

Comments and Responses

Commenter	ID	Subject	Response
<p>Ms. Doneta Hoffman 8856 Peep O Day Tr Eden Prairie MN 55347</p>	<p>1</p>	<p>Question: Is all of the research at the present time for the purpose of someday to justify and increasing the traffic plus the size of the aircraft landing at the Eden Prairie airport?</p>	<p>The present zoning effort underway at Flying Cloud Airport (FCM) is not being conducted to justify future airport expansion or to increase the size of aircraft operating at FCM.</p> <p>Per Minnesota State Statute, airports in the State of Minnesota are required to implement airport safety zoning that controls land uses and structure heights around an airport. To do this, the statutes spell out the formation of a Joint Airport Zoning Board (JAZB) comprised of two members from each jurisdiction with land use control in the areas affected by airport zoning, as well as the airport proprietor. The state zoning provisions go beyond what is typically implemented at other airports in the United States consistent with federal airport zoning criteria.</p>
	<p>2</p>	<p>There have already been 3 crashes in EP in 2010 (1 year)!!</p>	<p>There were two plane crashes in 2009 and one plane crash in 2010 in the vicinity of FCM. The FCM Joint Airport Zoning Board (JAZB) has extensively evaluated the question of safety in the context of historical aircraft accidents at FCM. The 2009 and 2010 FCM aircraft incidents were considered in the safety evaluation process. As a result of this evaluation, the FCM JAZB is proposing an additional zoning provision in Zone B such that a minimum of 20% of the total Zone B acreage or 20 acres, whichever is greater, is contiguous open space as an added margin of safety.</p>
	<p>3</p>	<p>Please share the newspaper article at the meeting – so everyone is informed – concerning the problems of airports in residential areas!!</p>	<p>The articles have been entered into the record and shared with FCM JAZB members.</p>
	<p>4</p>	<p>The ponds are already around the area.</p>	<p>Comment noted.</p>
<p>Li Wang and John Xu 16883 Cedarcrest Dr Eden Prairie MN 55347 lwang000@yahoo.com 952.944.3933</p>	<p>5</p>	<p>We would like to know what zone we are in. We have to go to work on your scheduled time. So, we do not have time to go to the scheduled location to get the copy of the zoning. Would you please mail us a copy?</p>	<p>As was detailed in MAC staff's April 9, 2010 e-mail response to your questions, your property is located in Zone C.</p>
	<p>6</p>	<p>When we built our house back in 2002, we were not told anything about the regulation/restriction of zoning. Now due to the zoning, our property value will drop, whom</p>	<p>As was detailed in MAC staff's April 9, 2010 e-mail response to your questions, the proposed ordinance imposes no more limitations to the use of your property beyond what exists today with the City of</p>

	<p>should we talk to in order to get us paid for our loss.</p>	<p>Eden Prairie's compliance with Federal Aviation Administration (FAA) Part 77 airspace obstruction criteria. FAA Part 77 establishes a federal process for the evaluation of structures around airports in the United States. The requirements in Zone C under the proposed Draft FCM Zoning Ordinance exist today around the airport by virtue of the federal Part 77 process.</p>
<p>Mr. Chuck Moos, President Upgrala Hunting Club cmoos777@aol.com 952.512.0211</p>	<p>7</p> <p>We own approximately 1000 acres just south of the Flying Cloud Airport. Most of our property consists of farmland, wooded property and wetlands. However, we do own property suitable for residential development. We will consider any zoning changes which limit our ability to develop this portion of our property as a taking which would require just compensation. Dr. Army Leonard, an owner of our club, plans to attend the meeting on May 7. Please make this comment a part of the proceedings.</p>	<p>Two of your parcels, with PID numbers 3411622220001 and 3411622210001, have portions of which are located in Safety Zone A, which is coincident with the Runway 36 Runway Protection Zone and the proposed Safety Zone B area. Specifically, a small portion (0.77 acres) of the northern edge of property 3411622220001 is located in the Runway 36 RPZ and 20.96 acres of this parcel are included in the Runway 36 Safety Zone B area. A small portion (1.86 acres) of the westerly edge of property 3411622210001 is located in the Runway 36 Safety Zone B area. Additionally, 18.38 acres (80.5%) of your total property in Safety Zone B is either in the floodplain and/or is wetland. Finally, the proposed zoning does not prevent the use of the property that is located in the RPZ and Safety Zone B areas in a manner that is consistent with existing and long range 2030 land use zoning in the City of Eden Prairie.</p> <p>The rest of the area of interest south of FCM is located in Safety Zone C which would not prohibit residential development. The proposed ordinance imposes no more limitations to the use of your property beyond what exists today with the City of Eden Prairie's compliance with Federal Aviation Administration (FAA) Part 77 airspace obstruction criteria. FAA Part 77 establishes a federal process for the evaluation of structures around airports in the United States. The requirements in Zone C under the proposed Draft FCM Zoning Ordinance exist today around the airport by virtue of the federal Part 77 process.</p>
<p>Ms. Carol & Mr. Bill Robbins 8859 Peep O Day Tr Eden Prairie MN cjrw@iphouse.com</p>	<p>8</p> <p>Recently an airplane (not the usual size) but a large airplane, came through our area no higher than 200 feet, -- a bit scary to witness.</p> <p>It is not unusual to hear planes at 10 p.m. One day I thought the plane was coming through our bedroom window.</p>	<p>Comment noted.</p>

