



Request for City Council Committee Action from the Department of Regulatory Services

Date: June 21, 2010

To: Council Member Elizabeth Glidden, Chair – Regulatory, Energy, and Environment Committee

Referral to:

Subject: Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances related to Housing: Vacant Dwelling or Building, Nuisance Condition.

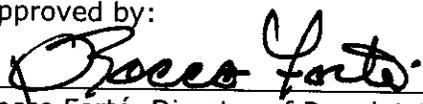
Recommendation: To amend Section 249.80 of the Minneapolis Code of Ordinances by adding language that will include stalled residential and commercial projects in the definition of vacant, and thereby subject to the requirements of the Vacant Building Registration Program.

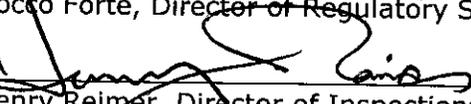
Previous Directives: NONE

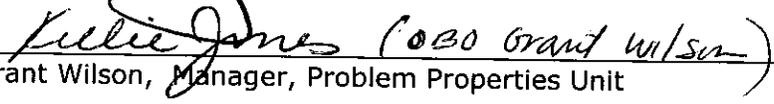
Department Information

Prepared by: Kellie Jones

Approved by:


Rocco Forté, Director of Regulatory Services & Emergency Preparedness


Henry Reimer, Director of Inspections


Kellie Jones (000 Grant Wilson)
Grant Wilson, Manager, Problem Properties Unit

Presenters in Committee: Henry, Reimer, Grant Wilson

Financial Impact

- Action is within the Business Plan

Community Impact

- Consistent with City Goals

Supporting Information

This ordinance change would expand the language in Chapter 249.80 to include stalled commercial and residential construction projects in the criteria used to define vacant structures.

The Vacant Building Registration program was initially adopted in 2001 to address the growing number of residential vacant buildings in the City and to provide us with a tool to manage and track these properties.

Over the past several years the city has witnessed an increase in the number of vacant commercial properties. These vacant commercial structures fall into two primary categories:

1. previously occupied structures that have been abandoned physically and financially (obvious through deferred maintenance and neglect), and;
2. construction projects that have stalled and been abandoned, often posing dangerous and hazardous conditions for neighbors and community members.

Examples of this second type include:

- 324 – 1st Street N is a stalled residential project intended to be a large condominium. The project was abandoned after constructing the underground parking garage. There have been multiple complaints registered against the property including soil erosion concerns and dust, weeds, broken and missing fencing, vandalism and trespassing. This has been an eyesore and a safety concern for the neighborhood.
- 2931-37 Bloomington was started in 2007 as a mixed use building with commercial below and residential above. The property was abandoned early in the project, leaving only a concrete slab, collecting debris and negatively impacting the commercial intersection at Bloomington and Lake.
- 4556 46th Avenue was intended to be a residential structure. Started in 2006, the owner completed about ¼ of the work and abandoned the project leaving partially finished walls and large openings. In addition to being a hazard, the property collects debris, the ground cover is not maintained and it is consistently weedy and over-grown during summer months. Since 2007, the property has had several orders issued including grass and weeds; improper ground cover for soil erosion control and broken or missing fencing.
- 4140 Dight is another example of multi-family residential that has stalled and remained in a half finished condition for over 2 years. Similar to the previous property, this one, while fenced, could easily become accessible and pose a safety risk for community.
- 730 Portland was intended to be a commercial parking garage, but was stalled leaving a vacant concrete slab with a cement barrier and fencing. There have been complaints issued about improper fencing and concern about soil erosion, appropriate ground cover and vegetation. This property is known to be in foreclosure.

The language in Chapter 249 is limited to previously occupied residential and commercial structures and as such does not allow us to include stalled construction projects in the definition of a vacant structure. We propose adding a 6th condition to Chapter 249.80 that specifically identifies incomplete commercial or residential projects where the permits have expired or there has been a demonstrated work stoppage for 180 days or more as determined by the building official. The authority to determine work stoppage is imbedded in the Minnesota State Building Code Chapter 1300.

The current Vacant Building Registration fee is \$6550 and is adjusted annually through the Directors Fee Schedule (Chapter 91.70).

Owners of commercial properties who receive a Vacant Building Registration notice have the option of appealing the order and working with staff and the Nuisance Condition Process Review Panel to resolve the issues.

If a resolution is not possible, owners also have the right to appeal the assessment and present arguments in front of a hearing officer.

We believe that there are less than 25 properties that would meet the test of stalled commercial or residential projects but feel that including them in the VBR program will go a long way in helping track these properties and provide an added incentive for owners to correct the situation.