



DATE: August 15, 2018

TO: City of Bloomington Planning Staff

**FROM: John K. Gaspar, Architect, NAI
Architects, Inc**

**AND: Jay Smigielski, Attorney,
Ferdinand F. Peters Law Firm**

**On behalf of: Al Jazari Institute dba
Dar Al-Farooq Center, and Success Academy, (the
“Applicant”)**

**RE: 8201 Park Avenue South,
Bloomington, Minnesota (the “Property”)**

Application for New Conditional Use Permit

Section I – Request

This request outlines the manner in which the Applicant proposes to change the use of the Property by a new conditional use permit.

A conditional use permit (“Permit”), passed and adopted by the City Council of the City of Bloomington on May 2, 2011, March 5, 2012, and amended January 2018, is currently in effect for the above-captioned Property, approving use of the Property for a school and a place of assembly/community center, which Permit was recorded in the Office of the Recorder and the Office of the Registrar of Titles in Hennepin County on June 6, 2012, as Documents No. T4922087 & A9799106.

Applicant requests that the new Conditional Use Permit allows for the following uses:

1. A preschool and elementary/middle school through eighth grade with a total of 130 students (the “Primary School”).

Current Uses to Continue

2. The Permit currently allows a community center (“Dar Al-Farooq Center”) and house of worship/place of assembly, which includes a weekend religious school (“Weekend School”). No change is requested to the current Permit with regard to these uses except as outlined in this document.

Section II – Historical Use

1. This request for a new Conditional Use Permit is designed to be consistent with the historical use of the Property.
2. Beginning around 1962, the Property was used as Northgate Elementary School, a public school for the City of Bloomington. On October 17, 2017, Applicant received the following historical enrollment information for Northgate Elementary from Sharon Peck, Data Management Supervisor in the School Finance Division of the Minnesota Department of Education:

Northgate Elementary School Enrollment	
Enrollment Year	Students (as of October 1st)
1980	339
1981	409
1982	437
1983	416
1984	427
1985	441
1986	441
1987	closed

3. After Northgate Elementary closed, the Property was sold to Lutheran High School Association, and after that the Property was acquired by Concordia Academy Association of Schools.
4. On September 29, 2017, Applicant received the following historical enrollment information from Pastor Timothy Berner, former principal at Concordia Academy when it was located at the Property:

Concordia Academy Enrollment	
Enrollment Year	Students (Approximate)
2006	120
2007	120
2008	120
2009	closed

5. Around 1985, Maranatha Community Christian Church began operating at the Property concurrently with the school use noted above and held religious services there for several years.

6. Applicant's use of the Property will be consistent with the historical use noted above.
7. The school building meets the requirement to be on The National Register of Historic Places. The building was built about 1962, which would make it 56 years old and has been continuously used as a school and during this time had some religious uses. To meet the requirements to be on The National Register of Historic Places, a building would need to be over 50 years old and in the same form as when it was built, have a high degree of integrity, and have historic significance. It is an example of Architectural school design in the 1960's. It is important to preserve our cultural heritage because it keeps our integrity as a community. It is important to share the spaces and environment to new generations of school students, so they can reflect to the past use of the school. To keep the school and building continuing to function it is important to have enough students to make it financially viable.

Section III – Religious Assembly and Other Uses

1. The Applicant proposes to continue using the Property as a Place of Religious Assembly that will be primarily be utilized on Fridays and religious holidays. The Property will not be put to any other uses than those listed in this document.
2. Applicant proposes to continue using the Property for the Weekend School (religious) as allowed under the current Permit. No change is requested to the Permit in this regard.
3. Concurrent use of the gymnasium, cafeteria, and library by non-students will be reduced.
4. Hours of operation for the House of Worship will be principally from 6:00 a.m. to 6:00 p.m., although there will be some smaller prayer services that are held earlier than 6:00 a.m. and later than 6:00 p.m. Additionally, these hours are fluid because from time to time the actual hours of operation will change based on, for example, religious holidays.

Section IV – Community Center

1. Applicant proposes to continue using the Property as a community center that is separate and distinct to the house of worship and Primary School. No changes to the Permit are requested with regard to the use of the Property as a community center, which uses include the following:
 - Emergency support for individuals and families in need (agency referrals, material support)

- Continuing Adult Education Classes
 - Periodic educational and informational talks and seminars aimed primarily at adults, sometimes families
 - Other similar uses consistent with the use of the Property as a community center
2. Hours of operation for the Community Center will be principally from 6:00 a.m. to 10:00 p.m., although from time to time there will be some services and programs that might be scheduled earlier than 6:00 a.m. and later than 10:00 p.m. Additionally, these hours are fluid because from time to time the actual hours of operation will change based on, for example, the needs of the community and the specific programs that are scheduled.

