



JOINT PLANNING & ZONING AND SPECIAL CALLED COMMITTEE OF THE WHOLE MEETING
Tuesday, February 3, 2021 | 3:30 Pm
Webex Link

MINUTES

COUNCIL PRESIDENT WILLIAM PARKER, COMMITTEE CHAIR
Councilor Abbott & Councilor Hilliard, Committee Members

WEBSITE ADDRESS: www.birminghamal.gov

Event address for attendees:

<https://birmingham.webex.com/birmingham/onstage/g.php?MTID=e8792ca5088c2e7b49aa49ad95a17e33c>

Audio Conference: United States Toll: +1-415-655-0002 Access Code: 187 98 4665

Councilor(s) Present: Abbott, Hilliard

I. CALL TO ORDER

Councilor Abbott called the meeting to order.

II. APPROVAL OF MINUTES - February 17, 2021

III. ZONING ITEM

1. ZAC2020-00026, Crestline

Application to change zone district boundaries from R-3 (Single Family District) to D-5 (Multiple Dwelling District) to allow the construction of townhomes, filed by Cory Johnston, the owner, for the properties located at 4424, 4428, 4432 & 4446 Montevallo Road and situated in the NE ¼ of Section 34, Township 17-S, Range 2-West, 35213 (Council District 2).

Proposed Use: New construction of 23 townhomes

The City's **Long Range Land Use Plan** identifies the property as **Residential- Low District**. The proposed rezoning request is **Not Consistent** with the **City's Long Range Land Use Plan**.

Neighborhood Recommendation:

The Executive Committee of the Crestline Neighborhood Association held a meeting on **November 23, 2020**, to review the proposed project and voted to not recommend the request. The vote was **1** approved and **4** denied. Their decision to not support the rezoning request are for the following reason(s):

1. The committee felt there are too many unknown factors (originally the project had 17 units and now they are proposing 23 units);
2. The space is too small to house 23 units;
3. Their property value has decreased due to the excess rental properties in the area and would prefer R-3 (Single Family District) zoning to remain for their neighborhood.

If approved the neighborhood recommends the following "Q" Condition(s) to be prohibited:

1. Bed & Breakfast Inn
2. Child Care Center
3. Community Garden
4. Family Day/Night Care Home
5. Family Group Day/Night Care Home
6. Market, Farmer's
7. Personal Instructor
8. Place of Worship
9. School, Elementary/Middle

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10. School, High School
11. Solar Panel, Ground Mounted
12. Adult Care Center
13. Cellular, Microwave or Two-Way Towers
14. Communal Living Facility
15. Internment, Cemetery
16. Manufactured Housing
17. Market Stand
18. Reservoir/Water Tank
19. Utility Substation
20. Water/Sewer Pumping Station
21. Accessory Child Care Center
22. Amphitheater
23. Apiary
24. Arena
25. Dwelling, Accessory
26. Fitness Center
27. Internment, Columbarium
28. Internment, Mausoleum
29. Rummage Sale
30. Stadium
31. Temporary Storage

Staff's Recommendation to ZAC:

The proposed rezoning request is not consistent with the City's Long Range Land Use Plan, and is also incompatible with the single family residential uses located immediately east and west creating an encroachment into the single family residential neighborhood, which could possibly cause land use conflicts. It is therefore the recommendation of Staff that the proposed rezoning is **Not Recommended** for approval.

If approved the neighborhood and staff recommends the following "Q" Condition(s):

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer's
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium

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- y. Internment, Mausoleum
- z. Rummage Sale
 - aa. Stadium
 - bb. Temporary Storage
- 2. The townhomes fronting Gladstone Avenue and Montevallo Road shall use those streets as the front of the structure to create a more walkable since of community;
- 3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).

Neighborhood, Applicant and Staff Virtual (WebEx) Meeting

The neighborhood, applicant and staff met via WebEx on Tuesday, February 9, 2021 and as a result of the meeting the neighborhood voted to approve the proposed rezoning request with some additional “Q” conditions. The vote was 23 approved and 7 denied.

If approved the neighborhood and staff recommends the following “Q” Condition(s);

- 1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer’s
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum
 - z. Rummage Sale
 - aa. Stadium
 - bb. Temporary Storage
- 2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable since of community;
- 3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).
- 4. Sidewalk and street trees will be required along Gladstone Avenue and Montevallo Road.
- 5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone Avenue and Montevallo Road.
- 6. All exterior lighting for security and aesthetic will be required to downlight and not encroach on neighboring property.

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Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant's rezoning request, and voted to **APPROVE** the proposed rezoning request with the following "Q" conditions submitted by the neighborhood and staff.

If approved the neighborhood, staff and ZAC recommends the following "Q" Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer's
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
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 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum
 - z. Rummage Sale
 - aa. Stadium
 - bb. Temporary Storage
2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable since of community;
3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).
4. Sidewalk and street trees will be required along Gladstone Avenue and Montevallo Road.
5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone Avenue and Montevallo Road.
6. All exterior lighting for security and aesthetic will be required to downlight and not encroach on neighboring property.

Action Taken:

Councilor Hilliard: Moved to Approve with the Proposed Q-Conditions.

Councilor Abbott: Seconded.

Item Recommended to the City Council Agenda.

IV. OLD AND NEW BUSINESS

None

V. ADJOURN

Councilor Hilliard: Moved to Adjourn.

Councilor Abbott: Seconded.

Meeting Adjourned.