

JOINT PLANNING AND ZONING AND SPECIAL CALLED COMMITTEE MEETING
WEDNESDAY, AUGUST 9, 2023 | 3:30 PM
CITY COUNCIL CHAMBERS

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MINUTES

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

Councilor(s) Present: Abbott, O'Quinn, Tate

I. **CALL TO ORDER**

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

II. **APPROVAL OF THE MINUTES**

Action Taken:

Approval of Minutes Delayed.

III. **REZONING CASES ZAC2023-00007, Oxmoor Neighborhood**

Application to change zone district boundaries from MXD (Planned Mixed Use District) to I-1 (Light Manufacturing District) for a new office, distribution building and fenced, outside storage yard.

Application to change zone district boundaries from MXD (Planned Mixed Use District) to I-1 (Light Manufacturing District) for a new office, distribution building and fenced, outside storage yard; filed by C. Randall Minor, for the owner, City of Birmingham; for the property located at 705 Tom Martin Drive and 801 Lakeshore Parkway, and situated in the SE ¼ of Section 28, Township 18-S, Range 3-West, (Council District 7).

Proposed Use

An approximately 30,000-40,000 sf corporate headquarters building, approximately 30,000 sf distribution/office building, approximately 5 acres of fenced, outdoor storage, and accessory parking for Consolidated Pipe and Supply Company, Inc. (The above dimensions are approximate as the design of the building and site analysis is still underway.)

Applicant's Proposal This is an application on behalf of CPSALI, LLC (the "Developer"), as the contract vendee, to rezone an approximately 28.33-acre tract of land located on the south side of Lakeshore Parkway from an existing MXD (Planned Mixed Use) District to I-1 (Light Manufacturing) District to facilitate the construction and development for the benefit of Consolidated Pipe & Supply Company, Inc. Hours of operation are 7am-5pm, Monday-Friday.

At present, the Subject Property is owned by the City of Birmingham. The City and the Developer previously entered into that certain Contract for Sale and Development of Real Estate dated effective as of September 21, 2022, that contemplated the potential rezoning of the Subject Property pursuant to this application. Assuming this rezoning application is granted and all other discretionary approvals are obtained, the Developer will close on the acquisition of the Subject Property in Q3 2023 and commence construction of the Project shortly thereafter.

The Developer contemplates that the Project will be accessed from a single curb cut on the west side of Tom Martin Drive, more than 500 feet south of Lakeshore Parkway. All truck traffic exiting the Project will be routed to make a left onto Tom Martin Drive, away from Wenonah Oxmoor Road. Expected daily traffic includes employees, 3 tractor trailers and 9 local short flatbeds.

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In the immediate vicinity of the Subject Property, all of the residentially zoned parcels are located and accessed primarily from Wenonah Oxmoor Road except for the 429-unit, Lakeshore Ridge Apartments immediately to the west of the Subject Property that is accessed directly from Lakeshore Parkway. As can be seen in the materials accompanying the application, the Project will maintain a minimum undisturbed area of 50 feet along its lot lines that abut residentially zoned parcels and, due to such buffer and the topography, the Project will be shielded by natural buffers from all nearby residential uses.

Property and Abutting Land Uses

The Subject Property, which is located in the Oxmoor Valley neighborhood, has over 1,100 feet of frontage on the south side of Lakeshore Parkway, and over 700 feet of frontage on the west side of Tom Martin Drive. The Subject Property is currently comprised of two (2) separate tax parcels, which will be resurveyed and combined into a single parcel in connection with the proposed development.

The property to the north, across Lakeshore Parkway, is zoned CI-1 (Contingency Light Manufacturing District). An office building and warehouse are located on that property. Property to the west contains the Lakeshore Ridge Apartments, zoned MXD. Properties to the south include the Oxmoor Village Subdivision, Evonik Industries and undeveloped land, all zoned MXD. Property to the east is also undeveloped land, zoned MXD.

Long Range Land Use Plan

The **Long-Range Land Use Plan** identifies the property as **Residential Low and Light Industrial**. **Residential Low** is intended for single-family homes. In addition, schools, churches, and neighborhood-serving public uses are allowed. Single-family dwellings are the predominate residential land use in the Southwest Area. **Light Industrial** is reserved for light industrial and office uses, small warehouse and distribution facilities, urban agriculture, and other supporting uses such as minor retail and services related to the industrial uses. Light industrial districts can be located in "business park" settings, and are typically located near major transportation routes such as Interstates, State Highways, railroad ROWs, and airport facilities. Residential uses are not recommended and are only permitted by the Zoning Board of Adjustments with special exception.

