



COMMUNITY DEVELOPMENT DEPARTMENT

120 S. MCKENZIE STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

March 21, 2024

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 20, 2024 and the following action was taken:

Hidden Meadows - Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Lieb Engineering Company.

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

Motion to recommend the requested rezoning to the 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



PLANNING COMMISSION JOINT STAFF REPORT: March 2024

STAFF RECOMMENDATION: Approve

PROJECT NAME: Hidden Meadows Phase 2 Rezoning/Grey Contracting of Greenville, LLC

REQUEST: Zoning Application

SUB TYPE: Re-Zoning Application

OWNER / APPLICANT: Lieb Engineering Company, Christopher Lieb

ACREAGE: 10

PIN#(s): 385624

LOCATION: S of Co Rd 20, W of Foley Beach Express

PROJECT DESCRIPTION: Hidden Meadows Phase 2 Rezoning

CURRENT ZONING: R-4

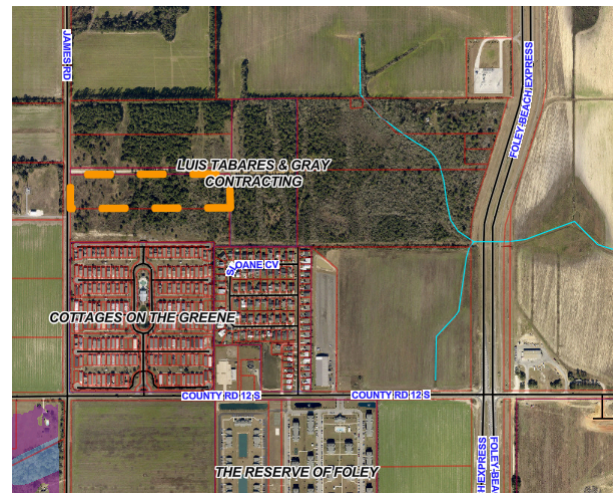
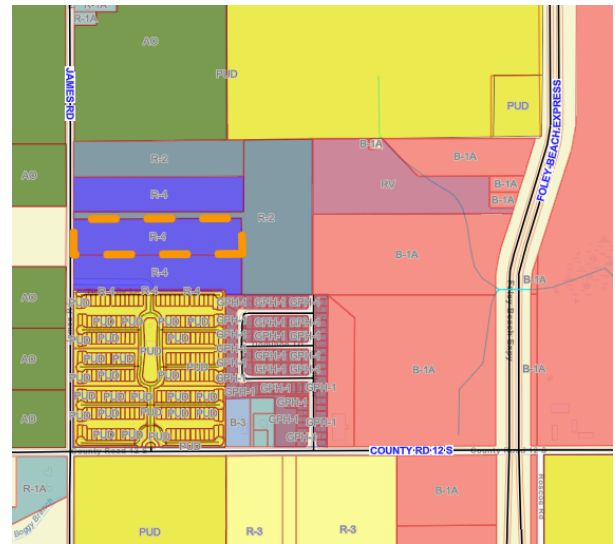
OVERLAY DISTRICT: n/a

REQUESTED ZONING: R-2

ADJACENT ZONING: North & East: R-2; South: R-4; West: BC Dist 20 zone RA

FUTURE LAND USE: MXU, Mixed Use Commercial/Residential

EXISTING LAND USE: VACANT



UTILITY LETTERS RECEIVED: No
DEED RECEIVED: Yes
AGENT AUTHORIZATION: Yes

Reviewer: Miriam Boone, 251-952-4011, mboone@cityoffoley.org, Building Department
Review Status: Approved

1. The request is to rezone 10 acres from R4 to R2 to become part of Hidden Meadows SD.

Reviewer: Engineering Team, 2519524021, tdavis@cityoffoley.org;cchristian@cityoffoley.org, Engineering
Review Status: Approved

1. Engineering is ok with the proposed rezoning for Phase 2 of Hidden Meadows. A Land Development Permit will be required for Phase 2 construction. The proposed layout may need to be altered to meet the current Land Development Ordinance requirements.

