

**Johnson, Nick M**

**From:** Vi Rozek [REDACTED]  
**Sent:** Monday, July 6, 2020 4:41 PM  
**To:** Johnson, Nick M  
**Subject:** 8201 Park Av building

The attached is a concern from the previous expansion request at 8201 Park Ave, that Dar Al Farooq is the location of the Islamic University of Minnesota ( a use that is not approved) that I would like added to the current request for expansion.

Dar Al Farooq continues to identify 8201 Park Ave as a university. The video at the following link <https://www.facebook.com/IUM.YEMEN/videos/258314358837157/> includes 8201 Park Ave and even photo shops Islamic University of Minnesota on the gymnasium entrance as noted in the above attachments. A university is not an approved use.

Please do not allow an expansion of use at Dar Al Farooq property knowing that the building continues to be overused and noncompliant.

[Download all attachments as a zip file](#)

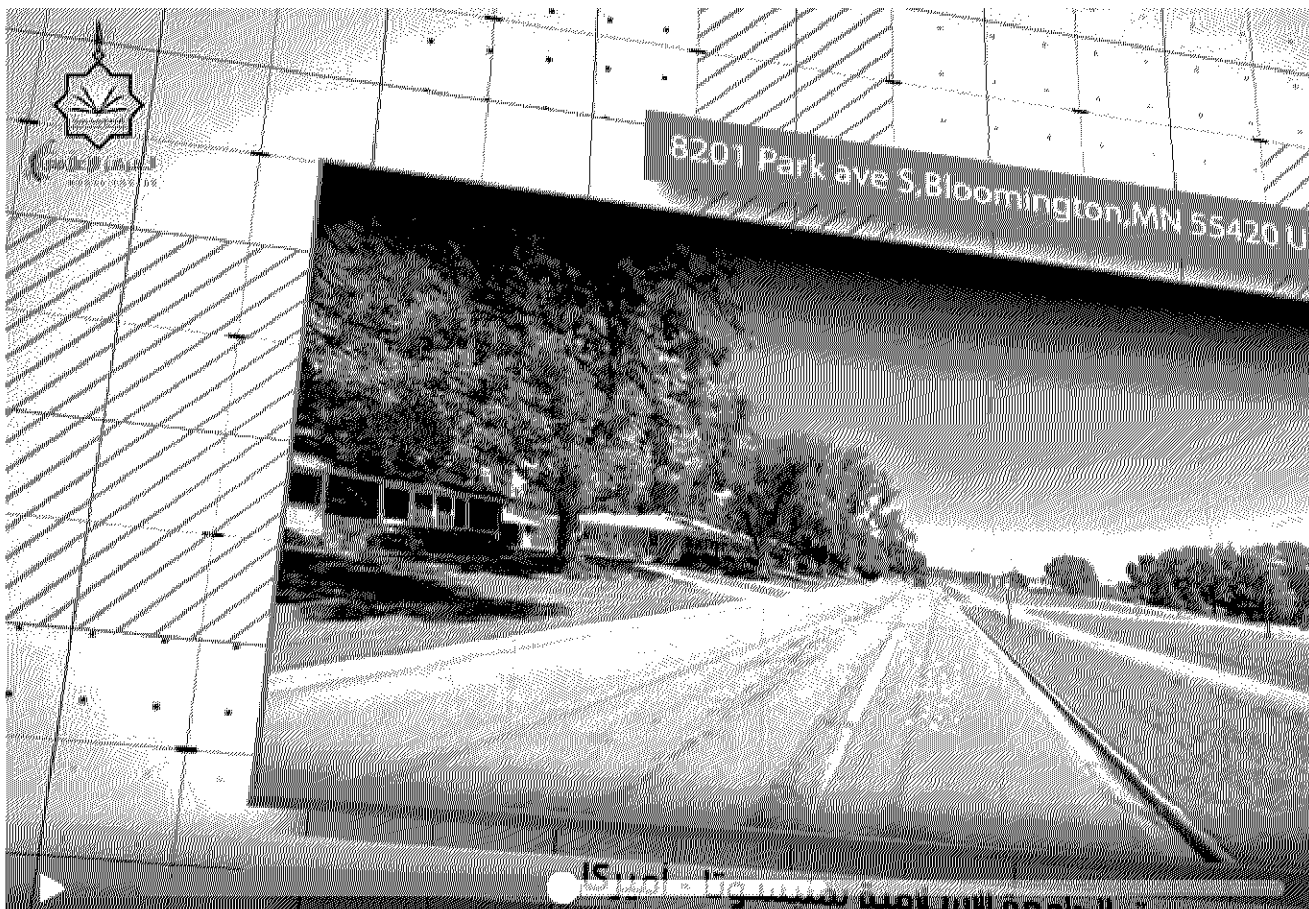


الجامعة الإسلامية بولاية مينيسوتا أمريكا - iumy · Follow

June 3 at 3:02 AM · 🌐

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https://www.facebook.com/MohamedOmarCarab?sk=wali&fref=gs&dti=589133684592349&hc\_location=gro...



Mohamed Omar Timeline 2020 June

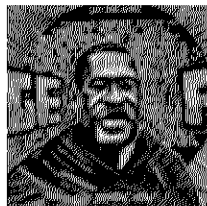
Friends - 4,967 (1 Mutual)



Xavier Bicott



Magdy Rabeaa



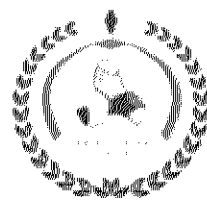
Curtis Griesel



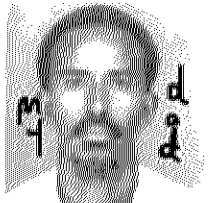
Waleed Ashour



Karen Wills



Dar Al-Farooq



محمد يوسف



Mohamed Ali Weheliye



وآلء بن إءرءس النابءى

English (US) Español · Português (Brasil) Français (France) Deutsch



Mohamed Omar

June 3 at 4:33 AM



322 Views

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June 3 at 3:03 AM

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x IUMN on gym.png

502.8kB

Vi Rozek

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Monday, July 6, 2020 4:50 PM  
**To:** Johnson, Nick M; Busse, Tim; Coulter, Nathan; Carter, Jenna; Nelson, Shawn; Baloga, Jack; Martin, Patrick  
**Subject:** 8201 Park Av Building

Nick Johnson,

Please add the attached to the current request for expansion at 8201 Park, and provide answers to the concerns listed.

Additionally, please respond to the concerns from July 2018 as noted below.

The weekend school which indicated a "maximum enrollment 80 students" was recently changed to "80 students at a time." When staff was questioned about the change in wordage, the staff replied that the previous condition was never intended to restrict the weekend school to 80. This is incorrect.

Regardless, Dar Al Farooq still has hundreds more than the allowed 80 students at a time. There were counts of 230, 254, and 238 three morning weekend sessions in May.

An attendee of an event held in the Dar Al Farooq gymnasium walked by the classrooms and observed the hundreds of children in attendance. This attendee was also informed that there were 400 kids in two sessions, and also commented that Dar Al Farooq previously had 900.

Additionally, a condition agreed to and numerated in the resolution does not allow use of the gym while school is in session for activities other than school, and yet Dar Al Farooq allowed an event.

**So the question is, when the applicant indicates no change is requested, is the applicant planning to continue with the current 400 kids in two sessions, return to the previous 900, or comply with the current 80 students at a time, or return to the original proposed use of a maximum of 80?**

The original conditional use permit approved in 2011 indicated Friday Prayer: 12pm to 1pm Maximum expected 150 to 200.

The building proposed Friday prayer for a maximum of 150 to 200 and yet fills their parking lot weekly which is 151 parking spots, fills the Smith Park parking lot of 74 spaces and parks in the street, and offers two prayers, one before 1pm, and one after 1pm. Clearly hundreds more than the 150 to 200 maximum.

Additionally, the building has posted being open for up to 5 prayers a day and yet that was not provided in 2011, or during the amendment proceedings in 2017, and once again not mentioned in this new conditional use permit request.

**So the question is how many attend prayer and how often? Additionally, how many patrons belong to the place of assembly.**

Then there is Ramadan...

The building proposed prayers from 9pm to 10pm for an increased evening attendance up to 200 people.

Instead there are prayers through the night and for hundreds more than the up to 200 people.

**So the question is how many attend Ramadan prayer and for how many days and for how many hours.**

And what about the community center ...

Dar Al Farooq proposed "a community center specially focused on providing athletic activities for the community on weekends and weekday evenings."

Instead, the community center has been used additionally, as an event center.

**So the question is, how many use the community center, is there a focus, and for how many days and for how many hours.**

**So when the applicant says no change, does that mean the community center will be focused on providing athletic activities for the community or will Dar Al Farooq continue to offer the building as an event center?**

The previous application was knew and it should have provided details of all the uses and rooms within, it did not.

**What are all the uses within 8201 Park? The building continues to be the headquarters for the Islamic University of Minnesota regardless that it is not an approved use, and there is an office park on the south end that is not an approved use. So the question is, will the expansion request include all the uses within the building, including the number of people and the hours.**

Thank you.

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[details of use.pdf](#)

[220kB](#)

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Monday, July 6, 2020 5:02 PM  
**To:** Johnson, Nick M; Busse, Tim; Coulter, Nathan; Carter, Jenna; Baloga, Jack; Nelson, Shawn; Martin, Patrick; Lowman, Dwayne  
**Subject:** Islam University at 8201 Park Av

I see that Dar Al Farooq/Success Academy plans to expand again, I do not understand how knowing that the building is overused and noncompliant, and that it already has more uses, and more intense uses than other places of assembly, and specifically the comparable Life Church.

The building negatively impacts Smith Park and the surrounding neighborhood as noted by the attached letters from the previous request for expansion. Please add them to the file for the current expansion request.

[Download all attachments as a zip file](#)

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[Bonnie Piehl.pdf](#)

[143.9kB](#)

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[Brittney Widel.pdf](#)

[364.8kB](#)

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[Diane Brandt.pdf](#)

[352kB](#)

## CASE FILE #PL201800226

**Johnson, Nick M**

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**From:** Hope Betterman [REDACTED]  
**Sent:** Wednesday, August 08, 2018 1:58 PM  
**To:** Johnson, Nick M  
**Subject:** Traffic

Hello! Thanks for all you do for Bloomington. I wanted to tell you that my family and I owned a house in the Smit neighborhood at 82nd and Oakland, but had to move. We moved for many reasons, but the main reason was the traffic and increased crime. I would walk by dog with my daughter in the stroller and would have to wait a long time to cross the Ave. The cars went way too fast, and honestly after the stop signs were installed the cars just went faster since I need to yield! My husband and I observed an accident at that intersection once and requested 4 way stop signs be installed, but after the study only two were installed and it made it worse. The crime was another reason we left Bloomington. I called the police numerous times within the last year because of drug activity in the park, my husband witnessed a huge fist fight of multiple cars of people, I found a jar of used needles on the sidewalk. By the time I was too nervous to even walk around the park by myself if it wasn't busy with other walkers, and did not feel safe. I was worried that if Dar Al Farooq were to add additional uses it would make the traffic worse.

