

ATTACHMENT B: CONDITIONAL USE PERMIT

University of St. Thomas: STEAM Building, Renovation of Loras Hall,
Selective Renovations of O'Shaughnessy Science Hall and Owens Science Hall Project

In the following pages are the Conditional Use Permits for years:

- 1990
- 1995
- 2004

"setback modification"
zoning committee → planning earned

UST SCUP
Feb 1990 document
Note: South campus setbacks changed in April 1995; see other documents

4/21/99
T #1

CONDITIONAL USE PERMIT - 1990

city of saint paul
planning commission resolution
file number 90-14
date February 9, 1990

WHEREAS, St. Thomas College file #10030 has applied for a Special Condition Use Permit under the provisions of Sections 60.413(6) and 65.230 of the Saint Paul Legislative Code, for the purpose of establishing a campus boundary, modifying setback requirements, and monitoring compliance with Zoning Code parking requirements and for modification of the building height limit of the RC-3 River Corridor District under provisions of Section 65.233(a) of the Saint Paul Legislative Code on property located at 2115 Summit Avenue (legal description attached); and

WHEREAS, the Planning Commission on July 14, 1989, and January 26, 1990 held public hearings at which all persons present were given an opportunity to be heard pursuant to said applications in accordance with the requirements of Section 64.300 of the Saint Paul Legislative Code; and

WHEREAS, on the basis of analyses completed, discussions held, and the statement "Looking to the Future" released by the College of St. Thomas in June, 1988 with its addendum of April, 1989, the following premises are recognized as a basis for this permit:

- * Enrollment on the Saint Paul Campus will not exceed 10,000, with approximately half of this number day undergraduate students.
- For the indefinite future the College will not acquire property with the intention of expanding its campus beyond the present main campus, the former seminary campus, and the two blocks south of Summit Avenue between Cleveland and Cretin Avenues.
- As day undergraduate enrollment increases, the College will continue to provide on-campus housing for at least 30 to 35 percent of this enrollment.
- The College will expand on-campus parking in the near future and as demand increases, meeting established zoning code requirements at a minimum.
- As additional campus development occurs, the College will continue to maintain the high quality architectural and landscape character of the present campus.

moved by TRACY
seconded by PARK
in favor Unanimous
against _____

The College, the City, and the neighborhood will work together to accommodate continuing campus development within the guidelines established by the Land Use Plan and the parameters of this permit.

WHEREAS, the Saint Paul Planning Commission, at the public hearing as subsequently reflected in the minutes, made the following findings of fact:

1. Section 60.413(6) of the Zoning Code identifies colleges, universities, and seminaries as permitted uses subject to special conditions in the R-1 through R-4 (single family) zoning districts, as they are in all subsequent residential zoning districts except RM-3 (high-density multiple family). They are subject to the following conditions.
2. Condition a. *The campus boundary as defined under clause (d) at some point shall be adjacent to a major thoroughfare as designated on the major thoroughfare plan.*

The St. Thomas campus is served by Summit, Cretin, and Cleveland avenues. They are all classified as major thoroughfares as they travel past the campus at some point (Summit, east of Cretin; Cretin, north of Summit; and Cleveland, south of Summit). A more detailed discussion of the question of access, particularly access to major parking facilities, can be found in the August 1988 College Zoning Committee's recommendations for the permit.

3. Condition b. *Buildings shall be set back a minimum of 50 feet from every property line, plus an additional two feet for every foot the building's height exceeds 50 feet.*

On the traditional campus, the minimum setback for buildings from Cretin, Selby, and Cleveland would be 50 feet, as this condition b. requires. Buildings would have to be setback an additional 2 feet for each foot that the buildings exceed 50 feet in height. The minimum setback from Summit Avenue is recommended to be 100 feet. Buildings will have to be setback an additional 2 feet for each foot that the building exceeds 60 feet in height. A larger setback is needed from Summit Avenue, because Aquinas and Albertus Magnus Halls, two of the more handsome buildings in the City, create a unique character for this part of the campus and Summit Avenue. Aquinas is setback 105 feet from Summit and Albertus Magnus is setback 125 feet. To permit new buildings with only a 50 foot setback would severely detract from these buildings and this part of Summit.

For the College-owned property in the block bounded by Summit, Cleveland, and Grand avenues, and Finn Street, the minimum building setback is recommended to be 50 feet from all campus property lines. Buildings would have to be setback from Grand Avenue an additional 2 feet for each foot that the buildings exceed 50 feet in height. The 50 foot Summit setback is reasonably consistent with the existing 38 foot setback for McNeely Hall and 45 foot setback for the Christ Child Building; the 50 foot Grand Avenue setback is appropriate for the mixture of commercial buildings, apartment buildings, and one and two family homes located along Grand between Cleveland and Cretin.

O'Shaughnessy Stadium along Cretin Avenue on the traditional campus and some of the buildings on the block south of Summit between Cleveland and Finn have building setbacks less than those recommended and will be nonconforming as to setback. However, these buildings can continue to be used for college purposes and they may be altered or enlarged so long as they do not become more nonconforming. For example, McNeely Hall which has a 38 foot setback could have an addition constructed onto it which is also 38 feet from Summit without the need for a variance.

The former Seminary Campus is located within the River Corridor District. The setbacks for this part of the campus are discussed in conjunction with maximum height limits in Finding 12.

4. Condition c. *On a campus of five (5) acres or more, no building shall exceed 90 feet in height; on a campus smaller than five (5) acres, no building shall exceed 40 feet in height.*

For the traditional campus, the maximum building height will be 90 feet. At the proposed 100 foot setback from Summit Avenue, buildings may be 60 feet high and may increase one foot in height for each two feet they are setback from Summit. Aquinas and Albertus Magnus Halls are 60 and 57 feet high, respectively, by zoning code height standards. Again, the purpose of this limit is to protect the fine character of this part of the campus and Summit Avenue by ensuring that new buildings will be in scale with the existing buildings.

For the college-owned property in the block bounded by Summit, Cleveland, and Grand Avenues, and Finn Street, the maximum building height is recommended to be 60 feet. The 60 foot limit along Summit will allow buildings equal in height to Aquinas and Albertus Magnus across Summit and will be consistent with the 60 foot height limits proposed for the former Seminary campus. (See Finding 12.) The 60 foot height limit along Grand is appropriate for the mixed use nature of the buildings there now.

