

STAFF RECOMMENDATIONS

**ZONING ADVISORY COMMITTEE
Birmingham Planning Commission**

Meeting Date: March 3rd, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers
710 19th Street, North

ZAC2020-00001 **Five Points South**
Application to change zone district boundaries from CR-5 (Contingency Multiple Dwelling District) to D-5 (Multiple Dwelling District) to allow construction of a new, multi-family apartment building, filed by Randall Minor, representing the owner, Trident Investment, LLC, for the property located at 1301 & 1305 17th Avenue South and situated in the NW ¼ of Section 12, Township 18-S, Range 3-West (Council District 3).

Proposed Use: Multi-family apartment building

Property and Abutting Land Uses:

The subject property is currently zoned CR-5 (Contingency Multiple Dwelling District). Abutting the subject property to the north are single family homes, zoned R-3. To the south are single family homes and apartments, zoned CR-5. To the east of the property are single family homes and apartments, zoned CR-5. Single family homes are located to the west of the site, zoned R-3.

Applicant’s Proposal:

The applicant plans to redevelop the site of the former Chalet Apartments that were destroyed by fire in 2015. The new apartments will contain 18, 1 BR units. Parking will be provided in the rear of the building (to be accessed from an existing driveway off 17th Avenue South and from the alley in the rear of the building. The building is proposed to be 35 feet in height (or 3 stories). Under the CR-5 zoning, multi-family apartment buildings are restricted to a density of 2,000 SF per unit. This would limit the construction to 13 units. Under the new multi-family zoning category (D-5), a multi-family apartment building is restricted to a density of 1,000 SF per unit. This proposal would result in a density of approximately 1,433 SF per unit.

The City’s **Long Range Land Use Plan** identifies the property as **Residential Medium**. This land use category allows for a mix of single- and two-family homes, townhouses and small apartment buildings (six or fewer units). In addition, schools, churches, and neighborhood serving public uses are allowed. Residential Medium Density land uses in the Northside Southside Area are concentrated in select residential areas in Fountain Heights and Five Points South. The vast majority of these developments are duplexes, townhomes and two-story apartment communities. Larger apartment communities of four stories or higher are not recommended. This property is in the Northside/Southside Framework Plan. The Plan identifies this property as residential medium and recommends that the zoning be changed to D-5. The proposed rezoning request is **Somewhat Consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s site plan shows parking in the rear of the building and 20 total parking spaces. The parking requirement is 1 space for a 1 BR unit; therefore, there will be an excess of 2 parking spaces. The applicant met with Stormwater Staff and it was recommended to reduce the number of spaces or install a rain barrel on the site to assist with runoff from the roof. The Zoning Ordinance states:

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, bioretention 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, except in the following instance: 1. When parking spaces, over the maximum, are covered by a structure such that no stormwater will fall on those parking spaces, those spaces will not count against the maximum allowed. 2. In the B-4 and MU-D districts, the maximum parking requirement shall be equal to that of the same use in the B-3 or MU-H districts, but only for the purpose of determining when LID will be required for any proposed parking.

The structure meets the setback and height requirements per the zoning Ordinance. A Subdivision action is required to combine the parcels into 1 lot. All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening).

Neighborhood Recommendation:

The *Five Points South Neighborhood Association* met at its regularly scheduled meeting on January 27th, 2020, to review the proposed project and voted to not recommend the request. The vote was 0 approved and 6 denied. The reasons for denial were: 1) wait until the rezoning is voted upon by the City and 2) a revised site plan is presented increasing parking. The applicant went back to the Neighborhood Association on Monday, February 24th. There was a vote of confidence for the project – it was 7 approved and 3 denied.

Staff's Recommendation to ZAC:

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