

Appeal of a PC Decision to Deny an Appeal of the Site Plan Approval for UST's Multipurpose Arena

APC 24-2; ZC File #24-039-050

**Appeal by Daniel Kennedy on behalf of
Advocates for Responsible Development**

June 12, 2024

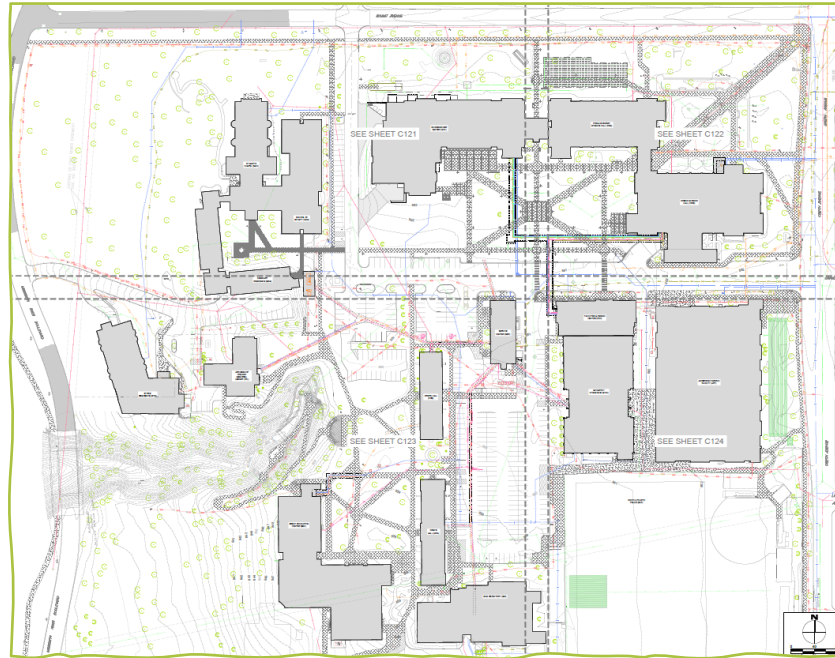


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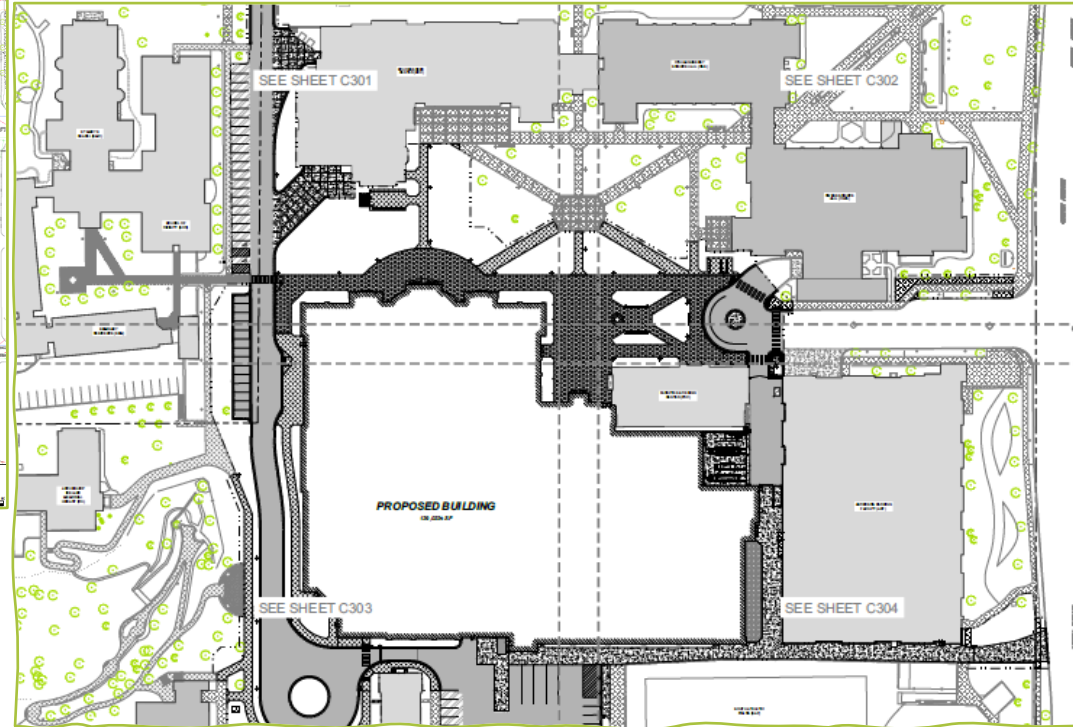


UST Multipurpose Arena Site Layout



Existing Conditions

Proposed Site Plan





Scope of Site Plan Review

In Scope:

- Site Plan review focuses on the physical, exterior aspects of a development, including:
 - Building exterior design
 - Height and Setbacks
 - off-street parking design
 - pedestrian connections
 - infrastructure connections and improvements
- Compliance with 11 required zoning code findings

