

CITY OF FRIDLEY
A G E N D A

PLANNING COMMISSION MEETING WEDNESDAY, SEPTEMBER 21, 2016 7:00 P.M.
=====

LOCATION: COUNCIL CHAMBERS
FRIDLEY MUNICIPAL CENTER, 6431 UNIVERSITY AVENUE NE

CALL TO ORDER:

ROLL CALL:

APPROVE PLANNING COMMISSION MEETING MINUTES: July 20, 2016

1. **PUBLIC HEARING:**

Consideration of a Text Amendment, by the City of Fridley, to consider an ordinance opting out of recently passed State Legislation, MN Statutes, Section 462.3593, requiring cities to permit temporary family health care dwelling units.

2. **PUBLIC HEARING:**

Consideration of a Text Amendment, by the City of Fridley, for Fridley City Code Chapter 113 (Solid Waste/Recycling) which proposes to update definitions, create licensing categories for new and current services (yard waste or organics collection), require metal refuse dumpsters in interior multi-family housing, and require additional residential recycling reporting requirements for haulers.

3. **RECEIVE THE MINUTES OF THE JULY 12, 2016, ENVIRONMENTAL QUALITY AND ENERGY COMMISSION MEETING.**

4. **RECEIVE THE MINUTES OF THE AUGUST 25, 2016, ENVIRONMENTAL QUALITY AND ENERGY COMMISSION MEETING.**

5. **RECEIVE THE MINUTES OF THE AUGUST 1, 2016, PARKS & RECREATION COMMISSION MEETING.**

OTHER BUSINESS:

6. Green Steps Cities 9.1 BMP EQE Recommendation.

ADJOURN

PLANNING COMMISSION MEETING
July 20, 2016

Chairperson Kondrick called the Planning Commission Meeting to order at 7:00 p.m.

MEMBERS PRESENT: David Kondrick, Brad Sielaff, Leroy Oquist, David Ostwald, Mike Heintz, and Mark Hansen

OTHERS PRESENT: Stacy Stromberg, Planner
Paul Bolin, HRA Executive Director
Gerald Maeckelbergh, 425 Rice Creek Boulevard
Gene Schermer, 561 Rice Creek Boulevard
Obinnaya Oji, 437 Rice Creek Boulevard
Gerry Mroska, All Temp Distribution Company

Approval of Minutes: May 18, 2016

MOTION by Commissioner Oquist to approve the minutes as presented. Seconded by Commissioner Sielaff

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

1. PUBLIC HEARING:

Consideration of a Preliminary Plat, PS # 16-01, by Fridley Land LLC, to replat the property at 41 Northern Stacks Drive and the unaddressed parcel to the North to allow for further redevelopment of the site, legally described as Lot 1, Block 1, Northern Stacks, Lot 3, Block 1, Northern Stack 2nd Addition.

MOTION by Commissioner Oquist to open the public hearing. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:02 P.M.

Stacy Stromberg, Planner, stated the petitioner, Paul Hyde of Fridley Land LLC, is requesting the third preliminary plat to allow for Phase III of the redevelopment of what was originally the large parcel addressed as 4800 East River Road.

Ms. Stromberg stated the portion of the property to be replatted for Phase III of this redevelopment is 41 Northern Stacks Drive and the unaddressed parcel to the north. This plat will create (3) new building lots to allow for further redevelopment of this site. It will also extend Northern Stacks Drive further east on the property to provide access to the newly created lots.

Ms. Stromberg stated the Commission and Council will recall that this property was rezoned from M-2, Heavy Industrial to S-2, Redevelopment District in 2013 to allow redevelopment of what has been known as the BAE/FMC/Navy site, now being called Northern Stacks. The S-2 zoning designation allows flexibility with the redevelopment of the property. A master plan was approved with the rezoning that establishes guidelines that dictate what type of development can occur on the site.

Ms. Stromberg stated the proposed preliminary plat and use meet the intent of the master plan that was approved with the S-2 rezoning for this property.

Ms. Stromberg stated the first plat was approved in 2015 to allow for Phase I of the redevelopment, which created two separate parcels on the south side of property. As a result, the building at 41 Northern Stacks Drive, which is the most eastern parcel, was constructed. The second building on the west parcel is currently being constructed. That plat also dedicated 1.49 acres of land for right-of-way purposes, which includes the construction of a cul-de-sac off of East River Road, to allow access to the Phase I parcels.

Ms. Stromberg stated the second plat was approved in 2016 to allow Phase II of the redevelopment, which consolidated BAE Systems within the northern 561,000 of the original building. This space remains as office and technology space for BAE. The exterior of the building has been completely renovated to meet the development standards that the petitioner has set for this development. Demolition of the remainder of the original building is complete.

Ms. Stromberg stated the petitioner is planning to redevelop the subject property in four phases, and at this point in the process, this request will be Phase III.

Ms. Stromberg stated at this time, Mr. Hyde is seeking to replat the parcel addressed as 41 Northern Stacks Drive and the unaddressed parcel to the north, which combined is 44.59 acres in size. This new replat will give 41 Northern Stacks Drive a new legal description, and will allow the creation of three new lots, which will allow for the construction of three new bulk warehouse and office warehouse industrial buildings. This replat will also create a separate lot for what was the Boiler building and the location of the smoke stacks that remain in place to pay tribute to the history of the site and are the symbol for the name of the development. The petitioner has been working with several potential tenants to have a tap room/beer production use out of this building. Finally, two outlots will be created for storm water ponds.

Ms. Stromberg stated City Staff recommends approval of the preliminary plat request as the Plat complies with the master plan approved for the rezoning of this property.

Chairperson Kondrick asked if they will be serving alcohol at the taproom.

Ms. Stromberg replied, yes, it will be a taproom so they will serve the beer that is brewed on site.

Chairperson Kondrick stated will be parking back there for the taproom.

Ms. Stromberg replied, yes, there will be a separate parking lot.

MOTION by Commissioner Sielaff to close the public hearing. Seconded by Commissioner Hansen.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CLOSED AT 7:07 P.M.

Chairperson Kondrick stated this is a pretty straightforward thing. They know where these folks are going and they have talked about this for quite a while. He has no problem with this.

MOTION by Commissioner Oquist approving Preliminary Plat, PS # 16-01, by Fridley Land LLC, to replat the property at 41 Northern Stacks Drive and the unaddressed parcel to the North to allow for further redevelopment of the site, legally described as Lot 1, Block 1, Northern Stacks, Lot 3, Block 1, Northern Stack 2nd Addition. Seconded by Commissioner Heintz.

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

2. PUBLIC HEARING:

Consideration of a Lot Split, LS #16-02, by the City of Fridley Housing and Redevelopment Authority (HRA), to start preparing the property for future redevelopment, legally described as the south 400 feet of the southeast one fourth of southwest one fourth of Section 11, Township 30, Range 24, except subject to easement of record, generally located at 6911 University Avenue NE.

MOTION by Commissioner Sielaff to open the public hearing. Seconded by Commissioner Oquist.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:09 P.M.

Ms. Stromberg stated Paul Bolin on behalf of the City's Housing and Redevelopment Authority (HRA) is seeking a lot split, to prepare the property for future development opportunities.

Ms. Stromberg stated the subject property is zoned P, Public Facilities. The existing water treatment plant was constructed in 1970. The area is mainly a large open space used as soccer fields with a playground area.

Ms. Stromberg stated the purpose of the lot split is to maximize the area available to generate tax increment. The increment is necessary to help pay for the infrastructure needed to allow for the redevelopment of the Columbia Arena and surrounding sites. The increment will be used to help pay for the roadways and utilities necessary to develop patio homes on the subject property proposed to be split. After the TIF District is established and development plans are further developed this fall, the entire area will be re-platted to create the individual parcels for each of the uses.

