



**PLANNING & ZONING MEETING
COUNCIL PRESIDENT WILLIAM PARKER, CHAIR
WEDNESDAY, JULY 21st
3:30 PM
CITY COUNCIL CHAMBERS**

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- February 17, 2021
- April 7, 2021
- April 21, 2021
- July 6, 2021

III. ZONING ITEMS

1. 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

Applicant's Proposal

The proposed Beacon Park Apartments will be a single, multi-family building, four-stories high containing a mix of studio, one, two- and three-bedroom apartment units. There will be approximately 275 total units in the complex. The building will include an amenities area, a parking lot and parking garages. The total building height will be approximately 60 feet. The apartment building will be constructed on the peak of the hill to provide sweeping, panoramic views of the city skyline to the north.

Long Range Land Use Plan

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***.

Zoning Ordinance

The applicant's proposed site plan shows 353 parking spaces. The parking requirement is: $139 \times 1 = 139$ (1-bedroom units) and $136 \times 1.5 = 204$ (2 & 3-bedroom units); therefore, the total number of parking spaces required is 343 spaces. The applicant meets the parking requirement for the site. The additional parking spaces, as proposed, should comply with engineering guidelines for excessive parking spaces. When a development includes parking in excess of the maximum required (equal to the minimum), then pervious paving systems are required for those parking spaces which exceed the maximum number of spaces allowed.

Stormwater

The City's Stormwater staff recommends that any new construction or re-development would have to comply with the post-construction ordinance and zoning parking requirements.

Birmingham Department of Transportation

The Birmingham Department of Transportation (BDOT) states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements. After reviewing the TIS, BDOT concurs with its findings of no improvements necessary. The Alabama Department of Transportation (ADOT) requirements must also be met for this project.

Engineering

The City Engineer reviewed the Geotechnical Report and concluded that "The recommendations of the report are sound, we need to make sure the designer and contractor adhere to the recommendations. Fill slopes on the north side of the crest will be difficult to stabilize, since the existing slope is unstable material and already exceeds the recommended 2:1. We need to require that the existing material is benched prior to placing fill. We also need to make sure that drainage is handled in a manner that is not going to have concentrated flows directed at the walking trail and residential properties below."

Landscaping

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). Prior to permit issuance, a fully developed detailed landscape plan will be required, per the City's Landscape Architect.

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 subject to the following "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 ***recommend approval*** with the following "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.

2. 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

Current Zoning

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.

Applicant's Proposal

The applicant's proposal is to construct a new multi-family development along Lakeshore Parkway. The plan will consist of 19 standalone buildings providing 294 new residential units (110 single bedroom units and 184-2 or more bedroom units). The site will also include provisions for private amenities for residents.

Long Range Land Use Plan

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.

Zoning Ordinance

The applicant's proposed site plan shows 437 parking spaces. The parking requirement for multi-family is 1 space per 1-bedroom unit (110 x 1=110) and 1.5 spaces for 2 or more bedrooms (184 x 1.5=276); therefore, the total number of parking spaces required is 386. The applicant's proposed site plan shows a total of 437 parking spaces; therefore, the applicant's proposal exceeds the parking requirement for the site. The additional parking is required to comply with engineering guidelines for excessive parking spaces. When a development includes parking in excess of the maximum required (equal to the minimum), then pervious paving systems are required for those parking spaces which exceed the maximum number of spaces allowed.

Landscape Review

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). Prior to permit issuance a fully developed detailed landscape plan will be required, per the City's Landscape Architect.

Stormwater

The City's stormwater staff reviewed the applicant's proposal and concluded a conceptual review meeting with the stormwater staff should be scheduled as early as possible in the design process, and Civil/Stormwater and Soil Erosion Control permits will be required.

Birmingham Department of Transportation

The Birmingham Department of Transportation (BDOT), states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements. The applicant has submitted a traffic study for this project.

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 ***recommend 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.

3. ZAC2021-00012..... Kingston
Application for a change in zone district boundaries from C-B1 (Contingency Neighborhood Business District) to C2 (General Commercial District), filed by Maged H. Alammari, for the property located at 4700 Richard Arrington Jr. Blvd N and situated in the NE¼ of Section 20, Township 17-S, Range 2-West. (35212, District 4).

