

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, May 3, 2016, at 7:00 p.m. with the following members present:

Chairman Leland Bonneville, Derek Bland and Darlene Kerr.

Also present were:

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

Our guests included:

Robyn Payne, Kevin Maynard, Trudy Johanning and Bob Marvel.

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the April 5, 2016 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mrs. Kerr seconded and the motion was approved by three votes in favor.**

OLD BUSINESS

1. Cedar Commons Development – Update

Administrative Assistant Powell reported that, upon speaking with Brock Parker, of Parker and Associates, the proposed buyer for the undeveloped parcels in Cedar Commons has withdrawn interest in the subdivision due to potential infrastructure obligations and cost factors.

2. Camden Corner Development/101 S. Camden Avenue, LLC – Update

Administrative Assistant Powell reported that Mr. Charles Meeks is tentatively abandoning the proposed mixed use project that was previously approved and is currently in talks with a national retail chain to develop the site for commercial retail use only and, as a result, will reduce the number of floors of the proposed project from three to one. She further stated that Brock Parker is looking to see if any building setback changes will need to be made and, if so, those changes will be brought before the Commission at a later date. It was stated that if the alternative plans fail, Mr. Meeks would continue to move forward with the originally proposed mixed use project. Also, Mr. Meeks plans to have the old building demolished within 90 days of date of this meeting.

3. Highway User Revenue Fund – Update

Solicitor Mitchell stated that the Highway User Revenue Fund disbursement from the State is looking bleak for Fruitland as discussion continues among our state legislators. He stated that several bills have been introduced but only one had passed. He also stated that the State's 2017 budget did include 177.4 million for municipalities, of which, 7.7% has been allocated for Baltimore and all remaining municipalities will share 4.4%.

4. Impact Fee Moratorium – Update

City Manager Psota reported that the city council would be making a decision at their next meeting as to whether they'll approve extending the impact fee moratorium for another six months. He further stated that the current moratorium has achieved the desired goal in promoting new development and extending

the moratorium would give builders another six months to complete existing construction and to start and complete new projects before the next proposed expiration date (December 31, 2016).

5. Morris Mill & Various Other Water Utility Related Projects – Update

City Manager Psota reported that the distribution side of the Morris Mill project is complete and that the contractors are now waiting on filling the tank which would take about four days and then sanitize. Once that task has been completed successfully, then rehab of the Shady Lane tank, which has been in operation since 1978, will begin. The initial shut down of the old tank will affect water service to about 20 or 30 homes and those homes may be without water service anywhere from 3 to 24 hours, dependent upon whether staff encounters any problems with the old valves on tank.

City Manager Psota informed the Commission that the replacement of water piping at the water treatment plant is nearing completion. He stated that this project was initiated by an incident that occurred back in November 2015, at which time an attempted repair of an aging pipe connection resulted in major water leakage within the facility and ultimately revealed the need for an extensive overhaul of the entire piping system. He stated that the project was bided out and that Somerset Well Drilling was the lowest bidder with a bid of just under \$133,000. He also commented that as of to date the company has done a great job with the project.

6. Wastewater Treatment Plant Project Update

City Manager Psota reported that the six million dollar ENR (Enhanced Nutrient Removal) Upgrade project has now exceeded the initial completion date and is now projected to be completed around May 24th.

7. Other?

Solicitor Mitchell reminded the Commission that they needed to begin review and updating of the City's Comprehensive Plan. Solicitor Mitchell suggested that he and staff prepare selected items of the plan for members to review periodically. He also suggested that the Commission may want to make an aggressive effort to get the current plan enabled.

NEW BUSINESS

1. Special Exception Request (Permit) for Chicken Coop – 401 Forest Drive

Mr. Robyn Payne came forward to present his appeal for a special permit to raise chickens at his residence located at 401 Forest Drive. He stated that he has five (5) hen chickens and that he wants to keep them and that he would like to get a special permit to continue raising them on his property. He stated that he has brought two of his neighbors, Trudy Johanning, who stated that she enjoys having the chickens around, and Mr. Kevin Maynard, who lives across the street from him at 117 Walden Drive.

At that point, Solicitor Mitchell began to elaborate on the appeal process by explaining that while the City's zoning ordinance does not address the activity of raising or housing chickens in an R1-A District, City Ordinance No. 253 does offer residents an option to do so by requesting a special permit from the Board of Zoning Appeals and by the same manner as one would for requesting a special exception. He emphasized that while the procedure was the same, a special permit and a special exception are interpreted somewhat differently.

Mr. Maynard then asked if he could come before the Commission and speak on behalf of Mr. Payne's request. As he was permitted to do so, he spoke highly of the immaculate manner in which Mr. Payne

maintained his property and cared for his chickens. He stated that if he had never been introduced to the chickens, he would not have known that they were in his neighborhood. He went on to say that the children in the area were very fond of them and that he did not have or see any problems with allowing Mr. Payne to continue this activity on his property.

Upon conclusion of Mr. Maynard's testimony, Mr. Bland made a motion that the Planning Commission make a favorable recommendation to the Board of Zoning Appeals to approve the request for a special permit to allow Mr. Robyn Payne to raise chickens at his residence located at 401 Forest Drive, Mrs. Kerr seconded and the motion was approved by a three to zero vote in favor.

2. Annual Planning Report to State (Draft)

Administrative Assistant Powell presented a copy of the proposed annual planning report that will be submitted to the State to the Commission and briefly commented on its contents. She mentioned that report was very basic and meant State's necessary requirements. In addition, she presented a draft of the Comprehensive Plan Implementation and Development Process 5-Year Report to be submitted to the State as an attachment to the annual planning report. She stated that the 5-year report addressed all but two items and that those items would be completed upon consultation with Tracey Gordy of the regional planning office.

Finally, Mr. Bland made a motion to accept the Annual Planning Report as presented and to accept the Comprehensive Plan Implementation and Development Process 5-Year Report upon consultation with the regional planner and completion of the report, Mrs. Kerr seconded and the motion was approved by a three to zero vote in favor.

3. Other?

Administrative Assistant Powell presented the Commission with a report on the month of April's building permit activity. She stated that only four (4) permits were issued; one for a storage shed, one for a handicap ramp and two for solar panel installations. She also informed all present that the property located at 300 S. Brown Street had been sold to Mr. Jeffrey Phillips and that he has since called the City to inquire about having the property re-zoned from R1-C to commercial use for a potential mini storage business.

General Discussion

No general business was discussed.

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 7:25 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 8/2/16