

This item will move to the 6/3/2024 City Council meeting as a study session.

## **ACTIONS OF THE COMMISSION:**

N/A

<b>ITEM 3</b> <b>7:29 p.m.</b>	<b>CASE:</b> PL2024-36 <b>APPLICANT:</b> City of Bloomington <b>REQUEST:</b> Streamlined Development Approvals
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Senior Planner Johnson presented ways to streamline development approvals. This project is on the Planning Commission's 2024 Work Plan. The last major update in this area was in 2009, although some incremental work has been done in the meantime. Johnson gave examples of how more cities are looking at ways to streamline development to encourage economic growth and increase housing production.

Johnson said the goal of these efforts is to lower barriers and cost to development approval. The current approval processes prioritizes public notification and participation opportunities, but also can add costs, challenges, and uncertainty for those seeking development approvals and for cities. Four criteria were outlined for streamlining proposals, which were reducing time, cost, increasing simplicity, and increasing confidence of approval. Johnson said there were 11 sub-projects in the presentation, and that he would focus on the higher impact sub-projects.

Johnson discussed sub-projects two and three from the staff report relating to streamlining processes for Final Site and Building Plans. Currently requiring site plan review does require a public hearing. Johnson outlined two options for the City besides the existing process. Option one was to allow for fully administrative site plan review. Option two would expand Planning Manager approval authority of Final Site and Building Plans to somewhat larger projects than what may be approved administratively today, with increased thresholds for when public hearings would be required. The staff recommendation was to maintain some level of public hearing for larger projects. Johnson presented a summary of comparable processes in other local cities and gave examples of how specific projects might be impacted.

Sub-project four from the staff report outlined that single-family residences do not require Final Site and Building Plan approval, just a building permit. Currently, two-family and ADUs (Accessory Dwelling Units) do require administrative Final Site and Building Plan approval, adding some time and application cost. Staff recommends that two-family dwellings and ADU projects could be treated similarly as single-family with a simplified review of the building permit.

Sub-project five was a comprehensive review of all conditional uses in the City Code. Johnson said typically cities designate uses with nuisances or locations with a need for greater discretion as conditional uses. The value of this is having public input and slightly

greater discretion for the City. This comes with cost and extra time; and some applicants decide to not pursue the projects in some cases. 112 conditional uses were evaluated on the criteria of use standards, potential for nuisance, and use complexity. Of the 112 uses, staff recommends 57 be changed to permitted uses on some level with some nuances as shown in the Exhibit 2 notes.

Sub-project six was to empower the Planning Commission with greater authority over Conditional and Interim Use Permits. Johnson said these application types often are approved as part of the City Council's Consent Business agenda. Staff recommends that all Conditional and Interim Use Permits be a Planning Commission decision, subject to a three-day appeal period to the City Council. This change would save two or three weeks of time for applicants, assuming the decision was not contested.

Similarly, the staff recommendation in sub-project 8 was variance approval by Planning Commission instead of City Council, subject to appeal. Johnson noted two other cities, Edina and Eden Prairie, do this in the peer city review.

Johnson gave an overview of the other sub-projects with more nuance, such as temporary tents or Certificates of Appropriateness (historic sites). The new sub-project that was added (not included on the staff report) is on reasonable accommodations related to disabilities. This would make a formal waiver or exception process to ensure fair access to City services and housing. Currently they would have to get approval for a variance to gain an exception to a zoning rule, which runs with land as opposed to the resident. Reasonable accommodation would be a better process and can be added to the City Code. Johnson also gave an overview of sub-projects that were not pursued. He said the next steps for this item was a June 2024 study session with City Council and public hearings in late summer / early fall.

The first question discussed sub-projects two and three; site plan review by the Planning Manager. Commissioner Goltzman asked how this would impact the visions committed to by the City in a district plan, such as Lyndale Retrofit. Johnson said regardless of who approves a project, all the same findings would have to be met, including compliance with the Comp Plan or a District Plan. Ideally the base zoning for a site would fit the City's vision as expressed in a district plan.

Commissioner Goltzman asked if the Planning Commission could override the Planning Manager decisions, noting that applications have come in where there are mixed opinions. Markegard said for staff level approval, only the applicant can appeal, and they would likely only appeal a denial. Overall, the applicant would be the only party who would know about the decision. But it is important to emphasize that staff can approve Code-complying projects only – no variances or flexibility.

