

**BURNSVILLE PARKS AND NATURAL RESOURCES COMMISSION**

**“DRAFT”**

**MINUTES  
December 4, 2007**

**MEMBERS PRESENT**

Mike Hughes (Chair)  
Steve Steuber (Vice Chair)  
Tracy Stewart  
Eric Spieler  
Rhonda Rezac  
Pat Arnold

**MEMBERS ABSENT**

John Wallace

**OTHERS PRESENT**

Randy Oppelt, Director of Parks & Public Works Operations, City of Burnsville  
Terry Schultz, Director of Natural Resources, City of Burnsville  
Daryl Jacobson, Water Resources Specialist, City of Burnsville  
Joe Jagdmann, Representative for CarMax  
Dan Lesser, Representative for Landform  
John Clough, Resident, 1034 Earley Lake Place  
James Pierce, Resident, 1007 Earley Lake Place  
Steve Dale, Resident 1216 Earley Shores Lane  
Patrick Scanlon, Resident, 14705 Courtyard Circle  
Marie Maczko, Recording Secretary

The meeting was called to order by Chair, Mike Hughes at 7:00 p.m. at Burnsville City Hall in the Council Chambers.

1. Approval of Agenda

**Motion by** Spieler, second by Steuber to approve the agenda as presented.

Ayes – Hughes, Steuber, Stewart, Spieler, Rezac, and Arnold

Nays – None

Absent – Wallace

**Motion Carried**

2. Citizen Comments

No citizen comments were made.

3. Approval of Minutes from November 6<sup>th</sup>, 2007

**Motion by** Arnold, second by Stewart to approve the Minutes from November 6<sup>th</sup>, 2007 meeting as presented.

Ayes – Hughes, Steuber, Stewart, Spieler, Rezac, and Arnold

Nays – None

Absent – Wallace

**Motion Carried**

4. Review Application for a Conditional Use Permit to Deviate from the Shoreland Ordinance Regulations to Allow up to 75% Impervious Surface for Construction of a CarMax Auto Super Store (Outdoor auto sales lot) located at 14600 Burnhaven Drive

Daryl Jacobson, Water Resources Specialist for the City of Burnsville, gave a brief overview of the application. CarMax Auto Superstore proposes to construct a used car dealership on the southwest corner of Southcross and Burnhaven Drive. The northern half of the site is within 1,000 feet of Earley Lake, and as such, a portion of the site is located within the Shoreland District. A Conditional Use Permit (CUP) is requested to allow 75% impervious surface as opposed to the 25% standard. The Shoreland Ordinance allows up to 75% impervious surface with a CUP. Jacobson stated that the applicant has met and /or exceeded all the stormwater requirements, including the infiltration and total suspended solids removal standards that are required by city policy and the shoreland regulations. In addition the applicant has worked with the city to provide stormwater treatment practices on their site to treat an additional 52 acres of the watershed that are not part of the CarMax site. The need for this treatment was identified in the Earley Lake Study completed in the spring of 2007. Jacobson then stated that there were representatives from CarMax present to address any questions the Commission may have.

Steve Steuber inquired as to why some of the underground systems had perforated pipe and the others were regular pipe (no perforations).

Dan Lesser from Landform, replied that the perforated pipes allow for infiltration into the soil and there were some concerns with infiltration under some of the parking areas. The concerns related to future maintenance, the volume of water that would be infiltrating, and the particular location of where the water would be put into the sub soils. He added there are currently some ground water issues in the neighboring residential areas to the west.

Steuber then wanted to know what happens to the water in the non perforated pipes.

Lesser explained that the water is detained in the pipes, which allows the sediment to settle out, the sediment then remains in the pipes and the treated water discharges via an outlet into the city's existing storm sewer system. Ongoing maintenance is required to remove the sediment that accumulates in the pipes. The system is designed to allow for periodic maintenance.

Tracy Stewart wondered where the water drained to.

Lesser explained that the water from all of the treatment systems on the site is either infiltrated or flows into Earley Lake through the storm sewer system.

Steuber wondered if vehicles would be parking in the northern most area, where the perforated pipes are located. He also wondered if there was any concern with leaking of oil or antifreeze.

Lesser replied that there would be parking in the northern area, and went on to explain how each of the stormwater practices has design features to capture oil, gas, and other debris should it enter the system.

Schultz summarized that when the practices and different methods for catching the oil and gasoline are in place it should be a better situation than what exists on a typical residential street.

