

Highland Park Neighborhood Association

January 2023 Minutes

Meeting Date: January 10, 2023

President Elizabeth Sanfelippo called the January 2023 meeting of the Highland Park Neighborhood Association to order at 6:00 pm. She welcomed everyone and introduced herself as President, Judy Jones as Secretary and Mark Ritter as Vice President.

Sanfelippo performed a roll call. She noted the large attendance and thanked the group for their patience. She thanked resident Kelly Marshall for her help with hosting the virtual meeting.

Sanfelippo noted there was no one from Police and Fire present at the meeting.

Sanfelippo shared there was one spending item, \$2000 to add mulch to both playgrounds in Rushton Park. She said this expenditure had been recommended by the Spending Committee. Ray Davis made a motion to approve \$2000 for mulch in Rushton Park's playgrounds. Morris Newman seconded. The motion passed with 29 yes votes and no opposition.

Western Supermarket Redevelopment Update

Sanfelippo introduced Randall Minor and Cameron Connor (with Daniel Corp, the project developer). Connor oriented the group to the site and explained it actually included three parcels. He said they are planning a 'for-rent' apartment community with 272 units, adding the number will likely move up and down before being finalized. He said the mix was 65% one bedrooms and studios, with the balance being 2 bedrooms. He said the edge of the building goes almost to the edge of the site on all sides. Connor said the project will be internally parked with a five-story parking deck. He said at the lowest point of the site the building will present as six stories but from Highland Avenue it will look like five stories. He said they are hoping to incorporate some retail. Connor said they are about halfway through design and shooting for a July groundbreaking. A resident asked if the developers anticipate any zoning changes. Connor replied yes, they would need to go from 'general commercial' to 'mixed-use/high density' with a height and density restriction and that no ZBA actions would be needed. A resident asked what type of commercial were they seeking. Connor said it was to be determined, they were hoping for 'neighborhood retail', they would love to see a small restaurant, a coffee shop, a neighborhood market with limited sundries, basic kitchen items. A resident asked about traffic. Connor said the project would likely be net neutral to the cars already existing in this area, that they think most of their residents are already working downtown. He said they may actually be taking some cars off Highway 31 for a shorter commute. Connor shared that rental rates will vary, likely in the \$1800-2000 range depending on the floorplan. Regarding the setback Connor said the site is incredibly challenging and to

hit a density that allows the project to make sense economically and to be able to park the project they had to take the project all the way to the edges. He said this area is designated in the Future Land Use Plan as MUH and so they are abiding by the MUH guidelines. Connor said they were close to 300 spaces so are well above one space per unit, adding that he thinks they are close to one space per bedroom which is always their goal. In response to a question about access to the Retail, Connor said access would be from 22nd, that there would be spaces designated for retail in the parking deck.

Zoning Change Request/George's Restaurant.

Sanfelippo said she would start by reading the request before asking the committee to speak. She said after that residents would be allowed to speak but are asked to keep their remarks to one minute.

Sanfelippo said this was for the "property at 2614 Highland - an application to change the zone district boundaries from Q-O&I (Qualified Office and Institutional District) to C2 (General Commercial District) and to amend the current Q Condition to allow for the use of a restaurant called George's. George's will be a full-service restaurant operating seven nights a week from 5-10 pm. There will be an estimated 25 employees on a nightly basis. Georges will utilize a valet service for parking." Sanfelippo said Miller Mobley and Carter Hughes will present the project followed by an opportunity for residents to speak.

Miller Mobley gave residents an overview of what he wanted to bring to the neighborhood. He said Highland Park, with its beauty and charm, is the perfect location for this restaurant. George's is a throwback to a time when restaurants were establishments and infused with character and classic cuisine - and also the city itself. Mobley said he wants George's to create a memorable food and service experience. He shared a rendering of the restaurant and images that evoked the inside feel. He shared an example restaurant saying it will be classic American cuisine. Mobley said his partner in this venture is Josh Pickard, a James Beard Award-winning restaurateur from New York. Mobley shared an elevation rendering and a floor plan, adding the restaurant will seat 125 people.

