



August 18, 2022

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

RE: Request for Rezoning

Dear Mayor Hellmich and City Council Members,

The City of Foley Planning Commission held a meeting on August 17, 2022 and the following action was taken:

Powers Investments, LLC - Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 9.12+/- acres. Property is currently zoned RV Park (Recreational Vehicle Park District). Proposed zoning is B-1A (Extended Business District). Property is located S of CR 20 and W of the Foley Beach Express. Applicant is S.E. Civil.

Commissioner Gebhart made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Hellmich 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
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: Ralph Hellmich
CITY ADMINISTRATOR: Michael L. Thompson CITY CLERK: Kathryn Taylor
COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaite; 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
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
SEE ATTACHED
3. APPROXIMATE SIZE OF PROPERTY:
~~26.55 ACRES~~ **9.12 acres being rezoned.**
4. PRESENT ZONING OF PROPERTY:
RV
5. REQUESTED ZONING:
B-1A for lots 2-4. Keep RV zoning for Lot 1.
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY: **This property is currently wooded vacant land.**
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) **Storage Units with a density of 0.23/AC.**
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20. **SEE ATTACHED**

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

DATE: 7/22/2022

Aaron Collins (Agent) S.E. Civil
PROPERTY OWNER/APPLICANT
9969 Windmill Road, Fairhope AL
PROPERTY OWNER ADDRESS
251-990-6566
PHONE NUMBER
acollins@secivileng.com
EMAIL ADDRESS



RECEIVED
7/22/2022

✓ pd report
2086

Foley
CITY OF FOLEY
AGENT AUTHORIZATION FORM

I/We authorize and permit S.E. CIVIL
to act as My/Our representative and agent in any manner regarding this application which
relates to property described as tax parcel ID# 05-61-02-10-0-000-006.000
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):

Powers Investments LLC Paul Smith Powers member
Name(s) printed

7594 Dairy Rd
Address

Fairhope AL 36532
City/State

251-232-6042 Paul@Powerland.biz
Phone

Paul S. Powers
Email

Fax

Signature(s)

7/18/22
Date

PROPERTY OWNER(S):

Name(s) printed

Address

City/State

Phone

Email

Fax

Signature(s)

Date



STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Foley Plantation, Inc. An Alabama Corporation, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration hereby acknowledged to have been paid to the said grantor by Janet L. Smith, a married woman, the grantee, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said grantee, all that real property situated in the County of Baldwin, State of Alabama.:

"See Attached Exhibit A"

Subject to the following terms and conditions:

1. All matters of Public record as recorded in the Office of the Judge of Probate, Baldwin County, Alabama.
2. Previous Reservation of ALL Mineral Rights.

Purchaser is hereby notified and responsible for adhering to all governmental regulations concerning perc test, wetlands, and any stipulation the law requires and agrees to hold seller and agents harmless from any claims arising from such regulation.

Together with all singular rights, members, privileges and appurtenances thereunto belonging, or in any wise appertaining to have and to hold the same unto the Grantee for and during his life, and her heirs and assigns forever.

IN WITNESS WHEREOF, the grantor hereunto set their hand and seal this 5th day of January, 2000, A.D.

Foley Plantation, Inc.,
An Alabama Corporation

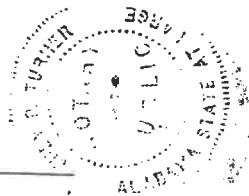
By: Paul L. Smith
Paul L. Smith, President

STATE OF ALABAMA MOBILE COUNTY

I, Judy P. Turner, a Notary Public in and for said County in said State, hereby certify that Paul L. Smith, a married man, whose name is signed to the foregoing instrument, as President of Foley Plantation, Inc., and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he as such officer executed the same voluntarily on the day the same bears date.

Given under my hand, this 5th day of January, 2000, A.D.

