

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: November 17th, 2020

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

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

ZAC2020-00022.....North Birmingham
Application to change zone district boundaries from C-2 (General Commercial District) to I-1 (Light Manufacturing District) to construct a new MAPCO convenience store and truck plaza, filed by Charles A. J. Beavers, Jr., representing the owner, MAPCO Express, Inc.-John Rudolfs, for the property located at 1901 Finley Blvd. and situated in the SW ¼ of Section 23, Township 17-S, Range 3-West (Council District 9).

Proposed Use: New 5,132 SF MAPCO convenience store and truck plaza

Property and Abutting Land Uses:

The subject property is 4.34 acres and is currently zoned C-2 (General Commercial District). Abutting/adjacent the subject property to the north is zoned, C-2 (General Commercial District). To the south it is currently zoned M-1 (Light Industrial District). To the east of the property is, zoned M-1 (Light Industrial District). To the west of the location it is currently zoned C-2 (General Commercial District).

Applicant’s Proposal:

The proposed new use for the subject property is a MAPCO convenience store and truck plaza. The proposed usage will consist of an approximately 5,132 square foot convenience store building with approximately 50 vehicular parking spaces, an automobile fueling canopy with 16 fueling positions, as well as a diesel fueling canopy with 6 diesel fueling lanes and approximately 40 diesel parking spaces at the rear of the subject property. The proposed business will be open 24 hours.

The 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: 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 rezoning request is **Not Consistent** with the **City’s Long Range Land Use Plan**.

Although the existing zoning of the property as C-2 would not allow the applicant’s intended use, the applicant’s proposal to rezone the subject property to the I-1 district is consistent with the abutting and adjacent I-1 zoned properties. This property was zoned M-2 in the 60’s, B-2 in the 90’s, C-M1(Contingency Light Manufacturing) in 2001 for an Auto Truck & Repair Business, in 2008 a Convenience Store zoned C-B2 and from 2015-2019 Virginia College Trucking School zoned B-2 was located on this site. The applicant intends to use this property for a new MAPCO convenience store with 50 auto parking spaces, and a truck plaza that will include 6 diesel fueling lanes and 40 diesel parking spaces at the rear of the abutting I-1 property. The proposed business will be open 24 hours.

Zoning Ordinance:

The applicant’s proposed site plan shows 90 parking spaces (50 light passenger vehicular parking spaces and 40 commercial vehicular parking spaces). The parking requirement for General retail business or service establishment are as follows, 1 parking space per 300 sf of GFA (when lots requiring parking spaces are within 1,000 feet of any BJCTA transit station, community transfer station, bus rapid transit stop, or other transit provider, that is available to the general public; the minimum parking spaces may be reduced by 10%; when lots requiring parking spaces are within

2,000 feet of BJCTA transit station, community transfer station or bus rapid transit stop; the minimum parking spaces may be reduced by 5%).

The total parking required would be 15 for light passenger vehicular. Applicant's proposed site plan shows a total of 90 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.

The proposed development will require the owner to resurvey the 2 lots into 1 lot for approval by the **Subdivision Committee of the Birmingham Planning Commission**. Once approved, the final plat will have to be recorded at the Judge of Probate.

Stormwater:

The City's Stormwater Staff reviewed the applicant's proposal and concluded any new construction or re-development would have to comply with the post-construction ordinance and zoning parking requirements.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), primary concern is that the developer core 20th St. N and 24th Ave. N to make sure the existing pavement structure will be adequate to handle large truck traffic. However, this is an issue that can be addressed at the civil/site permit level and doesn't have to be a zoning condition.

Landscaping:

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance (Landscaping, Buffering and Screening). Prior to permit issuance, a landscape plan will be required, per the City's Landscape Architect.

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

Neighborhood Recommendation:

The North Birmingham Neighborhood Association held a virtual meeting on September 17, 2020, to review the proposed project and voted to recommend the request. The vote was **8** approved and **0** denied.

The Implementation Committee reviewed the proposed project and voted to not recommend the request. The vote was **0** approved and **11** denied, for the following reason:

- The development would introduce an industry who emits pollution that created an unhealthy living environment for our families
- The committee respects the right of every property owner to sell or lease their property, but the businesses should be within the zoning that is attached to the property, per the Framework plan
- The Framework Implementation Committee is working with staff to craft Q-conditions

This property is located within the North Birmingham 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, there was an existing gas station on the site at the time, and since all 4 corners adjacent to the I-65 interchange were/are General Commercial, this site is not identified as a catalyst site or a strategic opportunity area in the plan. The plan for this area has been completed, and the Implementation Committee has been formed.

