



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 August 12, 2014 meeting of the
City of Prattville Board of Zoning Adjustment
were approved.

Leo Jamieson, Chairman

9 September 2014

Date

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-595-0500 ■ 334-361-3677
FACSIMILE
planning.prattvilleal.gov



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DISTRICT 6

LORA LEE BOONE
DISTRICT 7

CITY OF PRATTVILLE BOARD OF ZONING ADJUSTMENT A G E N D A August 12, 2014 4:00pm

Call to Order:

Roll Call:

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

Minutes:

May 13, 2014 and June 16, 2014

Old Business:

None

New Business:

1. 140812-01 VARIANCE

To encroach into the required 20' front yard setback.
406 Hallmark Drive
T-1 Zoning District (Mobile Home Subdivision)
John M. Capp, Petitioner

District 2

2. 140812-02 VARIANCE

To reduce the required 30' frontage landscape setback.
Legends Parkway
B-2 Zoning District (General Business)
Lemak Prattville Clinic, LLC, Petitioner

District 5

Miscellaneous:

November 11, 2014 meeting date.

Adjourn:

PLANNING & DEVELOPMENT DEPARTMENT

102 WEST MAIN STREET ■ PRATTVILLE, ALABAMA 36067 ■ 334-595-0500 ■ 334-361-3677
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**City of Prattville Board of Zoning Adjustment
Minutes
August 12, 2014**

CALL TO ORDER:

The regular meeting of the Prattville Board of Zoning Adjustment (BZA) was called to order by Chairman Leo Jamieson at 4:00 p.m. on Tuesday, August 12, 2014.

ROLL CALL:

Present: Chairman Leo Jamieson, Vice-Chairman James Miles, Mr. Gerald Cimis, Mr. Mac Macready, and Mrs. Jerry Schannep. 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.

MINUTES:

Mr. Cimis moved to approve the minutes of the May 13, 2014 and June 16, 2014 meetings. Mrs. Schannep seconded the motion. The motion passed unanimously.

OLD BUSINESS:

None

NEW BUSINESS:

VARIANCE

To encroach into the required 20' front yard setback.

406 Hallmark Drive

T-1 Zoning District (Mobile Home Subdivision)

John M. Capp, Petitioner

Mr. Duke provided the staff report for the variance to allow a mobile home to encroach into the 20' front yard at 406 Hallmark Drive. He stated that the variance was justified due to an encroachment of the cul-de-sac radius. He stated the petitioner was requesting a minimal of 10' variance to make the lot usable.

John Capps, petitioner, presented the variance request to place a mobile home on property at 406 Hallmark Drive. He stated that the 28x52 double wide mobile home that he wanted to replace would encroach into the front yard setback at the northeast corner. He stated that an existing permanent workshop prevents him from setting the unit farther back to the rear.

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

Mr. Cimis stated that the unique shape of the lot and the arc of the cul-de-sac created a hardship for the petitioner.

After no further comments, questions, or discussion, the vote was called. The BZA voted unanimously to approve the variance to allow a mobile to encroach 10' into the required 20' front yard setback and on property at 406 Hallmark Drive.

VARIANCE

To reduce the required 30' frontage landscape setback.

Legends Parkway

B-2 Zoning District (General Business)

Lemak Prattville Clinic, LLC, Petitioner

Mr. Duke provided the staff report for the variance request reduce the 30' front landscape requirements on property at Legends Parkway. He stated that the property was located adjacent to 2722 Legends Parkway between Firestone and Mellow Mushroom. He stated that the variance was justified due to the depth of the lot, topography, public easements, and the landscaping ordinance creating an extraordinary hardship.

Cathy Gerachis of Goodwyn, Mills & Cawood, petitioner's representative, presented the request for the landscape variance. She stated that if the landscape requirement was met they would lose some front parking spaces. She stated that a synthetic turf would be added to the rear of the building which would impede shifting the building to the rear. She stated that the required amount of vegetation would be met.

Matthew Lemak, petitioner, stated that the parking requirements would be met for staff and clients.

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. The BZA voted unanimously to approve the variance to reduce the required 30' frontage landscape setback (as submitted) on property at Legends Parkway.

MISCELLANEOUS:

Due to holiday schedule, the BZA voted unanimously to reschedule their regular November 11, 2014 meeting to **November 10, 2014 at 4:00 p.m.**

ADJOURN:

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

Respectfully submitted,



Alisa Morgan, Secretary
Board of Zoning Adjustment

PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: JOHN M. CAPPS
406 HALLMARK DRIVE
PRATTVILLE, AL 36067

REQUEST: VARIANCE TO ENCROACH INTO THE REQUIRED 20' FRONT
YARD SETBACK.
406 HALLMARK DRIVE
T-1 ZONING DISTRICT (MOBILE HOME SUBDIVISION)

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 August 12, 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 allow a mobile home to encroach 10' into the required 20' front yard setback and on property at 406 Hallmark Drive.**

IT IS THEREFORE ORDERED the petition of John Capps, 406 Hallmark Drive, Prattville, AL is hereby approved.

DONE THIS THE 12th DAY OF August 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: August 12, 2014

PETITIONER: John M. Capp

ADDRESS OF PETITION: 406 Hallmark Drive

	NAME	ADDRESS
1.	<i>John M. Capp</i>	<i>406 Hallmark Dr. Prattville AL</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment
Planning Department Staff Report



VARIANCE 406 Hallmark Drive
BZA Application – 140812-01

DATE August 8, 2014

PROPOSED DEVELOPMENT

Petitioner: John M. Capps

Property Owners: Same

Agent: N/A

Location: 406 Hallmark Drive (north end of Hallmark Drive – west side of the street)

Development Status and History

Previous Development Approvals Developed as Lot 20, Block C, New Moon Subdivision, Plat 4. Recorded February 1973.

Previous Variance Requests/Approvals: No previous variances

Conditions of Previous Approvals: N/A

Property Configuration

Acreage: Approximately 0.16 acres (6,970 square feet)

Zoning Classification: T-1, Mobile Home Subdivision

Relevant Standards: Section 68 – Definitions.
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.

Section 76— T-1 Districts

Minimum Lot Size: 6,500 square feet

Maximum Lot Coverage: 40%

Yard Setbacks:

Front: 20'

Rear: 10'

Sides: 10'/6'

Accessory Structure Location: behind rear building line

Accessory Structure Setbacks: 5' from rear and side lines.

Requested Variance: Effective variance as re-stated by staff (see application for applicant statement): Requesting a 10' encroachment into the required 20' front yard in a T-1 district

Statement of Hardship: (taken from application) "I'm writing you to ask for your assistance in obtaining a zoning variance for my property located at 406 Hallmark Drive, Prattville, listed as Lot 20 Block C, New Moon Subdivision, Plat 4, Prattville, MB 2, Page 266 SE 16 T17N, R16E. The reason this variance is needed is that I purchased a 28'x 52' mobile home without the understanding of the zoning due to the cul-de-sac making the property narrower on one end. Your assistance in helping me resolve this quickly is greatly appreciated."

