


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 1-12-2009

Item No.: 12.b

Department Approval

City Manager Approval



PT/DM

Item Description: **Community Development Department Request to Issue a Ramsey County Court Citation for Unresolved Violations of City Code at 1408 County Rd C.**

BACKGROUND

- The subject property is occupied by Albrecht Landscaping.
- The current owner is Mr. Dwayne Albrecht who resides at 2200 Boswell Avenue, St. Paul, MN 55108.
- The City continues to receive complaints from multiple residents in the area about this property.
- Current violations include:
 1. The rear 100' of the property is being used for other than the allowed nursery stock storage. This area contains vehicle storage, inoperable vehicle storage, equipment storage, inoperable equipment storage, outside supplies storage, storage containers and landscape materials storage (dirt, rock, etc.):
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 2. The required 15' landscape buffer area, on the south and west sides of the rear 100' of the property, is not being maintained and does not block eye level view to the residential properties that it abuts:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit
 3. Outside storage of equipment and materials, which is prohibited in this district (except for the approved pipe storage to the west of the existing building), is occurring throughout the site:
 - a) Violation of 1975 City Code Section 10.275.
 - b) Violation of current City Code Section 1007.02 B.
 4. Vehicles are not being parked and screened within areas consistent with the approved site plan. They are being parked within required side and rear setback areas (to residential zones) that also require landscaping and screening:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of 1975 City Code Sections 10.050, 10.060 and 10.260.

- 24 c) Violation of current City Code Section 1018.06 K.
- 25 5. Allowed equipment (trailers and other over-the-road equipment) is not being parked within areas
26 consistent with the approved site plan. This equipment is being parked within required setbacks to
27 residential zones (areas which are required to be landscaped and screened):
- 28 a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
- 29 b) Violation of 1975 City Code Sections 10.050, 10.060 and 10.260.
- 30 c) Violation of current City Code Section 1018.06 K.
- 31 6. The two Landscape Display areas (near the front) are not being used consistent with the approved site
32 plan. This area is being used for vehicle storage, trailer storage and equipment storage, which is
33 prohibited:
- 34 a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
- 35 7. Employee parking is not occurring as specified on the approved site plan. Vehicles are being parked
36 out on the railroad right-of-way which is prohibited without permission:
- 37 a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
- 38 b) Violation of current City Code Section 1018.06 J.
- 39 8. Junked and abandoned vehicle outside storage is occurring throughout the site (unlicensed vehicles,
40 inoperable vehicles and disassembled vehicles):
- 41 a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
- 42 b) Violation of current City Code Section 407.02 O.
- 43 9. Outside storage of rusting metal, inoperable equipment and other debris:
- 44 a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
- 45 b) Violation of current City Code Section 407.03 H.
- 46 10. Portions of the existing perimeter fencing are not of an allowed type and/or in a state of disrepair:
- 47 a) Violation of current City Code Sections 407.02 J and 1012.02 C.2 (barbed wire fencing
48 abutting residential property).
- 49 • A status update, including pictures, will be provided at the Council hearing.

50 **POLICY OBJECTIVE**

51 The City goals within the Comprehensive Plan are to protect and improve property values (Goal 3, 4,
52 and 5; page 6 and, Section 3) and to adhere to performance standards which protect the integrity of the
53 housing units and the neighborhood (Policy 6, page 8, Section 3).

54 **FINANCIAL IMPACTS**

55 The numerous violations at 1408 County Road C negatively impact the property values of the
56 surrounding neighborhood.

57 **STAFF RECOMMENDATION**

58 Staff recommends that the Council direct Community Development staff to issue a Ramsey County
59 Court Citation to Mr. Albrecht for public nuisance violations, and violations of the Special Use Permit
60 at 1408 County Road C.

61 **REQUESTED COUNCIL ACTION**

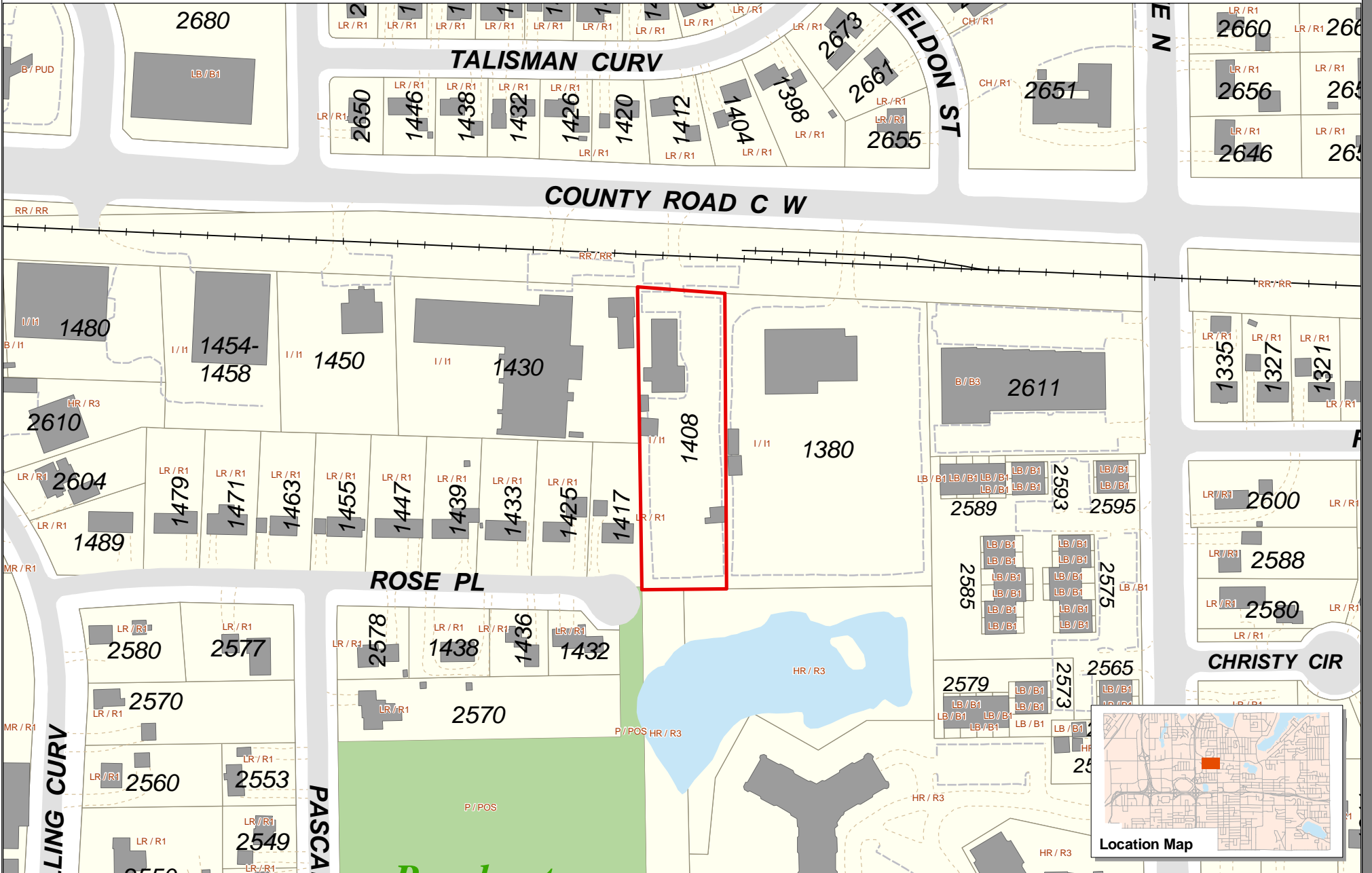
62 Direct Community Development staff to issue a Ramsey County Court Citation to Mr. Albrecht for
63 public nuisance violations, and violations of the Special Use Permit at 1408 County Road C.

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Prepared by: Don Munson, Permit Coordinator

Attachments: A: Map of 1408 County Road C
B: August 7, 2008 Letter

1408 County Road C

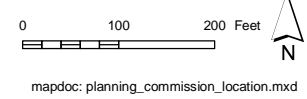


ROSEVILLE
 Prepared by:
 Community Development Department
 Printed: December 29, 2008


Site Location
 LR / R1 Comp Plan / Zoning
 Designations

Data Sources
 * Ramsey County GIS Base Map (12/1/2008)
 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.





**Community Development Department
2660 Civic Center Drive, Roseville, Mn, 55113
651-792-7071 fax: 651-792-7070**

August 7, 2008

Mr. Dwayne Albrecht
1408 County Road C
Roseville, Mn 55113

RE: 1408 County Road C, Roseville, MN

Dear Mr. Albrecht:

In July of 2005 the Roseville City Council directed staff to begin the clean up of industrial properties violating city codes along County Road C between Hamline Avenue and Snelling Avenue. City and County Records show that you are the owner of the property located at 1408 County Road C.

This property, located along the south side of County Road C between Hamline and Snelling, is in a one-parcel deep I-1 zoned industrial area, which abuts an existing residentially zoned neighborhood. The files and maps of your property identify your property as continuously in a non-complaint status based upon inadequate screening, prohibited exterior storage and uses not permitted by your permits.

Our records show that in 1976 you requested a rezoning from R-1 to I-1 to move Albrecht Landscaping on to the site. Roseville's City Council approved this rezoning and a Special Use Permit that restricted any open storage on the southerly 100 feet to nursery stock only. Open storage elsewhere on the site was not permitted by I-1 industrial district requirements. The permit also required a 15 foot landscaped buffer on the west and the south property lines abutting residential zoning and required compliance with your proposed site plan (attached). Your plans showed areas for landscape display, employee parking, company truck parking, equipment parking, pipe storage, and showed a proposed second building, as well as the 15 foot landscaped buffer. Attached are City of Roseville aerials from 2003 and 2006 which illustrate that your current operations do not reflect the conditions of the permit granted in 1976. In addition, the zoning code in effect at the time of the permit required a 40 foot setback from property lines adjacent to residential districts and side yards were to be landscaped. It further stated that storage materials be set back 100 feet from any rear property line that abutted a residential district and, that vehicle parking in the rear yard be 40 feet from that property line and any vehicles be screened by landscaping.

Recently, Community Development staff inspected your property from off-site. The following are observed violations of; the 1976 Approving Resolution and Special Use Permit, the approved 1976 site plan, applicable 1975 and current Zoning Ordinance regulations, and, current City Code public nuisance ordinances:

1. The rear 100' of the property is being used for other than the allowed nursery stock storage. This area contains vehicle storage, inoperable vehicle storage, equipment storage, inoperable equipment storage, outside supplies storage, storage containers and landscape materials storage (dirt, rock, etc.):
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) All storage other than nursery stock must be removed.
2. The required 15' landscape buffer area, on the south and west sides of the rear 100' of the property, is not being maintained and does not block eye level view to the residential properties that it abuts:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit
 - b) The 15' landscape buffer must be reinstalled.
3. Outside storage of equipment and materials, which is prohibited in this district (except for the approved pipe storage to the west of the existing building), is occurring throughout the site:
 - a) Violation of 1975 City Code Section 10.275.
 - b) Violation of current City Code Section 1007.02 B.
 - c) All prohibited outside storage must be placed inside a building or removed from the site.
4. Vehicles are not being parked and screened within areas consistent with the approved site plan. They are being parked within required side and rear setback areas (to residential zones) that also require landscaping and screening:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of 1975 City Code Sections 10.050, 10.060 and 10.260.
 - c) Violation of current City Code Section 1018.06 K.
 - d) All vehicle parking must be repositioned to comply and with necessary landscaping and screening installed.

5. Allowed equipment (trailers and other over-the-road equipment) is not being parked within areas consistent with the approved site plan. This equipment is being parked within required setbacks to residential zones (areas which are required to be landscaped and screened):
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of 1975 City Code Sections 10.050, 10.060 and 10.260.
 - c) Violation of current City Code Section 1018.06 K.
 - d) All vehicular equipment must be repositioned to comply and with necessary landscaping and screening installed.
6. The two Landscape Display areas (near the front) are not being used consistent with the approved site plan. This area is being used for vehicle storage, trailer storage and equipment storage, which is prohibited:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Vehicles and equipment must be removed from this area.
7. Employee parking is not occurring as specified on the approved site plan. Vehicles are being parked out on the railroad right-of-way which is prohibited without permission:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of current City Code Section 1018.06 J.
 - c) Employee parking must be repositioned to comply.
8. Junked and abandoned vehicle outside storage is occurring throughout the site (unlicensed vehicles, inoperable vehicles and disassembled vehicles):
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of current City Code Section 407.02 O.
 - c) Junked, abandoned and inoperable vehicles must be placed inside a building or removed from the site.
9. Outside storage of rusting metal, inoperable equipment and other debris:
 - a) Violation of Planning File # 997's Approving Resolution and Special Use Permit.
 - b) Violation of current City Code Section 407.03 H.

- c) Inoperable and rusted equipment must be stored inside a building or removed from the site.

10. Portions of the existing perimeter fencing are not of an allowed type and/or in a state of disrepair:

- a) Violation of current City Code Sections 407.02 J and 1012.02 C.2 (barbed wire fencing abutting residential property).
- b) Fencing in violation must be replaced.

If you have not received specific permits, variances, or other approvals from the City to allow the above listed conditions, your property is in violation of your Approving Resolution, your Special Use Permit and various Roseville past and current city codes.

Since the property continues to be in violation, you are hereby notified that you have 45 days from the date of this letter to bring your property into compliance. If the City determines that your property is not in compliance with City Codes, your Approving Resolution and the Special Use Permit by September 22, 2008, the City will initiate court proceedings with Ramsey County to correct the situation.

Mr. Albrecht, as stated in this letter, you are in substantial non-compliance with the City Code, your Approving Resolution and your Special Use Permit granted in 1976. In reviewing the file, I noted that the City has been in contact with you since 1977 regarding non-compliance. I can't underscore enough to you the importance of correcting issues that first started 30 years ago. Your prompt and immediate attention to this matter is greatly appreciated.

If you desire to meet with me to discuss the matter, I would welcome it. I can be reached at (651) 792-7071.

Sincerely,
CITY OF ROSEVILLE

Pat Trudgeon
Community Development Director

Cc: Don Munson, Codes Coordinator
Scott Anderson, City Attorney

Attachments: 1976 Site Plan
2003 and 2006 Aerials