

## PLANNING COMMISSION STAFF REPORT

Meeting Date March 15, 2022

**REPORT TO:** Melinda Coleman, City Manager

**REPORT FROM:** Elizabeth Hammond, Planner

**PRESENTER:** Elizabeth Hammond, Planner

**AGENDA ITEM:** Conditional Use Permit Resolution for a PUD Amendment, Maplewood Assisted Living, 1744 County Road D East

**Action Requested:**  Motion  Discussion  Public Hearing

**Form of Action:**  Resolution  Ordinance  Contract/Agreement  Proclamation

### **Policy Issue:**

MX Real Estate, LLC is proposing to construct a residential assisted living facility at 1744 County Road D East. The proposal includes 20 assisted living units, with a potential phase two that would include an additional 10 units to be constructed at a later date. The property is currently vacant and part of the Legacy Village PUD. To move forward with the project the applicant has requested design review approval and an amendment to the existing PUD that governs the site.

### **Recommended Action:**

Motion to approve a conditional use permit resolution for a PUD amendment for the construction of an assisted living facility to be located at 1744 County Road D East, subject to certain conditions of approval.

### **Fiscal Impact:**

Is There a Fiscal Impact?  No  Yes, the true or estimated cost is \$ 0.00

Financing source(s):  Adopted Budget  Budget Modification  New Revenue Source  
 Use of Reserves  Other: n/a

### **Strategic Plan Relevance:**

Community Inclusiveness  Financial & Asset Mgmt  Environmental Stewardship  
 Integrated Communication  Operational Effectiveness  Targeted Redevelopment

The city deemed the applicant's application complete on February 24, 2022. The initial 60-day review deadline for a decision is April 25, 2022. As stated in Minnesota State Statute 15.99, the city is allowed to take an additional 60 days if necessary to complete the review.

## **Background:**

### **Project Overview**

MX Real Estate, LLC is proposing to construct a residential assisted living facility at 1744 County Road D East. The property is currently vacant and part of the Legacy Village PUD. In 2020, the property had approvals from the City for a Woodspring Suites hotel to be built on the subject property; however, that project did not move forward. The existing Conditional Use Permit that governs the approved PUD for Legacy Village will need to be amended to include the proposed project details.

### **Legacy Village Planned Unit Development – Front Yard Building Setback**

The Legacy Village PUD was originally approved on July 14, 2003, and this site was designated for use as a “retail/commercial site.” On September 27, 2005, the CDRB approved plans for a strip shopping center which was going to have a front yard building setback of 15 feet.

On October 27, 2008, the City Council approved an amendment to the approved PUD to allow the proposed strip shopping center to be setback 83 feet instead of the required 15 feet from County Road D East. The dormant hotel project approved in 2020 was to have a 68 foot setback. This project proposes a front yard setback of 32.9 feet which is closer to the intent of the original PUD approval for this site.

### **Site Plan**

The 17,233 square foot building is proposed to be situated towards the north end of the site near County Road D East. The building entrance and parking lot are proposed on the south side of the building, facing the existing residential properties. Access to the site is provided on the east from Bittersweet Ln and from the west off Flandreau Street. The applicant’s site plan illustrates a potential expansion of the facility in the future. A building addition will require updated plans to be reviewed by the city.

### **Setbacks**

The parking lot meets the required minimum of 15 feet from the adjacent right-of-way. The building is required to be setback 100 feet from an adjacent residential lot line. The building setbacks are achieved with an exception on the east side of the building where the setback is shown to be 16.3 feet from the adjacent right-of-way. The applicant will be required to move the building to the west so that a minimum of 25 feet is provided between the building and the street right-of-way. This is in line with the existing setback from the street right-of-way to the building across the street (Ashley Furniture) which is 25 feet to the road. The building is setback at least 30 feet from all other street rights-of-way. An updated plan illustrating this setback must be submitted for staff review prior to the issuance of a building permit.

### **Building Elevations**

The one-story building at its highest point is shown to be 24 feet in height. The exterior materials are identified on the elevations and shown as a combination of lapboard vinyl siding, with some cultured stone veneer on the south elevation and on the bottom of the canopy. Building material samples will be required to be submitted to staff prior to obtaining a building permit. Staff recommends that the cultured stone veneer shown at the base of the building on the south elevation be extended to all sides of the building. Updated elevations shall be submitted illustrating this addition on the north, east and west elevations prior to the issuance of a building permit.

### Signage

The elevation drawing identifies a monument sign with landscaping to be located on the northeast corner of the property. Any signage on the property is subject to review by the City and requires a sign permit, separate from this design review.

### Landscaping

The proposed landscape plan shows 9 hackberry deciduous trees to be planted along the south property line, 24 American cranberry bush shrubs and 31 spirea bushes to be planted around a patio on the north side of the building, and a monument sign at the northeast corner. Staff recommends that additional trees and shrubs be planted on the site. The applicant will be required to work with the City's Environmental Planner and Natural Resource Coordinator, to update the landscape plan per their recommendations which are outlined in the attached report.

