



**PLAINVIEW PLANNING COMMISSION MEETING  
AGENDA**

**Monday July 25, 2022 at 5:00 P.M.**

**Council Chambers, City Hall, 241 W Broadway, Plainview, MN 55964**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
  - a. Planning Commission Meeting Minutes – April 5, 2022**
- 4. Public Hearings**
  - a. Modification to Skye View Special District**
- 5. New Business**
  - a. Modification to Skye View Special District**
  - b. Skye View Developments Final Plat**
- 6. Updates/Discussion**
- 7. Adjourn**

# PLAINVIEW CITY COUNCIL ACTION



## Executive Summary

Planning Commission Special Meeting: July 25, 2022

<b>AGENDA ITEM:</b> Minutes	<b>AGENDA SECTION:</b> Consent
<b>PREPARED BY:</b> Carol Kujath, City Clerk	<b>AGENDA NO.</b> 3.a.
<b>ATTACHMENTS:</b> Draft Minutes	<b>APPROVED BY:</b> cjk
<b>RECOMMENDED ACTION:</b> <b>1. Motion</b> to approve Minutes of the April 5, 2022 Planning Commission Regular Meeting Proceedings.	

**CITY OF PLAINVIEW PLANNING COMMISSION**  
**APRIL 5, 2022**  
**MEETING MINUTES**

The April 5, 2022, meeting for the Plainview Planning Commission was called to order at 6:00 p.m. by Holly Reeve.

Members present: Holly Reeve, Ben Jacobs, Roger Durgin, Aaron Nicklay, Scott Kujath, and Jim Walkes.

Members absent: Ann Liebenow-Anttila.

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

Guests in attendance: Brian Malm with Bolton and Menk Engineering, Mike Flaherty with Flaherty and Hood, Tom Wiener, Tim Janikowski, Steve Sawyer, Jeff Kreofsky, Scott Bennett, Greg Speedling, Charlie Uecker, and Bob Walkes.

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

Motion by Walkes, second by Durgin to approve the Consent Agenda. Motion carried. The March 1, 2022, minutes were approved without any corrections or amendments.

Skye View Amended Preliminary Plat:

Commission Chair, Holly Reeve opened the public hearing at 6:01 p.m. to hear testimony regarding the proposed amended Preliminary Plat for the Skye View Development located in the southern part of Plainview, south of Highway 42 and between 255<sup>th</sup> Ave and 3rd St. SW. The property is zoned SD for the Skye View Special District and overlay. The property totals approximately 9.19 acres.

Administrator Todd read a letter from Larkin Hoffman addressed to Mayor Luckstein and City Council stating they represent Fairwater LLC, the owner of Piper Hills Golf Course, they object to the City's approval of the preliminary plat and to any further action taken by the City in advancement of the Skye View Development as illegal and inconsistent with Fairwater's easement rights. (*See attached*)

Todd also received an email from Tony Montgomery acknowledging the letter from Larkin, Hoffman representing Fairwater LLC, regarding the rights to the easement. The easement shall be protected as written with all legal rights retained by Piper Hills Golf Course owners. (*See attached*)

Steve Sawyer – 740 2<sup>nd</sup> St NW – Part owner of Piper Hills Golf Course – Piper Hills Golf Course is protecting the easement for now and will determine how best to do some work on entering the golf course, which could change in the future, or not. Personally, does not have anything against the development and believes the development is something the City needs.

Motion by Kujath, second by Jacobs to close the public hearing. Motion carried.  
Public hearing closed at 6:11 p.m.

Motion by Jacobs, second by Walkes to reopen the Planning Commission meeting.  
Motion carried. Meeting reopened at 6:12 p.m.

Skye View Amended Preliminary Plat:

The City received an amended preliminary plat from Les Conway (WSE), representing Tom Wiener (Skye View Development LLC) for Skye View. This subject property is in the southern part of Plainview, south of Highway 42 and between 255<sup>th</sup> Ave and 3<sup>rd</sup> St SW. The property is zoned SD for the Skey View Special District and overlay. The property totals approximately 9.19 acres. The plat is for seven outlots, with one dedicated for stormwater retention. The plat also includes 10 parcels for attached single-family homes and townhomes. 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 416 feet. The applicant will adhere to the Special District limits for each land use area. A lengthy discussion regarding questions and concerns including flood waters/drainage pond, and how the water will run along the easement, park/playground, retaining wall to divide the property from the property to the east, and a potential lawsuit. Brian Malm, Mike Flaherty along with the developer answered all questions and concerns asked by the Commission.

Motion by Reeve, second by Jacobs to recommend Planning Commission forward the amended preliminary plat for Skye View to the City Council recommending approval of the Skye View Amended Preliminary Plat Application, in the City of Plainview, subject to conditions and contingencies in the permit, and based on the findings therein.

Aye: Reeve, Nicklay, Walkes, Kujath, and Jacobs

Nay: Durgin

Absent: Liebenow-Anttila

Motion carried 5-1.

Orchard Hills 8<sup>th</sup> Final Plat:

Brian Malm explained to the Commission early last year, the applicant received preliminary plat approval by the City Council to move forward on this development with a total of 26 lots. Following that, the developer chose to develop the project in phases, and the City approved the Orchard Hills 7<sup>th</sup> final plat, which included 10 single-family lots and two large outlots, one for a stormwater pond and the other for future single-family lot development. This request is to replat Outlot B of the Orchard Hills 7<sup>th</sup> plat as Orchard Hills 8<sup>th</sup> with the remaining 16 single-family lots shown on the original preliminary plat. The lot sizes will be between 9,000 square feet and 18,000 square feet with a range of lot widths (street frontage) between 68 feet and 89 feet. Of the overall 5.5 acres, 0.81 acres are proposed to remain wetland after the developer completes DNR's wetland removal and remediation procedures. The overall density for the development will be just under three homes per acre. The applicant will adhere to R2 zoning.

Motion by Reeve, second by Walkes to forward the proposal, recommending approval to City Council, with the following conditions:

1. A recommendation that the proposed final plat does not conflict with any conditions listed in Section 620.4 of the Plainview City Code, and thus approval of the final plat is appropriate.
2. A recommendation in support of the applicant's proposal to pay \$9,616 for fees in-lieu of parkland dedication.
3. Prior to final approval:
  - The applicant shall modify the dedication language on the final plat to indicate that the proposed streets be dedicated to the public, in addition to the drainage and utility easements.
  - Final construction plans and specifications shall be approved by City Staff and the City Engineer.
  - A Development Agreement for the installation of the required infrastructure improvements necessary to support development on lots within the proposed subdivision is required prior to final plat approval.
4. All other comments or condition from city departments, franchise service and utility providers, or other authorities with jurisdiction over this development shall apply to this development.

Motion carried unanimously.

Updates/Discussion:

- Continue Discussion of the Comprehensive Plan: The Planning Commission is tasked with reviewing the Comprehensive Plan. At the last meeting it was discussed to focus on the implementation of the Comprehensive Plan and compare it with the 600 Code. It was suggested that the Comprehensive Plan be looked at every five years. As this plan is a new plan there is not anything that needs to be changed at this time. Administrator Todd suggested going section by section in the 600 Code as a Commission.

Motion by Durgin, second by Walkes to adjourn.

Motion carried unanimously. Meeting adjourned at 7:06 p.m.

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Planning and Zoning Commissioner

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City Clerk

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Date

**From:** Chelsie Jech <[chelsiejech@tmracompany.com](mailto:chelsiejech@tmracompany.com)>  
**Sent:** Tuesday, April 5, 2022 11:11 AM  
**To:** David Todd <[d.todd@plainviewmn.com](mailto:d.todd@plainviewmn.com)>  
**Subject:** [EXTERNAL] Fwd: Sky-View Planning & Zoning Meeting April 5th 2022

Good afternoon David. Tony wanted me to forward this onto you.

Thank you,

Chelsie Jech

Ph: (507) 421.0351

Tony Montgomery Realty and Auction Company

540 N. Wabasha St.

Plainview, MN, 55964

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----- Forwarded message -----

**From:** **Tony Montgomery** <[montgomeryauctions@hotmail.com](mailto:montgomeryauctions@hotmail.com)>  
**Date:** Sat, Apr 2, 2022 at 4:01 PM  
**Subject:** Sky-View Planning & Zoning Meeting April 5th 2022  
**To:** Chelsie Jech <[chelsiejech@tmracompany.com](mailto:chelsiejech@tmracompany.com)>

Mr. David Todd City administrator of Plainview, Mn,

As you have indicated to me in our brief meeting, you would read our objection to Skyview Development's plan to the Planning & Zoning board members and attendees. Please find the following:

This letter is addressed to the entire Planning & Zoning board and all attendees of said meeting taking place April 5th, 2022.

This is a reminder to the City of Plainview that on the 31<sup>st</sup> of Jan. the city received a letter from Larkin, Hoffman, a law firm located in Minneapolis representing Fairwater LLC, a company comprised of ownership of Tami Sawyer, Steve Sawyer, Stacy Montgomery, and Tony Montgomery. Fairwater LLC is the owner of Piper Hills Golf Course, property immediate to the south of the proposed development of which has a legally described easement of legal standing through the north and west part of the proposed development for the purpose defined within the easement. The City Mayor and Council have knowledge of this letter. Obviously, from many previous meetings held by the city, I have been very clear to the developer, city council, mayor, city engineer and city attorney that we own the rights to this easement and are not willing to concede to any modifications to said easement whatsoever. Both the city, city engineer, attorney for the city and developer have had knowledge of this easement for over 8 months and in some cases perhaps a year. The developer received the deed not until

December 29, 2021. Within the deed is the easement of record expressly representing the easement. Not to understand, deny or even refuse it, is negligent and puts the City of Plainview and in obvious jeopardy if such plat proceeds with confirmation from the city. This easement has been of record for over 40 years and through several owners it has been of record. I am surprised that the City would consider such a known attempt to infringe on the rights of holders of a recorded instrument. The question is, are those who are in the position to make decisions willing to put the city at financial risk by approving a plat of any kind that infringes on other's recorded right of usage of a recorded easement. I would suggest the Planning & Zoning board members fully understand all ramifications of decisions going forward pertaining to said easement and possible ramifications financially that the city may face upon approving such plat. Furthermore, why were some Planning & Zoning board members NOT made aware of the Larkin Hoffman letter advising the city NOT to proceed in letting the private developer infringe through plat upon the easement? Well, the truth is, some were aware. Two members of the Planning & Zoning board are also sitting city council members and knew all about the letter Jan. 31<sup>st</sup> of this year. In the packet presented to the Planning & Zoning members, the city engineer makes no mention of the existing easement conflict. This disturbing fact alienates not only the golf courses position of the easement, but also that of the existing members NOT knowledgeable of such conflict. In full transparency, we have distributed copies of some members of this body so they too can be made aware of this ongoing situation. In denial form letter f indicates and I quote. "that the design of the subdivision or type of improvements will conflict with easement of record," unquote.

In closing, this 40-year-old easement has passed along through many "owners", is real and shall be protected as written with all legal right retained by Piper Hills Golf Course owners. Again, it would be prudent that the City and the Developer modify the existing proposed plans that is infringing onto the existing easement.

Sincerely,

Tony L. Montgomery, owner  
TONY MONTGOMERY REALTY & AUCTION COMPANY  
PLAINVIEW, MN  
[montgomeryauctions@hotmail.com](mailto:montgomeryauctions@hotmail.com)---[tmracompany.com](http://tmracompany.com)  
507.259.7502

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## MEMORANDUM

**Date:** July 7, 2022 – *Updated July 19, 2022*  
**To:** City of Plainview Planning Commission  
**From:** Harry Davis, AICP  
Brian Malm, P.E.  
**Subject:** Skye View Development Special District  
City of Plainview

**Meeting Date:** July 25, 2022

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### Request:

**Applicants:** Tom Wiener  
**Owner:** Skye View Development, LLC  
**Property Location:** North of Piper Hills Golf Course and south of Highway 42  
**Property ID:** 26.00116.24 and 14.00109.05

### Background:

The subject property is located in the southern part of Plainview, south of Highway 42 and between 255<sup>th</sup> Ave and 3<sup>rd</sup> St SW. The property is zoned SD for the Skye View Special District and totals approximately 9.19 acres. Table 1 below shows adjacent land use and zoning.

**Table 1**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Developed and undeveloped; Residential	R-2, Residential; R-1, Residential
South	Golf Course	Wabasha County
East	Large Lot Residential	R-1, Residential
West	Undeveloped	Wabasha County

### Request:

The request by the applicant is 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 is not limited to; updated July 19, 2022):

- 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.

As detailed below and further within this report, the applicant will adhere to new zoning standards. Table 2-5 shows current district requirements, and Tables 6-9 show the proposed district requirements. A full document of proposed changes can be found in the attachments to this report.

### Tables 2 – 5: Existing Standards

Table 2 – Low Density Residential

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6800 SF	60	20	15	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Zero Lot Line	3000 SF	38	20	15	8/0	8

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Low Density Residential District (Single Family Attached/Row Townhouses)	12-18 Units/Acre	1.8

Table 3 – Medium Density District

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	15	30
Condominium	N/A	N/A	25	15	15	30
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Medium Density Residential District (Multifamily/Condominiums)	16-21 Units/Acre	1.6

Table 4 – Mixed Use District

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	120	25	20	8	16
Live - Work	Variable	106	25	20	8	16
Multi-family (max. 4 units)	Variable	80	25	20	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Mixed Use District (Multi-family/Live-Work/ Multi-family (max. 4 units)/Row House Style Townhomes)	19-42 Multi-family Units	1.5
	3+ Live Over Work	
	Multi-family (max. 4 units attached)/8 units maximum	
	Row House Style Townhomes/8 units maximum	

Table 5 – Commercial Business District

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
all uses	6,000 SF	80	25	25	10	20
parking lots (associated with the principal structure)	n/a	n/a	8	8	8	n/a
corner lot	6,600 SF	80	25	25	12	N/A

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Commercial District	0.50 FAR <sup>(1)</sup>	0.56

**Table 6-9: Proposed Standards**

Table 6: Low Density Residential

Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6800 SF	60	20	15	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Zero Lot Line	3000 SF	38	20	15	8/0	8

Land Use	Proposed Density	Approx. Acres See Exhibit A
Low Density Residential District (Single Family Detached, Single Family Attached, Row Townhouses)	Up to 8 Units/Acre	2.4

Table 7: Medium Density Residential

Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	10	20
Condominium	N/A	N/A	25	15	10	20
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

Land Use	Proposed Density	Approx. Acres See Exhibit A
Medium Density Residential District (Multifamily/Condominiums)	Up to 16 Units/Acre	2.55

Table 8: Mixed Use District

Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	80	25	20	8	16
Live - Work	Variable	106	25	20	8	16
All Commercial Uses	6,000 SF	80	25	25	8	16
Row House Style Townhouses	3,500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Parking lots on the same lot as the principal structure/use	N/A	N/A	5	5	5	N/A

Land Use	Density:	Approx. Acres See Exhibit A
Multi-family	Up to 50 Multi-family Units/Acre	4.2
Row House Style Townhouses	Up to 10 Row House Style Townhomes Units/Acre	
Live Over Work	Up to 10 Live Over Work Units/Acre	
All Commercial Uses	0.50 FAR <sup>(1)</sup>	

**Public Comment:**

No new public comment was received as of publishing this report.

**Neighborhood Notification:**

All property owners within 350’ feet of this property were notified at least ten days before the public hearings at Planning Commission and City Council to be held on July 25, 2022 and July 26, 2022. A public notice was published in the newspaper for two consecutive weeks before the public hearings. No additional notification is required.

**2040 Comprehensive Plan:**

One of the land use goals in the comprehensive plan is to “encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state, and utility costs”. A sub-goal under the goal above is to require coordination between growth and utility capacities (sewer, water, etc.). Under the housing goals in the comprehensive plan, there are various goals that address supporting a “variety of housing types and densities”, “encourage a range of housing ... [fitting community] character”, and “maintain and enhance the quality of Plainview’s homes and neighborhoods”.

The Future Land Use Map designates the subject property as Residential and in a Planned Development Area. The Existing Functional Classification and Future Roadways Map indicates future access to Highway 42 just east of the subject property.

**Application Criteria:**

A petition for establishment of a Special District shall be accompanied by:

1. Two (2) copies of the proposed ordinance language.  
Finding: The applicant has provided two copies of the proposed ordinance.
2. A summary letter or booklet of the intent and effect of the proposed special district, with any information required by the City’s planner or engineer.  
Finding: The applicant submitted a summary booklet of the proposal with the approved Special District. Any proposed changes that may impact the booklet shall be included upon adoption of the proposed amendment.
3. A scaled and clear concept plan showing the exterior of buildings proposed in the development that will not strictly limit future development.  
Finding: The concept plan does include some information on the layout of the development. There is no information on transitions between uses or with adjoining properties.
4. A list of proposed permitted and conditional land uses in the proposed special district.  
Finding: The proposal does include a list of permitted uses.
5. Information on the density and intensity of residential units, retail, office, and other land uses.

Finding: The proposal does include information on the density and intensity of land uses.

6. Information regarding parkland dedication or fees in-lieu when this provision is used in conjunction with the subdivision ordinance.

Finding: The proposal does include sufficient information regarding this requirement.

7. Information regarding proposed performance standards as determined by the City Planner or City Engineer, which shall include, but not be limited to, landscaping, buffering, parking, exterior building design, lighting, and drainage.

Finding: The applicant has provided information regarding performance standards. Staff has mostly minor comments regarding changes in this category.

8. A map indicating the boundary of the district and the boundary of the underlying zoning districts.

Finding: A boundary map was submitted that provides guidance in distinguishing district boundaries.

9. An application fee as required by ordinance shall accompany the petition.

Finding: The application included a fee.

### **Staff Findings:**

The purpose of Special Districts is to establish modifications to or supplement existing zoning regulations to accomplish a special public purpose that is supported by the goals and policies of the Comprehensive Plan, including land uses as found in the future land use plan. Specifically, these purposes and conditions supporting the establishment of a Special District are:

1. Areas may exist where there is a desire and need to establish regulatory authority or the administration of land use control at the city level of government.

Finding: Although Plainview already has regulations to administer land within city limits, the existing Special District is located in an area where the City intends to have mixed-use development in the future. This development provides a nuanced approach towards mixed-use development in a Planned Development Area that achieves city goals. The proposed amendments to the Special District do not adversely impact this finding.

2. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.

Finding: This area is noted as a mixed use residential and commercial neighborhood. A Special District accomplishes the need for a Planned Development Area along Highway 42. The existing district and proposed amendments would modify or supplement the existing regulations to accomplish the goals in Plainview's Comprehensive Plan.

To ensure new development constructed under this provision is of high-quality construction, complimentary to existing neighborhood and City character, and compliant with the goals, policies, and future land use map in the Comprehensive Plan, the following conditions must be met by developments proposed under this provision:

3. Provide for the establishment of Special Districts in appropriate settings and situations, to create or maintain a development pattern that complies with the City's Comprehensive Plan.

Finding: One of the land use goals in the comprehensive plan is to "encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal,

state, and utility costs”. A subgoal under the goal above is to require coordination between growth and utility capacities (sewer, water, etc.). The existing district and proposed amendments encourage different land uses and densities next to each other, with an efficient street grid and reasonable extensions of water and sewer. The density of the proposal partly offsets the extended infrastructure.

Under the housing goals in the comprehensive plan, there are various goals that address supporting a “variety of housing types and densities”, “encourage a range of housing ... [fitting community] character”, and “maintain and enhance the quality of Plainview’s homes and neighborhoods”. This proposal provides a variety of housing types between attached single-family, multi-family condominiums, apartments, and live/work. The example buildings appear to be of a reasonable quality that would fit within the community and maintain or enhance Plainview’s image.

The Future Land Use Map designates the subject properties as Mixed Use Residential and Commercial and in a Planned Development Area. The existing and proposed provides a range of residential uses with commercial uses. A Special District contributes towards the Planned Development Area designation.

4. Areas may exist where substantial public interests require that existing regulations be modified or supplemented to accomplish a special purpose.

Finding: The future land use map shows mixed-use residential and commercial and a Planned Development Area at this location. The subject property is also a large, undeveloped property in a prominent location along Highway 42. The City should have an interest in regulating development in this area.

In comparing the existing code to the proposed code:

- The applicant proposes numerous small corrections to improve grammar.  
*Staff supports these changes.*
- The applicant proposes numerous small corrections to improve clarity without changing meaning or intent.  
*Staff supports these changes.*
- The applicant proposes removing Commercial Business District designations from the land use district map and replace with Mixed Use. The result is combining the Commercial Business District with the Mixed Use District.  
*Staff supports the changes. This appears like a big change on the surface, but the applicant has included all of the Commercial District requirements in the Mixed Use district. The result will add some flexibility to the overall development.*
- The applicant proposes to codify extensions for completing building permits and issuing building permits prior to the first lift of road surface laid.  
*Staff doesn't have a huge issue with either concept as long as proper safeguards are in place, but these allowances are usually best addressed in the Developer's Agreement and not detailed in the code. A code provision is included to allow the developer to request the above in the Developer's Agreement, which is created by staff with the applicant, then approved by Council.*
- The applicant proposes additional definitions and modifies previous ones for clarity.  
*Staff rejected some of the additions and amendments as city code already defined them or the amendments did not adequately clarify the definition. The remaining proposed changes are supported by staff.*

- The applicant proposed a wide range of small to significant changes to zoning performance standards and density/intensity of uses on a parcel.  
*Staff generally supported smaller changes and suggested compromises in others. The remaining proposed changes are supported by staff.*
- The applicant proposed some allowances for eaves, stoops, uncovered patios, at-grade landings, and balconies within the front and rear setbacks.  
*Staff generally supports these and worked with the applicant to define the elements and the extent they can protrude into the setback.*
- The applicant proposed changes to driveway widths.  
*Staff worked with the applicant to fine-tune the original request. The remaining proposed changes are supported by staff.*
- The applicant proposed changes for stacking requirements for drive-thru businesses.  
*Staff worked with the applicant to fine-tune the original request. The new request allows the City Engineer to make the call on adequate stacking spaces.*
- The applicant proposes some small changes to building orientations for windows and doors, architectural standards that would break monotonous facades and roof lines, and exterior building finishes.  
*Staff generally supports the proposed changes, with minor amendments.*
- The applicant proposes changes to building heights across different districts.  
*The changes lowered some building height limits and increased others, but staff does not see any particular issues and supports the changes.*

For details on the above changes, including any changes not summarized above, please refer to the attachments from the applicant and notes by staff.

5. Provide for variations to the strict application of the land use regulations in this Ordinance to improve site design and operation, while incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the City's standards to offset the effect of any variations.

Finding: The existing special district does include some flexibility in the final design of the project as well as performance standards that establish a minimum threshold for development.

Proposed amendments to the existing special district generally support an improved design consistent with the original language.

6. Provide a more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.

Finding: The mixed-use aspect of the proposal is a more creative and efficient approach to development within the City. Higher density residential has greater efficiencies for infrastructure and includes creative uses like live/work. In regards to the proposed amendments, see above comments in the amendment summary.

7. Preserve and enhance natural features and open spaces for public and private use.

Finding: Natural and open spaces were settled in the approved special district.

8. Maintain or improve the efficiency of public streets and utilities.

Finding: The location of the development along Highway 42, near to existing infrastructure, and very close to the center of Plainview all contribute towards maintaining and improving

the efficiency of public streets and utilities. The proposed amendments to the district code do not impact this finding.

9. Ensure the establishment of appropriate transitions between differing land uses.  
Finding: Transitions between land uses were settled in the approved special district.

**Engineering Findings:**

The City Engineer has the following comments and findings:

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.

**Recommendation:**

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 easements.
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.