Hughes wanted to know if vehicle repairs would be done on site and how the used oil and antifreeze would be taken care of so it doesn't infiltrate.

Joe Jagdmann, Real Estate Manager, CarMax Auto Super Stores, explained that all vehicle repair is done inside. Any leaks from the vehicles being repaired would be captured and treated in an oil/water separator and then the water would be discharged into the sanitary sewer system. There should be no leakage onto the lot from vehicle repairs.

Rhonda Rezac wanted to know what elements of the storm water treatment practices the City of Burnsville would be responsible for maintaining.

Jacobson responded that CarMax would be responsible for all maintenance and would be required to sign a maintenance agreement. Schultz added that as part of the Maintenance Agreement the City would have the right to inspect the system to make sure it is operating properly. If problems are found and for some reason CarMax would not fix it, the City would have the right to come in and fix the problem and assess the cost back to CarMax. Jagdemann confirmed that CarMax does plan to maintain this system.

Hughes said the spirit of the ordinance is that the property owner must mitigate any changes to the run off in such a way the effect on the local water quality would be the same as if it were 25% impervious surface. Hughes asked if CarMax could improve the local water quality even more, and whether they met the spirit of the requirement.

Jacobson replied that CarMax is exceeding the standards in the Shoreland Ordinance and they have fully complied with, or exceeded, the other city stormwater treatment standards.

Steuber wanted clarification on what a "WIP Area" means. Jagdmann said that it is an acronym for "Work in Progress" and was the area where the vehicles are stored and staged before they are taken into the building for reconditioning.

Eric Spieler was wondering if there were any plans for trees and or medians in or around the parking lot, the draft shows a lot of asphalt. Jagdmann said that yes, there is a landscape plan that was filed with the CUP application. The landscape plan includes trees and other plantings along Southcross and Burnhaven, in and around the sales and employee/customer parking lots, and around the perimeter of the building.

Hughes then opened the meeting up for citizen comments on this item.

John Clough, resident at 1034 Earley Lake Place, stated that he lives across the street from the proposed CarMax site. One of his concerns is that the residents in the northeast corner of their development are experiencing flooding in some basements. He feels the additional run off may add to the problems. The area known as The Regents has flooding in their garage. He is also concerned with the water quality of Earley Lake and does not like the idea of having a car dealership across the street. He shared his feelings about how Lifetime Fitness acted like a buffer from the dealerships. Ideally he and his neighbors would like to see a different type of business at this site. He added that a petition was submitted to the Planning Commission and he and his neighbors will be working through them and the City Council to discuss this further.

Hughes noted that he understood his (Clough's) comment about the proximity of this business to the residential neighborhood, and shared that this was an issue for Planning Commission and City Council discussion. Hughes did feel that flooding is a natural resources issue, and asked staff for clarification on how the project might impact current flooding problems in the area?

Schultz addressed the two general areas where he understood the residents had concerns about flooding:

1. The area to the west of the CarMax site, going back to Burnhaven Park, will not be impacted by this project since none of the site run off will be going to the west of the site.
2. In the areas north of Southcross (Regents area), the run off/drainage into the system comes from further north. The storm water system in that area is not connected to the CarMax site or the watershed south of Southcross. Accordingly development of the CarMax site should not impact the flooding issues on the north side of Southcross one way or the other.

Clough said that he understood that the flooding by The Regents is from a different run off, but the intersection at Southcross and Burnhaven floods quite often in the summer. He added that he feels the new office building on the corner contributes to that flooding and has made the situation worse. Another contributing factor will be the CarMax site because of the slope running down through the site to the road. He feels it will make the flooding worse for the east side of his neighborhood.

Hughes said that it raised another question; is there a pond that was going in next to that office building, and if that is true, how would that affect the water flow.

Schultz said the City is proposing to construct a storm water treatment pond on the northwest corner of the intersection of Southcross and Burnhaven. It will collect run off from the north side of Southcross, primarily from the Burnsville Center area. The proposed pond will not be connected to the CarMax storm water system other than they will both outlet to the storm sewer pipe that is under Southcross Drive.

Hughes wanted to know how this will affect the flooding that was mentioned at that intersection.