Ms. Stromberg stated the desire for single-level patio homes within the Community is something City staff has heard from residents for many years. It was a comment made over and over again during our last two Comprehensive Planning processes which was nearly 20 years. Part of the redevelopment of the Columbia Arena and surrounding sites will allow for this desire to be accomplished on the land that is part of this lot split request. Any soccer or other recreational programs that are currently being held on the subject property will be re-programmed within the redeveloped Columbia Arena and surrounding site or at another park within the City.

Ms. Stromberg stated Section 211 of the Subdivision ordinance allows a lot split when a parcel can be subdivided through the use of a simply fraction. The proposed subdivision splits the large lot by 1/3 (Parcel A, west): 2/3 (Parcel B, east), therefore meeting the intent of the subdivision ordinance.

Ms. Stromberg stated the City has not heard from any neighboring property owners.

Ms. Stromberg stated City Staff recommends approval of this lot split request as it meets the goals and objectives towards potential development of this site and the sites to the north for a Civic/Private project partnership that could happen in the future.

Ms. Stromberg stated is asking for approval of the lot split. This is not part of the development plan. There is nothing final yet as far as development plans; this lot split is just preparing the land for development. The City Council and City staff will be holding an open house in regards to the potential development on July 26, 2016, from 6 to 9 p.m.; and that would be the opportunity for people to ask questions.

Commissioner Sielaff asked why is it being proposed the way it is as far as one-third and two-thirds.

Ms. Stromberg replied the simplest way to do it is through a lot split and usually if you can take a lot and split it in half or in a third, then they can do the lot split process and do not have to go through the platting process which is longer and more expensive. The purpose of doing it now is to help with the tax increment financing.

Commissioner Sielaff asked is there a particular reason for the one-third and two thirds?

Paul Bolin, HRA Executive Director, stated that was a logical breaking point for this subdivision because you have the water treatment plant and the existing playground all sit in that western third of the site. If you look to the south of 69th Avenue, if there were patio homes developed on this site and additional roadways were put in, you could line those up with Rice Creek Boulevard to the south.

Gerald Maeckelbergh, 425 Rice Creek Boulevard, asked if Mr. Bolin could show them on the map an idea as to where the playground and the water treatment building is and parking to the north side. He drove through that area last night and there was soccer being played there. The whole parking lot was full, and there were 20 cars parked at Woodcrest Baptist Church and on Rice Creek Boulevard on the east side and the west side. He is concerned about the parking part of this redevelopment. Is the parking included on Parcel A?

Mr. Bolin replied at this time there are no plans for this site. Jack Kirk, Parks and Recreation Director, has assured them the soccer games can be moved to a different park.

Chairperson Kondrick asked if all the programming would change with the possible development of this site.

Mr. Bolin replied correct. He indicated on the map the location of the playground and the water treatment plant.

Mr. Maeckelbergh asked if it includes the parking lot as it sits now?

Mr. Bolin replied, no. All of the parking actually sits on the parcel that is to the north of this. There never has been dedicated parking for the park.

Mr. Bolin stated originally when Anoka County developed Columbia Arena, the City just used the parking lot for soccer and for other events. Once Bill Fogerty purchased the arena, that is when it came to light the City does not even have an access or easement agreement for the parking on the Columbia Arena parcel. However, Mr. Fogerty was okay with us using it and now that the HRA owns the Columbia Arena site of course, they are okay with it. That is why the HRA left a 60-foot wide portion of the lot paved when they did the rest of the demolition. Until some plans are made, there is adequate parking for the people using the soccer field and playground.

Commissioner Sielaff asked if there was a well there.

Mr. Bolin replied, yes, as part of the water treatment plant.

Commissioner Sielaff asked whether there are any concerns about well protection.

Mr. Bolin replied, no there is not. They could certainly get something back to them if they would like more information from the City Engineer on that. He has been heavily involved in all of the work that has gone on, with different soil borings, etc.

Chairperson Kondrick stated it will not be a problem.

Mr. Bolin replied, no.

Gene Schermer, 561 Rice Creek Boulevard, stated he is wondering whether the lot split is going to include bulldozing a road through to Rice Creek Boulevard?

Mr. Bolin replied, approving this lot split tonight does not commit the City, the Planning Commission, or the HRA to anything. There are plans that will be developed. There is an open house next Tuesday. A lot of those things that are being developed are being based on the community-wide meetings they had in the spring of 2015. What was heard at those meetings is people would like to see patio homes somewhere on this site. The subject parcel is probably the most likely area for that, simply because it abuts single-family homes. It can really act as a buffer to whatever gets developed further to the north. Approving this tonight does not bring bulldozers or earth moving equipment, out there tomorrow. There are still plans that need to be developed and approved. There is going to be a number of hearings as different plans move forward, both before the Planning Commission and the City Council.

Chairperson Kondrick stated the meeting on the 26th of July is downstairs. Anybody interested should go to that meeting and air their thoughts, desires, and opinions, etc. Nothing has been set in stone as far as what they are going to do or how they are going to do it. It would be important for anybody interested in this property and how it might affect their homes or their area to stop on by and voice their opinions.

Obinnaya Oji, 437 Rice Creek Boulevard, asked would it make more sense for this situation to be reversed? To have the open house, before the request for the lot split.

Mr. Bolin replied this is really a matter of timing. This particular lot split at this point really has no impact on the future plans. As they move forward and are looking at different development scenarios for this site, one of the things they need to do is create a Tax Increment District to help pay for utilities, roadways, and those typical development costs. One way to do that is to create a District. What they want to do is include all of the land area that they can within that District. They are not saying anything

has to or will be built on this site but, by creating these parcels now, they can create their Tax Increment District. Then "if" something is built on this site, they will be able to capture that value and use that then to pay for the roadways and the other park enhancements that will likely happen "if" there is a larger development. It is about a 90-120 day process to create a Tax Increment District, and they want to have all of that done and in place before all the planning gets too far along or before they have developers coming to the door.

Mr. Oji asked if it is possible to take away from the bigger Columbia Arena area, there will still be land left for the City park features.

Mr. Bolin replied, correct. If Mr. Oji is able to make it to the meeting next Tuesday, one of the draft plans they have includes a large park feature--a large pond with different features around it. It would sit about right where the old arena was.

MOTION by Commissioner Heintz to close the public hearing. Seconded by Commissioner Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CLOSED AT 7:29 P.M.

MOTION by Commissioner Sielaff approving Lot Split, LS #16-02, by the City of Fridley Housing and Redevelopment Authority (HRA), to start preparing the property for future redevelopment, legally described as the south 400 feet of the southeast one fourth of southwest one fourth of Section 11, Township 30, Range 24, except subject to easement of record, generally located at 6911 University Avenue NE. Seconded by Commissioner Oquist.

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

3. PUBLIC HEARING:

Consideration of a Special Use Permit, SP #16-05, by All Temp Distribution Company, to allow limited outdoor storage on the property, generally located at 5400 Main Street NE.

MOTION by Commissioner Sielaff to open the public hearing. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:30 P.M.

Ms. Stromberg stated the petitioner, Gerry Mrosla, the owner of All Temp Distribution Company, and the property at 5400 Main Street, is seeking a special use permit to allow limited outdoor storage within the side and rear yard of the property, within three designated areas.

Ms. Stromberg stated the original request was for a 15,000 square foot area on the northwest side of the building to allow one of the building's tenants, Thor Construction, to store construction equipment for their company. After further review, the petitioner is asking to include two additional outdoor storage area with this request, in the event an existing tenant or future tenant may request outdoor storage space.

Ms. Stromberg stated the property is zoned M-2, Heavy Industrial as are the properties to the south and west beyond the Burlington Northern Santa Fe railroad tracks. Interstate 694 is located directly to the north and single-family homes are located east of the subject property. It is located on Main Street, just south of I-694. The original building was constructed in 1957. Several building additions have occurred since that time, increasing the square footage of the building to 358,003. This property is on the approved site list for telecommunications and as a result a telecommunications tower was constructed on the site in 2001. A 3,000 square foot truck repair shop for Copeland Construction (a tenant in the building) was constructed on the west side of the building in 2015. This building is leased to many different companies that use it for warehouse, distribution and office space.