Mobley said he wanted to overview their parking and valet operation. He said they project some 45-55 cars during an evening, that cars will pull into the portico where there would be a valet. He explained they want the cars to pull in so there is no queuing on Highland. He said there will be two valets and room for 'stacking' in the driveway. The valets will take the car(s) down the alley, up Niazuma and park at the TIAA Building with whom they have a long-term lease for 60 parking spaces. Mobley said they have set up an incentive programs for employees to rideshare or carpool to work and the restaurant will cover those expenses for them. Mobley showed a proposed 'curb cut' so that customers do not have to go down an alleyway to retrieve their car. Mobley said were still in talks with Christopher Architects about playing a part in the restaurant's parking operation but they think the TIAA property spaces is all they need.

Sanfelippo thanked Mobley and introduced Jim Cooper, chair of the HPNA Zoning Committee. Cooper provided some background on the location, saying it operated for many years as a doctor's office. It is currently zoned O & I, which is Office and Institution. He said the important thing to remember about this property is back in 2011, Q conditions (limits the types of businesses this property can be used for) were added and these did not include a restaurant. He said there is now a request to change the current zoning from O & I to C-2, which is General Commercial District with an amendment to the Q Conditions to allow for a restaurant. Cooper explained the neighborhood has a zoning committee made up of neighborhood residents, volunteers, who take information provided by the city and try to understand the impact of zoning change requests to the neighborhood. Cooper said they gather information, speak to residents, discuss in committee – and come up with a recommendation to present to the neighborhood. He said in this particular case the vote was split, which means there are two recommendations, two opposing viewpoints that we need to present to the neighborhood tonight. He said ultimately it is up to the neighborhood, to vote, on what we send to the city. He explained that typically a Zoning Committee member doesn't call for a vote, that when residents feel they have enough information to make a motion to deny or approve, they can do so. Sanfelippo clarified for residents that, in theory, the neighborhood will take a vote tonight on its recommendation to the city about this zoning change request. She said the city tends to side with the neighborhood on its recommendation but that it wasn't a guarantee.

Cooper said this case became a little confusing trying to understand the different zoning classifications, Q-qualifiers. But he said, in the end, it came down to this question – is this restaurant the right use for this location. Cooper said when Sanfelippo asked for input about the project the overwhelming questions/issues were related to 'parking'. Cooper said no matter how much the restaurant works with employees and parking options, when there is street parking available near the restaurant people are going to use it to the detriment of a neighborhood resident. Cooper highlighted since the restaurant will be operating 7 nights a week, from 5 to 10 pm, there will be no down-time for anyone who lives close by. He said this will have to have an impact on noise-levels. Cooper said he understands change will have to come at some point, in the form of a new business, but noted the potential disruptions to basic quality of life that a restaurant of this size will bring. Cooper said for these reasons he recommends denying the request for the zoning change and addition of a new Q Amendment. Cooper asked John Somerset to present the next recommendation.

Somerset said he would now present the proponent view. Somerset said supporters of the zoning change see the increased traffic and noise as a general consequence of an increasing population and not solely as a consequence of the business location. Somerset said they feel the restaurant owners have what they consider to be a good plan to mitigate traffic and parking concerns. He said if you look at comparable neighborhoods in Atlanta or New Orleans that have seen a revitalization to their downtowns and downtown neighborhoods, a lot of those neighborhoods have restaurants scattered through them which is part of their

charm. Somerset said while discussing the request they asked the city what the property was zoned and what the new zoning map called for. He said it would be 'Mixed Use Medium' which is very similar to what we currently call C2. He said this information moved any remaining objection on the part of the supporters.

Sanfelippo opened the floor for questions. A resident asked if 100+ additional cars would be using the alley nightly, whether George's planned to upgrade paving and lighting in the alley. Mobley replied they project only an additional 45-50 cars but would take that under consideration.

Sanfelippo recognized John Tomlinson. He said he is an attorney and lives at Hanover Circle Condominiums where there are 76 condominium homes off Highland on Hanover Circle. He said he represents and speaks on behalf of the condominium association. He reminded the group that the city and neighborhood spent a tremendous amount of money and time to gate off Hanover Circle to make the area more residential. He said he appreciates the parking plan the restaurant has put together but he also remembers what Hanover Circle was like before it was gated off. Tomlinson asked if this restaurant fails will the building be able to be used as a restaurant in the future. Cooper answered yes, that this owner is working hard to mitigate these concerns but if the restaurant ever changes hands there's nothing to prevent the next owner from saying he will not use valet parking.

