

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: May 7, 2019

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 19th Street, North

ZAC2019-00009.....Five Points South
Application for a change in zone district boundaries from QB-3, Qualified Community Business District to QB-3, Qualified Community Business District and thereby amending the "Q" Conditions of Case ZAC2018-00001, Ordinance #1987-G to facilitate the construction of various on-premise signs, filed by C. Randall Minor, representing the owner, Highland AL Partners, LLC, c/o CH Highland, LLC., for the properties located at 2173 Highland Avenue South and 2150 14th situated in the NW¼ of Section 06, Township 18-S, Range 2-West. (35205, District 3).

Proposed Use: *To amend “Q” conditions or Ordinance 1987-G to allow on-premise signs.*

Property and Abutting Land Uses:

The subject property is located on the south side of Highland Avenue South near its intersection with Arlington Avenue South in the part of the City known as “Five Points South”. It is comprised of two (2) tax lots (a 37,960 sf lot that has 200.13 feet)of frontage on Highland Avenue South and a 49,293 sf lot that has 208.68 feet of frontage on 14th Avenue South). The lots are separated from one another by the public alley (20 foot right of away) that connects 21st Place South and 21st Way South.

Applicant’s Proposal:

The proposed development, which will be known as The Vesta, will deliver 318 luxury apartment units to this neighborhood. The applicant is requesting to amend the “Q” conditions of Ordinance 1987-G in order to facilitate the construction of various on-premise signs.

Previous Actions:

The subject property was rezoned to QB-3, Qualified Community Business District (Case ZAC2018-00001, Ordinance #1987-G) with conditions excluding the following uses from the QB-3 District which included on-premise signs:

- (3) *Automotive, farm implement or trailer display or sales.*
- (4) *Service station.*
- (5) *Hardware or building material sales.*
- (6) *Hotel or motel.*
- (7) *Amusement (indoor and outdoor except when the property abuts residential zoned property located within the City of Birmingham, amusement (outdoor) is only allowed by special exception granted by the Zoning Board of Adjustment.*

- (8) *Laundry, dry cleaning or dyeing plant (except for a dry cleaning and laundry drop off point for the residents of the development).*
- (9) *Personal service shop, such as barbershop or beauty shop, photographic studio or massage establishment.*
- (11) *Business, music or dancing school.*
- (13) *Repair service for such items as radios, televisions, shoes, watches or jewelry.*
- (16) *Automotive, farm implement or trailer repair or servicing.*
- (17) *Radio or television broadcasting station, studio or office.*
- (18) *Undertaking establishment or mortuary.*
- (19) *Wholesale establishment, including storage and display.*
- (20) *Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.*
- (21) *Testing or research laboratory.*
- (22) *Millinery, dressmaking or tailoring.*
- (23) *On-premise signs.*
- (24) *Printing or engraving.*
- (25) *Light manufacturing limited to the following:*
 - a. *Furniture.*
 - b. *Jewelry.*
 - c. *Cosmetics.*
 - d. *Candy.*
 - e. *Fur goods, except tanning or dyeing.*
 - f. *Medical, dental, or drafting instruments.*
 - g. *Optical equipment, clocks, watches and similar precision instruments.*
- (26) *Other manufacturing, processing, fabricating or assembling operations which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare, but only when the manufacturing, processing, fabricating, or assembling is incidental to a retail business conducted on the premises.*
- (27) *Mini-Warehouse.*
- (29) *Hospitals or other institutions, but not including mental hospitals or penal institutions; provided, however, churches shall not be excluded.*
- (30) *Private club or lodge.*
- (31) *Public buildings.*
- (32) *Parks.*
- (33) *Telephone exchange or service buildings (except as related to the development).*
- (34) *Utility Installation or service building (except as related to the development).*
- (35) *Adult Care Facility or Child Care Center.*
- (38) *Farmers Market.*
- (39) *Public Market.*
- (40) *Apiary.*

- (41) *Pay Day (Deferred Presentment) and Title Loan operations.*
- (42) *Accessory structures and uses, including Accessory Use Child Care Centers and drive-through structures (except any permitted use, including, for example, a parking lot or garage, customarily associated with similar developments, as reflected on the approved site development plan).*

The City's ***Long Range Land Use Plan*** identifies the property as ***Mixed Use High; therefore, the proposed amendment request is Consistent with the Long Range Land Use Plan.***

Zoning Ordinance:

The applicant's site plan submittal complies with the B-3, Community Business District and all proposed uses are permitted and no regulatory actions are foreseen; 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.

Neighborhood Recommendation:

The Five Points South Neighborhood Association met at its regularly scheduled meeting on **April 22, 2019** and voted to ***Recommend*** amending the "Q" Conditions to include on-premise signs.

Staff's Recommendation to ZAC:

The applicant's proposal ***is consistent*** with the Future Land Use Plan. It is therefore the recommendation of Staff that amending the "Q" Conditions application has ***merit*** for approval provided that the following "Q" conditions remain:

1. *Submission to and approval by the planning staff of the PEP Department of a site development plan to include, but not be limited to, the location and height 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 the 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, alterations 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 in order to ensure that the site is developed as proposed with the parking garage in the center of the building shielded from view on the north, east and south sides by the proposed residential structures.*

2. *Uses are limited to those allowed in B-3, Community Business District, excluding the following:*
 - (3) *Automotive, farm implement or trailer display or sales.*
 - (4) *Service station.*
 - (5) *Hardware or building material sales.*
 - (6) *Hotel or motel.*
 - (7) *Amusement (indoor and outdoor except when the property abuts residential zoned property located within the City of Birmingham, amusement (outdoor) is only allowed by special exception granted by the Zoning Board of Adjustment.*
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