

Highland Park Neighborhood Association
February 2023 Minutes
Meeting Date: February 14, 2023

[Click here to watch a recording of the meeting.](#)

WELCOME AND OPENING

Elizabeth Sanfelippo called the meeting to order and introduced the newly elected officers for 2023-2025: President: Elizabeth Sanfelippo; Vice President: Judy Jones; Secretary: Kelly Marshall

NOVEMBER MINUTES

John Somerset made a motion to accept the November minutes (this neglected to happen at the January meeting).

Kathleen Byington seconds the motion to accept November minutes
Nine people voted in favor, none in opposition; minutes approved

JANUARY MINUTES

Kelly Marshall made a motion to accept the January meeting minutes.

John Somerset seconds the motion to accept November minutes.

13 people voted in favor, none in opposition; minutes approved

Elizabeth apologized for email issue that had a broken link to the minutes, but she was able to send a corrected email right after.

DISCUSSION ABOUT ZONING REQUEST FOR PROPOSED GEORGE'S RESTAURANT AT 2614 HIGHLAND AVENUE

Kim Speorl, Zoning Administrator with City of Birmingham Dept. of Planning, Engineering, and Permits, let us know that the applicants for the 2614 Highland Avenue property asked for an amended request to their zoning request to: Mixed Use Medium (MUM) instead of the original request for C-2.. The actual long-range land use plan for that property adopted by city council identifies that area as MUM, so the developers felt like that is a better fit for zoning classification. MUM is a little more restrictive as far as zoning uses are concerned, and the City wanted to let us know about that change. The applicant is not present, but Speorl is happy to answer questions.

Kathleen Rose Byington question: I am an adjacent landowner. My husband and I received notice in the mail about the upcoming zoning advisory committee meetings. The second meeting is scheduled for Feb 21 and that letter specifically mentions that the application is for C2 zoning. They rewatched the recording from January HPNA meeting and the neighborhood was specific to approve the request for C2. It seems like the classifications are close, but not the same. The neighborhood voted for one thing (the thing mentioned on the notice) and now it is something different – that is confusing and feels like someone somewhere doesn't know what it is doing and that is concerning to her as a neighbor.

Elizabeth Sanfelippo clarifies: the HPNA meeting in January approved the C2 classification - but with Q conditions.

Kathleen Byington: and that the site remains a restaurant as presented at the November and January meeting and is tied to the site plan that was presented.

Councilwoman Valerie Abbott asked in the Zoom chat about what parking requirements will change from MUM to C2?

Kim: no parking requirements will change from MUM to C2. To make it easier, she will now read what IS different between MUM and C2.

DIFFERENCES BETWEEN MUM AND C2 CLASSIFICATIONS

MUM allows: single family residential, townhouses, duplex, triplex or quadplex and cottages; but the C2 designation does not allow those uses.

These businesses are only allowed by ZBA approval with the MUM designation, but were permitted by right in C2:

- Hospital
- Medical lab
- Automated car wash

These businesses are only allowed by ZBA approval with the MUM designation, but allowed with administrative review in C2:

- Microwave or two-way cell phone tower

These businesses are not allowed in MUM designation, but were allowed by ZBA approval in C2 :

- Opioid replacement therapy facility and scientific lab
- Mini use storage house
- Outdoor urban farm

These businesses are not allowed in MUM designation, but were allowed by special exception, with approval by zoning board in C2:

- Chicken coop

These businesses are not allowed in MUM designation, but allowed with administrative review in C2:

- Broadcast satellite communication facility

These businesses are NOT allowed with the MUM designation; but C2 DID ALLOW:

- Trade school
- Vet clinic
- Animal boarding facility
- Appliance repair
- Automobile sales
- Automobile light truck repair
- Off premise sign
- Donation center
- Event center
- Funeral home and furniture store
- Pay day loan
- Recreation equipment sales and service
- Title loan or pawn shop
- Specialized manufacturing
- Warehouse and office
- Indoor urban farm
- Recycling collection center
- Adult establishment
- Outdoor amusement
- Convention center
- Driving range

CONVERSATION:

Note: these notes are not verbatim, but a synopsis of thoughts. To hear direct quotes, please use the meeting link at the top of this document.

