



COMMUNITY DEVELOPMENT DEPARTMENT

120 S. MCKENZIE STREET

Foley, Alabama 36535

www.cityoffoley.org

(251) 952-4011

July 24, 2023

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 July 19, 2023 and the following action was taken:

Sherwood- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to the Mayor and Council the rezoning of 8.71 +/- acres. Property is currently zoned B2 (Neighborhood Business District). Proposed zoning is R-1C (Residential Single Family). Property is located W. of S. Hickory St. on Ocala Dr. Applicant is the City of Foley.

Planning Commission Action:

Commissioner Hinesley made a motion to recommend the requested rezoning to the Mayor and Council. Commissioner Mixon 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 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, CORPORATION OWNERSHIP INFORMATION, AND AGENT AUTHORIZATION IF REQUIRED): LEGAL IS BEING WRITTEN
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
SEND TO PROPERTY OWNERS, HOA & ADJACENT PROPERTY OWNERS
3. APPROXIMATE SIZE OF PROPERTY: 8.71+/- ACRES
4. PRESENT ZONING OF PROPERTY: B2 - NEIGHBORHOOD BUSINESS DISTRICT
5. REQUESTED ZONING: R1C - RESIDENTIAL SINGLE FAMILY
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY: SINGLE FAMILY HOMES & COMMON AREA
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.) SAME USE
8. IF REQUESTING A PLANNED DEVELOPMENT ZONE (PUD, PDD, R-3, TH-1, PID) ATTACH A PRELIMINARY TRAFFIC ANALYSIS, OFFICIAL UTILITY COMMITMENT LETTERS, DRAWING, AND WRITTEN NARRATIVE AS DEFINED IN THE CURRENT ZONING ORDINANCE. NA
9. 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: _____

PROPERTY OWNER/APPLICANT

PROPERTY OWNER ADDRESS

PHONE NUMBER

EMAIL ADDRESS



PLANNING COMMISSION

JOINT STAFF REPORT: July 2023

STAFF RECOMMENDATION: Approve / Deny / Conditional

PROJECT NAME: Sherwood

REQUEST: City of Foley Rezoning

OWNER / APPLICANT:
City of Foley on behalf of
multiple owners

ACREAGE: ± 8.71 ac

PIN#(s): 369193, 369226,
375907, 375906, 375905, 375904,
375903, 375902, 375901, 369196,
369195, 369194, 369192, 369229,
375916, 375917, 375918, 375919,
375920, 375921, 375922

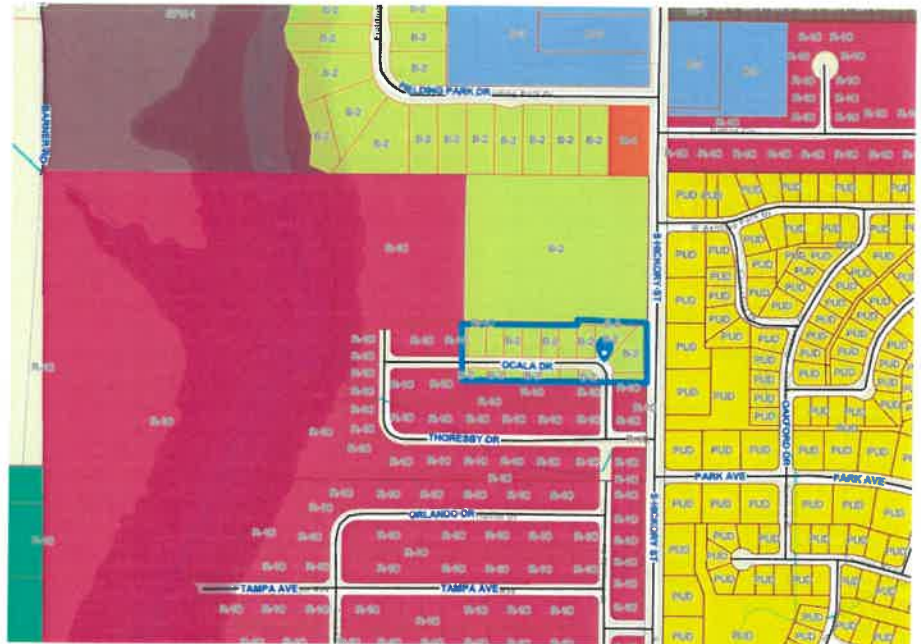
LOCATION: S of Fielding
Park Dr, W of S Hickory St

PROJECT DESCRIPTION:
Rezoning of a currently Legal
Non Conforming residential
area in a commercial zone. B-2
changed since this was built to
no longer allow stand alone
residential.

CURRENT ZONING: B-2

REQUESTED ZONING: R-1C

ADJACENT ZONING: B-2 to
the north is currently in
progress on their rezoning to



R-1C. PUD to east. R-1C to south & west.

FUTURE LAND USE: NC, Neighborhood Commercial
EXISTING LAND USE: vacant

UTILITY LETTERS RECEIVED: YES / NO / NOT APPLICABLE
DEED RECEIVED: YES / NO / NOT APPLICABLE
AGENT AUTHORIZATION: YES / NO / NOT APPLICABLE

ZONING:

Miriam Boone - In 2002, the property owners zoned 139.5 acres to R1C-Residential Single Family & 20.5 acres as B2-Neighborhood Business District (see Ord 742-02). A portion of Sherwood Subdivision got platted in the B2 zoning designation which was allowed at that time. The City has since amended the Zoning Ordinance to only allow residential with a commercial component (mixed use) in the B2 zone. This now creates a legal non-conforming status for these homes. We have had similar situations in other portions of town where this has happened and Title and/or Mortgage companies would not approve the sale without a correction.

