

CITY OF
BIRMINGHAM

RANDALL L. WOODFIN
MAYOR

KATRINA THOMAS
DIRECTOR

Staff Report

Department of Planning, Engineering, & Permits

ZACC2022-00010

Woodlawn Neighborhood

Application to rezone from **R-3 (Single Family Residential District)** to **M-1 (Light Industrial District)** in order to allow for outdoor storage of equipment and spare parts that are used for repairs and refurbishment of machines (motors, steel beams, etc.) and an undeveloped buffer.

Filed by: Alex Pattillo of Schoel Engineering, on behalf of the owner, CMC Steel Alabama.

Location: 8 52nd Street North, 5 52nd Street North, 11 52nd Street North, and 17 52nd Street North and situated in the SW 1/4 of Section 21, Township 17-S, Range 2-West, 35212.

Council District 4, Moore.



Proposed Use: Outdoor storage and an undeveloped buffer.

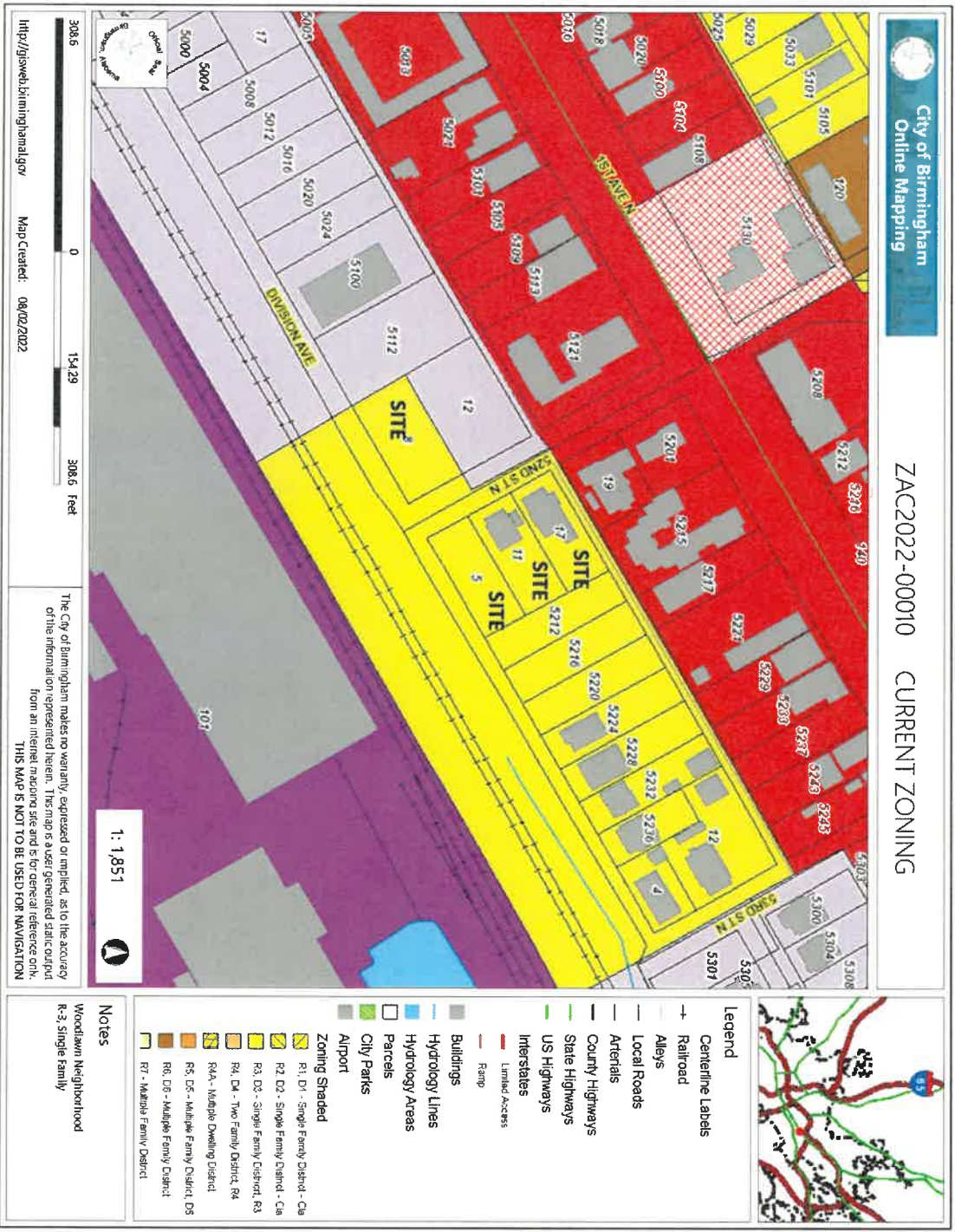


ZAC2022-00010

Woodlawn Neighborhood

Property and Abutting Land Uses.

The subject properties sit on about one acre of land, currently zoned **R-3 (Single-Family District)**. Abutting the subject properties to the North are parcels that are zoned **M-1, Light Industrial District**, and **B-2, General Business District**. To the South of the properties is CMC Steel's factory, zoned **M-2, Heavy Industrial District**. To the West is CMC Steel's storage yard, zoned **M-1, Light Industrial District**. Parcels to the East are zoned **R-3, (Single-Family District)**.



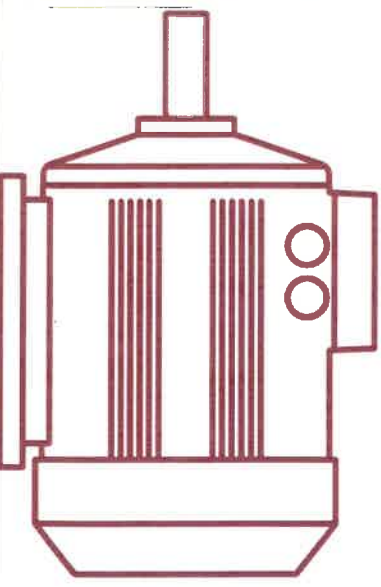
The current zoning, R-3, Single-Family District, allows for the following uses:

A building or premises shall be used only for the following purposes:

1. Accessory structures and uses, not including Accessory Use Child Care Centers
2. Apiary
3. Church or other place of worship
4. Community Garden
5. Family Day / Night Care Home
6. Farmers Market
7. Golf club or golf course
8. Home occupations
9. Noncommercial greenhouse
10. Nurseries or truck gardens; except, that no retail sales shall be made on the premises
11. Public school, elementary or high, or a parochial or private school
12. Publicly owned or operated park, playground or community building, museum, library or art gallery
13. Single-family dwelling
14. Wireless communications facility

Applicant's Proposal.

The applicant would like to rezone 8 52nd Street North because the lot is already included in CMC Steel's outdoor storage yard and is enclosed within the secure perimeter fence. 5, 11, and 17 52nd Street North will be used as buffer yards that the applicant plans to keep cut and maintained as a way to separate CMC Steel's outdoor storage yard from the rest of the residential parcels.



ZAC2022-00010

Woodlawn Neighborhood

Long Range Land Use Plan.

The City's Long-Range Land Use Plan identifies the property as **Light Manufacturing**. The Light Manufacturing District allows for the following uses:

1. Accessory structures and uses
2. Any use permitted in the R-7 Multiple Dwelling District or the B-3 Community Business District
3. Assembly of parts for production of finished equipment
4. Contractor's or construction equipment dealer's yard
5. Dairy, veterinary clinics, kennels, dog training and boarding facilities
6. Flea Market
7. Grain and feed storage
8. Heating fuel or building material storage or wholesaling
9. Lumber yard
10. Manufacturing, fabricating, processing, or assembling uses which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare
11. Outdoor Urban Farm
12. Railroad installation
13. Truck terminal
14. Warehouse



Zoning Ordinance.

