

**REGULAR MEETING
LOCAL PLANNING AGENCY (PLDRC)
CITY COMMISSION CHAMBERS
August 24, 2009
7:00 P.M.**

MINUTES

CALL TO ORDER: Chairperson Woods

Chairperson Michael Woods called the August 24, 2009 Regular Meeting of the Planning Land Development Regulation Commission Meeting to order at 7:00 p.m. Members present were Commissioner Mike O’Laughlin, Commissioner Gary Adams, Commissioner Ed Blackman, Commissioner Ann Nehrig, Commissioner Tony Troy and Commissioner Tura Schnebly Also present was City Administrator, Don Findell.

APPROVAL OF MINUTES: Minutes of Regular Meeting: April 10, 2009

MOTION by Comm. Schnebly to approve the PLDRC Regular Meeting Minutes of April 10, 2009 as presented. **SECOND** by Comm. Adams. **Motion** carried unanimously.

PRESENTATIONS: None at this time

COMMISSION CONSIDERATION:

A) Consideration of recommendation to the City Commission re: off-site parking area surface associated with the proposed tavern at 210-220 Cassadaga Road.

Comm. Nehrig: Mr. Chairman I have written a letter to Atty. Groot specifically stating I feel it is a conflict of interest for me to speak or vote on this item as I am the listing agent for this property with Custom Realty. So, I would like to abstain from comment and voting on Item A for Commission consideration.

1. Staff presentation

Admin. Findell approached the podium: As indicated in the memo included in the agenda package, Mr. Randall Henry has indicated an interest in opening a tavern at 210-220 Cassadaga Road, the corner of Cassadaga Road and Euclid Avenue. The property on the west side is Brecht’s Quality Meats. Mr. Henry has submitted a building permit application for internal improvements to the existing building located on the site. The proposed tavern use is a specifically permitted use in the Downtown Commercial Land Use District where the tavern is proposed to be located.

Typically, review and permitting of a specifically permitted use proposed to be located in an already existing building would be handled administratively. However, during the initial administrative review of the proposed use of the property, it was determined that the parking area that exists at 210-220 Cassadaga Road is insufficient for the use as currently proposed. The existing parking area has 10 parking spaces.

The size of the building is 2700 sq. ft., according to the Property Appraiser, that is to be used to house the proposed tavern dictates that, in accordance with the parking requirements outlined in the City Code, that the proposed tavern have 36 parking spaces. That leaves Mr. Henry with a deficit of 26 parking spaces for his proposed business.

Because sufficient parking for the proposed use is not available on-site, Mr. Henry proposes to, in accordance with Section 5.02.02 5. of the Code, jointly use parking that is potentially available adjacent to the 210-220 Cassadaga Road property, and which has potentially different temporal demands than Mr. Henry's proposed business. Specifically, Mr. Henry proposes to use the parking area at: (1) Brecht's Quality Meats and (2) Dane Robert's open field area located at the southeast corner of Euclid Avenue and Cassadaga Road which is located diagonally across the street from the 210-220 Cassadaga Road property. Mr. Roberts' property would be the most potentially viable parking area, because of its size and because of reduced potential temporal parking conflicts.

At a minimum, in order to potentially be able to jointly use the adjacent properties, Mr. Henry will have to demonstrate that the uses of the properties have different temporal parking demands than his proposed business. Additionally, Mr. Henry will have to secure recordable lot/parking area binding agreements between the owners of the adjacent properties and the owner(s) of the 210-220 Cassadaga Road property and the City would also be a party to said agreements. Such agreements will bind the adjacent properties, for parking purposes, to the property Mr. Henry proposes to use. Mr. Henry will also have to, in accordance with Section 5.02.02 2. of the Code, submit a parking plan that will "show the location and accurately designate the number and size of spaces, access aisles, driveways, loading zones, fire lanes and dumpster locations" (the parking plan for the use of an existing structure, by a specifically permitted use, would typically be reviewed and approved administratively).

