

**CITY OF SAINT PAUL, MINNESOTA
Conditional Use Permit**

ZONING FILE NO: 04-054-501
APPLICANT: University of St. Thomas
PURPOSE: Conditional Use Permit for expansion of campus boundaries
LOCATION: 2115 Summit Ave.

LEGAL DESCRIPTION: PIN s 05-28-23-41-0004, 05-28-23-41-0014, 05-28-23-41-0016, and 05-28-23-41-0070 thru 0092, 04-28-23-23-0112, 04-28-23-23-0111, 04-28-23-23-0101, 04-28-23-23-0058, GROVELAND ADDITION TO ST PAUL, BLOCK 1, W 32 93/100 FT. OF LOT 13 AND EX. W 21 45/100 FT., LOT 14, AND LOTS 24-26; MOSES ZIMMERMAN'S REARRANGEMENT; SUMMIT WOOD, LOTS 1-30; MERRIAM PARK THIRD ADDITION TO THE CITY OF ST. PAUL, BLOCK 12, EX E 63 FT LOTS 6, 7, AND LOT 8; BLOCK 13, LOT 1, EX THE E 5 FT LOT 13 AND EX THE W 5 FT LOT 14, AND W 5 FT OF LOT 14 AND ALL OF LOTS 15 AND 16

ZONING COMMITTEE ACTION: Approval with Conditions

PLANNING COMMISSION ACTION: Approval with Conditions

CONDITIONS OF THIS PERMIT:

1. Campus Boundary. The campus boundary for the University of St. Thomas shall be expanded to include the following properties:

East block (bounded by Summit, Cleveland, Grand and Finn): 2067 and 2085 Grand Ave.; 2110 Summit Ave.

West block (bounded by Summit, Finn, Grand, and Cretin): 2123, 2125, 2129, 2139, 2143, 2151, 2159, 2163, 2167, 2171, 2175 Grand Ave.; and 2120, 2130, 2134, 2140, 2144, 2150, 2154, 2156, 2166, 2170, and 2174 Summit Ave.

East of Cleveland Ave. The four properties located at 2055 Summit Ave., 2045 Summit Ave., 44 N. Cleveland Ave., and 2057 Portland Ave. Attachment 1 lists all of the addresses, property identification numbers (PINs), and legal descriptions for these properties. St. Thomas hopes to eventually acquire 2133 Grand Ave. as well. This property will automatically be included within the boundary upon purchase. Consistent with the University of St. Thomas Campus Boundary Plan amendment to the Saint Paul Comprehensive Plan Land Use Chapter, adopted on May 3, 1990, the boundaries set forth herein, with the addition of 2055 Summit Ave., 2045 Summit Ave., 44 N. Cleveland Ave., and 2057 Portland Ave., are to be considered as the definitive, long-term campus for the University of St. Thomas. Expansion beyond this area shall be considered contrary to City policy. St. Thomas agrees not to purchase additional property in the neighborhood within one mile of the campus or along the entire length of Summit Avenue, with the exception of a home used as a residence for any future ex-president or chancellor, and excepting property purchased as part of a purchase/rehabilitation initiative as described in Condition 10. Further, St. Thomas agrees to sell, within 5 years from the date of permit approval, the properties it owns south of Grand Ave., including 2076, 2080, and 2084 Grand Ave. St. Thomas further agrees to apply to rezone 2076 Grand Ave. to a residential zoning classification, and sell the three properties with a restrictive

covenant that they be used only for owner occupied, non-student residential uses. If property is bequeathed to St. Thomas, it shall dispose of the property and return it to a conforming use within two years.

2. Building Heights and Setbacks. Building heights and setbacks within the two-block development area shall be as follows:

Setbacks

Summit Ave. frontage - A 50 ft. setback is established for the west block to match the setback of the existing residential structures, six of which would remain. On the east block, a 100 ft. setback is established for the three story portions of the two 59 ft. tall (to the ridge) academic buildings. One and two-story elements of the academic buildings, designed to soften the building height, can extend into the 100 ft. setback and must have a minimum setback of 80 ft. for the two-story portion and 50 ft. for the one-story portion.

Cleveland Ave. frontage - For the academic building, a 75 ft. setback to the three-story portion is established, with a minimum setback of 65 ft. to the two-story portion and 25 ft. to the one-story portion that would extend into the 75 ft. setback area. For the residential building located at the Cleveland and Grand corner, a 25 ft. setback from Cleveland is established.

Grand Ave. frontage - A 25 foot setback from Grand is established for the Cleveland/Grand residential building at the corner. A 25 ft. setback is established for all of the other residential buildings along Grand Ave. in both the east and west block. This matches the existing setback of the residence at 2133 Grand Ave. and the two apartment buildings at 2171-2175 Grand Ave. that would remain under the proposed development plan.

Cretin Ave. frontage - The buildings along this frontage, the 2175 Grand apartment and 2174 Summit Ave. house, are proposed to remain. The existing setbacks should be maintained. If the apartment building at 2175 Grand is replaced by a newly constructed building, a 25 ft. setback from Cretin Ave. shall be required.

