Permit Application Review

Permit No. 2019-71 Received complete: August 16, 2019

Applicant:Luigi Bernardi; Arcadia on France, LLC.Consultant:Zachary Webber; LoucksProject:The Shoppes at EstelleLocation:6950 France Avenue: EdinaRule(s):4,5,10,11 and 12Reviewer:BCO

General Background & Comments

The project proposes to raze the existing one-story office building at 6950 France Avenue and reconstructed a 10,300 +/- square foot retail building on the site. The entire 1.0 acre site ids to be disturbed.

The project site information is:

- Total Site Area: 43,594 square feet
- Existing Total Site Impervious Area: 33,846 square feet
- Proposed Site Impervious Area: 34,461 square feet
- Increase in Site Impervious Area: 915 square feet
- 2.7% increase in the percentage of site impervious area
- Total disturbed area: 43,594 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 entire site is to be disturbed, storm water management is required for the disturbed area of 43,594 square feet that includes 34,461 square feet of new and disturbed and reconstructed 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.

For stormwater management, a subsurface system is to be located on the west side of the site, beneath the proposed parking lot area, and a surface basin, rainwater garden, is to be located on the east side of the site between the building and France Avenue. Because of existing drainage problems that have occurred in the residential area west of the site, the City of Edina has requested in correspondence dated August 5, 2019 to assist in incrementally improving this existing drainage condition surface water from the site currently directed to the west be redirected to the east toward France Avenue. The redirection of this flow will require a variance from Rule 4.3.1b that requires the post development discharge be equal to or less than pre-project conditions at all points where surface water leaves the site. The supplemental calculations with the variance request submitted indicate that a rise of 0.02 feet will result in the hydraulic grade line (water surface) of the pipe and gutter flow along France Avenue for the 100-year frequency discharge (60 c.f.s.) with this flow redirection. The effect of this minor increase on the 100-year discharge conveyed along France Avenue cannot be assessed within accepted engineering standards.

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

Exhibits

- 1. Permit Application dated June 14, 2019, received June 19, 2019.
- 2. Preliminary Plans revised June 19, 2019 prepared by Loucks.
- Storm Water Management Plan and calculations dated June 19, 2019 and revised July 29, 2019, prepared by Loucks. Supplemental hydraulic calculations for flow along France Avenue dated July 24, 25, and 26, 2019 prepared by Loucks to address the issues in the June 24th e-mail (item #5).
- 4. Geotechnical Report dated April 10, 2017 prepared by American Engineering and Testing.
- 5. E-mail correspondence dated June 24, 2019 summarizing 4 items that needed to be addressed/submitted for the application to be complete.
- 6. Variance request dated July 29, 2019, revised August 16, 2019, prepared by Loucks for the applicant.
- 7. E-mail correspondence dated August 5, 2019 from the City of Edina requesting as much flow from the site be directed to the east toward France Avenue.
- 8. Edina Planning Commission and City Council approval of the project on July 10th and July 16th, respectively.

The project submittal is complete.

4.0 Stormwater Management

Stormwater management, volume retention, rate control and water quality management will be provided within an underground system located on the west side of the site and a rainwater garden/infiltration area located on the east side of the project site along France Avenue. The 2, 10 and 100-year frequency discharges for existing and proposed conditions are as follows:

Frequency	Existing Discharge to France Avenue c.f.s.	Proposed Discharge to France Avenue c.f.s.
2 year	<1.0	<1.0
10 year	<1.0	<1.0
100 year	<1.0	5.6

Frequency	Existing Discharge to the West c.f.s.	Proposed Discharge to the West c.f.s.
2 year	2.0	0
10 year	3.1	0
100 year	5.5	0

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

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

As previously stated, a variance request has been submitted for allowing the redirection of surface runoff from the site to the east toward France Avenue to incrementally improve an existing drainage problem within the residential west of the site.