During a discussion/update with the City Commission on August 4, 2009, regarding the proposed new business, it was noted that the Code has further requirements which relate to surfacing of parking areas. Specifically, Section 5.02.02 C. of the Code, through amendatory Ordinance 2007-08, states:

5.02.02 C. - Construction Standards 1. Parking areas shall be surfaced with acceptable materials, shall be constructed in compliance with the City's stormwater management regulations, shall contain wheel stops for individual vehicle parking space delineation and shall be constructed in compliance with the City's landscaping regulations.

Acceptable materials means a durable all-weather surface composed of concrete, brick, asphalt, permanent porous grating, or other permanent dust-free surfaces. The aforesaid notwithstanding, the City may, during the development review process, and on an individual project specific basis, consider approval of the use of alternate parking area surface materials. Such consideration shall weigh such factors as surface materials proposed, site location, site topography, environmental benefits, size of parking area, maintenance requirements, site aesthetics, potential impacts on surrounding properties, potential impacts on City rights-of-way and facilities and hours and days of use of the parking area.

In discussing this specific issue, the City Commission recognized that the joint use parking area proposed at the southeast corner of Euclid Avenue and Cassadaga Road (Dane Roberts property) was currently an open field with no existing parking area improvements. The outcome of the discussion was that the City Commission felt that it was desirable and appropriate that the PLDRC consider the parking area surfacing issue, and make a recommendation to the City Commission regarding the appropriate surfacing of a portion of the Dane Roberts parcel, if said parcel was to be used for parking for up to 26 vehicles.

The PLDRC's recommendation would assist the City Commission and City staff in advising Mr. Henry as to the improvements that would be necessary in order to make potential use of the Dane Roberts property for business parking.

Comm. Chairman Woods: Is this discussion limited to the parking surface material?

Admin. Findell: That is the primary parameter. If you have additional questions I will be happy to answer them.

2) Applicant presentation

Mr. Randall Henry was present to answer questions. Mr. Henry: As far as parking, we do need the extra parking space. As far as surfacing the lot belonging to Mr. Dane Roberts; everywhere you look in this town extra parking, such as Blake park, etc. people use the grass. I feel like we should not have to do anything. I have made arrangements with Mr. Roberts to take care of any damage. I have insurance to cover any damage.

3) Commission discussion

Comm. Schnebly: How many parking places, if you were to comply with the ordinance, would you be allowed on the Dane Roberts property?

Mr. Henry: The property is more than capable of handling 26 vehicles.

Comm. Schnebly: It is difficult to say to say what surface is appropriate without the aesthetics of the layout. I agree that Brecht's would be a conflict and it would be better if parking were at one place with only one cross parking agreement. I have some thoughts regarding people crossing over the street in large numbers, but that is not what I am being asked to look at. It would be helpful to see what your proposed layout would be.

A digital projection was presented showing the proposed tavern property and proposed parking area to the south, across Cassadaga Avenue.

Mr. Henry: The parking spaces shown are 10' x 20'.

Comm. Schnebly: I noticed the handicap parking by the building. Is one sufficient?

Admin. Findell: I believe there are two handicap parking spaces and I will confirm that two is sufficient.

Comm. Schnebly: Is there a traffic model? I am looking to the in and out of the parking lot and the amount of use. I did not see any recommendation given on the memo.

Admin. Findell: The trips generated are going to be very local. I know individuals on the commission have different thoughts as to what is appropriate for the parking area. In dealing with it from a site plan standpoint, I believe that the lot needs to be stabilized in some fashion.

Comm. Schnebly: Have you done any type of analysis related to this property and what type of recommendation would you give.

Admin. Findell: My recommendation is to stabilize, whether by stone or gravel or some type of porous surface; something that does not allow water runoff and/or dust.

4) Public comments

Victoria Homes, 240 Water Street: I sit at night on my front porch and relish the peace and quiet and serenity knowing that this will soon end because of this bar. It will bring increased traffic. The parking is not adequate. The neighbors are worried about parking on our street and foot traffic. It is already an eyesore where the Alibi used to be. Now you want to turn it into a parking lot? If you do not pave it, it will be dirt. We will become a blighted neighborhood. Another issue is trash bins. We do not need a big dumpster back on Water Street. We already have a rat problem because of Brecht's dumpster. We are

worried about deliveries and large sized beer trucks. We are worried about noise. We have lots of dogs in the neighborhood which bark if someone is in the neighborhood at night.

