

MINUTES

BIRMINGHAM PLANNING COMMISSION

The Birmingham Planning Commission convened in the City Council Chamber on Wednesday, April 6, 2022 at 8:41 a.m.

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

MEMBERS ABSENT: Patty Pilkerton, Ronald Crenshaw, Mashonda Taylor, Dr. Victoria Hollis, and Chaz Mitchell

STAFF PRESENT: Tim Gambrel, Michael Ward, Heather Garrison, Kim Spearl, and Jess Blankenship

I. APPROVAL OF AGENDA

The meeting was called to order by Chairman Morrison. Commissioner Schrader made a motion to approve the agenda. The motion was seconded by Chairman Pro-Tem Colson-Lewis and the agenda was approved unanimously.

II. APPROVAL OF MINUTES FROM MARCH 2, 2022

Councilor Abbott made a motion to approve the minutes from the Commission's March 2, 2022 meeting. The motion was seconded by Commissioner McCray and the minutes were approved unanimously.

III. DIRECTOR'S REPORT

No Director's report.

IV. Resolution of Appreciation for L'Tryce Slade

On behalf of the Birmingham Planning Commission, Chairman Morrison presented L'Tryce Slade with a resolution of appreciation for her many years of leadership and service. The resolution reads as follows:

WHEREAS, L'Tryce M. Slade has served with distinction on the Birmingham Planning Commission since December 17, 2013; and

WHEREAS, during this over eight-year period of public service she has made significant contributions to a more effective planning program for Birmingham's future through her experience, knowledge and active dedication; and

WHEREAS, her valuable counsel and guidance have greatly assisted the Birmingham Planning Commission in the furtherance of its work; and

WHEREAS, her concern for the City of Birmingham and its citizens is reflected in her community and professional service to many organizations including the Junior League of Birmingham, the National Association of Black Women in Construction, the Birmingham (AL) Chapter of the Links, Inc., the Women's Network, and the National Association of Minority Contractors, as well as other civic activities; now therefore

BE IT RESOLVED by the Birmingham Planning Commission that said Commission hereby recognizes and publicly expresses its appreciation to L'Tryce Slade for her participation on the Birmingham Planning Commission and her continuing efforts to improve the public health and welfare of this community.

BE IT FURTHER RESOLVED that this resolution be incorporated into the permanent minutes of this meeting and that a copy of this resolution be presented to Ms. Slade as an expression of this organization's deep affection and esteem.

ADOPTED unanimously this 6th day of April 2022.

Ms. Slade thanked the Commission for the Resolution of Appreciation. She expressed appreciation for her time on the Commission and that she enjoyed serving the citizens of Birmingham.

Councilor Abbott made a motion to approve the resolution. The motion was seconded by Commissioner McCray and the resolution was approved unanimously.

V. CASE NO. ZAC2022-00002 (Continued Case)

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 that this is a continued case from the March 2, 2022 Planning Commission meeting. The following information is 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 with efforts to reinvigorate the membership underway in 2022. New membership to the revived Implementation Committee have stated a desire to restrict light manufacturing to existing locations currently zoned for such uses. In the past, the Southwest Implementation Committee has supported a) infill housing on residential parcels north of Red Mountain Park, b) commercial development within existing shopping centers and c) light and specialized manufacturing on properly zoned parcels within the Oxmoor corridor. 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. Market: farmer's, flea, public, stand
 - n. Mini-storage warehouse
 - o. Mobile grocery store
 - p. Nursery

- q. Office
- r. Park/greenway
- s. Personal care services
- t. Public building
- u. Restaurant
- v. Retail
- w. Shopping center
- x. Solar panel, building mounted
- y. Solar panel, ground mounted
- z. Urban farm, indoor
- aa. Urban farm, outdoor
- bb. Warehouse
- cc. Warehouse, office

Whit Mitchell of Waypoint Investments LLC addressed the Planning Commission. Mr. Mitchell said he and Will Forbes are storage facility owners that have been doing business in Oxmoor since 2018. He added that they plan to acquire the former IRS building site and repurpose the building into a Class A storage facility for their customers in the area. He mentioned that the proposed development would prevent the further deterioration of a building that's been vacant for 1 ½ years. He also mentioned that the proposed development would not negatively impact traffic in the area.

