

GENERAL INFORMATION

Applicant:	Al Jazari Institute Property, LLC (Owner) Success Academy (User)
Location:	8201 Park Avenue South
Request:	1) Conditional Use Permit to expand the student enrollment from 130 to 180 students through a hybrid educational program and for a greenhouse addition at an existing school 2) Major Revision to Final Development Plan to construct an approximately 900 square-foot attached greenhouse addition at an existing school
Existing Land Use and Zoning:	School (pre-k – 8 th grade), community center and place of assembly; zoned Single-Family Residential (Planned Development) (R-1)(PD)
Surrounding Land Use and Zoning:	North and East – City park; zoned R-1 South – Single-family residential dwellings; zoned R-1 West – Single-family residential dwelling and electrical transmission lines; zoned R-1
Comprehensive Plan Designation:	Quasi-Public and Public

HISTORY

City Council Action:	08/17/1987 – Approved a two-year temporary Conditional Use Permit for a Montessori day care, latch key, church office, church school and non-profit office uses at the Northgate Elementary School (Case #8915A-87). 07/19/1989 – Approved a Comprehensive Land Use Plan amendment from Public to Office and Low Density Residential and Preliminary and Final Development Plans to convert Northgate Elementary School to an office use and create four new single-family residential lots subject to conditions (Case #8915ABCD-89). NOTE: Although approved, the school was not converted to an office use and single-family residential lots were not created/subdivided.
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07/16/1990 – Approved a Comprehensive Land Use Plan amendment from Office and Low Density Residential to Quasi-Public and Preliminary and Final Development Plans for a private high school subject to conditions (Case #8915AB-90).

03/18/1991 – Approved revised Final Development Plans for a 24,560 square-foot gymnasium addition and a 2,200 square-foot music room addition subject to conditions (Case #8915A-91). **NOTE:** Although approved, these additions were not constructed.

04/12/1993 – Approved a two-year temporary Conditional Use Permit for a church in an existing school (Case #8915A-93).

04/03/1995 – Approved a five-year temporary Conditional Use Permit for a church in an existing school (Case #8915A-95).

06/01/1998 – Approved revised Final Development Plans for a gymnasium addition subject to conditions (Case #8915B-98).

06/19/2000 – Approved a five-year temporary Conditional Use Permit for a church in an existing school (Case #8915A-00).

08/18/2003 – Approved revised Final Development Plans for a 14,000 square-foot gymnasium with options for gym storage space and additional restroom and shower facilities subject to conditions (Case #8915A-03).

05/02/2011 – Approved a Conditional Use Permit for a community center, place of assembly, school, and a day care subject to conditions (Case #8915A-11).

Staff Action:

08/15/2011 – Approved a Minor Revision to Final Site and Building Plans for a parking lot expansion and associated stormwater improvements (Case #8915B-11).

City Council Action:

05/02/2011 – Approved a Platting Variance to allow conveyance of a portion of the Xcel Energy Transmission Corridor without platting the remainder of 8101 Park

Avenue South (the entire Xcel corridor) and Preliminary and Final Plat of SMITH PARK 3RD ADDITION, a combining of 8201 Park Avenue South, 8200 Chicago Avenue South and a portion of 8101 Park Avenue South into one lot (Case #8915CDE-11).

03/02/2015 – Approved the Smith Park and Dar Al Farooq property improvements, leases, easements, maintenance and use agreements (“Joint Use Agreement”).

Staff Action: 12/27/2017 – Approved exterior access to the trash collection and storage room serving the multiple tenant building which is attached to a part of the principle building, subject to conditions (Case #PL2017-282).

City Council Action: 02/12/2018 – Approved a Conditional Use Permit to expand charter school enrollment from 60 students to 84 students, subject to conditions (Case #PL2017-251)

09/10/2018 – Approved a Conditional Use Permit to expand charter school (pre-K – 8th Grade) enrollment from 84 students to 130 students, subject to conditions (Case #PL2018-226).

Staff Action: 09/21/2018 – Approved a Minor Revision to Final Site and Building Plans for a driveway connection to East 83rd Street to serve an existing school, community center and place of assembly, subject to conditions (Case #PL2018-317).