### Parking

City ordinance does not contain specific parking standards for assisted living, or nursing home facilities. The applicant is proposing 28 parking stalls, which include two (2) handicap stalls. The parking on site would be used by the employees of the facility and guests visiting residents of the facility. Staff believes this number is adequate given the number of units and proposed staff on-site at any time.

### Lighting

The applicant submitted a lighting plan illustrating the location and types of lighting that includes a combination of light poles and wall-mounted lighting on site. A description and manufacturer's detail for the lighting was supplied, and a plan illustrating the light spread and foot-candle levels was submitted. The proposed lighting plan achieves city standards.

### Commission and City Council Review

#### *Design Review*

The Community Design Review Board will review the project details on March 15, 2022.

#### *Conditional Use Permit (PUD Amendment)*

The site is part of the Legacy Village Planned Unit Development, originally approved on July 14, 2003, and was designated for use as a retail/commercial site. The approved planned unit development was originally for a commercial shopping strip center. It was amended in 2020 to allow for the hotel to be on the site. The CUP governing the PUD needs to be amended again to allow for the assisted living facility on the site. Staff believes the proposed use combining residential units and a commercial/employment use, will complement the existing mix of uses in the neighborhood.

The conditional use permit and design plans will be reviewed by the Planning Commission on March 15, 2022.

The City Council will review the project and make the final determination on the conditional use permit and design plans on April 11, 2022.

### Department Comments

#### *Engineering Department, Jon Jarosch*

Please see the engineering report, dated March 2, 2022, attached to this report.

#### *Environmental Planner, Shann Finwall and Natural Resource Coordinator, Carole Gernes*

Please see the environmental report, dated March 2, 2022, attached to this report.

*Building Department, Randy Johnson*

The proposed building will need to be constructed to meet the minimum requirements of the Minnesota State Building Code. There is one item that is visible on the drawings provided that may be an issue. The site plan appears to show that there are curbs at the parking access aisle and the drop-off area at the end of the sidewalk. There is required to be a curb cut or accessible route at the parking access aisle and the sidewalk at the drop-off area.

*Environmental Health, Molly Wellens*

The applicant shall obtain a license for the facility from the Minnesota Department of Health. A copy of the license must be provided to the City.

Reference Information

*Site Description*

Site Size: 2.04 Acres  
Existing Land Use: Vacant

*Surrounding Land Uses*

North: Commercial  
South: Multi-Family Residential  
East: Commercial  
West: Multi-Family Residential

*Planning*

Existing Land Use: Commercial  
Existing Zoning: PUD

**Attachments:**

1. Conditional Use Permit Resolution for PUD Amendment
2. Design Review Resolution
3. Overview Map
4. Future Land Use Map
5. Zoning Map
6. Applicant's Narrative
7. Engineering Report Dated, March 2, 2022
8. Environmental Report Dated, March 2, 2022
9. Design Plans Date Stamped, February 24, 2022 (attached separately)

**CONDITIONAL USE PERMIT RESOLUTION FOR A  
PLANNED UNIT DEVELOPMENT AMENDMENT**

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 MX Real Estate, LLC has requested approval of an amendment to an existing Conditional Use Permit that governs the Planned Unit Development (PUD) for the property.
- 1.02 The property is located at 1744 County Road D east and is legally described as:  
Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County  
PIN: 032922110005
- 1.03 City Ordinance Section 44 – 1092 (6) requires a Conditional Use Permit for Planned Unit Developments

Section 2. Standards.

- 2.01 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.
1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
  2. The use would not change the existing or planned character of the surrounding area.
  3. The use would not depreciate property values.
  4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
  5. The use would not exceed the design standards of any affected street.
  6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
  7. The use would not create excessive additional costs for public facilities or services.

8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.

Section 3. Findings.

3.01 The proposal meets the specific Conditional Use Permit standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit request.

1. On March 15, 2022, the Planning Commission held a public hearing. City staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission recommended that the City Council \_\_\_\_\_ this resolution.
2. On April 11, 2022, the City Council discussed this resolution. They considered reports and recommendations from the planning commission and City staff.

Section 5. City Council

5.01 The City Council hereby \_\_\_\_\_ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions (additions are underlined and deletions are crossed out):

1. ~~The retail/commercial site is planned in concept only within the PUD and will come in for design review and approval at a later date, but~~ The use is allowed as long as the provisions of the BC zoning district and conditions outlined here are met.
2. The building(s) on the ~~retail/commercial~~ site shall be set back as shown on the site plan approved by the city council, approximately ~~68~~ 32.9 feet, from the north lot line.
3. ~~The applicant shall submit a comprehensive sign plan.~~ A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. One criterion to be established, however, is that pylon signs shall not be allowed. Monument signs may be allowed, but shall not exceed 12 feet in height. The base of the monument sign must be landscaped.
4. The architectural character and exterior building materials must be in keeping with the adjacent townhomes and other buildings if present.
5. Access to the site shall be from the side streets.

