

# Draft Flying Cloud Airport Zoning Ordinance

## Public Hearing Report

### First Public Hearing

### February 27, 2018

A public hearing was conducted at 6:30 p.m. on February 27, 2018 at the Eden Prairie City Center, City Council Chambers, to receive verbal and written comments about the draft Airport Zoning Ordinance for Flying Cloud Airport. Public notice of the hearing was provided (**Item A**).

Present at the public hearing were the following Joint Airport Zoning Board (JAZB) members, who served as Hearing Officers: Brad Aho (Chair, Eden Prairie), Kate Aanenson (Chanhassen), Keith Tschohl (Eden Prairie), Julie Klima (Eden Prairie), Michael Beard (Shakopee), Eric Weiss (Shakopee), Rick King (MAC), and Katie Clark Sieben (MAC). MAC staff present at the public hearing included Bridget Rief (Vice President, Planning and Development), Neil Ralston (Airport Planner), Evan Wilson (Senior Attorney), Shelly Cambridge (Administrative Assistant and JAZB Board Secretary), Mike Wilson (FCM Airport Manager), Gary Schmidt (Director of Reliever Airports), and Jenn Felger (Planning and Environment Coordinator).

Twelve people signed in on the attendance sheets (**Item B**).

The proceedings of the Public Hearing were transcribed by a qualified court reporter (**Item C**).

Neil Ralston, Airport Planner, provided an overview presentation of the draft Airport Zoning Ordinance for Flying Cloud Airport (**Item D**). Several members of the public asked verbal questions about the proposed airport zoning ordinance after the presentation but before the start of the public hearing. These comments are recorded on the official Public Hearing Transcript.

Exhibits A through I were entered into the record by MAC during the public meeting. Exhibits A through I are listed as **Item E** and are available upon request to Shelly Cambridge, JAZB Secretary, at 612-726-8144 or via email at [Shelly.Cambridge@mspmac.org](mailto:Shelly.Cambridge@mspmac.org).

All persons in attendance and wishing to do so were given the opportunity to testify and introduce evidence regarding the issues set forth in the Notice of Public Hearing. No testimony was given.

The public hearing record was kept open until 5:00 p.m. on Wednesday, March 14, 2018, to receive written comments from interested parties. Four (4) written comments were received during the public comment period. These comments, along with responses, are included as **Item F**.

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## **Item A –**

Notice of Public Comment Period and Public Hearing  
for Draft Flying Cloud Airport Zoning Ordinance

## NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING FOR DRAFT FLYING CLOUD AIRPORT (FCM) ZONING ORDINANCE

The Joint Airport Zoning Board (JAZB) for Flying Cloud Airport (FCM) is developing an *Airport Zoning Ordinance* for land uses around FCM. This is a continuation of the airport zoning effort started in 2009-2010 but not finalized. Similar to the previous zoning proposal, the *Draft FCM Zoning Ordinance (Zoning Ordinance)* limits the height of structures and vegetation and prohibits certain land uses in an area extending approximately 2 miles from the outer boundaries of FCM. The zoning is being conducted as required by Minnesota Statutes 360.061 – 360.074 and Minnesota Rules 8800.1200 and 8800.2400. Maps that are part of the proposed *Zoning Ordinance* show the precise boundaries for application of the *Zoning Ordinance* and the associated proposed restrictions. A summary map showing the proposed Safety Zones is shown on the reverse side of this notice.

The proposed *Zoning Ordinance* would:

- Limit the height of structures and vegetation out to approximately 2 miles to the west of FCM, and out to approximately 1.5 miles in all other areas around the airport. In most cases, however, the airport zoning height limitations would be less restrictive than maximum heights allowed in the municipal zoning code.
- Prohibit the development of structures in Safety Zone A, which is mostly contained to airport-owned property;
- Prohibit, in Safety Zone B, the construction of amphitheaters, hospitals, nursing homes, residential uses, schools, stadiums and ponds or other features which might attract waterfowl or other birds, with the exception that the proposed restrictions in Safety Zone B do not affect additions to existing residences, residential redevelopment or future residential development in certain Permitted Residential Areas;
- Require a contiguous open space within Safety Zone B of either 20% of the total Safety Zone B acreage or 20 acres, whichever is larger; and
- Prohibit, in Safety Zones A, B and C, the use of land that creates or causes interference with the operations of radio or electronic facilities on FCM or with radio or electronic communications between FCM and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using FCM, impairs visibility in the vicinity of FCM, or otherwise endangers the landing, taking off, or maneuvering of aircraft in the runway approach areas.

THE PUBLIC COMMENT PERIOD ON THE PROPOSED ZONING ORDINANCE WILL COMMENCE AT 8:00 A.M. ON MONDAY, FEBRUARY 12, 2018, AND CLOSE AT 5:00 P.M. ON WEDNESDAY, MARCH 14, 2018. During this period, written comments will be accepted and must be addressed to:

Secretary to the FCM Joint Airport Zoning Board  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

Comments can also be emailed to [fcm.zoning@mspm.com](mailto:fcm.zoning@mspm.com)

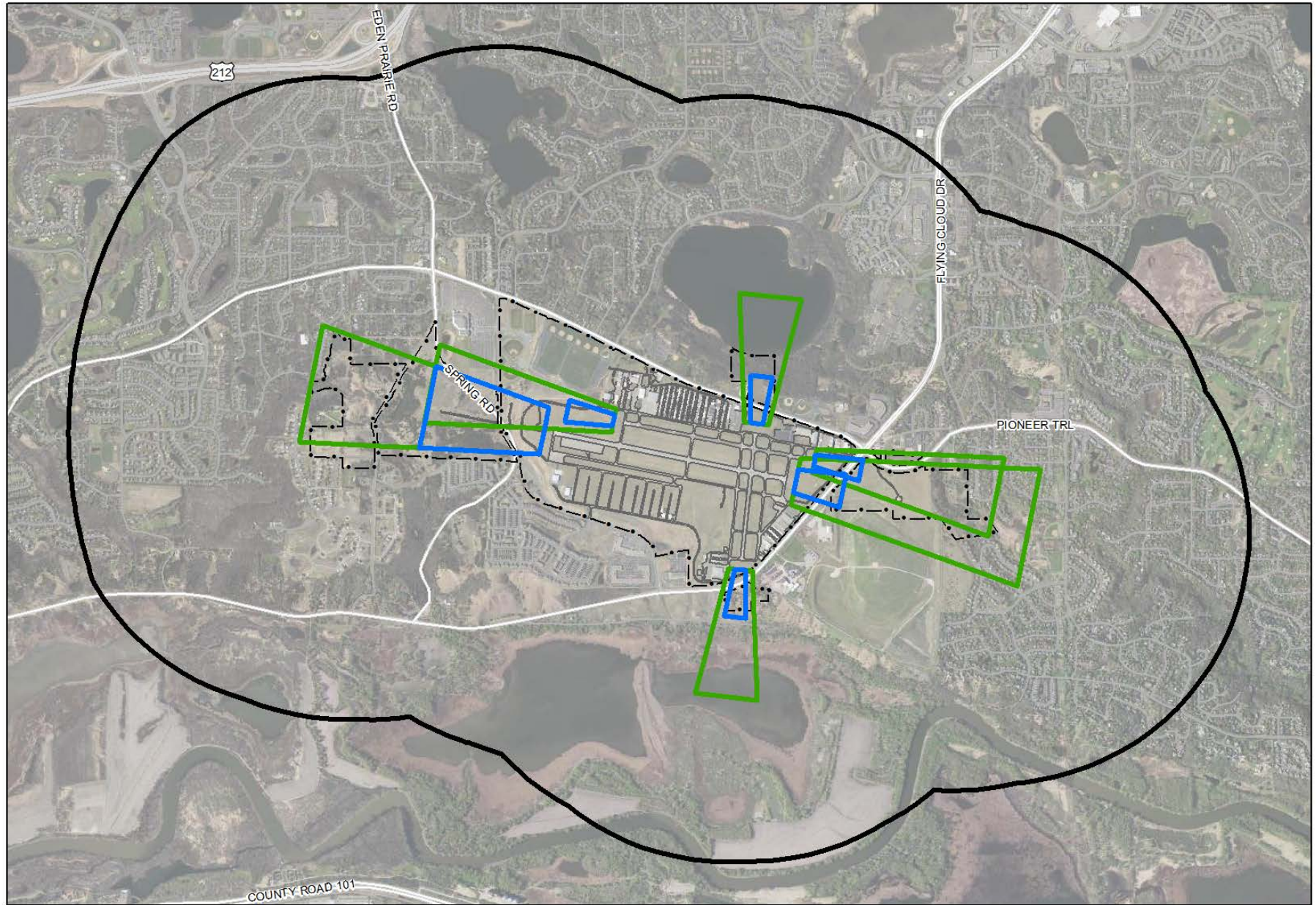
A PUBLIC HEARING ON THE PROPOSED ZONING ORDINANCE IS SCHEDULED FOR TUESDAY, FEBRUARY 27, 2018, AT THE EDEN PRAIRIE CITY HALL COUNCIL CHAMBERS, 8080 MITCHELL ROAD, EDEN PRAIRIE, MN. THE PUBLIC HEARING WILL BEGIN AT 6:30 P.M. AND LAST UNTIL ALL PERSONS WISHING TO ADDRESS THE BOARD HAVE BEEN HEARD. AN OPEN HOUSE WILL BE HELD PRIOR TO THE PUBLIC HEARING STARTING AT 5:00 P.M. FOLLOWED BY A PUBLIC PRESENTATION FROM 6:00 P.M. TO 6:30 P.M.

Copies of the proposed *Zoning Ordinance* will be available for review beginning on Monday, February 12, 2018, at the following locations: the Metropolitan Airports Commission's Main Office, 6040 28<sup>th</sup> Avenue South, Minneapolis; the City Halls of the cities of Eden Prairie, Shakopee, and Chanhassen; and the Eden Prairie Library, 565 Prairie Center Drive, Eden Prairie. The proposed Zoning Ordinance will also be available for review beginning February 12, 2018 on the MAC website at:

<https://metroairports.org/General-Aviation/Airports/Flying-Cloud/Joint-Airport-Zoning-Board-Flying-Cloud.aspx>

For further information about the public comment period, the open house or the public hearing, please call Shelly Cambridge, Secretary to the FCM Joint Airport Zoning Board, at (612) 726-8144.

# DRAFT FLYING CLOUD AIRPORT ZONING ORDINANCE – PROPOSED SAFETY ZONES



FCM Property Line JAZB Safety Zone A JAZB Safety Zone B JAZB Safety Zone C

0 2,500 5,000 Feet

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**Item B –**  
Public Hearing Attendance Sheets

# PLEASE SIGN IN

## Flying Cloud Airport (FCM) Joint Airport Zoning Board Draft Airport Zoning Ordinance

Open House and Public Hearing  
Eden Prairie City Hall Council Chambers  
Tuesday, February 27, 2018  
5:00 – 8:00 p.m.

<u>Name</u>	<u>Address</u>	<u>E-Mail Address</u>
Ken Reineccius	12100 Pioneer Trail EP 55347	kreineccius@psychiatry.com
Terry Schneider	15333 Boulder Cr. Dr. MTKA.	terry@projectdevelopersinc.com
John Fedora	9870 Tree Farm Rd	john.fedora@icloud.com
MARY STOECKER	12107 CARTWAY CURVE EP 55347	mstoeckfl@comcast.net
Macie Misicki	9523 Grey Widgeon Place	macmisicki@qmail.com
David Kraemer	9017 Victoria Dr	
John Kirk	15365 Village Wood Dr EP	<del>john.kirk@enterprise.com</del> john.kirk@guic.com
Mark UMHOLTZ	139 W DIAMOND LK RD NPLS	MARK.UMHOLTZ@STATE.MN.US
TOM TRAUGHTER	8500 MONTGOMERY CT	TPTRAUG@KSHI.COM
Mark Freberg	10425 Buckingham Dr EP 55347	mark@protime@aol.com
Sandy Langsdorf	10291 Winter Pl.	





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**Item C –**  
Public Hearing Transcript

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METROPOLITAN AIRPORTS COMMISSION

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PUBLIC HEARING

RE:

DRAFT FLYING CLOUD AIRPORT (FCM)

ZONING ORDINANCE

ORIGINAL

HELD ON

FEBRUARY 27, 2018

6:00 p.m.

EDEN PRAIRIE CITY HALL COUNCIL CHAMBERS

8080 MITCHELL ROAD, EDEN PRAIRIE, MINNESOTA

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REPORTED BY: CAITLIN J. ALBRECHT

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APPEARANCES

FLYING CLOUD AIRPORT

JOINT AIRPORT ZONING BOARD MEMBERS:

Brad Aho, JAZB Chair

Kate Aanenson, Chanhassen

Keith Tschohl, Eden Prairie

Julie Klima, Eden Prairie

Michael Beard, Shakopee

Eric Weiss, Shakopee

Rick King, Metropolitan Airports Commission

Katie Clark Sieben, Metropolitan Airports Commission

METROPOLITAN AIRPORTS COMMISSION STAFF:

Bridget Rief, Vice President - Planning &  
Development

Neil Ralston, Airport Planner

Evan Wilson, Senior Attorney

Shelly Cambridge, Board Secretary

1 CHAIR AHO: I'll call the meeting to  
2 order, then. My name is Brad Aho and I am the chair of  
3 the Flying Cloud Airport Joint Airport Zoning Board,  
4 and I welcome all of you to tonight's meeting. This is  
5 a public meeting, and it's a public hearing on the  
6 proposed airport zoning ordinance.

7 Board members, why don't we go around and  
8 introduce ourselves. We'll start down here with Katie.

9 MS. SIEBEN: I'm Katie Clark Sieben. Do I  
10 need to --

11 CHAIR AHO: So make sure that your  
12 microphone says live and that's green.

13 MS. SIEBEN: Thank you.

14 Katie Clark Sieben with Metropolitan Airports  
15 Commission.

16 MR. WEISS: Eric Weiss, long-range  
17 planner, City of Shakopee.

18 MR. BEARD: I'm Mike Beard, Scott County  
19 Commissioner. I'm here representing Shakopee this  
20 evening.

21 CHAIR AHO: So I serve on the city council  
22 in Eden Prairie and am currently chair.

23 MR. KING: Rick King. I'm on the  
24 Metropolitan Airports Commission, and my area includes  
25 Eden Prairie, and I live here.

1 MR. TSCHOHL: I'm Keith Tschohl. I'm  
2 chair of the Flying Cloud Airport Advisory Commission  
3 for the City of Eden Prairie.

4 MS. KLIMA: I'm Julie Klima. I'm the city  
5 planner for the City of Eden Prairie.

6 MS. AANENSON: Kate Aanenson. I'm the  
7 community development director for the City of  
8 Chanhassen.

9 MS. RIEF: And I am Bridget Rief with the  
10 Metropolitan Airports Commission. I am the staff  
11 liaison at the airport.

12 CHAIR AHO: Great. Well, thank you, all.

13 So the structure of the Board meeting and the  
14 public hearing is going to be as follows this evening:

15 So, first, we're going to have -- Neil Ralston,  
16 who is the planner for the Metropolitan Airports  
17 Commission, is going to provide an overview of the  
18 Flying Cloud Airport Zoning Ordinance.

19 Second, we're going to have exhibits for the  
20 hearing entered into the record starting at 6:30.

21 And, third, the Board will take testimony from  
22 the public on the proposed Flying Cloud Airport Zoning  
23 Ordinance. So if anyone has a prepared statement or  
24 document, you may read it into the record or submit it  
25 or both, and we'll make it part of the record. And the

1 Board just asks that you limit your statement to no  
2 more than 5 minutes so that everyone gets a chance to  
3 speak. I don't think it's going to be a problem  
4 tonight. But if you wish to testify, please fill out a  
5 speaker card and hand it to the Board secretary,  
6 Ms. Shelly Cambridge.

