

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: February 2nd, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: <https://birmingham.webex.com/birmingham/j.php?MTID=m4baae1fd643441705b8839ca35cce68f>

(Continued Case 12/15)

ZAC2020-00026..... Crestline
Application to change zone district boundaries from R-3 (Single Family District) to D-5 (Multiple Dwelling District) to allow the construction of townhomes, filed by Cory Johnston, the owner, for the properties located at 4424, 4428, 4432 & 4446 Montevallo Road and situated in the NE ¼ of Section 34, Township 17-S, Range 2-West, 35213 (Council District 2).

Proposed Use: New construction of 23 townhomes

Property and Abutting Land Uses:

The subject properties are 2.42 acres and are currently zoned R-3 (Single Family District). Abutting/adjacent the subject property to the north is zoned, R-3(Single Family District) & Q-R-5 (Multiple Family District). To the south it is currently zoned R-3 (Single Family District). To the east of the property is, zoned R-2 (Single Family District). To the west of the location it is currently zoned R-3 (Single Family District). This proposed rezoning request is currently surrounded by Single Family Residence.

Applicant’s Proposal:

The applicant’s proposed plan for the subject properties is for a private gated community of 23 modern townhomes, and each townhome will have a 2 car garage and parking for guest. The HOA will provide care of the common grounds and for the yards of each home. These townhomes will be of great comfort and extravagant living at an affordable price. Master bedrooms will be on the first floor with additional bedrooms and storage upstairs; at the same time the popular open floor plans with high ceilings will create a feeling that today’s homebuyers desire. This project will replace an abandoned church building, asphalt parking lot, and 2 homes.

The City’s **Long Range Land Use Plan** identifies the property as **Residential- Low District**. This residential low district is designed to allow for single-family residential development at a variety of densities, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the comprehensive plan; however, the uses in these districts include single-family homes, schools, churches and neighborhood-serving public uses. The proposed rezoning request is **Not Consistent** with the **City’s Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s proposed site plan shows 23 townhomes as a multi-family development on 4 Lots. This proposal meets the density requirement and lot width requirements. The parking requirement for 2 or more bedrooms is 1.5 per dwelling unit, for a combined total requirement of 35 parking spaces. The developments total parking is 58. The front yard setback (on Montevallo Road) is 15 feet, the rear setback is 20 feet, the side yard setback minimum is 5 with a total of both sides being a minimum of 14 feet and the maximum height is 45 feet. 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 4 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 recommends that any new construction or re-development will have to comply with the post-construction ordinance and zoning parking requirements.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), states that all driveway/sidewalk permits will be required. Sidewalks and street trees will be required along both street frontages. Any new construction or re-development must comply with the BDOT requirements.

ZBA (Zoning Board of Adjustment)

The applicant must seek multiple variances for setbacks, parking, building orientation; wall/fence and possible signage.

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 fully developed detailed 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 Executive Committee of the Crestline Neighborhood Association held a meeting on **November 23, 2020**, to review the proposed project and voted to not recommend the request. The vote was **1** approved and **4** denied. Their decision to not support the rezoning request are for the following reason(s):

1. The committee felt there are too many unknown factors (originally the project had 17 units and now they are proposing 23 units);
2. The space is too small to house 23 units;
3. Their property value has decreased due to the excess rental properties in the area and would prefer R-3 (Single Family District) zoning to remain for their neighborhood.

If approved the neighborhood recommends the following "Q" Condition(s) to be prohibited:

1. Bed & Breakfast Inn
2. Child Care Center
3. Community Garden
4. Family Day/Night Care Home
5. Family Group Day/Night Care Home
6. Market, Farmer's
7. Personal Instructor
8. Place of Worship
9. School, Elementary/Middle
10. School, High School
11. Solar Panel, Ground Mounted
12. Adult Care Center
13. Cellular, Microwave or Two-Way Towers
14. Communal Living Facility
15. Internment, Cemetery

16. Manufactured Housing
17. Market Stand
18. Reservoir/Water Tank
19. Utility Substation
20. Water/Sewer Pumping Station
21. Accessory Child Care Center
22. Amphitheater
23. Apiary
24. Arena
25. Dwelling, Accessory
26. Fitness Center
27. Internment, Columbarium
28. Internment, Mausoleum
29. Rummage Sale
30. Stadium
31. Temporary Storage

This location is in the Southern Area Framework Plan, which is in progress; however, an Implementation Committee has not been formed.

Neighborhood, Applicant and Staff Virtual (WebEx) Meeting

The neighborhood, applicant and staff met via WebEx on Tuesday, February 9, 2021 and as a result of the meeting the neighborhood voted to approve the proposed rezoning request with some additional “Q” conditions. The vote was 23 approved and 7 denied.

