

city of saint paul
planning commission resolution
file number
date

WHEREAS, East Seventh Street Building Co., File # 17-058-600, has applied for a rezoning from IT transitional industrial to I1 light industrial under the provisions of Zoning Code § 61.801(b) of the Saint Paul Legislative Code, for property located at 1125 7th St. E., NW corner at Duluth Street, Parcel Identification Number (PIN) 282922420100; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 3, 2017, 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 application requests approval to rezone from IT transitional industrial to I1 light industrial. The rezoning would allow for a range of uses, including the outdoor vehicle sales use desired by the applicant. Outdoor vehicle sales is not permitted in the IT district at this location.
2. The proposed zoning is consistent with the way this area has developed. The subject site and others along Phalen Boulevard and the adjacent railroad have long been used for industrial uses.
3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan in Figure LU-B Generalized 2030 Land Uses designates the site's future land use as Industrial. The Phalen Corridor Development Strategy and District 4 Plan Summary, both addenda to the Comp Plan, do not contain provisions that apply to this application.
4. The proposed zoning is compatible with the adjacent railroad use and the surrounding mix of uses, including commercial and vacant industrial land.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed I1 zoning does not constitute "spot zoning." The uses permitted in I1 are not inconsistent with the surrounding mix of uses, including railroad, commercial and vacant industrial.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of East Seventh Street Building Co. for a rezoning from IT transitional industrial to I1 light industrial for property at 1125 7th St. E. be approved.

moved by _____
seconded by _____
in favor _____
against _____

From: Hummel, Benton (DEED)
To: Dermody, Bill (CI-StPaul)
Subject: File # 17-058-600 MacQueen Equipment
Date: Wednesday, August 02, 2017 9:16:03 AM

Good morning, Mr. Dermody - When I checked with Scott Renstrom yesterday about the requested change in zoning for MacQueen, he assured me they are asking to be able to sell outside. I am totally comfortable with this since it must be difficult to sell a firetruck or other large commercial vehicle without the customer's being able to see it outside. MacQueen is a good neighbor, and I probably wouldn't protest much less than a request to put in a feed lot for pigs. Since I have been voted Most Likely to Protest for many years (snicker), I am pleased to be able to say that I am NOT protesting this change of zoning.

Mary Benton Hummel
1199 7th St E
Saint Paul, MN 55106

Z.F.# 17-060-690

From: rjlerma@comcast.net
To: [Dermody, Bill \(CI-StPaul\)](#)
Subject: Additional Police Report
Date: Thursday, August 03, 2017 10:00:08 AM
Attachments: [policereport.pdf](#)

Dear Bill Dermody,

Additional Police Report for 911 calls made concerning Listening House.

This time frame is after we submitted our appeal.

Thank You.

Best Regards,
Kim & Rene' Lerma
613 North St.

Saint Paul Police Department Address/Intersection Report

Address Search: 464 MARIA AV
Incident date from 06/30/2017 to 07/31/2017
(Sector 3, Grid 94)

Total Records: 27

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
17177386	07/20/2017 17:27:22	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17176448	07/20/2017 13:19:04	464		FAMIL Y/CHILD DRFN-MENTAL VULNERABLE ADULT	ADV
17176275	07/29/2017 08:21:28	464		ASS ASSIST FIRE/AMBULANCE	ADV
17174224	07/27/2017 00:59:09	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	GOA
17174108	07/26/2017 22:19:39	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17173747	07/26/2017 15:53:13	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17173221	07/26/2017 00:49:12	464		POLICE VISIT PROACTIVE POLICE VISIT	ADV
17172873	07/25/2017 15:27:26	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17172503	07/25/2017 10:39:06	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171930	07/24/2017 15:01:43	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17171766	07/24/2017 11:09:31	464		ASS-ASSIST FIRE/AMBULANCE	ADV
17171660	07/24/2017 07:49:55	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17168397	07/20/2017 12:06:17	464		INVESTIGATE-JUVENILE F	ADV
17167501	07/19/2017 10:22:59	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17166881	07/18/2017 18:54:50	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17166180	07/16/2017 22:00:54	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17163357	07/14/2017 19:52:53	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	GOA
17162266	07/13/2017 17:32:12	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17160773	07/12/2017 09:19:41	464		DISTURBANCE-FIGHTS	ADV
17160748	07/12/2017 08:43:36	464		DISTURBANCE-SUSPICIOUS PERSON, CAR ACTIVITY	ADV
17160705	07/12/2017 07:04:21	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17160361	07/11/2017 16:09:18	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17157567	07/08/2017 16:04:04	464		ASS ASSIST FIRE/AMBULANCE	ADV
17155200	07/06/2017 10:33:05	464		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
17152638	07/03/2017 18:44:44	464		DISTURBANCE-DISORDERLY BOYS/GIRLS PERSONS	ADV
17152538	07/03/2017 17:07:55	464		ASS ASSIST FIRE/AMBULANCE	ADV
17152251	07/03/2017 09:48:46	464		DISTURBANCE-SUSPICIOUS PERSON, CAR	ADV

911 calls → 39 calls since LHT opened

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: Additional Letters against Listening House
Date: Thursday, August 03, 2017 1:24:59 PM
Attachments: [mandyletter.pdf](#)
[ericletter.pdf](#)
[daveg.letter.pdf](#)
[Untitled.pdf](#)
[Listening House .docx](#)
[mayor letter.docx](#)
[colemanletter.pdf](#)

Cherie,

Please provide the attached letters to the Zoning Committee this afternoon.

From: rjlerma@comcast.net [mailto:rjlerma@comcast.net]
Sent: Thursday, August 3, 2017 9:49 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Subject: Additional Letters against Listening House

Dear Bill Dermody,

Please see attached letters to the Zoning Board from residents concerning the Listening House in our residential neighborhood.