A volume retention of 3,186 cubic feet is required for 1.1-inches of runoff from the 34,761 square feet of new and disturbed and reconstructed impervious area. The underground storm water management system and the rainwater garden/infiltration basin will provide 4,705 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 was used based on the Minnesota Stormwater Manual. Using this infiltration rate, an area of 995 square feet at a maximum depth of 3.2 feet is required for the 3,186 cubic feet of volume retention to be drawn down within 48 hours. An area of 3,505 square feet is to be provided within the underground system and the rainwater garden. 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 combined systems will provide an annual removal efficiency of 99% for

total suspended solids (275 lbs.) and an annual removal efficiency of 99% for total phosphorus (1.50 lbs.). Rule 4.3.1c is met.

District Rule 4.3.3 states that all new and reconstructed buildings must be constructed such that the low floor elevation and low opening where surface water can enter the structure is not less than two feet above the 100-year high water elevation of an adjacent facility or waterbody. The finished floor elevation and low opening of the structure is 871 M.S.L. The 100-year frequency high water elevation of the underground system is 867.1 M.S.L., a separation of 3.9 feet. The 100-year frequency high water elevation of the rainwater garden is 868.8 M.S.L., a separation of 2.2 feet. The requirements of paragraph 4.3.3 area met.

A sump manhole is to be constructed in the storm sewer system tributary to the underground treatment facility. A sump constructed within the building roof leader along with a rock filter strip around the edge of the rainwater garden and a sump manhole constructed in the storm sewer system tributary to the underground treatment facility will provide the required pretreatment of storm water upstream of an infiltration facility, Rule 4.3.1a (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, sediment control logs, inlet protection and rock construction entrances at the entryway onto the site. The project contact is Zach Webber, Loucks.

10.0 Variances and Exceptions

A variance request for compliance with Rule 4.3.1b (attached) has been prepared by Loucks on behalf of the applicant to address Rules 10.1-10.4. The variance request is for compliance in limiting the post development 2, 10 and 100 year frequency discharges for all points where stormwater discharges leaves the site to pre-development runoff rates. Runoff from the western portion of the site is currently tributary and contributes to an existing drainage problem in the residential area west of the site. To begin to incrementally improve this drainage problem, the City has requested that the runoff from The Shoppes at Estelle site tributary to this problem area be redirected to the east toward the France Avenue drainage system. The France Avenue system has sufficient capacity to convey this additional runoff, for the 2, 10 and 100 year storm events, with an insignificant rise (0.02 feet for the 100-year) of the hydraulic grade line for the conveyance of this additional water.

The following table provides the total proposed and existing discharges leaving the site:

Existing Site Conditions	c.f.s	Proposed Site Conditions	c.f.s.
2-year	2.2	2-year	<1
10-year	3.7	10-year	<1
100-year	6.7	100-year	6.0

The on-site BMP's limit the total proposed discharge leaving the site to less than pre-project conditions. If the western portion of the site was to continue to discharge to the west in conformance with the District rules, the following table shows the existing flow conditions and the proposed with the BMP in-place;

Existing Site Conditions	c.f.s	Proposed Site Conditions	c.f.s.
2-year	2.0	2-year	<1
10-year	3.1	10-year	<1
100-year	5.5	100-year	3.0

The exception would allow 3.0 c.f.s. in the 100-year storm event to be directed to the east to the France Avenue rather than being tributary to the existing drainage issue to the west of the site.

11.0 Fees

Fees for the project are:	
Rules 2.0-6.0	\$1,500
12.0 Financial Assurances Financial Assurances for the project are:	
Rule 4.0 Volume Retention: 995 sq. ft. x \$12/sq. ft. = \$11,940	\$11,940
Chloride Management:	\$5,000
Rule 5: Silt fence: 325 L.F. x \$2.50/L.F. = \$650	
Bioroll: 200 L.F. x \$5/L.F. = \$1000	
Inlet Protection: 6 x \$100/each = \$600	
Site restoration: 1.0 acres x \$2500/ acre = \$2,500	\$4,750
Contingency and Administration	\$7,210

The proposed project includes the information necessary, plan sheets and erosion control plan, for review.