Section V – Primary School

1. Teachers and Staff

The total number of School staff will change depending on the number of students. There are currently 15 staff members for the past school year 2017-18. Applicant projects that more staff will not need to be hired until student enrollment reaches 120 students.

2. Student Transportation

- a. The primary means of transportation to and from the school will be by busses, operated by a third-party contractor. The School will be proactively directing families to have their children transported by bus, such that it will eventually be a requirement that children be transported by bus.
- b. Attached is a plan that shows the bus drop-off and pick-up location at the School. See A1.1 and A1.4.1
- c. As needed, eight to fourteen parking stalls will be temporarily eliminated at the bus drop-off and pick-up location during the following times:
 - i. 7:20 AM to 7:40 AM – Monday through Friday,
 - ii. 2:45 PM to 3:15 PM – Monday through Friday, and
 - iii. 11:15 AM to 11:30 AM – Fridays.
- d. The School is also considering an application process that families will need to follow in order to receive permission to transport their children to and from the School by car. Except for exceptional circumstances (illness, doctor's

appointment, etc.), families would only be permitted to transport their children to and from the school by car with the express permission of the School.

- e. This process will assist the School in knowing the precise number of children it can expect to be transported by car. The school is committed to managing the traffic of its students in a way that decreases any negative impact on the neighborhood and its traffic.
- f. Other components of this action plan may include “access passes” that will allow the registered families to access to the parking lot for drop-offs and pick-ups—no other families would be permitted drop-off/pick-up access, and drop-offs/pick-ups would be prohibited on the public streets. The School expects that the families will comply with the application procedure and the rules regarding transport by car, but plans will be developed to handle potential noncompliance by families.
- g. Last year, approximately fourteen families transported their students by car, and the School projects that the proportion of the total families transporting by car will decrease as the School implements the policies mentioned above, or other policies directed toward the same goals.
- h. Moreover, the primary reason more families do not have their children transported by bus is because there are only two school busses currently serving the School, and these two busses simply cannot cover all the students and families. In fact, more families would like to have their children transported by bus but increasing bus service is not an option for the School at current enrollment numbers.
- i. As a result—and perhaps counter intuitively—as the student enrollment increases, the percentage of families that drive their children to school will decrease.
- j. It remains highly likely, based on the demographics of the families who have expressed interest or applied to have their children attend the School, that the total number of families at the School will increase at a lower rate than the rate at which the total number of enrolled students increases. That is, it is expected that each new family will enroll multiple children at the school. Accordingly, each family that drives their children to school will be transporting a disproportionately large number of students, thereby leading, in turn, to reduced total number of trips to the school as might have occurred otherwise.
- k. It is additionally expected that a number of children will walk to the School. Currently about nine children walk to the school, and this is expected to increase, as many of the students are expected to live in the neighborhood.

3. School Hours; Before and/or After School Care

- a. The school-building operating hours will most typically be approximately from 6:00 a.m. to 4:30 p.m., Monday through Friday, although these hours are somewhat fluid and subject to occasional changes from time to time throughout the school year, based on the needs of the school.
- b. Classroom / school-day hours for children are anticipated to be 7:30 a.m. to 3:00 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Fridays.
- c. There will not be any before or after school care by the School at the Property, but there are some after school activities.

4. Before and/or After School Activities or Sports

There are currently no after-school activities. Here is a summary of anticipated out-of-school-time activities:

- a. Soccer club and basketball club. Each will be for about 4 weeks and meet from 3:15–4:15 two days a week. It is anticipated that each club will have approximately 15% of students' population in the first year.
- b. Lego League in (2018–2019 school year). Students will meet after school for two days a week, 3:15–4:30 from October to March. The School anticipates that about 10% to 15% of student population will participate in the program.
- c. Chess club and a Math Master club that meets once a week after school for 1 hour once a week from 3:15–4:15. The School anticipates about 10% to 15% of students will participate in those two programs this year.
- d. Two nights of parent-teacher conferences.
- e. The School anticipates 2 to 4 family activities each year from 5:30 PM–8:00 PM. It is hard to predict how many families will show up, although the School will encourage carpooling among families. Participation is estimated from 40% to 70% for SY 2017–2018.
- f. Other similar activities consistent with the use of the Property as a school.
- g. With limited exception (such as family nights), all afterschool activities will be completed by 4:30 p.m.

