

MINUTES

BIRMINGHAM PLANNING COMMISSION

The Birmingham Planning Commission convened in the City Council Chamber on Wednesday, March 2, 2022 at 8:35 a.m.

MEMBERS PRESENT: Vice-Chairman Dr. Nyesha Black, Chairman Pro-Tem Haley Colson-Lewis, Ronald Crenshaw, Mashonda Taylor, Brian Gunn, Dr. Victoria Hollis, Stephen Schrader, J. Charles Jordan II, Sharon Deep-Nelson, Chaz Mitchell, Councilor Valerie Abbott, Councilor LaTonya Tate (Brandon McCray), and Michael Eddington

MEMBERS ABSENT: Chairman Michael Morrison and Patty Pilkerton,

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

I. APPROVAL OF AGENDA

The meeting was called to order by Vice-Chairman Black. After her opening statement, Vice-Chairman Black mentioned that we have three new private citizen Commission members that were appointed by the City Council on February 15th. She introduced the following new citizen members:

1. Charles Jordan II who will also serve on the Zoning Advisory Committee
2. Sharon Deep-Nelson who will also serve on the Subdivision Committee
3. Stephen Schrader who will also serve on the Zoning Advisory Committee

Vice-Chairman Black also noted that the City Council on February 15th reappointed Michael Morrison, Patty Pilkerton, Mashonda Taylor, and Brian Gunn to the Planning Commission.

Vice-Chairman Black said the Commission has two new ex-officio members. She stated that Chaz Mitchell serves as the City's Chief of Operations and last month, he was designated by Mayor Woodfin to represent him on the Planning Commission. She also stated that Councilor LaTonya Tate was appointed as an ex-officio member by the City Council last month and she also serves on the Council's Planning & Zoning Committee (Brandon McCray, her council assistant, will attend meetings as her proxy). She noted that Councilor Valerie Abbott was reappointed as an ex-officio member by the City Council last month and she also serves as the Chair of the Council's Planning & Zoning Committee.

Vice-Chairman Black mentioned that that L'Tryce Slade is no longer a member of the Planning Commission as of last month. She stated that she appreciates Ms. Slade's over 8 years of public service on the Commission and that the Commission will give her a Resolution of Appreciation at the next regularly scheduled meeting.

After the announcements, Commissioner Schrader made a motion to approve the agenda. The motion was seconded by Councilor Abbott and the agenda was approved unanimously.

II. APPROVAL OF MINUTES FROM NOVEMBER 3, 2021 AND DECEMBER 1, 2021

Councilor Abbott noted a spelling error on the November 3, 2021 minutes. Principal Planner Michael Ward said he will make the correction.

With no additional comments, Councilor Abbott made a motion to approve the minutes from the Commission’s November 3, 2021 and December 1, 2021 meetings. The motion was seconded by Commissioner Gunn and the minutes were approved with Commissioners Schrader, Jordan, and Deep-Nelson abstaining.

III. DIRECTOR’S REPORT

No Director’s report.

IV. CASE NO. ZAC2022-00002

DESCRIPTION: Application to change zone district boundaries from MXD (Planned Mixed Use District) to I-1 (Light Manufacturing District) in order to convert a vacant office building into a class A storage facility.

APPLICANT: Waypoint Investments LLC

PREMISES: 801 Tom Martin Drive in the Oxmoor Neighborhood.

Zoning Administrator Kim Speorl introduced the case. Ms. Speorl stated the following information from the staff report:

Case ZAC2022-00002 is an application to change zone district boundaries from MXD (Planned Mixed Use District) to I-1 (Light Manufacturing District) in order to convert a vacant office building into a class A storage facility, filed by Whit Mitchell of Waypoint Investments LLC, for the property located at 801 Tom Martin Drive (Council District 7).

Proposed Use: A class A climate-controlled storage facility

Property and Abutting Land Uses

The subject property sits on approximately 13.73 acres of land, currently zoned MXD (Mixed-Use District). Abutting the subject property to the North is Southern Research Engineering zoned MXD. To the South of the site is Advanced Technology Recycling zoned I-1. To the West is an office building zoned MXD. To the East is Avenues of Lakeshore, a 520-unit apartment development, also zoned MXD.

Applicant's Proposal

The applicant's proposal is to repurpose the existing 91,000 sq. ft. office building into climate-controlled storage. The site will also include 166 new, fully enclosed, storage units for boats and recreational vehicles as well as a wash bay.

