

PROCEEDINGS HELD BEFORE THE
BALDWIN COUNTY PLANNING AND ZONING COMMISSION
(Regular Meeting)

Thursday, March 7, 2019

The following proceedings were held on this the 7th day of March, 2019, at the Baldwin County Central Annex, Main Auditorium, 22251 Palmer Street, Robertsdale, Alabama, before Susan C. Andrews, Certified Court Reporter Number 287.

A P P E A R A N C E**PLANNING AND ZONING COMMISSIONERS PRESENT:**

Sam Davis, Jr., Chairman

Arthur J. Oken, Vice-Chairman

Kevin Murphy

Dewane Hayes

Daniel Nance

Bonny Lowry

Brandon Bias

Nancy Mackey

BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT PRESENT:

Vince Jackson, Director, Planning and Zoning

Seth Peterson, Permit Subdivision Manager, Highway
Department

Celena Boykin, Planner

Linda Lee, Planner

D. J. Hart, Planning Technician

Mary Booth, Permit/Subdivision Coordinator

Laurie Rumbaugh, Office Administrator

ON BEHALF OF THE PLANNING AND ZONING COMMISSION

David Conner, Esquire

I N D E X

1		
2		
3	1 - Call to Order.....	5
4	2 - Invocation and Prayer.....	5
5	3 - Pledge of Allegiance.....	5
6	4 - Roll Call.....	5
7	5 - Approval of Meeting Minutes: February 7, 2019.....	6
8	(Approved)	
9	Announcements/Registration to Address the	
10	6 - Commission.....	7
11	7 - Consideration of Applications and Requests: Re-Zoning Cases.....	7
12	7-A - Case P-19001, Peace Property.....	8
13	(Approved)	
14	7-B - Case Z-19010, LMS Properties LLC Property.....	16
15	(Recommendation to Approve)	
16	8 - Consideration of Applications and Requests: Subdivision Cases.....	19
17	8-A - Case S-14013, Magnolia Shores, Phase 1 & 2 - Development Permit 24-Month Extension	
18	Request.....	19
19	(Approved)	
20	8-B - Case S-16045, Fairhope Falls Phase 2 & 3 - Development Permit 24-Month Extension	
21	Request.....	21
22	(Approved)	
23	8-C - Case S-19004, Pearson Family Subdivision, Development Permit Approval.....	22
24	(Tabled)	
25	8-D - Case S-19005, Timber Oaks Subdivision, Development Permit Approval.....	23
26	(Approved)	
27	8-E - Case S-19006, Pierce Subdivision, Development Permit Approval.....	27
28	(Approved)	

I N D E X (cont.)

	Consideration of Applications and Requests:	
8 -	Subdivision Cases (cont.)	
8-F -	Case S-19008, Kinard Subdivision,	
	Development Permit Approval.....	29
	(Approved)	
9 -	Public Comment.....	30
10 -	Old Business.....	31
11 -	New Business.....	31
12 -	Reports and Announcements.....	31
12-A -	Staff Reports.....	31
12-C -	Next Regular Meeting: April 2, 2019.....	31
12-B -	Legal Counsel Reports.....	31
13 -	Adjournment.....	31

ATTACHMENTS

ATTACHMENT 1 -	Letter of Opposition From Ken &	
	Cheryl Smallwood Dated March 3,	
	2019.....	25
ATTACHMENT 2 -	Letter of Opposition From Wayne and	
	Robbie Hodge.....	25

P R O C E E D I N G S

1 - CALL TO ORDER

CHAIRMAN SAM DAVIS: All right. We'll call the meeting to order at this point.

2 - INVOCATION AND PRAYER

CHAIRMAN SAM DAVIS: Vince, would you lead us in the Pledge and the prayer?

MR. VINCE JACKSON: Please join me for the invocation.

(Mr. Vince Jackson led in prayer.)

3 - PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited.)

4 - ROLL CALL

CHAIRMAN SAM DAVIS: Can we have roll call, Vince.

MR. VINCE JACKSON: Mr. Davis.

CHAIRMAN SAM DAVIS: Here.

MR. VINCE JACKSON: Mr. Hayes.

COMMISSION MEMBER DEWANE HAYES: Here.

MR. VINCE JACKSON: Mr. Murphy.

COMMISSION MEMBER KEVIN MURPHY: Here.

MR. VINCE JACKSON: Mr. Thomas.

(No response.)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 MR. VINCE JACKSON: Ms. Lowry.
2 COMMISSION MEMBER BONNIE LOWRY: Here.
3 MR. VINCE JACKSON: Mr. Nance.
4 COMMISSION MEMBER DANIEL NANCE: Here.
5 MR. VINCE JACKSON: Mr. Oken.
6 COMMISSION MEMBER ARTHUR OKEN: Here.
7 MR. VINCE JACKSON: Mr. Bias.
8 COMMISSION MEMBER BRANDON BIAS: Here.
9 MR. VINCE JACKSON: And Ms. Mackey.
10 COMMISSION MEMBER NANCY MACKEY: Here.
11 MR. VINCE JACKSON: Mr. Chairman, we have a
12 quorum.
13 CHAIRMAN SAM DAVIS: All right. Thank you.

14
15 **5 - APPROVAL OF MEETING MINUTES: FEBRUARY 7, 2019**

16 CHAIRMAN SAM DAVIS: The first order of
17 business would be approval of the minutes from the
18 February 7th, 2019, meeting. Is there a motion to
19 approve those or amend anything or any part of it?
20 COMMISSION MEMBER ARTHUR OKEN: So moved,
21 Mr. Chairman.
22 CHAIRMAN SAM DAVIS: Okay. There is a motion
23 to approve the minutes from the February 7th meeting. Is
24 there a second?
25 COMMISSION MEMBER BONNIE LOWRY: Second.
26 CHAIRMAN SAM DAVIS: Okay. There is a second.
27 All in favor, say aye.
28 (Commission Members say "aye" in unison.)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 CHAIRMAN SAM DAVIS: Any opposed?

2 (No response.)

3 CHAIRMAN SAM DAVIS: Approved unanimously.

4 MR. VINCE JACKSON: Mr. Chairman, before we get
5 into the regular agenda, I wanted to make a quick
6 announcement.

7 I'd like to welcome our newest member, Nancy Mackey.
8 This is her first meeting with us. Nancy was a longtime
9 employee with Planning and Zoning and most recently
10 worked as the Administrator for Ono Island.

11 She's very familiar with zoning in Baldwin County
12 and these meetings in particular. So we're very excited
13 to have Nancy on the Planning Commission.

14 CHAIRMAN SAM DAVIS: That's great. Welcome,
15 Nancy.

16 COMMISSION MEMBER NANCY MACKEY: Thank you.

17

18 **6 - ANNOUNCEMENTS/REGISTRATION TO ADDRESS THE COMMISSION**

19 CHAIRMAN SAM DAVIS: Okay. At this point, I
20 would just remind everybody that's in the audience here
21 that if anybody's here to speak for or against a case,
22 you should have signed up on the table out front. If you
23 wish to address the Commission, either for or against,
24 and you have not signed up, you'll need to do that now.

25

26 **7 - CONSIDERATION OF APPLICATIONS AND REQUESTS: RE-ZONING CASES**

27 CHAIRMAN SAM DAVIS: Otherwise, we'll get
28 started with the first case, which is P-19001.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 COMMISSION MEMBER ARTHUR OKEN: Mr. Chairman.

2 CHAIRMAN SAM DAVIS: Yes.

3 COMMISSION MEMBER ARTHUR OKEN: If you'll
4 pardon me. Have we approved the minutes?

5 CHAIRMAN SAM DAVIS: I'm sorry?

6 COMMISSION MEMBER ARTHUR OKEN: Have we
7 approved the minutes of the prior meeting?

8 CHAIRMAN SAM DAVIS: We did.

9 COMMISSION MEMBER DEWANE HAYES: You made the
10 motion.

11 COMMISSION MEMBER ARTHUR OKEN: Sorry.

12 CHAIRMAN SAM DAVIS: We can do it again.

13

14 **7-A - CASE P-19001, PEACE PROPERTY**

15 CHAIRMAN SAM DAVIS: Okay. First case,
16 P-19001.

17 MS. D. J. HART: Good evening. This is Peace
18 property. The applicant is asking for conditional use
19 approval to allow children's parties and a petting zoo on
20 the parcel.

21 It is located at 29370 Loper Road. And it is
22 twenty-three-point-seven (23.7) acres. And it's zoned
23 RSF-E, Residential Single-Family Estate District. And
24 it's in Planning District 12.

25 There is a single-family home on the property and
26 several accessory buildings. Under the RSF-E zoning,
27 agricultural uses are included, so the animals would be
28 allowed.

1 There is not a specific designation in the Zoning
2 Ordinance for parties or events venue, so the closest
3 designation is a country club, which is allowed by
4 conditional use in RSF-E zoning.

5 This allows for staff and the Planning Commission to
6 impose conditions on a specific use, if they would like
7 to. And this is our locator map. It shows the adjacent
8 zoning in the area.

9 And here is the site map of the parcel just north of
10 I-10. And these are some pictures of the property.
11 There's the home and outbuildings and garage. And these
12 are the adjacent properties to the south and to the west.

13 This is the proposed site plan for the venue. I
14 guess I'll just call it a venue. There's not going to be
15 a permanent building. There is a twenty-seven-by-nine
16 (27X9) tent that they will be putting up for each party
17 and then removing.

18 The restrooms are located over to the east side of
19 the property. There will be restrooms, and the parking
20 area will be in that area. And then there is a
21 fifty-by-one-twenty (50X120) habitat for the animals.

22 And it looks -- it's on the north of where the tent
23 area is going to be. But this is not the property line,
24 because the property goes much further back than that.

25 They will -- The staff feels this is a reasonable
26 request and recommends approval, based on the following
27 conditions: Approval shall be for this applicant and
28 this location only. The principal use of the subject

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 property shall remain residential and agriculture.

2 Hours of operation shall be Monday through Sunday,
3 10 a.m. to 7 p.m. All off street parking associated with
4 the venue shall be located on the subject property and be
5 confined to an area that is designated for parking. No
6 parking on Loper Road will be allowed.

7 And it has to meet the requirements of Article 15 of
8 the Baldwin County Zoning Ordinance. Ten (10) spaces are
9 estimated around thirty (30), no more than thirty (30)
10 guests, including tenants. And that would require ten
11 (10) parking spaces.

12 Any lighting which would be installed shall be
13 shielded and directed away from adjacent properties. And
14 a Land Use Certificate will need to be obtained within
15 six (6) months of the date of approval.

16 Any signage that they put up will have to meet
17 Article 16 of the Zoning Ordinance. And any expansion
18 will require an additional review by -- by the Planning
19 Commission, which will require another meeting.

20 And y'all can put additional conditions on this, as
21 you see fit. And this is -- y'all do make the final
22 decision on this conditional use. Any questions?

23 CHAIRMAN SAM DAVIS: Any questions for staff on
24 this?

25 COMMISSION MEMBER BONNIE LOWRY: D. J., how
26 many parking spaces are there in that area next door?

27 MS. D. J. HART: In the area where they're
28 going to park?

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 COMMISSION MEMBER BONNIE LOWRY: Yeah.

2 MS. D. J. HART: Well, they're required ten
3 (10). They have -- it appears more, plenty of room for
4 that. The requirement by the number of guests will be
5 ten (10).

6 COMMISSION MEMBER NANCY MACKEY: I have a
7 question, Mr. Chairman.

8 Have there -- Can you hear me? Has there been any
9 letters of opposition or in favor of this?

10 MS. D. J. HART: I haven't had any calls or
11 opposition. I don't know if anyone's signed up in
12 opposition.

13 CHAIRMAN SAM DAVIS: There is no one signed up
14 in opposition, two people here in favor.

15 MS. D. J. HART: We had someone call and
16 thought it was a cell tower going in. And I said, no, no
17 cell tower. Petting zoo. So, other than that, we
18 haven't had any -- I haven't had any calls to our office.

19 CHAIRMAN SAM DAVIS: Any other questions for
20 staff?

21 (No response.)

22 CHAIRMAN SAM DAVIS: All right. Thank you.

23 MS. D. J. HART: Okay.

24 CHAIRMAN SAM DAVIS: The applicant, is that
25 Melissa Peace? Will you come to the podium, please?
26 You're Daniel?

27 MR. DANIEL FICK: Yes, sir.

28 CHAIRMAN SAM DAVIS: Okay. Thank y'all.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 MS. MELISSA PEACE: Uh-huh. (Indicates
2 affirmatively.)

