



Development Review Committee

Approved Minutes

Pre-Application – PL2017-173
Meeting Date: September 5, 2017
McLeod Conference Room
Bloomington Civic Plaza
1800 West Old Shakopee Road

Staff Present:

Jen Desrude (Eng.) 952-563-4862	Kent Smith (Assessing) 952-563-8707
Joan Bulfer (Public Health) 952-563-8992	Heidi Miller (Police) 952-563-4975
Eileen O'Connell (Public Health) 952-563-4964	Mike Thissen (Env. Health) 952-563-8981
Randy Quale (Park & Rec) 952-563-8876	Nick Johnson (Planning) 952-563-8925
Duke Johnson (Bldg & Insp) 952-563-8959	Londell Pease (Planning) 952-563-8926
Kris Kaiser (Fire Prev) 952-563-8968	Glen Markegard (Planning) 952-563-8923
Amy Schmidt (Legal) 952-563-4889	Amanda Moe (Bldg & Insp) 952-563-8961

Project Information:

Project	Summit Charter School at Dar-Al-Farooq Community Center
Site Address	8201 Park Avenue South
Plat Name	Amith Park 3 rd Addition
Project Description	Amend a Conditional Use Permit to remove a 20 person day care, remove the men's and women's fitness and increase the enrollment of a private school from 60 student to 120 students.
Application type	Conditional Use Permit
Staff Contact	Londell Pease, Senior Planner – lpease@bloomingtonmn.gov (952) 563-8926 Nick Johnson, Planner – nmjohnson@bloomingtonmn.gov (952) 563-8925
Applicant Contact:	Jay Smigielski, Attorney - Ferdinand F. Peters Esq. Law Firm jsmigielski@ferdlaw.com (651) 647-6250
Post Application DRC	YES

Guests Present:

Name	Email
Jay Smigielski, Attorney - Ferdinand F. Peters Esq. Law Firm	jsmigielski@ferdlaw.com
Mohamed Omar, Al-Jazari Institute	dujaanah2000@daralfarooq.com
John K.Gaspar, NAI Architects	john@nai-architects.com

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 daycare to accommodate expansion of the school to 120 students increasing to 175 students. Pease questioned the number of students currently at the site, J. Smigielski responded 58. Desired approval for expansion by January, mid-term. Would like to get to 120 at that time.

- Applicant wanted to make it clear the owner is Al-Jazari Institute and the school is Summit Charter Schools, located in Minneapolis. Total building occupancy is well above 175. Going forward, applicant would like to have a simplified way to take into account higher numbers without such a large meeting and more of an administrative change.

Discussion/Comments:

- Randy Quale (Park and Recreation):
 - City has a shared use agreement in place for Smith Park usage. If going forward there is more need for the elementary school, the agreement will need to be amended. A key will be provided to Smith Park shelter for emergencies if they cannot use their building at 8201 Park.
- Kent Smith (Assessing):
 - Assessing is working on getting information on the exempt application and is hoping to get that as soon as possible.
- Mike Thissen (Environmental Health):
 - No Comment.
- Duke Johnson (Building and Inspection):
 - No Comment.
- Kris Kaiser (Fire Prevention):
 - No Comment.
- Heidi Miller (Police):
 - No Comment.
- Jen Desrude (Engineering):
 - Per City Code Section 21.302.06(b)(7) (A) and (B), a traffic study is required for this change of use. This will take several weeks to prepare. The applicant will pay for the consultant hired by

the city and money is put into escrow (20% more than consultants bid), and any remaining money will be refunded. They can study 175 and then an ultimate goal as well. The initial process will take around 2 weeks (before the scope is ready) then another 6-8 weeks for the study. Since the school is no longer operating in Minneapolis, access will be needed to a similar site/like circumstance to do this study and look into number of trips. Anticipate around 10 weeks for this study to be complete and the CUP application will not be accepted prior to that.

- Parking will need to be addressed as well.
 - Applicant asked Mohammed what the capacity is currently if all rooms filled. M. Omar will need to check.
 - Public works will need all details on this.
 - Applicant asked about the trigger for a traffic study.
 - J. Desrude said it is studied by number of trips that determines the traffic study. If over 100 trips are added in the peak hour, which J. Desrude said she believes will be the case, a traffic study is needed. If not, no traffic study needed. This is an Engineering Department determination (Traffic Engineer) and the Public Works Director has final say.
 - Contact Met Council (651-602-1378) for Sewer Availability Charge (SAC) determination.
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- Eileen O'Connell (Public Health):
 - No Comment.

 - Joan (Public Health):
 - If tenant is going to be using a Federal School Lunch programs, Public Health has resources available to assist them.

 - Amy Schmidt (Legal):
 - No Comment.

