



March 18, 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 March 16, 2022 and the following action was taken:

David Smith- Request for Rezone

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1.10 acres. Property is currently zoned PUD (Planned Unit Development). Proposed zoning is R-1A (Residential Single Family). Property is located at the NW corner of Brinks Willis Rd. and James Rd. Applicant is David Smith.

Commissioner Engel 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
Planning & Zoning Coordinator
mringle@cityoffoley.org

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

New
Business #6

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

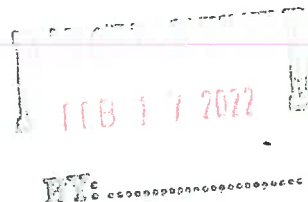
1. LOCATION OF PROPERTY (ADDRESS, PIN#, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
20971 Brims & Willis Rd. 05-61-05-16-0 - 001- 024000
PPIN# 17104
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
3. APPROXIMATE SIZE OF PROPERTY: 1.10 Acres
4. PRESENT ZONING OF PROPERTY: PUD
5. REQUESTED ZONING: ~~AO~~ R-1A
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY: None
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) primary residence
Site built or modular
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: 2-17-22

David Smith
PROPERTY OWNER/APPLICANT
PO Box 603 Foley AL 36536
PROPERTY OWNER ADDRESS
251-533-6577
PHONE NUMBER
davidanddebbiesmith@yahoo.com
EMAIL ADDRESS

pd.
receipt #
20125



Commencing at the Southeast corner of the Northeast Quarter of Section 16, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 80 degrees 58 minutes 37 seconds West along the South line of said Northeast Quarter a distance of 40.0 feet; thence run North 00 degrees 05 minutes 16 seconds West and parallel with the East line of said Section 16, a distance of 30.0 feet to the point of beginning of the property herein described; thence run North 89 degrees 58 minutes 37 seconds West a distance of 223.38 feet; thence run North 00 degrees 05 minutes 16 seconds West a distance of 195.0 feet; thence run South 89 degrees 58 minutes 37 seconds East a distance of 195.0 feet to the point of beginning.

received
3-14-22 *ml*

2020-0197

STATE OF ALABAMA)

COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Recorded: 2/14/2022 11:19 AM
DEED TAX \$ 14.00
TOTAL \$ 38.00
4 Pages

1850412



WARRANTY DEED, JOINTLY FOR LIFE
WITH REMAINDER TO SURVIVOR

KNOW ALL MEN BY THESE PRESENTS that BJ's Commercial Properties, LLC, the Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration hereby acknowledged to have been paid to the said Grantor by David E Smith and Debra Smith, Husband and wife, the Grantees, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantees, during their joint lives and upon the death of either of them, to the survivor of them, subject to the provisions hereinafter contained, all that real property in the County of Baldwin, State of Alabama, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 16, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 80°58'37" West along the South line of said Northeast Quarter a distance of 40.0 feet; thence run North 00°05'16" West and parallel with the East line of said Section 16, a distance of 30.0 feet to the point of beginning of the property herein described; thence run North 89°58'37" West a distance of 223.38 feet; thence run North 00°05'16" West a distance of 195.0 feet; thence run South 89°58'37" East a distance of 195.0 feet to the point of beginning.

SUBJECT, HOWEVER, TO THE FOLLOWIN:

1. Oil, gas and mineral lease, and all rights in connection therewith, as set forth in Real Property Book 124, page 1253.
2. Existing right-of-way along the East and South Property lines of the herein described property.
3. Reservations, restrictions, rights-of-way, easements, building setback lines and drainage and utility line easements as noted on plat.

RECEIVED
FEB 17 2022

BY:

Mortgage Recorded Simultaneously

4. Zoning, if any, planning, subdivision regulations, and other ordinances, laws, restrictions or regulations upon the use or division of the land comprising the Subdivision as may be legally imposed by the County of Baldwin, Alabama, any municipality in which the property may lie, the State of Alabama, or any other governmental authorities having jurisdiction over the land in the subdivision.

5. Option Agreement for BJ's Commercial Properties, LLC dated May 22, 2020 and recorded June 16, 2020, in the Office of the Judge of Probate, Baldwin County, Alabama at Instrument 1835679.

together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD the same unto the said Grantees, during their joint lives and upon the death of either of them, then to the survivor of them in fee simple and to their heirs and assigns, forever.

This conveyance is made subject to any and all restrictive covenants, easements, reservations, minerals reservations, conveyance of minerals, and rights of way applicable to said property of record in the said Probate Court records.

And, except as to the above, and the taxes hereafter falling due, the said Grantor, for its successors and or assigns and for heirs and assigns, hereby covenant with the Grantees that it is seized of an indefeasible estate in fee simple in and to said property, that said property is free and clear of all encumbrances and that it does hereby WARRANT AND WILL FOREVER DEFEND the title to said property, and the possession thereof, unto the said Grantees, their heirs and assigns, against the lawful claims of all persons, whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal this the 31 day of July, 2020.

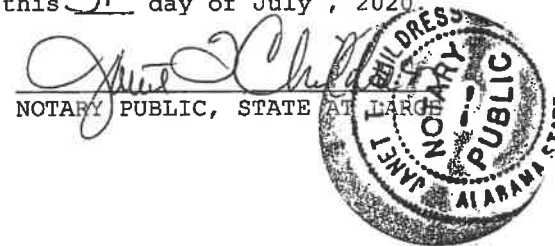
BJ's Commercial Properties, LLC
BY [Signature] (SEAL)
Kristin L. Rice
Its: Authorized Agent

STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, the undersigned Notary Public, in and for said State and County, hereby certify that Kristin L Rice, as Authorized Agent for BJ's Commercial Properties, LLC, the Grantor herein, 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 the conveyance, she has executed the same voluntarily on the day same bears date.

Given under my hand and seal this 31st day of July, 2020.



My Commission Expires:

12/8/20

Grantors address: 1299 Graystone Crest, Birmingham, AL 35242

Grantees address: 21450 County Rd 12 S Apt 402 Foley, AL 36535

This instrument was prepared by:
Kopesky & Britt, LLC
P. O. Box 1138
Fairhope, AL 36532

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name BJ's Commercial Properties Grantee's Name David E Smith & Debra
Mailing Address LLC Mailing Address Smith
1299 Greystone Crest 21450 County Rd 12 S Apt 402
Birmingham AL 35242 Foley AL 36535
Property Address Brinks Willis Rd Date of Sale 7/31/20
Foley AL 36535 Total Purchase Price \$ \$55,000.00
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
☐ Sales Contract
☒ Closing Statement
☐ Appraisal
☐ Other _____

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - If the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 8/13/20

Print

Janet Chidress

Unattested

Sign

[Signature]

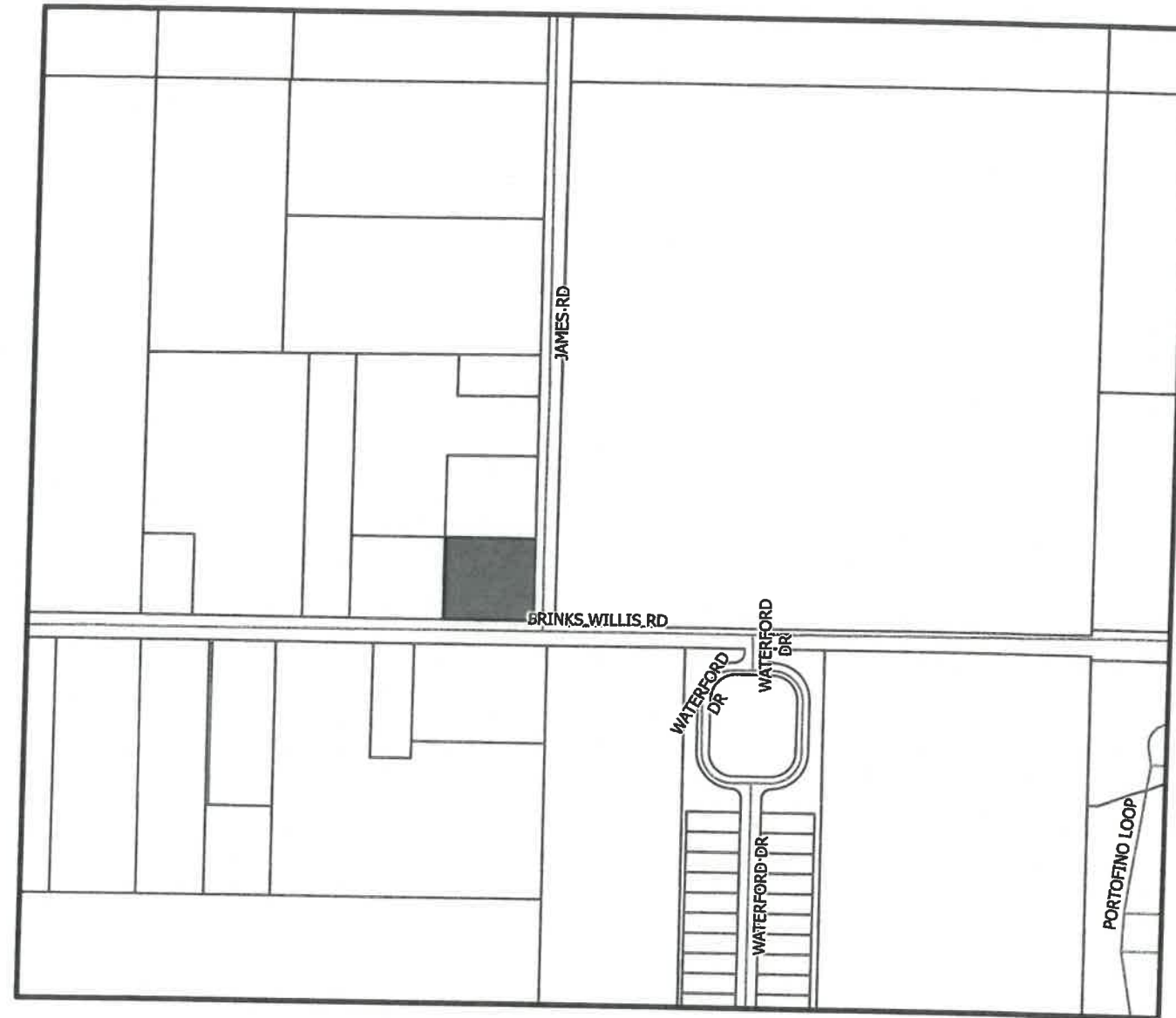
(verified by)