Out of Scope:

- EAW Decision
- Appellate Court appeal of EAW
- Transportation Study
- Event Traffic Management Plan
- Permits, e.g., for Demolition, Construction, Utilities, Right-of-Way
- Questions of CUP compliance outside the site plan scope
- State MRCCA rules



Planning Commission Determined Site Plan Consistent with Required Findings:

1. City's adopted **comprehensive plan**
2. Applicable **ordinances**
3. Preservation of unique geologic, geographic or historically significant characteristics of the city and **environmentally sensitive areas**
4. Protection of adjacent and neighboring properties through reasonable provision for such matters as **surface water drainage**, sound and sight buffers, **preservation of views**, light and air, and those aspects of design which may have substantial effects on neighboring land uses
5. Arrangement of **buildings, uses** and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected



Planning Commission Determined Site Plan Consistent with Required Findings:

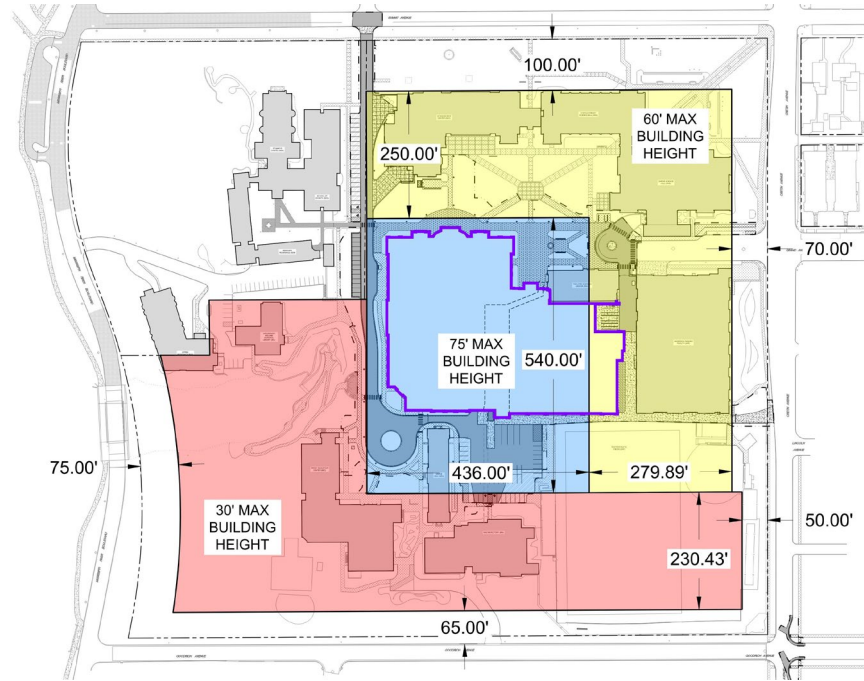
6. **Energy-conserving design** through landscaping and location, orientation and elevation of structures
7. Safety and convenience of **vehicular and pedestrian traffic** both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site
8. Availability and **capacity of storm and sanitary sewers**, including solutions to any drainage problems in the area of the development
9. Sufficient **landscaping**, fences, walls and **parking** necessary to meet the above objectives
10. Site **accessibility** in accordance with the provisions of Americans with Disabilities Act
11. Provision for **erosion and sediment control**



The site plan is in compliance with UST's Campus CUP and the CUP's minimum setbacks and building height limits

Related Appeal Assertions:

- UST is out of compliance with its 2004 Special Conditional Use Permit
- The arena building is too tall
- UST must obtain a new CUP to build an arena
- The arena does not meet the required setback from the property line



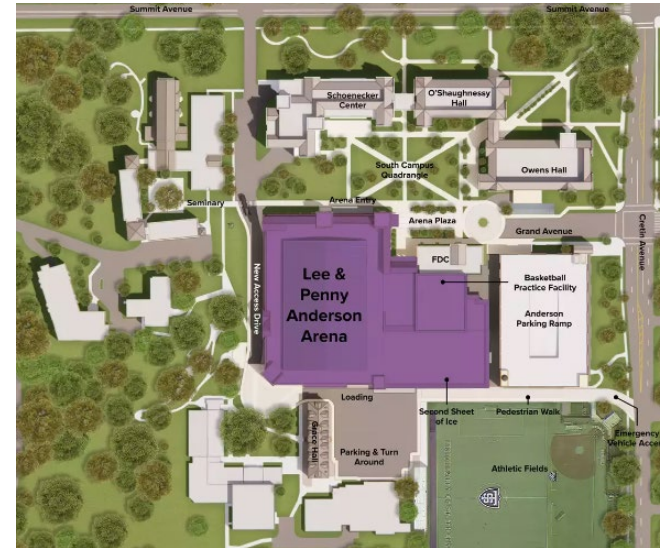
Arena with Heights/Setbacks of Campus CUP