<p>Chris terryandchris@msn.com</p>	<p>That airport does not belong in this residential setting.</p>	<p>9</p>	<p>As was detailed in MAC staff's April 9, 2010 e-mail response to your questions, presently there is not an ordinance in place designating Zone A or B land use restrictions around FCM. However, the proposed ordinance imposes no more limitations to the height of structures on property beyond what exists today with the City of Eden Prairie's compliance with Federal Aviation Administration (FAA) Part 77 airspace obstruction criteria. FAA Part 77 establishes a federal process for the evaluation of structures around airports in the United States. The structure height requirements under the proposed Draft FCM Zoning Ordinance exist today around the airport by virtue of the federal Part 77 process.</p> <p>Safety Zone A is coincident with the Runway Protection Zone. Safety Zone A Zone is a trapezoid-shaped area centered about the extended runway centerline, beginning at the end of the runway extending out for a distance which is defined by the sophistication level of the approach procedures for a given runway.</p> <p>As is detailed in the March 18, 2010 Draft FCM Zoning Ordinance, the following are the land use restrictions proposed in Safety Zone A:</p> <p>"Subject at all times to the height restrictions set forth in Section IV.B, and to the general restrictions contained in Section V.B.1., areas designated as Safety Zone A for each end of Runways 10R-28L, 10L-28R, 18-36 shall contain no Structures or Trees, except Structures related to Airport operations or air navigation as allowed in a Runway Protection Zone by Federal laws and regulations or by FAA advisory circulars shall be permitted."</p>
<p>According to the notice, the [sic] zoning ordinance would limit the height of structures and vegetation out to 2 miles to the west of FCM and out to 1.5 miles in all other areas around the airport. In Zone A</p> <p>What is the current ordinance? What is Zone A?</p>	<p>prohibit [sic] of amphitheaters, hospitals, nursing homes, residential users, schools, stadiums and ponds or other features which might attract water fowl or other birds in Zone B.</p>	<p>10</p>	<p>In an April 12, 2010 e-mail response, MAC staff provided you a map depicting the location of the State B Safety Zones located around FCM. Zone B is a trapezoid-shaped area centered about the extended runway centerline, beginning at a point which is two-thirds of the total runway length from the end of the runway extending out</p>

	<p>What is Zone B?</p>	<p>for a distance of one-third of the total runways length.</p> <p>As is detailed in the March 18, 2010 Draft FCM Zoning Ordinance, the following are the land use restrictions proposed in Safety Zone B:</p> <p>“Subject at all times to the height restrictions in Section IV.B. and to the general restrictions in Section V.B.1., all land uses shall be permitted in Safety Zone B for each end of Runways 10R-28L, 10L-28R, 18-36, except for the following uses which shall be specifically prohibited: amphitheaters, campgrounds, churches, fuel storage tank farms and Above-ground Fuel Tanks, gasoline stations, hospitals, Nursing Homes, residential uses (including low, medium, and high density residential uses), Schools, stadiums, theaters, trailer courts, and ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas; provided, however, the prohibition on ponds or other uses that might attract waterfowl or other birds shall not apply to areas below an elevation of eight hundred sixty five (865) feet above mean sea level along any Bluff of the Minnesota River.</p> <p>In Safety Zone B for each end of Runways 10R-28L, 10L-28R, 36-18, a minimum of 20% of the total Zone B acreage or 20 acres, whichever is greater, shall be maintained as contiguous open space.”</p>
11	<p>What are the steps to take to appose [sic] this ordinance?</p>	<p>The following was stated in MAC staff's April 9, 2010 e-mail response to your question:</p> <p>“If you would like to provide comments on the draft document you can submit your comment in writing before 5:00 P.M. on Friday, May 7, 2010 to:</p> <p>Ms. Jenn Felger Secretary to the FCM Joint Airport Zoning Board Metropolitan Airports Commission</p>

