

RESPONSIVE MEMORANDUM



TO: Members of the St. Paul Planning Commission
FROM: Advocates for Responsible Development,
info@advocates4rd.org
RE: Multipurpose Arena at 2260 Summit Avenue, File no. 24-029-110
DATE: April 30, 2024

In response to the appeals to the administrative approval of the site plan for an arena at the University of St. Thomas (“UST”), St. Thomas submitted a written response to the planning commission (“UST response”). Advocates for Responsible Development (“ARD”) submits this memorandum both to add two additional arguments that could not be completed before the deadline of April 15, 2024 and to respond to issues raised in the UST response.

9. UST MUST OBTAIN A NEW CONDITIONAL USE PERMIT TO BUILD AN ARENA. [Arguments 1-8 are in the ARD appeal memo dated April 15, 2024]

The St. Paul Legislative Code limits the applicability of conditional use permits when the property owner changes the use of the property in designated ways. With this limitation, the city is able to ensure that the changed use of the property is consistent with the use that was originally approved.

Section 61.503 of the Legislative Code addresses two situations relevant to the South Campus for which a new conditional use permit is required:

A change to a conditional use requires a new permit when one (1) of the following conditions occurs:

....

(b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a principal use.

....

(d) The building containing the conditional use is torn down and a new building is constructed, even if the new building contains the same or less floor area.

Increase of floor area by 50% or more

Leg. Code § 61.503. Since the CUP was last amended in 2004, the following buildings have been built on the St. Thomas campus in St. Paul:

South Campus

Anderson Multipurpose Arena	270,000	TBD
Schoenecker STEAM Center	130,000	2024
St. John Vianney Seminary Addition	20,000	2023
Facilities and Design Center	40,000	2018
Anderson Parking Facility	170,000	2009
TOTAL	630,000	

North Campus

Tommie North Residence Hall	210,000	2020
Frey Residence Hall	139,300	2020
Iverson Center for Faith	25,000	2020
Anderson Student Center	258,000	2012
Anderson Athletic and Recreation Complex	180,000	2010
McNeely Hall	75,000	2006
Flynn Residence Hall	96,000	2005
Center for Well Being	19,500	2005
TOTAL	1,002,800	

Source: <https://libguides.stthomas.edu/university-archives#:~:text=2019%2D2020%20Constructed%20as%20an,Thomas%20Aquinas.&text=1946%2F1948%20Constructed%20as%20science%20classroom%20building> (accessed April 21, 2024).

Even without the massive arena, these buildings constitute more than 2/3 of St. Thomas's square footage. A 50% increase would occur when only 1/3 of the square footage consisted of additions since 2004. Leg. Code 61.503(b) requires a new conditional use permit, and no further construction can be completed under the old CUP.

Razing and constructing buildings

The following buildings have been razed on the St. Thomas campus since 2004:

Cretin Hall (planned as part of site plan)	2024
McCarthy Gym	2024
Service Center	2024
John Paul II Residence Hall	2019
Loras Hall	2021
O’Shaughnessy Hall	2010
Foley Theater	2009
Christ Child Hall	2005

Source: *Id.* As shown in the tables listing new construction, these razed buildings have been replaced with much larger structures, although for this CUP termination clause the size of the replacement buildings does not matter. Pursuant to Leg. Code § 61.503(d), this removal and replacement of buildings triggered a legal requirement of a new conditional use permit. The site plan for the arena cannot be approved until a new CUP is in place.

10. THE ARENA DOES NOT MEET THE REQUIRED SETBACK FROM THE PROPERTY LINE. [Arguments 1-8 are in the ARD appeal memo dated April 15, 2024]

Although colleges and universities are a permitted use in the H2 zoning district, they are subject to the limitations, including a setback requirement from adjacent properties. Because the arena does not provide the required setback from the adjacent parcel, the planning commission must deny the site plan.

As stated in ARD’s Argument #9 above, there is no conditional use permit in place because the thresholds for requiring a new CUP have been exceeded. But even if the 1990 SCUP as amended were still effective, its provisions may only be used to limit the development on UST’s campus. The SCUP may not allow that which the zoning code does not permit. Again, no variance to the zoning code’s requirements has been sought.

