

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 0 MADISON STREET REZONING **FILE #:** 22-104-315
 2. **APPLICANT:** Trellis Treehouse Acquisition LLC **HEARING DATE:** December 1, 2022
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 0 Madison Street (north of 2319 West 7th Street)
 5. **PIN & LEGAL DESCRIPTION:** 22.28.23.22.0080; South 100 feet of the east 263 feet of Lot 79; Lane's Edgcumbe Hills
 6. **PLANNING DISTRICT:** 15 **EXISTING ZONING:** R1
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** November 23, 2022 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** September 16, 2022 **DEADLINE FOR ACTION:** February 20, 2023
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- A. **PURPOSE:** Rezone from R1 one-family residential to RM2 medium-density multiple-family residential.
- B. **PARCEL SIZE:** The depth of the parcel is 263.40 feet, and the width is 100 feet for a total lot area of 26,340 square feet. The parcel has no frontage on an improved street.
- C. **EXISTING LAND USE:** The property is vacant with wooded bluff.
- D. **SURROUNDING LAND USE:**
 - North:** Wooded bluff and 1-family residential in an R1 district.
 - East:** Wooded bluff on unimproved Madison Street right of way and parkland in an R1 district.
 - South:** Multifamily residential and rehabilitation center in an RM2 district and commercial in a T3 district.
 - West:** Wooded bluff and 1-family residential in an R1 district.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There are no previous zoning cases concerning the property. In addition to the application to rezone property, the applicant applied for a variance of § 63.111(b) regarding residential development on steep slopes and the Zoning Administrator referred the site plan to the Planning Commission for review because of the steep slopes.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Highland District Council voted to support the rezoning. The resolution is attached to the staff report.
- H. **FINDINGS:**
 1. The applicant owns the property and proposes to rezone it from R1 to RM2 to develop a five-story affordable senior housing apartment building with 36 units (27 of the units to be affordable at 30% AMI and 9 units affordable at 50% AMI). The project proposes a combination of one-bedroom, studio, and efficiency units, structured tuck-under parking, and associated amenity space. The roof of the proposed building would be approximately 30' to 40' below the first floor of the single family residential properties to the north and northwest along Lower St. Dennis Road. The site, located behind the Highland Chateau Health and Rehabilitation Center, at 2319 West 7th Street was chosen due to its proximity to an existing care facility that provides services that will be available to the residents of the new building. One-way circulation for vehicles is planned, with an entrance on the west from St. Paul Avenue to the Highland Chateau driveway and then to an exit on the east at West 7th Street; a "right turn only" sign is planned at the exit.
 2. The property proposed for rezoning is a lot of record that has 100 feet of frontage on Madison Street, a platted but unimproved street right of way bordering the subject property

on the east. Because the parcel lacks frontage on an improved street and is landlocked, the applicant proposes to gain access to the property via a private street onto which an address can be obtained (Highland Chateau's existing semi-circular drive is proposed to be established as a private street). The applicant is working with Department of Public Works staff on the process to establish a private street. A reciprocal maintenance, use and easement agreement will allow for vehicular access and access for public sewer and water services and utilities.

Legislative Code § 71.06 does not allow issuance of an address number for property that does not abut upon a graded and surfaced street or does not have public sewer and water services available for connection and does not allow a building permit to be issued for property without an official designated address number from the Department of Public Works.

3. The site proposed for rezoning is heavily vegetated and has very steep slopes that range from 45% up to nearly 70% throughout the site (grade change of 65 feet from the south end at elevation 820' to elevation 885' at the northwest corner). § 63.111 of the Zoning Code regulates residential development on slopes greater than 12%. Item (a) in § 63.111 requires an engineering report on slope stability and hydrology if the Zoning Administrator determines one is warranted. In this case the Zoning Administrator determined an engineering report is warranted. Specific elements of the engineering report as described in § 63.111(a)(1-3) must be submitted to the city and accepted before a grading permit will be issued. An engineering report on slope stability and hydrology has been requested but not yet received.

Item (b) in § 63.111 states that *"Buildings should be designed to fit into the hillside without significant regrading to protect the stability of the slope and preserve existing trees while preventing excessively tall retaining walls and unattractive trough-shaped yards between buildings and retaining walls. Multi-story buildings are encouraged to reduce the size of the building footprint."* The proposed building is designed to fit into the hillside to minimize significant regrading as much as possible. The design includes siting the building as close to the southern property line as possible, making the depth of the building as shallow as possible, and designing for multiple stories to reduce the size of the building footprint. The design allows grade on the north side of the building to be equal to the third-floor level which results in a retaining wall with an exposed face that is roughly 14' tall in its highest sections. The building footprint is stepped along the northwest corner, which allows the retaining wall path to follow the natural contours at the steepest part of the hill to minimize the height as much as possible. The height of the wall is greatest for its northwest roughly 80' portion and it is held even tighter to the building here to keep it as low as possible. As the wall moves to the east it steps down with the natural topography which allows it to reduce the exposed face until it disappears altogether. The retaining wall will be constructed first and is intended to be slightly deeper than the footings of the proposed building. This allows the wall to serve as shoring for the building and thereby minimize any over-excavation deeper into the hillside. Sharing the existing drive way with the Highland Chateau property and using it to bring in public services and utilities also helps minimize regrading and keeps platted Madison Street right of way in its natural state. Despite these design considerations, significant regrading of about 10,800 square feet of the site (over 40%) and a tall retaining wall, about 14' in its highest sections, with the resulting trough-shaped yards are proposed for the project. Hence, a variance has been requested to permit significant regrading, a tall retaining wall, and creation of trough-shaped yards between a new building and the new retaining wall.