All existing college buildings meet these proposed height limits.

The former Seminary Campus is located within the River Corridor District. The maximum building height for this part of the campus is discussed in Finding 12.

5. Condition d, part 1. *The boundaries of the institution shall be as defined in the permit, and may not be expanded without the prior approval of the Planning Commission, as evidenced by an amended special condition use permit. The campus that is defined by the boundaries shall be a minimum of three acres, and all property within the campus boundaries must be contiguous.*

Current Campus Boundary: The campus boundary should encompass the traditional campus of the College of St. Thomas, the portion of the former St. Paul Seminary campus recently acquired, and all property now owned by St. Thomas in the block south of Summit, between Finn and Cleveland. These areas are labeled A, B, & C on Map 1.

There is a 100 year history of use of the traditional and former Seminary campuses for post-secondary institutions, which predates creation of the City's Zoning Code.

For the block south of Summit, and east of Finn, all property owned by the College in this block should be included in the current boundary. The properties are continuous to the traditional campus and function as a portion of it. This includes the Christ Child and McNeely classroom buildings, which have long been used by St. Thomas for academic purposes. The other properties owned by St. Thomas on the block have generally been acquired in the past five years and have been used for office purposes, surface parking, and rental housing. Four of the properties on Grand Avenue (2091, 2109, 2115, and 2117 Grand) are zoned OS-1 (office-service), while the remainder of the block face on Grand is zoned RM-2 (multiple-family residential). The College Zoning Committee has recommended a 40-acre study (to be considered by the Planning Commission concurrently with this permit) to rezone these lots from OS-1 to RM-2 so that they may be included in the campus boundary.

Future Campus Boundary: The College of St. Thomas owns 10 of 23 properties in the block south of Summit between Finn Street and Cretin Avenue and presently uses the property in a manner consistent with its residential zoning. The College has indicated its intent to expand its campus to include this area in the future, but does not have development plans for the area now, or a timetable for further property acquisition. Future adjustment of the campus boundary to include any or all of this block should be based on development plans for the property and evaluation of those plans for their impact on remaining non-college residential uses in the block.

6. Condition d., part 2. *The applicant shall submit an "anticipated growth and development statement" for approval of a new or expanded campus boundary, which statement shall include but not be limited to the following elements:*
 1. *Proposed new boundary or boundary expansion.*
 2. *Enrollment growth plans which include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next 10 years and also the anticipated maximum enrollment over the next 20 years.*
 3. *Plans for parking facilities over the next 10 years, including potential locations and approximate time of development.*
 4. *Plans for the provision of additional student housing, either on-campus, or off-campus in college-controlled housing.*
 5. *Plans for use of land and buildings, new construction, and changes affecting major open space.*
 6. *An analysis of the effect this expansion (or new campus) will have on the economic, social, and physical well-being of the surrounding neighborhood, and how the expansion (or new campus) will benefit the broader community.*

St. Thomas has submitted its "Looking to the Future" statement, dated June, 1988, and an addendum, dated April, 1989, as its "anticipated growth and development statement" in conformance with the above requirement. (See Attachment D.) The statement acceptably addresses each of the required elements.

7. Condition d., part 3. *Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for special condition uses found in Section 64.300, and the following criteria:*

- i. *Anticipated undergraduate student enrollment is supported by plans for student housing that can be expected to prevent excessive increase in student housing demand in residential neighborhood adjacent to the campus.*

St. Thomas has stated that it intends to provide sufficient on-campus housing to continue to provide accommodations for 30-35% of its day undergraduate students, as it has done in the past. As an example of this commitment, St. Thomas has remodeled dormitory space on the former Seminary campus over the summer of 1989, which adds 170 new beds, for a total of approximately 1,880 on-campus beds. The modest undergraduate enrollment growth that is planned, coupled with the College's commitment to continue to add beds on-campus as needed, indicate that there will not be a significant increase in the number of students wishing to live in the neighborhood adjacent to the campus.

- ii. *Potential parking sites identified in the plan are generally acceptable in terms of possible access points and anticipated traffic flows on adjacent streets:*

The Strgar-Roscoe-Fausch report on potential parking, traffic, air and noise quality impacts resulting from additional St. Thomas development included a preliminary analysis of these possible ramp locations. The consultant stated that none of the locations should be ruled out as unacceptable. Some traffic improvements (the addition of exclusive turning lanes) may be required, depending upon the location selected. Air and noise quality are projected to remain within acceptable levels.

For a specific parking facility proposal, the adequacy of access will be reviewed during site plan review. It is not appropriate or possible for the special condition use permit to include more specific requirements for parking ramps at this point, before specific proposals have been made by the College.

- iii. *Plans for building construction and maintenance of major open space areas indicate a sensitivity to adjacent development by maintaining or providing adequate and appropriately located open space.*

"Looking to the Future" states that these are the major building projects that are expected over the next 10-20 years:

- * library expansion
- * science building (Albertus Magnus) expansion
- * additional office and classroom space
- * parking ramp
- * other projects if specific gifts are offered

The addendum to "Looking to the Future" states that St. Thomas, as a result of these planned building projects, does not expect any significant changes to major open space areas. In particular, St. Thomas expects to maintain the southeast corner of the former Seminary campus as open space over the long term.

- iv. *The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the City's Comprehensive Plan.*

The Land Use Plan (adopted November 20, 1980) within the City's Comprehensive Plan, has a section entitled "Expansion of Institutional Land Uses", (p. 35). This section contains the following two policies:

Policy (4.5-1): Through zoning and building permit processes, the city will discourage the expansion of institutional uses where it would not support established city policies.

Policy (4.5-2): The city will work with the district councils and institutions to resolve land use conflicts arising from the competing needs of the institutions and their neighbors.

The College Zoning Committee has been engaged in a two year process of working with St. Thomas and its neighbors to determine needs and make recommendations that would best balance these needs and promote the stability and vitality of that neighborhood as a whole. The recommended permit is a framework for the long-term development of the St. Thomas campus that defines the extent of the campus, and includes commitments by St. Thomas regarding enrollment and student housing that together will promote the long-term stability of that neighborhood.

8. Condition d., General Standards. 64.300.(c) *Before the Planning Commission may grant approval of a principal use subject to special conditions, the Commission shall find that:*

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

All of these issues have already been addressed in the recommendations of the Committee. The recommended permit would be in conformance with these general standards.

