



COMMUNITY DEVELOPMENT DEPARTMENT

120 S. MCKENZIE STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

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:

Magnolia Landing- Request for Rezone

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located W. of Hickory St. and N. of County Rd. 12. Applicant is Jade Consulting.

Commissioner Hellmich made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Hare 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 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):

Response: Hickory St., PPIN #380216, Owner Magnolia Landing LLC,

2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:

Response: Please see attached list of property owners.

3. APPROXIMATE SIZE OF PROPERTY:

Response: The proposed PUD request will rezone the entire 19.42 acre parcel.

4. PRESENT ZONING OF PROPERTY:

Response: The property is currently zoned R-1D and B-2.

5. REQUESTED ZONING:

Response: Planned Unit Development (PUD).

6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:

Response: The property has remained vacant and has not been proposed for development.

7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)

The proposed PUD will allow for a multi-family project on the 19.42-acre parent tract. The proposed multi-family development would be phase 3 of the existing Magnolia Landing apartments and is proposing a density that will not exceed the 11 units/acre allowed in the City's Zoning Ordinance. All required parking, open space, utility and drainage improvements will be provided as required by the City of Foley's land development regulations.

8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.

Response: Total check amount is \$500

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

DATE: March 23, 2022

Perry C.

Jinright, III, PE

Digitally signed by Perry
C. Jinright, III, PE
Date: 2022.03.23
14:31:51 -05'00'

PROPERTY OWNER/APPLICANT
208 N. Greeno Rd, Ste. C, Fairhope, AL 36532

PROPERTY OWNER ADDRESS
251-928-3443

PHONE NUMBER

tjinright@jadengineers.com / sruth@jadengineers.com

EMAIL ADDRESS

✓pd receipt
#20136



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Foley

CITY OF FOLEY

AGENT AUTHORIZATION FORM

I/We authorize and permit Trey Dunright
to act as My/Our representative and agent in any manner regarding this application which
relates to property described as tax parcel ID# 05-61-03-07-0-000-008.084
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):

Magnolia Landing LLC
Name(s) printed
1125 N. Causeway Blvd
Address
Mandeville
City/State
LA 70471
Phone 985 277 9481 Email dunright@mcconstruction.com Fax
Signature(s) [Signature] Date

PROPERTY OWNER(S):

Name(s) printed

Address

City/State

Phone _____ Email _____ Fax _____
Signature(s) _____ Date _____



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LOT 2 MAGNOLIA LANDING, FOLEY, ALABAMA:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE NORTH 00°14'35" WEST A DISTANCE OF 397.45 FEET TO A POINT; THENCE NORTH 89°48'01" WEST A DISTANCE OF 40.00 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR) ON THE WEST MARGIN OF THE RIGHT OF WAY OF HICKORY STREET SOUTH, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, MAGNOLIA LANDING, AS RECORDED ON SLIDE 2667-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, THENCE ALONG THE EAST LINE OF SAID LOT 1 AND THE WEST MARGIN OF SAID HICKORY STREET, NORTH 00°14'35" WEST A DISTANCE OF 936.27 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR), SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 00°14'35" WEST A DISTANCE OF 651.97 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE DEPARTING SAID WEST MARGIN NORTH 89°36'34" WEST A DISTANCE OF 1,296.92 FEET TO A POINT MARKED BY AN IRON ROD (REBAR); THENCE SOUTH 00°06'37" EAST A DISTANCE OF 651.65 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR); THENCE SOUTH 89°35'46" EAST A DISTANCE OF 1,298.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 845,792 SQUARE FEET, (19.42 ACRES), MORE OR LESS.

