



**SPECIAL CALLED PLANNING & ZONING MEETING
COUNCIL PRESIDENT WILLIAM PARKER, CHAIR
MONDAY, OCTOBER 18th, 2021
3:30 PM
CITY COUNCIL CHAMBERS**

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- September 15, 2021

III. ZONING ITEM

1. ZAC2021-00005..... Jones Valley
Application for a change in zone district boundaries from D-3 (Single-Family District) to A-1 (Agriculture District), filed by Willie Casey, representing the owner, Sammie L. Thompson Jr. for the property located at 2812 Balsam Ave SW and situated in the NW¼ of Section 20, Township 18-S, Range 3-West. (35211, District 7).

Proposed Use

Outdoor farming for a chicken coop, barn, kennel, fishing pond and a community garden

Property and Abutting Land Uses

The subject property sits on approximately 4.80 acres of land, currently zoned D-3 (Single-Family District). Abutting the subject property to the north is zoned D-3 (Single-Family District). To the east of the property it is zoned CI-2 (Contingency-Heavy Manufacturing District). To the south and west of the property it is also, zoned D-3 (Single-Family District).

Applicant's Proposal

The applicant is proposing outdoor farming, accessory to an existing single-family home. The private farm will have a chicken coop, a community garden where fruits and vegetables will be grown, and a kennel. There is also an existing pond on the property where catfish will be kept. This land comes equipped with a barn and a creek that runs through the rear of the property already on the land.

Long Range Land Use Plan

The City's Long Range Land Use Plan identifies the property as Residential Low; therefore, the proposed rezoning request is ***not consistent*** with the Long Range Land Use Plan.

Zoning Ordinance

The applicant's site plan shows an existing pond and barn already on the property.

The development must meet all Landscaping requirements outlined in the City's Zoning Ordinance. This includes perimeter landscaping, as well as interior landscaping and any buffer requirements.

In the AG district a Chicken Coop shall be permitted as an accessory use provided that the following conditions are met:

1. The minimum setback from adjoining property lines shall be 100 feet and from street right-of-way lines shall be 300 feet. (The existing chicken coop, according to the site plan, will need a variance from the Zoning Board of Adjustment (ZBA). The proposed chicken coop meets the requirement.)
2. No chicken coop shall be built closer than 300 feet to the nearest adjacent residence. (Based on the provided plan, the existing and proposed chicken coops will both need a variance from the ZBA.)

In the AG district a livestock barn shall be permitted as an accessory use provided that the following conditions are met:

1. The minimum setback from adjoining property lines shall be 100 feet and from street right-of-way lines shall be 300 feet. (The Applicant will need to get a variance from the ZBA.)
2. No livestock barns shall be built closer than 300 feet to the nearest adjacent residence. (The Applicant will need to get a variance from the ZBA.)

In the: AG, I-1, I-2, I-3, and PRD districts an animal kennel shall be permitted provided that the following conditions are met:

1. No part of any building, structure or run in which animals are housed or kept shall be less than 500 feet from any existing residence located on an adjacent parcel. (The Applicant will likely need a Variance from the ZBA.)
2. Enclosures must be provided which shall allow adequate protection against weather extremes and are covered to prevent waste from entering storm drains. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

3. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

Floodplain

This property is in the 100-year floodplain; therefore, all related activities must meet all floodplain requirements. The City's Natural Hazard Administrator's Staff reviewed the applicant's proposal and if the request is approved, recommends the following:

- *Development will be subject to the review and approval by the City's Floodplain Administrator as well as the Chief Civil Engineer.*
- *Applicant will be required to submit to the City for review a copy of their Alabama Department of Environmental Management (ADEM) Permit or Notice of Intent (NOI), if appropriate.*
- *Applicant must secure all applicable City permits including Land Disturbance and Civil Permits.*

Neighborhood Recommendation

The Jones Valley Neighborhood Association met at its regularly scheduled meeting on Friday, **April 2, 2021** to review the proposed project and decided that they needed more time for residents to make a decision, and would like to talk with Councilor Wardine Alexander. They also want information on how this will affect the neighborhood. The next neighborhood meeting is scheduled for May 7, 2021. A meeting is scheduled on April 14, 2021 at noon with the applicant to survey the property and ask questions.

The Jones Valley Neighborhood Association met at its regularly scheduled meeting on Friday, **May 7, 2021** and voted ***not to support*** the rezoning request. The vote was **0** Approved and **5** denied. The reasons given for not supporting the request were: possible noise and smell; community safety; proximity to a school, park, and library; as well as the traffic going in and out.

Framework Plan Implementation Committee Recommendation

The President of the Redevelopment Subcommittee of the Southwest Birmingham Framework Plan Implementation Committee (Willie Thomas) informed staff that the rezoning decision should come from the Jones Valley Neighborhood Association; however, he would like to hear more about the final decision.

ZAC Recommendation

The Zoning Advisory Committee met on **June 1, 2021** and voted to ***not recommend approval***.

Staff's Recommendation

The applicant's rezoning request is ***not consistent*** with the future land use plan and is ***not recommended for approval***.

IV. MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

The Division G Multi-Jurisdictional Hazard Mitigation Plan is an effort to evaluate and identify all prioritized hazards which may affect AEMA Division G. It presents mitigation strategies that address the hazards identified. This plan is only one of many steps jurisdictions in East Alabama will take to protect the welfare of residents by achieving a safer environment for its residents.

The Division G Multi-Jurisdictional Hazard Mitigation Plan is a plan that details the multitude of hazards that affect the Alabama Emergency Management Agency (AEMA) Division G area. This region includes Calhoun, Clay, Cleburne, Jefferson, Randolph, Shelby, St. Clair, and Talladega counties and the municipalities, as well as other jurisdictions, within these counties. This plan fulfills the requirements set forth by the Disaster Mitigation Act of 2000 (DMA 2000). DMA 2000 requires counties to formulate a hazard mitigation plan in order to be eligible for mitigation grants made available by the Federal Emergency Management Agency (FEMA).

The AEMA Division G has a diversity of economical and physical development, but many of the hazards affecting the region have similar impacts throughout the area. A regional hazard mitigation plan can encapsulate these similarities in risk and vulnerability impact, with regional stakeholders being able to discuss mitigation techniques for these similar impacts.

Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (public Law 93-228, as amended), Title 44 Code of Federal Regulations, as amended by Part 201 of the Disaster Mitigation Act of 2000 requires that all state and local governments develop a hazard mitigation plan as a condition of receiving federal disaster assistance. The adoption of the Multi-Jurisdictional Hazard Mitigation Plan allows for the City to apply for funding from the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) and Building Resilient Infrastructure and Communities (BRIC).

The Birmingham Planning Commission voted to *recommend approval* at its regularly scheduled meeting on Wednesday, October 6th, 2021.

V. OLD AND NEW BUSINESS

VI. 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.