



118 Central Avenue North, New Prague, MN 56071  
phone: 952-758-4401 fax: 952-758-1149

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
KYRA CHAPMAN, PLANNER  
**SUBJECT:** REQUEST FOR PRELIMINARY AND FINAL PLAT REVIEW OF POND  
THIRD ADDITION CONSISTING OF 4 LOTS ON 2.43 ACRES IN THE RL-90  
SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY  
MICHAEL WEINANDT, APPLICANT.  
**DATE:** 10/18/23

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### **Background / History**

The property being re-platted currently consists of 2.43 acres as one single lot called “Pond Second Addition” which was approved by the City in 2018. Prior to being platted as Pond Second Addition, it was previously an area of a lot in “Pond Addition” and adjacent unplatted land. With the plat of Pond Second Addition, a wetland delineation was completed, and a large conservation easement area was established on the property which remains today and will remain with the replatting of the property.

The applicant is seeking to re-plat the single existing platted lot into four lots. Three of the lots would be accessed by a shared driveway from 7<sup>th</sup> Street NE while the east most lot would be accessed via its own driveway from Lexington Ave. N.

A variance was granted in 2020 to allow construction on the property up to the conservation easement line (but this variance is no longer needed as the ordinance was since amended to allow building construction up to the conservation easement line).

The required public hearing was held for the preliminary and final plat at the September 27, 2023 Planning Commission meeting with the applicant and four neighboring property owners providing testimony. Questions were raised about traffic, property values and water quality matters that staff was asked to research further.

Staff has the following additional information to add in response to the concerns raised at meeting:

**Traffic** – Staff completed a traffic study between 10/10/23 and 10/17/23. The radar traffic counter was placed on 7<sup>th</sup> Street NE directly adjacent to the proposed development. The ADT (average daily traffic) was 4,445 vehicles per day which is right in line with past traffic counts were around right around 5,000 ADT depending on the count and exact location. 85<sup>th</sup> percentile speed (which is the standard used by MnDOT for setting speed limits) shows 35.9mph which indicates there is a slight issue with speeding vehicles (in fact, up to 28% of vehicles in the westbound lane were speeding during the study). This indicates that there is a larger issue of speeding in general as past traffic studies on 7<sup>th</sup> Street NE have also indicated similar numbers. The Police Department has as recently as this spring put up the temporary speed trailer further to the west on 7<sup>th</sup> Street NE and will continue such efforts and stepped up enforcement and looking at installing a permanent speed sign. Long term, as the city continues to grow, the City will continue to explore larger systematic changes to slow speeds on 7<sup>th</sup> Street, which could also potentially include a mini-roundabout at 7<sup>th</sup> Street NE / Lexington Ave. N. As it relates to this development, the City engineer noted that he does not have any concerns about this specific development affecting traffic speed or volume and further noted that all vehicles leaving the site directly to 7<sup>th</sup> Street NE will be pulling out forward rather than backup out onto the road like most of the driveways in the area that have direct access to 7<sup>th</sup> Street NE.

**Property Values** – Scott County Assessor Michael Thompson provided the following information via e-mail on 10/12/23 regarding if the proposed lots/homes as shown in the preliminary plat would have a negative impact on neighboring property values:

*The short answer is no, I don't see any reason the planned subdivision would have a negative impact on neighboring property values. The lot sizes and planned homes are not considered substantially different than the surrounding homes. In other areas of the County we have had patio home plats with smaller lot sizes go in next to "traditional" housing plats (with basements) and have not seen a negative influence on values to the surrounding previously existing homes.*

*I overlayed the lot with the preliminary plat, and then a set of four existing homes on the adjacent street, and the density appears to be quite similar (attached).*

*Officially, we can't predict changes to a neighborhood will have +/- impacts, and we always will monitor future sales and make adjustments accordingly. As markets ebb and flow, what is true today regarding value influencers may change in the future as well.*



**Water Quality** – A resident raised the question of why the City wasn't following a perceived 35% impervious surface requirement found in the City's Surface Water Management Plan from 2008. **The answer is that the City does not have a 35% impervious surface limit requirement.** The City's surface water plan does reference (see table 2.1 below) an "illustrative" table which lists a 35% impervious surface requirement but clearly notes that is not the City's official rate control policy which is actually found in Section 734 of the City's Zoning Ordinance. What the city does have is a 40% building coverage limit for lots. In any case, the preliminary plans would have nowhere near an impact of 35% impervious at full buildout as shown in the below table:

	Lot 1	Lot 2	Lot 3	Lot 4
Total Lot Area	13535	23,427	26452	42689
Total Wetland Area	3519	12,496	15476	21216
Total Lot - Non-Wetland	10016	10931	10976	21473
Total Impervious All	3099	4762	3,601	2635
% Impervious - All	22.8962	20.32697	13.61334	6.17255
Building Coverage Area	1948	1948	1948	1948
Coverage % - All	14.39232	8.315192	7.364282	4.563236

### **Zoning District**

The property is located in the RL-90 Single Family Residential Zoning District. All properties adjacent are zoned RL-90 Single Family residential.

