



February 17, 2022

Mayor and City Council
City of Foley
407 East Laurel Avenue
Foley, Alabama 36535

RE: Request for Rezoning

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on February 16, 2022 and the following action was taken:

FDR Properties, Inc.- Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1.97 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is R-1A (Residential Single Family). Property is located at 21311 County Rd. 12 S. Applicant is FDR Properties, LLC.

Commissioner Hellmich made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Mixon seconded the motion. All Commissioners voted aye.

Motion to recommend the requested rezoning to Mayor and Council passes.

Please let me know if you have any questions or concerns.

Respectfully,

Melissa Ringler

Melissa Ringler
Planning & Zoning Coordinator

MAYOR: Ralph Hellmich

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Richard Dayton; Cecil R. Blackwell; Charles Ebert III

Foley

**CITY OF FOLEY, ALABAMA
APPLICATION FOR
ZONING OF PROPERTY**

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):

pin# 89215, 21311 County Rd. 12 S, FDR Properties, LLC

2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:

3. APPROXIMATE SIZE OF PROPERTY:

1.974 acres

4. PRESENT ZONING OF PROPERTY:

B-3

5. REQUESTED ZONING:

RIA

6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:

Attached

7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)

Attached

8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.

I CERTIFY THAT I AM THE PROPERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 1/12/2022

FDR Properties
PROPERTY OWNER/APPLICANT

PROPERTY OWNER ADDRESS

PHONE NUMBER

EMAIL ADDRESS

received
Huaame

RE: Rezoning Application
Debra Tewell – 21311 County Road 12 south
B-3 to R-1A Park District

1. Location:

- a. Address: 21311 County Road 12 South
- b. PIN No: 89215
- c. Parcel No:
 - i. 05-61-02-10-0-000-007.001

d. Legal Descriptions:

- i. (INSTRUMENT #1850632)

COMMENCING AT THE PURPORTED SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST A DISTANCE OF 20.0 FEET TO A POINT; THENCE RUN NORTH A DISTANCE OF 40.0 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE (80 FOOT RIGHT-OF-WAY) OF BALDWIN COUNTY ROAD NO. 12; THENCE RUN NORTH 89°49'19" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,507.78 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING OF THE REALTY HEREIN DESCRIBED; THENCE RUN NORTH 00°02'43" EAST A DISTANCE OF 416.90 FEET TO A POINT; THENCE RUN NORTH 89°40'24" EAST A DISTANCE OF 208.72 FEET TO A POINT; THENCE RUN SOUTH 00°02'42" WEST A DISTANCE OF 417.44 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY ROAD NO. 12; THENCE RUN SOUTH 89°49'19" WEST A DISTANCE OF 208.72 FEET TO THE POINT OF BEGINNING

3. Approximate Size of the properties:

- a. 1.974 acres

4. Present Zoning: B-3 – Local Business District

5. Requested Zoning: R-1A Residential Single-Family

6. Description of Current Use and structures on the properties:

- a. The parcel has one single-family residential home on it as well as a pool enclosure and is an active residence.

7. Contemplated use if rezoned:

- a. Attached hereto is the application to rezone for the intent and purpose of the future continued use of the property as one or more single-family residential unit. The property is zoned commercial currently but there is no present nor long term proposed neighbor business commercial use. The applicant seeks to find a zoning of the property that is congruent with the current use. It should be noted that the parcel backs up to a large subdivision also of single-family residential use to both its northern and eastern sides so this proposed zoning would indeed be compatible with the surrounding zoning and uses. Also, given the presence of the church to the immediate west, a single-family residential use would actually serve to prevent future complaints of a commercial use next to a church. No variances are being sought once the rezone is hopefully approved.

received
1-14-22 ebr

**CITY OF FOLEY
AGENT AUTHORIZATION FORM**

I/We authorize and permit FABRE ENGINEERING
to act as My/Our representative and agent in any manner regarding this application which
relates to property described as tax parcel ID# 05-61-02-10-0-000-007.00
I/We understand that the agent representation may include but not be limited to decisions
relating to the submittal, status, conditions, or withdrawal of this application. In understanding
this, I/We release the City of Foley from any liability resulting from actions made on My/Our
behalf by the authorized agent and representative. I hereby certify that the information stated
on and submitted with this application is true and correct. I also understand that the submittal of
incorrect information will result in the revocation of this application and any work performed will
be at the risk of the applicant.

