Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, May 24, 2016 at 5:30 p.m.

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

I. Call to order / Roll Call

II. Announcements

III. Approval of Minutes

A. Approval of the April 26, 2016 Planning Commission meeting minutes.

IV. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

V. Design Review Board

A. Major Design Review Application for 344 Harman Park Drive, Climate Controlled Mini Storage Development (Public Hearing / Quasi-Judicial Matter).

VI. Planning Commission

A. 315 Apple Street Vacation Rental Conditional Use Permit Application (Public Hearing / Quasi-Judicial Matter).
B. Adopting Recommended Landscaping Planting List for Pagosa Spring Planting Zone.
C. Zoning Map Discussions.
D. Consideration of Vacation Rental Zoning Recommendations.

VII. Public Comment

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

VIII. Reports and Comments

A. Staff Report_ Projects, Updates and Upcoming Development Applications.
B. Planning Commission – Comments, Ideas and Discussion.
C. Upcoming Town Meetings Schedule.

X. Adjournment

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James Dickhoff, Planning Director

Planning Commission, Board of Adjustments, & Design Review Board

Staff Report – Tuesday, May 24, 2016 Regular Scheduled Meeting

I. Call to Order / Roll Call:

II. Announcements:

III. Approval of Minutes:

A. April 26, 2016 Planning Commission minutes.

Approval of Minutes:	Staff recommends approving Minutes from the April 26, 2016 Planning Commission Meetings, upon finding they are accurate.

IV. Public Comment:

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

a.	At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.

Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, April 26, 2016 at 5:30 p.m.

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

I. **Call to order / Roll Call:** Commissioner Maez calls the meeting to order at 5:30 PM. Present were Commissioners Maez, Martinez, Adams, and Giles. Also present were Planning Director James Dickhoff, Associate Planner Rachel Novak, and applicants Bob Hart and Art Delione.

II. **Announcements:** NONE

III. **Approval of Minutes**

A. Approval of the March 8, 2016 and April 12, 2016 Planning Commission meeting minutes: Commissioner Martinez moves to approve the March 8th Minutes. Commissioner Giles seconds. Unanimously approved. Commissioner Martinez moves to approve the April 12th minutes. Commissioner Giles seconds. Unanimously approved.

IV. **Public Comment**

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda: NONE

V. **Design Review Board**

A. Continued Public Hearing, Application for Major Design Review for Pagosa 322 Harman Park Drive. (Public Hearing / Quasi-Judicial Matter): Planning Director James Dickhoff discuses any changes with the application. There is roughly 175 ft difference between the original termination point of the sidewalk location and the new proposed sidewalk location. He also discusses the shared parking agreement. The applicant provides the Commissioners with copies of a shared parking agreement with the church. As the parking is 40% less than what would normally be required for a building of this size, a shared parking arrangement is a necessity. Applicant Bob Hart addresses the parking agreement with the neighboring church. He states that if the church has en event they will be permitted to use the applicant's parking lot as well. The paintball park staff will inspect the parking lots on a daily basis for trash. Commissioner Martinez states that the address is wrong on the agreement. She states that the parking requirements are technically not met as they are 40% below what the Town normally requires. Planning Director James Dickhoff says that based on the modified calculations of this property the Commission can approve this agreement based upon the understanding the calculations are based on alternative situations. Planning Director James Dickhoff would like to see a long term parking agreement of at least 5 years, while the code states 20 years. He also recommends a 2-3-year analysis or monitoring of the parking situation to see if this arrangement is working. Commissioner Maez asks if this falls within the CUP. Planning Director James Dickhoff says no because that has already been approved. He states that they really need to monitor this issue for a least a few seasons to see if the arrangement is working or not. Planning Director James Dickhoff states that there is no pedestrian connectivity within the lot or to the lot. The applicants have discussed using a woodchip path, but this does not meet ADA standards. If the applicant does not agree with this decision, they can appeal this decision to Town Council. Commissioner Maez asks about the ADA requirement for handicap parking spaces for the building.

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Planning Director James Dickhoff states that they meet the parking requirements, but do not meet this requirement for connectivity or sidewalks. This means that all of the sidewalks need to be smooth surfaces and not woodchips. Planning Director James Dickhoff states that there may be HOA funds for sidewalk connectivity within the development. Applicant Bob Hart states that the land between the church and their lot is Town property. Commissioner Adams asks about the sidewalk entering the ROW. Planning Director James Dickhoff states that an easement may need to be addressed for the public to legally use this sidewalk. Applicant Bob Hart feels that they should not be responsible for paying for these improvements. Commissioner Giles states that the proposed overflow parking situation may not even need to be utilized. He states that they are dealing with three people for this sidewalk: the applicants, the Town, and the HOA. He asks if there is a way for all three parties to work together. Commissioner Maez asks about the number of handicap spaces. Planning Director James Dickhoff states that there is a requirement of 1 space for every 25 spaces required for the building. He also states that for the sidewalk the main reason for its construction is for connectivity to the site and not just from the parking lot. Planning Director James Dickhoff states that staff could look into the impact fees associated with sidewalks as these are different than trails. Applicant Art Delione states that they are willing to add an additional handicap parking space for a total of 2. Commissioner Martinez moves for a quick break so that the Planning Director James Dickhoff can look into this impact fee for sidewalks. Commissioner Giles seconds. Unanimously approved. Commissioner Martinez moves to continue the meeting. Commissioner Giles seconds. Unanimously approved. Planning Director James Dickhoff states that the impact fees don't include sidewalks. Commissioner Martinez asks about what surface dictates a trail. Planning Director James Dickhoff states that the impact fees directly relate to the Pagosa Trails project. Commissioner Giles states that there they still don't know if the shared parking will be necessary. Planning Director James Dickhoff states that the Town Council may want to participate in this discussion. He also states that the addition of sidewalks does benefit the overall development and not just this single project. Commissioner Maez states that a working relationship will be important. He also asks if the additional handicap space enough to help with this ADA requirement. Planning Director James Dickhoff says no. One additional space is not enough and connectivity is needed. Commissioner Maez suggests a working relationship with the applicants, the Town, and the HOA. Commissioner Adams asks about the recommendations listed in the staff report. Commissioner Martinez states that Planning Director James Dickhoff's main concern is connectivity and safety for children wanting to access the site. Applicant Bob Hart says that the road is currently a dead end and not a traffic issue for safety and states that he does not know how busy it is going to be. He says that once development takes off, the road will most likely be expanded and the sidewalk can be addressed then. Commissioner Giles states that he understands that there is a crucial window for development. Commissioner Adams states that if the development takes off, the parking can be reassessed at that time. Commissioner Martinez asks how this will be assessed. Planning Director James Dickhoff states this will be through a visual inspection. He states that the site needs to be fully accessible for everyone, including to the paintball arena. This is a family environment in which families can participate and watch. Commissioner Adams states that since there is a shared parking agreement that the two handicap spots should be a requirement. Commissioner Maez asks about ADA grants available for funding. Planning Director James Dickhoff says that there are some grants available for this, but not currently for new businesses. Applicant Bob Hart asks Planning Director James Dickhoff how the existing businesses handle ADA requirements. He says that staff can look into this and work with the applicants during the building permit stage. Commissioner Giles asks about other materials available beside pavement. He states that a possibility could be crushed or fine rock. Planning Director James Dickhoff discusses the sidewalks around the parking lot. He says that a small buffer would be beneficial between the cars and the sidewalk so the car overhang does not interfere with people

