



Planning Commission

Tuesday, October 28, 2025

6:30 PM

Elk River City Hall

Regular Meeting Agenda

- Regular meeting in Council Chambers

1. CALL MEETING TO ORDER

2. CONSIDER AGENDA

3. CONSIDER MINUTES

3.1 DRAFT Minutes - September 23, 2025

4. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

4.1 Ordinance Amendment: Reasonable Accommodation Appeal Process, City of Elk River

5. GENERAL BUSINESS

Items in which the information is presented by city staff or consultants, then deliberation and action occur. General Business items are not opportunities to receive or provide public input. However, the presiding officer may, at its sole discretion, solicit public feedback.

6. COUNCIL LIAISON UPDATES

7. MOTION TO ADJOURN REGULAR MEETING



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, September 23, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner James Zahler, Commissioner Dornan Bland, Commissioner Anthony Kaba, Councilmember Jennifer Wagner

Members Absent: None

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Katie Porath

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 7:17 p.m.

2. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the agenda. Motion carried 7-0.

3. CONSIDER MINUTES

Moved by Commissioner Booth and seconded by Commissioner Kaba to approve the following consent items as outlined in their respective staff reports. Motion carried 7-0.

3.1 DRAFT Minutes - August 26, 2025

4. PUBLIC HEARINGS

There were no public hearings.

5. GENERAL BUSINESS

5.1 Pat Briggs Planned Unit Development (PUD): Two 79-unit Apartment Buildings, Land Use Amendment, Zone Change, and Ordinance Amendment - 17379 Twin Lakes Rd NW

Mr. Carlton presented the staff report.

Staff noted that the applicant had increased their proposed parking from 1.63 parking spots per unit to 1.75 parking spots per unit. The Commission felt that the ratio was still too far below the standard 2.5 parking spots per residential unit. Commissioner Johnson added that, with the removal of the Northstar train station, more residents in this proposed development would need a vehicle. Adding a 158 unit development would also increase traffic in that area.

Commissioner Johnson commented that the newly submitted plan, which flipped the parking on the site, would make the parking lot area closer to the residential homes and headlights would shine into their property.

Commissioner Rydberg commented on the speeds on Twin Lakes Road and shared safety concerns regarding extra vehicles, which did not fit in the parking lot, parking along that road.

The Commission agreed that changing the land use designation to Multifamily, allowing larger developments, was not appropriate for the community.

Moved by Commissioner Bland and seconded by Commissioner Johnson to recommend denial of the proposed land use amendment, changing the Comprehensive Plan guidance from Mixed Residential to Multifamily, for not meeting the needs of the Comprehensive Plan. Motion carried 7-0.

Moved by Commissioner Johnson and seconded by Commissioner Kaba to recommend denial of the proposed zone change, changing the zoning from FAST (D) to Planned Unit Development (PUD). Motion carried 7-0.

Moved by Commissioner Johnson and seconded by Commissioner Zahler to recommend denial of an ordinance outlining the development standards for a residential Planned Unit Development based on the zone change not taking place. Motion carried 7-0.

The item will come to the City Council meeting on October 20, 2025.

5.2 Resolution 25-01: City Purchase of Property for Retail Purposes

Mr. Carlton presented the staff report.

The Commission did not share any concerns.

Moved by Commissioner Johnson and seconded by Commissioner Zahler to adopt Planning Commission Resolution 25-01 finding the purchase of a portion of Lot 1, Block 2 and all of Lot 2, Block 2, Hillside Crossing to be consistent with the Elk River Comprehensive Plan. Motion carried 7-0.

5.3 Resolution 25-02: City Purchase of Property for a Future Fire Station

Mr. Carlton presented the staff report.

The Commission did not share any concerns.

Moved by Commissioner Johnson and seconded by Commissioner Booth to adopt Planning Commission Resolution 25-02 finding the purchase of a portion of PID 75-00134-2200 (809 Jackson Ave) to be consistent with the Elk River Comprehensive Plan. Motion carried 7-0.

