

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, February 6, 2018, at 7:00 p.m. with the following members present:

Derek Bland, Darlene Kerr and Jason Pearce.

Also present were:

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

Guests were:

Bob Marvel, Jim Biggs, Andrea Croyle, Bret Davis, Marrison Metcalf and one unknown male adult.

Acting Chairman Bland called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the January 2, 2018, 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 three to zero votes in favor.**

OLD BUSINESS

None.

NEW BUSINESS

1. **Special Exception Request for MD Inspection Business – 402 S. Brown Street**

Jim Biggs, of TTI Mobility, Inc., came forward to explain his purpose for requesting a “Special Exception” to operate a Maryland State Inspection Station from the same location as his existing business. He stated that his current business modifies vehicles for handicap use and from time to time have to be State inspected. The problem is getting his handicapped vehicles inspected properly as technicians at other stations are not adequately knowledgeable to inspect the modified vehicles correctly. Accordingly, as is part of the process to establish such a business he has to get approvals from various agencies in order to be licensed. His facility has already been inspected and approved by the Fire Marshall; the State has started their inspection, however, there are still a few other matters that need to be addressed. Furthermore, the zoning requirement for the city has to be determined which was the main reason for seeking the special exception.

The Commission asked if there were similar businesses currently operating at the Industrial Park. Mr. Biggs replied, yes. He mentioned that Jeff’s Auto Repair and DIY, Marine were operating at that location. He was then asked about the quantity of inspections expected and his reply was that most of his customers are almost always by appointment. He further stated that his main focus would be on serving customers with adaptive needs, however, if someone were to request an inspection for a regular vehicle, he would perform the service.

Finally after brief discussion, Mrs. Kerr moved to recommend approval of the Special Exception request to operate a Maryland Inspection Station at 402-A S. Brown Street, Mr. Pearce seconded and the motion was approved three to zero votes in favor.

2. **Special Exception Request for Home Day Care – 506 Forest Drive**

Andrea Croyle came forward to present her request for a “Special Exception” to operate a family day care home from her proposed new residence as she was currently licensed and operating at a different location (3059 Old Fruitland Road). She anticipates going to settlement on her new home by the end of February. She stated that she had been a licensed day care provider for six (6) years and currently provides care for seven (7) families with ages ranging from infant to six years old. Her hours of operation were from 7:00 a.m. to 5:30 p.m. She stated that she does not anticipate much increase in traffic as clients will mainly be dropping off and picking up their children.

Ms. Croyle was asked if you had received all health department approvals. She replied that her first step was to get zoning approval and then upon settlement of her new home, she would then get inspections performed by the fire and health department. Finally, she was asked if the neighboring property owners had any objections to a day care at that location. She stated that on one side of new residence, the home was vacant and the house on the other side appeared to be under renovation.

Mr. Pearce moved to recommend approval of the Special Exception request to operate a family day care home at 506 Forest Drive, Mrs. Kerr seconded and the motion was approved three to zero votes in favor.

3. **Proposed Dog Day Care Service – 302 King Street**

Mr. Bret Davis, accompanied by Marrison Metcalf, came forward to present a proposal to operate a dog day care at the property located at 302 King Street. He stated that the property was zoned C-4 Highway Business and that that zoning designation was very broad in its development criteria. While he felt that a dog day care business might fit into that zoning designation, he wanted to be certain before he and any potential clients proceeded with the developmental process as his role was that of a developer helping with the acquisition and construction of the proposed project.

Mr. Davis continued to elaborate on the specifics of the proposed business. He stated that the facility would be enclosed with an eight-foot privacy fence to keep the animals out of view and to lessen any potential distractions. He further mentioned that the facility would not be sheltering the animals overnight and the hours of operation would be between 7:00 a.m. and 6:00 p.m., and would provide care for up to a maximum of 20 dogs daily. Also, the facility will not serve walk-up clients as day care is only provided after an interview has been performed at the dog’s home.

Discussion then ensued among the commission members. There were questions and/or concerns about the effect on the residential properties in the area, potential noise and/or behavior of the animals. After brief discussion between Mr. Davis and the Commission, there was a general consensus that due to the length and/or depth of the parcel, it was very unlikely that the facility would be much of an imposition on the residents in that area.

Finally, Mr. Bland, after review of the zoning ordinance, stated that that district did not list dog kennels as a permitted use, Solicitor Mitchell voiced his agreement with Mr. Bland's conclusion. The members, as well as Solicitor Mitchell, then reviewed the district regulations to see if Mr. Davis could pursue a Special Exception or Variance. It was established that those options were not feasible. Solicitor Mitchell then offered Mr. Davis the option of requesting an amendment to the zoning ordinance to permit the dog day care use. Mr. Davis then questioned how long that process would take to get approval. Mrs. Kerr told him that if he wanted to request an amendment to the ordinance, he could come before the City Council for a 1st Reading in March and for a 2nd Reading in April. Mr. Davis was open to the idea and wanted to know if it was possible for the Commission to make a favorable recommendation to City Council. Mr. Bland replied, that as the zoning ordinance does not currently permit the use, the members were not in a position to vote to make a recommendation. It was then mentioned that Mrs. Kerr, a member of Planning Commission as well as City Council President, was in a position to let the other councilors know of the favorable consensus of the Planning Commission for the proposed dog day care as a permitted use in the C-4 zoning district.

Finally, Mr. Davis agreed that he would take his request before the City Council.

General Discussion

Mr. Bland asked who updates the City's website as there was one minor item that needed to be corrected, which was the misspelling of congressional candidate, Allison Galbraith's name. Administrative Powell informed everyone that she usually performs that task and that the City was looking to completely redo the website within a few months and, therefore, had not been too concerned with updates other than the most relevant items.

Administrative Powell informed all that Jason Pearce's term on the Commission was soon to expire and that he had been asked if he would continue to serve another term and that his answer was, yes. Accordingly, he was informed to attend the next City Council meeting for re-appointment.

With no further business to discuss, **Mrs. Kerr moved to adjourn and Mr. Pearce seconded. The motion was approved three to zero votes in favor and the meeting adjourned at 7:35 p.m.**

Submitted by,

Linda J. Powell

Approved 3/6/18