

PLANNING COMMISSION STAFF REPORT

Meeting Date November 15, 2022

REPORT TO: Melinda Coleman, City Manager

REPORT FROM: Elizabeth Hammond, Planner

PRESENTER: Elizabeth Hammond, Planner

AGENDA ITEM: Residential Apartment Project, 3090 Southlawn Drive
 a. Preliminary Plat
 b. Wetland Buffer Variance

Action Requested: Motion Discussion Public Hearing

Form of Action: Resolution Ordinance Contract/Agreement Proclamation

Policy Issue:

Enclave Development proposes to construct a 241-unit, four-story, market-rate apartment building on the property at 3090 Southlawn Drive. To move forward with this project, the applicant requests city council approval of a preliminary and final plat, wetland buffer variance, and design review.

Recommended Action:

- a. Motion to approve a resolution for a preliminary plat.
- b. Motion to approve a resolution for a 50-foot wetland buffer variance.

Fiscal Impact:

Is There a Fiscal Impact? No Yes, the true or estimated cost is \$0

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 October 17, 2022. The initial 60-day review deadline for a decision is December 16, 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:

Enclave Development proposes to construct a 241-unit, four-story, market-rate apartment building on the property at 3090 Southlawn Drive. If approved, this would be the first redevelopment project in the city's recently created North End Zoning District.

The proposed building will have onsite professional property management and provide a mix of

housing options, including studio, one-bedroom, two-bedroom, and three-bedroom units, all with private balconies. An underground and partially below-ground floor heated parking garage, surface parking stalls, and electric vehicle charging stations will be provided.

Building amenities include two rooftop patios, community rooms, fitness and yoga rooms, a game room, a dog wash station, and an outdoor pool. The proposal also includes rooftop solar panels and a variety of landscaping improvements, including a natural pedestrian corridor for public use and enjoyment south of the proposed building.

North End Vision Plan and Zoning District

September 9, 2019: The city adopted the North End Vision Plan.

- Vision Statement: The North End is a local and regional economic activity center characterized by a diverse mix of sustainable land uses where people of all backgrounds can safely and easily come from near and far to gather for purposes of obtaining goods and services, wellness, work, recreation, socialization, learning, and living.
- North End Vision Plan Goals:
 1. Promote redevelopment that brings people to the North End
 2. Enhance multimodal mobility throughout the North End
 3. Better connect the North End to the region
 4. Strengthen the North End as a hub for healthcare and wellness
 5. Create more unique experiences for visitors
 6. Capitalize on an increasingly diverse population
 7. Create design guidelines for the North End

November 22, 2021: The city adopted the ordinance establishing the North End Zoning District and development standards.

Preliminary and Final Plat

The subject property is currently comprised of two parcels. As part of this proposal, the site would be re-platted into one single parcel, dedicating 40 feet of Right-of-way on the east side of the plat for a future roadway. Given that the road is not established, it will need to be formally identified on the plat. Staff recommends the name of the street to be Van Dyke Street North, the closest road going north and south that generally lines up with where the future street will be located.

Wetland Buffer Variance Review and Recommendation

The subject property has a Manage C wetland on the south end of the parcel. The existing retaining wall adjacent to the wetland is structurally unstable and needs to be removed and replaced. The existing building, sidewalk, and surface parking on the property are currently between 3 to 11 feet from the delineated wetland edge at various points.

City ordinance requires a 50-foot wetland buffer from the edge of the delineated wetland to a structure and prohibits any activity within the buffer. The applicant proposes to restore the wetland buffer with native vegetation, complying with the Ramsey Washington Metro Watershed District's 25-foot wetland buffer requirement. The resulting development would increase the wetland buffer from currently an average of 7 feet, to 42.9 feet. The applicant submitted a separate narrative outlining this request and illustrating the existing and proposed conditions (attached).

Required Variance findings:

- (1) The variance is in harmony with the general purposes and intent of the ordinance.
- (2) The variance is consistent with the comprehensive plan.
- (3) The applicant establishes practical difficulties in complying with the ordinance. Practical difficulties mean: (1) the proposed use is reasonable, (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, (3) the proposal will not alter the essential character of the locality

Staff reviewed the applicant's justification for the wetland variance and finds the request meets the required findings to approve a variance.

- The proposed development meets the intent of city ordinance standards in the north-end zoning district and is consistent with the goals of our comprehensive plan.
- The request is reasonable. Any future improvement on this site will require work within the wetland buffer, and the proposed development will significantly improve the overall site conditions related to the wetland.
- The existing conditions on this property are unique and not caused by the property owner.
- Overall, the proposed building would complement the surrounding buildings without altering the essential character of the area. The surrounding area has established a mix of housing options, particularly to the west (Legacy Village). The proposed building would be the first redevelopment in this zoning district, which will be unique to previous development patterns *directly surrounding* the Maplewood Mall. However, the ordinance established in this district is meant to change the historic development pattern in this area of the city. Early on, development staging is required to realize the community's vision for this area.

Department Comments

Engineering – Jon Jarosch, Assistant City Engineer

Please see the attached engineering review, dated November 2, 2022.

Environmental – Shann Finwall, Environmental Planner

Please see the attached environmental review, dated November 3, 2022.

Building – Randy Johnson, Building Official

A demolition permit will need to be obtained prior to the removal of the existing Myth Nightclub building. The proposed new building is required to meet the minimum requirements of the Minnesota State Building Code. Accessible parking spaces and access aisles shall be provided in accordance with the Minnesota Accessibility Code Section 1106.

Board and Commission Review

Community Design Review Board

November 15, 2022: The community design review board (CDRB) will review this project.

Planning Commission

November 15, 2022: The planning commission will hold a public hearing and review this project.

Environmental and Natural Resources Commission

November 30, 2022: The environmental and natural resources commission will review this project.

Citizen Comments

Staff sent a neighborhood survey and public hearing notice to the surrounding property owners within 500 feet of the proposed development. Staff did not receive any comments.

Reference Information

Site Description

Existing Land Use: Myth Nightclub

Surrounding Land Uses

North:	Commercial – Retail Strip Center
East:	Becker Furniture/Maplewood Mall
South:	Maple Hills Senior Living
West:	Ashley Furniture

Planning

Existing Land Use:	Mixed-Use, Community
Existing Zoning:	NE, North End

Attachments:

1. Preliminary Plat Resolution
2. Wetland Buffer Variance Resolution
3. Overview Map
4. 2040 Future Land Use Map
5. Zoning Map
6. Applicant's Narrative
7. Applicant's Wetland Buffer Variance Narrative
8. Preliminary Plat
9. Site Plan
10. Landscape Plan
11. Building Elevations
12. Engineering Review, dated November 2, 2022
13. Environmental Review, dated November 3, 2022
14. Applicant's Plans, date stamped October 25, 2022 (separate attachment)

PRELIMINARY PLAT RESOLUTION

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

Section 1. Background.

1.01 Patrick Brama, of Enclave Development, has requested preliminary plat approval.

1.02 The property is located at 3090 Southlawn Drive and is legally described as:

Parcel A: 022922220016

That part of the Northwest Quarter of Section 2, Township 29, Range 22, Ramsey County, Minnesota, lying West of Lot 3, Block 1, Maplewood Mall Addition, and lying Northerly of the following described line: Commencing at the Northwest corner of Lot 6, said Block 1; thence North 46 degrees 08 minutes 30 seconds East, assumed bearing, along the Northwesterly line of said Lot 6 a distance of 47.32 feet; thence Northeasterly 130.22 feet along said Northwesterly line on a tangential curve concave to the Southeast having a central angle of 5 degrees 10 minutes 06 seconds East and a radius of 1,443.54 feet; thence South 89 degrees 33 minutes 44 seconds West 132.86 feet to the West line of said Northwest Quarter; thence North 0 degrees 26 minutes 16 seconds West along said West line 731.18 feet to the point of beginning of the line to be herein described; thence South 89 degrees 32 minutes 06 seconds East parallel with the North line of said Northwest Quarter 508.59 feet to the West line of said Lot 3 and there terminating. Excepting therefrom the Southerly 190.85 feet of the above described property.

Parcel B: 022922220017

The Southerly 190.85 feet of the above described property: That part of the Northwest Quarter of Section 2, Township 29, Range 22, Ramsey County, Minnesota, lying West of Lot 3, Block 1, Maplewood Mall Addition, and lying Northerly of the following described line: Commencing at the Northwest corner of Lot 6, said Block 1; thence North 46 degrees 08 minutes 30 seconds East, assumed bearing, along the Northwesterly line of said Lot 6 a distance of 47.32 feet; thence Northeasterly 130.22 feet along said Northwesterly line on a tangential curve concave to the Southeast having a central angle of 5 degrees 10 minutes 06 seconds East and a radius of 1,443.54 feet; thence South 89 degrees 33 minutes 44 seconds West 132.86 feet to the West line of said Northwest Quarter; thence North 0 degrees 26 minutes 16 seconds West along said West line 731.18 feet to the point of beginning of the line to be herein described; thence South 89 degrees 32 minutes 06 seconds East parallel with the North line of said Northwest Quarter 508.59 feet to the West line of said Lot 3 and there terminating.

