



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

February 16, 2017

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 February 15, 2017 and the following action was taken:

Agenda Item: Sterling Stoudenmire- Request for Re-Zoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 27+/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is TH1 (Residential Townhouse). Property is located east of Hickory St., south of Michigan Ave. Applicant is Sterling Stoudenmire.

Action Taken:

Commissioner Hare made a motion to recommend the requested re-zoning to Mayor and Council. Commissioner Hellmich seconded the motion. Commission Watkins abstained, all other Commissioners voted aye.

Motion to recommend the requested re-zoning 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: 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



Sterling
South of Mexico
Yahoo.com
850-479-6002
PO Box 666
Gulf Breeze FL
32562

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 # 208844
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
See attached
3. APPROXIMATE SIZE OF PROPERTY:
27 +/- acres
4. PRESENT ZONING OF PROPERTY:
PUD
5. REQUESTED ZONING:
TH-1
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
Currently vacant
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
fourplex town homes / 15 units per acre
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.

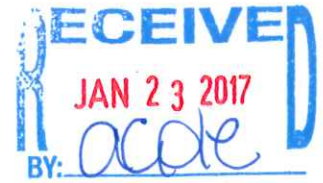
I CERTIFY THAT I AM THE PROERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 1-23-17

See authorization
letter attached

Higher Ground III, LLC
PROPERTY OWNER/APPLICANT
4725 Peachtree Corners Circle
PROPERTY OWNER ADDRESS Suite 300,
Peachtree
Corners, GA
30092
PHONE NUMBER
EMAIL ADDRESS

HIGHER GROUND III, LLC
4725 Peachtree Corners Circle, Suite 300
Peachtree Corners, GA 30092



City of Foley:

We are the owners of the property described below. We grant permission to Mr. Sterling Stoudenmire to rezone the property below described, to zoning suitable for four-plex Town Homes with a possible reservation of the corner for commercial office space or a child care facility or restaurant. This permission is valid through April 30, 2017.

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

Recorded in Baldwin County, AL., in deed book 000,0age 0982813, located in or near Foley, Alabama, further described with an f 10848 Foley Ln. (Hickory Street, Foley, Alabama) identified on the City of Foley property tax rolls as parcel number 61-03-05-0-001-001.001

Parcel ID: 208844 Parcel Number: 05-61-03-05-0-001-001.001

PIN: 208844

Owner Name: HIGHER GROUND III, LLC

Address: 4725 PEACHTREE CORNERS CIR City: NORCROSS State: GA, Zip: 30092

DESCRIPTION

27 AC(C) 28 AC(D) COM AT THE NW COR OF SEC 5 RUN TH E 20', TH CONT E 1844.4', TH S 662.2', TH W 1846', TH N 660.7' TO PO B

LESS R/W SEC 5-T8S-R4E (WD)

PROPERTY INFORMATION PROPERTY ADDRESS 10848 FOLEY LN NEIGHBORHOOD FOLEYSO

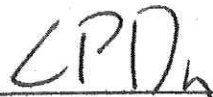
PROPERTY CLASS	SUB CLASS	LOT	BLOCK
SECTION/TOWNSHIP/RANGE	00-00 -00	LOT	
DIMENSION	ZONING		

Being the same property as recorded in Baldwin County, AL. in deed book 0000, page 0982813, located in or near Foley, Alabama, further described with an address of 10848 Foley Ln. (Hickory Street, Foley, Alabama), identified on the City of Foley, property tax rolls as parcel number # 61-03-05-0-001-001.001

Please allow him to represent our interest, to sign applications, to accomplish this rezoning. We hereby appoint him to represent our property interest as it pertains to this rezoning application.

Thank you very much.

Higher Ground III, LLC


C. Peyton Day, Manager



Alabama Secretary of State



Higher Ground III, LLC	
Entity ID Number	479 - 729
Entity Type	Domestic Limited Liability Company
Principal Address	MAGNOLIA SPRINGS, AL
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Baldwin County
Formation Date	5-31-2006
Registered Agent Name	RABREN, DOYLE
Registered Office Street Address	13131 US HIGHWAY 98 MAGNOLIA SPRINGS, AL 36555
Registered Office Mailing Address	Not Provided
Nature of Business	REAL/PERSONAL PROPERTY
Capital Authorized	
Capital Paid In	
Members	
Member Name	RABREN WOOD DAY LAND GROUP LLC
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	HIGHER GROUND LAND COMPANY LLC
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Transactions	
Transaction Date	7-3-2006
Registered Agent Changed From	RABREN, DOYLE PO BOX 198 MAGNOLIA SPRINGS, AL 36555
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	5-31-2006 Certificate of Formation 3 pgs.
Document Date / Type / Pages	7-3-2006 Registered Agent Change 1 pg.