**Note: All correspondence will be sent to the authorized representative. It will be the
representative's responsibility to keep the owner(s) adequately informed as to the status of the
application.*

PROPERTY OWNER(S):

FDA PROPERTIES LLC ATTN:

Name(s) printed

7884 RIVERWOOD DR

Address

FOLEY, AL

City/State

(251) 747-3414 debtewell@hotmail.com

Phone

Debtewell

Email

Fax

Signature(s)

Date

PROPERTY OWNER(S):

Name(s) printed

Address

City/State

Phone

Email

Fax

Signature(s)

Date



Alabama Secretary of State



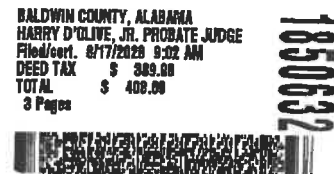
FDR Properties, LLC	
Entity ID Number	573 - 799
Entity Type	Domestic Limited Liability Company
Principal Address	Not Provided
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Baldwin County
Formation Date	04/24/2019
Registered Agent Name	TEWELL, DEBBIE
Registered Office Street Address	7884 RIVERWOOD DR FOLEY, AL 36535
Registered Office Mailing Address	7884 RIVERWOOD DR FOLEY, AL 36535
Nature of Business	
Organizers	
Organizer Name	WILKES, SAMUEL K
Organizer Street Address	PO BOX 528 ORANGE BEACH, AL 36561
Organizer Mailing Address	PO BOX 528 ORANGE BEACH, AL 36561
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or www.revenue.alabama.gov . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	2020 2021
Transactions	
Transaction Date	04/30/2019
Miscellaneous Filing Entry	New Entity Effective 04-25-2019 08:00
Scanned Documents	
Document Date / Type / Pages	04/30/2019 Certificate of Formation 4 pgs.

Browse Results

New Search

Commencing at the purported Southwest corner of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama; thence run East a distance of 20.0 feet to a point; thence run North a distance of 40.0 feet to a point on the North right-of-way line (80 foot right-of-way) of Baldwin County Road No. 12; thence run North 89°49' 19" East, along said right-of-way line, a distance of 1,507.78 feet to a point; said point being the Point of Beginning of the realty herein described; thence run North 00°02'43" East a distance of 416.90 feet to a point; thence run North 89°40'24" East a distance of 208.72 feet to a point; thence run South 00°02'42" West a distance of 417.44 feet to a point on the said North right-of-way line of Baldwin County Road No. 12; thence run South 89°49' 19" West a distance of 208.72 feet to the Point of Beginning.

STATE OF ALABAMA)
COUNTY OF BALDWIN)



WARRANTY DEED

67981A

KNOW ALL MEN BY THESE PRESENTS, that GARY L. STEPANIAN and DEBORAH J. STEPANIAN, husband and wife, hereinafter called the "Grantors," for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) in cash and other good and valuable consideration, in hand paid to the Grantors by FDR PROPERTIES, LLC, an Alabama limited liability company, hereinafter called the "Grantee," the receipt and sufficiency of which are hereby acknowledged, subject to all matters and things hereinafter set forth, have this day bargained and sold and by these presents do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said Grantee, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Commencing at the purported Southwest corner of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama; thence run East a distance of 20.0 feet to a point; thence run North a distance of 40.0 feet to a point on the North right-of-way line (80 foot right-of-way) of Baldwin County Road No. 12; thence run North 89°49'19" East, along said right-of-way line, a distance of 1,507.78 feet to a point; said point being the Point of Beginning of the realty herein described; thence run North 00°02'43" East a distance of 416.90 feet to a point; thence run North 89°40'24" East a distance of 208.72 feet to a point; thence run South 00°02'42" West a distance of 417.44 feet to a point on the said North right-of-way line of Baldwin County Road No. 12; thence run South 89°49'19" West a distance of 208.72 feet to the Point of Beginning.

