



Development Review Committee

Approved Minutes

Development Application, #PL201800226

Mtg Date: 07/10/2018

McLeod Conference Room

Bloomington Civic Plaza

1800 West Old Shakopee Road

Staff Present:

Laura McCarthy (Fire Prev, Chair) 952-563-8965
Kris Kaiser (Fire Prev) 952-563-8968
Heidi Miller (Police) 952-563-4975
Kelly Beyer (Bldg. & Insp.) 952-563-4519
Duke Johnson (Bldg. & Insp.) 952-563-8959
Deb Heile (Bldg. & Insp.) 952-563-4703
Tim Kampa (Utilities) 952-563-8776
Brian Hansen (Eng.) 952-563-4543
Shelly Hanson (Eng.) 952-563-4866

Kent Smith (Assessing) 952-563-8707
Randy Quale (Park & Rec) 952-563-8876
Erik Solie (Env. Health) 952-563-8978
Mike Thissen (Env. Health) 952-563-8981
Eileen O'Connell (Pub. Health) 952-563-4964
Nick Johnson (Planning) 952-563-8925
Glen Markegard (Planning) 952-563-8923
Sue Hults Sellnow (Eng.) 952-563-4628

Project Information:

Project	Success Academy Conditional Use Permit
Site Address	8201 Park Avenue South, Bloomington, MN 55420
Plat Name	SMITH PARK 3RD ADDITION;
Project Description	Conditional Use Permit to expand an existing charter school from 84 students to 350 students over a period of three school years (2018-2021).
Application Type	Conditional Use Permit
Staff Contact	Nick Johnson, Planner
Applicant Contact	Success Academy mrabeaa@summitcharterschool.org
PC	07/26/2018
CC (tentative)	08/06/2018

NOTE: All documents and minutes related to this case can be viewed at www.blm.mn/plcase, enter the permit number, "PL201800226" into the search box.

Guests Present:

Name	Email
Magdy Rabeaa, Success Academy	mrabeaa@successacademymn.org
John Gaspar, NAI Architects, Inc.	john@nai-architects.com
Hisham Rabeaa, Success Academy	mrabeaa@successacademymn.org
Ahmednur Hudle, Success Academy	ahudle@successacademymn.org

Introduction:

- Nick Johnson (Planning):
 - The Conditional Use Permit is requested for a school expansion in the R-1 zoning district. The existing school has a permitted enrollment of 84 students. The charter school is located within an existing facility that also has a place of assembly and community center. There is an existing Conditional Use Permit, which has been amended on multiple occasions. The proposed school enrollment associated with the application is the following:
 - 2018-2019: 175 students
 - 2019-2020: 275 students
 - 2020-2021: 350 students
 - A traffic study was performed by Bolton and Menk to study the proposed school expansion. The subject application includes various mitigation measures intended to improve pedestrian and motorist safety, including the construction of additional parking, sidewalks, and street improvements.

Discussion/Comments:

PLEASE REVIEW THE COMMENT SUMMARY AND PLAN MARK-UPS AS ALL THE COMMENTS ARE NOT DISCUSSED AT THE MEETING.

- Randy Quale (Park and Recreation):
 - Smith Park is immediately adjacent to the property, and there is a cooperative agreement in place covering use of outdoor amenities and parking. Quale asked for clarification regarding the school hours on Fridays – 11:30 AM or PM (seemed to be a typo in the Project Description document).
 - M. Rabeaa confirmed that the end of school day on Fridays is 11:30 AM.
 - Asked if the school is year-round, or regular school year schedule.
 - M. Rabeaa responded that they follow a regular school year from September through the first week of June.
 - Understands that the school utilizes the playground at Smith Park, and wants to ensure that the applicant understands that it is not exclusive use and it is open to the public. Bloomington Public Schools has expressed concerns regarding public comingling with young students at a playground site, which they control at their property. Since this is a public park, this control is not possible and Quale wants to ensure the applicant understands, from a security standpoint, that other people will be in the park.
 - M. Rabeaa responded that they fully understand this, and the teachers and students know that the park is available for public use as well.
 - Expressed some concerns regarding cut-through traffic in the north parking lot (city lot) since the plans indicate a new entrance / exit in the northwest corner. Suspects that cars going southbound on Park Ave will take the first opportunity to enter the parking complex, driving through the lots as opposed to entering using the southern entrance, which will become an entrance only. Additionally, this change would also eliminate 3 parking spots.
 - With the proof of parking indicated on the south part of the plans, Quale expressed concern that it is covering a portion of the multi-purpose field (football and soccer practice area). This area is called out in the agreement as a recreation amenity, and if that parking is needed and built it will have a negative impact on the recreational use of the facility.

