January 14, 2010
Planning Commission
12191 Magnolia Springs Hwy.
Magnolia Springs, Al.
5:00 P.M.

1. **Call to Order**
   Vice Chairman Costigan called the meeting to order at 5:00 p.m.

2. **Invocation and Pledge of Allegiance**
   Mayor Houser led the Invocation and Pledge of Allegiance

3. **Roll Call**
   Commission members present: Vice Chair Costigan, Bob Holk, Charlie Houser, Karen Biel, Steve Mobley, Ed Stone and Rodney Hubble. Not present: Chairman Les Farmer and Jennifer Haffner

4. **Approval of Minutes from December 10, 2009 meeting**
   No corrections noted
   Motion by Mayor Houser, 2nd by Member Mobley to approve the minutes from December 10, 2009. All in favor. Motion carried.

   Member Haffner joined the meeting at 5:10 p.m.

5. **Christopher Baker – HMR Consultant**
   Christopher Baker has been working with a committee on redrafting parts of the zoning ordinance and was asked to attend the meeting to give a brief overview of the ordinance. Christopher did state that the Commission is not under any timer restraints to vote to consider making a recommendation to the Town Council. The public hearing to allow the citizens input on the ordinance and then the Town Council will also have a public hearing before adopting the ordinance. The proposed ordinance has been made user friendly, more illustrations so that administratively things could be found easier. Christopher did say that the zoning ordinance implements the Comprehensive Plan for the town. Some of the major changes that he pointed out were:
   1. The way property is annexed into the town
   2. The Historic District has been noted in the ordinance
   3. Zoning Districts – added a permitted use table into the document
   4. Accessory uses – where, how big and how tall
   5. Incorporated the Highway 98 Overlay District Ordinance
   6. Added a Planned Unit Development District and Springs District

   Christopher did add that the document is very comprehensive, and well organized.

Chairman Les Farmer joined the meeting at 5:30 p.m.
Vice Chairman Costigan turned the meeting over to the Chairman

6. **Chairman Farmer opened the Public Hearing at 5:50 pm**
   Jim Gaines had concerns about four(4) lots on Oak Street, now owned by Blanchard, Dwyer, Weller and Chavis, that the new ordinance would allow them to be subdivided into two(2) lots. Councilmember Holk stated the present ordinance wording is that R1A addresses a 120 ft. width minimum at building line, which means that it could be 60 ft. at the road side and that would allow someone to divide the lot into two (2) odd shape lots. After some discussion by the committee it was recommended that 100 ft. width at front setback line. A drawing was made by Christopher showing how a two hundred foot lot could be subdivided with staggered line into two lots with the old regulations. Jim Gaines stated that he
would be highly surprised if the Historical Commission doesn’t recommend strongly that we do something that these lots can’t be subdivided, it would destroy the fabric and character of that part of Magnolia Springs. He is asking that the commission look into something that would prevent the lots from being subdivided.

**Lolly Turner** stated that two of the properties in question are owned by developers which have been trying to obtain the other properties so they can be all one property and it is a great concern to her. She feels it would change the character of the town. She is in favor of keeping the properties as one property.

**Harry Dwyer**, who’s mother owns one of the lots on Oak Street, has a problem with people wanting to chop up properties in Magnolia Springs. He did state that the County Board of Adjustment disapproved the split of one of those properties and the town should stick by that decision. Harry did say that it was said before incorporation that nothing would change and making this change would allow four (4) lots to be cut in half.

**Member Haffner** added that every meeting we have is open to the public and you need to come, we can not call everyone when there is a meeting, this is your government, and you need to be involved. Jim Gaines said he felt that we didn’t need to come to every meeting to see what is going on. Some one yelled out was it advertized. Member Biel stated the public notice was in both paper, Foley Onlooker and Press Register, and the notice ran two weeks before the meeting. It was mentioned in the public notice that it was available for view at the Town Hall. She also added that the meeting was posted on the monthly schedule, which posted in three places in town and the meeting was also posted on the website. The town is doing everything that is required by law on notification. Chairman Farmer asked what the next step was. Mayor Houser stated that the Commission can vote to approve or disapprove the recommendation to the Town Council or we can hold it over for another meeting.

**Chairman Farmer closed the Public Hearing at 6:40 p.m.**

Motion by Chairman Farmer, 2nd by Member Hubble to table any recommendation to the Town Council, to publish it on the website and have another open meeting at our next regular Planning Commission meeting. All in favor. Motion carried.

7. **Reports and/or announcements**

No reports or announcements

8. **Public Comment**

No public comment

Motion by Member Haffner, 2nd by Member Hubble to adjourn. All in favor. Motion carried.

Meeting adjourned at 5:15 p.m.

Approved this the 11th day of February, 2010

Les Farmer - Chairman

ATTEST:

Karen S. Biel – Secretary