

Having previously been introduced at the October 25, 2021 council meeting, Council Member FAARELL moved the adoption of the following Ordinance, which was seconded by Council Member RAKESTRAW:



ORDINANCE 21-147

AN ORDINANCE TO REZONE PROPERTY OF CITY OF ALABASTER AND STAR LAKE FAMILY LLC & E&Z JOSEPH LLC FROM R-3, SINGLE FAMILY RESIDENTIAL, B-3, COMMUNITY BUSINESS DISTRICT AND INSTITUTION DISTRICT TO MXD, MIXED USE DISTRICT

THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

WHEREAS The City of Alabaster, Star Lake Family LLC, E&Z Joseph LLC, as Owners of land being known as Parcels 23 1 02 1 002 023.008, 23 1 02 3 001 067.000, 23 1 02 4 001 002.000, 23 1 02 4 001 015.000, 23 1 02 4 001 023.000, 23 1 02 4 001 024.001, 23 1 02 4 001 024.002, 23 1 02 4 001 025.000, 23 1 11 1 001 001.000 and 23 1 11 1 001 002.001, petitioned the City to rezone said property to MXD, Mixed Use District.

WHEREAS the Planning and Zoning Commission held a public hearing on this matter on September 28, 2021, and did recommend to the Council that said property be zoned to MXD, Mixed Use District.

That this proposed Ordinance was advertised for two (2) weeks in the Shelby County Reporter, a newspaper of general circulation within the City Limits of the City of Alabaster, and that the City Council of the City of Alabaster, at its Public Hearing on November 22, 2021, at 7:00 p.m., considered said proposed Ordinance and that at such time and place all persons who desired had an opportunity to be heard in favor of or in opposition to such Ordinance.

Be it Ordained that the Zoning Ordinance of the City of Alabaster, Alabama, and the zoning map adopted therewith, is hereby amended to zone the property described as:

City of Alabaster Parcels

Commence at a $\frac{3}{4}$ " capped rebar in place accepted as the Northwest corner of the Northeast one-fourth of the Southeast one-fourth of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed South $00^{\circ} 12' 43''$ East along the West boundary of said quarter-quarter section and along the West boundary of the Southeast one-fourth of the Southeast one-fourth for a distance of 1648.81 feet to a $\frac{3}{4}$ " capped rebar in place; thence proceed South $00^{\circ} 5' 37''$ East along the West boundary of said Southeast one-fourth of the Southeast one-fourth for a distance of 100.42 feet to $\frac{3}{4}$ " capped rebar in place; thence proceed South $00^{\circ} 18' 21''$ East along the West boundary of said Southeast one-fourth of the Southeast one-fourth for a distance of 113.74 feet to a $\frac{3}{4}$ " capped rebar in place; thence proceed South $00^{\circ} 14' 21''$ East along the West boundary of the Southeast one-fourth of the Southeast one-fourth for a distance of 344.17 feet to a 1" rebar in place; thence proceed South $00^{\circ} 06' 42''$ East along the West boundary of said Southeast of said one-fourth of the Southeast one-fourth a distance of 441.26 feet to a $\frac{3}{4}$ " capped rebar in place accepted as the Southwest corner of the Southeast one-fourth of the Southeast one-fourth of said section; thence proceed South $02^{\circ} 29' 02''$ East along the West boundary of the Northeast one-fourth of the Northeast one-fourth of Section 11, Township 21 South, Range 3 West, for a distance of 1330.23 feet (set $\frac{1}{2}$ " rebar) to the Southwest corner of said quarter-quarter Section; thence proceed South $88^{\circ} 32' 26''$ East along the South boundary of said quarter-quarter section for a distance of 1304.33 feet (set $\frac{1}{2}$ " rebar) to the Southeast corner of said Northeast one-fourth of the Northeast one-fourth; thence proceed North $02^{\circ} 27' 53''$ West along the East boundary of said quarter-quarter section for a distance of 1327.96 feet to a $\frac{1}{2}$ " crimp top pipe in place being the Northeast corner of Section 11 which is also the Southwest corner of Section 1, Township 21 South, Range 3 West; thence proceed South $88^{\circ} 45' 27''$ East along the South boundary of the Southwest one-fourth of the Southwest one-fourth of said Section 1 for a distance of 55.0 feet; thence proceed North $01^{\circ} 14' 33''$ East for a distance of 210.0 feet; thence proceed South $88^{\circ} 45' 27''$ West for a distance of 210.0 feet to a point on the South boundary of said Southwest one-fourth of the Southwest one-fourth; thence proceed South $88^{\circ} 45' 27''$ East along the South boundary of said quarter-quarter section a distance of 283.42 feet to a point on the Westerly right-of-way of the CSX Railroad right-of-way; thence proceed North $43^{\circ} 42' 09''$ West along the Westerly right-of-way of said