Commissioner Johnson asked if the remaining parking met the needs of the church. Mr. Carlton stated

that the parking lot would be reorganized once plans were prepared.

6. COUNCIL LIAISON UPDATES

Councilmember Wagner gave an update on the Variance for Jennifer Belde presented at the September 15, 2025, City Council meeting. The Council continued the discussion to their October 6, 2025, meeting to review accessibility needs.

7. MOTION TO ADJOURN

Moved by Commissioner Zahler and seconded by Commissioner Booth to adjourn the meeting. Motion carried 7-0.

The meeting adjourned at 7:52 p.m.

Minutes prepared by Katie Porath.

Perry Beise, Chair

Tina Allard, City Clerk



Request for Action

To
Planning Commission

Item Number
4.1

Meeting Date
October 28, 2025

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Ordinance Amendment: Reasonable Accommodation
Appeal Process, City of Elk River

Reviewed by
Zack Carlton

Action Requested

Recommend approval of the Ordinance Amendment creating an appeal process for reasonable accommodations under the Americans with Disabilities Act.

Background/Discussion

At the September 15, 2025, City Council meeting, the Council reviewed an application for a Variance (Case No. V 25-13) to exceed the allowed square footage of Accessory Structures and Accessory Dwelling Units.

During the meeting, the applicant stated the variance would support an individual with a disability. At that meeting, the city council directed staff to work with the city attorney and draft an ordinance providing an opportunity to request “variances” specifically related to ADA and the Fair Housing Act (FHA) requirements. This would be an avenue for an applicant to present evidence of a Reasonable Accommodation request.

The ordinance will establish a Reasonable Accommodation process as a means of granting a modification or waiver of city regulations or policies to an individual with a qualifying disability.

The proposed process would give the community development director, in consultation with the city attorney, the authority to consider and act on requests. This type of request would not be a public hearing nor be reviewed by the Board of Adjustment or City Council. The applicant would also have the right to appeal staff’s decision if there is a disagreement on the application of the ordinance.

Financial Impact

None

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

- I. Reasonable Accommodation Ordinance DAFT

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





Ordinance 25 - ____

An Ordinance Creating Chapter 2, Article 1, §2-2, Reasonable Accommodations of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 2-2. – **Reasonable Accommodations** of the City of Elk River Code of Ordinances shall be created to read as follows:

1. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the Act. The process for making and acting upon requests for reasonable accommodation is set forth below.
2. A person may request the modification or waiver of city regulations or policies by submitting a request in writing to the community development director. No fee is required for this application. "Person" includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing or program available to the person, including verification of the disability, as well as other information required by the director. If the request also requires another city review or approval, then the applicant must file the request concurrently with that application.

3. The community development director, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, except that requests associated with another city review or approval will be considered and decided concurrently with that application. A decision must be in writing and may include the imposition of conditions. In making a decision, the following factors must be considered:
 - a. whether there is a qualifying disability;
 - b. whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;
 - c. whether the request is reasonable, considering such things as the potential impact on surrounding uses, new construction versus an existing structure, the extent to which the accommodation meets the stated need or can alternative designs accomplish the need, and other alternatives that may meet that need;
 - d. whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;
 - e. whether the request would impose an undue financial or administrative burden on the city; and
 - f. any other factor that may have a bearing on the request.
4. The director's written decision, including notice of the right to appeal, must be mailed to the applicant.t. An aggrieved party may appeal the director's decision to the city council by submitting a written request to the city clerk within 10 days after the decision was mailed to that party. The director's decision is the final decision of the city, unless properly appealed. Only the applicant has a right to appeal.
5. An approved request related to the use of real property is granted only to an individual and does not run with the land unless the director determines that (a) the accommodation is physically integrated into the residential structure and cannot easily be removed or altered or (b) the accommodation is to be used by another individual with a disability.
6. The director may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation with respect to the use of real property.

SECTION 2. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 17th day of November, 2025.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

