



City Council Item #5.1
07/15/2024

PRESENTATION AGENDA

- 1) Background
- 2) Project Goals – Why Streamline?
- 3) Presentation of Sub-Projects
- 4) Next Steps
- 5) Questions and Decision Points

BACKGROUND

- 2024 Planning Commission Work Plan Project
- National and Local Context
- Streamlining development supported by:
 - Bloomington Forward 2040 Comprehensive Plan
 - *Bloomington. Tomorrow. Together (BTT)* Strategic Plan

PROJECT GOALS – WHY STREAMLINE?

- Encourage more economic activity and housing production
- Lower barriers and costs for development approval by:
 - 1) Reducing time
 - 2) Reducing financial cost
 - 3) Increasing procedural simplicity
 - 4) Increasing certainty/confidence in approval
- Streamlining supports equity
- Integrity and effectiveness of internal review must be maintained

11 SUB-PROJECTS

Sub-Project #	Sub Project Name	Sub-Project Description
1	DRC Review Requirements	Grant staff the authority to require DRC review for applications that involve a change in use (building permit) when appropriate.
2	Administrative Site Plan Review	Allow all Code-compliant projects to go through administrative (Planning Manager) review and approval of their Final Site and Building Plans (FSBPs)
3	Expand Staff level Approval Authority	If full administrative site plan review is not supported, expand the allowances for administrative approval of FSBPs for Code-compliant projects by increasing the project size and/or number of dwelling units that may be approved at the staff level.
4	Remove FSBP Requirement for ADUs and Two-Family Dwellings	If Code-compliant, exempt accessory dwelling units (ADUs) and two-family dwellings from the FSBP requirement (admin zoning approval), similar to single-family dwellings.
5	Conditional Uses Review	Designate some uses that are currently conditional as permitted when risk of use conflicts or nuisance characteristics is lower, thereby removing CUP requirement.

Sub-Project #	Sub Project Name	Sub-Project Description
6	Planning Commission Approval of all CUPs/IUPs	Grant authority to approve all or some Conditional Use Permits (CUPs) and Interim Use Permits (IUPs) that currently must be approved by the Council to the Planning Commission, subject to appeal.
7	Planning Commission Approval of FDPs w/No Flexibility	Grant authority to Planning Commission (or Planning Manager if administrative site plan review is supported) to approve Final Development Plans (FDPs) that do not include flexibility requests.
8	Designating Planning Commission as Board of Adjustment	Grant the Planning Commission the authority to act on variances, subject to appeal.
9	Tent Extension Approval Authority	Grant authority to approve tent permit extensions beyond 25 days per year to the Planning Commission, subject to appeal.
10	Certificate of Appropriateness Approval Authority	Modification to shift approval authority for Certificate of Appropriateness permit to the Planning Commission, subject to appeal.
11	Reasonable Accommodation Process	Create a formal process by which a person can request a waiver to City regulations based upon a reasonable accommodation under the American with Disabilities Act and Fair Housing Amendments Act.

SITE PLAN REVIEW – PROJECTS #2 AND #3

- Required for most development applications, Code-compliant or not (Final Site and Building Plans)
- Most applications require a public hearing and meetings with Planning Commission and/or City Council
- Keeps public informed and engaged but imposes costs

Level of Review	Planning Manager	Planning Commission	City Council
Average Review Time ¹	2-3 weeks	5-6 weeks	7-9 weeks
Application Fee	\$130	\$420	\$660

Table Note: 1) Review time does not include building permit review and issuance

SITE PLAN REVIEW – PROJECTS #2 AND #3

- **Option #2 (Project # 3 – Planning Commission Recommendation):**
Expand Planning Manager/Staff Approval Authority for the FSBPs of more project types
- Project types could be expanded to include the following:
 - New buildings with a gross area of 10,000 SF (currently 1,000 SF)
 - Building expansions up to 25% of existing floor area not to exceed 20,000 SF (currently 5% and may not exceed 10k SF)
 - Residential projects that add up to 5 new units as part of a Minor Revision to existing FSBP (currently projects proposing any additional number of units must have a public hearing and approval by Planning Commission)

SITE PLAN REVIEW – PROJECTS #2 AND #3



Yardscapes Warehouse
405 West 86th Street
6,000 square feet



Schneiderman's
Furniture Addition
2740 American Blvd W
4,076 square feet



Donaldson Building Addition
1400 West 94th Street
14,000 square feet



TRU/Home 2 Suites
2435 E Old Shakopee
4-story, 182-room hotel
98,452 sq. ft.

