

MINUTES

BIRMINGHAM PLANNING COMMISSION

The Birmingham Planning Commission convened in the City Council Chambers on the Third Floor of Birmingham City Hall on Wednesday, September 4, 2019 at 8:39 a.m.

MEMBERS PRESENT: Chairman Brian Ruggs, Vice-Chairman Michael Morrison, Patty Pilkerton, L'Tryce Slade, Councilor Valerie Abbott (Beatrice Collins), Dr. Nyesha Black, Ronald Crenshaw, Haley Colson-Lewis, Mashonda Taylor, and Michael Eddington

MEMBERS ABSENT: Devon Sims, Dr. Kathryn Doornbos, Brian Gunn, Councilor Steven Hoyt (Melva Langford), and Kevin Moore

STAFF PRESENT: Tim Gambrel, Michael Ward, Kim Speorl, and Roderick Lowe

I. APPROVAL OF AGENDA

The meeting was called to order by Chairman Ruggs. Vice-Chairman Morrison made a motion to approve the agenda. The motion was seconded by Commissioner Taylor and the agenda was approved unanimously.

II. APPROVAL OF MINUTES FROM APRIL 3, 2019

The April 3, 2019 minutes were not ready.

III. DIRECTOR'S REPORT

Chief Planner Tim Gambrel mentioned there were four opportunities to attend planning meetings during the month of September. He stated that the Southside Framework Plan draft will be revealed on September 17th at 5:30 pm at St. Elias Church, located at 836 8th Street South. He also stated that the City Center Master Plan draft will be revealed on September 19th at noon at the Birmingham Museum of Art Auditorium and at 5:30 pm at the America's First Credit Union Building (1200 4th Avenue North). He added that the Northside Framework Plan draft will be revealed on September 24th at 5:30 pm in the Linn-Henley Library Auditorium.

IV.

- SUBJECT:** A request to remove restrictive covenants on properties recently acquired by the Birmingham Jefferson Civic Center Authority.
- APPLICANT:** Leslie Klasing, Attorney with Waldrep, Stewart & Kendrick, LLC; representing the Birmingham Jefferson Civic Center Authority.
- PREMISES:** 1301, 1305 and 1341 Fred Shuttlesworth Drive

Senior Planner, Michael Ward, gave a brief introduction of the case. Mr. Ward said the previous owners of the property had restrictive covenants placed upon it on March 15, 1968 that was recorded in Probate Court of Jefferson County, Alabama at Real 408, Page 735. He mentioned that the covenants required the property owners to erect and maintain at least an eight-foot fence around the exterior boundaries of the property. He also mentioned that the fence had to be constructed of cyclone wire with panel weave filler or equal material to screen the premises from public view. He added that the restrictive covenants can be amended in whole or in part at any time by a document signed by the owners of the property, which amendment is further approved by the Birmingham Planning Commission and recorded in the Office of the Judge of Probate of Jefferson County, Alabama. He stated that the BJCC Authority now owns the property and the Authority would like the fence requirements as well as any other restrictions recorded at Real 408, Page 735 to be cancelled and removed.

Leslie Klasing, Attorney with Waldrep, Stewart & Kendrick, LLC (representing the Birmingham Jefferson Civic Center Authority), addressed the Planning Commission. Ms. Klasing mentioned that the BJCC Authority realized the properties had restrictive covenants when they did a title search. She added that she wasn't sure why the previous property owners (the Kemp Family) placed restrictive covenants on the properties. She said the BJCC plans to improve the fencing and lighting on the site and use it to store large vehicles for events.

Chairman Ruggs stated that he believes the previous property owners were the owners of Kemp Towing Company and that would explain the fence requirement. Ms. Klasing agreed.

Vice-Chairman Morrison asked about the fencing that the BJCC will use for the site. Ms. Klasing said she doesn't know, but she doesn't think that the fencing would be different than what the BJCC currently use for their properties.

With no additional questions or comments, Vice-Chairman Morrison made a motion to approve the request to remove all restrictive covenants on the BJCC properties. The motion was seconded by Commissioner Eddington and the following resolution was approved unanimously:

WHEREAS, the Birmingham Jefferson Civic Center Authority recently acquired properties located at 1301, 1305 and 1341 Fred Shuttlesworth Drive; and

WHEREAS, the previous owners of the property had restrictive covenants placed upon it on March 15, 1968 that was recorded in Probate Court of Jefferson County, Alabama at Real 408, Page 735; and

WHEREAS, the covenants required the property owners to erect and maintain at least an eight-foot fence around the exterior boundaries of the property and the fence had to be constructed of cyclone wire with panel weave filler or equal material to screen the premises from public view; and

WHEREAS, the restrictive covenants can be amended in whole or in part at any time by a document signed by the owners of the property, which amendment is further approved by the Birmingham Planning Commission and recorded in the Office of the Judge of Probate of Jefferson County, Alabama; and

WHEREAS, the BJCC Authority would like the fence requirements as well as any other restrictions recorded at Real 408, Page 735 to be cancelled and removed from their property; now therefore

BE IT RESOLVED by the Birmingham Planning Commission that said Planning Commission hereby **APPROVES** the request to remove all property restrictions recorded in Probate Court of Jefferson County, Alabama at Real 408, Page 735.

V. Other Business and Communications

There being no further business, the meeting was adjourned at 8:49 a.m.