

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** University of St. Thomas (2060 Summit) **FILE #** 14-353-762
 2. **APPLICANT:** University of St. Thomas **HEARING DATE:** January 8, 2015
 3. **TYPE OF APPLICATION:** Amendment of site plan approval
 4. **LOCATION:** 2060 Summit Ave, NW corner of Grand at Cleveland
 5. **PIN & LEGAL DESCRIPTION:** 052823410144, Groveland Addition To Stpaul Vac Alley Accruing And Fol, Lots 1 Thru Lot 4 In Moses Zimmerman's Rearrangment And In Sd Groveland Add Lots 1 Thru Lot9 Blk 1
 6. **PLANNING DISTRICT:** 14 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §61.~~108~~402
 8. **STAFF REPORT DATE:** December 31, 2014 **BY:** Josh Williams
 9. **DATE RECEIVED:** December 15, 2014**60-DAY DEADLINE FOR ACTION:** February 13, 2015
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- A. **PURPOSE:** Modification of condition of a previous Planning Commission site plan approval to allow continued use of a portion of site for surface parking until March 11, 2018
- B. **PARCEL SIZE:** 95,978 sq. ft./approx. 2.2 acres
- C. **EXISTING LAND USE:** P-Parking Lot
- D. **SURROUNDING LAND USE:**
North: Academic building (UST campus)
East: Gas station
South: Commercial
West: Residential (UST campus)
- E. **ZONING CODE CITATION:** §61.~~108~~402 provides for site plan review by the~~allows the Planning Commission to modify or delete conditions of a previous approval, subject to a public hearing prior to issuance of grading or building permits.~~ §61.402(e) authorizes the Zoning Administrator to require a security agreement equal to the cost to install required landscaping or other items required by special condition of a site plan approval.
- F. **HISTORY/DISCUSSION:** In 2004, the Planning Commission issued a conditional use permit (ZF# 04-045-501) expanding the University of St. Thomas campus to include the two blocks bounded by Summit, Cleveland, Grand, and Cretin Avenues. In 2005, the Planning Commission passed Resolution 05-30 approving the site plan for McNeely Hall on the southwest corner of Summit and Cleveland Avenues. The site plan included a 32-space surface parking lot at the northwest corner of Cleveland and Grand Avenues. The findings enumerated in the resolution and conditions of approval stated that while permanent use of the corner of Cleveland and Grand was for a surface parking lot was inconsistent with the 2004 CUP, surface parking was an acceptable use on the corner on an interim basis.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 14 Council has recommended modifying the conditions of the 2005 McNeely Hall site plan approval to allow continued use of the southwest corner of Cleveland and Grand Avenues for an additional three (3) years, through March 11, 2018.
- H. **FINDINGS:**
 1. The Planning Commission issued a conditional use permit (Zoning File No. 04-045-501) in 2004 expanding the University of St. Thomas campus to include the blocks bounded

by Summit, Cleveland, Grand, and Cretin Avenues. Per §65.220, as part of the basis for approving a campus expansion, the Planning Commission considered a required anticipated growth and development statement and related plans submitted by the University of St. Thomas. The CUP conditions of approval generally described the allowed uses of the two blocks as including up to two (2) new academic buildings and an urban residential village along Grand Avenue, and in particular a residential building at the northwest corner of Cleveland and Grand Avenues.

2. On March 11, 2005, the Planning Commission passed resolution 05-30, approving the site plan for McNeely Hall. McNeely Hall is located at the southwest corner of Summit and Cleveland Avenues, and the site plan included a 32-space surface parking lot located adjacent to the building at the northwest corner of Cleveland and Grand Avenues. A portion of Finding No. 1 of the resolution addressed the issue of surface parking at the northwest corner of Cleveland and Grand:

The CUP allows "a small number of surface parking spaces for uses such as drop-off/pick-up, or loading." The site plan shows one handicapped accessible parking space on the south side of the building that is intended to be permanent. An existing paved area in the middle of the block would continue to be used for parking until construction starts on the remaining buildings on the block. A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland where a gas station was recently demolished. The CUP calls for this area to be used for housing and St. Thomas has said it intends to build housing here but construction may not start for few years, until some of the other buildings in the two block area south of Summit are completed. A permanent parking lot is not consistent with the CUP. However, a parking lot that is well landscaped and screened is acceptable as an interim use for up to 10 years if no building is constructed during that time.

