

STAFF RECOMMENDATIONS

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: January 18, 2022

Time: 6:00 P.M.

Place: City Council Chambers

ZAC2021-00017..... Hooper City
Application for a change in zone district boundaries from C-2 (General Commercial District) to I-1 (Light Manufacturing District), filed by Ransom Creech, representing the owner, Pilot Travel Centers LLC., for the property located at 224 Daniel Payne Drive and situated in the NW ¼ of Section 14 and the NE ¼ of Section 15, Township 17-S, Range 3-West. (35207, District 9).

Proposed Use: Construction of a truck repair and maintenance facility.

Property and Abutting Land Uses

The subject property sits on the north side of Daniel Payne Drive on land located both in the City of Birmingham and in unincorporated Jefferson County. Only the City of Birmingham portion of the property is being considered in this application. The City portion of the property is approximately 13 acres. Northeast of the property is outside the city limits of Birmingham. To the West and Northwest of the property is a parcel recently rezoned from C-2 (General Commercial District) to I-1 (Light Manufacturing District) per Ordinance 2050-G. To the East of the Property is Alabama Department of Transportation (ALDOT) right of way and one property zoned I-1 (Light Manufacturing District). To the south of the site is zoned D-3 (Single Family District).

Applicant's Proposal

The applicant is proposing an 8,500 square foot truck maintenance facility. The existing property currently functions as a fuel station and commercial business for passenger vehicles and tractor trailers with a large tractor trailer parking area in the rear of the property. The proposed Southern Tire Mart at Pilot is intended to be a light truck maintenance facility that provides an added service for existing Pilot customers already using the site. The proposed facility will service existing Pilot Flying J tractor trailer customers with oil change, tire change, lube, and alignment services. Southern Tire Mart will also provide some light preventative maintenance by servicing general repair items like belts and tensioners, alternators, starters, and air-valves. All mechanical equipment and materials used will be inside the building. The hours of operation for the proposed facility will be from 6:00 AM to 10:00 PM.

The City's ***Long Range Land Use Plan*** identifies the property as ***General Commercial***; therefore, the proposed rezoning request is ***somewhat consistent*** with the ***Long Range Land Use Plan***.

Zoning Ordinance

The existing fuel station is legal, non-conforming. This rezoning request would bring the existing operation into compliance with the City's Zoning Ordinance.

The applicant's site plan proposes an 8,500 square foot building (the building will be constructed over 22 existing parking spaces). The parking requirement for a vehicle service and repair facility is 1 per 500 GFA; therefore, the required amount of parking is 17 parking spaces. The applicant's site plan shows 3 parking spaces adjacent to the proposed building, 14 spaces short of the minimum. The existing Flying J is on the same lot, however, and has 138 spaces for cars/vans and 138 spaces for tractor trailers, which is 217 spaces more than what they are required to have. The excess existing spaces at the Flying J can account for the 14 spaces still required for the vehicle service repair facility.

The applicant's site plan shows a dumpster (Solid Waste Container) located in the front yard off of Daniel Payne Dr. The applicant will need to either relocate the dumpster to a side or rear yard or will need to apply for a variance with the Zoning Board of Adjustment (ZBA).

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.

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. At

the request of the NBIC and Neighborhood President, Staff requested that BDOT look at tractor trailers parking in the City's ROW adjacent to the site. Staff has not yet received a response from BDOT regarding this issue.

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 property is located in the ***Hooper City Neighborhood Association.***

- Oct. 4 Hooper City Advisory Board (Applicant attended to present project and answer questions)
- Oct. 14 Hooper City Neighborhood Meeting (Applicant attended; however, item was not put on the Agenda by Neighborhood President)
- November Neighborhood President informed Staff that applicant would not be on the Agenda
- Dec. 6 Hooper City Advisory Board (Applicant attended to present project and answer questions)
- Dec. 9 Hooper City Neighborhood Meeting (Neighborhood President informed Staff that a vote would not be taken if applicant was present so applicant did not attend – Neighborhood still refused to take a vote)
- Jan. 10 NBIC/Hooper City Meeting for Smithfield residents (Applicant and Staff attended this meeting to answer questions from Smithfield residents/NBIC & Neighborhood President asked applicant to report back on parking & traffic issues/Neighborhood President invited applicant to attend any future meetings to provide updates)
- Jan. 13 Hooper City Neighborhood Meeting (Applicant attended to provide updates on items from January 10th meeting and was told he was not invited and Neighborhood would not take a vote)

Framework Plan Implementation Committee Recommendation

The Business Redevelopment Subcommittee of the North Birmingham Framework Plan Implementation Committee has not provided Staff with a vote or any proposed Q conditions. The applicant agreed to examine the parking and traffic issues raised by the NBIC and will report back to them prior to the City Council public hearing.

