

Project Name | BCWD Permit 26-03 7 Brew Coffee**Date** | 6/4/2026**To / Contact info** | BCWD Board of Managers**Cc / Contact info** | Toth Associates / Brian Van Rooyen, PE**Cc / Contact info** | Karen Kill, Administrator / BCWD**From / Contact info** | Camilla Correll, PE; Julia Lau, EIT / EOR**Regarding** | Permit Application No. 26-03 Engineer's Report

The following review of the above-captioned project located within the legal jurisdiction of Brown's Creek Watershed District (BCWD) was conducted to assess compliance with the BCWD rules for purposes of the engineer's recommendation to the Board of Managers for its determination of the permit application.

Applicant: Quattro Oak Park LLC**Complete Permit Submittal Date:** 5/13/2026**Board Action Required By:** 7/11/2026**Review based on BCWD Rules effective April 1, 2020****Recommendation:** Approve with Conditions

GENERAL COMMENTS

Existing Conditions: The applicant proposes to redevelop the property at 13375 60th Street North, which currently is the location of a Ruby Tuesday restaurant. There are existing stormwater inlets and piping on the site that run to a stormwater pond on the adjacent property to the west. Existing drainage flows generally from east to west through overland flow and the storm sewer system under the parking lot. Runoff from the project flows north to the ditch along 60th Street N or west to the pond located on the adjacent property. The existing 1.3-acre single-parcel site has a total impervious area of 0.985 acres.

Proposed Conditions: The applicant proposes to demolish the Ruby Tuesday building, reconfigure the east side of the parking lot, and construct a new 7 Brew Coffee building (Figure 1). Additional storm sewer and an iron-enhanced biofiltration basin will be connected to the existing storm sewer system. The general flow pattern will remain from east to west, discharging into the existing pond on the adjacent site to the west. The project will disturb 0.44 acres of the site, including 0.343 acres of existing impervious surface. The total proposed final impervious area on the parcel will be 0.982 acres (78% of the total site), which is a reduction of 0.003 acres of impervious area from existing conditions.

Given that this site is located within the City Oak Park Heights' Drinking Water Supply Management Area (DWSMA) which is classified as having high vulnerability, the BCWD engineer agrees that infiltration is not reasonably feasible. Stormwater treatment is provided by the iron-enhanced biofiltration basin, and by vegetation through interception, and evapotranspiration.

Legend:

