

city of saint paul
planning commission resolution
file number
date

WHEREAS, the University of St. Thomas, File # 18-028-520, has applied for a site plan review to modify a condition of previous site plan approval to allow continued use of a 33-space parking lot until March 2021 under the provisions of § 61.402 of the Saint Paul Legislative Code, on property located at 2060 Summit Avenue, Parcel Identification Number (PIN) 05.28.23.41.0144, legally described as Lot 1 – 4, Moses Zimmerman's Rearrangment and Lots 1 – 9, Block 1, Groveland Addition, and vacated alley accruing; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 1, 2018, 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 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 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

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seconded by _____

in favor _____

against _____

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.

3. In 2014, St. Thomas requested (ZF# 14353-762) a three-year extension of the interim use of the property at the northwest corner of Cleveland and Grand Avenues as a surface parking lot. At the time of the application, St. Thomas was in the process of initiating a campus master planning process to guide future capital investments. The Planning Commission approved the request by modifying Condition No. 1 of the Resolution 05-30 (Resolution 15-04). As a condition of approval, the Planning Commission required St. Thomas to provide a financial surety to cover the cost of removing the surface parking lot and returning the site to green space.
4. St. Thomas completed the campus master planning process in late 2016. The process identified a number of potential capital projects. The plan identifies 4 potential residential projects, including a mixed-use (first-floor retail) student residential building in the location of the Grand and Cleveland parking lot. St. Thomas has not provided a proposed timeline for construction of any residential projects pursuant to the master plan.
5. In 2015, St. Thomas began leasing 16 of the 33 spaces in the Grand and Cleveland parking lot to Davanni's and Coffee Bene, located immediately south across Grand Avenue. To date, this parking has been available for use by Davanni's and Coffee Bene only on evenings and weekends. In seeking support of both the West Summit Neighborhood Advisory Committee (WSNAC) and the Macalester-Groveland Community Council for a three-year extension of the parking lot, St. Thomas proposed to make the 16 parking spaces available for use by Davanni's and Coffee Bene from 5 a.m. to midnight daily, and to contribute the \$15,000 annual lease payment for that use to Neighborhood Stabilization Fund, a fund administered St. Thomas that helps return student rental properties to owner-occupied status.
6. 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. While permanent use of the site for surface parking would not be consistent with the Comprehensive Plan, a 3-year extension of this interim use is generally consistent with the plan, which identifies the area as part of a Mixed-Use Corridor, and would allow continued use of the parking by local businesses. To ensure that the use of the site as surface parking does not continue indefinitely, approval of a modification of Condition No. 1 of the 2005 McNeely Hall site plan to allow the continued use of the northwest corner of Cleveland and Grand for surface parking an additional three years, through March 11, 2021, 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 and installation of grass and landscaping would cost approximately \$100,000.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of the University of St. Thomas for a site plan review to modify a condition of previous site plan approval to allow continued use of a 33-space parking lot until March 2021 at 2060 Summit Avenue is hereby approved 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.

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WHEREAS, John Rupp, File # 18-028-380, has applied for a conditional use permit for reuse of the church for St. Paul Conservatory of Music under the provisions of § 61.501 of the Saint Paul Legislative Code, on property located at 1524 Summit Avenue, Parcel Identification Number (PIN) 03.28.23.32.0071, legally described as Lots 1-4, Block 2, Summit View; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 1, 2018, 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 applicant is requesting a conditional use permit to allow operation of the Saint Paul Conservatory of Music (SPCM) in the former Saint Paul's Episcopal Church. The zoning of the parcel is RM1, which is intended to allow civic and institutional use in addition to lower-density multi-family residential uses. Conversion or reuse of permitted nonresidential structures, such as churches, is a conditional use in this zoning district.
2. § 61.501 lists five standards that all conditional uses must satisfy:
 - (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 condition is met. Based on the Saint Paul Comprehensive Plan, the property is located in a strip of Established Neighborhood land use type adjacent to a Mixed Use Corridor and within 450' of Major Institutional. Established Neighborhood land uses include "scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets." The property is near the intersection of Snelling and Summit Avenues, arterial and collector streets. The Historic Preservation Chapter of the Comprehensive Plan has a strategy to "Preserve and Protect Historic Resources." Built in 1912 and within a designated historic district, the property is a significant historic resource. HP Policy 5.3 reads "Realize the full economic potential of key historic resources." HP3 in the Macalester-Groveland Community Plan reads "Preserve and protect the neighborhood's historic resources."
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. There are no changes to the existing circulation pattern on the site. There is one curb cut to Summit Avenue in the northwest corner of

