

**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE**

**Birmingham Planning Commission**

**Meeting Date:** September 17<sup>th</sup>, 2019

**Time:** 6:00 P.M.

**Pre-Meeting:** 5:30 P.M.

**Place:** City Council Chambers

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

**ZAC2019-00021..... Norwood**  
Application for a change in zone district boundaries from CB-1 (Contingency Neighborhood Business District) and CR-5 (Contingency Multiple Dwelling District) to C-2 (General Commercial District),  
filed by Cheryl Kent, representing the owner, SHOKIEBILT Inc., for the property located at 3200 12<sup>th</sup> Avenue North and 3220 12<sup>th</sup> Avenue North and situated in the **SE¼ of Section 24, Township 17-S, Range 3-West. (35234, District 4).**

Proposed Use: *Bar and grille to include karaoke, patron dancing and live entertainment.*

**Property and Abutting Land Uses:**

The subject property sits on approximately .79 acres of land, currently zoned CR-5 (Multiple Dwelling District), and CB-1 (Contingency Neighborhood Business District). The property borders an apartment complex to the North, zoned CR-5 (Contingency, Multiple Dwelling District); a vacant lot to the East, zoned CB-1 (Contingency, Neighborhood Business District); a parking lot for Lewie’s Appliance Store to the West, zoned CB-1 (Contingency, Neighborhood Business District); and Interstate 20/59 right-of-way to the South.

**Applicant’s Proposal:**

The applicant is proposing to utilize the current building as a neighborhood bar and grill, called 12<sup>th</sup> Avenue Bar & Grill. It will serve food and beverages with a sports-bar type atmosphere. The applicant proposes to operate from 3pm until 2am, Monday – Saturday. Future plans include the addition of karaoke, patron dancing and live entertainment.

The City’s *Long Range Land Use Plan* identifies the property as *Mixed-Use Low*; therefore the proposed rezoning request is *somewhat consistent* with the *Long Range Land Use Plan*.

**Zoning Ordinance:**

The applicant submitted a resurvey to combine the entire property into 1 lot. That request was approved by the Subdivision Committee on August 28<sup>th</sup>, 2019.

The applicant’s site plan shows a 6,600 square foot building. The parking requirement for the proposed use would be 66 spaces. The site plan shows 53 parking spaces, a deficit of 13 spaces. The applicant can revise the site plan to include additional parking spaces or apply for a parking modification with the Zoning Board of Adjustment. When lots requiring parking spaces are within 1,000 feet of any BJCTA transit station, community transfer station, bus rapid transit stop, or other transit provider that is available to the general public, the minimum parking spaces may be reduced by 10%; when lots requiring parking spaces are within 2,000 feet of BJCTA transit station, community transfer station or bus rapid transit stop, the minimum parking spaces may be reduced by 5%.

The site plan shows a dumpster in the Northeast corner of the property. The location meets zoning requirements; however, the dumpster shall not be closer than 25 feet to dwellings off-site. Except for uses having small containers serviced by the City of Birmingham’s Public Works Department, solid waste containers must be: 1) in rear or side yards or within the principal building; 2) exterior sites must be below grade OR have a solid opaque screening walls or gate on all sides made of concrete, masonry material and/or wood matching the principal building at a height taller than the container; and 3) when a proposed use includes a food service establishment enclosure must be compliant with county health department regulations.

The site plan shows existing landscaping on 32<sup>nd</sup> Street North and 12<sup>th</sup> Avenue North (existing trees). There is no interior landscaping that currently exists in the asphalt parking area. The applicant is not proposing to add any additional landscaping to the site.

The applicant’s proposal does not entirely comply with the MU-L, Mixed- Use Low District. The

mixed use low district is designed to be compact, walkable, and contain residential and commercial areas, often with a “Main Street” spine that historically served as a town center with two- to three-story buildings. Uses can be mixed horizontally (side-by-side), or vertically (one above the other). Uses in this district include: multi-family, townhouse, cottage and small-lot single-family residential, neighborhood supporting retail and services, offices, hotels and live/work structures. Main Street areas would typically be characterized by ground-floor uses including small markets, convenience retail and services, restaurants and cafes, and existing or potential residential uses on upper floors.

***Neighborhood Recommendation:***

***The Norwood Neighborhood Association*** met at its regularly scheduled meeting on **August 24<sup>th</sup>, 2019** to review the proposed project and voted ***“To Recommend Approval”*** of the proposed rezoning request – Subject to the following “Q” Conditions. The vote was **22 approved** and **0 denied**.