7 And, Shelly, do you want to stand so everyone  
8 can see? Is she -- where is she?

9 MS. RIEF: She's in the back, standing by  
10 the table.

11 CHAIR AHO: She's in the back. Okay.

12 All right. So if you have any questions, go  
13 back there and fill out a card, please. And -- let's  
14 see.

15 So this is a public hearing about zoning and  
16 not about airport noise -- I just want to make that  
17 very clear so that everyone understands why we're here  
18 tonight -- and adoption of the zoning ordinance will  
19 not alter the number, frequency, or noise level of  
20 traffic at the airport. Any zoning ordinance would  
21 affect the land use surrounding the airport.

22 And we will have a -- we have a court reporter  
23 here tonight who is going to take notes on all the  
24 proceedings. Other than that, the meeting is not  
25 televised, nor is it recorded.



1           So, Mr. Ralston, will you take it away, please,  
2           and give us the presentation.

3           MR. RALSTON: Thank you, Chair Aho. And  
4           good evening, everyone. Thank you for taking the time  
5           to join us tonight.

6           As I said, my name's Neil Ralston. I'm the  
7           airport planner for the airport's commission.

8           Can everybody hear me okay? Excellent.

9           CHAIR AHO: Those microphones should work.  
10          Just make sure that they're on.

11          MR. RALSTON: Yeah, I think we're good.

12          CHAIR AHO: Okay. Good.

13          MR. RALSTON: Excellent.

14          I'm here tonight to give a brief overview of  
15          the draft airport zoning ordinance that is being  
16          developed for Flying Cloud Airport. I'm going to begin  
17          with presenting the purpose and goals for the Joint  
18          Airport Zoning Board, along with the timeline of this  
19          Board's activity going back to 2009.

20          Then I'll move into a summary of the draft  
21          airport zoning ordinance itself.

22          And finally, we'll talk about the next steps in  
23          the process to advance the draft ordinance towards  
24          approval and final adoption.

25          Before going any further, however, I'd like to

1 define a few of the terms and acronyms that I'll be  
2 using tonight both in my presentation and that you'll  
3 see on the slides.

4 First, the three letters "FCM" refer to Flying  
5 Cloud Airport. That is the official airport identifier  
6 that pilots use when they're flying into the airport.

7 Second, the term "JAZB," which I'll pronounce  
8 as JAZB (pronounced JAZZ-bee), that refers -- that's  
9 the shorthand version of Joint Airport Zoning Board.

10 Next, "MnDOT" refers to the Minnesota  
11 Department of Transportation, Office of Aeronautics.

12 And finally, "FAA" is used to reference the  
13 Federal Aviation Administration.

14 So why is it important for the JAZB to pursue  
15 airport zoning for Flying Cloud Airport now? First,  
16 and perhaps foremost, zoning remains a requirement of  
17 state law. MnDOT's expectation is that the JAZB will  
18 successfully develop zoning for the airport in order to  
19 avoid potential airport improvement grant funding  
20 implications.

21 Second, the pace of development around Flying  
22 Cloud Airport is only increasing, and the lack of an  
23 adopted airport zoning ordinance is creating  
24 uncertainty and some level of confusion about possible  
25 land use controls in the area of the airport.

1 Third, the Metropolitan Airports Commission  
2 would like to continue to pursue non-aeronautical  
3 commercial use of some airport parcels of land that are  
4 within the designated safety zones. Uncertainty  
5 regarding zoning is holding up the approval process for  
6 these parcels, and that's a hurdle that we'd like to  
7 remove.

8 Last but not least, it is time to finish what  
9 was started back in 2009, to provide a level of  
10 certainty to all stakeholders about airport zoning  
11 requirements around the airport.

12 So at a high level, this group, the JAZB's  
13 purpose, is to collaboratively develop an airport  
14 zoning ordinance that achieves a balance between  
15 providing for a reasonable level of public safety while  
16 allowing for compatible community development to occur.  
17 To achieve this, Minnesota state statutes provide  
18 guidance to consider the social and economic cost of  
19 restricting land uses versus the benefits that would be  
20 derived from a strict application of the state's model  
21 airport zoning ordinance. The state's model zoning  
22 ordinance is a template provided by MnDOT that provides  
23 a common approach to developing zoning for all airports  
24 in Minnesota.

25 The overarching goal for this JAZB is to

1 develop an airport zoning ordinance for review and  
2 approval by the MnDOT Commissioner of Transportation  
3 that would subsequently be adopted by the Board, and  
4 then by local communities.

5 Supporting goals for this JAZB include updating  
6 the relevant sections of the draft ordinance to reflect  
7 current conditions and trends, and to ensure that an  
8 appropriate level of stakeholder and community  
9 engagement occurs. Tonight's hearing, of course, is an  
10 important step in achieving that goal.

11 Next, I'd like to take a quick trip down memory  
12 lane to help provide some context for where we are  
13 headed next. This Joint Airport Zoning Board was stood  
14 up back in 2009 and first met in July of that year. By  
15 April of 2010, the group had done a lot of heavy  
16 lifting and developed a draft airport zoning ordinance  
17 that was ready for public review.

18 A public hearing, much like this one, for the  
19 ordinance was held on April 29th of 2010. The draft  
20 airport zoning ordinance was then finalized and  
21 submitted to the MnDOT Commissioner of Transportation  
22 for review and action in December 2010. However, in  
23 early 2011, MAC requested on behalf of the JAZB that  
24 MnDOT temporarily suspend review of the draft ordinance  
25 due to legal uncertainties surrounding airport

1 zoning-related litigation that was pending in the state  
2 at the time.

3 Fast-forwarding to 2016, that litigation had  
4 been settled, and it was becoming increasingly apparent  
5 that there was a need to move forward with completing  
6 the zoning effort due to the pace of development  
7 activity around the airport. Based on coordination  
8 with MnDOT, it was determined that too much time had  
9 passed just to pick up where we had left off in early  
10 2011 without reconvening the Board and reengaging with  
11 stakeholders.

12 To accomplish this, the first meeting of the  
13 reconvened Joint Airport Zoning Board was held in  
14 September of 2017. Between then and now, the JAZB has  
15 been working to update the draft airport zoning  
16 ordinance and supporting studies, which include a  
17 safety/risk study and an economic impact analysis.  
18 These updates validate the original JAZB  
19 recommendations pertaining to the major elements of the  
20 proposed zoning ordinance, so only minor updates are  
21 being proposed at this time, and we'll go through what  
22 those are here in a few moments.

23 At its meeting a few weeks ago on January 18th,  
24 the JAZB formally approved an updated version of the  
25 zoning ordinance for formal public review and comment,

1 and that is serving as the basis for this public  
2 hearing tonight.

3 So moving into the ordinance itself. This  
4 slide shows the airfield configuration that served as  
5 the basis for the updated draft ordinance. Runway  
6 18-36, which is the north-south crosswind runway -- if  
7 you can see the cursor moving here -- was incorporated  
8 into the ordinance at its current length of 2,691 feet.  
9 In the previous version of the ordinance, this runway  
10 was shown to be extended to a slightly longer length.

11 Meanwhile, the north parallel runway 10L-28R  
12 here was incorporated as a utility category runway,  
13 whereas in the previous ordinance, it had a different  
14 designation. The distinction between the designations  
15 has to do with the types and the weights of aircraft  
16 that use the runway on a regular basis. Since the  
17 north parallel runway does not accommodate a lot of  
18 larger, heavier aircraft types, the utility runway  
19 designation is appropriate. The length, width, and  
20 operational characteristics of the north parallel  
21 runway are not affected by the change.

22 From a zoning and land use perspective, the  
23 change results in a smaller protection zone at the end  
24 of the north parallel runway -- at each end of the  
25 north parallel runway. From an airspace and height

1 limitation perspective, it also results in a steeper or  
2 less restrictive approach surface slope. As noted on  
3 the slide, these configuration changes from the 2010  
4 draft ordinance result in less restrictive zoning  
5 areas.

6 The draft airport zoning ordinance continues to  
7 have two primary components: Height limitations and  
8 land use limitations. We'll cover both, starting with  
9 the height limitations item.

10 The draft zoning ordinance establishes an  
11 airspace zone to limit the height of structures and  
12 vegetation out to approximately 2 miles to the west of  
13 the airport and out to approximately 1 1/2 miles around  
14 the airport and other areas. The airspace zone heights  
15 are based on the FAA's airspace criteria.

16 If a proposed development seeks to penetrate  
17 the height limitations stipulated by an airspace zone,  
18 a variance will have to be granted for that penetration  
19 by a Board of Adjustment. The Board of Adjustment is  
20 proposed to be comprised of members of the Metropolitan  
21 Airports Commission.

22 The ordinance does provide for an exception  
23 from seeking a variance for an airspace surface  
24 penetration. If the applicant submits an aeronautical  
25 study review case to the FAA and the FAA determines

1 that the object penetrating the surface would not be a  
2 hazard to air navigation and would not require changes  
3 to airport operations, and the proponent complies with  
4 any conditions included in the FAA's determination,  
5 then no variance would be required.

6 Now, the draft ordinance includes a set of grid  
7 maps that show the airspace zone heights in 10-foot  
8 intervals for areas surrounding the airport. As an  
9 example, what's on the slide shows grid location C3,  
10 which is on the northwest side of the airport. Just  
11 for orientation purposes, each of the graphics in the  
12 zoning ordinance has an index at the bottom that shows  
13 the geographic grid of the spreads -- geographic spread  
14 of the grids -- I'm sorry -- each of which has its own  
15 grid map in the document. The heights on these grid  
16 maps are expressed as above mean sea level, not above  
17 ground level, so to calculate the height above the  
18 ground of this airspace zone, one must subtract the  
19 ground elevation from the airspace elevation.

20 To provide more specificity and perhaps clarity  
21 on the allowable heights for each parcel, we have  
22 created another set of grid maps called "Maximum  
23 Construction Heights Without Permit." These maps  
24 establish a height per parcel up to which an airport  
25 zoning permit is not needed.



1           Now, as a point of clarification, an airport  
2 zoning permit is different than a variance issued by  
3 the Board of Adjustment. For example, if a proposed  
4 development does not exceed the maximum construction  
5 height without permit elevation, no zoning permit or  
6 variance is needed; however, an FAA airspace review may  
7 still be required. If a proposed development exceeds  
8 the maximum construction height without permit  
9 elevation, but does not penetrate an airspace zone, the  
10 applicant will need to obtain an airport zoning permit  
11 from the city zoning administrator, but not a variance.

12           The maximum construction heights without permit  
13 are intended to provide a buffer below the airspace  
14 surfaces -- I'm sorry -- the airspace zones, and we  
15 think it's prudent for the city zoning professionals to  
16 review proposed developments that are getting close to  
17 penetrating the airspace zones. If a proposed  
18 development exceeds both the maximum construction  
19 height without permit elevation and penetrates the  
20 airspace zone, then both an airport zoning permit and a  
21 variance would be needed.

22           The draft ordinance also contains a series of  
23 grid maps showing the maximum construction heights  
24 without a permit that have been calculated for each  
25 parcel within the zoning area. This example continues

1 to use the grid section C3, again, on the northwest  
2 side of the airport. Each of the heights shown is  
3 expressed as above ground level, making it easier to  
4 interpret views in the previous airspace zone grid  
5 maps.

6 These heights were calculated by identifying  
7 the location of each parcel where the highest ground  
8 level was under the lowest airspace zone elevation. We  
9 then subtracted the ground elevation from the airspace  
10 height and then rounded it down to the nearest 10-foot  
11 interval. In the vast majority of cases, we found that  
12 the airport zoning height limitations would be less  
13 restrictive than the maximum structure heights allowed  
14 in municipal zoning codes.

15 Next we'll move on to the land use safety  
16 zones. The draft ordinance provides three safety  
17 zones, Zones A, B, and C. JAZB Safety Zone A is the  
18 most restrictive zone, and that's located immediately  
19 off the ends of the runways and prohibits structures  
20 and trees.

21 JAZB Safety Zone B is a less restrictive zone,  
22 located further off the runway ends, that contains  
23 prohibitions against certain land uses. Residential  
24 development is allowed in permanent residential areas  
25 within JAZB Safety Zone B.

1 JAZB Safety Zone C is the least restrictive  
2 zone and contains general land use restrictions against  
3 interfering with flight activity at Flying Cloud  
4 Airport.

5 Next, I'm going to go into a little more detail  
6 on each of those zones, starting with Zone C and then  
7 working back in towards Zone A.

8 JAZB Safety Zone C is shown by the black  
9 ellipsoid line on the slide. It's established by  
10 drawing radiuses of specified distances from the runway  
11 ends. Again, it is the least restrictive safety zone  
12 in that it calls for general prohibitions that would  
13 interfere with flight activity at Flying Cloud Airport.

14 Even though the language here may seem a bit  
15 technical, the uses prohibited in Zone C are generally  
16 commonsense items that the vast majority of people  
17 wouldn't partake in anyway. For example, use of a  
18 high-powered radio transmitter that would interfere  
19 with navigational aids at the airport or would  
20 interfere with communications between aircraft and air  
21 traffic controllers would be a use that we would be  
22 trying to prevent. Another example of an undesirable  
23 use would be bright uplighting, like searchlights or  
24 lasers pointed into the sky that could blind pilots.

25 We did receive a question via e-mail from an

1 area resident asking if we were seeking to prohibit the  
2 use of rooftop solar panels on homes within Zone C due  
3 to glare concerns. In response, we want to clarify  
4 that the draft ordinance does not seek to prohibit  
5 residential solar installations. If a particular solar  
6 installation is determined to cause glare issues for  
7 pilots, using the airport, we would want to work with  
8 that property owner to mitigate to the extent practical  
9 that visual impairment. However, based on operational  
10 experience, the likelihood of a typical residential  
11 rooftop solar installation to cause a glare problem is  
12 expected to be a very rare occasion.

13 In the event that a property owner wishes to be  
14 proactive about the potential of glare concerns from a  
15 specific solar installation, there is an option of  
16 submitting an airspace review case to the appropriate  
17 agencies to take a look at it in advance.

18 And finally, the land use controls established  
19 for JAZB Zone C apply to the other two JAZB safety  
20 zones as well.

21 Next, we'll move inward to Safety Zone B, which  
22 is shown on this graphic as green trapezoids. JAZB  
23 Safety Zone B is more restrictive than C but less  
24 restrictive than A. It prohibits certain land uses,  
25 such as amphitheaters and theaters, churches,

1 hospitals, nursing homes, schools, stadiums, and  
2 wildlife attractants, particularly those attractants  
3 that would attract waterfowl like the Canada goose.

4 The length and outer width of the proposed JAZB  
5 Safety Zone B is based on MnDOT's state model zone  
6 dimensions; however, the draft JAZB ordinance is  
7 proposing less stringent land use controls than those  
8 prescribed by MnDOT's state model. For example, JAZB  
9 Safety Zone B does not prescribe a minimum parcel size  
10 for development, nor does it limit site populations  
11 based on site acreage. These limitations were relaxed  
12 in the JAZB ordinance based on the results of a  
13 detailed safety/risk study and economic impact analysis  
14 that were specific to the conditions at Flying Cloud  
15 Airport.

16 As another feature, the proposed JAZB Safety  
17 Zone B allows for the improvement, expansion of  
18 existing, and development of new residential uses in  
19 areas guided for residential development and designated  
20 in the ordinance as permitted residential areas. These  
21 permitted residential areas, as shown with green  
22 shading on this slide, are recognized and treated as  
23 conforming land uses in the draft ordinance.