Morris Newman said what we actually have before us is a request for a zoning change which is not directly related to the parking request. He said the parking request will eventually have to go to the Zoning Board of Adjustment. He said Cooper mentioned the need for a parking modification. Newman said this particular project will not be eligible for a parking modification because there is certain criteria you have to meet for the board to consider a parking modification. Morris said they will need a 'special exception' to allow parking in a remote lot. He said that special exception will not be based on a 'long term' lease, it will instead be a binding agreement the property owner cannot get out of, it is permanently with that property unless there is a separate action by the ZBA. He said the agreement would have to be approved by the city legal department. He said the ZBA, when they look at this, would consider whether granting this special exception would impair the health, safety, comfort or convenience of the public. He said he didn't think this was the type exception the ZBA tended to approve and he personally is opposed to the project.

A question was asked whether the Eats restaurant and old convenience store will be part of the project. Mobley replied no.

Sanfelippo recognized James Fowler, the Director of the city's Department of Transportation. Fowler said he serves a second role as the city's Traffic Engineer and a third as a Highland Park resident and neighbor. Fowler said he wanted to clarify how his office views these kinds of developments and his own perspective as a neighbor. He says he asks himself is this the

kind of use we want to see in the neighborhood. He says he thinks about the unattractive vacant building and the rendering shared tonight and thinks it makes our neighborhood more walkable and vibrant. He said he thinks it is definitely something we would want in our neighborhood. He said the kind of traffic it may develop is the kind we see at Rojo which activates the street and makes it more interesting. Fowler said the kind of places we like to go are like Savannah and Charleston where they have lots of walkable mixed-use areas that are active but not annoyingly so. He said the thing we don't see when we go to those places are lots of surface parking lots. He said it is a natural inclination to want to design for the parking, to want to provide the space but what we see is that when we actually do design for the storage and movement of cars we actually destroy the integrity of the place we're trying to build for. He said the places that provide that kind of parking are not typically the places we want to walk to. He discussed the examples of Highland Bar and Grill, Chez Fon Fon, Bottega and Rojo, the parking situation at these locations are not degrading the quality of the neighborhood, that it tends to work itself out in a way we don't notice. Fowler said he thought the restaurant developers had been responsive and gone beyond what he expected to see in his offices from someone who had come in to propose a restaurant. Fowler said he was really excited about the idea. He said he would recuse himself from the vote because of his city official hat.

A question was asked whether the valet parking would be free to for the patrons of George's. Mobley said the valet would free to patrons.

Sanfelippo asked about the status of the permitted parking areas in our area. Fowler said it was definitely still on the table but there were some complicated issues they need to address first, enforcement being one. He said this program would not be a cure-all under any circumstances.

A question was asked how long the building had been vacant. Sanfelippo replied it hasn't been 'vacant', it has been used as a storage facility for a doctor but there has not been a tenant coming and going daily.

Various residents expressed their concerns and support for the project.

At residents' request, Mobley reviewed the parking and valet operation again. Mobley added that he was working on a piece of technology that when a patron asked for their bill, through their POS system and tech their car is automatically called to the valet and starts the retrieval process so that the car is waiting on the patron when they exit the restaurant.

Morris Newman said that what we haven't heard yet is how many parking spaces the code requires. He said he thought it was 1 for every 100 square feet of floor area plus at least one space for loading and area for a dumpster. Clark Bailey said he was a professional engineer and had been working with the developers on their parking operation. He said the code calls

for 1 space for every 100 square feet and that works out to about 50 spaces. He said there were 5 spaces on site and another 60 in the remote lot.

Kim Speorl confirmed for Morris Newman the business cannot get a building permit unless the parking requirement has been met, whether by parking on site or modification or special exception.

