

1 MS. LINDA LEE: Thank you.

2 **8-E - CASE Z-19009 - SEAGLADE AT ST. ANDREWS BAY, PRD SITE PLAN**

3 **APPROVAL**

4 CHAIRMAN SAM DAVIS: Okay. The last case is
5 Z-19009, Seaglade at St. Andrews Bay.

6 ATTORNEY DAVID CONNER: Mr. Chairman, I have a
7 conflict of interest on this item in that our firm
8 represents Alabama Chapel, LLC. I spoke with Vince
9 before the meeting, and he did not believe there was any
10 legal issues.

11 This is a recommendation to the County Commission.
12 And so if there are any legal issues that need to be
13 addressed, they can be address between the recommendation
14 and the time we proceed to the County Commission. Thank
15 you.

16 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
17 I also have a conflict of interest in this case.

18 CHAIRMAN SAM DAVIS: Okay. So noted. Can we
19 have a staff report?

20 MR. VINCE JACKSON: Yes. This is a request for
21 PRD site plan approval. The subject property is located
22 in Planning District 25, which is the Fort Morgan area.
23 The general location is the south side of Fort Morgan
24 Road, which is State Highway 180, west of Triple Tale
25 Lane and east of Pontoon Lane.

26 The applicant is requesting, as I stated, PRD site
27 plan approval for a twenty-seven (27) lot development on
28 ten-point-five-three (10.53) acres. The development, if

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 approved, will be known as Seaglade at St. Andrews Bay.

2 This is located on the south side of Fort Morgan
3 Road, again, west of Triple Tale Lane, and east of
4 Pontoon Lane.

5 Here is the locator map showing the subject
6 property. It does include a portion which is zoned
7 RSF-4, and a portion which is zoned RSF-1.

8 You have already seen the RSF-4 portion. You dealt
9 with a re-zoning. The property was originally zoned
10 RSF-1, and the County Commission approved the re-zoning
11 to RSF-4, I believe -- Let me -- let me check that real
12 quick -- in 2017. And the recommendation from the
13 Planning Commission at that time was approval.

14 If you notice, this is an unusual piece of property.
15 Those -- All of those lines that you see on there
16 surrounded in blue, those are lots of record. So those
17 are -- those are ninety-five (95) tiny, little lots that
18 was approved back in 1984 as a development called Palm
19 Tree Penthouse, which was never constructed.

20 At the time of the re-zoning of this property, the
21 applicant at that time envisioned seventeen (17) lots.
22 And the seventeen (17) lots envisioned at this time are
23 consistent with the seventeen (17) lots that are proposed
24 for this portion of the property.

25 With the RSF-1 portion, you can't see this on the
26 locator map, but I'll go to another map where it shows up
27 better. There are actually ten (10) lots of record on
28 that parcel, which are shown on one parcel's ID number.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 If you look at this proposed layout, you notice
2 toward that end of the property how the lot lines
3 actually extend further. Those are the -- those are the
4 existing lots of record.

5 Now, those would become -- those would lose some of
6 their depth because of that deed-restrictive common area
7 which is shown to the rear of those lots. And that's one
8 of the reasons that they requested the PRD.

9 The developers have been working with Fish and
10 Wildlife. This is beach mouse habitat, except this is
11 being planned in an effort to address the beach mouse
12 issues. And they have been working with Fish and
13 Wildlife.

14 Now, one thing you'll notice in your -- in your
15 staff report, it mentions the gravel road which would be
16 constructed at the front of the lots. However, we
17 have -- and we have some -- some -- some letters from
18 residents of the Fort Morgan area expressing opposition
19 to the gravel road.

20 We also have information from Fish and Wildlife that
21 they would not approve a gravel road. They would approve
22 a concrete or asphalt. And we communicated that
23 information with applicant. They are aware. They have
24 said that they are agreeable to do concrete or asphalt.

25 And so if an approval is granted, we will need to
26 state on the record that the approval does not include
27 the gravel road as shown on the site plan.

28 We do think that this is a reasonable request. This

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 helps to correct this unusual situation that was left
2 over from 1984. Like I said, you've ninety-five (95)
3 lots of record on that parcel. And while they are
4 nonconforming, they are lots of record. And,
5 theoretically, they could be built on. I mean, it's
6 unlikely, but stranger things have happened.

7 We think this is a good plan. We think that this is
8 consistent with the original re-zoning. It's consistent
9 with the lots of record, which are existing on the RSF-1
10 portion of the property. And they are taking steps to
11 address the beach mouse issues and make sure the habitat
12 is protected.

13 They are proposing -- the large lot size is thirteen
14 thousand, three hundred ninety-six (13,396) square feet.
15 And the smallest would be six thousand, seven fifty-one
16 (6,751) but that would be in the area with the lots of
17 record where they become smaller because of the
18 deed-restricted common area.

19 They are proposing one hundred eighty-three
20 thousand, seven hundred six (183,706) square feet of open
21 space, which is approximately forty percent (40%) of the
22 entire development. We only require twenty percent
23 (20%). So they will be exceeding the open space
24 requirement. And that would include the -- the
25 deed-restricted common area, which would be Lots 18
26 through 27 of the RSF-1 area.

