



# CITY OF PRATTVILLE

**BILL GILLESPIE, JR.**  
MAYOR

---

## CITY COUNCIL

**WILLIE WOOD, JR.**  
PRESIDENT  
DISTRICT 2

**ALBERT C. STRIPLIN**  
PRESIDENT PRO TEMPORE  
DISTRICT 1

**DENISE B. BROWN**  
DISTRICT 3

**JERRY STARNES**  
DISTRICT 4

**CLYDE CHAMBLISS, JR.**  
DISTRICT 5

**RAY C. BOLES**  
DISTRICT 6

**LORA LEE BOONE**  
DISTRICT 7

## City of Prattville Board of Zoning Adjustment

The minutes of the January 14, 2014 meeting of the  
City of Prattville Board of Zoning Adjustment  
were approved.

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Leo Jamieson, Chairman

11 March 2014

Date

### PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-361-3613 ■ 334-361-3677  
FACSIMILE  
planning.prattvilleal.gov



# CITY OF PRATTVILLE

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## CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A January 14, 2014 4:00pm

### Call to Order:

### Roll Call:

Chairman Leo Jamieson, Vice-Chairman Jerry Schanep, Mr. Jerry Cimis, Mr. Mac Macready, and Mr. James Miles. Alternate Member: Commander Michael Whaley.

### Election of Officers:

### Minutes:

October 8, 2013 and November 12, 2013

### Old Business:

None

### New Business:

1. 140114-01 VARIANCE

*District 5*

To reduce the frontage landscaping requirement from 20' to 10'.  
2497 Cobbs Ford Road  
FAR Zoning District (Forest, Agricultural, Recreation)  
Tee's Enterprises, Inc., Petitioner

2. 140114-02 USE-ON-APPEAL

*District 2*

To allow use for apartments.  
Carver Street  
R-3 Zoning District (Single Family Residential)  
Mack Post, Jr., Petitioner

3. 140114-03 USE-ON-APPEAL

*District 1*

To allow use for electric substation.  
SW 4<sup>th</sup> Street and Gin Shop Hill Road  
R-3/B-2 Zoning Districts  
Alabama Power Company/Michael Vaughan, Petitioner

### Miscellaneous:

### Adjourn:

## PLANNING & DEVELOPMENT DEPARTMENT

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FACSIMILE  
planning.prattvilleal.gov

**City of Prattville Board of Zoning Adjustment  
Minutes  
January 14, 2014**

**CALL TO ORDER:**

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:03 p.m. on Tuesday, January 14, 2014.

**ROLL CALL:**

Present: Chairman Leo Jamieson, Vice-Chairman Mrs. Jerry Schannep, Mr. Gerald Cimis, Mr. Mac Macready, and Mr. James Miles. Absent: None.

***Quorum Present***

Staff present: Mr. Joel Duke, City Planner and Ms. Alisa Morgan, Secretary.

Chairman Jamieson stated the governing rules for the Prattville Board of Zoning Adjustment according to the *Code of Alabama, 1975* and the procedure of the meeting.

Chairman Jamieson moved the approval of minutes and the election of officers to the end of the agenda.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**VARIANCE**

**To reduce the frontage landscaping requirement from 20' to 10'.**

**2497 Cobbs Ford Road**

**FAR Zoning District (Forest, Agricultural, Recreation)**

**Tee's Enterprises, Inc., Petitioner**

Mr. Duke introduced the variance request to allow changes to the landscape requirements. He stated that the request was made in anticipation of rezoning for proposed businesses. He stated that the property was currently zoned FAR and the petitioner had requested and received a recommendation for approval by the Planning Commission and was now pending consideration of approval by the Prattville City Council. He stated that a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet.

Greg Gillian of Larry Speaks and Associates, LLC, representative of Tee's Enterprises, Inc. presented the variance request for the frontage landscape depth on the east side of property (Bass Pro Blvd). He stated that they were shifting the landscaping to prevent disturbing the ground near the detention pond on the adjacent property. He also stated that they were trying to maintain the front and create additional green space (Cobbs Ford Road). He stated that the proposed development is two businesses retail spaces.

Chairman Jamieson opened the public hearing. There were none to speak. The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Cimis moved to approve as submitted contingent upon City Council approval of the proposed rezoning to B-2. Mr. Miles

seconded the motion.

The motion to approve passed unanimously.

**USE-ON-APPEAL**

**To allow use for apartments.**

**Carver Street**

**R-3 Zoning District (Single Family Residential)**

**Mack Post, Jr., Petitioner**

Mr. Duke provided the staff report for the use-on-appeal request to allow apartments in a single family residential zoned district. He stated that the undeveloped 10 acre parcel was proposed for apartments with a 120 units split among 15 separate structures in two phases. He stated that the layout also includes a single clubhouse serving both phases. He stated that the use was allowed with BZA approval.

Greg Gillian of Larry Speaks and Associates, LLC, representative of Mack Post, Jr. presented the use-on-appeal request to allow apartments on the property. He stated that the property was adjacent to the Oak Creek Subdivision. He stated that the initial proposed use for the property was for 25 single family dwellings. He stated that the proposed apartments would be done in two phases. He stated that the first phase proposed for 56 units on seven acres and the subsequent phase would follow two to three years later.

Mack Post, petitioner, stated that he was seeking to sell the property for development. He stated that the economic situation prevented him from gaining money building a subdivision rather than apartments.

Chairman Jamieson opened the public hearing.

Napoleon Steele, 303 Tuskegee Street, spoke in opposition to the request. He stated that the use of apartments would generate more crime.

Abraham Bozeman, 321 Tuskegee Street, spoke in opposition to the request. He stated that the proposed use would negatively impact the traffic.

Carolyn Guidry, 327 Dillard Street, spoke in opposition to the request due to increased traffic.

Ryan MCray, 204 Carver Street, spoke in opposition to the request due to traffic increase.

Algie Morgan, 998 Wilberforce Avenue, spoke in opposition to the request. He stated that he was glad to see growth to the community but would like to see housing that is compatible to the existing neighborhood.

Earnest Roy, 393 West 4<sup>th</sup> Street, adjacent property owner, stated that he was concerned about the traffic increase and apartment management. He stated that ownership brings on better investment.

Mr. Post stated that he would like the approval for the apartment use. He stated that he couldn't figure what other use for the property where he could get a return on his money.

Mr. Duke stated that the 2007 subdivision approval was for single family residential. He stated that the Future Land Plan/Map adopted by the Planning Commission on January 21, 2010 shows the subject property's designation as Low Density Residential. He stated that the proposed use-on-appeal

request at 12 units per acre would be considered a medium to high density residential use.

Chairman Jamieson closed the public hearing.

After no further comments, questions, or discussion, the vote was called. Finding that the use was inconsistent with the Future Land Plan for Low Density Residential, the property was located adjacent to Low Density Residential and the use could potential increase excessive traffic flow; Mr. Cimis moved to deny the request. Mr. Miles seconded the motion.

The motion to deny passed unanimously.

**USE-ON-APPEAL**

**To allow use for electric substation.**

**SW 4<sup>th</sup> Street and Gin Shop Hill Road**

**R-3/B-2 Zoning Districts**

**Alabama Power Company/Michael Vaughan, Petitioner**

Mr. Duke provided the staff report for the use-on-appeal to allow an electric substation. He stated that the property was 6.68 acres contained in four parcels. He stated that the property was pending Planning Commission approval to re-plat the four lots into one lot. He stated that the zoning on the property is split between B-2 near Gin Shop Hill Road and R-3, Single Family Residential on the west side.

Tim Davis, petitioner's representative, introduced the use-on-appeal to allow an electric substation. He presented an aerial map of the property showing the four lots to be used. He stated that the two lots to the east were zoned commercial (B-2) and the two lots to the west were zoned residential (R-3). He stated that they were seeking a use-on-appeal rather than rezoning in the event that the substation was no longer used there the property would revert back to its initial zoning. He stated that the substation was to allow for improvement of electric service in the area and to prepare for future growth in the area. He stated that they plan to beautify the substation as best they can. He stated that they had planned to use decorative brick paneling instead of a chain link fence and landscaping with crepe myrtles to the east and wax myrtles to the west. He stated that at the end of December they mailed letters with the rendering of the site to adjacent property owners within 500' along with his contact information and he had not received any opposition to the project.

Chairman Jamieson opened the public hearing.

Ernest Roy, 393 West 4<sup>th</sup> Street, spoke in opposition to the request. He stated that the proposed substation would be located within a half mile of an existing substation.