Thank you,  
Hope Betterman

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[Hope.png](#)

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[Jeff Betterman.pdf](#)

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[Lou Ann Johnson \(2\).pdf](#)

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[Lou Ann Johnson.pdf](#)

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Matilda Zumba.pdf

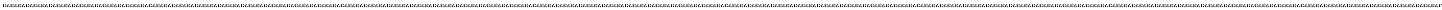
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Vi Rozek.pdf

427.2kB

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**Johnson, Nick M**

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**From:** Bonnie Piehl [REDACTED]  
**Sent:** Wednesday, August 15, 2018 5:00 PM  
**To:** Johnson, Nick M  
**Subject:** PL2018-226

Nick Johnson,

I have watched neighbors struggle to enter and exit their driveways and risk being hit by the traffic that speeds by my home several times a day. I have watched people from Dar Al Farooq almost get hit while using the neighbors' driveways to turn around or when making a U turn in the middle of the street. I have seen people from Dar Al Farooq pass cars on Park Ave and not pay attention to people walking and riding their bikes. I watch the neighborhood children run across the street to go to the playground and I am afraid someone is going to get hit.

I have been woken at night by the traffic going to the Dar Al Farooq building and the cars that park in the Smith Park parking lot across from my home. The people are loud and the car lights are bright. There were several nights where cars parked in the street in front of my home in the middle of the night and one-night people used walkie talkies to let drivers know where there was an open space on the street. I have had several semi's park in front of my home and some leave their semi running.

With the school opening last year the additional traffic before school and after school was a noticeable addition to the traffic already generated by the building. The people for the morning prayers would enter and exit, and then the traffic of people dropping off their children would enter and exit. Then in the afternoon people picking up their children would enter and exit, and then people for the afternoon prayers would do the same. Fridays are the worst because the students are picked up and shortly after that is the Friday prayer with people filling the park parking lot and the streets, and people coming and going throughout the day and then many would return Friday night.

Dar Al Farooq has negatively impacted the neighborhood and because of the traffic and crime, my neighbors moved and that should not happen. People should not have to move because of the negative impact of a building.

Dar Al Farooq has disturbed the neighborhood enough that the City should not allow any additional uses at the building, including adding students to the charter school.

Also, the proposed driveway would have been directly across from my home which certainly would have added been an added disruption.

Bonnie Piehl

**From:** Brittney Widel [REDACTED]  
**Sent:** Friday, December 29, 2017 10:59 PM  
**To:** Johnson, Nick M  
**Subject:** Concerns in the Smith Park neighborhood

Hello,

I hope this email finds you well amidst the Holiday Season.

As I understand from the Notice of Public Hearing, the Community Center adjoining Smith Park is looking to expand in numbers. I have absolute concerns considering the flow of traffic is to increase.

In my experience as the building next to Smith Park became occupied, the traffic rose to a horrendous level. Our once quiet neighborhood became overrun with traffic and too many distracted and careless drivers. I am a mother of two young children and I do not feel safe walking my kids to the park. I have had one too many terrifying experiences walking my kids to the park I once cherished. I stopped WALKING one block and rather would load the kids up in the car and DRIVE after nearly being hit several times by distracted drivers and drivers who couldnt see around all the cars parked on the streets. As a mother it was my worst fear that my children would be hurt simply walking or riding bikes to the park one block away from our home with me. Too often the small streets in the neighborhood across the Community Center are overparked and illegally so. When crossing the streets to the park, you cannot safely see around all the cars. I have never supported a large center of any sort in the neighborhood next to the park. I also noticed a decline in curb appeal and cleanliness; overflowing trash, overgrown weeds, dirty diapers and trash thrown from cars, dead bats on the property, and an overall unkempt appearance. These are minor concerns that pales in comparison to my safety concerns. Our family no longer feels safe to walk 1 block to what is supposed to be a family friendly park because of our experiences of nearly being hit more than once. It really is sad, and I cannot imagine what increasing the size of the Community Center would do to the traffic and safety for all residents.

Please consider all Smith Park resident concerns. These are the people that live this every day. These are the people who no longer feel safe. The neighborhood just isn't set up to support this many people and this much traffic. Please help make the Smith Park neighborhood safe again so everyone can safely enjoy the neighborhoods treasure that is Smith Park.

Sincerely,  
A concerned Mother

Nick Johnson, Planner  
1800 West Old Shakopee Road  
Bloomington, MN 55431-3027

Nick Johnson,

I am writing about my concerns with the proposed Dar Al Farooq request for adding more students to the charter school, case file PL2018-226.

The traffic in the area is too much already.

I have had difficulty backing out of my driveway because of too many vehicles and too many that drive too fast.

I have seen children in the neighborhood close to being hit.

I have been too close to being hit while working in my yard.

I have seen my neighbors drive by and their cars just being missed from being hit.

I have seen vehicles pass other vehicles on Park Ave.

I have had to wait too long behind a line of cars to get onto Portland.

I have been woken late at night and early in the morning by the traffic, and the car lights and car doors shutting and the car alarms.

I do not think it is a good idea to add an entrance/exit to the north end of Smith Park and I know that as cars leave that entrance I will get the headlights as they exit north. Knowing the building is used late at night and early in the morning this additional entrance/exit, I know I will be woken more frequently by the traffic.

As bad as that entrance/exit will be for my home, the home across from the entrance/exit will have it that much worse.

The Dar Al Farooq building has already negatively impacted my home and the area, and I ask that the City say no to Dar Al Farooq's request to add additional students to the charter school.

Thank you.

*Aliane Brandt  
8120 Park Av. S.  
Blmngtn, Mn. 55420*

**Johnson, Nick M**

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**From:** Jeffrey Betterman  
**Sent:** Monday, July 02, 2018 10:59 AM  
**To:** Johnson, Nick M  
**Subject:** PL201800226

Hi Nick,

I see that PL201800226 has been accepted and will be reviewed by the City. It's certainly quite the expansion.

I'm just emailing to say good luck and I hope you and the others in power make a decision that benefits all three parties - City, Neighborhood, and DAF.

The family and I moved out of Bloomington recently, and in part due to concerns rising from the activity level at DAF. Traffic and activity has always been increasing, and safety levels are dropping (no speed limits, crosswalks, sidewalks on some streets but not all). I've seen kids living on Park Ave almost get hit walking from home to the playground, and last summer I witnessed a significant broadside collision at Oakland & 82nd. Raising kids in the area didn't seem to be a good option anymore. Unfortunately, we're not the first ones to move for this reason and we aren't the last. We know another family with young children that is moving away from Park Ave too.

Anyway - no need to say more since I don't live in the area any longer. Thanks for doing what you do and good luck.

Thanks,  
Jeff Betterman

**Johnson, Nick M**

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**From:** Lou Ann Johnson  
**Sent:** Wednesday, July 11, 2018 10:27 PM  
**To:** Johnson, Nick M  
**Subject:** Project Number:PL201800226

Nick,

We have written to you in the past about Success Academy's CUP revision. Now that the number of students has formally been requested to increase to 350 students over the next 3 years, we wish to document further concerns.

We moved to our home at 8208 Park five years ago, which is directly across the street from DAF, thinking we had moved to a quiet residential neighborhood. In the early days, we were not particularly bothered by the traffic patterns, but that was before traffic has increased exponentially. We have grown increasingly frustrated with traffic, especially on Friday afternoons from approximately 12:00 to 2:00 p.m. It is very difficult to safely back out of our driveway because cars park right up to the edges of ours and our nearby neighbors' driveways. In addition, cars park on both sides of Park Avenue, allowing barely one car-width to drive down our street, making it impossible to meet a car.

We recognize that the City of Bloomington has attempted to adjust traffic patterns by placing stop signs at 82nd and Oakland and at 83rd and Park. In our view, this does not impact the numerous cars who turn right onto Park from 82nd Street. As you know, this is an uncontrolled intersection, and cars frequently speed down Park or turn right onto Park from 82nd Street often without using appropriate caution for pedestrians who may be crossing Park Avenue to go to Smith Park.

Now we have learned that Success Academy has requested to increase their CUP agreement to more than 300 percent of the current student body. This will certainly mean an increase in the number of school staff needed, as well as many more parents driving their children to/from school, not to mention after school activities and pedestrian traffic (i.e. walkers to school). This raises several concerns for the Smith Park neighborhood. First of all, we are very concerned about further increases in traffic and its subsequent effects on the neighborhood. Would the proposed number of students and increased number of staff, as well as Friday worship be in line with the current fire code for this building? We would strongly object to any variances or modifications of the fire code by the City of Bloomington to put this building in compliance. We would also like to go on record stating that we object to any modifications to current green space for additional parking space. And lastly, we think that school usage of the Smith Park playground would discourage the use by neighborhood parents/children because of the higher number of the proposed student body.

It is our opinion that an increase of the student body would negatively impact the neighborhood surrounding Success Academy. Please bring these concerns forth to the Bloomington Planning Commission and the City Council.

Sincerely,

Brian and Lou Ann Johnson

Sent from my iPad

**Johnson, Nick M**

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**From:** Lou Ann Johnson  
**Sent:** Thursday, January 04, 2018 1:47 PM  
**To:** Johnson, Nick M  
**Subject:** Case File Number PL2017-251

I am writing to you regarding the proposed Conditional Use Permit to expand the maximum number of students at Success Academy from 60 to 84.

As neighbors who live directly across the street from the Al Jazari Institute Property, we strongly object to any further expansion of the number of students allowed to attend Success Academy at this present site. Our objection is related to the past history of the owner's blatant disregard for Conditional Use Permits that are already in place, as well as the City of Bloomington's routine non-enforcement of said permits and overflow of cars on local streets that violate city laws.

To state this more bluntly, we do not support any further expansion of use of the Al Jazari Institute Property for any reason. We have lived across the street from this property since April of 2013, and have hesitated to comment previously on this subject, because we wanted to give this property the benefit of the doubt, and to make up our own minds about any misuse that might be happening.

Please feel free to contact us if further expansion of these comments is needed.