If approved the neighborhood and staff recommends the following “Q” Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer’s
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum
 - z. Rummage Sale
 - aa. Stadium
 - bb. Temporary Storage

2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable since of community;

3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).

4. Sidewalk and street trees will be required along Gladstone Avenue and Montevallo Road.

5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone Avenue and Montevallo Road.

6. All exterior lighting for security and aesthetic will be required to downlight and not encroach on neighboring property.

Staff's Recommendation to ZAC:

The proposed rezoning request is not consistent with the City's Long Range Land Use Plan and is also incompatible with the single family residential uses located immediately east and west-creating an encroachment into the single family residential neighborhood which could possibly cause land use conflicts. It is therefore the recommendation of Staff that the proposed rezoning is ***Not Recommended*** for approval.

If approved the neighborhood and staff recommends the following "Q" Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer's
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum
 - z. Rummage Sale
 - aa. Stadium
 - bb. Temporary Storage

2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable since of community;

3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section V of the Zoning Ordinance (Walls and Fences).

4. Sidewalk and street trees will be required along Gladstone and Montevallo.

5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone or Montevallo.

6. All exterior lighting for security and aesthetic will be required to downlight and encroach on neighboring property.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: February 16th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place:

<https://birmingham.webex.com/birmingham/j.php?MTID=mbc0d4a2924d9f89c08c1a8e718261491>

ZAC2020-00032**Southside**
Application to change zone district boundaries from R-7 (Multiple-Dwelling District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes multi-family, hotel, office, retail, medical office, parking garage and open space uses, filed by Brian Wolfe, representing the owner, Housing Authority Birmingham District, for the property located at 2523 Southtown Court and situated in the SW ¼ of Section 31, Township 17-S, Range 2-West ,35205 (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, multi-family, hotel, office, retail, medical office, parking garage and open space uses.

Property and Abutting Land Uses:

The subject property sits on approximately 5.92 acres of land, currently zoned R-7 (Multiple Dwelling District). Abutting the subject property to the North is, zoned B-2 (General Business District). To the south and west of the property it is, zoned R-7 (Multiple-Dwelling District). To the east of the property St. Vincent’s Hospital and it is, zoned B-6(Health & Institutional District).

Applicant’s Proposal:

The applicant is requesting the MU-D (Mixed-Use Downtown District) zoning district to allow for a greater flexibility for current and future uses within the proposed mixed-use development.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. 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. However, the parking spaces for the current conceptual plan includes 2,683 spaces

- Block A: 870 spaces in the deck + 94 surface & street spaces
- Block B: 629 spaces in the deck + 92 under the Junior Anchor (similar to the Target parking under the store at Brookwood) + 35 street/surface spaces
- Block C: 720 spaces in the deck on Block C + 71 street/surface spaces
- Block D: 172 surface spaces for the two multi-family buildings

Affordable housing: 220 units (60 families and 160 senior)

The applicant is also proposing to develop parking garages and some TDM’s (Transit Demand Measurements) to ensure that the site has enough parking for this mixed-use development:

1. Proximity to transit stops

The development is proximate to BJCTA/Max stops on both north-south and east-west connectors:
a. BJCTA Route 12: 6th Ave S & 23rd St S
b. BJCTA Route 31: 10th Ave S & 20th St S

We have also initiated discussions with UAB to explore if their anticipated review of Blazer Express routes might warrant an extension east to the site.

2. Improving transit stops and/or furniture

With our project goal of adding a bus stop within the project boundaries, we would provide the appropriate structure and furniture.

3. Affordable housing or affordable dwelling units

The development plan includes 220 units of replacement affordable housing for HABD residents.

4. Appropriate infrastructure along the frontage of a block & Walkability improvements/Infrastructure improvement

Planned streetscape improvements include new street profiles developed in concert with COB Department of Transportation, with new sidewalks and landscaped medians. The redevelopment also includes pocket parks which improve the pedestrian experience and walkability.

5. Cycling & Bike Lockers

The redevelopment's improvements include adding bike lanes along 24th Street S. As each vertical development is designed, we will explore opportunities to add bike lockers.

6. Reduction of off-street parking ratio & Shared Parking Structure

Our mixed-use developments are designed to balance site activation throughout the day with offsetting parking demands. Blocks A, B, and C have parking structures designed to be shared and to reduce the off street parking required if each use were to be considered independently.

Landscape Review:

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 fully developed detailed landscape plan will be required, per the City's Landscape Architect.