CHRONOLOGY

Planning Commission	07/23/2020	Recommended approval (Vote: 7-0)
Council	08/03/2020	Consent Business

DEADLINE FOR AGENCY ACTION

Application Date:	06/17/2020
60 Days:	08/16/2020
120 Days:	10/15/2020
Applicable Deadline:	08/16/2020
Newspaper Notification:	Confirmed (07/09/2020 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed (500-foot buffer – 10 day notice)

STAFF CONTACT

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PROPOSAL

Success Academy, an existing charter school within a multi-use facility located at 8201 Park Avenue South, is requesting a Conditional Use Permit to increase student enrollment from 130 students to 180 total students through the implementation of a 50-student hybrid middle school program. The proposed hybrid educational program would offer on-site instruction at the school Monday through Thursday. On Fridays, the 50 hybrid middle school students would attend virtual instruction off-site. No internal modifications are proposed to accommodate the proposed increase in student enrollment. New students that would attend the school can be accommodated within existing classrooms in the building. The floor plan of the existing facility, except for the proposed greenhouse addition, remains unchanged.

In addition to the proposed increase in student enrollment, Success Academy is proposing to construct an attached greenhouse in the southeast portion of the facility. The greenhouse would be approximately 900 square feet in size, 11 feet in height, include a small storage area, and have transparent windows. The greenhouse facility would be utilized for educational purposes associated with Success Academy's curriculum and programming. Prior to construction, both a Conditional Use Permit and Final Development Plans must be approved for the proposed greenhouse.

BACKGROUND

The subject property has been utilized as a multi-use facility, including school, community center and place of assembly since 2012. Success Academy commenced operation as a public charter school at the subject property under a Conditional Use Permit (CUP) in 2017. Prior to the existing occupancies, use mix and format, the facility was originally utilized as a public elementary school (Northgate) from 1962 to the late 1980s, and later converted to a private high school. During its operation as a private high school, multiple temporary Conditional Use Permits were approved for places of assembly to utilize the school facility. In 2003, the school received approval for a 14,000 square-foot gymnasium addition. The high school operated at the subject property until 2009.

Since Success Academy began operation in 2017, two additional CUP approvals were granted to increase the total student enrollment. In February of 2018, the student enrollment increased from 60 students to 84 students. Following the completion of an independent traffic study performed by Bolton & Menk (dated July 11, 2018), approval was granted in September of 2018 for an additional student enrollment increase from 84 students to 130 students. Given the recency of the CUP

application and associated public hearing in September of 2018, the prior staff review and traffic study includes relevant information that informs the present review of the requested Conditional Use Permit and Final Development Plans. The staff report from the previous Conditional Use Permit review in 2018 is attached for reference. All other documents associated with the last CUP approval can be found at the following link:

<https://permits.bloomingtonmn.gov/ProdPortal/Planning/StatusReference?referenceNumber=PL201800226>

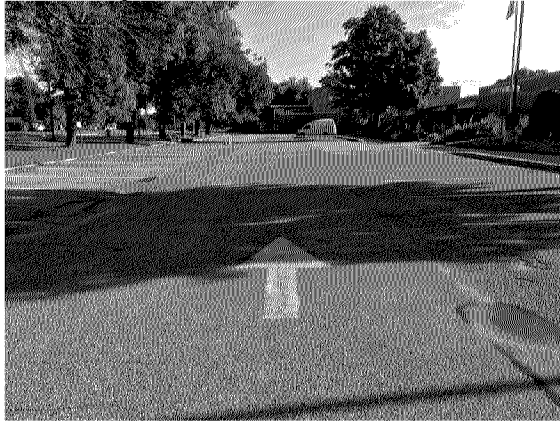
The traffic and parking study completed in 2018 studied the existing traffic and parking conditions associated with the total multi-use facility, not just the school in isolation. The traffic analysis completed focused on safety, capacity and impacts to the surrounding neighborhood. Multiple mitigation measures recommended by Bolton & Menk in the original study were implemented at the property and surrounding area, including:

- **One-Way Site Circulation** – Site circulation was modified to a one-way circulation pattern for the two driveways to Park Avenue South and along the facility main entrance for improved safety associated with student drop-offs and pick-ups (see Figure 1)
- **Intersection Improvements** – Curb bump outs were added to the intersection of Park Avenue South and East 82nd Street to address speed and pedestrian safety concerns (see Figure 1)
- **Additional Driveway Access** – A driveway was extended from the main facility parking areas southward to East 83rd Street to provide an additional option for site ingress/egress to better distribute traffic movements in the area (see Figure 1).
- **Smith Park Dedicated Driveway** – The property owner of the multi-use facility entered into an agreement with the City to participate financially in the construction of a dedicated driveway serving the Smith Park parking lot (see Figure 1). Previous access to the Smith Park parking lot was solely provided through the subject property via access easement.
- **Sidewalk Improvements** – An ADA compliant pedestrian ramp and missing sidewalk segment were required to be installed to improve pedestrian connections from the public sidewalk network along Park Avenue South to the facility (See Figure 1).