- Biofiltration basin
- Proposed storm sewer
- Declared vegetation

Figure 1: Site Plan

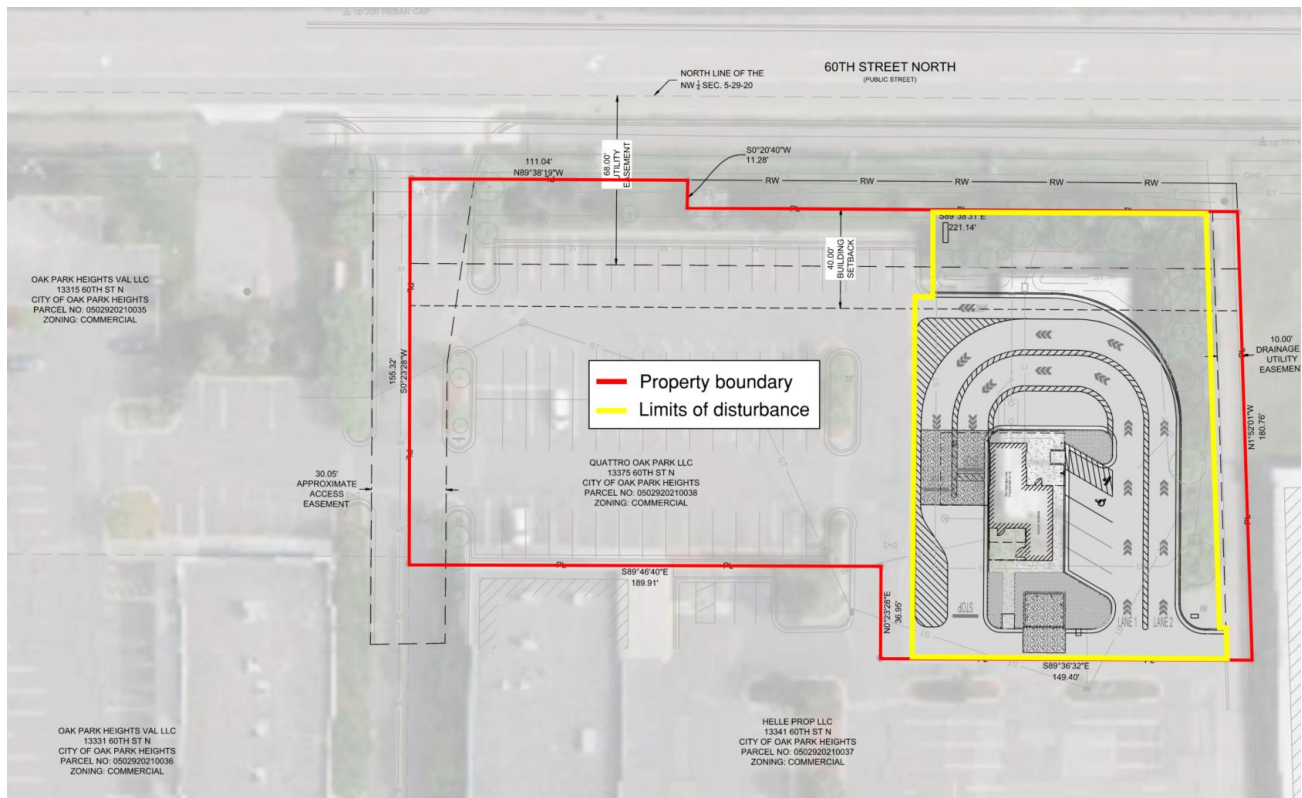


Figure 2: Site Boundaries

Rule 2.0—STORMWATER MANAGEMENT

Under 2.2(b) of the rule, the proposed project triggers the application of Rule 2.0 Stormwater Management because it creates more than 10,000 square feet of new and/or reconstructed impervious surface. The site is located within the Diversion Structure Subwatershed, so the stormwater criteria in subsection 2.4.1(b) apply.

As stated above, the site has a total of 0.985 acres of existing impervious surface. Of that original impervious area, 0.44 acres (44.7% of the total impervious area) will be disturbed. Under 2.2(b)(ii), since the proposed activity will disturb less than 50 percent of existing impervious surface on the site, the criteria apply only to reconstructed and net additional impervious surface and disturbed areas on the project site. The total amount of reconstructed impervious surface proposed is 0.340 acres.

The stormwater management plan for the project includes:

- *Constructing 1 new lined biofiltration basin with an iron-enhanced sand layer and underdrains for stormwater treatment.*

Under both existing and proposed conditions, runoff leaves the site at the following discharge points:

- *“West” – The current drainage area is 1.023 acres and will expand to 1.060 acres in the proposed condition. Runoff will be routed through the proposed biofiltration basin before exiting the site through existing storm sewer, ultimately discharging to the detention pond on the adjacent site to the west.*

- “North” – The current drainage area is 0.237 acres and will decrease to 0.200 acres in the proposed condition. Runoff will flow offsite to the north, discharging to the ditch along 60th Street North.

Rate Control

According to BCWD Rule 2.4.1(b)(i), an applicant must submit a stormwater-management plan providing no increase in the existing peak stormwater flow rates from the site for a 24-hour precipitation event with a return frequency of two, 10 or 100 years for all points where discharges leave the site.

☒ Rule Requirement Met

The stormwater management plan developed for the site was evaluated using the rational method for existing and post-development site conditions. A comparison of the peak flow rate at each discharge point is included in Table and 2.

