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**March 23, 2021**

TO: Zoning Committee

FROM: Joshua Williams, Principal Planner

SUBJECT: Zoning File 21-241-161 – Supplemental Memo

This memorandum is intended as a supplement to the March 4, 2021 staff report regarding ZF# 21-241-161. This document provides additional history and background regarding regulation of college campuses in Saint Paul, the development of the University of St. Thomas (UST) campus, and past Planning Commission actions regarding the same.

### **Background on College Campus CUPs**

College and university campuses differ from a typical residential neighborhood in terms of the uses taking place and the scale and arrangement of buildings. For this reason, the City of Saint Paul regulates college and university campuses located in residential zoning districts through a conditional use permit (CUP). Drawing from standards in Sec. 65.210 of the zoning code, a campus CUP defines campus boundaries (designating the land that is part of the campus), sets building dimensional standards such as maximum height and required setbacks, and sets minimum off-street parking requirements for the campus as a whole. A CUP also allows the campus to include uses, for example office space or a campus café, which would not be allowed as stand-alone uses in a residential district. In the early 2000s, after a number of years of growth in the size of the student body and its academic programs, the University of St. Thomas (UST) sought to expand its Saint Paul campus by adding the two blocks bounded by Summit, Cleveland, Grand, and Cretin avenues, and thereby connecting the traditional north and south campuses. The proposed expansion was met with significant community opposition, and ultimately legal action. Community concerns included the growing impact of off-campus student housing in surrounding neighborhoods and changes to the largely residential nature of the two-block expansion area, including potential changes to the single-family built form dominant along historic Summit Avenue.

As noted in the staff report, in 2004, the Planning Commission approved a new CUP for the UST campus. The CUP identified the northwest corner of Cleveland and Grand, where Lot K is currently located, as future student housing, and required a 25-foot setback from each street and a maximum building height of 40 feet, including mechanical equipment, parapets, etc. The CUP also created the West Summit Neighborhood Advisory Committee (WSNAC), composed of representatives from UST, the City of Saint Paul (in an ex-officio role), the Macalester-Groveland and Union Park District Councils, and two neighborhood groups: Neighbors United, which functions as a loosely affiliated network and email list, and the Summit Avenue Residential Preservation Association (SARPA), which led the lawsuit in the early 2000s.

As also noted in the staff report, in 2005 the Planning Commission approved the site plan for McNeely Hall, a new academic building at the southwest corner of Summit and Cleveland avenues. The site plan included the construction of a new 32-space parking lot at the northwest corner of Cleveland and



Grand avenues. But the Planning Commission approval resolution (05-30) also found that the permanent establishment of that surface parking lot did not conform to the CUP, and so should be required to be removed after 10 years, in March 2015. Since that time, the Planning Commission has twice approved 3-year extensions of that removal deadline. In each case, WSNAC supported the extension in exchange for UST providing additional funding for investment in a student housing buy-back and conversion program (which includes 30-year restrictive covenants on any converted houses) and funding for lighting, crosswalks and other public realm investments around the area of the campus. Some of those monies that St. Thomas reinvested in the neighborhood came from its leasing of 16 spaces in Lot K to Davanni's, at the southwest corner of Grand and Cleveland; that arrangement began with the first 3-year extension in March 2015.

### **Campus Change**

Since the campus expansion, UST has made a number of investments to the Saint Paul campus. In addition to McNealy Hall, UST has constructed an athletic center (located on the north campus in the former location of physical plant offices), a parking ramp (south campus, at Grand and Cretin avenues), a new student center (north campus, on the site of a former parking lot). During this time period, the formulation of an economically feasible plan for redevelopment of the surface lot at Cleveland and Grand for student housing in a manner both consistent with the requirements of the CUP and acceptable to WSNAC has proved very challenging. More recently, UST chose to construct two new dormitories on the north campus: at Selby and Cleveland, and at Ashland and Cleveland.