Manufacturing, Light. If a light manufacturing activity is storing materials outdoors and adjacent to any dwelling zoned district, an opaque fence shall be constructed to screen the ground-level view of the adjacent dwelling zoned district. Materials shall not be piled or stacked higher than the opaque fence.

1. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a dwelling district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

Subsection 7. Construction, Materials, and Maintenance.

- A. Finished side of fence must face adjacent property and thoroughfare.
- B. Fences placed on top of retaining wall, terrace or patio in front yards shall not be opaque.
- C. Fences placed in front yards shall not be opaque, except for certain uses such as junk yards and other similar uses.
- 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.
- E. All fences shall be well-maintained, in upright condition and free of missing and broken parts. Salvaged materials, such as, pallets shall not be allowed.

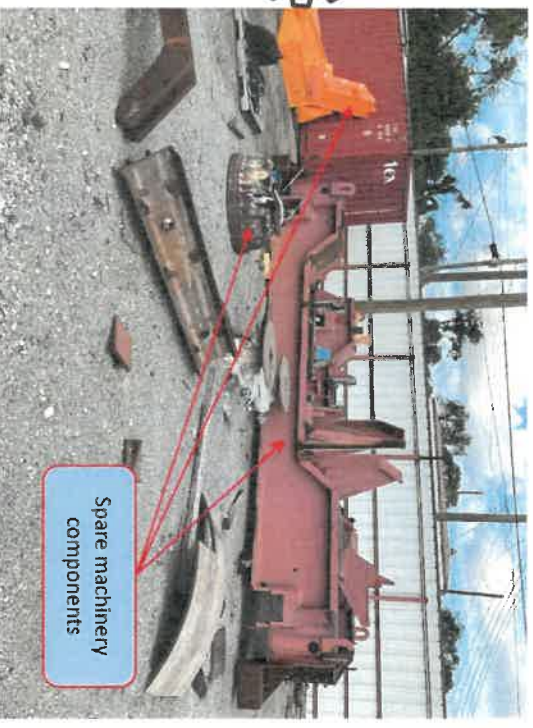
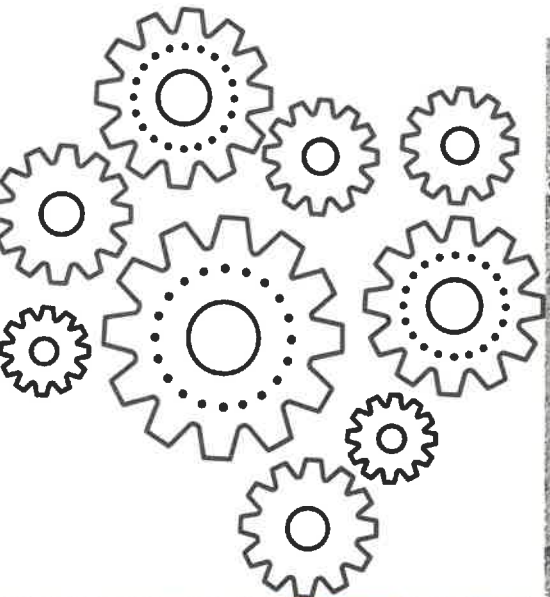
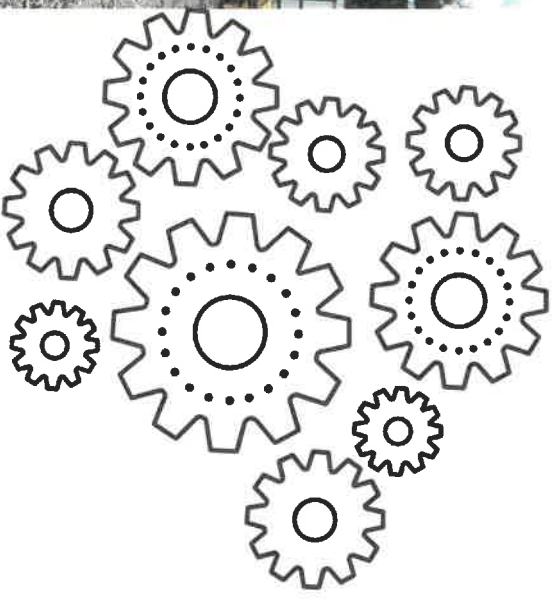
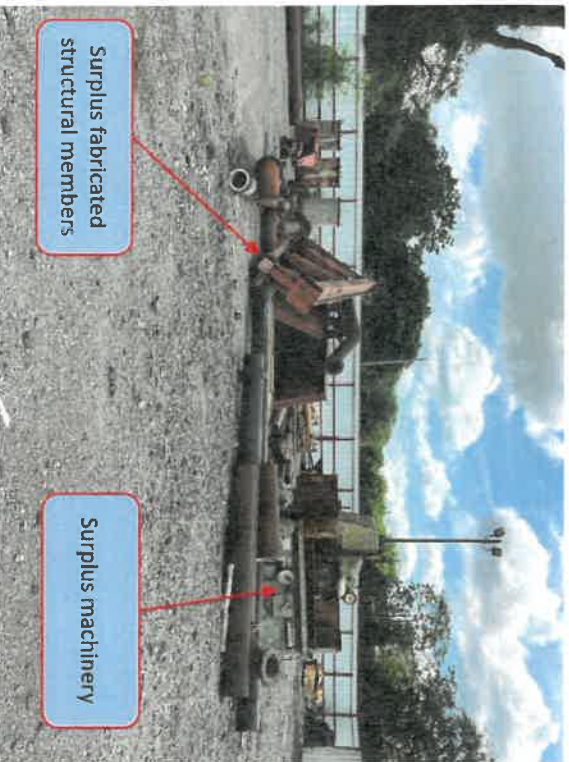
The applicant has installed an opaque steel fence without a fence permit. The applicant is aware the fence will require a variance from the Zoning Board of Adjustment because of the barbed wire along 52nd Street North and Division Avenue. The fence currently encloses nine separate lots. The applicant is aware that they will need to go to the Subdivision Committee to subdivide all of the lots into one lot.

