APRIL 5, 2007
PLANNING COMMISSION
14809 GATES AVE.
MAGNOLIA SPRINGS, AL.
5:00 P.M.

1. **Call to Order**
   Chairman Farmer 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 – Chairman Farmer, Mayor Charles Houser, Councilmember Bob Holk, Karen Biel- Administrative Staff Member, Ed Stone, Steve Mobley, Jennifer Haffner, and Mike Costigan. Also present Diane Burnett from the South Alabama Regional Planning Commission and legal counsel, Jim Gaines.

Minutes show that Member Hubble joined the meeting at 5:20 p.m.

4. **Approval of Minutes from March 1, 2007 Meeting**
   Motion by Member Costigan, 2nd by Member Mobley to approve the minutes from 03-01-07 meeting:
   Discussion: Mayor Houser asked that a change to item #7 Miscellaneous Items, that he was one of the volunteers for the subcommittee. Vote: All in favor. Motion carried

5. **Reports and/or Announcements**
   **Chairman Farmer:**
   Talked about the subcommittee working on the subdivision regulations and for those in attendance at the meeting for subdivisions that the planning commission couldn’t answer any of their questions till they completed the regulations. The Mayor also added that we do have zoning regulations, but no subdivision regulations or even historical commission in place and it all works together.

   **Dale Younce** asked the commission if there was already preliminary approval from the county, was does that mean for that subdivision. Member Holk stated that the agreement with the county states that if it was approved with the county, then it will stay with the county, unless there are changes and then it would come before our planning commission.

   **Chairman Farmer** also stated that he was going to recommend to the planning commission, for the planning commission to recommend to the Town Council to declare a moratorium on zoning changes, till the planning commission can come up with conceptual plan for the corporate limits.

6. **Steven Head – Subdivision of Property**
   The division of land wherein the size of each and every resulting parcel of land equals or exceeds twenty (20) acres. After some discussion and not having our subdivision regulations in place and having to act within the thirty (30) days of being presented it was determined:
   Motion by Member Holk, 2nd by Member Mobley to deny application. All in favor. Motion carried
7. Cynthia Lowell – Family Subdivision of Property
The division property and twelve (12) acres to be given to son. After some discussion and not having our subdivision regulations in place and having to act within the thirty (30) days of being presented. Motion by Member Stone, 2nd by Member Holk to disapprove. All in favor. Motion carried.

8. Dale Younce – Discussion of Rezoning
Has not made application for rezoning but wanted to show his idea. It would be four (4) apartments on the top floor, with retail on the bottom level and one large unit with retail on both levels. His intent would be to rezone as B-2. Chairman Farmer stated that until we come up with some regulations, there’s nothing we can say. Member Holk said that it was his understanding that Mr. Younce would build and lease them, and Mr. Younce said yes and it would only sell as a whole.

9. Dan & Victory Armstrong - Rezoning
Mr. Armstrong left at the beginning of the meeting when it was discussed about asking the Town Council for a zoning moratorium. The property is located at 14667 Camelia Ave and they would like to add a second floor, to live on the top floor and put a beauty business on the lower level. Chairman Farmer again said he suggested they do not hear any rezoning at this time.

Chairman Farmer made a motion to recommend to the Town Council to consider a moratorium on zoning changes to coincide with the subdivision regulations until such time that we (the Planning Commission) can come up with our complete comprehensive plan within the corporate limits. It was suggested that another member of the commission make the motion. It was so moved, so is was motioned by Member Costigan, 2nd by Member Hubble. All in favor. Motion carried.

10. Public Comment
Sam McCarroll who represents Deidra Lee on a subdivision that is forty-seven (47) acres, that went before the county but has to come before us now. It was recommended by Diane Burnette (SARPC) not to look at it before our subdivision regulations were completed. She also suggested that if he wanted to bring it before the commission in public participation, he could, we can’t vote, but we could say we like it or we don’t like it. Chairman Farmer stated that there is no sense in presenting anything to us until we come up with our subdivision regulations.

Member Hubble brought up the fact that not one person should be looking at any subdivision plans and giving any kind of advice to any developer. We need to be considerate to citizens and not send the wrong message. Chairman Farmer asked if we should make that official and Member Hubble said that we should.

Motion by Member Hubble, that we do not entertain any sort of rezoning, any informal or formal petitions of any sort as to subdivisions, rezoning, etc. till we have our ordinance in place and adopted. Mayor had a point of order and stated that the motion shouldn’t include rezoning, the commission doesn’t have anything to do with rezoning and that the commission has already voted on recommending to the Town Council a zoning moratorium. Member Costigan did bring up the fact that the commission will hear rezoning and makes a recommendation to the Town Council. Member Hubble said that with recommending to the Town Council we’re not going to make any of those decisions and he feels that we should not be influenced by any thing that we’ve look at. With all the talking, confusion and the secretary not being able to read the motion back, and there was no 2nd to the motion, Member Hubble withdrew his motion and made another motion.
Motion by Member Hubble, 2nd by Member Mobley, that we do not entertain here, as a group, informally or formally any sort of subdivision, rezoning, any sort of petitions and plans until we have our ordinance completed and adopted. All in favor. Motion carried.

Todd Underwood – was questioned the thirty thousand (30,000) sq. footage on lot size and wanted to know if that was definite. He stated that he felt that wasn’t big enough with side, front and rear setbacks. He suggested that Magnolia Springs go to a minimum lot size of one acre.

Member Holk asked, to be fair to Sam McCarroll that he would meet, off the record and on the side to discuss some of the issues with the subdivision. Chairman Farmer asked legal counsel and legal counsel told him that he could talk to who ever he wanted to. The Mayors opinion was that we shouldn’t discuss it to give any body any false impression, good or bad.

Member Haffner stated that it was her impression that we were not to speaking to any one about what they were going to bring before the commission. Diane Burnette said that your dialogue initiates action on his part to engineering. Member Mobley asked about a discussion at another meeting, that a member can have a meeting at the Town Hall with a developer. Member Hubble stated that they could meet with the Town Staff but individuals would not take phone calls, or meet with developers. His feeling is that if we’re going make the rule and be consistent with the rule.

Motion by Mayor Houser, 2nd by Member Holk, that the Planning Commission adopt a resolution within the Commission that no discussions with developers or builders in regards to any propose subdivisions or development take place any where, except in an organized, announced or scheduled planning commission meeting. All in favor. Motion carried.

Sam McCarroll - asked about the problems with the subdivision. Chairman asked legal counsel, he told the commission they could speak on it. Member Holk went into some detail about Riviera not being able to provide the water pressure and about fire protection.

Motion by Mayor Houser to adjourn.

Approved this the 3rd day of May, 2007

ATTEST:

Karen S. Biel – Secretary

Les Farmer - Chairman