Railroad right-of-way for a distance of 786.86 feet to the P.C. of a concave curve right having a delta angle of 48° 44' 52" and a radius of 1495.69 feet; thence proceed Northeasterly along the curvature of said curve and along the Westerly right-of-way of said railroad right-of-way for a chord bearing and distance of North 19° 19' 43" West, 1234.51 feet to the P.T. of said curve; thence proceed North 04° 46' 55" East along the Westerly right-of-way of said railroad right-of-way for a distance of 551.73 feet to the P.C. of a concave curve left having a delta angle of 16° 38' 59" and a radius of 1349.97 feet; thence proceed Northwesterly along the curvature of said curve and along the Westerly right-of-way of said railroad right-of-way for a chord bearing and distance of North 04° 32' 18" West, 390.91 feet (set ½" rebar) to a point on the North boundary of the Northeast one-fourth of the Southeast one-fourth of Section 2, Township 21 South, Range 3 West; thence continue Northwesterly along the curvature of said curve and along the Westerly right-of-way of said railroad right-of-way for a chord bearing and distance of North 18° 28' 11" West, 283.48 feet to a 6" by 6" concrete right-of-way monument, being located on the Southerly right-of-way of Alabama Highway No. 119; thence proceed North 67° 40' 55" West along the Southerly right-of-way of said highway for a distance of 167.97 feet; thence proceed South 75° 49' 36" West along the Southerly right-of-way of said highway for a distance of 80.56 feet to its point of intersection with the centerline of John Allen Branch; thence proceed South 27° 36' 11" East along the center of said creek for a distance of 46.54 feet thence proceed South 01° 24' 36" East along the center of said creek for a distance of 264.61 feet to a point on the North boundary of the Northeast one-fourth of the Southeast one-fourth of Section 2; thence proceed North 88° 36' 33" West along the North boundary of said Northeast one-fourth of the Southeast one-fourth for a distance of 315.17 feet to a 2" pipe in place; thence continue North 88° 36' 33" West along the North boundary of said quarter-quarter section for a distance of 314.50 feet to the point of beginning.

The above-described land is located in the Southeast one-fourth of the Northeast one-fourth, the Northeast one-fourth of the Southeast one-fourth and the Southeast one-fourth of the Southeast one-fourth of Section 2, the Northeast one-fourth of the Northeast one-fourth of Section 11 and the Southwest one-fourth of the Southwest one-fourth of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and contains 108.76 acres, more or less.

Star Lake Family LLC/E & Z Joseph LLC parcels

Parcel I (Instrument No. 20160426000136590)

A parcel of land situated in SE ¼ of SW ¼ Section 2, Township 21 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Begin at SE corner of SE ¼ of SW ¼ of Section 2, Township 21 South, Range 3 West; thence run West along the South line of said ¼ - ¼ for 366.20 feet to the most easterly right of way line of Alabama Highway #119; said point also being on a curve to the right having a radius of 3433.55 and subtending a central angle of 5 degrees, 58 minutes, 12 seconds; thence from last stated course turn 96 degrees, 15 minutes, 25 seconds, to the tangent of said curve and run Northeasterly along curve and highway right of way for 357.57 feet to end of curve; thence at tangent to said curve run northeasterly along said right of way for 235.06 feet; thence 82 degrees, 56 minutes, 13 seconds, right and run Southeasterly for 241.35 feet; thence 82 degrees, 56 minutes, 10 seconds right and run Southerly for 561.29 feet to point of beginning.

Parcel II

A parcel of land situated in SW ¼ of SE ¼ and in SE ¼ of SW ¼ of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama.

Commence at the SE corner of SW ¼ of the SE ¼ of Section 2, Township 21 South, Range 3 West, thence run North along ¼ - ¼ line 442.60 feet to the point of beginning; thence continue North along said ¼ - ¼ line for 343.18 feet; thence 90 deg. 01 minutes, 30 seconds, to the left and run Northwesterly for 1120.44 feet; thence 88 degrees 15 minutes, 30 seconds, to the left and run Southwesterly for 244.10 feet; thence 88 degrees, 15 minutes, 30 seconds to the right and run Northwesterly for 356.87 feet to a point on the most Easterly right of way line of Alabama Highway No. 119; thence 86 degrees, 02 minutes 00 seconds to the left and run Southwesterly along said right of way line for 178.73 feet; thence 97 degrees, 03 minutes, 47 seconds to the left and run Southeasterly for 1558.82 feet to the point of beginning.

Parcel III

A parcel of land situated in SW ¼ of SE ¼ of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama more particularly described as follows: begin at the Southeast corner of the SW ¼ of the SE ¼ Section 2, Township 21 South, Range 3 West; thence run North along the East line of said ¼ - ¼ for 442.60 feet; thence 83 degrees 07 minutes 17 seconds, left and run Northwesterly for 1317.47 feet; thence 97 degrees 03 minutes, 50 seconds left and run Southerly for 561.29 feet to the South line of said ¼ - ¼ ; thence 88 degrees 06 minutes 00 seconds left and run Easterly along said South line for 1306.76 feet to the point of beginning.