27 Once again, we do feel that this is a reasonable
28 request. We did have some letter of opposition that were

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 submitted regarding the gravel road. And you should have
2 received those.

3 We also, if you'll notice in your staff report,
4 there's a letter of opposition there that refers to this
5 as a proposed commercial development. It is not
6 commercial. These are going to be single-family,
7 residential lots, single-family detached homes. They
8 will not be condominiums.

9 The zoning designations make no provisions
10 whatsoever for commercial use. I want to be real clear.
11 This is not a commercial re-zoning. This is actually a
12 PRD site plan approval.

13 The process works in much the same way as a
14 re-zoning, where the Planning Commission makes a
15 recommendation to the County Commission. And the County
16 Commission will have the final vote.

17 And the staff recommendation is for approval. And I
18 will be happy to answer any questions you-all have.

19 CHAIRMAN SAM DAVIS: Any questions for Vince?

20 COMMISSION MEMBER BONNIE LOWRY: Vince, a
21 simple question. When we talked previous to this with
22 the PRD, it was our understanding -- And I delivered it
23 to the people at Fort Morgan -- that it was because of
24 Fish and Wildlife, they wanted the gravel road rather
25 than the pavement.

26 MR. VINCE JACKSON: I think there was a
27 misunderstanding. And in the feedback -- I mean, that --
28 that was our understanding, that -- that, you know -- and

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 part of the reason for the PRD was because of the gravel
2 road, because the regs requires pavement. But there are
3 other reasons for the PRD as well. That was not the only
4 reason.

5 And in communicating what we learned from Fish and
6 Wildlife to the applicant, I think the applicant's
7 original understanding was they would be okay to do a
8 gravel road as well.

9 We didn't find out until Tuesday that Fish and
10 Wildlife had an issue with the gravel road. So, you
11 know, if we had known prior to writing the staff report,
12 we would have provided that information earlier than what
13 we did.

14 COMMISSION MEMBER BONNIE LOWRY: The reason I
15 ask is because just recently Baldwin County graveled the
16 end on the beach side of Fort Morgan on the gulf, the
17 very end of Mobile Street.

18 MR. VINCE JACKSON: Uh-huh. (Indicates
19 affirmatively.)

20 COMMISSION MEMBER BONNIE LOWRY: And it is an
21 all-gravel parking area, which is under ITP, the beach
22 mouse, the whole bit. And I don't understand the
23 difference in what they originally said and what they're
24 saying now.

25 MR. VINCE JACKSON: I can't speak to that. I
26 mean, I -- I guess it would have been the Highway
27 Department that did that. And that's -- you know, I'm
28 not involved with paving of beach access. So, you know,

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 you may want to direct that question to the Highway
2 Department or directly to Fish and Wildlife.

3 COMMISSION MEMBER BONNIE LOWRY: Is there a
4 possibility that Fish and Wildlife has a ruling on
5 streets, whether they be paved or graveled or just sand
6 or whatever --

7 MR. VINCE JACKSON: We can --

8 COMMISSION MEMBER BONNIE LOWRY: -- that we
9 could find for future reference?

10 MR. VINCE JACKSON: We could ask Mr. Lynn if
11 there is a particular provision. We could incorporate
12 that. We'll be glad to look into it.

13 CHAIRMAN SAM DAVIS: Any other questions for
14 Vince?

15 (No response.)

16 CHAIRMAN SAM DAVIS: Thank you. Vince.

17 We'll open the public hearing at this time. We're
18 going to do it a little differently. We're going to
19 start with the opposition, because we have engineers here
20 for the program. So by starting with the opposition,
21 we'll get your questions on the record and then hopefully
22 get those answered.

23 So it looks like we've got three people signed up
24 against. Who would like to start?

25 (An audience member approached the podium.)

26 THE COURT REPORTER: And state your name,
27 please.

28 MR. GREG STRATEGIER: My name is Greg

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 Strategier. I live at corner of Pontoon and Ponce de
2 Leon. So this is adjacent or close to where live.

3 I really want to -- I'm happy about the gravel road,
4 that it won't be allowed. But I'm more here -- kind of
5 what Bonnie said. I attended the Fort Morgan meeting to
6 approve this.

7 And, Bonnie, you and the other Commissioners from
8 Planning and Zoning stated this wasn't an approval for
9 this -- this site. It was an approval -- that this
10 development was already approved, this PDR, and it was
11 only related to the road.

12 And it doesn't look like that's true. It looks like
13 this has not been approved, and we're doing that today.
14 And so if you came to the Fort Morgan meeting -- I've
15 been going there for a couple years. There might be
16 three or four people show up. There was probably
17 twenty-five (25) people there and all upset about it.

18 So I feel like this is an injustice to move this
19 forward without doing the public hearing again at the
20 Fort Morgan level or to get an advertisement out there
21 that's clear.

22 It -- it's really misleading. Because we were
23 told -- and there's several people here in this room
24 tonight that went to that meeting. And we were basically
25 told it's about the road. The development's already
26 approved.

27 And that really took the wind out of everybody's
28 sails. That's why not many people showed up here

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 tonight. And so that's -- that's my biggest complaint.
2 I'm not thrilled about having a subdivision where people
3 do what people do. Like we said, there's progress. But
4 I think it's an injustice for the people of the area not
5 to put this out more clearly, and particularly when they
6 did show up to a meeting to express their opinion just to
7 be told it was already done.

