

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 5/24/2010

ITEM NO: 12.a

Division Approval:



City Manager Approval:



Item Description: Adopt a resolution approving the proposed **INTERIM USE** for Minnesota Irrigation Distribution Company to allow the outdoor storage of irrigation supplies at 1450 County Road C (**PF10-014**)

1.0 REQUESTED ACTION

Minnesota Irrigation Distribution Center (MIDC) is requesting approval of the outdoor storage of irrigation system supplies at 1450 County Road C, as an **INTERIM USE**, pursuant to §1013.09 (Interim Uses) of the City Code, in order to account for the existing nonconforming use.

Project Review History

- Application submitted: April 1; determined complete; April 15, 2010
- Sixty-day review deadline: June 7, 2010
- Planning Commission recommendation (6-0 to approve): May 5, 2010
- Project report prepared: May 14, 2010
- Anticipated City Council action: May 24, 2010

2.0 SUMMARY OF RECOMMENDATION

The Planning Division concurs with the recommendation of the Planning Commission to approve the proposed **INTERIM USE**, subject to certain conditions; see Section 8 of this report for detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

Adopt a resolution approving the proposed **INTERIM USE**, pursuant to §1013.09 (Interim Uses) of the City Code, subject to conditions; see Section 9 of this report for detailed action.

20 **4.0 BACKGROUND**

21 4.1 The subject property is zoned Light Industrial (I-1) District, and the recently-adopted
22 Comprehensive Plan changed the land use designation of this property from Industrial to
23 High Density residential.

24 4.2 On July 15, 1963 the Village Council approved a Special Use Permit (SUP) for the
25 property, allowing lumber to be stored on the property in a concrete shed and requiring
26 the installation of an 8-foot tall screening fence 20 feet north from the property line
27 shared with the abutting residential properties to the south. This appears to be the only
28 formal approval for the property, since a subsequent application in 1996 for a Conditional
29 Use Permit (CUP) pertaining to a truck rental business was withdrawn in part, it appears,
30 because of the heightened screening requirements in the Planning Commission's
31 recommendation to approve the request.

32 **5.0 INTERIM USE APPLICATIONS**

33 Section 1012.09 (Interim Uses) of the City Code establishes the regulations pertaining to
34 INTERIM USES.

35 5.1 Section 1012.09A states: *The City Council may authorize an interim use of property.*
36 *Interim uses may not be consistent with the land uses designated on the adopted Land*
37 *Use Plan. They may also fail to meet all of the zoning standards established for the*
38 *district within which it is located.*

39 5.2 Section 1012.09B states: *The City Council may attach conditions to Interim Use Permits*
40 *[sic]. In reviewing [such] applications, the City will establish a specific date or event that*
41 *will terminate the use on the property. The Council will also determine that the approval*
42 *of the interim use would not result in adverse effects on the public health, safety, and*
43 *general welfare, and that it will not impose additional costs on the public if it is*
44 *necessary for the public to take the property in the future.*

45 5.3 An applicant seeking approval an INTERIM USE is required to hold an open house meeting
46 to inform the surrounding property owners and other interested attendees of the proposal,
47 to answer questions, and to solicit feedback. The open house was held on March 25,
48 2010; summaries of the open house meeting are included with this staff report as
49 Attachment C.

50 **6.0 STAFF COMMENTS**

51 6.1 Despite the 1963 SUP which required the enclosure of the stored items and the fact that
52 the zoning code has always prohibited outdoor storage in I-1 districts, materials have
53 come to be stored outdoors on the property. It's likely that the transition from indoor to
54 outdoor storage occurred gradually on this property and, over time, intensified to a point
55 that prompted complaints from neighboring property owners. Since Roseville does not
56 employ enough Code Enforcement Officers to actively seek out code violations and
57 correct them as they begin, the City relies on complaints to bring attention to code
58 violations; this arrangement is reasonably successful and comparatively inexpensive. The
59 current case exposes a weakness of complaint-driven code enforcement, however; once
60 the outdoor storage on this property had grown to a level that prompted complaints, the
61 use had become a financially important component of the business. To simply require the

62 removal or cessation of the nonconforming use would effectively put the business owner
63 out of business.

64 6.2 At this point, the City is faced with the ongoing challenge of regulating a nonconforming
65 use which, by definition, is already outside of the City's regulations. Until this spring,
66 equipment and vehicles that were unrelated to MIDC's business were also being stored
67 on the property, and the applicant has cooperated with Roseville's Code Enforcement
68 staff to remove those materials from the property in preparation for this application;
69 current photographs of the property are included with this staff report as Attachment D.
70 Through the INTERIM USE approval process, the City and the property owner can
71 formalize the requirements and expectations on the property in a way that provides more
72 certainty for the property owners, more clarity for the neighbors, and a greater ability for
73 the City to enforce the approved provisions.