The site plan is consistent with applicable City Ordinances and Comprehensive Plan

Related Appeal Assertions:

- Development is within the setback area from the Mississippi River bluff
- The site plan includes transportation routes, utility and other transmission service facilities and corridors on soils susceptible to erosion, areas of unstable soils, and areas with high water table
- The arena building interferes with public river corridor views
- The Traffic Demand Management Plan is inadequate





Permits and Event Management Plan are future activities outside of Site Plan scope

Related Appeal Assertions:

- The proposed arena is likely to cause pollution
- The site plan is unsafe for pedestrians, motorists, and residents





Environmental concerns raised in the Site Plan appeal were litigated at the Minnesota Court of Appeals and will be resolved by the appellate courts

Related Appeal Assertions:

- The Environmental Assessment Worksheet (EAW) was inadequate
- St. Thomas misled the city regarding parking availability
- St. Thomas misled the city regarding event attendance





Summary and Staff Recommendation

- The **approved site plan** for UST's multipurpose arena is **consistent** with the required site plan findings and the land use **complies** with zoning standards and the campus CUP
- A complaint filed with DSI regarding CUP compliance for the existing Binz building and Goodrich Ave driveway, is under separate review by DSI and may come before the City Council for action in the future. The **CUP condition is unrelated to the arena site plan**
- The **environmental concerns** (e.g., project area, greenhouse gas emissions, traffic mitigation, EAW assumptions) raised in this appeal of the site plan have been litigated at the Minnesota Court of Appeals and will be **resolved by the appellate courts**
- Planning Commission **denied the appeal** by Daniel Kennedy on behalf of Advocates for Responsible Development of the zoning administrator's decision to approve a site plan for a multipurpose arena on the University of St Thomas campus at 2260 Summit Ave
- There has **not been an error in any fact, procedure or finding** made by the Planning Commission in upholding the zoning administrator's approval of the site plan

Appeal of a PC Decision to Deny an Appeal of the Site Plan Approval for UST's Multipurpose Arena

Supporting Slides

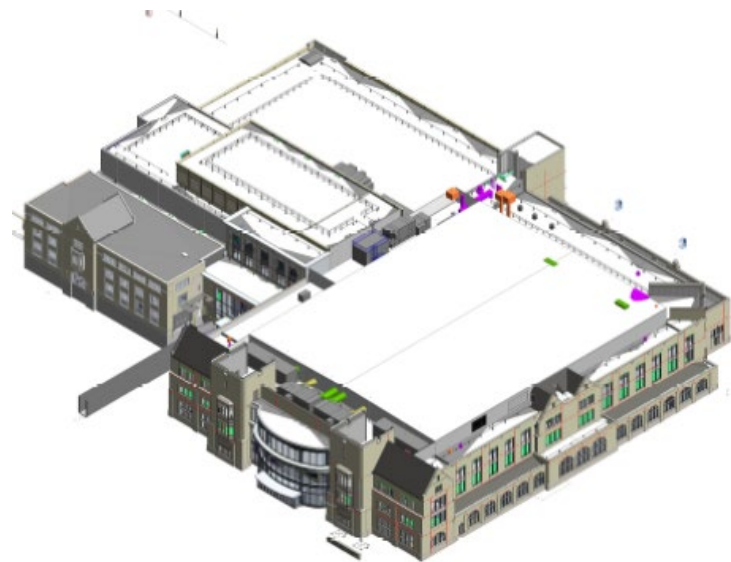
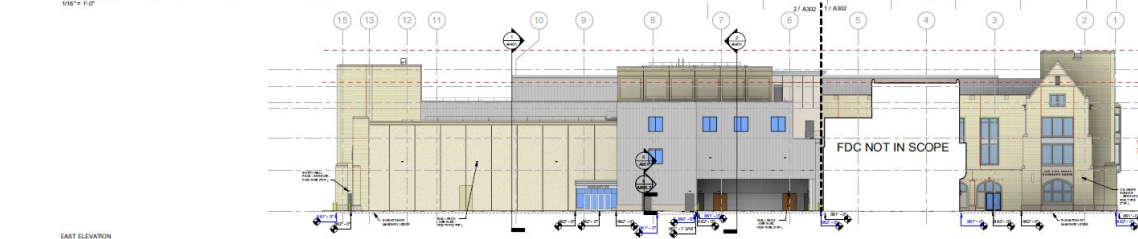
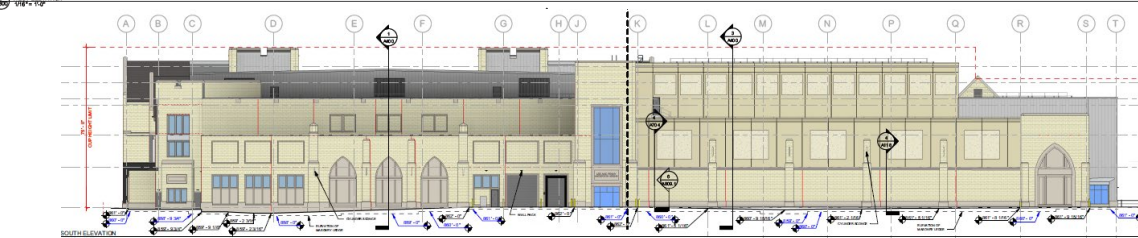


