

FRUITLAND PLANNING COMMISSION

The Fruitland Planning Commission met at City Hall on Tuesday, April 4, 2017, at 7:00 p.m. with the following members present:

Leland Bonneville, Derek Bland, Darlene Kerr, Jason Pearce 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, Doug Brown, Nick Fenzel, Shameka Garrison, Aleisha Garrison, Marie Stallings and Jaheim Stallings.

Chairman Leland Bonneville called the meeting to order at 7:03 p.m. and acknowledged receipt of the minutes of the March 7, 2017 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Worth moved to adopt the minutes as presented; Mr. Bland seconded and the motion was approved by five votes in favor.**

OLD BUSINESS

1. Hunt Club South Sect. II & Creekside East Resubdivision Proposal

Doug Brown came forward to present his request to convert the duplex lots into single family lots in both Hunt Club South and Creekside East subdivisions. He then called the Commission's attention to the newly revised plats of both subdivisions. He stated that the plans presented reflect the conversion of all the duplex into single family lots, resulting in 17 vacant single family lots for purchase in Creekside East and 23 single family lots in Hunt Club South Section II. The conversion of duplex lots in both subdivisions resulted in the elimination of 26 lots.

Solicitor Mitchell asked Mr. Brown if he knew what the meaning of the notation "corrected plat" referenced. Mr. Brown replied that he had spoken with Brock Parker earlier that day and that no mention of any specific corrections was brought to his attention.

Mr. Brown then mentioned, as it related to the status of development within the Creekside East subdivision, that Jason Malone had just completed construction of a home which had been sold and that the foundation had been laid for a second dwelling. He also stated that Tim Ramey had purchased two lots, 12AA and 19AA and was preparing to start construction.

After a few more general questions, **Mr. Bland moved to recommend final approval of the resubdivision of Hunt Club South Section II and Creekside East plats as proposed; Mrs. Kerr seconded and the motion was approved by a five to zero vote in favor.**

Solicitor Mitchell informed Mr. Brown that after the plats have been recorded, he would be able to request a refund on any impact fees that had been paid to the City for all those lots that were eliminated as a result of the resubdivisions.

Administrative Powell then informed all that, due to staff oversight, the initial developer was never billed the initial \$100 per lot for the Creekside East subdivision, however, an invoice would be sent out to Mr. Brown upon approval of the current resubdivision plat.

Solicitor Mitchell then informed Mr. Brown that it was the City's usual protocol to bring final resubdivision plats before the city council for review and approval and that he should prepare to attend the city council meeting on next Tuesday (11th).

2. Anderson Square Subdivision Plan Review

Mr. Nick Fenzel came forward to request approval to move forward with the preliminary installation of stormwater management infrastructure for a previously approved subdivision (Anderson Square) that has since lost its EDU allocations due to the abandonment of the project for numerous years and for which he was requesting reallocation once they became available. He mentioned that with the impending resubdivision approvals for Hunt Club South and Creekside East, the City should be in a position to provide the 19 EDUs needed for development of his project. Mr. Fenzel then began to review an updated plat of the proposed development with the Commission. During the review, several questions were raised. Solicitor Mitchell questioned the two areas of ingress and egress for the subdivision as identified on the plat as he was concerned about the distance from the intersections of St. Luke's Road and Anderson Street with N. Division Street. There were questions related to absence of the dimensions of the proposed townhouse units. Finally it was stated that the subdivision plat as presented was too inconclusive to vote on for any type of preliminary approval by the Commission.

Mr. Fenzel, in an effort to make his case for preliminary approval, stated that the subdivision plat had already been approved as presented many years ago and that he did not understand why he could not get some type of conditional approval so that he could move forward with development of the stormwater management infrastructure before the County's current approval expiration date. He stated that he was willing to expend funds at his own risk to get the project going and that he would be willing to make whatever revisions and/or updates to the plat that the Commission felt necessary if he was given some type of favorable gesture.

After Mr. Fenzel's appeal, the members continued to discuss the matter and concluded, that in view of inadequate information presented on the plat and the current status of available sewer capacity, that they were not comfortable with voting to approve the plat as presented.

Solicitor Mitchell then stated that even if the Commission were to give preliminary approval of the plat, the city still was not in a position to confirm allocation of the 19 EDUs needed as it is still working to determine the exact status of our current capacity even with proposed return of the EDUs from the resubdivisions of Hunt Club South and Creekside East, which would not be final until approved by the City Council and recorded.

Finally, Mr. Fenzel was advised to consider pursuing development of his project at later date while the city works to resolve its sewer capacity status.

NEW BUSINESS

1. Special Exception Request-Daycare Home – 206 Leslie Street

Ms. Shameka Garrison came forward to present her request for a Special Exception to operate a home day care from her residence. She stated that she had been in contact with the State Childcare Office and needed to get zoning approval as the first step to applying for a license. She Checked with a few of her neighbors to get their input and was provided two letters, both of which she was asked to read before the Commission. One letter was from Alexa Dennis who resides on Theodore Street and the other from Ebony Scott who resides on Dulany Avenue. She stated that she was unable to make contact with her immediate neighbors due to their work schedules.

Ms. Garrison was asked how many children she were planning to have in her care. She replied, five (5), ranging in age from 1- 8 years old. She stated that she could not have more than two (2) infants in her care. When asked about the possible increase in residential traffic that may result from the operation of the daycare, she replied that it should be very minimal as she will be offering transportation to pick up and drop off the kids at their homes.

Mrs. Kerr moved to recommend approval of the Special Exception request to operate a home day care to the Board of Zoning Appeals; Mr. Bland seconded and the motion was approved by a five to zero vote in favor.

2. Other?

Solicitor Mitchell briefed the Commission on an inquiry that he had recently made to the City. It referred to the property/parcel addressed as 106 Poplar Street and 206 Holly Street. The parcel is located in an R1-C single family residential district and has a 2 story structure that faces Poplar Street that had been leased as a duplex and another small dwelling that faces Holly Street and had been leased as a single family dwelling. It was established that three (3) water meters had been installed to serve each unit. It appeared that the use had been grandfathered in, however since the 3 units have been vacant for several years, they have lost their grandfathered designation. Solicitor Mitchell stated that this matter may need to be addressed in the near future.

General Discussion

Mr. Bonneville offered his apology to all for missing the special work session due to being out of town. Afterward, Mr. Bland began to brief Mr. Bonneville on a few topics that were discussed at the work session. City Manager Psota referred Mr. Bonneville to the minutes from the work session for further details.

After the briefing, Mr. Bonneville asked for suggestions for a date for another work session. He thought that April 18th at 7 p.m. would be a good date. After a few brief comments from the other commissioners, April 18th was confirmed by the majority in attendance.

With no further business to discuss, **Mr. Bland moved to adjourn and Mr. Worth seconded. The motion was approved by a five to zero vote in favor and the meeting adjourned at 7:51 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 5/2/17