

STAFF RECOMMENDATIONS

**ZONING ADVISORY COMMITTEE
Birmingham Planning Commission**

Meeting Date: July 7th, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

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

ZAC2020-00009 Crestwood South
Application to change zone district boundaries from B-6 (Health & Institutional District) to C-2 (General Commercial District) & B-6 (Health & Institutional District) to MU-H (Mixed-Use High District) in order to construct a multi-family apartment complex and a mixed-use development, filed by Schoel Engineering Company, representing the owner, Birmingham Metro LLC, for the property located at 800 Montclair Road and situated in the NE ¼ of Section 33, Township 17-S, Range 2-West (Council District 3).

Proposed Use: Multi-Family Complex/Mixed-Use Development

Property and Abutting Land Uses:

The subject property is on 2 Lots (Lot 1 20.155 acres) and (Lot 2 14.476 acres) which is currently zoned B-6 (Health & Institutional District). Abutting the subject property to the North is Single Family District, zoned R2 & R3. To the South is Multiple-Family District, zoned Q-R6. To the East of the property is Saint Francis Xavier Catholic Church, zoned R-3. Single Family District is also to the West of the site, zoned R2.

Applicant’s Proposal:

The applicant plans to re-zone LOT 2 to C-2 to allow the construction of multi-level apartment development with building heights approaching 75 feet for the lower part of the parcel; anything over 75 feet would require the applicant to apply for a variance with the Zoning Board of Adjustment. LOT1 the Upper development re-zone request is for MU-H (Mixed-Use High District) which would be a mixture of uses and building heights (existing & proposed) that would exceed 100 feet. Per the zoning Ordinance, the maximum height allowed in MU-H (Mixed-Use High District) is 125 feet. The new construction uses may include office, hotel, assisted living, independent living and memory care, medical, accommodative retail, a café and card shop, gym or even places of worship. The existing 820 building will likely be apartments; condos; independent living/assisted living/medical memory care; medical; offices or a hotel. The existing 840 building will be office, medical, gym, place of worship with ancillary retail. The existing 860 building will be office or apartments. The existing hospital is to be demolished and the area re-purposed. The three (3) other buildings (820, 840, and 860) are to be refurbished and repurposed.

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. The proposed rezoning request is **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. The parking requirement for multi-family are as follows, 1 parking spaces per dwelling unit is required for 1 bedroom units (128) and 1.5 parking spaces are required for 2 or more bedroom units (231); therefore, the parking requirement for the site is 359 parking spaces. Applicant’s site plan shows 410 parking spaces; therefore, the applicant is not meeting the parking requirement for the site. 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 remove 51 parking spaces or provide pervious paving systems or other low impact developments. For parking areas of 20 or more spaces, a parking and circulation plan shall be subject to the approval of the Traffic Engineer Division.

The proposed structures meet the setback and height requirements for LOT 1 & LOT 2 per the zoning Ordinance. A Subdivision (SUB2020-00023) case was submitted and approved. Just waiting on the final plat to be recorded. A sanitary sewer issued occurred and is being worked on.

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). The Landscape Architect did review the site plan and stated that the landscaping was in compliance.

The City's Stormwater Administrator staff reviewed the applicant's proposal and recommends the following:

- *Stormwater Post Construction Ordinance will apply to all developments*
- *A stormwater concept review meeting will be required*

The City's Traffic Engineering division reviewed the applicant's site plan and recommends the following if the request is approved:

- *Pedestrian internal and external connectivity required*

This can be submitted later as part of the construction permitting process.

Neighborhood Recommendation:

The Crestwood South Neighborhood Association had a regularly scheduled meeting on **June 22nd, 2020**, which was a teleconference call to review the proposed project and voted to approve the project. The vote was **13 approved** and **0 denied**. If approved the neighborhood **recommends** the following conditions are ***Prohibited Uses***:

1. Automobile Parking
2. Automobile Sales
3. Donation Center
4. Funeral Home
5. Chicken Coup
6. Duplex/Triplex/Quadplex
7. Opioid Replacement Therapy Treatment Facility
8. Reservoir/Water Tank
9. Urban Farm, Outdoor
10. Utility Substation
11. Water/Sewer Pumping Station
12. Private Club
13. School, Business
14. Shopping Center
15. Adult Establishment
16. Amphitheatre
17. Amusement, Outdoor
18. Arena
19. Automobile Service
20. Automobile/Light Truck Repair
21. Bus Station
22. Car Wash, Automated
23. Car Wash, Manual
24. Convenience Store
25. Convenience Center
26. Family Day/Night Care Home
27. Home Improvement Center
28. Manufacturing, Specialized
29. Mini-Storage Warehouse
30. Off-Premise Sign
31. Payday Loan
32. Place of Worship
33. Recycling Collection Center

34. School, Elementary/Middle
35. School, High School
36. Solar Panel, Ground Mounted
37. Stadium
38. Title Loan, Pawnshop
39. Warehouse
40. Warehouse/Office
41. Donation Box
42. Drive-In/Drive-Through
43. Garage Sale/Yard Sale
44. Internment, Columbarium
45. Internment, Mausoleum
46. Rummage Sale
47. Broadcast Satellite
48. Cellular, Microwave or Two-Way Antennas
49. Cellular, Microwave or Two-Way Towers

*This location is in the **Southern Area Framework Plan**, but it has not officially started. Hopefully it should start in the Fall.*

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.

If approved staff recommends the following Q-conditions:

1. *No buildings for LOT 1 MU-H (Mixed-Use High District) shall not exceed 125 feet in height*
2. *No buildings for LOT 2 C-2 (General Commercial District) shall not exceed 75 feet in height*
3. *Montclair Road will have an approximately 60-80-foot natural buffer that shall have the least amount of impact to the natural vegetation and coverings as possible*
4. *The applicant shall preserve the 2 exciting ponds to the site to the maximum extent possible*
5. *The applicant shall maintain a minimum of 50% of the existing trees to the site on LOT 2*
6. *These following condition(s) are **Prohibited Uses**:*
 - Automobile Parking
 - Automobile Sales
 - Donation Center
 - Funeral Home
 - Chicken Coup
 - Duplex/Triplex/Quadplex
 - Opioid Replacement Therapy Treatment Facility
 - Reservoir/Water Tank
 - Urban Farm, Outdoor
 - Utility Substation
 - Water/Sewer Pumping Station
 - Private Club
 - School, Business
 - Shopping Center
 - Adult Establishment
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- Recycling Collection Center
- School, Elementary/Middle
- School, High School
- Solar Panel, Ground Mounted
- Stadium
- Title Loan, Pawnshop
- Warehouse
- Warehouse/Office
- Donation Box
- Drive-In/Drive-Through
- Garage Sale/Yard Sale
- Internment, Columbarium
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