



**PLANNING & ZONING MEETING
WEDNESDAY, FEBRUARY 17th, 2021
VIRTUAL MEETING
3:30 PM**

COUNCIL PRESIDENT WILLIAM PARKER, CHAIR

WEBSITE ADDRESS: www.birminghamal.gov

Event address for attendees:

<https://birmingham.webex.com/birmingham/onstage/g.php?MTID=ebeaed79a636ab02fcf29c59572213f8c>

Audio Conference: United States Toll: +1-415-655-0002

Access Code: 187 493 0395

AGENDA

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- February 3, 2021

III. ZONING ITEM

1. **ZAC2020-00026**..... **Crestline**
Application to change zone district boundaries from R-3 (Single Family District) to D-5 (Multiple Dwelling District) to allow the construction of townhomes, filed by Cory Johnston, the owner, for the properties located at 4424, 4428, 4432 & 4446 Montevallo Road and situated in the NE ¼ of Section 34, Township 17-S, Range 2-West, 35213 (Council District 2).

Proposed Use: New construction of 23 townhomes

The City’s *Long Range Land Use Plan* identifies the property as *Residential- Low District*. The proposed rezoning request is *Not Consistent* with the *City’s Long Range Land Use Plan*.

Neighborhood Recommendation:

The Executive Committee of the Crestline Neighborhood Association held a meeting on **November 23, 2020**, to review the proposed project and voted to not recommend the request. The vote was **1** approved and **4** denied. Their decision to not support the rezoning request are for the following reason(s):

1. The committee felt there are too many unknown factors (originally the project had 17 units and now they are proposing 23 units);
2. The space is too small to house 23 units;
3. Their property value has decreased due to the excess rental properties in the area and would prefer R-3 (Single Family District) zoning to remain for their neighborhood.

If approved the neighborhood recommends the following “Q” Condition(s) to be prohibited:

1. Bed & Breakfast Inn
2. Child Care Center
3. Community Garden
4. Family Day/Night Care Home
5. Family Group Day/Night Care Home
6. Market, Farmer’s
7. Personal Instructor
8. Place of Worship
9. School, Elementary/Middle
10. School, High School
11. Solar Panel, Ground Mounted
12. Adult Care Center
13. Cellular, Microwave or Two-Way Towers
14. Communal Living Facility
15. Internment, Cemetery
16. Manufactured Housing
17. Market Stand
18. Reservoir/Water Tank
19. Utility Substation
20. Water/Sewer Pumping Station
21. Accessory Child Care Center
22. Amphitheater
23. Apiary
24. Arena
25. Dwelling, Accessory
26. Fitness Center

- 27. Internment, Columbarium
- 28. Internment, Mausoleum
- 29. Rummage Sale
- 30. Stadium
- 31. Temporary Storage

Staff's Recommendation to ZAC:

The proposed rezoning request is not consistent with the City's Long Range Land Use Plan and is also incompatible with the single family residential uses located immediately east and west-creating an encroachment into the single family residential neighborhood which could possibly cause land use conflicts. It is therefore the recommendation of Staff that the proposed rezoning is ***Not Recommended*** for approval.

If approved the neighborhood and staff recommends the following "Q" Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer's
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum

- z. Rummage Sale
- aa. Stadium
- bb. Temporary Storage

2. The townhomes fronting Gladstone Avenue and Montevallo Road shall use those streets as the front of the structure to create a more walkable since of community;

3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).

Neighborhood, Applicant and Staff Virtual (WebEx) Meeting

The neighborhood, applicant and staff met via WebEx on Tuesday, February 9, 2021 and as a result of the meeting the neighborhood voted to approve the proposed rezoning request with some additional “Q” conditions. The vote was 23 approved and 7 denied.

If approved the neighborhood and staff recommends the following “Q” Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer’s
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater
 - t. Apiary
 - u. Arena
 - v. Dwelling, Accessory
 - w. Fitness Center
 - x. Internment, Columbarium
 - y. Internment, Mausoleum

- z. Rummage Sale
- aa. Stadium
- bb. Temporary Storage

2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable sense of community;

3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).

4. Sidewalk and street trees will be required along Gladstone Avenue and Montevallo Road.

5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone Avenue and Montevallo Road.

6. All exterior lighting for security and aesthetic will be required to downlight and not encroach on neighboring property.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant's rezoning request, and voted to **APPROVE** the proposed rezoning request with the following "Q" conditions submitted by the neighborhood and staff.

If approved the neighborhood, staff and ZAC recommends the following "Q" Condition(s);

1. The following uses are prohibited:
 - a. Bed & Breakfast Inn
 - b. Child Care Center
 - c. Community Garden
 - d. Family Day/Night Care Home
 - e. Family Group Day/Night Care Home
 - f. Market, Farmer's
 - g. Personal Instructor
 - h. Solar Panel, Ground Mounted
 - i. Adult Care Center
 - j. Cellular, Microwave or Two-Way Towers
 - k. Communal Living Facility
 - l. Internment, Cemetery
 - m. Manufactured Housing
 - n. Market Stand
 - o. Reservoir/Water Tank
 - p. Utility Substation
 - q. Water/Sewer Pumping Station
 - r. Accessory Child Care Center
 - s. Amphitheater

- t. Apiary
- u. Arena
- v. Dwelling, Accessory
- w. Fitness Center
- x. Internment, Columbarium
- y. Internment, Mausoleum
- z. Rummage Sale
- aa. Stadium
- bb. Temporary Storage

2. The townhomes fronting Gladstone Avenue and Montevallo Road shall orient their front façade to those streets to create a more walkable since of community;

3. Any fence/wall construction shall comply with the requirements in Title 1, Chapter 4 Section 5 of the Zoning Ordinance (Walls and Fences).

