



**PLANNING & ZONING COMMITTEE MEETING
VALERIE ABBOTT, CHAIR
WEDNESDAY, FEBRUARY 9, 2022
3:30 PM
CITY COUNCIL CHAMBERS
<https://www.facebook.com/citycouncilbham>**

AGENDA

I. CALL TO ORDER

II. ZONING ITEMS

A. ZAC2021-00019.....Roosevelt

Application for a change in zone district boundaries from “Q” D-5 (Qualified Multi-Family District) to I-1 (Light Manufacturing District), filed by Marquan Brown, representing the owner, Roosevelt First Baptist Church, for the property located at 5201 Sugar Ray Drive and situated in the NW ¼ of Section 26, Township 18-S, Range 4-West. (35228, District 7).

Proposed Use: A wholesale bakery, a private sports instruction facility, and business incubator

Property and Abutting Land Uses

The subject property is the former Roosevelt School and sits on approximately 2 acres. The property was rezoned in 2008 to allow the operation of a child care center (ZAC2008-00038) with the following “Q” condition:

1. The use shall be limited to uses in the R-3, Single Family District and/or a Child Care Center and its accessory structures and uses.

(As part of the rezoning in the area for the adoption of the Southwest Framework Plan (ZAC2017-00004) the adopted ordinance maintained the exiting Q condition under “Q” D-5*15)

North and south of the property is zoned D-3 (Single Family District). East of the property is Valhalla Cemetery, outside the city limits of Birmingham. Property to the west of the site is industrial and is also outside the city limits of Birmingham.

Applicant's Proposal

Edolyn's Pies, LLC is currently a retail bakery located within The Pizitz Food Hall in downtown Birmingham, operating since 2014. They are the daughter company of a wholesale bakery located in northern New Jersey, Sweet Potato Pie, Inc. who has been in business since 1980 and continues to produce and distribute desserts all over the east coast. The applicant plans to use the site for wholesale distribution. The school already has a large and well-appointed industrial kitchen that would be the perfect foundation for wholesale baking needs. The attached cafeteria has adequate square footage necessary for the assembly and packaging of desserts. The second structure, a gymnasium, would be used for private sport instruction for the surrounding communities. The third structure on the school campus is the former school that contains 20 classrooms. The applicant plans to have the building serve as a business incubator for Midfield and the surrounding communities. The aspiration is to create spaces where local entrepreneurs can come and make small business dreams come true.

Long Range Land Use Plan

The City's Long Range Land Use Plan identifies the property as Institutional. This land use category is intended for hospitals, colleges, nonprofit research facilities and universities. Primary and secondary schools, as well as churches, are not included in this category. These land uses, whether public or private, are designated as separate land uses because of their campus-like character, which requires special attention to edges and relationships with adjacent areas.

The proposed rezoning request is not consistent with the Long Range Land Use Plan; however, the Southwest Area Framework Plan does recommend the repurposing of vacant and/or abandoned schools to meet the needs of the community. Closed schools can be repurposed into senior facilities, community recreation centers and family resource centers.

Zoning Ordinance

The applicant's site plan shows an existing school building (25,600 SF), and existing gym (8,700 SF) and an existing cafeteria/kitchen (4,900 SF). The parking requirement would be 64 spaces for the business incubator (office = 1 per 400 Sf of GFA), 5 spaces for the wholesale bakery distribution (general industry = 1 per 1,000 SF of GFA plus 1 per 400 SF of GFA for any office space) and 44 spaces for the private sport instruction (indoor recreation = 1 per 200 SF of GFA). The site appears to have 39 existing parking

spaces. The applicant will have to apply for a parking modification to satisfy the parking requirements for all of the proposed uses at the site.

The property is bisected by a public alley that has never been vacated. The applicant will need to go through the subdivision process to vacate the alley prior to the approval of any permits.

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. The City's Landscape Architect reviewed the preliminary plan and states that the applicant will need to provide a "C" buffer on the property that abuts D-3 zoning. Additionally, on the side of the property with the parking, the applicant will need to provide landscaping.

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.

Stormwater: All projects within the area will be required to meet the Standards in the Post Construction Stormwater Ordinance for water quality and water volume control.

Neighborhood Recommendation

The Roosevelt Neighborhood Association held a regularly scheduled meeting on 10/14/2021 and voted to support the proposed rezoning request. The vote was 16 approved and 0 denied.