Brian and Lou Ann Johnson  
8208 Park Ave. S.  
Bloomington, MN 55420

Sent from my iPad

**Johnson, Nick M**

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**From:** sally [REDACTED]  
**Sent:** Wednesday, August 15, 2018 12:24 PM  
**To:** Johnson, Nick M  
**Subject:** Please add to case file PL2018-226 letter from neighbor M Zumba

Nick Johnson,

Please add this to case file PL2018-226, it is from the July 25, 2016 City Council minutes. Matilda Zumba still lives in the same home which is at the intersection of 82nd and Oakland. In a recent conversation she commented about noticing cars drive faster on 82nd street since the stop signs were installed on Oakland.

Speaker #4 - Matilda Zumba, 614 82nd Street East: Larry Frost, translator for Zumba, explained that she lives in a neighborhood by Dar Al Farooq and has two small children that play outside, and explained she is very afraid by the traffic because people of Dar AL Farooq do not respect the speed limit. She is now afraid of taking the children to the park. A lot of times the children at Dar Al Farooq do not let other children play and don't work together and share. The park is important to the Spanish community, but they don't want to take their children there because they don't feel safe. It is very important for Hispanics to have a park that's the center of the community but they feel they longer have a community center.

Thank you.

Sally Ness

**Johnson, Nick M**

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**From:** O'Day, Elizabeth  
**Sent:** Tuesday, July 31, 2018 12:28 PM  
**To:** Johnson, Nick M  
**Subject:** FW: Case file PL2017-251 Success Charter School

**From:** Vi Rozek [mailto: ]  
**Sent:** Tuesday, July 31, 2018 11:38 AM  
**To:** Planning <planning@BloomingtonMN.gov>  
**Subject:** Fw: Case file PL2017-251 Success Charter School

I originally sent this letter on January 5,2018. I would like this also added along with the pictures to the case file PL2017-251.

My name is Vi Rozek and I live directly across the street from Dar Al Farooq and Success Charter school. I have lived in the same home, as of this week, for 35 years and have been a Bloomington resident for over 60 years. I had a friend once tell my family, when he came to our home on Park Av, this neighborhood was a "little gem" with a nice park area and homes that were well kept. We have been blessed with neighbors from all over the world, that are children have grown up with and parents that have cared deeply for this Smith Park area.

In the spring of 2011 all of this changed. The building, that once housed many groups, made a large change to this area. We now have semi's, car carrying semi's park on our streets, a fuel truck drive into our park on the sidewalk, over 66 cars weekly parking every Friday for their services, full parking lots so our families cannot enjoy the park area on Fridays, **huge** events that have blocked our driveways and streets for many blocks, cars blocking fire hydrants, people who have sat or laid on our lawns from the building, even patrons from the building taking family pictures using our yards. One man, who was at a large event with his son across the street at DAF, asked me if this building did large events a lot to this neighborhood. I told him yes and these events are too big for this area. He told me if this building was in his quiet neighborhood in NJ he would be mad and call the police and demand they leave. By the way, this man is Muslim.

We have pointed out the traffic abuse in this neighborhood since the beginning of this buildings current occupants for over 6 years. We have had councilmen at my home during the HUGE events and Fridays, watched streets fill up with cars parked everywhere, and have spoken at council meetings for years and have shown the city council pictures of what goes on in our neighborhood weekly. Back when this building was going to be sold to the current occupants, Londell Pease told us the traffic would be similar to the traffic we saw with Lutheran High School and Concordia Academy. A Friday traffic study done on Oct 6, 2017 showed the amount of trips was 1,200 !!!! To show you how big it has grown the building reported on their web site at the Dar Al Farooq center that it's "Largest center serving Muslims in the surrounding 5 states" and "Most utilized musala in the state of Minnesota." The HUGE population of this building is causing traffic jams, accidents (the city added a couple of extra stop signs) this is nothing like the schools. This traffic and area abuse did NOT happen until I first observed the 800-1000 patrons that came to the building in March of 2011 for an open house in the gym (that did not have an occupancy certificate) and then gathered at the building after the purchase and it continues into 2018 at higher levels.

This buildings has had many violations reported from garbage piled so high and deep that the dumpsters blocked the doors to the garage and could not close, lights from the vehicles beaming into our homes that light our rooms up like Christmas trees, lights from vehicles (cars,buses and trucks) and the parking lot lights not turned on with many people going in and out of building which has been very dangerous, still after **7 years** NO entrance lights to the parking lots- it's very dark so people drive on the wrong side of the road to find the entrance, very seldom is someone directing traffic to stop the trucks and semi's from parking on our streets (only at Ramadan are there guys more likely directing traffic cause it's dark outside), trucks going to the building to pray before 6 am which has awoken many neighbors because of the poor maintenance of the trucks (reported on for years), the building severing food that is expired, mold in the kitchen on the

floor and cook wear, **operating a UNIVERSITY** (DAF told the city manager that this is not happening but the building bragged about it on their web site that it was at DAF !), have an NFL semi pro football team play on the soccer/lacrosse field for money, in the summer the same field is packed with teams paying DAF (this is a shared field with the City of Bloomington) to play tournaments while they have weekend school for the kids in the building and many times basketball games going in the large gym all of this causes **huge** amount of traffic on weekends especially.

I have pointed out several code and city violations with their **over use**, demonstrating a lack of respect for codes and laws of the City of Bloomington and Smith Park neighborhood, and the **TREMENDOUS** abuse to our Bloomington area- Smith Park.

Do remember:

**#1** Our neighborhood had NO idea that there was a charter school when it first opened

**#2** We had no idea how many students and who agreed on 60 students (they are over the amount now !)

**#3** This building has added more traffic that is already choking this neighborhood from the amount of vehicles that it generates weekly

**#4** This building has "out grown" this little residential area

The violations and over use and abuses to the neighborhood should factor in the decision of Planning Commission to not recommend the Amendment to the City Council.

When each of you deliberate your decision about this buildings request ask yourself :

1. If we allow up to 84 students today does that mean, they will continue to request more knowing the City will just ask that they apply to have more until they get the number of 325?
2. If this charter school request or any other request is allowed what affect will this have on this neighborhood??
3. Are we setting a precedence by rewarding a building for code and law violations for future groups that are planning to establish a school, business or religious faci

Violet Rozek  
8214 Park Av  
Bloomington MN 55420

**Johnson, Nick M**

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**From:** sally  
**Sent:** Tuesday, July 10, 2018 9:08 PM  
**To:** Johnson, Nick M  
**Subject:** section Current Uses, please add it to the case file PL2018-226

Nick Johnson,

This email addresses the section Current Uses, please add it to the case file PL2018-226

PL2018-226 is a new application for a New Conditional Use Permit at 8201 Park Avenue, and there is only one paragraph and no additional details are offered.

The building is overused and noncompliant and at the very least should have a written account of the uses within.

The weekend school which indicated a "maximum enrollment 80 students" was recently changed to "80 students at a time." When I questioned the staff concerning the change in wordage, the staff replied that the previous condition was never intended to restrict the weekend school to 80. I believe this is incorrect.

Regardless, Dar Al Farooq still has hundreds more than the allowed 80 students at a time. There were counts of 230, 254, and 238 three morning weekend sessions in May.

An attendee of an event held in the Dar Al Farooq gymnasium walked by the classrooms and observed the hundreds of children in attendance. This attendee was also informed that there were 400 kids in two sessions, and also commented that Dar Al Farooq previously had 900.

Additionally, a condition agreed to and numerated in the resolution does not allow use of the gym while school is in session for activities other than school, and yet Dar Al Farooq allowed an event.

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The building proposed Friday prayer for a maximum of 150 to 200 and yet fills their parking lot weekly which is 151 parking spots, fills the Smith Park parking lot of 74 spaces and parks in the street, and offers two prayers, one before 1pm, and one after 1pm. Clearly hundreds more than the 150 to 200 maximum.

Additionally, the building has posted being open for up to 5 prayers a day and yet that was not provided in 2011, or during the amendment proceedings in 2017, and once again not mentioned in this new conditional use permit request.

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The building proposed prayers from 9pm to 10pm for an increased evening attendance up to 200 people.

Instead there are prayers through the night and for hundreds more than the up to 200 people.

And what about the community center ...

Dar Al Farooq proposed "a community center specially focused on providing athletic activities for the community on weekends and weekday evenings."

Instead, the community center has been used additionally, as an event center.

So when the applicant says no change, does that mean the community center will be focused on providing athletic activities for the community or will Dar Al Farooq continue to offer the building as an event center?

This is a new application and it should provide a detail of all the uses and rooms within.

Also, again this is a new application, where is the Development Review Committee minutes? Please let me know.

Thank you.

Sally Ness

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Saturday, July 11, 2020 3:35 PM  
**To:** Johnson, Nick M; Centinario, Michael  
**Subject:** PL2020-98 DAF Building at 8201 Park Av

Nick Johnson,

Planning should not approve the expansion request of Dar Al Farooq/Success Academy, the property is overused and noncompliant and the request does not maintain a low-density neighborhood as noted by the City declining Martin Luther Manor and limiting Life Church to 135 students.

The Pre-Application DRC Planning Review (attachment 1) that mentions the institutional use standards in City Code (Sec. 21.302.06) did not negate or remove the comprehensive plan to maintain low-density neighborhoods, the same comprehensive plan that denied Martin Luther Manor an expansion and limited Life Church to 135 students. The City Code Sec. 21.302.06 addresses the properties adjacent to arterial and collectors, Dar Al Farooq/Success Academy is not on an arterial or a collector.

Additionally, a conditional use permit goes with the land and to have 130 students attend school on Friday and 50 not, is what the former Mayor would say, "too many moving parts."

And the shared use agreement does not include the playground, and the school use of the Smith Park neighborhood playground negatively impacts the park.

Vi Rozek

[Download all attachments as a zip file](#)

**Guests Present:**

Name	Email
Jake Steen	jsteen@larkinhoffman.com
Magdy Rabea	mrabeaa@successacademymn.org

**INTRODUCTION:**

- Nick Johnson (Planning):
  - Conditional Use Permit to expand student enrollment at an existing school from 130 students to 180 students. The school program/curriculum for the 50-student expansion will be for a high middle school that will offer on-site classes Monday through Thursday. On Fridays, hybrid program students would attend virtual online curriculum off-site. In addition, a CUP and I

PL2020-94

Page

Site and Building Plans is requested to construct a 850 square foot building addition to the facility to create a greenhouse for educational purposes for the school.

[x too many moving parts.png](#)

[58.7kB](#)

PL2020-94

Page 2 of 2

Site and Building Plans is requested to construct a 850 square foot building addition to the facility to create a greenhouse for educational purposes for the school.

**Discussion/Comments:**

**PLEASE NOTE:** Below **is not** a complete list of comments. Please read the comment summary and review plan mark-ups for a full list of comments.

- Renae Clark (Park and Recreation):
  - Clark noted that there may be a need to review the Shared Use Agreement for Smith Park.