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walking. Applicant Bob Hart says that they are willing to work with the Town on this. Planning Director James Dickhoff states that this would be mainly for the public sidewalks as this is a larger area for concern, but is relevant for both the public sidewalks and private sidewalks. The applicants say that they can move the sidewalk out to not lose any parking. Planning Director James Dickhoff discusses the building designs. The applicants have altered their original roof to break it up more. They are using a gabled roof to break up the facade, false windows to break up the east façade, and 4 smaller shed features on the main roof. The applicants hand out a photograph of an example from Walmart on another alternative to breakup the east facing façade. Planning Director James Dickhoff says that the face needs modulation to be appropriate. Commissioner Martinez asks about the modulation in the Walmart example. The applicants say that they would add just the trellis and not the modulation. Applicant Art Delione says that they are really trying to make the site blend with the environment. Planning Director James Dickhoff asks about the proposed windows. The applicants state that the windows will be a white, glass panel. Commissioner Adams states that this is a poor decision as it will not look good. Applicant Bob Hart says that there will be a dark film over the windows. Commissioner Adams asks if this would count as modulation. Planning Director James Dickhoff says no. Commissioner Adams shows the applicant a possible example for modulation. Planning Director James Dickhoff says that it gives the appearance of modulation. Commissioner Maez asks about possibly continuing the rock feature up to the windows. This may be too expensive. The applicants suggest a different siding color and have this placed into the building two inches. Planning Director James Dickhoff states that this may be an appropriate option, but he will need further clarification in this design. Commissioner Martinez asks if this will be with no windows and the same material as the roof. The applicants say it would be without the windows and possibly the same material as the rest of the siding, but just a different color. Planning Director James Dickhoff discusses the roof line. Staggering the roof line vertically or horizontally is important. The applicants have included a modulation of the roof to break up the roof line. Commissioner Martinez asks if this idea was discussed in the last meeting. Commissioner Maez says that this was an idea presented at the last meeting. Commissioner Martinez asks what these are made of. The applicant states that these would be made of a vinyl composite material. The main reason for this is for as little maintenance as possible. Planning Director James Dickhoff says that because the entire building isn't in this material and it is a composite material, it could be appropriate. Commissioner Adams has a concern for the compatibility in color with the rest of the building. The applicants say that it will match the color of the siding. Commissioner Martinez asks if this puts them over the height requirement. Planning Director James Dickhoff says no. Planning Director James Dickhoff discusses the architectural style and four sided design of the building. The applicant has addressed the issues with the east facing facade. He also recommends that as a contingency the Commissioners require the netting be removed during the winter months. Planning Director James Dickhoff addresses the updates the applicants have provided staff. Commissioner Adams asks if in a major design review the materials need to be identified. Planning Director James Dickhoff states yes, they need to be identified. The floor is open to public comment. Penny Hart appreciates the Commissioners hard work. This development will provide an excellent opportunity for young people to play and work. Planning Director James Dickhoff reads through the motion entirely. Contingencies that apply to the Commission's approval: A) Applicant shall provide a note on the site plans indicating the removal of the arena netting in winter months. B) Provide an offsite parking agreement in conformance with the section 6.9.5.B for a minimum of 12 additional parking spaces. After each of the first three seasons of operation, the applicant shall provide the Town with an assessment of the results of the alternative parking calculation and shall provide additional parking lot area if determined to be needed by the planning director at such time. Compliance with these terms shall be required for renewal of a business license. If parking along the street becomes an issue, the applicant shall pay