There are letters from owner occupied residents and also letters from landlords who are having some problems with keeping leases and renting to future tenants because of the problems with Listening House.

Please add to our existing appeal/documentation packet.

Thank you.

Best Regards,
Kim & Rene' Lerma
613 North Street

Zoning Appeal: Listening House

7.31.2017

Miranda Okonek

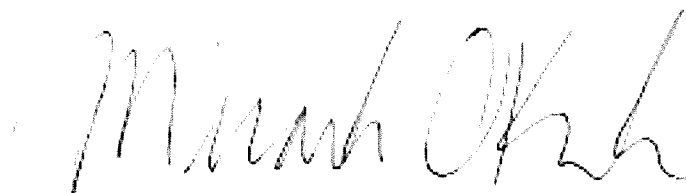
649 North Street

To Whom It May Concern:

My name is Miranda Okonek and have lived on North street for over 13 years. I rented a duplex at 653 North street was married in the backyard overlooking Swede Hollow Park and bought the house next door. I live less than 50 feet from the doors of Listening House. My husband and I love raising our children in a diverse urban environment and are no strangers to crime and homelessness in Saint Paul. Since LH opened I have witnessed a huge uptick in crime and homelessness. Our bike and child carrier lock and all were recently stolen from our driveway. My daily walks in Swede Hollow Park are witness to more and more tents and encampments popping up right in my back yard. I've started to carry garbage bags with me on walks to pick up empty liquor bottles and trash because the city can't see everything when they drive by in their clean up trucks. Sadly, the number of folks I've seen living in Swede Hollow has increased dramatically and now I have they City Parks and Rec on speed dial. After being confronted by a homeless fellow who was angry because he accused me of calling the cops on him, I no longer bring my 6-year-old daughter into the Hollow. I still walk daily in lower Swede Hollow Park with my dogs and report crime to the proper authorities at my own risk. I've watched and gotten to know many of the guests who frequent LH as folks who are living in the Hollow. Not all of them are scary. I feel bad for the ones who really want help. Unfortunately, most of the folks living in the park are exhibiting behavior that I do not deem suitable for my young child to bear witness. Screaming obscenities while in conversations on their LH provided cell phones, lude behavior, excrement, trash and public intoxication are seen on a daily basis. The LH folks say they are providing mental health and chemical dependency services but I've seen intoxicated guests on their lawn on more than one occasion. My mom came by for a visit and was terrified by the folks she saw walking down my street after LH closed and begged me to move. I refused. In fact, I'm currently working on home improvement projects to increase the value of my home and neighborhood. I'm currently attending Metro State University, where I can walk to class and work on my BA. I love the diversity of my Historic neighborhood, and I love my neighbors. We have worked hard to make Dayton's Bluff a community where people want to move and raise their families. The addition of LH to our neighborhood is a harmful one. They attract a criminal element to our quiet dead-end street and the LH staff are providing the neighbors no accountability for increased crime and trash. In fact, they have never once answered their phone when I've called during business hours on several occasions to address the staff about crime and un savory guests. The similar use Zoning appeal is legitimate. The face of our neighborhood was changed when Listening House opened its doors. Listening House's services are too vague and the risk of harm from their clients to the neighbors is too great. The only similarity I can see between St. Mary's Church and First Lutheran church are the fact that they are both churches located in Saint Paul. St. Mary's church is not located near any green space or a public park. It is not on a dead-end street. I ask that you grant our appeal. Please keep our little neighborhood a safe place where we can live and raise our children in peace.

Kind Regards,

Miranda Okonek



To whom it may concern.

I live at 657 north with my two sons and mother-in-law. We are very close to the Listening House and am very concerned with it being in our neighborhood. Homelessness is something that we have to deal with everywhere we go. The children ride their bikes at the dead end which is right next to LH. We encounter homelessness at the upper and lower swede hollow. We walk to the library almost everyday, our path is right past LH. Also we encounter it at the library.

The other day as I walked with my children to the dead end to ride bikes, a homeless man that was walking to LH screamed at us angrily the whole way. When we go on our walks we find all sorts of garbage, evidence of drinking. I have overheard homeless men discussing where they were going to go urinate. People loitering outside of LH before, during and after hours for LH. Trash piled up beside LH dumpster. Everywhere I go with my children there are homeless and evidence of

I'm very concerned with the affect of LH being in a residential neighborhood. I don't believe LH takes it seriously how much this affects our daily lives. We have to call the police every time something happens. Let alone not feeling safe everyday. Just in the first block of LH there are 15 children which is a big deal when they don't screen their clients. I have no idea who I am dealing with on the street which makes me feel unsafe. I shouldn't be afraid just to go on a walk with my children. I don't believe that a residential neighborhood is the best fit for what LH does.

- MELINDA
SALINAS
WILLIAM
SALINAS

~~ROSE~~ JACKSON
ROSE SALINAS

ERIC
SALINAS

To whom it may concern,

I, David

Gustafson, the property owner of 629 North St. for the last eighteen years. Just found out a week ago, about the homeless day shelter located at the church across the street from my property. My tenants informed me of the situation before i received any notice in the mail, about a homeless shelter at the church. My tenants have witnessed people sleeping outside of the church property on the ground, as well as people arguing outside and asking them for money. My neighbors notified me of several thefts on the block in the past few weeks. Up until this point our neighborhood has been quiet and peaceful. My tenants no longer feel safe, and have resigned a one year lease two months ago. They and are now looking to terminate their lease because of the issues regarding the homeless shelter. I have been at the property the last 3 days doing maintenance and i have also witnessed these problems. As far as i know, there should have been a public hearing before a shelter like this is allowed to be placed in a neighborhood. What seems to be happening when the shelter closes, is that there is nowhere for these people to go so they are sleeping in the neighborhood and swede hollow park behind my property. This shelter placed at the church has caused many issues for my tenants and I. I hope you strongly consider relocating this shelter as i am about to lose my tenants, due to these issues.

