

## MINUTES

### BIRMINGHAM PLANNING COMMISSION

The Birmingham Planning Commission convened in the City Council Chambers on the Third Floor of Birmingham City Hall on Wednesday, April 3, 2019 at 8:38 a.m.

**MEMBERS PRESENT:** Chairman Brian Ruggs, Vice-Chairman Michael Morrison, Patty Pilkerton, L'Tryce Slade, Dr. Nyesha Black, Devon Sims, Dr. Kathryn Doornbos, Ronald Crenshaw, Mashonda Taylor, Councilor Steven Hoyt (Melva Langford), Councilor Valerie Abbott (Beatrice Collins), and Fred Hawkins (Michael Eddington)

**MEMBERS ABSENT:** Chairman Pro-Tem Selena Rodgers-Dickerson, Haley Colson-Lewis, and Kevin Moore

**STAFF PRESENT:** Edwin Revell, Tim Gambrel, Chris Hatcher, Michael Ward, Kim Speorl, Katrina Thomas, and Jason Hjetland

#### **I. APPROVAL OF AGENDA**

The meeting was called to order by Chairman Ruggs. Chairman Ruggs introduced Beatrice Collins, who is the Council Assistant to Councilor Valerie Abbott and will be Councilor Abbott's proxy on the Planning Commission. Commissioner Langford made a motion to approve the agenda. The motion was seconded by Vice-Chairman Morrison and the agenda was approved unanimously.

#### **II. APPROVAL OF MINUTES FROM DECEMBER 5, 2018**

Commissioner Langford made a motion to approve the minutes from the December 5, 2018 meeting. The motion was seconded by Vice-Chairman Morrison and the minutes were approved unanimously.

#### **III. DIRECTOR'S REPORT**

Principal Planner Tim Gambrel announced there will be a Northside Community Framework Plan meeting tonight from 6:00 pm to 8:00 pm at the Fountain Heights Recreation Center. He also announced that there will be a Southside Community Framework Plan meeting on April 15<sup>th</sup> from 6:00 pm to 8:00 pm at Glen Iris Elementary School.

He noted that there will be two opportunities on May 14<sup>th</sup> to provide feedback on the draft proposals for the City Center Master Plan. He stated that the first meeting will be from noon to 1:00 pm at the Birmingham Museum of Art and the second meeting will be from 5:30 pm to 6:30 pm at Sloss Furnace.

- IV. CASE NO.** ZAC2019-00006
- SUBJECT:** A request to amend the City of Birmingham’s Zoning Ordinance to include a Healthy Food Overlay District and to modify guidelines pertaining to urban agriculture.
- APPLICANT:** City of Birmingham
- PREMISES:** Citywide

Michael Ward, Senior Planner with the City of Birmingham, gave a brief introduction of the case. Mr. Ward said the Woodfin Administration has made alleviating food deserts a major priority and this proposal is a part of that initiative. He stated that the United States Department of Agriculture (USDA) has identified low-income census tracts where at least 500 people or at least 33% of the population is located greater than a ½ mile from the nearest supermarket, supercenter, or large grocery store. He said these census tracts are known as food deserts and based on that definition, there are 46 census tracts in the City of Birmingham that are USDA-designated food deserts. He added that those 46 census tracts make up the proposed boundary area of the Healthy Food Overlay District (HFOD).

Mr. Ward said recent national research has revealed that small box discount stores contribute to the food desert problem by oversaturating the market, which divert customers away from grocery stores. He mentioned that the proposed HFOD area contains quite a few small box discount stores.

Mr. Ward stated that the Commissioners have the document that contains the proposed changes to the City’s Zoning Ordinance. He added that the proposed HFOD regulations intend to limit the over-concentration of small box discount stores within the District and to promote more convenient access to fresh meats, fruits and vegetables. He mentioned that the other proposed changes to the City’s Zoning Ordinance were informed by urban agriculture stakeholders and those proposed changes are for the entire city (not just within the HFOD). He also mentioned that the proposed HFOD and the other recommended changes to the City’s Zoning Ordinance are the beginning of an extensive strategy to combat food deserts in Birmingham.

