

CITY OF FRIDLEY

A G E N D A

PLANNING COMMISSION MEETING WEDNESDAY, OCTOBER 19, 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: September 21, 2016

1. **PUBLIC HEARING:**

Consideration of a Special Use Permit, SP #16-06, by USAGAIN, to allow limited outdoor storage along the west side of the property, generally located at 191 Osborne Road.

2. **PUBLIC HEARING:**

Consideration of a Vacation, SAV # 16-01, by Fridley Land LLC, to vacate a portion of Northern Stacks Drive to adjust the street right-of-way to match the updated development plan. They are also requesting that some drainage and utility easements be vacated, as new ones will be re-dedicated upon final plat approval of Northern Stacks 3<sup>rd</sup> Addition, generally located at 41 Northern Stacks Drive NE.

3. **PUBLIC HEARING:**

Consideration of a Text Amendment, TA #16-04, by the City of Fridley, to Chapter 0-5, Telecommunications Towers and Facilities, to add language within the code that defines and regulates "small cell" communication facilities within the public right-of-way. Other general housekeeping items will also be addressed in the text amendment.

4. **RECEIVE THE MINUTES OF THE SEPTEMBER 12, 2016, PARKS & RECREATION COMMISSION MEETING.**

OTHER BUSINESS:

5. Approve the 2017 Planning Commission meeting dates.

ADJOURN

**PLANNING COMMISSION MEETING**  
**September 21, 2016**

**Chairperson Kondrick** called the Planning Commission Meeting to order at 7:01 p.m.

**MEMBERS PRESENT:** David Kondrick, Brad Sielaff, David Ostwald, and Mark Hansen

**MEMBERS ABSENT:** Leroy Oquist and Mark Heintz

**OTHERS PRESENT:** Scott Hickok, Community Development Director  
Kay Qualley, Environmental Planner

**Approval of Minutes:** July 20, 2016

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

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

**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.**

**MOTION** by Commissioner Sielaff to open 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 OPENED AT 7:03 P.M.**

**Scott Hickok**, Community Development Director, stated this is a piece of new legislation that would require cities to allow temporary family health care dwelling mobile dwelling units be placed on a property within the City; and they would serve as temporary dwelling units.

**Mr. Hickok** stated the law was put into place to provide temporary transitional housing for those with mental or physical disabilities. The legislation includes provisions for cities to opt out. Many cities including Columbia Heights, Coon Rapids, Crystal, New Brighton, Spring Lake Park, and others have already opted out. Staff reviewed this item with Council on September 22 at a work session and advised staff was looking at that opt-out option and would be going through that with the Planning Commission.

**Mr. Hickok** stated unless the City opts out of this new law, a temporary dwelling becomes a mandatory permitted use provided they follow the following criteria within that State law. First is the short-term care alternative for mentally or physically impaired persons allowing them to stay in the temporary dwelling unit on a relative's or caregiver's property.

**Mr. Hickok** stated it will also provide specific regulations that allow these dwellings as permitted temporary uses on the property. Some of those regulations are, the structure has to be primarily pre-assembled, it cannot exceed 300 square feet in size, and there has to be access to water and electrical utilities by connecting to the dwelling or other comparable means. There has to be an executed contract or septic system management. The structure has to comply with structure setback requirements. The structure is limited to one occupant who is mentally or physically impaired with written certification from a licensed physician, and the permit is valid for six months with a one-time six-month extension.

**Mr. Hickok** stated the new law may be well-intended; however, from staff's perspective there are many concerns they have that are not adequately addressed through the new law. Allowing two dwelling units, even for a temporary timeframe parcel that is zoned for R-1 would be an issue. Requiring the temporary structure comply with setback requirements, placement of the structures, fire and police access issues also would remain a concern. Safety of the occupant structures are not required to meet building, plumbing or electrical requirements. Combine that with that previous bullet point of having maybe little or no knowledge that it exists in the backyard of somebody's home. If you are on the Fire Department and responding to an incident or a First Responder to a medical incident, that can be a problem.

**Mr. Hickok** stated the \$100 fee the State is requiring will not cover the City's cost associated with approving the permit. The application passes through many hands, and there inspections required. A \$100 fee is inadequate to cover those costs.

**Mr. Hickok** stated also with HIPAA privacy related to the information required in the law, it still requires the City obtain that from the impaired person's physician. There may be a lot of physicians who may have difficulty giving that out to the City.

**Mr. Hickok** stated staff recommends that the Planning Commission hold a public hearing on this ordinance request and recommend approval of the opt-out of the State Statute Sec. 462.3593 to the City Council.

**Commissioner Sielaff** asked, are there cities who are opting to be in? What did staff find out there?

**Mr. Hickok** replied, there are some cities that have chosen not to opt out; but the cities staff has chosen to look into are those surrounding Fridley. Quite often Council and Commissions like to know about those cities most closely associated with Fridley or surrounding it. Staff has looked at those carefully and, as they can tell, a number of those have opted out. Generally speaking

from his planning peers, his community development peers, throughout the metropolitan area, this is an overstep on the part of the State Legislature. They have stepped into what was an empowerment of local government, and that is zoning; and it was a decision singularly focused on something that was not well thought out. As they talk to his peers, there are so many things, so many concerns. Think about that ailing friend or family member in this case who might be on a waiting list for a facility somewhere and then lo and behold they decide to put this in the yard. It seems like a great idea, but what happens after six months. You could get an extension for six months, but now they are not on the waiting list anymore in another location and you have used up your time. What do you do with the relative that was on a waiting list for some other type of care facility, and now they have only had a year on your property and that is all the law will provide for them.

**Mr. Hickok** stated they would like to think the City of Fridley is open-minded about providing options for care for individuals, but they really want them to be well-thought out. And where the State has empowered the City to make decisions regarding zoning, the City would really like to be able to have them step back, stay out of those decisions, and let the City do that. Some people talked about the zoning map as a contract almost. If someone moved into a single-family neighborhood and the City's map assured him this was single family, he would want to be protected there in that regard. A single-family house, essentially in the backyard of the neighbor's house, changes the whole character of the lot, the feel of his privacy, etc. Again, although well-intended this really does have impacts that were not well thought out in the law.

**Commissioner Sielaff** stated there was nothing in this evaluation requiring public meetings or anything like that?

**Mr. Hickok** replied, time was of the essence because, like any other amendment that passes by ordinance, they have had to go through the public hearing process; and the public was invited to come. The City should have opted out by September, they had a clearance to opt out by September; however, staff was working with the City Attorney and evaluating. Honestly, there is a bit of a downside when you think about it from a political perspective. If anyone has had an elderly adult or somebody they have had to look for care for, facilities can be very expensive; and it can be very difficult to find a facility they are comfortable with. This seems like a very nice option. Politically it could be a difficult decision to make to say, the City is not going to allow this as one of those options. Staff took the time it was necessary to evaluate it and, although they knew they were going to miss that early September deadline, if somebody came in with an application tomorrow, staff will accept it and will look at it as a training opportunity to see what happens when they bring in the temporary facility. Meanwhile they will continue through the process towards Council's adoption of this ordinance and that will happen some time late October if they move forward on this track. It will be published and will be law by November.

**Mr. Hickok** stated staff thinks it is an important thing for the City to evaluate options for continuing health care for folks in need but in this way it is a swing and a miss.

**Commissioner Ostwald** asked whether there has been any interest at all? Has anybody contacted the City looking to try and do this?

**Mr. Hickok** replied, no, not for health care. The City has had a number of calls from people interested in the tiny house trend.

**Chairperson Kondrick** asked how do people work out the sewer and water problems?

**Mr. Hickok** replied, that is one of the things they are concerned about. He loves camping and lives in his camper on weekends throughout the entire summer. He knows there is a good set up for that and is not concerned about his sewer setup. However, if he was living in his camper in his backyard for six months straight and not taking it out to a facility for obvious things, he would be very concerned about it. As this law states, you literally set up a contract with a pumping facility organization to come in. The capacity in a 300-square foot unit is not very much and you would have the pumping every other day, frequently at least. It is a problem.

**MOTION** by Commissioner Ostwald 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 7:14 P.M.**

**Commissioner Hansen** stated the City of Fridley is right on and the State did not really think of all the ramifications while they were putting this together, along with all the challenges that present to the cities. What happens after a year? How does the City really deal with it. He works at a city himself, and he knows that would be a challenge. How would you enforce that. How would you go about removing one of these things after the one-year timeframe expires.

**Chairperson Kondrick** stated he agrees.

**Commissioner Ostwald** stated it could be a full-time job for somebody to keep things on track.

**MOTION** by Commissioner Sielaff approving 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 and receiving the related document. Seconded by Commissioner Ostwald.

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

**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 , and require additional residential recycling reporting requirements for haulers.**

**MOTION** by Commissioner Hansen to open the public hearing. Seconded by Commissioner Sielaff.

**UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:20 P.M.**

**Kay Qualley**, Environmental Planner, stated Julie Jones, Deb Skogen, Fire Department representatives, the City Attorney, and she has reviewed the following material. Text Amendment of Chapter 113 is to amend, update and change the recording requirements to align them better with County reporting requirements. Minor revisions to the text to update to match State language in many definitions. Propose licensing changes and additions to reflect market changes. One goal is to reduce code enforcement violations which make up a significant portion of all the City's enforcement work and also to increase public safety in multi-unit dwellings, in terms of fire suppression inside buildings by using only metal vs. plastic dumpsters for garbage collection.

**Ms. Qualley** stated, Update to License Categories: 1. Staff is proposing to make the change for yard waste as a separate license. The City is not currently licensing yard waste, but this service is offered through holders of residential and commercial solid waste licenses. It assumes waste haulers offer the service, but others could also pick up yard waste only and not offer solid waste services. Because of recent changes in the composting laws, large-scaled composting operations can be licensed by the Pollution Control Agency; and businesses could actually provide containers and pick up yard waste but be unallied with the solid waste industry. The City would have a modest license fee much like the other license categories, 1 through 4, that currently exist.

**Ms. Qualley** stated that the County is now tracking yard waste tonnage as a separate entity, these proposed changes would simplify reporting purposes and not close the market off only to larger haulers of solid waste.

**Ms. Qualley** stated the next category of licensure reflects organics, an “up and coming” service that can be handled by a separate company or a solid waste hauling company. There is an important distinction for organics. A single-source separated compostable (which is just the long version of the word, "organics") license is what is proposed because organics are just exactly like recycling. They are a portion of a manufacturing process because the owner of that banana peel pre-selects it to put in a bucket but then these organics can be converted into a product that is

manufactured into compost by Minnesota workers. It is not part of a landfill process at that point. The staff proposal, and this is backed by the League of Minnesota Cities, as well as two different opinions of city attorney Darcy Erickson, that a single-organics license issuance for residential purposes would suffice to handle it just exactly like recycling where the City would have an RFP go out in the future as a pilot project and have only one hauler do it to avoid the myriad styles and locations for disposal that are currently muddying the waters in the industry. It would provide a more clean-cut way of dealing with it, dealing with reporting, and having it be exactly like a recycling process except it would be opt in. It is not a state-mandated process.

**Ms. Qualley** stated regarding Chapter 113 and Code Enforcement - As stated there are issues in code enforcement the City faces every day. She is one of the people who goes out in code enforcement, and there are outside storage of plastic bags of leaves and, instead of composting and having them hauled away, and paying someone for yard waste removal, they are just littered around the property. The City does not have that clarified and so staff is just adding a line to clarify that and prohibiting that type of outside storage of bags.

**Ms. Qualley** stated use of plastic dumpsters inside of apartments have begun to proliferate inside garbage rooms and garages and in interior garbage collection areas of multi-unit apartments. The City just wants metal refuse containers inside buildings because a plastic dumpster burns too fast and hot and the Fire Department approved the language in the amendment of Chapter 113 to reflect that.

**Ms. Qualley** stated also the City does not allow construction dumpsters in the street but it is not really spelled out and staff is fixing that as well. Also, staff would like to require that dumpster enclosures be accessible to haulers and residents at multi-units. What they mean by that is that a typical dumpster enclosure might be okay for a hauler to open up one for disposal but often the gates are too heavy for residents or children who get tasked with bringing down the garbage, to use. Things just get dumped on the outside of enclosures. The idea is to contribute input to redesign of these structures over the next few years, working with the owners and haulers to come up with the best kind of dumpster enclosures to increase the likelihood that solid waste goes into a solid waste dumpster, recycling goes into a recycling receptacle, and the same is true with organics or yard waste. Right now it is kind of a flawed process. Adding the words "and residents" is meaningful.

**Ms. Qualley** stated reporting of yard waste tonnage is not counted as part of the City's tonnage to Anoka County, but the County is now tracking it, which is new, so reporting will be required by collectors starting in 2017. Also, adding in commercial recycling requirements is new to reflect the State of Minnesota's requirements that businesses which had at least a four-cubic foot volume solid waste dumpster for garbage must recycle at least three items. In other words, plastic, metal, and paper or plastics, metal, and cardboard. Since most of this is recycled by businesses already, businesses can, without too much extra effort can attain those three recycling streams. Staff is recommending that businesses, where possible, even if they have to rebuild their enclosure (although the City is not stipulating that in the text amendment) work as hard as they can to put paired dumpsters side by side, with the recycling one on one side, a garbage one on

the other. At the very least, and staff is not spending time contacting commercial entities, they want to make sure the City Code matches State Statute so staff is adding a note that commercial recycling is now required for at least three items if you have a four-cubic foot dumpster.

**Ms. Qualley** stated requiring reporting to match Anoka County, the twice annual reports from licensees are currently received in a variety of formats. That is really putting it quite kindly. It is a digging process, even though they go through it twice a year, staff begs for the information in tonnage for what has been collected in terms of recyclables. Now it will be yard waste and organics as well, at some point. In order to obtain consistency with the County request for reporting, staff wants to make that part of the license so that everybody knows, okay, here is how you have to report it. So it is not just an e-mail from the Environmental Planner pleading for things to be in a certain format. This actually is written into the license, it is a level playing field. Everybody can provide their information in this format, and it will be consistent with both the County and the State.

**Ms. Qualley** stated the City's yard waste collectors and organics collectors will also be required to submit tonnages.

**Ms. Qualley** stated, additional housekeeping for Chapter 113 includes updating definitions, such as creating a definition for source-separated compostable because that was not in there before. Getting Code language to match State Statutes by updating words like dwelling units and yard waste is part of the text amendments. Additional Chapter 113 housekeeping would disallow burning of solid waste, recyclables, organics, and yard waste. You would not think people would be burning things like aluminum cans but based on code enforcement it is happening. It is bad for air quality, in general, and for neighborliness. Also, prohibiting plastic dumpsters from being located inside buildings, as stated earlier.

**Ms. Qualley** stated that staff recommended increasing insurance amounts from \$500,000 to \$1 million coverage for license holders just in terms of liability coverage. Staff also recommended the Planning Commission approve these proposed text changes in TA-16.03 to send to the City Council for the public hearing in whatever format they normally do.

**Chairperson Kondrick** stated this makes sense to him. The changes are common sense. He thinks everybody can understand them.

**Commissioner Hansen** asked whether Ms. Qualley she had any idea how many haulers might be interested in doing organics collection?

**Ms. Qualley** replied, of the six licensed haulers the City currently has, she knows that LePage & Sons, a local company throughout the County is looking at it and believes they might have recently received some certifications for organics collection. Walters which is another local company has done a pilot project in Coon Rapids. Waste Management, at a recent Anoka County Solid Waste Abatement board meeting stated that they were starting to look at organics. The problem is, and the reason for the single licensure, some are having residents

insert a compostable plastic bag and throw it in the solid waste, taking it to a transfer station, and then pulling the bag out for moving to a compost site. Others are collecting it in a separate container much like the cities of Minneapolis and St. Louis Park do. And so others have different techniques. Any one of those could possibly work but there may be three or four out of the City's hauler group who could move towards producing a response towards an RFP should the City issue it.

**Chairperson Kondrick** stated it might come back to having a plastic container that people could put this kind of refuse in to be collected by somebody.

**Ms. Qualley** replied, correct. That is one method. Typically those containers are either 20 or 30 gallon which compared to a typical refuse container looks pretty tiny, and she can personally lift one of those up with one arm with herself not being very muscular. They do not take up a huge amount of space and, in fact, if somebody decides to downsize their solid waste container because they find they are diverting 30 to 40 percent of their total solid waste by the collection of organics, they might find that two smaller containers can fit snugly in the garage where one used to be.

**Chairperson Kondrick** stated these can be stored within an enclosure or garage or outside. Can they be in sight of the street with normal regulations? Can you see them?

**Ms. Qualley** replied, typically in terms of recycling and solid waste containers in the City, they can be within the public view but they cannot be forward of the forward most part of the front of the house or the garage, whichever sticks out the furthest.

**Chairperson Kondrick** stated he is interested in what about the smells that would be coming from that if it was inside the garage.