The resolution specified a number of conditions of approval. Condition No. 1 stated:

A new parking lot with 32 parking spaces is shown at the southeast corner of the site, at the intersection of Grand and Cleveland. A permanent parking lot is not consistent with the St. Thomas CUP approved in August 2004 which shows housing at this location. However, a parking lot that is well landscaped and screened is acceptable as an interim use if it is removed within 10 years of final approval of the site plan for Mc Neely Hall. At that time construction on a new residential building must start or the lot must be removed and replaced with grass and landscaping.

The University of St. Thomas is requesting that Condition No. 1 of Resolution 05-30 approving the McNeely Hall site plan be amended to allow use of the northwest corner of Cleveland and Grand for a surface parking lot for up to an additional three (3) years, through March 11, 2018.

3. ~~§61.108 allows the Planning Commission to modify or delete conditions of previous approvals where at a public hearing the Planning Commission deems those conditions to be unnecessary, unreasonable or impossible of compliance.~~ In approving the McNeely Hall site plan, the Planning Commission found that a permanent surface parking lot at the northwest corner of Cleveland and Grand Avenues would be inconsistent with the 2004 conditional use permit that expanded the University of St. Thomas campus to include that block. However, the Planning Commission also found that the temporary location of a surface parking lot on that corner until such time as

construction of a residential building began, but no longer than 10 years, would be acceptable.

Since 2004, the University of St. Thomas (UST) has added a number of facilities to the UST campus, some of which were generally identified prior to the 2004 campus expansion. With the exception of McNeely Hall and a child care center at the northwest corner of Finn Street and Grand Avenues, this has not included development approved by the CUP for the two blocks added to the campus in 2004. UST has generally stated that lack of bonding capacity prevents the construction of residential buildings approved under the CUP for the two blocks at this time or in the immediate future. UST has stated that they will begin a new campus master planning process in 2015, and as part of that process will determine whether they will commence with construction of a residential building on the northwest corner of Cleveland and Grand or convert the surface parking lot to green space. Any other uses on the corner would require modification of the 2004 CUP.

The condition limiting the use of the northwest corner of Cleveland and Grand for surface parking to a period of more than ten years was reasonable at the time of the 2005 McNeely Hall site plan approval. However, with UST planning to begin a campus master planning process in 2015, it is unnecessary to require that UST begin construction of a residential building consistent with the CUP or to remove the parking lot and install grass and landscaping by March 11, 2015, provided that UST commit to one of those actions within a defined time period. Modification of Condition No. 1 of the 2005 McNeely Hall to allow the continued use of the northeast corner of Cleveland and Grand for surface parking through March 11, 2018 should be conditional on the University of St. Thomas providing a security agreement, pursuant to §61.402(e) of the zoning code, in an amount sufficient as determined by the Zoning Administrator to cover the cost of parking lot removal and installation of grass and landscaping on that date. UST has estimated that removal of the surface parking lot would and installation of grass and landscaping would cost approximately \$100,000.

4. As a condition of approval, the 2004 campus expansion CUP (Zoning File No. 04-045-501) requires the University of St. Thomas to participate in a university/community advisory council to address matters related to campus development and university/community relations. This council, the West Summit Neighborhood Advisory Committee, came to unanimous agreement on December 16, 2014 to support a 3-year extension of the use of the northwest corner of Cleveland and Grand Avenues for a surface parking lot, subject to agreement by UST to make certain investments related to the reversal and prevention of conversion of single family homes near campus to student rental housing and to lighting on and around campus.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the modification of Condition No. 1 of Planning Commission Resolution 05-30 approving the site plan for McNeely Hall to allow the existing parking lot at the northwest corner of Cleveland and Grand Avenues to continue to be used until March 11, 2018 subject to the following condition:
 1. The University of St. Thomas must provide a security agreement, in the form of an irrevocable letter of credit, a performance bond, or cash escrow, equivalent to the cost of removing the surface parking lot and installing grass and landscaping, as determined by the Zoning Administrator no later than one (1) year from the date of this approval.

Attachments

Application and applicant materials
2004 Conditional Use Permit (Zoning File No. 04-045-501)
Planning Commission Resolution 05-30
Zoning Committee Staff Report for McNeely Hall site plan (Zoning File No. 05-047-765)
WSNAC statement in support of extension
Macalester-Groveland Community Council letter of support