



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

May 22, 2015

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

RE: Request for Rezoning

Dear Mayor Koniar and City Council Members,

The City of Foley Planning Commission held a regular meeting on May 20, 2015 and the following action was taken:

Agenda Item: Jim Brown- Request to Rezone

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 8.8+/- acres in the corporate limits. Property is currently zoned R-3 (Residential Multi-Family) proposed zoning is PUD (Planned Unit Development). Property is located at 21240 Mifflin Rd. Applicant is Jim Brown.

Action Taken: Commissioner Koehle made a motion to recommend to Mayor and Council the requested rezoning. Commissioner Hellmich seconded the motion.

Commissioner Rauch abstained. All other Commissioners voted aye.

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

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

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringle@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Vickey Southern

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III

Monday, April 27, 2015

Ms. Miriam Boutwell
City Planner/Building Official
City of Foley Community Development Department
200 N. Alston Street
Foley, AL 36535



RE: Rezone requested for Miflin Road RV Park

Dear Ms. Boutwell:

Please accept this letter as our rezone request for the Miflin Road RV Park project. The structure of this letter follows the City of Foley Application for Zoning of Property.

Approximate Size of the Property

The existing size of the property is +/-8.8 Acres

Existing Zoning of the Property

The existing zoning of the property is R-3

Requested Zoning of the Property

The requested zoning of the property is PUD

Existing Use of the Property

The existing use of this property has a single family residence on-site as well as two metal buildings used for storage rental (Ace Storage Warehouse).

Contemplated Use of the Property

The general purpose of this development is to provide a rental RV Park for families and individuals (family vacations, weekend sporting tournaments, snowbirds, etc.). This development allows access to local restaurants, shopping, our beautiful beaches, local sport complexes, bike trails, as well as birding and nature areas. This project is designed to be a RV Park with high quality amenities including a clubhouse and pool and a large open green space for active recreation.

Should you have questions upon review of our responses, I would look forward to speaking with you. Thanks in advance for your consideration.

Sincerely,

Troy R. Strunk
Principal

Date Created: 4/27/2015

Summary

Parcel	05-61-02-10-0-000-004.008	Zoning Overlay District	N/A
PIN	080884	Zoning	R-3
Tax District	N/A	Flood Zone	X
Property Address	21240 MIFLIN RD	Voter District	District 1
Neighborhood	FOLEY	National Historic District	No
Subdivision		City Limits	Yes
Sec/Twp/Rng	10/8S/4E	3-Mile Jurisdiction	Yes
Lot Dimension		Garbage Route	Tuesday
		Recycle Route	Friday
		Yard Debris Route	Wednesday

[View Property Appraisal](#)
[View Tax Record](#)

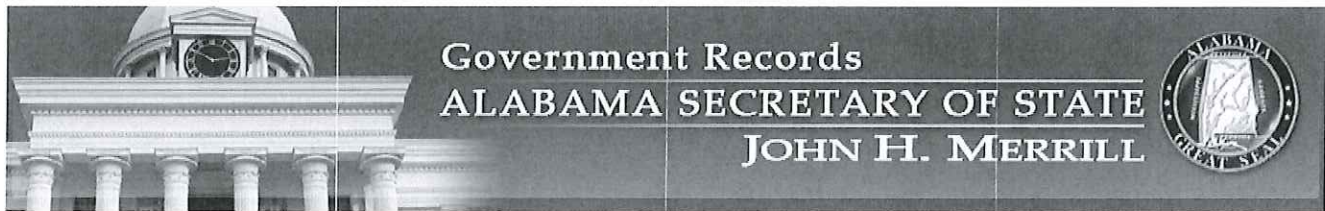
Owner

Owner Name:	ACE MINI WAREHOUSE L L C	Deed Type	IN
Owner Address	1299 GREYSTONE CRES	Book	0000
	BIRMINGHAM, AL 35242	Page	0818812
Previous Owner	ACE MINI WAREHOUSE L L C	Last Deed Date	6/15/2004