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in favor _____

against _____

the property that connects to the alley and is accessible to multiple users on the block. The other point of access is from a small parking area on the southern edge of the property that is contiguous with the east-west alley that connects Snelling Avenue and Saratoga Street.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use as a music education facility will not be detrimental to the existing character of development in the immediate area, which is characterized by a mix of institutional, residential, and small-scale commercial uses. Music education activities on the site do not pose a danger to public health, safety or general welfare.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use as a music education facility will not impede development of neighboring property.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* Per § 65.132(d), parking minimums for the new use shall be met using the parking requirements of § 63.200 for new structures. However, the parking requirement in § 63.200 for colleges and art schools does not fit the parking needs for the St. Paul Conservatory of Music, where students come for lessons and small classes and are staggered in their time on-site, and where faculty who give lessons are not present for a full day and stagger their time at the facility based on when they are giving lessons. At the busiest time, there are typically about 2 staff, 6 teachers, and 35 students on-site. This condition can be met subject to modification of the special conditions for parking. See finding I.4 for discussion.
3. § 65.132 sets standard and conditions for reuse of large structures, such as churches, in residential districts. Those standards and conditions are:
- (a) *The planning commission shall find that the structure cannot reasonably be used for a conforming use.* This condition is met. There are limited uses permitted in the RM1 zoning district that can make good use of the unique space present in this building. While a day care or small school may be able to use the education center, it is unlikely that they would be able to make effective use of the historic church and justify the significant costs necessary to update and maintain it. Interest for another worship-based use was not sufficient to justify purchase by another faith-based entity.
 - (b) *The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.* This condition is met. See finding 2(a).
 - (c) *The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.* This condition is met. There are no external structural alterations proposed for the new use. The surrounding land uses are a mix of institutional, residential, and commercial. The proposed institutional use will not conflict with those in the surrounding neighborhood.
 - (d) *Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.* This condition is not met. However, the parking requirement in § 63.200 for colleges and art schools does not fit the parking needs for the St. Paul Conservatory of Music, where students come for lessons and small classes and are staggered in their time on-site, and where faculty who give lessons are not present for a full day and stagger their time at the facility based on when they are giving lessons. At the busiest time, there are typically about 2 staff, 6 teachers, and 35 students on-site. The recommendation is that a modification of special conditions is appropriate in this case. See finding I.4.

(e) *Applications for conversion or reuse shall include a notarized petition of two-thirds of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request. The notarized petition requirement shall be waived for a proposed conversion or reuse to serve residents who are all considered handicapped under the Federal Fair Housing Act Amendments of 1988. This condition is met. Ten parcels were eligible; the application required seven signatures and included nine.*

4. The planning commission may approve modifications of special conditions when specific criteria of § 61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is met. Per § 65.132(d), parking minimums for the new use shall be met using parking requirements for new structures. However the parking requirement in § 63.200 for colleges and art schools does not fit the parking needs for the St. Paul Conservatory of Music, where students come for lessons and small classes and are staggered in their time on-site, and where faculty who give lessons are not present for a full day and stagger their time at the facility based on when they are giving lessons. At the busiest time, there are typically about 2 staff, 6 teachers, and 35 students on-site.

There are currently 12 parking spaces along the southern edge of the property, off of the alley. Per current code, a church use would require an additional 8 stalls based on an area of 5,100 square feet in the main unit of worship. Street parking was used during worship and other events when the Episcopal Church was in operation. The property is within a heritage preservation district, there is little space on-site for additional parking, and it is unlikely that significant modifications could be made to the site to provide for additional parking. Strict application of the parking requirements would unreasonably limit or prevent reasonable reuse and preservation of this historic church. While the recommendation is to modify the parking requirement condition of § 65.132(d), existing parking capacity should be maintained.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of John Rupp for a conditional use permit for reuse of the church for St. Paul Conservatory of Music at 1524 Summit Avenue is hereby approved with the following condition:

1. A minimum of 12 off-street parking spaces shall be maintained on the site.



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

651-695-4000
mgcc@macgrove.org

March 1, 2018

Mr. Mike Richardson
Department of Planning and Economic Development
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Mr. Richardson:

On February 28th, 2018, the Housing and Land Use Committee (“HLU”) of the Macalester Groveland Community Council (“MGCC”) held a public meeting, at which it considered the application for conditional use permit concerning the property located at 1524 Summit Ave. The applicant appeared to speak to the application and to answer questions.