6. All ground-mounted and roof-mounted mechanical equipment shall be screened according to the ordinance.
7. Overstory trees must be planted along the south side of the extension of Street B (Village Trail) at an average of 30 feet - 40 feet on center.
8. Adequate separation, buffering, and screening must be provided for the multi-family residential units from the front doors, parking areas, loading areas, and mechanical equipment of this ~~commercial~~-building.
9. Parking stalls with a width of 9.5 feet are permitted for this site.
10. A parking waiver of 12 stalls is permitted. Applicant must maintain at least 28 parking stalls on site.
11. All construction shall follow the approved plans, date-stamped February 24, 2022. The director of community development may approve minor changes.
12. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void.
13. The city council shall review this permit in one year.
14. The applicant shall meet the conditions outlined in the design review resolution.

\_\_\_\_\_ by the City Council of the City of Maplewood, Minnesota, on April 11, 2022.

## DESIGN REVIEW RESOLUTION

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

1.03 MX Real Estate, LLC has requested design review approval to allow for the construction of an assisted living facility on the property.

1.04 The property is located at 1744 County Road D East and is legally described as: Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County  
PIN: 032922110005

1.05 On March 15, 2022, the community design review board reviewed this request. The applicant was provided the opportunity to present information to the community design review board. The community design review board considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards.

2.01 City ordinance Section 2-290(b) requires that the community design review board make the following findings to approve plans:

1. That the design and location of the proposed development and its relationship to neighboring, existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.
2. That the design and location of the proposed development are in keeping with the character of the surrounding neighborhood and are not detrimental to the harmonious, orderly, and attractive development contemplated by this article and the city's comprehensive municipal plan.
3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

Section 3. Findings.

3.01 The proposal meets the specific findings for design review approval.

Section 4. City Council

4.01 The City Council hereby \_\_\_\_\_ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Subject to staff approval, the site must be

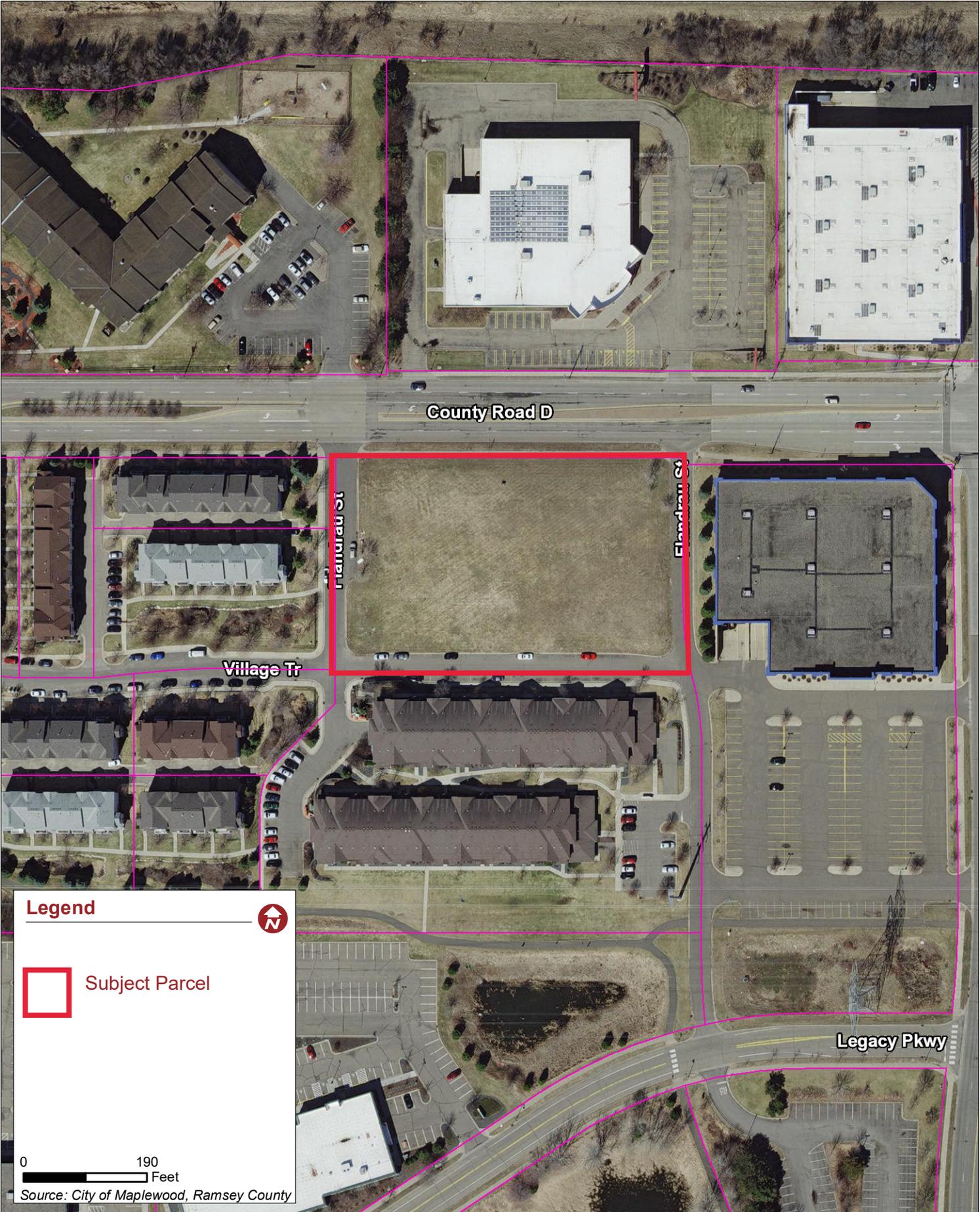
developed and maintained in substantial conformance with the site and design plans date-stamped February 24, 2022. Approval is subject to the following conditions:

1. Repeat this review again in two years, if the city has not issued a building permit.
2. The applicant shall meet the requirements set forth in the report by the Assistant City Engineer, Jon Jarosch, dated March 2, 2022.
3. Additional trees and shrubs shall be planted on the site. An updated landscape plan shall be submitted. The applicant shall meet the requirements set forth in the report by the Environmental Planner, Shann Finwall, and the Natural Resources Coordinator, Carole Gernes, dated March 2, 2022.
4. The applicant shall move the building to the west so that a minimum of 25 feet is provided between the building and the street right-of-way. An updated plan illustrating this setback must be submitted for staff review prior to the issuance of a building permit.
5. The cultured stone veneer shown at the base of the building on the south elevation shall be extended to all sides of the building. Updated elevations shall be submitted illustrating this addition on the north, east and west elevations prior to the issuance of a building permit. The applicant shall provide building material samples to staff.
6. Two (2) stop signs shall be installed on the property, at each exit of the parking lot.
7. The applicant shall install a sidewalk along the south, east and west rights-of-way.
8. All requirements of the Fire Code and Building Code must be achieved.
9. The applicant shall obtain a license for the facility from the Minnesota Department of Health. A copy of the license must be provided to the City.
10. All mechanical equipment and trash receptacles shall be screened from view of all nearby residential properties, per city ordinance standards.
11. The applicant shall restore any public right-of-way, adjacent property or property irons disturbed by the construction.
12. A cash escrow or an irrevocable letter of credit for all required exterior improvements. The amount shall be 150 percent of the cost of the work.
13. The applicant shall complete the following before occupying the building:
  - a. Replace any property irons removed because of this construction.
  - b. Provide continuous concrete curb and gutter around the parking lot and driveways.
  - c. Install all required landscaping and an in-ground lawn irrigation system for all landscaped areas.
14. If any required work is not done, the city may allow temporary occupancy if:
  - a. The city determines that the work is not essential to the public health, safety or welfare.

- b. The above-required letter of credit or cash escrow is held by the City of Maplewood for all required exterior improvements. The owner or contractor shall complete any unfinished exterior improvements by June 1 of the following year if occupancy of the building is in the fall or winter or within six weeks of occupancy of the building if occupancy is in the spring or summer.

15. All work shall follow the approved plans. City staff may approve minor changes.

\_\_\_\_\_ by the City Council of the City of Maplewood, Minnesota, on April 11, 2022.



