



PERMIT REPORT

To: Board of Managers

From: Elizabeth Showalter, Permitting Technician

Date: June 25, 2018

Re: Permit 18-153: Life Time Fitness (5525 Cedar Lake Road, St. Louis Park)

Summary:

Life Time Fitness has applied for a Minnehaha Creek Watershed District permit under the Stormwater Management Rule for the construction of a 5,300 square foot addition to the existing building. The Erosion Control Rule is triggered, but the City of St. Louis Park exercises regulatory authority for that rule. The applicant has also applied for a variance from compliance with the stormwater-treatment requirements applicable to the project under the common scheme of development framework in the Stormwater Management Rule and rather provide only treatment for the proposed new impervious on the site.

Background:

The St. Louis Park Life Time Fitness has previously held three District permits. Under those permits, they have disturbed approximately 6.6 acres, or 64% of the site. The most recent permit involved the construction of a parking ramp which involved 23% site disturbance. The first two permits involved reductions in impervious surface, which only required that a BMP be implemented. Those BMPs were a filtration basin and an area of permeable pavement. Under permit 13-041, the applicant should have been required to treat the entire site’s impervious surface through the common scheme of development framework of the Stormwater Management Rule, which requires all development that has occurred since January 2005 be considered in aggregate when determining treatment scope. District staff only required the applicants to treat the additional impervious surface proposed to be created at that time, and permit 13-041 was issued for that work on a demonstration by the applicant that stormwater-management requirements for the work proposed would be met. The applicant provided stormwater treatment through a series of raingardens.

Summary of Previous Permits

Permit Number	Project Description	Approximate Site Disturbance
08-054	Tennis building and parking lot reconstruction	3.1 acres (30%)
09-317	Parking lot reconstruction	3.5 acres (34%)
13-041	Parking ramp	2.35 acres (23%)
Approximate Total		6.6 acres (64%)

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Under the current rule, on sites greater than 5 acres with proposed (and cumulative) disturbance greater than 40 percent but resulting in a decrease in impervious surface, volume control is required for all impervious surface.

District Rule Analysis:**Stormwater Management Rule**

The Stormwater Management Rule is triggered by the creation of new or replacement of existing impervious surface. The proposed project is a 5,300 building addition and outdoor play area, which triggers the Stormwater Management Rule. Since over 40% of the site has been disturbed since January of 2005, volume control is required for the entire site's impervious surface, despite the reduction in impervious surface.

To meet the District's requirements the applicant would need to provide 29,950 cubic feet of abstraction, which would remove approximately 7.5 pounds of phosphorus per year. If the Stormwater Management Rule was applied as though the previous disturbance had not taken place, phosphorus, rate, and volume and volume controls would need to be provided for the 5,627 square feet of additional impervious surface, which would require 468.9 cubic feet of abstraction. The applicant submitted plans for a stormwater management system that provided the 720 cubic feet of abstraction through an infiltration basin, meeting the volume control requirement. The provided abstraction would remove approximately 0.2 pounds of phosphorus per year. The design also reduces runoff rates at the 1, 10, and 100-year storm events, as required by the rate control section of the rule.

Upon being informed by MCWD staff that treatment for the entire site was required, Life Time Fitness expressed interest in finding a regional treatment opportunity. Staff worked with the applicant and the City of St. Louis Park to identify opportunities for treatment within the Twin Lakes subwatershed. The District and City do not have any capital projects planned for the subwatershed, and the only existing infrastructure is the Twin Lake stormwater pond operated by the District. Options for new projects explored include:

1. Restoration of a large wetland complex which was determined to be infeasible due to the large size of the wetland and differing ownership throughout the complex.
2. Excavation of an existing basin at a stormsewer outfall located in a wetland on Cedar Lake Road (owned by St. Louis Park), which would be considered a wetland impact, and restoration elsewhere in the wetland would be unlikely to yield replacement credit under WCA/USACE rules. Therefore, the excavation of the pond was not deemed a feasible project.
3. Improvements to the Twin Lakes pond (maintained by the District), which is severely undersized, and would benefit from expansion, but is bordered by a wetland on one side and a well-used park on the other side. Improvements to the pond to improve effectiveness, such as adding an iron filter bench, would be limited in effectiveness by the frequent overtopping of the pond, and would place additional maintenance requirements on the District, with minimal water quality benefits. The installation of the filtration

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bench would yield approximately 12 pounds of phosphorus reduction annually, 4 pounds more than is required by the Stormwater Management Rule for Life Time. The bench would increase District maintenance costs by between \$10,000 and \$20,000 every seven to ten years. Staff did not find the water quality benefit sufficient to justify the additional maintenance cost.

