SW-57

Environmental Assessment Worksheet

ADDENDUM REPORT

McGowan Development Corporation

Planned Unit Development

Burnsville, Minnesota

November 1989

Floodplain Analysis

October 23, 1989

Mr. Russ Sorenson, President
Lower Minnesota River WSD
5550 York Avenue South, Suite 520
Minneapolis, Minnesota 55435

Dear Mr. Sorenson:

RE: BURNSVILLE AMPHITHEATRE

At an October 16, 1989 meeting between the developer and his engineering consultants, Department of Natural Resources (DNR), Lower Minnesota River Watershed District (LMRWSD) engineer, and the U.S. Geological Service (USGS) met to review the technical aspects of the proposed Burnsville Amphitheatre project. The following comments summarize the results of that meeting and the DNR's position on the project:

1. The technical analysis of floodplain impacts, performed by JM Montgomery, Inc. (referred to as 713. MOD 2), is technically accurate and correctly completed. The impacts of the amphitheatre construction on 100-year flood heights are .01 feet or less. The impact on flood velocities is also minimal. All the agency's staff and professional engineers agree on this matter, except the LMRWSD engineer.

2. Mr. Malkerson, LMRWSD Attorney, raised a question over the possibility of a similar encroachment on the opposing bank of the river and the potential impacts of such an encroachment on flood heights. The answer would be the same from our Department; measuring the design must not increase flood heights. The flood profiles in the area are controlled, to a large extent, by the I-35W bridge opening and upstream encroachments below the 100-year flood elevation on the opposing river bank should have similar results.

3. The amphitheatre project is located in the floodway portion of the 100-year floodplain. Under federal rules, state rules, and the City of Burnsville's ordinance, an open space use in the floodway is a permitted use. The amphitheatre is such an open space use and is therefore permitted in the floodway.

4. The fill for the dikes is only allowed as a conditional use under the City's ordinance, provided no increase in flood heights or velocities results from the filling. Since there is agreement that no stage or velocity increases will result, the dikes can be permitted to elevation 713.0.

5. The City's ordinance and state rules allow accessory structures to open space uses in the floodway as a conditional use, provided they are flood-proofed in accordance with the State Building Code and cause no obstruction to flood flows. The proposed structures for the amphitheatre also must meet these criteria. The City's ordinance will soon be modified to comply with revised Federal Emergency Management Agency (FEMA) rules. These rules will require that any flood-proofed structures be authorized by variance to the local ordinance. FEMA will review any variances after they've been issued by the local government, but does not have veto or certification authority. Our experience with FEMA staff over the years indicates that the amphitheatre proposal is based on a justified hardship and will be favorably reviewed by FEMA.

   The types of flood-proofed structures which are allowed in the floodway are:

   : the amphitheatre stage & roof
   : electrical services
   : toilet structures
   : concession structures
   : seating

   These flood-proofed structures must assume failure of the dikes and design criteria for resulting hydrostatic and hydrodynamic loads.

An administrative office structure in the floodway cannot be allowed and the developer is aware that the offices must be elevated above the 100-year flood elevation on fill outside the floodway.

6. There may be a need to further stabilize the Minnesota River banks at the site by riprap or other suitable measures. A DNR permit may be required for placement of any riprap below the ordinary high water level (OHWL).

7. The developer has stated that the proposed marina will not be developed at the present time. Separate review of any marina proposal will be required.

ı conclusion, the Department finds that the project is consistent j .h federal, state, and local floodplain management controls. We j ıd, further, that the developer has thoroughly addressed the a latory concerns of the Department by performing credible ies and analyses of impacts.

t you have any questions, please contact me.

