

ROSEVILLE
REQUEST FOR COUNCIL ACTION

DATE: 8/16/2010
ITEM NO: 12.C

Division Approval:



City Manager Approval:



Item Description: Request by MN Irrigation Distribution Center to approve outdoor storage of irrigation equipment and supplies at 1450 Co. Rd. C as an INTERIM USE (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
- Extended review deadline: August 24, 2010
- Planning Commission recommendation (6-0 to approve): May 5, 2010
- Project report prepared: August 6, 2010
- Anticipated City Council action: August 16, 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.

4.0 BACKGROUND

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

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since a subsequent application in 1996 for a Conditional Use Permit (CUP) pertaining to a truck rental business was withdrawn in part, it appears, because of the heightened screening requirements in the Planning Commission's recommendation to approve the request.

5.0 INTERIM USE APPLICATIONS

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

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

5.2 Section 1012.09B states: *The City Council may attach conditions to Interim Use Permits [sic]. In reviewing [such] applications, the City will establish a specific date or event that will terminate the use on the property. The Council will also determine that the approval of the interim use would 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.*

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

6.0 STAFF COMMENTS

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

90 7.0 PUBLIC HEARING

91 7.1 The duly-noticed public hearing for this application was held by the Planning
92 Commission on May 5, 2010; minutes of the public hearing are included with this staff
93 report as Attachment G. The bulk of the conversation focused on the ongoing struggles of
94 screening and regulating the nonconforming outdoor storage use and determining how
95 best to provide adequate screening into the future. In addition to the public comment
96 provided at the public hearing, written communications received regarding this request
97 are included with this staff report as Attachment F.

98 7.2 The City Council considered the request on May 24, 2010. Residents from the
99 neighborhood to the south were present and raised concerns about the lack of adequate
100 screening. Subsequently, the City Council tabled action on the request for further
101 information about the proposed screening plan and the pending code enforcement action

102 8.0 RECOMMENDATION

103 8.1 Since the May 24th meeting, staff has met with the neighbors and the applicant to create a
104 mutually agreeable screening plan. Staff believes that an effective screening plan has

been arrived at with the applicant planting a total of 14 trees on the properties located at 1447, 1455 and 1463 Rose Place, the future replacement of trees within the buffer zone on the applicant's land, and the addition of a 12-inch lattice on top of the existing 8-foot screening fence. (See Attachment H). Staff is proposing that an approval of the request require that the applicant install the screening as described in Attachment I.

8.2 In regards to the pending code enforcement action, the City Council authorized the issuance of a court citation on January 25, 2010 for the property owner of 1450 County Road C for several violations of city codes, including outdoor storage of materials, parking of inoperative/unlicensed vehicles, and semi-trailers being used for storage. Since the issuance of the court citation, the owner has removed the inoperative/unlicensed vehicles, the semi-trailers used for storage, and all materials stored outside that were not related to the existing business (MIDC). Thus the applicant has complied with the original code enforcement action, with the exception of the outdoor storage of materials related to the MIDC's business. The property owner is requesting Interim Use approval to allow for MIDC's materials to continue to be stored on the property. If the INTERIM USE is approved, the applicant will be in compliance with regulations and the City will drop court action. The next court hearing is in November, 2010.

8.3 Therefore, based on the comments and findings outlined in Sections 4-7 of this report and previous testimony, the Planning Division recommends that the City Council 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 implement the screening plan as identified in Attachment I by November 1, 2010, which includes the applicant planting a total of 14 trees on the properties located at 1447, 1455 and 1463 Rose Place. The applicant shall warrant and replace as needed the trees on the residential properties for a period of two years following installation after which time, the trees are the sole responsibility of the residential property owners.
- f. As identified in Attachment I, the property owner shall be responsible for permanent maintenance and replacement of the screening (trees and fence) on his property within the existing 20-foot buffer zone and is required to put up a 12-inch lattice on top of the existing 8-foot screening fence; and

147 g. This approval shall expire on August 17, 2015 or upon the discontinuation of the
148 outdoor storage use or the departure of the present irrigation supply business,
149 whichever comes first. The outdoor storage use shall only be continued beyond
150 May 31, 2015 with renewed approval of the interim use; application for renewal
151 should be made by June 1, 2015 to ensure that a renewed approval may be
152 granted prior to August 17, 2015.

