

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: September 3, 2019

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 19th Street, North

ZAC2019-00019.....Forest Park
Application for a change in zone district boundaries from B-2, General Business District to MU-M, Mixed-Use Medium District filed by C. Randall Minor, representing the owners, ABR properties, L.L.C., Axel Rivera Barron and Susan Linebarr Barron for the property located at 4211 3rd Avenue South and situated in the SW ¼ of Section 29, Township 17-S, Range 2-West (35222, District 5).

Proposed Use: *To allow the construction of a new 4 story residential apartments.*

Property and Abutting Land Uses:

The Subject Property is located at the corner of 42nd Street South and 3rd Avenue South. It has a lot area of approximately 0.93 acres and approximately 135 feet of frontage along 42nd Street South. The portion of Third Avenue South that abuts the Subject Property is a major commercial corridor that serves as one of the primary access points for vehicular traffic between locations east of the Subject Property to the Lakeview neighborhood and the Central Business District all is which is zoned B-2, General Business District and CB-2, Contingency General Business District. The block on which the Subject Property is located is bisected by an approximately 20' public alley (the "Alley") that separates the commercial activity along Third Avenue South from the more residential uses that are found south of the Alley in the Multiple Dwelling District (R6, Multiple Dwelling District) that spans the area roughly bounded by the Alley, 42nd Street South, 5th Avenue South and 44th Street South.

Applicant's Proposal:

It is proposed that the Subject Property be improved with a new, 4-story multi-family apartment building with 48 dwelling units. Although both the existing zoning of the Subject Property and the adjacent R6, Multiple Dwelling District would both allow a new building to be constructed to a height in excess of 70 feet, the proposed building height is only approximately 52 feet. The bedroom count for the apartment complex is as follows:

40-1 Bedroom units

8-2 Bedroom units

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Low* a designation applied to compact, walkable, residential and commercial areas; therefore the proposed rezoning request *Is Somewhat Consistent* with the *Long Range Land Use Plan*.

Zoning Ordinance:

The applicant site plan submittal complies with the MU-M, Mixed- Use Medium District zoning requirements. The parking requirement for multi-family are as follows, 1 parking spaces per dwelling

unit is required for 1 bedroom units and 1.5 parking spaces are required for 2 or more bedroom units; therefore the parking requirement for the site is 52 parking spaces. Applicant's site plan identifies 53 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 spaces or provide pervious paving systems or other low impact developments. The applicant must meet with the Department of Transportation to address parking spaces, maneuvering distance, egress and ingress to the property as well as staging construction equipment.

Neighborhood Recommendation:

The Forest Park Neighborhood Association met at its regularly scheduled meeting on **August 6, 2019** to review the proposed project and voted "***To Recommend Approval***" of the proposed rezoning request. The vote was **40 approved** and **0 denied**.

As a courtesy, the applicant presented the proposed redevelopment to the neighboring ***East Avondale Neighborhood Association*** at its regularly scheduled meeting on **August 12, 2019**. ***The East Avondale Neighborhood Association*** did support the rezoning request.

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.*
- *A review meeting with City Personnel is recommended prior to any construction.*

Staff's Recommendation to ZAC:

Although the applicant's proposal for an apartment complex ***is somewhat consistent*** with the City's Land Use Plan the proposed zoning and density is compatible with the surrounding land uses. It is therefore the recommendation of Staff that this application ***has merit*** for approval.

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710 19th Street, North

ZAC2019-00020.....Forest Park
Application for a change in zone district boundaries from B-2, General Business District to MU-M, Mixed-Use Medium District, filed by C. Randall Minor, representing the owners, ABR properties, L.L.C., Axel Rivera Barron and Susan Linebarr Barron for the property located at 4241 3rd Avenue South and situated in the SW ¼ of Section 29, Township 17-S, Range 2-West (35222, District 5).

Proposed Use: *To allow the construction of a new 4 story residential apartment units.*

Property and Abutting Land Uses:

The Subject Property is located the south side of 3rd Avenue South, approximately 260 feet from the corner of 43rd Street South, and has a proposed street address of 4241 Third Avenue South. It has a lot area of approximately 0.81 acres and a depth of approximately 135 feet. The portion of Third Avenue South that abuts the Subject Property is a major commercial corridor that serves as one of the primary access points for vehicular traffic between locations east of the Subject Property to the Lakeview neighborhood and the Central Business District all is which is zoned B-2, General Business District and CB-2, Contingency General Business District. The block on which the Subject Property is located is bisected by an approximately 20' public alley (the "Alley") that separates the commercial activity along Third Avenue South from the more residential uses that are found south of the Alley in the Multiple Dwelling District (R6, Multiple Dwelling District) that spans the area roughly bounded by the Alley, 42nd Street South, 5th Avenue South and 44th Street South.

Applicant's Proposal:

It is proposed that the Subject Property be improved with a new, 4-story multi-family apartment building with 48 one bedroom dwelling units. Although both the existing zoning of the Subject Property and the adjacent R6, Multiple Dwelling District would both allow a new building to be constructed to a height in excess of 70 feet; however the proposed building height is only approximately 52 feet.

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Low* a designation applied to compact, walkable, residential and commercial areas; therefore the proposed rezoning request *Is Somewhat Consistent* with the *Long Range Land Use Plan*.

Zoning Ordinance:

The applicant site plan submittal complies with the MU-M, Mixed- Use Medium District zoning requirements. The parking requirement for multi-family are as follows, 1 parking spaces per dwelling unit is required for 1 bedroom units and 1.5 parking spaces are required for 2 or more bedroom units; therefore the parking requirement for the site is 48 parking spaces. Applicant's site plan identifies 48

parking spaces; therefore the applicant is meeting the parking requirement for the site. The applicant must meet with the Department of Transportation to address parking spaces, maneuvering distance, egress and ingress to the property as well as staging construction equipment.

Neighborhood Recommendation:

The Forest Park Neighborhood Association met at its regularly scheduled meeting on **August 6, 2019** to review the proposed project and voted ***“To Recommend Approval”*** of the proposed rezoning request. The vote was **40 approved** and **0 denied**.

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Staff’s Recommendation to ZAC:

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