3 CHAIRMAN SAM DAVIS: Y'all got anything y'all
4 would like for us to know? I think there is one
5 question.

6 MS. MELISSA PEACE: Okay.

7 CHAIRMAN SAM DAVIS: If you'd like to address
8 us first, feel free.

9 MS. MELISSA PEACE: Yes. I'm sorry.

10 MR. DANIEL FICK: Do you have any questions for
11 me?

12 MS. MELISSA PEACE: You go.

13 MR. DANIEL FICK: Whenever she has the birthday
14 parties, it's going to be for an allotment of two to
15 three hours. Well, it'd be for two hours, and then they
16 have an option to add an extra hour if they'd like.

17 And it's only going to be a maximum of two birthday
18 parties a day is what we figure might happen. But, most
19 likely, it will just be one. But we would like the
20 allotment for the two.

21 And then the neighbors, we've consulted with them.
22 They have no issues with it, the adjoining neighbors,
23 even the ones diagonal. And we take -- she takes care of
24 the lady across the street from her. So she just wants
25 to, you know, have fun with her property, pretty much.

26 CHAIRMAN SAM DAVIS: Okay. Thank you.

27 Do you have a question?

28 ATTORNEY DAVID CONNER: Yeah. The last -- the

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 last conditional use that the Planning Commission granted
2 approval on ultimately had some issues involving noise,
3 music, outside amplification. Do y'all foresee any type
4 of concerts, any type of --

5 MS. MELISSA PEACE: No, sir.

6 ATTORNEY DAVID CONNER: -- outside
7 amplification, music, anything like that?

8 MR. DANIEL FICK: No.

9 MS. MELISSA PEACE: No.

10 MR. DANIEL FICK: No, sir. It's strictly for
11 the use of the animals, the exotic animals, you know,
12 that are exotic to Alabama, and for the children to be
13 educated.

14 ATTORNEY DAVID CONNER: Would y'all be okay
15 with a condition that said there would be no outside
16 amplification? Because in those cases, the neighbors got
17 concerned about music being played loud throughout the
18 day and those kind of things. And if that's not part of
19 your business plan and you're okay with that --

20 MS. MELISSA PEACE: Uh-huh. (Indicates
21 affirmatively.)

22 ATTORNEY DAVID CONNER: -- we can alleviate
23 that concern for a lot of people by including a condition
24 like that.

25 MS. MELISSA PEACE: That's --

26 MR. DANIEL FICK: That would be helpful. Thank
27 you.

28 MS. MELISSA PEACE: Yeah.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 COMMISSION MEMBER DEWANE HAYES: What kind of
2 hours of operation?

3 ATTORNEY DAVID CONNER: They've got -- for
4 hours of operation, they've got 10 a.m. to 7:00 p.m.

5 MR. DANIEL FICK: But the last -- the last
6 party, the end of the party would be seven. They would
7 be leaving out the seven.

8 ATTORNEY DAVID CONNER: The other venue we had
9 trouble, they were going to 10 o'clock at night.

10 MR. DANIEL FICK: No.

11 ATTORNEY DAVID CONNER: But there's nothing
12 like that here, I don't see.

13 MR. DANIEL FICK: No, sir.

14 CHAIRMAN SAM DAVIS: So are you recommending
15 adding the condition of no amplification?

16 ATTORNEY DAVID CONNER: I would think so. That
17 there be no outside amplification, sound, music, anything
18 that. That would -- that would protect any kind of
19 issues that we might have from neighbors that might be
20 uncomfortable with that.

21 MS. MELISSA PEACE: Okay.

22 ATTORNEY DAVID CONNER: So I would suggest we
23 add that to the list of conditions recommended by staff,
24 unless staff feels differently about that.

25 CHAIRMAN SAM DAVIS: Any other questions for
26 these people?

27 (No response.)

28 CHAIRMAN SAM DAVIS: Anything else you'd like

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 for us --

2 MR. DANIEL FICK: No, sir.

3 CHAIRMAN SAM DAVIS: Thank you very much.

4 MR. DANIEL FICK: Thank you.

5 CHAIRMAN SAM DAVIS: I failed to actually open
6 the public hearing. The public hearing has been open.
7 We will now close it. Thank y'all.

8 MS. MELISSA PEACE: Thank you.

9 CHAIRMAN SAM DAVIS: Anything else from staff?

10 MS. D. J. HART: No.

11 CHAIRMAN SAM DAVIS: Okay. Any other questions
12 for staff?

13 (No response.)

14 CHAIRMAN SAM DAVIS: All right. Staff is
15 recommending approval. There is no one here in
16 objection. Our attorney has requested one additional
17 condition, which is no amplification of music outside.
18 Would anyone care to make a motion to that effect?

19 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
20 I'll make a motion that we approve the conditional use
21 based on conditions outlined in the staff report with the
22 additional condition of no outside music or amplification
23 of sound.

24 CHAIRMAN SAM DAVIS: Okay. Thank you.

25 COMMISSION MEMBER KEVIN MURPHY: I'll second
26 that motion.

27 CHAIRMAN SAM DAVIS: All right. There is a
28 motion and a second. All in favor, say aye.

(Commission Members say "aye" in unison.)

CHAIRMAN SAM DAVIS: All oppose?

(No response.)

CHAIRMAN SAM DAVIS: Motion carries
unanimously.

MS. D. J. HART: Thank you.

7-B - CASE Z-19010, LMS PROPERTIES LLC PROPERTY

CHAIRMAN SAM DAVIS: Next case is Z-19010, LMS
Properties, LLC.

MS. CELENA BOYKIN: All right. This is a
request to re-zone zero-point-four (0.4) acres from
RSF-1, Residential, to B-1, which is a Professional
Business District, to allow construction of a new dental
office.

The subject property is located in Planning District
33 in the Lillian area. Here is a map of the zoning. As
you see, the subject property is zoned RSF-1. There is
also some B-2, commercial zoning to the north.

Here is the aerial photography of the subject
property. Currently there is a home on the subject
property. I believe it's going to -- fixing to be
removed.

The applicant is wanting to build a dental --
twenty-four hundred (2400) square foot dental office.
The property just adjacent to the north is zoned B-2.
There is currently a dental office on that property. And
the applicant is moving, is wanting to build a new dental

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 office and move the business to this parcel that's
2 highlighted in blue right there.

3 Here's some pictures of adjacent -- to the west is a
4 fire station. And then the property to the south is
5 residential. It has a home on it. This is the current
6 dental office to the north.

7 And staff has recommended approval. B-1, the
8 Professional District, is usually placed in close
9 proximity to residential areas; and, therefore, it serves
10 as a transitional zoning between residential areas and
11 higher intensity commercial zoning districts.

12 CHAIRMAN SAM DAVIS: Any questions for staff?

13 (No response.)

14 CHAIRMAN SAM DAVIS: Okay. We'll open the
15 public hearing at this point. There are several people
16 signed up in favor, no one in opposition. Would the
17 applicant like to come to the podium?

18 MR. WAYNE WIGHT: How are y'all doing?

19 CHAIRMAN SAM DAVIS: Fine. How about y'all?

20 MR. WAYNE WIGHT: Good.

21 CHAIRMAN SAM DAVIS: Good.

22 MR. WAYNE WIGHT: This is Dr. Spivey, and I'm
23 the general contractor, Wayne Wight.

24 CHAIRMAN SAM DAVIS: All right. Pretty
25 straightforward and no opposition. So I'm assuming that
26 y'all talked to your neighbors, and everyone is in favor?

27 MS. ARIELLE SPIVEY: Right. The neighbors
28 across the street and next to us are in favor. And, of

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 course, I am in favor. It's going to be a building --

2 CHAIRMAN SAM DAVIS: If you will --

3 MS. ARIELLE SPIVEY: I'm sorry.

4 CHAIRMAN SAM DAVIS: We're having trouble
5 hearing you.

6 MS. ARIELLE SPIVEY: It's going to be a
7 building, steel framed, but it's going to be hardy board
8 on the outside just like what's there already. It's just
9 going to be a different color. It shouldn't be too much
10 of a change in style.

11 CHAIRMAN SAM DAVIS: Okay. Any questions for
12 these folks?

13 (No response.)

14 CHAIRMAN SAM DAVIS: Thank y'all.

15 MS. ARIELLE SPIVEY: Thank you.

16 MR. WAYNE WIGHT: Thank you.

17 CHAIRMAN SAM DAVIS: All right. We'll close
18 the public hearing at this point. There being no
19 opposition, this will be a recommendation to the County
20 Commission. Is there motion to do so?

21 COMMISSION MEMBER DANIEL NANCE: Motion to make
22 approval recommendation to the County Commission.

23 CHAIRMAN SAM DAVIS: Okay. There is a motion
24 to recommend approval. Is there a second?

25 COMMISSION MEMBER DEWANE HAYES: I'll second.

26 CHAIRMAN SAM DAVIS: There's a second. All in
27 favor, say aye.

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

CHAIRMAN SAM DAVIS: All opposed?

(No response.)

CHAIRMAN SAM DAVIS: Carries unanimously.

8 - CONSIDERATION OF APPLICATIONS AND REQUESTS: SUBDIVISION CASES

8-A - CASE S-14013, MAGNOLIA SHORES, PHASE 1 & 2 - DEVELOPMENT

PERMIT 24-MONTH EXTENSION REQUEST

CHAIRMAN SAM DAVIS: Next case S-14013,
Magnolia Shores, Phase 1 & 2.

COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
I'm going to have to recuse myself from this discussion.

CHAIRMAN SAM DAVIS: Okay. Thank you. There's
one recusal. Can we have a staff report?

MR. SETH PETERSON: Hi there. S-14013,
Magnolia Shores Phase 1 and 2, this is a request to
extend the development permit approval.

When a development permit is approved for a
subdivision, that approval is good for a two (2) year
period. At the end of that period, if the final plat has
not been recorded, the applicant may request up to a
twenty-four (24) month extension. That's what they are
doing.

This property is located in District 14. It's
un-zoned. It's on south side of Underwood Road between
Norris Lane and Joe Norris Lane.

There is fifty-eight-point-six-three (58.63) total
acres, a hundred and forty-two (142) proposed lots.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 The smallest lot size is nine thousand, one hundred
2 forty-eight (9,148) square feet. There will be public
3 water from Riviera Utility, public sewer from Baldwin
4 County Sewer Service. And Baldwin EMC will provide
5 electricity.

6 There is a copy of the Phase 1 plat. There is a
7 copy of the Phase 2 plat. Staff has reviewed this
8 compared to our new regulations. We feel that this is
9 a -- something that will still meet our current
10 regulations. We would recommend for the Planning
11 Commission to approve the extension request.

12 CHAIRMAN SAM DAVIS: Any questions for Seth?

13 (No response.)

14 CHAIRMAN SAM DAVIS: Okay. Thank you. Staff
15 is recommending approval of this extension. Is there a
16 motion to do so?

17 COMMISSION MEMBER ARTHUR OKEN: Motion to
18 approve, Mr. Chairman.

19 CHAIRMAN SAM DAVIS: Okay. There is a motion
20 to approve. Is there a second?

21 COMMISSION MEMBER DANIEL NANCE: Second.

22 CHAIRMAN SAM DAVIS: There's a second. All in
23 favor, say aye.

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

25 CHAIRMAN SAM DAVIS: All opposed?

26 (No response.)

27 CHAIRMAN SAM DAVIS: Carries unanimously.

28

8-B - CASE S-16045, FAIRHOPE FALLS PHASE 2 & 3 - DEVELOPMENT**PERMIT 24-MONTH EXTENSION REQUEST**

CHAIRMAN SAM DAVIS: Next case is S-16045, Fairhope Falls.

MR. SETH PETERSON: S-16045, Fairhope Falls, Phases 2 and 3, this is also a request to extend the development permit approval. This is a subdivision that was approved back in 2017. Their approval is running out soon. They would like to have a twenty-four (24) month extension.

This is located in District 14. The property is not zoned. The property is on the south side of 104 between Langford Road and Fish River.

It's forty-three-point-two-four (43.24) total acres, sixty-seven (67) proposed lots. The smallest lot size is fifteen thousand (15,000) square feet.

Water is provided by the City of Fairhope; sewer by Baldwin County Sewer Service. And Riviera will be providing electricity.

There is a copy of Phase 2 and Phase 3 plats. And staff would recommend to approve this twenty-four (24) month extension request.

CHAIRMAN SAM DAVIS: Any questions for staff?

(No response.)

CHAIRMAN SAM DAVIS: Okay. Again, staff is recommending approval. Is there a motion to do so?

COMMISSION MEMBER KEVIN MURPHY: I make a motion to approve.

1 CHAIRMAN SAM DAVIS: A motion to approve is on
2 the --

3 COMMISSION MEMBER BONNIE LOWRY: Second.

4 CHAIRMAN SAM DAVIS: -- table. Is there a
5 second? There's a second. All in favor, say aye.

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

7 CHAIRMAN SAM DAVIS: All opposed?

8 (No response.)