Alabama Secretary of State



Rabren Wood Day Land Group, LLC	
Entity ID Number	456 - 380
Entity Type	Domestic Limited Liability Company
Principal Address	FOLEY, AL
Principal Mailing Address	Not Provided
Status	Dissolved
Dissolved Date	7-17-2012
Place of Formation	Baldwin County
Formation Date	10-12-2004
Registered Agent Name	LEATHERBURY, GREGORY L JR
Registered Office Street Address	112 W LAUREL AVE FOLEY, AL 36535
Registered Office Mailing Address	Not Provided
Nature of Business	REAL/PERSONAL PROPERTY
Capital Authorized	
Capital Paid In	
Members	
Member Name	DAY, CHARLES PEYTON
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	RABREN, WILLIAM DOYLE
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	WOOD, RONALD R
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	10-12-2004 Certificate of Formation 3 pgs.
Document Date / Type / Pages	7-23-2012 Dissolution 2 pgs.

98-50617

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2006 June -21 8:15AM
Instrument Number 982013 Pages 2
Recording 6.00 Mortgage
Deed 1308.00 Min Tax 1.00
Index 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate

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Archive 5.00
Adrian T. Johns, Judge of Probate

WARRANTY DEED

STATE OF ALABAMA:
COUNTY OF BALDWIN:

KNOW ALL MEN BY THESE PRESENTS, that LLOYD ALLEN DILLON and THERESA DILLON, husband and wife, the GRANTORS, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledged to have been paid to the said GRANTORS by HIGHER GROUND III, L.L.C., the GRANTEE, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEE, 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 a 2 inch iron pipe buried in county clay road (Hickory Street) located at the Northwest corner of Section 5, Township 8 South, Range 4 East, Baldwin County, Alabama; thence North 89° 47' 27" East along the North line of said Section for 20.00 feet to an iron rod and cap on the East right of way line of said Hickory Street for the Point of Beginning; thence continue North 89° 47' 27" East along the same course for 1,844.40 feet to an iron rod and cap; thence South 00° 12' 33" East for 662.20 feet to an iron rod and cap; thence South 89° 50' 16" West for 1,846.00 feet to an iron rod and cap on the East right of way line of Hickory Street; thence North 00° 04' 14" West along said East right of way line for 660.69 feet for the Point of Beginning.

Grantors hereby retain and reserve all oil, gas and other minerals in, under and on said real property, together with all rights in connection therewith, as have not previously been reserved or conveyed.

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

1. Easements or claims of easements not shown by the public records.
2. Roadways and electrical line easements as referenced in deeds recorded in Deed Book 456, page 370, and Real Property Book 69, page 219.
3. Reservation of a life estate interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Prior Ash and Rose Ash to John Dillon and Glenda Dillon, dated November 28, 1972, and recorded in Deed Book 456, page 370.
4. Royalty Deed from John Dillon and Glenda Dillon to Ronald E. Mitchell, dated August 21, 1978, and recorded in Real Property Book 28, page 370.
5. Oil, gas and mineral lease and all rights in connection therewith from Foley Dairy, Inc. to Cecil F. Heidelberg, III, dated June 22, 1982, and recorded in Real Property Book 123, page 1942.
6. Right of Way from Lloyd Allen Dillon and Theresa Dillon to The Utilities Board of the City of Foley, dated May 16, 2003, and recorded at Instrument 733200.
7. Right of Way from Foley Dairy, Inc. to Baldwin County, dated February 1, 1995, and recorded in Real Property Book 627, page 391.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; TO HAVE AND TO HOLD unto the said GRANTEE, its successors and assigns, in fee simple, FOREVER.

And, except as to the above and to the taxes hereafter falling due, which are assumed by the GRANTEE, the GRANTORS for GRANTORS and for the heirs and assigns of GRANTORS, hereby COVENANT AND WARRANT to and with the said GRANTEE, the successors and assigns of said GRANTEE, that GRANTORS

98-50617

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BY: Alde

are seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same; that GRANTORS are in quiet and peaceable possession thereof; and except that which is recited above, said property is free and clear of all liens and encumbrances; and GRANTORS do hereby WARRANT AND WILL FOREVER DEFEND the title to said real property, and the possession thereof, unto the said GRANTEE, the successors and assigns of said GRANTEE, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals this, the 5th day of June, 2006.

Lloyd Allen Dillon
LLOYD ALLEN DILLON

Theresa Dillon
THERESA DILLON

STATE OF Alabama
COUNTY OF Baldwin

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that LLOYD ALLEN DILLON, whose name is signed to the foregoing conveyance, and who is known to me, acknowledge before me on this day that being informed of the contents of said conveyance, (s)he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this, the 5th day of June, 2006.

Pamela T. Roberts
NOTARY PUBLIC
My commission expires:
PAMELA T. ROBERTS
STATE AT LARGE
MY COMMISSION EXPIRES
04-04-10

STATE OF Alabama
COUNTY OF Baldwin

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that THERESA DILLON, whose name is signed to the foregoing conveyance, and who is known to me, acknowledge before me on this day that being informed of the contents of said conveyance, (s)he executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this, the 5th day of June, 2006.