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: July 10, 2014

Recommendation: Variance is justified due to an encroachment by the cul-de-sac radius. An extraordinary hardship exist on this property limiting placement of a manufactured housing unit.

Planning Staff Comments:

Background: The permit and review history for this site may provide some additional insight in this case. In early July 2014, the applicant presented the Planning Department with an application to place a new manufactured home on the lot at 406 Hallmark Drive. The 20 x 90 unit to be permitted had already been delivered to the lot and placed roughly in the same location as the one it replaced. When the unit was inspected, the department found it to be over the required front, side and rear setbacks. Finding no variances on file for 406 Hallmark Drive, the permit application was denied.

The applicant, Mr. Capps, stated that he assumed a new 20 x 90 unit matching one that had been on the property since 2010 would be approved. The unit placed in 2010 replaced a 30 x 72 lost in a fire in late 2009. Mr. Capps has removed the unpermitted unit from the property as of August 8, 2014.

Analysis: Included with this report as Attachment B is a copy of New Moon Subdivision, Plat 4 with Lot 20, Block C highlighted. It is apparent where the cul-de-sac radius cuts into the lot and reduces the depth of the northern portion of the lot. Setback is measured from the point closest to the front property line. The cul-de-sac radius pushes the 20' minimum front setback deep into the lot. A unit at the minimum 20' setback on the northern portion of the lot is at roughly 45' when measured along the south property line. The curved front property line and the relatively short depth of the lot combine to limit the use of the lot. The applicant is asking for the minimum variance necessary, 10' from the front setback at the NE corner of the proposed unit, to allow use of the property.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. Special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-2 zoning district.
2. A literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.
3. The special conditions and circumstances do not result from actions of the applicant.
4. The granting of a variance will not confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-3 district;

5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
6. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in a T-1 district.

ATTACHMENTS

1. Attachment A – Application
2. Attachment B – New Moon Subdivision, Plat 4, Lot 20, Block C highlighted
3. Attachment C – Aerial Photo – 406 New Moon Drive



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**

Application Type: Use-On-Appeal Variance Administrative Appeal

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

Name: John M. Capps

Street Address: 406 Hallmark Drive

City: Prattville State AL Zip: 36067

Phone Number(s): 334-595-1977

Property Owner Information
If different than above

Name: _____

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: 19-05-16-2-000-130.000 #0

Current Zoning of Property: _____ Physical Address: 406 Hallmark Dr.

Proposed Use of Property (generally): Residence

Describe Proposed Use or Variance: To encroach into the front building line set back for a mobile home size 28 x 52



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)*

see attachment

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.*

John M Capps John M Capps 7/11/14
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that John M. Capps, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 11th day of

July, 2014.

[Signature]
Notary Public

My commission expires ~~My Commission Expires~~ **11-08-2015**

ATTACHMENT A

July,10,2014

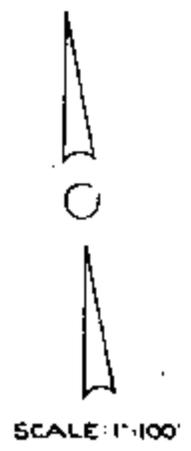
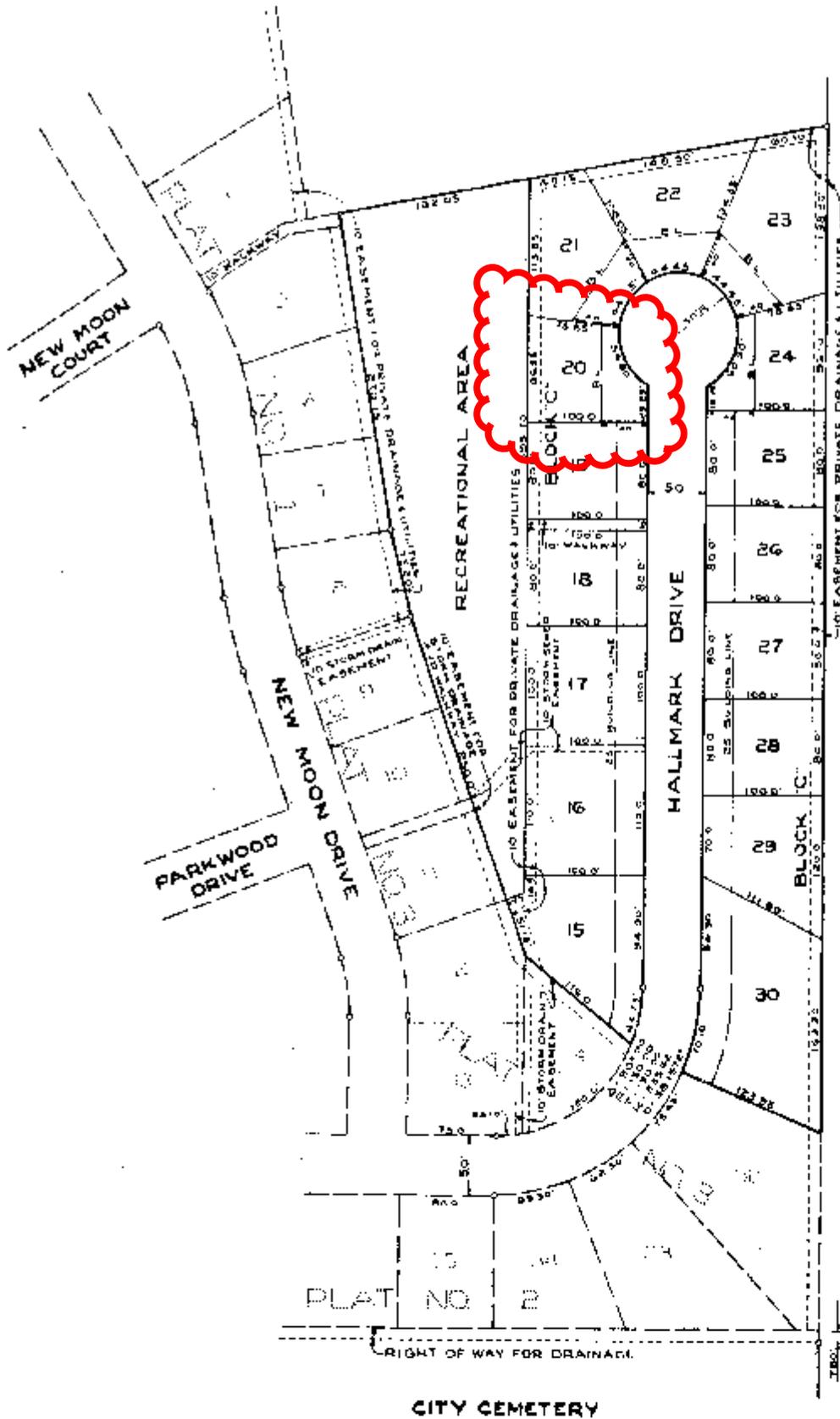
To whom it may concern;

Im writing you to ask for your assistance in obtaining a zoning varience for my property located at 406 Hallmark Drive Prattville. listed as lot 20 BLK C NEW MOON SD PL4 PRAT MB2 PG266 SE 16T17N R16E 60X75.9 IRR. The reason this varience is needed is that I purchased a 28 x 52 mobile home without the understanding of the zoning due to the cul-de-sac making the property narrower on one end. Your assistance in helping me resolve this quickly will be greatly appreciated

Thank You

John M Capps





CITY CEMETERY

NEW MOON SUBDIVISION
PLAT NO. 4

Located in Rly of Section 17, T17, R16
FOOTYILLE, ALABAMA

WORK PARTNERSHIP COMPANY, INC.

