

From: [Hengemuhle, Josh A.](#)
To: [CouncilHearing \(CI-StPaul\)](#)
Subject: Neighbor Comment on Goodrich Drive Aisle
Date: Tuesday, March 4, 2025 10:46:29 AM

You don't often get email from jah@stthomas.edu. [Learn why this is important](#)

Through its contractual affiliation agreement with the University of St. Thomas, The Saint Paul Seminary uses the nearby Brady Educational Center for daily and nightly courses. Seminary residents, faculty and staff gather for breakfast and lunch Monday-Friday in the adjacent Binz Refectory, and The Seminary hosts guests and events in the space as well. Removing the existing Goodrich Avenue drive aisle would eliminate the only existing viable emergency access point for these activities. The Saint Paul Seminary favors retaining this access for emergency vehicles only. Other plans to provide emergency service should this access be removed seem less safe and would likely slow response time.

Josh Hengemuhle, Ed.D. | Chief of Staff
The Saint Paul Seminary — Joyful Catholic Leaders
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From: [Tom Darling](#)
To: [*CI-StPaul_Contact-Council](#)
Cc: [Bill Dermody](#)
Subject: SARPA submission regarding APC 25-1
Date: Tuesday, March 4, 2025 10:39:02 AM
Attachments: [SARPA Binz Refectory Email 3-4-25 final.docx](#)

Dear City Council Members: I am attaching the position statement of the Summit Avenue Residential Preservation Association (SARPA) regarding APC 25-1 the appeal by the University of Saint Thomas to a decision of the Planning Commission to uphold a condition of their 2004 conditional use permit regarding drive access from Goodrich Avenue. SARPA asks that you deny the appeal.

I am also pasting in below the text of the position statement in case there are problems opening the attachment. Thank you for your consideration.

"By e-mail to: St Paul City Council

March 4, 2025

St Paul City Council

Re: University of St Thomas Appeal of APC 25-1

Dear City Council Members,

I am the president of the Summit Avenue Residential Preservation Association ("SARPA"). SARPA submits this email in relation to the above referenced matter.

The issue before the City Council arises from the application of the Conditional Use Permit (CUP) that governs, among others, The University of Saint Thomas. I use the phrase "among others" because importantly the CUP also governs the City and SARPA and neighbors and the community more broadly also. The CUP gives permission to Saint Thomas to do things that SARPA, neighbors and the citizens of St. Paul would prefer it not be able to do. That is, the CUP not only establishes constraints on Saint Thomas but it benefits Saint Thomas as well; to the detriment of the community beyond Saint Thomas. This apportionment of benefits and burdens came about because of the unique circumstances—a lawsuit—that gave rise to the CUP. You have a number of other submissions before you that detail those unique circumstances in great detail. In brief summary: A number of entities filed lawsuits in response to certain proposed actions of St Thomas and the City. SARPA was a plaintiff in one of those lawsuits (Ramsey County District Court File No. 62-C1-04-2901). After in-person assistance from then City Council member Jay Benanav and Jane Prince who later became a City Council Member and only after intense negotiations among all parties those lawsuits were settled. That settlement which binds Saint Thomas, the City of Saint Paul and the community was the CUP. In this appeal Saint Thomas asks you to ignore these facts, this history. Saint Thomas in essence pretends that the CUP is not the settlement of lawsuits binding on it and the City and the community but just another run of the mill zoning action. That is an act of misdirection. As in all settlements all of the parties were required to compromise. Provisions that one party found objectionable were included because that objecting party was able to get other provisions it wanted included even though other parties

found those provisions objectionable. The result is an agreement that is an integrated and organic whole. The CUP is such an integrated organic whole. The CUP cannot be dismantled piecemeal because one party now finds some of its provisions inconvenient. But that is precisely what Saint Thomas is asking this City Council to do. SARPA urges the City Council to reject this attempt and to deny Saint Thomas' appeal.

You have many submissions addressing the deficiencies of Saint Thomas' arguments. SARPA adds the following. Paragraph 16 of the CUP is straightforward. If Saint Thomas remodels the Binz Refectory it must remove the drive. The evidence is overwhelming that Saint Thomas has remodeled the Binz Refectory. Therefore, the drive should be removed. Saint Thomas does make an argument that work that even its own contractors called a remodel and that cost well over a million dollars was not really a remodel under paragraph 16. However, it quickly pivots to what it really wants. As discussed above, what it really wants is to dismantle the CUP itself. SARPA urges you to dismiss this argument and enforce paragraph 16 as written in accordance with the Planning Commission's findings.

Even if one were to analyze this dispute as a run of the mill zoning dispute as Saint Thomas urges, its arguments fail. In essence Saint Thomas argues that Paragraph 16 must be abrogated because it is "unnecessary, unreasonable or impossible of compliance". Even if one accepts that as the standard Saint Thomas cannot prevail. Paragraph 16 is not unnecessary. Saint Thomas argues: we really do not use the drive much so removing it is not necessary. There is ample evidence in the record that the drive is a very real problem for neighbors. And, if Saint Thomas does not use it much, then removing it will not be much of a problem. Moreover, the drive is not necessary to Saint Thomas notwithstanding its alleged concern about emergency access. As detailed in the submission of Marc Manderscheid, any actual concerns about that can be readily addressed. Paragraph 16 is not unreasonable. Removal is a reasonable solution to a real problem. The drive can easily be removed. The cost of blocking the drive off and planting over it will not be substantial. SARPA submits that Saint Thomas is spending more on attorneys' fees fighting this than it would cost to remove the drive. Finally, Paragraph 16 is not impossible of compliance. In fact, as noted above Saint Thomas can easily comply.

*Saint Thomas overreaches. That is why SARPA and others were forced to sue it and the City in 2004. The CUP which was the settlement of those lawsuits has helped keep that overreach in check. It remains a vital protection for the community. It must remain in place. On its face this appeal is limited to one paragraph of the CUP however to Saint Thomas it is really about the entire CUP. Saint Thomas makes that explicit in the conclusion of its last submission which states: "St. Thomas welcomes all efforts of the City to exercise its zoning authority **to evaluate ...the CUP generally**, and an open collaboration with the City **to determine more appropriate CUP terms** for the current and future relationship between St. Thomas and the City." It is telling, and chilling, that in that extraordinary sentence Saint Thomas makes no mention whatsoever of the community—the Saint Paul residents near the campus and far from it—directly and dramatically affected and harmed by Saint Thomas' behavior. Their interests matter. They must be protected. The CUP is not out of date. It is as relevant and necessary today as it was when negotiated. SARPA urges you to deny Saint Thomas' appeal.*

Sincerely,

Summit Avenue Residential Preservation Association by Thomas Darling (445 Summit Avenue)

Its President"

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Tom Darling

tsdarling@earthlink.net



By e-mail to: St Paul City Council

March 4, 2025

St Paul City Council

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board@sarpa.org

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| Sincerely,

Thomas Darling

Summit Avenue Residential Preservation Association by Thomas Darling (445 Summit Avenue)
Its President

cc by e-mail: bill.dermody@ci.stpaul.mn.us