

**FRUITLAND PLANNING COMMISSION
TUESDAY, APRIL 7, 2015
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, April 7, 2015 at 7:00 p.m. with the following members present:

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, Brock Parker of Parker & Associates and Fruitland Falcons Representatives Mark Filippelli and Scott Turner.

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the March 3, 2015 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mrs. Kerr moved to adopt the minutes as presented; Mr. Bland seconded and the motion passed on a four to zero vote in favor.**

OLD BUSINESS

1. Zoning Ordinance Amendment (Mixed Use)

Solicitor Mitchell spoke briefly about the proposed project (Meeks Property) at the intersection of West Main Street and South Camden Avenue that resulted in the passage of Ordinance 263, which permits mixed use development by special exception and that the current proposed legislation would extend similar mixed use development from Route 13 to city hall, including the Connelly building and Gladden property on the opposite side of the intersection. He stated that East Main Street is comprised of two zoning districts, C-1 and R1-C, and that the zoning text would have to be amended in each district to allow mixed use (commercial first floor/residential second floor) development.

Solicitor Mitchell then asked the Commission if they wanted the new legislation drafted as to allow mixed use development along East Main Street by special exception or as a permitted use.

Mr. Bland stated that since we have talked about a comprehensive review of the current zoning code, would it make sense to create a new zoning designation and allow mixed use development as a permitted use.

Solicitor Mitchell stated that there were too many zoning districts and that it would be better to keep the process simple as the current proposed legislation only requires a text amendment. All that would be required is for the Planning Commission to make a recommendation to the City Council, if all were in favor. The legislation could then be ready for first reading at the next council meeting. He also stated that the proposed legislation complies with the Comprehensive Plan as it relates to encouraging mixed use development along Main Street.

After further discussion, it appeared there was a general consensus of the Commission to draft legislation that would allow mixed use development along East Main Street as a permitted use. However, Mr. Bonneville then stated he disagreed with the permitted use designation, he felt that mixed use development should be allowed by special exception as this would require a review by the Commission which would ensure that all developmental standards such as parking, etc. would be met.

Finally, after further discussion, the general consensus of the Commission was to allow mixed use development as a permitted use, provided certain developmental standards were maintained.

2. 2015 IBC Ordinance

Solicitor Mitchell presented the Commission with a visual of the 2015 IBC manuals which included a copy the International Residential Code, International Building Code, existing International Building Code, International Energy Code and the International Swimming Pool & Spa Code. During the last IBC update, the swimming pool code was deleted because the City had its own swimming pool ordinance, however, Code Enforcement Officer Ron Ciszewski has since recommended that the City adopt the 2015 IBC Swimming Pool and Spa Code because the City's swimming pool ordinance was too outdated. Solicitor Mitchell mentioned that the ordinance for adopting the 2015 IBC should come before the City Council in May.

3. Other

Solicitor Mitchell provided the Commission an update on following topics:

- a) Critical Area Ordinance – Solicitor Mitchell informed the Commission that back in January 2014 he had contacted the State of Maryland and asked if we would be required to make an amendment to our Critical Area Ordinance and that he had reached out to them several times since that date and had finally received a response that they were going to get back to him to determine if an amendment would be necessary. He expressed that it was very possible that an amendment may not be needed.
- b) Minor Subdivisions – Solicitor Mitchell explained that what the Planning Commission had originally envisioned as it relates to staff review and making decisions concerning minor subdivisions, now appears to be more complicated than originally thought. He stated that there is no clear policy in place for allowing staff to make such decisions. He advised that implementation of this action should be done as part of a revamp of the entire development procedure.
- c) Zoning on Churches – As there has been much discussion on allowing churches in storefronts and shopping centers in the highway business district, Solicitor Mitchell asked the Commission for final consensus as to whether he should draft legislation to permit churches in commercial zones and specify the necessary development standards that must be met. It was established that there was a general consensus of the Commission to proceed with drafting legislation that would allow churches as a permitted use in commercial districts as long as the specified criteria was met.
- d) Home Occupations – Solicitor Mitchell stated that it was his understanding that there was an agreement among the members that we should come up with a definition of Home Occupation which sets forth the effects that a proposed business would have on a neighborhood rather than establishing the types of businesses that would be permitted. He also stated that some occupations would automatically be exempt from having to do anything based on the absence of any outward effect on the community.

At the conclusion of Solicitor Mitchell's updates, Mr. Bland stated that the City should not permit any home occupations that deal with food preparation or services.