### **Legal Description**

Lot 1, Block 1, POND SECOND ADDITION, according to the recorded plat thereof, Scott County, Minnesota.

### **Density / Lot Size**

The minimum lot size in the RL-90 Single Family Residential Zoning District is 9,000 sq. ft. with a minimum lot width of 65'. The four proposed lots meet the requirements.

Lot 1 – 13,535 sq. ft. (10,016 sq. ft. of non-wetland)

Lot 2 – 23,427 sq. ft. (10,931 sq. ft. of non-wetland)

Lot 3 – 26,452 sq. ft. (10,976 sq. ft. of non-wetland)

Lot 4 – 42,689 sq. ft. (21,473 sq. ft. of non-wetland)

### **Easements**

Section 067 of the Subdivision Ordinance provides for easement requirements for drainage ways, trails, and utilities.

General drainage and utility easements are provided for on the front lot lines at 10' and the side lot lines are 5'. There is an existing easement over the wetland and buffer area, which is called a "conservation easement". All existing and proposed easements meet the requirements of the subdivision ordinance.

It is noted that as a re-plat of a portion of Pond Second Addition, there are existing drainage and utility easements that are not vacated simply by re-platting the property. Those existing easements can all remain as they are not an issue and are in the appropriate locations to not require vacation.

Previously installed wetland signs are in place as required to identify the location of the wetland buffer (conservation easement area).

### **Setbacks**

The required building setbacks in the RL-90 Single Family Residential Zoning District are 30' front, 30' rear, and 7' side yard.

In addition to the above setbacks, homes are proposed as setback at minimum 6' from the edge of the conservation easement. Staff believes this additional setback is a good idea to ensure grading from proposed homes does not impact the conservation easement area.

Per Section 734 of the Zoning Ordinance for Land and Water Preservation, homes are also required to be built with a low building elevation of at least 2' above the seasonal high-water level of the adjacent pond/wetland. The high-water level of the adjacent pond/wetland is 994.0' which means the low building elevations would need to be at least 996.0'. The proposed homes are all slab on grade types with a floor elevation proposed at 1002.5'.

### **Access / Road Layout**

The transportation chapter of the Comprehensive Plan identifies:

- Lexington Ave. N. as a minor collector road
- 7<sup>th</sup> Street NE (former County Road 37) as a major collector road

A Traffic Impact Study (TIS) was not required for this development as it only includes only 4 buildable lots and the threshold for a TIS requires 190 or more units.

There are no changes being made to the public road layout in the vicinity.

The construction of a private driveway to provide access is proposed for the lots. Access allowed from Lexington Ave. N into the property must not be closer than 55' from the intersection of Lexington Ave. N. and 7<sup>th</sup> Street NE as well as onto 7<sup>th</sup> Street NE. The access to 7<sup>th</sup> Street NE is further restricted as a major collector road whereby only one driveway is allowed per 660' along a property which is why only one curb cut was provided during the 2019 reconstruction of 7<sup>th</sup> Street NE.

As proposed, the shared access driveway is private and is required to be at least 20' wide and must be covered by a private driveway easement filed on the titles of all properties. Parking will not be allowed on either side of the access driveway as it would not be wide enough to accommodate emergency vehicles for access purposes and signs must be installed by the developer indicating the no parking requirement.

Any driveway area in front of future garages must be at least 22' in length to accommodate a vehicle parking between the garage door and the edge of the private driveway. All proposed driveways appear to provide for a 22' length except for the proposed home on lot 1. This home must be pushed back to 6' from the conservation easement to provide for a minimum 22' driveway length to the private drive.

### **Trails / Sidewalks**

Subdivision Ordinance section 068 (C) states that sidewalks 5' in width are required on at least one side of all public streets. All public streets are already adjacent to the proposed plat area and a sidewalk exists along the south side of the property adjacent to 7<sup>th</sup> St NE. The City's sidewalk

plan shows a sidewalk to be located on Lexington Ave. N. Staff has determined this sidewalk should be located on the west side of Lexington Ave. N. The applicant will be required to install a 5' wide concrete sidewalk along the east side of proposed lot 4. The sidewalk must be a minimum of 4" thick on a 4" class five aggregate base (increased to 6" of concrete when crossing a driveway). The sidewalk must also be set 1' inside of the ROW line, leaving a grass boulevard area behind the curb.

