

Permit Application Review

Permit No. 2018-91
Received complete: August 1, 2018

Applicant: David Frauenshuh: Frauenshuh, Inc.
Consultant: Vicki Van Dell; Loucks, Inc.
Project: Parking Lot Expansion for Creekview Office Building
Location: 6925 and 7001 West 78th Street: Bloomington
Rule(s): 3,4,5,11,12
Reviewer: BCO

General Background & Comments

The project proposes the construction of a 7 stall parking lot and sidewalk to West 78th Street from the parcel immediately east of the Creekview Office building in Bloomington. Currently, there are three individual lots, 6925, 7001 and 7101 West 78th Street that are being replatted as one lot under the ownership of Frauenshuh, Inc. The Creekview Office building was approved by the District in 1997, Permit #97-41. The common scheme of development framework in subsection 4.2.5 for storm water management requires consideration of development and redevelopment at a site since March 2008. Since the development of the property took place prior to 2008, it is not considered in analyzing stormwater management requirements under the present permit.

Nine Mile Creek forms the southern boundary of the lot (s). The creek's 100-year Atlas 14 flood elevation on the site is 825 M.S.L. No fill, encroachment or alteration within the floodplain, below 825 M.S.L., is proposed.

There is a wetland area on the site as identified and delineated by the permit applicant's wetland consultant. The City of Bloomington is the LGU administering the requirements of the Wetland Conservation Act. The City of Bloomington has issued a Notice of Decision, dated May 14, 2018, approving the wetland boundary. The wetland has been identified as a medium value wetland requiring a minimum 20 foot and 40 foot average buffer in accordance with section 3.4.1b of the District rules. We have reviewed the July 12, 2018 MNRAM provide by the applicant and we concur with a medium value determination made for the wetland.

The project site information is:

- Total Site Area: 2.78 acres (1218,097 square feet)
- Existing Total Site Impervious Area: 1.16 acres (50,530 square feet)

- New Total Site Impervious Area : 55,994 square feet
- Increase in the site impervious area: 5,464 square feet
- 10.8% increase in the Site Impervious Area
- Total Area to be Disturbed: 11,287 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. Since the increase in the on-site impervious area is 10.8%, storm water management is required for the 11,287 square feet of disturbed area that includes 5,464 square feet of new 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.

Storm water management is to be provided within a rainwater garden/infiltration area that will provide volume retention, rate control and water quality management.

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

Exhibits

1. Permit Application dated July 10, 2018.
2. Plans dated July 9, 2018, revised July 18 and August 1, 2018, prepared by Loucks, Inc.
3. Storm Water Management calculations dated July 9, prepared by Loucks, Inc.
4. Geotechnical Report dated October 26, 1987 prepared by Braun Intertec.
5. E-mail correspondence from Barr Engineering dated July 12, 2018 agreeing with the medium value wetland identification for the wetland area along the creek.
6. Notice of Decision issue by the City of Bloomington dated May 14, 2018 approving the on-site wetlands boundary determination.
7. E-mail correspondence dated May 16, 2018 outlining 6 items requiring information for the submittal to be considered complete by the District.
8. July 16, 2018 response to the District's e-mail of May 16th.

The submittal is complete.

2.0 Floodplain Management and Drainage Alterations

As previously stated, no work, alteration, or filling of the land below elevation 825 M.S.L., the 100-year frequency flood elevation of Nine Mile Creek on the site.

3.0 Wetlands Management

As previously stated, the wetland area on the site has been identified and boundary determined by the permit applicant's wetland consultant. The City of Bloomington, being the

LGU administering the requirements of the Wetland Conservation Act, has issued a Notice of Decision dated May 14, 2018 approving of the wetland boundary determination. The wetland has been identified as a medium value wetland requiring a minimum 20 foot and 40 foot average buffer in accordance with section 3.4.1b of the District rules. We are in agreement with the medium value determination for the wetland.

An area of 10,114 square feet is required for the 40 foot average buffer and the plans show a buffer area of 10,396 square feet will be provided. The closest point between the proposed modular block wall and the wetland boundary is 25 feet, a minimum of 20 feet is required.