Long Range Land Use Plan

The City's ***Long-Range Land Use Plan*** identifies the property as ***Light Manufacturing***. This district is designed to allow for light manufacturing and office uses, potentially in "business park" settings, and typically near major transportation routes including Interstates, State Highways, railroad spurs and airport facilities. Uses in this district include: warehouse and distribution uses, urban agriculture, supporting uses, such as minor retail and services to support the major uses. No residential uses are allowed in this district. The proposed rezoning request is ***consistent*** with the ***Long-Range Land Use Plan***.

Zoning Ordinance

Mini-storage warehouse is permitted in I-1, subject to the following conditions:

1. The individual units are used for the storage of property and no manufacturing or industrial activities occur or are conducted in the units.
2. No storage of highly combustible, flammable or explosive products or materials is allowed.

The applicant's proposed site plan shows 49 parking spaces. The parking requirement for warehousing is 1 space per 2000 sq. ft. of GFA ($91,000/2,000=45.5$), plus 1 space per 400 sq. ft. of office area ($1,200/400=3$); therefore, the total number of parking spaces required is 49 spaces. The applicant's proposed site plan shows a total of 49 parking spaces; therefore, the applicant's proposal meets the parking requirement for the site.

Landscape Review

All landscaping must comply with the requirements in the Oxmoor Steering Committee Guidelines. Prior to permit issuance, a fully developed and detailed landscaping plan will be required.

Stormwater and Birmingham Department of Transportation

No comments

Neighborhood Recommendation

The Oxmoor Neighborhood Association met at its regularly scheduled meeting on **February 14, 2022**, to review the proposed project and voted to ***not recommend*** the proposed rezoning request. The vote was **12**- approved and **18**- denied.

Framework Plan

This property is located within the Southwest Framework Plan Area. This framework plan was adopted in May 2017. The Southwest Framework Plan Implementation Committee was established

in 2017, but the group has been meeting infrequently since 2019. The Framework Plan identified this parcel as light manufacturing and proposed that it maintains its light manufacturing land use.

Staff's Recommendation to ZAC

The applicant's rezoning request is ***consistent*** with the future land use plan and has merit for ***approval*** subject to the following Q conditions:

1. Compliance with all requirements in the Oxmoor Steering Committee Guidelines
2. Only the following uses shall be allowed:
 - a. Accessory structures
 - b. Bakery, retail
 - c. Brew pub
 - d. Brewery
 - e. Brewery, micro
 - f. Business service
 - g. Clinic
 - h. Community garden
 - i. Distillery
 - j. Distillery, artisanal
 - k. Financial institution
 - l. Fitness center
 - m. Furniture store
 - n. Market, farmer's
 - o. Market, flea
 - p. Market, public
 - q. Market stand
 - r. Mini-storage warehouse
 - s. Mobile grocery store
 - t. Nursery
 - u. Office
 - v. Park/greenway
 - w. Personal care services
 - x. Public building
 - y. Restaurant
 - z. Retail
 - aa. Shopping center
 - bb. Solar panel, building mounted
 - cc. Solar panel, ground mounted
 - dd. Urban farm, indoor
 - ee. Urban farm, outdoor
 - ff. Warehouse
 - gg. Warehouse, office

Will Forbes of Waypoint Investments LLC, addressed the Planning Commission. Mr. Forbes said he and Whit Mitchell are storage facility owners and their current storage facility is at 130 Industrial Drive in Oxmoor (about a mile away from the subject site). He stated that they provide storage for residential and commercial customers and they ran out of storage space at their Oxmoor

location in 2018 (their customers have to store their additional items in locations outside of their existing location). He also stated that they plan to acquire the former IRS building site, which has been vacant for about 1 ½ years, and repurpose the building into a Class A storage facility for their customers in the area.

Mr. Forbes mentioned five reasons why he feels the rezoning makes sense:

1. The rezoning would be consistent with the Long Range Land Use Plan and the SW Framework Plan (Light Industrial Use)
2. The proposed development would prevent the further deterioration of a building that's been vacant for 1 ½ years.
3. The development would not negatively impact traffic in the area
4. They are a local business and they will make sure the building is aesthetically pleasing to its customers and the community.
5. They recently had a market study completed by a third party, which determined that there is still a market for storage facilities in the area.