**Attachments:**

- Existing Skye View Special District Ordinance & Exhibits
- Proposed Skye View Special District Ordinance & Exhibits
- Zoning Map
- Comprehensive Plan
  - o Future Land Use Map
  - o Environmental Resources Map

## Existing Skye View Special District Ordinance & Exhibits

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING PLAINVIEW CITY CODE, ADDING SECTION 611.7.7  
ESTABLISHING SKYE VIEW DEVELOPMENT SPECIAL DISTRICT**

**THE CITY COUNCIL OF THE CITY OF PLAINVIEW DOES ORDAIN** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Plainview City Code, Section 611 is hereby amended, adding Section 611.7.7 as described and written in Exhibit 1, with the following conditions adopted by City Council, to be included in the adopted ordinance in section 611.7.7.14.:

Subd. 1 Approval of this special district ordinance is made with the following conditions:

- a. Public roadway connection to Highway 42 shall be required as a part of the first phase of the proposed development.
- b. Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.
- c. Preliminary and final plat submittals shall show that access to Parcel No.'s 14.00110.00 and 14.00109.06 is maintained through the special district property during construction of the improvements and after the improvements are made.
- d. The preliminary and final plat shall properly identify MnDOT right-of-way for Highway 42.

Subd. 2. After two years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that the conditions in Subd. 1 have not been met, or that no progress has been made in the construction of the development.

SECTION 2. That this ordinance shall take effect from and after its passage and publication.

Passed by the City Council of the City of Plainview, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Aaron Luckstein, Mayor

Attest:

\_\_\_\_\_  
Carol Kujath, City Clerk

VOTE:     \_\_\_ LUCKSTEIN \_\_\_ KIEFFER \_\_\_ REEVE \_\_\_ JACOBS  
          \_\_\_ HAMMER-BARTLEY

*Published:*

Date: \_\_\_\_\_

**EXHIBIT 1**

**SECTION 611.7.7 SKYE VIEW DEVELOPMENT SPECIAL DISTRICT**

**611.7.7.1. PURPOSE.** The purpose of this Special District is to provide for zoning regulations that will be administrated in the Skye View Development Special District, as required in Section 611.7 of Plainview City Code (600 Construction, Planning, Zoning, and Land use). The following is the special regulations of the Skye View Development Special District.

**611.7.7.2. BOUNDARIES OF THE LAND.** This ordinance shall apply to the following described property located within the City of Plainview, County of Wabasha, State of Minnesota:

Parcel 1 (PID: 26.00116.24):

A part of the North Half of the Southwest Quarter of Section 17, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence along the north line of said Southwest Quarter for a distance of 861.3 feet; thence, southerly, parallel with the north line of said Southwest Quarter, for a distance of 577.5 feet (35 rods); thence westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING. Containing 9.19 acres, more or less.

Above parcel includes the right of access over the following described easement:

A non-exclusive easement for driveway purposes, 8.25 feet on each side of the following described line: That part of the Southwest Quarter of Section 17, Township 108, Range 11, Wabasha County, Minnesota, beginning at a point on the West line of said Southwest Quarter 206.25 feet southerly from the northwest corner of said Southwest Quarter of Section 17 (for purposes of this description bearing of said West line is assumed South 0 degrees 42 minutes 00 seconds East), thence North 90 degrees 00 seconds East, a distance of 495.00 feet and there terminating.

AND ALSO 33 feet on each side of a line beginning at the aforesaid point of termination, thence South 89 degrees 40 minutes 29 seconds East, 365.00 feet; thence South 6 degrees 10 minutes 45 seconds East, 102.65 feet; thence South 23 degrees 43 minutes 42 seconds East, 278.00 feet; thence South 26 degrees 49 minutes 24 seconds East, 88.54 feet; thence South 38 degrees 50 minutes 59 seconds East, 89.28 feet; thence South 61 degrees 40 minutes 43 seconds East, 119.27 feet; thence South 69 degrees 33 minutes 06 seconds East, 93.77 feet; thence South 66 degrees 40 minutes 33 seconds East, 151.09 feet and the re terminating.

**611.7.7.3. LEGISLATIVE INTENT AND FINDINGS.**

Subd. 1. Skye View Development provides a compelling alternative to single-use zones by offering a dramatically different mixed-use and environmentally, socially, economically, and aesthetically advanced development design.

Subd. 2. This Special District is established to foster the development of a comprehensively planned, mixed income and mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design. The sites unique location, with the TH 42 along the north boundary and adjacent to Piper Hills Golf Course on the South, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, compact, mixed-use land plan.

Subd. 3. This type of development is consistent with the goals and policies of the cities 2019 Comprehensive Plan, which encourages creating mixed-use, and higher density residential neighborhoods.

**611.7.7.4. ESTABLISHMENT OF SKYE VIEW DEVELOPMENT**

Subd. 1. Pursuant to Section 611.7 of the Plainview City Code, the City Council hereby creates a special zoning district to be known as the Skye View Development Special District (SD-SK). The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development on the Site. As a part of this Special District, the property will be divided into four different use districts (see Exhibit A). The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.

Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings or Land Use Principles:

- a. This Special District is established to foster the development of a comprehensively planned, mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings, on an infill site. The Site’s unique location, adjacent to TH42 and the Piper Hills Golf Course, makes this an ideal place to create a neighborhood that avoids the negative impacts of suburban sprawl with an efficient, mixed use land plan.
- b. The location of Skye View Development fits within the City’s Urban Services Area boundary.
- c. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The size and shape of Skye View Development ensures that all destinations are within an easy walk and that the development functions as a mixed-use infill neighborhood.
- d. A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.

**611.7.7.5. UNDERLYING DEVELOPMENT STANDARDS.** Except where otherwise specified, standards for the development of this district will be based upon the following City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.

- a. No conditional uses are permitted.
- b. Residential District- Section 613 – R-1 Low Density Residential District.
- c. Medium Density Residential district – (Single family attached Row House Style Townhomes, zero lot line.) Section 614 – R-2 Residential District (Multifamily, Condominiums, Apartments).
- d. Commercial Business District Section 616 C-1 Central Business District
- e. Mixed-use District- Residential (Quads, live over work, apartments, row style townhomes).

**611.7.7.6. DEFINITIONS**

- a. Zero Lot Lines: A lot designed for either one dwelling unit of an attached one-family dwelling unit or a detached one-family dwelling unit with one side yard reduced or eliminated.
- b. Townhouse: An arrangement of single-family dwellings separate or joined by common walls on not more than two sides with the uppermost story being a portion of the same dwelling location directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including but not limited to the land area directly beneath the dwelling.
- c. Row House Style Townhomes: An attached dwelling joined to at least three others in a row by common walls on not more than two sides. Row houses are generally urban housing style, usually on their own lots.
- d. Single Family Attached: A lot designed to accommodate two individual units that share a common wall on a common lot line.

**611.7.7.7. SUBDISTRICT REGULATIONS.**

Subd. 1. There are four subdistricts established in this Special District. They are: “Low Density Residential”, “Medium Density Residential”, “Commercial Business District”, and “Mixed Use District”.

Subd. 2. The following regulations apply within the area identified as “Low Density Residential” on the Skye View Land Use Plan. This District consists of four land uses: “Single-family”, “Single-family attached”, and “Zero lot line”, and “Row House Style Townhomes”.

**a. Low Density Residential**

1. Unless otherwise specified in this special district, the regulations of the R-1 District shall apply within the Low-Density District.
2. Permitted uses shall include the following
  - a. Single family detached
  - b. Single family attached
  - c. Row House Style Townhouse
  - d. Zero lot line
3. Lot Development Standards.
  - a. Setback and lot criteria:
    - The minimum setback and lot criteria for this District is listed in Table A

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6800 SF	60	20	15	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Zero Lot Line	3000 SF	38	20	15	8/0	8

(1) Interior Unit

(2) Exterior Unit

- b. The only exemption from the front, and rear setback standards will be eaves and stoops.
- c. The driveway curb cuts will be no greater than 16' width for a 2-car garage and 12' for Row House Style Townhomes to the garage.
- d. Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets
- e. The maximum height of any structure is 35 feet measured from the lowest ground elevation adjacent to the structure to the midpoint of the sloped roof.
- f. Density and intensity
  - The minimum density and intensity for this District is listed in Table B:
- g. Zero lot line development will require party wall and maintenance agreements.

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Low Density Residential District (Single Family Attached/Row Townhouses)	12-18 Units/Acre	1.8

**b. Medium Density District**

1. Unless otherwise specified in this special district, the regulations of the R-2 District shall apply within the Medium Density area.
2. Permitted uses shall include all the following
  - a. Condominiums
  - b. Multifamily
  - c. Open space/recreational area
3. Lot development standards:
  - a. Setback and Lot Criteria
    - The minimum setback and lot criteria for this District is listed in Table A:

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	15	30
Condominium	N/A	N/A	25	15	15	30
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

- b. The only exception from the front and rear setback standards will be eaves and stoops
- c. The driveway curb cuts will be no greater than 25 feet in width.
- d. Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- e. Architectural standards. A building must incorporate architectural styles, building materials and colors used in surrounding buildings. An Architectural Control Committee has been established to review all proposed building plans for consistency in design and appearance standards.
- f. Landscape Plan: Lot landscaping standard requirements for the medium density development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.
- g. Maximum building height shall be 35 Feet.
- h. Density and intensity
  - The minimum density, range of densities (minimum to maximum), and intensity for this District is listed in Table B:

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Medium Density Residential District (Multifamily/Condominiums)	16-21 Units/Acre	1.6

**c. Commercial Business District**

1. Unless otherwise specified in the special district, the regulations of the C-1, Central Business District shall apply within the Commercial Business District.
2. Permitted uses shall include the following
  - a. Retail Sales
  - b. Sit-down and drive thru Restaurants
  - c. Entertainment & Drinking
  - d. Home Improvement Trades
  - e. Appliance Sale and Services
  - f. Repair Shops
  - g. Banks/Savings/Loans

- h. Offices
- i. Personal Services
- j. Hotel/Motel
- k. Animal Hospital/ veterinary clinic
- l. Convenience Retail – with and without gasoline sales
- m. Drive-Thru Facilities
- n. Electric vehicle charging stations
- o. Coffee Shops
- p. Live Over Work

3. Lot Development Standards

a. Setback and Lot Criteria

- i. The Minimum Setback and Lot Criteria for the District is listed in Table A

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
all uses	6,000 SF	80	25	25	10	20
parking lots (associated with the principal structure)	n/a	n/a	8	8	8	n/a
corner lot	6,600 SF	80	25	25	12	N/A

- b. Maximum building height shall be 35 feet.
- c. Minimum parking standards for commercial uses shall be in accordance with Section 609.7 Parking of the Code of Ordinance for the City of Plainview.
- d. Density and Intensity
  - The maximum density and intensity for this District is listed in Table B:

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Commercial District	0.50 FAR <sup>(1)</sup>	0.56

(1) Maximum floor area ratio: A sum of the gross horizontal area of the floors of a building measured from the outside faces of wall or the centerline of party walls separating two buildings. This does not include any interior parking spaces, loading spaces, any space where the floor to ceiling height is less than six feet, any space devoted to mechanical equipment, terraces, breezeways, screened porches, basements, other sub-terranean areas not intended for human habitation.

Example: Two story building with 1,500 S.F. of gross floor area for a total of 3,000 S.F. located on a 6,000 S.F. lot. First floor mechanical room of 30 S.F. and stairwell area of 750 S.F. combined on both floors.  $3,000 \text{ S.F.} - (30 \text{ S.F.} + 750 \text{ S.F.}) = 2,220 \text{ S.F.}$  of net floor area.  $\text{FAR} = 2,200 \text{ S.F. net floor area} / 6,000 \text{ S.F. gross lot size} = 0.37.$

4. Site Development Plan and Site Plan Review: A site Development Plan for all uses in the Commercial Business District shall be prepared and submitted to the City of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.
5. Convenience retail and drinking and entertainment uses shall have hours of operation as follows:
  - a. Convenience Retail: 24 hours
  - b. Drinking and entertainment: 6am - 12 midnight
6. Stacking Requirements for drive-in facilities shall be reduced to five in-bound and one out-bound space per drive lane.
7. On-street parking in front of the retail uses shall be allowed. On street parking in front or on the side street of the lot shall count toward fulfilling the parking requirements of the ordinance. On street parking spaces must be striped for clarity and be at least 22.5' long. On-Street spaces may not conflict with traffic, sight lines, or pedestrian circulation.
8. Limitation on permitted uses:
  - a. Not more than one convenience retail use that includes sales of automotive fuels may be permitted in the Commercial Business District.
  - b. With the exception of transit accommodation (motel/hotels), restaurant uses and grocery stores, individual businesses shall not exceed 20,000 square of floor area on the ground floor.
9. Lot Development Standards:
  - a. Exterior Trash Receptacles shall be constructed to the size and standards of the typical section on Exhibit G of the Special District.
  - b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
  - c. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way provided that pedestrian circulation and access to store entrances are not impaired. Revocable permits are for the private use of the public right-of-way, either permanent or temporary. The "revocable" designation means that the City may revoke the permit at any time for any reason.

d. Bicycle-locking stands are required in each Commercial Use. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leasable space. These stands must harmonize with the architectural of the retail area connect to the ground at two points or more.

e. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center.

f. Parking

i. Minimum parking requirements for the Commercial Business District, shall use business center parking standards of Section 609.7 of the Code of Ordinance for City of Plainview.

ii. In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement and meet requirements set forth in 611.7.7.c.4.7.

iii. Parking lot screening

a. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow (42" minimum height), unless there is a minimum 8 front wide landscape use provided. Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'-0".

iv. Parking Lot Landscaping:

a. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).

b. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.

c. Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1 ½" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

10. Landscape Plan: Lot landscaping standard requirements to the Commercial development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.

a. Signs

- i. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:
  - a. **Blade Sign** - A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.
  - b. **Marquee** - A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.
  - c. **Neon signs** - sized to not exceed 20 square feet.
  - d. **Free standing sign** - self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground
  - e. **Projecting sign** – A sign, other than a wall sign, which attaches to and projects from a structure or building facade.
  - f. **Graphics sign** – A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
  - g. **Auxiliary sign** – A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).
  - h. **Advertising signs (billboards)** - will be prohibited.
  - i. **Wall signage** - A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.
- ii. Sign standards shall conform with the following criteria:
  - a. **Free standing sign** – maximum height 20” feet.
  - b. **Projecting sign** – maximum area – 20 square feet, maximum height – 12 feet.
  - c. **Graphics sign** – maximum area of 10% of wall.

- d. **Auxiliary sign** – maximum height – 6’.
  - e. **Advertising signs** (billboards) will be prohibited.
  - f. **Wall signage** - should be uniform in size.
  - g. Signs can be internally lit.
- iii. Architectural standards.
- a. Standards for all uses:
    1. Each Building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
    2. Mechanical equipment, electrical and communication transformers, cabinets, and service areas shall be located out of public view where feasible or screened from public view with fences, walls, or landscaping.
  - b. Standards for Convenience Retail Uses
    1. Convenience retail uses shall locate automotive fuel service and drive-in service areas away from residences and toward the perimeter streets.
    2. Light from lighting fixtures and signage, and sound from sound-producing equipment shall be deflected away from residences. Music from sound producing equipment shall be prohibited on the exterior of the building.
    3. Foundation landscaping (4’ minimum planting bed width) and windows shall be provided along all building sides that are open to view from public streets.
    4. Perimeter landscaping at least four feet in depth shall be provided along public roads between sidewalks and driveway or parking areas.
    5. Pedestrians must be able to safely access the building from public sidewalks on visual prominent crosswalks within drive areas to the building’s front door.
    6. All sides of the building façade shall be designed to provide architectural and visual interest.
      - i. A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
      - ii. Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial, retail, service, and office uses that front the right of way.

- iii. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- iv. Exterior materials may include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
- v. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Restaurants shall be permitted to operated outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not obstructed.
- vi. Drive-thrus:
  - a. Drive-thru facilities shall be permitted in the Commercial Use District
  - b. The Stacking requirements for the Drive-Thrus are defined in Section 611.7.7 C.6
  - c. The use of outdoor speaker systems and other audio type equipment shall be limited by the Architectural Control Committee and local noise ordinances.
  - d. The Site Plan for each drive-thru facility shall minimally include the location of the drive-thru, staging aisle, location of the menu board, and other signage deemed necessary for the operation of the drive-thru.

**d. Mixed-Use District:**

1. The "Mixed Use District" permitted uses are as follows:
  - a. Multi-family (max. 4 connected units)
  - b. Live Over Work
  - c. Multi-family
  - d. Commercial uses permitted by this special district.
  - e. Row House Style Townhouses
2. Lot Development Standards
  - a. Setback and Lot Criteria

- The Minimum Setback and Lot Criteria for the District is listed in Table A:

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	120	25	20	8	16
Live - Work	Variable	106	25	20	8	16
Multi-family (max. 4 units)	Variable	80	25	20	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16

(1) Interior Unit

(2) Exterior Unit

3. Density and Intensity

- The maximum density, range of densities (minimum to maximum), and intensity for this District is listed in Table B:

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Mixed Use District (Multi-family/Live-Work/ Multi-family (max. 4 units)/Row House Style Townhomes)	19-42 Multi-family Units	1.5
	3+ Live Over Work	
	Multi-family (max. 4 units attached)/8 units maximum	
	Row House Style Townhomes/8 units maximum	

4. Live Over Work: Office and residential uses are allowed on the upper levels. Two off-street parking stalls per residential unit is required and must be reserved.
5. A site Development Plan for all uses in the Mixed-Use District shall be prepared and submitted to the city of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.
6. Minimum of two stories above grade is allowed. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface at the next floor above except that the topmost floor shall be that portion of a building included between the upper surface of the topmost floor and ceiling.
7. Maximum size for a restaurant use is 7,000 square feet.
8. Alcohol sales are permitted.
9. The height allowed for a three-story building shall be 35 feet.
10. Lot development Standards:

- a. Exterior Trash Receptacles shall be constructed to size and standards of the typical section on figure Exhibit F of the Special District.
  - b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
  - c. Buildings shall be oriented to face the street with entrances and display windows at the street level, except for the storage facilities. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.
  - d. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center.
11. Parking requirements for the Mixed-Use District shall use standards of Section 609.7 except as follows:
- Live over work Commercial space 1 stall/ 200 square feet
  - Apartments: 1 stall for 1 bedroom, 1.5 stalls for 2-bedroom, 2 stalls for 3 bedrooms.
- a. Parking Lot Screening:
    - 1. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow. These landscaped areas but be a minimum of 4'-0" wide. Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'0".
  - b. Parking Lot Landscaping:
    - 1. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
    - 2. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation.
    - 3. Each 100 square feet of required landscape area must contain at last one canopy tree or two understory trees (minimum size for canopy trees in 1 – 1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

12. Signs

- a. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on the sidewalks and vehicles on streets. The following sign types satisfy these requirements:

1. **Blade Sign** - A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.
  2. **Marquee** - A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.
  3. **Neon signs** - sized to not exceed 20 square feet.
  4. **Free standing sign** - self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground
  5. **Projecting sign** – A sign, other than a wall sign, which attaches to and projects from a structure or building facade.
  6. **Graphics sign** – A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
  7. **Auxiliary sign** – A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at servicestations).
  8. **Advertising signs (billboards)** - will be prohibited.
  9. **Wall signage** - A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.
- b. Sign standards shall conform with the following criteria:
1. **Free standing sign** – maximum height 20” feet.
  2. **Projecting sign** – maximum area – 20 square feet, maximum height – 12 feet.
  3. **Graphics sign** – maximum area of 10% of wall.
  4. **Auxiliary sign** – maximum height – 6’.
  5. **Advertising signs** (billboards) will be prohibited.
  6. **Wall signage** - should be uniform in size.
  7. Signs can be internally lit.
13. Architectural Standards.
- a. Standards for all uses:
1. Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
  2. Mechanical equipment, electrical and communication transformers, cabinets, and services areas shall be located out of public view

where feasible or screened from public view with fences, walls, or landscaping.

3. All sides of the building façade shall be designed to provide architectural and visual interest.
  - i. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
  - ii. Exterior material may include brick, architectural treated concrete, sone tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials
  - iii. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.

**611.7.7.8. PARKLAND DEDICATION REGULATIONS**

1. Section 622.9 of the Code of Ordinances for the City of Plainview titled “Parks, Open Space, and Public Use” contains the current policy for parkland dedication or cash in lieu of dedication provision when a park or public area is not shown on the Comprehensive plan. Parkland Dedication Ordinances are granted pursuant to State Statute 462.358. Section 622.9 of the Code of Ordinances provides for a schedule based on density of the development for R-1 and R-2 residentially zoned districts.
2. The Skye View Special District Plan contains four distinct land use districts of which three are subject to parkland requirements. They are (1) Low-Density Residential; (2) Medium Density Residential; (3) a portion of the Mixed-Use for Multifamily, or Live-Over work.
3. The parkland dedication requirement for this Special District will be met via a cash contribution in lieu of land dedication. The cash payment for parkland dedication shall be made prior to recording the Final Plat of each phase of development with land uses that are subject to the parkland dedication per item 3 above.
4. Calculation of parkland dedication: The amount of cash in lieu of dedication of parkland for each land use designation shall be based on the density of each category as noted in the following table:

Table A	
Land Use	Required Dedication
Low Density Residential	8% of total land area
Medium Density Residential	Refer to Table B
Mixed-Use Density Residential	Refer to Table B

Table B: Density calculation for Medium Density and Mixed-Use Density for residential use. The population density chart is pertinent to the land use that potentially increases demand on parks.

Table B	
Density in Dwelling Units per Gross Acre of Residential Land Area (dwelling units per acre)	Estimated Number of Persons per Dwelling Unit
16-21	2.22
Over 21	1.98

- 5. The total land dedication requirement in Table A is calculated based on total land area within the low-density residential zone multiplied by the required dedication percentage. The dedication requirement formula is **number of acres within the low-density residential zone x required dedication percentage = Amount of land to be dedicated.**

The total land dedication requirement in Table B is calculated based on need for 8 acres per 1,000 residents. The dedication requirement formula is **0.008 x the number of persons per dwelling unit x number of units = Amount of land to be dedicated.**

The formula for Cash in Lieu of land dedication is as follows: **Fair market value per acre x number of acres required to be dedicated = cash payment in Lieu of land dedication.**

**Table A Example:**

10 acres low density residential x 0.08 = 0.8 acres  
 0.8 acres x \$10,000 per acre fair market value = \$8,000.00

**Table B Example:**

(0.008 x 2.22 persons per swelling unit) x 20 dwelling units = 0.35 Acres  
 0.35 acres x \$10,000 per acre fair market value = \$3,552.00

The fair market value of the land before development to be used in calculations for Tables A and B shall be defined by either (1) appraised or (2) negotiated value between the City and Developer.

**611.7.7.9. GENERAL DEVELOPMENT STANDARDS**

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

**611.7.7.10. BOUNDARIES**

1. The regulations established herein shall apply to the land described in Section 611.7.2 and shall be designated “SD-SV” on the zoning map.

**611.7.7.11. EXHIBITS**

1. The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:
  - i. Special District Boundary and Underlying Zone, Exhibit A
  - ii. Concept Plan Exhibit B
  - iii. Street Sections/Utilities, Exhibit C
  - iv. Pedestrian Circulation, Exhibit D
  - v. Building Proto-types Exhibit E
  - vi. Trash enclosure- Exhibit F

**611.7.7.12. EFFECTS OF REGULATIONS**

1. The Special District ordinance and Exhibits A-F including preliminary or final plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

**611.7.7.13. DEVELOPMENT PROCEDURES**

Subd. 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Plainview Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans, or information necessary for development approvals shall also be submitted.

Subd. 2. Preliminary and Final Plat Application. Preliminary and Final plat applications within the Special District shall include plans and information consistent with the requirements of the Plainview Code of Ordinances. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.

Subd. 3. Zoning Certification and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of a Skye View Development Architectural Review Committee document. This document must verify a review of sitting and plans for the compliance with this Special District’s intent, as outlined in the covenants submitted with the final plat.

**611.7.7.14. CONDITIONS**

- Subd. 1. Approval of this special district ordinance is made with the following conditions:
- a. Public roadway connection to Highway 42 shall be required as a part of the first phase of the proposed development.
  - b. Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.