MURFREESBORO, ALABAMA

SCALE: 1" = 100'

FILED IN PROSTATE OFFICE
 COUNTY
 Feb 26 3 44 PM '73
 E.A. SMITH
 JUDGE OF PROSTATE

ROBERTS & SON, INC.
 PHONE 224-1212
 190 BOX

CITY OF
PRATTVILLE, AL

406
Hallmark Dr

Scale: 1" = 50'



— STREETS
□ TAX PARCELS



ATTACHMENT C



CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report

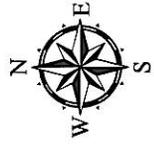


DATE:	7/16/14
APPLICATION TYPE:	Variance (140812-01)
PROPERTY LOCATION or DESCRIPTION:	406 Hallmark Drive
PETITIONER(S) AND AGENT(S):	John M. Capps
ZONING DISTRICT(S)	T-1 Zoning District (Mobile Home Subdivision)
REQUESTED ACTION:	To encroach into the required 20' front yard setback.
ZONING ORDINANCE REFERENCE:	Appendix A-Zoning Ordinance Section 76 Mobile home district requirements. T-1 District: Minimum Yard Size Front yard - 20' Rear Yard – 10' Side Yard – 10'6'

CITY OF
PRATTVILLE, AL

406
Hallmark Dr

Scale: 1" = 50'



— STREETS
□ TAX PARCELS





140812-01

Variance

To encroach into the required 20' front yard setback

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: John M. Capps

Street Address: 406 Hallmark Drive

City: Prattville State: AL Zip: 36067

Phone Number(s): 334-595-1977

Property Owner Information
If different than above

Name: _____

Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____

Property Description

County Tax Parcel Number/Legal Description: 19-05-16-2-000-130.000 #0

Current Zoning of Property: _____ Physical Address: 406 Hallmark Dr.

Proposed Use of Property (generally): Residence

Describe Proposed Use or Variance: To encroach into the front building line set back for a mobile home size 28 x 52



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)

see attachment

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.

John M Capps John M Capps 7/11/14
Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, hereby certify that John M. Capps, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 11th day of July, 2014.

[Signature]
Notary Public

My commission expires ~~My Commission Expires~~ **11-08-2015**

Attachment

140812-01/A

Variance

To encroach into the required 20' front yard setback

July,10,2014

To whom it may concern;

Im writing you to ask for your assistance in obtaining a zoning varience
for my property located at 406 Hallmark Drive Prattville. listed as lot 20
BLK C NEW MOON SD PL4 PRAT MB2 PG266 SE 16T17N R16E 60X75.9 IRR.
The reason this varience is needed is that I purchased a 28 x 52 mobile home
without the understanding of the zoning due to the cul-de-sac making the
property narrower on one end. Your assistance in helping me resolve this
quickly will be greatly appreciated

Thank You

John M Capps



PRATTVILLE BOARD OF ZONING ADJUSTMENT

PETITIONER: LEMAK PRATTVILLE CLINIC, LLC
2316 FIRST AVENUE SOUTH
BIRMINGHAM, AL 35233

REQUEST: VARIANCE TO REDUCE THE REQUIRED 30' FRONTAGE
LANDSCAPE SETBACK.
LEGENDS PARKWAY
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 August 12, 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 required 30' frontage landscape setback (as submitted) on property at Legends Parkway.**

IT IS THEREFORE ORDERED the petition of Lemak Prattville Clinic, LLC, 2316 First Avenue South, Birmingham, AL is hereby approved.

DONE THIS THE 12th DAY OF August 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: August 12, 2014

PETITIONER: Lemak Prattville Clinic

ADDRESS OF PETITION: Legends Parkway

	NAME	ADDRESS
1.	<i>Cathy Conklin</i>	<i>2060 East Chase Parkway</i>
2.	<i>Matthew Lewis</i>	<i>Mindy</i>
3.		<i>7 2316 1st Ave S.</i>
4.		<i>Birmingham, AL 35233</i>
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CITY OF PRATTVILLE
Board of Zoning Adjustment

Planning Department Staff Report



VARIANCE Vacant Parcel – Cobbs Ford Road/Legends Parkway – adjacent to 2723 Legends Parkway

BZA Application – 140812-02

DATE August 11, 2014

PROPOSED DEVELOPMENT

Petitioner: Lemak Prattville Clinic, LLC
Property Owners: Same
Agent: Goodwyn, Mills Cawood, Inc.
Location: Vacant lot – Legends Parkway – north side; adjacent to 2723 Legends Parkway
Elmore County Tax Parcel: 29-26-04-18-0-001-001.005

Development Status and History

Previous Development Approvals Previously platted as Outparcel A1 of PrattCenter, Plat 1B recorded in March 2012
Previous Variance Requests/Approvals: No previous variances
Conditions of Previous Approvals: N/A

Property Configuration

Acreage: Approximately 2.9 acres
Zoning Classification: B-2, General Business

Relevant Standards: Section 145. - General site and off-street parking area landscaping requirements.

Landscaping of development sites and off-street parking areas shall be of four (4) types as described below and shall conform to landscape plans submitted and approved in accordance with the requirements of this section.

(a) - Frontage landscaping and foundation planting requirements. Frontage landscaping shall require a landscaped strip with a minimum ten-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.

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 two hundred fifty (250) feet frontage shall have a frontage strip depth of thirty (30) feet

Requested Variance: Effective variance as re-stated by staff (see application for applicant statement): Requesting a 16.34' encroachment into the required 30' landscaping setback required by Section 145 of the Zoning Ordinance. Setback encroachment is greatest at eastern end of the frontage and reduces to zero near proposed western driveway. Requested variance reflects the deepest encroachment into the setback.