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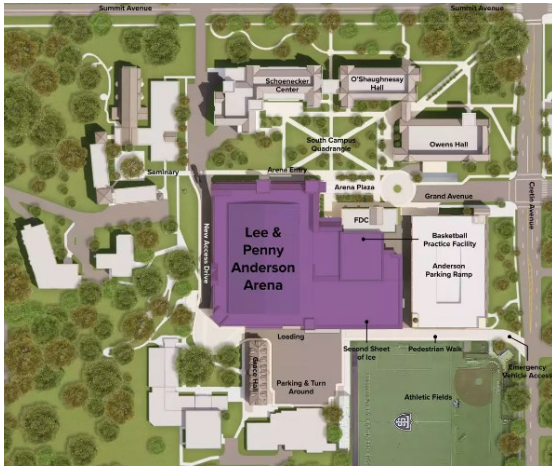
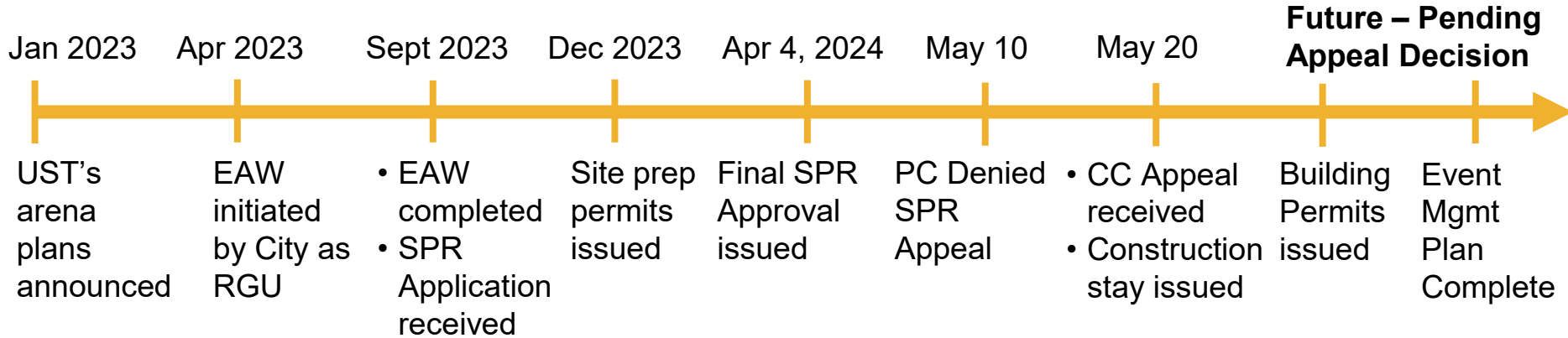


Multipurpose Arena Elevations



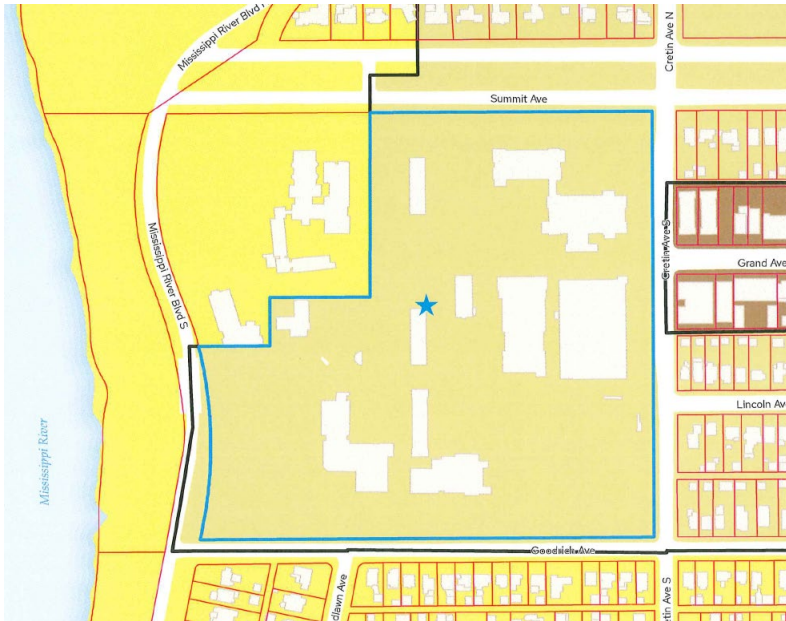


Proposed Multipurpose Arena





University of St Thomas – South Campus



- H2 Residential Zoning District
- RC3 River Corridor Overlay District
- Campus CUP in existence since 1990; amended 1995 and 2004
- CUP set heights and setbacks and modified the height otherwise allowed within the RC3 River Corridor Overlay