The developer requested to rezone the larger unplatted portion of B2 (11.8+/- acres) to R1C to develop the remainder of the property as single family residential. That leaves 8.7+/- acres of the B2 platted with single family homes and a common area. A group of residents attended the June 21, 2023 Planning Commission meeting requesting the City rezone the platted portion in B2 to R1C to match the rest of the subdivision. The City is moving forward with this request.

ENGINEERING:

Chad Christian - Engineering is not opposed

ENVIRONMENTAL:

Angie Eckman - No issues are posed by rezoning.

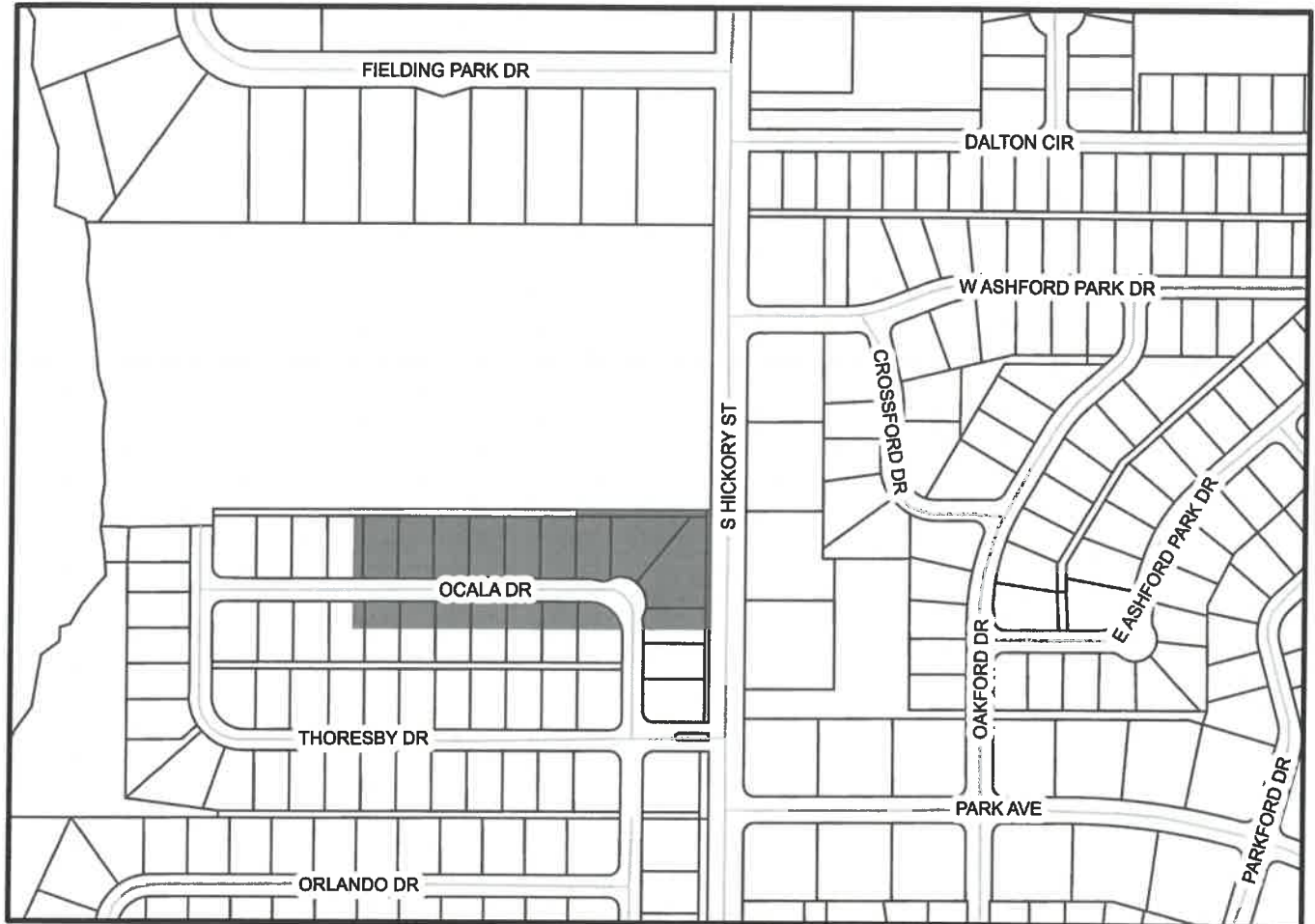
FIRE:

Brad Hall - Fire is not opposed

BUILDING/FLOODPLAIN:

Chuck Lay - Not opposed.

PUBLIC NOTICE



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Anyone interested in this rezoning request may be heard at a public meeting scheduled for July 19, 2023 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

Legal Description:

Common Area 3, Common Area 6, Lot 24 and Lots 27-30 of Sherwood, Phase 1 (Slide 2576-E) and Lots 36-42 and Lots 46-52 of Sherwood, Phase 2 (Slide 2620-B)