Section VI – Gymnasium, Cafeteria, and Library Use (the “Families”)

1. In keeping with the existing conditions of the Permit, concurrent uses of the Property, particularly regarding the Facilities, will be limited.

2. The primary user of the Facilities will be the Primary School. It is anticipated that no Facility will be used by the Weekend School or the community at large when being used by the Primary School.
3. The secondary use of the Facilities will be for the Weekend School.
4. The tertiary user of these Facilities will be the Applicant serving the community at large. It is anticipated that the community at large will not utilize any Facility when it is in use by the Primary School or the Weekend School.
5. Use of the Facilities will be limited by all parties when it is expected that attendance at the house of worship will be high.

Section VII – Smith Park and Outdoor Activities

1. Applicant is proud to have continued the previous Property owners’ partnership with the City to expand the public’s access to Smith Park, such as through the granting of an easement for pedestrian and vehicle access to the Park, and joint parking and facility-use agreements. Applicant looks forward to continuing this partnership.
2. 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.
3. The Primary School’s principal outdoor activities are physical education and recess, weather permitting. Physical education classes occur at the football fields when they are held outdoors.
4. Other outdoor uses at the School will be consistent with the before- and after-school uses of the Property by the Primary School as noted above in Section V-4.

Section VIII – Parking

Required Parking—Current Uses (no changes)

Location	Code Requirement	Occupants	Spaces
Assembly Halls (2,625 ft ²)	1 space/3 occupants	300	100
Offices (2,466 ft ²)	1 space / 285 ft ²	1 space / 285 square feet	9 spaces
Weekend School	1 space / 800 ft ²	80	40

Required Parking—School Year 2017-18

Location	Code Requirement	Occupants	Spaces
Weekday Primary	1 space / 800 ft ²	84	40

School
 (30,876 ft²)

Total Parking without new Parking Areas

Total Parking Required, Existing Uses	207
Total Parking Required	207
Available Parking (on Property)	158
Parking Eliminated During Bus Drop-off/Pick up (not included in above)	8
Available Parking (Smith Park)	72
Total Parking Available w/o Chicago lot	230
Chicago lot	36
Total Parking Available (bus Drop-off/Pick-up not included)	266

The attached survey indicates options to expand parking at the Property. See A1.2, A1.3, A1.4, and A1.5

Section IX — Omitted

Section X — Miscellaneous & Additional Information

1. Fire and Building Code Requirements have been completed.
2. All areas to be used for the Primary School are compliant with E Occupancy.
3. Applicant can state that there is no “university” or similar institution at the Property.
4. No significant changes are planned for the exterior of the building, though some changes might be required in connection with the trash-room waiver identified above in Section IX.
5. The interior of the building is largely consistent, as-is, with the proposed use of the building, and only minimal construction has been or will be required. All construction and post-construction parking and storage of equipment and materials will occur on the Property.

6. Sufficient bike racks will be installed at the Property as determined in discussions with the City, and as calculated per the number of students. Currently, no students bike to the School.
7. This Application describes Applicant's request for the use of the Property and outlines Applicant's anticipated proposed use in detail. It is not a waiver of any claim, defense, or presentation of facts that Applicant may assert in these or other proceedings.
8. Sewer Availability Charge determination was submitted with the Applicant's previous application for a conditional use permit in 2017 and is anticipated that the SAC will not change because the proposed use of the Property is staying the same as what was submitted in SAC determination in 2017.
9. There are no State documents which impose operational requirements or limitations on the Primary School. State documents, issuing the School (nka Success Academy, fka Summit Charter School) its charter ID number, can be provided by the school upon request.
10. The traffic direction, parking, and landscaping, will be reviewed in consideration of any recommendations contained in the Traffic Study completed by Bolton and Menk.. See A1.1, A1.2, A1.3, A1.4.1, A1.4.2, and A1.5

Section XI –Mitigation Measures Due to Increased Traffic

1. Mitigation measures are not required under the code because the number of trips generated by the requested total student enrollment are not projected to exceed the thresholds set forth in the Bloomington City Code.
2. More specifically the total number of requested students (130) are NOT projected to:
 - add 300 or more trips per day to a local residential street at least once per week on a regular basis;
 - add 100 or more new trips per day on a local residential street, such that the total trips on that local residential street add up to a total of over 1,000 trips per day at least once per week on a regular basis; or
 - produce 100 or more trips per hour on a local residential street during the peak hour of trip generation for the proposed site, at least once per week on a regular basis.