[x shared use agreement.png](#)

[38.3kB](#)

Meeting: Pre-Application DRC – June 9, 2020

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

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

- 1) A Conditional Use Permit for a school and place of assembly must be acted upon by the City Council. The application fee for the CUP is \$880. A Final Site and Building Plans application must be submitted for the proposed greenhouse building addition.
- 2) The subject facility is subject to the institutional use standards in City Code (Sec. 21.302.06). The proposed expansion in student enrollment must be evaluated from a trip generation standpoint. The ordinance prohibits specific traffic thresholds from being exceeded unless the City Council finds negative impacts have been mitigated to levels consistent with residential livability and pedestrian and motorist safety. Trip generation will be reviewed by the Traffic Division based upon the Bolton & Menk Traffic Study completed in Case #PL2018-226. Ongoing annual verification of student enrollment associated attendance schedules would be necessary to verify compliance with the institutional use standards.

[x standard.png](#)

[122.3kB](#)

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Saturday, July 11, 2020 3:44 PM  
**To:** Johnson, Nick M; Centinario, Michael; Planning; Busse, Tim; Coulter, Nathan; Baloga, Jack; Carter, Jenna; Martin, Patrick; Lowman, Dwayne  
**Subject:** PL2020-98 DAF Building at 8201 Park Av

- Please add email to case file number PL2020-98

The Dar Al Farooq property is overused and noncompliant and planning should not recommend an expansion to the City Council.

In addition to the property being overused there are other concerns with the property that the City has not addressed and the DRC minutes stating "catering only" does not reflect what is stated in the attached inspection report.

The DRC minutes state, "Thissen asked whether the kitchen is currently being used or will be used in the future for the school. Applicant explained that the kitchen will continue to be utilized in the same manner; catering only."

The second and third attachments indicate that there is prep work in the kitchen, which would indicate not "catering only." Additionally, the school has a food license, it is a licensed kitchen, Dar Al Farooq does/did not have a license. The public funded charter school is required to be separate from the mosque and therefore the mosque would be required to have their own license.

The second attachment states, "Protection from cross-contamination ... separate raw animal foods during storage, preparation ... inspector comments: Observed milk carton stored beneath raw shell eggs in walk in cooler."

The third attachment states, "inspector comments; clearly designate and store school food items away from food items from the Mosque... and ... Discontinue using three compartment sink for the washing of fruits and vegetables... Bbq chicken-hot holding 168F ... Cheese-salad bar 41F"

Vi Rozek

[Download all attachments as a zip file](#)

# FOOD & BEVERAGE INSPECTION REPORT

Establishment Information	
Name: SUCCESS ACADEMY	Address: 8201 PARK AVE S, BLOOMINGTON, MN 55420
Business Owner: SUCCESS ACADEMY 8201 PARK AVE S, BLOOMINGTON, MN 55420	Certified Food Protection Manager:  CFPM Number: 95831      Exp: 10/3/2021

The following violations were identified during this inspection:	Correct By:
<p><b>1. 4626.0033D SUPERVISION *P3</b> CFP 2. Post the certified food protection manager certificate.</p> <p><i>Inspector Comments: FINAL NOTICE: Post a copy of idil's state certified food manager certificate on site.</i></p>	5/9/19
<p><b>2. 4626.1520A 6-501.12A PHYSICAL FACILITY MAINTENANCE/ OPERATION &amp; PEST CONTROL *P3</b> CFP 55. Clean and maintain all physical facilities clean.</p> <p><i>Inspector Comments:</i> 1. Clean flooring throughout kitchen and walk in cooler. 2. Clean door surface leading to walk in cooler. It is extremely soiled.</p>	5/9/19
<p><b>3. 4626.0125 3-101.11 FOOD CHARACTERISTICS: UNADULTERATED *P1</b> CFP 13. Remove all unsafe and adulterated foods from the premises.</p> <p><i>Inspector Comments: Observed opened can of appleauce in reach in cooler that had mold all over the interior of the can. Can was discarded. Check canned goods upon opening to ensure they are not adulterated and in sound condition.</i></p>	5/9/19
<p><b>4. 4626.0235A(1) 3-302.11A(1) PROTECTION FROM CROSS-CONTAMINATION*P1</b> CFP 15. Separate raw animal foods during storage, preparation, holding, and display from ready-to-eat foods to prevent cross-contamination.</p> <p><i>Inspector Comments: Observed milk cartons stored beneath raw shell eggs in walk in cooler. Relocate milk immediately to be in an area not beneath any raw food items.</i></p>	5/9/19
<p><b>5. 4626.1470A 6-303.11A PHYSICAL FACILITY NUMBERS &amp; CAPACITIES *P3</b> CFP 56. Provide at least 10 foot candles (108 LUX) of light intensity at a distance of 30 inches from the floor in the walk-in refrigeration units, dry food storage areas, and in other areas during periods of cleaning.</p> <p><i>Inspector Comments: Provide lighting in walk in cooler. Light bulb is missing.</i></p>	5/9/19

[SA DAF kitchen 1.jpg](#)

[53.4kB](#)

Establishment: Success Academy  
 Type of Inspection: Routine Inspection  
 Date: 4/30/19  
 Time: 11:30am-12:30pm

<p><b>6. 4626.0900A, 3-305.11A PROTECTION FROM CONTAMINATION: EQUIPMENT/UTENSILS, CONSUMERS *P3</b>                  CFP 39. Store all food in a clean, dry location; where it is not exposed to splash, dust or other contamination; and at least 6 inches above the floor.</p> <p><i>Inspector Comments: Clearly designate and store school food items away from food items from the Mosque.</i></p>	<p>5/9/19</p>
<p><b>7. 4626.1325A1 &amp; 101.11A1 PHYSICAL FACILITY CONSTRUCTION MATERIALS *P3</b>                  CFP 55. Provide smooth, durable, and easily cleanable floor, wall and ceiling surfaces.</p> <p><i>Inspector Comments: Provide smooth and easily cleanable ceiling tiles in the dry storage room.</i></p>	<p>5/9/19</p>
<p><b>8. 4626.0906A EQUIPMENT DESIGN &amp; CONSTRUCTION *P3</b>                  CFP 47. Provide or replace food service equipment with equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program.</p> <p><i>Inspector Comments: Discontinue using milk crates for shelving in walk in cooler and in dry storage area. Replace with NSF shelving or dunnage racks that have 6 inch legs that allow for accessibility for cleaning.</i></p>	<p>5/9/19</p>
<p><b>9. 4626.0780C EQUIPMENT MAINTAINANCE &amp; OPERATION *P3</b>                  CFP 47. Discontinue the use of a food preparation sink for anything other than food preparation.</p> <p><i>Inspector Comments: Discontinue using three compartment sink for the washing of fruits and vegetables. Use the designated food prep sink for this purpose. Properly clean this basin regularly.</i></p>	<p>5/9/19</p>
<p><b>THE ABOVE LISTED VIOLATIONS MUST BE CORRECTED BY THE DATE(S) LISTED.</b></p>	

**Inspection Notes:**

- 1. Ensure temperature of reach in cooler is also recorded daily.

Bbq chicken-hot holding-168°F  
 Beans-hot holding-164°F  
 Charime-these comp sink-50ppm  
 Ambient-walk in cooler-41°F  
 Applesauce-reach in cooler-36°F  
 Ambient-milk cooler-41°F  
 Cheese-salad bar-41°F

o

SA DAF kitchen 2.png

65.5kB

**Discussion/Comments:**

**PLEASE NOTE:** Below is not a complete list of comments. Please read the comment summary and review plan mark-ups for a full list of comments.

- Renae Clark (Park and Recreation):
  - Clark noted that there may be a need to review the Shared Use Agreement for Smith P
- Jason Heitzinger (Assessing):
  - No comment.
- Mike Thissen (Environmental Health):
  - Thissen asked whether the kitchen is currently being used or will be used in the future school. Applicant explained that the kitchen will continue to be utilized in the same manner for catering only. Staff noted if kitchen use changes, applicant will need to work with Environmental Health to obtain approval of a new food service plan.
  - Thissen inquired as to whether the trash room would be sufficient for an additional 50. Applicant affirmed that the trash room should suffice, however, there may be a need to increase the frequency of trash pick-ups.

○

[y kitchen.png](#)

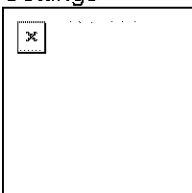
[70.3kB](#)

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11  
Settings



Sally Ness



Edit contact

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Sunday, July 12, 2020 8:51 AM  
**To:** Johnson, Nick M; Centinario, Michael; Busse, Tim; Coulter, Nathan; Carter, Jenna; Baloga, Jack; Lowman, Dwayne; Martin, Patrick; Nelson, Shawn  
**Subject:** PL2020-98 DAF Building at 8201 Park Av

Nick Johnson,

Please add the email to PL2020-98, and respond to the question if SA received a similar email concerning DAF as it did concerning Life Church.

The City/planning sent an email to Success Academy concerning operating a school at Life Church, that states, "The current CUP would limit the enrollment to 135 students ... I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating."

Is there a similar email to Success Academy concerning an expansion of the school at Dar Al Farooq? Life Church and Dar Al Farooq are both about 9 acres, Life Church has 130 parking spaces, and a school for 135 students. Dar Al Farooq has 151 parking spaces, uses the park parking lot 71 spaces and parks in the street. Dar Al Farooq has a weekday school for 130 and a weekend school for 80 students at a time, so multiples of 80 are allowed. Dar Al Farooq is also a community center. Dar Al Farooq also has an office park and a university, although neither are approved uses. So again, planning informed SA "expansion of enrollment beyond this number would be possible without the place of assembly use vacating." Did planning inform SA the same for an expansion at Dar Al Farooq?

Vi Rozek

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Sunday, July 12, 2020 10:45 AM  
**To:** Johnson, Nick M; Centinario, Michael; Planning; Busse, Tim; Coulter, Nathan; Carter, Jenna; Baloga, Jack; Nelson, Shawn; Lowman, Dwayne; Martin, Patrick  
**Subject:** pl2020.98 DAF building at 8201 Park Av

- Nick Johnson,

Please add this to 2020-98 request to expand the charter school.

Last night the building was used after 10pm, unfortunately, this is not uncommon and it negatively impacts the neighborhood, and the late hour and early morning use was not addressed in the original CUP, the amendment to the CUP, or the later new CUP.

The building is overused and noncompliant and I am requesting planning recognize the negative impact the building has on the surrounding neighborhood and not recommend and expansion of the student population and any further expansion of the use.