24 Finally, JAZB Safety Zone B contains a  
25 requirement to provide a minimum of 20 percent of the

1 total Zone B acreage or 20 acres, whichever is greater,  
2 to remain as continuous open space. The purpose for  
3 the open space is to provide an extra margin of safety  
4 by providing a large area for the pilot of a disabled  
5 aircraft to be able to make an emergency landing,  
6 should that be needed. The open space requirement  
7 applies to the totality of the proposed JAZB Safety  
8 Zone B area and does not apply to each parcel within  
9 the zone.

10 As shown on the yellow shading on the slide,  
11 the Zone B open space requirement is easily met by  
12 existing airport-owned land, along with other  
13 off-airport property guided to remain as open space or  
14 otherwise not expected to be regularly occupied.

15 Lastly, JAZB Safety Zone A is shown by the blue  
16 trapezoid on the slide. As mentioned before, it's the  
17 most restrictive safety zone, that structures are  
18 prohibited unless needed for aviation purposes.

19 JAZB Safety Zone A is the same shape and size  
20 as the FAA-defined runway protection zone, or RPZ, off  
21 the ends of each runway. The runway protection zone  
22 has very similar land use restrictions mandated by the  
23 FAA, so it makes sense to pair the RPZ and Safety  
24 Zone A together.

25 The joint runway protection zone in Safety

1 Zone A are smaller than the Zone A prescribed in  
2 MnDOT's state model. Again, the results of the  
3 detailed safety/risk study and economic impact analysis  
4 suggests that the draft JAZB ordinance provides the  
5 reasonable level of safety that we are seeking.

6 Regarding the actual ordinance itself, we  
7 reviewed the draft language from 2010 to see if any  
8 elements needed to be updated. We did make a few minor  
9 text updates, primarily to update the zone descriptions  
10 and dimensions that changed the airfield configuration  
11 items that we previously discussed.

12 We also made a few other minor edits, such as  
13 removing the City of Bloomington from the list of JAZB  
14 participants since the proposed zoning surfaces do not  
15 extend into the municipal boundary, and also clarified  
16 a few items related to airspace evaluations and  
17 judicial review procedures. Other than these minor  
18 edits and clarifications, there were no substantial  
19 differences between the draft ordinance moving forward  
20 now and the one that moved forward back in 2010. We do  
21 have a track-changed version of the draft ordinance  
22 language available, so anyone interested to see the  
23 exact edits that have been made to the previous version  
24 of the ordinance can see them.

25 Which brings us to the next steps for the

1 process. This public comment period is open until  
2 Wednesday, March 14th. If you would like to provide  
3 written comments beyond any verbal testimony that you  
4 make here tonight, you can either fill out a comment  
5 form before you leave -- and Shelly in the back can  
6 point you to those if you're interested in that -- you  
7 can mail comments to us at the address in the notice or  
8 on the slide, or you can send them via e-mail as well.  
9 The e-mail address is in the notice for your use.

10 After the public comment period closes, the  
11 JAZB will review all testimony and comments submitted,  
12 then it will schedule its next meeting to discuss any  
13 proposed changes to the draft ordinance based on public  
14 input and the timeline for submittal to MnDOT.

15 After submitting the draft ordinance to MnDOT,  
16 the Board will await their comments and then work to  
17 address any feedback items that they have. We do  
18 expect that MnDOT will provide comments relative to  
19 areas where the draft JAZB ordinance deviates from the  
20 state model, and we look forward to productive dialogue  
21 with them about the justifications for those deviations  
22 based on the robust technical work of this group.

23 After MnDOT approves the airport zoning  
24 ordinance, we will hold another public hearing to  
25 present the final version to interested community



1 members, then the JAZB will take action to formally  
2 adopt the final ordinance, to be followed by formal  
3 adoption and implementation by the participating  
4 municipalities. We hope to finalize these steps yet  
5 during 2018.

6 So, Chair Aho, that concludes my presentation,  
7 but I would be happy for a few minutes to take  
8 questions until the public hearing starts at 6:30, if  
9 that would be something you would like to do.

10 CHAIR AHO: Yeah. So that gives about 5  
11 minutes. So if anyone has questions, now would be a  
12 good time, because during the public testimony, we're  
13 really just receiving testimony. We're not here to  
14 answer questions as part of this. We're just going to  
15 read -- or hear the testimony and read it into the  
16 record.

17 So if anyone has a question for Mr. Ralston,  
18 now would be a great time to do that.

19 MR. TRAUGHBER: Hi. My name is Tom  
20 Traughber. I live on Red Rock Lake, and I have a  
21 federally licensed amateur radio station with a 60-foot  
22 radio tower, and I do emit electronic emissions. It  
23 seems like this --

24 (Interruption in proceedings.)

25 MR. TRAUGHBER: So I'm wondering, given

1 that my station has a federal license, how is this  
2 Zone C going to impact my operation?

3 MR. RALSTON: Sir, it will not. If you  
4 have a federal license and it doesn't have any -- your  
5 activity does not have any adverse impact on flight  
6 activity at the airport, which if you've been doing  
7 this for a while, it sounds like --

8 MR. TRAUGHBER: Twenty years.

9 MR. RALSTON: -- it hasn't, it's not going  
10 to impact it.

11 MR. TRAUGHBER: Thank you.

12 MR. RALSTON: You're welcome.

13 CHAIR AHO: Anyone else have any questions  
14 that they'd like to ask?

15 MS. LANGSDORF: Does it affect any  
16 cellular towers or radio station -- you know, us  
17 getting service?

18 MR. RALSTON: No. No. I mean, we're  
19 trying to protect against things that would interfere  
20 with the use of the existing equipment on the airport  
21 or the communications between pilots and air traffic  
22 controllers, and, I mean, these things are all going on  
23 today. So cell phones' frequencies tend to be on a  
24 completely different frequency spectrum than aviation  
25 frequencies. There's not going to be any changes. We

1 just want to be able to address any issues that come up  
2 with somebody using some very specialized equipment  
3 that would start having interference. It's highly  
4 unlikely to happen, but it's one of those things we  
5 want to protect against.

6 MS. LANGSDORF: Thank you.

7 MR. RALSTON: You're welcome.

8 CHAIR AHO: Any other questions?

9 (No response.)

10 CHAIR AHO: It looks like you did a great  
11 job and you've answered all the questions, and I think  
12 everyone is happy.

13 So at this time -- well, at 6:30, we've got  
14 2 minutes left, then we'll start taking public  
15 testimony.

16 Mr. Beard.

17 MR. BEARD: Well, Mr. Chairman, as long as  
18 we're kind of running in place waiting for the clock to  
19 wind down ...

20 CHAIR AHO: Yep.

21 MR. BEARD: Neil, I'm interested in Safety  
22 Zone A. It's smaller than MnDOT's -- what MnDOT likes  
23 to see. Can you talk about how the commissioners are  
24 going to react to that, or have we had any experience  
25 with dealing with that? I've had some past experience

1 with that thousand-foot RPZ, they're pretty proud of  
2 that, and we're asking, I think, for a variance from  
3 that, if I'm not mistaken.

4 MR. RALSTON: Yeah, Commissioner, Board  
5 members, we are proposing that the Safety Zone A in the  
6 JAZB ordinance is a concurrent full size and shape with  
7 the FAA's runway protection zone. We do have that in  
8 place at MSP. That was part of the zoning ordinance at  
9 the Minneapolis-St. Paul International Airport. We  
10 believe that, you know, the FAA's criteria related to  
11 the RPZ is very consistent with what MnDOT would have  
12 in Zone A, and that it makes a lot of sense to pair  
13 them together. We hope MnDOT agrees that it's  
14 reasonable to make that correlation.

15 MR. BEARD: So, Mr. Chairman, then to be  
16 clear, Neil, what you're proposing in this revised  
17 zoning ordinance here comports with the FAA's  
18 protection zone; MnDOT's is a little more expansive  
19 than what the FAA is subscribing -- or prescribing?

20 MR. RALSTON: That's --

21 MR. BEARD: Okay.

22 MR. RALSTON: Sir, that is correct.

23 MR. BEARD: Thanks.

24 CHAIR AHO: Great. Thank you.

25 Any other questions from commissioners or

1 anyone in the audience?

2 Go ahead, sir.

3 MR. WINGERT: I have a question. I  
4 apologize, I was late.

5 You know, when we had the Super Bowl here, we  
6 had planes everywhere in Flying Cloud and there was a  
7 lot of noise. Do you -- is this a proposal to expand  
8 the runways and have bigger aircraft?

9 MR. RALSTON: No, sir. This has to do  
10 with -- the zoning ordinance has to do with land use  
11 and height restrictions around the airport to provide a  
12 balance between protecting pilots and people on the  
13 ground. It has nothing to do with expanding the  
14 airport.

15 MR. WINGERT: Larger aircraft coming here?  
16 It has nothing to do with larger aircraft?

17 MR. RALSTON: That is correct.

18 MR. WINGERT: Okay.

19 MR. RALSTON: This is purely to protect  
20 the existing infrastructure.

21 MR. TSCHOHL: Mr. Chair?

22 CHAIR AHO: Yes.

23 MR. TSCHOHL: One more question. There  
24 were two questions from the public about radio  
25 transmitters, other sources of interference. Just for

1 the record, would anything licensed by the FCC not be  
2 affected by this? Is that your understanding?

3 MR. RALSTON: My understanding is anything  
4 licensed by the FCC would have that review built in to  
5 make sure that it would not interfere with aviation  
6 frequencies.

7 MR. TSCHOHL: Thank you.

8 CHAIR AHO: All right. Well, it is 6:30  
9 now, so now I'd like to open the floor up to comments  
10 by the public.

11 So we'll now take public testimony. Again,  
12 speaker cards are located at the entrance to this room,  
13 so if you've not filled out a card but would like to  
14 speak, please raise your hand and a card will be  
15 brought to you. We will not be answering any more  
16 public questions tonight. Really, this is just about  
17 hearing from the public on the Joint Airport Zoning  
18 Board proposed zoning.

19 And so we are not going to be taking any action  
20 or making any recommendation tonight. All of the  
21 verbal and written comments will be taken into  
22 consideration before taking final action at a future  
23 meeting of the Joint Airport Zoning Board.

24 So a reminder to all of the JAZB members,  
25 tonight's hearing is primarily for the public to

1 provide comments. Once the hearing is complete and all  
2 comments are received, we, the JAZB members, will have  
3 our chance to review the public record and deliberate  
4 before voting. While the chair does not wish to  
5 discourage JAZB members' questions or discussion today,  
6 it might be better to hold them for a later meeting  
7 when we have the benefit of the full public record.

8 And again, the public record is open, as  
9 Mr. Neil said, until 5 p.m. on Wednesday, March 14th,  
10 2018. So there's a few weeks for people to get their  
11 notes into the public record, and if you want to -- oh,  
12 entering -- so, yeah. Let's see here.

13 If you want to deliver materials, you may make  
14 it a part of the record. Deliver them to the Board  
15 secretary at the Metropolitan Airports Commission,  
16 which is located at 6040 28th Avenue South,  
17 Minneapolis, Minnesota 55450, or you may transmit them  
18 by e-mail to [fczoning@mspamc.org](mailto:fczoning@mspamc.org) [sic]. And if you  
19 need that again, talk to someone and we'll get that for  
20 you.

21 But finally, the Board requests that the public  
22 testimony focus on the proposed Flying Cloud Airport  
23 Zoning Ordinance. And again, let me note that this is  
24 not a public hearing on airport noise.

25 So at this time I don't have any cards for

1 requested speakers. I see we do have some back in the  
2 back. Would you mind bringing those forward, and then  
3 I will call the people forward as --

4 MS. CAMBRIDGE: These are blanks.

5 MR. RALSTON: Mr. Chair, while we're doing  
6 that, I have a couple exhibits I'd like to enter into  
7 the formal public meeting record, if that would be  
8 okay.

9 CHAIR AHO: Okay. Oh, I see.

10 I'm sorry, say that again.

11 MR. RALSTON: I have a couple exhibits  
12 that I'd like to enter into the public record before we  
13 go into public testimony, so --

14 CHAIR AHO: Yes, I see that. I skipped  
15 that part. I apologize.

16 MR. RALSTON: It's okay. Not to worry.

17 CHAIR AHO: So, yes, please -- at this  
18 time, Mr. Ralston, please proceed with entering those  
19 into the public record.

20 MR. RALSTON: All right. Thank you, Chair  
21 Aho.

22 Notice of this public hearing was published in  
23 several places: First of all, the Star Tribune  
24 newspaper on February 12th and February 19th, 2018; it  
25 was published in the Eden Prairie News newspaper on



1 February 15th; and in the State Register on February  
2 12th. In addition, notices were mailed to the  
3 governing boards of the JAZB members' cities, Hennepin  
4 and Scott Counties, to property owners within  
5 approximately 1 mile of the Flying Cloud Airport  
6 boundary as determined by the City of Eden Prairie, and  
7 distributed electronically to persons subscribing to  
8 the Metropolitan Airports Commission GovDelivery news  
9 service.

10 Notice was also posted on the Flying Cloud  
11 Airport JAZB page of the MAC website. The notice and  
12 proposed Flying Cloud Airport Zoning Ordinance were  
13 made available for public inspection at the following  
14 locations: The Metropolitan Airports Commission main  
15 office, the city halls of the cities of Eden Prairie,  
16 Shakopee, and Chanhassen, and at the Eden Prairie  
17 Library.

18 The following exhibits that are part of the  
19 public hearing record at this point in time will be  
20 entered into the formal record.

21 First is Exhibit A, which is the Draft Flying  
22 Cloud Airport Zoning Ordinance that's dated January  
23 18th, 2018.

24 Exhibit B is the Draft Flying Cloud Airport  
25 Zoning Ordinance Technical Report, dated January 18th,

1 2018, and updated on February 6th, 2018.

2 Exhibit C is the public presentation that I  
3 made this evening here at the public hearing.

4 Exhibit D is the notice of public comment  
5 period and public hearing for the Draft Flying Cloud  
6 Airport Zoning Ordinance. That's the letter that most  
7 of you should have received in the mail.

8 Exhibit E is the affidavits of publication on  
9 the public notice -- of the public notice in the Star  
10 Tribune, Eden Prairie News, and State Register, dated  
11 February 23rd, February 21st, and February 12th, 2018,  
12 respectively.

13 Exhibit F is the affidavit of mailing of the  
14 public notice, dated February 12th, 2018.

15 Exhibit G is the affidavit of web posting of  
16 the public notice, dated February 26th, 2018.

17 Exhibit H is the affidavit of GovDelivery  
18 distribution of the public notice, dated February 26th,  
19 2018.

20 And last but certainly not least, Exhibit I is  
21 the Flying Cloud Airport Joint Airport Zoning Board  
22 record for the meeting held on January 18th, 2018.

23 CHAIR AHO: All right. Thank you,  
24 Mr. Ralston, for reading that into the record. Sorry I  
25 missed you the first time.

1           Okay. Now we are open to comments by the  
2 public. So is there anyone that wishes to speak and  
3 make comments on the proposed Flying Cloud Airport  
4 Zoning Ordinance?

5           (No response.)

6           CHAIR AHO: And again, if you don't want  
7 to make them tonight formally at this meeting, you have  
8 until March 14th to do so, and that can be through  
9 e-mail, and the e-mail address was in the presentation.  
10 What I read just a moment ago was incorrect. It should  
11 be fcm.zoning@mspmac.org, mspmac.org. So that's the  
12 correct e-mail address. So if anyone wants to --  
13 wishes to do that, you can do it by e-mail or you can  
14 do it by mailing it in or stopping in at the  
15 commission.

