

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: May 18th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: WebEx

ZAC2021-00001**Oxmoor**
Application to change zone district boundaries from MXD (Mixed-Use District) to D-5 (Multiple Dwelling District) in order to construct a new multi-family development along Lakeshore Parkway, filed by Andrew Phillips, representing the owner, The UAB Research Foundation, for the property located at 2800 Milan Court and situated in the NE ¼ of Section 31, Township 18-S, Range 3-West, 35211 (Council District 7).

Proposed Use: A 294-unit multi-family development along Lakeshore Parkway

Property and Abutting Land Uses:

The subject property sits on approximately 4.1 acres of land, currently zoned MXD (Mixed-Use District – Commercial Use Group 3). Abutting the subject property to the North is undeveloped land and NE of the property is Hibbett Sports, both zoned MXD. To the South and West of the site is undeveloped property zoned MXD. To the east of the property is Lakeshore Pavilion, a 288-unit multi-family apartment complex, zoned MXD.

The current zoning, MXD, Commercial Use Group 3, allows the following uses: 1) All uses allowed in Commercial Use Group 2, except residential uses, 2) Building contractors, 3) Light Manufacturing use - provided uses do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, or release any pollutant which would require a permit from a state or federal agency, 4) Wholesale sales, 5) Shipping/receiving, warehousing and self-storage, 6) Auto repair, 7) Auto sales, new or used. 8) Animal hospitals and veterinarians, 9) Broadcasting stations, and 10) Other like uses. Residential uses are not permitted in Commercial Use Group 3.

Applicant’s Proposal:

The applicant’s proposal is to construct a new multi-family development along Lakeshore Parkway. The plan will consist of 19 standalone buildings providing 294 new residential units (110 single bedroom units and 184-2 or more bedroom units). The site will also include provisions for private amenities for residents.

The City’s **Long Range Land Use Plan** identifies the property as **General Commercial and Planned Development**. 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: high density multi-family, schools, churches, and neighborhood-serving public uses. **Planned Development** is designed to allow for a compatible and complementary mixture of residential, office, commercial, cultural, institutional, governmental, and industrial uses in large planned developments. The proposed rezoning request is

consistent with the Long Range Land Use Plan.

Zoning Ordinance:

The applicant's proposed site plan shows 437 parking spaces. The parking requirement for multi-family is 1 space per 1-bedroom unit (110 x 1=110) and 1.5 spaces for 2 or more bedrooms (184 x 1.5=276); therefore, the total number of parking spaces required is 386. The applicant's proposed site plan shows a total of 437 parking spaces; therefore, the applicant's proposal exceeds the parking requirement for the site. The additional parking is required to 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.

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.

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. The applicant has submitted a traffic study for this project.

Neighborhood Recommendation:

The Oxmoor Neighborhood Association met at its regularly scheduled meeting on **February 8, 2021**, to review the proposed project and did not take a vote on the rezoning request. The applicant and the neighborhood agreed to meet again before going to City Council. The neighbors have concerns about the proposed project and would like the current zoning to remain.

The Oxmoor Neighborhood Association held a special called meeting on April 12, 2021, to review the proposed project and voted to approve the proposed rezoning request. The vote was 8- approved and 0-denied, with the condition that the applicant add another exit (ingress/egress point) to Lakeshore Parkway.

Framework Plan:

This property is located within the Southwest Framework Plan Area. This framework plan was adopted in May 2017 and an Implementation Committee was formed; however, they are not currently active.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *consistent* with the future land use plan and has merit for **approval** with the following "Q" conditions:

- 1) The proposed development shall comply with the Oxmoor Design Guidelines and be approved by the Oxmoor Steering Committee.
- 2) The proposed development shall include an ingress/egress point on Lakeshore Parkway.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: May 18th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: <https://birmingham.webex>.

ZAC2020-00036.....Glen Iris
Application to change zone district boundaries from O&I (Office & Institutional District) to C-2 (General Commercial District) in order to construct new multiple-family apartment units, filed by Robert A. McCann, representing the owner, HCP Midcity, LLC., for the property located at 1110 Beacon Parkway East and situated in the SE ¼ of Section 11, Township 18-S, Range 3-West (Council District 3).

Proposed Use: A new multiple-family apartment development

Property and Abutting Land Uses:

The subject property is 23.5 acres and is currently zoned O&I (Office & Institutional District). Abutting/adjacent the subject property to the north is zoned, R-3 (Single-Family District). To the south, it is currently zoned R-6 (Multiple Dwelling District). To the east of the property is Mountain Woods Apartments, zoned R-7 (Multiple Dwelling District). To the west of the location it is zoned O&I (Office & Institutional District).

Applicant's Proposal:

The proposed Beacon Park Apartments will be a single, multi-family building, four-stories high containing a mix of studio, one, two- and three-bedroom apartment units. There will be approximately 275 total units in the complex. The building will include an amenities area, a parking lot and parking garages. The total building height will be approximately 60 feet. The apartment building will be constructed on the peak of the hill to provide sweeping, panoramic views of the city skyline to the north.

The City's **Long Range Land Use Plan** identifies the property as **General Commercial**. 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**.

Zoning Ordinance:

The applicant's proposed site plan shows 353 parking spaces. The parking requirement is:

139 x 1= 139 (1-bedroom units) and 136 x 1.5= 204 (2 & 3-bedroom units); therefore, the total number of parking spaces required is 343 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 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. After reviewing the TIS, BDOT concurs with its findings of no improvements necessary. The Alabama Department of Transportation (ADOT) requirements must also be met for this project.

Engineering:

The City Engineer reviewed the Geotechnical Report and concluded that "The recommendations of the report are sound, we need to make sure the designer and contractor adhere to the recommendations. Fill slopes on the north side of the crest will be difficult to stabilize, since the existing slope is unstable material and already exceeds the recommended 2:1. We need to require that the existing material is benched prior to placing fill. We also need to make sure that drainage is handled in a manner that is not going to have concentrated flows directed at the walking trail and residential properties below."

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.

Permits/Licenses:

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

Neighborhood Recommendation:

The Glen Iris Executive Committee Association held a meeting on **January 15, 2021**, to review the proposed project and chose not to make a decision, based on the fact they have a number of questions they would like answered. The applicant met with the Neighborhood Association on **February 18, 2021** to answer questions and discuss the project.

The Glen Iris Neighborhood Association held a *special* called meeting on **April 12, 2021**, to vote on the proposed project and voted to “**Not Recommend**” approval. The vote was **4** approved; **47** denied and **4** abstained.

Framework Plan:

This property is located within the Northside/Southside Framework Plan Area. 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 approval of the proposed rezoning request. However, Staff does recommend including two “Q” conditions:

- 1) The developer must maintain a clearing limit, as depicted on the site plan
- 2) No building permit shall be issued without a subdivision case being approved that combines the property into one lot.

