

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: October 19, 2021

Time: 6:00 P.M.

Pre-Meeting: 5:30 P.M.

Place: WebEx

ZAC2021-00015.....Glen Iris
Application for a change in zone district boundaries from CR-5 (Contingency Multi Family District) to C-2 (General Commercial District), filed by James L. Daniels, representing the owner, Joe Wehby, for the properties located at 250 21st St S and 309 Green Springs Ave S both situated in the **SE¼ of Section 11, Township 18-S, Range 3-West (35205, District 3).**

Proposed Use: The operation of an event center.

Property and Abutting Land Uses:

The subject properties sit on approximately 2 and a half acres of land on the south side of Cedars Club Dr. The site is the former home of The Cedars Club. The parcel at 250 21st St S includes a 10,000 sq. ft building and the parcel at 309 Green Springs Ave features an existing parking lot and a pool with a pool building (the applicant states the pool will not be part of the event center). To the south and west of the properties is zoned CR-5 (Contingency Multi Family District). To the east of the properties is zoned R3 (Single Family District). North of the properties is George Ward Park Zoned R3, CR-5 and R5 (Multi-Family District).

Applicant’s Proposal:

The applicant is proposing to operate an event center. The event center will host guests for events (i.e. weddings, concerts, baby showers, festivals, birthdays and graduation celebrations). The hours of operation will be from 7AM-12AM. Office hours will be Monday-Friday from 8AM-5PM.

The applicant has been operating an event center at this location since 2017, in violation of the zoning ordinance.

The City’s **Long Range Land Use Plan** identifies the property as **Residential Low**. Event Centers are only permitted in the following zones: MU-H, MU-D, C-2, I-1, PRD, and MXD. Therefore, the proposed rezoning request is **not consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance:

The applicant’s site plan shows a 10,000 square foot building. The parking requirement for an event center is 1 per 100 square feet; therefore, the required amount of parking for the site is 100 parking spaces. The applicant’s site plan shows an existing parking lot with 154 parking spaces; therefore, the applicant exceeds the parking requirement for the proposed use by 54 spaces. Per the Zoning Ordinance, the number of parking spaces required is equal to the maximum allowed. However, since the parking lot is existing it would not be subject to the required low impact techniques for spaces over the maximum. If the lot is resurfaced after rezoning, then it would have to meet the zoning ordinance requirements, which state that 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.

The property is within 200ft of a residential zone; therefore, per the Zoning Ordinance, an event center’s hours of operation must be limited to 7 AM- 12 AM.

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 and receive a special exception from the Zoning Board of Adjustment (ZBA)

prior to start of operation.

Subdivision:

The applicant will need to go through the Subdivision process to combine the two 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 the owner will need a C buffer on the side of the property adjacent to the R-3 district and will also need 1 street tree per 40' of street frontage, and an evergreen shrub hedgerow between the parking lot and the street. She also stated that, while the existing parking lot is not required to meet the ordinance standards, landscape staff would like to see a condition added to have at least 5% of the parking lot be landscaped, and 1 canopy tree per 8 parking spaces in the parking lot.

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 all BDOT requirements.

Stormwater:

The City's Stormwater Staff reviewed the site plan and commented that all land disturbance permits including Soil Erosion Control, Civil Construction/ Post Construction Stormwater, and Driveway will be required.

Neighborhood Recommendation:

The Glen Iris Neighborhood Association planned to meet at the regularly scheduled meeting on 9/13/2021; however, the meeting was cancelled due to a lack of quorum. An executive committee meeting was scheduled to consider the request.

The Executive Committee of ***The Glen Iris Neighborhood Association*** held a vote via E-mail on 9/21/21 and voted to ***support*** the proposed rezoning request. The vote was **6** approved and **0** denied.

Framework Plan Implementation Committee Recommendation:

This property is located within the ***Southside/Northside Area Framework Plan***. This plan is still in progress and an Implementation Committee has not been created. The draft plan currently identifies these properties as ***Residential Low***; therefore, the rezoning request is ***not consistent*** with the proposed plan.

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***.

Should this case be recommended to the Council for approval, staff recommends the following "Q" Conditions:

1. A C buffer must be provided on the side of the property adjacent to the R-3 district and 1 street tree per 40' of street frontage and an evergreen shrub hedgerow between the parking lot and the street must also be provided.
2. At least 5% of the parking lot must be landscaped, and 1 canopy tree per 8 parking spaces be provided in the parking lot.
3. The excess parking spaces must be offset by low impact development techniques per the zoning ordinance
4. Only the following uses are allowed:
 - a. Duplex/Triplex/Quadplex

- b. Multiple Family (5 or more units)
- c. Accessory Structure
- d. Home Occupations
- e. Family Day/Night Care Home
- f. Park/Greenway
- g. Event Center
- h. Mobile Grocery Store
- i. Apiary
- j. Community Garden
- k. Market Stand
- l. Solar Panel, Building Mounted
- m. Solar Panel, Ground Mounted