

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: August 18<sup>th</sup>, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

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

**ZAC2020-00011 ..... Inglenook**

Application to change zone district boundaries from QM-1(Qualified Light Manufacturing District) and M-3(Planned Industrial District) to C-2(General Business District) to allow for a new and separate facility Temple for Sunday Services & education, filed by Steven Chau, representing the owner, An Quang Buddhist Temple Inc., for the property located at 4000 East Lake Boulevard and situated in the SW1/4 of Section 17, Township 17-S, Range 2-West (District 4).

**Proposed Use:** Temple and associates uses (Education, garden, etc.)

**Property and Abutting Land Uses:**

The subject property is currently zoned QM-1(Qualified Light Manufacturing District) & M-3(Planned Industrial District). Abutting the subject property to the north is R-5 zoning (Multiple Dwelling District). To the south is undeveloped area, zoned CM-1. To the east of the property is Birmingham Airport runway, also zoned M-1. West of the subject property is zoned R-3 (Single Family District).

**Applicant’s Proposal:**

The proposal is to provide a new and separate facility (Temple) for Sunday services. Renovate the existing Temple into a boarding facility for the monk residences (or build new). A new meditation/flower garden with stone statue(s) of the Buddhist deity figures. A separate education facility for “Sunday schooling”.

The City’s **Long Range Land Use Plan** identifies the property as **Residential-Low District**. The Land Use Description describes the Residential Low Density land use category is intended for single-family homes. In addition, schools, churches, and neighborhood-serving public uses are allowed. **Transportation & Utilities**. Land Use Description the Transportation and Utility land use classification is intended for land that is used for the following purposes: airports, major train yards, highway and interstate rights -of-way, public utilities like electric utility plants, and water and sewer plants, including publicly owned plants. The applicant’s proposed use would be **somewhat consistent** with the **Long Range Land Use Plan**.

**Zoning Ordinance:**

The applicant’s site plan shows parking in the front of the building and 16 total parking spaces. The parking requirements for this site was calculated based on the 800 square footage of the building divide by 9, then that number was divide by 6 for the number of required parking spaces (15). This proposed use is a place of worship with no fixed seating. 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.*

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). Per the City's Landscape Architect, the site plan didn't include landscaping, therefore this will include, but not be limited to:

- 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 applicant's site plan was reviewed by the Traffic & Engineering. They concluded that his site plan design of the property will need to be accessed from the side streets (40<sup>th</sup> Street North and/or 35<sup>th</sup> Avenue North) not the East Lake Blvd side.

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 *Inglenuok Neighborhood Association* had a meeting on August 4, 2020, to review the proposed project and voted to **Not Recommend** the request. The vote was **0** approved and **8** denied.

The Framework plan has been completed, but no Eastern Area Implementation Committee has been established at this time.

***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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**ZAC2020-00013** ..... **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 restaurant, fitness center and retail services, filed by Phil Amthor, representing the owner, 1227 First Avenue South Holdings, LLC, for the property located at 1227 1<sup>st</sup> Avenue South and situated in the SE ¼ of Section 35, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** Restaurant, Fitness Center and Retail Services

**Property and Abutting Land Uses:**

The subject property is 0.29 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is zoned MU-D (Mixed Use Downtown District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District) & west of the property is zoned MU-D (Mixed Use Downtown District).

**Applicant's Proposal:**

The applicant overall project plans are for a two-block redevelopment called The Urban Supply District. This property preserves several historic warehouse buildings in the heart of the Parkside District and provides food, beverage, fitness, and retail services to the surrounding properties which are either being razed and rebuilt or revitalized as large multifamily developments with many residents who will be able to walk to Urban Supply. Connection Begins with Urban Supply being a connector for Birmingham. Linking points west of I-65 to Railroad Park and Regions Field, the two block area is positioned to become a destination for people from all backgrounds to gather together and find..... the goods to live an urban life.

**FITNESS:** 23,000 square feet fronting 1<sup>st</sup> Avenue South designed with an integrated locker room for activity-focused businesses. This concept will become a gathering place for active lifestyles.