Judy P. Turner
Notary Public
My Commission Expires: 11-3-03



This Instrument Prepared By:
Foley Plantation, Inc.
P. O. Box 683
Saraland, AL 36571

Grantee's Address:
P O Box 683
Saraland, AL 36571

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2000 July -10 1:57PM

Instrument Number 553101 Pages 2
Recording 6.00 Mortgage
Deed 1000.00 Min Tax
Index DP 1.00
Archive 3.00
Adrian T. Johns, Judge of Probate

RECEIVED
7/25/03

553101

EXHIBIT "A"

The West Half of Southwest Quarter; Northeast Quarter of Southwest Quarter; and the Northwest Quarter of Southeast Quarter of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama.

Less and Except that certain Parcel which was sold by Grantor to Orange Beach Water, Sewer and Fire Protection Authority, An Alabama Public Corporation and which is described as follows:

Beginning at an old iron pipe located at the northeast corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, T8S, R4E, Baldwin County, Alabama and the northeast corner of a 0.23 acre tract, more or less; thence South 00 degrees, 19 minutes, 29 seconds West for 89.93 feet to a $\frac{1}{2}$ inch rebar set pipe located at the southeast corner of said tract; thence North 89 degrees, 43 minutes, 34 seconds West for 109.89 feet to a $\frac{1}{2}$ inch rebar set pipe located at the southwest corner of said tract; thence North 00 degrees, 17 minutes, 01 seconds East for 89.87 feet to a $\frac{1}{2}$ inch rebar set pipe at the northwest corner of said tract, said point also being on the north line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$; thence South 89 degrees, 56 minutes, 06 seconds East along said north line for 109.96 feet to the Point of Beginning. Said described Property contains 0.23 acres, more or less and lies in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, T8S, R4E, Baldwin County, Alabama and being a part of Foley Plantation, Inc., property recorded in Deed Book 575, Page 1382 in the Probate Office of Baldwin County, Alabama.

This Conveyance is made subject to all matters of public record, including, but not limited to, easement granted to Baldwin County Bridge Co., LLC., which is described as follows:

Commencing at the Southeast corner of the Northwest corner of the Southeast Quarter of Section 10, Township 8 South, Range 4 East, Baldwin County, Alabama; run thence South 89 degrees, 48 minutes, 38 seconds West, 58.16 feet to the point of beginning of the property herein described; thence continue South 89 degrees, 48 minutes, 38 seconds West, 300.00 feet; thence run North 00 degrees, 06 minutes, 19 seconds West, 52.45 feet; thence run Northeastwardly along a curve to the right, having a radius of 1150.00 feet, an arc distance of 352.09 feet (the chord bears North 17 degrees, 26 minutes, 12 seconds East, 962.37 feet); thence run North 89 degrees, 48 minutes, 08 seconds East, 19.49 feet; thence run South 00 degrees, 06 minutes, 23 seconds West, 944.78 feet; thence run South 17 degrees, 26 minutes, 12 seconds West, 66.38 feet; thence run Southwardly along a curve to the left, having a radius of 850.00 feet, an arc distance of 260.24 feet (the chord bears South 08 degrees, 38 minutes, 57 seconds West, and measures 259.22 feet); thence run South 00 degrees, 06 minutes, 19 seconds East, 52.01 feet to the point of beginning and containing 6.22 acres, more or less.

MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS

A special meeting of the Board of Directors and Stockholders of POWERS INVESTMENTS LLC, AN ALABAMA LIMITED LIABILITY COMPANY was held at the office of the company, on January 1, 2022. There were present in person Paul S Powers, the same constituting all of the directors and stockholders of the company. The Member, Paul S Powers acted as chairman and secretary of the meeting.

The Chairman announced that all of the directors and stockholders were present in person; that each had waived notice of the time, place and purpose of the meeting, and consented to sign their name(s) to these minutes as evidence of such waiver

The chairman stated that the purpose of the meeting was to discuss the matter of authorizing Paul S Powers, to execute all documents pertaining to the sale, conveyance, encumbrance, and any and all acts required relating to property owned by the company. After a full discussion of the matter, a resolution was made, seconded and unanimously approved for the same.



Paul S Powers

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7/25/22 AL

99022587

ARTICLES OF ORGANIZATION

OF

**POWERS INVESTMENTS, LLC,
an Alabama Limited Liability Company**

MARCH 25, 1999

PIERCE, LEDYARD, LATTA & WASDEN, P.C.