1. Rules 4 and 5 are met.

The applicant is requesting a variance from compliance with Rule 4.3.1b, rate control. The City of Edina is requesting that surface water runoff from a portion of the redeveloped site be redirected to the east away from an existing drainage problem within the residential area west of the site.

Recommendation

If the managers determine to grant the variance, the engineer recommends approval of the remaining terms of the permit, contingent upon:

- 1. General Conditions
- 2. Financial Assurance in the amount of \$28,900 \$23,900 for erosion control and site restoration and \$5,000 for compliance with the chloride management requirements.
- 3. Submission of documentation that drainage easements over the stormwater-management facilities have been submitted to Edina (4.5.4i), if such easement 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 stage volume relationships for both the underground system and rainwater garden, 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 \$23,000 financial assurance required in Recommendation #2, Rule 12.4.1a requires demonstration and confirmation that the site has been vegetated and stabilized to prevent erosion and sedimentation per subsection 5.3.3 and that erosion and sediment controls have been removed.

Board Action

It was moved by Manager ______, seconded by Manager ______ to approve permit application No. 2019-71 with the conditions recommended by staff.

Permit #:2019-71Project Name:The Shoppes at Estelle; 6950 France Avenue: EdinaApproval 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.2019-71

Is hereby issued to Luigi Bernardi, Arcadia on France, LLC, subject to the conditions specified in the attached form:

For The Shoppes at Estelle to be located at 6950 France Avenue in Edina

Jodi Peterson, Chair Nine Mile Creek Watershed District

This permit expires on: September 1, 2020

July 29, 2019 Revised August 16, 2019



Attn: Randy Anhorn District Administrator Nine Mile Creek Watershed District 12800 Gerard Drive Eden Prairie, MN 55346

RE: The Shoppes at Estelle – Edina, MN Variance Request Loucks Project No. 18697B

Dear Mr. Anhorn,

The Shoppes of Estelle located at 6950 France Ave. Edina, MN is requesting a variance from district rule 4.3.1b. The City of Edina prefers to have the proposed stormwater runoff on site to be rerouted to the east of the site because the neighboring properties to the west have flooding issues. The majority of the existing site runoff goes west and a small portion of the site runoff goes east. The existing site runoff to the east is not feasible to match.

10.1.1

This is a unique situation because the neighboring properties to the west have existing flooding issues. The City of Edina prefers the runoff be rerouted to the east.

10.1.2

The hardship was not created by the landowner, the landowner's agent or representative, or a contractor, and is unique to the property. It is an existing condition.

10.1.3

The City of Edina shared the stormwater model in the area downstream of the site. The existing condition of the storm sewer under France Ave. is surcharged from both the 10-year and 100-year storm event. This means that the water is backed up into the street and is flowing down the gutter line. I used Izzard's Equation to find the depth of water in the gutter line for both the existing and proposed conditions for both storm events. I then compared the depths to see if the proposed site would negatively impact the existing system (see attached calculations). For the 10-year event the difference in depth is 0.004 feet and the 100-year event is 0.02 feet. The proposed system does not discharge for the 2-year event, so it will not add any water to the existing system. The amount of water being added to the existing system is minimal and will not materially adversely affect the water resources, flood levels, drainage or the general welfare in the district.

10.1.4

I do not see any feasible and prudent alternative to the proposed activity.

Please do not hesitate to contact me (763-496-6753, <u>zwebber@loucksinc.com</u>) with any questions regarding this variance request or if additional information is needed.

Zaehery Ar Wehl

Zach Webber, PE

PLANNING | CIVIL ENGINEERING | LAND SURVEYING | LANDSCAPE ARCHITECTURE | ENVIRONMENTAL www.loucksinc.com | 7200 Hemlock Lane, Suite 300, Maple Grove, MN 55369 | 763.424.5505

Bob Obermeyer

From:	Chad Millner <cmillner@edinamn.gov></cmillner@edinamn.gov>
Sent:	Monday, August 5, 2019 9:03 AM
То:	'ZWebber@loucksinc.com'; Bob Obermeyer
Subject:	The Shoppes at Estelle - 6950 France, Variance Request Watershed

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The applicant for the Shoppes at Estelle located at 6950 France Avenue is proposing a redevelopment project. Redevelopment allows for the City to improve various transportation and/or utility concerns that are existing.