Sincerely,

David Gustafson

From Gabriel Harran

(619 North Street multi tenant property owner)

We are having a harder time renting our apartments this summer. We have a standard for our tenants that helps support our responsible neighborhood and we do not want to lower our standard. With the observable behavior that has come along with the Listening House this is much harder to do.

The value of our investment is at risk. We are not a massive real estate company, just a couple who has their eggs in a small basket. Having a service provider move in and not take responsibility for the externalities of their services has major financial implications to our family."

August 1, 2017

Here are 4 emails that I sent out to various individuals about Listening House. They reflect my increasing frustration with the problems that Listening House has brought to our neighborhood.

Jane Carlstrom
619 Bates Avenue

June 1, 2017

Thank you to Chris and Brenda from First Lutheran and to Rosemarie and Axel for being at the neighborhood meeting last night. There was a great deal of tension and frustration expressed on both sides of the issue. The move of the Listening House programs to 8th and Maria took the neighbors by surprise. And, as you know, this neighborhood has gone through some very difficult times with well intentioned but poorly managed programs in the past. I hope we can resolve some of the expressed concerns so that the neighbors can provide a welcoming presence for the people whom Listening House will be serving. Last night's meeting was an essential first step to allow folks to talk about their fears. I am encouraged that we have a follow-up meeting on the calendar in two weeks so that we can work together to create an action plan for the future.

I have heard that we have been labelled NIMBYs by some. Last night I heard someone who knows nothing about our neighbors or neighborhood say that we lack compassion for the vulnerable and that he worries we will do harm to the people you serve. These kinds of attitudes about us are counterproductive, offensive, and will not give rise to the kind of cooperation that we wish to promote. As was pointed out at the meeting, we have 5 homes serving social service functions within the small wedge of neighborhood between First Lutheran and St. John's Lutheran on this side of 7th Street. No one is working to shut them down; they are not disruptive to our community. My hope is that the Listening House will become a positive force in our community. In order for that to happen Listening House needs to earn our trust by addressing the concerns of our community.

I am looking forward to working with you on a plan to keep our neighborhood both safe and welcoming.

July 7, 2017

It is 10:30; I just returned from my usual morning dog walk. In the upper park I encountered a woman with a back pack who was carrying a large can of beer or malt liquor. We greeted each other and she volunteered that she was there to "get away from the men for a while and have a drink." I believe that she, like the many individuals we have seen drinking in Swede Hollow Park, is a client of Listening House.

My husband and I walk our dogs around the neighborhood at least twice a day. We are in the habit of picking up trash along the way. This summer we have picked up more beer cans and liquor bottles than at any time in the past. And we also have picked up more clothing, food wrappers, napkins, rugs, and tarps than ever before. Our past in the

neighborhood extends back decades. Dave has lived here since 1979 and I have been here since 1992.

After the first meeting at Listening House I held out some hope that the organization would take responsibility for the problems it has brought to our neighborhood. I have lost that hope.

I was not able to attend the second meeting about Listening House last month. But reports about the meeting from my neighbors were disappointing. They tell me that rather than addressing the concerns of the neighbors we were once again told that we "lack compassion". One neighbor was told by a Listening House supporter that she has a "dark heart." I was very disappointed to hear that once again people who do not live in our neighborhood and who certainly did not seek to have this program placed in any of their own neighborhoods continue to insult those who express concern about the secretive way this program was dropped on us and who are interested in maintaining a safe and livable neighborhood for our families. Apparently the 2nd meeting did not advance the Listening House cause.

Like many others who live here, Dave and I like the living in a residential area with economic, ethnic, and racial diversity; we choose to live here. It appears that the neither the Listening House employees or First Lutheran staff choose to live with the problems they have brought to the neighborhood and show little interest in dealing with the concerns of the neighbors. Instead they show their "compassion" from 9 to 4:30 and then leave the problems they have brought to us behind as they head to more affluent neighborhoods and suburbs where they do not need to deal with homeless encampments just down the hill from their homes or with daily exposure to public drinking, foul language, and use of our neighborhood park to leave litter, clothing, and human waste. It is interesting to me that those who benefit by drawing a salary or rent from Listening House see themselves as "compassionate." It seems they expect the neighborhood residents to constantly monitor our streets and parks for illegal activities after they and their compassion retreat to their safe, clean neighborhoods.

I have come to the conclusion that Listening House is a program that should not be located in a residential neighborhood. Until it moves to a more appropriate place, the staff should show some willingness to clean up the messes their clients leave behind and to assure after-hour security for our streets and park.

July 12, 2017

Like my neighbors, I am discouraged by the secret way the move was made from downtown to our neighborhood. But the real problem is the the huge increase in the number of homeless individuals who are living in Swede Hollow. Today, I visited an area that Dave and I cleared out just last week. No tent this time, just lots of beer cans, bottles, clothing, food wrappers, plastic bags, cardboard, and used toilet paper...Yuk! Today, there was another fight on the church patio in front of Listening House. The presence of Listening House in our residential neighborhood has significantly reduced our quality of life. I used to enjoy taking walks in Swede Hollow Park. Some of my

neighbors no longer walk down into the Hollow because of the trash (a snowblower...really? in July? grocery carts, and the usual bottles, cans and clothing and because of the many homeless who are living there... one neighbor said it is just "scary" down there. A business, even a well intentioned non-profit business should not be able to destroy the peace and security of the residents who have lived here long before that business arrived and who hope to live here long after Listening House departs.