8 So that's -- that's my biggest complaint tonight.
9 I'm very happy about the road not being gravel. I was
10 very concerned about that. But I don't think you're
11 going to get a fair representation of the people who live
12 in the area and property owners unless we tried -- there
13 needs to be better communication out there about this
14 subdivision.

15 CHAIRMAN SAM DAVIS: Okay. As far as this
16 Commission is concerned tonight, this would be -- if
17 staff recommendation is taken and followed or
18 recommended, it would only be a recommendation to the
19 County Commission.

20 MR. GREG STRATEGIER: Yes.

21 CHAIRMAN SAM DAVIS: So then the County
22 Commission will have a hearing thirty (30) days or so
23 from now, by which time anyone that may have
24 misunderstood the first hearing at Fort Morgan would be
25 able to address their County Commissioners and also
26 attend the meeting.

27 MR. GREG STRATEGIER: Yeah. I'll -- I'll get
28 the word out so they'll better understand the process.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 CHAIRMAN SAM DAVIS: All right.

2 MR. GREG STRATEGIER: Thank you.

3 CHAIRMAN SAM DAVIS: Any questions for this
4 gentleman?

5 COMMISSION MEMBER ARTHUR OKEN: Yes, sir. So
6 you do favor the PRD, you just --

7 MR. GREG STRATEGIER: I do not.

8 COMMISSION MEMBER ARTHUR OKEN: You do not
9 favor it?

10 MR. GREG STRATEGIER: I do not favor it.

11 COMMISSION MEMBER ARTHUR OKEN: Thank you.

12 MR. GREG STRATEGIER: I'm very happy about the
13 road part, but I do not favor it.

14 CHAIRMAN SAM DAVIS: Okay. Thank you, sir.

15 MR. GREG STRATEGIER: All right.

16 CHAIRMAN SAM DAVIS: Anyone else in opposition
17 would like to address?

18 AN AUDIENCE MEMBER: Mr. Chairman, I came in
19 late, so I didn't sign up.

20 CHAIRMAN SAM DAVIS: Okay.

21 THE COURT REPORTER: And you're going to have
22 to state your name and spell it for me since you don't
23 have a sheet.

24 AN AUDIENCE MEMBER: I'll do that.

25 THE COURT REPORTER: Thank you.

26 MR. MICHAEL LUDVIGSEN: My name is Michael
27 Ludvigsen. That's L-U-D-V-I-G-S-E-N. And I live on Fort
28 Morgan Road as well.

1 So there is obviously some concern about the
2 development itself. And obviously there is a bigger
3 concern about the process.

4 And so I do have a question for y'all to start off
5 with; and that is, as the Fort Morgan group, the Planning
6 and Zoning group makes recommendations, I'm not sure
7 where I see that in this whole process.

8 Bonnie sits on that group. A number of us attend
9 those meetings. And we always felt the reason for that
10 process is to mitigate a hundred (100) of us showing up
11 at this meeting so that that information gets
12 communicated to this group kind of in a compiled method
13 so that you don't have a hundred (100) of us showing up,
14 and so that our -- our wants or our desires or our
15 concerns are -- are conveyed to this group.

16 So in watching this, I'm not sure where that occurs.
17 I haven't seen anything on the sheet of paper that says
18 that group approved or disapproved or was in favor or not
19 in favor nor have I heard anything. So that's just to
20 convey that concern to you.

21 The other thing that I think is a concern as I watch
22 this process is there's an awful lot verbal communication
23 between developers, between applicants, to both our group
24 and you as well, and to staff.

25 And so this confusion about the gravel road is a
26 good example. I'm the one that talked to Bill. Bill and
27 I serve on a couple committees together. And I mentioned
28 to him the gravel road and said, hey, you know that did

1 get approved. And the Fort Morgan group, and the big
2 thing is the gravel road that -- that you want. And he
3 conveyed to me, I never said that.

4 So that's -- that's a concern to me that there's
5 nothing in writing from Fish and Wildlife to say here's
6 what we want, you know.

7 So it's all this communicating is going on, but
8 there's nothing solid. And I think that's real important
9 when we're looking at this, whether it's at the Fort
10 Morgan level or your level, we know in fact that that's
11 what they're requesting or that's what they have asked
12 for.

13 And we never see that. It's a lot of discussion in
14 general that's coming from the developer or from the
15 property owners that wants something changed. So that is
16 kind of a concern to me, too.

17 I'm -- I'm -- I'm not even going to get into all of
18 the minutia of why, I think, generally we're -- we're
19 against this. Obviously, we don't like to see, you know,
20 density increase. And we're really pushing for that.

21 I know that the current lots were much smaller. And
22 I understand that. And the perception is that because
23 they are lots of record, that they're buildable. And
24 that simply, in my experience, is not the case. Just
25 because they're there and they're tiny doesn't mean
26 they're buildable.

27 I own a property in Mobile at the loop area. And my
28 property is not constructible at all, even though I've

1 got lots that are ten-by-fifteen (10X15). And they're
2 lots of record. We pay tax on it, but they're not
3 constructible.