Currently storm water drainage goes west to a neighborhood that is severely challenged in regards to storm water drainage service and flood protection. A screen shot of the 1% annual flood shape is provided.



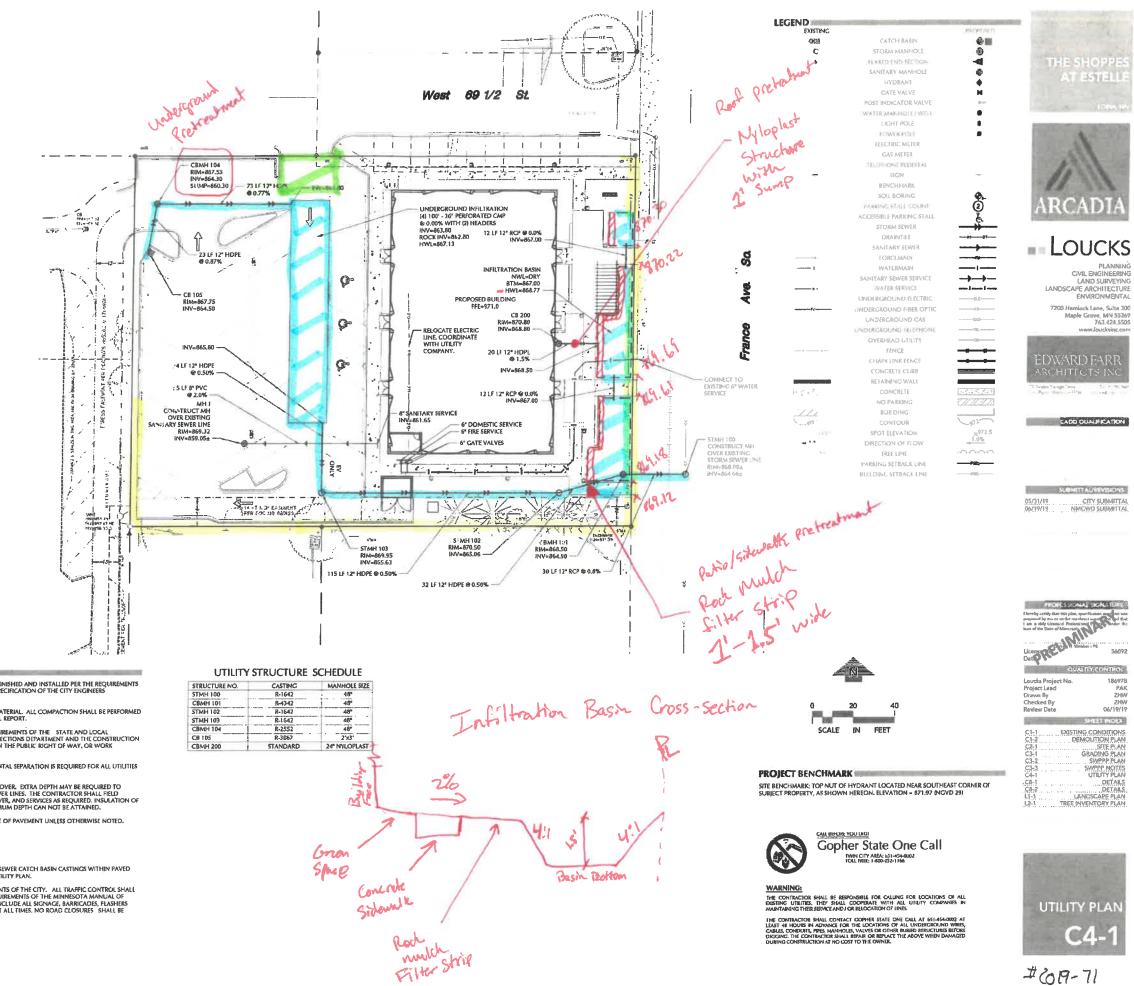
In the interest of incrementally improving this condition, staff has asked the applicant to try to discharge some of the storm water east to the France Avenue storm sewer system. They intend to still control rate and volume with the use of underground tanks and raingardens.

