

SPECIAL CALLED JOINT PLANNING AND ZONING AND COMMITTEE OF THE WHOLE MEETING
Wednesday November 13, 2019
12:00 p.m.
5TH Floor Conference Room

MINUTES

COUNCILOR STEVEN W. HOYT, COMMITTEE CHAIR
COUNCILOR ABBOTT & COUNCILOR O'QUINN, COMMITTEE MEMBERS

Councilor(s) Present: Hoyt, Abbott, O'Quinn

I. CALL TO ORDER

Councilor Abbott called the meeting to order.

II. APPROVAL OF MINUTES, October 16, 2019, October 23, 2019

Councilor O'Quinn: Moved to Approve.

Councilor Abbott: Seconded.

III. ZONING ITEMS

1. ZAC2019-00026, South Woodlawn

Application to change zone district boundaries from R-4, Two-Family and Semi-Attached Dwelling District, and R-5, Multiple Dwelling District, to D-5, Multiple Dwelling District in order to construct a cottage and townhouse development filed by Dynamic Civil Solutions, representing the owner, WF Real Property Resources LLC, for the properties located at **5984 Georgia Road, 6004 Georgia Road, 6012 Georgia Road, 6032 Georgia Road, 132 61st Street South, 200 61st Street South and 216 61st Street South, and situated in the NE ¼ of Section 21, Township 17-S, Range 2-West (Council District 4).**

Proposed Use: New cottage and townhouse development

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Low*; therefore the proposed rezoning request is *not consistent* with the *Long Range Land Use Plan*.

The City's *Long Range Land Use Plan* identifies the properties at 132 61st Street south, 200 61st Street South, 216 61st Street South and 6032 Georgia Road as *Residential Low*. *This land use category is exclusively single-family homes. In addition, schools, churches, and neighborhood-serving public uses are allowed.*

The proposed rezoning request for the properties located at 132 61st Street South, 200 61st Street South and 216 61st Street South *is not consistent* with the *Long Range Land Use Plan*.

The *City's Long Range Land Use Plan* identifies the properties at 6012 Georgia Road, 6004 Georgia Road and 5984 Georgia Road as *Residential Medium*. This land use category allows for a mix of single- and two-family, townhouse, and small apartment buildings (6 or fewer units). In addition, schools, churches, and neighborhood-serving public uses are allowed.

Neighborhood Recommendation:

The *South Woodlawn Neighborhood Association* met at its regularly scheduled meeting on October 5th, 2019, to review the proposed project and voted to *recommend* approval of the proposed rezoning request. The vote was 7 approved and 0 denied.

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Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on November 5, 2019 to review the applicant's rezoning request and voted to ***Recommended*** with the following.

Action

Councilor O'Quinn: **Moved to Approve.**

Councilor Abbott: **Seconded.**

Item Recommended to the City Council Agenda

2. **ZAC2019-00022, Redmont Park**

Application for a change in zone district boundaries from R-6 (Multiple Dwelling District) to B-3 (Community Business District) filed by C. Randall Minor, Esq., representing the owners, Southside Investors II LLC, for the property located at 1248 22nd Street South and situated in the NW ¼ of Section 06, Township 18-S, Range 2-West (District 3).

Proposed Use: Mixed use development to include hotel, residential condominiums and associated accessory uses

The City's Long Range Land Use Plan identifies the property as **Mixed-Use Medium** a designation applied to compact, walkable, residential and commercial areas; therefore the proposed rezoning request ***is somewhat consistent with the Long Range Land Use Plan.***

The ***Redmont Park Neighborhood Association met*** at its regularly scheduled meeting on **August 27th, 2019** to review the proposed project and voted to continue the request. They met again on **September 17th, 2019** and voted to "***Not Recommend***" approval of the proposed rezoning request. The vote was **43 approved** and **82 denied.**

As a courtesy, the applicant presented the proposed redevelopment to the neighboring ***Highland Park Neighborhood Association*** at its regularly scheduled meeting on **September 10th, 2019** and the Neighborhood voted to continue the request. They met again on **September 24th, 2019** and voted to "***Not Recommend***" approval of the proposed rezoning request. The vote was **27 approved** and **41 denied.** The Neighborhood did unanimously vote that, "In the event of a recommended approval by the ZAC, it should include the Q conditions (that were submitted by the developer). Moreover, it is the sense of the Neighborhood that this rejection is primarily based on what the neighborhood perceives to be the excessive height of these proposed structures."

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on **October 1st, 2019** to review the applicant's rezoning request and voted to ***Not Recommend*** approval.

Planning & Zoning Committee Action:

The Planning & Zoning Committee met at its regularly scheduled meeting on **October 9, 2019** to review the applicant's rezoning request, the Committee voted to continue the case for one month to allow the applicant to meet with the neighborhood again to discuss the project.