Schultz explained that he was not aware of the flooding in that intersection; he went on to explain that the storm sewers are designed for a 10 year storm event. In Burnsville there are many intersections that will flood temporarily during large or intense rain events. When we exceed a 10 rain year event, in essence the streets are utilized for temporary storage of the run-off. He added that engineering staff will review the plans to make sure that flows at the intersection are meeting city standards after development.

James Pierce, resident at 1007 Earley Lake Place, stated that a comment was made that it would not worsen the flooding up in the neighborhood but is concerned that the water will not have anywhere to go and may push into Earley Lake Estates.

Randy Oppelt, Director of Parks and Public Works Operations, explained that the system is set for a 10 year event, if a 15, 20 or more year event happens the water

will sit in the street until it can catch up with the storm sewers. The water usually only sits in the street for a short time then drains into the storm sewers. The water should drain into Earley Lake and should not drain into the neighborhood. A 10 year storm has a ten percent chance of happening.

Schultz acknowledged that City staff is aware of problems with some of the ponds in the area of the Regents and next to Earley Lake Estates, and is working to resolve these issues. He reiterated that those ponds are not connected hydrologically to the CarMax site.

Rezac inquired about the rain gardens and the detention ponds, wanting to know how much rain water could be collected before they flood.

Schultz said that most systems are designed to collect the first inch of rain fall; this is where the pollutants are and most of the rain events do fall within that category.

Lesser added that they were aware of some flooding issues around the area and the rain water gardens are designed to treat the first inch, but they will actually hold the 100 year storm. CarMax is dramatically reducing the peak flows. He also noted that CarMax will not contribute to the intersection flooding problem.

Hughes closed the public comment period and opened the discussion up for the Commissioners.

Tracy Stewart commented that the bottom line is that CarMax has met the spirit of the ordinance. She added that their decision should not be based on if we want a car dealership or not.

Spieler asked if this plan would be better, in terms of storm water treatment, than what the City had with Lifetime.

Jacobson replied that Lifetime did not have any stormwater treatment practices on their site, so this is an improvement from a stormwater treatment point of view.

Hughes agreed with the previous statements; this is an improvement on the site in terms of storm water management, and if anything we can expect the water quality in Earley Lake will improve over time. He added that the land owner has certainly met the requirements of the ordinance.

**Motion by** Hughes, second by Arnold to recommend that Council approve the application for a Conditional Use Permit to deviate from the shoreland ordinance regulations to allow up to 75% Impervious Surface for Construction of a CarMax Auto Super Store (Outdoor auto sales lot) located at 14600 Burnhaven Drive

Ayes – Hughes, Steuber, Stewart, Spieler, Rezac, and Arnold  
Nays – None  
Absent – Wallace

**Motion carried.**

5. Approval of the Commission's Work Plan for 2008/2009

Randy Oppelt shared that the Work Plan was brought before the Commission last month in the worksession and noted the changes that were made to the Work Plan per the Commissioners direction at the November meeting.

**Motion by** Steuber, second by Spieler to recommend to Council approval of the PNRC Work Plan for 2008-2009.

Ayes – Hughes, Steuber, Stewart, Spieler, Rezac, and Arnold  
Nays – None  
Absent – Wallace

**Motion carried.**

6. Consider Input for City Council Regarding the City's Ends and Outcomes

Oppelt explained that the City Council utilizes themes, ends and outcomes as a planning tool to help set the direction for the City. The Council annually reviews and updates them in a Worksession in January or February. The Council would like feedback from its commissions and committees prior to this goal setting Worksession.

Hughes recommended implementing the 21<sup>st</sup> Century Visioning ideas and continuing the Commission's approved work plan.

Steuber added that he felt sustainability should get incorporated into all the plans.

Spieler mentioned that it was important for the City to continue focusing on getting feedback from the community as to how to make the City better.

Hughes commented that he watched the survey results presentation at the Council meeting and noted that Natural Resources and Parks got excellent ratings. He felt that this was testimony to the excellent job that staff has done over the past few years. The bar is set very high, and we have a responsibility to carry that forward and continue.

No formal action was taken on this item.

7. Miscellaneous

The next PNRC meeting falls on January 1<sup>st</sup>, if a meeting is needed it will be moved to January 8<sup>th</sup>, 2007.

8. Adjournment

**Motion by** Steuber, second by Spieler to adjourn the meeting at 7:35 p.m.

Ayes – Hughes, Steuber, Stewart, Spieler, Rezac, and Arnold

Nays – None

Absent – Wallace

**Motion carried.**