153 **9.0 SUGGESTED ACTION**

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

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

Community Development Director Patrick Trudgeon (651-792-7071)

Attachments:	A: Area map	E: Site plan
	B: Aerial photo	F: Public communications
	C: Open house meeting summaries	G: May5, 2010 Planning Commission public hearing minutes
	D: Site photos	H: May 24, 2010 City Council minutes
		I: Screening Plan dated August 2, 2010
		J: Draft resolution

Attachment A: Location Map for Planning File 10-014

The map displays a grid of residential lots with various zoning codes such as LR/R1, HR/I1, CB/PUD, MR/R1, and RR/RR. Lot numbers are clearly marked on each lot. Major roads shown include County Road C W, Rose Pl, and Sheldon St. A red rectangle highlights the specific site being planned, located at the intersection of Rose Pl and County Road C W.

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

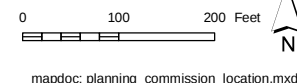
Prepared by:
Community Development Department
Printed: April 23, 2010



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Attachment B: Aerial Map of Planning File 10-014



Location Map



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

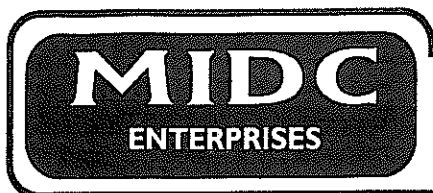


Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* Aerial Data: Kucera (4/2009)
For further information regarding the contents of this map contact:
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2660 Civic Center Drive, Roseville MN

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FULL SERVICE WAREHOUSE: 1450 WEST COUNTY ROAD C • ROSEVILLE, MN 55113 • (651) 633-9416 • FAX (651) 633-1709
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