SUBJECT TO A 60' ACCESS EASEMENT DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE NORTH 00°14'35" WEST A DISTANCE OF 397.45 FEET TO A POINT; THENCE NORTH 89°48'01" WEST A DISTANCE OF 40.00 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR) ON THE WEST MARGIN OF THE RIGHT OF WAY OF HICKORY STREET SOUTH, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1, MAGNOLIA LANDING, AS RECORDED ON SLIDE 2667-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, THENCE ALONG THE WEST MARGIN OF SAID HICKORY STREET, NORTH 00°14'35" WEST A DISTANCE OF 1,528.24 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID WEST MARGIN NORTH 00°14'33" WEST A DISTANCE OF 60.00 FEET TO A POINT MARKED BY A CAPPED IRON ROD (REBAR), SAID POINT BEING THE NORTHEAST CORNER OF LOT 2, MAGNOLIA LANDING, AS RECORDED ON SLIDE 2667-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, THENCE DEPARTING SAID WEST MARGIN AND ALONG THE NORTH LINE OF SAID LOT 2, NORTH 89°36'34" WEST A DISTANCE OF 1,296.92 FEET TO A POINT MARKED BY AN IRON ROD (REBAR); THENCE DEPARTING SAID NORTH LINE AND ALONG THE WEST LINE OF SAID LOT 2, SOUTH 00°06'37" EAST A DISTANCE OF 60.00 FEET TO A POINT; THENCE SOUTH 89°36'34" EAST A DISTANCE OF 1,297.06 FEET TO THE POINT OF BEGINNING.



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Property Appraisal Link

Tax Year 2021
Valuation Date October 1, 2020

OWNER INFORMATION	
PARCEL	61-03-07-0-000-008.084
NAME	MAGNOLIA LANDING L L C
ADDRESS	1125 N CAUSEWAY BLVD #2 MANDEVILLE LA 70471
DEED TYPE	BOOK 0000
PREVIOUS OWNER	MCMATH PROPERTIES L L C
LAST DEED DATE	7/20/2019
	PAGE 1771685
	PPIN 380216 TAX DIST 07

DESCRIPTION

19.4 AC LOT 2 MAGNOLIA LANDING SLIDE 2667-A LYING IN THE CITY OF FOLEY SEC 7-T8S-R4E (WD)

PROPERTY ADDRESS	PROPERTY INFORMATION	
NEIGHBORHOOD	HICKORY ST	
PROPERTY CLASS	FOLEYSO	
SUBDIVISION	SUB CLASS	
LOT 2 BLOCK	MAGLAN	MAGNOLIA LANDING
SECTION/TOWNSHIP/RANGE	SUB DESC	
LOT DIMENSION	00-00 -00	
		ZONING

LAND:	261900	PROPERTY VALUES	
BUILDING:		CLASS 1:	TOTAL ACRES: 19.40
		CLASS 2:	TIMBER ACRES: 19.40
		CLASS 3:	
TOTAL PARCEL VALUE:	261900		
ESTIMATED TAX:	\$42.20		

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S/ops
7692

TOTAL USE VALUE:

12181

DETAIL INFORMATION

CODE TYPE	REF METHOD	DESCRIPTION	LAND USE	TC	Hs	Pn	MARKET USE VALUE	MARKET USE VALUE
M	LAND 1	MA MA-30000	19.40 acres	8100-AGRICULTURAL	3	N	N	261900
U	USE 2	MA MA-30000	6.00 acres	8310-TIMBER (GOOD C1)	3	N	N	4698
U	USE 3	MA MA-30000	10.40 acres	8320-TIMBER (AVG. C2)	3	N	N	6208
U	USE 4	MA MA-30000	3.00 acres	8330-TIMBER (POOR C3)	3	N	N	1275

[View Tax Record](#)



