

Meeting Minutes
New Prague Planning Commission
Wednesday, October 27, 2010

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Planning Commission Chair Grant Gengel with the following members present: Grant Gengel, Ryan Peltier, Kay Wilcox, Bob Gilman and Jay Nuhring. Absent: None.

City Staff Present: Ken Ondich – Planning Director

2. Approval of September 29, 2010 Regular Meeting Minutes

It was moved by Wilcox, seconded by Gilman to approve the September 29, 2010 regular meeting minutes as submitted. Motion carried (5-0).

3. Old Business - None

4. New Business

**A. Zoning Ordinance Amendment -
Residential Erosion Control, Turf Establishment and Tree Requirements
New Prague Planning Department, Applicant**

Planning Director Ondich presented the staff report. He stated that the original version of the ordinance took effect on June 16, 2009 and was slightly amended in September 2010. He stated that in summary the ordinance requires a \$1,500 escrow deposit to ensure a completion of sod in the front yard, sod or seed in the rear yard and one tree planted in the front yard. He stated that the escrow is returned after a 30 day warranty period and inspection. He stated that 20 homes have fallen under the ordinance since it took effect in 2009 and that staff feels the ordinance has been working well. He stated that two builders have specifically asked the City to look at an amendment to provide for the option of not planting sod in the front yards. He stated that specifically they would recommend that the ordinance be amended to only require sod or erosion control blanket with seed in situations of greater than 4 to 1 slopes and also in drainage and utility easements where surface water is expected to flow. He added that staff further suggests that the lot would then need to be inspected for adequate coverage at the end of the warranty period if seeded and that documentation of weed treatment would also be necessary if weeds are present at the end of the warranty period before the escrow is returned. He stated that staff recommends approval of the suggested changes and that they will achieve the same results for erosion control purposes.

The public hearing was opened at 6:36 PM.

No public comments were received.

The public hearing was closed at 6:37 PM.

Commissioner Gengel asked if there was any technical data on how well the seeders work to ensure establishment of the grass.

Planning Director Ondich stated that based on the results that staff has seen first hand over the summer in certain areas where such methods were used in backyards, the results have been very good. He also noted that there is still a provision in the ordinance that requires erosion control measures to remain in place on the lot until the turf is established.

It was moved by Peltier, seconded by Nuhring to recommend that the City Council approve the proposed ordinance amendment as contained in the staff report. Motion carried 5-0.

**B. Concept Zoning Ordinance Amendment –
Final Grade As-Built Survey Requirement
New Prague Planning Department, Applicant**

Planning Director Ondich presented the staff report. He stated that at the October 4, 2010 City Council Meeting, Council Member Kratochvil initiated discussion regarding as-built surveys. He stated that since the discussion was initiated by the City Council, a survey of area cities was conducted regarding their as-built survey requirements, which is attached to this memo. He stated that the survey attempted to identify that most cities in the area, Prior Lake being an exception, require a “final grade as-built survey” to verify that grading is completed to match the development’s approved grading plan. He added that depending on the level of information on an as-built the City might like to require, the cost for an as-built survey could be estimated anywhere from \$185 to \$800 which would be an additional cost to a builder or homeowner, but would go a long way in helping to catch potential drainage issues before a home is occupied. He stated that the amendment to require a top of foundation and final grade as-built survey for residential homes would be made to Zoning Ordinance Section 508, Subd. 3 which currently only contains the requirement for a certificate of survey to be submitted before a permit is issued. He stated that he suggests additional language specific to a requirement for “final grade as-built” surveys as well as a “top of foundation” elevation verification.

Commissioner Gengel asked if the former issue in the NE corner of town with some 4-plexes and elevations could have been addressed by this ordinance. He added that one of the most historically heated debates he has witnessed while on the Planning Commission has been regarding grading and drainage.

Commissioner Gilman asked if it would be possible for the builders to do the foundation elevation verification rather than a surveyor as it could save on costs. He stated that he felt when the final grade survey is done they could shoot the top of block at that time.

Planning Director Ondich stated that staff felt it was critical to have a surveyor as a 3rd party check the top of block elevation and that if not caught early on, it would be very difficult to change the top of block elevation at the time of the grading survey.

Commissioner Gilman asked if a tolerance of -.5' to +.5' could be added to the section about final grade surveys. He also stated that he felt some provision could be added that would require verification of as-built grading requirements being met prior to turf establishment taking place.

Planning Director Ondich stated that staff would research the questions raised by Commissioner Gilman.

Commissioner Nuhring asked if the recent Prague Estates drainage and grading issues were by Fiddler Ave. SE.

Planning Director Ondich stated that the recent discussion with the City Council was concerning the Prague Estates 7th Addition development near Horseshoe Lane, 9th Street, 8th Street CT. and 7th Street CT.

Kay Wilcox asked if the local builders could be notified when the ordinance would be up for a public hearing.

Planning Director Ondich stated that he would follow up on the discussion points and bring back to the Planning Commission at a future meeting.

5. Miscellaneous

The following miscellaneous items were reviewed:

- A. LMCIT Land Use Incentive Program – Planning Director Ondich stated that included in the packet is information about the League of Minnesota Cities Insurance Trust's Land Use Incentive Program. He stated that the City can save on insurance costs if a quorum of the City Council, the chair of the planning commission, other planning commissioner and also planning staff enroll and complete an online training session. He stated that the City will pay for the training session. He stated that as of right now one council member is interested. Bob Gilman and Kay Wilcox indicated they would be interested in the online training.

6. Adjournment

The meeting was adjourned at 7:00 PM by order of Chair Gengel.

Respectfully submitted,



Kenneth D. Ondich
Planning Director