Statement of Hardship: (taken from application) "The owner request a maximum variance of 16.34' across 50% of the total lot frontage from the front setback requirement in the landscaping ordinance. The shape of the parcel, the rising topography, the location in the curve of

Legends Parkway and the location of the connection to the adjacent lot make complying with the 30' setback across the entire parcel prohibitive"

PLANNING STAFF EVALUATION

Reviewed by: Joel T. Duke, AICP

Site Visits Conducted: August 8, 2014

Recommendation: Variance is justified due to depth of the lot, topography, public easements, and landscaping ordinance creating an extraordinary hardship.

Planning Staff Comments:

Analysis: While platted at 2.9 acres, Outparcel A1 of the PrattCenter, Plat 1B contains a couple of features that serve to reduce the amount of land available for development. First, the areas along the west and north property lines contain steep slopes. Second, a public drainage easement cuts through the western third of the property. These features combine to force development into the southeastern corner of the lot and reduce the effective area of the lot. The landscaping setback requirement in Section 145 uses the amount of frontage to determine the setback depth. When the ordinance was adopted, the Planning Commission assumed that wider frontage generally corresponds with a larger lot. The setback trigger in Section 145 does not vary regardless of whether the lot is 1000' deep or 300' deep. Outparcel A1's characteristics and the landscaping ordinance conspire to create an unnecessary burden on the owner of the lot. As demonstrated by the applicant's proposed landscaping plan, a variance from the 30' setback may be granted and the spirit of the ordinance maintained.

State code and best practices require the BZA to measure variance requests against several basic standards. Below is the staff opinion regarding the standards and this request.

1. Special conditions and circumstances exist regarding this structure which are not applicable to other lands, structures, or buildings in the same R-2 zoning district.
2. A literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.

3. The special conditions and circumstances do not result from actions of the applicant.
4. The granting of a variance will not confer a special privilege on the applicant that is denied by the zoning ordinance to other lands, structures, or buildings in the same R-3 district;
5. The granting of a variance is in harmony with the intent and purposes of the zoning ordinance;
6. A variance will not adversely affect the surrounding property, the general neighborhood, or the community as a whole;
7. A variance will not allow the establishment of a use prohibited under the terms of the zoning ordinance in a B-2 district.

ATTACHMENTS

Attachment A - Application

Attachment B - Prattcenter Subdivision, Plat 1B – Outparcel A1 highlighted 3.

Attachment C - Aerial Photo – Legends Parkway

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 Owner requests a maximum variance of 16.34' across 50% of the total lot frontage from front setback requirement in the landscape ordinance. The shape of the parcel, the rising topography, the location in the curve of Legends Parkway and the location of the connection to the adjacent lot make complying with the 30' setback across the entire parcel prohibitive.

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.*

Cathryn C Gerachis Cathryn C Gerachis 7/10/2014
 Printed Name Signature Date

I the undersigned authority, a Notary Public in and for said County in said State, herby certify that Cathryn C. Gerachis, whose name is signed to the forgoing petition, and who is known to me, acknowledged same before me on this the 10th day of July, 2014.

Patricia S. Bianchi
Notary Public

My commission expires _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
 COMMISSION EXPIRES: July 18, 2015
 BONDED THRU NOTARY PUBLIC UNDERWRITERS

ATTACHMENT A

EXHIBIT A: Legal Description

Outparcel A1, according to the map of Prattcenter Plat No. 1B, as the same appears of record in the office of the Judge of Probate of Elmore County, Alabama, in Plat Book 22 at page 4.

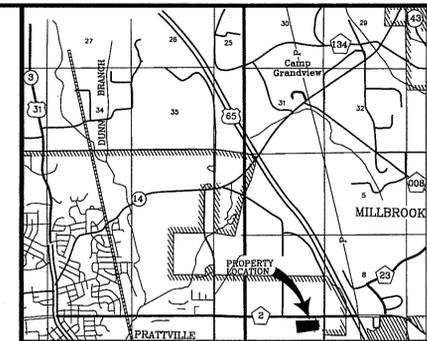
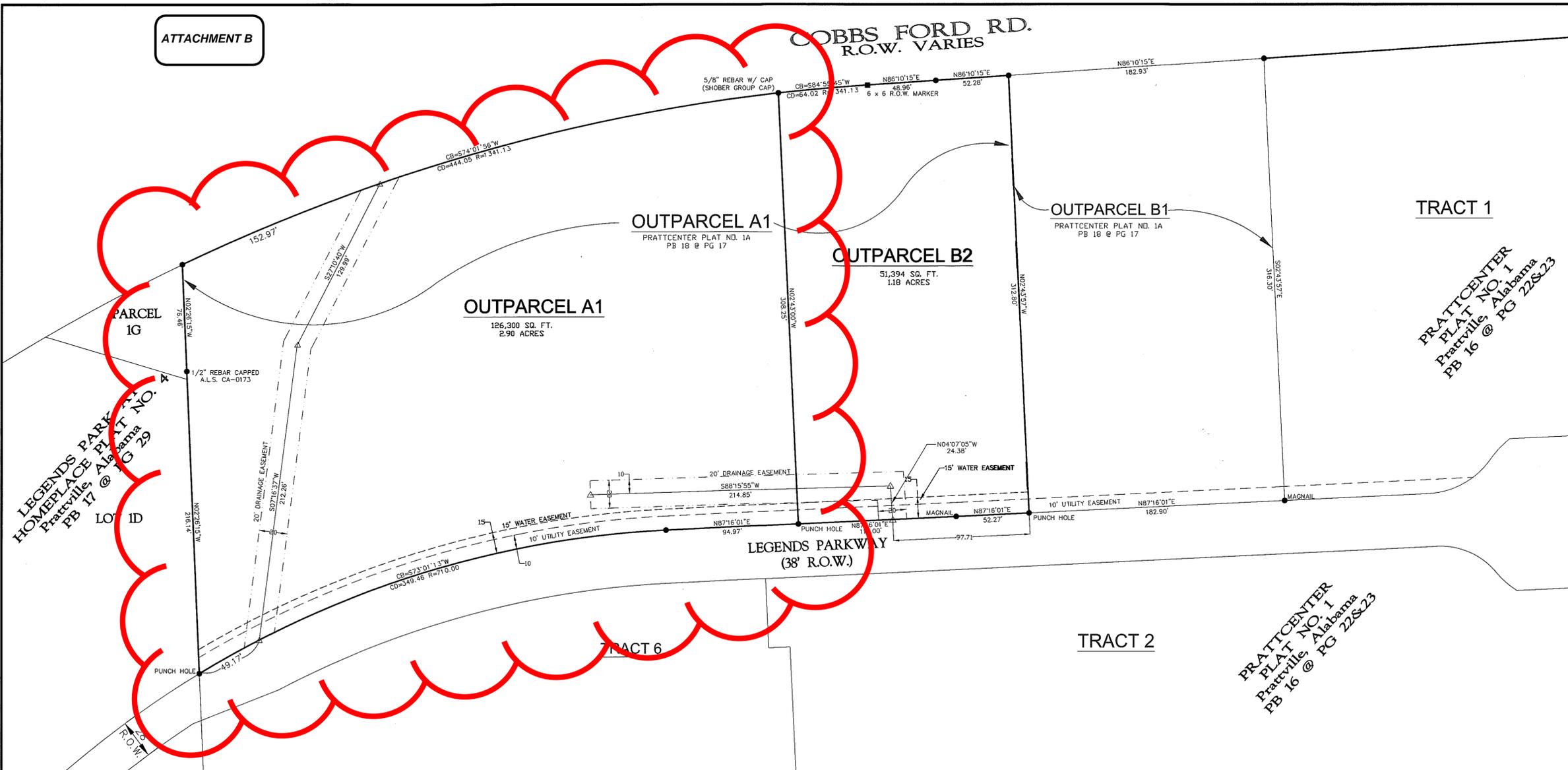
EXHIBIT B: DESCRIBE VARIENCE