3. Nonetheless, Applicant is committed to managing concurrent uses of the building, parking, and traffic in such a way so as to reduce any negative impact on the surrounding community, and to consistently monitor parking at the Property to minimize any effects on the adjoining neighborhood that might result from the proposed uses. Therefore, concurrent uses of the Property will be kept to a minimum and will comply with all parking requirements. The historic use of the Property as a school indicates that the neighborhood has in the past successfully managed the impacts from the traffic that normally results from typical high school and elementary school activities. Applicant will work with the City to continue addressing these concerns in a successful manner.
4. Applicant will consider the following mitigation measures, if recommended Bolton & Menk in the final traffic study analyzing trips resulting from total student enrollment of 130 students, and if also recommended by City Planning Staff (See A1.1, A1.2, A1.3, A1.4.1, A1.4.2, and A1.5):
 - a. The Applicant will reimburse the City for installing bump outs and a stop sign on the west leg of the intersection of 82nd Street and Park Avenue. See the site plan A1.1 and A1.2.

b. Parking:

Parking stalls required	207
Vehicles recorded to be parked on-site at one-time during Friday midday event.	263
Existing parking at 8201 Park Avenue South	158
Existing shared parking at Chicago Avenue and 83rd Street	36
Existing shared parking at Smith Park, and North of 8201 Park Avenue	72
Subtotal of Existing Parking	266

Applicant will add additional parking if required by the Code

South of 8201 Park Avenue at 83rd Street (See A1.2)	27
West of the community center/gymnasium (See A1.3)	19
Loss of 2 stalls for access aisles for ADA Parking	(2)
Total Parking	312

- c. The school parking demand for the school year just completed is 15. The parking demand is sufficient because it is during non-peak hours.

- d. A proof of parking, south of the football field will accommodate 48 parking stalls and will have direct access from the Chicago parking lot to the Property. See A1.1.
- e. Applicant will have yellow striping installed on Park Avenue between East 82nd Street and East 83rd Street, in front of any fire hydrants, along curbs, and stop/directional signage to show where parking is not allowed.
- f. Signage and Location:
- Arrows throughout the lot to show traffic direction.
 - Stop sign on 82nd Street at Park Avenue,
 - Stop sign at the north 8201 Park Avenue driveway, Stop sign at the new parking area at 83rd Street,
 - Stop sign at the south driveway of 8201 Park,
 - Stop signs at the northern and southern ends of the west parking lot,
 - Stop sign at the south end of the drive into Smith Park to north entry/exit drive onto Park Avenue,
 - Stop sign at the north exit from the one way drive in front of the school, and
 - Add signage for restrictive drop-off/pick-up in front of 8201 Park Avenue South, and
- g. The parking drive in front of the school entry will be changed to one-way from south to north. At present space is blocked off next to the curb for bus drop-off and pick-up. The school will limit the area in front of the school to bus and parent drop-off and pick-up only and that no parking during the times stated in Section V, 2c. Signage will be posted along the drive.
- See site plan A1.1 for circulation.

Section XII

1. The Applicant will post on its website information for over-the-road truckers that driving or parking on residential streets is not permitted in Bloomington and that they could face a fine and/or towing. Applicant will provide the drivers with information on acceptable

parking locations or alternative places to worship. The Applicant will consult with the City about posting signage informing drivers about the parking ordinances. Applicant will consult with the City about wording and location(s) of signage.

2. The Applicant periodically as necessary, will send representatives outside while congregants are arriving at Friday prayer services and instruct congregants to park in the parking lots at the Property, rather than utilizing on-street parking.
3. Applicant will also patrol the outside boulevard area between Park Avenue and the Property after Friday prayer services and collect and dispose of any debris or litter that may have been left by the congregants.

Section XIII

Applicant proposes the following for consideration by the Planning Staff, the Planning Commission, and the City Council, but not as mitigation measures that are proposed with the application for conditional use permit. In the event that the City requires additional mitigation measures to approve the conditional use permit, Applicant requests that the City consider the following:

1. Contingent upon finalizing a written agreement between the Applicant and Portland Avenue United Methodist Church (located at 8000 Portland Avenue S., Minneapolis, MN 55420) for Al Jazari to use the parking lot of the Church, Al Jazari will direct some of its congregants to park at the Church's parking lot during Friday prayer services. It is anticipated that this joint parking agreement will reduce parking and related traffic at 8201 Park Avenue by around 100 vehicles.
2. Applicant will implement up to two traffic patrols during Friday prayer to help direct the flow of traffic.
3. Extend existing sidewalk along south entry to give pedestrians a clear path to the sidewalk in front of the building with curb cuts on both sides of the road.
4. New parking areas will be landscaped according to City ordinance to screen and soften the effect of vehicles parked on site. The landscaping will follow the requirements of the City and the Applicant will submit plans for approval, if required. All planting below power lines will be submitted for approval. The landscaping will consist of deciduous trees, evergreens, and shrubs that will grow to a minimum of three feet to a maximum of four feet high.
5. Al Jazari will launch a campaign to encourage its congregants to carpool for the Friday prayer service.

