



**PLANNING & ZONING COMMITTEE MEETING  
 VALERIE ABBOTT, CHAIR  
 WEDNESDAY, MAY 25, 2022  
 3:30 PM  
 CITY COUNCIL CHAMBERS  
<https://www.facebook.com/citycouncilbham>**

**AGENDA**

**I. CALL TO ORDER**

**II. ZONING ITEM**

**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.

***Planning and Zoning Committee***

The Planning and Zoning Committee met at its regularly scheduled meeting on April 27, 2022, and voted to continue the case to the next meeting.

Should the Planning and Zoning Committee vote to recommend approval of the rezoning request, the Committee may consider the following suggestions for Q conditions:

1. Uses are limited to those allowed in MU-H, excluding the following:

- a. Automobile Sales
- b. Funeral Home
- c. Hospital
- d. Adult Establishment
- e. Animal Boarding Facility
- f. Animal Day Care
- g. Appliance Repair
- h. Automobile Parking
- i. Automobile Service
- j. Automobile/Light Truck Repair
- k. Brew Pub
- l. Brewery, Micro
- m. Car Wash, Automated
- n. Car Wash, Manual
- o. Communal Living Facility
- p. Convenience Store
- q. Distillery, Artisanal
- r. Event Center
- s. Manufacturing, Specialized
- t. Mini-Storage Warehouse
- u. Opioid Replacement Therapy Treatment Facility
- v. Payday Loan
- w. Recycling Collection Center
- x. Scientific Lab
- y. Title Loan/Pawnshop
- z. Warehouse/Office
- aa. Water/Sewer Pumping Station

2. Height is limited to the current height of the building.

### III. ZONING ITEM

#### **ZAC2022-00005.....Overton**

Application to change zone district boundaries from QD-5 (Qualified Multiple Dwelling District) to C-2 (General Commercial District) to eliminate certain legal non-conformities, filed by C. Randall Minor on behalf of the owner, Crowne at Cahaba Apartments, Limited Partnership, for the property located at 5050 Cahaba River Road and situated in the NW ¼ of Section 35, Township 18-S, Range 2-West, 35243 (Council District 2).

**Existing Use:** A 255-unit luxury apartment development

**Property and Abutting Land Uses:** The subject property sits on approximately 12 acres of land, currently zoned Q-D5 (**Qualified Multiple Dwelling District**). Abutting the subject property to the North is a private owned property zoned QD-5 (Qualified Multiple Dwelling District). Abutting that property to the North is a large section zoned Q-C2 (**Qualified General Commercial District**). The properties located to the south, east, and west, are *outside* of Birmingham city limits.

The current zoning, **Qualified Multifamily (D-5) District**, is designed to allow for a range of medium to high density residential development characterized by multi-family structures. Generally, they will be found at or adjacent to major transportation or transit corridors and intersections and in downtown adjacent areas. Uses in this district include: multi-family rental and condominium structures and townhouses, typically in large developments or mid-rise and high-rise buildings, schools, churches, and neighborhood-serving public uses.

**Previous Actions:** ZAC2001-00123

This property was annexed into Birmingham and rezoned in 2001 from A-1 , CP, and R-1 to "Q"B-3. The following "Q" condition was placed on the property:

- *Submission to and approval by the staff of the Department of Planning, Engineering, and Permits of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting; and location and screening of solid waste disposal containers. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in no less condition than as originally installed. Any amendments, additions, deletions, alterations, 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 Department of Planning, Engineering, and Permits.*

In addition to the current "Q" Condition, the following new "Q" conditions are suggested for the rezoning:

2. Height is limited to the current height of 62 feet.
3. Uses are limited to those allowed in C-2, General Commercial District, excluding the following:
  - a)Automobile Service
  - b)Automobile/Light Truck Repair
  - c)Recycling Collection Center
  - d)Water/Sewer pumping station

***Applicant's Proposal:*** The applicant's proposal is to continue the current use of the 255-unit luxury apartment development. The current zoning (QD-5) limits the maximum height of constructed buildings to 45 feet. Currently the apartments are legal nonconforming structures because their heights are 62 feet and the parking is also legal, non-conforming due to the number of excess parking spaces (175). The applicant is seeking a rezoning because, notwithstanding the legal nonconforming status of the development, there are circumstances in which the Partnership could not re-construct the development if it were damaged.

***Long Range Land Use Plan:*** The City's *Adopted Long-Range Land Use Plan* identifies the property as **General Commercial**. This land use category allows for large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, 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.

***Zoning Ordinance:*** The applicant's proposed site plan shows 511 parking spaces. The parking requirement for a multifamily dwelling is 1 space per 1-bedroom unit (93 x 1= 93), and 1.5 spaces per 2 bedrooms or more (162 x 1.5= 243); therefore, the total number of parking spaces required is 336 spaces. The applicant's proposed site plan shows a total of 511 parking spaces; therefore, the applicant's proposal has an excess of 175 spaces for the site. The applicant is

aware they will need to work with the Planning and Watershed Management staff to address the excess parking and implement Low Impact Development standards to mitigate stormwater runoff.

***Landscape Review:*** All landscaping must comply with the requirements in the Zoning Ordinance (Landscaping, Buffering and Screening).

***Stormwater:*** Stormwater did not have any comments to add.

***Birmingham Department of Transportation:*** BDOT did not have any comments to add.

***Neighborhood Association:*** The Overton Neighborhood Association met at its regularly scheduled meeting on April 5, 2022, to review the proposed project and voted to **support** the proposed rezoning request. The vote was **3 recommend** and **0 not recommend**.

***Framework Plan:*** This property is located within the Northeast Framework Plan Area. This framework plan was adopted in August 2017 and an Implementation Committee was formed. The Implementation Committee did not have any comments to add.

***Zoning Advisory Committee:*** The Zoning Advisory Committee met at its regularly scheduled meeting on May 3, 2022 and voted to **recommend** the request with the following "Q" Conditions:

1. Submission to and approval by the staff of the Department of Planning, Engineering, and Permits of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting; and location and screening of solid waste disposal containers. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping, as per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in no less condition than as originally installed. Any amendments, additions, deletions, alterations, 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 Department of Planning, Engineering, and Permits.

2. Height is limited to the current height of 62 feet.

3. Uses are limited to those allowed in C-2, General Commercial District, excluding the following:

a)Automobile Service

b)Automobile/Light Truck Repair

c) Recycling Collection Center

d) Water/Sewer pumping station

**IV. PLANNING COMMISSION AND ZBA VACANCIES**

**V. OLD & 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](mailto:Kimberly.Garner@birminghamal.gov) or calling her at (205) 254-2036.*