



PLANNING & ZONING COMMITTEE MEETING
VALERIE ABBOTT, CHAIR
WEDNESDAY, APRIL 27, 2022
3:30 PM
CITY COUNCIL CHAMBERS
<https://www.facebook.com/citycouncilbham>

AGENDA

I. CALL TO ORDER

II. ZONING ITEMS

ZAC2022-00003.....Bush Hills

Application to change zone district boundaries from D-3 (Single-Family District) to D-4 (Medium Density Residential District) in order to convert a legal, non-conforming duplex into a townhouse, filed by Joseph Miller on behalf of the owner, Antonio Spurling of the Ensley Revitalization Committee, for the property located at 2727 17th Street and situated in the SE1/4 of Section 32, Township 17-S, Range 3-West, 35208 (Council District 8).

Proposed Use

A townhouse (A building on its own recorded lot connected to another primary structure occupied exclusively by one family that is attached by common walls to a like building).

Property and Abutting Land Uses

The subject property sits on approximately .16 acres of land, currently zoned, D3 (Dwelling-Single-Family Residential). Abutting the subject property to the North, South, and East are residential homes zoned D3 (Dwelling- Single-Family Residential). To the West of the subject property is zoned D5 (Multiple Dwelling District).

Applicant's Proposal

The applicant's proposal is to rezone an existing two-unit duplex that is legal-nonconforming. Rezoning would allow the property to eliminate its legal non-conformities, allowing the owner to be able to create two fee simple lots in order to sell each unit separately. If resurveyed, the duplex would be considered a townhouse since each building would be on its own recorded lot.

The City's **Adopted Long-Range Land Use Plan** identifies the property as **Residential Low**. This Land Use category is designed to allow for single-family residential development. Uses in these districts include single-family homes, schools, churches, and neighborhood-serving public uses.

Zoning Ordinance

The applicant's site plan meets the parking requirement for a townhouse (1 per dwelling unit). The proposed lots meet the minimum lot area of 2,000 Sq. Ft. and the minimum lot width of 18 feet. The front yard setbacks will require a variance from the Zoning Board of Adjustment (ZBA) - the front yard setback for lot 1A is 7.06 feet and 15.32 feet for lot 1B. Per the Ordinance, the average setback required for both lots would be approximately 19.5 feet:

When the established development pattern in any block face is residential in character, the minimum required street setbacks shall be the average of the street setback of the lots immediately adjacent on either side of the lot, or the front yard setback provided in Table 1.03.101, whichever is greater:

If the average setback is greater than the front yard setback of Table 1.03.101, the required setback shall not be more than twice that required by that table.

When the adjacent lot is vacant, or the subject lot abuts a side street, the front yard setback provided in Table 1.03.101 shall be used for that side.

The rear setback of proposed lot 1A will also require a variance from ZBA. It currently shows a rear setback of 2.98 feet. Per the Ordinance:

If the rear yard area abuts an alley, 1/2 of the alley's right-of-way width may be used in calculating this dimension, provided that a minimum setback of at least three (3) feet is maintained.

The accessory structure (garage) on Lot 1A would require a variance for its location.

Neighborhood Recommendation

The applicant attended the Bush Hills Neighborhood Association on March 22, 2022, to present the rezoning proposal. The neighborhood association voted to **approve** the request. The vote was **22 approved** and **1 denied**. Most of the neighborhood is in support of the request because renovation at the site and all the properties in the area has removed some of the blight.

Framework Plan

This property is located within the Western Framework Plan Area. This framework plan was adopted in May 2017 and the Five Points West Implementation Committee was formed and is currently active. The Implementation Committee met at its regularly scheduled meeting on March 10, 2022, and unanimously support the rezoning.

Zoning Advisory Committee

The Zoning Advisory Committee met at its regularly scheduled meeting on April 19, 2022, and voted to recommend approval.

ZAC2022-0004.....Fairview

Application to change zone district boundaries from R3 (Single Family) to MU-H (Mixed-Use High) to allow for a community arts and cultural center, filed by owner Daryl Jones of The Opportunity Center LLC, for the property located at 1600 4th Court West and situated in the SW ¼ of Section 33, Township 17-S, Range 3-West, 35208 (Council District 8).

Proposed Use

A community arts and cultural center.

Property and Abutting Land Uses

The subject property sits on approximately 1.22 acres of land, currently zoned D3 (Dwelling-Single-Family Residential). Abutting the subject property to the North, South, East, and West are residential homes zoned D3 (Dwelling- Single-Family Residential).

