



CITY OF PRATTVILLE

BILL GILLESPIE, JR.
MAYOR

CITY COUNCIL

MIKE RENEGAR
PRESIDENT
DISTRICT 5

NATHAN D. FANK
PRESIDENT PRO TEMPORE
DISTRICT 7

ALBERT C. STRIPLIN
DISTRICT 1

WILLIE WOOD, JR.
DISTRICT 2

DEAN R. ARGO
DISTRICT 3

TOM MILLER
DISTRICT 4

RAY C. BOLES
DISTRICT 6

City of Prattville Board of Zoning Adjustment

The minutes of the June 14, 2011 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.

Leo Jamieson

Leo Jamieson, Chairman

8/9/11

Date



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DISTRICT 6

NATHAN D. FANK
DISTRICT 7

CITY OF PRATTVILLE
BOARD OF ZONING ADJUSTMENT
A G E N D A
June 14, 2011
4:00pm

Call to Order:

Roll Call:

Chairman Leo Jamieson, Vice-Chairman John Gillian, Ms. Kitty Houser, Mr. Mac Macready, and Mrs. Jerry Schannep. Alternate Member: Commander Michael Whaley.

Minutes:

April 12, 2011 and May 17, 2011

Old Business:

None

New Business:

1. 110614-01 ADMINISTRATIVE APPEAL:

District 1

Variance to place a manufactured home on property.
231 County Road 29
FAR Zoning District (Forest, Agricultural, Recreation)
The Estate of Madge Benefield, deceased, Petitioner

2. 110614-02 VARIANCE: To reduce the perimeter landscaping setbacks.

District 6

720 South Memorial Drive
B-1 (Neighborhood Commercial)
McDonald's Corporation, Petitioner

3. 110614-03 USE-ON-APPEAL:

District 1

To allow for church use.
119 West Main Street
B-2 (General Business)
Grace Life Church, Petitioner

Election of Officers:

Miscellaneous:

Adjourn:

**City of Prattville Board of Zoning Adjustment
Minutes
June 14, 2011**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:07 p.m. on Tuesday, June 14, 2011.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman John Gillian, Mrs. Kitty Houser, Mr. Mac Macready, and Mrs. Jerry Schannep. Absent: None.

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.

MINUTES:

The minutes of the April 12, 2011 and May 17, 2011 meetings were approved unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

ADMINISTRATIVE APPEAL

Variance to place a manufactured home on property.

231 County Road 29

FAR Zoning District (Forest, Agricultural, Recreation)

The Estate of Madge Benefield, deceased, Petitioner

Mr. Duke stated that there were some issues with the application presented by the petitioner. He stated that the city's attorney recommended that the application be resubmitted. He stated that the board should take no action and remove the item from the agenda, the applicant will resubmit at a later time.

Mr. Macready moved to remove the item from the agenda. Mr. Gillian seconded the motion. The motion passed unanimously.

VARIANCE

To reduce the perimeter landscaping setbacks.

720 South Memorial Drive

B-1 (Neighborhood Commercial)

McDonald's Corporation, Petitioner

Mr. Duke stated that the petitioner is requesting to remove the existing structure and rebuild. He stated that the Landscape Ordinance requires a perimeter landscaping area adjacent to adjoining properties shall be at least 10' in depth and the perimeter landscaping area along the frontage property line shall be 20' (Davis Avenue and South Memorial Drive). He stated that the petitioner is requesting a variance request as presented in the submitted landscape plan.

Shawn Gleason, petitioner representative, explained the request is for a 7' frontage landscape variance.

He stated that they plan to plant in the state right-of-way and will plant offsite to offset the reduction that's being asked in the variance.

Chairman Jamieson opened the public hearing.

James Gray, identified as the area construction manager for McDonald's Corporation spoke in favor of the request. He stated that the project to demolish and rebuild will be complete within 90-100 days.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **The BZA voted unanimously to approve the variance to reduce the perimeter landscaping setbacks at 720 South Memorial Drive as shown on the submitted drawing.**

USE-ON-APPEAL

To allow for church use.

119 West Main Street

B-2 (General Business)

Grace Life Church, Petitioner

Mr. Duke introduced the application by Grace Life Church on behalf of the owner PDG, LLC. He reviewed the church's request to use the commercially zoned building at 119 W. Main Street as the primary facility for the congregation. Mr. Duke stated that as a use-on-appeal, the church uses in B-2 districts must be reviewed by the BZA on a case-by-case basis. Mr. Duke also discussed the need for a variance to address the required setbacks in B-2 districts.

Phil Bevilacqua, petitioner representative, stated that the church currently meets at the YMCA on Sundays. He stated that the ministry is geared to ages 40 and under. He stated that the existing building at 119 West Main Street is uninhabitable. He stated they will replace the building's roof and redo the inside. He stated that they hope to get a decrease in rent for the work being done on the building. He stated that the hours of operation would be on Sunday from 10-11:30 and Wednesday 6:30-7:30.

Chairman Jamieson opened the public hearing.

Paul Lemmon, Youth Pastor of Grace Life Church, spoke in favor of the request. He stated that the children would be heavily supervised. He stated that there are approximately 30 teenagers 7th through 12th grade that are a part of the church.