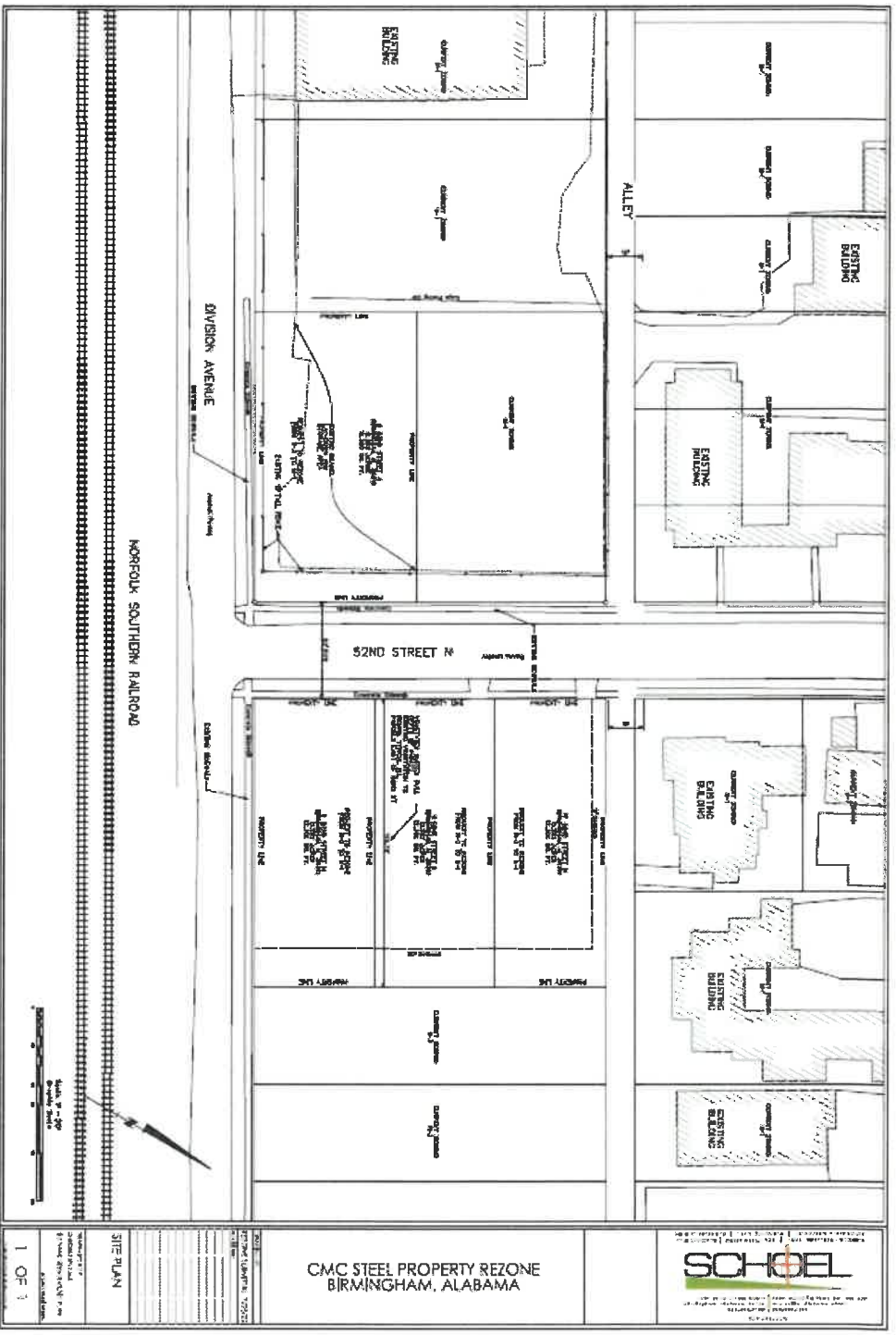


SITE

PHOTOS

provided by the applicant





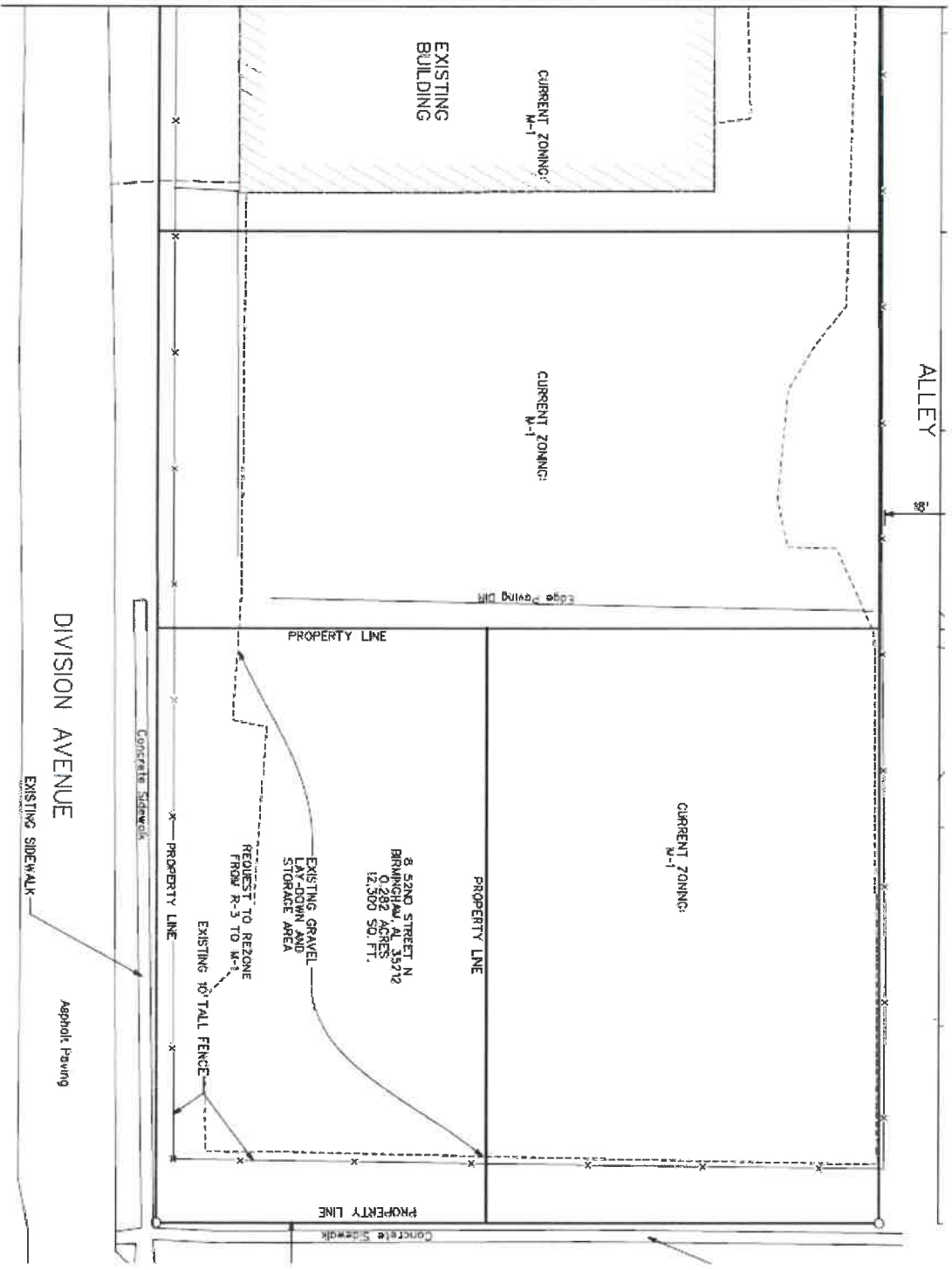
CMC STEEL PROPERTY REZONE
BIRMINGHAM, ALABAMA

DATE: 11/15/22	PROJECT NUMBER: 12222
SITE PLAN	
SCALE: 1" = 20'	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
DATE: 11/15/22	
1 OF 1	

