

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, June 27, 2017
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Chair Larkin ____ Samatar ____
Murphy ____ Stemper ____
Williams ____ Kotelnicki ____
Sunderland ____
Council Liaison Harris ____ Staff Liaison Moretto ____
- C. APPROVAL OF MINUTES for May 23, 2017
- D. AGENDA
 - 1. Discussion - Vacant Buildings
 - 2. Discussion - Comprehensive Planning
- E. INFORMATION AND ANNOUNCEMENTS
- F. ADJOURN

If you have a disability and need accommodation in order to attend this meeting, please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.

**City of Falcon Heights
Planning Commission Minutes
May 23, 2017**

PRESENT: Commissioners Williams, Larkin, Murphy, Stemper, Kotelnicki, Liaison Harris
ABSENT: Commissioners Samatar, Sunderland, Liaison Harris

The meeting was called to order at 7:15 p.m. by Chair Larkin.

The minutes of the April 25th, 2017 meeting of the Planning Commission were approved.

AGENDA

1. Hearing Good Acre Phase II –
The Planning Commission opened the hearing to adopt Ordinance No. 17 – XX (Draft) change the PUD Section 113-209.

Chair Larkin requested an introduction to the hearing topic from Liaison Moretto.

Liaison Moretto (staff) read the submitted staff report outlining the facts of the case and all attachments and made staff recommendation to approve the submitted ordinance. Staff read the proposed ordinance out loud before all in attendance. Liaison Moretto shared the public notice that was given to all properties within 500 feet and posted in the local newspaper, in addition to a posting at City Hall. Finally, staff introduced a parking analysis, maps, a letter of Compliance from the Metropolitan Council, and a submission from the Kelly Brothers Ltd (applicant) concerning egress and a private easement.

After the staff report, Peter Austin and Jim Kelly, representatives from Kelly Brothers Ltd, presented the project before the Commission and provided details about the future of the project. Commissioners asked questions about parking and other items of possible concern.

Chair Larkin opened the floor for public comment. After three request for public comment the Chair closed the public comment section.

Staff introduced a letter submitted by Commissioner Sunderland. Chair Larkin requested to include the letter in the minutes. The Commission agreed. (Included at the end of these minutes)

Commissioner Murphy asked about density and the number of units.

Mr. Kelly stated that they focus on senior independent buildings. Units are less but they proposed three beds units and they do not. I Mr. Kelly's experience 80% of residents have cars. This is in line with their other units.

Mr. Stemper asked about the other properties Kelly Brothers have and their parking issues.

Mr. Kelly responded that they have on-street in St. Paul but it is not an issue.

Chair Larkin asked about removing affordable housing but not including senior housing.

Liaison Moretto stated that because the applicant did not request senior housing language but could be included.

Commissioner Murphy asked about controls concerning senior housing.

Mr. Kelly said generally no, but if funding is received by some sources it could include requirements.

Chair Larkin asked for any other comments.

There being none, the Chair asked for a motion to recommend approval of draft Ordinance 17-XX.

Commissioner Stemper motioned to approve the recommendation.

Chair Larkin, Commissioner Williams, Stemper, and Kotelnicki were in favor.

Commissioner Murphy abstained.

The motion passed 4 – 0 with 1 abstention.

INFORMATION AND ANNOUNCEMENTS:

Community Forum: None

ADJOURNMENT: The meeting was adjourned at 8:20p.m.

Respectfully submitted,

Paul Moretto
Community Development Coordinator

John Larkin
Chair – Planning Commission

To be introduced into the discussion of adoption: Ordinance No. 17-XX

By: Commissioner, Stephen Sunderland

Discussion:

In consideration of:

Urban Farm PUD Amendment at 1750 Larpenteur Ave W

The Planning Commission in consideration of the request for an Amendment to the Planned Unit Development (PUD) at 1750 Larpenteur Ave W to allow for a revised land-use, density, and parking.

As a Commissioner of the Planning Commission of Falcon Heights, I introduce here for consideration of this Amendment discussion of the following arguments:

1. That the Application for Amendment prepared by Paul Moretto, Community Development Coordinator, under "Analysis" **states the following consideration:**

Section 113-35 (e.) states that no amendment to this chapter shall be adopted which is in conflict with the City's Comprehensive Plan.