John Woody, representative of Alabama Power, stated that the substation located behind the county's Engineering Office was not owned by Alabama Power.

Mr. Duke stated that electric sub-stations were necessary uses in residential and business zoning districts. He stated that by placing these facilities in the use-on-appeal category, the Council has determined that additional, case-by-case scrutiny is necessary before allowing their construction and placement. He stated that it is appropriate for the Board to consider the surrounding development patterns, impacts on those surrounding developments, and whether those impacts can be sufficiently and appropriately mitigated before approving a use-on-appeal.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. Mr. Macready moved to approve the request. Mrs. Schannep seconded the motion.

Mr. Miles moved to amend the motion to approve contingent upon working with the Planning Department in making the landscaping appealing. The motion to amend failed for lack of a second.

The motion to approve (as submitted) passed by 4/1 vote as recorded. Favor: Mr. Macready, Mrs. Schannep, Mr. Miles, and Chairman Jamieson. Oppose: Mr. Cimis.

**MINUTES:**

Mr. Macready moved to approve the minutes of the October 8, 2013 and the November 12, 2013 minutes. Mr. Cimis seconded the motion. The motion passed unanimously.

**ELECTION OF OFFICERS:**

Mrs. Schannep moved to elect Mr. Jamieson as Chairman and Mr. Miles as Vice-Chairman and Ms. Morgan as Secretary. The BZA voted 4/1 to approve the elected officers as recorded. Favor: Mr. Jamieson, Mr. Cimis, Mr. Macready and Mrs. Schannep. Oppose: Mr. Miles.

**MISCELLANEOUS:**

**ADJOURN:**

After no further comments, questions or discussion the meeting was adjourned at 4:45 p.m.

Respectfully submitted,



Alisa Morgan, Secretary  
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: TEE'S ENTERPRISES, INC.  
9481 US HWY 278 E  
HOLLY POND, AL 35083

REQUEST: VARIANCE TO REDUCE THE FRONTAGE LANDSCAPING  
REQUIREMENTS FROM 20' TO 10'  
2497 COBBS FORD ROAD  
B-2 ZONING DISTRICT (GENERAL BUSINESS)

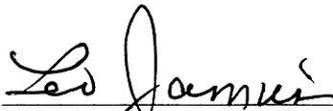
ORDER

The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on January 14, 2014 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the variance to reduce the frontage landscaping requirements from 20' to 10' as submitted contingent upon City Council approval of the proposed rezoning to B-2 at 2497 Cobbs Ford Road.**

**IT IS THEREFORE ORDERED** the petition of Tee's Enterprises, Inc., 300 Eastern Blvd., Montgomery, AL is hereby approved.

**DONE THIS THE 14th DAY OF January 2014.**

BOARD OF ZONING ADJUSTMENT

  
\_\_\_\_\_  
LEO JAMIESON, CHAIRMAN

  
\_\_\_\_\_  
ALISA MORGAN, SECRETARY

**CITY OF PRATTVILLE BOARD OF ADJUSTMENT  
PUBLIC HEARING  
SPEAKERS SIGN-IN SHEET**

**MEETING DATE:** January 14, 2014

**PETITIONER:** Tee's Enterprises, Inc.

**ADDRESS OF PETITION:** 2497 Cobbs Ford Road

	<b>NAME</b>	<b>ADDRESS</b>
1.		Larry Speak Assoc. Montgomery, AL
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**CITY OF PRATTVILLE**  
 Board of Zoning Adjustment

Planning Department Staff Report



<b>DATE:</b>	1/6/14
<b>APPLICATION TYPE:</b>	Variance (140114-01)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	2497 Cobbs Ford Road (Old Jet Pep)
<b>PETITIONER(S) AND AGENT(S):</b>	Tee's Enterprises, Inc. Larry E. Speaks & Associates, Greg Gillian, Representative
<b>ZONING DISTRICT(S)</b>	FAR (B-2 General Business)
<b>REQUESTED ACTION:</b>	To allow changes to the (east) frontage landscape requirements.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</b></p> <p>(a) <u>Frontage Landscaping and Foundation Planting Requirements.</u> Frontage landscaping shall require a landscaped strip with a minimum 10-foot depth along all adjacent public rights-of-way. Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs per full forty (40) linear feet of the frontage strip; shrubs are optional in areas where a berm at least four (4) feet in height is used, Trees and shrubs shall be well distributed, though not; necessarily evenly spaced.</p> <p>A lot with less than one hundred fifty (150) feet frontage and adjacent to a right-of-way shall have a frontage strip depth of ten (10) feet; a lot with one hundred fifty (150) feet to two hundred fifty (250) feet frontage shall have a frontage strip depth of twenty (20) feet; a lot with over 250 feet frontage shall have a frontage strip depth of thirty (30) feet...</p>

CITY OF  
PRATTVILLE, AL

2497

COBBS FORD RD

Former Jet Pep  
Gas Station

Scale: 1" = 100'



STREETS

TAX PARCELS



1475 16 17 18 19 20 21 22 23



**140114-01**

Variance  
To reduce front landscape from 20' to 10'

City Of Prattville  
Planning and Development Department  
102 W. Main Street  
Prattville, AL 36067  
(334) 361-3614 Fax (334) 361-3677  
www.prattvilleal.gov

**Application  
Prattville Board of Zoning Adjustment**

ype:  Use-On-Appeal  Variance  Administrative Appeal

12 3 21 - 150

**Applicant /Agent Information**  
Notarized letter from the property owner is required if agent is used for representation

Name: Gregory M. Gillian (Larry E. Speaks & Associates)

Street Address: 535 Herron Street

City: Montgomery State: AL Zip: 36104

Phone Number(s): 334-262-1091

**Property Owner Information**  
If different than above

Name: Tee's Enterprises, Inc (Robert Norris)

Address of Property Owner: 9481 US HWY 278 E

City: HOLLY POND State: AL Zip: 35083

Phone Number: (256) 796-1223 7

**Property Description**

County Tax Parcel Number/Legal Description: 29-26-03-07-0-001-018.000

SE CORNER OF SEC. 7; T17N; R17E ELMORE COUNTY, AL

Current Zoning of Property: FAR/B-2 Physical Address: 2497 COBBS FORD ROAD

Proposed Use of Property (generally): SHOPPING CENTER

Describe Proposed Use or Variance: TO REDUCE FRONTAGE LANDSCAPING  
REQUIREMENT ON EAST SIDE OF PROPERTY ALONG  
BASS PRO BOULEVARD FROM 20' TO 10'



The following items must be attached to the application (check those items included):

- Tax record map from the Autauga County or Elmore County Tax Assessors Office
- Site sketch plan (drawn to scale) showing any property lines, required and proposed setbacks, existing and proposed structures and any additional information you believe will be helpful to the Board of Adjustment
- Application fees: Variance and Administrative Appeal - Fifty dollars (\$50), Use-on-Appeal - Two hundred fifty dollars (\$250).
- Names and address of all property owners immediately adjacent to the subject property (not required for administrative appeals). Adjacent properties include those directly across the street from the subject property.
- If person signing application is someone other than property owner, attach authorization to file application (i.e. notarized letter, real estate contract, etc.)

Hardship: The Board requests a statement of hardship to justify any variance application:

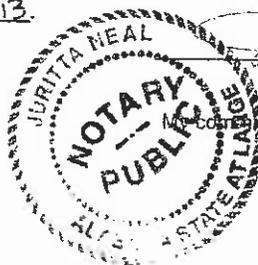
"To authorize upon appeal in specific cases such variance from the terms of the (zoning) ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provision of the (zoning) ordinance will result in unnecessary hardship and so that the spirit of the (zoning) ordinance shall be observed and substantial justice done." Code of Alabama, 1975, as amended. § 11-52-80(d) (3))

The owners of the adjacent property to the west have constructed a detention pond with a headwall and drainage pipe which actually touches our common property line. We are concerned about the proximity of the headwall and pipe to the proposed buildings, especially since the adjacent pond is higher in elevation than the subject land. By moving the building ten feet to the east, we will be able to put much needed distance between our new buildings and the detention pond, headwall, and pipe.

I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all real property owners adjacent to the parcel submitted for consideration. I also attest that I have read and understand what a hardship is according to the Code of Alabama, 1975, as amended.