16           So is there any -- I'll give you another  
17 opportunity. Anyone that wishes to make public comment  
18 on the proposed zoning?

19           (No response.)

20           CHAIR AHO: All right. I'll ask one more  
21 time. Any further comments? Anyone like to make any  
22 comments?

23           (No response.)

24           CHAIR AHO: Seeing none, I will close the  
25 public hearing, and I'd like to remind everyone that

1 the hearing record will remain open until 5 p.m.,  
2 Wednesday, March 14th, 2018. You may mail or deliver  
3 the materials that you wish to make a part of the  
4 record to the Board secretary at the Metropolitan  
5 Airports Commission, located at 6040 28th Avenue South,  
6 Minneapolis, Minnesota 55450, or you may transmit them  
7 by e-mail to fcm.zoning@mspm.org.

8 Under state law, there's a number of additional  
9 steps that must take place prior to the adoption of a  
10 zoning ordinance, and Mr. Ralston went over those steps  
11 just previously. After the close of the comment  
12 period, this JAZB Board will meet again and we will  
13 review those public comments and decide whether to make  
14 any changes to this draft zoning airport -- airport  
15 zoning ordinance.

16 This ordinance would then be submitted to the  
17 commissioner for the Minnesota Department of  
18 Transportation for review and approval. After the  
19 commissioner's review, the JAZB will hold a second  
20 public hearing and submit the proposed ordinance to the  
21 Commissioner of Transportation a second time prior to  
22 adopting a zoning ordinance at the subsequent meeting.

23 So I'd like to just take this opportunity to  
24 thank everyone for your attention, thank you for coming  
25 out and participating, and we appreciate the interest

1 in our airport and the zoning around it.

2 So thank you for attending, and the public  
3 hearing is now closed, and the meeting of the Joint  
4 Airport Zoning Board is adjourned.

5 Thank you.

6 (Proceedings concluded at 6:40 p.m.)

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REPORTER'S CERTIFICATE

I, Caitlin J. Albrecht, Notary Public of and for the State of Minnesota, do hereby certify that the foregoing pages of typewritten material constitutes an accurate verbatim stenographic record taken by me of the Arbitration Proceedings aforementioned on the 27th day of February, 2018, at the times and place specified.

DATED: March 8, 2018.



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Caitlin J. Albrecht

**Item D –**  
Public Presentation Slides

# Flying Cloud Airport

## Joint Airport Zoning Board



27 February 2018

Public Hearing #1 – Overview of Proposed Airport Zoning Ordinance

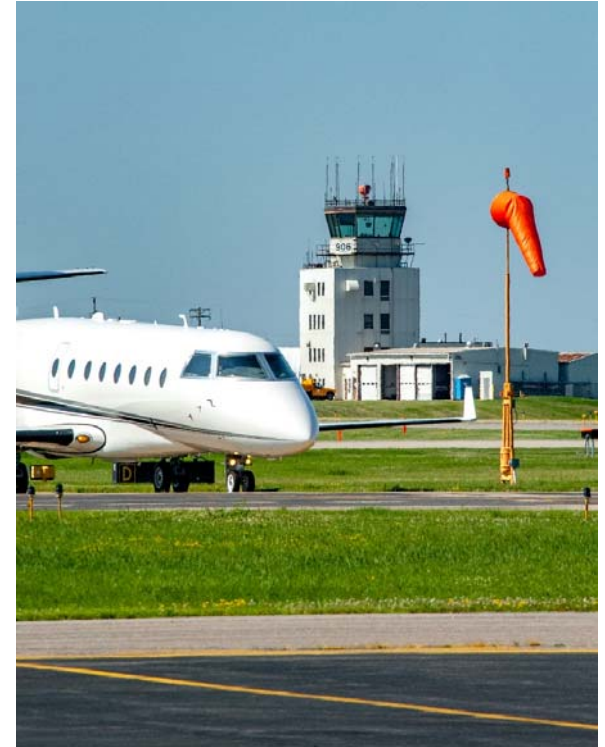


# Presentation Agenda

- Purpose & Goals
- Review of FCM Zoning Historical Timeline
- Summary of Draft FCM Airport Zoning Ordinance
- Next Steps

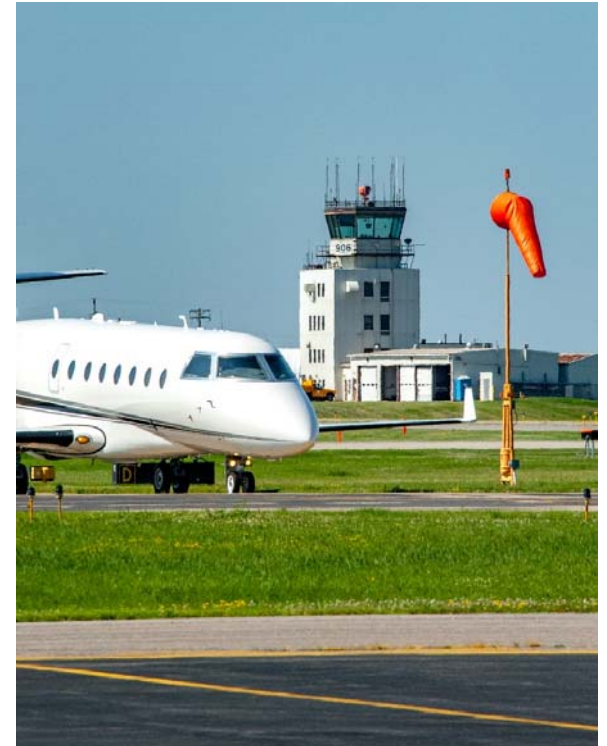
**Terminology Key:**

- Flying Cloud Airport = FCM
- Joint Airport Zoning Board = JAZB
- Minnesota Department of Transportation, Office of Aeronautics = MnDOT
- Federal Aviation Administration = FAA



# Presentation Agenda

- **Purpose & Goals**
- Review of FCM Zoning Historical Timeline
- Summary of Draft FCM Airport Zoning Ordinance
- Next Steps



# JAZB Purpose & Goals

## **Why is airport safety zoning important now?**

- State requirements/expectations and funding implications
- Pace of development in the vicinity of Flying Cloud Airport is increasing
- Revenue-generating use opportunities on airport property
- Certainty for surrounding community
- Finish what was started in 2009



# JAZB Purpose & Goals

Through a collaborative process, the JAZB seeks to develop an airport zoning ordinance that achieves a **balance** between a reasonable level of **public safety** and compatible **community development**.



In determining what minimum airport zoning regulations to adopt, Minnesota State Statutes guide the JAZB to consider the **social and economic costs of restricting land uses** versus the **benefits derived from a strict application of the standards of the commissioner** (the State Model Zoning Ordinance).

# JAZB Purpose & Goals

Goals for the FCM JAZB include:

- Develop an FCM zoning ordinance for review and approval by the Commissioner of Transportation for subsequent adoption by the Board and then by local communities
- Update relevant sections of 2010 draft Zoning Ordinance to reflect current conditions
- Ensure appropriate level of stakeholder/community engagement



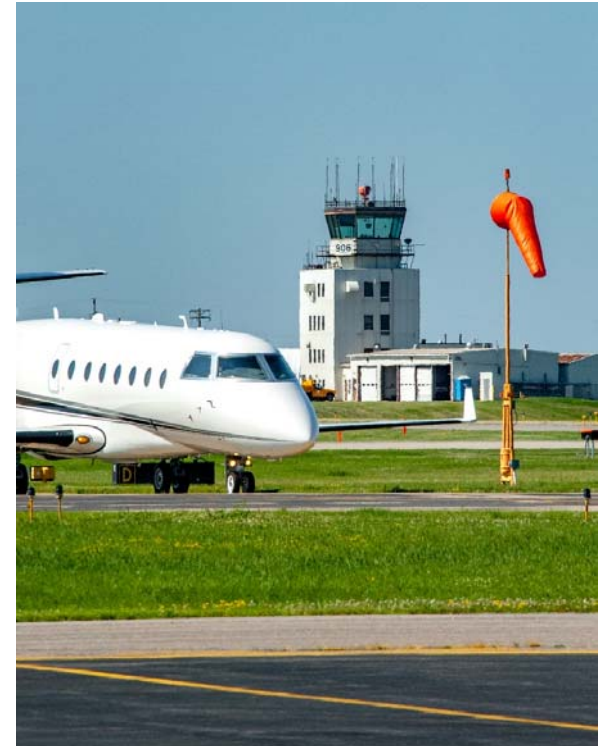
## JAZB Participants

City of Eden Prairie  
City of Shakopee

City of Chanhassen  
Metropolitan Airports Commission

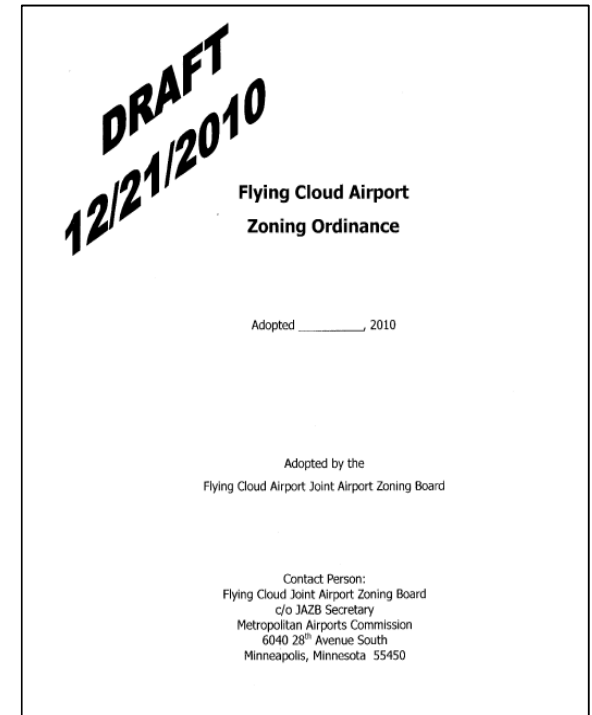
# Presentation Agenda

- Purpose & Goals
- **Review of FCM Zoning Historical Timeline**
- Summary of Draft FCM Airport Zoning Ordinance
- Next Steps



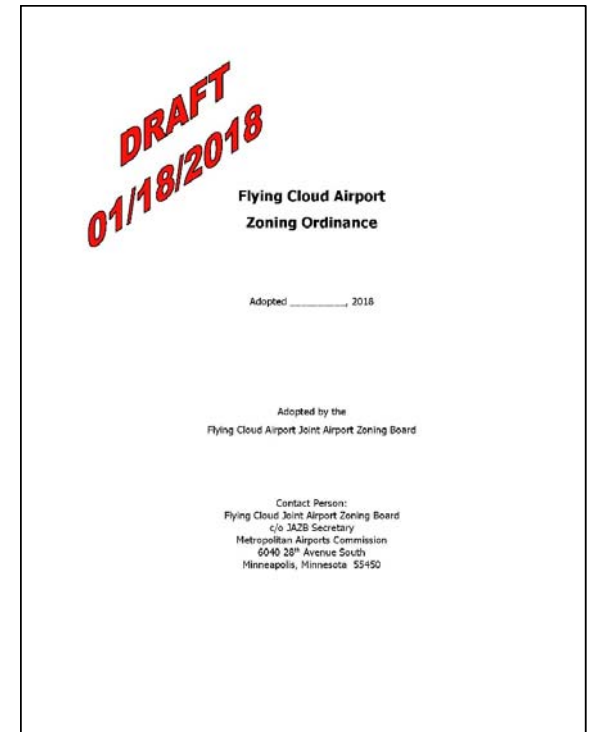
# JAZB Historical Timeline and Accomplishments

- **July 2009:** First FCM JAZB meeting
- **August 2009 – April 2010:** JAZB develops Draft Airport Zoning Ordinance
- **April 2010:** First Public Hearing for the draft Ordinance
- **December 2010:** JAZB approves submittal of Draft Airport Zoning Ordinance to MnDOT Commissioner
- **Early 2011:** MAC requests that MnDOT temporarily suspend Ordinance review due to legal uncertainties surrounding airport zoning related litigation pending at the time
- **2011 – 2015:** Court cases resolved
- **2016:** Decision made to re-convene FCM JAZB to move forward with the Draft Airport Zoning Ordinance



# JAZB Historical Timeline and Accomplishments

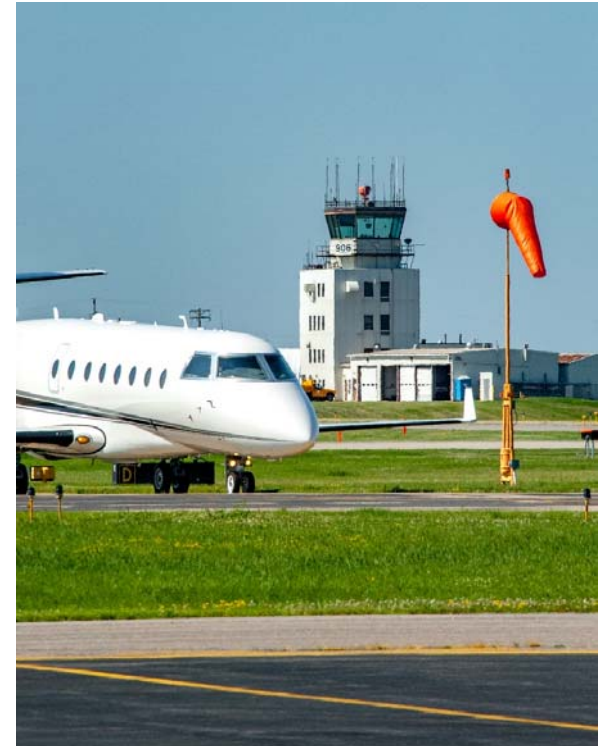
- **September 2017:** First meeting of the re-convened FCM JAZB
- **October 2017 – January 2018:** JAZB reviews/updates Draft Airport Zoning Ordinance
  - Included updates to supporting studies: Safety/Risk Study and Economic Impact Analysis
- **January 18, 2018:** FCM JAZB formally approves updated Draft FCM Airport Zoning Ordinance for public review, comment, and hearing
- **February 27, 2018:** Public Hearing for updated Draft Airport Zoning Ordinance





# Presentation Agenda

- Purpose & Goals
- Review of FCM Zoning Historical Timeline
- **Summary of Draft FCM Airport Zoning Ordinance**
- Next Steps



# FCM Airfield Configuration

## Runway 18-36 Length

- Updated Zoning Ordinance – 2,691 feet (existing length)
  - 2010 Draft Zoning Ordinance – 2,800 feet