The *Planning and Zoning Committee of the City Council* will review this case at its regularly scheduled meeting on Wednesday, December 2, 2020.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *not consistent* with the future land use plan, however, the proposed rezoning request has *merit* for approval. The applicant's proposal to rezone the subject property to the I-1 district is consistent with the abutting and adjacent I-1 zoned properties. The applicant currently owns the parcel abutting the property (2205 19th Street North) and this property is currently zoned I-1; therefore, the applicant is proposing to rezone the property located at 1901 Finley Blvd. to allow for the MAPCO convenience store and truck plaza as an allowable use.

If approved staff recommends the following Q-condition(s):

1. Railroad Station;
2. Utility Substation;
3. Reservoir/Water Tank;
4. Water Treatment Plant;
5. Water Sewer Pumping Station;
6. Adult Establishment;
7. Mini-Storage Warehouse;
8. Title Loan/Pawnshop;
9. Off-Premise Sign;
10. Recycling Collection Centers;
11. Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.

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ZONING ADVISORY COMMITTEE

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ZAC2020-00024 Woodlawn

Application to change zone district boundaries from R-3 (Single Family District) to I-1 (Light Manufacturing District) in order to allow for the sales, storage & parking of mobile offices and other modular space solutions, filed by C. Randall Minor, representing the owner, Resun Modspace,LLC., for the property located at 3701 65th Street North and situated in the NW ¼ of Section 17, Township 17-S, Range 2-West (Council District 4).

Proposed Use: Sales, Storage & Parking of mobile offices and other modular space solutions

Property and Abutting Land Uses:

The subject property is 3.73 acres and currently zoned R-3 (Single Family District). Abutting the subject property to the North, South and East is zoned R-3 (Single Family District). West of the site is the Drummond Company Hangar that is zoned CM-1 (Contingency Light Manufacturing District).

Applicant’s Proposal:

The applicant’s proposal to rezone the subject property to allow for the expansion and continuation of the legal, non-conforming use of the property and facilitate further capital investment in such use and other permitted uses in an I-1 district. If deemed necessary during the review process, the Company would consider appropriate “Q” conditions, including the range of uses otherwise allowed in an I-1 district. Representatives of the current owner of the subject property (an affiliate of publicly-traded company Willscot) have advised that it has been used since at least the 1980’s for a series of “light industrial” uses, most recently as for the sales, storage and parking of mobile offices and other modular space solutions. Willscot, which has operations across the United States and Mexico, continues to utilize the subject property.

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 to schools, churches and neighborhood-serving public uses are allowed. The applicant’s proposed use would be consistent with development to the west, which is currently zoned CM-1 (Contingency Light Manufacturing District); however, many of the residentially zoned properties to the north of the subject property have been acquired by the City of Birmingham and /or the Birmingham Airport Authority in connection with various mitigation programs with the result that much of the area immediately north of the subject property is currently vacant and designated as **“Open Space”** in the Future Land Use Plan. The proposed rezoning request is **Not Consistent** with the **Long Range Land Use Plan** due to the light manufacturing proposed rezoning destination.

However, according to additional research this property was zoned M-1 in the 1990’s; the sector plan also indicated the property was once zoned M-1; this property was not in the footprint of the Airport’s Master Plan, nor was this area included in the Airport’s Master Plan. Staff believes that this request has some merit for approval based on the fact that M-1 is adjacent to the proposed rezoning request, and given the close proximity to the airport runway; the adopted land use plan of future Transportations & Utilities along with open space in this area allows for some merit of approval.

Zoning Ordinance:

The applicant’s proposed site plan shows 88 parking spaces (53 x 12 for trailers); however, therefore gravel parking lots used for storage are allowed per the Zoning Ordinance (Title 1-

Chapter 5: Off-Street Parking and Loading Regulations). Storage lots for commercial vehicles and trailers (other than passenger vehicles) not used for daily transportation (e.g., truck trailers, moving trailers, RV's, campers, farm implements, construction vehicles) may be approved by the City Engineer for a substitute improved surface, such as, but not limited to compacted gravel. Such substitute surface, where approved by the City Engineer, shall have concrete curbing around the parking area perimeter to confine the gravel.

Stormwater:

The City's Stormwater staff reviewed the request and the provisions of Civil, Stormwater and Erosion Control permits will apply including a conceptual stormwater review meeting.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), staff reviewed the site plan and concluded there were no comments regarding the rezoning request.

Floodplain:

"All building related activities must meet all floodplain requirements".

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 that since they will be changing to a Light Industrial use, they'll need to maintain a landscape buffer as prescribed in the Zoning Ordinance where they abut residential zoning. A landscape buffer will be fully contained on this property.

Landscape buffer requirements according to the Zoning Ordinance Title 1, Chapter 6 figure 1.06.303 Standard C-Buffer (C-2) 5.4 canopy; 2.7 understory and 24 shrubs to divide the residential zoning.