Mary Helen: I'm really confused and asking for clarification: If they change their mind about a restaurant, can they have a strip club?

Elizabeth: No, with the Q condition we approved at the January meeting, of it being a restaurant only, that wouldn't be allowed.

Mary Helen: so can they have a giant sign?

Elizabeth: No, not with the Q condition.

Mary Helen has more questions about parking.

Elizabeth: For parking, they have an agreement with the TIAA building on the corner of Niazuma and Highland and that is where they will have valet parking. They still have to go through the city to get parking modification approval.

Mary Helen: with that median, won't this cause a huge traffic issue?

Elizabeth: The plan is to use the alley for valet and parking, not Highland Avenue.

Judy Jones: We discussed this at length at the last meeting in January, everyone was concerned about the parking but the presentation from the developers made everyone feel better about the parking plans.

Mary Helen: I am still concerned about the turn and the busy intersection.

Judy: We all had the same concerns. The 13-page minutes had all those same concerns listed from all residents.

John Somerset: Maybe this will help: the C2 is the City's current zoning classification system but the City is moving to a new system with the new nomenclature: Mixed Use Medium. The developer is just asking for this new nomenclature to be used and that's what we want to comply with.

Kim: The C2 is the new terminology for new business. The applicant thought their restaurant and the long range plans were more consistent with MUM.

John Tomlinson: am I understanding this correctly? Is the city simply notifying us of the change or is this something we can discuss and vote on?

Elizabeth: The Zoning Committee was made aware of this change from the city's nomenclature and because there wasn't much difference in terms of effects on this proposed project, we (the Zoning Committee) did not think it warranted a new vote but we wanted to be transparent and have the City come and explain the difference between MUM and C2.

John Tomlinson: We all heard what mixed use is vs C2. I imagine most of us prefers MUM vs C2. MUM seems more tolerable to the neighborhood. Could we re-hear what was voted on and approved last month? Is it appropriate and a good idea to clarify that tonight?

Elizabeth is looking it up in the January minutes.

Kathleen: Is the piece of paper she received in the mail from the City saying that the zoning advisory committee was considering C2 accurate? Is that paper she received incorrect?

Kim will check with the team first thing in the morning - she doesn't have it in front of her. If they were not done correctly, new notices will go out again.

Mary Helen: This is confusing. So C2 is not an official zoning of the city yet and it is in a plan not yet implemented?

Kim: It is an available classing classification. Currently, only half of the city has been rezoned and HPNA has not finished our framework planning process, so we have not been upgraded to that new plan yet. We are in that process now. The next plan is to update all the zoning to the new zoning classification. It exists in the zoning ordinance but the entire neighborhood has not been rezoned yet.

Mary Helen: it seems odd that we can create a zoning for something that doesn't exist in our neighborhood yet.

Kim: It exists legally, but the entire neighborhood has not been rezoned yet but property owners and applicants are welcome to rezone to the new classifications that are available to the entire City.

Mary Helen: I thought the framework was somewhat dependent on historical neighborhood plan and approval of that rather than just the city making a move du jour to assign it to everyone. Maybe I don't understand. It seems odd that a property owner can pick a classification that doesn't exist yet for other people in this neighborhood?

Kim: It does exist. IF you want to rezone now, you can apply for that. The City Council adopted the ordinance that allows those districts to be included. HPNA hasn't been rezoned yet as a whole bc we do that as a community engagement piece to the community-wide framework plan. And once that

plan is finalized, the next step is to rezone your neighborhood and other hoods in that framework plan.

Mary Helen: If you can do it independently, It seems like you're overriding what the neighborhood might desire and that's a real conflict there. Seems it can pushed on you even if the rest of the neighborhood hasn't been zoned that way.

Kim: That's why all rezonings go through the neighborhood rezoning process so you can provide input at the neighborhood level and subsequent rezoning hearings.

Mary Helen: Is this zoning applying in perpetuity or just for this particular project?

Kim: This zoning would run with the property in perpetuity.

Mary Helen: So should the restaurant fail, the other things would be allowable?

