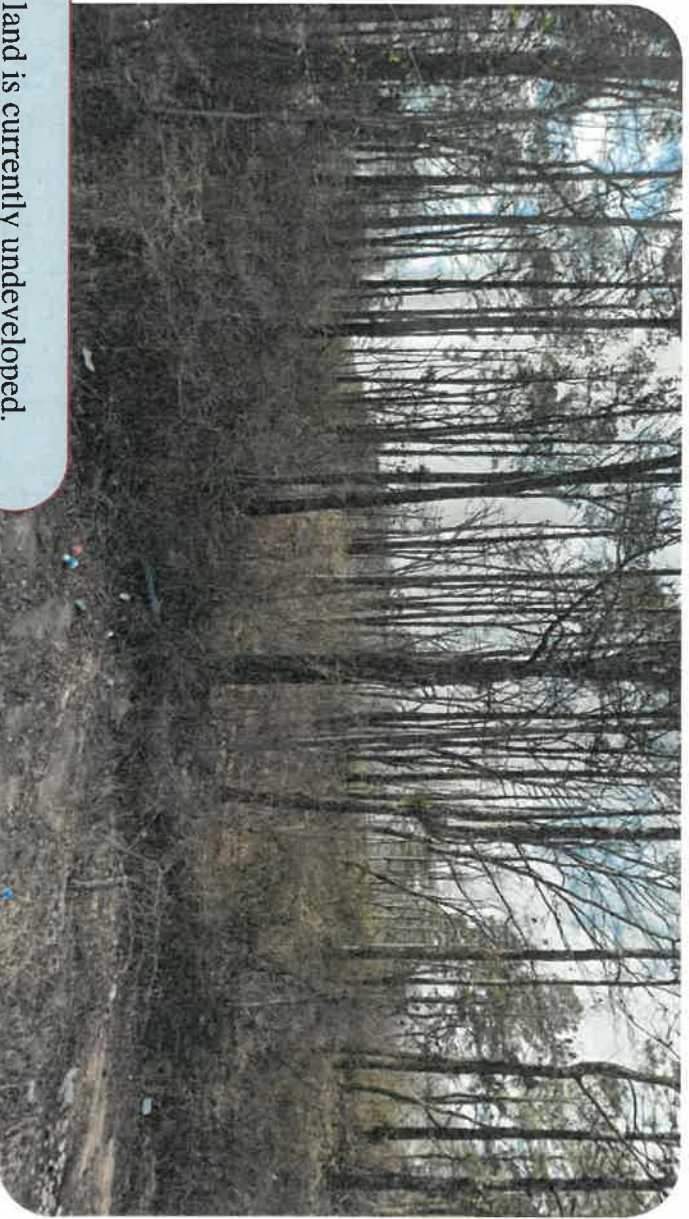


ZAC2022-00001

Oxmoor Neighborhood

Application to change zone district boundaries from MXD (Planned Mixed Use District) to C-1 (Neighborhood Commercial District) in order to allow for the construction of a new convenience store and restaurant, filed by Charles Beavers on behalf of the owner, United States Steel Corporation, for the properties located at 3100 and 3060 Shannon Oxmoor Road and situated in the NE ¼ of Section 06, Township 19-S, Range 3-West, 35022 (Council District 7).

Proposed Use: A convenience store and restaurant



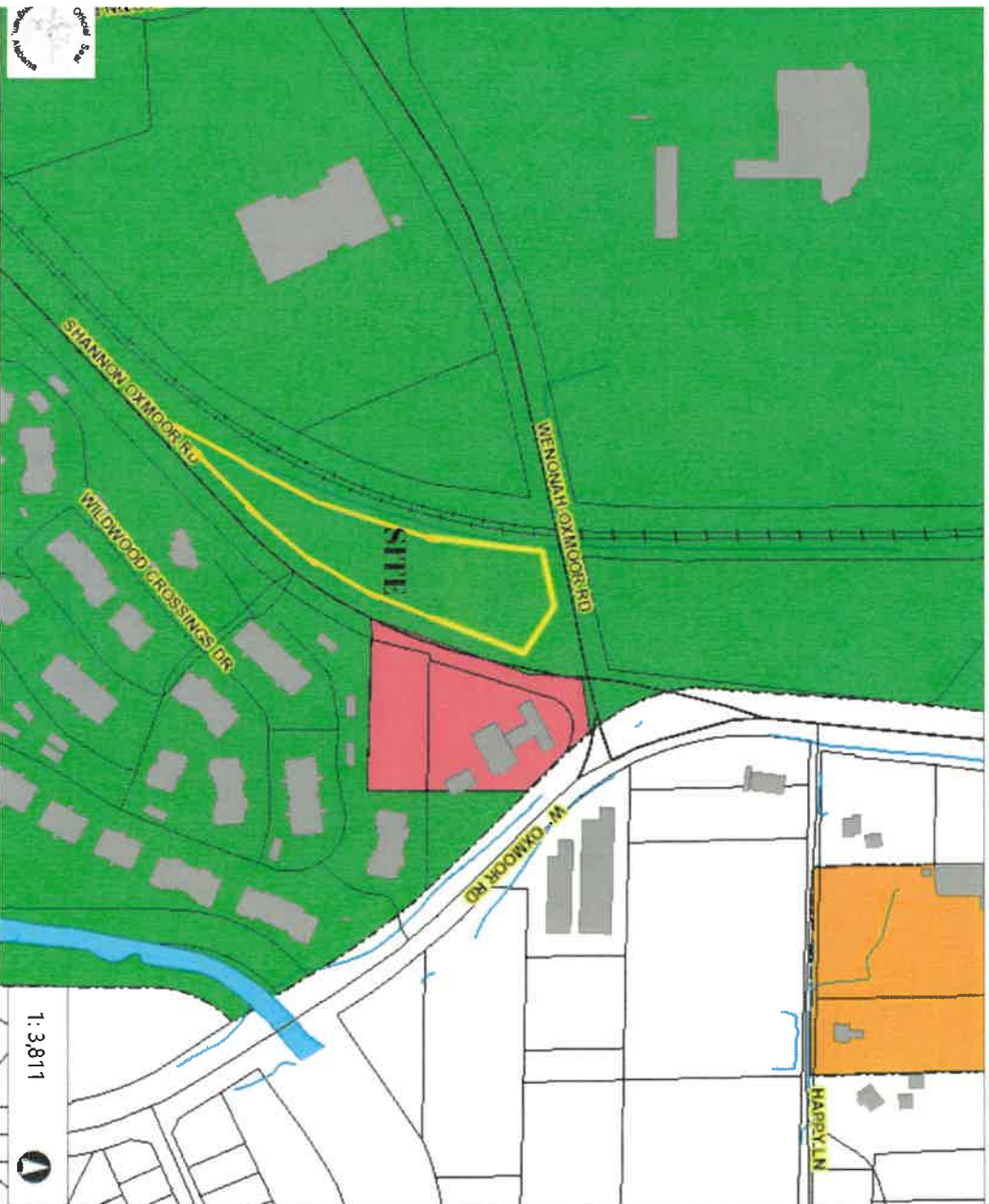
The land is currently undeveloped.

Property and Abutting Land Uses:

The subject property sits on approximately 2.92 acres of land, currently zoned MXD (Planned Mixed-Use District). Abutting the subject property to the North, South, and West is undeveloped land also zoned MXD (Planned Mixed-Use District). To the East of the property is a Circle K convenience store that also houses Smith K Cleaners, zoned C1 (Neighborhood Commercial District).



ZAC2022-00001 Current Zoning

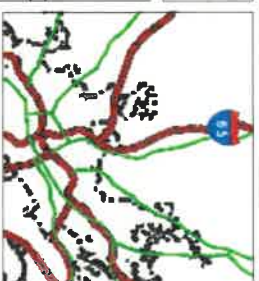


https://gisweb.birminghamal.gov

Map Created: 04/25/2022

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1:3,811



- Legend**
- Centerline Labels
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 - US Highways
 - Interstates
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 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
- Zoning Shaded**
- R1 D1 - Single Family District -
 - R2, D2 - Single Family District -
 - R3, D3 - Single Family District -
 - R4, D4 - Two Family District, R4
 - R4A - Multiple Dwelling District
 - R5, D5 - Multiple Family District
 - R6, D6 - Multiple Family District
 - R7 - Multiple Family District

Notes

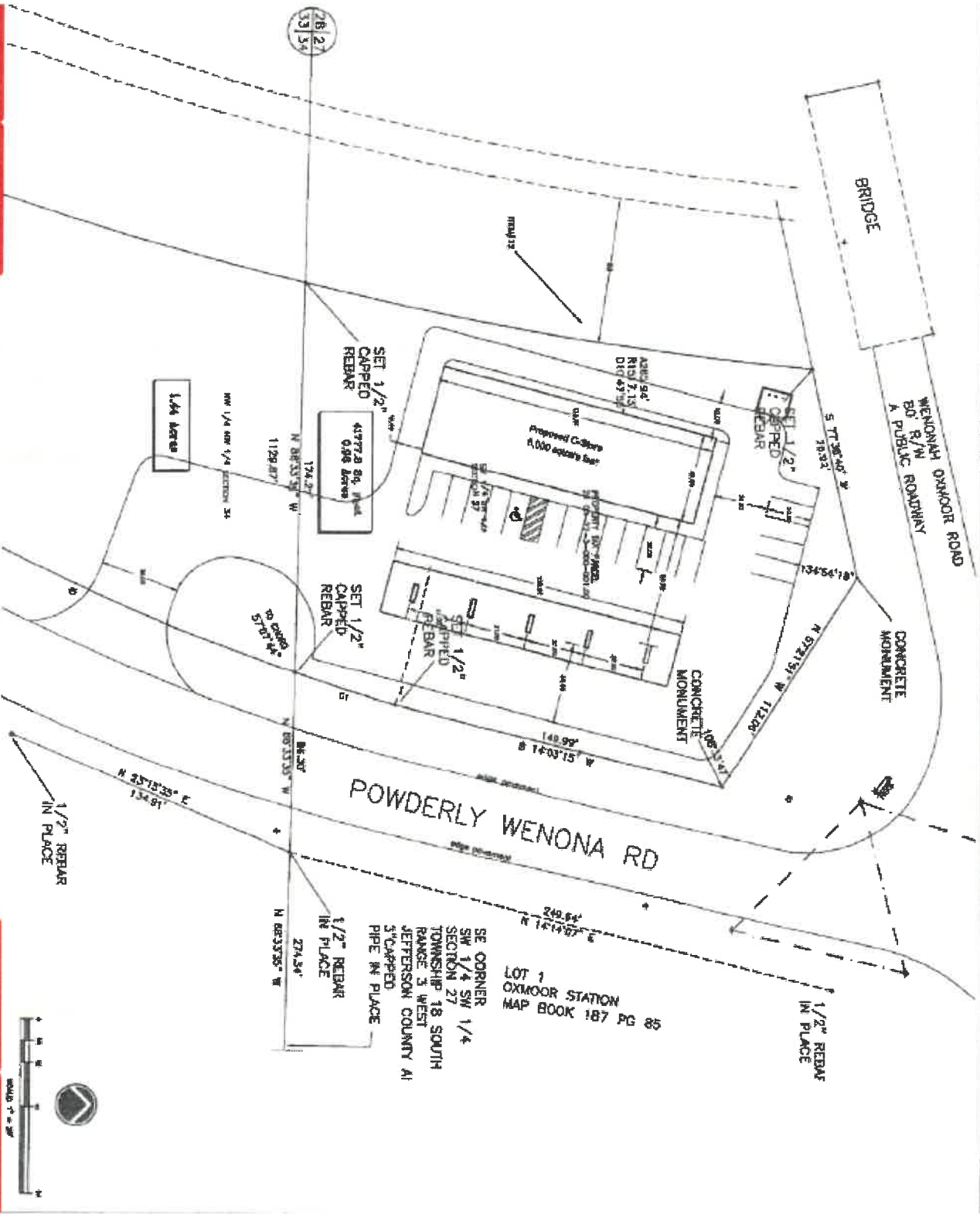
Oxmoor Neighborhood
 3100 Shannon Oxmoor Road & West Shannon Oxmoor Road
 MXD- Planned Mixed-Use

The current zoning, MXD Planned Mixed-Use District is designed to allow for a compatible and complementary mixture of residential, office, commercial, cultural, institutional, governmental, and industrial uses in large planned developments. This property does *not* have a subgroup zoning.

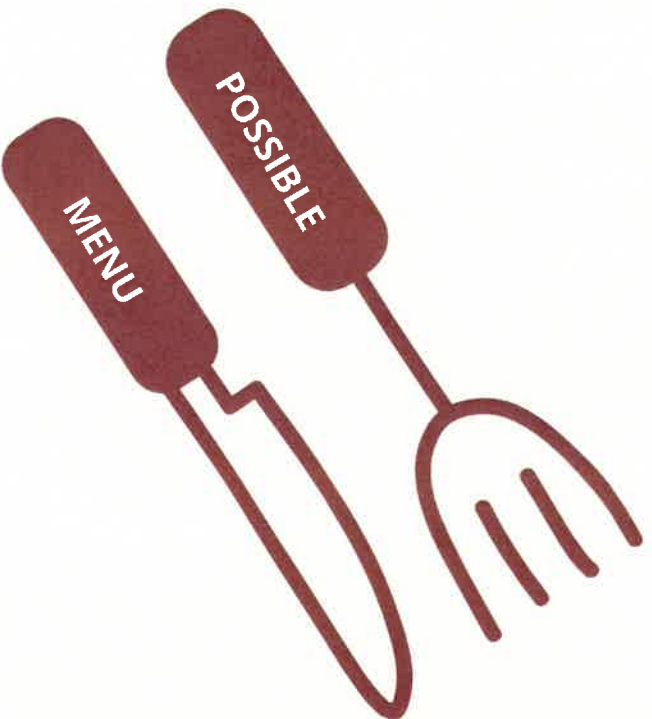
Applicant's Proposal:

The applicant's proposal is to construct a convenience store that will have a quick service restaurant with a drive-thru and indoor dining on one side and a typical convenience store on the other side. There will be 5 fueling stations with 10 pumps (1 pump on each side).

The **Neighborhood Commercial District** is designed to allow for areas of neighborhood retail and services that meet the day-to-day needs of residents and workers of surrounding neighborhoods (typically within a 1-mile radius) Uses in this district include: smaller grocery stores, banks, restaurants and services such as small professional and health offices, barber/beauty shops, dry cleaners, small to medium-scale offices, schools, churches, and neighborhood-serving public uses. This district is intended to be accessible both by automobile with sufficient parking, but also designed to accommodate pedestrian and bicycle access.



SITE PLAN



Lunch & Dinner

Monday	Balanced Chicken Sandwich	French Pork Chop
	Sandwich	Chicken & Dumplings
	Country Fried Steak	Sunday or Hamburger Steak
	Ome & Toppings	Stewed Caribidge
	Biscotti, Cakes/rolls	Pork Cabbage
Thursday	Spaghetti	Tapapa Fish
	Meat Loaf or Rigatoni Squid	Hamburger Steak
	Baked Chicken	Q. Steak, Almond,
	Grand Corned Beef (50% Discount)	Fried Onions
	M. & Cheese	Grate Eyed Peas
Friday	Meat Fry & Biscotti	Fried Pork Chops
	Hamburger & Apple	Hamburger Steak
	Fish	Chicken & Gravy or Chicken Liver
	Meat & Cheese	Fried or Baked Squash
	Creamy Casserole	Bird's Eyed Peas

Menu is subject to change based on availability.

