

STAFF RECOMMENDATIONS
ZONING ADVISORY COMMITTEE
Birmingham Planning Commission
Meeting Date: April 16, 2019
Time: 6:00 P.M.
Pre-Meeting: 5:30 P.M.
Place: City Council Chambers
710 19th Street, North

ZAC2019-00003.....Wahouma
Application for a change in zone district boundaries from R-3, Single Family District to I-1, Light Manufacturing District to allow a fueling station and parking lot for the Birmingham City School System buses, filed by Lawrence Wilson, representing the owner, Birmingham City Schools for the properties located between 3rd Avenue North and 1st Avenue North and between 64th Street North and I-20 Interstate Exchange, Birmingham Alabama 35212, situated in the SE ¼ of Section 16, Township 17-S; 2-W and NE ¼ of Section 21, Township 17-S; 2-W.

Proposed Use: *A fueling station and parking lot for the Birmingham City School System buses. (35212). (Council District 4).*

Property and Abutting Land Uses:

The subject approximate 7.5 acres properties including the former Kennedy Alternative School are located in an area between 3rd Avenue North and 1st Avenue North and between 64th Street North and I-20 Interstate Exchange next to the existing bus maintenance facility in the Woodlawn Neighborhood. The subject properties are owned by Birmingham City Schools.

Applicant's Proposal:

The purpose of this project is to provide additional bus parking to accommodate parking for the remainder of the BCS fleet and 12 new propane fueled buses BCS will be acquiring. In addition, the project will include centrally located covered fueling station capable of supplying unleaded gas, diesel, and propane for the BCS fleet. The scope of the project includes a parking area for a minimum of 80 buses, new proposed storage tanks including a 30,000 gallon propane tank, 15,000 gallon diesel fuel tank and 10,000 gallon unleaded fuel tank. The proposed project will also include a covered fueling station with fuel pumps to allow 4 lanes of fueling (2-inbound and 2-outbound lanes), site lighting for safe ingress/egress and fueling, full perimeter fencing and security access at all entrances and fuel pumps using the AIMS for access and the BCS will provide camera system and WIFI when construction has reached a suitable completion. This project will require Demolition of approximately 10 existing structures and vacation of City Right-of-Way (ROW) on 63rd Street North, between 1st Ave N and 3rd Ave N, and vacating ROW on 2nd Ave N between 63rd St N and 64th St N.

The City's Long Range Land Use Plan identifies the property as *General Commercial*, a land use designation most comparable to the existing zoning district, *therefore, the rezoning request is Not Consistent with the Plan.*

Zoning Ordinance:

The applicant's site plan submittal complies with the I-1, Light Manufacturing District zoning requirements. The applicant must submit a landscaping plan for the review and approval of the City's Landscape Architect.

Neighborhood Recommendation:

The Wahouma Neighborhood Association met at its regularly scheduled meeting on March 7, 2019 to review the proposed project and voted to approve the proposed project. The vote was 3 approved and 2 denied.

As a courtesy, the applicant presented the proposed redevelopment to the neighboring ***Eastlake Neighborhood Association*** at its regularly scheduled meeting on **March 5, 2019** and there were no objections expressed regarding the applicant's request. The vote was **31 approved and 0 denied.**

As a courtesy, the applicant also presented the proposed redevelopment to the neighboring **Woodlawn Neighborhood Association** at its regularly scheduled meeting on **March 11, 2019** and there were no objections expressed regarding the applicant's request. The vote was **15 approved** and **0 denied**.

The **City's Stormwater Administrator's 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 for GI/LID/Water Quality is recommended and will be required after ordinance adoption.*
- *During the conceptual design phase, we recommend a review meeting with City Stormwater and Engineering Personnel.*
- *ADEM Permitting is required for all Underground Storage Tanks.*

The **City's Natural Hazard Administrator's Staff** reviewed the applicant's proposal and if the request is approved, recommends the following:

- *Development will be subject to the review and approval by the City's Floodplain Administrator or designee.*
- *Applicant will be required to submit to the City for review a copy of their Alabama Department of Environmental Management (ADEM) Permit or Notice of Intent (NOI), if appropriate.*
- *Applicant will be required to submit to the City for review a copy of the Site Erosion and Sediment Control Plan, Storm-water Management Plan, and Construction Best Management Practices Plan.*
- *Applicant will be required to submit to the City for review and approval a long term maintenance plan that addresses all pertinent long-term maintenance requirements for all structural flood and/or storm-water controls.*
- *Applicant must secure all applicable City permits.*

Staff's Recommendation to the ZAC:

Although the applicant's request **is not consistent** for the Long Range Land Use plan for these properties, the proposed zoning for these properties is consistent with the surrounding properties that have been identified as QM-1, Qualified Light Industrial District. Industrial uses immediately adjacent to the proposed properties supports the continuation of the Industrial use classification. It is therefore the recommendation of Staff that this rezoning application **has some merit** for approval.

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ZAC2019-00007.....**Woodlawn**
Application for a change in zone district boundaries from QB-2, Qualified General Business District to QB-2, Qualified Business District and thereby amending the “Q” conditions of Case ZAC2005-00113 (Ordinance #1814-G) to allow parking for the construction of a new church, filed by Perry Macon, representing the owners, First Baptist Church Woodlawn for the properties located at 106, 150 and 200 53rd Street North and 5230 1st Avenue North, Birmingham Alabama 35212, situated in the SW ¼ of Section 21, Township 17-S; 2-W.

