

**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE  
Birmingham Planning Commission**

**Meeting Date:** July 21<sup>st</sup>, 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 22<sup>nd</sup>, 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**:

Lower Tract (C-2)	Upper Tract (MU-H)
<ol style="list-style-type: none"> <li>1. Adult Establishment</li> <li>2. Arena</li> <li>3. Automobile Sales</li> <li>4. Automobile Service</li> <li>5. Automobile/Light Truck Repair</li> <li>6. Bus Station</li> <li>7. Car Wash, Automated</li> <li>8. Chicken Coop</li> <li>9. Convenience Store</li> <li>10. Donation Center</li> <li>11. Family Day/Night Care Home</li> <li>12. Family Group Day/Night Care Home</li> <li>13. Funeral Home</li> <li>14. Garage Sale/Yard Sale</li> <li>15. Internment, Columbarium</li> <li>16. Internment, Mausoleum</li> <li>17. Off-Premise Sign</li> <li>18. Opioid Replacement Therapy Treatment Facility</li> <li>19. Payday Loan</li> <li>20. Recycling Collection Center</li> <li>21. Reservoir/Water Tank</li> <li>22. Rummage Sale</li> <li>23. Shopping Center</li> <li>24. Solar Panel, Ground Mounted</li> <li>25. Stadium</li> <li>26. Title Loan/Pawnshop</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Establishment</li> <li>2. Arena</li> <li>3. Automobile Sales</li> <li>4. Automobile Service</li> <li>5. Automobile/Light Truck Repair</li> <li>6. Bus Station</li> <li>7. Car Wash, Automated</li> <li>8. Convenience Store</li> <li>9. Donation Center</li> <li>10. Family Day/Night Care Home</li> <li>11. Funeral Home</li> <li>12. Garage Sale/Yard Sale</li> <li>13. Internment, Columbarium</li> <li>14. Internment, Mausoleum</li> <li>15. Off-Premise Sign</li> <li>16. Opioid Replacement Therapy Treatment Facility</li> <li>17. Payday Loan</li> <li>18. Recycling Collection Center</li> <li>19. Reservoir/Water Tank</li> <li>20. Rummage Sale</li> <li>21. Shopping Center</li> <li>22. Solar Panel, Ground Mounted</li> <li>23. Stadium</li> <li>24. Title Loan/Pawnshop</li> <li>25. Mini-Storage Warehouse</li> </ol>

**Additional Conditions:**

1. Utility Substation shall be permitted only when it is constructed to support the needs of the proposed development on parcels C-2 and MU-H.

2. Car Wash, Manual shall be permitted only as an accessory to the site and NOT as a primary use.
3. Mini-Storage Warehouse shall be permitted only as an accessory to the site and NOT as a primary use.
4. Drive- In/Drive Through shall be permitted; however, any fast food establishment will not be allowed to utilize a drive through as an accessory to the site.
5. Cellular, Microwave or Two-Way Antennas shall be permitted; however, they must be constructed with a stealth design as approved by PEP.
6. Cellular, Microwave or Two-Way Towers shall be permitted; however, they must be constructed with a stealth design as approved by PEP.

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

**After the neighborhood submitted the prohibited uses, the applicant met with staff to address a few of the open items listed below: Please see the applicant's responses below:**

Revised 7/16/20 after Applicant Call with Zoning Staff to address a few open items

The following items were determined by the neighborhood association as not permissible uses:

