



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6565
Facsimile: 651-266-6549*

September 25, 2015

To: Saint Paul Planning Commission

From: Neighborhood Planning Committee

RE: Recommendations for the Campus Boundaries Zoning Study

This memorandum summarizes and responds to comments received on the Campus Boundaries Zoning Study and provides a recommendation regarding the study's findings and recommendations.

Comments from MnSCU and Hamline University in particular need to be addressed. In addition, at the direction of this committee, staff conducted some additional outreach to stakeholder institutions regarding the proposed changes to conditions for campus boundary expansion conditional use permits.

Background: Purpose of Study

Over the past several years, a large number of single-family residential properties have been acquired by institutions of higher education in Saint Paul. Some of these have been demolished and left as empty lots. The institutions undertaking these actions have done so in the absence of a clear plan for campus growth. This has raised substantial public concern over the potential for damage to the character and vitality of the residential neighborhoods surrounding these campuses.

The Saint Paul Zoning Code requires a conditional use permit for colleges, universities, and seminaries when they are located in residential districts. Sec. 65.220 of the Zoning Code lists standards and conditions for these institutions, and requires establishment of a defined campus boundary in residential districts and Planning Commission approval of any expansion of those campus boundaries.

Campuses include a wide variety of uses, some of which have the potential to be incompatible with adjacent residential uses, and have a very different physical form than a typical residential neighborhood. The requirement for a conditional use permit defining campus boundaries allows the Planning Commission to evaluate proposed campus expansions and permit expansions only under such conditions as they will not have a substantial negative impact on surrounding residential neighborhoods.

The intent of the study was to evaluate if the process for campus expansion is working as intended and, if not, to identify code amendments to improve the process.

A total of 12 comment letters were received, and two persons spoke at the hearing. Four letters, all from persons residing or worshipping in the Hamline Midway neighborhood, were received in support of the proposed ordinance change. The other eight letters received expressed opposition to the proposed changes. Letters in opposition came from the Macalester Groveland Community and Highland District Councils, St. Catherine University, the University of St. Thomas, Macalester College, Hamline University, MnSCU (primarily on behalf of Metro State), and one Macalester Groveland resident. The two speakers at the hearing were from the University of St. Thomas and Hamline University, and their oral testimony was nearly identical to the letters they submitted, and their oral testimony is therefore not explicitly discussed in this memo.

Almost all testimony received--both in favor and opposition--expressed at least partial support, either explicitly or in tone, with the general intent of the study and the proposed ordinance change. The educational institutions generally commented that the proposed change was overly restrictive and would limit options with regard to both campus expansion and property opposition. A number of potential changes to the recommended ordinance amendment were suggested by the institutions that commented. These suggestions, and analysis of the impact of the changes, are listed below:

MnSCU comments raised concern over a property at 393 Bates, which the proposed ordinance amendment may impact. Moreover, MnSCU staff have suggested that local zoning authority is superseded by state legislation that enables MnSCU to establish campus boundaries. While no formal legal opinion has been written, staff and the CAO disagree with this argument. A more appropriate way to address the potential impacts on Metro State (MnSCU) is to exempt from the 10-year waiting period properties for which a zoning approval requiring demolition has already been approved. There is an existing, approved site plan for a Metro State project that would require the demolition of 393 Bates.

Hamline University comments suggested changing the ordinance so that the 10-year waiting period would apply only to properties purchased AFTER the ordinance is in effect. This would greatly reduce the impact of the ordinance, as a number of institutions in Saint Paul have extensive real estate holdings to which the ordinance change would then not apply.

The University of Saint Thomas suggested that any vacant lots created be required to be used for community benefit: mini-park, community garden, etc. The addition of a requirement that vacant lots be held in a community-benefiting use would help, albeit to a limited extent, mitigate impacts to the neighborhood. However, there is no good mechanism for implementing this approach. The only possibility would be to decrease the number of years for which a property would be ineligible for addition to a campus boundary if a community-benefiting use were put into place. But such an approach would undercut the intent of the ordinance amendment.

