

**FRUITLAND PLANNING COMMISSION
TUESDAY, APRIL 6, 2010
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, April 6, 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 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, Councilor Richard F. Tull, and Administrative Assistant Linda J. Powell.

Our guests included:

Bob Marvel, Brock Parker of Parker & Associates, Blair Rinnier, Amy Bechard of AWB Engineers, Randy Campbell, Cameron Meadows, Audrey Orr, Larry and Jeffrey Sawyer, David Downes, Hugh Livingston, Marion Keenan, Darryl Nixon, Dan Williams, Mike Abercrombie, Art Cooley, Allen C. Brown, Dr. and Mrs. Richard Bird, Bill Cropper, W. H. Parker, James and JoAnn Littlefield, Mike Hickson, and Gordan Gladden.

Chairman Bonneville called the meeting to order at 7:03 p.m. and acknowledged receipt of the minutes of the March 2, 2010 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Lokey moved to adopt the minutes as presented; Mr. Bland seconded and the motion passed on a unanimous vote in favor.**

OLD BUSINESS

1. R-20 Zoning

City Solicitor Mitchell acknowledged that Commission Members had previously received information packets pertaining to Wicomico County R-20 Zoning for review in conjunction with the Rotary Foundation's annexation petition that the Council accepted at its October 13, 2009 meeting and that Mr. Mike Hickson was in attendance on behalf of the Rotary Foundation to expound on the information provided and to address questions Commission Members might have after reviewing the packets.

Mr. Hickson and current Rotary Foundation Chairman Gordan Gladden came forward. Mr. Hickson summarized the Rotary Foundation's annexation application process to date, acknowledging that the Rotary is aware that enabling legislation that will take general concepts of the Comprehensive Plan and turn them into an ordinance must be in place prior to a final approval of the annexation.¹ Mr. Hickson further noted that the Rotary would like to resolve the application process prior to the October 2010 City Council election where Three (3) of the Five (5) Council seats are up for election, although he doubted there was enough time.

The Planning Commission members decided by consensus, but without vote, to review the information in greater detail with input from City Solicitor Mitchell and City staff, in a yet to be scheduled work session. It was noted that the new zone could apply to more than just the Rotary Foundation.

¹ Additional information: Minutes October 13, 2009 Council Meeting; October 6, 2009 and November 4, 2008 Planning Commission Meetings
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2. Adult Business Ordinance

City Solicitor Mitchell summarized that the moratorium had been extended several times since imposed, in anticipation of the adoption of the Comprehensive Plan and enabling zoning legislation. The moratorium expired Eleven (11) months ago. We are still awaiting the passage of enabling legislation.

On a motion by Mr. Lokey that was seconded by Mr. Bradshaw and approved by a unanimous vote in favor, the Planning Commission recommended to the City Council the reinstatement of the moratorium on adult oriented businesses established by Ordinance No. 229, as amended by Ordinance No. 233, and previously extended by Resolutions 3-07, 4-07, and 4-08.

3. Stormwater Management/Camden East

City Solicitor Mitchell summarized the status of an objection to developer Eric Davis' Camden East storm water management plan (NOI). The City Council has previously supported the developer's plan and thereafter agreed to withdraw a request that the developer deepen and widen Tuxents Branch on the Mills property, in return for the developer posting sufficient funds to do the work later, but only if in making the concession, the parties objecting to the NOI are willing to withdraw their objections. Mr. Mitchell will monitor the progress of the administrative review.

4. Rowens Mill-Re-subdivision Lots 37-52

Blair Rinnier and Brock Parker presented an updated plat with lesser density for Re-subdivision of Lots 37-52 in compliance with the zoning code and which required no special exceptions or variances; the plat presented at the March 2, 2010 Planning Commission Meeting would have created non-conforming lots with less than Seventy-five (75) feet front footage and was not approved by the Planning Commission.²

After discussion, **on a motion by Mr. Bland that was seconded by Mr. Lokey and approved by a unanimous vote in favor, the Planning Commission recommended to the City Council the approval of Rowen's Mill Re-Subdivision of Lots 37-52 as presented.**

NEW BUSINESS

1. Police Facility-Special Exception

Amy Bechard and Matt Drew of AWB Engineering presented the special exception request for the New Police Building which will be located on City owned property at 208 North Division Street; the M-1 Light Industrial zoning for that lot allows a municipal building to be placed on that lot by special exception.