9 CHAIRMAN SAM DAVIS: It carries unanimously.
10

11 **8-C - CASE S-19004, PEARSON FAMILY SUBDIVISION, DEVELOPMENT**

12 **PERMIT APPROVAL**

13 CHAIRMAN SAM DAVIS: The next case, S-19004,
14 Pearson family subdivision.

15 MR. SETH PETERSON. The next case, 19004,
16 Pearson family subdivision, this is a request for a four
17 (4) lot subdivision.

18 That are some items that are still missing with this
19 request. And we received an e-mail today from the
20 applicant asking for this to be tabled until the next
21 meeting.

22 We've already issued certified notices for tonight's
23 meeting, so we would ask if you do wish to table it, that
24 you make on the record that you table it to the next
25 meeting to cover those notices.

26 COMMISSION MEMBER NANCY MACKEY: Mr. Chairman,
27 I'll make a motion that the -- this application be tabled
28 until the next regular meeting.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 CHAIRMAN SAM DAVIS: Okay. Hold that for just
2 a moment. I think technically we have to open the public
3 hearing. So the public hearing is open. Is there anyone
4 here to speak for or against this particular case?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Okay. Thank you. We'll
7 close -- okay. We'll close the public hearing and we'll
8 reconvene it at the next meeting. Is there a motion to
9 table this action until the next meeting?

10 COMMISSION MEMBER BONNIE LOWRY: So moved,
11 Mr. Chairman.

12 CHAIRMAN SAM DAVIS: Okay. There is a motion
13 to table. Is there a second?

14 COMMISSION MEMBER KEVIN MURPHY: I'll second
15 it.

16 CHAIRMAN SAM DAVIS: There's a second. All in
17 favor, say aye.

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

19 CHAIRMAN SAM DAVIS: All opposed?

20 (No response.)

21 CHAIRMAN SAM DAVIS: It carries unanimously.

22

23 **8-D - CASE S-19005, TIMBER OAKS SUBDIVISION, DEVELOPMENT PERMIT**

24 **APPROVAL**

25 CHAIRMAN SAM DAVIS: Okay. The next case,
26 S-19005, Timber Oaks Subdivision, development permit.

27 MR. SETH PETERSON: This is a request for a
28 development permit approval for a proposed eleven (11)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 lot subdivision.

2 This is located in the District 13. The property
3 un-zoned. It's on the south side of County Road 112
4 between Nims Fork Road and Barrineau Park Road. This
5 will be in the Clear Springs area going out towards
6 Cantonment.

7 The proposal is eleven (11) lots on
8 sixty-two-point-eight-six (62.86) acres. Five (5) acres
9 is the smallest lot size. Water is available by East
10 Central Baldwin County Water. And sewer will be septic
11 systems. And Baldwin EMC will provide electricity.

12 If you look at your staff report, there was some
13 past deficiencies. Since the staff reports were issued,
14 those deficiencies have been addressed. Staff is
15 recommending to approve this development permit request.

16 CHAIRMAN SAM DAVIS: Any questions for Seth on
17 this?

18 COMMISSION MEMBER BONNIE LOWRY: Seth, how long
19 has this property been in operation under the
20 subdivision?

21 MR. SETH PETERSON: I'm not sure I understand.

22 COMMISSION MEMBER BONNIE LOWRY: Well, in the
23 development plan when it was approved, I don't understand
24 why they haven't had the common drive.

25 MR. SETH PETERSON: The -- the common
26 driveway -- the common driveways are being sized by
27 licensed engineers, professional engineers in the State
28 of Alabama.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 The -- the surveyor has added those locations to the
 2 plat and added required language to the plat per the sub
 3 regs. The actual sizing of those driveway pipes and the
 4 construction of driveway pipes will come after this
 5 meeting.

6 CHAIRMAN SAM DAVIS: So all the deficiencies
 7 are correct, and staff is recommending approval?

8 MR. SETH PETERSON: That's correct.

9 CHAIRMAN SAM DAVIS: Okay. Thank you, Seth.
 10 We'll open the public hearing at this point. There is
 11 one person signed up to speak for. That's Randall
 12 Tillman. There is no one signed up to speak against.

13 *****

14 *ATTACHMENT 1 - LETTER OF OPPOSITION FROM KEN & CHERYL SMALLWOOD*
 15 *DATED MARCH 3, 2019*

16 *****

17 *****

18 *ATTACHMENT 2 - LETTER OF OPPOSITION FROM WAYNE AND ROBBIE HODGE*

19 *****

20 CHAIRMAN SAM DAVIS: We did receive two letters
 21 of opposition. So, Randall, are you here?

22 MR. RANDALL TILLMAN: Yes, sir.

23 CHAIRMAN SAM DAVIS: Thank you. Want to just
 24 tell us a little bit about what you're trying to do?

25 MR. RANDALL TILLMAN: Well, actually, I'm
 26 pretty much not sure what all is really going on. David
 27 Lowery is the surveyor that's done this. I work for him,
 28 here representing him.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 I know Ben White is the engineer that's doing the --
2 as far as I know, the only deficiency that hasn't been
3 taken care of yet is the common drive pipe sizes.

4 CHAIRMAN SAM DAVIS: Okay. I'm sorry. You're
5 not the applicant. You work with the survey company?

6 MR. RANDALL TILLMAN: Right.

7 CHAIRMAN SAM DAVIS: Okay. I guess it would be
8 more proper then to ask if the Commission had any
9 questions for you.

10 MR. RANDALL TILLMAN: Yes, sir.

11 ATTORNEY DAVID CONNER: Seth, I did have one,
12 just to make sure. The driveway locations have now been
13 set and specified. You're just waiting on pipe sizing;
14 is that right?

15 MR. SETH PETERSON: That's correct. The
16 driveway locations were not shown on the plat before.
17 And there is some required language that goes along with
18 that. That was not shown on the original submittal.

19 We requested that information. We also let them
20 know they had to apply for those driveway permits. Those
21 permits are not required for this meeting. Those will
22 come before final plat.

23 ATTORNEY DAVID CONNER: Well, on the recorded
24 plat, it's going to depict where those the common
25 driveway locations are.

26 MR. SETH PETERSON: That's correct. It will
27 record -- it will show where those locations are. And
28 they're actually on the plat in the presentation as well.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 CHAIRMAN SAM DAVIS: All right. If there's no
2 questions for Mr. Tillman, we'll close the public
3 hearing. Thank you, sir.

4 Is there any other questions for staff on this?

5 (No response.)

6 CHAIRMAN SAM DAVIS: Okay. Staff has stated
7 all deficiencies are corrected. They're now recommending
8 approval. Is there a motion to approve?

9 COMMISSION MEMBER KEVIN MURPHY: I make a
10 motion to approve.

11 CHAIRMAN SAM DAVIS: Okay. Motion to approve
12 is on the table. Is there a second?

13 COMMISSION MEMBER ARTHUR OKEN: Second,
14 Mr. Chairman.

15 CHAIRMAN SAM DAVIS: There's a second. All in
16 favor, say aye.

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

18 CHAIRMAN SAM DAVIS: All opposed?

19 (No response.)

20 CHAIRMAN SAM DAVIS: Carries unanimously.

21

22 **8-E - CASE S-19006, PIERCE SUBDIVISION, DEVELOPMENT PERMIT**

23 **APPROVAL**

24 CHAIRMAN SAM DAVIS: Next one is Case S-19006,
25 Pierce subdivision.

26 MS. MARY BOOTH: S-19006, Pierce subdivision,
27 the applicant is requesting development permit approval
28 for a proposed one (1) lot subdivision.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 This is located in District 13. It is un-zoned.
2 It's on the south side of New Hope Church Road,
3 approximately three thousand (3,000) feet west of County
4 Road 87.

5 The one (1) proposed lot is eighty (80) acres.
6 There will be well provided for water, septic for sewer.
7 And electricity will be provided by Baldwin EMC.

8 There are no known deficiencies. And staff is
9 recommending staff recommends to approve the development
10 permit.

11 CHAIRMAN SAM DAVIS: Any questions for staff?

12 (No response.)

13 CHAIRMAN SAM DAVIS: Thank you. We'll open the
14 public hearing at this point. There's no one up in
15 opposition. Randall, you're here representing the -- the
16 survey company again.

17 Any question for Randall concerning this?

18 (No response.)

19 CHAIRMAN SAM DAVIS: Okay. Again, we'll close
20 the public hearing. Staff is recommending approval. Is
21 there a motion to do so?

22 COMMISSION MEMBER BRANDON BIAS: Mr. Chairman,
23 I recommend approval.

24 CHAIRMAN SAM DAVIS: Okay. Thank you. Is
25 there a second?

26 COMMISSION MEMBER BONNIE LOWRY: Second.

27 CHAIRMAN SAM DAVIS: There's a second. All in
28 favor, say aye.

(Commission Members say "aye" in unison.)

CHAIRMAN SAM DAVIS: All opposed?

(No response.)

CHAIRMAN SAM DAVIS: Carried unanimously.

8-F - CASE S-19008, KINARD SUBDIVISION, DEVELOPMENT PERMIT

APPROVAL

CHAIRMAN SAM DAVIS: The next case is S-19008, Kinard subdivision.

MS. MARY BOOTH: The applicant is requesting development permit approval for a proposed two (2) lot subdivision.

This is located in District 14. It is un-zoned. East side -- it's located on the east side of Bohemian Hall Road, approximately seven hundred and fifty (750) feet south of South Boulevard.

There are two (2) proposed lots. The total acreage is four-point-seven-five (4.75) acres. The smallest lot size is one-point-zero-one (1.01), the size.

The Town of Silverhill will provide water. Septic systems will be used for sewer. And Baldwin EMC will provide for electrical.

All deficiencies -- there were previous deficiencies on the staff report submitted. All those deficiencies have been addressed. And at this time staff approves to an approve the development permit.

CHAIRMAN SAM DAVIS: Any questions for staff?

(No response.)

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 CHAIRMAN SAM DAVIS: Thank you. We'll open the
2 public hearing at this point. There is no one signed up
3 for or against. Is there anyone here on either side?

4 MR. DAVID LOWERY: (Indicating.)

5 CHAIRMAN SAM DAVIS: Are you Mr. Lowery?

6 MR. DAVID LOWERY: (Indicates affirmatively.)

7 CHAIRMAN SAM DAVIS: Okay. Do you have
8 anything you'd like for us to know?

9 MR. DAVID LOWERY: No.

10 CHAIRMAN SAM DAVIS: Okay. All right. Staff
11 has recommended -- Well, we'll close the public hearing
12 at this point. Staff is recommending approval of this.
13 Is there a motion to do so?

14 COMMISSION MEMBER DANIEL NANCE: I make a
15 motion to approve.

16 CHAIRMAN SAM DAVIS: Okay. Motion to approve
17 is on the table. Is there a second?

18 COMMISSION MEMBER BONNIE LOWRY: Second.

19 CHAIRMAN SAM DAVIS: There's a second. All in
20 favor, say aye.

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

22 CHAIRMAN SAM DAVIS: All opposed?

23 (No response.)

24 CHAIRMAN SAM DAVIS: It carries unanimously.

25

26 **9 - PUBLIC COMMENT**

27 CHAIRMAN SAM DAVIS: All right. Do you have
28 any public comments?

(No response.)

10 - OLD BUSINESS

CHAIRMAN SAM DAVIS: Any old business?

MR. VINCE JACKSON: No old business.

11 - NEW BUSINESS

CHAIRMAN SAM DAVIS: Any new business?

MR. VINCE JACKSON: No new business.

12 - REPORTS AND ANNOUNCEMENTS

12-A - STAFF REPORTS

CHAIRMAN SAM DAVIS: Staff reports?

MR. VINCE JACKSON: No staff reports.

12-C - NEXT REGULAR MEETING: APRIL 2, 2019

MR. VINCE JACKSON: Our next regular meeting will be April the 4th, not 2018, 2019.

12-B - LEGAL COUNSEL REPORTS

CHAIRMAN SAM DAVIS: All right. Legal counsel report?

ATTORNEY DAVID CONNER: No reports.

13 - ADJOURNMENT

CHAIRMAN SAM DAVIS: Well, we're adjourned.

Thank you.

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

1 (The Regular Meeting of the Baldwin County Planning & Zoning
2 Commission was adjourned at 6:36 p.m.)
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C E R T I F I C A T E

STATE OF ALABAMA)

BALDWIN COUNTY)

I hereby certify that the above and foregoing transcript was taken down by me in stenotype and the proceedings were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the meeting given by said parties upon said meeting.

I further certify that I am neither of counsel nor of kin to the parties, nor am I in anywise interested in the result of said proceedings.



SUSAN C. ANDREWS,
Certified Court Reporter,
Certification No. 287

C E R T I F I C A T E

I, Sam Davis, Jr., Chairman of the Baldwin County Planning and Zoning Commission, do hereby certify that the foregoing transcript of the minutes of the March 7, 2019, Monthly Meeting are a true and correct transcription of the minutes as prepared by Susan C. Andrews, Alabama Certified Court Reporter, License No. 287.

