

FRUITLAND PLANNING COMMISSION

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

Leland Bonneville, Derek Bland, Darlene Kerr and Robert Worth.

Also present were:

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

Guests were: Bob Marvel, Brock Parker, Lauren Bettis and Allen Fadely

Chairman Leland Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the December 6, 2016 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mr. Worth seconded and the motion was approved by four votes in favor.**

OLD BUSINESS

1. Dollar General - Update

Administrative Assistant Powell reported that on January 23rd a preconstruction meeting was held with all the contactors working on the Dollar General project. She stated that the site had been cleared and silt fencing has been installed around the perimeter of the property. She further stated that Doug Reynolds, the contractor that was secured for installation of the utilities infrastructure, plans to start work on Monday, February 20th, Presidents Day, as all schools were closed and traffic would be greatly lessened in that area. She further mentioned that the developer expects the project to be completed by mid July 2017.

Brock Parker came forward to ask the Commission if they would consider approving a change in the greenbelt requirement. He stated that a three foot tall masonry wall was approved, however, the developer now feels that the masonry wall may not achieve the desired effect and that Mr. Meeks was proposing to erect a 6 foot vinyl fence as he felt that change would be more effective and esthetically appealing.

Solicitor Mitchell stated that a 6 foot vinyl fence would be better than the 3 foot masonry wall approved. He also stated that a variance would be needed to deter from the three (3) greenbelt options listed in the C-2 zoning district regulations.

Finally, the general consensus of the Commission was that a 6 foot vinyl fence would be more effective and that they would be willing to recommend approval of the change.

2. Installation of Small Cell Antennae on Existing Light Poles

Lauren Bettis, representing Verizon Wireless, came forward to elaborate on the latest technology that mobile cell companies are trying to utilize. As companies are experiencing a lack of available space on existing traditional cell towers to accommodate the growing need for better cellular connections, they are now looking to place small antennas on existing light poles located on various private and public properties. She was specifically seeking permission, on

behalf of Verizon, to install a small cell antennae on an existing pole located in the parking lot of Denny's. As discussion continued, Ms. Bettis was asked how long she had been involved with this new technology. She replied, about 2 ½ years. She stated that she had been working with Salisbury for about one year.

After hearing Ms. Bettis presentation, the Commission agreed that there were no zoning issues that would prohibit that type of installation within the city.

3. Small Cell Towers-Report

Solicitor Mitchell reported that the city has received request from some companies that wanted to install small cell towers in the Rights- of-way. He stated that various companies have filed with the FCC to have that agency take over authority to regulate rights and fees instead of the municipalities in which they would operate.

Solicitor Mitchell then mentioned that the city may need to come up with zoning regulations to address that new type of installation in Rights- of – way.

4. Anderson Street Apartments – Retainage & Transfer of EDUs-Report

Solicitor Mitchell reported that there were several issues that had to be addressed involving the Anderson Street Apartments situation as it related to the retainage and transfer of EDUs and as a result of those issues, he then stated some of the things that the Planning Commission should consider when reviewing the Comprehensive Plan: (1) how long a developer retains EDUs after final plat approval, in which this item has pretty much been addressed per Ordinance No., (2) does retention of EDUs by a developer in any way depend on whether the developer has made a payment or has installed infrastructure, (3) once a business has an allocation for a specific usage, if that usage is abandoned, is there a period of time at which the additional EDUs over and above standard for the land in question are lost and does it matter whether the extra EDUs are to be used onsite or transferred, particularly at it relates to restaurants or laundromats, and (4) can the developer or original purchaser of the EDUs retain them or transfer to someone else for a different use.

Solicitor Mitchell then offered his opinion that once the EDUs have been abandoned, they should come back to the City.

Mr. Bland stated that the developer could be reimbursed for the abandoned EDUs that were purchased, however, at a pro-rated amount.

Solicitor Mitchell then spoke about the unique situation surrounding Rowens Mill EDUs retention and/or transfer options. He elaborated in detail on a signed agreement that Rowens Mill has with the City which stipulates how those EDUs are to be controlled.

Finally, Solicitor Mitchell informed the Commission that the developer of the Anderson Street Apartments were allocated 19 EDUs but due to the length of time the project has sat idle, that allocation has been withdrawn and now the developer is seeking a means to recoup allocation so that he can resume plans for immediate development.