Post Office Box 16046

Mobile, Alabama 36616

(334) 344-5151

RP4692Pg0299

36.00
2.00
38.00

**ARTICLES OF ORGANIZATION
OF
POWERS INVESTMENTS, LLC,
an Alabama Limited Liability Company**

Pursuant to the Alabama Limited Liability Company Act (the "Act"), the undersigned hereby adopt the following Limited Liability Company Articles of Organization:

ARTICLE I.

NAME

The name of the limited liability company (the "Company") is "POWERS INVESTMENTS, LLC"

ARTICLE II.

DURATION

The period of duration of the Company shall be perpetual unless earlier terminated by agreement of the members or by operation of law.

ARTICLE III.

PURPOSE

The purpose of the Company is to acquire, own, hold for investment, and dispose of interests in real and personal property and to engage in any business and perform any act permitted by Alabama law to be engaged in or performed by limited liability companies.

ARTICLE IV.

INITIAL REGISTERED OFFICE AND AGENT

The location and mailing address of the initial registered office of the Company is c/o Paul S. Powers, 3617 Janlake Drive, Saraland, Alabama 36571. The name of the initial registered agent for the Company is Paul S. Powers.

RP4692PG0300

ARTICLE V.

INITIAL MEMBERS

The names and mailing addresses of the initial members of the Company are:

Paul Powers
Post Office Box 953
Saraland, AL 36571

ARTICLE VI.

ADMISSION OF ADDITIONAL MEMBERS

No person may be admitted as an additional member without the unanimous written consent of the members.

ARTICLE VII.

CONTINUATION OF BUSINESS

Upon the occurrence of an event of dissociation which terminates the continued membership of a member, the remaining members may continue the legal existence and business of the Company if (i) there are at least two remaining members or a new member is admitted, and (ii) the remaining members unanimously consent in writing to the continuation of the business within 90 days after the occurrence of the event of dissociation.

ARTICLE VIII.

MANAGEMENT

The Company shall be managed by members.

RP 4692PG0301

ARTICLE IX.

NO LIABILITY OF MEMBERS

The members of the Company shall have no liability for any debt, obligation, or liability of the Company, as provided in the Act.

ARTICLE X.

AMENDMENTS

Any amendment to these Articles of Organization shall require unanimous approval of the members.

ARTICLE X.

EXECUTION AND DATE

These Articles of Organization are executed by and on behalf of the initial members as of March 25, 1999.


Paul Powers

This instrument prepared by:

Goodman G. Ledyard
PIERCE, LEDYARD, LATTA & WASDEN, P.C.
Post Office Box 16046
Mobile, Alabama 36616
(334) 344-5151

State of Alabama - Mobile County
I certify this instrument was filed on:
Mar 25 1999 4:20:11 pm