I, Sam Davis, Jr., do hereby affix my signature on this, the 4 day of April, 2019.


Sam Davis, Jr., Chairman,
Baldwin County Planning and
Zoning Commission

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

0	23.7 [1] - 8:22 24 [3] - 19:22, 21:9, 21:21 24-Month [2] - 3:17, 3:20 24-MONTH [2] - 19:8, 21:2 2400 [1] - 16:25 25 [2] - 4:18, 4:20 27 [1] - 3:26 27X9 [1] - 9:16 287 [3] - 1:16, 33:26, 34:9 29 [1] - 4:4 29370 [1] - 8:21	7-B [2] - 3:13, 16:8 750 [1] - 29:15 7:00 [1] - 14:4 7th [3] - 1:12, 6:18, 6:23	aerial [1] - 16:20 affirmatively [3] - 12:2, 13:21, 30:6 affix [1] - 34:10 agenda [1] - 7:5 agricultural [1] - 8:27 agriculture [1] - 10:1 aided [1] - 33:8 Alabama [4] - 1:15, 13:12, 24:28, 34:8 ALABAMA [1] - 33:3 ALLEGIANCE [1] - 5:15 Allegiance [1] - 5:16 Allegiance [1] - 3:5 alleviate [1] - 13:22 allotment [2] - 12:14, 12:20 allow [2] - 8:19, 16:14 allowed [3] - 8:28, 9:3, 10:6 allows [1] - 9:5 amend [1] - 6:19 amplification [7] - 13:3, 13:7, 13:16, 14:15, 14:17, 15:17, 15:22 AND [9] - 1:3, 2:3, 2:12, 2:21, 5:7, 7:26, 19:5, 25:18, 31:11 ANDREWS [1] - 33:24 Andrews [2] - 1:15, 34:8 animals [4] - 8:27, 9:21, 13:11 Annex [1] - 1:13 announcement [1] - 7:6 ANNOUNCEMENTS [1] - 31:11 Announcements [1] - 4:9 Announcements/Registration [1] - 3:9 ANNOUNCEMENTS/REGISTRATION [1] - 7:18 anywise [1] - 33:13 applicant [11] - 8:18, 9:27, 11:24, 16:24, 16:28, 17:17, 19:21, 22:20, 26:5, 27:27, 29:10 application [1] - 22:27 Applications [3] - 3:10, 3:15, 4:2 APPLICATIONS [2] - 7:26, 19:5 apply [1] - 26:20	APPROVAL [5] - 6:15, 22:12, 23:24, 27:23, 29:7 Approval [1] - 3:7 approval [24] - 6:17, 8:19, 9:26, 9:27, 10:15, 13:2, 15:15, 17:7, 18:22, 18:24, 19:17, 19:19, 20:15, 21:7, 21:8, 21:26, 23:28, 25:7, 27:8, 27:27, 28:20, 28:23, 29:11, 30:12 Approval [1] - 3:22 Approval [3] - 3:24, 3:26, 4:4 approve [17] - 6:19, 6:23, 15:20, 20:11, 20:18, 20:20, 21:21, 21:28, 22:1, 24:15, 27:8, 27:10, 27:11, 28:9, 29:26, 30:15, 30:16 Approve [1] - 3:14 Approved [7] - 3:8, 3:12, 3:18, 3:21, 3:25, 3:27, 4:5 approved [6] - 7:3, 8:4, 8:7, 19:18, 21:8, 24:23 approves [1] - 29:25 April [2] - 4:11, 31:19 APRIL [1] - 31:17 area [9] - 9:8, 9:20, 9:23, 10:5, 10:26, 10:27, 16:17, 24:5 areas [2] - 17:9, 17:10 ARIELLE [4] - 17:27, 18:3, 18:6, 18:15 ARTHUR [8] - 6:6, 6:20, 8:1, 8:3, 8:6, 8:11, 20:17, 27:13 Arthur [1] - 2:5 Article [2] - 10:7, 10:17 associated [1] - 10:3 assuming [1] - 17:25 ATTACHMENT [4] - 4:17, 4:19, 25:14, 25:18 ATTACHMENTS [1] - 4:15 ATTORNEY [12] - 12:28, 13:6, 13:14, 13:22, 14:3, 14:8, 14:11, 14:16, 14:22, 26:11, 26:23, 31:24 attorney [1] - 15:16 audience [1] - 7:20
0.4 [1] - 16:12				
1	3 3 [8] - 3:5, 3:19, 4:18, 5:15, 21:1, 21:6, 21:20, 25:15 3,000 [1] - 28:3 30 [3] - 4:6, 10:9 31 [7] - 4:7, 4:8, 4:9, 4:10, 4:11, 4:12, 4:13 33 [1] - 16:17	8 8 [4] - 3:12, 3:15, 4:3, 19:5 8-A [2] - 3:17, 19:7 8-B [2] - 3:19, 21:1 8-C [2] - 3:22, 22:11 8-D [2] - 3:24, 23:23 8-E [2] - 3:26, 27:22 8-F [2] - 4:4, 29:6 80 [1] - 28:5 87 [1] - 28:4	9 9 [2] - 4:6, 30:26 9,148 [1] - 20:2 A a.m [2] - 10:3, 14:4 accessory [1] - 8:26 acreage [1] - 29:17 acres [8] - 8:22, 16:12, 19:28, 21:14, 24:8, 28:5, 29:18 action [1] - 23:9 actual [1] - 25:3 add [2] - 12:16, 14:23 added [2] - 25:1, 25:2 adding [1] - 14:15 additional [4] - 10:18, 10:20, 15:16, 15:22 ADDRESS [1] - 7:18 Address [1] - 3:9 address [2] - 7:23, 12:7 addressed [2] - 24:14, 29:25 adjacent [5] - 9:7, 9:12, 10:13, 16:26, 17:3 adjoining [1] - 12:22 adjourned [2] - 31:27, 32:2 ADJOURNMENT [1] - 31:26 Adjournment [1] - 4:13 Administrator [2] - 2:20, 7:10	
1 1 [11] - 3:3, 3:17, 4:17, 5:3, 19:7, 19:10, 19:16, 20:6, 25:14, 27:28, 28:5 1.01 [1] - 29:19 10 [7] - 4:7, 10:3, 10:8, 10:11, 14:4, 14:9, 31:3 10 [2] - 11:3, 11:5 104 [1] - 21:12 11 [4] - 4:8, 23:28, 24:7, 31:7 112 [1] - 24:3 12 [3] - 4:9, 8:24, 31:11 12-A [2] - 4:10, 31:13 12-B [2] - 4:12, 31:21 12-C [2] - 4:11, 31:17 13 [4] - 4:13, 24:2, 28:1, 31:26 14 [3] - 19:24, 21:11, 29:13 142 [1] - 19:28 15 [1] - 10:7 15,000 [1] - 21:16 16 [2] - 3:14, 10:17 19 [2] - 3:16, 3:18 19004 [1] - 22:15	4 4 [3] - 3:6, 5:18, 22:17 4.75 [1] - 29:18 43.24 [1] - 21:14 4th [1] - 31:19			
2	5 5 [7] - 3:3, 3:4, 3:5, 3:6, 3:7, 6:15, 24:8 50X120 [1] - 9:21 58.63 [1] - 19:27			
2 2 [18] - 3:4, 3:17, 3:19, 4:11, 4:19, 5:7, 19:7, 19:10, 19:16, 19:19, 20:7, 21:1, 21:6, 21:20, 25:18, 29:11, 29:17, 31:17 2017 [1] - 21:8 2018 [1] - 31:19 2019 [9] - 1:5, 1:13, 6:15, 6:18, 25:15, 31:17, 31:19, 34:6, 34:11 2019 [1] - 4:11 2019 [1] - 4:18 2019 [1] - 3:7 21 [1] - 3:20 22 [1] - 3:22 22251 [1] - 1:14 23 [1] - 3:24	6 6 [4] - 3:7, 3:9, 7:18, 10:15 62.86 [1] - 24:8 67 [1] - 21:15 6:36 [1] - 32:2	6 6 [4] - 3:12, 3:15, 4:3, 19:5 6-A [2] - 3:17, 19:7 6-B [2] - 3:19, 21:1 6-C [2] - 3:22, 22:11 6-D [2] - 3:24, 23:23 6-E [2] - 3:26, 27:22 6-F [2] - 4:4, 29:6 60 [1] - 28:5 67 [1] - 28:4		
	7 7 [9] - 1:5, 3:7, 3:9, 3:10, 3:11, 6:15, 7:26, 10:3, 34:6 7-A [2] - 3:12, 8:14			