Vice-Chairman Black announced the public hearing. Madelyn Green, President of the Oxmoor Neighborhood who lives at 108 Munich Circle, addressed the Planning Commission. Ms. Green said that she is against the rezoning for a storage facility at that location. She said there are six storage facilities in the area already. She mentioned that she would like for the facility to be located in an area closer to the industrial end of Lakeshore Parkway.

Ms. Green said the project will increase traffic in the neighborhood. She mentioned that the neighborhood requested a traffic calming study for Wenonah-Oxmoor Road because there are about 700 homes in that area. She also mentioned that there are 42 homes under construction just off of Tom Martin Drive. She noted that the Oxmoor residents would like to talk to the City so they can have a say as to what they would like to see at the site.

Larry Whitt, an Oxmoor resident who resides at 101 Vancouver Court, addressed the Planning Commission. Mr. Whitt said he is opposed to the rezoning for a storage facility because the residents don't want to see RVs and boats on the site. He added that he would like to see an office and/or a retail use for the former IRS Building.

Terry Brown, an Oxmoor resident who lives at 2121 Wenonah-Oxmoor Road, addressed the Planning Commission. Mr. Brown said he is against the rezoning for a storage facility. He added that the site should be a commercial hub for nearby residents.

Candace Kirk, who lives in the Oxmoor Neighborhood, addressed the Planning Commission. Ms. Kirk said is opposed to the rezoning for a storage facility. She added that although the Southwest Area Framework Plan was adopted in 2017, the Implementation Committee hasn't been meeting and the Plan is outdated.

Amy Elston, an Oxmoor resident who lives at 2513 Amsterdam Lane, addressed the Planning Commission. Ms. Elston is against the rezoning for a storage facility. She added that the City should consider relocating the Oxmoor Community Center to the IRS site because the building is larger and there is more vehicle parking on that site.

With no additional members of the public wishing to speak, Chairman Pro-Tem Colson-Lewis asked why the Southwest Framework Implementation Committee hasn't been meeting. Chief Planner Tim Gambrel said the Implementation Committee was formed shortly after the Southwest Area Framework Plan was adopted in 2017. He added that the Committee met for about a year and most members of that Committee stopped meeting because they hired a consultant to do action plans for their neighborhoods. He said Planning staff will work to reinstate the Implementation Committee this year and help develop an action plan for Oxmoor.

Commissioner Deep-Nelson asked what was the previous use of the building and how is the proposed use consistent with the Long Range Land Use Plan. Mr. Gambrel said the building was previously used as an office building. He stated that the Land Use Plan was updated as part of the Southwest Area Framework Plan. He also stated that it was decided that the Long Range Land Use for that site would be light industry because of the light industrial uses in the vicinity.

Commissioner Schrader asked when will the Southwest Plan Implementation Committee be reengaged. Mr. Gambrel said we have been speaking with them through a process with a consultant and once a document is development that outlines their concerns, then we can use it as a foundation to work with them to further develop and implement their short-term priorities.

After some discussion, Commissioner Hollis asked about the procedures for this case after the Commission's decision. Ms. Speorl said since this is a rezoning case, the Planning Commission makes a recommendation to the City Council. Then, the case will go before the Council's Planning and Zoning Committee for a recommendation. She noted that the neighborhood's recommendation is advisory, the Planning Commission's recommendation is advisory and the Council's Planning and Zoning Committee's recommendation is advisory. She stated that the City Council will decide whether or not to approve the rezoning request.

Councilor Abbott inquired about the greenspace between the proposed storage facility site and the new houses under construction. Mr. Forbes said the greenspace will not be developed because of the topography of that area (the greenspace contains a steep drop off).

Commissioner Mitchell asked how drainage will be addressed on the site since they're proposing a wash bay. Mr. Forbes said they plan to tie in to the existing utilities on the site, but they don't have the civil drawings with them.

Vice-Chairman Black asked about number of existing storage facilities in the area versus the demand analysis that they have. Mr. Forbes said we are currently out of space at their current facility and they still have customers that need storage space. He added that their customers are in close proximity to their current facility is on Industrial Drive and they would prefer that the new facility is convenient to them as well. Walt Mitchell added that their customers aren't using the other nearby storage facilities in Oxmoor because they aren't Class A storage facilities, like the one their proposing.