**Ms. Qualley** replied, those same banana peels are part of their current solid waste mix and are mixed with other things such as plastic film and non-recyclable items called solid waste or mixed municipal solid waste. They are busy producing odor anyways in one's garage if that is where you keep your container. When they are concentrated, there is a slight intensifying of that odor because they are not mixed with other stuff. However, she asked the question at today's meeting if the industry had advanced to the point where our carbon filter lids have been incorporated. She was assured they are in fact available in the industry. Since she is a test pilot herself in the City of Minneapolis where she is kind of looking at the pitfalls and what is good about it, that is a recommendation she would make in the RFP and since they would be starting slowly with people who want to opt in anyway, why not head off any problems ahead of time and make it a very smooth process.

**Commission Hansen** asked how frequent would the pick-up be? Would it be like recycling, every other week?

**Ms. Qualley** replied, frequency of pick up would have to be once a week because organics can get a little soggy. For recyclables, if somebody does not drain that pop bottle, it is quite a different matter. With organics, the bags used for collection are compostable. If they sit for two weeks they start to break down, which they are intended to do so you can just put them in a compost heap and a week or so later with a few other ingredients—become part of the compost itself. Therefore, it would not work for them to go for two weeks. Also odor would be a problem.

**Ms. Qualley** stated in terms of odor mitigation she has heard that either a small layer of grass clippings or small layer of leaves can help with the odor if you are experiencing it in mid-summer. That was information from the company which is currently running the Anoka County compost site.

**Commissioner Ostwald** stated as to the weekly pickup, he asked Ms. Qualley if she had any idea what the fees would be for this opt-in service for organics?

**Ms. Qualley** replied, she does not. The reason is in an opt-in pilot program some of the variables would be the frequency of pick-up and container size and number of participants. Pick-up day is already established as weekly on the same day that garbage (aka mixed municipal solid waste) and recyclables would be collected so it would still be a zoned by day and “Blue Zone or Gray Zone” type of pick-up. How many people would opt in is a question. Some of the cities that are contracting for organics collection sites where people take their compost bag, put it in the car, and take it to a central location to put into a designated organics dumpster, use of one such facility grew from maybe 68 to 123 people in a year. However, Minneapolis, which has weekly pickup of organics in small carts, has grown to 42 percent of the areas that they have rolled it out into (which is not every single neighborhood), very quickly. Partially because people start reducing their solid waste containers and they think, this is good, they do not have the fuel surcharges and some other things associated with solid waste because landfills are a limited commodity and State goals to reduce solid waste are increasing.

**Chairperson Kondrick** stated although they have to pay extra for it, they are going for it.

**Ms. Qualley** stated, to get back to Commissioner Ostwald's question exactly, this is going to be a function of the City's best guesstimate and it may be a sliding scale of slightly more expensive at first but then the ability to reduce maybe some garbage costs as a mitigating factor and then if they can build up the number of people through promotion of it, she is guessing like anything else, the fees would go down. They would make sure that any contract was a limited term or even possibly end at the same time as the recycling contract in 2019 for the convenience of the City.

**Commissioner Sielaff** stated does that mean they are going to have more trucks riding around Fridley?

**Ms. Qualley** replied, if the City does nothing, it will have six more trucks. However, if the City does something it will have one more truck in the City in each neighborhood by having one license. That service is coming and it will be multiplied times six and then six different trucks will be picking up organics.

**Commissioner Sielaff** asked why are they reducing six down to one?

**Ms. Qualley** replied when the City went to a single license for recycling, the City took five other recycling trucks that conceivably could have been on the road, down to one truck. That is the same kind of idea. These are manufacturing processes so the owner of the banana peel is taking it and putting it to good use in a way by turning it into compost when the City uses a single hauler, like recycling, who won the RFP. That way only one truck is going around. It is very efficient and easy for her to keep track of one company and one truck and one driver. She knows where there are problems. In the case of recycling with a single hauler, she knows how many times they have missed in four years which is four and the rest of the time people forgot which day was their recycling day. In this way it would be every week so it would be very easy from a staff's standpoint to administer with a single hauler who had won an RFP, and it would keep five other trucks off the road as well.

**Commissioner Sielaff** stated there is organic recycling now, right? Except you have to bring it to a recycling (*organics*) site.

**Ms. Qualley** replied, yes, that is true but there also is a test case with Walters in Coon Rapids with picking it up; and a couple of others who are dabbling their toes into it. This particular revision of Code and licensure is very timely so the City does not sort of end up with a mess and lots more trucks.

**Commissioner Hansen** stated he understands what Ms. Qualley is saying about the one truck because it is like the recycling. Everybody will have the same hauler. Is there any kind of scenario for vegetation that he puts in his yard waste bin that could be combined with this organic collection or does it have to be processed separately?

**Ms. Qualley** replied she has talked to some haulers who absolutely are opposed to that because yard waste is collected April through November and the profitability and the profile of this sort of drying or somewhat decomposing product is collected on that timetable; whereas, organics would have to be collected weekly year around. They felt that either maybe it could be looked at in the future, however, with the current technology that they would want it collected year around for organics every week and that would be a slightly different metric.

**Commissioner Sielaff** stated organics in the wintertime would be broken down a little bit before they are picked up, but they would need to be composted further after pickup?

**Ms. Qualley** replied as part of the manufacturing process involved with organics, they call it the green, brown, and air mix. You need something besides what is inside that bag. You might need

some dried brown leaves that are only collected three-quarters of the year and stockpiled. You need air which is in the form of a machine turning it in a compost windrow and then rolling it to the next windrow where it becomes more and more composted until it can be bagged as compost material. You only have one-third of the equation inside that bag. That is why it needs to go to a composting facility, a type of manufacturing facility. It provides Minnesota jobs and an end product that Minnesota residents can use in their garden.

**Commissioner Sielaff** stated, in other words, organic compost that is picked up needs further composting and it would need to be composted with leaves?

**Ms. Qualley** replied, yes, you want to work in some dry roughage if you will because the stuff in the bag turns into kind of a slop fairly quickly, especially in the warmer weather. And then you work in the chunky stuff you have been collecting over a nine-month period as well as air is extremely important in a home compost heap or in the homeowner tumbler kind or as handled in a commercial composting facility. That is what you are providing as the third ingredient. There is some manufacturing facility aspect to the outcome of making those two things work together.

**Commissioner Sielaff** asked, and you can compost all year with certain organics?

**Ms. Qualley** replied you can. It gets pretty hot, but somewhat weather dependent to generate a final product. If you ever been on a job site where wood chips or the great big pile of organic matter and you dive down into it in the summertime for instance there is still some snow and ice underneath. It is fairly insulated but the ability to move it around is not going to be present in January - the heart of the winter. They would drop the stuff off and probably just cover it with something that has been in some sort of a covered building, like straw. We would expect commercial compost site operators to have that figured out.

**Commissioner Sielaff** stated the issue was brought up where you can combine the yard waste with organic waste. It sounds like you can still use yard waste in a composting process for organics. Is there some way of doing this where you can do the combination for a while but also hold some yard waste over here to be utilized in composting during the part of the year when you do not have the yard waste?

**Ms. Qualley** replied a home compost heap is probably the most efficient way of doing what Commissioner Sielaff is talking about and the County highly encourages that because there is less of a carbon footprint associated. They are not using trucks and men and materials and doing things to the compostables with other equipment so it is less complicated, but not everyone can do it and commercial organics can collect items that home composters cannot by Code put in home compost. Turning large volumes of yard waste and kitchen scraps into perfect compost within one little cart or home compost bin is really not achievable efficiently. And collection of organics keeps more items like paper plates and tissue out of the waste stream. What she understands from industry professionals is that keeping yard waste and organics collection processes separate is what they prefer at this time. That could perhaps change.

**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 7:47 P.M.**

**MOTION** by Commissioner Hansen approving 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. Seconded by Commissioner Ostwald.

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

- 3. Receive the Minutes of the July 12, 2016, Environmental Quality and Energy Commission Meeting.**

**MOTION** by Commissioner Hansen to receive the minutes. Seconded by Commissioner Ostwald.

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

- 4. Receive the Minutes of the August 25, 2016, Environmental Quality and Energy Commission Meeting.**

**MOTION** by Commissioner Hansen to receive the minutes. Seconded by Commissioner Ostwald.

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

- 5. Receive the Minutes of the August 1, 2016, Parks & Recreation Commission Meeting.**

**MOTION** by Commissioner Sielaff to receive the minutes. Seconded by Commissioner Hansen.

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

**OTHER BUSINESS:**

**6. Green Steps Cities 9.1 BMP EQE Recommendation.**

**Ms. Qualley** stated this is hers as well because it interfaces with the Environmental Quality and Energy Commission recommendations as she is staff for that group; as well as recent grant opportunities that have been realized that have Phase II implications coming up shortly because the City did well in Phase I.

**Ms. Qualley** stated the purpose of this item on their agenda is to start planning for Phase II of a current Minnesota Department of Transportation Landscape Grant for right-of-way plantings along University Avenue, north of 694, and south of Mississippi. If this planning goes forward typically \$15,000 of plants like trees, shrubs, and hardy perennials, wild flowers and pollinators are installed with volunteer labor; and the City takes care of it afterwards.

**Ms. Qualley** stated the Grant is typically multi-year in a corridor. In the first part of this year, the City was granted a competitive grant with MnDOT, and by working with their landscape architect, Tony Wotzka, to produce a landscape design, volunteers planted 54 trees, many shrubs, and hundreds of perennials in the area of the Mississippi River bike trail just north of the regional park and 694 at East River Road. This planting is apparent from a vehicular traffic standpoint, it provides fall color shrubs, native plants, as well as being accessible to Fridley's largest multi-unit apartment complex at Georgetown and the many users of the Mississippi River Trail. Very surprising, when working with the Youth Conservation Corp. to install these plants, was the number of bicyclists and walkers who use this trail which is quite tucked away but it is by no means obscure, it turns out!

**Ms. Qualley** stated so that went really well and the only remaining plants to install are eight small Whip Trees and a few little Asters and some wildflower seeding which will take place in the next two weeks. It went well and typically because East River Road is an Anoka County Road, the corridor plantings would not continue there but move over to a MnDOT roadway and, based on discussions throughout the City with Council and so on, typically they would be looking at University Avenue because of the development with the Triland project at 57th, Cielo around 61st, and the fact this is a future bus route, the transit corridor, the potential development in other areas like the Columbia Arena site would seem to indicate that this type planting enhancement, instead of just mowing salt-damaged grass which is what the City now maintains, might be called for.

**Ms. Qualley** stated it is a really nice thing when a couple of things like a grant and something the City is already doing as a Green Step City working on best management practices could possibly coalesce in this area. For Green Step cities, there are 29 best management practice areas which is just jargon for saying, hey, we are going to help you, give you some advice, to do things that are going to make your city a better place but not put any pressure on you to go any one direction. You tell us what direction you want to go, and we will give you a little help. So when Fridley became a Green Step city, it became eligible to do things like get a Green Corp volunteer

member working with the City and so over the last 11 months the City has somebody working on urban forestry practices.

**Ms. Qualley** stated one practice that could dovetail nicely with the MnDOT grant is Practice No. 9. It focuses on the economic development through revitalization using broad design guidelines. Staff is just focusing on the first part, establishing standards for landscaping in rights-of-way areas which is what the EQEC discussed. This also may yield research assistance along University Avenue working with the City planning staff, GreenStep Cities and Mr. Hickok for things that have implications with the next Comprehensive Plan perhaps, as that process has now started.

**Ms. Qualley** stated in regard to Green Step Cities 9.1, Efficient Highway and Auto Oriented Development, the City has already developed transit-oriented development standards in an overlay district that extends from the Cielo Apartments on the east side of University between 57th and Mississippi. Just one small step further would be to establish these design goals in the landscaping sense. Also other areas that are a little bit more tired, some surface lots and some strip mall and strip centers and that kind of thing could even benefit. However, back to the point, the Environmental Quality and Energy Commission approved broad design recommendations for along University Avenue. Removal of the MnDOT bent up and broken chain link fencing was No. 1 on the group's list with some vehemence. The Environmental Quality and Energy Commission only where necessary the group would like to have Design No. 1 emphasized and chain link fence or any fencing preferably replaced instead with shrub groupings and/or decorative fencing and other visual design elements only if that becomes necessary with preferences for no fencing.

**Ms. Qualley** stated these guidelines were developed by the EQEC and designed too be broad and not to hamstring the City, a developer, MnDOT, or anyone else involved in the project but to be sensible and still have the goal of creating a better feel for the heart of the City. Any plantings should achieve an overall softening of the transportation corridors. That means maybe making it seem less like a thoroughfare race track in a sense. While keeping safety important in any landscaping projects should equally consider the safety of pedestrians, wheeled conveyances like wheelchairs, skateboards, whatever is crossing; and volunteers and maintenance staff of course need to be safe as well. That is a thorny and tricky one but it is important and needs to be in the design criteria. The suggestion was to create an 11-foot wide or narrower through lane for autos in order to accommodate slightly wider, middle pedestrian refuges. It will not give the City a lot of extra room, but it might give it just a little bit shorter crossing distance for pedestrians. In places like 61st where kids are trying to get to middle school, after school programs, that type of thing, that could be a big deal to have just a little bit shorter run there.

**Ms. Qualley** stated also of course because the highways are salted and the City needs to make it easy, using low maintenance plants and in broad swaths, in other words, not detailed, fussy kinds of planting but something that can be viewed from an apartment window, from a vehicle, and from someone walking by that maybe has some color resonance and repetition but is not really difficult to take care of-that was design item No. 5.

**Ms. Qualley** stated No. 6, perennials and pollinator flowers in the center along edges should be cut down in fall maintenance so as to not impact MnDOT or Anoka County snowplowing crews. That was important and of course practical as well. That is one of the beauties of perennial plants, they come up every year but you can cut foliage down in the fall so they do not become a nuisance to snowplow crews.

**Ms. Qualley** stated using trees where possible but keeping them out of the plowing and clear zone was an important goal to the EQEC. However, similar to other plantings along Highway 96 and perhaps 35E and other places in the Twin Cities, let's not say that you cannot put trees in along our roadways in some limited capacity when you see trees going in another part of the Twin Cities transportation corridors, so, let's use trees where we can. It is going to help soften the corridor. It might visually slow down the traffic just a little bit but, at any rate, it is going to make the City of Fridley look like a nicer place to live; and that is much to be encouraged. No planting of trees where trees should not be and certainly no place where they would become more of a danger than the existing chain link fencing.

**Ms. Qualley** stated for plantings you should buy woody shrubs with perennials and grasses and be located in the center areas as well as roadways edges, perimeters, and underutilized weedy areas of the right-of-way. That last wording of that part just means, okay, you already have weeds growing up to three feet tall, do not tell us that you cannot put three-foot tall perennials in because the weeds you are not cutting are already three-feet tall so what is the big deal basically.

**Chairperson Kondrick** asked whether staff is getting any input or suggestions or feedback from the County regarding the roads and any future plans the County may feel that University Avenue or East River Road might require. They are talking about doing these things but is the County saying, no, our plans do not include that kind of stuff...we will have to tear up what you are doing so, no.

**Ms. Qualley** replied, even though East River Road is a county road, because this project took place with both MnDOT transportation funds and a MnDOT landscape architect on their right-of-way property, Anoka County did not really have a position in it because the City stayed out of the plow zone. But to continue to march up their road, yes, they would have plenty to say about it. Transferring over to University Avenue which is a MnDOT and not a county road, makes lots of sense because it is a MnDOT grant. Keeping in mind the concerns of the Metro Desk, maintenance, again back to the snowplowing thing, she had a conversation with them about this; and they expressed concern of course because they want to make sure their snowplows are not being impeded. At one point she teasingly said, well, if we put some shrubs, 10, 12, 15 feet uphill from the street and if snow plows are there, that is a different issue if they are plowing way up there, whether that was a shrub they hit or a chain link fence. In all seriousness, if the plantings are done appropriately so it is low trim turf right next to the highway, nothing too tall where things need to have sightlines to cross, etc., their own landscape architect would be doing the design work. He is in communication with the Metro Desk which would of course have to approve this plan if it passes tonight's meeting and the Council as well.

**Commissioner Sielaff** stated he understands all these design goals except for No. 4. He asked if she could explain what that means.

**Ms. Qualley** stated an 11-foot or narrower thru-lane for autos. Typically many cities, not just in the Twin Cities, but around the country are narrowing just slightly the drive lane, the distance between the line you are supposed to stay in and the next person's line. You might only grab a foot or two here or there, but it might be just wide enough to widen out a pedestrian, concrete area where they can stand in the middle because they can only make it halfway through a stoplight on the green Walk; or it might just shorten up the amount of crosswalk by just a couple of feet. The part you drive in would be narrowed just slightly.

**Commissioner Hansen** stated one of the goals they were trying to accomplish with the design goals that Kay has laid out is just really an overall softening of the corridor and kind of peel back from all the hardscape as the stretch of University they are talking about transitions more into a residential nature from what it was in the past. That is something people who are looking to come in and live in the City of Fridley are going to find important, to have it more softer, a little bit more landscaping, some visual elements to it. Along with that is the speed of traffic that is along University. Narrowing the lanes to something that the State may be willing to live with is going to help reduce speeds as putting vegetation and other things in the corridor, all that has an effect on people just generally wanting to slow down or slowing down.

