



**PLANNING & ZONING MEETING
WEDNESDAY, MAY 19th, 2021
VIRTUAL MEETING
3:30 PM
COUNCIL PRESIDENT WILLIAM PARKER, CHAIR**

WEBSITE ADDRESS: www.birminghamal.gov

Event address for attendees:

<https://birmingham.webex.com/birmingham/onstage/q.php?MTID=eca97d146ab04a7a25ec2a9a19247ced>

**Access number: 1-415-655-0002;
Access code: 187 875 7254**

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- February 17, 2021
- April 7, 2021
- April 21, 2021

III. ANNEXATION ITEMS

1. 7273 and 7277 Cahaba Valley Road

Land Use / Development Request

Jim Beatty, representing Capstone Properties, is requesting the annexation of two properties that are located on Cahaba Valley Road (Highway 119) in unincorporated Shelby County and adjoining the Overton neighborhood in the City of Birmingham. The site also abuts the City of Hoover and the nearby Greystone subdivision. The site is within proximity to the St. Vincent's 119 medical campus and the Tattersall Park retail development. It is the intent of Capstone to

resurvey the parcels with the goal of developing a 170-unit rental development comprised of individual cottages and townhomes. In addition, the applicant will seek to rezone all of his holdings from B-2 and HZD (Shelby County zoning) to D5 (multi-family housing).

Method of Annexation

The parcels will be annexed into Birmingham through six separate applications. Each application is for a portion of the subject property which will extend no further than half way toward the boundary of the property with the City of Hoover, in compliance with Section 11-42-21 of the Code of Alabama. Each application will be scheduled and heard separately until all of the property is within the corporate boundary of the City.

Zoning / Land Use Merits of Request

The adjoining properties in Birmingham were included in the Northeast Framework Plan in 2017. The future land use was designated as General Commercial. Input from the surrounding residents during the development of its Framework Plan wanted to preserve the rural character of the area that lies further east from the site and were fearful of any additional development would further degrade the existing traffic problems along Highway 119 directly and Highway 280 indirectly.

Watershed Impacts

The site's proximity to Lee Branch, which is part of the Cahaba River basin, poses concerns about stormwater runoff into the City's primary water source. The applicant would need to provide strict compliance to any development regulations established by the Birmingham Water Works Board and the recently adopted Stormwater Ordinance of the City of Birmingham. In addition, regional environmental advocates such as the Cahaba Riverkeeper Society believe that the proposed development would cause harm to the water supply.

Transportation Impacts

The proposed site is located on Cahaba Valley Road (Highway 119). Adjoining the site, the thoroughfare is currently a two-lane road. Between Highway 280 and Brook Highland Parkway / Greystone Way, the thoroughfare is four-lanes plus a center turn lane. The applicant has had discussions with the Alabama Department of Transportation about the installation of turn lanes at the primary entrance of the development. Residents of the Greystone subdivision in Hoover as well as residents in the Brook Highland subdivision have deep concerns about the current capacity of Highway 119 to handle additional cars and increased traffic due to recent developments along the corridor (Tattersall Park).

Proponents and Opponents of the Request

The property is bounded on three sides by the City of Birmingham. The parcels located to the west and north of the proposed annexation are owned by the Birmingham Water Works Board (BWVB) (undeveloped wooded site). BWVB has stringent guidelines for developments within the Cahaba watershed. Considering its proximity to Lake Purdy, BWVB would place additional restrictions (density, allowed uses, stormwater) that would not allow for the development as proposed by the applicant.

Local residents oppose the proposed development because a) its size would increase traffic along Highway 119, b) its proximity to Lee Branch / Lake Purdy would pose a hazard to the water supply, and c) the Northeast Framework Plan had designated the future land use as open space and agricultural which would limit any potential redevelopment to farms, forestry and estate lots.