### **Drainage / Grading**

A grading/stormwater plan was prepared by Bolton & Menk dated 8/14/23. Comments on the grading plan are provided by the City Engineer later in this report.

### **Flood Plain**

As indicated on the FEMA FIRM panel #27079C0087D effective July 21, 1999, the property is located within the un-shaded Zone X which is determined to be outside the 500-year floodplain.

### **Wetland Conservation Act**

A Wetland Delineation report dated 8/5/18 was completed by Bolton & Menk and submitted with the plat of Pond Second Addition. As wetland delineations are valid for 5 years, the delineation does not need to be updated at this time.

It is noted in Section 734 of the Zoning Ordinance for Land and Water Preservation that any lot adjacent to a wetland cannot have a building constructed unless the lowest floor elevation shall be at least 2 feet above the seasonal high-water level. In the case of the proposed lot, the high-water level is noted as 994' which means the lowest basement floor elevation must be at least 996', which is met by all the proposed slab on grade homes.

### **DNR Comments**

The DNR previously commented that the pond on the lots is not a public water and therefore they did not have any official comments related to the plat.

There are no DNR protected waters on or adjacent to the site, however there are delineated wetlands on a portion of the property which is addressed in the previous section of this report.

### **Park Land Dedication**

Chapter 066 of the Subdivision Ordinance outlines Park/Public Land Dedication requirements. As noted, when the property was platted in Pond Second addition, park dedication would be collected for any additional lots created above the one lot dating back to Pond 1<sup>st</sup> Addition. For the purposes of the calculation, each new created lot is estimated to have 2.7 residents to be used in the calculation of what will be owed based on the fair market value of the buildable unplatted land x the land requirement (815 sq. ft. land per resident). The value of the buildable unplatted

land was previously determined to be \$0.74 sq. ft. based on the purchase price of the unplatted portion of the land back in 2018.

For the purposes of this proposed plat, the following is calculated:

4 new lots x 2.7 residents per lot = 10.8 residents x 815 sq. ft. = 8,802 sq. ft. of land x \$0.74 = \$6,513.48 owed for Park Dedication.

### **Screening**

Chapter 065 of the Subdivision Ordinance requires that lots abutting roadways where driveway access is not allowed shall have a planting screen of 10' in width. As required at the time of the Pond Second Addition Plat, a single row of trees along 7<sup>th</sup> Street NE (former County Road 37) spaced at 30' intervals was required for a screen. This screen must remain in place, meaning any trees that are removed must be replaced in close proximity to where they are located today.

### **Water Area Access Charge**

The Water Area Access Charge fee was already collected in full with the previous plat of the land.

### **Sidewalk Fee**

All newly platted land requires a per lot payment of \$50 for a sidewalk fee. Since 3 new lots are being proposed above what exists today, \$150 is required to be collected.

### **Emergency Warning Siren Fee**

All platted land in the City requires payment of an Emergency Warning Siren Area Charge. According to the City's fee schedule the amount to be paid is \$150 per acre. This fee was previously collected in full at the time of the previous plat.

### **Street Seal Coat Fee**

All newly annexed and platted land into the City requires payment of a Street Seal Coat Fee for portions of newly constructed roadway segments. According to the City's fee schedule the amount to be paid is \$1.32 per sq. yard for the roads to be constructed.

This plat does not propose any public streets, therefore no street seal coat fee is required.

### **Water / Sewer Service**

Water and sewer service lines will be considered private and contained in an easement with shared responsibility of all lot owners that utilize the shared service lines for maintenance and repair should they ever fail.

### **Stormwater System**

City Engineer Chris Knutson noted that the small size of the project does not require any additional stormwater review beyond what is noted in his comments regarding redundant perimeter control around the pond.

### **Emergency Response**

Police Chief Tim Applen and Fire Chief Rynda were solicited for comments but did not provide any comments related to the plat.

### **Public Works Comments**

In an e-mail from Public Works Director Matt Rynda on 9/11/12, he stated the following:

I know the future sidewalk map shows sidewalks on the east side of Lexington, but I don't see how that will fit with how steep the driveways are on the east side. I would propose installing sidewalks on the west side and the applicant having to install them during this project on his property.

Regarding sewer plans, he had the following comments:

The sewer line is private but with 4 houses hooked up to it I would recommend a manhole at any bends on the main line and a clean out/manhole at the end of the pipe.