Julia Huff, member of Grace Life Church, spoke in favor of the request. She stated that she moved here to follow the church to Prattville. She stated that they want to preserve the downtown area and that the church would be a great asset to the downtown area.

Melanie Chambliss, spoke in favor of the request. She stated that they (her business partners) are comfortable with this group going into this location. She stated that an occupied building is better than a vacant building.

Chairman Jamieson called for a recess at 5:03 p.m. The meeting was called back in session at 5:07 p.m. with all members present.

Rex Musgrove, spoke in opposition to the request. (Letter attached and made a part of the minutes).

Stephen Brooks, spoke in opposition to the request. (Letter attached and made a part of the minutes).

Nancy Hefner, spoke in opposition to the request. (Letter attached and made a part of the minutes).

Carol Pearson, spoke in opposition to the request.

Suzanne Hall, adjacent business owner, spoke in opposition to the request. She stated that she lives and operate her business downtown. She stated that she employs 11 employees and see approximately 100 customers per day. She stated that parking would become a problem with the church in the location because the business is open late during the week.

Linda McWilliams, adjacent business owner, spoke in opposition to the request. She stated that retail and church use should not mix.

A letter of opposition was received from Connie Dismukes. (Letter attached and made a part of the minutes).

Chairman Jamieson called on Commander Whaley to speak on the existing condition of the building. Commander Whaley is an alternate member of the BZA, who was present only to observe the meeting, and is also a member of the Prattville Fire Department serving in the division of Building Codes and Standards. Commander Whaley stated that the building would have to comply with current building codes and must comply with occupancy load to meet as an assembly.

Mr. Bevilacqua addressed the public comments. He stated that he had not talked with any of the adjacent property or business owners about cross parking. He stated that their desire is to help the community and not hurt it. He stated that he had talked with an architect about the requirements to bring the building up to code.

The public hearing was closed.

After no further comments, questions, or discussion, the vote was called. **Mr. Gillian moved to approve the use-on-appeal to operate a church at 119 West Main Street. Ms. Houser seconded the motion. The motion failed for a lack of four (4) affirmative votes. The votes are as recorded. Favor: Mr. Gillian, Ms. Houser, and Chairman Jamieson. Oppose: Mr. Macready and Ms. Schannep.**

MISCELLANEOUS:

ADJOURN:

After no further comments, questions or discussion the meeting was adjourned at 5:03.

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: MCDONALD'S CORPORATION
ONE GLENLAKE PARKWAY
ATLANTA, GA 30328

REQUEST: VARIANCE TO REDUCE THE PERIMETER LANDSCAPING
SETBACKS.
720 SOUTH MEMORIAL DRIVE
B-1 ZONING DISTRICT (NEIGHBORHOOD COMMERCIAL)

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 June 14, 2011 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 perimeter landscaping setback (as submitted)** at property requested.

IT IS THEREFORE ORDERED the petition of McDonald's Corporation, One Glenlake Parkway, Atlanta, GA is hereby approved.

DONE THIS THE 14th DAY OF June 2011.

BOARD OF ZONING ADJUSTMENT



LEO JAMIESON, CHAIRMAN



ALISA MORGAN, SECRETARY

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

MEETING DATE: June 14, 2011

PETITIONER: McDonald's Corporation

ADDRESS OF PETITION: 720 South Memorial Drive

	NAME	ADDRESS
1.	SHAWN GUESSON,	260 PEACHTREE S. ISORE 900
2.	"	ATLANTA GA 30303
3.	JAMES GRAN	210 PEACHTREE PRATTVILLE GA. 38334
4.		
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



DATE:	5/24/11
APPLICATION TYPE:	Variance (110614-02)
PROPERTY LOCATION or DESCRIPTION:	720 South Memorial Drive
PETITIONER(S) AND AGENT(S):	McDonald's Corporation
ZONING DISTRICT(S)	B-1 (Neighborhood Commercial)
REQUESTED ACTION:	To reduce the perimeter landscaping setbacks.
ZONING ORDINANCE REFERENCE:	<p>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</p> <p>(b) Perimeter Landscaping Requirement. Perimeter landscaping must be provided within the property lines between the off-street parking area, adjoining properties. Planting areas existing in the public rights-of-way or an adjoining property shall not count toward the required perimeter landscaping area. Perimeter landscaping areas adjacent to adjoining properties shall be at least ten (10) feet in depth, excluding walkways, measured perpendicularly from the adjacent property to the back of curb.</p> <p>Should the parking area abut any Residential District as defined by Article 7 of the Zoning Ordinance of the City of Prattville, higher perimeter landscaping criteria shall apply. The perimeter landscaping area along the common property line shall have a twenty (20) foot landscaped buffer area consisting of a solid unbroken visual screen, eight (8) feet high within two years of planting, and in sufficient density to afford protection to the residential districts from the glare of lights, from blowing paper, dust and debris, from visual encroachment and to effectively reduce the transmission of noise. The perimeter buffer area shall be maintained in a clean and neat condition.</p>

CITY OF
PRATTVILLE, ALABAMA

720 S MEMORIAL DR
McDonalds

1" = 200'



— STREETS
□ TAX PARCELS



Ryan Pecharka, G.I.S. Coordinator



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

110614-02

Variance

To reduce the perimeter landscaping setback

**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: McDONALD'S CORPORATION

Street Address: ONE GLENLAKE PARKWAY

City: ATLANTA State GA Zip: 30328

Phone Number(s): ((770) 885-4185

Property Owner Information
If different than above

Name: SAME AS ABOVE

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: 19051520050080000

Current Zoning of Property: B-1 Physical Address: 720 SOUTH MEMORIAL DRIVE

Proposed Use of Property (generally): FAST FOOD RESTAURANT (McDONALD'S)

Describe Proposed Use or Variance: _____

THE PROPOSED VARIANCE IS TO REDUCE THE PERIMETER LANDSCAPING SETBACKS.