9. *Condition e. The institution shall not exceed by more than 10 percent or 300, whichever is less, the student enrollment, staff and employee size and/or dormitory bed levels identified in the permit unless required off-street parking is provided and approved by the Commission.*

As of fall semester of 1988, the College of St. Thomas had the following student, employee, dormitory bed, and parking levels at the St. Paul Campus¹

Employees: 1,051
Dormitory beds: 1,711
Full-time students living off-campus: 2,683
Part-time students: 3,658
On-campus parking spaces: 1,759

The base level of employees, dormitory beds, and part-time students is 6,420. The parking required for this number using the current requirement is 2,316. However, St. Thomas has a grandfathered in non-conformance of 596 spaces that it is not legally required to provide. This derives from the time (pre-1975) that the City had no parking requirement for colleges, and from other times since 1975 when the parking requirement has been increased (the requirement for employees was just increased from one space for every three to one space for every two as part of the recently adopted College Zoning II 40-Acre Study). Therefore, St. Thomas' current legal parking requirement is 1,720 spaces, leaving an excess of 39 spaces (1,759 - 1,720 = 39) which can be used to satisfy future parking requirements.

In the future, St. Thomas will be required to provide additional spaces when the baseline number established by this permit (6,420) increases by 300 to 6,720. (The 300 figure is applicable since it is less than what a 10 percent increase (642) in the baseline would be.)

1. These numbers include the students and faculty of the St. Paul Seminary. It is relatively difficult for the College and the Seminary to accurately provide separate numbers for each because many students and employees study and teach at both institutions. Since the parking provided serves the needs of both campuses at nearly the same location; the parking requirement for both will be calculated together in the future.

f. A theatre, auditorium or sports arena located on a college, university or seminary campus must provide off-street parking within 600 feet of the building to be served as measured from a principal entrance to the building to the nearest point of the off-street parking facility, and also provide the number of parking spaces specified in Section 62.103. The Planning Commission, after public hearing, may determine that the existing parking provided by the institution for students, employees and dormitory beds meets this parking requirement based upon the following:

1. The spaces are within 600 feet of the building they are intended to serve, as measured from a principal entrance to the building to the nearest point of the off-street parking lot; and
2. It can be demonstrated by the institution that the spaces are not needed by students and employees during times when events attracting non-students and non-employees are to be held.

If St. Thomas were to build a new theater, auditorium, or sports arena on its campus in the future, it would be required to provide off-street parking as specified above.

(The next three findings address River Corridor requirements, which only apply to the former Seminary portion of St. Thomas's campus.)

10. The area of the campus that is known as the former St. Paul Seminary campus is entirely within the RC-3 River Corridor Urban Open District. In the RC-3 District, uses which are special condition uses in the underlying district (R-2) are also considered conditional uses in the RC-3 district. The permit issued to St. Thomas will be a combination permit for both a special condition use in the R-2 district and a conditional use in the RC-3 district.

In passing upon conditional use permit applications, the Planning Commission or Planning Administrator must consider 14 factors that are specified in Section 65.503. Nearly all of these factors are most applicable to development that occurs close to the river, particularly in the floodplain. Only two of the factors are directly applicable to this permit. These require: a) consideration of the importance of the services provided by the proposed facility to the community; and b) analysis of the compatibility of the proposed use with existing development and development anticipated in the foreseeable future. These factors have been addressed in other portions of this staff report and in the May 16, 1989 staff report.

11. General standards regarding placement of structures, grading and filling, protection of wildlife and vegetation, and run-off, as specified in Section 65.410, apply to all uses in River Corridor districts. These general standards will apply to development that occurs on the former Seminary campus as well.

Two of these standards, which will affect where development can occur on the Seminary campus, prohibit development on slopes greater than 18 percent or within 40 feet of the bluffline (Section 65.411, Subd. b, (5) and (6)). This means that no development can occur in the large river gorge that extends into the campus from under the Mississippi River Boulevard or within 40 feet of the bluffline created by the gorge. (See Map 4.)

12. Section 65.233(a) limits all development in the RC-3 district (which district overlays the former Seminary campus) to 40 feet in height. Section 60.413(6) (b) requires a minimum building setback of 50 feet from every property line. The College has requested modification of the height limit and the setback requirement. The requested modification is contained in Attachment A.

As shown on Map 2, staff recommends building height limits of 30, 60, and 75 feet and building setbacks of 0, 50, 70, and 100 feet.

MODIFICATION JUSTIFIED

There are a variety of reasons to justify a modification of the RC-3 40-foot height limit. First, the boundary of the River Corridor extends approximately one block in from the river bluff for most of its length, except at the Seminary property, where it extends to Cretin Avenue to include the entire campus area. Logically, only the western one-third of the campus should be included in the River Corridor using the boundary on the north and south sides of the campus as a guide. In this area, the boundary generally extends inward one residential block. According to City staff who worked on River Corridor related issues at the time the overlay district was created, one of the reasons the entire campus was considered for inclusion in the district was because it was under one property description.

Second, three existing buildings (Loras, Cretin, and Grace Halls) on the campus exceed 40 feet now. Allowing other buildings in excess of 40 feet on the eastern half of the campus will not significantly change the views from the river or the character of the campus from the surrounding neighborhood.

Third, enforcement of the 40 foot height restriction on the entire campus area would be a significantly stricter height limit than faced by the other colleges in the city.

Finally, higher building height limits will encourage the preservation of more green space on the campus. Assuming St. Thomas constructs new buildings to meet a given space requirement on the Seminary campus, a 40 foot height restriction would force new buildings to occupy a larger footprint than would be the case with a less restrictive height limit.

PROPOSED HEIGHT AND SETBACK LIMITS

Both the College and staff recommend a 30 foot height limit along the Mississippi River Boulevard and Goodrich Avenue. The area along the Mississippi River Boulevard is the area closest to the river bluff and the area that should logically be regulated by the River Corridor limit. The proposed height limit is 10 feet lower than would be permitted by the 40 foot River Corridor limit. The 30 foot height limit along Goodrich reflects the low building heights (20 feet) on the college campus immediately north of Goodrich and the existing residential buildings south of Goodrich.