Lower Tract (C-2)	Upper Tract (MU-H)
<ol style="list-style-type: none"> <li>1. Adult Establishment</li> <li>2. Arena</li> <li>3. Automobile Sales</li> <li>4. Automobile Service</li> <li>5. Automobile/Light Truck Repair</li> <li>6. Bus Station</li> <li>7. Car Wash, Automated</li> <li>8. Chicken Coop</li> <li>9. Convenience Store</li> <li>10. Donation Center</li> <li>11. Family Day/Night Care Home</li> <li>12. Family Group Day/Night Care Home</li> <li>13. Funeral Home</li> <li>14. Garage Sale/Yard Sale</li> <li>15. Internment, Columbarium</li> <li>16. Internment, Mausoleum</li> <li>17. Off-Premise Sign*</li> <li>18. Opioid Replacement Therapy Treatment Facility</li> <li>19. Payday Loan</li> <li>20. Recycling Collection Center</li> <li>21. Reservoir/Water Tank*</li> <li>22. Rummage Sale</li> <li>23. Shopping Center*</li> <li>24. Solar Panel, Ground Mounted</li> <li>25. Stadium</li> <li>26. Title Loan/Pawnshop</li> </ol>	<ol style="list-style-type: none"> <li>1. Adult Establishment</li> <li>2. Arena</li> <li>3. Automobile Sales</li> <li>4. Automobile Service</li> <li>5. Automobile/Light Truck Repair</li> <li>6. Bus Station</li> <li>7. Car Wash, Automated</li> <li>8. Convenience Store*</li> <li>9. Donation Center</li> <li>10. Family Day/Night Care Home</li> <li>11. Funeral Home</li> <li>12. Garage Sale/Yard Sale</li> <li>13. Internment, Columbarium</li> <li>14. Internment, Mausoleum</li> <li>15. Off-Premise Sign*</li> <li>16. Opioid Replacement Therapy Treatment Facility</li> <li>17. Payday Loan</li> <li>18. Recycling Collection Center</li> <li>19. Reservoir/Water Tank*</li> <li>20. Rummage Sale</li> <li>21. Shopping Center*</li> <li>22. Solar Panel, Ground Mounted</li> <li>23. Stadium</li> <li>24. Title Loan/Pawnshop</li> <li>25. Mini-Storage Warehouse</li> </ol>

**Additional Conditions:**

1. Reservoir/Water Tank, Utility Substation, and Solar Panel, Ground Mounted shall be permitted only when constructed to support the needs of the development on parcels C-2 and MU-H.
2. Car Wash, Manual shall be permitted only as an accessory to the site and NOT as a primary use.

3. Mini-Storage Warehouse shall be permitted only as an accessory to the site and NOT as a primary use.
4. Drive- In/Drive Through shall be permitted; however, any fast food establishment (limited to establishments like McDonalds, Burger King, KFC, Taco Bell and the like) will not be allowed to utilize a drive through as an accessory to the site.
5. Cellular, Microwave or Two-Way Antennas shall be permitted; however, they must be constructed with a stealth design as approved by PEP.
6. Cellular, Microwave or Two-Way Towers shall be permitted; however, they must be constructed with a stealth design as approved by PEP.
7. Off Premise Sign shall not prohibit customary and usual signage to support the operation, leasing and uses of users of the Upper and Lower Tracts.
8. Shopping Center shall be limited to prohibit only retail leasing of a big box location, defined as a retail establishment for a user measuring over 30,000 sq. ft.

**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) will exceed 125 feet in height;
2. No buildings for LOT 2 C-2 (General Commercial District) will 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 will preserve the two (2) existing ponds to the site to the maximum extent possible;
5. The applicant will maintain a minimum of 50% of the existing trees to the site on LOT 2;
6. Reservoir/Water Tank, Utility Substation shall be permitted only when constructed to support the needs of the propose development on parcels Lower Tract (C-2) and Upper Tract (MU-H);
7. On-premise signage to the site will be allowed to advertise retail and/or residential services located on the lower tract (C-2) and the upper tract (MU-H) on any On-premise signage as approved by the Planning, Engineering and Permits Department;
8. Car Wash, Manual shall be permitted only as an accessory to the site and not as a primary use;
9. Mini-Storage Warehouse shall be permitted only as an accessory to the site and not as a primary use;
10. Drive-In/Drive Through shall be permitted; however, any fast food establishment (limited to establishments like McDonalds, Burger King, KFC, Taco Bell and the like) will not be allowed to utilize a drive through as an accessory to the site;
11. Cellular, Microwave or Two-Way Antennas shall be permitted; however, they must be constructed with a stealth design as approved by the Planning, Engineering and Permits Department;
12. Cellular, Microwave or Two-Way Towers shall be permitted; however, they must be constructed with a stealth design as approved by the Planning, Engineering and Permits Department;
12. These following condition(s) are **Prohibited Uses:**

Lower Tract (C-2)	Upper Tract (MU-H)
<ul style="list-style-type: none"> <li>• Adult Establishment</li> <li>• Arena</li> <li>• Automobile Sales</li> <li>• Automobile Service</li> <li>• Automobile/Light Truck Repair</li> <li>• Bus Station</li> <li>• Car Wash, Automated</li> <li>• Chicken Coop</li> <li>• Convenience Store</li> <li>• Donation Center</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Establishment</li> <li>• Arena</li> <li>• Automobile Sales</li> <li>• Automobile Service</li> <li>• Automobile/Light Truck Repair</li> <li>• Bus Station</li> <li>• Car Wash, Automated</li> <li>• Convenience Store</li> <li>• Donation Center</li> <li>• Family Day/Night Care Home</li> </ul>

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**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE  
Birmingham Planning Commission**

**Meeting Date:** July 21<sup>st</sup>, 2020

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

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

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

**ZAC2020-00010 ..... Forest Park**

Application to change zone district boundaries from O&I (Office & Institutional District) to MU-L (Mixed-Use Low District) in order to allow for a new 2-Story Office & Condo building, filed by Lance Black, representing the owner, Whitegroup, for the property located at 617 37<sup>th</sup> Street South and situated in the NW ¼ of Section 32, Township 17-S, Range 2-West (Council District 5).

