

FRUITLAND PLANNING COMMISSION
TUESDAY, MARCH 2, 2010
MINUTES

The Fruitland Planning Commission met at City Hall on Tuesday, March 2, 2010 at 7:00 p.m. with the following members in attendance:

Chairman Leland Bonneville, Derek Bland, Theodore O. Lokey, Annette Noble, and Paul Bradshaw.

Also present were:

*City Manager John F. McDonnell, City Solicitor Andrew C. Mitchell Jr, City Clerk Diane C. Nelson,
Public Works Director P. Cooper Townsend, Utilities Director Joseph P. Derbyshire,
Code Enforcement Officer Joe Vogel, and Councilor Richard F. Tull.*

Our guests included:

Bob Marvel, Donald Williams, Bunky Carew, and Brock Parker of Parker & Associates.

Chairman Bonneville called the meeting to order at 7:00 p.m. and welcomed Paul Bradshaw to the Planning Commission as its newest member, succeeding former member Robin Townsend; Mr. Bradshaw was then sworn in by City Clerk Nelson.

Chairman Bonneville acknowledged receipt of the minutes of the December 1, 2009 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mr. Lokey seconded and the motion passed on a unanimous vote in favor.**

Later in the meeting it was clarified that minutes are only posted to the website at the next meeting after being approved; cancelled meetings in January 2010 and February 2010 delayed adoption of the December 2009 meeting minutes and subsequent posting to the City's website.

OLD BUSINESS

1. Status Update – Bennett Middle School

City Solicitor Mitchell reported that the City has not heard from the Wicomico County Board of Education (WCBOE) regarding the new middle school, noting that the City had offered to meet with them to see what, if anything, they might need from the City; he further noted that with the land acquisition complete, the WCBOE now faces financing issues with the new Bennett Middle School project amidst efforts to complete construction of the new Bennett High School.

City Manager McDonnell reported that WCBOE Facility Planner Leisl Ashby had notified him that The Traffic Group had been awarded the contract to conduct the traffic study associated with the new Bennett Middle School project, noting that The Traffic Group had been endorsed at a previous meeting by Amanda Pollack of George, Miles, and Buhr (GMB), the City's engineers.

NEW BUSINESS

1. EDU Transfer – Camden Landing to Camden Station

Donnie Williams summarized that he had reconsidered the issue of transferring Equivalent Dwelling Units (EDUs) from Camden Landing to Camden Station, an issue that had been raised in the form of a question from Mr. Bonneville at a previous Planning Commission Meeting when Messrs. Williams and Carew were seeking conceptual approval for Camden Station knowing that there were no EDUs available to allocate to the project; Mr. Williams explained that at that time he was not inclined to transfer EDUs between projects because Camden Landing was for sale and he did not want to jeopardize a potential sale by swapping EDUs between projects.

Bunky Carew summarized activity on the project since he and Mr. Williams had received approval for the Camden Station Conceptual Plan at the August 4, 2009 Planning Commission Meeting; he then reported that the preliminary plan will soon be ready to submit for approval and the transfer of Sixty-eight (68) EDUs between projects would allocate sufficient capacity for the project to move forward with Fifty (50) of the Fifty-three (53) single family homes and Two (2) of the Three (3) nine-unit multi-family complexes originally approved in the conceptual plan. If granted approval, the project infrastructure would be completed and Mr. Carew cited the potential revenues the City would realize over time as the entire project built out.

Discussion included differences in the Conceptual Plan submitted now versus what had been reviewed for approval by the Planning Commission at the August 2009 meeting, the directional flow of traffic on Mason Avenue, the tentative timetable for submitting the preliminary plan for review and approval, new storm water management regulations and the potential impact those regulations could have on municipalities, potential flood plain or non-tidal wetlands issues, if any, associated with this project, and the status of the Camden Landing project now versus the status of the project after a transfer of EDUs between the two projects .

Utilities Director Derbyshire had no questions or comments about the transfer of EDUs between the two projects. City Solicitor Mitchell noted that the Planning Commission could grant conceptual approval to transfer the EDUs between projects; final approval would not occur until the Planning Commission granted final plan approval for the Camden Station project at a future meeting.

On a motion by Ms. Noble that was seconded by Mr. Lokey and approved by a unanimous vote in favor, the Planning Commission granted conceptual approval to transfer Sixty-eight (68) EDUs from Camden Landing to Camden Station subject to presentation of completed plans for Camden Station for the Planning Commission to review for final approval.

City Solicitor Mitchell noted that staff had advised the developer during recent meetings that this transfer of EDUs is not setting a precedent for future transfers but is being allowed in this instance because there are no others ready and waiting for allocation of EDUs and that the transfer remains in the same sewer shed and same part of town.