WE USE REAL EGGS Breakfast

Breakfast Special (One Meat, 1 Egg, 100% whole wheat bread, fruit & salad) \$4.99

Breakfast Cup (1 Egg, Omelette, Cheese, Cheddar, Bacon, Chicken, Fruit) \$4.99

Breakfast in a Bun \$4.99

French Toast (Special) \$2.75

BLT \$4.99

Single Dairy Biscuit \$2.65

Double Dairy Biscuit \$3.45

Salt Cheese Omelet \$5.99

Extras:

- One Egg \$0.99
- Two Eggs \$1.99
- Bacon \$0.99
- Sausage \$2.29
- Sunshine \$1.29
- Hot Sauce \$1.79
- Pork Chops \$2.29
- Chicken \$2.29
- Steak \$2.29
- Small Grub \$1.99
- Large Grub \$2.99
- Assorted Add Ons \$1.29

Beef	Egg	Chicken	Pork	Egg
Sandwich \$1.99	\$2.79	\$3.99	\$4.99	\$5.99
Bacon \$2.29	\$3.29	\$4.49	\$5.49	\$6.49
Beef \$2.29	\$3.49	\$4.69	\$5.69	\$6.69
Chicken \$2.29	\$3.49	\$4.69	\$5.69	\$6.69
Belgian \$2.29	\$3.49	\$4.69	\$5.69	\$6.69
Wendy's Hot \$2.29	\$3.49	\$4.69	\$5.69	\$6.69
Hot Chops \$3.29	\$3.79	\$4.99	\$5.99	\$6.99
Hot \$3.49	\$3.99	\$5.19	\$6.19	\$7.19
Hot \$3.49	\$3.99	\$5.19	\$6.19	\$7.19

Handmade Patties

Small	Medium	Large	Beacon
Bacon Chicken \$7.99 Combo	Cheeseburger \$7.99 Combo	Cheeseburger \$7.99 Combo	Cheeseburger \$8.99 Combo
Sandwich only \$5.99	Sandwich only \$5.99	Sandwich only \$5.99	Sandwich only \$6.99
Double	Double Bacon	BLT	Porto Brio
Cheeseburger \$8.99 Combo	Cheeseburger \$10.99 Combo	Cheeseburger \$8.99 Combo	Cheeseburger \$8.99 Combo
Sandwich only \$6.99	Sandwich only \$8.99	Sandwich only \$6.99	Sandwich only \$6.99
Pilly Cheese	Porto Chicken	Porto Chicken	Porto Chicken
Steak \$8.99 Combo	\$7.99 Combo	\$7.99 Combo	\$7.99 Combo
Sandwich only \$5.99	Sandwich only \$5.99	Sandwich only \$5.99	Sandwich only \$5.99
Club Sandwich	Porto Chops	Porto Chops	Porto Chops
\$9.99 Combo	\$7.99 Combo	\$7.99 Combo	\$7.99 Combo
Sandwich only \$5.99	Sandwich only \$4.99	Sandwich only \$4.99	Sandwich only \$4.99

Combos Include Fries & Medium Drink

Tannehill General Deli & Package Store

Chicken

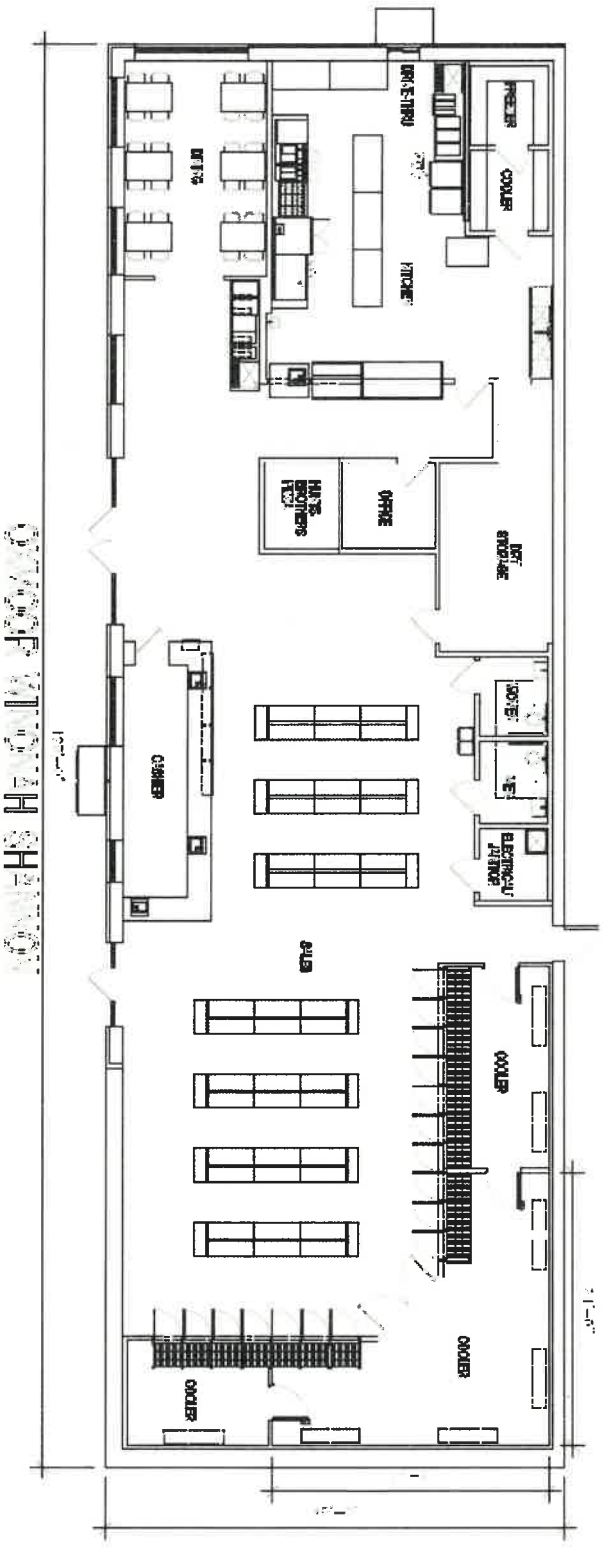
3 PC Tendrers	\$24.59
1/2 PC tenders	\$13.99
25 PC tenders	\$34.99
3 PC Tendrers w/ Fries or Veggies	\$20.99
9 Tendrers, 2 Sides & Cornbread	\$27.99
15 Tendrers, 3 Sides & Cornbread	\$38.99
20 Tendrers, 3 Sides & Cornbread	\$41.99

Combo Meals

Beacon Chicken Combo	\$8.99
Large Cheeseburger Combo	\$7.49
Bacon Cheeseburger Combo	\$8.99
Double Cheeseburger Combo	\$10.99
Double Bacon Cheeseburger Combo	\$12.99
BLT Combo	\$8.99
Pilly Cheese Sandwich Combo	\$7.99
Grand or Bacon Chicken Combo	\$8.99
Porto Chicken & Cheese Combo	\$9.99
Large BLT/WHN Combo	\$9.99
Porto Chops Combo	\$7.99

Snacks

Chicken Sandwich (5 pieces)	\$3.99
Chicken Sandwich (3 pieces)	\$3.29
Hot Wings (10 pieces)	\$3.99
Large Cheese Fries	\$2.89
Small Cheese Fries	\$1.99
50% Off Wings (10 pieces)	\$1.99
Fries (1/2 Price) (Small)	\$1.99
Hot Wings (10 pieces)	\$3.49

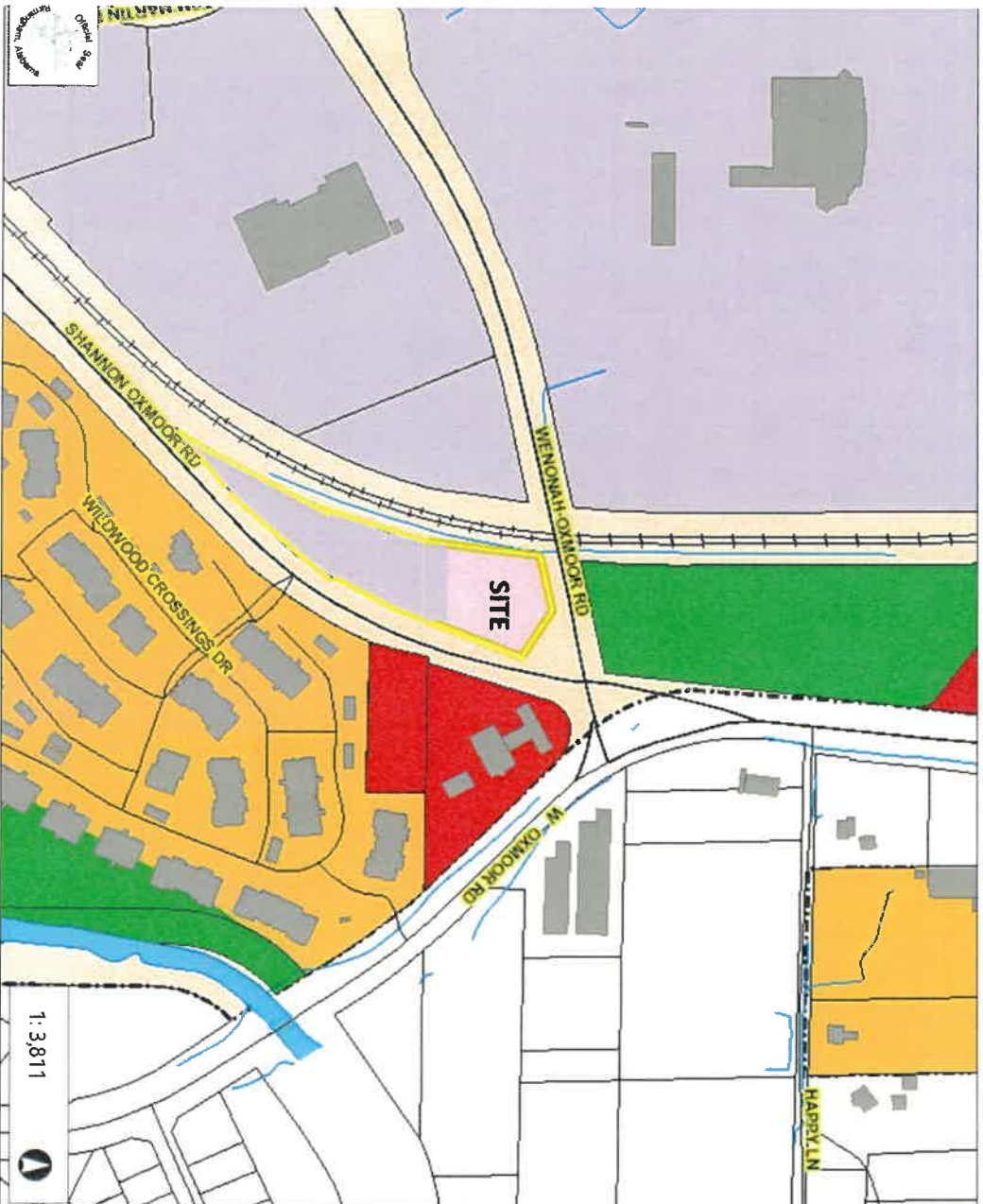


FLOOR
PLAN

The City's *Adopted Long-Range Land Use Plan* identifies the property as *I-1, Light Industrial District*. This Industrial district is designed to allow for light manufacturing and office uses. Uses in this district include: warehouse and distribution uses, urban agriculture, and supporting uses, such as minor retail and services to support the major uses. No residential uses are allowed in this district.

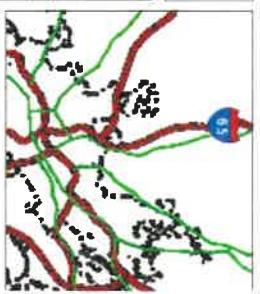


ZAC2022-00001 Adopted Land Use Plan



35.1
0 317.55 635.1 Feet
Map Created: 04/25/2022
<http://gisweb.birminghamal.gov>

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- Legend**
- Centertine Labels
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 - US Highways
 - Interstates
 - Limited Access
 - Ramp
 - Buildings
 - Hydrology Lines
 - Hydrology Areas
 - Parcels
 - City Parks
 - Airport
 - Adopted Landuse Plan
 - Residential-Low
 - Residential-Medium
 - Residential-High
 - Neighborhood Commercial
 - General Commercial
 - MNU-Low
 - MNU-Medium
 - MNU-High

Notes

- Oxmoor Neighborhood
- 410 West Oxmoor Road
- M-1 Light Industrial

Zoning Ordinance:

The proposed uses are Permitted with conditions in C-1:

Convenience Store. A retail establishment selling primarily food products household items, newspapers, and magazines, candy, and beverages and in which gasoline and other motor fuels, are dispensed at retail, by use of fixed approved dispensers. Convenience stores may include an automated car wash for washing one automobile at a time, within an enclosed building.

Drive-In/Drive-Through. Any establishment where services are rendered or items are sold, for consumption on-site or off-site, and orders are made from a car to a server at a window, or via a speaker and receiver, or via an automated device.

Conditions:

In C-1 a drive-in or drive-through shall be permitted provided that any drive-in or drive-through shall be located 50 feet from any dwelling district.

In C-1 a convenience store shall be permitted provided that the following conditions are met:

- 1. All pumps shall not be closer than 50 feet to any dwelling district, and not closer than 15 feet to a right-of-way line.*
- 2. Any building shall be setback 25 feet from a dwelling district.*
- 3. Automated carwashes in the C-1 districts shall be allowed as an accessory use by special exception pursuant to Chapter 4, Article III, Section 6.*

Stormwater:

- All storm water, flood plain, and soil erosion ordinances apply.
- City of Birmingham Soil Erosion control permit will be required.
- City of Birmingham Civil Construction permit will be required.
- City of Birmingham Stormwater Permit requirements will apply, including certifications from the design engineer.
- Post construction runoff shall not exceed pre-project runoff for the 1,2,10,and 25-year storm events. The 100-year storm shall safely pass the system.
- Compliance with the Post Construction Stormwater Ordinance is required.

ZAC2022-00001

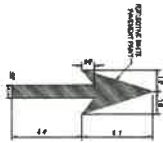
Oxmoor Neighborhood

Birmingham Department of Transportation:

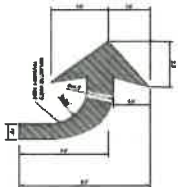
BDOT has looked over and approved the applicant's plan to restripe the turn lane on Oxmoor Road. BDOT is not concerned about any increase in traffic.