LESS AND EXCEPT such oil, gas, and other mineral interests, and all rights and privileges in connection therewith, as may have been reserved or conveyed by prior owners, if any.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. Oil, gas, and mineral leases appearing of record in Deed Book 380 page 660, Real Property Book 5 page 31, and Real Property Book 151 page 72, and any assignments thereof.
2. Reservation of oil, gas, and minerals and rights in connection therewith appearing of record in Real Property Book 311 page 1386, and Real Property Book 311 page 1388.
3. Covenants, conditions and restrictions appearing of record in Real Property Book 311 page 1386, and Real Property Book 311 page 1388.
4. Right-of-way of Baldwin County Road No. 12 running along and across the South boundary of the land described herein, and all other matters disclosed by plat of survey by Laurence H. Zander, P.L.S., Ala. Reg. No. 25647, Survey Services, dated August 10, 2006, Job Number 066000, and as attached as an exhibit to the deed recorded at Instrument 1255852.
5. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to:
 - A. City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto.

- B. Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, and Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544.
- C. City of Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; and Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

TOGETHER WITH ALL AND SINGULAR, the rights, members, privileges and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said above described property unto the said Grantee, in fee simple, and to its successors and assigns, forever.

And except as to taxes hereafter falling due which are assumed by the Grantee, and except as to the above mentioned encumbrances, the Grantors do, for themselves and their heirs and assigns, hereby covenant with the Grantee that they are seized of an indefeasible estate in fee simple in said property, are in peaceable possession thereof, that said property is free and clear of all encumbrances, and that they do hereby **WARRANT AND WILL FOREVER DEFEND** the title to said property and the peaceable possession thereof, unto the Grantee, and to its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this the 13th day of August, 2020.


GARY L. STEPANIAN (SEAL)

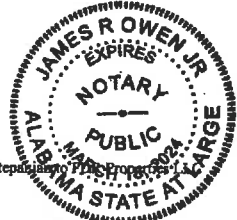

DEBORAH J. STEPANIAN (SEAL)

STATE OF Alabama)

COUNTY OF Baldwin)

I, James R. Owen Jr., the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Gary L. Stepanian, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 13th day of August, 2020.



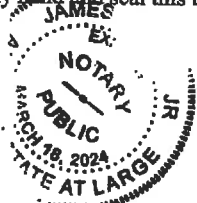

Notary Public
My Commission Expires: 3/18/2024

STATE OF Alabama)

COUNTY OF Baldwin)

I, James R. Owen Jr., the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Deborah J. Stepanian, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that being informed of the contents of said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 13th day of August, 2020.



[Signature]
Notary Public

My Commission Expires: 3



The following information is provided pursuant to Alabama Code §40-2-2

Grantors' Names: Gary L. Stepanian and Deborah J. Stepanian
Mailing Address: 9105 Fairway Dr. Foley AL 36535
Grantee's Name: FDR Properties, LLC
Mailing Address: 7884 Riverwood Drive, Foley, AL 36535
Property Address: 21311 County Road 12, Foley, AL 36535
Date of Sale 8-14-2020
Total Purchase Price \$ 389,000.00
or
Actual Value \$ _____
or
Assessor's Market Value \$ _____