The City's Stormwater:

The city's stormwater staff reviewed the applicant's proposal and concluded a conceptual review meeting with the stormwater staff should be scheduled as early as possible in the design process, and Civil/Stormwater and Soil Erosion Control permits will be required.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 6th, 2021** and voted to approve the proposed rezoning request. The vote was **5** approved and **0** denied.

The Southside Neighborhood Association is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Framework Plan:

This property is located within the Southside/Northside Framework Plan Area, and the framework plan for this area is in progress and the Implementation Committee has not been formed.

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 provide parking garages and some TDM's to ensure that the overall project has enough parking for this mixed-use development. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area". A "Q" is recommended to limit the height of buildings to 225 feet.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: February 16th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place:

<https://birmingham.webex.com/birmingham/j.php?MTID=mbc0d4a2924d9f89c08c1a8e718261491>

ZAC2020-00033**Southside**
Application to change zone district boundaries from B-1 (Neighborhood Business District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes hotel, office, retail, medical office and parking garage, filed by Steven Hydinger, representing the owner, Bellsouth Telecommunications, LLC., for the property located at 911 23rd Street South and situated in the NW ¼ of Section 6, Township 18-S, Range 2-West ,35205 (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, hotel, office, retail, medical office and parking garage

Property and Abutting Land Uses:

The subject property sits on approximately .06 acres of land, currently zoned B-1 (Neighborhood Business District). Abutting the subject property to the North is, zoned R-7 (Multiple Dwelling District). To the south and west of the property it is, zoned B-1 (Neighborhood Business District). To the east of the property it is, zoned QB-3(Qualified Community Business District).

Applicant’s Proposal:

The applicant is requesting the MU-D (Mixed-Use Downtown District) zoning district to allow for a greater flexibility for current and future uses within the proposed mixed-use development.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. 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. However, the applicant is proposing to development parking garages and some TDM’s (Transit Demand Measurements) to ensure that the site has enough parking for this mixed-use development.

Landscape Review:

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 fully developed detailed landscape plan will be required, per the City’s Landscape Architect.

The City’s Stormwater:

The city’s stormwater staff reviewed the applicant’s proposal and concluded a conceptual review meeting with the stormwater staff should be scheduled as early as possible in the design process, and Civil/Stormwater and Soil Erosion Control permits will be required.

Birmingham Department of Transportation:

The Birmingham Department of Transportation (BDOT), states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements.

Neighborhood Recommendation:

The **Five Points South Neighborhood Association** held a special call meeting on **January 5th, 2021** and voted to approve the proposed rezoning request. The vote was **5** approved and **0** denied.

The *Southside Neighborhood Association* is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Framework Plan:

This property is located within the Southside/Northside Framework Plan Area, and the framework plan for this area is in progress and the Implementation Committee has not been formed.

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 provide parking garages and some TDM's to ensure that the overall project has enough parking for this mixed-use development. The framework planning process will access the current plan's alignment with current trends and the desired future character of the area". A "Q" is recommended that will limit the height of buildings to 225 feet.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

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ZAC2020-00035 **Southside**
Application to change zone district boundaries from M-1 (Light Industrial District) to MU-D (Mixed-Use Downtown District) in order to allow for an office, retail and restaurant uses, filed by Jami Wadkins, representing the owner, HCP TDG Avenue A., LLC, for the property located at 2300-2312 1st Avenue South and situated in the NE ¼ of Section 36, Township 17-S, Range 3-West (Council District 5).

Proposed Use: Office, Retail & Restaurant Uses

Property and Abutting Land Uses:

The subject property is .73 acres and currently zoned M-1 (Light Industrial District). Abutting the subject property to the north is zoned M-1 (Light Industrial District). To the south of the property is, zoned M-1(Light Industrial District). To the east of the property is, zoned M-2 (Heavy Industrial District) & west of the property is zoned M-1 & MU-D (Mixed Use Downtown District).

Applicant’s Proposal:

The applicant’s proposed plans for the Hardwick, located on the NE corner of 1st Avenue South and 23rd Street, is a historic adaptive re-use redevelopment of a 110-year-old zero-lot-line building into a mixed-use project consisting of office and restaurant/retail space. Currently, the building is 30,000 sf on mostly two-story office space at the front of the building. The redevelopment plan would expand floor area to +/- 63,000 sf, with roughly 58,000 of that being leasable, over a maximum of three stories. Office space will take up approximately 48,000 sf of the leasable area with the restaurant retail using the balance of 10,000. The expansion of floor area will take place within the existing historic building shell, subject to the rebuilding of certain features and accommodations for building uses. The building core will include new floors, elevators, stairs, common area bathrooms, exterior patios, roof decks and balconies.