Ramsey County, Minnesota
Abstract Property

Section 2. Preliminary Plat Standards.

2.01 City ordinance requires that subdivisions and platting within the NE district are subject to the procedures and application requirements established in [ch. 34](#) Subdivisions of the Maplewood City Code, with the following provisions and exceptions: The block, street, and lot requirements of [section 44-705](#), Subdivision

standards shall supersede any related standards in [section 34-8](#), Minimum subdivision design standards.

Section 3. Findings.

3.01 The proposal meets the specific platting standards.

Section 4. City Review Process.

4.01 The City conducted the following review when considering this preliminary plat request.

1. On November 15, 2022, the planning commission held a public hearing. The 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 December 12, 2022, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council Action.

5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution.

_____ by the City Council of the City of Maplewood, Minnesota, on December 12, 2022.

WETLAND BUFFER VARIANCE RESOLUTION

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

Section 1. Background.

1.01 Patrick Brama, of Enclave Development, has requested approval for a 50-foot wetland buffer variance.

1.02 The property is located at 3090 Southlawn Drive and is legally described as:

Parcel A: 022922220016

That part of the Northwest Quarter of Section 2, Township 29, Range 22, Ramsey County, Minnesota, lying West of Lot 3, Block 1, Maplewood Mall Addition, and lying Northerly of the following described line: Commencing at the Northwest corner of Lot 6, said Block 1; thence North 46 degrees 08 minutes 30 seconds East, assumed bearing, along the Northwesterly line of said Lot 6 a distance of 47.32 feet; thence Northeasterly 130.22 feet along said Northwesterly line on a tangential curve concave to the Southeast having a central angle of 5 degrees 10 minutes 06 seconds East and a radius of 1,443.54 feet; thence South 89 degrees 33 minutes 44 seconds West 132.86 feet to the West line of said Northwest Quarter; thence North 0 degrees 26 minutes 16 seconds West along said West line 731.18 feet to the point of beginning of the line to be herein described; thence South 89 degrees 32 minutes 06 seconds East parallel with the North line of said Northwest Quarter 508.59 feet to the West line of said Lot 3 and there terminating. Excepting therefrom the Southerly 190.85 feet of the above described property.

Parcel B: 022922220017

The Southerly 190.85 feet of the above described property: That part of the Northwest Quarter of Section 2, Township 29, Range 22, Ramsey County, Minnesota, lying West of Lot 3, Block 1, Maplewood Mall Addition, and lying Northerly of the following described line: Commencing at the Northwest corner of Lot 6, said Block 1; thence North 46 degrees 08 minutes 30 seconds East, assumed bearing, along the Northwesterly line of said Lot 6 a distance of 47.32 feet; thence Northeasterly 130.22 feet along said Northwesterly line on a tangential curve concave to the Southeast having a central angle of 5 degrees 10 minutes 06 seconds East and a radius of 1,443.54 feet; thence South 89 degrees 33 minutes 44 seconds West 132.86 feet to the West line of said Northwest Quarter; thence North 0 degrees 26 minutes 16 seconds West along said West line 731.18 feet to the point of beginning of the line to be herein described; thence South 89 degrees 32 minutes 06 seconds East parallel with the North line of said Northwest Quarter 508.59 feet to the West line of said Lot 3 and there terminating.

Ramsey County, Minnesota
Abstract Property

Section 2. Standards.

2.01 City Ordinance Section 18-221 (d) (1) requires a minimum buffer width of 50 feet from Manage C Wetlands.

2.02 City Ordinance Section 18-221 (h) (1) provides procedures for granting a variance to the wetland ordinance requirements and refers to the state statute where a variance may be granted when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner; (3) the proposal will not alter the essential character of the locality.

Section 3. Findings.

3.01 The proposal meets the specific variance standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this wetland buffer setback variance request.

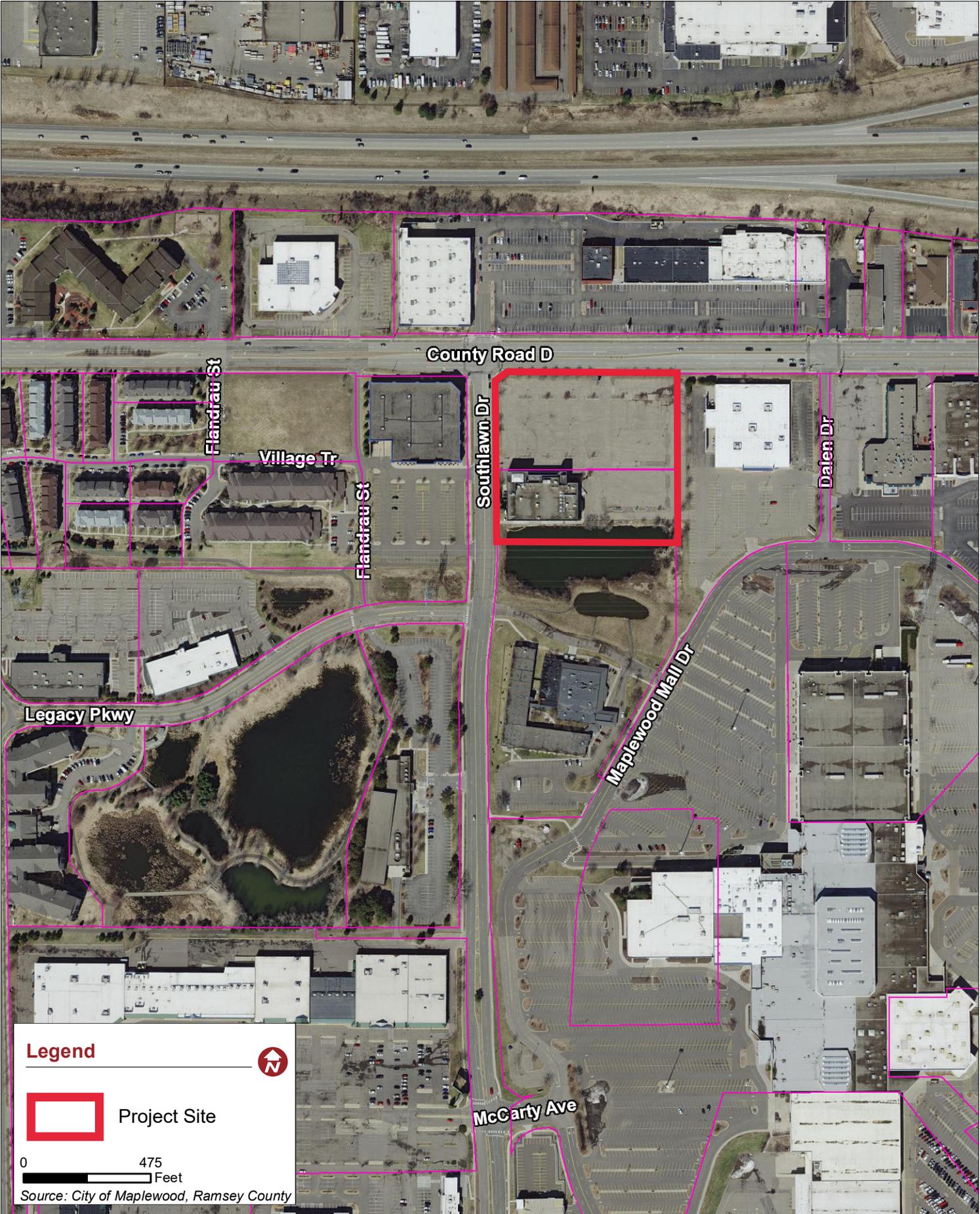
1. On November 15, 2022, the planning commission held a public hearing. The city staff published a hearing notice in the Pioneer Press and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council _____ this resolution.
2. On November 30, 2022, the environmental and natural resources commission reviewed the request. The environmental and natural resources commission recommended that the city council _____ this resolution.
3. On December 12, 2022, the city council discussed this resolution. They considered reports and recommendations from the planning commission, environmental and natural resources commission, and city staff.