Dr. Josh Carpenter, Director of the City’s Department of Innovation and Economic Opportunity, addressed the Planning Commission. Dr. Carpenter said 69% or 146,000 City of Birmingham residents live in an USDA food desert and all nine City Council districts have a food desert. He stated that his department looked for ways to attract grocery stores in our existing food deserts and they found that dollar stores pull customers away from potential grocery stores. He said the proposed changes to the Zoning Ordinance will help the City to recruit more grocery stores.

Yuval Yossefy, Data Management Specialist with the City's Department of Innovation and Economic Opportunity (IEO), addressed the Planning Commission. Mr. Yossefy said the establishment of the HFOD will do two things: 1. Restrict the development of small box discount stores (any new stores must be at least one mile from an existing dollar store). 2. Make it easier for grocers to do business in the HFOD (less parking requirements, allowed to have a larger square footage within neighborhood business districts). He mentioned that the other proposed Zoning Ordinance changes will make it easier for fresh food producers to operate in the City. He also mentioned that public meetings as well as meetings with City staff, grassroots organizations, and the Jefferson County Department of Health helped to develop the proposed HFOD ordinance. He added that his department is developing better financial incentives to maintain existing grocery stores and attract new grocery stores.

Mr. Yossefy said the grocery store model is shifting to more of a grocery delivery service (like Amazon and Shipt), but that model is expensive for a lot of consumers. He stated that the City is working with the USDA to approve a pilot with Shipt to use a grocery delivery service model for low income residents within the HFOD that will accept Electronic Benefits Transfer (EBT) and Supplemental Nutrition Assistance Program (SNAP) benefits.

Commissioner Langford stated that residents prefer grocery stores. Mr. Yossefy said his department is primarily trying to recruit full-service grocery stores.

Commissioner Slade asked how citizens were notified of the meetings. Mr. Yossefy said the public was primarily notified via e-mail blasts.

Commissioner Black wonders if dollar store concentration really is the reason why parts of the City doesn't have grocery stores. Mr. Carpenter said where dollar stores are located, grocery stores are not there. He added that median income of an area is also a factor.

Commissioner Black asked how existing policies have worked. Mr. Yossefy said Tulsa, OK has an ordinance that is similar to the one that's proposed, but their ordinance is only a year and a half old. He added that they are monitoring the progress of Tulsa's ordinance.

Commissioner Langford asked if the IEO Department is offering other potential grocery store sites in Five Points West in addition to the vacant Winn-Dixie location. Mr. Carpenter said the vacant Winn-Dixie store in Five Points West is almost 50,000 square feet and that is too big for the grocery stores they're trying to recruit. He added that they're offering potential grocery store sites that are close to the vacant Winn-Dixie location.

Chairman Ruggs asked why the area around Smithfield is not included within the HFOD map. Mr. Yossefy said they used USDA data to create the HFOD map. He added that the HFOD map will have to be updated periodically and they may use local research and data to update it.

Chairman Ruggs asked why the City Center is within the HFOD and it has a Publix grocery store. Mr. Yossefy said the latest USDA data is from 2015 and the map is showing the USDA designated

food deserts by Census Tract. Dr. Carpenter added that the Publix in the City Center was built after 2015.

Chairman Ruggs was trying to get a better understanding of the overall strategy. Dr. Carpenter said it is a comprehensive strategy to provide better food access to City residents. He added that even though they're pursuing a pilot program with Shipt to use a grocery delivery service model for low income residents, they're working diligently to attract brick-and-mortar grocery stores.

Commissioner Black mentioned that she collected similar data for the City of Philadelphia and access to healthy food doesn't automatically mean people will eat healthy. She recommends that a health education component should be a supplement to this effort. Dr. Carpenter said the UAB Minority Health & Health Disparities Research Center is working on it now.

Commissioner Black asked if the increase in dollar stores was the primary reason why five grocery stores closed in Jefferson County since 2005. Dr. Carpenter said yes. He added that there were also some other factors that caused the stores to close, such as higher operating costs and market forces.

Commissioner Black asked what can we do to attract grocery stores to low income areas of the City. Dr. Carpenter said the adoption of the HFOD ordinance along with financial incentive programs, such as a Healthy Foods Fund.

Commissioner Pilkerton asked if there were any other mobile grocery store operators in the City besides the Community Food Bank. Mr. Yossefy said not to his knowledge. He added that the addition of mobile grocery standards to the City's Zoning Ordinance may help encourage more mobile grocery stores in the City.