**FOOD:** In roughly 30,000 square feet straddling 13<sup>th</sup> Street South, these spaces will be where local restaurants and restaurateurs find dynamic space to help promote the food of our city.

**Maintenance of Historic Fabric of the Community:** Careful attention has been paid to each structure so the original character remains intact; yet is enhanced to be viable for the needs of businesses today.

**Return on Investment to the Community:** In addition to financial benefits, including the creation of jobs, the project will be a hub for activity where people from all over will connect as one city.

**Strength of Local Support:** The project is supported by a multitude of local entities, including the City of Birmingham, Alabama Power, The Birmingham Business Alliance, the Freshwater Land Trust, REV Birmingham, The Regional Planning Commission of Greater Birmingham and Urban Impact.

**Community Benefits Plan:** With a focus on establishing places for local business, the project will provide meaningful community benefits and appropriate opportunities for area residents, minorities and women in all aspects of its operations.

**Hours of Operation:**

5:00am-9:00pm, with peak uses before work, at lunchtime, and after work until 7:00pm.

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.

The ZBA (Zoning Board of Adjustment) approved a parking modification on July 23, 2020. The applicant has 62 off-street parking spaces. **GRANTED** subject to the following conditions:

Resurvey lots 1209 & 1227 1<sup>st</sup> Ave S into one lot.

**Design Review District:** This property is in the Midtown Commercial District, and all Parkside Guideline requirements are on the 13<sup>th</sup> Street South side, therefore this location will need DRC approval.

**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.

***Neighborhood Recommendation:***

The *Five Points South Neighborhood Association* is waiting to get more information from orchestra partners in regards to the proposed re-zoning request.

***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. "Although the MU-H (Mixed-Use High District) would allow the applicant's intended use, the applicant's proposal to rezone the subject property to the MU-D (Mixed-Use Downtown District) is consistent with the existing Long Range Land Use Plan. The applicant is proposing to rehab some structures as potential multi-dwelling development where applicable while providing remote parking to assist with new development; however, the applicant's development opportunities would be severely limited if they are required to provide off-street parking to the location, while attempting to maintain the character of the surrounding uses and adhering to the long range plan. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area".

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**ZAC2020-00014 ..... Southside**

Application to change zone district boundaries from M-2 (Heavy Industrial District) to MU-H (Mixed-Used High District) to construct a new 5-story multi-family complex and 253 surface parking spaces, filed by Dan Fritts, representing the owner, 2500 First Ave, LLC, for the properties located at 2500-2400 & 2420 First Ave South and situated in the NE ¼ of Section 36, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** New 5-Story Multi-Family Complex & 253 Surface Parking Spaces

***Property and Abutting Land Uses:***

The subject properties are 4.75 acres and is currently zoned M-2 (Heavy Industrial District). Abutting the subject property to the north is zoned, M-1 (Light Industrial District). To the south it is currently zoned M-1 (Light Industrial District). To the east of the property is, zoned M-2 (Heavy Industrial District). To the west of the location it is currently zoned M-1 (Light Industrial District).

***Applicant's Proposal:***

The applicant plans to redevelop the site which will consist of 4.75 acres along 1<sup>st</sup> Avenue South. The site, 2400-2500 1<sup>st</sup> Avenue South will be comprised of 273 multifamily units and 253 surface parking spaces. Currently zoned M-2, rezoning the property to MU-H (Mixed Use High District) would allow the proposed design, as well as meet the goal of the city to rezone formerly industrial areas and encourage growth within expanding corridors of the city.

The property is proposed to be a 5-story, wood framed building with frontage along 1<sup>st</sup> Avenue South. In keeping with the existing structures along the 1<sup>st</sup> Avenue S corridor, the building frontage will span the majority of the site, creating a 5-story massing at the intersection of 1<sup>st</sup> Avenue S and 25<sup>th</sup> Street S. Storefront windows will be incorporated at the project leasing office and amenity spaces, encouraging resident and pedestrian engagement via the transparent façade. The façade materials will consist of masonry and a mixture of fiber cement products. The building will be stepped back in locations along the south façade to break up the elongated frontage and create depth and texture along the front of the building. Additionally, a mixture of balconies and differing façade materials will help to create an aesthetically pleasing visual along all sides of the building.