Vi Rozek

[Download all attachments as a zip file](#)



20200711 late night 1.jpg

32.9kB



o

20200711 late night 2.jpg

11.7kB

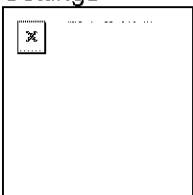
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12  
Settings



Sally Ness

Edit contact

**Johnson, Nick M**

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**From:** Deeqa Hashi [REDACTED]  
**Sent:** Monday, July 13, 2020 3:24 PM  
**To:** Johnson, Nick M  
**Subject:** Success Academy's Application

My name is Deeqa Hashi. I am a parent at Success Academy and a community member in Bloomington. I support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community. We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

We also understand the school did a traffic study that shows they do not exceed the allowed number of trips. I have 3<sup>rd</sup> and 4<sup>th</sup> grade daughters at Success Academy. They both love their school, their teachers and their friends. My daughters love nothing more than to continue going to Success Academy throughout middle school. We also have friends who would love to keep their 7<sup>th</sup> grade student at the same school they attended last year. Please consider approving the application.

thank you

**Johnson, Nick M**

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**From:** Halimo Abdi [REDACTED]  
**Sent:** Monday, July 13, 2020 4:37 PM  
**To:** Johnson, Nick M  
**Subject:** Success Academy expansion

Hello,

My name is Halimo Abdi and I am a parent/ community member in Bloomington.

I support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community.

I am a parent of a first grader and an aunt of a 3rd grader at Success Academy. I truly believe this school is excelling in providing a safe learning environment for my child. It would be amazing to have expansion for the middle school.

We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

Thank you for your understanding.

Halimo Abdi

**Johnson, Nick M**

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**From:** Najeeduddin Mohammed [REDACTED]  
**Sent:** Monday, July 13, 2020 5:15 PM  
**To:** Johnson, Nick M  
**Subject:** Supporting Success Academy's Application for Middle School

Hello ,

This is Najeeduddin Mohammed .

I am a parent and my child attends Success Academy school located in Bloomington .

I humbly and strongly support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community. We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

We also understand the school did a traffic study that shows they do not exceed the allowed number of trips.

This School is very important to us as it provides quality education much much better than other schools and our child loves his school and we want to ensure that he has access to the right quality of education when he transitions from elementary school to middle school .

So, I humbly request you to understand our concern and approve the Success Academy application for Middle school .

Thanks

**Johnson, Nick M**

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**From:** UmmSaaduddin Mohammed [REDACTED]  
**Sent:** Monday, July 13, 2020 5:16 PM  
**To:** Johnson, Nick M  
**Subject:** Supporting Success Academy's Application for Middle School

Hello ,

This is UmmSalaahuddin .

I am a parent and my child will be attending Success Academy school located in Bloomington .

I humbly and strongly support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community. We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

We also understand the school did a traffic study that shows they do not exceed the allowed number of trips.

This School is very important to us as it provides quality education much much better than other schools and our child loves his school and we want to ensure that he has access to the right quality of education when he transitions from elementary school to middle school .

So, I humbly request you to understand our concern and approve the Success Academy application for Middle school .

Thanks

**Johnson, Nick M**

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**From:** Mariam Mariam [REDACTED]  
**Sent:** Monday, July 13, 2020 7:03 PM  
**To:** Johnson, Nick M  
**Subject:** Urgent Request to Support Success Academy's Application

Hello,

My name is Mariam Abdi. As a parent of this community, I'm writing to show my strong support for the application of Success Academy to add a middle school program. Success Academy provides exceptional services and resources for our community. I encourage you to approve the school's application as the building is used to be a school for 450 students. The school did a traffic study that shows they do not exceed the allowed number of trips.

My daughter attends Success Academy and we love it here very much since it exceeds our expectations in every category we look for in a school. I firmly believe this school provides a strong foundation for my child to be successful in the future. Please approve this application so that my daughter can receive the best possible education and reach her full potential by allowing her to continue attending her favorite school.

Thank you for your time,

Maram Abdi

**Johnson, Nick M**

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**From:** Amina Adan [REDACTED]  
**Sent:** Tuesday, July 14, 2020 9:06 AM  
**To:** Johnson, Nick M  
**Subject:** Urgent Request to Support Success Academy's Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

My name is Amina Adan. As a parent of this community, I'm writing to show my strong support for the application of Success Academy to add a middle school program. Success Academy provides exceptional services and resources for our community. I encourage you to approve the school's application as the building is used to be a school for 450 students. The school did a traffic study that shows they do not exceed the allowed number of trips.

My daughters attend Success Academy and we love it here very much since it exceeds our past experience in every category we look for in a school. I believe this school provides a strong foundation for my child to be successful in the future. Success Academy gives my daughters a sense of community and belonging. Please approve this application so that my daughters can receive the best possible education and reach their full potential by allowing them to continue attending their favorite school.

Thank you for your time,

Amina Adan

**Johnson, Nick M**

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**From:** khaliil aden [REDACTED]  
**Sent:** Tuesday, July 14, 2020 10:12 AM  
**To:** Johnson, Nick M  
**Subject:** Support letter for Success Academy

My name is Ibrahim Yussuf. I am a parent at Success Academy. I wanted to show my support to Success Academy to add a middle school program. I currently have four children that attend Success Academy. I am hoping to add a sixth grader once this application is approved. Success Academy provides my children with great education and plenty of fun and educational activities. I hope you will approve this application for Success Academy as it will improve the quality of education for my children.

**Johnson, Nick M**

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**From:** Ahmed Farah [REDACTED]  
**Sent:** Tuesday, July 14, 2020 10:26 AM  
**To:** Johnson, Nick M  
**Subject:** Success Academy Expansion

Hi Nick ,

I'm sending this letter as a parent and a bloomington resident in support of Success Academy Expansion. I understand there is a restriction in place now and Im writing ins support of removing that restriction so my kids can have a school to call home for their elementary and Middle school education .

Thank you

Ahmed

**Johnson, Nick M**

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**From:** muslim coalition [REDACTED]  
**Sent:** Tuesday, July 14, 2020 10:32 AM  
**To:** Johnson, Nick M  
**Subject:** A resident of Bloomington

Hello,

My name is Abdulahi Farah I am a parent and community leader here in Bloomington.

I support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community. We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

I am aware that the school did a traffic study that shows they do not exceed the allowed number of trips. My kids had a wonderful experience at Success Academy and they have teachers and staff that work hard with them. The school is always putting our kids safety and education first. We had challenges with some people harassing our kids at the park but the school handled the situation professionally. This past year my first grader learned how to garden and do art which she loves. My third grader learned how to ride a bike through the extra curricular activities provided by this school. As a Bloomington resident I am happy to have this school be in our city.

Thank you again

Abdulahi Farah

**Johnson, Nick M**

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**From:** Idil Farah [REDACTED]  
**Sent:** Tuesday, July 14, 2020 10:35 AM  
**To:** Johnson, Nick M  
**Subject:** Success Academy Expansion

Hi Nick,

My name is Idil Farah and a parent at Success Academy and a Bloomington resident . I'm writing in support of Success academy expansion .I know there has been some restrictions put in place to minimize the students at Success Academy but it puts us as parents in hard place when you have change schools for your seventh grader explaining to them why the school they attended for the past couple years doesn't have space for them any more and why they have to split from their friends because their is unknown restriction put on their school.

I believe all students deserve to attend the school of their choice without restrictions . I hope that Success Academy will be allowed to grow up to the potensial .

Thank you

Idil Farah

**Johnson, Nick M**

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**From:** Milki Ahmed [REDACTED]  
**Sent:** Tuesday, July 14, 2020 11:04 AM  
**To:** Johnson, Nick M  
**Subject:** Success Academy

Dear Nick,

My name is Milki Ahmed I am a parent / community member in Bloomington.

I support the application of Success Academy to add a middle school program. Success Academy provides great educational services in our community. We understand there may be restrictions on the number of students the school can add. However, We encourage you to approve the school's application as the building is used to be a school for 450 students.

My older son had a great year at Success Academy last year and we are planning to send his brother with him this coming semester. I hope you will approve this application and help our school have a middle school program in the same building. This would also save time for families who have kids in elementary and middle school, instead of driving to two different schools (instead of waiting for two school buses) they can just drop or pickup their kids from Success Academy. Thanks for understanding and helping our school.

Sincerely

Milki Ahmed  
[REDACTED]

**Johnson, Nick M**

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**From:** Planning  
**Sent:** Friday, July 17, 2020 8:08 AM  
**To:** Johnson, Nick M  
**Subject:** FW: PL2020-98 planning, Please deny Success Academy's expansion request  
**Attachments:** Planning.docx

**From:** N M [REDACTED]  
**Sent:** Thursday, July 16, 2020 8:44 PM  
**To:** Markegard, Glen <gmarkegard@BloomingtonMN.gov>; Centinario, Michael <mcentinario@BloomingtonMN.gov>; Planning <planning@BloomingtonMN.gov>  
**Cc:** Busse, Tim <tbusse@BloomingtonMN.gov>; Baloga, Jack <jbaloga@BloomingtonMN.gov>; Carter, Jenna <jcarter@BloomingtonMN.gov>; Coulter, Nathan <ncoulter@BloomingtonMN.gov>; Lowman, Dwayne <dlowman@BloomingtonMN.gov>; Nelson, Shawn <snelson@BloomingtonMN.gov>; Martin, Patrick <pmartin@BloomingtonMN.gov>  
**Subject:** PL2020-98 planning, Please deny Success Academy's expansion request

Dear Members of Planning,

It has come to my attention that Success Academy has requested increased enrollment. (PL2020-98) I understand that at Life Church, a very similar situation, enrollment is limited to 135 students.

The attached email is from Planning to Success Academy. It states, "*The current CUP would limit the enrollment to 135 students ... I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.*" The City should do the same and not expand enrollment beyond 135 students without the place of assembly use vacating.

The Smith Park neighborhood has been treated unfairly because the city has made special concessions for Dar Al Farooq. The diversity of East Bloomington has been a real blessing in our city. I've lived here for over thirty years and our son graduated from Kennedy. His friendships were with kids from backgrounds as diverse as our city. It breaks my heart to see such unrest in our city due to race and racial tensions that are being fed, even by our own city. All people and organizations need to be treated equally. No one should jump to conclusions about actions being racially motivated without the facts, like what happened with the noose shaped rope found in a firefighter's locker.

Parking at DAF overflowing into the street is already a serious problem as well as the traffic to and from the building, from early in the morning to late at night, with all the activities there. The city worked to maintain the low-density neighborhood near Martin Luther Manor but has not for the neighborhood near DAF.

The city also worked to maintain the low-density neighborhood near Life Church. Life Church does not have near the traffic, events, activities, or organizations at their location. I've been told that Life Church and DAF both have about 9 acres. I've also been told that Life Church is approved for two uses, a place of assembly and school of 135 students. At Dar Al Farooq you will find many more uses, 1) a place of assembly, 2) community center, 3) a charter school for 130 students, 4) a weekend school for 80 students at a time, and it has 5)an office park and 6) a university.