### **Utilities Comments**

Utilities General Manager Bruce Reimers stated in an e-mail on 9/21/23 that there is a cost to move and install electric utilities for the development which totals \$17,531.25 which is due as a development fee.

### **City Engineer Comments**

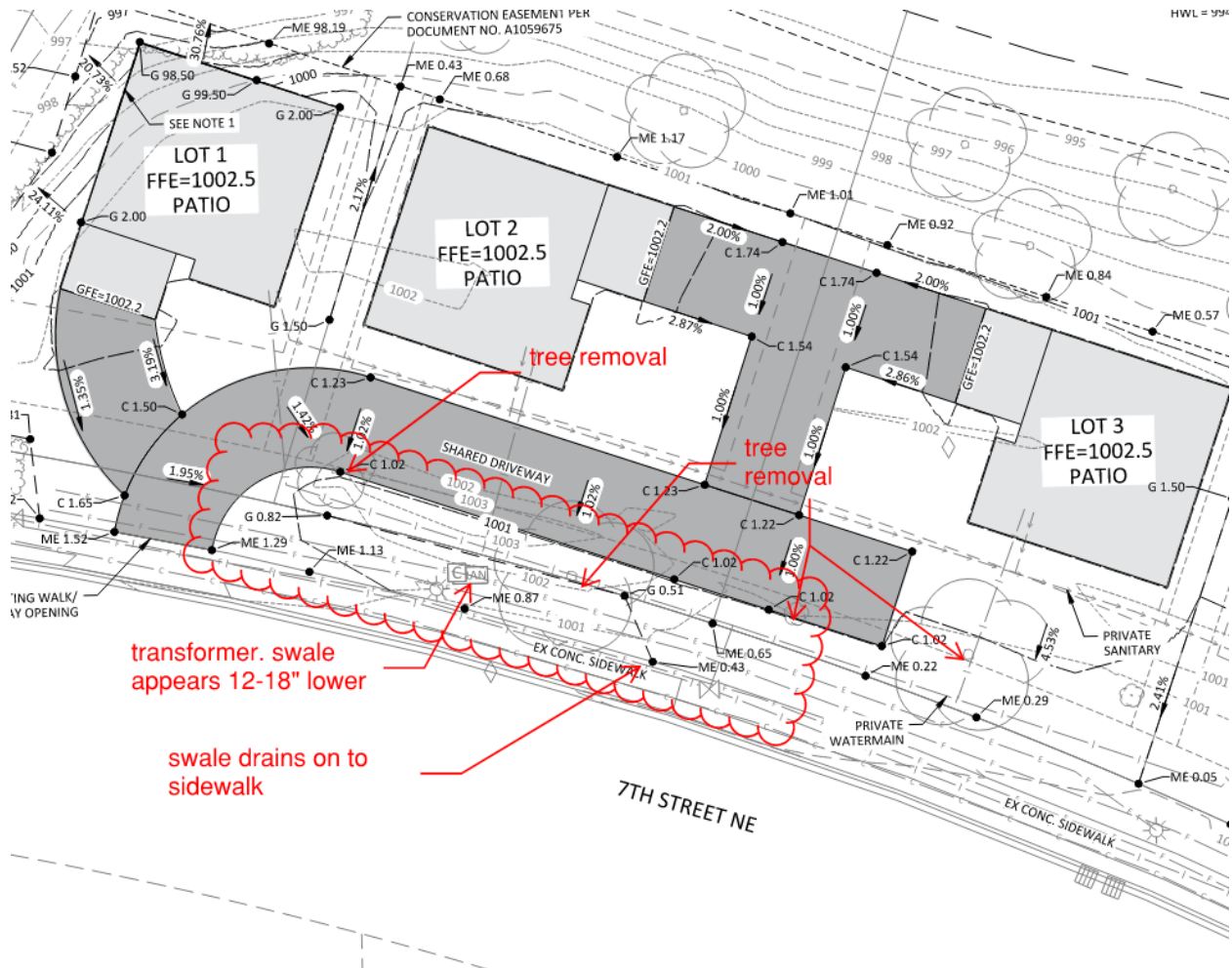
City Engineer, Chris Knutson of SEH provided the following comments via e-mail on 9/18/23:

The building site looks reasonable for grading. Only items I have are:

1. Redundant perimeter control will be needed on the north side of the site (silt fence most likely) along the conservation easement.
2. It appears the shared driveway will drain into a swale east of the entrance and then over the sidewalk. They are cutting out enough soil (1-2ft) that trees will need to be removed and likely the transformer and light would be impacted. It will also concentrate flow and likely be an icing issue over the sidewalk.
3. Information on the driveway would be helpful, but not required.
4. The driveway apron on Lexington Avenue shouldn't need to be replaced as shown.
5. Construct sidewalk along Lexington Avenue?

