

**FRUITLAND PLANNING COMMISSION
TUESDAY, FEBRUARY 3, 2015
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, February 3, 2015 at 7:00 p.m. with the following members in attendance:

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

Also present were:

City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Our guests included:

Bob Marvel, Ed Baker (Realtor), Doug Jones of F. Douglas Jones Surveying Associates, Lester and Roseanne Jones, Alice Gardner, Betty Maddox, Estelle Hawthorne and Waymon Bryant.

Chairman Bonneville called the meeting to order at 7:05 p.m. and acknowledged receipt of the minutes of the November 4, 2014 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 passed on a four to zero vote in favor.**

OLD BUSINESS

1. Status Update - 101 S. Camden Avenue, LLC/ Meeks (Residential/Commercial) Development

Administrative Assistant Linda Powell reported that conceptual plans for the project had been submitted to Wicomico County for soil conservation and stormwater management review and have since been returned to Parker and Associates with their comments, which in turn have been incorporated and submitted to the City for its review and comment.

NEW BUSINESS

1. Minor Subdivision Request (Estate of Mattie Brown) - N. Brown Street (Richard M. Duvall)

City Solicitor Mitchell, in the absence of Mr. Richard Duvall, elaborated on the minor subdivision request for subdivision of property, located on Tax Map 805 and Parcel 736, to create stand-alone lots for 2 dwellings that currently occupy the parcel along N. Brown Street along with Mattie Brown's former residence and several out buildings. Solicitor Mitchell informed the Commission that all development standards, lot width, depth and building setbacks have been met with the exception of the front yard setback for each lot, which, cannot be corrected due to pre-existing houses.

Solicitor Mitchell further explained that when a minor subdivision plat comes before the city for approval, and it is clearly in full compliance with all zoning requirements, it should not be necessary to have it formally presented at City hearings. Solicitor Mitchell then suggested that the Planning Commission consider making a recommendation to the City Council to authorize city staff to handle such matters. The Commission agreed to make the recommendation to the Council.

After review, **on a motion by Mr. Bland and seconded by Mr. Pearce and approved by a four to zero vote in favor, the Planning Commission recommended to City Council, plat approval of the subdivision for the Estate of Mattie S. Brown as presented and recommended to City Council to authorize city staff to approve minor subdivisions that are clearly compliant with all zoning requirements.**

2. Conceptual Site Plan for New Church – 302 King Street (Doug Jones)

Doug Jones of F. Douglas Jones Surveying Associates, along with members of Trinity Baptist Church of Deliverance,

presented Conceptual Plans to the Commission for the purpose of seeking a solution to a zoning issue that currently halts redevelopment of a new church at that location as the current zoning is C-4 Highway Business and churches are not a permitted use nor are they permitted by Special Exception. He expressed the heartfelt concerns of the congregation and their desire and dedication to keep the church at its present location. Mr. Jones went on to describe the current condition of the structure, the layout of the property and how that a portion of the structure extends into the City's right-a-way. He stated that the conceptual redevelopment plans would be a great improvement for the area.

After hearing the Church's request from Mr. Jones and reviewing the site plan, the Commission sought a solution to assist the congregation with their proposed project without violating the current zoning regulations. City Solicitor Mitchell then offered a couple of suggestions which included rezoning the parcels or amending the zoning ordinance to include language that would allow a church by special exception in the commercial districts.

Mr. Bob Marvel then questioned the Commission as to whether it would be appropriate to rezone all the parcels in that area as other neighboring property owners may not desire a change in the current zoning designation. It was mentioned that most of the existing development in that area is residential use and has been that way for years and it is doubtful that a change in zoning would cause much concern. Finally, City Solicitor Mitchell explained that the preferred approach would be to amend the zoning text. He also suggested that the Commission vote to recommend to the City Council that they consider amending the zoning ordinance to modify text in the commercial business districts that would allow churches to apply for a special exception. City Solicitor Mitchell also mentioned that since we're approaching the time to update the City's Comprehensive Plan, it would be a good opportunity to consider changes to the zoning ordinance.

After discussion, **on a motion by Mr. Bland and seconded by Mrs. Kerr and approved by a four to zero vote in favor, the Planning Commission recommended to City Council that it move forward with a text amendment to the commercial business districts so as to allow churches by special exception.**

3. Rezoning of Wallace Peterman Parcels – E. Cedar Lane – Discussion Item

Mr. Edward Baker of E.F. Baker Real Estate Investments, LLC, came forward with a conceptual plan to support a request for rezoning of Wallace Peterman's property, located along East Cedar Lane, from commercial (C-3) to residential (R-3) use. He stated that a preliminary study of the surrounding area indicated that commercial development at that location would not be feasible. Mr. Baker further stated that if the property were approved for residential use, the proposed development would include approximately 97 townhouses or 65 apartments constructed on 4 acres of the property, leaving about 9 acres for open space areas.

After hearing Mr. Baker's proposal, Mr. Bland shared his reservations about the total elimination of the commercial use zoning designation at that location. He felt it would be better to consider a mixed use development for that area. It was then asked if there was an immediate buyer for the property, to which Mr. Baker replied, no. Mr. Baker was then informed that it would be up to the City Council to consider the matter and make a final decision. He was also informed that if there was no rush to get started on development of the property, then the City would have time to consider any zoning changes during the Comprehensive Plan review process soon to get underway.

4. New Business (Pawn Shop) – 107 N. Fruitland Blvd – Discussion Item

City Solicitor Mitchell informed the Commission that a new business, a pawn shop, would be locating in the vacant building at 107 N. Fruitland Boulevard. He stated that pawn shops traditionally provide a mixed use business environment...trade and/or sale of used items and financial services. Since the City's zoning ordinance does not specifically list pawn shops as a permitted use, it presented some questions for city staff as to whether this type of business would be allowed, and if allowed, how it would be classified.

Administrative Assistant Powell added that further research into the issue revealed that Wicomico County Clerk's office had already issued a business license for the pawn shop to be located in Fruitland and that the City had already signed off on the license.

City Solicitor Mitchell then stated that his reason for bringing this matter before the Commission was to see if there would be interest in amending the zoning text to specifically list pawn shops as a permitted use or a prohibited use. After brief discussion, noting that the police department did not have any issues concerning this type of business, it was the general consensus of the Commission not to specifically list pawn shops as a permitted use in the zoning ordinance at this time. The pawn shop would be permitted as a variety and/or retail store.

General Discussion

Commission members continued to make brief comments concerning the preceding agenda items. At the conclusion of the general discussion, Mr. Bland stated that he'd like to get the Comp Plan process started.

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 8:12 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved, March 3, 2015