74 6.3 Interim uses typically represent departures from what is allowed by the normal zoning
75 requirements; in this case, the outdoor storage is inconsistent with the existing I-1 zoning
76 and the Comprehensive Plan land use designation. Temporary approval of the INTERIM
77 USE can ensure that the approval expires on a pre-determined date or when the use is
78 discontinued, whichever comes first. Since MIDC has occupied the property for a long
79 time and intends to remain for the foreseeable future, Planning Division staff
80 recommends approving the INTERIM USE with the maximum duration of 5 years. If the
81 respective owners of the business and of the property agree that the use should continue
82 beyond the 5-year limit, they may apply for renewed approval of the INTERIM USE.

83 6.4 The site plan illustrating the proposed arrangement of irrigation supplies and delivery
84 vehicles, included with this staff report as Attachment E, shows a 20-foot separation
85 between the existing fence and the proposed stacks of pipe material. Outdoor storage uses
86 in General Industrial (I-2) Districts are required to be screened to a height of at least 8
87 feet by opaque fences or walls. The existing fence meets that height standard and has the
88 20-foot setback from the rear property line required by the village Council in the 1963
89 SUP. The record doesn't provide clear information about why the 20-foot setback was
90 required for the fence, but it seems to complicate the maintenance of additional, taller
91 vegetative screening south of the fence. Under the circumstances, however, perhaps the
92 most reasonable alternative is to require the applicant to work with City staff, including
93 the staff arborist, to determine the type, number, and location of plantings to create
94 adequate vegetative screening between the fence and the materials stored on the property.

95 7.0 PUBLIC HEARING

96 The duly-noticed public hearing for this application was held by the Planning
97 Commission on May 5, 2010; draft minutes of the public hearing are included with this
98 staff report as Attachment G. The bulk of the conversation focused on the ongoing
99 struggles of screening and regulating the nonconforming outdoor storage use and
100 determining how best to provide adequate screening into the future. In addition to the
101 public comment provided at the public hearing, written communications received prior to
102 the public hearing are included with this staff report as Attachment F.

103 8.0 RECOMMENDATION

104 Based on the comments and findings outlined in Sections 4-7 of this report, the Planning
105 Division concurs with the recommendation of the Planning Commission to approve the

proposed INTERIM USE, allowing the continuation of the outdoor storage use, subject to the following conditions:

- a. Vehicles, equipment, and other materials stored outdoors shall be limited to items (like delivery vehicles, skid steer loaders, PVC pipe, coiled polyethylene pipe, valve control boxes, etc.) used in MIDC's business;
- b. Stacks of materials shall be neat and orderly, shall not exceed 6 feet in height, and shall be generally located as shown on the site plan reviewed with the INTERIM USE application;
- c. Sheds and other portable storage containers or trailers used for the same purpose shall not be allowed;
- d. The proposed cedar fence shown on the site plan along the northern boundary of the property shall be located at or behind the front building setback line;
- e. The property owner shall work with City staff to develop and implement a vegetative screen planting plan for the area between the southern property line and the proposed storage area by _____, 2010;
- f. The property owner shall be responsible for permanent maintenance of the vegetative screening; and
- g. This approval shall expire on May 31, 2015 or upon the discontinuation of the outdoor storage use or the departure of the present irrigation supply business, whichever comes first. The outdoor storage use shall only be continued beyond May 31, 2015 with renewed approval of the interim use; application for renewal should be made by April 1, 2015 to ensure that a renewed approval may be granted prior to May 31, 2015.

9.0 SUGGESTED ACTION

Adopt a resolution approving the proposed INTERIM USE for Minnesota Irrigation Distribution Company to allow the outdoor storage of irrigation supplies at 1450 County Road C, based on the comments and findings of Sections 4-7 and the conditions of Section 8 of this report.

Prepared by: Associate Planner Bryan Lloyd (651-792-7073)

Attachments:	A: Area map	E: Site plan
	B: Aerial photo	F: Public communications
	C: Open house meeting summaries	G: Draft public hearing minutes
	D: Site photos	H: Draft resolution

Attachment A: Location Map for Planning File 10-014

ROSEVILLE

Prepared by:
Community Development Department
Printed: April 23, 2010

Site Location
LR / R1 Comp Plan / Zoning Designations

Data Sources
* Ramsey County GIS Base Map (3/30/2010)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

0 100 200 Feet

mapdoc: planning_commission_location.mxd

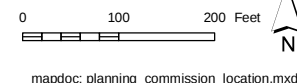
Prepared by:
Community Development Department
Printed: April 23, 2010



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Attachment B: Aerial Map of Planning File 10-014



Location Map



Prepared by:
Community Development Department
Printed: April 27, 2010

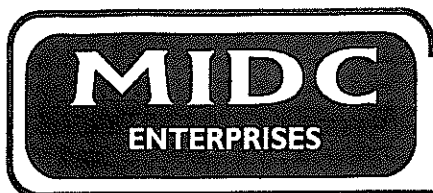


Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* Aerial Data: Kucera (4/2009)
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Website: www.midc-ent.com

March 29, 2010

Interim use permits for 1408 W. Co. Rd. C.

