

RECOMMENDATIONS
ZONING ADVISORY COMMITTEE
Birmingham Planning Commission
Meeting Date: August 6, 2019
Time: 6:00 P.M.
Place: City Council Chambers
710 19th Street, North

ZAC2019-00012 & ZAC2019-00015.....Druid Hills and Evergreen
Application for a change in zone district boundaries from CB-2, Contingency General Business District, B-6, Health and Institutional District and CO&I, Contingency Office and Institutional District to D-4, Medium Density District and MU-D, Mixed-Use Downtown in order to allow a new mixed-use development for properties generally located around the former Carraway Hospital Campus boarded Carraway Boulevard to the east, 25th Street North to the west, 20th Avenue North to the north and 13th Avenue North and 1547 Walnut Circle (See Exhibit 1), filed by Brian Wolfe, representing the owners, The Lovelady Center, Inc. and Paul Joseph Minarcine (see attached map) situated in the NW ¼ Section 25, Township 17-S, Range 3SW ¼ Section 24, Township 17-S, Range 3-West. (35234, District 5).
Proposed Use: *To allow a mixed-use development*

Property and Abutting Land Uses:

The proposed development is the site of the former Carraway Memorial Hospital campus, along with some adjacent parcels. It is composed of approximately 47.3 acres of abandoned, vacant, and undeveloped properties. The main portion of Site is bordered by:

- Carraway Boulevard (to the east),
- 25th Street North (to the west),
- 20th Avenue North (to the north), and
- 13th Avenue North (to the south).

A triangular parcel is immediately adjacent to the main portion and is bordered by 25th Street North, 15th Avenue North, and 22nd Street North (see Exhibit B). Recent nearby development includes the Top Golf facility (opened in 2017), located one block to the south. To the southwest, a future multi-purpose stadium has been proposed.

Applicant's Proposal:

The applicant's is proposing to create a new Mixed-Use development on the site of the vacant Carraway campus and surrounding areas, as depicted in The Urban Renewal Plan for the Druid Hills Neighborhood, hereafter referred to as the Urban Renewal Plan (See Exhibit B). The proposed development will create a vibrant, mixed-use development that combines Residential, Office, Retail, Entertainment, Hotel and Open Space in a walkable and human-scale urban environment (See Exhibit E). The applicant's approach is to create a north, central and south development concept. The northernmost two blocks are proposed to be developed as attached Single-Family Residential. The Central Area links the North and South Areas and connects directly to roadways that connect to the Norwood neighborhood (specifically 17th Avenue North and 15th Avenue North). The proposed "village center" of the Development Concept will be the heart of the development where various mixed-uses meet with entertainment, open spaces and public plazas. Lastly, the South Area will be a center for new employment and business opportunities. While no single industry has been targeted, the South Area is proposed to be home to Offices (single or multi-tenant), Technology companies, or Medical uses (healthcare, medical office, etc.). The overall building concepts for all three areas will follow a similar approach to development.

- **Single-Family Residential** –These will be wood-frame construction, built on slab-on-grade. Most Single- Family Residential products are expected to be 1 or 2 stories. In some cases, Townhomes may be 3 to 4 stories;
- **Multi-Family Residential** – These will also be wood-frame construction and slab-on-grade. Where appropriate, street-level Retail/Dining will be incorporated. Most Multi-Family Residential is not expected to exceed 5 stories. However, should taller Multi-Family be considered (6 to 8 stories), Type I steel-frame or concrete construction will be utilized;
- **Office** – Office development will be multi-level and Type I steel-frame or concrete construction. Some Office buildings may also incorporate some associated street-level Retail and/or Dining uses. Office buildings may vary from low-rise (1-2 stories) to mid-rise (8-10 stories), depending on tenants and uses;
- **Hotel** – The Hotel is expected to be 6 to 8 stories to accommodate the projected room count. It will be Type I steel-frame and concrete (or block and plank) construction and could incorporate some associated street-level Retail and/or Dining uses;
- **Retail/Dining** – These uses will be incorporated as street-level uses in mixed-use buildings and as stand- alone structures. The stand-alone Retail/Dining structures will be 1 to 2 stories and will typically be wood- frame (or steel-frame), slab-on-grade designs; and,
- **Entertainment** – Entertainment development may incorporate a variety of potential uses – from a movie theater, to a bowling alley, to an outdoor performance venue. These are generally low-rise structures (1 to 3 levels) and are either wood-frame or Type I steel-frame construction.

