

JOINT PLANNING AND ZONING AND SPECIAL CALLED COMMITTEE MEETING
WEDNESDAY, JULY 27, 2022 | 3:30 PM
CITY COUNCIL CHAMBERS

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MINUTES

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

Councilor(s) Present: Abbott, Tate

I. CALL TO ORDER

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

II. APPROVAL OF THE MINUTES

Action Taken:

Councilor Tate Motioned to Approve.

Councilor Abbott Seconded the Motion.

The June 22, 2022 Joint Planning and Zoning and Special Called Committee of the Whole Meeting Minutes were approved as recorded.

III. REZONING CASE

1. ZAC2022-00004, Fairview Neighborhood

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).

The current zoning, D3, Single-Family Residential allows the following uses:

1. Single-family dwelling.
2. Nurseries or truck gardens
3. Noncommercial greenhouse
4. Publicly owned or operated park, playground or community building, museum, library, or art gallery
5. Church or other place of worship
6. Public school, elementary or high school
7. Golf club or golf course
8. Home occupations.
9. Accessory structures and uses
10. Family Day / Night Care Home.
11. Wireless communications facility
12. Community Garden
13. Farmers Market
14. Apiary

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MINUTES

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 of the proposed uses are permitted, permitted with conditions, or allowed by special exception in the MU-H zoning district.

- The proposed trade school 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).

Proposed "Q" Conditions:

1) Uses are limited to those allowed in MU-H, Mixed-Use High District, excluding the following:

1. Automobile Sales
2. Funeral Home
3. Hospital
4. Adult Establishment
5. Animal Boarding Facility
6. Animal Day Care
7. Appliance Repair
8. Automobile Parking
9. Automobile Service
10. Automobile/ Light Truck Repair
11. Brew Pub
12. Brewery, Micro
13. Car Wash, Automated
14. Car Wash, Manual
15. Convenience Store
16. Distillery, Artisanal
17. Manufacturing, Specialized
18. Mini-Storage Warehouse
19. Payday Loan
20. Recycling Collection Center
21. Title Loan/ Pawnshop
22. Warehouse/ Office
23. Communal Living Facility
24. Opioid Replacement Therapy Treatment Facility
25. Scientific Lab
26. Water/ Sewer Pumping Station
27. Event Center

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MINUTES

- 28. Multi-Family Apartments
- 29. Restaurant
- 30. Retail
- 31. Bar
- 32. Shopping center
- 33. Upholstery shop
- 34. Electronics repair
- 35. Arena
- 36. Amphitheater
- 37. Amusement outdoor
- 38. Convention center
- 39. Stadium

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

Landscape Review:

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). The City's Landscape Architect has approved this landscape plan.

Stormwater:

Stormwater did not have any comments to add.

Birmingham Department of Transportation:

BDOT did not have any comments to add.

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 10th and were unanimous in their support of the rezoning.

Zoning Advisory Committee:

The Zoning Advisory Committee met at its regularly scheduled meeting on **April 19, 2022** and were unanimous in their decision to **recommend** the rezoning request to the Planning and Zoning Committee.

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 until "Q" conditions were presented to them.

The Planning and Zoning Committee met again at its regularly scheduled meeting on **May 25, 2022** and voted to **recommend** the rezoning request to the Birmingham City Council with the following "Q" Conditions:

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MINUTES

1) Uses are limited to those allowed in MU-H, Mixed-Use High District, excluding the following:

40. Automobile Sales
41. Funeral Home
42. Hospital
43. Adult Establishment
44. Animal Boarding Facility
45. Animal Day Care
46. Appliance Repair
47. Automobile Parking
48. Automobile Service
49. Automobile/ Light Truck Repair
50. Brew Pub
51. Brewery, Micro
52. Car Wash, Automated
53. Car Wash, Manual
54. Convenience Store
55. Distillery, Artisanal
56. Manufacturing, Specialized
57. Mini-Storage Warehouse
58. Payday Loan
59. Recycling Collection Center
60. Title Loan/ Pawnshop
61. Warehouse/ Office
62. Communal Living Facility
63. Opioid Replacement Therapy Treatment Facility
64. Scientific Lab
65. Water/ Sewer Pumping Station
66. Event Center
67. Multi-Family Apartments

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

Action Taken:

"Clinic" will be added to the "Q Conditions"

Councilor Tate Motioned to Approve with the Q Conditions.

Councilor Abbott Seconded the Motion.

Item Recommended to the City Council Agenda.

IV. OLD & NEW BUSINESS

None

V. ZBA VACANCIES

Action Taken:

Wanda Wright – Recommended for the vacant realtor seat previously held by Timothy Taylor

Scottie McClaney – Recommended for the vacant non-affiliated seat previously held by Lenus Perkins

Torin Darling Brazzle – Recommended for the vacant non-affiliated seat previously held by Brandon Littleton

Shia Hendricks - Recommended for the second Supernumerary per the Code of Alabama

Councilor Abbott Motioned to Approve.

Councilor Tate Seconded the Motion.

Item Recommended to the City Council Agenda.

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VI. ADJOURN

Councilor Tate Motioned to Adjourn.

Councilor Abbott Seconded the Motion.

The Meeting was Adjourned.