City's adopted comprehensive plan and development or project plans for sub-areas of the City

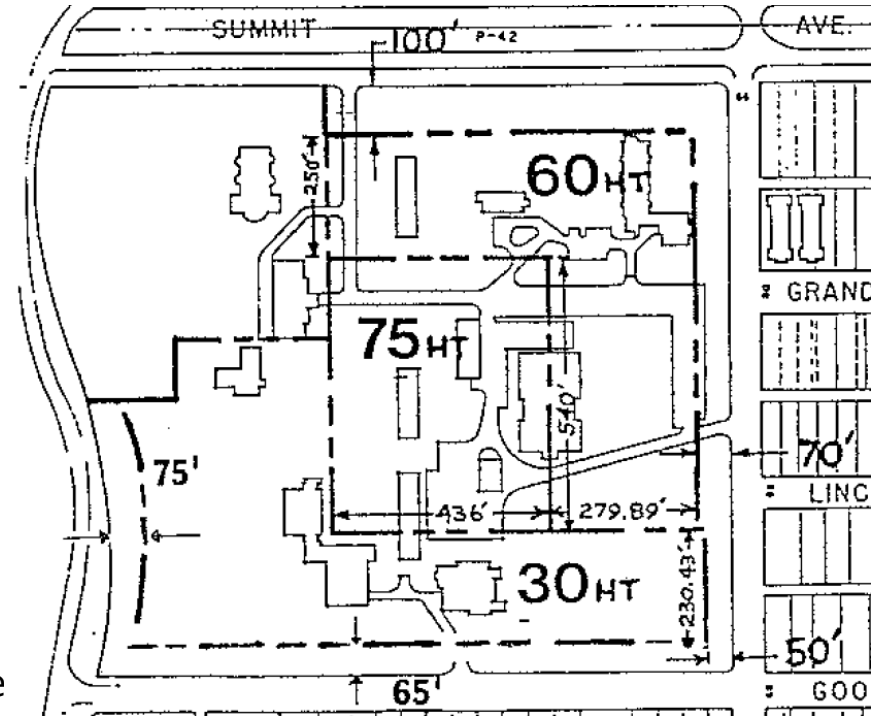
- Development of a multipurpose arena within University of St Thomas' south campus is an allowed land use and **consistent** with the *2040 Comprehensive Plan* including policy:
 - LU-14. Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes
 - CA-1. Guide land use and development activities consistent with the management purpose of each of the MRCCA districts
- **Consistent** with the *City's Climate Action and Resiliency Plan*
 - Destinations close to where people who access those destinations live, reduces emissions and vehicle miles traveled
 - Decreasing greenhouse gas emissions can be achieved by ensuring that venues are safe and easy to access by alternative modes



Applicable ordinances of the City of Saint Paul

The proposed multipurpose arena is an **allowed use** within a university campus and **complies** with Zoning Code requirements including:

- General building design standards
- UST's campus CUP regulates heights and setbacks and approved a modification to the height otherwise allowed within the RC3 River Corridor Overlay
- No off-street parking is required
- Travel Demand Management Plan (TDMP) is required
 - Based on the land use and no increase in off-street parking, no additional TDM strategies were required per the Program Standards Guide