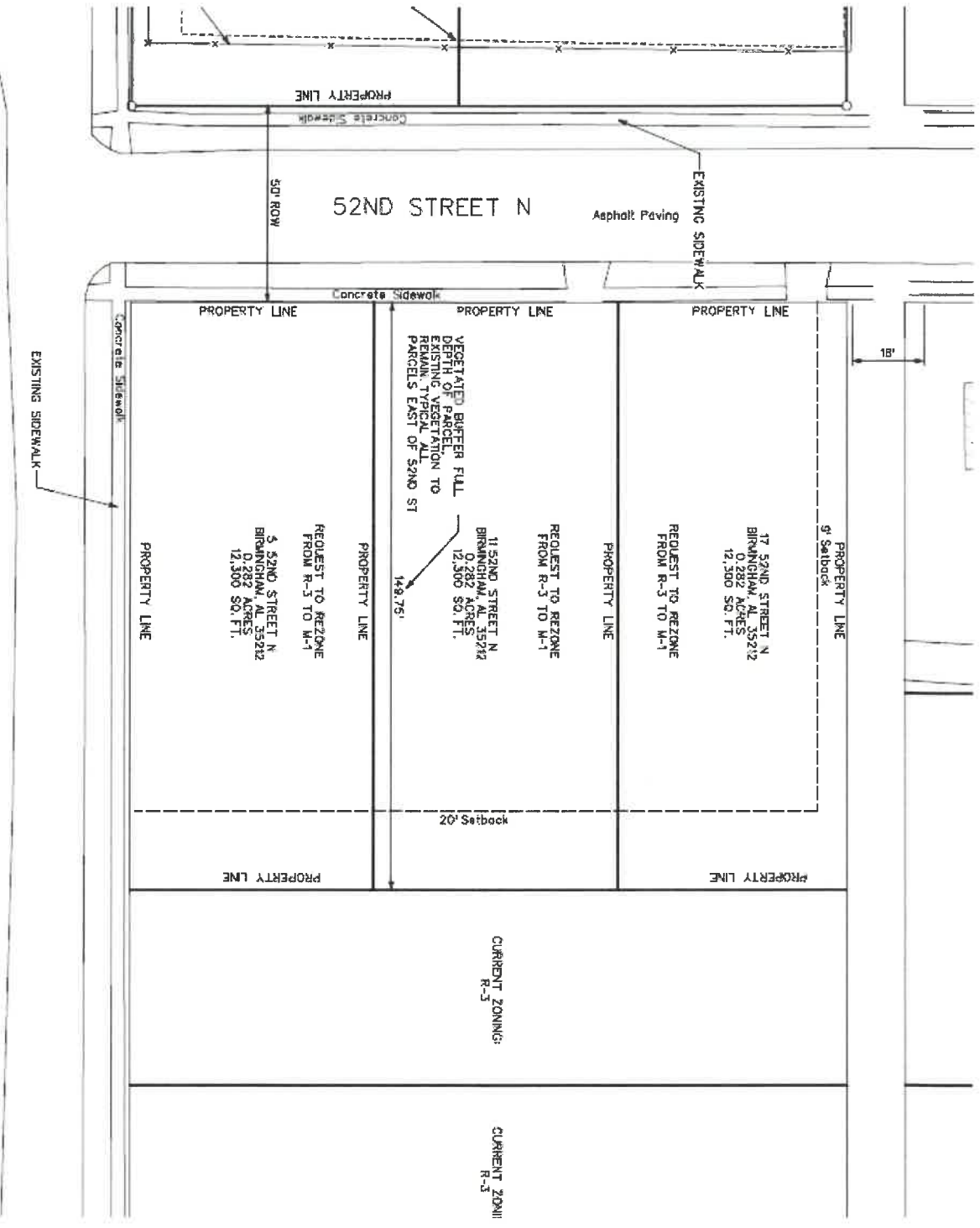
STEEL PLAN

ZAC2022-00010

Woodlawn Neighborhood



8 52nd Street N



5, 11, & 17 52nd Street N

ZAC2022-00010

Woodlawn Neighborhood

Landscape Review.

The applicant will be using 5, 11, and 17 52nd Street North as a buffer between CMC Steel's storage yard and the rest of the neighborhood. They plan to maintain the current natural vegetation on the lot and leave it as open greenspace. This has been approved by the City's landscape architect.



ZAC2022-00010

Woodlawn Neighborhood

Stormwater and Birmingham Department of Transportation

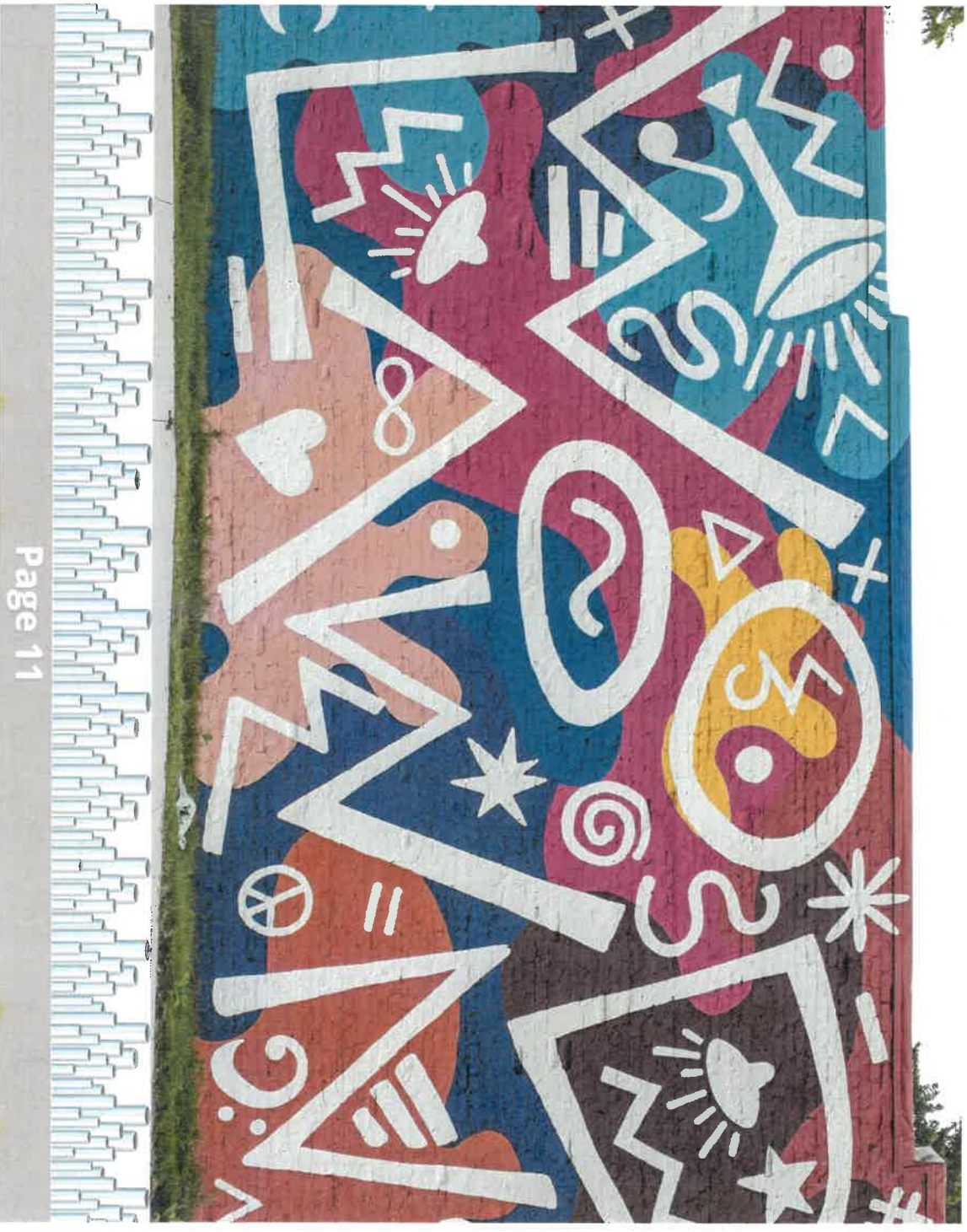
No comments to add.