The SCUP permits a zero setback from property belonging to the Saint Paul Seminary. As explained in ARD’s Argument #4, a conditional use permit is a vehicle to place limitations on an otherwise permitted use; it is not a vehicle to permit what would otherwise not be permitted. The proper means to permit something that is otherwise not

permitted is a variance, for which stringent requirements are applied including that the applicant’s “necessity” is not simply wanting something that is not permitted.

The zero setback stated in the SCUP therefore does not apply. The applicable setback is set forth in Leg. Code § 65.220(b) applying to colleges and universities: “Buildings shall be set back a minimum of fifty (50) feet from every property line, plus an additional two (2) feet for every foot the building's height exceeds fifty (50) feet.”

The arena’s elevation at its eastern side is 60 feet. The required setback is therefore 70 feet: 50 feet plus 20 feet because the building is 10 feet higher than 50 feet.

Examining the site plan, it appears that the arena building is about 45 feet from the property line shared with the Saint Paul Seminary. As shown in Exhibit 2 to the site plan, the seminary owns half of the roadway running just west of the northern part of the arena, leaving just one lane, a parking bay, and a sidewalk between the seminary’s property and the arena building. Using the scale on the drawing, it is easy to see that the setback of the arena is substantially less than 50 feet.

Because the arena does not meet the required setback, the planning commission cannot approve this site plan and must uphold ARD’s appeal.

Attendance at the Arena

St. Thomas argues that community and the planning commission should ignore the public representations of UST’s administrator that UST expects 35 sell-out events each winter. UST instead suggests that the representations of its traffic consultants should be believed, namely that UST expects 1-2 sellouts per year.

	
<p>UST’s depiction of its planned full arena on its website (source: https://news.stthomas.edu/publication-article/making-a-big-impact/)</p>	<p>To the planning commission, UST describes its intent to design its facility so that its teams will play in a half-empty arena</p>

ARD notes that this gives the city three alternatives. UST favors the alternative that the city should believe that UST is wasting tens of millions of dollars building an arena that will make its teams look hapless, playing in a mostly empty arena. This, while UST lays off dozens of staff to trim non-athletic programs. UST pushes this narrative to downplay its net loss of 265 parking spaces and the lack of infrastructure in this residential neighborhood to handle traffic.¹

The second alternative is that the UST administrator was accurate and reflected the efforts of UST to build winning basketball and hockey programs through recruitment and enhanced facilities so that UST can fill this arena. This alternative would mean that the traffic study in the EAW does not accurately reflect the traffic and parking problems this arena will cause.

A third alternative, which is not mutually exclusive to the second, is that UST is building this arena as a midsize venue for rental. UST's Senior Associate Athletic Director Ben Fraser notes, "The new arena will also generate revenue through use for commencements, concerts and rentals of the arena's second sheet of ice."² This arena size is where many of the musical acts perform in Minnesota. For example:

- In Mankato's 4,800-seat arena (home to the Minnesota State Mavericks hockey teams), the following artists have performed: Aerosmith, Tom Petty, Brooks & Dunn, Styx, Kiss, Def Leppard, REO Speedwagon, Poison, Sammy Hagar, Bob Dylan, ZZ Top, John Fogerty, Kenny Rogers, John Denver, Steve Miller, John Mellencamp, Miranda Lambert, Sugarland, Alan Jackson, Eric Church and Elton John.
- In the 5,500-seat Minneapolis Armory, the following artists have performed: The Chainsmokers, Henry Connick Jr., Trampled by Turtles, Wiz Khalifa, Lewis Capaldi, Macklemore, H.E.R., Lorde, Olivia Rodrigo, Judas Priest, Kesha, Machine Gun Kelly, Lizzo, Wu-Tang Clan, Tyler the Creator, Billie Eilish, Halsey, Alice in Chains, Jonas Brothers, and Dua Lipa.