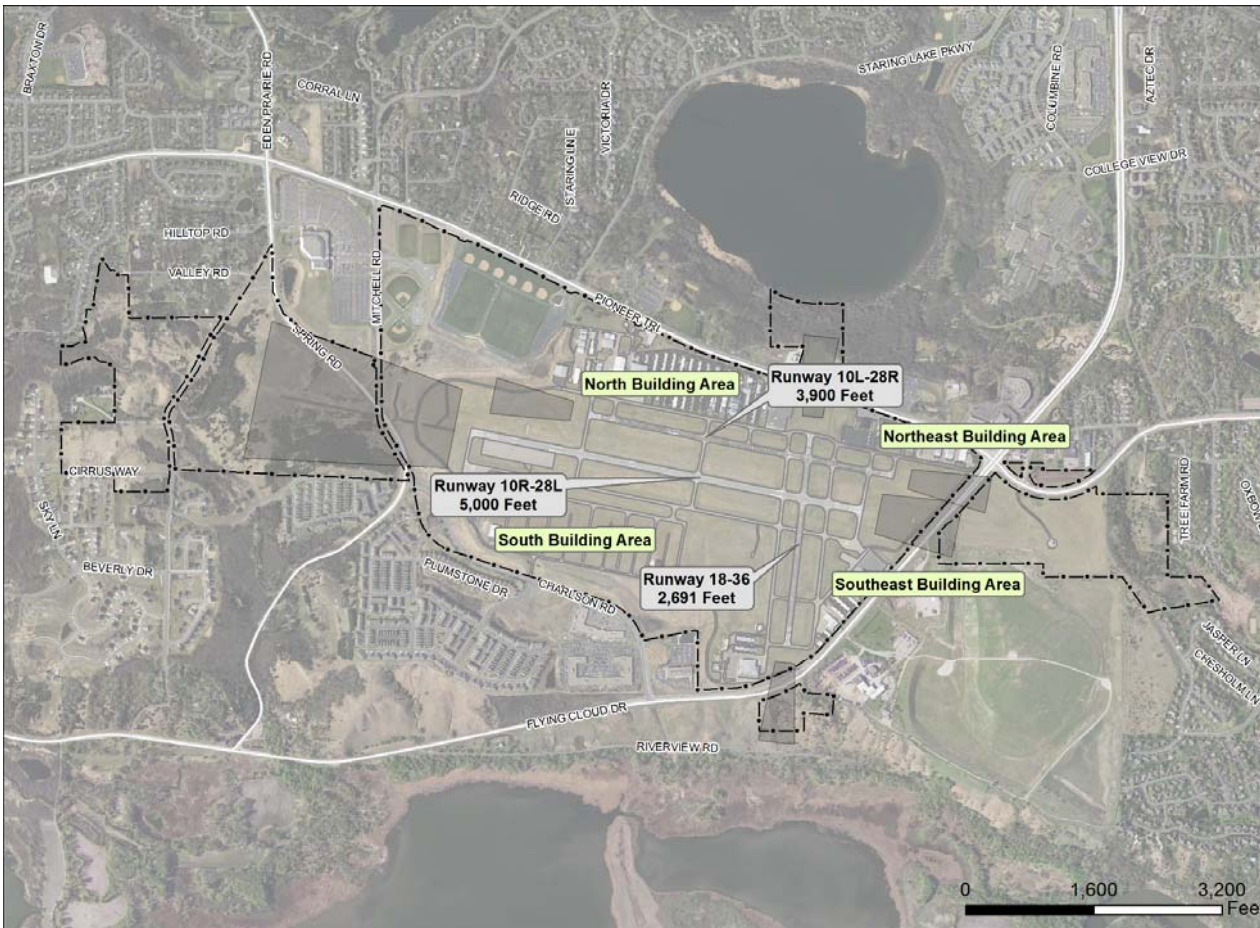
## Runway 10L–28R (north parallel)

- Updated Zoning Ordinance – “Utility” designation
  - 2010 Draft Zoning Ordinance – “Other Than Utility” designation
  - No change to length or width

## Runway 10R–28L (south parallel)

- No change

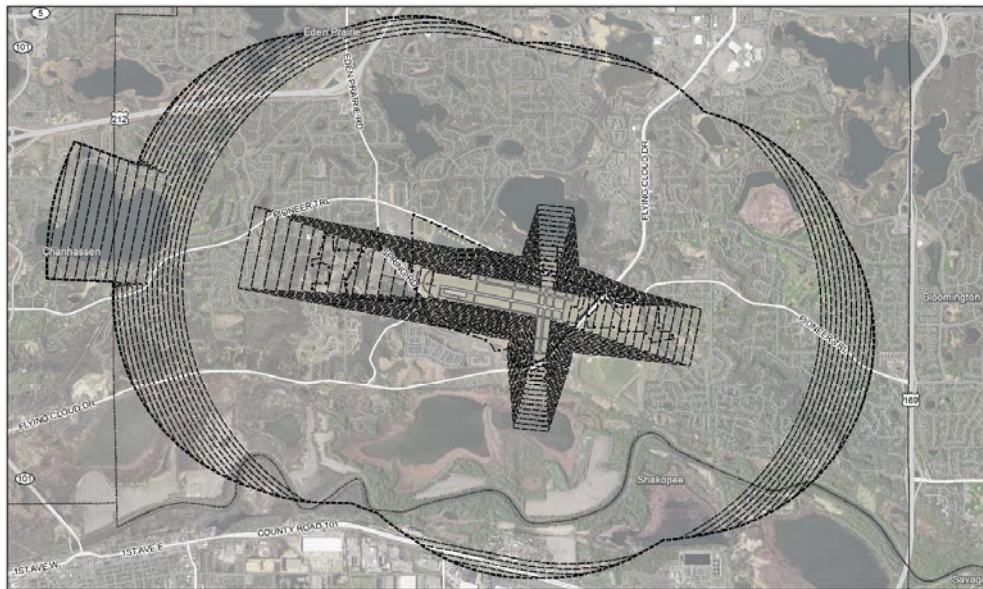
*Airfield configuration changes from the 2010 Draft Zoning Ordinance result in less restrictive zoning areas*



# Airport Zoning Ordinance Overview

## Two primary components

### Height Limitations



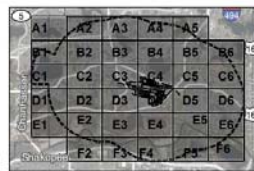
**FCM Safety Zones  
Within Zoning Limits**

**MCH - Airspace**

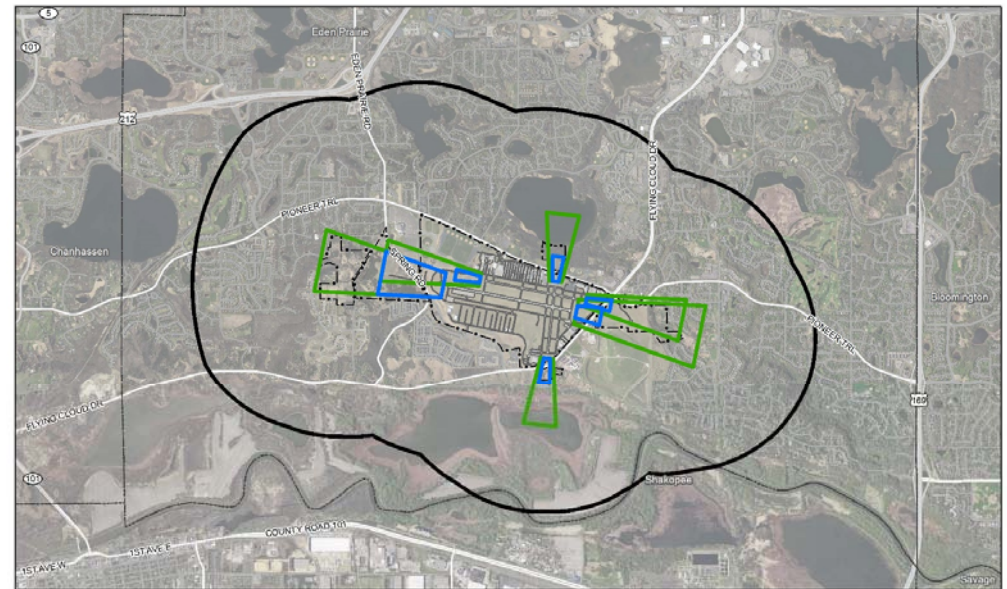
- FCM Property Line
- Part 77 Contours
- Airspace Zoning Limit



0 3,000 6,000 Feet



### Land Use Limitations



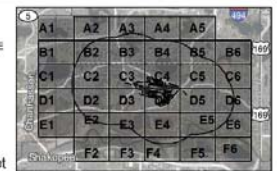
**FCM Safety Zones  
Within Zoning Limits**

**SZ - Index Sheet**

- FCM Property Line
- JAZB Zone A
- JAZB Zone B
- JAZB Zone C



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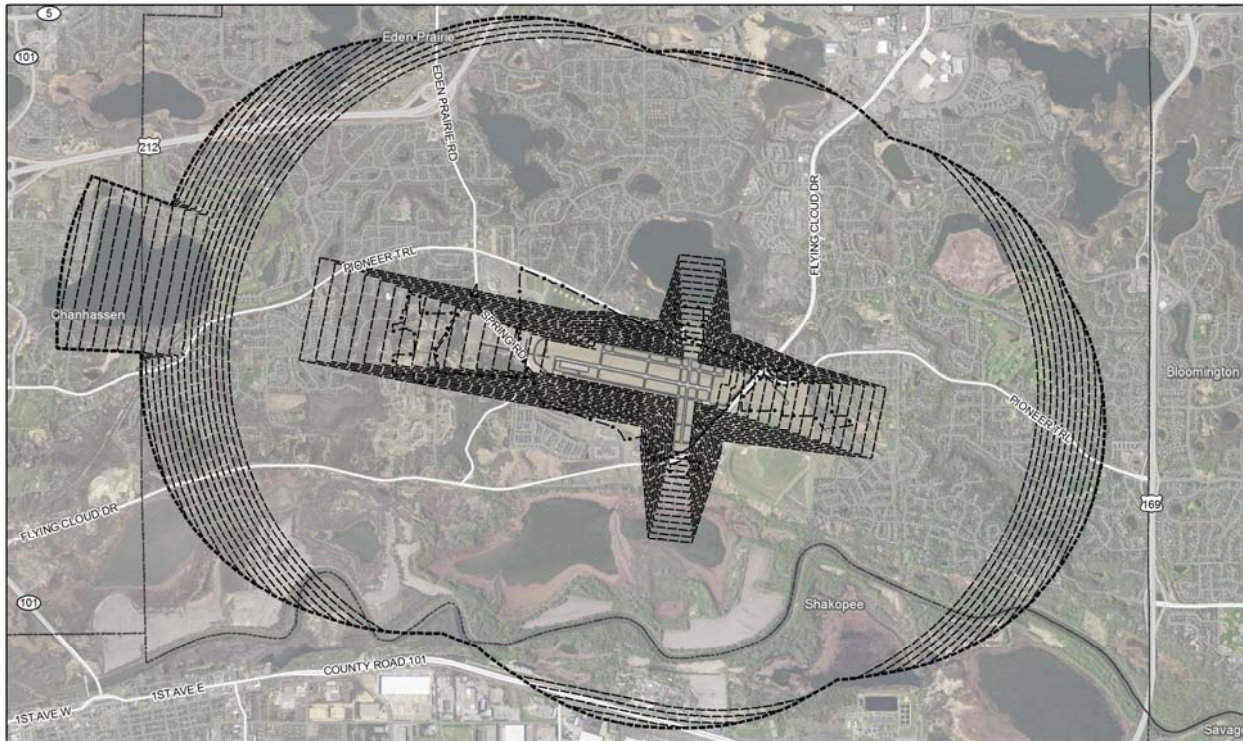


# FCM Airspace Zones (Height)

## Height limitations imposed by Zoning Ordinance

Based on FAA Airspace criteria

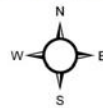
- Limits the height of structures and vegetation under FCM airspace surfaces.
- Penetrations to the Airspace Zones will require a variance issued by a Board of Adjustment
  - Exception – no variance required if the FAA issues a No Hazard airspace determination



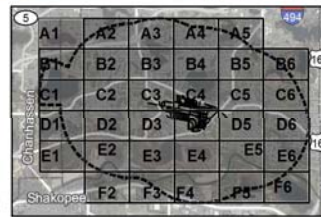
### FCM Safety Zones Within Zoning Limits

#### MCH - Airspace

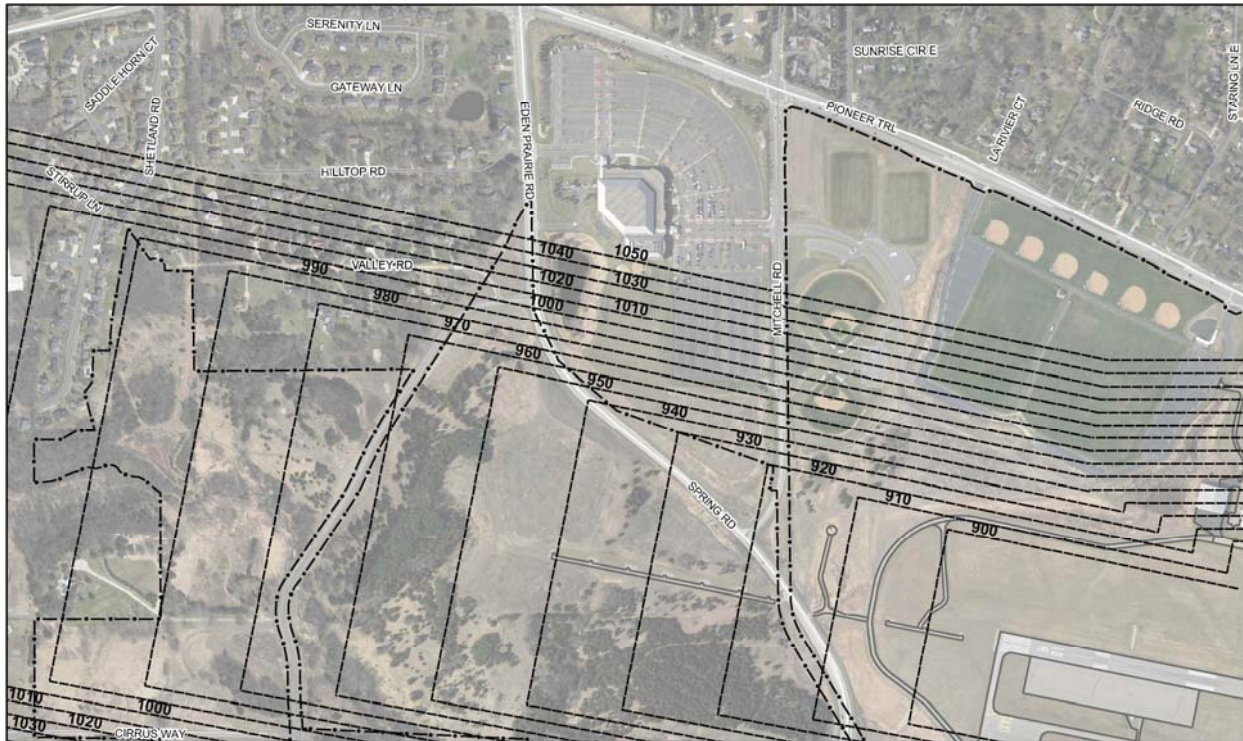
- FCM Property Line
- Part 77 Contours
- Airspace Zoning Limit



0 3,000 6,000 Feet



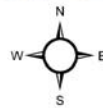
# FCM Airspace Zones (Height)



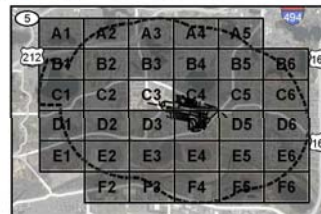
**FCM Airspace Zones Within Zoning Limits**