Both the College and staff recommend a 60 foot height limit along Cretin. Since this area is east of Loras, Cretin, and Grace Halls, all of which are almost 60 feet high, additional 60 foot high buildings will not adversely affect views from the river. The College recommends the standard 50 foot setback from Cretin. The staff recommends a 70 foot setback. This is the setback the Zoning Code requires of all 60 foot high college buildings.

For the area along Summit, the College requests a 75 foot height limit with a 75 foot setback from Summit. The staff recommends a 60 foot height limit with a 100 foot setback. The staff recommendation will maintain a set of height and setback limits which is consistent with those established on the traditional campus. The staff proposed height and setback limits also match the existing building situation in this area--Loras Hall is 58 feet high and the Byrne Residence is setback 100 feet from Summit Avenue.

For the area in the center of the campus, the College requests a 95 foot height limit. The staff recommends 75 feet. A 95 foot height limit would allow buildings which would be visually intrusive and harmful to the views from the river and out of scale with existing campus and surrounding residential development. A 75 foot height limit will allow buildings which will be less intrusive to views from the river and, because this area is at least 300 feet from the nearest residential use, will not adversely affect the surrounding residential neighborhood. A 75 foot height limit is also more in keeping with the height of Loras, Cretin, and Grace Halls.

The College recommends a 0 foot setback along the boundary with the Saint Paul Seminary campus. As long as the two campuses continue as institutional uses, there is no need for a setback along the boundary since the two campuses blend together and function as one campus. However, if the Seminary should be changed to residential use in the future then a setback from the residential use would be appropriate. Consequently, staff recommends the setback along the boundary with the Seminary campus be 0 feet, provided that setbacks as required by the zoning code for colleges (50 feet plus two additional feet for each foot the building exceeds 50 feet) shall apply if the Seminary changes to residential use.

For all these reasons, strict enforcement of the 40 foot height limit would create an undue hardship, and be unreasonable, impractical, and not feasible under the circumstances. The modification would not create a hazard to life or property, and will not adversely affect the safety, use, or stability of a public way, slope or drainage channel, or the natural environment.

The Department of Natural Resources has reviewed the special condition use permit. Their comments are in Attachment E.

NOW, THEREFORE, BE IT RESOLVED, that acting pursuant to Sections 60.413(6), 65.230, and 65.233(a) of the Saint Paul Zoning Code, the Planning Commission does hereby approve and issue a Special Condition Use Permit and does hereby approve modifications to the height limits of the RC-3 River Corridor district to St. Thomas College for its property located at 2115 Summit Avenue and the Planning Commission does hereby make the following determinations as part of said permit:

1. St. Thomas College boundaries are hereby established and as set forth on the attached map, which map is marked "Exhibit A", dated January 26, 1990 and incorporated into this resolution.
2. The building height and setback for the St. Thomas campus are hereby established as set forth on the attached maps, which maps are marked "Exhibit B" and "Exhibit C", dated January 26, 1990. Setbacks along the boundary with the Saint Paul Seminary shall be 0 feet, provided that setbacks, as required by Section 60.413(6)(b), shall apply if the Seminary changes to residential use.
3. The existing off-street parking provided as of Fall 1988 is as follows:
1,759 spaces.
4. The student enrollment as of Fall Semester, 1988, is as follows:

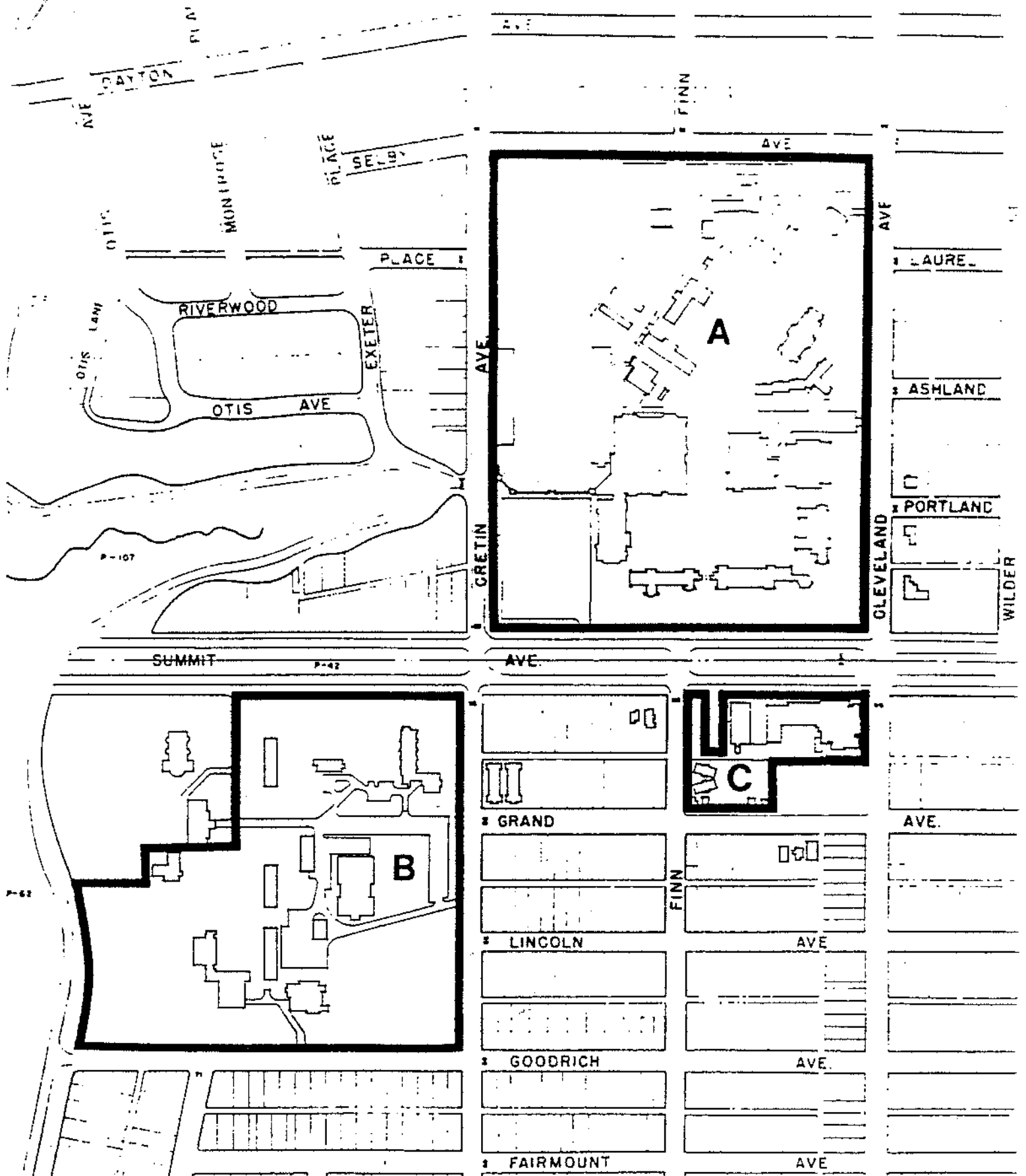
Full-time students living off-campus - 2,683
Part-time students - 3,658
5. The staff and employee size as of Fall Semester, 1988, is as follows:
1,051
6. The dormitory bed levels as of this date are as follows: 1,711