**Commissioner Sielaff** asked what does this mean, accommodating slightly wider middle pedestrian refuges?

**Commissioner Hansen** replied, by narrowing the thru-lane, you are going to have more space for a pedestrian on either side of the street.

**Chairperson Kondrick** asked, what is the State's view on street reduction? The speed limit on University Avenue is 45 to 50. People are not going 45, they are going faster and they are not going 55, they are going 60. If you were to slow that down, does the County or State have any ideas as to what people are going to tolerate on the way to Blaine?

**Commissioner Hansen** replied, they are not talking about changing the speed limit. The way that works is the State will do the speed study and what they will do is take the 85th percentile and now set that as the speed limit. In some cases when they do a speed study to reduce the speed, it would go up. What they are trying to do is create a mental perception of drivers. When you are in a residential neighborhood, you are going to drive different than when you are on a highway. They are trying to bring the reality this is more of a residential corridor vs. the commercial corridor.

**Ms. Qualley** replied, that is exactly right. The other thing is that MnDOT is not the only state agency that is interested in University Avenue. In fact prior to her joining Mr. Hickok's staff, the Transit-Oriented Development, the Northstar Station, and many important advances for Fridley

as an interim suburb had been achieved. The East River Road Corridor Study and so on. The guiding documents we use, agencies like the Met Council that are encouraging higher density Metro Transit, the viewing maybe it is not up first on their radar for a bus rapid transit but believe her they have mapped out some potential stops on University Avenue. All of these things come into play nicely with this early preliminary and broad design guideline criteria. In discussions with the rollback between 55 mph back down to 50 speed limit that took place about a year and a half ago, with the Central Desk of MnDOT, they even brought up that in the future when the next redo takes place on University, a variety of things could be looked at, perhaps like an 11-foot wide drive lane and some slight tweaking of road and intersection design to achieve a more pedestrian and bicycling friendly roadway might be considered. For crossing through a linear city like Fridley that is getting denser especially in our designated transit-oriented development areas which is desirable per the Met Council, these discussions are intended to make safety for all users part of the discussion and also to help commuters realize they are traveling through a city. Discussions with Fridley and Mn-DOT and other state agencies show that none of us are working in a vacuum like maybe in the past; we realize that we are all part providing solutions to achieve overall goals in the Twin Cities, including Fridley, which is an inner ring suburb.

**Commissioner Sielaff** asked, with these goals, he understands what she is saying about between 694 and Mississippi. What happens north and south of that section, that is going to affect within this area, too?

**Ms. Qualley** replied, absolutely. At present time the City mows the turf in sort of its indifferent condition and salt damage as she mentioned earlier. When they are able the City mows it so it is very tidy and they would want to borrow landscape or help Cielo borrow landscape by keeping low mowed turf next to their low mowed turfs to make that property seem wider there and use sensible design and maintenance techniques. However, typically a MnDOT grant, if they are able to be granted a second segment which sounds promising for starting design work in that corridor if they are allowed to by MnDOT central, that it would be compatible with just simple mowed turf by maybe having an ending point that looks finished and, if the City is granted another extension which typically they work up a corridor or down whichever you like, so one segment between 57th and 61st could yield a second, could yield a segment near Mississippi, could yield a segment up as far as up by Community Park across from any development with Columbia Arena, or south down to 53rd. They would hope to build on the concepts of these broad landscape principles if the City was allowed grant funding.

**Chairperson Kondrick** asked how much is at stake here?

**Ms. Qualley** replied, \$15,000 per segment she was able to spend at wholesale, that represents about \$30,000 or a little under. That was a significant amount of plant material. It was planted by volunteer groups and some of the City's businesses, like Cummins who provided volunteers as well as the Minnesota Pollution Control Agency contributed the Youth Conservation Corp for a whole week.

**Ms. Qualley** stated it is important that Jim Kosluchar, Public Works Director, stated the City knows how to mow turf, it has equipment for mowing turf, some shift in equipment and the kinds of technical maintenance, knowing what a wildflower looks like compared to I know how to mow, blow, and go. They do not want this to be too budget impactful, but it may mean the City delays doing some things so it can take advantage of grant money for this next phase, if approved. Nothing comes without some cost but using volunteer labor to install the materials and then where possible, the City staff will work towards the development of more volunteers to care for plantings. One of the Environmental commissioners, Kyle Mulrooney is working to develop local people towards becoming tree stewards and to find other maintenance personnel, as trained volunteers, to help do weeding and tree winterizing, where it can be done safely.

**Commissioner Sielaff** stated it is the City's responsibility to do maintenance, but the intent is to use volunteer to do some or all of it?

**Ms. Qualley** replied, installation would be done and would need to be done based on the grant by volunteers. Watering trees and plants from a big watering truck that you have to have a certain license to drive, is an activity which would have to be done by City staff. But could we work on getting weed pullers or folks that refresh the bark? That would be something she would be working hard to achieve, to reduce Public Works involvement.

**Commissioner Hansen** stated that is one of the things they talked about was working that end of the volunteer aspect into the Adopt-a-Highway Program potentially. People who are out picking up the garbage may be also assisting with part of the process. These are minimal maintenance items.

**Ms. Qualley** stated the unfortunate thing is perennials, shrubs, and trees have a sliding scale that is more labor intensive on the early end. Turf also as it has about that same three years of establishment but, once you get things established and put bark down, the weeds are reduced. Pollinators and wildflower perennials are ultimately very long lived.

**Commissioner Sielaff** asked is this something that has been done in other places, is there experience that other cities have in doing this?

**Ms. Qualley** replied an area along the 35E corridor has been the recipient of some other MnDOT landscape grants. Also in parts of Wisconsin they are doing kind of thing. Different areas along the freeway, if you will notice, there is a low-spreading thicket like shrub which happens to be Grow Low Sumac and sometimes Lilac bushes. What they are looking for are thicket producing plants that are relatively easy to grow, drought and salt tolerant but that are going to slow down a car and be less impactful than a heavy structure or another vehicle.

**MOTION** by Commissioner Hansen approving Green Steps Cities 9.1 BMP EQE Recommendation. Seconded by Commissioner Ostwald.

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

**Mr. Hickok** stated as to where they are with the City Hall project, the whole redevelopment complex where the Columbia Arena was, he asked how would they like the name Locke Park Pointe rather than the former Columbia Arena site redevelopment? That is the new brand they will call this area that will include the City Hall Complex and would also the private residential development south of the water feature that would be created here. They have done a number of different things, they are working with the architects, BKV, and Oertel Architects on the Public works piece of it, and Wenck is the City's environmental folks who have really replied to the plan to the point where the public will be seeing it at a public open house on October 25 at 6:30 at City Hall. There will be illustrations of what the civic portion of the complex will look like and there will likely be an architectural model there. This last week on Friday staff went out with the RFQ and put out an announcement in Finance and Commerce magazine, and the City has had a great response by private developers looking to do the private residential development along the south side of the water feature. That group of developers who are interested will have a mandatory meeting on October 5 at 1:30 p.m. in the council chambers where they will hear about any and all the details in the City's presentation and ask any questions they have. From that point then they will have a short period to go back, put together their request for qualifications and get those back into the City. The City would like to choose a partner in this and the City's vision and hopes would be it will choose a development group that will take each piece of it. There are many facets, the vision, thanks to commissioners and citizens, folks who have provided feedback along the way.

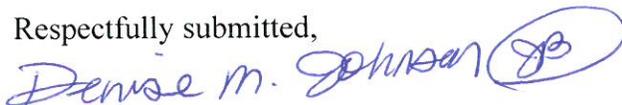
**Chairperson Kondrick** stated he has a very wide circle of friends and interested persons and he has not talked to anybody yet who has been against this idea. He hopes it continues and sees it as being very promising for the City of Fridley and making it so they have a central part of town that it fun and interesting.

**ADJOURN:**

**MOTION** by Commissioner Sielaff to adjourn. Seconded by Commissioner Ostwald.

**UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON KONDRICK DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 8:23 P.M.**

Respectfully submitted,



Denise M. Johnson  
Recording Secretary



# City of Fridley Land Use Application

SP #16-06

October 19, 2016

## GENERAL INFORMATION

**Applicant:**

USAgain  
Joseph Labraco  
1555 Hawthorne Lane, 4W  
West Chicago IL 60185

**Requested Action:**

Special Use Permit to allow limited outdoor storage

**Location:**

191 Osborne Road NE

**Existing Zoning:**

M-2 (Heavy Industrial)

**Size:**

370,695 sq. ft.          8.51 acres

**Existing Land Use:**

Industrial

**Surrounding Land Use & Zoning:**

N: Industrial & S-3  
E: Industrial/Commercial & M-1/C-2  
S: Industrial & M-2  
W: Industrial & M-2

**Comprehensive Plan Conformance:**

Consistent with Plan

**Zoning Ordinance Conformance:**

Sec. 205.18.01.C.12 requires a special use permit to allow limited outdoor storage

**Legal Description of Property:**

Lot 2, Block 1, Osborne Commerce Center

**Zoning History:**

1997 – Lot is platted.  
1996 – Building constructed.

**Public Utilities:**

Building is connected

**Transportation:**

The property is accessed from Main Street and Osborne Road.

**Physical Characteristics:**

Large industrial building, hard surface driving and parking areas. Ponding and landscaped areas.

## SPECIAL INFORMATION

**SUMMARY OF PROJECT**

The petitioner, Mr. Labraco, of USAgain is seeking a special use permit to allow limited outdoor storage on the west side of the property at 191 Osborne Road.

**SUMMARY OF ANALYSIS**

*City Staff recommends approval of this special use permit, with stipulations.*

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.

**CITY COUNCIL ACTION/ 60 DAY DATE**

**City Council – November 14, 2016**

**60 Day – November 14, 2016**



Aerial of Property

Staff Report Prepared by: Stacy Stromberg

# Land Use Application

## Special Use Permit #16-06

### REQUEST

The petitioner, Joseph Labraco, who is the CFO for USAgain, is proposing to lease building space from Osborne Commerce Center, LLP; the owner of the property at 191 Osborne Road. As part of that lease, the petitioner is seeking a special use permit to allow limited outdoor storage within one designated area on the west side of the property.

The petitioner would like to store the collection bins used for their business within a 40 ft. by 50 ft. area, along the western edge of the existing parking lot.

### HISTORY AND ANALYSIS

The property is zoned M-2, Heavy Industrial as are the properties to the west and south. The property to the north is zoned S-3, Heavy Industrial Onaway Addition and the two properties to the east are zoned C-2, General Business and M-1, Light Industrial. It is located on northwest corner of Main Street and Osborne Road. The property was replatted in 1997, as was the property to the west at 101 Osborne Road. The existing building was constructed in 1996. The shell of the building has remained the same over the years, though several interior modifications have been made for different tenant spaces.



### CODE REQUIREMENTS

City Code allows limited outdoor storage in the industrial districts that is up to 50% of the building footprint with a special use permit. This building is 101,600 sq. ft., so City code would allow up to 50,800 sq. ft. of outdoor storage on this site. The petitioner plans to lease approx. 12,000 sq. ft. of space within the inside of the building. As part of his business, he needs the ability to store empty collection bins that are being staged for repair/clean-up and deployment back into the field. The proposed outdoor storage area for the collection bins will be along the western edge of the parking lot, where there is existing trailer parking spaces. The size of the area is 40 ft. by 50 ft., or 2,000 sq. ft., which is well below the allowable outdoor storage area for this property.



Before the proposed 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.

Based on the calculations provided to the City by the property owner on how the interior space of the building is used, City code would require 103 parking stalls for this site. There are 123 parking stalls on

site, and 27 trailer parking spots. Five of those trailer parking spots will be used for the proposed storage area.

The petitioner plans to fence in the outdoor storage area with a chain-link fence that will have screening slats in it, which will comply with code requirements. All other code requirements to allow a special use permit for limited outdoor storage are being met.

City staff hasn't heard from any neighboring property owners.

### **RECOMMENDATIONS**

*City Staff recommends approval of this special use permit, with stipulations.*

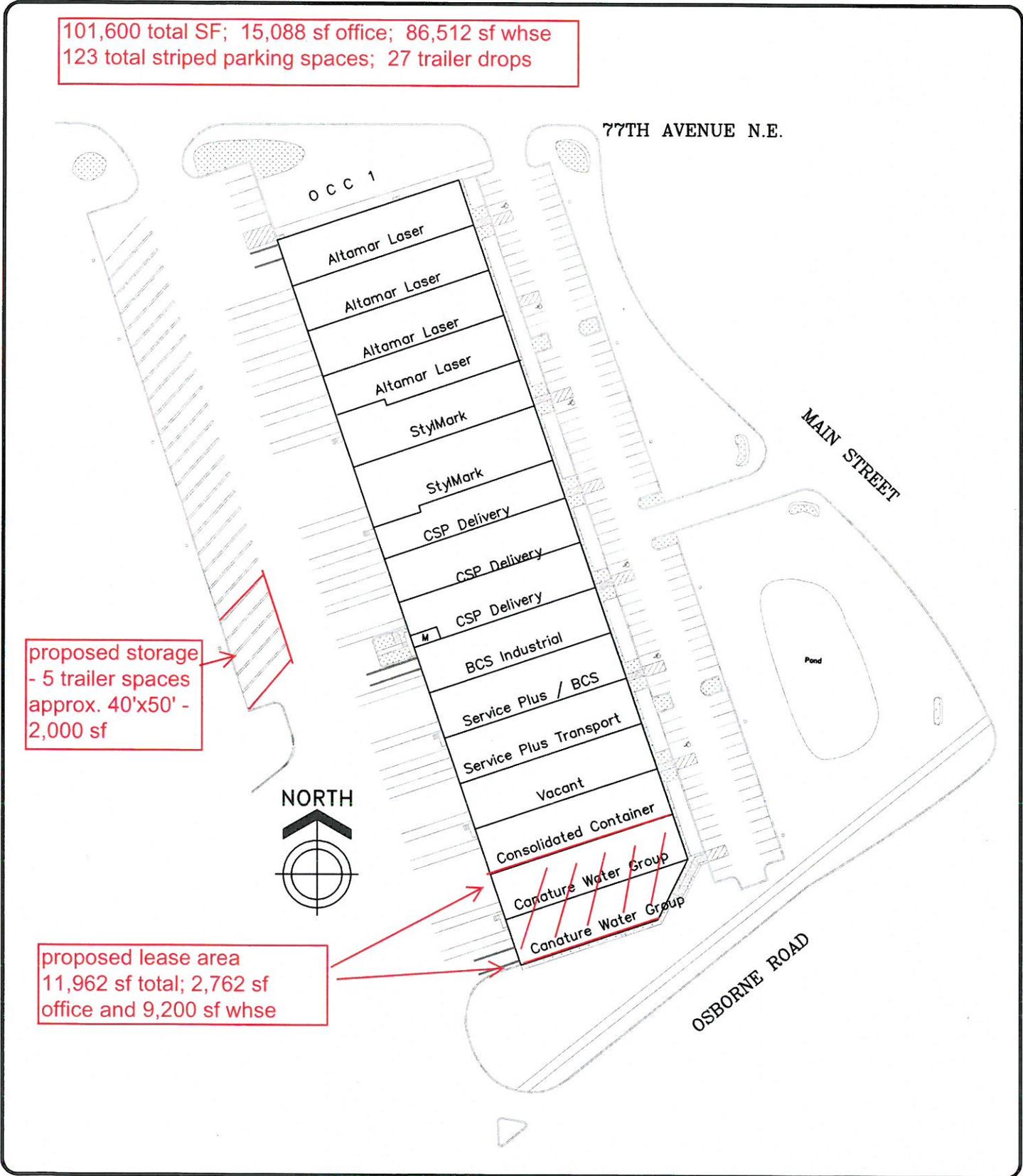
Limited outdoor storage is a permitted special use in the M-2, Heavy Industrial zoning district, provided specific code requirements are met, subject to stipulations.

