

Request for Qualifications and Proposals
Sale and Development of Real Estate
Offered by City of Foley, AL
243 West Laurel Avenue

Issue Date: May 22, 2023

Submission Deadline: July 6, 2023 at 2:00 p.m. CST

243 West Laurel Avenue



I. Overview

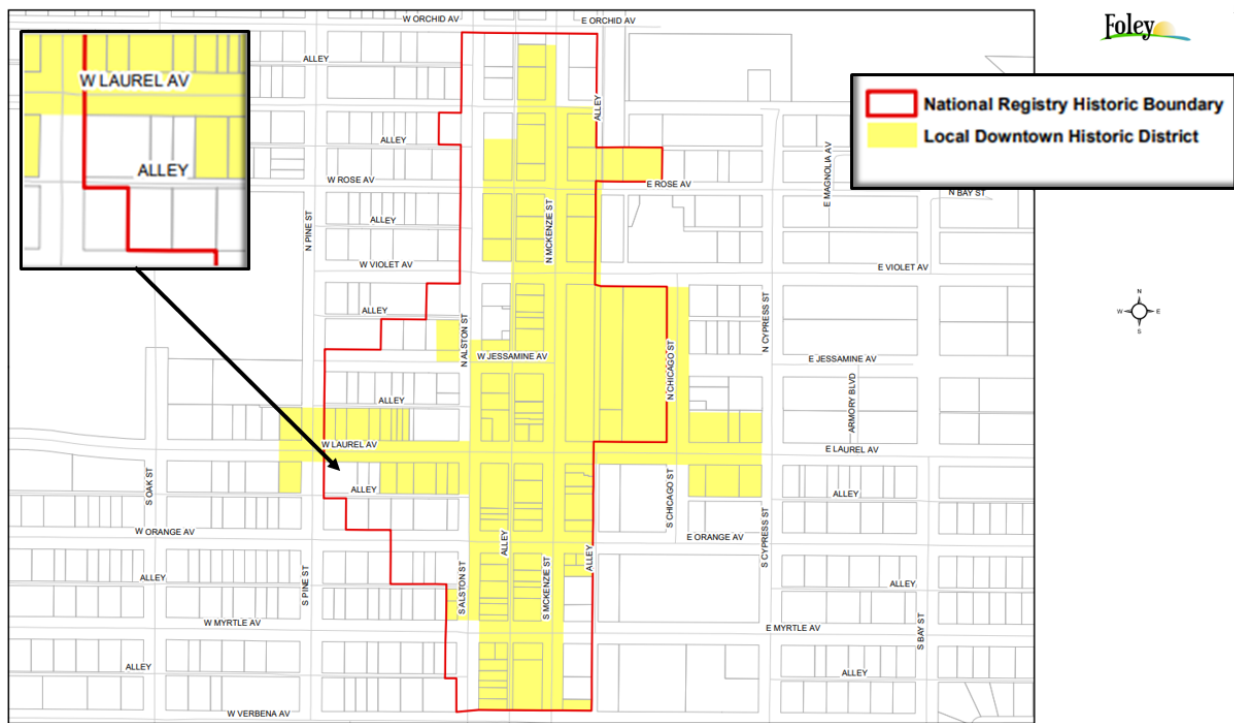
The City of Foley is soliciting qualifications and proposals from developers to purchase and develop a vacant parcel of land in downtown Foley. This vacant parcel provides an important opportunity for the City of Foley to encourage the construction of a new, high quality, mixed use building on a highly visible corner in the Historic Downtown Foley commercial corridor. It is intended that this building, in conjunction with the new Pine Street mini amphitheater (across the street from the subject property), act as catalyst for revitalization of the west side of downtown and its environs.

The City will consider all development proposals with preference given to proposals with high quality design, demonstrated ability to further the vitality and revitalization of downtown, and significant projected economic impact to the City of Foley. The proposed building and its use shall be consistent with all City development regulations and be compatible with the surrounding properties.

To be considered, developers or business owners must submit a development proposal in response to this solicitation in the manner prescribed herein. The City makes no representations or warranties as to the condition of the property and proposes to sell as is, where is, with all faults.

A. Neighborhood:

The property is located at 243 West Laurel Avenue, on the south-east corner of the intersection of West Laurel Avenue and Pine Street. The property is within the downtown commercial Historic District.



Property Location

B. Development Site Description

The proposed development site is 150' X 140' or approximately 21,000 sq.ft. The site has approximately 150' feet of frontage on West Laurel Avenue and approximately 140 feet of frontage on South Pine Street. A 20' alley is located to the rear of the property (see attached aerial photos).

The property consist of Lots One through Three of the Block 15 of the Magnolia Springs Land Company's Addition to the City of Foley. The legal description and tax parcel number are as follows:

Lots 1-3 BLK 15 MAGNOLIA SPRINGS LAND CO ADDN
MB 1 PG48 CITY OF FOLEY SEC 29-T7S-R4E (WD). Parcel ID
Number 05-54-09-29-4-401-047.000



C. Zoning Highlights:

The current zoning for the property is B-1 Central Business District. Below, are relevant excerpts from the City of Foley Zoning Ordinance.

Sec. 18.1 - Commercial Districts.

18.1.1

B-1 Central Business District.

A. Uses/Structures Permitted. Stores selling food, restaurants/drive-in eating places, general merchandise, apparel, furniture, housewares and house-hold wares, drugs and sun-dries, jewelry, gift items, flowers, sporting goods, and similar types; small dry cleaning and laundry pick-up stations;

barber and beauty shops; shoe repair shops; pet grooming; offices; banks; post offices and similar services; joint residential and commercial use; any residential use not prohibited; any retail business not specifically restricted herein, Class 4 Clubs or Lodges, places of amusement and assembly, hotels.

B. Uses/Structures Permitted on Appeal: Automobile filling stations, motels, automobile repair (minor and major), large dry cleaners and laundries, veterinary clinics/hospitals, manufacturing incidental to a retail business where articles are sold at retail on the premises, other uses not specifically restricted herein; storage structures/open space; home based businesses; and home occupations.

C. Uses/Structures Prohibited: Any use or structure not specifically permitted or permitted on appeal in this section or in Section 13.1.1 or 13.1.2 of Article XIII, including kennels; poultry and livestock; towing company storage yard; industrial uses not specifically permitted herein; mobile/manufactured dwellings; modular dwellings; R.V.'s; and wholesale businesses.

II. Project Goals

A. Development of 243 West Laurel Ave. Anticipated end uses include a commercial development with a civic / public benefit.

1) Preferred Uses:

- All street level units must serve a retail, restaurant or commercial purpose with the intent to create activity during day and evening hours; upper stories may serve additional retail, commercial, professional office space, residential uses or a combination thereof. Auto repair, dry cleaners, manufacturing, institutional uses, group home, drive throughs and similar incompatible uses will not be allowed.
- Outdoor dining may be permissible in some portions of the pedestrian right-of-way areas subject to restrictions or conditions placed by the Alabama Department of Transportation along the right of way of West Laurel Avenue (US 98) and subject to restrictions or conditions placed by the City of Foley along Pine Street beyond the West Laurel Avenue (US 98) right of way line. In no case will pedestrian access ways less than 5' along West Laurel Avenue and Pine Street be obstructed from pedestrian passage.

2) Civic/Public Benefit:

- An ADA compliant public restrooms must be provided with access either in the interior or exterior of the building. The proposed

building must include an architectural landmark feature signifying the importance of the prominent corner giving it a distinctive character and sense of place. This may include a clock, building façade articulation, corner plaza or similar distinguishing and prominent architectural feature.

- Ensure the design and site plan of the final project are contextually appropriate to the community and serve as a catalyst for additional investment in the surrounding neighborhood.
- Develop the site with an aggressive financing and construction timeline.
- Incorporate energy-efficient, sustainable, durable, and resilient building materials and practices in the development of the property.
- Include green infrastructure to minimize stormwater runoff.

If there are other use types or development scenarios that would better serve the City's objectives, please propose an alternative to the above requirements.

III. Qualified Developers

To be considered qualified developers, respondents must demonstrate:

- experience developing and leasing commercial and/or mixed-use property;
- experience with public-private partnerships;
- experience developing projects in a traditional main street or downtown setting;
- adequate capital resources to successfully complete the project in a timely fashion;
- adequate staffing to successfully complete the project in a timely fashion;
- and,
- experience marketing similar projects and an aptitude for public relations.

IV. Design Principles

Downtown Foley is characterized by traditional town planning principles with smaller block sizes with a high level of connectivity creating a walkable environment. Initial design guidance can be found in the City of Foley Comprehensive Plan https://cityoffoley.org/wp-content/uploads/2022/04/Foley-Forward-Plan_2022-03-17-reduced-file-size-2.pdf particularly as it relates to the goals for downtown.

To further enhance this traditional town planning design reflecting the historic Foley vernacular, all proposals must address and incorporate the following:

A. Building Scale:

Buildings should be at least two stories and no more than three stories, reflecting the traditional, pedestrian-friendly scale of downtown Foley. Building heights, including parfaits and other architectural embellishments, should be varied reflecting the individualized character of historical architecture. A structure of three stories must have a break in the façade between the 2nd and 3rd floor so that there is no vertical monolithic façade appearance. This should be accomplished through horizontal emphasis such as recessing, terraces, balconies, architectural articulations or similar techniques (see, also, Architectural Styles and Exterior Finishes, below).

B. Building Projections:

Overhanging eaves, awnings, balconies, stoops and other architectural features may encroach beyond the minimum front setback line subject to restrictions or conditions placed by the Alabama Department of Transportation along the right of way of West Laurel Avenue (US 98) and subject to restrictions or conditions placed by the City of Foley along Pine Street beyond the West Laurel Avenue (US 98) right of way line.

C. Building Orientation:

The subject property is a corner lot and therefore has 2 street frontages. The building must be oriented to, and have frontage on, West Laurel and Pine Street with entrances on both streets or an architecturally distinctive corner entrance. The frontage along West Laurel must be along the entire frontage. The building facade along Pine Street must be at least 60% of the frontage. All frontages should be oriented to hold the street edge with comfortable sidewalks and street front parking. It may be appropriate to incorporate service alleys facilitating development of multiple sided street frontages.

D. Architectural Style and Exterior Finishes:

The exterior facade should be designed in accordance with the standards stated herein. All exterior finishes, including doors, windows and features, should reflect an early 20th century vernacular. The design of the proposed building should reflect the horizontal and vertical patterns existing in historic buildings located in the downtown area. This includes height of ground floor storefronts and upper stories. Ground floor building frontage façade windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story façade along all street frontage. Required ground floor retail shall be accentuated by including awnings, canopies, overhangs or architectural building features in conjunction with street trees to create visual interests and shade for pedestrians.

Upper story building frontage façade windows and doors shall comprise a minimum of 20% and maximum 50% coverage of the façade upper story facade frontage.

Although the property is not located in the boundaries of the City of Foley Historic District Design Guidelines and is not subject to the review by the Historical Commission, the guidelines should be consulted and applied to the design concept with particular emphasis as it relates to Sections XVII.A. Exterior Masonry; XIX. Storefront Buildings; XX. Signs and Awnings; XXI Roofs, and XXIV. Awnings.

<https://cityoffoley.wpengine.com/wp-content/uploads/2018/08/Design-Guidelines-approved-08-15-2018-reduced.pdf>

E. Parking:

Traditional street front parking is provided along West Laurel Avenue and should be incorporated into the design for purposes of convenience and in keeping with the typical and desirable look of an active, populated, and vibrant downtown. Parking in the Pine Street right of way should be consider but is not required if an outdoor pedestrian use such as a plaza, outdoor seating, dining or similar use is feasible which also has functional and architectural merit. If outdoor seating or dining is being proposed in this area, parallel parking should be considered as a buffer between street and the seating or dining area. The rear of the property may incorporate parking facilities as well as service accommodations. Designated parking for residential units to the rear of the building should be considered.

V. Design and Project Incentives

The City, based upon the strength and quality of any proposal, may be able to offer incentives tied to the successful and timely completion of the proposal. Some of the tools that could be considered include a financial award for excellence in design, below market sale of the property, waiving of certain municipal fees associated with the construction, help with marketing businesses housed within the proposed structure, grants, negotiations regarding the use of adjacent city ROW, and cooperative fees. Please include in the response any specific incentives which may be required to move the proposal forward to completion.

VI. Selection Criteria and Submittal

Complete responses to this RFP will be evaluated by City staff and will be reviewed by the City Council. Decisions to sell the Property are at the sole discretion of the City Council. This RFP process shall not create a binding obligation on the part of the City to sell the Property unless and until a Purchase and Sale Agreement has been executed.

The selection criteria shall include, but not be limited to, the following:

- Completeness of the proposal packet;
- Experience and capacity of the development team as discussed in Section III;
- Economic impact to the City, including:
 - Financial consideration and non-financial benefit of the project to the City;
 - Development proposal meets the City Council's goal of economic development;
 - Project contributes to the economic vitality of downtown Foley; and,
 - Project accurately reflects existing market conditions.
- Project design and strength of vision;
 - A quality design consistent with the design goals defined herein;
 - Proposal blends with overall development efforts in the downtown and is compatible to adjacent areas;
 - Development satisfies requirements of current and proposed City development regulations; and,
 - Proposal adopts high-quality, energy efficient, sustainable building standards.
- Project Timeliness:
 - Respondent demonstrates financial readiness and proof that site can be operational within 24 months.

A. Two Stage Process.

The City will award a Purchase and Sale Agreement to the respondent whose qualifications and proposal, conforming to the solicitation, will achieve the City's goals.

Qualifications and Proposals received in response to this solicitation may be evaluated using a two-stage evaluation process.

Stage I of the evaluation process will be used to determine the respondents to be included in the competitive range (short list), from which final selection for property award will ultimately be made.

Stage II of the evaluation process will entail additional planning and design work necessary to further detail the respondent's proposal. Stage II of the evaluation process may also entail interviews and/or presentations, including community presentations, with the respondents included on the short list.

Respondents not included on the short list will not proceed to Stage II of the evaluation process.

The City reserves the right to make contract award without negotiations, and to make no award or decline to enter into negotiations should it believe that no respondent to this solicitation will be capable of delivering the necessary level of services within an acceptable price range and/or time period. The City further reserves the right to forego Stage II of the evaluation process and enter into negotiations based on the results of Stage I of the evaluation process. Any award will be based on initial proposals received.

B. Stage I Submission Requirements.

Each Statement of Qualifications should be organized in the following order:

- 1) **Title page.** The title page should show the respondent's name, RFQ title, and date of submittal.
- 2) **Letter of introduction.** The respondent must send a one-page letter which includes the name and address of entity. The respondent must include a statement of whether the respondent is an individual, partnership, corporation, joint venture, special-purpose entity, or other entity. The letter must indicate the name of the person(s) authorized to make representations and sign for the respondent and his or her, email address, physical address, cell phone number and landline number, if any. The person authorized to represent the proposal should sign the letter.
- 3) **Project approach.** Provide a written description of the proposed project that includes, at a minimum:
 - a. Vision for the use of the proposed building and how this use will integrate into the existing built environment in downtown Foley.
 - b. Total square feet of the building;
 - c. Building height and number of stories.
 - d. Anticipated build out value.
 - e. Method of construction.
 - f. Any desired encroachments or uses in the right of way and their merits should also be discussed.
- 4) **Concept plan / Renderings.** Prepare a concept site plan and describe (or provide a rendering) depicting how the architecture blends into and is consistent with historic buildings in the downtown Foley area.
- 5) **Economic Impact.** Provide a written narrative addressing the economic impact of the proposed project, including a general description of the business, years in operation, number of locations, anticipated number of employees, annual sales projections.
- 6) **Project Schedule.** Provide a schedule from the time of entering into initial agreement with the City to projected completion date. Schedule of development should include due diligence, design, construction phases, and opening of the ground floor business(s) to the public. Timeline shall not exceed 24 months after purchase of the property. The 24 month timeframe begins on the date the property is purchased.