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for no parking signs approved by the Town for installation by the Town along the roadway. Signage indicating the location of overflow parking shall be provided. C) Direct staff to work with the Harman Park HOA and the applicant for future public sidewalk connectivity. After 12months, the planning director will provide a determination of the requirement for the applicant to provide such sidewalk connectivity and/or collaboration of funding contributions for such sidewalks. D) Provide ADA access to the arena viewing area. An analysis will be completed at the time of the building permit application. E) Provide note on landscape plans indicating tree washing as needed to ensure preservation of tress indicated to be protected and saved, and provide protection to trees identified to be preserved during construction and in perpetuity. F) Define or indicate the required 10% parking lot landscaping inclusion on revised parking lot and landscape plans. G) Provide a note of materials proposed in the roof drip line for erosion protection. H) Provide storm water runoff protection during construction. I) Provide a 2.5 ft separation between the public sidewalks and the parking lot curbs. J) Provide on the east side façade illustration showing the 2 inch siding modulation details for administrative approval. Commissioner Martinez asks if the applicants could be responsible for the entire sidewalk after 12 months. Planning Director James Dickhoff says yes, it is a possibility, but the really should participate with this. The general rules of subdivisions are paved roads and sidewalks on both sides of the street. Applicant Bob Hart asks if the Town would hold any responsibility. Planning Director James Dickhoff says that it would be up to Town Council. The sidewalk in front of the applicant's property would be 295 ft long that will be an easement to the Town. The applicant would be responsible for snow removal and maintenance. Applicant Bob Hart states that there are several trees lose to the road, but appear to be dying. Staff will work with the applicant with the landscaping requirements. Commissioner Giles moves to approve the Pagosa Fun Zone major design review application submitted by Pagosa Paintball, LLC, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items to be included as read by staff on April 26, 2016. Commissioner Martinez seconds. Unanimously approved.

VI. Public Comment

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.* NONE

VII. Reports and Comments

A. *Staff Report_ Projects, Updates and Upcoming Development Applications:* The Historic Preservation Board has finalized the schedule of events for historic preservation month. It's the 125 the anniversary of the Town, 100th anniversary of Wolf Creek Pass, and 65th anniversary of the Archuleta County Fair. The Board is working on railing option for the Rumbaugh Creek Bridge restoration. Staff has reapplied for an SHF grant for the rehabilitation of the Water Treatment Plant. The Town was awarded a SRTS Grant for connectivity to the elementary school which will include a new sidewalk and crosswalk. The design work will be this year and the construction will be next year. Commissioner Martinez asks if some flooding will be helped on N 7th Street. Planning Director James Dickhoff will look into this issue. Planning Director James Dickhoff says that the final east phase of the Town to Lakes Trail will be completed this year. The final easement was acquired. The west phase of the trail is also in the process of acquiring the final easements necessary. It appears this trails segment will also be completed this year as well. The next phase will be the Harman Hill phase. This phase will be a bit more complicated due to the elevation change and $1.1 million is needed. This provided much needed connectivity. The Town completed the aerial survey last year, which will significantly help in long range planning efforts. These surveys will significantly help with grant submissions. Staff is going forward with the RFP for sidewalk improvements in front of the bakery. Commissioner Adams asks

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for a cross walk there. Planning Director James Dickhoff says CDOT is looking into a crossing there that would not have a push button. The Town will move forward with newer sidewalks in the 200 block. Planning Director James Dickhoff attended a CDOT meeting today for the McCabe Creek reconstruction. This will most likely happen early next year. Overall, the project will be three box culverts. Planning Director James Dickhoff discusses the 8th Street project. The bid for this project has been put into the public and these will be presented at the next Town Council meeting on May 19th. Commissioner Adams asks if just the re-milling and repaving could bring in new bidders. Planning Director James Dickhoff says that this would most likely turn away most bidders. The Springs Pedestrian Bridge was not awarded to the Town. Commissioner Adams asks if the bridge could be just repaired instead of replaced. Planning Director James Dickhoff says that it would be better to replace it because it is in a corrosive environment, it is already 20 years old, and there is a bidder to purchase the bridge for their own private use. Commissioner Maez asks if the new bridge will have a protective coating it. Planning Director James Dickhoff says that the core tin is a good material for holding up to the corrosive environment. The Walmart appeals hearing has been rescheduled for May 10th which will cancel the Planning Commission meeting that day. The gravel pit meeting has been deferred until June.

B. *Planning Commission – Comments, Ideas and Discussion:* Commissioner Adams would like the Commission to look at the Town zoning map. Planning Director James Dickhoff states that the zoning map will be reviewed during the Comprehensive Plan update, which will go out to bid soon. Commissioner Maez would like to have zoning on the next meeting agenda. Planning Director James Dickhoff recommends the Commission bring their maps and review Article 2 and 4. Planning Director James Dickhoff would like to start bringing vacation rentals to the Commission for approval. MU-C and MU-TC are the only areas where vacation rentals are allowed by right. This process would allow for neighbors to comment for the application considerations. There is a large problem with renters turning the property they are currently renting into a vacation rental without the actual owner's knowledge.

C. *Upcoming Town Meetings Schedule:* May 10th meeting is cancelled for the Walmart Appeal hearing.

VIII. **Adjournment:** Commissioner Adams moves to adjourn. Commissioner Giles seconds. Unanimously approved. The meeting adjourned at 8:19 PM.

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Commission Chair, Ron Maez

V. Design Review Board:

A. Major Design Review Application for Climate Controlled Mini Storage Development located at 344 Harman Park Drive. (Public Hearing / Quasi-Judicial Matter).

Project Location:	341 Harman Park Drive, Lot E of the Harman Park Subdivision, a 7.23-acre parcel.
Property Zoning:	Mixed Use Corridor (MU-C).
Nearby Land Use/Zoning:	Zoning to the South: Agricultural Estate, Alpha Rock Ridge, Residential. Zoning to the East: Mixed Use Corridor (MU-C). Zoning to the West: Mixed Use Corridor (MU-C). Zoning to the North: Mixed Use Corridor (MU-C).
Property Owner #1:	Pagosa Climate Control Storage, Inc. (PCCS, Inc.)
Applicant:	Kelly Dunn and Debbie Dunn
Pre-Application Conference:	The applicant has met with the Town Planning Department a number of times in their preparation of submitting an application for Major Design Review.
Application Received:	The applicant submitted an application on April 28, 2016 with drainage report and plan provided on May 10, 2016.
Public Hearing Notifications:	Published public notice in the Sun Newspaper occurred on May 5, 2016. Town Hall posted public notice was posted on May 9, 2016. Neighborhood public notifications were mailed on May 9, 2016. Property posted public notice was posted on-site on May 9, 2016.
Additional Permits:	A Conditional Use Permit was approved on December 8, 2015 regarding the development of a mini storage at 341 Harman Park Drive.
PC Action:	Review of Major Design Review application and determination regarding compliance with the Town's Land Use Development Code.

