



JOINT PLANNING AND ZONING AND SPECIAL CALLED COMMITTEE MEETING  
WEDNESDAY, NOVEMBER 9, 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, Woods

**COUNCILOR(S) PRESENT:** Abbott, Tate, Woods

### I. CALL TO ORDER

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

### II. APPROVAL OF THE MINUTES

Action Taken

### III. REZONING CASES

#### **ZAC20220012, Huffman Neighborhood**

Application to rezone district boundaries from D-2 (Single-Family District) to C-2 (General Commercial District) in order to allow for a Take 5 Automatic Car Wash, filed by Brian Harris of Live Oak Parkway LLC, on behalf of the owner, Huffman Baptist Church, for the property located at 9701 Parkway East and situated in the NE ¼ of Section 36, Township 16-S, Range 2-West, 35215 (Council District 2).

**Proposed Use.** A Take 5 Automatic Car Wash.

#### **Property and Abutting Land Uses.**

The subject property sits on approximately 1.87 acres of land, currently zoned D-2 (Single-Family District). Abutting the subject property to the North and West are parcels that are zoned C-C-2 (Contingency- General Commercial District). To the South and East of the property are zoned D-2 (Single-Family District). This property is in a Community Revitalization District.

The current zoning, D-2, Single-Family District is designed to allow for single-family homes, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the comprehensive plan. Uses in these districts include: single-family homes, schools, churches, and neighborhood-serving public uses.

#### **Applicant's Proposal.**

The applicant would like to develop a Take 5 Carwash. The carwash will be open from 8:00 a.m. to 9:00 p.m. and will have 3-4 employees on site at any given time.

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### Take 5 Carwash:

Having developed hundreds of car washes in 15 countries, we have a few key criteria we look for in developing our new car wash sites:

- Proximity to retail, rooftops, population density, traffic count, ease of ingress/egress as well as speed of traffic are all important factors.
- Competing washes need to be located no closer than 3 miles to the proposed real estate.
- Depending upon configuration we can work with lot sizes varying from 0.60 of an acre to 1 acre +.
- We have a preference for locations in states we already have a presence in so as to be able to leverage existing operations.

### **Long Range Land Use Plan.**

The City's **Long-Range Land Use Plan** identifies the property as **General Commercial**. This 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.

### **Zoning Ordinance.**

**Car Wash, Automated.** A building or portion thereof containing facilities for washing passenger vehicles, using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices within a partially enclosed structure.

### **Development Standards:**

**Carwash, Automated.** In the following districts: **C-2** an automated carwash shall be permitted provided that the following conditions are met:

1. All vacuum and blower equipment shall be located 50 feet from any dwelling district.
2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent property zoned for dwellings.
3. If located within 100 feet of a dwelling zone district, operation of the establishment shall be prohibited prior to eight a.m. or after nine p.m. on any day of the week.
4. There shall be no outdoor loudspeakers or public address systems.
5. All waste water resulting from car wash activities shall be either directed to the sanitary sewer system or be recycled on-site to the satisfaction of the Director.

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The applicant is aware they will need to go before the Zoning Board of Adjustment to seek a variance that will allow the opening of the carwash bay to be oriented towards a Dwelling District.

***Screening Regulations:***

Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets and adjoining property. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least eight feet in height. An enclosure shall have an opaque gate. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity.

New and expanded structures shall provide an area for a solid waste container that is not located in the public right-of-way. The container must be located on the same lot as the principal building and no closer than 25 feet to dwellings off-site. Except for uses having small containers serviced by the City of Birmingham's Public Works Department, solid waste containers must be:

1. in rear or side yards or within the principal building;
2. exterior sites must be below grade OR have a solid opaque screening walls or gate on all sides made of concrete, masonry material and/or wood matching the principal building at a height taller than the container.

***Parking.***

Zoning Requirements:

- Carwash: 2 stacking spaces per bay

Site Plan:

- **Carwash: 1 Carwash bay= 2 stacking spaces required**

The carwash has 3 lanes with 21 stacking spaces. **The site is overparked by 10 striped spaces and 25 stacking spaces.**

The number of parking spaces required is equal to the maximum allowed. When a development includes parking in excess of the maximum allowed, then Low Impact Development techniques such as, bioretention cells, vegetated swales, extended detention systems, infiltration trenches, pervious paving or dry wells, to reduce run-off at a rate as established in City of Birmingham, Engineering Design Guidelines, is required for those parking spaces which exceed the maximum number of spaces allowed as determined by the Director, except in the following instance:

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1. When parking spaces, over the maximum, are covered by a structure such that no stormwater will fall on those parking spaces, those spaces will not count against the maximum allowed.

The applicant is aware the site will require Low Impact Development standards if the excess parking remains.

***Landscape Review***

If the rezoning is approved this will be a C-2 (General Commercial) property that will be located adjacent to a Dwelling District on the East and South sides of the site. A C-Standard buffer is required per the City's Ordinance when C-2 abuts a Dwelling District. The updated site plan demonstrates that it is compliant with the Zoning Ordinance.

***Stormwater.***

Stormwater has not reviewed this project.

***Birmingham Department of Transportation.***

BDOT is satisfied with the updated site plan.

***Neighborhood Recommendation***

The ***Huffman Neighborhood Association*** met at its regularly scheduled meeting on **August 22, 2022**, to review the proposed project and voted to ***not support*** the proposed rezoning request (**6** votes to not support, **1** vote to support). The neighborhood does not support the request for the following reasons:

1. Businesses near the intersection of Parkway East and Roebuck Drive are low volume traffic businesses that close between 5 and 5:30 pm and fit the neighborhood. The proposed carwash/oil change would be operated until 9 pm, creating more noise and traffic in the residential portion of the neighborhood.
2. The ingress and egress of the Huffman Road entrance of the potential development would create more congestion for the transit system that has a drop off and pick up adjacent to the Huffman Road entrance.
3. Huffman Road is a two-lane residential street that leads directly to neighborhood schools. The traffic flow to the car wash from Huffman Road increases risks and jams for three schools on Huffman Road - Banks Academy, Cornerstone High School, and Huffman Middle School as well as a daycare housed in Huffman United Methodist Church.

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4. Jiffy Lube, was formally on the Parkway across the street that is now a car wash with parked cars that blight the neighborhood. A garage or auto tire shop is another auto business with parked cars and within two blocks down the Parkway is an unsightly property loaded with idle cars. This type of business will further congest the visual viability of the neighborhood.
5. The proposed lot serves as a buffer to the residential area of the neighborhood and maintains the character of the residential area.
6. Egress of commercial operations into the residential face of the neighborhood begins the degradation of the place that we call home.

***Framework Plan***

This property is located within the Northeast Framework Plan Area. This framework plan was adopted in August 2017 and an Implementation Committee has been formed.

***Zoning Advisory Committee.***

The Zoning Advisory Committee met at its regularly scheduled meeting on **September 6, 2022** to review the rezoning request and unanimously voted to recommend the rezoning request to the Planning and Zoning Committee.

Action Taken:

**Councilor Woods Motioned to Deny.**

**Councilor Tate Seconded the Motion.**

**Item Forwarded to the City Council Agenda for Denial.**

**2. OLD & NEW BUSINESS**

None

**3. ADJOURN**

**Councilor Tate Motioned to Adjourn.**

**Councilor Woods Seconded the Motion.**

**The Meeting was Adjourned.**