Reviewer: Angie Eckman, 251-923-4267 xt. 885, aeckman@cityoffoley.org, Environmental
Review Status: Approved

1. Not opposed

Reviewer: Brad Hall, 251-971-6028, bhall@cityoffoley.org, Fire Department
Review Status: Approved

1. Not opposed


Reviewer: Chuck Lay, 251-952-4011, clay@cityoffoley.org, Building Department
Review Status: Approved

1. It should be noted that there are potential wetlands on the east and west ends of the property that may need mitigation and no other concerns from Building Safety or Floodplain Management at this time.

This Instrument Prepared By:
Timothy D. Garner, Esq.
Olmstead, Harrell & Garner, LLC
Post Office Box 3304
Gulf Shores, Alabama 36547-3304
Telephone (251) 968-5540
Facsimile (251) 968-5451

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 10/18/2023 11:45 AM
DEED TAX \$ 161.00
TOTAL \$ 186.00
5 Pages

2091384



File No. 23-138

GRANTOR'S MAILING ADDRESS:

Post Office Box 1027
Foley, AL 36536

GRANTEE'S MAILING ADDRESS:

9 Claudette Circle
Orange Beach, AL 36561

WARRANTY DEED

STATE OF ALABAMA }
COUNTY OF BALDWIN }

KNOW YE ALL MEN BY THESE PRESENTS, that, in consideration of the sum of ONE HUNDRED AND NO/100 DOLLARS (\$100.00) and other good and valuable consideration to the undersigned **GRANTOR, JANET L. SMITH**, a married woman, in hand paid by the **GRANTEE, GREY CONTRACTING OF GREENVILLE, LLC**, a South Carolina limited liability company, the receipt whereof is hereby acknowledged, the Grantor does hereby **GRANT, BARGAIN, SELL** and **CONVEY** unto the Grantee in fee simple, the following described real estate situated in **BALDWIN COUNTY, ALABAMA**, to-wit:

Lot 2, Providence Commercial Park, according to map or plat thereof recorded on Slide 2700-C, in the Office of the Judge of Probate of Baldwin County, Alabama.

Grantor certifies said realty is not Grantor's homestead.

SAID REALTY IS CONVEYED SUBJECT TO the following, to-wit:

1. Lien of all taxes and assessments for the current year and all subsequent years hereafter falling due, which Grantee agrees to assume.
2. Any future change, adjustment, reappraisal, roll back, or escape taxes changed, assessed or made come due by action of the State of Alabama or the Office of the Baldwin County Revenue Commissioner.
3. Any prior reservation of oil, gas, and other minerals, in, on, and under said realty, together with all other rights and easements in connection therewith, as may have been previously reserved by or conveyed to others and presently of record.

Mortgage Recorded Simultaneously

4. All zoning, planning, subdivision, wetlands and other environmental areas, coastal construction and other setback requirements, and all covenants, reservations, regulations, rules, restrictions, and other limitations on the use of said realty presently of record and as may hereafter be changed, amended or imposed by the City of Foley, State of Alabama, United States of America, Corp of Engineers, EPA, ADEM, FEMA, or any other municipal, environmental, or governmental agency, department or authority having jurisdiction over said realty.

5. All covenants, reservations, restrictions, rights-of-way, roadways, building and other setback lines, and access, drainage, utility, and other easements of record, and as shown on said map or plat of Providence Commercial Park Subdivision, recorded on Slide 2700-C, including, but not limited to, right-of-way of James Road running across the West boundary of said realty, and drainage ditch running across the Eastern portion of said realty, and boundary line of Cottages on the Greene Subdivision running across the South boundary of said realty.

6. Electric line right-of-way easement to Baldwin County Electric Membership Corporation, and all other rights and limitations in connection therewith, as contained in instrument from Magnolia Land Company, dated February 28, 1977, and recorded in Deed Book 513 N.S., Page 988.

