

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: June 16th, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: <https://birmingham.webex.com/meet/calvin.abram>

ZAC2020-00005 **Liberty Highlands**
Application to change zone district boundaries from I-3 (Planned Manufacturing District) to C-2 (General Commercial District) to allow a wedding event center, filed by Frederick Chatman, representing the owner, Keffie Berryhill, for the property located at 1780 John Rogers Drive and situated in the NE ¼ of Section 17, Township 17-S, Range 1-West (Council District 2).

Proposed Use: Wedding event center

Property and Abutting Land Uses:

The subject property is 15.6 acres and is currently zoned I-3 (Planned Manufacturing District). Abutting the subject property to the north is the Guiding Light Church, zoned C-2. To the east are several single family homes zoned D-1. To the south and west of the property is forest area (undeveloped) zoned I-3.

Applicant's Proposal:

The applicant plans to construct a wedding event center. Access to the site will be located from Gun Club Road. The site will have a 6,000 square foot building, a garden area and 60 parking spaces. The applicant intends to use the building for weddings and receptions. The building will contain a chapel-like area, prep kitchen, changing room for the Bride and Groom and chandelier lighting. The building exterior will include a combination of brick/stone, hardie siding and a metal roof pending design review approval. Hours of operation will be Sunday to Wednesday from 9am to 11pm and Thursday to Saturday from 9am to 12am. The extended hours will allow for clean-up of the facility after events are completed. Security will be provided for staff safety.

The City's **Long Range Land Use Plan** identifies the property as **Planned Development**. The planned development category allows for large recreational facilities, healthcare institutions and mixed-use districts. Developments in the Northeast Framework Plan Area include Liberty Highlands, Echo Highlands, Alabama Industrial School for Boys, and the Cahaba Community. The proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant's site plan shows a 6,000 square foot building with a parking lot containing 60 parking spaces. The parking requirement is 1 space per 1,000 square feet of GFA; therefore, the total number of spaces required is 60. The Stormwater Division of PEP stated that civil stormwater permits will be required.

Traffic Engineering:

A site visit was done by the traffic engineering department where he measured off the existing drive width and distance to the adjacent driveway. Based on that information his site plan submittal should be able to meet city requirements.

A Subdivision action is required to subdivide the parcel into 1 lot.

Per the City's Landscape Architect, the subject property must have a Standard C-2 buffer along the boundary that is adjacent to the residentially zoned property. All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening).

If the rezoning is approved, the applicant will need to apply to the Zoning Board of Adjustment for a Special Exception. The Zoning Ordinance allows an event center in a C-2 district by special exception subject to the following:

A special exception may be granted by the Board provided that the following conditions are met:

1. A traffic study may be required by the City Traffic Engineer.
2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.

Neighborhood Recommendation:

The applicant attended the February meeting of the Liberty Highlands Neighborhood Association to share the project. This was prior to the applicant submitting the application to the City so no vote was taken on the project. The Liberty Highlands Neighborhood Association did not meet in March, April or May (the Neighborhood President Ms. Doris Clanton stated that she does not know if a June meeting will be held). The Neighborhood President requested that the item not go to ZAC until they have a Neighborhood Meeting.

The Northeast Area Framework Plan Implementation Committee was notified of the rezoning request.

Staff's Recommendation to ZAC:

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

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ZAC2020-00007 Five Points South
Application to change zone district boundaries from M-1 (Light Industrial District) to MU-D (Mixed-Use Downtown District) in order to allow for a bar/restaurant/office, filed by Mike Gibson, representing the owner, Beaver Creek Hunters LLC, for the property located at 1630 2nd Avenue South and situated in the SW ¼ of Section 36, Township 17-S, Range 3-West (Council District 5).

Proposed Use: Bar/Restaurant/Office

Property and Abutting Land Uses:

The subject property is 0.31 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is the Railroad Park Foundation, zoned M-1. To the south is the Sullivan Service (HVAC) Contractor, zoned M-1. To the east of the property is Home 2 Suites by Hilton B'ham, zoned B-4. B & A Warehouse & Negro Southern League Museum property is also to the west of the site, zoned M-1.

Applicant's Proposal:

The applicant plans for a new Business bar/restaurant/office use. The proposal includes building a rooftop bar above the second floor. The owner is seeking Historical Approval for this building and all future designs will abide by the Alabama Historical Commission guidelines. This future bar and restaurant will become Birmingham's next premiere entertainment destination. The project will become a platform for musicians to showcase their talents, while giving the people in the Birmingham region a once in a lifetime entertainment experience. This project is located in an ideal place inside the center of the Parkside district. The infrastructure surrounding this project's location is certain to aid in the success. The goal of this project is to create a state of the art entertainment experience that reflects the deep history of this site and the city in which it exists, while positioning this venue to be on the forefront of this progressive age in time.