Applicant requests a variance from the 30' setback requirement as per the landscape ordinance. This property is 445' wide X 306' deep. In order to satisfy the requirement to connect to the adjacent lot to the east and provide parking along the front, near the main entrance, the front setback varies from 13.6' to 38.42'. The site layout meets the 30' requirement at the west entrance to the parcel. It is also difficult to plant the required trees along the front property line due to the presence of underground utilities and easements. The trees are placed elsewhere on the site.

EXHIBIT D: VARIANCE REQUEST

The Owner requests a maximum variance of 16.34' across 50% of the total lot frontage from the 30' front setback requirement in the landscape ordinance as illustrated on the Lemak Clinic site plan. The shape of the parcel, the rising topography, the location in the curve of Legends Parkway and the location of the adjacent lot driveway connection make meeting the 30' setback across the entire parcel prohibitive.

ATTACHMENT B



*BEARINGS ROTATED TO MATCH PRATTCENTER PLAT NO. 1 AS RECORDED IN PB 16 @ PAGES 22 & 23.



LEGEND

- FOUND IRON PIN (5/8" REBAR CAPPED) W/# CA-00017-LS (UNLESS NOTED OTHERWISE)
- SET IRON PIN (5/8" REBAR CAPPED) W/# CA-00017-LS
- ▲ CALCULATED POINT
- FOUND CONCRETE MARKER (6" X 6")

- NOTES:
- WITHOUT RELIEVING ANY OTHER LEGALLY RESPONSIBLE PARTIES, EACH LOT OWNER IS RESPONSIBLE FOR INSTITUTING EROSION CONTROL MEASURES DURING THE CONSTRUCTION OF ANY IMPROVEMENTS ON SAID LOT.
 - STREETS SHOWN HEREIN, IF NOT PREVIOUSLY DEDICATED, ARE HEREBY TENDERED FOR DEDICATION TO PUBLIC USE.
 - ALL EASEMENTS OR RIGHT-OF-WAYS, EXCEPT UTILITY OR PRIVATE EASEMENTS, SHOWN ON THE PLAT ARE HEREBY DEDICATED TO THE CITY OF PRATTVILLE, ALABAMA, FOR PUBLIC USE. EASEMENTS INCLUDE THE RIGHTS OF INGRESS AND EGRESS BY CITY EMPLOYEES FOR MAINTENANCE OF THE PROPERTY INCLUDED IN THE EASEMENTS. NO PERMANENT STRUCTURES MAY BE PLACED ON ANY EASEMENT SHOWN.

STATE OF ALABAMA
ELMORE COUNTY

I, Gregory M. Gillian, a Licensed Professional Engineer and Licensed Professional Land Surveyor of Elmore County, Alabama, hereby certify that I have surveyed the property of Prattcenter, L.L.C. as owner, and more particularly described as follows:

Outparcel A1 according to Prattcenter Plat No. 1A as recorded in Platbook 18 @ page 17 in the Office of the Judge of Probate, Elmore County, Alabama.

And that the plat or map contained hereon is a true and correct map showing the subdivision into which the property described is divided giving the length and bearings of the boundaries of each lot and its number and showing the streets, alleys and public grounds and giving the bearings, length, width and name of the streets, said map further shows the relation to the land so platted to the Government Survey, and that permanent monuments have been placed at point marked thus (o) as hereon shown, and I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama of the best of my knowledge, information and belief.

WITNESS my hand this 28th day of February, 2012.

Gregory M. Gillian
Alabama Registration No. 16163

DEDICATION

Prattcenter, LLC, an Alabama limited liability company, Owner of the above-described property on Cobbs Ford Road, as shown on this map and plat, hereby joins in and signs the foregoing surveyor's Certificate and adopts the map and plat as true and correct as of this 2nd day of March, 2012.

Prattcenter, LLC,
An Alabama limited liability company
By: Michael Smith
Its Manager

ACKNOWLEDGEMENT

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Michael Smith, whose name as Manager of Prattcenter, L.L.C. an Alabama Limited Liability Corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such President and with full authority, executed the same voluntarily for and as the act of said corporation acting as Manager of said limited liability company.

Given under my hand and official seal this 2nd day of March, 2012.

(SEAL)
Notary Public
My Commission Expires: Oct. 12, 2013

CERTIFICATE OF APPROVAL BY THE ELMORE COUNTY HEALTH DEPARTMENT

The Elmore County Health Department approves this subdivision only for the purpose of recording in the Office of the Judge of Probate, and that no approval is intended, implied or given, regarding any onsite sewage treatment and disposal system, or the suitability of any lot for an onsite sewage treatment and disposal system. I hereby approve the within plat for the recording of same in the Probate Office of Elmore County, Alabama, this the 2nd day of March, 2012.

Robert O'Leary
Health Department

CERTIFICATE OF THE WATER WORKS BOARD

The undersigned, as authorized by the Water Works Board of the City of Prattville, Alabama, hereby accepts the within plat for the recording of same in the Probate Office of Elmore County, Alabama, this the 6th day of March, 2012.

Water Works Board
Prattville, Alabama

CERTIFICATE OF THE PRATTVILLE FIRE DEPARTMENT

The undersigned, as authorized by the Fire Department of the City of Prattville, Alabama, hereby accepts the within plat for the recording of same in the Probate Office of Elmore County, Alabama, this the 2nd day of March, 2012.

Fire Department
Prattville, Alabama

CERTIFICATE OF THE CITY ENGINEER:

The undersigned, as the City Engineer of the City of Prattville, Alabama, hereby accepts the within plat for the recording of the same in the Probate Office of Elmore County, Alabama, this the 7th day of March, 2012.

Randy Anderson
CITY ENGINEER
Prattville, Alabama

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF PLANNING & DEVELOPMENT

The undersigned, as Director of Planning and Development of the City of Prattville, Alabama, hereby accepts the within plat for the recording of same in the Probate Office of Elmore County, Alabama. This the 8th day of March, 2012.

