

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: August 3rd, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 20th 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 3rd 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 12th 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.

Zoning Advisory Committee Action

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, August 3rd, 2021 to review the applicant's rezoning request and voted to *continue* the case to their regularly scheduled meeting for Tuesday, September 7th, 2021.

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: September 7th, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: City Council Chambers

710 20th Street North

ZAC2021-00013..... Hooper City
Application for a change in zone district boundaries from D-3 (Single Family District) to I-1 (Light Manufacturing District), filed by Alton B. Parker Jr., representing the owner, ProDrive LLC., for the properties located at 113 and 117 41st Ave N; 100 40th Ct W; and 125 and 129 41st Ave W. All properties are situated in the NE¼ of Section 15, Township 17-S, Range 3-West (35207, District 9).

Proposed Use: Construction and development of an Office and Truck Plaza facility.

Property and Abutting Land Uses:

The subject properties sit on approximately 9 acres of land on the south side of Daniel Payne Drive. North of the properties is vacant land, zoned I-4 (Landfill, Mining and Timbering District) and a property recently rezoned from C-2 (General Commercial District) to I-1 (Light Manufacturing District) per Ordinance 2050-G. To the West of the site is the Transport America Birmingham Support Center zoned I-1. To the south and east of the properties is zoned D-3 (Single Family District).

Applicant’s Proposal:

The applicant is proposing to construct a new office and truck plaza facility. The facility will involve the storage of trucks and trailers, similar to the adjacent Transport America Birmingham Support Center.

The City’s **Long Range Land Use Plan** identifies the property as **General Commercial**, with the exception of 100 40th Ct W which the plan identifies as **Residential Low**. The proposed rezoning request is **somewhat consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s site plan shows a 10,000 square foot office building. The parking requirement for an office building is 1 per 400 square feet; therefore, the required amount of parking for the site is 25 parking spaces. The applicant’s site plan shows 26 parking spaces; therefore, the applicant exceeds the parking requirement for the proposed use by 1 space. Per the Zoning Ordinance, the number of parking spaces required is equal to the maximum allowed. When a development includes parking in excess of the maximum allowed, 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) are required for those parking spaces which exceed the maximum number of spaces allowed as determined by the Director.

Subdivision:

The applicant will need to go through the Subdivision process to combine the five properties into 1 lot.

Landscaping

The development must meet all Landscaping requirements outlined in the City’s Zoning Ordinance. This includes perimeter landscaping, as well as interior landscaping and any buffer requirements. The City’s landscape architect reviewed the applicant’s site plan and stated that while the current site plan is ok, she would like to review it again for final approval once the plan is more developed.

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.

Stormwater: The City's Stormwater Staff reviewed the site plan and commented that land disturbance permits will be required including Soil Erosion Control, Civil/Stormwater and Driveway. All projects within the area will be required to meet the Standards in the Post Construction Stormwater Ordinance for water quality and water volume control.

Neighborhood Recommendation:

The Hooper City Neighborhood Association held a regularly scheduled meeting on 7/8/2021. The applicant requested his case be continued to the next meeting to allow site plan revisions in compliance with the Framework Plan Implementation Committee's recommendations.

The Hooper City Neighborhood Association held a regularly scheduled meeting on 8/12/2021 and voted to *support* the proposed rezoning request. The vote was 20 approved and 0 denied. The Neighborhood said it supported the rezoning because it represented progress.

Framework Plan Implementation Committee Recommendation:

The Business Redevelopment Subcommittee of the North Birmingham Framework Plan Implementation Committee was contacted regarding the rezoning request. They met with the applicant on Monday June 28th and requested changes to the site plan and a follow up meeting.

The Committee met with the applicant on Monday August 9th and requested time to consider "Q" conditions. The Committee met amongst themselves and stated the following in an e-mail to staff on Monday August 23rd:

The Business Redevelopment Committee met to review the city zoning ordinances in relation to Mr. Alton Parker's application. We are requesting a Buffering and Landscape in Ch 6 Art II Sect 2 of the city zoning ordinance since this property is adjacent to a residential district. There should be enough buffering, following the provisions listed in Ch 6 Art II Sect 5 B, C and D, to block the view of the business from the residents who are directly adjacent to the property. The landscape plan should include a plan for the lighting that will not interfere with the circadian rhythm of the residents. The lighting should follow the guidelines stated in Ch 1 Art II Sect 16. We are also requesting that the business maintain the buffer and landscape as directed in Ch 6 Art II Sect 7 A, B and C. The committee has not been presented with either of these plans nor did we see any of these plans at the presentation given at the Hooper City neighborhood meeting. Our concerns are that the citizens are not negatively impacted by the business being placed at this location.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *somewhat consistent* with the future land use plan and has *merit* for *approval* due to the existing adjacent land uses and current trends in the area, as two of the adjacent properties are zoned industrial and another adjacent property (225 Daniel Payne Dr) was recently rezoned from C-2 (General Commercial District) to I-1 (Light Manufacturing District) per ordinance 2050-G. Staff recommends the following "Q" conditions:

1. Submission to and approval by the planning staff of the PEP Department of a site development plan to include, but not be limited to, the location and height of all structures; parking; ingress and egress; landscaping; location, size and number of all signs; storm water drainage; buffering and screening; exterior lighting; and the location and screening of solid waste disposal container by a fence constructed of wood, masonry brick, or concrete which is architecturally compatible with the primary building sufficient in height on all 4 sides with a double wooded gate at the entrance; and screening of all ground level HVAC units and satellite dishes. All landscaping, as

per the approved landscaping plan, shall be installed prior to the occupancy of the development and shall be maintained in a living condition no less than as installed.

2. All landscaping, including landscape buffers, must meet the landscaping requirements in the zoning ordinance
3. All lighting must meet the lighting guidelines in the zoning ordinance
4. Uses are limited to those allowed in I-1, Light Manufacturing District, excluding the following:
 - a) Private Club
 - b) Opioid Replacement Therapy Treatment Facility
 - c) Veterinarian Clinic
 - d) Animal Boarding Facility
 - e) Animal Day Care
 - f) Animal Kennel
 - g) Bar
 - h) Funeral Home
 - i) Payday Loan
 - j) Title Loan/Pawnshop
 - k) Broadcast Satellite
 - l) Broadcast Tower
 - m) Cellular – Microwave or Two-Way Antennas
 - n) Cellular – Microwave or Two-Way Towers
 - o) Wrecked Impound Lot
 - p) Heliport
 - q) Railroad Station
 - r) Utility Substation
 - s) Reservoir/Water Tank
 - t) Water Treatment Plant
 - u) Water/Sewer Pumping Station
 - v) Adult Establishment
 - w) Arena
 - x) Amusement, Outdoor
 - y) Stadium
 - z) Truck Repair, Heavy
 - aa) Multi-Family Dwellings of 5 units or more
 - bb) College or University