

JOINT PLANNING AND ZONING AND SPECIAL CALLED COMMITTEE MEETING
WEDNESDAY, JUNE 8, 2022 | 3:30 PM
CITY COUNCIL CHAMBERS

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COUNCILOR ALERIE A. ABBOTT, COMMITTEE CHAIR
COUNCILORS LATONYA A. TATE & CLINTON P. WOODS, COMMITTEE MEMBERS

Councilor(s) Present: Abbott, Tate, Woods

I. CALL TO ORDER

The Meeting was called to order by the Committee Chair, Councilor Abbott.

II. ZONING ITEMS

ZAC2022-00007, Five Points South Neighborhood

Application to change zone district boundaries from Q-B2 (Qualified General Business District) to MU-M (Mixed-Use Medium District), filed by the owner Tim Owens, for the property located at 1804 12th Avenue South and situated in the NE ¼ of Section 01, Township 18-S, Range 3-West, 35205 (Council District 3).

Proposed Use: A restaurant, bar and patisserie that offers outdoor event space.

Current Use: Event Venue and Tourist Home Rucker Place is listed in the National Register of Historic Places. Built in 1900 by Civil War General Edmund Winchester Rucker as a wedding gift for his daughter. The family lived in the home for 50 years, raising 5 children until their deaths in the early 1950's. Rucker Place then became a Doctor's office until Jack and Gail Thompson purchased the house in the Fall of 2002 and did a complete renovation, opening it has a tourist home and wedding venue. Tim Owens bought the home in 2021.

Property and Abutting Land Uses: The subject property sits on approximately .39 acres of land, currently zoned **Q-B2 (Qualified General Business District)**. The parcels surrounding the property are zoned B6 (Health and Institutional).

The current zoning, General Business (Q-B2) District allows the following uses:

1. Any use permitted in the B-1 Neighborhood Business District.
2. Signs or billboards.
3. Automobile or trailer display and sales room.
4. Public garage.
5. Amusement (indoor and outdoor).
6. Business, dancing, or music school.
7. Display room for merchandise to be sold at wholesale.
8. Dwellings, jointly with other uses or as a principal use.
9. Frozen food lockers.
10. Farm implement display and sales room.
11. Hotel, motel, or motor court.
12. Hospital or clinic for animals, but not including open kennels.
13. Radio or television broadcasting station, studio, or office.
14. Retail store or shop.
15. Self-storage structure.
16. Tavern or drive-in restaurant.
17. Undertaking establishment or mortuary.
18. Used car lot.
19. Bank or lending institution.
20. Utility service buildings.
21. Medical or dental laboratory.
22. A shopping center or facility composed of any one or more of the foregoing uses or any combination thereof.
23. Indoor Urban Farm,
24. Accessory structures and uses.
25. The following uses provided all materials stored and all work done on the premises is done within a building:
 - a. Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
 - b. Painting decorators.
 - c. Radio or television repair shop.
 - d. Dressmaking, millinery, or tailoring establishment.
 - e. Upholstering shop, not involving furniture manufacturing.
 - f. Plumbing and electrical shops.
 - g. Any other general service or repair establishment of similar character.

Applicant's Proposal: The applicant's proposal is to repurpose the building known as "Rucker Place" into a restaurant, bar and patisserie named Frenchie's. The new restaurant concept will include a brunch, lunch and dinner menu that centers around French culinary techniques and dishes enjoyed in thriving epicurean cities.

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The space will feature: Traditional restaurant and bar, Late-night bar and al fresco event space, Patisserie and café for breakfast and lunch, Full-service catering options, E-commerce meal delivery for businesses and families. The restaurant will allow 175 people to dine in at any given time and the applicant plans on employing 50-80 people at any given time.

The City's **Framework Plan** identifies the property as **Mixed-Use Medium**. Mixed-Use districts, ranging from vibrant downtown environments to active urban villages, include residential, retail, entertainment, and office uses. The mixture can be vertical, with uses on different floors of a building, and horizontal, with different uses in adjacency. Mixed-use centers are pedestrian-friendly and provide concentrated population and activity centers that can support enhanced transit. Buildings should be oriented to the street, with active ground-floor uses or easy pedestrian access. Parking should be located in the rear of the parcel or to the side where lots are shallow, or in parking structures or parking areas that serve multiple lots. Uses that require large amounts of trucking are not suitable for mixed-use areas. Churches, schools and public uses are included in mixed-use areas.

The **Mixed-Use Medium District** is designed to have a similar mix of uses as in the Mixed-Use Low District, but with provision for up to mid-rise buildings and larger multi-family developments.

Previous Actions:

The property was rezoned in 2001 from Contingency Office and Institutional ("C" O&I) to QB-2 (Qualified General Business District). Because of the current "Q" Conditions attached to the property a restaurant is not allowed.

Current "Q" Conditions: 1. Limiting uses to an assembly hall, professional offices, single-family residence, or a tourist home, provided such use shall only be an accessory use in conjunction with an event occurring in the facility and shall not be advertised or available to the general public; 2. Any exterior renovations or modifications shall be subject to the review and approval of the City's Historic Preservation Officer and the Design Review Committee; 3. Signage shall be limited in size and number to the regulations of the O&I, Office and Institutional District; 4. 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. 5. That the residential character of the structure would be maintained.

Zoning Ordinance: The applicant's proposed site plan shows 22 parking spaces on the site. The parking requirement for a restaurant is 1 space per 100 sq. ft. of GFA ($6,700/100 \times 1 = 67$), therefore, the total number of parking spaces required is 67 spaces.

The site is located 678 feet from a BJCTA bus stop, making it eligible for the 20% parking space reduction. ($67 \times .20 = 13$) ($67-13 = 54$ **required spaces**).

The applicant's proposed site plan shows a total of 22 parking spaces; therefore, **the applicant's proposal is short 32 spaces for the use.**

The applicant has been made aware of the City's Adaptive Reuse Incentive Ordinance and has been provided an application. **This Ordinance would eliminate any type of parking requirement because of the building's historic status.** The applicant must apply to be considered for this parking reduction.

Adaptive Reuse Incentive Ordinance 1. Eligible Building. Any building that is (1) at least 50 years of age and deemed historically significant by Birmingham's Historic Preservation Officer based on the Secretary of Interior's Standards for registration of properties and criteria for evaluation of significance; or (2) any building located in a

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Local Historic District; or (3) any building individually listed on the National Register of Historic Places; or (4) any building located in a National Register Historic District. Incentives. Adaptive Reuse Projects shall be entitled to the incentives set forth below. 2. Off-Street Automobile Parking. New parking spaces shall not be required for any converted use within the existing footprint of the building, but expansions to floor area shall be required to provide parking according to Chapter 5 of this Ordinance. Adaptive Reuse Projects shall otherwise be exempt from the provisions of Chapter 5 of this ordinance.

The applicant has been made aware that he will need to before the Design Review Committee because of the buildings historic status.

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: Stormwater did not have any comments to add.

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

Neighborhood Recommendation: The Five Points South Neighborhood Association met at its regularly scheduled meeting on **May 17, 2022**, to review the proposed project. The neighborhood was unanimous in their **support** of the project (*10 votes to support*). They are glad to see that someone has bought the property and that it will not be torn down.

Framework Plan: This property is located within the Northside/Southside Framework Plan Area. This framework plan was scheduled for adoption in Spring 2021. **An Implementation Committee has not been formed.**

Action Taken:

Motion #1

Councilor Woods Motioned to Table the Item.

Councilor Tate Seconded the Motion.

The Item was tabled until the discussion of the remaining agenda item has been discussed.

Motioned #2

Councilor Woods Motioned to take ZAC2022-00007 off the table.

Councilor Tate Seconded the Motion.

The item was further discussed.

Motion #3

Recommend rezoning to mixed-use low and removal of #1 of the Q conditions.

Councilor Woods Motioned to Forward the Item to the City Council with the Recommendation of changing the zoning to mixed use low and the removal of Q conditions #1-4.

Councilor Tate Seconded the Motion.

Item Recommended to the City Council Agenda for Approval.

ZAC2022-00008, Oxmoor Neighborhood Application to rezone from C-11 (Contingency Light Manufacturing) to C2 (General Commercial) in order to construct a 297-unit luxury multi-family apartment development with retail and restaurants, filed by David Hewitt of LBYD Engineers, for the property located at 102 West Oxmoor Road and situated in the SW ¼ of Section 22, Township 18-S, Range 3-West, 35209 (Council District 7).

Proposed Use: A multi-family apartment development with restaurants and retail. The site is currently undeveloped land.

Property and Abutting Land Uses: The subject property sits on approximately 36.3 acres of land, currently zoned **C-11 (Contingency, Light Manufacturing District)**. Abutting the subject property to the North is a Kroger warehouse, zoned C-11. To the South of the site is Westgate Storage, zoned C-11. To the West are multiple parcels that are also zoned C-11. To the East is the Oxmoor Commons shopping center, zoned C-2 (General Commercial); and the Homewood Athletic Complex that is outside of Birmingham's city limits.

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The current zoning, I-1, Light Manufacturing District, is designed to allow for light manufacturing and office uses, potentially in “business park” settings, and typically near major transportation routes including Interstates, State Highways, railroad spurs and airport facilities. Uses in this district include warehouse and distribution uses, urban agriculture, supporting uses, such as minor retail and services to support the major uses. No residential uses are allowed in this district.

Applicant’s Proposal: The applicant’s proposal is to develop the vacant land into a 297-unit luxury multi-family apartment development with restaurants and retail shops. The common area amenity package will likely include a saltwater pool with sun deck, pool deck area with class leading furniture, lounge areas, sunshades and landscaping, gym, yoga studio, grill stations, co-working areas with private offices, grab and go refreshment station, car wash and car charging stations, dog spa, valet trash and garages. The building materials will include stone and metal accents, a unique color scheme and all units will have balconies. There will be outdoor fitness areas that include walking trails and pickle ball courts.

The applicant is seeking **C-2 (General Commercial District)**, 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: 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.

Long Range Land Use Plan: The City’s Long-Range Land Use Plan identifies the property as Light Manufacturing.

Zoning Ordinance: The applicant’s proposed site plan shows 601 parking spaces. The parking requirement for a multifamily dwelling is 1 space per 1-bedroom unit ($1 \times 164=164$), and 1.5 spaces per 2 bedrooms or more ($132 \times 1.5= 198$); therefore, the total number of parking spaces required is 362 spaces. The applicant’s proposed site plan shows a total of 601 parking spaces; therefore, **the applicant’s proposal has an excess of 239 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.

Landscape Review: All landscaping must comply with the requirements in the Oxmoor Steering Committee Guidelines. Prior to permit issuance, a fully developed and detailed landscaping plan will be required.

“Q” Conditions:

The following “Q” Conditions are suggested for the rezoning:

1. The current peripheral tree line depicted on the site plan must remain intact to provide a buffer between the Light Industrial parcels and the proposed development.

Stormwater: All storm water, flood plain, and soil erosion ordinances apply:

- City of Birmingham Soil Erosion control permit will be required.
- City of Birmingham Civil Construction permit will be required.
- City of Birmingham Stormwater Permit requirements will apply, including certifications from the design engineer.
- Post construction runoff shall not exceed pre-project runoff for the 1,2,10,and 25-year storm events.
- The 100-year storm shall safely pass the system.
- LID/GI practices are required for the parking space areas that are greater than the requirement for the parking space count.
- Compliance with the Post Construction Stormwater Ordinance is required.

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Birmingham Department of Transportation did not have comments to add.

Neighborhood Recommendation: The Oxmoor Neighborhood Association met at its regularly scheduled meeting on **May 9, 2022**, to review the proposed project and voted to support the proposed rezoning request. The vote was **18- support** and **3- not support**. The neighborhood supports the request because adequate visual materials were displayed at the meeting, and their questions were answered satisfactorily.

Framework Plan: This property is located within the Southwest Framework Plan Area. This framework plan was adopted in May 2017. The Southwest Framework Plan Implementation Committee was established in 2017. **They did not have any comments to add.**

Action Taken:

Councilor Woods Motioned to Approve the Item.

Councilor Tate Seconded the Motion.

Item Recommended to the City Council for Consideration.

III. **OLD & NEW BUSINESS**

Councilor Abbott stated that Darryl Lee will be communicating with the committee members regarding board vacancies/appointments.

Resumes will be forwarded to the committee members prior to the next scheduled committee meeting.

No Action – Information Only

IV. **ADJOURN**

Councilor Tate Motioned to Adjourn.

Councilor Woods Seconded the Motion.

The Meeting was Adjourned.