Director of Planning & Development
Prattville, Alabama

CERTIFICATE OF COUNTY ENGINEER

The undersigned as County Engineer of the County of Elmore hereby certifies as evidence by certificate and required by state law, that the City of Prattville Planning Commission approved the within Plat for recording of same in the Probate Office of Elmore County, Alabama.

this 12th day of March, 2012.

County Engineer
County of Elmore, Alabama

OFFICE OF THE JUDGE OF PROBATE

STATE OF ALABAMA
ELMORE COUNTY
I hereby certify that this Plat or Map was filed in this Office this the 12th day of MARCH, 2012, at 1:00 o'clock P.M., and recorded in Book 22 of Plats and Maps, Page 74 Recording fee of \$16.00 paid.

Jimmy Stubbs
Judge of Probate
Elmore County, Alabama

PRATTCENTER
PLAT NO. 1B

PRATTVILLE, AL
BEING A REPLAT OF OUTPARCEL A1
PRATTCENTER PLAT NO. 1A AS RECORDED
IN PLATBOOK 18 @ PAGES 17
LYING IN AND BEING A PART OF SECTION 18; T-17-N;
R-17-E; ELMORE COUNTY, ALABAMA

REV: 1-26-12
DATE: 12-20-11

LARRY E. SPEAKS & ASSOCIATES
CONSULTING ENGINEERS & LAND SURVEYORS
535 HERRON STREET
MONTGOMERY, AL 36104
TEL: 334/266-1091

22-4

CITY OF
PRATTVILLE, AL

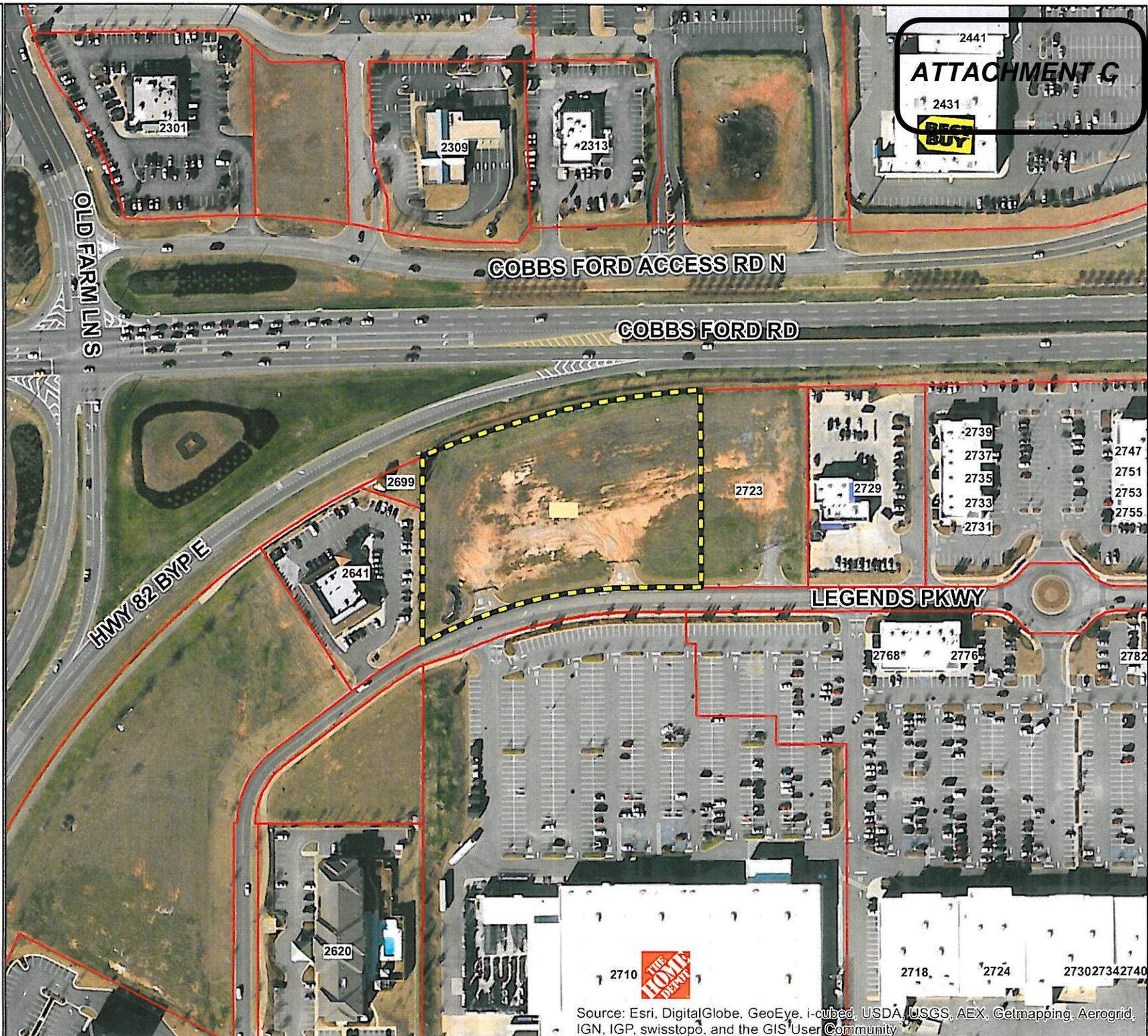
Tax Parcel I.D.
26041800010010050

Elmore County

Scale: 1" = 200'



— STREETS
□ TAX PARCELS



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CITY OF PRATTVILLE
 Board of Zoning Adjustment

Planning Department Staff Report



DATE:	7/16/14
APPLICATION TYPE:	Variance (140812-02)
PROPERTY LOCATION or DESCRIPTION:	Legends Parkway
PETITIONER(S) AND AGENT(S):	Lemak Prattville Clinic, LLC Representative: Cathy Gerachis, Goodwyn, Mills & Cawood
ZONING DISTRICT(S)	B-2 (General Business)
REQUESTED ACTION:	To reduce the required 30' frontage landscape setback.
ZONING ORDINANCE REFERENCE:	<p>Landscaping Ordinance Article 13 Section 135 General Site and Off-Street Parking Area Landscaping Requirements.</p> <p><u>(a) 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

Tax Parcel I.D.
26041800010010050

Elmore County

Scale: 1" = 200'



— STREETS
□ TAX PARCELS



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



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

140812-02

Variance
 To reduce the required 30' frontage landscape 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: Goodwyn Mills Cawood

Street Address: 2660 East Chase Lane Suite 200

City: Montgomery State AL Zip: 36117

Phone Number(s): 334-271-3200

Property Owner Information
If different than above

Name: Lemak Prattville Clinic, LLC

Address of Property Owner: 2316 First Avenue South

City: Birmingham State: AL Zip: 35233

Phone Number: () 205-329-7500

Property Description

County Tax Parcel Number/Legal Description: 29 26 04 18 0 001 001.005

See Exhibit A.

Current Zoning of Property: B-2 Physical Address: not available

Proposed Use of Property (generally): Medical practice/physical therapy

Describe Proposed Use or Variance: See Exhibit B.