Neighborhood Recommendation.

The **Woodlawn Neighborhood Association** met at its regularly scheduled meeting on **August 8, 2022**, to review the proposed project and voted to unanimously support the proposed rezoning request (**10** votes to support). The neighborhood supports the request because no residents are affected because it is a completely industrial area. The company has been a great steward of the community.

Framework Plan.

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





Staff Report

Department of Planning, Engineering, & Permits

ZAC2022-00011

Arlington Westend Neighborhood

Application to change zone district boundaries from **C-R5 (Contingency, Multiple Dwelling District)** to **MU-L (Mixed-Use Low Density District)** in order to allow for the use of a social services center that will provide a food pantry, clothes closet, transportation assistance, and medication and health insurance assistance.

Filed by: Cahaba Medical Center

Location: 748 McMillon Avenue Southwest and situated in the SW ¼ of Section 03, Township 18-S, Range 3-West, 35211

City Council District 6



Proposed Use: A social service center offering a food pantry, clothes closet, transportation assistance, and medication and health insurance assistance.

Property and Abutting Land Uses.

The subject property sits on .15th of an acre of land, currently zoned C-R5 (Contingency, Multiple Dwelling District). The subject property is surrounded by private residences zoned C-R5, Multiple Dwelling District.



The current zoning, R-5, Multiple Dwelling District, allows for the following uses:

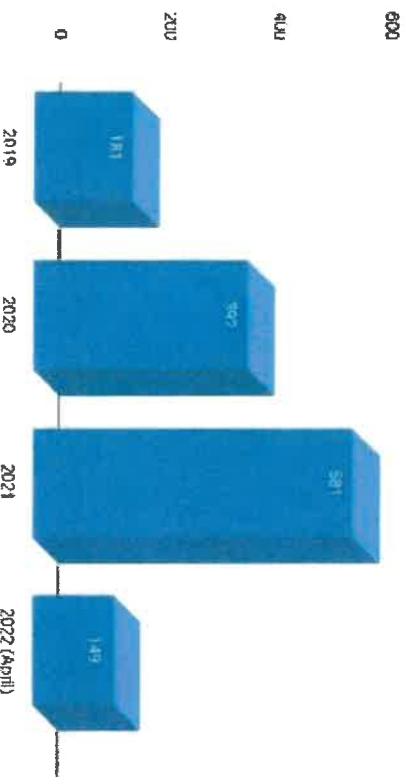
1. Any use permitted in the E-1 Estate District.
2. Two-family dwelling. Multiple dwelling. Attached and semi-attached single-family dwellings.
3. Condominiums (residential).
4. Religious, educational, charitable or public institution or building, except a penal or mental institution or a communal living facility. Permitted uses are schools, churches, and residential accessory uses limited to rectories, parsonages and dwellings for resident administrators, watchmen, custodians or caretakers. Other similar institutional uses not within 1,000 feet of such uses are permitted on appeal, subject to approval of the Zoning Board of Adjustment.
5. Private club or lodge, excepting one, the chief activity of which is a service customarily carried on as a business.
6. Family Group Day / Night Care Facility.
7. Accessory structures and uses, not including Accessory Use Child Care Centers.
8. One name plate, to be lighted with only indirect non-intermittent light, not exceeding six square feet in area attached to the wall at an entrance.

Applicant's Proposal

The applicant would like to use an existing single-family home to provide social services to the West End Community. The center will provide a food pantry, clothes closet, food assistance, transportation assistance, health and insurance and medication assistance (no prescriptions will be kept on site), and senior meals, and backpack meals for students. The center will be open Monday through Friday from 8:00 a.m. - 5:00 p.m. and will be staffed by two Cahaba Medical Center social work team members.



Food Bank - Clients Served





	SHEET TITLE	PLOT PLAN PROJECT 748 MCMILLAN AVE, BIRMINGHAM	DRAWING D-01
	PROJECT		
REF:			
PROJECT NO: MWE2201			
DATE: 2022-06-15			
FILE: MWE2201-D-01-01 SITE AND FLOOR PLAN.DWG			
DRAWN BY: GBH			
CHK'D BY: GBH			

The applicant is requesting **MU-L, Mixed-Use Low Density**. The mixed use low district is designed to be compact, walkable, and contain residential and commercial areas, often with a “Main Street” spine that historically served as a town center with two- to three-story buildings. Uses can be mixed horizontally (side-by-side), or vertically (one above the other). Uses in this district include: multi-family, townhouse, cottage and small-lot single-family residential, neighborhood supporting retail and services, offices, hotels and live/work structures. Main Street areas would typically be characterized by ground-floor uses including small markets, convenience retail and services, restaurants and cafes, and existing or potential residential uses on upper floors.



Zoning Ordinance

Office, Institutional. Any building used as an office for charitable non-profit organizations that may hold meetings on a regular basis, and charity events on a temporary basis.

The building is setback 19 feet from the front. In Mixed-Use Low Districts buildings must be setback a maximum of 18 feet. The applicant understands that they will need to seek a variance from the Zoning Board of Adjustment (ZBA).

The applicant is required to have 6 parking spaces.

Office: 1 per 400 sq. ft. of GFA

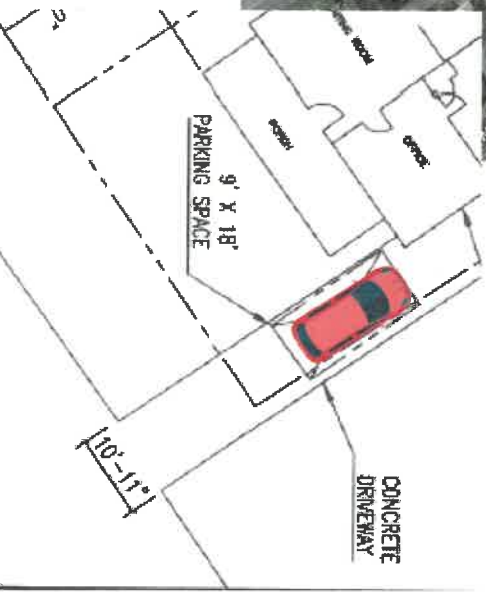
2,452 sq. ft./ 400 sq. ft. = 6.13

The location is 852 ft. from a BICTA bus stop, qualifying for a 10% reduction in parking spaces.

6.13 x .10 = .613 6 -.613 = 5.3

This reduces the required parking to 5 spaces.

The applicant is only able to provide one parking space due to the second parking space extending beyond the sidewalk area. The applicant expects most of their clients to walk or use the bus to access services. The applicant is aware they will need to go to ZBA for a parking modification.



ZAC2022-00011

Arlington Westend Neighborhood

Landscape Review.

The applicant will need to install 1 street tree per 40 feet of street frontage.

Stormwater and Birmingham Department of Transportation.

No comments

Neighborhood Recommendation.

The *Arlington Westend Neighborhood Association* met at its regularly scheduled meeting on **August 9, 2022**, to review the proposed project and voted to unanimously support the proposed rezoning request. The neighborhood does not have any concerns.

As a courtesy the applicant surveyed the neighborhood on March 4, 2022 and had 2 neighbors support and 2 neighbors oppose the opening of a charity office.

Framework Plan.

This site is in the West End Framework Plan. This plan was adopted in May 2015 and the Implementation Committee has been formed. They did not have any comments to add.

