

Permit Application No.: 15-192

Rules: Erosion Control, Stormwater Management, Wetland Protection, and Floodplain Alteration

Applicant: Alan Chazin Homes, Inc

Project: 4 lot single family home subdivision

Location: Address Unassigned -Sunrise Avenue, Tonka Bay

Received: 5-5-15

Complete: 5-19-16

Noticed: 12/9/15

Recommendation:

Approval with conditions:

- Payment of engineering fees for District inspection and analysis of proposed project.
- Submittal in draft form and recording after approval of a Declaration protecting the wetland buffer on the property.

Stipulations

- Single family homes proposed for construction on lots 1-3 must have an impervious surface area materially consistent with the approved grading plan to benefit from application of stormwater-management exemption incorporated into approval of permit 15-192.
- Single family homes proposed for construction on lots 1-3 must provide 2 feet of free-board between the structures' low openings and the 100-yr floodplain elevation on site.

Summary:

Alan Chazin Homes, Inc. is proposing a four lot subdivision that will trigger the District's Erosion Control, Floodplain Alteration, Stormwater Management, and Wetland Protection rules. The project meets the requirements under each of these District rules. Staff is recommending approval of this application with the conditions and stipulations outlined in this report.

Background:

Alan Chazin Homes, Inc. has applied for a Minnehaha Creek Watershed District permit for Erosion Control, Floodplain Alteration, Stormwater Management and Wetland Protection for a proposed four-lot subdivision located on Sunrise Avenue in the City of Tonka Bay. As three of the four lots are proposed to be built on at a later time, approval of this application does not include single family home construction. The fourth lot will be deeded to the City of Tonka Bay as Outlot A. The proposed project will result in a 7,740 cubic feet increase in flood storage on the 1.95-acre property, which ultimately drains to Lake Minnetonka.

This permit is before the Board of Managers for determination at the request of two members of the public. Staff set up an informal meeting with neighbors, including the two individuals who requested Board consideration, to address questions and concerns related to the project's effect on flooding on Sunrise Avenue and flooding at the adjacent pond as a result of the proposed construction. The community members understood that compliance with District rule requirements should ensure flooding conditions are not exacerbated, however, they maintained their request for the public hearing.

The permit application was originally deemed complete in December of 2015, however, the preliminary plat approval by the City of Tonka Bay expired prior to approval of a District permit. The application was noticed and at that time the public hearing was requested. Staff communicated to the community and the applicant that the Board hearing would be scheduled after the proposed project received a new preliminary plat approval from the City. In March, 2016, the proposed project received renewed preliminary plat approval and staff initiated the informal meeting with the community members who had previously expressed concern. As a result of the final plat process, it was determined that Outlot A would be deeded to the City upon the completion of the development. As part of the Developer's Agreement, the City requested that Outlot A be graded to provide capacity in order to receive stormwater overflow from Sunrise Avenue. The Application has since been updated with the new grading plan and was deemed complete on May 19, 2016.

Erosion Control:

The District's Erosion Control rule is applicable for any project that proposes grading of 50 cubic yards or more of earth material. The project proposes approximately 120 cubic yards of grading therefore the rule is triggered.

Erosion and sediment control best management practices (BMPs) provided include: silt fence, rock construction entrance, and six inches of topsoil for stabilization.

Floodplain Alteration:

The District's Floodplain Alteration rule is applicable for any project that proposes to alter or fill land below the projected 100-year high water elevation of a waterbody. The delineated wetland onsite was modeled and determined to have a flood elevation of 932'. The grading required for the proposed home building pads will result in a 5,970 cu. ft. fill of the site's 100 year floodplain. Additional grading and the creation of a storage pond on Outlot A will result in 13,710 cu. ft. of cut below the 932' elevation. The project will result in a net increase in flood storage of 7,740 cu. ft. Hydraulic modeling provided by the applicant, as well as the increased flood storage proposed on the property, demonstrate that fill associated with this project will not result in negative impacts to upstream or downstream properties.

In order to ensure that future construction complies with the Floodplain Alteration rule, staff recommends that approval of this permit include a stipulation that houses built on Lots 1-3 will provide 2-feet of free-board between the structures' low openings and the 100-yr floodplain elevation.