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

Auditorium [1] - 1:14 available [1] - 24:9 aye [18] - 6:27, 6:28, 15:28, 16:1, 18:27, 18:28, 20:23, 20:24, 22:5, 22:6, 23:17, 23:18, 27:16, 27:17, 28:28, 29:1, 30:20, 30:21 B B-1 [2] - 16:13, 17:7 B-2 [2] - 16:19, 16:26 BALDWIN [3] - 1:3, 2:12, 33:4 Baldwin [13] - 1:13, 7:11, 10:8, 20:3, 20:4, 21:18, 24:10, 24:11, 28:7, 29:21, 32:1, 34:3, 34:15 Barrineau [1] - 24:4 based [2] - 9:26, 15:21 BEFORE [1] - 1:2 BEHALF [1] - 2:21 Ben [1] - 26:1 between [4] - 17:10, 19:25, 21:12, 24:4 BIAS [4] - 6:8, 15:19, 19:11, 28:22 Bias [2] - 2:10, 6:7 birthday [2] - 12:13, 12:17 bit [1] - 25:24 blue [1] - 17:2 board [1] - 18:7 Bohemian [1] - 29:14 BONNIE [10] - 6:2, 6:25, 10:25, 11:1, 22:3, 23:10, 24:18, 24:22, 28:26, 30:18 Bonny [1] - 2:9 Booth [1] - 2:19 BOOTH [2] - 27:26, 29:10 Boulevard [1] - 29:16 BOYKIN [1] - 16:11 Boykin [1] - 2:16 BRANDON [4] - 6:8, 15:19, 19:11, 28:22 Brandon [1] - 2:10 build [2] - 16:24, 16:28 building [3] - 9:15, 18:1, 18:7 buildings [1] - 8:26 BUSINESS [2] - 31:3, 31:7 business [7] - 6:17,	13:19, 17:1, 31:4, 31:5, 31:8, 31:9 Business [1] - 16:14 Business [2] - 4:7, 4:8 C CALL [2] - 5:3, 5:18 Call [1] - 3:6 Cantonment [1] - 24:6 care [3] - 12:23, 15:18, 26:3 carried [1] - 29:4 carries [7] - 16:4, 19:3, 20:27, 22:9, 23:21, 27:20, 30:24 CASE [8] - 8:14, 16:8, 19:7, 21:1, 22:11, 23:23, 27:22, 29:6 Case [9] - 3:12, 3:13, 3:17, 3:19, 3:22, 3:24, 3:26, 4:4, 27:24 case [11] - 7:21, 7:28, 8:15, 16:9, 19:9, 21:3, 22:13, 22:15, 23:4, 23:25, 29:8 cases [1] - 13:16 CASES [2] - 7:26, 19:5 Cases [1] - 4:3 Cases [1] - 3:16 Cases [1] - 3:11 CELENA [1] - 16:11 Celena [1] - 2:16 cell [2] - 11:16, 11:17 Central [2] - 1:13, 24:10 Certificate [1] - 10:14 Certification [1] - 33:26 certified [1] - 22:22 Certified [3] - 1:15, 33:25, 34:8 certify [3] - 33:6, 33:12, 34:4 CHAIRMAN [114] - 5:4, 5:8, 5:19, 5:22, 6:13, 6:16, 6:22, 6:26, 7:1, 7:3, 7:14, 7:19, 7:27, 8:2, 8:5, 8:8, 8:12, 8:15, 10:23, 11:13, 11:19, 11:22, 11:24, 11:28, 12:3, 12:7, 12:26, 14:14, 14:25,	14:28, 15:3, 15:5, 15:9, 15:11, 15:14, 15:24, 15:27, 16:2, 16:4, 16:9, 17:12, 17:14, 17:19, 17:21, 17:24, 18:2, 18:4, 18:11, 18:14, 18:17, 18:23, 18:26, 19:1, 19:3, 19:9, 19:13, 20:12, 20:14, 20:19, 20:22, 20:25, 20:27, 21:3, 21:23, 21:25, 22:1, 22:4, 22:7, 22:9, 22:13, 23:1, 23:6, 23:12, 23:16, 23:19, 23:21, 23:25, 24:16, 25:6, 25:9, 25:20, 25:23, 26:4, 26:7, 27:1, 27:6, 27:11, 27:15, 27:18, 27:20, 27:24, 28:11, 28:13, 28:19, 28:24, 28:27, 29:2, 29:4, 29:8, 29:27, 30:1, 30:5, 30:7, 30:10, 30:16, 30:19, 30:22, 30:24, 30:27, 31:4, 31:8, 31:14, 31:22, 31:27 Chairman [16] - 2:4, 2:5, 6:11, 6:21, 7:4, 8:1, 11:7, 15:19, 19:11, 20:18, 22:26, 23:11, 27:14, 28:22, 34:3, 34:14 change [1] - 18:10 Cheryl [1] - 4:18 CHERYL [1] - 25:14 children [1] - 13:12 children's [1] - 8:19 Church [1] - 28:2 City [1] - 21:17 Clear [1] - 24:5 close [8] - 15:7, 17:8, 18:17, 23:7, 27:2, 28:19, 30:11 closest [1] - 9:2 club [1] - 9:3 color [1] - 18:9 COMMENT [1] - 30:26 Comment [1] - 4:6 comments [1] - 30:28 commercial [2] - 16:19, 17:11 Commission [21] - 6:28, 7:13, 7:23, 9:5, 10:19, 13:1, 16:1, 18:20, 18:22, 18:28, 20:11, 20:24, 22:6,	23:18, 26:8, 27:17, 29:1, 30:21, 32:2, 34:4, 34:15 COMMISSION [42] - 1:3, 2:21, 5:24, 5:26, 6:2, 6:4, 6:6, 6:8, 6:10, 6:20, 6:25, 7:16, 7:18, 8:1, 8:3, 8:6, 8:9, 8:11, 10:25, 11:1, 11:6, 14:1, 15:19, 15:25, 18:21, 18:25, 19:11, 20:17, 20:21, 21:27, 22:3, 22:26, 23:10, 23:14, 24:18, 24:22, 27:9, 27:13, 28:22, 28:26, 30:14, 30:18 Commission [1] - 3:9 COMMISSIONERS [1] - 2:3 common [5] - 24:24, 24:25, 24:26, 26:3, 26:24 company [2] - 26:5, 28:16 compared [1] - 20:8 computer [1] - 33:8 computer-aided [1] - 33:8 concern [1] - 13:23 concerned [1] - 13:17 concerning [1] - 28:17 concerts [1] - 13:4 condition [5] - 13:15, 13:23, 14:15, 15:17, 15:22 conditional [5] - 8:18, 9:4, 10:22, 13:1, 15:20 conditions [5] - 9:6, 9:27, 10:20, 14:23, 15:21 confined [1] - 10:5 CONNER [12] - 12:28, 13:6, 13:14, 13:22, 14:3, 14:8, 14:11, 14:16, 14:22, 26:11, 26:23, 31:24 Conner [1] - 2:22 CONSIDERATION [2] - 7:26, 19:5 Consideration [3] - 3:10, 3:15, 4:2 construction [2] - 16:14, 25:4 consulted [1] - 12:21 cont [2] - 4:1, 4:3 contractor [1] - 17:23	Coordinator [1] - 2:19 copy [3] - 20:6, 20:7, 21:20 correct [6] - 25:7, 25:8, 26:15, 26:26, 33:10, 34:6 corrected [1] - 27:7 Counsel [1] - 4:12 COUNSEL [1] - 31:21 counsel [2] - 31:22, 33:12 country [1] - 9:3 COUNTY [3] - 1:3, 2:12, 33:4 County [13] - 1:13, 7:11, 10:8, 18:19, 18:22, 20:4, 21:18, 24:3, 24:10, 28:3, 32:1, 34:4, 34:15 course [1] - 18:1 Court [3] - 1:15, 33:25, 34:8 cover [1] - 22:25 current [2] - 17:5, 20:9 D Daniel [2] - 2:8, 11:26 DANIEL [15] - 6:4, 11:27, 12:10, 12:13, 13:8, 13:10, 13:26, 14:5, 14:10, 14:13, 15:2, 15:4, 18:21, 20:21, 30:14 date [1] - 10:15 DATED [1] - 25:15 Dated [1] - 4:18 DAVID [15] - 12:28, 13:6, 13:14, 13:22, 14:3, 14:8, 14:11, 14:16, 14:22, 26:11, 26:23, 30:4, 30:6, 30:9, 31:24 David [2] - 2:22, 25:26 DAVIS [114] - 5:4, 5:8, 5:19, 5:22, 6:13, 6:16, 6:22, 6:26, 7:1, 7:3, 7:14, 7:19, 7:27, 8:2, 8:5, 8:8, 8:12, 8:15, 10:23, 11:13, 11:19, 11:22, 11:24, 11:28, 12:3, 12:7, 12:26, 14:14, 14:25, 14:28, 15:3, 15:5, 15:9, 15:11, 15:14, 15:24, 15:27, 16:2, 16:4, 16:9, 17:12, 17:14, 17:19, 17:21, 17:24, 18:2, 18:4,
---	--	--	---	--

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

18:11, 18:14, 18:17, 18:23, 18:26, 19:1, 19:3, 19:9, 19:13, 20:12, 20:14, 20:19, 20:22, 20:25, 20:27, 21:3, 21:23, 21:25, 22:1, 22:4, 22:7, 22:9, 22:13, 23:1, 23:6, 23:12, 23:16, 23:19, 23:21, 23:25, 24:16, 25:6, 25:9, 25:20, 25:23, 26:4, 26:7, 27:1, 27:6, 27:11, 27:15, 27:18, 27:20, 27:24, 28:11, 28:13, 28:19, 28:24, 28:27, 29:2, 29:4, 29:8, 29:27, 30:1, 30:5, 30:7, 30:10, 30:16, 30:19, 30:22, 30:24, 30:27, 31:4, 31:8, 31:14, 31:22, 31:27	discussion [1] - 19:12 District [10] - 8:23, 8:24, 16:14, 16:16, 17:8, 19:24, 21:11, 24:2, 28:1, 29:13 districts [1] - 17:11 done [1] - 25:27 door [1] - 10:26 down [1] - 33:7 Dr [1] - 17:22 drive [2] - 24:24, 26:3 driveway [7] - 24:26, 25:3, 25:4, 26:12, 26:16, 26:20, 26:25 driveways [1] - 24:26	F	forty-eight [1] - 20:2 forty-three-point-two-four [1] - 21:14 forty-two [1] - 19:28 four [8] - 16:12, 16:25, 19:22, 21:9, 21:14, 21:21, 22:16, 29:18 four-point-seven-five [1] - 29:18 framed [1] - 18:7 free [1] - 12:8 FROM [2] - 25:14, 25:18 front [1] - 7:22 fun [1] - 12:25	hold [1] - 23:1 home [4] - 8:25, 9:11, 16:21, 17:5 Hope [1] - 28:2 hour [1] - 12:16 hours [5] - 10:2, 12:15, 14:2, 14:4 hundred [4] - 16:25, 19:28, 20:1, 29:15
Davis [5] - 2:4, 5:21, 34:3, 34:10, 34:14 decision [1] - 10:22 deficiencies [8] - 24:13, 24:14, 25:6, 27:7, 28:8, 29:23, 29:24 deficiency [1] - 26:2 dental [6] - 16:14, 16:24, 16:25, 16:27, 16:28, 17:6 DEPARTMENT [1] - 2:12 Department [1] - 2:15 depict [1] - 26:24 designated [1] - 10:5 designation [2] - 9:1, 9:3 DEVELOPMENT [6] - 19:7, 21:1, 22:11, 23:23, 27:22, 29:6 Development [6] - 3:17, 3:20, 3:22, 3:24, 3:26, 4:4 development [11] - 19:17, 19:18, 21:7, 23:26, 23:28, 24:15, 24:23, 27:27, 28:9, 29:11, 29:26 DEWANE [4] - 5:24, 8:9, 14:1, 18:25 Dewane [1] - 2:7 diagonal [1] - 12:23 different [1] - 18:9 differently [1] - 14:24 directed [1] - 10:13 Director [1] - 2:13	E	failed [1] - 15:5 Fairhope [4] - 3:19, 21:4, 21:5, 21:17 FAIRHOPE [1] - 21:1 Falls [3] - 3:19, 21:4, 21:5 FALLS [1] - 21:1 familiar [1] - 7:11 family [3] - 8:25, 22:14, 22:16 Family [2] - 3:22, 8:23 FAMILY [1] - 22:11 far [1] - 26:2 favor [15] - 6:27, 11:9, 11:14, 15:28, 17:16, 17:26, 17:28, 18:1, 18:27, 20:23, 22:5, 23:17, 27:16, 28:28, 30:20 February [3] - 3:7, 6:18, 6:23 FEBRUARY [1] - 6:15 feet [4] - 20:2, 21:16, 28:3, 29:16 FICK [11] - 11:27, 12:10, 12:13, 13:8, 13:10, 13:26, 14:5, 14:10, 14:13, 15:2, 15:4 fifteen [1] - 21:16 fifty [3] - 9:21, 19:27, 29:15 fifty-by-one-twenty [1] - 9:21 fifty-eight-point-six-three [1] - 19:27 figure [1] - 12:18 final [3] - 10:21, 19:20, 26:22 fine [1] - 17:19 fire [1] - 17:4 first [5] - 6:16, 7:8, 7:28, 8:15, 12:8 Fish [1] - 21:13 fit [1] - 10:21 five [2] - 24:8, 29:18 fixing [1] - 16:22 folks [1] - 18:12 following [2] - 1:12, 9:26 foot [1] - 16:25 foregoing [3] - 33:6, 33:9, 34:5 foresee [1] - 13:3 Fork [1] - 24:4 forty [3] - 19:28, 20:2, 21:14	G	I
	e-mail [1] - 22:19 east [3] - 9:18, 29:14 East [1] - 24:9 educated [1] - 13:13 effect [1] - 15:18 eight [3] - 19:27, 20:2, 24:8 eighty [1] - 28:5 either [2] - 7:23, 30:3 electrical [1] - 29:22 electricity [4] - 20:5, 21:19, 24:11, 28:7 eleven [2] - 23:28, 24:7 EMC [4] - 20:4, 24:11, 28:7, 29:21 employee [1] - 7:9 end [2] - 14:6, 19:20 engineer [1] - 26:1 engineers [2] - 24:27 Esquire [1] - 2:22 Estate [1] - 8:23 estimated [1] - 10:9 evening [1] - 8:17 events [1] - 9:2 excited [1] - 7:12 exotic [2] - 13:11, 13:12 expansion [1] - 10:17 extend [2] - 19:17, 21:6 Extension [2] - 3:17, 3:20 EXTENSION [2] - 19:8, 21:2 extension [5] - 19:22, 20:11, 20:15, 21:10, 21:22 extra [1] - 12:16	H	I-10 [1] - 9:10 impose [1] - 9:6 included [1] - 8:27 including [2] - 10:10, 13:23 Indicates [2] - 12:1, 13:20 indicates [1] - 30:6 indicating [1] - 30:4 information [1] - 26:19 installed [1] - 10:12 intensity [1] - 17:11 interested [1] - 33:13 Invocation [1] - 3:4 INVOCATION [1] - 5:7 invocation [1] - 5:11 involving [1] - 13:2 Island [1] - 7:10 issued [2] - 22:22, 24:13 issues [3] - 12:22, 13:2, 14:19 it'd [1] - 12:15 items [1] - 22:18	J
			K	KEN [1] - 25:14 Ken [1] - 4:17 Kevin [1] - 2:6