4. Installation of a cartridge system to treat water exiting a wetland for dissolved phosphorus, was deemed infeasible because of the difficulty to access for maintenance and the inability to keep the system dry enough of the time to function properly.
5. Improvements to three outfalls from St. Louis Park's stormsewers into Twin Lake which have good access but limited right of way are limited to sediment settling devices, such as sump catch basins, which are only able to remove approximately 10% of phosphorus. The phosphorus removal would not justify the cost, unless road construction or other utility work was proposed.

Since no regional treatment option was determined to be feasible and prudent, Life Time has applied for a Variance from the compliance with the stormwater-management requirements applicable under the common scheme of development framework of the Stormwater Management Rule.

Variance:

The applicant has submitted a variance request form (attachment 2). The applicant is requesting a variance from application of the common scheme of development framework of the Stormwater Management Rule which requires volume control be provided for the entire site's impervious surface, due to the scale of previously permitted work, to allow the construction of the proposed building addition. The requested variance would only apply to the presently proposed work, and not to future work, which would require the applicants to treat the entire site, or apply for another variance.

Life Time has provided a concept plan for stormwater management which includes treatment for the 5,627 square feet of new impervious surface proposed for this project, installation of two sump catch basins with SAFL baffles, which provide sediment removal for parking lot runoff which is currently routed to the municipal stormsewer without treatment, and excavation of an existing raingarden and addition of iron filings to provide additional phosphorus removal, for a portion of the parking lot. If the Board of Managers approves the variance, the applicant will provide detailed designs for the proposed treatment which will be analyzed for compliance by staff and the District Engineer to confirm compliance with applicable requirements prior to permit approval.

The District's Variance and Exception Rules states that to grant a variance the Board of Managers must determine:

1. That because of special conditions inherent to the property, strict compliance with the rule will cause an undue hardship to the applicant of property owner.

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2. The hardship was not created by the landowner, the land owner's agent or representative, or a contractor. Economic hardship is not grounds for a variance
3. That granting a variance will not merely serve as a convenience to the applicant
4. That there is no feasible or prudent alternative to the proposed activity requiring the variance, and
5. That granting the variance is not contrary to the intent of the rules

In the attached variance request, the applicant argues that compliance with the MCWD stormwater management treatment requirements for the entire site now would cause an undue hardship for several reasons. First, retrofitting the site to provide the required volume control would involve at least 2 acres of site disturbance and reconfiguration of the drainage on the site including existing utility lines and the drainage from the building, which is currently drained to the railroad tracks on the south side of the building. The disturbance area is larger than typical, because the soils on the majority of the site are not conducive to infiltration due to anticipated contamination and the high clay content. The applicants further argue that the large amount of disturbance would significantly impact usage of the club. The applicants also contend that had they been made aware of the requirement to treat the entire site when previous projects were permitted, compliance with the full scope of the rule would have been more feasible. In addition to the previously outlined regional treatment options, the applicants also explored adding above ground treatment, which would involve less impacts to club usage. The applicants inquired with St. Louis Park about the elimination of parking spaces, but were informed that they are not currently provided the minimum amount of parking, and therefore could not eliminate spaces.

Conclusion:

Life Time Fitness has applied for an MCWD permit for Stormwater Management and applied for a variance from the common scheme of development framework of the Stormwater Management Rule for the construction of a building addition. The applicant has submitted a concept plan for stormwater improvements on the Life Time Fitness site, but has not submitted final designs. If the variance is approved by the Board of Managers, staff recommends delegation of final permitting authority to staff to analyze the applicant's final submittal for compliance with applicable requirements.