Ms. Stromberg stated we have been working with this property owner since 2009 on meeting code requirements. Many strides have been made since that time, which include paving areas of the lot which are parked or driven on, as well as constructing storm water ponds that meet code requirements. There is an additional gravel area on the south side of the property. That is scheduled to have a storm water pond constructed on it, with the remaining area paved for storage and parking. The purpose of this special use permit is to get the outdoor storage area on the site into compliance.

Ms. Stromberg stated City Code allows limited outdoor storage in the industrial districts that is up to 50 percent of the building footprint with a special use permit. This large industrial building is 358,003 square feet, so City code would allow up to 179,001 square feet of outdoor storage on this site, provided parking and storm water regulations can be met.

Ms. Stromberg stated the petitioner is proposing to designate (3) outdoor storage areas within the side and rear yard of the property. The first area (Site F, yellow) will be located along the northwest side (rear yard) of the building and will be 15,000 square feet in size. This is the location will be paved this fall and will store the construction equipment for Thor Construction.

Ms. Stromberg stated the second area (Site D, red) will be located on the west side (rear yard) of the building along the middle section, and will be 20,000 square feet in size. This area is paved and is designated on the site in the event an existing tenant or future tenant needs outdoor storage space.

Ms. Stromberg stated the third area (Site A, blue) will be located on the south side of the building and is 35,000 square feet in size. This area is currently scheduled to be paved next year, as is the construction of the storm water pond. Again, the petitioner is asking to include area for outdoor storage in the event an existing tenant or future tenant needs outdoor storage space. All (3) designated areas provides for a total of 70,000 square feet of potential outdoor storage space on this property, which is well under what code would allow on this site.

Ms. Stromberg stated before the special use permit can be issued, several additional requirements need to be met. Those specific requirements relate to height, screening, parking, and the types of materials allowed to be stored outside.

Ms. Stromberg stated the property has industrial users to the south and west and the Interstate to the north and residential properties to the east. The site is currently fenced on all sides and is screened from the residential properties with a chain link fence that has ivy growing on it, (see enclosed picture). The petitioner would like to continue this method of screening from the rail right-of-way, by installing a new chain link fence along the western property line and planting ivy along the fence. Staff believes this is a great way to screen and has encouraged other industries to consider the same method.

Ms. Stromberg stated it should be noted that the existing screening fence along Main Street is going to be modified when the City installs a new multi-use trail on the west side of Main Street later this year. Planning staff is working with Engineering staff to ensure code compliance for screening with the new front yard fence sections.

Ms. Stromberg stated the petitioner is meeting all of the other code requirements to allow a special use permit for limited outdoor storage.

Ms. Stromberg stated City staff has not heard from any neighboring property owners.

Ms. Stromberg stated City Staff recommends approval of this special use permit, with stipulations as limited outdoor storage is a permitted special use in the M-2, Heavy Industrial zoning district, provided specific code requirements are met, subject to stipulations.

Ms. Stromberg stated Staff recommends that if the special use permit is granted, the following stipulations be attached:

1. Outdoor storage area shall be limited to the three areas as shown on Exhibit B of the Resolution approving this special use permit request.
2. Existing outdoor storage in the southwest corner of the site shall be relocated to the new approved location with 30 days of paving of outdoor storage, Site F.
3. The petitioner shall comply with any regulations set forth by the Mississippi Watershed Management organization.
4. The petitioner shall comply with any requirements set forth by the City's Engineering department.
5. A 25-foot drive aisle shall remain clear around the building to provide sufficient fire access.
6. Installation of hard surface for Site F, as shown on the site plan shall be completed by December 31, 2016. Installation of hard surface for Site A and the storm water pond shall be installed by December 31, 2017.
7. Installation of new fence and ivy along the west property line shall be completed by May 31, 2017.

Commissioner Sielaff asked how long does it take to grow the ivy such as what was in the picture shown.

Ms. Stromberg replied it does take some time, but it is something staff has encouraged other businesses to do, too, because it just overall looks better than the fence or a fence with slats. In the interim, they may see some items, but overall, they feel it is a better solution.

Commissioner Hansen asked whether the ivy has to be maintained or trimmed.

Ms. Stromberg replied, it depends, but likely they would just let it grow.

Commissioner Hansen asked Ms. Stromberg to clarify what is meant by limited outdoor storage and what types of things could be allowed to be stored there.

Ms. Stromberg replied, the City ordinance says "limited" because they are only limited to 50 percent of the building permit. In the City's M-3, Heavy Industrial Use District, the City allows outdoor storage by right as opposed to limiting it to 50% of the buildings footprint.

Commissioner Hansen stated but they can store for the most part anything they want.

Ms. Stromberg replied, yes, provided, the Fire Marshal approves the materials.

Commissioner Oquist asked do they have to deal with fencing off the storage areas at this time? Sometimes they fence just around the storage areas. Will that be an issue in the future?

Ms. Stromberg replied, they did talk a little bit about that with the petitioner but decided that the fence along the western property line would be a better screen overall than trying to screen just individual areas. Sometimes screening the individual areas makes it harder for industries to use those storage areas because they are bound by an interior fence.

Commissioner Oquist stated if you look at the aerial view on the first page, that south side where one of the storage areas would be, there are a lot of trailers there. That will not be there if they have storage in there. That is more like a parking issue.

Ms. Stromberg replied, she will let the petitioner address that to some degree. He has been working on getting some of those trailers moved. However, the other thing to note is this site does work a lot like Target Distribution where there is constant movement of trailers and semi's. No matter when you take an aerial there is going to be trailers there because they are always moving in and off the site.

Commissioner Oquist stated but if that is going to be a storage area and a holding pond, you cannot have those trailers there.

Ms. Stromberg replied, the petitioner is not saying he needs the storage areas right now but is saying that in the event he has a tenant that needs storage, he wants to designate that area on the property.

Commissioner Oquist asked is there room to move or have those trailers elsewhere.

Ms. Stromberg replied she believes the petitioner is working on that.

Gerry Mrosla, All Temp Distribution Company, stated quite a few of the trailers are gone. This summer he had some tenants who were storing trailers move them out. It is a lot smaller of an area than what they see on the aerial. They are trying to have all trailer storage behind the building, which is why they asphalted last year. They also removed the trailers along the west fence. The footprint for the trailers has shrunken down quite a bit. He has long-term leases with most of his tenants that are going ten years out.

Commissioner Sielaff asked Mr. Mrosla, how many tenants does he have?

Mr. Mrosla replied, around ten.

Chairperson Kondrick asked Mr. Mrosla if he has had a chance to review the stipulations and if he had any problems with them?

Mr. Mrosla replied what he was going to try and do is get away from the prison look with the barbed wire fence in the back. The fence does look pretty beat up. He had to determine whose fence it was. He checked with BNSP, and looks like it is his fence. If he put slats in, it would be a perfect pallet for graffiti. That is where the ivy came in. He spoke with Gertens about ivy and they suggested planting them about every six feet. It takes several years for them to grow, and they are talking about 250 plants.

Chairperson Kondrick asked if he had any other problems with the stipulations.

Mr. Mrosla replied, not at all. These projects take time. It is a big area. He is trying to get everything asphalted and there are the holdings ponds. They had that pond on the north side of the property enlarged so the runoff would run from the new asphalt to that holding pond.

Chairperson Kondrick stated the petitioner still needs to comply with any regulations set forth by the Mississippi Watershed Management Organization. He asked if the petitioner understood that.

Ms. Stromberg replied he should. It is all related to the storm ponding requirements. He already has all the storm ponds calculated and engineered.

