



COMMUNITY DEVELOPMENT DEPARTMENT

200 NORTH ALSTON STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

FAX (251) 971 -3442

April 21, 2017

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

RE: Re-Zoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on April 19, 2017 and the following action was taken:

Agenda Item:

Crosby Properties-Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 4.32+/- acres. Property is currently zoned R-2 (Residential Single Family and Duplex), proposed zoning is PUD (Planned Unit Development). Property is located between Bay St. and Poplar St. and south of Michigan Ave. Applicant is Crosby Properties.

Action Taken:

Vice-Chair Hinesley moved to recommend approval to Council, Commissioner Rouzie seconded the motion, all members voted aye.

Motion to recommend approval to Council passes.

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

Respectfully,

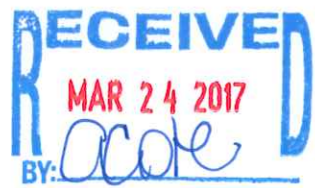
Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

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



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

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
SEE ATTACHMENT A FOR THE FOLLOWING
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
3. APPROXIMATE SIZE OF PROPERTY:
4. PRESENT ZONING OF PROPERTY:
5. REQUESTED ZONING:
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
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: 03/23/17

SANGRASS CONSULTING FOR CROSBY PROPERTIES
PROPERTY OWNER/APPLICANT
11143 Old Hwy 31, Spanish Fort, AL 36527
PROPERTY OWNER ADDRESS
(251) 234-0229
PHONE NUMBER
egodwin@sangrassllc.com
EMAIL ADDRESS

ATTACHMENT A

1. LOCATION OF PROPERTY – PIN #: 73637
PIN #: 27204, ADDRESS: 1401 S BAY STREET, FOLEY, AL 36535
2. ATTACH A SEPARATE LIST OF ADJACENT PROERTY OWNERS - SEE ATTACHMENT B
3. APPROXIMATE SIZE OF PROPERTY - 4.32 ACRES
4. PRESENT ZONING OF PROPERTY - RESIDENTIAL (R-2)
5. REQUESTED ZONING - PUD/DUPLEX
6. DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY – The property currently consists of residential use with out-buildings which will be removed.
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) – The proposed use of the property will be PUD/Duplex development consisting of 19 duplexes (38 units) on 4.32 acres. The proposed density is 9 units per acre which is slightly greater than R-2 and R-3 zonings. Proposed development will include 52% of greenspace.





STATE OF ALABAMA)

COUNTY OF BALDWIN)

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 1/18/2017 2:08 PM
DEED TAX \$ 95.00
TOTAL \$ 113.00
4 Pages

1613457

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that WESLEY J. MANNING, a married man, *who is conveying property that does not constitute Homestead Property nor a Second Home of his or his spouse*, and KATHLEEN MANNING BISCHOFF, a married woman, *who is conveying property that does not constitute Homestead Property nor a Second Home of hers or her spouse*, 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 CROSBY PROPERTIES, LLC., hereinafter called the "Grantees," 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 Grantees, as tenants in common with equal interests during the period of their concurrent lives with cross-contingent remainders and right of reversion to the survivor, in fee simple forever, all that real property situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Lots 3 and 4, Block 1, RUNYAN ACRES, a subdivision of the Northeast Quarter of the Southwest Quarter of Section 33, Township 7 South, Range 4 East, according to a plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, Page 93.

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. Easement granted The Utilities Board of the Town of Foley, dated November 20, 1962 and recorded in Deed Book 326, Page 141.
2. Right of way granted the City of Foley, dated April 17, 1959 and recorded in Deed Book 374, Page 227.
3. Rules, Regulations, including Subdivision Regulations, Ordinances, and other matters relating to the City of Foley, Alabama, including but not limited to:
 - (a) Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, as may be amended.
 - (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.

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

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 Grantees during the term of their concurrent lives, and upon the death of either of them, then to the survivor of them, in fee simple, and to the heirs and assigns of such survivor, forever, together with every contingent remainder and right of reversion.

And except as to taxes hereafter falling due which are assumed by the Grantees, and except as to the above mentioned encumbrances, the Grantors do, for themselves and their heirs and assigns, hereby covenant with the Grantees 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 Grantees, and to the survivor of them, and to the heirs and assigns of such survivor, 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 JANUARY, 2017.

Wesley J. Manning (SEAL)
Wesley J. Manning

Kathleen Manning Bischoff (SEAL)
Kathleen Manning Bischoff

STATE OF ALABAMA)

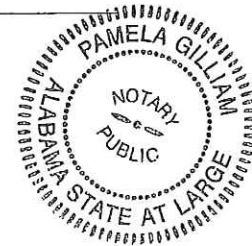
COUNTY OF BALDWIN)

I, Pamela Kaye Gilliam, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Wesley J. Manning, 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 has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 13th day of January, 2017.