The City Property Committee has had an opportunity to review this potential application and wanted to be certain that City services could be extended to this site. However, Finance has the opinion that the City should not be annexing projects that are strictly residential due to the cost of extending services and not receiving enough revenue to support the activity.

Staff Recommendations

The Department of Planning, Engineering and Permits has examined the proposed annexation case and the opinion of staff is that the proposed rezoning for these properties would be in not conflict with the existing Comprehensive Plan and the adopted future land use map from the Northeast Area Framework Plan. Parcels across Highway 119 that lie within the City of Birmingham are currently zoned C-2 General Commercial and have been developed into large campuses for places of worship and multi-family housing. The applicant would be responsible for completing any required applications for a potential rezoning of these parcels after they have been officially annexed into the City of Birmingham. In addition, the Department of Planning, Engineering and Permits would require any future development of these parcels would be in compliance with the developmental regulations established by the Birmingham Water Works Board as it relates to density, soil erosion, stormwater controls and landscaping.

Reports / Comments from Other Birmingham Departments

The Department of Planning, Engineering and Permits, as part of its investigation for this annexation request, solicited information from other Departments within City Hall in order to assess the potential impact of the annexation of this property as well as its proposed development plan.

Birmingham Department of Transportation

Transportation related issue for the site:

- To our knowledge there are currently no transportation projects planned for the roads adjacent to this development.
- Any street improvements recommended by Transportation Impact Studies would have to be implemented by the developers.
- Cost for repaving any dedicated city streets within 15 years of initial construction would come to \$2/s.f. of street area in today's dollars.

Birmingham Fire and Rescue Analysis

Our fire departments water officer Fire Inspector Beneva Nelson has previously spoken with developers about proposals along HWY-119 (Cahaba Valley Parkway). She is familiar with the proposal for Capstone at 119. The recurring issue with these proposed developments is that the number of proposed units trigger the code requirement of alternate fire department access. Subdivisions are required to stand in their own right, meaning they are not able to borrow property or get easements from another adjacent property owner to meet code requirements. These designs are usually landlocked and the developers do not favor the idea of

abandoning lots or portions of lots in order to provide for the secondary/alternative emergency access code requirement. This is a major public safety issue from the perspective of fire department access because HWY-119 is already a extremely busy thoroughfare and one roadway incident/accident can impede traffic flow and delay emergency access for hours, halting traffic for miles.

Additionally, since most of the property and fire hydrants on the South side of HWY-119 belong to Shelby County, hydrants that meet Birmingham Fire and Rescue specification are required to be installed in the public right of way and water main extensions have to be completed to add private hydrants on the property (to be maintained by the property owner) that are also required to meet Birmingham Fire and Rescue Service fire hydrant specifications. A significant portion of HWY 119 is included in either of the watersheds and the approval time for main extensions in this area can be quite extensive/expensive.

Birmingham Police Department

After driving the area and referencing Maps, the Overton Neighborhood of Birmingham is already spread out around the proposed annex sites. The Birmingham Police Department will be able to respond for calls for service for the proposed annexed area. It should also be stated that as more development comes to the area BPD would recommend hiring additional officers to patrol the area.

Birmingham Department of Innovation and Economic Opportunity

Cahaba Valley Road (Tattersall Park) - This project appears to all residential without a commercial component. IEO will support the COB PEP recommendation for the project. The project would be in accordance the comprehensive plan, IEO will offer support for developer to proceed with the next courses of actions for the project.

Birmingham Department of Community Development

City Housing Policy for Proposed Annexation - If annexed into the City of Birmingham the subject property would be located in the Overton Neighborhood. The 2020 Birmingham Housing Plan Neighborhood Market Atlas classifies the Overton Neighborhood in the Growth Typology. Neighborhoods in the Growth Typology are generally experiencing strong growth in population, median home values, median gross rent, median incomes, and have an adequate balance of older and new properties, higher average land value per square foot, and a lower number of condemned properties.