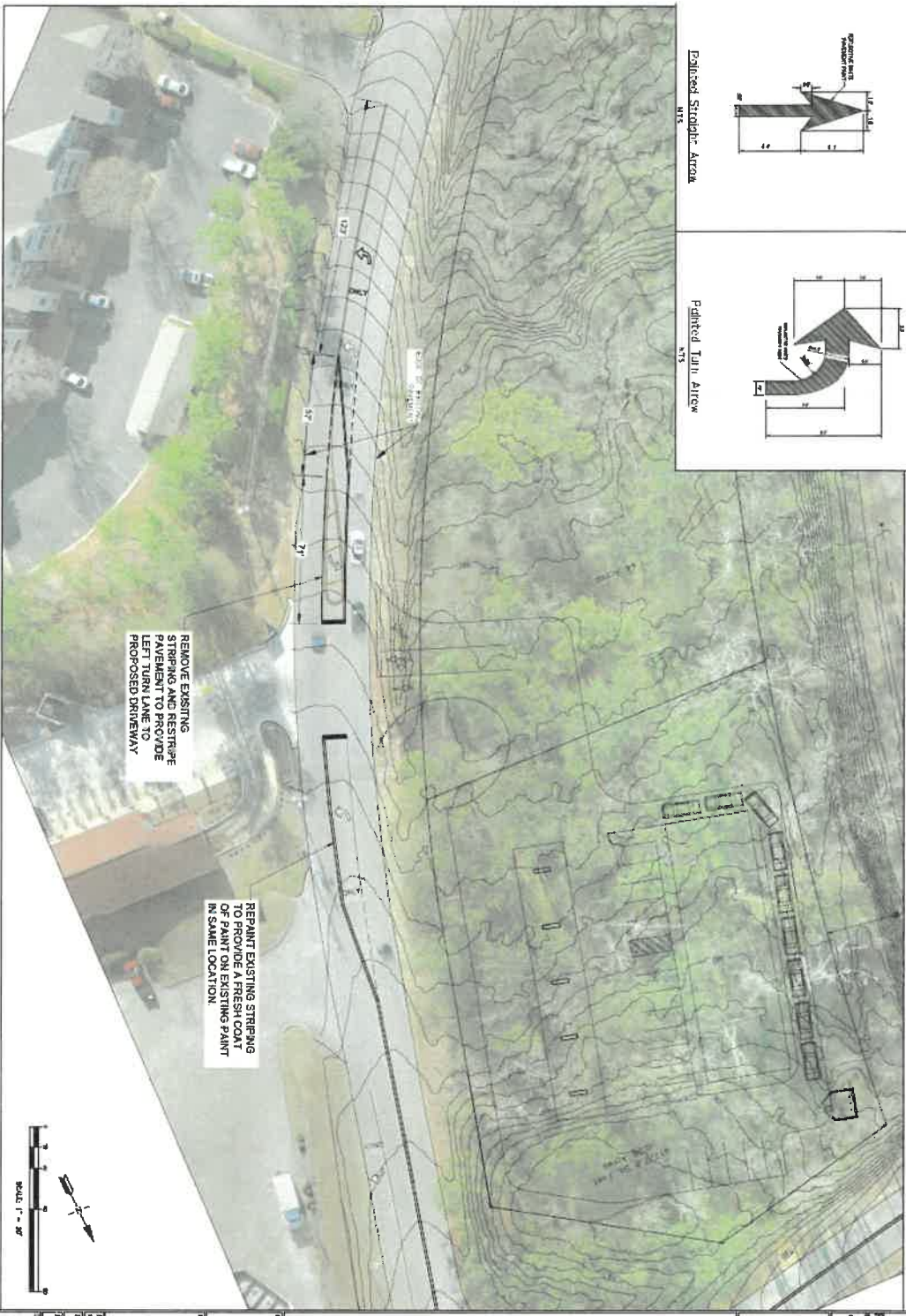
PRELIMINARY LAYOUT FOR STRIPING



Polished Striping Area
N.T.S.



Painted Turn Arrow
N.T.S.



**Powderly Wenona
C Store**
Birmingham, Alabama

PREPARED BY
P. S. ENGINEERING
1000 14th St NE
Birmingham, AL 35203
P: 205-844-7121
F: 205-844-7121

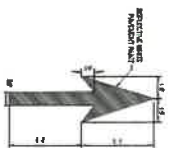
KEY FOR CONSTRUCTION

STRIPING EXHIBIT A

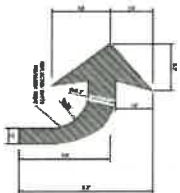
EX - 1

DATE	2022
PROJECT	STRIPING EXHIBIT A
SCALE	1" = 20'
DATE	June 13, 2022
DATE	7-1-22

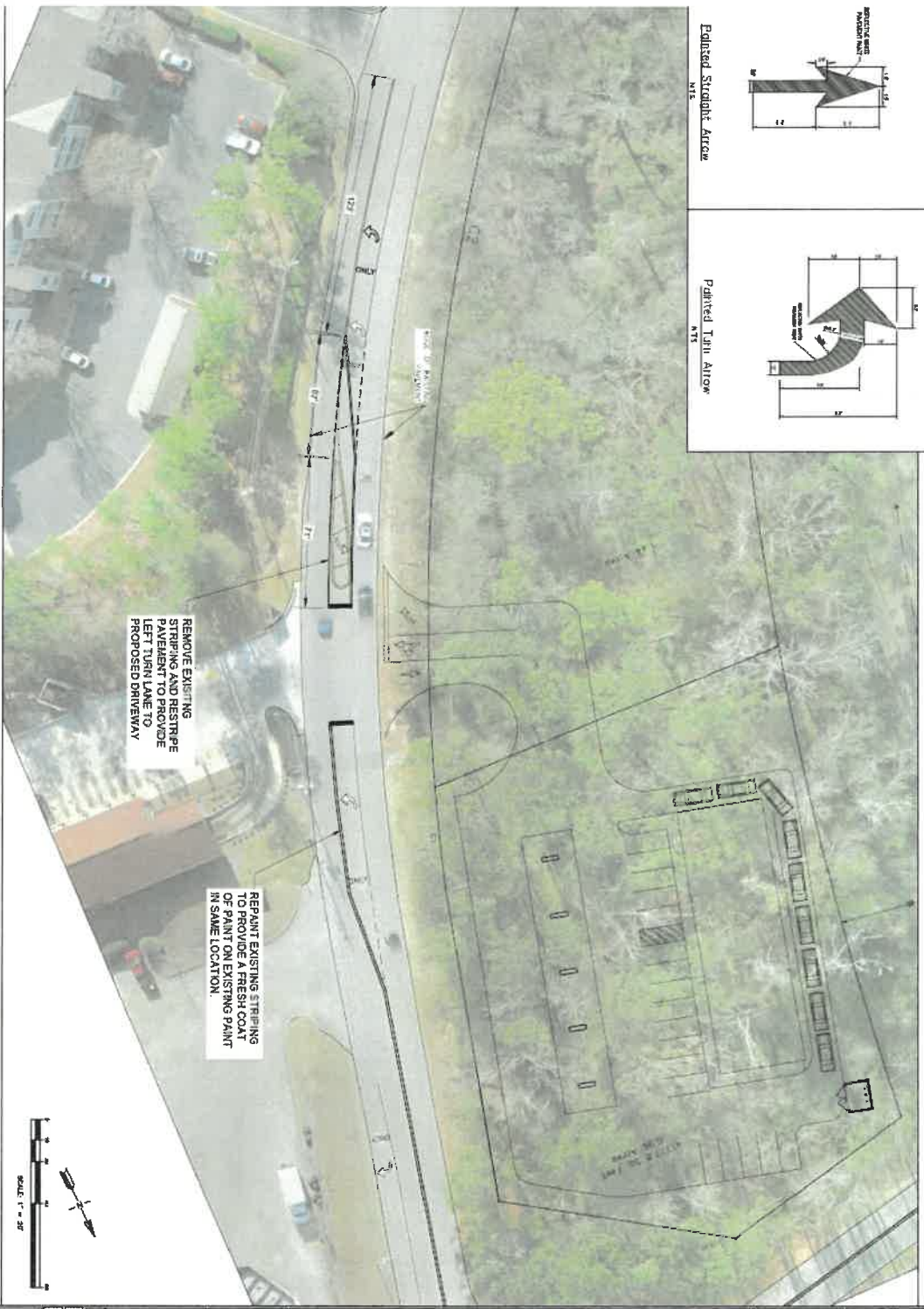
STRIPING EXHIBIT A



Edged Straight Arrow
N.T.S.



Painted Turn Arrow
N.T.S.

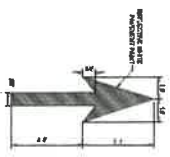


**Powderly Wenona
C Store**

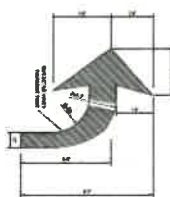
**STRIPING
EXHIBIT
B**

EX -

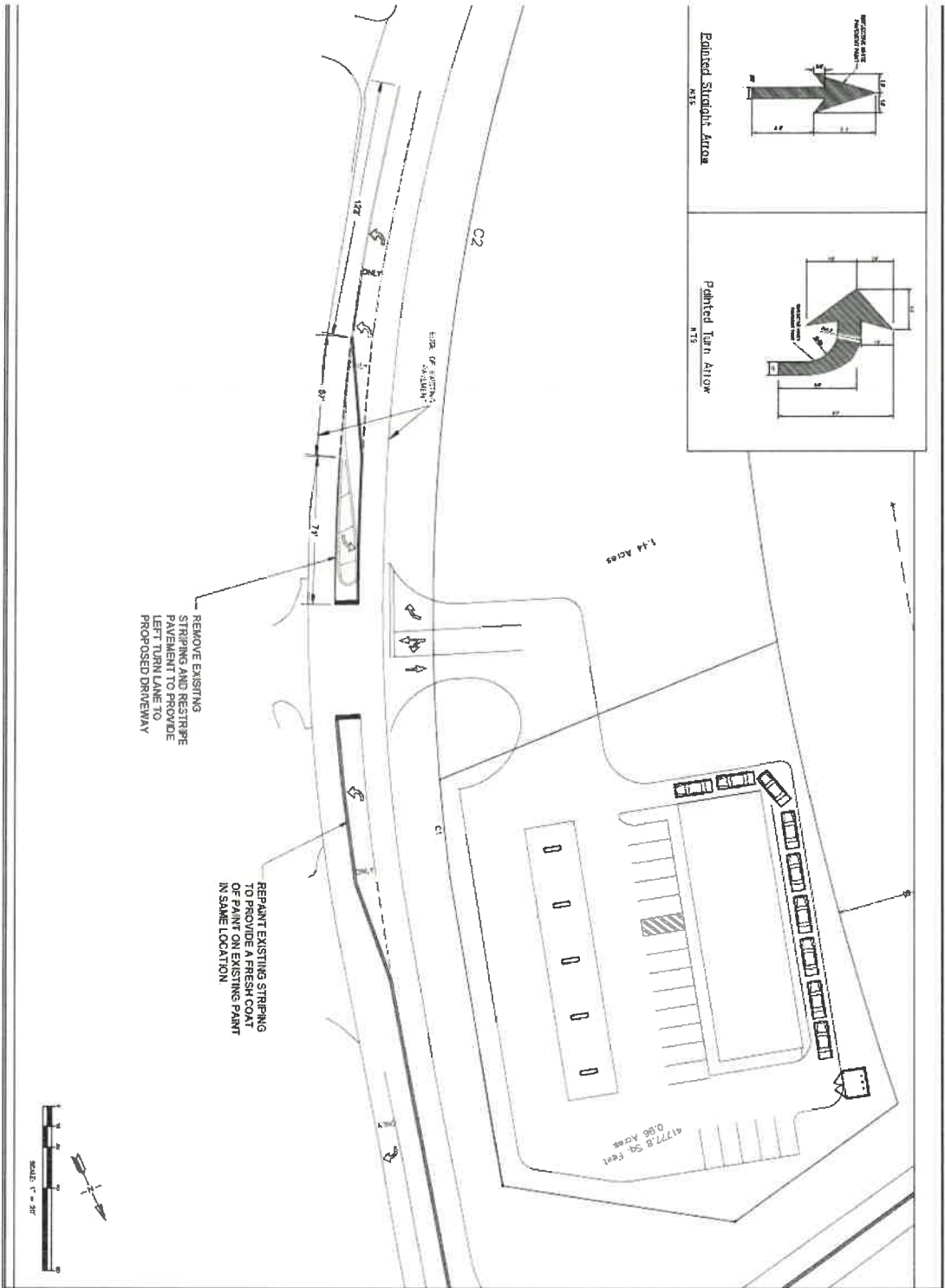
STRIPING EXHIBIT B



Painted Straight Arrow
M15



Painted Turn Arrow
M15



PROSBER
 4148 RICHMOND
 FARMINGTON, AL 35242
 TEL: 205.978.8122
 FAX: 205.978.8122

PRELIMINARY
 NOT FOR CONSTRUCTION

**Powderly Wenona
 C Store**
 8133 Inglewood, Alabama

Sheet Title
**STRIPIN
 EXHIBIT
 C**

Project No.
 202200001

Client
 June 17, 2022

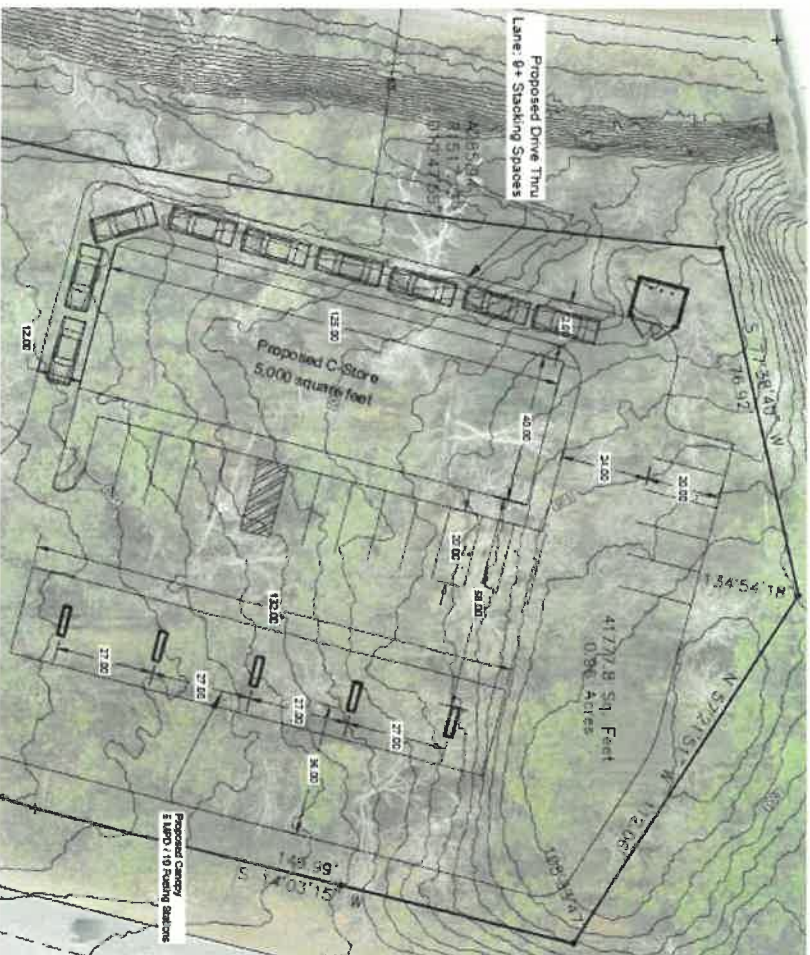
Scale
 1"=30'

Revision
 1

EX - C

STRIPING EXHIBIT C

The applicant's proposed site plan shows 16 parking spaces, 10 fuel pump spaces, and 9 stacking spaces in the drive-thru. The parking requirement for a general retail business is 1 space per 300 sq. ft. of GFA ($5,000/300=16x1=16$); for a drive-thru it is 4 stacking spaces per each drive through order window or pickup window ($1x4=4$); therefore, the total number of parking spaces required is 16 spaces with 4 stacking spaces. The applicant's proposed site plan shows a total of 16 spaces, with 10 fueling spaces, and 9 stacking spaces; therefore, ***the applicant's proposal meets the parking requirement for the site.***



Powderly Wenona C-Store

Landscaping:

This project requires an evergreen shrub hedgerow between the gas station and the street, as well as 1 canopy tree per 40' of street frontage between the gas station and the right-of-way. The landscaping plan meets the requirements.



"Q" Conditions That May Be Considered.