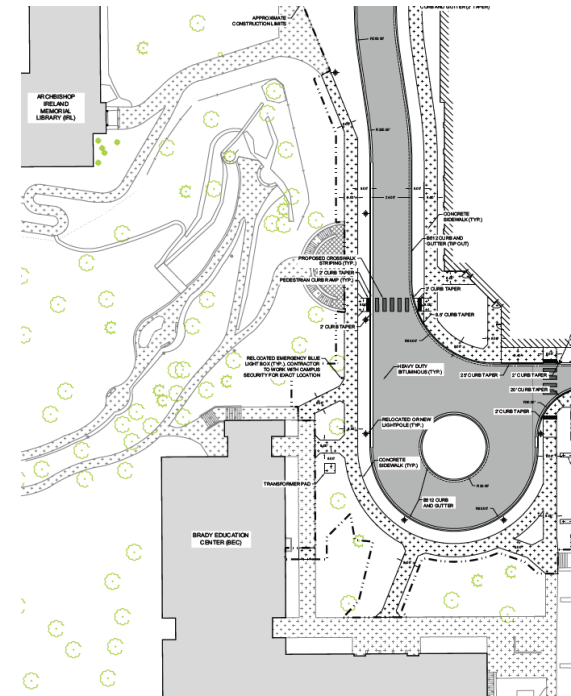


1995 CUP Height and Setback Exhibit



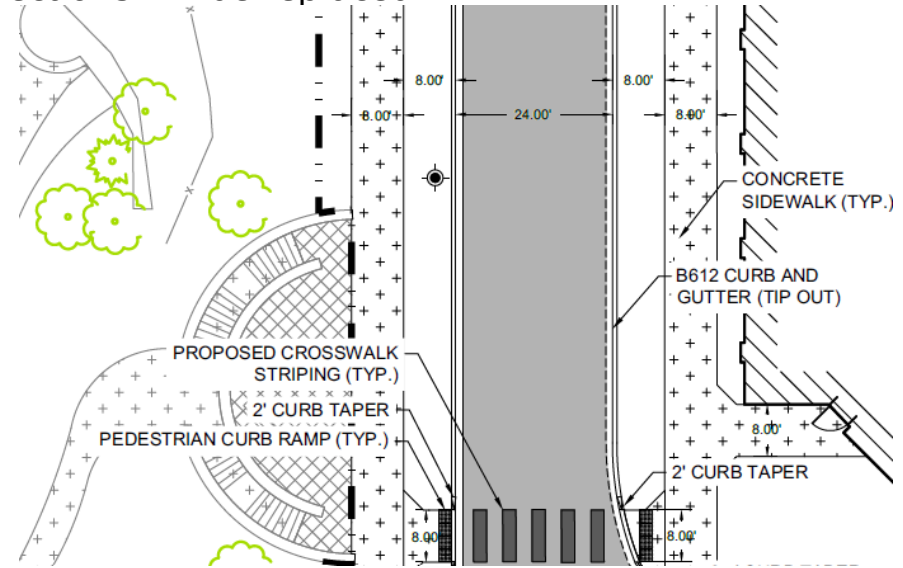
Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas

- HPC approved the building's north facade located within the Summit Avenue West Heritage Preservation District
- Summit Ave is a parkway under joint jurisdiction of Public Works and Parks and Recreation. Any damage to the parkway from construction must be restored to pre-construction condition following construction
- The Grotto area of campus includes an existing network of walkways, steps, and retaining walls that provide pedestrian access through the area
 - The intent of the site design is to allow hydrology to be maintained as it exists today to the Grotto
 - The Grotto remains outside of the arena project's construction limits, though adjoining sidewalk connections will be replaced, retaining Grotto access



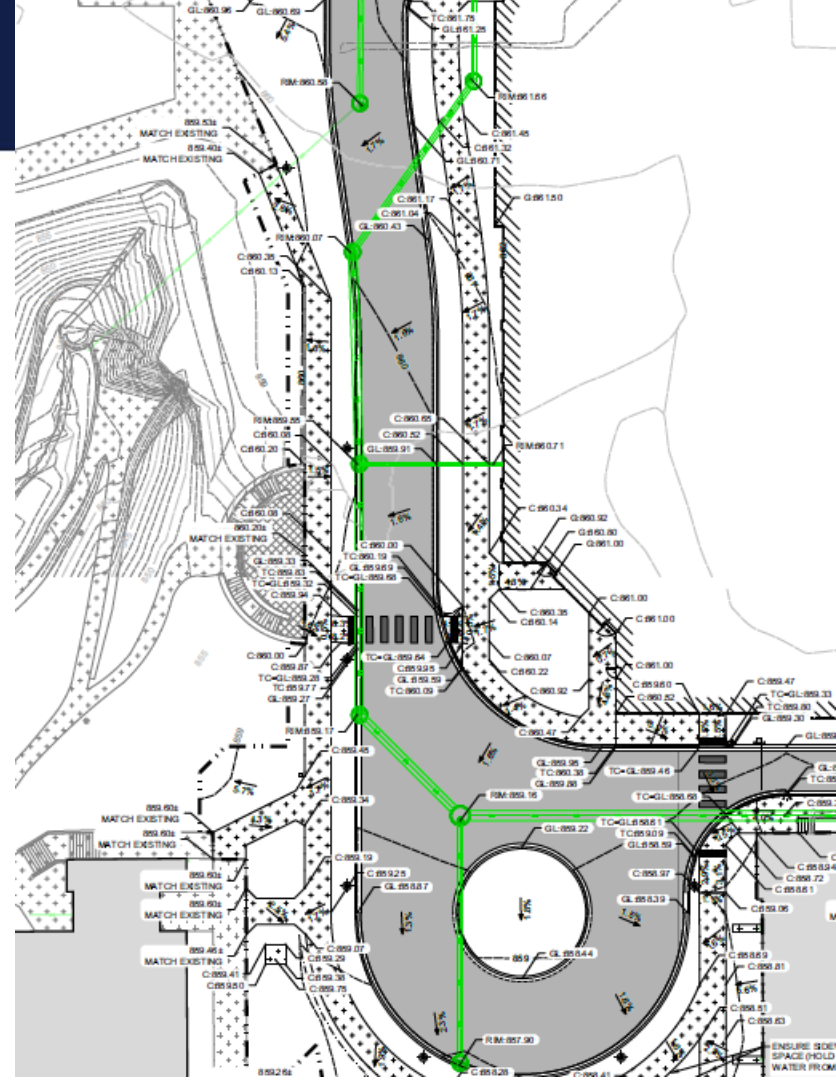


- Bluff Impact Zone (20 feet from the bluffline) includes the Grotto area
- The arena building is more than 40 feet from the bluffline in compliance with Zoning's River Corridor standards Sec. 68.402(b) *Placement of structures*
- The Grotto is outside the construction limits; adjoining sidewalk connections will be replaced