Action Taken:

Customer Requested an Extension

3. **ZAC2019-00023, Redmont Park**

Application for a change in zone district boundaries from R-6 (Multiple Dwelling District) and O&I (Office and Institutional District) to B-3 (Community Business District), filed by C. Randall Minor, Esq., representing the owner, 2222 Arlington Company LLC, for the properties located at 2222

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Arlington Avenue, 2228 Arlington Avenue, 1232 22nd Street South, 1236 22nd Street South, and 1240 22nd Street South and situated in the NW ¼ of Section 06, Township 18-S, Range 2-West (District 3).

Proposed Use: Mixed use development to include hotel, residential condominiums and associated accessory uses

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Medium* a designation applied to compact, walkable, residential and commercial areas; therefore the proposed rezoning request *is somewhat consistent with the Long Range Land Use Plan*.

The *Redmont Park Neighborhood Association met* at its regularly scheduled meeting on August 27th, 2019 to review the proposed project and voted to continue the request. They met again on September 17th, 2019 and voted to "**Not Recommend**" approval of the proposed rezoning request. The vote was 47 approved and 79 denied.

As a courtesy, the applicant presented the proposed redevelopment to the neighboring *Highland Park Neighborhood Association* at its regularly scheduled meeting on September 10th, 2019 and the Neighborhood voted to continue the request. They met again on September 24th, 2019 and voted to "**Not Recommend**" approval of the proposed rezoning request. The vote was 27 approved and 41 denied. The Neighborhood did unanimously vote that, "In the event of a recommended approval by the ZAC, it should include the Q conditions (that were submitted by the developer). Moreover, it is the sense of the Neighborhood that this rejection is primarily based on what the neighborhood perceives to be the excessive height of these proposed structures."

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 1st, 2019 to review the applicant's rezoning request and voted to **Recommend** approval subject to the following "Q" Conditions:

1. Submission to and approval by the planning staff of the PEP Department of a site development plan to include, but not be limited to, the location and height of all structures; parking, including architectural screening along Arlington Avenue; ingress and egress; and the location and screening of solid waste disposal container by a fence constructed of wood, masonry brick, or concrete which is architecturally compatible with the primary building sufficient in height on all four (4) sides.
2. No structure shall be erected to a height in excess of 80 feet.
3. Uses are limited to those allowed in B-3, Community Business District, excluding the following:
 - (a) Drive-in Restaurant
 - (b) Automotive, farm implement or trailer display or sales.
 - (c) Service station.
 - (d) Hardware or building material sales.
 - (e) Motel.
 - (f) Amusement (indoor and outdoor except when the property abuts residential zoned property located within the City of Birmingham); amusement (outdoor) is only allowed by special exception granted by the Zoning Board of Adjustment.
 - (g) Laundry, dry cleaning or dyeing plant (except for a dry cleaning and laundry drop off point for the residents and guests of the development).
 - (h) Business service shop, such as blueprinting, accounting, duplicating or employment agency.
 - (i) Business, music or dancing school.

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- (j) Repair service for such items as radios, televisions, shoes, watches or jewelry.
- (k) Automotive, farm implement or trailer repair or servicing.
- (l) Undertaking establishment or mortuary.
- (m) Wholesale establishment, including storage and display.
- (n) Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.
- (o) Testing or research laboratory.
- (p) Millinery, dressmaking or tailoring.
- (q) Printing or engraving.
- (r) Light manufacturing limited to the following:
 - a. Furniture.
 - b. Jewelry.
 - c. Cosmetics.
 - d. Candy.
 - e. Fur goods, except tanning or dyeing.
 - f. Medical, dental, or drafting instruments.
 - g. Optical equipment, clocks, watches and similar precision instruments.
- (s) Other manufacturing, processing, fabricating or assembling operations which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare, but only when the manufacturing, processing, fabricating, or assembling is incidental to a retail business conducted on the premises.
- (t) Mini-Warehouse.
- (u) Hospitals or other institutions, but not including mental hospitals or penal institutions; provided, however, churches shall not be excluded.
- (v) Public buildings.
- (w) Telephone exchange or service buildings (except as related to the development).
- (x) Utility Installation or service building (except as related to the development).
- (y) Adult Care Facility or Child Care Center (except as an accessory use).
- (z) Wireless communications facility, in accordance with Article VI, Section 18.
 - (aa) Apiary.
 - (bb) Pay Day (Deferred Presentment) and Title Loan operations.

Planning & Zoning Committee Action:

The Planning & Zoning Committee met at its regularly scheduled meeting on October 9, 2019 to review the applicant's rezoning request, the Committee voted to continue the case for one month to allow the applicant to meet again with the neighborhood to discuss the project.

Action Taken:

Customer Requested an Extension

V. OLD AND NEW BUSINESS

None

VI. ADJOURN

Councilor O'Quinn: Moved to Adjourn.

Councilor Abbott: Seconded.