Item (c) in § 63.111 requires tree preservation where possible and protection during construction. A tree preservation plan is required and tree replacement requirements are prescribed. A tree preservation plan was submitted with the site plan review application. Item (d) in § 63.111 provides standards for retaining walls taller than four feet and calls for walls to be constructed under city permit with frost footings as required by the state building code and engineered to retain lateral earth pressures consistent with the principles of soils mechanics, and detailed to minimize hydrostatic pressures.

4. The proposed RM2 zoning is consistent with the way the flatter area to the south has developed. The RM2 district is designed for multiple-family residential uses and is intended to provide for infill housing to meet a variety of housing needs. The property abuts an RM2 zoning district to the south, in which a health and rehabilitation center is located, and is near multifamily apartment buildings in the RM2 district to the southwest as well as many multifamily buildings on the south side of St. Paul Avenue to the southwest. There is a mix of commercial uses in a T3 zoning district to the south along West 7th Street. The single family homes along Lower St. Dennis Road to the north in an R1 zoning district are at a higher elevation, separating them from the property below. The RM2 zoning is not consistent with the way the heavily wooded R1 bluff to the east, west, and north have been preserved and kept free from development.

The subject property has been undeveloped to date due to its steep slopes and lack of access on an improved street. Any development on the site, whether in the existing R1 zoning district or the proposed RM2 zoning district would result in a change to how the property, and the adjacent properties to the east and west, have been developed in the past. The R1 zoned properties immediately to the east and two lots away to the west are in public ownership, owned by the City of Saint Paul and not likely to be developed due to the steep slopes. While the intent of the RL zoning district specifically includes language about protecting fragile bluff areas, the intent of the R1 zoning district does not include such language and the zoning code provides standards for residential development on steep slopes. Development on steep slopes is not easy and requires careful thought and detailed plans created by professionals to demonstrate how a project can be designed and carried out. Through its submittal of site plan review documents the applicant has demonstrated how the project can be designed to be carried out in a way that minimizes significant regrading and provides for as low a retaining wall as possible and that protects the undisturbed portion of the slope after regrading.

5. The proposed rezoning to RM2 to allow multifamily residential development is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan does not specifically address residential development on steep slopes. Land use policy LU-21 calls for identifying, preserving, protecting and, where possible, restoring natural resources and habitat throughout the city with the following ordinances: Tree Preservation Overlay District; River Corridor Overlay District; and Subdivision Regulations). However, with no subdivision proposed, none of the ordinances referenced in policy LU-21 apply to the property proposed for rezoning.

The land use plan designates the site of the proposed zoning just north of St. Paul Avenue and West 7th Street as urban neighborhood. The site is also in proximity to a designated neighborhood node and an existing transit corridor (Metro Transit Route 46 along St. Paul Avenue and Routes 54 and 74 along West 7th Street). The proposed rezoning is consistent with several land use and housing policies. Policy LU-1 encourages transit-supportive density and directs the majority of growth to areas with the highest existing or planned transit capacity. Improved access to affordable housing is a goal of the Housing Plan and Policy H-46 calls for supporting the development of new housing, particularly in areas

identified as mixed-use, urban neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods. Policy H-31 calls for supporting the development of new affordable housing units throughout the city and Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers. The proposed apartment building will provide 36 units of affordable senior housing just north of existing transit routes.

The Highland Park District 15 Plan notes that opportunity sites like the Ford Assembly Plant and Sibley/West 7th bring with them the potential for more diverse and affordable housing types and that many residents desire housing for senior citizens to allow them to age in community since this is not an option for many older residents in Highland at this time. The plan has several housing objectives and strategies that support development of denser housing and affordable housing including Policy H1.8. that encourages development of affordable housing throughout Highland Park and Policy H3.1 that calls for promoting denser housing development along transit corridors to help support transit ridership.

6. The proposed RM2 zoning is compatible with the existing abutting RM2 zoning district to the south and with the RM2 and T3 zoning districts near the West 7th Street and St. Paul Avenue intersection where there is a mix of residential and commercial uses on flatter ground. The single family homes in the R1 zoning district on Lower St. Dennis Road to the north are at a higher elevation, separating them from the site proposed for rezoning below. Unlike the wooded steep slopes that are in public ownership and have been preserved and kept free from development immediately to the east and west, the property proposed for rezoning and the developed R1 properties to the north are in private ownership. The lots to the north are developed with single family residential uses on flatter ground above the bluff. Development of the property proposed for rezoning will result in a change to the wooded steep sloped site, which will be inconsistent with the undeveloped nature of the steep bluff portions of R1 properties to the north, east and west, but still compatible with the flatter abutting RM2 zoning district.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the request to rezone property at 0 Madison Street (north of 2319 West 7th Street), PIN 22.28.23.22.0080, from R1 one-family residential to RM2 medium-density multiple-family residential.