

Applicant: Ryan Dunlay: Knox and American 1, LLC  
Consultant: Dan Elenbaas; Kimley-Horn  
Project: The District  
Location: 8049 Morgan Circle; 1901 and 1951 American Boulevard West: Bloomington  
Rule(s): 4, 5, 11 and 12  
Reviewer: BCO

### **General Background & Comments**

The project proposes the construction of two 4-story apartment buildings on the properties previously occupied by Savors and Plywood Minnesota located west of Knox Avenue, east of Morgan Avenue and south of West 80 ½ Street extended in Bloomington. The existing two lots are to be replatted as one lot that both buildings will occupy.

This site is within the eastern portion of the overall Penn – American redevelopment area. The construction of both West 80 ½ Street and West 81<sup>st</sup> Street is part of the project and both roadways will ultimately be private.

The two apartment buildings will each be 38,500 square foot (footprint) with 121 and 123 units respectively. The project also includes two surface parking lots, sidewalks, site utilities – that includes two underground storm water management facilities (UGSWMF). Each apartment building will also have one level of underground parking. The existing Red Lobster parking lot, which is also under the ownership of Knox and American 1, LLC, is to be restriped (reconfiguring the parking from north-south to east-west) with the existing parking lot islands reconstructed based on the parking lot reconfiguration as part of the project.

The project site information is:

- Site Area: 6.94 acres (302,514 square feet)
- Existing Impervious Area: 250,827 square feet – pre-demolition of the existing Savors and Plywood Minnesota buildings
- Proposed Impervious Area: 211,021 square feet
- A decrease of 39,806 square feet (15.9% reduction) in impervious area
- Total Disturbed Area : 302,514 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 storm water criteria in Section 4.3.1 applies to the disturbed area of the site, 302,514 square feet, that includes 211,021 square feet of proposed 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 more than 5000 square feet altered, Rules 4.2.1a and b and 5.2.1a and b.

Silt fence, filter logs, inlet protection and a rock construction entrance are shown to be installed to provide for erosion control.

Exhibits

1. Permit Application dated June 17, 2019.
2. Plan sheet dated May 16, 2018, latest revision July 23, 2019 prepared by Kimley-Horn.
3. Storm water management computations dated August 7, 2018, latest revision July 23, 2019, prepared by Kimley-Horn.
4. Soil borings dated January 3, 2008 prepared by Braun Intertec.
5. E-mail correspondence dated June 28, 2019 identifying 5 items required for the application to be considered complete. E-mail response from Kimley-Horn, dated July 23, 2019, providing a response to the June 28<sup>th</sup> information request.

The project submittal is complete.

**4.0 Stormwater Management**

Stormwater management, volume retention, rate control and water quality management will be provided within two UGSWMF to be located on the project site. The 2, 10 and 100-year frequency discharges for existing and proposed conditions are as follows:

Frequency	Existing Discharge to Morgan Avenue c.f.s.	Proposed Discharge to Morgan Avenue c.f.s.
2 year	18.8	<1.0
10 year	31.5	11.4
100 year	59.3	36.0

There is one discharge point from the site that will “tie-into” the existing municipal system along Morgan Avenue.

A volume retention of 19,344 cubic feet is required for 1.1-inches of runoff from the 211,021 square feet of proposed impervious area. The two UGSWMF will provide 19,788 cubic feet of volume retention. With the on-site underlying soils being classified as a poorly graded sand (SP), an infiltration rate of 0.8 inches/hour can be used based on the Minnesota Stormwater Manual. Using this infiltration rate, an area of 6,045 square feet at a maximum depth of 3.2 feet is required for the 19,344 cubic feet of volume retention to be drawn down within 48 hours. An area of 8,338 square feet is to 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 indicates the UGSWMF will provide an annual removal efficiency of 96% for total suspended solids (1,639 lbs.) and an annual removal efficiency of 96% for total phosphorus (9.02 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. The lower level parking for both buildings is to be 825.3 M.S.L. The calculated 100-year frequency high water elevation for both UGSWMF is 823.3 M.S.L. – providing two feet of separation complying with the rule.

District Rule 4.3.3 states that all new and reconstructed buildings must be constructed such that no opening where surface water can enter the structure is less than two feet above the 100-year high water elevation of an adjacent facility or waterbody. The low opening for the garage entryway of both building is shown to be 825.7 M.S.L. – a separation of 2.4 feet above the high water elevation of the UGSWMF. This requirement of paragraph 4.3.3 is met.

The geotechnical report indicates that groundwater was encountered approximately at elevation 810 M.S.L. The bottom elevation of both the UGSWMF is to be 817.5 M.S.L, a separation of 7.5 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 upstream of both 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**

The submitted erosion and sediment control plan includes silt fence at the limits of construction, sediment control logs, inlet protection and a rock construction entrance at the entryway onto the site. The project contact is Dan Elenbaas, Kimley-Horn.

### **11.0 Permit 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: 6,045 sq. ft. x \$12/sq. ft. = \$72,540	\$72,540
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Chloride Management:	\$5000
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Rule 5: Silt fence: 740 L.F. x \$2.50/L.F. = \$1,850	
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Sediment Filter Logs: 1,900 L.F. x \$5/L.F. = \$9,500	
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Inlet Protection: 50 x \$100/each = \$5,000	
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Site restoration: 7.0 acres x \$2500/ acre = \$17,500	\$33,850
Contingency and Administration	\$45,810

**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 \$157,200 - \$152,200 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 facilities has been submitted to Bloomington (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 facilities. 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, including a stage-volume relationship in tabular form, for the two underground storm water management facilities 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 \$152,200 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.

**Board Action**

It was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_ to approve permit application No. 2019-68 with the conditions recommended by staff.

**Permit #:** 2019-68  
**Project Name:** The District; 8049 Morgan Circle, 1901 and 1951 American Boulevard West: Bloomington  
**Approval Date:** August 21, 2019

## General Provisions

1. All temporary erosion control measures shown on the erosion and sedimentation control plans must be installed prior to commencement of surface or vegetation alteration and be maintained until completion of construction and vegetation is established as determined by NMCWD.

If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4-foot on center. All posts must be either 2-inch x 2-inch pine, hardwood, or steel fence posts. If hay bales are used, all bales must be staked in place and reinforced on the downstream side with snow fence.

2. All areas altered because of construction must be restored with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within two weeks after completion of land alteration and no later than the end of the permit period.
3. Upon final stabilization, the permit applicant is responsible for the removal of all erosion control measures installed throughout the project site.
4. At the entryway onto the site, a rock filter dike being a minimum of two feet in height and having maximum side slopes of 4:1 must be constructed. This rock filter dike will enable construction traffic to enter the site and also provide an erosion control facility.
5. If dewatering is required and sump pumps are used, all pumped water must be discharged through an erosion control facility prior to leaving the construction site. Proper energy dissipation must be provided at the outlet of the pump system.
6. The NMCWD must be notified a minimum of 48 hours prior to commencement of construction.
7. The NMCWD, its officers, employees and agents review, comment upon, and approve plans and specifications prepared by permit applicants and their consultants for the limited administrative purpose of determining whether there is reasonable assurance that the proposed project will comply with the regulations and criteria of the NMCWD. The determination of the NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
8. The grant of this permit shall not in any way relieve the permittee, its engineer, or other professional consultants of responsibility, nor shall it make the NMCWD responsible for the technical adequacy of the engineer's or consultant's work. The grant of this permit shall not relieve the permittee from complying with all conditions and requirements of the permit which shall be retained by the permittee with the permit.
9. The issue of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
10. This permit is permissive only. No liability shall be imposed upon the NMCWD or any of its officers, agents or employees, officially or personally, on account of the granting of this permit or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors.

11. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly-owned lands or improvements or interests, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all necessary property, rights, and interest.
12. The permit is transferable only with the approval of the NMCWD (see NMCWD Rule 1.0). The permittee shall make no changes, without written permission previously obtained from the NMCWD, in the dimensions, capacity, or location of any items of work authorized by this permit.
13. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the NMCWD for inspection of the work authorized by this permit.
14. This permit may be terminated by the NMCWD at any time deemed necessary in the interest of public health and welfare, or for violation of any of the provisions of this permit.
15. Construction work authorized under this permit shall be completed on or before date specified above. The permittee may, in writing, request that the NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.



## Permit No.2019-68

Is hereby issued to Ryan Dunlay, Knox and American 1, LLC, subject to the conditions specified in the attached form:

For The District to be located at 8049 Morgan Circle and 1901 and 1951 American Boulevard West in Bloomington

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Jodi Peterson, Chair  
Nine Mile Creek Watershed District

This permit expires on: September 1, 2020

THE DISTRICT

Bloomington, MN



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I hereby certify that this document was prepared by me or under my direct supervision and that I am a duly licensed Engineer under the laws of the State of Minnesota

*David L. Elsenbaun, P.E.*  
Signature  
David L. Elsenbaun, P.E.  
Type of License Holder  
44614 05-28-2018  
License # Date