MOTION by Commissioner Ostwald to close the public hearing. Seconded by Commissioner Oquist.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CLOSED AT 7:47 P.M.

Chairperson Kondrick stated the petitioner knows what he is doing.

MOTION by Commissioner Oquist approving Special Use Permit, SP #16-05, by All Temp Distribution Company, to allow limited outdoor storage on the property, generally located at 5400 Main Street NE. with the following stipulations:

1. Outdoor storage area shall be limited to the three areas as shown on Exhibit B of the Resolution approving this special use permit request.
2. Existing outdoor storage in the southwest corner of the site shall be relocated to the new approved location with 30 days of paving of outdoor storage, Site F.
3. The petitioner shall comply with any regulations set forth by the Mississippi Watershed Management organization.
4. The petitioner shall comply with any requirements set forth by the City's Engineering department.
5. A 25-foot drive aisle shall remain clear around the building to provide sufficient fire access.
6. Installation of hard surface for Site F, as shown on the site plan shall be completed by December 31, 2016. Installation of hard surface for Site A and the storm water pond shall be installed by December 31, 2017.
7. Installation of new fence and ivy along the west property line shall be completed by May 31, 2017.

Seconded by Commissioner Heintz.

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July 20, 2016
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UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 7:54 P.M.

Respectfully submitted,

Denise M. Johnson
Recording Secretary

CITY OF FRIDLEY
SIGN-IN SHEET

PLANNING COMMISSION MEETING

July 20, 2016

Name

Address/Business

Genny Mishra 5400 Main AllTemp

Loren Isaacs 6875 University Ave Woodcrest

Obinnaya Oji 437 Rice Creek

Cindy Delbosco 1336 Crown Rd

Hynda Ellis 540 NE Rice Creek Blvd

GARY ALFERNES 570 RICE CREEK BLVD N.E.

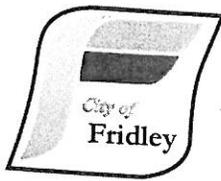
GERARD MARCELBERG 425 RICE CRK BLVD

Charice Kwasz 145 Crown Rd NE

BOB BARNETTE 541 RICE CK. BLVD

Paul & Elaine Gunderson 412 Rice Creek Rd

Gene & Martha Schermer 561 Rice Creek Blvd



Memorandum

Planning Division

DATE: September 14, 2016

TO: Fridley Planning Commission

FROM: Scott Hickok, Community Development Director
Julie Jones, Planning Manager
Stacy Stromberg, Planner

SUBJECT: Public Hearing – to consider opting out of new State legislation requiring cities to allow temporary family health care dwellings

BACKGROUND

The purpose of this public hearing request is to adopt an ordinance opting out of recently approved state legislation requiring cities to allow temporary family health care mobile dwelling units to be placed on property to serve as temporary family health care dwellings. The law was put into place to provide temporary transitional housing for those with mental or physical disabilities. The legislation includes a provision for cities and counties to opt out and the attached draft ordinance is based on the model ordinance drafted by the League of Minnesota Cities.

Because this law is a zoning type matter, the City's Attorney advised staff to follow the normal zoning procedures for approval, which includes holding a public hearing at the Planning Commission, followed by a subsequent public hearing at the City Council, followed by a first and second reading of the ordinance.

Staff reviewed this item with the City Council at the September 22, 2016 work session. The Council advised staff to process the opt-out ordinance through the Planning Commission.

ANALYSIS

Unless a city opts out of the new law, temporary family health care dwellings become a mandatory permitted use provided they follow the criteria established within the state law. The new law sets forth a short term care alternative for a "mentally or physically impaired person", by allowing them to stay in a temporary dwelling on a relative's or caregiver's property. The law has specific definition of temporary family health care dwellings, caretaker, and mentally or physically impaired person. It also provides specific rules and regulations that allow these dwellings as permitted temporary uses on residential properties. Some of those regulations include:

- The structure must be primarily pre-assembled;
- Cannot exceed 300 gross sq. ft.;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

- Must provide access to water and electrical utilities (by connected to principal dwelling or by other comparable means);
- Must have compatible standard residential construction exterior materials;
- Must have a minimum insulation of R-15;
- Must provide an executed contract for septic system management;
- Unit must be located on property where the caregiver or relative resides;
- Unit must comply with all structure setback requirements;
- Limited to one occupant who is mentally or physically impaired;
- Written Certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more instrumental activities of daily life
- Permit valid for six months with ability to apply for a onetime 6-month extension

STAFF CONCERNS

The new law may be well-intended, but from a staff perspective there are many concerns that are not adequately addressed through the new law. Allowing two dwelling units (even if temporary) on a parcel that is zoned for one dwelling and the requirement that the temporary structure comply with setback requirements are two of the concerns. The structures aren't allowed to be placed in the driveway and our code requires a 25 ft. front yard setback, a 10 ft. side yard setback for living space and a 5 ft. setback for an accessory structure; so for most lots in the Fridley, the rear yard would likely be the only place the structure could be placed. This becomes a concern for our Police and Fire departments, because they want to make sure there is adequate room to access the structure in case of an emergency.

Safety of the occupant also becomes a concern because the structures aren't required to meet state building, plumbing, and electrical requirements. Structures such as RV's aren't allowed to be lived in within the City because they don't comply with the above listed requirements. Two additional concerns are the \$100 fee the state is requiring, which will not cover the City's costs associated for approving this permit and HIPPA data privacy laws related to the information the law requires the City to obtain from the impaired persons' physician.

Many other cities within the metro are opting out of this new law (see attached table). Some cities are opting out to obtain additional time to further study this issue to see if there is a need for these types of units within their cities. While some other cities already have ordinances that allow Accessory Dwelling Units (mother-in-law apartments) on residential properties, either within the existing home or attached or detached from the principal structure. These ordinances then specify the standards and requirements for the units and address the concerns that staff listed above. Staff would be interested in exploring adoption of an ordinance to allow Accessory Dwelling Units, if the Council wants us to.

Attached for your review, is a summary of the law and its impacts to cities from the League of Minnesota Cities and an article recently published in the Star Tribune.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing at their September 21, 2016 meeting and forward a recommendation to the City Council to opt-out of Subdivision 9 of Minnesota Statutes, Section 462.3593; Permitting Temporary Health Care Dwellings.

**CITY OF FRIDLEY, MINNESOTA
ORDINANCE NO. ____**

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF FRIDLEY, ORDAINS as follows:

Section ____ . City Code, Section _____ is amended as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION _____. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Fridley opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION _____. This Ordinance shall be effective immediately upon its passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS
24TH DAY OF OCTOBER 2016.**

Scott J. Lund, Mayor

ATTEST:

Debra A. Skogen, City Clerk

Public Hearing: October 10, 2016
First Reading: October 10, 2016
Second Reading: October 24, 2016
Published:

Temporary Family HealthCare Dwellings
June 27, 2016
Page 7

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

LOCAL

Suburbs opt to go their own way on state's 'drop home' law

Facing a new state requirement to allow tiny trailers on residential lots, many cities are saying no.

By Erin Adler (<http://www.startribune.com/erin-adler/195633361/>) and Emma Nelson (<http://www.startribune.com/emma-nelson/261800211/>) Star Tribune staff writers

JULY 5, 2016 — 8:41AM

Metro suburbs are bypassing a new state law that would require them to allow tiny, portable houses on residential properties, saying the state mandate doesn't work for them.

The statute is intended to provide access to temporary "drop homes" for people — mostly older adults — with health care needs that require them to be close to a caregiver.

But worries about resident complaints, conflicts with local zoning ordinances and timing concerns have spurred cities to opt out of the law. Some say they already have the resources they need to meet the needs of aging residents, while others want to pass their own laws allowing temporary structures tailored to their city.

The League of Minnesota Cities fought for an opt-out provision in the statute so local governments could still have control over their own zoning.