7. Oil, gas, and mineral lease to Smackco, Ltd., and all rights, easements, assignments, and other limitations in connection therewith, as contained in instrument from Magnolia Land Company, dated November 20, 1978, and recorded in Real property Book 39, Page 469.

8. Reservation of interest in all oil, gas, and other minerals, and all rights, easements, assignments, and other limitations in connection therewith, as contained in deed from Magnolia Land Company, to Foley Plantation, Inc., dated May 24, 1994, and recorded in Real Property Book 575, Page 1382.

9. Restrictions regarding limited access to Foley Beach Express, and all other rights, easements, and limitations in connection therewith, as contained in instrument by Foley Plantation, Inc., and Baldwin County Bridge Company, and recorded May 5, 1998, in Real Property Book 822 Pg 1135, and amended by amendment recorded May 5, 1998, in Real Property Book 822, Page 1264, and further amended by amendment recorded March 9, 1999, at Instrument Number 482108, and all other amendments, rules and regulations promulgated pursuant thereto.

10. Easement to Baldwin County, and all other rights and limitations in connection therewith, as contained in instrument by Foley Plantation, Inc., recorded April 19, 2001, at Instrument Number 592255.

11. Easement to Orange Beach Water, Sewer and Fire Protection Authority running across the North 20 feet of Lot 6 of said Subdivision, and all other rights and limitations in connection therewith, as contained in instrument by Janet L. Smith, and recorded September 17, 2012, at Instrument Number 1359044.

12. Ordinance Number 1008-07 and 1009-07, by City of Foley, regarding design and construction standards and tree and natural feature preservation and restoration, and all other rights, easements and limitations in connection therewith, as contained in instruments dated October 1, 2007, and recorded at Instrument Number 1079684 and 1079685 respectively, and all other amendments, rules and regulations promulgated pursuant thereto.

13. Subdivision regulations by City of Foley, and all other rights, easements, and limitations in connection therewith, as contained in instrument dated January 7, 2008, and recorded at Instrument Number 1098026, and all other amendments, rules and regulations promulgated pursuant thereto.

14. Ordinance Number 15-1003 regarding land disturbance and Ordinance Number 15-1004 regarding heritage tree preservation, and all other rights, easements, and limitations in connection therewith, as contained in instruments recorded April 16, 2015, at Instrument Number 1508545 and Instrument Number 1508544 respectively, and all other amendments, rules and regulations promulgated pursuant thereto.

15. Ordinance Number 1033-08, amending Ordinance Number 986-07, regarding the adoption of the International Building Codes and supplemental provisions and subsequent revisions thereto, and all other rights, easements, and limitations in connection therewith, as contained in instrument recorded April 11, 2008, at Instrument Number 1110234, and all other amendments, rules and regulations promulgated pursuant thereto.

16. Ordinance amending Foley Ordinance 387-87 regarding the re-zoning of Lots 5 and 6 of Providence Park, and all other rights, easements, and limitations in connection therewith, as set out and contained in instrument recorded November 29, 2021, at Instrument Number 1960653, and all other amendments, rules and regulations promulgated pursuant thereto.

17. All covenants, reservations, restrictions, rights-of-way, roadways, building and other setback lines, and access, drainage, utility, and other easements as shown on said map or plat of Providence Commercial Park Subdivision, recorded on Slide 2700-C, including, but not limited to, an old fence line running across the North boundary of said Subdivision, and drainage ditches running across various Lots in the Subdivision.

18. Any rights of others in and to the ownership, use, and maintenance of the access entranceway to the Subdivision from James Road, and an old fence line running East-West across a portion of the North boundary of said Subdivision, and drainage ditches running across portions of Lots 1, 2, 3, 5, 6, and 7, and the encroachment of a sewer lift station situated in the Southwest corner of Lot 7, and the right-of-way of the Foley Beach Express running North-South across the East boundary of said Subdivision, and the right-of-way of James Road running North-South across the East boundary of said Subdivision, and any encroachment or overlap of the North boundary of Cottages on the Greene Subdivision and Kennedy Park Subdivision adjoining the South boundary of said Subdivision, all as shown and noted on said map or plat of Providence Commercial Park, recorded on Slide 2700-C.