Applicant’s Proposal

The applicant’s proposal is to repurpose the existing building into a community arts and cultural center that is rented out to various businesses and non-profits. The Opportunity Center For Arts and Culture site will include a 300- seat venue for theatrical performances, a large reception lobby, a community dining hall, and a full size-size basketball gymnasium. The center will provide opportunities for authentic self-expression, cultural heritage preservation, and life-long learning through a trade school, daycare (Dorothy's Educational Learning Lab), and various non-profits that target the neighborhood's youth, families, women, young adults and veterans.

The City’s **Adopted Long-Range Land Use Plan** identifies the property as **Residential Low**. This Land Use category is designed to allow for single-family residential development. Uses in these districts include: single-family homes, schools, churches, and neighborhood-serving public uses.

Zoning Ordinance

The applicant's site plan meets the parking requirement for MU-H (only 1/2 the parking requirement must be met in this zoning district). All the proposed uses are permitted, permitted with conditions, or allowed by special exception in the MU-H zoning district. The proposed trade school and event center space will require a special exception by the Zoning Board of Adjustment (ZBA). If approved, variances would be required for the building setbacks in the MU-H district (15 feet maximum front yard setback and 0 feet side and rear yard setbacks).

This property would also have to be resurveyed into one (1) lot (currently lots 9-16).

The parking requirement for this property will be 82 spaces. Per the Zoning Ordinance, in MU-H “*off-street parking and loading spaces shall be provided in an amount equal to one half the requirements*”; therefore, the total number of parking spaces required is 41. The applicant plans to restripe the parking lot to have a total of 40 spaces, this property qualifies for a 10% reduction in parking spaces because it is located 904 ft. from a BJCTA bus stop, and the applicant plans to install 20 bike racks to qualify for the bicycle parking reduction of 10%.

Neighborhood Recommendation

The Fairview Neighborhood Association met at its regularly scheduled meeting on March 1, 2022, to review the proposed project and voted to support the proposed rezoning request. The vote was 12- approved and 0- denied. The neighborhood is in support of the rezoning request because they want to encourage revitalization, improvements and stability within the community.

Framework Plan

This property is located within the Western Framework Plan Area. This framework plan was adopted in May 2017 and the Five Points West Implementation Committee was formed and is currently active. The Implementation Committee met at its regularly scheduled meeting on March 10, 2022, and unanimously supported the rezoning.

Zoning Advisory Committee

The Zoning Advisory Committee met at its regularly scheduled meeting on April 19, 2022, and voted to recommend approval.

III. Annexation Case

David G. Ellis, representing Arlington Properties, is requesting the annexation of property that is located at 4641 Highway 280 in unincorporated Shelby County and adjoining the Overton neighborhood in the City of Birmingham. The site is located behind existing commercial properties in the City of Birmingham. Other retail and office uses adjoin the site on the West, East and South. The property currently adjoins the City of Birmingham on its northern, southern and western boundaries. Highway 280 is currently a divided six-lane road with select openings in

the median strip at designated intersections. The property currently has existing access to Highway 280 and would not require the construction of a new access point.

It is the intent of Arlington to develop a new luxury apartment community. In addition, the applicant is seeking to pre-zone the property as C-2, General Commercial (public hearing to be held on Tuesday, April 26, 2022).

Staff Recommendations

Department of Planning, Engineering & Permits

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 conflict with the existing Comprehensive Plan and the adopted future land use map from the Northeast Area Framework Plan. Parcels along Highway 280 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, shopping centers, offices 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 to comply with the developmental regulations established by the Birmingham Water Works Board as it relates to density, soil erosion, stormwater controls and landscaping.

Birmingham Department of Public Works

The Department of Public Works has no issues with the annexation. Garbage pick-up would be commercial due to the number 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 Police Department

After driving the area and referencing Maps, the Overton Neighborhood of Birmingham is already spread out around the proposed annex site. 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

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 Fire and Rescue Analysis:

This proposed annexation is 0.8 miles from BFRS Station 32 and could be easily served by our department. There is currently a Mutual/ Automatic Aid agreement with the Cahaba Valley Fire

District that could provide addition Fire/EMS support if needed. Primary accessibility to the property is from US Highway 280 via a service road.

Birmingham Department of Transportation

Given the form and location of this development, we do not recommend annexing this property into the City of Birmingham. This development is solely auto-oriented in its form and location, meaning that residents of this development will only reasonably have access to transportation by owning and driving their own vehicles. While this development does not initially appear to add significant infrastructure within itself, this development, by its form, will place significant pressure on the City to further spread out in our associated land use patterns.

Birmingham Department of Community Development

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.

Based upon the general consensus of the staff recommendations from our City Departments, there is a favorable support for this petition for annexation as requested by the applicant.

IV. OLD & 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.