### **STIPULATIONS**

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

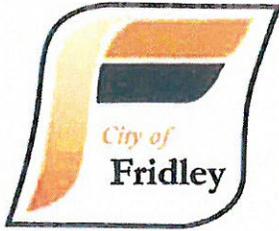
1. *Outdoor storage area shall be limited to the square footage amount requested as part of this special use permit request.*
2. *Screening fence shall be installed within 60 days of tenant occupying the site.*
3. *The types of materials stored inside of the containers shall be reviewed by the Fire Marshal.*
4. *Per Section 205 of the Fridley City Code, this Special Use Permit will become null and void one year after the City Council approval date if work has not commenced or if the Petitioner has not petitioned the City Council for an extension.*

101,600 total SF; 15,088 sf office; 86,512 sf whse  
 123 total striped parking spaces; 27 trailer drops



proposed storage  
 - 5 trailer spaces  
 approx. 40'x50' -  
 2,000 sf

proposed lease area  
 11,962 sf total; 2,762 sf  
 office and 9,200 sf whse



Community Development Department  
 City of Fridley  
 6431 University Avenue NE  
 Fridley MN 55432  
 763.572.3592  
 Fax: 763.571.1287  
[www.fridleymn.gov](http://www.fridleymn.gov)

**SPECIAL USE PERMIT APPLICATION FOR:**

Residential \_\_\_\_\_ Commercial/Industrial/Multi-Family X

**Property Information**

Address: 191 Osborne Road, Fridley MN 55432  
 Anoka County Property Identification Number (PIN #): 10-30-24-11-0031  
 Legal Description: Lot 2, Block 1 Osborne Commerce Center  
 Current Zoning: M2 Square footage of Parcel: 275,299

Reason for Special Use Permit (one sentence summary, please attached full description)  
Need to store containers outside to maximize business efficiency

**Fee/Property Owner Information (as it appears on property title)**

\*\*Fee owner must sign this form prior to processing

Name (please print): OSBORNE COMMERCE CENTER LLP  
 Mailing address: 3610 County Rd 101 90 Steiner Development, Inc.  
 City: Wayzata State: MN Zip code: 55391

Joe Smith

Daytime Phone: 952 475 5122 Fax Number:  
 Cell Phone: 612 670 5792 E-mail address: jsmith@steinerdevelopment.com

Signature/Date: David J Kosonow jsmith@steiner.com

**Petitioner Information**

Company Name (please print): USAGAIN  
 Contact Person's Name (please print): Joseph Lubraco CFO  
 Mailing address: 1555 Hawthorne Lane, 4W  
 City: West Chicago State: IL Zip code: 60185  
 Daytime Phone: 630-243-1239 x1003 Fax Number:  
 Cell Phone: 630-379-9193 E-mail address: JLubraco@usagain.com

Signature/Date: JLubraco CFO 9/1/2016

**FOR OFFICE USE ONLY**

**Fees**  
 \$1,000 – R-1, Single Family Residential \_\_\_\_\_  
 \$1,500 – Commercial/Industrial/Multi-Family Residential \_\_\_\_\_  
 Application Number: SP # 16-06 Receipt #: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Application Date: 9-16-16  
 15 Day Application Complete Notification Date: 9-30-16  
 Scheduled Planning Commission Date: 10-19-16  
 Scheduled City Council Date: 11-14-16  
 60 Day Date: 11-14-16  
 60 Day Extension Date: 1-12-17

**CITY OF FRIDLEY  
PUBLIC HEARING NOTICE  
BEFORE THE PLANNING COMMISSION**

<b>TO:</b>	All property owners/residents within 350 feet of property generally located at 191 Osborne Road NE.
<b>CASE NUMBER:</b>	Special Use Permit, SP #16-06
<b>APPLICANT:</b>	USAGAIN Petitioner or representative must attend the Planning Commission meeting.
<b>PURPOSE:</b>	To allow limited outdoor storage along the west side of the property.
<b>LOCATION OF PROPERTY AND LEGAL DESCRIPTION:</b>	191 Osborne Road  The legal description is on file and available at the Fridley Municipal Center.
<b>DATE AND TIME OF HEARING:</b>	<b>Planning Commission Meeting:</b> <b>Wednesday, October 19, 2016, 7:00 p.m.</b> The Planning Commission Meetings are televised live the night of the meeting on Channel 17.
<b>PLACE OF HEARING:</b>	Fridley Municipal Center, City Council Chambers 6431 University Avenue N.E., Fridley, MN.
<b>HOW TO PARTICIPATE:</b>	1. You may attend hearings and testify. 2. You may send a letter before the hearing to Julie Jones, Planning Coordinator, at 6431 University Avenue N.E., Fridley, MN 55432 or FAX at 763-571-1287.
<b>SPECIAL ACCOMODATIONS:</b>	Hearing impaired persons planning to attend who need an Interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at 763-572-3500 no later than October 12, 2016. The TDD # is 763-572-3534.
<b>ANY QUESTIONS:</b>	Contact Stacy Stromberg, Planner, at 763-572-3595.
<b>* PROPOSED CITY COUNCIL MEETING DATE:</b>	The proposed City Council meeting Date for this item will be <b>Monday, November 14, 2016</b> . <b>*This date is subject to change depending on the outcome of the Planning Commission meeting. Please confirm City Council date prior to attending City Council meeting.</b>

Publish: Friday, October 7, 2016



LABELS FOR  
Current Resident

Current Resident  
19 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
101 OSBORNE RD NE  
FRIDLEY 55432 MN

Current Resident  
7701 MAIN ST NE  
FRIDLEY 55432 MN

Current Resident  
7710 MAIN ST NE  
FRIDLEY 55432 MN

Current Resident  
191 OSBORNE RD NE  
FRIDLEY 55432 MN

Current Resident  
7770 RANCHERS RD NE  
FRIDLEY 55432 MN

Current Resident  
FRIDLEY 55432 MN

Current Resident  
7580 COMMERCE LN NE  
FRIDLEY 55432 MN

Current Resident  
7748 ELM ST NE  
FRIDLEY 55432 MN

Current Resident  
7751 ELM ST NE  
FRIDLEY 55432 MN

Current Resident  
FRIDLEY 55432 MN

Current Resident  
FRIDLEY 55432 MN

Current Resident  
13 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
7500 COMMERCE LN NE  
FRIDLEY 55432 MN

Current Resident  
7733 BEECH ST NE  
FRIDLEY 55432 MN

Current Resident  
51 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
225 OSBORNE RD NE  
FRIDLEY 55432 MN

Current Resident  
7713 BEECH ST NE  
FRIDLEY 55432 MN

Current Resident  
7714 BEECH ST NE  
FRIDLEY 55432 MN

Current Resident  
7685 MAIN ST NE  
FRIDLEY 55432 MN

Current Resident  
7701 BEECH ST NE #2  
FRIDLEY 55432 MN

Current Resident  
FRIDLEY 55432 MN

Current Resident  
220 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
39 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
100 OSBORNE RD NE  
FRIDLEY 55432 MN

Current Resident  
FRIDLEY 55432 MN

Current Resident  
21 77TH AVE NE  
FRIDLEY 55432 MN

Current Resident  
40 77TH AVE NE  
FRIDLEY 55432 MN

LABELS FOR  
Parcel Owner

ALLEN J HOFFER  
P O BOX 32052  
MINNEAPOLIS MN 55432-0000

GROUP III LLP TOUCHSTONE  
3610 COUNTY RD 101  
WAYZATA MN 55391

RIVER MAIN LLC RUM  
4550 MAIN ST NE  
FRIDLEY MN 55421-0000

RIVER MAIN LLC RUM  
4550 MAIN ST NE  
FRIDLEY MN 55421-0000

COMMERCE CENTER LLP OSBORNE  
3610 COUNTY RD 101  
WAYZATA MN 55391

LLC AIM  
2166 LAKEBROOK DR  
NEW BRIGHTON MN 55112

GLORIA SCHULTZ  
7351 TEMPO TER NE  
FRIDLEY MN 55432-0000

OSBORNE LLC SCHMIDT  
6624 PARKWOOD RD  
EDINA MN 55436-3211

PROPERTIES LLC JSR  
2321 KYLE AVE N  
GOLDEN VALLEY MN 55422-3624

GLORIA SCHULTZ  
7351 TEMPO TER NE  
FRIDLEY MN 55432-0000

OSBORNE LLC SCHMIDT  
6624 PARKWOOD RD  
EDINA MN 55436-3211

PROPERTIES LLC JSR  
2321 KYLE AVE N  
GOLDEN VALLEY MN 55422-3624

SEVENTY SEVENTH AVENUE LLC 13  
13 77TH AVE NE  
FRIDLEY MN 55432

HOLDINGS LLC MS  
10310 BREN RD E  
MINNETONKA MN 55343

AHO LLC MARK  
7753 BEECH ST NE  
FRIDLEY MN 55432-0000

PROPERTIES LLC LUKIR  
8901 WYOMING AVE N  
BROOKLYN PARK MN 55445

HOSPITALITY GROUP OF MN LLC FRAUENS  
7101 W 78TH ST #200  
MINNEAPOLIS MN 55439

BROTHERS LLC 2  
7713 BEECH ST NE  
FRIDLEY MN 55432-0000

PROPERTIES LLC LUJO  
8470 FAIRCHILD AVE  
MOUNDS VIEW MN 55112

WATER PROPERTIES LLC BLUE  
3563 168TH LN NW  
ANDOVER MN 55304-5166

ROSE M WILLEY  
7830 FIRWOOD WAY NE  
FRIDLEY MN 55432-2414

OSBORNE LLC SCHMIDT  
6624 PARKWOOD RD  
EDINA MN 55436-3211

PROPERTIES HINRICHS  
7359 RIDGE RD  
SARASOTA FL 34238

ALLEN HOFFER  
PO BOX 32052  
MINNEAPOLIS MN 55432

OSBORNE LLC SCHMIDT  
6624 PARKWOOD RD  
EDINA MN 55436-3211

COMMERCE CENTER LLP OSBORNE  
3610 COUNTY RD 101  
WAYZATA MN 55391

ALLEN J HOFFER  
P O BOX 32052  
MINNEAPOLIS MN 55432-0000

FRANK ASSOCIATES SHEAR  
40 77TH AVE NE  
FRIDLEY MN 55432-0000

PUBLIC HEARING  
BEFORE THE  
PLANNING COMMISSION

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Notice is hereby given that there will be a public hearing of the Fridley Planning Commission at the Fridley Municipal Center, 6431 University Avenue N.E. on **October 19, 2016, at 7:00 p.m.** for the purpose of:

Consideration of a Special Use Permit, SP #16-06, by USAGAIN, to allow limited outdoor storage along the west side of the property, legal description on file and available at Fridley Municipal Center, generally located at 191 Osborne Road.

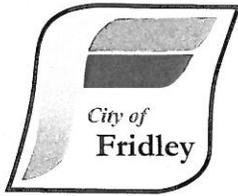
Any and all persons desiring to be heard shall be given an opportunity at the above stated time and place. Any questions related to this item may be referred to Stacy Stromberg, Planner, at 763-572-3595.

Hearing impaired persons planning to attend who need an interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at 763-572-3500 no later than October 12, 2016. The TDD number is 763-572-3534.

The proposed City Council meeting date for this item will be on November 14, 2016. **\*This date is subject to change depending on the outcome of the Planning Commission meeting. Please confirm City Council date prior to attending the City Council meeting.**

DAVID KONDRICK  
CHAIR  
PLANNING COMMISSION

Publish: Friday, October 7, 2016



**Fridley City Hall**  
6431 University Ave N.E. Fridley, MN 55432-4303  
(763) 571-3450 • FAX (763) 571-1287 • [www.FridleyMN.gov](http://www.FridleyMN.gov)

September 28, 2016

USAgain  
Attn: Joseph Labraco  
1555 Hawthorne Lane, 4W  
West Chicago IL 60185

Dear Mr. Labraco:

Per Minnesota Statute 15.99, local government units are required to notify land use applicants within 15 working days if their land use applications are complete. We officially received your application for a Special Use Permit on September 16, 2016. This letter serves to inform you that your application is complete.

Your Special Use Permit application hearing and discussion will take place at the City of Fridley Planning Commission Meeting on October 19, 2016 at 7:00 P.M. in the City Council Chambers at 6431 University Avenue. The City of Fridley City Council is scheduled to take final action on your Special Use Permit on November 14, 2016 at 7:00 P.M. Please plan to be in attendance at both of the above referenced meetings.

If you have any questions regarding this letter or the process, please feel free to contact me at 763-572-3595.

Sincerely,

  
Stacy Stromberg  
Planner

c: Osborne Commerce Center LLP  
c/o Steiner Development, Inc.  
Attn: Joe Smith  
3610 County Road 101  
Wayzata MN 55391

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## City of Fridley Land Use Application

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SAV #16-01

October 19, 2016

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### GENERAL INFORMATION

**Applicant:**

Fridley Land LLC  
Paul Hyde  
1350 Lagoon Avenue #920  
Minneapolis MN 55408

**Requested Action:**

Vacate a portion of Northern Stacks Drive and vacation of drainage and utility easements

**Location:**

41 Northern Stacks Drive

**Existing Zoning:**

S-2, Redevelopment District

**Existing Land Use:**

Industrial

**Surrounding Land Use & Zoning:**

N: Industrial (vacant) & S-2  
E: Railroad Tracks & RR  
S: Industrial (vacant land) & M-2  
W: East River Road & ROW

**Comprehensive Plan Conformance:**

Future Land Use Map designates this area as Redevelopment

**Legal Description of Property:**

41 Northern Stacks Drive:  
Lot 1, Block 1, Northern Stacks

**Zoning History:**

2014 – 1<sup>st</sup> Addition platted.  
2015 – 2<sup>nd</sup> Addition platted.

**Public Utilities:**

The existing buildings are connected. All new buildings will need to be connected and utilities are available in the street.

**Transportation:**

The properties are accessed from East River Road and Northern Stacks Drive.

**Physical Characteristics:**

The property consists of a new industrial building, with construction of another industrial building underway and raw land to the north.

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### SPECIAL INFORMATION

**SUMMARY OF PROJECT**

Paul Hyde, of Fridley Land LLC is requesting that a portion of Northern Stacks Drive be vacated to adjust the street right-of-way to match the updated development plan. He is also requesting that some drainage and utility easements be vacated as new ones will be re-dedicated upon final plat approval of Northern Stacks 3<sup>rd</sup> Addition.

**SUMMARY OF ANALYSIS**

*City Staff recommends approval of the street and easement vacations.*



Aerial of Property

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**CITY COUNCIL ACTION/ 60 DAY DATE**

**City Council – November 14, 2016**

**60 Day – November 14, 2016**

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Staff Report Prepared by: Stacy Stromberg

# Land Use Application Vacation #16-01

## REQUEST

Paul Hyde, of Fridley Land LLC is requesting to vacate a portion of Northern Stacks Drive to adjust the street right-of-way to match the updated development plan for property generally located at 41 Northern Stacks Drive.

The request will also vacate some drainage and utility easements on Lot 1, Block 1, Northern Stacks and Lot 3, Block 1, Northern Stacks 2<sup>nd</sup> Addition, as new easements will be re-dedicated upon final plat of Northern Stacks 3<sup>rd</sup> Addition.

Gray highlighted areas on the illustration on the right show locations to be vacated.

## ANALYSIS

These parcels are part of the larger parcel that was addressed as 4800 East River Road, which was known as the BAE/FMC/Navy site and is now being called Northern Stacks. This larger parcel of land was rezoned from M-2, Heavy Industrial to S-2, Redevelopment District in 2013 to allow 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.

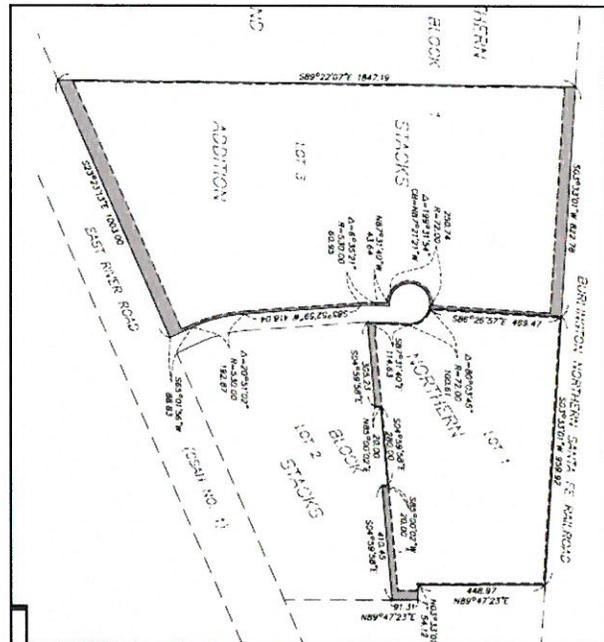
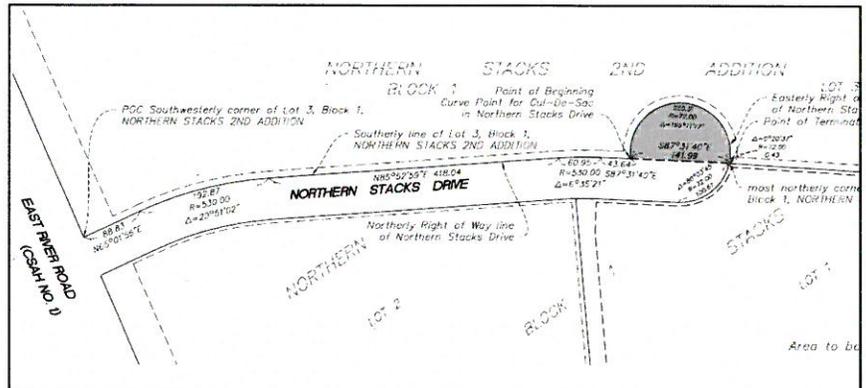
The proposed vacation request meets the intent of the master plan that was approved with the S-2 rezoning for this property.

The Northern Stacks Drive cul-de-sac is being extended further to the east, which will provide access to the newly created lots that are part of the Northern Stacks 3<sup>rd</sup> Addition. As a result, the portion of the cul-de-sac that extends into Lot 3 within Northern Stacks 2<sup>nd</sup> Addition needs to be vacated.