July 24, 2017

Today there is a person sleeping under a blanket on a bench outside of Listening House. It is 11:30 a.m. and he has been there since before 7:00 this morning. We called the police and an officer responded, but because the church is private property and LH staff are fine with people living outside their doors, the officer told us that there is nothing he can do. Do we need to put up with people living in our residential neighborhood streets and parks? During the LH day, these folks can use the sanitary facilities in Listening House (except for weekends, Wednesday and Friday afternoons, before 9:00 am and after 4:00 pm, or over the noon hour, of course). But for most of the day the homeless who increasingly are coming to live in our neighborhood just head for the woods behind our homes.

I understand that the Burger King on 7th has stopped leaving condiments, including cream for coffee, on the counter and that the Holiday station down the street is considering closing at 10:00 pm because of problems with an influx of homeless individuals in the evenings. The number of beer cans and other alcohol containers that my husband and I pick up on our daily walks with our dogs in Hamm and Swede Hollow Parks has increased since LH came to our neighborhood. None of the LH or First Lutheran Church staff live in our neighborhood and they seem uninterested in the disruption they have caused. No one remains after 4:30 except those of us who live here and the homeless. Of course, the level of trust between the neighbors and LH and First Lutheran is low, because from our perspective they intentionally did not inform or meet with the neighbors before the move of the day shelter for the homeless to our neighborhood was settled and a 10 year lease for 464 Maria was signed.

What can we do, and what will the City of Saint Paul do to deal with the homeless problem in our neighborhood and city?

July, 25th 2017

Dear Mayor Chris Coleman,

My name is Kristenza Nelson. I have resided at 653 North Street for 18 years. My husband and I moved into an old Victorian duplex on the East Side ready to roll up our sleeves and make a difference in our new neighborhood. We volunteered on housing tear offs and I helped maintain the Maria Bates Rain Garden for years.

I had the pleasure of meeting you during a home renovation partnership with Rebuilding Together and HGTV. My sons and I won the national competition to help finish the restoration work on our home my late husband and I began. This was such an honor and gift to our entire neighborhood. Since then many home owners on our historic block have peeled their siding off too! We have worked incredibly hard to create a niche where neighbors not only know one another but readily lend a hand. My previous tenants were married in my back yard and purchased homes on this very block. We love our neighborhood and choose to live here not only because of the diversity found here but also because of beautiful Swede Hollow Park.

I stayed home with my young boys after we lost our beloved Tom. We spent many afternoons in the Hollow, catching toads, watching deer and making watersheds in the creek. There have always been folks hanging in the park, but nothing like I see now. Neighbors over the years have worked together to shut down crack houses on our street. We have built together a wonderful community. My boys are 12 and 13 now and we still love our neighborhood, but there is a new problem property at the end of our street and I no longer feel safe. I am very concerned about the safety of my children and wonder if we will stay.

On June 5th, without a single neighbor being notified, Listening House opened its doors in a residential neighborhood adjacent to Swede Hollow Park. I am quiet sure I could not invite 200 people into my duplex with out some kind of public discourse. There is no screening process (sex offenders/released prisoners) of individuals receiving services and no plan for the guests once they shut their doors at 4:15. LH employees walk past their clients and leave the aftermath for residents to deal with, after assuring us this would not happen. We see public intoxication, passed out clients, public urination and trash. Camps have popped up at an ever increasing amount in Swede Hollow Park. Today, as I walked through the park with my dogs, a Parks and Rec

truck passed me. As I made my way through the Hollow I discovered at least three camps. Perhaps these are not visible from the truck. Again, it is up to me to call DSI and the police when I witness other problems such as drug deals and public drinking. Which I will, do but to what end? We are frustrated beyond belief that a program such as this is able to operate on a block and a half that is home to over a dozen young children. The neighbors on this street have been sold down the river. We are faced with rampant homeless population who have found paradise. They sleep on benches all over the neighborhood and park, which is not a crime, but has certainly leading our neighborhood down a path we have struggled so hard to move up from. The bus stops are popular hangouts where few ever get on a bus. When my nephew rode the bus to our home, he was greeted by 9 squad cars and a stabbing when he exited at 7th and Maria.

I do understand the need for chemically addicted, mentally unstable people to have help. Yes, they certainly need it. I am a compassionate person and am frankly exhausted from having that debate. This programing however is a recipe for disaster to be located with in a residential neighborhood. What I see on my block is a program that enables homeless culture. Clients head to the park with their new sleeping bags when Listening House closes for lunch. They are back to charge their phones and network on the patio when they reopen. We have talked with Listening House, our Police Commander Axel Henry, DSI and Parks and Rec and our Council Member Jane Prince. Now, I am reaching out to you. Please do not stand by while our neighborhood is sent into turmoil. We need leadership to stand up for the people who have made their lives here, who have chosen to make this street a home not only for themselves but for their families and children.

Regards,

Kristenza Nelson
653 North Street
Saint Paul MN, 55106
kristenza.n@gmail.com
651-366-7671

June 26, 2017

Dear Representative Sheldon Johnson,

As you are aware, the Listening House Day Homeless Shelter has now moved into our neighborhood - a residential neighborhood that also backs up to Swede Hollow Park. The move happened on June 5, 2017 and since then we are experiencing worsening negative behavior, not only for the home owners but for the local businesses in the near vicinity.

I don't know if you are aware of how Listening House and First Lutheran Church approached the residents of the neighborhood of their upcoming move into our neighborhood, They didn't! They chose not to notify anyone in the neighborhood, therefore suggesting this was a deliberate tactic so as to prevent any voice of opposition to their plan.

Listening House is a day homeless shelter, which means when the employees lock the doors at 4:15 p.m they go home. We residents have to call the police because of the following: people laying on the ground, on benches, drinking, intoxication, stumbling down our streets, passing out on the ground, profanity, drug use, trash dumped everywhere, abandoned shopping carts, public urination and defecation. The clients of Listening House have no where to go after they close their doors at 4:15 p.m. so they stay in our neighborhood and set up camp in Swede Hollow Park which has resulted in a major problem. We residents are having to clean up the trash that includes liquor bottles, cans, clothes, sleeping bags, used toilet tissue and other items left behind. We are constantly having to call the police and DSI.