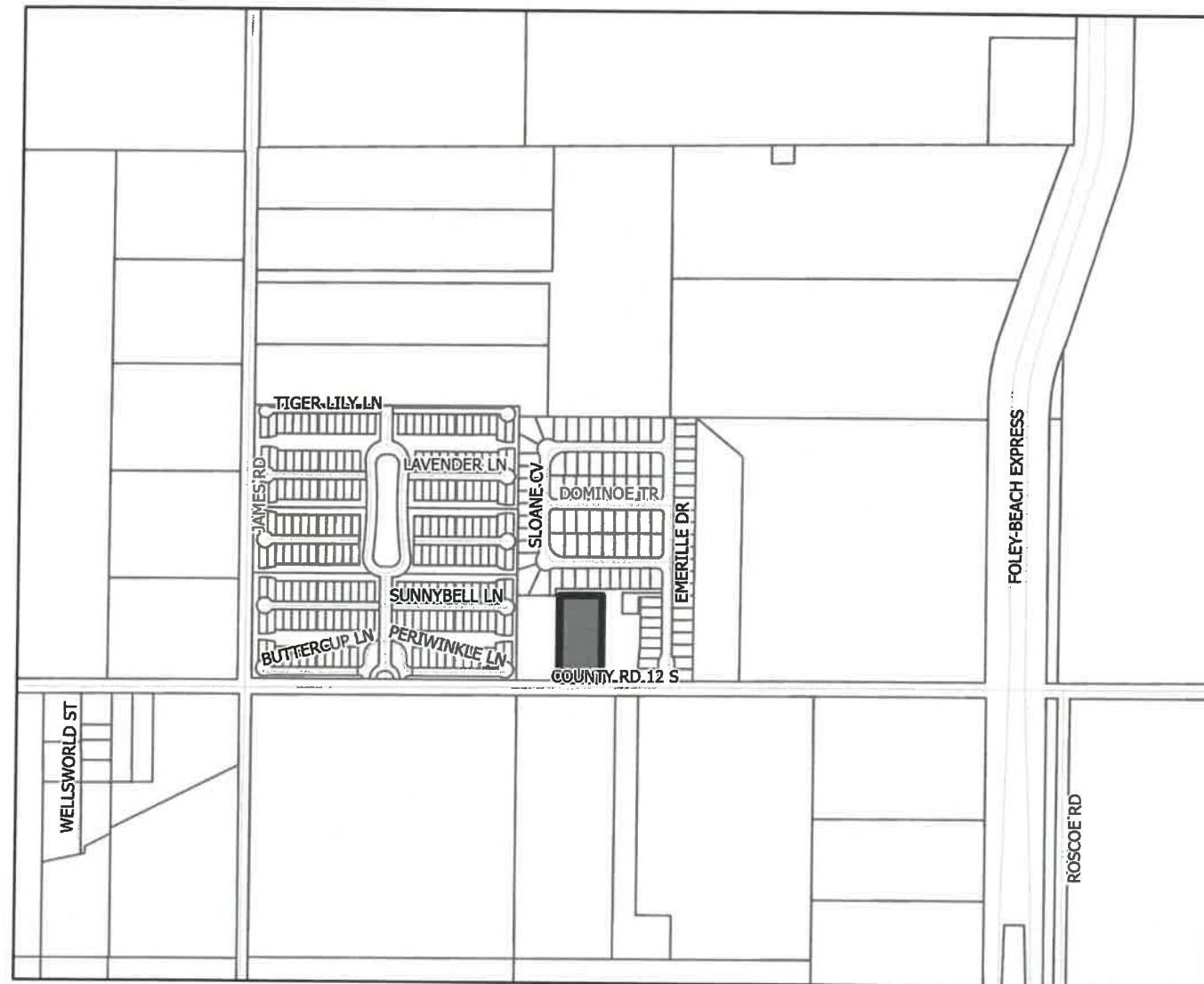
The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☒ Bill of Sale ☐ Appraisal
☒ Sales Contract ☐ Other
☐ Closing Statement

THIS INSTRUMENT PREPARED BY:
Jule R. Herbert Jr.
Herbert Law Firm, LLC
P.O. Drawer 3889
Gulf Shores, AL 36547
(251) 968-4764