Several stakeholder institutions suggested that it would be helpful to build more flexibility in to the ordinance. However, it is not clear how this would be achieved above and beyond the flexibility allowed already. College and University campus boundaries are established through a conditional use permit. The recommended ordinance amendment adds a condition regarding

past use of property that an institution seeks to add to its boundary. As with any condition of a conditional use permit, the Planning Commission would have the ability to alter the condition (in this case, by NOT requiring the 10-year waiting period) in any case where the applicant (a college or university) faced undue hardship in meeting the condition. An example might be where a college acquires a property pursuant to a planned future campus expansion, but the property is in poor physical condition, and it is not financially feasible to put into use for housing purposes. If an institution chose to demolish the property, under such circumstances a hardship argument for waiving the 10-year wait might be made.

At least one stakeholder institution suggested reducing the wait period proposed from 10 years to 3-5 years. However, except in the case of institutions with significant financial wherewithal, land assembly is likely to take place on a long time scale. It is unlikely that a 5 year waiting period would provide any sort of significant disincentive to acquisition and demolition for landholding purposes.

The two district councils, as well as the University of St. Thomas, suggested tabling of the proposed amendments to enable further discussion of potential alternative solutions. Several commenters suggested consideration of inclusion of other types of campuses-such as high schools-in the campus regulatory process.

The three letters of support spoke to the frustration of poor communications with Hamline University and hopes that proposed amendments would bring about a more transparent planning process for campus expansions. They also highlighted the changes to the character of their neighborhoods caused by recent demolitions. Two of the commenters also noted that work obligations kept them from attending the public hearing to deliver oral testimony.

Recommendations

While the comments in opposition to proposed amendments expressed concerns about the potential for unintended consequences and that the changes would potentially limit options around real estate acquisition and campus expansion, they did not offer meaningful alternatives. Moreover, the proposed amendments would not restrict the ability of any institution to acquire property nor add it to a campus; the proposed amendments only restricts addition of properties where demolition occurs before property is added to the campus. This would provide an incentive to colleges and universities to add properties to their campus-by going through a planning and approval process with a public component-before impacting a residential neighborhood by demolishing viable housing. In cases where emergency acquisition and demolition would occur, the Planning Commission would have the ability to modify (ie., waive) the proposed new restriction.

REQUESTED ACTION

Forward the findings and recommended zoning text amendments of the Campus Boundaries Zoning Study for consideration by the City Council, with a recommendation of approval.

city of saint paul
planning commission resolution
file number
date

Recommendations on the Campus Boundaries Zoning Study

WHEREAS, on March 27, 2015, with Resolution 15-17, the Saint Paul Planning Commission initiated the Campus Boundaries Zoning Study; and

WHEREAS, it is the intent of the Zoning Code to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community and to protect all areas of the city from harmful encroachment by incompatible uses; and

WHEREAS, the Saint Paul Zoning Code requires a conditional use permit for colleges, universities, and seminaries when located in residential districts; and

WHEREAS, Sec. 65.220 of the Zoning Code lists standards and conditions for colleges, universities, and seminaries, and for the establishment and expansion of defined campus boundaries for said institutions when located in residential districts; and

WHEREAS, the Saint Paul Planning Commission finds that it is the intent of the provisions of Sec. 65.220 to ensure that college, university, and seminary campuses do not negatively impact adjacent residential neighborhoods; and

WHEREAS, the Saint Paul Planning Commission further finds that it is the intent of the provisions of Sec. 65.220 of the Zoning Code to ensure that expansion of college, university, and seminary campuses occurs in an orderly and well-planned manner; and

WHEREAS, policy 1.57 of the Land Use Chapter of the Saint Paul Comprehensive Plan calls for the City to encourage communication between educational institutions and residents of the community when those institutions seek to expand or make significant changes to their campuses; and