After speaking with the applicant, consulting the Macalester-Groveland Long Range plan, and assessing the merits of the application, the HLU unanimously passed the following resolution:

*****The Housing and Land Use committee of the Macalester-Groveland Community Council recommends approval of the conditional use permit at 1524 Summit Ave for the purposes of a school at the site.*****

If you have questions or concerns, please do not hesitate to contact me.

Liz Boyer
Executive Director
Macalester-Groveland Community Council

cc (via email): Ward 3, City of Saint Paul
John Rupp, Commonwealth Properties
Brian Alton, McClay-Alton

Summit Avenue Residential Preservation Association
February 28, 2018

Saint Paul Planning Commission Zoning Committee

Re: Application for a Conditional Use Permit for St Paul's Episcopal Church (File # 18-028-380)

Dear Saint Paul Planning Commission Zoning Committee:

The Summit Avenue Residential Preservation Association (SARPA) was formed in furtherance of the City of Saint Paul's efforts to preserve and protect Summit Avenue as one of the City's most important assets. SARPA has been in existence for decades and has, throughout its tenure, carefully reviewed and commented upon proposals that will have an impact upon the residential and urban park character of the precious resource that is Summit Avenue. The application referred to above requires such comment.

SARPA believes that the proposal for a conditional use permit (CUP) referred to above must be denied, or, at a minimum consideration, should be postponed because the application does not present all of the facts necessary to a proper review. SARPA believes that the application as presented is deficient and should not be granted. However, the main basis for SARPA's position is that while the application is limited to a request for a CUP for use as a music school, the applicant, John Rupp, has acknowledged to the SARPA Board of Directors and other neighbors that the music school use is only a portion of his overall plan to convert this residentially zoned building on Summit Avenue to a building that serves a variety of business and commercial uses. The most concerning of the proposed commercial uses includes that as reception hall (for weddings and other events) with catering services. He also plans to add an open-air patio space on the east side for outdoor weddings/events and receptions. Based on the information provided by Mr. Rupp and his agents, when he is finished, the building will be used over half of the year or more for these business purposes. In Mr. Rupp's own words, the commercial/business uses will be: "intensive." He has also acknowledged specifically that the music school use is not sufficient to support his plans for the building and that without the other business/commercial uses the music school use will not be viable.

None of this information is contained in the CUP application at issue. SARPA does not know exactly what information Mr. Rupp presented to city outside the application. Based on the discussion in the Staff Report, he did not disclose the extent of his intentions. Until Mr. Rupp's full proposal can be carefully considered it is premature to grant the CUP he requests and it should be denied. At a minimum, consideration should be postponed until all of the facts are presented and all interested parties including SARPA can be heard. SARPA has two main concerns: 1) parking for the larger events (attracting 200-250 guests) and how that will impact the surrounding neighborhood, and 2) how does this feed into the slow erosion of Summit Avenue which has not had new for-profit entities on Summit

Saint Paul Planning Commission Zoning Committee

February 28, 2018

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Avenue outside of those grandfathered in before the City of Saint Paul commissioned the SARPA organization to protect the residential and urban-park character of Summit Avenue.

Sincerely,

Summit Avenue Residential Preservation Association

By Carolyn Wills, President

1583 Summit Avenue

St. Paul, MN 55105

and

By Thomas Darling, Board Member

445 Summit Avenue

St. Paul, MN 55102

March 1, 2018

Saint Paul Planning Commission Zoning Committee

Re: Application for a Conditional Use Permit for St Paul's Episcopal Church (File # 18-028-380)

Dear Saint Paul Planning Commission Zoning Committee:

I am writing in response to the letter from SARPA in opposition to the Conditional Use Permit for Saint Paul's Episcopal Church filed by John Rupp. SARPA recommends that this application be denied or delayed because they believe that the application does not present all of the facts necessary for a proper review. The basis of my disagreement with their recommendation is that the request for a CUP is in fact entirely specific and all the facts necessary for determination of a decision regarding this request are included.