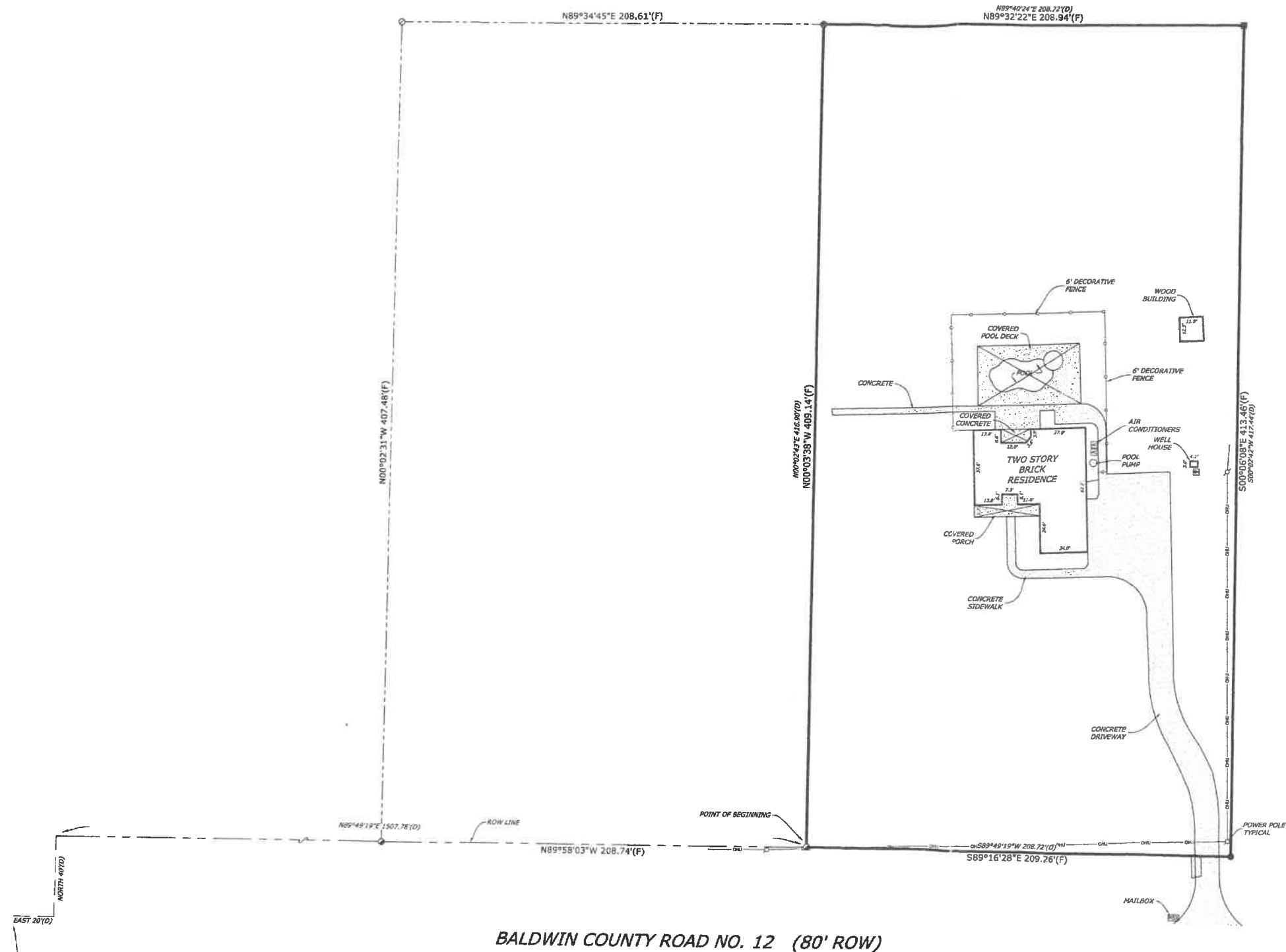
PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1.97 +/- acres. Property is currently zoned B-3 (Local Business District). Proposed zoning is R-1A (Residential Single Family). Property is located at 21311 County Rd. 12 S. Applicant is FDR Properties, LLC.

Anyone interested in this rezoning request maybe heard at a public hearing scheduled for February 16, 2022 in the Council Chambers of City Hall located at 407 W. Laurel Ave. at 5:30 p.m. or may respond in writing to 120 S. McKenzie St., Foley, AL 36535.

