

The Fruitland Planning Commission met at City Hall on Tuesday evening, July 5, 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, Public Works Director Joseph P. Derbyshire, Code Enforcement Officer Joe Vogel, and City Solicitor Andrew C. Mitchell Jr.

Our guests included:

Keith Dashfield, Bob Marvel, Mike Lynn of RDM, Inc., Laurie Crawford of ERA, Charles Ruch of CNB, John W. Andrews of H.H.&A., Steve Smethurst and Robert Taylor of Adkins, Potts & Smethurst LLP, Joe Jimmerson, Larry Pastusak, William R. and Yma G. Ponton, Erin C. Fitzgerald, Ryan Ogburn, Devin Smith, Stephanie Connor, Mary Owens, and Mr. and Mrs. Nicholas LaSorsa

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the June 7, 2011 Planning Commission Meeting, calling for additions or corrections. Mr. Bland recommended deletion of the sentence, "As there was no Old Business to discuss, Chairman Bonneville proceeded to New Business, since there was in fact Old Business discussed at the June 7, 2011 Meeting and then moved to adopt the minutes so amended; Ms. Noble seconded and the motion passed on a unanimous vote in favor.

OLD BUSINESS

1. Cedar Commons – C.U.P. Amendment Request – Duplex Lots - (Robert Taylor)

Attorneys Robert Taylor and Steve Smethurst of Adkins, Potts & Smethurst LLP, Builder/Developer Mike Lynn of RDM, Inc., Realtor Laurie Crawford of ERA, and Bank Vice President Charles Ruch of CNB provided background information and then presented testimony and documentation in the form of labeled exhibits on behalf of Cedar Commons Business Trust, the current owner of a number of undeveloped lots in the Cedar Commons development, in support of its request for a change in setback requirements which would allow a larger footprint of a more marketable *Twin Home* (Duplex) product on existing lots which the owner anticipates will facilitate the build out of the stalled development. They also discussed the completion of the paving.

Documentation submitted was labeled as follows:

- Exhibit A – Sketch Front Elevation Cedar Commons Twin Home
- Exhibit B – Floor Plan
- Exhibit C – Site Plan – Cedar Commons – Dated April 20, 2011 and modified May 5, 2011
- Exhibit D – Letter from Wicomico County Fire Protection Division
- Exhibit E – Email from Cary and Michael Sove
- Exhibit F – Corrected Applicant's Statement
- Exhibit G – Certification of Public Hearing Advertisement

City Solicitor Mitchell summarized the components of a Community Unit Plan (C.U.P.) such as Cedar Commons, acknowledging that tonight's discussion had been advertised as a Public Hearing.

Residents from Cedar Commons in attendance at the meeting spoke in support of the C.U.P. Amendment Request.

Public Works Director Derbyshire, Bank Vice President Ruch, and Solicitor Mitchell shared comments regarding the status of the Public Works Agreement as well as the paving of the Development.

After discussion, **on a motion by Mr. Bland which was seconded by Mr. Outen and approved by a unanimous vote in favor, the Planning Commission recommended to the City Council approval of the requested setback changes pursuant to the site plan of Cedar Commons dated April 20, 2011 and then modified May 5, 2011.**

NEW BUSINESS

1. Variance Request – 727 S. Camden Avenue – (Larry Pastusak)

Larry and Carol Pastusak presented their request for a temporary variance from Section VI. G. of the Zoning Ordinance which prohibits the use of their camper as a residence on the property while they add on to the dwelling which they have been slowly refurbishing since purchasing it in February 2011; they cited the needs of their adult handicapped daughter as well as their current economic situation as the main reasons behind their request for the temporary variance.

Discussion included the Pastusaks' overall economic situation in conjunction with Mr. Pastusak's upcoming job prospect, their progress to date, and their estimated timetable for completion of the dwelling addition/refurbishment in conjunction with pending building permits.

Mr. Outen expressed concern that City Ordinances be applied the same across the board, acknowledging that he had been made aware of a similar hardship situation from several years ago when an inquiry/request was made to bring a camper onto a property, *prior to doing so*, in order to take care of an elderly parent; the request was denied.†

†It is believed that this inquiry/request was handled at the Staff level and did not come before the Planning Commission as a Variance Request.

After discussion, **on a motion by Mr. Bradshaw which was seconded by Mr. Bland and approved by a four to one vote in favor with Mr. Outen the dissenting vote, the Planning Commission recommended a continuance of the hearing for Sixty (60) Days with no enforcement.***

**By consensus it was understood that there would be a Sixty (60) Day continuance to the nearest Planning Commission Meeting with no enforcement of prohibition against residing in the trailer during that time, but with all other Code Enforcement still applicable.*

2. Annual Planning Report to MDP – Discussion Item – (Solicitor Mitchell)

City Solicitor Mitchell summarized the key components of the requirement that the City file a Maryland Department of Planning (MDP) report, as well as conversations regarding the report with City Administrative Assistant Powell and Jack Lennox, Wicomico County Director of Planning and Zoning; Mr. Mitchell suggested the City may wish to forego filling the report for Calendar Year 2010 and begin collecting data for filing the report in 2011.

GENERAL DISCUSSION

Final comments generated discussion on the status of the enabling legislation for the Comprehensive Plan.

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 8:29 p.m.**

Diane C. Nelson

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

Approved, October 4, 2011 dcn