



CITY OF SAINT PAUL
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To: Saint Paul Planning Commission

From: Neighborhood Planning Committee

RE: Recommendations for the Campus Boundaries Zoning Study

This memorandum summarizes and responds to comments received on the Campus Boundaries Zoning Study and provides a recommendation regarding the study's findings and recommendations.

Comments from MnSCU and Hamline University in particular need to be addressed. In addition, at the direction of this committee, staff conducted some additional outreach to stakeholder institutions regarding the proposed changes to conditions for campus boundary expansion conditional use permits.

Background: Purpose of Study

Over the past several years, a large number of single-family residential properties have been acquired by institutions of higher education in Saint Paul. Some of these have been demolished and left as empty lots. The institutions undertaking these actions have done so in the absence of a clear plan for campus growth. This has raised substantial public concern over the potential for damage to the character and vitality of the residential neighborhoods surrounding these campuses.

The Saint Paul Zoning Code requires a conditional use permit for colleges, universities, and seminaries when they are located in residential districts. Sec. 65.220 of the Zoning Code lists standards and conditions for these institutions, and requires establishment of a defined campus boundary in residential districts and Planning Commission approval of any expansion of those campus boundaries.

Campuses include a wide variety of uses, some of which have the potential to be incompatible with adjacent residential uses, and have a very different physical form than a typical residential neighborhood. The requirement for a conditional use permit defining campus boundaries allows the Planning Commission to evaluate proposed campus expansions and permit expansions only under such conditions as they will not have a substantial negative impact on surrounding residential neighborhoods.

The intent of the study was to evaluate if the process for campus expansion is working as intended and, if not, to identify code amendments to improve the process.

A total of 12 comment letters were received, and two persons spoke at the hearing. Four letters, all from persons residing or worshipping in the Hamline Midway neighborhood, were received in support of the proposed ordinance change. The other eight letters received expressed opposition to the proposed changes. Letters in opposition came from the Macalester Groveland Community and Highland District Councils, St. Catherine University, the University of St. Thomas, Macalester College, Hamline University, MnSCU (primarily on behalf of Metro State), and one Macalester Groveland resident. The two speakers at the hearing were from the University of St. Thomas and Hamline University, and their oral testimony was nearly identical to the letters they submitted, and their oral testimony is therefore not explicitly discussed in this memo.

Almost all testimony received--both in favor and opposition--expressed at least partial support, either explicitly or in tone, with the general intent of the study and the proposed ordinance change. The educational institutions generally commented that the proposed change was overly restrictive and would limit options with regard to both campus expansion and property opposition. A number of potential changes to the recommended ordinance amendment were suggested by the institutions that commented. These suggestions, and analysis of the impact of the changes, are listed below:

MnSCU comments raised concern over a property at 393 Bates, which the proposed ordinance amendment may impact. Moreover, MnSCU staff have suggested that local zoning authority is superseded by state legislation that enables MnSCU to establish campus boundaries. While no formal legal opinion has been written, staff and the CAO disagree with this argument. A more appropriate way to address the potential impacts on Metro State (MnSCU) is to exempt from the 10-year waiting period properties for which a zoning approval requiring demolition has already been approved. There is an existing, approved site plan for a Metro State project that would require the demolition of 393 Bates.

Hamline University comments suggested changing the ordinance so that the 10-year waiting period would apply only to properties purchased AFTER the ordinance is in effect. This would greatly reduce the impact of the ordinance, as a number of institutions in Saint Paul have extensive real estate holdings to which the ordinance change would then not apply.

The University of Saint Thomas suggested that any vacant lots created be required to be used for community benefit: mini-park, community garden, etc. The addition of a requirement that vacant lots be held in a community-benefiting use would help, albeit to a limited extent, mitigate impacts to the neighborhood. However, there is no good mechanism for implementing this approach. The only possibility would be to decrease the number of years for which a property would be ineligible for addition to a campus boundary if a community-benefiting use were put into place. But such an approach would undercut the intent of the ordinance amendment.

Several stakeholder institutions suggested that it would be helpful to build more flexibility in to the ordinance. However, it is not clear how this would be achieved above and beyond the flexibility allowed already. College and University campus boundaries are established through a conditional use permit. The recommended ordinance amendment adds a condition regarding

past use of property that an institution seeks to add to its boundary. As with any condition of a conditional use permit, the Planning Commission would have the ability to alter the condition (in this case, by NOT requiring the 10-year waiting period) in any case where the applicant (a college or university) faced undue hardship in meeting the condition. An example might be where a college acquires a property pursuant to a planned future campus expansion, but the property is in poor physical condition, and it is not financially feasible to put into use for housing purposes. If an institution chose to demolish the property, under such circumstances a hardship argument for waiving the 10-year wait might be made.

At least one stakeholder institution suggested reducing the wait period proposed from 10 years to 3-5 years. However, except in the case of institutions with significant financial wherewithal, land assembly is likely to take place on a long time scale. It is unlikely that a 5 year waiting period would provide any sort of significant disincentive to acquisition and demolition for landholding purposes.

The two district councils, as well as the University of St. Thomas, suggested tabling of the proposed amendments to enable further discussion of potential alternative solutions. Several commenters suggested consideration of inclusion of other types of campuses-such as high schools-in the campus regulatory process.

The three letters of support spoke to the frustration of poor communications with Hamline University and hopes that proposed amendments would bring about a more transparent planning process for campus expansions. They also highlighted the changes to the character of their neighborhoods caused by recent demolitions. Two of the commenters also noted that work obligations kept them from attending the public hearing to deliver oral testimony.

Recommendations

While the comments in opposition to proposed amendments expressed concerns about the potential for unintended consequences and that the changes would potentially limit options around real estate acquisition and campus expansion, they did not offer meaningful alternatives. Moreover, the proposed amendments would not restrict the ability of any institution to acquire property nor add it to a campus; the proposed amendments only restricts addition of properties where demolition occurs before property is added to the campus. This would provide an incentive to colleges and universities to add properties to their campus-by going through a planning and approval process with a public component-before impacting a residential neighborhood by demolishing viable housing. In cases where emergency acquisition and demolition would occur, the Planning Commission would have the ability to modify (ie., waive) the proposed new restriction.

REQUESTED ACTION

Forward the findings and recommended zoning text amendments of the Campus Boundaries Zoning Study for consideration by the City Council, with a recommendation of approval.