FOOTING & FOUNDATION PERMIT SET  
5/24/2019

ORIGINAL ISSUE: 05/16/2018

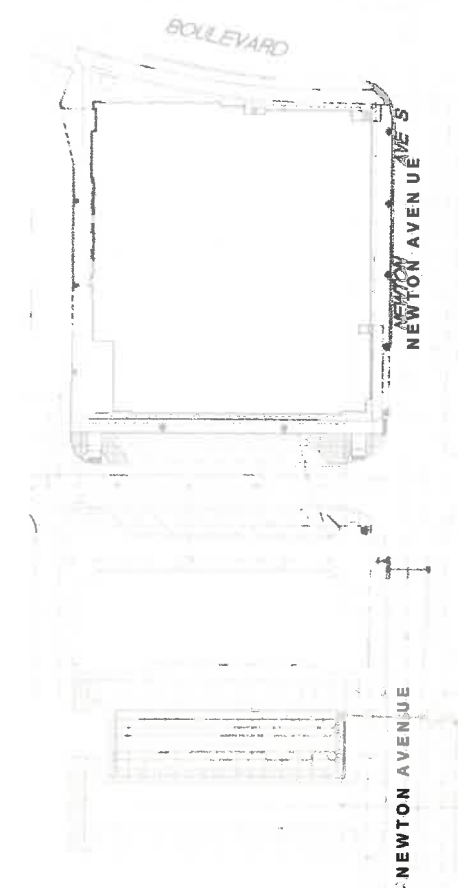
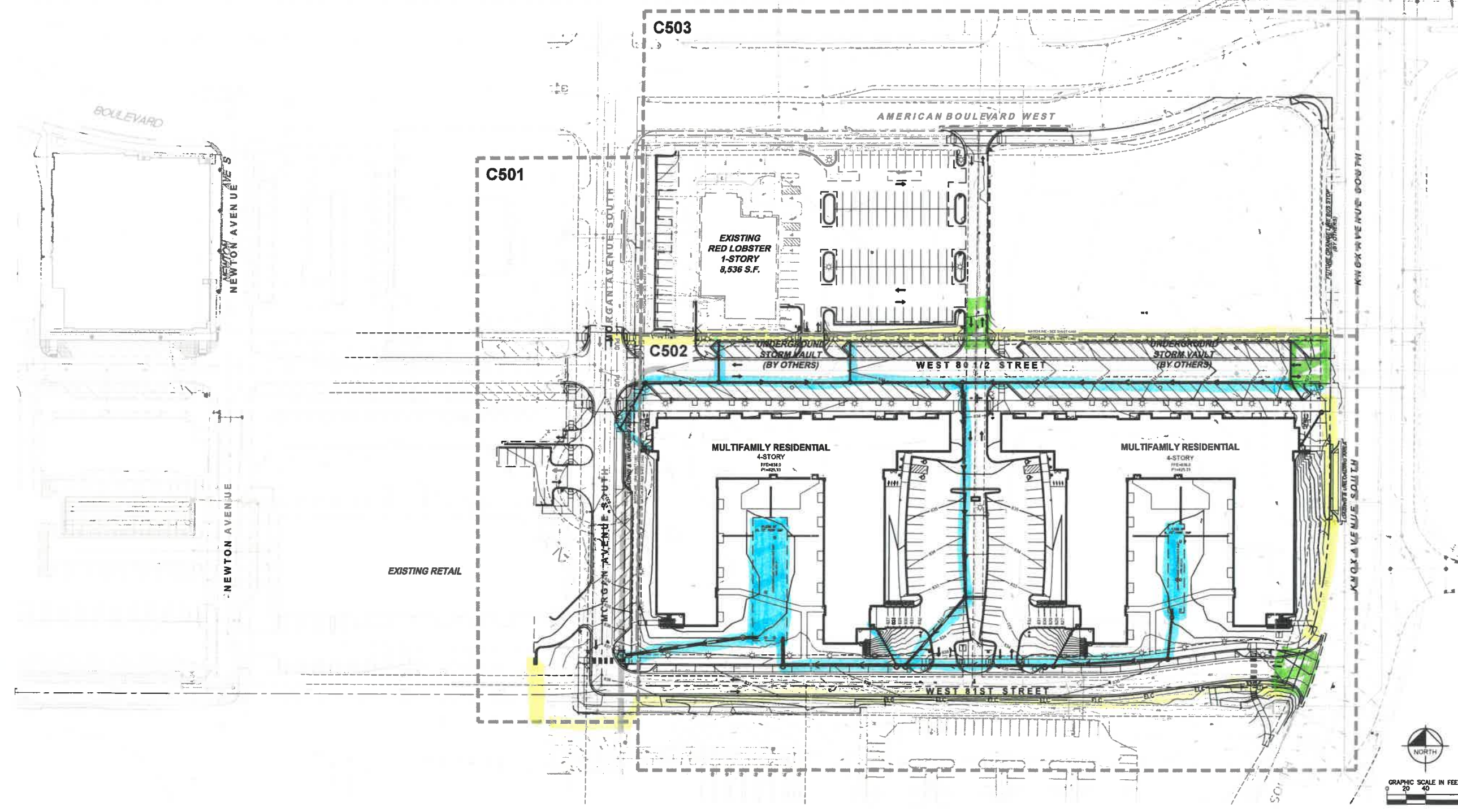
No.	Description	Date
1	INFORMAL DRC	05/16/2018
2	FORMAL DRC	08/08/2018
3	INFORMAL DRC	09/27/2018
4	FORMAL DRC	10/03/2018
5	RESPONSE TO COMMENTS	01/29/2019
6	CITY UPDATES	11/26/2018
7	BID PACKAGE	12/07/2018
8	CITY RESUBMITTAL	02/27/2019
9	PROGRESS SET	04/22/2019
10	PRICING SET	05/24/2019
11	F&F PERMIT SET	05/28/2019
12	F&F PERMIT SET	07/23/2019

160682003  
PROJECT NUMBER  
RAH DRAWN BY DLE CHECKED BY  
THE DISTRICT

OVERALL GRADING PLAN

C500

#2019-68



**LEGEND**

	PROPERTY LINE
	EASEMENT LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED STORM MANHOLE (ROUND CASTING)
	PROPOSED STORM MANHOLE CATCH BASIN (CURB INLET CASTING)
	PROPOSED STORM SEWER CONDUIT
	PROPOSED FLARED END SECTION
	PROPOSED RIPRAP
	PROPOSED STORM SEWER
	PROPOSED STORM SEWER
	PROPOSED SPOT ELEVATION
	PROPOSED HIGH POINT ELEVATION
	PROPOSED LOW POINT ELEVATION
	PROPOSED GUTTER ELEVATION
	PROPOSED TOP OF CURB ELEVATION
	PROPOSED FINISH PAVEMENT ELEVATION
	MATCH EXISTING ELEVATION
	PROPOSED EMERGENCY OVERTFLOW
	PROPOSED DRAINAGE DIRECTION
	PROPOSED ADA SLOPE