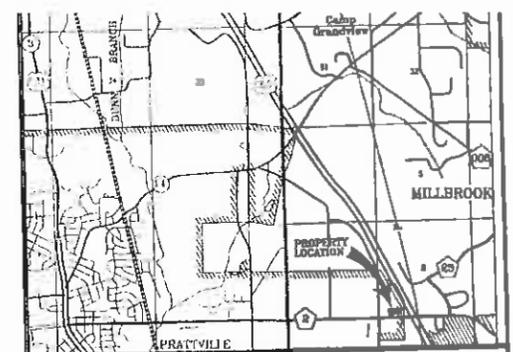
Robert G. Norris [Signature] 12-20-13  
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Robert G. Norris as President of Tees Enterprises Inc, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 20<sup>th</sup> day of December, 2013.



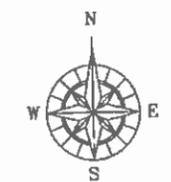
[Signature]  
Notary Public  
My commission expires 10-4-2014

# THE BULLS-EYE SHOPPING CENTER COBBS FORD ROAD Prattville, Alabama



**LOCATION MAP**  
SCALE: 1" = 1 MILE

NOTE: BEARINGS ROTATED TO MATCH HIGH POINT TOWN CENTER PLAT NO. 2-A AS RECORDED IN PLAT BOOK 13 & PAGE 139 ELMORE COUNTY, ALABAMA

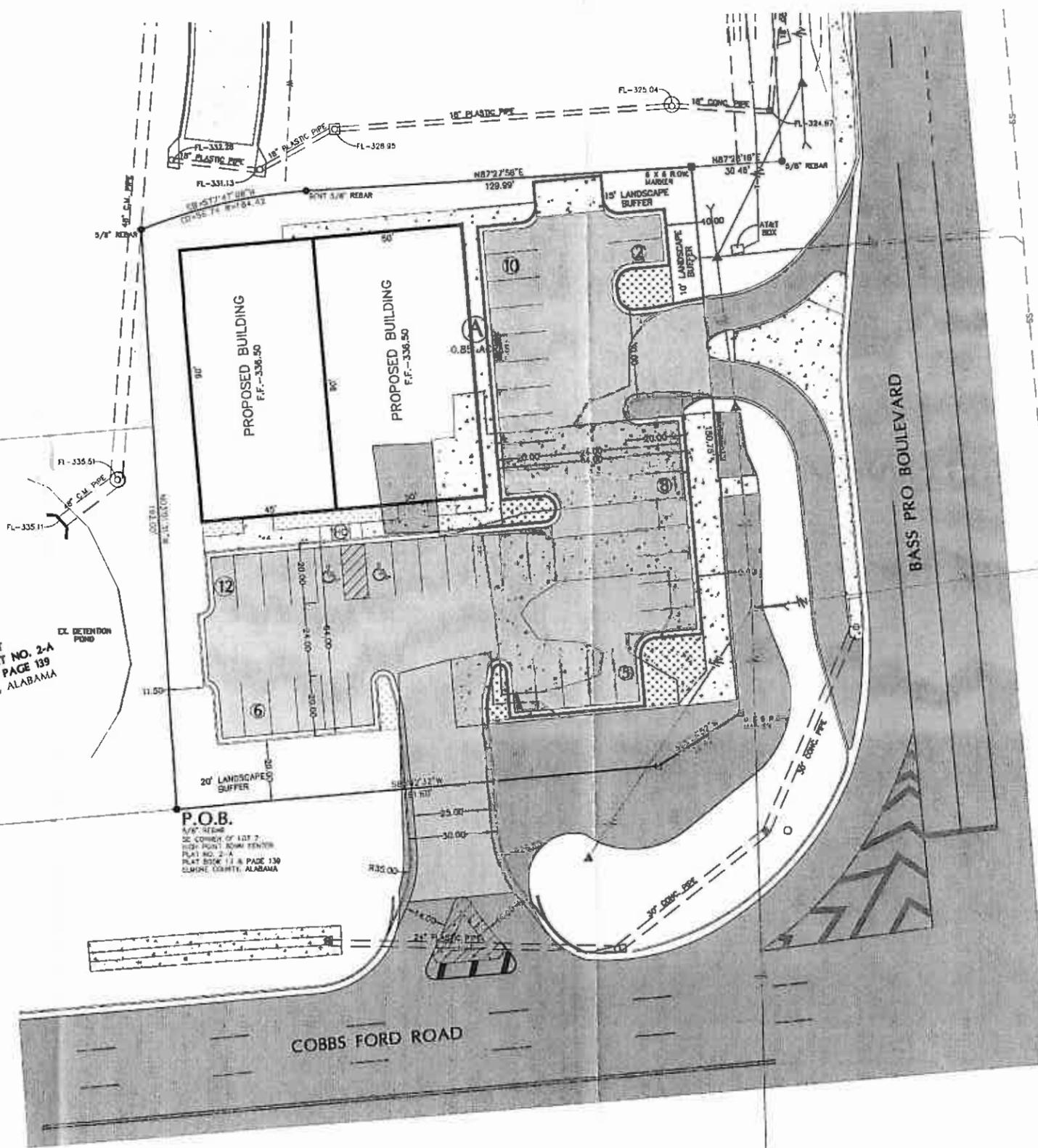


SCALE: 1"=20'

**LEGEND:**

- FOUND IRON PIN (3/8" REBAR CAPPED) 4/8" CA-00017-LS (UNLESS NOTED OTHERWISE)
- SET IRON PIN (5/8" REBAR CAPPED) W/8" CA-00017-LS
- FOUND CONCRETE MARKER
- △ CALCULATED POINT
- ⊥ POWER POLE / LINE / GUY
- ⊙ FIRE HYDRANT
- ▭ ASPHALT
- ▭ CONCRETE
- ▭ SIGN
- ▭ STORM PIPE
- ▭ GRATE INLET
- ▭ OPEN THROAT INLET/JUNCTION BOX
- ⊙ SANITARY SEWER MAN-HOLE
- T - TELEPHONE LINE
- G - GAS LINE

13      PARKING SPACES REQUIRED & PROVIDED  
14,556 SQ. FT.      TOTAL PARKING AREA  
436 SQ. FT.      INTERIOR LANDSCAPING PROVIDED