Signature Page for Neighborhood Survey

I have read the information above. My signature indicates that I understand what I am being asked to do. I voluntarily provide the requested information below on ~~Friday~~ ^{Saturday} March 4, 2022.

SIGNATURE	HOUSE #	APPROVE	OPPOSE
<i>LAUREN TRIMMER, 256 MEADOWS</i>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>ANTHONY DELSIGNORE, 720 S. MILK</i>	720 S. Milk	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>THOMAS W. YOUNG, 900 W. 7TH ST.</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>



405 Belcher Street
Ganttville, AL 35042
(p) 205-926-2992
(t) 205-316-7575
CahabaMedicalCare@gmail.com

March 4, 2022

**RE: The Establishment of the Jefferson County Community Center at 748 McMillan Ave. SW,
Birmingham, AL 35211**

Dear Neighbor,

Cahaba Medical Care Foundation (CMCF), an IRS 501(c)(3) nonprofit, federally qualified health center (FQHC) that has been serving Jefferson County since 2015 and West End since 2017, is looking to establish the Jefferson County Community Center within this neighborhood at 748 McMillan Ave. SW, Birmingham, AL 35211. In order to set up this charitable community resource, we must survey our neighbors to see if there are any objections.

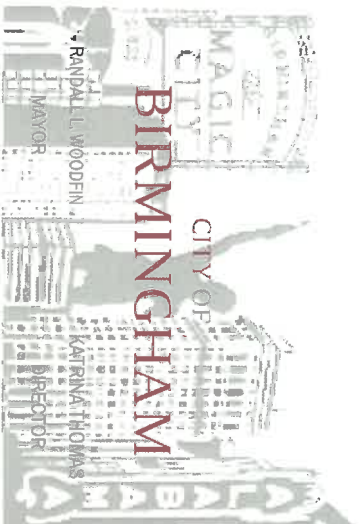
Our goal is to create a multifunctional space where we can provide assistance for our clients and residents of the county that have other needs besides medical needs that can be addressed in an environment that is not limited due to an already full clinical schedule. The facility will be able to provide services Monday through Friday from 8:00 am. - 5:00 pm. The services include access to food through the food pantry, clothes for those who need them, social services to address access to care barriers our patients face (transportation assistance, medication assistance, referrals for resources, etc.), and so much more.

We need your help. The City of Birmingham is requiring that we complete this survey for zoning purposes. Please let us know how you feel about having this charitable resource in your neighborhood by signing your name on the Signature page and checking the box stating whether you approve or whether you oppose the establishment of the Jefferson County Community Center at 748 McMillan Ave. SW, Birmingham, AL 35211.

Thank you for your assistance and cooperation.

Respectfully,

Your Neighborhood Community Based Health Center
Cahaba Medical Care Foundation



Staff Report

Department of Planning, Engineering, & Permits

ZACC2022-00012

Huffman Neighborhood

Application to rezone district boundaries from **D-2 (Single-Family District)** to **C-2 (General Commercial District)** in order to allow for a Take 5 Automatic Car Wash and Take 5 Oil Change.

Filed by: Brian Harris of Live Oak Parkway LLC, on behalf of the owner, Huffman Baptist Church.

Location: 9701 Parkway East, situated in the NE ¼ of Section 36, Township 16-S, Range 2-West, 35215.

Council District 2.



The current use is a parking lot

Proposed Use: A Take 5 Car Wash and Take 5 Oil Change.

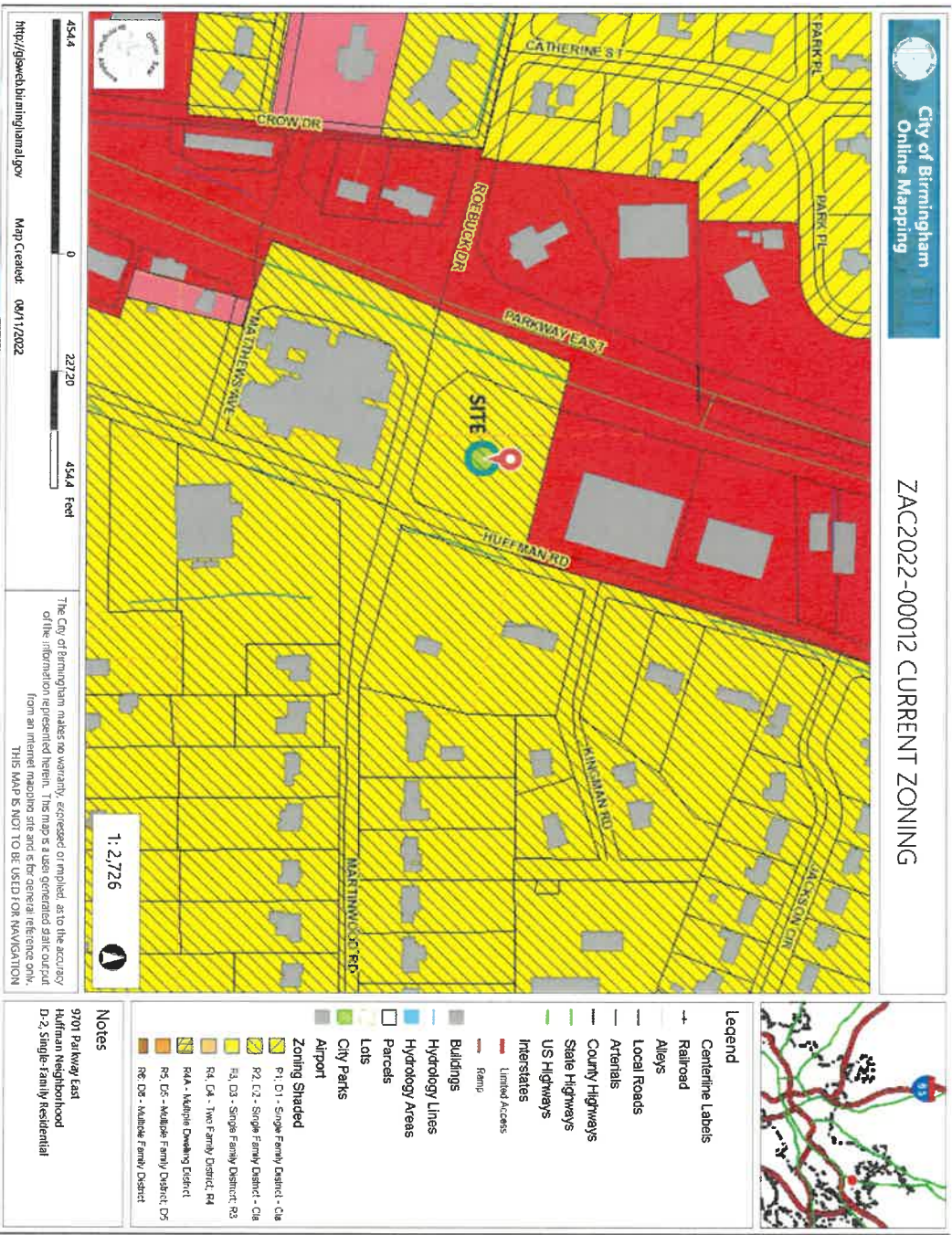


ZAC2022-00012

Huffman Neighborhood

Property and Abutting Land Uses.

The subject property sits on approximately 1.87 acres of land, currently zoned **D-2 (Single-Family District)**. Abutting the subject property to the North and West are parcels that are zoned **C-C-2 (Contingency- General Commercial District)**. To the South and East of the property are zoned **D-2 (Single-Family District)**. This property is in a Community Revitalization District.