Chairman Woods: We are specifically trying to address the parking lot surface material today.

Ms. Holmes: There is a cut thru the wooded area and people will be cutting through if they park on Water Street. How are you going to stop that? I would like to see that strip of land rezoned. We were assured some time ago, at a Commission meeting, that a bar would never go on that piece of land and I would like to see, in the future, that land rezoned so that it will not destroy the neighborhood.

Admin. Findell: Let me address some of those side issues. Mr. Henry is aware of the concerns of some neighbors, particularly potential parking on Water Street , dumpster location and deliveries. Each of those concerns are legitimate, We have discussed those from a design standpoint and they can be addressed. There should not be any concern about parking on Water Street because there is no place for parking. Mr. Henry has indicated a potential to put a fence across the back to eliminate the ability to walk across what is now an open area. The dumpster would not be located at the back of the property, therefore there would not be garbage pickup from Water Street. When the building was originally built, and we went through the Development review process, the City determined that the deliveries would be front door deliveries and we would continue that commitment. What I would do, from a development standpoint, is list the items and actions that needed to occur to mitigate potential problems.

Heather Lindsay, 222 Tangerine: ...36 cars? What is the seating of the capacity of this building and why do they need all these spaces? I am here because I had to put the car spaces to a certain standard and I believe everyone else should. I want to see the stormwater standards like I had to do. If it is commercial, then it should be by commercial rules. What is the seating in this building?

Lou Benton: One of the questions just asked... I believe he is restricted down to 14 seats because of the septic tank size; so actually 26 parking spaces is based on the square footage of the building not the occupied use. I agree with there is a lot of people in town that have activities parked on grass including the City. The Equestrian Center is all grass. Blake Park is all grass... every weekend with the flea market. It is kind of a catch 22. If you are going to enforce one then everyone's got to do it... including the churches, the city and any other activity. But you are not actually looking at 26 parking spaces because the actual use of the place is 14 people.

Admin. Findell: Mr. Benton is correct in the issue related to the number of seats. The health department, as part of their review, determined the septic tank was not of sufficient size to have more than 14 seats. Mr. Henry and I have talked about that and his desire is, at some point, to expand the drain field to allow more seats, if the business is successful. The code states parking for types of use and the 2700 sq. ft. proposed tavern requirements are to have one parking space for every 75 sq. ft.

5) Commission consideration

Comm. Blackman: Mr. Henry we heard currently 14 seats. How many employees?

Mr. Henry: Three

Comm. Blackman: Grass parking is acceptable to me in situations where it is infrequent such as a church; once or twice a week. The potential for destruction of grass is minimal. On a regular basis it does need to be stabilized, in my opinion. I wouldn't want say it is necessary to do all 36 spaces at this time. You have 2 handicap and another 8 are paved so another 8-10 beyond that. I would suggest a 1/3 paved , 1/3 pervious, 1/3 grass. In all situations it would need to be clear where the spaces were; wheel stops; curb cuts, where you would enter the parking lot. This is a situation we will be dealing with on and on because all our spaces in downtown commercial are small. I think you need to be aware that if you expand the septic system and expand seating capacity you would need to convert grass parking area into more stabilized parking area. That would be my recommendation.

Comm. Adams: Let's assume Mr. Roberts establishes his facility and parking is provided in accordance to whatever is decided; a year later the business is still booming and for some reason Mr. Henry decides to terminate his lease and do something different. From the City's perspective; the City would want to keep a successful business.

Admin. Findell: At the beginning of this presentation was a discussion regarding the necessity to have the owners of the property Mr. Henry would be leasing and the owners of the parking to enter into a lot binding agreement. It would bind the property where the tavern would be and Mr. Roberts' parcel in perpetuity, which simply means, in a worst case scenario, Mr. Roberts will not be able to get out of that agreement unless the type of use goes away and the City determines the parking is no longer necessary.