Staff's Recommendation to ZAC

The applicant's rezoning request is ***somewhat consistent*** with the future land use plan, however, the proposal has ***merit for approval***. The existing Flying J uses were made legal non-conforming as a result of the North Birmingham Framework plan rezoning (ZAC2016-00009). Changing zoning to I-1 would return those existing uses to being legal by right. Additionally, the current trends in the area add merit to the request, as the 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 and several properties further to the west were rezoned from D-3 to I-1 (ZAC2021-00014).

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. Roof mounted HVAC units will be screened by the building parapet. All on and off site improvements shall be developed and maintained in strict conformance with the approved site

development plan. 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. 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) Off-Premise Sign
 - i) Funeral Home
 - j) Payday Loan
 - k) Title Loan/Pawnshop
 - l) Broadcast Satellite
 - m) Broadcast Tower
 - n) Cellular – Microwave or Two-Way Antennas
 - o) Cellular – Microwave or Two-Way Towers
 - p) Wrecked Impound Lot
 - q) Heliport
 - r) Railroad Station
 - s) Utility Substation
 - t) Reservoir/Water Tank
 - u) Water Treatment Plant
 - v) Water/Sewer Pumping Station
 - w) Adult Establishment
 - x) Arena
 - y) Amusement, Outdoor
 - z) Stadium

ZONING ADVISORY COMMITTEE
Birmingham Planning Commission
Meeting Date: January 18, 2022
Time: 6:00 P.M.
Place: City Hall, Council Chambers (3rd Floor)

ZAC2021-00019.....Roosevelt
Application for a change in zone district boundaries from “Q” D-5 (Qualified Multi-Family District) to I-1 (Light Manufacturing District), filed by Marquan Brown, representing the owner, Roosevelt First Baptist Church, for the property located at 5201 Sugar Ray Dr and situated in the NW ¼ of Section 26, Township 18-S, Range 4-West. (35228, District 7).

Proposed Use: A wholesale bakery, a private sports instruction facility, and business incubator

Property and Abutting Land Uses

The subject property is the former Roosevelt School and sits on approximately 2 acres. The property was rezoned in 2008 to allow the operation of a child care center (ZAC2008-00038) with the following “Q” condition:

1. *The use shall be limited to uses in the R-3, Single Family District and/or a Child Care Center and its accessory structures and uses.*

(As part of the rezoning in the area for the adoption of the Southwest Framework Plan (ZAC2017-00004) the adopted ordinance maintained the exiting Q condition under “Q” D-5*15)

North and south of the property is zoned D-3 (Single Family District). East of the property is Valhalla Cemetery, outside the city limits of Birmingham. Property to the west of the site is industrial and is also outside the city limits of Birmingham.

Applicant’s Proposal

Edolyn's Pies, LLC is currently a retail bakery located within The Pizitz Food Hall in downtown Birmingham, operating since 2014. They are the daughter company of a wholesale bakery located in northern New Jersey, Sweet Potato Pie, Inc. who has been in business since 1980 and continues to produce and distribute desserts all over the east coast. The applicant plans to use the site for wholesale distribution. The school already has a large and well-appointed industrial kitchen that would be the perfect foundation for wholesale baking needs. The attached cafeteria has adequate square footage necessary for the assembly and packaging of desserts.

The second structure, a gymnasium, would be used for private sport instruction for the surrounding communities.

The third structure on the school campus is the former school that contains 20 classrooms. The applicant plans to have the building serve as a business incubator for Midfield and the surrounding communities. The aspiration is to create spaces where local entrepreneurs can come and make small business dreams come true.