Notary Public
My Commission Expires: 10-19-20

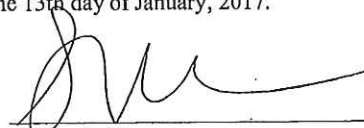
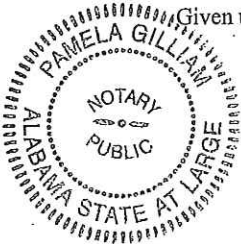


STATE OF ALABAMA)

COUNTY OF BALDWIN)

I, Pamela Kaye Gilliam, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Kathleen Manning Bischoff, 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 has executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 13th day of January, 2017.



Notary Public
My Commission Expires: 10-19-20

The following information is provided pursuant to Alabama Code §40-22-1:

Grantors' Names: Wesley J. Manning and Kathleen Manning Bischoff
Mailing Address: 606 Spanish Main, Spanish Fort AL 36527 / 610 E. Pedigo Ave, Foley AL 36535
Grantee's Name: Crosby Properties, LLC.
Mailing Address: PO Box 696 Magnolia Springs AL 36555
Property Address: 1401 Bay St S, Foley AL 36535

Date of Sale January 13, 2017

Total Purchase Price \$ 95,-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

X Sales Contract _____ Other _____
Closing Statement

THE SCRIVENER OF THIS DEED REPRESENTS NEITHER
GRANTOR NOR GRANTEE AND RECOMMENDS EACH
PARTY RETAIN INDEPENDENT LEGAL COUNSEL TO
REVIEW SAID DOCUMENT.

THIS INSTRUMENT PREPARED BY:

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

Place

RECEIVED
MAR 27 2017
BY: me

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 2/15/2017 2:42 PM
DEED TAX \$ 110.00
TOTAL \$ 122.00
2 Pages
1618145

WARRANTY DEED

STATE OF ALABAMA:

COUNTY OF BALDWIN:

KNOW ALL MEN BY THESE PRESENTS, that KYLE KENT KOEHLE, a married man, the GRANTOR, for and in consideration of the sum of ONE HUNDRED TEN THOUSAND AND NO/100THS DOLLARS (\$110,000.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by CROSBY PROPERTIES, LLC, the GRANTEE, does 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:

Lots 13, 14 and 15, Block 1, Runyan's Acres, according to the plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, Page 93.

Property Address: VACANT LAND

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

1. Building setback lines, drainage and utility easements, terms, conditions and restrictions as set out on recorded plat of said subdivision.
2. Right-of-way Easement to the Utilities Board of the Town of Foley as contained in Deed Book 262, page 98.
3. Transfer of Royalty and Mineral Interest to David Middleton recorded in Real Property Book 49, page 294.

If married, Grantor hereby certifies that the above described property does not constitute his homestead or the homestead of her spouse.

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, 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 GRANTEE, the GRANTOR, for GRANTOR and for the heirs and assigns of GRANTOR, does hereby COVENANT AND WARRANT to and with the said GRANTEE, the successors and assigns of said GRANTEE, that GRANTOR is 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 GRANTOR is in quiet and peaceable possession thereof; and that said real property is, except as is recited above, 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 GRANTEE, and the successors and assigns of said GRANTEE, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has set his hand and seal on this the 13th day of

February, 2017.


KYLE KENT KOEHLE

STATE OF Alabama :
COUNTY OF Baldwin :

I, the undersigned authority, a Notary Public in and for said State and County, hereby certify that **KYLE KENT KOEHLE**, 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, he executed the same voluntarily on the same bears date.

Given under my hand and seal on this 13th day of February, 2017.


NOTARY PUBLIC
My Commission Expires: 11/2/2020

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

Grantor's address:

215 W Rosetta Ave.
 Foley AL 36535

Grantee's address:

11761 Village Green Dr.
 Magnolia Springs
 AL 36555





Alabama Secretary of State



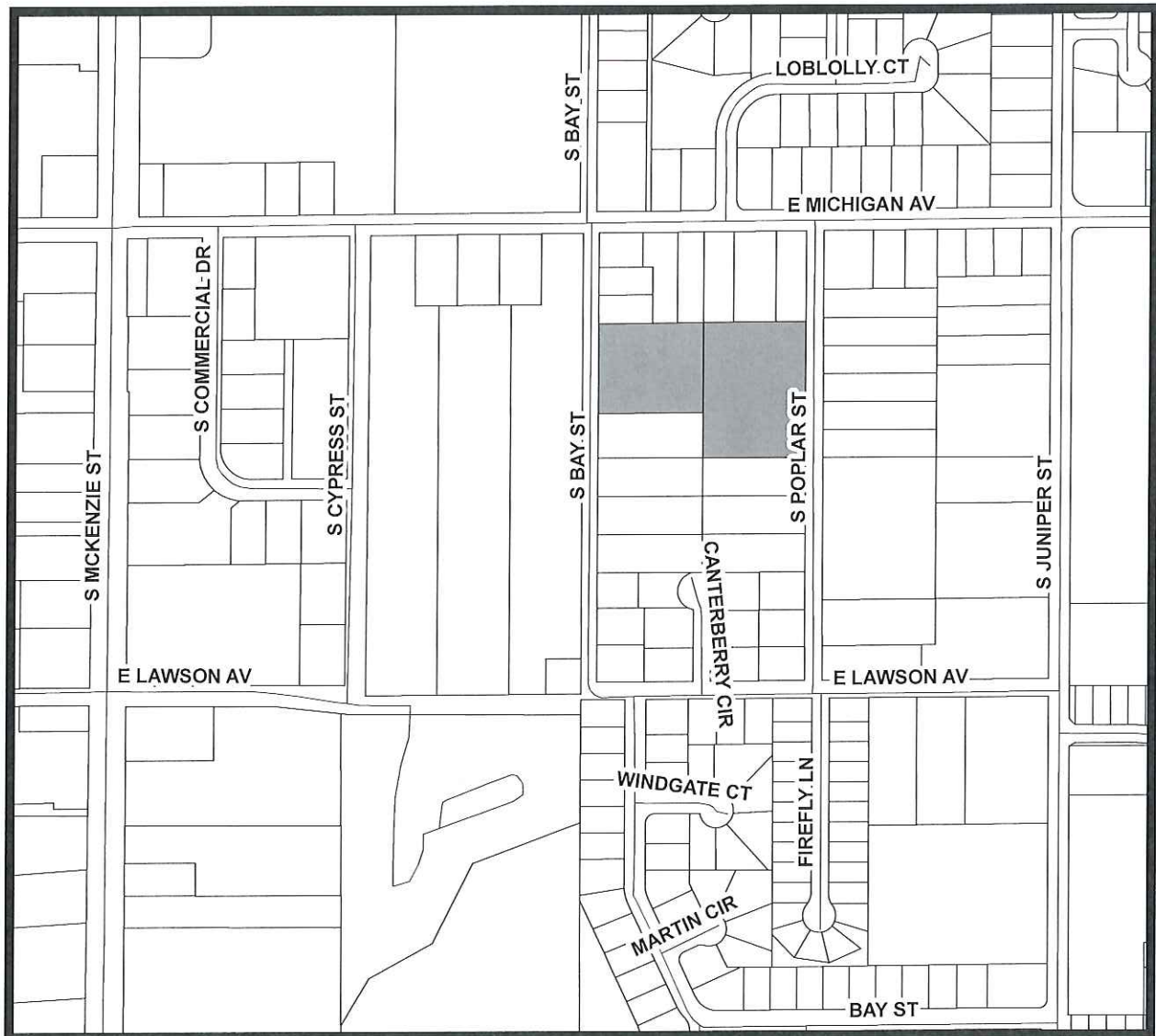
Crosby Properties LLC	
Entity ID Number	454 - 362
Entity Type	Domestic Limited Liability Company
Principal Address	MAGNOLIA SPRINGS, AL
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Baldwin County
Formation Date	8-6-2004
Registered Agent Name	CROSBY, ERICK L
Registered Office Street Address	11761 VILLAGE GREEN DR MAGNOLIA SPRINGS, AL 36555
Registered Office Mailing Address	Not Provided
Nature of Business	ANY LAWFUL ACTIVITY
Capital Authorized	
Capital Paid In	
Members	
Member Name	CROSBY, ERICK L
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Transactions	
Transaction Date	8-24-2004
Member/Shr Activity	*Removed CROSBY, KELLY M
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	8-6-2004 Certificate of Formation 1 pg.
Document Date / Type / Pages	8-24-2004 Partner / Member / Shareholder Change 1 pg.

[Browse Results](#)
[New Search](#)


Bay Street Duplexes
Legal Description

Lots 3 and 4, and 13, 14 and 15, Block 1, Runyan's Acres, as recorded in Map Book 1, Page 93, in the Office of the Judge of Probate, Baldwin County, Alabama.

PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 4.32 +/- acres. The property is currently zoned R-2 (Residential Single Family and Duplex). Property is located between Bay St. and Poplar St., south of Michigan Ave. Applicant is Sawgrass Consulting LLC for Crosby Properties.

Anyone interested in this rezoning request may be heard at a public hearing scheduled for April 19, 2017 in City Hall Council Chambers located at 407 E. Laurel Ave., at 5:30 p.m. or may respond in writing to 200 N. Alston St., Foley, AL 36535.

Roderick Burkle
Planning Commission Chairman