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

KEVIN [5] - 5:26, 15:25, 21:27, 23:14, 27:9 kin [1] - 33:13 Kinard [2] - 4:4, 29:9 KINARD [1] - 29:6 kind [3] - 13:18, 14:1, 14:18 known [1] - 28:8	LOWERY [3] - 30:4, 30:6, 30:9 Lowery [2] - 25:27, 30:5 Lowry [2] - 2:9, 6:1 LOWRY [10] - 6:2, 6:25, 10:25, 11:1, 22:3, 23:10, 24:18, 24:22, 28:26, 30:18	20:21, 21:27, 22:3, 22:26, 23:10, 23:14, 24:18, 24:22, 27:9, 27:13, 28:22, 28:26, 30:14, 30:18 member [1] - 7:7 Members [9] - 6:28, 16:1, 18:28, 20:24, 22:6, 23:18, 27:17, 29:1, 30:21 might [3] - 12:18, 14:19 Minutes [1] - 3:7 MINUTES [1] - 6:15 minutes [6] - 6:17, 6:23, 8:4, 8:7, 34:5, 34:7 missing [1] - 22:18 moment [1] - 23:2 Monday [1] - 10:2 month [3] - 19:22, 21:9, 21:22 Monthly [1] - 34:6 months [1] - 10:15 most [2] - 7:9, 12:18 motion [27] - 6:18, 6:22, 8:10, 15:18, 15:20, 15:26, 15:28, 16:4, 18:20, 18:21, 18:23, 20:16, 20:17, 20:19, 21:26, 21:28, 22:1, 22:27, 23:8, 23:12, 27:8, 27:10, 27:11, 28:21, 30:13, 30:15, 30:16 move [1] - 17:1 moved [2] - 6:20, 23:10 moving [1] - 16:28 MR [47] - 5:10, 5:21, 5:23, 5:25, 5:27, 6:1, 6:3, 6:5, 6:7, 6:9, 6:11, 7:4, 11:27, 12:10, 12:13, 13:8, 13:10, 13:26, 14:5, 14:10, 14:13, 15:2, 15:4, 17:18, 17:20, 17:22, 18:16, 19:15, 21:5, 22:15, 23:27, 24:21, 24:25, 25:8, 25:22, 25:25, 26:6, 26:10, 26:15, 26:26, 30:4, 30:6, 30:9, 31:5, 31:9, 31:15, 31:18 MS [26] - 8:17, 10:27, 11:2, 11:10, 11:15, 11:23, 12:1, 12:6, 12:9, 12:12, 13:5, 13:9, 13:20, 13:25,	13:28, 14:21, 15:8, 15:10, 16:6, 16:11, 17:27, 18:3, 18:6, 18:15, 27:26, 29:10 MURPHY [5] - 5:26, 15:25, 21:27, 23:14, 27:9 Murphy [2] - 2:6, 5:25 music [6] - 13:3, 13:7, 13:17, 14:17, 15:17, 15:22	OF [8] - 2:21, 5:15, 6:15, 7:26, 19:5, 25:14, 25:18, 33:3 office [6] - 11:18, 16:15, 16:25, 16:27, 17:1, 17:6 Office [1] - 2:20 OKEN [8] - 6:6, 6:20, 8:1, 8:3, 8:6, 8:11, 20:17, 27:13 Oken [2] - 2:5, 6:5 Old [1] - 4:7 OLD [1] - 31:3 old [2] - 31:4, 31:5 ON [1] - 2:21 one [19] - 9:21, 11:13, 12:4, 12:19, 15:15, 15:16, 17:16, 19:14, 20:1, 25:11, 25:12, 26:11, 27:24, 27:28, 28:5, 28:14, 29:19, 30:2 one-point-zero-one [1] - 29:19 ones [1] - 12:23 Ono [1] - 7:10 open [8] - 15:5, 15:6, 17:14, 23:2, 23:3, 25:10, 28:13, 30:1 operation [4] - 10:2, 14:2, 14:4, 24:19 oppose [1] - 16:2 opposed [8] - 7:1, 19:1, 20:25, 22:7, 23:19, 27:18, 29:2, 30:22 OPPOSITION [2] - 25:14, 25:18 opposition [9] - 11:9, 11:11, 11:12, 11:14, 17:16, 17:25, 18:19, 25:21, 28:15 Opposition [2] - 4:17, 4:19 option [1] - 12:16 ORDER [1] - 5:3 order [2] - 5:5, 6:16 Order [1] - 3:3 Ordinance [3] - 9:2, 10:8, 10:17 original [1] - 26:18 otherwise [1] - 7:27 outbuildings [1] - 9:11 outlined [1] - 15:21 outside [7] - 13:3, 13:6, 13:15, 14:17, 15:17, 15:22, 18:8
L	M		N	
lady [1] - 12:24 Land [1] - 10:14 Lane [2] - 19:26 Langford [1] - 21:13 language [2] - 25:2, 26:17 last [4] - 12:28, 13:1, 14:5 Laurie [1] - 2:20 lead [1] - 5:8 leaving [1] - 14:7 led [1] - 5:13 Lee [1] - 2:17 Legal [1] - 4:12 LEGAL [1] - 31:21 legal [1] - 31:22 LETTER [2] - 25:14, 25:18 Letter [2] - 4:17, 4:19 letters [2] - 11:9, 25:20 License [1] - 34:8 licensed [1] - 24:27 lighting [1] - 10:12 likely [1] - 12:19 Lillian [1] - 16:17 Linda [1] - 2:17 line [1] - 9:23 list [1] - 14:23 LLC [3] - 3:13, 16:8, 16:10 LMS [3] - 3:13, 16:8, 16:9 located [10] - 8:21, 9:18, 10:4, 16:16, 19:24, 21:11, 24:2, 28:1, 29:13, 29:14 location [1] - 9:28 locations [5] - 25:1, 26:12, 26:16, 26:25, 26:27 locator [1] - 9:7 longtime [1] - 7:8 look [1] - 24:12 looks [1] - 9:22 Loper [2] - 8:21, 10:6 loud [1] - 13:17	Mackey [3] - 2:11, 6:9, 7:7 MACKEY [4] - 6:10, 7:16, 11:6, 22:26 Magnolia [3] - 3:17, 19:10, 19:16 MAGNOLIA [1] - 19:7 mail [1] - 22:19 Main [1] - 1:14 Manager [1] - 2:14 map [3] - 9:7, 9:9, 16:17 MARCH [1] - 25:15 March [4] - 1:5, 1:13, 4:18, 34:6 MARY [2] - 27:26, 29:10 Mary [1] - 2:19 maximum [1] - 12:17 means [1] - 33:8 meet [3] - 10:7, 10:16, 20:9 meeting [17] - 5:5, 6:18, 6:23, 7:8, 8:7, 10:19, 22:21, 22:23, 22:25, 22:28, 23:8, 23:9, 25:5, 26:21, 31:18, 33:10, 33:11 MEETING [2] - 6:15, 31:17 Meeting [5] - 1:4, 3:7, 4:11, 32:1, 34:6 meetings [1] - 7:12 Melissa [1] - 11:25 MELISSA [11] - 12:1, 12:6, 12:9, 12:12, 13:5, 13:9, 13:20, 13:25, 13:28, 14:21, 15:8 MEMBER [39] - 5:24, 5:26, 6:2, 6:4, 6:6, 6:8, 6:10, 6:20, 6:25, 7:16, 8:1, 8:3, 8:6, 8:9, 8:11, 10:25, 11:1, 11:6, 14:1, 15:19, 15:25, 18:21, 18:25, 19:11, 20:17,	20:21, 21:27, 22:3, 22:26, 23:10, 23:14, 24:18, 24:22, 27:9, 27:13, 28:22, 28:26, 30:14, 30:18 member [1] - 7:7 Members [9] - 6:28, 16:1, 18:28, 20:24, 22:6, 23:18, 27:17, 29:1, 30:21 might [3] - 12:18, 14:19 Minutes [1] - 3:7 MINUTES [1] - 6:15 minutes [6] - 6:17, 6:23, 8:4, 8:7, 34:5, 34:7 missing [1] - 22:18 moment [1] - 23:2 Monday [1] - 10:2 month [3] - 19:22, 21:9, 21:22 Monthly [1] - 34:6 months [1] - 10:15 most [2] - 7:9, 12:18 motion [27] - 6:18, 6:22, 8:10, 15:18, 15:20, 15:26, 15:28, 16:4, 18:20, 18:21, 18:23, 20:16, 20:17, 20:19, 21:26, 21:28, 22:1, 22:27, 23:8, 23:12, 27:8, 27:10, 27:11, 28:21, 30:13, 30:15, 30:16 move [1] - 17:1 moved [2] - 6:20, 23:10 moving [1] - 16:28 MR [47] - 5:10, 5:21, 5:23, 5:25, 5:27, 6:1, 6:3, 6:5, 6:7, 6:9, 6:11, 7:4, 11:27, 12:10, 12:13, 13:8, 13:10, 13:26, 14:5, 14:10, 14:13, 15:2, 15:4, 17:18, 17:20, 17:22, 18:16, 19:15, 21:5, 22:15, 23:27, 24:21, 24:25, 25:8, 25:22, 25:25, 26:6, 26:10, 26:15, 26:26, 30:4, 30:6, 30:9, 31:5, 31:9, 31:15, 31:18 MS [26] - 8:17, 10:27, 11:2, 11:10, 11:15, 11:23, 12:1, 12:6, 12:9, 12:12, 13:5, 13:9, 13:20, 13:25,	NANCE [4] - 6:4, 18:21, 20:21, 30:14 Nance [2] - 2:8, 6:3 NANCY [4] - 6:10, 7:16, 11:6, 22:26 Nancy [5] - 2:11, 7:7, 7:8, 7:13, 7:15 need [2] - 7:24, 10:14 neighbors [6] - 12:21, 12:22, 13:16, 14:19, 17:26, 17:27 New [2] - 4:8, 28:2 NEW [1] - 31:7 new [5] - 16:14, 16:28, 20:8, 31:8, 31:9 newest [1] - 7:7 next [15] - 10:26, 16:9, 17:28, 19:9, 22:13, 22:15, 22:20, 22:24, 22:28, 23:8, 23:9, 23:25, 27:24, 29:8, 31:18 NEXT [1] - 31:17 Next [2] - 4:11, 21:3 night [1] - 14:9 Nims [1] - 24:4 nine [2] - 9:15, 20:1 noise [1] - 13:2 Norris [2] - 19:26 north [5] - 9:9, 9:22, 16:19, 16:26, 17:6 nothing [1] - 14:11 notices [2] - 22:22, 22:25 Number [1] - 1:16 number [1] - 11:4	OF [8] - 2:21, 5:15, 6:15, 7:26, 19:5, 25:14, 25:18, 33:3 office [6] - 11:18, 16:15, 16:25, 16:27, 17:1, 17:6 Office [1] - 2:20 OKEN [8] - 6:6, 6:20, 8:1, 8:3, 8:6, 8:11, 20:17, 27:13 Oken [2] - 2:5, 6:5 Old [1] - 4:7 OLD [1] - 31:3 old [2] - 31:4, 31:5 ON [1] - 2:21 one [19] - 9:21, 11:13, 12:4, 12:19, 15:15, 15:16, 17:16, 19:14, 20:1, 25:11, 25:12, 26:11, 27:24, 27:28, 28:5, 28:14, 29:19, 30:2 one-point-zero-one [1] - 29:19 ones [1] - 12:23 Ono [1] - 7:10 open [8] - 15:5, 15:6, 17:14, 23:2, 23:3, 25:10, 28:13, 30:1 operation [4] - 10:2, 14:2, 14:4, 24:19 oppose [1] - 16:2 opposed [8] - 7:1, 19:1, 20:25, 22:7, 23:19, 27:18, 29:2, 30:22 OPPOSITION [2] - 25:14, 25:18 opposition [9] - 11:9, 11:11, 11:12, 11:14, 17:16, 17:25, 18:19, 25:21, 28:15 Opposition [2] - 4:17, 4:19 option [1] - 12:16 ORDER [1] - 5:3 order [2] - 5:5, 6:16 Order [1] - 3:3 Ordinance [3] - 9:2, 10:8, 10:17 original [1] - 26:18 otherwise [1] - 7:27 outbuildings [1] - 9:11 outlined [1] - 15:21 outside [7] - 13:3, 13:6, 13:15, 14:17, 15:17, 15:22, 18:8
			O	
			o'clock [1] - 14:9 OAKS [1] - 23:23 Oaks [2] - 3:24, 23:26 objection [1] - 15:16 obtained [1] - 10:14	