### **Conclusion**

The staff recommendation in the March 4 staff report (and as amended) is largely informed by the extent of changes to the UST campus that were guided by the 2004 CUP. With UST's construction of student housing in the campus area north of Summit, continuing the 2004 reservation of the northwest corner of Grand and Cleveland as a site for future student housing or campus "greenspace" no longer appears to be reasonable. The parking lot apparently has beneficial utility for off-campus commercial uses and serves civic functions hosted by UST. It is also likely that any "greenspace" replacement would be a typical turf grass lawn which yields little real value either for ecological or recreational purposes. Given these changes, as of 2021, maintaining the parking lot would therefore not be inconsistent with the overall intent of the 2004 campus CUP to manage campus impacts on the adjacent neighborhood. Further, UST also proposes adding electric vehicle charging stations, bike racks, and additional landscaping to the parking lot.

Both the board and the Housing and Land Use Committee of Macalester-Groveland Community Council, in whose boundaries Lot K lies, supported the university's proposed renovation of Lot K as a community-focused, multi-modal lot, one that continues to lease half of its spaces to Davanni's. Staff supports, as an alternative to the original recommendation, allowing the surface parking lot at the corner of Cleveland and Grand avenues to continue for an additional 15 years with the university's proposed multimodal improvements. At the conclusion of that period, UST would be obligated to return to the Planning Commission with a proposal for future use of the land in question. A revised staff report with the required findings and recommended conditions of approval for this alternative is



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attached to this memorandum for consideration by the Zoning Committee, along with the original staff report and recommendation.

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, the University of St. Thomas, File # 21-241-161, has applied for modification of a condition of site plan approval under the provisions of § 61.402 of the Saint Paul Legislative Code, on property located at 2060 Summit Ave, Parcel Identification Number (PIN) 05.28.23.41.0144, legally described as Groveland Addition, Lots 1 – 4 in Moses Zimmerman’s Rearrangement & in SD Groveland Addition, Lots 1 – 9, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 11, 2021, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Planning Commission issued a conditional use permit (ZF# 04-045-501) in 2004 expanding the University of St. Thomas campus to include the blocks bounded by Summit, Cleveland, Grand, and Cretin Avenues. Per Zoning Code § 65.220, as part of the basis for approving a campus expansion, the Planning Commission considered a required anticipated growth and development statement and related plans submitted by the University of St. Thomas (UST). The CUP conditions of approval generally described the allowed uses of the two blocks as including up to two new academic buildings and an urban residential village along Grand Avenue, and in particular a residential building for students at the northwest corner of Cleveland and Grand Avenues.
2. On March 11, 2005, the Planning Commission passed resolution 05-30 (ZF# 05-047-765) approving the site plan for McNeely Hall. McNeely Hall is located at the southwest corner of Summit and Cleveland Avenues, and the site plan included a 32-space surface parking lot located adjacent to the building at the northwest corner of Cleveland and Grand Avenues (Lot K). A portion of Finding No. 1 of the resolution addressed the issue of surface parking at the northwest corner of Cleveland and Grand:

*The CUP allows “a small number of surface parking spaces for uses such as drop-off/pick-up, or loading.” The site plan shows one handicapped accessible parking space on the south side of the building that is intended to be permanent. An existing paved area in the middle of the block would continue to be used for parking until construction starts on the remaining buildings on the block. A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*where a gas station was recently demolished. The CUP calls for this area to be used for housing and St. Thomas has said it intends to build housing here but construction may not start for few years, until some of the other buildings in the two block area south of Summit are completed. A permanent parking lot is not consistent with the CUP. However, a parking lot that is well landscaped and screened is acceptable as an interim use for up to 10 years if no building is constructed during that time.*

The resolution specified a number of conditions of approval. Condition No. 1 stated:

*A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland. A permanent parking lot is not consistent with the St. Thomas CUP approved in August 2004 which shows housing at this location. However, a parking lot that is well landscaped and screened is acceptable as an interim use if it is removed within 10 years of final approval of the site plan for Mc Neely Hall. At that time construction on a new residential building must start or the lot must be removed and replaced with grass and landscaping.*