The mitigation measures implemented improved pedestrian and bicycle safety, roadway capacity, and neighborhood livability. In conjunction with the recommendation of these mitigation measures, the Bolton & Menk independent traffic study determined the proposed increase in student enrollment up to 130 full-time students did not exceed the maximum traffic levels established in the Institutional Use Standards ordinance (Sec. 21.302.06). As a result, the CUP to increase student enrollment from 84 to 130 students was approved subject to operational conditions applicable to the total multi-use facility. The existing Conditional Use Permit (Case #PL2018-226) replaced all prior CUPs.

Figure 1 – Traffic Mitigation Measures Implemented

One-Way Site Circulation



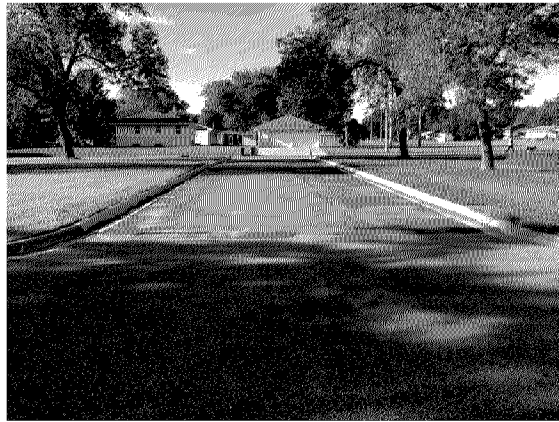
One-Way Site Circulation



**Intersection Improvements
(Park Ave & E 82nd St)**



Additional Driveway Access (E 83rd St)



Smith Park Driveway



Sidewalk Improvements



ANALYSIS

Land Use

All of the uses associated with the multi-use facility (school, community center and place of assembly) are conditional uses in the R-1 zoning district. The City Council is required to take action upon CUPs for a school or place of assembly use (see Section 21.501.04(d)(1) of the City Code). As such, the City Council must act upon the subject Conditional Use Permit application and associated Final Development Plans for the proposed greenhouse. Per the place of assembly standards in City Code (Sec. 19.63), the structure coverage on a place of assembly site can only be expanded beyond 12 percent, up to a maximum of 15 percent, via the approval of a CUP by the City Council. As such, the proposed greenhouse addition also requires CUP approval.

The requested Conditional Use Permit, if approved, would replace the existing CUP that governs the subject facility and property. As such, there are a number of ongoing conditions that apply to the building's full occupancy as opposed to solely the school use. Conditions that are still pertinent to the facility's ongoing use from the 2018 CUP approval (Case #PL2018-226, Resolution #2018-117) are recommended to remain in place with a new CUP. The resolution for the existing CUP approval (Resolution #2018-117) is attached to the staff report for reference. In addition, should the requested CUP application be approved, staff recommends that the applicant enter into a new site development agreement memorializing all of the conditions of approval prior to any increases in student enrollment.

Institutional Use Standards

In 2013, the City adopted performance standards for institutional uses (Section 21.302.06 of the City Code). The intent of the standards is to reduce the impacts of institutional uses on surrounding land uses, particularly residential uses. An institutional use is defined in the City Code (Sec. 19.03) as the following:

Land uses that serve a community's social, educational, health, cultural and recreational needs. Uses include, but are not limited to schools, colleges, day care facilities, libraries, places of assembly, switching stations, funeral homes, nursing homes, monasteries, fire stations, assisted living facilities and community centers.

Due to the subject property's use as a school, place of assembly and community center, the institutional use standards apply to the review of the requested Conditional Use Permit. More specifically, the subsection on traffic impacts (Sec. 21.302.06(b)(7)) is the most significant standard related to the subject application. A prohibition of institutional use expansion is established within this subsection when the expansion creates traffic levels that exceed certain thresholds unless the negative impacts can be mitigated. The specific traffic level thresholds identified in the Institutional Use Standards are outlined in the Traffic Analysis section of the staff report that follows.

