Applicant: John J. Johannson: DJD Partners VII, LLC  
Consultant: Alan Catchpool; Kimley-Horn and Associates  
Project: Chipotle Mexican Grill  
Location: 10995 Red Circle Drive: Minnetonka  
Rule(s): 4, 5, 11 and 12  
Reviewer: BCO

**General Background & Comments**

The project proposes the construction of a 2,400 square foot Chipotle restaurant at the northern end of the existing building located at 10995 Red Circle Drive in Opus II in Minnetonka. A Boston Market was proposed at this location in 1997 when the site was developed but never constructed. The site grading and infrastructure was constructed in 1997.

The geotechnical report prepared by Intertek psi, April 5, 2019, indicates the underlying soils on the site are classified as sandy lean clay (CL) and silt (ML). These soil types with an infiltration rate of 0.06 inches/hour are typically not conducive for volume retention through infiltration and typically precludes retention to the standard in District Rule 4.3.1b. The site meets the definition of a Restricted Site (Rule 4.3.2) as defined in the District's Revised Rules, approved April 10, 2018. The applicant, through the project agent, has requested that the application be reviewed using these Rules. Rule 4.3.2 requires retention of at least 0.55 inches of runoff from the regulated impervious surface on-site in addition to rate control and water quality management complying with the requirements of section 4.3.1b and c of the revised rules.

The project site information is:

- Site Area: 34,834 square feet
- Existing Impervious Area: 21,884 square feet
- Proposed Impervious Area: 25,904 square feet
- Increase in impervious area from the building construction and parking lot expansion: 4,020 square feet
- 18.4% increase in the total site impervious area
- Proposed Disturbed and Reconstructed Impervious Area: 5,980 square feet
- 27.3% of the existing site impervious area will be disturbed and replaced.
The Nine Mile Creek Watershed District’s Rule for Redevelopment, Rule 4.2.3, states, if a proposed activity will disturb more than 50% of the existing impervious surface on a parcel or will increase the imperviousness of the parcel by more than 50%, storm water management will apply to the entire project parcel. Otherwise, the storm water requirements will apply only to the disturbed areas and additional impervious area on the parcel. The project will disturbed and replace 27.3% of the impervious surfaces of the property with an increase in imperviousness of the property by 4,020 square feet, 18.4%. The storm water criteria in Section 4.3.1 applies to the new and disturbed and reconstructed impervious area – 10,000 square feet.

The District’s requirements for both storm water management and erosion and sediment control apply to the project because more than 50 cubic yards of material will be disturbed and more than 5000 square feet altered, Rules 4.2.1a and b and 5.2.1a and b.

Bio-rolls and inlet protection are shown to be installed to provide for erosion control.

Exhibits
5. E-mail correspondence dated August 2, 2019 requesting additional information on 6 items required for the review of the submittal to be undertaken and completed.

The project submission is now complete.

4.0 Stormwater Management
Stormwater management, volume retention, rate control and water quality management will be provided within a proposed underground stormwater management facility (UGSWMF).

The 2, 10 and 100-year frequency discharges for existing and proposed conditions from the two discharge points are as follows:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Existing Discharge to the R-O-W c.f.s.</th>
<th>Proposed Discharge to the R-O-W c.f.s.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 year</td>
<td>&lt;1.0</td>
<td>&lt;1.0</td>
</tr>
<tr>
<td>10 year</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>100 year</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Frequency</td>
<td>Existing Discharge to the existing on-site basin (1997) c.f.s.</td>
<td>Proposed Discharge to the existing on-site basin (1997) c.f.s.</td>
</tr>
<tr>
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<tr>
<td>2 year</td>
<td>2.2</td>
<td>1.5</td>
</tr>
<tr>
<td>10 year</td>
<td>3.6</td>
<td>2.9</td>
</tr>
<tr>
<td>100 year</td>
<td>6.5</td>
<td>5.2</td>
</tr>
</tbody>
</table>

Rule 4.3.1b is met.

The applicant has submitted information in support of a finding that the site qualifies as restricted under subsection 4.3.2 of the NMCWD rules. Given the subsurface conditions, as summarized above, the NMCWD engineer concurs that infiltration would require a significant portion of the lot to comply with the requirements of section 4.3.1a of the District rules and the site qualifies as restricted. Under 4.3.2a, an infiltration volume of 458 cubic feet would be required from the 10,000 square feet of new and disturbed and reconstructed site impervious area using a runoff of 0.55-inches from the impervious area (Rule 4.3.2a). The geotechnical report identified the underlying soil on the site as sandy lean clay (CL) and silt (ML) having an infiltration rate of 0.06 inches/hour using the Minnesota Storm Water Manual. An area of 1,980 square feet is required for volume retention using this infiltration rate. At a maximum inundation depth of 0.24 feet allowed for the retention volume to be drawn down within 48 hours using the 0.06 inches/hour infiltration rate, a volume of 469 cubic feet (458 cubic feet required) and an area of 2,383 square feet (1,980 square feet required) will be provided within the UGSWMF. Rule 4.3.1a is met.

