October 4, 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
Ken Underwood led the invocation and Mayor Houser led the pledge of allegiance.

3. Roll Call
Commission members present – Chairman Farmer, Councilmember Bob Holk, Steve Mobley, Jennifer Haftner, Karen Biel and Rodney Hubble. Also present: Diane Burnett – SARPC. Not present: Member Mike Costigan

4. Approval of Minutes from August 23, 2007 Public Hearing and Meeting
Motion by Member Mobley, 2nd by Member Holk to approve the minutes from August 23, 2007 public hearing and meeting. All in favor. Motion carried.

5. Public Hearing for Rezoning Request for Mannich Lane Development
Chairman opened the public hearing at 5:05 PM

Mannich Lane Development is requesting a rezoning from R-1 to B-2 with conditional residential use. Chairman explained the procedure for the public hearing, by signing up to speak. Chairman called:

Dale Younce to explain his request for the zoning change. Property is located on the corner of Gates and Hwy 49, and they feel the property is a good location for a mixed use development. He made reference to the property location being close to the municipal building, churches, store, restaurant, and the springs. The mixed use is four (4) apartments on top of the retail, he also talked about the buffer area, parking lot, and set backs. Chairman Farmer then asked for questions from the commission:

Mayor Houser:
1. Asked about egress on the south side, Mr. Younce stated all traffic will be off of Gates Ave.
2. Asked if they had talked to any potential tenants for the residential or businesses, Mr. Younce stated they have not. They are waiting to see if it passes.
3. Asked about the residential units being over the smaller businesses. Mr. Younce replied that there will be four residential units and they are not sure what they will do with the fifth place at this time.
4. Asked about the square footage of the upstairs units. Mr. Younce stated from 1400 to 1800 sq. ft. He stated the elevation is not written in stone because they had to put something together that would conform to the B-2 with conditional use zoning.

Chairman Farmer:
1. Asked if they calculated the ground coverage. Mr. Younce stated that he thought is under the 30% for just the building coverage.

There were no other questions from the Commission.
Chairman Farmer explained that the public hearing was for the rezoning of the property and what Mr. Younce wants to put on the property doesn’t matter. The Planning Commission just makes a recommendation to the Town Council, who will approve or disapprove the rezoning. Chairman called for comments from the public.

**Janet Paarberg:** she was there representing herself and her father and they are opposed to the rezoning from R-1 to B-2. She presented the Commission with 135 signatures opposing the zoning change. Some of the issues she covered were: the impact it will have on the streets, the town and the community. The comprehensive plan has not been established yet. At the time of sale of this property 2 years ago the agreement stipulated that the lot be used for residential use only. The lot is an historical area. The lot was originally zoned R-1 by Baldwin County and when the town incorporated it was again rezoned R-1 by the Town Council to maintain the integrity of the community. The commercial mixed use development of this property will have a negative environmental impact on the community. Increase in traffic, noise, congestion, an increase of water run off into the river, a decrease in residential property value, and transient occupants of the commercial mixed use. There are currently vacant commercial spaces available in the town limits. She stated the original reason for zoning and incorporation was to protect, plan and control the destiny of Magnolia Springs and the area around it. She asked them to uphold the trust of those in the community that worked so hard for zoning and incorporation, maintain the integrity of the planning commission by voting against the amendment on proposed commercialization of this residential property at the gate way to the springs. Thank you.

**Jim Gaines:** he stated that any zoning expert will tell you that you need a comprehensive plan, the town to my knowledge has not completed a comprehensive plan and what do we want Hwy 49 to look like. He feels with out the plan this is just not the time to do it. If the town feels the need for a commercial area then Hwy 98 is up there and that this is not the right place for this development. The town just passed a Historical Preservation Ordinance, it will take months to appoint the members, to do the research and study to decide where the historic district will be and the guide lines for building. He feels the best use for this property would be a connector from the springs to the school property owned by the town. He also talked about condemnation and stated the town could condemn the property. He said the biggest reason not to rezone is the traffic, Hwy 49 is dangerous. When everyone was running for office it was said that we want to keep Magnolia Springs the way it is, well this is the test and if this is Ok’d then its just business as usual, then there’s not difference between the County, Orange Beach, Foley and Magnolia Springs. He certainly hopes and prays we’re not going to do this. Thank you.

**Carey Bentley:** he stated that most everything has been said and just wanted to touch a few things. Once it is zoned B-2 you don’t know what your going to get there and what is shown up there (he referred to Dales drawing) does not look like Magnolia Springs. Traffic is a problem already and will only get worse. When going through zoning with the County, the citizens of Magnolia Springs decided that property should be residential and I don’t see anything that has changed. He agreed that a comprehensive plan needs to be completed. He stated the ink isn’t even dry on the incorporation papers and the reason for incorporation was to keep Magnolia Springs the way it is. Thank you.