The Public Review Meeting Was Held On Thursday March 25th At The Roseville City Hall Aspen Room At 6:00pm.

Attendee's were as follows:

Marlene & Toney Meehan	1489 Rose Place, Roseville, MN
Norma cooper	1471 Rose Place, Roseville, MN
Molly Redmond & Steve Ring	1455 Rose Place, Roseville, MN
Larry Bittner	1439 Rose Place, Roseville, MN
Shirley M. Pelzer	2650 N Pascal St, Roseville, MN
Jan Anderson	1437 Talisman Curve, Roseville, MN
Linda Fearing	2578 N. Pascal Street, Roseville, MN
Scott Wicklund	1450 W. County Road C, Roseville, MN

The informal meeting seemed cordial, discussion ranged from the utilities along County Road C at Hamline to the trees that were killed by the ground hog behind 1450. Molly Redmond whose property abuts this area indicated she could see over the replacement trees and new ten foot cedar fence recently installed and requested a 15 foot fence. Molly was offered some planting for her yard which will offer more future protection to which the response was favorable. The informal meeting broke up approximately 7:15pm.

Respectfully,

Dwayne Albrecht



Meeting March 25, 2010
Summary submitted by Molly Redmond

Convened by Dwayne Albrecht--landowner 1450 W Cty Rd C, and Scott Wicklund, MIDC business owner at that site, following notice to property owners within 500 feet of the property.

Present: Tony & Marlene Johnson, Mrs. Cooper, Molly Redmond & Steve Ring, Linda Fearing, Larry Bittner, 2 residents from N. of Cty. Rd. C (I did not catch their names, but they did sign Scott's list.)

Permit Request Explained

Mr. Albrecht explained re the Qualified Special Use Permit he is applying for on the MIDC property. It would allow open outside storage, and that is the only exemption to the zoning code that is being requested...ie, noise regulations & setback & maintenance of the front of the property would still be complied with.

These permits are automatically reviewed by the City every 5 years, and can also be rescinded by the City before the 5 year review if the City determines there's a problem.

Mr. Albrecht was not aware of where in the City his permit application would go for review--ie, what standing Committee, or would it go right to City Council.

Problems mentioned by the neighborhood residents:

1. Residents north of County C were primarily concerned with how the property looked & is kept up on the front (ie, County Rd C) side--appearance of buildings, front of the lot, etc.

2. Residents south of the property were concerned about the problems of visual blight, which are made more complicated by the fact that their residences are built on a hill, and thus a standard 8-foot privacy fence is of minimal help for screening, as the slope's rise is higher than 8 feet, so they look OVER the fence, and see all the equipment being stored.

The screening problem is further complicated by the fact that the pine trees planted several years ago on the industry side for screening, as mandated by Roseville when the area was first developed, are dying off. None were replaced until Fall, 2009, when the 8-foot privacy fence was installed.

In addition, the landowners have cleared out a lot of brush over the years: though the landowner was improving his property, the brush had actually been providing fairly effective screening, especially for the 1455 Rose Place property directly behind MIDC.

Screening issues are especially important for the 3 contiguous properties (Redmond/Ring, Nickelsen, Sorenson) with impact on the Bittner property, also. There is a large gap in the area behind Redmond/Ring (1455 Rose Pl) in which the tall evergreens have died, and they look directly into the western 40% or so of the MIDC yard. (Because neighbors Sorenson and Nickelsen weren't able to attend the meeting, their sightlines should also be reviewed.)

In addition, neighbors did not rule out the idea of fencing-type screening near the stored items, rather than the Code-required roofed buildings.

3. One resident made the point that the area has not been in compliance with the screening/visibility issue since the previous owner (Hale?) had sold Mr. Albrecht the property. This has led to concern of the neighborhood re follow-through regarding solutions.

4. Property values are of very high concern to the residents. There is a history of some of the properties appealing their assessments to Ramsey County during a previous dispute re industry compliance with City codes and having the assessor agree with them and having their property taxes lowered. Although this was not the now-Albrecht property, it was the property to its immediate east--which is why there is high concern.

Suggested Solutions

Three possibilities were discussed, which could possibly be looked at in some combination:

1. Vegetation--trees/shrubs on the residential properties to form a living screen. Mr. Albrecht said that his landscape business could provide the trees. This has the advantage of replacing trees still alive, but in decline, and is an investment in preventing future problems with the sightlines, too.

2. Fence screening. Currently the 8' privacy fence is right up against an 8' cyclone-type fence. Could either fence be higher, or have additional height added that might be woven with strips to provide more screening to the residences on the slope above it? Mr. Albrecht's conversations with the City seem to indicate a fence over 8' would not be approved.

3. Management of where different items are stored on the property. Perhaps there is a way for Mr. Wicklund to review where on his lot different equipment is stored, with an eye to which ones might be less disruptive to a sightline, and still not inconvenience or complicate his access to them.