6. The NW corner appears to show tree line impact with grading. I can't verify if that's just tree trimming or would potentially impact trees in the conservation easement.
7. Information on sewer/water services as you noted. This is mostly just needing to meet plumbing code. NPU and PW will need to comment regarding other concerns.

Ideally, the building pads would be a bit higher to have positive drainage toward 7<sup>th</sup> Street NE, but I'm guessing this is the most they can do without grading past the conservation easement.



### City Attorney Comments

Scott Riggs, City Attorney, was provided a title commitment and copy of the plat for review and comment and revisions have been made to the final plat over the last month. The City Attorney has approved the form of the final plat as submitted and notes that there are delinquent and current taxes that must be paid at the time of recording.

### Scott County Highway Department Comments

N/A

### **State Highway Department Comments**

N/A

### **CenterPoint Energy Comments**

Comments were not yet received from CenterPoint Energy.

### **Environmental Issues**

N/A

### **Street Names**

Existing street names are not being changed and include Lexington Ave. N. and 7<sup>th</sup> Street NE.

### **Addresses**

Addresses for the proposed lots would be (from west to east) 703 7<sup>th</sup> Street NE, 705 7<sup>th</sup> Street NE, 707 7<sup>th</sup> Street NE and 800 Lexington Ave. N.

### **Staff Recommendation**

Staff recommends that the Planning Commission approve the preliminary and final plat of Pond Third Addition with the following findings:

1. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the RL-90 Single Family Residential Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 8/16/2023 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 9/11/2023 on file with the New Prague Planning Department.
3. The Final Plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
4. Approval is granted in general accordance with the grading plan submittal dated 8/14/2023 on file with the New Prague Planning Department.
5. Approval is subject to all recommendations of the City Attorney.
6. Approval is subject to all recommendations of the City Engineer, Public Works Director, Utilities General Manager, Fire Chief and Police Chief.
7. Development fees are required to be collected as follows prior to signing the final plat:

- a. \$6,513.48 is owed for Park Dedication.
  - b. \$150 is owed for the Sidewalk Fee.
  - c. \$17,531.25 is owed for moving and installing electric utilities to be paid to the New Prague Utilities Commission.
8. The applicant is required to install a 5' wide concrete sidewalk along the east side of proposed lot 4 per the City's standard specification and with city staff inspection.
  9. A single row of trees at 30' intervals must be maintained along the south side of the property along 7<sup>th</sup> Street NE is required per Chapter 65 of the Subdivision Ordinance.
  10. Access is only allowed to Lexington Ave. N. and 7<sup>th</sup> Street NE utilizing existing curb cuts.
  11. A shared private access driveway easement/agreement must be filed on the titles of all properties within the plat area concerning private ownership and maintenance of the shared private driveway.
  12. The shared private access driveway must be signed as no parking.
  13. A shared private utility easement/agreement must be filed on the titles of all properties within the plat area concerning private ownership and maintenance of the shared private water and sewer service lines. The sewer line is private but must have a manhole at any bends on the main line and a clean out/manhole at the end of the pipe.
  14. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
  15. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.
  16. All homes are required to be setback at least 6' from the existing conservation easement.
  17. All homes are required to provide for driveways at least 22' in length between the garage and private access driveway.
  18. Low building elevations must be elevated to at least 996.0', which is 2' above the seasonal high-water level.

#### **ATTACHMENTS**

1. Site Map Aerial – Dated 9/20/23
2. Site Map Detail – Dated 9/20/23
3. Preliminary Plat Drawing – Dated 9/27/23
4. Grading Plan – Dated 9/25/23
5. Utility Easement – Dated 9/27/23
6. Shared Driveway Easement – Dated 9/27/23
7. Water / Sewer Service Plan – Dated 9/25/23
8. Final Plat Drawing – Dated 9/27/23
9. Photos – Dated 7/6/23
10. Oblique Area Photo - Undated





Pond  
10/25  
Page 1



**UTILITY & SITE DATA:**  
**RL-90 SINGLE FAMILY RESIDENTIAL DISTRICT**

**OWNER**  
MICHAEL WEINANDT  
1-612-282-3790  
28695 RUTH ANN LANE  
NEW PRAGUE, MN 55650

**SURVEYOR**  
**RORY JENSEN**  
**BOLTON & MENK INC.**  
**1-507-625-4171**  
**MANKATO, MN 56001**

Lot 1, Block 1, POND SECOND ADDITION, according to the recorded plat thereof, in Section 34,