Discussion included landscape areas, fire department access, and estimated timeline for adjusted traffic patterns to accommodate construction and utility tie-ins.

On a motion by Mr. Lokey that was seconded by Mr. Bland and approved by a unanimous vote in favor, the Planning Commission recommended to the Board of Zoning Appeals (BZA) the approval of the Special Exception as requested for the Police Facility, a municipal building allowed by special exception in areas designated as M-1 Light Industrial.

City Solicitor Mitchell noted that a municipal building provides a good transition between adjacent Residential and Industrial Zones.

² Additional information: Minutes March 2, 2010 Planning Commission Meeting

Ms. Bechard acknowledged that the application submitted for Special Exception also included application for preliminary site plan approval.

There being no comments or discussion, **on a motion by Mr. Bland that was seconded by Mr. Lokey and approved by a four to zero vote in favor, the Planning Commission approved the Preliminary Site Plan for the Police Facility contingent upon the Special Exception being granted by the BZA.**

Mr. Bradshaw abstained from the vote.

2. Campbell Collision-Special Exception

Randy Campbell presented his request for a Special Exception to operate a collision repair facility at 314 South Division Street; the M-1 Light Industrial zoning for that lot allows this facility to operate on that lot by special exception.

Discussion included the outside storage lot, and the painting operation in conjunction with impending Volatile Organic Compounds (VOC) Legislation geared toward minimizing organic solvent pollutants in the environment.

On a motion by Mr. Bland that was seconded by Ms. Noble and approved by a unanimous vote in favor, the Planning Commission recommended to the Board of Zoning Appeals (BZA) the approval of the Special Exception as requested for Campbell Collision at 314 South Division Street.

Solicitor Mitchell advised Mr. Campbell that he would need to provide proof that the property owner supported his request for a Special Exception; Cameron Meadows was in attendance at the meeting and verified property owner support of the request on behalf of the J. Thomas Meadows Family, LLC which owns the property.

3. Charles Meeks Property-Conceptual Plan

Charles Meeks and Amy Bechard of AWB Engineers presented a plan to redevelop and improve the Camden Avenue-Main Street-Moore Avenue corner in Fruitland, Maryland which would eliminate the present structure that is in disrepair and does not meet current zoning requirements and replace it with an apartment building. The plan would involve purchasing adjacent properties that are zoned C-2 Neighborhood Business, like the 101 South Camden Avenue Lot, or R1-C General Residential and then requesting the entire new parcel be rezoned. Ms. Bechard continued that R-3 Townhouse & Apartment Residential Zoning would permit the apartment building on the property and C-2 Neighborhood Business Zoning would permit the apartment building on the property by special exception; Mr. Meeks requested Planning Commission feedback for the project prior to proceeding further with his plans for improvement and redevelopment of the property.

After discussion that included traffic, Neighborhood Business Zones and allowed uses, mixed use for the property, exploring a mixed use zone in conjunction with the Comprehensive Plan, availability of Equivalent Dwelling Units (EDUs), and status of the acquisition of adjacent lots, the Planning Commission determined by consensus, but without vote, that Mr. Meeks should pursue a more mixed-use of the property; he was encouraged to come back before the Planning Commission with a revised plan once the enabling zoning legislation is in place.

GENERAL DISCUSSION

Planning Commission Member Bland inquired whether the City of Fruitland provides a disposal site for used petroleum products; the City does not provide a municipal disposal site for used petroleum products.

JoAnn Littlefield of Indian Lane shared her concerns and initiated further discussion regarding the Camden East Development (or any development) that discharges into Tuxents Branch Creek and adversely impacts adjacent properties, submitting a picture to the Planning Commission which illustrated her concerns; she also asked Solicitor

Mitchell to clarify his earlier comments regarding the April 5, 2010 Council Meeting as it pertained to the Stormwater Management issue.

With no further business to discuss, **Mr. Bland moved to adjourn and Mr. Lokey seconded. The motion was approved by a unanimous vote in favor and the meeting adjourned at 8:10 p.m.**

Diane C. Nelson

Diane C. Nelson, City Clerk

Approved, May 4, 2010 dcn