The District’s water quality criterion requires a 60% annual removal efficiency for phosphorus and 90% annual removal efficiency for total suspended solids. The results of a MIDS calculator indicate the UGSWMF will provide an annual removal efficiency of 97% for total suspended solids (107 lbs.) and an annual removal efficiency of 73% for total phosphorus (0.44 lbs.). Rule 4.3.1c is met.

District Rule 4.3.3c states that all new and reconstructed buildings must be constructed such that the low floor elevation is at least two feet above the 100-year high water elevation or one foot above the emergency overflow of a constructed facility. In addition, all new and reconstructed buildings must be constructed such that no opening where surface flow can enter the structure is less than two feet above the 100-year high water elevation of an adjacent facility or waterbody. The finished floor and low opening of the proposed building is 952 M.S.L. The calculated 100-year frequency high water elevation of the UGSWMF is 948.0 M.S.L. – a separation of 4.0 feet is to be provided for compliance with Rule 4.3.3c.

The geotechnical report indicates that groundwater was not encountered to a depth of 15 feet, approximately elevation 936 M.S.L. The bottom of the UGSWMF is to be elevation 946.4 M.S.L, a separation of 10.4 feet. A minimum separation of 3 feet is required between the bottom of an infiltration facility and groundwater.

Pretreatment of stormwater prior to discharging to an infiltration facility, Rule 4.3.1a (i), will be provided by a sump manhole within the storm sewer system upstream of the UGSWMF.
In accordance with Rule 4.3.4, a post-project chloride management plan must be provided that will, 1) designate an individual authorized to implement the chloride-use plan and 2) designate a MPCA certified salt applicator engaged in the implementation of the chloride-use plan for the site.

5.0 Erosion and Sediment Control
Since the project will be matching into existing bituminous, the submitted erosion and sediment control plan includes bio-rolls at the limits of construction and inlet protection. The project contact is Dusty Austin, Wilkus Architects.

11.0 Permit Fees
Fees for the project are:
Rules 2.0-6.0 $750

12.0 Financial Assurances
Financial Assurances for the project are:
Rule 4.0 Volume Retention: 1,908 sq. ft. x $12/sq. ft. = $22,896 $22,896
Chloride Management: $5000
Rule 5: Bio-rolls: 485 L.F. x $5.00/L.F. = $2,425
Inlet Protection: 5 x $100/each = $500
Site restoration: 0.25 acres x $2500/acre = $625 $3,550
Contingency and Administration $11,554

Findings
The proposed project includes the information necessary, plan sheets and erosion control plan, for review.
1. Rules 4 and 5 are met.

Recommendation
Approval, contingent upon:
1. General Conditions
2. Financial Assurance in the amount of $43,000 - $38,000 for stormwater management, erosion control and site restoration and $5,000 for compliance with the chloride management requirements.
3. Submission of documentation that a drainage easement over the stormwater-management facility has been submitted to Minnetonka (4.5.4i), if such easements are required by the city.
4. A receipt showing recordation of a maintenance declaration for the on-site storm water management facility. A draft of the declaration must be approved by the District prior to recordation.

By accepting the permit, when issued, the applicant agrees to the following stipulations:
1. Per Rule 4.5.6, an as-built drawing of the storm water facility, including a stage-volume relationship in tabular form for the underground stormwater management facility, conforming to the design specifications as approved by the District must be submitted.

2. Submission of a plan for post-project management of Chloride use on the site. The plan must include 1) the designation of an individual authorized to implement the chloride use plan and 2) the designation of a Minnesota Pollution Control Agency certified salt applicator engaged in the implementation of the chloride-use plan for the site. The release of the $5,000 of the financial assurance required for the chloride-management plan requires that chloride-management plan has been provided and approved by the District’s Administrator.

3. For the release of the $38,000 financial assurance required in Recommendation #2, Rule 12.4.1b requires demonstration and confirmation that the storm water management facilities have been constructed or installed and are functioning as designed and permitted. Verification, through daily observation logs and photographs, must be provided showing the storm water facilities used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.
SITE PLAN NOTES

1. All work indicated is for planning purposes only. Any future development should be referenced to and reviewed by the architect.

2. No grading or fill is shown on this plan. Excavation work should be referenced to and reviewed by the architect.

3. All equipment and takes are to the face of curb unless otherwise noted.

4. Existing structures within construction limits are to be maintained. Reference architectural plans for specific dimensions.

5. Contractor shall be responsible for all excavation, fill, grading, utility, driveway, drainage, and construction work. Reference architectural plans for specific dimensions.

6. Reference architectural plans for specific dimensions and information. Project site work specifications and shall be approved by the architect.

7. Total land area 46 acres.

8.新たに作成された区画地図を参照してください。施設の設置や地形の変更が必要なものについては別途詳細を示します。

9. Reference architectural plans for specific dimensions and information. Project site work specifications and shall be approved by the architect.

10. Reference architectural plans for specific dimensions and information. Project site work specifications and shall be approved by the architect.

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