



PLANNING COMMISSION

July 21, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

Call to Order

Chairperson Hansen called the Planning Commission meeting to order at 7:00 p.m.

Roll Call

Present: Amy Dritz, Mike Heintz, Ryan Evanson, Mark Hansen, Terry McClellan, John and Buyse II

Absent: Ross Meisner

Others Present: Stacy Stromberg, Planning Manager
Scott Hickok, Community Development Director

Approval of Meeting Minutes

1. Receive the Minutes from the Planning Commission Meeting of June 19, 2021

Motion by Commissioner Evanson approving the June 19, 2021 meeting minutes. Seconded by Commissioner Heintz.

Further discussion: Commissioner Buyse believed there was a discrepancy with the vote total at the end. He recommended that the vote be updated to show it was not unanimous.

Motion by Commissioner Buyse to amend the June 19, 2021 meeting minutes. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Acceptance of Minutes from Other Commissions

2. Receive the Minutes from the Other Commissions

Motion by Commissioner Evanson accept the minutes from other Commissions. Seconded by Commissioner Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Public Hearings

3. Public Hearing to Consider Chapter 34, Reasonable Accommodations Ordinance No. 1395

Motion by Commissioner McClellan to open the public hearing. Seconded by Commissioner Evanson.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSON DECLARED THE MOTION CARRIED.

Community Development Director Scott Hickok presented a request to consider a text amendment to add a Chapter to the Code of Ordinances. He provided background information related to a previous request from a resident to possess a unique companion animal accommodation. He also provided additional information related to guidance from the Federal Fair Housing Act related to requests from companion animals as an accommodation. He stated that on June 22, 2021 a conciliation hearing was held involving the animal owner, MDHR and the City of Fridley. The outcome of the hearing included the City being required to adopt a reasonable accommodation ordinance, implement an accommodation application process, and provide training for staff on requirements of the Federal Fair Housing Act. He noted that this will allow consideration of an accommodation for individuals who require an accommodation of any type. He stated that in relation to the ordinance consideration they included a purpose, definitions, initiation of reasonable accommodations, accommodation specialist/required findings, notice of decision, applicability, conditions and guarantees, and fees. He stated that the required findings would be related to the special need created by the disability, benefit accomplished by accommodation, physical attributes of proposed changes, potential impacts on surrounding uses, would the accommodation be fundamental alteration to zoning regulations, would the accommodation present an undue financial burden on the City, and any other factor that may have a bearing on the request. He also described the appeals process that would be available and noted that the fee would be \$75, which would cover one hour of staff time. He stated that staff recommends approval of Text Amendment, TA #21-03, which will add Chapter 34, Reasonable Accommodation to the City Code.

Chairperson Hansen stated that it was mentioned in the accommodation that the approval does not run with the land. He used the example of an accommodation being granted for a taller fence and asked what would happen if that resident were to move and a new person move into the property.

Mr. Hickok confirmed that to be true, noting that if the person granted the accommodation were to move, the fence would no longer be allowed at that height. He stated that staff hopes that it

is clear that the accommodation is for the use of the person granted the accommodation and once no longer needed, it would need to revert to City Code standards. He noted that a violation of a license could result in an abatement and charge back to the property.

Commissioner Evanson asked what prompted the need for a permit in the first place for the animal request.

Mr. Hickok explained that Chapter 110 focuses on animals and typically animal possession is deemed to be those that could be serviced by veterinarians. He stated that nondomestic pets can be kept through a livestock license if the conditions can be met. He stated that in this case it was a unique animal that was not covered under the livestock criteria. He stated that it would be fair to ask why a unique animal would be kept rather than a typical dog or cat companion. He noted that in that case a doctor's note was provided to specify the unique animal.

Commissioner Evanson asked what would be deemed reasonable to ensure that people are not attempting to keep tigers as a companion animal.

Mr. Hickok stated that should a case go forward to court; the Judge and jury would need to see the sense of reasonableness.

Commissioner Buyse asked if parameters would need to be built into the ordinance or whether staff would have the ability to make the determination about what would be reasonable.

Mr. Hickok confirmed that staff would make the determination.

Commissioner McClellan asked if there would be a method to attach the approval to a title to ensure that it would be mentioned at the time of closing, should the property change ownership.