In general, these neighborhoods may also be viewed as “traditional neighborhoods,” which encompass single-family dwelling units, cul-de-sacs, and are in close proximity to desirable community amenities, such as parks, shopping and retail districts, employment hubs, or the City Center.

Birmingham Property Committee

The Birmingham Property Committee was informed of this item at its January 14, 2021. Regarding the Capstone request, I was Acting Chair of the Property Committee in Chairman Lester Smith's absence. It was decided that without a cost-benefit analysis the Property Committee did not have enough data to make an informed decision regarding the logistics and the cost for the City to provide services to this area. Also, there were questions in the meeting if the Birmingham Board of Education had been informed of the request and consulted? The last communication I had regarding these matters was that PEP was going to request the applicants seek annexation before any action from zoning.

Birmingham Department of Public Works

The Department does not see an impact of this annexation to its operations. Garbage pick-up would be commercial due to the amount of units and would not be the City's responsibility. The ROW in the area is also scattered with a mix of city in the area already, so any ROW functions should be minimal.

2. 3520, 3526, 3505, 3500, 3540 Cahaba Valley Rd and 3456 Grants Mill Rd

Land Use / Development Request

Wayne Graves is requesting the annexation of five properties that are located near the intersection of Cahaba Valley Road (Highway 119) and Grants Mill Road in unincorporated Jefferson County and adjoining the Overton neighborhood in the City of Birmingham. It is the intent of Wayne Graves to resurvey the newly annexed parcels with property that he currently owns that is located in the City of Birmingham with the goal of developing a 200-unit apartment development and 30,000 square feet of retail to include a potential grocer. In addition, the applicant will seek to rezone all of his holdings from AG, C-1 and HZD to D5 (multi-family housing) and C-1 (neighborhood commercial) for the proposed retail development along Highway 119 and multi-family development in the rear with access from Grants Mill Road.

Method of Annexation

All parcels identified in the annexation application will follow the provisions of Section 11-42-21 of the Code of Alabama (1975).

Zoning / Land Use Merits of Request

The adjoining properties in Birmingham were included in the Northeast Framework Plan in 2017. The future land use was designated as Open Space (for all parcels owned by Birmingham Water Works Board), Neighborhood Commercial (for 3460 Eastern Valley Road) and Residential-Low (for remaining parcels). Input from the surrounding residents during the development of its Framework Plan wanted to preserve the rural character of the area and were fearful of any improvements to Grants Mill Road that would encourage more development. The sites proximity to Lake Purdy would be in conflict with the future land use plan established by the Northeast Area Framework Plan.

Watershed Impacts

The site's proximity to Lake Purdy poses concerns about stormwater runoff into the City's primary water source. The applicant would need to provide strict compliance to any development regulations established by the Birmingham Water Works Board and the recently adopted Stormwater Ordinance of the City of Birmingham. In addition, regional environmental advocates such as the Cahaba Riverkeeper Society believe that the proposed development would cause harm to the water supply.

Transportation Impacts

The proposed site is located on the northwest corner of Cahaba Valley Road (Highway 119) and Grants Mill Road. Both of these thoroughfares are two-lane roads. They would require the installation of turn lanes at the intersection as well as an access road off Grants Mill Road to provide access to the proposed multi-family development. In earlier development proposals for the site, the applicant had sought to realign Grants Mill Road to form a four-way intersection with Saddle Creek Parkway, but was withdrawn due to an inability to acquire the necessary parcel. At present, there are no proposed projects along Highway 119 within proximity to the site to increase lanes or add signalization at its intersection with Grants Mill Road.

Proponents and Opponents of the Request

The property is bounded on three sides by the City of Birmingham. The parcels located to the west and north of the proposed annexation are owned by the Birmingham Water Works Board (undeveloped wooded site); the annexation area, bounded by Cahaba Valley Road to the south, is comprised of farm houses and the Saddle Creek subdivision. Local residents oppose the proposed development because a) its size would increase traffic along Highway 119, b) its proximity to Lake Purdy would pose a hazard to the water supply, and c) the Northeast Framework Plan had designated the future land use as open space and agricultural which would limit any potential redevelopment to farms, forestry and estate (one-acre) lots.