Long Range Land Use Plan

The City’s **Long Range Land Use Plan** identifies the property as **Institutional**. This land use category is intended for hospitals, colleges, nonprofit research facilities and universities. Primary and secondary schools, as well as churches, are not included in this category. These land uses, whether public or private, are designated as separate land uses because of their campus-like character, which requires special attention to edges and relationships with adjacent areas.

The proposed rezoning request is **not consistent** with the **Long Range Land Use Plan**; however, the Southwest Area Framework Plan does recommend the repurposing of vacant and/or abandoned schools to meet the needs of the community. Closed schools can be repurposed into senior facilities, community recreation centers and family resource centers.

Zoning Ordinance

The applicant’s site plan shows an existing school building (25,600 SF), and existing gym (8,700 SF) and an existing cafeteria/kitchen (4,900 SF). The parking requirement would be 64 spaces for the business incubator (office = 1 per 400 Sf of GFA), 5 spaces for the wholesale bakery distribution (general industry = 1 per 1,000 SF of GFA plus 1 per 400 SF of GFA for any office

space) and 44 spaces for the private sport instruction (indoor recreation = 1 per 200 SF of GFA). The site appears to have 39 existing parking spaces. The applicant will have to apply for a parking modification to satisfy the parking requirements for all of the proposed uses at the site.

The property is bisected by a public alley that has never been vacated. The applicant will need to go through the subdivision process to vacate the alley prior to the approval of any permits.

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. The City's Landscape Architect reviewed the preliminary plan and states that the applicant will need to provide a "C" buffer on the property that abuts D-3 zoning. Additionally, on the side of the property with the parking, the applicant will need to provide landscaping.

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: 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 Roosevelt Neighborhood Association held a regularly scheduled meeting on 10/14/2021 and voted to ***support*** the proposed rezoning request. The vote was **16** approved and **0** denied.

Framework Plan Implementation Committee Recommendation

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

The applicant's rezoning request is ***not consistent*** with the future land use plan, however, staff believes the proposal has ***merit for approval***. The Southwest Area Framework Plan recommends the repurposing of vacant/abandoned schools for the benefit of the community. Recreational facilities and a business incubator would be assets to the community, in addition to providing new jobs. Although there are single family homes in the area, there is also an industrial use adjacent to the site as well as a cemetery. Staff does recommend the following "Q" conditions:

- 1) Landscape buffer adjacent to single family residential uses
- 2) Only the following uses shall be allowed:
 - a. Accessory Structure
 - b. Amusement, Indoor
 - c. Bakery, Retail
 - d. Bakery, Wholesale
 - e. Business Service
 - f. Business Service with Distribution
 - g. Child Care Center
 - h. Community Garden
 - i. Mobile Grocery Store
 - j. Office
 - k. Park/Greenway
 - l. Public Building
 - m. School, Business
 - n. Solar Panel, Building Mounted
 - o. Solar Panel, Ground Mounted
 - p. Urban Farm, Indoor

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: January 18, 2022

Time: 6:00 P.M.

Place: City Hall, Council Chambers (3rd Floor)

ZAC2021-00020..... Five Points South
Application to change zone district boundaries from M-2 (Heavy Industrial District) to MU-D (Mixed-Use Downtown District) in order to allow for a mixed-use development, including multi-family residential, hotel, retail and outdoor space, filed by Clay Smith (Kimley-Horn), representing the owner, AGL Properties, LLC, for the property located at 1028 2nd Avenue South and situated in the NE¼ of Section 02, Township 18-S, Range 3-West. (35233, District 5).

Proposed Use: Multi-family residential, hotel, retail, outdoor space

Property and Abutting Land Uses

The subject property sits on approximately 1 acre of land, currently zoned M-2 (Heavy Industrial District). Abutting the subject property to the north is the Denham building, zoned MU-D (Mixed-Use Downtown District). To the east of the property is the former Sherman Industries plant, zoned MU-D (ZAC2019-00004). Property to the south is zoned M-1 (Light Manufacturing District) and Interstate 65 is west of the site.

Applicant’s Proposal

The applicant is proposing a mixed use development that will encompass properties at 1028 and 100 2nd Avenue South. The development will include approximately 300 multi-family residential units; a 130 key hotel; 23,000 square feet of retail space and a 20,000 square foot plaza dedicated to outdoor, open space. The development will also include a parking deck for residents and visitors. Landscape and hardscape improvements will be designed to preserve the existing Sherman Concrete silos and an above ground pond. Additionally, the development will include significant streetscape improvements along 12th Street South and 2nd Avenue South, including on-street parking, a buffered bicycle lane and sidewalk zones. A mid-block pedestrian crossing zone is proposed along 12th Street South to connect this development with the Urban Supply District development.

The City’s **Long Range Land Use Plan** identifies the property as **Light Industrial**. This land use category is reserved for light industrial and office uses, small warehouse and distribution facilities, urban agriculture, and other supporting uses such as minor retail and services related to the industrial uses. Light industrial districts can be located in business park settings, and are typically located near major transportation routes such as interstates, state highways, railroad ROWs, and airport facilities. Residential uses are not recommended and are only permitted by the Zoning Board of Adjustments with special exception. The proposed Long Range Land Use Plan in the Northside-Southside Framework Plan identifies this property as Mixed-Use High. The proposed rezoning request is **somewhat consistent** with the **Long Range Land Use Plan**.

Zoning Ordinance

All of the proposed uses are allowed in the MU-D district. Per the Zoning Ordinance, this district does not have a parking requirement: “*Parking spaces are not required in the B-4 and MUD Mixed Use Downtown District. Where parking is provided in the B-4 or MU-D District all remaining requirements of this Article shall apply.*” The proposed hotel on 12th Street South does not meet the setback requirements for the MU-D district and would require a variance or a modification to the site plan. A subdivision action is necessary to resurvey the properties into one lot.

The development must meet all Landscaping requirements outlined in the City’s Zoning Ordinance and will require site land disturbance permits including; Soil Erosion Control, Civil/Post Construction Stormwater, and Driveway permits. A Phase 1 Environmental Site Assessment meeting EPA Standards is required. Any remediation recommended by the assessment shall be addressed.

Neighborhood Recommendation

The Five Points South Neighborhood Association met at its regularly scheduled meeting on **November 16, 2021** to review the proposed project and voted to support the rezoning request. The vote was **15** Approved and **0** denied.

Framework Plan Implementation Committee Recommendation

This property is located in the Northside-Southside Framework Plan Area. The plan is currently in progress and no Implementation Committee has been formed at this time.

Staff's Recommendation to ZAC:

The applicant's rezoning request is *somewhat consistent* with the future land use plan and is consistent with development trends in the Neighborhood. Staff *recommends* approval of this request.

ZONING ADVISORY COMMITTEE
Birmingham Planning Commission
Meeting Date: January 18, 2022
Time: 6:00 P.M.
Place: City Hall, Council Chambers (3rd Floor)

ZAC2021-00021..... Southside (Adjacent to Five Points South)
Application to change zone district boundaries from B-1 (Neighborhood Business District) to MU-D (Mixed-Use Downtown) in order to allow for restaurant and retail space, filed by Taylor Schoel (Schoel Engineering), representing the owner, Magnolia Point, LLC, for the property located at 2234 Magnolia Avenue South and situated in the NW¼ of Section 06, Township 18-S, Range 2-West. (35205, District 5).

Proposed Use: Restaurant and retail space

Property and Abutting Land Uses

The subject property is approximately .27 acres of land, currently zoned B-1 (Neighborhood Business District). Abutting the subject property to the north is the Vogue Cleaners, zoned B-1. To the east of the property are two (dilapidated) single-family homes, zoned B-1. Property to the south is zoned B-1 and contains an office/retail building. The property to the west is zoned B-3 (Community Business District) and contains an office building and parking lot (Retail Strategies and Retail Specialists).

Applicant's Proposal

The applicant is proposing to renovate and reuse the existing structure for restaurant and retail space. The anchor tenant will be the restaurant and will be located on the 23rd Street South side of the building. It will be a fast/casual restaurant operating for dinner only, most likely from 4-10pm. The Magnolia Avenue side of the building will most likely be retail space or a small coffee shop, bakery or ice cream shop.

Long Range Land Use Plan

The City's ***Long Range Land Use Plan*** identifies the property as ***Mixed-Use High***. The mixed-use high district is designed to accommodate medium- to high-density office, residential, retail, artisanal industries and small warehouses that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses. This district also includes entertainment areas, and should be transit-accessible or transit-ready. Intensity of development varies by area. Uses in this district include: high density multi-family, loft, townhouse, and small-lot residential, retail and services, offices, hotels, large entertainment facilities, and live/ work structures. Ground floor uses encouraged on desired pedestrian-intensive streets. The proposed rezoning request is ***somewhat consistent*** with the ***Long Range Land Use Plan***.

Zoning Ordinance

All of the proposed uses are allowed in the MU-D district. Per the Zoning Ordinance, this district does not have a parking requirement: "*Parking spaces are not required in the B-4 and MUD Mixed Use Downtown District. Where parking is provided in the B-4 or MU-D District all remaining requirements of this Article shall apply.*"

The development must meet all Landscaping requirements outlined in the City's Zoning Ordinance.

The development must comply with all requirements in the City's Stormwater Ordinance. (There is proposal for a flood study at this intersection.)

Neighborhood Recommendation

The Five Points South Neighborhood Association met at its regularly scheduled meeting on November 16, 2021 to review the proposed project and voted to support the rezoning request. The vote was 14 Approved and 1 denied. The Neighborhood President voted to deny the request because the site does not provide sufficient parking for the employees and the proposed uses.

Framework Plan Implementation Committee Recommendation

This property is located in the Northside-Southside Framework Plan Area. The plan is currently in progress and no Implementation Committee has been formed at this time.

Staff's Recommendation to ZAC

The applicant's rezoning request is *somewhat consistent* with the future land use plan and is consistent with development trends in the Neighborhood. Staff recommends approval of this request subject to the following "Q" conditions:

- 1) Building height shall be limited to 60 feet
- 2) Uses shall be restricted to those allowed in the MU-M district (Mixed-Use Medium)

ZONING ADVISORY COMMITTEE
Birmingham Planning Commission
Meeting Date: January 18, 2022
Time: 6:00 P.M.
Place: City Council Chambers

ZAC2021-00022..... Overton

Application to pre-zone territory proposed for annexation from A-1 (Agricultural District-Shelby County) to C-2 (General Commercial District-City of Birmingham) to construct a multi-family residential development, filed by Arlington Properties representing the owner, Hanna Family Partnership, for the property located at 4641 Highway 280 and situated in the SW¼ of Section 36, Township 18-S, Range 2-West. (35242).

Proposed Use: Multi-family residential

Property and Abutting Land Uses

The subject property sits on approximately 18.94 acres of land, currently located outside the City limits of Birmingham in Shelby County. The current use of the property is a landscape nursery. Properties to the south, east and west of the site are commercial, zoned CC-2 (Contingency General Commercial District). Property to the north is vacant and is zoned Agricultural (Shelby County).

Applicant's Proposal

The applicant is proposing to build a luxury, multi-family community that will contain 272 rental units. The development will offer a “resort-style” setting, targeting empty nesters and young professionals. Units will have high end finishes, including quartz countertops and stainless-steel appliances. Amenities will include a resort pool, outdoor pavilion with fireplace and televisions, full-service fitness center, “we-work” space, and coffee café. The site will also include a pet park as well as buffers between the adjacent properties. The development will retain all stormwater on site and will utilize an existing 477’ lake. Interior roads will be private as well as trash pickup. Since family units will not be the target audience for this development, the applicant does not expect a significant impact on the school system.

Land Use Plan

Since the property is located outside the City limits, it is not included in the long range land use plan; however, the adjacent properties located within the City limits are identified as **General Commercial**.

Zoning Ordinance

Multi-family residential is allowed in the C-2 district. The proposal meets the density requirement for C-2 (500 SF per unit, 19 acres/500 SF = 1655 possible units). The maximum height allowed in C-2 is 75 feet and the proposed structures comply. The parking requirements for multi-family are 1 space per 1BR unit and 1.5 spaces for units containing 2 or more bedrooms. The parking requirement would be 361 total spaces and the applicant is providing 462 total spaces. Per the Ordinance:

When a development includes parking in excess of the maximum allowed, then Low Impact Development techniques such as, bioretention 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.*

The development is located in the Highway 280 Overlay district and must comply with the guidelines.