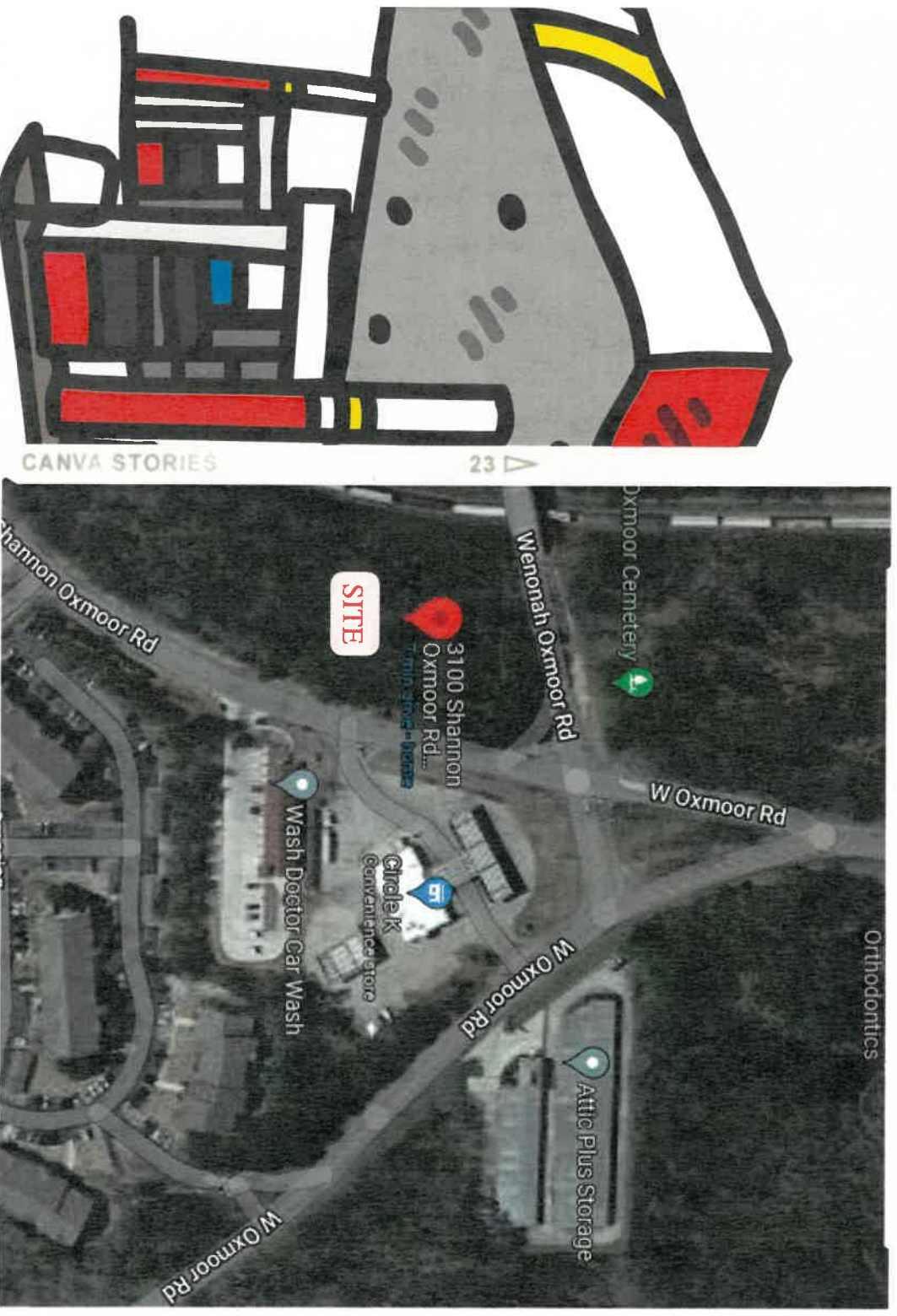
If the Committee recommends approval of the rezoning request the following "Q" Conditions may be considered:

- 1. Compliance with all requirements in the Oxmoor Steering Committee Guidelines

Neighborhood Recommendation:

The *Oxmoor Neighborhood Association* met at its regularly scheduled meeting on February 14, 2022, to review the proposed project and voted to ***not support*** the proposed rezoning request. The vote was ***5- support*** and ***32- not support***. The neighborhood is ***not supportive*** of the rezoning request because there are five gas stations in the area, three are in Oxmoor and one of those three already serves hot food. The new gas station would also cause more traffic problems on Shannon/ Oxmoor Road.

Framework Plan. This property is located within the Southwest Framework Plan Area. This framework plan was adopted in May 2017. The Southwest Framework Plan Implementation Committee was established in 2017. The Implementation Committee did not have an opportunity to review the item but is supportive of the recommendations of the Oxmoor neighborhood.



Zoning Advisory Committee.

The Zoning Advisory Committee met at its regularly scheduled meeting on **June 7, 2022** and voted to *continue* the case to the next ZAC meeting so the applicant could present more information to the committee.

The Zoning Advisory Committee met at its regularly scheduled meeting on **August 2, 2022** and voted to *recommend* the case to the Planning and Zoning Committee. 3 votes to recommend. 2 votes to not recommend. The committee recommends the following “Q” Conditions:

“Q” Conditions:

1. Compliance with all requirements in the Oxmoor Steering Committee Guidelines.
2. Any future development on the properties requires submittal of a site plan to the Zoning Advisory Committee and the committee must approve the site plan prior to any construction.



RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Zoning Advisory Committee

Staff Report

Department of Planning, Engineering, & Permits

ZACC2022-00006

Ensley Highlands Neighborhood

Request: Rezoning from B-2 GENERAL BUSINESS to I-1 LIGHT MANUFACTURING DISTRICT

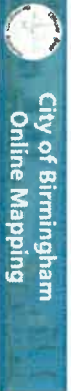
- Applicant: Don Cospier
- Owner: Steven Bailey
- Site Address: 2509 Ensley Avenue West Birmingham, AL 35218
- Parcel Information: 012900061014010000, NE¼ of Section 06 , Township 18 S, Range 3 W
- Council District 8, Carol Clarke
- Description: Application to change zone district boundaries from B2 (General Business District) to I-1(Light Manufacturing District) in order to use this parcel as a parking lot for commercial vehicles awaiting repair.

Proposed Use: A parking lot for commercial vehicles in line for repair and those waiting to be picked up after repairs or tires are completed by Tire Tech.

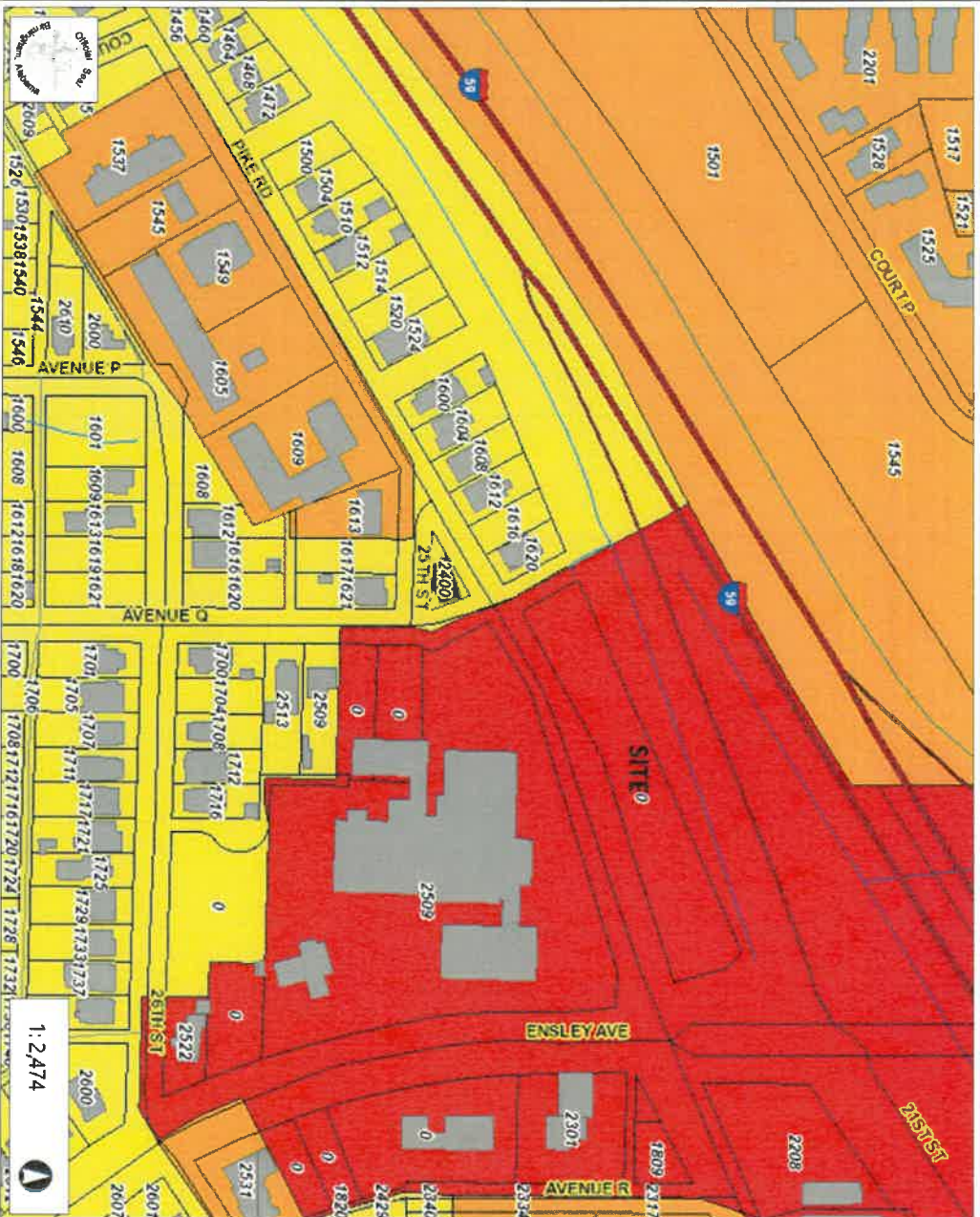


Property and Abutting Land Uses:

The subject property sits on approximately .14 acres of land, currently zoned C2 (General Commercial District). Properties abutting the subject property to the north, south, and east are also zoned C2. The properties to the west are zoned D3 (Single Family District).



ZAC2022-00006 Current Zoning



<http://gisweb.birminghamal.gov>

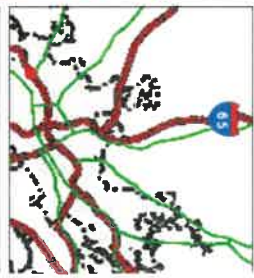
Map Created: 03/08/2022

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- Zoning Shaded**
- R1, D1 - Single Family District
 - R2, D2 - Single Family District
 - R3, D3 - Single Family District
 - R4, D4 - Two Family District; R4
 - R4A - Multiple Dwelling District
 - R5, D5 - Multiple Family District
 - R6, D6 - Multiple Family District
 - R7 - Multiple Family District

Notes

Ensley Highlands Neighborhood
 The Tech
 Zoned C2 (General Commercial)



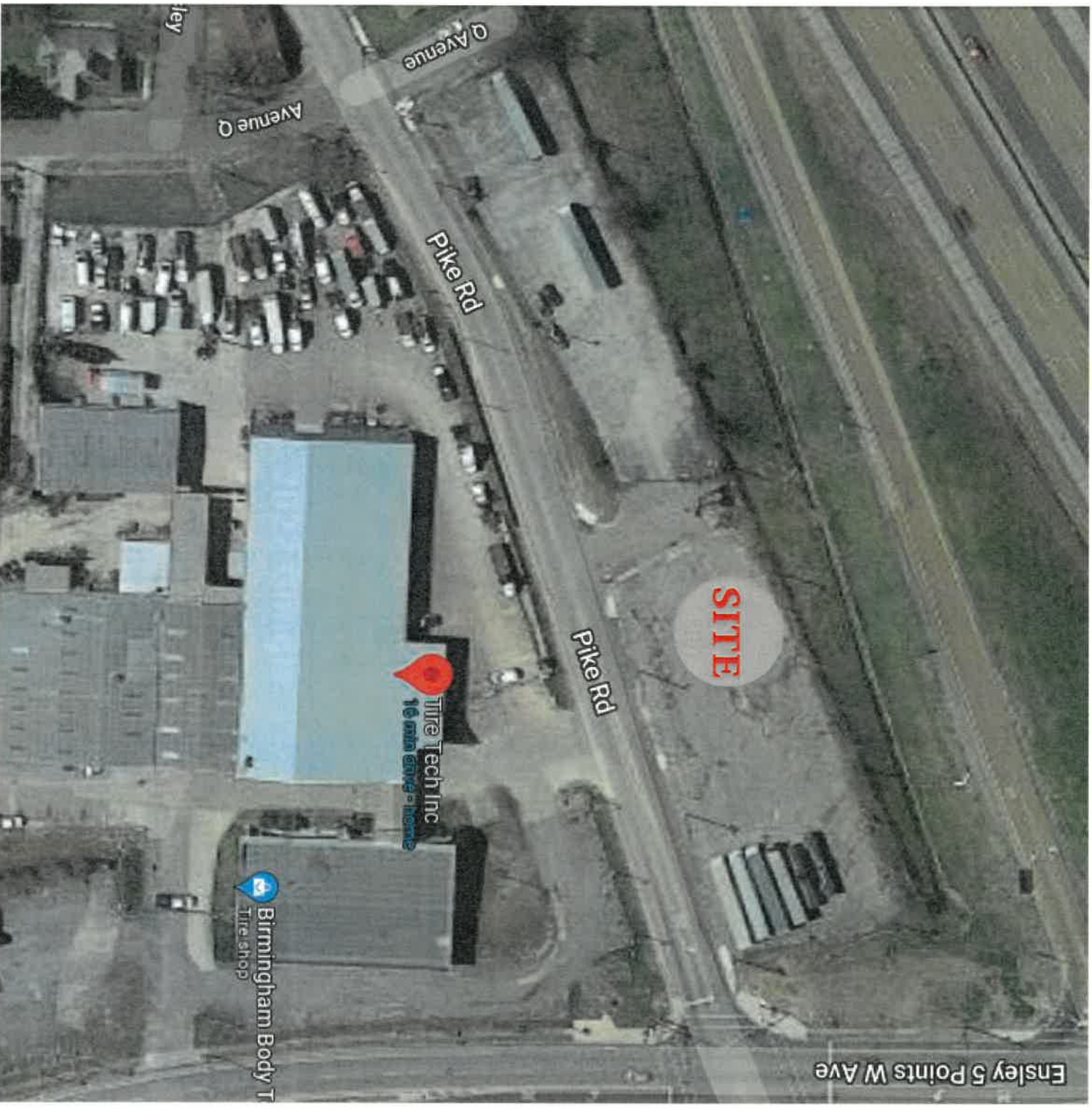
The current zoning, General Commercial (C-2) District allows large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

ZAC2022-00006

Ensley Highlands Neighborhood

Applicant's Proposal:

The applicant's proposal is to use the lot as a parking lot for commercial vehicles that are waiting to be repaired and those that have already been repaired and are waiting to be picked up. Repairs and tire replacements are performed across the street in Tire Tech's building located at 2400 Ensley Avenue West.