Elizabeth: No, they would have to come back and ask for a release of the Q condition.

Paige Klein: To confirm, if the restaurant doesn't make it, which I hope they do, they would have to come back to our neighborhood meeting and remove the Q condition to be something other than a restaurant – is that correct?

Kim: Yes, if the City Council approves it with the Q conditions, if any other uses were to be proposed, [that business] would have to restart the rezoning process again. Starting back with HPNA.

The next steps are: Zoning Advisory Committee, then Planning and Zoning Committee, then finally City Council

Paige: What was it zoned before?

Kathleen: O and I – office and institutional

Kim: It was qualified office and institutional and did not allow for restaurant use.

Paige: A restaurant sounds good to me and mixed use sounds good to me as it aligns with what our neighborhood is.

Councilwoman Valerie Abbott in chat: Since the zoning category approved by the HPNA at the last meeting is being changed, my recommendation is that you vote again if you agree that this business meets with your approval in the Mixed Use Medium rather than C2 zone district.

Elizabeth: We didn't advertise a new vote, and the zoning committee thought since the MUM was more restrictive than C2, and it didn't change the request for the Q conditions, we thought the same vote would be ok.

Councilwoman Valerie Abbott: the zoning committee may send it back and the council will want to know how the neighborhood felt.

FIRST MOTION MADE

Judy Jones: I make a motion that the neighborhood support George's change in application from C2 to MUM, especially since the MUM is more restrictive and more residential in nature.

Paige Klein seconds that motion.

FRIENDLY AMENDMENT

Kathleen Byington has a friendly amendment: include the support of the change from C2 to MUM with the same Q conditions that it is only for a restaurant and only for the restaurant that was illustrated in the site plans presented to the HPNA at the November and January meetings.

Judy accepts that friendly amendment with caveat: the Q conditions previously approved stay.

SECOND MOTION MADE WITH FRIENDLY AMENDMENT

Judy Jones: I make a motion that the neighborhood support George's restaurant zoning change from C2 to MUM on their application and that this zoning change support includes the Q conditions approved at the last meeting.

Paige Klein seconds that with the amendment.

Elizabeth reminds the Q condition that the site plan is tied to this approval and that it can only be used for a restaurant.

VOTE

5 in the room and 7 on chat vote yes.

There were no votes in opposition.

The motion carries!

HIGHLAND PARK RACQUET CLUB AND FRIENDS OF HIGHLAND PARK RACQUET CLUB

Anita Soles with Highland Park Racquet Club, and Director of the Tennis Facility. She's been with the city for 16 years. Wanted to let us know about the cool things available at the Highland Park Racquet Club for neighbors like: 10 hard tooth har-tru (clay) courts, USDA, LITL, SOFT court, for all different levels. They have two teacher pros who offer private and group lessons, clinic and team clinics. They also offer daily memberships, monthly memberships, yearly memberships, and senior rates. Senior men play 2 days a week and senior women 3 days a week.

Coming up On May 23 – Birmingham City Schools city wide tennis challenge

Kirstie Ivy is with Friends of Highland Court Tennis Club, a 501(c)3 organization dedicated to the upkeep of the tennis facilities. They want to invite neighbors to join and play tennis! There is a lot to do and there's a bigger mission to grow the program and invite schools to use the courts. There's a lot to do! There have been some major obstacles: courts are unsafe, and Covid was an issue when city employees were furloughed. So volunteers are needed! The group raised \$25,000 two years ago and upgraded courts 4 and 5, and those are prioritized to seniors.

The group asked the City to help manage the tennis facility and they have a comprehensive plan to upgrade. The group is hoping to raise \$300-500k and the donors are waiting to see if the plan will be accepted. The history is very important to this group and they want to keep tennis here at the Club, and affordable and accessible to everyone! It's not too expensive here at Highland Park and they want to keep it that way. Hoping to have community nights when the time changes. {we will include her contact information here}

BIRMINGHAM POLICE DEPARTMENT

Two officers - Hall and Roland - joined us from the Birmingham Police Department and asked if there were any concerns in the neighborhood. They would be happy to take any concerns to BPD's superiors. Officer Hall and Officer Roland have been in the area for a year or so now.