Comm. Adams: If Mr. Henry, after five or ten years, decides to sell the property and someone else wishes to do the same thing... does this binding agreement continue?

Admin. Findell: Yes; Mr. Henry would be leasing the property. There would be potential for purchase of the property, or Mr. Henry's business could go out of business, and that lot binding agreement would still be in effect because it runs with the land.

Comm. O'Laughlin: In viewing the location, what is to prevent patrons from parking directly across the street?

Admin. Findell: there is nothing that physically prevents them but it could become a code enforcement issue raised by the owners of that property.

Comm. O'Laughlin: Are we specifically tasked to consider the parking area surface and that's it?

Admin. Findell: The design issue, as far as parking spaces, dumpster location etc. are dealt with from an administrative standpoint when you have a new use going into an existing property. Then, the responsibility of staff is to insure that all the requirements of the code are met before that new use is issued a certificate of occupancy. The question of the parking surface cannot be addressed by administration at this time because of the way the code is written. The City Commission felt the Planning Commission should make a recommendation.

Comm. Adams: If I understand you correctly, essentially what we are being asked to accomplish this evening is either to say 'yea or nay' in terms of stabilization of the parking area. If we determine the parking area needs to be stabilized, we then need to determine what type of material and send that recommendation to the City Commission.

Comm. O'Laughlin: Has anyone asked for an alternative from the code?

Admin. Findell: The second requirement under the old code was that acceptable material for parking was durable, all weather, composed of concrete, brick, asphalt or other permanent surfaces and that is why mulch was not be considered. When the code was amended in 2007, the issue became that during development review process, the City could consider approval of the use of alternate parking area surface materials. In that consideration we are to weigh factors such as surface materials, site location, size, maintenance, aesthetics, potential impacts, hours and use of facility. So Comm. Blackman keyed in on an important factor as in hours and days of use when he spoke of using grass for parking. The demand for parking on a daily business is different from one that uses parking once or twice a week. As far as the topography is concerned that lot is basically a level lot, so we do not have any significant stormwater issues currently there. That is not to say that if it is used as a parking lot with some stabilized surface that there may not be some stormwater issues with daily use.

Comm. Schnebly: I am glad you pointed out those specifics. What brings us here tonight is that when this property was originally proposed as a development it came before us as a professional development and that is why the number of parking spaces is as it currently is. So, originally, they were required to meet

code and that is why it was paved, etc. We are looking on a change of use that is premised on a lease arrangement and then premised on another lease arrangement for a parking lot. I am concerned about the city keeping up with this in terms of enforcement.' In perpetuity' is a very long time and I cannot imagine any property owner's lawyer not having some escapement clauses or arrangements.

Admin. Findell: First, the principal issue is the parking area surface. I did not imply that you do not have the ability to ask any questions. The project, when it was originally proposed, was perhaps a little more flexible than what you indicated... what the owners did, was to say that they were not exactly sure what was going in there... it would be flex space determined by the occupant... but it would need to meet all the requirements of the code.

Comm. Schnebly: I do think it is important to bring out these points particularly from somebody who sat on this board when the first building came forward because it was emphasized it was to fit into the neighborhood and be architecturally integrated. I am not against what they want to do but I am saying we are shoehorning something that was not discussed as a potential use, back at the time. I am reluctant to say that these folks should not have to comply with the code. It is a risk benefit analysis that this board is being asked to do. How many people do we expect? What kind of model template is there for a tavern? What about the fourteen seats...are they in the restaurant or outside on the patio? So, I do not think we can look at just 14 seats; especially with the amount of hours the business will be open and with three employees. I also think that the owner would want the business to grow.

Admin. Findell: I think what you have said are being considered as far as meeting the demands of the code. What he is proposing is utilizing that section of the code that provides for off-site parking.

Comm. Schnebly: You probably remember about the conflicts of the big trucks and deliveries at Brecht's.