County Road D

Village Tr

Village Tr

Flandreau Ct

Legacy Pkwy

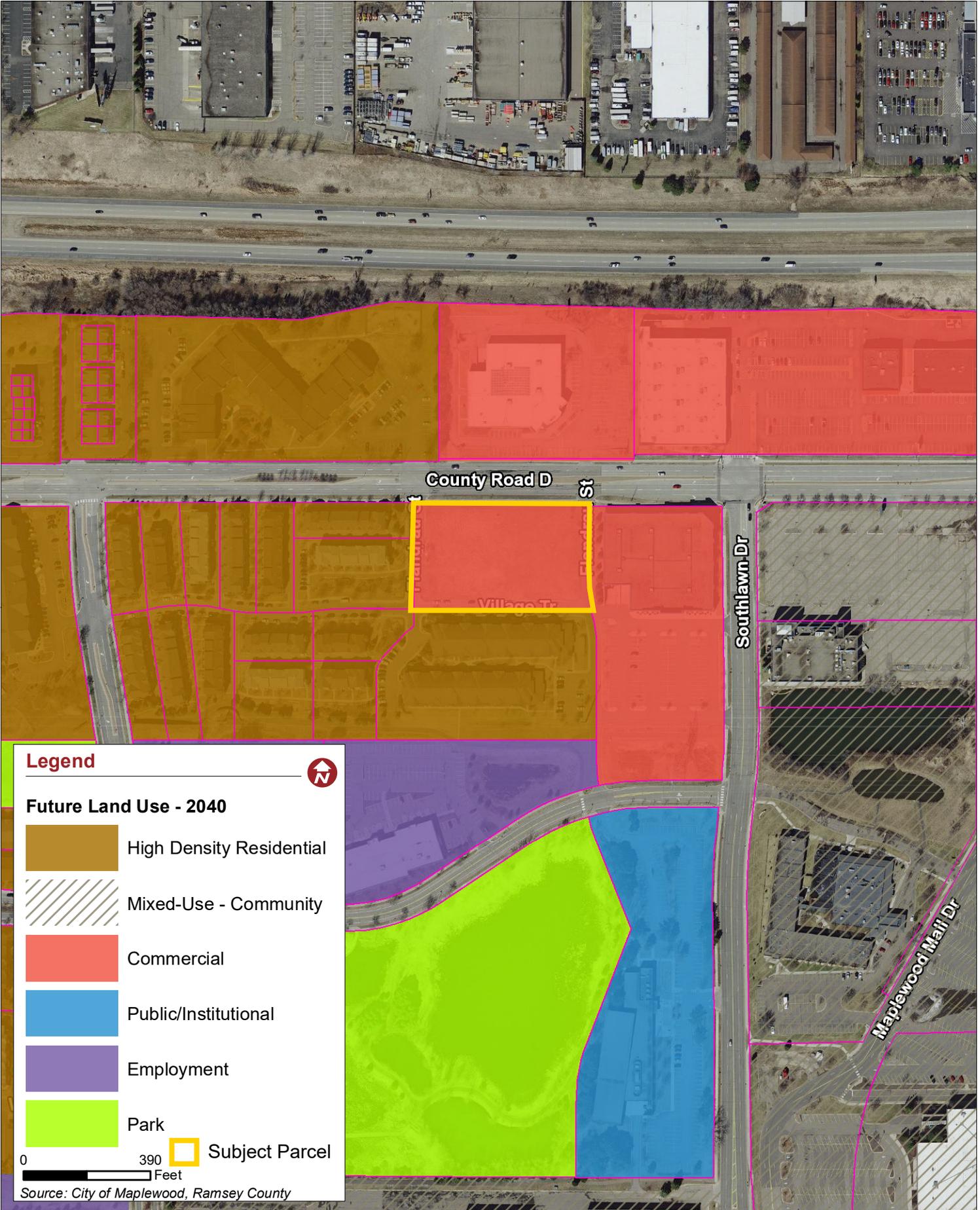
**Legend**

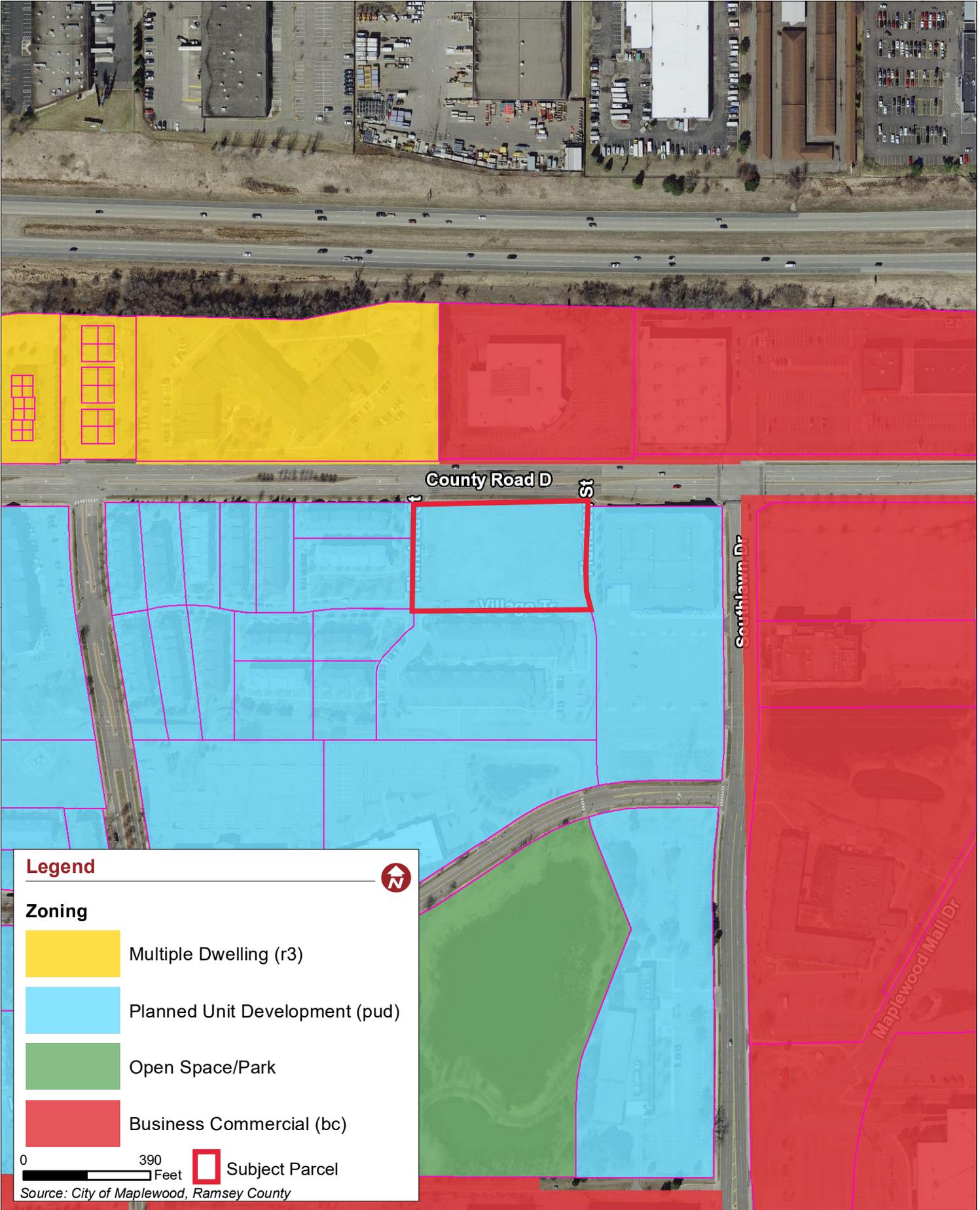
 Subject Parcel



0 190 Feet

Source: City of Maplewood, Ramsey County





**Legend**



**Zoning**



Multiple Dwelling (r3)



Planned Unit Development (pud)



Open Space/Park



Business Commercial (bc)



Subject Parcel

Source: City of Maplewood, Ramsey County

Maplewood Lot Proposed Development  
1744 County Rd D E  
Maplewood, MN 55109

Applicant Owner: MX Real Estate, LLC

February 17, 2022

Elizabeth Hammond  
City of Maplewood, MN  
651-249-2302

Dear Ms. Hammond:

Please allow me to take this opportunity to introduce myself and the facility I represent. I am Maixia Vang a Registered Nurse, and the managing Director of Nursing for Twin Cities Nursing Care, located at 1635 Hazel Street N. in St. Paul. Twin Cities Nursing Care was established in 2015, and provides cares to residents with multiple debilitating disabilities such as hypertension, diabetes, paralysis, vent dependent and much more.

The goal and purpose of pursuing this land use and related approvals for the development is to create an assisted living facility that will provide our elderly parents with quality of care and services, as well as to provide a safe environment for them to live and maintain their quality of life. As this location is in the heart of Maplewood with many amenities and resources available nearby; this means easier access to transportation and shorter commute time for residents when on facilitated or personal outings, or if they'd simply like to enjoy some shopping. It is not uncommon for elderly residents to become isolated or feel lonely. The close proximity to nearby shops, parks and communities will promote physical activities and interactions with those outside of the assisted living facility. This will reduce stress for our residents and in return will hopefully prolong their way of life. In this fast pace environment that we currently live in, many residents will need care, comfort and support to preserve a healthy life style free of stress and anxiety.

The shaded area as shown on the plan, is for future expansion of the project. With many aging elders retiring and requiring help; I imagine they will need assistance to maintain their quality of life. Services that will be offered but not limited to; are transfers, walking, personal hygiene, dressing, bathing, eating, continence care, companionship, household support and shopping. The facility will also provide several well balanced meals to meet the requirements.

