

city of saint paul
planning commission resolution
file number 24-38
date December 13, 2024

WHEREAS, University of St. Thomas, File # 24-078-362, is under review for a conditional use permit (ZF #04-054-501) for noncompliance of Planning Commission conditions under the provisions of § 65.220, § 61.501 and § 61.108 of the Saint Paul Legislative Code on property located at 2260 Summit Avenue, Parcel Identification Numbers (PINs) 05.28.23.42.0004, 05.28.23.41.0014, 05.28.23.41.0016, and 05.28.23.41.0070 through 0092 legally described as 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; Lots 1-30, Summit Wood; and WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 2024, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The University of St. Thomas (UST) received conditional use permit (CUP) approval in 2004 to expand its campus boundary to include the "East and West Blocks" – two blocks bounded by Cretin, Grand, Cleveland and Summit Avenues and connecting the existing North and South Campus areas (ZF #04-054501). The final CUP conditions were established by City Council resolution upon appeal of the initial Planning Commission approval and City Council acceptance of a negotiated settlement of a lawsuit. The City Council resolution included Condition 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.*

2. On May 9, 2024, a complaint ("the Complaint") was received by the Department of Safety and Inspections (DSI) alleging non-compliance by UST with the terms the 2004 CUP, specifically Condition 16. The Complaint cites building permits issued by the City of Saint Paul in June between roughly June 2022 and the end of 2023 for minor interior remodeling work to Binz Refectory for addition of a classroom, offices, "dry" locker rooms, and several bathrooms. Per UST, the facilities are intended to temporarily accommodate student athletes and athletics staff during construction of the proposed arena. The Refectory continues to serve as a dining facility for seminary students. The Complaint asserts that

moved by Taghioff
seconded by Risberg
in favor 10
against 3 (Martinson, Starling, Syed) 1 Abstention (Hood)

these improvements to the building trigger the mandatory removal of the drive-access from Goodrich Avenue, and that failure to remove the drive-access constitutes a violation of the Condition 16 of the 2004 CUP.

3. On July 1, 2024, DSI notified UST by letter ("Enforcement Letter") that the failure to remove the drive-access was a violation of the 2004 CUP and ordered its removal by July 31, 2024. In a letter dated July 5, 2024, representatives of UST acknowledged receipt of the Enforcement Letter, and requested a stay of enforcement and that the matter of the violation be heard by the Planning Commission. DSI staff wrote the Chair of the Planning Commission on July 25, 2024, notifying her of the violation and conveying the request for a public hearing.
4. Per Zoning Code Sec. 61.108, the Planning Commission "*may, at a public hearing, following notice to the owner of subject property and other adjacent property owners as specified in section 61.303, and upon determination that the conditions imposed by such approval are not being complied with, revoke the authorization for such approval and require that such use be discontinued. The commission or the board, in lieu of revoking the permission, may impose additional conditions, modify existing conditions, or delete conditions which are deemed by the commission or the board to be unnecessary, unreasonable, or impossible of compliance.*"
5. Sec. 61.501 of the Saint Paul Zoning Code lists five general findings that must be made for the Planning Commission to issue a conditional use permit. The following analysis addresses the necessity of removing the vehicular access drive from Goodrich Avenue to continue to meet those findings.
 - a) *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.* This finding can be met only by removing the access drive. Policy LU-54 of the 2040 Comp Plan states: **Policy LU-54. Ensure institutional campuses are compatible with their surrounding neighborhoods by managing parking demand and supply, maintaining institution-owned housing stock, minimizing traffic congestion, and providing for safe pedestrian and bicycle access.** The drive-access must be removed to comply with this policy.
6. Based on the forgoing analysis, removal of the drive access in order to comply with Condition 16 of the 2004 CUP is necessary, reasonable, and possible of compliance.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, upholds Condition 16 of the 2004 conditional use permit (ZF #04-054-501) at 2260 Summit Avenue for the University of St. Thomas to expand its campus boundary.