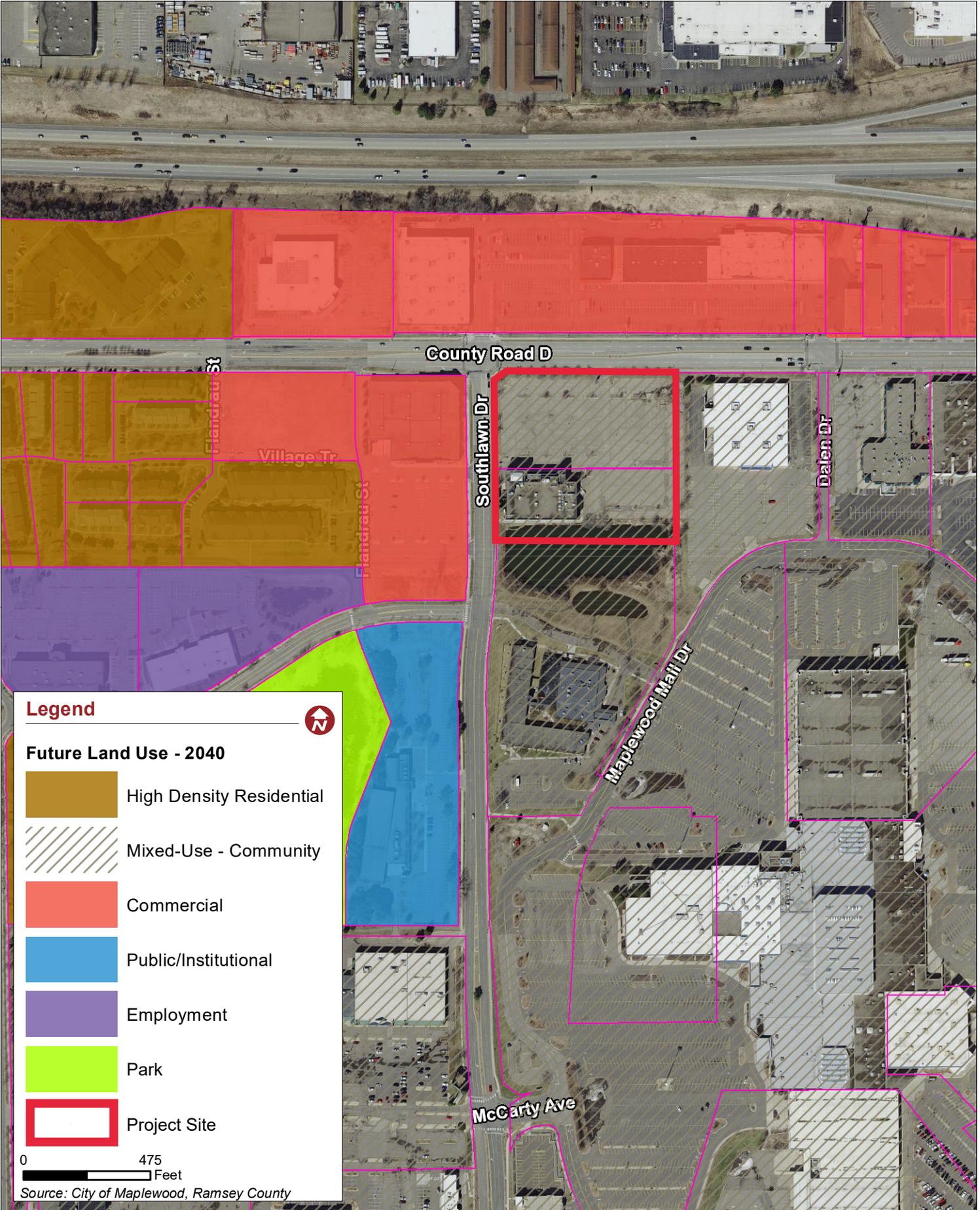
Section 5. City Council Action.

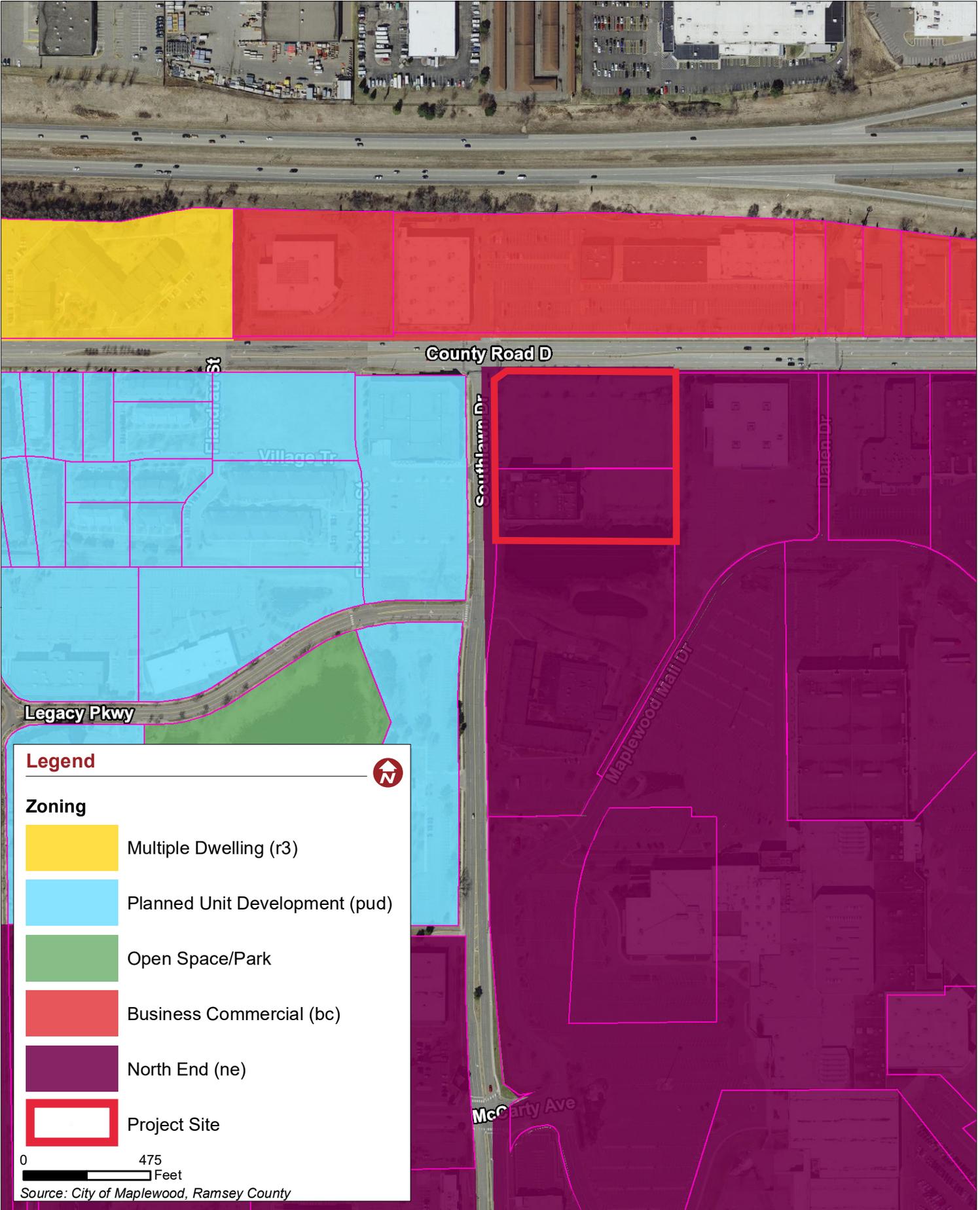
5.01 The city council hereby _____ the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the applicant doing the following:

1. Satisfy the requirements set forth in the engineering review authored by Jon Jarosch, dated November 2, 2022.
2. Satisfy the requirements set forth in the environmental review authored by Shann Finwall, dated November 3, 2022.
3. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.

_____ by the City Council of the City of Maplewood, Minnesota, on December 12, 2022.







Legend



Zoning

- Multiple Dwelling (r3)
- Planned Unit Development (pud)
- Open Space/Park
- Business Commercial (bc)
- North End (ne)
- Project Site

0 475 Feet

Source: City of Maplewood, Ramsey County



A. 1660 S Hwy 100, Suite 502, St. Louis Park, MN 55416 W. enclavecompanies.com

September 21, 2022

City of Maplewood
Members of the City Council, Planning Commission, and EDA
Attn: Michael Martin & Elizabeth Hammond
1902 County Road B E
Maplewood, MN 55109

**RE: REDEVELOPMENT OF THE MYTH NIGHT CLUB SITE--
CONSIDER VARIOUS LAND USE APPLICATIONS**

Members of the City Council, Planning Commission, and EDA:

Enclave Development is pleased to present this proposal to redevelop the Myth Night Club into a high-quality market-rate apartment development. Included with this proposal are various applications/ requests:

1. **Preliminary Plat Application**
2. **Final Plat Application**
3. **Community Design Review Board Application**
4. **Release of agreement recorded against property title in favor of City of Maplewood**
Doc number: [3917280](#). Related to Myth Nightclub prior use of site
5. **Permission for Construction Located on City ROW**
Related to new 40' ROW developer is dedicating to the City on east side of site

In summary, this proposed project includes demolition/ clearing of the existing Myth Night Club and construction of a new 241-unit, 4-story, market-rate apartment building. From a timing perspective, Enclave is forecasting construction commencement in March of 2023 and completion in March of 2025.