Finn St. frontage - A 25 ft. setback is established for the new building on the west side, and a 30 ft. setback for the academic building on the east side.

Building Heights

The maximum height for the academic buildings shall not exceed 59 ft. to the ridgeline at the top of the buildings. The maximum height of the residential buildings, including the child development center/apartment building, shall not exceed 40 ft. to the top of the buildings. These heights shall be considered an absolute maximum, including all mechanical equipment.

3. Size of Academic Buildings and Prohibition on Auditorium Uses. A maximum of two academic buildings may be built on the east block. The size of the first academic building shall not exceed 75,000 sq. ft. in size. The size of the second academic building shall not exceed 65,000 sq. ft. in size. No auditorium, performance hall, or athletic facility with the capacity of more than 250 persons shall be constructed on the east or west blocks.

4. EAW Mitigation Measures. St. Thomas shall be required to implement the following mitigation measures as recommended in the Revised EAW, dated October 13, 2003 (pp. 84-85):

- \$ Retain residences at 2120, 2130, 2170, and 2174 Summit Avenue and two more Summit Avenue houses to be designated. The apartment buildings at 2171 and 2175 Grand may be retained or removed.
- \$ Enroll in the Voluntary Petroleum Investigation Cleanup Program (VPIC) with the Minnesota Pollution Control Agency for the clean up of soil contamination related to the gas station and other LUSTs (leaking underground storage tanks).
- \$ Complete soil boring investigations in construction areas prior to excavation activities.
- \$ Conduct a demolition survey of each building to be removed from the site prior to demolition.
- \$ Coordinate with the Heritage Preservation Commission (HPC) regarding the historic district design guidelines and design the new buildings in keeping with the character of the historic district. Apply for the appropriate permits from the HPC.
- \$ Cooperate in preparation of an appropriate environmental review (e.g., EAW) for the future student center or other developments proposed within the historic district.
- \$ Review any changes to the two-block development project or future phased actions (developments elsewhere on campus analyzed in the EAW) with the City to determine if changes result in different

environmental impacts (the City will determine the appropriate level of analysis required to evaluate such changes).

- \$ Provide emergency vehicle access on the west block via the mid-block sidewalks.
 - \$ Obtain necessary City permits and implement the Pedestrian Management Plan for the Summit Avenue Parkway between Cretin and Cleveland by the completion of Stage 1 of the two-block development project.
 - \$ Provide the City with the funding to complete the traffic signal adjustments required as mitigation for the two-block development project as recommended in the EAW.
 - \$ Report to the City on the status of the search for remote parking and establishment of shuttle buses to supplement on-campus parking.
 - \$ Move the bus stop on Summit to the east to minimize conflicts with buses and pedestrians using the crosswalks.
 - \$ Further modify parking fees to maximize the use of on-campus parking areas (such as the Morrison Hall ramp).
 - \$ Prepare a storm water management plan that complies with the City discharge rate restrictions.
 - \$ Control construction and demolition dust via watering, street sweeping, rock entrance, and other Best Management Practices.
 - \$ Provide temporary barriers around the portions of the site under construction for safety.
 - \$ Provide information as needed to assist the City in better managing on-street parking restrictions around the St. Paul campus.
 - \$ Conduct a student transportation survey to determine student parking and transportation needs and develop a parking and transportation plan for St. Thomas. (The survey should be conducted when classes are in session. Postcard surveys or random student interviews could be conducted. Focus groups could also be held.)
 - \$ Control student housing through the Campus Living Office and enforce the City's noise ordinance.
 - \$ Install a bus shelter (suggested by Metro Transit) on westbound Summit at the Metro Transit layover area, if approved by the HPC, and coordinate with Metro Transit and ACTC (Associated Colleges of the Twin Cities) to determine if other improvements to bus service can be made.
5. **2133 Grand Ave, (residential property not owned by St. Thomas).** All campus buildings developed adjacent to this property must be set back a minimum of 50 feet from the west side property line and 25 ft. from the east side property line. Alley access to the property must be maintained. St. Thomas shall work with the owner of 2133 Grand to develop appropriate means of mitigating the impact of increased student residents and a child development center adjacent to the property, and shall consider measures such as: fencing, special landscaping, or other screening; lighting that does not spill over the property line; window placement that enhances privacy; design and placement of child care drop-off and pick-up areas to minimize the potential for blocking alley access; and education of nearby student tenants to respect the property and privacy of the residents of 2133 Grand. The appropriate mitigation measures that will be required by the City will be determined during the site plan review process. These requirements shall no longer be in effect if 2133 Grand is subsequently purchased by St. Thomas and the property automatically included in the campus boundary.
6. **Enrollment Growth Increases.** St. Thomas agrees that total enrollment at the Saint Paul campus shall not exceed 8,750 students, including full-time, part-time, and audit students. Upon such time enrollment exceeds 8,000 students, St. Thomas shall report to the Planning Commission for additional review and conditions. The review shall consist of analyzing the impact of the additional enrollment on areas such as parking, traffic, student housing, and other related impacts on the surrounding residential area. St. Thomas shall propose a plan to mitigate negative impacts resulting from the additional enrollment, and the Planning Commission may impose additional conditions on this permit to address those impacts. Any additional conditions imposed by the Planning Commission may be appealed to the City Council.

