

September 14, 2017
 Planning Commission
 12191 Magnolia Springs Hwy.
 Magnolia Springs, Al.
 4:00 P.M.

1. Call to Order

Chairman Costigan called the meeting to order at 4:00 p.m.

2. Roll Call

Members present

Chairman – Mike Costigan Steve Mobley
 Vice Chair – Bob Holk
 Karen Biel
 Lauren Mote

Members not present

Lewis Wood
 Ben Dykema
 Rodney Hubble

3. Invocation and Pledge was led by Chairman Costigan

4. Approval of Minutes – June 8, 2017

There were no corrections or additions:

Motion by Member Mobley, 2nd by Member Holk to approve the minutes as presented. All in favor. Motion carried.

5. Public Hearing - The Commons Condo

Chairman Costigan opened the public hearing at 4:04 p.m.. Richard Davis, (attorney) stated that he represents the owners of lots in The Commons Condo. Mr. Davis explained that the developer of The Commons set it up as a Land Condominium. Condominium is defined as a way to hold ownership of real property that has two components, one is private element and the other is common element. In The Commons the private element is a land pad on which a home is built and everything else is the common element. The application submitted for The Commons is to convert the property from a Land Condominium to a Planned Unit Development. This will increase the marketability of the lots and will increase the insurance companies willingness to insure the property. Mr. Davis said that they are not changing anything on the grounds and there is no increase in density. Mr. Davis stated that they have come before the Planning Commission to ask for Planned Unit Development approval.

Chairman Costigan opened the floor for those who have requested to speak:

Wayne Walker is with Magnolia Springs Baptist Church. Mr. Walker asked if there was anything going to change with the land or driveway that might impact the church. Chairman Costigan stated that there is no construction to be done and the lay of the land will not change. He added that it is just a paper transaction. Mr. Walker stated that in the past there was talk about The Commons wanting to purchase the church property. Chairman Costigan said that would be a negotiation between the Church and The Commons.

Leslie Weeks concern is with the increased marketability they will have increase traffic on Van Wezel Lane. If everyone started using Van Wezel Lane that would be a burden on that little lane and the bridge. All that traffic will dump out onto a dangerous area on Highway 49. Member Holk stated that the town has concerns about that problem also. He added that the road is not designed for new subdivision regulations and coming out onto Co. Rd. 49 is kind of a blind area.

Member Holk stated that he did some research into the easement and found that a judge ruled a long time ago that the owners of The Commons had the right to use Van Wezel Lane. He added that as a town we can not go against the judges orders and restrict the use of Van Wezel. Ms. Weeks inquired about the Planning Commission denying the conversion request contingent on restrictions on the road. Member Holk stated that the Commission could not deny the request unless there were reasons to deny it. Chairman Costigan said there would not be any grounds to deny the request for that purpose because the courts have given the order that that road could be used. Ms. Weeks asked if the roads could be dedicated to the city. Chairman Costigan stated that the subdivision is outside the town limits. Member Holk stated that the County is not adopting the roads and you will find that a lot with PUD's.

John Reuss lives on Van Wezel Lane. He said the easements were given back in the 1930's and 1940's, a different time, a different place and different circumstances. Back then you might get one car coming in and one car going out. Now there are 46 lots back there, so 46 to 92 cars going in and out. Mr. Reuss added that making a left hand turn going onto Van Wezel from the south is a semi-dangerous task, and the more cars piled up at that point the more dangerous it is going to be. Coming off of Van Wezel in his truck he has to strain to see cars approaching from the south going to the bridge and that can be problematic also. Chairman Costigan stated that the town shares those concerns also. Member Holk stated that the county nor the town at this time maintains the road because it is a private road.

Member Mobley asked if there has been any increased traffic on Van Wezel Lane. A lady in the audience stated that she lives in The Commons and she does not use Van Wezel because of the reasons they have talked about and the dangerous intersection. She manages The Commons and she can not tell them they can't use it but she can suggest to them not to use it on a regular basis to respect the residents and the wear and tear on the bridge. They are very sensitive to that and certainly don't want to cause problems.

Bonnie Weeks added that when they moved their in 1991 the road was just mud. Some of the home owners got together and paved the road to keep the mud from going into the river.

Chairman Costigan closed the public hearing at 4:29 p.m.. He stated that the Commission can consider the approval or denial of the application from The Commons.

Motion by Member Holk, 2nd by Member Mote to approve the request from The Commons to change type of ownership from a Land Condominium to a Planned Unit Development. All in favor. Motion carried.

6. Adjourn

Motion by Member Biel, 2nd by Member Mobley adjourn the meeting. All in favor. Motion carried.

Meeting ended at 4:31 p.m.

Approved this the 9th day of November, 2017



Mike Costigan - Chairman

ATTEST:



Karen S. Biel - Secretary