- Also, the proposed connection on the east side into the Chicago parking lot potentially also could cause a lot of cut-through traffic.
- Not having seen the final Traffic Study, Quale wondered if these impacts to Smith Park had been considered. Quale also noted that the partnership between the school and the city has been very good over the past several years and that he understands the solution they are trying to create through the proposed improvements. But purely from a Parks and Rec perspective, some of the changes are not optimal, and wanted these concerns addressed.
- N. Johnson asked about handicapped striped parking spots, if that's how they currently are striped.
 - Quale responded that they are, with a thanks to Dar Al Farooq for assisting in striping of the lot, noting it has been a very good partnership over the years and wants to see this continue.
- M. Rabeaa provided additional comment that besides during Friday prayers from about 12:30-2:15 PM, the Smith Park parking lot is not actually fully used – typically vacant to about 10-15 cars.
 - Quale agreed with this assessment.
- Kent Smith (Assessing):
 - Informed applicant that there is still a pending exempt application with Hennepin County (for tax exempt status) for when Al Jazari acquired the property from Dar Al Farooq. This application is being addressed by Hennepin County.
 - M. Rabeaa requested contact information for K. Smith.
 - Smith provided applicant with a business card.
- Erik Solie (Environmental Health):
 - Requested clarification from the applicants regarding the plan for providing meals for the students as their enrollment grows.
 - M. Rabeaa responded that they still plan to cater food in for the students during the 2018-2019 school year; will just do the salad and fruits in house. Since the enrollment expansion to 350 students is still three years out, M. Rabeaa could not speak to what their plan would be at that higher enrollment levels.
 - Solie reminded the applicants that at the time when cooking and serving food is planned they will need to undergo a major renovation since the current kitchen facilities are non-compliant per the food code. This will require a permit from Environmental Health as well.
 - McCarthy commented that the testing and approval of the hood suppression system shall be completed this year.
 - Solie stated that Success Academy can continue with their current plans for food operations according to what has been agreed to, but any changes or upgrades to this would require a full kitchen remodel.
 - Thissen asked if the garbage room is adequate with the larger enrollment, as the space is not very big. Did this get resolved with the access requirement and garage door? There have been some complaints in the past from neighbors about issues of garbage sitting outside.
 - M. Rabeaa responded that currently trash pick-up is every other day. Once they receive approval for the new student enrollment numbers, they will increase the frequency of trash pick-up. In addition, a large school garden was created, and the school will explore utilizing some of the compostable trash in the garden, as a majority of the items from the cafeteria are compostable. To the best of the applicant's knowledge there have not been any complaints about trash from the neighbors since about November of 2017.

