

**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE  
Birmingham Planning Commission**

**Meeting Date:** October 1<sup>st</sup>, 2019

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

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

**Place:** City Council Chambers  
710 19<sup>th</sup> Street, North

**ZAC2019-00022..... Redmont Park**  
Application for a change in zone district boundaries from R-6 (Multiple Dwelling District) to B-3 (Community Business District), filed by C. Randall Minor, Esq., representing the owner, Southside Investors II LLC, for the property located at 1248 22<sup>nd</sup> Street South and situated in the NW ¼ of Section 06, Township 18-S, Range 2-West (Council District 3)

**Proposed Use:** Mixed use development to include hotel, residential condominiums and associated accessory uses

**Property and Abutting Land Uses:**

The subject property sits on approximately 0.31 acres of land, all of which is currently zoned R-6, Multiple Dwelling District. Currently, the property is being used as a 3 story multi-family apartment building called The Sycamore Apartments. The subject property is located in the Milner Heights National Register Historic District and is part of the Highland Park Local Historic District.

Abutting the subject property to the North is the Crescent Office Building and parking deck, zoned “Q” O&I (Qualified Office and Institutional District). To the South of the property is the Bayer Properties Office Building, zoned O&I (Office and Institutional). To the East is a 2 story multi-family apartment building, zoned R-6 (Multiple Dwelling District) and to the West is a 2 level parking deck, zoned R-6 (Multiple Dwelling District).

**Applicant’s Proposal:**

The developer proposes to demolish the existing structure on the site (and adjacent sites included in ZAC2019-00023) and build a new 10 story hotel, 10 story residential condominium building and associated accessory uses, including but not limited to, spa, wellness, restaurant, bar, banquet space and possibly townhomes. The proposed hotel will primarily be accessed from a proposed private drive that will include appropriate wayfinding to orient delivery trucks, visitors and guests. The developer also proposes to include a two story parking structure to accommodate the hotel guests and condominium owners.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed-Use Medium** a designation applied to medium to high density office, residential, retail and entertainment areas. 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. The proposed rezoning request is **somewhat consistent** with the **Long Range Land Use Plan**.

The applicant has submitted the following “Q” conditions for review:

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, including architectural screening along Arlington Avenue; ingress and egress; 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 four (4) sides.
2. No structure shall be erected to a height in excess of 130 feet.

3. Uses are limited to those allowed in B-3, Community Business District, excluding the following:
- (2) Drive-in Restaurant
  - (3) Automotive, farm implement or trailer display or sales.
  - (4) Service station.
  - (5) Hardware or building material sales.
  - (6) 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 and guests of the development).
  - (10) Business service shop, such as blueprinting, accounting, duplicating or employment agency.
  - (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.
  - (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.
  - (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.
  - (31) Public buildings.
  - (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 (except as an accessory use).
  - (36) Wireless communications facility, in accordance with Article VI, Section 18.
  - (40) Apiary.
  - (41) Pay Day (Deferred Presentment) and Title Loan operations.

***Zoning Ordinance:***

The applicant's conceptual plan submittal complies with the uses allowed in B-3 (Community Business District).

Parking spaces in the B-3 district shall be provided in an amount equal to one half of the required parking. Where parking is provided in the B-3 District all remaining requirements of this Article shall apply. The conceptual plan does not identify the number of parking spaces on the site; therefore, parking will need to be reviewed by the PEP Department for compliance.

The subject property is located in the "Low Susceptibility" slide zone. The developer must meet all Engineering requirements for development in a slide zone.

The development will have to comply with all of the City's Stormwater requirements, including a Stormwater Management Permit that will include a Stormwater Management meeting during the conceptual phase of the project.

All proposed permits (including demolition and construction) will have to comply with any requirements or design standards in the Milner Heights National Register Historic District and Highland Park Local Historic District.

Other regulatory issues to be addressed (for the entire development) include the vacation of part of the alley that runs parallel to and between Arlington Avenue and 22<sup>nd</sup> Street South and a resurvey of all the property into 1 lot.

***Neighborhood Recommendation:***

The *Redmont Park Neighborhood Association* met at its regularly scheduled meeting on August 27<sup>th</sup>, 2019, to review the proposed project and voted to continue the item to the September 17<sup>th</sup> meeting. At the September 17<sup>th</sup> meeting, the Redmont Park Neighborhood Association voted to ***not recommend*** approval of the proposed rezoning request. The vote was 43 approved and 82 denied.