Framework Plan Implementation Committee Recommendation

This property is located within the Southwest Framework Plan Area. The framework plan was adopted in May 2017; however, the Implementation Committee is not active at this time.

Staff Recommendation

The applicant's rezoning request is not consistent with the future land use plan, however, staff believes the proposal has merit for approval. The Southwest Area Framework Plan recommends the repurposing of vacant/abandoned schools for the benefit of the community. Recreational facilities and a business incubator would be assets to the community, in addition to providing new jobs. Although there are single family homes in the area, there is also an industrial use adjacent to the site as well as a cemetery. Staff does recommend the following "Q" conditions:

- 1) Landscape buffer adjacent to single family residential uses
- 2) Only the following uses shall be allowed:

- a. Accessory Structure
- b. Amusement, Indoor
- c. Bakery, Retail
- d. Bakery, Wholesale
- e. Business Service
- f. Business Service with Distribution
- g. Child Care Center
- h. Community Garden
- i. Mobile Grocery Store
- j. Office
- k. Park/Greenway
- l. Public Building
- m. School, Business
- n. Solar Panel, Building Mounted
- o. Solar Panel, Ground Mounted
- p. Urban Farm, Indoor

ZAC Recommendation

The ZAC held a regularly scheduled meeting on 1/18/2022 and voted to approve the proposed rezoning request with the Q conditions recommended by Staff.

B. ZAC2021-00023..... Bush Hills

Application to change zone district boundaries from D-3 (Single Family District) to C-2 (General Commercial District) in order to convert the Woodrow Wilson School property into community event space, a community garden and an outdoor urban farm, filed by Bush Hills Connections, representing the owner, Birmingham City Schools, for the property located at 1030 4th Terrace West and situated in the SE¼ of Section 33, Township 17-S, Range 3-West. (35204, District 8).

Proposed Use: Community event space, community garden and outdoor urban farm

Property and Abutting Land Uses

The subject property is approximately 5.23 acres, currently zoned D-3 (Single-Family District). The site contains the former Woodrow Wilson Elementary School. The school was built in 1928 and served the community until it closed in 2010. Properties to the north, south, east and west are all single family residential, zoned D-3.

Applicant's Proposal

The applicant is proposing to continue using the site as a community garden/urban farm. They also are proposing to renovate portions of the school to serve as community event space. The applicant, Bush Hills Connections, is a 501 (c) (3) that works alongside

the Bush Hills Neighborhood Association to advance growth and vitality in the neighborhood. Bush Hills Connections began the community garden in 2018 as part of the City's "Love Your Block" program. The Wilson School site serves as a central hub, outdoor safe-haven and readily accessible source of free, fresh, healthy food for the Bush Hills community.

Bush Hills Connections, in collaboration with UAB Live HealthSmart Alabama, proposes to re-purpose the cafeteria and gymnasium spaces. Proposed uses of the spaces include: after school enrichment programs for elementary - high school students, neighborhood meetings, social and fundraising activities, adult career development programs, health and wellness classes (exercise, cooking, nutrition, and gardening), youth activities (boys and girls clubs, sports), community education programs (beautification, maintenance, and safety), space rental to other community organizations for meetings and activities, and community meetings to plan for built environment improvements.

Long Range Land Use Plan

The City's Long Range Land Use Plan identifies the property as residential-low. This land use category is exclusively single-family homes. In addition, schools, churches, and neighborhood-serving public uses are allowed. The proposed rezoning request is not consistent with the Long Range Land Use Plan; however, the Southwest Area Framework Plan does recommend redevelopment of this site. More specifically, the plan states:

The site is located among residential properties and is not on a heavily traveled roadway. In order to maintain compatibility with the surrounding land use, low intensity reuse is recommended. Potential uses include:

- Senior Living Facility - With consideration given to the area's growing senior population as well as the proximity to Princeton Baptist Medical Center, a senior living facility would generate limited traffic while also providing employment opportunities within the community.
- Job Training - A job training center would be beneficial to community residents who are interested in career advancement or pursuing a trade. It would provide an employment catalyst for the community and increase workforce participation. Partnerships with local colleges, financial institutions, and the business community will help to support these efforts.
- Mixed Use Development - A small scale mixed use facility will provide a variety of commercial options to the community that may include office space, retail, and other compatible uses.

Zoning Ordinance

All of the proposed uses are allowed in the C-2 district.

