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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR PRELIMINARY PLAT REVIEW OF STIENESSEN ADDITION CONSISTING OF 3 LOTS ON 4.1 ACRES IN THE LE SUEUR COUNTY R1, URBAN/RURAL RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY BEN STIENESSEN, APPLICANT.
DATE: 6/12/24

Background / History

Ben Stienessen submitted an application for a preliminary plat of Stienessen Addition. The plat would consist of three lots on 4.1 acres in the Le Sueur County R1 Urban/Rural Residential Zoning District. Mr. Stienessen is the current owner of the property which contains one residential home and one outbuilding. The plat would create two additional lots that would be sold off for home construction.

Two of the three lots being proposed do not meet the Le Sueur County minimum lot dimensions and the county is currently reviewing variances for Lots 1 and 2.

While the land being platted is located outside of the City Limits, the City has the platting authority to review the plat because the City originally extended its extraterritorial subdivision authority via a resolution on November 17, 1997 (recorded as LeSueur County Document #262723) which was updated via resolution by the City on 12/21/2020 (recorded as Le Sueur County Document #433458). These resolutions and extension of the subdivision ordinance were adopted so that the City can regulate growth of areas within 2 miles of the City Limits where the City may eventually annex and develop into the future. These resolutions only provide the City with the subdivision review authority, all other land use authority for zoning and permits are retained by LeSueur County.

The reason the plat is required is that more than one new lot was being created and therefore could not be accommodated through the city's "Minor Subdivision" process.

Section 040 of the Subdivision Ordinance provides the requirements for the review of preliminary plats and Section 050 provides the requirements for the review of final plats within

the City. Preliminary and Final plats can be reviewed simultaneously as noted in Section 050. In the case of this plat, because variances are needed for lot size, only the Preliminary Plat is being reviewed at this time. Since the proposed lots do not meet Le Sueur County's minimum lot dimensions, a variance is required through the County and therefore the City can only consider the preliminary plat at this time.

Legal Description

Beginning at a point on the South line of Section 4, Township 112, Range 23, said point being 603.42 feet West of the Southeast corner of said Section 4 and also being the Southwest corner of Maplewood Subdivision of said Section 4; thence North 01 degrees 36 minutes East on the West line of said Subdivision, 633 feet to the Northwest corner of Lot 12, of said Maplewood Subdivision; thence West 158.00 feet; thence South 01 degrees 36 minutes West 324.93 feet; thence West 253.00 feet; thence South 01 degrees 31 minutes West, 308.07 feet; thence East 411 feet to the point of beginning; All lying and being in the Southeast Quarter of the Southeast Quarter of Section 4, Township 112, Range 23, LeSueur County, Minnesota.

Zoning / Lot Size / Setbacks / Easements

The property is zoned by LeSueur County as R1 Urban/Rural Residential which has minimum lot size requirements as follows:

- 40,000 sq. ft. minimum lot area
- 150' lot width at the setback line
- 260' minimum lot depth

Two of the three proposed lots (Lots 1 and 2) do not meet the minimum lot requirements. Le Sueur County is reviewing variance requests for these lots at their June 20th meeting. Lot 1 requires a variance for lot width (129.48'), depth (238.40') and area (32,051 sq. ft.) while Lot 2 requires a variance for lot area (39,174 sq. ft.) only.

Required setbacks in the Le Sueur County R1 District are 65' front, 15' side and 40' rear (15' for accessory structures). The existing home on Lot 3, including its accessory structure, will meet all setbacks.

Section 067 of the Subdivision Ordinance provides for easement requirements for drainage ways, trails and utilities. Easements as required by the City are provided at 10' along front and rear lot lines and 5' along interior lot lines.

The property is within the City's extraterritorial subdivision review area, and also within the City's growth area which has the area guided for single family residential. Typically, the City would like to see ghost platting of rural lots to account for additional subdivision, but Lots 1 and 2 are less than 1 acre each with limited ability to further divide. Lot 1 could easily be divided further, but with adjacent lots in close proximity there are a number of configurations that could work for future subdivision.

Access / Road Layout

There are not any new roads proposed adjacent to the plat. The existing roads are:

- Ridge Drive SW (Township Road)
- 15th Street SW (Township Road – but is a future “Major Collector” road per the City’s Transportation Plan).

Access to the existing home will remain from 15th Street SW while the two new lots will be accessed from Ridge Drive SW. New driveway access will not be allowed from 15th Street SW as it is identified as a future major collector.