19. Rights of others in and to the use of non-exclusive easement for ingress, egress and utilities over and across a portion of the Lot 5 which accesses James Road, as reserved in Deed from Janet L. Smith to Luis Tabares, and recorded April 14, 2022, at Instrument Number 1992339.

20. Any claim regarding any determination that said realty or such portion may constitute or hereafter be determined to be wetlands or tidelands or otherwise subject to the provisions of any applicable Alabama coastal preservation laws and statutes.

All recording citations referenced herein refer to the official records as properly indexed in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

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

TO HAVE AND TO HOLD unto the Grantee and unto Grantee's successors and assigns, in fee simple, forever.

AND THE GRANTOR does for Grantor and Grantor's heirs, executors and administrators, covenant with the Grantee and Grantee's successors and assigns, that Grantor is lawfully seized in fee simple of said realty; that Grantor has a good right to sell and convey said realty; that said realty is free from all liens and encumbrances, EXCEPT FOR TAXES HEREAFTER FALLING DUE AND AS SET OUT HEREIN ABOVE; and that Grantor and Grantor's heirs, executors and administrators, shall warrant and defend the same unto the Grantee and Grantee's successors and assigns, forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed under seal on this 6 day of October, 2023.

Janet L. Smith (SEAL)
JANET L. SMITH

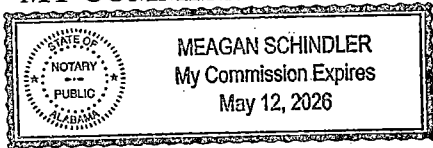
STATE OF Alabama }
COUNTY OF Baldwin }

I, Meagan Schindler, a Notary Public in and for said County and State, do hereby certify that **JANET L. SMITH**, whose name(s) is/are signed as Grantor to the foregoing warranty deed and who is/are known to me or otherwise produced valid identification, acknowledged before me on this day, that, after being informed of the contents of said conveyance, he/she/they executed the same voluntarily on the day the same bears date.

GIVEN under my official seal on October 6, 2023.

MY COMMISSION EXPIRES:

(NOTARY SEAL)



EXPIRATION DATE

Meagan Schindler
NOTARY PUBLIC SIGNATURE

Real Estate Sales Validation Form

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

Grantor's Name Janet L. Smith
Mailing Address Post Office Box 1027
Foley, AL 36536

Grantee's Name Grey Contracting of Greenville, LLC
Mailing Address 9 Claudette Circle
Orange Beach, AL 36561

Property Address 0 James Road
Foley, AL 36535
Lot 2 Providence Commercial

Date of Sale 10/10/23
Total Purchase Price \$ 460,000.00
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 10/11

Print Megan Schindler

Unattested (verified by)

Sign Megan Schindler (Grantor/Grantee/Owner/Agent) circle one

Print Form



CITY OF FOLEY
AGENT AUTHORIZATION FORM

I/We authorize and permit Lieb Engineering Company to act as My/Our representative and agent in any manner regarding this application which relates to property described as tax parcel ID# 05-61-02-10-0-000-006.233

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):

Ron Pingrey / Grey Contracting of Greenville LLC
Name(s) printed
9 - claudette Circle
Address
Orange Beach, AL 36561
City/State
865-410-5101 RonP@Grey Contracting, com
Phone Email Fax
Signature(s) Date 11/21/23

