

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, February 2, 2016, at 7:00 p.m. with the following members present:

Chairman Leland Bonneville, Derek Bland, Jason Pearce and Darlene Kerr.

Also present were:

City Manager John Psota, City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Our guests included:

Brock Parker, of Parker and Associates, Inc.

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the October 6, 2015 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mr. Pearce seconded and the motion was approved by four votes in favor.**

OLD BUSINESS

Camden Corner (Meeks Proposed Development)

1. Mr. Brock Parker came forward to inform the Commission that the Camden Corner project had received final approval for stormwater, sediment control and forest conservation from the governing municipality of Wicomico County. He stated that George, Miles & Buhr had given their final approval as well and that he would like to move forward with getting the City's final approval, however, he had recently learned that there may be some extenuating circumstances that may hold up final approval from the City.

Administrative Assistant Powell then began to elaborate on her extensive research to locate prior meeting minutes of the Planning Commission and City Council to determine what stages of the approval process that the proposed development had been through so as to determine whether the Planning Commission was clear to vote on final approval. She stated that a prior consultation with Solicitor Mitchell was unsuccessful at establishing a clear status of the approval process for the project.

Solicitor Mitchell explained that due to Ordinance No. 268, which was implemented to recoup EDUs that had been allocated to developers for projects that have yet to be started or completed within a designated time period. He stated that he thought the Meeks development may have exceeded that allotted time period which has since been determined to be 12 months according to said Ordinance.

Upon receiving this update, the Commission asked if the preliminary site plan that had been presented at previous meetings had changed. Mr. Parker replied that the current site plan presented is basically the same with the exception of a few minor amendments. He stated that the development still consisted of two (2) warehouses (*Contractor shops*) in the rear of the building, four retail units in the front and two (2) upper floors for residential use.

Mrs. Kerr then mentioned that there was a past concern about possible fire issues that needed to be addressed in the rear of the property. Mr. Parker stated that the architect for the development is working with the fire Marshall's office to address those issues and that they will be resolved.

Finally, after more discussion, Mr. Parker, in an effort to get the project's approval process back on track, requested the Commission to grant a new preliminary site plan approval.

As there was a general consensus of the Commission to keep the project moving forward, Mr. Bland moved to grant approval of a new preliminary site plan for Camden Corner, Mr. Pearce seconded and the motion was unanimously approved.

Solicitor Mitchell advised Mr. Parker that conditional approval of the project would require that a public works agreement be drafted. He further stated that he would assist with the document but would need to obtain all relevant information from the developer according to George, Miles & Buhr's mandates.

2. Other

No other old business was discussed.

NEW BUSINESS

1. Corrected Plat – Holly Hill Sect 2 – Lots 9 - 14

Mr. Parker brought before the Commission a corrected plat for Holly Hills Section 2 to request to remove 1.08 Acres of a forest conservation area. He explained that as the bank had recently acquired lot eight (8) and already owns lots 9- 14, it is their desire to make the them more appealing to potential buyers but has concerns with potential encroachments, such as cutting down trees, building sheds and mowing grass within the forest conservation easement by future owners. So, in an effort to eliminate any potential violations, a mitigation bank has been setup on Riverside Drive and the Farmers Bank of Willards is asking to take the forestry off the lots and move them over to the mitigation bank that has been established at a 2 to 1 penalty for offsite mitigation. The request has already been approved by the county, but now needs city approval before moving forward.

Upon hearing the request, there were numerous questions and concerns stated by the commission. It was asked if the request involved cutting down all the trees. Mr. Parker explained that the bank would not be cutting down any of the trees but that it was a possibility that a future owner may remove some of the trees, therefore, with that in mind, the bank wanted to remove the possibility of any future violations.

After further discussion and remaining apprehension of the Commission to approve the request, Mr. Parker proposed the possibility of creating a 10 foot landscape easement behind all the parcels to prevent total elimination of the forestry area as a condition for approval of the removal of the forest conservation easement.

Solicitor Mitchell then mentioned that if all the affected lots are still owned by the bank, the deeds for those lots could be amended to include a covenant restriction for forestry easement.

Mr. Parker then stated that this plat will be a corrected plat showing the forestry easement to be removed and show the proposed dedicated landscape easement and will be noted to show the intent of the easement which is to prevent cutting of trees.

Mr. Pearce then voiced his reservations about granting a conditional approval based on a 10-foot easement. He questioned whether 10 feet would be wide enough. He stated that as the two (2) corner lots consisted of more forestry, why not increase the dedicated landscape easement on those two lots beyond the proposed 10 feet. Mr. Parker agreed to that suggestion. Mr. Bland then asked if

the easement behind the other remaining lots could be increased to 15 feet. Mr. Parker stated that he didn't think the bank would agree to 15 feet but may agree to a 12½ - foot wide easement.

Finally, after further discussion, there was a general consensus of the Commission that if the bank would agree to a 12½ - foot dedicated landscape easement on the corrected plat, then a conditional approval would be given.

Mr. Bland then made a motion to approve the Corrected Plat for Holly Hill Section 2, lots 8 – 14 based on a 12½ - foot dedicated landscape preservation easement from the existing forest conservation line, Mrs. Kerr second and the motion was approved by a four to zero vote in favor.

2. Other

No other new business was discussed.

General Discussion

With no further business to discuss, **Mr. Bland moved to adjourn and Mrs. Kerr seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 7:40 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved March 1, 2016