4 So just because of that, that's not a reason to
5 re-zone and allow this development to go forward, just
6 because we're reducing the density from what appears to
7 be on the -- on the map.

8 So just as we move forward, I think clarification on
9 these points would be helpful, and it would eliminate
10 some of the confusion and some of the frustration, I
11 think, from the other property owners.

12 I think you covered it well. I really think -- I
13 understand how far it's gotten, but I can tell you now
14 there's going to be a huge uproar from the folks on Fort
15 Morgan to find out that the whole thing is not what we
16 expected and not what we thought.

17 And I hate to throw it back that way, but I really
18 think that's the only fair way to do this at this point,
19 is to go back to that and, you know, be transparent with
20 what's really happened.

21 Because that's the way it was presented, Bonnie is
22 one hundred percent (100%) right, it was presented that
23 the only reason for doing this was the gravel road.

24 And I think it's important for them to know, whether
25 they support it or are against it, it doesn't really
26 matter. But there's this feeling out there that's going
27 to come away from this that, you know, we are hoodwinked.
28 And that wasn't the intention. And I understand that,

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 but that doesn't over -- overcome the perception.

2 CHAIRMAN SAM DAVIS: I think -- I'm not sure if
3 you were here when our attorney had to recuse himself,
4 but I think your question is more a legal question. His
5 response to that, if one came up, is that it probably
6 need to wait to be answered at Commission level.

7 MR. MICHAEL LUDVIGSEN: Sure.

8 CHAIRMAN SAM DAVIS: So I wish we could answer
9 that one, but we're not equipped to.

10 COMMISSION MEMBER BONNIE LOWRY: Let me -- if I
11 may, let me say this. All of these situations that come
12 before us here at the Planning and Zoning Commission are
13 advertised for three weeks in advance in the newspaper.

14 At the Planning and Zoning Advisory Committee at
15 Fort Morgan, I made the statement that if you have a
16 question or are unsure about a zoning ordinance, then you
17 go to the internet and find out everything. All of them
18 are on there, all of the regulations are on there. All
19 the rules are on there.

20 We were of the understanding, Vince and I -- because
21 I talked to Vince -- that Fish and Wildlife was the one
22 that was saying they would rather the gravel road rather
23 than the paved road because of the both the wetland area
24 and the beach mouse.

25 This has nothing to do with gravel getting on or off
26 a road or beach or anything else. That can always be
27 sifted. What we were told originally was that the gravel
28 was a much better surface because of the wetlands that

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 this property is surrounded on both the north and the
2 south.

3 And rather than all the water running back down that
4 hill for all you people down to Ponce de Leon, this would
5 retain that water in that upper wetland.

6 Now, that was a situation originally. What I have
7 heard tonight is the fact that Fish and Wildlife wants a
8 paved road. Well, I think they should make up their
9 mind.

10 And I would like to know, in a legal form, what the
11 rule and regulation is and where is it printed in the
12 Fish and Wildlife book and what it specifically says
13 about beach mouse and wetland territory.

14 Also, this is an V-zone, which is a totally flood
15 one hundred percent (100%) zone.

16 MR. MICHAEL LUDVIGSEN: I think you're going to
17 have to get Bill here, because you're going to find out
18 it's fairly subjective. Bill is the guy, and he comes in
19 and evaluates case by case and makes recommendations.
20 And that's how it's been for a while. And that's why we
21 asked Bill to come and talk to the -- the association on
22 this.

23 COMMISSION MEMBER BONNIE LOWRY: Well, the
24 thing I know to say is there's miscommunication between
25 two Federal bodies or whatever, governmental bodies.

26 MR. MICHAEL LUDVIGSEN: Sure. And -- and I
27 understand, Bonnie. And I'm not pointing fingers. It's
28 just where we are and what I -- what I --

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 COMMISSION MEMBER BONNIE LOWRY: What Sam says,
2 this is needs to -- this can go before the County
3 Commission, because they've got lawyers up there.

4 MR. MICHAEL LUDVIGSEN: Well, sure. And now
5 it's on public record. And that's what we're trying to
6 do. That way the County Commission understands what's
7 going on, too. So I appreciate the opportunity. Thank
8 you, Mr. Chairman.

9 CHAIRMAN SAM DAVIS: Thank you, sir.
10 Doug Bailly.

11 MR. DOUG BAILEY: Yes. Doug Bailly with HMR
12 Engineers representing the -- the owner, who is also
13 here. Tim McCrory is here representing the development
14 group.

15 I -- again, I don't know how the confusion about the
16 Fish and Wildlife and the surface of the road came up.
17 But we did get another e-mail, as Vince mentioned,
18 earlier this week from Bill Lynn where they were back off
19 of the furlough or the shutdown.

20 And he said that he heard, and that they definitely
21 wanted it to be concrete or asphalt. And so we responded
22 to Vince Jackson that we were okay with that. That's not
23 a problem to go to the -- to the concrete and asphalt.

24 It will increase the runoff a little bit, but we
25 only have a twenty (20) foot road width. And part of the
26 PRD is also to establish that.

27 You know, we've got the wetlands areas, of course,
28 and the wetlands to the south of us, which is part of the

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 beach mouse habitat.