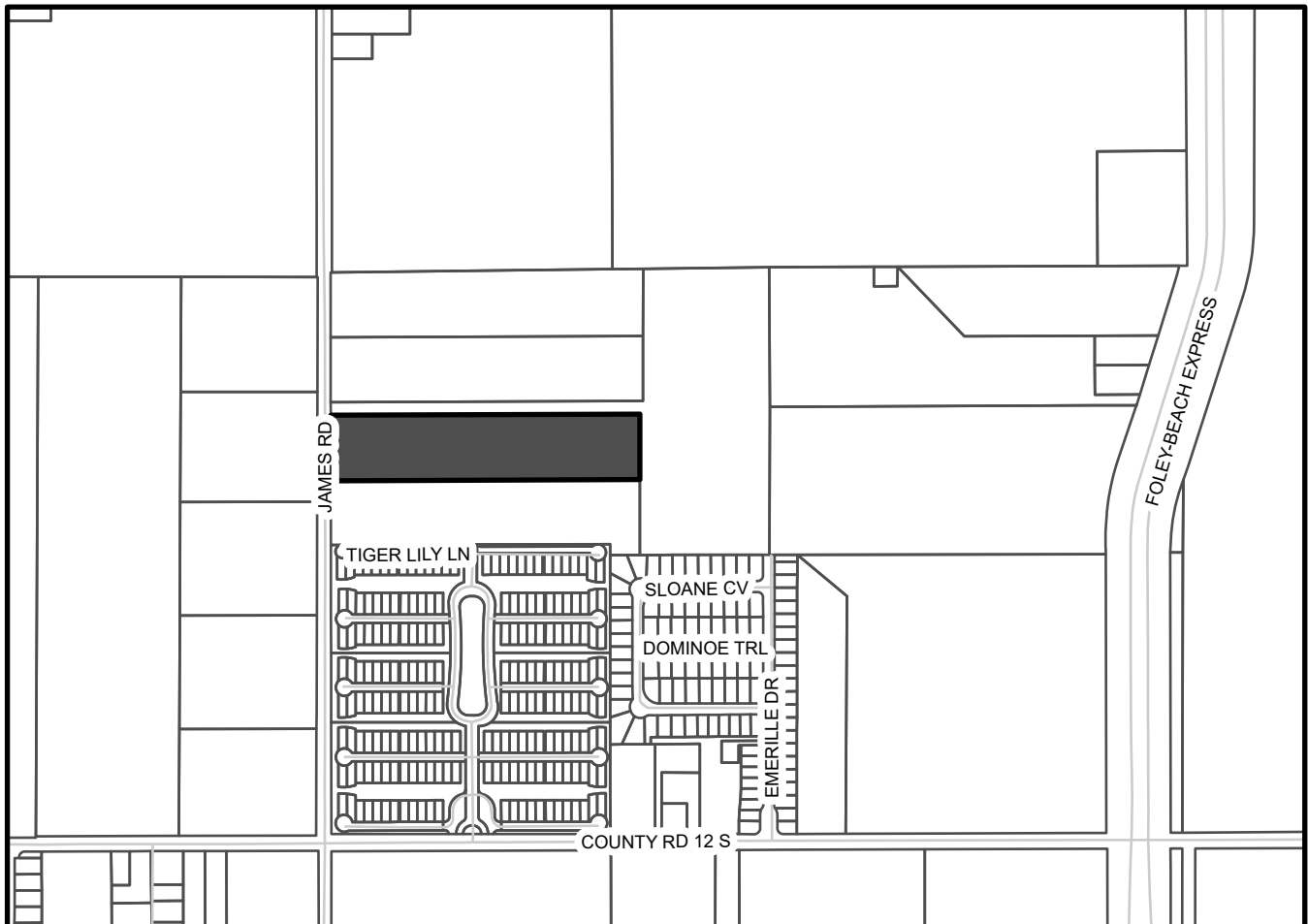
PROPERTY OWNER(S):

Name(s) printed
Address
City/State
Phone Email Fax
Signature(s) Date

Legal Description for Hidden Meadows Phase 2 Rezoning:

10 AC LOT 2 PROVIDENCE COMMERCIAL PARK SLIDE 2700-C LYING IN THE CITY OF FOLEY SEC 10-T8S-R4E (ST WD).

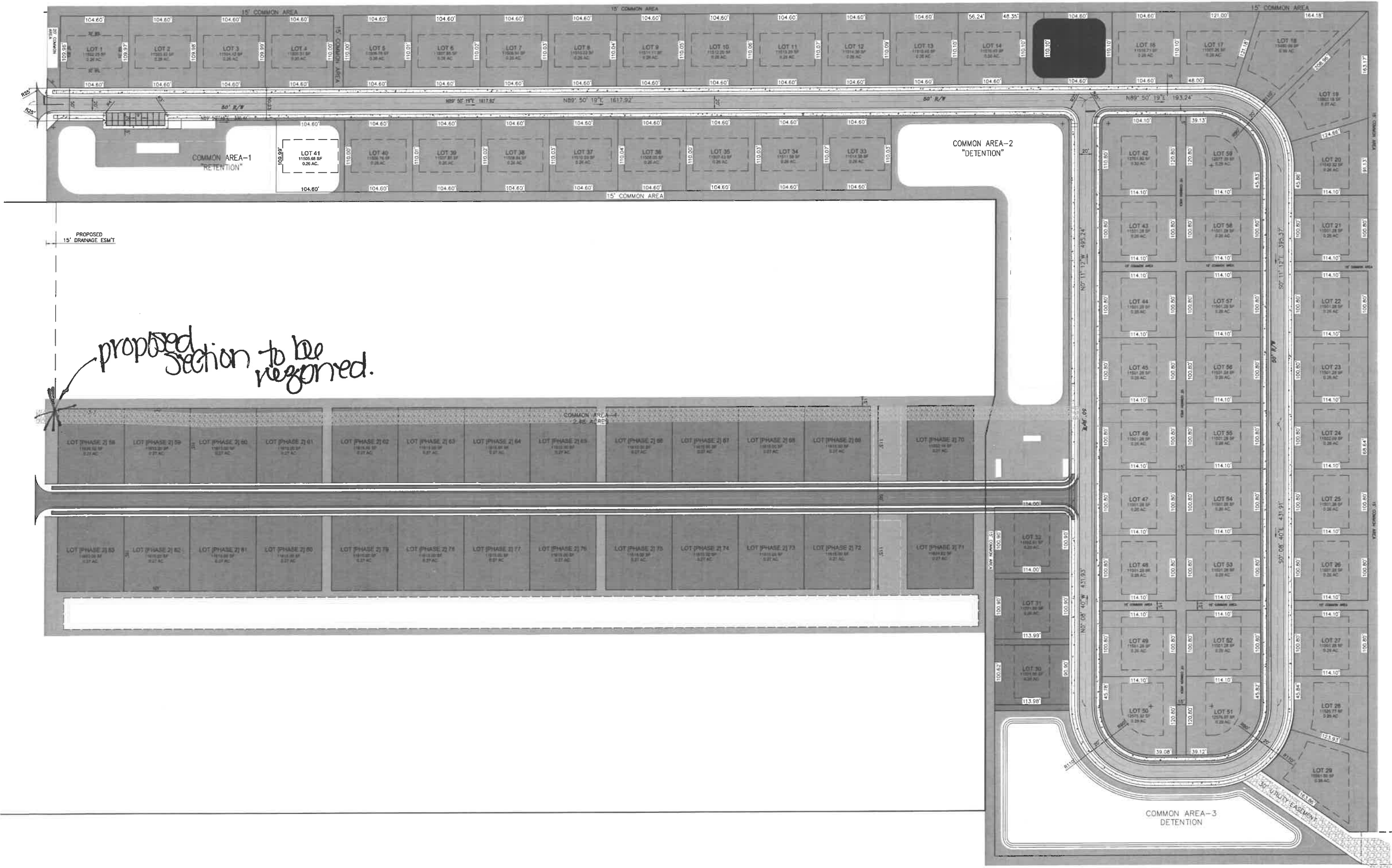
PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 10 +/- acres. Property is currently zoned R-4 (Residential Single Family and Duplex). Proposed zoning is R-2 (Residential Single Family and Duplex). Property is located E. of James Rd. and N. of County Rd. 12 S. Applicant is Lieb Engineering Company.

Anyone interested in this rezoning request may be heard at a public meeting scheduled for March 20, 2024 in the Council Chambers of City Hall located at 407 E. 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



proposed section to be rezoned.