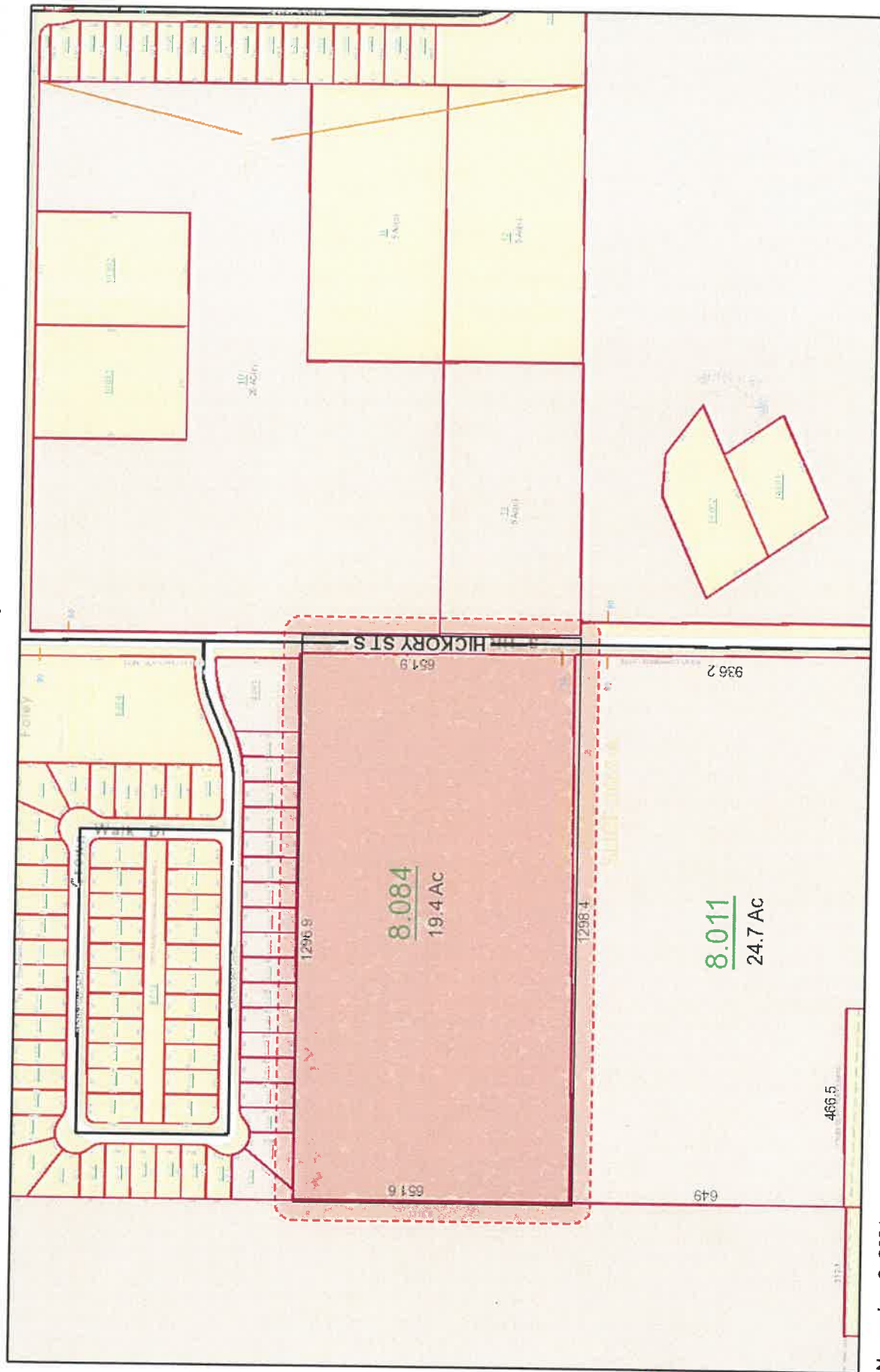
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November 9, 2021

polyonLayer **polyonLayer** **polyonLayer**

Override 1 Override 1 Override 1

Misc

Parcels

Centerlines

Coastal Control Line

Lot Lines

County Boundary

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

1945439



ESTABLISHMENT OF EASEMENT

UNITED STATES OF AMERICA

BY

STATE OF ALABAMA

MAGNOLIA LANDING, LLC

COUNTY OF BALDWIN

BE IT KNOWN, that on this 17th day of September, 2021, before me, the undersigned Notary Public, duly commissioned and sworn, and in the presence of the witnesses hereinafter named and undersigned, PERSONALLY CAME AND APPEARED the following who enters into this agreement ("**Establishment of Easement**"):

MAGNOLIA LANDING, LLC, a Louisiana Limited Liability Company, duly organized, validly existing, and in good standing under the laws of the State of Louisiana, and authorized to transact business in the State of Alabama, having its registered office at 1125 N. Causeway Blvd., Suite 2, Mandeville, LA 70471, appearing herein through its duly authorized Manager, Don A. McMath, hereinafter referred to as "**Grantor**";

who declared unto me, Notary, that it establishes an easement as hereafter set forth.