The data referenced in this online mapping and GIS application is derived from the GIS Division of the City of Foley Community Development Department, the South Alabama Regional Planning Commission, the Baldwin County Geographic Database and other public and private sources. These sources are generally considered to be dependable, but the City of Foley makes no attempt to verify or confirm any information provided by any source, and the City of Foley makes no warranties, expressed or implied as to the accuracy, completeness, currentness, reliability, or suitability for any particular purpose of the information displayed on this map. Independent verification is advised prior to making any commitments. Measurements are approximate, and this data is not intended to substitute for an actual survey. Additionally, the City of Foley and its agents, servants, and employees assume no liability or responsibility for the use of this map and expressly disclaim any liability and any damages that may arise from the use of or reliance on this map. The City of Foley expressly disclaims any representation as to the validity, accuracy, and currentness of any municipal corporate limits, 3-mile equidistant jurisdiction lines, and/or planning jurisdiction lines displayed on this map.

Last Data Upload: 4/24/2015 8:22:08 PM

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Business Entity Details

Hercules Investments, L.L.C.	
Entity ID Number	324 - 563
Entity Type	Domestic Limited Liability Company
Principal Address	Not Provided
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Baldwin County
Formation Date	12-17-2014
Registered Agent Name	BROWN, JAMES M
Registered Office Street Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Registered Office Mailing Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Nature of Business	ANY LAWFUL BUSINESS
Capital Authorized	
Capital Paid In	
Managers	
Manager Name	BROWN, JAMES M
Manager Street Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Manager Mailing Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Organizers	
Organizer Name	BROWN, JAMES M
Organizer Street Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Organizer Mailing Address	8910 OLDENBURG DRIVE FAIRHOPE, AL 36532
Transactions	
Transaction Date	12-22-2014
Miscellaneous Filing Entry	New Entity Effective 12-17-2014 13:51
Scanned Documents	
Click here to purchase copies.	
Document Date / Type / Pages	12-22-2014 Articles of Formation 2 pgs.