BACKGROUND

<u>The LUDC section 2.4.6 reviews Major Design Review applications:</u>

2.4.6. DESIGN REVIEW

A. Purpose:
The purpose of the design review process is to ensure compliance with the development and design standards of this Land Use Code prior to the issuance of a building permit or concurrent with other required permits, and to encourage quality development reflective of the goals and objectives of the Comprehensive Plan.

B. Applicability:
Design review is required for:
1. All new commercial and mixed use development;
2. All new multi-family residential development including condominiums, townhomes, and apartments;
3. Any change of use from one primary use classification to another (for example, residential use to commercial use);
4. Any expansion of existing development, not including single-family, that results in a change to a building footprint of more than 5,000 square feet; and
5. All publicly owned and operated buildings.

C. Types of Design Review:
1. Administrative Design Review
The following types of projects may be approved by the Director through the Administrative Design Review process:
a. Any expansion of existing development, not including single-family, that results in a change to a building footprint of at least 1,000 square feet but less than 5,000 square feet.
b. Duplexes and live/work units.

2. Major Design Review
Any development, with the exception of single-family detached or duplex dwellings, that exceeds the size threshold for administrative design review approval shall require approval by the Design Review Board through the Major Design Review process.

LUDC section 2.4.6.E reviews procedures and processing Major Design Review applications:

Figure 2.4-12 shows the steps of the common development review procedures that apply in the review of applications for Major Design Review. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

1. Step 8: Town Issues Decision/Findings.
   a. Design Review Board Review and Decision.
      The Design Review Board shall consider the application and the Staff Report and recommendation from the Director, and approve, conditionally approve, or deny the application, based on the criteria below.
   b. Approval Criteria.
      The Design Review Board may approve a Major Design Review application if all of the following criteria are met:
      (i) The development plan is consistent with the intent of the Comprehensive Plan and all other adopted Town plans;
      (ii) The development plan complies with all applicable development and design standards set forth in this Land Use Code, including but not limited to the provisions in Article 3, Zoning Districts, Article 4, Use Regulations, Article 5, Dimensional Requirements, and Article 6, Development and Design Standards;
      (iii) The development plan will not substantially alter the basic character of the surrounding area or jeopardize the development or redevelopment potential of the area; and
      (iv) The development plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable.
   c. After review and approval by the Design Review Board, the applicant shall submit a revised set of final development plans based on any conditions of approval from the Design Review Board.

APPLICATION ANALYSIS

LUDC Article 3, Zoning:

Mixed Use Corridor (MU-C) district definition:

> *"The MU-C district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential, along major highways. Commercial uses are appropriate, including retail, offices, hotels, and tourism-related businesses. The district is intended to promote gradual development and redevelopment of existing commercial corridors to become more vibrant and attractive mixed-use areas that also contain some housing, offices, and light trade."*

LUDC Article 4, Allowable Uses:

Pursuant to Ordinance 834, The table of allowed indicates that "Warehouse and Freight Movement" subcategory "Mini Storage" uses shall be approved under a conditional use permit.

A CUP was approved On December 8, 2015: The PC approved a conditional use permit for 341 Harman Park Drive to Allow the Development and Operation of an Indoor Climate Controlled Mini-Storage Business, with the following conditions:

a. *The Applicant shall submit a Major Design Review application in compliance with the development criteria set forth in the Land Use Development Code section 2.4.6.E.*
b. *The applicant shall submit a building permit application within 6 months or renew the CUP Application.*
c. *Noise, odors and the visual condition of the site shall be monitored and regularly maintained in a manner to prevent adverse impacts to surrounding properties.*
d. *The business shall ensure that all overhead/storage doors remain closed unless under current use.*

LUDC Article 5, Dimensional Requirements:

Building Height:

Maximum allowed in the MU-C district is 35 feet to the roof mid-span or 41 to the peak.

The proposed project appears to represent 38-foot height to the highest point of the building roof, complying with the LUDC.

Yard Setbacks:

Minimum setbacks include: Front: 20 feet from secondary roads and Side/Rear: 5 feet.

The project proposes a 60 + foot side setback and 110 + foot front setback, complying with the LUDC.

LUDC Article 6, Development and Design Standards:

Flood Damage Protection Regulations:
The subject property is outside of the special flood hazard areas as defined by FEMA FIRM maps, thus requirements are not applicable to this project.

Site Development Standards:

Construction Erosion Control:
State of Colorado "Storm Water Management Permit" requires the submission of Storm Water Management plans to the State of Colorado in conjunction with a State of Colorado Storm Water Management Permit application, for development phases that affect 1 acre or more. This project affects 2 acres. The issuance of such permit is required prior to issuance of a building permit and prior to commencement of site construction activities. This permit and SWM plan identifies Best Management Practices (BMP's) for the installation of silt fencing, temporary swales, straw waddles and other devices and procedures for the protection of downstream waters from storm waters flowing from construction sites, during project construction activities.
This project affects 2 acres; thus a state permit is required prior to construction activities begin.

Site Drainage / Drainage Analysis:
Peak Discharge Control is required when the post-development runoff rates exceed historic 100-year base storm runoff rates due to the change in site conditions as a result of the development. Adding impervious surfaces (paved parking/roofs/sidewalks/ect..) increases the runoff rate because the moisture runs off these surfaces instead of soaking into the soils.

The Harman Park subdivision detention ponds that were to handle the subdivisions build-out, were determined to be constructed contrary to the approved detention ponds, thus, the applicant's engineer has provided a detention pond on site. The engineer's analysis is included in the applicant's application packet.

Snow Storage:
LUDC 6.3.3: "Adequate space for snow storage shall be provided. For planning purposes, one (1) square foot of snow storage space is generally necessary for each two (2) square feet of area to be cleared".