Bill sponsor Rep. Roz Peterson, R-Lakeville, struggled to find a place for her elderly father to live when he got sick two years ago. It's disappointing that cities are opting out, she said, but she acknowledged that the law isn't one-size-fits-all.

"It's always difficult to accept change and innovation," Peterson said. "This won't solve everybody's problem — this is one tool in the toolbox, so to speak."

Drop homes, sometimes called granny pods, are trailers under 300 square feet that are billed as an affordable and temporary alternative to sending sick, injured or elderly family members to a nursing home.

The new law was based on similar, but less restrictive, laws in North Carolina and Virginia.

In Minnesota, the law allows homeowners to have a drop home on their property for six months by paying for a \$100 permit, unless their city has a specific ordinance against the homes.

The Burnsville City Council voted unanimously on June 21 to opt out. Drop homes don't meet city codes, said Mayor Elizabeth Kautz, and the city already has temporary housing options.

Those options include spare bedrooms, apartments, assisted living facilities, short-term health care facilities, hotels and group homes, according to a meeting agenda report.

"It's not that we don't have it," Kautz said. "We want control of what happens here in Burnsville."

Some cities want to allow accessory dwelling units but are choosing to do so on their own terms.

The Crystal City Council will likely vote to opt out at its next meeting, said Council Member Jeff Kolb. The decision stems largely from the nature of residential properties in Crystal, many of which may be too small to qualify for drop homes under the statute, he said.

The City Council will try to pass an ordinance in the future that allows for accessory units that are better tailored to the city, Kolb said.

"There was a concern that it would be perceived that by opting out, we were saying we don't want this kind of thing around here, that it was kind of a cold-hearted decision," he said. "The reality is it's not that at all."



(http://stmedia.startribune.com/images/1467684122_08+678634)
ELIZABETH FLORES, STAR TRIBUNE

John Louiselle, left, and Jesse Lammi are a pair of young New Brighton entrepreneurs that have started NextDoor Housing, a company that produces tiny houses with a twist. The handicapped-accessible houses are really more like trailers and aimed at adults recovering from an illness or who are disabled. The two helped draft a bill changing zoning laws so the houses would be welcome more places, regardless of zoning laws. It passed last week.

In Lakeville, the City Council agreed to opt out last week but also sent the issue to city staff for further review.

There were multiple concerns, said Mayor Matt Little, including aesthetics, property values and the difficulty city staff would face in having to make judgments about residents' illnesses.

"Every single city in this country is going to need to figure out a way to start taking care of our seniors," Little said. "There's just a lot of issues we need to ... make fair and clear."

Meanwhile, city staff in Woodbury are recommending that city officials vote to opt out in order to have more time to figure out what local needs are, said Jason Egerstrom, Woodbury's spokesman.

Under the statute, cities have until Sept. 1 to opt out.

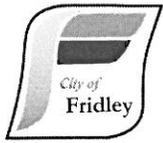
John Louiselle, co-owner of NextDoor Housing, a New Brighton-based drop home company that helped craft the law, said he doesn't mind if cities choose a different direction. "What's worrisome to us is when we see cities opting out and offering no alternative solution," he said.

Peterson said she would like to see cities try out the statute and see how it works. The biggest challenge, she said, is that people aren't familiar with the drop home idea.

"This is new — nobody's really done this before," she said. "Let's have a conversation with the community before we just choose to abandon the idea."

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AGENDA ITEM

PLANNING COMMISSION MEETING OF SEPTEMBER 21, 2016

Date: September 14, 2016
To: Fridley Planning Commission Members

From: Scott Hickok, Community Development Director
Julie Jones, Planning Manager
Kay Qualley, Environmental Planner

Subject: Public Hearing to Consider Revision of Chapter 113, Solid Waste Disposal and Recycling Collection

Background and Analysis

The City is considering initiating a voluntary organics collection service. Organics (banana peels, food-soiled paper napkins, meat scraps, etc.) are not currently able to be collected in the City. Organics, like Recyclables, are a source-separated commodity able to be used in a manufacturing process. Residents would collect compostable bags of their food scraps throughout the week, so this valuable product can be hauled to a compost facility and later sold as compost for soil amendment. Many metro cities like St. Louis Park have moved to a format where a small (30 gallon) cart is delivered to those who are interested, for weekly fee-based pickup on their regular day.

The City Attorney reviewed the staff recommendation that, if organics collection moves forward, this commodity be collected in a streamlined process, much like recycling, with the issuance of one license for those residents who would like to opt-in. It would allow for efficient management of the process by the City and provide staff with clear reporting information and consistent program administration through communication with one designated organics company, after the process to obtain a competitive proposal is completed.

Other items which prompt the revision of Chapter 113:

- Outdated language
- Emerging and ongoing code enforcement issues not adequately addressed in Chapter 113
- Licensing categories need to expand based on changes in the industry and State waste goals
- Reporting requirements from the County and information provided by licensees is inconsistent in format.

Budget/Impact

For the addition of Organics collection to the City, staff contributions to a new program will be supervisory in nature by existing employees. It will include annual review, and semi-annual tonnage reporting, much like recycling. In contrast with the recycling program, the program, if adopted, would be opt-in and paid for entirely by fees from eligible interested residences billed by the contractor, instead of the City.

Recommendation

Staff recommends that the Planning Commission move to accept and approve the revisions to Chapter 113 for review by the Fridley City Council, as these amendments will aid City code enforcement efforts, reduce phone calls and questions about this Chapter, and enable the City to pursue an optional organics collection program.

FRIDLEY CITY CODE
CHAPTER 113. SOLID WASTE DISPOSAL, ORGANICS, YARD WASTE
AND RECYCLING COLLECTION

(Ref. 585, 630, 838, 955, 962, 968, 1013, 1019, 1111, 1122, 1161)

113.01. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter and the following words and terms wherever they occur in this Chapter are defined as follows:

1. Approved

Accepted by the City following its determination as to compliance with established public health practices and standards.

2. Commercial Establishment

Any premises where a commercial or industrial enterprise of any kind is carried on and shall include, but is not limited to, clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

3. Compost

A mixture of decaying organic matter in a contained area.

4. Composting

Any above ground microbial process that converts yard waste and other allowable materials into an organic soil additive or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

5. Dwelling Unit

A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A separate residential dwelling place with a kitchen.

6. Front Yard Setback

The minimum distance between the front line of a lot and a structure located on that lot.

7. Licensed Solid Waste Hauler

Any person or entity engaged in the collection and transportation of solid waste in the City of Fridley and holding a valid solid waste hauling license from the City.

8. Mixed Municipal Solid Waste

Garbage, refuse, and other solid waste, except construction and demolition waste, from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, as defined in Minnesota State Statutes Chapter 115A.

9. Multiple Dwelling Unit

A residential structure with five or more dwelling units.

10. Person.

Any person, firm, partnership, association, corporation, company or organization of any kind.

11. Public Nuisance

A condition which unreasonably annoys, injures or endangers the safety, health, comfort, or repose of a considerable number of members of the public.

12. Recyclable Materials.

Materials that are separated from mixed municipal solid waste for the purpose of reprocessing, including, but not limited to, metal, paper, glass, plastics, and textiles. This does not include material used to create refuse-derived fuel or material that is destroyed by incineration. Referred to as “recyclables”.

13. Recycling

The process of collecting and preparing marketable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of materials in a manner that precludes further use.

14. Recycling Collector.

Any person or entity engaged in collecting, transporting, and processing of recycled materials from residential or commercial sites in the City and holding a valid recycling collection license issued from the City.

15. Residential Properties.

Attached and detached single-, double-, triple- and quadruple-dwelling units and mobile manufactured homes.

16. Solid Waste.

Garbage, refuse, construction and demolition debris and other discarded matter in solid form, but not including hazardous waste.