An event center is permitted by special exception in the C-2 district subject to the following conditions:

1. A traffic study may be required by the City Traffic Engineer.
2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.

An outdoor, urban farm is permitted by special exception in the C-2 district subject to the following conditions:

1. All compost and organic matter used on site shall be produced on site and shall be for use solely on site, and is screened from adjacent lots and is more than 500 feet from any adjacent residential dwelling, which shall not cover more than five percent of the total area, shall be managed to prevent rodents and pests, prevent odors and drainage from compost onto adjacent sites.
2. All farming equipment shall be screened from view with fencing or landscaping of adjacent lots.
3. Accessory structures are limited to storage sheds, greenhouses, hoopouses, cold frames and cisterns built of standard uniform materials that are either new or in sound condition not showing signs of decay.
4. Apiaries are setback from property lines by 25 feet and 50 feet from any adjacent dwelling lots, a continuous water source is available, 1 hive allowed per 2,500 square feet with maximum of 40 hives.
5. If any accessory structure is not maintained in sound condition free from evidence of decay and can be seen from public right-of-way or an adjacent property, they will be considered a nuisance and will be subject to code enforcement.
6. It is a requirement that soil testing be conducted prior to gardening activities. Test for both soil condition and possible soil contamination, to determine at minimum constraints to food production, shall be conducted. Information on acquiring Soil testing kits and analysis can be found in the Appendix to this Ordinance.
7. The maximum lot area shall be 4 acres.

An apiary is permitted as accessory use in the C-2 district subject to the following conditions:

3. In MU-M, MU-H, MU-D, C-1, C-2, I-1, I-3, I-4, PRD, MXD and HID districts the following conditions shall be met:
 - a. Apiaries shall be accessory to a dwelling, community garden or another primary use.

b. Located in a rear yard or roof of a building and hives are setback from property lines by 10 feet and have a continuous water source.

c. If the hive opening faces a public right-of-way and the ground level of the hive is less than six feet above the grade of the right-of-way, a flyway barrier (fence or dense evergreen shrub) shall be provided that is six feet high and extends three feet either side of the hive opening.

d. Two hives are allowed on lots less than 10,000 square feet and 1 additional hive per 4,000 square feet is allowed on lots larger than 10,000 square feet with a maximum of 20 hives per lot.

Once the public and event space is designated, the parking requirements must be met. A public facility requires 1 parking space per 300 square feet of gross floor area. An event center requires 1 parking space per 100 square feet of gross floor area.

The development must meet all landscaping and buffer requirements outlined in the City's Zoning Ordinance.

The development must comply with all requirements in the City's Stormwater Ordinance.

Neighborhood Recommendation

The Bush Neighborhood Association met at its regularly scheduled meeting on October 26, 2021 to review the proposed project and voted to support the rezoning request. The vote was 31 Approved and 0 denied.

Framework Plan Implementation Committee Recommendation

This property is located in the Southwest Framework Plan Area. They believed the Neighborhood Association should decide on the rezoning case.

Staff's Recommendation to ZAC

Although the rezoning request is no consistent with the long range land use plan, Staff believes the request has merit for approval, subject to the following Q conditions:

1. Only the following C-2 uses shall be allowed:

- a. Accessory Structure
- b. Amusement, Indoor
- c. Clinic
- d. Fitness Center
- e. Multiple Family
- f. Office

- g. Park/Greenway
- h. Personal Instruction
- i. Public Building
- j. Urban Farm, Indoor
- k. Adult Care Center
- l. Child Care Center
- m. Community Garden
- n. Institutional Office
- o. Market, Public
- p. Mobile Grocery Store
- q. Place of Worship
- r. School, Elementary/Middle
- s. Solar Panel, Building Mounted
- t. Solar Panel, Ground Mounted
- u. Chicken Coop
- v. Duplex/Triplex/Quadplex
- w. Event Center
- x. School, Trade
- y. Urban Farm, Outdoor
- z. Accessory Child Care Center
- aa. Apiary
- bb. Donation Box
- cc. Garage Sale/Yard Sale
- dd. Home Occupations
- ee. Market Stand
- ff. Cellular, Microwave or Two-Way Antennas
- gg. Cellular, Microwave or Two-Way Towers

ZAC Recommendation

The ZAC held a regularly scheduled meeting on 1/18/2022 and voted to approve the proposed rezoning request with the Q conditions recommended by Staff.

III. OLD & NEW BUSINESS

IV. 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.