



## **SPECIAL CALLED PLANNING AND ZONING COMMITTEE**

**THURSDAY, NOVEMBER 16<sup>H</sup>, 2017, 4:00P.M.  
5<sup>TH</sup> FLOOR CONFERENCE ROOM, CITY HALL**

**COUNCILOR STEVEN W. HOYT, CHAIR**

### **AGENDA**

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- September 22, 2017

III. DISCUSSION OF COMMITTEE APPOINTMENTS/ REAPPOINTMENTS

IV. ZONING ITEMS

1.\*ZAC2017-00007.....East Avondale  
Application for a change in zone district boundaries from R-4A Medium Density Residential District and CM-1, Contingency Light Industrial District to C-2, General Commercial District, filed by Bentley Nelson, representing the owners, M N Capital Strategies, LLC for the properties located at 4352, 4400, 4404, 4408, and 4412, 3<sup>rd</sup> Avenue South and situated in the **NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 17-S, Range 2-West. (35213, District 2).**

Proposed Use: **30-unit multi-family apartment building.**

The City's ***Long Range Land Use Plan*** identifies the property as ***Residential Medium***; therefore, the proposed rezoning request is ***Not Consistent with the Long Range Land Use Plan.***

The applicant met with ***The East Avondale Neighborhood Association*** at its regularly scheduled meeting on July 11, 2017 and the neighborhood voted to ***Not Support*** the proposed rezoning request. The vote was **0 approved** and **8 opposed**. The reasons why East Avondale Neighborhood Association did not support the rezoning request are:

- The proposed property on 3rd Avenue South had 5 houses on it before. Although most of these homes were demolished after falling into a state of disrepair, the neighborhood association would prefer only single family homes be rebuilt on this property, which could include garden homes, condos and or townhouses.
- The location/lots are too small to build 30 apartments on it. In addition, unless one (1) person lives in each apartment, this development will cause an increase of parking on the street which is not acceptable. This will only add to the parking and traffic congesting due to the proximity of the brewery and other businesses nearby.
- Existing apartments that are on the street are not kept up by current landlords, who just take money and never come out to check on the residents or the apartments.

***Zoning Advisory Committee Action:***

***The Zoning Advisory Committee met*** at its regularly scheduled meeting on July 18, 2017 and voted to ***Not Recommend*** approval of the applicant's request.

2.\*ZAC2017-00009.....Central Park  
Application for a change in zone district boundaries from R-3, Single Family District to D-4, Medium Density Residential District, filed by Eric Walker, representing the owner, Eric Walker, for the property located at 4941 Court R situated in the SW ¼ of Section 08, Township 18-S; 3-W.

Proposed Use: ***Communal Living Facility.***

The City's ***Long Range Land Use Plan*** identifies the property for ***Residential Low***; a designation applied to therefore, the proposed rezoning ***is not consistent*** with the Plan.

***The Central Park Neighborhood*** met at its regularly scheduled meeting on ***October 12, 2017*** to review the proposed project. The neighborhood was not in support of the rezoning request and asked the applicant to come back to the next regularly scheduled neighborhood meeting with additional information regarding the rezoning request.

**Zoning Advisory Committee Action:**

***The Zoning Advisory Committee met*** at its regularly scheduled meeting on October 12, 2017 and voted to ***Not Recommend*** approval of the applicant's request.

3. \*ZAC2017-00013.....Citywide  
An ordinance to amend the City of Birmingham's Zoning Ordinance (Ord No. 16-217, as amended), in Title 1, Chapter 9: Administration and Procedures; Article II, Amendments to the Zoning Code or Official Zoning Map; Section 6: Enactment, filed by the Department of Planning, Engineering and Permits.

The recommended Ordinance change amends the existing zoning regulations in order to further clarify language used regarding the enactment of zoning ordinances. This change is needed to correct an error in the ordinance that conflicts with the State Code. This amendments will affect all property within the corporate limits of the City of Birmingham. No properties will be rezoned in the adoption of this ordinance.

- V. UPDATES ON FRAMEWORK PLANS AND OTHER PLANNING EFFORTS
- VI. OLD AND NEW BUSINESS
- VII. ADJOURN

*If accommodation is required for an event or meeting, please contact: Chiara Perry, Birmingham City Council Public Information Officer, with reasonable advance notice by e-mailing her at [Chiara.Perry@birminghamal.gov](mailto:Chiara.Perry@birminghamal.gov) or calling her at (205) 254-2498.*