The Special Condition Use Permit is made expressly subject to the following conditions:

1. St. Thomas College will not expand a college use to any property outside of the campus boundary as defined in this permit unless a boundary change is approved by the Planning Commission;
2. Every January 31st, St. Thomas College will report in writing to the Planning Division staff the numbers of employees, students, dormitory beds, and parking spaces for the previous fall term; and


3. Additional parking spaces will be provided as required whenever the base level of student enrollment, staff and employee size and/or dormitory bed levels identified in the permit increases by a minimum of 10 percent or 300, whichever is less.

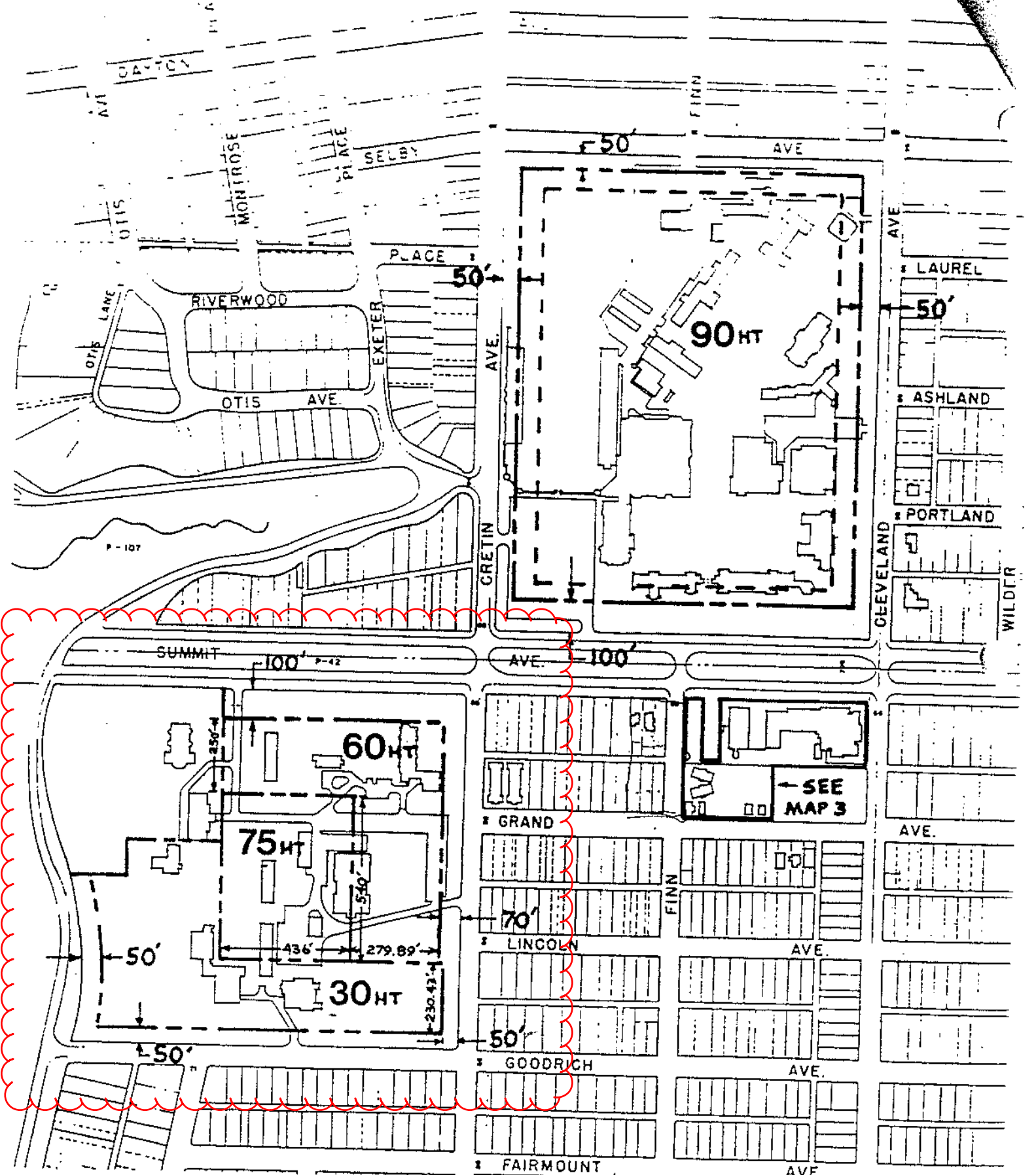
MAP 1 CAMPUS BOUNDARY



COLLEGE OF ST. THOMAS SPECIAL CONDITION USE PERMIT

SCALE 1" = 40'

 Campus Boundary



COLLEGE OF ST. THOMAS SPECIAL CONDITION USE PERMIT

- Setback
- Additional setback for maximum height

SCALE 1" = 40'

The purpose of this amendment to exhibit C is to change heights and setbacks on Grand Avenue to allow for a 50 foot high building with a 50-foot setback, with 60 feet as a maximum building height as setback increases in from Grand Avenue in accord with the 40-acre study zoning.

PORTLAND

CLEVELAND

SUMMIT

AVE.

NORTH

AVE.

