



**PLAINVIEW PLANNING COMMISSION MEETING
AGENDA**

Tuesday March 7, 2023, at 6:00 P.M.

Church of Christ, 205 1st Street NE, Plainview, MN 55964

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
 - a. Planning Commission Meeting Minutes – February 7, 2023**
- 4. Public Hearings**
 - a. CUP Application – Seth and Annie Jurrens – 20 1st Avenue NW**
- 5. New Business**
 - a. CUP Application – Seth and Annie Jurrens – 20 1st Avenue NW**
- 6. Updates/Discussion**
- 7. Adjourn**

CITY OF PLAINVIEW PLANNING COMMISSION
FEBRUARY 7, 2023
MEETING MINUTES

The February 7, 2023, meeting for the Plainview Planning Commission was called to order at 6:00 p.m. by Commission Chair Holly Reeve.

Members present: Holly Reeve, Aaron Nicklay, Ann Liebenow-Anttila, Roger Durgin, Jim Walkes, Scott Kujath, and Don Kuschel.

Members absent: None.

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

Guests in attendance: Fran Grover, Paul Schimmelpfenning, Sally Harrington, Annie Jurrens, Seth Jurrens, John Buster, Duane Haack, and Steve Flies.

Motion by Kuschel, second by Durgin to approve the Agenda.
Motion carried unanimously.

Motion by Kujath, second by Walkes to approve the Consent Agenda which included the January 10, 2023, Planning Commission Minutes.
Motion carried unanimously.

Rezoning Request from R1 to Transitional – 20 1st Avenue NW:

Commission Chair, Holly Reeve made a motion, second by Kuschel, to open the public hearing at 6:01 p.m. to hear testimony regarding the proposed Rezoning Request from R1 to Transition District for address 20 1st Avenue NW which includes PID #R26.00416.00 and PID #R26.00028.00.

Motion carried unanimously.

Annie Jurrens, the applicant of the rezone request gave a summary to the Planning Commission of her reasons for this request. The Jurrens opened a small shop called Refill Goods, in the back of Young Love Floral building. Refill Goods has outgrown the 96 square foot space and they are ready to move elsewhere. The plan is to expand the low waste general store to include bulk dry goods and spices, seasonal fresh flowers, local artists, and a larger selection of the items already available at Refill Goods. They would also like to turn the upstairs into an overnight rental, with two bedrooms and a bathroom, which they feel would be a valuable addition to the community. While looking for commercial property, the Jurrens found a house for their family to move into. They would like to have their Refill Goods shop in their current house located at 20 1st Avenue NW. With the current zone of R1, they are not able to apply for a CUP

without living in the home. The property is along Highway 42 and is already touching a transitional district zone. The rezone would make it possible for Seth and Annie to apply for a CUP to have their Refill Goods at this location.

Fran Grover – 5 1st Ave NW – Questioned the address. Also wanted to know if the City had any money to donate to the Jurrens for a driveway for their business.

Paul Schimmelpfenning – 40 1st Ave NW – The Jurrens are good neighbors but is worried about parking along 1st Ave NW with mailboxes having to be out by the street. Would like to see a business sign in front of their property to help with the parking.

John Buster – 135 N Wabasha – Wanted to know more about the business.

Annie Jurrens – Will work with local farmers and artists, along with having household goods and personal care supplies.

Steve Flies – 40 West Broadway – Has traffic concerns. Possibly a one-way street. Already have traffic issues with Cabin Coffee.

Fran Grover – Agreed with Flies regarding traffic issues. People use his driveway to turn around.

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

Motion carried unanimously. Public hearing closed at 6:14 p.m.

Motion by Kuschel, second by Walkes to reopen the Commission meeting.

Motion carried unanimously. Meeting reopened at 6:15 p.m.

Rezoning Request from R1 to Transitional – 20 1st Avenue NW:

Seth and Annie Jurrens have applied for a rezone from residential (R1) to transitional zoning so they can run a commercial business out of the house without living there.