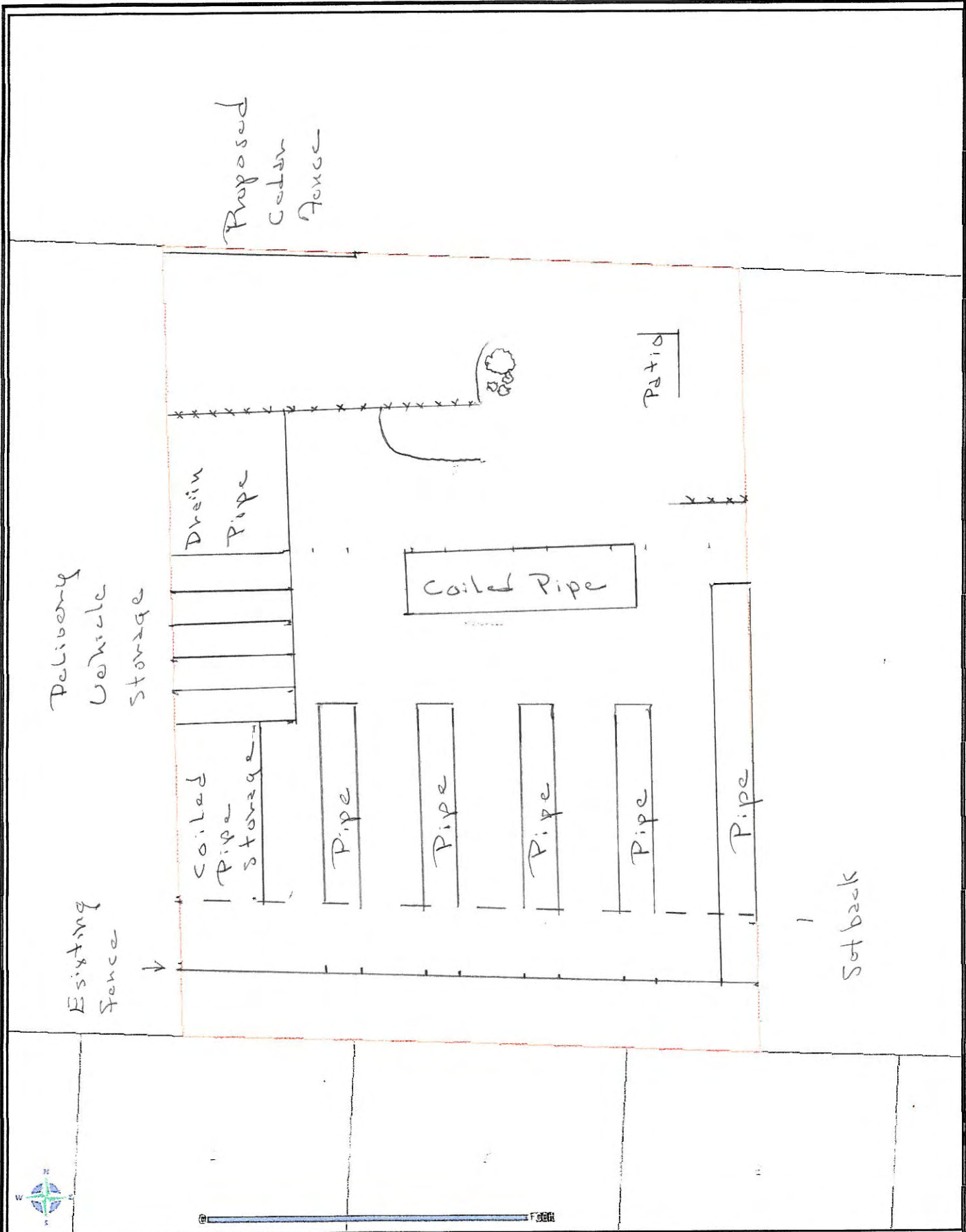


Photos from the residential property to the south

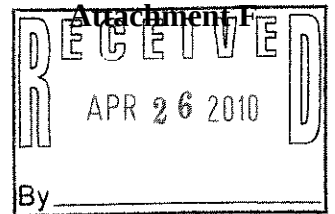




1450 W. Co. Rd. C



Please Note: I can provide the online version of this letter if it would be helpful.
Molly Redmond 651-633-2743 certhia1@gmail.com



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

5/19
cc Pat T
Mark G.
Council

May 18, 2010

Dear Mayor Klausing,

Attached is a note from my spouse, Steve Ring, and me, regarding a pending matter for the May City Council meeting. We are quite concerned about the effect on our property value—which is, as it is for most people, our primary asset.

We do believe an accommodation can be reached, but don't believe that City staff have looked carefully enough at possible mitigation measures, and have some specific requests enclosed.

Sorry the summary is kind of long. This residential/light industry interface has a lot of troubled history.

We can be reached at 651-633-2743. We will not be home Friday 5/21 until Sunday evening, 5/23. We will, however, be checking our voice mail.

Thank you for your consideration of our problem.

Sincerely,



Molly Redmond & Steve Ring
1455 Rose Place
Roseville
651-633-2743

To: The Roseville City Council

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

At the Planning Commission Meeting May 5, the Commission recommended passing the request for a 5-year interim use permit, with specific additions regarding timing and performance added to the original staff report--which had contained no metrics for implementation nor target dates.

Before this is approved by the City Council, we would like to make a complaint, and 3 specific requests. Our interest is: of the 4 properties directly affected by this 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.

We have no desire to compromise Mr. Wicklund's business. Thus, in order to support the Interim Permit Use Request, we would like to see some concrete mitigation requirements written into the permit, plus have further consideration on how the requirements will be arrived at.

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.

Most of the real screening is provided by a 15-foot "buffer" strip of evergreen trees along the MIDC property's south boundary. This area of alternating spruces and jack pines was mandated by the City in (we believe) the 1960's, when adjacent properties were granted permission to develop from pastureland. This vegetative screen is in decline: many trees have died, and gaps are prominent and increasing.

THE COMPLAINT

We don't feel the current recommendation is strong enough to protect our property values. This is partly because the recommendation from City Planning comes without Mr. Lloyd or Mr. Paschke viewing the industrial property from our side of the boundary--ie, from the hill--from both the back yard and our north windows. As stakeholders in the outcome of the MIDC request, we find this very, very troubling. And, frankly, it makes us suspicious that there is no real City commitment to follow-through, or oversight.

I give more detail on our specific issues--especially the current request--at this at the end of this letter. Frankly, much of our concern comes from our neighborhood's long history of our efforts to get the City to enforce the letter and/or the spirit of its own codes--which supposedly protect residential properties.

For the purposes of summarizing the history, for 25 years this Rose Place neighborhood has dealt with the City and been filing complaints re violations about noise, visual blight, odors, huge piles of snow brought in from elsewhere and flooding our yards (photos available), vibrations from 24-hour metal stamping (ie, heavy industry operations), and failure to maintain the vegetative screening. Residents abutting the industries who have complained to the City over the years include Redmond/Ring, Wadnal, Nickelsen, Bittner, Koehler/Muldar, Walter, Lee, McLeod, and others (plus neighbors who have signed petitions due to their concerns about the neighborhood as a whole).

Before we purchased our property in 1982, we checked the City codes re this residential/light industry interface. We talked with City staff, who assured us that these codes were enforced. After 28 years, and working with many City staff (Beseth, Jopke, Waldron, Sarkozy, Falk, Strand, Lloyd, etc), we conclude that our neighborhood and its residential values are, in reality, of much lower priority than the City claims.

REQUESTS

As noted above, we feel we can reach an accommodation which will allow Mr. Wicklund to continue his outdoor storage, and bear him no ill will.

1. However, we would like the City to require that any mitigation plans be looked at from the residential property as well as the business property. It seems like an obvious part of planning & recommendations, especially with the hill involved, but has not happened yet.
2. We would like to be able to be part of the group considering vegetative screening, per the Planning Commissions directive. Perhaps that way a more balanced picture of the needs and options can be presented. In addition, Mr. Lloyd said he did not know much about different types of vegetation possibilities. Molly has some background in this.
3. We would like the possibility of the addition of 2 feet to the new 8 foot privacy fence along our northern boundary revisited--by someone from the City who actually looks at it from our property, and someone who has the engineering credentials to evaluate that feasibility.

SPECIFICS OF COMPLAINT/SOME HISTORY

Regarding the Conditional Use Permit Request--here are some current and past reasons for our high level of concern.

A. OMISSION IN CURRENT REPORT: The City staff's report to the Planning Commission does not even mention that our residence, and 4 others, are on a hill about 12 feet above the MIDC property. There is ample record of this hill in our communications with the City over the last 20+ years. We find it inexplicable that this was not considered, nor mentioned.

B. RECENT PRIVACY FENCE, AUTUMN 2009: At the instigation of the City, an 8-foot privacy fence was installed in Fall, 2009, along the south margin of industry interface with the neighborhood. This fence was installed without notification of the homeowners. Again, we believe it was installed without City Staff actually visiting the homes on the hill.

This is important because, when Molly asked Mr. Lloyd in a meeting on May 4, whether a mitigation measure might be to extend the height of the fence behind us to 10 feet, he said the City had just ordered the 8 foot fence, and it didn't seem right to ask the industry to make a change.

Well, it does not seem right to us that the City did not do its homework by visiting the neighborhood and taking the hill into consideration, and then just assuming the residents should take the consequences for the City's omission.

C. MARGINAL GOOD FAITH FROM INDUSTRY RE TREE SCREENING: The existing vegetative screen is/was made up of spruce and jackpine, mentioned above. It has deteriorated substantially, due to tree loss from wind, disease, etc. Repeated requests to the City to have the vegetative barrier kept up have gone nowhere. There are now some serious gaps in the screening--though we've planted some spruces on our side (seen in 2010 photo).

In 1996, there was another Variance Request from the MIDC property. At that point, the request was granted, contingent on strong mitigation measures to protect the neighborhood via use parameters and screening. This included strong vegetation planning, plus a possible berm. MIDC later withdrew its request.

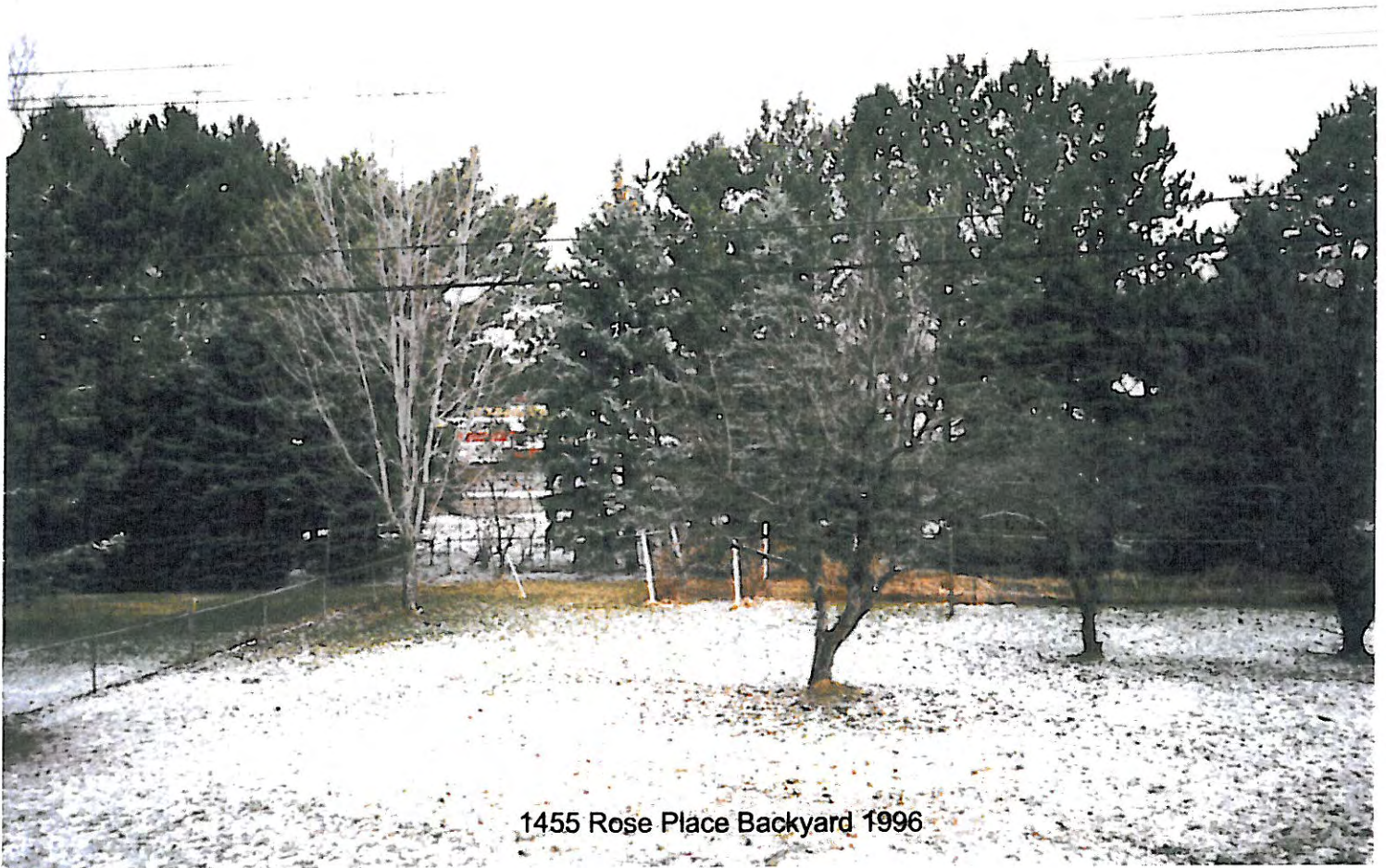
Enclosed are 2 pictures of MIDC from property...One is from 1996, and one from 2010. You can just see one of the 3 pines that Mr. Albrecht planted in 2009 (the small one in the gap)...it will be years before they achieve screening height. And, in the 14 years, the gap has gotten worse. Those 3 trees are the only plantings on the industry side in 14 years...

It seems to me that this says a lot about the City's lack of commitment to its residents.

D. IGNORING THE STAKEHOLDERS: Another mark of the City's inability to listen to its stakeholders: Mr. Albrecht had specifically suggested at his information meeting in April that he could help with plantings on the residential property. This offer was ignored by City staff. In fact, their original Staff report would mandate that all screening be to the north of the industry fence. When questioned about this in the Planning Meeting, City staff repeatedly said that, basically, the residents could not be counted on to maintain them (on their own properties)--this after Molly told the Committee that she has been watering the industry's trees (in the 15-foot buffer) faithfully for 20-plus years, and had offered (in writing) to do the same for the 2 new trees Mr. Albrecht installed in 2009.

How does the City not see that it is in the economic self-interest of the residents to work with the industry? How does the City have such great trust in the industry--and none at all in the good sense of the residents?

E. REAL EVIDENCE OF FINANCIAL HARM: At one point--1991, in one of the code disputes with the City, 2 families decided to see if we could get our County Property Taxes lowered. We did this to see if an outside agency would validate that the City's lack of enforcement had an economic impact. We succeeded in having our taxes lowered. It's probably time to re-file a similar request.



1455 Rose Place Backyard 1996



1455 Rose Place Backyard 2010

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.**

May 24, 2010 Roseville City Council Minutes

12. Business Items (Action Items)

a. 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)

Associate Planner Bryan Lloyd reviewed the request of Minnesota Irrigation Distribution Center (MIDC) for outdoor storage of irrigation system supplies, pursuant to Roseville City Code, Section 1013.09 (Interim Use) in order to account for existing nonconforming use, as detailed in the report Request for Council Action (RCA) dated May 24, 2010

Mr. Lloyd reviewed the ongoing screening issue between this commercial property owner and adjacent residential property owners along the south side, and results of staff and the property owner working together on a resolution, and submission by the applicant of a site plan. Mr. Lloyd advised that progress was being made; reported on the Public Hearing process held at the Planning Commission level and recommended conditions of staff and the Commission; screening objectives; planting of Evergreen trees and other plantings, with ultimate review by the City's landscape architect and arborist, with proposed vegetation installed before year-end, with the applicant required to have those desirable planting materials on hand before fall to ensure they will be available for planting at that time.

Discussion included the flexibility of a vegetation screen planting plan at the staff level rather than at the City Council level for approval; stipulations and enforceable actions between the City and the applicant, not any private agreements between the adjacent residential property owners and the applicant; possible addition of a condition that such a formal agreement be in place, similar to a shared parking agreement; and noting that the current use is outside City Code, with litigation pending on other code compliance issues.

Mr. Lloyd noted that the other option, if not an Interim Use, was that this business was no longer able to operate; but that, given the lack of documentation of past records and/or actions, the more feasible legally sound option appeared to be the Interim Use, allowing the City to have the conditions on record and fully enforceable from this date forward.

Community Development Director Patrick Trudgeon reviewed past discussion between the property owner and staff to seek mutual resolution and reasonable accommodation without relying on court determination, given that the property has not been in compliance with City Code for decades, but no apparent City action has been taken during that time. Mr. Trudgeon advised that there had been significant improvement on the property, along with those other properties owned along this corridor by the applicant; with the Interim Use allowing the City to more properly regulate any future violations.

Further discussion included assurances that the applicant would not clean up the one site at 1450 County Road C and simply relocate items to their other properties; lack of clarification on the status of the court case and potential impacts on the end results; and a review of the sixty-day review period (ending June 7, 2010).

By consensus, Councilmembers sought further information on the pending court enforcement action; follow-up on City Code for open storage in Industrial 1 Districts; and rationale for not enforcing existing code and impacts to this business.

Public Comment

Steven Ring & Molly Redmond, 1455 Rose Place (property owners directly south, their property entirely bordered by property in question)

Mr. Ring reviewed and provided photos of the topography and elevation of their home; the previous vegetative border and its current condition. Mr. Ring opined that more plantings were needed to shield the commercial property from residential properties on the south.

Ms. Redmond advised that the old trees, originally planted by Mr. Albrecht, had formed a nice shield for many years, but now needed replacement to maintain that Evergreen buffer zone of 15'. Ms. Redmond noted the historical and anecdotal information available from residential property owners regarding the history of the screening before and after purchase of the property by Mr. Albrecht. Ms. Redmond further opined that Mr. Scott Wicklund was a good neighbor, and it was not the intent of the neighbors to no longer have him operate his business; however, as residential stakeholders in the community, they needed to be given ample consideration as well. Ms. Redmond repeated her invitation for Councilmembers and/or staff to view the property from inside their home for a more clear perspective on the topography issues.

Mr. Ring, speaking on behalf of the property owner at 1447 Rose Place, who was unable to attend tonight, provided additional photos from that specific property. Mr. Ring advised that this property was currently for sale, and comments from potential buyers and realtors were their concern with the view from the backyard.

Mr. Ring concluded by saying that the neighbors have continued to support Mr. Wicklund and his business ventures; however, part of the previous agreement was to provide sufficient screening and buffers between the properties. Mr. Ring requested that any mitigation plans be reviewed from the residential perspective, as well as the commercial perspective; and that residents be included in those discussions to ensure a good solution was found for all parties.

Klausing moved, Johnson seconded, TABLING this matter until staff returns with additional information on litigation; and requesting staff to administratively extend the 60-day review period to consider outdoor storage

of irrigation equipment and materials at 1450 County Road C as an INTERIM USE in Accordance with Roseville City Code, Section1013.09 (PF10-014).

Roll Call

Ayes: Pust; Roe; Ihlan; Johnson; and Klausing.

Nays: None.



August 2, 2010

Ms. Molly Redmond
Mr. Steve Ring
1455 Rose Place
Roseville, MN 55113

Dear Molly and Steve:

I am writing to inform you of the proposed screening plan for the interim use request for outdoor storage at 1450 County Road C (Minnesota Irrigation Distribution Center or MIDC). As you know, Mr. Duane Albrecht is requesting for permission to continue to store material for MIDC operations. At previous public meetings regarding this request, there were concerns raised by the neighborhood regarding the inadequate screening of the site from the residential properties along Rose Place.

Steve Nicholson of S and S Tree Service has assisted the city in coming up with a screening plan that is intended to provide year round screening of the business from your property. Below are the details of the plan:

- Mr. Albrecht will plant 14 evergreen trees at or near the locations marked by flags at 1447, 1455, and 1463 Rose Place. This includes:
 - Three white pines in the backyard of 1463 Rose Place.
 - Two white pines and two balsam firs in the backyard of 1455 Rose Place. (Presently there are two small firs growing in the northwest corner of 1455 Rose Place. These can either be moved then replaced with the new balsam fir or the marked location of the new fir may need to be altered slightly to prevent competition).
 - Five balsam firs and two white pines in the backyard of 1447 Rose Place.
- Trees planted on the Rose Place properties will be warranted by Mr. Albrecht for two growing seasons and replaced as needed during that time period. The homeowners are responsible for watering the trees. All planting stock shall be between five and six feet in height. Planting stock shall be either Balled and Burlaped or container grown. Trees shall not be wild trees.
- Trees shall be planted so that the first order roots are at or just below grade. B & B stock shall have as much of the burlap, twine and wire basket removed as possible. Root-bound containerized stock shall be scored or cut to promote new root growth. Newly planted trees shall be mulched immediately after planting.

- The existing non-deciduous trees in the buffer zone at 1450 County Road C will remain. As these trees die and/or are damaged, they will be replaced with either white pine, balsam fir or other evergreen species tolerant of shady environments and approved by the City.
- Mr. Albrecht will remove competing deciduous vegetation between the two fences. (i.e. the box elder tree behind 1455 Rose Place).
- Mr. Albrecht will maintain the area between the two fences relatively free of competing woody vegetation. If herbicides are to be used, all Federal, State and local law shall be followed.
- Mr. Albrecht will install a 12 inch lattice to the existing 8-foot fence to provide for additional screening.

Enclosed is an aerial showing the approximate location of the proposed plantings.

