

**FRUITLAND PLANNING COMMISSION
TUESDAY, AUGUST 4, 2009
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, August 4, 2009 at 7:00 p.m. with the following in attendance:

Chairperson Leland Bonneville, Theodore O. Lokey, and Robin Townsend.

Also present were:

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

Our guests included:

*Tim Bourcier of Davis, Bowen & Friedel (DBF), Robert Marvel, Brad Gillis, Peter Roskovich, Donald Williams,
Tade Gerischer, Bunky Carew, Bryan Lloyd, and Tracy Peterson.*

Chairperson Bonneville called the meeting to order at 7:03 p.m. and asked for comments or changes to the minutes of June 2, 2009. There being none, **Mr. Robin Townsend moved to adopt the minutes as written. Mr. Lokey seconded and the motion was approved by a three to zero vote in favor.**

OLD BUSINESS

1. Black Diamond Parking Issue

Code Enforcement Officer Scholl summarized that the parking lot had been stoned and striped, with placement of bumper guards, and that the drainage issue appears to be resolved.

The remaining unresolved issue is the entrance to the parking lot from Rt. 13. It requires people to walk to the building from the head-in parking spaces in front of the building and the adjacent parking area on the Cedar Lane side of the building and thereby cross the entrance road.

Angled parking in front of the building along with a specifically designated pedestrian crosswalk from the parking areas to the front of the building were discussed as ways to alleviate the issue with the entrance into the parking lot from Rt. 13.

Unrelated to the parking issue there was brief discussion regarding an outbuilding to the rear of Mr. Roskovich's adjacent Adam's Ribs property as to whether the building was to be relocated as had been previously indicated and whether the building is located partially on Norfolk Southern Railroad property.

2. Conceptual Plan – Camden Station

Bunky Carew and Donald Williams presented their Conceptual Plan for the Camden Station Subdivision formerly known as Brinkley Heights. The 23.5-acre subdivision is just off Camden Avenue, bordered by Mason Avenue to the North and Sharp's Creek to the South.

Mr. Carew provided a brief synopsis of the Conceptual Plan presentation given at the June 2009 Planning Commission Meeting and the subsequent discussion that resulted in Messrs. Carew and Williams meeting with

Utilities Director Derbyshire and City Manager McDonnell to further discuss sewer needs within both phases of the subdivision.

Originally, Phase I of the development was proposed to be served by gravity sewer after the necessary grading was done to ensure compliance with the required 3-ft minimum cover for all sewer locations in Phase I; Phase II of the development was proposed to be served by a privately owned, small grinder type sewer collection system that would pump to gravity in the City's sanitary sewer system, with the system to be paid for and maintained by the Homeowners' Association or Condominium Association that owns the property, subject to City standards and approval.

As a result of the aforementioned meeting, the entire project is now proposed to be served by gravity sewer, starting close to Camden Avenue and flowing toward the back of the property, following the natural grade of the property, which eliminates having to raise elevations as previously proposed. Mr. Derbyshire recommended a Chopper Pumping Station, one of the heaviest duty grinder stations available, specifically manufactured for commercial, industrial, and municipal systems, noting that the need for a privately owned pumping station would then be eliminated. Ms. Pollack of George, Miles, and Buhr (GMB), the City's engineering firm, was in agreement with this proposal; she had voiced several concerns about potential problems with the previous proposal. Mr. Derbyshire did confirm that regardless of the preferred proposal for providing sewer service to the project, the City still does not have the required Equivalent Dwelling Units (EDUs) to allocate to the project.

Another outcome of the meeting was the addition of Easy Street, eliminating two (2) lots and slightly reducing the size of the project, so that Mason Street would not be used for this project; there was concern that continued use of Mason Street for this project would cause problems because of inadequate room for Camden Avenue acceleration and deceleration lanes. Mention was also made of closing Ogle Avenue in conjunction with new traffic patterns proposed for the subdivision.

Discussion followed concerning traffic flows proposed for new as well as existing streets in and around the project, since Commission Members raised concerns and voiced objections to closing Mason and Ogle Avenues.

After discussion and on motion by Mr. Lokey, seconded by Mr. Robin Townsend and approved by a three to zero vote in favor, the Camden Station Conceptual Plan was approved subject to opening Mason and Ogle Avenues, closing Easy Street and creating two (2) additional lots, bringing the project EDU total to eighty (80) EDUs.

The City still does not have the required Equivalent Dwelling Units (EDUs) to allocate to the project at this time.

NEW BUSINESS

1. Zoning Ordinance Update-Tim Bourcier, Davis, Bowen, and Friedel (DBF)

City Manager McDonnell acknowledged that budgeted funds available, after the update of the Comprehensive Plan was completed, were sufficient to allow for the update of the Zoning Ordinance as well.

Tim Bourcier distributed and discussed his prepared memorandum of review and subsequent recommendations for the City's Zoning Ordinance that would make it consistent with the City's Comprehensive Plan. He requested all review the memorandum in preparation for discussion at the September 2009 Planning Commission Meeting, in hopes of having the new Zoning Ordinance complete for all to review at the October 2009 Planning Commission Meeting.

Mr. Bourcier fielded several questions that led to brief discussion of the memorandum as a prelude to discussion slated for the September 2009 Planning Commission Meeting.

2. Sub-Division approval without approving EDU's

City Solicitor Mitchell stated that presently the City's zoning ordinance does not allow final plat approval unless EDUs are available to allocate to the project; state law actually prohibits the recording of a plat without EDUs available to allocate to the subdivision.

He continued that Fruitland's ordinance may be changed to allow for contingent approval subject to EDU availability for the project.

Discussion ensued regarding the desire, feasibility, and impact to landowners of The City of Fruitland granting developers some level of approval beyond sketch plats and conceptual plans that still would not guarantee availability of EDUs for final plat approval with the understanding that once final plat approval is given, specific time parameters would be imposed for project commencement to ensure non-forfeiture of EDUS.

On motion by Mr. Lokey, seconded by Mr. Robin Townsend and approved by a three to zero vote in favor, City Solicitor Mitchell was given authority to explore amending the current zoning ordinance to allow some level of approval short of final , but beyond what we do now and without a guarantee of EDUs, with the proposed amendment to be presented to the Planning Commission at a later time for their review and subsequent recommendation of the proposed amendment to City Council.

3. Proposed Additional Parking – East Fields Development, LLC – Cedar Commons

Brian Lloyd summarized current and potential parking issues that need to be addressed in Cedar Commons and presented a detailed drawing that creates an additional forty (40) parking spaces by using private property common areas of the development as well as a portion of Brown Street; all agreed that this was only a starting point in trying to alleviate the parking issues in Cedar Commons.

Discussion ensued regarding parking issues pertinent to specific streets, parking issues pertinent to townhomes versus duplex homes, the HOA's designation of a Parking Committee, and the Committee's efforts thus far in resolving parking issues.

On motion by Mr. Robin Townsend, seconded by Mr. Lokey and approved by a three to zero vote in favor, the Planning Commission recommended City Councilors consider permitting yellow striping of designated parking spots on Brown Street as well as any other measures that attempt to alleviate excessive parking on city streets in Cedar Commons.

General Discussion

With no further business to discuss, **Mr. Lokey moved to adjourn and Mr. Robin Townsend seconded. The motion was approved by a three to zero vote in favor and the meeting adjourned at 8:55 p.m.**

Diane C. Nelson
Diane C. Nelson, City Clerk
Approved, September 1, 2009 dcn