The property will offer resident amenities, including a 24-hour fitness center, outdoor pool and grilling stations, dog park, co-op working space, indoor bicycle storage, full-kitchen and community space, and an on-site leasing office with full time staff. The leasing office and maintenance staff will keep standard office hours of 8:00 AM to 5:00 PM throughout the week, with shortened hours on weekends. The property will employ a mixture of 6 to 7 full-time and part-time employees including leasing agents hired from within the local market.

The parking at the project will be located to the north of the property in the vacated Powell Avenue. In creating an engaging sidewalk and street presence, the parking will be located in the rear of the building, so as to not create vacant space along the street front. Two curb cuts along 1<sup>st</sup> Avenue S. will allow an easy flow of traffic to and from the property. The drive aisles will be located near the 24<sup>th</sup> Street viaduct and the Red Mountain Expressway. The project intends to take advantage of the parking reduction allowed within the zoning designation by including structured bicycle parking and its location proximal to public transportation.



The City's **Long Range Land Use Plan** identifies the property as **Light Industrial**. The planned development category allows for Light industrial and office uses, potentially in "business park" settings, and typically near major transportation routes including Interstates, State Highways, railroad spurs and airport facilities. Warehouse and distribution uses. Urban agriculture. Supporting uses, such as minor retail and services to support the major uses. Residential uses by ZBA special exception. 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 MU-H Mixed Use High. Parking spaces in the B-3 and MU-H Mixed Use High district shall be provided in an amount equal to one half of the required parking. Where parking is provided in the B-3 and MU-H Mixed Use High District all remaining requirements of this Article shall apply. The parking requirement for multi-family are as follows, 1 parking spaces per dwelling unit is required for 1 bedroom units (188) and 1.5 parking spaces are required for 2 or more bedroom units (85); therefore, the parking requirement for the site is 126 parking spaces. Applicant's site plan shows 253 parking spaces; therefore, the applicant is 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 127 parking spaces or provide pervious paving systems or other low impact developments. 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, bio retention 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 proposed structures meet the setback and height requirements per the zoning Ordinance.

**Stormwater Staff**, the normal Stormwater Post Construction, Soil Erosion Control, Civil and Driveway permits will be required.

Per the **Traffic & Engineering Staff**, any proposed structures within public right of way will require a right of way use agreement.

The proposed development will require the owner to Resurvey the 2 lots into 1 lot for approval by the **Subdivision Committee**. The vacation was approved by City Council on March 17, 2020. The fees associated with the vacation was paid on August 3, 2020 and the final plat will be recorded with the Judge of Probate on August 4, 2020. A request for a favorable recommendation regarding the vacation of 64,404 square feet of right of way and a request for approval of a Final Plat combining the vacated right of way on Powell Avenue, 14,612 square feet of right of way on 25th Street S., and 22 lots into 2 lots called T.E. STEVENS RESURVEY TO BIRMINGHAM.

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). A more detailed landscaping plan is required when the permit process starts.

Any necessary permits/licenses required by the City of Birmingham must be approved and obtained prior to opening.

***Neighborhood Recommendation:***

The ***Southside Neighborhood Association*** did not have a regularly scheduled meeting due to COVID-19; therefore, the neighborhood president is deferring the decision to city council.

This property is in the Northside/Southside Framework Plan; however, the Implementation Committee is not active at the present moment.

***Staff's Recommendation to ZAC:***

The applicant's rezoning request is ***not consistent*** with the future land use plan, but the request does have ***some merit*** for approval.