2 We spent well over a year back and forth in meetings
3 between ADEM, our wetlands scientist, which is our
4 wetlands scientist out of Pensacola, Craig Martin.
5 You've probably met before here, and also talking to ADEM
6 about the permitting of all this.

7 We tried to minimize and avoid as much as possible.
8 We limited the square footage of the houses, the
9 footprint of houses shown for each lot, and minimized the
10 driveway width.

11 And all the lots are remaining as sand. You can't
12 have any grass or planting on it, kind of like over at
13 Keva Dunes and some of the other areas that have --
14 worked with the beach mouse habitat before. So that all
15 plays into the PRD as well.

16 But that being said, I'm here to answer any
17 questions y'all may have otherwise.

18 CHAIRMAN SAM DAVIS: Any questions for Doug?

19 - (No response.)

20 CHAIRMAN SAM DAVIS: All right. We'll --

21 MR. DOUG BAILEY: Also, I would -- Also, I
22 would mention -- I apologize. By doing the PRD, you
23 know, earlier we saw a couple projects here tonight that
24 had some questions about the density and the zoning. And
25 they didn't have the density as high as what the zoning
26 would allow. And there was some concern if that was
27 passed, then something could change.

28 With the PRD here, the zoning that you approve, the

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 lot width that you approve, as y'all know, that's what we
2 have to stick with. So we feel like it gives the County
3 and the -- and the -- and Fish and Wildlife, ADEM, more
4 guarantee of what we're going to do. So that was another
5 reason.

6 Thank you.

7 CHAIRMAN SAM DAVIS: All right. Thank you.

8 Mr. McCrory, you got anything you'd like for us to
9 know?

10 MR. TIM MCCRORY: My name is Tim McCrory. I'm
11 one of the developers and kind of represent the
12 neighbors.

13 And I'm sorry for the confusion as well. I hoped to
14 be at that meeting. And I got an e-mail that the meeting
15 was yesterday. I did not get notified that the meeting
16 was the week prior.

17 I would have loved to have been there to help
18 clarify some of this. I was there yesterday, and there
19 was no meeting. So I apologize for that.

20 Just to kind of give you a little history real
21 quick, we acquired five (5) acre of this land and then
22 partnered to the neighbor to the west and came before the
23 Planning Commission and County Commission to get
24 seventeen (17) lots approved.

25 On the advice of Bill Lynn, we basically have been
26 doing everything in our power to limit the impact on the
27 property with regard to beach mouse, limiting the size
28 and the footprint of the houses, and trying to make

1 something that's, you know -- what represents what the
2 Fort Morgan is about, what the surrounding property, you
3 know, is about, and just build simple, small,
4 single-family houses, you know, that comply or are the
5 same nature as what's already in Fort Morgan.

6 I live and work there. My office is at Keva Dunes.
7 If anybody that'd like to come talk to me at anytime is
8 welcome to come by my office, that has any questions or
9 concerns about what we're doing, if we're approved.

10 But, you know, I'm sorry for the confusion. It's
11 always been my understanding from Bill Lynn that we were
12 going to have to have a paved or -- paved concrete or
13 asphalt road.

14 There are never an intention for us to build a
15 gravel road. I never even knew that was under PRD
16 requirements, that that was something we could do. So,
17 you know, I never had any intention of building a gravel
18 road.

19 All my figures on computing, you know -- putting
20 infrastructure -- We'll have underground utilities. You
21 know, we can tend to do -- you know, I'm going to have,
22 you know, houses that comply, fit like, you know -- have
23 something that looks -- they all blend together.

24 I want to have, you know, a nice entrance. You
25 know, I just -- I want to do something that's going to
26 make everybody happy that it's there.

27 It's not going to take away from anybody else that
28 lives next to us. So, you know, that's been what we've

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 striving for.

2 It's taken us a long time to get here. And I can
3 promise you I'm not trying to go down there and just
4 build a whole bunch of, you know -- just develop this
5 property to its maximum, you know, to the detriment of
6 any of the neighbors that are surrounding us.

7 CHAIRMAN SAM DAVIS: All right. Thank you,
8 sir.

9 Any questions for Mr. McCrory?

10 (Mr. Greg Strategier indicating.)

11 CHAIRMAN SAM DAVIS: From the Commission up
12 here.

13 (No response.)

14 CHAIRMAN SAM DAVIS: Okay. Thank you, sir.

15 MR. TIM MCCRORY: Thank you.

16 CHAIRMAN SAM DAVIS: All right. You got
17 something else you'd like to add?

18 MR. GREG STRATEGIER: I like to address him.

19 CHAIRMAN SAM DAVIS: Well, actually, you can't
20 address him, but you can address us. And we can try to
21 get those answered for you.

22 MR. GREG STRATEGIER: Greg Strategier, again.
23 I'm curious if the habitat compliance plan has been
24 completed. I'm curious if the ITP plan has been
25 completed. Some more information to know what the plans
26 are for the beach mouse, for the area, for the wetlands.
27 It seems to be lacking.

28 CHAIRMAN SAM DAVIS: We'll get staff to answer

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 that question.

2 MR. GREG STRATEGIER: Okay.

3 MR. TIM MCCRORY: I'll be happy to --

4 CHAIRMAN SAM DAVIS: If you could answer it.

5 MR. TIM MCCRORY: I believe our plan has been
6 submitted. And part of our -- we've got -- we're going
7 to have deed restrictions, obviously, to create common
8 area.

9 Basically why we're here with the PRD is those lots
10 of record, those ten (10) lots, those adjoining property
11 owners to the east -- Bill Lynn wanted us to put all the
12 property together so we'd have one habitat conservation
13 plan.

14 So I had to reach out to all the adjoining
15 neighbors, agree to this private road -- which is going
16 to be costly, obviously. And we all had the
17 understanding we were going to pave or concrete from the
18 beginning input, and underground utilities.

19 But we submitted a habitat conservation plan, all of
20 us. And all that common area that abuts the adjoining
21 neighbors to the south is going to be protected.

22 And we've got to make it part of our deed
23 restriction. And we've got to put to the habitat
24 conservation plan in our deeds so every owner that buys
25 it now, buys it fifty (50) years from now is going to
26 have to comply with that deed restriction.

27 And we're going to have a homeowners association.

28 And there will be money funding in that homeowners

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 association not only to maintain that road moving
2 forward, but we're also going to have to monitor the
3 beach mouse, you know, make sure that habitat remains
4 like it is.

5 There's open space and that we're trying to protect
6 and create -- and our hope is to go and work with Fish
7 and Wildlife to plant some sand fencing in there, plant
8 some sea oats in there, you know, just so it hopefully
9 kind of builds up and looks a little bit more like the
10 beach, you know, as we're moving forward.

11 And Fish and Wildlife is in agreement. They'll
12 allow us to go do some of that in that area. But other
13 than that, we can't -- nobody can walk -- nobody is
14 supposed to walk on it. Nobody is supposed to disturb it
15 at all.

16 CHAIRMAN SAM DAVIS: Thank you, sir.

17 Staff have anything else to add?

18 (An audience member indicating.)

19 MR. VINCE JACKSON: I think she might want
20 to --

21 CHAIRMAN SAM DAVIS: Let's get this comment,
22 and then we'll close the public hearing.

23 AN AUDIENCE MEMBER: Vince, can you pull up the
24 calendar?

25 THE COURT REPORTER: Are you signed up to
26 speak?

27 AN AUDIENCE MEMBER: What?

28 THE COURT REPORTER: Have you signed up to

1 speak?

2 AN AUDIENCE MEMBER: Yes.

3 THE COURT REPORTER: What's your name?

4 MS. JAMIE STRATEGIER: Jamie Strategier.

5 Hello. My name is Jamie Strategier. And I live adjacent
6 to Ponce de Leon and Pontoon, on this property.

7 CHAIRMAN SAM DAVIS: I'm having trouble hearing
8 you.

9 MS. JAMIE STRATEGIER: I'm sorry. I understand
10 that half of this area has already been re-zoned for
11 RS-4. Now there is a new area that's being added as
12 RS-1; correct?

13 MR. VINCE JACKSON: Yes.

14 MS. JAMIE STRATEGIER: And it's supposed to be
15 thirty thousand (30,000) square foot minimum lots; right?

16 CHAIRMAN SAM DAVIS: Vince, you want to answer
17 that?

18 MR. VINCE JACKSON: The RSF-1 section -- and
19 that's the -- that's the part without all the lines --
20 that's where ten (10) lots of record are already located.

21 As I stated earlier in my comments, they will lose
22 depth because of the deed-restricted common area. But
23 one of the reasons with a -- with a PRD, you can have
24 smaller lot sizes than you would normally have under the
25 zoning designations.

26 That's one of the things that the PRD site plan
27 allows you to do. It just doesn't allow you to increase
28 density. So your -- your lot sizes can be smaller. You

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 just can't put more than what would normally be allowed.

2 Like I said, these are lots of record. They're
3 already there. They're just becoming smaller because of
4 deed-restricted common area. And that's one of the
5 reasons why they requested the PRD for this property.

6 CHAIRMAN SAM DAVIS: Does that answer your
7 question?

8 MS. JAMIE STRATEGIER: I guess so. None of the
9 lots are thirty thousand (30,000). None of them are
10 half. None of them are fifteen thousand (15,000).

11 There's one that's thirteen thousand (13,000).
12 There is a few there are ten thousand (10,000). But
13 that's one-third of what the RSF-1 is, minimum
14 requirement of thirty thousand (30,000) square feet.

15 So I was wondering how did that happen. But I
16 understand now with the PRD you can kind of do anything
17 with the lot size as long as the density with the homes
18 is still within what's required.

19 CHAIRMAN SAM DAVIS: Bonnie, did you have a
20 question?

21 COMMISSION MEMBER BONNIE LOWRY: Maybe an
22 explanation. Ten (10) of the seventeen (17) --

23 MS. JAMIE STRATEGIER: Right.

24 COMMISSION MEMBER BONNIE LOWRY: -- lots --

25 MS. JAMIE STRATEGIER: Uh-huh. (Indicates
26 affirmatively.)

27 COMMISSION MEMBER BONNIE LOWRY: -- they were
28 probated a long time ago, 1946, '47, if I'm correct,

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 Vince. And they can't change, period, unless they come
2 under this.

