

**FRUITLAND PLANNING COMMISSION
TUESDAY, DECEMBER 2, 2008
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, December 2, 2008, with the following in attendance:

MEMBERS

Chairman Leland Bonneville
Councilman Theodore Lokey
Annette Noble
Robin Townsend

CITY OFFICIALS AND STAFF

City Manager John McDonnell
Public Works Director Cooper Townsend
Code Enforcement Officer Danny Scholl
City Clerk Diane Nelson
Linda Powell

GUESTS

Bob Marvel
Kenny Parker
Joe Smith

Lilton Powell
Tresa Parker
Kevin Taylor

Tim Bourcier of Davis, Bowen & Friedel

Mr. Bonneville called the meeting to order at 7:00 p.m. and asked for comments or changes to the minutes of November 4, 2008. There being none, Mr. Lokey moved to adopt the minutes as written. Mr. Townsend seconded and the motion was approved by a four to zero vote.

Old Business

Comprehensive Plan Update – Recommendation to City Council

City Manager McDonnell reported that Tim Bourcier (expected later in the meeting) of Davis, Bowen & Friedel acknowledged that all changes and clarifications had been made to the Comprehensive Plan based on comments received to date from the County and the State. He further stated that Mr. Bourcier suggested tabling the Planning Commission's recommendation to the Council until the January 2009 Planning Commission meeting since the County is unable to consider Fruitland's Comprehensive Plan until December 16, 2008; tabling the recommendation until the next meeting will not impact the City's October 2009 deadline for the Comprehensive Plan. After some discussion, Councilman Lokey moved to table the Planning Commission's recommendation to the Council until January 2009 with the stipulation that more information would be forthcoming to the Commission for review regarding the original submission and subsequent changes that had been incorporated into the most current draft. Ms. Noble seconded and the motion passed by a four to zero vote.

After his arrival, Tim Bourcier of Davis, Bowen & Friedel distributed the most current version of the Comprehensive Plan to Commission members and explained the segmented review of the Plan that had been taking place at the State and County levels, how one reviewer may have questioned the omission of an item that was actually included in another reviewer's segment. Those type of reviewer comments were addressed by pointing the individual reviewer to the appropriate *other reviewer's* segment. Mr. Bourcier also summarized that since the end of September-early October, the Plan had been submitted to the State Clearing House for comments, as well as to the County for comments regarding the Municipal Growth Element. Mr. Bourcier further noted that he had located someone at the County to assist him regarding Well Head Protection Ordinances since he was unable to obtain any information from the state. Mr. Bourcier also discussed the inherent challenge presented by the recommendation to *find standards* to look at community facilities to determine where the City falls short now and how growth will affect the City in the future. Standards are not as prevalent in all areas of consideration, citing Parks and Recreation as one of the few standards (three hundred thirty acres of parks and recreational space per one thousand people) easily applied since so many communities participate in Open Space Funding

Programs. Mr. Bourcier stated that the City was slated to meet with the County on December 16, 2008 for a yes or no approval of the Plan. A prior meeting with County Executive Richard M. Pollitt, Jr. went well, with Mr. Pollitt only having Fruitland add an additional growth area (similar to Tony Tank in Growth One area) where there was already some development on Allen Cut-Off Road. Mr. Bourcier asked the Commission members to forward any other comments to him no later than December 19, 2008 for consideration prior to the completion of the final draft of the Comprehensive Plan scheduled for delivery to City Hall on Monday, December 29, 2008.

Mr. Lokey requested a summary sheet detailing the changes from the original to the final draft so commission members could easily review and compare all the material. Additional questions generated further discussion regarding the proposed building site of the new county middle school and how that would affect the Comprehensive Plan. There was also some general discussion regarding how future amendments to the plan were to be handled and how those amendments would affect compliance as well as grant funding.

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) were not present at the November 4, 2008 meeting because they were unaware (due to an outdated email address) that the request was on the agenda; they were, however, present for the October 7, 2008 meeting that the City had cancelled. Mr. Taylor stated that he keeps the lot cut for Mr. Smith in exchange for parking his commercial vehicle on the lot.