Enclave is grateful for the opportunity to work the City of Maplewood on this exciting project. Your feedback and consideration are appreciated.

Thanks,

A handwritten signature in blue ink that reads "Patrick E. Brama".

Patrick Brama
Enclave Companies
C. 763.412.7609
E. patrick.brama@enclavecompanies.com

GENERAL DESCRIPTION

This proposed project includes demolition/ clearing of the existing Myth Night Club and all existing improvements. Enclave is proposing the construction of a new 241-unit, 4-story, market-rate apartment building. The new apartment building will include an extensive amenity package and will be professionally managed by on-site staff. The building will include a partially below ground floor of heated parking. The grounds will be generously landscaped and will include new pedestrian connections.

SUBJECT PROPERTY

The Subject Property is located on the southeast corner of County Road D and Southlawn Drive in Maplewood, just south of Interstate 694. The Subject property is currently comprised of two parcels: (1) PID 022922220016, 2.81-acres and (2) 022922220017, 2.08-acres. The total property size is 4.89-acres / 213,008 square feet. The current address is 3090 Southlawn Drive, Maplewood, MN 55109.

As part of this project, the Subject Property is being re-platted into a new single parcel. The new plat is called Enclave Addition and the legal description for the new parcel will be Lot 1, Block 1, Enclave Addition. As part of this plat, a 40' wide dedication of land, located on the east side of the plat, is being made to the City for right-of-way.

OWNERSHIP

Myth Investors LLC is the current property owner. The new property owner will be Maplewood Enclave LLC, a Minnesota limited liability company. Maplewood Enclave LLC will take ownership of the property prior to recording the new plat and any agreement with the City of Maplewood.

DEVELOPER, CONTRACTOR, PROPERTY MANAGEMENT

Beyond being an owner of this proposed project, Enclave is also the developer, general contractor, and will be the long-term property manager.

ARCHITECTURAL DESIGN

The developer is utilizing KWA architects to design, draft, and submit building plans, elevations, and visual renderings.

Exterior materials are anticipated to utilize a complimentary blend of cultured stone, brick, lap siding, smooth block, and metal/ composite panels. An emphasis will be placed on the exterior of the building, facing public right-of-way, by introducing additional amount of Class A materials. The architectural design implements a series roof-jogs, together with variation of vertical plane (bump-outs) providing visual interest. A variety of complimentary exterior material colors/ materials are proposed to create visual appeal and soften the mass of the building size. Care was taken by the architect to break the building facades into distinct, but also harmonious, sections.

DWELLING UNITS

This project will offer a variety of market-rate apartment units. Below are current preliminary unit projections. These specs may be slightly modified prior to building permit submittal.

<u>Unit Style</u>	<u>Quantity</u>	<u>%</u>	<u>Gross Square Feet</u>
Studios	21	9%	581
1-Beds	121	50%	718-728
2-Beds	88	37%	1,068-1,211
3-Beds	11	5%	1,270-1,339

FEATURES & AMENITIES

This apartment community is anticipated to include the following amenities and features:

- Spacious lobby with seating and attractive design
- Two separate rooftop patios with individual community rooms
- Fitness room, yoga room, club room, game room, coffee bar, dog wash station
- Convenience min-mart (apartment residents only)
- Outdoor pool and patio (potentially to be swapped with hot tub)
- Centralized mail delivery area, with automated parcel handling system
- Security and surveillance camera system; controlled access entry system
- Extensive pedestrian connections
- Professional on-site management

Each apartment unit is currently anticipated to be furnished with:

- Luxury vinyl plank flooring in kitchen, baths and laundry rooms
- Wall-to-wall carpeting in bedrooms
- High quality door hardware, light fixtures and faucets
- Full appliance package including: dish washer, refrigerator, range/oven, micro-wave, dryer, washer, heat / air conditioning provided by “magic pack” equipment
- Window treatments, generous closet space, and private balconies

ZONING

The Subject Property is currently zoned New North End (NE). The Subject Property’s designation within the City of Maplewood’s 2040 Comprehensive Plan, Future Land Use Map, is Mixed-Use Community.

PROPOSED LAND USE

Based on Developer’s review and interpretation of the New North End Zoning District and the City’s Comprehensive Plan, this proposed project generally meets City standards. The Developer understands there are two standards contemplated for this project that are subject to City discretion/ interpretation.

(1) Building setback requirement along County Road D

- City’s minimum setback requirement is 15’ (maximum is 30’). Developer is proposing a 15’ setback along County Road D.
- The Developer is highlighting the fact there is a small abnormal angle on the northwest corner of the property--the Developer is not measuring the 15’ setback, along County Road D, from said angle.

(2) Maximum building length

- A provision within the New North End Ordinance indicates a maximum building length of 250’. Developer is proposing a building length greater than 250’.
- It’s the Developer’s understanding the New North End ordinance includes flexibility on said provision. Developer further understands the intent of this provision is specific to the length of a single unbroken façade.
- Developer is proposing physical breaks within the building façade every 40-80’, along with various other techniques which provide architectural relief; which, are further described within the architectural section of this document.
- This topic was raised by the Developer during the conceptual review process. Based on unofficial feedback from the City to-date, the Developer continues to maintain this assumption.

DENSITY

Based on Developer's review and interpretation of City Zoning Code, the maximum density for the Subject Property is 50-units per acre. The Subject Property is 4.89-acres; which equates to 244.5-units. The developer is proposing 241-units.

BUILDING HEIGHT

Based on Developer's review and interpretation of City Zoning Code, the maximum building height is 6-stories. The Developer is proposing a 4-story building. NOTE: depending on location, a portion of below ground garage is exposed and could push the gross total to between 4/5 stories.

PARKING

Based on Developer's review and interpretation of City Zoning Code, a minimum-maximum range of parking stalls exists: 1 to 2.5 per unit. The developer is proposing an overall parking ratio of 1.46 stalls per unit—of which, at least 1 stall per unit is located within the below ground parking garage.

VEHICLE ACCESS

Vehicle access will come from Southlawn Drive. Internal to the site, care has been placed in the design of the parking lot to allow for the flow and circulation of both residents' vehicles and larger vehicles; such as fire apparatus and delivery trucks; which allow delivery trucks to safely and efficiently enter the site.

FIRE SAFETY

An automatic fire suppression system is provided throughout the building, which will be monitored 24 hours a day. The developer will work with Fire Department and Building Official to properly locate a riser room, mechanical room, fire suppression controls/ systems, and a lock box. Fire hydrants will be included within the future detailed design.

TRASH/ RECYCLING

Trash collection is expected to occur in designated trash rooms located in the underground parking garage. Trash rooms are anticipated to served by trash chutes accessible to all floors of the building. No trash/refuse area will be proposed outside of the building.

PEDESTRIAN CONNECTIONS

This project will include benefits from existing sidewalks along the north and west side of the Subject Property. This proposed project includes the following two new pedestrian connections:

1. East-to-West 10' bituminous trail connection on the south side of the site.
2. North-to-South 8' bituminous trail connection on east side of site. This is a temporary connection, located within 40' of ROW dedicated to the City as part of this project. This temporary path will be replaced by the City's typical 80' ROW roadway plan, as depicted within the New North Ordinance, in the future (which will include sidewalks on both sides of the new road).

WATER & SANITARY SEWER

Sanitary sewer services are proposed to be accessed from County Road D, on the north side of the proposed apartment building. City water services are proposed to be accessed from County Road D, on the north side of the proposed apartment building. The developer will be utilizing Westwood Professional Services to provide civil engineering/design services. An existing conditions survey is included within this submittal along with a utilities plan.

STORM WATER & GRADING

The site will generally be graded to flow from the north (County Road D) to the south (existing storm pond). The majority of stormwater treatment/ infiltration will occur within a new underground system—located below the proposed surface parking lot. A portion of stormwater treatment will occur within a new stormwater basin, which will be constructed on the southwest corner of the Subject Property. Generally speaking, this redevelopment project will result in less impervious surface than the previous use. Furthermore, the previous use included no stormwater treatment—therefore, this redevelopment project will have a relatively positive impact on the overall stormwater system. The developer will be utilizing Westwood Professional Services to provide civil engineering/design services. A stormwater plan is included within this submittal and the Developer has applied for permit to the Ramsey-Washington Metro Watershed District.