John Thomlinson reminded the group that if this restaurant is approved and then goes out of business then we will be facing a new restaurant going in there and who knows what that would create parking-wise. Miller Mobley replied saying he was not only the restaurant developer but he was also the property owner. He said they were spending a hefty amount of money to develop, close to \$4 million, you have to have a quality restaurant to generate that kind of return on investment. He said as the property owner, if the restaurant fails, it would be in his best interest to bring in a certain type of restaurant in that abides by the parameters he sets.

Sanfelippo asked Kim Speorl if the restaurant failed whether another applicant would need to have a parking modification approved at that time. Speorl explained what Highland Park has in front of it is the re-zoning request. She said if the City Council votes to approve the rezoning request (change to C2), they could place certain Q Conditions on the types of uses. She went on to say if the restaurant does get approval for a parking modification or special exception then that does run with the property unless the 'use' changes or the square footage of the building changes.

A resident asked if use by valet of the alley would make the alley one way only. James Fowler said his view is that if it's 2 way today then he would prefer to keep it two way until it reveals itself as a problem. He said it wouldn't be a problem to make it one way if it needs to be. He said the traffic volumes being discussed aren't that high so he is not expecting it to be a problem.

A resident asked about food service delivery trucks, where would they park. Miller Mobley said they would pull off Highland and park in the restaurant's driveway.

Ray Davis said he lives in Park Tower, literally across the street. He observed that any of these things being discussed have the potential of becoming issues but - what we have is the opportunity to hire 25 people, to increase our tax base and to provide walkable quality dining in the neighborhood. He said we have roughly 300 to 350 condominium units within one block of this location so we don't need to say everyone who is going to use this establishment is going to drive to it. Davis said he also thinks it will help increase the safety in this area as right now it's dark over there and easy to hide behind the building.

Residents continued to voice concerns and support. Anne Sunkel said she hoped the restaurant project would help move along the effort to repaint crosswalks along Highland.

President Sanfelippo asked if a resident wanted to make a motion. Kelly Marshall asked if everyone could put their vote in the zoom chat. She said if a resident was unable to get to 'chat' they could come off mute and give a voice vote. In response to a question about voting in secret, Marshall said yes, to message their vote to just Elizabeth.

A resident asked what could be done if traffic became a problem. Sanfelippo said she usually fields complaints from the neighborhood and then communicates with the business owner. James Fowler said someone mentioned earlier about crosswalks. He said that is an excellent point. Fowler said in our city, just like in cities around the country, we've invested heavily in building a lot of space for the movement and storage of automobiles. He said we've built so much space we can't afford to maintain it all - which is why we see delays in things like striping and signage - and even the spreading thin of enforcement. Fowler said the kinds of development that he believes, as Director of Transportation, we should be encouraging are like the case preceding this one, where they are putting in walkable density, a neighborhood market, the kind of things that attract and encourage people to walk. He said they are improving the sidewalks, improving the quality of that public space. He said a lot of the people coming to this destination are going to be walking. Fowler said he thinks we should be more focused on how to make this site more walkable as opposed to how do we design the site and area around it to be more drivable. He said if we design it to be more drivable then we will destroy the integrity of the very place we are trying to protect.

Stephanie Byrne moved the neighborhood approve the zoning request change to C-2 and the release of the Q Condition. Horace Hulseley seconded. Morris Newman asked if this motion included appropriate Q Conditions to limit this location to a restaurant or other appropriate Q Conditions. He then asked if he could offer a friendly amendment to the motion - and get Kim Speorl's opinion on whether or not this is appropriate. He said his amendment was that this contain a Q Condition that the location is limited to a restaurant and is limited to the site plan as proposed by the applicant. Speorl answered that the neighborhood can limit the uses allowed and if they only want to allow a restaurant, they can put that in the Q Conditions. She said since the site plan is still conceptual phase, you might want to put in a Q Condition that says that any site plan change would have to come back to the neighborhood for review. Adam Ward asked for clarification, that if the developers changed the location of a bathroom they would need to come back to the neighborhood for approval? Speorl said if it was interior modifications to the building that would be acceptable. She said they were just talking about where the building is, the location of the curb cuts, the footprint of the building. Sanfelippo asked if Byrne was ok with the friendly amendment. Byrne said she was ok with the amendment. Sanfelippo asked if Hulseley, as the motion seconder, was ok with the amendment. Hulseley said he was ok with it.