LOT 7  
HIGH POINT  
TOWN CENTER PLAT NO. 2-A  
PLAT BOOK 13 & PAGE 139  
ELMORE COUNTY, ALABAMA

**P.O.B.**  
1/4\"/>

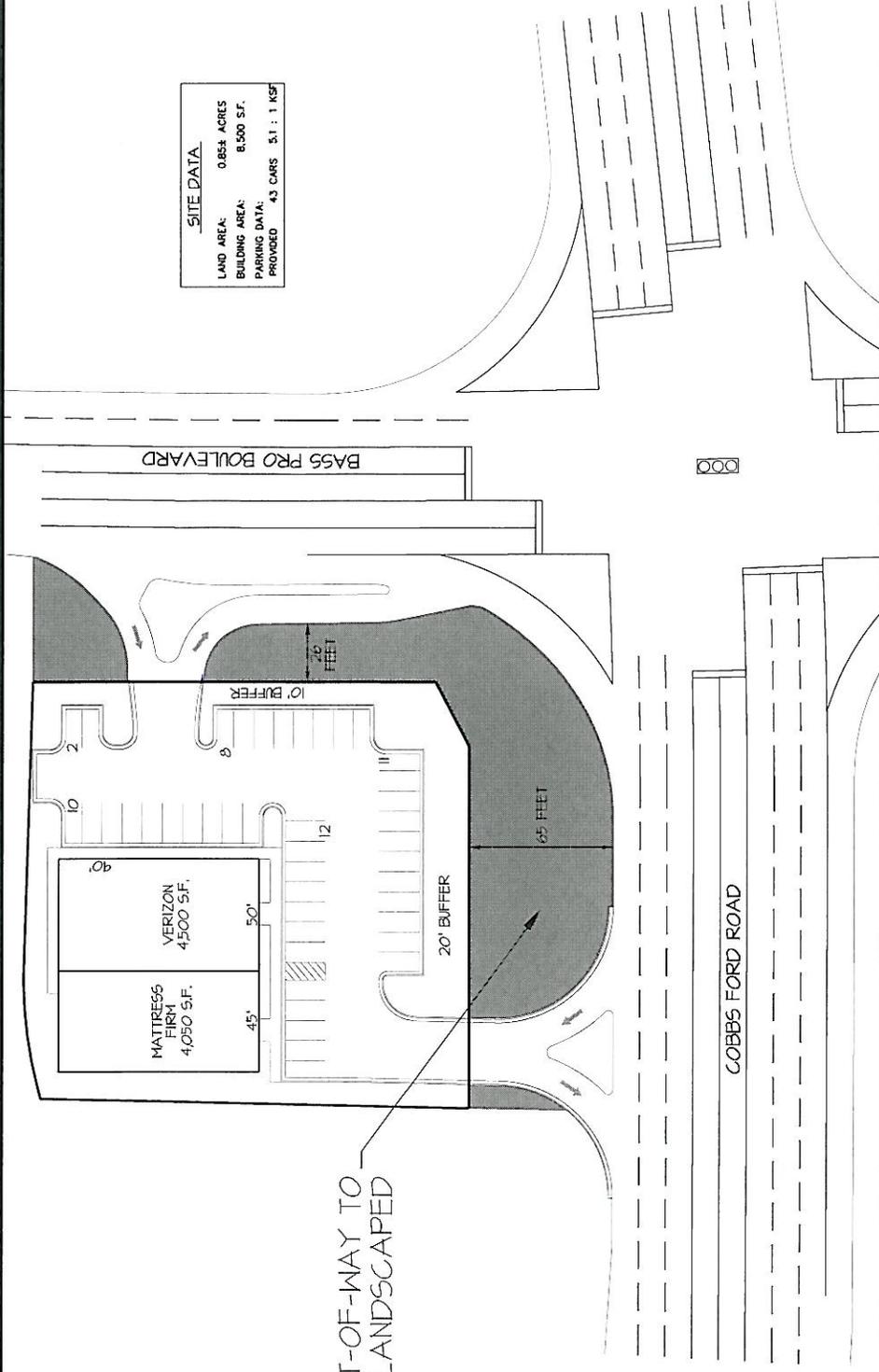
DATE: 12-19-13

**LARRY E. SPEAKS & ASSOCIATES**  
CONSULTING ENGINEERS  
LAND SURVEYORS

335 MORNING BREEZE  
MOBILE, AL 36684  
TEL: 334/282-1181

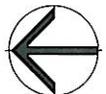
THIS SURVEY IS NOT VALID WITHOUT AN EMBOSSED SEAL AFFIXED HEREON OF THE REGISTERED LAND SURVEYOR WHO SIGNED THE SURVEY

# SITE PLAN



_SITE DATA	
LAND AREA:	0.88± ACRES
BUILDING AREA:	8,500 S.F.
PARKING DATA:	PROVIDED
	43 CARS 5.1 : 1 KSF

## SITE PLAN

DRAWING  
 Cobbs Ford & Rocky Mount\_L02\_17  
 01-14-14  
 DATE  
 01-14-14  
 SCALE  
 1" = 50'  
 NORTH  


BULLS-EYE CENTER

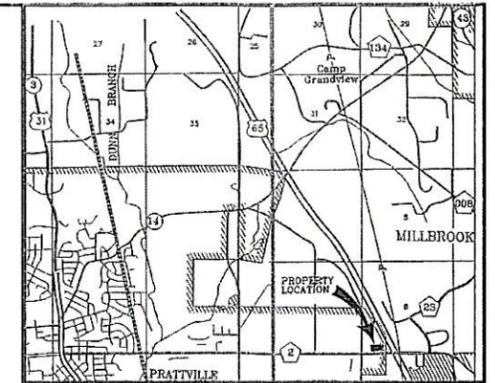


COBBS FORD ROAD AND BASS PRO BOULEVARD - PRATTVILLE, ALABAMA



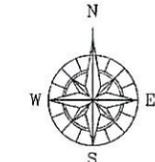
301 GREEN HILLS VILLAGE DRIVE  
 MOBILE, ALABAMA 36688  
 PHONE (904) 288-2444 FAX (904) 288-0884

# THE BULLS-EYE SHOPPING CENTER COBBS FORD ROAD Prattville, Alabama



**LOCATION MAP**  
SCALE: 1" = 1 MILE

NOTE: BEARINGS ROTATED TO MATCH HIGH POINT TOWN CENTER PLAT NO. 2-A AS RECORDED IN PLAT BOOK 13 & PAGE 139 ELMORE COUNTY, ALABAMA

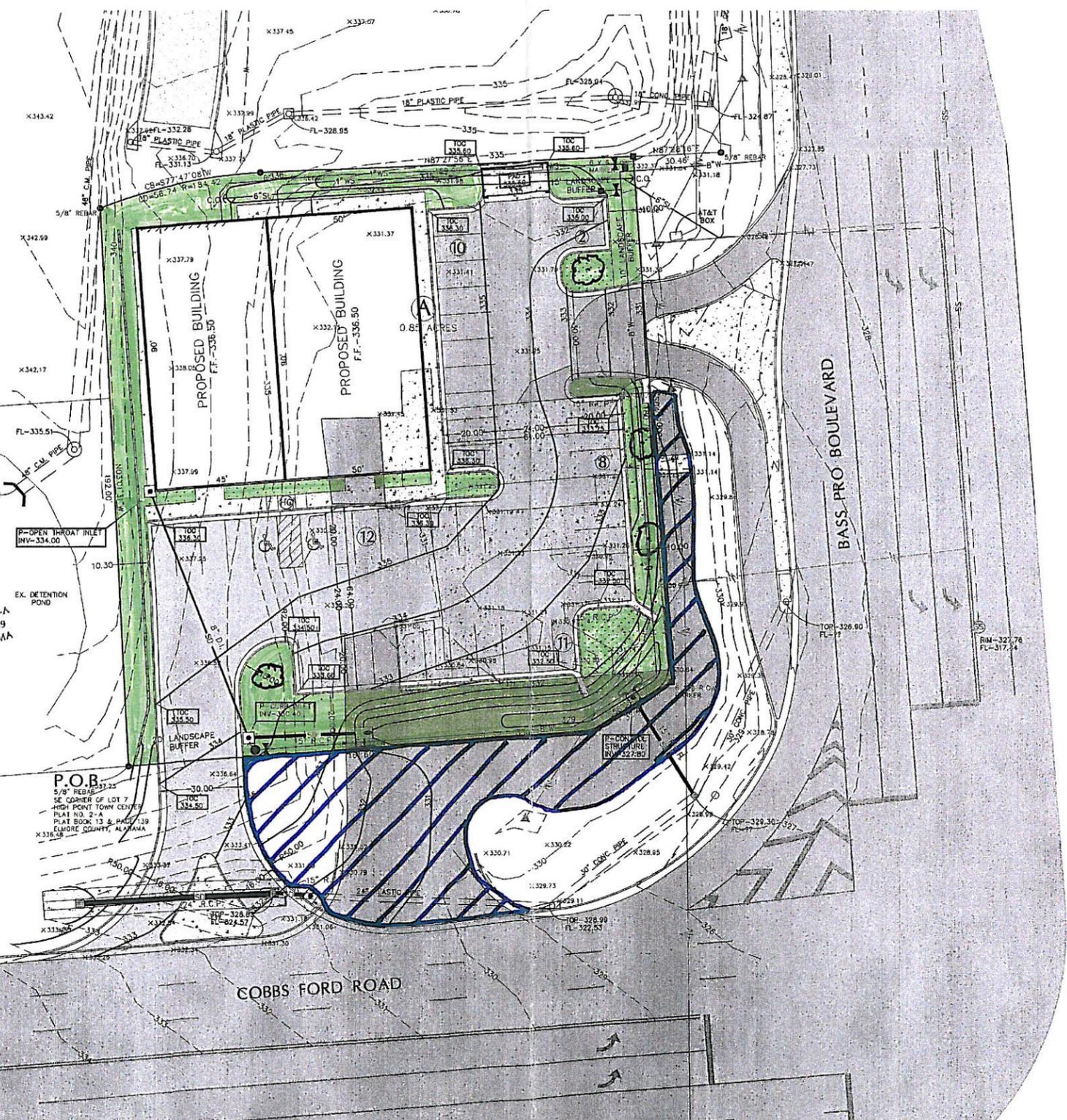


SCALE: 1" = 20'

**LEGEND:**

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W/# CA-00017-LS (UNLESS NOTED OTHERWISE)
- SET IRON PIN (5/8" REBAR CAPPED)  
W/# CA-00017-LS
- FOUND CONCRETE MARKER
- ▲ CALCULATED POINT
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- ▨ ASPHALT
- ▭ CONCRETE
- SIGN
- ≡ STORM PIPE
- ⊞ GRATE INLET
- ⊞ OPEN THROAT INLET/JUNCTION BOX
- ⊙ SANITARY SEWER MANHOLE
- TELEPHONE LINE
- GAS LINE

LOT 7  
HIGH POINT  
TOWN CENTER PLAT NO. 2-A  
PLAT BOOK 13 & PAGE 139  
ELMORE COUNTY, ALABAMA



DATE: 1-13-14

**LARRY E. SPEAKS & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS

333 VESICH STREET  
MONTGOMERY, AL 36104  
TEL: 334/282-1691

THIS SURVEY IS NOT VALID WITHOUT AN EMBOSSED SEAL AFFIXED HEREON OF THE REGISTERED LAND SURVEYOR WHO SIGNED THE SURVEY.