- 7) **Relevant project experience.** Briefly describe, in general, the respondent's approach to the design, finance, construction and management of projects similar in scale and complexity to the City of Foley's. Provide previous project details that include scope, building use(s), cost, financing, including any public investment and geographic location for each project completed. Emphasis should be placed on experience and involvement in traditional downtown development projects. Demonstrate experience in completing previous projects on time, within budget and within project goals.
- 8) **History of respondent and key team members.** Identify the legal entity that will serve as the principal in the proposed development, and provide a brief narrative regarding proposed ownership of the building and property management. Provide resumes of the key individuals who will be responsible for managing the project. Also, describe any litigation, related to business or real estate dealings, in which the respondent or a major team member was/is a defendant (past 5 years, pending or threatened) or any bankruptcy filing by them or any entity they controlled (minimum 10 years).
- 9) **Financing capability.** Provide credible current information regarding the respondent's capacity to secure private capital and financing sufficient to complete the proposed development plan in a timely basis. Include a discussion of the developer's expectations regarding public financial assistance, if any.
- 10) **Project marketing and management expertise.** Provide examples of the respondent's marketing plans for completed projects and on-going management of projects of similar character, size and complexity to the City of Foley project.
- 11) **References.** Provide a minimum of three (3) financial and development references (name, title, entity, telephone numbers, and contractual relationship to respondent) who can be contacted at this time with respect to current and past project development experience. Before final selection additional financial information may be required.
- 12) **Price.** The proposal should state what the developer's considerations are when negotiating the price of the City's lots.
- 13) **Contingencies.** State the contingencies of the offer including any financing and due diligence contingencies.

C. **Stage II Submission Requirements**

In the event the City desires to proceed with the second stage of the evaluation process, the selected respondents will be required to provide a **Detailed Conceptual Development Plan**. The respondents will be given a minimum of 60 days to prepare proposals. The plan should include, at a minimum:

- 1) Conceptual site plan indicating building placement, setbacks, primary and secondary access (pedestrian and vehicular), parking, pedestrian flow, outdoor

seating/dining area, refuse collection areas, or other features, as appropriate for the project. Public streetscape improvements should also be indicated on the site plan.

- 2) Conceptual illustrative rendering of the exterior of the building including identification of architectural elements (e.g. brick, stucco, amenities). Said rendering should depict the look and character of the proposed building including window and door placement.
- 3) Conceptual floor plan indicating location of proposed uses.
- 4) Preliminary construction cost estimate.
- 5) Preliminary project development timeline.

D. Other

- 1) The respondent must attest to having no outstanding or overdue tax, lien, or fine obligations to the City of Foley.
- 2) All respondents agree to disclose any direct or indirect, current or future, conflicts of interest between themselves and the City of Foley and their respective employees. If questions arise about potential conflicts of interests, please contact the City of Foley prior to submitting a response.
- 3) The subject property is the former location of a gas station. Attached is a No Further Action (NFA) letter dated December 12, 2022, from Alabama Department of Environmental Protection (ADEM).

VII. **Deadlines and Submission**

A. Deadline to Submit Questions or Requests for Clarification

Questions regarding the RFP must be made in writing and submitted electronically to Logan Eberly at leberly@cityoffoley.org. Questions are due no later than Friday, June 23, 2023 at 5:00 p.m. All questions and answers will be emailed to known participants and also posted publicly on the City's website on the Financial Services Division page under the Purchasing/Bids/Surplus tab and listed under Bids & Solicitations. <https://cityoffoley.org/finance/>

B. Deadline to Submit

The Response to this Request for Proposals (RFP) will be received by the City of Foley until **2:00 p.m. CST on, Thursday, July 6, 2023.**

Respondents must submit three (3) hard copies and one (1) electronic copy on USB storage of RFQ submittal of their complete development proposal. Proposals must be submitted in a sealed envelope or box, clearly marked with the following information on the outside:

Respondent's Business Name
Respondent's Address
RFP for Sale and Development of Real Estate Offered by City of Foley, AL
243 West Laurel Avenue

The Proposal may be submitted as follows:

Hand delivery: Logan Eberly
City of Foley
407 East Laurel Avenue,
Foley, Alabama 36535

If hand delivered, proposals must be "Date and Time" stamped at the receptionist's desk when turned in. It shall be the sole responsibility of the respondent to assure receipt at Foley City Hall prior to the published submittal deadline.