3. In late 2014, UST requested (ZF# 14-353-762) a three-year extension of the interim use of the property at the northwest corner of Cleveland and Grand Avenues for Lot K. At the time of the application, UST was in the process of initiating a campus master planning process to guide future capital investments. The Planning Commission approved the request by modifying Condition No. 1 of Resolution 05-30, via Resolution 15-04. As a condition of approval, the Planning Commission required UST to provide a financial surety to cover the cost of removing the surface parking lot and returning the site to green space. In 2018, UST requested an additional three-year extension (ZF# 18-028-520) and the Planning Commission again approved the extension with a similar condition (Resolution 18-12). The Planning Commission approval for temporary use of the surface parking lot at the NW corner of Grand and Cleveland expires on March 11, 2021.
4. UST completed a campus master planning process in late 2016. The process considered a number of potential capital projects. The plan identified four potential residential projects, including a mixed-use (first-floor retail) student residential building in the location of the Grand and Cleveland parking lot. The plan did not provide a proposed timeline for construction of any residential projects.
5. In 2020, construction on two new residence halls—one for first-year students and the other for second-year students—was completed. The new residence halls are located on the western side of Cleveland Avenue at the corner of Selby Avenue and terminus of Ashland Avenue. UST has also introduced an on-campus residency requirement for first- and second-year students, which will go fully into effect in fall of 2022.
6. Since 2015, UST has been leasing a portion of the spaces in Lot K for use by patrons of Davannis and Coffee Bene, a restaurant and coffee shop located south of the lot across Grand Avenue (the coffee shop closed temporarily in mid-2020).
7. UST has proposed to allow Lot K to remain indefinitely. The proposal also includes landscaping enhancements and installation of electric vehicle charging stations and bike racks, and directing proceeds from leasing to support multimodal transportation, such as use of transit and cycling by UST students, faculty, and staff as an alternative to personal vehicles.
8. On February 9, 2021, the West Summit Neighborhood Advisory Committee passed a motion to support the UST proposal for “long-term” use of the surface parking lot at the northwest corner of Grand and Cleveland. The motion also stated that the use of lease proceeds should be a point of continued discussion rather than being directed to support

of transit and other multimodal initiatives.

9. The condition in Planning Commission Resolution 05-30 limiting the use of the northwest corner of Cleveland and Grand for surface parking to a period of more than ten years due to inconsistency with the 2004 campus CUP, which identified the location as a potential site for student housing, was reasonable at the time of the McNeely Hall site plan approval. However, the 2016 campus master planning process conducted by UST identified additional potential locations for on-campus student housing that were not viewed favorably for that use at the time of the 2004 campus CUP. The subsequent construction in 2020 of two new residence halls has provided a substantial amount of new on campus housing. In this context, the conflict of the occupation of the NW corner of Cleveland and Grand by a surface parking lot with the CUP is reduced. It is reasonable in regard to the overall intent of the campus CUP to allow Lot K at the northwest corner of Cleveland and Grand Avenues remain for an additional 15 years. Condition No. 1 of Planning Commission Resolution 05-30 related to use of the subject property for a surface parking lot, as modified by Planning Commission Resolutions 15-04 and 18-12, should be further modified to allow Lot K to remain in place through the end of March, 2036. The applicant should submit a site plan application for either continued use as a parking lot or alternative use to the Saint Paul Planning Commission on or before that time. The proposed use should be consistent with the campus CUP as approved or proposed at the time of application.
10. The existing 32-space Lot K, with physical changes as proposed by UST, should be allowed to remain at the NW corner of Cleveland and Grand Avenues through the end of March, 2036, provided that plans substantially similar to those provided with the application to modify conditions of site plan approval are reviewed and approved by the Zoning Administrator, and that UST submits, on or before March 31, 2036, a site plan application for either continued use as a parking lot or for an alternative use consistent with the campus CUP as approved or proposed at the time of application.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of the University of St. Thomas for modification of a condition of site plan approval at 2060 Summit Avenue by removal of Condition No. 1 of Planning Commission Resolution 05-30, as modified by Planning Commission Resolutions 15-04 and 18-12, and thereby allowing the existing parking lot at the northwest corner of Cleveland and Grand Avenues, including proposed physical changes, to remain through the end of March, 2036, is hereby approved, subject to following additional conditions:

1. Approval by the Zoning Administrator of a site plan substantially similar to the plans submitted with the application for modification of the site plan approval condition.
2. On or before March 31, 2036, a site plan application shall be submitted for the subject property for either continued use as parking lot or for an alternative use consistent with the campus CUP as approved or proposed at the time of application.