Commissioner Pilkerton asked about operating standards for mobile grocery stores. Mr. Yossefy said that mobile grocery store operators are still required to obtain a business license from the City.

Vice-Chairman Morrison asked about Jefferson County Department of Health standards for mobile grocery stores. Kim Speorl, Senior Planner with the City of Birmingham, addressed the Planning Commission. Ms. Speorl said the Jefferson County Department of Health was contacted about their mobile grocery store standards and they look at what mobile grocery store operators are storing, the size of their food storage, and if their food storage is refrigerated or not.

Vice-Chairman Morrison asked if crime/public safety was considered. Mr. Yossefy said the Police Department and the Mayor's Office are working to reduce crime in the City. He added that the City is willing to assist existing and potential grocery stores with lighting improvements as well as building improvements.

With no additional questions or comments, Vice-Chairman Morrison made a motion to approve Case Number ZAC2019-00006. The motion was seconded by Commissioner Langford and the following resolution was approved unanimously:

**WHEREAS**, access to healthy foods is a key determinant of community and personal health; and

**WHEREAS**, forty-six of the census tracts that either fully or partially exist within Birmingham City Limits are classified by the U.S. Department of Agriculture (USDA) as low-income census tracts with insufficient access to healthy foods (i.e. food deserts); and

**WHEREAS**, these 46 census tracts represent 74% of all census tracts either fully or partially within the Birmingham City Limits and cross all nine City Council Districts; and

**WHEREAS**, national research has recently shown that small box discount stores target and worsen food deserts by oversaturating the market and diverting customers from full-service grocery stores; and

**WHEREAS**, the State of Alabama is among the top five states with the greatest number of small box discount stores per capita; and

**WHEREAS**, Jefferson County was among the top three Alabama counties between 2005 and 2015 in terms of losing full-service grocers and five grocery stores closed over this period; and

**WHEREAS**, the Woodfin Administration has made alleviating food deserts in the City of Birmingham a major priority; and

**WHEREAS**, the proposed Healthy Food Overlay District is a part of an overall initiative to improve healthy food access throughout the City; and

**WHEREAS**, the proposed Healthy Food Overlay District regulations are specifically focused on the City's federally-designated food deserts by limiting the over-concentration of small box discount stores within the Overlay District and promoting more convenient access to fresh meats, fruits and vegetables; and

**WHEREAS**, the proposed changes to the urban agriculture standards in the City's Zoning Ordinance were informed by urban agriculture stakeholders and the proposed changes are for the entire city; and

**WHEREAS**, the proposed Healthy Food Overlay District and the other recommended changes to the City's Zoning Ordinance were presented to the North Birmingham Framework Plan Implementation Committee on February 18, 2019 and the Northeast Communities Framework Plan Implementation Committee on February 28, 2019; and

**WHEREAS**, the proposal was also presented to the Health Action Partnership's Healthy Lifestyles Subcommittee on March 13, 2019 and the Citizens Advisory Board on March 18, 2019; and

**WHEREAS**, a Planning Commission workshop was held on March 27, 2019 to go over the proposal with the Commissioners; and

**WHEREAS**, public engagement meetings were held at the East Pinson Valley Recreation Center on March 28, 2019 and at the Martin Luther King Recreation Center on April 2, 2019; and

**WHEREAS**, a public engagement meeting will be held at the Fountain Heights Recreation Center on April 4, 2019; and

**WHEREAS**, the proposed Healthy Food Overlay District and the other recommended changes to the City’s Zoning Ordinance are the beginning of a longer strategy to combat food deserts in Birmingham, including, but not limited to, supporting the expansion of full-service grocery stores, incentivizing the procurement of locally-grown foods, and supporting community-driven initiatives such as cooperative grocery stores and community land trusts; now therefore

**BE IT RESOLVED** by the Birmingham Planning Commission that said Planning Commission hereby **RECOMMENDS** to the Council of the City of Birmingham that the City’s Zoning Ordinance be amended to include a Healthy Food Overlay District and to include the modifications to the urban agriculture standards as set forth in the document entitled “Proposed Changes to the City of Birmingham Zoning Ordinance—ZAC2019-00006”, subject to:

1. Applicant will submit a report to the Planning Commission on the effectiveness of the Zoning Ordinance changes in five years after the City Council adopts them.

**V. Other Business and Communications**

There being no further business, the meeting was adjourned at 9:52 a.m.