The City Property Committee has had an opportunity to review this potential application and wanted to be certain that City services could be extended to this site. However, Finance has the opinion that the City should not be annexing projects that are strictly residential due to the cost of extending services and not receiving enough revenue to support the activity.

Staff Recommendations

The Department of Planning, Engineering and Permits has examined the proposed annexation case and the opinion of staff is that the proposed rezoning for these properties would be in conflict with the existing Comprehensive Plan and the adopted future land use map from the Northeast Birmingham Framework Plan. The applicant would be responsible for completing any required applications for a potential rezoning of these parcels after they have been officially annexed into the City of Birmingham. In addition, the Department of Planning, Engineering and Permits would require any future development of these parcels would be in compliance with the developmental regulations established by the Birmingham Water Works Board as it relates to density, soil erosion, stormwater controls and landscaping.

Reports / Comments from Other Birmingham Departments

The Department of Planning, Engineering and Permits, as part of its investigation for this annexation request, solicited information from other Departments within City Hall in order to assess the potential impact of the annexation of this property as well as its proposed development plan.

Birmingham Department of Transportation

Transportation related issue for the site:

- To our knowledge there are currently no transportation projects planned for the roads adjacent to this proposed development.
- Any street improvements recommended by Transportation Impact Studies would have to be implemented by the developers.
- Cost for repaving any dedicated city streets within 15 years of initial construction would come to \$2/s.f. of street area in today's dollars.

Birmingham Fire and Rescue Analysis

Our fire departments water officer Fire Inspector Beneva Nelson has previously spoken with developers about proposals along HWY-119 (Cahaba Valley Parkway). She is familiar with the proposal for Grants Mill Road @ Highway 119. The recurring issue with these proposed developments is that the number of proposed units trigger the code requirement of alternate fire department access. Subdivisions are required to stand in their own right, meaning they are not able to borrow property or get easements from another adjacent property owner to meet code requirements. These designs are usually landlocked and the developers do not favor the idea of abandoning lots or portions of lots in order to provide for the secondary/alternative emergency access code requirement. This is a major public safety issue from the perspective of fire department access because HWY-119 is already a extremely busy thoroughfare and one roadway incident/accident can impede traffic flow and delay emergency access for hours, halting traffic for miles.

Our emergency response assessment of the properties on Hwy-119 and Grants Mill Rd. also demonstrated that there would be an extended response time for the closest Birmingham Fire station which is Fire Station 32. Fire Station 32's current longest response is to Lake Purdy. The proposed properties are approximately 4 miles (four miles) past Lake Purdy. With Hwy 280 traffic our fire response for our first arriving apparatus will be approximately 10 to 12 minutes (for reference ISO requirements for the first arriving Fire Engine is 4 minutes on 90% of responses). There are Mutual/Automatic Aid agreements with Cahaba Valley Fire District, Rocky Ridge Fire District and Hoover Fire Department in place that could assist in our response.

Birmingham Police Department

After driving the area and referencing Maps, the Overton Neighborhood of Birmingham is already spread out around the proposed annex sites. The Birmingham Police Department will be able to respond for calls for service for the proposed annexed area. It should also be stated that as more development comes to the area BPD would recommend hiring additional officers to patrol the area.

Birmingham Department of Innovation and Economic Opportunity

Cahaba Valley Rd (Hwy 119) and Grants Mill Rd - EO is not in support of the project. Based on PEP description and review of the project the following matters are major concerns of the project as follows: conflict with existing Comprehensive plan, potential i.e.-zoning issues, transportation impact, watershed and stormwater runoff. The Project appears to primarily residential with minimal commercial development, thus providing limited economic impact.