17. Source-Separated Compostable Materials.

Food wastes, plant materials, and paper that is not otherwise recyclable as defined in Minnesota State Statutes Chapter 115A that are:

- a. Separated at the source by the waste generator for the purpose of transporting them to a commercial compost manufacturing facility;
- b. Collected separately from mixed municipal solid waste and are governed by the licensing provisions of section 115.93;
- c. Delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the Pollution Control Agency's class I or class II, or equivalent, compost manufacturing standards and where process rejects do not exceed 15 percent by weight of the total material delivered to the facility; and
- d. May be transferred to a licensed compost manufacturing facility, unless the Commissioner of the Pollution Control Agency determines that no other person is willing to accept the materials.

Also referred to as "organics".

178. Yard Waste.

Garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings. ~~Grass clippings, leaves, herbaceous garden wastes, and tree waste.~~

113.02 SOLID WASTE DISPOSAL

It is unlawful for any person to throw or deposit solid waste, yard waste, tree waste or recyclables on any property within the City, except that the owner may maintain receptacles for collection of such items, provided such receptacles meet the requirements of Sections 113.04, 113.05, and 113.06. The owner of any private property, whether occupied or vacant, shall at all times maintain the premises free of litter. No person shall dispose of solid waste upon any lands in the City of Fridley, except that composting may be conducted if in full accordance with the terms of Section 113.09. No person shall burn mixed municipal solid waste, yard waste, organics or recyclables within the City except according to recreational fire regulations in Chapter 108.13.12C.

113.03 FREQUENCY OF COLLECTION

Mixed municipal solid waste must be collected a minimum of once a week, or more frequently if necessary, by a licensed solid waste hauler from all property within the City.

113.04 CONTAINMENT OF SOLID WASTE

The owner of any dwelling unit or commercial establishment must provide and maintain on premises sufficient containers for the storage of all solid waste accumulated on the premises between collections. Each such container shall be durable, watertight, impervious to insects and rodents, and shall have a close-fitting, fly-tight lid. ~~Residential solid waste containers shall not exceed 32 gallons in size unless approved by the City of Fridley.~~

113.05 CONTAINMENT OF YARD WASTE

Yard waste may be stored in containers provided by a licensed yard waste hauler, compostable bags, contained in a trailer, or bundles ~~until the next available collection by licensed private contractors.~~ for no more than one week.

113.06 CONTAINER SCREENING/PLACEMENT

1. Commercial Establishments and Multiple Dwelling Units

Any bulk ~~or box~~ type container or dumpster used for the storage of mixed municipal solid waste, recyclables, or ~~compostables~~ organics must be screened from view of the public right-of-way, public park or residential area. Any bulk container located inside a building for collection of mixed municipal solid waste must be metal for fire safety. Laundry rooms must have metal cans with metal lids for collection of mixed municipal solid waste. Recycling containers less than one (1) cubic yard in capacity do not need to be screened from view of the public right-of-way, provided there are less than six containers at a given location, but must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than a 24-hour time period before a scheduled collection.

Screening shall consist of a solid fence or wall not less than six (6) feet high in the side and rear yards and shall not extend to within fifteen (15) feet of any "street right-of-way" line. Mixed municipal solid waste, organics and recyclables container enclosures must be constructed in a manner that does not prevent residents or haulers from accessibility to other containers placed therein. Plantings may be used in addition to, or in lieu of, fencing. If plantings are used to meet screening requirements, the type, size and location of such plantings must be approved by the ~~City~~ Community Development Director or designee.

The screening requirements shall be satisfied by the use of a screening fence or planting screen according to the following standards:

- A. Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
- B. A screening fence shall be attractive, in a state of good repair, and compatible with the principal building and the surrounding land use.

- C. A planting screen shall consist of a closely grown hedge, ~~shrubs, a row of trees,~~ evergreens or other vegetation approved by the City Community Development Director or designee and shall be kept weeded, watered and maintained in good health. .
- D. If the topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.
- E. If a four-sided enclosure is necessary to screen a solid waste container from the public right-of way, doors, allowing for removal of the container, must be constructed of durable material in a location that allows for safe material pickup, and shall be maintained in workable condition in an attractive, well-kept condition. The doors must be constructed so that residents or commercial establishments may easily access solid waste and recycling dumpsters and containers within.

2. Residential Properties

Wheeled ~~Containers~~ used for the storage of mixed municipal solid waste, recyclables, and ~~compostables~~ organics may be placed at the curb, but not in the public drive area of the right-of-way, for collection from 5:00 pm the day prior to collection until 9:00 pm the day of collection. Containers must not be stored between weekly collections in the front yard setback.

113.07 CONSTRUCTION WASTE BINS

An uncovered bulk container or dumpster ~~box type waste storage bin~~ may not be located on any premises for the purpose of collecting construction waste from the premises on which such container is placed for more than three (3) consecutive months. Construction dumpsters or bulk waste bins may not be placed on the street, but must be located on the driveway or yard of the property generating the construction waste.

113.08 YARD WASTE ~~COLLECTION~~ SORTING AND DISPOSAL

A person may not place yard waste in mixed municipal solid waste, in a disposal facility, or in a resource recovery facility except for the purpose of reuse or composting, in accordance with Minnesota Statutes Chapter 115A.931. Yard waste is not collected by the City and must be disposed of through collection by a licensed yard waste hauler or disposed of through Backyard Composting or by the property owner self-hauling it to a commercial composting facility.

113.09 BACKYARD COMPOSTING

Composting is permitted on residential or publicly owned properties in designated areas, provided the following conditions are met:

1. Only the following materials may be placed in a compost area: grass clippings, leaves, herbaceous garden wastes, raw fruit and vegetable food scraps, chipped tree waste, sawdust, evergreen cones and needles, or additional materials approved by the City ~~and the collector~~. Under no circumstances may any of the following items be placed in a residential or public compost area: meat, bones, grease, eggs, dairy products, or human or pet feces.
2. A compost area must be fully confined within a fenced area or enclosed structure.
3. A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area may be placed within twenty-five (25) feet of any body of water or area designated as flood plain, shore land or state protected wetlands.
4. A compost area may not be located in any front yard and must be at least five (5) feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.
5. A residential compost area may not exceed 5 cubic yards in volume and may not exceed five (5) feet in height.
6. The compost must be managed according to standard compost practices, providing air circulation within the compost structure to prevent combustion and aeration often enough to prevent the generation of odors and the generation of a public nuisance.
7. Yard Waste may not be stored in the yard in plastic or other types of bags for the purposes of composting.

113.10 SOLID WASTE ABATEMENT PROGRAM AND FEE

In order to meet the requirements of State Waste Abatement Laws, the City of Fridley has established a Solid Waste Abatement Program (SWAP). This program includes residential curbside recycling collection services and other programs approved by the City that provide means for Fridley residents to reduce their amount of waste. In order to fund these waste abatement programs, the City of Fridley charges a solid waste abatement fee on the utility bills of each single through 12-unit dwelling unit provided recycling service by the City. The amount of the fee is set by resolution by the City Council. Solid Waste Abatement Fee revenues shall be placed in the Solid Waste Abatement Fund and shall only be expended on solid waste abatement program activities.

113.11 RECYCLING COLLECTION

1. Residential Properties and Multiple Dwelling Units.
 - A. Residential Properties

The City of Fridley will provide for the collection of recyclables from all residential properties, single unit through 12-unit multiple dwellings as required in Chapter 115A of Minnesota State Statutes.

B. Multiple Dwelling Units

Owners of multiple dwelling structures of 13 or more units shall provide at least monthly collection of four (4) broad categories of recyclables by a city-licensed recycling collector. Recycling categories include, but are not limited to, paper, glass, plastic and metal. ~~Owners of multiple dwelling structures must also ensure and annually provide evidence to the City that their tenants are informed at time of occupancy and, in addition, at least once per year as to the availability of recycling collection on site.~~ Containers designated for the collection of recyclables at a multiple dwelling unit must be clearly labeled as to what materials may be placed in it and the containers must be placed in a location that is as convenient to use as the Mixed Municipal Solid Waste collection dumpster or containers on site. Recycling containers must also be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than 3 inches. Owners must also keep recycling carts or dumpsters clean and free from contamination, such as Mixed Municipal Solid Waste or Organics, accessible to tenants and collectors at all times.