1. Properties Owned by Grantor. Grantor is the owner of the following described properties located in Baldwin County, Alabama, as more fully shown on the plat recorded on Slide 2667-A of the records of the Office of the Judge of Probate, Baldwin County, Alabama, as more fully shown on the Final Subdivision Plat of Smith Clark & Associates dated October 17, 2018, a copy of which is annexed hereto as Exhibit "A", to-wit:

- A. Lot 1 of Magnolia Landing, consisting of 24.75 acres, hereinafter referred to as "Lot 1"; and
- B. Lot 2 of Magnolia Landing, consisting of 19.42 acres, hereinafter referred to as "Lot 2".

2. Establishment of Access Easement Area. Grantor hereby establishes a perpetual and predial (running in favor of Lot 2 in perpetuity) easement of passage over, under, upon and across that portion of Lot 1, in favor of Lot 2, as described and in the location set forth below (hereinafter referred to as the "**Access Easement Area**"), to-wit:



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A. Said Access Easement Area is more fully described as follows, to-wit:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, MAGNOLIA LANDING, ACCORDING TO THE PLAT THEREOF RECORDED ON SLIDE 2667-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH LINE OF SAID LOT NORTH 89°35'46" WEST A DISTANCE OF 441.32 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE DEPARTING SAID NORTH LINE SOUTH 00°00'00" EAST A DISTANCE OF 380.58 FEET TO THE POINT OF CURVATURE OF A 110.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 172.79 FEET (CHORD BEARS SOUTH 45°00'00" EAST, 155.56'); THENCE NORTH 90°00'00" EAST A DISTANCE OF 22.71 FEET TO THE POINT OF CURVATURE OF A 150.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 91.63 FEET (CHORD BEARS NORTH 72°30'00" EAST, 90.21'); THENCE NORTH 55°00'00" EAST A DISTANCE OF 73.33 FEET TO THE POINT OF CURVATURE OF A 130.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 79.41 FEET (CHORD BEARS NORTH 72°30'00" EAST, 78.18'); THENCE NORTH 90°00'00" EAST A DISTANCE OF 76.68 FEET TO THE POINT OF A NON-TANGENTIAL 35.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 13.23 FEET (CHORD BEARS NORTH 79°10'17" EAST, 13.15') TO A POINT ON THE WEST MARGIN OF HICKORY STREET SOUTH; THENCE ALONG SAID WEST MARGIN SOUTH 00°14'35" EAST A DISTANCE OF 49.38 FEET TO THE POINT OF A NON-TANGENTIAL 35.00' RADIUS CURVE TO THE LEFT; THENCE DEPARTING SAID WEST MARGIN AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.36 FEET (CHORD BEARS NORTH 78°14'47" WEST, 14.26'); THENCE NORTH 90°00'00" WEST A DISTANCE OF 102.81 FEET TO THE POINT OF CURVATURE OF A 100.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 61.09 FEET (CHORD BEARS SOUTH 72°30'00" WEST, 60.14'); THENCE SOUTH 55°00'00" WEST A DISTANCE OF 43.21 FEET TO THE POINT OF CURVATURE OF A 176.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 107.51 FEET (CHORD BEARS SOUTH 72°30'00" WEST, 105.85'); THENCE NORTH 90°00'00" WEST A DISTANCE OF 22.71 FEET TO THE POINT OF CURVATURE OF A 110.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 172.79 FEET (CHORD BEARS SOUTH 45°00'00" WEST, 155.56'); THENCE SOUTH 00°00'00" WEST A DISTANCE OF 22.59 FEET TO THE POINT OF CURVATURE OF A 230.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 356.86 FEET (CHORD BEARS SOUTH 44°26'56" EAST, 322.13'); THENCE SOUTH 88°53'52" EAST A DISTANCE OF 147.17 FEET TO A POINT; THENCE