			<p>6040 28th Ave. S. Minneapolis, MN 55450</p> <p>Additionally, you can attend a public hearing on April 29, 2010 at the Eden Prairie City Council Chambers, 8080 Mitchell Road, Eden Prairie, MN. The public hearing will begin at 7:00 P.M. An open house will be held prior to the hearing at 5:00 P.M. followed by a public presentation from 6:30 P.M. to 7:00 P.M."</p>
	12	<p>could you please provide me with a map that outlines what zone A looks like and Zone B? Your Notice references these Zone. [sic] I need to know the area of land you are referring.</p>	<p>In an April 12, 2010 e-mail response, MAC staff provided you with a map that depicted both the proposed Safety Zone A and Safety Zone B areas.</p>
<p>Joan jefurst@comcast.net</p>	13	<p>I thought you might want to know that draft zoning ordinance doc on the Mac website is 35MB and 111 pages. I would ask home [sic] many people have time to decipher such a massive document – I sincerely hope someone on your commission will translate this into simple terms for those of us in the path of this expansion. I have lived in the same house since 1981 and I want the same rights on my property as a citizen that lives 3 miles from the airport.</p> <p>Please help us homeowners protect our homes from limitations. I have a husband in the hospital and can't dive into the details. As you and your team review this proposal, pretend you and your family live within this area.</p>	<p>Comment noted.</p> <p>As part of the FCM JAZB deliberation process the Board has proposed several changes to the State Model Zoning Ordinance provisions based on FCM safety study findings, and the social and economic impacts related to land use controls and public comments. The March 18, 2010 Draft FCM Zoning Ordinance represent what the Board feels is an appropriate balance considering these variables, providing a reasonable standard of safety around FCM.</p>
<p>Ms. Jane Plaza 15524 Lilac Dr Eden Prairie MN 55347 952.906.1191 janepiazza@yahoo.com</p>	14	<p>I live in Eden Prairie near the airport and would like more information about the proposed ordinance before making a comment. Unfortunately, I am unable to attend the public hearing on April 29, which is when my questions could likely be answered. Are you able to provide any additional information about the ordinance? I have reviewed the proposal online, but would really like to know in everyday language what it really means for me.</p>	<p>As was detailed in MAC staff's April 14, 2010 e-mail response to your questions, Your property is located in Zone C. As such, the proposed ordinance imposes no more limitations to the use of your property (in the form of structures or trees) beyond what exists today with the City of Eden Prairie's compliance with Federal Aviation Administration (FAA) Part 77 airspace obstruction criteria. FAA Part 77 establishes a federal process for the evaluation of structures around airports in the United States. The requirements in Zone C</p>