Mailed / Courier: Logan Eberly
City of Foley
P.O. Box 1750
Foley, Alabama 36536.

The City of Foley may elect to deem a submission non-responsive if the submission fails to comply with specific requirements of this solicitation. The City reserves the right to request additional information pertaining to the proposal package or this RFP. The City reserves the right to reject any and all proposals in its sole discretion and to decline to offer or withdraw the RFP for this property.

VIII. Sale Conditions; Contract Negotiations; Purchase and Sale Agreement:

The property is being sold "AS IS."

If the City Council decides to proceed with a proposal, such decision shall be subject to the negotiation and execution of a mutually satisfactory Purchase and Sale Agreement. The highest-ranked respondent will enter into negotiations with the City. If an agreement cannot be met, the City will notify the respondent and stop negotiations; thereafter, the second highest respondent will enter into negotiations. This process may continue until a successful negotiation(s) occurs. The City reserves the right to cease any negotiations with any respondent should it be in the best interest of the City.

The City reserves the right to make a contract award contingent upon the satisfactory completion by the respondent of certain special conditions as determined by negotiations.

The conveyance of this property to a developer who will develop in accordance with the selected proposal is a public benefit the City has bargained for and will rely on. In the event, the selected developer is unable to fulfill its obligations and develop the site

in accordance with the selected proposal and negotiated time frame, the property shall revert to the City. The Purchase and Sale Agreement, and Warranty Deed, will incorporate this restriction.

In addition, the Purchase and Sale Agreement may contain additional terms or terms different from those set forth herein.



LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

KAY IVEY
GOVERNOR

December 12, 2022

Gary C. Cox
Gas N Go Oil Co., Inc.
12877 Mary Ann Beach Road
Fairhope, Alabama 36532

Dear Mr. Cox:

RE: NO FURTHER ACTION WITH CONDITIONS

Gas N Go #102
243 W Laurel Avenue
Foley, Baldwin County, Alabama
Facility I.D. No.: 12011-003-001769
UST Incident No.: UST93-07-05
ADEM File Code: UST930705/NFA01108

The corrective actions undertaken at the above referenced site have successfully achieved risk-based cleanup levels determined protective of human health and the environment for residential use of this property. This determination is based upon the results of the Remediation by Natural Attenuation Monitoring Report dated November 28, 2005, the Monitoring Well Abandonment and Corrective Action System Decommissioning Report dated March 8, 2007, and the Closure Report dated March 1, 2016.

The assumptions under which this site has been evaluated include: (1) the property will be used for residential purposes, (2) groundwater at this location will not be used as a drinking water supply, (3) the site will not be used as a school or daycare facility, and (4) any petroleum contaminated soils encountered during excavation must be managed in accordance with ADEM requirements. Based on the most likely future land use of this site as commercial/residential property, no further investigative or corrective actions under ADEM Admin. Code R. 335-6-15-.26 through .30 are required at this time.

Please contact Joe Pearson with any questions at (334) 271-7960.

Sincerely,

A handwritten signature in black ink that reads "Vernon H. Crockett".

Vernon H. Crockett, Chief
Groundwater Branch
Land Division

VHC/SJP/nl

cc: PPM Consultants, 30704 Sgt. E.I. "Boots" Thomas Dr, Spanish Fort, Alabama 36527
Betty Cox, 12877 Mary Ann Beach Road, Fairhope, Alabama 36532

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608-1211
(251) 304-1176
(251) 304-1189 (FAX)