

The Fruitland Planning Commission met at City Hall on Tuesday evening, October 5, 2010 at 7:00 p.m. with the following members present:

Chairman Leland Bonneville, Theodore O. Lokey, and Annette Noble

Also present were:

City Manager Rick D. Konrad, Assistant City Manager/City Clerk Diane C. Nelson, Utilities Director Joseph P. Derbyshire, Public Works Director P. Cooper Townsend, Code Enforcement Officer Joe Vogel, City Solicitor Andrew C. Mitchell Jr., and Councilor Richard F. Tull

Our guests included:

Bob Marvel, Chuck Nichols, Robin Townsend, Susan Megargee of Long & Foster Realtors, Larry Sawyer, Pete Meeks, and Josh Taylor of Davis, Bowen & Friedel, Inc. (DBF)

Chairman Bonneville called the meeting to order at 7:04 p.m. and acknowledged receipt of the minutes of the September 7, 2010 Planning Commission Meeting, calling for additions or corrections. As there were none, **Ms. Noble moved to adopt the minutes as presented; Mr. Lokey seconded and the motion passed on a three to zero vote in favor.**

OLD BUSINESS

1. Mixed Use Zoning/Development – Conceptual Plan (Pete Meeks) – Discussion Item

Charles “Pete” Meeks and Larry Sawyer presented a revised Conceptual Plan for development of property owned by Mr. Meeks at the southeast corner of Main Street and South Camden Avenue. Mr. Meeks had presented a Conceptual Plan for a proposed apartment building, which involved the purchase of adjacent properties at the Commission’s April 6, 2010 Meeting. The Commission had then encouraged him to return with a mixed use plan.

The acquisition of those properties was not as comprehensive as originally planned and now, after the purchase of one (1) adjacent property on Moore Avenue and razing current structures on the properties, a Sixty-five Hundred Square Foot (6,500 sqft), mixed use structure is proposed which would have commercial properties on the first floor with residential, Two (2) and Three (3) bedroom apartments slated for the second and third floors.

Discussion included specific code requirements and potential time frame for final project approval once the enabling zoning legislation is in place which would designate mixed-use zones, availability of Equivalent Dwelling Units (EDUs), families perceived as the residential occupants, traffic, commercial entrance locations, and ingress and egress in conjunction with both Eagle Mart and the Intermediate School, historical attempts to develop the property, and deferral of stormwater management design until the project is approved for mixed-use.

The Planning Commission determined by consensus, but without vote, that although the enabling Zoning Ordinance legislation in conjunction with the Comprehensive Plan was not yet in place, a mixed-use zone would be a good addition to that Zoning Ordinance prior to Council adopting a new Zoning Ordinance.

City Manager Konrad anticipates that the new Zoning Ordinance will be a Council Meeting Agenda item early in the 2011 Calendar Year and will advise Mr. Meeks accordingly.

2. Other-Update New Bennett Middle School

City Manager Konrad reported that Wicomico County Board of Education (WCBOE) representatives had presented their conceptual plan and drawings for the New Bennett Middle School to Council at a September 28, 2010 Special

Council Meeting; the Fruitland Fire Chief was also in attendance and able to share his concerns regarding emergency access to the property, the locations of the Three (3) planned entrances, and the possibility of locating fire hydrants on both sides of the street, not just the school side of the street.

NEW BUSINESS

1. Cedar Commons Subdivision – Discussion Item

Municipal Engineer Josh Taylor of Davis, Bowen & Friedel, Inc. (DBF), representing Talbot Bank, the financial backer for Cedar Commons which is being developed by East Fields Development, requested Planning Commission approval for the developer to surface course Seventy-Five Percent (75%) of the development roads to include the two-way portion of Brown Street, White Pine and White Oak Drives, thus serving Eighty-Five Percent (85%) of the residents with the exception of Five (5) units on Cottonwood Drive. Talbot Bank would also like to defer surface paving on Cottonwood and Teak Drives as well the construction of the one-way portion of Brown Street. The Bank represented that the deferment would assist and support the developer in trying to complete the project during the current depressed economy.

Discussion included options for periodic review of the project deferral, options for designation of roadways for the deferral of surface paving, Utilities Director Derbyshire's concession regarding meter installations, Public Works Director Townsend's concerns with the overall timeline for the project and the subsequent impact deferral of surface course will have on stabilized-only roadways in conjunction with traffic flows, snow removal and concrete repairs, Fire Chief Townsend's concerns with one-way and stabilized-only roadways, general concerns with development density and parking issues, the review and possible updating of the Public Works agreement in conjunction with the deferral being requested, whether the developer/financial backer has sufficient funds remaining to complete the project, and finally whether the Planning Commission has the authority to grant the deferral.

After discussion, the Planning Commission determined by consensus, but without vote, to refer the issue to the City Council, without recommendation from the Planning Commission.

2. Stevenson Property Development (S. Brown St.) – Discussion Item

Susan Megargee on behalf of the Stevenson Family explained that a Fruitland church was interested in relocating on approximately Two (2) acres of the Twenty (20) acre Stevenson property located on Brown Street that presently does not have access to water and sewer.

Utilities Director Derbyshire provided background information regarding this agriculturally zoned property, including its proximity to water and sewer in conjunction with the fact that it is not being assessed front footage fees, which directly impacts the costs of accessing water and sewer for the property. The Church would have to bear all costs associated with accessing water and sewer at the Brown Street location; EDUs assigned to the Church's present location are *non-transferrable* to the new location.

Discussion included the Southwest Interceptor, yet to be built, the Sanitary Sewer Pump Station and South Brown Street/Irl Lane lift station that serve Colonial Village, the Public Works Agreement with Colonial Village and whether the developer could recover infrastructure costs if other properties tie in to water and sewer through the same pump station, and previous plans presented for a subdivision on the property versus the relocation of the Church now being considered.

After discussion, the Planning Commission determined by consensus, but without vote, that Utilities Director Derbyshire and Ms. Megargee should prepare a preliminary cost estimate for water and sewer access at the property and present the same to the Church for its consideration before any further discussion takes place with the Planning Commission regarding the project; if after review of the cost estimate the Church still wishes to move forward with the project, then the issue may come back before the Planning Commission.

Other-Drainage Issues at Colonial Village

City Manager Konrad summarized drainage issues with Colonial Village which Code Enforcement Officer Vogel and he are working to resolve; Mr. Vogel is in contact with the contractor and Mr. Konrad with the County regarding stormwater management for this property. City Solicitor Mitchell then offered a general summary of the types of issues which have arisen in the past since the City ceded its authority for stormwater management to the County.

GENERAL DISCUSSION

One comment was offered from the audience regarding the Colonial Village stormwater issue.

With no further business to discuss, **Ms. Noble moved to adjourn and Mr. Lokey seconded. The motion was approved by a three to zero vote in favor and the meeting adjourned just before 8:30 p.m.**

Diane C. Nelson

Diane C. Nelson, Asst. City Mgr. /City Clerk

Approved, February 1, 2011 dcn