Wes Abrams
Planning Commission Chairman



LEGAL DESCRIPTION:
(INSTRUMENT #1850632)

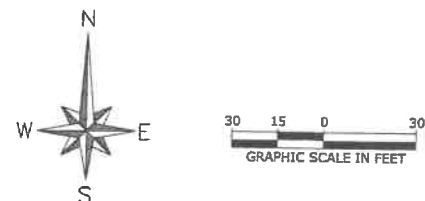
COMMENCING AT THE PURPORTED SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN EAST A DISTANCE OF 20.0 FEET TO A POINT; THENCE RUN NORTH A DISTANCE OF 40.0 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE (80 FOOT RIGHT-OF-WAY) OF BALDWIN COUNTY ROAD NO. 12; THENCE RUN NORTH 89°49'19" EAST, SAID POINT BEING THE POINT OF BEGINNING OF THE REALTY HEREIN DESCRIBED; THENCE RUN NORTH 00°02'43" EAST A DISTANCE OF 416.90 FEET TO A POINT; THENCE RUN NORTH 89°52'24" EAST A DISTANCE OF 208.72 FEET TO A POINT; THENCE RUN SOUTH 00°02'42" WEST A DISTANCE OF 417.44 FEET TO A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE OF BALDWIN COUNTY ROAD NO. 12; THENCE RUN SOUTH 89°49'19" WEST A DISTANCE OF 208.72 FEET TO THE POINT OF BEGINNING.

GENERAL SURVEY NOTES:

1. THIS IS A BOUNDARY SURVEY.
2. THE FIELD SURVEY WAS PERFORMED ON 2021-11-02 AND RECORDED IN FIELD BOOK 281, PAGE 57.
3. MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS AND ARE EXPRESSED IN DECIMAL OF FEET.
4. THE SURVEY DATUM SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE), NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000) AND WERE DERIVED UTILIZING A GLOBAL POSITIONING SYSTEM (GPS) TOPCON HIPER HIPERODCTIC DUAL FREQUENCY RECEIVER. THE RECEIVER WAS UTILIZED IN A REAL-TIME KINEMATIC (RTK) MODE UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION FLORIDA PERMANENT REFERENCE NETWORK (FPRN), FLORIDA'S GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) REFERENCE STATION NETWORK.
5. NO TITLE SEARCH, TITLE OPINION, OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS, WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY.
6. IMPROVEMENTS ARE AS SHOWN HEREON.
7. THE STRUCTURE DIMENSIONS DO NOT INCLUDE THE EAVE OVERHANG OR FOUNDATION FOOTINGS.
8. UTILITIES OTHER THAN SHOWN WERE NOT FIELD LOCATED.
9. THIS SURVEY DOES NOT REPRESENT OR GUARANTEE OWNERSHIP.
10. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

LEGEND:

F	FIELD
D	DEED
ROW	RIGHT OF WAY
OHU	OVERHEAD UTILITY



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

FRANK J FABRE, P.S.M., P.E.
PROFESSIONAL ALABAMA SURVEYOR, LICENSE NO. 10977
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A ALABAMA LICENSED SURVEYOR AND MAPPER
THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

BOUNDARY SURVEY

PREPARED FOR:
FDR PROPERTIES, INC.

ALL DRAWINGS ARE THE PROPERTY OF FDR ENGINEERING & SURVEYING AND IS NOT TO BE REPRODUCED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANY OTHER PROJECT AND IS TO BE RETURNED UPON REQUEST. THERE IS CHARGE ON ORIGINAL DRAWING & NOT, ADJUST SCALE ACCORDINGLY.

21311 CR 12S, FOLEY, ALABAMA
BEING IN SECTION 10
TOWNSHIP 8 SOUTH, RANGE 4 EAST

BALDWIN COUNTY, ALABAMA

REVISEMENTS		DESCRIPTION	
NO.	DATE		
DRAWING SCALE			
1"=30"			
DRAWN BY			
RJS			
CHECKED BY			
JLJ			
DATE			
12/06/21			
JOB NUMBER			
210086			
FILE NAME			
210086\1st.dwg			
SHEET		OF	
1			

 **FABRE ENGINEERING & SURVEYING**
ENGINEERS • PLANNERS • SURVEYORS
FABRE ENGINEERING, INC.
198A
21130 PROFESSIONAL DRIVE, SUITE B-105, ROBERTSDALE, AL 36657, PH:205-945-1937
119 GREGORY SQUARE, PENSACOLA, FL 32502, PH:850-433-6438
AL LIC# CA-48745, CA-16396
FL LIC# F.S. 0006579, E.B. 0007215

received
1-14-22 ml