



# COMMITTEE REPORT



SPECIAL CALLED PLANNING AND ZONING COMMITTEE MEETING  
FRIDAY, NOVEMBER 30, 2017  
4:00 P.M.  
5<sup>TH</sup> FLOOR CONFERENCE ROOM

## MINUTES

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

Councilor(s) Present: Hoyt, O'Quinn

### I. CALL TO ORDER

Councilor Hoyt called the meeting to order.

### II. APPROVAL OF MINUTES

- September 22, 2017

**Action Taken:**

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

**Councilor Hoyt:** Seconded.

### III. DISCUSSION OF COMMITTEE APPOINTMENTS/REAPPOINTMENTS

### IV. ZONING ITEMS

- \*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 NE¼ 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.

MINUTES

**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.

**Action Taken:**

**The Applicant requested to remove the item from the agenda to resubmit it at a later date.**

**Councilor O'Quinn: Moved to Removed Item from Agenda.**

**Councilor Hoyt: Seconded.**

**Item Removed from the Agenda.**

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.

**Action Taken:**

**Councilor O'Quinn: Moved NOT to Recommend Approval.**

**Councilor Hoyt: Seconded.**

**The Committee voted NOT to Recommend to Council for Approval.**

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.

**Action Taken:**

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

**Councilor Hoyt: Seconded.**

**Item Recommended to Council.**

V. **UPDATES ON FRAMEWORK PLANS AND OTHER PLANNING EFFORTS**

**Action Taken:**

**The Committee reviewed the Framework plans and efforts.**

**No Action – Information Only**

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VI. OLD AND NEW BUSINESS

The Committee Members discussed the appointment of Board Members.  
No Action – Information Only

VII. ADJOURN

Councilor O’Quinn: \_\_\_\_\_ Moved to Adjourn.  
Councilor Hoyt: \_\_\_\_\_ Seconded.  
Meeting Adjourned.