Zoning Ordinance Manufacturing, Light

The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical light manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; alcoholic beverages; dry cleaning plants; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.

Manufacturing, Light is permitted with conditions in I-1:

If a light manufacturing activity is storing materials outdoors and adjacent to any dwelling zoned district, an opaque fence shall be constructed to screen the ground-level view of the adjacent dwelling zoned district. Materials shall not be piled or stacked higher than the opaque fence.

Office

A room or group of rooms where the principal use is conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

An office is a permitted use in I-1.

Office Warehouse

Any building used for the combined uses of office and warehouse, where the office function is the principal use (at least 60% of the gross floor area) of the building, for the primary purpose of wholesale trade, display, and distribution of products.

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An office/warehouse is permitted with the following condition in I-1:

1. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

Parking Requirement

Office = 1 parking space per 400 square feet of Gross Floor Area

40,000 square feet / 400 = 100 parking places required

Warehouse (or Office Warehouse) = 1 parking space per 2,000 square feet of Gross Floor Area plus 1 per 400 square feet of office

25,000 square feet / 2,000 = 13 parking spaces required

5,000 square feet / 400 = 13 parking spaces required

Total spaces required = 126 parking spaces

The site plan shows 140 parking spaces. The applicant must install 14 pervious parking spaces or use LID techniques onsite, subject to approval by the Stormwater Division.

Landscape Review

The conceptual plan appears to meet the requirements; however, a more detailed landscaping plan will be required for permitting.

Stormwater

This proposed development will need to have a pre-concept meeting with Stormwater Staff. The plans provided show a tremendous increase in the impervious area so discussions will be needed to discuss the provisions that are being taken to control stormwater. Per the provided sketches, the area south of the development (Oxmoor Village Houses) may be partially protected but there is potential for impact on the apartment complex (Lakeshore Ridge Apartments) to the west and Tom Martin Blvd as well as the possibility of impact on Lakeshore Parkway. An H&H Report will be required, in addition to the following:

- City of Birmingham Soil Erosion Control Permit
- City of Birmingham Civil Construction Permit
- 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.

Birmingham Department of Transportation

A more detailed site plan showing proposed driveway(s) and ingress/egress at the site will be required for permitting.

Neighborhood Recommendation

The **Oxmoor Neighborhood Association** met at its regularly scheduled meeting on **June 12, 2023**, to review the proposed project and voted to **support** the request (16-yes and 4-no). The neighborhood provided the following reasons for its support:

1. There will be only one entrance/exit from Tom Martin Drive onto Lakeshore Parkway and all trucks and employees will use that entrance/exit.
2. The design will curve making sure that when exiting the property, the traffic will turn left onto Tom Martin Drive proceeding to Lakeshore Parkway. Trucks will be penalized if using Wenonah Oxmoor Road.

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3. Operation of the business is from 7am to 5pm, Monday-Friday. Trucks will cease around 3:30pm.
4. Limited to 5-12 trucks only daily.
5. There will be no increase of material (other than personnel) at this location in the future.
6. No noise from loading of material will exist.
7. Wants to be a good neighbor.
8. Visual presentation was awesome!
9. The buffer of trees surrounding the property
10. The showing of the different types of trucks to be used for transport.
11. Consolidated Pipe must not deviate or alter what was discussed and viewed at the Oxmoor Valley Neighborhood meeting on June 12, 2023.

Framework Plan

This property is located within the **Southwest Area Framework Plan**. The Implementation Committee is currently reorganizing.

Zoning Advisory Committee

The **Zoning Advisory Committee** met at its regularly scheduled meeting on **July 18, 2023**, and voted **4-0** to **recommend** approval of the rezoning request with the following Q conditions:

1. The proposed development shall comply with the Oxmoor Design Guidelines and be approved by the Oxmoor Steering Committee.
2. A 50ft undisturbed buffer shall remain along the west and south property lines (as shown on the conceptual plan) adjacent to residential uses.

Action Taken:

Councilor Woods Motioned to Approve.

Councilor Abbott Seconded the Motion.

Item Recommended to the City Council Agenda.

ZAC2023-00003, Eastlake Neighborhood

Application to change zone district boundaries from CB-1 (Contingency Neighborhood Business District) to C-2 (General Commercial District) for an event center.