Parcel No. 23-1-02-4-001-015.000 (Instrument No. 20160426000136580)

A parcel of land situated in Section 2, Township 21 South, Range 3 West, being more particularly described as follows:

Commence at the southeast corner of SW ¼ of SE 1/4, Section 2, Township 21 South, Range 3 West, and run thence north along the east line of said ¼ - ¼ for 999.78 feet to the point of beginning; said point also being the northeast corner of the Thornton property; thence continue north along the last stated course for 1648.88 feet to the northeast corner of NW ¼ of SE ¼; thence an angle to the left of 146 deg. 52 min. 15 sec. and run southwesterly for 602.0 feet; thence 90 deg. 00 min, 00 sec. to the right and run northwesterly for 337.43 feet; thence 90 deg. 00 min. 00 sec. to the left and run southwesterly for 116.00 feet; thence 90 deg. 00 min. 00 sec. left and run southeasterly for 21.00 feet; thence 90 deg. 00 min. 00 sec. right and run southwesterly for 80.00 feet; thence 96 deg. 03 min. 09 sec. left and run southeasterly for 72.2 feet; thence 2 deg. 48 min. 30 sec. right and run southeasterly for 130.0 feet; thence 90 deg. 00 min. 00 sec. right and run southwesterly for 282.23 feet; thence 90 deg. 00 min. 00 sec. right and run northwesterly for 102.24 feet to the easterly right of way line of 2nd Court; thence 86 deg. 18 min. 32 sec. left and run southwesterly along said right of way line for 666.18 feet; thence 21 deg. 51 min. 45 sec. left and run southwesterly for 125.72 feet to the north line of the Thornton property; thence 92 deg. 36 min. 00 sec. left and run southeasterly along the north line of said Thornton property for 1162.02 feet to the point of beginning.

Parcel Number 23-1-02-4-001-024.001 (Instrument No. 20160426000136550)

A parcel of land situated in the Southwest ¼ of Southeast ¼ and in Southeast ¼ of Southwest ¼ of Section 2, Township 21 South, Range 3 West, Shelby County, Alabama. Commence at the Southeast corner of Southwest ¼ of Southeast ¼ of Section 2, Township 21 South, Range 3 West, and run Northerly along said ¼ - ¼ line for 785.78 feet; thence 80 degrees 01' 30" to the left and run Northwesterly for 1120.44 feet to the point of beginning; thence continue along last stated course for 354.91 feet to a point on the most Easterly right-of-way line of the Alabama Highway No. 119; then 88 degrees 15' 30" to the left and run Southwesterly along said right-of-way for 143.21 feet to the beginning of a curve to the right having a radius of 2599.80 feet and subtending a central angle of 2 degrees 13' 30" thence Southwesterly along said arc of curve for 100.91 feet to the end of said curve; thence from tangent of said curve turn 93 degrees 58' 00" to the left and run Southeasterly for 356.87 feet; thence 88 degrees 15' 30" to the left and run Northeasterly for 244.10 feet to the point of beginning; being situated in Shelby County, Alabama.

Parcel Number 23 1 02 4 001 023.000 (Instrument No. 20181005000357440) Part of the SW ¼ of the SE ¼ and part of the SE ¼ of the SW ¼ of Section 2, Township 21 South Range 3 West. More particularly described as follows: Commence at the Southeast corner of the SW ¼ of the SE ¼ of said section 2 and thence run North along the East line of said quarter -quarter section for 785.78 feet to the point of beginning; Thence 80 degrees 01 minutes 30 seconds left and run Northwesterly for 1475.35 feet to a point on the Easterly right of way line of Alabama Highway #119; thence 91 degrees 44 minutes 30 seconds right and run Northeasterly along said highway right of way line for 189.30 feet; Thence 87 degrees 24 Minutes right and run Southeasterly for 1432.68 feet to a point on the East line of said quarter-quarter Section; Thence 80 degrees 53 minutes right and run South along the East line of said quarter-quarter Section for 214 feet to the point of beginning.

to Mixed Use District as set forth in that certain plan presented to and approved by the Planning and Zoning Commission on September 28 as may be amended by the Commission from time to time.

All other items and provisions of the Zoning Ordinance of the City of Alabaster not herein specifically amended shall remain in full force and effect.

This Ordinance shall become effective upon its passage and execution as provided by law.

ADOPTED AND APPROVED THIS 22ND DAY OF NOVEMBER 2021.

ATTEST:

CITY OF ALABASTER


J. Mark Frey, City Clerk


Sophie Martin, Council President

APPROVED:


Scott Brakefield, Mayor