DEVELOPMENT FEES

Based on Developer's review and interpretation of City Zoning Code, the developer anticipates paying the following development fees:

- Park Dedication: \$427,500
- City Sewer Connection Fee: \$31,330
- City Water Connection Fee: \$68,685
- Metropolitan Council Sewer Fee: \$598,885

October 24, 2022

City of Maplewood
Members of the City Council, Planning Commission, and ENRC
Attn: Elizabeth Hammond & Shann Finwall
1902 County Road B E
Maplewood, MN 55109

Re: Redevelopment of the Myth Night Club Site –
Variance Application for Wetland Setback
File 0037066.00

Dear Members of the City Council, Planning Commission, and ENRC:

Please find the enclosed variance application related to the Chapter 18, Article V (Environmental Protection and Critical Area) Section 4(a), Minimum Wetland Buffers. The subject of this application is related to the pond located on the south side of the proposed development.

Existing Conditions

The existing structure, sidewalk, and surface parking have an approximate setback of 3' to 11' from the delineated wetland edge. A retaining wall north of the pond is in poor condition and in need of replacement due to structural instability. Existing vegetation is largely composed of invasive species and debris litters the pond's edge, as seen in the attached images.

Regarding stormwater management, the existing site does not address water quality, rate, and volume of stormwater runoff prior to discharge into the pond. Runoff from the site currently discharges directly into the pond without any treatment.

Proposed Improvements

The proposed redevelopment project includes demolition of the existing structure and parking lot and construction of a residential apartment building. The proposed redevelopment improvements include a natural pedestrian corridor for public use and enjoyment south of the proposed building. This proposed accessible trail will feature overlook benches sourced from recycled materials, native pollinator plants and shrubs, and a tree canopy native to wetland ecosystems. Although this is on private property, signage will be provided to designate the trail for public use.

The proposed building will have an average 42.9' setback from the delineated wetland edge. The development proposes to remove and replace the existing structurally unstable retaining wall. Restoration of the southerly 25' within the wetland buffer with native vegetation will comply with the Ramsey-Washington Metro Watershed District requirements. This restoration will require grading activity within 3.3' of the delineated wetland edge to remove the existing pavement and building and establish the area with native vegetation.

Additionally, the remaining area between the restored native buffer and the building will be established as the previously mentioned natural pedestrian corridor. The proposed redevelopment will significantly increase the wetland buffer setback width of the pond from existing conditions from an average of 7' to 42.9'.

The proposed redevelopment also improves stormwater management on site with volume, rate, and quality improvements intended to meet watershed requirements prior to discharge into the pond. These improvements significantly improve upon the existing conditions and will work towards improving water quality in the pond and flood management in the area.

Sustainability initiatives, guided by the City of Maplewood's 2040 Comprehensive Plan, will be implemented in the proposed redevelopment. Strategies to help mitigate climate concerns include installation of rooftop solar panels, electric vehicle charging stations, and compliance with the City's Green Building Code throughout demolition. Additionally, the proposed redevelopment improves the overall site pervious surface coverage from approximately 8% to 39%, which helps mitigate the urban heat island effect.

The proposed development intends to meet the requirements of the Ramsey-Washington Metro Watershed District rules including the 25' wetland buffer setback, and project review is in process with the watershed.

Additional Information Regarding Development Process

Based on historical imagery and existing piped stormwater discharge into the pond, Westwood (Civil Engineer representing the Developer) interpreted that the pond located on the south side of the subject property is a "Stormwater Pond" as defined by City Code. Westwood understood said City "Stormwater Pond" designation would result in a 10' wetland buffer setback, which is consistent with existing site conditions.

As part of the recent permit application at Ramsey-Washington County Watershed, the Watershed requested a wetland delineation to verify classification of the pond. Westwood was notified the Watershed classifies said pond as a "Manage C" Wetland. Based on City Code, "Manage C" would result in the requirement for a 50' wetland buffer setback; and results in the current proposed building layout not complying with City Code. Accordingly, enclosed is an application requesting a variance to allow for the building setback approximately 40' from the wetland edge as shown in the table below.

	City Code	Request
Wetland Buffer Setback	50'	25'
Additional Setback to Building	0'	15'
Gross Total	50'	40'

Unique Characteristics of Site Development

- Based on the New North End Ordinance passed by the City this year, the new property owner (Developer) is required to dedicate approximately 14.3% of its site for City ROW which decreases the overall site buildable area. Additionally, the developer is proposing to

provide a gross building setback of over 40' against said pond which decreases the overall site buildable area. The ability to place a building and include sufficient surface parking and circulation will become impractical if additional buildable space is removed.

- Based on the New North End Ordinance passed by the City this year, the Developer understands an emphasis exists for urban style development by placing buildings on the exterior of the site, within build-to zones, and covering as much frontage as possible. The developer interprets said design standards as an important component of the essential character of the locality. The developer has attempted to practically meet said design intent via the current proposal. Complying with the City's 50' wetland buffer setback and further pushing the southern building facade back from the pond would reduce building frontage along the west and east sides of the project. Additionally, the building is unable to makeup this potentially reduced side frontage by extending the building north due to safety concerns of the building encroaching into the sight line triangle at the intersection of County Rd D and Southlawn Dr.
- Westwood has reviewed historical photos of the pond (area the pond currently sits). A 1940 aerial photo shows no ponding in the current location. Westwood believes this pond may have been initially the result of man-made farming runoff. As Maplewood was further developed, this pond took on water from significant areas of untreated impervious surface added nearby.

The proposed redevelopment design includes a wetland buffer setback greater than the City's "Storm Pond" regulations, significantly greater than existing conditions, and slightly less than the City's "Manage C" regulations. The design includes native restoration with an accessible pedestrian walkway that will provide additional connectivity through the city's public pedestrian network. This design is in compliance with Watershed regulations. Westwood considers this approach as practical.

Thank you for your consideration. Westwood and the Developer are available to answer questions and provide additional information.

Sincerely,

WESTWOOD PROFESSIONAL SERVICES



Shari Ahrens, PE, LEED AP



Image 1. Debris and invasive species within the existing buffer adjacent to the parking lot.



Image 2. Crumbling infrastructure and erosion along the existing parking lot creating safety hazards.



Image 3. Existing building and parking lot along pond.



Image 4. Existing building and sidewalk abutting pond.

MAPLEWOOD ENCLAVE
 SHEET NUMBER
 1 OF 1
 DATE: 10/24/2022
 PROJECT NUMBER: 0037066.00



MAPLEWOOD ENCLAVE
 MAPLEWOOD, MN

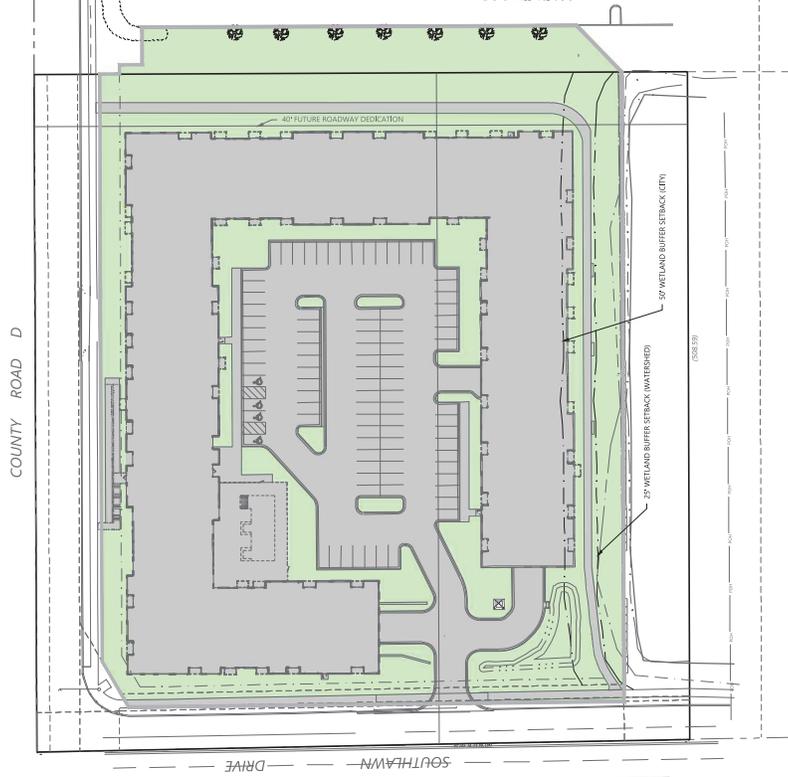
PREPARED FOR:
 ENCLAVE DEVELOPMENT
 300 WARE SQUARE, SUITE 200
 WEST FARGO, ND 58078

DATE: 09/22/2022

DESIGNER	WESTWOOD PROFESSIONAL SERVICES, INC.
CHECKED	
APPROVED	
SCALE	
DATE	

Call us to schedule a site visit or for more information.