The City's **Long Range Land Use Plan** identifies the property as **Mixed-Use Downtown**. This land use category allows for the development of medium- to high-density office, residential, retail and entertainment areas that create vibrant 18-24 hours, 7-day a week live-work-play environments, typically mid-rise to high-rise; artisanal industries and small warehouses that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses. This district is focused in the downtown area, and should be transit-accessible. Uses in this district include: high density multi-family, loft, townhouse, retail and services, offices, hotels, large entertainment facilities, and live/work structures. The proposed rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

Parking spaces are not required in the B-4 & MU-D (Mixed Use Downtown). Where parking is provided in the B4 or MU-D District all remaining requirements of this Article shall apply.

Design Review District: This property is subject to the Midtown Commercial Design Guidelines & Parkside District Streetscape Design Guidelines.

Landscape Review: All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). Due to this property having 0 Lot lines no landscaping is required.

The City's Stormwater staff reviewed the applicant's proposal and concluded it appears that all work is for interior building modifications only. Since there is no new impervious surface, a soil erosion post

construction stormwater or civil permit will not be required. Therefore, stormwater has no comment on the rezoning.

Neighborhood Recommendation:

The *Five Points South Neighborhood Association* had a regularly scheduled meeting on **June 4th, 2020**, to review the proposed project and voted to **recommend** the request. The vote was 5 approved and 0 denied.

Staff's Recommendation to ZAC:

The applicant's rezoning request is **consistent** with the future land use plan and Staff recommends that it be approved.

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ZAC2020-00008 Five Points South
Application to change zone district boundaries from M-1 (Light Industrial District) to MU-D (Mixed - Use District) in order to allow for a new business office suite, filed by Mike Gibson, representing the owner, 409 LLC, for the property located at 409 Richard Arrington Jr. Blvd. South and situated in the SE ¼ of Section 36, Township 17-S, Range 3-West (Council District 6).

Proposed Use: New Business Office Suite

Property and Abutting Land Uses:

The subject property is .19 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the North is the Plasma Care, zoned M-1. To the South is the Kirklin Clinic Parking, zoned B-6. To the East of the property is Workplay, zoned M-1, and to the west of the site is Chipotle Mexican Grill, zoned B-4.

Applicant’s Proposal:

The applicant’s proposal includes the design of 3 office suites inside of the existing building that will be maintained within the 1 story building. The expected hours of operation are 7am through 6pm, with private access as necessary for business operations. The owner has secured 40 parking spaces in deck northwest of the site in BPA managed deck.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed-Use Downtown**. This land use category allows for the development medium-to high-density office, residential, retail and entertainment areas that create vibrant 18-24 hours, 7-days a week live-work-play environments, typically mid-rise to high-rise; artisanal industries and small warehouse that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses. This district is focused in the downtown area, and should be transit-accessible. Uses in this district include: high density multi-family, loft, townhouse, retail and services, offices, hotels, large entertainment facilities, and live/work structures. The proposed rezoning is **Consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s site plan parking space are not required in the B4 & MU-D Mixed Use Downtown district. Where parking is provided in the B4 or MU-D District all remaining requirements of this Article shall apply.

Design Review District: This property is subject to the Midtown Commercial Design Guidelines.

Historic Staff: The property is located in the Automobile National Register Historic District, and therefore is not required review by the Design Review Committee, because of its historic status. However, the property is located in the Midtown Commercial Revitalization District and therefore any exterior work would require DRC review. The rezoning of the property from a M1 to MU-D will not be detrimental to the Automobile National Register District.

Landscape Review: All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening).

The City’s Stormwater staff reviewed the applicant’s proposal and concluded it appears that all work is for interior building modifications only. Since there is no new impervious surface, a soil erosion post construction stormwater or civil permit will not be required. Therefore, stormwater has no comment on the rezoning.

Sub-Division is not required for this proposed project, because they are leasing/retaining ownership.

Neighborhood Recommendation:

The *Five Points South Neighborhood Association* had a *regularly* scheduled meeting on **June 4th, 2020**, to review the proposed project and voted to **recommend** the request. The vote was 5 approved and 0 denied.

Staff's Recommendation to ZAC:

The applicant's rezoning request is **consistent** with the future land use plan and Staff recommends that it be approved.