Similar to the analysis and evaluation completed in 2018 (Case #PL2018-226) with the most recent increase in student enrollment, the applicant paid for an independent traffic study to determine if the proposed institutional use expansion would exceed the traffic thresholds identified in City Code. Based upon the previous data collection and analysis completed in 2018, Bolton & Menk was again selected to perform follow-up analysis to evaluate the proposed student enrollment expansion based on the hybrid educational program. The Bolton & Menk Special Traffic and Parking Study Addendum, dated July 7, 2020, finds that none of the three traffic thresholds identified in the institutional use standards would be exceeded with the proposed student enrollment expansion and corresponding hybrid program schedule. Additional analysis and discussion of the traffic study findings are found in the traffic section that follows.

Traffic Analysis

Bolton & Menk completed an addendum, dated July 7, 2020, to the traffic study and amendment finalized in 2018 to analyze the proposed expansion of the elementary school, Success Academy, at 8201 Park Avenue South. The school is currently approved for up to 130 students. The previous study analyzed an increase in 70 students from the baseline of 60 students. The most recent addendum analyzed the peak hour and daily trip generation, trip distribution, and any mitigation measures for the proposed additional 50 hybrid program students on-site Monday through Thursday, totaling 120 students above a baseline of 60 students.

The Bloomington City Code 21.302.06(b)(7)(A) states that “The establishment of a new institutional use or the expansion of an existing institutional use that creates traffic levels above the following thresholds as documented by a traffic study prepared by a qualified, independent traffic engineering professional under the supervision of the city is prohibited 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:

- (i) Adds 300 or more trips per day to a local residential street at least once per week on a regular basis;
- (ii) Adds 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
- (iii) The proposed use or expansion is expected to 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.”

Bolton & Menk’s site analysis concluded the proposed increase of students at Success Academy would impact the three identified traffic thresholds as follows:

- **Threshold i** – The increase in trips per day is 298 with an increase in students of 120 from the 60 student baseline. Since 298 trips is less than 300, the proposed number of students does not exceed this City Code threshold.
- **Threshold ii** – An additional 185 trips per day (Monday-Thursday) will be added to Park Avenue south of E 82nd St. The volume on E 82nd St remains under 1,000 vehicles with this increase in trips Monday through Thursday when the 50 additional students (120 student addition from 60 student baseline). Therefore, the proposed number of students does not exceed this threshold. However, it is important to note that threshold ii would be exceeded if the hybrid program students were on-site on Fridays.
- **Threshold iii** – The peak hour increase in trips is 96 with an increase in students of 120 from the 60 student baseline. The number of students currently proposed does not exceed the City Code threshold of 100 peak hour trips.

An analysis of mitigation measures implemented since the 2018 Traffic Study was completed. The analysis considered factors such as bicycle and pedestrian safety, capacity & neighborhood impacts/livability. It was concluded the mitigation measures currently in place are sufficient and no other measures are recommended as a result of the proposed student increase.

The traffic study concludes that the current proposal is not expected to create any new safety or capacity issues on the surrounding roadway network. Based upon the proposed schedule of the hybrid education middle school program, none of the three traffic thresholds established in the Institutional Use Standards would be exceeded. As a result, the proposed student enrollment expansion complies with City Code from a traffic perspective. Staff is recommending an ongoing condition that the proposed increase in student enrollment (50 students) is limited to the hybrid education middle school program and associated schedule, which limits on-site instruction to Monday through Thursday, restricting on-site instruction on Fridays.

Code Compliance – Greenhouse Addition

The proposed greenhouse addition to the existing school is subject to performance standards for nonresidential structures in the R-1 zoning district and standards for place of assembly sites. Table 1 provides a Code compliance analysis of the proposed addition according to these and other performance standards in City Code.

Table 1: City Code Compliance Analysis

Standard and Code Section	Proposed	Meets Standard?
Site Area – 30,000 square feet (Sec. 21.301.01(c)(2))	433,186 square feet	Yes
Minimum Site Width – 120 feet (Sec. 21.301.01(c)(2))	527 feet	Yes

Standard and Code Section	Proposed	Meets Standard?
Maximum Floor Area Ratio – 0.5 (Sec. 21.301.01(c)(2))	0.143	Yes
Maximum Impervious Surface – 75 percent (Sec. 21.301.01(c)(2))	37.9 percent	Yes
Minimum Building Setback Along Street 50 feet (Sec. 21.301.02(d)(2))	241 feet (south)	Yes
Minimum Rear Yard Building Setback 30 feet (Sec. 21.301.02(d)(2))	219 feet (east)	Yes
Maximum Structure Height Three stories/40 feet (Sec. 21.301.02(d)(2))	One story/11 feet	Yes
Maximum Place of Assembly Expansion Building Coverage – 15 percent (Sec. 19.63(c)(1))	14.3 percent	Yes

Building Design

The proposed greenhouse addition would be attached to the existing facility and constructed out of transparent glazing. In addition to the growing space (800 square feet), there is a small entry and storage area (100 square feet) that serves as the primary access to the greenhouse. The structure is approximately 11 feet tall. The proposed exterior materials do not conflict with City Code provisions.

Landscaping, Screening and Lighting

The site currently complies with the required lighting requirements and is nonconforming for landscaping quantities. However, the size of the proposed building expansion would not trigger conformance for nonconforming site characteristics under the nonconformity provisions of City Code (Sec. 21.504). As a result, the applicant is responsible to add landscaping based upon the amount of site disturbance at a rate of one tree per 2,500 square feet and one shrub per 1,000 square feet. In addition, any existing trees or shrubs removed to construct the proposed greenhouse must be replaced. The applicant must submit a landscape plan for Planning Manager review and approval prior to the issuance of the building permit.

Regarding screening of institutional uses and schools, the property owner installed a screen fence along the southern property line abutting single-family dwellings as part of the CUP approval in 2018. The screening required by City Code (Sec. 21.302.06 and 21.302.25) must remain in place unless a waiver is obtained from all applicable property owners. Staff has recommended an ongoing condition that the institutional use be screened to abutting residential uses unless otherwise waived per the procedures outlined in City Code.

Access, Circulation, and Parking

Site access and circulation within the multi-use facility is not proposed to change with the subject application and proposed improvements. Modifications to site access and circulation were required to be implemented as part of the mitigation associated with the traffic study findings in the 2018 Bolton & Menk study. All mitigation measures must remain in place to ensure adequate pedestrian and bicycle safety, capacity, and to minimize traffic impacts to the surrounding neighborhood.

Site parking supply is not proposed to change as a result of the subject application. The facility is currently subject to concurrent occupancy restrictions, limiting the full occupancy of the building at the same time. To analyze the different parking requirements of the permitted use scenarios as determined by the occupancy restrictions, three different parking requirements were tabulated as part of the last staff review in 2018 (see staff report from Case #PL2018-226). Table 2 outlines the parking requirement associated with the three different use scenarios.

Table 2 – Parking Requirement by Use Scenarios

Use Scenario	Description	Parking Requirement
1	During prekindergarten-8 th grade school hours	106 spaces
2	Outside school hours during assembly uses	142 spaces
3	Outside school hours w/gymnasiums in use	249 spaces
Maximum Parking Requirement w/Occupancy Restrictions		249 spaces

The maximum parking requirement under the City Code for the facility is 249 parking spaces as of the CUP approval in 2018, whereas there are 261 parking spaces available on-site and via shared agreement. As part of the Smith Park driveway project, six parking stalls were removed from the Smith Park parking lot, reducing the available parking supply from 267 spaces (the quantity available in 2018) to 261 parking spaces. A proof of parking agreement is also recorded against the property that could add 49 parking spaces to the site, raising the possible supply to 310 spaces.

The proposal includes a greenhouse addition, approximately 900 square feet in size. Per Section 21.30106(d) of the City Code, one parking space is required per 800 square feet of gross floor area of an elementary school. As a result, the proposed greenhouse addition increases the parking requirement of the facility during school hours from 106 spaces to 107 spaces. However, due to the existing concurrent occupancy restrictions, such an increase in the school-related parking requirement does not substantively change the maximum parking requirement of the facility (249 total parking spaces), which reflects the largest use scenario allowed – outside of school hours w/gymnasiums in use. There is an adequate supply of parking at the site for the existing facility with the proposed greenhouse addition, so long as concurrent occupancy restrictions are maintained in the future.

There have been frequent instances of on-street parking in proximity to the multi-use facility, mostly associated with larger events and activities associated with the place of assembly. Site parking was studied as part of the 2018 Bolton & Menk study. The study findings and previous City staff observations note the occurrence of on-street parking has more to do with location and convenience parking than a lack of parking supply. During most times when on-street parking occurred, there were more empty parking spaces on site than there were cars parked on street. The only exception has been during large holiday events.

