

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: February 4, 2020

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:

This project seeks to renovate the former W.H. Council Elementary School to a business innovation center, specializing in homeownership and like businesses. Council Elementary is comprised of two parcels of land consisting of 3.47 acres and according to the Jefferson County Tax Assessor’s records, they are, “Blocks C and D Unit Land Company’s First Addition to Ensley, Plat Book 8, Page 17”. The applicant is proposing a rezoning request to C-2 to establish a business incubator. The intent is to create a homeowner innovation center, with the auditorium and cafeteria functioning as event center space. The applicant’s have secured 12 different tenants and their office space requirements are shown in the building plans. Some additional space is available for local business owners to lease. Meeting rooms are available for training, by the tenants. Conference space is shared among all tenants. Renovations will be to the interior of the building predominantly.

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:

The applicant’s site plan submittal complies with the C-2, General Commercial District zoning requirements. A business/office and bank or financial institution are allowed in a C-2, General Commercial District. The parking requirements for business/ office and bank or financial institutions 1 parking space for 400SF of gross floor area; therefore the parking requirement for the site is 144 parking spaces. The applicant site plan shows a total of 219 parking spaces. A maximum parking amount, which is equal to the minimum, shall be applied to each use. 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 either modify his site plan to include 144 parking spaces or use low impact development techniques. For parking areas of 20 or more spaces, a parking and circulation plan shall be subject to the approval of the Traffic Engineer. The proposed site is located in a special flood hazard area and must meet floodplain requirements. Lastly, a subdivision action will be required to combine both parcels into 1 lot and vacate the abutting alley.

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 but **does have some merit** for approval with the following “Q” conditions:

1. *Office use and accessory uses to office use.*
2. *Signage limited to those sign requirements that are allowed in a B-1, Neighborhood Business District. A monument sign is allowed and not to exceed 36SF of sign area.*

ZAC2020-00002 **Glen Iris**
Application to change zone district boundaries from B-5 (Mixed Business District) to C-2 (General Commercial District) in order for the property to be redeveloped into an automobile dealership and service center, filed by Ray Jones, representing the owner, ATLAS NC 1 SPE LLC, for the property located at 488 Palisades Boulevard and situated in the NE ¼ of Section 14, Township 18-S, Range 3-West (Council District 3).

Proposed Use: Automobile dealership to include a service center

Property and Abutting Land Uses:

The subject property is currently zoned B-5 (Mixed Business District). The proposed rezoning is proposed for the Palisades Shopping Center – from the Regional Finance tenant to the east end of the property. Abutting the subject property to the North is vacant, heavily wooded property (zoned B-5). To the South is a mix of commercial uses, including Extra Space Storage, Marathon Gas, Taco Bell, Popeyes, Guthrie’s and Speedy Cash, all zoned B-5. To the East of the property is the Alden Apartments, zoned B-5. The Marc-1 Car Wash is also South of the property, zoned B-5. The remainder of the Palisades Shopping Center is located to the West of the property, zoned B-5 (including the Wal-Mart Neighborhood Market).

Applicant’s Proposal:

The applicant plans to redevelop the former Virginia college portion of the shopping center, The project will contain a nationally branded, new and used car dealership and a service department. In addition, one to two new to market automotive brands would also be accommodated at the site. There are ongoing discussions to salvage all or portions of the building. A structural engineer and architect have been hired to vet this further. Typical hours of operation will be 9am-7pm Monday – Saturday for sales and 7am- 6pm Monday - Friday for service.

The City’s **Long Range Land Use Plan** identifies the property as **General Commercial**. This land use category is characterized by commercial and service uses, general and large retail uses, restaurants and food stores. Additional uses include hotels, motels, movie theatres, offices, schools and multi-family residential. This property is in the Northside/Southside Framework Plan. The Plan identifies this property as General Commercial and recommends that the zoning be changed to C-2 (B-5 does not exist in the new zoning classifications).

The proposed rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant's site plan shows tenant spaces 17-22 (172,739 square feet) as the proposed car dealership. Total parking required would be 345 spaces. The shopping center has 912 parking spaces on the portion being rezoned (with access easements to allow for parking across lot lines). The requirement for all tenants in the rezoned portion would be 716 spaces.

A Subdivision action is not required unless the proposed car dealership wants to include all of its property on one lot. All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening).

Neighborhood Recommendation:

The *Glen Iris Neighborhood Association* met at its regularly scheduled meeting on February 3rd, 2020, to review the proposed project and voted to (waiting on vote) approval of the proposed rezoning request. The vote was X (waiting on vote) approved and X (waiting on vote) denied.

Staff's Recommendation to ZAC:

The applicant's rezoning request is ***consistent*** with the future land use plan and is ***recommended*** for approval.