My house is located at the dead end of North Street (beside Listening House & First Lutheran Church). Because of our safe location the neighborhood children choose to ride their bikes and play down here, but since LH has opened, fewer children are witnessed playing. Perhaps it has to do with finding a hypodermic needle in the LH parking lot.

We residents have been taking photos and documenting what we have had to encounter. I get multiple emails and texts almost daily from residents about incidents.

Last week my husband and I had to call 911 because five youths had parked in the LH parking lot and then walked across the street from LH to the front of our home and started rolling dice (gambling). They then started yelling & cursing so we called 911. The officers arrived quickly and when they pulled up, one male took off running through our front yard around to our backyard. When we saw officers in our backyard my husband went to talk with officers and was informed that they were looking for possible items disposed of by the youth in our backyard.

Another incident that occurred last week, had to deal with a LH client unbuckling his pants and urinating in public. My husband yelled at him to stop and the LH client's reply was: "Mind your own business, What are you going to do about it?" He was informed the police were being called and his reply: "what are they going to do about it?"

The Burger King which is located on the corner of 7th & Maria have also experienced problems. They are finding needles in their restrooms, homeless sleeping in the bushes in their parking lot, fighting, a knife attack 2 weeks ago and they now have to keep all condiments behind the counter. Holiday Gas Station on 7th has also seen such an increase in homeless people on their property and as a result, they are considering closing early each night. A Holiday employee told one of our neighbors that "they are getting ripped off blind by all the homeless" hence the reason for considering an early closure.

We have witnessed cars pull up and park on North Street (in front of our home) and sleep overnight. In the morning when LH opens they go inside LH. My husband was getting into his car and two homeless people asked him for a ride.

LH bases their services on people wanting help to better their lives and LH is providing this to those people. But the neighborhood has to bear the consequence of those who do not. Evidence of trash dumped on lawns, streets, parking lots, etc., drug use and intoxication proves this. When we first found out that LH was moving here, my husband contacted LH and an employee admitted to him that they (LH) had their reservations about moving to a residential area but they did it anyway knowing what they were going to bring to our neighborhood.

My husband and I moved to our home 12 years ago. We knew this was a transitional area and within a short few years, we neighbors have revitalized this neighborhood! We got rid of two drug houses and the “slum lords”. The homes in our neighborhood are majority owner occupied. The few rentals that we do have are not owned by “slum lords”. Two homes on North Street alone have won the St. Paul Historic Preservation Award. With the help of the St. Paul Police Force, we accomplished all this to have a safe place for our neighborhood children to play and for us residents to have a safe place to live.

LH does offer help and a service to people in need but this type of establishment does not belong in a residential area. As the weeks go by this is becoming clear. The safety of residents and our quality of life has diminished significantly. Even if we wanted to put our home on the market, I really doubt we could find a buyer that would want to live next to this with people sleeping on the ground, on benches and stumbling down the street because they are intoxicated and all the trash. LH is destroying the neighborhood that we worked so hard to build.

I have been keeping logs of all photos and incidents that we have experienced. I have attached logs 1, 2, 3 & 4.

Representative Johnson, please consider the views and frustrations of residents who have worked hard to revitalize and transform this neighborhood into an area where people want to live and raise their children.

Thank you.

Best Regards,

Kim & Rene' Lerma

613 North Street

rjlerma@comcast.net

612-865-9752

July 31, 2017

Mayor's Office
City Hall
St. Paul, Minnesota

Dear Mayor Coleman, Council Members, and Board Members:

I am writing to state my strong objection to the relocation of the Listening House to 464 Maria Street.

464 Maria is located in a very small neighborhood, five blocks long and at its widest spot, not quite three blocks wide. The area is crescent shaped. East 7th Street bounds the neighborhood along the south and cuts it off on the east. A bluff carved by the Mississippi River sweeps from 7th street on the west, curving north, and acts as a geological barrier. Because of the traffic volume, 7th Street acts to isolate the neighborhood from from the larger residential area across 7th Street to the south. In this small area, we already have five shelters / group homes.

While Swede Hollow, at the base of the bluff, has always attracted homeless people, Listening House has significantly increased the number of homeless, their activity level, and the quality of our lives. I live above the 100 plus steps down to Swede Hollow. I have owned my home since 2001, and lived here most of the time since 2003. The Hollow was one of the reasons I chose to purchase a home in this area. For years, during spring, summer, and fall, I walked my dog in the Hollow both in the early morning before work, and in late afternoon or evening. I now have two dogs, but, since the Listening House arrived, I will no longer walk in the hollow alone, even with the two dogs, because I do not feel safe. Whereas previously I might occasionally see one or two people who I guessed were homeless, I now regularly encounter groups of three or four. They congregate on the landing of the steps. They set up multiple camps visible from the walking paths. For the first time, this year, we see sleeping bags laid here and their on the hillsides of the Hollow.

My house also fronts the upper park. Similarly, I rarely to to the upper park anymore because on the men who take up residence on the benches and hang around at the periphery of the park near the old brewery. Thinning the buckthorn on the hillside across the street from my house seems to have discouraged the camping that was going on there.

The newly arrived homeless are much more aggressive than those from previous years. They careen through the Hollow on bicycles, in groups. They chase each other down the street in front of our house yelling. After a series of thuds and bangs, we sighted one running out of our fenced yard. We suspect he was attempting to break in. This is a first for me, in my years of living here.