Vice-Chairman Black said she would like the City to provide an analysis on the number of apartment units and storage facilities that's been approved for the last three to four years and the

occupancy/utilization rates for both uses. Mr. Mitchell added that they're willing to share the feasibility study information with the Commissioners.

With no additional questions or comments, Commissioner Taylor made a motion to continue Case Number ZAC2022-00002 at the Commission's next scheduled meeting. The motion was seconded by Commissioner Hollis and the motion was approved unanimously.

- V. CASE NO.** PF-2-22
- SUBJECT:** A request for approval of the location, character and extent of improvements associated with the planned construction of an 11-story, 350,000 s. f. Inpatient Rehabilitation Facility.
- APPLICANT:** Brian Templeton, Director of Planning, Design and Construction at the University of Alabama at Birmingham (UAB)
- PREMISES:** A site near the northwest corner of 18th Street South and 7th Avenue South; west of the UAB Sparks Center and south of the Spain Rehabilitation Center

Principal Planner Michael Ward introduced the case. Mr. Ward said the proposed facility will be located on a site near the northwest corner of 18th Street South and 7th Avenue South. He added that the site (currently a surface parking lot) is located west of the UAB Sparks Center and south of the Spain Rehabilitation Center. He mentioned that this project is included in the UAB Master Plan.

Mr. Ward said the new Inpatient Rehabilitation Facility will support UAB Medicine by allowing the hospital to provide additional staffed bed capacity in a state of the art facility specifically designed to meet the needs of rehabilitation patients, their families, and the care teams working in the building. He added that the Inpatient Rehabilitation Facility will replace the original facility, which opened in 1964.

Mr. Ward stated that the new rehab facility will include 78 rehab beds, 28 neuro acute beds, and a pedestrian bridge connection to UAB Callahan Eye Hospital. He also stated that 100,000 s. f. of the new facility will be a new parking deck that will provide 200 parking spaces. He noted that the UAB Inpatient Rehabilitation Facility project was approved by the Five Points South Neighborhood Association on January 18, 2022.

Brian Templeton, Director of Planning, Design, & Construction at UAB, addressed the Planning Commission. Mr. Templeton said primary vehicular access will be on 7th Avenue South. He added that the proposed building will look like the renovation of the UAB McCallum Building, but will incorporate some of the traditional UAB red brick in the building design.

Commissioner Schrader asked how will the proposed building engage the street. Mr. Templeton said another egress point will be located at the far western end of the building from the south elevation. He added that it will be glass, but it's not shown on the elevation drawings. He noted

that the focus will still be on the main entrance at the eastern end of the building from the south elevation.

Commissioner Hollis asked what will happen to the existing Spain Rehabilitation Center when the Inpatient Rehabilitation Facility is built. Robert Sharpe, Senior Director of Construction for UAB Medicine, addressed the Planning Commission. Mr. Sharpe said outpatient rehabilitation will remain in the Spain Rehabilitation Center and only inpatient rehabilitation is moving into the new facility.

Councilor Abbott asked if the pedestrian bridge will be over City Right-of-Way. Mr. Templeton said yes. He added that UAB will seek a vacation of air rights and a Right-of-Way Use Agreement with the City to move forward with the sky bridge. Mr. Templeton added that the sky bridge will allow interior access to Callahan Eye Hospital and this will allow UAB to have full interior circulation to all of its facilities in that area.

Councilor Abbott said since the building will be on the site of two parking lots totaling 78 spaces, where will the people who utilize those lots park. Mr. Templeton said those employees will be able to park at other UAB lots in that vicinity while the building is under construction. He added that once the building is finished, some of the employees will be able to park in the building's parking deck.

Vice-Chairman Black asked why the new building is not incorporating the UAB red brick in the design. Mr. Templeton said they wanted the design to match the redesign of the UAB McCallum Building.

With no additional questions or comments, Councilor Abbott made a motion to approve Case Number PF-2-22. The motion was seconded by Commissioner Mitchell and the following resolution was approved unanimously:

WHEREAS, the current UAB Inpatient Rehabilitation Facility originally opened in 1964 and now needs to be replaced; and

WHEREAS, the new Inpatient Rehabilitation Facility will support UAB Medicine by allowing the hospital to provide additional staffed bed capacity in a state of the art facility specifically designed to meet the needs of rehabilitation patients, their families, and the care teams working in the building; and

WHEREAS, the new rehab facility will also allow greater support and care while expanding access, capacity, and capabilities; and