5. Cedar Commons Development – Update

Solicitor Mitchell stated that Chris Gilkerson was still looking to get some type of assistance with the remaining punch list items in an effort reduce the cost of developing the remaining lots in the subdivision. One of the items up for the consideration was whether to waive the

requirement to complete the unimproved section of N. Brown Street or to delay its completion. He stated that Mr. Gilkerson had brought his request to the city council but was told to bring them a more formal proposal for review and consideration before they could make a definitive decision on what the city could offer. As of that time Mr. Gilkerson's organization was still waiting to access their position as to how they wanted to move forward.

6. Comprehensive Plan/Zoning Ordinance Review

Solicitor Mitchell stated that he did not have anything planned for discussion. Administrative Powell stated that she had placed the item on the agenda in response to suggestions by the Commission, during past meetings, to resume the Comprehensive Plan review at the beginning of the New Year (2017).

Brief comments were then stated from various commission members that resulted in moving this item to next month's (March) agenda. There were also suggestions made to try and schedule a special work session, for which, all were in agreement.

7. Other?

City Manager Psota brought an issue before the Commission concerning the property of General James and Mary Jane Pfautz, which was a large parcel of land just northeast of the route 13 Bypass that was annexed several years ago for development by a Texas firm. He stated that he had been contacted by Rick Pollitt for assistance with getting the property rezoned for the purpose of lowering the assessed value to provide tax relief for the owner(s).

As Solicitor Mitchell was familiar with the circumstances, he provided a historical account of what has led to the current situation. He further stated that since General James Pfautz and Mrs. Mary Pfautz initiated the annexation and rezoning of the land specifically for development, they would have to go through the process, with the county, of trying to get it rezoned back to an agricultural designation.

NEW BUSINESS

1. Special Permit Request – Chicken Coop @505 Cimmaron CT

Allen Fadely came forward to present a request for a special permit to continue raising chickens at his residence. He stated that he had built his own enclosed chicken coop and that the area was well kept. He further stated that had six hens and a rooster but understood that roosters were not permitted and that he plans to remove the rooster from the property. He also stated that the only complaint that he had received from the neighbors involved the rooster.

After brief discussion, Mrs. Kerr asked him, upon going before the Board of Zoning Appeals, to bring some form of confirmation that none of his neighbors had any objections to the requested activity.

Mr. Bland moved to recommend that the Board of Zoning Appeals approve the Special Permit request provided none of the neighboring property owners had any objections; Mrs. Kerr seconded and the motion was approved by a four to zero vote in favor.

After the vote on the preceding request, Mr. Bonneville stated that he would like to make a motion to recommend to the city council that they allow the raising of chickens, up to six hens and no roosters, in the city without the requirement for citizens to come before the Planning Commission and Board of Zoning Appeals to request a special permit.

The consensus of the members was to continue to require property owners to request a Special Permit so that neighboring property owners would have the opportunity to voice their concerns. Therefore, the motion ceased for lack of second.

2. 729 S. Camden Avenue Utilities Connection - Report

Solicitor Mitchell reported that 729 S. Camden Avenue was located near Mr. Ted Lokey's property. He explained that when approaching that location (AKA as the Banks' property), all you would see is a driveway that leads back to a cemetery. That same road goes around the cemetery and leads to an old block built home. As the home was built back in the early fifties and sat so far off Camden Avenue, it was assumed that the dwelling was not required to connect to city utilities once they became available and, therefore, was allowed to remain on private well and septic service. Last year the septic system failed and it was initially the understanding of all involved parties that the property owners would have to connect to public utilities and with that understanding the family then began to seek funding sources for assistance with the required connection fees. Solicitor Mitchell stated that the Wicomico County Environmental Health Department had allocated about \$13,000 for the sewer service connection fees, with the remaining costs, impact fees and water connection fees, to be at the expense of the property owners. The property owners then appealed to the city to seek a waiver on the impact fees, however, as the dwelling was not considered to be new construction, nor had front foot assessment fees been collected at that location, the request was denied. Recently, during the course of trying to resolve the status of this situation, it was determined that due to several geographical and/or environmental issues at that location, public utility connections would not be feasible and, as a result, the Health Department has agreed to issue a septic system permit to allow for private sewer service provided the family wishes to pursue that option.

General Discussion

None.

With no further business to discuss, **Mrs. Kerr moved to adjourn and Mr. Worth seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 7:55 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 3/7/17