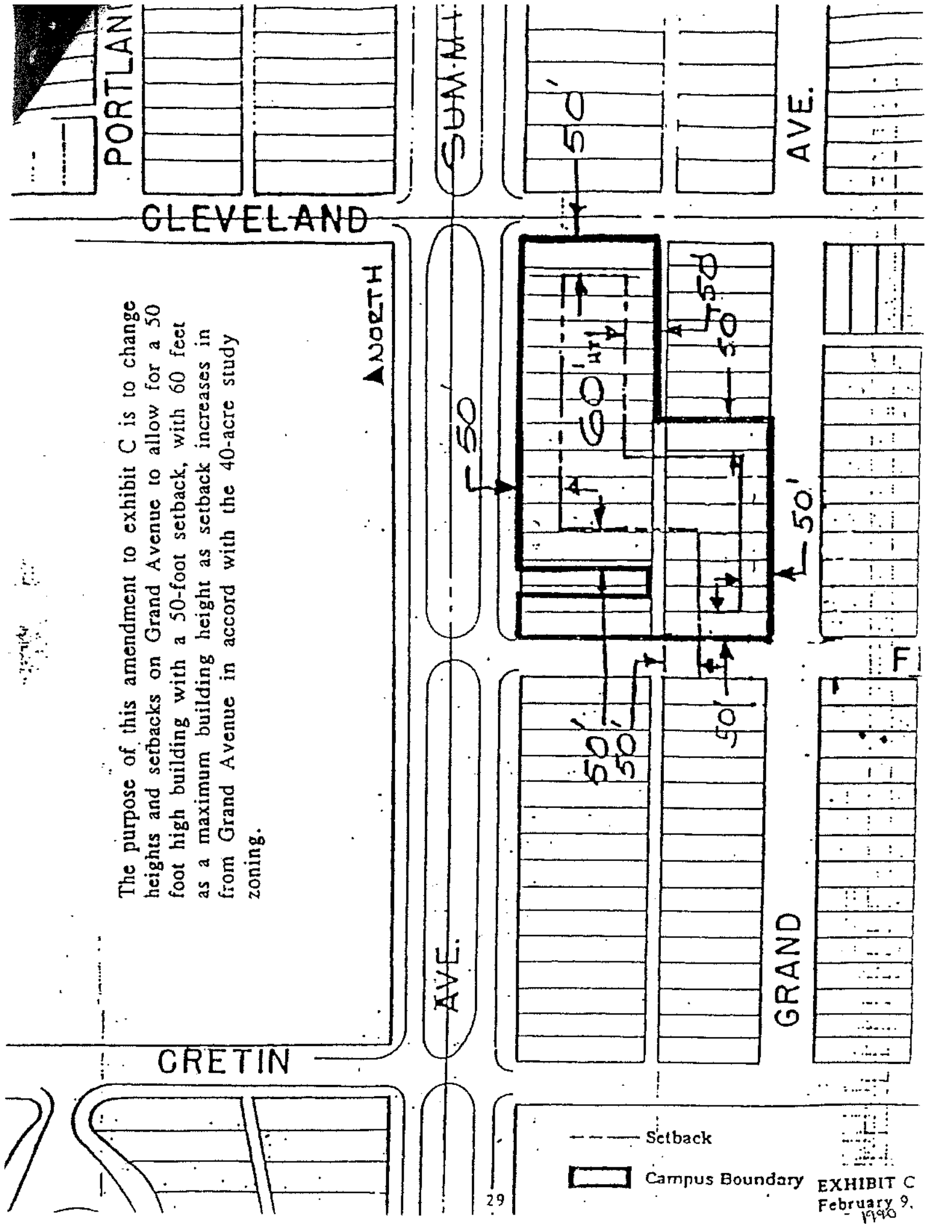
GRAND

F

Setback

Campus Boundary

EXHIBIT C
February 9, 1990



CONDITIONAL USE PERMIT - 1995

CITY OF SAINT PAUL, MINNESOTA
SPECIAL CONDITION USE PERMIT

ZONING FILE #95-024

APPLICANT: UNIVERSITY OF ST. THOMAS

PURPOSE: Special condition use permit to allow a new campus boundary.

LOCATION: ²¹⁵~~2260~~ Summit Avenue

LEGAL DESCRIPTION: See "Exhibit D"

ZONING COMMITTEE ACTION: Recommend approval with conditions

PLANNING COMMISSION ACTION: Approval with conditions

CONDITIONS OF THIS PERMIT:

*U. ST. South Campus
Scup changed
April 1995*

*St. Paul Seminary
Scup changes on
different document*

1. The University of St. Thomas campus boundary is hereby amended from that established on January 26, 1990 and is now set forth in the attached map marked "Exhibit A" dated April 14, 1995 and incorporated into the Planning Commission resolution.
2. The building setbacks for the University of St. Thomas campus are hereby amended from those established on January 26, 1990 and are now set forth in the attached maps marked "Exhibit B" dated April 14, 1995 and "Exhibit C" dated February 9, 1990 and as described by the following:

Mississippi River Boulevard: 75 feet from the easterly right-of-way of Mississippi River Boulevard between the northern campus boundary line and the northerly right-of-way of Goodrich Avenue;

Goodrich Avenue: 65 feet from the northerly right-of-way of Goodrich Avenue between the easterly right-of-way of Mississippi River Boulevard and the westerly right-of-way of Cretin Avenue.

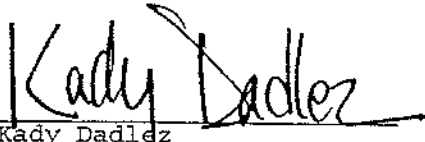
Setbacks along the boundary with the St. Paul Seminary shall be 0 feet, provided that setbacks, as required by Section 60.413(6)(b), shall apply if the Seminary changes to residential use.

3. The existing off-street parking provided as of Fall 1988 is as follows: 1,759 spaces.
4. The student enrollment as of Fall Semester, 1988, is as follows:
Full-time students living off-campus - 2,683
Part-time students - 3,658.
5. The staff and employee size as of Fall Semester, 1988, is as follows: 1,051.
6. The dormitory bed levels as of this date area as follows: 1,711.
7. University of St. Thomas will not expand a college use to any property outside of the campus boundary as defined in this permit unless a boundary change is approved by the Planning Commission.
8. Every January 31st, the University of St. Thomas will report in writing to the Planning Division staff the numbers of employees, students, dormitory beds, and parking spaces for the previous fall term.

9. Additional parking spaces will be provided as required whenever the base level of student enrollment, staff and employee size and/or dormitory bed levels identified in the permit increases by a minimum of 10 percent or 300, whichever is less.