The proposed plat would dedicate 33’ of right of way for the existing township road known as 15th Street SW. The township agrees that this dedication is required with the plat.

Trails / Sidewalks

The proposed lots are outside of city limits, but within the City’s growth area. In the City’s current Comprehensive Plan there is a proposed future trail identified along 15th Street SW. A trail is not required to be installed at this time, however, said trail may be installed in the future once the land is annexed into the City.

Flood Plain

As indicated on the FEMA FIRM panel #27079C0089D effective July 21, 1999, the property is located within the unshaded Zone X which is determined to be outside the 500-year floodplain.

Le Sueur County also has preliminary Flood Plain Maps that will become effective on July 17, 2024, and this area is also indicated as outside of the 500-year floodplain on the new maps.

Wetland Conservation Act

While the National Wetlands Inventory does not show any wetlands on the site, a Wetlands Conservation Act (WCA) “Certificate of No Loss or Exemption” must be filed prior to the final plat approval. The City is not the Local Government Unit (LGU) for the WCA in this area. LeSueur County SWCD is the review authority in this area outside of City Limits.

DNR Comments

The DNR was not solicited for comments on this plat as there are not any public waters located on the subject property.

Park Land Dedication

Chapter 066 of the Subdivision Ordinance outlines Park/Public Land Dedication requirements.

Land dedication is required at 815 sq. ft. per resident with a 2024 estimate of 2.66 residents per household used for the calculation. This would equate to 4,335.80 sq. ft. of land dedication being required. The land will not be required at this time, however, as it is not currently located within the City Limits. The land payment will be delayed until the time at which the property is annexed to the City

Water Area Access Charge

All newly annexed and platted land into the City requires a per acre payment of the Water Access Charge fee. Since this property is not within the City Limits, a water area access charge will not be collected at this time but would instead be collected at the time the property is annexed. Water will continue to be provided from private wells.

Sidewalk Fee

Since the property is located outside of the City limits, no sidewalk fee will be collected at this time but instead will be collected at the time of annexation.

Emergency Warning Siren Fee

Since the property is located outside of the City limits, no emergency warning siren fee will be collected at this time, but would instead be collected at the time of annexation.

Saw and Seal Fee

Since the property is located outside of the City limits and no streets are being constructed, no saw and seal fee will be collected at this time.

Sanitary Sewer Service

Per LeSueur County requirements, each lot must have a primary and secondary sewage treatment system location provided for and which there is room for on each lot. As of right now there is one existing drain field on the proposed lot and room for an additional site.

There are no plans for City sanitary sewer to be extended to this area at this time.

Stormwater System

N/A

Engineering Comments

The preliminary and final plat drawings were not submitted to the City Engineer for review as they are located outside of City Limits therefore do not have any concerns related to future utilities at this time as the lots are or will be serviced by existing private well and septic systems.

Public Works and Utility Comments

N/A – Not in City Limits.

City Attorney Comments

Scott Riggs, City Attorney, was provided a copy of the preliminary plat and title commitment but had not yet provided comments at the time of writing this report.

LeSueur County Highway Department Comments

N/A

State Highway Department Comments

N/A

LeSueur County Planning and Zoning Comments

Comments were solicited from LeSueur County Planning and Zoning who indicated that the required lot size variances for proposed Lots 1 and 2 would be considered by the Le Sueur County Board of Adjustments on June 20th.

Lanesburgh Township Comments

Lanesburgh Township provided comments via e-mail on 6/10/24 as written below:

The Lanesburgh Township Board met this evening and discussed the Preliminary Plat: Stienessen Addition. The town board would agree that there be a 33ft right of way easement along 15th Street SW. There were no other concerns.

Thank you for this information

Liz Krocak
Lanesburgh Township Clerk

Environmental Issues

None.

Street Names

No new streets are proposed with this plat.

