

CONDITIONS OF APPROVAL

Case PL2018-226

Project Description: Conditional Use Permit for an existing place of assembly, community center and charter school, and to expand the existing charter school student enrollment from 84 students to 130 students.

Address: 8201 Park Avenue South

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Enrollment Increase A Site Development Agreement, including all conditions of approval, must be executed by the property owner and the City and must be properly recorded by the property owner with proof of recording provided to the Director of Community Development.
2. Prior to Enrollment Increase The following mitigation measures must be provided as specified prior to any increase of prekindergarten-8th grade school enrollment above 84 students:
 - a) Add traffic control signs and striping as required by the City Engineer to make the eastern parking lot drive aisle one way, northbound;
 - b) Construct screening to buffer the institutional use from abutting residential uses as required by the City Code;
 - c) A vehicular circulation plan must be prepared and at least annually communicated with site users;
 - d) Prior to any increase of prekindergarten-8th grade school enrollment above 84 students, provide a financial surety and right-of-entry agreement as approved by the City Attorney to construct the following on-site mitigation measures prior to the start of the 2019-2020 school year:
 - i. A new driveway access to East 83rd Street as depicted in the traffic study dated July 11, 2018; and
 - ii. The sidewalk along the southerly access driveway to Park Avenue as depicted in the traffic study as approved by the City Engineer.
 - e) Provide an agreement approved by the City Attorney to address pedestrian safety concerns at the intersection of Park Avenue and East 82nd Street to add:
 - i. Curb bump outs to the north leg of the intersection of Park Avenue and East 82nd Street

(both east and west sides) to reduce speeds of vehicles traveling both northbound and southbound through the intersection and to improve pedestrian safety for students and other users with a marked, signed school crossing at this intersection; and

- ii. Curb bump outs to the west leg of the intersection of Park Avenue and East 82nd Street (both north and south sides) to protect pedestrians at the corner of this intersection.

3. Prior to Enrollment Increase Final Site and Building Plans must be approved for all on-site changes related to the required mitigation measures.
4. Prior to Enrollment Increase The existing or equivalent Proof of Parking Agreement (Hennepin County Recorder Document #A9710204) between the City and the property owner for 49 new parking spaces must be maintained and approved by the Planning Manager.
5. Prior to Enrollment Increase All Sewer Availability Charges (SAC) must be paid.
6. Prior to Enrollment Increase Prior to any increase in prekindergarten-8th grade school enrollment above 84 students, life safety requirements must be reviewed and approved by the Fire Marshal.
7. Prior to Enrollment Increase Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3).
8. Prior to Enrollment Increase Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
9. Ongoing The following occupancy restrictions must be followed to manage the multiple concurrent uses on the site:
 - a. The prekindergarten-8th grade school is limited to an enrollment of 130 students;
 - b. Instructional activities associated with the community center or place of assembly are limited to a combined total of 80 participants at any one time. Athletic program participants are not subject to the 80 participant total;
 - c. The use of the large gymnasium is limited to 500 occupants at any one time;
 - d. Assembly uses may not occur in the assembly rooms, large gymnasium, small gymnasium or cafeteria during prekindergarten-8th grade school hours, athletic programming, or instructional activities; and
 - e. While the on-site assembly areas are in use, the use of the large gymnasium, small gymnasium, and cafeteria is limited to activities that do not generate additional parking demand.
10. Ongoing The floor area of the assembly rooms is limited to the size and location shown in the floor plan for Case #PL2018-226.
11. Ongoing The property owner must maintain rights to utilize the off-site parking spaces identified in the staff report and must provide copies of agreements and leases to the Planning Manager. Changes in occupancy, building use, or access to the off-site parking spaces identified in the

- staff report must be reviewed and approved by the Planning Manager and may require an amendment to the Conditional Use Permit.
12. Ongoing All prekindergarten curriculum must meet Minnesota's early learning instructional program standards for children.
 13. Ongoing The property owner must provide and fund traffic control services as required by Chapter 14 of the City Code.
 14. Ongoing Due to parking availability and the increase in trip generation, the school use is limited to grades prekindergarten-8th grade.
 15. Ongoing Due to parking availability, the Joint Use Agreement dated March 2, 2015, providing shared access to 110 off-site parking spaces on adjacent land must be maintained unless the Conditional Use Permit is amended to reflect a new use mix parking demand that can be met through on-site parking.
 16. Ongoing The property owner, subject to the review and approval of the Parks and Recreation Director, must prepare in January of each year, an annual plan that coordinates the use of joint parking areas and outdoor recreation/athletic facilities in a manner that minimizes overlapping demand.
 17. Ongoing Any use of the kitchen must be reviewed and approved by the Environmental Health, Planning and Fire Prevention Divisions.
 18. Ongoing Parking lot and site security lighting plans for new parking areas must comply with Section 21.301.07 of the City Code.
 19. Ongoing All pickup, drop-off, loading and unloading must occur on-site and off public streets.
 20. Ongoing Interior or exterior site alterations must comply with the Minnesota State Accessibility Code.
 21. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
 22. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
 23. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).
 24. Ongoing Interior modifications must be reviewed and approved by the Fire Marshal to verify automatic fire sprinkler system coverage is in compliance (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903).
 25. Ongoing Alterations to utilities must be at the property owner's expense.
 26. Ongoing Execute an agreement approved by the City Attorney by 12/31/18 for the property owner/applicants to be assessed 50% of the cost (but not more than \$10,000) for the construction of a driveway from Park Avenue to the Smith Park parking lot. Upon the construction of such driveway, the property owner shall revise site circulation making the southern driveway from Park Avenue an entrance only and making the northern driveway from Park Avenue an exit only.