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

P			R	
<p>P-19001 [4] - 3:12, 7:28, 8:14, 8:16</p> <p>p.m [3] - 10:3, 14:4, 32:2</p> <p>Palmer [1] - 1:14</p> <p>parcel [3] - 8:20, 9:9, 17:1</p> <p>pardon [1] - 8:4</p> <p>park [1] - 10:28</p> <p>Park [1] - 24:4</p> <p>parking [6] - 9:19, 10:3, 10:5, 10:6, 10:11, 10:26</p> <p>part [2] - 6:19, 13:18</p> <p>particular [2] - 7:12, 23:4</p> <p>parties [6] - 8:19, 9:2, 12:14, 12:18, 33:11, 33:13</p> <p>party [3] - 9:16, 14:6</p> <p>past [1] - 24:13</p> <p>Peace [3] - 3:12, 8:17, 11:25</p> <p>PEACE [12] - 8:14, 12:1, 12:6, 12:9, 12:12, 13:5, 13:9, 13:20, 13:25, 13:28, 14:21, 15:8</p> <p>PEARSON [1] - 22:11</p> <p>Pearson [3] - 3:22, 22:14, 22:16</p> <p>people [4] - 11:14, 13:23, 14:26, 17:15</p> <p>per [1] - 25:2</p> <p>period [2] - 19:20</p> <p>permanent [1] - 9:15</p> <p>PERMIT [6] - 19:8, 21:2, 22:12, 23:23, 27:22, 29:6</p> <p>Permit [7] - 2:14, 3:17, 3:20, 3:22, 3:24, 3:26, 4:4</p> <p>permit [10] - 19:17, 19:18, 21:7, 23:26, 23:28, 24:15, 27:27, 28:10, 29:11, 29:26</p> <p>Permit/Subdivision [1] - 2:19</p> <p>permits [2] - 26:20, 26:21</p> <p>person [1] - 25:11</p> <p>Peterson [1] - 2:14</p> <p>PETERSON [9] - 19:15, 21:5, 22:15, 23:27, 24:21, 24:25, 25:8, 26:15, 26:26</p> <p>petting [2] - 8:19,</p>	<p>11:17</p> <p>PHASE [2] - 19:7, 21:1</p> <p>Phase [8] - 3:17, 3:19, 19:10, 19:16, 20:6, 20:7, 21:20</p> <p>Phases [1] - 21:6</p> <p>photography [1] - 16:20</p> <p>pictures [2] - 9:10, 17:3</p> <p>PIERCE [1] - 27:22</p> <p>Pierce [3] - 3:26, 27:25, 27:26</p> <p>pipe [2] - 26:3, 26:13</p> <p>pipes [2] - 25:3, 25:4</p> <p>placed [1] - 17:8</p> <p>plan [3] - 9:13, 13:19, 24:23</p> <p>Planner [2] - 2:16, 2:17</p> <p>PLANNING [4] - 1:3, 2:3, 2:12, 2:21</p> <p>Planning [13] - 2:13, 2:18, 7:9, 7:13, 8:24, 9:5, 10:18, 13:1, 16:16, 20:10, 32:1, 34:4, 34:15</p> <p>plat [9] - 19:20, 20:6, 20:7, 25:2, 26:16, 26:22, 26:24, 26:28</p> <p>plats [1] - 21:20</p> <p>played [1] - 13:17</p> <p>PLEDGE [1] - 5:15</p> <p>Pledge [3] - 3:5, 5:9, 5:16</p> <p>plenty [1] - 11:3</p> <p>podium [2] - 11:25, 17:17</p> <p>point [15] - 5:5, 7:19, 8:22, 16:12, 17:15, 18:18, 19:27, 21:14, 24:8, 25:10, 28:14, 29:18, 29:19, 30:2, 30:12</p> <p>PRAYER [1] - 5:7</p> <p>prayer [2] - 5:9, 5:13</p> <p>Prayer..... [1] - 3:4</p> <p>prepared [1] - 34:7</p> <p>PRESENT [2] - 2:3, 2:12</p> <p>presentation [1] - 26:28</p> <p>pretty [3] - 12:25, 17:24, 25:26</p> <p>previous [1] - 29:23</p> <p>principal [1] - 9:28</p> <p>PROCEEDINGS [1] - 1:2</p> <p>proceedings [3] -</p>	<p>1:12, 33:8, 33:14</p> <p>professional [1] - 24:27</p> <p>Professional [2] - 16:13, 17:8</p> <p>proper [1] - 26:8</p> <p>Properties [2] - 3:13, 16:10</p> <p>PROPERTIES [1] - 16:8</p> <p>properties [2] - 9:12, 10:13</p> <p>PROPERTY [2] - 8:14, 16:8</p> <p>property [21] - 8:18, 8:25, 9:10, 9:19, 9:23, 9:24, 10:1, 10:4, 12:25, 16:16, 16:18, 16:21, 16:22, 16:26, 16:27, 17:4, 19:24, 21:11, 21:12, 24:2, 24:19</p> <p>Property..... [1] - 3:12</p> <p>Property..... [1] - 3:14</p> <p>proposal [1] - 24:7</p> <p>proposed [8] - 9:13, 19:28, 21:15, 23:28, 27:28, 28:5, 29:11, 29:17</p> <p>protect [1] - 14:18</p> <p>provide [4] - 20:4, 24:11, 29:20, 29:22</p> <p>provided [3] - 21:17, 28:6, 28:7</p> <p>providing [1] - 21:19</p> <p>proximity [1] - 17:9</p> <p>Public [1] - 4:6</p> <p>public [16] - 15:6, 17:15, 18:18, 20:2, 20:3, 23:2, 23:3, 23:7, 25:10, 27:2, 28:14, 28:20, 30:2, 30:11, 30:28</p> <p>PUBLIC [1] - 30:26</p> <p>put [2] - 10:16, 10:20</p> <p>putting [1] - 9:16</p> <p>Q</p> <p>questions [16] - 10:22, 10:23, 11:19, 12:10, 14:25, 15:11, 17:12, 18:11, 20:12, 21:23, 24:16, 26:9, 27:2, 27:4, 28:11, 29:27</p> <p>quick [1] - 7:5</p> <p>quorum [1] - 6:12</p>	<p>Randall [4] - 25:11, 25:21, 28:15, 28:17</p> <p>RANDALL [4] - 25:22, 25:25, 26:6, 26:10</p> <p>Re [1] - 3:11</p> <p>re [1] - 16:12</p> <p>RE [1] - 7:26</p> <p>re-zone [1] - 16:12</p> <p>Re-Zoning [1] - 3:11</p> <p>RE-ZONING [1] - 7:26</p> <p>really [1] - 25:26</p> <p>reasonable [1] - 9:25</p> <p>receive [1] - 25:20</p> <p>received [1] - 22:19</p> <p>recently [1] - 7:9</p> <p>recited [1] - 5:16</p> <p>recommend [4] - 18:24, 20:10, 21:21, 28:23</p> <p>Recommendation [1] - 3:14</p> <p>recommendation [2] - 18:19, 18:22</p> <p>recommended [3] - 14:23, 17:7, 30:11</p> <p>recommending [10] - 14:14, 15:15, 20:15, 21:26, 24:15, 25:7, 27:7, 28:9, 28:20, 30:12</p> <p>recommends [2] - 9:26, 28:9</p> <p>reconvene [1] - 23:8</p> <p>record [2] - 22:24, 26:27</p> <p>recorded [2] - 19:21, 26:23</p> <p>recusal [1] - 19:14</p> <p>recuse [1] - 19:12</p> <p>regs [1] - 25:3</p> <p>Regular [3] - 1:4, 4:11, 32:1</p> <p>REGULAR [1] - 31:17</p> <p>regular [3] - 7:5, 22:28, 31:18</p> <p>regulations [2] - 20:8, 20:10</p> <p>remain [1] - 10:1</p> <p>remind [1] - 7:20</p> <p>removed [1] - 16:23</p> <p>removing [1] - 9:17</p> <p>report [5] - 15:21, 19:14, 24:12, 29:24, 31:23</p> <p>Reporter [3] - 1:16, 33:25, 34:8</p> <p>reports [4] - 24:13,</p>	<p>31:14, 31:15, 31:24</p> <p>REPORTS [3] - 31:11, 31:13, 31:21</p> <p>Reports [1] - 4:9</p> <p>Reports..... [1] - 4:12</p> <p>Reports..... [1] - 4:10</p> <p>representing [2] - 25:28, 28:15</p> <p>represents [1] - 33:9</p> <p>request [11] - 9:26, 16:12, 19:16, 19:21, 20:11, 21:6, 21:22, 22:16, 22:19, 23:27, 24:15</p> <p>REQUEST [2] - 19:8, 21:2</p> <p>Request..... [2] - 3:18, 3:20</p> <p>requested [2] - 15:16, 26:19</p> <p>requesting [2] - 27:27, 29:10</p> <p>Requests [3] - 3:10, 3:15, 4:2</p> <p>REQUESTS [2] - 7:26, 19:5</p> <p>require [3] - 10:10, 10:18, 10:19</p> <p>required [4] - 11:2, 25:2, 26:17, 26:21</p> <p>requirement [1] - 11:4</p> <p>requirements [1] - 10:7</p> <p>Residential [2] - 8:23, 16:13</p> <p>residential [4] - 10:1, 17:5, 17:9, 17:10</p> <p>response [23] - 5:28, 7:2, 11:21, 14:27, 15:13, 16:3, 17:13, 18:13, 19:2, 20:13, 20:26, 21:24, 22:8, 23:5, 23:20, 27:5, 27:19, 28:12, 28:18, 29:3, 29:28, 30:23, 31:1</p> <p>restrooms [2] - 9:18, 9:19</p> <p>result [1] - 33:14</p> <p>review [1] - 10:18</p> <p>reviewed [1] - 20:7</p> <p>River [1] - 21:13</p> <p>Riviera [2] - 20:3, 21:18</p> <p>Road [10] - 8:21, 10:6, 19:25, 21:13, 24:3, 24:4, 28:2, 28:4,</p>

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

29:15 Robbie [1] - 4:20 ROBBIE [1] - 25:18 Robertsdale [1] - 1:14 Roll [1] - 3:6 ROLL [1] - 5:18 roll [1] - 5:19 room [1] - 11:3 RSF [3] - 8:23, 8:26, 9:4 RSF-1 [2] - 16:13, 16:18 RSF-E [3] - 8:23, 8:26, 9:4 Rumbaugh [1] - 2:20 running [1] - 21:8	24:16, 25:6, 25:9, 25:20, 25:23, 26:4, 26:7, 27:1, 27:6, 27:11, 27:15, 27:18, 27:20, 27:24, 28:11, 28:13, 28:19, 28:24, 28:27, 29:2, 29:4, 29:8, 29:27, 30:1, 30:5, 30:7, 30:10, 30:16, 30:19, 30:22, 30:24, 30:27, 31:4, 31:8, 31:14, 31:22, 31:27 second [26] - 6:24, 6:25, 6:26, 15:25, 15:28, 18:24, 18:25, 18:26, 20:20, 20:21, 20:22, 22:3, 22:5, 23:13, 23:14, 23:16, 27:12, 27:13, 27:15, 28:25, 28:26, 28:27, 30:17, 30:18, 30:19 see [3] - 10:21, 14:12, 16:18 septic [3] - 24:10, 28:6, 29:20 serves [1] - 17:9 Service [2] - 20:4, 21:18 set [1] - 26:13 Seth [6] - 2:14, 20:12, 24:16, 24:18, 25:9, 26:11 SETH [9] - 19:15, 21:5, 22:15, 23:27, 24:21, 24:25, 25:8, 26:15, 26:26 seven [7] - 8:22, 9:15, 14:6, 14:7, 21:15, 29:15, 29:18 several [2] - 8:26, 17:15 sewer [5] - 20:3, 21:17, 24:10, 28:6, 29:21 Sewer [2] - 20:4, 21:18 shall [5] - 9:27, 10:1, 10:2, 10:4, 10:12 shielded [1] - 10:13 SHORES [1] - 19:7 Shores [3] - 3:17, 19:10, 19:16 show [1] - 26:27 shown [2] - 26:16, 26:18 shows [1] - 9:7 side [8] - 9:18, 19:25, 21:12, 24:3, 28:2, 29:14, 30:3	signage [1] - 10:16 signature [1] - 34:10 signed [8] - 7:22, 7:24, 11:11, 11:13, 17:16, 25:11, 25:12, 30:2 Silverhill [1] - 29:20 Single [1] - 8:23 single [1] - 8:25 Single-Family [1] - 8:23 single-family [1] - 8:25 site [2] - 9:9, 9:13 six [3] - 10:15, 19:27, 24:8 sixty [2] - 21:15, 24:8 sixty-seven [1] - 21:15 sixty-two-point-eight - six [1] - 24:8 size [5] - 20:1, 21:15, 24:9, 29:19 sized [1] - 24:26 sizes [1] - 26:3 sizing [2] - 25:3, 26:13 smallest [4] - 20:1, 21:15, 24:9, 29:18 Smallwood [1] - 4:18 SMALLWOOD [1] - 25:14 someone [1] - 11:15 soon [1] - 21:9 sorry [5] - 8:5, 8:11, 12:9, 18:3, 26:4 sound [2] - 14:17, 15:23 South [1] - 29:16 south [7] - 9:12, 17:4, 19:25, 21:12, 24:3, 28:2, 29:16 spaces [3] - 10:8, 10:11, 10:26 specific [2] - 9:1, 9:6 specified [1] - 26:13 Spivey [1] - 17:22 SPIVEY [4] - 17:27, 18:3, 18:6, 18:15 Springs [1] - 24:5 square [3] - 16:25, 20:2, 21:16 Staff [1] - 4:10 STAFF [1] - 31:13 staff [35] - 9:5, 9:25, 10:23, 11:20, 14:23, 14:24, 15:9, 15:12, 15:14, 15:21, 17:7, 17:12, 19:14, 20:7, 20:14, 21:21, 21:23, 21:25, 24:12, 24:13, 24:14, 25:7, 27:4,	27:6, 28:8, 28:9, 28:11, 28:20, 29:24, 29:25, 29:27, 30:10, 30:12, 31:14, 31:15 started [1] - 7:28 STATE [1] - 33:3 State [1] - 24:27 station [1] - 17:4 steel [1] - 18:7 stenotype [1] - 33:7 still [2] - 20:9, 22:18 straightforward [1] - 17:25 Street [1] - 1:14 street [3] - 10:3, 12:24, 17:28 strictly [1] - 13:10 style [1] - 18:10 sub [1] - 25:2 SUBDIVISION [5] - 19:5, 22:11, 23:23, 27:22, 29:6 Subdivision [8] - 2:14, 3:16, 3:22, 3:24, 3:26, 4:3, 4:4, 23:26 subdivision [12] - 19:19, 21:7, 22:14, 22:16, 22:17, 24:1, 24:20, 27:25, 27:26, 27:28, 29:9, 29:12 subject [6] - 9:28, 10:4, 16:16, 16:18, 16:20, 16:21 submittal [1] - 26:18 submitted [1] - 29:24 suggest [1] - 14:22 Sunday [1] - 10:2 survey [2] - 26:5, 28:16 surveyor [2] - 25:1, 25:27 SUSAN [1] - 33:24 Susan [2] - 1:15, 34:7 systems [2] - 24:11, 29:21	tent [2] - 9:16, 9:22 THE [3] - 1:2, 2:21, 7:18 therefore [1] - 17:9 they've [2] - 14:3, 14:4 thirty [2] - 10:9 Thomas [1] - 5:27 thousand [3] - 20:1, 21:16, 28:3 three [5] - 8:22, 12:15, 19:27, 21:14, 28:3 throughout [1] - 13:17 Thursday [1] - 1:5 Tillman [2] - 25:12, 27:2 TILLMAN [4] - 25:22, 25:25, 26:6, 26:10 TIMBER [1] - 23:23 Timber [2] - 3:24, 23:26 TO [2] - 5:3, 7:18 today [1] - 22:19 tonight's [1] - 22:22 total [3] - 19:27, 21:14, 29:17 towards [1] - 24:5 tower [2] - 11:16, 11:17 Town [1] - 29:20 transcribed [1] - 33:8 transcript [3] - 33:7, 33:10, 34:5 transcription [2] - 33:9, 34:7 transitional [1] - 17:10 trouble [2] - 14:9, 18:4 true [2] - 33:9, 34:6 trying [1] - 25:24 twenty [7] - 8:22, 9:15, 9:21, 16:25, 19:22, 21:9, 21:21 twenty-four [4] - 16:25, 19:22, 21:9, 21:21 twenty-seven-by-nine [1] - 9:15 twenty-three-point-seven [1] - 8:22 two [12] - 11:14, 12:14, 12:15, 12:17, 12:20, 19:19, 19:28, 21:14, 24:8, 25:20, 29:11, 29:17 type [2] - 13:3, 13:4
S				
S-14013 [4] - 3:17, 19:7, 19:9, 19:15 S-16045 [4] - 3:19, 21:1, 21:3, 21:5 S-19004 [3] - 3:22, 22:11, 22:13 S-19005 [3] - 3:24, 23:23, 23:26 s-19006 [1] - 27:26 S-19006 [3] - 3:26, 27:22, 27:24 S-19008 [3] - 4:4, 29:6, 29:8 Sam [4] - 2:4, 34:3, 34:10, 34:14 SAM [114] - 5:4, 5:8, 5:19, 5:22, 6:13, 6:16, 6:22, 6:26, 7:1, 7:3, 7:14, 7:19, 7:27, 8:2, 8:5, 8:8, 8:12, 8:15, 10:23, 11:13, 11:19, 11:22, 11:24, 11:28, 12:3, 12:7, 12:26, 14:14, 14:25, 14:28, 15:3, 15:5, 15:9, 15:11, 15:14, 15:24, 15:27, 16:2, 16:4, 16:9, 17:12, 17:14, 17:19, 17:21, 17:24, 18:2, 18:4, 18:11, 18:14, 18:17, 18:23, 18:26, 19:1, 19:3, 19:9, 19:13, 20:12, 20:14, 20:19, 20:22, 20:25, 20:27, 21:3, 21:23, 21:25, 22:1, 22:4, 22:7, 22:9, 22:13, 23:1, 23:6, 23:12, 23:16, 23:19, 23:21, 23:25,				
	T			
	U			
	ultimately [1] - 13:2 un-zoned [4] - 19:25,			