Applicant has opened a small shop called Refill Goods. They have been looking for retail space in Plainview for 6 months and have only found a 96sq ft space in the back of Young Love Floral. While it has been great to be there, they are out of room and ready to move somewhere else. While they were looking for commercial property, they found a perfect house for their family to move to, just two blocks from 20 1st Ave NW.

They are asking the council to approve a rezoning request from residential to transition for the house they are moving out of. It is a great location, being right on 42, to draw travelers into town, and it is already touching a transitional zone. Since they will no longer be living there, they cannot apply for a CUP.

Their plans for the house include expanding the low waste general store to include bulk dry goods and spices, seasonal fresh flowers, local art, and a larger selection of the items they already have in store (see www.refillgoods.shop for more details.) They hope to also have some classes and indoor events. They also would like to turn the upstairs into an overnight rental, with two bedrooms and a bathroom. Since there are currently no overnight rentals in town, they feel this could be a valuable addition to the community.

Motion by Kuschel, second by Durgin to recommend approval of the rezoning request for property located at 20 1st Avenue NW from residential to transitional to the City Council.

Commissioner Liebenow-Anttila would like the 2 parcel id numbers to be included in the motion. Other concerns were if the location was rezoned to a transition district can it be rezoned back to residential in the future. Mr. Todd stated yes it can be rezoned in the future, however it wouldn't be necessary to do so. The property could stay zoned as transitional and still be sold as a single-family home.

Reeve commented when looking at the Comprehensive Plan, this request is acceptable, and it could be considered that the property is underutilized as it is now.

Aye: Durgin

Nay: Reeve, Liebenow-Anttila, Nicklay, Kujath, Walkes, and Kuschel.

Motion failed 1-6

Motion by Liebenow-Anttila, second by Kujath to recommend approval of the rezoning request for the property located at 20 1st Avenue NW, which includes Parcel ID #R26.00416.00 and Parcel ID #R26.00028.00, from residential to transitional to the City Council.

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

Nay: None.

Motion by Reeve, second by Walkes to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:28 p.m.

Planning and Zoning Commissioner

City Clerk

Date

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning and Zoning Regular Meeting: March 7, 2023

AGENDA ITEM:	Conditional Use Permit for Annie and Seth Jurens—Dry Goods Store	AGENDA SECTION:	New Business
PREPARED BY:	David Todd, City Administrator	AGENDA NO.	5.A.
ATTACHMENTS:	CUP Application, Ordinance Excerpt, Beacon Map Snippet, Resolution 2023-05	APPROVED BY:	DT
RECOMMENDED ACTION: Motion To Recommend City Council Approve Resolution 2023-05 Permitting a Conditional Use Permit (CUP) for Annie and Seth Jurens to operate a Dry Goods Store located at 20 1 st Ave NW.			

SUMMARY

Annie and Seth Jurens have submitted a CUP application to operate a Dry Good Store out of a building they own. A Public Hearing Notice was advertised and will be held by the Planning Commission on March 7, 2023, at 6:00 PM in which the public will have the opportunity to comment on the CUP.

Plainview City Code Section 608.6.2 outlines the process for CUP applications and the criteria for scrutinizing them for approval. The ordinance excerpts have been provided to you in your agenda packets.

In determining whether to approve the CUP, the Commission and Council should consider the following:

- The use will not create an excessive burden on streets, parks, schools, or other public services and infrastructure
- The proposed use is sufficiently compatible with the surrounding zoning districts, or sufficiently screened, so as not to depreciate the value of existing homes
- The appearance of the property of which the conditional use applies will not adversely affect the surrounding properties

- The use is reasonably related to the needs of the city
- The use is consistent with the zoning code and the district of which the use is to be located
- The use is not in conflict with the Comprehensive Plan
- Adequate utilities, access roads, drainage, and necessary facilities are present or will be provided

The location of the requested conditional use is 20 1st Ave NW, recently re-zoned as (T) Transition District, of which a CUP for a retail business is listed as a conditional use of the property. All fees have been paid by the applicant.

Respectfully Submitted.

David Todd
City Administrator



CITY OF PLAINVIEW

APPLICATION FOR REVIEW

DATE: 2.17.2023

PROJECT NAME: Refill Goods at 20 1st Ave NW, Plainview, MN

REQUEST REVIEW (please check):

- ☐ General Development Plan (\$200.00 filing fee):
- ☐ Preliminary Subdivision Plat (\$350.00 filing fee plus \$10 per lot):
- ☐ Final Subdivision Plat (\$600 filing fee plus \$10 per lot):
- ☐ Rezoning (\$200 filing fee):
- ☐ Resubdivision (\$100 filing fee):
- ☒ Conditional Use Permit (\$200.00 filing fee):

PROJECT LOCATION & LEGAL DESCRIPTION:

Commencing at the Southeast corner of Lot 7, in Block 38, in the City (formerly Village) of Plainview, Minnesota; thence North along the East line of said Lot 7, 140 feet; thence at right angles East 90 feet, thence at right angles South 140 feet; thence at right angles West 90 feet to the place of beginning, and being Lot 8, in Block 38 and Lot 30 in Section 8, Township 108, Range 11, Wabasha County, Minnesota.

20 1st Ave NW, Plainview, MN 55964

Parcel ID# R26.00416.00

Parcel ID# R26.00028.00

EXISTING USE(S) OF PROPERTY:

The property has been single family housing but was just rezoned from R1 to Transitional Zoning

PROJECT TYPE/INTENDED USE OF PROPERTY (residential, commercial, industrial, etc.):

We intend to use the building as a commercial space. No one will live in it, since we bought a house two blocks down the street.

PROJECT DESCRIPTION:

We have a Low-Waste General store. We sell plastic free alternatives to everyday home items, resources

City of Plainview 241
West Broadway
Plainview, MN 55964
507-534-2229

for backyard homesteading and gardening, and consigned goods from local artists and makers. We also carry new and used books as well as new and used kids toys.

This summer the front raised garden beds will be used to grow flowers so people can pick and assemble their own bouquets.

We will also be working toward having a bulk food store; flour, sugar, spices where people can bring in their containers and get them filled, only paying for the product, not all the packaging. We also want to partner with farmers and local producers to have a refrigerator stocked with their products. The food products will not be there when we start, since we are working on being licensed as a food retailer with the Minnesota department of agriculture.

The second floor of the house will be used as a two-bedroom one bathroom Airbnb. We will be adding a outdoor stairwell from the second floor on the east side of the house.



CITY OF PLAINVIEW
APPLICATION FOR REVIEW
PAGE TWO

PROPERTY OWNER (name, address, and phone number):

Jurrens Group, LLC
Annie and Seth Jurrens
210 1st Ave NW, Plainview, MN, 55964

APPLICANT (contact person, business name, address and phone number):

Annie and Seth Jurrens
Jurrens Group, LLC and Refill Goods, LLC
20 1st Ave NW, Plainview, MN 55964

PROPERTY OWNER'S SIGNATURE:

DATE: 2/17/2023

DATE: 02/17/2023

APPLICANT'S SIGNATURE (if different than property owner):

DATE: _____

DATE: _____

*City of Plainview
241 West Broadway
Plainview, MN 55964
507-534-2229*

615 ZONING AND LAND MANAGEMENT, T, TRANSITION DISTRICT

615.1 Intent And Purpose: There are some areas of the community that, by their very nature and location, are destined to be underutilized if placed in a traditional dominant use district. The T Transition District has been established to accommodate these areas where there exist conflicting uses, and the continuance of the use mixture *is* desirable for the community welfare. By their very nature, uses allowed in this district will have both positive and negative impacts on one another. It is the purpose of this District to minimize or eliminate those conflicts.

615.2 Permitted Uses:

- 1 Any accessory use of an existing conforming and/or approved conditional use.

615.3 Conditional Uses:

- 1 Single family dwellings,
- 2 Two family dwellings/units,
- 3 Multi-family dwellings/units,
- 4 Automotive sales, service, and storage,
- 5 Retail sales,
- 6 Personal services,
- 7 Home improvement services and trades,
- 8 Repair shops,
- 9 Offices,
- 10 Home occupations, and
- 11 Any permitted or conditional use allowed in a district if that district has an adjoining boundary line with the Transitional District. (For example, if a C-2 District is adjacent to the Transitional District, offices (which are a permitted use in the C-2 District) could be considered under this Conditional Use definition.)

615.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area (sq. ft.)	Lot Frontage	Rear Yard/ Front Yard	Any Side	Side Yards
					Sum of Both Sides
Single Family Dwellings	6,000	60 ft.	15 ft.	5 ft.	15 ft.
Two Family Dwellings/Units	8,000	60 ft.	15 ft.	5 ft.	15 ft.
Multi-Family Dwelling/Unit	3,000	60 ft.	15 ft.	5 ft.	15 ft.
Non-Residential	7,500	60 ft.	15 ft.	10 ft.	20 ft.

615.5 Requirements Reduced: Where the proposed use involves the utilization of an existing structure built prior to the adoption of this ordinance, the City Council may reduce the lot area, frontage, and yard requirements, but new additions or new construction are to comply with this provision.

to this ordinance shall require a 4/5 vote of the City Council.

608.4 District Changes. Whenever the public necessity to maintain the integrity of this ordinance requires it, the City Council may by ordinance change the district boundaries shown on the District Boundary Map. Such changes shall be made only after the Planning and Zoning Commission has held a public hearing and the City Council has held a public meeting on the proposed change. District changes to this ordinance shall require a 4/5 vote of the City Council.

608.5 Initiating Changes. Text amendments or district boundary changes may be initiated by either the City Council or the Planning and Zoning Commission. In addition, district boundary changes may be initiated by petition by any property owner within the boundary change area. Property owner petitions shall be submitted to the City Clerk three weeks (21 days) prior to the Planning and Zoning Commission meeting at which the petition is to be heard. The property owner petition for change shall include a legal description of the property to be changed, a description of the existing and intended use of the property, a map of the property showing existing structures and property lines of the change area and adjacent properties and the required filing fee.

608.6 Use Permits. A use permit shall be obtained as described below before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. One of the two following use permits shall be secured as required by regulations of the district the property is located in:

608.6.1 Permitted Use Permit. An applicant for a permitted use permit shall submit an application at least three (3) days prior to a public meeting of the City Council. The application shall be accompanied by a description of the use proposed and a site plan showing compliance with this ordinance. The City Council may approve or disapprove such an application based on compliance to this ordinance and general acceptance of the site plan.

608.6.2 Conditional Use Permit. For any use designated as a conditional use within the district in which the proposed use is to be located, a conditional use permit shall be secured from the City of Plainview after the Planning and Zoning Commission holds a public hearing pursuant to §1 above and the City Council holds a public meeting. The applicant for a conditional use permit shall submit in writing, at least three (3) weeks (21 days) prior to the hearing, the permit request to be heard. A description of the property and use proposed and a site plan including, but not limited to the following shall accompany a conditional use permit:

- a. Location of all structures, existing and proposed.
- b. Location of all parking and drive areas.
- c. Property lines.

In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

- i. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
- ii. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of

vacant land.

- iii. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- iv. The use, in the opinion of the City Council, is reasonably related to the overall needs of the city and to the existing land use.
- v. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- vi. The use is not in conflict with the comprehensive plan of the city.
- vii. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

Additional Conditions. In permitting a new conditional use or the alteration of any existing conditional use, the Planning Commission may recommend and the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- i. Increasing the required lot size or yard dimension.
- ii. Limiting the height, size, or location of buildings.
- iii. Controlling the location and number of vehicle access points.
- iv. Increasing the street width.
- v. Increasing the number of required off-street parking spaces.
- vi. Limiting the number, size, location or lighting of signs.
- vii. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- viii. Designation sites for open spaces.
- ix. Other conditions as judged necessary.

The City Administrator shall maintain a record of all use permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

After reviewing the submitted information and the recommendation of the Planning and Zoning Commission, the City Council, after holding a public meeting, (i) may approve the permit, (ii) may approve the permit with conditions, or (iii) may deny the permit, having found it not consistent with the City of Plainview's comprehensive plan or not compatible with the general character of the neighborhood.