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 CURRENT CURB LINES INFRINGE ON THE PERIMETER LANDSCAPE SETBACKS AND THIS, COMBINED WITH THE ODD SHAPE OF THE LOT CONSTITUTES AN UNDUE HARDSHIP TO THE PROPERTY. IN ORDER TO MITIGATE THIS ISSUE, McDONALD'S IS PROVIDING INTERIOR LANDSCAPING AREAS SUCH THAT THE AREA CONTAINED WITHIN THESE SETBACKS IS PROVIDED FOR THROUGHOUT THE SITE.

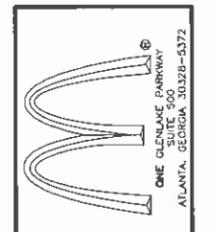
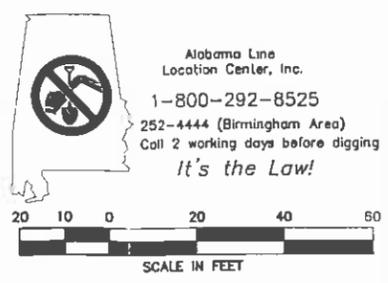
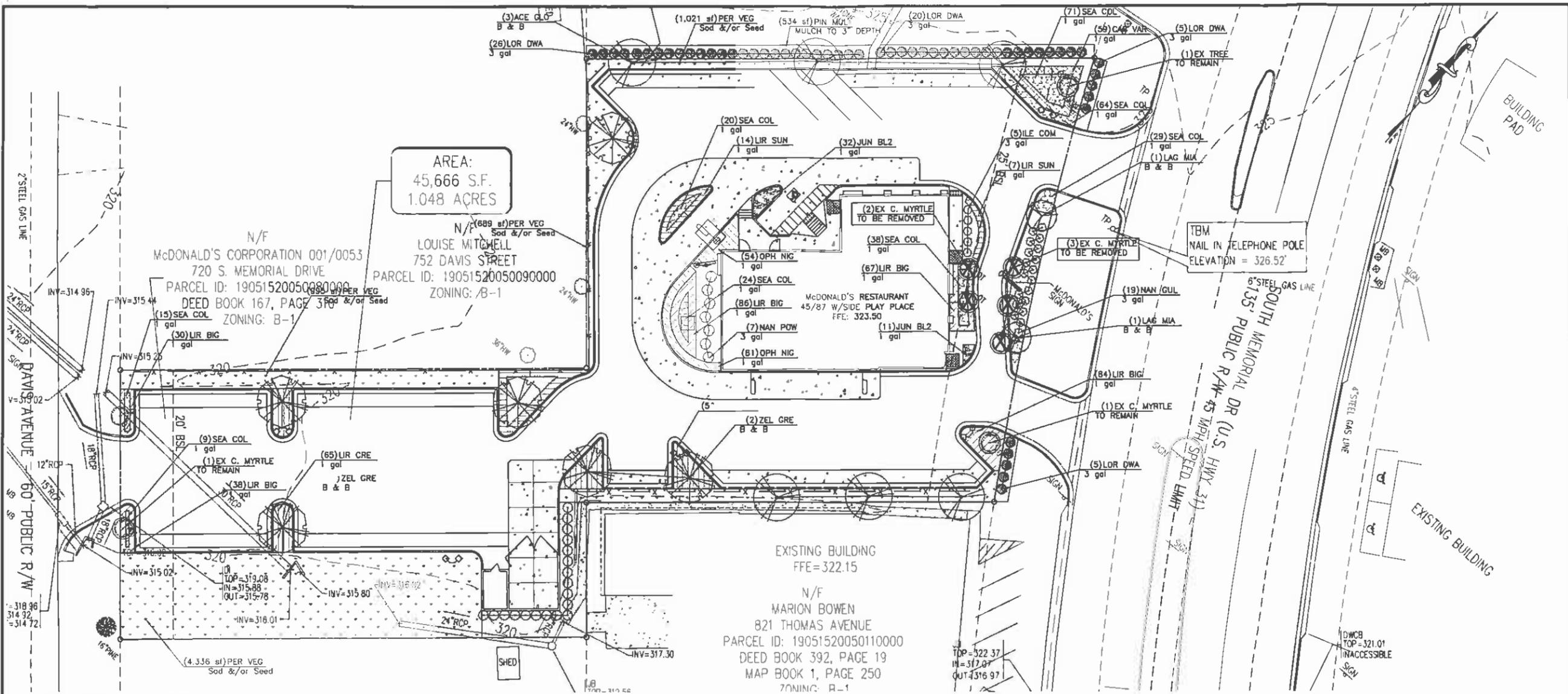
I certify that I am the property owner, or authorized agent, and attest that all facts are true and correct. I do hereby certify that the property owner list attached to this application was obtained from the Autauga County Revenue Office, (Elmore County if applicable), and is a complete list of all 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.

VIVIAN VALDIVIA Vivian Valdivia 4/27/11
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that VIVIAN VALDIVIA, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 27 day of April, 2011

Carmen Garcia
Notary Public

My commission expires _____
CARMEN GARCIA
NOTARY PUBLIC
COBB COUNTY
STATE OF GEORGIA
My Commission Expires April 30, 2013



NO	DATE	DESCRIPTION	REVISIONS
1			
2			
3			
4			

TYLINTN INTERNATIONAL
260 PEACHTREE STREET, SUITE 900
ATLANTA, GEORGIA 30303
PHONE: (404) 841-7886 FAX: (404) 841-7887

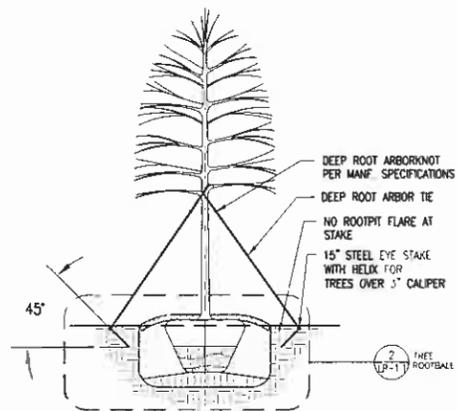
LANDSCAPE PLAN-1

PROJECT NAME: McDonald's RESTAURANT
720 S. MEMORIAL DRIVE, PRATTVILLE, AL 36067. SITE CODE: 01-0083

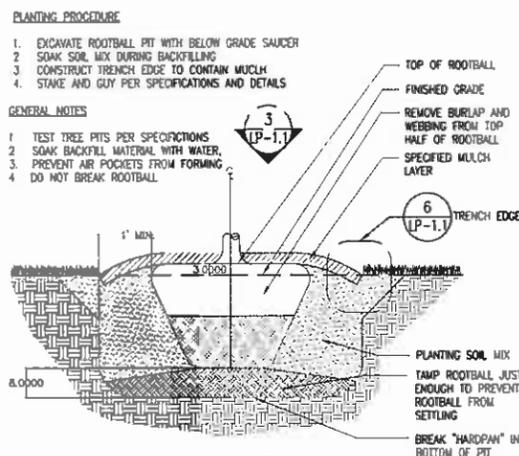
CLIENT: McDonald's CORPORATION
ONE GLENDALE PARKWAY, SUITE 500, ATLANTA, GA 30328

PROJECT NO.: 457657.01	PROJ. WGR.: JJB
DATE: 5/26/11	DRWN. BY: KRW
SCALE: AS NOTED	CHKD. BY: JJB
DRAWING SERIES: LANDSCAPE	
SHEET NO.: LP-1.0	

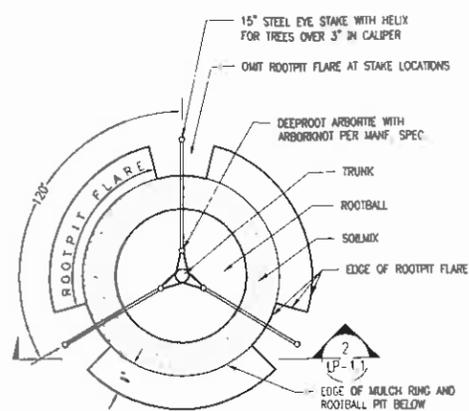
DATE _____



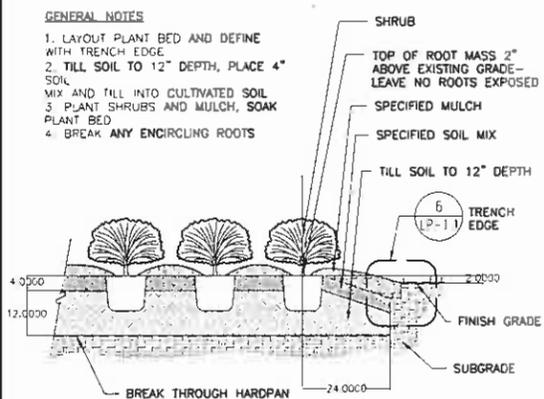
1 TREE STAKING AND GUYING-SECTION
1/4" = 1'-0"



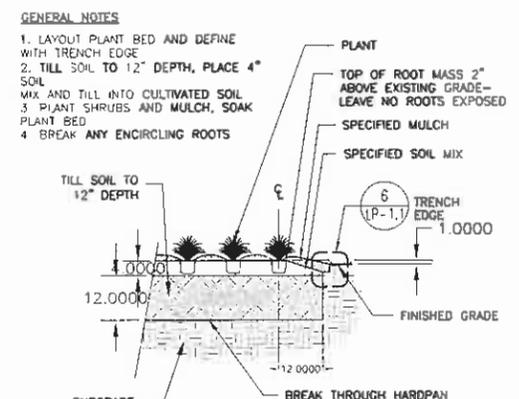
2 TYPICAL TREE ROOTBALL
1/2" = 1'-0"



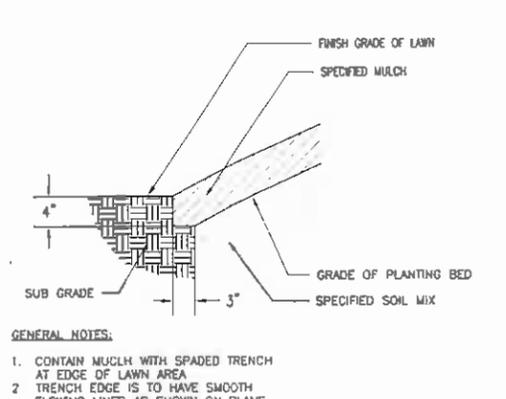
3 TREE STAKING-PLAN
3/8" = 1'-0"



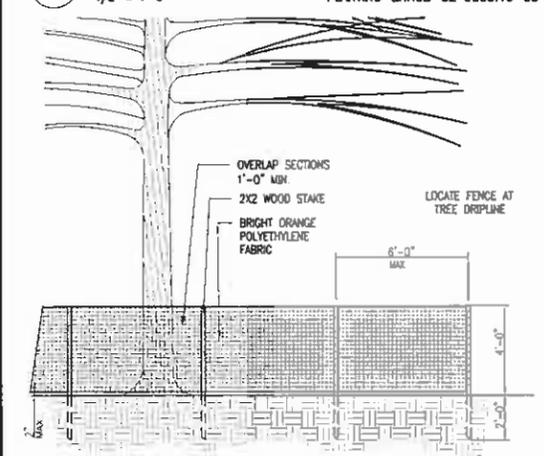
4 SHRUB PLANTING IN MULCH BED
1/2" = 1'-0"



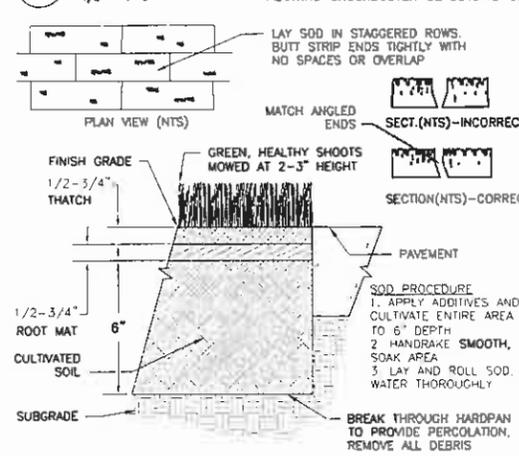
5 GROUNDCOVER IN MULCH BED-SECTION
1/2" = 1'-0"



6 TRENCH EDGE AT LAWN AREA
1" = 1'-0"



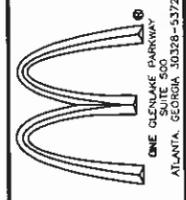
7 TREE PROTECTION FENCE
1/4" = 1'-0"



8 SOD INSTALLATION
3" = 1'-0"

PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	SPACING	QTY
ACE GLO	ACER RUBRUM 'OCTOBER GLORY' TM / 'OCTOBER GLORY' MAPLE	B & B	2.5" CAL	10'-12'	35' 0" O.C.	8
EX TREE	EXISTING TREE TO REMAIN, PLEASE SHAPE AND PRUNE	N/A	VARIABLES	VARIABLES	AS SHOWN	8
LAG MIA	LAGERSTROEMIA FAUREI 'MIAMI' / CRAPE MYRTLE	B & B	2" CAL	8'-10'	AS SHOWN	2
ZEL GRE	ZELKOVA SERRATA 'GREEN VASE' / SAWLEAF ZELKOVA	B & B	2.5" CAL	14'-16'	AS SHOWN	6
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY		
ILE COM	ILEX CRENATA 'COMPACTA' / DWARF JAPANESE HOLLY	3 GAL	4' 0" O.C.	5		
LOR DWA	LOROPETALUM CHINENSIS RUBRUM 'RUBY' / DWARF RUBY FRINGE FLOWER	3 GAL	4' 0" O.C.	58		
MYR CER	MYRTICA CERIFERA / WAX MYRTLE	3 GAL	5' 0" O.C.	19		
HAN POW	HANDINA DOMESTICA 'FIRE POWER' / FIREPOWER HANDINA	3 GAL	5' 0" O.C.	7		
HAN GUL	HANDINA DOMESTICA 'GULF STREAM' TM	3 GAL	4' 0" O.C.	19		
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	QTY			
	CAREX CONICA 'VARIEGATA' / VARIEGATED DWARF SEDGE	1 GAL @ 24" OC	59			
	JUNIPERUS CONFERTA 'BLUE PACIFIC' / BLUE PACIFIC JUNIPER	1 GAL @ 18" OC	43			
	LIRIOPE MUSCARI 'BIG BLUE' / BIG BLUE LILYTURF	1 GAL @ 18" OC	305			
	LIRIOPE MUSCARI 'SILVERY SUNPROOF' / SILVERY SUNPROOF BLUE LILYTURF	1 GAL @ 36" OC	52			
	LIRIOPE SPICATA / CREEPING LILY TURF	1 GAL @ 18" OC	300			
	OPHIOPOGON NIGRESCENS / BLACK MONDO GRASS	1 GAL @ 18" OC	138			
	PERMANENT VEGETATION USE BERMUDA GRASS OR RYE	SOD &/OR SEED	7,456 SF			
	PINE MULCH SPREAD EVENLY	MULCH TO 3" DEPTH	5,969 SF			
	SEASONAL COLOR / SEASONAL COLOR	1 GAL @ 18" OC	381			



NO.	DATE	DESCRIPTION
1		
2		
3		

TYLIN INTERNATIONAL
260 PEACHTREE STREET SUITE 900
ATLANTA, GEORGIA 30303
PHONE: (404) 841-7886 FAX: (404) 841-7887

LANDSCAPE PLAN - 2
PROJECT NAME: MCDONALD'S RESTAURANT
720 S. MEMORIAL DRIVE, PRATTVILLE, AL 36067, SITE CODE: 01-0053
CLIENT: MCDONALD'S CORPORATION
ONE GLENLAKE PARKWAY, SUITE 900, ATLANTA, GA 30328

PROJECT NO: 457657.01 PROJ MGR: JJB
DATE: 5/26/11 DRWN BY: KRW
SCALE: AS NOTED CHD BY: JJB
DRAWING SERIES: LANDSCAPE
SHEET NO: LP-1.1

DATE

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

MEETING DATE: June 14, 2011

PETITIONER: Grace Life Church

ADDRESS OF PETITION: 119 W. Main Street

	NAME	ADDRESS
1.	<u>Jim Fardocyn</u>	<u>1014 unbrak LN</u>
2.	<u>Paul Lamann</u>	<u>pratt 36069</u>
3.	<u>Julia Huff</u>	<u>1801 Sheila Ct Pratt. 36066</u>
4.	<u>Melanie Chambers</u>	<u>880 Dostford. 36065</u>
5.	<u>Rex Musgrove</u>	<u>162 xl. Northampton st</u>
6.	<u>STEPHEN BROOKS</u>	<u>167 W. MAIN ST. PRATTVILLE</u>
7.	<u>Nancy Skyer</u>	<u>160 W. Main St.</u>
8.	<u>Carol Pearson</u>	<u>167 W. Main St Prville</u>
9.	<u>Suzanne Hall</u>	<u>156 W. Main St. Prville</u>
10.	<u>Karen McWilliams</u>	<u>133 W Main St. Prville</u>
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____
21.	_____	_____

City of Prattville
102 West Main Street
Prattville, AL 36067



June 7, 2011

Prattville Board of Zoning Adjustment,

I am a concerned business owner (Carol Brooks Home and Holiday Shoppe) located at 167 West Main St. When I received the information that a petition was filed with the Prattville Board of Zoning Adjustment to have 119 West Main for a use-on-appeal as a church, I felt that I must voice that this has to be denied.

The Historic Downtown Business Area on West Main Street is to my knowledge a designated commercial area. This is for retail and professional business. The placement of a church in a retail building is just not a fit for the overall City plan or for the Historic Downtown Business District. The impact this will have is to decrease the available retail space and increase the burden of our parking situation which is already strained.

We have worked very hard (Chosen as Alabama Retailers of the Year 2010) to encourage the retail customer to frequent the Historic Business District for the diversity of shops and restaurants. To allow for this retail space to be circumvented is not in keeping with the business community's goals.

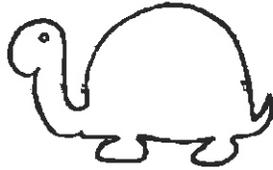
There are also several questions that for a church to be allowed in a business zone it must meet R-4 requirements. R-4 requirements: a church must occupy no more than 40% of its lot. There must be set-back and there must be a side easement. The location at 119 West Main does not comply with any of these requirements. The building must not occupy any more than 40% of its lot. Just a look at the current building shows that it covers close to all lot lines.

I would also like to mention the published history of this building. It may or may not have a bearing, but, as I understand there was a mold problem and serious roof leaks this begs the question; have these problems been addressed to make the building safe for human endeavors? The city has been published in news articles saying no certificate of occupancy would be issued until corrections are made.

Over all this is an ill conceived endeavor and the request should be denied.

Respectfully Submitted,

Stephen Brooks / Carol Brooks
Carol Brooks Home and Holiday Shoppe
167 West Main Street
Prattville, AL 36067
334-491-0142



THE TURTLE SHELL, INC.

160 WEST MAIN STREET

PRATTVILLE, AL 36067

(334) 358-0902

(334) 358-0971 FAX



June 10, 2011

City of Prattville
Board of Zoning Adjustment
102 West Main Street
Prattville, AL 36067

To Whom It May Concern:

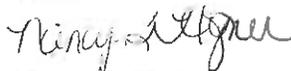
As a business owner at 160 West Main Street, in the Daniel Pratt Historic District, I am opposed to a change in the zoning to allow a church to be housed in a building designated currently for retail purposes. This has absolutely nothing to do with the church or religion. It has everything to do with an established district and a building designed to enhance and support the retail of the area.