The current zoning, D-2, Single-Family District is designed to allow for single-family homes, these districts may be applied to preserve the character of developed residential areas that are predominately single-family in nature and recommended to remain so by the comprehensive plan. Uses in these districts include: single-family homes, schools, churches, and neighborhood-serving public uses.

Applicant's Proposal.

The applicant would like to develop a Take 5 Carwash and Take 5 Express Oil Automobile Service. The carwash will be open from 8:00 a.m. to 9:00 p.m. and will have 3-4 employees on site at any given time. The Oil Change will be open from 8:00 a.m. to 6:00 p.m. and will have 5-10 employees on site.

Take 5 Carwash:

Having developed hundreds of car washes in 15 countries, we have a few key criteria we look for in developing our new car wash sites:

- Proximity to retail, rooftops, population density, traffic count, ease of ingress/egress as well as speed of traffic are all important factors.
- Competing washes need to be located no closer than 3 miles to the proposed real estate.
- Depending upon configuration we can work with lot sizes varying from 0.60 of an acre to 1 acre +.
- We have a preference for locations in states we already have a presence in so as to be able to leverage existing operations.

Take 5 Oil Change:

Take 5 Oil Change is (or should be) your neighborhood go-to oil change spot. We've been doing this for over 35 years now, and grown our drive-thru style (no fries served though) to half the country. We keep it friendly by letting you stay in the comfort of your car or truck while we change your oil. We've all heard from our dads that oil changes are important and at Take 5, we agree. We also know they aren't the most fun. Here at Take 5 Oil Change we try to make them the most enjoyable (and the quickest) as they can be. We pride ourselves in our friendly technicians, our oil change expertise and our efficient process that gets you on your way safely and swiftly.

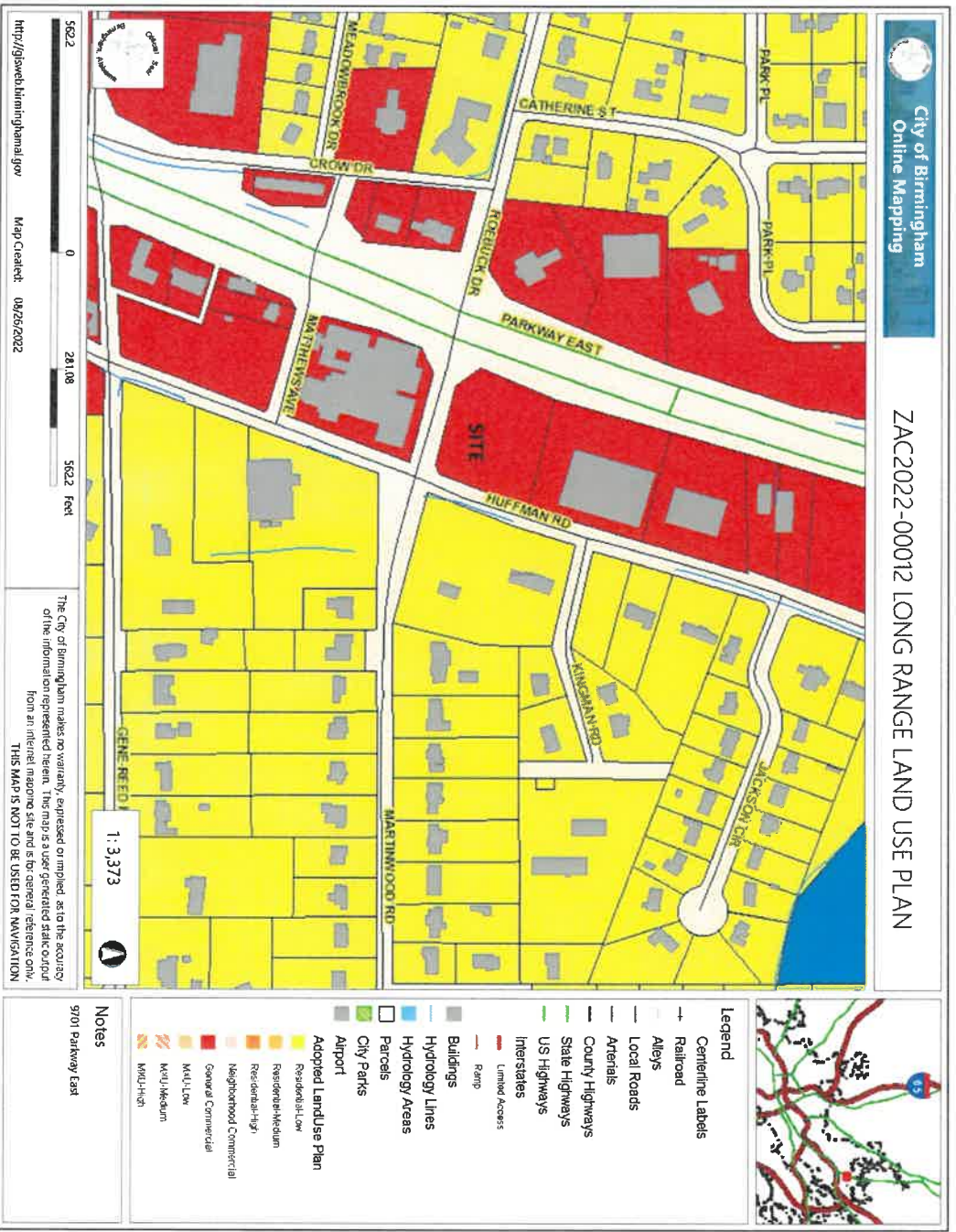


ZACC2022-00012

Huffman Neighborhood

Long Range Land Use Plan.

The City's 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.



City of Birmingham

Zoning Ordinance.

Car Wash, Automated. A building or portion thereof containing facilities for washing passenger vehicles, using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices within a partially enclosed structure.

Automobile Service. Any building used for the replacement of any part, or repair of any part, to an automobile that does not require removal of the engine head or pan, engine transmission or differential, including, but not limited to oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, tire services and sales, shock absorbers, installation of stereo equipment, car alarms or cellular phones, dispensing of gasoline and motor fuels at retail, but excludes dismantling, rebuilding, reconditioning, or salvage of automobiles, in whole or in part.

Development Standards:

Automobile Service. In the following districts: C-2 an automobile service shop shall be permitted provided that the following conditions are met:

1. No visibly disabled, abandoned or inoperable vehicles shall be stored on the premises.
2. No vehicle to be serviced shall remain on the premises more than fifteen days.

Carwash, Automated. In the following districts: C-2 an automated carwash shall be permitted provided that the following conditions are met:

1. All vacuum and blower equipment shall be located 50 feet from any dwelling district.
2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent property zoned for dwellings.
3. If located within 100 feet of a dwelling zone district, operation of the establishment shall be prohibited prior to eight a.m. or after nine p.m. on any day of the week.
4. There shall be no outdoor loudspeakers or public address systems.
5. All waste water resulting from car wash activities shall be either directed to the sanitary sewer system or be recycled on-site to the satisfaction of the Director.

The applicant is aware they will need to go before the Zoning Board of Adjustment to seek a variance that will allow the opening of the carwash bay to be oriented towards a Dwelling District.

Screening Regulations:

Dumpsters and other trash receptacles for all structures other than single-family or two-family residences shall be screened from public streets and adjoining property. Receptacles shall be placed on a concrete pad and shall be enclosed by an opaque fence or wall at least eight feet in height. An enclosure shall have an opaque gate. The enclosure shall be built of wood, masonry or other permanent materials and evergreen plants may be used in part to meet the requirement of opacity.