It is very sad to me that residents of our city, who simply want the city to treat everyone equally, are afraid to express their concerns to you because they involve Dar Al Farooq. Our community needs to be a united and supportive community. Just as in a family or classroom, tensions build when favoritism is obvious. The City has limited both Martin

Luther Manor and Life Church, it should do the same for all in our community and deny the request to expand enrollment at Success Academy.

Thank you for your time, thoughtfulness of this issue, and efforts to strengthen Bloomington for all.

Sincerely,

Natalie Marose

30+ year resident of Bloomington

--

*Natalie Marose*

952-994-7063

*Hebrews 13:8*

**From:** Johnson, Nick M [<mailto:nmjohnson@BloomingtonMN.gov>]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabeaa [REDACTED]  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students – see attached approval letter with conditions from 1995. I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.

If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8925 | [nmjohnson@bloomingtonmn.gov](mailto:nmjohnson@bloomingtonmn.gov)

**Johnson, Nick M**

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**From:** Vi Rozek [REDACTED]  
**Sent:** Friday, July 17, 2020 8:52 AM  
**To:** Markegard, Glen; Johnson, Nick M; Centinario, Michael; Planning; Busse, Tim; Baloga, Jack; Carter, Jenna; Coulter, Nathan; Nelson, Shawn; Martin, Patrick; Lowman, Dwayne  
**Subject:** Case 2020-98 Trip count around DAF  
**Attachments:** trip graph DAF.png

This email concerns the Addendum to the traffic study.

The Dar Al Farooq building is used **more** intensely and for **more** hours than originally proposed (200 maximum on Friday) and yet the City approved the addition of the Charter school and increases in enrollment regardless of the negative impact the building use already had on the neighborhood and park.

The attached is the reported trips from the traffic study. This study does not provide an accurate picture of all the traffic generated by the building, such as traffic from Ramadan and the two Eid's, several events, the offices, the university, and the use of the field. It also does not take into account that all these uses are not limited, and that the place of assembly and use of the community center continue to grow.

The previous expansion put the traffic generated at 1,000 and it is unlikely adding 50 students will not increase traffic on Friday, it is also unlikely that the building use for Friday prayer and Friday night activities will not increase.

The original traffic study indicated, that the "Greatest parking demand for is currently 263 vehicles which occurred during the Friday midday Event In peak hour (12:00 PM to 1:00 PM)." That is 526 trips, the second prayer fills up the Dar Al Farooq lot (151) and an average of 50 park in the park parking lot and the street. So another 402 trips. That is 928 trips. The 928 trips is only the trips for the Friday afternoon prayer and not the other prayers, or the Friday night activities. The trip count does not include the charter school trips and is well over 928 trips.

The study indicates 895 trips, which includes the trips of 60 students. The studies 895 trips is very low for the traffic generated on Friday, and one of many reasons planning should not recommend any expansion of the property.

Additionally, about proposing a school that is M-Th, it is unlikely that the 50 students, their teachers and any supporting staff will not use the building at all on Friday's.

It is unlikely that a teacher would be hired and told that they could not access their classroom on Friday, ever. The several support staff, the same thing, regardless, for instance, if they have a student that needs a visual in the classroom for some other particular need, the building would be off limits. It is also unlikely that the school will deny these 50 students the opportunity to participate in any extracurricular activity or event if it meets on a Friday.

Even if Success Academy were to promise that no student, teacher or support staff would use the building on Friday, a conditional use permit goes with the land and from experience with Dar Al Farooq inability to follow the 500 limit put on the gym when it was constructed, and the shared use agreement with the park parking lot for a nonexclusive use that ends at 10pm that was there when they purchased the property, there is a legitimate concern that approval for 50 students M-Th turns into 50 students M-F.

The original Conditional Use Permit was for 80 weekends students, and yet Dar Al Farooq had hundreds more, then later the City said it was 80 students at a time, it was not. Again, a legitimate concern that a school for 180 is a school for 180. And even when the City allowed an increase to 80 students at a time, Dar Al Farooq had hundreds more.

When Success Academy opened the Charter School it said it would be 60 students, and they had 80+ students, and the result, the City approved an increase, regardless that institutional uses are to be on an arterial or a collector, the City approved an increase for a noncomplying use. The City approved Success Academy an increase regardless that it created the mitigating measures for institutional uses on an arterial or a collector street.

The intent of the mitigating measures was not to find a way to allow Martin Luther Manor an expansion, it was to support the City's decision to deny Martin Luther Manor an expansion.

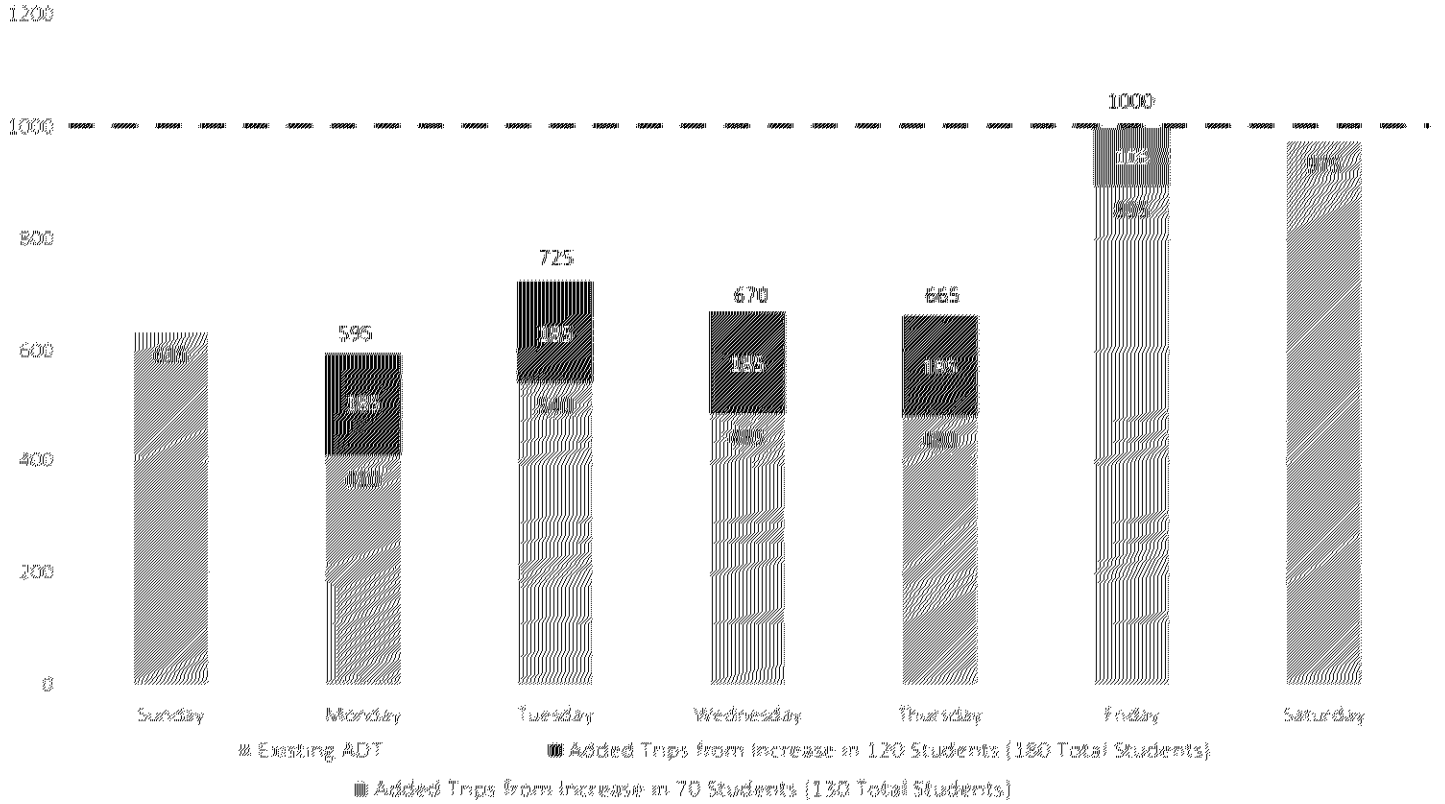
When Success Academy inquired about Life Church, the City informed Success Academy that, "The current CUP would limit the enrollment to 135 students ... I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating," the City did not inform Success Academy that mitigating measures would allow an expansion at Life Church.

The City should not have allowed the original expansion of Success Academy from 60 to 84 students, it should not have allowed an expansion from 84 to 130 students, and it should not allow another expansion of 50 more students.

**The current use of the Dar Al Farooq building does not maintain the low-density neighborhood and negatively impacts the neighborhood. The PL2020-98 request does not maintain the low-density neighborhood and will negatively impact the neighborhood and I request that planning does not recommend an expansion of the student population to the City Council.**

**Figure 1. City Code 21.302.06(b)(7)(A)(ii) Threshold**

**Total Trips on Park Avenue South of E 82<sup>nd</sup> Street with an Increase in 120 Students (M-Th)**



**From:** Vi Rozek [REDACTED]  
**Sent:** Monday, July 20, 2020 9:06 PM  
**To:** Abdi, Suado; Koktan, Phil; JSolberg@bloomington.gov; AAlbrecht@bloomington.gov; AKorman@bloomington.gov; JGoltzman@bloomington.gov; PROhman@bloomington.gov; Planning; Markegard, Glen; Johnson, Nick M; Centinario, Michael  
**Subject:** PL2020-98 Success Academy  
**Attachments:** 263 parking demand.png; community center.png; z 2011 staff report.png; x standard.png; y Concordia attendance.png

The request for expansion of Success Academy, states, "The Greenhouse and proposed increase of 50 students .... are not anticipated to place an excessive burden on parks, schools, streets, and other public facilities ..."

This is not accurate because 8201 Park Ave is overused and noncompliant and the current uses negatively impact Smith Park and the surrounding neighborhood and additional uses will increase the negative impact that the building has on the neighborhood and park.

The request for expansion also states, "Mitigation measures implemented after the 2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school.

This statement is inaccurate, Success Academy did not construct a dedicated playground and has used Smith Park and the playground throughout the school day and that has negatively impacted the park.

The shared use agreement includes the fields, it does not include the park and the playground , and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

The proposed 50 students will be a burden, and will generate traffic on Friday that the traffic count will be over 1,000. The traffic count with the previous increase from 84 students to 130 students was 1,000 for Friday, and the City should not approve any additional uses that would go over 1,000. Online schools generate traffic, and there should be a trip count for the traffic the school will generate on Friday. There should be an ITE rate for distance learning and it should be applied to the proposed use traffic study, and it is not.