Staff Recommendation

Staff recommends that the Planning Commission approve the preliminary plat of Stienessen Addition with the following findings:

1. The plat complies with the purpose and intent of the New Prague Subdivision Ordinance.

And with the following conditions:

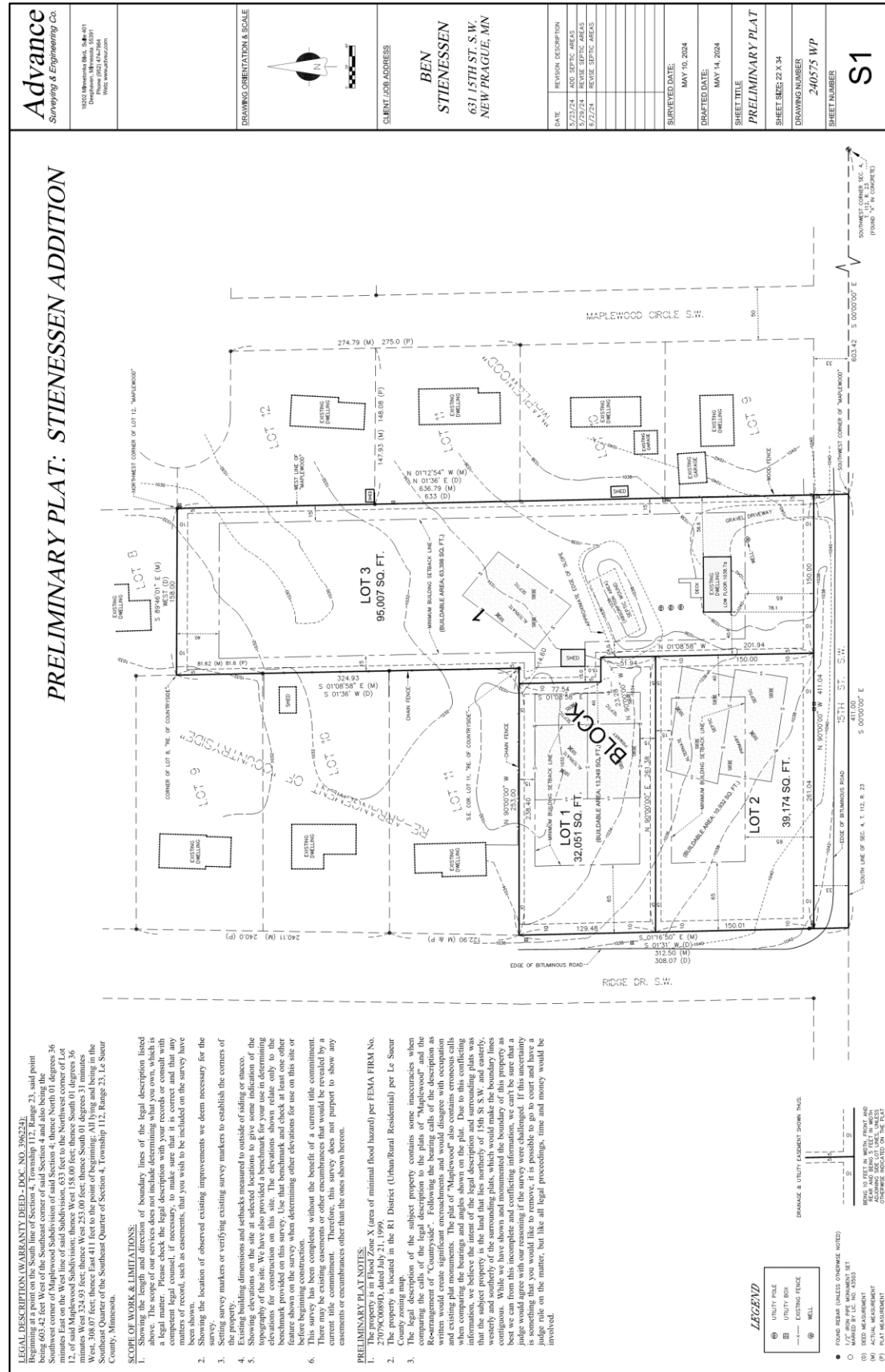
1. Approval is granted in general accordance with the Preliminary Plat submittal dated 6/2/2024 on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a permit of twelve (12) months and shall become null and void without further action from the Planning Commission or City Council unless the final plat is filed within twelve (12) months of the City Council granting Preliminary Plat approval.
3. Preliminary Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.
4. Approval is subject to all requirements of LeSueur County Planning and Zoning and Environmental Services Departments, including approval of lot size variances for proposed Lots 1 & 2.
5. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
6. City Park Land Dedication (including a future trail segment along 15th Street SW), Saw and Seal Fee, Sidewalk Fee and Emergency Warning Siren Fee and city utility area charges and connection fees are being delayed until the time at which the property is annexed to the City and at the rates applicable at that time.
7. No new driveway access to 15th Street SW will be permitted as it is a future major collector road.

