

1 (No response.)

2 PLANNING AND ZONING COMMISSION CHAIRMAN

3 SAM DAVIS: Passed unanimously.

4 (Applause.)

5 PLANNING AND ZONING COMMISSION CHAIRMAN

6 SAM DAVIS: Let me ask you to keep the noise down
7 so we can go ahead with the meeting.

8

9 9 - TEXT AMENDMENTS

10

11 9A - TA-19001, ARTICLE 2, SECTION 2.3.25 LOCAL

12 PROVISIONS FOR PLANNING DISTRICT 25

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: Next case is TA-19001. Staff report?

15 Folks, folks, I'll ask again -- If you could
16 clear them on out of here. If you could ask
17 people to go on outside.

18 MR. VINCE JACKSON: Okay. Moving on.

19 Our next items involve some amendments to the
20 text of the zoning ordinance. You actually have
21 three case numbers. The first case number --

22 PLANNING AND ZONING COMMISSION CHAIRMAN

23 SAM DAVIS: DJ, could you ask -- could you help
24 them move on outside to the lobby?

25 MR. VINCE JACKSON: Case TA-19001 would
26 be an amendment to the Article 2, Section 2.3.25.
27 These are the local provisions for Planning
28 District 25. And we have a series of amendments

1 which would apply to -- specifically to this
2 planning district.

3 We have received a number of e-mails in
4 support of these proposed amendments. We have
5 also have begun receiving e-mails that have
6 expressed some opposition or concern.

7 And I want to -- I want to clarify something.
8 One of these items that seems to be biggest
9 concern has to do with the establishment of a
10 maximum height limit in terms of habitable
11 stories. That is part of the amendment -- the
12 proposed amendment -- that we are considering
13 tonight.

14 Some of the letters of opposition are talking
15 about parking provisions. We are not considering
16 any changes related to parking with this
17 amendment.

18 We adopted parking standards for Planning
19 District 25 two years ago. We have an existing
20 provision that applies to the stacked parking
21 issue. But we are not doing anything with this
22 amendment that further addresses parking at this
23 time.

24 We did initially have a statement in here
25 about stacked parking in some of our initial
26 drafts. But because of the existing language, we
27 felt like including that would be redundant.

28 And so I want to be clear that we're not --

1 we're not discussing parking tonight. That is
2 not part of what is been proposed.

3 There are additional issues related to
4 parking that we would like to discuss with some
5 of the residents in the area, but those will need
6 to be handled under a separate amendment at
7 different time.

8 So getting started, as I stated, these would
9 be amendments to the local provisions for
10 Planning District 25. This is Article 2, Section
11 2.3.25.3.

12 As you look at the draft of the text, the
13 proposed additions to the text would be
14 highlighted in red.

15 The first amendment that we're proposing --
16 And this was actually touched on already -- would
17 be removal of the HDR, High Density Residential
18 District, as an available zoning designation in
19 Planning District 25. That, if approved, would
20 be listed as Paren D.

21 And this is something that we heard from some
22 of the residents early on when we first adopted
23 HDR, that the Planning District 25 essentially
24 can't support that kind of density, given the
25 unique environmental and coastal characteristics
26 of the area.

27 We didn't want to, right out of the gate,
28 with a new amendment, immediately exclude one

1 planning district. So we felt like it was a good
2 idea to wait a while.

3 But we are bringing that forward now. And
4 that's simple enough. We would just state that
5 HDR is not available in Planning District 25.

6 Next, under E, the maximum height of
7 single-family and two-family structures shall be
8 limited to two (2) habitable stories.

9 Prior to 2009, for single-family and
10 two-family dwellings, we had a height limit of
11 two-and-a-half stories. In 2009, there was an
12 amendment that removed the limit of
13 two-and-a-half but we retained our height -- our
14 maximum height in feet, which is thirty-five (35)
15 feet. And that would not change.

16 In looking back, I think part of the reason
17 that we removed the two-and-a-half story height
18 limit, it had to do the half-story, itself.

19 It -- the definition was somewhat difficult.
20 It was difficult to review. It was difficult to
21 enforce. And I think there was a point where we
22 just thought it would be better if we didn't have
23 it at all.

24 Looking back at that, we're now ten years
25 removed, we think that really wasn't a good idea,
26 that we should have retained that half -- that
27 two-and-a-half story limit.

28 And when we're talking about half-story, what

1 we're talking about is an area under a sloped
2 roof where half of the area would be finished off
3 for habitation.

4 It wouldn't be the whole area. It wouldn't
5 be an area that was equal to the floor below, but
6 it would be a half area. And it would be under a
7 sloped roof.

8 But I want to show some pictures that were
9 provided to us. This is a picture of a duplex
10 structure that was built without a limit in the
11 number of stories.

12 As you see, there are three stories. And
13 the -- the area underneath does not count as a
14 habitable story. This is in a flood zone, so
15 it's required to be elevated. So we don't count
16 that bottom part as a story; it's the three
17 stories above.

18 And you can see what a massive structure that
19 appears to be. It's still thirty-five (35) feet,
20 but you have a difference in the way it looks
21 when it's a full story versus a half-story.

22 Our original idea in bringing back
23 two-and-a-half stories was that that would be
24 what got approved throughout the zoning of the
25 county.

26 But in talking with residents of Fort Morgan
27 and attending some of the meetings of the Zoning
28 Advisory Committee, we heard that there was a

1 concern about a half-story, and that because of
2 safety issues, there was a belief that a limit of
3 two stories would be better.

4 And we actually received a letter from the
5 volunteer fire department. And I believe a copy
6 of that letter was provided to all of you
7 tonight.

8 In that letter, it states their concerns.
9 And it's not a concern with the height in feet.
10 It's a concern of height in stories. And it has
11 to do with the ability to rescue people in the
12 event of fires. But you do have a copy of that
13 letter.

14 We have had concerns expressed about the
15 two-story limit. And I'm sure there are people
16 who are here who would like to speak with you
17 about that tonight.

18 The next item, under F, would be standards
19 for dune walkovers. We -- we provide proposed
20 standards for dune walkovers. We provide a
21 definition and submission requirements.

22 And basically what we're talking about
23 with -- the minimum height would be one (1) foot
24 above the dune. The maximum height would be
25 three (3). And we provide different standards
26 about the width. We also provide some standards
27 about not allowing construction during the sea
28 turtle nesting season.

1 There was a good bit of concern expressed
2 from the residents about dune walkovers. Because
3 there was a dune walkover that actually extended
4 out from the raised deck of a structure.

5 And I believe that dune walkover is about
6 twelve (12) feet high, give or take. And that
7 prevents a visual barrier on the beach.

8 At the time, we were not regulating dune
9 walkovers through zoning. So there was nothing
10 that we could do. And so that's why we were
11 asked to develop some standards.

12 We've probably been working on the dune
13 walkover section for about two years. I think at
14 the time there was someone that approached one of
15 our Commissioners.

16 And so we began a dialog. We began a dialog
17 with some residents. I did some research into
18 the regulations that the City of Orange Beach
19 had, that the City of Gulf Shores has. I've
20 looked at regulations from other states.

21 And so I drafted something that I felt like
22 would fit in well with our ordinance, but that
23 would also address the concerns that had been
24 expressed to us as far as the dune walkovers.

25 The last part of our proposed amendments has
26 to do the planning and zoning considerations for
27 the coastal high hazard areas and the flood
28 hazard areas.

1 And these are areas that are identified on
2 the flood insurance maps. And without reading
3 everything that's in there, coastal high hazard
4 area, in a simplified definition, would be an
5 area that's subject to storm surge.

6 And then the flood hazard area would be the,
7 you know -- the actual flood zones as identified
8 on the flood insurance maps.

9 What we've provided is some definitions and
10 some considerations that we would use for future
11 re-zonings in the coastal high hazard area in
12 Planning District 25 and in the flood hazard
13 areas in Planning District 25.

14 There would also be this accompanying map,
15 which would be adopted as part of this. And we
16 would use this map to identify the locations of
17 the properties in terms of whether or not they
18 are in a flood zone, whether or not it's a flood
19 hazard area, whether or not coastal high hazard
20 area or V Zone.

21 And I think this, going forward, if this is
22 adopted, it will help to give us, the Planning
23 Commission and ultimately the County Commission,
24 some guidance in terms of the appropriate
25 recommendations to make for re-zoning
26 applications in Planning District 25.

27 As we state in the staff report, this is one
28 the most sensitive areas in the county. The area

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1 is facing numerous challenges. And we have
2 attempted to draft some regulations that we feel
3 like will help to address those issues and
4 concerns.

5 I know and realize there are a number of
6 people who are here tonight. And so I'm sure
7 some of them would like to address you.

8 So those will be all my comments for now, but
9 I will be glad to answer any questions you may
10 have.

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Any questions for Vince?

13 (No response.)

14 PLANNING AND ZONING COMMISSION CHAIRMAN

15 SAM DAVIS: Okay. Thank you.

16 We'll open the public hearing at this point.
17 There are multiple people signed up here to speak
18 for this. Who wants to go first?

19 (An audience member indicates.)

20 PLANNING AND ZONING COMMISSION CHAIRMAN

21 SAM DAVIS: Okay. And what I would ask for the
22 rest of the people is to listen closely to what
23 he has to say and limit any comments you have, if
24 you still wish to comment to something he has
25 missed. That way --

26 THE COURT REPORTER: State your name.

27 MR. JOE EMERSON: Joe Emerson.

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: -- we can manage our time for all our
2 sakes.

3 MR. JOE EMERSON: All right. Now, thank
4 you for letting me speak this evening. My name
5 is Joe Emerson. I'm a resident of District 25.

6 I'm not speaking to you tonight as the
7 President of the Civic Association. I'll be
8 speaking to you as a resident.

9 I really want to thank all of the
10 representatives and people from our district for
11 showing up. It's a long drive up here. And
12 thank y'all for hanging.

13 I'd also like to recognize the multiple
14 people from our district and homeowners
15 throughout the area that have written in to you
16 guys, specifically Vince, with e-mails expressing
17 their support for this text amendment.

18 I'm speaking for the text amendments because
19 this is something that the Fort Morgan Planning
20 and Zoning Committee has been working on with the
21 County for multiple years now.

22 These amendments are going to help to resolve
23 some of the serious problems that we have in
24 District 25, if they're properly enforced.

25 These amendments will help to reduce impact
26 to our struggling infrastructure in District 25,
27 but also helping to reduce the constant problem
28 of public access to beaches versus private

1 property rights by significantly reducing future
2 densities.

3 Finally, these amendments will address public
4 safety concerns named by the Fort Morgan Fire and
5 Rescue in the letter drafted to Mr. Dyess on
6 July the 9th, 2019.

7 Before voting on this, I would like the
8 Commission to seriously consider Act 2015-411,
9 which amended that 91-719. I'm sure you guys are
10 familiar with, but I'll read it all the same:

11 *In performing its functions related to*
12 *planning and zoning, the Baldwin County*
13 *Planning and Zoning Commission and the*
14 *County Commission shall specifically*
15 *consider the historic nature of existing*
16 *development within the Fort Morgan*
17 *district, its historical and*
18 *environmental character of the district,*
19 *and the unique needs of the district*
20 *related to hurricane safety and*
21 *infrastructure for potential evacuation.*

22 That's all I have for this evening.

23 PLANNING AND ZONING COMMISSION CHAIRMAN

24 SAM DAVIS: All right. Thank you.

25 Anyone else in support that has anything
26 additional to offer?

27 (Two audience members indicating.)

28 PLANNING AND ZONING COMMISSION CHAIRMAN

1 SAM DAVIS: Okay. Thank you. Well, I got you
2 next. How about that?

3 MR. GREG STRATEGIER: My name is Greg
4 Strategier. My wife, Jamie, and I live at 3510
5 Ponce de Leon in Fort Morgan.

6 We have been working closely with the Baldwin
7 County Planning and Zoning department, with
8 Vince, the Civic Association, which I'm treasurer
9 of. And we've also been working with the Fort
10 Morgan Planning and Zoning Committee over the
11 past several years working on these ordinances.

12 And I'm here as a resident to tell you that I
13 support them and that we need them in our
14 community.

15 *****

16 ATTACHMENT 2 - HANDOUT PROVIDED BY MR. GREG STRATEGIER

17 *****

18 MR. GREG STRATEGIER: I have three quick
19 points I'm going touch on. I have given y'all
20 some handouts real quick. One I'm not going to
21 spend time on is the letter from our president of
22 our Fort Morgan Volunteer Fire Department, Ernie
23 Church, expressing the safety concerns of any
24 building over two stories. Mainly, we don't have
25 the equipment to reach anybody over two stories.
26 So anything above that is a danger.

27 My second point, and it goes with pictures.
28 I gave you some pictures of the dune walkovers

1 that are currently being built.

2 Vince had talked about they're coming from
3 the upper deck. But it's not just one, it's all
4 the ones that have been built in the last two to
5 three years, so you have got to think all dune
6 walkover that you leave out of your living room
7 onto your back deck and walk down the beach.

8 I don't know everybody else, but my beach
9 stuff is under my house. And I walk from under
10 my house to the beach. And I'm pretty sure you
11 don't walk up to your living room with your
12 fishing tackle to go to the beach.

13 What we see -- we live next to this one in
14 particular -- is just that the visitors come.
15 They walk underneath the dune walkover with their
16 equipment. What that is used for is to take
17 pictures at sunset or to go out at night and look
18 at water.

19 The other thing I want to point out is the
20 structure, how big this thing is. There
21 thirty-six (36) telephone poles on this site.
22 They're thirty-five (35) feet long and weight
23 seven hundred (700) pounds.

24 We all know someday a hurricane is going to
25 claim this. And that's going to be in our Gulf.
26 And that's going to be a hazard to marine life
27 and human life.

28 And if y'all recall -- You may not -- in

1 Tropical Storm Cindy in June '17, a young child
2 was killed on the beach by that very fact. And a
3 big piece of the debris came out in the Gulf and
4 killed him on the beach. That's one of the
5 reasons not to have this.

6 What I have in the second picture -- And,
7 again, it shows you what we hope it looks like as
8 we get these ordinances passed -- something that
9 starts from underneath the house where your
10 equipment is, takes you over the dune structure,
11 drops you off at the beach, protects the beach
12 mouse, does what it supposed to do. Also, when
13 it goes back into the Gulf, not so much debris.

14 My third and final point that I just touched
15 briefly on relates to the two-story limits we're
16 talking about on the structures.

17 I've given you something from Zillow. This
18 is a structure that's near my home. Actually,
19 the picture of it was up there earlier. I just
20 want to point out a few things and make some
21 quick comments.

22 This property is for sale for
23 three-point-five million dollars (\$3,500,000).
24 When it was finished in May of 2017, I did some
25 calculations to try to figure out what they put
26 into the building.

27 As a background, I'm a CPA. I've been a CFO
28 for over twenty (20) years. I have real estate

1 investments. I knew what the lot was. I checked
2 with my insurance broker to see what it cost per
3 square foot to build these kind of properties.

4 It came up to two-point-five million
5 (\$2,500,000). So if this sales price is reached,
6 that's a forty percent (40%) return in less than
7 three years.

8 What drives this price is the number of
9 bedrooms that are in these structures. This
10 particular one has eighteen (18) bedrooms in it.
11 It sleeps forty-four (44) people.

12 And if you look down a little bit lower, it
13 tells you what they made in income on one year's
14 revenue, three hundred forty-five thousand
15 dollars (\$345,000).

16 That's a nice return on your investment.
17 That's why these individuals, developers,
18 builders, they want three stories instead of two.

19 Now, what this number tell us me is that they
20 have about a fifty percent (50%) occupancy. So
21 that means on seventy-five (75) feet of beach
22 there, twenty-two (22) people every night.

23 Average household in the US is
24 two-point-five-three (2.53) people. That's over
25 eight (8) households living on this
26 seventy-five (75) foot of beach.

27 So my last point with this, I just want to
28 make is that we're not trying to stop

1 development. We're trying to make it more
2 reasonable.

3 With a two-story structure, they can still
4 develop property, have twelve (12) bedrooms.
5 It'll still return on investment. It may not be
6 a the forty percent (40%) level, but it's still
7 available for development.

8 I don't have anything else to add. Does
9 anyone have any questions for me?

10 PLANNING AND ZONING COMMISSION CHAIRMAN

11 SAM DAVIS: Any questions for this gentleman?

12 (No response.)

13 PLANNING AND ZONING COMMISSION CHAIRMAN

14 SAM DAVIS: Thank you, sir.

15 Does anyone have anything else to offer
16 that's different?

17 MS. THELMA STRONG: My name is Thelma
18 Strong. I am a long-time resident of Fort
19 Morgan. Thank you for listening to me tonight
20 and allowing me to speak.

21 As a member of the Fort Morgan Planning and
22 Zoning Advisory Committee, I ask that you
23 consider passing these changes in our zoning.

24 The committee worked over three years or
25 about three years on these changes, with the help
26 of Vince, who we couldn't have done it without
27 him -- And we want to thank him for that -- and
28 who was always available for us when we needed

1 him. I also want to thank David and Wayne for
2 their help and their advice.

3 As you know, Fort Morgan is a very unique
4 area. It's different from any other district in
5 Baldwin County. If we don't protect the
6 environmentally fragile area now, we're going to
7 lose it.

8 On behalf of the Fort Morgan Planning and
9 Zoning Advisory Committee and the people of Fort
10 Morgan, I ask you to vote to pass these changes.

11 And, also, if you would, please, recommend
12 them to the County Commission to see that they
13 pass them also. And thank you for your time.

14 PLANNING AND ZONING COMMISSION CHAIRMAN
15 SAM DAVIS: Thank you.

16 (Applause.)

17 PLANNING AND ZONING COMMISSION CHAIRMAN
18 SAM DAVIS: We have three people signed up in
19 opposition.

20 (An audience member indicating.)

21 PLANNING AND ZONING COMMISSION CHAIRMAN
22 SAM DAVIS: Something different?

23 MR. PAUL STANTON: Yes, sir.

24 THE COURT REPORTER: And state your
25 name.

26 MR. PAUL STANTON: I'm Paul Stan, 3487
27 Ponce de Leon Court, where this nightmare is.
28 Just real quick, this is -- this is not a beach

1 house.

2 When you have nine (9) bedrooms per side,
3 eighteen (18) bedrooms, eighteen (18) bathrooms,
4 sleeps forty-four (44) people, seventy-five (75)
5 foot linear -- that's -- it's basically a mini
6 condominium without a parking lot.

7 We have worked tirelessly. Ms. Thelma and
8 Bill and Beck over here, they've been here for
9 thirty-five (35) years, forty (40) years.

10 We've done everything in our power to fight
11 the condo growth. And we've done a fantastic
12 job. But this is -- this is what's proliferated
13 in the way the development community has gotten
14 around that restriction of condominiums. They
15 basically bought -- build mini condominiums.

16 I would just like to urge you to consider
17 this. Again, the Fort Morgan Fire Marshal has
18 basically come out and said he does not have the
19 ability to remove somebody from anything over two
20 feet -- I'm sorry, two stories.

21 And a lot these structures have bunk-beds
22 that were put in after certificate of occupancies
23 in the hallways. A lot of them spiral staircases
24 to go up to two-and-a-half -- to the third level.
25 It's almost impossible to get somebody out of
26 that.

27 The other thing is with two-and-a-half
28 story -- if we were to reduce it to

1 two-and-a-half story, generally, that apex is in
2 the middle of the property. If the fire trucks
3 can't even get to the property, how in the heck
4 are they going get somebody out of a
5 two-and-a-half or three-story property? You
6 can't even get a fire truck near this thing.

7 The other thing is if you tell them they have
8 to move all the cars, this family -- nobody in
9 this family knows who this family is. So you
10 can't tell Aunt Carol to go move her car, because
11 they don't know who the heck Aunt Carol is.

12 The other thing that really needs to be
13 emphasized, and I know it's little bit of a
14 parking thing, but this is a tremendous
15 restriction for people that walk.

16 Cars are constantly getting choked at this
17 point where these things are located at. And
18 this is my driveway right here. As you can see,
19 one of -- one of the owners of this property over
20 here put a NO PARKING sign up, and I can't
21 even --

22 PLANNING AND ZONING COMMISSION CHAIRMAN
23 SAM DAVIS: Let me ask you a question before you
24 get too far away from it and I forget. Are you
25 saying that that picture right there with all
26 those cars, all those people are -- some of those
27 people were strangers to each other?

28 MR. PAUL STANTON: Yeah, absolutely.

1 This could be one family here, and this is a
2 completely different family.

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: So it's like separated, like in
5 halves?

6 MR. PAUL STANTON: Oh, yes, sir. Yes,
7 sir.

8 So this is my driveway right here. And
9 there's many times I can't even get out of my
10 driveway, much less emergency vehicles, garbage
11 trucks, and stuff like that.

12 It is a nightmare down there. The residents
13 of Fort Morgan need some relief as well as people
14 that are renting these properties.

15 It's dangerous. Somebody is going to burn to
16 death in one of the things. And the fire marshal
17 has come out and stated publically in our Fort
18 Morgan newsletter and in through a letter to the
19 County Commission that he cannot get anybody out
20 of a burning building over two stories.

21 Please help us down in Fort Morgan. And I
22 just wanted to thank you guys for everything
23 you're doing to try to help. Thank you.

24 PLANNING AND ZONING COMMISSION CHAIRMAN

25 SAM DAVIS: All right. Thank you.

26 (Applause.)

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: We've got three people signed up in

1 opposition. Who wants to go first?

2 (No response.)

3 PLANNING AND ZONING COMMISSION CHAIRMAN

4 SAM DAVIS: Anybody want to go at all?

5 (An audience member indicating.)

6 PLANNING AND ZONING COMMISSION CHAIRMAN

7 SAM DAVIS: Okay. Come on.

8 THE COURT REPORTER: And state your
9 name, please.

10 MR. TOM MARTIN: My name is Tom Martin.
11 I own a residence down Fort Morgan, and I'm
12 building.

13 I wasn't aware this was going on until about
14 two o'clock this afternoon. And so I wrote
15 Mr. Jackson a letter. Because I kind of -- I
16 just put my words down. So that's what I've got.
17 Just got the letter to look at the County's
18 intention.

19 According to the RBC IRC codes, there is no
20 half-story definition. Orange Beach counts
21 ground level under the first half of a floor as a
22 story with two floors above that require a fire
23 sprinkler system.

24 Gulf Shores does not count raised floors, but
25 it requires a fire sprinkler system if there are
26 three inhabitable floors above. The County has
27 yet to require fire sprinklers in two or three or
28 more floors.

1 Houses with three habitable floors have been
2 built as far as back as 1902, like the picture
3 that y'all have in the hallway.

4 Fish and Wildlife has restricted the
5 footprint, damaging property values. The only
6 way to re-launch them is to go up three habitable
7 floors.

8 If this passes, property values for those who
9 have three floors will go up, but property values
10 will go down.

11 As far as parking, most all jurisdictions
12 allow stacking. But it requires so many cars per
13 bedroom. Again, Fish and Wildlife has been very
14 limited parking without stacking, what cars are
15 stacked, regardless of the size of the house.
16 How will that be monitored and enforced?

17 Three cars on a fifty (50) foot lot is most
18 you can get. Even with seven bedrooms, three on
19 a fifty (50) foot lot is all you can get; for
20 eight bedrooms, three.

21 So changing the zoning, the way it is, you
22 change the status of many homes to nonconforming,
23 which could be devastating to future repairs and
24 value.

25 So by not allowing stacking, whether or not
26 existing structures with stacking are going on,
27 so by changing the zoning, is this a form of
28 taking property rights to have what others have

1 been enjoying for twenty-plus years?

2 Require fire sprinkler system in three
3 stories for sure. That would take care of the
4 fire department problems of saving people.

5 And on that same note, there's been zero
6 deaths in house fires in three stories in Fort
7 Morgan.

8 Leave it the way -- leave the zoning the way
9 it is, or get the Fish and Wildlife to loosen up
10 on restrictions of their four hundred -- four
11 thousand, three hundred fifty-six (4,356) square
12 foot from the edge of pavement of impacted area.

13 With a driveway of one hundred (100) square
14 foot, it's three thousand, four hundred fifty
15 (3,450) square foot of impacted for dwelling,
16 decks, pools, and this parking pass; not much.

17 The right-of-way access on Fort Morgan Road
18 can be as much as one hundred forty (140) feet to
19 the edge of the pavement. And you got to pay two
20 dollars thirty cents (\$2.30) for State Lands --
21 to access it, to Fish and Wildlife.

22 The new flood maps have many homes also now
23 nonconforming. Long-term residences there,
24 they'll find out that if their house is -- I've
25 got one in Gulf Shores that went three foot
26 underwater, and it was above water on the flood
27 map.

28 I have another piece of property that came

1 off the flood map, and now it's an X Zone. A lot
2 of the houses in X zones also are up on stilts.
3 And they consider that not being a story.

4 And Fish and Wildlife has done a good job on
5 requiring dune walks. And I like the dune walks.
6 I think that is a good answer for the houses to
7 make it, to protect the dune so we can protect
8 our properties.

9 To give you an idea about, you know, we
10 talked about stories. And a habitable story is
11 one thing. That says, space, you know, living
12 sleeping, eating, and cooking. Bathrooms and
13 such are not included.

14 The -- the story is a portion of the
15 building, including the upper surface of the
16 floor and the upper floor or roof above it, any
17 story -- finishing -- finished floor surface and
18 grade plane. Grade plane would be the -- if it
19 is more than six feet above your head -- I mean
20 above the dirt or more than twelve feet in any
21 corner, that would be considered a story in a
22 non-flood zone.

23 We don't count the flood zone. So a story --
24 and it even goes on to say that on the height of
25 a story, the vertical distance from the top of
26 two successive tiers or beams or finished floor
27 surface for the topmost story, from the top of
28 the floor finish to the top of the ceiling or

1 where there is not a ceiling, to the top of the
2 roof rafters.

3 So, in other words, the top of the roof
4 rafters is counted as a story. And you can't
5 call it a two-and-a-half story, because that's
6 actually a three-story, according to -- And this
7 IRC -- AIRC, Page 18 and 24.

8 And but I know everybody's got their piece of
9 the pie. And it's nice to have that. But
10 everybody else has a chance to do it, too.

11 So I don't know how you can take away
12 something that's already there and not call it a
13 taking of somebody else that owns raw land next
14 it, the value of their property.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: That's an argument for another body
17 besides us.

18 MR. TOM MARTIN: Right.

19 PLANNING AND ZONING COMMISSION CHAIRMAN
20 SAM DAVIS: But I appreciate your comments.

21 MR. TOM MARTIN: I do understand. It's
22 just my opinion.

23 PLANNING AND ZONING COMMISSION CHAIRMAN
24 SAM DAVIS: Thank you.

25 MR. TOM MARTIN: Okay.

26 PLANNING AND ZONING COMMISSION CHAIRMAN
27 SAM DAVIS: Dee Crum or PJ Howard are the only
28 two signed up in opposition. Where are they?

1 MS. DEE CRUM: I am not in opposition.
2 I am for the text amendment.

3 PLANNING AND ZONING COMMISSION CHAIRMAN
4 SAM DAVIS: Okay. You just signed the wrong
5 form.

6 MS. DEE CRUM: That's right. That's the
7 one she pushed in front of me.

8 PLANNING AND ZONING COMMISSION CHAIRMAN
9 SAM DAVIS: Okay. How about Mr. Howard? Where
10 are you?

11 (Mr. PJ Howard indicating.)

12 PLANNING AND ZONING COMMISSION CHAIRMAN
13 SAM DAVIS: Do you have anything to say?

14 MR. PJ HOWARD: Not at this time.

15 PLANNING AND ZONING COMMISSION CHAIRMAN
16 SAM DAVIS: Okay. Thank you.

17 We'll close the public hearing at this point.
18 Staff have anything else?

19 MR. VINCE JACKSON: Just to say that we
20 have spent good bit of time working on this.
21 Some of the -- in receiving e-mails that have
22 expressed concerns, I've seen a number of times
23 where it is suggested about the requirement for
24 sprinklers.

25 However, that's not the zoning. That's not
26 something that we can do to the Zoning Ordinance.
27 That's a Building Code consideration. And the
28 Planning and Zoning has no authority over the

1 Building Code.

2 You know, if people would like to talk to the
3 Building Inspector about that requirement, they
4 can certainly do so. But there is nothing we can
5 do in zoning.

6 We welcome all comments. And this will be a
7 recommendation to the County Commission. So, you
8 know, we will continue to take comments.

9 And it's possible that as we -- as we
10 continue through the process, that there could be
11 some changes or additions to the language, but
12 we're -- we're -- we're satisfied with what we
13 have.

14 We think it addresses the concerns. And
15 we're hopeful that we can get a positive
16 recommendation on this so that we can carry that
17 forward to the County Commission.

18 PLANNING AND ZONING COMMISSION CHAIRMAN
19 SAM DAVIS: Okay. Thank you, Vince.

20 All right. Staff has recommended approval of
21 this to the County Commission for their -- our
22 recommendation that we recommend approval for the
23 County Commission to consider. Is there a motion
24 to do?

25 COMMISSION MEMBER BONNIE LOWRY: So
26 moved, Mr. Chairman.

27 PLANNING AND ZONING COMMISSION CHAIRMAN

28 SAM DAVIS: Okay. There's a motion to recommend

1 approval to the County Commission, is there a
2 second?

3 COMMISSION MEMBER DANIEL NANCE: Second.

4 PLANNING AND ZONING COMMISSION CHAIRMAN
5 SAM DAVIS: There's a second. All in favor, say
6 aye.

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

8 PLANNING AND ZONING COMMISSION CHAIRMAN

9 SAM DAVIS: Any opposed, same sign.

10 (No response.)

11 PLANNING AND ZONING COMMISSION CHAIRMAN

12 SAM DAVIS: Unanimous.

13 (Applause.)

14

15 9-B - TA-19002, ARTICLE 4, RESIDENTIAL DISTRICT AS IT
16 PERTAINS TO MAXIMUM HEIGHT AND TA-19003, ARTICLE 22,
17 DEFINITIONS AS IT PERTAINS TO THE DEFINITION OF
18 HALF-STORY

19 PLANNING AND ZONING COMMISSION CHAIRMAN

20 SAM DAVIS: Next case is TA-19002 and case
21 TA-19003.

22 MR. VINCE JACKSON: Yes. We have -- we
23 have two separate case numbers that apply to two
24 different sections of the ordinance, but they're
25 related, so we put them under one staff report.

26 This would be an amendment to Article 4 of
27 Baldwin County Zoning Ordinance, Residential
28 Districts, pertaining to the maximum number of