APPROVED BY: David McDonell, Commission Chairperson

I, the undersigned Staff 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 April 14, 1995 and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.



Kady Dadlez
Staff to the Saint Paul
Zoning Committee

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

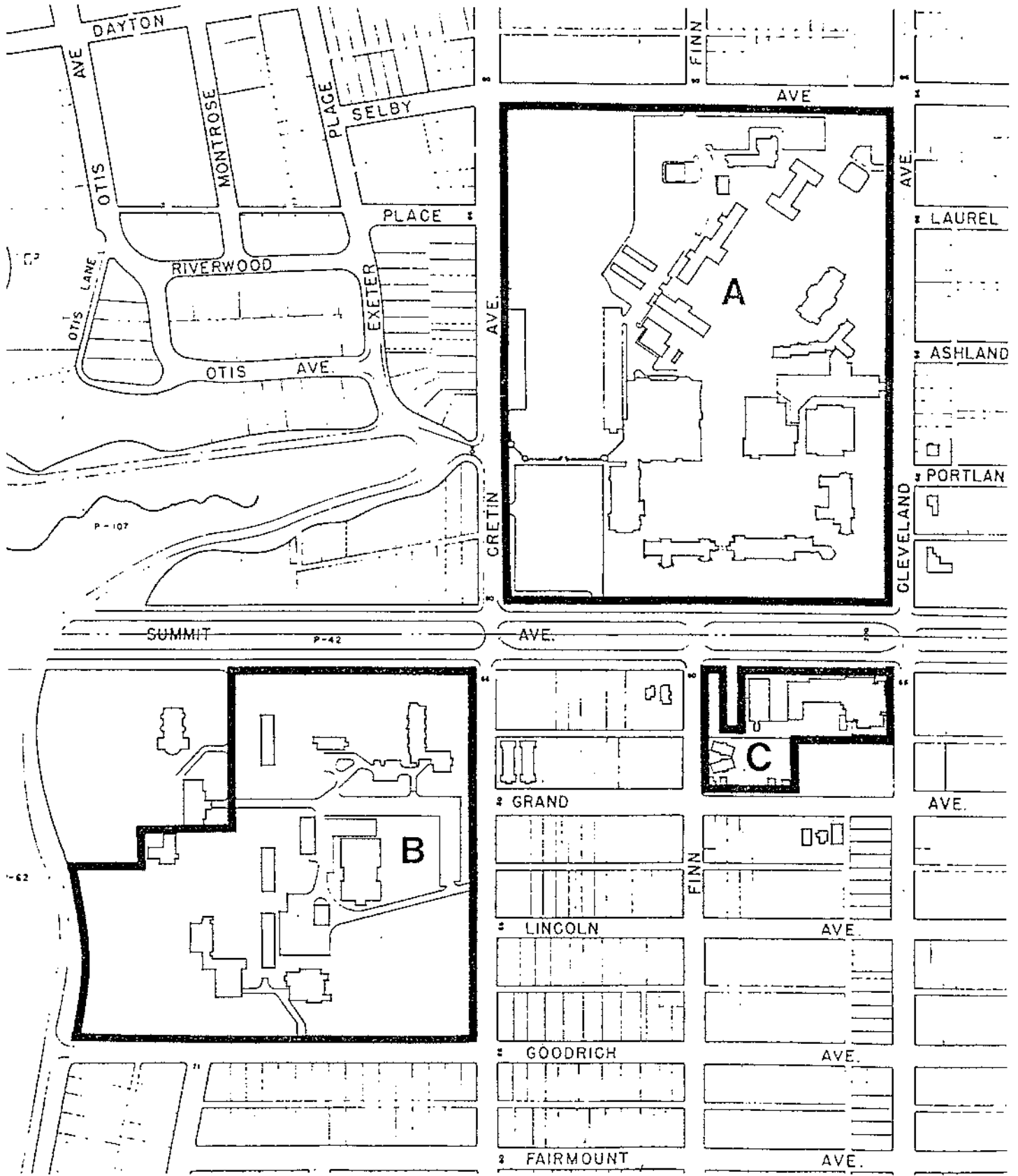
The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1100 City Hall Annex, 25 West Fourth Street. Any such appeal must be filed within 15 calendar days of the mailing date noted below.

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

Copies to: Applicant
File #95-024
Zoning Administrator
License Inspector
District Council 14