**STAFF RECOMMENDATIONS**

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**ZAC2020-00015 ..... 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 restaurant, fitness center and retail services, filed by Phil Amthor, representing the owner, 1209 First Avenue South Holdings, LLC, for the property located at 1209 1<sup>st</sup> Avenue South and situated in the SE ¼ of Section 35, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** Restaurant, Fitness Center & Retail Services

**Property and Abutting Land Uses:**

The subject property is 0.3 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is zoned MU-D (Mixed Use Downtown District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District) & west of the property is zoned MU-D (Mixed Use Downtown District).

**Applicant's Proposal:**

The applicant overall project plans are for a two-block redevelopment called The Urban Supply District. This property preserves several historic warehouse buildings in the heart of the Parkside District and provides food, beverage, fitness, and retail services to the surrounding properties which are either being razed and rebuilt or revitalized as large multifamily developments with many residents who will be able to walk to Urban Supply. Connection Begins with Urban Supply being a connector for Birmingham. Linking points west of I-65 to Railroad Park and Regions Field, the two block area is positioned to become a destination for people from all backgrounds to gather together and find..... the goods to live an urban life.

**FITNESS:** 23,000 square feet fronting 1<sup>st</sup> Avenue South designed with an integrated locker room for activity-focused businesses. This concept will become a gathering place for active lifestyles.

**FOOD:** In roughly 30,000 square feet straddling 13<sup>th</sup> Street South, these spaces will be where local restaurants and restaurateurs find dynamic space to help promote the food of our city.

**Maintenance of Historic Fabric of the Community:** Careful attention has been paid to each structure so the original character remains intact; yet is enhanced to be viable for the needs of businesses today.

**Return on Investment to the Community:** In addition to financial benefits, including the creation of jobs, the project will be a hub for activity where people from all over will connect as one city.

**Strength of Local Support:** The project is supported by a multitude of local entities, including the City of Birmingham, Alabama Power, The Birmingham Business Alliance, the Freshwater Land Trust, REV Birmingham, The Regional Planning Commission of Greater Birmingham and Urban Impact.

**Community Benefits Plan:** With a focus on establishing places for local business, the project will provide meaningful community benefits and appropriate opportunities for area residents, minorities and women in all aspects of its operations.

**Hours of Operation:**

5:00am-9:00pm, with peak uses before work, at lunchtime, and after work until 7:00pm.



The City's *Long Range Land Use Plan* identifies the property as *Light Industrial*. 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.

The ZBA (Zoning Board of Adjustment) approved a parking modification on July 23, 2020. The applicant has 62 off-street parking spaces. **GRANTED** subject to the following conditions:

Resurvey lots 1209 & 1227 1<sup>st</sup> Ave S into one lot.

**Design Review District:** This property is in the Midtown Commercial District, and all Parkside Guideline requirements are on the 13<sup>th</sup> Street South side, therefore this location will need DRC approval.

**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.

**Neighborhood Recommendation:**

*The Five Points South Neighborhood Association is waiting to get more information from orchestra partners in regards to the proposed re-zoning request.*

**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. "Although the MU-H (Mixed-Use High District) would allow the applicant's intended use, the applicant's proposal to rezone the subject property to the MU-D (Mixed-Use Downtown District) is consistent with the existing Long Range Land Use Plan. The applicant is proposing to rehab some structures as potential multi-dwelling development where applicable while providing remote parking to assist with new development; however, the applicant's development opportunities would be severely limited if they are required to provide off-street parking to the location, while attempting to maintain the character of the surrounding uses and adhering to the long range plan. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area".

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**ZAC2020-00016 ..... 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 restaurant, fitness center and retail services, filed by Phil Amthor, representing the owner, 1200 Second Avenue South Holdings, LLC, for the property located at 1200 2<sup>nd</sup> Avenue South and situated in the SE ¼ of Section 35, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** Restaurant, Fitness Center & Retail Services

**Property and Abutting Land Uses:**

The subject property is .83 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is zoned MU-D (Mixed Use Downtown District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District) & west of the property is zoned MU-D (Mixed Use Downtown District).