**Proposed Use:** 2-Story Office & Condominium Building

**Property and Abutting Land Uses:**

The subject property is 0.94 acres and currently zoned O & I (Office & Institutional District). Abutting the subject property to the north is the Birmingham Yoga, zoned C-B1. To the south is Shambhala Meditation Center building zoned O&I. To the east of the property is Avondale Elementary School, zoned R-3. To the West of the property is Mayer Electric Supply Company, zoned M-1.

**Applicant's Proposal:**

The applicant plans to build a new 2-story office and condo building. The building will be roughly 54'x100 and include an office space on the 1<sup>st</sup> floor as well as a 2 garage spaces for the condos above. The second floor will include 2 separate condos each with 2 bedrooms and 2 bathrooms, a study and an outdoor covered patio. Current business hours for the office will be standard week day hours, subject to change by owner. A new parking lot will increase the number of spaces for the existing building next door and provide parking for the new building. The project also includes an updated access road. The owner intends to create a covenant for shared parking and access between the two properties since the required parking cannot be met for each building individually on their own lots and the current access road is divided by the property line. The goal of this project is to create a modern multi-use building the works with the scale of its surrounds and will provide a human presence at all hours with living space above. Currently, there are offices and residential properties in the Forrest Park neighborhood and this project will blend with each.

The City's **Long Range Land Use Plan** identifies the property as **Mixed-Use Low**. This land use category allows for the development of compact, walkable, residential and commercial areas, often with a "Main Street" spine that historically served as a town center with two to three story buildings. The land uses can be mixed horizontally (side-by-side), or vertically (one above the other) and include multi-family, townhouse, cottage and small-lot single family residential, neighborhood supporting retail and services, offices, hotels and live/work structures. These "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 **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 office use are as follows, 1 per 400 sf GFA and multi-family, 1 parking spaces per dwelling unit is required for 1 bedroom units and 1.5 parking spaces are required for 2 or more bedroom units; therefore, the parking requirement for the site is 16 parking spaces. Applicant's site plan shows 17 parking spaces; therefore, the applicant is meeting the parking requirement for the site (parcel 1). The applicant's site plan shows for (parcel 2) 7 parking spaces; therefore, the applicant is not meeting the parking requirement of 15 parking spaces. 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. A condominium plat will be required by the Sub-Division committee. Access easement agreement will need to transpire for the 3 parking spaces that are on Parcel 1 that on Dumpsters cannot be shared on the same lot, resurvey lot or place a dumpster on each parcel.

Landscaping was reviewed and the following is required:

- 1) 1 canopy tree per 40' of street frontage is required.
- 2) An evergreen shrub hedgerow is required between the parking lot and the street. (max height of 36")

***Traffic & Engineering***

The site plan was reviewed by the Traffic & Engineering division, they would like the applicant to show a new sidewalk across the entire front of the property, street trees, driveway maximum width 20' and driveway radius 5'.

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

- All provisions of the Stormwater Post Construction Ordinance, Engineering Design Guidelines and Soil Erosion Control Ordinance shall apply for all developments.
- A stormwater management concept meeting is required prior to beginning site design.

***Neighborhood Recommendation:***

The ***Forest Park Association*** took a vote on July 9<sup>th</sup>, 2020, to review the proposed project and voted to recommend the request. The vote was **13** approved and **0** denied.

*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.

**STAFF RECOMMENDATIONS**  
**ZONING ADVISORY COMMITTEE**  
**Birmingham Planning Commission**  
**Meeting Date:** July 21<sup>st</sup>, 2020  
**Time:** 6:00 P.M.  
**Pre-Meeting:** 5:30 P.M.  
**Place:** WebEx

**ZAC2020-00012**.....**Citywide**  
Proposed amendments to the City's Zoning Ordinance - including revisions to allow an animal kennel in MXD; amend the parapet height requirement; amend the ZAC hearing section (to allow special called meetings of the Planning & Zoning Committee); and to amend the date for heavy industrial buffer requirements, filed by the Department of Planning, Engineering & Permits