

**BIRMINGHAM CITY COMMISSION / PLANNING BOARD  
JOINT WORKSHOP SESSION MINUTES  
OCTOBER 28, 2013  
DPS FACILITY, 851 SOUTH ETON  
7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

George Dilgard, Mayor, called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL OF CITY COMMISSION:

Present,	Mayor Dilgard Commissioner Hoff Commissioner McDaniel Mayor Pro Tem Moore Commissioner Nickita Commissioner Rinschler Commissioner Sherman
Absent,	None

ROLL CALL OF PLANNING BOARD:

Present,	Mr. Boyle Mr. Clein Ms. Lazar Ms. Whipple-Boyce Mr. Williams
Absent,	Mr. DeWeese Mr. Koseck

Administration: City Manager Bruner, Attorney Currier, Clerk Pierce, Assistant City Manager Valentine, Police Chief Studt, Deputy Police Chief Clemence, City Planners Ecker and Baka

**III. ITEMS FOR DISCUSSION**

**A. Application Requirements for Food and Drink Establishments with On-Premises Liquor Consumption.**

Ms. Ecker explained that the Planning Board has provided a checklist of items they may wish to require of applicants seeking Special Land Use Permits (SLUP) for licensed food and drink establishments with on-premises consumption. She noted that several items are already compiled by the Police Department and given to the City Commission confidentially. She noted that the Planning Board would like direction from the City Commission.

Mr. Boyle questioned to what extent should the Planning Board delve into the experience, approach to business, menu, etc. Commissioner Rinschler commented that the process is not different than other SLUP's. Ms. Ecker noted that the Planning Board does not get a copy of the Police report as it is confidential.

The Commission discussed the sample checklist presented. Mr. Bruner explained that the standards in Chapter 10 of the City Code are straightforward and noted that when the proposal

goes before the City Commission, there is additional information. Commissioner Sherman stated that the Planning Board role is to review the site plan, usage, etc, not the transfers.

Mr. Clein questioned how it should be handled if something comes in that is not compatible with the adjacent land use. Commissioner Rinschler suggested the board advise the applicant that the project is probably not going to be approved. He noted that the board is dealing with the use, not the approval.

In response to a question from Dorothy Conrad, Mr. Bruner explained that a bistro license cannot be sold or transferred, the location of a bistro license cannot be transferred, but the ownership can be sold or transferred with City Commission approval.

**B. Noticing for Public Hearing to consider adopting an amendment to Chapter 126, Zoning, Article 03, creating the Zoning Transition Overlay and amending the Zoning Map.**

Ms. Ecker explained that the Planning Board is seeking direction as to the amount of noticing that the City Commission recommends for the public hearing regarding the zoning transition overlay district. She noted that the public has expressed concern and suggested the adjacent property owners be notified. She pointed out the legal requirement is a notice in the newspaper.

Mr. Williams pointed out that the City Commission requested the neighborhoods receive a courtesy notice when redevelopment was proposed at Pierce and Brown. He stated the Board would like to hear from more people who could be affected.

The Commission discussed noticing the affected properties versus 300 feet from each property and what to include in the notice such as a fact sheet, frequently asked questions, or a map. Commissioner Rinschler agreed with a courtesy notification and suggested staff work with others to get the word out as well. Ms. Ecker explained that even with the courtesy notification, the planning department is inundated with calls.

Dorothy Conrad suggested homeowner associations and property owners be notified.

Alice Thimm commented that, in the past, the extended notification was sent to the property owners and tenants.

Ms. Lazar, Commissioner McDaniel and Commissioner Rinschler agreed property owners should be notified.

**C. Downtown Birmingham 2016 Plan Review**

Mr. Baka presented the 2016 Plan and requested direction from the Commission as to the next step in the plan such as to revise the plan or establish a new plan. Mr. Bruner noted that the Commission has discussed bringing in Duany.

Commissioner Nickita stated that it would be wise for the City to hear the perspective of the author of the Plan as to where the City is now and how it moves forward. He stated that he sees this dialog as a workshop. He noted that it is time to carry on the successes of the plan.

Commissioner Hoff pointed out that the City is in the midst of several other Citywide plans such as the Multimodal and transitional zoning.

Mr. Boyle stated that the City is progressing as many forward looking cities are, however he suggested the master plan be updated on a regular basis.

Commissioners Moore and Hoff agreed that if Duany is to come to Birmingham, they would like him to offer his vision, not a review of what has been done.

Mr. Bruner suggested a small steering committee work with staff as to what the meeting with Duany would include.

Dorothy Conrad stated that all of the plans are for commercial property. She suggested the master plan include neighborhoods.

Michael Kopmeyer suggested a green initiative to mandate properties be demolished piece by piece and recycled. He also made suggestions to integrate commercial with residential and add a connection between the central, triangle, and rail district to encourage people to take public transportation.

**V. PUBLIC COMMENT**

**VI. ADJOURN**

The Mayor adjourned the meeting at 9:06 PM.

Laura M. Pierce  
City Clerk