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

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- 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
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Cathryn C Gerachis Cathryn C Gerachis 7/10/2014
Printed Name Signature Date

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Patricia S. Bianchi
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My commission expires _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
COMMISSION EXPIRES: July 18, 2015
RECORDED THRU NOTARY PUBLIC UNDERWRITERS

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EXHIBIT D: VARIANCE REQUEST

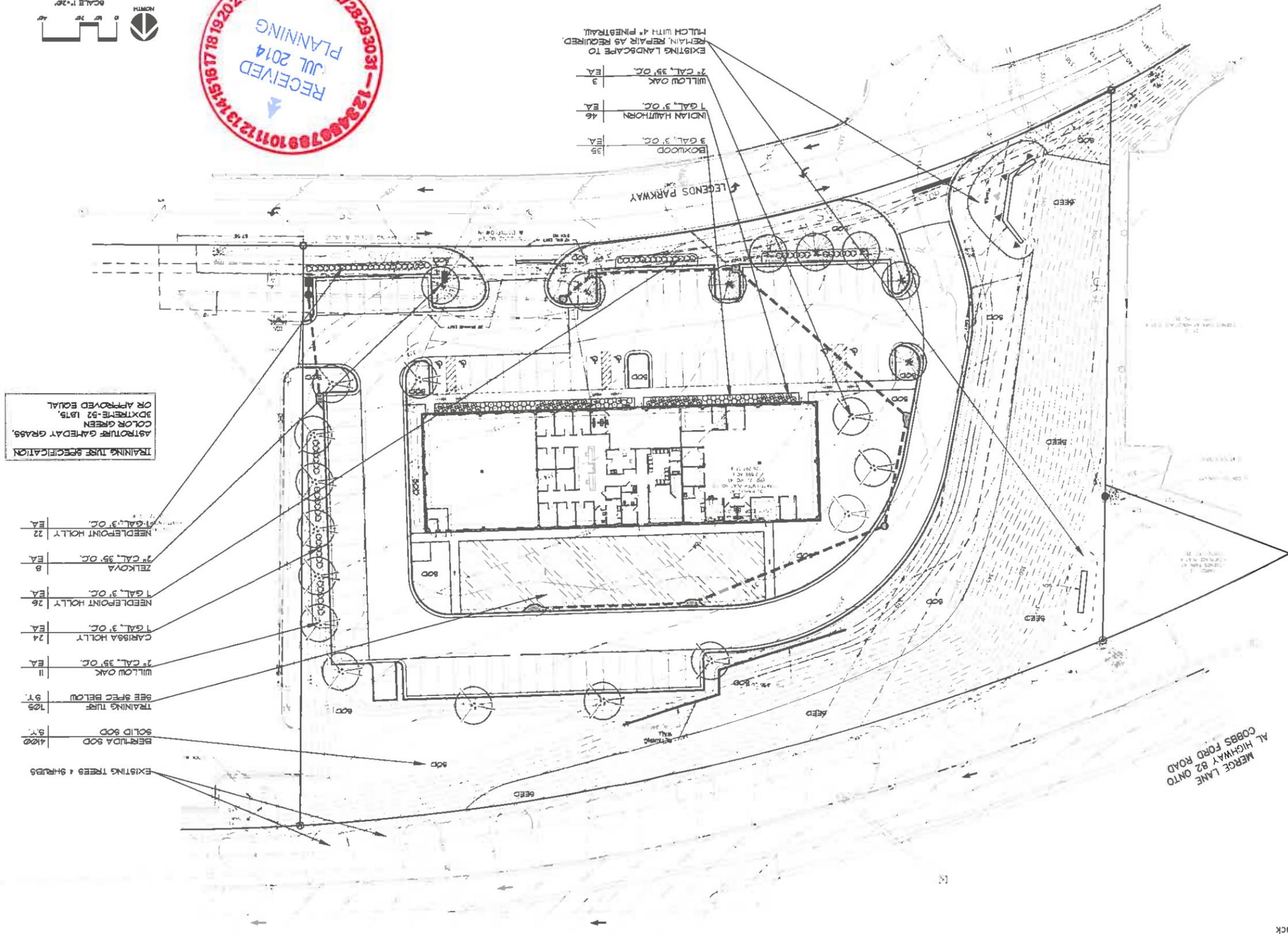
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140812-02/B

Variance
To reduce the required 30' frontage landscape setback

MERGE LANE
AL HIGHWAY 82 ONTO
COBBS FORD ROAD

COBBS FORD ROAD



TRAINING TURF SPECIFICATION
 ASTROTURF GAME DAY GRASS,
 COLOR GREEN
 30X18T-52 1815,
 OR APPROVED EQUAL

- 4100 BERTUDA SOD
- 5.7' SOLID SOD
- 109 TRAINING TURF
- 9.7' SEE SPEC BELOW
- 11 WILLOW OAK
- 24 CARISBA HOLLY
- EA 1 GAL. 3" O.C.
- 26 NEEDLEPOINT HOLLY
- EA 1 GAL. 3" O.C.
- 8 ZELKOVA
- EA 7" CAL. 35" O.C.
- 22 NEEDLEPOINT HOLLY
- EA 1 GAL. 3" O.C.

- 35 BOXWOOD
- EA 3 GAL. 3" O.C.
- 46 INDIAN HAWTHORN
- EA 1 GAL. 3" O.C.
- 3 WILLOW OAK
- EA 7" CAL. 35" O.C.

PLANTING PLAN

L-1



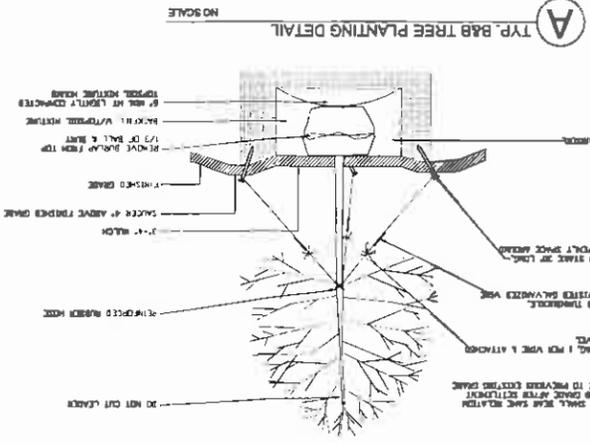
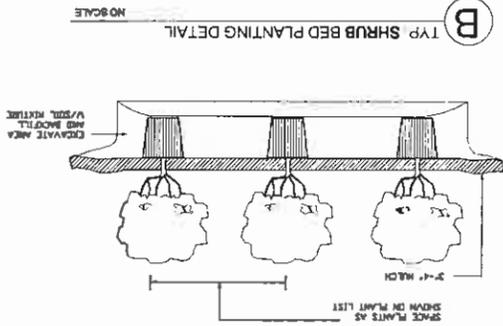
PROPOSED MEDICAL OFFICE BUILDING
PRATTVILLE, ALABAMA
GMC # HBHM140005
FOR CONSTRUCTION