**Applicant’s Proposal:**

The applicant overall project plans are for a two-block redevelopment called The Urban Supply District. This property preserves several historic warehouse buildings in the heart of the Parkside District and provides food, beverage, fitness, and retail services to the surrounding properties which are either being razed and rebuilt or revitalized as large multifamily developments with many residents who will be able to walk to Urban Supply. Connection Begins with Urban Supply being a connector for Birmingham. Linking points west of 1-65 to Railroad Park and Regions Field, the two block area is positioned to become a destination for people from all backgrounds to gather together and find..... the goods to live an urban life.

**FITNESS:** 23,000 square feet fronting 1<sup>st</sup> Avenue South designed with an integrated locker room for activity-focused businesses. This concept will become a gathering place for active lifestyles.

**FOOD:** In roughly 30,000 square feet straddling 13<sup>th</sup> Street South, these spaces will be where local restaurants and restaurateurs find dynamic space to help promote the food of our city.

**Maintenance of Historic Fabric of the Community:** Careful attention has been paid to each structure so the original character remains intact; yet is enhanced to be viable for the needs of businesses today.

**Return on Investment to the Community:** In addition to financial benefits, including the creation of jobs, the project will be a hub for activity where people from all over will connect as one city.

**Strength of Local Support:** The project is supported by a multitude of local entities, including the City of Birmingham, Alabama Power, The Birmingham Business Alliance, the Freshwater Land Trust, REV Birmingham, The Regional Planning Commission of Greater Birmingham and Urban Impact.

**Community Benefits Plan:** With a focus on establishing places for local business, the project will provide meaningful community benefits and appropriate opportunities for area residents, minorities and women in all aspects of it operations.

**Hours of Operation:**

8:00am-7:00pm or otherwise normal office hours of operation.

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 in the Midtown Commercial District, and all Parkside Guideline requirements are voluntary, however, this location will need DRC approval.

**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.

***Neighborhood Recommendation:***

*The Five Points South Neighborhood Association is waiting to get more information from orchestra partners in regards to the proposed re-zoning request.*

***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. "Although the MU-H (Mixed-Use High District) would allow the applicant's intended use, the applicant's proposal to rezone the subject property to the MU-D (Mixed-Use Downtown District) is consistent with the existing Long Range Land Use Plan. The applicant is proposing to rehab some structures as potential multi-dwelling development where applicable while providing remote parking to assist with new development; however, the applicant's development opportunities would be severely limited if they are required to provide off-street parking to the location, while attempting to maintain the character of the surrounding uses and adhering to the long range plan. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area".

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**ZAC2020-00017 ..... 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 restaurant, fitness center and retail services, filed by Phil Amthor, representing the owner, 230 Second Avenue South Holdings, LLC, for the property located at 230 2<sup>nd</sup> Avenue South and situated in the SE ¼ of Section 35, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** Restaurant, Fitness Center and Retail Services

**Property and Abutting Land Uses:**

The subject property is .39 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is zoned MU-D (Mixed Use Downtown District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District) & west of the property is zoned MU-D (Mixed Use Downtown District).

**Applicant’s Proposal:**

The applicant overall project plans are for a two-block redevelopment called The Urban Supply District. This property preserves several historic warehouse buildings in the heart of the Parkside District and provides food, beverage, fitness, and retail services to the surrounding properties which are either being razed and rebuilt or revitalized as large multifamily developments with many residents who will be able to walk to Urban Supply. Connection Begins with Urban Supply being a connector for Birmingham. Linking points west of I-65 to Railroad Park and Regions Field, the two block area is positioned to become a destination for people from all backgrounds to gather together and find..... the goods to live an urban life.

**FITNESS:** 23,000 square feet fronting 1<sup>st</sup> Avenue South designed with an integrated locker room for activity-focused businesses. This concept will become a gathering place for active lifestyles.

**FOOD:** In roughly 30,000 square feet straddling 13<sup>th</sup> Street South, these spaces will be where local restaurants and restaurateurs find dynamic space to help promote the food of our city.

**Maintenance of Historic Fabric of the Community:** Careful attention has been paid to each structure so the original character remains intact; yet is enhanced to be viable for the needs of businesses today.