The development must meet all Landscaping requirements outlined in the City’s Zoning Ordinance.

The development is also subject to all requirements of the City's Stormwater Ordinance and any permits required from the Birmingham Department of Transportation.

Neighborhood Recommendation

The Overton Neighborhood Association met at its regularly scheduled meeting on December 7, 2021 to review the proposed project and voted to support the rezoning request. The vote was 2 approved and 0 denied.

Framework Plan Implementation Committee Recommendation

This property is located in the Northeast Framework Plan Area. Information regarding the rezoning request was sent to the Committee leadership; however, no response has been received.

Staff's Recommendation to ZAC

The applicant's rezoning request is ***consistent*** with the adjacent future land use plan. Staff recommends approval of this request.

ZONING ADVISORY COMMITTEE

Birmingham Planning Commission

Meeting Date: January 18, 2022

Time: 6:00 p.m.

Place: City Hall, Council Chambers (3rd Floor)

ZAC2021-00023..... Bush Hills

Application to change zone district boundaries from D-3 (Single Family District) to C-2 (General Commercial District) in order to convert the Woodrow Wilson School property into community event space, a community garden and an outdoor urban farm, filed by Bush Hills Connections, representing the owner, Birmingham City Schools, for the property located at 1030 4th Terrace West and situated in the SE¼ of Section 33, Township 17-S, Range 3-West. (35204, District 8).

Proposed Use: Community event space, community garden and outdoor urban farm

Property and Abutting Land Uses

The subject property is approximately 5.23 acres, currently zoned D-3 (Single-Family District). The site contains the former Woodrow Wilson Elementary School. The school was built in 1928 and served the community until it closed in 2010. Properties to the north, south, east and west are all single family residential, zoned D-3.

Applicant’s Proposal

The applicant is proposing to continue using the site as a community garden/urban farm. They also are proposing to renovate portions of the school to serve as community event space. The applicant, Bush Hills Connections, is a 501 (c) (3) that works alongside the Bush Hills Neighborhood Association to advance growth and vitality in the neighborhood. Bush Hills Connections began the community garden in 2018 as part of the City’s “Love Your Block” program. The Wilson School site serves as a central hub, outdoor safe-haven and readily accessible source of free, fresh, healthy food for the Bush Hills community.

Bush Hills Connections, in collaboration with UAB Live HealthSmart Alabama, proposes to re-purpose the cafeteria and gymnasium spaces. Proposed uses of the spaces include: after school enrichment programs for elementary - high school students, neighborhood meetings, social and fundraising activities, adult career development programs, health and wellness classes (exercise, cooking, nutrition, and gardening), youth activities (boys and girls clubs, sports), community education programs (beautification, maintenance, and safety), space rental to other community organizations for meetings and activities, and community meetings to plan for built environment improvements.

Long Range Land Use Plan

The City’s *Long Range Land Use Plan* identifies the property as *residential-low*. This land use category is exclusively single-family homes. In addition, schools, churches, and neighborhood-serving public uses are allowed. The proposed rezoning request is *not consistent* with the *Long Range Land Use Plan*; however, the Southwest Area Framework Plan does recommend redevelopment of this site. More specifically, the plan states:

The site is located among residential properties and is not on a heavily traveled roadway. In order to maintain compatibility with the surrounding land use, low intensity reuse is recommended. Potential uses include:

- *Senior Living Facility - With consideration given to the area’s growing senior population as well as the proximity to Princeton Baptist Medical Center, a senior living facility would generate limited traffic while also providing employment opportunities within the community.*
- *Job Training - A job training center would be beneficial to community residents who are interested in career advancement or pursuing a trade. It would provide an employment catalyst for the community and increase workforce participation. Partnerships with local colleges, financial institutions, and the business community will help to support these efforts.*
- *Mixed Use Development - A small scale mixed use facility will provide a variety of commercial options to the community that may include office space, retail, and other compatible uses.*

Zoning Ordinance

All of the proposed uses are allowed in the C-2 district.

An event center is permitted by special exception in the C-2 district subject to the following conditions:

1. A traffic study may be required by the City Traffic Engineer.
2. If the event center is within 200 feet of a dwelling district, the hours of operation shall be limited to 7:00a.m.-12:00a.m.