Natalie: She just moved into a condo right across from IPC and is a walker in the neighborhood. She wants everyone to know that the residents are working on the deteriorating wall outside her condos. They are putting in a French drain and that will help with the retaining wall. But she has a quick concern: The Monterrey apartments near her are run down and she wonders if there are any plans to renovate? Some units are boarded up and she heard there was a fire there recently. Sometimes the smell of marijuana is so strong that her eyes water. Drug deals are happening around there, too.

Officer Hall said they will patrol around there and he reminds us to use the non emergency police number (205-328-9311) and ask for a patrol of the area.

Elizabeth: That property is owned by Alethia House.

Mary Helen: I am also concerned about that property; there are dangerous conditions.

Natalie: It's a safety concern.

No one knew if there were plans to renovate but Officer Hall encourages residents to keep them informed of any activity there.

Elizabeth: I will check with our contact there and ask about any plans for upgrades.

COUNCILWOMAN VALERIE ABBOTT'S REPORT FROM CITY COUNCIL

Today was a benign day at the council, mostly routine stuff.

One note: the City is applying for a grant that could bring in \$1 million with the Bloomberg folks to support/do public art. If we win it, HPNA may benefit from a mural or sculpture, etc. If we could get some of that money, what could we do? Something to think about!

Other items of interest: funding is lined up for a solution to the “Caldwell Park Lake” problem and the flooding at Virginia Samford and Episcopal Place. Abbott put in 2/3 of the funds from ARPA to be used here in District 3. The estimate was \$3.5 million to fix the problems. The drainage basin problem which is why we get that lake. It’s a lot of money, but out of the \$80 million surplus of the City has found that it has, the Mayor has agreed to put one million towards the project! Now we are waiting on the drawings to be completed so it can be bid. Expect construction mess when it begins. (no date on that yet!)

Rhodes Park lighting- waiting on Alabama Power still with a revised lamp option and a map clarifying which stumps (former lights) will be replaced, too. Impatiently waiting.

Kelly Moore is part of Friends of Highland Park Racquet Club and has a question: they were made aware that \$4.4 million granted to Parks and Rec. They were hoping this might go to some improvements at Highland Park, but they weren’t listed as a recipient. HP Racquet Club was not listed as a facility – why not?

Councilwoman Valerie Abbott: That’s a question for the Parks and Rec Board. Unless a City Councilperson gives discretionary funds, the Council doesn’t get a say in how the funds are used. Interestingly, the Parks and Rec Board was formed by the state legislator that operates outside of the city government. It’s a peculiar relationship. If you want funding, you have to go to one of their meetings.

NEW TRASH CAN LINERS!

Elizabeth reported that Darryl Lee (Abbott’s Chief of Staff) said we got new trash can liners in Rushton Park!

RESTRIPING CROSSWALKS

Elizabeth let us know the City is still working on getting crosswalks restriped. It’s on hold because of cold and rainy weather.

NEW TRASH SYSTEM

No more updates on new trash system that is coming. Elizabeth will update when she has more info.

SPECIAL SHOUT OUT AND THANK YOU

Thank you to Ray Davis for getting all the new trees planted – and more are coming!

UPCOMING MEETINGS AND EVENTS

February 21 at 6 pm: meeting with the City Zoning Advisory on the 3rd floor in Council Chambers re: George’s restaurant

February 22 at 3:30 pm: meeting with the City Zoning Advisory on the 3rd floor in Council Chambers re: George’s restaurant

March 17: deadline for the Community Garden Lottery | [Click here to apply for a garden plot.](#)

CORRECTED DEADLINE is March 3, 10am.

April 19 – Gumbo Gala for Episcopal Place at Cahaba Brewery. Email

highlandparkneighborhoodal@gmail.com or hpnabham@gmail.com if you’d like to help in getting a team to enter to cook. The event is also looking for volunteers.

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NEW BUSINESS

NONE

OLD BUSINESS

NONE

ADJOURNMENT

Judy Jones moved to adjourn
John Somerset seconded

The meeting was adjourned at approximately 7pm.

Minutes Submitted by Kelly Marshall, HPNA Secretary