**CITY OF PRATTVILLE BOARD OF ADJUSTMENT  
PUBLIC HEARING  
SPEAKERS SIGN-IN SHEET**

MEETING DATE: January 14, 2014

PETITIONER: Mack Post, Jr.

ADDRESS OF PETITION: Carver Street

	NAME	ADDRESS
1.	<i>M. Hill</i>	Montgomery, AL
2.	<i>[Signature]</i>	<i>[Address]</i>
3.	<i>Walter Stab</i>	303 <i>[Address]</i>
4.	<i>Abraham Bezman</i>	321 <i>[Address]</i>
5.	<i>Carolyn Lunday</i>	327 Dillard St
6.	<i>Mariah McCord</i>	204 Carver St
7.	<i>Alvin Morgan</i>	998 <i>[Address]</i>
8.	<i>E.H. [Signature]</i>	393 WEST 4th ST
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**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**USE-ON-APPEAL** Carver Street Apartments  
BZA Application – 140114-02

**DATE** January 12, 2014

**PROPOSED DEVELOPMENT**

**Petitioners:** Mack Post, Jr.

**Property Owners:** Mack Post, Jr.

**Agent:** Larry E. Speaks and Associates, Inc. (Greg Gillian)

**Location:** Carver Street – west side – north of Live Oak Drive (see Attachment 1)

**Development Status and History**

*Submission Status:* Initial Request for Use-on-Appeal. Property previously included with Oak Creek Subdivision sketch plan and Carver Street, Plat 1 preliminary plat

*Previous Approvals:* Prattville Planning Commission approvals:  
1. Oak Creek Subdivision sketch plan – July 19, 2007  
2. Carver Street Subdivision – initial preliminary plat approval for 11 lots – September 6, 2007, last renewed November 1, 2011.

*Conditions of Previous Approvals:* Approved for typical single-family lots of 70' x 150' (approximately 4 units per acre)

**Property Configuration**

*Acreage:* The proposed 10 acre apartment parcel is part of a larger 52.6 acre parcel under the same ownership. The 10 acre parcel has 892' of frontage on the west side of Carver Street; located north of Live Oak Drive. The proposed lot has a depth from Carver Street of approximately 670' along its southern boundary and 173' along the north property line. The submitted proposal is divided into an initial phase of 7 acres and a second 3 acre phase.

*Proposed Use:* Apartments – 120 units split among 15 separate structures. The layout also includes a single clubhouse serving both phases.

*Current Zoning:* Property is zoned R-3, Single Family Residential

*Required Zoning:* Apartments are permitted in an R-3 district with use-on-appeal approval from the Board of Zoning Adjustment.

	<b>R-3</b>
<b>Minimum Lot Size</b>	7,500 square feet
<b>Minimum Width at Building Line</b>	65 feet
<b>Maximum Lot Coverage</b>	35 %
<b>Front Setback</b>	25 feet
<b>Rear Yard</b>	30 feet
<b>Side Yards</b>	8 feet/6 feet

*Consistency with Adopted Future Land Use Plan* The Future Land Plan/Map adopted by the Planning Commission on January 21, 2010 shows the subject property’s designation as Low Density Residential. The current zoning designation of R-3, Single-family Residential is consistent with the adopted plan. The proposed use-on-appeal request at 12 units per acre would be considered a medium to high density residential use.

*Surrounding Developments and Uses:* The proposed 10 acre apartment development is part of a larger 52.6 acre sketch plan for single family residential previously approved by the Prattville Planning Commission in 2007. This larger remnant is located to the north and west and currently remains undeveloped and un-platted.

To the east and across Carver Street from the proposed development is the College Heights neighborhood platted in 1952. Originally platted as 25’ wide lots, the neighborhood has been developed as single-family residential on consolidated lots with widths of 50’ or

greater.

*Street Extensions or New Streets:*

South of the proposed development is the Live Oak and Oak Creek Subdivisions. These single-family residential subdivisions were developed in 1975 and 2005.

The proposed apartment development creates two new intersections with Carver Street. All drives and parking areas within the apartment development will be private streets subject to the Prattville development regulations. Intersection improvements on Carver Street may be required for one or both intersections at the development review stage.

*Water and Sewer:*

Availability of sufficient water and sewer facilities for the proposed development has not been determined at this time.

**PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** January 3, 2014

**Recommendation:** Based on Future Land Use maps and location of the proposed site within a predominately single-family residential neighborhood, the request should be denied or modified to significantly reduce the number of apartment units on the site. At minimum, the Board of Adjustment should consider holding further consideration of the request until a traffic impact study can be completed and presented to the Board of review.

**Planning Staff Comments:**

- The subject property is part of a larger 52.6 acre tract most recently reviewed by the Prattville Planning Commission as the revised sketch plan for Oak Creek Subdivision (see Attachment 2). The Commission approved the sketch plan submitted by the current property owner and petitioner on July 19, 2007. The sketch plan included fifteen single family residential lots facing Carver Street and a continuation of the existing Oak Subdivision on the remainder of the property. The Planning Commission subsequently approved a preliminary plat for eleven lots (Carver Street, Plat 1) fronting Carver Street on September 6, 2007 and a

preliminary plat for forty-seven lots north of Live Oak Drive (Oak Creek Subdivision Plat #3) on November 1, 2007. The Commission found these single-family developments to be consistent with the surrounding developments and the overall future land use pattern.

- Land uses in the area surrounding the proposed apartment development are primarily single-family residential. A few duplexes and three to four unit apartment developments can be found on Carver Street and the College Heights neighborhood, but the area has consistently developed as low density, single family residential units. This pattern is supported by the predominant zoning classification in the area – R-3. In its last update to the comprehensive plan, the Planning Commission considered the area stable and kept the future land use classification of low density residential.
- Traffic impact should be a major consideration for this proposed development. The apartments will be developed at a density of 12 units per acre rather than the 4 units per acre on typical single family lots. Traffic from the complex must pass low density neighborhoods in order to access the city's major north/south and east/west arterial streets. Carver Street provides good access to the south, but dead ends to the north. Access to Martin Luther King Drive or Upper Kingston Road is available only by passing through low density neighborhoods (see Attachment 3). Further study and understanding of the potential traffic impacts are necessary before the BZA can make an informed decision.
- The City Council considered multi-family developments a legitimate option for districts classified as R-3. By placing apartments as a use-on-appeal option in the district, the Council determined that additional, case-by-case scrutiny is necessary before allowing apartments in R-3. It is appropriate for the Board to consider the surrounding development patterns, impacts on those surrounding developments, and whether those impacts can be sufficiently and appropriately mitigated before approving a use-on-appeal. This proposed apartment complex is not consistent with the surrounding developments and will introduce higher traffic volumes to the surrounding neighborhoods than would be found with residential units permitted by right in an R-3 district.

## **ATTACHMENTS**

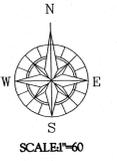
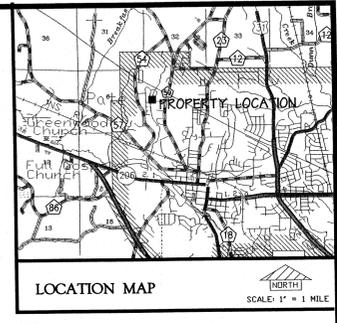
1. Location Map
2. 2007 Sketch Plan with Apartment Site Overlay
3. Traffic Pattern Map



# SKETCHPLAN

for  
OAK CREEK PHASE II  
PRATTVILLE, AL

Approved by the Prattville Planning  
Commission on July 19, 2007



### LEGEND

- EXISTING SANITARY SEWER MANHOLE
- 8" SS- EXISTING SANITARY SEWER LINE
- ▭ EXISTING ASPHALT
- ⊗ EXISTING VALVE
- ⊕ EXISTING FIRE HYDRANT
- 8"W- EXISTING WATER LINE

