

Koktan: Aye
 Isse: Aye
 Cunningham: Aye
 Curry: Aye
 Motion carried 5-0.

The item continues to the September 19 Planning Commission meeting as a public hearing.

ITEM 3	CASE:	PL2023-127
7:32 p.m.	APPLICANT:	City of Bloomington
	REQUEST:	City Code Amendment - Streamlining Development Ordinance

Johnson gave a presentation on the Streamlining Development Ordinance. The goals were to reduce time, cost, and complexity in the process, while increasing the certainty of outcomes for applicants. There were 11 sub-projects identified based on the goals. He provided the timeline of the project, including two Planning Commission study sessions on 5/23/2024 and 6/20/2024, and a City Council study session in 7/15/2024.

Johnson provided a summary of changes from the earlier study sessions. Administrative Code provisions being removed and relatedly increasing Zoning Variance approval authority to have the Planning Commission serve as the Board of Appeals and Adjustments. The process of Appeal to Staff Interpretation was updated. Approvals of Certificates of Appropriateness would also be shifted to the Planning Commission.

Potentially, 57 uses would be changed from conditional to permitted. Johnson gave extra attention to explaining outdoor dining noise mitigation processes related to restaurants. Expansion of administrative approvals was another topic highlighted by Johnson.

Johnson requested a few topics to be given greater attention by the Commission. These were the conditional uses, where staff had recommended 57 to be permitted, and the Planning Commission suggested keeping 12 of those uses as conditional. He stated Option A was the full 57 uses be permitted, and Option B was only the 45 uses without the uses the Commission recommended to keep as conditional.

A key topic was on outdoor dining. Staff proposed keeping rooftop patios as conditional uses. Ground level outdoor dining would be permitted. If the outdoor dining is proposing more than 16 seats and located within 250 feet of residential areas, a noise mitigation plan, approved administratively, would be required.

Another major discussion item was about administrative site plan review. The City Council asked staff to research a full administrative site plan review process. The City Council also asked for public notices process to be retained in this process. Staff reviewed the timelines that would be required for this and found there would not be a significant time savings with fully administrative site plan review, and it could cause frustration for residents to receive notice for projects with no opportunity to comment.

For that reason, staff did not recommend having site plan review be a fully administrative process.

Staff recommended approval of the ordinance.

Koktan asked to confirm that this item would go to City Council as a public hearing, and not on the consent agenda. Johnson said this is correct.

Koktan asked how outdoor dining within 250 feet of residential sites would be measured. Johnson said it would be measured from the outdoor dining patio to the property line of the residential site.

Cunningham asked if notice for an item is sent to the public, the item would still come to Planning Commission for a public hearing as a result of the ordinance. Johnson said the main change would be changing the designated Board of Appeals and Adjustments from the City Council to the Planning Commission. With respect to fully administrative site plan review, such an application would not be reviewed by the Planning Commission unless it was appealed, and staff generally recommends that notices be attached to a public hearing opportunity.

Albrecht asked if outdoor dining has driven lighting complaints. Johnson said the City has Dark Skies type ordinance that resolves many of these types of issues. Centinario said there are effective measurement tools to enforce existing rules.

Koktan asked how often Planning Manager decisions are appealed. Johnson was unable to recall any instances of this happening during his tenure. Centinario was also unable to recall any instances of this, saying that staff tries to avoid denials by finding a path for the applicant's needs to be met while meeting City Code. Toskey said he had not been asked to work on anything like that in the past two and a half years he has been at the City. He said the Board of Appeals and Adjustments has a statutory duty to do this, so it is required by law to have some body to address interpretation appeals, but it does not happen often at all.

Curry asked for clarification on the two different total numbers of conditional uses proposed to be made permitted. Johnson and Toskey explained that the public notices would be sent with the language of "up to" the total 57 conditional uses, but the City Council would still be able to reduce that number. If the public notices were sent with only the 45 conditional uses previously recommended by the Planning Commission, the City Council would be unable to add any of the 12 conditional uses back into discussion without sending out a new public notice. To summarize, the City Council had guided staff to provide notice for all 57 uses, to provide more flexibility in discussions from the public notice process.

PUBLIC HEARING DISCUSSION:

Albrecht opened the public hearing at 8:10 PM.

Robert Coleman asked about the groupings of two-family dwellings and asked for clarification that this type of classification would be removed due to the streamlining.

The public hearing was closed 8:12 PM.

Cunningham asked Johnson to address the testimony in the hearing. Johnson said both bodies (Planning Commission and City Council) said to simply eliminate the groupings of two-family dwellings use from City Code.

Koktan stated he was in favor of option B, to recommend the 45 uses be changed from conditional to permitted. He said the Planning Commission discussed the topic for over two hours, and had the discussion of these conditional uses as a separate item. He said a lot of thought was put into their recommendation, and the City Council discussed for less time due to their time constraints. He said if the City Council wanted to make these uses permitted they should have further consideration of the uses on an individual basis.

Albrecht was in favor of option B, citing a previous case where the Planning Commission was able to make improvements for the pedestrian experience of a self-storage facility through the conditional use permit process.

Cunningham was supportive of option B.

Curry was in support of option B. He agreed with staff on the matter that public notices should be tied to an opportunity for public comment.

ACTIONS OF THE COMMISSION:

M/Koktan, S/Cunningham: To close the public hearing.

Due to Curry participating remotely, voting was conducted through roll call.

Albrecht: Aye

Koktan: Aye

Isse: Aye

Cunningham: Aye

Curry: Aye

Motion carried 5-0.

M/Koktan, S/Cunningham: In case PL2024-127, I move to recommend adoption of the Streamlined Development Ordinance, thereby amending Chapters 2, 15, 19, 21, and Appendix A of the City Code with a recommendation that items moving from conditional to permitted remain at 45, and not the 57, removing the 12 as noted in the staff report.

Due to Curry participating remotely, voting was conducted through roll call.

Albrecht: Aye

Koktan: Aye

Isse: Aye
Cunningham: Aye
Curry: Aye
Motion carried 5-0.

The item moves to the September 30 City Council meeting for a public hearing.

ITEM 4
8:18 p.m.

APPLICANT: City of Bloomington

REQUEST: Consider approval of draft 07/14/24 and 07/28/24 Planning Commission meeting synopses

ACTIONS OF THE COMMISSION:

M/Koktan, S/Isse: I move to approve the Planning Commission meeting synopsis from August 15, 2024 as presented.

Due to Curry participating remotely, voting was conducted through roll call.

Albrecht: Aye

Koktan: Aye

Isse: Abstain

Cunningham: Abstain

Curry: Aye

Motion carried 3-0 with two abstentions.

ITEM 5
8:19 p.m.

APPLICANT: City of Bloomington

REQUEST: Planning Commission Policy and Issue Update

Centinario provided a synopsis of upcoming agendas.

Meeting adjourned at 8:22 p.m.

Prepared By: Elliott Brooks

Reviewed By: Nick Johnson
Mike Centinario

Approved By Planning Commission: 10/3/2024