Questions to be answered by the City:

1. Can approval of the Permit request actually be based upon contingencies/actions written into the permit that attempt to solve problems noted above?
2. What kinds of trees/shrub combinations might give the best short-term and long-term solutions for screening?
3. Would the City approve a higher fence if that seemed a good partial solution?
4. Where does the permit go once Mr. Albrecht submits it—Committees, etc?
5. What, then, is the process/timetable for review, comments, and decision making?

Next Steps:

- Meeting participants were amenable to working together towards solutions.
- Residents are quite firm re wanting a detailed plan for solutions put together before they would agree not to fight the zoning exemption.
- We need information from the City, per above list of questions.
- We need to schedule a time with Mr. Albrecht & Mr. Wicklund for looking at the sightlines from each other's properties to see if we get some other ideas for problem solving that way.

Photos within the property



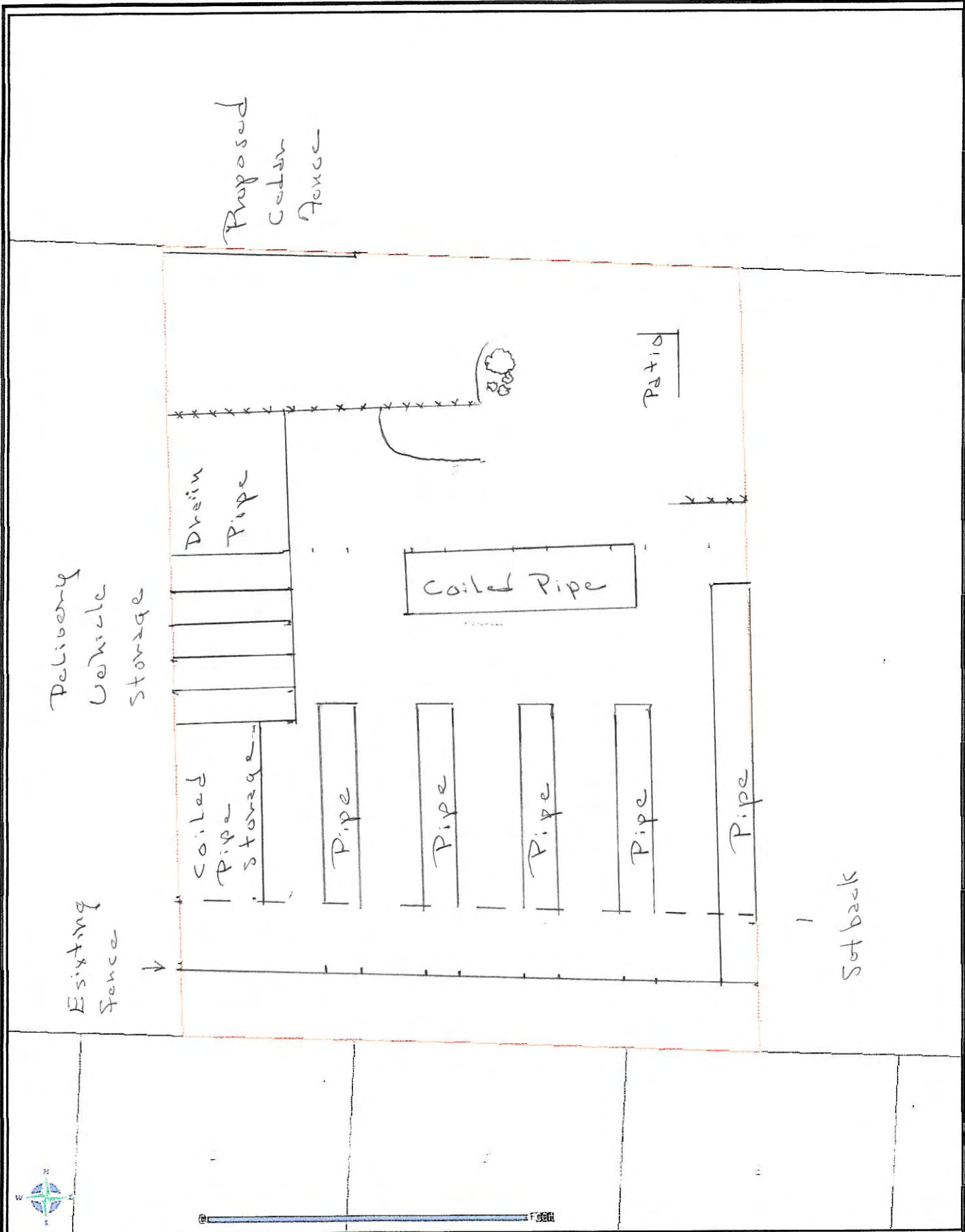


Photos from the residential property to the south

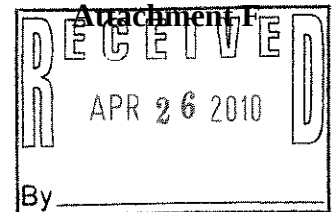




1450 W. Co. Rd. C



Please Note: I can provide the online version of this letter if it would be helpful.
Molly Redmond [REDACTED]