Table 1 - Peak Discharge Rate “West”

Event	Existing Runoff Rate (cfs)	Proposed Runoff Rate (cfs)
2-year (2.80”)	1.64	1.03
10-year (4.17”)	2.41	2.14
100-year (7.23”)	3.70	3.56

Table 2 - Peak Discharge Rate “North”

Event	Existing Runoff Rate (cfs)	Proposed Runoff Rate (cfs)
2-year (2.80”)	0.57	0.43
10-year (4.17”)	0.84	0.64
100-year (7.23”)	1.29	0.98

Volume Control

According to BCWD Rule 2.4.1(b)(ii), an applicant must submit a stormwater management plan providing retention onsite of 1.1 inches of stormwater volume from the regulated impervious surface, except where section 2.4.3 – Flexible Treatment Options applies.

☒ Rule Requirement Met

Because this site is located in a Drinking Water Supply Management Area classified as having high vulnerability, the permit applicant asserts that retention of stormwater volume onsite via infiltration is not reasonably feasible and the BCWD engineer concurs. The applicant explored alternative methods for achieving volume control as described in the analysis below. Flexible Treatment Option A requires a 0.55-inch volume retention onsite, which is not feasible without the use of infiltration due to the constraints described below. Flexible Treatment Option B can be applied, which requires retention onsite of stormwater volume to the maximum extent practicable and removal of 60 percent of the annual total phosphorus loading (BCWD Rule 2.4.3(b)).

Alternative volume control options summarized in Table 3 were evaluated to identify how much volume control could be provided onsite.

Table 3 – BMPs Evaluated for Volume Control Requirement

BMP	Evaluated?	Utilized?	Why or why not?
Infiltration	Yes	No	DWSMA classified as having high vulnerability; no higher engineering analysis completed.
Harvest and Reuse	Yes	No	Limited green space for irrigation.
Green Roofs	Yes	No	Small building footprint, minimal treatment benefits, and high roof redesign Costs.
Evapotranspiration	Yes	Yes	Utilizing ET from proposed perennial vegetation.
Interception	Yes	Yes	Utilized by preserving existing trees.
Permeable Pavers/ Pavement	Yes	No	DWSMA classified as having high vulnerability; no higher engineering analysis completed.

The applicant's stormwater management plan proposes to provide volume control using the following techniques:

1. **Evapotranspiration (ET)** from trees, shrubs and perennial vegetation incorporated as part of the landscaping plan. Evapotranspiration was calculated using guidance provided by the Minnesota Pollution Control Agency and will provide 184 cubic feet (CF) of storage. This equates to 13.5% of the total regulated volume.
2. **Interception** from existing trees incorporated as part of the landscaping plan. Interception can be calculated by estimating tree canopy cover for each tree species. The estimated total canopy cover is 3,280 square feet (SF), which provides 55 CF of storage. This equates to 4.1% of the total regulated volume.

Table 4 – Summary of Volume Retention

Volume Control Requirement	Provided Volume (cu-ft)	% of 1.1-inch Volume Retained
<i>FTO B, reduction to the extent practicable over 0.340 acres of impervious surface.</i>	239	17.6%

As Table 4 demonstrates, the proposed stormwater management plan will achieve volume control 17.6% of the regulated impervious area once the vegetation is established. The permit applicant considered other volume control practices, including stormwater reuse and green roofs but deemed them inefficient due to the site's limited roof area and irrigatable green space available. As a more practical alternative, the proposed development will decrease the site's impervious area with proposed landscaped greenspaces and a biofiltration basin with an iron-enhanced sand layer to support stormwater management and to meet the 60% phosphorus reduction requirement, shown in Table 5 below. The biofiltration basin was designed with the largest possible footprint, accounting for constraints due to existing utilities and trees to be preserved. The BCWD engineer concurs that volume control is being proposed to the maximum extent practicable.

Table 5 – Summary of Phosphorus Reduction

<i>Phosphorus Loading (lb/yr)</i>	<i>Phosphorus Retained (lb/yr)</i>	<i>Percent P Reduction</i>
0.671	0.443	66%

Infiltration Pretreatment

According to BCWD Rule 2.5.2, surface flows to infiltration facilities must be pretreated for long-term removal of at least 50 percent of sediment loads.

☐ Rule Not Applicable to Permit. *There is no stormwater infiltration proposed for this site.*

The BCWD rule does not require pretreatment for bioretention or filtration practices.

Lake/Wetland Bounce

According to BCWD Rule 2.4.1(b)(iii), an applicant must submit a stormwater-management plan providing no increase in the bounce in water level or duration of inundation for a 24-hour precipitation event with a return frequency of two, 10 or 100 years in the subwatershed in which the site is located, for any downstream lake or wetland beyond the limit specified in Appendix 2.1.

☐ Rule Not Applicable to Permit. *There are no immediate downstream lakes or wetlands.*

Rule 2.0 Conditions:

- 2-1. Provide BCWD with the final Civil Plan Set. (BCWD 2.7.9)
- 2-2. Provide a draft stormwater facility maintenance declaration for approval by the District and proof of recordation with Washington County after approval. A template is available under the permit section of the District's website (BCWD Rule 2.6).
- 2-3. Provide documentation as to the status of a National Pollutant Discharge Elimination System stormwater permit for the project from the Minnesota pollution Control Agency and provide the Storm Water Pollution Prevention Plan (SWPPP) (BCWD Rule 2.7.15).

Rule 3.0—EROSION CONTROL

According to BCWD Rule 3.2, all persons undertaking any grading, filling, or other land-altering activities which involve movement of more than fifty (50) cubic yards of earth or removal of vegetative cover on five thousand (5,000) square feet or more of land must submit an erosion control plan to the District, and secure a permit from the District approving the erosion control plan. The proposed project triggers the application of Rule 3.0 Erosion Control because more than 50 cubic yards of earth will be moved.

☒ Rule Requirements Met

The erosion and sediment control plan includes:

- *Rock construction entrance*
- *Compost filter sock*
- *Curb inlet sediment barriers*

The following conditions must be addressed in the erosion and sediment control plan to comply with the District's requirements:

Rule 3.0 Conditions:

- 3-1. Provide the contact information for the erosion and sediment control responsible party during construction once a contractor is selected. Provide the District with contact information for the Erosion Control Supervisor and the construction schedule when available (BCWD 3.3.2).

Rule 4.0—LAKE, STREAM, AND WETLAND BUFFER REQUIREMENTS

According to BCWD Rule 4.2.1, Rule 4.0 applies to land that is (a) adjacent to Brown's Creek; a tributary of Brown's Creek designated as a public water pursuant to Minnesota Statutes section 103G.005, subdivision 15; a lake, as defined in these rules; a wetland one acre or larger; or a groundwater-dependent natural resource; and (b) that has been either (i) subdivided or (ii) subject to a new primary use for which a necessary rezoning, conditional use permit, special-use permit or variance has been approved on or after April 9, 2007, (for wetlands and groundwater-dependent natural resources other than public waters) or January 1, 2000 (for other waters).

- ☐ Rule Not Applicable to Permit. *There are no lakes, streams, or wetlands on or adjacent to the project site.*

Rule 5.0—SHORELINE AND STREAMBANK ALTERATIONS

According to BCWD Rule 5.2, no person may disturb the natural shoreline or streambank partially or wholly below the ordinary high water mark of a waterbody, without first securing a permit from the District.

- ☐ Rule Not Applicable to Permit. *There are no proposed shoreline or streambank alterations.*

Rule 6.0—WATERCOURSE AND BASIN CROSSINGS

According to Rule 6.2, no person may use the beds of any waterbody within the District for the placement of roads, highways and utilities without first securing a permit from the District.

- ☐ Rule Not Applicable to Permit. *There are no proposed watercourse or basin crossings.*

Rule 7.0—FLOODPLAIN AND DRAINAGE ALTERATIONS

According to Rule 7.2, no person may alter or fill land below the 100-year flood elevation of any waterbody, wetland, or stormwater management basin, or place fill in a landlocked basin, without first obtaining a permit from the District. No person may alter stormwater flows at a property boundary by changing land contours, diverting or obstructing surface or channel flow, or creating a basin outlet, without first obtaining a permit from the District.

