

Permit Application Review

Permit No. 2021-55
Received complete: June 15, 2021

Applicant: Maria Cisneros: International Spanish Language Academy (ISLA)
Cody Dietrich: Doran RE Partners, LLC.

Consultant: Brian Gammon; Kimley-Horn

Project: Shady Oak Apartments

Location: 5959 Shady Oak Road: Minnetonka

Rule(s): 4,5,11,12

Reviewer(s): BCO, LLH

General Background & Comments

The project proposes the redevelopment of the site, 5959 Shady Oak Road, located in the northeast quadrant of Shady Oak Road and Red Circle Drive in Minnetonka. The former International Spanish Language Academy (ISLA) was located on the site. The project proposes the demolition of the existing Charter School building with the construction of a 96,500 square foot (footprint) 6-level with one level of below ground parking, 350-unit apartment building.

On-site existing stormwater facilities, surface infiltration/rainwater gardens along the east and west boundaries of the site were constructed with Permit #2016-142 issued to ISLA. The apartment building project will eliminate the eastern basin, separate the western basin into two BMP's, and construct an underground storm water management facility (UGSWMF) located between the buildings main entrance and Red Circle Drive.

The project site information is:

- Total Site Area: 222,614 square feet
- Existing Site Impervious Area: 115,100 square feet
- New Total Site Impervious Area: 122,404 square feet
- Decrease in the site impervious area: 16,988 square feet
- 6.3% increase in the Site Impervious Area – 7,304 square feet
- Total Area to be Disturbed: 213,444 +/- square feet

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 entire existing site impervious area is to be disturbed therefore storm water management is required for the entire site that includes 122,404 square feet of impervious area.

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 5000 square feet or more surface area disturbed, Rules 4.2.1a and b and 5.2.1a and b.

As stated, storm water management, volume retention, rate control and water quality management, is to be provided within an underground stormwater management facility (UGSWMF) and the existing western infiltration basin/rainwater garden (Basin). As requested by the City of Minnetonka, the lower (southern) portion of the western basin is being designed to provide stormwater detention for runoff generated from the Shady Oak Road R-O-W including future turn lanes. (The District's linear projects, subsection 4.2.4, rule requires stormwater management for roadway improvements creating more than one acre of new impervious area).

Silt fence is to be constructed at the limits of construction, inlet protection, and a rock construction entrance will be provided for erosion control.

Exhibits

1. Permit Application dated February 23, 2021.
2. Plans dated June 14, 2021, prepared by Kimley-Horn.
3. Storm Water Management calculations dated April 19, 2021, most recent revision June 10, 2021, prepared by Kimley-Horn.
4. Geotechnical Report dated January 7, 2021 prepared by Braun Intertec.
5. E-mail correspondence dated May 12, 2021 summarizing 10 items, based on our review of the April 21, 2021 submittal requiring additional information or needed to be addressed for the application to be considered complete. Review revised submittal dated May 12, 2021 and provide review comment dated June 7, 2021 requiring additional information for the application to be considered complete.

The application is now considered complete based on the revised June 10, 2021 submittal.

4.0 Stormwater Management

Stormwater management for compliance with Rule 4.3.1 will be provided by the existing western on-site basin (Basin), constructed as part of the work proposed and approved for Permit #2016-142, the proposed underground stormwater management facility (UGSWMF).

Rule 4.3.1b requires the 2-, 10-, and 100-year post development peak runoff rates be equal to or less than the existing discharge rates where stormwater leaves the site. The applicant used a HydroCAD hydrologic model to simulate runoff rates at all collection points where

stormwater discharge leaves the site. The existing and proposed 2-, 10- and 100-year frequency discharges from the site are:

Existing Conditions			
Modeled Discharge Location	2 year (c.f.s.)	10 year (c.f.s.)	100 year (c.f.s.)
To the Northeast	<1.0	<1.0	1.0
Basin - UGSWMF Outflow to the South	10.0	16.2	28.1

Proposed Conditions			
Modeled Discharge Location	2 year (c.f.s.)	10 year (c.f.s.)	100 year (c.f.s.)
To the Northeast	<1.0	<1.0	1.3
Basin -UGSWMF Outflow to the South	3.5	9.4	21.1

Rule 4.3.1b is met. The 0.3 c.f.s. increase for the proposed condition 100-year event to the northeast is within the modeling degree of engineering accuracy.

A retention volume of 11,200 cubic feet is required from the 122,404 square feet of proposed site impervious area. The Braun geotechnical report identifies the underlying soil within the area of the Basin are sandy-clay (SC) and poorly graded with silt (SP-SM) in the area of the UGSWMF. Groundwater was not encountered to a depth of 40+ feet, elevation 921 M.S.L. The volume retention requirements have been assumed to be provided within the area of the UGSWMF where the soils are more conducive for infiltration. An infiltration rate of 0.6 inches/hour using the Minnesota Storm Water Manual has been assumed for the poorly graded sand with silt material. A retention volume of 12,458 cubic feet is proposed to be provide (11,200 cubic feet required) with an infiltration area of 5,037 square feet. At an inundation depth of 3.2 feet, the depth from the outlet elevation to the bottom of the UGSWMF and an area of 5,037 square feet, the volume retention is drawn down within 44-hours complying with Rule 4.3.1a (ii).

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 provided show that the UGSWMF and Basin will provide an annual removal efficiency of 96% for total suspended solids (1,056 lbs.) and an annual removal efficiency of 95% for total phosphorus (5.76 lbs.). Rule 4.3.1c is met.

Rule 4.3.3 states that all new and reconstructed buildings must be constructed such that the low floor is at least two feet above the 100-year high water elevation or one foot above the emergency overflow of a constructed facility. The submittal indicates an elevation of 951 M.S.L. for the proposed lower-level parking. The HydroCAD modeling identifies a 100-year frequency high water elevation of 955.6 M.S.L. for the UGSWMF, 958.4 M.S.L. for the Basin and 957.9 for the City basin – BMP #3. Appendix 4a as described in Rule 4.3.3a was utilized to determine compliance with this requirement. Using Plot 1, with groundwater not

encountered to a depth of 40+ feet, elevation 921 M.S.L., a minimum distance of 10 feet between the structure and the stormwater facilities is required. A distance of 14.5-feet is shown to be provided between the structure and the Basin and City basin – BMP #3. A distance of 20-feet is shown to be provided between the structure and the UGSWMF.

Additionally, Rule 4.3.3 states that 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. Elevation 961 M.S.L., the finished first floor elevation of the structure represents the low opening elevation. The HydroCAD modeling provided shows a calculated 100-year high water elevation of 955.6 M.S.L. for the UGSWMF, 958.4 for the Basin and 957.9 for the City basin. A separation of 5.4-feet, 2.6-feet and 3.1-feet will be provided between the high-water elevation of the UGSWMF, the Basin and the City basin, respectively and low opening elevation of the structure. The storm sewer rim elevation (also ground surface) in the location of the UGSWMF is 959.7 M.S.L.- 4.1 feet above the calculated highwater elevation within the system. With stormwater contained within the UGSWMF system during the 100-year conditions and no pipe connection pipe between the lower parking level and the UGSWMF system, the required separation is provided.

In accordance with Rule 4.3.1a (i), in addition to an isolator row provided as part of the UGSWMF, a sump manhole is to be located upstream of the UGSWMF to provide the required pre-treatment of runoff prior to reaching the infiltration facility.

Rule 4.5.4d (i), requires a minimum separation of 3 feet between the bottom of an infiltration facility, practice, or system and groundwater. As previously stated, the Braun geotechnical report indicates that groundwater was not encountered to a depth of approximately 40 feet (the bottom of the boring(s), elevation 921 +/- M.S.L. The bottom (underlying rock) of the UGSWMF is shown to be 948.5 M.S.L. providing a minimum separation of 27.5 feet complying with Rule 4.5.4d (i).

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

The submitted erosion and sediment control plan includes silt fence at the limits of construction, inlet control, and a gravel construction entrance. The project contact is Mitchell Cookas, Kimley-Horn.

11.0 Fees

Fees for the project are:

Rules 2.0-6.0	\$2,000
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12.0 Financial Assurances

Financial Assurances for the project are:

Rule 4.0 Volume Retention: 5,037 sq. ft. x \$12/sq. ft. = \$60,444	\$60,444
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Chloride Management:	\$5000
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Rule 5: Silt fence: 1,380 L.F. x \$2.50/L.F. = \$3,450	
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Inlet Control: 11 x \$100/each = \$1,100	
Site restoration: 4.9 acres x \$2500/acre = \$12,250	\$16,800
Contingency and Administration	\$33,256

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 \$115,500 - \$110,500 for stormwater management, erosion control and site restoration and \$5,000 for compliance with the chloride management requirements.
3. A receipt showing recordation of a maintenance declaration for the on-site stormwater management facilities, Rule 4.3.5. 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 facilities conforming to the design specifications, including a stage volume relationship in tabular form for the UGSWMF and Basins, 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 \$110,500 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.

LEGEND

	PROPERTY LINE
	PROPOSED FENCE
	SETBACK LINE
	PROPOSED CURB AND GUTTER
	RETAINING WALL
	PROPOSED HEAVY DUTY ASPHALT
	PROPOSED STANDARD DUTY ASPHALT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED STORMWATER MANAGEMENT AREA
	PROPOSED CONCRETE SIDEWALK
	PROPOSED LANDSCAPE AREA - SEE LANDSCAPE PLANS

PROPERTY SUMMARY

5959 SHADY OAK RD APARTMENTS	
TOTAL PROPERTY AREA	222,614 SF (5.11 AC)
PROPOSED DEDICATED ROW	9,496 SF (0.22 AC)
NET PROPERTY AREA	213,116 SF (4.89 AC)
PROPOSED IMPERVIOUS AREA	147,504 SF (3.39 AC)
PROPOSED PERVIOUS AREA	75,110 SF (1.72 AC)

ZONING SUMMARY

EXISTING ZONING	B1 - OFFICE BUSINESS DISTRICT
PROPOSED ZONING	PUD
BUILDING SETBACKS	NORTH (R2) = 40' EAST (PUD) = 20' SOUTH (PUD) = 20' WEST (R1) = 50'