Birmingham Property Committee

The Birmingham Property Committee was informed of this item at its January 14, 2021. Regarding the Capstone request, I was Acting Chair of the Property Committee in Chairman Lester Smith's absence. Regarding the Graves request at the Grants Mill Rd and Hwy 119 intersection, there were concerns with the development as requested due to its proximity to Lake Purdy. Attached are communications I received objecting to this development from the Cahaba Valley Homeowners Association, the Cahaba River Keeper, and the Cahaba River Society. The last communication I had regarding these matters was that PEP was going to request the applicants seek annexation before any action from zoning.

Birmingham Department of Public Works

The Department does not see an impact of this annexation to its operations. Garbage pick-up would be commercial due to the amount of units and would not be the City's responsibility. The ROW in the area is also scattered with a mix of city in the area already, so any ROW functions should be minimal.

Birmingham Department of Community Development

City Housing Policy for Proposed Annexation - If annexed into the City of Birmingham the subject property would be located in the Overton Neighborhood. The 2020 Birmingham Housing Plan Neighborhood Market Atlas classifies the Overton Neighborhood in the Growth Typology. Neighborhoods in the Growth Typology are generally experiencing strong growth in population, median home values, median gross rent, median incomes, and have an adequate balance of older and new properties, higher average land value per square foot, and a lower number of condemned properties. In general, these neighborhoods may also be viewed as "traditional neighborhoods," which encompass single-family dwelling units, cul-de-sacs, and are in close proximity to desirable community amenities, such as parks, shopping and retail districts, employment hubs, or the City Center.

IV. ZONING ITEMS

1. ZAC2020-00002 Glen Iris Application to change zone district boundaries from B-5 (Mixed Business District) to “Q” C-2 (Qualified General Commercial District) in order for the property to be redeveloped into an automobile dealership and service center, filed by Ray Jones, representing the owner, ATLAS NC 1 SPE LLC, for the property located at 488 Palisades Boulevard and situated in the NE ¼ of Section 14, Township 18-S, Range 3-West (Council District 3).

Proposed Use: Automobile dealership to include a service center

The City’s Long Range Land Use Plan identifies the property as General Commercial. This land use category is characterized by commercial and service uses, general and large retail uses, restaurants and food stores. Additional uses include hotels, motels, movie theatres, offices, schools and multi-family residential. This property is in the Northside/Southside Framework Plan. The Plan identifies this property as General Commercial and recommends that the zoning be changed to C-2 (B-5 does not exist in the new zoning classifications). The proposed rezoning request is **Consistent** with the Long Range Land Use Plan.

Neighborhood Recommendation:

The Glen Iris Neighborhood Association met at its regularly scheduled meeting on February 3rd, 2020, to review the proposed project and did not take a vote on the rezoning request. The Glen Iris Neighborhood Association met at its regularly scheduled meeting on March 2nd, 2020, and voted to **recommend** approval subject to the following “Q” Condition:

1) Submission to and approval by the local Neighborhood Association and the Zoning Advisory Committee (ZAC) of a site development plan to include but not be limited to, the location and heights of all structures; parking; ingress and egress (including a traffic circulation plan); landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting plan; 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. In addition, the site development plan should include details regarding the proposed hours of operation, delivery schedule (if applicable), noise mitigation plan and any other information required by the PEP Staff. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping as per 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, alteration 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 local Neighborhood Association and the Zoning Advisory Committee (ZAC).

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on February 4th, 2020, and voted to **recommend** approval of the applicant’s request.