To: The Roseville Planning Commission
From: Steven Ring and Margaret (Molly) Redmond home owners, 1455 Rose Place
re: Request from MN Irrigation Distribution Center for Interim Use Permit for outdoor storage of equipment
April 26, 2010

Of the 4 properties directly affected by this permit request, ours is the most affected, as our total northern boundary borders the MIDC property. We are extremely concerned that this deviation from City Code 1007.015 prohibiting open storage bordering residential areas has the potential to seriously reduce our property values.

1. SPECIAL CIRCUMSTANCE

Our house--as are about 4 others-- is on a slope--probably about 12-14 feet elevation difference from the level of the MIDC property. Thus, the 8-foot privacy fence installed by industry Fall, 2009, does NOT provide the screening needed. We look over most of it.

The history noted briefly below has made many of us extremely skeptical about this request, and, as noted, worried that our property value will plummet.

We still believe mitigation efforts can be worked out--in advance-- that will not compromise Mr. Wicklund's business.

Thus, in order to support the Interim Permit Variance Request, we would like to see some concrete requirements written into the permit.

2. SPECIFIC MITIGATION MEASURES REQUESTED

Specifically, we would like to see:

- A. A height increase in the privacy fence of 2 feet.
- B. Mr. Albrecht suggested that he could provide trees for the residence owners on our side of the boundary. We would like to have (on our side of the line) 6-to-7 foot evergreens--probably spruces, especially in the "holes" that exist in the current line of evergreens. For Redmond/Ring, we'd want at least 2 of these. (Nicholsen's also would be helped by two.) We would like these trees "guaranteed" to live & grow for 5 years. We would certainly commit to watering them.
These should be installed by August 1, 2010
- C. In fall, 2009, Mr. Albrecht installed a few evergreens on his property, south of the fence. We would like to see those trees "guaranteed" and, if necessary, maintained, ie, watered. If they die, they should be replaced within a season. We would consider doing the watering, but want clarity here.
- D. As the older evergreens in the original visual barrier required by the City decline, Mr. Albrecht should be replacing them in a timely manner--ie, within a season.

Other:

- A. The Roseville City Forester has suggested a hedge-type evergreen planting of Canadian Hemlock, Summer Snow variety cultivar--which grows to 15-20 feet, as being a possible solution or part thereof. This has not yet been explored.

B. Also not explored: are there some patterns of materials storage on the actual site which might work equally well for Mr. Wicklund, and present less visual impact to the residences?

3. BRIEF HISTORY

There is a very long history of problems with this property meeting City Codes, dating from the Albrecht acquisition. Prior owner did not have stored equipment visible to the residential area, due to (1) visual barrier of evergreens required by Roseville. This was a City prerequisite to protect residential integrity when the area was originally developed from fields to light industry; (2) the use of stockade-type fencing to screen the storage, which was primarily right near the building; (3) a substantial amount of shrubs and bushes, most of which appeared to have popped up in a random, unplanned way, but were very effective screening.

When the Albrechts acquired the property, they removed the stockade-style fencing, removed the brush, and did not replace the original evergreens, which were starting to die or be blown over. In addition, they installed a cyclone-type fence 15 feet north of the property line, for which they trimmed the evergreens to about 9 feet up, thus removing more screening.

Plus, they stored substantial amounts of materials right up against their fence.

Periodic approaches to the City to ameliorate this problem of what we see from our houses have been ineffective, despite the City planning at various stages for a berm, plantings, requests that the City enforce the "no storage" 40 foot residential/industry interface. Plus, over the years, and through several different City officials, we have never received any coherent answer as to why the City does not enforce its own code re these interfaces, as in City Code 1007.015.

Property values are of very high concern to the residents--especially given the current decline in residential property values. There is a history of some of the residents successfully appealing their assessments to Ramsey County during a previous dispute re industry compliance with City codes. (Although that industry was not the now-Albrecht property, it was the property to its immediate east--which is why there is high concern.)

We can provide the Planning Commission with an extensive historical perspective, including many photos from the past 20 years or so, if requested, regarding situations of non-compliance with City codes.

4. CONCLUSION

We would like to see a workable agreement. However, in order for us to feel granting this variance is compatible with our residential quality and value, we need to see specific performance requirements built in, with commitments from the owner. We'd like to feel that the City has the ability to enforce this, too.

Subject: M & D C

Dear Brian,

I am writing in regard to M & D C's request for more out-side storage. I believe that it would be much more of an eye-sore than now!

The branches of the ever-green tree branches, were trimmed up when the new fence was put up. Also branches were trimmed behind my fence! We now have a clear-view of the white warehouse, and of M & D C's storage (outside)!