¹ UST's argument naturally raises questions by analogy. Could any college or university in St. Paul erect a 50,000-seat stadium for its intercollegiate teams under the guise of building an "athletic facility" while admitting that it does not need such a large facility, and then rent it out for concerts by touring musicians, monster truck shows, political rallies, and other users who have no relationship to the athletic or academic programs at the college or university?

² <https://www.tommiemedia.com/anderson-arena-funding-nears-completion-as-st-thomas-adjusts-to-d1-costs/>

- In St. Paul’s 5,500-seat Roy Wilkins Auditorium, performing artists include Shawn Mendes, Hozier, Annie Lennox, Sam Smith, Imagine Dragons, Alice in Chains, Smashing Pumpkins, Kesha, Bruno Mars, Janelle Monáe, Foo Fighters, Snoop Dogg, Green Day, Alanis Morissette, R.E.M., Sting, Cyndi Lauper, Alice Cooper, Jethro Tull, Ozzy Osbourne, David Bowie, Bruce Springsteen, Bob Dylan, and The Grateful Dead.

Concert tickets sell for hundreds of dollars, while hockey and basketball tickets sell for \$20-\$30. It seems probable that UST’s plan to finance its arena will include frequent rentals for maximum-capacity crowds. At a public meeting on April 30, 2024, UST chief of staff Amy McDonough acknowledged that UST plans to rent out the arena to generate revenue.

If the city assumes that St. Thomas has a rational plan to derive revenue to pay for a \$175 million arena, only alternative #2 and alternative #3 — or most likely, both — are possible. A TDMP would show that UST lacks the roadway capacity and the parking facilities to handle the crowds in either scenario. Because the site plan utterly lacks a TDMP, the planning commission must deny approval.

TDMF: But no TDMP

On page 7 of St. Thomas’s response, UST refers to its “transportation demand management plan” (“TDMP”) as if it had submitted one. The commentary that follows makes it clear that what UST is referring to is actually a “Transportation Demand Management Form” that states plainly that “[a] TDM Plan is required for developments that meet or surpass the following thresholds: ... 20,000 square feet Gross Floor Area or more of new construction of non-residential uses.” UST did not submit a TDMP.

Even UST’s TDMF (“F” is for “Form”) is deficient. The forms states that St. Thomas plans to limit traffic and parking by installing bicycle racks ... for its *winter* hockey and basketball seasons. Its only other mitigation measure is to subsidize transit passes, but only for full-time faculty who do not possess a parking pass. UST does not state how many such faculty exist, or whether they ever attend UST basketball or hockey games. UST has not demonstrated that these trivial measures would have any effect whatsoever on traffic and parking.

Notably absent from the TDMF are even passing references to the mitigation strategies that UST claimed it had agreed to earlier to convince the city not to require an EIS,³ including shared parking, off-site parking and shuttle service. UST still has not committed to any meaningful measure that would reduce its massive parking deficit.

UST's response does, however, refer to a non-existent "Event Management Plan" that UST was required to produce in the EAW but has not produced. UST evidently hopes that the city will approve its site plan and issue building permits before UST has to show in its plan what a colossal mistake it would be to approve construction of an arena in a residential area with insufficient vehicular access and 265 fewer parking spaces than existed before the arena.

Instead of offering a TDMP, UST notes that ARD has not provided a TDMP to demonstrate that the traffic and parking generated by the arena are beyond this site's ability to accommodate them. St. Thomas misunderstands the process. UST is required to provide the TDMP, not the city and not St. Paulites. Related to this argument is UST's assertion that ARD is offering only speculation as to the arena's effects on traffic and parking. With no TDMP, UST is providing no basis at all for the planning commission to approve the site plan — not even speculation. Nonetheless, ARD is relying on facts to make its assertions:

- Making all assumptions that UST's consultants made in the EAW that minimize auto use with high student attendance, high use of ride shares and transit, crowded cars, cancellation of all other campus events to free up parking, full utilization of campus parking lots regardless of fees and distance to the arena, no parking needs of arena staff/referees/vendors, and nominal traffic growth despite Highland Bridge development, the EAW nonetheless predicts the following:
 - 1,111 vehicles that will not be able to park on campus.
 - Traffic levels of service at intersections near campus will plummet from the current A-B to D-F.
 - Cretin Avenue will carry 1,420 vehicles in the 30 minutes before and after games while 2,375 pedestrians attempt to cross it.