A snow storage area was not designated on the site plans. The applicant should provide a designated area on the site plan that formally notes the areas provided or an exhibit and explanation for snow storage areas that indicates the sf to be cleared and the sf of storage area.

Sanitary Sewer:
The applicant has initiated conversations with the Harman Park property owner's association, who manages the private sewer collection system.

Potable Water:
The applicant has initiated conversations and design considerations with Pagosa Area Water and Sanitation district for the proposed development potable water needs.

Fire Hydrants:
Fire Hydrant review and placement has been previously considered at the time the subdivision was plated. Additional review of existing facilities will be conducted by the Fire Code Official (TOPS, Building Official) as part of the building permit application review. Also, the building is proposed to be fire-sprinkled.

Electrical Power Utility:
The applicant has initiated conversations and design considerations with LPEA.

Natural Gas Utility:
The applicant has initiated conversations and design considerations with Blackhills Gas Company (formerly Source Gas).

Sensitive Area Protection:

Slopes:
The subject property is relatively flat in nature, however, it does slope to the NE corner, where the detention pond will be located.

Natural Features:
There are a number of existing trees on the property. Phase one does not indicate preserving trees within that phase area.

Areas of Special Flood Hazard:
The subject property is outside of the FEMA FIRM maps for flood hazards.

Areas of sensitive Hazard Areas:
Sensitive Hazard Areas have not been identified on this subject property.

Geologic Hazard Areas:
Geologic Hazards are not identified on this subject property.

Wild Life Hazard Areas:
The Town's Comprehensive Plan includes a "Wildlife Habitat" map. The subject property is within the "Black-Bear and Human conflict Area, as is the entire Town of Pagosa Springs. The subject property is outside any delineated areas for Geese Brooding Concentration, Elk Migration and Osprey Foraging.

Perimeter Fencing:
Perimeter fencing has not been proposed for this development project.

Riparian Setbacks:
There are no Riparian features on the subject property.

Access and Circulation:

Connectivity:

The subject property is currently accessed from Harman Park Drive with lighted intersection access from Hwy 160.

Traffic Generation:

Anticipated traffic generation created by the proposed project was contemplated when the original subdivision was approved and Hwy 160 intersection improvements were constructed. No additional impacts are anticipated.

Roadways:

CDOT/County/Town adopted Access Control Plan (ACP) compliance:

Harman Park Drive is part of the secondary road network identified in the Access Control Plan (ACP) jointly adopted by the Town, County and CDOT. With that said, the roadway has not been accepted by the Town as of yet due to compaction and material testing results. The Town Council will eventually consider accepting the roadway and possible concessions for doing so.

Roadway Classification:

1) The classification of Harman Park Drive was designed as a Minor Collector Roadway. This roadway is existing and improvements are not required with the increased ADT's expected.
2) The classification of the ACP secondary road will be Classified as a Minor Collector road, with ADT's between 400-2499. The actual installation of connectivity to this ACP roadway will occur as development occurs to the east.

Parking and Vehicular Access:

Private Driveway:

The Private driveway design includes two 24-foot-wide accesses from Harman Park Drive. The eastern access does overlay on a plat dedicated 50-foot-wide utility and pedestrian easement. Staff has asked for more information on how a trail can be accommodate in the future. The trail is conceptualized to eventually connect with Great West Ave. Typically trail easements are 20 feet wide, to accommodate a 10-foot trail with drainage facilities on each side of the trail. There may be an option to provide a one way exit along the eastern boundary, that would reduce the driveway width to 12 – 14 feet wide.

Parking and Loading Areas:

Parking Area Layout and Design:

1) *Stall Dimensions:*
   - Parking lot vehicle stalls are designed at a 90-degree angle and dimensioned at 9 feet wide and 18 feet long in compliance with LUDC table 6.9-4.
   - Parking lot isle is designed for two-way traffic and is dimensioned at 22.05" wide. The LUDC indicates a minimum of 24 feet wide for compliance with LUDC table 6.9-4, however, with parking

only on one side of the aisles, 22.5" wide is a reasonable width. There maybe an opportunity to designate a one-way parking lot design that could reduce the pavement foot print and allow more landscaping areas.

2) *Number of Parking Spaces:*
   - *Table 6.9-1: Ministorage Parking Requirements: 1 per 50 units, plus 1 per 300 sf of office area, plus vehicle stacking spaces for security gate. Aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 6.9-4 as determined by the traffic engineer.*

   The Project proposes 304 storage units and a 525 sqft office.
   The applicant proposes 15 parking spaces exceeding the minimum 6 spaces required.
   Two HC spaces will be provided (minimum 1 per 25 spaces is required).

3) *Parking Area Layout:*
   - The parking lot surface will be an asphalt pavement surface.
   - The Parking lot design provides with curb and gutter to direct drainage on the surface.
   - See above comments regarding one-way design considerations.

4) *Parking Lot Landscaping:*
   - LUDC requires one tree for each 5 parking spaces.

   The applicant has been asked to provide the minimum tree requirement at least adjacent to the parking lot.
   - LUDC 6.9.4.C requires 10 percent of the parking lot shall be used for landscaping.

   The Landscape strip between the building and the parking lot serves as the required 10% parking lot landscaping treatment at 38% 2160 sqft compared to the adjacent parking area of 5600sqft which includes the future lot expansion area.

5) *Circulation Area Design:*
   Phase One proposes two 24'-0" wide accesses from Harman Park Drive. Pedestrian connectivity from the public sidewalk is provided. The traffic flow is set up to accept cargo drop in through the building, heading east and exiting via the eastern access to Harman Park Drive. See previous comments on one way design considerations.

6) *Exterior Lighting:*
   Exterior parking lot lighting is not proposed. The applicant has indicated exterior building lights will be installed. All exterior lighting shall be inspected after installation for compliance. All light sources shall be completely concealed so as not to be visible from off site.