Attachments:

1. Application Form
2. Variance Request
3. Site Plan
4. Previous Permit Graphic
5. Regional Treatment Options Map

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18-153

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: Life Time
Mailing Address: 2902 Corporate Place City: Chanhassen State: MN Zip: 55317
Email Address: JSchmidt@lt.life Phone: 952-229-7862 Fax: 952-947-0797

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc...)
Business Name: Elfering & Associates Representative Name: Kristie Elfering
Business Address: 10062 Flanders Court NE City: Blaine State: MN Zip: 55449
Email Address: KElfering@elferingeng.com Phone: 763-780-0450 Ext 2 Fax: 763-780-0452

3. Project Address: 5525 Cedar Lake Road City: St. Louis Park
State: MN Zip: 55416 Qtr Section(s): _____ Section(s): 9 Township(s): 117N Range(s): 21W
Lot: _____ Block: _____ Subdivision: Unplatted PID: 09-117-21-21-0204

4. Size of project parcel (square feet or acres): 10.44 acres
Area of disturbance (square feet): 12,310 sf Volume of excavation/fill (cubic yards): 1,500 cy
Area of existing impervious surface: 2,470 sf - Project Area of proposed impervious surface: 8,097 sf - Project Area
Length of shoreline affected (feet): N/A Waterbody (& bay if applicable): N/A

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)
 DREDGING LANDSCAPING (pools, berms, etc.)
 SHORELINE/STREAMBANK STABILIZATION OTHER (DESCRIBE):

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

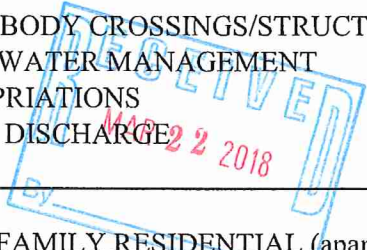
8. Waterbody receiving runoff from site: Ditch along railroad property

9. Project Timeline: Start Date: May 2018 Completion Date: October 2018

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.

Signature of Each Property Owner: [Signature] Date: 3/8/18



Request for Variance And Statement of Hardship

The Board of Managers may hear requests for variances from the literal provisions of these rules in instances where their strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will be keeping with the spirit and intent of these rules. An applicant granted a variance from full compliance with a requirement of the rules would be required to meet the requirement to the degree feasible short of full compliance.

In order to grant a variance, the Board of Managers shall determine that:

- the special conditions which apply to the structure or land in question do not apply generally to other land or structures in the District
- the granting of such variance will not merely serve as a convenience to the applicant,
- the variance will not impair or be contrary to the intent of these rules.

A hardship cannot be created by the landowner, the landowner's agent or representative, or a contractor, and must be unique to the property. Economic hardship are not grounds for issuing a variance.

A variance shall become void one year after it is granted if not used.

A violation of any condition set forth in a variance shall be a violation of the District rules and shall automatically terminate the variance.

Date

Permit #

Applicant

Address

Telephone number

Property ID number

MCWD Rule (circle applicable rule(s)): A B C D E F G J K M N

Description of project:

Requirements of rule(s)