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Montgomery, AL 36103-5616

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Fax: (334) 242-4993

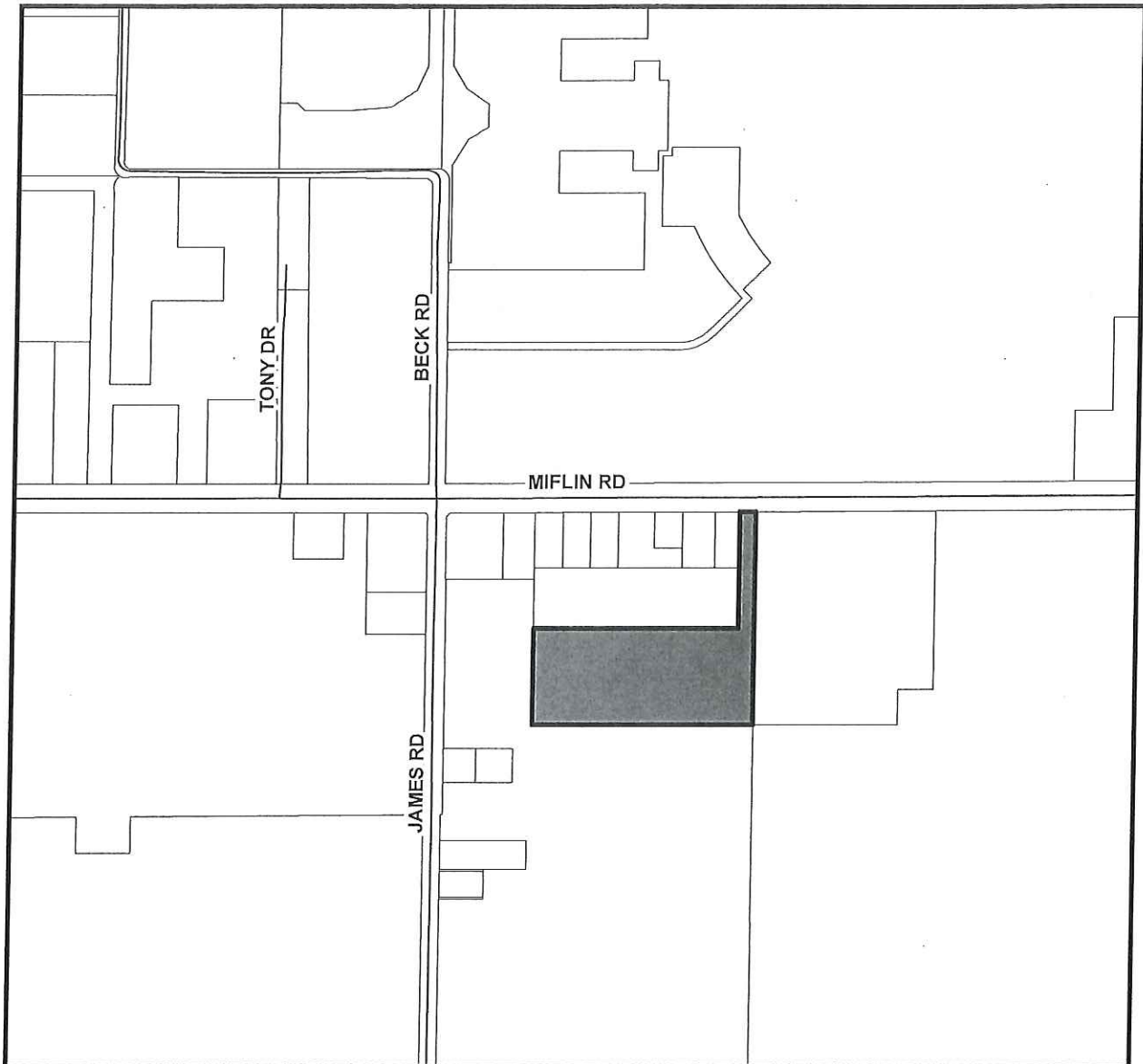
Commencing at the Northwest corner of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama, run South $89^{\circ}-22'-38''$ East, along the North boundary of said Section, a distance of 1327.50 feet; thence South $00^{\circ}-25'-42''$ East, 60.00 feet to a rod and cap (Polysurveying) set on the South right-of-way line of County Road 20, as established by a deed to the City of Foley, Alabama, recorded as Instrument No. 1033397 in the Office of the Judge of Probate, Baldwin County, Alabama, and the Point of Beginning of the property herein described; thence South $00^{\circ}-01'-02''$ West, along a row of posts, a distance of 870.00 feet; thence South $88^{\circ}-49'-25''$ West, 912.00 feet; thence North $00^{\circ}-44'-04''$ East, 398.00 feet; thence North $89^{\circ}-34'-18''$ East, along a fence line, 849.00 feet; thence North $00^{\circ}-13'-17''$ West, 486.43 feet; thence South $88^{\circ}-04'-17''$ East, along the South line of said Baldwin County Road 20, a distance of 59.9 feet to the Point of Beginning.

Being the same property conveyed by Instrument 1492927, Probate Court Records, Baldwin County, Alabama.

I hereby state 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.

This is to state that I have consulted the Fema Flood Insurance Rate Map No. 01003C0935 L, dated July 17, 2007, and found that the above described property now is located in Flood Hazard Area "X-Unshaded" determined by graphic scaling.

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 8.84 +/- acres. Property is currently zoned R-3 (Residential Multi-Family) proposed zoning is PUD (Planned Unit Development). Property is located at 21240 Mifflin Rd. Applicant is Jim Brown.

Anyone interested in the re-zoning request may be heard at a public hearing scheduled for Wednesday, May 20, 2015 in City Hall Council Chambers located at 407 E. Laoreal Ave., at 5:30 p.m. or may respond in writing to 200 N. Alston St., Foley, AL 36535.