- Leg. Code Sec. 68.402(5) protection of bluffs does not prohibit “Transportation, utility and other transmission service facilities and corridors”
- Existing Summit Ave driveway extended south for service and required fire access
- Replacement storm utility connection into the Grotto’s existing storm sewer pipe upstream of the Grotto
- Erosion and sediment control measures applied during and after development respect and protect the River Corridor
- Where soils may be susceptible to erosion or the water table is high, can be mitigated through a Stormwater Pollution Prevention Plan (SWPPP)
- Approved SWPPP meets the Capitol Region Watershed District, MPCA, and the City of Saint Paul’s erosion and sediment control standards





Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses

- Current and proposed land use is within a university campus with existing buildings of similar massing and within the CUP height and setback limits
- **Views from the surrounding area will be similar to those experienced currently.** The City's 2040 Comp Plan does not identify any "Significant Public Views" near the UST campus
- Comp Plan Policy CA-12. calls for consideration of "designated Public River Corridor Views from other communities..." Significant Public Views are not intended to limit allowed height or density of a parcel

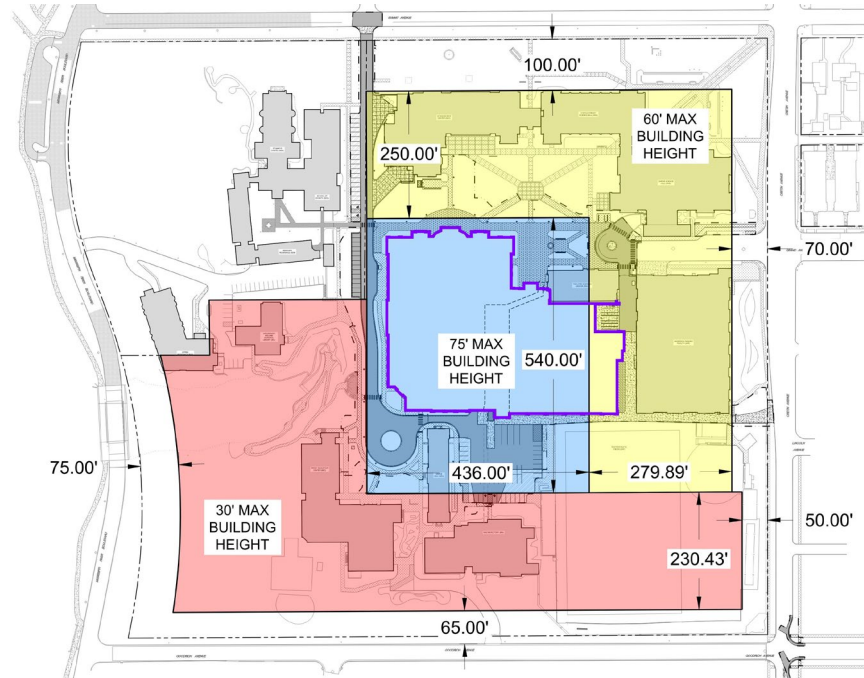
Environmental concerns raised in this appeal of the site plan were litigated in the Minnesota Court of Appeals as part of the EAW appeal and will be resolved by the appellate courts



The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected

The impact of the proposed building and uses on neighboring properties is reasonable.

- The proposed arena is located interior to UST's south campus, providing a buffer to abutting residential properties and the Mississippi River
- The building is in compliance with the CUP's minimum setbacks and building height limits
- The sufficiency of the EAW was litigated in the Court of Appeals



Arena with Heights/Setbacks of Campus CUP



Creation of energy-conserving design through landscaping and location, orientation and elevation of structures

- The new facility is designed to meet a LEED Silver rating, which will use less energy and water and supports the City's Climate Action and Resilience Plan
- The project includes sustainable landscaping and irrigation

