans met all standards.
- Would allow a mix of commercial and higher-density residential land uses adjacent to transit and major road corridors in urbanized areas.
- Would provide easy multi-modal access for high-density residential and offices, retail, and service uses.
- Allowed for multi-family, live-work dwelling units.
- Maximum building height was 75 feet.
- Minimum density was 35 DU/acre.
- Property must be within an Urban area and **within ¼ mile or ½ mile** of arterial streets and transit systems, as well as near neighborhood services and employment.

She added that there were proposed locational criteria for properties to rezone to this district, and staff were also requesting a recommendation on the required proximity from arterial streets (and higher classified streets) and transit systems as locational criteria for rezoning to the MU Zone District.

#### **Incentives for Affordable Housing**

She explained that Affordable Housing was defined as “Housing that addresses the housing needs of households that earn less than 80 percent of the Area Median Income (AMI), and where monthly housing costs are not more than 30 percent of the household’s monthly income.”

She outlined the incentives as follows:

- Three-tiered approach – minimum of 10% of total units as affordable units.
- Affordable units must utilize federal low-income housing tax credits (LIHTC), according to Section 42 of the Internal Revenue Code, or County incentives per a written agreement, which would have a recorded deed restriction.
- Regulations also included design standards and access regulations, timing of construction, and violation and penalty.

She reported the developer would be required to provide agreements for affordable housing units within the development to receive the specific incentives, including:

- a. Total number of affordable units.
- b. Type of affordable units (for-sale or rental).



- c. Type of residential products (single-family, townhome, multi-family)
- d. Approximate size of units, number of bedrooms, and estimated market price or rent.
- e. Summary of ownership/rental covenants, including the length of deed restriction.
- f. Location of specific units or lots being restricted as affordable units
- g. Process of determining eligible home buyers or renters, and how the program would be administered.
- h. Requirement to submit a summary of the affordable units every 12 months.

She described how draft regulations had been updated to align with the recent state legislation and now showed no minimum parking requirements for multi-family or affordable housing projects.

#### **Chapter 7: Definitions**

She stated HB24-1007 prohibited municipalities from limiting the number of unrelated occupants that can live in a household. She described the revised definitions of modular, manufactured, and mobile homes and said modular homes would be permitted in all residential zones that permitted single-family homes. She reported there would be new definitions for the following:

- Transitional Housing
- Overnight Shelter
- Live-Work Dwelling Unit
- Assisted Living Facility

She concluded that staff recommended approval of these LDC amendments and refinements.

There was a discussion regarding how incentives were drafted. Ms. Hammer said there had been a developer round table that resulted in many of the regulations implemented by the City of Centennial and used as the basis for the proposed code amendment. Commissioner Sauve asked staff what feedback they received from developers on this proposed amendment, and Ms. Hammer responded that they had not received any feedback from the numerous developer emails they sent the draft code amendments to.

Mr. Miller felt this opened an opportunity for developers to cut through regulations that were still required of those who did not implement tiered affordable housing in their projects. He stated that he would be opposed to this code amendment because he was not comfortable with administrative approvals without the ability for neighbors to oppose a project. Mr. Reynolds said that PC and BOCC hearings would still be required for rezoning to Multifamily or Mixed-Use zones for these types of projects, which would be subject to public notice, and there would still be the opportunity for public input at the time of recommendation for approval or approval so public input would still be a part of the process. He also reported that during a Home Builders Association presentation, those present expressed interest in



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|                      | <p>ensuring incentives to developers to include more affordable housing. Mr. Mohrhaus expressed concern that this could mean that open space areas adjacent to transit areas might be targeted for rezoning. Mr. Reynolds explained that open space areas would likely not be impacted due to the cost and difficulty in this type of development, and this would likely be discouraged by the approval and public hearing processes in place to prevent such development.</p> <p>Mr. Mohrhaus opened the hearing for public comments. There were no members of the public present who spoke, and there were two callers, neither of whom wished to speak. The public hearing was closed.</p> <p>Several Commissioners said they were not in support of these regulations because of the potential for public outreach to be more easily circumvented if developers met Tier 3 requirements. Commissioner Miller stated that he had concerns with the allowable density of buildings in the transit areas and how close to the street mixed-use buildings could be. There was a motion made to recommend approval that failed and left the matter undisposed. As such, the Commission was invited to make another actionable motion.</p> <p><b>The motion was made by Ms. Sauve and duly seconded by Ms. Howe, in the case LDC24-004, Affordable Housing / LDC Amendments, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the hearing, and hereby move to recommend denial of proposed amendments as presented in the staff report, including the following condition:</b></p> <ol style="list-style-type: none"><li><b>1. Staff is authorized to make minor corrections or revisions to the proposed language, with the approval of the County Attorney, if necessary to incorporate the approved amendment into the text of the Land Development Code.</b></li></ol> <p><b>The vote was:</b></p> <p><b>Ms. Howe, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Mr. Mohrhaus, No; Mr. Sall, No; Ms. Sauve, Yes.</b></p> |
| <b>ANNOUNCEMENTS</b> | Ms. Orkild-Larson said the Planning Commission meeting on August 19, 2025, would include a Specific Development Plan with Zoning for Dayton Point and a Preliminary Plat for The Ranch at Watkins Farm.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>ADJOURNMENT</b>   | There being no further business to come before the Planning Commission, the meeting was adjourned.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |