

Baldwin County Commissioners

Honorable Charles F. "Skip" Gruber, Honorable Billie Jo Underwood, Honorable James E. "Jeb" Ball, and Honorable Joe Davis, III

RE: Case # TA-19001, Text Amendments, Article 2, Section 2.3.25, District 25 "Fort Morgan"

October 7, 2019

Dear Honorable Commissioners,

We are Fort Morgan residents, Jamie & Greg Strategier who live at 3510 Ponce de Leon Court, Fort Morgan, AL 36542. We are respectfully recommending your full support of proposed District 25 Amendments (case #TA-19001) to Baldwin County Zoning Ordinances. Years of significant research, long hours, respectable amount of effort, and diligent work by Baldwin County staff and directors have gone into the preparation of the proposed Amendments. Baldwin County Planning and Zoning department and the director, Vince Jackson along with Baldwin County Administrator, Wayne Dyess have put in substantial energy over the years working with Fort Morgan citizens, homeowners, businesses, community leaders, Fort Morgan Planning & Zoning Advisory Committee, Fort Morgan Civic Association, and Fort Morgan Volunteer Fire Department to develop the proposed Amendments for District 25 (case #TA-19001). These Fort Morgan Community Leadership assemblages listed above fully support and Recommend APPROVAL of the proposed Amendments for District 25 (case #TA-19001). Baldwin County Planning & Zoning department Recommends APPROVAL of the proposed Amendments for District 25. On September 5, 2019, Baldwin County Planning & Zoning Commission UNANIMOUSLY VOTED to Recommend APPROVAL of the proposed Amendments (case #TA-19001).

It is clear, the proposed Amendments to Article 2, Section 2.3.25.3 of the Baldwin County Zoning Ordinance, District 25 (case #TA-19001) are necessary to keep Fort Morgan Safe with Planned Development and are fully recommended by ALL. The Amendments include removal of HDR, High Density Residential District, establishment of a two (2) habitable story maximum height for single family and two-family dwellings in Residential Zoning, establishment of dune walkover requirements and standards, and establishment of Planning & Zoning considerations for Coastal High Hazard Areas and Flood Hazard Areas (Section 2.3.25.3).

We Fully Support and **Recommend APPROVAL** of the Amendments to Residential Zoning Ordinance in District 25 (case #TA-19001) which are necessary for the following reasons:

- **SAFETY RISKS-** Fort Morgan Volunteer Fire Department strongly encourages establishment of two (2) habitable story height limit on residential construction for numerous safety issues. FMVFD recommends a two (2) story residential limitation which reasonably ameliorates both controlled growth and reduced density.
- **SAFETY RISKS - Reasonable emergency access to attic** areas made into extra bedrooms and additional sleeping quarters after certificate of occupancy has made access to third (3rd) stories virtually impossible.

- **SAFETY RISKS** - Hallways blocked with cots and bunk beds making every effort to maximize bedroom count and sleeping numbers; and bunkbeds in rooms the size of closets make it nearly impossible for emergency first responders to assist those in danger.
- **SAFETY RISKS**- Narrow stairways and spiral staircases to an upstairs area causes unnecessary limitations on emergency responders who are there to potentially save lives. roadways
- **SAFETY RISKS**- FMVFD has a ladder capability to second stories but not greater heights.
- **SAFETY RISK**- Parking along narrow roadways limits the ability of first responders to reasonably access homes the need emergency assistance.
- **SAFETY RISKS**- Evacuation during hurricanes becomes nightmarish; road congestion becomes nightmarish during emergency evacuation with only one access road in and out of Fort Morgan.
- **SAFETY RISK**- Parking along narrow roadways not only prevents emergency access to those homes with 2 ½ to 3 stories, but the parking nightmares on these streets also prevents any emergency access to neighboring homes. There is insufficient parking for 44 people. Neighbors attempting to drive on the roadways have been dealing with parking as an OBSTACLE for private vehicles, emergency vehicles and public vehicles alike.
- **SAFETY RISKS** – Parking created by 2 ½ - 3 Story buildings along narrow roadways also prevents neighbors from exiting their own homes for any reason including emergencies. There is Insufficient parking for 44 people under one roof let alone neighboring homes. Roadways are already impassible! What if there were two of these houses next to each other that house 44 people? Where would 88 people park on these roadways? There is another of these “commercial” duplexes planned to be built along side of one of these homes now by the same developer next door. How can this be allowed when a parking nightmare already exists? (See 3450 Ponce de Leon Court – “Breezy Shores, LLC” – Stop Work Order currently issued for construction work beginning without permit.)
- **UNSAFE & UNSANITARY** – Parking Simply does not exist for the Public ACCESS TO Public Beaches! Where does the public park? They park blocking private residential driveways or they park on and get stuck in the sand! We have personally assisted numerous visitors in trying to get their stuck parked car from the soft sandy beach. However, it happens more often that if we are not there to warn them they end up spinning their tires in soft sand until they bust open the Sewage Lines spewing raw sewage along the residential streets, private driveways, private homes, and raw sewage leaks onto our sandy beaches!
- **UNSAFE & UNSANITARY** – Raw Sewage Backing Up! These 2 ½ to 3 Story buildings produce more raw sewage than the sewage lines can handle; therefore, backing up sewage lines for not only these oversized commercial buildings, but everyone in the surrounding area.
- **UNSAFE** – Phone lines not accessible! In District 25, there is limited cellular service providing all of Fort Morgan. When these 2 ½ - 3 Story homes are filled with 44 plus people all using cell phones and wifi, then the neighboring citizens have little to no cellular service and no telephone access. In 2019 and the future, cellular service is in most homes the only telephone service that is permitted, but with an over-populated area this is not always accessible. In times of emergency, there could be no way to contact 911, a doctor, or emergency services. Cellular service has become a necessary public utility, but not dependable in Fort Morgan.
- **UNSAFE** – Evacuation is a dangerous nightmare. Andy Bauer and Mayor Craft, City of Gulf Shores, opening oppose any up-zoning in Fort Morgan due to traffic on Hwy. 180 and potential for bottleneck at Hwy. 180 & Hwy. 59 during evacuation. This would cause traffic accidents to

residents of Baldwin County while also preventing All Citizens of Baldwin County from safely evacuating during an emergency or Hurricane. Nightmares soon become reality if growth and density are not better controlled. A 2-story limit would help considerably.

- **UNSAFE & UNSANITARY – Garbage pick up trucks are prevented from accessing roadways** where these 2 ½ - 3 Story buildings have created parking nightmares. The streets become obstacles for public vehicles and Garbage pick-up is prevented. Where does all this garbage end up? It is usually blown by the strong winds off the Gulf of Mexico into neighboring private properties, into public streets, or onto our sandy public and private beaches. Garbage pick up day has been changed to Saturday mornings in Fort Morgan so that renters who depart on Saturdays may clean out their rentals, but there is no one making sure that garbage pick-up is complete after they leave.
- **ENVIROMENTALLY UNSAFE – Endangered Sea Turtles Attempting to nest must Turn Around without Nesting** on Fort Morgan's shores. Share the Beach Volunteer reported to have a very bad 2019 season predominately due in part by increased debris on our beaches left behind by renters in these oversized 2 ½ to 3 Story Commercially sized buildings renting to over 44 people in 50 linear feet of beach shoreline. Endangered Mama Sea Turtles have been directly affected by over-crowding from these 2 ½ to 3 story commercially sized buildings. Mama Sea Turtles nesting must maneuver around these obstacles left behind on our beaches and end up returning the Gulf of Mexico without nesting. This puts their 100 endangered sea turtle eggs at risk.
- **ENVIROMENTALLY UNSAFE – Volunteers for Share the Beach are prohibited** from carrying their nesting equipment along the beaches due to oversized dune walkovers and beach equipment left on the beaches blocking them from doing their volunteer jobs to assist our Endangered Sea Turtles nesting along Fort Morgan beaches.
- **UNSAFE – Oversized Dune Walkovers prevent emergency vehicles from accessing beach rescues.** Newly built oversized dune walkovers that are reaching wet sand in many places prevent emergency vehicles from rescuing anyone along the beach including those who are in **danger of drowning!** New Dune Walkover Amendments will help to correct this problem and prevent future structures from blocking beach access to emergency vehicles in the future.
- **ENVIROMENTALLY UNSAFE – Bright White Lights are not allowed by USFWS ITP.** Specifically bright lights on oversized 2 ½ - 3 story commercially sized buildings in Residential areas **prevent Endangered Sea Turtles from entering the shore** to nest because the massive bright lights confuse Nesting Sea Turtles. There should be a lighting ordinance for District 25 so that all Gulf Front homes are required to use Amber Lighting as recommended by US Fish & Wildlife Services in their ITP.
- **ENVIROMENTALLY UNSAFE – Bright White Lights are not allowed by USFWS ITP.** Bright Lights on the 2 ½ to 3 Story commercially sized buildings in Residential areas are a glowing beacon preventing Endangered Alabama Beach Mice from nesting on the sandy dunes. Bright lights shining on the beaches outside of the Beach Mice nests lighting up what should be a dark area making it unsafe for the Beach Mice to scamper for food in the dark without being detected easily by other wildlife. Instead, they now have a bright spotlight shining on them alerting other wildlife to exactly where the Endangered Beach Mice are and where their nests are located.
- **COMMERCIAL BUILDINGS in RESIDENTIAL ZONED NEIGHBORHOODS – Safe & Planned Growth in Residential Zoned Neighborhoods is necessary.** There simply is just not a place for a commercially built big business venture in Residentially Zoned areas of Baldwin County. A letter

in opposition to the proposed Amendments is authored by and signed by “Robert J. Isakson, Sr. **Lafayette Land Company Developing Commercial and Industrial Real Estate since 1982**”; he wrote “I understand that this [2 story height] does not have to do with fire suppression equipment, but rather with the theory that the volunteers in Ft. Morgan are older than other volunteer firefighters in the county and may have more difficulty removing victims from the second and one half floors of burning buildings.” We and majority of Fort Morgan Community truly value our Volunteer Fire Department and wide variety of services they provide to citizens and visitors alike. We could not image why anyone would show such disrespect towards our valued first responders. Why would a Louisiana based Developer of Commercial and Industrial Real Estate since 1982 have any interest building in Baldwin County’s Residentially Zoned area? He does not reside in any of the Commercially built properties; these are all built for maximum dollars to be made off Fort Morgan’s historical and environmental protected land without any respect to the safety of others or the wildlife that resides in Fort Morgan Community.

- Majority of opposing letters accuse FMCA and “others” of stopping growth or development in Fort Morgan and reducing Tax rolls. There is no interest or intent to stop development and growth or reducing taxes in Baldwin County, District 25. **We whole heartedly support SAFE and PLANNED GROWTH in Fort Morgan. We support and realize the benefits of taxes that also support our community and Baldwin County as a whole.** Eliminating the 2 ½ and 3rd floor certainly reduces an amount of potential rental income, but removing the 3rd floor does not stop development and growth nor does it change the current taxes collected by Baldwin County nor does it stop someone from developing their future home(s) in Fort Morgan. Property owners in Baldwin County can certainly make a very nice investment return on building a Safe Two (2) Story Rental Property; anyone can build a home that is safe for citizens and the environment. **We want to keep Fort Morgan safe and environmentally protected for future generations while it continues to grow and be developed. The proposed Amendments allow for Safe and Planned Growth in District 25 while providing tax dollars for Baldwin County & Alabama State.**

Fort Morgan needs to grow safely for its preservation, environment and future generations. We believe that Vince Jackson, Baldwin County Planning & Zoning Director, is working on an occupancy zoning ordinance which is greatly needed and would support parking, evacuation, fire safety, environment, USFWS regulations, and overall promoting our community while still providing planned growth, development. An occupancy zoning ordinance would greatly benefit Baldwin County as a whole.

For these reasons and the research that has been done by Baldwin County Planning and Zoning staff, we support & recommend the Amendments proposed to Residential Zoning Ordinance (case #TA-19001). **Thank you for your consideration of the proposed Amendments (case #TA-19001). We appreciate your continued service to our Community. We respectfully hope you will Vote to Approve TA-19001.**

Your Proud Residents of Fort Morgan,

Jamie & Greg Strategier

3510 Ponce de Leon Court, Fort Morgan, AL 36542

CC: Vince Jackson, Wayne Dyess, Joe Emerson, Ernie Church, Carol Kittrell, Paul Stanton

Vince Jackson

From: daniel prickett <dansellsthegulf@yahoo.com>
Sent: Monday, October 07, 2019 5:36 PM
To: Vince Jackson
Subject: <EXTERNAL> Oppose changes in zoning in district 25

Hi Vince. Just wanted to go on record to say myself and many others appose the proposed zoning changes in district 25.

Respectfully

Daniel Prickett
2512090074 cell
18002107914 office
<https://gcc02.safelinks.protection.outlook.com/?url=www.prickettproperties.com&data=02%7C01%7C%7C29ea1fb612de4735f49008d74b76bbf9%7Ca1dbbb3c47f8420e932cbb4942e61768%7C0%7C0%7C637060845648207381&sd=abfyw0WOMh7kOQocel2CW445BAQOBkNIOYnPoUtbFH8%3D&reserved=0>
Property manager
Realtor

Vince Jackson

From: Joseph Emerson <captjoesells@gmail.com>
Sent: Monday, October 07, 2019 1:39 PM
To: Billie Jo Underwood; Charles F. Gruber; Joe Davis; Jeb Ball
Cc: Vince Jackson; Wayne Dyess
Subject: <EXTERNAL> Fort Morgan Zoning Amendments (Case No. TA-19001 Amendments to the Baldwin County Zoning Ordinance, Article 2 Local Provisions for Planning District 25 (Section 2.3.25.3))

Dear Commissioners,

I am a resident of Fort Morgan at 11173 State Highway 180, Gulf Shores, AL 36542.

I am requesting you as elected commissioners to support Case No. TA-19001 Amendments to the *Baldwin County Zoning Ordinance*, Article 2 Local Provisions for Planning District 25 (Section 2.3.25.3) that you will be seeing tomorrow October 8th and voting on October 15th. Please take the following points into consideration when making your decision to support these Text Amendments specifically the 2 story limitation on new construction.

- The current and future impacts that existing and potential future 2.5 and 3 story, multi family residential construction puts on the existing and limited local infrastructure specifically in the subdivisions including but not limited to Laine Court, Pamela Court, Ponce De Leon, Ponce De Leon Annex and other areas.
- The safety concerns voiced in the letter sent to the Baldwin County Commission by the brave First Responders of the Fort Morgan Fire Rescue. I understand that the issue of the age of the FMFR volunteers has been brought up and how the age of the volunteers may effect the performance of the FMFR. Please keep in mind that the FMFR carries the highest ISO rating that a volunteer Department in the State can have.

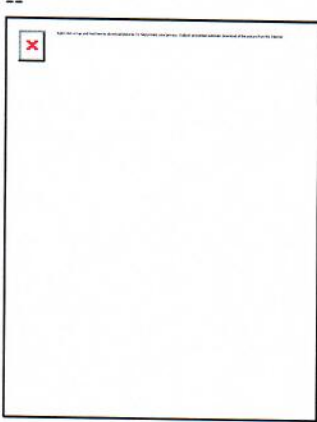
Also, these proposed text amendments fit squarely within the charge provided by the Local Act of the Alabama Legislature. Section 45-2-261.64 of the Act, states that the Baldwin County Commission shall specifically consider the historical nature of existing development within the Fort Morgan District, the historical and environmental character of the district, and the unique needs of the district related to hurricane safety and infrastructure for potential evacuation.

It is clear that the "historical nature of existing development" is not these mini-hotels that have sprung up in Fort Morgan. It is one of beach front cottages and low density.