SR Fee	\$2.00
Recording	\$36.00
Total	\$38.00

L. W. NOONAN, Judge of Probate
99022587

RP4692PG0302

Lot 6 Providence Legal Description

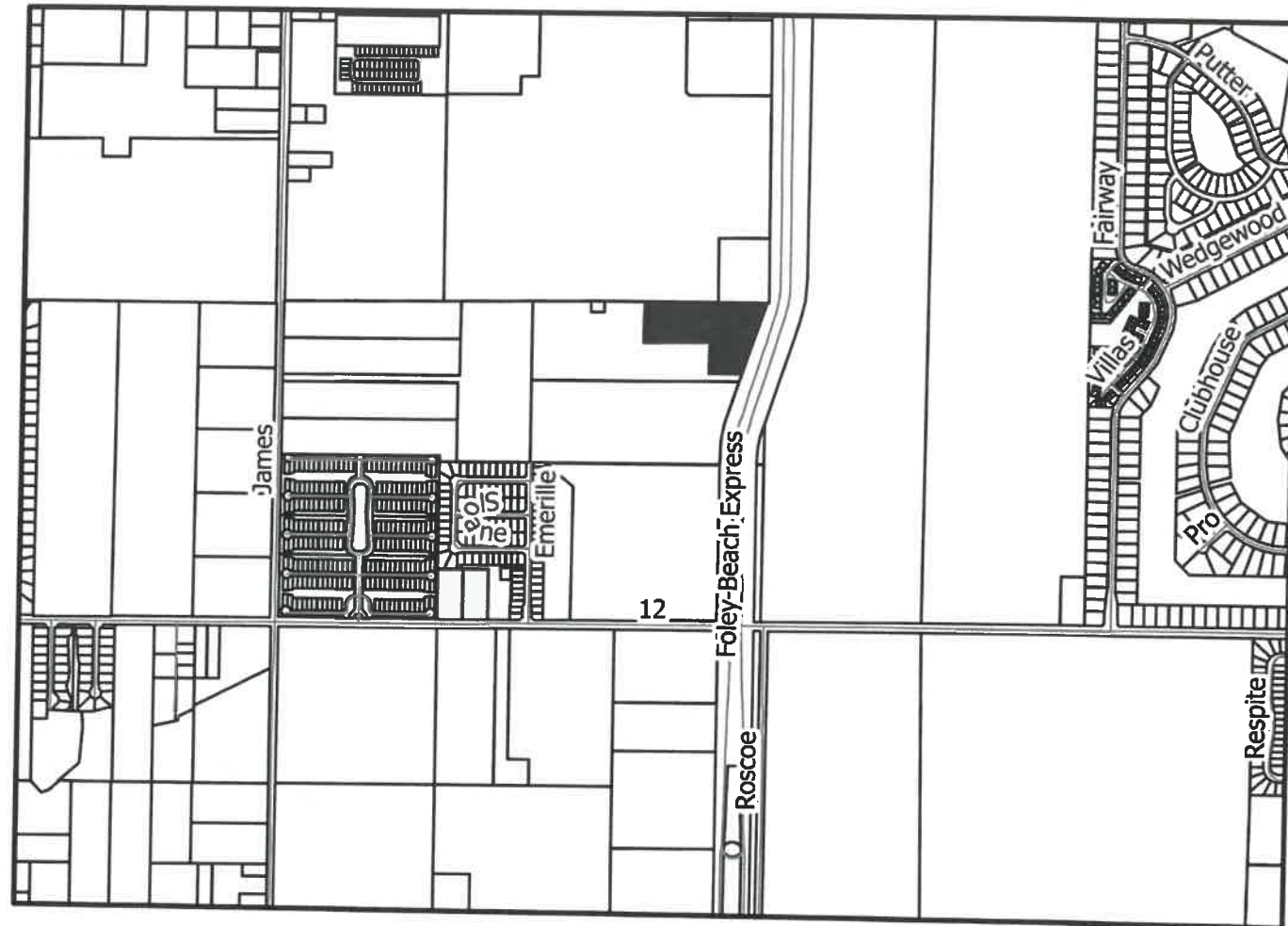
LOT 6, PROVIDENCE COMMERCIAL PARK, ACCORDING TO THE PLAT
THEREOF AS RECORDED ON SLIDE 2700-C, PROBATE COURT
RECORDS, BALDWIN COUNTY, ALABAMA.



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PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 9.12+/- acres. Property is currently zoned RV (Recreational Vehicle Park District). Proposed zoning is B-1A (Extended Business District). Property is located W. of FBE and N. of CR12. Applicant is Powers Investments LLC.

Anyone interested in this rezoning request may be heard at a public meeting scheduled for August 17, 2022 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.

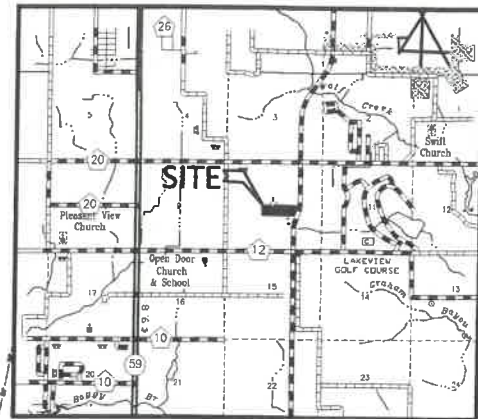
Wes Abrams
Planning Commission Chairman

PROPERTY IS LOCATED IN THE XX QUARTER OF SECTION XX,
TOWNSHIP XX SOUTH, RANGE XX EAST, BALDWIN COUNTY, ALABAMA.