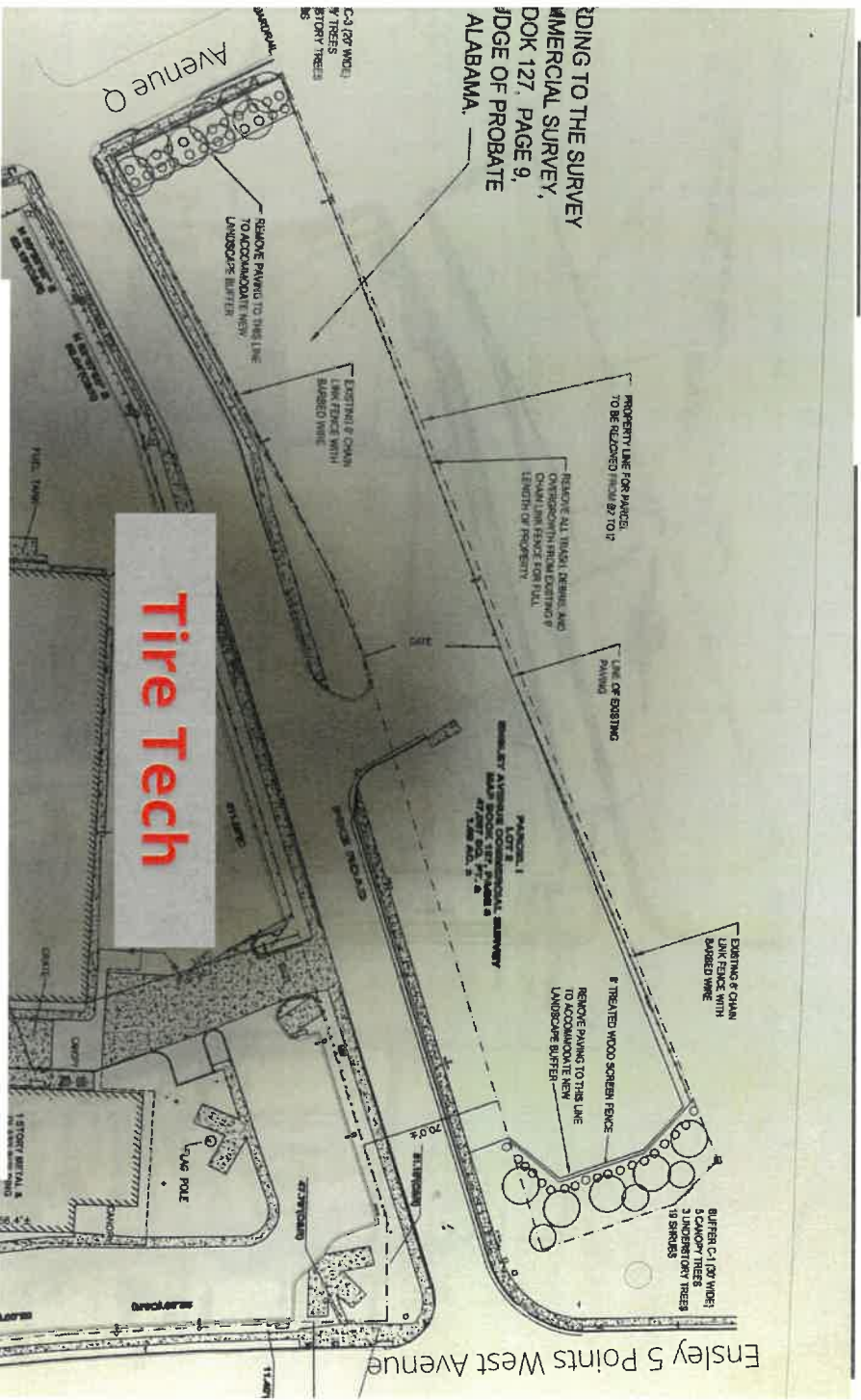
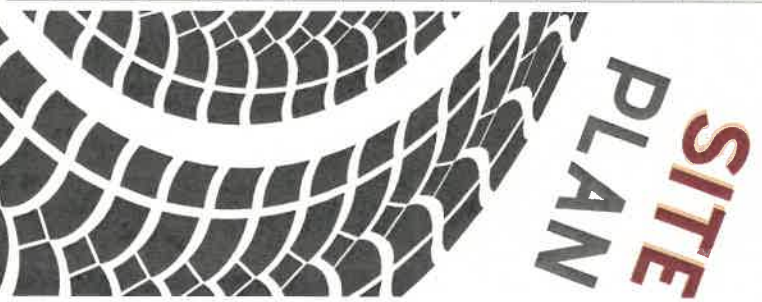
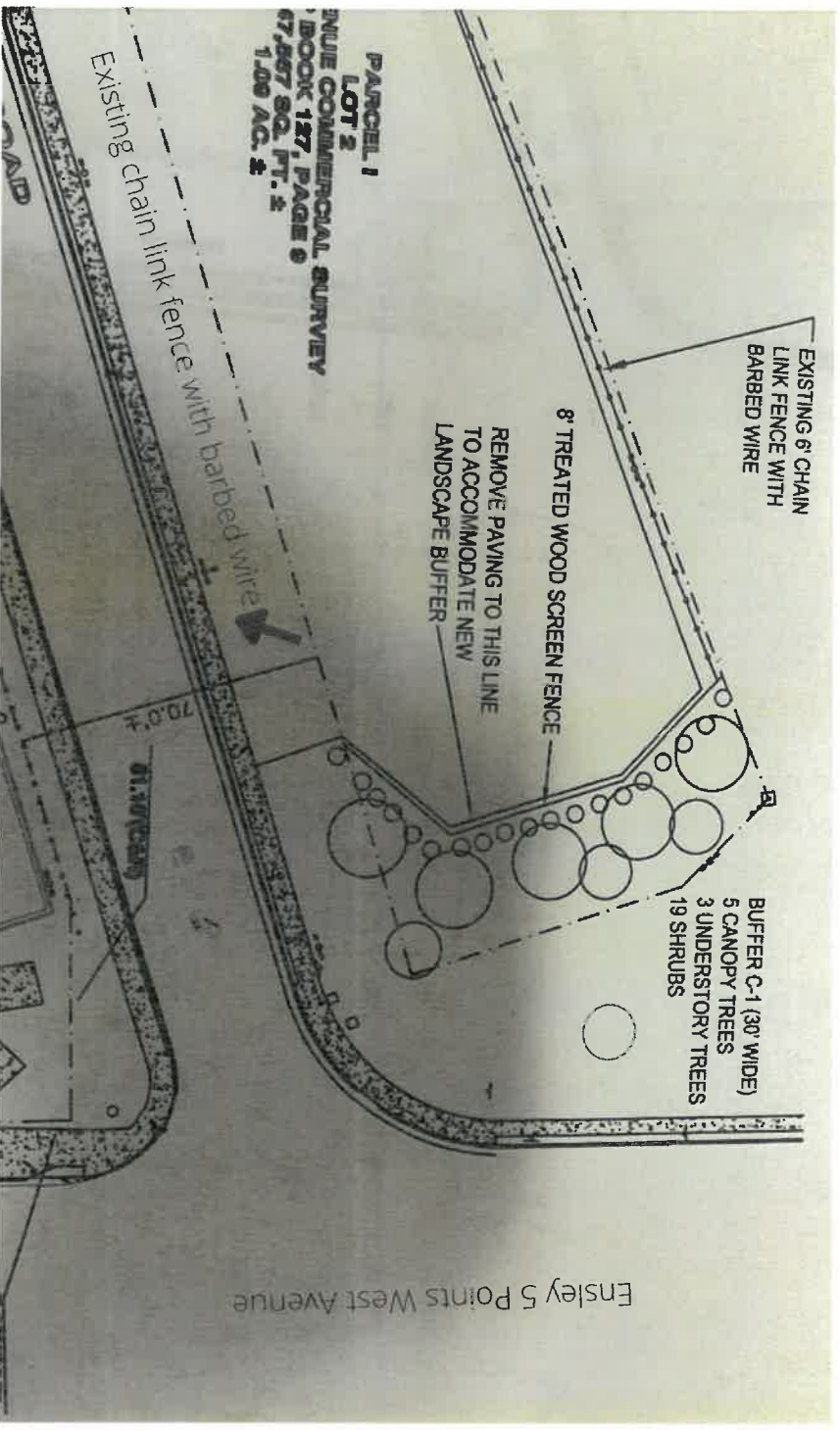
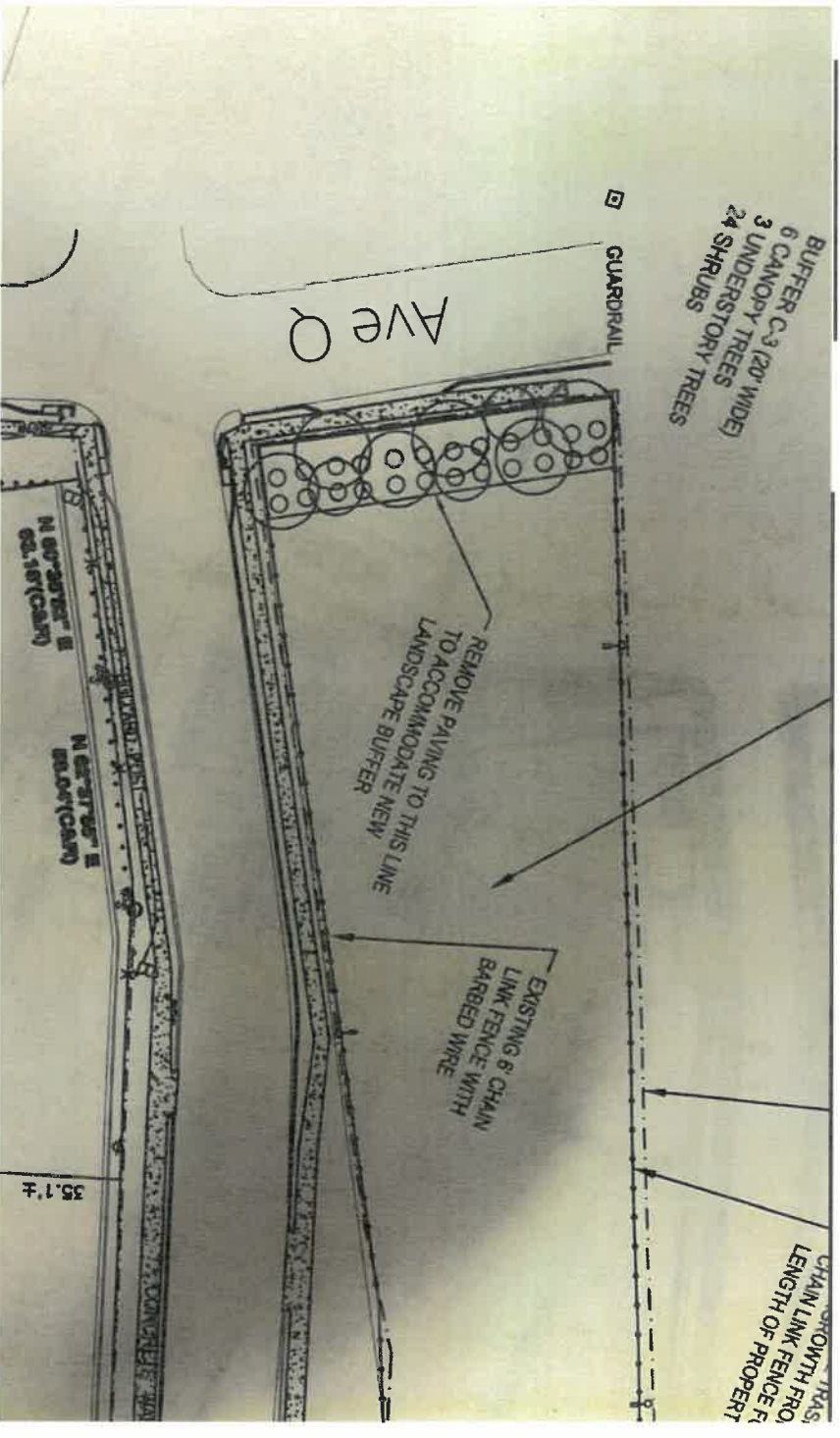


Table 1.06.302 BUFFER STANDARDS

	Number of Canopy Trees	Number of Under-story Trees	Number of Shrubs	Width	Wall or Opaque Fence
A-1	1.2	.4	4	15 feet	
A-2	1.8	.6	6	10 feet	
A-3	2.4	.8	8	5 feet	
B-1	3.5	1.4	14	20 feet	
B-2	4	1.5	16	15 feet	
B-3	4.5	1.8	18	10 feet	
B-4	3	1	10	10 feet	6 feet
C-1	4.8	2.4	19	30 feet	
C-2	5.4	2.7	22	25 feet	
C-3	6	3	24	20 feet	
C-4	3	2	10	10 feet	6 feet
D-1	8	4	24	50 feet	
D-2	9	4.5	27	40 feet	
D-3	10	5	30	30 feet	
D-4	4	3	15	15 feet	8 feet

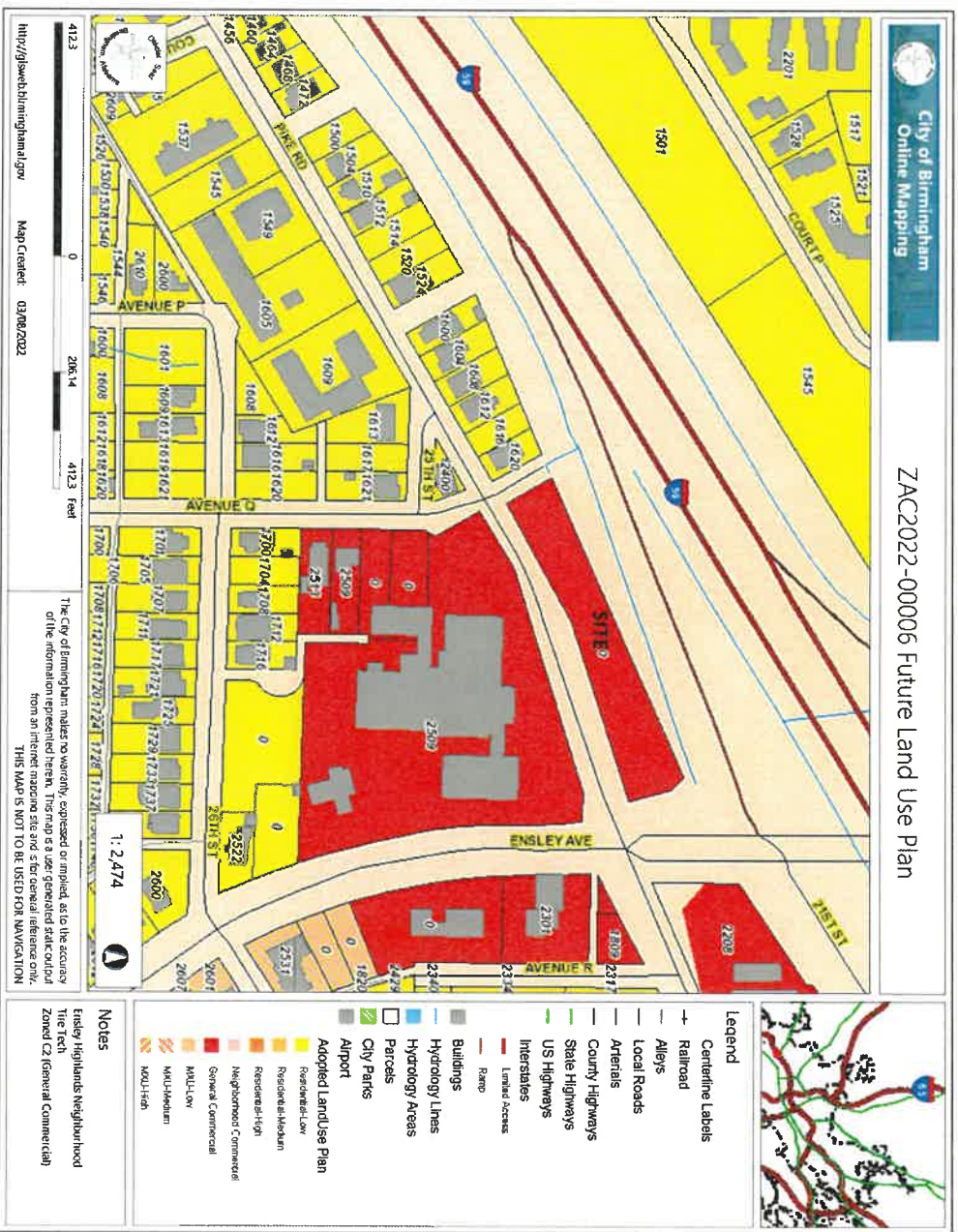
Ensley 5 Pts W Ave
 Ave Q





Long Range Land Use Plan:

The City's *Adopted Long-Range Land Use Plan* identifies the property as **General Commercial**. This Commercial district is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.