The subject property abuts the Highland Park Neighborhood Association. The *Highland Park Neighborhood Association* met at its regularly scheduled meeting on September 10<sup>th</sup>, 2019, to review the proposed project and voted to continue the item to a special called meeting on September 24<sup>th</sup>. At the September 24<sup>th</sup> meeting, the Highland Park Neighborhood Association vote to ***not recommend*** approval of the proposed rezoning request. The vote was 27 approved and 41 denied. The Highland Park Neighborhood Association did approve a motion stating "In the event of a recommended approval by the ZAC, it should include the Q conditions (submitted by the developer). Moreover, it is the sense of the neighborhood that this rejection is primarily based on what the neighborhood perceives to be the excessive height of these proposed structures".

Q conditions submitted by the developer to the Neighborhood Association:

4. Submission to and approval by the planning staff of the PEP Department of a final site development plan to include, but not limited to, the location and height of all structures; parking, including architectural screening along Arlington Avenue; ingress and egress; 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 four sides. All on and off site improvements shall be developed and maintained in substantial conformance with the approved preliminary site development plan.
5. No structure shall include habitable space more than 10 stories above grade plane; for purposes of determining compliance with this standard, any portions of the 2-story parking structure located above grade plane shall not be counted as a story.
6. Uses are limited to those allowed in B-3, Community Business District, excluding the following:
  - 1) Drive-in Restaurant
  - 2) Automotive, farm implement or trailer display or sales.
  - 3) Service station.
  - 4) Hardware or building material sales.
  - 5) Motel.
  - 6) Amusement (indoor and outdoor)
  - 7) Laundry, dry cleaning or dyeing plant (except for a dry cleaning and laundry drop off point for the residents and guests of the development).
  - 8) Business service shop, such as blueprinting, accounting, duplicating or employment agency.
  - 9) Business, music or dancing school.
  - 10) Repair service for such items as radios, televisions, shoes, watches or jewelry.
  - 11) Parking lot or garage (except for residents and guests of the development)
  - 12) Automotive, farm implement or trailer repair or servicing.
  - 13) Undertaking establishment or mortuary.

- 14) Wholesale establishment, including storage and display.
- 15) Carpentry, painting, plumbing, tinsmithing, and electrical shops;
- 16) Testing or research laboratory.
- 17) Millinery, dressmaking or tailoring.
- 18) On premise signs (except for wayfinding, directional and other required building signs or any sign for a business, service, product or activity conducted, offered or sold within the development),
- 19) Printing or engraving.
- 20) Light manufacturing limited to the following:
  - i. furniture.
  - ii. jewelry.
  - iii. cosmetics.
  - iv. candy.
  - v. fur goods (except tanning or dyeing),
  - vi. medical, dental, or drafting instruments.
  - vii. optical equipment, clocks, watches and similar precision instruments.
- 21) 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.
- 22) Mini warehouse,
- 23) Hospitals or other institutions, but not including mental hospitals or penal institutions; provided, however, churches shall not be excluded.
- 24) Public buildings,
- 25) Telephone exchange or service buildings (except as related to the development),
- 26) Utility installation or service building (except as related to the development),
- 27) Adult care facility or child care facility (except as an accessory use),
- 28) Wireless communications facility, in accordance with Article VI, Section 18,
- 29) Apiary,
- 30) Payday deferred presentment and title loan operations

***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, subject to the following Q condition:

- 1) The height shall be limited to 80 feet for all structures.

**ZAC2019-00023** ..... **Redmont Park**  
Application for a change in zone district boundaries from R-6 (Multiple Dwelling District) and O&I (Office and Institutional District) to B-3 (Community Business District), filed by C. Randall Minor, Esq., representing the owner, Southside Investors II LLC, for the property located at 2222 Arlington Avenue, 2228 Arlington Avenue, 1232 22<sup>nd</sup> Street South, 1236 22<sup>nd</sup> Street South and 1240 22<sup>nd</sup> Street South, and situated in the NW ¼ of Section 06, Township 18-S, Range 2-West (Council District 3)

***Proposed Use:*** Mixed use development to include hotel, residential condominiums and associated accessory uses

***Property and Abutting Land Uses:***

The subject property sits on approximately 1.88 acres of land, all of which is currently zoned R-6, Multiple Dwelling District and O&I (Office and Institutional District). Currently, the property is being used as an office building and 2 level parking deck.

Abutting the subject property to the North is the Crescent Office Building and parking deck, zoned "Q" O&I (Qualified Office and Institutional District). To the South of the property are office buildings zoned O&I (Office and Institutional District). To the East is the multi-family Mayfair Condominium building, zoned O&I (Office and Institutional District) and to the West is the Red Mountain Expressway.

***Applicant's Proposal:***

The developer proposes to demolish the existing structures on the site (including the property in ZAC2019-00023) and build a new 10 story hotel, 10 story residential condominium building and associated accessory uses, including but not limited to, spa, wellness, restaurant, bar, banquet space and possibly townhomes. The proposed hotel will be primarily accessed from a proposed private drive that will include appropriate wayfinding to orient delivery trucks, visitors and guests. The developer also proposes to include a two story parking structure to accommodate the hotel guests and condominium owners.