At our location, two blocks from the Listening House, and without children, our problems pale in comparison to those that our neighbors closer to the site describe. Still, we watch the daily procession down to the Hollow after Listening House closes and its executive director and staff retire to their homes in Crocus Hill, Merriam Park, Highland, and Woodbury. We deal with the increased population of people with no place to go and no gainful activity. We contend with their presence, their litter, their noise, the lack of restroom facilities and all that entails. This weekend, while trimming my bushes, I found two discarded tissues that had been used as toilet paper, another first during my years here. The arrival of the Listening House in our neighborhood has impacted our lives, and not in a good way.

I am surprised that in the capital city of a state whose governor is so concerned for equity that the city would allow this endeavor to move into a neighborhood that has been struggling for decades to reduce crime and become a good neighborhood for families. Isn't it time that the good Christians that the Listening House executive director and its staff claim to be made space in their communities, neighborhoods, and homes for some of the people for who they purport to care so much?

Sincerely,



A. Kukowski

638 Bates Ave, #2

From: [Dermody, Bill \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: 17-060-690 Appeal of Zoning Administrator Determination
Date: Thursday, August 03, 2017 11:08:29 AM
Attachments: [Response to Appeal of Zoning Administrator Determination.PDF](#)
[First Lutheran breakfast evolves into mainstay Twin Cities.PDF](#)

Please provide the attached items to the ZC for today

From: Galatz, Eric [mailto:eric.galatz@stinson.com]
Sent: Thursday, August 3, 2017 10:12 AM
To: Dermody, Bill (CI-StPaul) <bill.dermody@ci.stpaul.mn.us>
Cc: 'paul.dubriel@ci.stpaul.mn.us' <paul.dubriel@ci.stpaul.mn.us>; Zacho, Karen (CI-StPaul) <karen.zacho@ci.stpaul.mn.us>; 'Cheryl Peterson' <cheryl@listeninghouse.org>; 'Rosemarie Reger-Rumsey' <rosemarie@listeninghouse.org>; Prince, Jane (CI-StPaul) <Jane.Prince@ci.stpaul.mn.us>; Warner, Peter (CI-StPaul) <peter.warner@ci.stpaul.mn.us>; Page, Lara <Lara.Page@stinson.com>; Lyden, Nicholas D. <nicholas.lyden@stinson.com>; Hughes, Theresa <theresa.hughes@stinson.com>
Subject: 17-060-690 Appeal of Zoning Administrator Determination

See attached response to Staff Report in appeal of First Lutheran Church determination of similar use, on behalf of Listening House.

We're moving! Our new Minneapolis address as of October 1, 2017:

Stinson Leonard Street LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402

Eric H. Galatz | Partner | Stinson Leonard Street LLP
150 South Fifth Street, Suite 2300 | Minneapolis, MN 55402
T: 612.335.1509 | M: 612.819.4871 | F: 612.335.1657

eric.galatz@stinson.com | www.stinson.com

Legal Administrative Assistant: Janice Snodie | 612.335.1584 | janice.snodie@stinson.com

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Eric H. Galatz
612.335.1509 **DIRECT**
eric.galatz@stinson.com

August 3, 2017

Via Electronic Mail

Bill Dermody
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Re: Appeal of Zoning Administrator Determination
First Lutheran Church 463 Maria Avenue Listening House
17-060-690

Dear Mr. Dermody:

Please accept this letter on behalf of Listening House in support of the determination by zoning administrator Karen Zacho that the Listening House uses within First Lutheran Church, 463 Maria Avenue, Saint Paul, Minnesota, are substantially similar to permitted uses of the Church itself and are therefore permitted uses within the residential zoning district.

The zoning administrator properly determined that the use of the Church property by Listening House to "provide assistance to low-income, homeless or lonely adults for hospitality, practical aid and referrals to other agencies for specific needs, outreach, collaborating with art/health professional, and maintaining a food shelf" meet the four required findings under Section 61.106:

- a. That the use is similar in character to one or more of the principal uses permitted.
- b. That the traffic generated on such use is similar to one or more of the principal uses permitted.
- c. That the use is not first permitted in a less restrictive zoning district.
- d. That the use is consistent with the comprehensive plan.

The July 27, 2017 Zoning Committee Staff Report agrees with the findings of the zoning administrator with respect to findings b. (traffic) and c. (not permitted in a less restrictive district). The Staff Report, however, wrongly recommends rejecting the findings of the zoning administrator with respect to findings a. (similar in character) and d. (consistent with the comprehensive plan). Listening House respectfully disagrees with the Staff Report, and asks the Planning Commission to reject the appeal and the Staff Report recommendations, and uphold the zoning administrator's Statement of Clarification for the following reasons:

The zoning administrator correctly found that the use of the Church property by Listening House is substantially similar to permitted uses of the Church property by the Church itself. St. Paul Zoning Ordinance, Table 66.221 list of Principal Uses in Residential Districts includes "Church, chapel, synagogue, place of worship." Service to the indigent and homeless has been a principal use of First Lutheran Church since its founding, as is true for virtually all religious institutions. The City can find the Listening House activities— counseling, education, referrals to other sources of assistance, eating, exercising— in every religious institution in the City. "Food shelf" is the only Listening House activity that is listed in the Zoning Ordinance as an "accessory use" and that accessory use is a permitted use, too. In fact, the Zoning Committee Staff Report includes its earlier report for St. Mary's Episcopal Church File #04-175-573 Section 2(a), which cites zoning code §65.910, and finds, "By including food shelves in the definition of accessory use, the zoning code seems to support uses consistent with the mission of a church that are not directly related to church activities."

