

**From:** [Gayle Breutzman](#)  
**To:** [\\*CI-StPaul\\_ZoningCases](#)  
**Cc:** [Daniel Kennedy](#)  
**Subject:** UST CUP, noncompliance of Planning Commission conditions.  
**Date:** Wednesday, December 4, 2024 2:14:46 PM

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November 20, 2024

Zoning Committee,

This letter is in regard to the review of the UST Conditional Use Permit (ZF #04-054-501) for noncompliance of Planning Commission conditions (ZF #24-078-362). The property being addressed is the Binz Refectory on the University of St. Thomas South Campus, address 2115 Summit Avenue, St. Paul, Minnesota, 55105.

The 2004 University of St. Thomas Conditional Use Permit for expansion of campus boundaries states:

"At such time as the University remodels or replaces the Binz Refectory or replaces Grace Hall, the loading drive which currently exists between Goodrich Avenue and the Binz Refectory shall be removed, such that there shall be no vehicular access from Goodrich Avenue to any of the University's buildings on the South Campus.

The Binz Refectory was remodeled in 2022-2023 at a cost of over \$1,250,000. In 2004 UST, through Douglas Hennes the UST Vice President for University and Government Relations, agreed to remove "the Goodrich Avenue driveway." The removal was postponed. In July 2024, the Minnesota Department of Safety and Inspections ordered UST to remove the driveway on the basis of violation of the Conditional Use Permit that was legally binding. Since July, the City of Saint Paul has declared that the Binz Refectory "was not remodeled."

The City of St. Paul ordinance, Section 380.03 states that remodel means "any reconstruction, alteration, or repair that requires structural, plumbing, mechanical and or electrical permits; changing the location of walls; expanding the area of the facility; substantially changing or expanding the character of the business." This is a legal definition that is very clear and needs no reinterpretation by the Zoning Committee, the Planning Committee or the St. Paul City Council. The proof of the Binz Refectory remodeling is in the ten permits pulled for work performed on the building in 2022-2023.

The Zoning Committee need only review and understand the written, legal evidence that clearly proves that the University of St. Thomas is in violation of the 2004 Conditional Use Permit to which it previously agreed. Just because the 2004 CUP does not support UST's current expansion plans does not mean it needs to be revised. The 2004 CUP was created to address the expansion of the UST Campus, which is currently happening at a pace and a magnitude that the neighborhood and existing infrastructure cannot support.

The Zoning Committee must recommend that the driveway between Goodrich Avenue and the Binz Refectory be removed, as it is in violation of the 2004 UST Conditional Use Permit. The Zoning Committee must support the residents, not just the business interests, of the City of St. Paul.

Sincerely,

Gayle Breutzman  
151 Woodlawn Avenue  
St. Paul, MN 55105

**From:** [jerome.abrams](mailto:jerome.abrams)  
**To:** [\\*CI-StPaul\\_ZoningCases](#)  
**Subject:** Case ZF#04-054-501  
**Date:** Friday, November 15, 2024 11:29:12 AM

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Comments to Zoning Commission regarding case ZF #04-054-501

Item 16 of the Conditional Use Permit states:

“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.” In 2022 and 2023, UST remodeled Binz twice to make most of it an athletics building: locker rooms, coaches’ offices, team meeting rooms, etc. UST still feeds priests in part of the building, but the food is brought in from elsewhere. The permits identified both projects as “remodel” and stated a combined cost of \$1.3 million. UST has not removed the driveway, which now gets traffic from the adjacent athletic fields. The language of the CUP is clear. Refusing to close the loading drive is in violation of the CUP.

The EAW of 2024 states on page 63, “the CUP required St. Thomas to close the drive.” If closing the drive is required, the EAW goes on to state that “closing the Goodrich service drive will have minimal cumulative impacts.” I disagree. Keeping the drive open will have significant impacts to the adjacent neighborhoods. The arena events of maximum capacity are estimated in the EAW of 2024 to generate 2853 vehicle trips. An open drive will serve as drop off point for arena events and will increase traffic, produce traffic congestion, and increase noise and pollution from both idling and moving cars and trucks. Arena patrons, who envision vehicle access to the south campus via an open drive, will be an additional source of traffic. In addition to increased green house gas emissions from all vehicles, diesel powered vehicles, such as used for deliveries, will increase PM 2.5 particle pollution. Epidemiological studies show that asthma, lung dysfunction, lung cancer, and other related diseases are positively correlated with increased PM2.5 particle exposure. (Yen-Yi Lee, et al. Aerosol and Air Quality Research 17:2424a (2017).

The streets of the neighborhoods within the 350 foot zone include streets of 30 feet width. Goodrich Avenue, Woodlawn Avenue, and Fairmount Avenue are in great proximity to the loading drive and do not have the capacity to handle the traffic generated by arena events. With 58 arena home games scheduled for the 2024-2025 season this situation will be a frequent occurrence. With the University of St. Thomas (UST) joining the National Collegiate Hockey Conference and holding conference hockey tournaments, the frequency of traffic complications will likely be increased. With parking on two sides, two way traffic, and delayed access to Cretin Avenue that will have LOS F during events that will prolong congestion, emergency vehicles will be unable to reach emergencies in the adjacent neighborhoods. I discussed this problem with the firefighters of Station 14, who agreed that emergency vehicle access would be a significant problem. I have modeled this situation and the consequent health and safety consequences in my comments to the updated EAW of 2024. The decision to place the arena in an environmentally sensitive area without the

infrastructure to support it was unforced and not made by the tax paying residents of St. Paul. The statement in the EAW that UST has arbitrarily decided that good management practices do not apply when inconvenient for the needs of UST reflects the arrogance of UST and lack of consideration for the residents of the adjacent neighborhoods. The Goodrich Ave. loading drive must be closed as stated in the CUP. The city has already required the closing the loading drive. I am asking you to fulfill your obligation to tax paying residents of the designated neighborhoods and uphold the CUP. The loading drive must be closed.

Jerome H. Abrams

151 Woodlawn Avenue