

## FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, September 1, 2015, at 7:00 p.m. with the following members present:

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

Also present were:

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

Our guests included:

*Bob Marvel and Brock Parker.*

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Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the August 4, 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**

#### **1. Proposed Ordinance No. 279 (Amending Text to Permit Churches in C-4 & C-5 Zoning Districts)**

Solicitor Mitchell reiterated that based on previous meeting discussions, there appeared to be a favorable consensus of the Commission to allow churches as a permitted use by special exception in the C-4 and C-5 business districts of the zoning ordinance. He further stated that if the Commission was still in favor of amending the text in those business districts, then he would move forward with drafting the proposed ordinance. In response, the Commission stated that they were still in favor of the amending the zoning ordinance to allow churches as a permitted use in the proposed business districts.

Mr. Bland questioned whether or not the city would lose tax benefits if churches were allowed in the commercial districts. It was established that if the commercial space was leased by a church then the tax revenue would not be affected but if a church owned the facility and it was classified as a tax exempt nonprofit organization then the city could lose tax revenue.

**Mr. Bland made a motion that the Commission make a recommendation to City Council to adopt Proposed Ordinance No. 279 as presented, Mrs. Kerr second and the motion was approved by a four to zero vote in favor.**

#### **2. Other**

Solicitor Mitchell reiterated on a question concerning in-law quarters that was brought before the last meeting of the Commission by Mr. Bland. He stated that there are several things that could be done to permit the use, however, the hang-up was related to the question of whether the structure could be used after the in-law(s) had moved and consequently create a situation that would then present a problem. Accordingly, recognizing that society's needs are changing, he asked if the Commission wanted to pursue the issue further.

Mr. Bland suggested we continue to address the demographics of Fruitland and do everything possible to implement favorable options for individuals who find that they may need to establish such accommodations.

Solicitor Mitchell then stated that he had looked at the multi-family districts in the zoning ordinance which permitted duplexes and townhouses. He stated that back when those zoning districts were established, the interpretation of those regulations led toward the intended occupancy of the units as always being rentals particularly as it relates to the minimum square footage of a duplex lot (12,000 s.f. - 6,000 s.f. for each side). There was nothing in those districts regulations that referenced setting up the units as condos for individual ownership. He suggested that the Commission may want to study that particular legislation for future discussions.

## **NEW BUSINESS**

### **1. Resubdivision of Lot 117 & 118 (Rowens Mill)**

Brock Parker, of Parker and Associates, on behalf of Rinnier Development, presented a resubdivision plat to the Commission requesting to combine two duplex lots (117 & 118) in the Rowens Mill subdivision. The request was in response to an increased interest of potential buyers wanting to build larger homes on larger single family lots. Accordingly, the plat was reviewed by all to ensure all minimum development standards were met and having established that criteria the Commission found no reason to deny approval of the resubdivision.

Solicitor Mitchell reiterated that, upon combining the two lots, the resulting extra water/sewer service should be abandoned as had been previously required. He also reminded Mr. Parker that Rinnier Development should request reimbursement of the impact fees that were paid in advance toward development of that lot.

**Mr. Bland made a motion that the Commission make a recommendation to City Council to approve the resubdivision plat of lots 117 and 118 as presented, Mr. Pearce second and the motion was approved by a four to zero vote in favor.**

Mr. Pearce asked Mr. Parker about the status of Charles Meeks' development at W. Main Street. Mr. Parker informed the Commission that part of the delay has been due to the backlog of Wicomico County's stormwater reviews. He stated that he had received a number of review comments that have to be addressed for Mr. Meeks' development and that he had not been able to work on the project to the extent that is required. He further stated that the project should be underway within one to two months.

## **General Discussion**

Administrative Assistant Powell asked the Commission for their thoughts on the development of an interior lot located off Hayward Avenue (502 Hayward Avenue). She explained that as the lot was listed for sale, a potential buyer had inquired as to whether he would be able to build a new home on the lot if he were to follow through with its purchase.

Discussion then ensued among the members. There were questions concerning the location of the parcel, water/sewer service, access to the property and length of its abandonment. It was stated that the property was land locked (an interior parcel situated between improved parcels along Hayward Avenue and W. Main Street). It was further stated that a structure had previously existed and had been connected to public utilities. It was further stated that the structure was vacant and has been

abandoned for several years. Also, it was noted that there was a 10-foot wide easement from Hayward Avenue for access to the parcel. As discussion continued there was a general consensus of the Commission that unless the owner could obtain additional land to provide the required minimum width of an easement for access to the property, future development should not be permitted.

Finally, Solicitor Mitchell suggested that if the owners wanted to pursue development of the parcel, they would have to come before the city with detailed evidence/material that would substantiate an approval to permit development.

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 7:30 p.m.**

*Submitted by,*

*Linda J. Powell  
Administrative Assist.*

*Approved October 6, 2015*