

**STAFF RECOMMENDATIONS**

**ZONING ADVISORY COMMITTEE**

**Birmingham Planning Commission**

**Meeting Date:** August 3<sup>rd</sup>, 2021

**Time:** 6:00 P.M.

**Pre-Meeting:** 5:30 P.M.

**Place:** City Council Chambers

710 20<sup>th</sup> Street North

**ZAC2021-00007 .....Oxmoor**

Application to change zone district boundaries from MXD (Planned Mixed-Use District) to D-3 (Single-Family District) in order to allow for construction and development of a single family residential subdivision, filed by Randall Minor, representing the owner, KMB Investments, LLC, for the property located at 3357 3<sup>rd</sup> Place and situated in the NW ¼ of Section 01, Township 19-S, Range 4-West, 35020 (Council District 7).

**Proposed Use:** A single-family residential subdivision

**Property and Abutting Land Uses:**

The subject property sits on approximately 143 acres of land, currently zoned MXD (Planned Mixed-Use District). Abutting the subject property to the north are residential neighborhoods located outside the city limits of Birmingham. To the west of the site is an Alabama Power Substation zoned MXD (Planned Mixed-Use District). Abutting the property to the south is undeveloped property currently zoned MXD (Planned Mixed-Use District). The property to the east of the site is zoned MXD (Planned Mixed Use District) and contains the Vulcan Materials Lakeshore Quarry.

**Applicant’s Proposal:**

The applicant is proposing to construct a new single family residential subdivision with up to 500 homes. Each home will have 2 car garages and the lots will be at least 7,500 square feet.

**Long Range Land Use Plan:**

The City’s *Long Range Land Use Plan* identifies the property as *Planned Development*. *Planned Development* areas are properties that have no current use but may be suitable for a variety of uses including: large recreational facilities associated with commercial uses, professional healthcare institutions, mixed-use districts, and holding zones for recently annexed land. Land that is designated as Planned Development are typically “green fields”, which are undeveloped properties that are being held for future development but currently have no specific purpose (either-for-profit or to promote other values such as conservation), or previous developed properties that are no longer in use, such as former industrial lands. The proposed rezoning request is *somewhat consistent* with the **Long Range Land Use Plan**.

**Zoning Ordinance:**

The proposal will require Preliminary and Final Plat approval from the Subdivision Committee.

Per the Subdivision Regulations:

*In all new residential subdivisions containing 15 or more acres, suitable amounts of land may be evaluated for reservation as possible sites for park and recreation areas for possible acquisition by the Birmingham Park and Recreation Board. Any land required for park use must be identified by the Birmingham Park and Recreation Board prior to the approval of the preliminary plan.*

*In all new residential subdivisions containing 15 or more acres, suitable amounts of land may be evaluated for reservation as possible sites for educational purposes for the Birmingham Board of Education. Any land required for schools’ use must be identified by the Birmingham Board of Education prior to the approval of the preliminary plan.*

**Landscape Review:**

All landscaping must comply with the requirements in Title 1, Chapter 6 of the Zoning Ordinance

(Landscaping, Buffering and Screening). Per the City's Landscape Architect, a fully developed landscaping plan will be required prior to permit issuance. Per the Zoning Ordinance, lots under 10,000 square feet shall provide one canopy tree, two understory trees and 6 shrubs (at a minimum).

**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. In addition, the development should specify the proposed traffic control at the 3-way intersection with the Vulcan access road. The current street lengths do not comply with the Subdivision Regulations. The developer can re-configure the street layout or request a variance from the Subdivision Regulations.

**Neighborhood Recommendation:**

The applicant attended the *Oxmoor Neighborhood Association* on **March 8, April 12, May 10, June 14 and July 12** to discuss the proposed project. The Neighborhood voted on **July 12** to support the request – the vote was 25 (yes) to 5 (no) with 1 abstention.

The neighborhood stated it supported the rezoning case for the following reason: Based on a partial subcommittee meeting report that was presented during the July 12<sup>th</sup> Meeting.

**Framework Plan:**

This property is located within the Southwest Framework Plan Area. The framework plan was adopted in May 2017; however, the Implementation Committee is not active at this time.

**Staff's Recommendation to ZAC:**

Staff recommends approval of the rezoning request subject to the following Q conditions:

- 1) The proposed development must comply with the Oxmoor Design Guidelines.
- 2) The proposed development must meet the street design/layout requirements in the City's Subdivision Regulations.
- 3) Trails and other amenities, as shown on the conceptual plan, shall be included in the final design of the development.