Zoning Ordinance:

The applicant's site plan submittal complies with the D-4, Medium Density District and MU-D, Mixed-Use Downtown District as the proposed uses are permitted within the above referenced zoning districts. The areas that are proposed to be rezoned to MU-D, Mixed-Use Downtown will not have any density, setbacks or height restrictions except where Federal Aviation Administration (FAA) regulations apply, in which case a waiver must be granted by the FAA to exceed FAA limitations; however, the applicant is proposing that all of the planned new buildings on the Site will not exceed the tallest existing structure on the Site, which is the vacant 12-story medical office tower. All developments will require a detailed landscaping plan and must meet all zoning requirements. This subject project area is included in the Northside Framework Plan which is currently in the public input stage. After adoption of the plan a subsequent rezoning and character code regulated plan will offer some additional design guidelines to development.

The City's ***Long Range Land Use Plan*** identifies the northern most portion of the project as ***Residential Low***, a designation applied to single family homes and ***Mixed-Use Low***; a designation applied to compact, walkable residential and commercial areas. The central most portion of the site which is comprised of the former Carraway Hospital is identified as ***Mixed-Use High***; a designation applied to medium to high density office, residential. The area along Walnut Hill is identified as ***Mixed-Use Low***. Most of the proposed zoning changes are ***SOMEWHAT CONSISTENT*** with the Long Range Land Use Plan, zoning proposed for ***Block D and E*** (See exhibit D in the Urban Renewal Plan) are ***SOMEWHAT CONSISTENT*** with the land use plan as they are being proposed as ***Mixed-Use Downtown*** and the land use plan identifies them as ***Mixed-Use Low***. Furthermore, since the applicant has worked with the City to develop an Urban Renewal Plan, conducted extensive neighborhood input meetings, the neighborhood supports the conceptual plan (Exhibit E) as expressed in the

Urban Renewal Plan, the Birmingham Planning Commission recommended adoption of the Urban Renewal Plan, the Birmingham City Council adopted the Urban Renewal Plan, and the property presented in the Urban Renewal Plan, if developed as prescribed in the conceptual plan with certain development controls, would be a catalytic development in the area that is intended to benefit the neighborhoods and the City, it is practical, in this case, to except the Urban Renewal Plan as a city sponsored plan that serves as evidence for the practicality of amending the Future Land Use Plan for the area described as Block D & E. Further, the framework plan for this area will recommend that the area described as Block D be assigned a Future Land Use designation of MU-M and the area described as Block E be assigned a Future Land Use designation of MU-H.

Neighborhood Recommendation:

The Evergreen Neighborhood Association met at its regularly scheduled meeting on July 16, 2019 to review the proposed project and voted to ***Recommend*** the rezoning request. The vote was 6 approved, 0 denied.

The Druid Hills Neighborhood Association held a Special Called Meeting on July 29, 2019 to review the proposed project and voted to ***Recommend*** the rezoning request. The vote was 11 approved, 10 denied.

As a courtesy, the applicant presented the proposed rezoning to the neighboring ***The Norwood Neighborhood Association*** at its regularly scheduled meeting on July 27, 2019. The Norwood Neighborhood Association supported the rezoning request. The vote was 6 approved, 0 denied.

The City's Watershed Staff reviewed the applicant's proposal and if the request is approved, recommends the following:

- *If greater than 1 acre is disturbed, 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 1, 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 required*
- *It is recommended the applicant has a review meeting with City Personnel.*

Staff's Recommendation to ZAC:

Although most of the applicant's proposal for a mixed-use development ***is somewhat consistent*** with the City's Land Use Plan, Q conditions, as described below, should be considered in order to protect abutting residential districts. It is therefore the recommendation of Staff that this application ***has merit*** for approval with conditions as described below.

- 1) The conceptual plan (Exhibit E), as described in the Urban Renewal Plan, shall act as the site plan. If development is proposed that is not consistent with the conceptual plan, then it must be approved, as a site plan amendment, by the Zoning Advisory Committee and the Urban Renewal Plan must be amended and approved by the City Council.

- 2) Properties described as Block B & C in the conceptual plan shall be limited in height to 120 feet.
- 3) Properties described as Block D & E in the conceptual plan shall be limited in height to 60 feet.
- 4) If the property described as Block D in the conceptual plan is developed as an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 24th Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 200 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff. The hour's operations for the outdoor performance venue should not extend past 12:00a.m.
- 5) If the property described as Block D in the conceptual plan is developed as any entertainment use other than an outdoor performance venue, then it shall be set back from 15th Avenue North between 22nd and 24th Streets North and from 22nd Street North between 15th and 17th Avenues North by no less than 200 feet, and a vegetative buffer and berm shall be placed in the setback as approved by Planning, Engineering and Permits Staff.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: August 6, 2019

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 19th Street, North

ZAC2019-000013.....Ensley
Application for a change in zone district boundaries from R-3, Single Family Residential District to C-2, General Commercial District, filed by Varnie Barker, representing the owner, Birmingham City Schools for the properties located at 1301 15th Street and 1400 Avenue M and situated in the SE¼ of Section 31, Township 17-S, Range 3-West. (35218, District 9).

Proposed Use: *To adaptively re-use the former Council School for a Business Incubator.*

Property and Abutting Land Uses:

The subject properties sits on approximately 3.47 acres of land, all of which are currently zoned R-3, Single Family District and is the former site of Council Elementary School. The subject properties are surrounded by single family homes all of which are zoned R-3, Single Family District.

Applicant's Proposal:

The proposed development includes the adaptive re-use of the existing Council Elementary School to establish a business incubator and will serve as the headquarters of the National Homeowners Alliance. The National Homeowners Alliance is a national organization that protects, advocates and defends the rights of all homeowners nationwide and provides a holistic and proprietary methodology for successful and sustainable homeownership. The programs that will take place at this facility includes:

- School of entrepreneurialism
- Job and economic empowerment initiatives
- School of innovation (Foster innovation in local communities)
- Career Planning
- A state of the art-conference center and amenities
- 15 executive suites for conference attendees
- A sportplex fitness center and
- Offices

The City's *Long Range Land Use Plan* identifies the property as *Residential Low*; a designation applied to single-family homes, schools, churches and neighborhood-servicing public uses; therefore the proposed rezoning request *is Not Consistent* with the *Long Range Land Use Plan*.

Zoning Ordinance:

A business/office and conference center use is permitted in the C-2, General Commercial District; however, a detailed interior layout plan showing the square footage of each proposed use will be

needed to determine parking and zoning compliance. A detailed landscaping plan will also be required. Lastly, a subdivision action will be required to combine both parcels into 1 lot and vacate the abutting alley. The proposed site is located in a special flood hazard area and must meet floodplain requirements.

Neighborhood Recommendation:

The Ensley Neighborhood Association met at its regularly scheduled meeting on **July 18, 2019** to review the proposed project and voted ***“To Recommend Approval”*** of the proposed rezoning request. The vote was **12 approved** and **1 denied**.

The City’s Watershed 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 1,2, 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 required.*
- *Portions of the site are in the FEMA Special Flood Hazard Area, and compliance with the floodplain ordinance is required.*
- *A review meeting with City Personnel is recommended prior to any construction.*

Staff’s Recommendation to ZAC:

Although the proposed use presents an opportunity to adaptively re-use a vacant school building, the applicant’s rezoning request ***is not consistent*** with the future land use plan and ***does not has merit*** for approval. In order to protect the surrounding single family district, Q Conditions, limiting the use of the property could be considered.