These Text Amendments were presented by Baldwin County Planning & Zoning Department with the full support of the Fort Morgan Planning & Zoning Advisory Committee; and Unanimously recommended by the Baldwin County Planning & Zoning Commission. I hope you will take their advise into into consideration.

Thank you,

Joe Emerson



Capt Joe Emerson

Exit Realty Gulf Shores
251.550.9021

"Navigating you through the sea of Real Estate"

Vince Jackson

From: BWC <bwc@charter.net>
Sent: Monday, October 07, 2019 10:33 AM
To: Vince Jackson
Cc: ecaces4@bellsouth.net
Subject: <EXTERNAL> Fort Morgan District 25

Mr. Jackson,

Prior to the upcoming vote, I would like to voice my strong support for the proposed changes to the Baldwin County Zoning Ordinances, regarding the Fort Morgan peninsula. My family has owned property there since before Hurricane Frederic in 1979. It is a unique historical and ecological area and should be protected as such. If over developed or developed thoughtlessly some of those unique features will be lost or destroyed forever.

Please help us support passage of these sensible and much needed changes.

Thank you.

Brad Caraway

Thanks.

Brad Caraway

9/25/2019

Dear Commissioners,

I am writing you as a Fort Morgan homeowner and someone who cares deeply for the Fort Morgan community. Fort Morgan is the last remaining place along the Baldwin County Gulf Coast that hasn't been overdeveloped and retains its unique beach front cottage character. However, over the last several years the character has begun to be altered. The beach front cottages are now being torn down and replaced with 3 story, 50' tall mini hotels that contain at least 18 bedrooms and sleeps 44 people. The parking generated by these mini hotel is tremendous and causes streets to be routinely blocked. Not only does this effect the residents and other renters, but it also severely impedes emergency services such as fire fighters and EMS staff. This issue is a fundamental critical emergency services issue that directly affects the safety and welfare of visitors and citizens alike.

This exploitation of the zoning rules has diminished the unique character and only benefits a few while the rest are left to deal with the negative consequences it causes over generations. I can't imagine that the citizens that initiated the District 25 zoning process ever envisioned that these small 50'-75' lots would be so overdeveloped with mini hotels destroying the unique character that they fought so hard to protect and which has existed for years in Fort Morgan.

Fortunately, the citizens and homeowners have banded together with a common goal to protect this unique place we all love. Before you on October 15th are several amendments that directly affect Fort Morgan. These zoning amendments demonstrate a great deal of hard work and a reasonable, fair approach to re-establishing and reaffirming the unique character and original vision of Fort Morgan. These amendments fit squarely within the charge provided by the Local Act of the Alabama Legislature. In **Section 45-2-261.64 of the Act**, it says that the Baldwin County Commission shall specifically consider the historical nature of existing development within the Fort Morgan District, the historical and environmental character of the district, and the unique needs of the district related to hurricane safety and infrastructure for potential evacuation.

It is clear that the "historical nature of existing development" is not gigantic mini-hotels that have sprung up in Fort Morgan. It is one of beach front cottages and a family friendly environment. Also, I urge you to consider the public safety associated with hurricane evacuation and the affect that these mini-hotels. I urge you to not only consider the current issues and the negative effects of this overdevelopment, but please consider future generations and their ability to enjoy this unique asset we have in Fort Morgan and the unique beach cottage atmosphere which it represents.

Please support the residents and homeowners and the unique character of Fort Morgan and vote to adopt the zoning amendments as presented by the Fort Morgan Zoning Advisory Committee and unanimously recommended by the Baldwin County Planning and Zoning Commission.

Thank you for your consideration.

Paul Stanton

The Code of Alabama 1975 Section 45-2-261.64

Enforcement and administration of subpart.

The Baldwin County Commission shall enforce this subpart in the same manner as provided in Section 16 of Act 91-719, and, in performing its functions related to planning and zoning, the Baldwin County Planning and Zoning Commission and the Baldwin County Commission shall specifically consider the historical nature of existing development within the Fort Morgan District, the historical and environmental character of the district, and the unique needs of the district related to hurricane safety and infrastructure for potential evacuation.

(Act 2015-411, §5.)