**SITE DATA:**  
NO. OF LOTS - 115  
MIN. LOT SIZE - 7,500 sq. ft.  
L.F. OF STREET - 5,396  
CURRENT ZONING - R-3

MEHARRY STREET

HOWARD STREET

FISK STREET

DILLARD STREET

TUSKEGEE STREET

Portion of Post Property  
Proposed for Apartment  
Development



RECEIVED  
PLANNING  
DATE: 7/18/2007

LARRY E. SPEAKS & ASSOCIATES  
CONSULTING ENGINEERS  
&  
LAND SURVEYORS

535 HERRON STREET  
MONTICELLO, AL 36054  
TEL: 334/262-1979

070067-2

**Proposed Carver Street Apartments**



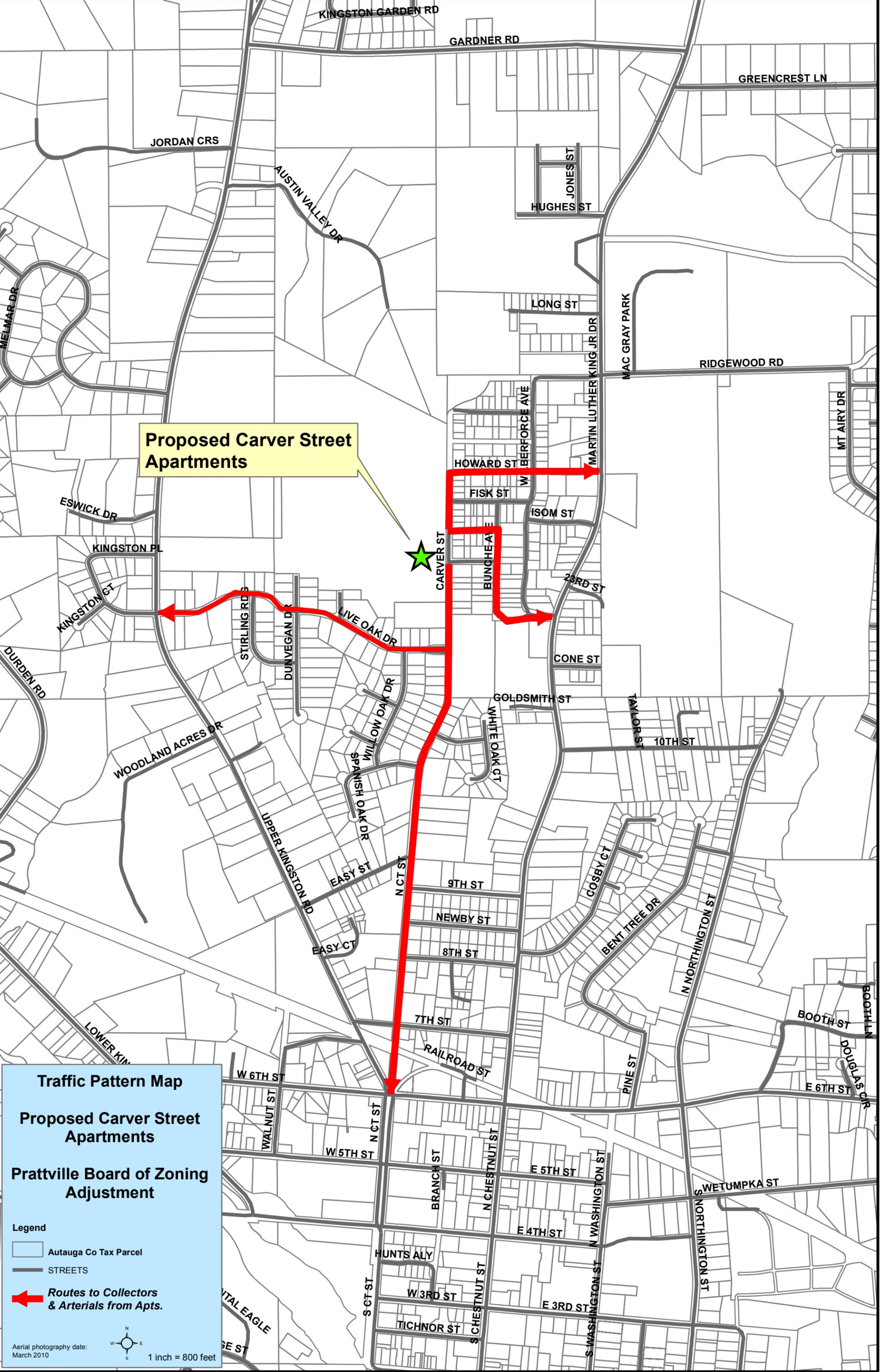
**Traffic Pattern Map**  
**Proposed Carver Street Apartments**  
**Prattville Board of Zoning Adjustment**

**Legend**

- Autauga Co Tax Parcel
- STREETS
- Routes to Collectors & Arterials from Apts.

Aerial photography date: March 2010

1 inch = 800 feet



**CITY OF PRATTVILLE**  
Board of Zoning Adjustment

Planning Department Staff Report

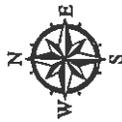


<b>DATE:</b>	1/6/14
<b>APPLICATION TYPE:</b>	Use-On-Appeal <b>(140114-02)</b>
<b>PROPERTY LOCATION or DESCRIPTION:</b>	Carver Street
<b>PETITIONER(S) AND AGENT(S):</b>	Mack Post, Jr. Larry E. Speaks & Associates, Greg Gillian, Representative
<b>ZONING DISTRICT(S)</b>	R-3 (Single Family Residential)
<b>REQUESTED ACTION:</b>	To allow apartments on property.
<b>ZONING ORDINANCE REFERENCE:</b>	<b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b>  <b>R-3 District</b>  <b>USES PERMITTED ON APPEAL:</b> Apartments; Clubs, not conducted for profit; rooming and boarding houses.

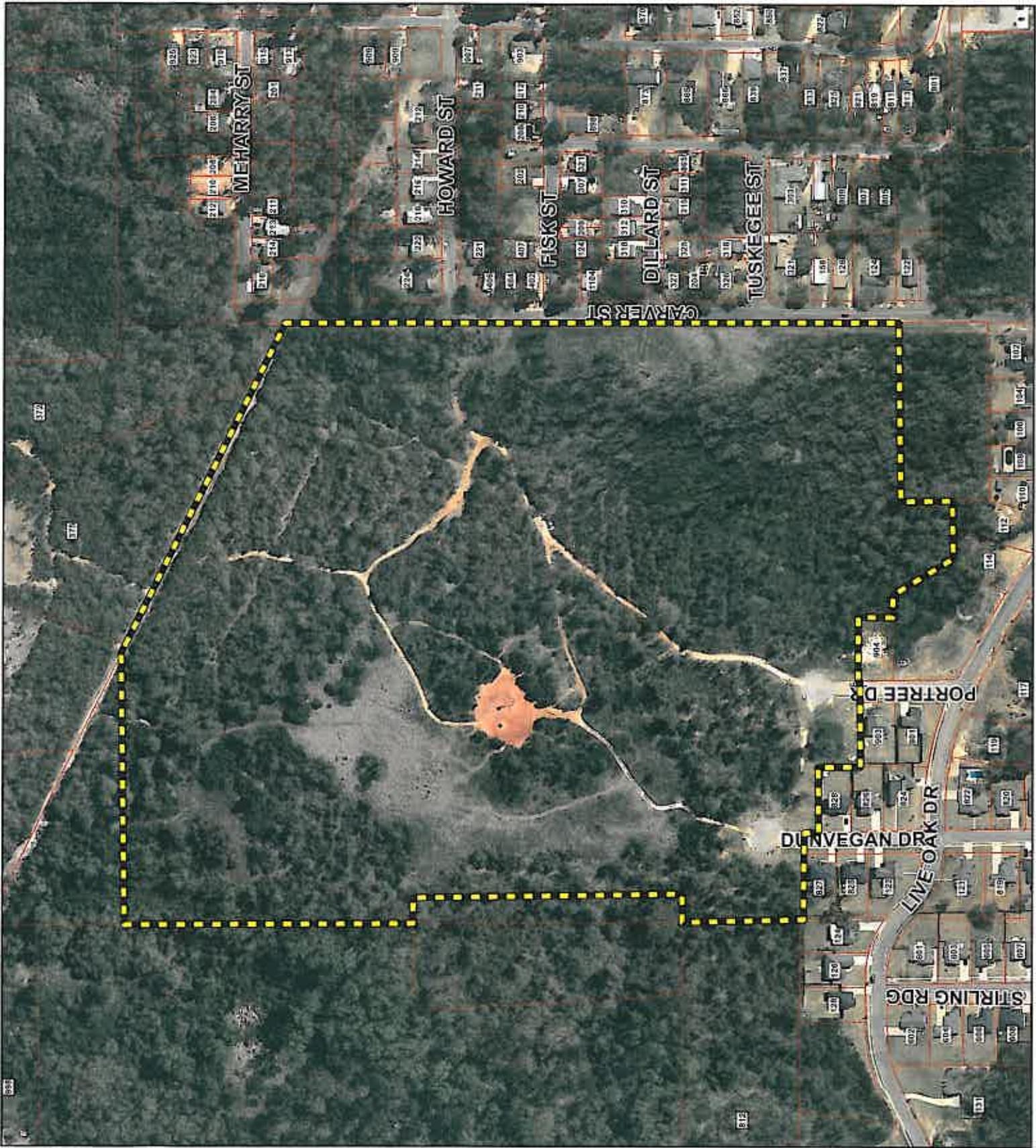
CITY OF  
PRATTVILLE, AL

Carver St  
Property  
Apartment  
Prospect

Scale: 1" = 300'



STREETS  
TAX PARCELS





140114-02

Use-On-Appeal  
To allow use for apartments

City Of Prattville  
Planning and Development Department  
102 W. Main Street  
Prattville, AL 36067  
(334) 361-3614 Fax (334) 361-3677  
www.prattvilleal.gov

Application  
Prattville Board of Zoning Adjustment

Use-On-Appeal     Variance     Administrative Appeal

**Applicant /Agent Information**  
Notarized letter from the property owner is required if agent is used for representation.

Name: Gregory M. Gillian (Larry E. Speaks & Associates)

Street Address: 535 Herron Street

City: Montgomery State: AL Zip: 36104

Phone Number(s): 334-262-1091

**Property Owner Information**  
If different than above

Name: Mack Post, Jr.

Address of Property Owner: 735 Silver Hills Drive

City: Prattville State: AL Zip: 36066

Phone Number: ( ) 334-354-6848

**Property Description**

County Tax Parcel Number/Legal Description: 19030540020030000

SE 1/4 of Section 5, T-17-N, R-16-E

Current Zoning of Property: R-3 Physical Address: Carver Street

Proposed Use of Property (generally): Residential (Apartments)

Describe Proposed Use or Variance: R-3 Zoning requires a  
Use-on-Appeal for apartments

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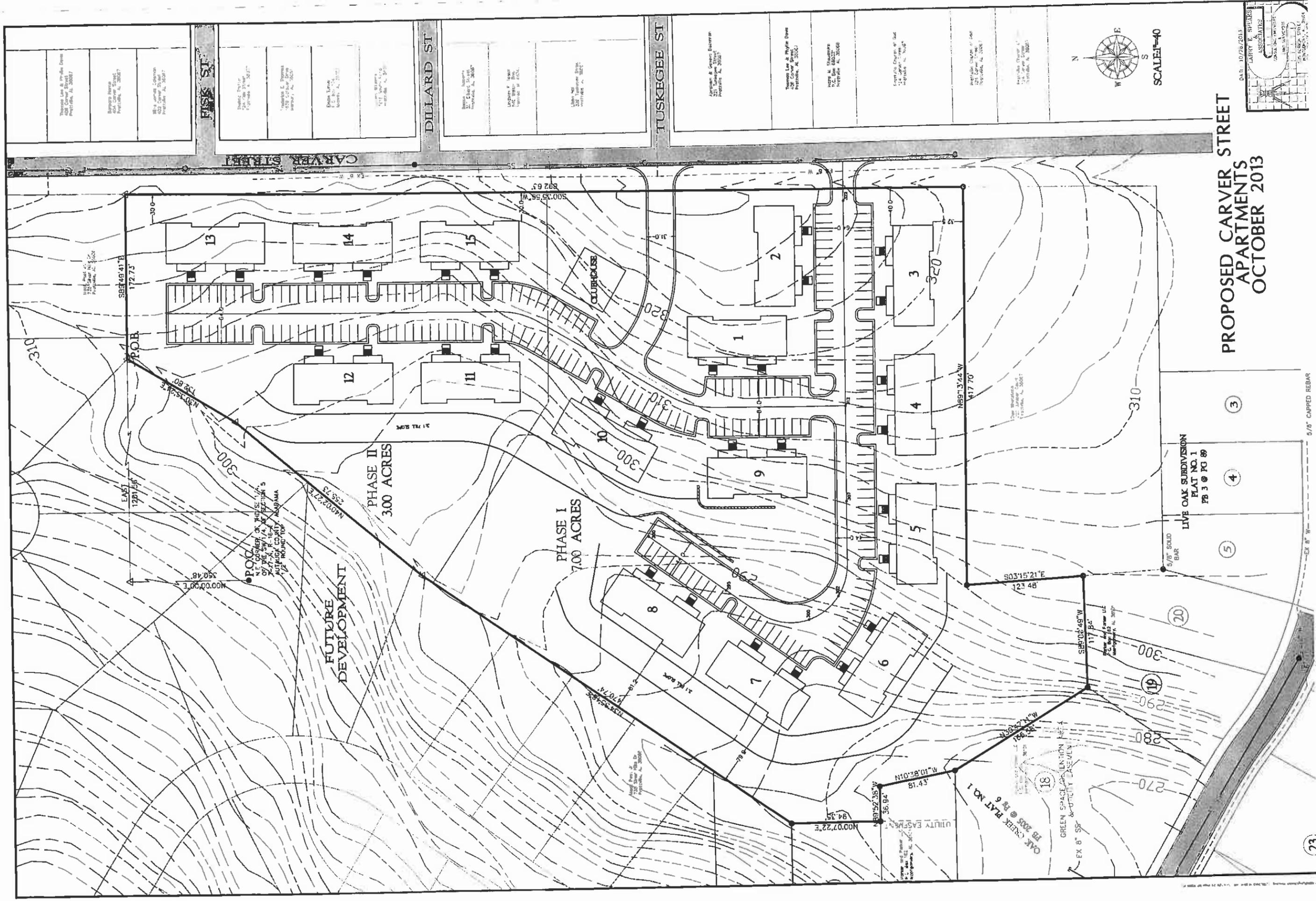
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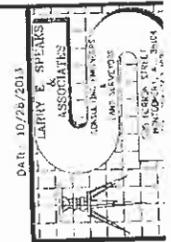
140114-02/A

Variance

To allow apartments on property



PROPOSED CARVER STREET  
APARTMENTS  
OCTOBER 2013



DATE: 10/26/2013



5/8" CAPPED REBAR

73

**PRATTVILLE BOARD OF ZONING ADJUSTMENT**

**PETITIONER:           MICHAEL VAUGHAN  
                                  1420 SOUTH MEMORIAL DRIVE  
                                  PRATTVILLE, AL 36067**

**REQUEST:                USE-ON-APPEAL TO ALLOW USE FOR AN ELECTRIC  
                                  SUBSTATION  
                                  SW 4<sup>TH</sup> STREET AND GIN SHOP HILL ROAD  
                                  R-3/B-2 ZONING DISTRICTS (SINGLE FAMILY/GENERAL  
                                  BUSINESS)**

**ORDER**

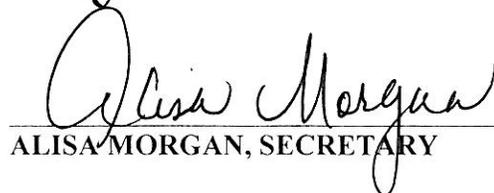
The above petition having been duly considered at a public hearing meeting before the Board of Zoning Adjustment of the City of Prattville, having been advertised in *The Prattville Progress*, a newspaper of general circulation in the city limits of Prattville, Alabama, and setting forth notice of the request for a variance to the Zoning Laws of Prattville, Alabama, as set out in the aforesaid petition and giving notice that a public hearing would be held on January 14, 2014 at the City Hall in Prattville, Alabama, and after due consideration of the party in interest, the Board of Zoning Adjustment of the City of Prattville **voted to approve the use-on-appeal to allow use for an electric substation at SW 4<sup>th</sup> Street and Gin Shop Hill Road**

**IT IS THEREFORE ORDERED** the petition of Michael Vaughn, 1420 South Memorial Drive, Prattville, AL is hereby approved.