Mailed: April 14, 1995

EXHIBIT A CAMPUS BOUNDARY - April 14, 1995



UNIVERSITY OF ST. THOMAS SPECIAL CONDITION USE PERMIT

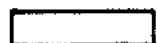
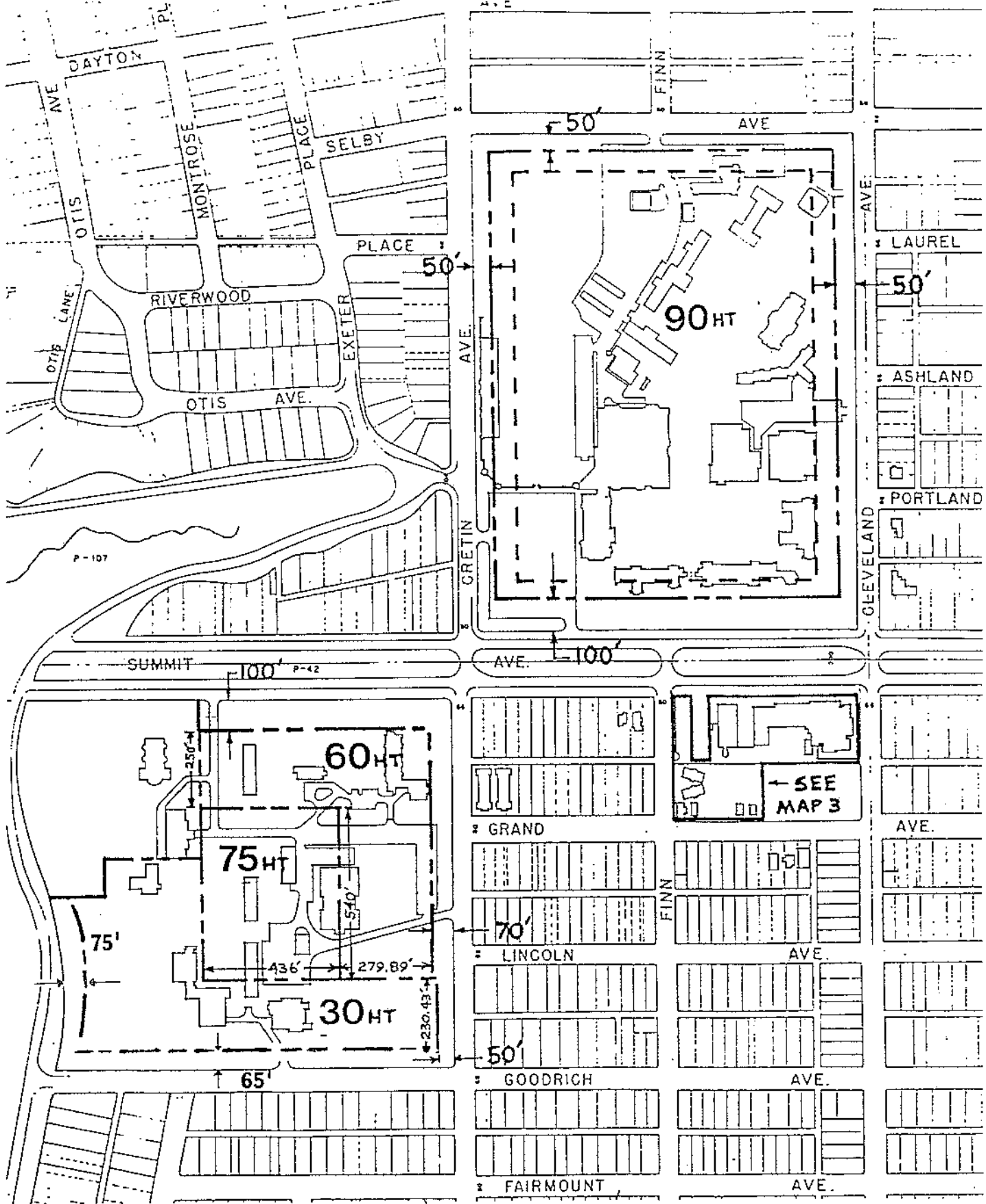
 Campus Boundary

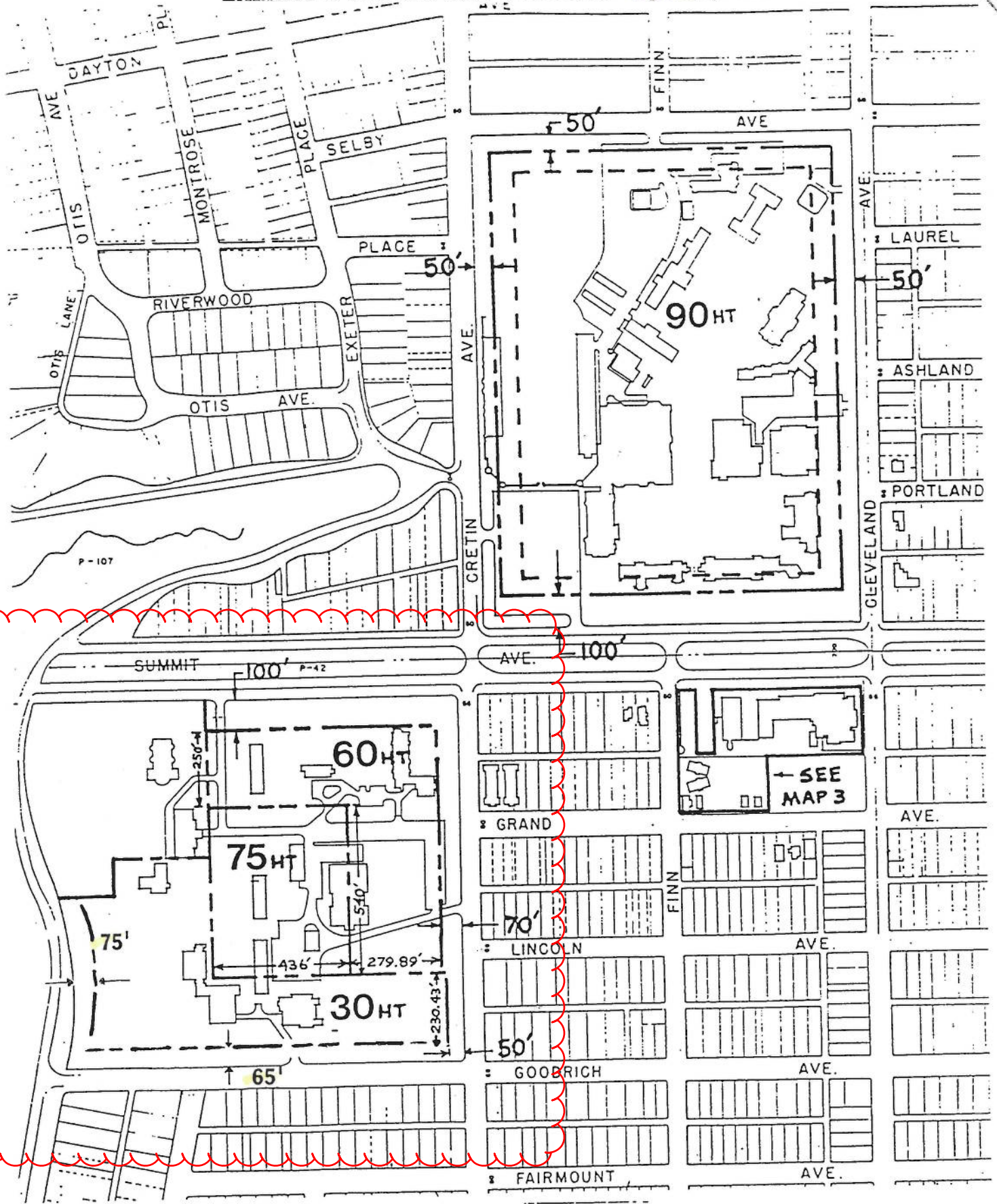
EXHIBIT B HEIGHT AND SETBACKS - April 14, 1995



UNIVERSITY OF ST. THOMAS SPECIAL CONDITION USE PERMIT

- Setback
- Additional setback for maximum height

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CONDITIONAL USE PERMIT - 2004

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