Neighborhood Recommendation:

The Woodlawn Neighborhood Association met at its regularly scheduled meeting, on November 9, 2020 to review the proposed project and voted to recommend the request. The vote was 7 approved and 0 denied.

Framework Plan:

This property is located within the ***Eastern Area Framework Plan***; however, 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, December 2, 2020.

Staff's Recommendation to ZAC:

The applicant's proposed use to the site is consistent with development to the west of the property; however, the rezoning request is ***not consistent*** with the future land use plan, although the request does have ***some merit*** for approval, given that M-1 is adjacent to the property and the close proximity to the airport runway, the adopted land use plan also identifies the future Transportations & Utilities along with open space for this area causing the proposed request to have some merit for approval.

If approved staff recommends the following Q-condition(s):

- Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.
- Applicant must comply with the landscaping buffer requirements of 5.4 canopy trees, 2.7 understory trees and 22 shrubs to divide the residential zoning.

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ZAC2020-00025..... East Birmingham
Application to change zone district boundaries from C-B1 (Contingency Neighborhood Business District) to C-2 (General Commercial District) in order to allow for a bar/lounge, filed by Mashama Lowe, representing the owner, Theresa Hutton, for the property located at 3801 Richard Arrington Jr. Blvd. North and situated in the SE ¼ of Section 19, Township 17-S, Range 2-West (Council District 4).

Proposed Use: Bar/Lounge

Property and Abutting Land Uses:

The subject property is 0.14 acres and currently zoned C-B1 (Contingency Neighborhood District). Abutting the subject property to the north is Sentinel Firearms, zoned M-2. To the south of the property are single family homes, zoned R-3. To the east of the property is zoned C-B1 (Contingency Neighborhood District). West of the site is Warren Manufacturing Inc., zoned O&I.

Applicant's Proposal:

The applicant's plan is to utilize the existing structure as a bar/lounge called "The Vibe". The hours of operation will be between 5:00pm to 3:00am Sunday thru Saturday. The building is 1,250 square feet and the zoning ordinance parking requires 1 parking space per 100 square feet, therefore the applicant is meeting the parking requirements with 13 parking spaces. This location was once a grocery store in the 1940's where the neighbors shopped for goods and services. Currently, the applicant owns several properties in this community, and would like to help revitalize the East Birmingham community.

The City's **Long Range Land Use Plan** identifies the property as **Heavy Manufacturing**. This land use category allows for the development of heavy manufacturing. These uses typically require significant truck traffic and /or rail connections. Uses in this district include: heavy manufacturing, junkyards, scrap metal processors, and supporting uses included (minor retail, services, and offices connected to the industrial use or serving an industrial park). No residential uses are allowed in this district. The proposed rezoning request is **Not Consistent** with the **City's Long Range Land Use Plan**.

Zoning Ordinance:

The applicant's site plan shows 13 parking spaces; therefore, the applicant is meeting the parking requirements for the proposed rezoning request. The parking requirement for a bar use is (1 per 100 square feet of GFA).

Stormwater:

The City's Stormwater staff reviewed the request and the provisions of Civil, Stormwater and Erosion Control permits will apply including a conceptual stormwater review meeting.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), staff reviewed the site plan and concluded there were no comments regarding the rezoning request.

Floodplain:

"All building related activities must meet all floodplain requirements".

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 reviewed this request and

the applicant must have a landscape buffer. The buffer requirements are 8 canopy trees, 4 understory trees and 32 shrubs to divide the residential zoning.

Neighborhood Recommendation:

The ***East Birmingham Neighborhood Association*** held an executive meeting on October 26, 2020, to review the proposed project and voted to not recommend the request. The vote was **0** approved and **1** denied. This decision was for the following reason(s): The rezoning of this property will not have an economic impact, or stability for the residents and the community of East Birmingham.

Framework Plan:

This property is located within the ***Eastern Area Framework Plan***; although, the plan for this area has not been adopted; however, the rezoning request is not consistent with the proposed Eastern Area Framework plan. The Implementation Committee has not created at this time.

The ***Planning and Zoning Committee of the City Council*** will review this case at its regularly scheduled meeting on Wednesday, December 2, 2020.

Staff's Recommendation to ZAC:

The applicant's rezoning request is ***not consistent*** with the future land use plan, and staff recommends that this request ***not be approved***, due to the proposed heavy manufacturing plan for this area in the future.

If approved staff recommends the following "Q" condition(s):

- Applicant shall comply with site plan as submitted and approved by the Zoning Advisory Committee.
- Applicant must comply with the landscaping buffer requirements of 8 canopy trees, 4 understory trees and 32 shrubs to divide the residential zoning.