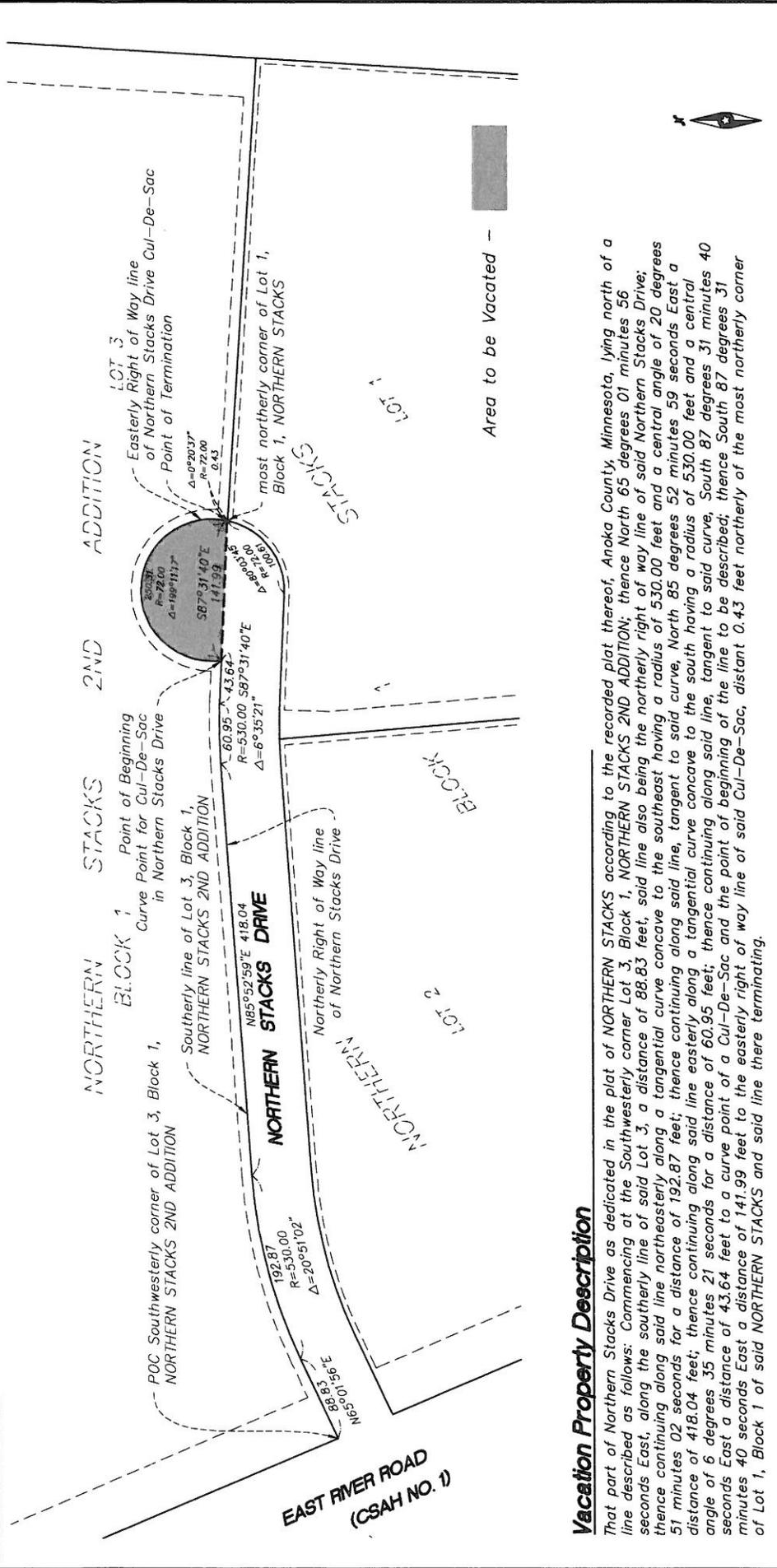
The petitioner is also asking that the existing drainage and utility easements on Lot 1, Block 1, Northern Stacks and Lot 3, Block 1, Northern Stacks 2<sup>nd</sup> Addition, as new easements will be re-dedicated upon final plat of Northern Stacks 3<sup>rd</sup> Addition.

## STAFF RECOMMENDATION

*City Staff recommends approval of the street and easement vacations.*







0' 100' 200'

Date: 06/01/16 Sheet: 1 OF 1

00084135KFD2.dwg

# Northern Stacks

Fridley, Minnesota

Prepared for:

## Fridley Land, LLC

Minneapolis, MN 55344

Checked: DCW  
 Drawn: RLH  
 Record Drawing by/date:

**Westwood**  
 (855) 937-5150  
 (952) 937-5150  
 (888) 937-5150  
 7699 Annapolis Drive  
 Eden Prairie, MN 55344  
 westwoodjpa.com  
 Westwood Professional Services, Inc.

### Vacation Property Description

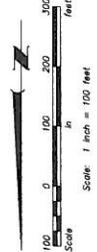
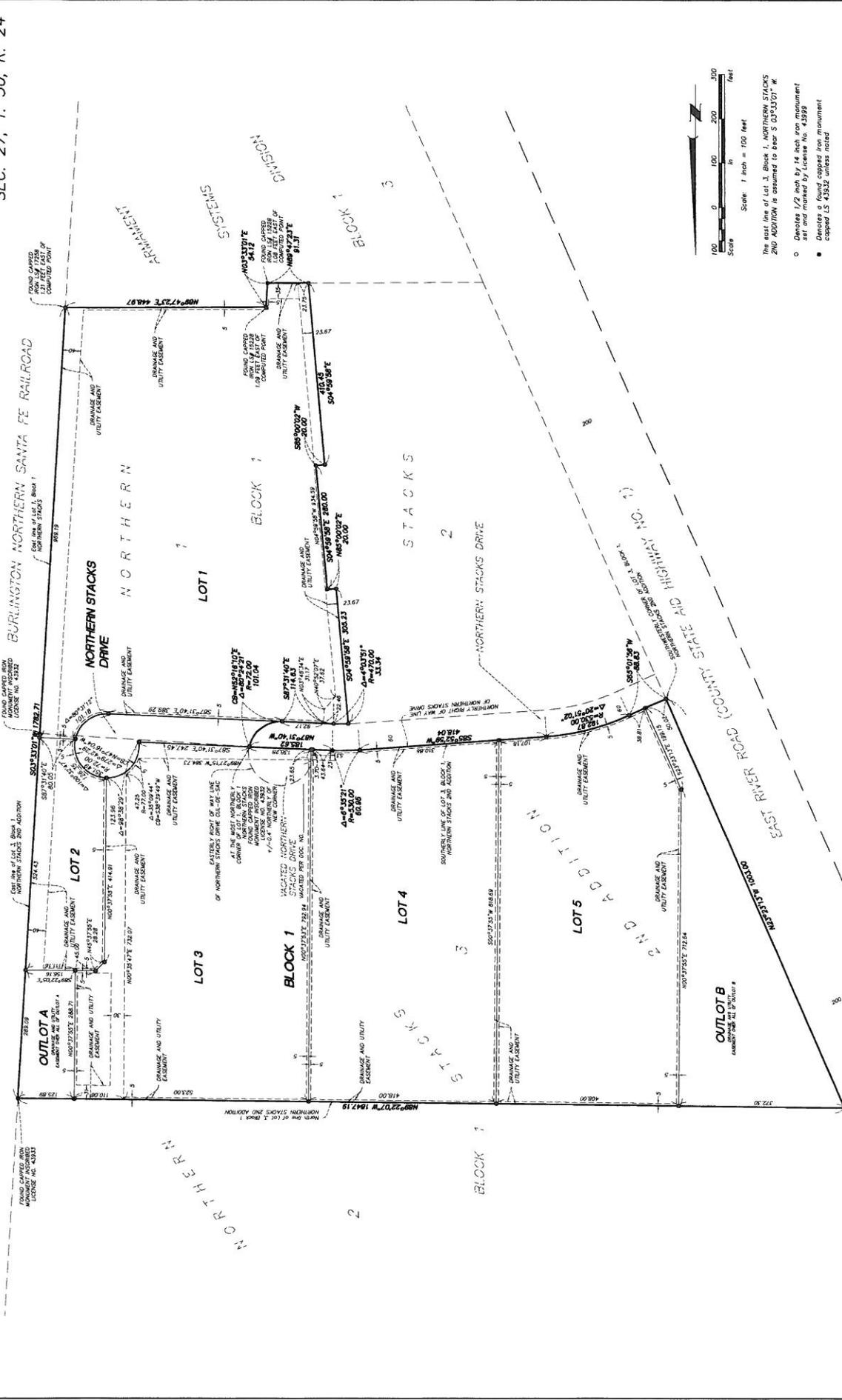
That part of Northern Stacks Drive as dedicated in the plat of NORTHERN STACKS according to the recorded plat thereof, Anoka County, Minnesota, lying north of a line described as follows: Commencing at the Southwesterly corner Lot 3, Block 1, NORTHERN STACKS 2ND ADDITION; thence North 65 degrees 01 minutes 56 seconds East, along the southerly line of said Lot 3, a distance of 88.83 feet, said line also being the northerly right of way line of said Northern Stacks Drive; thence continuing along said line northeasterly along a tangential curve concave to the southeast having a radius of 530.00 feet and a central angle of 20 degrees 51 minutes 02 seconds for a distance of 192.87 feet; thence continuing along said line, tangent to said curve, North 85 degrees 52 minutes 59 seconds East a distance of 418.04 feet; thence continuing along said line easterly along a tangential curve concave to the south having a radius of 530.00 feet and a central angle of 6 degrees 35 minutes 21 seconds for a distance of 60.95 feet; thence continuing along said line, tangent to said curve, South 87 degrees 31 minutes 40 seconds East a distance of 43.64 feet to a curve point of a Cul-De-Sac and the point of beginning of the line to be described; thence South 87 degrees 31 minutes 40 seconds East a distance of 141.99 feet to the easterly right of way line of said Cul-De-Sac, distant 0.43 feet northerly of the most northerly corner of Lot 1, Block 1 of said NORTHERN STACKS and said line there terminating.

Vacation Exhibit



# NORTHERN STACKS 3RD ADDITION

CITY OF FRIDLEY  
 COUNTY OF ANOKA  
 SEC. 27, T. 30, R. 24



The east line of Lot 3, Block 1, NORTHERN STACKS 3RD ADDITION is assumed to bear S 05°30'01" W.

- Denotes 1/2 inch by 14 inch iron monument set and marked by License No. 43999
- Denotes a found capped iron monument capped LS 43532 unless noted

**Westwood**  
 Professional Services, Inc.  
 Sheet 2 of 2

**CITY OF FRIDLEY  
PUBLIC HEARING NOTICE  
BEFORE THE PLANNING COMMISSION**

<b>TO:</b>	All property owners/residents within 350 feet of property generally located at 41 Northern Stacks Drive NE.
<b>CASE NUMBER:</b>	Vacation, SAV #16-01
<b>APPLICANT:</b>	Fridley Land LLC Petitioner or representative must attend the Planning Commission meeting.
<b>PURPOSE:</b>	To vacate a portion of Northern Stacks Drive to adjust the street right-of-way to match the updated development plan. They are also requesting that some drainage and utility easements be vacated, as new ones will be re-dedicated upon final plat approval of Northern Stacks 3 <sup>rd</sup> Addition.
<b>LOCATION OF PROPERTY AND LEGAL DESCRIPTION:</b>	41 Northern Stacks Drive  The legal description is on file and available at the Fridley Municipal Center.
<b>DATE AND TIME OF HEARING:</b>	<b>Planning Commission Meeting:</b> <b>Wednesday, October 19, 2016, 7:00 p.m.</b> The Planning Commission Meetings are televised live the night of the meeting on Channel 17.
<b>PLACE OF HEARING:</b>	Fridley Municipal Center, City Council Chambers 6431 University Avenue N.E., Fridley, MN.
<b>HOW TO PARTICIPATE:</b>	1. You may attend hearings and testify. 2. You may send a letter before the hearing to Julie Jones, Planning Coordinator, at 6431 University Avenue N.E., Fridley, MN 55432 or FAX at 763-571-1287.
<b>SPECIAL ACCOMODATIONS:</b>	Hearing impaired persons planning to attend who need an Interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at 763-572-3500 no later than October 12, 2016. The TDD # is 763-572-3534.
<b>ANY QUESTIONS:</b>	Contact Stacy Stromberg, Planner, at 763-572-3595.
<b>* PROPOSED CITY COUNCIL MEETING DATE:</b>	The proposed City Council meeting Date for this item will be <b>Monday, November 14, 2016. *This date is subject to change depending on the outcome of the Planning Commission meeting. Please confirm City Council date prior to attending City Council meeting.</b>

Publish: Friday, October 7, 2016



LABELS FOR  
Current Resident

Current Resident  
FRIDLEY 55421 MN

Current Resident  
FRIDLEY 55421 MN

Current Resident  
FRIDLEY 55421 MN

Current Resident  
41 NORTHERN STACKS DR NE  
FRIDLEY 55421 MN

Current Resident  
FRIDLEY 55421 MN

Current Resident  
FRIDLEY 55421 MN

LABELS FOR  
Parcel Owner

SYSTEMS LAND AND ARMAMENTS L P BAE  
4800 EAST RIVER RD  
FRIDLEY MN 55421-0000

NORTHERN INC BURLINGTON  
PROPERTY TAX DEPT, PO BOX 961089  
FORT WORTH TX 76161-0000

STACKS II LLC NORTHERN  
1350 LAGOON AVE STE 920  
MINNEAPOLIS MN 55408

STACKS I LLC NORTHERN  
1350 LAGOON AVE STE 920  
MINNEAPOLIS MN 55408

LAND LLC FRIDLEY  
1350 LAGOON AVE STE 920  
MINNEAPOLIS MN 55408

NORTHERN INC BURLINGTON  
PROPERTY TAX DEPARTMENT, PO BOX 961089  
FORT WORTH TX 76161-0000

PUBLIC HEARING  
BEFORE THE  
PLANNING COMMISSION

---

Notice is hereby given that there will be a public hearing of the Fridley Planning Commission at the Fridley Municipal Center, 6431 University Avenue N.E. on **October 19, 2016, at 7:00 p.m.** for the purpose of:

Consideration of a Vacation, SAV # 16-01, by Fridley Land LLC, to vacate a portion of Northern Stacks Drive to adjust the street right-of-way to match the updated development plan. They are also requesting that some drainage and utility easements be vacated, as new ones will be re-dedicated upon final plat approval of Northern Stacks 3<sup>rd</sup> Addition, legal description on file and available at Fridley Municipal Center, generally located at 41 Northern Stacks Drive NE.

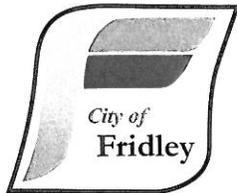
Any and all persons desiring to be heard shall be given an opportunity at the above stated time and place. Any questions related to this item may be referred to Stacy Stromberg, Planner, at 763-572-3595.

Hearing impaired persons planning to attend who need an interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at 763-572-3500 no later than October 12, 2016. The TDD number is 763-572-3534.

The proposed City Council meeting date for this item will be on November 14, 2016. **\*This date is subject to change depending on the outcome of the Planning Commission meeting. Please confirm City Council date prior to attending the City Council meeting.**

DAVID KONDRICK  
CHAIR  
PLANNING COMMISSION

Publish: Friday, October 7, 2016



**Fridley City Hall**

6431 University Ave N.E. Fridley, MN 55432-4303  
(763) 571-3450 • FAX (763) 571-1287 • [www.FridleyMN.gov](http://www.FridleyMN.gov)

September 28, 2016

Fridley Land LLC  
1350 Lagoon Avenue #920  
Minneapolis MN 55408

Dear Mr. Hyde:

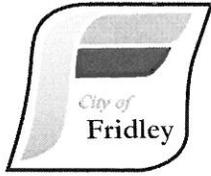
Per Minnesota Statute 15.99, local government units are required to notify land use applicants within 15 working days if their land use applications are complete. We officially received your application for Street and Easement Vacation on September 16, 2016. This letter serves to inform you that your application is complete.

Your Vacation application hearing and discussion will take place at the City of Fridley Planning Commission Meeting on October 19, 2016 at 7:00 P.M. in the City Council Chambers at 6431 University Avenue. The City of Fridley City Council is scheduled to review your request on November 14, 2016 at 7:00 P.M. Please plan to be in attendance at both of the above referenced meetings.

If you have any questions regarding this letter or the process, please feel free to contact me at 763-572-3595.

Sincerely,

  
Stacy Stromberg  
Planner



# Memorandum

## Planning Division

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DATE: October 12, 2016

TO: Fridley Planning Commission

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

SUBJECT: Text Amendment, TA #16-04 Public Hearing to Amend Chapter 205.30 O-5,  
Telecommunications and Towers

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### **BACKGROUND**

Technology is continually changing which requires updates and changes to telecommunication facilities and equipment. As of late, the City has gotten a couple requests from a company to install smaller telecommunications equipment and antennas within the public right-of-way. Our current telecommunications ordinance doesn't list the public right-of-way as an approved site, therefore prohibiting them within the public right-of-way.