Lot 1, Block 1, POND SECOND ADDITION, according to the recorded plat thereof, in Section 34,

**LEGEND**

○	IRON PIPE MONUMENT SET
◇	MONUMENT FOUND
⊙	HYDRANT
⊕	SANITARY MANHOLE
⊖	WATER VALVE
⊗	TRAFFIC SIGN
⊘	COMMUNICATION FIBER/STATION
⊙	UTILITY MANHOLE
⊗	DEADWOOD TREE
⊕	ELECTRIC TRANSFORMER
⊖	STORM MANHOLE
⊗	CATCH BASIN
⊘	HAND HOSE
⊙	STATION UNDERGROUND
⊕	ELECTRIC UNDERGROUND
⊖	GAS
⊗	WATER SYSTEM
⊘	INTERMEDIATE CONTOUR
⊙	INDEX CONTOUR
⊕	SANITARY SERVICE
⊖	SANITARY SERVICE

AREAS	
ENTIRE LOT	WETLAND
LOT 1 13535 sq ft	3519 SQ FT
LOT 2 23427 sq ft	12496 SQ FT
LOT 3 26452 sq ft	15476 SQ FT
LOT 4 42689 sq ft	21216 SQ FT

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed Licensed Surveyor under the laws of the State of Minnesota.