<p>Mr. John Paul Martin Martin & Squires, PA 444 Cedar St Ste 2050 St Paul MN 55101 jp martin@martinsquires.com 651.767.3743</p>	<p>15</p>	<p>Specifically, some of my concern is with the environment, and what this new zoning could mean for tree removal or plantings. I am still devastated by the number of trees which were removed from MAC property last spring for the runway expansion; I have hoped that some may be re-planted, but is this ordinance just a legal document to justify cutting down trees? My son uses the soccer fields on the north side of airport property; is this proposal going to remove those fields which are leased by MAC to the City of Eden Prairie? Again, I would appreciate any insights you might have.</p> <p>We represent a landowner with a parcel in safety zone B of the proposed expansion of Flying Cloud Airport. Can you advise whether the parcels in this zone will be included in an eminent domain proceeding??</p>	<p>under the proposed Draft FCM Zoning Ordinance exist today around the airport by virtue of the federal Part 77 process.</p> <p>The trees that were removed recently, as you pointed out, were specifically related to the grading activity that was required for the runway extension at FCM. These trees were not removed by virtue of the FAA's Part 77 Airspace Criteria, which the Draft FCM Zoning Ordinance is built upon. Additionally, the Draft Ordinance does not impact use of the soccer fields.</p>
<p>Mr. Michael Neuharth 9610 Eden Praire Rd Eden Prairie MN neu5@aol.com 952.934.6714 612.366.3400</p>	<p>16</p>	<p>My name is Michael Neuharth @ 9610 Eden Prairie Rd. you are proposing around the airport. I can not tell the owners of the airport what to do with there [sic] property and I would expect the same consideration from you regarding my property. I would like the opportunity to build a pond, develop [sic] my property with holdings ponds or whatever I see fit. I would be against any restrictions on my property because of the airports location. You were here before me, however you expanded after me and now want to restrict my property. It's the same thing as the Kelly farm east of MSP. Thank you and hope to hear from you soon. My phone number is 952 934 6714. or 612.366.3400</p>	<p>As was detailed in MAC legal counsel's April 22, 2010 e-mail response to your questions, MAC does not intend to initiate any eminent domain proceedings for properties zoned by the FCM Zoning Ordinance. It is MAC's position that no taking occurs with the passage of such zoning regulations.</p> <p>Per Minnesota State Statute, airports in the State of Minnesota are required to implement airport safety zoning that controls land uses and structure heights around an airport. To do this, the statutes spell out the formation of a Joint Airport Zoning Board (JAZB) comprised of two members from each jurisdiction with land use control in the areas affected by airport zoning, as well as the airport proprietor. The state zoning provisions go beyond what is typically implemented at other airports in the United States consistent with federal airport zoning criteria.</p> <p>Ponds in Zone B are prohibited in the March 18, 2010 Draft FCM Zoning Ordinance to avoid attracting any species of birds into Zone B. This is a fundamental safety consideration that ensures the safety of flight in and around the airport. The increased probability of attracting birds into Safety Zone B, which encompasses the extended centerline of a runway, is a safety hazard to low-flying aircraft.</p>

			<p>This provision in the ordinance does not preclude property owners from requesting a variance from the Board of Adjustment to allow developments around the airport in a manner which may be contrary to the provision of the zoning ordinance. In the case of a variance request for ponding on your property, it is possible that a variance may be considered that would allow for ponding with stipulations such as a requirement that the pond design, and any related vegetation plans, be completed in coordination with the City of Eden Prairie, the FAA, the MAC, Mn/DOT Aeronautics, and the U.S. Department of Agriculture.</p> <p>As part of the FCM JAZB deliberation process the Board has proposed several changes to the State Model Zoning Ordinance provisions based on FCM safety study findings, and the social and economic impacts related to land use controls and public comments. The March 18, 2010 Draft FCM Zoning Ordinance represent what the Board feels is an appropriate balance considering these variables, providing a reasonable standard of safety around FCM.</p>
<p>Mr. David Halsey, Chief Financial Officer Fraser</p>	<p>17</p>	<p>Fraser is the owner of 2.5 acres of developable land near the Flying Cloud Airport, property ID 2711622140035. This parcel is adjacent to lands owned by the Metropolitan Airports Commission (MAC). Although the parcel is currently zoned as R-Rural District, pronouncements by the City of Eden Prairie and the 2008 Updated Comprehensive Plan of the City designate the parcel for a Low-Density Residential use. Fraser has expected and continues to expect that it will be developed for single-family residential as the highest and best use of the property.</p>	<p>Comment noted.</p>
	<p>18</p>	<p>We are greatly concerned our land is proposed to be included in a newly established Safety Zone B. MAC confirmed in an email from Amanda Nyren to David Halsey, CFO of Fraser on April 30, 2010, that Fraser's parcel is in a "clear zone" to accommodate the VOR radar system installed in 2009 by MAC. The draft ordinance prohibits as a safety hazard, any land use within Safety Zone B which would "create or cause</p>	<p>This property is located in a Permitted Residential Area per the provisions of the March 18, 2010 Draft FCM Zoning Ordinance. As such, residential use would be allowed on the property unless it would interfere with communication or navigation aids. The VOR "clear zone" is an FAA guide to indicate that structures proposed to be built within the "clear zone" might affect the VOR signal. This can only be determined by the FAA once the proposed structures are known including size, physical orientation and building material. This</p>

