

## STAFF RECOMMENDATIONS

### ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: April 2, 2019

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 19<sup>th</sup> Street, North

**ZAC2019-00004.....Five Points South**  
Application for a change in zone district boundaries from M-2, Heavy Industrial District to MU-D, Mixed-Use Downtown District, filed by Tim Larson, representing the owners, Birmingham POD, LLC. for the property located at 1100 2<sup>nd</sup> Avenue South and situated in the NE¼ of Section 02, Township 18-S, Range 3-West. (35233, District 5).  
Proposed Use: *Mixed use development with business, amphitheater, retail and apartment type uses.*

#### ***Property and Abutting Land Uses:***

The subject property sits on approximately 11 acres of land, all of which is currently zoned M-2, Heavy Industrial District. The subject property is mainly surrounded by light manufacturing, warehousing, residential and commercial uses all of which are zoned M-1, Light Manufacturing District and MU-D, Mixed-Use Downtown District. Railroad Park, Regions Field, and other recently constructed mixed use developments are located east of the subject property, and are also zoned B-4, Central Business District.

#### ***Applicant's Proposal:***

The proposed development at 1100 2nd Ave S includes the renovation of the former Sherman Industries cement plant plus new construction centered around an outdoor pedestrian plaza. The goal of this development is to provide the community with a large-scale, mixed-use, walkable experience. The design emphasizes the history of the Sherman Cement Plant by preserving and re-purposing the existing concrete silo towers, overhead grain elevator, water retention pond, existing concrete storage bins, and cement mixing towers. The proposed height is six stories.

The design includes:

- Approximately 80,000 square feet of hotel, food and drink, artist lofts, craft retail, and private art galleries;
- 10,000 square feet of outdoor music venue with covered stage;
- 6 live-work units at approximately 20,000 square feet;
- 40,000 square feet of creative office space;
- 72 on-site parking stalls

This development proposes new sidewalks, planting strip, and on-street parking along 12th Street South and 2nd Ave South that does not currently exist at this site.

The City's *Long Range Land Use Plan* identifies the property as *Light Manufacturing*. Although the proposed rezoning request is *Not Consistent* with the Long Range Land Use, the rezoning request *is* compatible with adjacent uses.

#### ***Zoning Ordinance:***

The applicant's site plan submittal complies with the MU-D, Mixed- Use Downton District. A mixed use development consisting of business/ retail and apartment use are permitted in this district. In the B-4 and MU-D districts, the maximum parking requirement shall be equal to that of the same use in the B-3 or MU-H districts, but only for the purpose of determining when LID will be required for any proposed parking. In addition, for parking areas of 20 or more spaces, a parking and circulation plan shall be subject to the approval of the Traffic Engineer. An amphitheater is allowed in a Mixed-Use Downtown District and shall be permitted provided that the following conditions are met:

1. If the amphitheater utilizes amplification or has capacity for 30 or more patrons, it must be setback 200 feet from any dwelling district. 2. A traffic impact study may be required that demonstrates adequate traffic controls are provided as determined by the Traffic Engineer for the City. The proposed development is located in the Midtown Commercial Revitalization District and will need to be reviewed and approved by the Design Review Committee.

***Neighborhood Recommendation:***

***The Five Points South Neighborhood Association met*** at its regularly scheduled meeting on **March 25, 2019** to review the proposed project and voted ***“To Recommend Approval”*** of the proposed rezoning request. The vote was **11 approved** and **0 denied**.

***Staff’s Recommendation to ZAC:***

Although the applicant’s request is not consistent for the Long Range Land Use plan for this property, the current zoning classification for this area is consistent with the surrounding properties that have been identified as Mixed Use Downtown. Specifically, given its proximity to Railroad Park, Regions Field, Liv Parkside, UAB and all of the mixed-used developments and uses in the immediately adjacent neighborhood currently underway and nearing completion, the proposed zoning supports the continuation of the Mixed-use Downtown (MU-D) classification. In addition, many nearby and adjacent properties are classified as MU-D in Birmingham’s proposed land-use plan and it seems appropriate that this block would be classified MU-D, as well. It is therefore the recommendation of Staff that this rezoning application *has merit* for approval.

**The City’s Stormwater Administrator Staff** reviewed the applicant’s proposal and if the request is approved, recommends the following:

- ADEM Construction NPDES Permit inclusion will be required prior to the issuance of City SEC permits.
- City of Birmingham Soil Erosion Control permit will be required.
- City of Birmingham Civil Construction permit will be required.
- Post Construction runoff shall not exceed pre-project runoff for the 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 area that is greater than the requirement for the parking space count.
- Compliance with the Post Construction Stormwater Ordinance is recommended and will be required after ordinance adoption. Expected Effective Date May 1, 2019.
- During the preliminary design phase, we recommend a review meeting with City Stormwater and Engineering Personnel.

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710 19<sup>th</sup> Street, North

**ZAC2019-00005**.....**Central City**  
Application for a change in zone district boundaries from M-1, Light Industrial District to MU-D, Mixed-Use Downtown District, filed by Tim Larson, representing the owners, Birmingham POD, LLC. for the property located at 2409 Morris Avenue and situated in the **NE¼ of Section 36, Township 17-S, Range 3-West. (35203, District 5)**.  
Proposed Use: *Mixed use development with business, retail and live-work units.*

***Property and Abutting Land Uses:***

The subject property sits on approximately .77 acres of land, all of which is currently zoned M-1, Light Industrial District. The subject property is mainly surrounded by light manufacturing, warehousing, residential and commercial uses all of which are zoned M-1, Light Manufacturing District and B-4, Central Business District.

***Applicant's Proposal:***

The proposed development includes the renovation of an existing warehouse, plus new construction centered around an outdoor courtyard. The goal of this development is to provide the community with a neighborhood-scaled, mixed-use, walkable destination. The design emphasizes the history of Birmingham's steel and railroads by providing direct views and outdoor seating overlooking the existing railroad. The proposed design is three stories in height. The proposed design includes 8,330 square feet of existing warehouse to be preserved and repurposed into commercial uses. The development also proposes 3 food and drink venues at approximately 10,000 square feet. Also included in the development is 13 live-work units at approximately 31,000 square feet. This development proposes the continuation of sidewalk, planting strip, and on-street parking along Morris Avenue that does not currently exist at this site.

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Downtown*; therefore the proposed rezoning request *is Consistent* with the *Long Range Land Use Plan*.

***Zoning Ordinance:***

The applicant's site plan submittal complies with the MU-D, Mixed- Use Downton District. A mixed use development consisting of business/ retail and apartment use are permitted in this district. The proposed development is located in the Automotive Historic District and the Morris Avenue Commercial Revitalization District and must be reviewed and approved by the Design Review Committee.

***Neighborhood Recommendation:***

*The Central City Association met* at its regularly scheduled meeting on **March 19, 2019** to review the proposed project and voted "*To Recommend Approval*" of the proposed rezoning request. The vote was 7 *approved* and 0 *denied*.

***Staff's Recommendation to ZAC:***

The applicant's rezoning request *is consistent* with the future land use plan and has merit for approval.