WHEREAS, the new facility will include 78 rehab beds, 28 neuro acute beds, shelled floor, and a bridge connection to UAB Callahan Eye Hospital; and

WHEREAS, 100,000 s. f. of the new facility will be a new parking deck that will provide 200 parking spaces; and

WHEREAS, the project was approved by the Five Points South Neighborhood Association on January 18, 2022; now therefore

BE IT RESOLVED by the Birmingham Planning Commission that the request for approval of location, character and extent of the improvements as proposed on the above described property is hereby **APPROVED** as illustrated in the document entitled: “Construction of New Inpatient Rehabilitation Facility”, subject to:

1. Applicant going before the Subdivision Committee to request a vacation of air rights to allow the bridge from the facility to UAB Callahan Eye Hospital.

VI. CASE NO. ZAC2021-00004

DESCRIPTION: Proposed Zoning Ordinance text amendment to incorporate language pertaining to Adaptive Reuse

APPLICANT: Tim Gambrel, Chief Planner with the City’s Planning, Engineering & Permits Department

PREMISES: Citywide

Principal Planner Michael Ward introduced the case. Mr. Ward said the City’s Comprehensive Plan established goals associated with incentivizing adaptive reuse of historic structures to help maintain historic character within the City. He stated that adaptive reuse guidelines in the City’s Zoning Ordinance will make the reuse of vacant buildings easier by minimizing certain zoning and code regulations for reuse projects. He mentioned specific zoning requirements that the ordinance would reduce for reuse projects, such as parking, setbacks, height, certain uses and density. He added that the adaptive reuse item would apply to historic properties within the City Center, Commercial Revitalization Districts, Historic Districts, Enterprise Zones, and Opportunity Zones.

Tim Gambrel, Chief Planner with the City’s Planning, Engineering & Permits Department, addressed the Planning Commission. Mr. Gambrel said this proposal is intended to create incentives and exceptions to the regular Zoning Ordinance guidelines to promote redevelopment of historic buildings. He stated that the Adaptive Reuse Incentive Area (ARIA) will include the City Center, Commercial Revitalization Districts, Historic Districts, Enterprise Zones, and Opportunity Zones. He also stated that the City’s Historic Preservation Officer will determine the eligibility of the buildings by evaluating the historic significance, the age (must be at least 50 years old), and the integrity of the structures.

Chairman Pro-Tem Colson-Lewis asked if the proposal will be a new section within the Zoning Ordinance. Mr. Gambrel said yes.

Chairman Pro-Tem Colson-Lewis also asked if it’s possible that a historic building can be outside of the proposed ARIA. Mr. Gambrel said yes. He added that historic buildings can also be listed on the National Register of Historic Places or within one of the City’s Local Historic Districts.

Commissioner Gunn asked why the area around 12th Avenue North in Norwood wasn't included in the City Center map. Mr. Gambrel said the entire Norwood neighborhood is within a Local Historic District so the proposed standards would apply for eligible historic buildings in that neighborhood.

Commissioner Schrader was concerned about the relaxed parking standards that are being proposed. Mr. Gambrel said the developers will identify sufficient parking for its tenants in order to make their historic renovation projects work.

With no additional questions or comments, Commissioner Gunn made a motion to approve Case Number ZAC2021-00004. The motion was seconded by Commissioner Taylor and the following resolution was approved unanimously:

WHEREAS, the City's Comprehensive Plan established goals associated with incentivizing adaptive reuse of historic structures to help maintain historic character within the City; and

WHEREAS, to implement the goals of the Comprehensive Plan regarding reuse of historic buildings, Planning staff is proposing to add language to the City's Zoning Ordinance to promote adaptive reuse; and

WHEREAS, an adaptive reuse ordinance makes the reuse of vacant buildings easier by minimizing certain zoning and code regulations for reuse projects; and

WHEREAS, this adaptive reuse ordinance would apply to historic properties within the City Center, Commercial Revitalization Districts, Historic Districts, Enterprise Zones, and Opportunity Zones throughout the City of Birmingham; and

WHEREAS, Specific zoning requirements that the ordinance would reduce for reuse projects include parking, setbacks, height, certain uses and density; 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 language pertaining to Adaptive Reuse as set forth in the document entitled "Article VII. Adaptive Reuse Incentive Area (ARIA)".

VII. Other Business and Communications

There being no further business, the meeting was adjourned at 10:11 a.m.