The applicant is requesting to rezone to I-1, this Light Manufacturing District is designed to allow for light manufacturing and office uses. Uses in this district include: warehouse and distribution uses, urban agriculture, and supporting uses, such as minor retail and services to support the major uses. No residential uses are allowed in this district.

Zoning Ordinance:

Truck Repair, Heavy. Any building or land used for the general repair or reconditioning of heavy trucks and equipment and engines, including but not limited to body, frame or fender straightening or repair, the reconditioning, repairing, sale, mounting, or installing of any used tires, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of any vehicle, in whole or in part. No abandoned or inoperable vehicles shall be stored on the premises.

Special screening regulations.

Screening of unsightly areas and landscaping of residential areas shall be accomplished as follows:

- D. Parking areas servicing multifamily and non-residential uses which have ten or more parking spaces and are located abutting residentially zoned properties shall be screened by a permanent opaque fence or wall at least six feet in height, in addition to the parking area perimeter landscaping or buffer required.*
- E. The exterior service area of a commercial, manufacturing or industrial building, if oriented toward a public street, shall be screened as follows:
 - 1. When oriented to a street with 2 or 3 lanes, screen with a Standard C buffer.**
- F. In addition to the requirements imposed by Articles II and III of this chapter, areas used for the temporary or permanent storage of inoperable or damaged vehicles shall be screened from properties zoned residential and from public streets by means of an opaque fence or wall not less than eight feet in height.*



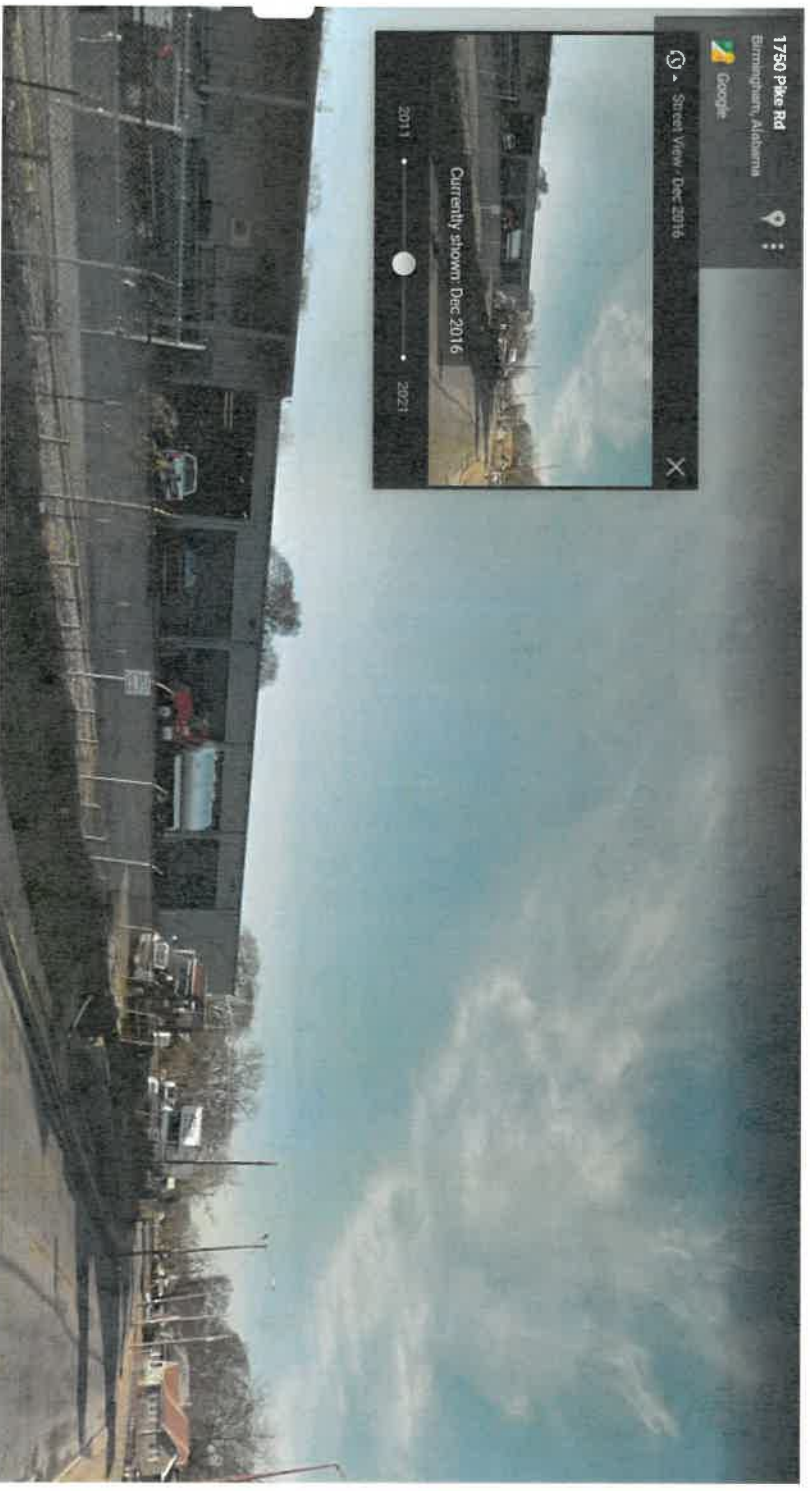
Previous Actions:

ZBA2018-00002. In 2018 the applicant went before the Zoning Board of Adjustment to seek a variance to allow an electrified fence pursuant to Title 1, Chapter 4, Article IV, Subsection 7.D.5 (pg. 183), and a variance to allow a fence height greater than 8 FT, but not to exceed 12 FT pursuant to Title 1, Chapter 4, Article IV, Section 5, Subsection 4.A.2 (pg. 183).

Conditions of ZBA2018-00002

1. Review by the appropriate zoning inspector to insure compliance with the decision of the Zoning Board of Adjustment.
2. Receipt of all permits associated with approval of the variances authorized by the Board must be obtained within two years from the date of approval.
3. Must be approved by the city's Building Official.
4. Owner must install a solid fence barrier no less than 8 feet in height on the subject property facing the residential areas along Avenue Q and 26th Street.

The applicant has not met the conditions of the ZBA2018-00002 case.



December 2016

BLD2019-02090. The applicant applied for a building permit to wrap the interior of a building in metal to secure it for a warehouse. The applicant's plan was to convert the front building into a tire warehouse and use metal panels to re-cover the outside but the cost ended up being too expensive, so he gave up that plan. **The permit was denied** because the plans examiner sent a comment letter requesting more information on 8/12/2019 and no response was received.

Warehouses are not permitted in the current zoning district of C-2, General Commercial.

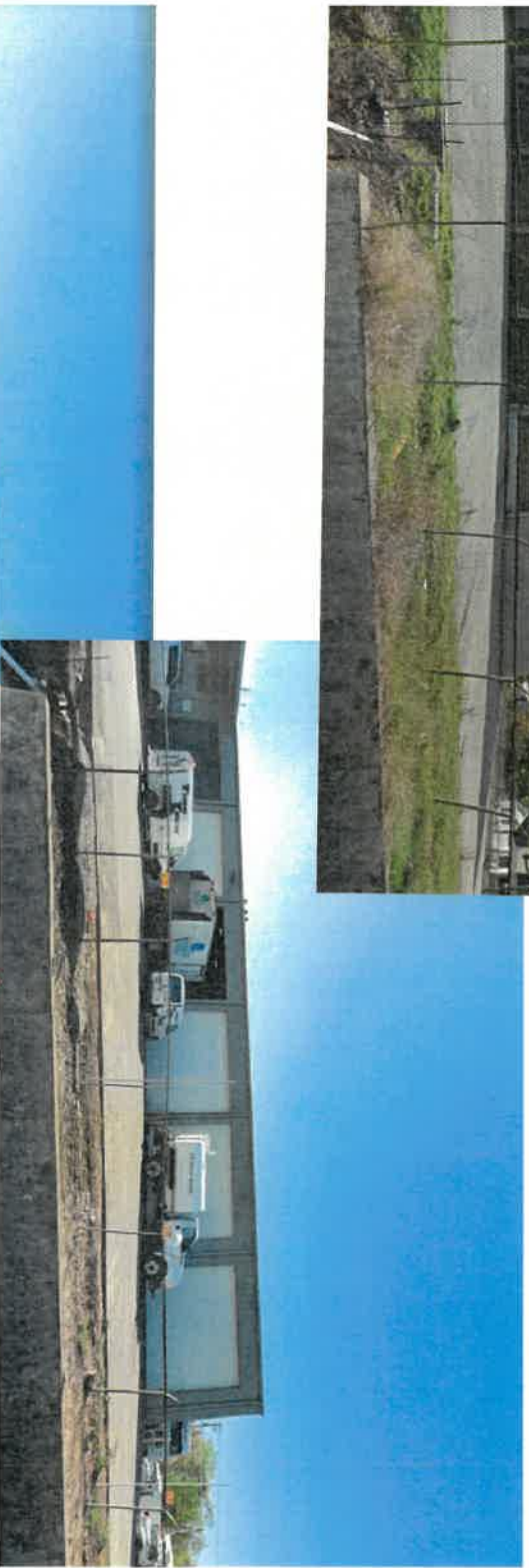
Warehouse. A facility used primarily for the bulk storage of goods and materials or motor vehicles, characterized by heavy trucking activity, but not involved in manufacturing or production

Warehouse. In the following districts: *I-1, I-2 and I-3, a warehouse shall be permitted* provided that the following conditions is met: 1. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

The applicant has since cut an additional bay in the building and wrapped the exterior in new metal without a building permit.



October 2011, 5 existing bays



March 2021, 6 bays

Illegal Fence. The applicant has installed an illegal chainlink fence with barbed wire along Avenue Q and Pike Road in the front yard. This fence was not permitted by the city and is not allowed per the City's Ordinance. The applicant is aware that they will need to remove this fence.

Ordinance Section 5. Walls and Fences

D. All fences shall be made of the following material and be allowed in the yards: 1. Natural wood permitted at front, side and rear. 2. Brick or stucco over masonry permitted at side and rear only. 3. Chain link permitted in side and rear only. 4. Barbed and razor wire permitted in rear only, in commercial, manufacturing and industrial districts. 5. Electrified fences are prohibited in all yards.



2021 picture taken by City of Birmingham Zoning Inspector, no fence present.

June 27, 2022 picture from the neighborhood, illegal fence present.

Towing Operation

Research done by staff indicates that the applicant had a towing operation located at 2400 Ensley 5 Points West Ave. Staff requested information about the towing business and were told it had been shut down and given no further information.



Motor Carrier Details

Choose Menu Option

US DOT:	2452043	Docket Number:	MC00874064	
Legal Name:	MPH TOWING INC			
Doing Business As Name:				
Business Address	Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
2400 ENSLEY 5 POINTS WEST AVE BIRMINGHAM AL 35218	(205) 250-0833 Fax: (205) 321-8834	2805 VILLAGE SPRINGS RD SPRINGVILLE AL 35148		NO
Authority Type	Authority Status	Application Pending		
Common	INACTIVE	NO		
Contract	NONE	NO		
Broker	NONE	NO		
Property YES	Passenger NO	Household Goods NO	Private NO	Enterprise NO
Insurance Type	Insurance Required	Insurance on File		
SRP	\$750,000	50		
Cargo	NO	NO		
Bond	NO	NO		

BOC-3: YES
 Blanket Company: **SERVICE OF PROCESS AGENTS, INC.**

[Web Site Content and BOC-3 Information Clarification](#)

- [Active/Expired Licenses](#)
- [Reinstated Licenses](#)
- [Insurance History](#)
- [Authority History](#)
- [Pending Application](#)
- [Revocation](#)

ZEN2021-00155. In 2021 the applicant received a zoning violation after a resident complained about 18-wheelers being parked on the subject property that is in the rezoning process. ZEN: VIOALTES THE ZONING ORDINANCE BY OPERATING A BUSINESS IN A C2, GENERAL COMMERCIAL DISTRICT THAT IS NOT ALLOWED {TITLE 2, CHAPTER 1, ARTICLE II, SECTION 2.2}; OPERATING A BUSINESS WITHOUT A BUSINESS LICENSE {TITLE 1, CHAPTER 1, ARTICLE I, SECTION 6}; NOT MEETING ZONING BOARD OF ADJUSTMENT CONDITIONS {TITLE 1, CHAPTER 9, ARTICLE II, SECTION 7};

The applicant has continued to park 18-wheelers on the property.

Business License. The applicant's original business license, a 215-B allows for work to be performed on commercial vehicles indoors and does not allow work to be done outdoors. In 2019 the applicant obtained a 215-C business license that allows work on commercial vehicles to be performed indoors and outdoors. This violated the applicants legal non-conforming status.

As of June 2022 the applicant has obtained the correct business license.

Stormwater:

Stormwater did not have any comments to add.

Birmingham Department of Transportation:

BDOT did not have any comments to add.

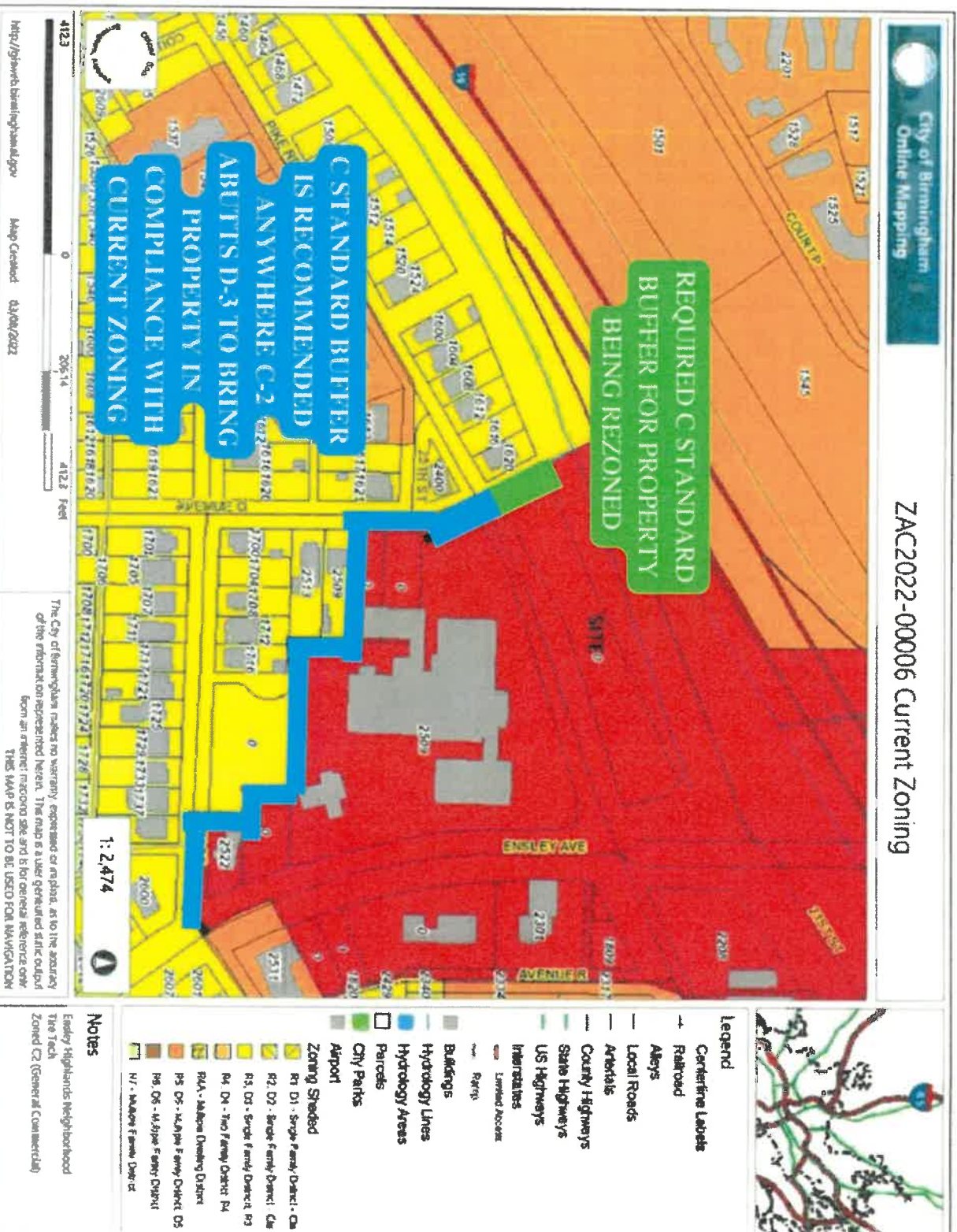


Landscape Review:

If this rezoning were to be approved the applicant is required to install a C standard buffer where the I-1 (Light Manufacturing District) is abutting D-3 (Single Family Residential District).