BUILDING DATA SUMMARY

AREAS	
PROPOSED PROPERTY	222,614 SF (5.11 AC)
BUILDING FOOTPRINT AREA	±96,500 SF (43.3% OF TOTAL PROPERTY AREA)
PARKING	
PROPOSED PARKING	7 SPACES (AT GRADE) 513 SPACES (INTERNAL)
ADA STALLS REQ'D / PROVIDED	2 STALLS / 1 STALLS (AT GRADE) 11 STALLS / 11 STALLS (INTERNAL)

- SITE PLAN NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
 - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - ALL INNER CURBED RADI ARE TO BE <3> AND OUTER CURBED RADI ARE TO BE <10> UNLESS OTHERWISE NOTED. STRIPED RADI ARE TO BE 5'.
 - ALL DIMENSIONS AND RADI ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
 - SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY SAMBATEK, DATED 11/17/2020.
 - KIMLEY-HORN ASSUMES NO LIABILITY FOR ANY ERRORS, INACCURACIES, OR OMISSIONS CONTAINED THEREIN.
 - TOTAL LAND AREA IS 5.11 ACRES.
 - PYLON / MONUMENT SIGNS SHALL BE CONSTRUCTED BY OTHERS. SIGNS ARE SHOWN FOR GRAPHICAL & INFORMATIONAL PURPOSES ONLY. CONTRACTOR TO VERIFY SIZE, LOCATION AND ANY REQUIRED PERMITS NECESSARY FOR THE CONSTRUCTION OF THE PYLON / MONUMENT SIGN.
 - CONTRACTOR SHALL REFERENCE ARCH / MEP PLANS FOR SITE LIGHTING AND ELECTRICAL PLAN.
 - NO PROPOSED LANDSCAPING SUCH AS TREES OR SHRUBS, ABOVE AND UNDERGROUND STRUCTURES, OR OTHER OBSTRUCTIONS SHALL BE LOCATED WITHIN EXISTING OR PROPOSED UTILITY EASEMENTS AND RIGHTS OF WAY UNLESS SPECIFICALLY NOTED ON PLANS OTHERWISE.
 - REFERENCE ARCHITECTURAL PLANS FOR DUMPSTER ENCLOSURE DETAILS.
 - REFER TO FINAL PLAT OR ALTA SURVEY FOR EXACT LOT AND PROPERTY BOUNDARY DIMENSIONS.
 - ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
 - ALL DIMENSIONS ARE ROUNDED TO THE NEAREST TENTH FOOT.
 - ALL PARKING STALLS TO BE <9> IN WIDTH AND <18> IN LENGTH UNLESS OTHERWISE INDICATED.

FOR REFERENCE ONLY

PROJECT
5959 SHADY OAK

LOCATION
 MINNETONKA, MN

HW PROJECT NUMBER
160665015
 DATE
 6/14/2021
 PROJECT MANAGER
 MGC
 DRAWN BY
 BPG
 CHECKED BY
 WDM

PREPARED FOR
DORAN COMPANIES
 7803 Glenway Road, Suite 200
 Bloomington, MN 55439
 952-285-2000
 952-285-2031 fax

SHEET TITLE
SITE PLAN

SHEET NUMBER
C400

PRELIMINARY - NOT FOR CONSTRUCTION

K:\ITWC_LDEVORAN COMPANIES\5959 Shady Oak Rd. Apartments - Minnetonka\3 Design\CAD\Plan\Sheets\C4-SITE PLAN.dwg June 14, 2021 - 1:08pm
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Release of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

KEYNOTE LEGEND

(A) B&I2 CURB & GUTTER (TYP.)	(I) "ACCESS AISLE - NO PARKING" SIGN	(R) ROOF LINE/SHADE STRUCTURE ABOVE GRADE - SEE ARCH PLANS
(B) B&I8 CURB & GUTTER (TYP.)	(J) PEDESTRIAN CROSSWALK	(S) COMMERCIAL DRIVEWAY APRON
(C) FLUSH CURB	(K) "NO PARKING - FIRE LANE" SIGN	(T) EXISTING FIRE HYDRANT TO REMAIN
(D) TRANSITION CURB - FULL HEIGHT TO FLUSH MATCH EXISTING EDGE OF PAVEMENT CURB & GUTTER	(L) "DO NOT ENTER" SIGN	(U) SURFACE POND
(E) ACCESSIBLE CURB RAMP	(M) MONUMENT SIGN - SEE ARCH PLANS	(V) RETAINING WALL W/ RAILING, BY OTHERS
(F) ACCESSIBLE PARKING SIGN	(N) TREX PRIVACY FENCE - SEE ARCH PLANS	(W) DECORATIVE LIT BOLLARD, TYP.
(G) ACCESSIBLE PARKING/AISLE MARKINGS	(O) STOOPS/STAIRS/RISERS - SEE ARCH PLANS	(X) "DELIVERY PARKING ONLY" SIGN
	(P) LIGHT POLE	(Y) MONUMENT SIGN
	(Q) PROPOSED TRANSFORMER/GENERATOR PAD	