Staff does not recommend any additional off-street parking be constructed at this time. More information about site parking quantity and characteristics can be found in the staff report of the previous CUP approved in 2018, the link to which is found in the Background section of this report.

Stormwater Management

The proposed building addition is not of a size or scale that would trigger a formal stormwater management review. Should the proposed site disturbance exceed 5,000 square feet or 50 cubic yards, stormwater management facilities may need to be provided to accommodate the proposed greenhouse addition. Erosion control measures will need to be provided depending on methods of construction.

Fire Prevention and Public Safety

Prior to new occupancy of any classrooms, the property owner must demonstrate that all fire suppression systems that serve the classrooms proposed for use comply with the 2020 MN Fire Code. Fire sprinkler testing must be performed prior to occupancy, and associated reports provided to the Fire Marshal. Staff is recommending a condition that prior to occupancy, all life safety requirements and systems be reviewed and approved by the Fire Marshal.

Environmental Health Review

The existing school does not plan to change the food program offered at the facility at this time. Any changes to the food program must be approved by the Environmental Health Division through the review of a revised Food Service Plan. Staff is recommending an ongoing condition that the school and broader facility comply with the food licensing and inspection requirements of the Environmental Health Division and City Code.

Status of Enforcement Orders

The property is not currently subject to enforcement orders.

Public Correspondence

The City has received 30 items of public correspondence from 13 parties. All of the correspondence received to date is attached to the staff report for consideration. Some of the correspondence received objects to the student enrollment expansion of the school, while other correspondence received is supportive of the application. It should be noted that a significant amount of public correspondence was also received as part of the previous Conditional Use Permit approval in 2018. This correspondence can be viewed through the public application portal for the previous CUP application (Case #PL2018-226), a link to which is found on page five of this staff report.

Planning Commission Review

The Planning Commission held a public hearing for the subject application on July 23, 2020. Two people spoke in favor of the application during the public hearing. Following the hearing, the Planning Commission discussed the application and related traffic study findings. Full detail of the Planning Commission discussion can be found in the attached minutes from the meeting. The Planning Commission unanimously recommended approval of the application (Vote: 7-0).

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04(e)(1)-(5)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Public and Quasi-Public in the Comprehensive Plan. The Public and Quasi-Public designation includes schools, churches, government facilities, parks, and conservation areas. The expansion of an existing school at a multi-use facility located at a site guided Public and Quasi-Public is not in conflict with the Comprehensive Plan. Similarly, the addition of a greenhouse is consistent with the school and community center use and is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – There is no District Plan for the area.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to compliance with the conditions of approval attached to the Conditional Use Permit, the proposed use is not in conflict with City Code provisions.

Required Finding	Finding Outcome/Discussion
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made - The proposed student increase is not anticipated to place an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development. The property has implemented recommended mitigation measures including roadway safety improvements. The student increase will be limited to Monday through Thursday on-site learning. These measures reduce the burden on public facilities associated with the proposed use. The greenhouse is proposed for educational use, 900 square feet in size, 11 feet in height will not create an excessive burden on utilities or site circulation.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – Subject to Conditions of Approval, specifically limiting hybrid education program students to Monday through Thursday on-site learning, the proposed student enrollment increase and greenhouse would not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare of the community.

Required Final Development Plan Findings - Section 21.501.03(e)(1)-(7)

Required Finding	Finding Outcome/Discussion
(1) The proposed development is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Public and Quasi-Public in the Comprehensive Plan. The Public and Quasi-Public designation includes schools, churches, government facilities, parks, and conservation areas. The expansion of an existing school at a multi-use facility located at a site guided Public and Quasi-Public is not in conflict with the Comprehensive Plan. Similarly, the addition of a greenhouse is consistent with the school and community center use and is not in conflict with the Comprehensive Plan.
(2) The proposed development is not in conflict with any adopted District Plan for the area.	Finding Made – There is no District Plan for the area.
(3) The proposed development is not in conflict with the approved preliminary development plan for the site.	Finding Made – The approved Preliminary Development Plan for the property is for a school. The proposed greenhouse building addition is not in conflict with the approved Preliminary Development Plan for the site.
(4) All deviations from city code requirements are in the public interest and within the parameters allowed under the Planned Development Overlay Zoning District or have previously received variance approval.	Finding Made - The proposed uses and associated increase in weekday student count in which the increased students will have remote learning on Fridays is not in conflict with City Code provisions provided the non-concurrent use limits and the proposed conditions of approval are observed.

