November 9, 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.

Chairman Costigan welcomed our two new members to the Planning Commission - Mark Byrd and Bob Turner.

2. Roll Call

<table>
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<th>Members present</th>
<th>Members not present</th>
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<td>Chairman – Mike Costigan</td>
<td>Steve Mobley</td>
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<td>Vice Chair – Bob Holk</td>
<td>Bob Turner</td>
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<td>Karen Biel - Secretary</td>
<td>Lewis Wood</td>
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<td>Lauren Mote</td>
<td>Mark Byrd</td>
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Also in attendance was the town's legal counsel Brad Hicks and SARPC representative Diane Burnett.

3. Invocation and Pledge was led by Lewis Wood

4. Approval of Minutes – September 14, 2017
There were no corrections or additions:
Motion by Member Mobley, 2nd by Member Wood to approve the minutes as presented. All in favor. Motion carried.

5. Discussion - Meadow Springs RV Park - Mr. Hill
There were two petitions submitted to the Planning Commission - one in opposition and one in favor of the RV Park.

Chairman Costigan opened the floor to public comment.
1. Jerry Anderson - attended on behalf of the person proposing the RV Park.
2. Jeannette Weber - supporting the RV Park
3. Sheri Brown - supporting the RV Park
4. Hamp Johnson - traffic concern on Beasley Road with the RV Park
5. Peggy Phillips - property value concerns
6. Chris Durden - property values, traffic, type of people, type of park and impact on the community
7. Diane Merrill - opposing the RV Park
8. Jasmine Schilling - RV Park Protest
9. Ann Mero - supporting the RV Park
10. Sean Smith - disable veteran - supporting the RV Park
11. Alicia Talley - supporting the RV Park
12. Bill Cowan - in support of the RV Park
13. Alan Carpenter - supporting the RV Park
14. Lenora & Larry Havel - opposing the RV Park
15. Ed Hand - inquiring what is going on in his area (Hunters Chase)

Chris Gill - attorney for Hadley and Kristin Weaver. He stated that this is not about the character of Mr. Hill or the character of anybody that might live here. He added that it is pure and simple "is this a subdivision" and he believe that everything that we have seen says it is. Mr. Gill spoke about an AG's opinion on mobile home park developments being a subdivision. Mr. Gill said under any reasonable definition this is a building development, they are taking a piece of property and setting it up for use and occupancy with as many as 35 rental units. He said that very clearly under Alabama law and with the application they submitted to Baldwin County it is a subdivision.

Hadley Weaver stated that he does not know Mr. Hill and the idea for something for first responders is great but does not belong in their single family subdivision, that is his opinion. Mr. Weaver stated that he compared the Baldwin County Subdivision Regulations to Magnolia Springs Subdivision Regulations and they are virtually identical except Magnolia Springs has more control on what they want their community to look like and the County is wide open. They are counting on Magnolia Springs to take an application make sure the applicant lives up, if he can, to those guidelines. He added that if the county requires it to be a subdivision then Magnolia Springs should also because he thinks it is. Mr. Weaver said the people that are there already will be harmed and that he knows that his property value will drop more than what Mr. Hill paid for the land. They can not up and move but
Mr. Hill could find another location for an RV Park without up setting all the people in the neighborhood. Kristen Weaver presented the Commission with the petition with over 60 families that are against the RV Park.

Chris Callahan, attorney for Michael Hill - reiterated what Mr. Gill said, it's not about whether you are for or against the RV Park it is whether it is a subdivision or not. He added that if it is a subdivision then it is subject to Magnolia Springs ETJ and if it's not a subdivision then it is not. Mr. Callahan referred to Mr. Gill's AG Opinion about mobile home parks and read the meaning of mobile home from the Magnolia Springs Subdivision Regulations.

Mobile home. (See Manufactured housing). A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Mr. Callahan added that the RV Park is certainly not a place where people will be living year round. It is a place for veteran's and first responders to go on vacation and feel safe. He added that the Magnolia Springs Regulations define a subdivision as:

Subdivision: The division of land such that new boundaries are created which result in additional lots, tracts, or parcels of property for the purposes of sale, lease, gift or building development.

Mr. Callahan said that we don't even get to any type of 'division of land'. This is one tract of land, one lot that is not being subdivided. On the application to the County they did number the camp sites, that is what it is a camp site for a RV. It is not a parcel that is separated for any type of sale, lease or gift to develop. He also added that a building site must have parking according just about every zoning ordinance and subdivision regulations he's seen. Magnolia Springs definition:

Building site. The land occupied or to be occupied by a structure and its accessory structures including open spaces, required yards, and parking.

What Mr. Hill has indicated on his application to the County are the parking spaces or camp sites. Mr. Callahan stated that Magnolia Springs Subdivision Regulations do not define 'Recreational vehicle park' but Magnolia Springs Zoning does define 'Recreational vehicles and parks'. Mr. Callahan read some other definitions from the Zoning Ordinance and stated that Magnolia Springs has the definitions and it is up to you if you choose to apply it to the Subdivision Regulations. He add that the Zoning Ordinance defines a recreational park as:

Recreational vehicle park. A lot of land upon which one or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Mr. Callahan said that this is just what Magnolia Springs has defined it as, they are camp sites or RV sites. He talked about paving standards that Magnolia Springs has in the zoning ordinance;

Paving standards: As a result of ecological concerns the Town will consider alternate paving materials to include rock, gravel, porous concrete, asphalt, concrete and the similar technology. It is important to note that all required handicap spaces and ramps must be paved with asphalt or concrete.