: ıcerely,

Bob Lyle Stine

ı ın L. Stine
egional Hydrologist

: closure

c: Larry Samstad, Itasca Engineering
Tom Rasmussen, JM Montgomery, Inc.
Bob Obermeyer, Barr Engineering
John Shardlow, Dahlgren-Shardlow-Uban
John Gockel, Encompass, Inc.
Bruce Malkerson, Popham-Haik Attorneys at Law
Terry Birman, FEMA-Region V, Chicago
Dave Leuthe, St. Paul Waters
Jim Solstad, St. Paul Waters

lkr

Regional Hydrologist

OCT 20 1989
REGION VI
WATERS

Jim Solstad JAS
Surface Water Section

297-3851

MCGOWAN AMPHITHEATER

I reviewed Larry Samstad's modifications to J.M. Montgomery's (JMM) HEC-2 analysis of the proposed McGowan Amphitheater project. Primarily, Larry changed the right overbank Manning's "n" values back to their original value of 0.096. At Monday's meeting, everyone else agreed that JMM's use of 0.03 for "water over water" was appropriate for the deep pit area (amphitheater site).

Larry also revised several of the ground points (GR cards). In cross sections 26 and 26.3, JMM assumed that the marina was included as part of the project. Larry revised cross section 26 (actually by lowering the GR points) to existing conditions and raised the Manning's "n" values to 0.096.

Larry also revised cross sections 26.7 and 27 for unknown reasons. However, most of the GR points he changed were outside of the effective flow limits so his modification had little impact on the computed flood profile.

In conclusion, JMM's HEC-2 model (713MOD2.DAT) is the better representation of the proposed amphitheater project. The proposed project should have no impact on the 100-year flood.

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November 1, 1989

FACSIMILE TRANSMISSION

John Shardlow
lgren, Shardlow & Uban, Inc.
First Avenue North, Suite 210
eapolis, Minnesota 55401

RE: Minnesota Statutes Chapter 473

John:

You asked me to supplement my October 24, 1989, letter to ess the additional factor that the "112 Watershed" is also a pter 473 Watershed Management Organization ("W.M.O."). A 112 shed does not gain any additional authority to regulate the and development of land by virtue of being a W.M.O. Minn. t. § 473.877, subd. 1(C) provides that a W.M.O. has the same hority to regulate the use and development of land as a 112 rshed, but that the authority can only be exercised under ain limited circumstances. A copy of the statute is enclosed.

The net result of all this is that a 112 watershed does not any additional power to regulate development of land in a ood plain by virtue of also being a W.M.O. Since Burnsville has flood plain ordinance, the watershed flood plain rules, if any, not applicable.

Very truly yours,

CAMPBELL, KNUTSON, SCOTT
& FUCHS, P.A.

BY: Roger N. Knutson

K:srn
osure

: Greg Konat

Yankee Square Office III • Suite 202 • 3460 Washington Drive • Eagan, MN 55122

Legislation

s 1987, c. 358, § 121, added the d ition ard".

Laws 1981, c. 207, § 13 provides that these amendments apply in the counties of Anoka, Carver, Dakota, Hennepin, R sey, Scott, and Washington.

7. Joint powers watershed management organization

ubdivision 1. Authority. Any agreement under section 471.59 to jointly or coopera- v manage or plan for the management of surface water in a watershed delineated ant to subdivision 2, as required by sections 473.875 to 473.883, may provide, in on to other provisions authorized by section 471.59, for a joint board having:

the authority to prepare, adopt, and implement a plan for the watershed meeting the ements of section 473.878;

the authority to review and approve local water management plans as provided in on 473.879;

he authority of a watershed district under chapter 112 to regulate the use and lopment of land in the watershed when one or more of the following conditions exists: e local government unit exercising planning and zoning authority over the land sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.364, does not have a water management plan approved and adopted in accordance with the requirements ction 473.879 or has not adopted the implementation program described in the plan; application to the local government unit for a permit for the use and development of equires an amendment to or variance from the adopted local water management implementation program of the local unit; (3) the local government unit has ized the organization to require permits for the use and development of land;

the authority of a watershed district under section 112.65 to accept the transfer of age systems in the watershed, to repair, improve, and maintain the transferred ge systems, and to construct all new drainage systems and improvements of g drainage systems in the watershed, provided that projects may be carried out r the powers granted in chapter 112 or 473 and sections 106A.005 to 106A.811 and oceedings of the board with respect to the systems must be in conformance with tershed plan adopted under section 473.878; and

other powers necessary to exercise the authority under clauses (a) to (c), including wer to enter into contracts for the performance of functions with governmental or persons.