2. Rowens Mill -Re-Subdivision of Lots 11 and 12, and 15-25

Brock Parker presented the re-subdivision request on behalf of Blair Rinnier and Rowens Mill, citing market conditions as the basis for the request that would allow Mr. Rinnier to offer more moderately priced and styled single family homes that would meet current market demand yet still maintain the original premise for the high end gated community. The re-subdivision of Lots 15 through 25 on Ringgold Road near the Community Building would accommodate several different single family home products while still remaining conforming lots.

Mr. Parker also clarified that Lots 11 & 12 were not part of the re-subdivision request, but were referenced on the plat that had been previously recorded when the streets became private and the two lots were consolidated to create Lot 11-A.

Utilities Director Derbyshire acknowledged that the water and sewer presently stops at Lot 14, with water and sewer not yet in place for Lots 15 through 25.

As there were no concerns or objections recognized during discussion, **on a motion by Mr. Bland that was seconded by Ms. Noble and approved by a unanimous vote in favor, the Planning Commission granted Rowens Mill approval to the "Resubdivision of Lots 15 thru 25 of the Corrected Plat & Resubdivision of Lots 11&12 Rowens Mill" as presented.**

3. Rowens Mill -Re-Subdivision of Lots 37 through 48

Mr. Parker acknowledged that this re-subdivision request differs from the previous request in that the affected lots on Porter Parkway are part of a developed section of the subdivision and although the re-subdivision would be in compliance with the part of the zoning code that requires Twenty-five (25) feet between separate dwellings, the re-subdivision would create non-conforming lots with less than Seventy-five (75) feet front footage; market conditions were again cited as the reason for the increased demand for single family homes and the basis for the re-subdivision request.

Mr. Rinnier would like to replace the Six (6) duplexes, Twelve (12) units, planned adjacent to the single family homes, with Eleven (11) single family homes; the single family homes would be similar in size to the duplex units and detached instead of attached.

Discussion included the City's R-3 Multi-Family zoning which contains another standard single family development district within the R-3 Zone, lot widths for multi-family dwellings in comparison to lot widths for single family dwellings, the non de minimis nature of the variance needed for each of the Six (6) lots, potential increased property values for the City represented by single detached dwellings replacing multi-family attached dwellings, current property owners expectations for the development as originally planned versus the potential re-subdivision, the possibility of reducing the number of lots sufficiently to allow for all lots to be conforming lots and eliminating the need for a variance, concerns regarding the validity of granting a variance based on current fluctuations in market conditions, plans for several specific lots, and potential issues should the matter go before the Board of Zoning Appeals (BZA).

After discussion, the Planning Commission determined that in the absence of the developer proving a hardship or reworking the lot lines to establish a de minimis variance needed per lot, it was not appropriate to establish a precedent granting a variance based on market fluctuations; Utilities Director Derbyshire advised that he would need documentation of any changes or abandonment of utilities should the lot lines be reworked and the re-subdivision request come before the Planning Commission again at a later date.

GENERAL DISCUSSION

Chairman Bonneville welcomed new Code Enforcement Officer Joe Vogel to his first Planning Commission Meeting.

City Manager McDonnell updated Planning Commission Members on the Green and Growing Act of 2009 - Senate Bill No. 280 and House Bill No. 297 that pertains to educational requirements for planning boards and commissions, as well as Boards of Zoning Appeals; he provided the website address, www.planning.maryland.gov/ourwork/localplanning, for online access to the course in addition to offering copies of the printed documentation he had received via email from the State Planning Director.

Excerpt from the November 3, 2009 Planning Commission Minutes:

City Manager McDonnell reported that in conjunction with House Bill No. 66 that pertains to the Comprehensive Plan, Maryland Department of Planning (MDP) had notified the City that Senate Bill No. 280 and House Bill No. 297 have been passed that deal with educational requirements for local jurisdictions' members of planning boards and commissions, as well as boards of zoning appeals. MDP is tasked with providing online access to the required education course by

December 31, 2009 so that all those required to obtain the education may meet the July 1, 2010 deadline for course completion. The education pertains to the role of the Comprehensive Plan, proper standards for special exceptions and variances (if applicable), jurisdiction zoning ordinance and regulations, plan development ordinances and regulations, subdivision ordinances and regulations, and other land use ordinances and regulations. Mr. McDonnell will continue to update Commissioners as additional information becomes available.

Public Works Director Townsend raised a question regarding the traffic flow on Mason Avenue that was part of discussion during the presentation by Donnie Williams; Mr. Townsend said he thought that when the Conceptual Plan for Camden Station Subdivision was presented at a previous Planning Commission Meeting there had been discussion about making Mason Avenue one way or closing it to Camden Avenue. Mr. Townsend requested City Clerk Nelson research previous meeting minutes to clarify the prior discussion regarding Mason Avenue.

With no further business to discuss, **Mr. Bland moved to adjourn and Ms. Noble seconded. The motion was approved by a unanimous vote in favor and the meeting adjourned at 7:58 p.m.**

Diane C. Nelson

Diane C. Nelson, City Clerk

Approved, April 6, 2010 dcn