The project currently proposed is a 20 unit building with future expansion of 10 additional units. Phase 1 of this project is a one level building of approximately 17,000sq ft. with 29 parking spaces for employees, residents and visitors. These will only be assisted living units. Amenities available consists of common areas for residents to interact and work on puzzles/games together, conference room for activities, dining room for gathering and eating and patio area in the back for residents to enjoy the outdoors. The patio space will also offer outdoor seating's. The County Rd D E. Street side of the building will be primarily for residential use and set back with requested steel fence for privacy and security. Landscaping will include trees and bushes to set a nice scenery for group and personal enjoyment.

At this time, there are no memory care or independent living offered in this project.

Each unit in this proposed assisted living will include a private bathroom and a small kitchenette area to store and microwave personal food items. Individual units will fit either a twin or full size bed and a small chair/ sofa for personal use and entertainment purposes.

I will be the main person in charge of managing the building. There will always be a Nurse on call 24 hrs as well as a staff member onsite 24hrs a day. During the busiest times there will be two staff members assisting residents, two office staffs, two cooks, a janitor and one to two nurses, depending on the staff to resident ratio.

I believe the facility will draw in residents and visitors. This project will benefit the city of Maplewood with annual real estate taxes and will also offer a unique alternative to those people in need of assisted living. What is more, this project will bring in employment opportunities.

I am currently working with an excellent team on this project and have come up with great architectural designs, lightings, stone accents and structure for this building. It is design to blend in with the surrounding area and the exterior colors of this facility will also be chosen to attract and complement the neighboring community as well.

