

**FRUITLAND PLANNING COMMISSION  
TUESDAY, JANUARY 6, 2009  
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, January 6, 2009, with the following in attendance:

MEMBERS

Chairman Leland Bonneville  
Annette Noble  
Robin Townsend  
Derek Bland

CITY OFFICIALS AND STAFF

City Manager John McDonnell  
Solicitor Andrew C. Mitchell Jr.  
Public Works Director Cooper Townsend  
Utilities Director Joe Derbyshire  
Code Enforcement Officer Danny Scholl  
Councilmember Richard Tull  
City Clerk Diane Nelson

GUESTS

Michael Hickson and Stephen Capelli of the Rotary Club of Salisbury  
Bob Marvel  
Joe Smith  
Kevin Taylor

Mr. Bonneville called the meeting to order at 7:02 p.m. and asked for comments or changes to the minutes of December 2, 2008. There being none, Ms. Noble moved to adopt the minutes as written. Mr. Townsend seconded and the motion was approved by a four to zero vote.

Mr. Bonneville then called for new member Derek Bland (appointed to fill the vacancy created by Charles Shores' recent resignation) to be sworn in by Clerk Nelson. Clerk Nelson proceeded to swear in Mr. Bland along with re-appointees Annette Noble and Robin Townsend.

**Old Business**

**Comprehensive Plan Update**

City Manager McDonnell suggested tabling the Planning Commission's recommendation of the Comprehensive Plan to the City Council until the February 3, 2009 meeting. While all the commissioners had received up to date copies of the plan, Solicitor Mitchell had not received his copy in a timely manner that allowed for a thorough review of the plan. Fruitland had been scheduled as an agenda item at today's County Council meeting, but the County asked Fruitland to reschedule to the February County Council meeting (due to the volume of agenda items for January.) The Planning Commission's recommendation to the City Council would then coincide with the County Council meeting on February 3, 2009. Tim Bourcier of Davis, Bowen & Friedel would be here February 3, 2009 to answer any final questions commissioners may have. Commissioners agreed by consensus, but without vote, to table their recommendation until the February meeting.

**NEW BUSINESS**

**1. Kevin Taylor – Request to park commercial vehicle on residential lot**

Kevin Taylor explained that he and Joe Smith (the tenant-resident at 421 St. Luke's Road) had been before the commission before about this issue. City Manager McDonnell stated that he and Solicitor Mitchell (expected later in the meeting) had discussed Mr. Taylor's request and that Mr. Taylor was seeking permission to park a commercial vehicle on a lot that more than met minimum square footage requirements to do so, according to city ordinance. Chairman Bonneville questioned whether or not the permission would be open ended or have a specific time frame; Mr. Smith summarized, for newly

appointed commissioner Bland, how he and Mr. Taylor had come to be before the commission regarding this issue. After discussion, Ms. Noble moved to grant permission for Mr. Taylor to park a commercial vehicle on a residential lot; Mr. Townsend seconded and the motion passed by a three to one vote with Chairman Bonneville as the dissenting vote. City Manager McDonnell clarified that a letter of permission would be forthcoming from the Planning Commission to Mr. Taylor.

## **2. Rotary Club - Mike Hickson and Steve Cappelli**

Mr. Hickson summarized the Rotary Club's previous requests before the Planning Commission, the most recent request having been withdrawn in October 2008.

The Rotary is now proposing the creation of a new zone in Fruitland that would be almost exactly like the Wicomico County R-20 zone that presently exists in Tony Tank, Brafferton, Timberlake, and other areas designated as "Growth Area 1" by Fruitland's proposed Comprehensive Plan. Mr. Hickson then distributed a handout that detailed his research and subsequent proposal, highlighting the opportunity this new zone would create for Fruitland to annex land within "Growth Area 1" as needed, and in compliance with State law that prohibits annexations involving zoning that is "substantially different. Therefore, this new zone would benefit more than just the Rotary Club.

If Fruitland were to create a new zone by text amendment to the zoning ordinance, the Rotary Foundation would re-apply for annexation and then for the new zone on its property by application to the Fruitland Board of Zoning Appeals. Mr. Hickson expressed his desire to move forward on behalf of the Rotary *only if* Fruitland had a serious interest in establishing this new zone; he wished to minimize additional costs to the Rotary, as well as the City, in terms of both time and money.

After discussion, Solicitor Mitchell summarized that it did make sense to pursue establishing the new zone prior to even pursuing annexation of the Rotary property and that Mr. Hickson could come back with a more formal proposal, going through all the mandated procedures, *only if* the commissioners were truly interested in establishing a new zone. Chairman Bonneville summarized on behalf of the Commission that they were definitely interested in more information regarding establishing the new zone. Ms. Noble and Mr. Townsend each expressed their desire that the new zone benefit more than just the Rotary. Mr. Bland also acknowledged that it made sense to establish this new zone particularly when looking ahead to future annexations.

## **ADJOURNMENT**

With no further business to discuss, Mr. Townsend moved to adjourn and Mr. Bland seconded. The motion was approved by a four to zero vote and the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Diane C. Nelson  
City Clerk

Approved: February 3, 2009