- Solie also noted that the garbage room needs to be large enough to contain both trash and recycling. There is a calculation that should be used to determine the size.
 - N. Johnson will provide this to the applicant as part of the full review of the application.
- M. Rabeaa noted that the required water supply and fire suppression for the trash room, as well as a garage door have been completed and verified by the city.
 - Solie commented that the access portion of those requirements have not yet been met.
 - M. Rabeaa responded that they have made a request for exemption for access.
- Duke Johnson (Building and Inspection):
 - The plans do not currently indicate architectural changes. However when any construction/ architectural changes are done on the interior of the building, such as a hood system, building interior walls, or changing occupancy for any of the rooms, proper building permits and plan review will be needed. Contact Building and Inspection anytime you are ready for preliminary plan reviews.
 - M. Rabeaa and J. Gaspar indicated that a couple of the classrooms had previously had walls put in to divide the classrooms. Removing some of these walls are the changes they may request from the property owner.
 - D. Johnson responded that these changes would need a permit since there could be some electrical in these walls and need to ensure they are not load bearing.
- Kris Kaiser (Fire Prevention):
 - Reiterated existing condition issues, specifically the kitchen suppression and hood system which has not been finalized or tested. As a result, there can be no cooking or kitchen prep work until this is done. Other comments are included in the Comment Summary document, please refer to this for further details.
 - M. Rabeaa requested Kaiser's business card. Kaiser will provide after that meeting.
 - McCarthy also noted that if the school plans to utilize any new rooms that were not inspected as a part of the original design, this will need to be completed to verify that the new spaces meet code.
 - The change to 175 students for the coming school year (2018-2019) does not require any new space, other than what was utilized during the last year school year which was inspected last October.
- Heidi Miller (Police):
 - Asked if the applicants had contacted Andy Risdall, who is in charge of lock downs.
 - M. Rabeaa responded that they had, and Risdall visited the school at the beginning of last school year, as well as a couple of times throughout the year.
- Brian Hansen (Engineering) provided the Public Works comments and noted the following:
 - If any further questions regarding the Traffic Study, contact B. Hansen.
 - From a water resources perspective, applicant needs to ensure that the property owner has a signed maintenance agreement recorded at Hennepin County, and provide a Storm Water Management Plan per city requirements.

- Tim Kampa (Utilities):
 - Pointed out that the city shows the sewer service in a different location than where the applicant has it on the plans (reference the green line on the marked up plans).
 - M. Rabeaa asked the depth of the sewer line.
 - Kampa responded that since this is private property, they don't have records of the depth; generally these lines are about 8 feet down.
 - Also highlighted the 16" public main line (indicated by black line diagonal on marked up plans) to ensure they are aware of its location when they are digging in the area.
 - Provided applicant with a map of other utilities in the area.
 - If any civil work is done, a Civil Engineering Plan will need to be completed and approved by Engineering.
 - Provided applicant with phone number to contact the Met Council to complete a SAC determination, which may be needed.
 - Suggested that the applicant loop the water system for the property. Looping would mean linking the north and middle water services together providing redundancy so that if water needed to be shut off at one end, the facility would still have water available. Also this ensures that you continue to have water to your sprinkler system. At this time it is just a suggestion, not a requirement.
 - Hydrant should be within 50 feet of the building fire connection; McCarthy pointed out that this is on the west side north end of the complex.
 - For existing format Kaiser is satisfied with the location of the hydrants.
 - Suggesting a Grease Interceptor, which is an outside device that captures grease before it enters the sewer system. Provided applicants with details about this, and the phone number to contact customer service to determine if this is a requirement for this application.
- Eileen O'Connell (Public Health):
 - No comment
- Nick Johnson (Planning):
 - The traffic study completed for the proposed school expansion shows that traffic level thresholds established by the City's Institutional Use Standards (Sec. 21.302.06 of the City Code) are exceeded. The expansion of an institutional use that creates traffic levels above the established thresholds to a local residential street is prohibited unless the City Council finds that the negative impacts on surrounding residential uses can sufficiently mitigated to levels consistent with residential livability and pedestrian and motorist safety. The subject application includes mitigation measures based on the recommendations of the traffic study performed by Bolton and Menk. The mitigation measures proposed by the applicant are still under review by City staff.
 - Full review will be done when the Staff Report is published.
 - M. Rabeaa asked when they can expect the Staff Report to be published.
 - N. Johnson responded that the current plan is to publish it by the end of next week, Friday, July 20, 2018.
 - Related to the proposed use expansion, the traffic study performed by Bolton and Menk recommended the construction of 49 additional parking stalls. The proposed mitigation measures include the construction of 34 new parking stalls when factoring in the removal of three parking stalls from the Smith Park parking lot to accommodate a new driveway. 48 proof of parking stalls are also proposed. Analysis of appropriate site parking is still under review. City staff will consider the recommendations of the parking study and the requirements of City Code. Construction of new parking areas as shown on proposed site plans will require the approval of Final Site and Building Plans prior to parking lot permit issuance.