To bring the rest of the applicant's business into compliance with the current Zoning Ordinance a C standard buffer is recommended where C-2 (General Commercial District) is abutting any D-3 (Single Family Residential District).

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.



"Q" Conditions That May Be Considered.

If the Committee recommends approval of the rezoning request the following "Q" Conditions may be considered:

1. Uses are limited to those allowed in I-1, Light Manufacturing

District, excluding the following:

- 
1. Automobile Sales
 2. Micro Brewery
 3. Contractor Yard
 4. Dairy, Factory
 5. Distillery
 6. Distillery, Artisanal
 7. Drive-In Movie
 8. Event Center
 9. Funeral Home
 10. Heavy Equipment, Sales and Service
 11. Manufacturing, Specialized
 12. Medical Lab
 13. Motor Freight, Distribution
 14. Private Club
 15. Recreation Equipment Sales/ Services
 16. Recycling Collection Center
 17. Scientific Lab
 18. Truck Plaza
 19. Truck Repair, Heavy
 20. Adult Establishment
 21. Animal Kennel
 22. Arena
 23. Automobile Service
 24. Automobile/Light Truck Repair
 25. Convention Center
 26. Driving Range Free-Standing
 27. Manufacturing, Light
 28. Mini-Storage Warehouse
 29. Payday Loan
 30. Railroad Station
 31. Stadium
 32. Title Loan/Pawnshop
 33. Warehouse
 34. Warehouse/ Office
 35. Broadcast Tower
 36. Heliport
 37. Opioid Replacement Therapy Treatment Facility
 38. Water Treatment Plant
 39. Water/Sewer Pumping Station
 40. Wrecker Impound Lot
 41. Drive-In/Drive- Through
 42. Dwelling, Caretaker

2.No work is to be performed outdoors.

Neighborhood Recommendation:

The *Ensley Highlands Neighborhood Association* met on **April 25, 2022**, to review the proposed project and voted to not support the proposed rezoning request. The vote was **4- not support** and **2- support**. The neighborhood is *not supportive* of the rezoning request because neighbors do not want trucks parked on that parking lot at all. The traffic of trucks will mess up their streets, especially Pike Road. Neighbors are concerned with the presentation, high traffic of trucks, and the overall look entering the neighborhood. They do not see this business as being good neighbors. They do not want a junkyard off Ensley Avenue.

If the rezoning request were to be approved the neighborhood has requested the following:

1. More lighting
2. Well-kept landscaping
3. A neighborhood welcome sign installed at the Ensley 5 Points West Avenue entrance



1



2

Photos submitted by the neighborhood.

1 & 2: Photos showing how the neighborhood maintains their lawns and take pride in their neighborhood.

3: Tire Tech property with uncut grass and unsightly commercial trucks that are visible along Avenue Q. No screening buffer present.

4: Neighbor has to look at Tire Tech next to their home because there is no buffer.



3



4

Additional neighborhood residents have contacted staff with the following concerns:

- The applicant is performing work outdoors, specifically sandblasting and painting. It is hard to breathe outside during business hours.
- The applicant is storing tires outdoors in the open elements.
- The applicant is storing commercial truck scrap outdoors (Outdoor storage is not allowed).
- Per the Alabama Department of Environmental Management (ADEM) scrap tires must be stored in the proper dumpsters. Per the City Ordinance these dumpsters must be enclosed and notated on a submitted site plan.
- No scrap tires may be exposed to the elements for more than 30 days and they should be disposed of within that time frame. Anyone exposing scrap tires to the elements for more than 7 days must develop and implement a Vector Control Plan (scheduled spraying, larvicide briquettes, etc.) which must be approved by ADEM.
- There are no other industrial properties anywhere in Ensley Highlands. This is a quiet family neighborhood with homes and neighborhood businesses and we do not want pollution in our neighborhood.
- Why does this business need to rezone in our neighborhood? Why is it not already somewhere that allows this industrial use? Our elderly people do not deserve this health hazard.

June 1, 2022 photos taken by City of Birmingham Zoning Inspector. Tires being stored outdoors in the open elements, scrap commercial truck parts, no ADEM approved containers present.



ZAC2022-00006

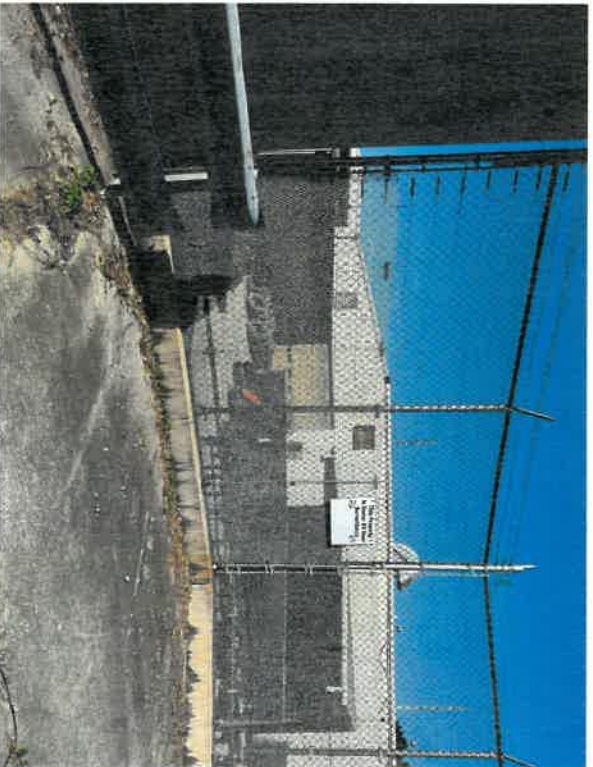
Ensley Highlands Neighborhood

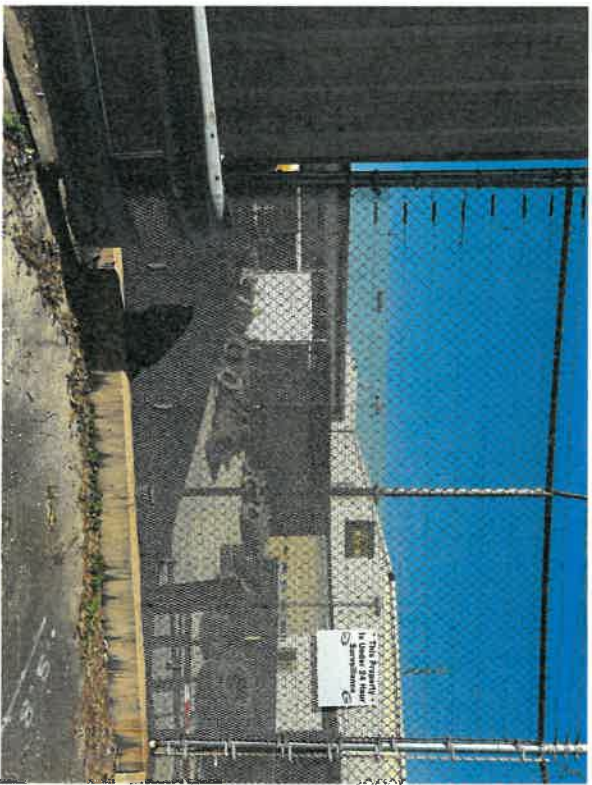
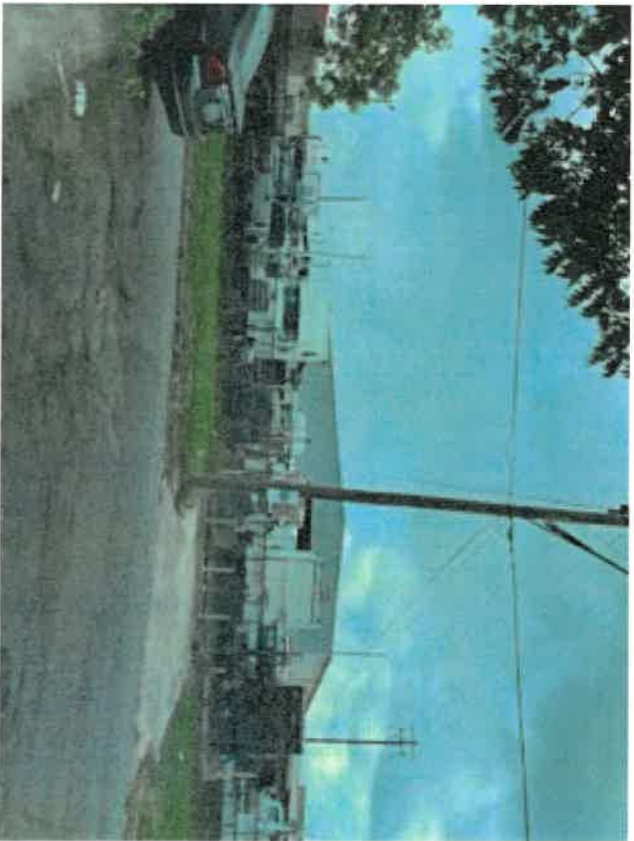
Framework Plan.

This property is located within the Western Framework Plan Area. This framework plan was adopted in August 2017 and an Implementation Committee was formed. The Implementation Committee supports the recommendations from the Ensley Highlands neighborhood.

Zoning Advisory Committee.

The Zoning Advisory Committee met at its regularly scheduled meeting on **August 2, 2022** to review the rezoning request and voted to send it to the Planning and Zoning Committee *with no recommendation.* (3 votes for *no recommendation* and 2 votes to *not recommend.*)

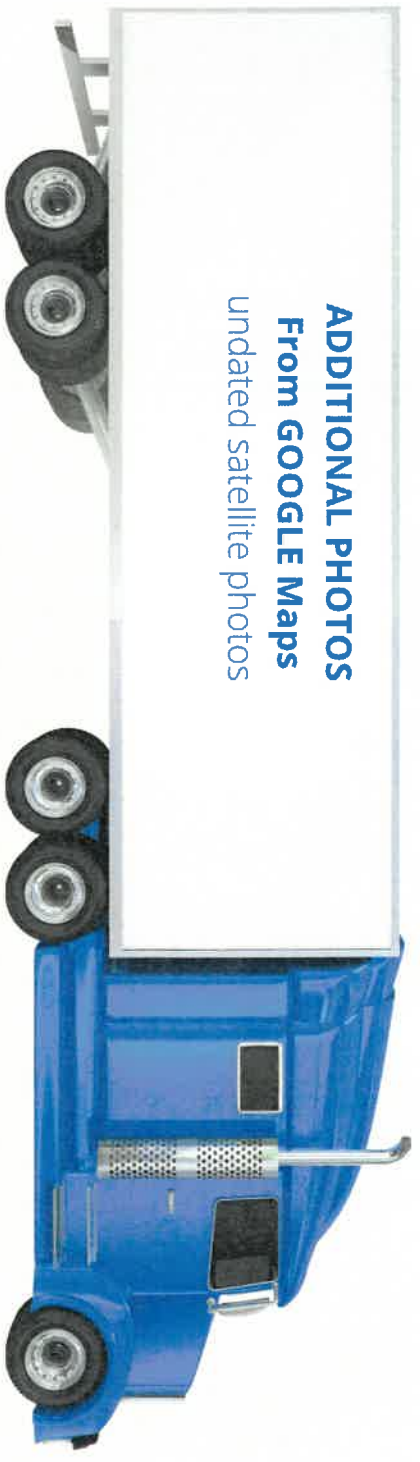








ADDITIONAL PHOTOS
From **GOOGLE Maps**
undated satellite photos



Piles of tires sitting outdoors, exposed to the open elements.



Scrap parts sitting outdoors



RANDALL L. WOODFIN

MAYOR

KATRINA THOMAS

DIRECTOR

Staff Report

Department of Planning, Engineering, & Permits

ZAC2022-00009

Druid Hills Neighborhood

Application to downzone from MU-D (Mixed-Use Downtown District) to D-4 (Medium Density Residential District) in order to allow for single-family housing to be built on BLOCK E of the Carraway Redevelopment.



Filed by: Becky Carpenter with Corporate Realty Development, on behalf of the owner, Northside Redevelopment LLC.

Site Address: 1710 26th Street North, Birmingham, AL 35234. Situated in the SW ¼ of Section 24, Township 17-S, Range 3-West.

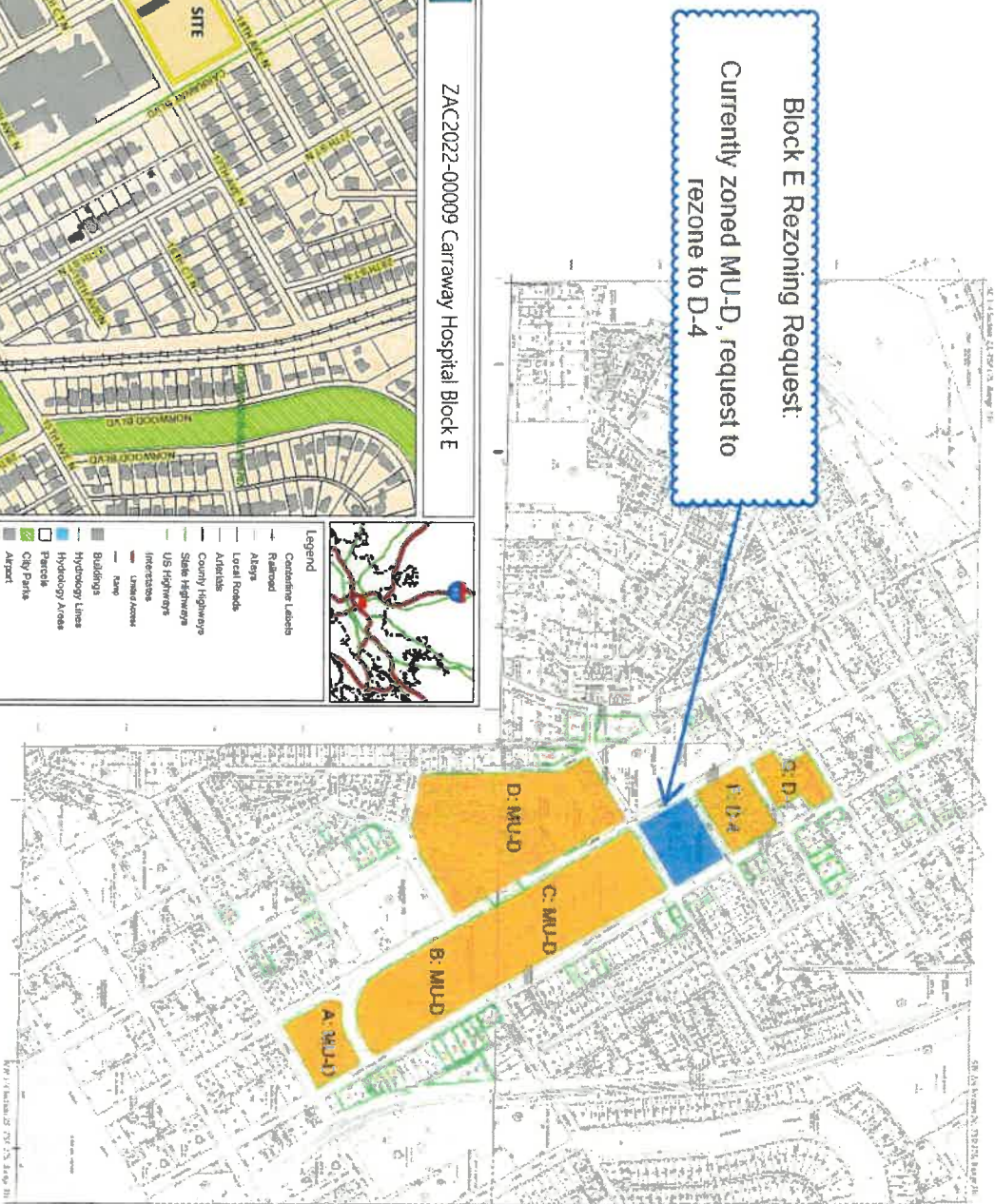
Council District: 5, Darrel O'Quinn

Proposed Use:
Single-family residential homes.