**A - C3**

-  FCM Property Line
-  Airspace Zoning Limit
-  Part 77 Contours



0 500 1,000 Feet



## Height limitations imposed by Zoning Ordinance

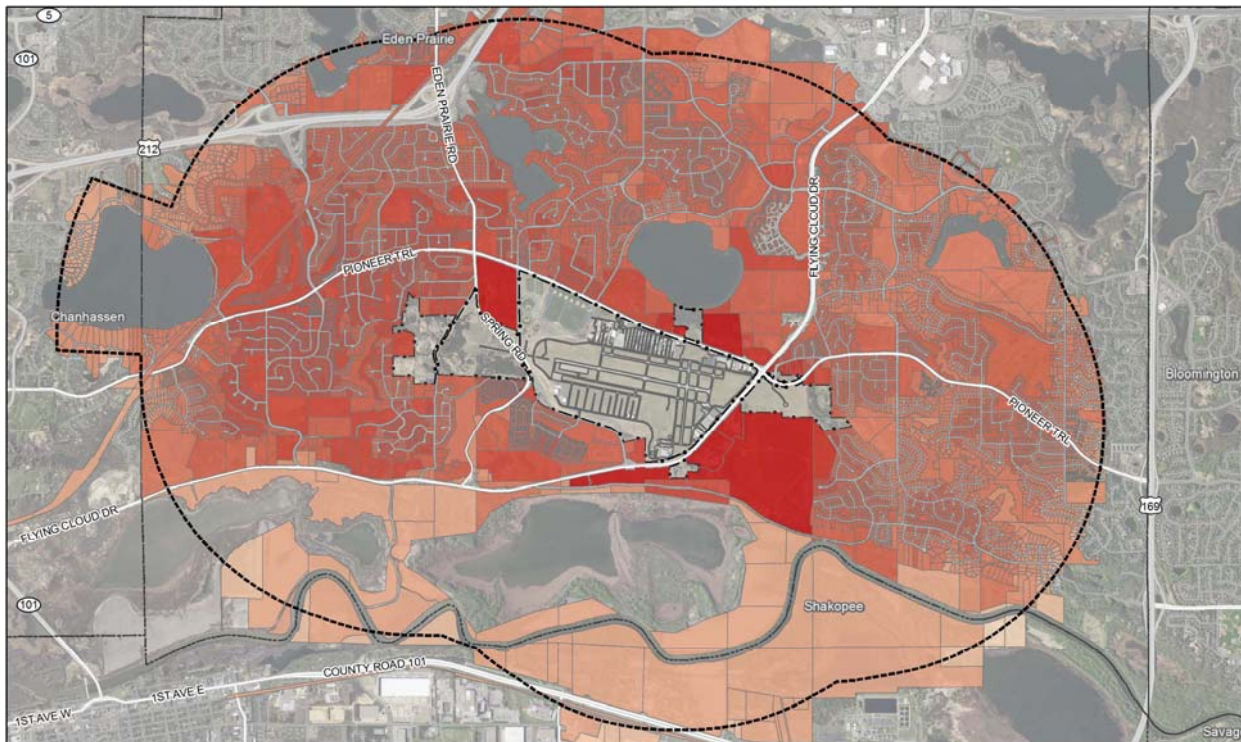
Based on FAA Airspace criteria

- Grid maps in the Draft Ordinance show airspace surface heights in 10-foot intervals
- Heights are expressed as mean sea level, not above ground level
- More specificity provided on Maximum Construction Height Without Permit maps

# FCM Maximum Construction Height Without Permit (Height)

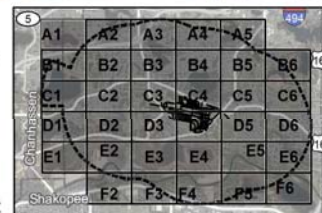
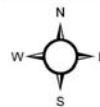
**Establishes a height per parcel up to which an airport zoning permit is not needed**

- Used updated 1-foot airspace contours and more precise ground elevation contours
- Provides a buffer to Airspace Zones
- Exceeding the Maximum Construction Height Without Permit will require an Airport Zoning Permit from the City Zoning Administrator

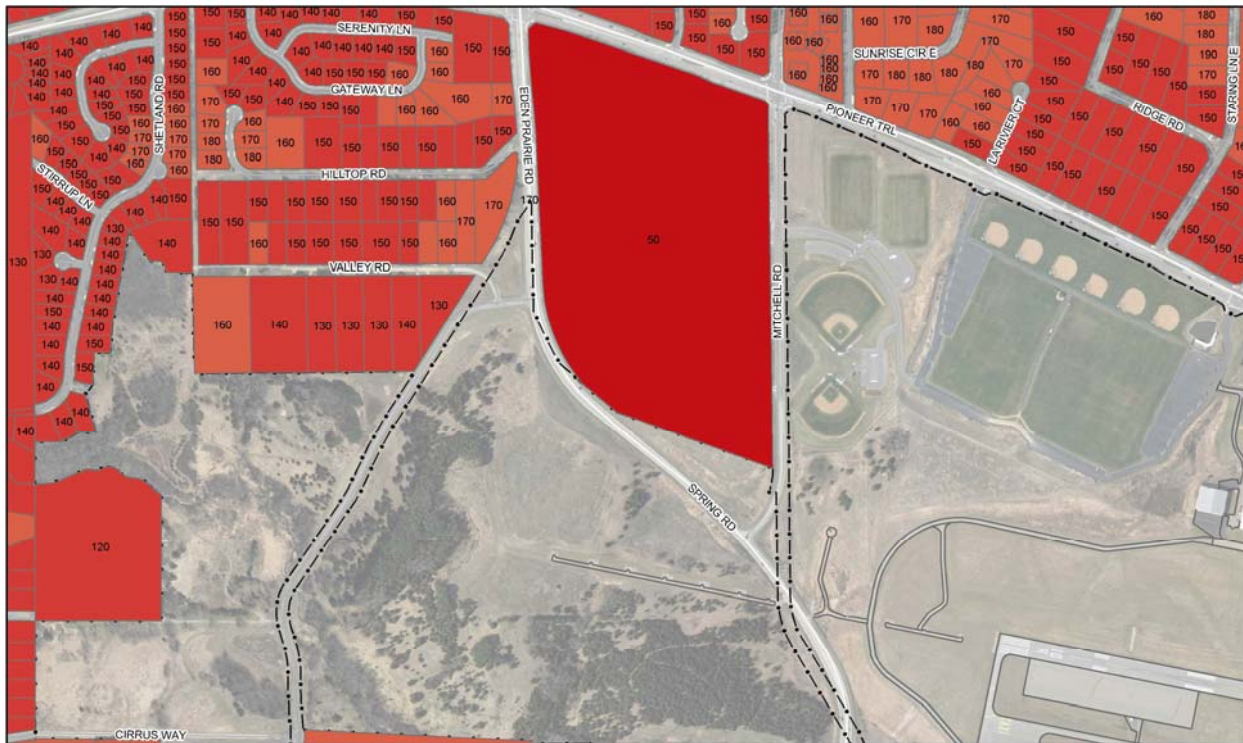


**FCM Safety Zones  
Within Zoning Limits**

**MCH - Index Sheet**

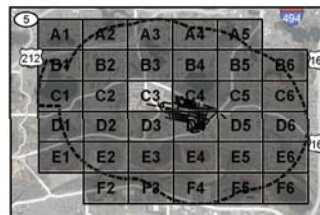
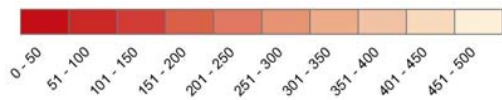


# FCM Maximum Construction Height Without Permit (Height)



**FCM Maximum Construction Heights Without Permit Within Zoning Limits**

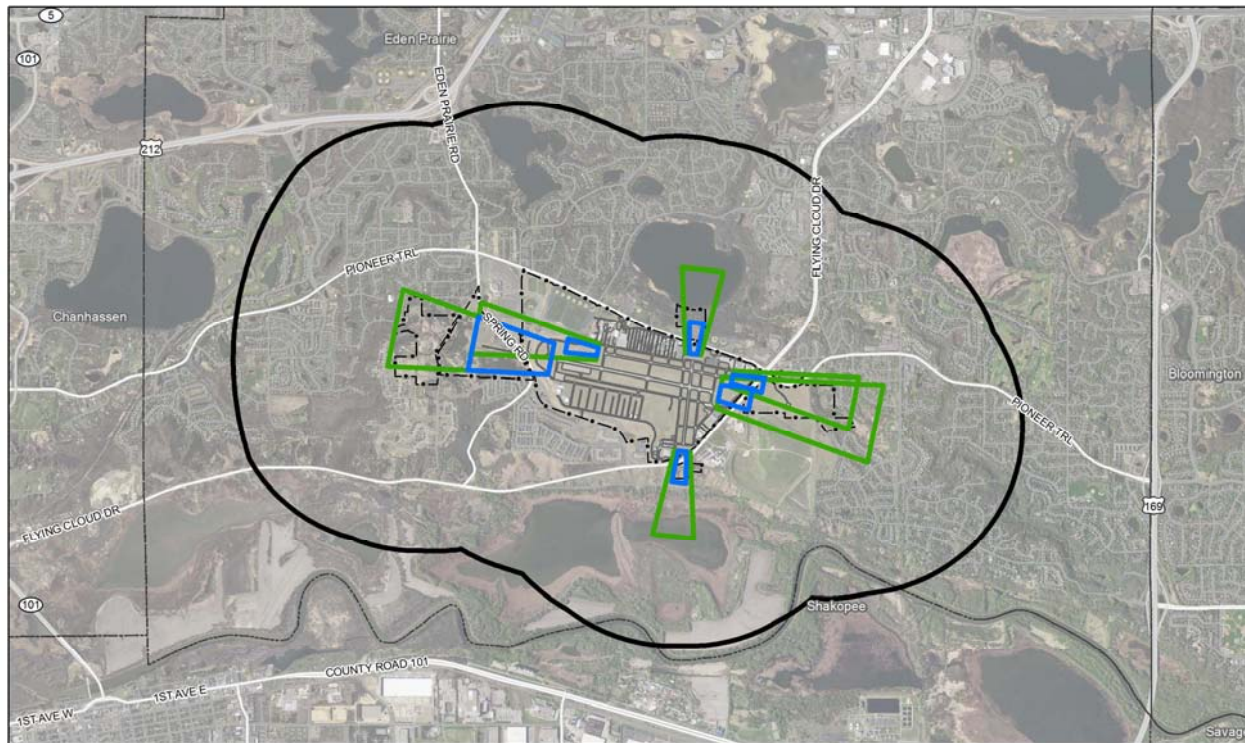
**MCH - C3**



**Establishes a height per parcel up to which an airport zoning permit is not needed**

- Grid maps in the Draft Ordinance show Maximum Construction Heights Without Permit for each parcel
- Heights are expressed above ground level
- In most cases, the airport zoning height limitations would be less restrictive than maximum heights allowed in the municipal zoning code.

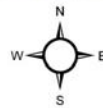
# FCM Safety Zones (Land Use)



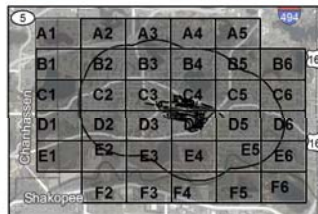
## FCM Safety Zones Within Zoning Limits

### SZ - Index Sheet

- FCM Property Line
- JAZB Zone A
- JAZB Zone B
- JAZB Zone C



0 3,000 6,000 Feet



## JAZB Safety Zones Overview

### JAZB Safety Zone A

- Most restrictive safety zone
- Prohibits the development of structures

### JAZB Safety Zone B

- Less restrictive zone
- Prohibits certain land uses
- Allows residential development in Permitted Residential Areas
- Requires contiguous open space

### JAZB Safety Zone C

- Least restrictive zone
- General land use restrictions against flight interference

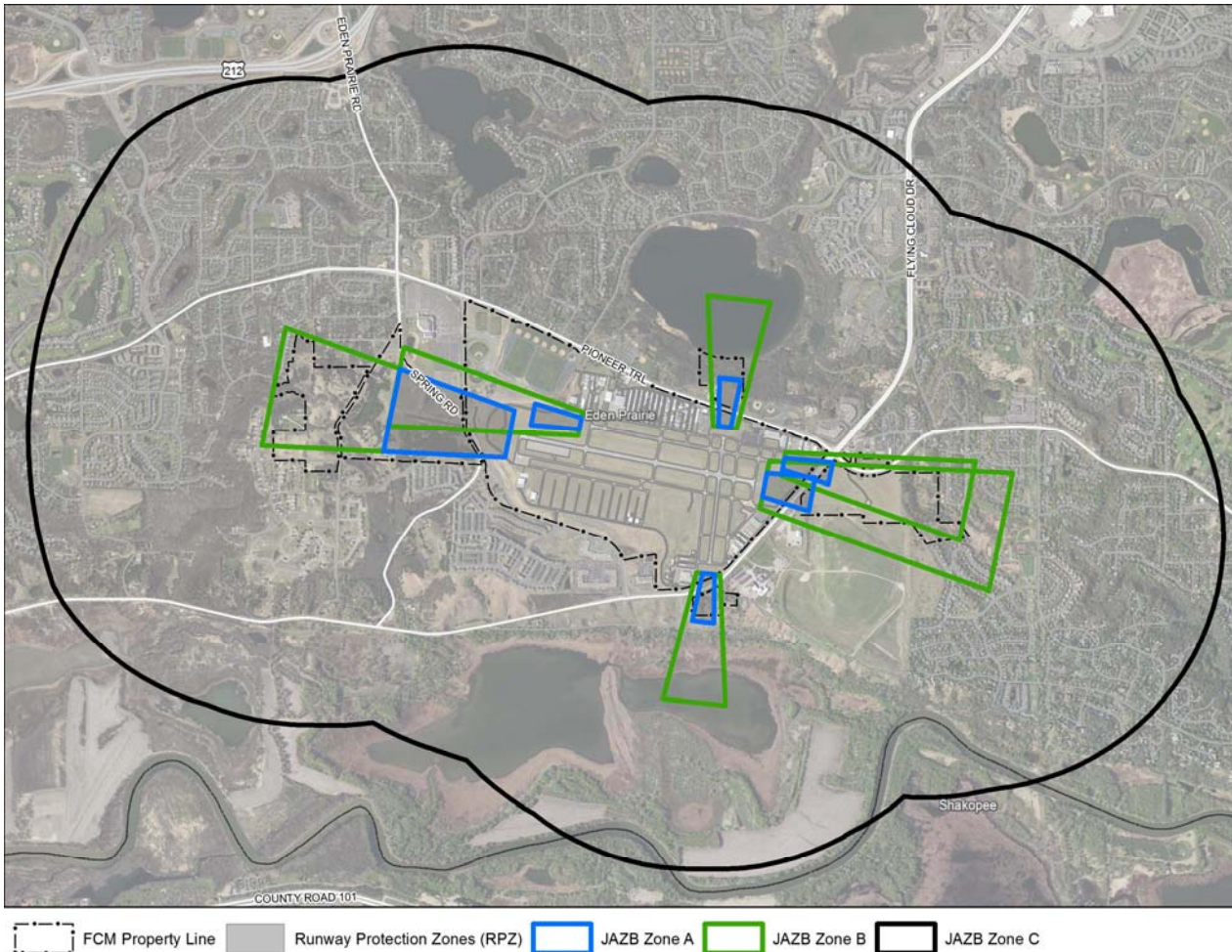


# FCM Safety Zones (Land Use)

## JAZB Safety Zone C

Black ellipsoid line

- Least restrictive safety zone
- General prohibitions against land uses that would:
  - Create or cause interference with the operations of radio or electronic facilities
  - Create or causes interference with radio or electronic communications between FCM and aircraft
  - Make it difficult for pilots to distinguish between Airport lights and other lights
  - Result in glare in the eyes of pilots using FCM
  - Impair visibility in the vicinity of FCM
  - Otherwise endanger the landing, taking off, or maneuvering of aircraft in the runway approach areas.
- These apply to Zones A & B as well