Planning & Zoning Committee

The Planning and Zoning Committee met on July 15th, 2020, and voted to **recommend** approval of the request subject to the following “Q” conditions:

1. The following uses are not permitted:
 - a. Funeral Home (including a crematorium)
 - b. Internment, Columbarium
 - c. Internment, Mausoleum
 - d. Internment, Cemetery

2. Submission to and approval by the local Neighborhood Association and the Zoning Advisory Committee (ZAC) of a site development plan to include but not be limited to, the location and heights of all structures; parking; ingress and egress (including a traffic circulation plan); landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting plan; 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. In addition, the site development plan should include details regarding the proposed hours of operation, delivery schedule (if applicable), noise mitigation plan and any other information required by the PEP Staff. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping as per 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, alteration 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 local Neighborhood Association and the Zoning Advisory Committee (ZAC).

2. ZAC2020-00028.....Overton
An application to pre-zone territory proposed for annexation from HZ (Holding Zone- Jefferson County) to D-5 (Multiple Dwelling District) and C-1 (Neighborhood Commercial District), filed by C. Randall Minor, representing the owner, Brock Maddox, LLC and Wayne & Pattie Graves, for the properties located at 3520, 3526, 3506, & 3540 Cahaba Valley Road; 3500 Eastern Valley Road and 3456 Grants Mill Rd (Outside City Limits of Birmingham) and 3504 Cahaba Valley Road situated in the SE ¼ of Section 10, Township 18-S, Range 1-West ,35242 (Council District 2).

Proposed Use: A new multi-family development consisting of up to 300 units and approximately 24,400 sf of supporting neighborhood retail and services.

These proposed properties are outside the city limits of Birmingham; however, the City's Long Range Land Use Plan identifies the properties adjacent to the proposed rezoning request as Residential-Low and Open Space. The residential-low (single-family) district is designed to allow for districts to ensure that they reflect existing or desired character and consolidate residential zoning districts that do not result in significant variations in development. Uses in this district include: single-family homes, school's churches, and neighborhood-serving public uses. The open space is land not covered by man-made water-resistant surfaces, parking or buildings, other than recreational structures, pools or stormwater facilities, which may be landscaped or preserved in a natural state for private use of owners or guests, or for public access as may be required by the provisions of these regulations or the zoning ordinance. The proposed rezoning request is ***Not Consistent*** with the Long Range Land Use Plan that is adjacent to the proposed rezoning request.

Neighborhood Recommendation:

The Overton Neighborhood Association met on February 2, 2021 and voted to ***approve*** the proposed rezoning request. The vote was **2** approved and **0** denied.

Framework Plan:

This property is not located within the Northeast Framework Plan Area, because it is outside the city limits of Birmingham; however, the adjacent properties to the east of this location are in the Northeast Framework Plan. The Northeast Framework Plan area does have an active Implementation Committee. Staff discussed the proposed rezoning application with Ken Johnson (co-chair) of the Framework Implementation Committee and have not received a final response regarding the committee's recommendation.

Staff Recommendation:

The applicant's rezoning request is ***not consistent*** with the future land use plan of the adjacent properties, and staff does not recommend the approval of the rezoning request. In the event that City Council approves the rezoning request, the following "Q" conditions are recommended:

- 1.) Gas stations shall be prohibited.
- 2.) Drive through uses shall be prohibited.
- 3.) Development shall comply with the BWWB Cahaba River/Lake Purdy Watershed Protection Policy.
- 4.) Connection to a sewer system shall be required.
- 5.) No package or septic sewer systems shall be allowed.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, April 20th, 2021 to review the applicant's rezoning request and voted to ***not recommend approval*** of the request.

3. ZAC2020-00036.....Glen Iris Application to change zone district boundaries from O&I (Office & Institutional District) to C-2 (General Commercial District) in order to construct new multiple-family apartment units, filed by Robert A. McCann, representing the owner, HCP Midcity, LLC., for the property located at 1110 Beacon Parkway East and situated in the SE ¼ of Section 11, Township 18-S, Range 3-West (Council District 3).