I hope this information assists the watershed district in consideration of the applicants variance request.

Thanks, Chad



Chad Millner, Director of Engineering 952-826-0318 | Fax 952-826-0392 cmillner@EdinaMN.gov | EdinaMN.gov



UTILITY NOTES

- 1. ALL SANITARY SEWER, STORM SEWER AND WATERMAIN UTILITIES SHALL BE FURNISHED AND INSTALLED PER THE REQUIREMENTS OF THE SPECIFICATIONS, THE CITY OF EDINA, AND THE STANDARD UTILITIES SPECIFICATION OF THE CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM), 2013 EDITION
- 2. ALL UTILITY PPE BEDDING SHALL BE COMPACTED SAND OR FINE GRANULAR MATERIAL. ALL COMPACTION SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CEAM SPECIFICATION AND THE GEOTECHNICAL REPORT.
- 3. ALL CONNECTIONS TO EXISTING UTILITIES SHALL BE PERFORMED PER THE REQUIREMENTS OF THE STATE AND LOCAL JURISDICTIONS. THE CITY DEPARTMENT OF ENGINEERING AND BUILDING INSPECTIONS DEPARTMENT AND THE CONSTRUCTION ENGINEER MUST BE NOTIFIED AT LEAST 48 HOURS PRIOR TO ANY WORK WITHIN THE PUBLIC RIGHT OF WAY, OR WORK IMPACTING PUBLIC UTILITIES.
- 4. A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION AND 10 FEET OF HORIZONTAL SEPARATION IS REQUIRED FOR ALL UTILITIES FROM THE WATERMAIN UNLESS OTHERWISE NOTED.
- 5. ALL NEW WATERMAIN AND SERVICES MUST HAVE A MINIMUM OF 7.5 FEET OF COVER. EXTRA DEPTH MAY BE REQUIRED TO MAINTAIN A MINIMUM IB "VERTICAL SEPARATION TO SANTARY OR STORM SEWERE LINES. THE CONTRACTOR SHALL FIELD ADJUST WATERMAIN TO AVOID CONFLICTS WITH SANITARY SEWER, STORM SEWER, AND SERVICES AS REQUIRED. INSULATION OF WATER AND SANITARY SEWER LINES SHALL BE PROVIDED WHERE 7.5 FEET MINIMUM DEPTH CAN NOT BE ATTAINED.
- 6. ALL FIRE HYDRANTS SHALL BE LOCATED 5 FEET BEHIND BACK OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.

7. PROPOSED PIPE MATERIALS:			
WATERMAIN	DIP	-	6" DIAMETER
SANITARY SEWER	PVC SDR 15 RCP & HDPE		8' DIAMETER 12" DIAMETER
STORM SEWER	KCP & HUPE		12" DIAMETER

- 8. CONTRACTOR AND MANHOLE FABRICATOR SHALL SUMP (LOWER) ALL STORM SEWER CATCH BASIN CASTINGS WITHIN PAVED AREAS 0.16 FEET OR 2-INCHES BELOW THE RIM ELEVATION DEPICTED ON THE UTILITY PLAN.
- 9, ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY. ALL TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL BE ESTABLISHED PER THE REQUIREMENTS OF THE MINNESOTA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCOL) AND THE CITY. THIS SHALL INCLUDE ALL SIGNAGE, BARRICADES, FLASHERS AND FLACGERS AS INEDED. ALL PIEUR STREETS SHALL BE COPEN THAT FIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT THE EXPRESSED AUTHORITY OF OF THE CITY.
- 10. THE CITY SHALL OPERATE ALL GATE VALVES.
- 11, PIPE LENGTHS SHOWN ON THE PLAN DO NOT INCLUDE THE APRON SECTION.

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