

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Katy Thompson, PE  
Madison Jeseritz, QCIS  
Della Schall Young, CPESC, PMP

**Date:** November 9, 2020

**Re:** Texas Roadhouse Permit Review (LMRWD No. 2020-0126)

---

Greenberg Farrow (the applicant) has applied for an Individual Project Permit from the Lower Minnesota River Watershed District (LMRWD or District). The applicant is proposing to develop the site located at 8160 Old Carriage Court North, Shakopee, MN, 55739, in Scott County ([Figure 1](#)). This project consists of developing a sit-down restaurant (Texas Roadhouse) on vacant, undeveloped land.

The proposed project site is in the City of Shakopee (City), and because the City does not have its LMRWD municipal LGU permit, this project is subject to an LMRWD permitting review. As presented, the Project is neither within FEMA-recognized floodplain areas nor located within either of the LMRWD special districts, but it does trigger the District's Rule B – Erosion and Sediment Control and Rule D – Stormwater Management, resulting in the applicant's obligation to obtain a District permit before the start of land-disturbing activities.

## Project Summary

Project Name: Texas Roadhouse

Purpose: Sit-Down Restaurant

<u>Project Size:</u>	1.47 acres, 1.47 acres disturbed, 0 acres of existing impervious, 1.07 acres of new impervious
<u>Location:</u>	8160 Old Carriage Court North, Shakopee, MN, 55739
<u>Applicable LMRWD Rules:</u>	Rule B—Erosion and Sediment Control Rule D—Stormwater Management
<u>Recommended Board Action:</u>	Permit approval

## Discussion

The District has received the following documents for review:

- LMRWD Individual Permit Application dated September 17, 2020
- 11x17 Full Civil Plan Set by Sambatek dated May 2020; received September 17, 2020
- Project\_Map.jpg received September 17, 2020
- Stormwater Management Plan by Sambatek dated September 11, 2020; received September 17, 2020; revised October 20, 2020
- LMRWD Maintenance Exhibit A dated October 6, 2020; received October 20, 2020; revised October 30, 2020
- Draft Maintenance Agreement; received October 6, 2020; revised October 20, 2020 and October 30, 2020
- Authorization to Discharge Stormwater issued by the Minnesota Pollution Control Agency dated September 11, 2020; received October 20, 2020
- Notice of Coverage Letter dated September 11, 2020; received October 20, 2020
- Texas Roadhouse Operations and Maintenance Plan prepared by Sambatek; received October 30, 2020

The documents provided include the information necessary for review.

### Rule B – Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 1.47 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, Stormwater Pollution Prevention Plan, and a copy of the NPDES permit. The Project complies with Rule B.

### Rule D – Stormwater Management

The Project proposes 1.07 acres of new impervious surface on undeveloped land. The

applicant is proposing to construct an underground infiltration system in the parking lot area to meet the District’s stormwater management requirements. The Project is required to provide 0.09 acre-feet of volume reduction to meet the requirements of Rule D. The proposed underground system provides 0.10 acre-feet of infiltration, meeting the volume reduction requirement.

The Project is part of a larger regional development effort, and rate control is met through a downstream detention basin. This basin was designed based on the assumption that the proposed site will be a maximum of 75 percent impervious, and the proposed design is 73 percent impervious, meeting the pond requirements. Young Environmental staff reached out to the City on November 5, 2020, to discuss the regional pond design. The City confirmed the regional pond is a city-maintained BMP that is part of its MS4 system and had been designed for the full build-out of the Texas Roadhouse parcel. The pond is only providing rate control, but was sized assuming a maximum of 75 percent impervious (consistent with the city zoning requirements) using TP-40 rainfall and limiting the discharge rates to predevelopment rates (i.e., the city designed the pond to have the maximum allowable discharge rate for a 100-year event, which is limited to 0.3 cfs per contributing acre in the upstream developments).

The City requested the applicant provide evidence that even with the updated Atlas 14 rainfall depths, the proposed project would meet the regional pond design standards. The applicant has demonstrated this by modeling the original design assumptions (75 percent impervious with TP40 rainfall depths) and comparing it to the proposed design using the higher Atlas 14 rainfall depths and showing a reduction in rates leaving the site (**Table 1**). Because the applicant is providing volume management on-site, the proposed development meets the original design assumptions for the regional basin.

*Table 1. Regional Pond Design Discharge Rates (TP-40) and Proposed Rates (Atlas 14)*

EVENT	TP-40 (CFS)	Atlas 14 (CFS)	CHANGE (CFS)
2-YR/24-HR	3.92	1.50	-2.42
10-YR/24-HR	6.26	5.52	-0.74
100-YR/24-HR	9.44	9.00	-0.44

Additionally, the City confirmed that the regional pond does not have any known flooding issues and the recent modeling completed by the City in 2018 included the full build-out of the Texas Roadhouse site, assuming higher rates than currently proposed.

The applicant has also provided a draft maintenance agreement and an operations and maintenance plan for the underground infiltration system. While the City will not be taking ownership for the maintenance of the underground infiltration system, it is also requiring the applicant to execute a Utility Facilities Agreement, which will get recorded with the County and will be transferrable to all future owners, and which grants the city

right of entry to maintain the BMP should the owner fail to meet its obligations.

The City requires this agreement to be executed as a condition of issuing a building permit. After consultation with the City, it will be requiring a Utility Facilities Agreement from the Texas Roadhouse development as a condition of the building permit. As such, a separate maintenance agreement between the applicant and the District is not required.

### **Recommendations**

The Project meets the requirements outlined in the District rules. We recommend Board approval and issuance of the attached permit (LMRWD Individual Permit 2020-126). While the maintenance agreement is outstanding, we understand the City will require its Utilities Facilities Agreement as a condition of its building permit and request that the City or applicant provide the District with a copy of the executed agreement after it has been recorded with Scott County.

### **Attachments:**

- Figure 1. Project Location
- LMRWD Individual Permit 2020-126







Figure 1: Texas Roadhouse Project Location



**LEGEND**

-  Project Extents
-  Regional Pond
-  Scott Co. Parcels
-  Scott Co. 2ft Contours
-  LMRWD\_Boundary

LMRWD Watershed  
Location Map