NORTH 83°30'28" EAST A DISTANCE OF 45.40 FEET TO A POINT; THENCE SOUTH 88°53'52" EAST A DISTANCE OF 27.17 FEET TO A POINT ON THE AFORESAID WEST MARGIN OF HICKORY STREET SOUTH; THENCE ALONG SAID WEST MARGIN SOUTH 00°18'49" EAST A DISTANCE OF 38.01 FEET TO A POINT; THENCE DEPARTING SAID WEST MARGIN NORTH 88°53'52" WEST A DISTANCE OF 28.11 FEET TO A POINT; THENCE NORTH 81°18'11" WEST A DISTANCE OF 45.40 FEET TO A POINT; THENCE NORTH 88°53'52" WEST A DISTANCE OF 147.17 FEET TO THE POINT OF CURVATURE OF A 256.00' RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 397.20 FEET (CHORD BEARS NORTH 44°26'56" WEST, 358.54'); THENCE NORTH 00°00'00" EAST A DISTANCE OF 22.52 FEET TO THE POINT OF CURVATURE OF A 110.00' RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 86.43 FEET (CHORD BEARS NORTH 22°30'31" WEST, 84.22') TO A REVERSE CURVE WITH A 64.00' RADIUS TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 100.57 FEET (CHORD BEARS NORTH 00°00'00" EAST, 90.54') TO A REVERSE CURVE WITH A 110.00' RADIUS TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 86.43 FEET (CHORD BEARS NORTH 22°30'31" EAST, 84.22'); THENCE NORTH 00°00'00" WEST A DISTANCE OF 380.69 FEET TO A POINT; THENCE SOUTH 89°35'46" EAST A DISTANCE OF 26.00 FEET TO THE POINT OF BEGINNING.

LESS AN EXCEPT A 70.5 FOOT DIAMETER CIRCULAR LANDSCAPED ISLAND IN THE CENTER OF THE ROUND ABOUT CONTAINED WITHIN THE EASEMENT DESCRIBED ABOVE BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, MAGNOLIA LANDING, ACCORDING TO THE PLAT THEREOF RECORDED ON SLIDE 2667-A IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE ALONG THE NORTH LINE OF SAID LOT NORTH 89°35'46" WEST A DISTANCE OF 454.32 FEET TO A POINT; THENCE DEPARTING SAID NORTH LINE SOUTH 00°00'00" EAST A DISTANCE OF 503.67 FEET TO THE CENTERPOINT OF A CIRCLE WITH A 35.25 FOOT RADIUS WHICH IS EXCLUDED FROM THE ABOVE DESCRIBED EASEMENT.

- B. Said Access Easement Area is more fully shown on the Easement Exhibit prepared by Jade Consulting, LLC dated August 3, 2021, a copy of which is annexed hereto as Exhibit "B".

3. Use of Access Easement Area by Lot 2. Grantor, as the owner of both Lot 1 and Lot 2, does hereby create a perpetual predial (running in favor of Lot 2 in perpetuity) easement for

JDS/Servitude/21261

the sole and exclusive purpose of providing non-exclusive vehicular and pedestrian ingress and egress for passage, as well as for the construction and installation of drainage and/or utility facilities, over and across the Access Easement Area in favor of Lot 2, including all current and future owners thereof, as well as tenants, occupants, invitees, and the like of Lot 2, such easement to provide access from Hickory Street South over, across, and through the Access Easement Area on Lot 1 to Lot 2, for the benefit of any and all improvements, occupants, tenants, and invitees of the current and/or future owners of Lot 2.

4. **No Public Grant.** This Establishment of Easement is not intended, and nothing contained herein shall be construed, as a dedication of the easement to the general public or a grant of any rights to any public of governmental authority or agency.

5. **Maintenance and Repair.** The owner of Lot 1 shall bear the entire cost of maintenance and repair of the Access Easement Area.

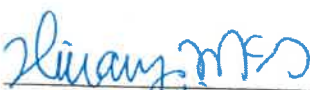
THUS DONE AND PASSED, in my office in St. Tammany Parish, Louisiana, on the date hereinabove first written, in the presence of the undersigned competent witnesses, who hereunto sign their names with the said appearer and me, Notary, after reading of the whole.

