



PL201700251  
PL2017-251

# Development Review Committee Approved Minutes

Development Application, #PL2017-251  
Mtg Date: December 19, 2017  
McLeod Conference Room  
Bloomington Civic Plaza  
1800 West Old Shakopee Road

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## Staff Present:

Laura McCarthy (Fire Prev, Chair) 952-563-8965	Kent Smith (Assessing) 952-563-8707
Randy Quale (Park & Rec) 952-563-8876	Erik Solie (Env. Health) 952-563-8978
Bernadette Gillespie (Bldg. & Insp) 952-563-4709	Londell Pease (Planning) 952-563-8926
Jen Desrude (Eng.) 952-563-4862	Glen Markegard (Planning) 952-563-8923
Amy Schmidt (Legal) 952-563-4889	Mike Hiller (Planning) 952-563-4507
Eric Wharton (Utilities) 952-563-4579	Nick Johnson (Planning) 952-563-8925
Eileen O'Connell (Pub. Health) 952-563-4964	

## Project Information:

Project	Charter School increase in students
Site Address	8201 Park Avenue
Plat Name	Smith Park 3 <sup>rd</sup> Addition
Project Description	Conditional Use Permit to expand the maximum number of students from 60 to 84 for an existing Charter School.
Application Type	Conditional Use Permit
Staff Contact	Londell Pease, <a href="mailto:lpease@bloomingtonmn.gov">lpease@bloomingtonmn.gov</a> (952) 563-8926 Nick Johnson, <a href="mailto:njohnson@bloomingtonmn.gov">njohnson@bloomingtonmn.gov</a> (952) 563-8925
Applicant Contact	Mohamed Omar – Phone: 612-481-0920 e-mail: <a href="mailto:dujaanah2000@daralfarooq.com">dujaanah2000@daralfarooq.com</a> Jay Smigielski, Attorney – Phone: 651-647-6250 e-mail: <a href="mailto:jsmigielski@ferdlaw.com">jsmigielski@ferdlaw.com</a>
PC	January 11, 2018
CC (tentative)	January 22, 2108

## Guests Present:

Name	Email
Mohamed Omar, Dar-Al-Farooq Center	<a href="mailto:dujaanah2000@daralfarooq.com">dujaanah2000@daralfarooq.com</a>
Jay Smigielski, Ferdinand Peter Law firm	<a href="mailto:jsmigielski@ferdlaw.com">jsmigielski@ferdlaw.com</a>
Magdy Rabeaa, Success Academy	<a href="mailto:mrabeaa@successacademymn.org">mrabeaa@successacademymn.org</a>
Abdulahi Farah, Bloomington resident	<a href="mailto:Abdulahi137@gmail.com">Abdulahi137@gmail.com</a>

**Introduction:** Londell Pease (Planning)

The applicant proposes amending a Conditional Use Permit for expansion of an approved elementary school. In 2011, the City Council approved a place of assembly, day care, elementary school and a community center at 8201 Park Avenue. The coordination of the variety of uses based on parking demand results in conditions limiting time periods for each use and its capacity. They were as follows:

- Assembly hall – 300 occupants
- A day care not to exceed 20 occupants
- Weekday private school of no more than 60 students
- Weekend school of not more than 80 students
- Men's and women's fitness centers with limited hours
- No use of the large gym or cafeteria during prayer services

The request is to remove the fitness centers and 20 student daycare to accommodate expansion of the school from 60 to 84 students.

**Discussion/Comments:**

- Randy Quale (Park and Recreation):
  - Clarified the proposed bus loading/unloading area would reduce the parking spaces available only during the period of time they are unloading and loading students.
  - Use of the park facilities/equipment is in conjunction with the general public and not exclusive to the Charter School.
  - Asked for clarification on whether the Charter School is considered an affiliated program/user of DAF per the requirements of the agreement (Paragraph 14.) Legal representative Schmidt stated she would need to review the agreement before responding. Rabeaa clarified the Charter School has no relationship with DAF other than a tenant/landlord relationship.
- Kent Smith (Assessing):
  - If you have not already done so, continue to work with Hennepin County on the tax exempt status of Al Jazari LLC.
- Erik Solie (Environmental Health):
  - Asked for clarification on the day care. Pease noted this application is removing the 20 student daycare use to accommodate the expansion of the Charter School.
- Bernadette Gillespie (Building and Inspection):
  - Asked what the minimum age of the Charter School students is. Rabeaa stated they are currently approved for K-12, but are operating as K-6. Rabeaa stated they are interested in adding Pre K for next year or the year after and the minimum age would be 4 years old. McCarthy asked for clarification on whether prayer rooms and bathrooms will have separation. Pease stated there is a separate building permit application submitted and staff is having conversations with the applicant on this issue. An applicant representative stated the prayer room is on the opposite side of the center from the Community Center/mosque area, they are a public school and completely understand the separation between church and school.
- Laura McCarthy (Fire Prevention):
  - Fire inspection is required for any new areas to be used for the school or other occupancies.
  - Kitchen cannot be used for cooking until all code requirements have been completed and all required inspections have been approved. Rabeaa stated all food is being catered to the facility at this time.