The City's *Long Range Land Use Plan* identifies the property as *Mixed-Use Medium* a designation applied to medium to high density office, residential, retail and entertainment areas. 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. The proposed rezoning request is *somewhat consistent* with the *Long Range Land Use Plan*.

The applicant has submitted the following "Q" conditions for review:

7. 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, including architectural screening along Arlington Avenue; ingress and egress; 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 four (4) sides.
8. No structure shall be erected to a height in excess of 130 feet.
9. Uses are limited to those allowed in B-3, Community Business District, excluding the following:
  - (2) Drive-in Restaurant
  - (3) Automotive, farm implement or trailer display or sales.
  - (4) Service station.
  - (5) Hardware or building material sales.
  - (6) 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 and guests of the development).
  - (10) Business service shop, such as blueprinting, accounting, duplicating or employment agency.
  - (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.
  - (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.
  - (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.
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***Zoning Ordinance:***

The applicant's conceptual plan submittal complies with the uses allowed in B-3 (Community Business District).

Parking spaces in the B-3 district shall be provided in an amount equal to one half of the required parking. Where parking is provided in the B-3 District all remaining requirements of this Article shall apply. The conceptual plan does not identify the number of parking spaces on the site; therefore, parking will need to be reviewed by the PEP Department for compliance.

The subject property is located in the "Low Susceptibility" and "Moderate Susceptibility" slide zones. The developer must meet all Engineering requirements for development in a slide zone.

The development will have to comply with all of the City's Stormwater requirements, including a Stormwater Management Permit that will include a Stormwater Management meeting during the conceptual phase of the project.

The development will have to comply with all of the Landscaping Requirements as outlined in the City's Zoning Ordinance.

Other regulatory issues to be addressed include the vacation of part of the alley that runs parallel to and between Arlington Avenue and 22<sup>nd</sup> Street South and a resurvey of all the property into 1 lot.

***Neighborhood Recommendation:***

The *Redmont Park Neighborhood Association* met at its regularly scheduled meeting on August 27<sup>th</sup>, 2019, to review the proposed project and voted to continue the item to the September 17<sup>th</sup> meeting. At the September 17<sup>th</sup> meeting, the Redmont Park Neighborhood Association voted to ***not recommend*** approval of the proposed rezoning request. The vote was 43 approved and 82 denied.

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Q conditions submitted by the developer to the Neighborhood Association:

1. Submission to and approval by the planning staff of the PEP Department of a final site development plan to include, but not limited to, the location and height of all structures;

parking, including architectural screening along Arlington Avenue; ingress and egress; 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 four sides. All on and off site improvements shall be developed and maintained in substantial conformance with the approved preliminary site development plan.

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  - 5) Motel.
  - 6) Amusement (indoor and outdoor)
  - 7) Laundry, dry cleaning or dyeing plant (except for a dry cleaning and laundry drop off point for the residents and guests of the development).
  - 8) Business service shop, such as blueprinting, accounting, duplicating or employment agency.
  - 9) Business, music or dancing school.
  - 10) Repair service for such items as radios, televisions, shoes, watches or jewelry.
  - 11) Parking lot or garage (except for residents and guests of the development)
  - 12) Automotive, farm implement or trailer repair or servicing.
  - 13) Undertaking establishment or mortuary.
  - 14) Wholesale establishment, including storage and display.
  - 15) Carpentry, painting, plumbing, tinsmithing, and electrical shops;
  - 16) Testing or research laboratory.
  - 17) Millinery, dressmaking or tailoring.
  - 18) On premise signs (except for wayfinding, directional and other required building signs or any sign for a business, service, product or activity conducted, offered or sold within the development),
  - 19) Printing or engraving.
  - 20) Light manufacturing limited to the following:
    - i. furniture.
    - ii. jewelry.
    - iii. cosmetics.
    - iv. candy.
    - v. fur goods (except tanning or dyeing),
    - vi. medical, dental, or drafting instruments.
    - vii. optical equipment, clocks, watches and similar precision instruments.
  - 21) 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.
  - 22) Mini warehouse,
  - 23) Hospitals or other institutions, but not including mental hospitals or penal institutions; provided, however, churches shall not be excluded.
  - 24) Public buildings,
  - 25) Telephone exchange or service buildings (except as related to the development),
  - 26) Utility installation or service building (except as related to the development),
  - 27) Adult care facility or child care facility (except as an accessory use),
  - 28) Wireless communications facility, in accordance with Article VI, Section 18,
  - 29) Apiary,
  - 30) Payday deferred presentment and title loan operations

The applicant's rezoning request is *somewhat consistent* with the future land use plan and has *some merit* for approval, subject to the following Q condition:

- 1) The height shall be limited to 80 feet for all structures.