7) *Parking Lot Drainage:*
   Parking lot drainage is conveyed on the surface via curb and gutter to the detention pond.

8) *Loading/Unloading Areas:*
The loading area is proposed as a drive through, thus concealing the loading areas from view.

Sidewalks, Multi-Use Paths and Trails:

1) Sidewalks along Harman Park Drive do not extend to this property. The applicant will provide a public sidewalk improvement along their property, for future connectivity.
2) A Pedestrian trail easement exists along the eastern edge of the property line for a future trail construction. The easement is a dedicated 50-foot-wide pedestrian and utility easement. The applicant should provide a design analysis regarding the future 10-foot-wide trail with drainage facilities in relation to the eastern proposed access drive.
3) Internally, pedestrian paths are provided from the parking lot to the building, however, crosswalk stripping should be provided between the parking lot and building entrance to delineate the pedestrian route.

Commercial and Mixed-Use Design Standards:

1) *Site Layout:*
The proposed development is a new development on a vacant 7.23-acre lot. The applicant proposes a phased project, with the first phase being reviewed at this DRB stage.

2) *Building Orientation:*
Orientation has the main entrance, both vehicular and pedestrian, on the north side.

3) *Pedestrian Environment:*
The applicant has provided pedestrian access and connectivity throughout phase one, consistent with the intent of the LUDC and Comprehensive plan. however, crosswalk stripping should be provided between the parking lot and building entrance to delineate the pedestrian route.

4) *Building Design:*
The proposed 50,000 square foot building design has provided:

a. The walls contain no more than 30% metal siding.
b. Wall modulation is proposed on the north and south side.
c. The roof line has been broken with a center raised portion
d. Architectural style is very bulky in appearance and does not appear to compliment other development buildings in Harman Park.
e. Four sided design does not appear to have been achieved.

Staff has requested a South and East Building Elevation plan to be provided.
Staff has also asked the applicant consider additional design details for the East and West elevations.

5) *Building Materials:*
LUDC section 6.7.3.B.2 supports the use of a wide range of building materials, including but not limited to: wood, brick, stone and stucco.
Proposed exterior building materials include the use of:
   a. Painted Metal Siding.
   b. Stucco
   c. Raised Seam Metal Roofing

6) *Architectural Style:*
The DRB should consider if the architectural style compliments the character of the adjacent existing buildings (LUDC 6.7.B.3)

7) *Four-Sided Design:*
Four sided design appears to have been achieved, with similar level of design detail on all four sides.

Landscaping and Buffers:
15% of the site is required to be landscaped per LUDC section 5.1.2. The applicant has provided a landscaping plan that identifies locations and plant species as well as mulched areas and re-vegetation after construction.

1) *Design Standards:*
Living plants and cobble rock is proposed in most planting areas. The area east of the west access entrance has a large area of cobble. Staff would recommend an enhanced surface appearance be considered (dry creek feature or some large boulders. Or ?).
2) *Protection of Existing vegetation:*
Existing mature ponderosa trees are not proposed for preservation within phase one. Remaining Property will not be affected or trees removed until those phases are constructed.
3) *Maintenance:*
The property owner is required to maintain all plantings associated with the plan submitted and approved by the DRB.
4) *Plant Materials:*
Plant species and materials are called out on the landscape plan.
5) *Visibility and Security:*
No visual obstructions or security concerns have been identified.
6) *Landscape Plan:*
The applicant has provided a landscape plan for the DRB's consideration.

Buffering and Screening:

1) *Loading and Service Areas:*
   Service and loading areas are indoors.
2) *Mechanical Equipment:*
   Mechanical Equipment has been indicated by the designer to occur on the west side of the building, however, no mention is included on the plans. Currently there is no screening proposed, however, will be required to screen the equipment form view. AN illustration will be required to be provided to ensure equipment is screened and consistency with the building.
3) *Dumpsters and Trash Storage Areas:*
   The applicant has not indicated where this area will be located.

Exterior Lighting Plan:

1) *Light Sources Shielded from View:*
   The applicant has not indicated any exterior lighting in the submitted plans. The applicant shall submit an illumination plan with fixture specification sheets if any exterior lighting is to be installed, confirming that all exterior light sources will be shielded/concealed from off-site view.
2) *Foot Candle calculations:*
   The referenced illumination plan shall include foot candle levels along the property lines if necessary.

Sign Code:

The applicant has not submitted a sign plan. Staff can administratively approve a sign permit if directed by the DRB. 555 sq.ft. total exterior signage allowable for the entire property (all phases combined).

1) *Freestanding Signs: Monument style sign required, up to 100 sq. ft. per side and 20' tall maximum.*
2) *Wall signage:* No more than 100 sq. ft. per side.

Building Code and Building Permit:

1) The applicant has indicated the submission of a building permit following a determination on the developments Major Design Review application DRB public hearing.

Impact Fees:

1) The proposed development is subject to Impact fees pursuant to LUDC article 10.
   50,000 sqft new Industrial building square footage. The fee can be deferred over 10 years, with annual payments at 3% interest.

	Roads	Reg. Pub Building	Emer Serv Pro	Total
Per 1,000 sf	$1,694.00	$159.00	$741.00	$2,594.00
50,000 sf=	$84,700.00	$7,950.00	$37,050.00	$129,700.00

ALTERNATIVE ACTIONS

Staff recommends the DRB consider the Applicants Major Design Review application, Staff's analysis and all public comments as they relate to the Land Use Development Code. Staff has the following alternative actions for the DRB's consideration only, as the DRB is not limited to these alternative actions.