- Jen Desrude (Engineering):
  - Clarity is needed to identify new sidewalk and existing sidewalk on the plan and the parking options are not clear. (See Comment Summary - Construction/Infrastructure #1)
  - Need additional details as the narrative states 8 parking stalls are impacted by buses and the parent drop off site is unclear.
  - Any additional growth or changes of use will require a traffic study prior to submitting an application. (See Comment Summary – Public Works #1 for details)
- Eric Wharton (Utilities):
  - SAC determination must be completed; Wharton believes it has been done with SAC's due.
- Eileen O'Connell (Public Health):
  - No comment.
- Amy Schmidt (Legal)
  - Will check into the existing shared use agreement regarding whether the Charter School is considered an affiliated program of DAF.
- Londell Pease (Planning):
  - Emphasized the need to read all the comments on the comment summary.
  - Need to get a more accurate building plan that identifies all the uses within the building. (See Comment Summary – Planning #1-3 for details)
  - Please do not hesitate to contact Pease with any questions or comments.



## Comment Summary

**Application #:** PL201700251

**Address:** 8201 PARK AVE S, BLOOMINGTON, MN 55420

**Request:** **Conditional Use Permit to expand the maximum number of students from 60 to 84 for an existing K-8 Charter School.**

**Meeting:** Post Application DRC - December 19, 2017  
Planning Commission - January 11, 2018  
City Council - January 22, 2018

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**Fire Department Contact:** Laura McCarthy at [lmccarthy@BloomingtonMN.gov](mailto:lmccarthy@BloomingtonMN.gov), (952) 563-8965

- 1) A fire inspection is required for any new areas to be used for the school or other occupancies.
- 2) Kitchen can't be used for cooking until all code requirements have been completed and all required inspections have been approved.

**Public Works Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Any additional growth or changes of use will require a traffic study prior to submitting the application. Traffic studies are conducted by City staff by hiring one of our five on-call consultants, and paid for by the applicant/developer/owner.

**Parks and Recreation Contact:** Randy Quale at [rquale@BloomingtonMN.gov](mailto:rquale@BloomingtonMN.gov), (952) 563-8876

- 1) The March 2, 2015 agreement between the City and DAF (see attached) shall be applicable to the Charter School's uses of the exterior facilities outlined in the agreement. This includes but is not limited to the shared use parking lots and use of exterior recreational facilities. The agreement stipulates that the number of parking spaces may not be reduced, although the parking may be modified (Paragraph 7).

Need to clarify whether Option #1 for the addition of parking spaces to the west of the driveway leading to/from the northwest Smith Park parking lot impacts the driveway easement (Paragraph 8.)

DAF and the Charter School have non-exclusive use of the Smith Park facilities not covered in the agreement. This non-exclusive use includes the Smith Park playground. As such, the Charter School may not exclude the public from using the playground or other City facilities that are not expressly covered in the agreement. Use of Smith Park and the facilities covered in the agreement shall conform to the requirements of the City Code and City Park rules and regulations.

The City and DAF/Charter School shall meet at least annually to coordinate event schedules in an effort to limit parking conflicts.

It is my interpretation that the Charter School is considered an affiliated program of DAF per the requirements of the agreement (Paragraph 14.) It would be appreciated if Planning and/or Legal would confirm my interpretation.

**Construction/Infrastructure Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Need a clearer plan. Cannot tell the difference between new and existing sidewalk and the parking options vary widely--11 stalls vs 28 stalls vs 48 stalls. It's confusing.
- 2) Will these flat areas cause a slipping issue in the winter?
- 3) Narrative states 8 parking stalls are impacted by buses. This appears to be more than 8 stalls. Also show where parent drop off will occur.
- 4) Given proximity to new accessible stalls, a ramp should be installed instead of new stairs.

**PW Admin Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Does this require any changes to the joint use agreement?

**Traffic Contact:** Jen Desrude at [jdesrude@BloomingtonMN.gov](mailto:jdesrude@BloomingtonMN.gov), (952) 563-4862

- 1) Provide appropriate MMUTCD references for signs proposed for circulating traffic. All private signage must be installed outside of the city right-of-way. It is standard school site practice to separate their bus loading/unloading from parent pick-up and drop-off areas for safety reasons. Identify signage and pavement markings on the plan that will be used to guide the site circulation and separation of areas for buses, parents and parking.
- 2) All construction and post-construction parking and storage of equipment and materials must be on-site. Use of public streets for private construction parking, loading/unloading, and storage will not be allowed.
- 3) Show location of all existing bike storage on the plan. Short term bike storage (Bike racks) must be placed within 50' of the front/main school entrance and must be visible from the entrance. Long term bike storage (racks, internal spaces or bike lockers) can be located within 50' of employee entrance or front entrance. Once existing bike storage is provided, staff can determine if the existing spaces provided exceed the spaces required for this use or if additional are required.
- 4) Provide trip generation numbers for the proposed use using ITE Trip Generation Standards.

**Planning Contact:** Nick Johnson at nmjohnson@BloomingtonMN.gov, (952) 563-8925

- 1) The south end of the plan provided is not included. This includes one of the fitness centers and the toddler room for the daycare. The plan should be re-submitted showing all the uses of the building. Please identify the office uses for each office as well.
- 2) Please identify the uses proposed for the vacated spaces.
- 3) There are nine classrooms proposed for 84 children. Why are that many classrooms required for so few children? We also had a building permit application submitted showing 10 classrooms? What is really proposed for the building?
- 4) The hatched area is 17 stalls. The narrative stated 8 stalls. Will these be removed to just no parking before and after school?
- 5) The narrative states "until enrollment reaches 120 students". There was a significant number of communications with the representatives that this was limited to 60 students months before the school occupied the building. It was not until the City verified a violation and issued a notice there was an admission of more than 60 students. Subject to approval, there must be no intention if the applicant to increase enrollment without full review and approval. The applicant should implement steps to insure there will be no more than 84 students without a full review and approval (if this request is approved).