Mr. Callahan stated the reason that you do that is because we live at sea level and when it rains there are not to many places that it can go. In the application to the County Mr. Hill did ask to put gravel down to protect the environment around and to allow the water to seep into the ground. In closing Mr. Callahan stated again this is whether this is a subdivision or not. They also circulated a petition and have 227 people that say they support this RV Park. There will be people for and against the RV Park but this Commission gets to decide whether or not an RV Park is a subdivision. Mr. Callahan thinks under its own definition in the zoning ordinance it's not a subdivision it's a lot with several sites. He added that if it is a subdivision he anticipates that his client will comply with the towns subdivision regulations as he continues to move forward.

Michael Hill stated that he bought the property because of a need for veterans and first responders and their families could come for a vacation that wouldn't cost an arm and a leg to stay at. He said that he wants to make this a nice place for them to come to because the deserve it.

Member Holk asked Mr. Hill if his engineer was present and he was not. Member Holk had some questions to ask.

1. Electricity - are the sites individually metered. Mr. Hill stated that each site will be individually metered paying for just what they use.
2. Water - Mr. Hill stated the water will be run off two wells to each site. Water will be at each site but not be metered at each site.
3. Sewer - Mr. Hill stated there will be sewer service by Baldwin County Sewer. There will be sewer hookup at each site. They talked about a dump site but that would not be convenient for some to break down to move and dump.
4. Roads - Mr. Hill answered that he was told that gravel was better by a hydo-engineer, it would allow the water to permeate through the ground and it was better for the environment.
5. Sites - Mr. Hill said there is about 16 acres. He is starting with 35 sites and if there is a need he will put in more. He was asked about any excavation to be done. He said he didn't think there was a
need to but he will have to dig a small retention/retaining pond. He will do what he needs to, to keep the water under control

6. Common laundry and bath facility. Mr. Hill said that there will be a laundry room. **Member Mobley** asked Mr. Hill if he planned on residing on the property somewhere. Mr. Hill said that he lives seven doors down and if he's not at home he would be on site. **Brad Hicks - legal counsel** - asked about the length of stay. Mr. Hill answered that he has no intentions for it being a long term stay type thing or living down there. Mr. Hicks asked how Mr. Hill was going to charge. Mr. Callahan stated that it is meant to be a vacation spot for people who live elsewhere. Hopefully the idea is that they would come on vacation and then go back home. Mr. Hicks asked if there is a time limit that they can't stay beyond. Mr. Hill said that he wasn't go to throw anyone out and he would be the one deciding what was a reasonable time. Mr. Hicks asked if it was open to the public. Mr. Hill stated that he was going to keep it for veterans, law enforcement, fireman and their families. Mr. Hicks asked if he was going to tell the general public that's not military that they can't stay there. Mr. Callahan stated that he wasn't going to do that. Mr. Hicks asked about other utilities such as cable, phone, satellite anything like that. Mr. Hill stated that he believed that most RV's carry their own satellite dishes with them and he wasn't running any phone lines. Mr. Hill did say that it is a single piece of property and will stay a single piece of property. He has no intentions of selling any.

Kristen Weaver stated that she was told by the County that it would fall within their subdivision regulations and questioned why it wouldn't go under Magnolia Springs subdivision regulations. Vice Chairman Holk stated that the County Regulations has a section for RV Park and Magnolia Springs does not. He added that is why we are trying to determine if it is a subdivision or not. **Brad Hicks** stated that the issue is whether or not it's a subdivision under Magnolia Springs Subdivision Regulations. There aren't any recorded decisions by the Alabama Supreme Court or the Court of Civil Appeals that deal with whether or not an RV Park that has a certain level of building development falls under the definition of subdivision. There are two Attorney Generals Opinion that differ. In 1985 Albertville requested an opinion on whether a mobile home park was a subdivision and that letter of opinion they said it was not. In 1994 Elberta Town Clerk sent a similar request on behalf of the Planning Commission to ask the same question and that opinion was that it was a subdivision. Mr. Hicks went on to say that the town is in the position of looking at not a mobile home park but an RV park with subdivision regulations that don't have the specific language like the County does that deals with lot sizes for RV parks trying to determine whether or not it is a subdivision. The Planning Commission has the option to request an Attorney General opinion and that is why we were asking the questions that we did, so that we can give the AG all the facts to determine whether or not the RV park is a subdivision under our regulations and under state law. Mr. Hicks and the Planning Commission Chairman discussed seeking an AG opinion to ask for help on this question so the Planning Commission can get some guidance. At the Chairman's request Mr. Hicks prepared a resolution for Planning Commission to consider seeking an opinion from the Attorney General.

**Motion by Vice Chairman Holk, 2nd by Member Turner to adopt resolution requesting an Attorney General's Opinion. All in favor. Motion carried.**

6. **Adjourn**

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

Meeting ended at 5:36 p.m.

Approved this the 10th day of May, 2018.

\[Signature\]

Mike Costigan, Chairman

ATTEST:

\[Signature\]

Jenny Opal White, Secretary