I am afraid that the value of our property will decrease because of these things!

I urge you to get on this, to improve these conditions!

Larry Bitter

Request by Minnesota Irrigation Distribution Center (MIDC) to approve outdoor storage of irrigation equipment and supplies at 1450 County Road C as an INTERIM USE

Chair Doherty opened the Public Hearing for Planning File 10-014 at 6:37 p.m.

Associate Planner Bryan Lloyd reviewed staff's analysis of the request by MIDC for outdoor storage of irrigation system supplies as an INTERIM USE in order to account for the existing nonconforming use.

Mr. Lloyd advised that an INTERIM USE approval would allow better regulation and enforcement of those items currently being stored outdoors on this site; address long-term and ongoing complaints of adjacent residential property owners; and provide the City's Code Enforcement staff to address continuing non compliance challenges on this site.

Staff recommended approval of the requested INTERIM USE for MIDC to allow the outdoor storage of irrigation supplies at 1450 County Road C, based on the comments and findings of Sections 4-6 and the conditions of Section 7 of the Request for Planning Commission Action dated May 5, 2010.

Mr. Lloyd advised that the language of Condition E of Section 7 of the requested action was left intentionally broad to provide staff to work with the property owner for creation and implementation of a screening plan, but intended for completion this summer or early fall, and would be refined further prior to the action moving forward to the City Council.

Discussion included specific location of fences in relationship to storage of materials; type of materials being stored; setback requirements related to the fences and storage materials; height of fence and/or vegetation and trees to adequately screen the commercial property from residential properties; rationale for staff's recommended Condition C related to excluding sheds and other portable storage containers and preference for a building addition to accommodate indoor storage requirements; and confirmation that the trucks and trailers were not being stored on this property.

Mr. Lloyd displayed photos of the site taken on May 4, 2010, showing Albrecht materials and equipment, noting that the boat stored on site had since been removed.

Further discussion included complications with the fence and maintenance of vegetative screening; condition of mature evergreen trees helping to screen the property; past maintenance by the property owner and/or adjacent residents; and the inability of the City to require the cooperation of adjacent property owners in maintaining the property of the applicant.

Member Wozniak noted that the applicant's business was as an irrigation company, and that utilizing their expertise in maintaining vegetation screening their property seemed apropos.

Applicant Representatives:

Dwayne Albrecht (husband of property owner), 1408 West County Road C

Discussion among Mr. Albrecht and Commissioners included specific materials, equipment and vehicles on site; difficulty in determining which property was under discussion and impacted by this land use request

Mr. Albrecht stated that there was now less equipment than indicated in those pictures included in the staff report; that the boat had been removed, as well as extra cyclone fence rolls; and the original involvement of MIDC in modular retaining wall installations, but their current marketing of those remaining materials with the current economy, and their refocus on pipe and irrigate supplies. Mr. Albrecht alleged that some captions on the pictures were inaccurate; and that City staff interviewed a short-term employee on site who was unclear as to what materials belonged to whom and where. Mr. Albrecht advised that the pipe supply shown along the west fence was purchased by Albrecht from MIDC in truckload quantity, and paid for over time and

Attachment G

as used, but that their commitment was to purchase an entire truckload for cost efficiencies, similar to other vendors utilized by the firm (i.e., John Deere and fuel vendors) to ensure better prices on larger quantities.

Scott Wicklund, 1450 W County Road C, Proprietor of MIDC Enterprises/ Distributors of Professional Irrigation & Landscape Supplies (Full Service Warehouse)

At the request of Member Wozniak, Mr. Wicklund confirmed that the proposed storage diagram provided by the applicant and part of the report was a fairly accurate depiction and was typical of on site storage. Mr. Wicklund advised that the materials stored were mostly PVC pipe; green and black coiled pipe; and corrugated “poly” drain tile, with the quantity shown also typical, but dependent on the type of year, and may include a limited number of valve boxes as well.

Member Wozniak expressed concern in the applicant complying with the height of stacked materials not exceeding six feet (6’).

Mr. Wicklund noted that the staff report indicated a limit of six feet (6’), but the bulk of the outdoor storage was at or below that level; and if critical, they could comply, with some coiled plastic pipe possibly exceeding that height, but that it was not crucial that it be higher than 6 feet.

Member Gottfried suggested that the efforts of tonight’s requested action was to have less product in less space; and questioned the possibility of retaining a twenty foot (20’) setback and cedar fence and maintaining the plantings, with the property owner taking responsibility for maintaining the vegetation and fence, recognizing that maintenance efforts were limited with no available gate access.

Mr. Wicklund stated that it made sense for him to take responsibility; however, noted the difficulty in doing so with the location of the fence. Mr. Wicklund noted that, in past discussions with the residential neighbors, they had been cooperative and sought an ultimate solution; and concurred that with the residential property having a southern exposure, it may be best to plant on the south side of the barrier; with residents expressing some interest in watering those plantings. Mr. Wicklund noted that it was in everyone’s best interests if the plant materials thrived; and opined that he couldn’t see why the situation couldn’t be overcome.