 - Londell Pease (Planning):
 - There are several comments on the summary not discussed in detail.
 - Pay attention to Section 19.63 for Places of Assembly, Section 21.302.06 for the Institutional uses and Section 21.302.25 for schools. They all apply for this site.
 - For an application, please identify all uses in the building including anticipated occupancies and hours of operation.
 - How will typical school activities outside of normal hours occur? These include before and after school care, which is very common. Includes conferences, events and other activities generally associated with a K-6 school.
 - Applicant responded it would be best if the conditional use permit could be amended to be more general speaking, instead of set to specific activities at specific times.
 - L. Pease responded that even in Public Schools they have Black/White conditions for a clear and concise understanding (i.e. some schools have no activates on Wednesday nights or Sunday mornings) and it is harder to enforce the provision if they are grey.
 - Applicant asked if different items can be put into different segments, where some specifics are made, others are not. (i.e. the gym cannot be used during school hours, etc.).
 - L. Pease responded that application will have to be made where the request is made clear.

- Applicant asked when growing beyond the originally anticipated 60 students, how does the city make the decision to have it go through Council and not the Planning Manager.
 - G. Markegard answered if it would trip the thresholds for the traffic study, it requires CUP.
 - L. Pease responded he believes no matter what whether or not it trips the thresholds, this will have to go to council for review as it is a significant change.
- Applicant asked if Planning Manager can make these decisions instead of going through approvals.
 - L. Pease said it would have to be explicitly written that way. He is concerned that if, for example there are 100 kids, and half are bussed, traffic threshold would still be exceeded. The first thing to do is to get occupancies and determine traffic numbers to verify if the traffic study is required.
- Since a traffic study is required, we are unable to have a complete application without the study being completed. Please note Section 21.302.06 for the Institutional uses prohibits some activities that impact local streets beyond defined thresholds unless the City Council finds that the negative impacts, reasonably attributable to the proposed institutional use, on surrounding residential uses can be sufficiently mitigated to levels consistent with residential livability and pedestrian and motorist safety.



Comment Summary

Application #: PL201700173

Address: 8201 PARK AVE S, BLOOMINGTON, MN 55420

Request: **Pre-Application DRC to amend a Conditional Use Permit to remove a day care, remove men's and women's fitness and increase school enrollment from 60 student to 120 students.**

Meeting: Pre-Application DRC – September 5, 2017

Fire Department Contact: Laura McCarthy, lmccarthy@BloomingtonMN.gov, (952) 563-8965

- 1) Kitchen can't be used until building and fire code requirements are completed.
- 2) All areas to be used for the Charter school shall be code compliant for an E occupancy

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

- 1) Per City Code Section 21.302.06(b)(7)(A) and (B), a traffic study is required for this change of use.

Traffic Review Contact: Jen Desrude at jdesrude@BloomingtonMN.gov, (952) 563-4862

- 1) 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.
- 2) Show location of a bike rack and bike rack detail on the plan. Bike rack requirements will be calculated based on number of students.
- 3) Provide trip generation numbers for the site using ITE Trip Generation Standards.

Utility Review Contact: Jen Desrude at jdesrude@BloomingtonMN.gov, (952) 563-4862

- 1) Contact Met Council (651-602-1378) for Sewer Availability Charge (SAC) determination.

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

- The Parks & Recreation Division has agreed to issue a key to the Charter School for the Smith Park shelter building for use as an emergency shelter in the event of an evacuation of the 8201 Park Ave. (DAF) building.
- Need to clarify whether the charter school programs will have any impacts on the outdoors facilities use agreement between the City and DAF.
- Need to clarify anticipated use of Smith Park facilities by the charter school so we can avoid scheduling conflicts for outdoor facilities and shared parking lots. There is a need for Parks & Recreation Division to meet with DAF and charter school staff to coordinate this usage.

Planning Review Contact: Londell Pease at lpease@BloomingtonMN.gov, (952) 563-8926

- 1) An application should include information on outdoor activities and how they will be accommodated.
- 2) Most schools offer before and after school care and programs. Would this be offered?
- 3) List the number of parking spaces required by city code and the number of spaces provided on the site plan for all the proposed uses.
- 4) Will students be bussed? If so, clearly identify the bus pick-up and drop off areas.
- 5) If student transportation is provided, will this be contracted service or self-served? If operated by the school, where will the transportation facilities be located?
- 6) An application must clearly identify the classroom use, any teachers lounge and preparation areas as well as the administrative offices.
- 7) With the variety of uses, there are several performance standard to review. These include but are not limited to Section 19.63 for Places of Assembly, Section 21.302.06 for the Institutional uses and Section 21.302.25 for schools.
- 8) If a traffic or parking study is required, the study must be completed prior to the application. Provided a scope of work is prepared and without delay, funding is provided for the study to start, it is anticipated a November 16, 2017 application date is possible. Any delay by the applicant in scope preparation or providing the required funds for the study would delay the report and application submission.
- 9) With the application, provide all State documents allowing the school which have any operational requirements or limitations.