At the oral argument on ARD's appeal of the city's decision not to require an EIS, Assistant City Attorney Daniel Stahley referred to the final pages of the city's Findings of Fact and noted that the arena project still faced multiple other reviews as it seeks

³ UST's response false claims (at 3) that the city "accepted the EAW." Responsible Governmental Units (in this case, St. Paul) do not accept or deny EAWs; they merely decide whether an EIS will be required.

approval of the various aspects required before building permits are approved.⁴ One of those reviews — by law — is the TDMP. Leg. Code §63.122(c)(1) states, “The TDMP must be submitted and approved as part of site plan review under the provision of section 61.402.” The planning commission is not authorized by law to consider or approve a site plan that is not accompanied by a TDMP. Because St. Thomas has not provided a TDMP with its site plan, the commission must deny this site plan application.

Ammonia and Ethylene Glycol

Page 15 of UST’s response is dedicated to convincing the planning commission that it will implement “operational safety measures” to protect the bluff-side site from damage caused by leakage of the two toxic chemicals it plans to use in its refrigeration system: ammonia and ethylene glycol.

Every arena constructed utilizes the most modern practices available, and currently those practices include the use of ammonia and ethylene glycol. They are inexpensive and effective, but they are highly toxic.⁵ UST cannot reasonably claim that a leak of ammonia or ethylene glycol at its arena would not affect the Mississippi River. Nor can UST claim that it has the experience and knowledge to prevent such a leak when dozens of other rinks have been unable to do so. Boastful intentions of prowess cannot obscure the fact that UST wants to embark on a highly dangerous mission and would like everyone from St. Paul to New Orleans to bear the risk of St. Thomas failing where other operators with more experience have failed before. Yes, it is reasonably likely that toxic chemicals will leak at this site. There is absolutely no reason why St. Paul’s planning commission should allow construction of an ice rink in such close proximity to the river.

⁴ UST turns the city’s position on its head, arguing that the city should not now evaluate any aspect of the project that was raised in the EAW. That would be an abdication of the city’s role and would effectively mean that applicants can only be scrutinized in the EAW phase of the application.

⁵ Breakaway Ice Center in Tewksbury, MA boasts two “state of the art ice rinks.” An ammonia leak there in 2022 sent one person to the hospital and led to an evacuation of the neighborhood. The Ralph Engelstad Arena in Grand Forks, ND has marble floors, leather seats, and a rink cooling system that leaked 500 gallons of ethylene glycol sixteen months ago. Luckily, the 23 rinks cited in ARD’s appeal memo for their leaks had one thing in common: none was positioned adjacent to a river bluff of a major commercial, recreation, and wildlife corridor.

Setback from the River Bluff

UST's response claims that the road it plans to build next to the Mississippi River bluff is a "public transportation facility" and is therefore exempt from the prohibition on development within the bluff impact zone. That argument is contrary to Minnesota law.

St. Thomas claims the exemption stated in Minnesota Rule 6106.0180, which indeed permits "public transportation facilities" within bluff impact zones. But UST's planned roadway is not a "public transportation facility." Unfortunately for St. Thomas, the law defines "public transportation facilities" as "all transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways. Minnesota Rule 6106.0150, subd. 57 (emphasis added). This roadway is being built by St. Thomas, not the government. The exemption does not apply. The roadway is prohibited.

The road next to the bluff is just a road, designed to get buses and trucks to and from Summit Avenue. Pursuant to Minnesota Rule 6106.0180, roads are not permitted within 40 feet of the river bluff unless "no alternatives exist." The site plan includes an alternative, namely the access road directly to Cretin Avenue.