WITNESSES:

MAGNOLIA LANDING, LLC


Print Name: Gina Broussard

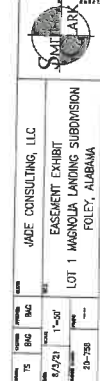
By: 
Don A. McMath
Manager


Print Name: Huey McGeary

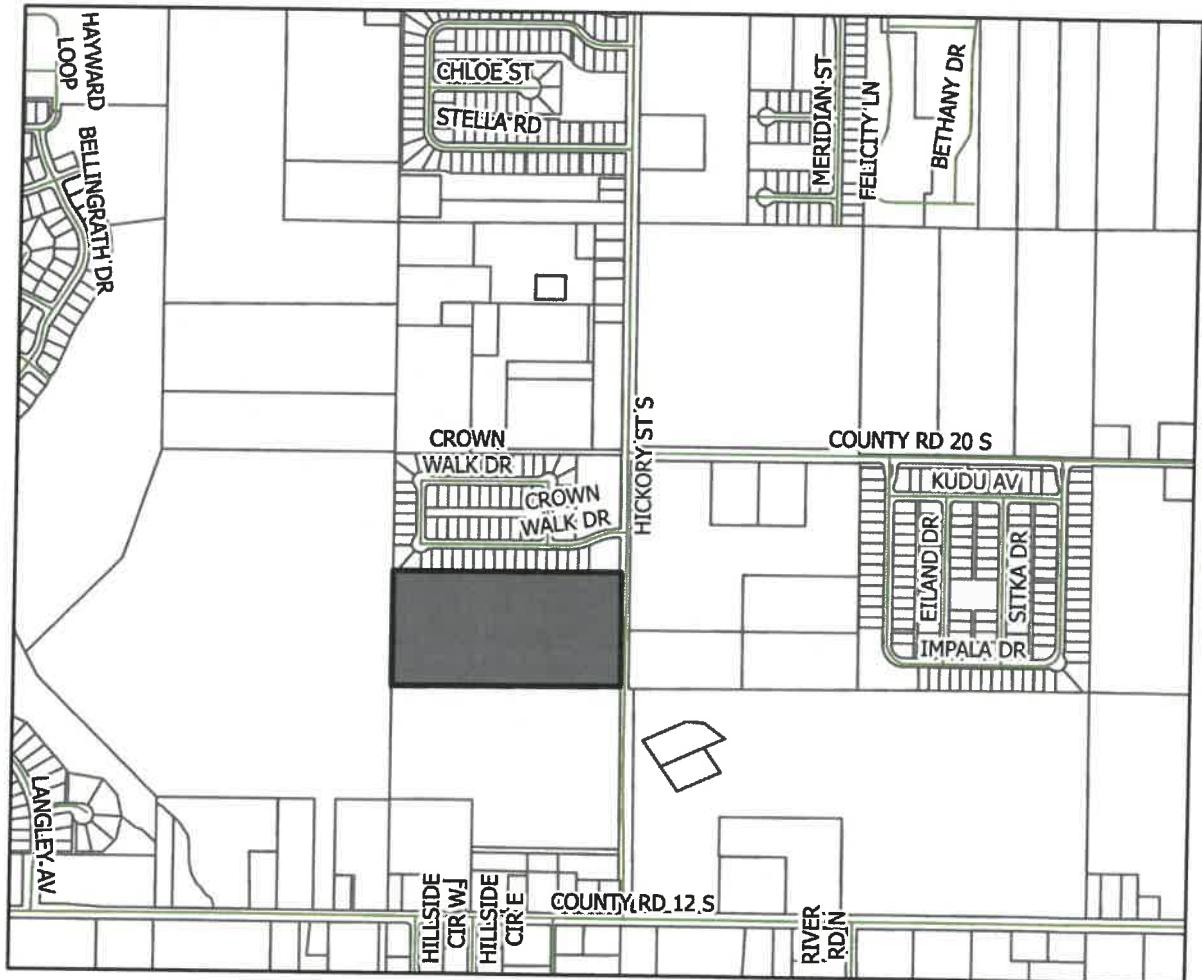

JEFFREY D. SCHOEN
Notary Public
Notary Bar Roll No.: 11809

Document prepared by: Jeffrey D. Schoen
Jones Fussell, L.L.P.
P. O. Box 1810
Covington, LA 70434
985-892-4801