When Member Gottfried reiterated previous Commissioner observations that it seemed rational for an irrigation business to provide long-term maintenance for the plantings, Mr. Wicklund stated that such an option could be explored.

Public Comment

Written comments were included in the agenda materials; as well as summaries of the open house meeting held on March 25, 2010.

Molly Redmond, 1455 Rose Place (total northern property boundary against applicant’s property)

Ms. Redmond provided written comments, included as Attachment C to the staff report. Ms. Redmond reviewed those items addressed in her written comments, including, their water bills for watering the trees on the property line over the last twenty-plus (20+) years; the willingness of the neighbors to work with the property owner for resolution of this visual blight while not impacting Mr. Wicklund’s small business; topography of the neighboring residential property and impacts with the height of the screening materials and/or fencing; a history of the development of the property and original mandate of the City of Roseville for the evergreen tree barrier between the commercial and residential parcels; current status and condition of those plantings; and concerns in maintaining their residential property values.

Ms. Redmond reiterated the desire to implement the tightest plan possible to remediate this ongoing issue that they've dealt with over the last fourteen (14) years, while ensuring that Mr. Wicklund's business remained vital.

Ms. Redmond invited Commissioners to view the Albrecht parcel from the inside of their home to have a better concept of their view; noting that one residential property was currently for sale, with comments received by the realtor expressing concerns about adjacent commercial uses.

Discussion among staff, Commissioners and the applicant included location of vegetation on the north or south side of the fence; gaps in the current privacy fence; review of the proposed screening plan from the perspective of the commercial property as well as residential properties.

Steve Ring (Molly's husband), 1455 Rose Place

Mr. Ring concurred with previous comments; however, he expressed additional concern that the proposed INTERIM USE would continue the long-term visual pollution the residents had been experiencing that was well beyond City Code acceptance and application; impacting the value of their homes. Mr. Ring noted the recent efforts of Mr. Albrecht and Mr. Wicklund in cleaning up the property prior to this requested action; however, he expressed concern that this may not be a long term effort; and requested that the City ensure residential property owners that, in the future, they would move to enforce all other City Code related to this property; and noted that Mr. Albrecht has a commercial business several parcels down from this parcel.

Mr. Ring expressed concern with the physical location and height of his property at 1455 Rose Place; and suggested another two feet (2') added to the height of the existing fence to better shield their property. Mr. Ring sought to reach an accommodation with the property owner and lessee; and suggested that the offer proposed by Mr. Albrecht at the open house to plant trees on residential properties may be a better screening solution.

Tony Mickelsen, 1463 Rose Place

Mr. Mickelsen expressed frustration in over eight (8) years of attempting to work with Roseville Code Enforcement staff on areas of concern, including issues of rubbish and noise; declining property values; inconsistencies of this property owner to comply with City Code; and the inability of staff to find resolution, and appearing to be more pro-business than pro-residential properties. Mr. Mickelsen expressed his resentment and disappointment with such appearances. Mr. Mickelsen stated that he wished to work with the property owner and lessee, and was supportive of small businesses in the community and their impact to the City's tax base; however, he asked that if they were consistently not in compliance with City Code, they eventually brought property values down. Mr. Mickelsen concluded by stating that the codes were already on the books, and asked that the City enforce them.

Chair Doherty closed the Public Hearing at 7:25 p.m.

Discussion among Commissioners and staff included fence setbacks of twenty feet (20') and setbacks of storage at twenty feet (20') from that fence for commercial areas; proposed existing fence location part of the legacy of the property; past application of Comprehensive Plan amendment geared toward this stretch of property along County Road C and adjacent residential properties south of that industrial property and ongoing challenges to maintain vegetative screening; and proposed rear yard setback respective to outdoor storage on a property zoned to not allow such outdoor storage and requirements for buildings set back one hundred feet (100') from residential and abutting property lines for Light Industrial uses, with parking required to be forty feet (40') from that property line and screened from residential properties.

Further discussion included the ongoing code compliance issues with this property and inability to enforce them based on current code, and rationale for this INTERIM USE process to establish

Attachment G

certain requirements and a remedy to revoke the approval if noncompliant, while attempting to retain the small business use; submission of the property owner's site plan for verification of the intent of the INTERIM USE; and rationale for the five-year provision based on the natural expiration for approval or removal of outdoor storage before that point, but providing the applicant with the ability to benefit from their capital improvements on the site.

Additional discussion included the INTERIM USE specifically tied to the user, not the property; engineering complications in requiring a two-foot extension to the existing fence; lack of fence height limitations in industrial areas, with a minimum of eight feet (8') or whatever is necessary to screen outdoor storage on site; type of materials of existing fence; and suggestions for revised language of several conditions and impacts of those revisions.