3 It's the seventeen (17) lots that were changed as
4 far as the zoning was concerned originally.

5 MS. JAMIE STRATEGIER: Uh-huh. (Indicates
6 affirmatively.)

7 COMMISSION MEMBER BONNIE LOWRY: And that went
8 back and it was approved by this Commission back in June
9 of 2017. And at that time, Fort Morgan Planning and
10 Zoning Advisory Committee didn't exist. We weren't put
11 into power or anything until September or October of --
12 of 2017.

13 But the PRD, itself, it doesn't really do any damage
14 to the area or the character of the area, because these
15 are all single-family homes. The smallest lot is about
16 eight thousand (8,000) square feet; the largest lot
17 thirteen thousand (13,000) square feet.

18 MS. JAMIE STRATEGIER: Only one. Only one.

19 COMMISSION MEMBER BONNIE LOWRY: Yeah. But
20 those are good-sized lots, even in between that. I doubt
21 seriously that the lot you're living on is any more than
22 that.

23 And all of the homes that are on south side of this
24 project that face the gulf, those homes are not really
25 going to be affected by this for the road or anything
26 else.

27 In fact, they may raise the price of the value of
28 the homes. Because when you're talking about a home

1 that's twenty-two (2,200), twenty-three hundred
2 (2,300) square feet up to twenty-six hundred
3 (2,600) square feet, those are nice homes.

4 None of them are going to look the same. Because
5 it's my understanding that the owners are selling -- are
6 going to sell the property to the homeowner. And the
7 homeowner gets to choose what that house is going to look
8 like.

9 And that's way down the road, when it comes through
10 the Planning Department. But I don't believe any of this
11 is going to upset or lower the character of Fort Morgan
12 or the residences around it.

13 That's the reason a bunch of us got together and
14 called different people, to literally find out what they
15 were going to put on it.

16 This doesn't really have anything to do with what
17 they're going to put on it. This is simply a re-zoning.

18 CHAIRMAN SAM DAVIS: Any other questions for
19 this lady?

20 MS. JAMIE STRATEGIER: I do have one more
21 comment. All of the houses or the lots that are not
22 built on yet along Ponce de Leon that buffer this area,
23 there are approximately thirteen (13) or fourteen (14)
24 lots there. And this area is now going to house
25 twenty-seven (27), which is almost double.

26 And I -- I -- I don't understand. I -- I -- now I'm
27 understanding it's a subdivision. It's PRD. That's how
28 they can get away -- that's how this happens?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 COMMISSION MEMBER BONNIE LOWRY: Vince, put up
2 the other slide, the long road. There you go.

3 MS. JAMIE STRATEGIER: Right. So basically two
4 lots per lot going down, two lots; correct?

5 MR. VINCE JACKSON: Well --

6 MS. JAMIE STRATEGIER: It's not consistent with
7 the surrounding --

8 MR. VINCE JACKSON: Well, let -- let me -- let
9 me be clear about the property that's zoned RSF-4. And
10 we'll put the -- the existing lots of record aside.

11 Under the RSF -- the property that's zoned RSF-4
12 already, if it was subdivided conventionally, could have
13 up to thirty-seven (37) lots. They're proposing
14 seventeen (17) lots on the RSF-4 section.

15 And if this PRD site plan is approved, once they
16 begin construction, they are locked in on seventeen (17)
17 lots. They can't go back and do thirty-seven (37). Any
18 changes would have to go back through the PRD process,
19 which is a recommendation from the Planning Commission
20 and a final vote before the County Commission.

21 So, in my opinion, seventeen (17) is better than
22 thirty-seven (37).

23 MS. JAMIE STRATEGIER: Thank you.

24 CHAIRMAN SAM DAVIS: Any other questions?

25 MS. JAMIE STRATEGIER: Thank you.

26 CHAIRMAN SAM DAVIS: Thank you.

27 We'll close the public hearing at this point.

28 Vince, do you have anything else you'd like to say to us?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 MR. VINCE JACKSON: I just wanted to -- you
2 know, we advertise these -- these cases. There are
3 advertisements that are run in papers. There are
4 advertisements that are sent to the adjacent property
5 owners.

6 And at no point -- and I've got a copy of the ad
7 right here. There is nothing in there that would give
8 you the indication that this is a done deal.

9 This is a request for PRD site plan approval. Yes,
10 based on the information that we had originally, we
11 thought that Fish and Wildlife was okay with gravel
12 roads.

13 And we knew that that was one reason that we're
14 requesting the PRD, but that was not the only reason.
15 And it's stated in the staff report some of the other
16 reasons.

17 One thing I would point out is Fish and Wildlife was
18 closed during -- because of the government shutdown. So
19 we were not able to get comments from them right away.
20 When we did get the comment about the gravel road, we
21 sent it to you-all as quickly as we could.

22 This is a two-step process. Actually, this is going
23 to end up being a three-step process. What we have
24 before us tonight is the recommendation. You-all will be
25 voting on a recommendation to the County Commission.

26 So sometime in March, there will be a public hearing
27 before the County Commission. So everyone who has
28 concerns will have an opportunity at that time to -- to

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 go to the County Commission meeting in Bay Minette and
2 voice those concerns to the Commissioners.