JDS/Servitude/21261



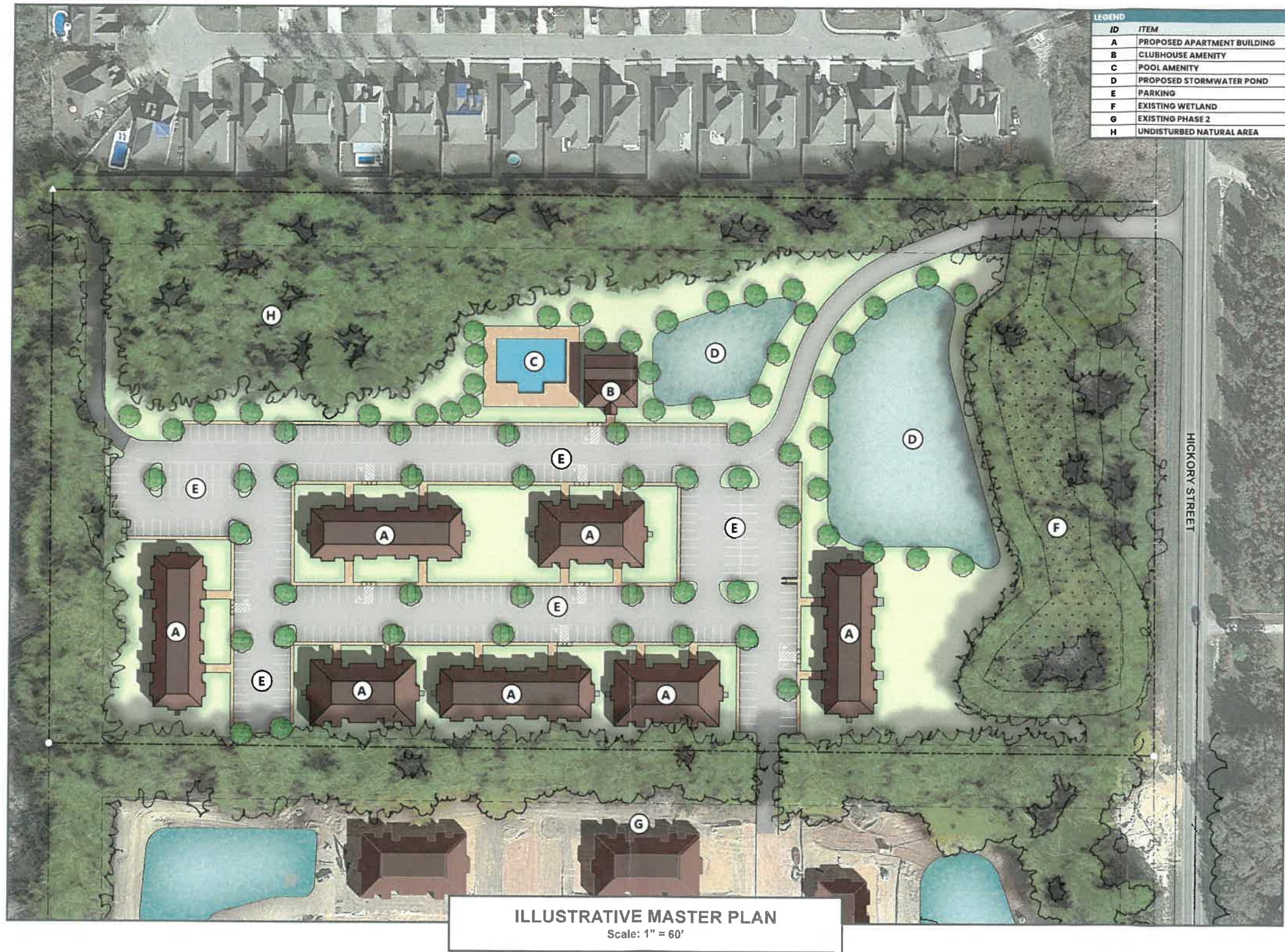
PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 19 +/- acres. Property is currently zoned B-2 (Neighborhood Business District) and R-1D (Residential Single Family). Proposed zoning is PUD (Planned Unit Development). Property is located W. of Hickory St. and N. of County Rd. 12. Applicant is Jade Consulting.

Anyone interested in this rezoning request maybe heard at a public hearing scheduled for April 20, 2022 in the Council Chambers of City Hall located at 407 W. 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



Magnolia Landing Phase 3 - Foley, Alabama



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PERMITTING PHASE
03.25.22 | Page 1 of 1
Project Number: 212012-080

was
DESIGN
landscape architects