In December of 2016, City staff asked the Council to establish a moratorium to allow staff the time needed to conduct research and analyze what other cities have done in regards to this new technology. The Council approved the moratorium and at this time, staff has prepared the attached text amendment to Chapter 205.30 O-5, Telecommunications and Towers ordinance to add language that will address Distributed Antenna Systems, or what is also referred to Small Cell Sites.

The moratorium did not include existing equipment on approved telecommunication sites that are adding new equipment or replacing existing equipment. It also did not affect smaller scale residential communications, such as satellite dishes, television, and radio antennas.

### **ANAYSIS**

The City Attorney and Staff have consulted with the League of Minnesota Cities and other cities within the metro regarding this new technology. Through those consultations and discussions with the City's Public Works Director, we decided to draft the attached ordinance that will allow this new technology within the public right-of-way, provided specific performance standards can be met. One of the standards will require that the new equipment be attached to an existing structure that is already within the public right-of-way. The standards will also limit the size of the equipment and that the DAS user receives approvals from the owner of right of way and the owner of the existing structure if which the equipment will be located on. For example, an Xcel power pole within the MnDOT right-of-way along University Avenue will require approvals from both Xcel Energy and MnDOT.

This technology will be allowed through the issuance of a City right-of-way permit and/or a building permit.

This DAS's (small cell) technology is needed in areas where there is a high coverage need (Shopping Malls, Hospitals, at high traffic intersections) or at a large geographic area that have poor cell coverage. This technology works directly with the large cell towers to provide the service that customers today are demanding.

**STAFF RECOMMENDATION**

City staff recommends that the Planning Commission hold the public hearing for Text Amendment, TA #16-04 and recommend approval to the City Council. The City Council is scheduled to hold a public hearing on this item at their November 14, 2016 meeting.

**FRIDLEY CITY CODE**  
**SECTION 205.30. O-5 TELECOMMUNICATIONS TOWERS**  
**AND FACILITIES DISTRICT**  
(Ref Ords 1112, 1114, 1117 1136, 1302)

**205.30.1. PURPOSE AND INTENT**

The general purpose of this Section is to create an overlay zone to regulate the placement, construction, and modification of towers and wireless telecommunications facilities as well as regulate placement, construction and operation of distributed antenna systems in the public right-of-way in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City.

Specifically, the purposes of this Section are:

- A. To protect residential areas and land uses from potential adverse impact of towers and wireless telecommunications facilities;
- B. To minimize adverse visual impact of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- C. To promote and encourage shared use/collection of towers and existing antenna support structures as a primary option rather than construction of additional single-use Towers in order to minimize the adverse visual impact of towers and wireless telecommunications Facilities;
- D. To avoid potential damage to property caused by towers and wireless telecommunications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, located, and removed when no longer used or determined to be structurally unsound;
- E. To ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses;
- F. To facilitate the provision of wireless telecommunications services to the residents and businesses of the City in a streamlined, orderly, and efficient fashion;
- G. To encourage the location of towers in industrial and business districts, rather than residential areas;
- H. To enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- I. To identify specific sites within the City where wireless telecommunications facilities may be located.
- J. To serve the growing demand for telecommunications services through placement of distributed antenna systems (DAS) in the public right-of-way.

**205.30.2. DEFINITIONS**

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning;

*“Antenna Support Structure”* means any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.

*“Applicant”* means any Person that applies for a permit for wireless telecommunication facilities or towers, automatic meter reading devices or DAS.

*“Application”* means the process by which a person submits a request to develop, construct, build, modify, or erect wireless telecommunication facilities or a tower upon land within the City, develop, construct, build, modify, or erect an automatic meter reading system within the City; or develop, construct, build, modify, or erect DAS within the public right-of-way. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

*“Approved Site”* means a site which has been approved by the City Council as an eligible location for placement of wireless communication facilities.

*“Automatic Meter Reading device”* means a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications commission, including any antenna attached to such device and excluding devices reading and transmitting data from a single utility meter.

*“Automatic Meter Reading system”* means a series of devices which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device.

*“City”* means the City of Fridley, Minnesota.

*“Distributed Antenna System (DAS)”* means a network of remote communications nodes deployed throughout a desired coverage area, which includes at least one antenna for transmission and reception utilizing a high capacity signal transport medium connecting each node to a central communications hub site and radio transceivers located at the hub site or at each individual node to process the communications signals transmitted and received through the antennas. Also referred to as DAS or “small cell”.

*“Electrical Engineer”* means an electrical engineer licensed by the State of Minnesota.

*“Existing Site”* means a tower or antenna support structure installed or erected prior to December 18, 1997, and which is not located on an approved site.

*“Owner”* means any Person with fee simple title to any approved site, existing site, site approved by special use permit, or wireless telecommunications facility.

*“Pad Mount Device”* means a device which is designed for collecting, storing, processing, filtering and forwarding utility meter data within the public safety and utility bandwidth licensed by Federal Communications Commission, including any antenna attached to such device like the automatic meter reading device, but, which is installed on its own pedestal and not on an existing public utility structure.

*“Person”* is any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

*“Public Utility Structure”* means a structure or pole appropriate for supporting wires for communications or the transmission of data or electricity and located on a public right-of-way or public utility easement on privately owned property.

*“Satellite Earth Station Antenna”* is all equipment necessary for processing of traffic received from terrestrial distributions prior to transmission via satellite and of traffic received from the satellite prior to transfer of channels of communication to terrestrial distribution systems.

*“State”* means the State of Minnesota.

*“Structural Engineer”* means a structural engineer licensed by the State of Minnesota.

*“Telecommunications Right-of-Way User”* means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. A cable communication system defined and regulated under Minn. Stat. Chapter 238, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. §216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapters 453 or 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A, are not telecommunications right-of-way users for the purposes of this Chapter.

*“Tower”* Means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term “tower” shall not include amateur radio operator’s equipment as licensed by the FCC.

*“Wireless Telecommunications Facilities”* means any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications (other than radio or television broadcast communications) which a person seeks to locate or have installed upon or near a tower or an antenna support structure. However, the term wireless telecommunications facilities shall not include:

- A. Any satellite earth station antenna two meters in diameter or less which is located in an area zoned industrial or commercial; and
- B. Any satellite earth station reception antenna one meter or less in diameter, regardless of zoning category; and
- C. Automatic meter reading systems.
- D. Distributed Antenna System (DAS)

### **205.30.3. NON-CONFORMING USES**

- A. Existing sites shall be considered a legal non-confirming use, unless otherwise provided for in this Chapter.
- B. Installation of additional wireless telecommunications facilities beyond those in existence on December 18, 1997, on existing sites is prohibited. Failure to comply with this provision will be considered a violation of this Chapter and subject to the penalties described herein. Routine maintenance of wireless telecommunications facilities on Existing Sites is permitted, except that existing sites and any wireless telecommunications facilities installed on existing sites may not increase in size, height, weight, or otherwise result in an increase in the intensity of the non-conforming use.
- C. If any wireless telecommunications facilities in an existing site are abandoned for a period of one year, such existing site shall lose its legal conforming status and shall be considered an illegal nonconforming use. The abandoned wireless telecommunications facilities shall not be re-established on the site, and must be removed within twelve (12) months of the cessation of operations. If not removed, the city may remove the facility and assess the costs of removal against the Owner(s), according to the procedures established in Chapter 128 of the City Code.

### **205.30.4. DISTRICT BOUNDARIES FOR OVERLAY ZONE**

A Telecommunications Towers and Facilities District, 0-5, is created and shall apply to all land within the City subject to the provisions and use requirements contained in this Section.

### **205.30.5. USES PERMITTED**

- A. The construction of towers and the installation, operation and maintenance of wireless telecommunications facilities shall be permitted use in the approved sites identified on Appendix A to this Ordinance, subject to the provisions of this Chapter. Additional approved sites may be approved by the City Council, subject to the amendment procedures set forth in Section 205.05.04 of the City code, and the requirements of this section.
- B. All principal, special use, and accessory uses allowed in each underlying primary zoning district are permitted in the telecommunications towers and facilities district, except that no towers shall be constructed, and no wireless telecommunications facilities shall be placed on towers or antenna support structures, except as provided for in this Chapter.
- C. Special Uses. The construction of towers and the installation, operation, and maintenance of wireless telecommunications facilities shall be a special use in Zoning districts M-1, M-2, M-3, and M-4, and any abutting railroad rights-of-way ~~management~~.
- D. Automatic Meter Reading System Performance Standards. ~~In addition, a~~All automatic meter reading systems must meet the following performance standards:
  - (1) All automatic meter reading devices located in the public right-of-way, must obtain an automatic meter reading device permit and pay the appropriate permit fee, as

provided for in Chapter 407 and Chapter 11 of the City Code. This permit requirement does not apply to individual meters or mobile automatic reading devices.

- (2) Mapping information for the site(s) must be provided with the automatic meter reading device permit application in a format compatible to be utilized by the City of Fridley's Geographic Information System (GIS).
- (3) All automatic meter reading device(s) must be located no higher than the top of a public utility structure and no closer to grade than fifteen (15) feet.
- (4) Automatic meter reading devices not installed on a public utility structure will be considered as pad mount design. Its location shall be subject to review and approval of the City prior to automatic meter reading device permit application.
- (5) All automatic meter reading devices must be the same color as the public utility structure on which they are located or as approved by City Staff.

E. Distributed Antenna System (DAS) Performance Standards. All DAS operators and DAS within the public right-of-way shall meet the following criteria and performance standards:

- (1) The DAS shall only be located on an existing public utility structure, excluding stop lights.
  - a. If the public utility structure must be replaced to structurally accommodate the DAS, the replacement public utility structure height shall not exceed the existing public utility structure height and the public utility structure diameter shall not exceed the existing public utility structure diameter by more than 50 (fifty) percent. Once the public utility structure has been replaced to increase its diameter pursuant to this provision, it shall not again be further increased.
- (2) The City may prohibit DAS attachment to decorative public utility structures.
- (3) There shall be no interference with public safety communication or with the original use of the public utility structure.
- (4) The DAS shall not block light emanating from the public utility structure.
- (5) If the DAS is to be attached to a City-owned public utility structure, the applicant shall pay a license fee to the City.
- (6) The DAS shall, to the greatest extent possible match the public utility structure in color, material and design and the DAS design shall, to the greatest extent possible minimize exposed cables, wires and other attachment hardware.
- (7) The DAS shall not extend above the top of the existing public utility structure and the height of the existing public utility structure shall not be increased in height to accommodate the DAS.

- (8) The DAS shall be no larger than three (3) cubic feet and have no individual surface larger than four (4) feet.
- (9) The DAS shall not extend outward from the utility structure by more than three (3) feet.
- (10) There shall be no ground equipment.
- (11) The DAS applicant shall provide evidence that the public utility structure has adequate structural capacity to carry the additional equipment proposed.
- (12) The DAS applicant must agree that the DAS or any component of the DAS equipment must be shall be removed and relocated, at the applicant's sole expense and at no expense to the City, if the City or road authority for the public right-of-way in which it is located requires removal or and relocation of the public utility structure for a public project.
- (13) The DAS applicant shall submit in writing to the City, written approval from the public utility structure owner for which the DAS will be attached to.
- (14) The DAS applicant shall obtain any and all permits and approvals from road authority for the public right-of-way in which is DAS is located.
- (15) The DAS applicant must be a telecommunications right-of-way user as defined in Minn. Stat. § 237.162, Subd. 4.
- (16) The DAS applicant shall obtain a right-of-way permit from the City's engineering department and comply with any requirements set forth in the right-of-way permit and City Code Chapter 407, Rights of Way Management.
- (17) The DAS applicant shall comply with all applicable local, state, and federal ordinances, statutes and regulations.

#### **205.30.6. CRITERIA FOR ADDING APPROVED SITES TO APPENDIX A**

Additional approved sites, other than those provided in Appendix A to this Ordinance, shall be approved by the City Council according to the amendment procedures of Section 205.05.04 of the City code. The criteria used to determine whether a site shall be designated as an approved site shall include, but not be limited to, the following requirements:

- A. Whether the proposed new site is capable of being developed to support more than two operating wireless telecommunications facilities comparable to the others in weight, size, and surface area.
- B. Whether the proposed new site poses a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals; and
- C. Whether the proposed new site is necessary and that useable approved sites are not located within a one-half (1/2) mile radius of the proposed new site; and

- D. Whether all foreseeable telecommunications uses of the proposed site could comply with any separation and buffer requirements of the underlying zoning district;
- E. Whether all foreseeable telecommunications uses of the proposed new site could comply with the setback requirements of the underlying zoning district; and
- F. Whether the proposed site is accessible for service vehicles;
- G. If applicable, whether the proposed site has been designed and certified by a structural engineer to be structurally sound and, at minimum, in conformance with the Building and Electric Codes adopted by the City, the National Electric Safety Code, and any other standards and requirements outlined in this Section.
- H. If applicable, whether the approved site complies with all applicable Federal Aviation Administration lighting and painting regulations.
- I. Whether the proposed site will further the City's objective that all towers, antenna support structures, and wireless telecommunications facilities be designed to blend into the surrounding environment.
- J. Whether the proposed site has adequate open space to allow wireless telecommunications facilities to be installed without detrimentally impacting landscape, displacing parking, or impeding sight lines of a current or future principal use.
- K. Whether the proposed site adequately contributed to the City's overall effort to adequately meet the needs of the wireless telecommunications industry.
- L. Whether the proposed site has amenities such as trees that will allow screening and sight line relief. If no, whether the combination of site size and other site features help to provide sight line relief.
- M. Whether there are other structures near the proposed site that can serve as visual distractions such as high power transmission structures, highway shoring, billboards.
- N. Whether there are existing buildings or natural topographic features that meet the height requirements of wireless telecommunications facilities without a tower structure, or which allow for a lower overall height of any necessary Tower.
- O. Whether there is adequate space on the proposed site so that the base of any necessary Tower can accommodate essential equipment.
- P. Whether the proposed site is outside of any underlying residential zoning districts.
- Q. Whether housed equipment can be placed on top or on the side of a structure that currently exists in the proposed site.

**205.30.7. APPLICATION FOR PLACEMENT OF TOWERS OR WIRELESS TELECOMMUNICATIONS FACILITIES ON APPROVED SITES IN THE CITY.**

A. All persons seeking to install, operate and maintain towers wireless telecommunications facilities in approved sites in the city must file a telecommunication site ~~special-use~~ permit application with the City which shall include:

- (1) The names, address, and telephone number of the Applicant; and
- (2) Written, technical evidence from a qualified and licensed structural engineer that the proposed tower or antenna support structure is capable of supporting the equipment necessary to install, operate, and maintain the proposed antenna. The engineer shall also certify the capability of the tower to provide adequate structural support considering existing or other proposed antenna installations. The engineer shall also assess and state the design safety margin of the entire antenna support system. The engineer shall state that within the limits of engineering certainty, if the structure would fall or collapse for any reason or due to any event, the structure will be completely contained within the area identified; and
- (3) If proposed on a City-owned site, a completed application form for lease approval as provided by the City; and
- (4) A report from a qualified and licensed professional engineer which described the height and design of the proposed wireless telecommunications facility including a cross-section and elevation; and
- (5) A scalable site plan drawn at an engineering scale showing the location of the wireless telecommunications facility in relation to surrounding structures; and
- (6) If located on a water tower, a written report addressing the requirements contained herein for water towers; and
- (7) Foundation, cross-section, and building plans for installation of the wireless telecommunications facility; and
- (8) An application fee as required by Chapter 11; and
- (9) The application shall also contain an affirmative statement indicating that the applicant agrees to comply with the provisions in Section 205.30.2425. regarding abandonment; and
- (10) No new or existing wireless telecommunications service will interfere with public safety telecommunications. Before the introduction of new service or before implementing any change in existing service, all wireless telecommunications service providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process; and
- (11) Application for a building permit from the City pursuant to Chapter 206 of the code; and
- (12) A statement as to whether the proposed development of an approved Site is capable of being developed to support more than two (2) operating wireless

telecommunications facilities comparable to the others in weight, size, and surface area; and

(13) Written, technical evidence from an independent consulting engineer licensed to practice geological engineering in the State of Minnesota confirming that the soil at the location of the tower or wireless telecommunication facility is capable of supporting the proposed antenna arrays, equipment, and personnel performing typical work functions; and

(14) A landscaping plan showing location of materials, height at planting, types of materials, and installation practices.

B. All information submitted with an application that is trade secret information or is for other reasons proprietary shall be clearly marked as such when submitted with an application. The City shall not disclose publicly, or to any third party, proprietary information unless compelled to do so by federal, state or local law.

C. All persons seeking to install, operate, and maintain towers or wireless telecommunications facilities in M-1, M-2, M-3, or M-4 Zoning Districts as a special use permit shall submit the information required in 205.30.07.A, except items (3) and (11).