The City of Falcon Heights Comprehensive Plan states that it is the mandate of the city to:

Preserve and enhance the urban/rural character valued by our residents.

Does the proposed amendment preserve and enhance the rural character of the city if the proposed density substantially exceeds that of the surrounding neighborhoods.

The neighborhoods under consideration are the multi-family neighborhoods most characterized by this proposed "Senior Housing" development. I would argue that a density for the proposed project of 54.4 units per acre is an excessive density and not in keeping with The City of Falcon Heights Comprehensive Plan which is the charter of this commission.

Two "Senior Housing" properties at 1530 Larpenteur with a density of 42.42 units per acre and part of a larger Senior housing complex and 1666 Coffman with a density of 14.31 units per acre are examples of existing densities within the City of Falcon Heights.

The Planning Commission is encouraged to apply the "Vision, Values and Objectives" when considering this Amendment. The Comprehensive Plan

provides (from: section 5.COMPREHENSIVE PLAN UPDATE PROCESS) that states:

Any new retail or commercial business should be small in scale.

2. That the proposed amendment provides for one parking space per unit (68 total with an estimated 54 underground). The above ground parking spaces will compete with guest parking spaces because of land limitations.

The amendment does not specifically provide for a comparison of the number of guest parking spaces for the proposed development with other properties or with a consideration of the number of guest parking spaces that preserves the character values within our community and does not substantially contribute to traffic congestion which is a paramount consideration for this site. Cars turning left from the property traveling east on Larpenteur will need to cross potentially heavy traffic in an unregulated intersection.

3. That the proposed amendment provides for a 4 story building which is not consistent with neighboring properties and not in character with preserving and enhancing the Urban/Rural character of the City of Falcon Heights.

In considerations of what is the "Character" of the City, commissioners are asked to develop a "philosophy" of guiding principles that preserve the Open Spaces and Rural Character of the city. I offer that this is a density and character of Architecture that does not preserve the character of its Falcon Heights neighbors.

4. That the assumptions that potential 55+ residents do not own as many cars and use public transportation more is not supported by facts submitted to the Planning Commission in this report.

I personally do not believe that this assumption is supported in fact. I also believe that commissioners should consider the potential number of guests traveling to and from residents of the proposed development.

5. That the property characteristics are substantially different than those of "Senior Housing" properties used as comparisons.

The 1666 Coffman Street property has public street access from two city streets and has one private drive that accesses the property on all four sides. It is adjacent to public street parking on Coffman and has a substantial set back from Larpenteur in which guest parking is provided.

The 1350 Larpenteur property has substantial above ground guest parking and is also accessible from two public streets Arona and Larpenteur. This property also has private drive access on all four sides of the property.

The proposed property has one access point from Larpenteur with very few guest parking stalls and must be accessed by creating an easement from the Good Acre.

The proposed property is disadvantaged by being landlocked (no surrounding access points) and is in its request relying on the assumption that 55+ occupants don't drive.

6. That overflow parking for guests and visitors such as Postal service, Amazon, and other service vehicles has not been adequately considered. The proposal does not address public street access and parking.

There is no parking availability on public streets as there is no parking on Larpenteur. The only additional parking is in a private parking lot (Good Acre) or on public streets across Larpenteur. (a busy unregulated intersection)

References:

From: City of Falcon Heights Comprehensive Plan

Adopted June 24, 2009

2. VISION, VALUES AND OBJECTIVES The City of Falcon Heights' chief goal is to create and maintain a high quality of life in a community that is an aging, inner ring, fully developed suburb adjacent to St. Paul and within two miles of Minneapolis. By funding good public services and investing prudently in rebuilding and maintaining infrastructure, the City seeks not only to keep those qualities valued by today's residents but to be attractive for future reinvestment, redevelopment and renewal by residents, businesses and public institutions. This comprehensive plan is about shaping that future: a well-balanced community for all age groups to grow and prosper and to lead healthy, fulfilling lives.

Preserving and enhancing the urban/rural character valued by our residents.

Of all responses Falcon Heights residents made when asked what they value about living in the city, "open space" was by the leader.

From: City of Falcon Heights Comprehensive Plan

Adopted June 24, 2009

Residents like living here due to the quality of our neighborhoods and the central location between both downtown areas.

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1. Open spaces, mainly the University of Minnesota research fields, are a key component to our quality of life.
2. More pedestrian and non-motorized avenues of transportation are needed.
3. A mix of housing styles is important so that residents can spend their entire lives in the city.
4. **Any new retail or commercial business should be small in scale.**

From: City of Falcon Heights Comprehensive Plan

Adopted June 24, 2009

GENERAL LAND USE: GOALS AND POLICIES

General Land Use Goals

1. To protect open space and natural resources, preserving the urban/rural aesthetic that Falcon Heights residents value.
2. To improve connections between districts of the City, between City neighborhoods and the public institutions and within neighborhoods.
3. To build community identity along the main thoroughfares, especially Larpenteur and Snelling Avenues.

General Land Use Policies

1. **Adopt and encourage "best practices" to promote public health and encourage an active lifestyle for residents. Require a health impact assessment for new development/redevelopment.**
2. Adopt and encourage "best practices" to promote a more energy efficient and environmentally sustainable community.
3. Continue to protect solar access by enforcing existing city ordinances (Section 113-393) and by strengthening the ordinance, if appropriate.
4. Continue to eliminate zoning code violations and nuisance

conditions that adversely affect the appearance and value of properties and the health of residents.

5. On transit routes, where appropriate, allow the redevelopment of multi-family and commercial properties for mixed use or higher density housing, incorporating best practices for conserving green space and promoting active living. (See Larpenteur Corridor section.)

6. Enhance and upgrade the value of all properties through street maintenance and improvement programs that complement and enhance both residential neighborhoods and the City's business districts.

7. Establish design guidelines and standards to ensure that any new development promotes good health and preserves public open space.

8. Permit only compatible businesses adjacent to residential uses and in mixed commercial-residential development, and place special conditions upon business uses to assure compatibility when appropriate.

9. Require that any re-subdivision of existing lots on developed blocks in residential areas conform to other lots within surrounding blocks, and be accessed in a similar manner.

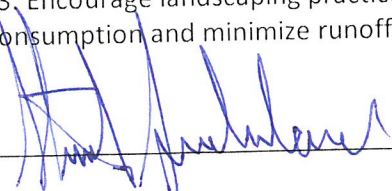
10. Continue to build the Neighborhood Liaison program, Community Emergency Response Team and other community organizations for communication and security.

11. Build community identity and encourage neighborhood connectivity by installing sidewalk systems, decorative street lighting and landscaping to make streetscapes more welcoming.

12. Continue to implement an aggressive shade tree program and replace removed trees as quickly as possible.

13. Encourage landscaping practices that reduce water consumption and minimize runoff.

Signed: _____



Date: _____

5-22-2017

Signed: _____

Date: _____

Section 435 – Vacant building registration

(Added, Ord. No. 2009-02)

435.01. Purpose and findings. Subdivision 1. The Crystal city council is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This section also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

Subd. 2. The city council finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, trespassers and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by those who choose to leave their buildings vacant.

435.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this section.

“Abandoned property” means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

“Compliance official” means the city manager and the city manager’s designated agents authorized to administer and enforce this section.

“Building” is any roofed structure used or intended for supporting or sheltering any use or occupancy.

“Owner” or “property owner” is the owner of record according to Hennepin County property tax records; those identified as owner or owners on a vacant building registration form, a holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

“Responsible party” is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located; any party having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

“Vacant building” a building is vacant if no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, nontransient basis in accordance with city of Crystal zoning regulations.

435.05. Vacant building registration. Subdivision 1. Application. The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner:

- a) The name, address, telephone number and email address, if applicable, of each owner and each owner’s representative;
- b) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- c) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;
- d) The tax parcel identification number and street address of the premises on which the building is situated;
- e) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and correcting code violations and nuisances, or for demolition of the building;
- f) The status of water, sewer, natural gas and electric utilities.
- g) The owner shall notify the compliance official within 30 days of changes in any of the information supplied as part of the vacant building registration.

Subd. 2. Property plan. The property plan identified above in subsection 435.05, subdivision 1 e) shall meet the following requirements:

- a) General provisions. The plan shall comply with all applicable regulations and meet the approval of the compliance official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.
- b) Maintenance of building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property shall comply with building code provisions and applicable city regulations.
- c) Plan changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall meet the approval of the compliance official.

- d) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101.

Subd. 3. Non-compliance and notification. If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with subsection 425.25 of this code and Minnesota Statutes, section 429.101. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

Subd. 4. Exemptions.

- a) Fire damage. A building that has suffered fire damage is exempt from the registration requirement for a period of 90 days after the date of the fire if the owner submits a request for exemption in writing to the compliance official. An exemption request for review by the compliance official shall include the following information supplied by the owner:
- 1) A description of the premises;
 - 2) The name and address of owner or owners;
 - 3) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion;
 - 4) Actions the owner will take to ensure the property does not become a nuisance for the neighborhood.
- b) Snowbirds. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Requests for “snowbird” exemption will be considered annually with proper verification.

Subd. 5. Fees. The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the city council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the city in monitoring the vacant building site. The fee shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

Subd. 6. Waiver of fees. The city may waive the registration fee if the owner or responsible party has paid all past due registration fees and all other financial obligations and debts owed to the city that are associated with the vacant property and demonstrates, to the satisfaction of the compliance official that:

- a) The property is re-occupied, with the exception of demolition, within a period of time deemed reasonable to the compliance official; and either
- b) The owner or responsible party is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; or
- c) The owner or responsible party has a plan for the demolition, rehabilitation, or other substantial repair of the vacant building in a period of time that is deemed reasonable to the compliance official.

Subd. 7. Assessment. If the registration fee or any portion is not paid within 60 days after billing or within 60 days after any appeal becomes final, the city council may certify the unpaid fees against the property in accordance with Minnesota Statutes, section 429.101.

Subd. 8. Issuance of registration. Upon completion of the registration process and payment of the fee, the city will issue a Vacant Building Registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

Subd. 9. Failure to register. If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

435.10. Change of ownership. A new owner(s) shall register or re-register a vacant building in accordance with subsection 435.05 within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved property plan and timetable submitted by the previous owner or shall submit any changes proposed to the property plan to the compliance official for review and approval as required by subsection 435.05 of this section. For the purposes of this section, a new owner is an "owner" as defined in subsection 435.03 who has purchased the vacant building since its registration by the previous owner and has succeeded to all rights of that previous owner.

435.15. Inspections. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine compliance with section 425 of this code and all other applicable regulations. All application and reinspection fees also shall be paid prior to building occupancy.

435.20. Maintenance of vacant buildings. Subdivision 1. The owner shall comply with and address the following items in the property plan, as described in subsection 435.05, subdivision 2:

- a) Appearance. All vacant buildings shall be so maintained and kept that they appear to be occupied.
- b) Securing. All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.
 - 1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
 - 2) Temporary securing. Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days.
 - 3) “Artistic” board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.
 - 4) Emergency securing. The compliance official may take immediate steps to secure a vacant building at their discretion in emergency circumstances.
- c) Fire safety.
 - 1) Fire protection systems. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.
 - 2) Removal of hazardous and combustible materials. The owner of any vacant building, or vacant portion thereof, shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.
- d) Plumbing fixtures. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building's water systems shall be protected from freezing.

- e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.
- f) Lighting. All exterior lighting fixtures shall be maintained in good repair, and illumination shall be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.
- g) Heating. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.
- h) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, the city will provide written notice to the owner. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at their discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.
- i) Signs. Obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs shall be maintained in good condition and comply with the provisions of section 405 of this code.
- j) Exterior maintenance. The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:
 - 1) Nuisances. The owner shall eliminate any activity on the property that constitutes a nuisance as defined by section 425, section 2005 and section 2010 of this code.
 - 2) Grass and weeds. Any weeds or grass shall be maintained at a height of no greater than eight inches and in accordance with subsection 640.13 of this code.
 - 3) Exterior structure maintenance. The owner shall maintain the vacant building in compliance with section 425 as determined to be necessary by the code official.
 - 4) Abandoned or junk vehicles. The owner shall keep the property free of unlicensed, inoperable, abandoned or junked vehicles. The city may cause such vehicles to be removed.

- 5) Storage and disposal of refuse. The storage and disposal of refuse shall comply with the requirements of section 605 of this code.
- 6) Animals. The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.
- 7) Diseased, dead or hazardous trees. The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with section 2020 of this code.
- 8) Graffiti. The owner shall remove all graffiti from the property in accordance with section 430 of this code.
- 9) Abandoned pools. Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.
- k) Removal of garbage and refuse. The owner of any vacant building or vacant portion thereof shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, filth, or other materials identified in section 605 of this code.
- l) Police protection systems. All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.
- m) Loitering, criminal activities. Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.
- n) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the compliance official determines that conditions exist that present an imminent threat to the public health and safety in accordance with section 425 of this code.
- o) Other codes. The property owner or responsible party shall comply with all other city codes and applicable regulations.

435.25. No occupancy or trespass. No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

435.30. Vanandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

435.35. Appeal. Any person or responsible party aggrieved by a decision rendered under section 435 may appeal to the city council. The appeal shall be made in writing, shall specify the grounds for the appeal, and shall be submitted to the city manager within ten business days of the decision that is basis of the appeal.

435.40. Penalties. Any person or responsible party who violates the provisions of section 435 is subject to penalty as provided under section 306 of this code. Nothing in this section, however, is deemed to impair other remedies or civil penalties available to the city under this code or state law, including, but not limited to, Minnesota Statutes, sections 463.15 through 463.261.



VACANT BUILDING REGISTRATION ORDINANCE

- Frequently Asked Questions -

Q: When did this ordinance go into effect?

A: The ordinance went into effect on June 14, 2009.

Q: Why did the city of Crystal adopt this ordinance?

A. To protect the public health, safety and welfare. The City Council determined that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood.

Q: What are some of the impacts associated with vacant buildings that the ordinance can address?

A: Vacant buildings often attract transients, homeless people, trespassers and criminals, including drug abusers. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and often are overgrown with weeds and grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

Q: Doesn't the city already enforce its existing ordinances to get such issues taken care of?

A: The city continuously investigates and abates violations at vacant properties but at a substantial cost to the city. With adoption of this ordinance, the City Council has determined that the costs associated with achieving compliance at vacant properties should not be borne by the general taxpayers of the community and those who maintain their properties but, rather, by those who choose to leave their buildings vacant.

Q: What constitutes a "vacant building?"

A: The ordinance considers a building to be vacant if no person actually and currently conducts lawful business or lawfully resides in any part of the building on a permanent, nontransient basis in accordance with the Crystal zoning ordinance.

Q: When must a property owner register a vacant building?

A: *When a residential, commercial or industrial building has been vacant for more than 30 days. The registration is valid for one year from the date of issuance. The property owner must secure a new registration annually if the building remains vacant.*

Q: How do I register a vacant building?

A: *Fill out a Vacant Building Registration application form, complete a Vacant Building Property Plan, and pay the \$600 annual registration fee.*

Q: What constitutes a “Vacant Building Property Plan?”

A: *The Property Plan identifies the owner’s plans for the building, its status, and the measures in place to ensure that the building is secured and that the building and property will be maintained in compliance with applicable city codes.*

Q: Are there exemptions to vacant building registration:

A: *1. Extended vacationers or snowbirds – A resident on an extended vacation or alternative living arrangement, including over winter months, with the intention to return to the property and live is exempt from registration. However, a verified emergency contact number of the property owner or a responsible party must be provided and the property must be maintained by a local person/agent so it does not appear vacant.*
2. Fire damaged property – A building that has suffered fire damage is exempt from registration if the cleanup, repair or demolition is completed within 90 days from the date of the fire and if the exemption is requested in writing.
3. Any multi-tenant building on a single parcel that has one or more occupants – Vacant tenant spaces within larger commercial or residential buildings are not required to be registered individually. However, if the entire multi-tenant building is vacant, the building must be registered.
4. A parcel of land that does not have buildings.

Q: Is the city’s list of registered vacant buildings public information?

A: *No. The city of Crystal does not release its list of registered vacant buildings because it is “security information” classified as confidential under Minnesota Statutes section 13.37.*

Q: Where can I get more information?

A: *Complete information and all forms are available on the city’s website at www.crystalmn.gov. You also may obtain the necessary forms and a copy of “Vacant Building Registration At-A-Glance” by calling Crystal City Hall at 763-531-1000.*



4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.crystalmn.gov

Registration # 2017-_____

VACANT BUILDING REGISTRATION \$600

Application Date: _____

Vacant Building Address: _____ PID #: _____

Owner(s):
Attach additional sheets if necessary

Full Name (PRINT):
Company Name:
Street Address:
City: State: Zip:
Phone: Cell:
Email Address:

Lien Holder(s) or Others w/
Legal Interest in Property:
Attach additional sheets if necessary

Full Name (PRINT):
Company Name:
Street Address:
City: State: Zip:
Phone: Cell:
Email Address:

Responsible Party:
Can be a Realtor®, leasing agent,
management company, mortgagor or
other party with direct or indirect
control or authority over the building.
Attach additional sheets if necessary.

Full Name (PRINT):
Company Name:
Street Address:
City: State: Zip:
Phone: Cell:
Email Address:
Relationship to Owner/Lien Holder:

Date building became vacant: _____ Property Plan Attached [] or Must be Submitted by: _____
(within 30 days of Application Date)

Acknowledgement of Responsibility: The undersigned owner/agent: 1) avows and acknowledges that the information herein is complete and accurate; 2) assumes responsibility for maintaining and securing the subject building in conformity with Crystal City Code Section 435 and other applicable codes; and 3) acknowledges the responsibility to notify the city in writing within 30 days of any changes to information contained in this registration form.

Owner or Agent: _____ Signature: _____
(Please Print Name)

City Staff Use
[] \$600 Annual Registration Fee Pd (0100.4276) [] \$60 Administrative Fee Pd, if applicable (0100.4276)
[] Submitted Property Plan on: _____ [] JDE Receipt No. _____
[] Registration Issued on: _____

Property Plan for Vacant Building at: _____

Property Status

(Check all that apply)

- Property is actively listed for sale Listing Date: _____
 - Property sale is pending Closing Date: _____
 - Building is being renovated Completion Date: _____
 - All required permits have been issued; or
 - Applications for all required permits will be submitted by: _____
 - Building will be used as a residential rental property
- Date by which property is anticipated to be occupied: _____ *

**Crystal requires a rental dwelling license for any property occupied by someone other than the owner. A city inspection and a City Council-issued license is required BEFORE the property is occupied. For more information please see the city website at http://www.crystalmn.gov/city_departments/rental_licensing.php or contact the Rental Licensing Specialist at (763) 531.1144 or chee.yang@crystalmn.gov.*

Property Maintenance

Owner/responsible party attests that the following steps have been or will be taken. For any boxes left unchecked, you must provide a date by which the item will be completed.

- The building is secured against unauthorized entry by persons or pests in accordance with standards of City Code Section 435.20
- All hazardous material or hazardous refuse has been removed
- The building's water system has been protected from freezing
 - Building is adequately heated to prevent freezing
 - Water service to the building has been shut off at the curb stop
- Non-compliant electrical service lines, wiring or fixtures have been removed/disconnected
- Exterior lighting is being maintained and used to illuminate building and walkways
- Heating facilities have been removed, rendered inoperable, or are maintained per code

- Owner/responsible party affirms that the subject property shall be maintained in compliance with all applicable property maintenance regulations and city codes including, but not limited to the following:

▪ Nuisances	▪ Grass and weeds	▪ Animals
▪ Exterior maintenance	▪ Motor vehicles	▪ Garbage and refuse
▪ Dead/hazardous trees	▪ Graffiti	▪ Abandoned pools

Signatures

Owner/Responsible Party: _____ Date: _____

City Review/Approval by: _____ Date: _____