Proposed Use: A new multiple-family apartment development

The City’s **Long Range Land Use Plan** identifies the property as **General Commercial**. This general commercial district is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts. The proposed rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Neighborhood Recommendation:

The Glen Iris Executive Committee Association held a meeting on January 15, 2021, to review the proposed project and chose not to make a decision, based on the fact they have a number of questions they would like answered. The applicant met with the Neighborhood Association on February 18, 2021 to answer questions and discuss the project.

The Glen Iris Neighborhood Association held a special called meeting on April 12, 2021, to vote on the request. The vote was 4 approved; 47 denied and 4 abstained.

Framework Plan:

This property is located within the Northside/Southside Framework Plan Area. The framework plan for this area is in progress and the Implementation Committee has not been formed.

Staff Recommendation:

The applicant’s rezoning request is consistent with the future land use plan and staff recommends approval of the proposed rezoning request. However, Staff does recommend including two “Q” conditions:

- 1) The developer must maintain a clearing limit, as depicted on the site plan
- 2) No building permit shall be issued without a subdivision case being approved that combines the property into one lot.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, May 18th, 2021 to review the applicant’s rezoning request and voted to [redacted] the request.

4. ZAC2021-00001Oxmoor
Application to change zone district boundaries from MXD (Mixed-Use District) to D-5 (Multiple Dwelling District) in order to construct a new multi-family development along Lakeshore Parkway, filed by Andrew Phillips, representing the owner, The UAB Research Foundation, for the property located at 2800 Milan Court and situated in the NE ¼ of Section 31, Township 18-S, Range 3-West, 35211 (Council District 7).

Proposed Use: A 294-unit multi-family development along Lakeshore Parkway

The current zoning, MXD, Commercial Use Group 3, allows the following uses: 1) All uses allowed in Commercial Use Group 2, except residential uses, 2) Building contractors, 3) Light Manufacturing use - provided uses do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, or release any pollutant which would require a permit from a state or federal agency, 4) Wholesale sales, 5) Shipping/receiving, warehousing and self-storage, 6) Auto repair, 7) Auto sales, new or used. 8) Animal hospitals and veterinarians, 9) Broadcasting stations, and 10) Other like uses. Residential uses are not permitted in Commercial Use Group 3.

The City's **Long Range Land Use Plan** identifies the property as **General Commercial and Planned Development**. This General Commercial district is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: high density multi-family, schools, churches, and neighborhood-serving public uses. Planned Development is designed to allow for a compatible and complementary mixture of residential, office, commercial, cultural, institutional, governmental, and industrial uses in large planned developments. The proposed rezoning request is **consistent** with the Long Range Land Use Plan.

Neighborhood Recommendation:

The Oxmoor Neighborhood Association met at its regularly scheduled meeting on **February 8, 2021**, to review the proposed project and did not take a vote on the rezoning request. The applicant and the neighborhood agreed to meet again before going to City Council. The neighbors have concerns about the proposed project and would like the current zoning to remain.

The Oxmoor Neighborhood Association held a special called meeting on **April 12, 2021**, to review the proposed project and voted to approve the proposed rezoning request. The vote was **8**-approved and **0**-denied, with the condition that the applicant add another exit (ingress/egress point) to Lakeshore Parkway.

Framework Plan:

This property is located within the Southwest Framework Plan Area. This framework plan was adopted in May 2017 and an Implementation Committee was formed; however, they are not currently active.

Staff Recommendation:

The applicant's rezoning request is ***consistent*** with the future land use plan and has merit for **approval** with the following "Q" conditions:

- 1) The proposed development shall comply with the Oxmoor Design Guidelines and be approved by the Oxmoor Steering Committee.
- 2) The proposed development shall include an ingress/egress point on Lakeshore Parkway.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, May 18th, 2021 to review the applicant's rezoning request and voted to [REDACTED] the request.

V. OLD AND NEW BUSINESS

1. General Discussion of Vacancies and Reappointments for Birmingham Planning Commission and Design Review Committee

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.