- This additional step could be done administratively since only parking lot reconfigurations.
- Expanded use of the kitchen to prepare meals for students of the school will require odor control devices as approved by Environmental Health.
- When the trash room was approved as part of the previous CUP, the review did not take into consideration what the state required quantities are for recycling. This is something that we now implement on a routine basis. With the school expansion, should this CUP be approved, it will be our expectation that the recycling storage area be increased to meet the volumes required by the state building code. This calculation has not been completed yet, but can be performed as part of the full review and included in the Staff Report.
- Markegard asked if any discussions have been started with Excel Energy regarding obtaining an easement over their property. The proposed driveway on the north side of the plan is directly over Excel property.
 - M. Rabeaa indicated that these discussions have not yet taken place.
 - Markegard responded that an Easement Agreement will need to be obtained from Excel Energy.



Comment Summary

Application #: PL2018-226

Address: 8201 Park Avenue South, Bloomington, MN 55420

Request: **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 350 students over a period of three school years (2018-2021).**

Meeting: Post Application DRC - July 10, 2018
Planning Commission - July 26, 2018
City Council (projected) - August 06, 2018

NOTE: All comments are not listed below. Please review all plans for additional or repeated comments.

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

- 1) The traffic study completed for the proposed school expansion shows that traffic level thresholds established by the City's Institutional Use Standards (Sec. 21.302.06 of the City Code) are exceeded. The expansion of an institutional use that creates traffic levels above the established thresholds to a local residential street is prohibited unless the City Council finds that the negative impacts on surrounding residential uses can sufficiently mitigated to levels consistent with residential livability and pedestrian and motorist safety. The subject application includes mitigation measures based on the recommendations of the traffic study performed by Bolton and Menk. The mitigation measures proposed by the applicant are still under review by City staff.
- 2) Related to the proposed use expansion, the traffic study performed by Bolton and Menk recommended the construction of 49 additional parking stalls. The proposed mitigation measures include the construction of 34 new parking stalls when factoring in the removal of three parking stalls from the Smith Park parking lot to accommodate a new driveway. 48 proof of parking stalls are also proposed. Analysis of appropriate site parking is still under review. City staff will consider the recommendations of the parking study and the requirements of City Code.
- 3) Construction of new parking areas as shown on proposed site plans will require the approval of Final Site and Building Plans prior to parking lot permit issuance.
- 4) Expanded use of the kitchen to prepare meals for students of the school will require odor control devices as approved by Environmental Health.

- 5) New parking areas must comply with the City's exterior lighting requirements (Section 21.301.07 of the City Code).
- 6) New parking areas adjacent to public streets must have a three-foot high screen consistent with Section 19.52(d) of the City Code.
- 7) All new parking lot islands must be 8 feet wide (inside to inside measurements) and must have a minimum of one tree.
- 8) The existing trash facilities did not take into account the recycling requirements of the MN State Building Code (Sec. 1303.1500). With the proposed expansion of the school, additional recycling storage area must be provided.
- 9) Existing and proposed landscaping will be reviewed according to previously approved plans (2003) and City Code requirements. Existing and proposed landscaping should be inventoried in tabular form.

Building Department Review Contact: Duke Johnson at djohnson@BloomingtonMN.gov, (952) 563-8959

- 1) Must meet current MN State Building Code
- 2) Must meet MN Accessibility Code
- 3) SAC review by MET council will be required.