4.0 Stormwater Management

Storm water management is to be provided within a rainwater garden/ infiltration basin that will provide volume retention, rate control and water quality

The existing and proposed 2, 10 and 100 year frequency discharges from the site are:

Frequency	Existing Discharge c.f.s.	Proposed Discharge c.f.s.
2 year	<1.0	<1.0
10 year	<1.0	<1.0
100 year	<1.0	<1.0

There is one discharge point from the project area. Rule 4.3.1b is met.

An infiltration volume of 501 cubic feet is required from the 5,464 square feet of new impervious area. The soil borings show the underlying soil as a silty sand (SM) having an infiltration rate of 0.45 inches/hour using the Minnesota Storm Water Manual. A volume of 2,310 cubic feet is proposed to be provide (501 cubic feet required) with an area of 278 square feet. At an inundation depth of 1.8 feet based on the 0.45 inched/hour infiltration rate to comply with the basin to be drawdown in 48 hours (4.3.1a (ii)) an area of 1835 square feet is to be provide (278 square feet required). 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 the MIDS calculator show that the rainwater garden/infiltration basin will provide an annual removal efficiency of 98% for total suspended solids (42.7 lbs.) and an annual removal efficiency of 98% for total phosphorus (0.24 lbs.). Rule 4.3.1c is met.

From the file for Permit #97-41, the finished floor of the existing on-site building is shown to be 830 M.S.L. The calculated 100-year flood elevation of the proposed rainwater garden/infiltration basin is 828.2 M.S.L. the surface overflow from the basin is shown to be 828.6 M.S.L. Rule 4.3.3c, Low floor elevation, states the low floor elevation of a building must be at least two feet above the 100-year high water elevation or one foot above the emergency overflow of a constructed facility. A stormwater facility must also be constructed at an elevation

that ensures that no habitable building will be brought into noncompliance with a standard in subsection 4.3.3. 1.4 feet of separation will be provided between the overflow elevation of the rainwater garden/infiltration basin and the finished floor elevation of the existing structure.

In accordance with Rule 4.3.1a (i), the pre-treatment of runoff prior to reaching the rainwater garden/infiltration basin will be provide by a Rain Guardian Turrent pretreatment chamber constructed at the edge of the parking lot.

Rule 4.5.4d (i), requires a minimum separation of 3 feet between the bottom of an infiltration facility, practice or system. From the soil borings, groundwater was encountered at a depth of 7.5 feet. Elevation 823.8 M.S.L. the bottom of the rainwater garden/infiltration basin is shown to be 826.8 M.S.L. providing the required 3 feet of separation. Rule 4.5.4d (i) is met.

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 and a gravel construction entrance. The project contact is Vick Van Dell, Loucks, Inc...

11.0 Fees

Fees for the project are:

Rules 2.0-6.0	\$1,500
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12.0 Financial Assurances

Financial Assurances for the project are:

Rule 4.0 Volume Retention: 278 sq. ft. x \$12/sq. ft. = \$3,336	\$3,336
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Chloride Management:	\$5000
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Rule 5: Silt fence: 7000 L.F. x \$2.50/L.F.= \$1,750	
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Site restoration: 0.26 acres x \$2500/acre = \$650	\$2,400
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Contingency and Administration	\$2,564
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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 \$13,300 - \$8,300 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 easement is required by the city, and a receipt showing recordation of a maintenance declaration for the on-site storm water management facilities and wetland buffer area. 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 as approved by the District must be submitted.
2. Buffer markers, in accordance with the requirements of District Rule 3.4.5, must be installed.
3. 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.
4. For the release of the \$8,300 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. 2018-91 with the conditions recommended by staff.

Permit #: 2018-91
Project Name: Parking Lot Expansion – Creekview Office; 7001 West 78th Street: Bloomington
Approval Date: August 15, 2018

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.2018-91

Is hereby issued to David Frauenshuh, Frauenshuh Inc., subject to the conditions specified in the attached form:

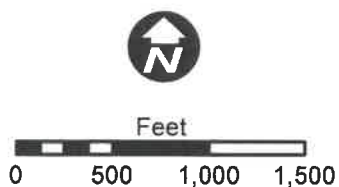
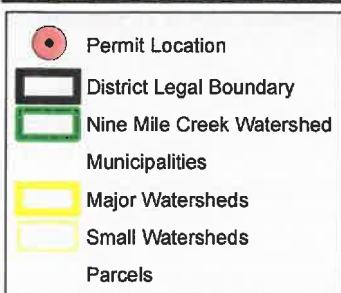
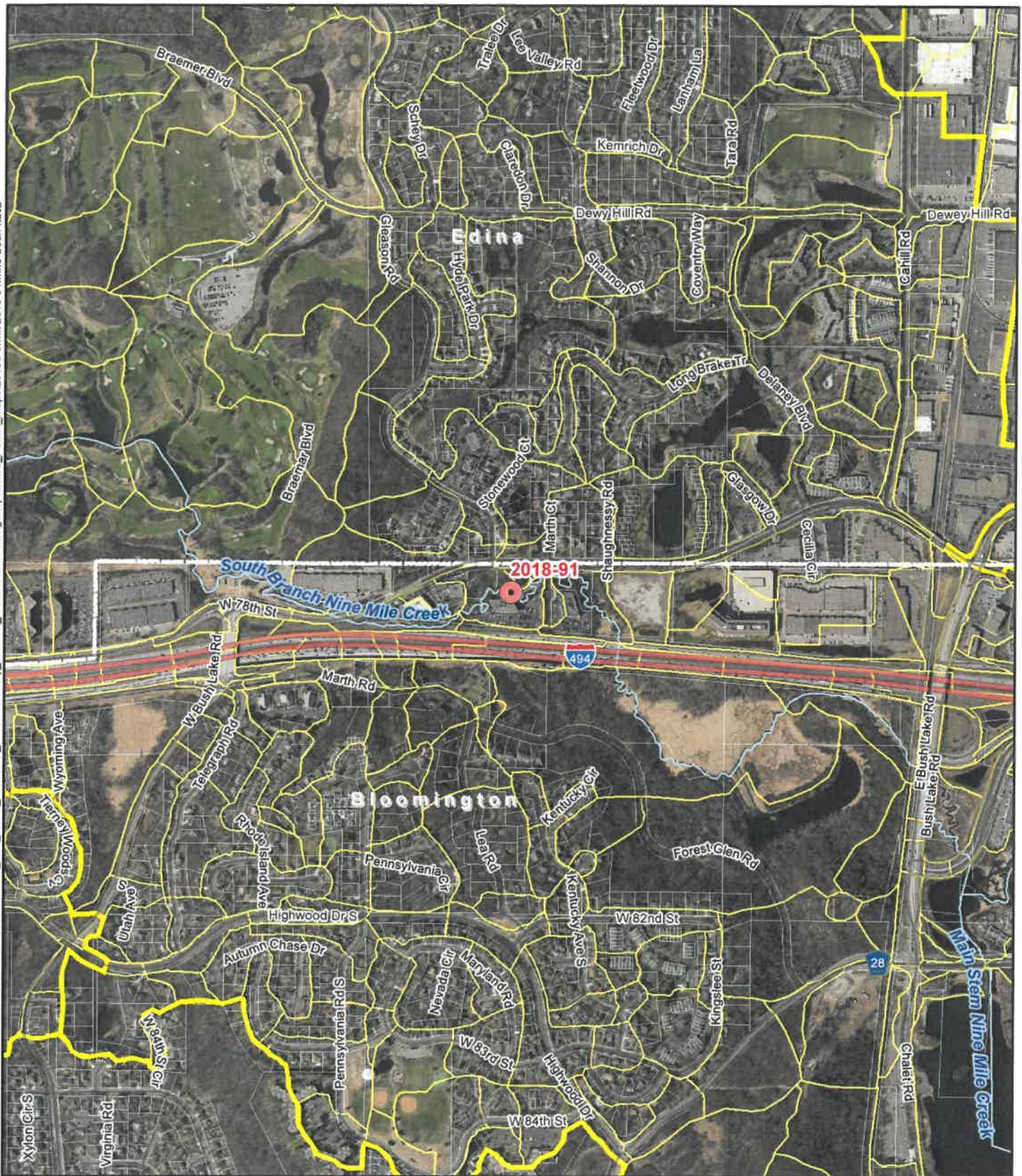
For the construction of a parking lot east of the existing Creekview Office building located at 7001 West 78th Street in Bloomington.

Steve Kloiber

Chair, Board of Managers

This permit expires on: September 1, 2019

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PERMIT LOCATION MAP

PERMIT 2018-91

Nine Mile Creek

Watershed District