

SPECIAL CALLED JOINT PLANNING AND ZONING AND COMMITTEE OF THE WHOLE MEETING
Wednesday October 23, 2019
8:30 a.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 Hoyt called the meeting to order.

II. APPROVAL OF MINUTES

October 9, 2019

Action Taken:

Councilor O'Quinn: Moved to Approve.

Councilor Abbott: Seconded.

October 15, 2019

Action Taken:

Approval of Minutes Delayed

III. ZONING

1. ZAC2019-00028, Echo Highlands

Application for a change in zone district boundaries from MU-M (Mixed-Use Medium District) to C-2 (General Commercial District), filed by Bernard C. Buggs, Jr., owner, for the property located at 2416 Carson Road and situated in the NE¼ of Section 14, Township 16-S, Range 2-West. (35215, District 1).

Proposed Use: Funeral Home with related accessory uses

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 Echo Highlands Neighborhood Association met at its regularly scheduled meeting on October 3rd, 2019 to review the proposed project and voted to **"Not Recommend"** approval of the proposed rezoning request. The vote was **10 approved** and **17 denied**. Should the rezoning request be approved, the Neighborhood submitted the following "Q" Condition:

- 1) The following uses are not allowed:
 - a) Communal Living Facility
 - b) Garage Sale/Yard Sale
 - c) Private Club
 - d) Rummage Sale
 - e) Opioid Replacement Therapy Treatment Facility
 - f) Animal Boarding Facility
 - g) Animal Day Care
 - h) Automobile Parking
 - i) Automobile Sales
 - j) Automobile Service

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- k) Automobile/Light Truck repair
- l) Bar
- m) Car Wash. Automated
- n) Car Wash, Manual
- o) Donation Box
- p) Donation Center
- q) Mini Storage Warehouse
- r) Payday Loan
- s) Recreation Equipment Sales/Service
- t) Title Loan/Pawnshop
- u) All Wireless Communication Uses
- v) Manufacturing, Specialized
- w) Warehouse/Office
- x) All Agricultural Uses
- y) All Utility Uses
- z) Recycling Collection Center aa)
Adult Establishment
- bb) Arena
- cc) Amusement, Outdoor dd)
Convention Center
- ee) Driving Range Free-Standing ff)
Stadium

As a courtesy, the applicant met with the Sun Valley Neighborhood Association (because the property abuts that Neighborhood). **The Sun Valley Neighborhood Association** met at its regularly scheduled meeting on August 20, 2019 to review the proposed project and voted **to support** the proposed rezoning request.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 15, 2019 to review the applicant's rezoning request and voted to **Not Recommend** approval.

Action Taken:

Councilor Abbott: _____ Moved to Delay.

Councilor O'Quinn: _____ Seconded.

Item Delayed for Two Months

2. **ZAC2019-00029, Hooper City**
Application for a change in zone district boundaries from C-2 (General Commercial District) to 1-1 (Light Manufacturing District), filed by C. Randall Minor, Esq., representing the owner, Daniel Payne LLC., for the property located at 225 Daniel Payne Drive and situated in the **NE¼ of Section 15, Township 17-S, Range 3-West. (35207, District 9)**.

Proposed Use: New office/warehouse and delivery center building

The City's **Long Range Land Use Plan** identifies the property as **Light Industrial**; therefore the proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

The Hooper City Neighborhood Association met at its regularly scheduled meeting on October 10, 2019 to review the proposed project and voted to **"Recommend"** approval of the proposed rezoning request. The vote was 48 approved and 2:denied.

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Framework Plan Implementation Committee Recommendation:

The Redevelopment Subcommittee of the North Birmingham Framework Plan Implementation Committee met with the applicant on Tuesday, September 24, 2019. The Subcommittee recommended that the applicant attend the Neighborhood Association Meeting and come back to the October Subcommittee Meeting for an official recommendation.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 15, 2019 to review the applicant's rezoning request and voted to ***Recommend*** approval.

Action Taken:

Councilor Abbott: Moved to Approve.

Councilor O'Quinn: Seconded.

Item Recommended to the City Council Agenda.