The City Council will forward its decisions/findings to all applicants. Applicants will be financially responsible for the published notices as well as filing fees with the County Recorder's Office or Registrar of Titles' Office.

Denial Appeal. The applicant for any permit denied under 608.3.6 may appeal, within ten days after the denial, to the Board of Adjustment for relief, which may be granted after holding a public hearing, with a 4/5 vote of the Board of Adjustment.

Approval Appeal. An aggrieved party of the approval of any permit under 608.3.6 may

appeal, within ten days after approval or imposition of additional conditions, which may be done after holding a public hearing and notifying the applicant prior to said hearing to review permit approval. Reversal of permit approval shall require a 4/5 vote of the Board of Adjustment.

Accessory Building Use Permits. Any person desiring a use permit or a building permit for an accessory building as defined under this ordinance, shall accompany such permit request with the following information:

A scale drawing of the proposed building to include front, side, and rear elevations.

A scale grid drawing with the location of:

- i. all structures existing and proposed;
- ii. all parking and drive areas;
- iii. all landscaping and existing and proposed;
- iv. all property lines.

Structures exceeding \$10,000.00 in cost would require blueprints submitted in addition to the above.

All other information as requested by the City Council or the Planning and Zoning Commission.

609 ZONING AND LAND MANAGEMENT, GENERAL REGULATIONS

609.1 Non-Conforming Uses. The lawful use of a building or land existing on the effective date of this ordinance may be continued, although such use does not conform to the provisions hereof. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. The expansion of a non-conforming use is expressly prohibited, unless such expansion is done within the provisions of a conditional use permit, as allowed in the district the property is located within.

609.2 Discontinuance Of Non-Conforming Use. No premise, building, or portion thereof used in whole or part for nonconforming purposes according to the provisions of this ordinance, which hereafter become and remain vacant for a continued period of one year shall again be used except in conformity with the regulations of the district in which such building or premise is situated.

609.3 Damaged Non-Conforming Buildings. No building which has been damaged to the extent of more than sixty-five percent (65%) of the estimated fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this ordinance.

609.4 Corner Lots. For corner lots platted after the effective date of this ordinance, the side street yard shall be equal in width to the setback regulation of the lot to the rear having frontage on the intersecting street. If there are no lots to the rear having frontage on the



26.00415.00

26.00416.00

26.00028.00

26.00027.00

N Wabasha

1st Ave NW

40

20

8

**CITY OF PLAINVIEW
STATE OF MINNESOTA**

RESOLUTION 2023-05

**APPROVING A CONDITIONAL USE PERMIT (CUP) FOR A RETAIL
BUSINESS USE IN THE (T) TRANSITION DISTRICT**

WHEREAS, the City of Plainview received an application for a Conditional Use Permit (CUP) from Seth and Annie Jurrens for a Retail Business (Dry Goods Store) use in the (T) Transition District;

WHEREAS, the Planning Commission held a public hearing, on March 7, 2023, to receive public comment on the permit;

WHEREAS, all required publications and notices for the public hearing were completed according to Minnesota Statute and Plainview City Code;

WHEREAS, the Planning Commission has recommended approval of the permit.

WHEREAS, on March 14, 2023, The City Council of the City of Plainview reviewed the Planning Commission's recommendation and the CUP application; and

WHEREAS, the City Council has considered the advice of the Planning Commission, and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands and made the following findings.

1. The Dry Goods Retail Store CUP use will not create an excessive burden on streets or other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the city and to the existing land use.
5. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the comprehensive plan of the city.
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

NOW THEREFORE, BE IT RESOLVED, the Council of the City of Plainview hereby grants a Conditional Use Permit for a retail store (Dry Goods Store) use in the (T) Transition District at the property described as "Lot 8, Block 38, and Outlot 30 of Centerville Plat (Plainview), County of Wabasha, State of Minnesota."

ADOPTED by the City Council of the City of Plainview, this 14th day of March 2023.

Aaron Luckstein, Mayor

Attested:

Carol Kujath, City Clerk