bd. 2. Review of watershed boundaries. Before commencing planning under sec- 73.878, a watershed management organization established pursuant to section and this section shall submit a map delineating the boundaries of the watershed to d of water and soil resources for review and comment on the conformance of the ries with the requirements of sections 473.875 to 473.883. The board shall have 60 comment.

bd. 3. Jurisdiction over nonmembers. A watershed management organization shed by agreement pursuant to subdivision 1 may exercise the authority provided agreement throughout the watershed delineated, including territory in statutory

City of
BURNSVILLE

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MEMORANDUM

TO: Greg Konat, City Manager

FROM: Judy Tschumper, Director of Development
R. Charles Ahl, City Engineer

DATE: March 12, 1999

SUBJECT: Amphitheater Development - File No. 96-110
Development Timeframe

During the past few weeks, our Planning, Inspections and Engineering staff and consultants have been working on identifying steps to allow an Amphitheater to be developed on the McGowan property at the Minnesota River. A group meeting of staff and consultants was held on Wednesday, March 10, 1999 to identify a schedule and issues that remain unresolved, but with an overall goal of an Amphitheater opening of June 1, 2000. A number of these issues are being worked on by BRW on the transportation components and the studies on constructing Embassy Road. However, significant additional information is required from the Amphitheater developer.

Our staff and consultant group has identified the following critical issues that need immediate action if the goal of a partial opening in June 2000 is to be achieved:

- Submittal of detailed plans by April 15, 1999
- A Final Closure Agreement with the Minnesota Pollution Control Agency
- Resolution of the Dike/Levy system with the various agencies

Our justification for considering these items as critical relates to the timing of the review and the possibility that outside agencies control the "destiny" of the proposal. We do not believe that staff or consultants can be of much assistance in proceeding with the first two items on this list. We believe that a consultant could begin the preliminary work on the third item and have received a proposal from SEH Engineers to investigate the issue for a preliminary estimated cost of $15,000.

Attached are further details that our staff and consultant group has developed on items that are required both from a timing and review standpoint to allow the Amphitheater project to succeed in achieving the goals.

If you have any questions or concerns with this information, please contact either Chuck or Judy. We suggest that a meeting between the staff/consultant group and the representatives of the developer is necessary within the next two weeks to properly exchange this information.

Rca

SUMMARY OF AMPHITHEATER PROJECT ISSUES

- Kraemer Right of Way for Embassy Road
  - TKDA/BRW handling with Embassy Rd project
- Wetlands
  - Embassy Road – EKS study being reviewed
  - ? at Amphitheater
  - MnDOT ROW for 113th Street – by BRW
- TIF $$
  - Form District
  - Determine final $$ generated
  - Need Agreement with Dakota County on Infrastructure
- Project Cost Estimates
  - Need to be updated from 1997 numbers
  - Need final plans to determine suitability
- Structure/Site ?-dewatering when EKS lake is full
- Level of Dike
  - Equal encroachment ordinance
  - Approval from Lower Minn Watershed District to vary?
  - DNR Approval to vary?

SUMMARY OF PLANNING ISSUES

1. Assume City Council approval on July 19, 1999
2. Planning Commission needs to review on May 24, 1999
3. Plans need to be submitted by April 15, 1999
   - Signed by Registered Structural Engineer
   - Agreement with MPCA on closure (includes City as part of maintenance requirement?)
   - Final Grading Plan consistent with closure agreement
     - Signed by Registered Civil Engineer
   - Flood Proofing Plan (dewatering plan)
   - Site Drainage Plan
     - Signed by Registered Civil Engineer
   - Private Site Utility Plan
     - Signed by Registered Mechanical Engineer
     - Flood Resistant
   - Landscaping Plan
   - Building Details/Elevations
     - Floor Plans
     - Mechanical Plans
     - Electrical Plans
     - Fire Protection Plans