Requested Variance

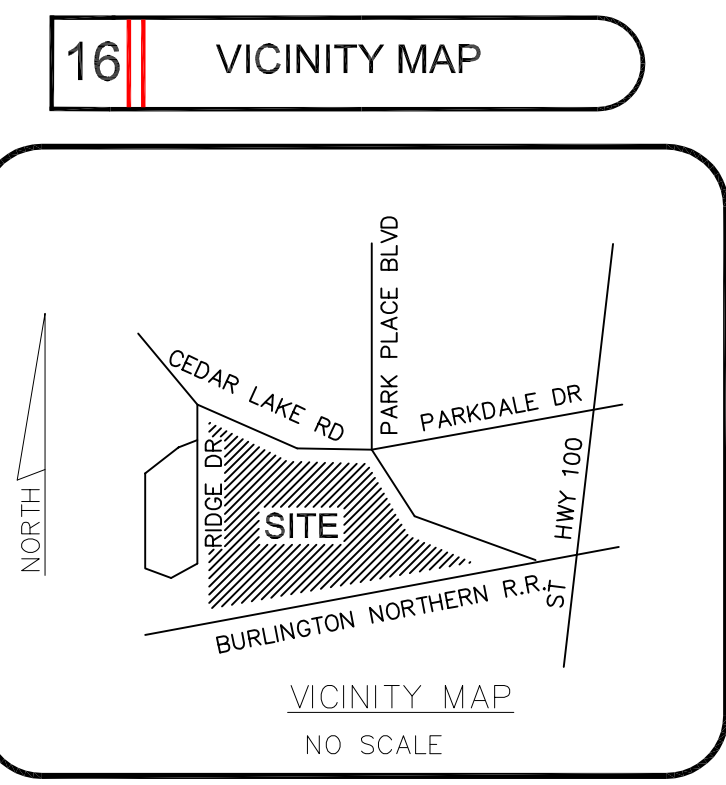
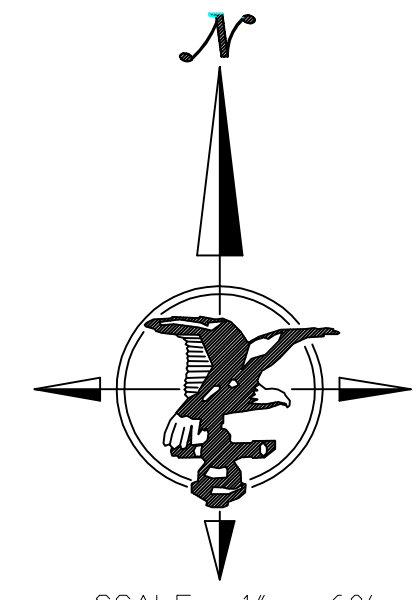
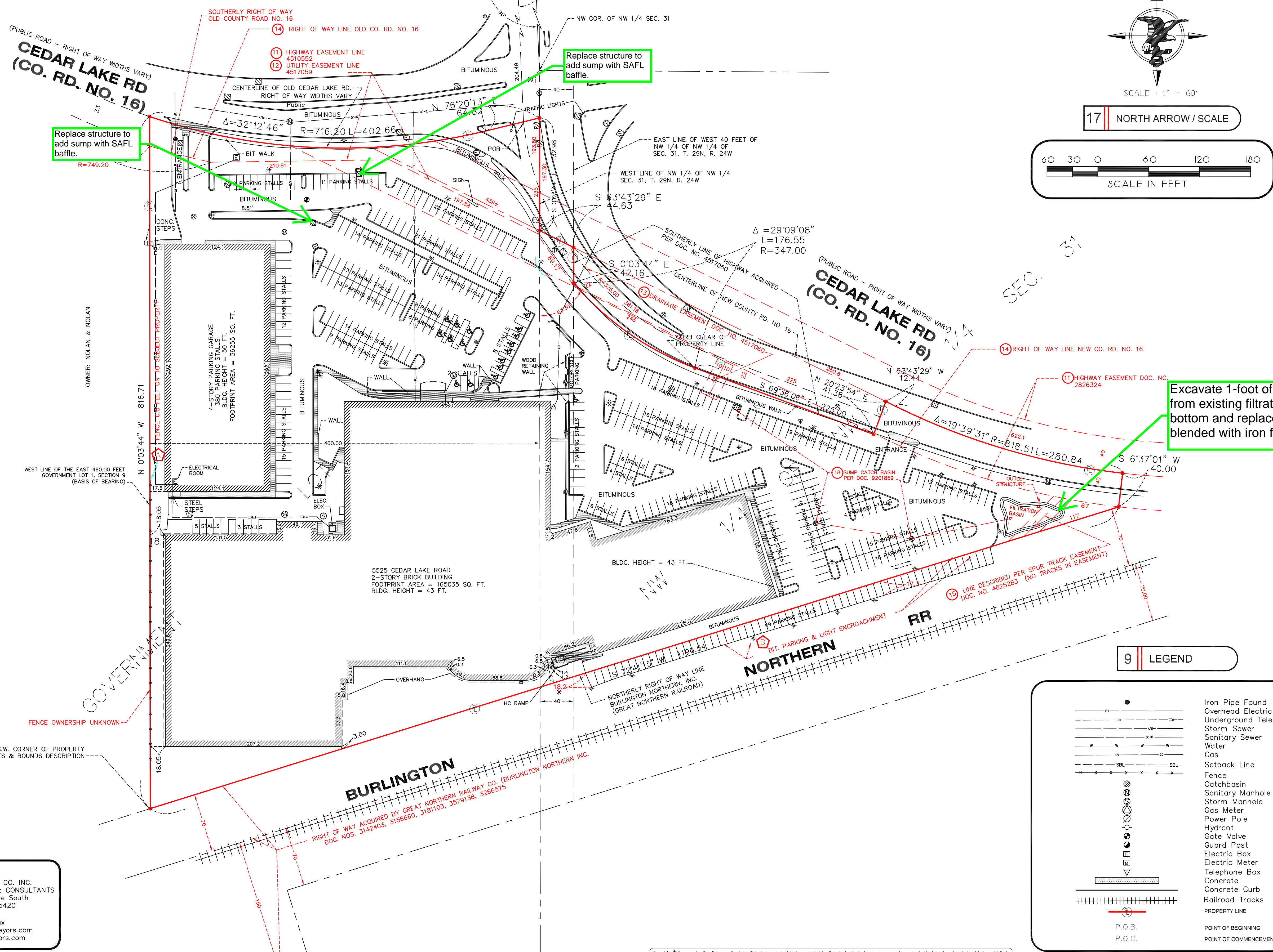
Statement of Hardship (include any mitigating circumstances).