Norwood Neighborhood Association proposed the following “Q” Conditions:

1) *Hours of operation shall be limited to the following:*

- *Sunday through Thursday closing no later than 10pm*
- *Friday and Saturday closing no later than 12am*

2) *All business and entertainment is limited to inside the building*

3) *Manage and maintain parking to ensure that residents have adequate access to property from street and alley.*

4) *Additional planting to buffer property line on 32<sup>nd</sup> Street North*

5) *The following uses are NOT permitted:*

- *Communal Living Facility*
- *Dwelling, Caretaker*
- *Dwelling, Accessory*
- *Dwelling Unit, Other*
- *Accessory Structure*
- *Garage Sale/Yard Sale*
- *Adult Care Center*
- *Child Care Center*
- *Family Day/Night Care Home*
- *Family Group Day/Night Care Home*
- *Accessory Child Care Center*
- *Internment, Columbarium*
- *Internment. Mausoleum*
- *Private Club*
- *Rummage Sale*
- *Opioid Replacement Therapy Treatment Facility*
- *Animal Boarding Facility*
- *Animal Day Care*
- *Animal Kennel*
- *Automobile Sales*
- *Automobile Service*
- *Automobile/Light Truck Repair*
- *Off-Premise Sign*
- *Car Wash, Automated*
- *Car Wash, Manual*
- *Donation Box*
- *Donation Center*
- *Event Center*
- *Funeral Home*
- *Hotel*
- *Market, Public*
- *Mini-Storage Warehouse*
- *Payday Loan*
- *Title Loan/Pawnshop*
- *Broadcast Satellite*
- *Broadcast Tower*
- *Cellular, Microwave or Two-Way Antennas*
- *Cellular, Microwave or Two-Way Towers*

- *Apiary*
- *Chicken Coop*
- *Community Garden*
- *Urban Farm, Outdoor*
- *Bus Station*
- *Utility Substation*
- *Reservoir/Water Tank*
- *Solar Panel, Building Mounted*
- *Solar Panel, Ground Mounted*
- *Water/Sewer Pumping Station*
- *Recycling Collection Center*
- *Adult Establishment*
- *Amphitheater*
- *Arena*
- *Amusement, Indoor*
- *Amusement, Outdoor*
- *Convention Center*
- *Driving Range Free-Standing*
- *Stadium*

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

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

If the request is approved, Staff recommends the following "Q" Conditions:

*1) In addition to the existing landscaping, 1 new street tree and 1 new canopy tree should be planted for every 40 feet of street frontage.*

*2) In addition to the existing landscaping, 3 canopy trees should be planted in the parking area (does not include street frontage trees).*

**ZAC2019-00027..... Hooper City**  
Application for the review and approval of a site development plan in I-3, Planned Manufacturing District, in order to build a new vehicle repair garage, filed by Alabama Power, representing the owner, City of Birmingham, for property located at 2420 Daniel Payne Drive and situated in the NE¼ of Section 16, Township 17-S, Range 3-West. (35214, District 9)

**Proposed Use: Alabama Power vehicle repair garage**

**Property and Abutting Land Uses:**

The subject property is located in the Daniel Payne Industrial Park. The driveway will be located off of Republic Street, across from Old Dominion Freight Lines. The subject property is surrounded by I-3 zoned properties. In the Daniel Payne Industrial Park, restrictive covenants run with the land to ensure compatibility among uses. The Industrial Park Architectural Review Committee reviews all plans and administers the covenants to ensure their compliance.

**Applicant's Proposal:**

Alabama Power intends to construct a vehicle repair garage on the north side of Republic Street. The project would also include associated storage buildings, a truck-wash facility, paved hardstand, truck and employee parking and a fence/gate for the site.

**Zoning Ordinance:**

The applicant's site development plan meets the submittal requirements as outlined in the I-3, Planned Manufacturing District Guidelines. The I-3 Planned Manufacturing District requires that all site development plan reviews and amendments be reviewed by the Zoning Advisory Committee.

Accessory structures and uses, except that all outside storage shall consist of finished or packaged goods and must be enclosed by walls, fences, berms, shrubs or trees, pre-existing or newly planted, sufficient to substantially screen it from nearby streets and residential zone districts.

The Landscaping Plan was reviewed by the City's Landscape Architect. It appears to meet all of the requirements outlined in the City's Zoning Ordinance.

The number of parking spaces required is equal to the maximum allowed. When a development includes parking in excess of the maximum allowed, then Low Impact Development techniques such as, bio-retention cells, vegetated swales, extended detention systems, infiltration trenches, pervious paving or dry wells, to reduce run-off at a rate as established in *City of Birmingham, Engineering Design Guidelines*, is required for those parking spaces which exceed the maximum number of spaces allowed as determined by the Director. The parking appears to be over the requirement by 3 spaces; therefore, the applicant should implement one of the methods listed above or remove the extra spaces.

The Storm Drainage Analysis Report was submitted and reviewed by the City's Watershed Management Division. The site plan and design meet the Stormwater and Post Construction Engineering requirements; therefore, no conditions are required for approval.

**Neighborhood Recommendation:**

**The Hooper City Neighborhood Association will** meet at its regularly scheduled meeting on September 12<sup>th</sup>, 2019 to review the proposed project.

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

Staff recommends the site development plan with the following conditions:

1. Site Development Plan must meet the requirements of the restrictive covenants of Daniel Payne Industrial Park.
2. Site Development Plan must be reviewed and approved by the Architectural Review Committee for the Daniel Payne Industrial Park.
3. Once a site development plan has been approved, no work shall be done and no permits shall be issued except in accord with said plan. No certificate of occupancy shall be issued until all site improvement as required by an approved site development plan has been completed.
4. Approval is contingent upon the adoption of the text change by the City Council (more specifically, allowing heavy truck repair in an I-3 district).