FLOOD STATEMENT

PROPERTY LIES IN FLOOD ZONE "X (UNSHADED)" AS
SCALED FROM FLOOD INSURANCE RATE MAP NUMBER
01003C0931M AND 01003C0932M, COMMUNITY NUMBER
010007, PANEL 0931 AND 0932, SUFFIX "M", MAP
REVISED DATE APRIL 19, 2019.

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1068.62'	78.07'	S15°20'58"W	78.05'



VICINITY MAP
1 Inch = 1 Mile

SITE DATA

Parcel ID: 05-61-02-10-0-000-006.000
PPIN: 67636
Total Acres: 26.55 AC.
Zoning: RV
Planning District: 21
Total Lots: 4
Density: 0.23 / AC.
Smallest Lot: 0.72 AC.
Largest Lot: 16.77 AC.
Streets: PRIVATE
Building Setbacks: As Shown Hereon

UTILITY PROVIDERS

WATER SERVICE - RIVIERA UTILITIES
SEWER SERVICE - RIVIERA UTILITIES
POWER SERVICE - BALDWIN EMC

SURVEYOR
DAVID DIEHL
9969 WINDMILL ROAD
FAIRHOPE AL. 36532

OWNER/DEVELOPER
POWERS INVESTMENTS, LLC
3558 OAK TREE DRIVE, SUITE D
SEMMES, AL. 36575

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING
HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT
REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN
THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF.

LOT 6, PROVIDENCE COMMERCIAL PARK, ACCORDING TO THE PLAT
THEREOF AS RECORDED ON SLIDE 2700-C, PROBATE COURT
RECORDS, BALDWIN COUNTY, ALABAMA.

DAVID E. DIEHL AL. P.L.S. NO. 26014 DATE

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



*THE SETBACKS SHOWN HEREON FOR
LOTS 2, 3 AND 4 REFLECT THE
PROPOSED ZONING FOR B-1A.
SETBACKS FOR LOT 1 REFLECT THE
CURRENT ZONING FOR RV.

**BEACH EXPRESS RV AND
SELF STORAGE
A RE-SUBDIVISION OF
LOT 6 PROVIDENCE**
PAGE 1 OF 1



LEGEND:

- B.S.L. = BUILDING SETBACK LINE
- (A & R) = ACTUAL & RECORD BEARING/DISTANCE
- CRF = CAPPED REBAR FOUND
- CMF = CONCRETE MONUMENT FOUND
- RBF = REBAR FOUND (NO CAP)
- RPB = REAL PROPERTY BOOK
- PG = PAGE
- ⊙ = TEMPORARY BENCH MARK
- ⊙ = 1/2" CAPPED REBAR SET (SE CIVIL = CA-1167-LS)
- OF — = OVERHEAD POWER LINE
- E — = OVERHEAD TRANSMISSION LINE
- RI — = FIBER OPTIC LINE
- UT — = UTILITY POLE
- GUY — = GUY WIRE
- △ = FIBER OPTIC MARKER
- = TELEPHONE PEDESTAL
- ▲ = WETLANDS

CERTIFICATION OF OWNERSHIP AND DEDICATION:

I, THE COTTON BAYOU DEVELOPMENT, LLC, AS PROPRIETOR(S), HAVE CAUSED THE LAND ENGRAVED IN THE
WITHIN PLAT TO BE SURVEYED, Laid OUT AND PLATTED TO BE KNOWN AS
BALDWIN COUNTY, ALABAMA, AND THAT THE (STREETS, DRIVES, ALLEYS, EASEMENTS, ETC.) AS SHOWN ON
SAID PLAT ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC, OR PRIVATE USE AS NOTED, TOGETHER
WITH SUCH RESTRICTIONS AND CONVEYMENTS NOTED BELOW OR ATTACHED IN A SEPARATE LEGAL DOCUMENT.