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

- 1) Maintain emergency vehicle access and circulation throughout the property to accommodate L3.
- 2) Maintain required hydrant coverage throughout the property.
- 3) The kitchen suppression and hood system installation has not been completed. The kitchen shall not be used for cooking until all related systems have passed the required acceptance testing.
- 4) Any additional areas not already inspected and approved for school occupancy shall meet all Group E code requirements and shall be inspected prior to use.
- 5) All required annual life system testing shall be current.

Utility Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1)
- 2) City Records show the sewer service here
- 3) This existing 16" City watermain must be protected from damage during construction and maintain 8' of cover to prevent freezing.

- 4) A Minnesota licensed civil engineer must design and sign all civil plans.
- 5) Contact Met Council (651-602-1378) for Sewer Availability Charge (SAC) determination.
- 6) Suggest Looping the water system (supply from two points) to provide increased reliability of service and reduction of head loss.
- 7) Install hydrants to provide fire protection for entire building. Each hydrant covers 150-foot radius. There should be a fire truck accessible hydrant within 50 feet of the building fire connection, provide one if it isn't there now.
- 8) Any new or substantial remodel of a food service facility must provide an exterior grease interceptor and grease interceptor maintenance agreement. Work with Utilities Customer Service and Bloomington's Plumbing inspection to determine if a grease interceptor is needed.

Traffic Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Please clarify if this is proposed as part of this plan or as proof of parking. Traffic plan recommended additional 49 spaces constructed to eliminate the on-street parking demand
- 2) Signs should be installed outside of the right of way. The stop sign should be installed east of the sidewalk.
- 3) Add "Do Not Enter" sign
- 4) New Entry per traffic study recommendations
- 5) Site plan has this area labeled "if needed" - please clarify if it is proposed on this plan.
- 6) Use different line weight to identify proposed parking area vs existing
- 7) Contractor shall obtain a Public Works permit for obstructions and concrete work within the right-of-way. Permit is required prior to removals or installation. Contact Sean Jenkins (952-563-4545, sjenkins@BloomingtonMN.gov) for permit information.
- 8) Illustrate on plan that the clear view triangle (15' from property corner to driveway approaches) is not obstructed by landscaping or signage.
- 9) Provide appropriate MMUTCD references for signs proposed for circulating traffic. All private signage must be installed outside of the city right-of-way.
- 10) All parking stall striping must be painted white. Parking islands must be 3-feet shorter than the parking stall and 8-feet wide.
- 11) 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.
- 12) Show location of a bike rack and bike rack detail on the plan.

Construction/Infrastructure Review Contact: Brian Hansen at
bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) Show existing sidewalk/ped ramps that would be impacted by bump outs
- 2) 83rd St and Columbus Ave will be reconstructed as part of the 2018-101 PMP Street Reconstruction Project in the late summer/fall of 2018. This work will need to be coordinated.
- 2) Use updated city standard details for driveways, utilities, erosion control, etc. found on the website at www.bloomingtonmn.gov/information-sheets-and-handouts-engineering-division
- 3) Use Bloomington Standard Details
- 4) Use standard city detail for commercial driveway apron
- 5) Call out standard City commercial driveway apron
- 6) Parking islands need to have a minimum width of 8' and be 3' shorter than the adjacent stall
- 7) Add north arrow and scale to the plan sheets (Typ)
- 8) Parking islands need to have a minimum width of 8' (label width) and be 3' shorter than the adjacent stall
- 9) Add north arrow and scale to the plan sheets (Typ)
- 10) Need to make sidewalk ADA compliant by adding ADA compliant pedestrian ramps
- 11) Verify width of existing walk. This appears narrower than the walk
- 12) Add north arrow and scale to the plan sheets (Typ)
- 13) Call out standard City Commercial driveway apron
- 14) Needs to be 8' minimum width per City code 21.301.06.H
- 15) Label width of parking islands. Show 3' shorter than adjacent parking stalls
- 16) Add north arrow and scale to the plan sheets (Typ)