The fact that the Listening House use is substantially similar (in fact identical) to a principal Church use is demonstrated by the fact that the Church itself has conducted the same activities directly in previous years. See attached Pioneer Press article from September 27, 2014, updated November 4, 2015, "First Lutheran breakfast evolves into mainstay," reporting on the First Lutheran Church "Wellness Center" at which meals were served, clothes donated, counseling services provided, blood pressure checked, and food distributed. The article does not mention yoga, but it does note "Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation." Significantly, the article notes, "The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance." According to the article, "The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul's Dorothy Day shelter and elsewhere throughout the city." (Emphasis added). First Lutheran Church invited Listening House to move into the Church building to run a program the Church itself had been running for years. As Pastor Chris Olson Bingea says in her correspondence to you on July 26, 2017, assisting the homeless has been a part of First Lutheran Church since its inception. The phrase "friend to the homeless" is cast in bronze in the building. Pastor Bingea goes on to state that First Lutheran Church and Listening House share the goal of working with the homeless and individuals in low-income housing in the Dayton's Bluff area.

The record does not support the Staff Report assertion that the Listening House "use has not operated like a home occupation because of the detrimental impact on the neighborhood, it is not compatible with the church's presence in the community, and without a homeless shelter nearby and the use's hours limited to 9:00 AM to 5:00 PM Monday through Friday, there is no reliable means to control the problem activities during the other hours." First Lutheran Church invited Listening House in to provide services to individuals in need who were already present in the neighborhood. Chelsea DeArmond resident at 667 North Street on the same block as First Lutheran states in her correspondence to you on July 26, 2017 that "there were homeless people in Swede Hollow Park before Listening House got here."

The fact that there is no homeless shelter nearby is irrelevant. There were homeless people living in the area without any homeless shelter nearby before Listening House moved into the Church. Listening House is simply providing these individuals some much needed assistance. The fact that Listening House has limited hours and thus no means to control the individuals during other hours is also irrelevant. The ordinance does not require any religious institution (or for that matter, any social service organization, business or cultural institution) to operate 24-hours per day, 7-days a week, or to control the behavior of its guests and customers after they leave.

The zoning administrator correctly found that the use of the Church property by Listening House is consistent with the Comprehensive Plan. The Staff Report recognizes that the Comprehensive Plan's general direction to provide support services to end homelessness, but find it is not consistent with the Land Use policies that call for compatible mixed uses in the Mixed Use Corridor. The Listening House use itself is a use that is permitted in a religious institution. Religious institutions are permitted in residential districts. By definition, a permitted use is a compatible use. The plain meaning of the Comprehensive Plan and the use of Listening House to aid the homeless are clearly aligned.

Neighborhood complaints are driven by objections to the people Listening House serves, not the use of the Church property. Appellants assert that they have invested too much in their neighborhood to allow it to be overrun by the types of people who are likely to access services from Listening House. Section 3 of the Appeal states that "neighborhood is already home to many sober houses, public service agencies, probation offices, unofficial half-way houses (apartment buildings full of level three sex offenders, other level of sex offenders and recent releases from strong correctional sentences) and offers a significant volume of section eight and low income housing. If anything, this demonstrates that Listening House is compatible with other established uses in the neighborhood. As Inspector Zacho properly found, the Listening House uses are all consistent with uses common in religious institutions: counseling, education, assistance with food, clothing and shelter. To the extent personal characteristics of likely guests of Listening House are relevant, we cannot imagine a religious institution that would turn away the poor and homeless.

Because the zoning administrator properly made its determination based on findings about the proposed use of the property as required by the Code of Ordinances, and the appellants failed to state any land-use based objections at all, we respectfully ask the planning commission to reject the appeal and uphold the decision of the zoning administrator.

Sincerely,

Stinson Leonard Street LLP



Eric H. Galatz

EHG:ndl

NEWS

First Lutheran breakfast evolves into mainstay



Homemade pies are part of the draw to the weekly “Wellness Center” gatherings at First Lutheran on Maria Avenue, on St. Paul’s East Side. (Pioneer Press: Frederick Melo)

By **FREDERICK MELO** | fmelo@pioneerpress.com | Pioneer Press

PUBLISHED: September 27, 2014 at 11:01 pm | UPDATED: November 4, 2015 at 4:27 am

“We’re having dessert first,” said the Rev. Chris Berthelsen, as dozens of visitors to First Lutheran Church in St. Paul crowded the cafeteria around her.

Curtis Howell eyed the apple pie on his table approvingly. “The pie’s pretty good,” said the St. Paul resident, speaking in a slow drawl. “It’s real good.”

From donated clothing to pie giveaways, Thursday nights have become one of the worst-kept secrets in Dayton’s Bluff. Residents come from blocks around, and even across the city, to stop by First Lutheran on Maria Avenue and get their blood pressure checked, ask for a free coat or sweatshirt or even underwear, and share in a community meal.

The weekly “Wellness Center” gatherings, which have been going on for seven years, draw upward of 100 guests, if not twice that, Berthelsen said. The events are driven by at least 40 volunteers, many affiliated with Metropolitan State University, local nonprofits and the church congregation.

The gatherings have turned the church cafeteria into a nexus for social service and public health providers to meet with low-income residents who have come in from the East Side, St. Paul’s Dorothy Day shelter and elsewhere throughout the city.

More than a quarter of Dayton’s Bluff residents live in poverty, and nearly half of all households get by on less than \$35,000 per year, according to 2012 statistics compiled by the Minnesota Compass project. In the summer, Second Harvest Heartland gives away upward of 3,000 pounds of food at the gatherings. When Metro State is in session, the church hosts sit-down meals, board game activities and health booths.

Last Thursday, a mental health counselor took appointments. The Dayton’s Bluff block nurses met with seniors. Eight undergraduates from Metro State’s nursing program checked blood pressure and screened visitors’ feet for infections.

Foot ulcers and chronic pain are fairly common.

“We have a lot of folks in our community that are diabetic, so that’s a pretty critical piece for them,” said program director Allie Tunseth.