Roderick Burkle
Planning Commission Chairman

The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: ACE Mini Warehouse, LLC

Mailing address: 1299 Greystone Crest
Birmingham, AL 35242

Grantees' names: Terry L. Elkins
Janice M. Elkins

Susan Elkins Goldsworthy
Richard C. Goldsworthy
Mailing address: 940 N. Walnut St.
Bloomington, In 47404

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 1/5/2015 8:38 AM
DEED TAX \$ 395.00
TOTAL \$ 414.00
3 Pages



1492927

Property address: 21240 Miflin Rd.
Foley, AL 36535

Date of Sale: 12-29-2014

Total Purchase Price: \$395,000.00

or Actual Value: _____

or Assessor's Market Value: _____

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)

____ Bill of Sale, ____ Sales Contract, ☒ Closing Statement, ____ Appraisal, ____ other

WARRANTY DEED

STATE OF ALABAMA:

COUNTY OF BALDWIN:

②

62298

KNOW ALL MEN BY THESE PRESENTS, that ACE MINI WAREHOUSE, LLC, an Alabama Limited Liability Company, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by TERRY L. ELKINS, JANICE M. ELKINS, SUSAN ELKINS GOLDSWORTHY and RICHARD C. GOLDSWORTHY, AS CO-TRUSTEES OF THE 2000 TERRY L. ELKINS AND JANICE M. ELKINS IRREVOCABLE GRANDCHILDREN TRUST DATED DECEMBER 20, 2000 and HERCULES INVESTMENTS, LLC, the GRANTEES, does hereby GRANT, BARGAIN, SELL AND CONVEY unto TERRY L. ELKINS, JANICE M. ELKINS, SUSAN ELKINS GOLDSWORTHY and RICHARD C. GOLDSWORTHY, AS CO-TRUSTEES OF THE 2000 TERRY L. ELKINS AND JANICE M. ELKINS IRREVOCABLE GRANDCHILDREN TRUST DATED DECEMBER 20, 2000, an undivided 1/2 interest and to HERCULES INVESTMENTS, LLC, an undivided 1/2 interest, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

Commence at the Northwest corner of Section 10, Township 8 South, Range 4 East, and run thence East along the centerline of County Road 20 a distance of 1327.5 feet to a point; run thence South a distance of 40 feet to an iron pin on the South margin of said road for a point of beginning; run thence South 00 degrees 14 minutes West along a row of posts a distance of 890 feet to an iron pin; run thence South 89 degrees 38 minutes West a distance of 912 feet to a pin a distance of 1.7 feet East of an old fence; run thence North 00 degrees 35 minutes East on a straight line and parallel to said fence a distance of 398 feet to an iron pin; run thence East a distance of 849 feet to an iron pin; run thence North a distance of 497.83 feet to an iron pin on the South margin of said road; run thence East along said margin a distance of 60 feet to the point of beginning.

LESS AND EXCEPT the following-described property as conveyed to The City of Foley, Alabama, at Instrument 1033397:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE EAST FOR 1327.50 FEET; RUN THENCE SOUTH FOR 40.00 FEET TO THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY ROAD NO. 20, (AKA MIFLIN ROAD). FOR THE POINT OF

Mortgage Recorded Simultaneously

BEGINNING; RUN THENCE SOUTH 00 DEGREES 05 MINUTES 20 SECONDS EAST FOR 20.00 FEET; RUN THENCE SOUTH 89 DEGREES 31 MINUTES 36 SECONDS WEST FOR 60.00 FEET; RUN THENCE NORTH FOR 20.00 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY ROAD NO. 20; RUN THENCE NORTH 89 DEGREES 31 MINUTES 36 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BALDWIN COUNTY ROAD NO. 20 FOR 60.00 FEET TO THE POINT OF BEGINNING

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE SUBJECT TO THE FOLLOWING:

1. City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto.
2. Ordinance No. 1009-07 City of Foley, Alabama, Tree and Natural Feature Preservation and Restoration Ordinance, filed October 12, 2007 at Instrument 1079685.
3. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Robert D. James, Sr. and Flossie Y. James to Joseph S. Crain and Helen J. Crain, dated July 19, 1985, and recorded in Real Property Book 230, page 699.
4. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from The Merchants National Bank of Mobile, as Trustee for William Downey, III, et. al., to Robert D. James and Flossie James, dated February 21, 1973, and recorded in Deed Book 441, page 389.
5. Oil, Gas and Mineral Lease from Hoyt James, Robert D. James and Flossie James to Joe D. Edwards, dated November 7, 1968, and recorded in Deed Book 380, page 775.
6. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Annie Cook to Hoyt James and Dorothy James, dated January 8, 1952, and recorded in Deed Book 173, page 327.
7. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Annie Cook to Robert D. James and Flossie James, dated January 8, 1952, and recorded in Deed Book 173, page 328.
8. Any portion of the herein-described property lying in the right-of-way of a public road.
9. Rights of tenants under unrecorded leases.
10. Any implied temporary construction easement as may be contained within the Deed from Ace Mini Warehouse, LLC to The City of Foley, Alabama, dated February 19, 2007, and recorded at Instrument 1033397.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; **TO HAVE AND TO HOLD** unto **TERRY L. ELKINS, JANICE M. ELKINS, SUSAN ELKINS GOLDSWORTHY and RICHARD C. GOLDSWORTHY,** AS CO-TRUSTEES OF THE 2000 **TERRY L. ELKINS AND JANICE M. ELKINS IRREVOCABLE GRANDCHILDREN TRUST DATED DECEMBER 20, 2000**, an undivided $\frac{1}{2}$ interest, and to the successors and assigns of said **GRANTEE**, in fee simple, **FOREVER**, and unto **HERCULES INVESTMENTS, LLC**, an undivided $\frac{1}{2}$ interest, and to the successors and assigns of said **GRANTEE**, in fee simple, **FOREVER**.

And, except as to the above and taxes hereafter falling due, which are assumed by the **GRANTEES**, the **GRANTOR** for **GRANTOR** and for the successors and assigns of **GRANTOR**, hereby **COVENANTS AND WARRANTIES** to and with the said **GRANTEES**, the successors and assigns of said **GRANTEES**, that **GRANTOR** is seized of an indefeasible estate in fee simple in and to said real property, and have a good and lawful right to sell and convey the same; that **GRANTOR** is in quiet and peaceable possession thereof; and that said real property is free and clear of all liens and encumbrances of every kind and nature whatsoever; and **GRANTOR** does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said real property, and the possession thereof, unto the said **GRANTEES**, and the successors and assigns of said **GRANTEES**, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, **GRANTOR** has set its hand and seal on this the 22nd day of December, 2014.

ACE MINI WAREHOUSE, LLC, an Alabama Limited Liability Company

By: B.J. Blanchard
Its: owner/sole member

STATE OF Alabama :
COUNTY OF Baldwin :

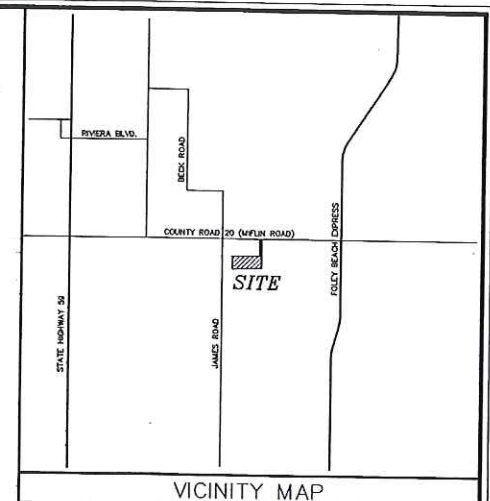
Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared B.J. Blanchard as owner/sole member of ACE MINI WAREHOUSE, LLC, an Alabama Limited Liability Company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, (s)he executed the same voluntarily and with full power and authority to act on behalf of said Limited Liability Company, on the day the same bears date.

Given under my hand and seal on this 22nd day of December, 2014.

Jonathan M. Bryant
NOTARY PUBLIC
My Commission Expires: 02/08/2015

This instrument prepared by:
Lori Meadows, P.C.
24407 Lauder Place
Orange Beach, AL 36561
(251) 942-5541





- 1.) Bearing Basis: The North line of subject property Referenced to Alabama State Plane Coordinate System West Zone (102) NAD 83(03) established by RTK GPS utilizing ALDOT Network as a continuously operating reference station.
- 2.) Type of Survey: Boundary and Topographic
- 3.) Field Date: January 20-22, 2015
- 4.) Some interior improvements not shown.
- 5.) Elevations refer to NAVD 88 (NSRS 2012) established by RTK GPS utilizing ALDOT Network as a continuously operating reference station.

LEGAL DESCRIPTION

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Commencing at the Northwest corner of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama, run South 89°-22'-38" East, along the North boundary of said Section, a distance of 1327.50 feet; thence South 00°-25'-42" East, 60.00 feet, to a rod cap (Poly surveying) set on the South right-of-way line of County Road 20, as established by a deed to the City of Foley, Alabama, recorded as Instrument No. 1033397 in the Office of the Judge of Probate, Baldwin County, Alabama, and the Point of Beginning of the property herein described; thence South 00°-01'-02" West, along a row of posts, a distance of 870.00 feet; thence South 88°-49'-25" West, 912.00 feet; thence North 00°-44'-04" East, 398.00 feet; thence North 89°-34'-18" East, along a fence line, 849.00 feet; thence North 00°-13'-17" West, 486.43 feet; thence South 88°-04'-17" East, along the South line of said Baldwin County Road 20, a distance of 59.9 feet to the Point of Beginning.

Being the same property conveyed by Instrument 1492927, Probate Court Records, Baldwin County, Alabama.

I hereby state 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.

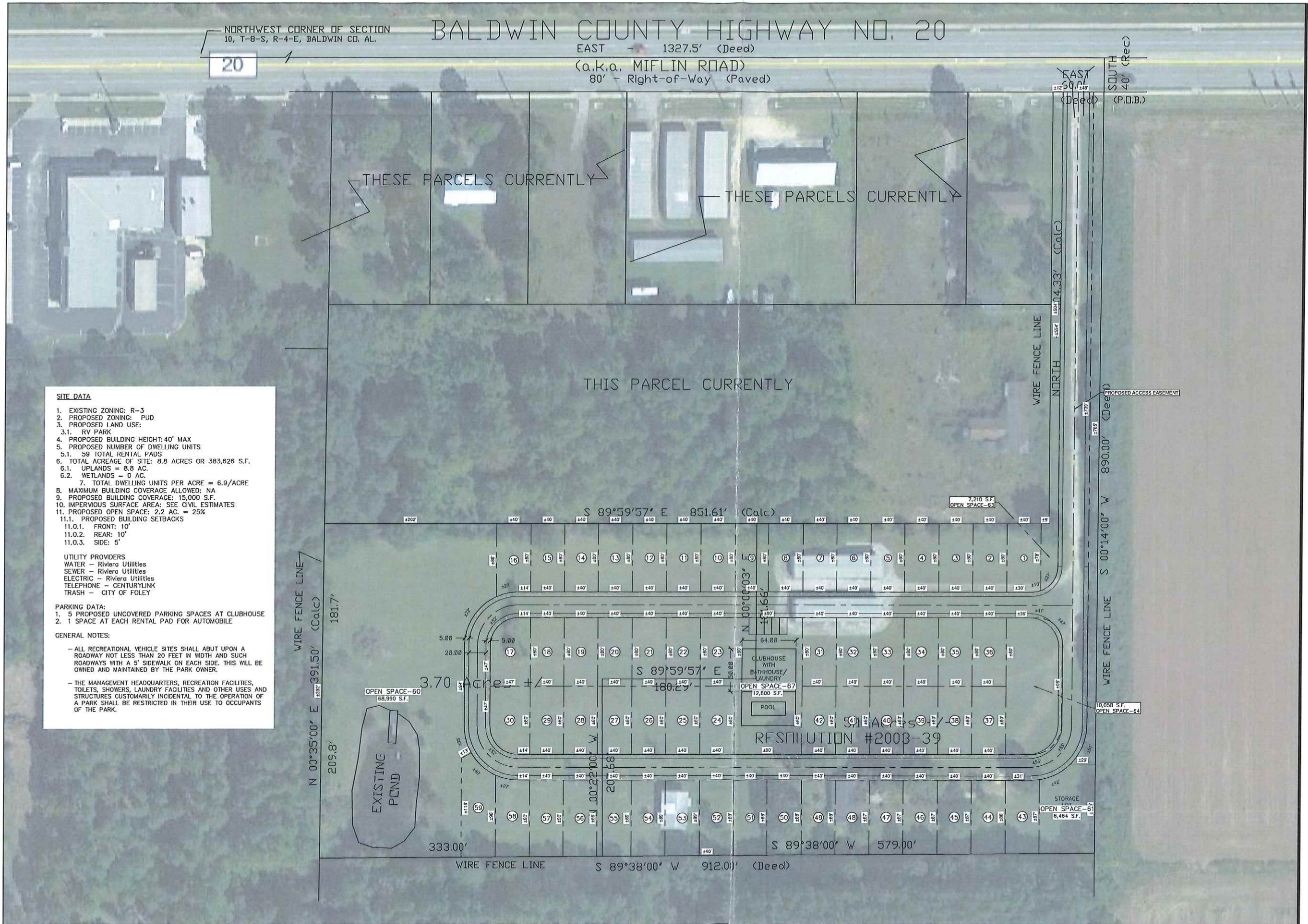
This is to state that I have consulted the Fema Flood Insurance Rate Map No. 01003C0935 L, dated July 17, 2007, and found that the above described property now is located in Flood Hazard Area "X-Unshaded" determined by graphic scaling.