The proposed discharge rates from the site are less than existing conditions so any excess volume above existing conditions will be discharged at a rate that allows the volume to be conveyed through the existing system. Given this, there is no alteration of stormwater flow at the property boundary triggering the rule. However, the freeboard criteria in subsection 7.3.2 apply through operation of subsection 2.5.4; the freeboard criteria are applied here:

- ☒ Rule Requirements Met

According to BCWD rule 7.3.2 all new and reconstructed buildings must be constructed such that the lowest floor is at least two feet above the 100-year high water elevation or one foot above the emergency overflow (EOF) of a constructed basin.

The 100-year high water elevations, EOFs, and lowest adjacent building elevations were evaluated and meet the District's low floor requirement as demonstrated in Table 5. Stormwater flows at property boundaries decrease from existing to proposed conditions.

Table 5 - Freeboard Requirement Summary

<i>Stormwater Facility</i>	<i>EOF</i>	<i>100-Year HWL</i>	<i>Allowable Lowest Floor</i>	<i>Lowest Proposed Floor</i>
Biofiltration Basin	929.95	929.00	931.00	931.00

Rule 8.0—FEES

Fees for this project as outlined below:

- | | |
|------------------------------------|---------|
| 1. Stormwater management fee | \$3,000 |
| 2. Erosion control fee for grading | \$1,000 |

▪ TOTAL FEES	\$4,000
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Rule 9.0—FINANCIAL ASSURANCES

Financial assurances for this project are as outlined below:

- | | |
|--|-------|
| 1. Grading or Alteration (0.44 acres disturbed x \$2,000/acre) | \$880 |
| 2. Stormwater Management Facilities (125% of facility cost) | \$TBD |

▪ TOTAL FINANCIAL ASSURANCES	
(\$5,000 Minimum Performance Financial Assurance)	\$TBD

An engineer's estimate of the cost of stormwater management facilities has not been provided by the applicant. Once provided, this estimate will be used to determine the required financial assurance.

Rule 9.0 Conditions:

- 9-1. Provide the final estimate of stormwater management facility cost as agreed upon by applicant and BCWD engineer.
- 9-2. Provide the required financial assurances:
 - a. Total grading or alteration assurance 0.44 acres (\$880).
 - b. Stormwater management facilities assurance (\$TBD).

Rule 10.0—VARIANCES

According to BCWD Rule 10.0, 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 the 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. Variance approval may be conditioned on an applicant's preventing or mitigating adverse impacts from the activity.

☒ Rule Not Applicable to Permit. *There are no requested variances.*

RECOMMENDED CONDITIONS OF THE PERMIT:

The following is a summary of the remaining tasks necessary to bring the project into compliance with the BCWD Rules in all respects other than where variances are requested as discussed above:

1. Demonstrate that the plan has received preliminary plat approval (BCWD Rule 1.3a).
2. Address all stormwater management requirements (Conditions 2-1 to 2-3).
3. Address all erosion control requirement(s) (Condition 3-1).
4. Replenish the Permit fee deposit to \$4000 (BCWD Rule 8.0). If the permit fee deposit is not replenished within 60 days of receiving notice that such deposit is due, the permit application or permit will be deemed abandoned and all prior approvals will be revoked and collection proceedings will begin on unpaid balances.
5. Address all financial assurance requirements (Conditions 9-1 to 9-2).

STIPULATIONS OF APPROVAL:

1. Note that the permit, if issued, will require that the applicant notify the District in writing at least three business days prior to commencing land disturbance. (BCWD Rule 3.3.1)
2. To ensure that construction is carried out according to the approved plan, provide verification that construction standards have been met for the basin and that existing trees have been protected from construction activities. This includes but is not limited to confirmation that the vegetation establishment procedures have been followed per the landscaping/restoration plan.
3. Provide the District with As-built record drawings showing that the completed grading and stormwater facilities conform to the grading plan.
4. Provide contact information for the party responsible for long-term maintenance of proposed stormwater facilities.