A vote was called for. When it was completed, Sanfelippo announced there were 37 for, 11 against and 2 abstentions. She said the motion stands approved. Sanfelippo said we will

send the application with our vote to the city and keep residents posted on when the project will go to the ZAC.

Adam Ward asked Mobley if things go positively when he anticipates opening. Mobley said they anticipate breaking ground in June if things go as planned. He said this was a pretty heavy project so he thinks it would go 12 months.

Jerry Moore asked if there was a story behind the name 'George's'. Mobley said George Ward was the 16th mayor of Birmingham. Mobley said back in 1908 Ward created an initiative called 'Make Birmingham the City Beautiful'. Mobley said the purpose of it was to create a living urban environment that was happy and healthy to dwell in. He said that initiative and the boon it ignited created some of the city's most iconic parks, the 3 parks that were merely ravines along the popular avenue of Highland. The mayor had a strong interest in public green spaces and so he declared those ravines along Highland Avenue 'parks', assuring they will always stay that way. Mobley said the restaurant being named George's is a nod to him and a nod to the city being as beautiful as it is and keeping it that way.

City Council Update/Councilwoman Valerie Abbott

Councilwoman Abbott said the new 96-gallon garbage cans are coming. She said the mayor has not given them the roll-out schedule for 2023 so she doesn't know a delivery date for Highland Park. She said the program so far is working pretty well. She said people who live on a steep side of the mountain may have some issues but that the city will have a program for that, that the process will require a doctor's excuse and result in the city moving the can for the resident. She said supposedly the garbage cans are chipped which should help find them if someone steals them. Abbott said they have realized there may be some neighborhoods in which the large cans will not work. She said the hardest thing for people to get used to is that they can't pile stuff outside of their garbage can. Sanfelippo asked about plans for recycling and if there were findings from the garbage can pilot program. Abbott said, regarding pilot results, there might be but she didn't think the mayor had provided any of that to the Council yet but she can ask. Regarding plans for recycling, Abbott said the city could only afford to do one thing this year so they bought new garbage cans. She said the recycling is still a question mark because the 2023 budget has not been created yet. She said the idea is to let people 'opt in' to the recycle program, giving the 96-gallon recycling containers to resident who plan to recycle. She said the city would be applying soon for a grant to help with recycling, that there were two, one from the federal government and one from ADEM. Sanfelippo said she has been told the new trucks will not be able to do pick-ups in alleys. Abbott said this was her understanding but that especially in District 3, pickup on the streets will be an issue because of street parking. Sanfelippo told Abbott the neighborhood is counting on her to help escalate these kinds of questions. There was a resident question about trash pickup day falling on a holiday and if that means the trash would not be picked up for 2 weeks. Abbott said that in the pilot, the city picked up after the holiday but with the whole city under the plan she was uncertain how it would be handled.

Sanfelippo said she felt if there were statistics Highland Park would be one of the top recycling neighborhoods in the city and she hopes that will be taken under consideration. Abbott said one of the grants the city was going after is for developing additional uses for recycled items.

Abbott said the agenda was short for today's council meeting but the meeting still lasted 3-1/2 hours because they extensively discussed the homeless situation and a 'tiny house' pilot that would consist of 50 city-purchased dwellings (sold by the Pallet Company) that would have a bed, storage shelving and a lock on the door. Abbott said they will ask for a 'request for proposal' to homeless service providers for how they would manage a village of these 64 square feet tiny homes. Abbott said there would be separate restroom and shower facilities that would be located in the 'village'. Abbott said these 'villages' exist all over the United States with most being located in California. She said these units do have electricity, heating and air conditioning. Abbott said the hope is, by allowing existing providers of services to homeless individuals is that they would be able to assist the individuals getting into a better situation with respect to an actual home/job and help with addictions, mental illnesses and physical health problems. Abbott added that 75% of the unhoused individuals in Birmingham have an addiction problem. She shared that 78% have mental illness. She said the idea is to actually do something about the problem instead of just talking which is what the city has been doing for at least the last 20 years. Abbott said the initial cost of the pilot will be just under a million dollars for the homes and the restroom, shower and community room buildings. She added they understand the tiny homes can be set up in an hour if you've received the training from the Pallet Company. Kelly Marshall asked if this came to a vote in Council. Abbott said it did and they passed it. Glenn Kinstler asked who would police the village, if that would be the police department. Abbott said no, they wouldn't have time. She said the homeless service providers' RFP would include where these villages will be located, plans for security, ongoing programming, the coordination of services for addiction and mental illnesses, all the problems they have that have created their homelessness. She said the million dollars approved today is out of the community development block grant funds that the city gets from HUD – so they didn't take any monies from city coffers that should be being spent on street paving. Abbott said homeless people are a significant to the city because the Police, Public Works, and Fire Department all have to deal with them. She said this idea will hopefully get them to a better place, a safer place.