Property and business owners have worked tirelessly to have a viable, active downtown. Our city government leaders have supported this effort, as evidenced by such things as our beautiful Main Street Park, to which the fountain was donated by private funding, and our Creek Walk. Visitors and newcomers are constantly coming into my store to browse, often making purchases, but almost always asking questions about the old gin buildings and remarking about the beauty of the old area of Prattville. Investment in some of the buildings to make them more attractive and thus draw more people into our downtown has only enhanced the area.

I am not aware of the specifics, but I am aware of laws regarding parking and building design requirements that apply to churches. Parking is already a huge concern in our area with limited space frequently causing inconveniences to our clientele. I am blessed in having ample parking space in the rear of my store, but others should not be caused additional problems, when these could be averted by the denial of a request for a church to be located at 119 West Main Street.

There continues to be a vision for this historic area to remain the viable heart of our city, contributing to its vitality. We have a rich heritage, one of which both those who serve and those who are served continue to devote time, energies and monies to preserve and promote, helping make Prattville's future as bright as our past. I ask that you consider your part in the effort and deny this variance request.

Yours truly,


Nancy Q. Hefner

I would like to voice my disapproval of the church going into 119 West Main Street.

My reason's are as follows, as a down town merchant, which is family owned and not a chain, as well as all the other down town merchants. Who also compete against larger shops. Our most important asset is the fact we are located in the historical business district. We have all adhered to the guide lines of the historical society. Such as, canopies over our stores, colors that are accepted. For example; Fanci Free wanted to change our doors to older antique doors. We were not allowed by the Historical society. Uncle Mick's and Cute As A Button, were also told to keep the same look. Our future lies in the fact that the Historical Down town is our calling card. While we have no problems with a church of any kind, we have a problem with the fact it will not fit in the "Historical look".

I recall several years ago, a billboard was submitted to this board that would be located just past the rail road pass on Main Street and, was denied due to the fact it was in the beginning portion of the Historical District. While I have heard many good things about the pastor and his works. It makes me worry about parking which, we know is a major problem even then, and I sure a church would need even more parking spaces. As a former tenet of this location I personally know of several problems that should be addressed. Will the City have the time, money, and man power to follow up on this? I realize that the land lord would like to rent this building but, I would plead with him to think of our Historical significance and not destroy what we the merchants and City of Prattville has worked so hard to capture.

In closing; I would like to thank you for having this meeting and letting us voice our opinions.

Thank you, Connie Dismukes Fanci Free

*Rec'd
6/14/11*



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

110614-03

Use-On-Appeal
 To allow for church use

**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: Phil Bevilacqua (Grace Life Church)
 Street Address: 1014 Windsor LN
 City: Prattville State: AL Zip: 36067
 Phone Number(s): 334.303-1918

Property Owner Information
If different than above

Name: PDG LLC % Melanee Taylor
 Address of Property Owner: PO Box 880 Postville Rd
 City: Prattville State: AL Zip: 36067
 Phone Number: (334) 345-4290 -

att GRWJR - 334-799-4173

Property Description

County Tax Parcel Number/Legal Description: 19 04 17 1 01 400.20 000

Current Zoning of Property: B2 Physical Address: 119 W. main st

Proposed Use of Property (generally): ~~store~~ retail

Describe Proposed Use or Variance: church, community outreach

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))

* Bulking in place - No change in location

XX See attach list

XXX see attached letter

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.

Phil Bevilacqua *Phil Bevilacqua* 20 May 11
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Phil Bevilacqua whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 20 day of May, 2011.

[Signature]
Notary Public

My commission expires 07/14/2011

CITY OF PRATTVILLE
 Board of Zoning Adjustment
 Planning Department Staff Report



DATE:	5/24/11
APPLICATION TYPE:	Use-On-Appeal (110614-03)
PROPERTY LOCATION or DESCRIPTION:	119 West Main Street
PETITIONER(S) AND AGENT(S):	Grace Life Church Representative: Phil Bevilacqua
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To allow church use.
ZONING ORDINANCE REFERENCE:	<p>Article 7. District Requirements. Appendix A-Zoning Ordinance Section 72 Business District Requirements (B-2)</p> <p>USES PERMITTED ON APPEAL: 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>Section 71 Residential District Requirements (R-4)</p> <p>USES PERMITTED ON APPEAL: Clubs, not conducted for profit; rooming and boarding houses. (See: regulations common to all "R" Districts, listed above.)</p> <p>ALL "R" DISTRICTS USES PERMITTED ON APPEAL: ...churches;</p>

CITY OF
PRATTVILLE, ALABAMA

119 W MAIN ST
Grace Life Church

1" = 100'



— STREETS
□ TAX PARCELS



Ryan Preharka, GIS Coordinator

Yard, front. The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line. No fallout shelter, even though it does not exceed thirty (30) inches in height, shall be permitted in any front yard.

Yard, rear. The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.

