

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, September 6, 2016, at 7:00 p.m. with the following members present:

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

Also present were:

City Manager John Psota, City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Our guests included:

Bob Marvel, Brock Parker, of Parker and Associates, Jeffrey Phillips, Anex Virgil and Shirlene Virgil.

Chairman Bonneville called the meeting to order at 7:03 p.m. and acknowledged receipt of the minutes of the August 2, 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 four votes in favor.**

OLD BUSINESS

1. Subdivision of Land for Proposed Sale (109 Poplar Street)

As the proposed buyer, Mary Stevens, was not present, the Commission moved on to the next agenda item.

2. Variance Request – 101 S. Camden Avenue, LLC Status Update

Brock Parker informed the Commission of the approval of the variance request by the Board of Zoning Appeals at their meeting of August 30, 2016. He then presented a copy of the plans that showed the area for which the variance was requested. Solicitor Mitchell then requested that Mr. Parker make note of the variance approvals at the relative locations on the site plan. He then informed the Commission that there were some conditions placed on the approval of the variance. As the Commission continued to review the plans several questions were raised, all of which were addressed satisfactorily. Administrative Assistant Powell then brought the Commission's attention to the building's elevation plans, informing them of the exterior appearance which is proposed to consist of a brick front and corrugated metal on both sides. As this design was understood to be the standard for the Dollar General brand, no one had any objections to the proposed exterior covering of the building.

3. Final Comprehensive Site Plan Review (Dollar General)

As the Commission had previously reviewed the Final Comprehensive Site Plan while following up on the variance request approval and had been brought up to date on all areas of concern, all agreed there was no need to discuss the matter further.

Therefore, Mr. Bland made a motion to recommend approval of the Final Comprehensive Site Plan as proposed, Mrs. Kerr seconded and the motion was approved by a four to zero vote in favor.

4. Comprehensive Plan/Zoning Ordinance Review

The Commission, under the direction of Solicitor Mitchell, reviewed and commented on the contents of a memo proposed by Solicitor Mitchell. The focus of the memo centered on the numerous zoning districts in the City, especially residential districts and potential methods that could be taken to reduce those numbers. Solicitor Mitchell recommended that the Commission consider establishing four (4) residential districts instead of the nine (9) that currently exist. There was also brief conversation about restructuring the commercial districts in an effort to reduce those numbers as well. Mr. Bland expressed his agreement with the recommendation.

Mr. Bland asked if the City had a spreadsheet of the various residential zoning criteria and, as there was none, he volunteered to draft one. He stated that this would be an important aid in determining how to go about restructuring the number of residential zoning districts. Overall, the Commission thought that Solicitor Mitchell's proposal was a great starting point for the Comprehensive Plan update.

NEW BUSINESS

1. Re-Zoning Request (300 Brown Street)

Brock Parker, accompanied by Jeffrey Phillips, came forward to present their case for a re-zoning request for the property located at 300 S. Brown Street from an R1-C Residential District to a C-3 General Business District. Mr. Parker explained that due to the current composition of the area, mostly residential and recreational, his client, Mr. Phillips, felt that a mini storage business would be the best fit for that location. Mr. Parker stated that the parcel currently has two (2) large sheds that would be rehabbed and retrofitted and converted into storage facilities, the existing dwelling would be demolished and the entire property would be enclosed with security fencing and an automated keypad would be installed to allow customers access to storage units. Mr. Parker further stated that as the property faces serious challenges meeting storm water compliance, he did not foresee much future development potential beyond the initial proposed rehabbing.

Solicitor Mitchell then mentioned that it would be a serious legal problem to allow "spot zoning." Re-zoning a single lot, especially one of this size, is not allowed for a specific use. He suggested possible alternatives to re-zoning, such as a variance or a text amendment that would permit mini storage use in a residential zoning district.

As exchange of comments between Mr. Parker and the Commission continued, Mr. Parker and Mr. Phillips eventually decided to hold off on the rezoning request to rethink their options.

2. Special Permit Request – Chicken Coop @ 420 E. Main Street

Ms. Shirlene Anex, accompanied by her father, Mr. Virgil Anex, came forward to present a request for a special permit to raise chickens at their residence located at 420 E. Main Street. Ms. Shirlene, interpreting for her father, informed the Commission that they

currently have about 15 chickens, including roosters that are housed in pairs inside a chicken coop that was purchased from an individual. The chicken coop and chickens were purchased together and placed onto the property, acknowledging that no building permit was ever obtained nor any inspections performed to establish compliance to city codes. Mr. Anex was asked if he had spoken with the neighbors to see if there were any objections to this activity in their neighborhood. Ms. Anex then replied that her father had purchased the property located at 422 E. Main Street and that the other house (418 E. Main Street) was vacant and that they did not know how to contact the owner. As the Commission continued to question Mr. Anex, there was a general consensus of the majority of the members that that location would not be a good fit for raising chickens.

Mr. Bonneville then motioned that he would make a recommendation to approve no more than six (6) hens and no rooster. No one seconded the motion.

Mrs. Kerr then made a motion to not recommend approval of the special permit to allow the raising of chickens on the property at 420 E. Main Street, Mr. Bland seconded and the motion was approved by a four to zero vote in favor.

Mr. Anex was then informed that the Planning Commission was not the final approving authority, and that he still had the option to go before the Board of Zoning Appeals to seek approval for a special permit.

Mr. Anex conveyed, via his daughter, that he would like to have two months, the length of his upcoming vacation, to have the chickens removed. He was told that it would be up to the City's code enforcement officer to make that decision.

3. Program Open Space Project Approval (New Basketball Court)

Administrative Assistant Powell informed the Commission that the City had received Program Open Space grant approval for construction of a new basketball court to be erected at the recreational park, replacing the pee wee soccer field off S. Division Street, across from the police station. She provided the members with a site plan and a breakdown of the estimated cost (\$53,000) of project and explained that the usual protocol was to get approval from the Planning Commission as well as a signed statement acknowledging that the project was in compliance with the goals of the City's Comprehensive Plan.

After briefing the Commission on the proposed project, City Manager Psota stated that prior to moving forward with the Program Open Space grant request, he had not consulted with the police department to get their feedback on the proposed recreational project. He stated that staff felt by erecting a single court, non-lit and fenced in facility, it would greatly minimize undesired activity. However, pending the outcome of the discussion with the police chief, the city may or may not proceed with the project.

After hearing Mr. Psota's comments, the Commission remained unanimously in favor of endorsing the project. Mr. Bland expressed his desire to have Chief Mike Phillips come and discuss his concerns about the proposed basketball court project with the Commission.

Finally, Mr. Bland made a motion to request approval of the funds for the basketball court through Program Open Space, Mrs. Kerr seconded and the motion was approved by a four to zero vote in favor.

General Discussion

None.

With no further business to discuss, **Mrs. Kerr moved to adjourn and Mr. Bland seconded. The motion was approved by a three to zero vote in favor and the meeting adjourned at 8:17 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 10/4/16