St. Thomas goes further to assert that its impervious surfaces west of the arena are primarily to provide access to the part of the river bluff known as the "grotto." But the sidewalks do not end at the grotto; they continue past the grotto to Brady Hall. The roadway has no place to park for access to the grotto. And the sidewalk on the east side of the roadway would require a pedestrian to cross the road to get to the grotto. The sole purpose of the sidewalks is to allow UST students to walk around the arena to get to Brady Hall.

Effect of Pedestrians on Traffic Level of Service

The entrance to the Anderson Parking Facility ("APF") is just west of the intersection of Cretin and Grand Avenues. According to the EAW, that intersection functions with a "B" level of service today. The EAW predicts that the levels of service will be "E" before games and "F" after games. But UST has now changed its plan to make that intersection totally non-functional both before and after games.

The site plan submitted with the EAW included a skyway from the APF to the arena, allowing all 1700+ predicted attendees who parked in the APF to enter the arena without mixing with automobile traffic.

UST's subsequent submissions (Exhibits 11 and 12 to the administratively approved site plan) state that the skyway has been eliminated. The new pedestrian route from APF to the arena is down a stairwell at the intersection of Cretin and Grand Avenues, across Grand Avenue, and then along a narrow sidewalk on the north side of Grand to the arena.

Ideally, the 1700+ pedestrians will cross Grand Avenue when the light is green for north-south traffic. But that same green light is when the vehicles coming southbound from I-94 and northbound from Ford Parkway will want to turn into APF. They will not be able to turn, which means they will remain in place, as will all of the vehicles behind them. This stagnation of traffic will last until all of the pedestrians have crossed, which is a function of the number of people and the number and duration of green lights.

It should be further noted that the number of pedestrians is not just 1700+ from APF. All spectators who parked in the neighborhood south of campus will also be crossing Grand Avenue at this same location. And once they all cross Grand, they will be met by all of the people who parked to the east of Cretin Avenue and crossed Cretin at Grand.

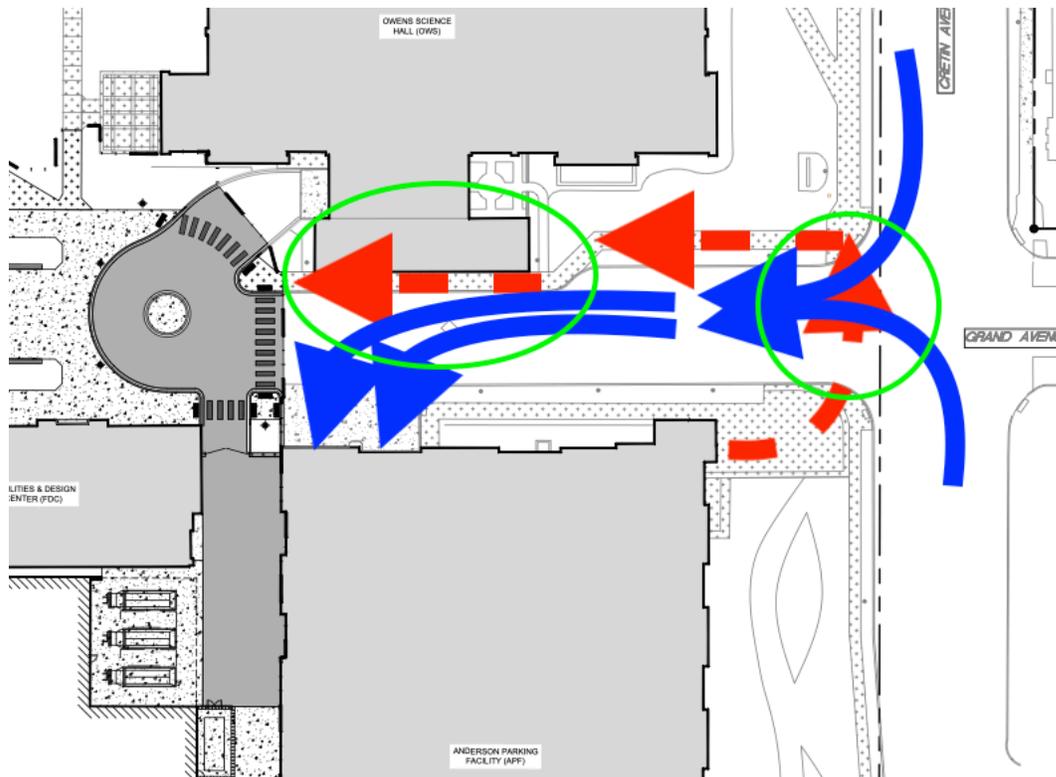


Fig. 1. Circled in green are the two new conflict areas UST has created between vehicles entering the ramp (blue arrows) and pedestrians (red arrows).