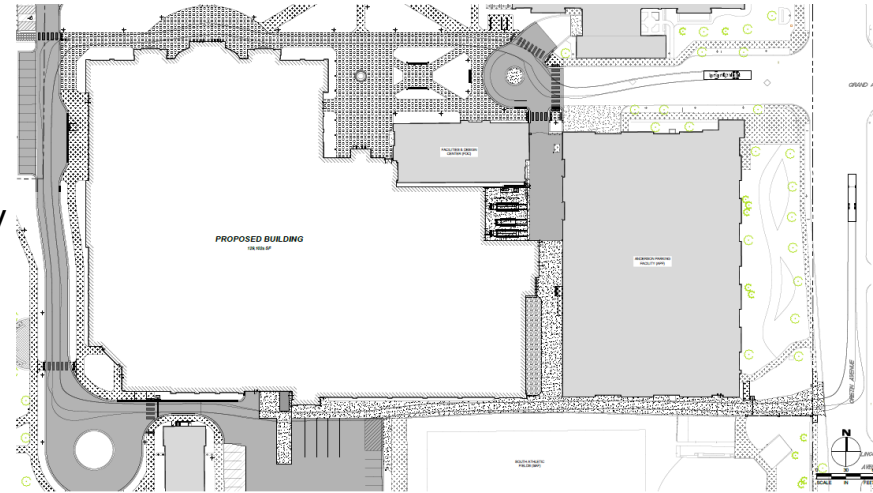




Safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site

- Multi-modal transportation options are supported
- Service-access only driveway for loading, buses, emergency services
- Pedestrian plaza fronts the arena. Sidewalks will be replaced and added within the south campus
- Infrastructure upgrades to enhance pedestrian safety and traffic movement: bumpouts added at Goodrich and Cretin, and signal improvements at Grand and Cretin

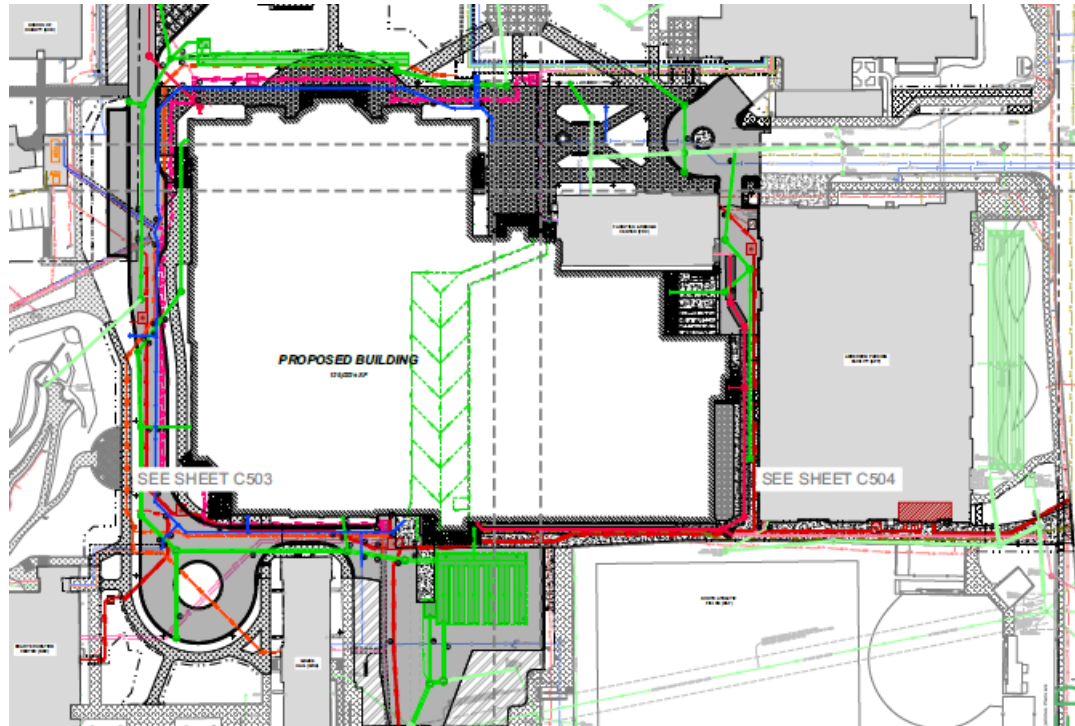
Event Traffic Management Plan will be developed by UST in coordination with Public Works and the Saint Paul Police Department prior to a certificate of occupancy



UST Arena - Vehicle Tracking Exhibit - Fire Truck Movement - 01.19.2024



The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development



- Stormwater runoff will be improved by best management practices (BMPs) to meet MPCA and Capital Region Watershed District treatment requirements
- The City's stormwater run-off rate control requirements are met
- Stormwater connection to the existing Grotto drainage system will improve the rate of stormwater drainage and water quality



Sufficient landscaping, fences, walls and parking necessary to meet the above objectives



- The Landscape Plan complies with applicable landscaping requirements
- Bicycle parking to be provided in safe and secure areas on the south campus
- No off-street parking is required per the Zoning Code
- Existing surface parking to the south and west of the multipurpose arena will be reconfigured in relation to the driveway and arena building
- The adjoining Anderson Parking Facility and other existing off-street parking facilities are available for arena users



Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes

- Accessible parking will be provided to meet ADA standards. Required accessible entrances and routes shall be provided per accessibility code

Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

- The development's Stormwater Pollution Prevention Plan (SWPPP) is in accordance with the National Pollutant Discharge Elimination System (NPDES) permit administered by the MPCA.
- The proposed development is in compliance with the Capitol Region Watershed District's and the City of Saint Paul's erosion and sediment control standards