Mr. Hickok stated that the City can ask the questions to determine what would be a reasonable accommodation, but it would not be able to share that information in such manner because it is private information related to a disability or vulnerability.

Commissioner Heintz used the example of a taller fence and asked if the City could require maintenance should that be necessary.

Mr. Hickok confirmed that even in the case of a unique animal possession, a livestock license would still be necessary and therefore that would be governed under such manner going forward.

Chairperson Hansen asked if the reasonable accommodation would hinder the ability of the City to abate in the future, if a situation arose that required such. He used the example of a fence that was in disrepair.

Mr. Hickok commented that the animal could still be removed from the property if the necessary conditions are not met. He stated that in the same manner, a fence could be abated should that situation arise. He noted that although an accommodation can be made related to the type of animal and land necessary to keep said animal or the height or location of the fence, all other requirements of the City Code would need to continue to be met.

Commissioner Buyse asked if the ordinance would fix the situation that occurred in 2016 and how that was handled.

Mr. Hickok replied that this would provide a formal process for considering such request. He noted that in 2016 the City asked for the proper information to support the request.

Commissioner Evanson asked if this process had been in place, would the resident have received a letter after they moved alerting them to the process to apply/reapply for the accommodation at the new residence.

Commissioner Buyse commented that his comment was meant to say that the City would have handled the incidents in 2016 and 2018 in the same manner, even without the ordinance being in place.

Commissioner Evanson commented that having the ordinance in place would help to support the position of the City and remove the issue of liability.

Mr. Hickok commented that he would hope that this would be publicized and people that may need an accommodation would come forward to request that accommodation. He confirmed that it would be helpful to have this Chapter within the City Code.

Commissioner McClellan asked if this ordinance would be publicized to make the public aware of it.

Mr. Hickok stated that this would go forward to the City Council at a first and second reading and would be published in the typical manner.

Commissioner Buyse asked if the stipulation for training is necessary.

Mr. Hickok replied that is part of the conciliation agreement. He stated that the City's position was that it may be redundant for a staff member to go through the training once each year, but it would be helpful for new staff members to have the training.

Motion by Commissioner McClellan to close the public hearing. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Chairperson Hansen commented that staff did a great job putting this together.

Commissioner Buyse commented that many of the questions focuses on homeowner related questions but believed that most of these situations would be with renters.

Commissioner Heintz asked if a business could apply for an accommodation.

Mr. Hickok replied that the accommodations are related to all housing.

Motion by Commissioner McClellan to approve Text Amendment, TA #21-03, which will add Chapter 34, Reasonable Accommodation to the City Code. Seconded by Commissioner Dritz.

Further discussion: Mr. Hickok replied that this is not only for renters but for all that may need an accommodation.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED.

Mr. Hickok noted that this will go to the City Council for the first reading at the meeting on August 9, 2021 with the second reading scheduled to occur two weeks following.

Other Business

Planning Manager Stacy Stromberg provided an update on matters recently considered by the Commission and subsequent City Council action or consideration. She reported that the regular August meeting of the Planning Commission has been canceled.

Mr. Hickok stated that development is going well, noting that \$78,000,000 in development has occurred through the end of June. He stated that these projects are being done in a thoughtful way and the sites are being kept safe and clean.

Commissioner Buyse referenced the complex being constructed at Holly Center and noted that the design seems different than approved.

Mr. Hickok stated that the developer is following the plans approved by the Commission and Council. He explained that the illustration shows that three story corner with four stories on each side above the sales office entrance, which is different than the other corner where others would access. He stated that development is going to have the models open shortly along with the sales office and common area. He noted that people would be able to view units before the certificate of occupancy is issued and all units are completed.

Commissioner McClellan commented that seems to be a good strategy as there will be many apartment complexes coming online within the next few years and therefore it will be a competitive market.

Ms. Stromberg provided an update on a senior living project that was previously approved and paused during COVID noting that a new developer is looking at a smaller version of transitional care. She stated that request would come back to the Commission to review the new plans. It was confirmed that process would include a public hearing.

Adjournment

Motion by Commissioner Evanson to adjourn the meeting. Seconded by Commissioner Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:50 P.M.

Respectfully submitted,

Amanda Staple
Recording Secretary