Source: Exhibit 7 of administratively approved site plan.

All of these combined flows of pedestrians will continue to conflict with traffic as they walk from Cretin Avenue toward the arena. The sidewalk on the north side of Grand Avenue is too narrow to accommodate more than two people abreast and cannot be widened because it abuts Owens Hall, so pedestrians will assuredly be walking in the street leading to APF. But UST's plan for APF calls for cars entering APF to queue in two lanes, which means they will drive along the curb next to the sidewalk on the north side of Grand Avenue. See Fig. 1. This is inherently dangerous, with pedestrians walking in the street and cars driving up behind them on winter nights.

Besides being a danger to pedestrians, UST's new traffic design would degrade the former predicted E/F levels of service to levels that would be below F if such a lower grade existed. That would affect not just Cretin and Grand, but all intersections into which this backup would extend — certainly to Summit and Grand (one block) and Goodrich and Grand (two blocks), but likely much further.

ARD's appeal memorandum included a section discussing how the EAW was inadequate. The above discussion shows how the traffic problems disclosed in the EAW, already forecast to be E/F, have now been downgraded further. This plan will affect not only arena attendees, but everybody who lives along Cretin Avenue.

UST's Parking Count

In the EAW, UST's consultants provided a count of available parking spaces at and around UST's campus. UST argues that its decision to count vehicles on streets around campus on March 30-April 1 was not intended to undercount vehicles in order to minimize UST's parking shortage. Whether that is a truthful representation can be discerned from the following Department of Natural Resources report of the storm that started early on March 30 and continued into April 1, 2023:

March 30 to April Fools' Day, 2023: Thunder, Slush, and Damaging Snow

An intense barrage of rain, sleet, thunderstorms, and very heavy snow blasted southern and central Minnesota from Thursday March 30 into Saturday April 1, 2023, resulting in widespread power outages, tree and limb damage, and new daily precipitation records.

By early morning on Saturday April 1, over 85 thousand households were without power—mostly in and around the Twin Cities Metropolitan Area.

[8.5 inches fell at the Twin Cities International Airport, starting Friday morning.]

<https://www.dnr.state.mn.us/climate/journal/damaging-winter-storm-march-30-april-1-2023.html>

Given the weather, it is likely that most UST students decided not to attend classes on March 30 - April 1. Given that only 2,500 of UST's 9,000 students live on campus, the result would dramatically change the demand on parking during that three-day storm. By choosing to count available parking on days when UST students would choose to stay home, UST vastly skewed its parking counts to misrepresent parking availability.

The Role of Speculation

UST's response states (at 27) that "Unsupported speculation cannot be the basis of an appeal." The same must be true for an application: "Unsupported speculation cannot be the basis of an application." And yet speculation is all that St. Thomas offers in the following areas:

- St. Thomas speculates that fans will prefer to park in UST's parking ramp or in its parking lots on the North Campus.

This, despite UST charging for parking, the neighborhood streets being close to the campus, and the delays in entering and exiting the Anderson Ramp.

- St. Thomas speculates that a sizable majority of UST students will desire to attend hockey and basketball games, thus decreasing the need for parking.

This, with almost no history of Division 1 sports on campus. The levels of interest postulated by UST would be much higher than at the University of Minnesota.

- St. Thomas speculates that the 1,111 cars that cannot park on campus lots will not circle the neighborhood, looking for parking spaces.

This, despite UST having no possible way to accommodate these cars on campus and no possibility to direct these vehicles to a parking space because it does not know if any exist and if so, where they are.

