



**PLAINVIEW PLANNING COMMISSION MEETING
AGENDA**

**Tuesday, September 7, 2021 at 6:00 P.M.
at City Hall – 241 West Broadway**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
 - a. Planning Commission Meeting Minutes – August 4, 2021**
- 4. Old Business**
 - a. Discussion – Pleasant Acres Preliminary Plat and GDP Findings**
- 5. New Business**
 - a. Select Chair for Planning & Zoning Commission**
 - b. Select Vice Chair for Planning & Zoning Commission**
- 6. Adjourn**

CITY OF PLAINVIEW PLANNING COMMISSION
AUGUST 4, 2021
MEETING MINUTES

The August 4, 2021 meeting for the Plainview Planning Commission was called to order at 6:00 p.m. by City Administrator David Todd.

Members present: Ben Jacobs, Ann Liebenow-Anttila, Roger Durgin, Jim Walkes and Holly Reeve.

Members absent: None

Staff members present: City Administrator David Todd, Public Works Director Shane Loftus, and City Clerk Carol Kujath.

Guests in attendance: Brian Malm with Bolton and Menk Engineering, Craig Brittan with WSN Engineering, David Walkes Sr., Kaitlin Bauer, Justin Bauer, Jacob Sievers, Bobbi Jo Sievers, Tony Montgomery, Aaron Nicklay, Scott Kujath, Tom Wiener, Tracy Hutchison, and Mike Hutchison.

Motion by Jacobs, second by Durgin to approve the agenda. Motion carried.

Motion by Jacobs, second by Walkes to approve the Consent Agenda. Motion carried.

Conditional Use Permit for Kaitlin and Justin Bauer – Hair Salon:

Motion by Reeve, second by Jacobs to open the public hearing at 6:02 p.m. to hear testimony regarding the proposed CUP Home Occupation application for a hair salon by Kaitlin Bauer. Motion carried.

Kaitlin Bauer – 135 3rd St. NW – Kaitlin Bauer is applying for a CUP for a 1 chair salon in her home, as a part time venture for now. There is plenty of parking in her long driveway, or along 3rd Street. Kaitlin also stated that she would have a wooden sign out front advertising her business. She does not believe her home business would be a nuisance in her neighborhood.

Motion by Liebenow-Anttila, second by Durgin to close the public hearing.

Motion carried. Public hearing closed at 6:07 p.m.

Motion by Durgin, second by Walkes to recommend the City Council approve the CUP (Conditional Use Permit) for a Home Occupation for Kaitlin and Justin Bauer – In-Home Hair Salon located at 135 3rd St. NW.

Roll Call Vote:

Aye: Reeve, Jacobs, Durgin, Liebenow-Anttila, Walkes

Nay: None

Motion carried.

Pleasant Acres Development Stormwater and Road Connection:

Craig Brittan with WSN Engineering along with Tony Montgomery gave a presentation to the Planning Commission on why they felt the connectivity was impractical to do between the Pleasant Acres Development and the Skyview Development. Brittan stated the amount of fill that would be needed, and the cost associated with the fill needed would be considered a practical difficulty. He talked about the flood stream, and if culverts were put in for the connectivity it would cause more flooding north of the development as well as to the south.

Commissioner Liebenow-Anttila asked about grating and a retention plan, and had concerns about water flow, with or without connectivity. What other possible options, like using box culverts instead of the 60-inch round culverts, to help with water flow and what about a redesign to address these issues. Liebenow-Anttila is wanting to see the property owners work together.

Montgomery talked about how the development would be an asset to the City and he is not interested in clustered housing.

Tom Wiener stated he is willing to work with the City and with Montgomery on the connectivity of his property and the Montgomery property.

Other comments included having further discussion between engineers, needing to demonstrate the hardships for the development to the City to consider waiving the connectivity between developments.

No motion was made for waiving or providing a variance to City Code regarding road connectivity to adjacent parcels.

Motion by Walkes, second by Durgin to waive or provide a variance to City Code regarding the cul-de-sac length.

