

## FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, November 7, 2017, at 7:00 p.m. with the following members present:

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

Also present were:

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

Guests were:

*Bob Marvel, Brock Parker, Mark Phillipelli, John Nielsen and Roland Somers.*

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As Chairman Bonneville had not arrived, Acting Chairman Bland called the meeting to order at 7:08 p.m. and acknowledged receipt of the minutes of the October 1, 2017, calling for additions or corrections. As there were none, **Mr. Pearce moved to adopt the minutes as presented; Mrs. Kerr seconded and the motion was approved by four votes in favor.**

### **OLD BUSINESS**

#### **1. Fruitland Falcons Proposed Sports Complex Development (Multipurpose Building)**

Brock Parker came forward to elaborate on the proposed new building to be located on the Falcon's property. He stated that the current plan was to construct a 40-foot by 120-foot steel pole building to be used for storage (tractors etc.) only. He further stated that that the building would be classified as commercial due to potential future plans of usage (concessions, press box, etc.).

Mrs. Kerr mentioned that the current proposed layout of the fields were different than originally proposed and that she was concerned about the effect of future lighting, if planned, on the residences in the area. Mr. Phillipelli assured all that there were no plans to place lights on the fields at that time and, should the organization decide to do so at a later time, there were installation options that would minimize any lighting issues. Mr. Parker then stated, as it relates to zoning, that all building developmental standards would be in compliance.

Mrs. Kerr raised a question concerning the "commercial use" designation associated to the proposed building which will located in a residential zone. Solicitor Mitchell addressed the concern by stating that R1-C zoning permits private non-profit and recreational use of land.

Mr. Psota then asked if there were any provisions planned to address flooding or drainage issues as that area is very susceptible. Mr. Parker stated while the organization has consulted with GMB about drainage issues in that area, no specific plans were being implemented at that time and added that the Falcons proposed development would not increase any current flooding issues.

### **NEW BUSINESS**

#### **1. Rezoning Request for 403 & 405 W. Main Street**

John Neilson came forward to present his request for rezoning of two parcels he owns off W. Main Street (403 & 405). He, with some assistance from Solicitor Mitchell, provided a brief history of one of the properties as it related to a few prior commercial uses. He further stated that when he purchased the property a little more than five years ago, his plans were to refurbish the structure,

however, he has since decided that it was no longer salvageable and placed it on the market for sale. He informed all that he now has a potential buyer interested in purchasing the property but only if it can be developed as residential use which is why he was requesting a change in the zoning designation. If his rezoning request was approved, he would move forward with the demolishing of the house prior to its sale.

Mrs. Kerr then asked if there were any other commercial parcels behind the strip center fronting along N. Camden Avenue. It was stated that there were none. Afterwards, further discussion ensued relating to the other neighboring properties, their lot sizes and zoning designations as the Commission was trying to establish the most viable path forward for Mr. Neilson as well as the city.

Mr. Bland posed a question to Solicitor Mitchell, asking if he thought it would be feasible for the city to allow or create an exemption to permit residential use in a commercial district as this would allow Mr. Nielsen to proceed with his plans without having to permanently rezone the properties as residential use.

Solicitor Mitchell then stated that it would be up to Mr. Neilson to prove two things, first, that there was a mistake in the original zoning of the parcels, which probably was the case, and second, that there had been substantial change in the zoning district.

The Commission began to discuss the issues further as there was a sincere desire to bring resolve to Mr. Nielsen's dilemma, however, as there were no conclusive means available, Mr. Bland then asked if anyone had a recommendation for Mr. Nielsen's request. No one offered a recommendation, however, Mr. Neilson was told that he could contact the other property owner (Rose Eastman at 407 W. Main Street) and have her petition a rezoning change along with him, then he could come back before the Commission to pursue his request. Mr. Bland stated that he didn't think it was necessary to come back to the Planning commission since the City Council would be the deciding body as to whether the rezoning request would be approved. Mr. Nielsen stated that he would contact other property owner, Ms. Eastman, and continue to pursue his rezoning request.

### **Comprehensive Plan Review/Update**

Solicitor Mitchell commented that he looked up the noted changes in the Comprehensive Plan wherein it cites Article 66B in several places and stated that they should now be cited as Land Use Article 3-101. Other than that comment, it was the general consensus of the Commission to take up the Comprehensive Plan review again in the new year (January 2018).

### **General Discussion**

Administrative Assistant Powell mentioned an inquiry that she had received from an individual who was interested in opening a bakery along East Main Street. She stated that the person was looking at leasing or buying one of Perry Willey's properties and wanted to know if the city would approve of this type of venture. The Commission was very welcoming to the idea and had no problems so long as the chosen site was developmentally compliant to the zoning requirements.

Administrative Assistant Powell introduced a potential new candidate, Mr. Roland Somers, for the vacancy on the Planning Commission. She then gave space for Mr. Somers to further introduce himself and to provide any background and/or related work experience that would aid in his service on the Commission if appointed. Mr. Somers then mentioned that while he did not have any career experience to offer, he had

served on the Fruitland Recreation Commission for a number of years and had been very instrumental in getting various projects accomplished.

With no further business to discuss, **Mrs. Kerr moved to adjourn and Mr. Pearce seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 8:05 p.m.**

*Submitted by,*

*Linda J. Powell*

*Approved 1/2/18*