**Donna Esslinger:** she stated that she has been a resident of the town for 20 years and two words keep coming to her mind, integrity and destiny. They all ran for office on the concept that they wanted to maintain the integrity of this community. The concept of zoning change, how does that fit into, long range plans to maintain the integrity of the community. With careful and thoughtful planning the town council and the planning commission can move forward to maintain the integrity of the community. She disagreed with Mr. Younce and feels there is no reason to draw business to this corner. We need to have our own hands on our destiny. Think carefully about the zoning and the historic district. For our own feelings of integrity, our own hands on destiny, now is not the time and the best decision would be not to change the zoning. Thank you.
Victoria Armstrong: she came before the commission about rezoning a piece of property that she owns in the town limits. Growing up in Fairhope, she saw the growth there and that she supports the town with what they want to do. She was impressed with the unity of the citizens.

Dennis McNally: he stated Magnolia Springs has two diverse groups, if you go down the historic district it’s very beautiful and right across the street you have trailers. You’re going to have some change, and the first thing that comes in will set the standard for the rest. This developer wants to put something nice there and not just plopping something down, making some money and then leave. You talk about it not being near a business district, right across the street is Jesse’s, which is close to a business district. You need to have something appealing to the eye. Thank You.
Chairman Farmer closed the public hearing at 5:35 PM.

Chairman Farmer responded to the statement that change is coming and we have to decide, well I am looking at a petition that is signed in excess of hundred people that live in this community and they have decided that they want it to stay the way it is.

Chair called for a motion:
Motion by Member Holk, 2nd by Member Mobley to recommend to the Town Council to deny the request of rezoning on case Z1001. Discussion: Mayor Houser stated “this is why we incorporated and that this decision is being made here in Magnolia Springs opposed to Bay Minette. It’s really gratifying to see everyone involved. I’ve heard people say that they want Magnolia Springs to stay like it is and as Town Council and Planning Commission, that is in the eye of the beholder. One thing I feel very strongly about is that change is coming and with the Planning Commission and the Town Council we will be able to control this change. This is why our comprehensive plan is very important. I also feel that the Historic Commission and Architectural Review Committee should be in place before we decide what we want Hwy 49 to look like, it is a tool that will control the look and feel of our town”.

Chairman Farmer added “we can’t stop what happens outside the village, but we can control what happens inside the village. A lot of thought has gone into the zoning process. In regard to the master plan, it is my opinion that the Zoning Ordinance is the master plan. I also understand that we can adopt our zoning as our master plan and I’m not saying we do that, I believe we need to concentrate on Hwy 98. I will bring up at the next meeting to recommend to the Town Council to adopt our zoning map as our master plan until such time as we can come up with a master plan”. Member Hubble read an article titled “Challenges for a New Town”. He stated that he and his wife are new to the town and we should not lose focus on what we have. He also stated that Dale Younce and I are not in business and I have no financial gain. I had some of my crew members at the new town hall to do some volunteer work and someone actually accused someone of being on the take, I did not invoice the town it was volunteer work as a citizen of this town. I’m all in favor of mixed use, I’m in favor of rezoning, I’m in favor of looking at it and asking what will it look like in ten years. I feel we need two things in place first, a comprehensive master plan with districts and architectural review esthetics survey period. You can only build what looks like it has been here for 180 years. Member Haffner stated in the beginning of Magnolia Springs we moved here and built a beautiful community. Then they wanted a church so the community built a church and it’s over 100 years old. Then they decided to build Moore’s and people grew up going to Moore’s Market and loved it. I have had a lot of people come up to me and tell me how I should think and it’s all about integrity and doing the right thing. I have always lived with integrity and try to do the right thing. We all have different views in life and that doesn’t mean we don’t have integrity. I do agree that we need to have a plan and this is not my choice but I will vote with the
people of Magnolia Springs. I see that 135 people want this to be denied but there are still 565 others and I know people that choose not to sign the petition as well. I have looked at the map several times to decide if this property should be residential or commercial and when you look across the street you have Jesse’s, Moore’s, the community center, and the church and now town hall. I walk with my children down to these places and we see people and get a real sense of community. I don’t see any thing negative about building on that and doing it the right way, not yet because we’re not ready. Wouldn’t you like a place that you could walk to and not drive your car, to have a cup of coffee or look at some books? Hwy 49 has always been a traffic issue and I don’t think it’s going to ruin the character of the town. I don’t want a Dollar General, a Wal-Mart or anything like that and I love this community and would like to have some more of the community here. Maybe we should look at it and not stay focused on every thing staying the way it is, because that’s not necessarily perfect. It’s beautiful place but people need to build to keep with the momentum of life, some of us would like to have businesses here in town. If I had to choose between having my say on this and renting from Dale, which I’ve wanted to have a bakery for 20 years, I would choose not to rent from Dale and vote for him because I feel it is a good thing. I hear a lot of anger and we’re always going to live next door to each other so let’s respect that we will all have different feelings about things. Member Hubble stated that during the zoning workshops it was discussed about business zoning (B-1, B-2) with different areas and different types of businesses, which still need to be looked at.