In closing, I thank you for your time and consideration. Please do not hesitate to reach out with anything. I look forward to working with the City of Maplewood in the approval process of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maixia Vang', with a stylized flourish extending to the right.

Maixia Vang, RN

MX Real Estate, LLC  
1744 County Rd D E.  
Maplewood, MN 55109  
C: 651-354-8081

**Engineering Plan Review**

**PROJECT: Maplewood Assisted Living – 1744 County Road D**

**PROJECT NO: 22-06**

**COMMENTS BY: Jon Jarosch, Assistant City Engineer**

**DATE: 3-2-2022**

**PLAN SET: Engineering plans dated 2-16-2022**

The applicant is proposing an assisted living facility and associated site improvements on the vacant lot at 1744 County Road D. The applicant is requesting design approval.

As this project disturbs more than 1/2 acre, it is required to meet the City's water quality and rate control requirements. Stormwater management for the site is proposed to be accommodated via the use of infiltration basins.

This review does not constitute a final review of the plans, as the applicant will need to submit construction documents for final review, along with ratified agreements, prior to issuing building and grading permits.

The following are engineering review comments on the design and act as conditions prior to issuing permits:

**Drainage and Stormwater Management**

- 1) The project shall be submitted to the Ramsey-Washington Metro Watershed District (RWMWD) for review. All conditions of RWMWD shall be met.
- 2) A joint stormwater maintenance agreement with the City and RWMWD shall be signed by the owner for the proposed underground filtration system, sump structures, and associated storm sewer system.
- 3) A stormwater management plan shall be submitted detailing how the project is meeting the City of Maplewood and RWMWD stormwater management requirements.
- 4) Rate control for this site was provided as part of the larger Legacy Village PUD. A storm sewer system was stubbed in to the southwest corner of the site for this purpose. As such, the proposed site shall have its runoff rate controlled such that it is equal to (or less than) 3.8 cubic-feet-per-second in the 10-year storm event discharging into this storm sewer system.

- 5) Soil boring information or infiltration test data shall be submitted to support the infiltration rates utilized in the Stormwater Management Plan.
- 6) Emergency overflow routes shall be identified on the plans for basins, ponds, and low-points throughout the site.

#### Grading and Erosion Control

- 7) Infiltration basins shall be protected from sedimentation throughout construction.
- 8) Inlet protection devices shall be installed on all existing and proposed onsite storm sewer until all exposed soils are stabilized.
- 9) Public and private drives and roadways shall be swept as needed to keep the pavement clear of sediment and construction debris.
- 10) All pedestrian facilities shall be ADA compliant.
- 11) A copy of the project SWPPP and NDPEs Permit shall be submitted prior to the issuance of a grading permit.
- 12) All slopes shall be 3H:1V or less steep in slope.
- 13) The total cut/fill volume shall be noted on the grading plan.
- 14) Stabilized rock construction entrances shall be installed at all entry/exit points into the site. If the easterly site entrance is not to be used during construction, the entrance shall be blocked off with silt fencing, bio-rolls, or other appropriate measures.

#### Sanitary Sewer and Water Service

- 15) The proposed sanitary sewer service is shown connecting into a private sanitary sewer mainline off of Bittersweet Lane. There is an existing sanitary sewer service stubbed in to the right-of-way along the County Road D frontage. The applicant shall revise the sanitary sewer plan to connect to the existing stub.
- 16) Sanitary sewer service piping shall be schedule 40 PVC or SDR 35.
- 17) The proposed water service modifications are subject to the review and conditions of Saint Paul Regional Water Services (SPRWS). The applicant shall submit plans and specifications to SPRWS for review and meet all requirements they may have prior to the issuance of a grading permit by the City.

- 18) The applicant shall be responsible for paying any SAC, WAC, or PAC charges related to the improvements proposed with this phase of the project. Appropriate fees shall be charged during the permitting process.

Other

- 19) All work within the right-of-way along County Road D shall be reviewed and approved by Ramsey County. Work in this area will require a right-of-way permit from the County.
- 20) Keeping in spirit with the remainder of the Legacy Area PUD, sidewalks shall be included along all street frontages. The sidewalks along the east and west side of the property shall be extended the full-length of these frontages. Likewise, a sidewalk shall also be added along the southerly frontage (Village Trail). A sidewalk shall also be required along the full length of the easterly frontage (Bittersweet Lane).
- 21) Pedestrian curb ramps shall be installed at the corners of Flandrau Street at Village Trail and Bittersweet Lane at Village Trail to tie the onsite sidewalks into the Legacy Area sidewalk network.

Public Works Permits

The following permits are required by the Public Works Department for this project. The applicant should verify the need for other City permits with the Building Department.

