



## Bassett Creek Watershed Management Commission

### MEMO

To: BCWMC Commissioners and Alternate Commissioners  
From: Administrator Jester  
Date: December 8, 2022

**RE: Four Seasons Mall Future Development Standards - TAC and Staff Recommendations**

At their meeting on December 7, 2022, the BCWMC Technical Advisory Committee (TAC) considered a request from the City of Plymouth regarding development standards for a future developer of the Four Seasons Mall Site. See Attachment A for a memo from Plymouth staff that includes a brief history of the attempts to implement the Four Seasons Water Quality Improvement Project over the years, a review of the Commission's prior approvals regarding the site, and description of their current request.

Attendees at the TAC meeting included:

| City/Partner   | Technical Advisory Committee Members and Others   |
|----------------|---|
| Crystal        | Mark Ray  |
| Golden Valley  | RJ Kakach and Eric Eckman   |
| Medicine Lake  | Susan Wiese   |
| Minneapolis    | Katie Kowalczyk and Liz Stout   |
| Minnetonka     | Sarah Schweiger   |
| New Hope       | Nick Macklem  |
| Plymouth       | Ben Scharenbroich and Chris LaBounty  |
| Robbinsdale    | Mike Sorensen   |
| St. Louis Park | Erick Francis   |
| Others         | Administrator Laura Jester, Commission Engineers Karen Chandler and Greg Williams, Commission Attorney Anderson, Commissioner Welch |

TAC member LaBounty reported that the mall building was recently demolished and most of the parking lot is gone. TAC members discussed the city's plans for constructing the Four Seasons Water Quality Improvement Project (CIP Project) and Plymouth's request that the current BCWMC redevelopment standards be applied to the future redevelopment of the site, with a sunset clause of 10 years. Mr. LaBounty reminded the group that two prior potential developments did not proceed due to the projects' lack of economic viability. He noted that the timeline for future redevelopment is not known and that if the city builds the CIP Project, a future developer would have significantly less space to build stormwater treatment to meet BCWMC and/or State requirements.

After considerable discussion about the uniqueness of this site and situation, and the strong desire to build the CIP Project sooner than later so that water quality improvements can be realized without waiting for development, the TAC made the following recommendations:

**TAC Recommendations** (Approved upon a vote of 8 to 1):

1. The Commission approve the city's plans to move forward with construction of the Four Seasons Water Quality Improvement Project (CIP Project) in 2023
2. The Commission agree to apply the current BCWMC redevelopment standards (as of December 2022) to the future redevelopment of the site, with a sunset clause of 5 years
3. The Commission agrees to revisit the city's request to use current BCWMC standards if/when BCWMC standards are set to be revised (most likely with adoption of the 2025 Watershed Management Plan).

**BCWMC Staff Recommendation**

After the TAC meeting, BCWMC staff continued to discuss with Plymouth staff possible alternative mechanisms for providing incentives for both future redevelopment and 2023 construction of the CIP Project. (These ideas were briefly discussed during the TAC meeting but not fully developed as possible recommendations from the TAC.) The idea of regional treatment was discussed. Regional treatment was once a more common method of treating stormwater for multiple sites with a larger, centralized stormwater treatment device. It typically meant that a stormwater pond or other stormwater treatment device was built BEFORE development came to an area and would be used to treat runoff from multiple properties.

As shown in agenda item 5Aiii, the overall (annual) total phosphorus (TP) removal for the CIP Project is 118 lbs., well above the 100 lbs. of "above and beyond" TP removal required by the Commission for the past two developers to utilize BCWMC CIP funds. With this and the regional approach in mind, Commission Engineer Chandler and I recommend that rather than approving TAC recommendations 2 and 3 (above), the Commission agree to allow the city to offer a future developer the ability to utilize a portion of the CIP Project's TP removal above 100 lbs. to meet BCWMC development standards in place at the time of development. The proportion of pollutant removal available to the developer would be equal to the proportion of city funds used in the CIP Project design and construction provided the Commission-funded portion is equivalent to at least 100 lbs. of TP removal.

For instance, the total cost of the CIP project is estimated at \$1,000,000. There is approximately \$800,000 left in this CIP account fund. If the city funds the CIP shortfall of \$200,000, they would have paid for 20% of the project costs. Then, up to 20% of the TP removal would be available to offer a future developer (20% of 118 lbs. = 23.6 lbs.). The Commission wants to ensure, however, that at least 100 lbs. of TP are provided for treatment "above and beyond" requirements. Therefore, no more than 18 lbs. of TP would be available to offer a future developer.

Commission Engineer Chandler and I had a subsequent meeting with Plymouth staff and agreed that the concept of oversizing treatment capacity for a development (e.g., regional ponding) in order to gain additional water quality benefit is appropriate and not without precedent in city master planning.

We believe this is a more appropriate path forward than the TAC's recommendation and avoids unnecessarily setting precedent regarding standards for future development.

## MEMORANDUM

**To:** Bassett Creek Watershed Management Commission Technical Advisory Committee (TAC)  
**From:** City of Plymouth  
**Subject:** Four Seasons Area Water Quality Project (NL-2)  
**Date:** November 28, 2022

### Background

The above referenced project was originally developed and conditionally approved by the Commission in 2013 but based on neighborhood feedback and site challenges with redeveloping the former mall the project has not moved forward to-date. In 2021 the City of Plymouth purchased the Four Seasons Mall site and is in the process of making improvements to the site. The first step is to demolish the existing building and remove the existing parking lot pavement which is currently underway. The city also intends to make stormwater quality improvements including the creation of pond(s) along Rockford Road, and restoration of the existing wetland south of the site through which the North Branch of Bassett Creek flows. The two stormwater management components are very similar to those already approved through the previous redevelopment plans and will be designed to treat 100 pounds of total phosphorus. Similar to a typical CIP implementation process, the City would build the stormwater management features and be reimbursed by the Commission with available CIP funds. (Approximately \$800,000 remain in the CIP fund for this project.)

As a reminder, the TAC made recommendations on the city's implementation of site BMPs prior to development at their July 29, 2021 meeting and the Commission approved their recommendations at their [August 19, 2021 meeting](#) (page 7-8). These included the following:

1. The Commission enter an agreement with the city of Plymouth to construct the previously approved BMPs, provide CIP-fund reimbursement for construction of structures that capture the first 100 pounds of TP, and allow future redevelopment to utilize any TP removals above 100 pounds to meet BWCMC water quality treatment requirement.
2. No BCWMC funding should be used to create storage or water quality benefits that would be required of any proposed development.
3. The current impervious surface area of 11.93 acres be set as the "existing condition" upon which future stormwater management requirements would be based, with a sunset clause of 20 years.

The plans for the CIP stormwater quality improvements are currently under review by the watershed engineer. City staff had anticipated that a development proposal would be under review by the City Council and potentially commission by this point, but due to external conditions no formal review is in process.

Because of the uncertainty of the development timeline and the risks associated with using the two primary stormwater management sites for the removal of the 100-lbs of phosphorus per project NL-2, the City is further requesting that the TAC consider recommending to the Commission that the current



redevelopment standards be utilized for future redevelopment, with a sunset clause of 10 years. Below is a draft list of the existing conditions and current regulation standards for the site:

1. Existing Conditions.

- a. The existing building is 71' – 4" from the delineated wetland at its closest point.
- b. Surface and subsurface conditions based on the Geotechnical Evaluation Report for the Four Seasons Development – Multi Family Buildings, Braun Intertec Corporation, September 18, 2019.
- c. The Commission watershed model adopted as of 12/15/2022 including:
  - i. 2-year Atlas 14 high water elevation: <Insert from new model>
  - ii. 10-year Atlas 14 high water elevation: <Insert from new model>
  - iii. 100-year Atlas 14 high water elevation: 892.5
- d. Drainage patterns, discharge rates, Atlas 14 rainfall intensities, and discharge volumes per the Commission approved Stormwater Management Report, Loucks Engineering, May 27, 2020. These include values in the table below:

**EXISTING RUNOFF - INCLUDING OFF SITE**

| Drainage Area                | Area           | 2-Yr Storm Event |                 | 10-Yr Storm Event |                 | 100-Yr Storm Event |                 |
|------------------------------|----------------|------------------|-----------------|-------------------|-----------------|--------------------|-----------------|
|                              | (Ac.)          | Rate (cfs)       | Volume (cu.ft.) | Rate (cfs)        | Volume (cu.ft.) | Rate (cfs)         | Volume (cu.ft.) |
| C-Wetland                    | 9.216          | 28.85            | 1.769           | 45.05             | 2.793           | 80.87              | 5.086           |
| CR1-Creek                    | 6.52           | 19.01            | 1.156           | 30.42             | 1.862           | 55.87              | 3.463           |
| W-Lancaster                  | 1.564          | 3.44             | 0.201           | 6.12              | 0.356           | 12.33              | 0.723           |
| CR                           | 532.03         | 30.52            | 48.667          | 55.59             | 88.638          | 121.82             | 193.525         |
| 1NP                          | 189.81         | 21.4             | 24.131          | 38.31             | 42.874          | 78.59              | 87.402          |
| WSP                          | 38.11          | 2.2              | 5.052           | 3.81              | 8.733           | 7.59               | 17.382          |
| SP                           | 44.98          | 9.05             | 6.854           | 15.26             | 11.512          | 29.67              | 22.312          |
| WT                           | 18.105         | 15.26            | 1.524           | 31.4              | 2.913           | 74.01              | 6.566           |
| <b>Creek Total</b>           | <b>538.55</b>  | <b>30.52</b>     | <b>49.823</b>   | <b>55.59</b>      | <b>90.5</b>     | <b>121.82</b>      | <b>196.989</b>  |
| <b>Lancaster North Total</b> | <b>191.374</b> | <b>21.42</b>     | <b>24.332</b>   | <b>38.35</b>      | <b>43.229</b>   | <b>78.66</b>       | <b>88.125</b>   |
| <b>Total To Wetland</b>      | <b>840.335</b> | <b>60.54</b>     | <b>89.354</b>   | <b>101.11</b>     | <b>159.681</b>  | <b>198.06</b>      | <b>336.459</b>  |

2. Existing Regulations.

- a. Commission Requirements for Improvements and Development Proposals (Revised February 2021).
  - i. Minimum building elevations (lowest floor) including parking garages/ramps, must be 2.0 feet above the 100-year flood level in the model.



- ii. Stormwater must be managed such that peak flow rates leaving the site are equal to or less than existing rate leaving the site for the 2-, 10-, 100-year events based on Atlas 14 precipitation amounts and using a nested 24-hour rainfall distribution.
  - iii. Trails, sidewalks, and miscellaneous disconnected impervious surfaces (concrete/bituminous pads, etc.) are exempt from the rate control policies.
  - iv. Buffer widths from the priority streams must be provided. This is 10 feet or 25 percent of the distance between the ordinary high-water level and the nearest existing structure. Based on existing conditions this would relate to 892.9, which is the OHW of the North Arm)
- b. Minimum Impact Design Standards must be used and Flexible Treatment Option 2 has been approved for the site. The required amount of treatment for the development must be equal to or greater than: 60% on-site reduction of phosphorus generated from the new or reconstructed impervious (e.g. 12.65 lbs for 9.86 new acres in Dominion Plan).

