



April 21, 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 April 20, 2022 and the following action was taken:

Gopher Fork Investments- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned B-1A (Extended Business District) requested zone is R-3 (Residential Multi-Family). Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith & Clark Associates, LLC.

Commissioner Hellmich made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Hare seconded the motion. All members 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



**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 Attached pin 7262
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS: See Attached
3. APPROXIMATE SIZE OF PROPERTY: ~~73 Acres~~ 20 acres being rezoned
4. PRESENT ZONING OF PROPERTY: B1A
5. REQUESTED ZONING: See Attached "Application Q/A"
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY: See Attached "Application Q/A"
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) See Attached "Application Q/A"
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 ^{Authorized Agent} PROPERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 3/28/22

SMITH, CLARK AND ASSOC.
PROPERTY OWNER/APPLICANT
3094 MILL LN. SUITE G, BOX 258, SPANISH FORT, FL 32527
PROPERTY OWNER ADDRESS Authorized Agent
251-626-0404
PHONE NUMBER
nicky@smithclarkllc.com
EMAIL ADDRESS

wpd receipt
20138



Application Q/A

1. **Parcel ID: 7262**
Parcel Number: 05-61-05-21-2-001-003.000
PIN: 7262
Owner Name: GOPHER FORK INVESTMENTS L L C (5/12 INT)
Address: P O BOX 1629
City: FOLEY
State: AL
Zip: 36536

DEED: Attached
MAP Survey: ATTACHED

2. Adjacent Property Owners Information is Attached.

3. 73 Acres

4. B1A

5. Of the 73 Acres, appx 50 Acres are Useable upland. Keep the frontage on HWY 59 the same. Rezone remaining useable 20 Acres to R-3 Residential. A concurrent Subdivision Application is in process.

6. Current Use of the frontage on 59 is a rock and landscape company. The 20 Acres which we want to rezone through concurrent subdivision application is not being utilized and no structures are on the property.

7. The contemplated use of the property is multifamily use. The type of product being considered is market rate garden style multifamily towards families and create a nice rental neighborhood that is inline with aesthetics and appeal of the surrounding area. We are seeking R3 Zoning which would allow for 12 Dwelling units per acre. We anticipate that the final project will be 220-240 living units.



CITY OF FOLEY
AGENT AUTHORIZATION FORM

I/We authorize and permit Smith Clark & Associates, LLC / Hunter Smith
to act as My/Our representative and agent in any manner regarding this application which
relates to property described as tax parcel ID# 05-61-05-21-2-001-003.000
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):

Gopher Fork Investments LLC (5/12 INT)

Name(s) printed

PO BOX 1629

Address

Foley Alabama 36536

City/State

clarence.ceb@gmail.com or brooks@delaneycompany.com

Phone

Email

Fax

3/21/22

Signature(s)

Date

PROPERTY OWNER(S):

Name(s) printed

Address

City/State

Phone

Email

Fax

Signature(s)

Date



B-35791

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2000 July -24 9:55AM
Instrument Number 554808 Pages 3
Recording 9.00 Mortgage 17.05
Deed 3525.00 Min fee 1.00
Index 1.00 LP 1.00
Archive 3.00
Merian T. Johns, Judge of Probate

554808

STATE OF ALABAMA
COUNTY OF BALDWIN

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That RUTH ALFREDA CHILDRESS JEFFORDS and LESLIE T. FICKLING, as Co-Personal Representatives of the Estate of LOUISE HARVEY CHILDRESS, Deceased, hereinafter referred to as Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration this day cash in hand paid to it by GOPHER FORK INVESTMENTS, LLC, a limited liability company, hereinafter referred to as Grantee, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY unto the Grantee, subject to any matters set out below, the following described real estate situated in Baldwin County, Alabama, viz:

Commence at an iron pin marker on the East margin of Alabama State Highway Number 59, on the North boundary of the South Half of the Northwest Quarter of Section 21, Township 8 South, Range 4 East, St. Stephens Meridian for a point of beginning; thence run North 89 degrees 57 minutes 45 seconds East, along and with an old fence, 3852.70 feet to an old crimp top iron marker; thence run South 00 degrees 13 minutes 05 seconds West, 1327.29 feet, to an iron pin marker; thence run South 89 degrees 58 minutes 24 seconds West, 2672.24 feet, to a point which is situated 4 feet East and 6 feet North of an old axle; thence run North 06 degrees 30 minutes 06 seconds West, 9.39 feet to an old axle on the North margin of Richard Childress Lane; thence run North 88 degrees 54 minutes 45 seconds West, 74.3 feet to a 3 inch capped pipe; thence run North 00 degrees 40 minutes 14 seconds East, 201.29 feet to an crimp top iron pipe marker; thence run North 89 degrees, 44 minutes 34 seconds West, 200.07 feet, to a crimp top iron pipe marker; thence run South 00 degrees 37 minutes 44 seconds West, 201.36 feet, to a capped iron pin on the North margin of said lane; thence run North 89 degrees 39 minutes 19 seconds West, 600.35 feet to a crimp top iron pipe marker; thence run North 00 degrees 05 minutes 55 seconds East, 301.45 feet, to an open top iron pipe marker; thence run North 89 degrees 09 minutes 47 seconds West, 300.37 feet, to an iron pin marker on the West margin of said Highway Number 59; thence run North 1005.0 feet to the point of beginning. Tract contains 113.4 acres, more or less, and lies in the North Half of Section 21, Township 8 South, Range 4 East, Baldwin County, Alabama.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Zoning, environmental or other laws or regulations affecting the use of the property.
2. Billboard Site Lease Agreements by and between Mr. and Mrs. A. C. Childress and Bear Outdoor, Co. as recorded in



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AC

3/28/20

Deed

Real Property Book 412, Page 1565; Real Property Book 412, Page 1567 and Real Property Book 412, Page 1569.

3. Any claim or dispute which might arise by virtue of the fences not being on the true and correct property lines as shown on survey by Engineering Development Services, LLC, dated March 21, 2000.
4. Any claim or dispute which might arise by virtue of the difference between actual and record distances as shown on survey by Engineering Development Services, LLC, dated March 21, 2000.
5. Grantors hereby accept and reserve unto the Estate of Louise H. Childress and its distributees, successors and assigns in perpetuity all oil, gas and minerals and oil, gas and mineral rights, and, on or under the above described property Grantors, for themselves, their successors and assigns warrant that no damage will be done to the surface of the property in the event of exploration for, or extraction of, said oil, gas and minerals.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, FOREVER.

And, except for any matters set forth above and taxes hereafter falling due, the Grantors for themselves and their successors and assigns, hereby covenant and warrant with and unto the Grantee, its successors and assigns, that they are seized of an indefeasible estate in fee simple in and to all of the property hereinabove conveyed; that the same is free from all liens and encumbrances; that they have a good right to sell and convey the same as herein conveyed; that they will guarantee the peaceable possession thereof and they will and their successors and assigns, shall forever warrant and defend the same unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto caused these presents to be executed on this the 17th day of July, 2000.

Ruth Alfreda Childress Jeffords
RUTH ALFRED A CHILDRESS JEFFORDS
as Personal Representative of The Estate of Louise Harvey
Childress, Deceased

Leslie T. Fickling
LESLIE T. FICKLING
as Personal Representative of The Estate of Louise Harvey
Childress, Deceased

Instrument 554038 Page 2 of 3

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3/15/00

Deed

STATE OF ALABAMA
COUNTY OF BALDWIN

I, GRACE I. YOCKEY, a Notary Public,
in and for said County in said State, hereby certify that RUTH ALFREDA CHILDRESS JEFFORDS
whose name as Personal Representative of the Estate of Louisa Harvey Childress, Deceased, is
signed to the foregoing conveyance and who are known to me, acknowledged before me on this day
that, being informed of the contents of the conveyance, she, as such Personal Representative and
with full authority, executed the same voluntarily for and as the act of said Estate.

Given under my hand and seal this 17th day of July, 2000.



STATE OF ALABAMA
COUNTY OF BALDWIN

I, GRACE I. YOCKEY, a Notary Public,
in and for said County in said State, hereby certify that LESLIE T. FICKLING whose name as
Personal Representative of the Estate of Louisa Harvey Childress, Deceased, is signed to the
foregoing conveyance and who are known to me, acknowledged before me on this day that, being
informed of the contents of the conveyance, he, as such Personal Representative and with full
authority, executed the same voluntarily for and as the act of said Estate.

Given under my hand and seal this 17th day of July, 2000.