Required Finding	Finding Outcome/Discussion
(5) The proposed development is of sufficient size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit without dependence upon any subsequent unit.	Finding Made – The proposed greenhouse addition at an existing school is feasible as a complete unit without dependence on any subsequent unit.
(6) The proposed development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made – The proposed student increase is not anticipated to place an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development. The property has implemented recommended mitigation measures including roadway safety improvements. The student increase will be limited to Monday through Thursday on-site learning. These measures reduce the burden on public facilities associated with the proposed use. The greenhouse is proposed for educational use, 900 square feet in size, 11 feet in height will not create an excessive burden on utilities or site circulation.
(7) The proposed development will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – Subject to Conditions of Approval, specifically limiting hybrid education program students to Monday through Thursday on-site learning, the proposed student enrollment increase and greenhouse would not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare of the community.

RECOMMENDATION

The Planning Commission and staff recommend approval through the following motions:

In Case #PL2020-98, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit to increase the maximum student enrollment from 130 students to 180 students through a hybrid educational program and to construct a greenhouse addition at an existing Pre-K – 8th Grade school located at 8201 Park Avenue South, subject to the conditions and Code requirements attached to the staff report.

In Case #PL2020-98, having been able to make the required findings, I move to approve a Major Revision to Final Development Plans to construct an approximately 900 square-foot greenhouse addition at an existing Pre-K – 8th Grade school located at 8201 Park Avenue South, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2020-98

Project Description: Conditional Use Permit to increase student enrollment from 130 to 180 students utilizing a hybrid educational program and a Major Revision to the Final Development Plans to add a greenhouse addition at an existing elementary and middle school

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 applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Enrollment Increase Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Enrollment Increase Prior to any increase in prekindergarten-8th grade school enrollment above 130 students, life safety requirements must be reviewed and approved by the Fire Marshal.
4. Prior to Enrollment Increase Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
5. Prior to Permit A building permit for all required changes to accommodate the proposed greenhouse be obtained.
6. Prior to Permit Grading, Drainage and Erosion Control plans must be approved by the City Engineer for the proposed greenhouse addition.
7. Prior to Permit Based upon the amount of site disturbance and landscape material removal associated with the greenhouse addition, a landscape plan must be reviewed and approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
8. 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 a total enrollment of 180 students, at least 50 of which must be enrolled in the hybrid education program;
 - b) The hybrid education school program is limited to on-site instruction Monday - Thursday. No on-site instruction may be provided on Fridays to hybrid education program participants;
 - c) 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;
 - d) The use of the large gymnasium is limited to 500 occupants at any one time;

- e) 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
 - f) 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.
9. Ongoing The greenhouse building addition is limited to the size and location as shown on the approved plans in Case File #PL2020-98.
 10. Ongoing The floor area of the assembly rooms is limited to the size and location shown in the approved floor plan for Case File #PL2020-98.
 11. Ongoing 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 or approved by the Planning Manager if revised.
 12. Ongoing The property owner must maintain rights to utilize the off-site parking spaces identified in the staff report in Case #PL2018-226 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 must be reviewed and approved by the Planning Manager and may require an amendment to the Conditional Use Permit.
 13. Ongoing All prekindergarten curriculum must meet Minnesota's early learning instructional program standards for children.
 14. Ongoing The property owner must provide and fund traffic control services as required by Chapter 14 of the City Code.
 15. Ongoing Due to parking availability and the increase in trip generation, the school use is limited to grades prekindergarten-8th grade.
 16. 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.
 17. Ongoing The property owner, subject to 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.
 18. Ongoing Any expanded use of the kitchen must be reviewed and approved by the Environmental Health, Planning and Fire Prevention Divisions.
 19. Ongoing Parking lot and site security lighting plans must comply with Section 21.301.07 of the City Code.
 20. Ongoing All construction related pick-up, drop-off, loading, unloading, staging and parking must occur on-site and off public streets.
 21. Ongoing Interior or exterior site alterations must comply with the Minnesota State Accessibility Code (Chapter 1341).
 22. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
 23. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 21.301.17).
 24. Ongoing Recyclable materials must be separated and collected (Sec. 10.45).

25. 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).
26. Ongoing Alterations to utilities must be at the property owner's expense.