Stormwater Management:

The District's Stormwater Management rule is applicable for any project proposing to alter the land in such a way that affects the peak-rate, volume, or direction of water flowing off of the site, as well as for subdivision of a property of one acre or more into three or more lots. The proposed project triggers the rule on both counts. The project proposes approximately 120 cubic yards of grading which will alter the direction, rate, and volume of water flowing off-site. The applicant has proposed specific areas of impervious surface for construction of three single-family homes that, in total, equal less than 20% of the site area. Therefore, the applicant is exempt from the rate, volume, and phosphorus control requirements of the rule. The plans submitted for approval are for construction, however they are not the build-plans. (As noted, the applicant is not proposing construction of the homes.) Single-family home applications for construction of homes on these lots must materially comport with the proposed impervious surface areas approved under this application to benefit from the application of the exemption applied here.

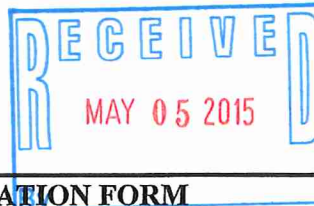
The two-foot freeboard requirement analyzed above under Floodplain Alteration also applies under the MCWD Stormwater Management Rule (paragraph 3(e)), and compliance with the provision is a stipulation applicable under this rule as well.

Wetland Protection:

The District's Wetland Protection rule is applicable for any project which triggers the District's Stormwater Management Rule. A Type 2/3, partially drained, wet meadow/shallow marsh wetland was delineated on site. MCWD approved this boundary and type on July 22, 2015 under Wetland Conservation Act application number W15-31. The wetland delineated on site is not shown on the District's Functional Assessment of Wetlands (FAW) inventory. Based on the assessment by the District, the wetland is dominated by invasive species, appears to have formed on fill soils, and likely receives stormwater from the surrounding area. It was determined that if a MnRAM were conducted for the wetland, the management class would likely be determined as Manage 3. The proposed 25 foot buffer is adequate to meet the District's Wetland Protection rule requirements for this management class. The construction of the storage pond on Outlot A impacts approximately 1,133 square feet of buffer. Through buffer averaging the applicant provides approximately 1,233 square feet of additional buffer. The applicant has also indicated the location of wetland buffer signage on the project site plan. The applicant is not proposing disturbance within the buffer area, therefore, a maintenance and monitoring plan in accordance with Section 7 c of the Wetland Protection rule is not required.

Attachments:

1. Permit Application
2. Site Plan dated May 19, 2016



15-192

WATER RESOURCE PERMIT APPLICATION FORM

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at:
15320 Minnetonka Blvd. Minnetonka, MN 55345.

Keep a copy for your records.

YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.

1. Name of each property owner: Alan Chazin Homes, Inc.
Mailing Address: 5463 Myrtle Blvd # 602 City: St. Louis Park State: MN Zip: 55
Email Address: a.e.chazin@comcast.net Phone: 55416 Fax: _____

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)
Business Name: _____ Representative Name: Donald R. Peterson
Business Address: 6105 Lincoln Dr # 231 City: Edina State: MN Zip: 55436
Email Address: donald.peterson@gmail.com Phone: 612 718-9120 Fax: _____

3. Project Address: no address assigned City: Tonka Bay
State: MN Zip: 55331 Qtr Section(s): _____ Section(s): _____ Township(s): _____ Range(s): _____
Lot: 1-4 Block: 1 Subdivision: Sunrise Addition PID: 27-117-23-24-0010

4. Size of project parcel (square feet or acres): 89936 SF
Area of disturbance (square feet): unknown Volume of excavation/fill (cubic yards): unknown
Area of existing impervious surface: 0 Area of proposed impervious surface: less than 20,000 SF
Length of shoreline affected (feet): 0 Waterbody (& bay if applicable): 0

5. Type of permit being applied for (Check all that apply):
 EROSION CONTROL WATERBODY CROSSINGS/STRUCTURES
 FLOODPLAIN ALTERATION STORMWATER MANAGEMENT
 WETLAND PROTECTION APPROPRIATIONS
 DREDGING ILLICIT DISCHARGE
 SHORELINE/STREAMBANK STABILIZATION

6. Project purpose (Check all that apply):
 SINGLE FAMILY HOME MULTI FAMILY RESIDENTIAL (apartments)
 ROAD CONSTRUCTION COMMERCIAL or INSTITUTIONAL
 UTILITIES SUBDIVISIONS (include number of lots) 4
 DREDGING LANDSCAPING (pools, berms, etc.)
 SHORELINE/STREAMBANK STABILIZATION OTHER (DESCRIBE): _____

7. NPDES/SDS General Stormwater Permit Number (if applicable): _____

8. Waterbody receiving runoff from site: _____

9. Project Timeline: Start Date: summer 2015 Completion Date: Each home construction date

Permits have been applied for: City County MN Pollution Control Agency DNR COE
Permits have been received: City County MN Pollution Control Agency DNR COE

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

Alan Chazin
Signature of Each Property Owner

May 5, 2015
Date

Erosion Control Supplemental Information

Final Stabilization will be provided with (seed, sod, etc): seed + sod
and 6 inches of topsoil will be added/replaced prior to final stabilization.