Other concerns with the 50 additional students are the school events such as back to school, parent nights, and activities. A school with a 180 students will require considerably more parking for these events than 130 students. Unlike Life Church that is a school and place of assembly only, Dar Al Farooq's use as a community center and other uses require parking while the school has events. It is not reasonable to believe that any activity or event on a Friday would exclude the 50 students, remember that a conditional use permit goes with the land and regardless if Success Academy states they will not allow these 50 students to participate, the next school might allow the students to participate.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." The proposed re-use was for a maximum of 200 for Friday prayer," (first attachment) a private primary school (60) and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings," (second attachment) and hours from 7am to 10pm. Since then there are hundreds more for prayer, a charter school for 130 students, a community center that is not limited to athletic activities, open early in the morning before 7am and open late well after 10pm. There is an office park on the south end and the building is the headquarters of the Islamic University of Minnesota.

Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size.

Again, the City put a limit to Life Church student population, and yet planning is recommending an expansion of Dar Al Farooq, regardless that 2011 the City stated it maximizes the occupancy. This does not make sense especially since the limit placed on Life Church was before the requirement that institutional uses are required to be adjacent to an arterial or a collector.

The Pre-Application DRC Planning Review (fourth attachment) that mentions the institutional use standards in City Code (Sec. 21.302.06) did not negate or remove the comprehensive plan to maintain low-density neighborhoods, the same comprehensive plan that denied Martin Luther Manor an expansion and limited Life Church to 135 students.

Life Church and Dar Al Farooq are both about 9 acres. Life Church has a parking lot of 130 parking spaces with a demand less than 130, while Dar Al Farooq has a parking lot of 151 parking spaces and a demand of 263 parking spaces (third attachment), that is 133 more demand for parking spaces. Life Church has a student population of 135 students while Dar Al Farooq has a student population of 130 students, and yet there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq. Life Church is limited to a school of 135 students and a place of assembly, where Dar Al Farooq is a school of 130, a place of assembly, a community center, a weekend school, office park, and an Islamic University of Minnesota and yet again, there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq.

A conditional use permit goes with the land and to have 130 students attend school Monday through Friday and 50 students attending Monday through Thursday, is what the former Mayor would say, "too many moving parts." Dar Al Farooq has requested 50 additional students, stating that the students will not attend school on Friday. The traffic count on Friday is at 1,000 and therefore any proposed use that generates traffic on Friday would not be permitted. It is unlikely that a school of 50, regardless that students do not attend Friday, would not generate traffic on a Friday. A student population of 50 includes teachers and support staff, and again unlikely that one of the many for the additional 50 students would not drive to the school on Friday.

As mentioned previously, the traffic count with the previous increase from 84 students to 130 students was 1,000 for Friday, and the City should not approve any additional uses that would go over 1,000. Online schools generate traffic, and there should be a trip count for the traffic the school will generate on Friday. There should be an ITE rate for distance learning and it should be applied to the proposed use traffic study, and it is not.

There were eleven people from Success Academy that wrote to planning, and eight incorrectly commented about the previous use of the building having 450 students. The student population of 450 students was back when it was a local public elementary school, most of the students walked, and that was the only use. The more recent use was 2008 Concordia Academy with 120 students, and the 2000 five year temporary conditional use permit for assembly.

The building/school is setting the neighborhood for further divide, and it makes those who oppose look unreasonable when the reality is that the building is overused and noncompliant and has negatively impacted residents from before it opened. Dar Al Farooq had an event for 800-1000 in the gym, when they did not own the building, and the building did not even have a certificate of occupancy, filling up the

park parking lot and the surrounding area. Since it did open it has an assembly for hundreds more than the original proposal of 200 max on Friday, hours well before and long after the proposed 7am-10pm, the community center is more than focused on athletic events, the school is not a private school for 60 but a charter school for 130, and then there is the office park and the Islamic University of Minnesota. These uses are too intense for the middle of a neighborhood.

The Mayor recently responded to a resident stating, "I'm sure you recall that there has been discussion in the past that Conditional Use Permits are not intended to be used as apples-to-apples comparisons. The requests from Martin Luther Manor and Dar Al Farooq are unique and independent of each other. The conditions the Council and staff place on each CUP application are specific to that particular application."

The discussion, for Dar Al Farooq's previous request to expand used Life Church as a comparative, and should again. Additionally, the Staff Report was for Dar Al Farooq to provide their own playground, and pay for the mitigating measures. It was not until after the hearing was closed to the public, the former Mayor offered the Smith Park playground to a private business and to use City funds toward the required mitigating measures for a private business. The loss of the Smith Park playground to the general public, the addition of an entrance to Smith Park, and the median (it has been hit several times) have negatively impacted the neighborhood and did so at taxpayer cost without taxpayer input.

Conditional Use Permits are to protect neighborhoods from uses not permitted by the City but allowed by condition and therefore what has protected one neighborhood should equally protect another neighborhood. The request from Martin Luther Manor and Dar Al Farooq are unique but maintaining a low-density neighborhood which is 10 trips per lot size was noted by Planning in the denial of Martin Luther Manor but was not mentioned in the approval of Dar Al Farooq. Again, the City used Life Church as a comparative for the previous request for an increase and yet the Staff report for the requested 50 additional students does not.

Additionally, the second attachment where City/planning sent an email to Success Academy concerning operating a school at Life Church, that states, "The current CUP would limit the enrollment to 135 students ... I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating." The City, discouraged an expansion of Life Church and did not at Dar Al Farooq. As you state, "The conditions the Council and staff place on each CUP application are specific to that particular application," yet the City discouraged an expansion of Life Church, discouraged an application to determine specifics. Life Church and Dar Al Farooq both had limits on the student population, and yet planning is recommending an expansion of Dar Al Farooq, while informing an expansion at Life Church is unlikely, which does not make sense especially since the limit placed on Life Church was before the requirement that institutional uses are required to be adjacent to an arterial or a collector.

**The Planning Commission should not recommend expansion of the already overused and noncompliant Dar Al Farooq property at 8201 Park Ave.**

Vi Rozek

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## ATTACHMENTS

Name: Success Academy Special Traffic and Parking Study Report  
 Date: July 11, 2018  
 Page: 10

Additionally, traffic counts were analyzed to determine how many vehicles are currently parking in the lots and how many vehicles are assumed to be parking on the street during the peak hours. This is summarized in **Table 8**.

**Table 8. Existing Observed Parking Demand**

Peak Hour	Traffic Parked in Site Lot	Traffic Parked in Smith Park Lot	Traffic Parked in Chicago Ave Lot	Traffic Parked on Street (Along Park Ave)	Total Parked
AM	44	0	0	0	44
Afternoon	45	4	5	5	59
PM	30	0	5	1	36
Friday Midday Event In	219	-	2	42	263
Friday Midday Event Out	196	-	5	24	225
Friday PM Inbound	43	-	7	5	55
Friday PM Outbound	36	-	6	0	42

Due to an issue with the traffic counter the Friday traffic counts at the breakout of the use of the Smith Park lot could not be determined. **Table 8** shows that although patrons are allowed to park in the Smith Park lot and the parking lot off of Chicago Ave the number of patrons utilizing these parking lots is low. Since during the Friday Midday Event in peak hour there were 219 vehicles parked in the 8201 Park Avenue South lot it was assumed that the Smith Lot is also being utilized, however there were still 42 vehicles recorded parked on the street. With cars parked on the street additional parking is recommended on site based on the Friday peak parking. Parking needs to be available for the all patrons coming to the site. From the traffic counts, 263 vehicles were recorded to be parked at one time. A proof of parking agreement has been proposed for the site which would add an additional 49 spaces. This is recommended as it would accommodate patrons currently parking on the street.

### Al Farooq Youth & Family Center

(AFYFC)

#### Building Usage at 8201, Park Avenue South, Bloomington, MN 55420

We propose to use the Al Farooq Youth & Family Center as a private primary school and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings.

With the private Primary School being the anchor of this Center other activities will more or less revolve around that. This will be the most spacious school that our primary school could have. A day care center will be established before the School begins enrolment. Since many teachers in our community are mothers, day care services for their children are absolutely essential to establish within the premises.

## ATTACHMENTS

CITY OF BLOOMINGTON MINNESOTA  
CASE 8915A-11

REQUEST FOR COUNCIL ACTION  
PAGE 4

Land Use

The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school. The options for the reuse of a school site are limited, without redevelopment. The proposed uses would occupy the building with minimal changes. As the proposed uses are diverse in services offered, they are all tied together by the single organization. This allows for the coordination of the uses to assure compliance with the City Code performance standards for the site. This includes but is not limited to occupancy limitations and parking.

The varieties of uses proposed are compatible with the building and the surrounding property. The school, while a private educational institution, is open to public enrollment. The fitness center will be available only to members of the school and the organization. According to the applicant, community style activities will be conducted and would open to the community throughout the year. The property owner may lease spaces for community meetings and activities, much like Creekside Community Center.

Meeting: Pre-Application DRC – June 9, 2020

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

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

- 1) A Conditional Use Permit for a school and place of assembly must be acted upon by the City Council. The application fee for the CUP is \$880. A Final Site and Building Plans application must be submitted for the proposed greenhouse building addition.
- 2) The subject facility is subject to the institutional use standards in City Code (Sec. 21.302.06). The proposed expansion in student enrollment must be evaluated from a trip generation standpoint. The ordinance prohibits specific traffic thresholds from being exceeded unless the City Council finds negative impacts have been mitigated to levels consistent with residential livability and pedestrian and motorist safety. Trip generation will be reviewed by the Traffic Division based upon the Bolton & Menk Traffic Study completed in Case #PL2018-226. Ongoing annual verification of student enrollment associated attendance schedules would be necessary to verify compliance with the institutional use standards.

## ATTACHMENTS

Application for New Conditional Use Permit  
Al Jazari Institute dba Dar Al-Farooq Center

Page 3 of 12

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.

**From:** Vi Rozek [REDACTED]  
**Sent:** Tuesday, July 21, 2020 9:40 AM  
**To:** Johnson, Nick M  
**Subject:** Re: PL2020-98 Success Academy

Thanks Johnson,

I appreciate that it will be added to the public record but more importantly, I would like to know that planning addresses my concerns.

Please respond to the concerns I note below about the following items before the Planning Commission hearing.

2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school. This is not accurate and should be noted in the staff report.

The shared use agreement includes the fields, it does not include the park and the playground This should be noted in the staff report.

There should be an ITE rate for distance learning and it should be applied to the proposed use traffic study, and it is not. The ITE rate for distance learning should be included in the staff report.