GRANTOR'S ADDRESS:

20430 County Road 83
Robertsdale, Alabama 36567

Post Office Drawer 1210
Foley, Alabama 36536-1210

GRANTEE'S ADDRESS:

PO Box 1629
Foley, AL 36536

THIS DOCUMENT WAS PREPARED BY:

SAMUEL N. CROSBY of

STONE, GRANADE & CROSBY, P.C.
Post Office Drawer 1509
Bay Minette, Alabama 36507-1509
(334) 937-2417

prepared by CBB in Foley on July 14, 2000 at 11:31 AM

Instrument 554608 Page 3 of 3



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Legal Description

Commence at an iron marker on the East margin of Alabama State Highway Number 59, on the North boundary of the South Half of the Northwest Quarter of Section 21, Township 8 South, Range 4 East, St. Stephens Meridian for a point of beginning; thence run North 89 degrees 57 minutes 45 seconds East, along and with an old fence, 3852.70 feet to an old crimp top iron marker; thence run South 00 degrees 13 minutes 05 seconds West, 1327.29 feet, to an iron pin marker; thence run South 89 degrees 58 minutes 24 seconds West, 2672.24 feet, to a point which is situated 4 feet East and 6 feet North of an axle; thence North 06 degrees 30 minutes 06 seconds West, 9.39 feet to an old axle on the North margin of Richard Childress Lane; thence run North 88 degrees 54 minutes 45 seconds West, 74.3 feet to a 3 inch capped pipe; thence run North 00 degrees 40 minutes 14 seconds East, 201.29 feet to a crimp top iron pipe marker; thence run North 89 degrees 44 minutes 34 seconds West, 200.07 feet, to a crimp top iron pipe marker; thence run South 00 degrees 37 minutes 44 seconds West, 201.36 feet, to a capped iron pin on the North margin of said lane; thence run North 89 degrees 39 minutes 19 seconds West, 600.35 feet to a crimp top iron pipe marker; thence run North 00 degrees 05 minutes 55 seconds East, 301.24 feet, to an open top iron pipe marker; thence run North 89 degrees 09 minutes 47 seconds West, 300.37 feet, to an iron pin marker on the West margin of said Highway Number 59; thence run North 1005.0 feet to the point of beginning. The property lies in the North Half of Section 21, Township 8 South, Range 4 East, Baldwin County, Alabama.

LESS AND EXCEPT

That part conveyed to State of Alabama as recorded in Deed Book 454, Page 452. Also Less and Except that part Richard Childress Lane as shown by map or plat of a resubdivision of Lot 2 Austin Square Subdivision as recorded on Slide 2208-C in the Probate of Baldwin County, Alabama.
Note: Company will require any subdivision Exemption Letter or any appropriate plats or approvals necessary be recorded in the Probate of Baldwin County, Alabama.

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Site Map – Key Design Points



Building #1 48 units
Building #2 48 units
Building #3 48 units
Building #4 48 units
Building #5 48 units
240 units

480 Parking Spaces
400 Garage Spaces
80 Spaces 2.2 sp/uc
480 Spaces required (2000)

80 Ft Right of way Creating
for Future Road Access.

At minimum Fire Access Road
will be created as 2nd access
to the Property

Building Design to limit
potential site lines into
Single Family
Neighborhood North.