Property and Abutting Land Uses:

The subject property sits on approximately 2.89 acres of land, currently zoned MU-D (Mixed-Use Downtown District). Abutting the subject property to the north is vacant land, zoned D-4, Medium Density Residential District. To the South and West is the old Carraway Hospital site that is being redeveloped, currently zoned MU-D, Mixed-Use Downtown District. To the East are single-family homes, zoned R-3, Single-Family Residential.

Exhibit B. Current & Proposed Zoning, by Block



City of Birmingham
Online Mapping

ZAC2022-00009 Carraway Hospital Block E

1:4578

Legend

- Centennial Labels
- Railroad
- Attery
- Local Roads
- Arterials
- County Highways
- State Highways
- US Highways
- Interstates
- Unimproved
- Flow
- Buildings
- Hydrology Lines
- Hydrology Areas
- Parcels
- City Parks
- Airport
- City Limits (red)

Notes

The current zoning district is MUD-Medium-Use Downtown.

This City of Birmingham matter is advisory, aspirational or proposed. It is the accuracy of the information shown on this map that is not guaranteed. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Applicant's Proposal:

The applicant's proposal is to downzone this parcel, referred to as "Block E" from MU-D (Mixed-Use Downtown) to D-4 (Medium Density Residential) in order to construct single-family homes on sixteen individual lots. The homes will be wood-frame construction and slab-on-grade. Most single-family residential products are expected to be one or two stories. The construction of the homes will be contracted out to a third-party home builder.

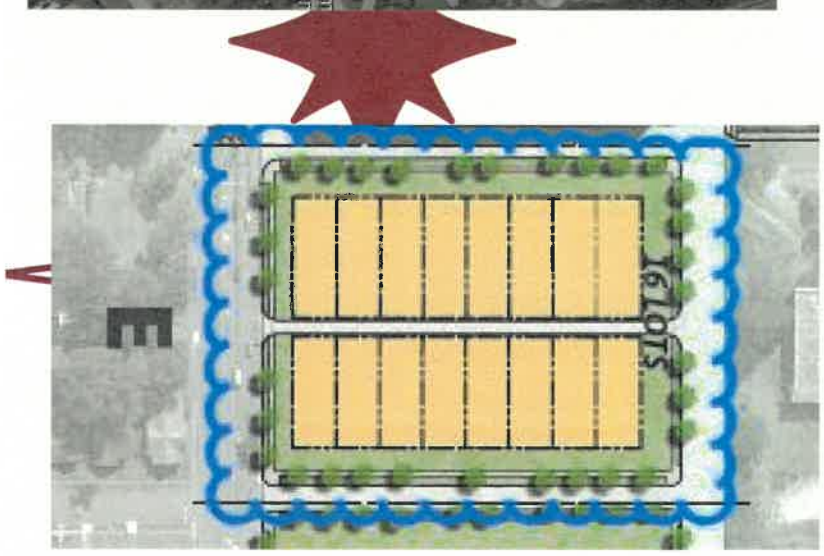
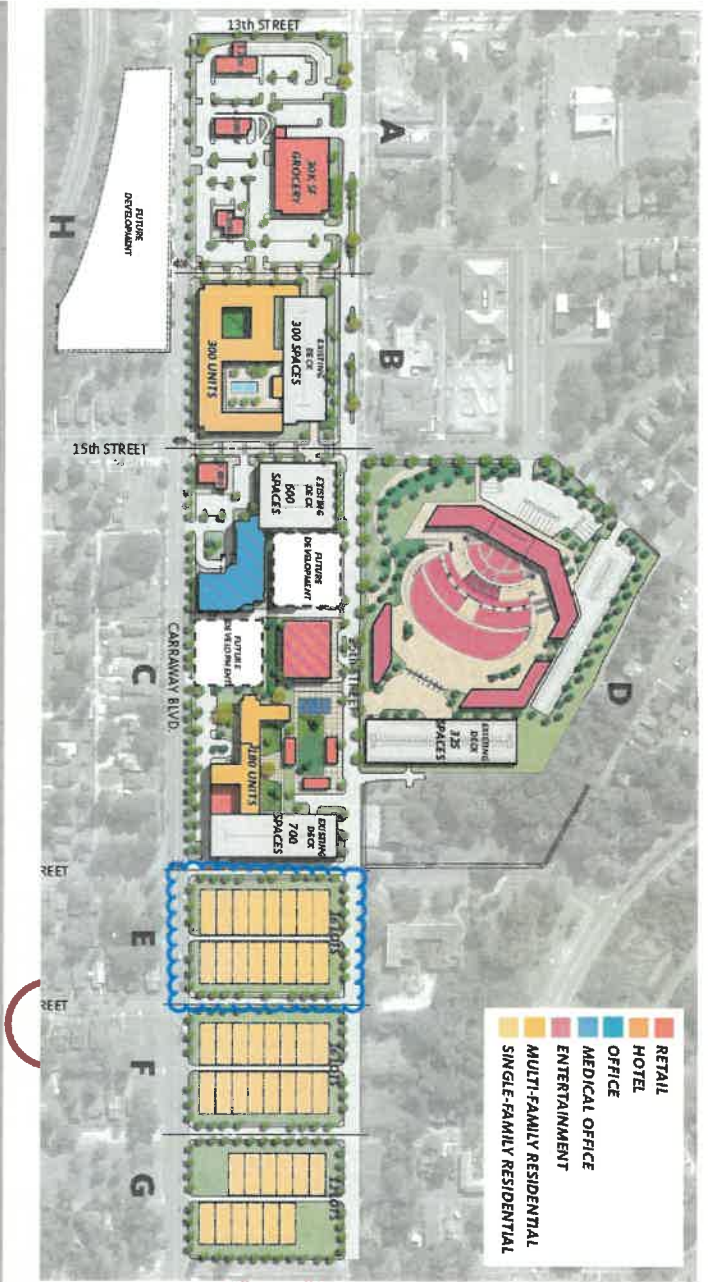


Exhibit E. Conceptual Site Plan

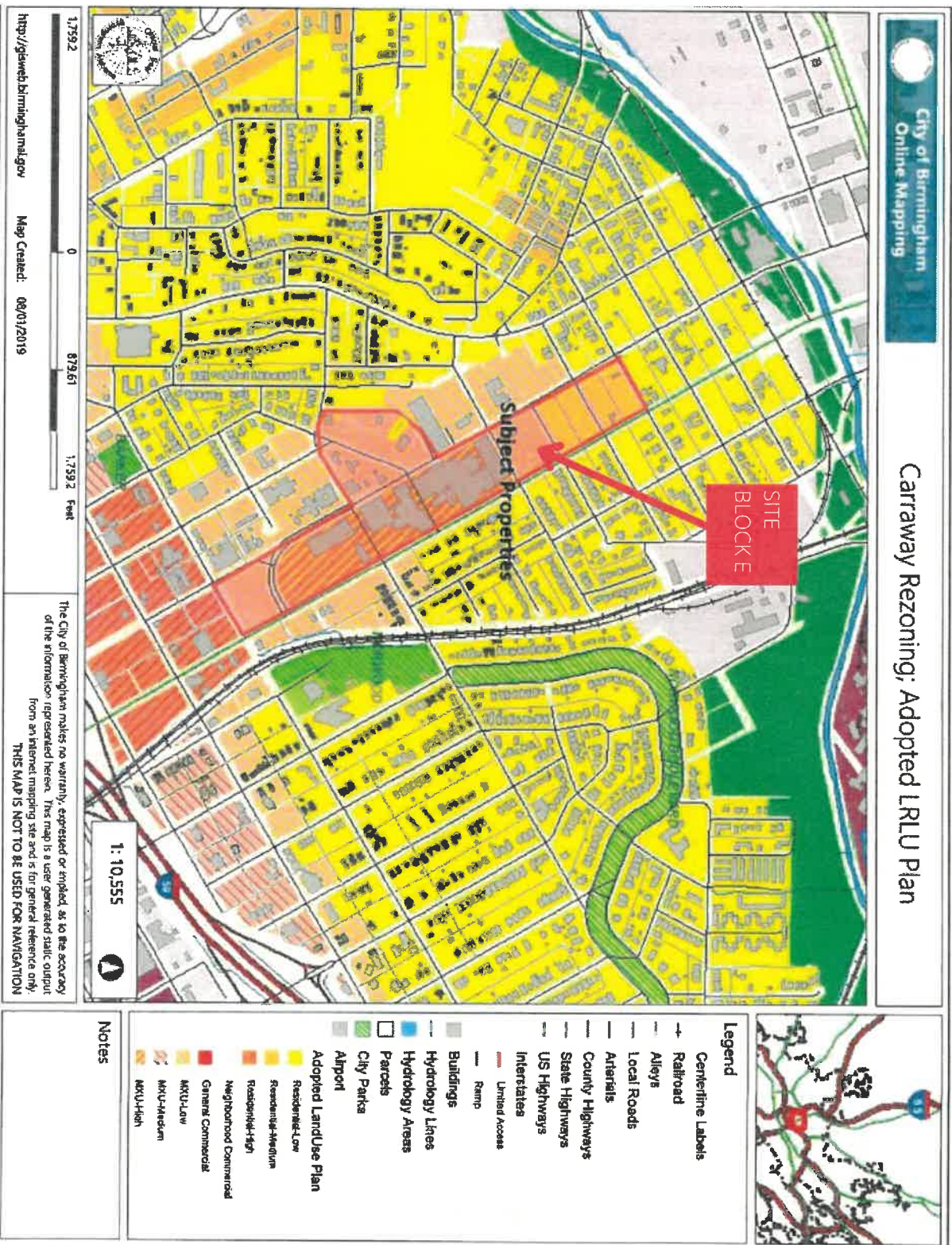


SITE PLAN

Long Range Land Use Plan:

The City's **Long-Range Land Use Plan** identifies the property as **MU-D, Mixed-Use Downtown District**.

This land use category is designed to accommodate Medium- to high-density office, residential, retail and entertainment areas that create vibrant 18–24-hour, 7-day a week live-work-play environments, 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.



Previous Actions:

In 2019 this parcel was a part of **ZACC2019-00012**. It was rezoned from CB-2, (Contingency General Business District), B-6, (Health and Institutional District) and CO&I, (Contingency Office and Institutional District) to MU-D, Mixed-Use Downtown District in order to allow a new mixed-use development on the old Carraway Hospital site.

Zoning Ordinance:

Minimum setback requirements for Single-Family homes in D-4 (Medium Density Residential District)

- Lot Area: 4,500 sq. ft.
- Lot Width: 40 ft.
- Front Setback: 20 ft.
- Rear Setback: 15 ft.
- Side Setback: 5/14 ft.
- Maximum Height: 35 ft.

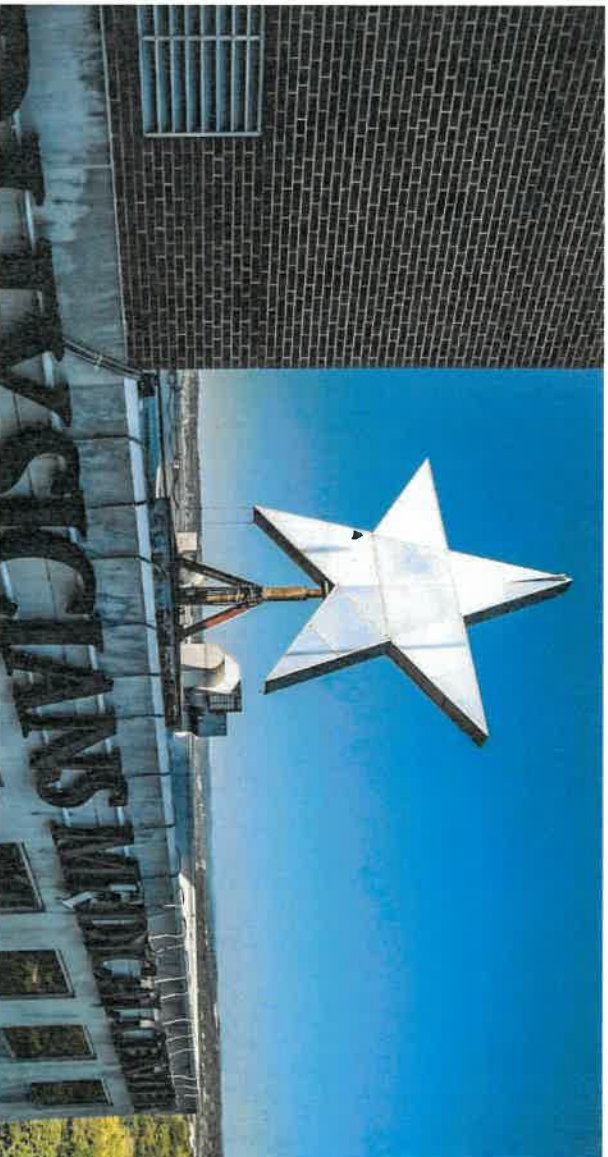
- The property would also have to be resurveyed into 16 lots, it is currently one lot

Landscape Review:

All landscaping must comply with the requirements in the City's Zoning Ordinance.

Stormwater and Birmingham Department of Transportation:

No comments regarding this request.



Neighborhood Recommendation

The *Druid Hills Neighborhood Association* met at its regularly scheduled meeting on **May 23, 2022**, to review the proposed project and voted to support the proposed rezoning request. The vote was **19- approved and 0- denied**. They are supportive of the request because it is a continuous construction of new residential homes.

As a courtesy the applicant took the rezoning request to the Evergreen and Norwood Neighborhoods as well. The *Evergreen Neighborhood Association* met at its regularly scheduled meeting on **May 17, 2022**, and voted to unanimously *support* the request. The *Norwood Neighborhood Association* met at its regularly scheduled meeting on **June 22, 2022**, and voted to unanimously *support* the request.

Framework Plan:

This property is located within the Northside Southside Area Framework Plan. This plan has not been adopted and an Implementation Committee has not been formed.

Zoning Advisory Committee.

The Zoning Advisory Committee met at its regularly scheduled meeting on August 2, 2022 and were unanimous in their decision to recommend the request to the Planning and Zoning Committee. (**5** votes to support).