DATED THIS _____ DAY OF _____

CERTIFICATION BY NOTARY PUBLIC:

STATE OF ALABAMA)
COUNTY OF BALDWIN)
I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT
WHOSE NAME AS _____
IS SIGNED TO THE FOREGOING
INSTRUMENT, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME, ON THIS DAY THAT
BEING INFORMED OF THE CONTENT OF THE INSTRUMENT, AND AS SUCH OFFICER AND WITH
FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY AND AS THE ACT OF SAID
CORPORATION.
THIS _____ DAY OF _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL BY THE CITY ENGINEER

THE UNDERSIGNED, AS THE 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 _____, 2022.

AUTHORIZED REPRESENTATIVE _____

CERTIFICATE OF APPROVAL BY THE CITY OF FOLEY PLANNING COMMISSION

THE UNDERSIGNED, AS AUTHORIZED BY FOLEY UTILITY DEPARTMENT HEREBY APPROVES THE WITHIN
PLAT FOR THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS
DAY OF _____, 2022.

AUTHORIZED REPRESENTATIVE _____

SURVEYOR'S NOTES:

1. THERE MAY BE RECORDED OR UNRECORDED DEEDS, EASEMENTS,
RIGHT-OF-WAYS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE
BOUNDARIES OF SAID PROPERTIES.
2. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAYS OF THE
STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT SURVEYED
UNLESS RIGHT-OF-WAY MONUMENTATION IS ALSO SHOWN.
3. SURVEY WAS CONDUCTED IN MAY 2022, AND IS RECORDED IN AN ELECTRONIC
FIELD BOOK.
4. BEARINGS AND DISTANCES SHOWN HEREON WERE "COMPUTED" FROM ACTUAL
FIELD TRAVERSES, AND ARE BASED ON RECORD PLAT.
5. ELEVATIONS SHOWN HEREON ARE RELATED TO MEAN SEA LEVEL, BASED ON
N.A.V.D. 1988 DATUM.
6. THE UTILITY INFORMATION SHOWN HEREON WAS OBTAINED BY SURVEYING AND
PLOTING THE VISIBLE ABOVE GROUND UTILITY FEATURES COMBINED WITH THE
GEOGRAPHICAL SURFACE MARKINGS BY OTHERS.
7. NO TITLE SEARCH OR REPORT WAS PROVIDED FOR THIS SURVEY.
8. THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS
OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA,
EFFECTIVE JANUARY 1, 2017.

GENERAL NOTES:

1. FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
2. ALL COMMON AREAS WITHIN THE DEVELOPMENT, INCLUDING DRAINAGE
FACILITIES, ARE NOT THE RESPONSIBILITY OF BALDWIN COUNTY TO
MAINTAIN, BUT SHALL BE OWNED AND MAINTAINED BY THE PROPERTY
OWNERS ASSOCIATION, AS OUTLINED IN THE COVENANTS AND
RESTRICTIONS, RECORDED IN THE BALDWIN COUNTY PROBATE RECORDS.
3. THERE IS A DEDICATED HERewith A 10 FOOT UTILITY EASEMENT ON
ALL LOT LINES AND COMMON AREAS ADJACENT TO THE
RIGHT-OF-WAYS AND A 10 FOOT UTILITY EASEMENT ON EACH SIDE OF
LOT AND COMMON AREA LINES, UNLESS OTHERWISE NOTED.
4. THERE IS DEDICATED HERewith A 15 FOOT DRAINAGE EASEMENT ALONG
THE REAR OF ALL LOTS THAT DO NOT BACK UP TO A COMMON AREA
CONTAINING DRAINAGE INFRASTRUCTURE.
5. ALL SIDEWALKS WITHIN THIS DEVELOPMENT SHALL BE ADA COMPLIANT.
6. THE PORTION OF THE COMMON DRIVEWAY OUTSIDE THE PUBLIC
RIGHT-OF-WAY AS SHOWN HEREON IS PRIVATE AND WILL NOT BE
MAINTAINED BY BALDWIN COUNTY.
7. THE BUILDING SETBACK LINE FROM JURISDICTIONAL WETLANDS SHALL BE
30 FEET, WITHIN WHICH A MINIMUM 5 FOOT NATURAL BUFFER SHALL BE
PROVIDED UPLAND OF ALL JURISDICTIONAL WETLANDS.