Admin. Findell: The issues were dealt with; it was front door delivery rather than rear door loading and that is also the intent with this business and will be put into the agreement with the city. The issue regarding perpetuity is one that I cautioned Mr. Henry on because the lot binding agreement is the city's agreement.

Comm. Troy: If we did a limited amount of gravel spaces with curb, now and then maybe if he is successful and applies for a septic permit; then that is when we say we will have to look at it.

Admin. Findell: If you recommend that a certain number of spaces or area be stabilized you will visually know if something is going beyond that area; you will know that is the trigger to stabilize any additional area.

Comm. Blackman: If we do 1/3, 1/3, 1/3 and we say that the first two thirds have to be stabilized he is going to have 12 left, which will give him a little bit of cushion with the number of employees.

Comm. Schnebly: It sounds like he is not going to have to look at stormwater. The reason I ask... when the city was sued about runoff at Patch's garage... I am not sure if all that was reconciled, but it was an issue in the past.

Admin. Findell: I guess that was reconciled several years ago through litigation. I do not know of the actual stormwater issue, although it is apparent the topography of the old garage is different from this site.

Chairman Woods: If we use a pervious surface, like stone, do we still have to install wheel stops and landscaping and... what type of landscaping?

Admin. Findell: Yes. The landscaping requirement is that you install certain physical landscaping improvements that are primarily associated parking spaces. In the Gateway Corridor the requirement is 6 spaces before requiring a landscaping island. The end of each row of parking also has to have a landscape island.

Chairman Woods: These island; they can be constructed of railroad ties with plants?

Admin. Findell: Yes

Chairman Woods: Important aspect is to define the driveways in and out. Maybe a swale around the outside, not disturbing existing trees. I would recommend stabilization on a few spaces.

Admin. Findell: It does not have to be anything complicated.

Comm. Adams: Anything in the agreement the City Commission is planning to approve with regard to this, that puts the liability on the use of the lot directly across from the tavern on someone other than the people parking there. It seems, in approving this, the City should have some protection for the land owner across the street. The problem is being created by what the city is proposing to be approved. Letting a tavern be there and using property to park there... it seems the city would have some obligation to build something into the agreement where the city could enforce 'no parking' or at least hold the tavern owner responsible.

MOTION by Comm. Blackman to recommend to the City Commission to, upon receiving a lot binding agreement, Mr. Henry be allowed to provide 36 spaces - 12 grass; 12 stabilized material which could be crushed rock or what is allowed in City Code and 12 impervious.

Comm. Blackman: So that would be two impervious spaces beyond what is already paved.

Admin. Findell: If he was to do the extra two spaces it would have to be on the Roberts property.

Chairman Woods: Do we have a second to the motion? (pause) With no second the motion dies. Do we have a new motion?

Comm. Troy: Why do you want two impervious spaces on the Roberts property?

Comm. Blackman: Simply math

Comm. Troy: I would go along with the motion without the two impervious on the other property. Make the impervious surface as ten spaces.

Admin. Findell: And adding to that record; at such time that the City determines that stabilization of the remaining number of spaces is necessary.

Comm. Schnebly: If you look at the drawing... are you saying the first two rows to the north would be stabilized?

Comm. Blackman: The orientation may be the wrong way. Obviously this is simplistic, just to show there is space. Even if it is grass you would need to stabilize them.

Comm. Schnebly: How many entrances are there going to be and why shouldn't it all be stabilized... I am struggling with that.

Comm. Troy: My idea is that if it (the tavern) does not go well, then the whole lot will have gravel or material that may be more of an eyesore. Does he have to come back with a drawing to improve the parking?

Admin. Findell: There would need to be at least two ingress / egress areas.

Comm. Blackman: Stabilize the spaces closest to the tavern.

MOTION by Comm. Adams to require the entire required parking area on the Roberts's property be stabilized. **SECOND** by Comm. Schnebly.

Chairman Woods: I would say ten stabilized spaces would be more than enough. Is there any leeway on the total sq. footage of the business?

Admin. Findell: He will be using the entire building and that is why the 2700 sq. ft. comes into effect.