Mr. Bonneville mentioned that the Commission revisit the Adult Business topic again in the near future.

NEW BUSINESS

1. Fruitland Falcons Request for Agreement to Develop Sport Complex as a Permitted Use – Discussion Item

Solicitor Mitchell elaborated on the request of the Fruitland Falcons desire to develop 22 acres of privately owned land as a sport complex and as the City's zoning ordinance does not clearly permit a sporting complex as a permitted use, the issue was brought before the Commission for its interpretation. He presented various sections of the zoning text for members to consider in making their final determination.

Brock Parker of Parker and Associates, on behalf of the Falcons, came forward to elaborate further on the Falcons proposed plans for future development of the 22- acre site. He explained that the organization plans to develop the site in two phases. The first phase would only involve grading of the property to setup four football fields. The second phase would include additional ball fields, parking and concession and maintenance buildings. Mr. Parker stated that the proposal would include plans addressing drainage and stormwater issues associated with development of the complex. In conclusion, he stated that before the Falcons expend funds to proceed, they wanted to make sure that the proposed project would be allowed as a permitted use in the R1-C zoning district.

After the presentation, there were several concerns and questions raised by the Commission. Mrs. Kerr was concerned about drainage and maintenance. She informed everyone that the East Fields Homeowners Association presently maintains both sides of the drainage areas parallel to the park. Mrs. Kerr also mentioned that allowing the complex would create additional traffic and parking issues and require major upgrades to Brown Street. Mr. Bland asked if the Falcons would extend the walking trail. Mr. Parker stated that the walking trail has been a great asset to all and that the Falcons did obtain estimates for its extension, but have since determined that the expense would not be feasible for the organization at this time.

Again, as there was still some confusion as to the purpose of the Falcons initial request, Solicitor Mitchell offered further clarification about the Commission's task at hand. He reiterated that the Falcons wanted to know if the Planning Commission would provide a clear interpretation as to whether their sporting complex would be interpreted as a permitted use in the R1-C zoning district.

Mr. Parker stated that once zoning clarification had been provided and the Falcons project was interpreted as a permitted use, then the organization would come back to the Commission at a later date with a final site plan for review and comment.

At the conclusion of all discussion, **Mr. Bland made a motion that the Falcons' proposal be interpreted as a permitted use as a private, non-profit recreational institution in an R1-C zoning district; Mr. Pearce second and the motion was unanimously approved by a four to zero vote in favor.**

2. Falcons Request to Include Additional Park Annex Land in Lease Agreement – Discussion Item

Solicitor Mitchell informed the members that Falcons were under the impression that their original lease agreement with the City included all land from football field out to Brown Street, however, they have recently discovered that that is not the case and since the Falcons were already here for the Commission's determination on one matter relative to organizations future plans, he thought it would a good idea to get the Commission's thoughts on whether to allow the Falcons to include the additional land in their current lease agreement. He further stated that normally this matter would go before the Recreation Commission and then on to the City Council for approval, however, the organization was hoping that the Planning Commission would make a favorable recommendation to the Recreation Commission to grant their request.

After hearing the appeal from the Falcon's, brief discussion ensued. Some of the members were concerned about maintenance as well as liability issues. Also, there was concern that future development, such as the proposed community building, could be effected. It was clarified that the Falcons had been maintaining the property as they thought the additional land was included in their original lease agreement and having been under that assumption, their insurance would have covered any liabilities in that area of the park. It was also stated that since that area of the Park Annex property was not included in the Falcons lease, the City could be held responsible for any liabilities associated with its use and since the Falcons are already using the property, it would be a good idea to allow the Falcons to lease the additional land.

Finally, it was suggested that if the City wanted to approve the Falcons' request, certain stipulations should be imposed. With that being said, **Mr. Bland made a motion that the Commission make a favorable recommendation to the Recreation Commission to grant their request to include the additional Park Annex land adjacent to the present complex as part of their lease agreement with a "kick-out clause" that states the Falcons will have to return control of the land back to the City at such time it becomes necessary. Mr. Pearce second, and the motion**

was approved by 3 votes in favor, 1 abstained (Mrs. Kerr).

General Discussion

Mr. Pearce stated that if the Falcons proceed with their proposal, the City needs to seriously look at upgrading Brown Street.

City Manager John Psota stated that regardless of what type of future development occurs in that area, Brown Street will need to be improved.

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 8:15 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved May 5, 2015