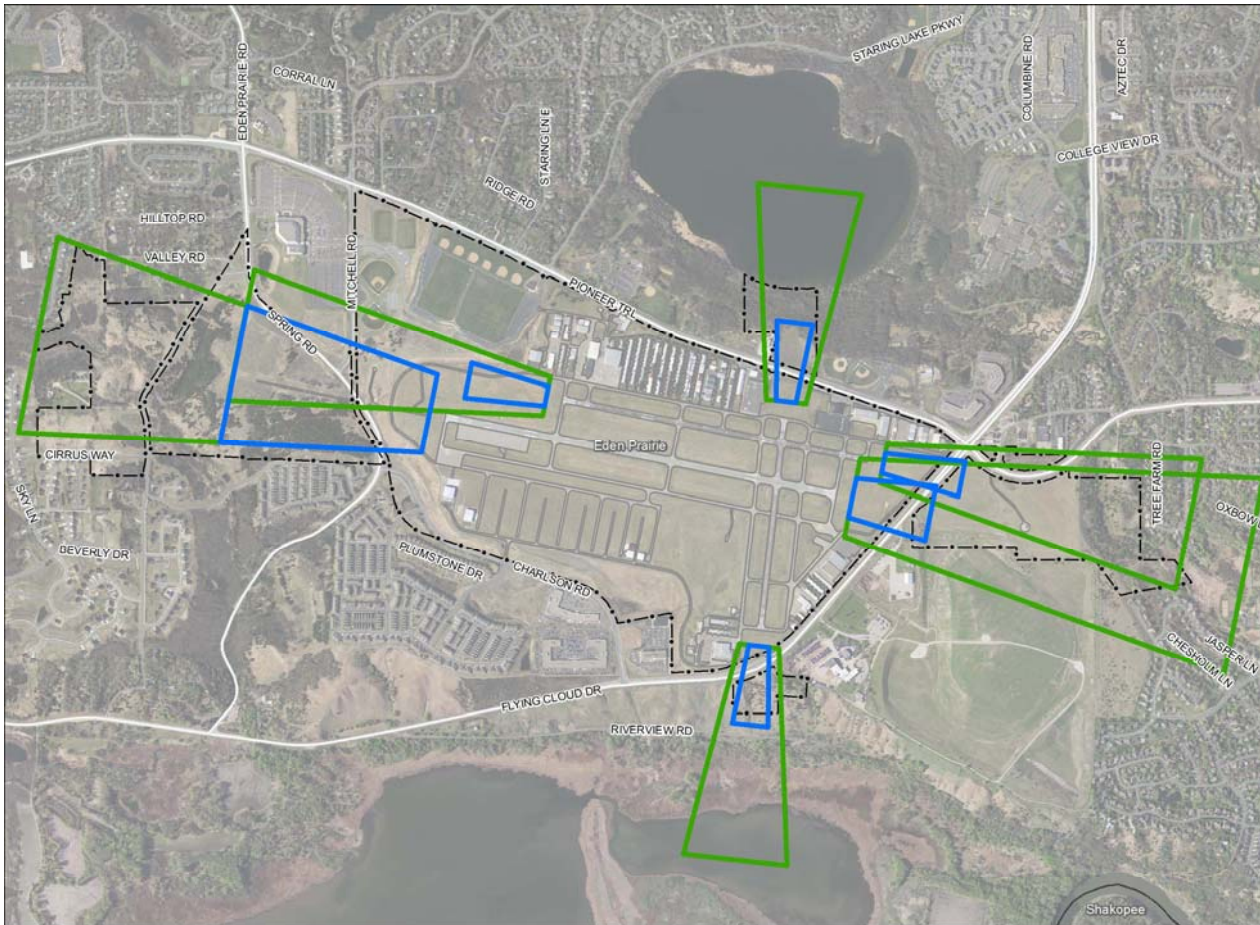


# FCM Safety Zones (Land Use)

## JAZB Safety Zone B

### Green trapezoid

- More restrictive safety zone
- Prohibits certain land uses
  - Amphitheatres, churches, hospitals, nursing homes, schools, stadiums, theaters, wildlife attractants
- Based on State Model Zone dimensions
- Less restrictive land use controls than State Model Zone B
  - No minimum parcel size for development
  - No site population restrictions based on site acreage
  - Based on detailed safety/risk study and economic impact analysis



FCM Property Line JAZB Zone A JAZB Zone B

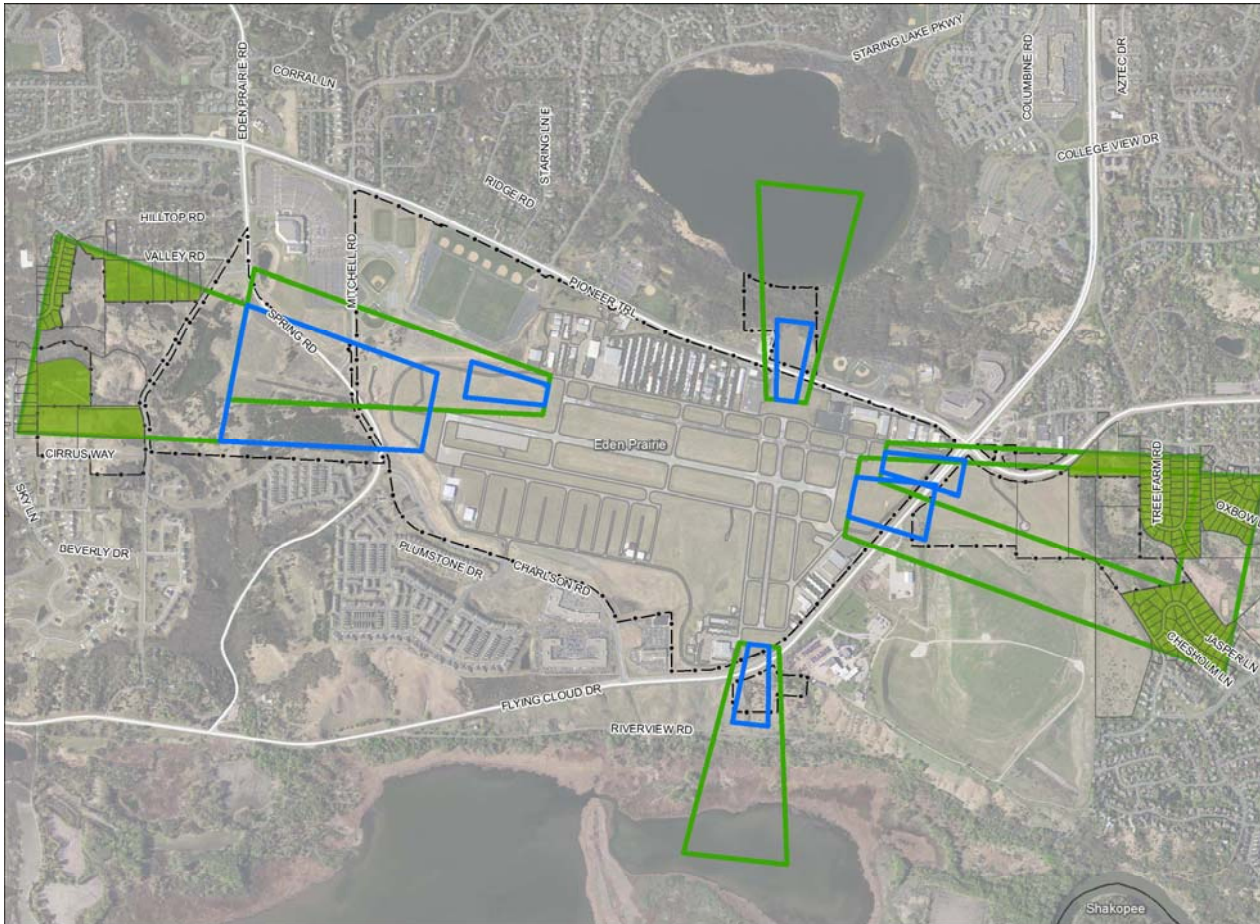
# FCM Safety Zones (Land Use)

## JAZB Safety Zone B

Green trapezoid

### Permitted Residential Areas

- Allows for the improvement, expansion, and development of new residential uses in areas guided for residential development
- These Permitted Residential Areas are recognized and treated as conforming land uses



FCM Property Line JAZB Zone A JAZB Zone B Parcel Boundary Permitted Residential

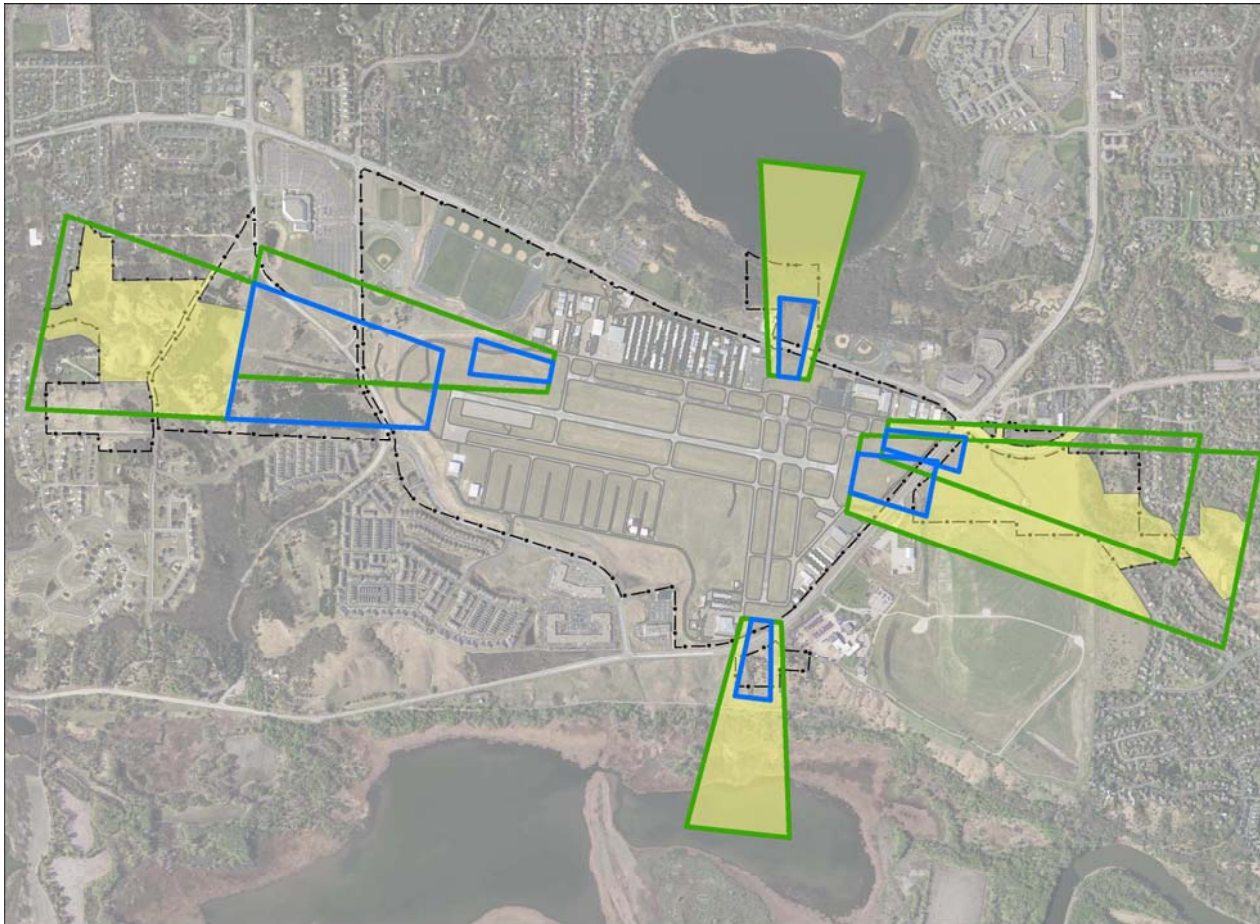
# FCM Safety Zones (Land Use)

## JAZB Safety Zone B

Green trapezoid

### Contiguous Open Space

- Requires a minimum of 20% of total Zone B acreage or 20 acres, whichever is greater, to remain as contiguous open space
  - Applies to the totality of Zone B, not per parcel
  - Requirement easily met by existing airport land and other land guided to remain as open space or not regularly occupied



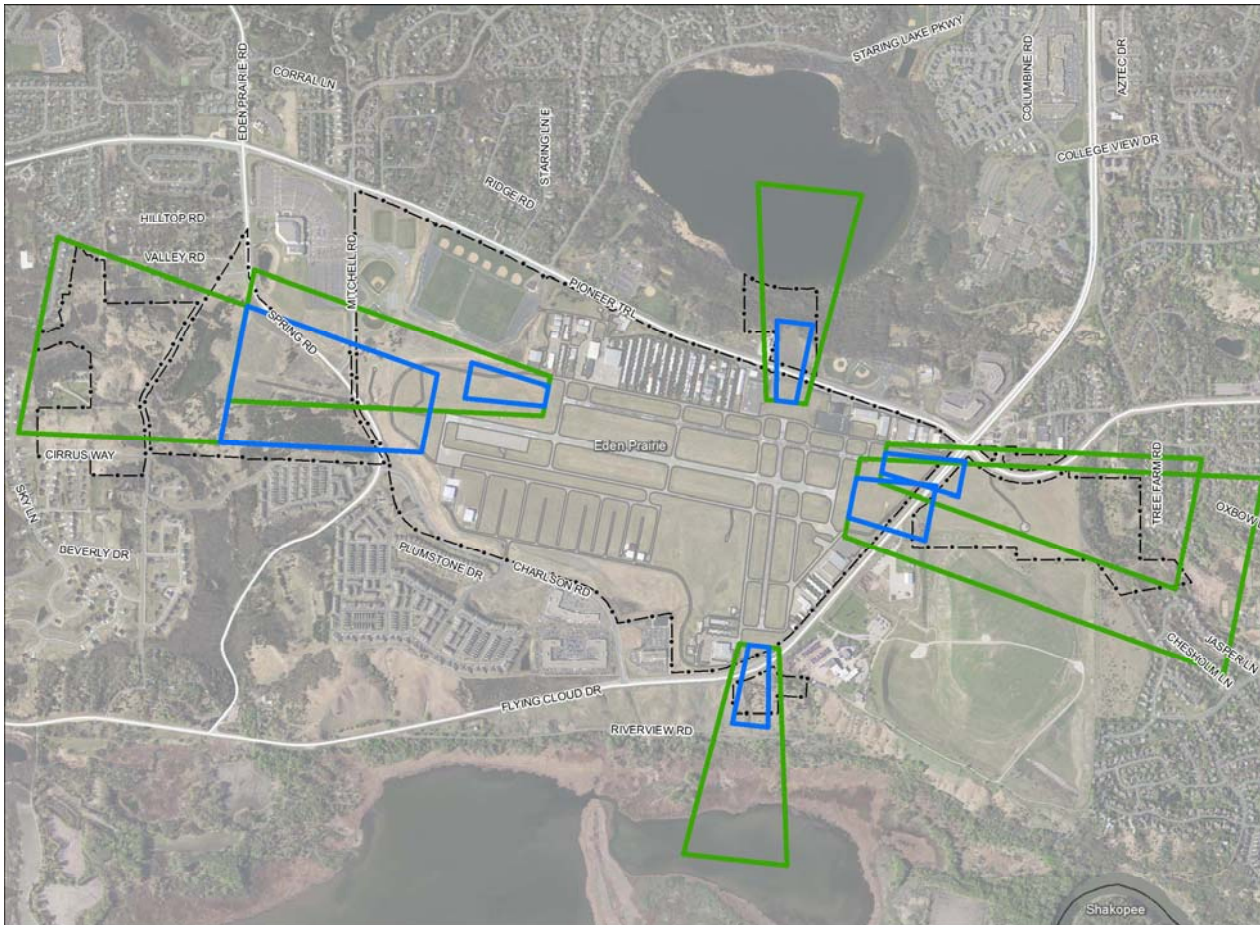
FCM Property Line JAZB Zone A JAZB Zone B Contiguous Open Area