Application to change zone district boundaries from CB-1 (Contingency Neighborhood Business District) to C-2 (General Commercial District) in order to allow for an event center., filed by Courtney Jones, the owner, for the property located at 6900 2nd Avenue South, and situated in the SE ¼ of Section 15, Township 17-S, Range 2-West, 35212 (Council District 5).

Proposed Use

An event center named ATLAS 360

Applicant's Proposal

The applicant will be opening ATLAS 360, a full-service event venue that will host weddings, receptions, corporate events, private parties, baby showers, banquets, fundraisers, and holiday parties. The operating hours will be Monday – Thursday 12:00 pm – 10:00 pm and Friday – Sunday 12:00 pm – 12:00 am.

Property and Abutting Land Uses

The subject property sits on .37 acres of land, currently zoned **CB-1, Contingency Neighborhood Business District**. Adjacent parcels to the North, South and West are zoned **R-3, Single-Family District**. The parcel to the East is also zoned **CB-1, Contingency Neighborhood Business District**.

Long Range Land Use Plan

The **Long-Range Land Use Plan** identifies the property as **Residential Low**. This Dwelling District is designed to allow for single-family residential development at a variety of densities, 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.

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The applicant is seeking **C-2, General Commercial**. The 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.

Zoning Ordinance Event Center

Any building where the primary use is staging of temporary events, and may be operated by a vendor for the purpose of renting space for private functions.

Permitted By Special Exception

Event Center. In the MU-H, MU-D, C-2 and PRD districts a special exception may be granted by the Zoning Board of Adjustment provided that the following conditions are met: 1. A traffic study may be required by the City Traffic Engineer.

2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.12:00a.m

The applicant is aware that he must go before the Zoning Board of Adjustment to obtain a Special Exception to allow an event center (if the rezoning is approved).

Parking Requirement

Event Center: 1 parking space per 100 sq. ft. of Gross Floor Area

6,000 sq. ft. / 100 = **60 parking places required**

The site plan shows 12 parking spaces. **The site is 48 parking spaces short for the use.**

The applicant is aware that he will need to go before the Zoning Board of Adjustment for a parking modification (if the rezoning is approved).

Landscape Review Prior to any permits being issued, the City's landscape architect will need a landscaping plan for the site (that conforms to the Zoning Ordinance). The site requires a B-2 buffer on each side that is adjacent to a street (along 69th and 2nd), a C buffer along the alley and no buffer required adjacent to like-zoning.

Stormwater

The City's Stormwater Engineer has approved this project with all stormwater, floodplain, and soil erosion ordinances applying:

- 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.
- Compliance with the Post Construction Stormwater Ordinance is required.

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Birmingham Department of Transportation

The Department of transportation has reviewed the submitted site plan and does not have any concerns with traffic flow, parking or ingress/egress for the site.

Neighborhood Recommendation

The **Eastlake Neighborhood Association** met at its regularly scheduled meeting on **May 2, 2023**, to review the proposed project and voted to unanimously **support** the request (24 votes).

Framework Plan

This property is located within the **Eastern Framework Plan Area**. This framework plan has not been adopted and an Implementation Committee has not been formed.

Zoning Advisory Committee

The **Zoning Advisory Committee** met at its regularly scheduled meeting on **May 16, 2023**, and voted to unanimously **recommend** the rezoning request.

Planning and Zoning Committee

The **Planning and Zoning Committee** met on **June 14, 2023**, to review the proposed project and voted to **not recommend** the rezoning request.

Action Taken:

Councilor Woods Motioned to Approve.

Councilor Abbott Seconded the Motion.

Item Recommended to the City Council Agenda.

IV. **APPOINTMENTS**

Due to the Notices publication, the Committee has to re-vote on the nominations to fill the vacancies.

Action Taken:

Councilor Woods Motioned to Appoint Christopher Swain, Ivan Holloway, Ben Wieseman, Abra Barns, Scott Burnette, Craig Hoskins, Brian Wolfe, Richard Mauke; Cheryl Morgan and Doug Hale (New Appointees) to the Design Review Committee.

Councilor Abbott Seconded the Motion.

Item Recommended to the City Council Agenda.

Councilor Woods Motioned to Appoint Christopher Burkes to the Planning Commission.

Councilor Abbott Seconded the Motion.

Item Recommended to the City Council Agenda.

V. **ADJOURN**

Councilor Woods Motioned to Adjourn.

Councilor Abbott Seconded the Motion.

Meeting Adjourned.