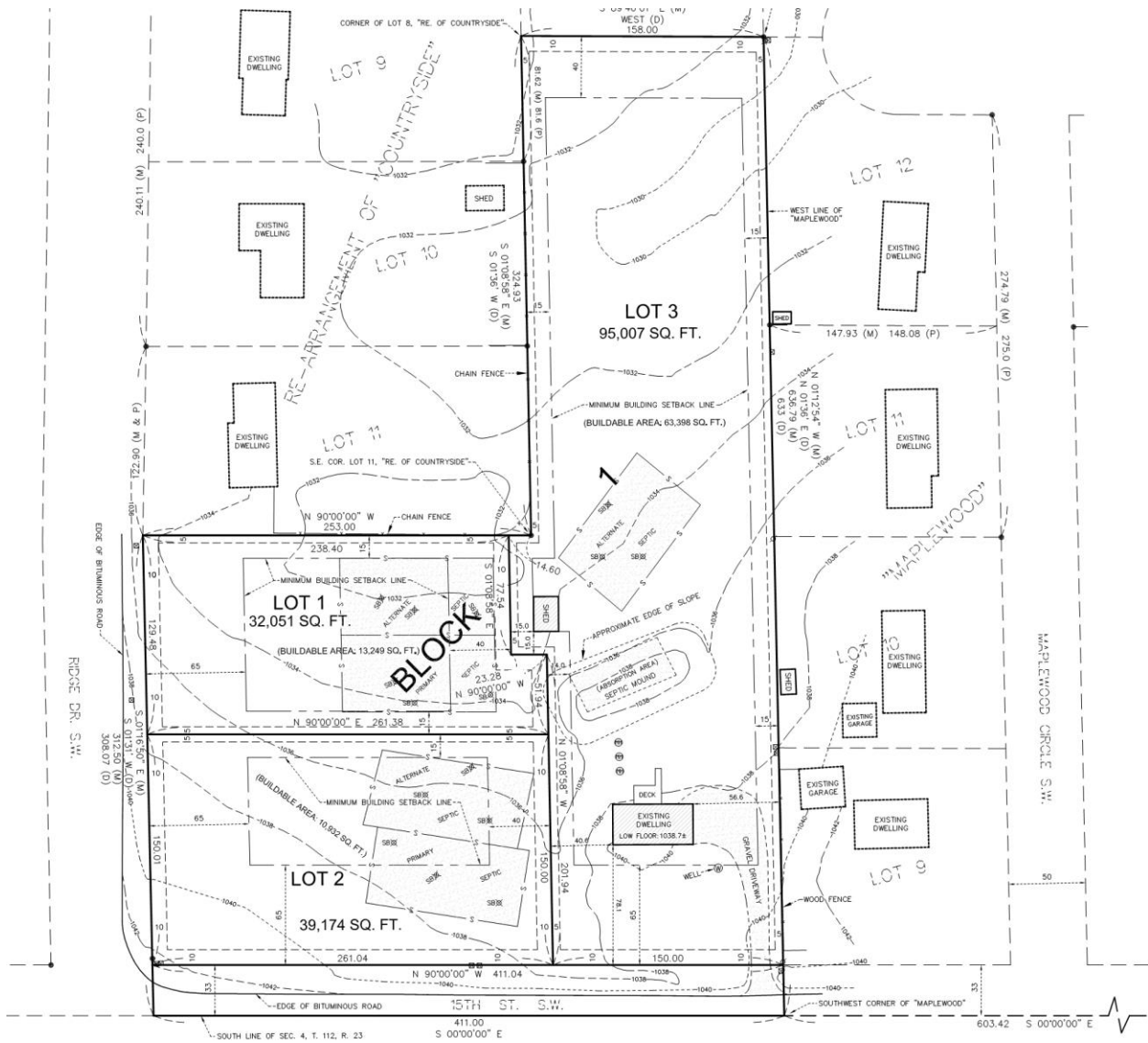
ATTACHMENTS

1. Site Map Aerial – Dated 6/10/24
2. Site Map Aerial Detail – Dated 6/10/24
3. Preliminary Plat Drawing – Dated 6/2/24
4. Google Street View Photos – Dated June 2023











Google Street View looking south from 15th Street SW looking to the NW.



Google Street View looking NE from intersection of 15th Street SW and Ridge Drive SW.



Looking East from Ridge Drive SW at area for the two new created lots.



Looking SE from Ridge Drive SW - two new lots on the left side of the photo.