

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JANUARY 7, 2025**

ATTENDANCE	<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: Rodney Brockelman; Brooke Howe; Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; Lynn Sauve, Chair.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney (attending by phone); Jason Reynolds, Planning Division Manager; Ceila Rethamel, Engineering Services Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Kat Hammer, Senior Planner; and Kim Lynch, Planning Technician.</p>
CALL TO ORDER	<p>Ms. Sauve called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Mr. Mohrhaus and duly seconded by Mr. Brockelman to accept the minutes from the <u>December 17, 2024</u> Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.</p>
STUDY SESSION ITEMS:	
ITEM 1	<p>CASE NO. LDC24-004, AFFORDABLE HOUSING / LAND DEVELOPMENT CODE (LDC) AMENDMENT – KAT HAMMER, SENIOR PLANNER; AVA PECHERZEWSKI, DEVELOPMENT REVIEW PLANNING MANAGER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Ms. Hammer stated this County-initiated project proposed amending the Land Development Code (LDC), specifically, Chapter 2, Zoning Districts, Chapter 3, Permitted Uses, Chapter 4, Development Guidelines and Standards, and Section 5-3.3 Zoning Procedures - Planned Unit Development. She explained the proposed changes included the creation of Multi-Family Residential and Mixed-Use Zone Districts and standards, and incentives for affordable housing developments. She said</p>

Staff was requesting a PC discussion on the proposed changes. She described how Colorado had seen significant population growth in the last decade but despite this growth, residential construction had been unable to keep up with demand. She reported that according to the Denver Regional Council of Governments (DRCOG) 2024 Regional Housing Needs Assessment, between now and 2032, Colorado needed to produce 216,000 new housing units and Unincorporated Arapahoe County had a local need for 2,270 housing units by 2032. She reported Colorado needed to produce 6,800 units by 2050 to meet current and future regional housing needs. Ms. Hammer discussed the need was especially great for housing that was affordable to households earning less than 60 percent of Area Median Income. She outlined the many reasons for the underproduction of such housing units, but one of the key contributing factors heard from the development community was zoning barriers – i.e., limitations on density, location, and housing types in varying zoning districts. She stated Staff received direction from the Board of County Commissioners (BOCC) in December 2023 to draft proposed LDC amendments to promote affordable housing further and add standards and regulations for a multi-family zone district and a mixed-use zone district. She said the BOCC further directed Staff to draft amendments and create incentives for affordable housing, as well as revise the specific mobile home use regulations in the LDC and clarify that modular homes were permitted where single-family homes are permitted. Ms. Hammer stated Staff was also recommending revisions to the parking requirements pursuant to House Bill 24-1304, concerning Parking Requirements within Metropolitan Planning Organizations that stated Arapahoe County shall not enact nor enforce regulations that establish a minimum parking requirement for multi-family residential development, adaptive re-use for residential purposes, or purposes which included at least 50% of use for residential purposes and affordable housing developments. She reported that House Bill (HB) 24-1313, Transit Areas, would also affect housing development and that Proposition 123 focused on housing production while HB24-1313 focused on zoning capacity. She described how Proposition 123 created the State Affordable Housing Fund which provided grant money to local jurisdictions. Ms. Hammer explained the initial step to qualify for access to these funds was a Local Government Affordable Housing Commitment, which included a requirement to increase existing affordable housing units by three percent a year and an expedited review process for affordable housing developments. She reported that Arapahoe County Community Resources filed an Affordable Housing Commitment including details of the County’s goal of 130 affordable unit increase and was working closely with municipalities and the state to identify how the County will meet this goal. She described how HB24-1313 designated Arapahoe County as a Transit-Oriented Community (TOC) because the county was within a Metropolitan Planning Organization (MPO) near light or commuter rail stations and has unincorporated areas that are surrounded by municipalities, set housing goals based on transit stations and transit corridors and required TOC to rezone transit areas based on an average density of 40 dwelling units per acre, with a minimum of 15 dwelling units per acre. She reported the bill itself did not require local governments to ensure housing was built, and stated there was no penalty in HB24-1313 if units were not built if Arapahoe County had zoned capacity. She said the preliminary report, estimating the County’s Housing Opportunity Goal, was due to Department of Local Affairs (DOLA) on June 30, 2025 and the county must meet the Housing Opportunity

Goal by December 17, 2027. Ms. Hammer concluded the creation of Multi-Family and Mixed-Use Zone districts may help the County reach the goals of Proposition 123 and HB24-1313; therefore, Staff was proposing the following changes to the LDC:

Multi-Family Zone District:

Ms. Hammer reported the LDC included a placeholder for a Residential Multi-Family (R-MF) Zone District, but no specific standards, so currently, all multi-family development required a Planned Unit Development (PUD) process which could be lengthy and include up to three public hearings. She stated Staff was recommending establishing standards for a multi-family zone district that was geared toward higher-density multi-family housing and neighborhood-serving commercial uses. She said the R-MF districts were intended to be conveniently located near collector and arterial streets, with easy access to major employment and activity centers, and public amenities or complementary uses and activities such as schools, parks, open space, and public transit and were intended to serve as transitional areas between nonresidential areas and lower-density residential uses. She added the R-MF district was primarily intended for residential uses but might also include limited nonresidential uses that supported the surrounding area. She stated Staff was not proposing any rezoning to this zone district as part of this amendment. She said the proposed rezoning criteria required the subject property to be located within the Urban Area, excluding restricted areas within the Airport Influence Area, or Rural Town Center Planning Areas, as defined by Sub-Area Plans and must also be located near major arterials and transit systems (except for the Rural Town Center Planning Areas) and near neighborhood services and employment. Ms. Hammer stated Staff was proposing this zone district only allow single-family attached, 2-family, townhome, and multi-family dwelling units as permitted uses, single-family detached dwelling units were not permitted uses in this zone district. She clarified the proposed regulations had no minimum lot size per dwelling unit, and a maximum building height of 55 feet for multi-family and 40 feet for all other dwelling units with a proposed minimum density of 13 dwelling units per acre and the maximum density is 35 dwelling units per acre.

Mixed-Use Zone District:

Ms. Hammer explained the LDC did not currently include a Mixed-Use (MU) Zone District, so all mixed-use development required a PUD process. She stated Staff was recommending amending the LDC to include a mixed-use zone district. She stated Staff was not proposing any site-specific rezoning to this zone district as part of this amendment and the MU zone district was intended to include a mix of commercial and higher density residential land uses adjacent to transit and major road corridors in an urbanized area to offer greater opportunities to live, work and recreate within close proximity. She added the district was intended to include easy multi-modal access for higher density residential uses to a full range of office, retail and service uses and the proposed regulations only allowed multi-family and live-work dwelling units permitted in this zone district. Ms. Hammer reported the proposed maximum building height was 75 feet, and the minimum density was 35 dwelling units per acre. She said the MU zone district required the subject property to be located within the Urban area and within one-quarter mile of arterial streets and transit systems and in

proximity to neighborhood services and employment and this zoning would facilitate the density needed in the Transit Oriented Communities legislation.

Incentives for Affordable Housing Development:

Ms. Hammer stated Staff was recommending a two-tiered incentive option for development which included a minimum of 10% of the total units as affordable units. She explained affordable housing included any development project that includes affordable units that utilized federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code or County incentives per a written agreement, which would have a recorded deed restriction. She described how Staff had prepared language describing the required agreements for development including the number of affordable units and specific incentives, requirements that units must carry a deed restriction, restrictive covenant, or other form of affordability restrictions that must be recorded in the real property records of the Arapahoe County Clerk and Recorder's Office, and any residential development seeking incentives must provide a Memorandum of Agreement (MOA) with Arapahoe County Public Works and Development, which shall include:

- i. The total number of affordable units being provided and what percentage such units represent within the overall development.
- ii. The type of affordable units being provided (i.e. for sale or rental).
- iii. The type of residential product being provided and number of units per foundation (i.e. single-family, townhome, multi-family).
- iv. The approximate size of the units, number of bedrooms, and estimated market price or rent for each unit.
- v. A summary of the ownership covenants or rental covenants being placed on each affordable unit, including the length of the deed restriction.
- vi. Identification of the specific units or lots being restricted as affordable units; or in a phased development a summary of the process to be used for identifying the specific units or lots to be restricted as affordable prior to the issuance of the first building permit within any given phase of development.
- vii. The process for determining eligible home buyers or rents and an outline of how the affordable housing program will be administered.
- viii. A requirement to submit to Community Resources/Planning Division on an annual basis a summary of the number of affordable units sold in the preceding twelve (12) months and the sale price of each affordable unit sold.

Ms. Hammer added the proposed changes included design standards and access regulations, timing of construction, and violation and penalty, the purpose of which were to ensure that the designated affordable units were constructed concurrently or prior to the market-rate units, include comparable construction materials, and have equal access to all amenities within the development.