1. Approve the Pagosa Climate Control Storage, Inc. Major Design Review Application submitted, finding the application to be in substantial compliance with the Town's adopted Land Use Development Code, contingent on the following items:

a. The applicant shall provide a snow storage plan or exhibit indicting snow storage areas, the square feet to be cleared and the square feet of storage area.

b. The applicant shall provide design details regarding a dumpster/trash collection area and the screening of such.

c. The Applicant shall provide design details regarding screening any mechanical equipment.

d. Verify the 50-foot platted pedestrian and utility easement allows encroachment for proposed access drive, and provide an analysis and or design how a 10 foot wide trail with drainage facilities can be accommodated.

e. The detention pond extends in to the above 50-foot easement, thus the applicant shall provide evidence that future installation of utilities will not be affected.

f. Provide pedestrian crossing markings designating the route through the driveway area.

g. Provide revised landscape plan indicating additional parking lot trees and locations.

h. Exterior lighting plan or proposed fixtures were not included in the application submittal. Applicant shall provide an illumination plan and LUDC Compliance will be determined after installation of fixtures.

i. Provide proof of State Storm Water Management Plan Permit prior to Building Permit Issuance.

j. Each Additional project phase requires the submission of a Major Design Review application.

k. PLUS, ADDITIONAL CONTINGIUENCIES AS DETERMINED BY THE DRB……

2. DENY the Pagosa Climate Control Storage, Inc. Major Design Review Application submitted, finding the application is not in substantial compliance with the Town's adopted Land Use Development Code.

VI. Planning Commission:

A. 315 Apple Street Vacation Rental Conditional Use Permit
(Public Hearing / Quasi-Judicial Matter).

Project Location:	**315 Apple Street, Paradise Mesa, Mesa Heights**
Property Zoning:	**R-6, Residential Low Density**
Nearby Land Use/Zoning:	**R-6**
Property Owner #1:	**Jurgen Montgomery**
Pre-Application Conference:	**April 29, 2016**
Application Received:	**April 29, 2016**
Public Hearing Notifications:	**Published public notice in the Sun Newspaper occurred on May 5, 2016.** **Town Hall posted public notice was posted on May 9, 2016.** **Neighborhood public notifications were mailed on May 9, 2016.** **Property posted public notice was posted on-site on May 9, 2016.**
Additional Permits:	**Business license and Lodgers Tax Permit**
PC Action:	**Final Determination on Conditional Use Permit (CUP) Application**

Purpose / Background

LUDC article 4, table 4.1.4, indicated that Vacation Rentals in the R-6 district require a Conditional Use Permit approval to operate in that district. Vacation Rentals are under the "Lodging Facilities" use category.

LUDC 2.4.4.C.4 outlines CUP application approval criteria:

(i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations;

(ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code;

(iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

(iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

(v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and

(vi) Adequate assurances of continuing maintenance have been provided.

ANALYSIS

LUDC 2.4.4.C.4 approval criteria with staff comments in bold:

(i) The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Land Use Code and applicable state and federal regulations; **The applicant has submitted a business license application and lodgers tax application.**
Comp Plan Policy NH-2(a): …… "promotes compatible uses in and adjacent to existing neighborhoods and residential areas".

(ii) The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards in Article 4 of this Land Use Code; **Table 4.1.4 does permit Vacation Rentals with an approved application in the R-6 district. The LUDC does not however support Bed and Breakfast operations in the R-6 district.**

(iii) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); **In general, with specific approval constituencies, the proposed use is compatible with adjacent uses in terms of scale, sire design, traffic generation, lighting, noise, odor, and other external impacts.**

(iv) Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and
Staff recommends considering the following contingencies to address anticipated impacts:

a. **Amble onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.**
b. **Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.**
c. **Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town's municipal code requirements.**
d. **Any signs displayed on the property shall comply with the Town's sign code requirements and require a sign permit application to be submitted.**
e. **Renewal of your annual Town Business License is required.**
f. **A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.**
g. **All exterior lighting shall comply with the Town Exterior Lighting regulations.**
h. **Occupancy numbers shall not exceed building code limitations.**
i. **The Conditional Use Permit is not transferable.**
j. **The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the land use code.**
k. **The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.**

(v) Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development; and

No issues are identified. Facilities and services are existing to serve the vacation rental use of this property.

(vi) Adequate assurances of continuing maintenance have been provided.

The CUP constituencies and other impacts as they are identified, are required to be mitigated on a continual basis, otherwise, the CUP can be pulled and vacation rental operations maybe required to cease. The Applicant lives in the community and has provided assurance that he wil monitor the property regularly.

ALTERNATIVE ACTIONS

The Planning Director recommends the PC consider public comments, the applicant's proposal and staff's analysis for the determination. Below are alternative actins for the PC's consideration.

A. Approve the Conditional Use Permit for Jurgen Montgomery to operate a Vacation Rental at 315 apple Street with the Following Contingencies of approval:

1) Amble onsite parking shall be maintained to accommodate occupant vehicles, and on site snow removal/plowing shall be maintained to ensure availability of parking areas.

2) Sidewalk snow removal shall be conducted in accordance with TOPS Municipal Code.

3) Trash shall not be accumulated on site. Regular trash collection is required. All exterior trash containers shall be compliant with the current Town's municipal code requirements.

4) Any signs displayed on the property shall comply with the Town's sign code requirements and require a sign permit application to be submitted.

5) Renewal of your annual Town Business License is required.

6) A Town Lodgers Tax application is required to be issued by the Town, and monthly Town Lodging tax reporting is required.

7) All exterior lighting shall comply with the Town Exterior Lighting regulations.

8) Occupancy numbers shall not exceed building code limitations.

9) The Conditional Use Permit is not transferable.

10) The Conditional Use Permit shall be deemed invalid upon discontinued use for 180 consecutive days as defined in section 2.4.4.C.5.c of the land use code. .=

11) The Conditional Use Permit is revocable if conditions of approval are not kept in good standing.

B. Deny the CUP application for 315 Apple Street.

Cup 2016-02

April 29, 2016

Jurgen Montgomery
315 Apple Street.
Pagosa Springs, CO. 81147

Vacation home business report

I have listed several concerns and how I will be managing the property as a vacation rental.