Pamela T. Roberts
NOTARY PUBLIC
My commission expires:

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

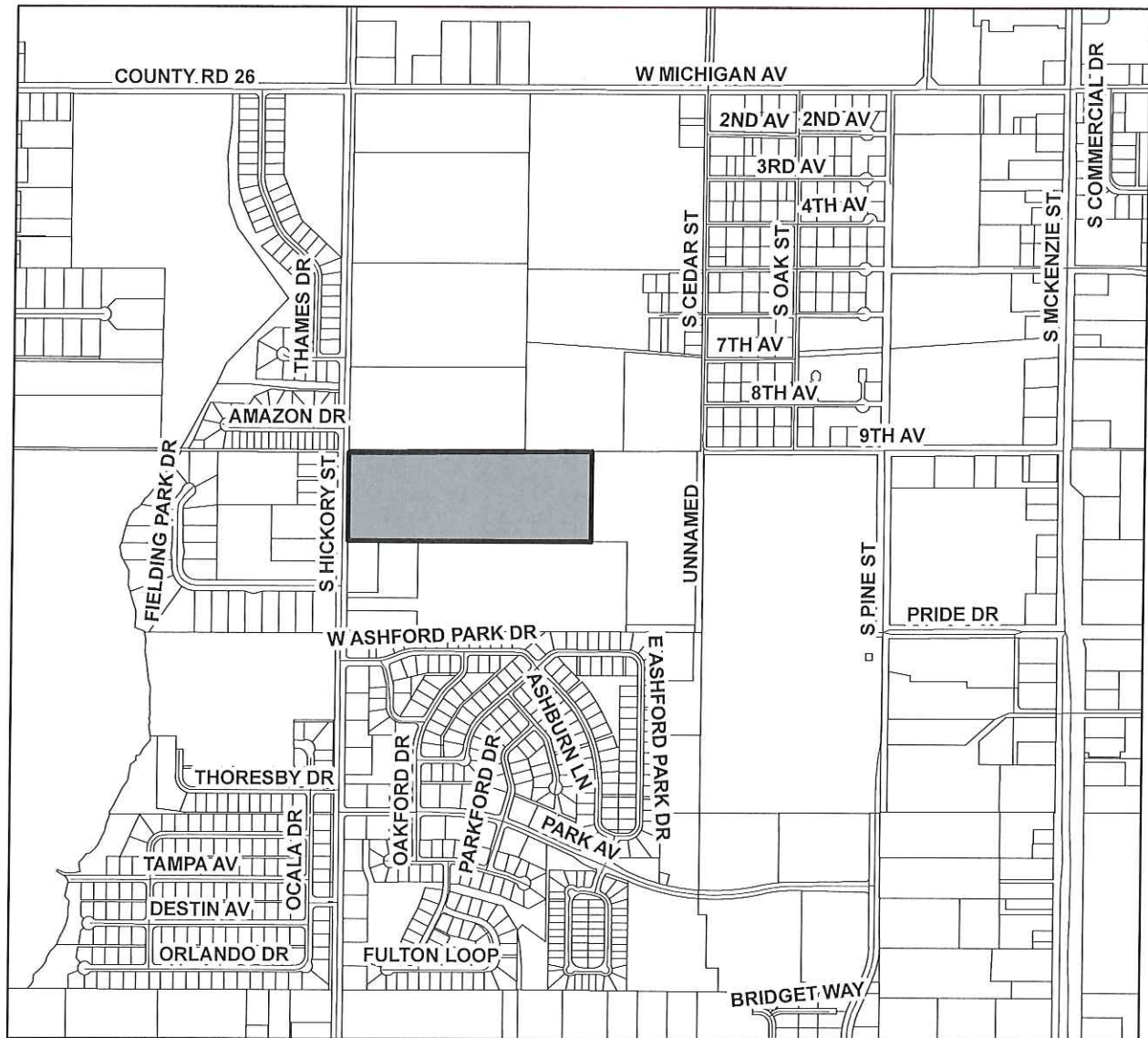
Grantors' address:
11475 Barner Rd.
Foley, AL 36535

Grantee's address:
4725 Peachtree Corners Circle, Suite 300
Norcross, Ga. 30092

PAMELA T. ROBERTS
STATE AT LARGE
MY COMMISSION EXPIRES
04-04-10

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BY: aloe

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the re-zoning of 27+/- acres. Property is currently zoned PUD (Planned Unit Development) propped zoning is TH1 (Residential Townhouse). Property is located east of Hickory St., south of Michigan Ave. Applicant is Sterling Stoudenmire.

Anyone interested in the re-zoning request may be heard at a public hearing scheduled for February 15, 2017 in City Hall Council Chambers located at 407 E. Laurel Ave., or may respond in writing to 200 N. Alston St., Foley, AL 36535.

Roderick Burkle
Planning Commission Chairman

Description for pin # 208844

27 AC(C) 28 AC(D) COM AT THE NW COR OF SEC 5 RUN TH E 20', T
H CONT E 1844.4', TH S 662.2', TH W 1846', TH N 660.7' TO PO
B LESS R/W SEC 5-T8S-R4E (WD)