Section XIV – Conclusion

The proposed increase in enrollment for Success Academy will not change the historical use of the Property, nor will it substantially overload traffic or parking. The school meets all State and City building codes. The Applicant is investigating a way to reduce traffic to Friday worships which has the highest volume of trips. At present they are asking members to carpool and are looking for off-site parking and will provide shuttle service to worship services on Friday's. The increase in student enrollment at Success Academy will not adversely affect the building at the Property or surrounding neighborhoods or otherwise harm the public health, safety and welfare of the neighborhood. In fact, the traffic safety measures and landscaping will only improve the neighborhood.

1. The present uses for the Property does not conflict with the uses listed. The property is zoned QPUB, School, and Church.

The 2020 Comprehensive Plan has the land use for the Property listed as QPUB, Quasi Public, which includes such uses as Schools and Churches and the 2040 Comprehensive Plan has the Property listed as PD R-1, which is Planned Development – Single Family. The present Conditional Use Permit allows for the Applicant to use the property at present. The Conditional Use Permit that the Applicant are applying for will continue the present use, but with a larger student enrollment.

the proposed use is not in conflict with the Comprehensive Plan.

2. Currently, the property at the Property does not conflict with any district plans for the area and meets the 2020 Comprehensive Plan uses for the property.

the proposed use is not in conflict with any adopted district plan for the area.

3. The Applicant has and will continue to upgrade the facility as needed or required. They have followed and will continue to follow all Federal, State, and City Ordinances and Building Codes.

the proposed use is not in conflict with city code provisions.

4. The Applicant promotes neighborhood revitalization by supporting the community and the neighborhood by the use of the Community Center, Athletic Fields, and the shared use of Smith Park.

The Applicant promotes diversity and will add to the economy and culture of Bloomington and the community surrounding the Property.

The Applicant provides equity education and provides opportunities for people looking for a quality of life who live or want to live in Bloomington. The Applicant is looking for

sustainability toward the future and investing in the future of the City of Bloomington and its residences.

The Applicant is looking forward to the stewardship and investment in optimizing the uses of this underutilized property. The existing and proposed student increases will recycle the building to what it was built for, a school in Bloomington. The reuse of the school building provides diversified employment opportunities for residents of Bloomington.

The Applicant has and will continue to maintain the open space that surrounds the building at the Property and this includes helping maintain the playground at Smith Park.

As a public charter school, Success Academy will help ease the overall burden on the public school system in Bloomington, and the Community Center will create a place for area people to gather without leaving the neighborhood.

Because Success Academy is a school that only educates through the eighth grade, it has not created and will not create any traffic from students who drive themselves to school. All students are encouraged to take the bus that is provided by the school to reduce traffic in the neighborhood.

The Applicant has an agreement with the Bloomington Parks and Recreation Department to share the use of the play area at Smith Park and the Applicant helps in the maintenance of the park and the maintenance of the playing fields east of the school.

The Applicant, because it is a reuse of a past school building, has all the utilities in place and will rework the existing automatic sprinkler system as needed with a permit through the building department.

the proposed use will not create an excessive burden on parks, schools, streets and other public facilities, and utilities with serve or are proposed to serve planned development.

5. The Applicant has a positive impact on adjacent property because of the stewardship they have over the property and by allowing others to use the Community Center and playing fields.

The increased community-building presence at the school will deter vandalism at Smith Park, and will also act as a deterrent on crime generally in the neighborhood, the Park, and the Property.

Success Academy will increase its positive environmental impacts next school year with the addition of composting and encouraging students to ride the bus to school. Success Academy is also a strong advocate for recycling.

The Applicant is working with the City of Bloomington in revising and updating traffic and parking within the property at the Property and the roadway by the property to improve the safety in and out of the property. It is anticipated that traffic speeds will be reduced in the area as a result of the mitigation measures, increasing quality of life for residents.

the proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and welfare.

Portions of this proposal were provided by Jay Smigielski, Attorney, Ferdinand F. Peters Law Firm.