Donald W. Rowe, PLS
Alabama Licensed Professional Surveyor No. 9359-S
Prints not valid unless they bear an original seal



received
4-27-15

REVISIONS:	BOUNDARY AND TOPOGRAPHIC SURVEY		
	21240 MIFLIN ROAD FOLEY, ALABAMA		
	PREPARED FOR		
	JIM BROWN, INC.		
	ROWE ENGINEERING AND SURVEYING, INC. CONSULTING ENGINEERS CA-1064-13		
	3755 COTTAGE HILL ROAD	MOBILE, ALABAMA 36609	
	PHONE 251-656-2766	FAX 251-660-1040	
ACAD: 35074	JOB: 35074	DATE:	SCALE:
INCAD: FB: 1678/45-50	FB: 1678/45-50	FEBRUARY 27, 2016	1" = 50'
ROGO:	TAL: 61-02-10-0-000-004.008		



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www.wdesign.com

Key Plan

NOT FOR CONSTRUCTION
THESE PLANS HAVE NOT BEEN APPROVED
BY THE GOVERNING AGENCY
AND ARE SUBJECT TO CHANGE.

A Landscape Development Plan for
Miflin Road RV Park
Foley, Alabama

Revisions		Revisions / Submissions	
No.	Date		
04.28.15		REZONE FOR CITY OF FOLEY	

TRC	Registration
Drawn	
LCW	
Checked	
153211-001	
Project No.	
04.09.12	
Date	

Sheet Title

**CONCEPTUAL
MASTER PLAN**

1 CONCEPTUAL SITE PLAN
Scale: 1" = 50'

Sheet No.

SP100 revision
received
5-5-15 MR

Commencing at the Northwest corner of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama, run South $89^{\circ}-22'-38''$ East, along the North boundary of said Section, a distance of 1327.50 feet; thence South $00^{\circ}-25'-42''$ East, 60.00 feet to a rod and cap (Polysurveying) set on the South right-of-way line of County Road 20, as established by a deed to the City of Foley, Alabama, recorded as Instrument No. 1033397 in the Office of the Judge of Probate, Baldwin County, Alabama, and the Point of Beginning of the property herein described; thence South $00^{\circ}-01'-02''$ West, along a row of posts, a distance of 870.00 feet; thence South $88^{\circ}-49'-25''$ West, 912.00 feet; thence North $00^{\circ}-44'-04''$ East, 398.00 feet; thence North $89^{\circ}-34'-18''$ East, along a fence line, 849.00 feet; thence North $00^{\circ}-13'-17''$ West, 486.43 feet; thence South $88^{\circ}-04'-17''$ East, along the South line of said Baldwin County Road 20, a distance of 59.9 feet to the Point of Beginning.

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