Chairman Woods: As a local establishment we have to expect some patrons to be walking or bicycling. I think these parking regulations are counter to what some of our long range goals are to our community. I think this will hurt us in the long run.

Comm. Schnebly: I would not disagree that there are LDRs we will need to look at. I just see this as an administrative nightmare in the future. We have required other establishments to do this.

Chairman Woods: What business has 36 spaces now, in town?

Admin. Findell: I cannot think of any with 36 spaces at this time.

Chairman Woods: Any more discussion?

Comm. Adams restates his motion.

Chairman Woodsclarifies: The remainder of the required parking spaces, required to be on Mr. Roberts property, is to be stabilized with wheel stops, landscaping... whatever the code requires. That is the motion.

Motion fails 3-3 with: Yes vote - Comm. Schnebly, Comm. Adams and Comm. Comm. O'Laughlin: No vote - Comm. Blackman, Comm. Troy and Comm. Woods with Comm. Nehrig abstaining.

Comm. Troy: I think that is impacting the lot site... he may only stay open for six months and then we have a parking lot in disrepair.

Comm. Schnebly: In this in perpetuity; will the city be able to use that for other purposes?

Admin. Findell: No, it would be tied to that property.

Comm. Blackman: It seems to me very unfair to require this owner to do something that even the City is not doing. We have parking lots all over the City that are dirt. Behind the police station; City Hall etc. and I do not see anyone complaining about it. We are in a situation where we need to be a little lenient. What we really need if we are truly going to be a walkable community... is not requiring all these parking spaces not to be impervious. I would rather not see everything paved.

Comm. Schnebly: Is he able to get a variance on the number of parking spaces?

Admin. Findell: Yes.

Comm. Troy: Our biggest problem is the number of spaces we wish to have as not pervious.

Admin. Findell: A good compromise to address this would be to have a more phased approach. You stabilized a certain number of spaces to address the immediate concern and if the business is successful and can expand by expanding the septic tank and drain field and then requires more parking, as a result more spaces could be stabilized. And most people are driving, rather than walking, to the site because of the type of establishment it is.

Chairman Woods: Our original task was to recommend a surface. We could go through the motion to recommend a surface and then continue talking about the phasing.

Comm. Schnebly: Or we could send it to the City Commission as is... half of us felt one way and half felt the other.

Chairman Woods: We do have consensus on material type.

MOTION by Comm. Blackman to allow Mr. Henry to keep the existing impervious surface at the existing location. The remainder 26 spaces to be located on Mr. Roberts' property; 14 be stabilized to be determined by Administration; spaces marked; entrances etc. and the remaining 12 be grass parking area to become stabilized when it is visually apparent to do so. **SECOND** by Comm. Troy.

Comm. Schnebly: As with any development we have bonds to be put in place in order to do something within a given period of time. I personally would feel a lot more comfortable if we handled this differently... that the rest of the spaces will be stabilized within a given period of time.

Troy: What time frame?

Comm. Schnebly: A year from the certificate of occupancy.

Comm. Adams: Who would decide whether additional parts of the grass area need to be stabilized?

Admin. Findell: Administration would make that decision on behalf of the City and if it was contested, the City Commission would review it. You drive there and if you see 12 cars parking in the grass area on a routine basis you know it is time to stabilize the area.

Chairman Woods: There is a motion on the table... any discussion... any amendments?

Comm. Troy: I think that when they do apply to increase the septic, that would be a definite time to stabilize.

Comm. Schnebly: In this agreement that the City is going to enter with the property owner, is there going to be the trip point expressed in that agreement. I am looking for an enforcement tool.

Admin. Findell: Basically if they are not in compliance then the agreement can be revoked and the CO denied.

Chairman Woods: We have a motion on the floor for 14 additional stabilized spaces with two trip points; one visual inspection; one septic tank replacement. Call the role

Motion fails 3-3.

MOTION by Comm. Adams to recommend to the City Commission the parking areas on the Robert's property be covered with a pervious stabilized surface and that the PLDRC could not reach a decision on how that surface should be implemented.... whether it should be completed immediately or whether it should be phased in.