“If you’re someone who stays in a shelter, you’re walking around a lot, and your feet get pretty beat up,” said Tunseth, who has an advanced degree in ministry. “And from the church side of things, discipleship is foot washing.”

The community meal started nearly a decade ago as a Sunday morning breakfast run by a handful of congregation members for some 20 to 25 visitors. It quickly grew to feed more than 200 guests, many of them asking for blankets and other forms of assistance.

The congregation shifted the breakfast to a Thursday night dinner to rope in community volunteers and accommodate visits from Metro State nursing students.

“On an average night, we see 150 people,” Tunseth said. “On a big night, we see over 200. ... It’s a pretty awesome program.”

In a corner, Bruno Franck, a practitioner of Qigong healing and meditation, led a group of four in simple exercises, such as wobbling their hands above their heads to increase circulation.

Robin Hanson, director of the Ministering Angels Closet, which is housed within the church, connected visitors to donated clothing, from boots to backpacks and undergarments.

“Everything is free,” said Hanson, while hurrying up the steps to retrieve an article of clothing from the crowded walk-in closet that gives her organization its name. “We don’t ask questions.”

And then there were the pies. For the past two weekends, August Hoffman, a professor of psychology at Metro State, has organized more than 50 students and faculty from the psychology departments at Metro State and Inver Hills Community College to collect apples at Sunrise River Farm in Wyoming, Minn., north of Forest Lake.

They gathered some 2,000 donated apples in each trip, half of which went into pies distributed at two of First Lutheran’s most recent Thursday night meals. Hoffman’s graduate students and a Hmong professional women’s organization helped with the baking.

The remaining apples were shared with food shelves in western Wisconsin.

Hoffman hopes to turn the university’s vacant greenhouse, near the church, into an incubator of sorts for similar community-building projects involving Metro State students and faculty.

Between the church’s main sanctuary and its office building, a few urban farmers sell organic produce, woodcarvings, jams and jellies from 4 to 8 p.m. each Thursday. The “Market on the Bluff” events continue through Oct. 30.

Tunseth said church members and community donations have helped keep the gatherings going.

“We’re pretty proud of it,” she said.

For information on the First Lutheran Church Wellness Center, go to lovegrowshere.net/wellnesscenter.html.

Frederick Melo

Frederick Melo was once sued by a reader for \$2 million but kept on writing. He came to the Pioneer Press in 2005 and brings a testy East Coast attitude to St. Paul beat reporting. He spent nearly six years covering crime in the Dakota County courts before switching focus to the St. Paul mayor's office, city council, and all things neighborhood-related, from the city's churches to its parks and light rail. A resident of Hamline-Midway, he is married to a Frogtown woman. He Tweets with manic intensity at @FrederickMelo. [Follow Frederick Melo @FrederickMelo](#)



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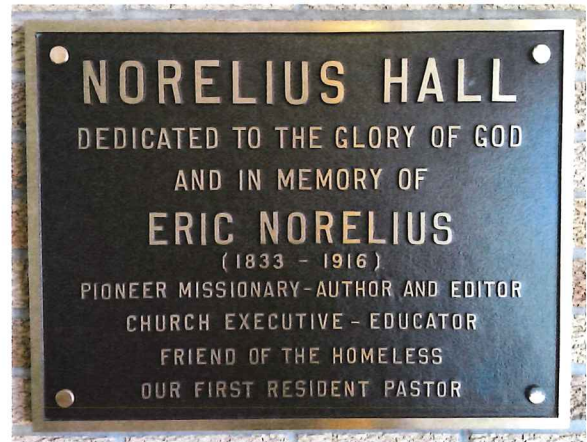
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VIEW COMMENTS

August 3, 2017

As the oldest Lutheran Church in the State of Minnesota, established in 1854, it was our first resident Pastor, Erik Norelius, who was proclaimed "friend of the homeless" and it has been First Lutheran's legacy ever since. When I came in 2004 up to the present, we have sought to find ways to do this - a free breakfast for three years serving 300 every Sunday, a Wellness Center, serving 100-150 people weekly for ten years providing a meal, free food, free nursing services through the Nursing Department at Metro State, free Mental Health Counseling through the Walk-In Counseling Center of Minneapolis, free clothing, blankets, and housewares through Ministering Angels, free Healing Touch, Massage, and Qigong services, and more.



Then, in 2016, our congregation found out that The Listening House was in need of a new place to reside. By the invitation of the Church Council, the Listening House staff came to discuss being in partnership here in our Sanctuary basement and on our property. The congregation then voted to have The Listening House come to make their new home in the basement of our sanctuary. They have provided much needed improvements to a shared space that is used by guests of the Listening House, members of First Lutheran and Santo Nino Episcopal Parish, Quinceaneras, weddings, funerals, and community gatherings. The Listening House has installed cameras for security, and the plan is to put in new lighting surrounding the building.

As the only Full-time staff person at First Lutheran, to now have five Full-time staff, one Part-time staff, and 40 plus volunteers serving the city's people experiencing poverty right here on the corner of 8th and Maria, gives us the infrastructure and increased capacity to continue doing what we as a congregation, and now in partnership with the Listening House, have already begun doing and will continue to do for many years to come.

Our property here has always been a "resting place" for people in our neighborhood - Metro State students, Urban Roots and Young Artists Initiative participants, guests of the Listening House, and guests of Eastside Elders, as these non-profit organizations are housed in our buildings. It continues to be a space for our own members, too, including those guests of the Listening House-some who are also members of our congregation.

My own grandmother lived in the poor community of Swede Hollow in the early 1900s and found refuge in the First Lutheran Church community. As she and her family, my family, came "up on the street" they made their way to a better life, through community relationships and assistance.

It is our recommendation as a Church to support Listening House in our shared work on the Eastside.

Respectfully,

Pastor Chris Olson Bingea

Pastor Chris Olson Bingea
First Lutheran Church