Proposed Use: Event Center

Applicant’s Proposal

The applicant is proposing to convert one unit of the existing building into a private event center. The existing building is 14,264 square feet. The applicant is proposing a commercial space to host events, weddings, or any other celebratory occasions. The facility will include open space for tables or chairs, a kitchen to hold food brought in by a third party, a changing room, and restroom facilities. The hours of operation will be 8AM-12AM and this space will be used for private events only. The applicant plans to rent the other two spaces out as commercial/retail spaces.

Long Range Land Use Plan

The City’s ***Long Range Land Use Plan*** identifies the property as ***Mixed Use-Low***. Event Centers are not allowed in Mixed Use-Low; therefore, the proposed rezoning request is ***not consistent*** with the ***Long Range Land Use Plan***.

Zoning Ordinance

The site plan shows a 14,264 square foot building divided between three uses. The proposed event center would be 4,624 square feet of GFA and the two proposed retail spaces are 2,040 and 7,600 square feet of GFA respectively. The parking requirement for an event center is 1 per 100 square feet of gross floor area and for general commercial use it is 1 per 300 square feet. Therefore, the required amount of parking for the property is 78 spaces. The applicant’s site plan shows 56 parking spaces; therefore, the proposed site plan is short of the parking minimum by 22 spaces. The applicant will need to do one of the following: 1) provide 25 more spaces on site, 2) enter into a parking agreement with an adjacent property owner to provide the additional parking required, or 3) apply for a parking modification with the Zoning Board of Adjustment (ZBA).

An event center is only permitted in C-2 as a special exception. Therefore, if rezoned, the applicant will need to apply for a special exception with the Zoning Board of Adjustment (ZBA) prior to start of operation. Additionally, the property is within 200ft of a residential zone; therefore, per the Zoning Ordinance, the hours of operation must be limited to 7 AM- 12 AM.

Stormwater

The City’s Stormwater staff recommends that any new construction or re-development would have to comply with the post-construction ordinance and zoning parking requirements.

Birmingham Department of Transportation

The Birmingham Department of Transportation reviewed the site plan and stated that while no

new construction was planned, if the rezoning is approved, they would like to see a condition added that the applicant make ADA sidewalk and streetscape improvements along both ROW frontages, specifically an ADA ramp on the corner and street trees planted in the verge.

Landscaping

The city's landscape architect reviewed the proposed site plan and stated that if there are no major changes to the exterior, then the applicant is not required to add any additional landscaping. Any alterations to the exterior would need to comply with all landscape requirements in the City's Zoning Ordinance.

Neighborhood Recommendation

The Kingston Neighborhood Association held a regularly scheduled meeting on **Monday, June 28th 2021**, and voted to ***approve*** the proposed rezoning request with the following "Q" conditions. The vote was **8** approved and **0** denied.

Q Conditions:

1. Closing time to be no later than 1 AM
2. No alcohol to be served

The Neighborhood stated they support the rezoning for the following reasons: The applicant's willingness to comply with neighborhood requests and his promise to work with the association.

Framework Plan Implementation Committee Recommendation

This property is located within the ***Eastern Area Framework Plan***. This plan has not been adopted; however, the draft plan identifies this property as ***Mixed Use-Low***; therefore, the rezoning request is ***not consistent*** with the proposed plan. The Implementation Committee has not been created at this time.

Staff Recommendation

The applicant's rezoning request is ***not consistent*** with the future land use plan and staff does ***not recommend*** approval.

Zoning Advisory Committee Action

The Zoning Advisory Committee met at its regularly scheduled meeting on **Tuesday, July 20th, 2021** to review the applicant's rezoning request and voted to ***recommend approval*** with the following "Q" condition:

1. No alcohol to be served.

4. ZAC2021-00014.....Citywide
Proposed amendment to Title 1, Chapter 7, Section 14 of the City of Birmingham Zoning Ordinance, filed by the Department of Planning, Engineering & Permits.

The amendment adds the word “*structurally*” to the nonconforming sign section. This word is included in the Legal Nonconforming Uses and Structures section of the Zoning Ordinance (Title 1, Chapter 9, Article VII, Section 3.) and was inadvertently left out of the new sign regulations that were adopted in December of 2020.

SECTION 14. NONCONFORMING SIGNS shall be amended to read:

Change and modification. *A nonconforming sign or sign structure must conform with this ordinance if it is **structurally** altered, reconstructed, replaced, expanded, or relocated. A mere change in copy is not an alteration or replacement for purposes of this subsection.*

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, July 20th, 2021 to review the request and voted to ***recommend approval.***

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.