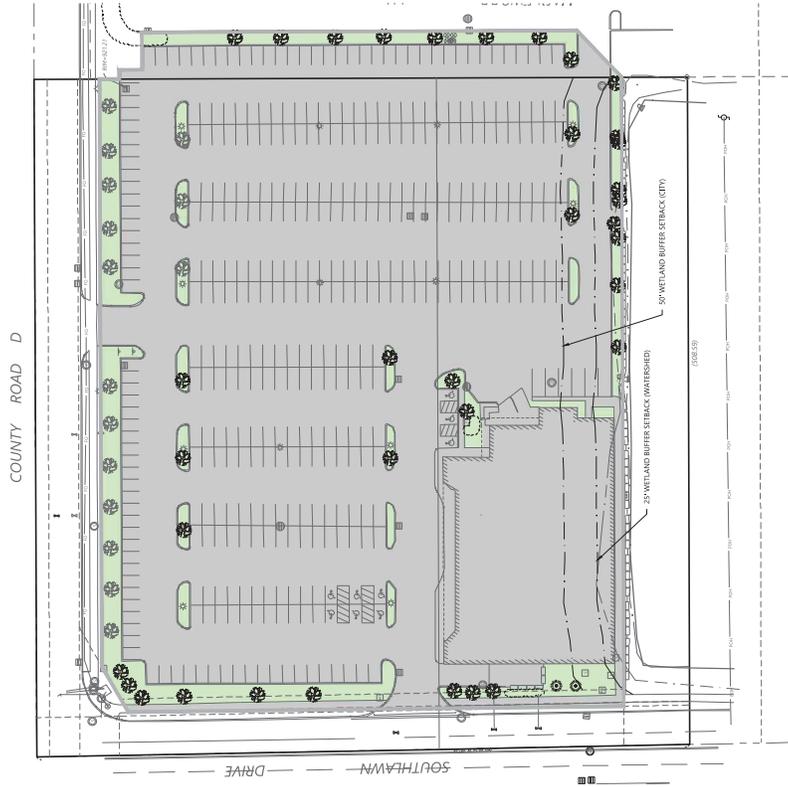
PROPOSED CONDITIONS



NOT FOR CONSTRUCTION

1" = 40'

EXISTING CONDITIONS



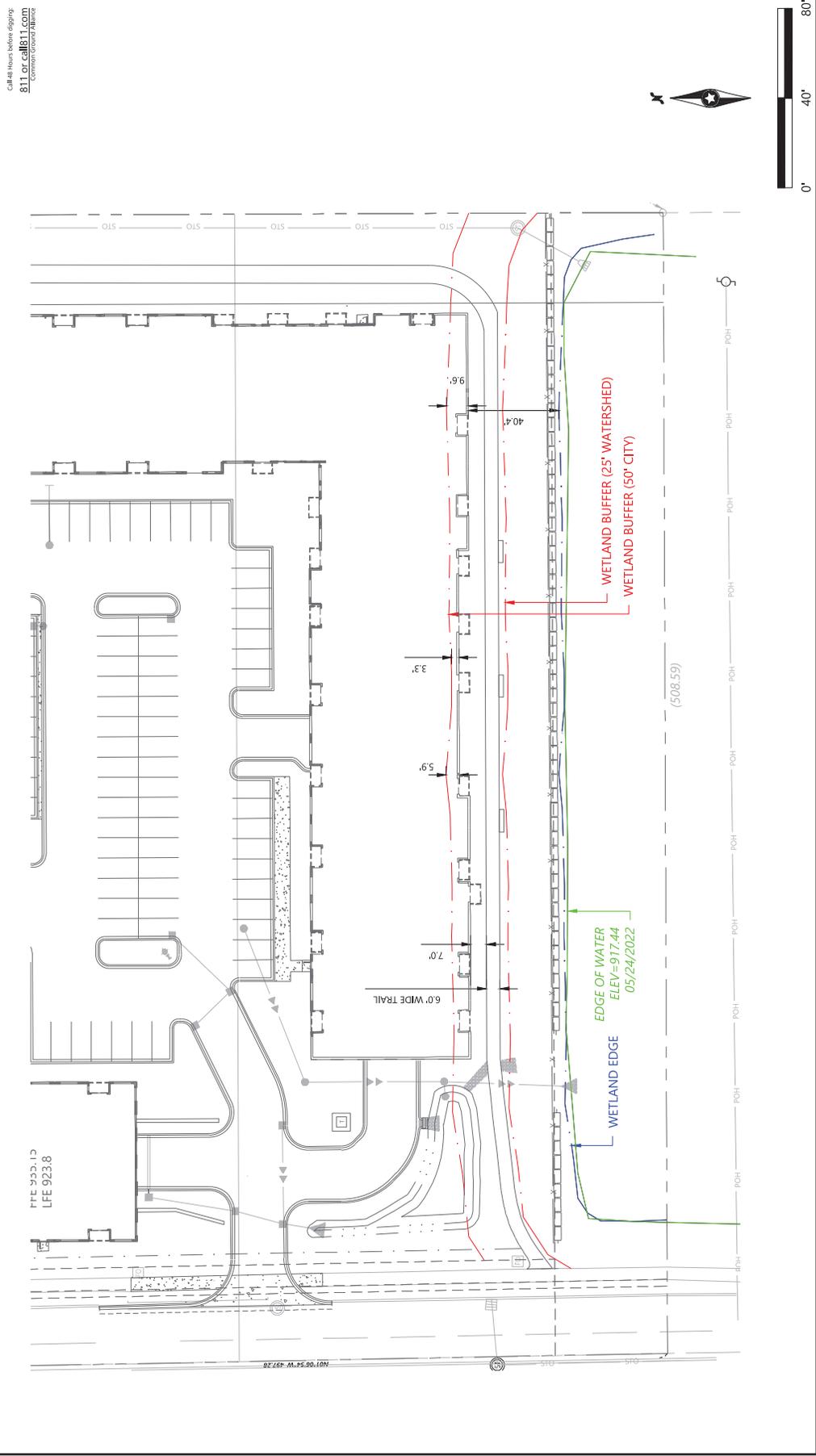
COVER CONDITION LEGEND

- IMPERVIOUS
- PERVIOUS

COVER CONDITION SUMMARY

IMPERVIOUS EXISTING	92.3%
IMPERVIOUS PROPOSED	63.8%
PERVIOUS EXISTING	7.7%
PERVIOUS PROPOSED	36.2%
PERVIOUS WITHIN 25' WETLAND BUFFER EXISTING	21.8%
PERVIOUS WITHIN 25' WETLAND BUFFER PROPOSED	100%

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Call us before signing
811 or call11.com
 EXISTING UNDERGROUND UTILITIES

PREPARED FOR:

DESIGNED: _____
 CHECKED: _____
 DRAWN: _____
 FIELD CREW: _____
 FIELD WORK DATE: _____

ENCLAVE DEVELOPMENT
 300 23RD AVE E, SUITE 300
 WEST FARGO, ND 58078

MAPLEWOOD ENCLAVE
 MAPLEWOOD, MN

Westwood
 Phone (852) 937-5150 15714 MN Mendota Park, Suite 800
 Fax (852) 937-5822 Minneapolis, MN 55443
 Toll Free (888) 937-5150 westwoodps.com
 Westwood Professional Services, Inc.

EXHIBIT 3. WETLAND BUFFER PROPOSED CONDITIONS

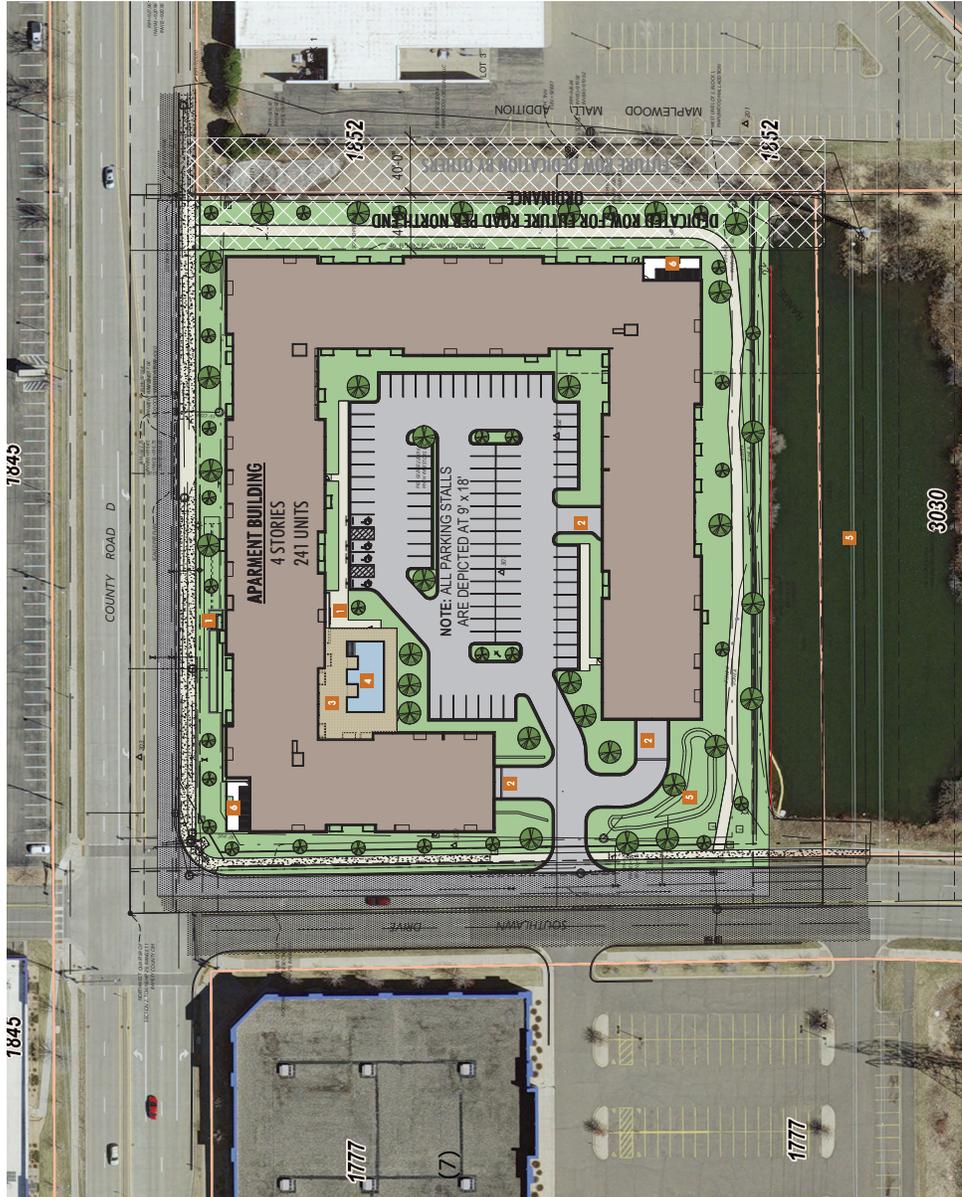
SHEET NUMBER:

2 OF 2

DATE: 10/24/2022

PROJECT NUMBER: 0037066

N:\0037066.00\DWG\CIVIL\WETLAND BUFFER EXHIBIT DWG



- SITE PLAN KEY**
- 1. BUILDING ENTRANCE
 - 2. GARAGE ENTRANCE
 - 3. COMMUNITY PATIO
 - 4. POOL
 - 5. STORMWATER RETENTION
 - 6. ROOFTOP DECK



Enclave - Maplewood Apartments

Site Plan

County Road D & Southlawn Drive, Maplewood, MN 55109 09/24/2022

SD 1.0



kaas wilson architects

Conceptual Rendering - Northwest Corner

03_2.0

Enclave - Maplewood Apartments

County Road D & Southern Drive, Maplewood, MN 55109 09/24/2022



Conceptual Rendering - Northwest Corner 2

Enclave - Maplewood Apartments

03_31

County Road D & Southam Drive, Maplewood, MN 55109 09/24/2022



Conceptual Rendering - North Entry

Enclave - Maplewood Apartments

03.27

County Road 13 & Sorburn Drive, Maplewood, MN 55109 09/24/2022



kaas wilson architects

Conceptual Rendering - Northeast Corner

03_23_21

Enclave - Maplewood Apartments

County Road 13 & Sorburn Drive, Maplewood, MN 55109 09/24/2022



kaas wilson architects

Conceptual Rendering - Southeast Corner

03_3-4

Enclave - Maplewood Apartments

County Road 13 & Southern Drive, Maplewood, MN 55109 09/24/2022



Conceptual Rendering - Southwest Corner 1

Enclave - Maplewood Apartments

00_23.9

County Road 13 & Southern Drive, Maplewood, MN 55109 09/24/2022



Conceptual Rendering - Southwest Corner 2

03_264

Enclave - Maplewood Apartments

County Road 13 & Southern Drive, Maplewood, MN 55109 09/24/2022



Conceptual Rendering - Courtyard Entrance

Enclave - Maplewood Apartments

03.3.7

Conroy Road Dr & Southport Drive, Maplewood, MN 55109 07/23/22

Engineering Plan Review

PROJECT: Enclave Apartments (Myth Site Redevelopment)
3090 Southlawn Drive

PROJECT NO: 22-30

COMMENTS BY: Jon Jarosch, P.E. – Assistant City Engineer

DATE: 11-2-2022

PLAN SET: Civil plans dated 9-23-2022

REPORTS: Stormwater Management Plan dated 9-26-2022
Traffic Impact Analysis dated 9-24-2022
Geotechnical Report dated 9-6-2022

The applicant is seeking city approval to demolish the existing Myth Nightclub building and associated site amenities in order to construct a proposed 4-story apartment complex. The applicant is requesting a review of the current design.

The amount of disturbance on this site is greater than ½ acre. As such, the applicant is required to meet the City's stormwater quality, rate control, and other stormwater management requirements. The applicant is proposing to meet these requirements via the use of an underground infiltration system and an infiltration basin.

This review does not constitute a final review of the plans, as the applicant will need to submit construction documents and calculations for final review. The following are engineering review comments on the design and act as conditions prior to issuing permits.

Drainage and Stormwater Management

The proposed site meets and surpasses the City's stormwater management standards, increasing greenspace (pervious areas) onsite by roughly 1.5 acres and reducing runoff volumes significantly for all storm events, including by 84% for the 2-year design event, 63% for the 10-year event, and 36% in the 100-year event. Likewise, pre-treatment devices have been included in the design to remove sediment upstream of infiltration practices. The proposed development should significantly improve the quality of runoff reaching the adjacent pond.

- 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 storm water maintenance agreement shall be prepared and signed by the owner for the proposed infiltration basin, pretreatment devices, and underground infiltration

system. The Owner shall submit a signed copy of the joint storm-water maintenance agreement with the RWMWD to the City.

- 3) The emergency overflow for the infiltration basin shall be properly stabilized/armored to prevent erosion during an overflow event.
- 4) Pre-treatment of stormwater before discharge into infiltration basins is required. A minimum 3-foot deep sump or similar pre-treatment shall be installed on CBMH-301 to provide pre-treatment and sediment removal upstream of the proposed filtration basin.

Grading and Erosion Control

- 5) All slopes shall be 3H:1V or flatter.
- 6) Inlet protection devices shall be installed on all existing and proposed onsite storm sewer until all exposed soils onsite are stabilized. This includes storm sewer on adjacent streets that could potentially receive construction related sediment or debris.
- 7) A double row of heavy-duty silt fencing or approved equal is required long the southern edge of construction (north of the pond) to prevent sediment from impacting the adjacent pond.
- 8) Adjacent streets and parking areas shall be swept as needed to keep the pavement clear of sediment and construction debris.
- 9) All pedestrian facilities shall be ADA compliant.
- 10) The total grading volume (cut/fill) shall be noted on the plans.
- 11) A copy of the project SWPPP and approved NDPES Permit shall be submitted prior to the issuance of a grading permit.

Sanitary Sewer and Water Service

- 12) The applicant shall be responsible for paying any SAC, WAC, or PAC charges related to the improvements proposed with this project. A SAC determination is required.
- 13) All modifications to the water system shall be reviewed by Saint Paul regional Water Services. All requirements of SPRWS shall be met.
- 14) All new sanitary sewer service piping shall be schedule 40 PVC or SDR35.

Traffic Analysis

The developer supplied a traffic impact analysis as part of the overall submittal. The report analyzed the existing traffic patterns and demands in the area and projected demands post development. From the information submitted it appears that the adjacent roadways and intersections will function acceptably in the post-development conditions.

Other

- 15) The existing retaining wall just north of the pond is failing and requires replacement. It is currently shown being replaced in the proposed plans.
- 16) All work within the Southlawn Avenue right-of-way (ROW) will require a City ROW permit. All requirements of the City's ROW ordinance shall be met.
- 17) The project shall be reviewed by Ramsey County. All requirements of Ramsey County shall be met. A Ramsey County ROW permit is required for work along County Road D.
- 18) The existing sidewalks adjacent to the site shall be protected throughout construction. Damaged portions of the sidewalk shall be replaced with the same materials and at the same thicknesses as are existing.
- 19) The applicant shall provide a self-renewing letter of credit or cash escrow in the amount of 125% of the proposed site improvements including earthwork, grading, erosion control, site vegetation establishment (sod, seed, etc.), aggregate base, and paving.