- c. Preliminary and final plat submittals shall show that access to Parcel No.'s 14.00110.00 and 14.00109.06 is maintained through the special district property during construction of the improvements and after the improvements are made.
- d. The preliminary and final plat shall properly identify MnDOT right-of-way for Highway 42.

Subd. 2. After two years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that the conditions in Subd. 1 have not been met, or that no progress has been made in the construction of the development.

**Exhibit A - Special District Boundary &  
Underlying Zoning**

14-203293\_Exhibit A.dwg

LEGAL DESCRIPTION:

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108 NORTH, RANGE 11 WEST, WABASHA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 861.3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 693.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 577.5 FEET (35 RODS); THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 693.00 FEET; THENCE NORTHERLY FOR A DISTANCE OF 577.5 FEET TO THE POINT OF BEGINNING, CONTAINING 9.19 ACRES, MORE OR LESS.

ABOVE PARCEL INCLUDES THE RIGHT OF ACCESS OVER THE FOLLOWING DESCRIBED EASEMENT:

A NON-EXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES, 8.25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108, RANGE 11, WABASHA COUNTY, MINNESOTA, BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER 206.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 17 (FOR THE PURPOSES OF THIS DESCRIPTION BEARING OF SAID WEST LINE IS ASSUMED SOUTH 0 DEGREES 42 MINUTES 00 SECONDS EAST), THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 495.00 FEET AND THERE TERMINATING.

AND ALSO 33 FEET ON EACH SIDE OF A LINE BEGINNING AT THE AFORESAID POINT OF TERMINATION, THENCE SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST, 365.00 FEET; THENCE SOUTH 6 DEGREES 10 MINUTES 49 SECONDS EAST, 102.65 FEET; THENCE SOUTH 11 DEGREES 15 MINUTES 51 SECONDS EAST, 92.58 FEET; THENCE SOUTH 18 DEGREES 48 MINUTES 36 SECONDS EAST, 90.10 FEET; THENCE SOUTH 23 DEGREES 43 MINUTES 42 SECONDS EAST, 278.00 FEET; THENCE SOUTH 26 DEGREES 49 MINUTES 24 SECONDS EAST, 88.54 FEET; THENCE SOUTH 38 DEGREES 50 MINUTES 59 SECONDS EAST, 89.28 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 43 SECONDS EAST, 119.27 FEET; THENCE SOUTH 69 DEGREES 33 MINUTES 06 SECONDS EAST, 93.77 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 33 SECONDS EAST, 151.09 FEET AND THERE TERMINATING.

LAND USE LEGEND	
	LOW DENSITY RESIDENTIAL DISTRICT (SINGLE FAMILY ATTACHED/ROW TOWNHOUSES)
	MEDIUM DENSITY RESIDENTIAL DISTRICT (MULTIFAMILY/CONDOMINIUMS)
	MIXED USE DISTRICT (MULT-FAMILY/LIVE-WORK/4 UNIT MULTI-FAMILY/COMMERCIAL)
	COMMERCIAL DISTRICT

WABASHA CO MON  
NE COR NW 1/4  
SEC 17-108-11

T.H. 42

N 1/4

861.30

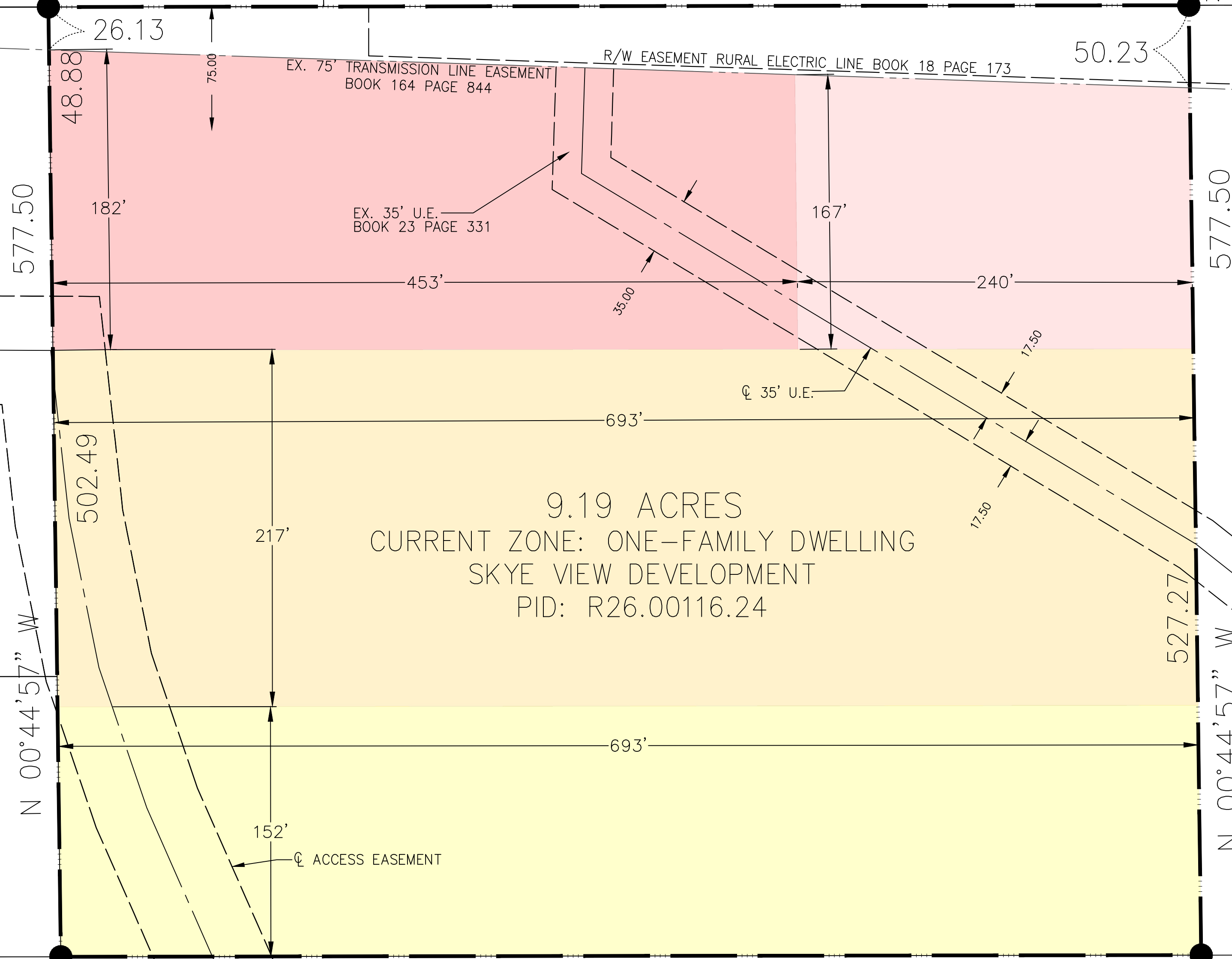
☉ T.H. 42

N 89°54'54" E 693.00

N 89°54'54" E 1085.60

N 89°54'54" E 2621.74

N 00°38'07" W 2632.61



CURRENT ZONE: R1  
HOWARD F BENNETT ETAL  
PID: R14.00109.15

CURRENT ZONE: R1 GARY J &  
LINDA M KOBILARCSIK PID:  
R14.00109.06

9.19 ACRES  
CURRENT ZONE: ONE-FAMILY DWELLING  
SKYE VIEW DEVELOPMENT  
PID: R26.00116.24

CURRENT ZONE: A2  
FAIRWATER LLC PID:  
R14.00110.00

CURRENT ZONE: ONE-FAMILY DWELLING  
ANASTACIA DEVELOPMENT INC  
PID: R26.00116.03

WABASHA CO MON  
NE COR SE 1/4  
SEC 17-108-11

N 00°38'07" W 2620.40  
E. LINE SW 1/4



SCALE IN FEET

**WSE MASSEY**  
Engineering & Surveying

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PLANS@WSE.ENGINEERING  
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SUITE 3  
PLAINVIEW, MN 55964

ROCHESTER OFFICE  
1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

NO.	DESCRIPTION	DATE	REV.

**SKYE VIEW DEVELOPMENTS  
PLAINVIEW, MINNESOTA  
BOUNDARY EXHIBIT & UNDERLYING ZONING**

EXHIBIT A  
BOUNDARY EXHIBIT &  
UNDERLYING ZONING

SCALE: AS SHOWN  
DATE: 11/4/21  
DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT A.DWG

11/4/2021 10:29:04 AM

## **Exhibit B - Concept Plan**

14-203293\_Exhibit B.dwg

12/9/2021 9:01:13 AM



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PLANS@WSE.ENGINEERING  
www.wse.engineering

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KASSON, MN 55944

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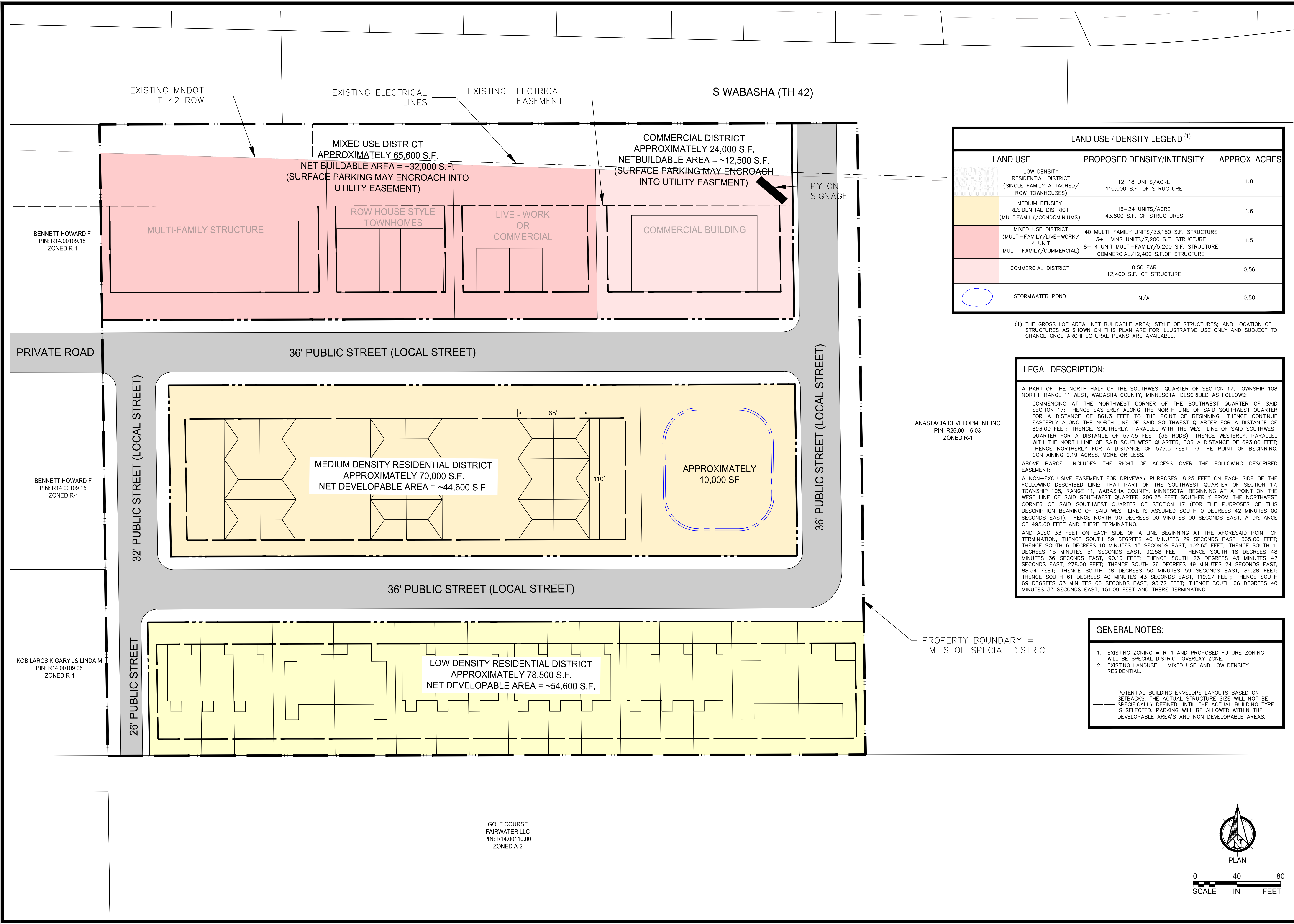
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1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

REV#	DATE	DESCRIPTION

**SKYE VIEW DEVELOPMENTS  
PLAINVIEW, MINNESOTA  
SPECIAL DISTRICT CONCEPT PLAN EXHIBIT**

EXHIBIT B  
CONCEPT PLAN

SCALE: \_\_\_\_\_ AS SHOWN  
DATE: \_\_\_\_\_ 12/8/21  
DRAWN BY: \_\_\_\_\_ TSW  
JOB NUMBER: \_\_\_\_\_ 14-203293  
DWG. FILE: 14-203293\_EXHIBIT B.DWG



LAND USE	PROPOSED DENSITY/INTENSITY	APPROX. ACRES
LOW DENSITY RESIDENTIAL DISTRICT (SINGLE FAMILY ATTACHED/ ROW TOWNHOUSES)	12-18 UNITS/ACRE 110,000 S.F. OF STRUCTURE	1.8
MEDIUM DENSITY RESIDENTIAL DISTRICT (MULTIFAMILY/CONDOMINIUMS)	16-24 UNITS/ACRE 43,800 S.F. OF STRUCTURES	1.6
MIXED USE DISTRICT (MULTI-FAMILY/LIVE-WORK/ 4 UNIT MULTI-FAMILY/COMMERCIAL)	40 MULTI-FAMILY UNITS/33,150 S.F. STRUCTURE 3+ LIVING UNITS/7,200 S.F. STRUCTURE 8+ 4 UNIT MULTI-FAMILY/5,200 S.F. STRUCTURE COMMERCIAL/12,400 S.F. OF STRUCTURE	1.5
COMMERCIAL DISTRICT	0.50 FAR 12,400 S.F. OF STRUCTURE	0.56
STORMWATER POND	N/A	0.50

(1) THE GROSS LOT AREA; NET BUILDABLE AREA; STYLE OF STRUCTURES; AND LOCATION OF STRUCTURES AS SHOWN ON THIS PLAN ARE FOR ILLUSTRATIVE USE ONLY AND SUBJECT TO CHANGE ONCE ARCHITECTURAL PLANS ARE AVAILABLE.

**LEGAL DESCRIPTION:**

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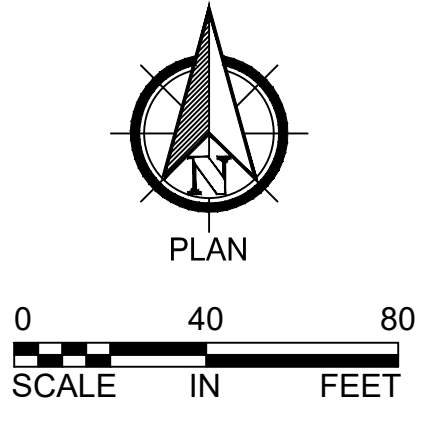
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**GENERAL NOTES:**

- EXISTING ZONING = R-1 AND PROPOSED FUTURE ZONING WILL BE SPECIAL DISTRICT OVERLAY ZONE.
- EXISTING LANDUSE = MIXED USE AND LOW DENSITY RESIDENTIAL.

POTENTIAL BUILDING ENVELOPE LAYOUTS BASED ON SETBACKS. THE ACTUAL STRUCTURE SIZE WILL NOT BE SPECIFICALLY DEFINED UNTIL THE ACTUAL BUILDING TYPE IS SELECTED. PARKING WILL BE ALLOWED WITHIN THE DEVELOPABLE AREA'S AND NON DEVELOPABLE AREAS.

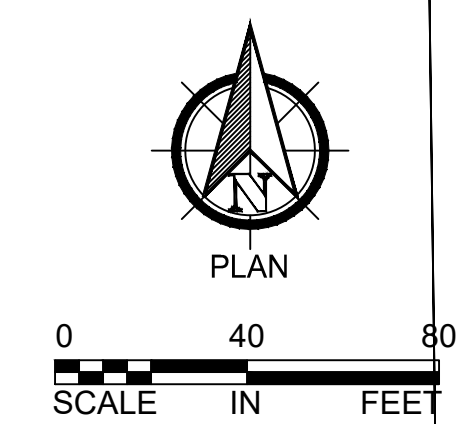
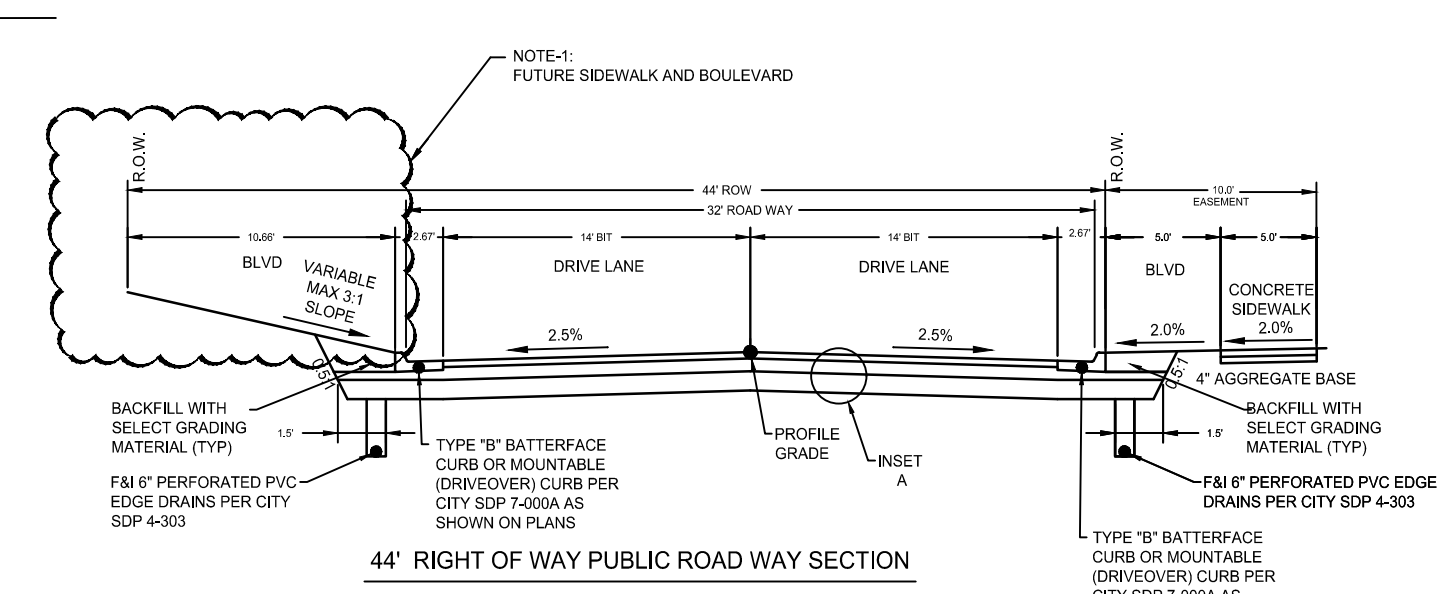
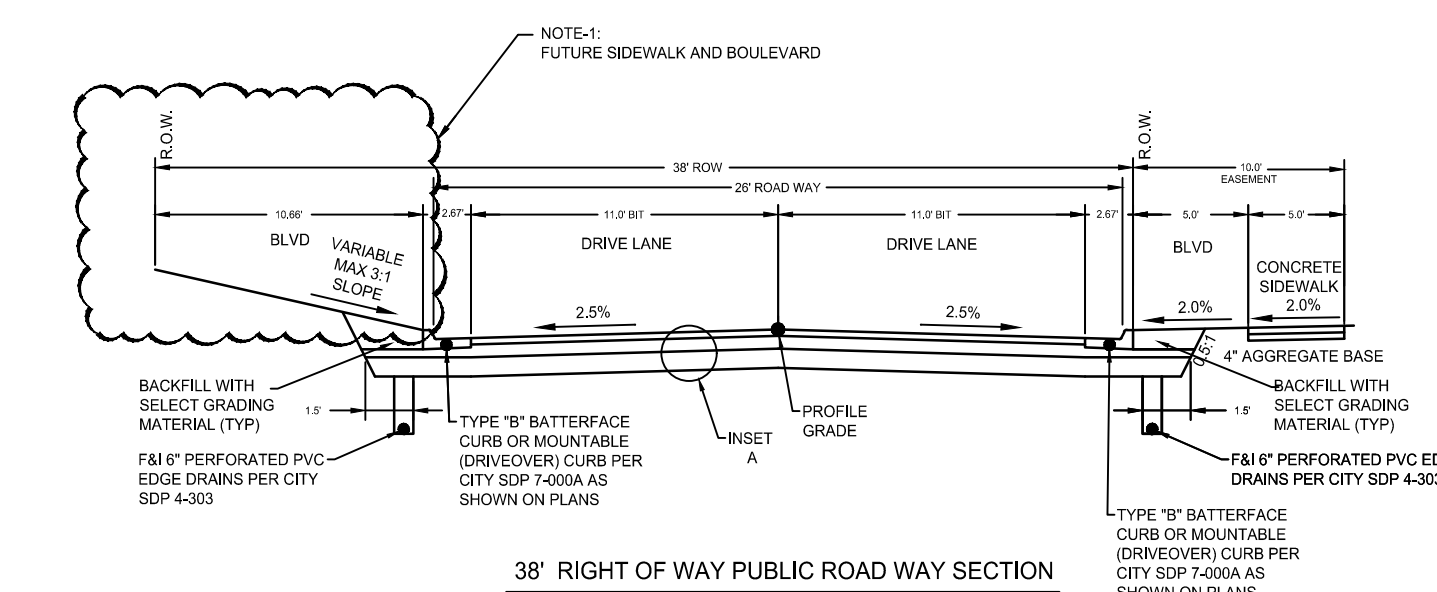
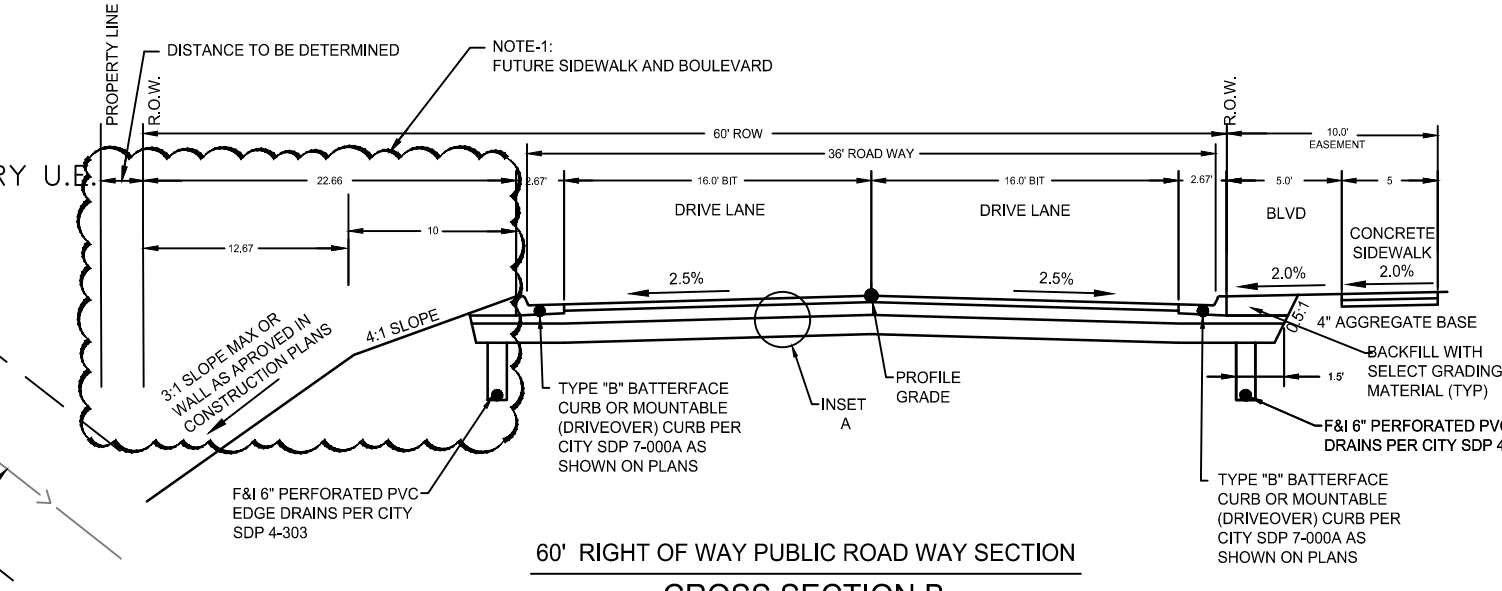
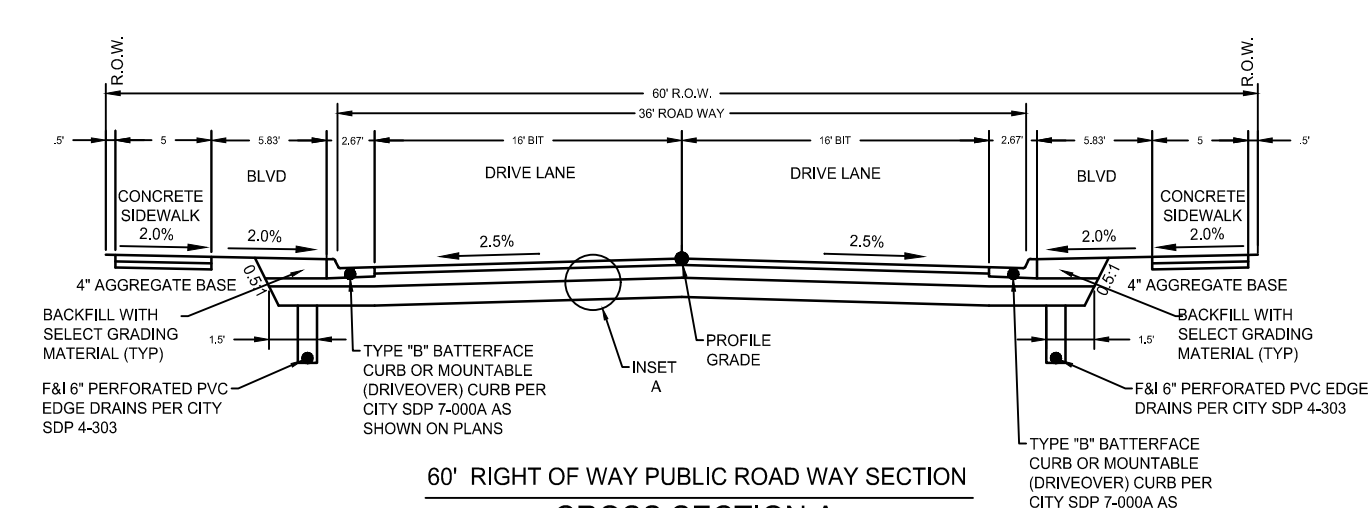
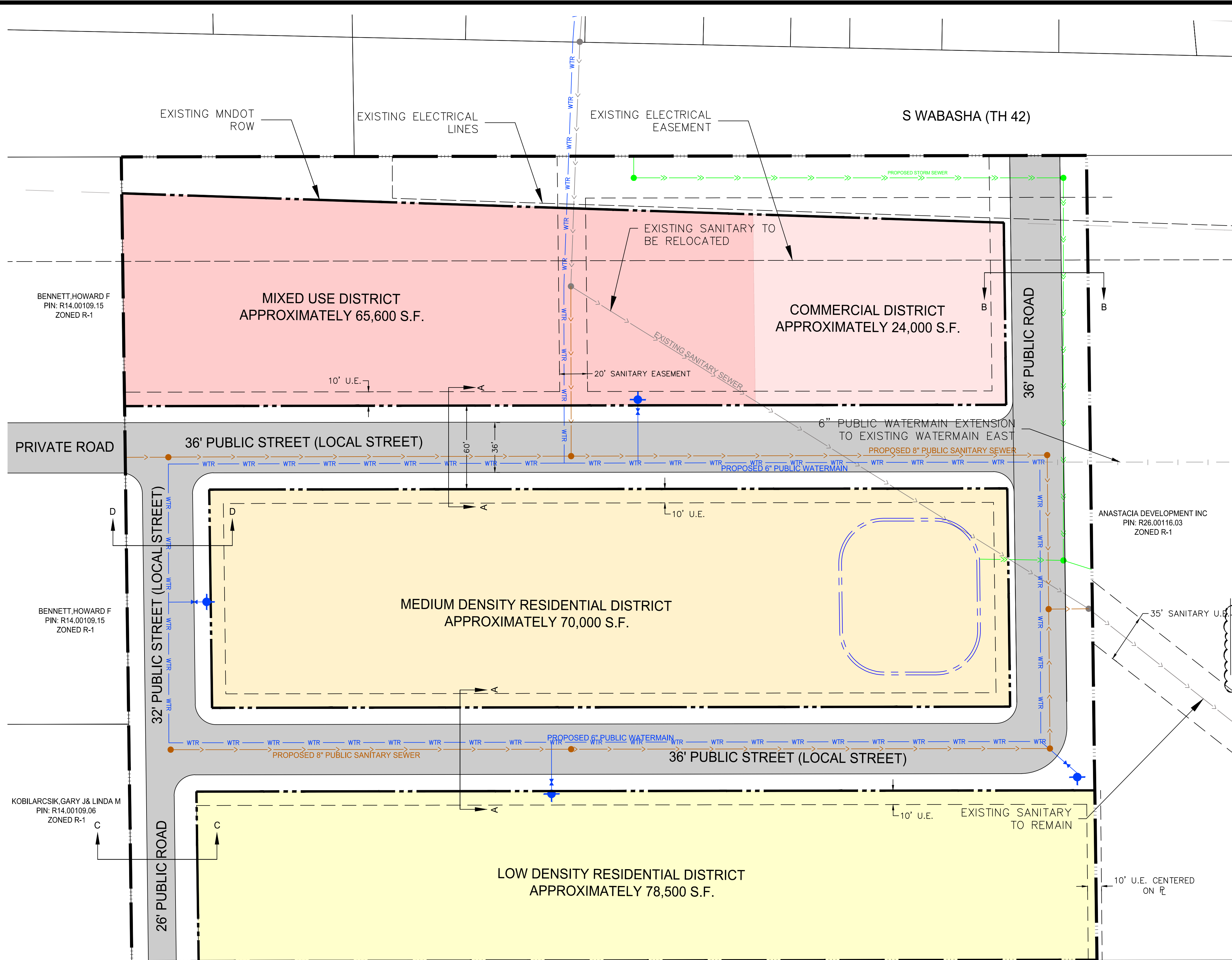
PROPERTY BOUNDARY = LIMITS OF SPECIAL DISTRICT



## **Exhibit C - Utilities / Street Standards**

14-203293\_ Exhibit C.dwg

12/9/2021 11:52:29 AM



GOLF COURSE  
FAIRWATER LLC  
PIN: R14.00110.00  
ZONED A-2

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SUITE 3  
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1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION

**SKYE VIEW DEVELOPMENT**  
**PLAINVIEW, MINNESOTA**  
**SPECIAL DISTRICT STREET SECTION EXHIBIT**

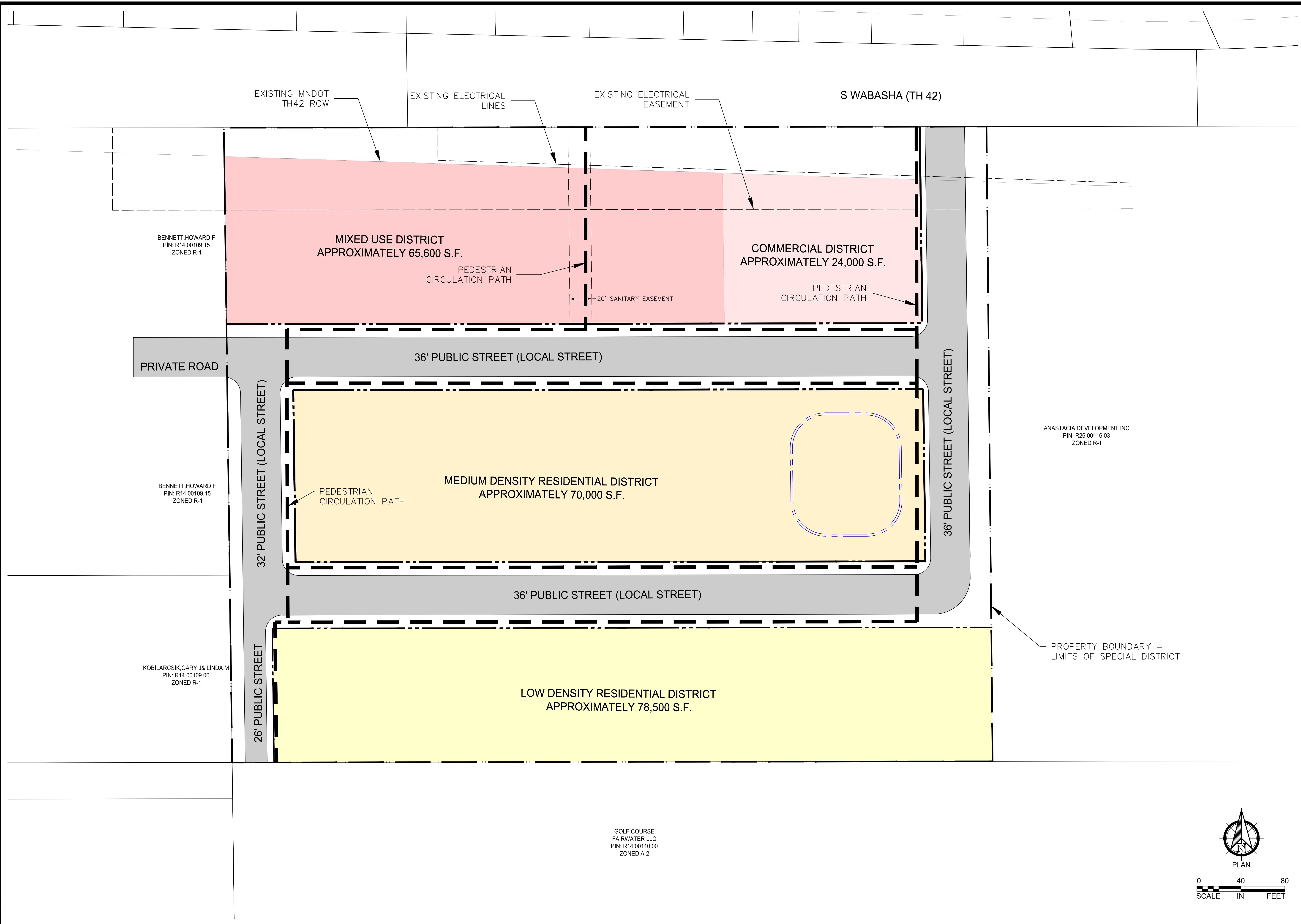
EXHIBIT C  
STREET SECTIONS/ UTILITIES

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DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT C.DWG

## **Exhibit D - Pedestrian Circulation**

14-203293\_ Exhibit D.dwg

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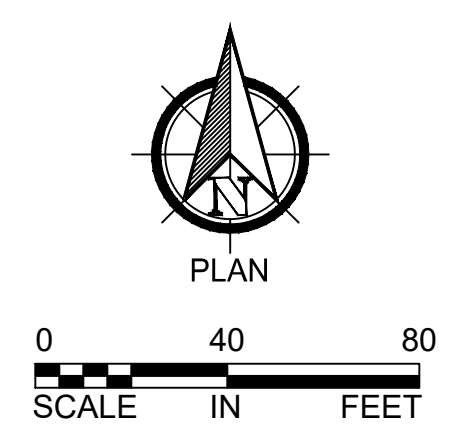
**ROCHESTER OFFICE**  
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ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION

**SKYE VIEW DEVELOPMENTS  
PLAINVIEW, MINNESOTA  
SPECIAL DISTRICT PED CIRCULATION EXHIBIT**

EXHIBIT D  
PEDESTRIAN CIRCULATION  
PLAN

SCALE: AS SHOWN  
DATE: 12/8/21  
DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT B.DWG



## **Exhibit E - Building Proto-Types**



LEFT ELEVATION  
SCALE 1/8"=1'-0"



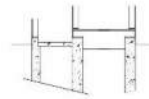
RIGHT ELEVATION  
SCALE 1/8"=1'-0"



REAR ELEVATION  
SCALE 1/8"=1'-0"



FRONT ELEVATION  
SCALE 1/4"=1'-0"



PROGRESSIVE PLAN  
DESIGN LLP  
RESIDENTIAL ARCHITECTURE  
1000 N. 10th St. Suite 100  
Wichita, KS 67202  
Tel: 316.261.1111  
www.progressiveplan.com

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CONTRACTOR: TOM WIENER  
DATE: 8/19/21  
PROJECT: PLAINVIEW TWIN

DATE: 8/19/21  
NO: 2112782  
NOTED

# Single Family Attached



**Row House Style Townhomes**



**Multi-Family / Condominium**



**Residential Quads**



Live Over Work

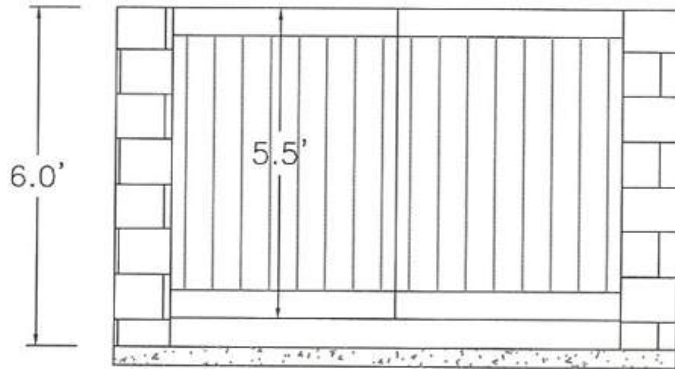


**Apartment Structures**

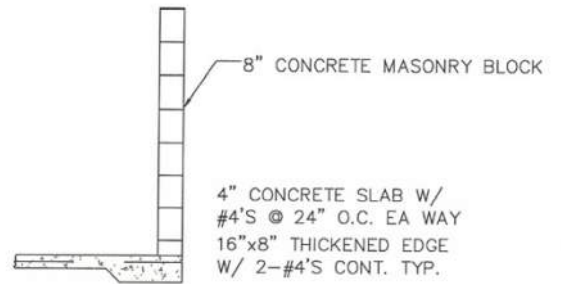


**Commercial Building**

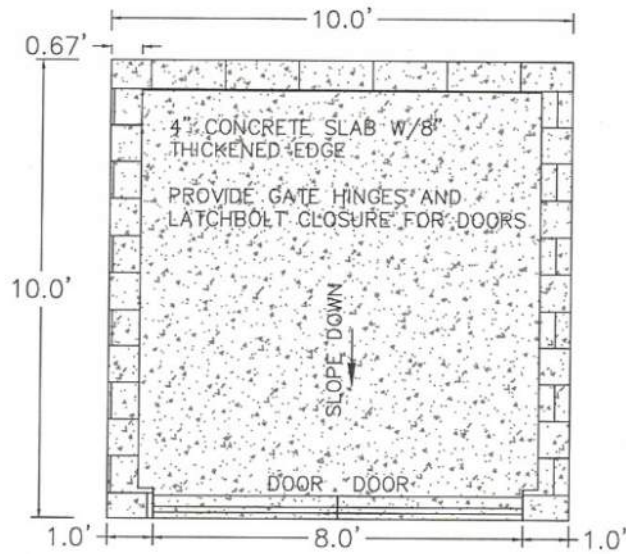
## **Exhibit F - Trash Enclosure**



ELEVATION



TRASH ENCLOSURE SECTION



TRASH ENCLOSURE DETAIL

# Proposed Skye View Special District Ordinance & Exhibits

**EXHIBIT 1**

**SECTION 611.7.7 SKYE VIEW DEVELOPMENT SPECIAL DISTRICT**

**611.7.7.1. PURPOSE.** The purpose of this Special District is to provide for zoning regulations that will be administrated in the Skye View Development Special District, as required in Section 611.7 of Plainview City Code (600 Construction, Planning, Zoning, and Land use). The following is the special regulations of the Skye View Development Special District.

**611.7.7.2. BOUNDARIES OF THE LAND.** This ordinance shall apply to the following described property located within the City of Plainview, County of Wabasha, State of Minnesota:

Parcel 1 (PID: 26.00116.24):

A part of the North Half of the Southwest Quarter of Section 17, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence along the north line of said Southwest Quarter for a distance of 861.3 feet; thence, southerly, parallel with the north line of said Southwest Quarter, for a distance of 577.5 feet (35 rods); thence westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING. Containing 9.19 acres, more or less.

Above parcel includes the right of access over the following described easement:

A non-exclusive easement for driveway purposes, 8.25 feet on each side of the following described line: That part of the Southwest Quarter of Section 17, Township 108, Range 11, Wabasha County, Minnesota, beginning at a point on the West line of said Southwest Quarter 206.25 feet southerly from the northwest corner of said Southwest Quarter of Section 17 (for purposes of this description bearing of said West line is assumed South 0 degrees 42 minutes 00 seconds East), thence North 90 degrees 00 seconds East, a distance of 495.00 feet and there terminating.

AND ALSO 33 feet on each side of a line beginning at the aforesaid point of termination, thence South 89 degrees 40 minutes 29 seconds East, 365.00 feet; thence South 6 degrees 10 minutes 45 seconds East, 102.65 feet; thence South 23 degrees 43 minutes 42 seconds East, 278.00 feet; thence South 26 degrees 49 minutes 24 seconds East, 88.54 feet; thence South 38 degrees 50 minutes 59 seconds East, 89.28 feet; thence South 61 degrees 40 minutes 43 seconds East, 119.27 feet; thence South 69 degrees 33 minutes 06 seconds East, 93.77 feet; thence South 66 degrees 40 minutes 33 seconds East, 151.09 feet and the re terminating.

**611.7.7.3. LEGISLATIVE INTENT AND FINDINGS.**

Subd. 1. Skye View Development provides a compelling alternative to single-use zones by offering a dramatically different mixed-use and environmentally, socially, economically, and aesthetically advanced development design.

Subd. 2. This Special District is established to foster the development of a comprehensively planned, mixed

income and mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design. The sites unique location, with the TH 42 along the north boundary and adjacent to Piper Hills Golf Course on the South, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, compact, mixed-use land plan.

Subd. 3. This type of development is consistent with the goals and policies of the ~~cities-city's~~ 2019 Comprehensive Plan, which encourages creating mixed-use, and higher density residential neighborhoods.

#### **611.7.7.4. ESTABLISHMENT OF SKYE VIEW DEVELOPMENT**

Subd. 1. Pursuant to Section 611.7 of the Plainview City Code, the City Council hereby creates a special zoning district to be known as the Skye View Development Special District (SD-SK).

The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development on the Site. As a part of this Special District, the property will be ~~divided into four different use districts (see Exhibit A), guided by its applicable sub-district (See Sections 611.7.5, b-d). Sub-districts are limited to the applicable areas set forth in Exhibit A.~~ The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.

Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings or Land Use Principles:

- a. This Special District is established to foster the development of a comprehensively planned, mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings, on an infill site. The Site's unique location, adjacent to TH42 and the Piper Hills Golf Course, makes this an ideal place to create a neighborhood that avoids the negative impacts of suburban sprawl with an efficient, mixed use land plan.
- b. The location of Skye View Development fits within the City's Urban Services Area boundary.
- c. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The size and shape of Skye View Development ensures that all destinations are within an easy walk and that the development functions as a mixed-use infill neighborhood.
- d. A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.

**611.7.7.5. UNDERLYING DEVELOPMENT STANDARDS.** Except where otherwise specified, standards for the development of this district will be based upon the following City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.

- a. No conditional uses are permitted.
- b. Low Density Residential District-
  - ~~b.1.~~ Section 613 – R-1 Low Density Residential District:
- c. Medium Density Residential district – (Single family attached Row House Style Townhomes, zero lot line.)
  - ~~e.1.~~ Section 614 – R-2 Residential District (Multifamily, Condominiums, Apartments):
- d. ~~Commercial Business District Section 616 C-1 Central Business District~~
- d. Mixed-use District- Residential (Quads, live over work, apartments, row style townhomes)-
  - 1. Section 616 - C-1 Central Business District
- e. The City Engineer has the authority to vary the size and location of Utility and Drainage Easements and what is allowed to encroach in said easements.
- f. The Development Agreements for Skye View shall address:
  - 1. Timing regarding when building permits may be issued surrounding infrastructure construction; and
  - ~~e.2.~~ The length of time allowed before completing a building permit to accommodate the applicant's construction lead times.

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**611.7.7.6. DEFINITIONS**

- a. Zero Lot Lines: A lot designed for one dwelling unit of an attached one-family dwelling unit, or a detached one-family dwelling unit, with one side yard eliminated~~A lot designed for either one-dwelling unit of an attached one-family dwelling unit or a detached one-family dwelling unit with one side yard reduced or eliminated.~~
- b. ~~Townhouse: An arrangement of single family dwellings separate or joined by common walls on not more than two sides with the uppermost story being a portion of the same dwelling location directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including but not limited to the land area directly beneath the dwelling.~~
- ~~e.b.~~ Row House Style Townhomes: Three, or more, attached one-family dwelling units having exclusive individual ownership of their dwelling but share common walls on shared lot lines across three or more parcels~~An attached dwelling joined to at least three others in a row by common walls on not more than two sides. Row houses are generally urban housing style, usually on their own lots.~~
- c. Single Family Attached: Two attached one-family dwelling units having exclusive individual ownership of their dwelling but share a common wall located on a shared lot line~~A lot designed to accommodate two individual units that share a common wall on a common lot line.~~
- d. Outlot: A Lot within a recorded plat set aside for purposes other than a building site, or land dedicated to public use. In order for an Outlot to become usable as a building site or land other than dedicated to public use, the outlot must be subdivided through a City platting process in Section 620.
- e. Building Height: The vertical distance from the ground floor to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
- f. Live Over Work: An arrangement of one or more residential dwellings above a commercial

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(office) use space usually owned as rental property by the commercial entity directly below; the units can be next to each other (side-by-side units) joined by common wall on a shared lot line or be several units on one parcel.

d-

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**611.7.7.7. SUBDISTRICT REGULATIONS.**

Subd. 1. There are ~~four~~three subdistricts established in this Special District. They are: "Low Density Residential", "Medium Density Residential", "~~Commercial Business District~~", and "Mixed Use District".

~~Subd. 2. The following regulations apply within the area identified as "Low Density Residential" on the Skye View Land Use Plan. This District consists of four land uses: "Single family", "Single family attached", and "Zero lot line", and "Row House Style Townhomes".~~

**a. Low Density Residential**

1. Unless otherwise specified in this special district, the regulations of the R-1 District shall apply within the Low-Density District.
2. Permitted uses shall include the following
  - a. Single family detached
  - b. Single family attached
  - c. Row House Style Townhouse
  - d. Zero lot line
3. Lot Development Standards.
  - a. Setback and lot criteria:

• The minimum setback and lot criteria for this District is listed in TableA

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6,800 SF	60	20	15	8	16
Row House Style Townhouses	3,500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Zero Lot Line	3,000 SF	38	20	15	8/0	8

- (1) Interior Unit
- (2) Exterior Unit

b. ~~The exemptions from setback standards shall be limited to allow the following building elements to protrude into the setback: only exemption from the front, and rear setback standards will be eaves and stoops.~~

	Front (feet)	Rear (feet)	Side (feet)
Balconies	<u>5</u>	<u>5</u>	<u>N/A</u>
At-grade landing place	<u>5</u>	<u>5</u>	<u>N/A</u>
Uncovered patio	<u>5</u>	<u>5</u>	<u>N/A</u>
Eaves	<u>4</u>	<u>4</u>	<u>4</u>
Window wells	<u>4</u>	<u>4</u>	<u>4</u>
Stoops	<u>4</u>	<u>4</u>	<u>4</u>

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- ~~e.~~ <sup>b.</sup> The driveway curb cuts will be no greater than 16' in width. Driveways for Row House Style Townhomes will be no greater than 12' from curb cut to the garage width for a 2-car garage and
- ~~d.c.~~ 12' for Row House Style Townhomes to the garage.
- ~~e.d.~~ Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets
- ~~f.e.~~ The maximum height of any structure is ~~35-30 feet measured from the lowest ground elevation adjacent to the structure to the midpoint of the sloped roof.~~
- ~~g.f.~~ Density and intensity
  - The ~~minimum~~ density and intensity requirements for this District is listed in Table B:
- ~~h.g.~~ Zero lot line development will require party wall and maintenance agreements.

Land Use	Proposed Density/Intensity	Approx. Acres
Low Density Residential District (Single Family <del>Detached/Attached</del> <u>Row Townhouses</u> )	<del>12-18</del> <u>Up to 8</u> Units/Acre	<del>1-82.4</del>

**b. Medium Density District**

1. Unless otherwise specified in this special district, the regulations of the R-2 District shall apply within the Medium Density area.
2. Permitted uses shall include all the following
  - a. Condominiums
  - b. Multifamily
  - c. Open space/recreational area
3. Lot development standards:
  - a. Setback and Lot Criteria
    - The minimum setback and lot criteria for this District is listed in Table A:

Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	<del>15</del> <u>10</u>	<del>30</del> <u>20</u>
Condominium	N/A	N/A	25	15	<del>15</del> <u>10</u>	<del>30</del> <u>20</u>
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

b. The exemptions from setback standards shall be limited to allow the following building elements to protrude into the setback:

	<u>Front (feet)</u>	<u>Rear (feet)</u>	<u>Side (feet)</u>
<u>Balconies</u>	<u>5</u>	<u>5</u>	<u>N/A</u>
<u>At-grade landing place</u>	<u>5</u>	<u>5</u>	<u>N/A</u>
<u>Uncovered patio</u>	<u>5</u>	<u>5</u>	<u>N/A</u>
<u>Eaves</u>	<u>4</u>	<u>4</u>	<u>4</u>

<u>Window wells</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>Stoops</u>	<u>4</u>	<u>4</u>	<u>4</u>

- ~~b. only exception from the front and rear setback standards will be eaves and stoops~~
- c. The driveway curb cuts will be no greater than 25 feet in width. Driveway curb cuts for individual units shall be no greater than 12 feet and for shared driveways between two units no greater than 16 feet.
- d. Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- e. Architectural standards. Buildings must incorporate architectural styles, building materials and colors used in surrounding buildings and properties within Skye View. Buildings must be compatible with properties adjacent to Skye View. An Architectural Control Committee (ARC) shall be established to review all proposed building plans for consistency in design and appearance standards.~~A building must incorporate architectural styles, building materials and colors used in surrounding buildings. An Architectural Control Committee has been established to review all proposed building plans for consistency in design and appearance standards.~~
- f. Landscape Plan: Lot landscaping standard requirements for the medium density development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.
- g. Maximum building height shall be 35 Feet.
- h. Density and intensity
  - The ~~minimum density, range of densities (minimum to maximum), and~~ intensity for this District is listed in Table B:

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Land Use	Proposed Density/Intensity	Approx. Acres
Medium Density Residential District (Multifamily/Condominiums)	<u>Up to 16-21</u> Units/Acre	<u>1-62.55</u>

~~c. Commercial Business District~~

- ~~1. Unless otherwise specified in the special district, the regulations of the C-1, Central Business District shall apply within the Commercial Business District.~~
- ~~2. Permitted uses shall include the following~~
  - ~~a. Retail Sales~~
  - ~~b. Sit down and drive thru Restaurants~~
  - ~~c. Entertainment & Drinking~~
  - ~~d. Home Improvement Trades~~
  - ~~e. Appliance Sale and Services~~
  - ~~f. Repair Shops~~
  - ~~g. Banks/Savings/Loans~~
  - ~~h. Offices~~

- i. Personal Services
- j. Hotel/Motel
- k. Animal Hospital/ veterinary clinic
- l. Convenience Retail — with and without gasoline sales
- m. Drive Thru Facilities
- n. Electric vehicle charging stations
- o. Coffee Shops
- p. Live Over Work

3.—Lot Development Standards

a. Setback and Lot Criteria

i.—The Minimum Setback and Lot Criteria for the District is listed in Table A

Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
all uses	6,000 SF	80	25	25	10	20
parking lots (associated with the principal structure)	n/a	n/a	8	8	8	n/a
corner lot	6,600 SF	80	25	25	12	N/A

b. Maximum building height shall be 35 feet.

c. Minimum parking standards for commercial uses shall be in accordance with Section 609.7 Parking of the Code of Ordinance for the City of Plainview.

d. Density and Intensity

• The maximum density and intensity for this District is listed in Table B:

Land Use	Proposed Density/Intensity	Approx. Acres
Commercial District	0.50 FAR <sup>(1)</sup>	0.56

(1) Maximum floor area ratio: A sum of the gross horizontal area of the floors of a building measured from the outside faces of wall or the centerline of party walls separating two buildings. This does not include any interior parking spaces, loading spaces, any space where the floor to ceiling height is less than six feet, any space devoted to mechanical equipment, terraces, breezeways, screened porches, basements, other sub-terranean areas not intended for human habitation.

~~Example: Two-story building with 1,500 S.F. of gross floor area for a total of 3,000 S.F. located on a 6,000 S.F. lot. First floor mechanical room of 30 S.F. and stairwell area of 750 S.F. combined on both floors. 3,000 S.F. — (30 S.F. + 750 S.F.) = 2,220 S.F. of net floor area. FAR = 2,200 S.F. net floor area / 6,000 S.F. gross lot size = 0.37.~~

- ~~4. Site Development Plan and Site Plan Review: A site Development Plan for all uses in the Commercial Business District shall be prepared and submitted to the City of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.~~
- ~~5. Convenience retail and drinking and entertainment uses shall have hours of operation as follows:
  - a. Convenience Retail: 24 hours
  - b. Drinking and entertainment: 6am – 12 midnight~~
- ~~6. Stacking Requirements for drive-in facilities shall be reduced to five in-bound and one out-bound space per drive lane.~~
- ~~7. On-street parking in front of the retail uses shall be allowed. On-street parking in front or on the side street of the lot shall count toward fulfilling the parking requirements of the ordinance. On-street parking spaces must be striped for clarity and be at least 22.5' long. On-Street spaces may not conflict with traffic, sight lines, or pedestrian circulation.~~
- ~~8. Limitation on permitted uses:
  - a. Not more than one convenience retail use that includes sales of automotive fuels may be permitted in the Commercial Business District.
  - b. With the exception of transit accommodation (motel/hotels), restaurant uses and grocery stores, individual businesses shall not exceed 20,000 square of floor area on the ground floor.~~
- ~~9. Lot Development Standards:
  - a. Exterior Trash Receptacles shall be constructed to the size and standards of the typical section on Exhibit G of the Special District.
  - b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
  - c. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way provided that pedestrian circulation and access to store entrances are not impaired. Revocable permits are for the private use of the public right of way, either permanent or temporary. The "revocable" designation means that the City may revoke the permit at any time for any reason.~~

~~d. Bicycle locking stands are required in each Commercial Use. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leasable space. These stands must harmonize with the architectural of the retail area connect to the ground at two points or more.~~

~~e. Street trees are required along the public streets of all mixed use buildings at a minimum spacing of 35' on center.~~

~~f. Parking~~

~~i. Minimum parking requirements for the Commercial Business District, shall use business center parking standards of Section 609.7 of the Code of Ordinance for City of Plainview.~~

~~ii. In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on street parking directly in front of the lot shall count toward fulfilling the parking requirement and meet requirements set forth in 611.7.7.c.4.7.~~

~~iii. Parking lot screening~~

~~a. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow (42" minimum height), unless there is a minimum 8 front wide landscape use provided. Hedgerows shall be planted at a maximum of 4' 0" on center and shall reach a minimum height of 36" and a maximum height of 6' 0".~~

~~iv. Parking Lot Landscaping:~~

~~a. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).~~

~~b. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.~~

~~c. Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1 1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.~~

~~10. Landscape Plan: Lot landscaping standard requirements to the Commercial development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.~~

a. Signs

- i. ~~Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:~~
  - a. ~~**Blade Sign** — A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.~~
  - b. ~~**Marquee** — A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.~~
  - c. ~~**Neon signs** — sized to not exceed 20 square feet.~~
  - d. ~~**Free standing sign** — self supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground~~
  - e. ~~**Projecting sign** — A sign, other than a wall sign, which attaches to and projects from a structure or building facade.~~
  - f. ~~**Graphics sign** — A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.~~
  - g. ~~**Auxiliary sign** — A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).~~
  - h. ~~**Advertising signs (billboards)** — will be prohibited.~~
  - i. ~~**Wall signage** — A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.~~
- ii. ~~Sign standards shall conform with the following criteria:~~
  - a. ~~**Free standing sign** — maximum height 20' feet.~~
  - b. ~~**Projecting sign** — maximum area — 20 square feet, maximum height — 12 feet.~~
  - c. ~~**Graphics sign** — maximum area of 10% of wall.~~



**d-c. Mixed-Use District:**

1. The "Mixed Use District" permitted uses are as follows:

- a. Multi-family (max. 4 connected units)
- b. Live Over Work
- c. Multi-family  
Row House Style Townhouses
- e-d.
- e. Commercial uses permitted by this special district:
  - i. Live Over Work
  - ii. Retail Sales
  - iii. Sit-down and drive-thru Restaurants
  - iv. Entertainment & Drinking
  - v. Home Improvement Trades
  - vi. Appliance Sale and Services
  - vii. Repair Shops
  - viii. Banks/Savings/Loans
  - ix. Offices
  - x. Personal Services
  - xi. Hotel/Motel
  - xii. Animal Hospital/ veterinary clinic
  - xiii. Convenience Retail – with and without gasoline sales
  - xiv. Drive-Thru Facilities
  - xv. Electric vehicle charging stations
  - e-xvi. Coffee Shops
  - e-a. Row House Style Townhouses

2. Limitation on permitted uses:

- a. Not more than one convenience retail use that includes sales of automotive fuels may be permitted in the Mixed-Use District.
- b. With the exception of transit accommodation (motel/hotels) and grocery stores, individual businesses shall not exceed 20,000 square of floor area on the ground floor.

2-3. Lot Development Standards

a. Setback and Lot Criteria

- The Minimum Setback and Lot Criteria for the District is listed in Table A:

Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	<del>120</del> 80	25	20	8	16
Live - Work	Variable	106	25	20	8	16

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Multi-family (max. 4 units) All Commercial Uses	Variable 6,000 SF	80	25	2025	8	16
Row House Style Townhouses	3,500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Parking lots on the same lot as the principal structure/use	N/A	N/A	5	5	5	N/A

(1) Interior Unit

(2) Exterior Unit

3.4. Density and Intensity

- The maximum density, range of densities (minimum to maximum), and intensity for this District is listed in Table B:

Land Use	Proposed Density/Intensity	Approx. Acres
Mixed Use District (Multi-family/Live Work/ Multi-family (max. 4 units)/Row House Style Townhomes)	19-42 Multi-family Units	1.5
	3+ Live Over Work	
	Multi-family (max. 4 units attached)/8 units maximum	
	Row House Style Townhomes/8 units maximum	

Land Use	Density:	Approx. Acres See Exhibit A
Multi-family	Up to 50 Multi-family Units/Acre	4.2
Row House Style Townhouses	Up to 10 Row House Style Townhomes Units/Acre	
Live Over Work	Up to 10 Live Over Work Units/Acre	
All Commercial Uses	0.50 FAR <sup>(1)</sup>	

Commented [TW1]: Same rationale as Table B changes in other subdistricts

Commented [HD2R1]: Same comments as above. The max total of 150 units (using the above unit types) makes sense in this application.

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(1) Maximum floor area ratio (FAR): A sum of the gross horizontal area of the floors of a building measured from the outside faces of wall or the centerline of party walls separating two buildings. This does not include any interior parking spaces, loading spaces, any space where the floor to ceiling height less than six feet is, any space devoted to mechanical equipment, terraces, breezeways, screened porches, basements, other sub-terranean areas not intended for human habitation.

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Example: Two story building with 1,500 S.F. of gross floor area per story, for a total of 3,000 S.F. located on a 6,000 S.F. lot. First floor mechanical room of 30 S.F. and stairwell area of 750 S.F. combined on both floors. 3,000 S.F. - (30 S.F. + 750 S.F.) = 2,220 S.F. of net floor area. FAR = 2,200 S.F. net floor area / 6,000 S.F. gross lot size = 0.37.

5. The exemptions from setback standards shall be limited to allow the following building elements to protrude into the setback:

	Front (feet)	Rear (feet)	Side (feet)
Balconies	5	5	5
At-grade landing place	5	5	N/A
Uncovered patio	5	5	N/A

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Eaves	<u>4</u>	<u>4</u>	<u>4</u>
Window wells	<u>4</u>	<u>4</u>	<u>4</u>
Stoops	<u>4</u>	<u>4</u>	<u>4</u>

~~4. Live Over Work: Office and residential uses are allowed on the upper levels. Two off-street parking stalls per residential unit is required and must be reserved.~~

5-6. A site Development Plan for all uses in the Mixed-Use District shall be prepared and submitted to the city of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.

7. Parking requirements for the Mixed-Use District shall use standards of Section 609.7 except as follows:

a. On-street parking shall be allowed. On-street parking in front or on the side street of the lot shall count toward fulfilling the parking requirements of the ordinance. On-street parking spaces must be striped for clarity and be at least 22.5' long. On-Street spaces may not conflict with traffic, sight lines, or pedestrian circulation.

b. Multi-Family or Row Style: 1 stall for 1 bedroom, 1.5 stalls for 2-bedroom, 2 stalls for 3 bedrooms.

c. Live over work: Commercial space - 1 stall/ 200 square feet. Residential - 2 stalls per residential unit, with 1 of the 2 stalls being off-street parking.

8. Parking Lot Screening and Landscaping:

a. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow. These landscaped areas but be a minimum of 4' wide. Hedgerows shall be planted at a maximum of 4' on center and shall reach a minimum height of 3' and a maximum height of 6'.

b. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).

c. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation.

d. Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees is 1 – 1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

9. Signs

a. Signs should add interest to the street-level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be

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appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on the sidewalks and vehicles on streets. The following sign types satisfy these requirements:

- b. Blade Sign - A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.
- c. Marquee - A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.
- d. Neon signs - sized to not exceed 20 square feet.
- e. Free standing sign - self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground
- f. Projecting sign – A sign, other than a wall sign, which attaches to and projects from a structure or building facade.
- g. Graphics sign – A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
- h. Auxiliary sign – A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).
- i. Advertising signs (billboards) - will be prohibited.
- j. Wall signage - A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.

10. Sign standards shall conform with the following criteria:

- a. Free standing sign – maximum height 20” feet.
- b. Projecting sign – maximum area – 20 square feet, maximum height – 12 feet.
- c. Graphics sign – maximum area of 10% of wall.
- d. Auxiliary sign – maximum height – 6’.
- e. Advertising signs (billboards) will be prohibited.
- f. Wall signage - should be uniform in size.
- g. Signs can be internally lit.

11. Alcohol sales are a permitted use.

12. Convenience retail and drinking and entertainment uses shall have hours of operation as follows:

- a. Convenience Retail: 24 hours
- b. Drinking and entertainment: 6am - 12 midnight

13. Architectural Standards.

- a. Standards for all uses:
  - i. The maximum height allowed shall be 45 feet.
  - ii. Each building shall avoid long, monotonous wall or roof planes. The façade

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and roof of a building should be divided into distinct “modules” no longer than 150 feet by adding corners or breaks in the wall plane and sufficiently changing color or material.

- iii. Mechanical equipment, electrical and communication transformers, cabinets, and services areas shall be located out of public view where feasible or screened from public view with fences, walls, or landscaping.
- iv. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
- v. Exterior Trash Receptacles shall be constructed to size and standards of the typical section on figure Exhibit F of the Special District.
- vi. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35’ on center.
- vii. All sides of the building façade shall be designed to provide architectural and visual interest.

1. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.

2. Exterior materials may include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials such as high-quality LP siding (engineered wood with a wood-like appearance and texture).

3. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Revocable permits are for the private use of the public right-of-way, either permanent or temporary. The “revocable” designation means that the City may revoke the permit at any time for any reason.

4. Bicycle-locking stands are required for each Commercial Use. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross space. These stands must harmonize with the architecture of the retail area connect to the ground at two points or more.

b. Standards for Commercial Uses

i. Maximum size for a restaurant use is 7,000 square feet.

1. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way provided that pedestrian circulation and access to store entrances are not impaired

ii. Convenience retail uses shall locate automotive fuel service and drive-thru service areas away from residences and toward the perimeter streets.

iii. Light from lighting fixtures and signage, and sound from sound-producing equipment shall be oriented away from residences. Music from sound producing equipment shall be prohibited on the exterior of the building.

iv. Foundation landscaping (4’ minimum planting bed width) and windows

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shall be provided along all building sides that are open to view from public streets.

v. Perimeter landscaping at least four feet in depth shall be provided along public roads between sidewalks and driveway or parking areas.

vi. Pedestrians must be able to safely access the building from public sidewalks on visual prominent crosswalks within drive areas to the building's front door.

vii. All sides of the building façade shall be designed to provide architectural and visual interest.

1. A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.

2. Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial, retail, service, and office uses that front the right of way.

3. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.

4. Exterior materials may include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials such as high-quality LP siding (engineered wood with a wood-like appearance and texture).

5. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Restaurants shall be permitted to operated outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not obstructed.

6. Drive-thru:

a. Drive-up facilities shall be permitted.

i. Stacking Requirements for drive-thru facilities shall be subject to approval of the City Engineer during Site Development Plan review and approval.

b. The use of outdoor speaker systems and other audio type equipment shall be limited by the Architectural Control Committee and local noise ordinances.

c. The Site Plan for each drive-thru facility shall minimally include the location of the drive-thru, staging aisle, location of the menu board, and other signage deemed necessary for the operation of the drive-thru.

6. Minimum of two stories above grade is allowed. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface at the next floor above except that the topmost floor shall be that portion of a building included between the upper surface of the topmost floor and ceiling.

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~~7. Maximum size for a restaurant use is 7,000 square feet.~~

~~8. Alcohol sales are permitted.~~

~~9. The height allowed for a three-story building shall be 35 feet.~~

~~10. Lot development Standards:~~

- ~~a. Exterior Trash Receptacles shall be constructed to size and standards of the typical section on figure Exhibit F of the Special District.~~
- ~~b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.~~
- ~~c. Buildings shall be oriented to face the street with entrances and display windows at the street level, except for the storage facilities. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.~~
- ~~d. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center.~~

~~11. Parking requirements for the Mixed Use District shall use standards of Section 609.7 except as follows:~~

- ~~• Live over work Commercial space 1 stall/ 200 square feet~~
- ~~• Apartments: 1 stall for 1 bedroom, 1.5 stalls for 2 bedroom, 2 stalls for 3 bedrooms.~~
  - ~~a. Parking Lot Screening:
    - ~~1. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow. These landscaped areas but be a minimum of 4' 0" wide. Hedgerows shall be planted at a maximum of 4' 0" on center and shall reach a minimum height of 36" and a maximum height of 6'0".~~~~
  - ~~b. Parking Lot Landscaping:
    - ~~1. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).~~
    - ~~2. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation.~~
    - ~~3. Each 100 square feet of required landscape area must contain at last one canopy tree or two understory trees (minimum size for canopy trees in 1 1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.~~~~

~~12. Signs~~

- ~~a. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and~~

surrounding area. Signs should be oriented and scaled for both pedestrians on the sidewalks and vehicles on streets. The following sign types satisfy these requirements :

1. ~~**Blade Sign**— A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.~~
  2. ~~**Marquee**— A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.~~
  3. ~~**Neon signs**— sized to not exceed 20 square feet.~~
  4. ~~**Free standing sign**— self supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground~~
  5. ~~**Projecting sign**— A sign, other than a wall sign, which attaches to and projects from a structure or building facade.~~
  6. ~~**Graphics sign**— A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.~~
  7. ~~**Auxiliary sign**— A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).~~
  8. ~~**Advertising signs (billboards)**— will be prohibited.~~
  9. ~~**Wall signage**— A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.~~
- b. Sign standards shall conform with the following criteria:
1. ~~**Free standing sign**— maximum height 20' feet.~~
  2. ~~**Projecting sign**— maximum area— 20 square feet, maximum height— 12 feet.~~
  3. ~~**Graphics sign**— maximum area of 10% of wall.~~
  4. ~~**Auxiliary sign**— maximum height— 6'.~~
  5. ~~**Advertising signs (billboards)** will be prohibited.~~
  6. ~~**Wall signage**— should be uniform in size.~~
  7. ~~Signs can be internally lit.~~

13. Architectural Standards:

a. Standards for all uses:

1. Each building shall avoid long, monotonous uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
2. Mechanical equipment, electrical and communication transformers, cabinets, and services areas shall be located out of public view

~~where feasible or screened from public view with fences, walls, or landscaping.~~

~~3. All sides of the building façade shall be designed to provide architectural and visual interest.~~

~~i. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.~~

~~ii. Exterior material may include brick, architectural treated concrete, some tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials~~

~~iii. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.~~

#### 611.7.7.8. PARKLAND DEDICATION REGULATIONS

1. Section 622.9 of the Code of Ordinances for the City of Plainview titled “Parks, Open Space, and Public Use” contains the current policy for parkland dedication or cash in lieu of dedication provision when a park or public area is not shown on the Comprehensive plan. Parkland Dedication Ordinances are granted pursuant to State Statute 462.358. Section 622.9 of the Code of Ordinances provides for a schedule based on density of the development for R-1 and R-2 residentially zoned districts.
2. The Skye View Special District Plan contains ~~four distinct land use districts of which three are land use districts~~ subject to parkland requirements. They are: (1) Low-Density Residential; (2) Medium Density Residential; and (3) a portion of the Mixed-Use for Multifamily, or Live-Over work.
3. The parkland dedication requirement for this Special District will be met via a cash contribution in lieu of land dedication. The cash payment for parkland dedication shall be made prior to recording the Final Plat of each phase of development with land uses that are subject to the parkland dedication per item ~~3.2~~ above.
4. Calculation of parkland dedication: The amount of cash in lieu of dedication of parkland for each land use designation shall be based on the density of each category as noted in ~~the following table~~ Table A:

Land Use	Required Dedication
Low Density Residential	8% of total land area
Medium Density Residential	Refer to Table B
Mixed-Use Density Residential	Refer to Table B

Table B: Density calculation for Medium Density and Mixed-Use Density for residential use. The population density chart is pertinent to the land use that potentially increases

demand on parks.

Table B	
Density in Dwelling Units per Gross Acre of Residential Land Area (dwelling units per acre)	Estimated Number of Persons per Dwelling Unit
16-21	2.22
Over 21	1.98

5. The total land dedication requirement in Table A is calculated based on total land area within the low-density residential zone multiplied by the required dedication percentage. The dedication requirement formula is **number of acres within the low-density residential zone x required dedication percentage = Amount of land to be dedicated.**

The total land dedication requirement in Table B is calculated based on need for 8 acres per 1,000 residents. The dedication requirement formula is **0.008 x the number of persons per dwelling unit x number of units = Amount of land to be dedicated.**

The formula for Cash in Lieu of land dedication is as follows: **Fair market value per acre x number of acres required to be dedicated = cash payment in Lieu of land dedication.**

**Table A Example:**

10 acres low density residential x 0.08 = 0.8 acres

0.8 acres x \$10,000 per acre fair market value = \$8,000.00

**Table B Example:**

(0.008 x 2.22 persons per dwelling unit) x 20 dwelling units = 0.35 Acres

0.35 acres x \$10,000 per acre fair market value = \$3,552.00

The fair market value of the land before development to be used in calculations for Tables A and B shall be defined by either (1) appraised or (2) negotiated value between the City and Developer.

**611.7.7.9. GENERAL DEVELOPMENT STANDARDS**

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

**611.7.7.10. BOUNDARIES**

- 1. The regulations established herein shall apply to the land described in Section 611.7.2 and shall be designated "SD-SV" on the zoning map.

**611.7.7.11. EXHIBITS**

- 1. The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:
  - i. Special District Boundary and Underlying Zone, Exhibit A
  - ii. Concept Plan Exhibit B
  - iii. Street Sections/Utilities, Exhibit C
  - iv. Pedestrian Circulation, Exhibit D
  - v. Building Proto-types Exhibit E
  - vi. Trash enclosure- Exhibit F

**611.7.7.12. EFFECTS OF REGULATIONS**

- 1. The Special District ordinance and Exhibits A-F including preliminary or final plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

**611.7.7.13. DEVELOPMENT PROCEDURES**

Subd. 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Plainview Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans, or information necessary for development approvals shall also be submitted.

Subd. 2. Preliminary and Final Plat Application. Preliminary and Final plat applications within the Special District shall include plans and information consistent with the requirements of the Plainview Code of Ordinances. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.

Subd. 3. Site Development Plan A Site Development Plan is required for all developments proposed in the Mixed-Use District. The plan shall be prepared and submitted to the city of Plainview for review and approval by city staff prior to building permit approval. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.

Subd. ~~34~~. Zoning Certification and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of a Skye View Development Architectural Review Committee document. This document must verify a review of sitting and plans for the compliance with this Special District's intent, as outlined in the covenants submitted with the final plat.

**611.7.7.14. CONDITIONS AND RESCINDING APPROVAL**

- Subd. 1. Approval of this special district ordinance is made with the following conditions:

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- a. Public roadway connection to Highway 42 shall be required as a part of the first phase of the proposed development.
- b. Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.
- c. Preliminary and final plat submittals shall show that access to Parcel No.'s 14.00110.00 and 14.00109.06 is maintained through the special district property during construction of the improvements and after the improvements are made.
- d. The preliminary and final plat shall properly identify MnDOT right-of-way for Highway 42.

Subd. 2. After two years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that the conditions in Subd. 1 have not been met, or that no progress has been made in the construction of the development.

14-203293\_Exhibit A.dwg

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LEGAL DESCRIPTION:

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108 NORTH, RANGE 11 WEST, WABASHA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

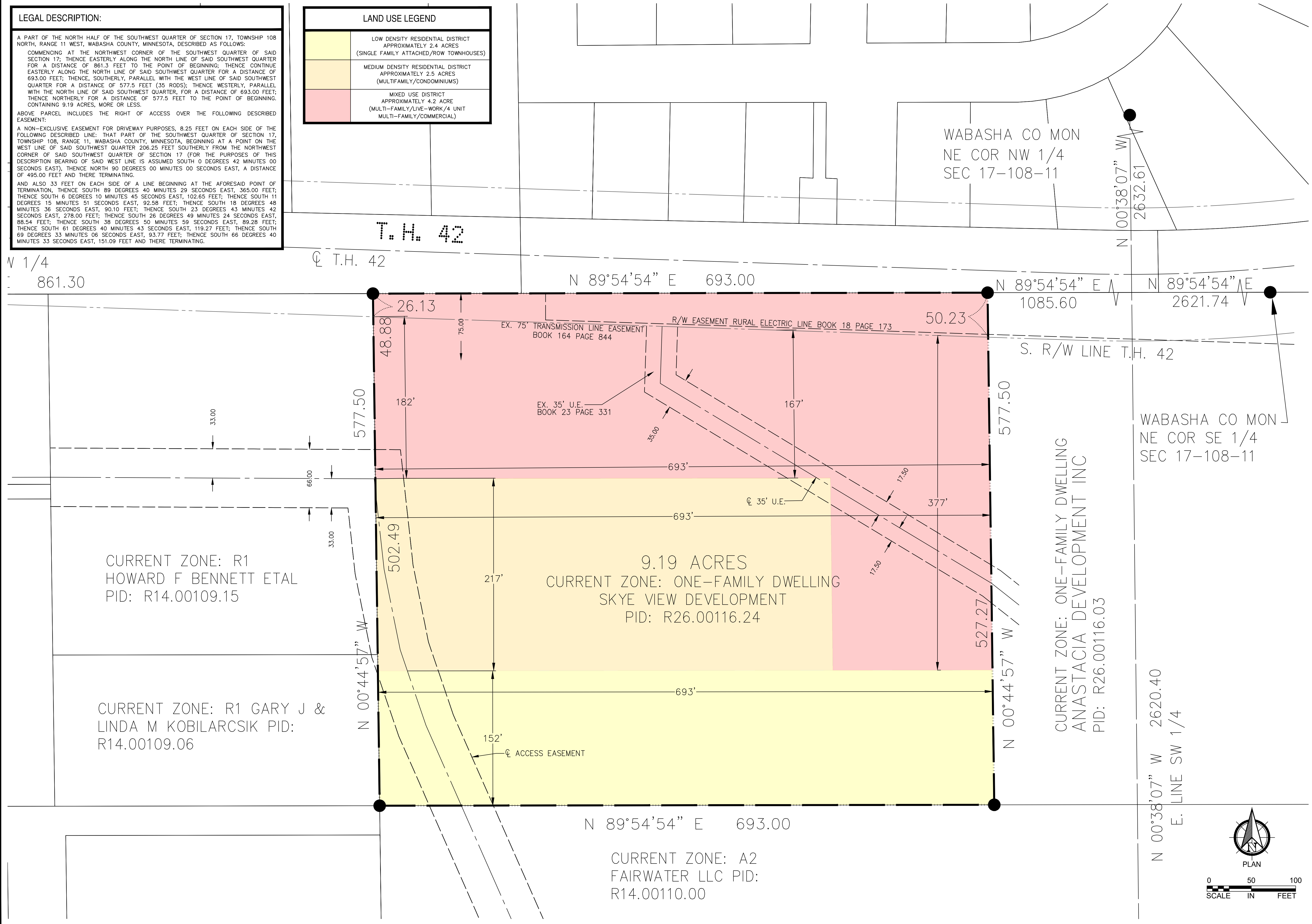
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 861.3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 693.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 577.5 FEET (35 RODS); THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 693.00 FEET; THENCE NORTHERLY FOR A DISTANCE OF 577.5 FEET TO THE POINT OF BEGINNING, CONTAINING 9.19 ACRES, MORE OR LESS.

ABOVE PARCEL INCLUDES THE RIGHT OF ACCESS OVER THE FOLLOWING DESCRIBED EASEMENT:

A NON-EXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES, 8.25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108, RANGE 11, WABASHA COUNTY, MINNESOTA, BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER 206.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 17 (FOR THE PURPOSES OF THIS DESCRIPTION BEARING OF SAID WEST LINE IS ASSUMED SOUTH 0 DEGREES 42 MINUTES 00 SECONDS EAST), THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 495.00 FEET AND THERE TERMINATING.

AND ALSO 33 FEET ON EACH SIDE OF A LINE BEGINNING AT THE AFORESAID POINT OF TERMINATION, THENCE SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST, 365.00 FEET; THENCE SOUTH 6 DEGREES 10 MINUTES 49 SECONDS EAST, 102.65 FEET; THENCE SOUTH 11 DEGREES 15 MINUTES 51 SECONDS EAST, 92.58 FEET; THENCE SOUTH 18 DEGREES 48 MINUTES 36 SECONDS EAST, 90.10 FEET; THENCE SOUTH 23 DEGREES 43 MINUTES 42 SECONDS EAST, 278.00 FEET; THENCE SOUTH 26 DEGREES 49 MINUTES 24 SECONDS EAST, 88.54 FEET; THENCE SOUTH 38 DEGREES 50 MINUTES 59 SECONDS EAST, 89.28 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 43 SECONDS EAST, 119.27 FEET; THENCE SOUTH 69 DEGREES 33 MINUTES 06 SECONDS EAST, 93.77 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 33 SECONDS EAST, 151.09 FEET AND THERE TERMINATING.

LAND USE LEGEND	
	LOW DENSITY RESIDENTIAL DISTRICT APPROXIMATELY 2.4 ACRES (SINGLE FAMILY ATTACHED/ROW TOWNHOUSES)
	MEDIUM DENSITY RESIDENTIAL DISTRICT APPROXIMATELY 2.5 ACRES (MULTIFAMILY/CONDOMINIUMS)
	MIXED USE DISTRICT APPROXIMATELY 4.2 ACRE (MULTI-FAMILY/LIVE-WORK/4 UNIT MULTI-FAMILY/COMMERCIAL)



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KASSON, MN 55944

PLAINVIEW OFFICE  
320 WEST BROADWAY  
SUITE 3  
PLAINVIEW, MN 55964

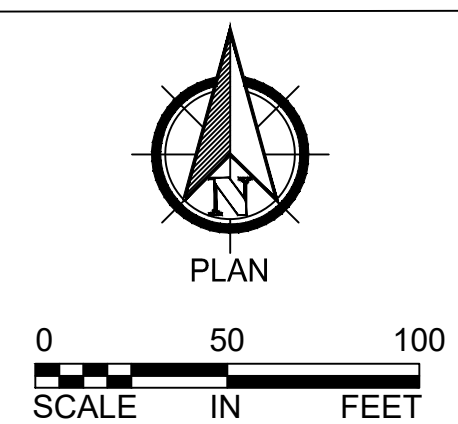
ROCHESTER OFFICE  
1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

REV.	DATE:	DESCRIPTION:

**SKYE VIEW DEVELOPMENTS  
PLAINVIEW, MINNESOTA  
BOUNDARY EXHIBIT & UNDERLYING ZONING**

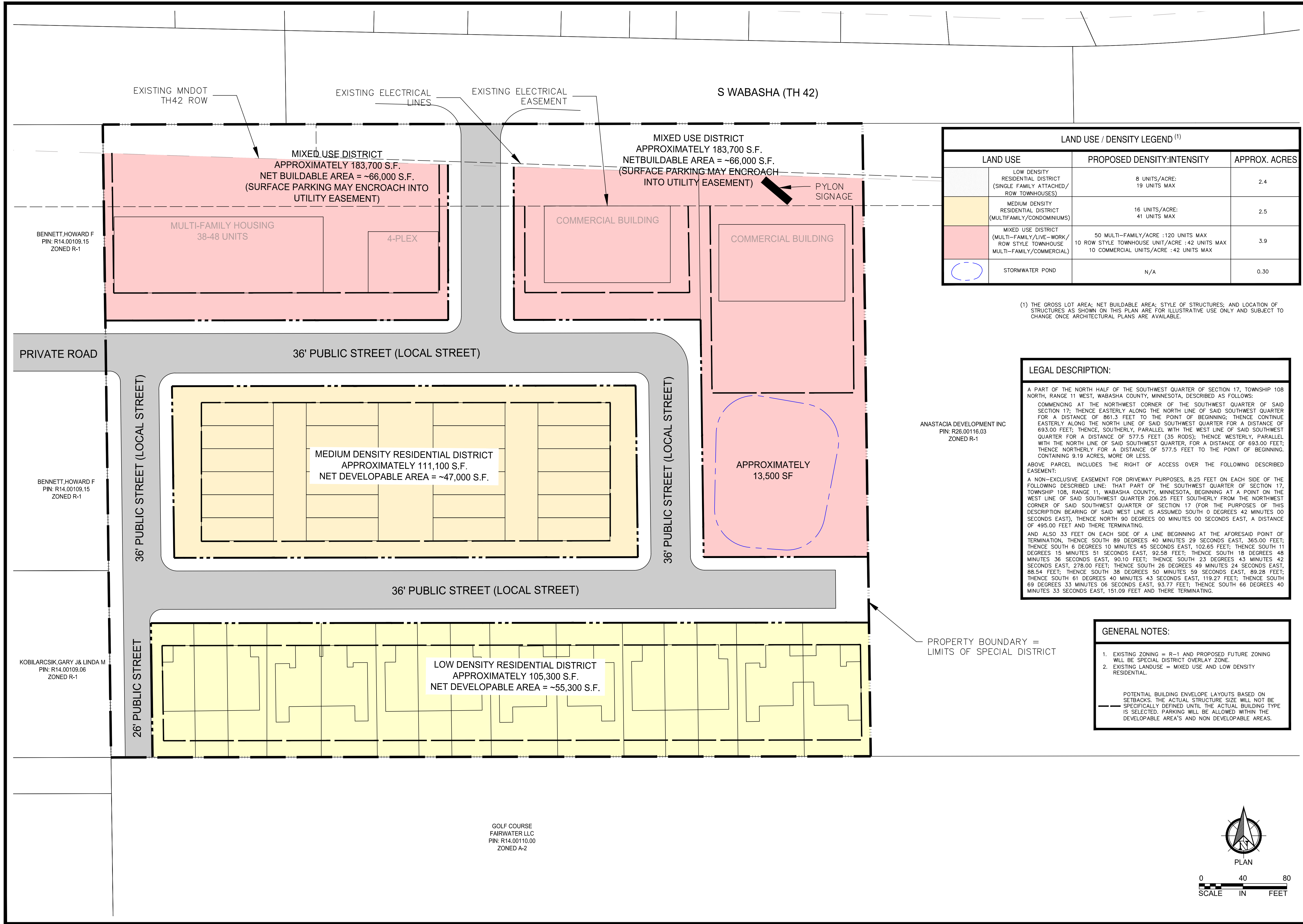
EXHIBIT A  
BOUNDARY EXHIBIT &  
UNDERLYING ZONING

SCALE: AS SHOWN  
DATE: 5/31/22  
DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT A.DWG



14-203293\_ Exhibit B.dwg

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LAND USE / DENSITY LEGEND <sup>(1)</sup>			
LAND USE	PROPOSED DENSITY:INTENSITY	APPROX. ACRES	
LOW DENSITY RESIDENTIAL DISTRICT (SINGLE FAMILY ATTACHED/ ROW TOWNHOUSES)	8 UNITS/ACRE: 19 UNITS MAX	2.4	
MEDIUM DENSITY RESIDENTIAL DISTRICT (MULTIFAMILY/CONDOMINIUMS)	16 UNITS/ACRE: 41 UNITS MAX	2.5	
MIXED USE DISTRICT (MULTI-FAMILY/LIVE-WORK/ ROW STYLE TOWNHOUSE MULTI-FAMILY/COMMERCIAL)	50 MULTI-FAMILY/ACRE :120 UNITS MAX 10 ROW STYLE TOWNHOUSE UNIT/ACRE :42 UNITS MAX 10 COMMERCIAL UNITS/ACRE :42 UNITS MAX	3.9	
STORMWATER POND	N/A	0.30	

(1) THE GROSS LOT AREA; NET BUILDABLE AREA; STYLE OF STRUCTURES; AND LOCATION OF STRUCTURES AS SHOWN ON THIS PLAN ARE FOR ILLUSTRATIVE USE ONLY AND SUBJECT TO CHANGE ONCE ARCHITECTURAL PLANS ARE AVAILABLE.

**LEGAL DESCRIPTION:**

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108 NORTH, RANGE 11 WEST, WABASHA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 861.3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 693.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 577.5 FEET (35 RODS); THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 693.00 FEET; THENCE NORTHERLY FOR A DISTANCE OF 577.5 FEET TO THE POINT OF BEGINNING, CONTAINING 9.19 ACRES, MORE OR LESS.

ABOVE PARCEL INCLUDES THE RIGHT OF ACCESS OVER THE FOLLOWING DESCRIBED EASEMENT:  
 A NON-EXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES, 8.25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108, RANGE 11, WABASHA COUNTY, MINNESOTA, BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER 206.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 17 (FOR THE PURPOSES OF THIS DESCRIPTION BEARING OF SAID WEST LINE IS ASSUMED SOUTH 0 DEGREES 42 MINUTES 00 SECONDS EAST), THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 495.00 FEET AND THERE TERMINATING.

AND ALSO 33 FEET ON EACH SIDE OF A LINE BEGINNING AT THE AFORESAID POINT OF TERMINATION, THENCE SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST, 365.00 FEET; THENCE SOUTH 6 DEGREES 10 MINUTES 45 SECONDS EAST, 102.65 FEET; THENCE SOUTH 11 DEGREES 15 MINUTES 51 SECONDS EAST, 92.58 FEET; THENCE SOUTH 18 DEGREES 42 MINUTES 36 SECONDS EAST, 90.10 FEET; THENCE SOUTH 23 DEGREES 43 MINUTES 42 SECONDS EAST, 278.00 FEET; THENCE SOUTH 26 DEGREES 49 MINUTES 24 SECONDS EAST, 88.54 FEET; THENCE SOUTH 38 DEGREES 50 MINUTES 59 SECONDS EAST, 89.28 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 43 SECONDS EAST, 119.27 FEET; THENCE SOUTH 69 DEGREES 33 MINUTES 06 SECONDS EAST, 93.77 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 33 SECONDS EAST, 151.09 FEET AND THERE TERMINATING.

**GENERAL NOTES:**

- EXISTING ZONING = R-1 AND PROPOSED FUTURE ZONING WILL BE SPECIAL DISTRICT OVERLAY ZONE.
- EXISTING LANDUSE = MIXED USE AND LOW DENSITY RESIDENTIAL.

POTENTIAL BUILDING ENVELOPE LAYOUTS BASED ON SETBACKS. THE ACTUAL STRUCTURE SIZE WILL NOT BE SPECIFICALLY DEFINED UNTIL THE ACTUAL BUILDING TYPE IS SELECTED. PARKING WILL BE ALLOWED WITHIN THE DEVELOPABLE AREA'S AND NON DEVELOPABLE AREAS.

ANASTACIA DEVELOPMENT INC  
 PIN: R26.00116.03  
 ZONED R-1

PROPERTY BOUNDARY =  
 LIMITS OF SPECIAL DISTRICT

**WSE+MASSEY**  
 Engineering & Surveying  
 PH. NO. 507-634-4505  
 PLANS@WSE.ENGINEERING  
 www.wse.engineering

**KASSON OFFICE**  
 P.O. BOX 100  
 33 B E VETERANS  
 MEMORIAL HIGHWAY  
 KASSON, MN 55944

**PLAINVIEW OFFICE**  
 320 WEST BROADWAY  
 SUITE 3  
 PLAINVIEW, MN 55964

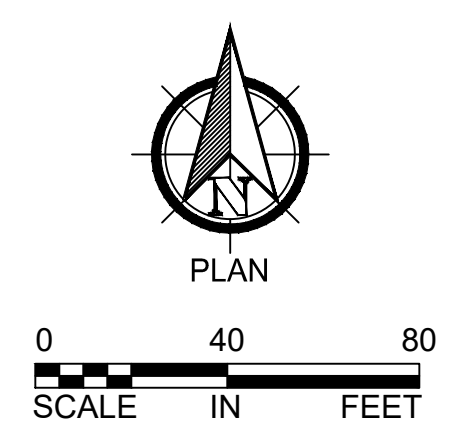
**ROCHESTER OFFICE**  
 1712 RESTORATION  
 ROAD SW  
 ROCHESTER, MN 55902

REV	DATE	DESCRIPTION

**SKYE VIEW DEVELOPMENTS  
 PLAINVIEW, MINNESOTA  
 SPECIAL DISTRICT CONCEPT PLAN EXHIBIT**

**EXHIBIT B  
 CONCEPT PLAN**

SCALE: AS SHOWN  
 DATE: 5/31/22  
 DRAWN BY: TSW  
 JOB NUMBER: 14-203293  
 DWG. FILE: 14-203293\_EXHIBIT B.DWG



GOLF COURSE  
 FAIRWATER LLC  
 PIN: R14.00110.00  
 ZONED A-2

BENNETT HOWARD F  
 PIN: R14.00109.15  
 ZONED R-1

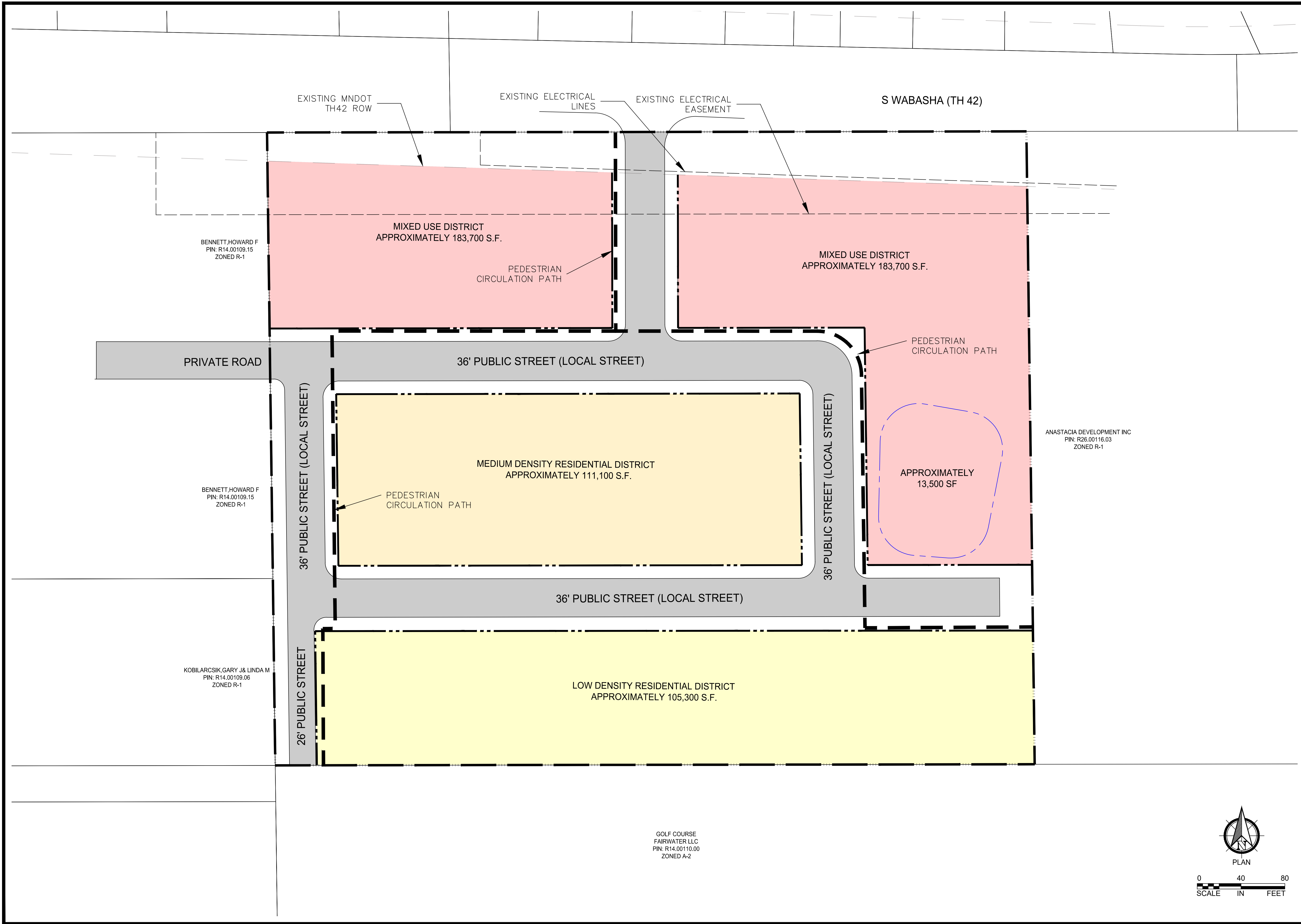
BENNETT HOWARD F  
 PIN: R14.00109.15  
 ZONED R-1

KOBILARCSIK GARY J & LINDA M  
 PIN: R14.00109.06  
 ZONED R-1



14-203293\_ Exhibit D.dwg

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**WSE+MASSEY**  
Engineering & Surveying

PH. NO. 507-634-4505  
PLANS@WSE.ENGINEERING  
www.wse.engineering

**KASSON OFFICE**  
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MEMORIAL HIGHWAY  
KASSON, MN 55944

**PLAINVIEW OFFICE**  
320 WEST BROADWAY  
SUITE 3  
PLAINVIEW, MN 55964

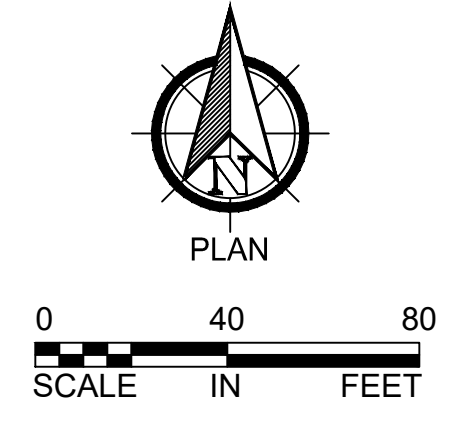
**ROCHESTER OFFICE**  
1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

REV	DATE	DESCRIPTION

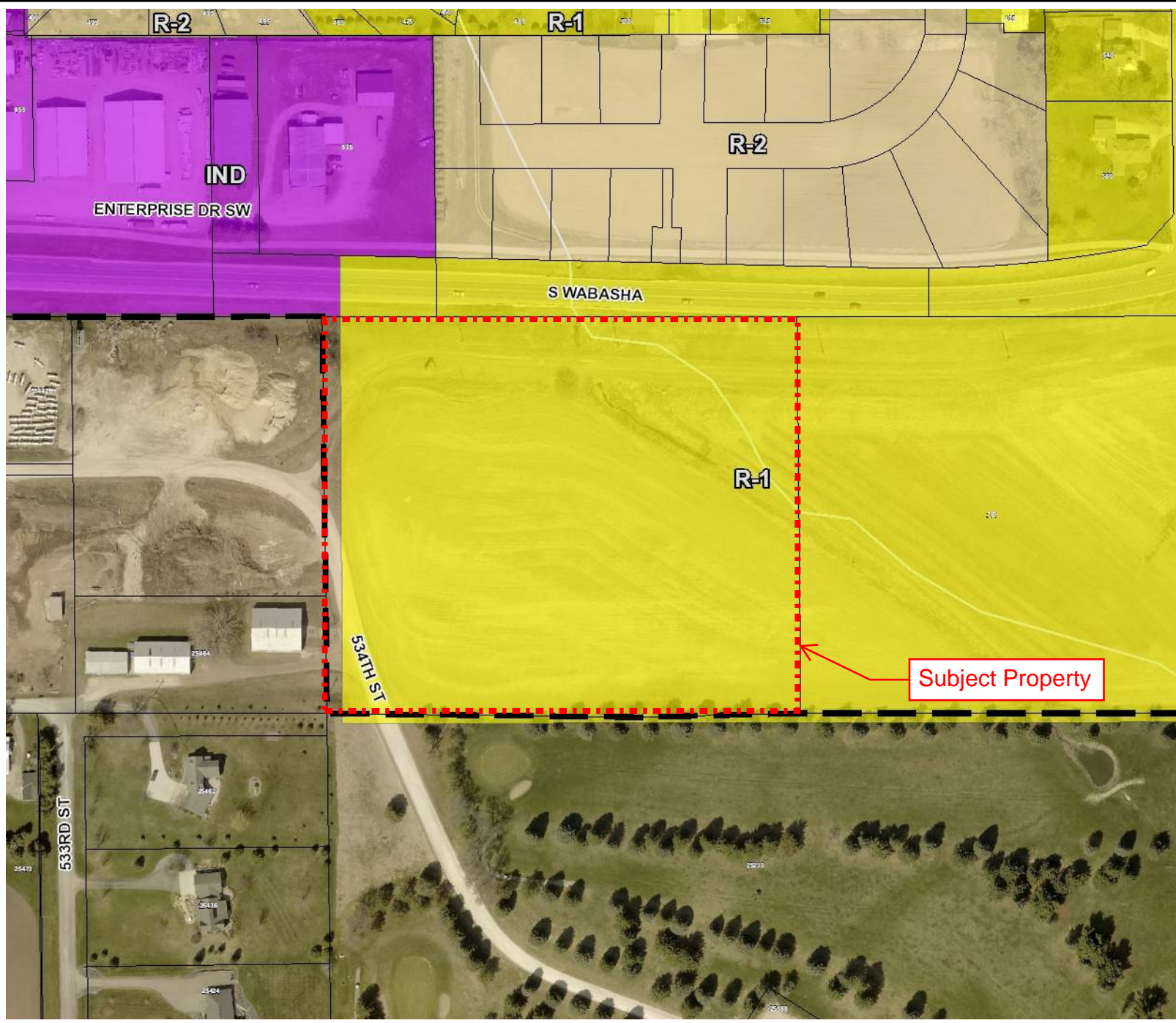
**SKYE VIEW DEVELOPMENTS  
PLAINVIEW, MINNESOTA  
SPECIAL DISTRICT CONCEPT PLAN EXHIBIT**

EXHIBIT D  
PEDESTRIAN CIRCULATION  
PLAN

SCALE: AS SHOWN  
DATE: 5/31/22  
DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT B.DWG



# Zoning Map



**Legend**

- 1** City Limits
- Parcels (11/1/2020)
- Parcels
  
- Zoning**
- AG (Agricultural District)
- C-1 (Central Business District)
- C-2 (Service Commercial District)
- IND (Industrial District)
- R-1 (One-Family Dwelling)
- R-2 (Two-Family Dwelling)
- T (Transition District)
- Protected Waters - Watercou

Subject Property

**Zoning**



**Disclaimer:**  
 This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Plainview is not responsible for any inaccuracies herein contained.



## Comprehensive Plan Maps



Map #3: Future Land Use

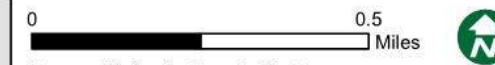
2040 Comprehensive Plan  
Plainview, Minnesota

Legend

- City Limits
- Parcels
- Waterbodies
- Future Roadways
- Planned Development Areas
- Future Park Areas

Future Land Uses

- Agricultural
- Central Business
- Service Commercial
- Commercial/Industrial
- Industrial and Utilities
- Institutional
- Mixed Residential / Commercial
- Residential
- Multi-Family Residential
- Manufactured Housing Park
- Parks, Open Space, and Recreational Areas
- Road and Railway Right of Way

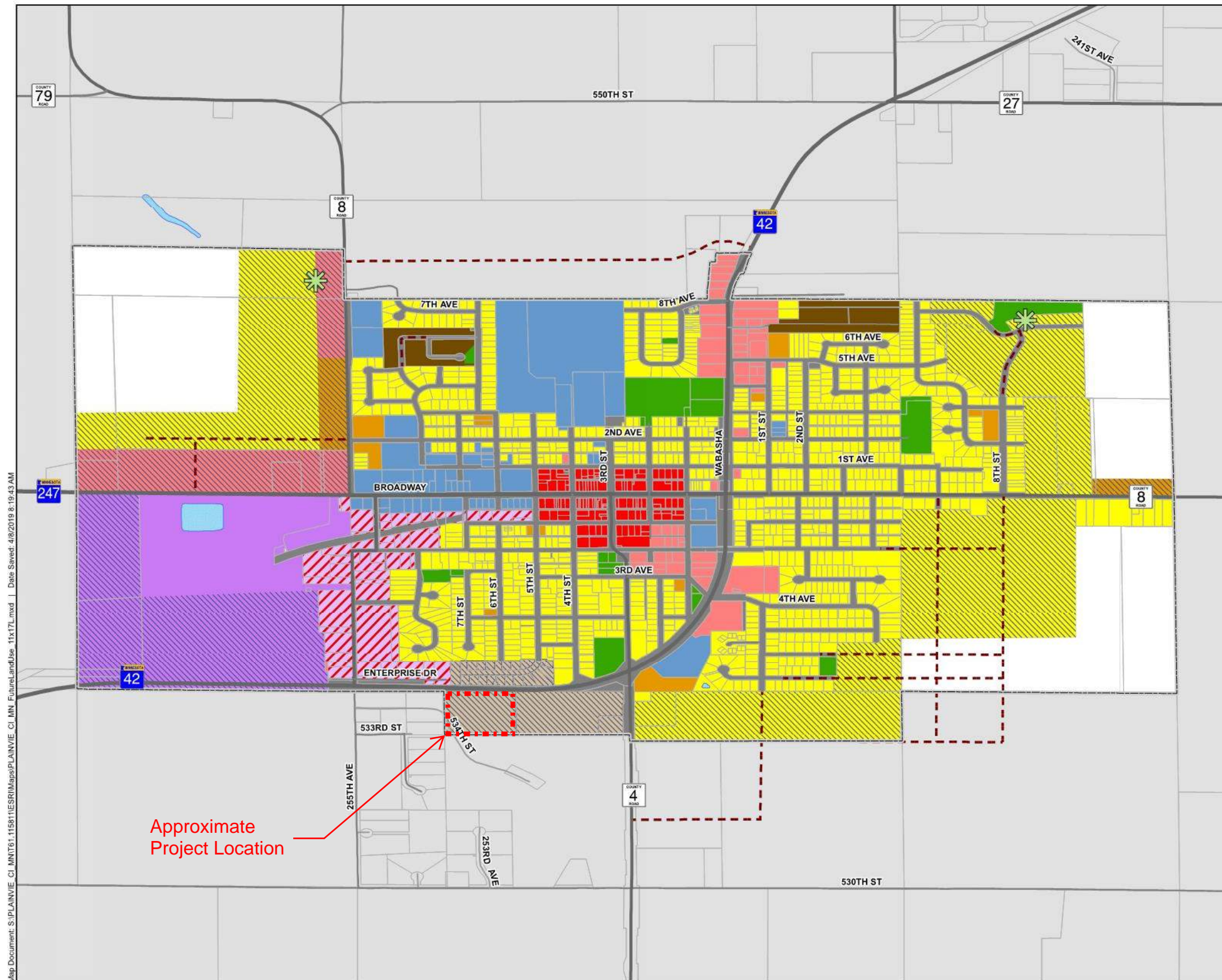


Source: Wabasha County, MnGeo

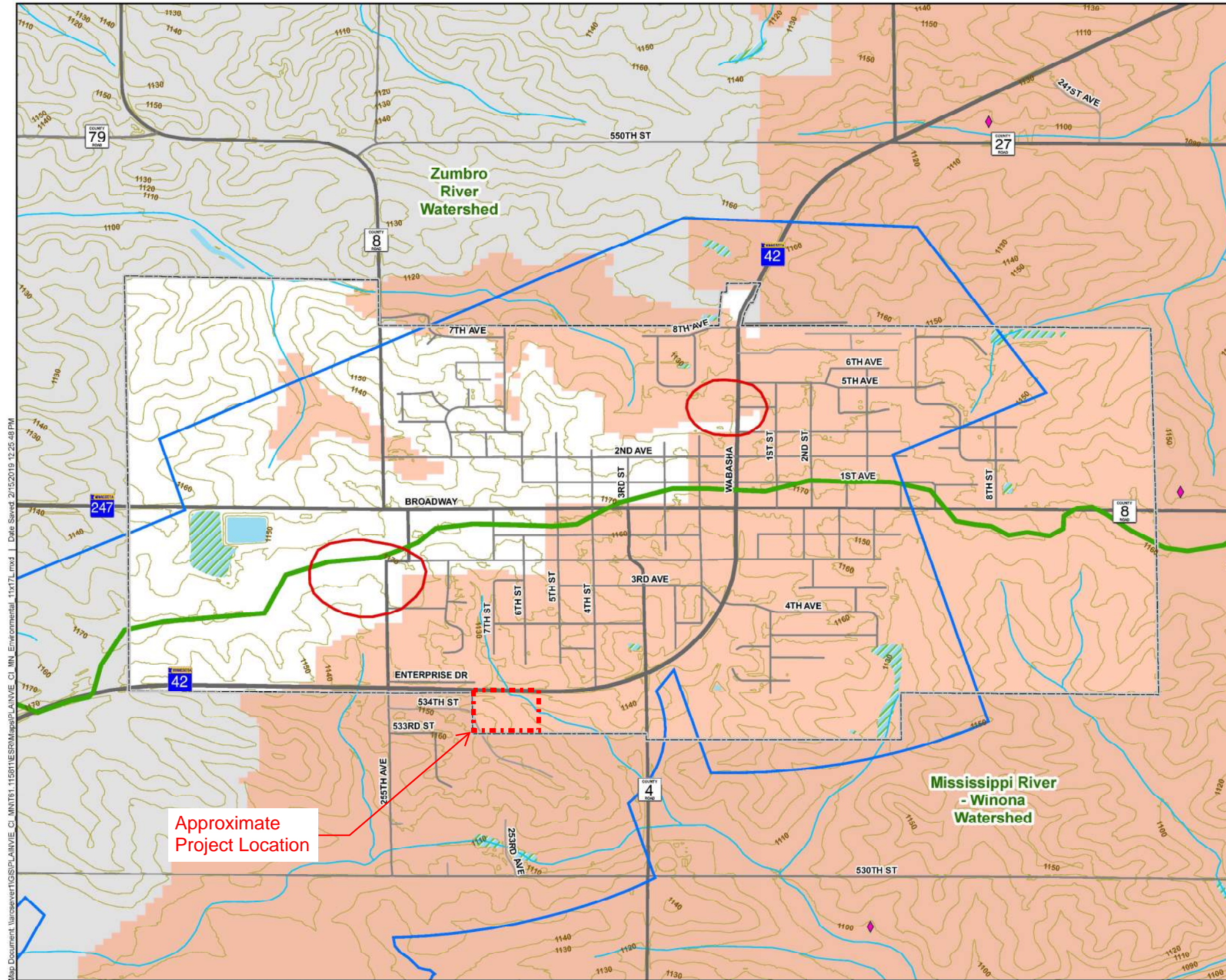


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April 2019



Map Document: S:\PLAINVIEW\_CJ\_MNT\GIS\115811\ESRI\Map\PLAINVIEW\_CJ\_MN\_FutureLandUse\_11x17L.mxd | Date Saved: 4/8/2019 8:19:43 AM



**Map #13: Environmental Resources**

2040 Comprehensive Plan  
Plainview, Minnesota

**Legend**

- City Limits
- Environmental Resources**
- Waterbodies
- Streams and Ditches
- National Wetland Inventory
- Watershed Boundary
- ERA: Emergency Response Area
- WPA: Wellhead Protection Area
- Prone to Surface Karst Feature Development: Carbonate and Sandstone
- Karst Feature: Sinkhole
- 10ft Contours (LiDAR)



Source: Wabasha County, MnDNR, MnGeo, USFWS



Real People. Real Solutions.

February 2019



Real People. Real Solutions.

2900 43rd Street NW  
Suite 100  
Rochester, MN 55901

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Fax: (507) 208-4155  
Bolton-Menk.com

## MEMORANDUM

**Date:** July 21, 2022  
**To:** City of Plainview Planning Commission and City Council  
**From:** Harry Davis, AICP  
Brian Malm, P.E.  
**Subject:** Skye View –Final Plat Application  
City of Plainview

**Meeting Date:** Planning Commission - July 25, 2022  
City Council – July 26, 2022

---

**Request:**

**Applicant:** Les Conway (WSE)  
**Owner:** Tom Weiner (Skye View Development LLC)  
**Property Location:** North of Piper Hills Golf Course and south of Highway 42  
**Property ID:** 26.00116.24

**Background:**

The subject property is in the southern part of Plainview, south of Highway 42 and between 255th Ave and 3rd St SW. The property is zoned SD for the Skye View Special District and overlay. The property totals approximately 9.19 acres. Table 1 below shows adjacent land use and zoning.

**Table 1**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Undeveloped; Residential	R-2, Residential; R-1, Residential
South	Golf Course	Wabasha County
East	Large Lot Residential	R-1, Residential
West	Commercial/Industrial	Wabasha County

**Request:**

The request by the applicant 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. This report has been prepared evaluating the proposed final plat against those proposed modifications, and the staff recommendation section of this

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.

Following are the proposed Special District limits for each land use area (see attachments for SD Skye View land use map):

**Table 2 – Low Density Residential**

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6800 SF	60	20	15	8	16
Row House Style Townhouses	3500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Zero Lot Line	3000 SF	38	20	15	8/0	8

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Low Density Residential District (Single Family Detached/Attached; Row Townhouses)	Up to 8 Units/Acre	2.4

**Table 3 – Medium Density District**

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	10	20
Condominium	N/A	N/A	25	15	10	20
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Medium Density Residential District (Multifamily/Condominiums)	Up to 16 Units/Acre	2.55

**Table 4 – Mixed Use District**

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	80	25	20	8	16
Live - Work	Variable	106	25	20	8	16
All Commercial Uses	6,000 SF	80	25	25	8	16
Row House Style Townhouses	3,500 SF	18 <sup>(1)</sup> 26 <sup>(2)</sup>	20	15	8	16
Parking lots on the same lot as the principal structure/use	N/A	N/A	5	5	5	N/A

Table B		
Land Use	Density:	Approx. Acres See Exhibit A
Multi-family	Up to 50 Multi-family Units/Acre	4.2
Row House Style Townhouses	Up to 10 Row House Style Townhomes Units/Acre	
Live Over Work	Up to 10 Live Over Work Units/Acre	
All Commercial Uses	0.50 FAR <sup>(1)</sup>	

**Public Comment:**

No public comment was received as of publishing this report.

**Neighborhood Notification:**

No notification is required for a final plat.

**Infrastructure:**

**Streets:** The subject parcel has access to an unimproved, gravel private roadway known as 534<sup>th</sup> St via an unimproved, gravel township road (255<sup>th</sup> Ave). Both of these roads are outside of Plainview’s City limits and 534<sup>th</sup> St exists in a private access easement. The property abuts Highway 42, however, access to Highway 42 is controlled by MnDOT and would not be allowed without MnDOT approval. No other public street or roadway access is currently available for this property.

**Water:** Public water is not readily available to the subject property. A watermain extension will be required to provide water service to the property.

**Sewer:** Public sanitary sewer is available to serve the subject property.

**Drainage:** The property includes a waterway that serves as the drainage outlet for an upstream area of approximately 102 acres that includes developed areas of the City and MnDOT right-of-way. The project proposes to impact this waterway by replacing it with a storm sewer pipe. A hydraulic analysis will need to be completed to determine impacts to upstream and downstream properties. Since the proposed storm sewer system connects to MnDOT drainage infrastructure, MnDOT review and approval will also be required. Stormwater management for the project will need to comply with City and MPCA NPDES Construction Stormwater Permit requirements. This will need to be completed prior to final plat approval.

**Environmental:** This property is within a Wellhead Protection Area. Stormwater management for the project will need to comply with the City's wellhead protection plan and MPCA NPDES Construction Stormwater Permit requirements for wellhead protection areas. A BWSR approved wetland delineation has been submitted. The applicant will need to complete proper permitting through the Wetland Conservation Act and Section 404 of the Clean Water Act for proposed wetland impacts prior to final plat approval.

**2040 Comprehensive Plan:**

One of the land use goals in the comprehensive plan is to “encourage land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state, and utility costs”. A sub-goal under the goal above is to require coordination between growth and utility capacities (sewer, water, etc.). Under the housing goals in the comprehensive plan, there are various goals that address supporting a “variety of housing types and densities”, “encourage a range of housing ... [fitting community] character”, and “maintain and enhance the quality of Plainview’s homes and neighborhoods”.

The Future Land Use Map designates the subject property as Residential and in a Planned Development Area. The Existing Functional Classification and Future Roadways Map indicates future access to Highway 42 just east of the subject property.

**Staff Findings:**

1. A determination of whether the proposed final plat meets zoning and overlay requirements.

**Finding:** The lots in the proposed Skye View Final Plat generally meet zoning requirements.

2. A determination of whether the proposed final plat meets subdivision development standards.

**Finding:** Easements: The applicant has proposed easements and right-of-way in the final plat that satisfy code requirements.

Street and Easement Dedication: The applicant has dedicated streets and easements to the public on the plat.

Parkland Dedication: The applicant has proposed to pay fees in-lieu of parkland dedication, as allowed and specified in the Skye View Special District. A final amount will be calculated in the development agreement and paid along with other city fees.

Variances: The applicant has not submitted any variances.

Lot Configurations: The applicant has proposed lot configurations that generally meet code requirements and the Special District layout.

Block and Street Configuration/Design: The applicant has proposed block lengths and configurations that meet code and the Special District layout.

Required Improvements: The proposed streets of the subdivision meet the City's roadway section requirements.

Other Jurisdictional Approvals: This development is subject to all local, county, and state requirements for development. Failure to receive necessary approvals will render any plat approval null and void.

Denial of Plan and/or Plat: In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council may deny, approval of a general development plan, preliminary or final plat 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.

3. A determination of whether the proposed final plat meets the conditions of preliminary plat approval required in City Council resolution 2022-01.

Findings: Following are the conditions of preliminary plat approval with staff findings for each condition:

- a. The applicant shall make the following revisions to be compliant with code:

- Adjust Lots 1 and 2 to be at least 60 feet in width.
- Adjust Lots 3, 6, and 9 to have correct setbacks for an exterior townhouse.

Finding- All lots have been adjusted to meet the proposed amended special district requirements.

- b. A determination that the proposed preliminary plat does not conflict with any conditions listed in Section 620.4 of the Plainview City Code, and thus approval of the preliminary plat is appropriate.

Finding- This condition was satisfied at the time of approval of the preliminary plat.

- c. The preliminary plat shall generally be consistent with the Skye View Special District.

Finding- This condition was satisfied at the time of approval of the preliminary plat.

- d. Public roadway connection to Highway 42 shall be required as a part of the first phase of the proposed development.

Finding- The final plat shows a public roadway connection to Highway 42 and the construction plans and development agreement for the public improvements will require construction of this roadway connection.

- e. Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.

Finding- Formal MnDOT approval for the Highway 42 access has not been received at the time of writing of this report. If the final plat is approved, it should include a condition that formal MnDOT approval is obtained prior to the City's execution of the final plat.

- f. Highway 42 right-of-way shall be dedicated to MnDOT as a part of the Final Plat.

Finding- The final plat shows Highway 42 right-of-way being dedicated to MnDOT.

- g. Final plat and construction plans shall show that access to Parcel No.'s 14.00110.00 and 14.00109.06 is maintained through the special district property during construction of the improvements and after the improvements are made.

Finding- The final plat and construction plans submitted by the applicant satisfy this requirement in that they do not propose any improvements on Outlot C as a part of the first phase of development. The development agreement for the subdivision will include a provision that does not allow for development on any of the platted outlots without going through a future replatting process. This ensures that the existing private access easement allowing for access to the referenced parcels will not be impacted by the subdivision improvements being proposed as a part of this final plat.

- h. A traffic impact study shall be completed prior to approval of the Final Plat.

Finding- A traffic impact study has been completed by the applicant. The traffic study indicated that turn lanes are required on Highway 42 for the proposed subdivision street connection. The applicant has submitted construction plans for the required turn lanes and the development agreement will require construction of the turn lanes as a part of the proposed improvements.

- i. A method for accomplishing the needed watermain extension for the development will need to be determined, including cost allocation, prior to approval of the Final Plat.

Finding- The developer has submitted construction plans for a watermain extension serving the proposed development and the development agreement will require construction of the watermain extension as a part of the proposed improvements.

- j. Plans and specifications 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.

Finding- Plans and specifications for the proposed improvements have been submitted for review but have not been approved at the time of writing of this report. Permits for the required infrastructure improvements have not been submitted for City

review and have not been approved at the time of writing of this report.

- k. A Development Agreement to install the required infrastructure improvements necessary to support development on lots within the proposed subdivision will be required as a condition of Final Plat approval in accordance with City Code.

Finding- A draft development agreement has been prepared and submitted to the applicant for review.

- l. 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.

Finding- Since final construction plans have not been fully reviewed and approved, easement adjustments on the final plat may still be necessary to accommodate drainage or utility infrastructure.

