

The Fruitland Planning Commission met at City Hall on Tuesday evening, March 1, 2011 at 7:00 p.m. with the following members present:

Chairman Leland Bonneville, Richard Lee Outen, Jr., Derek Bland, Paul Bradshaw, and Annette Noble

Also present at the table 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, and City Solicitor Andrew C. Mitchell Jr.

Also present in the audience was:

Administrative Assistant Linda J. Powell

Our guests included:

Mike Lynn, Gary Watson, Bob Marvel, John "Bunky" Nielson, Lori Crawford, and Charles Ruch, Jr. of CNB Bank

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the February 1, 2011 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bradshaw moved to adopt the minutes as presented; Mr. Outen seconded and the motion passed on a unanimous vote in favor.**

As there was no Old Business to discuss, Chairman Bonneville proceeded to New Business.

NEW BUSINESS

1. 207-209 N. Dulany Avenue – Development – (Bunky Nielson) – Discussion Item

Mr. John "Bunky" Nielsen of BN Properties presented his request to put a duplex unit on his L-shaped lot at 207-209 N. Dulany Avenue, which is presently zoned *C-2 Neighborhood Business*, but slated in accordance with the City's Comprehensive Plan to be designated a *Residential Zone* at some unspecified date in the future.

Discussion determined that should Mr. Nielsen wish to move forward while the property is still zoned *C-2 Neighborhood Business*, he would first have to make application for a zoning change to *Residential* because there is no Special Exception for a Residence in a *Neighborhood Business District*.

He would then need to present a detailed site plan with the house placed on the property and all dimensions documented in order for the Planning Commission to review his site plan for compliance.

Should his detailed site plan not be compliant with requirements of the Zoning Ordinance, Mr. Nielsen would then have the option to pursue a Variance for setbacks for the duplex unit or revise his plans to build a single family dwelling on the property.

Utilities Director Derbyshire confirmed that only One (1) of the Two (2) Water hook-ups on the property had ever been activated, therefore, both water *tap* and *impact* fees would need to be collected prior to activation of the second water hook-up.

Mr. Nielsen indicated that he would return before the Planning Commission at a later date after determining the best course of action given the options discussed at this meeting.

2. Cedar Commons – Variance Request (Duplex Lots) – Charles Ruch, Jr. (CNB Bank)

Mr. Charles Ruch of CNB Bank, a sister bank to Talbot Bank, summarized CNB's involvement with Cedar Commons since acquiring an interest in the project from Talbot Bank, the former financial backer for Cedar Commons which is being developed by East Fields Development; the project has stalled over time and Ryan Homes has now backed out of the original contract with the developer to complete the single family and duplex homes, having only One (1) row of townhomes left to complete.

CNB Bank, having had a previous successful business relationship with the *RDM Development Group*, would now like to partner with Mike Lynn of RDM to complete the development, which would include infrastructure as well as improvements to the platted property. At CNB's request, real estate agent Lori Crawford conducted a survey to determine the ideal model for RDM to build on the remaining lots; after reviewing the site plan, RDM determined that there are setback issues with the model to be built.

Discussion then turned to Talbot Bank's recent intercession on behalf of the developer which began when Talbot Bank sent a representative before the Planning Commission at its October 5, 2010 Meeting and then before the City Council at its October 12, 2010 Meeting to request a partial deferment of surface course paving which would purportedly assist and support the developer in trying to complete the project during the current depressed economy; the City Council approved the deferral of surface course as requested subject to a new Public Works Agreement between the City, the Developer, and the Bank, drafted by the City Solicitor at the Developer/Bank's expense, subject to the terms as discussed at the October 12, 2010 Council Meeting.

City Solicitor Mitchell confirmed that he has had no response to more than Eight (8) emails sent regarding the October 12, 2010 Council decision and that to date, nothing has moved forward with the project.

Discussion continued regarding legal issues delaying the project and CNB's power of attorney from the owner authorizing the Bank's appearance before the Planning Commission to discuss the property, the need for detailed site plans from RDM for the Planning Commission to evaluate in conjunction with variance requests for setbacks, the possible re-subdivision of the development to create conforming lots for the footprint of the model to be built, the water and sewer taps already in place and any paving to date in conjunction with re-subdividing the remaining unimproved lots, and the status of the Public Works Agreement.

As discussion concluded, City Solicitor Mitchell summarized that CNB could only obtain a *sense* of the Planning Commission's recommendations for the property until such time as the Bank became the owner and could then return before the Commission for an actual approval or subsequent recommendation to the Board of Zoning Appeals (BZA) for a ruling; City Manager Konrad summarized that the Public Works Agreement needs to be redone and in place prior to CNB Bank coming back before the Planning Commission as the property owner with a formal request for changes to the development.

GENERAL DISCUSSION

Final comments were made regarding both issues brought before the Planning Commission and the suggestions given to each of the presenters for returning at a later date before the Commission.

City Solicitor Mitchell announced that he will be relocating his office to 311 E. Main Street in Fruitland, effective May 1, 2011, but anticipates that he will be at that location on a part-time basis sometime in April.

With no further business to discuss, **Mr. Bland moved to adjourn and Mr. Bradshaw seconded. The motion was approved by a unanimous vote in favor and the meeting adjourned at 7:45 p.m.**

Diane C. Nelson

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

Approved, April 5, 2011 dcn