

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: October 20th, 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 Stand-Alone 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 **somewhat consistent** with the **Long Range Land Use Plan**. The MU-H district provides a 50% parking reduction for developments in order to promote land use intensity, walkability and a district less reliant on cars; and although a parking lot is a permitted use in both the C-2 and MU-H District(s), utilizing a corner lot for a stand-alone parking lot is not entirely consistent with overall goals of the Long Range Land Use Plan to encourage mixed us developments with structured parking as needed.

Zoning Ordinance:

The applicant’s proposed site plan shows 24 parking spaces. The current zoning of O& I 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.

Landscape Review:

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.

Stormwater Review:

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(BDOT) Review:

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.

The *Planning and Zoning Committee of the City Council* will review this case at its regularly scheduled meeting on Wednesday, November 4, 2020.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *somewhat 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.

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ZAC2020-00023.....Overton
Application to change zone district boundaries from “Q”C-2 (Qualified General Commercial District) to HID (Health and Institutional District) to allow for a new College (Biblical Higher Education Institution), filed by Cole Williams, representing the owner, Church of the Highlands, Inc., for the property located at 3660 Grandview Parkway and situated in the SW ¼ of Section 26, Township 18-S, Range 2-West (Council District 2).

Proposed Use: Highlands College (Biblical Education Institution)

Property and Abutting Land Uses:

The subject property is 12.6 acres and is currently zoned “Q”C-2 (Qualified General Commercial District). Abutting/adjacent the subject property to the north is Daniel Realty Services zoned, “Q”C-2 (Qualified General Commercial District). To the south it is Daniel Realty Corporation currently zoned “Q”C-2 (Qualified General Commercial District). To the east of the property is, Grandview Hospital zoned “Q” C-2. To the west of the location it is Daniel Realty Services currently zoned “Q” C-2. This property was the former Health South Corporate Campus at Grandview.

Applicant’s Proposal:

The applicant’s proposal plan is to redevelop the former Health South Corporate Campus at Grandview into Highlands College (Biblical Higher Educational Institution). The existing buildings will be remodeled and expanded to support the mission of the college as follows: The Highlands College building presently has a 5-story office building that will be altered to house academic spaces, workshop learning facilities, student dining and recreation activity spaces, a student placement center, academic and administrative offices, cafe and various support spaces to enhance campus life enabling the students to learn, socialize, network, dine, study and relax. The Church of the Highlands building will house 1500 seats in the main auditorium where students’ assemblies, campus events and church services on Sunday will take place. Student dining, food services, children’s ministry, seminar training and support services will also be housed at this location. The existing parking structure has 5 levels of parking that contains 608 parking spaces. There will also be two end cap structures added facing the campus green that will provide additional student dining venue with indoor and outdoor seating. A campus green will be replacing the central parking area providing an open space that will promote student life, outdoor recreation and relaxation, along with improved pedestrian circulation across campus. The student residence buildings will be constructed in two phases, each providing 250 beds for a total of 500. A distribution center is where the Church of the Highlands maintains a central distribution center to support their campuses from this location. The potential future uses as the college matures there may be other buildings, to house uses to support the college; a new student life building, eternal impact conference center, student recreation space, additional parking structure, amphitheater and additional student housing.

City’s **Long Range Land Use Plan** identifies the property as **General Commercial (C-2) District**. This general commercial district 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: 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 rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Although the existing zoning of the property as “Q”C-2 would allow the applicant’s intended use,

the applicant's proposal to rezone the subject property to the HID district will allow for an orderly arrangement of buildings and uses for the proposed campus and its related uses and functions.

Zoning Ordinance:

A parking plan must be an element of the approved Master Plan. When a Master Plan is submitted for review and approval, all parking spaces may be provided on an aggregate basis. The applicant's proposed site plan shows 549 parking spaces. The parking requirement for office is 1 per 400 sf of GFA 22,521/400 is 56; 7730/400 is 19; therefore, total of parking for office space is 75. Communal Living Facility is 1 per 2 sleeping rooms 500(beds)/2; therefore, total of parking for communal living facility is 250 parking spaces; place of worship is 1 per 6 seats in the main sanctuary 1,280 seats/6; therefore, the total parking spaces for the sanctuary is 213, and warehouse is 1 per 2,000 sf of GFA plus 1 per 400 sf of office area; therefore, the square footage proposed for warehouse is 22,173/2,000, so the number of parking spaces for warehouse would be 11 parking spaces. The total parking required would be 439 parking spaces. Applicant's proposed site plan shows a total of 549 parking spaces; therefore, the applicant is meeting the parking requirement for the site. The additional parking spaces as proposed should comply with engineering guidelines for excessive 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. 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.

Stormwater:

The City's Stormwater staff has been in discussions with the developers of this property, and concluded applicant will have to meet the Post Construction Stormwater Ordinance requirements.

Birmingham Department of Transportation:

The Birmingham Department of Transportation, staff reviewed the site plan and traffic analysis and also had a meeting with the traffic engineer, and concluded there were no comments regarding the rezoning request.

Landscaping:

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). The city's landscape architect suggests to add street trees along the northern side of the site, between the buildings and the street, this will be required in a detailed site plan for permitting.

Neighborhood Recommendation:

The Overton Neighborhood Association held a meeting on October 9, 2020, to review the proposed project and voted to recommend the request. The vote was 5 approved and 0 denied.

Framework Plan:

This property is located within the Northeast Framework Plan Area, and the framework plan identifies the property's land use designation as General Commercial. However, staff believes that the land use designation was chosen because, this location was once where the former Health South Corporate Campus reside, and since the adjacent and abutting properties were/are zoned

General Commercial, this site is in alignment with the current trends in the Northeast Birmingham Area Framework Plan. The plan for this area has been completed and the Implementation Committee has been established.

Staff discussed the application with Mr. Hamby(co-chair) of the Framework Implementation committee and have not received a final response.

The *Planning and Zoning Committee of the City Council* will review this case at its regularly scheduled meeting on Wednesday, November 4, 2020.

Staff's Recommendation to ZAC:

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

Staff recommends that if approved; the application be approved with the following condition(s):

- Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.
- Add street trees along the northern side of the site, between the buildings and the street.