(Grantor/Grantee/Owner/Agent) circle one

Print Name

Form RT-1

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1.10 +/- acres. Property is currently zoned PUD (Planned Unit Development). Proposed zoning is R-1A (Residential Single Family). Property is located at the NW corner of Brinks Willis Rd. and James Rd. Applicant is David Smith.

Anyone interested in this rezoning request maybe heard at a public hearing scheduled for March 16, 2022 in the City Hall Council Chambers 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

BALDWIN COUNTY, ALABAMA
PARTY VOLUME 10, FOLEY PLAT, ALABAMA
Folio No. 227/000 10-34 AM
TOTAL 5 38.00
17-000

SLIDE 0002716-A

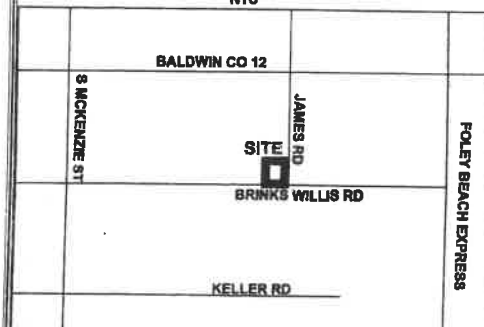
1013797

01-05-15-0-001-022.000
WESSLING, KIMBERLY
8023 JAMES RD
FOLEY AL 36035
UNINCORPORATED BALDWIN
COUNTY
INST 1519498

01-05-15-0-001-022.000
SUAREZ, MIGUEL ANGEL DIAZ
ETAL LLANES R
8005 JAMES RD
FOLEY AL 36035
UNINCORPORATED BALDWIN
COUNTY
INST 1444456

01-05-15-0-001-022.000
AYERS, BEASLEY ETUX
DORTHY FAYE
20225 BRINKS WILLIS RD
FOLEY AL 36035
UNINCORPORATED BALDWIN
COUNTY
INST 1339596

VICINITY MAP
NTS



NOTES:

1. Sources of information used were previous surveys by other firms and INST # 1610274.
2. No title search, title opinion or abstract was furnished to, nor performed by, this firm for the subject property, there may be deeds of record, unrecorded deeds, easements, rights-of-way or other instruments which could affect the boundaries of said property.
3. This property may be subject to additional restrictions that may be found in the public records of this county.
4. There was no attempt to determine the existence, location or extent of any subsurface features, other than the underground utilities shown hereon as located by the appropriate utility companies.
5. No investigation has been made to determine the existence of wetlands.
6. Riviera Utilities requires a 10' easement along all side property lines and a 15' easement along all front and rear property lines.

THIS PROPERTY LIES IN FLOOD ZONE "X" AS SCALED
FROM FIRM MAP NUMBER 01003C0635L DATED
07/17/2007.