4. Sidewalk and street trees will be required along Gladstone Avenue and Montevallo Road.

5. Architectural features mimicking front facades shall be required for any building that is not reoriented to front on Gladstone Avenue and Montevallo Road.

6. All exterior lighting for security and aesthetic will be required to downlight and not encroach on neighboring property.

ZAC2020-00032Southside

Application to change zone district boundaries from R-7 (Multiple-Dwelling District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes multi-family, hotel, office, retail, medical office, parking garage and open space uses, filed by Brian Wolfe, representing the owner, Housing Authority Birmingham District, for the property located at 2523 Southtown Court and situated in the SW ¼ of Section 31, Township 17-S, Range 2-West, 35205 (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, multi-family, hotel, office, retail, medical office, parking garage and open space uses.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. The proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 6th, 2021** and voted to approve the proposed rezoning request. The vote was **5** approved and **0** denied.

The Southside Neighborhood Association is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant’s rezoning request, and voted to **APPROVE** the proposed rezoning request with a “Q” condition.

If approved staff and the ZAC recommends the following “Q” condition:

- *To limit the height of buildings to 225 feet.*

ZAC2020-00033**Southside**
Application to change zone district boundaries from B-1 (Neighborhood Business District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes hotel, office, retail, medical office and parking garage, filed by Steven Hyding, representing the owner, Bellsouth Telecommunications, LLC., for the property located at 911 23rd Street South and situated in the NW ¼ of Section 6, Township 18-S, Range 2-West ,35205 (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, hotel, office, retail, medical office and parking garage.

The City’s **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. The proposed rezoning request is **consistent** with the **Long Range Land Use Plan**.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 5th, 2021** and voted to approve the proposed rezoning request. The vote was **5** approved and **0** denied.

The Southside Neighborhood Association is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant’s rezoning request, and voted to **APPROVE** the proposed rezoning request with a “Q” condition.

If approved staff and the ZAC recommends the following “Q” condition:

- *To limit the height of buildings to 225 feet.*

ZAC2020-00035.....Southside
Application to change zone district boundaries from M-1 (Light Industrial District) to MU-D (Mixed-Use Downtown District) in order to allow for an office, retail and restaurant uses, filed by Jami Wadkins, representing the owner, HCP TDG Avenue A., LLC, for the property located at 2300-2312 1st Avenue South and situated in the NE ¼ of Section 36, Township 17-S, Range 3-West (Council District 5).

Proposed Use: Office, Retail & Restaurant Uses

The City’s **Long Range Land Use Plan** identifies the property as **Light Industrial**. This land use category allows for the development of medium- to high-density office, residential, retail and entertainment areas that create vibrant 18-24 hours, 7-day a week live-work-play environment, typically mid-rise to high-rise; 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 is focused in the downtown area and should be transit-accessible. Uses in this district include: high density multi-family, loft, townhouse, retail and services, offices, hotels, large entertainment facilities, and live/work structures. The proposed rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 5, 2021**, to review the proposed project and voted to recommend approval for the rezoning request. The vote was **5** approved and **0** denied.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant’s rezoning request, and voted to **APPROVE** the proposed rezoning request.

ZAC2021-00006.....Southside
Application to change zone district boundaries from B-1 (Neighborhood Business District) to MU-D (Mixed-Use Downtown District) in order to construct a new mixed-use development that includes multi-family, hotel, retail, medical office and parking garage uses, filed by Steven

Hydinger, representing the owner, Ken Webster, for the property located at 959 23rd Street South and situated in the NW ¼ of Section 6, Township 18-S, Range 2-West (Council District 5).

Proposed Use: A mixed-use development that includes affordable housing, hotel, office, retail medical office and parking garage

The City's **Long Range Land Use Plan** identifies the property as **Mixed Use Downtown**. The proposed rezoning request is **Consistent** with the **Long Range Land Use Plan**.

Neighborhood Recommendation:

The Five Points South Neighborhood Association held a special call meeting on **January 5, 2021**, to review the proposed project and voted to recommend approval for the rezoning request. The vote was **5** approved and **0** denied.

The Southside Neighborhood Association is not meeting at this time, but Ms. Irene Johnson stated that she believes the City Council will make a good decision in this case.

Zoning Advisory Committee Action:

The Zoning Advisory Committee met at its regularly scheduled meeting on Tuesday, February 16, 2021 to review the applicant's rezoning request, and voted to **APPROVE** the proposed rezoning request with a "Q" condition.

If approved staff and the ZAC recommends the following "Q" condition:

- **To limit the height of buildings to 225 feet.**

IV. DESIGN REVIEW COMMITTEE APPLICATION UPDATE

V. OLD AND NEW BUSINESS

VI. ADJOURN

If accommodation is required for an event or meeting, please contact: Kimberly Garner, Director of Public Information, with reasonable advance notice by e-mailing her at Kimberly.Garner@birninghamal.gov or calling her at (205) 254-2036.