Abbott reported the council also voted an additional \$12-1/2 million dollars for street paving which will probably start in the spring and summer.

Sanfelippo thanked Councilwoman Abbott and told the group if they had follow-up questions or comments to email highlandparkneighborhoodal@gmail.com. She said she was testing a new email address - HPNABham@gmail.com. She said if anyone wants to email her there and help troubleshoot, that would be great.

OLD BUSINESS

Sanfelippo said she was hopeful an update on the park lights would be soon forthcoming, that she had asked for Councilor Abbott's office's help with this. She said there was a delay in getting a map of exactly which lights this would address and a question about more appropriate historically accurate fixtures. Darryl Lee has been working to get a map and updated options.

Sanfelippo said regarding the Sisters' Houses and other vacant locations in the area, unfortunately we don't have any updates.

Sanfelippo said she wanted to give a shout out and thanks to neighborhood residents Christine Wilson for putting out the neighborhood meeting signs and John Somerset for refilling bag stations in the parks and helping with the neighborhood meeting signs. Sanfelippo said she wanted to give a big thanks to Mark Ritter for serving as Vice President during the last term. She said she believes she and Judy Jones will be sworn in as President and Vice President on January 31st but that we are still awaiting confirmation from the city on that. Sanfelippo said Kelly Marshall was elected Secretary with write-in votes but was not eligible so at our next meeting she expects someone will nominate her and then we will elect her as secretary at the next meeting.

ANNOUNCEMENTS

Sanfelippo said that the next Large Trash and Brush pickup is January 24th. She said generally if they don't get it that day they tend to come sometime within the next couple of days. Sanfelippo said it was good to go ahead and report it via SeeClickFix.

Sanfelippo said if anyone was hungry after the meeting tonight to go by Rojo, that it was 10% Tuesday with proceeds going to a charity called 'Sweet Alabama', 'Sustainable Water Energy and Economic Transition in Alabama'.

Sanfelippo said on the 24th from 5 pm until 6:30 pm, there will be a Southern Area Framework Plan meeting at Avondale Library.

Sanfelippo said she wanted to give a shoutout to Marjorie White with the Birmingham Historical Society for hosting a lovely event, an Open House late mid-November last year. Sanfelippo said she really appreciated having BHS in the neighborhood and looked forward to having them as speakers at neighborhood meetings to help us navigate maintaining an historic neighborhood.

Adam Ward shared the fire hydrant across from the Sheraton is still uncapped. He said Water Work has left orange cones and a giant t-bar and there are rocks all over the sidewalk.

Ray Davis shared they have been trying to create a limb pile at each park. He said there's one at Rushton across from Avalon, one at Rhodes Park at the bus stop and then one at Caldwell Park across from Milner. He asked residents that if they were out walking and see some small limbs, they'd appreciate it if people would just drop them in those piles. He said they wanted to make these 'piles' ongoing.

Adam Ward asked if there was any update from Mr. Fowler on when the city was going to put in the new stop signs and crosswalks. Sanfelippo said she would follow up with him.

Morris Newman moved to adjourn the meeting. Phillip Foster seconded. There was no opposition.

The January 10th meeting of the Highland Park Neighborhood Association was adjourned at 8:07 pm.

Respectfully submitted,
Judy Jones
Secretary, Highland Park Neighborhood Association