3 Then if the PRD site plan is approved, there will
4 be -- they will need to submit for subdivision approval.
5 So that will be a public hearing before this body, where
6 you-all are the final authority.

7 So there -- there are going to be a number of times
8 where people will have an opportunity to comment on this.
9 And, obviously, if -- if the PRD site plan is approved by
10 the County Commission, then when they have the
11 subdivision request for the Planning Commission, that's
12 something where the Fort Morgan Zoning Committee will,
13 again, have an opportunity to provide comments.

14 So there's going to be a lot of opportunity to --
15 for people to provide input on this. I would
16 encourage -- I'm -- I'm -- I'm sorry that there was
17 apparently confusion.

18 But I would encourage anyone from the area that --
19 that has concerns, that have questions, to call us in the
20 Planning and Zoning Department, come meet with us. We'll
21 pull out the files. We'll go through every little detail
22 and answer every little question.

23 And I -- I would really encourage everyone to do
24 that. I have an office in Bay Minette. I have an office
25 in Robertsdale. We don't have an office in Fort Morgan,
26 but I can go to Foley. We have an office down there.
27 So, you know, I can go where I need to be. But I can
28 gladly talk with all of you that have concerns.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 The PRD process is intended to address situations
2 where there are environmental concerns. And in this
3 instance, we have concerns over the beach mouse. So that
4 is the reason why they are proposing the common areas
5 that they are, why they're proposing the lots to be
6 configured as they are, and why they're proposing the
7 deed-restricted common area.

8 We have received a copy of proposed restrictive
9 covenants that apply to this. Those are in the file.
10 And certainly anyone can take a look at that.

11 But, you know, from the point where -- where they --
12 before re-zoning of the -- the portion that is currently
13 zoned RSF-4 -- and that's the -- that's the portion that
14 was re-zoned, the portion in orange that was re-zoned in
15 2000 -- I mean, 2017, they were already working with Fish
16 and Wildlife.

17 They have been working with Fish and Wildlife
18 through this whole process of trying to come up with --
19 with -- with a solution to a difficult situation.

20 The ninety-five (95) lots of record, we -- we know
21 that it's unlikely that those would ever be built on. I
22 mean, they're -- you know, the -- the required setbacks
23 are more than -- than the width of the lot.

24 But what -- what could happen, these -- There's a
25 process through -- through the County where existing
26 adjacent lots of record can be combined. And they're
27 combined by recording deeds. They don't have to come
28 through the subdivision process.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 So some of those smaller lots, theoretically, could
2 be combined into lots that could be built on. Whether
3 it's likely to happen, I don't know. I mean, it could.

4 And if somebody -- somebody combined some of these
5 small lots into one and they came to us with a land use
6 certificate showing that they met all of the area and
7 dimensional requirements, we would have to approve it.

8 With the PRD site plan, once this is approved, once
9 they commence construction, this is what they have to
10 build. So it gives you more an assurance about what will
11 happen on this property.

12 Like I said, on the RSF-4 portion, with that
13 acreage, they could -- they could potentially development
14 up to thirty-seven (37) lots. Now, they may not get
15 thirty-seven (37) lots if they went through the
16 conventional process, but that's what -- that's the
17 density that they would be allowed.

18 Again, I think this is a better. This is a
19 better -- this is a better scenario than thirty-seven
20 (37) lots on that acreage.

21 But, again, for all of you who have concerns, please
22 call me. Call anybody in the Planning Department. We
23 will be glad to sit down and talk with you. We will go
24 through the file. We will answer your questions.

25 And that's all I have for right now.

26 CHAIRMAN SAM DAVIS: Thank you, Vince.

27 All right. Any more questions for Vince?

28 (No response.)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 02/07/2019

1 CHAIRMAN SAM DAVIS: Staff has recommended a
2 recommendation of approval to the County Commission. Is
3 there a motion to do so?

4 COMMISSION MEMBER ARTHUR OKEN: Motion,
5 Mr. Chairman, to recommend approval with the exception of
6 the gravel road, approve the PRD, but not the gravel
7 road.

8 CHAIRMAN SAM DAVIS: I'm sorry. I couldn't
9 understand that.

10 COMMISSION MEMBER ARTHUR OKEN: I'm -- I'm
11 doing as you asked, approving -- I'm -- I'm moving to
12 recommend approval to the County Commission of the PRD
13 excepting with specificity the gravel road.

14 CHAIRMAN SAM DAVIS: Okay. All right. Y'all
15 heard the motion. Is there a second?

16 COMMISSION MEMBER BONNIE LOWRY: Second.

17 CHAIRMAN SAM DAVIS: Okay. There is a second.
18 All in favor, say aye.

19 (Commission Members say "aye" in unison.)

20 CHAIRMAN SAM DAVIS: All opposed?

21 (No response.)

22 CHAIRMAN SAM DAVIS: Passes unanimously.

23 MR. VINCE JACKSON: Once again, this is a
24 recommendation to the County Commission. We will know in
25 a few days when the County Commission hearing will be
26 held. And, again, please call me, come see me. I'll
27 happy to answer any of your questions.

28 CHAIRMAN SAM DAVIS: All right. Thank you,