BALDWIN COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING 03/07/2019

24:3, 28:1, 29:13 unanimously [9] - 7:3, 16:5, 19:3, 20:27, 22:9, 23:21, 27:20, 29:4, 30:24 uncomfortable [1] - 14:20 under [2] - 8:26, 24:19 Underwood [1] - 19:25 unison [9] - 6:28, 16:1, 18:28, 20:24, 22:6, 23:18, 27:17, 29:1, 30:21 unless [1] - 14:24 up [12] - 7:22, 7:24, 9:16, 10:16, 11:11, 11:13, 17:16, 19:21, 25:11, 25:12, 28:14, 30:2 uses [1] - 8:27 Utility [1] - 20:3	wish [2] - 7:23, 22:23
V	Y
venue [5] - 9:2, 9:13, 9:14, 10:4, 14:8 Vice [1] - 2:5 Vice-Chairman [1] - 2:5 VINCE [16] - 5:10, 5:21, 5:23, 5:25, 5:27, 6:1, 6:3, 6:5, 6:7, 6:9, 6:11, 7:4, 31:5, 31:9, 31:15, 31:18 Vince [4] - 2:13, 5:8, 5:13, 5:20	y'all [12] - 10:20, 10:21, 11:28, 12:3, 13:3, 13:14, 15:7, 17:18, 17:19, 17:26, 18:14 year [1] - 19:19
W	Z
waiting [1] - 26:13 wants [1] - 12:24 water [5] - 20:3, 21:17, 24:9, 28:6, 29:20 Water [1] - 24:10 Wayne [2] - 4:19, 17:23 WAYNE [5] - 17:18, 17:20, 17:22, 18:16, 25:18 welcome [2] - 7:7, 7:14 west [3] - 9:12, 17:3, 28:3 White [1] - 26:1 WIGHT [4] - 17:18, 17:20, 17:22, 18:16 Wight [1] - 17:23	Z-19010 [3] - 3:13, 16:8, 16:9 zero [2] - 16:12, 29:19 zero-point-four [1] - 16:12 zone [1] - 16:12 zoned [8] - 8:22, 16:18, 16:26, 19:25, 21:12, 24:3, 28:1, 29:13 Zoning [9] - 2:13, 3:11, 7:9, 9:1, 10:8, 10:17, 32:1, 34:4, 34:15 ZONING [5] - 1:3, 2:3, 2:12, 2:21, 7:26 zoning [8] - 7:11, 8:26, 9:4, 9:8, 16:17, 16:19, 17:10, 17:11 zoo [2] - 8:19, 11:17

March 3, 2019

ATTACHMENT NO.

1

Baldwin County Highway Department
Attn: Permit Division
22251 Palmer Street
Robertsdale, AL 36567

Case: S-19005

Subdivision Name: Timber Oaks Subdivision

To Whom It May Concern:

This letter is to request that Planning and Zoning deny the development of said subdivision. We have lived at 29720 Smallwood Lane since April 1978. We have seen many changes in our small community since becoming a part of Clear Springs, Alabama. It's growth has been very minimal thus keeping our way of life quiet and uncluttered.

The development of the subdivision places it directly out of our drive. We ask that consideration be given to the wishes of all of us long-standing homeowners.

We were thrilled when the State of Alabama purchased the acreage surrounding our home and it is now part of the "Forever Wild" program. We have seen wildlife return in numbers. Every time an acre is cleared it disrupts the local wildlife and they move on to other areas. Our granddaughter killed her first deer (a 6 point) less than 1/2 from our home during 2018 hunting season.

We do understand that the request is for 11 lots but we know as years go by parcels split and are sold, re-sold again and again thus breaking it into smaller pieces.

Please keep the beautiful rolling hill across the street from "Smallwood Lane" safe.

Thank you for letting us have a voice,

Ken Smallwood

Cheryl Smallwood

Ken & Cheryl Smallwood

Case: S-19005

Subdivision Name: Timber Oaks Subdivision

ATTACHMENT NO.

2

To Whom It May Concern:

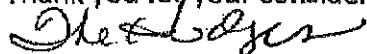
This letter is to request that Planning and Zoning deny the development of TIMBER OAKS SUBDIVISION. I grew up at 29620 County Road 112. After getting married, I moved just across the state line into Florida. However, my heart has always longed to return home to "family land". My mom gave me almost seven acres of land on the homeplace several years ago. My husband and I have already cleared a part of it off to put a home on when he retires in a couple of years.

We currently live in a subdivision and can't wait to return to country living as living in or near a subdivision is what we want to leave behind. We long for the peace of a country life. Our property located at 29538 County Road 112 is adjacent to a Wildlife management area. How ironic would it be to have the back of our property a tranquil refuge and just a couple of hundred yards from our front driveway, there would be a subdivision. Surely you can easily see how this doesn't "fit" into the makeup of the Clear Springs Community.

We are not against growth in the area, but let it be one house on a large tract of land therefore keeping the congestion and disruption to a minimum so it preserves the integrity of the area.

I eagerly look forward to and am counting down the days until I can return to Sweet Home Alabama. Please do not allow that dream be tarnished by a subdivision.

Thank you for your consideration of this request.



Wayne and Robbie Hodge

robbiemhodge@yahoo.com

850.380.7188

3520 Schiffko Road Cantonment, FL 32533

But **FUTURE** Resident of:

29538 County Rd. 112 Robertsedale, AL 36567

NOTE: I will be out of town on 3/7, but if I were in town, I would be there to voice my opposition.

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsedale, AL.

S-19005

Timber Oaks Subdivision

Development Permit Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up to three (3) minutes. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
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- Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Speakers shall confine comments or questions solely to matters that pertain to the particular case and shall observe time limits.
- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

S-19005 Timber Oaks Subdivision

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

RANDALL TILLMAN

Name (Print Clearly)

Date 03-07-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19006

Pierce Subdivision

Development Permit Approval

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I would like to address the Planning Commission on the following:

S-19006 Pierce Subdivision

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

RANDALL TILLMAN

Name (Print Clearly)

Date 03-07-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

S-19004

Pearson Family Subdivision

Development Permit Approval

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I would like to address the Planning Commission on the following:

S-19004 Pearson Family Subdivision

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Johnny Hedley

Name (Print Clearly)

Date 02/07/2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19010

LMS Properties LLC Property

Rezone RSF-1 to B-1

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I would like to address the Planning Commission on the following:

Z-19010, LMS Properties LLC

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Wayne Wight

Name (Print Clearly)

Date 3/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19010

LMS Properties LLC Property

Rezone RSF-1 to B-1

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I would like to address the Planning Commission on the following:

Z-19010, LMS Properties LLC

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Arielle Spivey

Name (Print Clearly)

Date 3-7-19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19010

LMS Properties LLC Property

Rezone RSF-1 to B-1

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I would like to address the Planning Commission on the following:

Z-19010, LMS Properties LLC

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

James Ellis

Name (Print Clearly)

Date 3/7/19

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19010

LMS Properties LLC Property

Rezone RSF-1 to B-1

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I would like to address the Planning Commission on the following:

Z-19010, LMS Properties LLC

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Mark Beyerl 7Mar19

Name (Print Clearly)

Date Mark Beyerl

OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

Z-19010

LMS Properties LLC Property

Rezone RSF-1 to B-1

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I would like to address the Planning Commission on the following:

Z-19010, LMS Properties LLC

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Robert Spivey

Name (Print Clearly)

Date 3/7/2019

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-19001

Peace Property

Conditional Use Approval

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- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up **to three (3) minutes**. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
- **When four (4) or more persons have registered to speak, the Chair may encourage the speakers to appoint a spokesperson, who will then be given up to ten (10) minutes to speak.**
- Speakers shall be required to speak from the podium equipped with a microphone and will be expected to state their name and address for the record at the onset of their presentation.
- Speakers shall confine comments or questions solely to matters that pertain to the particular case and shall observe time limits.
- Profane, insulting or threatening language or gestures, or disruptive behavior of any kind shall not be tolerated. If such unacceptable behavior is engaged, the speaker may be asked by the Chair to cease and desist and/or may be directed to depart the meeting.

I would like to address the Planning Commission on the following:

P-19001, Peace Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Daniel Field

Name (Print Clearly)

Date 3/7/19

NO OPPOSITION REGISTRATION FORM

BALDWIN COUNTY PLANNING COMMISSION

SPEAKING REGISTRATION TO ADDRESS THE COMMISSION

Baldwin County Central Annex, Robertsdale, AL.

P-19001

Peace Property

Conditional Use Approval

- All individuals wishing to address the Planning Commission MUST fill out a speaking request form.
- No person may address the Planning Commission without first obtaining recognition from the Chair and will be allowed up to three (3) minutes. Any speaker who indicated that he (she) is speaking also for (in place of) others present may be granted additional time, at the Chair's discretion.
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I would like to address the Planning Commission on the following:

P-19001, Peace Property

(If you want to speak on multiple items, you must fill out a separate registration form for each.)

Name (Print Clearly)

Date

Melissa Peace