Concrete Washout: Location of concrete washout as required by each building permit
 Off site Indicated on site plans Other (description): Contained on truck:

Vegetation: Protective fencing will be installed as necessary so as to exclude all fill and equipment from the drip line or critical root zone, whichever is greater, of all vegetation to be retained.
 Yes Not Applicable Other (description): As required with each building permit. No disturbance prior to each building permit.

Inspections: An erosion control inspection plan is required for all projects disturbing ¼ acre or greater. The inspection requirements are as follows:

- 1) The individual identified as being responsible for implementing the erosion control plan must routinely inspect the construction site once every seven days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- 2) All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the erosion control plan and made available at the District's request within 24 hours. Records of each inspection and maintenance activity shall include:
 - i. Date and time of inspections;
 - ii. Name of person conducting inspections;
 - iii. Findings of inspections, including recommendations for corrective actions;
 - iv. Corrective actions taken (including dates, times and party completing maintenance activities); and
 - v. Date and amount of all rainfall events greater than 0.5 inches in 24 hours.

Provide the following information for the primary individual responsible for implementing the erosion control plan:

Name Applicant for each building permit
Organization _____
Phone _____ Alternate Phone _____
Email _____

I certify that I am familiar with the requirements of the MCWD Erosion Control Rule and that the proposed activity will be conducted in compliance with this rule.

Alan Chazin
Signature of Applicant or Authorized Agent

May 5, 2015
Date

Application Checklist for Erosion Control Permit

To meet the permit application requirements of the Minnehaha Creek Watershed District's (MCWD) Erosion Control Rule, please refer to the following checklist and submit the required materials. This checklist is intended primarily as a guide for smaller projects such as single family homes. Additional materials may be required. See the complete Erosion Control Rule text for more details.

- A \$10.00 application fee payable to MCWD. **Checks only. MCWD cannot accept cash or credit cards.**
- A completed Water Resource Permit Application Form with signatures (scanned or faxed signatures are acceptable).
- A site plan (11"x17" in size or smaller) that shows the following (see example):
 - Site property lines.
 - Existing and proposed elevation contours sufficient to show drainage on and adjacent to the site.
 - The site location in relation to surrounding roads, steep slopes, significant geographic features, buildings and other structures.
 - Identification and location of all water features and facilities on-site and within 1000 feet of the area to be disturbed including any lake, stream or wetland; any natural or artificial water diversion or detention area; any surface or subsurface drainage facility or stormwater conveyance; and any storm sewer catch basin within 100 feet and down-gradient of the area to be disturbed.
 - Identification of all receiving waterbodies and/or stormwater conveyance systems to which the site discharges.
 - Location of trees and vegetation to be retained (with required protective fencing noted).
 - Existing 100 year flood elevation, if applicable.
 - Location of proposed grading or other land-disturbing activity and location of stockpiles.
 - Quantities of soil or earth material to be removed, or stored on site, and area of land to be disturbed.
 - Location of on-site concrete washout area (if applicable).
 - Locations of proposed runoff control, erosion prevention, sediment control and temporary and permanent soil stabilization measures, including:
 - Perimeter control along all roads and trails.
 - Perimeter control at the bottom of all slopes leading off site or toward water resources.
 - Perimeter control and/or cover around/on all large stockpiles.
 - Crushed rock or existing paved construction entrance.
- NOTE:
 - All erosion and sediment control measures must be in place before any land disturbing activity begins.
 - Silt fence must be trenched in six inches and installed correctly (see figure).
- A permanent stabilization plan that states the following (can be written on site plan):
 - Addition of at least 6" of topsoil to all disturbed areas.
 - Method for establishing permanent vegetative cover (on the supplemental form).

Notes:

- Financial assurance is required for projects disturbing more than one acre
- MCWD must be notified prior to any site dewatering
- The permittee may be required to implement additional sediment/erosion control measures upon request from MCWD staff if, at any time after the permit is issued, it is considered necessary for compliance with the Erosion Control Rule.