	interference with the operation of radio or electronic facilities on the Airport or with radio or electronic communications between the Airport and aircraft.”		is not to say that property located outside of the “clear zone” would not cause a problem either. If any proposed structures exceed 70 feet in height a permit would be required, including the submission of an FAA 7460 form to determine if the proposed development would produce an airspace obstruction, impair the vision of pilots or interfere with aircraft communication or navigation. However, it is recommended that a 7460 form be filed, regardless, once a development plan is established for this property.
19	Our concern is that development of our parcel would be either prohibited or severely restricted by the new ordinance without any compensation for damages by way of loss of value whatsoever. This is to demand that the MAC quantify the damage caused to Fraser and compensate Fraser for such damages.		The proposed ordinance does not restrict residential development on your property. Moreover, the height provisions proposed in the ordinance impose no more limitations to the use of your property beyond what exists today with the City of Eden Prairie’s compliance with Federal Aviation Administration (FAA) Part 77 airspace obstruction criteria. FAA Part 77 establishes a federal process for the evaluation of structures around airports in the United States. The requirements in Zone C under the proposed Draft FCM Zoning Ordinance exist today around the airport by virtue of the federal Part 77 process.
20	I got notice of this meeting from a letter from Eden Prairie. I was in a position that I did not have the letter and needed to know when the meeting was this last week and I could not find it on the MAC website where they list meetings of this board.	Mr. Matt Kleffner 9559 Woodridge Cir Eden Prairie	Comment noted. The meeting time and location were available April 7, 2010 on the MAC website (www.metroairports.org) at the following link: http://www.metroairports.org/mac/appdocs/headlines/fcm_jazb_public_hearing.html
21	I’m in State Zone C, about a mile from the airport, and so when I saw the notice, which was not the full ordinance, of course, I was able to locate a draft later. I noticed three things that might impact me as a homeowner – things that I might do to interfere with the, you know, the visual – the ability of the flight pilots to see and height restrictions. Height restrictions are not an issue for me, but I was a little confused on the two other components. They seemed a little bit broad to me. So on – impairing the visual for the pilot, you know, I’m not sure what kind of behavior is being restricted here. To go to the extreme – if I put Christmas lights on my house or I have a skylight that reflects, you know, sunlight, and even solar panels at certain angles could potentially reflect		If the owner of a property located in Safety Zone C wishes to erect a structure on their property that is in excess of the maximum construction height for their property as depicted on Plates MCH-1 to MCH- 24 in the March 18, 2010 Draft FCM Zoning Ordinance a permit would be required, including the submission of an FAA 7460 form. As part of the FAA’s 7460 airspace obstruction evaluation process the proposed structure would be analyzed by the FAA to ensure that the proposal does not impair the vision of pilots or interfere with aircraft communication or navigation. Each proposed structure and its intended use is evaluated by the FAA on a case-by-case basis to determine if its location, size and

		<p>sun. Are we talking about those sorts of things? You know, when do we have to – basically the issue is, when do we know when we need to go seek permission to do something that's maybe, you know, an everyday thing that a homeowner might do?</p>	<p>use pose an impact to safe aircraft navigation, pilot vision and aircraft communication and navigation.</p>
	22	<p>Secondly, I was a little bit confused on the, you know, the electromagnetic interference issue. My understanding is that, the FCC has the sole authority to regulate this and there's a lot of things that, you know, a citizen can do to violate the FCC rules. You know, about broadcasting in bands that they're not supposed to. I'm also worried that cities explicitly do not have the right to regulate cell phone towers, for instance. That's the FCC's sole authority so I'm a little bit confused about what the Zoning Board, you know, including this type of language in the ordinance – So basically the question here is, what can I do that would run afoul of this ordinance that otherwise wouldn't run afoul of FCC regulations? You know, maybe it's amateur radio, who knows? But I'd like to see – my concern is I'd like to see specifics on both that and of course the visual restrictions. Other than that, this, you know, in spirit, this ordinance to me seems like something reasonable.</p>	<p>Please see the response to comment 21. In cases where a proposed cell tower, or other FCC regulated structure, poses an impact to aircraft/airport safety, the FCC will typically yield to the FAA's 7460 determination.</p>