New and expanded structures shall provide an area for a solid waste container that is not located in the public right-of-way. The container must be located on the same lot as the principal building and no closer than 25 feet to dwellings off-site. Except for uses having small containers serviced by the City of Birmingham's Public Works Department, solid waste containers must be:

1. in rear or side yards or within the principal building;
2. exterior sites must be below grade OR have a solid opaque screening walls or gate on all sides made of concrete, masonry material and/or wood matching the principal building at a height taller than the container.

Parking.

Zoning Requirements:

- Carwash: 2 stacking spaces per bay
- Express vehicle maintenance (Oil Change): 1 per 500 sq. ft. of GFA plus 2 stacking spaces per bay (does not include service bays as parking).

Site Plan:

- Oil Change: 1,421 GFA / 500 sq. ft.= 2 spaces
- 3 bays (3 x 2= 6 stacking spaces)

Parking Requirement: 2 parking spaces, with 6 stacking spaces

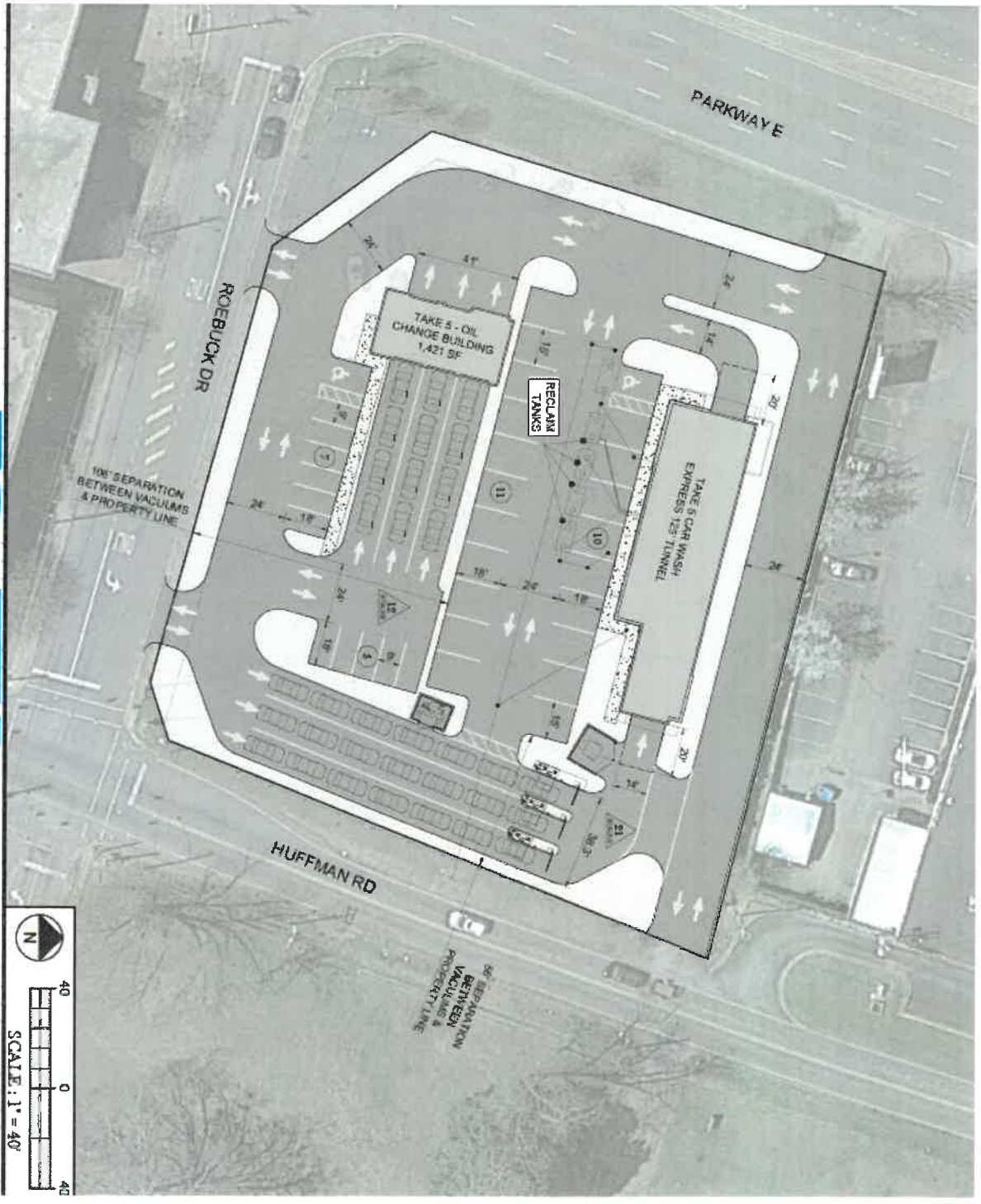
- Carwash: 1 Carwash bay= 2 stacking spaces required

The oil change has 12 striped parking spaces and 3 lanes with 12 stacking spaces. The carwash has 3 lanes with 21 stacking spaces. **The site is overparked by 10 striped spaces and 25 stacking spaces.**

The number of parking spaces required is equal to the maximum allowed. 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 applicant is aware the site will require Low Impact Development standards if the excess parking remains.



Landscape Review

If the rezoning is approved this will be a C-2 (General Commercial) property that will be located adjacent to a Dwelling District on the East and South sides of the site. A C-Standard buffer is required per the City's Ordinance when C-2 abuts a Dwelling District. The current landscaping plan is not compliant with the Zoning Ordinance. Prior to any permit issuance the applicant will need to update their landscaping plan to comply with the City's landscape requirements.

Birmingham Department of Transportation.

BDOT is concerned about the number of curb cuts for the car wash, especially since the 2 curb cuts on Roebuck are too close to Parkway E and Huffman. This will need to be addressed prior to any permits being issued.

Neighborhood Recommendation

The *Huffman Neighborhood Association* met at its regularly scheduled meeting on *August 22, 2022*, to review the proposed project and voted to **not support** the proposed rezoning request (6 votes to not support, 1 vote to support). The neighborhood does not support the request for the following reasons:

1. Businesses near the intersection of Parkway East and Roebuck Drive are low volume traffic businesses that close between 5 and 5:30 pm and fit the neighborhood. The proposed carwash/oil change would be operated until 9 pm, creating more noise and traffic in the residential portion of the neighborhood.
2. The ingress and egress of the Huffman Road entrance of the potential development would create more congestion for the transit system that has a drop off and pick up adjacent to the Huffman Road entrance.
3. Huffman Road is a two-lane residential street that leads directly to neighborhood schools. The traffic flow to the car wash from Huffman Road increases risks and jams for three schools on Huffman Road - Banks Academy, Cornerstone High School, and Huffman Middle School as well as a daycare housed in Huffman United Methodist Church.
4. Jiffy Lube, was formally on the Parkway across the street that is now a car wash with parked cars that blight the neighborhood. A garage or auto tire shop is another auto business with parked cars and within two blocks down the Parkway is an unsightly property loaded with idle cars. This type of business will further congest the visual viability of the neighborhood.
5. The proposed lot serves as a buffer to the residential area of the neighborhood and maintains the character of the residential area.
6. Egress of commercial operations into the residential face of the neighborhood begins the degradation of the place that we call home.

Framework Plan

This property is located within the Northeast Framework Plan Area. This framework plan was adopted in August 2017 and an Implementation Committee has been formed.