- m. The parkland dedication cash in lieu of land amount shall be determined and finalized as a part of the development agreement.

Finding- This is in process with the development agreement.

- n. All other comments or conditions from city departments, franchise service and utility providers, or other authorities with jurisdiction over this development shall apply to this development.

Finding- The final plat and construction plans have been submitted to MnDOT for review, but final comments have not been received from MnDOT at the time of writing of this report.

**Recommendation:**

Staff provides two options to consider, as follows:

Option 1 – Denial of the final plat 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 improvements from the Applicant, and therefore 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 specifications and supporting information.

**“Plans and specifications 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.”**

Option 2 – Approval of the final plat with the following conditions:

1. The Final Plat shall comply with the provisions of all state statutes and standard procedures for platting in Wabasha County.
2. Prior to the City’s execution of the Final Plat, the Applicant must enter into an agreement, with the City and in a form acceptable to the City for the installation of all required improvements, which shall be referred to as the “Development Agreement” and the Applicant shall provide the required security.
3. The requirements and conditions of the Development Agreement shall be incorporated as conditions of the City’s execution of the Final Plat.
4. Prior to the City’s execution of the Final Plat, the Applicant must provide formal approval from the Minnesota Department of Transportation (MnDOT) allowing highway access from the development property to Trunk Highway 42 consistent with the Final Plat, as required by paragraph 2(e) of City Council Resolution 2022-01. Final Plat approval was expressly conditioned on such formal approval being provided to the City, which a MnDOT representative has informed the City can be provided in the form of a contract between the Applicant and MnDOT, and which the Applicant has not provided to the City as of the date of this resolution.
5. Prior to the City’s execution of the Final Plat, the Applicant shall make any adjustments to the plat required by MnDOT related to Trunk Highway 42 right-of-way and controlled access.
6. Prior to the City’s execution of the Final Plat, final plans and specifications and all applicable permits for the required infrastructure improvements shall be submitted by the Applicant and shall be approved by the City Engineer, as required by paragraph 2(j) of City Council Resolution 2022-01.
7. Prior to the City’s execution of the Final Plat, the Applicant shall adjust and/or add drainage and utility easements to the final plat as determined by the City during review of final plans and specifications for the required infrastructure improvements, as required by paragraph 2(l) of City Council Resolution 2022-01.
8. Prior to the City’s execution of the Final Plat, Section 611.7.7 of the Plainview City Code, the Sky View Development Special District Ordinance, must be amended so that the language and depictions of the special district boundaries conform with the Final Plat. Paragraph 2(c) of Resolution 2022-01 approving the Preliminary Plat expressly conditioned Final Plat approval on the Final Plat being consistent with the Sky View Special District.
9. The Final Plat shall be recorded within 180 days of approval or the City’s approval shall be deemed null and void.
10. The Applicant shall pay all fees.

**Attachments:**

-Skye View Final Plat

-Special District Zoning Boundaries Exhibit

# SKYE VIEW

## INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Skye View Developments, LLC, a Minnesota limited liability company, owner of the following described property:

A part of the North Half of the Southwest Quarter of Section 17, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence easterly along the north line of said Southwest Quarter for a distance of 861.3 feet to the POINT OF BEGINNING; thence continue easterly along the north line of said Southwest Quarter for a distance of 693.00 feet; thence southerly, parallel with the west line of said Southwest Quarter for a distance of 577.5 feet (35 rods); thence Westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING.

Has caused the same to be surveyed and platted as SKYE VIEW and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof, said Skye View Developments, LLC, a Minnesota limited liability company, has caused these present to be signed by its proper officer set this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: Skye View Developments, LLC

Tom Wiener  
Registered Agent

STATE OF MINNESOTA  
COUNTY OF WABASHA

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Tom Wiener, Registered Agent of Skye View Developments, LLC, a Minnesota limited liability company.

Notary Printed Name Notary Public, Wabasha County, MN  
My Commission Expires \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I Reinhold W. Ziemann do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year of the recording of this plat; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Reinhold W. Ziemann, Licensed Land Surveyor  
Minnesota License No. 59823

STATE OF MINNESOTA  
COUNTY OF DODGE

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Reinhold W. Ziemann.

Rebecca M. Ziemann  
Notary Printed Name Notary Public, Dodge County, MN  
My Commission Expires \_\_\_\_\_

## COUNTY RECORDER

I hereby certify that this plat of SKYE VIEW was filed in the Office of the County Recorder for public record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly filed as Document Number \_\_\_\_\_.

WABASHA COUNTY RECORDER

## WABASHA COUNTY AUDITOR/TREASURER

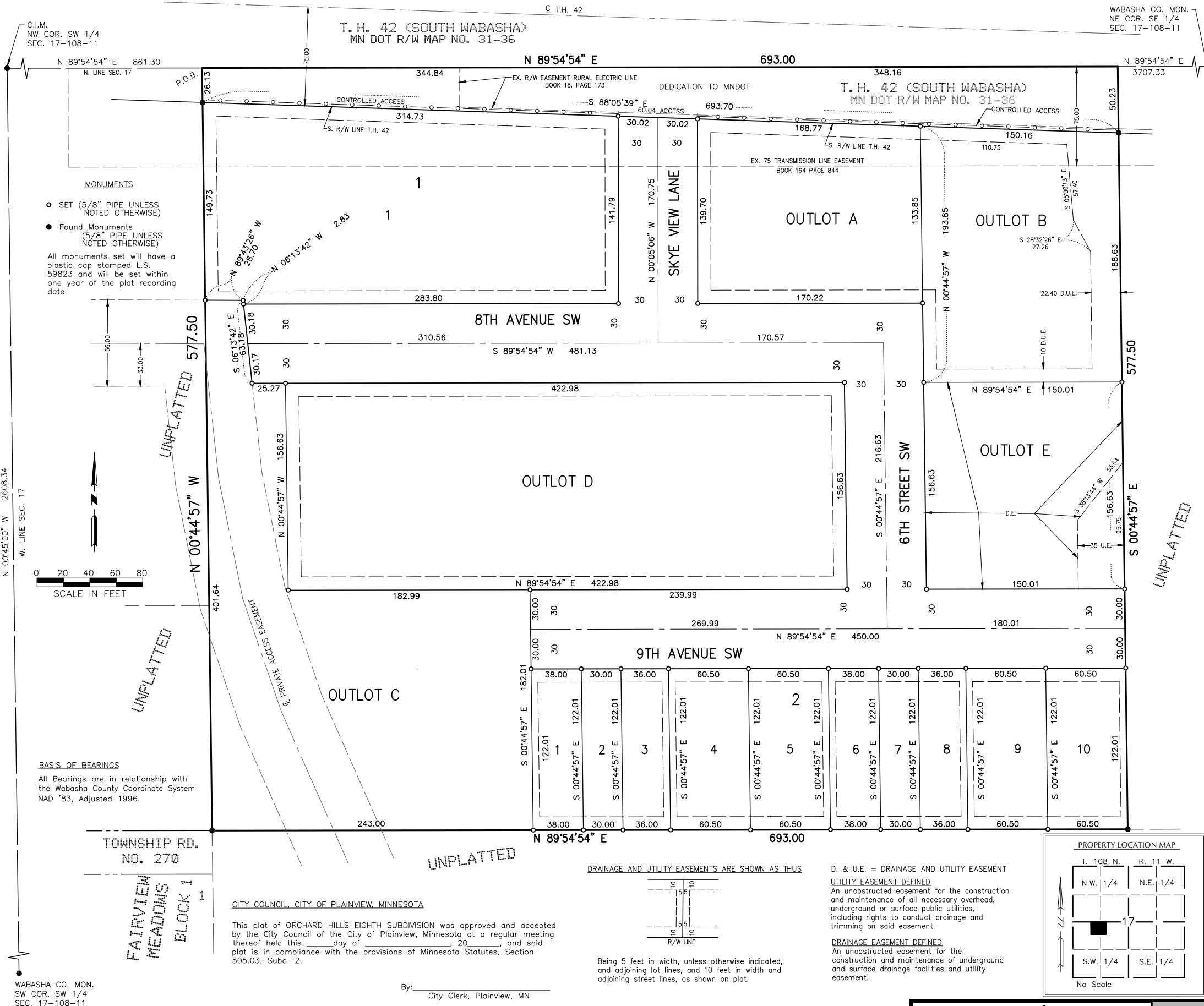
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20\_\_\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WABASHA COUNTY AUDITOR/TREASURER

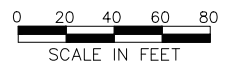
## COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Marcus S. Johnson  
Wabasha County Surveyor



N 00°45'00" W 2608.34  
W. LINE SEC. 17



WABASHA CO. MON.  
SW COR. SW 1/4  
SEC. 17-108-11

By: \_\_\_\_\_  
City Clerk, Plainview, MN

CITY COUNCIL, CITY OF PLAINVIEW, MINNESOTA

This plat of ORCHARD HILLS EIGHTH SUBDIVISION was approved and accepted by the City Council of the City of Plainview, Minnesota at a regular meeting thereof held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

WABASHA CO. MON.  
NE COR. SE 1/4  
SEC. 17-108-11

PROJECT NUMBER: 14-203293 COMPUTER FILE: 14-203293.SF01

**WSE + MASSEY**  
ENGINEERING & LAND SURVEYING, INC.  
P.O. BOX 100, KASSON, MN 55944  
PH. NO. 507-634-4505, EMAIL SURVEY@WSE-ENGINEERING

14-203293\_Exhibit A.dwg

LEGAL DESCRIPTION:

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108 NORTH, RANGE 11 WEST, WABASHA COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 17, THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 861.3 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 693.00 FEET; THENCE, SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 577.5 FEET (35 RODS); THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 693.00 FEET; THENCE NORTHERLY FOR A DISTANCE OF 577.5 FEET TO THE POINT OF BEGINNING, CONTAINING 9.19 ACRES, MORE OR LESS.

ABOVE PARCEL INCLUDES THE RIGHT OF ACCESS OVER THE FOLLOWING DESCRIBED EASEMENT:

A NON-EXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES, 8.25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 108, RANGE 11, WABASHA COUNTY, MINNESOTA, BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER 206.25 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 17 (FOR THE PURPOSES OF THIS DESCRIPTION BEARING OF SAID WEST LINE IS ASSUMED SOUTH 0 DEGREES 42 MINUTES 00 SECONDS EAST), THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 495.00 FEET AND THERE TERMINATING.

AND ALSO 33 FEET ON EACH SIDE OF A LINE BEGINNING AT THE AFORESAID POINT OF TERMINATION, THENCE SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST, 365.00 FEET; THENCE SOUTH 6 DEGREES 10 MINUTES 49 SECONDS EAST, 102.65 FEET; THENCE SOUTH 11 DEGREES 15 MINUTES 51 SECONDS EAST, 92.58 FEET; THENCE SOUTH 18 DEGREES 48 MINUTES 36 SECONDS EAST, 90.10 FEET; THENCE SOUTH 23 DEGREES 43 MINUTES 42 SECONDS EAST, 278.00 FEET; THENCE SOUTH 26 DEGREES 49 MINUTES 24 SECONDS EAST, 88.54 FEET; THENCE SOUTH 38 DEGREES 50 MINUTES 59 SECONDS EAST, 89.28 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 43 SECONDS EAST, 119.27 FEET; THENCE SOUTH 69 DEGREES 33 MINUTES 06 SECONDS EAST, 93.77 FEET; THENCE SOUTH 66 DEGREES 40 MINUTES 33 SECONDS EAST, 151.09 FEET AND THERE TERMINATING.

LAND USE LEGEND	
	LOW DENSITY RESIDENTIAL DISTRICT APPROXIMATELY 2.4 ACRES (SINGLE FAMILY ATTACHED/ROW TOWNHOUSES)
	MEDIUM DENSITY RESIDENTIAL DISTRICT APPROXIMATELY 2.5 ACRES (MULTIFAMILY/CONDOMINIUMS)
	MIXED USE DISTRICT APPROXIMATELY 4.2 ACRE (MULTI-FAMILY/LIVE-WORK/4 UNIT MULTI-FAMILY/COMMERCIAL)

PH. NO. 507-634-4505  
PLANS@WSE.ENGINEERING  
www.wse.engineering

KASSON OFFICE  
P.O. BOX 100  
33 B E VETERANS  
MEMORIAL HIGHWAY  
KASSON, MN 55944

PLAINVIEW OFFICE  
320 WEST BROADWAY  
SUITE 3  
PLAINVIEW, MN 55964

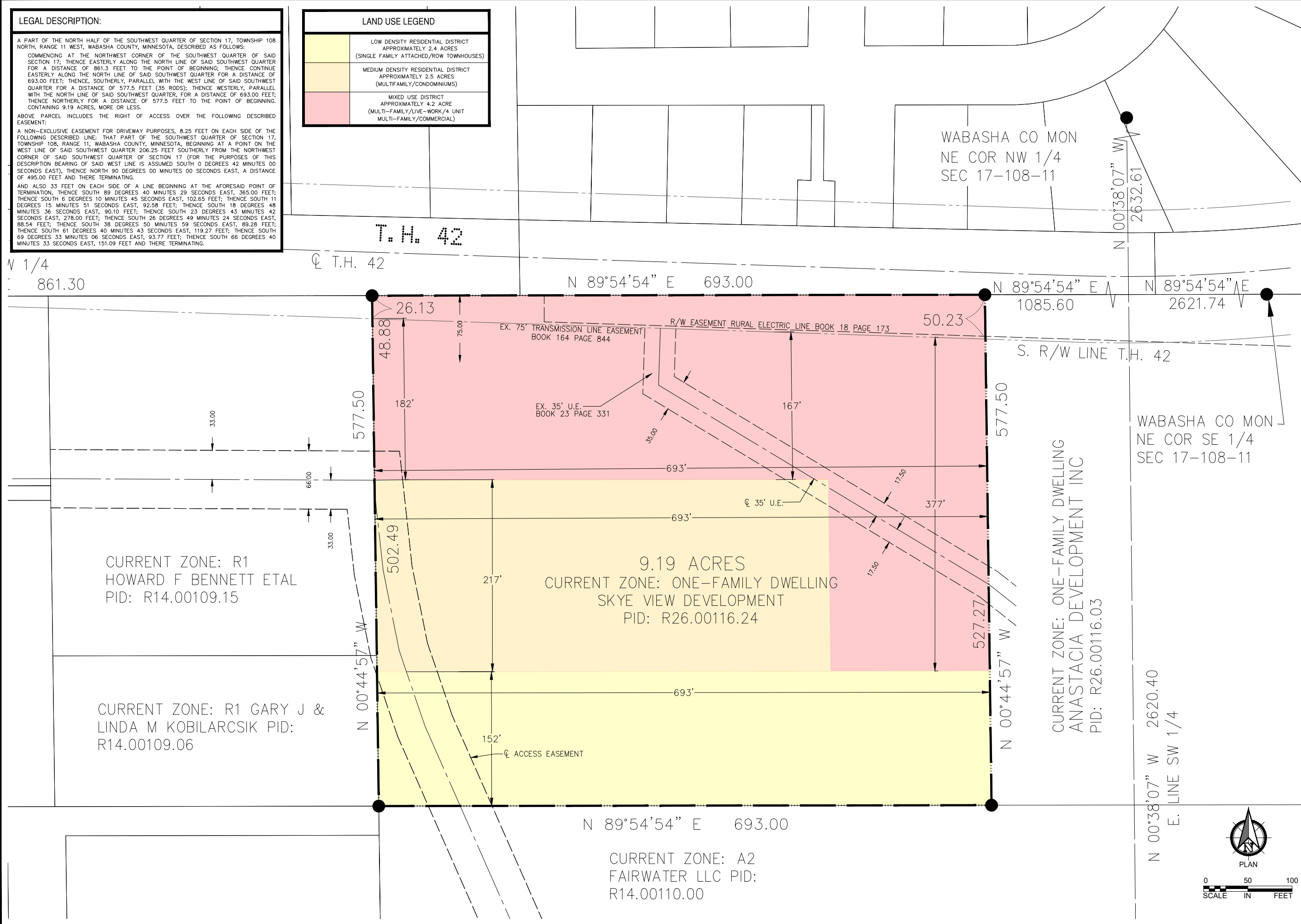
ROCHESTER OFFICE  
1712 RESTORATION  
ROAD SW  
ROCHESTER, MN 55902

REV.	DATE	DESCRIPTION

**SKYE VIEW DEVELOPMENTS**  
**PLAINVIEW, MINNESOTA**  
**BOUNDARY EXHIBIT & UNDERLYING ZONING**

EXHIBIT A  
BOUNDARY EXHIBIT &  
UNDERLYING ZONING

SCALE: AS SHOWN  
DATE: 5/31/22  
DRAWN BY: TSW  
JOB NUMBER: 14-203293  
DWG. FILE: 14-203293\_EXHIBIT A.DWG



PLAN  
SCALE IN FEET

5/31/2022 10:15:36 AM

CITY OF PLAINVIEW, MN  
CITY COUNCIL RESOLUTION 2022-20

APPROVAL OF THE FINAL PLAT OF THE SKYVIEW DEVELOPMENTS

WHEREAS, Skyview Developments, LLC, (“Applicant”) has submitted an application for Final Plat approval for the Skyview Plat, located on Trunk Highway 42 in the City of Plainview, and legally described on Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council of the City of Plainview may hear requests for Final Plat approval pursuant to Plainview City Code Section 620.15 through 620.18, which provides that a Final Plat must conform to the approved Preliminary Plat and any required modifications as determined through the Preliminary Plat process; and

WHEREAS, the Planning Commission considered the Applicant’s request for a Preliminary Plat at a duly noticed Public Hearing, which took place on January 4, 2022 and recommended approval to the City Council with conditions; and

WHEREAS, the City Council of the City of Plainview considered and approved the Preliminary Plat of the Skyview Developments at its regular City Council meeting held on January 10, 2022 by adopting Resolution No. 2022-01, which resolution is incorporated herein by reference; and

WHEREAS, a Development Agreement has been prepared between the City of Plainview and Skyview Developments, LLC, which outlines the responsibilities of Skyview Developments, LLC to install the required street and infrastructure improvements necessary to support development on lots within the Skyview Developments subdivision; and

WHEREAS, Public hearings regarding the Final Plat Application were held on July 25, 2022 before the Plainview Planning Commission and on July 26, 2022 before the Plainview City Council; and

WHEREAS, the City Council of the City of Plainview has reviewed the proposed Final Plat of the Skyview Developments for compliance with the City Code of the City of Plainview, and statutes of the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT, the Final Plat of the Skyview Developments Addition is hereby approved.

BE IT FURTHER BE IT RESOLVED THAT, the following conditions of approval of the Final Plat shall be met:

1. The Final Plat shall comply with the provisions of all state statutes and standard procedures for platting in Wabasha County.

2. Prior to the City's execution of the Final Plat, the Applicant must enter into an agreement, with the City and in a form acceptable to the City for the installation of all required improvements, which shall be referred to as the "Development Agreement" and the Applicant shall provide the required security.
3. The requirements and conditions of the Development Agreement shall be incorporated as conditions of the City's execution of the Final Plat.
4. Prior to the City's execution of the Final Plat, the Applicant must provide formal approval from the Minnesota Department of Transportation (MnDOT) allowing highway access from the development property to Trunk Highway 42 consistent with the Final Plat, as required by paragraph 2(e) of City Council Resolution 2022-01. Final Plat approval was expressly conditioned on such formal approval being provided to the City, which a MnDOT representative has informed the City can be provided in the form of a contract between the Applicant and MnDOT, and which the Applicant has not provided to the City as of the date of this resolution.
5. Prior to the City's execution of the Final Plat, the Applicant shall make any adjustments to the plat required by MnDOT related to Trunk Highway 42 right-of-way and controlled access.
6. Prior to the City's execution of the Final Plat, final plans and specifications and all applicable permits for the required infrastructure improvements shall be submitted by the Applicant and shall be approved by the City Engineer, as required by paragraph 2(j) of City Council Resolution 2022-01.
7. Prior to the City's execution of the Final Plat, the Applicant shall adjust and/or add drainage and utility easements to the final plat as determined by the City during review of final plans and specifications for the required infrastructure improvements, as required by paragraph 2(l) of City Council Resolution 2022-01.
8. Prior to the City's execution of the Final Plat, Section 611.7.7 of the Plainview City Code, the Sky View Development Special District Ordinance, must be amended so that the language and depictions of the special district boundaries conform with the Final Plat. Paragraph 2(c) of Resolution 2022-01 approving the Preliminary Plat expressly conditioned Final Plat approval on the Final Plat being consistent with the Sky View Special District.
9. The Final Plat shall be recorded within 180 days of approval or the City's approval shall be deemed null and void.
10. The Applicant shall pay all fees.

PASSED by the City Council of the City of Plainview on this 26<sup>th</sup> day of July, 2022.

ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE:     \_\_\_ LUCKSTEIN \_\_\_ KIEFFER   \_\_\_ REEVE \_\_\_ JACOBS  
          \_\_\_ HAMMER BARTLEY

## EXHIBIT A

### LEGAL DESCRIPTION OF DEVELOPMENT PROPERTY

A part of the North Half of the Southwest Quarter of Section 17, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence easterly along the north line of said Southwest Quarter for a distance of 861.3 feet to the POINT OF BEGINNING; thence continue easterly along the north line of said Southwest Quarter for a distance of 693.00 feet; thence, southerly, parallel with the west line of said Southwest Quarter for a distance of 577.5 feet (35 rods); thence Westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING.

CITY OF PLAINVIEW, MN  
CITY COUNCIL RESOLUTION 2022-20

DENIAL OF THE FINAL PLAT OF THE SKYVIEW DEVELOPMENTS

WHEREAS, Skyview Developments, LLC, (“Applicant”) has submitted an application for Final Plat approval for the Skyview Final Plat, located on Trunk Highway 42 in the City of Plainview, and legally described on Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council of the City of Plainview may hear requests for Final Plat approval pursuant to Plainview City Code Section 620.15 through 620.18, which provides that a Final Plat must conform to the approved Preliminary Plat and any required modifications as determined through the Preliminary Plat process; and

WHEREAS, the Planning Commission considered the Applicant’s request for a Preliminary Plat at a duly noticed Public Hearing, which took place on January 4, 2022 and recommended approval to the City Council with conditions; and

WHEREAS, the City Council of the City of Plainview considered and approved the Skyview Preliminary Plat at its regular City Council meeting held on January 10, 2022 by adopting Resolution No. 2022-01, which resolution is incorporated herein by reference; and

WHEREAS, Public hearings regarding the Final Plat Application were held on July 25, 2022 before the Plainview Planning Commission and on July 26, 2022 before the Plainview City Council; and

WHEREAS, the City Council of the City of Plainview has reviewed the proposed Final Plat of the Skyview Developments for compliance with the City Code of the City of Plainview, and statutes of the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT, based on the evidence contained in the record of the proceedings of both the Preliminary Plat and Final Plat applications, Plainview City Council Resolution 2022-01, the properly noticed public hearings in this matter, the Application, and all submittals made by the Applicant to the City in conjunction with the Application, Final Plat application of Sky View Developments, LLC is hereby DENIED.

BE IT FURTHER BE IT RESOLVED THAT, the following FINDINGS constitute the factual basis for denial of the Final Plat Application:

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 improvements from the Applicant, and therefore 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 specifications and supporting information.

**“Plans and specifications 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.”**

PASSED by the City Council of the City of Plainview on this 26<sup>th</sup> day of July, 2022.

ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

VOTE:        \_\_\_ LUCKSTEIN \_\_\_ KIEFFER    \_\_\_ REEVE \_\_\_ JACOBS  
              \_\_\_ HAMMER BARTLEY

## EXHIBIT A

### LEGAL DESCRIPTION OF DEVELOPMENT PROPERTY

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Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence easterly along the north line of said Southwest Quarter for a distance of 861.3 feet to the POINT OF BEGINNING; thence continue easterly along the north line of said Southwest Quarter for a distance of 693.00 feet; thence, southerly, parallel with the west line of said Southwest Quarter for a distance of 577.5 feet (35 rods); thence Westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING.