

**CITY COUNCIL STAFF REPORT**

Meeting Date February 10, 2025

**REPORT TO:** Michael Sable, City Manager

**REPORT FROM:** Elizabeth Hammond, Planner

**PRESENTER:** Danette Parr, Community Development Director

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

**Action Requested:**  Motion  Discussion  Public Hearing

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

**Policy Issue:**

MX Real Estate, LLC proposes constructing a 20-unit residential assisted living facility at 1744 County Road D East. The vacant property is part of the Legacy Village Planned Unit Development (PUD). To proceed with the project, the applicant requests design review approval and an amendment to the existing PUD governing the site. The applicant previously received city approval for the same project on May 9, 2022, but this approval expired on May 9, 2024, as construction hadn't begun. For the applicant to obtain a building permit to commence with construction, they request that the city approve the proposal again.

**Recommended Action:**

- a. Motion to approve a conditional use permit resolution for a PUD amendment for constructing a residential assisted living facility at 1744 County Road D East, subject to certain conditions of approval.
- b. Motion to approve a design review resolution for constructing a residential assisted living facility 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 January 2, 2025. The initial 60-day review deadline for a decision is March 3, 2025. As stated in Minnesota State Statute 15.99, the city can take an additional 60 days, if necessary, to complete the review.

## **Background:**

### **Project Overview**

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

MX Real Estate, LLC proposes constructing a residential assisted living facility at 1744 County Road D East. The vacant site is part of the Legacy Village PUD, which was approved initially on July 14, 2003, and designated as a retail/commercial site. In 2020, it was amended to allow a hotel to be on-site, but the project did not materialize.

In 2022, the city approved the applicant's request for a residential assisted living facility to be on the site, combining residential units with commercial and employment to complement the existing mix of uses in the neighborhood. However, the applicant experienced delays over the last two years, preventing the assisted living project from moving to construction. The city approvals expired in May 2024. The applicant requests that the city approve the same plans again to renew the approvals for the site as they wish to obtain a building permit and begin construction in 2025.

#### ***Site Plan***

The 17,233-square-foot building is proposed towards the site's north end near County Road D East. There are 20 units shown, each 318 square feet in size. The building entrance and parking lot are proposed on the south side of the building, facing the existing residential properties. The parking spaces are oriented towards the assisted living building, minimizing lighting impacts to the residential properties to the south. Access to the site is provided from Bittersweet Ln on the east and Flandreau Street on the west side. 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 must be set back 100 feet from an adjoining residential lot line and is shown to be set back at least 30 feet from all street rights of way. One exception is on the east side of the building, where the setback is 26.7 feet. This is in line with the development across the street (Ashley Furniture), which has a setback of 25 feet to the right of way.

#### ***Building Elevations***

The one-story building is 24 feet at its highest point. The exterior materials are identified on the elevations and shown as manufactured wood trim, batten, and shingle siding in colors white and blue. Also, cultured stone veneer wraps around the building, varying in height.

#### ***Signage***

The elevation drawing identifies a monument sign with landscaping 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 and Screening***

The proposed landscape plan shows a combination of trees, perennial shrubs, and native plants that will complement the site's layout, including 26 trees exceeding the required tree replacement

requirement. The plans also show that the trash exterior receptacle and screened roof penetrations match the building's overall color and material scheme, achieving code requirements. The site plan shows a generator and transformer near the screened trash enclosure on the northeast corner of the building. These are required to be screened. The applicant must submit elevations detailing how each side will be screened before issuing a building permit.

### *Parking*

The city ordinance requires one parking stall for every three client rooms. The applicant proposes 28 parking stalls, including two (2) accessible stalls. The facility employees and guests visiting residents would use the parking on site. The number of stalls is adequate given the number of units, possible visitors, and proposed staff on-site at any time, and it exceeds the code requirement.

### *Lighting*

The applicant submitted a lighting plan illustrating the location and lighting types, including light poles and wall-mounted lighting on site. Before a building permit can be issued, a description and manufacturer's details for the fixtures and a plan showing the light spread and foot-candle levels must be submitted.

## Commission and City Council Review

### *Community Design Review Board*

January 21, 2025: The CDRB reviewed the design plans and recommended approval.

### *Planning Commission*

January 21, 2025: The Planning Commission held a public hearing, reviewed the conditional use permit amendment and recommended approval.

### *City Council*

February 10, 2025: The City Council will review the design plans and the conditional use permit amendment.

## Department Comments

### *Fire – Jerry Novak, Fire Marshal*

None

### *Building – Randy Johnson, Building Official*

The proposed building will need to be constructed to meet the minimum requirements of the Minnesota State Building Code.

### *Environmental Health – Molly Wellens, Environmental Health Official*

The MN Department of Health (MDH) health regulation division licenses assisted living facilities, including food service areas, operated by the entity that obtains the assisted living license. However, if a third party is the licensee of food service activities, that third party must obtain the food license from the MDH environmental health division or the local delegated partner.

### *Environmental – Shann Finwall, Environmental Penner*

Please see the environmental review dated January 9, 2025 (attached).

### *Engineering – Jon Jarosch, Assistant City Engineer*

Please see the engineering review dated January 3, 2025 (attached).

## Public Comments

Staff sent a public hearing notice and application details to the properties within 500 feet of the subject property. No public comments were received.

## Reference Information

### *Site Description*

Site Size: 2.04 Acres

### *Surrounding Land Uses*

North: Commercial  
South: Multiple Dwelling Residential  
East: Commercial  
West: Multiple Dwelling Residential

### *Planning*

Existing Land Use: Commercial (Vacant Property)  
Existing Zoning: PUD

## **Attachments:**

1. Conditional Use Permit Resolution for a PUD Amendment
2. Design Review Resolution
3. Overview Map
4. Future Land Use Map
5. Zoning Map
6. Application Narrative
7. Site and Elevation Plans
8. Engineering Review Dated January 3, 2025
9. Environmental Review Dated January 9, 2025
10. Draft CDRB Minutes, January 21, 2025
11. Draft Planning Commission Minutes, January 21, 2025
12. Presentation

## CONDITIONAL USE PERMIT RESOLUTION FOR A PUD 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 to amend the Conditional Use Permit that governs the Planned Unit Development (PUD) for the property at 1744 County Road D East.
- 1.02 The property located at 1744 County Road D East is legally described as:  
Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County  
PIN: 032922110005
- 1.03 The property is part of the Legacy Village Planned Unit Development, approved on July 14, 2003, and designated as a retail/commercial site. The CUP governing the PUD needs to be amended to allow for a residential assisted living facility on the site.

### Section 2. Standards.

- 2.01 General Conditional Use Permit Standards. The City Ordinance 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 January 21, 2025, 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 allowed everyone to speak and present written statements at the hearing. The Planning Commission recommended that the City Council approve this resolution.
2. On February 10, 2025, 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:

1. The use is allowed as long as the provisions of the BC zoning district and conditions outlined here are met.
2. The buildings on the site shall be setback as shown on the site plan approved by the city council, 33 feet from the north lot line.
3. A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. 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. Adequate separation, buffering, and screening must be provided for the multifamily residential units from the front doors, parking areas, loading areas, and mechanical equipment of this building.

8. Parking stalls with a width of 9.5 feet are permitted for this site.
9. Applicant must maintain at least 28 parking stalls on site.
10. All construction shall follow the approved plans. The director of community development may approve minor changes.
11. The proposed construction must be substantially started within one year of council approval, or the permit shall become null and void.
12. The city council shall review this permit in one year.
13. The applicant shall meet the conditions outlined in the design review resolution.

## DESIGN REVIEW RESOLUTION

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 a design review to construct a residential assisted living facility on 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

Section 2. Site and Building Plan Standards and Findings.

2.01 City ordinance 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.

2.02 The community design review board reviewed this request on January 21, 2025, and voted to approve it.

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

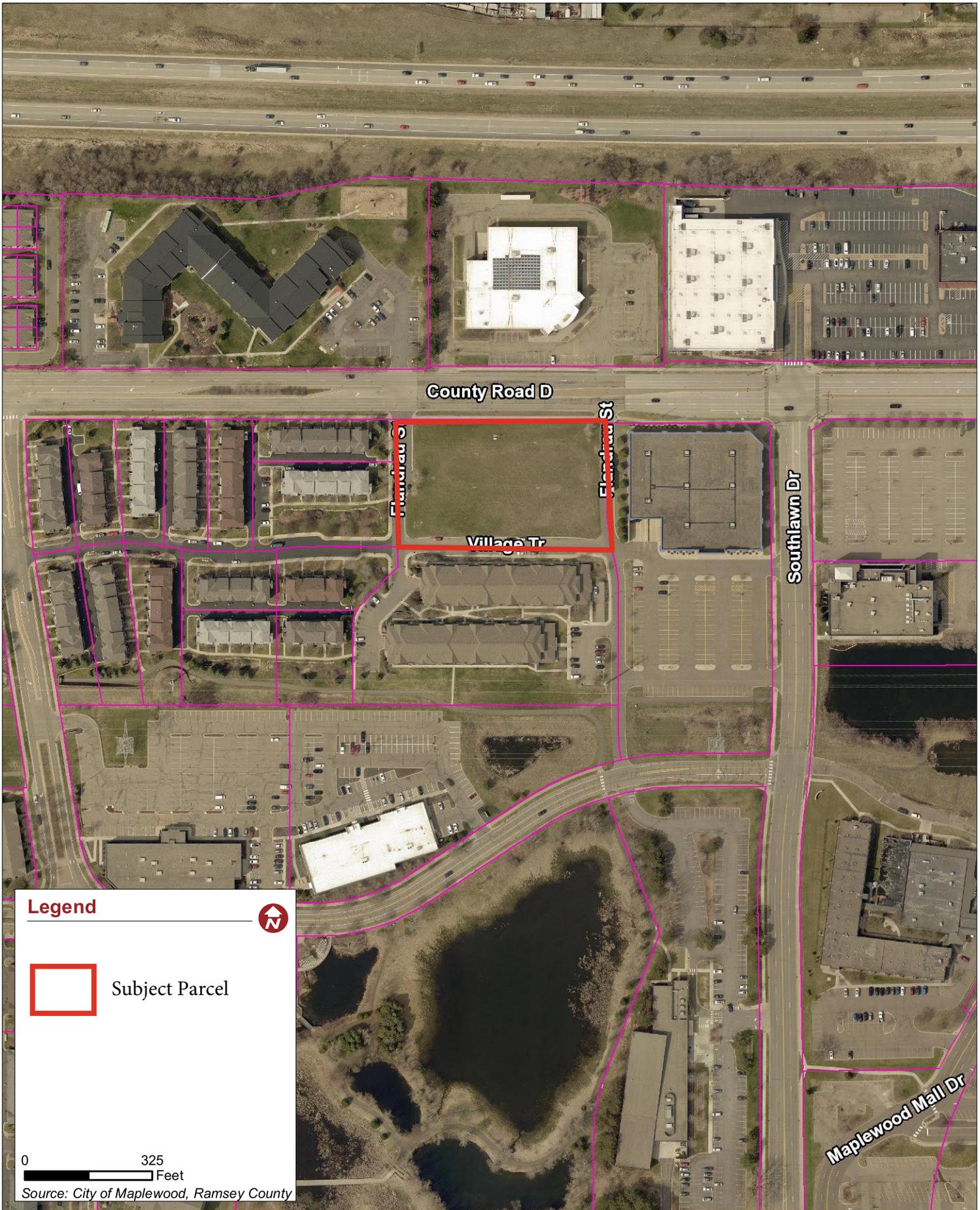
Section 3. City Council Action.

3.01 The above-described site and design plans are hereby approved based on the findings outlined in Section 2 of this resolution. Subject to staff approval, the site must be developed and maintained in substantial conformance with the design plans. Approval is subject to the applicant doing the following:

1. If the city has not issued a building permit for this project, repeat this review in two years.
2. All fire marshal, city engineer, and building official requirements must be met.

3. Satisfy the requirements in the engineering review by Jon Jarosch, dated January 3, 2025.
4. Satisfy the requirements in the environmental review by Shann Finwall, dated January 9, 2025.
5. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
6. The applicant shall obtain a license for the facility from the Minnesota Department of Health and provide a copy to the city. If the facility has a third-party providing food service activities, the applicant shall also obtain a food service license from the city.
7. A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. 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.
8. The applicant shall install two stop signs at each exit of the parking lot on the property.
9. The applicant shall install a sidewalk along the south, east, and west rights-of-ways.
10. Per city ordinance standards, all mechanical equipment and trash receptacles shall be screened from view of all nearby residential properties.
11. Before the issuance of a building permit, the applicant shall submit for staff approval the following items:
  - a. The applicant shall provide the city with 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.
  - b. Staff must review and approve elevation perspectives of the transformer and generator, showing that both are adequately screened. The elevations must include all enclosure sides and detail the materials and colors.
  - c. Additional details to accompany the lighting plan: a photometric site plan with light levels at the property lines and a description of each luminaire, including the manufacturer's catalog cuts and drawings.
  - d. An updated landscape plan as outlined in the environmental review.
12. The applicant shall complete the following before occupying the building:
  - a. Replace any property irons that were 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.
  - d. Install all required outdoor lighting.
  - e. Install all required sidewalks and trails.
13. 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 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.
14. All work shall follow the approved plans. The director of community development may approve minor changes.



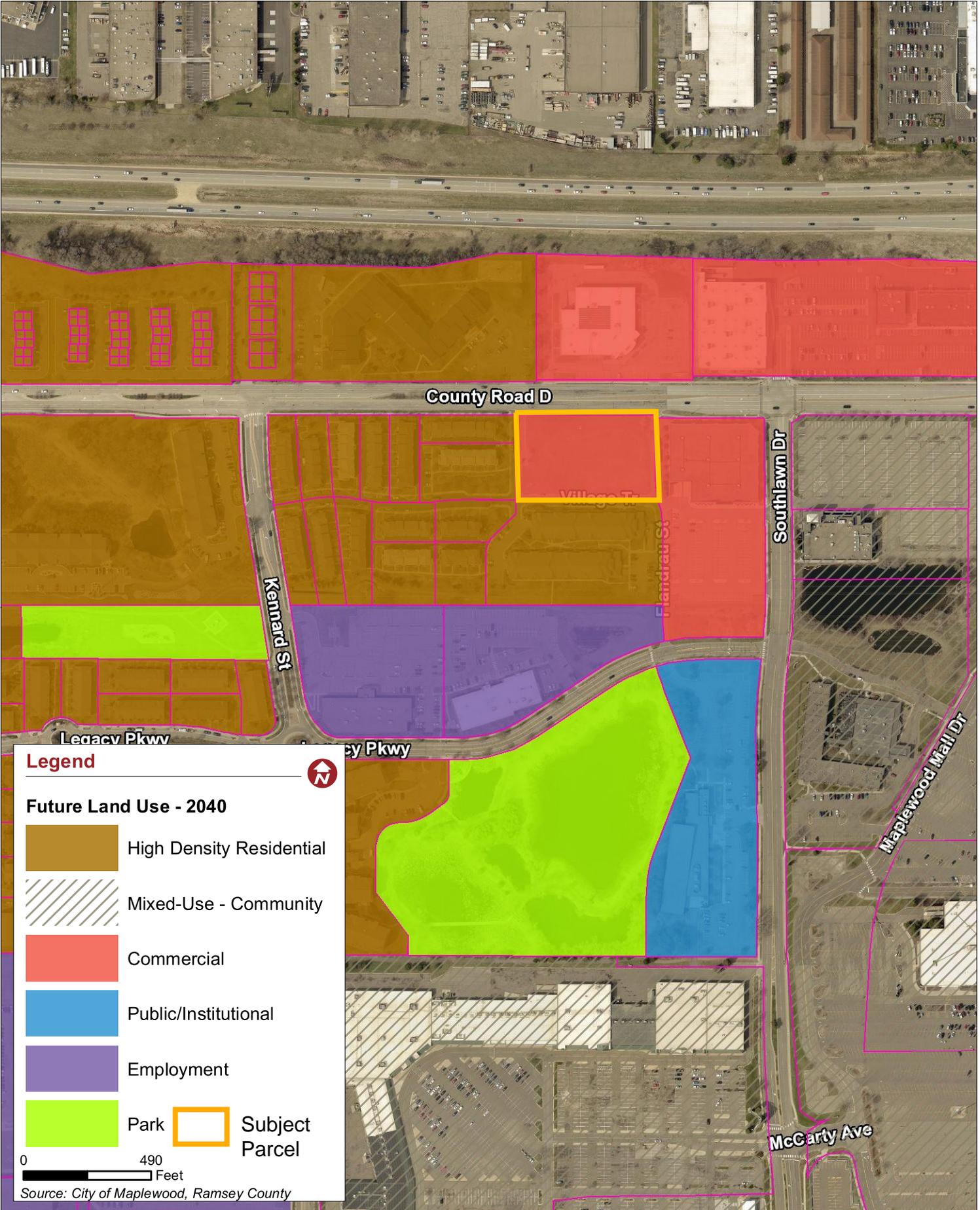
Legend



Subject Parcel

0 325 Feet

Source: City of Maplewood, Ramsey County



**Legend**

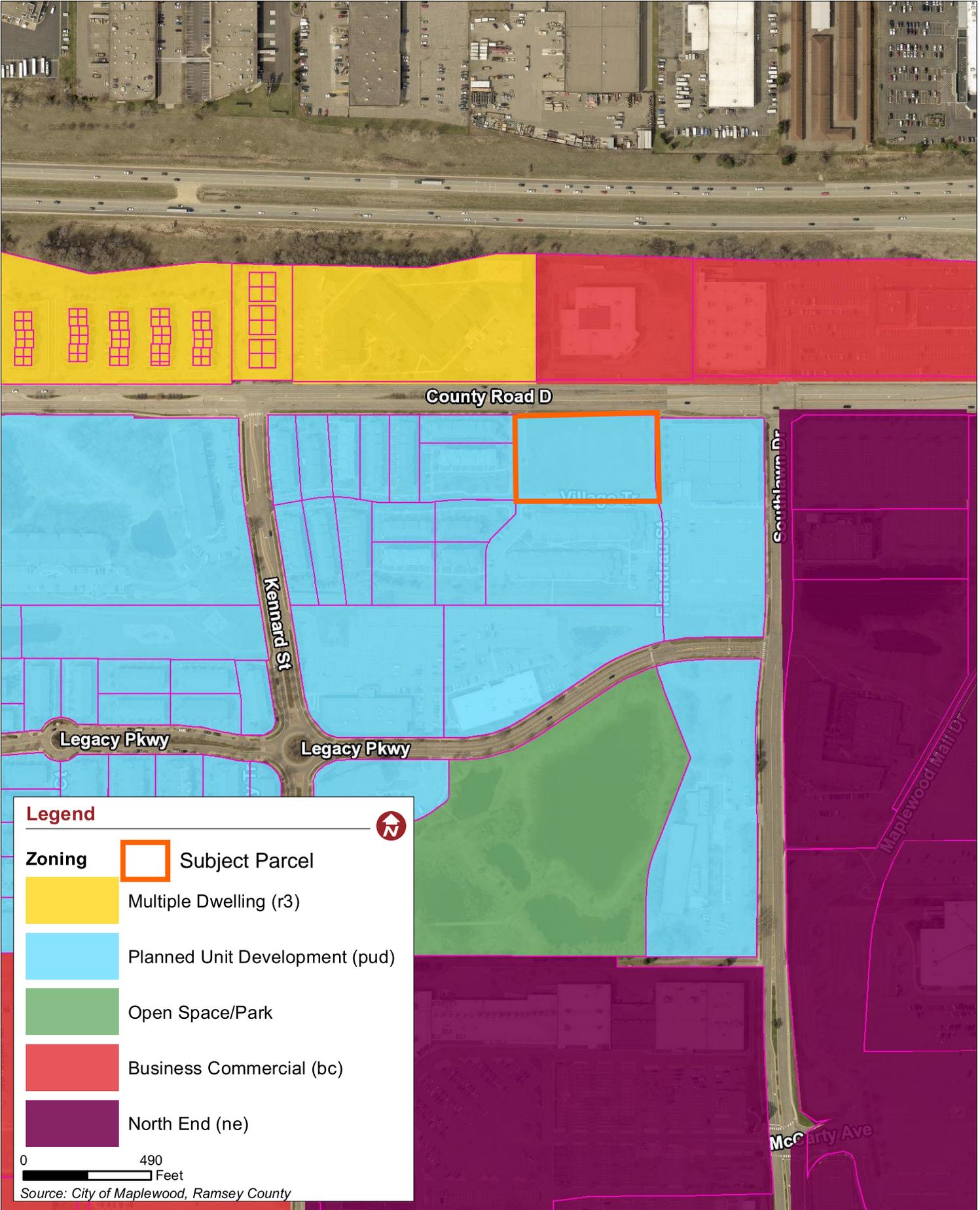


**Future Land Use - 2040**

-  High Density Residential
-  Mixed-Use - Community
-  Commercial
-  Public/Institutional
-  Employment
-  Park
-  Subject Parcel

0 490 Feet

Source: City of Maplewood, Ramsey County



**Legend**



**Zoning**



Subject Parcel



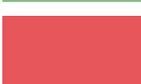
Multiple Dwelling (r3)



Planned Unit Development (pud)



Open Space/Park



Business Commercial (bc)



North End (ne)



Source: City of Maplewood, Ramsey County

Maplewood Lot Development  
1744 County RD DE  
Maplewood, MN 55109

MX Real Estate, LLC

December 19, 2024

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

Dear Ms Hammond:

Please accept the following explanation regarding the Maplewood Assisted Living project at the property located at 1744 County Rd DE, Maplewood, MN 55109.

I hope this message finds you well. I am writing to formally inform you about the reason behind the delay in the construction of the Maplewood development.

Due to unforeseen circumstances, the project has been pending approval from the MDH for licensing since 2022. Additionally, the plan was put on hold due to financing not being in place, and my previous general contractor was not prepared to move forward at that time.

This time around, I have secured financing and am working with a great general contractor, Steiner Construction, to move forward with the project. Additionally, I have also received plan approval from MDH, which allows us to proceed.

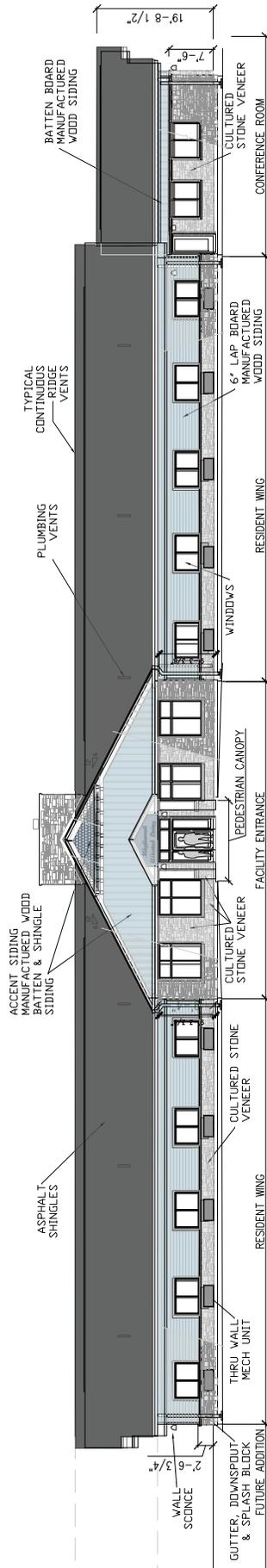
Thank you for your understanding and consideration. I look forward to moving ahead and completing this project.

Sincerely,

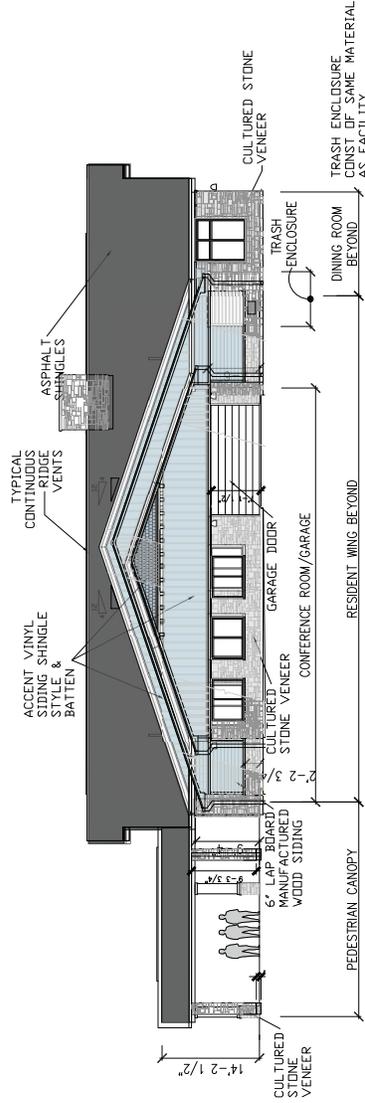


Maixia Vang, RN

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

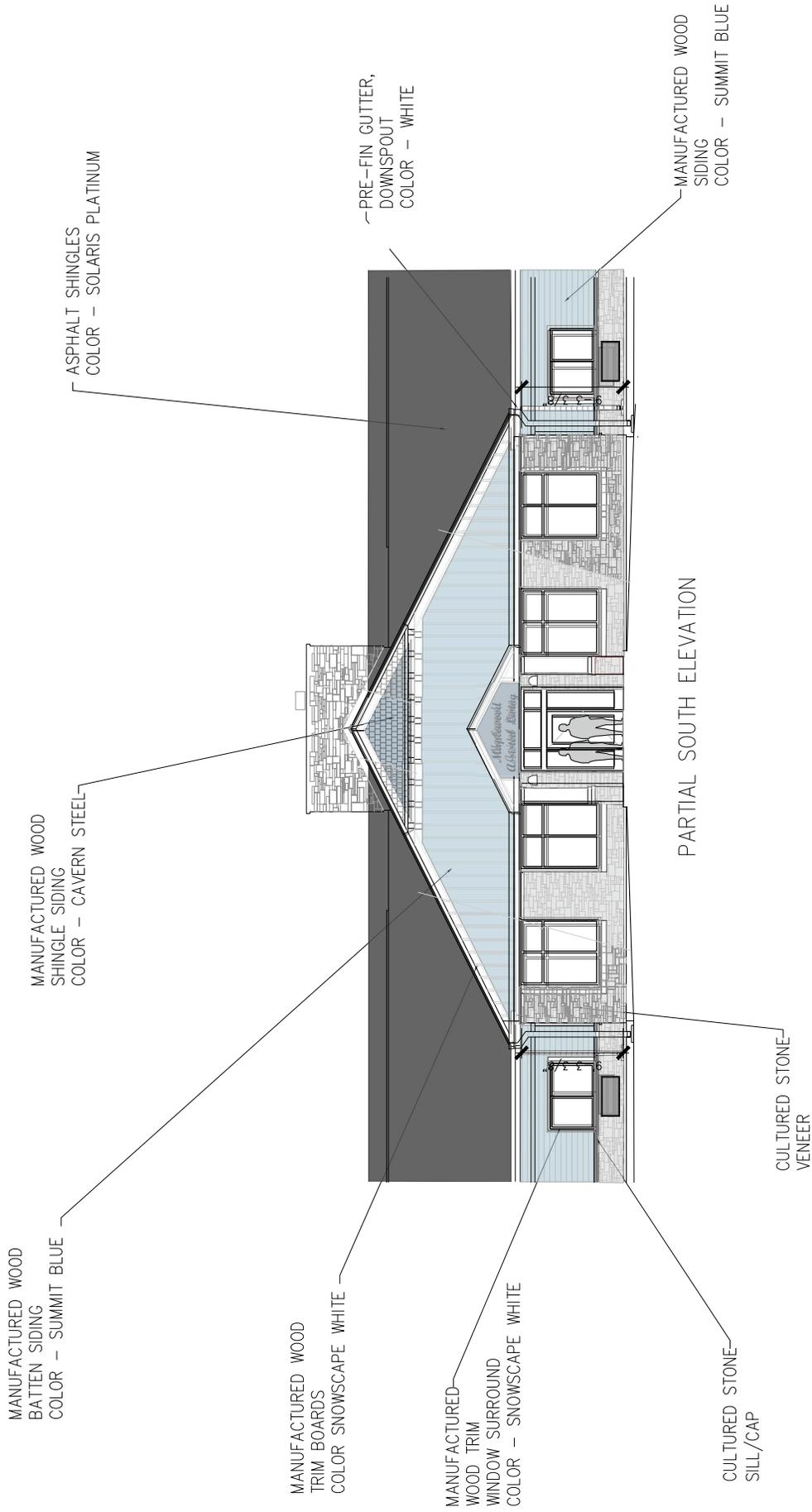


SOUTH ELEVATION

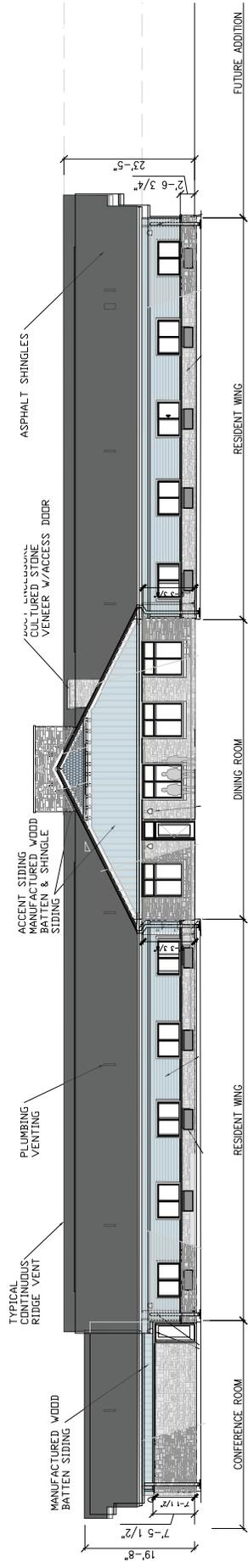


EAST ELEVATION

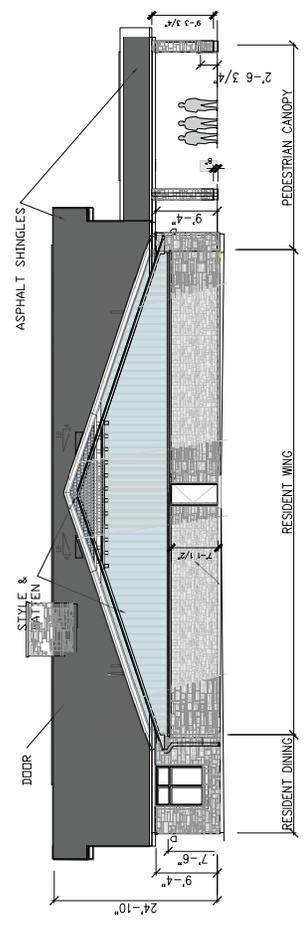
# MAPLEWOOD ASSISTED LIVING



# MAPLEWOOD ASSISTED LIVING

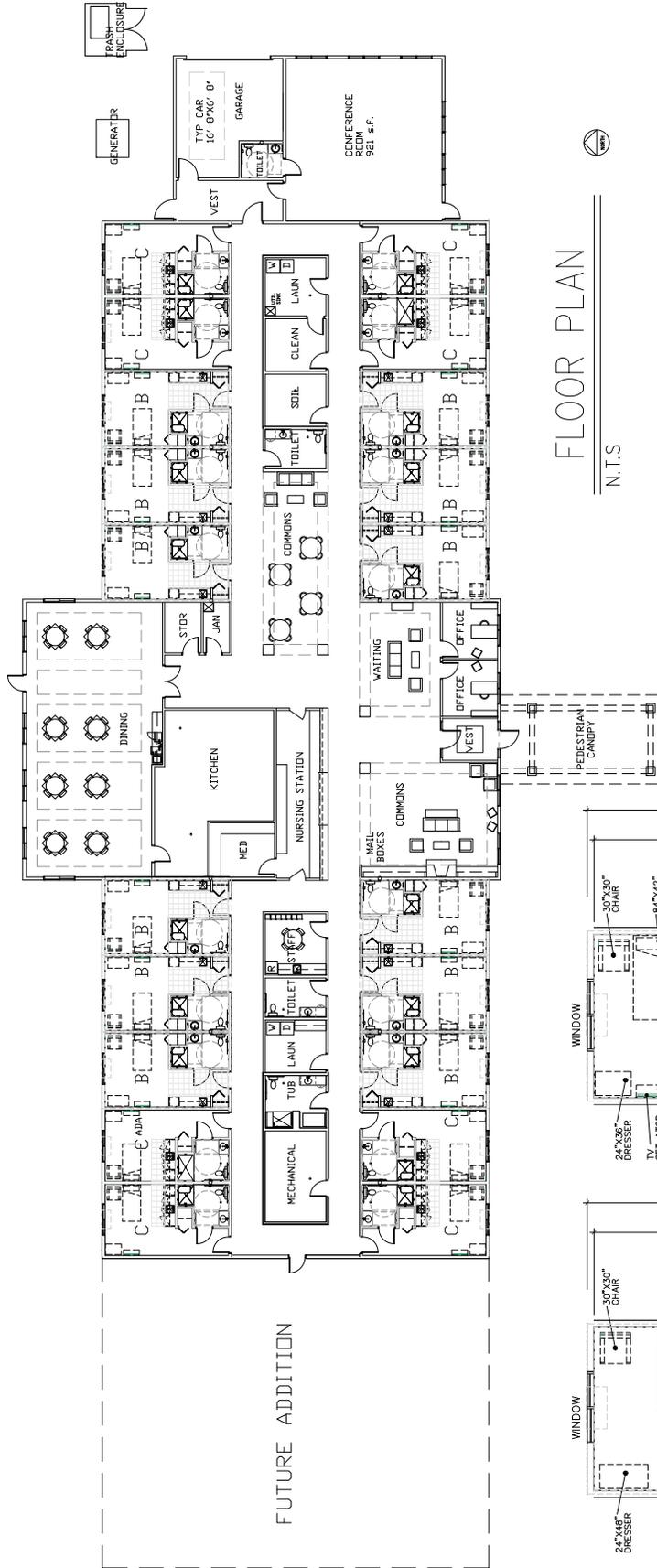


NORTH ELEVATION



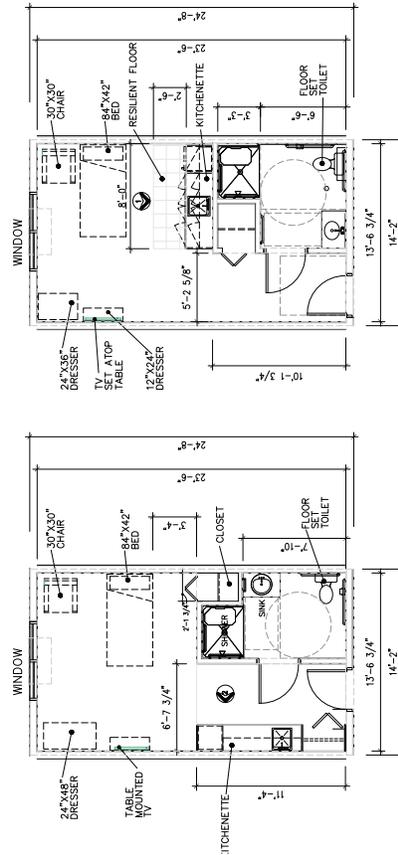
WEST ELEVATION

# MAPLEWOOD ASSISTED LIVING



FLOOR PLAN

N.T.S.



UNIT PLAN-C

NON-ADA TOILET, NON-ADA 318 S.F., NON-ADA LAV

UNIT PLAN-B

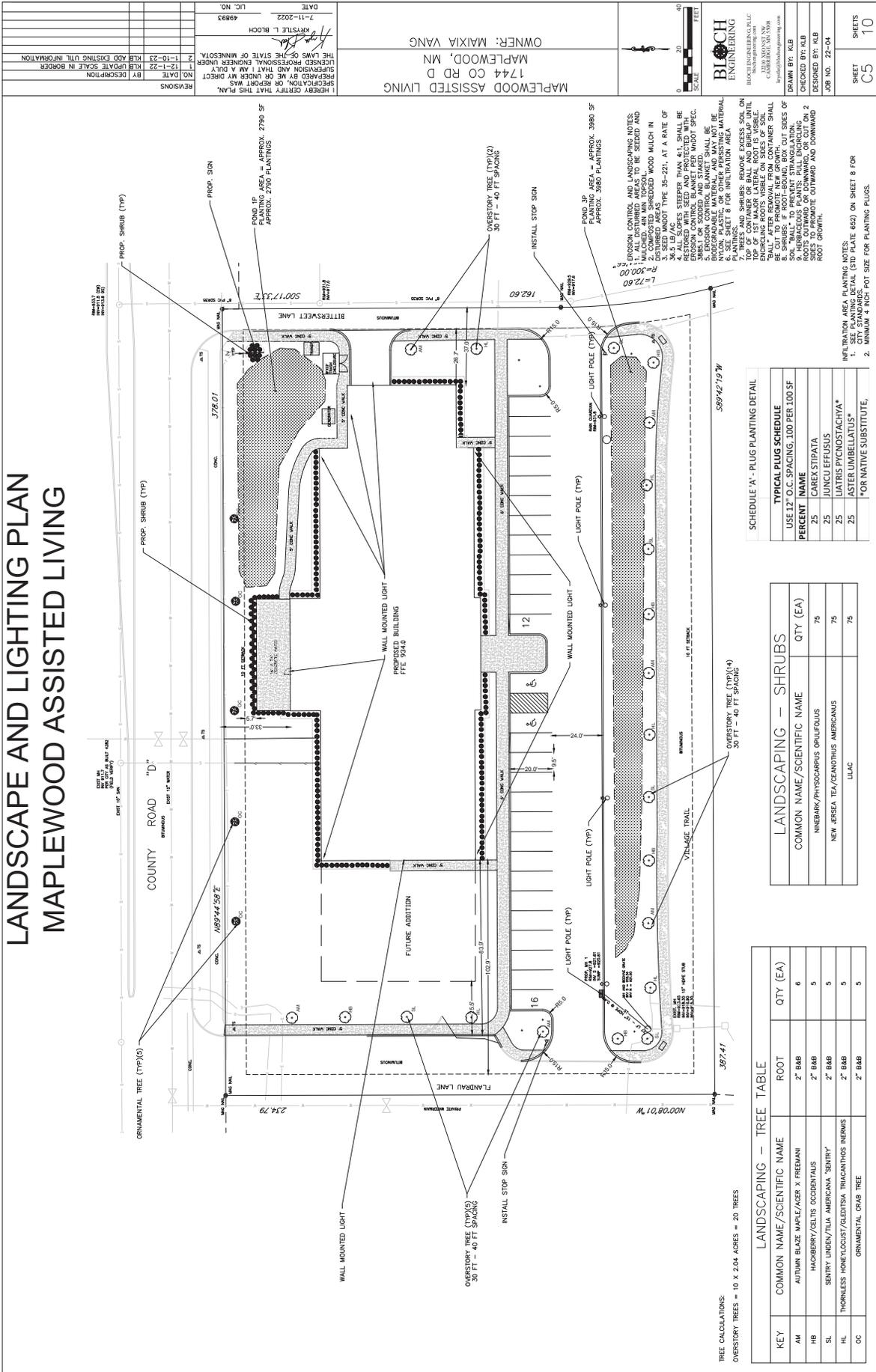
NON-ADA TOILET, NON-ADA 318 S.F., NON-ADA LAV

MAPLEWOOD ASSISTED LIVING





# LANDSCAPE AND LIGHTING PLAN MAPLEWOOD ASSISTED LIVING



NO.	DATE	REVISIONS
1	7-11-2022	PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
2	12-1-22	KLUB UPDATE SCALE IN BORDER
3	1-10-23	KLUB UPDATE EXISTING UTIL INFORMATION

OWNER: MAXIXA YANG  
1744 CO RD D  
MAPLEWOOD, MN

**BLANCH ENGINEERING**  
BLANCH ENGINEERING, LLC  
10000 UNIVERSITY AVENUE  
SUITE 100  
MINNEAPOLIS, MN 55425  
TEL: 612.338.1338  
WWW.BLANCHENGINEERING.COM

DRAWN BY: KLB  
CHECKED BY: KLB  
DESIGNED BY: KLB  
JOB NO.: 22-04

SHEET C5  
SHEETS 10

**SCHEDULE 'A' - PLUG PLANTING DETAIL**

TYPICAL PLUG SCHEDULE	PERCENT	NAME
USE 12" O.C. SPACING, 100 PER 100 SF	25	CAREX STIPATA
	25	JUNCUS EFFLUSUS
	25	LIATRIS Pycnostachya*
	25	ASTER UMBELLATUS*

\*OR NATIVE SUBSTITUTE.

**LANDSCAPING - SHRUBS**

COMMON NAME/SCIENTIFIC NAME	QTY (EA)
NINEBARK/PHYSOCARPUS OPHULIFOLUS	75
NEW JERSEY TEA/CANADIANUS AMERICANUS	75
ASTER UMBELLATUS	75

**LANDSCAPING - TREE TABLE**

KEY	COMMON NAME/SCIENTIFIC NAME	ROOT	QTY (EA)
AM	AUTUMN BLAZE MARIE/NER X FREDANN	2" BAB	6
HB	HICKBERRY/DELTOIDS OCCIDENTALIS	2" BAB	5
SL	SENTRY LINEN/ILIA AMERICANA "SENTRY"	2" BAB	5
HL	THORNLESS HONEYSUCKER/LEIDTSA BRACANTHOS NERUS	2" BAB	5
DC	ORNAMENTAL CHAB TREE	2" BAB	5

TREE CALCULATIONS:  
OVERSTORY TREES = 10 x 2.04 AGES = 20 TREES

- EROSION CONTROL AND LANDSCAPING NOTES:**
1. ALL DISTURBED AREAS TO BE SEEDED AND MULCHED WITH 2" COMPOSTED SHREDDED WOOD MULCH IN COLOURED AREAS.
  2. COMPOSTED SHREDDED WOOD MULCH IN COLOURED AREAS TO BE SEEDED AT A RATE OF 30-40 LB/AC.
  3. SEEDS FOR BARE SOIL SHALL BE RESTORED WITH SEED AND PROTECTED WITH EROSION CONTROL BLANKET PER MIDOT SPEC.
  4. EROSION CONTROL BLANKET SHALL BE REINFORCED WITH GEOTEXTILE PER MIDOT SPEC.
  5. EROSION CONTROL BLANKET SHALL BE REINFORCED WITH GEOTEXTILE PER MIDOT SPEC.
  6. EROSION CONTROL BLANKET SHALL BE REINFORCED WITH GEOTEXTILE PER MIDOT SPEC.
  7. TREES AND SHRUBS REMOVE EXCESS SOIL ON ROOTS TO PROMOTE NEW GROWTH.
  8. SOIL TO BE CUT TO PROMOTE NEW GROWTH.
  9. SOIL TO BE CUT TO PROMOTE NEW GROWTH.
  10. SOIL TO BE CUT TO PROMOTE NEW GROWTH.
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  19. SOIL TO BE CUT TO PROMOTE NEW GROWTH.
  20. SOIL TO BE CUT TO PROMOTE NEW GROWTH.

**LANDSCAPING AREA PLANTING NOTES:**

1. SEE PLANTING DETAIL (STD PLATE 652) ON SHEET 8 FOR CITY PLANTING DETAIL.
2. MINIMUM 4" JUGST POT SIZE FOR PLANTING PLUGS.





**Engineering Plan Review**

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

**PROJECT NO:** 25-02

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

**DATE:** 1-3-2025

**PLAN SET:** Engineering plans dated 7-11-2022

The applicant is proposing an assisted living facility and associated site improvements on the vacant lot at 1744 County Road D. This is a resubmittal of a proposal approved by the City in 2022.

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.

#### Grading and Erosion Control

- 6) Infiltration basins shall be protected from sedimentation throughout construction.
- 7) Inlet protection devices shall be installed on all existing and proposed onsite storm sewer until all exposed soils are stabilized.
- 8) Public and private drives and roadways shall be swept as needed to keep the pavement clear of sediment and construction debris.
- 9) All pedestrian facilities shall be ADA compliant.
- 10) A copy of the project SWPPP and NDPEs Permit shall be submitted prior to the issuance of a grading permit.
- 11) All slopes shall be 3H:1V or less steep in slope.
- 12) The total cut/fill volume shall be noted on the grading plan.

#### Sanitary Sewer and Water Service

- 13) Sanitary sewer service piping shall be schedule 40 PVC or SDR 35.
- 14) 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.
- 15) 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

- 16) 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.

#### 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.

- 17) Grading and erosion control permit
- 18) Sanitary Sewer Permit
- 19) Storm Sewer Permit
- 20) Maplewood Right-of-way Permit (ROW Permit also needed from County)

- END COMMENTS -

## Environmental Review

<b>Project:</b>	Maplewood Assisted Living
<b>Date of Plans:</b>	January 10, 2023
<b>Date of Review:</b>	January 9, 2025
<b>Location:</b>	1744 County Road C (Legacy Village)
<b>Reviewers:</b>	Shann Finwall, Environmental Planner (651) 249-2304, <a href="mailto:shann.finwall@maplewoodmn.gov">shann.finwall@maplewoodmn.gov</a> Carole Gernes, Natural Resources Coordinator (651) 249-2416, <a href="mailto:carole.gernes@maplewoodmn.gov">carole.gernes@maplewoodmn.gov</a>

**Project Background:** MX Real Estate, LLC, proposed 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 City reviewed the original proposal in 2022. However, the City's land use approvals have since expired as the developer has not begun construction. This request is for the renewal of a previous design review and conditional use permit. 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 updated landscape plan shows 26 2-caliper inch trees, which meets the tree replacement requirements.
- d. Tree Replacement Recommendations:
  - 1) The applicants addressed all 2022 environmental review tree replacement recommendations with their updated plans.

## 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) The applicants addressed all 2022 environmental review landscape recommendations with their updated plans.

## 3. Stormwater Basins

- a. Stormwater Basin Requirements: Two stormwater 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. Stormwater Basin Recommendations.
  - 1) Prior to issuance of a grading or building permit, the applicant must submit detailed planting plans for the stormwater 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. The plan states "Planting Detail (STD Plate 652) on Sheet 8". No Sheet 8 was included.
    - b) The MNDOT seed mix 35-221 is a dry prairie mix and it should work fine in the upper part and slopes of the ponds. The wet areas should include a seed mix such as MNDOT 33-261 for stormwater.
    - c) The plan calls for 25 Juncu effusus. The correct spelling is Juncus effusus.
    - d) For any area using a native seed mix (ex: pond slopes), provide a three-year maintenance plan. The plan should include maintenance for each year, including maintenance activities that will be required and what entity (developer, owner, etc.) will take on this responsibility.

**MINUTES**  
**MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD**  
6:00 P.M. Tuesday, January 21, 2025  
City Hall, Council Chambers  
1830 County Road B East

**A. NEW BUSINESS**

**1. Design Review Resolution, Maplewood Assisted Living, 1744 County Road D East**

Elizabeth Hammond, Planner, gave the presentation. Maixia Vang, MX Real Estate LLC, and Ken Rivera, Rivera Architects, addressed the board and answered questions.

Vice Chairperson Oszman moved to approve a design review resolution for constructing a residential assisted living facility at 1744 County Road D East, subject to certain conditions of approval.

**DESIGN REVIEW RESOLUTION**

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 a design review to construct a residential assisted living facility on 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

Section 2. Site and Building Plan Standards and Findings.

- 2.01 City ordinance 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.
- 2.02 The community design review board reviewed this request on January 21, 2025, and voted to approve it.

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

Section 3. City Council Action.

3.01 The above-described site and design plans are hereby approved based on the findings outlined in Section 2 of this resolution. Subject to staff approval, the site must be developed and maintained in substantial conformance with the design plans. Approval is subject to the applicant doing the following:

1. If the city has not issued a building permit for this project, repeat this review in two years.
2. All fire marshal, city engineer, and building official requirements must be met.
3. Satisfy the requirements in the engineering review by Jon Jarosch, dated January 3, 2025.
4. Satisfy the requirements in the environmental review by Shann Finwall, dated January 9, 2025.
5. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
6. The applicant shall obtain a license for the facility from the Minnesota Department of Health and provide a copy to the city. If the facility has a third party providing food service activities, the applicant shall also obtain a food service license from the city.
7. The applicant shall install two stop signs at each exit of the parking lot on the property.
8. The applicant shall install a sidewalk along the south, east, and west rights-of-ways.
9. Per city ordinance standards, all mechanical equipment and trash receptacles shall be screened from view of all nearby residential properties.
10. A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. 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.
11. Before the issuance of a building permit, the applicant shall submit for staff approval the following items:
  - a. The applicant shall provide the city with 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.
  - b. Staff must review and approve elevation perspectives of the transformer and generator, showing that both are adequately screened. The elevations must include all enclosure sides and detail the materials and colors.
  - c. Additional details to accompany the lighting plan: a photometric site plan with light levels at the property lines and a description of each luminaire, including the manufacturer's catalog cuts and drawings.

- d. An updated landscape plan as outlined in the environmental review.
12. The applicant shall complete the following before occupying the building:
    - a. Replace any property irons that were 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.
    - d. Install all required outdoor lighting.
    - e. Install all required sidewalks and trails.
  13. 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 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.
  14. All work shall follow the approved plans. The director of community development may approve minor changes.

Seconded by Boardmember Lamers

Ayes – All (via roll call)

The motion passed.

**MINUTES**  
**MAPLEWOOD PLANNING COMMISSION**  
7:00 P.M. Tuesday, January 21, 2025  
City Hall, Council Chambers  
1830 County Road B East

**A. PUBLIC HEARING**

**1. Conditional Use Permit Resolution for a PUD Amendment, Maplewood Assisted Living, 1744 County Road D East**

Elizabeth Hammond, Planner, gave the presentation and answered questions from the Commission.

Vice Chairperson Yang opened the public hearing.

The following individuals addressed the commission regarding the project:

None

Vice Chairperson Yang closed the public hearing.

Commissioner Oszman moved to approve a conditional use permit resolution for a PUD amendment for constructing a residential assisted living facility at 1744 County Road D East, subject to certain conditions of approval.

**CONDITIONAL USE PERMIT RESOLUTION FOR A PUD 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 to amend the Conditional Use Permit that governs the Planned Unit Development (PUD) for the property at 1744 County Road D East.
- 1.02 The property located at 1744 County Road D East is legally described as:  
Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County  
PIN: 032922110005
- 1.03 The property is part of the Legacy Village Planned Unit Development, approved on July 14, 2003, and designated as a retail/commercial site. The CUP governing the PUD needs to be amended to allow for a residential assisted living facility on the site.

Section 2. Standards.

- 2.01 General Conditional Use Permit Standards. The City Ordinance 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 January 21, 2025, 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 allowed everyone to speak and present written statements at the hearing. The Planning Commission recommended that the City Council approve this resolution.
2. On February 10, 2025, 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:

1. The use is allowed as long as the provisions of the BC zoning district and conditions outlined here are met.
2. The buildings on the site shall be setback as shown on the site plan approved by the city council, 33 feet from the north lot line.

3. A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. 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. Adequate separation, buffering, and screening must be provided for the multifamily residential units from the front doors, parking areas, loading areas, and mechanical equipment of this building.
8. Parking stalls with a width of 9.5 feet are permitted for this site.
9. Applicant must maintain at least 28 parking stalls on site.
10. All construction shall follow the approved plans. The director of community development may approve minor changes.
11. The proposed construction must be substantially started within one year of council approval, or the permit shall become null and void.
12. The city council shall review this permit in one year.
13. The applicant shall meet the conditions outlined in the design review resolution.

Seconded by Commissioner Arbuckle

Ayes – All

The motion passed.

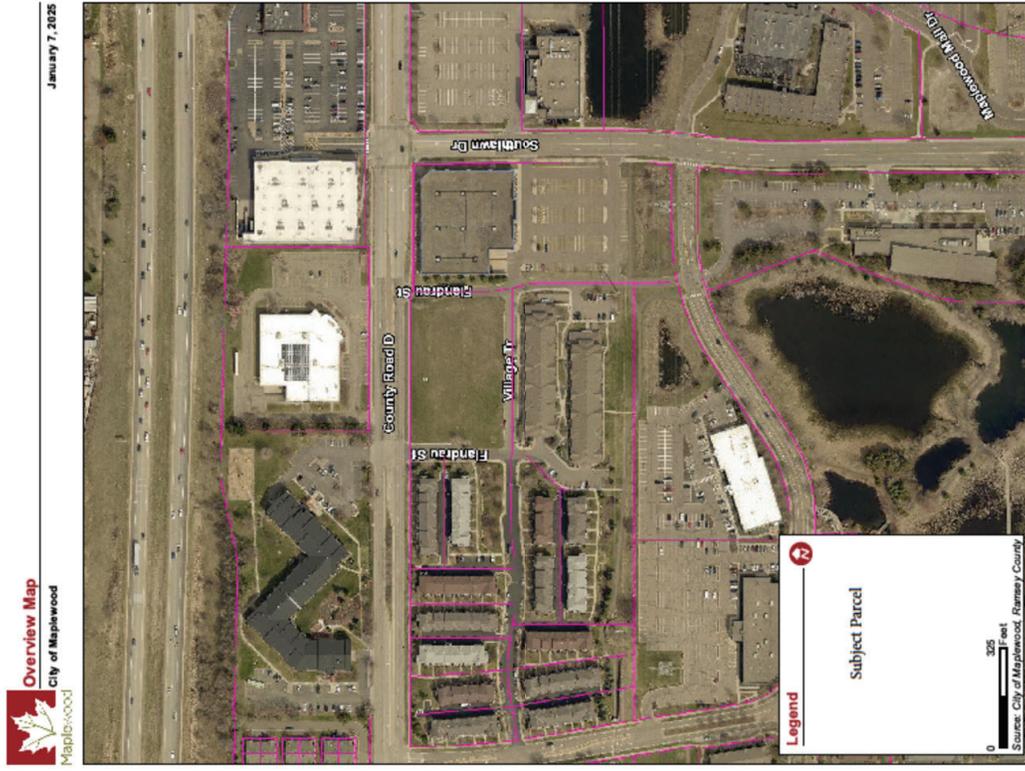
This item will go to the city council on February 10, 2025.



# Maplewood

## Maplewood Assisted Living

- MX Real Estate, LLC proposes constructing a 20-unit residential assisted living facility
  - Located at 1744 County Road D East
  - 2.04 Acre Site
  - The vacant property is part of the Legacy Village Planned Unit Development (PUD)
- Requesting approval for:
  - Conditional Use Permit Amendment for the PUD that governs the site
  - Design Review Approval





# Maplewood

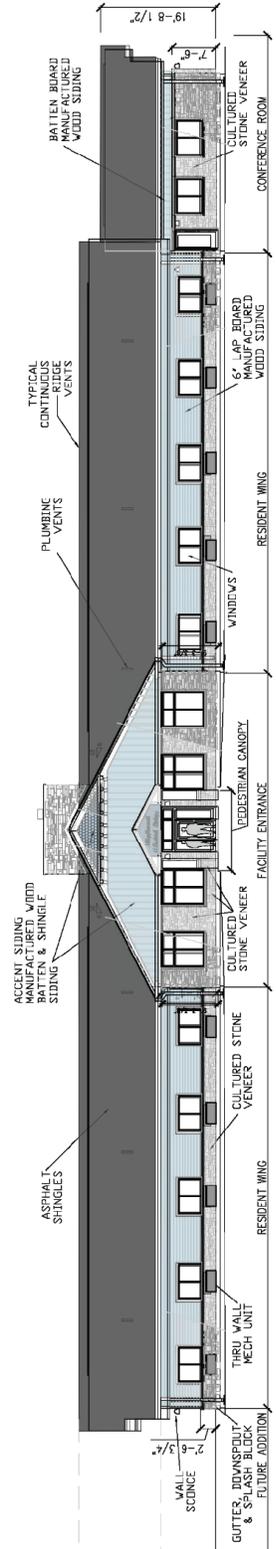
## Maplewood Assisted Living

### PUD Zoning District

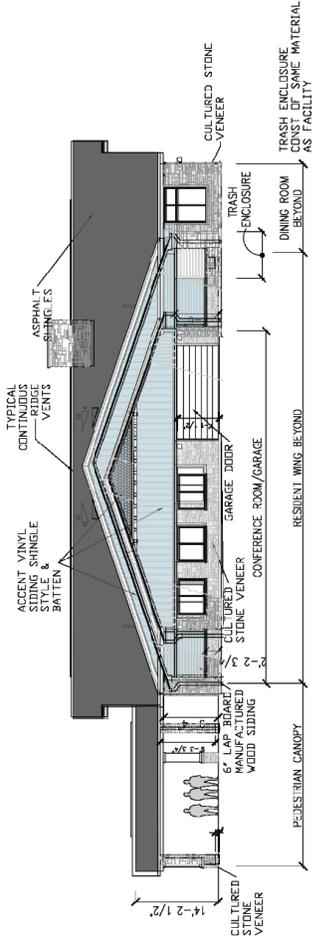
- Legacy Village PUD - approved on July 14, 2003, designated this site for retail/commercial, remained vacant
- In 2022, it was amended to allow the assisted living project, but this approval expired on May 9, 2024
- The applicant requests that the city approve the same proposal again for approval







SOUTH ELEVATION



EAST ELEVATION

# MAPLEWOOD ASSISTED LIVING

22102-00

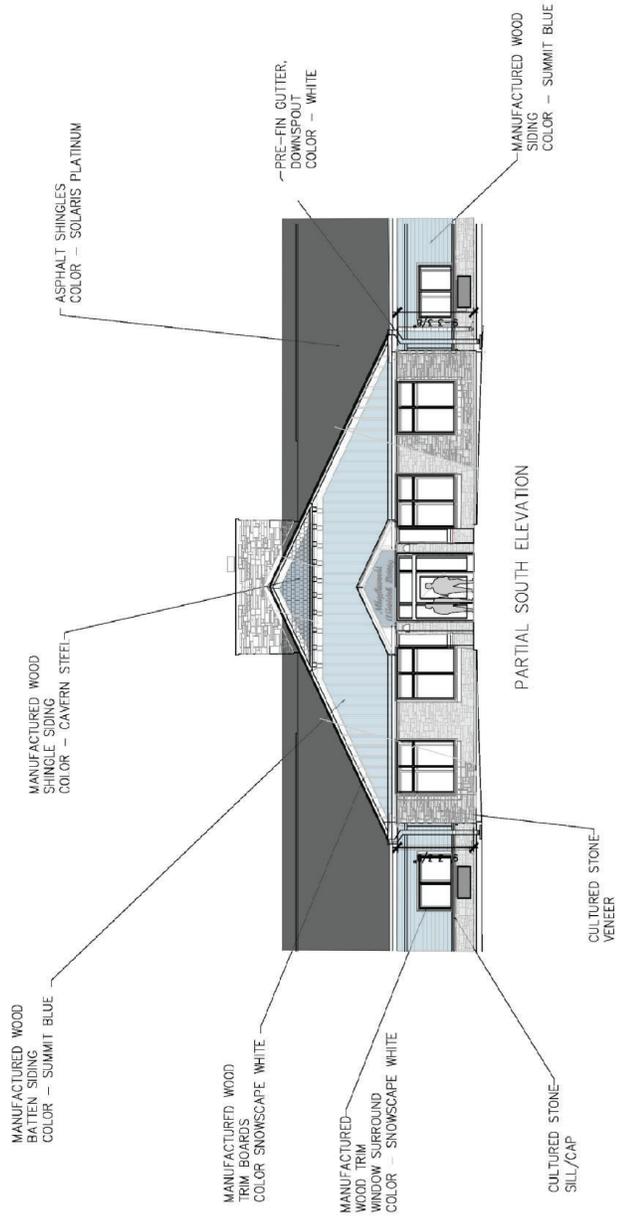


# Maplewood



# Maplewood

- The one-story building is 24 feet at its highest point
- The exterior materials are – manufactured wood trim, wood trim, batten, and shingle siding in colors white and blue, cultured stone veneer wraps around the building, varying in height



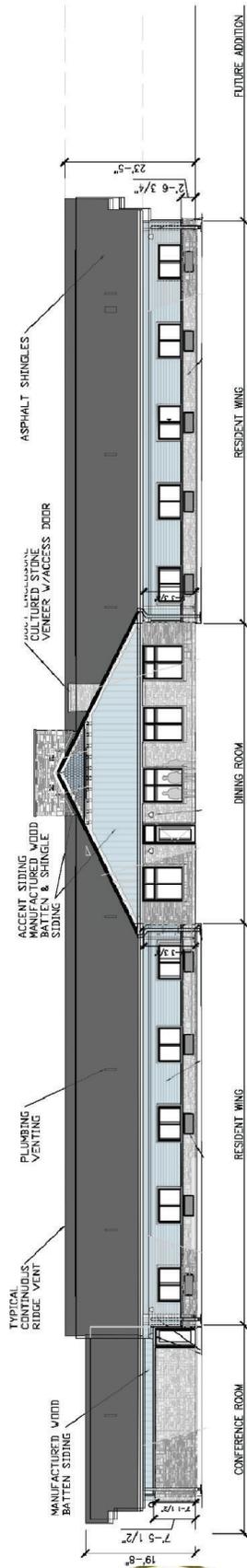
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## MAPLEWOOD ASSISTED LIVING

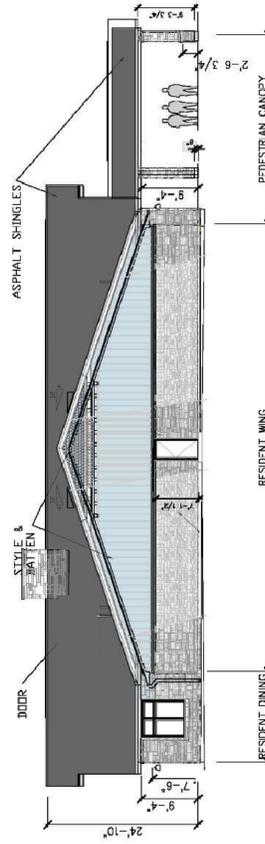




# Maplewood



NORTH ELEVATION



WEST ELEVATION

22102-00

# MAPLEWOOD ASSISTED LIVING





Maplewood



Maplewood



Maplewood

## Maplewood Assisted Living

### Recommended Action:

- a. Motion to approve a conditional use permit resolution for a PUD amendment for constructing a residential assisted living facility at 1744 County Road D East, subject to certain conditions of approval.
- b. Motion to approve a design review resolution for constructing a residential assisted living facility at 1744 County Road D East, subject to certain conditions of approval.