#### **205.30.8. APPLICATION FOR AN AUTOMATIC METER READING DEVICE IN THE CITY**

A. All persons seeking to install, operate and maintain automatic meter reading systems in the City must file an application with the City, which shall include:

(1) The name, address and telephone number of the applicant and property owner; and

(2) Written, technical evidence from a qualified Structural Engineer that the integrity of the structure on which a proposed automatic reading devise(s) will be attached and the attachment devise itself will not jeopardize the structural integrity of the public utility structure; and

(3) A location plan matching the public utility structure identification (address) and the appropriate automatic meter reading device; and

(4) An individual automatic meter reading device permit fee as required by Chapter 11; and

(5) The application shall contain an affirmative statement indicating that the applicant agrees to comply with the provisions in section ~~112.23~~ 205.30.25 regarding abandonment; and

(6) No automatic meter reading system will interfere with public safety telecommunications. Before the introduction of new service or before implementing any change in existing service, all automatic meter reading system operators shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

- B. ~~All information submitted with an application that is trade secret information or is for other reasons proprietary shall be clearly marked as such when submitted with an application. The City shall not disclose publicly, or to any third party, proprietary information unless compelled to do so by federal, state, or local law.~~

**205.30.9 APPLICATION FOR PLACEMENT OF DISTRUBUTED ANTENNA SYSTEMS (DAS) IN THE RIGHT-OF-WAY**

- A. All persons seeking to install, operate and maintain distributed antenna systems (DAS) on the right-of-way within the City must file a right-of-way permit application with the City that, in addition to any other requirements set forth in City Code Chapter 407, includes:
- (1) The names, address, and telephone number of the right-of-way permit applicant; and
  - (2) Written technical evidence from a qualified and licensed structural engineer that the proposed DAS public utility structure is capable of supporting the equipment necessary to install, operate and maintain the DAS. The engineer shall also certify the capability of the public utility structure to provide the adequate support needed considering the existing or other proposed equipment installations. The engineer shall also assess and state the design safety margin of the entire public utility structure and DAS. The engineer shall state that within the limits of engineering certainty, if the public utility structure would fall or collapse for any reason due to any event, the public utility structure will be completely contained within the area identified; and
  - (3) A completed right-of-way permit application form as provided by the City; and
  - (4) A report from a qualified and licensed professional engineer which described the height and design of the proposed DAS including a cross-section and elevation; and
  - (5) A scalable site plan drawn at an engineering scale showing the location of the DAS in relation to the surrounding structures; and
  - (6) Foundation, cross-section, and building plans for installation of the DAS; and
  - (7) A right-of-way application and fee as required by Chapter 11; and
  - (8) A building permit application and fee pursuant to Chapter 206;
  - (9) An escrow fee as set forth in Chapter 11 to be held and utilized in the event the DAS is abandoned without removal by the applicant and
  - (10) The right-of-way application shall contain an affirmative statement indicating that the applicant agrees to comply with the provisions of 205.30.5.E for DAS performance standards and 206.30.25 for abandonment.
  - (11) Written, technical evidence from an independent consulting engineer licensed to practice geological engineering in the State of Minnesota confirming that the soil at the location of the DAS is capable of supporting the public utility structure to which the DAS will be attached.

- (12) Documentation that the DAS applicant has applied for and obtained any licenses and approvals that are required by federal and state agencies.

#### **205.30.9.10 APPLICATION PROCESS**

- A. Upon submission of an application on an approved site, for an antenna meter reading system, or DAS, the City shall notify the applicant in writing to confirm if the application is complete addressing all of the requirements as required by this Section. If the application is incomplete, the letter will specify what information is missing and the applicant must then submit a new application. If an application is submitted on an approved site which is owned by the City, a lease agreement must be approved by the City Council. The City shall comply with the time deadlines for agency action as dictated in Minnesota State Statutes. Construction or installation on approved sites may begin upon approval of the lease agreement, if necessary, and issuance of a building permit. Construction or installation on an automated meter reading system or DAS may begin upon approval of the application and issuance of any required permits.
- B. If a tower or wireless telecommunications facility is approved by a special use permit, the applicant must also apply for and receive a building permit.

#### **205.30.10.11 TOWER HEIGHT**

Tower height shall be measured from the average adjoining grade to the highest point of construction of any tower or wireless telecommunications facilities. Towers are exempt from the maximum height restrictions of the districts where located. Towers shall be permitted to a height of one hundred twenty-five (125) feet.

#### **205.30.11.12 STEALTH DESIGN AND EXTERIOR FINISHES**

All approved sites, towers, ~~and~~ wireless telecommunications, and DAS facilities shall be designed to blend into the surrounding environment. Monopoles with antenna arrays shall be finished so as to be compatible with other buildings or structures in the area, and shall be finished with a non-corrosive material. Wireless telecommunications facilities placed on water towers shall be finished with a non-corrosive material to match the color of the water tower.

#### **205.30.12.13 ILLUMINATION**

Towers shall not be artificially illuminated except as required by the Federal Aviation Administration ("FAA").

#### **205.30.13.14 LANDSCAPING AND SCREENING**

All sites shall include appropriate landscaping as required herein and shall comply with all landscaping requirements of the underlying zoning district. Accessory above-ground equipment must utilize existing buildings or structures, if possible. If no existing structures are available, the owner of the wireless telecommunications facilities may construct such a structure. At minimum, all ground equipment shall be fully screened from public rights-of-way or residential property by existing structures, a brick decorative wall, or a solid one hundred percent (100%) opaque vegetative enclosure, six feet in height at planting.

#### **205.30.14.15 SECURITY**

All towers must be reasonably posted and secured to protect against trespass. Chain link fences may be used to protect towers and wireless telecommunications facilities. Barbed or razor wire is prohibited. All facilities shall be designed to discourage unauthorized climbing on the structure.

#### **205.30.15.16 INSTALLATION REQUIREMENTS ON WATER TOWERS AND IN CITY**

Installation of wireless telecommunication facilities on water towers will be permitted when the city is fully satisfied that the following requirements are met:

- A. The wireless telecommunications facility will not increase the risks of contamination to the City's water supply.
- B. There is sufficient room on the structure and/or in the grounds to accommodate the wireless telecommunication facility.
- C. The presence of the wireless telecommunication facility will not increase the water tower or reservoir maintenance costs to the City.
- D. The presence of the wireless communication facility will not be harmful to the health of workers maintaining the water tower or reservoir.
- E. All state and federal regulations pertaining to non-ionizing radiation and other health hazards has been satisfied.

#### **205.30.16.17 BUILDING PERMIT REQUIRED**

A building permit is required for installation of any tower, ~~or~~ wireless telecommunications facility or DAS. The completed installation, including all associated buildings, shall comply with all applicable building codes including but not limited to the most currently adopted version of the N.F.P.A. 70 National Electrical Code, TIA/EIA 222 Structural Standards for steel antenna towers, and others as may be determined by the Building Official.

#### **205.30.17.18 SETBACKS**

The tower or wireless communications facility shall be located in rear or side yard areas and shall be set back at least ten (10) feet from side or rear lot lines.

#### **205.30.18.19 SIGNS**

Signs no larger than 4 square feet in size and attached to a structure are the only permitted signage associated with the tower or wireless telecommunications facility.

#### **205.30.19.20 CERTIFICATIONS AND INSPECTIONS**

- A. All towers and wireless telecommunications facilities shall be periodically reviewed by the City to be structurally sound and in conformance with the requirements of the City

Code, this Chapter, any conditions of approval placed on a special use permit and all other construction standards set forth by the City's Code, and federal, state, and local law. Existing sites may be inspected for compliance with this Section at any time if the City believes there are questions regarding compliance with the City Code, this Section, any conditions of approval placed on a special use permit, all other construction standards set forth in the City's Code, and all other federal, state and local laws.

- B. The City and its agents shall have authority to enter onto any approved site, existing site, or site approved by special use permit between the inspections and certifications required above, to inspect the site for the purpose of determining whether the sites comply with the State Building and Electrical Codes, the National Electric Safety Code and all other construction standards provided by the City's Code and federal and State law.
- C. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner(s). All expenses related to such inspections by the City shall be borne by the site owner(s).

#### **205.30.20.21 MAINTENANCE**

- A. Ordinary and reasonable care of towers, wireless telecommunications facilities, ~~and~~ automatic meter reading systems/devices, and DAS shall be employed at all times. All towers, wireless telecommunications facilities, ~~and~~ automatic meter reading systems, and DAS shall at all times be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person.
- B. Owners shall install and maintain towers, wireless telecommunications facilities, ~~and~~ automatic meter reading systems/devices, and DAS in ~~substantial~~ compliance with the requirements of the National Electric Safety Code and all FCC, State and local regulations, and in such manner that will not interfere with the use of other property.
- C. All maintenance or construction on towers, wireless telecommunications facilities, ~~or~~ automatic meter reading systems/devices or DAS shall be performed by qualified maintenance and construction personnel.
- D. All owners of wireless telecommunications facilities, ~~and~~ automatic meter reading systems/devices, and DAS shall maintain compliance with current radio frequency emission standards of the FCC. In order to provide information to its citizens, copies of all FCC information concerning wireless telecommunications facilities, ~~and~~ automatic meter reading systems/devices, and DAS shall be made available to the City and updated annually.
- E. In the event the use of a tower, ~~or~~ a public utility structure, ~~or~~ a wireless telecommunications facility, ~~or~~ an automatic meter reading system/device or DAS is discontinued by the owner of the wireless telecommunications facility, ~~or~~ automatic meter reading system or DAS, or in the event an owner files notice to the FCC of its interest to cease operating the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued.

**205.30.21.22 PRIORITY FOR USE**

Priority for use of the installation, maintenance and operation of towers and wireless telecommunications facilities will be given to the following entities in descending order:

- A. City of Fridley.
- B. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the City of Fridley and private entities with a public safety agreement with the City of Fridley.
- C. Other governmental agencies, for uses which are not related to public safety.
- D. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public.

**205.30.22.23 CO-LOCATION**

Towers shall be designed to support more than two wireless telecommunications facilities.

**205.30.23.24 FEES**

The applicant shall pay the fees listed in Chapter 11 for processing a request to install, operate, and maintain a tower, public utility structure, pad mount device, ~~or~~ a wireless telecommunications facility, ~~or~~ an automatic meter reading system and/or devices, or DAS in the City. If deemed as necessary due to the nature of the application, the applicant shall also be required to reimburse the City for its cost to retain a consultant to review the requested application.

**205.30.24.25 ABANDONMENT**

~~If any site for which approval to install, maintain, and operate a tower, or a public utility structure, or wireless telecommunications facilities or automatic meter reading systems has been granted by the City shall cease to be used for a period of 365 consecutive days, the City shall notify the wireless telecommunications facility operator, automatic meter reading device operator and the owner of the property, that said site has been deemed abandoned. Upon a finding of abandonment by the city, the tower, or a public utility structure, or wireless telecommunications facilities or automatic meter reading systems that have been abandoned must be removed or an annual user fee shall be paid to the City. If it is determined that the abandoned tower, public utility structure, wireless telecommunications facility or automatic meter reading system cannot be removed in a reasonable time period by the owner, the City shall assess all costs related to the removal to the owner(s), according to the procedures established in Chapter 128 of the City Code.~~

If any site for which approval to install, maintain, and operate a tower, or a public utility structure, or wireless telecommunications facilities, automatic meter reading systems or DAS has been granted by the City shall cease to be used for a period of 365 consecutive days, the City shall notify the wireless telecommunications facility operator, automatic meter reading device operator, the DAS operator and the owner of the property, that said site or system has been deemed abandoned. Upon a finding of abandonment by the City, the tower, public utility structure, wireless telecommunications facilities, automatic meter reading system, or DAS must be removed or an annual user fee shall be paid to the City. If it is determined that the abandoned tower, public utility structure, wireless telecommunications facility, automatic meter reading system or DAS cannot be removed in a reasonable time period by the owner or operator, the City shall assess all costs related to the removal to the owner(s) or operator(s), according to the procedures established in Chapter 128 of the City Code.

**205.30.26 NO RECOURSE**

No Recourse against the City. Every permit issued to an applicant for construction, installation, maintenance, or operation of a wireless telecommunications facility, automated meter reading system/device or DAS shall provide that, without limiting such immunities as the City of other persons may have under applicable law, an applicant/permit holder shall have no monetary resource whatsoever against the City of its elected officials, boards, commissions, agents, employees or volunteers for any loss, costs, expense or damage arising out of any provision or requirements of this Ordinance or because of the enforcement or lack of enforcement of this Ordinance or the City's exercise of its authority pursuant to this Ordinance, a permit, a lease, or other applicable law, unless the same shall be caused by criminal acts or by willful gross negligence. Nothing herein shall be construed as a waiver of sovereign immunity.

**205.30.27 DATA PRACTICES**

All documentation submitted pursuant to this Chapter by an applicant shall be subject to and governed by the Minnesota Government Data Practices Act.

**205.30.25.28 SEVERABILITY**

If any clause, section, or other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

**205.30.26.29 VIOLATION**

Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor and subject to the provisions of Chapter 901 of the Fridley City Code.





Community Development Department  
 City of Fridley  
 6431 University Avenue NE  
 Fridley MN 55432  
 763.572.3592  
 Fax: 763.571.1287  
[www.ci.fridley.mn.us](http://www.ci.fridley.mn.us)

**TEXT AMENDMENT APPLICATION**

**Property Information**

Address: citywide  
 Anoka County Property Identification Number (PIN #): \_\_\_\_\_  
 Legal Description: \_\_\_\_\_  
 Current Zoning: \_\_\_\_\_ Square footage of Parcel: \_\_\_\_\_  
 Proposed Zoning: \_\_\_\_\_

**Reason for Text Amendment (one sentence summary, please attached full description)**

\_\_\_\_\_

**Fee/Property Owner Information (as it appears on property title)**

**\*\*Fee owner must sign this form prior to processing**

Name (please print): city of Fridley  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Signature/Date: \_\_\_\_\_

**Petitioner Information**

Company Name (please print): City of Fridley  
 Contact Person's Name (please print): \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Signature/Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

**Fees**  
 \$1,500 - n/a  
 Application Number: 1A 16-04 Receipt #: \_\_\_\_\_ Received By: \_\_\_\_\_  
 Application Date: \_\_\_\_\_  
 15 Day Application Complete Notification Date: \_\_\_\_\_  
 Scheduled Planning Commission Date: \_\_\_\_\_  
 Scheduled City Council Date: \_\_\_\_\_  
 60 Day Date: \_\_\_\_\_  
 60 Day Extension Date: \_\_\_\_\_

PUBLIC HEARING  
BEFORE THE  
PLANNING COMMISSION

---

Notice is hereby given that there will be a public hearing of the Fridley Planning Commission at the Fridley Municipal Center, 6431 University Avenue N.E. on **October 19, 2016, at 7:00 p.m.** for the purpose of:

Consideration of a Text Amendment, TA #16-04, by the City of Fridley, to Chapter 0-5, Telecommunications Towers and Facilities, to add language within the code that defines and regulates "small cell" communication facilities within the public right-of-way. Other general housekeeping items will also be addressed in the text amendment.

Any and all persons desiring to be heard shall be given an opportunity at the above stated time and place. Any questions related to this item may be referred to Stacy Stromberg, Planner, at 763-572-3595.

Hearing impaired persons planning to attend who need an interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at 763-572-3500 no later than October 12, 2016. The TDD number is 763-572-3534.

The proposed City Council meeting date for this item will be on November 14, 2016. **\*This date is subject to change depending on the outcome of the Planning Commission meeting. Please confirm City Council date prior to attending the City Council meeting.**

DAVID KONDRICK  
CHAIR  
PLANNING COMMISSION

Publish: Friday, October 7, 2016

**CITY OF FRIDLEY**  
**PARKS & RECREATION COMMISSION MEETING – SEPTEMBER 12, 2016**

**CALL TO ORDER:**

Chairperson Heintz called the September 12, 2016 Parks & Recreation Commission Meeting to order at 7:00 p.m. at the Fridley Municipal Center – Meeting Room 1.

**ROLL CALL:**

Members Present: Mike Heintz, Michele Barrett, Dave Kondrick, Shanna Larson and Greg Ackerman

Others Present: Jack Kirk, Director of Parks and Recreation  
Jeff Jensen, Streets and Parks Supervisor  
Mike Maher, Director of Springbrook Nature Center  
Mary Rose Iten, 7377 Memory Lane  
Kurt Iten, 7377 Memory Lane

**APPROVAL OF AUGUST 1, 2016 PARKS & RECREATION COMMISSION MINUTES**

MOTION by Ms. Larson, seconded by Ms. Barrett, to approve the minutes of the August 1, 2016 meeting.

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

**APPROVAL OF PARKS & RECREATION COMMISSION AGENDA FOR SEPTEMBER 12, 2016**

MOTION by Mr. Kondrick, seconded by Mr. Ackerman, to approve the agenda for the September 12, 2016 meeting, moving item 2a to the first item of business for the meeting.

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

**1. STAFF REPORT**

**a. Program Update**

Mr. Kirk stated that the Program Update is included in the agenda packet for the information of the Commission members. The summer programs have come to an end and it was a good season. There was a lot of rain this year, but we were still able to get in most of the activities.

Mr. Kirk further stated that the summer camps at Springbrook Nature Center were very popular and we had good attendance numbers. Revenue from the nature center camps is up almost double from that of two years ago.

Mr. Kirk stated that the Summer ROCKS program had good participation numbers this year as well. Week number #10 for example, the final week, had 112 participants.

