



Legislation Details (With Text)

**File #:** 23-0666      **Version:** 1      **Name:** ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY SCP BPG MAGNOLIA HOLDINGS, LLC FROM PDD - PLANNED DEVELOPMENT DISTRICT TO PDD - PLANNED DEVELOPMENT DISTRICT

**Type:** Ordinance      **Status:** Adopted

**File created:** 11/18/2023      **In control:** Community Development Department

**On agenda:** 1/2/2024      **Final action:** 1/2/2024

**Title:** (Second Reading) ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY SCP BPG MAGNOLIA HOLDINGS, LLC FROM PDD - PLANNED DEVELOPMENT DISTRICT TO PDD - PLANNED DEVELOPMENT DISTRICT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Backup for Rezoning.pdf

| Date      | Ver. | Action By    | Action                    | Result |
|-----------|------|--------------|---------------------------|--------|
| 1/2/2024  | 1    | City Council | adopted                   | Pass   |
| 12/4/2023 | 1    | City Council | approved on first reading | Pass   |

**ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY OWNED BY SCP BPG MAGNOLIA HOLDINGS, LLC FROM PDD - PLANNED DEVELOPMENT DISTRICT TO PDD - PLANNED DEVELOPMENT DISTRICT**

WHEREAS, the City of Foley, Alabama, adopted Ordinance No. 387-87 on June 15, 1987, ordaining a new Zoning Ordinance and Zoning Map for the City of Foley which has subsequently been amended, and

WHEREAS, the Planning Commission has recommended approval of this rezoning, and

WHEREAS, the City of Foley has received a request that specific property within the City be rezoned, and the City Council of the City of Foley deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance, and

WHEREAS, all requirements to the laws of the State of Alabama, with regard to the preparation of the report of the Foley Planning Commission and subsequent action of the City Council have been met,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA while in regular session accepted the following changes:

Section 1. That the official Zoning Map of the City of Foley, Alabama be amended to rezone the portion of property previously zoned PDD - Planned Development District to PDD - Planned Development District

said property description as follows:

LEGAL DESCRIPTION:

**LEGAL DESCRIPTION**

**WOERNER GULF BEACH EXPRESS, INC TRACT**

A CERTAIN PIECE OR PARCEL OF LAND, LOCATED IN SECTION 3, TOWNSHIP 8 SOUTH, RANGE 4 EAST, ST. STEPHENS MERIDIAN, CITY OF FOLEY, COUNTY OF BALDWIN, STATE OF ALABAMA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 4"X4" CONCRETE SECTION CORNER MONUMENT FOUND, COMMON TO SECTIONS 3 AND 2 OF TOWNSHIP 8 SOUTH - RANGE 4 EAST AND SECTIONS 34 AND 35 OF TOWNSHIP 7 SOUTH - RANGE 4 EAST; THENCE ALONG SAID SECTION LINE OF SECTIONS 3 AND 2 S00°13'53"W A DISTANCE OF 373.87 FEET TO A 5/8" CAPPED IRON ROD SET ON THE EASTERLY RIGHT OF WAY LINE OF FOLEY BEACH EXPRESSWAY AND THE POINT OF BEGINNING; DEPARTING SAID EASTERLY RIGHT OF WAY AND ALONG SAID SECTION LINE S00°13'53"W A DISTANCE OF 4872.87 FEET TO A 1/2" CAPPED IRON ROD (LINDSEY CAE6321) ON THE NORTHERLY RIGHT OF WAY OF MIFLIN ROAD; THENCE DEPARTING SAID SECTION LINE AND ALONG SAID RIGHT OF WAY N89°59'43"W A DISTANCE OF 1108.83 FEET TO A 5/8" IRON ROD FOUND ON THE EASTERLY RIGHT OF WAY OF FOLEY BEACH EXPRESSWAY; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY AND ALONG SAID EASTERLY RIGHT OF WAY N00° 06'23"W A DISTANCE OF 2538.33 FEET TO A 6"X6" MONUMENT FOUND CAPPED (PC 372+84.79/100); THENCE ALONG SAID EASTERLY RIGHT OF WAY A CURVE TO THE RIGHT HAVING A RADIUS OF 2191.83 FEET, CHORD BEARING N17°26'02"E, CHORD LENGTH OF 1329.17 FEET AND ARC LENGTH OF 1350.43 FEET TO A 6"X6" MONUMENT FOUND CAPPED (PC 336+07/100); THENCE ALONG SAID EASTERLY RIGHT OF WAY N35°03'51"E A DISTANCE OF 1279.10 FEET TO A 5/8" CAPPED IRON ROD SET AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 103.17 AS SHOWN ON A SURVEY BY DUPLANTIS DESIGN GROUP, PC, DATED 10/18/2022, PROJECT NUMBER 21-1111. THE ABOVE DESCRIBED PARCEL IS SUBJECT TO ANY SERVITUDES OR RESTRICTIONS THAT MAY BE OF RECORD.

SECTION 2: That the official Zoning Map of the City of Foley be revised to indicate this amendment and duly certified by the appropriate municipal officials.

SECTION 3: This Ordinance shall become effective immediately upon its adoption as required by law.