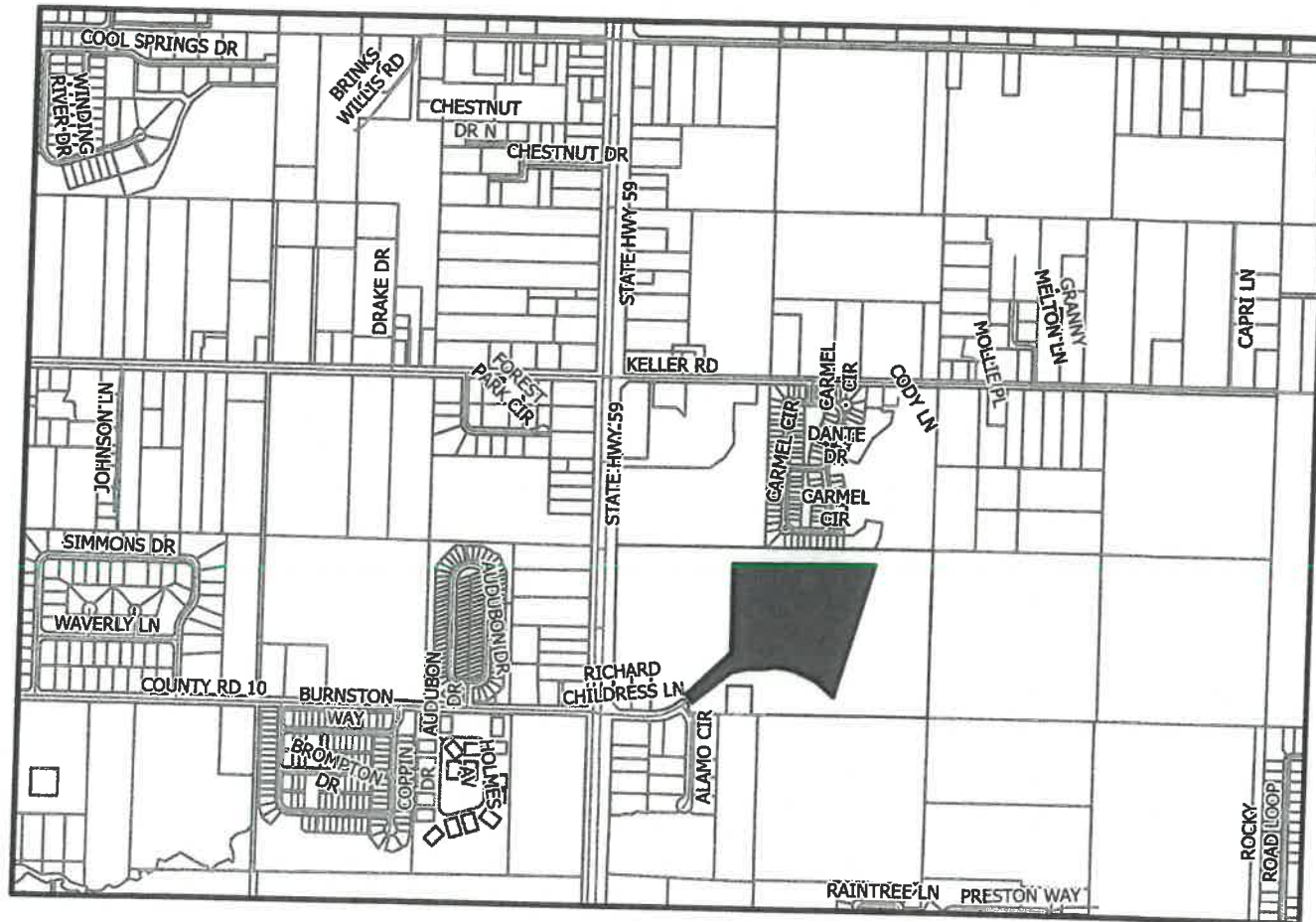
Southern Road will be
built to County/City
Specs to allow for Future
Expansion of CR10.

80 Foot ROW +
Landscape Buffer +
Parking creates sightline
buffer for Existing Single
Family Residence North
of Property

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PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 20 +/- acres. Property is currently zoned B-1A (Extended Business District) requested zone is R-3 (Residential Multi-Family). Property is located E. of State Hwy. 59 and S. of Keller Rd. Applicant is Smith & Clark Associates, LLC.

Anyone interested in this approval may heard at a public hearing scheduled for April 20, 2022 in City Hall Council Chambers (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



SITE AMENITIES/ELEMENTS

- A** PERGOLAS WITH BBQ GRILLS
- B** GAS FIREPIT ON TIMER WITH BUILT-IN SEATING
- C** POOLSIDE PAVILION
- D** SWIMMING POOL
- E** FENCED DOG PARK
- F** BIKE RACKS AT EACH BUILDING
- G** BUFFER PLANTINGS
- H** STORMWATER POND WITH AERATING FOUNTAIN
- I** MONUMENT SIGN
- J** FENCED PICKLEBALL COURT
- K** MAIN ENTRY
- L** SECONDARY ENTRY
- M** SOFT SURFACE TRAIL

BUILDING & PARKING CALCULATIONS

BUILDING #1: 48 UNITS
BUILDING #2: 48 UNITS
BUILDING #3: 48 UNITS
BUILDING #4: 48 UNITS
BUILDING #5: 48 UNITS
240 TOTAL UNITS

436 SURFACE PARKING SPACES
48 GARAGE PARKING SPACES
484 TOTAL SPACES (2/UNIT)
480 REQUIRED (2/UNIT)



A NEW MULTI-FAMILY DEVELOPMENT:

THE EDISON
— AT FOLEY —

4/20/2024
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