Mr. Rupp has indeed been open and transparent about the vision for a Center for the Performing Arts as a long-term use of the former church and this was openly discussed at an information session with SARPA members held at the University Club a couple of weeks ago. However, the CUP that is under consideration does not include any reference to the broader vision but instead addresses the need to provide a home for a very distinguished community music school, the Saint Paul Conservatory of Music (SPCM), which is being evicted from its current home at the end of March due to the sale of the building.

In collecting signatures from the abutters regarding this CUP, there was unanimous support for allowing the SPCM to move into this space. Further, the Macalester Groveland Community Council voted unanimously to support this application at their Feb. 28 meeting. Without the approval of this request, the SPCM will have to discontinue its operations which would be a significant harm to the music students and families, the staff and faculty, and would be a huge and senseless loss to the community. It is essential that this excellent school be allowed to move to 1524 Summit within the proposed timeframe so no damage is done to this fine institution nor to the many Saint Paul families who receive music education from this excellent community resource.

I saw nothing in the letter from SARPA that opposes the use of this space by the Conservatory and I heard nothing at the discussion I attended with this group that opposed the use of this space by the SPCM. To deny this request based on factors that are not relevant to this very specific and important request is not in accordance with the process in place to seek a Conditional Use Permit. Therefore, I urge you to support the request as submitted.

If, in the future, another application is forthcoming which describes additional uses, that would be the time to discuss the impact on the neighborhood and the City of such uses and to carefully consider the issues raised by that application. To suggest that the current application should be denied, and that the SPCM should become homeless due to opposition to factors that are non-existent in this application is not fair or in accordance with the permit process.

Respectfully,

Harry Chalmiers

Richardson, Mike (CI-StPaul)

From: John R. Rupp <JRRupp@commonwealthproperties.com>
Sent: Friday, February 23, 2018 12:51 PM
To: Brian Alton
Cc: Richardson, Mike (CI-StPaul); 'clea@thespcm.org'
Subject: RE: Plans for 1524 Summit

Brian/Mike

1. Plan coming
2. Waiting to hear from broker
3. Average day – 2 staff, 6 teachers, 35 students

From: Brian Alton [<mailto:brian@mccloy-alton.com>]
Sent: Friday, February 23, 2018 11:51 AM
To: John R. Rupp <JRRupp@commonwealthproperties.com>
Subject: FW: Plans for 1524 Summit

John,

Here is the email from Mike Richardson requesting the pdf of the plans.

The 3 questions he asked of me yesterday were:

1. How many parking spaces are in the parking lot on the property currently.
2. For how long has the property been on the market for sale or lease.
3. At the busiest time of day, how many faculty and students will be at the property

Brian

From: Richardson, Mike (CI-StPaul) [<mailto:mike.richardson@ci.stpaul.mn.us>]
Sent: Friday, February 23, 2018 11:35 AM
To: Brian Alton
Subject: Plans for 1524 Summit

Hi Brian,

Somebody brought in a large set of plans for the Episcopal church project. Is it possible to get a PDF of those so that we can include a clean copy, rather than what would most certainly be a muddy photograph? Only pages A0.1, A2.1, and A2.2 were submitted, and that's all we'd need.

Thanks,



Mike Richardson

City Planner

Planning & Economic Development

25 W. 4th St., Suite 1400

Saint Paul, MN 55102

P: 651-266-6621

mike.richardson@ci.stpaul.mn.us

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John,

Three questions from the planner writing the staff report:

4. How many parking spaces are in the parking lot on the property currently.
5. For how long has the property been on the market for sale or lease.
6. At the busiest time of day, how many faculty and students will be at the property.

Please get answers as soon as possible so that I can provide them to the planner.

Regards,

Brian

Brian D. Alton

McCLAY · ALTON, P.L.L.P.

951 Grand Ave

St. Paul, MN 55105

FAX 651-290-2502

651-290-0301

brian@mcclay-alton.com

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