  
Rory Jensen  
Date 08/14/2023

Horizontal Datum: 1996 Scott County Coordinate System

Vertical Datum: NAVD 1988

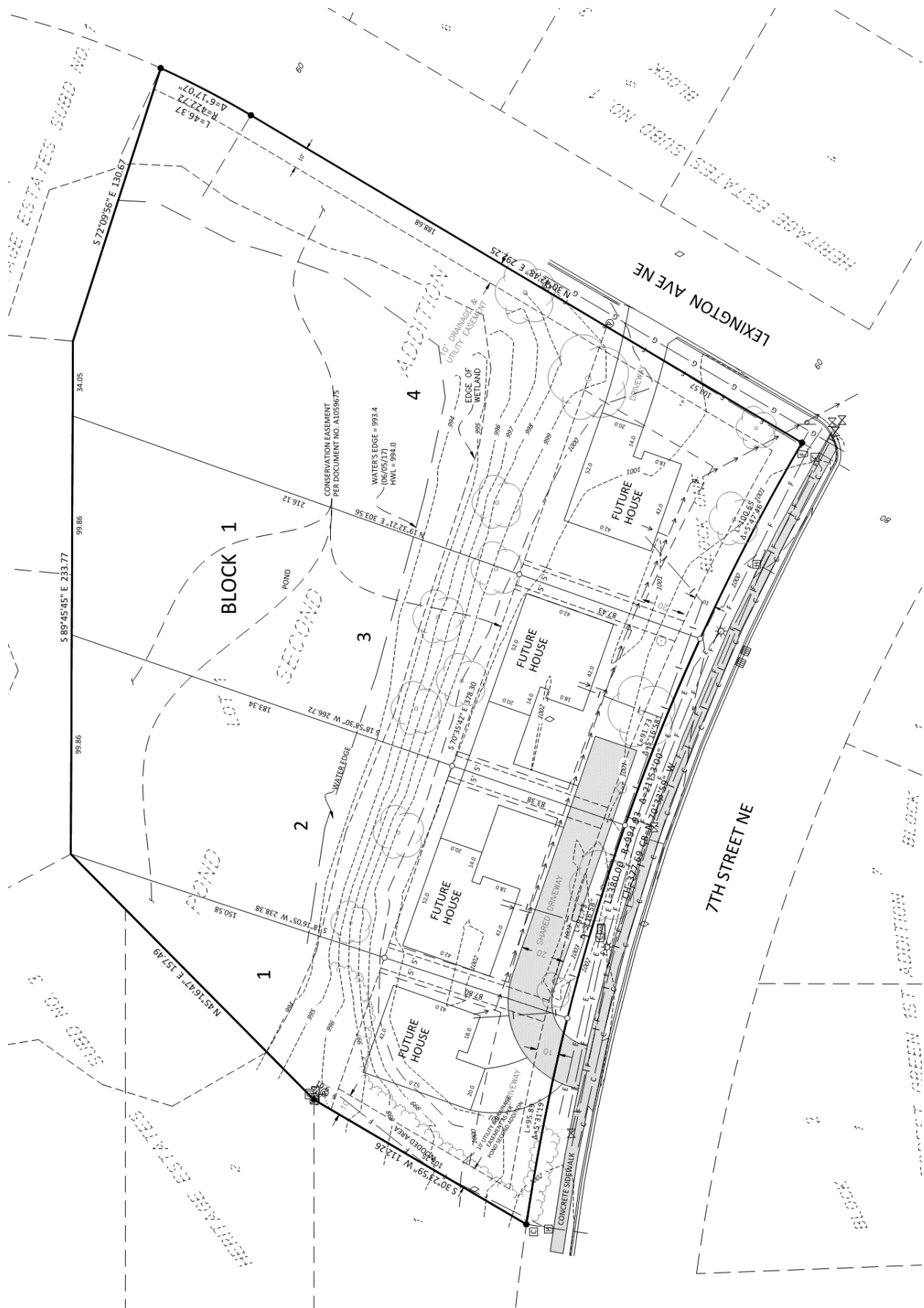
PRELIMINARY PLAT

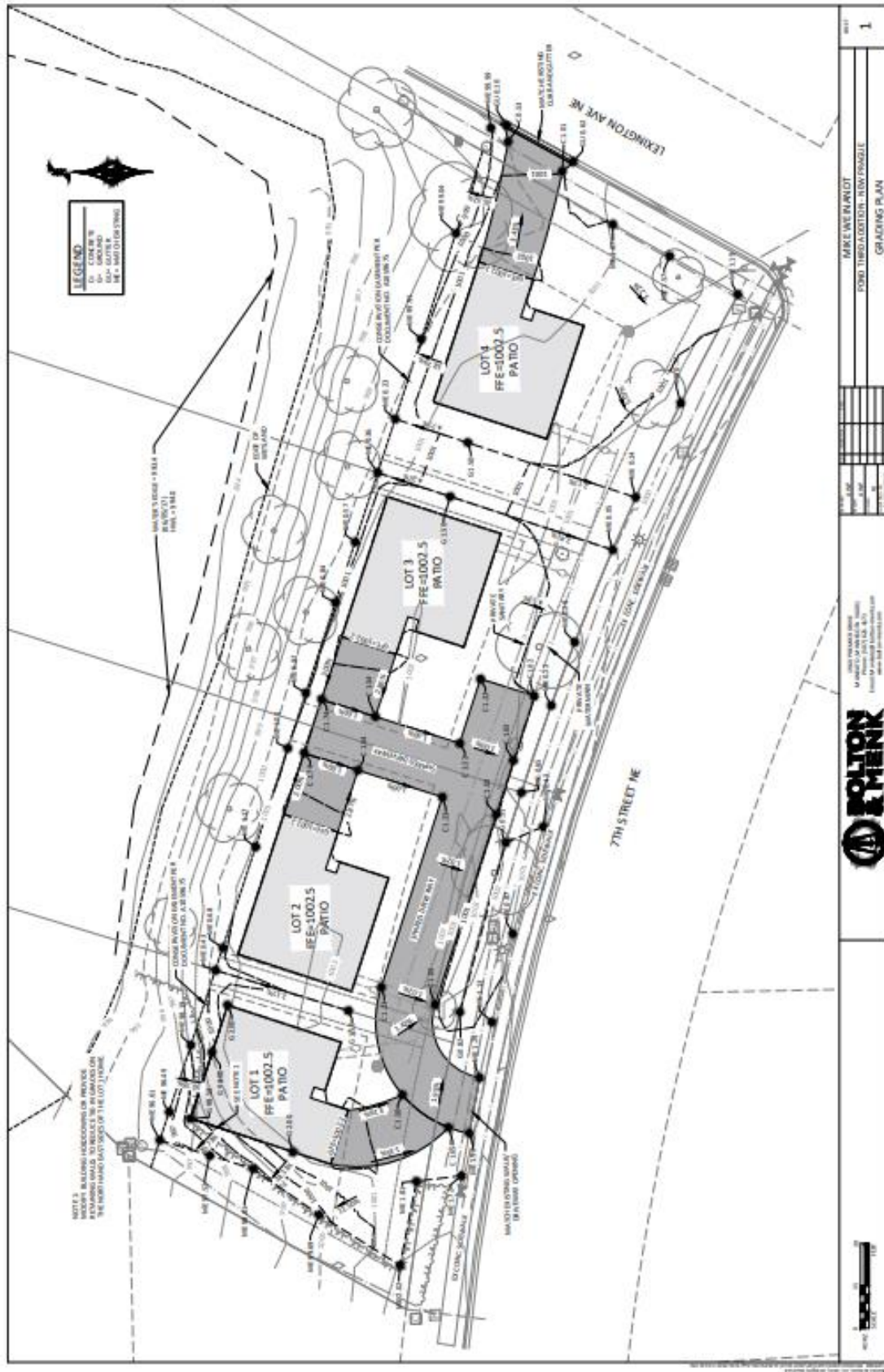
SCOTT COUNTY, MINNESOTA

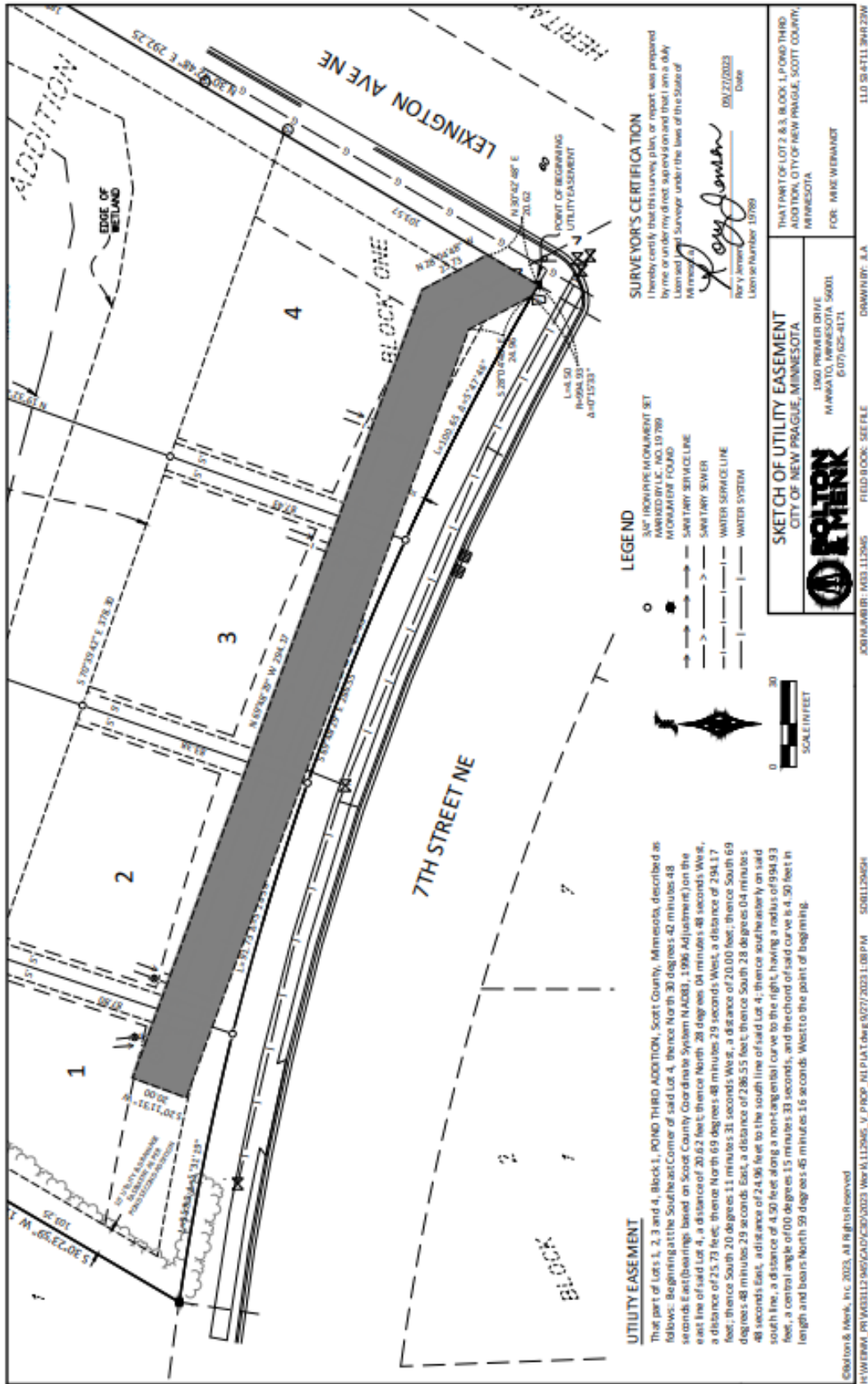
NOT

**TENK**



















Looking North from 7<sup>th</sup> Street NE – existing curb cut to be utilized for shared driveway to 3 homes.



Looking Northeast from 7<sup>th</sup> Street NE



Looking northeast from SW corner of lot.



Looking east across the lot towards Lexington Ave. N.



Looking southeast towards 7<sup>th</sup> Street NE from the lot.



Looking west/northwest towards lot from corner of 7<sup>th</sup> Street NE and Lexington Ave. N.



Oblique Aerial Photo Looking North.