Mr. Mitchell went through a slideshow presentation that went over the need for additional storage in the area from a feasibility report and showed the light industrial uses that were in the vicinity of the proposed project. Commissioner Schrader asked if they had a picture of their existing Oxmoor facility with them. Mr. Mitchell said no.

Commissioner Gunn asked if the letters of support for the project were mostly from residents or businesses. Mr. Mitchell said it's a combination of both.

Chairman Morrison asked if there were any members of the public who wish to speak for or against the item. 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 mentioned that there are about 700 homes in that area around Tom Martin Drive and residents must pass by the proposed facility to get to their homes. She provided current pictures of the former IRS building and stated that the building isn't decaying, and the landscaping is kept up. She added that a proposed 42 home development will be adjacent to the proposed facility.

Price Hightower, Owner of Hightower Homes who owns the proposed 42 home site at 821 Tom Martin Drive, addressed the Planning Commission. Mr. Hightower said he supports the proposed project. He added that he knows the owners of the former IRS building and they don't have any commercial tenants that wanted to lease the building.

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 the proposed project doesn't fit within the vision of the Oxmoor Neighborhood residents. She mentioned that a storage

facility may be needed, but not that close to a residential neighborhood. She also mentioned that the Implementation Committee still hasn't started back meeting yet.

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 there is too much traffic congestion in the area right now. She stated that the project doesn't fit within a residential neighborhood, and it belongs in an industrial park.

Karen Whitt, an Oxmoor resident who resides at 101 Vancouver Court, addressed the Planning Commission. Mrs. Whitt said she is opposed to the rezoning for a storage facility. She voiced concerns about proper site drainage for the wash bay and the storage of possible hazardous materials.

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 serve as a hub for community-based economic activity for residents.

Tracy Martin, an Oxmoor resident who lives at 100 Vancouver Court, addressed the Planning Commission. Mr. Martin said the storage facility locations that the applicant presented were along highly visible streets, not in residential neighborhoods. He hoped the City of Birmingham would purchase the property so it can be used as a public facility, such as a library.

With no additional members of the public wishing to speak, Chairman Morrison allowed the applicant to address the resident's concerns. Mr. Mitchell said no moving trucks will be parked on the proposed storage facility site. He added that although 60% of the Oxmoor Neighborhood residents at the neighborhood meeting voted against the project, 40% supported it.

Chairman Morrison asked if the proposed mini-storage warehouse use allows for outside storage. Chief Planner Tim Gambrel said the storage is supposed to be contained within the building so there shouldn't be any outside storage.

Commissioner McCray asked if this is the only project the City has seen for this site since it's been vacant. Mr. Gambrel said this is the only project that he's aware of.

Ms. Greene asked to speak briefly. She said she felt the applicant rushed the Oxmoor Neighborhood to vote at their February 14th meeting. She added that she was leaning toward delaying the item to their next meeting to get all their questions answered, but the applicant wanted a decision that night.

Chairman Morrison asked if there is a way to guarantee that the aesthetic quality the applicant is proposing for the building is implemented. Mr. Gambrel said yes. He added that they must submit a development plan to the Oxmoor Steering Committee (basically a Design Review Committee for the MXD – Mixed Development Zoning District in Oxmoor) for approval and the plan must adhere to the Oxmoor Development Guidelines.

With no additional questions or comments, Commissioner Deep-Nelson made a motion to recommend approval of Case Number ZAC2022-00002 to the City Council. The motion was seconded by Commissioner Schrader and the roll call vote was as follows:

Yes: Morrison, Black, Gunn, Jordan, Deep-Nelson, and Eddington

No: Colson-Lewis, Schrader, Abbott, and McCray

Based on the vote, the motion to recommend approval of Case Number ZAC2022-00002 to the City Council was approved.

VI. Other Business and Communications

There being no further business, the meeting was adjourned at 9:42 a.m.