Yard, side. The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports, and such lot line.
(Ord. of 7-2-68; Ord. of 5-23-85; Ord. of 3-1-88; Ord. of 10-15-91)

ARTICLE 7. DISTRICT REQUIREMENTS

Section 71. Residential district requirements.

District	Use Regulations	Minimum Yard Size		Minimum Lot Size		Maximum Height Feet	Maximum Height Stories	Maximum Building Area Percent	Off Street Parking Car Spaces
		Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area in S.4. Feet				
ALL "R" DISTRICTS	<p>USES PERMITTED: Accessory structures, gardens, playgrounds and parks; public build- ings, including public schools and libraries, sat- ellite dishes or discs as herein defined by that or- dinance, and no other, and parking of recre- ational vehicles, as herein defined, subject to the following conditions:</p> <p>(a) At no time shall such parked or stored camping and recreational equip- ment be occupied or used for living, sleeping or house- keeping purposes.</p> <p>(b) If the camping and recreational equip- ment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot.</p>	35	35	35	45	2	50		See Note "B" Below
	Public and semipublic structures.								

PRATTVILLE CODE

District	Use Regulations	Minimum Yard Size			Minimum Lot Size		Maximum Height Stories	Maximum Building Area Percent	Off Street Parking Car Spaces	
		Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area in Sq. Ft.	Width Ft. at Building Line				
R-1	<p>USES PROHIBITED: Mobile homes, house trailers, trailer courts or camps, commercial and industrial uses, including parking lots or parking areas in connection with these uses, not specifically permitted. (Ord. of 5-23-85)</p> <p>USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts, listed above.)</p>	40	45	15	15,000	100	35	2 1/2	25	1
R-2	<p>USES PERMITTED: Single-family dwellings. (See: regulations common to all "R" Districts, listed above.)</p>	35	40	10	10,500	75	35	2 1/2	25	1
R-3	<p>USES PERMITTED: Dwellings and apartments for any number of families.</p> <p>USES PERMITTED ON APPEAL: Clubs, not conducted for profit; rooming and boarding houses. (See: regulations common to all "R" Districts, listed above.)</p>	25	30	8 other 6	7,500 For each additional family unit, add: 2,000	60 6	35	3	35	1 per family unit

(See Note "A" below)

District	Use Regulations	Minimum Yard Size			Minimum Lot Size		Maximum Building Area Percent	Maximum Height Feet	Maximum Height Stories	Off Street Parking Car Spaces
		Front Yard Feet	Rear Yard Feet	Side Yard Feet	Area in Sq. Ft.	Width Ft. at Building Line				
R-1	USES PERMITTED: Dwellings and apartments for any number of families.	25	30	One side 8 other 6	6,000 For each additional family unit add: 2,000	50 5	35	3	40	1 per family unit

USES PERMITTED ON APPEAL:
Clubs, not conducted for profit; rooming and boarding houses.
(See regulations common to all "R" Districts, listed above.)

NOTE "A": A carport, porte-cochere, porch or structure or part thereof as defined in Section 68 hereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements for the district in which it is located.

NOTE "B": Off-street parking requirements for public and semi-public structures or uses are as follows:
Schools: two car spaces for each school room.
Hospitals: two car spaces per each five beds.
Churches and auditoriums: two car spaces per each five seats.
Other public or semi-public use as determined in each individual case by the Board of Zoning Adjustment.

(Ord. of 7-2-68; Ord. of 3-15-83(2); Ord. of 5-23-85)

Section 72. Business district requirements.

District

B-1
(Local
Shopping
District)

Use Regulations

USES PERMITTED: Neighborhood retail stores and markets, including the following types of stores: food, general merchandise; apparel, furniture; household and hardware; radio and television; drug and sundries; jewelry and gifts; florist; sporting goods; pet shops and similar types; and business recycling facilities. Neighborhood services including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; shoe repair; offices, hotels, banks, post offices, theaters and similar services.
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.

USES PERMITTED ON APPEAL: Filling stations where no major repair work is done; restaurants; community recycling.

TEMPORARY STRUCTURE: Where such structures shall be used for a period of not to exceed 18 months prior to construction of a permanent structure, which will replace the temporary structure. The owner must give evidence, satisfactory to the Board of Zoning Adjustment, of such owner's good faith and intent to construct or have constructed, a permanent structure. Under no circumstances shall such structures be authorized as a residence or habitation.

USES PROHIBITED: Major auto repair; filling stations with gasoline storage above the ground in excess of five hundred (500) gallons; laundry and dry cleaning plants; funeral homes, mobile homes, house trailers, trailer courts or camps, manufacturing; any use prohibited in a B-2 Business District.

Space and Height Regulations

MINIMUM LOT SIZE: It is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other operations of the business or service.

MINIMUM YARD SIZE: Front, 25 feet; rear, 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.

MAXIMUM HEIGHT: 45 feet or 3 stories.

OFF-STREET PARKING: 200 sq. feet of parking space per each 100 sq. feet of one (1) story buildings, or per each 60 sq. feet of two (2) or three (3) story buildings. Theaters, one car space per each five seats.

OFF-STREET PARKING AND UNLOADING: Shall use required rear or side yard for loading and unloading.