Parking Regulations:

Ms. Hammer described how House Bill 24-1304 stated that Arapahoe County "shall not enact nor enforce regulations that establish a minimum parking requirement for multi-family residential development, adaptive reuse for residential purposes or purposes which include at least fifty percent of use for residential purposes, and

affordable housing developments”. She explained how Staff was recommending revising the parking regulations to comply with HB24-1304 to include recommending one parking space per unit for affordable housing that did not meet the HB24-1304 definition of regulated affordable housing.

Additional Types of Residential Uses:

Ms. Hammer stated Staff was proposing including additional types of residential uses within the permitted use table to address alternative types of housing, specifically:

- Live-Work Dwelling Unit (permitted use in R-MF and MU)
- Assisted Living Facility (permitted use in R-MF and MU)
- Overnight Shelter (permitted use in R-MF, MU, B-1, B-2, B-3 and I-1)
- Transitional Housing (permitted use in R-MF and MU)

She affirmed the definitions for these types of residential uses would be drafted after the study session with the BOCC.

Manufactured Home Definitions:

Ms. Hammer explained the LDC currently included definitions for manufactured homes and mobile homes but did not define/address other types of homes like modular or tiny homes. She added Staff was recommending revising the definition of a manufactured home to include mobile, modular, tiny, and other preconstructed dwelling units or a combination of preconstructed dwelling units constructed in compliance with federal manufactured home construction safety standards. She highlighted the fact that manufactured homes did not include recreational vehicles and clarified the proposed regulations would allow for manufactured homes constructed on a foundation (except mobile homes) by right in all residential zone districts and would also allow for mobile homes in the A-1 and A-E zone districts. She defined a tiny home as a structure that was permanently constructed on a vehicle chassis and was designed for long-term residency that included electrical, mechanical, or plumbing services that were fabricated, formed, or assembled at a location other than the site of the completed home. She further defined the tiny home structure should not be self-propelled and should not have a square footage of more than 400 square feet.

Mobile Home Parks or Subdivision Regulations:

Ms. Hammer stated Staff was recommending amending Section 2.3-1.3 R-M, Residential– Manufactured/Mobile Home and Section 3-3.2.C Manufactured/Mobile Home Parks or Subdivision of the LDC to alleviate some barriers to creating Manufactured/Mobile Home Parks and/or Subdivisions. She reported Staff researched other jurisdictions and was recommending reducing parking and access requirements. She explained that currently, the LDC required manufactured/mobile home parks or subdivisions to abut or have access to streets and highways no less than 60 feet wide for two-way traffic and two off-street parking spaces for each residence. She said Staff was recommending removing this requirement and including standards for internal access drives and was also recommending reducing the required number of off-street parking to one space per residence. Ms. Hammer said Staff expected to take this proposal to the BOCC for discussion and direction in

	<p>the first quarter of 2025 and after receiving direction from the BOCC staff would make any necessary revisions prior to conducting public outreach, including the development community, and would prepare this item for public hearing with the PC and the BOCC.</p> <p>Mr. Brockelman commented on demands to infrastructure as density increased with respect to the finite limit of what existing infrastructures could handle comfortably, effectively and safely. He cautioned that water, sewer, power, traffic concerns would continue to be raised with any new development regardless of its affordability.</p> <p>Ms. Sauve and Mr. Miller commented on impacts of these proposed changes to the LDC and whether adequate funds would be accessible to developers. They expressed concerns for the marketability of these once completed and how this would be monitored and enforced.</p> <p>Ms. Howe agreed and expressed excitement to learn more.</p> <p>Mr. Sall agreed this type of regulation was the direction other local jurisdictions were taking with industry professionals.</p> <p>Ms. Latsis recommended development cost analysis regarding a 10% affordable housing community and research of other jurisdictions with inclusionary affordable building policies.</p> <p>Mr. Miller said he felt we should not opt out of neighborhood hearings as this was important for existing communities.</p> <p>Ms. Hammer thanked the PC for their input and confirmed their comments would be incorporated into the record.</p>
ANNOUNCEMENTS	<p>Mr. Hill announced his retirement as of the end of this week.</p> <p>Mr. Brockelman announced his retirement from the PC at the end of March 2025.</p> <p>Mr. Reynolds reiterated the request for Commissioners for stating their reasons for a nay or a yea if there was another reason other than staff recommendation. He stated there would be a public hearing on January 21, 2025.</p>
ADJOURNMENT	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>