Chair Rohman said those areas with district plans could be an exception. Johnson used the Penn American plan as an example which implemented many rezonings, so ideally coming out of a planning initiative, the new rules would reinforce the overall vision.

Commissioner Koktan was in favor of staying the course and cited examples of when public input changed the outcome. He did not like larger projects getting out of the public eye. He said it was only a few hundred more dollars and a couple weeks of time in exchange for the public input. He was in favor of no changes on this matter, or possibly having some tweaks outlined in the option two of the staff report.

Commissioner Curry was in support of streamlining site plan review, especially to make more small multifamily or smaller industrial developments more feasible. Commissioners Koktan and Curry discussed some of the costs in development related to formal application fees and other processes, such as hiring consultants that can increase expense and time.

Chair Rohman said overall there was a mix of opinions and not a clear direction on sub-projects two and three. Johnson said his sense was that the Commission aligned with expanding the existing Planning Manager approval, rather than changing to full administrative site plan review approvals. The Commission confirmed this direction.

The Commission deliberated on the proposed changes to conditional uses (sub-project five). Option one was to amend the use tables to allow many conditional uses to be permitted according to the staff recommendation. Option two would revise the staff recommendations for specific conditional uses. Option three would be no changes. Commissioner Koktan offered an option four stating this issue was too complex and required more focused review prior to action. He felt this sub-project could be an item in itself and expressed a desire to review the uses one by one. Commissioner Curry was in agreement for option four. Commissioner Albrecht and Johnson discussed how these changes would influence compliance, using an example of a church daycare that had to go through a long process, and that, under the recommended changes, could have been a permitted use.

Commissioner Goltzman cited the fitness facility from the March 9th meeting (who were renewing a lapsed conditional use permit), and asked for streamlining for projects that are straightforward and make common sense. Chair Rohman said the list of conditional uses as recommended by staff looked good to him. Johnson said there could be line-by-line analysis from staff at a future meeting if needed.

Chair Rohman asked if this issue would need more time for study. Commissioner Goltzman noted the timing for the public hearing for this item was August, when there would be two new members of the Commission. Commissioner Koktan supported another study session for the subject of conditional uses.

The Commission discussed ADUs and two-family residential projects being treated the same as single-family projects. Commissioner Goltzman said she was in support to increase housing stocks. Commissioner Curry raised questions on if ADU's would end up as short-term rentals, such as AirBnBs. Commissioner Goltzman said that short-term rentals are not allowed in the City. Johnson noted ADUs are administrative approvals

today, so there is no public hearing process. Commissioners were in agreement to simplify the process for two-family dwellings and ADUs.

The Planning Commission discussed increasing their authority to approve conditional / interim use permits, final development plans with no flexibility, variances, tent extensions, and certificates of appropriateness, subject to a three-day appeal process. Commissioner Albrecht asked about what would happen if the Commission had a tie vote. Planning Manager Markegard indicated the tie votes would move up to and be decided on by City Council.

Commissioner Goltzman raised the issue of Planning Commission decisions often going on the City Council's Consent Business agenda. Some takeaways from the discussion were if an item is appealed by an applicant, it would be put on the City Council's regular agenda and taken off Consent. Also, if the Planning Commission had a different determination than the staff recommendation, the item would be taken off the Consent Business agenda and put onto the Regular agenda for more discussion. Chair Rohman said the increase in authority for the Planning Commission is a good direction in terms of streamlining development. Commissioner Koktan clarified that if the Planning Commission recommends denial of an application today, and that application goes on the City Council Consent Business agenda, then the Consent agenda would be confirming the item's denial. Johnson said this was correct. However, sometimes denial items are pulled off Consent to ensure an adequate public record.

Commissioner Koktan was in favor and discussed timing items to manage the workload of the Commission. Chair Rohman stated these changes would not impact the Planning Commission's workload, and would remove some City Council duties in most cases, unless an appeal was submitted.

#### **ACTIONS OF THE COMMISSION:**

N/A

**ITEM 4**  
**8:41 p.m.**

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**APPLICANT:** City of Bloomington

**REQUEST:** Consider approval of draft 4/4/24 Planning Commission meeting synopsis

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#### **ACTIONS OF THE COMMISSION:**

**M/Albrecht, S/Goltzman: I move to approve the draft Planning Commission meeting synopsis from April 4, 2024 as presented.**

Motion carried 4-0 with Commissioner Curry abstaining.

Motion passes.