RECEIPT DATE 5/5/15 No. 880807

RECEIVED FROM Alan Chazin Homes Inc \$ 10.00

Ten and no/100 DOLLARS

FOR RENT Sunrise Addition - Tonka Bay

FOR _____

ACCOUNT		<input type="radio"/> CASH	
PAYMENT	<u>10.00</u>	<input checked="" type="radio"/> CHECK	<u># 5960</u>
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	

FROM _____ TO _____

BY ag

3-11

5960

ALAN CHAZIN HOMES, INC.
5353 WAYZATA BLVD STE 602
ST LOUIS PARK, MN 55416

DATE 5/4/15 79-57-759

PAY TO THE ORDER OF M.C. W. D. \$ 10.00

ten DOLLARS

Associated Bank

FOR App. fee Pil Chuz

MP

⑈005960⑈ ⑆075900575⑆ 000 1 08 1 746⑈

GRADING PLAN FOR:
ALAN CHAZIN HOMES INC.
 5353 Wayzata Blvd.
 Suite No. 602
 St. Louis Park, MN 55416

NOTES:

Property Address: Unassigned address.
 Property Identification Numbers: 27-117-23-24-0010
 Existing Zoning Classification - R-1B (Single Family Residential "B") also Shoreland District (non-riparian area)
 Proposed Zoning Classification - R-1B (Single Family Residential "B")
 100 Year Flood Plain Elevation = 931.94 feet

Required Building Setbacks:
 Front Yard: 40 feet
 Side Yard: 8 feet
 Rear Yard: 20 feet

Minimum Lot Area - Not less than 15000 sq.ft
 Minimum Lot Width - Not less than 75 feet (per Shoreland District)
 Maximum Building Height - 30 feet

See City Code for Accessory Structures.

Screening will be required on all parcels.

Total Area of Property = 89936 sq.ft

Total number of proposed Lots = 4

Area of proposed Lots
 Lot 1, Block 1 - 20564 sq.ft
 Lot 2, Block 1 - 27469 sq.ft
 Lot 3, Block 1 - 25361 sq.ft
 Outlot A - 12936 sq.ft

Hardcover Percentages of Building Pad & Drive
 Lot 1, Block 1 - 3753 sq.ft = 18.3%
 Lot 2, Block 1 - 3860 sq.ft = 14.1%
 Lot 3, Block 1 - 4023 sq.ft = 15.9%
 Outlot A - not applicable

Net Area of proposed Lots
 Lot 1, Block 1 - 20564 sq.ft
 Lot 2, Block 1 - 27469 sq.ft
 Lot 3, Block 1 - 22021 sq.ft
 Outlot A - 11047 sq.ft
 Net area of Lot is: Area of total Lot minus wetland areas.

Minimum First Floor Elevation = 934.5 feet

Section Quarter lines will be under Hennepin County Review at Final Plat Phase.

Property Owner: Alan Chazin Homes, Inc.
 5353 Wayzata Blvd.
 Suite No. 602
 St. Louis Park, MN 55416

Developer: Alan Chazin Homes, Inc.
 5353 Wayzata Blvd.
 Suite No. 602
 St. Louis Park, MN 55416
 Attn: Don Peterson
 Phone: 612-718-7120

Wetland delineation by: Kjolhaug Environmental Services Inc.
 26105 Wild Rose Lane
 Shorewood, MN 55331
 952-401-8757

Existing Legal Description

Lot 4, Auditor's Subdivision No. 243, Hennepin County, Minnesota, except that part lying Northwesterly of a line drawn from the most Easterly corner of Lot 23, L.C. Seceley and N.F. Griswold's Amendment and First Addition to Minnetonka Lake Park to the most Easterly corner of Lot 27 said Amendment and First Addition.

Torrens Property.
 Certificate of Title No. 845959


GRADING PLAN

SUNRISE ADDITION

CERTIFICATION

The only easements shown are from plats of record or information provided by client.

I certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Dated this 4th day of August, 2015.

Signed: 
 Gregory R. Prach, Minn. Reg. No. 24992

Date of Survey
10/22/2015
11/12/2015
3-17-16 Infil basin
5-18-16 City comments

LOT SURVEYS COMPANY, INC.
 LAND SURVEYORS
 7601 73RD AVENUE N.
 BROOKLYN PARK, MN 55428
 763-560-3093 phone
 763-560-3522 fax

File No. As-243-inv84 188grade-plan.dwg F.B.No. 1077-71 Invoice No. 83485/85124

