

**FRUITLAND PLANNING COMMISSION  
TUESDAY, MAY 5, 2015  
MINUTES**

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The Fruitland Planning Commission met at City Hall on Tuesday, May 5, 2015 at 7:00 p.m. with the following members present:

*Acting Chairman 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, Randy Campbell and Elhibir Abusin.*

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

**OLD BUSINESS**

**1. Camden Avenue, LLC/Meeks (Mixed Use Project)**

Administrative Assistant Powell reported that the city had received an official review comment letter from GMB for Charles Meeks proposed mixed use project. The review comments have been forwarded to the developer and the City is now waiting to receive a revised set of construction drawings, a construction cost estimate related to items that will be owned and operated by the City and a copy of approvals from Wicomico County agencies relative to the project. Once the city receives the requested items, a public works agreement will need to be drafted, thus moving the project closer to startup.

**2. Zoning Ordinance Amendment (Mixed Use)**

Solicitor Mitchell presented the members with a copy the proposed zoning ordinance which will permit mixed use development along East Main Street. As the Commission reviewed the document, he briefly explained its content and asked for comments.

As there was a general consensus of the members to accept the ordinance as presented, **Mr. Pearce made a motion that the Commission make a favorable recommendation to the City Council to adopt the ordinance. Mrs. Kerr second and the motion was unanimously approved by a three to zero vote in favor.**

**3. Proposed New Home Occupation Definition**

Solicitor Mitchell stated that based on discussions from previous meetings, he had prepared a draft copy of the proposed new home occupation definition for the Commission to review. As he presented the members with a copy of the document, he briefly explained its structure as it applies to the impact of a proposed business in the various districts. Solicitor Mitchell then asked that the members take the document home for further review.

## NEW BUSINESS

### **1. Minor Re-subdivision of Lots 119 & 120 (Rowens Mill, LLC)**

Administrative Assistant Powell reported that Rinnier Development had submitted a resubdivision plat to the city requesting to combine two duplex lots (119 & 120) in the Rowens Mill subdivision. Rinnier's request was in response to a potential buyer who wanted a larger lot on which to build a single family home. Accordingly, city staff had reviewed the plat to ensure all minimum development standards were met and having established that criteria found no reason to deny approval of the resubdivision. It was further established that, upon combining the two lots, the resulting extra water/sewer service should be abandoned. Accordingly, the Utilities Department has requested that the extra water service be abandoned at the main, which may require the developer to make a cut in the street. It was further clarified that the two proceeding matters, while relative in nature, were separate discussion items.

Solicitor Mitchell stated that abandoning of the water service included capping the service at the water main and as a result would eliminate an EDU for which Rinnier has already paid. That being the case, the city could be liable for reimbursing the developer for those fees.

Administrative Assistant Powell stated that it was suggested to the city manager that instead of the city reimbursing the developer for unused EDUs, perhaps Rinnier would entertain the idea of allowing the unused EDUs to be held as credits toward future development beyond the initial 80 lots.

Solicitor Mitchell then stated that Rinnier's public works agreement was drafted so as to allow them to move unused EDUs that were paid for in advance to another subdivision if they chose.

### **2. Special Exception Request – 743 S. Camden Avenue – Used Car Sales Lot**

Randy Campbell stated to the Commission that he is currently applying for a used car license for retail sales and wants to setup a used car sales lot at the location of his collision repair business at 743 S. Camden Avenue. While he currently operates under a wholesaler's license, which only allows him to sell refurbished vehicles to other dealers, he would like the option to sell the vehicles to the general public and ultimately eliminate the wholesale business. It was mentioned that he had gotten a special exception to operate a used car sales lot at his previous location at 314 S. Division Street but understood that that special exception would not transfer to his current location. He further explained that granting of the special exception would not have any adverse effect on the neighborhood as similar uses already exist in that area.

Solicitor Mitchell stated that he had looked into the zoning regulations and concluded that section L.3.m. of the zoning ordinance, which permits temporary or permanent use of land, buildings or structures as may be in keeping with general character of uses permitted by right or by special exception, as the most appropriate section in which to substantiate the request. He also stated that a text amendment may be needed in the M-1 Light Industrial District to allow automotive retail sales as a permitted use by special exception. As further discussion ensued there was a general consensus of the Commission to look more closely at amending the zoning for that district.

At the conclusion of the discussion, Mrs. Kerr made a motion that the Commission **make a favorable recommendation to the Board of Zoning Appeals to grant the request to operate a used car sales lot at 743 S. Camden Avenue. Mr. Pearce second, and the motion was approved by a three to zero vote in favor.**

### **3. Special Exception Request – 300 S. Division Street – Operate Auto Repair Shop**

Solicitor Mitchell, on behalf and in the presence of Elhibir Abusin, stated to the Commission that Mr. Abusin's request is much the same situation as was Mr. Campbell's request as it relates to the zoning regulations. He reiterated that the M-1 zoning district does not specifically permit automotive repair shops and that an amendment to that zoning district to permit that use by special exception should be acceptable considering the existing neighboring businesses. Solicitor Mitchell asked Mr. Abusin if he was going to construct a new building on the property. Mr. Abusin replied that he was going to use the existing garage on site and that the remaining open land would be used to temporarily store vehicles awaiting repair.

As a general consensus to approve the request had already been determined, Mr. Pearce made a motion that the Commission **make a favorable recommendation to the Board of Zoning Appeals to grant the request to operate an automotive repair shop at 300 S. Division Street. Mrs. Kerr second, and the motion was approved by a three to zero vote in favor.**

### **4. Annual Planning Report to State**

As the commission had already received a draft of the Annual Planning Report review, Administrative Assistant Powell asked the members anyone had any comments. It was observed that some clerical errors needed to be corrected and a minor modification of the content in the cover letter was suggested.

Mr. Bland noticed that the report indicated that not everyone had completed the educational training course required by the Maryland Department of Planning. In response, Administrative Assistant Powell stated that as certificates of completion could not be located at city hall for all members (*including members of the Board of Zoning Appeals*), she could not confirm whether everyone had taken the course but would continue to research the matter.

Solicitor Mitchell provided input as to how to address the question referencing growth related changes within the jurisdiction as it relates to the change in our water service area as a result of Morris Mill's water contamination issue. All comments were noted and the report was slated to be revised and brought back before the Commission in June for final review and approval.

### **General Discussion**

No general discussion ensued.

With no further business to discuss, **Mr. Pearce moved to adjourn and Mrs. Kerr seconded. The motion was approved by a three to zero vote in favor and the meeting adjourned at 8:15 p.m.**

*Submitted by,*

*Linda J. Powell  
Administrative Assist.*