2. Commercial Establishments

Pursuant to Minn. Stat. Section 115A.151, owners of commercial establishments shall ensure that at least three (3) recyclable materials such as, but not limited to, paper, glass, plastic, and metal are collected from its facilities and that those collected materials are transferred to a city-licensed recycler. Recyclables containers and dumpsters must be placed in close proximity to Mixed Municipal Solid Waste carts, containers and dumpsters to make recycling equally accessible to persons who are disposing materials. If dumpsters are used to collect recyclables, they must be located in proximity to dumpsters for Mixed Municipal Solid Waste and both clearly labeled to make recycling equally accessible to persons who are disposing of materials.

113.111 ORGANICS COLLECTION

The City of Fridley will provide for the collection of organics from all residential dwelling units 1-4 who voluntarily opt to participate in the fee-based collection program. Organics containers must be kept on a hard surface so that they may remain accessible to residents and the haulers year-round, including the removal of snow within 24 hours after a snowfall of more than 3 inches.

Residents from dwelling units 1-4 who do not opt-in to the organics program, along with residents in multiple dwelling units may take their organics to State authorized drop sites, including those located and available in Anoka County.

113.12 SCAVENGING

It shall be unlawful for unauthorized persons to collect, remove or dispose of recyclable materials after said materials have been placed or deposited for collection without a license from the City and an account relationship with the owner or occupant of the premises. Responsibility

for and ownership of recyclable materials remains with the person who placed the materials out for collection until collected by a licensed recycling collector, at which time, the ownership and responsibility passes to the recycling collector.

113.13 RECYCLING, YARD WASTE AND ORGANICS COLLECTORS' AND SOLID WASTE HAULERS' REGULATIONS

1. License Requirement.

No person shall engage in collecting or conveying solid waste, organics or recyclable material from any premises, other than their own ~~dwelling unit property~~, in the City unless that person holds a valid license hereunder. Each such vehicle so used must be licensed.

2. License Classifications.

Applicants for licenses issued hereunder shall be issued to collectors for the following classes of operations:

- Class I - Residential Solid Waste Collection ~~Vehicle~~
- Class II - Commercial Solid Waste Collection ~~Vehicle~~
- Class III - Recycling Collection ~~Vehicle~~
- Class IV – Construction and Demolition Waste Collection ~~Transport Vehicle~~
- Class V – Yard Waste Collection
- Class VI – Organics Collection

3. Class I through Class V License Procedure.

- A. The provisions of Chapter 11, License and Permit, of the City Code, including the license fee shall apply to all licenses required by this Chapter and to the holders of such license. The term of each license hereunder shall be for not more than one year and shall expire on April 30 each year. The application for license or renewal of license shall contain a description of the types and makes of the motor vehicles used for collection, a description of what types of collection services will be provided, approximate number of customers served, schedule of charges which will be made for hauling, a schedule of residential solid waste collection routes, location of where the material collected will be disposed of, detailed description of any containers the hauler plans to provide their customers and any other information the City of Fridley shall require.
- B. Applicants for all license classifications shall file with each application a certificate of insurance for general liability coverage for the licensee of at minimum ~~\$500,000~~ \$1,000,000 per occurrence and automobile liability coverage for each vehicle to be used in the amount of ~~\$500,000~~ \$1,000,000 or more per accident. Every licensee shall also carry Workers' Compensation Insurance for all of its employees. Each policy shall provide that it shall not be cancelled or terminated for any reason without at least ten (10) days written notice thereof first being given to the City.

C. Applications for license hereunder shall be submitted to the City for review and recommendation. If the City Council is satisfied that the health, safety and welfare of the public will be served, it may grant a license to any such application meeting the requirements of this Chapter.

D. Class VI Organics Collection License Procedures.

1. Residential Properties. Only a hauler who has a current contract with the City for organics collection from residential properties is eligible for an Organics Collection license for residential property units 1-4. The initial license term for a residential property organics collection license shall follow the initial term set forth in the organics collector's current contract for service with the City. Thereafter, the term of each residential properties 1-4 organics collection license shall not be for more than one year and shall expire on April 30 of each year. The application for license or renewal of license shall contain the information set forth in Section 113.13.3.A. Applicants for a residential properties Class V Organics Collection license must also comply with Section 113.13.3.B through 113.13.3.C.
2. Commercial Establishments and Multiple Dwelling Units. Application and issuance of licenses for Class VI Organics Collection from commercial establishments and multiple dwelling units shall be governed by Section 113.13.3.A through 113.13.C of this Chapter.

4. Hours of Collection.

No person engaged in collecting, hauling solid waste, yard waste, organics or recyclable materials from residential areas within the City of Fridley shall do so before 6:30 A.M. or after 8:30 P.M. Monday through Saturday. Furthermore, collecting and hauling from commercial, business, industrial, or other such establishments shall not create a nuisance for adjacent residential areas.

5. Vehicles.

- A. ~~Each vehicle for which a license is applied for or which is licensed may be subject to a visual inspection by the City at the annual renewal date and at all reasonable times.~~ Any such vehicle, while it is used by the licensee in the City of Fridley, shall have the name of the licensee clearly printed on both sides. Said lettering shall be at least three (3) inches in height and the color of the lettering and of the background shall be contrasting.
- B. Each vehicle used to haul ~~mMixed mMunicipal Ssolid Wwaste~~ in the City of Fridley shall be licensed by the regional waste authority and such license shall be maintained for the entire term of the City license. Each licensed vehicle shall have attached a decal issued by the base County, showing the current regional registration. Each vehicle used to haul recyclables, yard waste, organics or construction/ demolition waste in the City of Fridley must display the decal issued by the City of Fridley. Expired or otherwise invalid decals shall be removed from the vehicle.

- C. Each vehicle licensed for hauling Mixed Municipal Ssolid Wwaste, yard waste, organics or recycling must have a tight cover that is operated and maintained as to prevent offensive odors or spillage. The loading space of every solid waste vehicle licensed hereunder shall be leak proof. Every vehicle shall be equipped with the necessary hand tools for cleaning up spills.
- D. Every vehicle licensed hereunder shall be kept well painted, clean and in good repair. Every such ~~solid waste~~ vehicle used for collecting Mixed Municipal Ssolid Wwaste, organics, yard waste or recyclables shall be cleaned every week, or more often if necessary, to prevent persistent odors.
- E. Recyclables, organics, yard waste and Mixed Municipal Ssolid waste shall be loaded so that ~~none of such materials~~ can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials shall be so secured that they cannot be displaced by the wind or fall out of the vehicle.
- F. All licensed vehicles shall be equipped with a back-up warning device that complies with all applicable OSHA, Minnesota Statutes, or Minnesota Department of Transportation regulations.
- G. No person shall at any time park or store any recycling, organics, yard waste or Mixed Municipal Ssolid waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within one hundred (100) feet of any aforementioned premises, or within two hundred (200) feet of any food establishment, for purpose other than, or for periods inconsistent with, providing recycling, organics, yard waste or solid waste collection at said premises. No person shall at any time park or store any loaded or partially loaded recycling, organics, yard waste or Mixed Municipal Ssolid waste collection vehicle on any premises within the City, except for the purpose of and for periods consistent with, providing recycling, organics or solid waste collection at that parcel of property.

6. Container Placement

Containers used for the storage and collection of solid waste, recyclables, organics or yard wastes must be returned to the private driveway of the customer upon collection of the container contents.

7. Volume Based Fees.

As required by Minnesota Statutes Chapter 115A.93, Subd.3, the City requires all licensed Mixed Municipal Ssolid Wwaste collectors and haulers to establish a volume-based or weight-based fee system for all customers. This means a licensee has established a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price. In addition, any licensee offering use of

Mixed Municipal Solid Waste storage carts to their customers must also give customers a choice of a cart size less than 60 gallons in size upon request.

8. Disclosure of Waste Destination.

As required in Minnesota State Statutes 115A.9302, any person licensed to transport Mixed Municipal Solid Waste, organics, yard waste or recyclables in the City of Fridley must disclose the final destination(s) of that waste to their customers on an annual basis.

9. Recycling Requirements Enforcement

~~A recycling collector contracting to collect recyclables from any multi-dwelling unit account in the City of Fridley must collect a minimum of four (4) broad categories of recyclables, according to Section 113.10 of this code. The collection of newspaper, mixed paper, and corrugated cardboard is all one paper category. Collected recyclable materials shall be recycled and may not be disposed of in any solid waste facility without authorization from the appropriate State agency and the City. If recyclables placed out for collection are significantly contaminated with non-recyclable materials, the recycling collector shall notify the property owner and the City of the contamination problem and refuse to collect the recyclables until the unacceptable material is removed. Property owners of multi-dwelling units will be subject to code enforcement proceedings for non-compliance.~~

10. Reports.

All applicants for licenses hereunder who provide recycling, yard waste and organics collection services to single to multiple dwelling units in the City shall submit semi-annual reports to the City detailing the weight collected ~~of recyclables~~ by material type collected. A report for January through June recycling collections shall be submitted by the following July 15. A report for recycling collections from July through December shall be submitted by the following January 15. Reports shall be submitted to the City Community Development Director or designee.

11. Revocation of License

Any license issued hereunder may be revoked or suspended by the City Council for any of the following causes following a hearing before the City Council upon due notice to the licensee, stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license.

A. Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

B. Conviction of any crime or misdemeanor pertaining to license held.

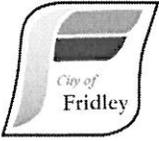
- C. Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the appropriate City official.
- D. Expiration or cancellation of any required bond or insurance, or failure to notify the City within a reasonable time of changes in the terms of the insurance or the carriers.
- E. Actions unauthorized or beyond the scope of the license granted.
- F. Violation of any regulation or provision of this code applicable to the activity for which the license has been granted, or any regulation or law of the State so applicable.
- G. Failure to continuously comply with all conditions contained in this Code.

113.14 FEES

The license fee and expiration date shall be provided in Chapter 11 of Fridley City Code.

113.15 PENALTIES

Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.



AGENDA ITEM

PLANNING COMMISSION MEETING OF SEPTEMBER 21, 2016

Date: September 14, 2016
To: Planning Commission

From: Scott Hickok, Community Development Director
Julie Jones, Planning Manager
Kay Qualley, Environmental Planner

Subject: GreenStep Cities Best Management Practice 9.1 and Minnesota Department of Transportation Community Roadside Landscaping Partnership Grant, Phase Two

Background and Analysis

Fridley officially became a GreenStep City in June of 2015. GreenStep membership encompasses overarching goals of resource protection, sustainability and resiliency through the accomplishment of 29 best management practices for cities. As a level one City (lowest designation), Fridley has made progress toward several important practices. One, *Efficient Highway- and Auto-Oriented Development* involves the adoption of commercial development and design standards for auto-oriented development corridors and clusters. It contains several points, but this memo concentrates on the first one, Best Practice Action 9.1: *Establish design goals for at least one highway/auto-oriented corridor/cluster*. This goal states that Fridley should “Work with community members in establishing design goals or designs standards, publish the standards, and ensure that the standards are provided to everyone proposing development in the corridor/cluster. Adopt an overlay district; in the public process to set design standards, use visual preference survey tools to develop both goals and designs.” Fridley has accomplished part of this goal through the 2011 adoption of the Transit-Oriented Development zoning overlay district, which design standard encompasses part of University Ave. near 61st Ave. and 57th Ave and also parts of East River Road. This overlay district (known as the TOD) creates a development incentive for properties around the NorthStar train station to allow for more housing and commercial density within a comfortable walking and bicycling distance from the station and city center. Relaxed parking restrictions, reduced front set-backs and other elements typical to a transit-oriented development were included.

Another element of this GreenStep goal in the service of the community may be accomplished through incorporation of landscape design standards for the Right of Way areas associated with University Ave. and East River Road, in keeping with both the Transit-oriented Development and the East River Road Corridor Study. Fridley received a Community Roadside Landscaping Partnership Program grant from the Minnesota Department of Transportation in spring of 2016 for a phase one project along East River Road, just north of 694. Slated for completion in late September, the City is commencing phase two discussion with landscape architectural staff at MnDOT on project recommendations for a possible University Ave. right of way planting starting near 57th and 61st, just north of 694. If the project moves forward, future phases could extend throughout the University Ave. corridor, in the next few years. The Environmental Quality and Energy Commission, as part of the GreenStep Cities initiative and in an effort to improve stormwater absorption and visual appeal along University Ave. and to advance the Transit-oriented Development in the heart of the City, has approved the attached broad design guidelines to provide a framework within which to work.

Budget/Impact

The first phase of the Minnesota Department of Transportation (MnDOT) Landscaping grant at East River Road, provided \$15,000 for the purchase of shade trees, shrubs, wildflowers and non-invasive non-native perennials. It also included free landscape architectural design services, removal of ash trees and spraying of quack grass and unsightly weeds in the area by MnDOT staff. Volunteers from the Youth Conservation Corps grant, Cummins and other citizen volunteers installed the bulk of the plantings and bark mulch.

The City's contribution to the project involved supervisory personnel, material transport, equipment, trucks, and help with auguring holes for larger trees, significant watering help to establish the new plantings which delayed the completion of other summer projects, yet yielded an improved East River Road and Mississippi River Trail area. Similarly, other phases of the MnDOT Landscape Grant, such as, if approved, along University Ave. right of way in future phases, would require shifting from regularized mowing of large swaths of weeds and grasses in project areas to watering of young plants and later maintenance of deep-rooted perennials and shrubs in a landscape setting. This process is typically more labor intensive during the establishment phase and later includes weeding and replacement of hardwood shredded bark annually, with a permanent reduction in the areas currently mowed.

Recommendation

Staff recommends that the broad landscape design guidelines for the urbanized sections of University Ave. (53rd Ave. NE through the Community Park area at 71st Ave. NE) be adopted for use by landscape architects, MnDOT and the City.

GreenStep Cities Best Management Practice #9.1
Design Goals for Auto-oriented Corridors: University Avenue

- 1) Removal of Minnesota Department of Transportation chain link fencing. Only where necessary, replace with shrub groupings and/or decorative fencing or other visual design elements. The preference is for no fencing, especially chain link.
- 2) Plantings should achieve an overall softening of the transportation corridors through the heart of the City of Fridley.
- 3) Safety is important and any landscaping projects should equally address safety for autos, pedestrians, wheeled conveyances, volunteers and maintenance staff.
- 4) Create eleven foot or narrower through lanes for autos in order to accommodate slightly wider middle pedestrian refuges, and achieve a shortening of the pedestrian crossing areas with the wider shoulder obtained.
- 5) Use salt-tolerant, lower maintenance plants, in broad swaths to make it easier to identify plants versus weeds by volunteers and maintenance staff.
- 6) Perennials in the center or near edges should be cut down in fall so as not to impact MnDOT or County snow plowing crews.
- 7) Use trees, where possible, out of plowing zones, similar to other plantings along Hwy. 96 and elsewhere in the Twin Cities
- 8) Plantings should combine woody shrubs with perennials and grasses and be located in center areas, roadway edges/perimeters and in underutilized weedy areas of the right of way.