ZONED PLANNED UNIT DEVELOPMENT
BUILDING SETBACK REQUIREMENTS FOR PUD:
MINIMUM DPTH OF FRONT YARD 15 FEET
MINIMUM DPTH OF REAR YARD 20 FEET
MINIMUM DPTH OF SIDE YARD 10 FEET (COMBINATION OF BOTH SIDES)

SITE DATA
AREA: 1 AC +/-
SMALLEST LOT SIZE: 20,517 SF +/- (LOT 2)
NUMBER LOTS: 2

25% MIN REQUIRED OPEN SPACE: 10,907 SF
OPEN SPACESHOWN 10,940 SF

E.C.D. DEVELOPMENT

A SINGLE FAMILY SUBDIVISION SITUATED IN THE NE 1/4 OF SECTION 16, TOWNSHIP 8
SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

PARCEL DESCRIPTION:

DEED DESCRIPTION (INST# 1718145)

Commencing at the Southeast corner of the Northeast Quarter of Section 16, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence North 80 degrees 55 minutes 37 seconds West along the South line of said Northeast Quarter a distance of 40.00 feet; thence run North 00 degrees 06 minutes 16 seconds West and parallel with the East line of said Section 16, a distance of 30.0 feet to the point of beginning of the property herein described; thence run North 89 degrees 53 minutes 37 seconds West a distance of 223.33 feet; thence run North 00 degrees 05 minutes 16 seconds West a distance of 195.0 feet thence run South 89 degrees 53 minutes 37 seconds East a distance of 195.0 feet to the point of beginning.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, RODNEY K CUNNINGHAM, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY
STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS
OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE,
INFORMATION AND BELIEF.
FIELD WORK FOR THIS SURVEY WAS PERFORMED MARCH, 2019.

RKC *Aug. 26, 2019*
RODNEY K CUNNINGHAM, P.L.S. AL LC. NO. 28013 DATE

CERTIFICATION OF OWNERSHIP AND DEDICATION

STATE OF ALABAMA
COUNTY OF BALDWIN

This is to certify that I (we), the undersigned am (are) the Owner(s) of the land shown and described in the plat, and that I
(we) have caused the same to be surveyed and subdivided as indicated hereon, for the uses and purposes herein set forth
and do hereby acknowledge and adopt the same under the design and site hereon indicated; and grant all easements and
dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted, together with such
restrictions and covenants noted below or attached in a separate legal document.

Dated this day of *16th* *January* 20*20*

Paul C.
Owner: *Leah Properties, LLC*
6306 Wothard Ave
Orange Beach, AL 36561

ACKNOWLEDGMENT

STATE OF ALABAMA
COUNTY OF BALDWIN

Candace Ann Jenkins Notary Public in and for said County, in said State, hereby certify that
Paul C. Leach whose name is signed to the foregoing instrument, and who is known to me,
acknowledged before me on this day that, being informed of the contents of the instrument, executed the same voluntarily
for and as the act of said corporation.

Given under my hand and official seal this day of *16th* *January* 20*20*

Candace Ann Jenkins
Notary Public

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

The undersigned, as City Engineer of the City of Foley, Alabama, hereby approves the within plat for the recording of
same in the Probate Office of Baldwin County, Alabama, this day of *January* 20*20*

City Engineer

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

The within plat of (insert Subdivision name), Foley, Alabama, is hereby approved by the City of Foley Planning
Commission, this day of *January* 20*20*

Paul C. Leach
City Planning Commission Chairman

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE (Sewer)

The undersigned, as authorized by Baldwin County Sewer Service hereby approves the within plat for the
recording of same in the Probate Office of Baldwin County, Alabama, this day of *January* 20*20*

Authorized Representative

CERTIFICATE OF APPROVAL BY RIVIERA UTILITIES (Water)

The undersigned, as authorized by Riviera Utilities hereby approves the within plat for the recording of same in the
Probate Office of Baldwin County, Alabama, this day of *January* 20*20*

Authorized Representative

CERTIFICATE OF APPROVAL BY CENTURYLINK COMMUNICATIONS

The undersigned, as authorized by CenturyLink Communications hereby approves the within plat for the recording
of same in the Probate Office of Baldwin County, Alabama, this day of *January* 20*20*

Authorized Representative

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY EMC (Electric)

The undersigned, as authorized by Baldwin County EMC hereby approves the within plat for the recording of same in
the Probate Office of Baldwin County, Alabama, this day of *January* 20*20*

Authorized Representative

NE 1/4 OF SECTION 16, TOWNSHIP 8 SOUTH,
RANGE 4 EAST, BALDWIN COUNTY, ALABAMA

FINAL PLAT

120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
TEL - (205) 403-9158
FAX - (205) 403-9175

EDG

ENGINEERING DESIGN GROUP, LLC
CIVIL, MECHANICAL & LAND SURVEYING
SINCE 1988

SHEET NO.
1 OF 1