WHEREAS, the Saint Paul Planning Commission finds that institutional acquisition and demolition of residential properties outside of campus boundaries in the absence of plans made available to the public and a campus boundary expansion approved by the Saint Paul Planning Commission is detrimental to the character and general welfare of residential neighborhoods; and

WHEREAS, the zoning code amendments recommended by the Campus Boundaries Zoning Study are consistent with the intent of the zoning code and the Saint Paul Comprehensive Plan that university, college, and seminary campus expansions occur in

an orderly and well-planned manner; and

WHEREAS, on August 21, 2015, the Saint Paul Planning Commission held a public hearing on the findings and recommendations of the Campus Boundaries Zoning Study, including draft zoning code amendments; and

WHEREAS, the Planning Commission referred the study and comments received to Neighborhood Planning Committee for consideration; and

WHEREAS, at the direction of the Neighborhood Planning Committee, staff solicited additional input from stakeholder educational institutions; and

WHEREAS, the Neighborhood Planning Committee, forwarded its findings and recommendations zoning text changes pertaining to the Campus Boundaries Zoning Study to the full Planning Commission in a memorandum dated September 25, 2015;

NOW, THEREFORE, BE IT RESOLVED, under the provisions of Minnesota Statutes § 462.357 and § 61.801 of the Legislative Code, that the Planning Commission hereby recommends to the Mayor and City Council the following amendments to Chapter 66 of the Zoning Code pertaining to standards and conditions for college, university, and seminary campuses

Note: New language to be added shown by underlining.

Sec. 65.220. - College, university, seminary, or similar institution of higher learning.

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Standards and conditions except in B4—B5 business districts:

- (a) When an institution is established, it shall provide the minimum number of off-street parking spaces required by this code. The institution shall be required to provide additional parking spaces only when the minimum number of parking spaces will have to be increased due to a more than ten (10) percent or three hundred (300) gain in the total number of employees, staff and students, whichever is less. Thereafter, additional parking spaces will have to be provided for each subsequent gain of more than ten (10) percent or three hundred (300) in the total number of employees, staff or students. To determine compliance with parking requirements in, the institution must file an annual report with the planning administrator*

stating the number of employees, staff and students associated with the institution.

- (b) *A theater, auditorium or sports arena located on a college, university or seminary campus must provide off-street parking within six hundred (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 63.200. 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 six hundred (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 nonstudents and nonemployees are to be held.*

Additional standards and conditions in residential districts:

- (c) *The campus boundary as defined under subparagraph (f) below at some point shall be adjacent to a major thoroughfare as designated on the major thoroughfare plan.*
- (d) *Buildings shall be set back a minimum of fifty (50) feet from every property line, plus an additional two (2) feet for every foot the building's height exceeds fifty (50) feet.*
- (e) *On a campus of five (5) acres or more, no building shall exceed ninety (90) feet in height; on a campus smaller than five (5) acres, no building shall exceed forty (40) feet in height.*
- (f) *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 conditional use permit. Properties on which the primary structure has been demolished within the past ten (10) years shall not be eligible for addition to a college, university, or seminary boundary, except where prior zoning approval for changes that would require demolition of the structure have been attained. The campus that is defined by the boundaries shall be a minimum of three (3) acres, and all property within the campus boundaries must be contiguous.*

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 that include planned or anticipated maximum enrollment by major category (full-time, part-time, undergraduate, graduate) over the next ten (10) years and also the anticipated maximum enrollment over the next twenty (20) years.*
- (3) *Plans for parking facilities over the next ten (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.*

Approval of a new or expanded campus boundary shall be based on an evaluation using the general standards for conditional uses found in section 61.500, and the following criteria:

- (i) *Anticipated undergraduate student enrollment growth is supported by plans for student housing that can be expected to prevent excessive increase in student housing demand in residential neighborhoods 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.*
 - (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.*
 - (iv) *The proposed new or expanded boundary and the "anticipated growth and development statement" are not in conflict with the city's comprehensive plan.*
- (g) *The institution shall not exceed by more than ten (10) percent or three hundred (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.*