An outdoor, urban farm is permitted by special exception in the C-2 district subject to the following conditions:

1. All compost and organic matter used on site shall be produced on site and shall be for use solely on site, and is screened from adjacent lots and is more than 500 feet from any adjacent residential dwelling, which shall not cover more than five percent of the total area, shall be managed to prevent rodents and pests, prevent odors and drainage from compost onto adjacent sites.
2. All farming equipment shall be screened from view with fencing or landscaping of adjacent lots.
3. Accessory structures are limited to storage sheds, greenhouses, hoopouses, cold frames and cisterns built of standard uniform materials that are either new or in sound condition not showing signs of decay.
4. Apiaries are setback from property lines by 25 feet and 50 feet from any adjacent dwelling lots, a continuous water source is available, 1 hive allowed per 2,500 square feet with maximum of 40 hives.
5. If any accessory structure is not maintained in sound condition free from evidence of decay and can be seen from public right-of-way or an adjacent property, they will be considered a nuisance and will be subject to code enforcement.
6. It is a requirement that soil testing be conducted prior to gardening activities. Test for both soil condition and possible soil contamination, to determine at minimum constraints to food production, shall be conducted. Information on acquiring Soil testing kits and analysis can be found in the Appendix to this Ordinance.
7. The maximum lot area shall be 4 acres.

An apiary is permitted as accessory use in the C-2 district subject to the following conditions:

3. In MU-M, MU-H, MU-D, C-1, C-2, I-1, I-3, I-4, PRD, MXD and HID districts the following conditions shall be met:
 - a. Apiaries shall be accessory to a dwelling, community garden or another primary use.
 - b. Located in a rear yard or roof of a building and hives are setback from property lines by 10 feet and have a continuous water source.
 - c. If the hive opening faces a public right-of-way and the ground level of the hive is less than six feet above the grade of the right-of-way, a flyway barrier (fence or dense evergreen shrub) shall be provided that is six feet high and extends three feet either side of the hive opening.
 - d. Two hives are allowed on lots less than 10,000 square feet and 1 additional hive per 4,000 square feet is allowed on lots larger than 10,000 square feet with a maximum of 20 hives per lot.

Once the public and event space is designated, the parking requirements must be met. A public facility requires 1 parking space per 300 square feet of gross floor area. An event center requires 1 parking space per 100 square feet of gross floor area.

The development must meet all landscaping and buffer requirements outlined in the City's Zoning Ordinance.

The development must comply with all requirements in the City's Stormwater Ordinance.

Neighborhood Recommendation:

The Bush Neighborhood Association met at its regularly scheduled meeting on October 26, 2021 to review the proposed project and voted to support the rezoning request. The vote was 31 Approved and 0 denied.

Framework Plan Implementation Committee Recommendation:

This property is located in the Southwest Framework Plan Area. They believed the Neighborhood Association should decide on the rezoning case.

Staff's Recommendation to ZAC:

Although the rezoning request is no consistent with the long range land use plan, Staff believes the request has merit for approval, subject to the following Q conditions:

1. Only the following C-2 uses shall be allowed:
 - a. Accessory Structure
 - b. Amusement, Indoor

- c. Clinic
- d. Fitness Center
- e. Multiple Family
- f. Office
- g. Park/Greenway
- h. Personal Instruction
- i. Public Building
- j. Urban Farm, Indoor
- k. Adult Care Center
- l. Child Care Center
- m. Community Garden
- n. Institutional Office
- o. Market, Public
- p. Mobile Grocery Store
- q. Place of Worship
- r. School, Elementary/Middle
- s. Solar Panel, Building Mounted
- t. Solar Panel, Ground Mounted
- u. Chicken Coop
- v. Duplex/Triplex/Quadplex
- w. Event Center
- x. School, Trade
- y. Urban Farm, Outdoor
- z. Accessory Child Care Center
- aa. Apiary
- bb. Donation Box
- cc. Garage Sale/Yard Sale
- dd. Home Occupations
- ee. Market Stand
- ff. Cellular, Microwave or Two-Way Antennas
- gg. Cellular, Microwave or Two-Way Towers