3. **ZAC2019-00012 & ZAC2019-00015, Druid Hills and Evergreen**

Application for a change in zone district boundaries from CB-2, Contingency General Business District B-6, Health and Institutional District and CO&I, Contingency Office and Institutional District to D-4, Medium Density District and MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded Carraway Boulevard to the east, 25th Street North to the west 20th Avenue North to the north and 13th Avenue North and 1547 Walnut Circle (See Exhibit 1), filed by Brian Wolfe, representing the owners, The Lovelady Center, Inc. and Paul Joseph Minarcine (see attached map) situated in the NW¼ Section 25, Township 17-S, Range 3SW ¼ Section 24, Township 17-S, Range 3-West. (35234, District 5).

The City's ***Long Range Land Use Plan*** identifies the northern most portion of the project as ***Residential Low***, a designation applied to single family homes and ***Mixed- Use Low***; a designation applied to compact, walkable residential and commercial areas. The central most portion of the site which is comprised of the former Carraway Hospital is identified as ***Mixed-Use High***; a designation applied to medium to high density office, residential. The area along Walnut Hill is identified as ***Mixed-Use Low***.

Most of the proposed zoning changes are ***Somewhat Consistent*** with the Long Range Land Use Plan, zoning proposed for ***Block D and E*** (See exhibit D in the Urban Renewal Plan) are ***Somewhat Consistent*** with the land use plan as they are being proposed as ***Mixed-Use Downtown*** and the land use plan identifies them as ***Mixed-Use Low***. Furthermore, since the applicant has worked with the City to develop an Urban Renewal Plan, conducted extensive neighborhood input meetings, the neighborhood supports the conceptual plan (Exhibit E) as expressed in the Urban Renewal Plan, the Birmingham Planning Commission recommended adoption of the Urban Renewal Plan, the Birmingham City Council adopted the Urban Renewal Plan, and the property presented in the Urban Renewal Plan, if developed as prescribed in the conceptual plan with certain development controls, would be a catalytic development in the area that is intended to benefit the neighborhoods and the City, it is practical, in this case, to except the Urban Renewal Plan as a city sponsored plan that serves as evidence for the practicality of amending the Future Land Use Plan for the area described as Block D & E. Further, the framework plan for this area will recommend that the area described as Block D be assigned a Future Land Use designation of MU-Mand the area described as Block Ebe assigned a Future Land Use designation of MU-H.

The Evergreen Neighborhood Association met at its regularly scheduled meeting on July 16, 2019 to review the proposed project and voted to ***Recommend*** the rezoning request. The vote was 6 approved, 0 denied.

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The Druid Hills Neighborhood Association held a Special Called Meeting on July 29, 2019 to review the proposed project and voted to **Recommend** the rezoning request. The vote was **11 approved, 10 denied**.

As a courtesy, the applicant presented the proposed rezoning to the neighboring **The Norwood Neighborhood Association** at its regularly scheduled meeting on July 27, 2019. The Norwood Neighborhood Association supported the rezoning request. The vote was **6 approved, 10 denied**.

The **City's Watershed Staff** reviewed the applicant's proposal and if the request is approved, recommends the following:

- *If greater than 1 acre is disturbed, ADEM Construction NPDES Permit inclusion will be required prior to the issuance of City SEC permits.*
- *City of Birmingham Soil Erosion Control permit will be required.*
- *City of Birmingham Civil Construction permit will be required.*
- *Post Construction runoff shall not exceed pre-project runoff for the 1,2, 10, and 25-year storm events. The 100-year storm shall safely pass the system.*
- *LID/GI practices are required for the parking space area that is greater than the requirement for the parking space count.*
- *Compliance with the Post Construction Stormwater Ordinance is required*
- *It is recommended the applicant has a review meeting with City Personnel.*

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on August 6, 2019 to review the applicant's rezoning request and voted to **Recommend** approval subject to the following "Q" Conditions:

- 1) The conceptual plan (Exhibit E), as described in the Urban Renewal Plan, shall act as the site plan. If development is proposed that is not consistent with the land use mix of the conceptual plan, then it must be approved, as a site plan amendment, by the Zoning Advisory Committee and the Urban Renewal Plan must be amended and approved by the City Council.
- 2) Properties described as Block B & C in the conceptual plan shall be limited in height to 180 feet.
- 3) Properties described as Block D in the conceptual plan shall be limited in height to 70 feet.
- 4) Properties described as Block E in the conceptual plan shall be limited in height to 100 feet.
- 5) If the property described as Block D in the conceptual plan is developed as an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 23rd Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 200 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff. The hours of operations for the outdoor performance venue should not extend past 12:00a.m.
- 6) If the property described as Block D in the conceptual plan is developed as any entertainment use other than an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 23rd Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 50 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff.
- 7) Applicant must provide quarterly updates to the neighborhood regarding the status of the development.

Action Taken:

Councilor Hoyt: Moved to Approve.

Councilor Abbott: Seconded.

Item Recommended to the City Council Agenda.

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ZAC2019-00030, Druid Hills

Application for a change in zone district boundaries from R-3, Single-Family District to MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded by Carraway Boulevard to the east, 25th Street North to the West, 20th Avenue North to the north and 13th Avenue North to the south, filed by the Birmingham City Council for the property located at 2214 15 Avenue North. (35234, District 5).

Proposed Use: *To allow a mixed-use development*

Action Taken:

Councilor Hoyt: _____ **Moved to Approve.**

Councilor Abbott: _____ **Seconded.**

Item Recommended to the City Council Agenda.

ZAC2019-00031, Druid Hills

Application for a change in zone district boundaries from R-3, Single-Family District to MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded by Carraway Boulevard to the east, 25th Street North to the west, 20th Avenue North to the north and 13th Avenue North to the south, filed by the Birmingham City Council for the property located at 2212 15th Avenue North. (35234, District 5).

Proposed Use: *To allow a mixed-use development*

Action Taken:

Councilor Hoyt: _____ **Moved to Approve.**

Councilor Abbott: _____ **Seconded.**

Item Recommended to the City Council Agenda.

ZAC2019-00032, Druid Hills

Application for a change in zone district boundaries from R-3, Single-Family District to MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded by Carraway Boulevard to the east, 25th Street North to the west, 20th Avenue North to the north and 13th Avenue North to the south, filed by the Birmingham City Council filed by the Birmingham City Council for the property located at 1500 Walnut Hill Circle. (35234, District 5).

Proposed Use: *To allow a mixed-use development*

Action Taken:

Councilor Hoyt: _____ **Moved to Approve.**

Councilor Abbott: _____ **Seconded.**

Item Recommended to the City Council Agenda.

ZAC2019-00033, Druid Hills

Application for a change in zone district boundaries from 8 -6, Health and Institutional District to MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded by Carraway Boulevard to the east, 25th Street North to the west, 20th Avenue North to the north and 13th Avenue North to the south (See Exhibit 1), filed by the Birmingham City Council filed by the Birmingham City Council for the property located at 1521 Walnut Hill Circle. (35234, District 5).

Proposed Use: *To allow a mixed-use development*

The City's **Long Range Land Use Plan** identifies the properties at 2212 15th Avenue North (Case Number ZAC2019-00031) and 1500 Walnut Hill Circle (Case Number ZAC2019- 00032) as **Residential Low**; a designation applied to single family homes; therefore, the proposed rezoning is **Not Consistent** with the Plan. The City's **Long Range Land Use Plan** identifies the properties at

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2214 15th Avenue North (Case Number ZAC2019-00030) and 1521 Walnut Hill Circle (Case Number ZAC2019-00033) as **Mixed-Use Low**; a designation applied to compact, walkable residential and commercial areas; therefore, the proposed rezoning is **Somewhat Consistent** with the Plan.

Since the developer has worked with the City to develop an Urban Renewal Plan, conducted extensive neighborhood input meetings, the neighborhood supports the conceptual plan (Exhibit E) as expressed in the Urban Renewal Plan, the Birmingham Planning Commission recommended adoption of the Urban Renewal Plan, the Birmingham City Council adopted the Urban Renewal Plan, and the property presented in the Urban Renewal Plan, if developed as prescribed in the conceptual plan with certain development controls, would be a catalytic development in the area that is intended to benefit the neighborhoods and the City, it is practical, in this case, to accept the Urban Renewal Plan as a city sponsored plan that serves as evidence for the practicality of mending the Future Land Use Plan for the area described as Block D. Further, the framework plan for this area will recommend that the area described as Block D be assigned a Future Land Use designation of Mixed-Use Medium (MU-M).