Mr. Bonneville stated that a commercial vehicle was not allowed to park on a residential lot that was in an R1-C zone; Code Enforcement Officer Danny Scholl confirmed that there was sufficient room to park the vehicle on the 1.13 acre lot.

Mr. Smith said that he anticipated becoming the owner-resident of the property in 2009 and that it would still be no inconvenience to him for Mr. Taylor to park a commercial vehicle on his property at 421 St. Luke's Road. Mr. Smith summarized how it had come about that a commercial vehicle was parking on his property; he discussed circumstances, frequency, duration, and number of vehicles consecutively and concurrently parked, prior neighbor complaints lodged regarding engine noise (due to mechanical difficulties), and planned adherence to noise ordinances to forestall any future noise complaints from adjacent property owners or tenants. Mr. Smith acknowledged how much he enjoyed being part of the Fruitland Community, emphasizing that he wanted to be a good neighbor while still seeking special permission to park a commercial vehicle on his lot.

After some discussion, Ms. Noble moved to recommend to the Board of Zoning Appeals that the Board grant the special exception for a commercial vehicle to park on Mr. Smith's residential lot; Mr. Townsend seconded the motion. The motion did not pass because of a tie vote with Ms. Noble and Mr. Townsend voting for the motion and Messrs. Bonneville and Lokey voting against the motion. Messrs. Taylor and Smith may come before the commission again at a later time when the commission vacancy has been filled and there are again five sitting members of the commission. In the meantime, the Commission has no recommendation to the Board of Zoning Appeals should Messrs. Taylor and Smith make application to the Board for a variance.

2. Rose of Sharon Church (211 Leslie St) – Proposed new multi-purpose structure

Pastor Lilton Powell and his wife Linda Powell presented their proposed project of building a multipurpose facility with the requisite parking on a five parcel piece of property; the church presently owns three of the parcels and is prepared to purchase the other two parcels if the Planning Commission concedes to the feasibility of the proposal. Pastor Powell explained how the new facility would expand the church's outreach ministry and benefit the local community. Mrs. Powell explained how the property met the R1-C zoning requirements for similar use as opposed to the one and one half acre land

requirement for a new church facility. Discussion continued regarding the best use of the five parcels, four adjacent parcels in the shape of a backward "L" and the one other parcel separated by Seabrook Avenue (unimproved). The Planning Commission ultimately reached consensus that it was feasible to erect a multi-purpose facility on three adjacent parcels (383,384,388) while using the remaining two parcels (387,379) for parking. Pastor and Mrs. Powell were encouraged to return before the Commission at a later time with a more formal proposal.

GENERAL DISCUSSION

As part of the ongoing upkeep and maintenance of the new City Clerk record book initiated at the September 2008 Council Meeting to chronicle oaths of office given, Leland Bonneville reaffirmed his oath of office and was sworn in by Clerk Nelson effective today's date. Annette Noble, Robin Townsend, and the yet to be named new appointee will be sworn in by the City Clerk to new five year terms on the Planning Commission at the January 6, 2009 Planning Commission Meeting.

Mr. Marvel initiated additional discussion regarding the Comprehensive Plan and how the reviewing bodies acknowledge final receipt of the Plan but not necessarily an official approval or acceptance of the Plan.

Mr. McDonnell reminded all in attendance about the upcoming tree lighting scheduled for Thursday, December 4, 2008 at 6:30 p.m. at City Hall.

Mr. Townsend mentioned that a possible increase in cul-de-sac radius requirements was discussed at a recent monthly meeting of the Committee of the Chiefs with Wicomico County Executive Richard M. Pollitt, Jr. and other County officials, Theodore Shea and Jack Lennox.

Ms. Noble encouraged all Planning Commission members to attend City Council Meetings, as Commission members and citizens, to keep abreast of issues that involve not only the Planning Commission but the City as a whole.

ADJOURNMENT

With no further business to discuss, Ms. Noble moved to adjourn. Mr. Townsend seconded and the motion was approved by a four to zero vote. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Diane C. Nelson
City Clerk