CONDITIONAL USES REVIEW – PROJECT #5

- Conditional Use Permits (CUPs) – Purpose, value, and costs
- Strengths/Value: 1) Greater Discretion, 2) Public Notice and Public Hearing Process, and 3) Correction of Violation
- Weaknesses/Costs: 1) Uncertainty of Approval, 2) Time, and 3) Financial Cost

Application Type	Development Application Fee	Typical Approval Timelines (includes building permit review)
Permitted Use (Building Permit Review Only)	-	2-3 Weeks
Conditional Use (CUP) Approved by Planning Commission	\$220	8-10 Weeks
Conditional Use (CUP) Approved by City Council	\$880	10-12 Weeks

CONDITIONAL USES REVIEW – PROJECT #5

- 112 uses designated as conditional (“C”) in Zoning Code
- Evaluation based on 1) Use Standards, 2) Potential for Nuisance, and 3) Use Complexity – See Exhibit 2

Use #	Conditional Use	Use Standards (Green = Yes, Yellow = Other Regulations, Red = No)	Applicable Zoning Districts (where use designated “C” Conditional)	Potential for Nuisance (Green = No, Yellow = Maybe, Red = Yes)	Staff Recommendation w/Notes (Green = Make Permitted on Some Level, Red = No Change)
1	Groupings of two-family dwellings	Yes - 21.302.04	R-1 and R-4	Green	Eliminate grouping use or amend definition of grouping
2	Multiple-family dwelling in single family zones in existence prior to January 26, 2015	Yes - 21.302.09	R-1	Green	Make permitted
3	State reviewed (licensed, registered, etc.) residential care facility serving 7 or more persons	Yes - 21.302.23 and 21.302.06	R-4, RM-12, RM-24, RM-50, and RM-100, T1, and FD-2 and CA in C-4	Yellow	Make permitted in residential districts and accessory in C-4 only
4	State licensed residential care facility serving 7 or more persons in single family zones in existence prior to January 26, 2015	Yes - 21.302.23 and 21.302.06	R-1, R-1A, and RS-1	Yellow	Red
5	City licensed congregate living facility serving 5 or more persons	Yes - 21.302.24 and 21.302.06	R-4, RM-12, RM-24, RM-50, RM-100, T1 and FD-2	Green	Make permitted in residential districts only



CONDITIONAL USES REVIEW – PROJECT #5

- Staff recommended designating 57 of 112 uses as permitted on some level as noted in Exhibit 2
- All uses are numbered for reference (if there are questions)
- Planning Commission affirmed Staff Recommendation except for removing 12 uses from the permitted list, undecided on 3 uses
- Revised Exhibit 2 reflects Planning Commission recommendation
- **Option #1: Affirm Planning Commission recommendation (designate 45 of 112 uses as permitted on some level)**
- Option #2: Revise PC recommendation

OTHER SUB-PROJECTS (#6, #7, #8, #9, and #10) EXPAND PLANNING COMMISSION AUTHORITY

- The following actions could be completed by Planning Commission, subject to appeal to City Council:
 - **Project #6 – All Conditional and Interim Use Permits (22 conditional uses and 2 interim uses require CC approval)**
 - Project #7 – Final Development Plans with no flexibility requested
 - **Project #8 – Variances**
 - Project #9 – Tent Extensions
 - Project #10 – Certificates of Appropriateness
 - Planning Commission supported these procedural changes

PROJECT #11 – REASONABLE ACCOMODATION

- Create formal process to grant waivers to Zoning regulations
- Based on Americans with Disabilities Act (ADA) and Fair Housing Amendments Act (1988)
- Limited to persons with disabilities seeking fair and equal access to public services and housing
- Past requests been resolved through Variance process
- Planning Commission recommends approval

NEXT STEPS

- Ordinance drafting and legal review
- Planning Commission public hearing
(late August or September 2024)
- City Council public hearing
(late September or October 2024)

DISCUSSION AND KEY DECISION POINTS

- **Key Question #1 – PC Recommendations**

- Do you concur with the Planning Commission recommendations on all sub-projects?
- Do you want to revise the direction of any sub-project?

- **Key Question #2 – Conditional Uses Review Request**

- Planning Commission remained undecided on and requested Council guidance on three conditional uses: cemetery (#25), restaurant with outdoor or rooftop seating or both (#55), and city licensed congregate living facility serving 5 or more persons (#5)