ISSUE	DATE

GOODWYN MILLS | CAWOOD
2701 1st Avenue S, Suite 100 | Birmingham, AL 35233
Tel: 205.879.4444 | GMCNETWORK.COM

140812-02/C
 Variance
 To reduce the required 30' frontage landscape setback

- PLANTING NOTES:**
- 1 THE CONTRACTOR SHALL VERIFY THE TOTAL QUANTITIES INDICATED IN THE PLANT LIST WITH THE QUANTITIES SHOWN ON THE PLAN. THE CONTRACTOR SHALL PROVIDE THE QUANTITIES REQUIRED TO COMPLETE THE PROPOSED PLANTING AS SHOWN ON THE PLAN.
 - 2 ALL PLANTS SHALL CONFORM TO AMERICAN STANDARDS FOR NURSERY STOCK SPECIFICATIONS (ANSI Z60.1) AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. PLANTS NOT CONFORMING TO AISE SPECIFICATIONS WILL BE REJECTED.
 - 3 PLANT MATERIALS, NON-PLANTS TO CONFORM TO HORTICULTURE IN THE TRADE. A CONCISE DESCRIPTION OF PLANTS CULTIVATED IN THE UNITED STATES AND CANADA (2004 EDITION), NAMES NOT LISTED WILL CONFORM WITH THOSE MOST COMMONLY USED IN THE TRADE. IN ALL CASES, BOTH TRADE NAMES TAKE PRECEDENCE OVER COMMON NAMES.
 - 4 THE LANDSCAPE ARCHITECT MAY INSPECT ALL PLANT MATERIAL AND PLANTING SOIL MIXTURE FOR QUALITY AND CONSISTENCY. ANY PLANT MATERIAL FAILING TO MEET REQUIRED STANDARDS OR ANY PLANT NOT PROPERLY INSTALLED USING THE SPECIFIED MIX WILL BE REJECTED AND WILL BE PROPERLY REPLACED AT THE CONTRACTOR'S EXPENSE.
 - 5 VERIFY LOCATION OF ALL UTILITIES IN THE FIELD BEFORE BEGINNING WORK. REPAIR DAMAGED UTILITIES TO OWNERS SATISFACTION AT NO ADDITIONAL COST.
 - 6 REMOVE FROM SITE ANY EXISTING TREES AND/OR SHRUBS IN CONFLICT WITH PLANTING PLAN.
 - 7 STAKE TREE LOCATIONS AND PLANTING BED PERIMETER FOR APPROVAL BY ARCHITECT BEFORE INSTALLATION. ADJUST STAKE LOCATIONS AS DIRECTED. ALL PLANTS ARE SUBJECT TO FIELD ADJUSTMENT UNDER THE DIRECTION OF THE LANDSCAPE ARCHITECT.
 - 8 ALL PLANTS ARE TO BE INSTALLED WITH A PLANTING SOIL MIXTURE OF TWO PARTS TOPSOIL, AS SPECIFIED, ONE PART DECOMPOSED DRIVING MATTER, ONE PART SAND. PRE-MIX SOIL MIXTURE BEFORE PLACING IN BED.
 - 9 ALL SHRUBS IN PLANTING LOT ISLANDS ARE TO BE PLANTED 2" FROM BACK OF CURB TO ALLOW FOR BETTER PERMEATEM CIRCULATION.
 - 10 SPECIFIED TOPSOIL, PROVIDE NEW TOPSOIL THAT IS FERTILE, FRIABLE, NATURAL LOCAL SURFACE SOIL, REASONABLY FREE OF SUSPENSIBLE SOLIDS, CLAY LUMP, BRUSH, WEEDS AND OTHER LITTER AND FREE OF NITRUS STUMPES STONER LARGER THAN 3" IN ANY DIMENSION AND OTHER EXTENSIVE OR TOXIC MATTER TO PLANT GROWTH. AGRICULTURAL SOILS AS PER RECOMMENDATIONS OF SOIL TEST.
 - 11 ALL TREES AND PLANTING BEDS ARE TO BE MULCHED WITH 4" OF PINE STRAW THAT IS FREE FROM LEAVES, TWIGS, BRANCHES, INSECTS, GRASSES, WEEDS, PLANTS AND OTHER FOREIGN MATERIAL AND ANY SUBSTANCE HARMFUL TO PLANT GROWTH.
 - 12 MAINTAIN ALL PLANT MATERIAL AND LAWNS UNTIL THE JOB IS ACCEPTED IN FULL BY THE LANDSCAPE ARCHITECT. UNLESS OTHERWISE SPECIFIED, MAINTENANCE INCLUDES WATERING, SPRAYING WEEDING AND CHINING, STRAIGHTENING, MOWING, FERTILIZING, ETC. AS SPECIFIED.
 - 13 REMOVE FROM SITE ANY PLANT MATERIAL WHICH TURNS BROWN OR DEFOOLIATES WITHIN 3 DAYS AFTER PLANTING. REPLACE IMMEDIATELY WITH APPROVED SPECIFIED MATERIAL.
 - 14 THE CONTRACTOR IS RESPONSIBLE FOR ACHIEVING AND MAINTAINING ADEQUATE DRAINAGE FROM ALL PLANTING BEDS.
 - 15 CONTRACTOR SHALL PROVIDE WARRANTY ON ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR BEYOND THE DATE OF SUBSTANTIAL COMPLETION.
 - 16 ALL PLANTS TO BE IRRIGATED BY USE OF AN UNDERGROUND IRRIGATION SYSTEM.



TREES	QUANTITY	DESCRIPTION	SIZE & SPACING
WILLOW OAK	14 EA.	2" CALIPER, B+D	
ZELKOVA	8 EA.	2" CALIPER, B+D	
SHRUBS			
NEEDLEPOINT HOLLY	48 EA.	1 GAL., 3" O.C.	
CARISBA HOLLY	24 EA.	1 GAL., 3" O.C.	
BOXWOOD	35 EA.	3 GAL., 3" O.C.	
INDIAN Hawthorn	48 EA.	1 GAL., 3" O.C.	
GRASS			
TIFTON 419 HYBRID BERGUDA	4120 S.Y.	SOLID SOD	
SYNTHETIC TRAINING TURF	1205 S.Y.	SEE SPEC, SHEET L-1	

PLANT SCHEDULE

PLANTING DETAILS

L-2
 Sheet of



PROPOSED MEDICAL OFFICE BUILDING

PRAATVILLE, ALABAMA

GMC # HBHM140003
 FOR CONSTRUCTION

ISSUE DATE

NO.	DATE	DESCRIPTION
1	12/15/2014	ISSUED FOR CONSTRUCTION
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GOODWYN MILLS CAWOOD

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