Aye: Walkes and Durgin

Nay: Reeve, Jacobs, and Liebenow-Anttila

Motion failed 3-2.

Motion by Liebenow-Anttila, second by Jacobs to provide a 60-day extension to Tony Montgomery for Pleasant Acres Development Preliminary Plat and GDP.

Motion carried unanimously.

Planning & Zoning Commission Applications for the Vacant Seats:

The Plainview Planning and Zoning Commission is a seven-member commission appointed by the City Council as an advisory board to oversee zoning, development, and City Code related to the same. Currently, there are two open positions on the P&Z Commission that need to be filled.

The City received three (3) applications, each outlining their skill set, desire to help the community, and other pertinent information for the Commission and Council to consider when making the appointment.

The applicants are Aaron Nicklay, Dave Walkes Sr., and Scott Kujath.

Each applicant gave a brief summary of their experience and their reasoning to become a commission member.

Motion by Jacobs, second by Liebenow-Anttila to recommend Aaron Nicklay to the City Council to fill a vacancy on the Planning & Zoning Commission.

Aye: Jacobs, Durgin, and Liebenow-Anttila

Nay: Reeve

Abstain: Walkes

Motion carried 3-1-1

Motion by Durgin, second by Reeve to recommend Dave Walkes Sr. to the City Council to fill a vacancy on the Planning & Zoning Commission.

Aye: Durgin and Reeve

Nay: Jacobs and Liebenow-Anttila

Abstain: Walkes

Motion failed due to a tie vote.

Motion by Jacobs, second by Liebenow-Anttila to recommend Scott Kujath to the City Council to fill a vacancy on the Planning & Zoning Commission.

Aye: Reeve, Jacobs, Liebenow-Anttila,

Nay: Durgin

Abstain: Walkes

Motion carried 3-1-1

Motion made by Liebenow-Anttila, second by Walkes to adjourn.

Motion carried. 7:25 pm.

Planning and Zoning Commissioner

City Clerk

Date



**BOLTON
& MENK**

Real People. Real Solutions.

2900 43rd Street NW
Suite 100
Rochester, MN 55901

Ph: (507) 208-4332
Bolton-Menk.com

August 27, 2021

Tony Montgomery
Anastacia Development, Inc.
630 2nd St. NW
Plainview, MN 55964

RE: Pleasant Acres
City of Plainview, MN

Dear Tony Montgomery;

On August 24th, 2021, the Plainview City Council voted to deny the proposed Pleasant Acres subdivision general development plan and preliminary plat as petitioned by Anastacia Development, Inc. A copy of Resolution #2021-27 containing the Council's findings is attached to this letter.

City Code 620.4 allows the City Council to deny any subdivision if it makes any of the following findings:

- a) That the proposed subdivision, including the design, is in conflict with any adopted component of the Plainview Comprehensive Plan, Land Management Ordinance, Storm Water Pollution Control Ordinance, or any other provision of the City Code;
- b) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- c) That the site is not physically suitable for the proposed density of development;
- d) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage;
- e) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- f) That the design of the subdivision or the type of improvements will conflict with easements of record;
- g) That the design will create a significantly higher density than the surrounding areas;
- h) That the design will create an undue burden on the City's traffic system or water/wastewater infrastructure.

Related to finding a) above, the general development plan shows an intent to use the proposed outlots for future higher-density residential and commercial use. This is not in conflict with the city's comprehensive plan. However, the City Code requires major streets in a subdivision to project to adjacent areas. The City Code also discourages cul-de-sacs, absent any topographic constraint necessitating them, and limits the length of cul-de-sacs to 500-ft when they are necessary. There are no topographical constraints requiring a cul-de-sac in this case, and the proposed cul-de-sac is nearly double the maximum length

Name: Pleasant Acres Denial

Date: August 27, 2021

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allowed in the Code. Therefore, the proposed subdivision is in conflict with Land Management Ordinance requirements.

Related to finding h) above, the lack of street connectivity to the undeveloped property to the west, combined with the lack of certainty in future access to Highway 42 may create an undue burden on the City's traffic system. Staff does not believe this burden would be related to expected traffic volumes, as those are expected to be relatively low based on the proposed development. Rather, the burden is increased maintenance costs for pavement and snow removal associated with cul-de-sacs, increased emergency service response time, and access complications for the undeveloped property to the west.

The findings of fact adopted by City Council on August 24th, 2021 are as follows:

1. The length of the cul-de-sac depicted on the Preliminary Plat and referenced in the General Development Plan exceeds 500 feet in length, as outlined in the Bolton & Menk staff report dated June 3, 2021, which violates the following City Code Provisions:
 - a. Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the Planning and Zoning Commission has approved additional length due to property limitations or large lot size. (City Code 622.2, Paragraph 5)
 - b. Cul-de-sacs are to be discouraged in subdivisions because of their effect of reducing the efficiency of traffic flow and circulation. However, when necessary due to topographical constraints, the maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way. (City Code 622.4)
2. The termination of the cul-de-sac does not allow for the continuation or projection of the road right-of-way onto the neighboring parcel, which is not currently subdivided, which violates the following City Code Provision:
 - a. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance or conformation to existing streets impracticable. (City Code 622.2 Paragraph 1)

The following options are available to you regarding moving Pleasant Acres forward:

- Make revisions to the proposed subdivision that comply with City Code and resubmit.
- Prepare and submit a formal application and corresponding justification for variances to the subdivision code pursuant to City Code 622.14. You may also resubmit the proposed development and all requests can run concurrently.

Please feel free to contact me or the City with any questions.

Sincerely,

Bolton & Menk, Inc.

Harry Davis, AICP
Planner II

CC: David Todd, City Administrator

Name: Pleasant Acres Denial

Date: August 27, 2021

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Mike Flaherty, City Attorney
Brian Malm, City Engineer
Craig Britton, Widseth (Project Engineer)

ATTACHED: Signed Resolution

RESOLUTION 2021-27

DENYING THE PRELIMINARY PLAT AND GENERAL DEVELOPMENT PLAN
OF PROPOSED PLEASANT ACRES SUBDIVISION

WHEREAS, Anastacia Development, Inc. (the "Petitioner" or "Applicant") has submitted an application for preliminary plat and general development plan approval of the proposed Pleasant Acres Subdivision (the "Preliminary Plat"), upon the real property incorporated herein by reference (the "Development Property" and "General Development Plan"); and

WHEREAS, the above-mentioned Preliminary Plat is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the Planning Commission ("Commission") in accordance with provisions of the Plainview City Code, Chapter 620, held a public hearing to consider the Preliminary Plat on June 1, 2021; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, City Staff and the Planning Commission have reviewed the submittal of the Preliminary Plat and General Development Plan and have determined that those documents fail to meet the requirements of certain sections of the Plainview City Code, Chapter 600; and

WHEREAS, the Bolton and Menk June 3, 2021 staff report is incorporated herein by reference; and

WHEREAS, the Planning Commission recommended that the City Council of the City of Plainview ("City Council") deny the proposed Preliminary Plat and General Development Plan for the Pleasant Acres Subdivision at its June 1, 2021 meeting; and

WHEREAS, the City Council of the City of Plainview reviewed the proposed Preliminary Plat and General Development Plan of the Pleasant Acres Subdivision for compliance with the City of Plainview, Chapter 620, and applicable statutes of the State of Minnesota at its meeting held on August 24, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT: the City Council hereby adopts the following Findings of Fact:

1. The length of the cul-du-sac depicted on the Preliminary Plat and referenced in the General Development Plan exceeds 500 feet in length, as outlined in the Bolton and Menk staff report dated June 3, 2021, which violates the following City Code Provisions:
 - a. Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the

Planning and Zoning Commission has approved additional length due to property limitations or large lot size. (City Code 622.2, Paragraph 5)

- b. Cul-de-sacs are to be discouraged in subdivisions because of their effect of reducing the efficiency of traffic flow and circulation. However, when necessary due to topographical constraints, the maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way. (City Code 622.4)
2. The termination of the cul-du-sac does not allow for the continuation or projection of the road right of way onto the neighboring parcel, which is not currently subdivided, which violates the following City Code Provision:
 - a. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance or conformation to existing streets impracticable. (City Code 622.2, Paragraph 1)

BE IT FURTHER RESOLVED THAT: the petition of Anastacia Development, Inc. for approval of the proposed Preliminary Plat for the Pleasant Acres Subdivision is hereby **DENIED**.

Passed by the City Council this 24th day of August, 2021.



Aaron Luckstein
Mayor

Attest:



Carol Kujath
City Clerk

EXHIBIT A

Preliminary Plat



[illegible]

ASANT ACRES SUBDIVISION	ASTACIA DEVELOPMENT INC	MINNEVIEW, MINNESOTA
ACCEPT PLAN		

LEGAL DESCRIPTION

✓ **USE CAPSULES**

[illegible]

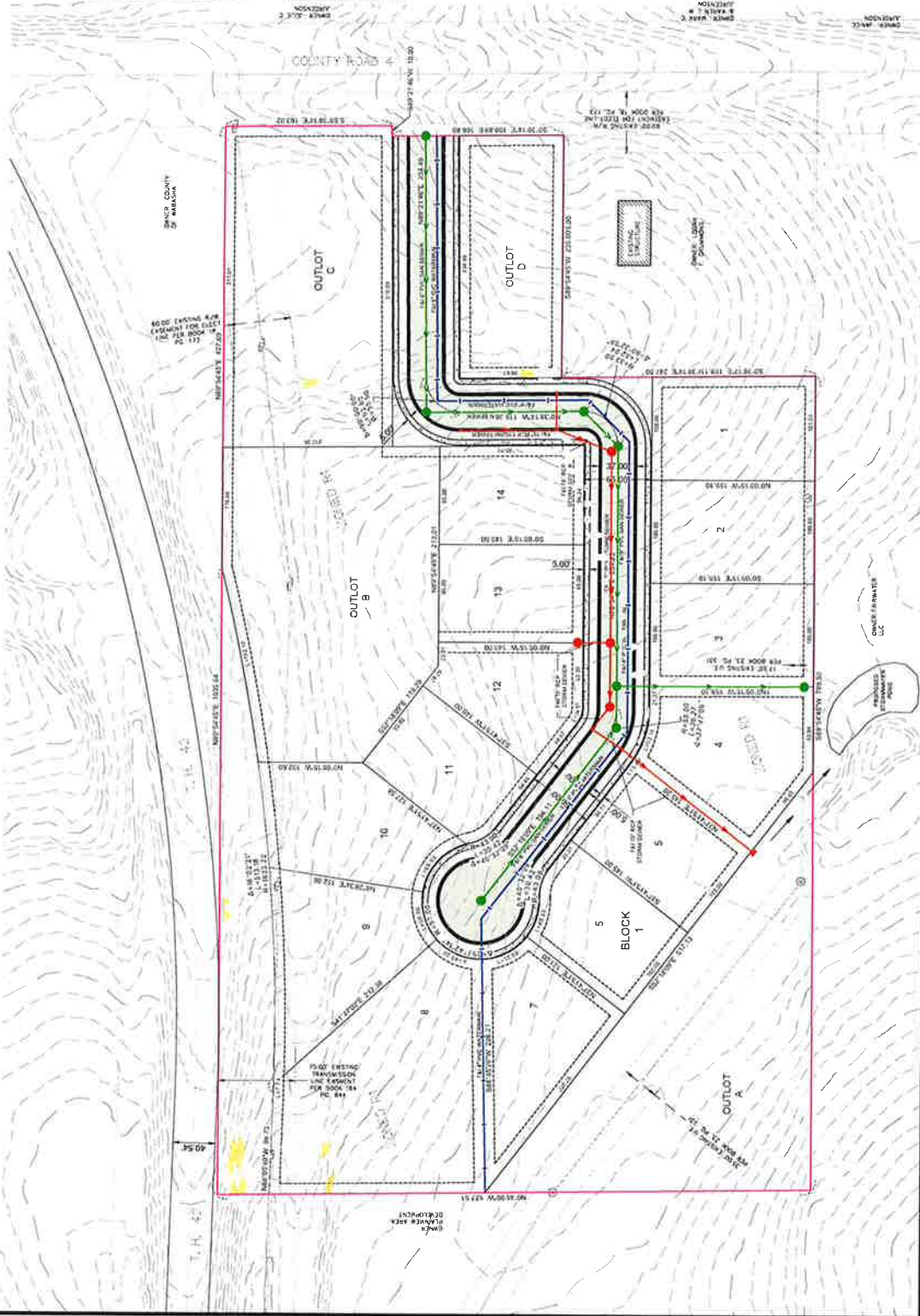
6	QUANTITIES PROPOSED CONCRETE
	QUANTITIES PROPOSED REINFORCING
	QUANTITIES PROPOSED HEIGHT OF PAVEMENT
	QUANTITIES PROPOSED SIDEWALK
	QUANTITIES PROPOSED DRIVEWAY
	QUANTITIES PROPOSED DRIVEWAY SURFACE
	QUANTITIES PROPOSED DRIVEWAY SIDEWALK SURFACE
	QUANTITIES PROPOSED C&G TRAIL

VICINITY MAP
SEC. 17, T. 108 N., R. 11



NOT TO SCALE

SITE ADDRESS	750 3RD STREET SE ANNAPOLIS, MD 20734
PROPOSER	ANASTACIA DEVELOPMENT INC 630 2ND STREET NW ANNAPOLIS, MD 20734 CONTACT: TONY MONTEZARY
CIVIL ENGINEER	WIDESTR SMITH HOLDING 3777 40TH AVE NW, SUITE 200 ROCHESTER, MN 55901 CONTACT: JIM BRITTON TEL (763) 282-8754 EMAIL: CRAIG.BRITTON@WIDESTR.COM
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PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning Commission Regular Meeting: Sept. 7, 2021

AGENDA ITEM: Select Chair for Planning Commission	AGENDA SECTION: New Business
PREPARED BY: Carol Kujath	AGENDA NO. 5.a.
ATTACHMENTS: Planning Commission – City Code	APPROVED BY: cjk
RECOMMENDED ACTION: Motion to select and approve a Chair for the Planning & Zoning Commission.	

SUMMARY

The Planning Commission is now fully staffed.

It is time to appoint a Chair. This appointment will expire at the end of 2021, per *City Code 207.3* which states:

The commission shall elect a chairperson and vice chairperson from among its appointed members for a term of one (1) year. The commission may create and fill such other offices as it may determine. The committee shall hold at least six (6) regular meetings each year. It shall adopt rules for the transaction and findings, which records shall be a public record. On or before the second regular City Council meeting in January of each year, the commission shall submit a report to the Council of its work during the preceding calendar year. Expenditures shall be within the amount appropriated for the purpose by the City Council.

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning Commission Regular Meeting: Sept. 7, 2021

AGENDA ITEM:	Select Vice-Chair for Planning Commission	AGENDA SECTION:	New Business
PREPARED BY:	Carol Kujath	AGENDA NO.	5.b.
ATTACHMENTS:	Planning Commission – City Code	APPROVED BY:	cjk
RECOMMENDED ACTION: Motion to select and approve a Vice-Chair for the Planning & Zoning Commission			

SUMMARY

The Planning Commission is now fully staffed.

It is time to appoint a Vice-Chair. This appointment will expire at the end of 2021, per *City Code 207.3* which states:

The commission shall elect a chairperson and vice chairperson from among its appointed members for a term of one (1) year. The commission may create and fill such other offices as it may determine. The committee shall hold at least six (6) regular meetings each year. It shall adopt rules for the transaction and findings, which records shall be a public record. On or before the second regular City Council meeting in January of each year, the commission shall submit a report to the Council of its work during the preceding calendar year. Expenditures shall be within the amount appropriated for the purpose by the City Council.