Public Works Permits

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

- 20) Right-of-way permit
- 21) Grading and erosion control permit
- 22) Storm Sewer Permit
- 23) Sanitary Sewer Permit

- END COMMENTS -

Environmental Review

Project: Enclave Development

Date of Plans: Landscape Plan (October 24, 2022) and Tree Preservation Plan (Submitted September 28, 2022 – no date on plan)

Date of Review: November 3, 2022

Location: 3090 Southlawn Drive North

Reviewer: Shann Finwall, Environmental Planner
651-249-2304, shann.finwall@maplewoodmn.gov

Carole Gernes, Natural Resources Coordinator
651-249-2416, carole.gernes@maplewoodmn.gov

Project Background: The applicant proposes to redevelopment the Myth Nightclub site at 3090 Southlawn Drive with a 241-unit, 4-story, market-rate apartment building. The applicants must comply with the City's tree, wetland, solid waste, and green building ordinances and meet all landscape policies.

Trees

1. Tree Preservation Ordinance:
 - a. Significant Trees: Maplewood's tree preservation ordinance describes a significant tree as a healthy tree of the following size: hardwood tree with a minimum of 6 inches in diameter, an evergreen tree with a minimum of 8 inches in diameter, and a softwood tree with a minimum of 12 inches in diameter.
 - b. Specimen Trees: A specimen tree is defined as a healthy tree of any species that is 28 inches in diameter or greater.
 - c. Tree Replacement: If greater than 20 percent of significant trees are removed, tree replacement is based on a calculation of significant trees located on the site and significant trees removed. Credits are given for all specimen trees that are preserved. If less than 20 percent of significant trees are removed, tree replacement is based on a calculation of one 2-caliper inch replacement tree per significant tree removed.
 - d. Tree Replacement: The tree standards require that as many replacement trees be planted on the site as possible. An applicant can pay into the City's tree fund at a rate of \$60 per caliper inch for trees that cannot be planted on site. The City uses the tree fund to manage trees in parks and within the right-of-way.
2. Tree Impacts: The tree plan identifies 52 trees on the site. Eight of those trees are located on the property to the east within the shared parking lot area. Of the remaining trees, the following do not qualify as significant trees: 7 due to size, 1 invasive Siberian Elm, and 18 dead ash trees. The remaining 18 trees are identified as significant trees totaling 138.5 caliper inches. Development of the site will include the removal of all 18 significant trees (100 percent).

3. Tree Replacement: The landscape plan shows 42 new trees, totaling 105 caliper inches of replacement trees. This is 61 caliper inches less than City code requires.
4. Tree Recommendations:
 - a. Prior to issuance of a grading permit, the applicant must submit the following:
 - 1) Revised Tree Preservation Plan showing:
 - a) Revised tree preservation/mitigation summary showing the correct number of significant trees on the site (removing trees on the adjacent lot, trees that are not 5 caliper inches or larger, Siberian elm invasive species, and dead ash trees).
 - b) Preservation of the 8.5 caliper inch ash tree located on the eastern property (tree #22); or a statement from the adjacent property owner that they approve of the tree removal and the replacement of one 2-caliper inch tree on their site.
 - 2) Tree Protection Plan: The plan should show how the trees located on the adjacent eastern property (within the shared parking lot area) will be protected per the City's Tree Standards.
 - 3) Escrow: The applicant must submit a tree escrow in the amount of \$60 per caliper inch of trees to be replaced on the site. The escrow will be released once the trees are planted with a one-year warranty.
 - 4) Revised Landscape Plan: The revised plan must identify 105 caliper inches of additional tree replacement. Alternatively, the applicant must pay into the City's tree fund (see below).
 - 5) Tree fund: The applicants must submit a tree fund payment in the amount of \$60 per caliper inch of replacement tree that cannot be planted on site. Since 105 caliper inches of trees are proposed to be planted on the site, the applicants would owe the City's tree fund \$3,660 (166.2 caliper inches of required tree replacement – 105 caliper inches of trees planted on the site = 61 caliper inches of trees not planted on the site x \$60 = \$3,660).

Wetland

1. Wetland Ordinance: The City's wetland ordinance requires a 50-foot minimum buffer be maintained around a Manage C wetland. No mowing, grading, or building is allowed within the buffer.
2. Wetland Buffer Impacts: There is a Manage C wetland located on the south side of the property (50-foot buffer required).

The existing Myth structure, sidewalk, and surface parking have an approximate setback of 3 to 11 feet from the wetland. Additionally, there is a retaining wall along the edge of the wetland. There is no green space between the development and the wetland. In

order to proceed with the project, the structure, sidewalk, and surface parking lot will be removed and the retaining wall will be reconstructed due to structural instability.

The building will be constructed with an average setback of 42.9 feet to the wetland and the sidewalk on the south side of the building will come to within 25 feet of the wetland. The applicants are proposing to plant native trees, shrubs, and seed within the 25 feet of green space between the sidewalk and the wetland.

In order to remove the existing building, sidewalk, surface parking lot, and retaining wall the applicants must grade up to the wetland, which will require a **50-foot wetland buffer variance**.

3. Wetland Buffer Recommendations:

- a. Prior to issuance of a grading permit the applicant must:
 - 1) Submit a wetland buffer mitigation plan as follows:
 - a) Native Plugs: Include native plugs to be installed within the 25-foot re-established wetland buffer. Currently the landscape plan identifies a pollinator seed mix. Using plants rather than seeds hastens establishment and provides a better chance of successful establishment. The applicants should plant all plugs, or a mix of plugs and native seed mix in this area.
 - b) Seed Mix:
 1. Provide information on the percentages and species of native seed mix.
 2. Provide information on the maintenance required for the planting year, and years two and three, addressing what maintenance activities will be required and what entity (developer, owner, etc.) will take on the responsibility.
 - c) Wetland Buffer Signs: Identify on the wetland buffer mitigation plan the location of wetland buffer signs. The City of Maplewood supplies wetland buffer signs identifying that no building, mowing, or grading should take place within the buffer. There is a \$35 fee per sign. The applicant must install the signs at the newly established wetland buffer edge (25 feet). The signs should be placed every 100 feet at a minimum.
 - d) Public Trail Sign: Identify on the plan the location of two public trail signs to be installed at the entrances to the trail (along Southlawn Drive and County Road D). The City of Maplewood supplies the public trail sign. There is a \$35 fee per sign.
 - e) Bench Overlook: Identify on the plan the location of a bench overlooking the wetland along the south trail. The bench will allow pedestrians on the trail an opportunity to sit and enjoy the newly

established wetland buffer. In addition to the bench, the overlook could incorporate boulders, rocks, and native plants.

- 2) Install the wetland buffer signs.
- 3) Sign a wetland buffer mitigation and maintenance agreement with the City requiring that the applicant establish and maintain the required mitigation within the buffer for a three-year period. The City of Maplewood will draft the maintenance agreement once the wetland buffer mitigation plan is complete.
- 4) Submit a cash escrow or letter of credit to cover 150 percent of the wetland buffer mitigation. The City will retain the escrow for up to three years as outlined in the maintenance agreement to ensure the wetland buffer mitigation is established and maintained.

Infiltration Basins

1. Infiltration Basins Proposed: There is a small infiltration basin proposed in the interior of the lot (Basin A) and a large infiltration basin proposed on the southwest corner of the lot (Basin B).
2. City Infiltration Basin Planting Requirements: Large infiltration basins will ideally be planted with deep-rooted native plants. The City requires a portion of the basin to be planted rather than seeded. 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.
3. Infiltration Basin Recommendations:
 - a. Provide a detailed landscape plan for the two infiltration basins, including a list of species, container size, spacing, and quantities to be approved by City staff.
 - b. For any area using a native seed mix provide information on maintenance for planting year and growing years two and three, addressing what maintenance activities will be required and what entity (developer, owner, etc.) will take on this responsibility.
 - c. Sign an infiltration basin maintenance agreement with the City requiring that the applicant establish and maintain the infiltration basin plantings for a three-year period. The City of Maplewood will draft the maintenance agreement once the infiltration basin planting plan is complete.

Overall Landscaping

Review of the overall landscape plan to ensure nonnative and invasive species are avoided, seed mix is appropriate for use in areas proposed, and plantings are climate resilient.

Landscaping Recommendation: The tree and plant species proposed meet the City's requirements. The applicant must submit a detailed seed mix plan for review.

Green Building Code

The Green Building Code applies to Maplewood owned and financed buildings. The goal of the Green Building Code is to safeguard the environment, public health, safety and general welfare through the establishment of requirements to reduce the negative impacts and increase the positive impacts of the built environment on the natural environment and building occupants. The Enclave apartment building must comply with the Green Building Code and ensure sections in the Code are complete including 1) energy conservation, efficiency, and CO² emission reductions; and 2) material resource conservation and efficiency standards.

Solid Waste Ordinance

All multi-family properties are included in the City's recycling program. The City of Maplewood contracts with Tennis Sanitation for multi-family recycling. Tennis Sanitation supplies 95-gallon recycling carts or recycling dumpsters collected weekly. The City of Maplewood adds the recycling fee onto the water bill. Prior to Certificate of Occupancy, the applicant must ensure recycling service is set up through the City's recycling program.