



**PLANNING & ZONING MEETING
WEDNESDAY, DECEMBER 16th, 2020
3:30 PM
CITY COUNCIL CHAMBERS, CITY HALL
COUNCIL PRESIDENT WILLIAM PARKER, CHAIR**

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- November 18, 2020

III. ZONING ITEMS

1. **ZAC2020-00024**..... **Woodlawn**
Application for a change in zone district boundaries from R-3 (Single Family District) to I-1 (Light Manufacturing District), filed by C. Randall Minor, representing the owner, Resun Modspace, LLC., for the property located at 3701 65th Street North and situated in the NW¼ of Section 17, Township 17-S, Range 2-West. (35206, District 4).

Proposed Use: Sales, Storage & Parking of mobile offices and other modular space solutions.

The City’s *Long Range Land Use Plan* identifies the property as *Residential- Low District*. The land use description describes the residential low-density land use category is intended for single-family homes. In addition to schools, churches and neighborhood-serving public uses are allowed. The applicant’s proposed use would be consistent with development to the west, which is currently zoned CM-1 (Contingency Light Manufacturing District); however, many of the residentially zoned properties to the north of the subject property have been acquired by the City of Birmingham and /or the Birmingham Airport Authority in connection with various mitigation programs with the result that much of the area immediately north of the subject property is currently vacant and designated as *“Open Space”* in the Future Land Use Plan. The proposed rezoning request is *Not Consistent* with the *Long Range Land Use Plan* due to the light manufacturing proposed rezoning destination.

However, according to additional research this property was zoned M-1 in the 1990's; the sector plan also indicated the property was once zoned M-1; this property was not in the footprint of the Airport's Master Plan, nor was this area included in the Airport's Master Plan. Staff believes that this request has some merit for approval based on the fact that M-1 is adjacent to the proposed rezoning request, and given the close proximity to the airport runway; the adopted land use plan of future Transportations & Utilities along with open space in this area allows for some merit of approval.

Neighborhood Recommendation:

The Woodlawn Neighborhood Association met at its regularly scheduled meeting, on November 9, 2020 to review the proposed project and voted to recommend the request. The vote was 7 approved and 0 denied.

Framework Plan:

This property is located within the ***Eastern Area Framework Plan***; however, the plan for this area has not been completed at this time, nor has the Implementation Committee been formed.

Staff's Recommendation to ZAC:

The applicant's proposed use to the site is consistent with development to the west of the property; however, the rezoning request is ***not consistent*** with the future land use plan, although the request does have ***some merit*** for approval, given that M-1 is adjacent to the property and the close proximity to the airport runway, the adopted land use plan also identifies the future Transportations & Utilities along with open space for this area causing the proposed request to have some merit for approval.

If approved staff recommends the following Q-condition(s):

- Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.
- Applicant must comply with the landscaping buffer requirements of 5.4 canopy trees, 2.7 understory trees and 22 shrubs to divide the residential zoning.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, November 17th, 2020, to review the applicant's rezoning request and voted to ***APPROVE*** the request with the following "Q" conditions (as suggested by the neighborhood, applicant and staff):

1. The uses shall be limited to the following:
 - (a). The site shall be developed in substantial conformance with the site plan as submitted and approved by the Zoning Advisory Committee;

- (b). Title 1 Loans/Payday Loans;
- (c). Drug Treatment Facility;
- (d). The applicant must comply with the landscaping butte requirements of 5.4 canopy trees, 2.7 understory trees and 22 shrubs to divide the residential zoning.

2. ZAC2020-00025..... East Birmingham
Application to change zone district boundaries from C-B1 (Contingency Neighborhood Business District) to C-2 (General Commercial District), filed by Mashama Lowe, representing the owner, Theresa Hutton, for the property located at 3801 Richard Arrington Jr. Blvd. North and situated in the SE ¼ of Section 19, Township 17-S, Range 2-West (Council District 4).

Proposed Use: Bar/Lounge

The City’s **Long Range Land Use Plan** identifies the property as **Heavy Manufacturing**. This land use category allows for the development of heavy manufacturing. These uses typically require significant truck traffic and /or rail connections. Uses in this district include: heavy manufacturing, junkyards, scrap metal processors, and supporting uses included (minor retail, services, and offices connected to the industrial use or serving an industrial park). No residential uses are allowed in this district. The proposed rezoning request is **Not Consistent** with the **City’s Long Range Land Use Plan** due to the heavy manufacturing proposed rezoning destination.

A bar/lounge is not consistent with the City’s Long Range Land Use Plan for this area; however, because the plan identifies the property as Heavy Manufacturing and the uses in this district would include junkyards, scrap metal processors, significant truck traffic and or rail connections.

Neighborhood Recommendation:

The **East Birmingham Neighborhood Association** held an executive meeting on October 26, 2020, to review the proposed project and voted to not recommend the request. The vote was 0 approved and 1 denied. This decision was for the following reason(s): The rezoning of this property will not have an economic impact, or stability for the residents and the community of East Birmingham.

Framework Plan:

This property is located within the **Eastern Area Framework Plan**; although, the plan for this area has not been adopted; however, the rezoning request is not consistent with the proposed Eastern Area Framework plan. The Implementation Committee has not created at this time.

Staff's Recommendation to ZAC:

The applicant's rezoning request is ***not consistent*** with the future land use plan, and staff recommends that this request ***not be approved***, due to the proposed heavy manufacturing plan for this area in the future.

If approved staff recommends the following "Q" condition(s):

- Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.
- Applicant must comply with the landscaping buffer requirements of 8 canopy trees, 4 understory trees and 32 shrubs to divide the residential zoning.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, November 17th, 2020, to review the applicant's rezoning request and voted to ***APPROVE*** the request with the following "Q" conditions (as suggested by the neighborhood and staff):

1. The uses shall be limited to the following:
 - (a). The site shall be developed in substantial conformance with the site plan as submitted and approved by the Zoning Advisory Committee;
 - (b). The applicant must comply with the landscaping buffer requirements of 8 canopy trees, 4 understory trees and 32 shrubs to divide the residential zoning.

IV. OLD AND NEW BUSINESS

V. ADJOURN

If accommodation is required for an event or meeting, please contact: Kimberly Garner, Director of Public Information, with reasonable advance notice by e-mailing her at Kimberly.Garner@birminghamal.gov or calling her at (205) 254-2036.