

STATE OF ALABAMA  
COUNTY OF BALDWIN

BALDWIN COUNTY, ALABAMA  
HARRY D'OLIVE, JR. PROBATE JUDGE  
Filed/cert. 8/17/2022 3:26 PM  
TOTAL \$ 19.00  
3 Pages

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ORDINANCE 1007



AN ORDINANCE OF THE CITY COUNCIL OF BAY MINETTE, REGARDING  
**Case No. Z-22003, Rezoning of the Peavy Property by CRN Development,**  
AS AUTHORIZED PURSUANT TO SECTION 11-52-1 THROUGH 11-52-85, CODE OF ALABAMA (1975).

**WHEREAS**, CRN Development, on behalf of The Estate of W. A. Peavy, joined therein by Regina Langham, Rebecca Smith, Jamie Weaver, Bonnie Faye Brooks, John Peavy, Annette Bradford Hester, Lois Jean Franklin, Alvin Peavy and Billy Peavy, has petitioned the City of Bay Minette to rezone certain property located within the municipal limits at the intersection of McMillan Avenue and Petty Lane, said property identified herein and described as follows:

Commencing at the NW corner of the SW 1/4 of the NE 1/4 Sec 5, T-2-S, R-3-E, Baldwin County, Alabama; thence S89°45'00"E, a distance of 643.38 feet to a point; thence N00°15'00"E, a distance of 4.75 feet to a set 5/8" capped rebar; thence S89°55'06"E, a distance of 396.53 feet to a set 5/8" capped rebar; thence S89°55'06"E a distance of 362.38 feet to a set 5/8" capped rebar on the West right-of-way of McMillan Ave.; thence S23°01'11"E along said right-of-way, a distance of 454.30 feet to a crimped pipe; thence S86°10'39"W leaving said right-of-way, a distance of 394.97 feet to a capped rebar; thence S01°19'23"W, a distance of 186.67 feet to a capped rebar; thence N89°36'54"W, a distance of 478.12 feet to a set 5/8" capped rebar; thence N02°10'23"E, a distance of 196.39 feet to an open top pipe; thence N02°11'25"E a distance of 204.95 feet to a 5/8" capped rebar; thence S88°42'51"E, a distance of 208.37 feet to a 5/8" capped rebar; thence S88°44'50"E a distance of 104.01 feet to a set 5/8" capped rebar; thence N02°11'25"E, a distance of 234.42 feet to the point of beginning. Said parcel containing 8.19 acres, more or less.

Otherwise known as tax parcel number 05-23-03-05-1-000-018.000, as found in the office of the Revenue Commissioner of Baldwin County, Alabama. Said property further identified as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A"; and

**WHEREAS**, the petitioner has requested that property herein identified be rezoned from B-1, Local Business District, to R-4, High Density Multi-Family Residential District; and

**WHEREAS**, the Planning Commission of the City of Bay Minette held a public hearing in a regular meeting on July 14, 2022, and voted to recommend to the City Council approval of the rezoning request to R-4, High Density Multi-Family Residential District; and

**WHEREAS**, due notice of said proposed rezoning has been provided to the public as required by and in accordance with Section 11-45-8 of the *Code of Alabama* (1975), upon 15 or more days' notice of the time, place and purpose of the public hearing, and the City Council held a public hearing on July 18, 2022; and

**WHEREAS**, the City Council of Bay Minette after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for rezoning of the above described real property and as set forth in Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Bay Minette, Alabama;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:**

**SECTION I: ZONING.**

That above-described real property is hereby rezoned from B-1, Local Business District, to R-4, High Density Multi-Family Residential. Upon adoption and publication as required by law, the property shall be assigned the zoning

district in accordance with the rezoning; and the zoning ordinance and zoning map shall be amended to reflect said zoning.

## **SECTION II: REPEALER.**

Any ordinance or resolution heretofore adopted by the Council which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

## **SECTION III: SEVERABILITY.**

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **SECTION IV: EFFECTIVE DATE.**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

**FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED**, in the interest of public health, safety and welfare of the general public, determined that **Ordinance 1007, Case Z-22003, Rezoning of the Peavy Property by CRN Development**, is hereby **ADOPTED AND IMPLEMENTED**.

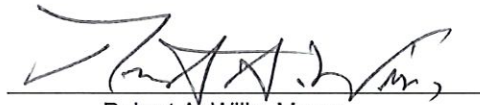
Done this the 15<sup>th</sup> day of August, 2022.