Proposed Use: *A request to amend the “Q” conditions (ZAC2005-00113, Ordinance #1814-G) to allow parking for the construction of a new church. (35212). (Council District 4).*

Property and Abutting Land Uses:

The subject properties consist of 7 lots totaling 1.04 acres of land located in the Woodlawn Neighborhood. North and West of the subject properties are single family homes all of which are zoned R-3, Single Family District; while east of the subject properties is the Woodlawn U.S. Postal Service Branch. South of the subject properties along 1st Avenue North are commercial uses all of which are zoned CB-2, Contingency General Commercial District.

Previous Actions:

The subject properties were rezoned from R-3, Single Family District to QB-2, Qualified General Business District for the proposed use of a Family Dollar retail store (ZAC2005-00113, Ordinance #1814-G) with the following conditions:

- (1) A minimum 5’ to a maximum 8’ privacy fence shall be constructed along the northern boundary and western boundary of the site in permitted area adjacent to residences to provide as a buffer from potential nuisance impacts;
- (2) Submission to and approval by the planning staff of the PEP Department of a site development plan to include but not limited to, the location and heights of all structures; parking; ingress and egress landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting; and the location and screening of solid waste disposal container by a fence constructed of wood, masonry brick, or concrete which is architecturally compatible with the primary building sufficient in height on all 4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping as per approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alteration or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the PEP Department;
- (3) Providing a minimum of 3 handicapped parking spaces on the site; and
- (4) The northern most lot of the development site, more specifically 11, block 2 of Montgomery and Parks Survey must be preserved in perpetuity as a buffer lot and no structure or use, except a screening fence, may be placed on the lot.

Applicant’s Proposal:

Woodlawn Baptist Church, which currently meets in a temporary location (the fellowship hall at Mt. Lebanon Missionary Baptist Church) is planning on constructing a new 9,000 square foot building located on 1st Avenue North between 52nd and 53rd Place North (on the subject property). There will be approximately 275 seats in the sanctuary and 47 parking spaces will be provided to accommodate said building. Other than the regularly scheduled worship services, the

proposed building will be used for a United Way Food Bank which will help feed approximately 300 families once per month.

The church would like to request that the “Q” Conditions that were placed on this property when it was rezoned in 2006 (Case No. ZAC2005-00113, Ordinance #1814G) be amended. With the proposed development of the subject property, item #4 of the existing “Q” conditions is creating a hardship in getting the required number of parking stalls on the site for the development of the property. A buffer per the current zoning ordinance will be provided along the most northerly line of the development.

The City’s Long Range Land Use Plan identifies the property for *General Commercial District*; therefore, the proposed amendment of “Q” conditions is consistent with the Plan.

Zoning Ordinance:

The applicant’s site plan submittal complies with the C-2, General Commercial District zoning requirements; however a change of Q Conditions relative to a use occurring on the property must be considered by the City Council as in a rezoning request. The parking requirement for Place of Worship are as follows, 1 parking spaces per 6 seats in the main sanctuary. Applicant’s site plan shows 47 parking spaces; therefore the applicant is meeting the parking requirement for the site. When a development includes parking in excess of the maximum required (equal to the minimum), then pervious paving systems are required for those parking spaces which exceed the maximum number of spaces allowed. The applicant can remove 1 parking space or provide pervious paving systems or other low impact developments. For parking areas of 20 or more spaces, a parking and circulation plan shall be subject to the approval of the Traffic Engineer. The applicant also shows parking in the required front yard; which is not allowed; therefore, the applicant needs to make an application to the Zoning Board of Adjustment for a variance to allow parking in the required front yard. Church or other place of worship shall be located not less than twenty-five feet from any side lot line. Applicant site plan does not comply with the setback requirement for Place of worship and will need to seek a variance from the Zoning Board of Adjustment. Applicant will need a variance of the placement of the planting materials that is along the alley or shift the planting material on the other side of the fence that is shown on the applicant’s site plan. Applicant will also need to seek a variance from the Zoning Board of Adjustment for a variance to provide a buffer other than the 10FT wide buffer that is required. Lastly a subdivision action to resurvey 7 lots into one will be needed to allow the church and parking on the same site.

Neighborhood Recommendation:

The Woodlawn Neighborhood Association will meet at a special called meeting on April 15, 2019 to review the case.

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

- *ADEM Construction NPDES Permit will be required for Soil Erosion and Sediment Prevention and Control.*
- *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.*
- *The use of low impact and green infrastructure development practices LID/GI is encouraged.*
- *LID/GI practices are required for the parking space area that is greater than the required for the parking space count.*

Staff's Recommendation to the ZAC:

The applicant's site development plan *is consistent* with the future land use plan and has merit for approval with the following conditions as referenced in **Case ZAC2005-00113, Ordinance #1814-G:**

1. *A minimum 5' to a maximum 8' privacy fence shall be constructed along the northern boundary and western boundary of the site in permitted area adjacent to residences to provide as a buffer from potential nuisance impacts,*
2. *Submission to and approval by the planning staff of the PEP Department of a site development plan to include but not limited to, the location and heights of all structures; parking; ingress and egress landscaping; location, size and number if all signs; storm water drainage; buffering and screening; exterior lighting; and the location and screening of solid waste disposal container by a fence constructed of wood, masonry brick, or concrete which is architecturally compatible with the primary building sufficient in height on all 4 sides with a double wooded gate at the entrance; and screening of all HVAC units and satellite dishes. All on and off site improvements shall be developed and maintained in strict conformance with the approved site development plan. All landscaping as per approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed. Any amendments, additions, deletions, alteration or changes to any of the above listed standards of the approved site development plan, shall require approval of an amendment to the approved site development plan by the planning staff of the PEP Department,*
3. *Providing a minimum of 3 handicapped parking spaces on the site.*