Admin. Findell: What Comm. Adams is saying is that the PLDRC agrees it should be a pervious, stabilized surface and that to relay the information that the vote was split as to the number of initial parking spaces.

Comm. Blackman: I would vote in favor of that.

Comm. Schnebly: We have already done that. We agree it does not need to be paved, but we do not agree beyond that.

Admin. Findell: I will report the discussion.

Comm. Blackman: I would suggest a drawing be submitted for the Commission meeting.

Admin. Findell: I will report the discussion.

6) Additional Public Comments

Mary Dickinson, 336 Lakeview Drive: I do want to point out you have that medical center that was not allowed to open because it did not have parking and they were not allowed to park on the grass. Years later they wanted a daycare center and it was said they needed a bigger retention area and you have to pave parking... you cannot park on the grass. So basically, there is another instance on Water Street and Lakeview and she would have to put in, to code, at least four parking spaces.... She could not park on the grass. You need to make everything equal for everybody in this town. Ed, when you said about the parking at the Café and the Equestrian... is dedicated park land owned by the city. The City can do whatever they want to do. Even here there is not any dedicated parking. The point is you have kept other people from opening their establishments by not allowing them to park on the grass, so why would you make an exception now.

Lou Benton: I want to clarify some facts that were not true. The daycare center needed to bring in engineered drawings and they never did it... the medical building... the same thing. Her home address is DeLand it is not Lakeview Drive.

Admin. Findell: I would remind Ms. Dickinson that we have a code that we deal with for proposed projects and if there is any desire to amend the code it also comes to us in the form of an application put together by staff or an individual as a code amendment and processed through the PLDRC and City Commission.

COMMISSION DISCUSSION:

A) Discussion regarding PLDRC recommendations for sidewalk construction.

Admin. Findell: I wanted to let you know that I put approximately \$23,000 in the budget for sidewalk construction. The source of funding is impact fees. We had talked in previous meetings about coming up with recommended areas to construct new sidewalks. I would like the Commission to start considering that and at the next meeting to be prepared to discuss it in more detail and give recommendations.

Chairman Woods: Did the City get a copy of the report when the County did the sidewalk study for Volusia Pines with recommendations?

Admin. Findell: Yes, and most of the recommendations came from me in that study.

Comm. Schnebly: Is this new construction only? And how per foot it costs?

Admin. Findell: Yes, somewhere between \$15 and \$25 per linear foot, 5 foot wide. That numbers varies from time to time depending on the market.

Comm. Blackman: Approximately 1000 feet. I know in our ordinance we require sidewalks to be 5". But every sidewalk other in our village is 4'... why did we go away from 4'?

Admin. Findell: Five feet, rather than four feet is not the modern standard. Five feet, from a practical standpoint, makes it more convenient for pedestrian traffic .

Comm. Blackman: It seems to me if we are trying to keep the character of a village, why do we want larger sidewalks.

Chairman Woods: It has to do with pedestrian comfort levels and ADA requirements. Can we get a copy of the Volusia Pines report?

Admin. Findell: Yes.

B) Discussion regarding expiration of terms of office for PLDRC members.

Admin. Findell: Just a reminder that those terms of office are expiring on September 30th. The City Commission requests that those that wish reappointment submit a letter of application.

STAFF COMMENTS/CHAIRPERSON AND MEMBER COMMENTS:

Admin. Findell: Next month we will talk about the sidewalks and a couple of other items: the Ballard replat/subdivision and, perhaps, Heather Comeau's concept plan for a charter school to be located on the Pyramax property.

Comm. Schnebly: Where is the Ballard subdivision?

Admin. Findell: It is comprised of the old Erdos property, now owned by the Lindsays, and the Ballard property immediately behind the Bed and Breakfast.

PUBLIC COMMENTS:

None

ADJOURNMENT

Chairperson Michael Woods adjourned the Regular Meeting of the Planning Land Development Regulation Commission Meeting of August 24, 2009 to order at 9:05 p.m.

Respectfully submitted:

Wendie M. Levings, Secretary