The Druid Hills Neighborhood Association met at its regularly scheduled meeting on September 23, 2019 to review the rezoning proposal and voted to **Recommend** the rezoning request. The vote was **6 approved, 1 denied**.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 15, 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; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting; 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 4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off-site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alterations or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the PEP Department*
2. *The conceptual plan (Exhibit EJ, as described in the Urban Renewal Plan, shall act as the site plan.*
3. *If development in Block D is not consistent with the conceptual plan, then the new development must be reviewed and approved by the Zoning Advisory Committee.*
4. *Properties described as Block D in the conceptual plan shall be limited in height to 70 feet.*
5. *If the property described as Block D in the conceptual plan is developed as an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 23rd Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 200 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff. The hour's operations for the outdoor performance venue should not extend past 12:00a.m.*
6. *If the property described as Block D in the conceptual plan is developed as any entertainment use other than an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 23rd Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 50 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff*

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7. *Applicant must provide quarterly updates to the neighborhood regarding the status of the proposed development.*

Action Taken:

Councilor Hoyt: Moved to Approve.

Councilor Abbott: Seconded.

Item Recommended to the City Council Agenda.

4. **ZAC2019-00034, Five Points South**

Application for a change in zone district boundaries from 8-3 (Community Business District) to MU-H (Mixed-Use High), filed by Robert Bruner, representing the owner, Dr. Ingrid Straeter-Knowlen, for the property located at 2114 10th Avenue South and situated in the **NW¼ of Section 06, Township 18-S, Range 2-West. (35205, District 6).**

Proposed Use: Veterinary clinic that specializes in cardiac care for animals (dogs and cats)

The City's **Long Range Land Use Plan** identifies the property as **Mixed-Use High**; therefore the proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

The Five Points South Neighborhood Association met at its regularly scheduled meeting on **September 23, 2019** to review the proposed project and voted **"To Recommend Approval"** of the proposed rezoning request. The vote was §. **approved** and **Q denied**.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 15, 2019 to review the applicant's rezoning request and voted to **Recommend** approval.

Action Taken:

Councilor Hoyt: Moved to Approve.

Councilor Abbott: Seconded.

Item Recommended to the City Council Agenda.

5. **ZAC2019-00035, Roebuck**

Application for a change in zone district boundaries from QC-1, Qualified Neighborhood Commercial District to QC-1, Qualified Neighborhood Commercial District and thereby amending the "Q" conditions of Case ZAC2017-00003, Ordinance 1983-G (see ZAC1994-00012 Ordinance #1523-G) to modify the 30 foot planted or natural buffer on the south side of the site to a 10 foot planted or natural buffer (to allow for more parking) filed by Brent Pierce, representing the owner, America's First Federal Credit Union, for the property located at 724 Crow Drive and situated in **the NE¼ of Section 36, Township 16-S, Range 2-West. (35215, District 2).**

Proposed Use: The applicant is requesting to reduce the buffer on the south side of the property from 30 feet to 10 feet in order to construct 17 additional parking spaces.

The Roebuck Neighborhood Association met at its regularly scheduled meeting on **October 14, 2019** to review the proposed project and voted to **"Recommend"** approval of the proposed rezoning request. The vote was **10 approved** and **Q denied**.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on October 15, 2019 to review the applicant's rezoning request and voted to **Recommend** approval.

Action Taken:

Councilor Hoyt: Moved to Approve.

County

SPECIAL CALLED JOINT PLANNING AND ZONING AND COMMITTEE OF THE WHOLE MEETING

Wednesday October 23, 2019

8:30 a.m.

5TH Floor Conference Room

MINUTES

V. OLD AND NEW BUSINESS

None

VI. ADJOURN

Action Taken:

Councilor Hoyt: Moved to Adjourn.

Councilor Abbott: Seconded

