

# MEMORANDUM

Date: June 3, 2015

To: Members of the St. Paul City Council

From: Bob Johnston

Subject: Appeal : FreedomWorks CUP Approval  
File #15-021-950

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The following is a response to the appeal submitted on behalf of the Dayton Bluffs Neighbors et. al dated May 18, 2015, with respect to the Zoning Commission and Planning Commission, respectively, approving a Conditional Use Permit for FreedomWorks for use of the property located at 869 Fifth Street East in St. Paul. I will address each of the objections to the five conditions as set forth in the Dayton Bluffs appeal letter.

## Introduction:

FreedomWorks did not understand that it was to meet with the neighborhood group prior to the notice as to when the Zoning Committee scheduled the application hearing. However, subsequently, FreedomWorks personnel met twice with the Dayton Bluffs Neighborhood Group, and held two community meetings with area residents and unilaterally submitted a covenant agreement setting forth FreedomWorks desire to work with area residents, inviting them to Board meetings and creating an advisory group for meaningful communication. In fact, the neighborhood association has already begun conversations with selected neighbors about being part of a neighborhood advisory group that will work cooperatively with FreedomWorks to promote improved communication and mutual involvement.

**Item 1.** The property is zoned RM2 and with the CUP approval, meets the guidelines set forth in the City code. When FreedomWorks initially applied for the CUP, two identification categories were available . . . a transitional housing facility (Sec. 65.159) and a licensed correctional community residential facility (Sec. 65.154). FreedomWorks does not consider its ministry transitional housing, meaning men come and go sometimes for days. However, the ministry is not a State licensed correctional community residential facility, so the transitional housing tag became the alternative. And, in fact, there are parts of the definition that accurately describe the FreedomWorks ministry. We will have one main building; we will have one zoning lot; men will occupy the facility for a reasonable period of time, some as long as 18 months; the ministry does provide program activities designed to facilitate independent living. In fact the men are obligated to participate in the various programs provided, all of which are focused on their successful transition into their community, workplace and home life.

The appellant further states that *“the value of homes will be diminished further”* by FreedomWorks presence in the neighborhood. There is nothing factual about this statement; it is conjecture at best, anticipating what perhaps they portend for the future. Such a situation has not held true with respect to FreedomWorks facility in North Minneapolis.

**Item 2.** As a general statement, men occupying this facility do not own automobiles. Nearly all the men rely on public transportation. The appellant's statement that *"backing up into the alley will impede traffic and the flow of street traffic"* is opinion. The number of automobiles associated with the ministry is few, and that number should not adversely affect the neighborhood or its normal traffic patterns, nor will it create any "congestion."

The statement that *"the easement from Sacred Heart was abandoned and will not transfer with the property"* is not accurate. Section 2 of the Parking Easement Agreement executed between Catholic Charities and Church of the Sacred Heart states that "The easement includes the right to the use of 12 unassigned vehicle parking spaces for the occupants of the Catholic Charities Property, their agents, employees, invitees and visitors." Section 7 of the Agreement states that "The easement granted in this Agreement runs with the land and inures to the benefit of and is binding upon the Parties hereto and their respective successors or assigns."

**Item 3.** The use and function of the property by FreedomWorks should not adversely affect the neighborhood or the adjacent school. FreedomWorks is located near a school in North Minneapolis. The property should appear to the neighborhood similar to a market rate apartment. The appellant's statement that *"However, there is evidence it will disrupt the character of the neighborhood now by affecting current makeup of the area and future health, safety and general welfare of the area."* Is opinion, with no basis of fact to support its statement. In its North Minneapolis location, FreedomWorks has done nothing over nearly a decade of ministry other than to be a positive influence on the neighborhood.

The school facility will make a wonderful facility for another charter school. However, it will also make a wonderful facility for a number of non-profit groups looking for functional space, including use of the gymnasium, cafeteria and classrooms. To suggest that only another school is a likely candidate for the facility is to limit the possibilities for future occupancy.

The appellant's statement that *"The addition of FreedomWorks increases the population needing protection from crime and threatening conditions and increases the likelihood of incidents requiring police intervention."* is pure speculation and opinion. In nearly a decade of ministry in North Minneapolis, the ministry has not had a single call by police that involved any incident of one of its residents. Why would it be any different in the Dayton Bluffs neighborhood?

**Item 4.** The appellant's statement that *"The layout of the school only functions as a school."* is untrue. As noted above, a facility of this type could be occupied solely by a single non-profit group or shared by several and utilized with great success. A second statement *"This would impede the normal and orderly development and improvement of the area."* Why? On what basis does a facility such as FreedomWorks will operate, impede the normal and orderly development and improvement of the area? A third statement that *"Investment will be stagnated in this area"* is only opinion with respect to the future, which no one can accurately predict and which cannot be justified through any factual history.

Nearly any use of the property by any third party user will demand a land use modification and parking modification, respectively. The property's size and land area are what they are, and any future user will find challenges to effectively utilize the property without requesting the appropriate modifications required and which were granted to FreedomWorks.

How do staff and residents coming and going from the property as they go to work, school and other activities *"adversely impact the character of development in the immediate neighborhood?"*

**Item 5.** There is more than adequate open space for residents of the facility with the vast open courtyard in the center of the property.

The appellant offered the statement that *"FreedomWorks does not provide a factual basis, but speculates and does not provide evidence to support how adding 24 residents will not injure surrounding neighborhood or otherwise harm the public health and safety and welfare."* I would suggest that the appellant look back at the previous arguments it has made in support of its own position. Has the appellant submitted any factual basis, without speculation, to support any of its arguments?

FreedomWorks has patiently and consistently answered every question asked about its ministry efforts and function to every community member who has asked. And the basis for those answers comes from its decade-long history in North Minneapolis, its experience with the neighborhood, and the many testimonials that have come from neighbors, police, volunteers and retail merchants surrounding our facility. This past experience and operating history is all FreedomWorks has to support what we believe will be a similar experience in the Dayton Bluffs neighborhood.