Water Resources Review Contact: Steve Segar at ssegar@BloomingtonMN.gov, (952) 563-4533

- 1) Provide civil plans for the project. Plan sheets may include grading, drainage, utility, erosion control, traffic control, civil site, etc.
- 2) Utility as-builts must be provided prior to issuance of Certificate of Occupancy.
- 3) Provide stormwater management plan meeting the requirements of Bloomington Comprehensive Surface Water Management Plan. See the City website, note this project will be using the "old" SWMP, pre-June 25, 2018.
- 4) A maintenance agreement must be signed by the property owner and recorded at Hennepin County.

- 5) A National Pollutant Discharge Elimination System (NPDES) construction site permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided. Show disturbed area, is it > 1 acre?
- 6) An erosion control bond is required.
- 7) Show erosion control BMP locations on the plan
- 8) List erosion control maintenance notes on the plan.
- 9) HDPE pipe connections into all concrete structures must be made with water tight materials utilizing an A-Lok or WaterStop gasket or boot, cast-in-place rubber boot, or approved equal. Where the alignment precludes the use of the above approved watertight methods, Conseal 231 WaterStop sealant, or approved equal will only be allowed as approved by the Engineer.
- 10) Utility permits are required for connections to the public storm, sanitary, and water system. Contact Utilities (952-563-8777) for permit information.

PW Admin Review Contact: Brian Hansen at bhansen@BloomingtonMN.gov, (952) 563-4543

- 1) The joint use agreement between the City and Dar Al Farooq needs to be amended to show changes in parking area. Specifically, Exhibit B showing the parking areas.

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

- 1)
 - On Page 5 of the project description, it lists the Friday school hours as being 7:30 a.m. to 11:30 p.m. Did Success Academy mean 11:30 a.m.? With school ending at 11:30 a.m. on Fridays, is it the expectation that the students will be clear of the property before attendees arrive for the first of the Friday congregational prayers?
 - Will this be a year around school or will there be a summer vacation from school? The City runs a playground program at Smith Park during the summer months and a year around school could result in access conflicts for the outdoor recreational facilities during the summer months.
 - The joint use of outdoor recreational facilities on City and DAF properties is addressed in the cooperative agreement between the City and DAF.
 - On Page 7 of the project description, it states “The Primary School will use the Smith Park playground for approximately 20 minutes per day per class, for a total of around one to one-and-a-half hours per day.” Currently, use of the Smith Park playground is non-exclusive, so Success Academy will not have exclusive use of the playground. By expanding the use to 60 to 90 minutes per day, this may restrict access of the playground by the general public. Will/does Success Academy have any concerns with its students and the general public utilizing the playground at the same time?
 - The new entrance at the northwest corner of the City’s parking lot would eliminate three parking spaces. This is not desirable from a Parks and Recreation perspective. There is also a concern with cut-through traffic through this parking lot as southbound vehicles on Park Ave. may turn in at the new driveway, then proceed south to the DAF parking lots.

This new entrance may be deemed a better/faster alternative for drivers rather than driving further south on Park Ave. and entering at the southern access only driveway. Does the traffic study consider this issue?

- The new driveway would be located on City ROW property and Xcel Energy property. Has Xcel been contacted regarding the proposed driveway and has an easement been requested?

- The new proof of parking to the south of the multi-purpose field would impact the multi-purpose practice area which is located in this area. This area is used for practice by field users as well as a warm up area for field users. Parks and Recreation is opposed to utilizing this site for additional parking. Public access and use of the multi-purpose field is included in the cooperative agreement between the City and DAF.

- The new proof of parking area places parking immediately adjacent to neighbors to the south who may have issues with noise, lighting, etc. Also, if this new parking area is connected to the City's Chicago Ave. parking lot, this may result in a loss of parking spaces in the City's lot as well as cut-through traffic through the City's lot.