

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: July 20th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 20th Street North

ZAC2021-00012..... Kingston
Application for a change in zone district boundaries from C-B1 (Contingency Neighborhood Business District) to C2 (General Commercial District), filed by Maged H. Alammari, for the property located at 4700 Richard Arrington Jr. Blvd N and situated in the NE¼ of Section 20, Township 17-S, Range 2-West. (35212, District 4).

Proposed Use: Event Center

Property and Abutting Land Uses:

The subject property sits on approximately 1 acre of land on the south side of Richard Arrington Jr. Blvd North. The property has an existing building that is 14,264 square feet. The building has three units, two of which are vacant commercial retail spaces and the third space is the proposed event center. North of the property is North Alabama Fabricating, zoned Q-B3 (Qualified Community Business District). To the West and South of the site is zoned R-3 (Single Family District). To the East of the site is Bright Lilley Baptist Church which is zoned C-B1(Contingency Neighborhood Business District).

Applicant’s Proposal:

The applicant is proposing to convert one unit of the existing building into a private event center. The existing building is 14,264 square feet. The applicant is proposing a commercial space to host events, weddings, or any other celebratory occasions. The facility will include open space for tables or chairs, a kitchen to hold food brought in by a third party, a changing room, and restroom facilities. The hours of operation will be 8AM-12AM and this space will be used for private events only. The applicant plans to rent the other two spaces out as commercial/retail spaces.

Long Range Land Use Plan

The City’s *Long Range Land Use Plan* identifies the property as *Mixed Use-Low*. Event Centers are not allowed in Mixed Use-Low; therefore, the proposed rezoning request is *not consistent* with the *Long Range Land Use Plan*.

Zoning Ordinance:

The site plan shows a 14,264 square foot building divided between three uses. The proposed event center would be 4,624 square feet of GFA and the two proposed retail spaces are 2,040 and 7,600 square feet of GFA respectively. The parking requirement for an event center is 1 per 100 square feet of gross floor area and for general commercial use it is 1 per 300 square feet. Therefore, the required amount of parking for the property is 78 spaces. The applicant’s site plan shows 56 parking spaces; therefore, the proposed site plan is short of the parking minimum by 22 spaces. The applicant will need to do one of the following: 1) provide 22 more spaces on site, 2) enter into a parking agreement with an adjacent property owner to provide the additional parking required, or 3) apply for a parking modification with the Zoning Board of Adjustment (ZBA).

An event center is only permitted in C-2 as a special exception. Therefore, if rezoned, the applicant will need to apply for a special exception with the Zoning Board of Adjustment (ZBA) prior to start of operation. Additionally, the property is within 200ft of a residential zone; therefore, per the Zoning Ordinance, the hours of operation must be limited to 7 AM- 12 AM.

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 reviewed the site plan and stated that while no new construction was planned, if the rezoning is approved, they would like to see a condition added that the applicant make ADA sidewalk and streetscape improvements along both ROW frontages, specifically an ADA ramp on the corner and street trees planted in the verge.

Landscaping:

The city's landscape architect reviewed the Proposed site plan and stated that if there are no major changes to the exterior, then the applicant is not required to add any additional landscaping. Any alterations to the exterior would need to comply with all landscape requirements in the City's Zoning Ordinance.

Neighborhood Recommendation:

The Kingston Neighborhood Association held a regularly scheduled meeting on Monday, June 28th 2021, and voted to *approve* the proposed rezoning request with the following "Q" conditions. The vote was 8 approved and 0 denied.

Q Conditions:

1. Closing time to be no later than 1 AM
2. No alcohol to be served

The Neighborhood stated they support the rezoning for the following reasons: The applicant's willingness to comply with neighborhood requests and his promise to work with the association.

Framework Plan Implementation Committee Recommendation:

This property is located within the *Eastern Area Framework Plan*. This plan has not been adopted; however, the draft plan identifies this property as *Mixed Use-Low*; therefore, the rezoning request is *not consistent* with the proposed plan. The Implementation Committee has not been created at this time.

Staff's Recommendation to ZAC:

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

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ZAC2021-00014.....Citywide
Proposed amendment to Title 1, Chapter 7, Section 14 of the City of Birmingham Zoning Ordinance, filed by the Department of Planning, Engineering & Permits.

The amendment adds the word “*structurally*” to the nonconforming sign section. This word is included in the Legal Nonconforming Uses and Structures section of the Zoning Ordinance (Title 1, Chapter 9, Article VII, Section 3.) and was inadvertently left out of the new sign regulations that were adopted in December of 2020.