

CITY OF PLAINVIEW PLANNING COMMISSION
JULY 25, 2022
MEETING MINUTES

The July 25, 2022, meeting for the Plainview Planning Commission was called to order at 5:00 p.m. by Holly Reeve.

Members present: Holly Reeve, Ben Jacobs, Aaron Nicklay, Scott Kujath, and Jim Walkes. Ann Liebenow-Anttila arrived at 5:16p.m.

Members absent: Roger Durgin.

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

Guests in attendance: Brian Malm with Bolton and Menk Engineering, Mike Flaherty with Flaherty and Hood, Steve Sawyer, Tony Montgomery, and Stacy Montgomery.

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

Motion by Kujath, second by Jacobs to approve the Consent Agenda. Motion carried. The April 5, 2022, minutes were approved without any corrections or amendments.

Modification to Skye View Special District:

Commission Chair, Holly Reeve made a motion, second by Jacobs, to open the public hearing at 5:01 p.m. to hear testimony regarding the proposed Modification to Skye View Special District.

Brian Malm from Bolton and Menk gave a short summary of the modifications to the Skye View Special District.

The applicant was not in person; however, City Administrator David Todd reached the applicant via phone. *(See attached document)*

Steve Sawyer – 740 2nd St NW – Part-owner of Piper Hills Golf Course – stated they (Piper Hills Golf Course) have made multiple improvements to the golf course and have concerns regarding the easement access, along with the water runoff, and how this will affect the golf course property.

Motion by Jacobs, second by Nicklay to close the public hearing. Motion carried. Public hearing closed at 5:14 p.m.

Motion by Walkes, second by Jacobs to reopen the Planning Commission meeting. Motion carried. Meeting reopened at 5:14 p.m.

Modification to Skye View Special District:

Applicant Tom Wiener with Skye View Development, LLC has requested to amend parts of the Skye View Special District development code, approved in December 2021. A summary of proposed changes to the code includes, but not limited to:

- Numerous small corrections to improve grammar.

- Numerous small corrections to improve clarity without changing meaning or intent.
- Combining the Commercial Business District code with the Mixed-Use District code.
- Removing Commercial Business District designations from the land use district map and replacing them with Mixed-Use.
- Codify extensions for completing building permits and issuing building permits prior to the first lift of road surface laid.
- Additional definitions and modifying existing definition for clarity.
- A wide range of small to significant changes to zoning performance standards and density/intensity of uses on a parcel.
- Allowances for eaves, stoops, uncovered patios, at-grade landings, and balconies setbacks.
- The applicant proposed changes to driveway widths.
- Changes for stacking requirements for drive-thru businesses.
- Small changes to building orientations for windows and doors, architectural standards that would break monotonous facades and roof lines, and exterior building finishes.
- Changes to building heights across different districts.

The City Engineer has the following comments and finding:

1. Exhibits B, C, and D show a 26-ft public street extension in the SW corner of the development within a 38-ft right-of-way and sidewalk within a 10-ft easement. This should be revised to show a 50-ft right-of-way with the street and sidewalk entirely contained within the right-of-way.
2. The proposed street connection to TH 42 shall be formally approved by MnDOT, prior to approval of the final plat.
3. The final plat (or plats, if the proposed subdivision is phased) shall avoid conflicts with existing underlying access easements.
4. Exhibit C shows proposed City utilities and street typical sections. Final approval of city street and utility layout, design, and details shall be based on final engineering plans, as approved by the City Engineer and other appropriate regulatory agencies, and may vary from what is shown on Exhibit C.

Staff recommends the Planning Commission forward this item to City Council, recommending approval with the following conditions:

1. Exhibits B, C, and D shall be amended to show a 26-ft public street extension in the SW corner of the development within a 50-ft right-of-way with the street and sidewalk entirely contained within the right-of-way.
2. The proposed street connection to TH 42 shall be formally approved by MnDOT, prior to approval of the final plat.
3. The final plat (or plats, if the proposed subdivision is phased) shall avoid conflicts with existing underlying access easement.
4. Proposed City utilities and typical street sections shown in Exhibit C shall be subject to final approval by the City Engineer and other appropriate regulatory agencies and may vary from final engineering plans.

Motion by Jacobs, second by Walkes to recommend Council approval of the Modifications to the Skye View Special District with conditions as listed:

1. Exhibits B, C, and D shall be amended to show a 26-ft public street extension in the SW corner of the development within a 50-ft right-of-way with the street and sidewalk entirely contained within the right-of-way.
2. The proposed street connection to TH 42 shall be formally approved by MnDOT, prior to approval of the final plat.
3. The final plat (or plats, if the proposed subdivision is phased) shall avoid conflicts with existing underlying access easement.
4. Proposed City utilities and typical street sections shown in Exhibit C shall be subject to final approval by the City Engineer and other appropriate regulatory agencies and may vary from final engineering plans.

Aye: Reeve, Nicklay, Walkes, Kujath, Liebenow-Anttila, and Jacobs.

Nay: None

Absent: Durgin

Motion carried 6-0.

Skye View Development Final Plat:

The request by applicant, Tom Wiener, is for approval of a final plat for 11 parcels and 5 outlots, with one outlot dedicated for stormwater management. Block 1, Lot 1 will allow for an apartment building. Block 2 of the plat includes 10 parcels for attached single-family homes and townhomes. Outlots A-D are set aside for possible future development, which would require future replatting. Outlot E is for stormwater management purposes. The lot sizes will be between 3,600 square feet and 65,000 square feet with a range of lot widths (street frontage) between 30 feet and 423 feet. The property is currently zoned SD for the Skye View Special District under City Code 611.7.7. The proposed final plat does not conform to the current City Code requirements for the Special District, primarily in that the proposed street and lot layout is different and that the land use boundaries do not match the proposed lot layout. However, the applicant has requested modifications to the Skye View Special District in City Code to address the non-conformities. The staff report has been prepared evaluating the proposed final plat against those proposed modifications, and the staff recommendation section of the staff report includes a recommendation that if the final plat is approved, it should be conditioned on subsequent approval of the modifications to the Special District in City Code.

Motion by Reeve, second by Jacobs to forward the proposed Skye View Development, recommending denial to City Council, with the following findings:

1. The Applicant has not met condition 2(e) of Preliminary Plat approval, which is copied below in bold. The City has not received any documents demonstrating that MnDOT has given formal approval for the development property to access Highway 42.

“Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.”

2. The Applicant has not met condition 2(j) of Preliminary Plat approval, which is copied below in bold. The City has not received complete plans, specifications, and permits for required infrastructure improvement from the Applicant, and the City Engineer has not approved the same. Specifically, the Applicant has not provided the following required permits: MDH watermain plan review, MPCA sanitary sewer extension permit, MnDOT work in right-of-way permit, and MPCA NPDES Construction Stormwater Permit; and has not provided complete plans and specification and supporting information.

“Plans and specification and all applicable permits for the required infrastructure improvements shall be submitted for City review and shall be approved by the City prior to Final Plat approval.”

3. The Applicant has not met condition 2(l) of Preliminary Plat approval, which is copied below in bold, because Applicant has not provided complete plans and specifications and supporting information, which is necessary for the City Engineer to determine whether any adjustments or additions to easements on the final plat are needed.

“Easements included on the final plat shall conform with those shown on the preliminary plat, as well as any adjustments or additions determined to be needed by the City during preparation and review of final plans and specifications for the proposed subdivision improvements.”

4. The Applicant has not met condition 2(c) of Preliminary Plat approval, which is copied below in bold, because the Final Plat conflicts with the Sky View Special District, Plainview City Code Section 217.7.7 in that the boundaries depicted on the Final Plat do not conform to the boundaries described and depicted within the Sky View Special District section of the City Code.

“The preliminary plat shall generally be consistent with the Skye View Special District.”

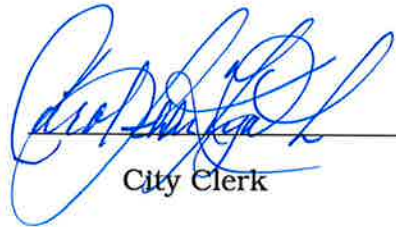
Motion carried unanimously.

Updates/Discussion: None

Motion by Jacobs, second by Walkes to adjourn.

Motion carried unanimously. Meeting adjourned at 5:27 p.m.


Planning and Zoning Commissioner


City Clerk

12/6/22
Date

The staff report does a great job of discussing the changes; but doesn't necessary explain why the changes are requested. Although the code is workable, now that we've taken a deeper dive into design, on multiple levels, we believe with the requested changes to the Special District take a good code and makes it an exceptional code. We worked diligently with the City Planner to reconcile our proposed changes.

After that reconciliation we received the staff report that showed additional Engineer recommendations.

- We take no exception to the Engineer Finding and Recommendation #2, as it was a previous condition of the existing adopted Special District Code.

However, the other conditions were not part of the existing Special District code conditions, and we believe staff recommendations 1, 3 & 4 are contrary to existing adopted Special District Code and should be rejected.

For example. City Code 611.7.7.9(1) already codified the street section. It is not ambiguous. It reads,

"Public street section for Skye View Development shall follow the cross-sections shown in Exhibit C"

The problem with making these types of simple nuanced changes is that we have been marching forward putting together a very detailed plan on how this development fits together. From densities, to covenants, to park calculations, to traffic and even pedestrian flows; but most importantly how it affects the proforma and bank documents – there is a tremendous amount of interrelated pieces to this puzzle. What may seem like a minor change has a ripple effect beyond what is easily seen. Even if the Engineer wishes he would have made those conditions to the existing Special District they were not – and we can't plan intent. We have put a tremendous amount of work into creating design documents around the areas of the Special District that is now ordinance. Adding conditions that are contrary to existing ordinance not only doesn't make legal sense to me, it adds unfair burden and additional costs to not only rework design documents, but – but also puts the development in financial risk of when needing to rework a very complex financial model - this is no small task.

At a minimum I think there needs to be a meeting with the city engineer, city attorney and myself to reconcile our differences regarding conditions 1, 3 & 4.

I believe PZ has at least the following 2 Motions if you decide to accept with conditions.

Motion 1: Accept Condition 2, and reject conditions 1, 3 & 4 on the bases they are not applicable or contradict current code.

OR

Motion #2: Accept Condition 2 and recommend for city council to have their city Attorney provide them an opinion on conditions 1, 3 & 4.

Sincerely Tom Wiener