**Return on Investment to the Community:** In addition to financial benefits, including the creation of jobs, the project will be a hub for activity where people from all over will connect as one city.

**Strength of Local Support:** The project is supported by a multitude of local entities, including the City of Birmingham, Alabama Power, The Birmingham Business Alliance, the Freshwater Land Trust, REV Birmingham, The Regional Planning Commission of Greater Birmingham and Urban Impact.

**Community Benefits Plan:** With a focus on establishing places for local business, the project will provide meaningful community benefits and appropriate opportunities for area residents, minorities and women in all aspects of its operations.

**Hours of Operation:**

11:00am-12:00am, with peak uses at lunchtime and dinner time for restaurants and for bars from 4:00pm-12am. The event space will operate mostly in evenings from 4:00pm-10:00pm, but will be available for booking any time period from 7:00am-10:00pm.

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.

**The ZBA (Zoning Board of Adjustment)** approved a parking modification on July 23, 2020. The applicant has access to 62 off-street parking spaces.

**Design Review District:** This property is in the Midtown Commercial District and all Parkside Guideline requirements are voluntary, however, this location will need DRC approval.

**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.

***Neighborhood Recommendation:***

*The Five Points South Neighborhood Association is waiting to get more information from orchestra partners in regards to the proposed re-zoning request.*

***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. "Although the MU-H (Mixed-Use High District) would allow the applicant's intended use, the applicant's proposal to rezone the subject property to the MU-D (Mixed-Use Downtown District) is consistent with the existing Long Range Land Use Plan. The applicant is proposing to rehab some structures as potential multi-dwelling development where applicable while providing remote parking to assist with new development; however, the applicant's development opportunities would be severely limited if they are required to provide off-street parking to the location, while attempting to maintain the character of the surrounding uses and adhering to the long range plan. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area".

**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE**

**Birmingham Planning Commission**

**Meeting Date:** August 18<sup>th</sup>, 2020

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

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

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

**ZAC2020-00018 ..... 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 restaurant, fitness center and retail services, filed by Phil Amthor, representing the owner, 113 Thirteenth Street South Holdings, LLC, for the property located at 113 13<sup>th</sup> Street South and situated in the SW ¼ of Section 36, Township 17-S, Range 3-West (Council District 5).

**Proposed Use:** Restaurant, Fitness Center and Retail Services

**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 zoned MU-D (Mixed Use Downtown District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District) & west of the property is zoned MU-D (Mixed Use Downtown District).

**Applicant's Proposal:**

The applicant overall project plans are for a two-block redevelopment called The Urban Supply District. This property preserves several historic warehouse buildings in the heart of the Parkside District and provides food, beverage, fitness, and retail services to the surrounding properties which are either being razed and rebuilt or revitalized as large multifamily developments with many residents who will be able to walk to Urban Supply. Connection Begins with Urban Supply being a connector for Birmingham. Linking points west of I-65 to Railroad Park and Regions Field, the two block area is positioned to become a destination for people from all backgrounds to gather together and find..... the goods to live an urban life.

**FITNESS:** 23,000 square feet fronting 1<sup>st</sup> Avenue South designed with an integrated locker room for activity-focused businesses. This concept will become a gathering place for active lifestyles.

**FOOD:** In roughly 30,000 square feet straddling 13<sup>th</sup> Street South, these spaces will be where local restaurants and restaurateurs find dynamic space to help promote the food of our city.

**Maintenance of Historic Fabric of the Community:** Careful attention has been paid to each structure so the original character remains intact; yet is enhanced to be viable for the needs of businesses today.

**Return on Investment to the Community:** In addition to financial benefits, including the creation of jobs, the project will be a hub for activity where people from all over will connect as one city.

**Strength of Local Support:** The project is supported by a multitude of local entities, including the City of Birmingham, Alabama Power, The Birmingham Business Alliance, the Freshwater Land Trust, REV Birmingham, The Regional Planning Commission of Greater Birmingham and Urban Impact.

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