7. **Number of Residential Beds.** The total number of residential beds on the east and west blocks shall not exceed 450, unless 2133 Grand Ave. is acquired, in which case the total shall not exceed 475 beds. In no event shall there be more than 100 beds in residences on Summit Avenue. Those persons living on the east and west blocks shall include a mix of undergraduate juniors and seniors and graduate students, with resident advisors, faculty and staff.
8. **West Block Development.** No new academic buildings shall be constructed on the west block. New construction shall be for residential uses only. St. Thomas shall agree to preserve six of the existing single-family houses on the Summit Ave. frontage not including the garages. Any residential structures built to replace any single-family homes which are moved or demolished shall be designed to look like single-family or "mansion" style homes of diverse designs, such that the Summit Ave. side of the west block shall always appear to be a single-family residential block. For demolition and construction work within the historic district, St. Thomas shall follow the established review procedures of the Heritage Preservation Commission.
9. **Finn St.** For a period of no less than 30 years from the date of permit approval, St. Thomas agrees not to petition to close Finn St. between Summit and Grand Aves. and that Finn St. in this block shall remain a public street open to two-way traffic.
10. **Community Development Corp.** St. Thomas shall capitalize a CDC or establish a similar initiative whose purpose would be to purchase, rehabilitate, and sell to non-student owner-occupants an average of at least 2.5 houses per year within the boundaries of the Merriam Park and Macalester-Groveland neighborhoods. The average will be calculated over a twelve year time period, so that 30 houses will be done over the 12 years. For properties sold through this effort, restrictive covenants shall be added at time of sale to require use of the properties for non-student, owner-occupied residential uses only.
11. **University/Community Advisory Council.** St. Thomas agrees to participate, at the level of senior management and the board of trustees, in an advisory council charged with resolving university/community problems, and providing a channel for communications on campus master planning and development, and to enhance university/community relations. The composition of the advisory council would include representatives of the St. Thomas board of trustees, senior management and students, and neighborhood representatives from the Merriam Park Community Council and the Macalester Groveland Community Council, the Summit Ave. Residential Preservation Association., and Neighbors United. The scope of the advisory council's work would include all issues affecting local residents, including but not limited to: the creation and management of a CDC or similar initiative to purchase and rehabilitate housing in the neighborhood; parking; St. Thomas construction impacts, including the building of parking lots, athletic fields; student housing (both on and off-campus); and neighborhood quality of life issues such as the impact of student party houses. This group would meet at least quarterly and report to the St. Paul Planning Commission and the St. Paul City Council.
12. **Parking Issues.** St. Thomas agrees to explore and implement policies, such as reducing parking permit fees, that will increase the use of its on-campus parking spaces on evenings and weekends for the 2004-2005 school year. St. Thomas also agrees to explore ways to further increase use of on-campus parking and use of bus passes for all students in the 2005-2006 school year and succeeding years.
13. **Parking Ramps.** Parking for the east and west blocks shall be developed as proposed by St. Thomas, with a maximum of 590 spaces constructed in underground parking ramps on both blocks, and with access from Finn St. A small number of surface parking spaces, for uses such as drop-off/pick-up, or loading, shall be permitted. If St. Thomas is unable to develop 590 total spaces on the two block development site, because of site and design constraints, such as those related to retaining six of the existing houses on Summit, then the balance of the spaces may be developed on the south campus.
14. **Student Addresses.** St. Thomas agrees to require all enrolled students to declare a bonafide local address, as a condition of registration, and will improve its computer tracking of student housing data

to assist in enforcement of local City rental occupancy ordinances.

15. **Community Contribution.** St. Thomas agrees to commit a total of \$30,000.00 annually for use by the Merriam Park and Macalester Groveland Community Councils and the newly-established University/Community Advisory Council. The university would have discretion to award \$10,000 per year to each community council. The Advisory Council shall be awarded \$10,000 per year to be used at its discretion to address neighborhood issues related to the presence of the campus.
16. **Goodrich Ave. Access.** At such time as the University remodels or replaces the Binz Refectory or replaces Grace Hall, the loading drive which currently exists between Goodrich Ave. and the Binz Refectory shall be removed, such that there shall be no vehicular access from Goodrich Ave. to any of the University's buildings on the south campus.

APPROVED BY: George Johnson, Commission
Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office; and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on June 4, 2004, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota, and with the City Council resolution approving the permit on August 11, 2004, the original of which is in the City Clerk's Office, 15 West Kellogg Boulevard, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established.

Violation of the conditions of this permit may result in its revocation.

Carol A. Martineau
Secretary to the Saint Paul
Zoning Committee

Copies to:
Applicant University of St. Thomas
File No. 04-154-501
Zoning Administrator Wendy Lane
License Inspector Christine Rozek
District Council 14
13 (Merriam Park)

Effective: August 11, 2004