ATTEST:



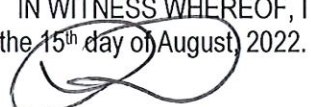
Rita Diedtrich, City Clerk



Robert A. Wills, Mayor  
City of Bay Minette, Alabama

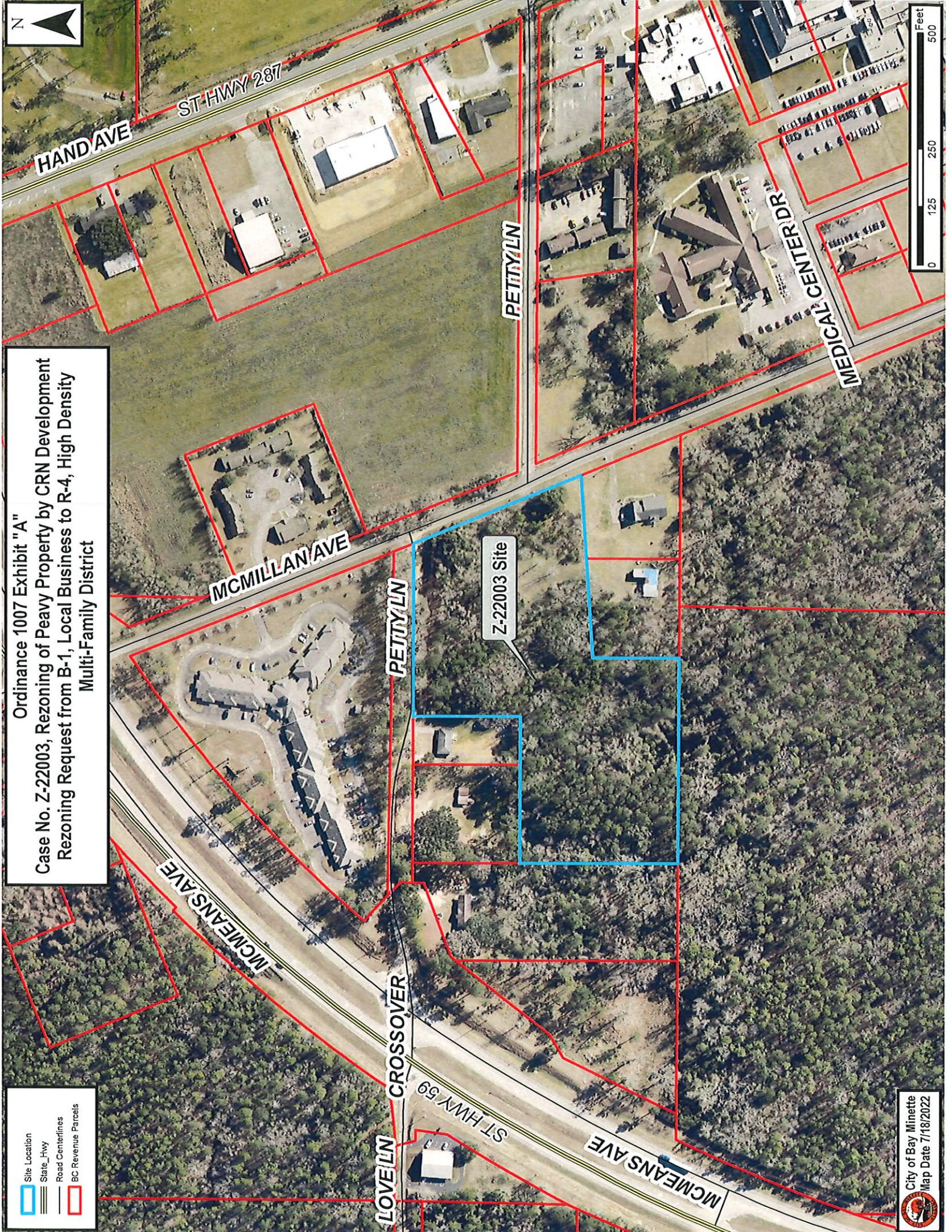
I, the undersigned qualified and acting Clerk of the City of Bay Minette, Alabama, do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such council, held on the 15<sup>th</sup> day of August, 2022 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, on this the 15<sup>th</sup> day of August, 2022.



Rita Diedtrich  
City Clerk





Ordinance 1007 Exhibit "A"  
Case No. Z-22003, Rezoning of Peavy Property by CRN Development  
Rezoning Request from B-1, Local Business to R-4, High Density  
Multi-Family District

- Site Location
- State Hwy
- Road Centerlines
- BC Revenue Parcels