**b. Park Maintenance Report**

Mr. Jensen stated that the park maintenance crew lost most of the summer youth workers in August, as many of them are college students and they head back to school. He felt that they were able to accomplish much in the parks this summer. The park workers completed a lot at Springbrook Nature Center with trail renovation, bridge installation and tree trimming. They also helped with the moving of equipment and furnishings into the new building and helping with Grand Opening events'

Mr. Jensen stated that this time of year, the parks crew is still very busy with turf work and preparing/maintaining the softball, football and soccer fields. Picnic shelters are still being rented, so time is also allocated to maintenance of those shelters.

Mr. Kondrick stated that he wanted Mr. Jensen and the park workers to know that they do a great job taking care of the Fridley Parks and the facilities.

**c. Springbrook Nature Center Report**

Mr. Kirk stated that this report has been submitted by Mike Maher, Springbrook Nature Center Director. The finishing work on the interpretive building continues as the contractors respond to completing the punch list items. Most of the work should be finished in the next couple of weeks.

Mr. Kirk stated that the fall school programming has started with staff providing programs at Fridley Middle School, Hayes Elementary, Stevenson Elementary and Adams Elementary. Schools will be starting to make field trips to Springbrook in the near future. The new building should be a big help in providing a great teaching environment.

Mr. Kirk stated that the Springbrook Nature Center Foundation continues to do fundraising for the overall SPRING project. Committee members are working with local businesses and identifying grant opportunities to provide additional funds.

**d. Buckthorn Removal Project at Innsbruck Park**

Mr. Kirk stated that he and Parks Supervisor Jeff Jensen met with some neighbors to the Innsbruck Park about a volunteer buckthorn removal initiative this fall. The plan is for the volunteer group to do buckthorn removal on two Saturdays this fall. A flyer promoting the effort is included in the agenda packet.

Mr. Kirk further stated that the City appreciates volunteer groups showing such interest in improving our park system.

**e. Friends of Fridley Education Foundation Donations**

Mr. Kirk stated that a local non-profit foundation has awarded two grants to the Parks and Recreation Department. The Friends of Fridley Education Foundation is funded primarily by the Fridley Lions Club charitable gaming proceeds and supports Fridley education and community organizations.

Mr. Kirk stated that the first grant is to support the ZONE, our after school teen center program. The grant will allow us to have free admission one day per week for the teens and, in addition, to provide some type of a healthy snack for the teens.

Mr. Kirk further stated that the second grant is to support the youth soccer program by providing funds to purchase two complete sets of soccer goals. We will have the new goals on hand and installed for next year's soccer season.

Mr. Kirk stated that the City of Fridley and the Parks and Recreation Department appreciates the support from the Friends of Fridley Education Foundation.

**f. Pumpkin Night in the Park**

Mr. Kirk stated that the popular Pumpkin Night in the Park will be held on Saturday, October 22<sup>nd</sup> from 6:00 - 10:00 p.m. The event will include the enchanted trail, carving contest, costumes, and a dance with a DJ. Commission members are invited to attend.

**g. Springbrook Nature Center Phase 2 – Nature Play Area and Outdoor Amphitheater**

Mr. Kirk stated staff and the Springbrook Nature Center Foundation have been working with Hoesington Koegler Group to develop plans and specifications for two more projects at Springbrook Nature Center. A recommendation has been submitted to the Fridley City Council to receive the plans and move forward with accepting bids for the Nature Play Area and the Outdoor Amphitheater.

Mr. Kirk stated that the projects are being funded by the Springbrook Foundation through their capital funding campaign. Provided we get favorable bids on these items, construction should start this fall and the projects would be completed next spring.

**2. NEW BUSINESS**

**a. Madsen Park – Proposed Changes**

Mr. Kirk stated that at the November 2015 Commission meeting, there was discussion related to Madsen Park. Jeff Jensen, Streets and Parks Supervisor, was at that meeting and proposed some changes to the park facilities. He suggested a youth soccer field on the east side of the park, in the area that had been used as a softball field in past years. This was being suggested because of the growing demand or interest in soccer in our community.

Mr. Kirk stated that the sizes of youth soccer fields varies by age grouping, so multiple soccer fields are needed to accommodate the many youth playing the sport. A U-11 soccer field was striped at Madsen this past summer and worked out quite well. The U-11 field is smaller than a full sized adult soccer field. Staff had discussed with the Commission that they would like to try a soccer field in this location at Madsen Park and then come back to the Commission for some follow-up discussion.

Mr. Kirk stated that before this was made as a more long term change to the park, staff sent out a letter and aerial photo of the park with the proposed facility adjustments. The plan would be to take out the dirt part of the softball infield and remove the backstop. The infield area would become grass turf and the soccer field would be laid out in the east section of the park. Just west of the soccer field would be an open play area that could be used for softball, as well as other activities such as kickball, football, frisbee and other sports. If desired, a backstop could be installed in that area.

Mr. Ackerman asked if a dirt infield would be included.

Mr. Kirk stated that an infield area could be installed, but in keeping with an open play area, it would not need to be included.

Mr. Heintz asked what kind of use the soccer field got this summer.

Mr. Jensen said it was used several days per week by the Fridley youth soccer teams.

Mr. Kurt Iten stated that it is his understanding that the soccer field is a youth size field, but what they are seeing is a lot of adult use. He is one hundred percent behind a youth field for the youth program. He would have some concern if it was geared for adult league play.

Mr. Iten stated that many times the adult users of the soccer field park their cars on the street in front of the houses and cut through the yards to get to the park.

Mr. Kirk stated that the soccer field being planned for Madsen would likely be the same size as the field for this year. It would be striped as a youth soccer field. It should be noted that many of the adult soccer groups actually look for the youth size fields to have their games.

Mr. Kirk stated that the adults cutting through residents' yards is something that the neighborhood police officer could help with. He would suggest calling for police assistance if this type of thing continues to occur.

Ms. Mary Rose Iten asked if the soccer field could be positioned to go in an east-west direction, rather than the proposed north-south orientation.

Mr. Jensen stated that a very small field may be able to go that direction, but a U11 field would likely need to go north-south.

Ms. Larson asked the Itens what they would like to see as the most preferable outcome on the Madsen Park facilities.

Mr. Iten said that most important to him was that the soccer field be for youth league play. He understands that adults may continue to use the youth size field.

The Commission members thanked Kurt and Mary Rose Iten for attending the meeting and participating in the discussion.

MOTION by Mr. Ackerman, seconded by Mr. Kondrick, to approve the staff proposed changes to the Madsen Park facilities.

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

**b.. Springbrook Nature Center Use Policies**

Mr. Kirk stated that the City needs to come up with a policy for using the new Springbrook Nature Center Interpretive facility. Staff has worked on a recommended policy, after checking with other agencies throughout the area on their policies for rentals and use. A complete recommended policy was included in the agenda packet for tonight's meeting.

Mr. Kirk stated that he would like to go through the key components to this rental and use policy with the commission. He would like to get an approval from the Parks and Recreation Commission on a nature center use policy, so they can start using it at Springbrook. When a policy is in place, he would suggest trying it for a period of time, possibly a year, and then bring back any suggested changes to the Commission.

Mr. Kirk further stated that the primary options at Springbrook include the 40' by 80' gathering space and the 20' by 40' classrooms. There are four classroom spaces available. The rental document will include information on the furnishings and equipment that would be available with the rentals.

Mr. Kirk stated that in addition to renting one of the rooms, private use of the exhibit space would be available at an additional cost of \$50 per hour. The exhibit space will normally be closed during private events, but could be made available with this extra option.

Mr. Kirk stated that the recommended hours for the classroom rentals would be Monday through Friday from 9:00 a.m. – 9:00 p.m. Classrooms would be available on Sundays from 9:00 a.m. – 5:00 p.m. The Gathering Space would be available for rentals on Fridays from 5:00 p.m. to midnight, with the event needing to be completed by 11:00 p.m. and clean-up by midnight. Gathering Space rental would be available on Saturdays from 12 noon to midnight, with the same requirement for the event to end at 11:00 p.m. and clean-up completed by midnight.

Mr. Kondrick asked if the times seemed reasonable to the Commission or should they be allowed more time for an event.

Mr. Heintz stated that he believes other facilities for weddings and events have similar restrictions and limits on time.

Mr. Kondrick stated that the times could be adjusted in the future if it was causing an issue with rentals.

Mr. Kirk stated that under this recommended policy, 50% of the full rental fee would be due at the time the reservation is made. The balance would be due seven days in advance for a meeting or use of a classroom. The balance would be due thirty days in advance for use of the gathering space/banquet hall. Reservations would not be complete until they are signed and returned by the renter.

Mr. Ackerman stated that information on the rental rates and the amounts should be early in any promotional information. That is the information people are going to be looking for first.

Mr. Heintz suggested that the potential renter initial all important clauses in the reservation requirements. That may help to insure they have the information.

Mr. Kirk stated the policy would include a damage and conduct policy. The deposit would be \$100 for classroom use and \$500 for the large room use for banquets or

receptions.

Ms. Larson stated that she has read through all of the policy and believes we are setting this up to be successful. There may be things that need to be adjusted in the future, but this policy is a very good starting point.

Mr. Kirk stated that the policy would have a cancellation policy which would be pro-rated and dependent upon how far away from the event date the cancellation was made.

Mr. Kirk stated a key feature to the policy is the rental rates schedule. It is the staff recommendation that the rentals include a rate for residents, for non-residents and for local non-profit organizations. Other non-profits that are not Fridley based could rent spaces at the rate established for Fridley residents.

Mr. Kirk stated that for the Gathering Space or large room rental, the Non-resident rate would be \$1,800. The resident rate would be \$1,600 and the local non-profit rate would be \$1,200. Individual classrooms would be rented on a per hour basis with non-residents at \$50 per hour and residents at \$30 per hour.

Mr. Kirk further stated that any non-profit requesting an adjusted rate or waiver for a special use would need to apply to the Parks and Recreation Commission at least 60 days prior to the date of the event. The Commission could then consider the request.

Ms. Larson stated that she thought the rental rates were fair and appropriate.

Mr. Kirk stated that the policy includes decoration guidelines which will help to protect the new facility.

Mr. Kondrick stated that we need to watch out for the facility and these suggested guidelines will help us do that. He wants to make sure the building is not damaged.

Mr. Maher stated that the ceiling, for example, has a special acoustical treatment that can be easily damaged if someone were to attach decorations.

Mr. Kirk stated that the guidelines should add that no decorations can be attached to the ceiling.

Mr. Kirk stated that the nature center is committed to lessening the impact on our environment, so a "zero waste" requirement is included in the policy.

Mr. Kirk stated that the policy also includes room set up and clean up guidelines. It also includes an extra fee for clean ups that exceed the allocated rental time frame.

Mr. Kirk stated that the policy includes catering guidelines that will require food and beverage caterers are registered with the City and on an approved caterer list. The guidelines list what the caterers are responsible for. He further stated that the alcohol policy complies with the Fridley City Code. Beer and wine are allowed at Springbrook Nature Center under the code.

Mr. Kirk stated the recommended policy includes information on the park being tobacco free, supervision of children during events, parking availability, accessibility and a listing of other park policies. The park policies listed will call attention to issues and concerns that are especially important to use of the nature center.

Mr. Kondrick stated that this recommended policy has been given a lot of thought and is well done.

MOTION by Ms. Larson, seconded by Mr. Ackerman, to approve the staff recommended Springbrook Nature Center Use Policies.

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

**c. Request for Skating Rink at Craig Park**

Mr. Kirk stated that during the Night to Unite event in August, a resident had asked that the City consider placing a skating rink at Craig Park this winter. It is not uncommon that individuals ask the City to consider skating rinks or other facilities be added to the neighborhood parks. The Parks and Recreation Commission approves a plan for skating rinks each year, with the idea that they are reasonably located to serve the various geographic locations in the City.

Mr. Kirk stated that many years ago the City did have a rink at Craig Park. It was during a time when the City had close to double the number of rinks and hockey facilities that are provided today.

Mr. Kondrick stated that we have a rink a couple of blocks away from this location at Springbrook Park.

Mr. Ackerman asked if we moved the rink from Springbrook Park to Craig Park, would it get more use.

Mr. Kirk stated that actually having a rink at Craig Park could be accomplished. As he stated before, we used to have a rink there. The problem encountered with the Craig Park location is that it is difficult to get the ice maintenance equipment into the park. It is also a concern to safely get participants to a skating facility in the winter. The park is in a bowl like area and it requires going up and down slopes to gain access. This is especially difficult in the winter months under icy conditions.

Mr. Kondrick stated that we have been through this before with Craig Park. It is a nice looking park and works well in the summer months. It is difficult to provide a rink here.

Mr. Jensen stated that to flood the rink from a hydrant would require hauling a hose across the street and a long distance. They use a tanker truck to flood and maintain rinks efficiently. Getting the tanker in and out of Craig would not be safe.

Mr. Kirk stated that a staff recommended skating and hockey rink locations plan will be to the Parks and Recreation at the October meeting.

MOTION by Mr. Kondrick, seconded by Ms. Barrett, to not recommend a general skating rink for Craig Park as requested by an area resident.

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

**d. Moore Lake Park Master Plan and Community Questionnaire**

Mr. Kirk stated that Moore Lake Park is one of the City's busiest parks in the summer months. It has attractions such as the swimming beach, picnic shelters, sand volleyball, play equipment, trails, fishing piers and other amenities. The City is going to be working

with Hoesington Koegler Landscape Architects to do a revised master plan of this park.

Mr. Kirk stated he would like to have the Parks and Recreation Commission actively involved in the planning process. Hoesington Koegler group (HKGi) will be at the October Commission meeting to discuss this park planning.

Mr. Kirk further stated that HKGi is working on a questionnaire that could allow for public input into the process. A sample is being provided to the Commission members and this would be put on the City's web page. He would appreciate the Commission members looking at the proposed survey and let him know what you would like to see added or changed.

Mr. Heintz suggested that we include Springbrook Nature Center staff in the discussion of improvements for Moore Lake Park.

Ms. Larson asked how residents will be notified of the on-line survey.

Mr. Kirk stated they would promote it on the city's Facebook page, through e-mail lists, and on the web page itself.

Mr. Kirk stated that he would like the Commission members to be thinking of what changes they might like to see at Moore Lake Park prior to the discussion at the next Commission meeting in October.

**e. Community Park Ball Field Restoration**

Mr. Kirk stated that the Metropolitan Council has been doing a major sewer project in the Fridley area and they needed a location to stage equipment and supplies. The City has provided the back two fields at Fridley Community Park for this purpose. The fields have been somewhat torn up during the work and it is now time to restore them.

Mr. Kirk stated a Memo from Public Works Director Jim Kosluchar related to this issue has been included in the agenda for tonight's meeting.

Mr. Kirk stated that staff has had some discussion related to how the fields should be restored. Should they be restored as softball fields or should they be changed to soccer fields? It is his opinion that they should be restored so the fields can be used for multi-sport opportunities. He would restore the softball infields and outfield fences, knowing that football and soccer fields can be overlaid on the turf if needed.

Mr. Kirk asked the Commission if they had any thoughts or suggestions on the field restorations.

Mr. Ackerman asked if teams used the back two fields for batting practice during softball league play and tournaments.

Mr. Kirk stated that when the fields were not used for youth league play, adult teams did use them for that purpose.

Mr. Kirk stated that if we have the fields restored with softball infields and fences, it gives us more flexibility when renting the park for tournaments.

Mr. Kondrick stated that he would suggest leaving the fields how they were before the Met Council project started. It still gives us flexibility for different uses.

Mr. Heintz asked if there are enhancements to the park that they could provide to the

City park.

Mr. Jensen stated that the Met Council has understood that they have inconvenienced the City by taking these fields out the past couple of years. He thought they would provide complete restoration and possible new items to improve the park. He further stated that he would recommend new electronic scoreboards on the fields.

MOTION by Mr. Kondrick, seconded by Mr. Ackerman, to restore the back two fields at Community Park as softball fields, with turf areas able to accommodate other sports as well.

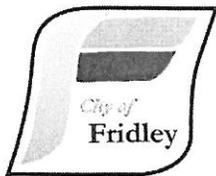
UPON A VOICE VOTE, ALL MEMBERS VOTING AYE, CHAIRPERSON HIENTZ DECLARED THE MOTION CARRIED.

4. **ADJOURNMENT**

MOTION by Mr. Kondrick, seconded by Mr. Ackerman to adjourn the September 12, 2016 meeting at 9:03 p.m.

UPON A VOICE VOTE, ALL MEMBERS VOTING AYE, CHAIRPERSON HEINTZ DECLARED THE MOTION CARRIED AND THE SEPTEMBER 12, 2016 MEETING ADJOURNED.





**COMMUNITY DEVELOPMENT  
DEPARTMENT  
PLANNING DIVISION**

**Memorandum**

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**DATE:** October 13, 2016

**TO:** Planning Commission Members

**FROM:** Julianne Beberg, Planning Assistant

**SUBJECT:** Proposed 2017 Planning Commission Meeting Dates

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The following dates are for your review and approval of the proposed 2017 Planning Commission meeting dates:

Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
18	15	15	19	17	21	19	16	20	18	15	20