1) Parking: I have room for 4 cars, two in the garage and two in front of the garage. No more then 4 cars will be allowed to park at the residence.

2) Trash: I have two trash containers at the house, one for recycling, and one for normal trash pick up every Wednesday. I will be making sure trash is taken care of.

3) There will be no signs at the house for the business.

4) All exterior lights will meet town city code by the use of painting the interior of the glass lamp.
5) The house will have no more then 6 people occupying property at a time, and I will focus on smaller groups.

6) I will be living on the property and will be taking care of snow removal when needed.

If there are more concerns with the rental property or the neighbors I will make sure they are taken care of. I have a very strict policy concerning who rents the property, noise, and respect to my neighbors.

Thank you,
Jurgen Montgomery

VI. Planning Commission

B. Adopting Recommended Landscaping Species for Pagosa Springs Growing Climate

PC Member Cameron Parker has been working on a list of landscaping species that do well in the Pagosa Springs growing region. The PC has previously discussed such a list to assist developers with their selection of plantings that will have the greatest success rate for longevity.

Cameron Parker will present his proposed list at the meeting for the PC's discussion and consideration.

Alternative Actions for the PC's consideration include:

1) Approve the proposed list of recommended landscaping species and direct staff to formalize a PC resolution to formally adopt the list.

2) DENY the proposed list of recommended landscaping species and provide direction to staff.

VI. Planning Commission

C. Zoning Map Discussions

The PC recently decided that PC Members would spend some time to drive around and review our current zoning map designations, and bring back comments and observations to share with the PC, regarding current property and area zoning designations.

This is meant as a discussion matter and to provides direction to staff.

VI. Planning Commission

D. Consideration of Vacation Rental Zoning Recommendations

The PC has previously discussed this subject matter and recent tabled the discussion until a future meeting. Staff recommends the PC briefly discuss the matter so as to direct staff for a future consideration.

In general, some of the discussions began around the consideration of allowing smaller lots in the R-12 and R-18 districts, with some concern that allowing the smaller lots would promote vacation rental properties versus promoting more work force housing availability. There was some consideration to limit Vaca Rentals in the R-12 and R-18 to ensure the new regulations would promote work force housing.

This item is for discussion purposes at this time, and to direct staff how to proceed.

VII. Public Comment:

A. Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda.

a. At this time, Public Comment will be accepted for items not included as an agenda item. Interested persons have the opportunity to address the Planning Commission and express your opinions on matters that are not on the agenda or not listed as a public hearing item on the agenda. Public comments on any pending application that is the subject of a public hearing at the current or a future meeting may only be made during such hearing. The total time reserved for Public Comment at each meeting is 20 minutes, unless extended by a majority vote of the Planning Commission and each comment is limited to 2 minutes.

VIII. Reports and Comments:

A. Planning Director Report –

HISTORIC PRESERVATION BOARD (HPB)
The HPB is currently finalizing a list of area Historic Preservation Month Activities and Events that include activities hosted by the HPB. The tentative schedule is being completed and will be distributed as soon as it is finalized.
The HPB has distributed a survey within the Historic District regarding sandwich board signs, results will be tallied at the end of May.

S. 8TH STREET 2016 RE-CONSTRUCTION PROJECT REPAVING PROJECT
The project is out for bids. Town Council will consider awarding the Bid in early June.

SPRINGS PEDESTRIAN BRIDGE REPLACEMENT
The design of the Springs Pedestrian Bridge replacement and construction RFP's is underway. We unfortunately did not receive a GOCO grant award, so the Town will pay for the bridge replacement project without financial assistance.

WALL MART
The Appeals Hearing from Wal-Mart has been continued until June 9th.

EAST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL
ROW clearance approved by CDOT. Town staff is waiting on approval to advertise for construction bids for construction this summer.

WEST PHASE OF TOWN TO PAGOSA LAKES COMMUTER TRAIL
We are waiting on one trail easement donation, expected very soon. Once we receive this, we will request ROW clearance and approval

RUMBAUGH CREEK BRIDGE UPDATE
We have received the signed grant contract awarding the town $166,000. The RFP is being drafted for the restoration of the bridge in 2016. The Design is being created by the Collaborative, Inc for the restoration and environmental assessments are being conducted soon.

TWO RIVERS GRAVEL PIT
Archuleta County is considering an application for a proposed gravel pit operation 14 miles south on Trujillo Road. The Planning Director has identified a number of issues related to increased heavy truck traffic in residential districts, pedestrian safety and impacts to our Town road infrastructure. The Planning Director has met with the applicant County Planning Department to discuss refining the traffic projects and delivery routes based on delivery zones within our community, as a means to better understand the proposed traffic impacts and to consider an equitable route selection through the community. Town's Legal Counsel has identified potential means of ensuring the town has some sort of financial remediation for damage caused by the proposed increased traffic on Town Roads. Options will come to Town Council in the future for consideration.

B. Planning Commission –

	Planning Commission Open Discussion, Ideas and Comments.

C. Upcoming Scheduled Town Meetings.

a.	Next Scheduled PC Meetings: ~ Tuesday, June 14, 2016 @ 5:30pm in Town Hall, Regular Meeting ~ Tuesday, June 28, 2016 @ 5:30pm in Town Hall, Regular Meeting
b.	Next Regular Scheduled Historic Preservation Board meetings: ~ Wednesday, June 8, 2016 at 5:45pm in Town Hall ~ Wednesday, June 22, 2016 at 5:45pm in Town Hall
c.	Next Regular Town Council Meetings: ~ Thursday, May 26, 2016 at 5pm in Town Hall (8th Street Bid Award special meeting) ~ Tuesday, June 7, 2016 at 5pm in Town Hall
	Next Regular Parks and Recreation Board Meeting: ~ Tuesday, June 14, 2016 @ 5:30pm in the Ross Aragon Community Center ~ Tuesday, July 12, 2016 @ 5:30pm in the Ross Aragon Community Center