How do you propose to meet the requirements of the applicable MCWD rules?

Applicant name: _____ **Date:** _____

Applicant signature: _____

Staff Recommendation (For staff use only) Approve



9 LEGEND

	Iron Pipe Found
	Overhead Electric
	Underground Telephone
	Storm Sewer
	Sanitary Sewer
	Water
	Gas
	Setback Line
	Fence
	Catchbasin
	Sanitary Manhole
	Storm Manhole
	Gas Meter
	Power Pole
	Hydrant
	Gate Valve
	Guard Post
	Electric Box
	Telephone Box
	Concrete
	Concrete Curb
	Railroad Tracks
	PROPERTY LINE
	POINT OF BEGINNING
	POINT OF COMMENCEMENT

18 ALTA/ACSM Land Title Survey

This survey prepared in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" (Effective February 23, 2011)

This Work Coordinated By:

COMMERCIAL DILIGENCE SERVICES

1700 South Broadway, Bldg E
Moore, Oklahoma 73160
Office: 405.378.9800 - Fax: 405.703.1851
Toll Free: 888.457.7878

Drwn By: ONI	Date: 4.29.15
Surveyor Ref.No: 2015208.dwg	Revision: CDS Comments
Aprvd By: TEH	Date: 5.22.15
Field Date: April 23, 2015	Revision: CDS Comments
Scale: 1"=60'	Date: 6.3.15
	Revision: CDS Comments
	Date:
	Revision:

Prepared For:

Center Name: St. Louis Park
Title Number and ID: CTIC-15001380
Site # 56

20 PROJECT ADDRESS

5525 Cedar Lake Road,
St. Louis Park, Minnesota

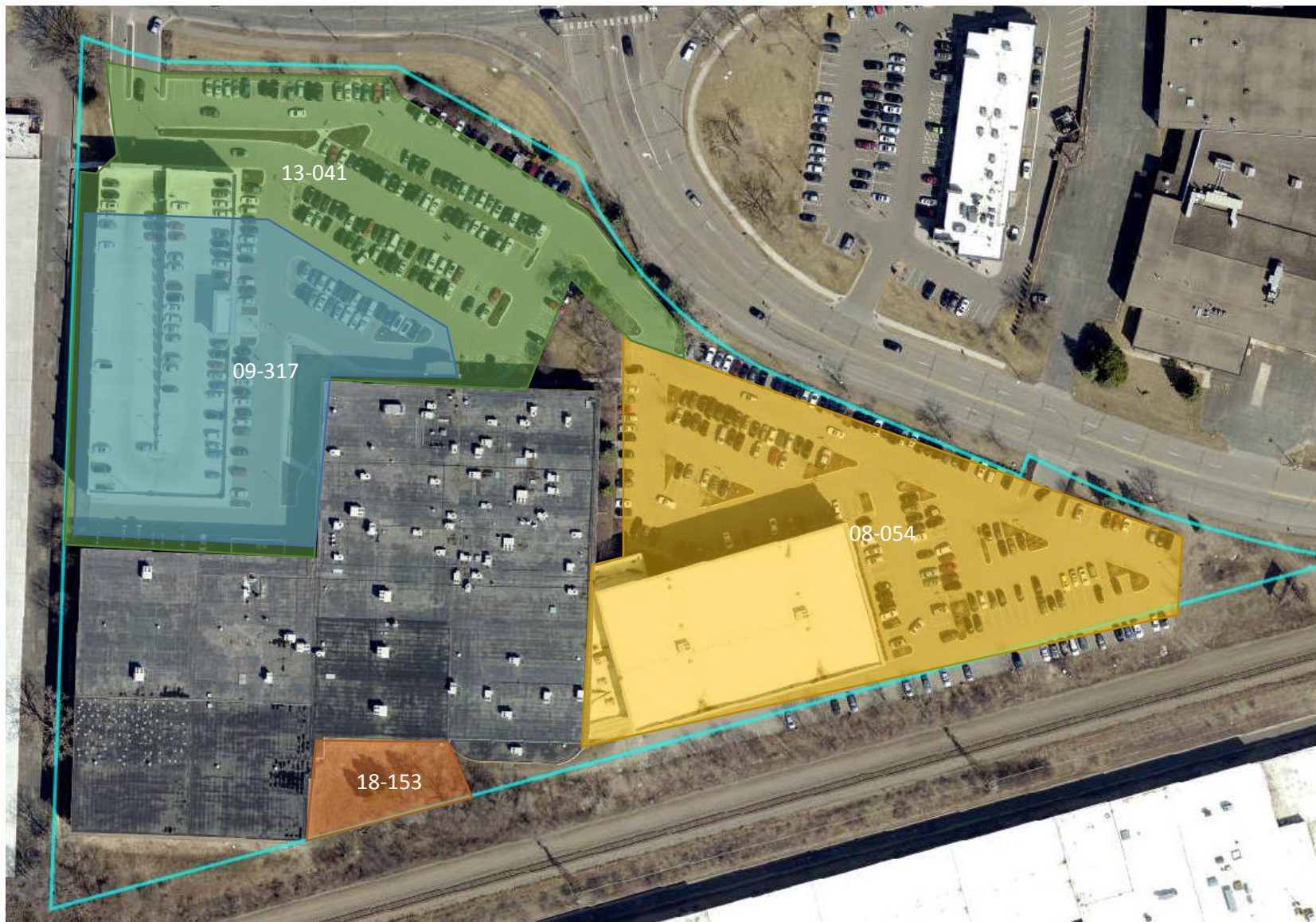
Project Name:
LIFE TIME FITNESS PORTFOLIO
CDS Project Number:
15-04-00508

File No. 1-3-6236B	Page
W.D. Number 2015208	Book
Sheet No. 2 OF 2	CAD Tec. ONI

SURVEY PERFORMED BY:

HARRY S. JOHNSON CO. INC.
LAND SURVEYORS & CONSULTANTS
9063 Lyndale Avenue South
Bloomington, Mn. 55420
(952) 884-5341
(952) 884-5344 Fax
Email: tom@hsjsurveyors.com
Web: www.hsjsurveyors.com

18-153 Life Time Fitness Previously Permitted Work



Permit 18-153: Life Time Fitness Regional Treatment Options



- 1 Wetland Restoration
- 2 Existing Basin Excavation
- 3 Improvements to Twin Lake Pond
- 4 Cartridge System
- 5 Outfall Improvements