

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: April 20th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: WebEx

ZAC2020-00027.....Overton

An application to pre-zone territory proposed for annexation from HZ (Holding Zone- Shelby County) and B-2 (General Business District-Shelby County) to D-5 (Multiple Dwelling District-City of Birmingham) to construct a new 187 residential unit development, filed by Jim Beatty, representing the owner, Abbey-Greystone, LLC/Frank Barfield, for the properties located at 7273 & 7277 Cahaba Valley Road and situated in the SW ¼ of Section 29, Township 18-S, Range 1-West ,35242 (Council District 2).

Proposed Use: A new 187 residential development

Property and Abutting Land Uses:

The subject properties are 29.9 acres and is currently outside the city limits of Birmingham. The adjacent property to the west of the site is zoned Q-D5 (Qualified Multiple Dwelling District-City of Birmingham). To the north, it is currently outside the city limits of Birmingham. To the south and east it is also outside of the city limits of Birmingham. The applicant currently has an application for annexation into the City of Birmingham, subsequent to and contingent upon rezoning of the properties.

Applicant’s Proposal:

The applicant’s proposal plan is to develop a low-density multifamily development that incorporates a “new urbanism” style neighborhood, with 187 units tied in with sidewalks and pedestrian-friendly features that create a true sense of community.

This proposed property is outside the City Limits of Birmingham; however, the City’s Long Range Land Use Plan identifies the adjacent property as Residential-Medium District. This land use category allows for a mix of single-and two family homes, townhomes and small apartment buildings (six or fewer units). In addition, schools, churches, and neighborhood-serving public uses are allowed. The proposed rezoning request would be Consistent with the City’s Long Range Land Use Plan that is adjacent to the proposed rezoning request.

Zoning Ordinance:

The applicant’s site plan shows a total of 328 parking spaces for the proposed 187 units. The parking requirement is: 98 x 1=98 (1-bedroom units) and 91 x 1.5=137 (2 & 3 bedroom units); therefore, the total number of parking space required is 235. The applicant has exceeded the parking requirements for this 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 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 applicant has provided a traffic impact study for this development, which both ALDOT and BDOT has received and agrees with its conclusions. The Alabama Department of Transportation (ALDOT) requirements must be met also for this project.

Annexation:

After the property is pre-zoned by the City of Birmingham, the applicant plans to annex the subject properties into the City Limits of Birmingham.

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.

Subdivision:

A subdivision action would be required to combine lots.

Neighborhood Recommendation:

The Overton Neighborhood Association held an executive meeting on **December 4, 2020** and voted to approve the rezoning request. The vote was **2** approved and **0** denied.

Framework Plan:

This property is ***not*** located within the Northeast Framework Plan Area, because it is outside the city limits of Birmingham; however, the adjacent properties to the west of this location are in the Northeast Framework Plan. The Northeast Framework Plan area does have an active Implementation Committee. The co-chair (Frank Hamby) of the Northeast Framework Plan Implementation Committee, reviewed the proposed rezoning request and supports this development.

Staff's Recommendation to ZAC:

The applicant's rezoning request is ***consistent*** with the future land use plan of the adjacent properties and staff recommends the ***approval*** of the rezoning request.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: April 20th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: WebEx

ZAC2020-00028.....Overton

An application to pre-zone territory proposed for annexation from HZ (Holding Zone- Jefferson County) to D-5 (Multiple Dwelling District-City of Birmingham) and C-1 (Neighborhood Commercial District-City of Birmingham), filed by C. Randall Minor, representing the owner, Brock Maddox, LLC and Wayne & Pattie Graves, for the properties located at 3520, 3526, 3504, 3506, & 3540 Cahaba Valley Road; 3500 Eastern Valley Road and 3456 Grants Mill Rd (Outside City Limits of Birmingham) situated in the SE ¼ of Section 10, Township 18-S, Range 1-West ,35242 (Council District 2).

Proposed Use: A new multi-family development consisting of up to 300 units and approximately 24,400 sf of supporting neighborhood retail and services.

Property and Abutting Land Uses:

The subject properties sit on 6.15 acres of land that is currently outside the city limits of Birmingham. The adjacent property to the west of the site is zoned HZD (Holding Zone District-City of Birmingham). To the north and west is HZD (Holding Zone District-City of Birmingham). To the south the property is outside of the city limits of Birmingham. To the east of the properties is zoned D-1 (Single-Family District-City of Birmingham). The applicant currently has an application for annexation into the City of Birmingham, subsequent to and contingent upon rezoning of the properties listed.

Applicant’s Proposal:

The applicant’s proposal plan is to develop a mixed-use development, consisting of up to 300 dwelling units (a total of 10 separate buildings), and accessory retail (approximately 24,400 sf). The unit mix has not been finalized but, based on current plans, it is assumed that the buildings will mostly consist of an equal mix of one-and two-bedroom units with some three-bedroom units. As proposed, each apartment building would be three stories tall and feature either neutral or earth color tones, a blend of siding, brick and/or stone accents and shingle roofing.

These proposed properties are outside the city limits of Birmingham; however, the *City’s Long Range Land Use Plan* identifies the properties adjacent to the proposed rezoning request as *Residential-Low and Open Space*. The residential–low (single-family) district is designed to allow for districts to ensure that they reflect existing or desired character and consolidate residential zoning districts that do not result in significant variations in development. Uses in this district include: single-family homes, school’s churches, and neighborhood-serving public uses. The open space is land not covered by man-made water-resistant surfaces, parking or buildings, other than recreational structures, pools or stormwater facilities, which may be landscaped or preserved in a natural state for private use of owners or quests, or for public access as may be required by the provisions of these regulations or the zoning ordinance. The proposed rezoning request is *Not Consistent* with the *Long Range Land Use Plan* that is adjacent to the proposed rezoning request.

Zoning Ordinance:

The applicant’s conceptual site plan shows multi-family use, retail and leasing office with a total of 492 parking spaces on site. Multi-family shows 96 x 1=96 (1-bedrooms); 132 x 1.5=198 (2-bedrooms) and 36 x 1.5=54 (3-bedrooms) total required parking spaces for multi-family use is 348 spaces. Retail- 1 per 300 sf of GFA (24,350 SF=81spaces). Leasing Office- 1 per 300 sf of GFA (6,700 SF=22 spaces). The applicant meets 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 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 any new construction or re-development must comply with the BDOT requirements. The applicant has provided a traffic impact study for this development. The Alabama Department of Transportation (ALDOT) requirements must be met also for this proposed development.

Annexation:

After the properties have been pre-zoned by the City of Birmingham, the applicant plans to annex the subject properties into the City Limits of Birmingham.

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.

Subdivision:

A subdivision action would be required to combine lots.

Neighborhood Recommendation:

The Overton Neighborhood Association met on **February 2, 2021** and voted to approve the proposed rezoning request. The vote was **2** approved and **0** denied.

Framework Plan:

This property is not located within the Northeast Framework Plan Area, because it is outside the city limits of Birmingham; however, the adjacent properties to the east of this location are in the Northeast Framework Plan. The Northeast Framework Plan area does have an active Implementation Committee. Staff discussed the proposed rezoning application with Ken Johnson (co-chair) of the Framework Implementation Committee and have not received a final response regarding the committee's recommendation.

Staff's Recommendation to ZAC:

The applicant's rezoning request is **not consistent** with the future land use plan of the adjacent properties, and staff does **not recommend** the approval of the rezoning request.