- 22) Grading and erosion control permit
- 23) Sanitary Sewer Permit
- 24) Storm Sewer Permit
- 25) Maplewood Right-of-way Permit (ROW Permit also needed from County)

- END COMMENTS -

## Environmental Review

**Project:** Maplewood Assisted Living

**Date of Plans:** February 16, 2022

**Date of Review:** March 2, 2022

**Location:** 1744 County Road C (Legacy Village)

**Reviewers:** Shann Finwall, Environmental Planner  
(651) 249-2304, [shann.finwall@maplewoodmn.gov](mailto:shann.finwall@maplewoodmn.gov)  
Carole Gernes, Natural Resources Coordinator  
(651) 249-2416, [carole.gernes@maplewoodmn.gov](mailto:carole.gernes@maplewoodmn.gov)

**Project Background:** MX Real Estate, LLC, is proposing to construct an assisted living facility on the last vacant lot within the Legacy Village Planned Unit Development (PUD) at 1744 County Road D East. The development must comply with the Legacy Village PUD tree replacement requirements, and the City's overall landscape ordinance/guidelines and infiltration basin planting policies.

### 1. Trees

- a. Legacy Village Planned Unit Development Tree Replacement Requirements: The Legacy Village Planned Unit Development approved by the City Council in 2003 required that developments within Legacy Village replace trees at a rate of one replacement tree for one tree removed, with a maximum of 10 trees per acre. Additionally, overstory trees will be planted along the streets at an average of 30 to 40 feet on center.
- b. Tree Impacts: All trees were removed from this site during the overall grading of the Legacy Village PUD.
- c. Tree Replacement: The site is 2.04 acres in size. According to the Legacy Village PUD tree replacement requirements, the applicants must replace at least 20 trees ( $2.04 \times 10 = 20$  trees) on the site. There is approximately 1,000 linear feet of street frontage, requiring approximately 25 overstory trees along the streets. The applicant's landscape plan falls short of those tree replacement requirements, showing a total of 9 trees planted on the site.
- d. Tree Replacement Recommendations:
  - 1) Prior to issuance of a grading or building permit the applicant must submit a revised landscape plan for staff approval with the following changes:

- a. Addition of at least 16 2-caliper inch trees to ensure there are at least 25 trees on the site (to meet the minimum tree replacement of 20 trees and the overstory tree requirements).
- b. Trees to be located 30 to 40 feet on center along the streets.
- c. Increase the diversity of tree species planted. Not more than 30 percent of replacement trees may be the same species. Additional recommended species include:
  - Bitternut hickory
  - Shagbark hickory
  - Honeylocust
  - White oak
  - Dutch Elm Disease Resistant American elm (Prairie Expedition, New Harmony or St. Croix)
  - Swamp white oak
  - Eastern redbud

## 2. Overall Landscaping

- a. Landscape Requirements: The City will review the landscape plan to ensure nonnative or invasive species are avoided, and that the landscaping meets City ordinance and guidelines.
- b. Landscape Recommendations:
  - 1) Prior to issuance of a grading or building permit the applicant must submit a revised landscape plan for staff approval showing:
    - a) Increase the diversity of shrub species to at least three species.
    - b) Replace the Anthony Waterer Spirea, aka Japanese spirea (Spirea Japonica) with an alternative. This shrub is invasive in the Eastern US and has recently been reported as invasive in Minnesota and Wisconsin. Replacement species should be native or pollinator supporting such as:
      - New Jersey tea, Ceanothus americanus
      - Winterberry, Ilex verticillata (need at least one male plant)
      - Ninebark, Physocarpus opulifolius
      - Dwarf northern bush honeysuckle, Diervilla lonicera
      - Bridal wreath spirea 'Reeves', Spirea cantoniensis, (not *Spiraea prunifolia* or *Spirea aprunifolia*)
      - Lilac

- c) Foundation plantings around the entire perimeter of the building.
- d) Erosion control blanket must be made of biodegradable material, not nylon, plastic or other persisting materials.

### 3. Infiltration Basins

- a. Infiltration Basin Requirements: Four infiltration basins are proposed on the site. The basins are required to be planted, ideally with deep-rooted native plants. The City requires a portion of the basin to be *planted* rather than *seeded*; typically a minimum of 5,000 square feet of plantings are required on large basins. Using plants rather than seeds hastens establishment and provides a better chance of successful establishment. Basin bottoms and lower elevations almost never establish successfully from seed since the seed is washed away when stormwater flows into the basin.
- b. Infiltration Basin Recommendations.
  - 1) Prior to issuance of a grading or building permit, the applicant must submit detailed planting plans for the infiltration basins for staff approval showing:
    - a) A landscape drawing for each infiltration basin, including list of species, MNDOT seed mix, container size, spacing, and quantities.
    - b) If proposing seeding the bottom of the basins, provide explanation of measures that will be taken to ensure seed does not wash away.
    - c) For any area using a native seed mix (ex: pond slopes), provide information on maintenance for planting year, Year 2 and Year 3, addressing what maintenance activities will be required and what entity (developer, owner, etc.) will take on this responsibility.