

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: September 15th, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

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

ZAC2020-00021 Five Points South
Application for a change in zone district boundaries from C-O&I (Contingency Office & Institutional District) and “Q” B-3 (Qualified Community Business District) to C-2(General Commercial District), in order to allow for a parking lot (to be used by St. Mary’s on the Highlands for overflow parking), filed by Schoel Engineering Company, representing the owner, St. Mary’s on the Highlands Episcopal Church, for the properties located at 1219 & 1231 19th Street South, and 1912 13th Avenue South, and situated in the NW ¼ of Section 06, Township 18-S, Range 2-West (Council District 3)

Proposed Use: A Parking Lot (to be used by St. Mary’s on the Highlands for overflow parking)

Property and Abutting Land Uses:

The subject properties sit on approximately 0.24 acres, and consists of three (3) separate LOTS, which are currently zoned O&I (Office and Institutional District) and “Q” B-3 (Qualified Community Business District).

Abutting the subject property to the North is the Mellow Mushroom Restaurant, zoned B-3 (Community Business District). To the South is zoned C-O& I (Contingency Office and Institutional District). To the East of the property the zoning is B-3(Community Business District) & B-2(General Business District), and to the West UAB Tennis Courts, zoned B-6 (Health & Institutional District).

Previous Actions:

According to a former ZAC case it states that a portion of the subject property (1912 13th Avenue South) was previously rezoned from C-O&I to QB-3 (Case Z-24-91, Ordinance # 1462-G) with the following “Q” Condition:

Use of the subject property is limited to visiting faculty housing only.

Applicant’s Proposal:

The applicant’s proposal is to use the subject property as remote parking for St. Mary’s on the Highland’s Episcopal Church, located approximately one block north of the subject property. Current on-site parking at the church is very limited and this paved lot will serve to alleviate parking constraints for the church on Sundays and occasional events during the week.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed-Use (MU-H) High District**. The mixed-use high district is designed to accommodate medium- to high-density office, residential, retail, 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 will could also include entertainment areas, and be transit-accessible or transit-ready locations. Intensity of development would vary by area. Uses in this district include: high density multi-family, lofts, townhouses, small-lot residential, retail and services, offices, hotels, large entertainment facilities, and live/ work structures. Ground-floor uses are encouraged on desired pedestrian-intensive streets. The proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s proposed site plan shows 24 parking spaces. The current zoning of C-2 and QB-3, does not allow off-street parking as a permitted use. Although, the zoning ordinance contemplates the need for places of worship to have overflow parking, the parking must be located in the same block as the place of worship. The applicant’s proposed zoning designation of C-2 is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be

designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

The proposed development of the subject property as a parking lot will have to comply with all of the Landscaping Requirements as outlined in the City's Zoning Ordinance. A preliminary review of the site plan by the City's Landscape Architect indicates compliance with the landscaping requirements of the ordinance.

The City's Stormwater staff reviewed the proposed re-zoning request and states that the normal civil and stormwater design and permitting will be required.

The Birmingham Department of Transportation also reviewed the proposed re-zoning request and states that a driveway/sidewalk permit will be required.

Neighborhood Recommendation:

The *Five Points South Neighborhood Association* held an executive committee meeting on **August 28, 2020**, to review the proposed project and voted to not recommend the request. The vote was **1** approved and **4** denied. The decision of the Neighborhood Associations was to not support the rezoning request for the following reason(s): The current zoning reflects the work the neighborhood association put in place to prevent a parking lot and reflects what they hope would be rebuilt for residential housing.

The property is located within the *Northside/Southside Framework Plan*, area. The plan for this area has not been completed at this time, nor has the Implementation Committee been formed.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *consistent* with the future land use plan, however; the proposed rezoning we recommend identifies a C-1 rezoning, that will allow for a stand-a-lone parking lot. The applicant is requesting more parking space than the ordinance would allow for a place of worship, therefore the applicant should construct the site using pervious materials or provide a low impact development plan which stormwater division approves.

If the request is approved, Staff recommends the following "Q" Conditions:

- Applicant shall comply with site plan as submitted & approved by the ZAC board.
- A subdivision action to combine the 3 LOTS into 1 LOT.
- Parking Lot shall be built with pervious materials or provide a low impact development plan which stormwater division approves.