- Speculation that only one or two games will sell out.

This, despite UST having shown the ability to pack fans in, such as allowing 12,000 people to attend a football game in its 5,000-seat football stadium.

Is UST a Benefit to the City of St. Paul?

ARD agrees with St. Thomas that the existence of the university in St. Paul has some benefits to the city. There are also negative aspects to UST's presence, such as the \$12.5

million that UST does not pay in property taxes because it is a nonprofit and the \$15,000 or so that UST neighbors collectively pay to the city for parking passes due to the permit-parking zones necessitated by UST's commuter-based business model.

The debate over the university's merit is irrelevant, however. UST's saintly self depiction cannot outweigh the fact that its site plan violates most of the relevant provisions of the St. Paul Legislative Code. The site violates the Mississippi River Corridor Critical Area legislation and is twice as high as the maximum permitted in its zoning district.

ARD does not hold St. Thomas to a higher or lower standard than anyone else, and simply wants the planning commission to apply its codes to this site plan application. In doing so, the commission should be asking the following questions:

- Is UST in compliance with its current CUP? A: No, it remodeled Binz Refectory and did not remove the service drive as required. The site plan must be denied during such time as UST is out of compliance.
- Has UST built 50% new construction since its CUP was approved? A: Yes, much more than 50%. The law requires a new CUP for which UST has not applied, and the site plan cannot be approved under the old CUP.
- Has UST replaced buildings on campus? A: Yes, many times. The law requires a new CUP for which UST has not applied, and the site plan cannot be approved under the old CUP.
- Does UST propose development within 40 feet of the river bluff? A: Yes, it admits that it does. The site plan violates the MRCCA and cannot be approved.
- Does UST propose a road within 40 feet of the river bluff? A: Yes, it admits that it does. The site plan violates the MRCCA and cannot be approved.
- Does the arena exceed the permitted building height? A: Yes, it is almost twice the permitted height. The SCUP stated that taller buildings would be allowed, but the city administrators erroneously believed in past cases that a SCUP could be used to grant authority to exceed legislated building requirements. A variance would have been necessary, and none has been sought.
- Does UST propose a building within the required setback from its property line? A: Yes, the required setback is 70 feet and the setback is about 45 feet. The site plan violates the setback requirement and cannot be approved.
- Does the arena obstruct public river corridor views? A: Yes. The arena would be a major intrusion into the views along the Mississippi River, in violation of the MRCCA.

- Is the arena likely to cause pollution? A: Yes, the history at other rinks demonstrates this reasonable likelihood. But at this ecologically fragile site, no pollution can be tolerated. The site plan must be rejected.
- Is the EAW inadequate? The city did not require an EIS, but the false or misleading statements and assumptions demonstrate that the information upon which the city relied was intentionally skewed to understate environmental impacts, the shortage for parking, and the traffic snarls that would result. Therefore, the site plan should be rejected.
- Did St. Thomas provide a TDMP? A: No, UST did not provide a TDMP, and a TDMP is absolutely required by law. This must cause automatic rejection of the site plan.

CONCLUSION

Advocates for Responsible Development appealed the administrative approval of UST's arena site plan because it does not conform with St. Paul's Legislative Code. St. Thomas is not in compliance with its current conditional use permit and has no evident plans to come into compliance. Moreover, UST's extensive development has exceeded the legislative thresholds that require the establishment of a new CUP. The planning commission cannot approve any site plan for UST's campus until a new CUP is approved.

Specific to this application, the excessive height and location on the river bluff and too close to the property line both prohibit approval of the site plan of the building. Given that the building would contain two ice rinks, the likelihood of toxic chemical leaks require that this plan be denied.

And, of course, UST's failure to provide a TDMP to demonstrate that this site is appropriate given the traffic and parking needs it would generate mean that the planning commission must deny the site plan. What information is available demonstrates that UST is eliminating 265 parking spaces and cannot handle either the parking or the traffic.

We urge the planning commission to uphold ARD's appeal and deny UST's site plan.

Daniel L. M. Kennedy
Advocates for Responsible Development