The City Council will be considering the proposed interim use, including this proposed screening plant at its regular meeting of August 16, 2010 starting at 6 pm. I urge you to attend and voice your opinion on the application. In the meantime, if you have any questions about the proposed screening plan, please feel free to contact me at (651) 792-7071 or at pat.trudgeon@ci.roseville.mn.us

Respectfully,

CITY OF ROSEVILLE

Patrick Trudgeon
Community Development Director

C: Dwayne Albrecht

Tree Species

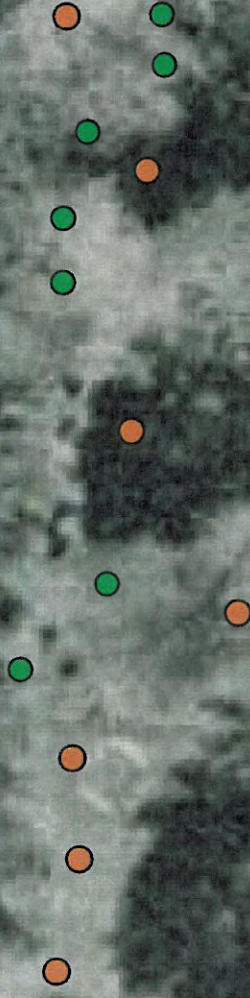
- Balsam fir
- White pine

Mature pines to be replace at future date with pine or balsam fir as needed

1447

1455

1463



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 16th day of August 2010 at 6:00 p.m.

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

Council Member _____ 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 implement the screening plan as identified in Attachment A of this resolution by November 1, 2010, which includes the applicant planting a total of 14 trees on the properties located at 1447, 1455 and 1463 Rose Place. The applicant shall warrant and replace as needed the trees on the residential properties for a period of two years following installation after which time, the trees are the sole responsibility of the residential property owners.
- f. As identified in Attachment A of this resolution, the property owner shall be responsible for permanent maintenance and replacement of the screening (trees and fence) on his property within the existing 20-foot buffer zone and is required to put up a 12-inch lattice on top of the existing 8-foot screening fence; and
- g. This approval shall expire on August 17, 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 June 1, 2015 to ensure that a renewed approval may be granted prior to August 17, 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 16th day of August 2010 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 16th day of August 2010.

William J. Malinen, City Manager

(SEAL)



August 2, 2010

Ms. Molly Redmond
Mr. Steve Ring
1455 Rose Place
Roseville, MN 55113

Dear Molly and Steve:

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 - Two white pines and two balsam firs in the backyard of 1455 Rose Place. (Presently there are two small firs growing in the northwest corner of 1455 Rose Place. These can either be moved then replaced with the new balsam fir or the marked location of the new fir may need to be altered slightly to prevent competition).
 - Five balsam firs and two white pines in the backyard of 1447 Rose Place.
- Trees planted on the Rose Place properties will be warranted by Mr. Albrecht for two growing seasons and replaced as needed during that time period. The homeowners are responsible for watering the trees. All planting stock shall be between five and six feet in height. Planting stock shall be either Balled and Burlaped or container grown. Trees shall not be wild trees.
- Trees shall be planted so that the first order roots are at or just below grade. B & B stock shall have as much of the burlap, twine and wire basket removed as possible. Root-bound containerized stock shall be scored or cut to promote new root growth. Newly planted trees shall be mulched immediately after planting.

- The existing non-deciduous trees in the buffer zone at 1450 County Road C will remain. As these trees die and/or are damaged, they will be replaced with either white pine, balsam fir or other evergreen species tolerant of shady environments and approved by the City.
- Mr. Albrecht will remove competing deciduous vegetation between the two fences. (i.e. the box elder tree behind 1455 Rose Place).
- Mr. Albrecht will maintain the area between the two fences relatively free of competing woody vegetation. If herbicides are to be used, all Federal, State and local law shall be followed.
- Mr. Albrecht will install a 12 inch lattice to the existing 8-foot fence to provide for additional screening.

Enclosed is an aerial showing the approximate location of the proposed plantings.

The City Council will be considering the proposed interim use, including this proposed screening plant at its regular meeting of August 16, 2010 starting at 6 pm. I urge you to attend and voice your opinion on the application. In the meantime, if you have any questions about the proposed screening plan, please feel free to contact me at (651) 792-7071 or at pat.trudgeon@ci.roseville.mn.us

Respectfully,

CITY OF ROSEVILLE

Patrick Trudgeon
Community Development Director

C: Dwayne Albrecht

Tree Species

- Balsam fir
- White pine

Mature pines to be replace at future date with pine or balsam fir as needed

1447

1455

1463