At the request of Member Gottfried for the record and for the benefit of the applicant, Mr. Lloyd clarified the repercussions or consequences of revocation if conditions of the approved Interim Use were not met; with any resulting court action costs borne by the owner.

Further discussion included language of Condition E for location of the proposed vegetative screening; history of the property owner not maintaining vegetation; staff determination, with an arborist and/or landscape planner and the applicant, for the best location for the vegetative plantings; and a preferred date for completion of its installation; and determination that Condition A addressed materials related to the business, not other vehicle storage.

MOTION

Member Wozniak moved, seconded by Member Doherty to RECOMMEND APPROVAL of the outdoor storage of irrigation supplies at 1450 County Road C as an INTERIM USE for MIDC, based on the comments and findings of Sections 4-6 and the conditions of Section 7 of the Request for Planning Commission Action o May 5, 2010; amended as follows:

- ***Condition A: language revised to limit outdoor storage to business-appropriate vehicles, equipment and materials;***
- ***Condition E – modify to read: “The property owner shall work with City staff to develop and implement a vegetative screen planting plan for the area between the southern property line and the proposed storage area; with City staff to determine a reasonable date for development of a timeline for completion prior to this action coming before the City Council.”***
- ***Add an additional Condition:***
 - ***“The property owner shall be responsible for permanent maintenance of the vegetative screening.”***

Member Wozniak moved to extend the height of the existing privacy fence nearest the property line from the existing eight feet (8') to a height of ten feet (10') to protect residential property owners; with the motion dying due to the lack of a second; and ultimately withdrawn by the maker of the motion.

Chair Doherty spoke in opposition to such a motion based on engineering requirements for raising the fence without having to install a new fence.

Member Cook spoke in opposition to the proposed fence-height amendment, while sympathizing with the landowners, and opined that he would prefer to see the money put into plantings that would sufficient screen the commercial property from adjacent residential properties.

179 **Ayes: 6**
180 **Nays: 0**
181 **Motion carried.**

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 24th day of May 2010 at 6:00 p.m.

The following Members were present: _____;
and the following Members were absent: _____.

Council Member Klausing introduced the following resolution and moved its adoption:

RESOLUTION NO. _____
**A RESOLUTION APPROVING OUTDOOR STORAGE OF IRRIGATION
EQUIPMENT AND MATERIALS AT 1450 COUNTY ROAD C AS AN INTERIM USE IN
ACCORDANCE WITH §1013.09 OF THE ROSEVILLE CITY CODE
(PF10-014)**

WHEREAS, Joy Albrecht owns the property at 1450 County Road C and supports the application by Minnesota Irrigation Distribution Center, Inc (MIDC). for approval of the proposed INTERIM USE; and

WHEREAS, the subject property is legally described as:

**Registered Land Survey 070, the E 180 feet of the W 360 feet of Tract D
PIN: 10-29-23-21-0037**

WHEREAS, the applicant seek approval of the outdoor storage of irrigation supplies and equipment as an INTERIM USE; and

WHEREAS, the Roseville Planning Commission held the public hearing regarding the proposed INTERIM USE on May 5, 2010, voting 6-0 to recommend approval of the use based on the comments and findings of the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the proposed INTERIM USE will not result in adverse effects on the public health, safety, and general welfare, and that it will not impose additional costs on the public if it is necessary for the public to take the property in the future;

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the proposed outdoor storage as an INTERIM USE in accordance with Section §1013.09 of the Roseville City Code, subject to the following conditions:

- a.** Vehicles, equipment, and other materials stored outdoors shall be limited to items (like delivery vehicles, skid steer loaders, PVC pipe, coiled polyethylene pipe, valve control boxes, etc.) used in MIDC's business;

- b.** Stacks of materials shall be neat and orderly, shall not exceed 6 feet in height, and shall be generally located as shown on the site plan reviewed with the INTERIM USE application;
- c.** Sheds and other portable storage containers or trailers used for the same purpose shall not be allowed;
- d.** The proposed cedar fence shown on the site plan along the northern boundary of the property shall be located at or behind the front building setback line;
- e.** The property owner shall work with City staff to develop and implement a vegetative screen planting plan for the area between the southern property line and the proposed storage area by _____, 2010;
- f.** The property owner shall be responsible for permanent maintenance of the vegetative screening; and
- g.** This approval shall expire on May 31, 2015 or upon the discontinuation of the outdoor storage use or the departure of the present irrigation supply business, whichever comes first. The outdoor storage use shall only be continued beyond May 31, 2015 with renewed approval of the interim use; application for renewal should be made by April 1, 2015 to ensure that a renewed approval may be granted prior to May 31, 2015.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor: _____; and _____ voted against.

WHEREUPON said resolution was declared duly passed and adopted.

Resolution – Albrecht/Minnesota Irrigation Distribution Center (PF10-014)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 24th day of May 2010 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 24th day of May 2010.

William J. Malinen, City Manager

(SEAL)