# FCM Safety Zones (Land Use)

## JAZB Safety Zone A

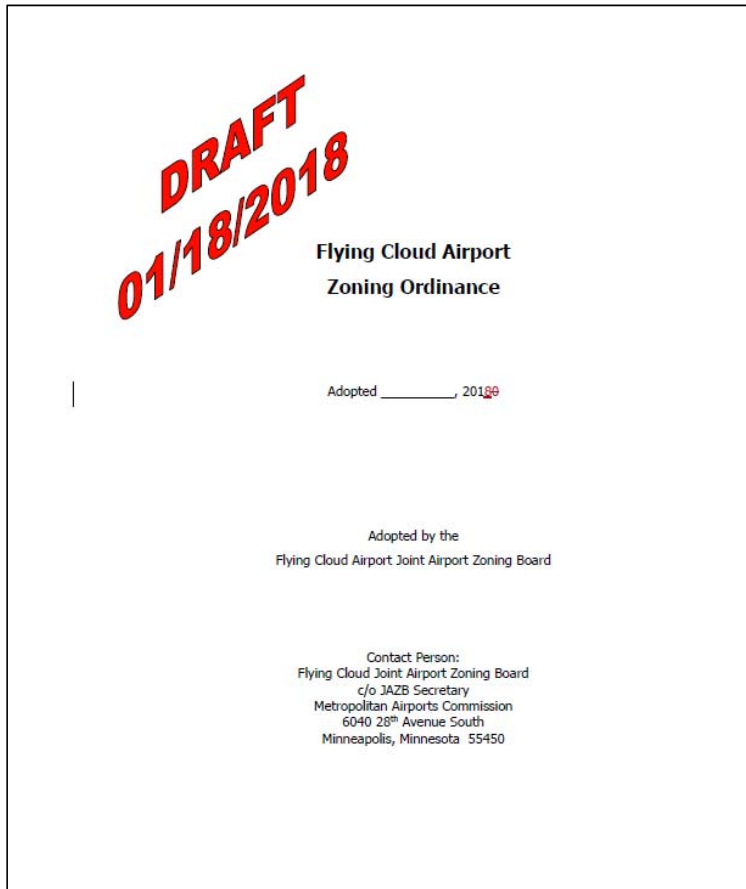
Blue trapezoid

- Most restrictive safety zone
- Prohibits the development of structures
- Co-terminus with FAA Runway Protection Zones (RPZ)
  - The RPZ has similar land use restrictions
  - Mostly contained to airport-owned property
- Smaller than State Model Zone A
  - Based on detailed safety/risk study and economic impact analysis



FCM Property Line JAZB Zone A JAZB Zone B

# FCM Draft Zoning Ordinance Language

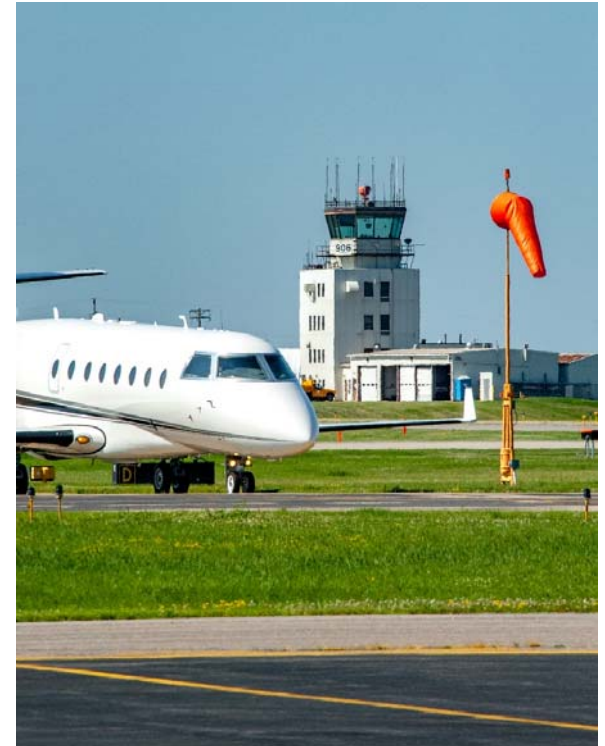


## Minor updates and clarifications from 2010 draft language

- Mostly updates to zone descriptions and dimensions based on minor airfield configuration changes
- Removed City of Bloomington from the list of JAZB participants
- Adding clarifying language about airspace evaluation process
- Clarified judicial review language

# Presentation Agenda

- Purpose & Goals
- Review of FCM Zoning Historical Timeline
- Summary of Draft FCM Airport Zoning Ordinance
- **Next Steps**



# Next Steps / Timeline

## Next Steps

- Public comment period ends on March 14, 2018
- JAZB reviews comments submitted during public comment period
- JAZB schedules next meeting to:
  - Review public comments and proposed responses
  - Approve submittal of Updated Draft FCM Airport Zoning Ordinance to MnDOT for review
- Submit Draft Flying Cloud Zoning Ordinance to MnDOT
- Receive MnDOT comments and submit response
- Hold 2<sup>nd</sup> Public Hearing after MnDOT approval
- Final adoption of the Zoning Ordinance by JAZB
- Adoption and enforcement of the FCM Airport Zoning Ordinance by participating municipalities



**Comments can be sent to:**

Secretary to the FCM Joint Airport Zoning Board  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

-- or --

emailed to: [fczoning@mspmac.org](mailto:fczoning@mspmac.org)



# Flying Cloud Airport

## Joint Airport Zoning Board



Thank you for your participation!

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## **Item E –**

List of Exhibits Entered into the Public Hearing Record

## **List of exhibits entered into the record during the Public Hearing:**

- Exhibit A – Draft Flying Cloud Airport Zoning Ordinance dated January 18, 2018
- Exhibit B – Draft Flying Cloud Airport Zoning Ordinance Technical Report dated January 18, 2018 and updated on February 6, 2018
- Exhibit C – Public Presentation by Neil Ralston, Airport Planner, Metropolitan Airports Commission
- Exhibit D – Notice of Public Comment Period and Public Hearing for Draft Flying Cloud Airport Zoning Ordinance
- Exhibit E – Affidavits of Publication of the Public Notice in the *Star Tribune*, *Eden Prairie News*, and *State Register*, dated February 23, February 21, and February 12, 2018 respectively
- Exhibit F – Affidavit of Mailing of the Public Notice, dated February 12, 2018
- Exhibit G – Affidavit of web posting of the Public Notice, dated February 26, 2018
- Exhibit H – Affidavit of GovDelivery distribution of the Public Notice, dated February 26, 2018
- Exhibit I – Flying Cloud Airport Joint Airport Zoning Board meeting record for January 18, 2018

These exhibits are available upon request to Shelly Cambridge, JAZB Secretary, at 612-726-8144 or via email at [Shelly.Cambridge@mspmack.org](mailto:Shelly.Cambridge@mspmack.org).

## **Item F –**

### **Written Public Comments and Responses**

## FLYING CLOUD AIRPORT DRAFT AIRPORT ZONING ORDINANCE PUBLIC COMMENTS AND RESPONSES

### RESPONSES TO PUBLIC COMMENTS

This section contains responses to comments received about the Draft Flying Cloud Airport Zoning Ordinance.

Commenter	ID	Subject	Response
<b>Written Comments Received During the Public Comment Period (February 12 – March 14, 2018)</b>			
Gary Hammer Eden Prairie, MN  Email dated February 11, 2018	1	<p>My only comment about the proposal is that the airport has taken over our neighborhood over the years. Typical of Minnesota planning, development occurs after residential neighborhoods have been built and then the people living there are expected to go along with every proposal.</p> <p>The MAC needs to work in its website for reporting noise violations (it didn't work for me the last time a jet flew over our home at 3:00 am) and acknowledge calls made to its telephone center reporting violations. Last time, I left a voice mail and received nothing back. That indicates to me that there isn't much interest in violations.</p> <p>Other than that we don't mind the air traffic at Flying Cloud and actually enjoy watching it.</p>	<p>The JAZB's purpose is to collaboratively develop an airport zoning ordinance that achieves a balance between providing for a reasonable level of public safety while allowing for compatible community development.</p> <p>The implementation of airport zoning remains important for FCM for the following reasons:</p> <ul style="list-style-type: none"> <li>• Airport safety zoning accomplishes the state law direction to prevent airport hazards, and MnDOT's expectation is that the JAZB will successfully zone FCM in order to avoid potential airport grant funding implications;</li> <li>• The pace of development around FCM is only increasing and the lack of an adopted airport safety zoning ordinance is creating uncertainty and confusion about possible land use controls and/or restrictions;</li> <li>• MAC would like to continue to pursue non-aeronautical uses of some FCM parcels located within designated safety zones. Uncertainty regarding zoning is holding up land release approvals.</li> </ul> <p>Adoption of an Airport Zoning Ordinance will not alter the number, frequency or noise level of traffic at Flying Cloud Airport. The present zoning effort underway is not being conducted to justify future airport expansion or to increase the size of aircraft operating at FCM.</p> <p>The portion of the comment pertaining to the noise complaint reporting system was</p>

Public Comments and Responses

			forwarded to the MAC Noise Program Office Specialist who followed up with the commenter.
Dan Blake Eden Prairie, MN  Email dated February 12, 2018	2	Can you please tell me if my property is within the proposed JAZB Safety Zone B?	Responded as follows via email:  <i>Good afternoon, and thank you for your inquiry.</i>  <i>Your property is not within the proposed JAZB Safety Zone B.</i>
Tyler Stevenson  Email dated February 11, 2018	3	Does the prohibition of land use that results in glare in the eyes of pilots using FCM apply to the use of solar panels on the roof of a homestead within safety zone C?	Responded as follows via email:  <i>Thank you for your question.</i>  <i>The proposed Flying Cloud Airport Zoning Ordinance does not seek to prohibit the installation of solar panels on residential rooftops within Safety Zone C. If a particular solar installation is determined to cause glare issues for pilots using the airport, we would want to work with the property owner to mitigate the visual impairment. However, based on operational experience, the likelihood of a residential rooftop solar installation to cause a serious glare problem is expected to be a rare occasion.</i>  <i>In the event that a property owner wishes to be proactive about the potential from glare from a specific solar installation, there is an option of submitting an airspace review case to the Federal Aviation Administration (FAA) so they can take a look at it. Please let me know if you would like any further information about this process.</i>  <i>Again, thank you for your question.</i>
Cynthia Pierce Magellan Midstream Partners, L.P. Tulsa, OK  Email dated March 9, 2018	4	Magellan Pipeline maintains a 12-inch high-pressured petroleum products pipeline and associated easements across the proposed Flying Cloud Airport zoning area. Please see attached GIS drawing showing the approximate location of the pipeline to the zoning area. While Magellan has no comments at this time, please continue to notify Magellan at the address and e-mail cited below of all activity.  Please acknowledge receipt of this e-mail. Thank you!	Comment acknowledged.

## Cambridge, Shelly

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**From:** Gary Hammer <sledgehammer1951@gmail.com>  
**Sent:** Sunday, February 11, 2018 7:26 AM  
**To:** fcm.zoning@mspmac.org  
**Subject:** Proposal on Flying Cloud

My only comment about the proposal is that the airport has taken over our neighborhood over the years. Typical of Minnesota planning, development occurs after residential neighborhoods have been built and then the people living there are expected to go along with every proposal.

The MAC needs to work in its website for reporting noise violations (it didn't work for me the last time a jet flew over our home at 3:00 am) and acknowledge calls made to its telephone center reporting violations. Last time, I left a voice mail and received nothing back. That indicates to me that there isn't much interest in violations.

Other than that we don't mind the air traffic at Flying Cloud and actually enjoy watching it.

Gary Hammer  
9841 Laguna Cir  
Eden Prairie, MN



## Cambridge, Shelly

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**From:** Dan Blake <danblake.ep@gmail.com>  
**Sent:** Monday, February 12, 2018 5:09 PM  
**To:** fcm.zoning@mspmac.org  
**Subject:** Eden Prairie zoning proposal

Can you please tell me if my property is within the proposed JAZB Safety Zone B?

PID: 2911622210050  
16831 Cedarcrest Dr  
Eden Prairie, MN 55347

Thank you

Dan Blake  
612.282.5482

## Cambridge, Shelly

---

**From:** Tyler Stevenson <tyler.stevenson1@gmail.com>  
**Sent:** Monday, February 12, 2018 8:02 PM  
**To:** fcm.zoning@mspmac.org  
**Subject:** Flying Cloud Zoning Hearing

Hello,

Does the prohibition of land use that results in glare in the eyes of pilots using FCM apply to the use of solar panels on the roof of a homestead within safety zone C?

Thank you,  
Tyler

Tyler Stevenson  
Cell: 612-251-3990

## Cambridge, Shelly

---

**From:** Pierce, Cynthia <Cynthia.Pierce@magellanlp.com>  
**Sent:** Friday, March 09, 2018 4:17 PM  
**To:** fcm.zoning@mspmac.org; mnmac@public.govdelivery.com  
**Cc:** Smith, Brian D.; Boudreaux, Scott; Ward, Leah  
**Subject:** 18-519: Flying Cloud Airport (FCM) Zoning Ordinance - Hennepin County, MN  
**Attachments:** 18-519.pdf

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

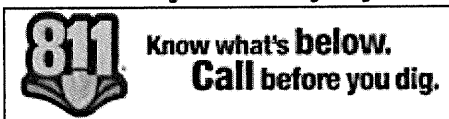
Metropolitan Airports Commission Zoning Board:

Magellan Pipeline maintains a **12-inch high-pressured petroleum products pipeline and associated easements** across the proposed Flying Cloud Airport zoning area. Please see attached GIS drawing showing the approximate location of the pipeline to the zoning area. While Magellan has no comments at this time, please continue to notify Magellan at the address and e-mail cited below of all activity.

Please acknowledge receipt of this e-mail. Thank you!

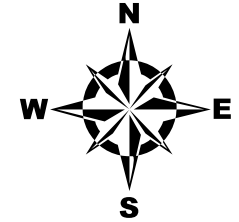
~Cynthia Pierce  
H. Cynthia Pierce  
Magellan Midstream Partners, L.P.  
PO Box 22186, MD OTC-8  
Tulsa, OK 74121-2186  
Office: 918-574-7464  
Fax: 918-574-7885  
[cynthia.pierce@magellanlp.com](mailto:cynthia.pierce@magellanlp.com)

**Make Safety An Everyday Priority!**



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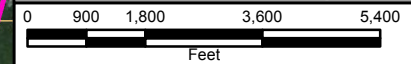
# HENNEPIN COUNTY, MINNESOTA



### Legend

- Magellan Pipeline (Approx. Location)
- Safety Zone A
- Safety Zone B
- Safety Zone C
- County
- Section

**For Actual Pipeline Location  
Contact Local Field Rep.**



This copy is not a survey and has been furnished by Magellan Pipeline Company, L.P. (Magellan) for information as to approximate locations only of any pipelines or other facilities shown thereon. Magellan disclaims any representations as to accuracy or completeness of the information depicted on this copy and makes no warranties regarding accuracy or completeness of such information depicted hereon. Actual locations of pipelines and facilities must be determined on-site through timely contact with the appropriate One Call agency - Call 811 - and coordination with Magellan. Excavation, grading, construction and/or vehicle traffic in the vicinity of the pipeline(s) and facilities shown on this copy are prohibited without written permission from Magellan or other owners of pipelines or facilities depicted hereon.

Drawn By:	Latonya Schlecht
Real Estate Rep:	Cynthia Pierce (918) 574-7464
Local Field Rep:	Brian Smith (612) 759-3047
MPL Project #:	18-519
Date:	02-14-2018