**DONE THIS THE 14th DAY OF January 2014.**

**BOARD OF ZONING ADJUSTMENT**

  
\_\_\_\_\_  
LEO JAMIESON, CHAIRMAN

  
\_\_\_\_\_  
ALISA MORGAN, SECRETARY

**CITY OF PRATTVILLE BOARD OF ADJUSTMENT  
PUBLIC HEARING  
SPEAKERS SIGN-IN SHEET**

**MEETING DATE:** January 14, 2014

**PETITIONER:** Alabama Power Company/Michael Vaughan

**ADDRESS OF PETITION:** SW 4<sup>th</sup> Street and Gin Shop Hill Rd

	NAME	ADDRESS
1.	<u>TIM DAVIS</u>	<u>600 North 18<sup>th</sup> St, Bham AL 35203</u>
2.		
3.	<u>E.A. Ty</u>	<u>393 WEST 4<sup>th</sup> ST, P. VILLE</u>
4.		
5.	<u>[Signature]</u>	<u>1613 CLEATH CREEK DR PRATTVILLE</u>
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

**CITY OF PRATTVILLE**  
Board of Zoning Adjustment  
Planning Department Staff Report



**USE-ON-APPEAL** Alabama Power Company Distribution Station  
BZA Application – 140114-03

**DATE** January 12, 2014

**PROPOSED DEVELOPMENT**

**Petitioners:** Alabama Power Company/Michael Vaughn  
**Property Owners:** Michael Vaughn  
**Agent:** Alabama Power Company (Timothy M. Davis)  
**Location:** SW corner of the Gin Shop Hill Road and West 4<sup>th</sup> Street intersection.

**Development Status and History**

*Submission Status:* Initial Request for Use-on-Appeal or development of the lot.  
*Previous Approvals:* N/A  
*Conditions of Previous Approvals:* N/A

**Property Configuration**

*Acreage:* 6.68 acres contained in four parcels  
*Proposed Use:* Electric power distribution station (sub-station)  
*Current Zoning:* Zoning on the property is split between B-2 near Gin Shop Hill Road and R-3, Single Family Residential on the west side  
*Required Zoning:* Power distribution stations are permitted with use-on-appeal approval from the Board of Zoning Adjustment.

*Consistency with Adopted  
Future Land Use Plan*

The Future Land Plan/Map adopted by the Planning Commission on January 21, 2010 shows the subject property's designation as Low Density Residential. The current zoning designation of R-3, Single-family Residential is consistent with the adopted plan. The B-2 zoning designation for the corner parcel is not consistent with the plan.

*Surrounding Developments  
and Uses:*

The property north of the site and across West 4<sup>th</sup> Street is zoned B-2, General Business and used for non-retail business operations such as contractor's office or light manufacturing.

To the east and across Gin Shop Hill Road is the vacant Continental Eagle Corporation property zoned B-2, General Business. The property is current under consideration for redevelopment as high-density residential and recreational uses.

South of the proposed development is vacant, undeveloped, forested parcels zoned FAR.

West of the proposed sub-station are several single-family residential units in an area zoned R-3.

*Street Extensions or New  
Streets:*

The proposed development does not require additional streets or extensions. The proposed development indicates a desire to use the existing driveway from West 4<sup>th</sup> Street.

*Water and Sewer:*

Potable water and sanitary sewer are available on the site, however, neither service is necessary for the proposed use.

**PLANNING STAFF EVALUATION**

**Reviewed by:** Joel T. Duke, AICP

**Site Visits Conducted:** January 3, 2014

**Recommendation:** Locating facilities such as the requested sub-station in

residential and business area is necessary for providing basic services. However, these uses do not require visibility from the roadway or prime street access to function. The requested location is on a highly visible corner of a prime intersection at the edge of the historic district. Careful consideration should be given to placing the facility on a different lot or mitigating its visual impact to the surrounding properties.

**Planning Staff Comments:**

- The City Council considers service facilities such as the electric sub-stations, well-heads, sanitary sewer lift stations to be necessary uses in residential and business zoning districts. These facilities are necessary to provide basic services that are the background of modern urban living. By placing these facilities in the use-on-appeal category, the Council has determined that additional, case-by-case scrutiny is necessary before allowing their construction and placement. It is appropriate for the Board to consider the surrounding development patterns, impacts on those surrounding developments, and whether those impacts can be sufficiently and appropriately mitigated before approving a use-on-appeal.
- While the proposed sub-station is necessary for improved power service in the Prattville historic district, the Board of Adjustment should consider the appropriateness of the requested location and its impact on the surrounding property. The proposed location is a highly visible corner adjacent to the 40 acre Continental Eagle Corporation property. The City of Prattville and other entities are currently working toward redevelopment of the Continental Eagle property. The city is encouraging residential uses which complement the other redevelopment efforts the downtown historic district. The visibility of the proposed station from the Continental Eagle property may have an impact on its value for redevelopment.
- The proposed site for the electric sub-station was selected by Alabama Power Company due to its proximity to the existing transmission lines. However, such a facility does require visibility from the roadway or prime access in order to function. Consideration should be given to moving the facility to a different location or mitigating its visual impact through screening or placement on the lot.

**ATTACHMENTS**

N/A

# CITY OF PRATTVILLE

## Board of Zoning Adjustment

### Planning Department Staff Report



<b>DATE:</b>	1/6/14
<b>APPLICATION TYPE:</b>	Use-On-Appeal (140114-03)
<b>PROPERTY LOCATION or DESCRIPTION:</b>	SW of 4 <sup>th</sup> Street and Gin Shop Hill Road
<b>PETITIONER(S) AND AGENT(S):</b>	Alabama Power Company/Michael Vaughn Timothy M. Davis, Representative
<b>ZONING DISTRICT(S)</b>	R-3 (Single Family Residential)/B-2 General Business
<b>REQUESTED ACTION:</b>	To allow an electric substation on property.
<b>ZONING ORDINANCE REFERENCE:</b>	<p><b>Appendix A-Zoning Ordinance Section 71 Residential district requirements:</b></p> <p><b>R-3 District: USES PERMITTED ON APPEAL:</b> Apartments; Clubs, not conducted for profit; rooming and boarding houses. (See regulations common to all "R" Districts).</p> <p><b>All "R" Districts: USES PERMITTED ON APPEAL:</b> Customary home occupations: Public utility structures, such as electric substations, gas metering stations, sewage pumping stations and similar structures: general hospitals for human, except primarily for mental cases; churches, cemeteries; semi-public buildings; golf courses; municipal, county, state or federal use: kindergartens, nurseries, nursery schools, day care centers, private schools, and satellite dishes or discs not defined herein.</p> <p><b>B-2 USES PERMITTED ON APPEAL:</b> Animal clinics, hospitals or kennels, dry cleaners and laundries. Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein. Any use permitted or permitted on appeal in the R-4 Residential District, and subject to all district requirements of an R-4 District as specified in Section 71, hereof.</p> <p><b>R-4: USES PERMITTED ON APPEAL:</b> (See regulations common to all "R" Districts).</p>

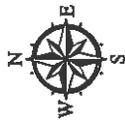


CITY OF  
PRATTVILLE, AL

Vaughan Property

Gin Shop Hill Rd &  
West 4th St

Scale: 1" = 200'



STREETS

TAX PARCELS





City Of Prattville  
 Planning and Development Department  
 102 W. Main Street  
 Prattville, AL 36067  
 (334) 361-3614 Fax (334) 361-3677  
 www.prattvilleal.gov

**140114-03**

Use-On-Appeal  
 To allow use for electric substation

**Application  
 Prattville Board of Zoning Adjustment**

Use-On-Appeal     Variance     Administrative Appeal

**Applicant /Agent Information**

Notarized letter from the property owner is required if agent is used for representation

Name: Timothy M. Davis OBO Alabama Power Co.  
 Street Address: 600 North 18th Street / 12N-0982  
 City: Birmingham State: AL Zip: 35203  
 Phone Number(s): 205-257-4170

**Property Owner Information**

if different than above

Name: Michael Vaughan  
 Address of Property Owner: 1420 South Memorial Drive  
 City: Prattville State: AL Zip: 36067  
 Phone Number: <sup>334</sup> 358-2113

**Property Description**

County Tax Parcel Number/Legal Description: 19-03-08-3-007-004.000;  
19-03-08-3-007-003.000; 19-03-08-3-007-002.001; and 19-03-08-3-007-001.001  
 Current Zoning of Property: R-3 / B-2 Physical Address: SW of 4th St. & Gin Shop Hill Rd  
 Proposed Use of Property (generally): Operation of electric substation  
 Describe Proposed Use or Variance: Applicant seeks approval to construct and  
operate an electric substation on the southwest corner of the intersection of  
of West 4th Street and Gin Shop Hill Road. The eastern half of this  
site is currently zoned B-2 and the western half is zoned R-3. This  
substation facility is needed to improve reliability and to increase capacity to  
to serve anticipated future growth within the area. The proposed site for this  
project is needed due to its location and proximity along the existing electrical  
transmission system, as well as the topography and accessibility of the area.