Bayer is working with both the neighborhood and the City of Birmingham to “formalize” 23rd Street and re-develop Powell Avenue from its current dilapidated state to create roughly 150 parking spaces immediately adjacent to the property. These additional spaces would effectively handle the parking load placed on the neighborhood by the Hardwick project. To date, both the neighborhood and the city have been very receptive to the plans brought forth by Bayer to improve these streets.

The Hardwick is planned as a pedestrian friendly development, and takes advantage of its front-door proximity to Rotary Trail by offering pedestrians friendly features as showers in the common area office restrooms, bicycle parking, convenient new parking for both tenants/patrons and pedestrians on the trail, and easy pedestrian access to the building via one of the three entranceways directly on to the public ROW on either 1st Avenue, 23rd and Powell Ave. Additionally, the “main” entrance to the property is planned on the West side of the building at an outdoor/indoor “Plaza” that will tie directly into the public hardscape and connect indoor and outdoor seating areas.

The City’s **Long Range Land Use Plan** identifies the property as **Light Industrial**. While the land use is not consistent, the area is in transition. Recently, a similarly situated property two blocks east of this site was rezoned for a multi-family development. Both of these sites are taking advantage of their location being adjacent to the Rotary Trail. The development will be walkable and will be a great fit in the area as a mixed-use development. Considering these facts, 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. However, the applicant is proposing to create roughly 150 parking space immediately adjacent to the proposed property.

Stormwater:

The City's Stormwater staff recommends that 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), states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements. The Alabama Department of Transportation (ADOT) requirements must be met also for this project.

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 fully developed detailed 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.

Design Review Committee:

This location is in the Automotive Historic District, and therefore this project will be required to be approved by the Design Review Committee.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 5, 2021**, to review the proposed project and voted to recommend approval for the rezoning request. The vote was 5 approved and 0 denied.

Framework Plan:

This property is located within the Southside/Northside Framework Plan Area, and the framework plan for this area is in progress and the Implementation Committee has not been formed.

Staff's Recommendation to ZAC:

The applicant is proposing to re-use a historic industrial building and develop a mixed-use project consisting of office and restaurant/retail space, and provide remote parking. The framework planning process will support the current plan's alignment with current trends and the desired future character of the area. Due to development trends in the area and Rotary Trail, 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

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ZAC2021-00006**Southside**
Application to change zone district boundaries from B-1 (Neighborhood Business District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes multi-family, hotel, office, retail, medical office and parking garage, filed by Steven Hydinger, representing the owner, Ken Webster, for the property located at 959 23rd Street South and situated in the NW ¼ of Section 6, Township 18-S, Range 2-West ,35205 (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, hotel, office, retail, medical office and parking garage

Property and Abutting Land Uses:
The subject property sits on approximately .39 acres of land, currently zoned B-1 (Neighborhood Business District). Abutting the subject property to the North is, zoned R-7 (Multiple Dwelling District). To the south and west of the property it is, zoned B-1 (Neighborhood Business District). To the east of the property it is, zoned QB-3(Qualified Community Business District).

Applicant’s Proposal:
The applicant is requesting the MU-D (Mixed-Use Downtown District) zoning district to allow for a greater flexibility for current and future uses within the proposed mixed-use development.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. 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. However, the applicant is proposing to development parking garages and some TDM’s (Transit Demand Measurements) to ensure that the site has enough parking for this mixed-use development.

Landscape Review:
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 fully developed detailed landscape plan will be required, per the City’s Landscape Architect.

The City’s Stormwater:
The city’s stormwater staff reviewed the applicant’s proposal and concluded a conceptual review meeting with the stormwater staff should be scheduled as early as possible in the design process, and Civil/Stormwater and Soil Erosion Control permits will be required.

Birmingham Department of Transportation:
The Birmingham Department of Transportation (BDOT), states that all driveway/sidewalk permits will be required. Any new construction or re-development must comply with the BDOT requirements.

Neighborhood Recommendation:
The Five Points South Neighborhood Association held a special call meeting on **January 5th, 2021** and voted to approve the proposed rezoning request. The vote was **5** approved and **0** denied.

The Southside Neighborhood Association is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Framework Plan:

This property is located within the Southside/Northside Framework Plan Area, and the framework plan for this area is in progress and the Implementation Committee has not been formed.

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 provide parking garages and some TDM's to ensure that the overall project has enough parking for this mixed-use development. The framework planning process will assess the current plan's alignment with current trends and the desired future character of the area". A "Q" is recommended that will limit the height of buildings to 225 feet.