Chairman Farmer stated there’s been a motion, a 2nd and discuss and called for a vote:

Member Haffner asked how long before some one can come up for a rezoning after it has been denied.

Chairman Farmer stated one year.

Vote: Motion to recommend to the Town Council to deny. All in favor. Motion carried.

Member Holk stated that he hopes everybody feels like he did and that this was a real plateau that Magnolia Springs has reached, and we didn’t go to Bay Minette or Robertsdale to plead our case. It’s been trying, I feel for what Jennifer has said and the citizens need to know that it is a process that we have to go through. Whether you agree or disagree the town must follow this process and I hope that we will take from this and come out with conviction that we want to do and make Magnolia Springs a better place all around.

Chairman Farmer called for a short recess: 6:00 PM
Meeting reconvened at 6:10 PM

6. Change the Planning Commission meeting day
Chairman Farmer explained that the our planning commission meetings are on the same day as the Baldwin County planning commission and since they will be reviewing for us and possibly coming to our meeting, it was suggested that we change our meeting to another day. After some discussion of what day to have the meeting on there was a motion made.

Motion by Chairman Farmer, 2nd by Member Mobley to change the planning commission meeting from the first Thursday of the month to second Thursday of the month starting the month of November. All in favor. Motion carried.

7. Recommendation to Town Council to adopt the Zoning Map as a Master Plan
Chairman Farmer asked that this be placed on the agenda, he is now asking that it be removed at this time.

Motion by Chairman Farmer, 2nd by Member Haffner to remove this item from the agenda. All in favor. Motion carried.
8. Reports and/or announcements  
Member Biel stated the Town received an application for annexation from Magnolia Oaks Land Holding, LLC, the property is located across from Village Green. The engineering firm Volkert and Associates came before us at a previous meeting to explain the development. The Town Council voted to send the application for annexation to the Planning Commission for review and recommendation back to the Town Council. She then stated that it will be placed on the next Planning Commission meeting agenda in November. Member Biel knows the Town Council has to hold a public hearing but asked Diane Burnett (SARPC) if the Planning Commission also had to hold a public hearing. Diane stated if the Town Council sent it to the Planning Commission to possibly give a recommendation on a different zoning designation, then it would be handled like a rezoning and a public hearing would have to be held. She recommended that if the Planning Commission was not comfortable with the plans not to recommend anything. Mayor asked, the Planning Commission should be involved for a recommendation to the Town Council in the request for annexation and the requested zoning. Chairman Farmer said they were asking for a PUD designation or they request to be de-annexed. Member Hubble asked that if the people here want it to stay like it is, why are we considering annexing this property? Chairman Farmer then asked, what, do we need to do now. Member Biel stated we need a motion to place on agenda and to hold a public hearing at the next meeting. Mayor Houser explained there are two separate issues, the annexation and then later the subdivision. Member Mobley had concerns about the development and the traffic on Hwy 49. Chairman Farmer suggested they apply to the planning commission for their development first then make application for annexation. Member Holk explained that they will also have to apply to the County and pay the fees to both. Chairman Farmer suggested this item should be put on the next Planning Commission meeting agenda.

Motion by Member Holk, 2nd by Member Hubble to table the discussion of the annexation application until we get more direction from the Town Council and legal counsel. All in favor. Motion carried.

9. Public Comment
Anthon LaCoste: presented a request for an exempt subdivision letter. Parents are requesting a subdivision of one acre to give to son to build a residence on. Property is located on Hwy 49. Chairman stated he qualifies for a one time split of a parcel.

Motion by Member Stone, 2nd by Member Haffner to grant the one time split of a parcel. All in favor. Motion carried.

10. Motion by Member Biel, 2nd by Mayor Houser to adjourn. All in favor. Motion carried.

Meeting ended at 7:15 PM

Approved this the 8th day of November, 2007

ATTEST:
Karen S. Biel - Secretary

Les Farmer - Chairman