A school with a 180 students will require considerably more parking for these events than 130 students. This concern should be noted in the staff report.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods. This concern should be addressed in the staff report.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size. The Mayor stated, "The conditions the Council and staff place on each CUP application are specific to that particular application," yet the City discouraged an expansion of Life Church, discouraged an application to determine specifics. The City discouraging an application for expansion at Life Church and not Dar Al Farooq should be addressed.

the median (it has been hit several times) The traffic concerns should be in the staff report.

\*\*\*\*\* Please remember, the City of Bloomington has allowed this building to operate in our "little neighborhood" a building with a community center, Mosque with 5 prayer times daily, Islamic university, business park and an ever expanding charter school that is adding to traffic on our streets. There is NO OTHER BUILDING IN BLOOMINGTON operating in a residential neighborhood with this many daily events.

Vi Rozek

**From:** Vi Rozek [REDACTED]  
**Sent:** Tuesday, July 21, 2020 6:42 PM  
**To:** Johnson, Nick M  
**Subject:** pl2020-98 attachments to my response to email from you  
**Attachments:** 20180111 daycare cannot be expanded.png; 20130715 change prohibits new use or expansion adjacency.png; yx email planning no increase Life Church.png

Mr Johnson,

Thank you for passing along the concerns to the Planning Commission. Please pass along this exchange as well.

Below I respond, and provide data to support what is stated in green.

Thanks. Vi Rozek

A school with a 180 students will require considerably more parking for these events than 130 students. **This concern should be noted in the staff report.** The staff report included analysis of the parking supply and demand of the existing and proposed uses. The facility is subject to nonconcurrent use conditions that limit how the facility is used at any one time. The school use, one of three occupancy scenarios studied, would require 107 parking stalls according to the parking section of City Code ([www.code.blm.mn/21.301.06](http://www.code.blm.mn/21.301.06)). Through on-site parking and parking available via agreement, the existing total parking supply is 261 stalls. There is adequate parking supply for the proposed student enrollment expansion.

Yes, the building is subject to nonconcurrent use conditions that limit how the facility is used and unfortunately, the City has been unable to address Dar Al Farooq not abiding by the conditions. 50 more students will require more parking, and the City knows Dar Al Farooq parking already negatively impacts the park and surrounding neighborhood and should not approve a use that will add to the negative impact. Additionally, the parking is a non-exclusive use, previously, used when there were football games, and in 2011 the application was said the need would be for a couple times a year for Eid. With 130 students the parking extends into the park parking lot for school events, and that negatively impacts the park and the neighborhood, and with 180 students it will be that much worse.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods. **This concern should be addressed in the staff report.** The expansion of institutional uses at sites that are not served by an arterial or collector road are now evaluated by the institutional use standards in City Code ([www.code.blm.mn/21.302.06](http://www.code.blm.mn/21.302.06)). It is this ordinance that serves as the test or criteria by which expansions of institutional uses are evaluated for compliance with City Code, not any previous methodology related to Martin Luther Manor.

**American Legal Publishing - Online Library**

The first attachment, approved minutes, states, "Use Classification Changes: Changes prohibit new uses or expansions in single-family zones but allows existing uses to remain as conforming."

Institutional uses are required to be adjacent to an arterial or a collector, and if not they are, as noted in the second attachment, "legally non-conforming" uses and as such, "could not be expanded beyond the approved occupancy..."

Additionally, this change did not remove maintaining low-density neighborhoods which the ITE rate is 10 trips per lot size, and again, was what the City noted in the Martin Luther Manor denial but did not bring up when Dar Al Farooq requested to expand.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size. The Mayor stated, "The conditions the Council and staff place on each CUP application are specific to that particular application," yet the City discouraged an expansion of Life Church, discouraged an application to determine specifics. The City discouraging an application for expansion at Life Church and not Dar Al Farooq should be addressed. When the applicant inquired about an expansion at Life Church, staff noted that the site of interest would also be subject to the same institutional use standards, and a traffic study would be required in order for a formal application to be considered.

That is not what the email indicates, the email states, "I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating."

If it is as you state, the email would have stated, "if there is a request for an expansion, a traffic study would be required and mitigating measures would be required."

Additionally, it is unlikely that Life Church with a parking lot of 130 and a demand for parking less than 130 (unlike Dar Al Farooq with a demand of 263 parking spaces) would be denied because of 1,000 trips, or 100 additional trips in an hour of the 300 new use trips.

**ANALYSIS**

Since the 2011 Conditional Use Permit approval, two City Code amendments regarding daycare and institutional uses were approved. Section 21.302.27, daycare facilities, requires that daycares of greater than 13 persons must be located on arterial or collector streets. Therefore, if established, the approved daycare would be a legally non-conforming use. As such, it could not be expanded beyond the approved occupancy of 20 persons. This application to remove the daycare eliminates any future daycare with greater than 13 persons without a City Code amendment and removes the potential for establishing the legal non-conforming use.

Section 21.302.06, institutional use standards, establish criteria to reduce the impacts of institutional uses on surrounding uses, particularly surrounding residential uses. Criteria are established to address several potential types of impact, including traffic. The Public Works Department has concluded the anticipated traffic generation from the proposed amendments falls below the levels prohibited by the institutional use standards. Therefore, a traffic study is not required for this application, but would likely be for any future expansion proposal. A detailed analysis on traffic is included in the following sections of the report.

Report to the Planning Commission  
Planning Division/Engineering Division

1/11/2018

**CITY OF BLOOMINGTON, MINNESOTA****APPROVED MINUTES**

**Adopted Ordinance  
Amending Chapters 19  
& 21 of the City Code  
Regarding the  
Establishment of  
Institutional Use  
Standards & Changing  
Status of Uses in  
Single-Family Zoning  
Districts  
Case 10000A-13  
ITEM 5.4B  
O-2013-17**

Markegard presented the staff report on an ordinance to establish Institutional Use Standards and to change the status of multiple uses in residential neighborhoods. His presentation was as follows:

- Ordinance Purpose
- Intent
- Definition
- Chronology
- New Standards: Focused on Street Adjacency, Maximum Floor Area Ratio (FAR), Trip Generation and Use Status Changes.
- Street Adjacency: Proposed standards require institutional uses be adjacent to arterial or collector streets.
- Map of Arterial Collector Streets in Bloomington: Any new institutional use would need to be adjacent to one of those streets.
- Maximum Floor Area Ratio (FAR) Standards
- Traffic Impacts: Ordinance would set thresholds. A traffic study would be required for any use in the higher impact group.
- Use Classification Changes: Changes prohibit new uses or expansions in single-family zones but allows existing uses to remain as conforming.
- Recommendation: Staff and the Planning Commission recommend approval.

**From:** Johnson, Nick M [mailto:[njohnson@BloomingtonMN.gov](mailto:njohnson@BloomingtonMN.gov)]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabeaa <[REDACTED]>  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students – see attached approval letter with conditions from 1995. I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.

If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8925 | [njohnson@bloomingtonmn.gov](mailto:njohnson@bloomingtonmn.gov)

**From:** Vi Rozek [REDACTED]  
**Sent:** Wednesday, July 22, 2020 9:43 AM  
**To:** Johnson, Nick M  
**Subject:** Fw: PL2020-98 Success Academy

Thank you again Mr Johnson for responding so quickly. I have included further comments in blue. Please include these comments to the planning commission.

Vi Rozek

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**Subject:** Re: PL2020-98 Success Academy

There should be an ITE rate for distance learning and it should be applied to the proposed use traffic study, and it is not. The ITE rate for distance learning should be included in the staff report.  
**ITE does not have a trip generation rate for distance learning**

\*\*\*\*\*

**ITE does not have a trip generation rate for distance learning and they should. The City has approved a CUP for an online school and had a parking analysis for the school and if there is a parking analysis then there can be a trip generation rate calculated.**

**Additionally, the 50 students will have, not only 50 students, but support staff. The school will need to hire additional staff such as food service, psychologists, counselors, speech therapists, and special education teachers. The support staff will likely assist the other students as well and be in the school M-F.**

**The school will need to hire more staff and again, it is unlikely that staff will only be in the school M-Th and even if Success Academy promises that all new staff will not work on Friday, that is not something the City can monitor. Also, CUP's go with the land and again, it would be difficult to monitor as it has been difficult for the City to monitor and for Dar Al Farooq to comply with the required limit of 500 in the gym.**

the median (it has been hit several times) The traffic concerns should be in the staff report.  
**The center median was installed as a traffic calming device, if drivers are traveling at too high a rate of speed or inattentively driving that can lead to the median being hit.**

\*\*\*\*\*

**Yes, it was installed as a traffic calming device, and there are patrons who still drive at too high a rate of speed and are inattentive, and it is irresponsible of the City to add additional uses to a neighborhood, that generates additional traffic, that is already negatively impacted by the intense use, overuse and noncompliant use of the building, and it should be in the staff report that there continues to be a problem.**

**Again, as stated, "the traffic concerns should be in the staff report."**

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----- Original message-----

**From:** Johnson, Nick M  
**Date:** Wed, Jul 22, 2020 8:12 AM  
**To:** 'Vi Rozek';  
**Cc:**  
**Subject:**FW: PL2020-98 Success Academy

Ms. Rozek,

Below you will find a response from the City's Traffic Division regarding your comments about traffic associated with the Success Academy expansion.

Have a nice day.

Take care,

**NICK M. JOHNSON**  
Planner, Planning Division  
Pronouns: (he/him/his)  
**PH:** 952-563-8925 **EMAIL:** [nmjohnson@bloomingtonmn.gov](mailto:nmjohnson@bloomingtonmn.gov)  
1800 West Old Shakopee Road, Bloomington, MN 55431

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**From:** Hansen, Brian  
**Sent:** Tuesday, July 21, 2020 4:39 PM  
**To:** Johnson, Nick M >; [Marohn, Amy](mailto:Marohn, Amy) >  
**Cc:** Markegard, Glen >  
**Subject:** RE: PL2020-98 Success Academy

Nick,

Please see below in green for engineering's response to the traffic related questions.

Thanks.

**BRIAN HANSEN**  
Development Coordinator  
**PH:** 952-563-4543

**From:** Johnson, Nick M  
**Sent:** Tuesday, July 21, 2020 2:45 PM  
**To:** Hansen, Brian <[bhansen@BloomingtonMN.gov](mailto:bhansen@BloomingtonMN.gov)>; Marohn, Amy <[amarohn@BloomingtonMN.gov](mailto:amarohn@BloomingtonMN.gov)>

**Cc:** Markegard, Glen <[gmarkegard@BloomingtonMN.gov](mailto:gmarkegard@BloomingtonMN.gov)>  
**Subject:** FW: PL2020-98 Success Academy

Brian and Amy,

Please see two points below regarding traffic associated with the Success Academy application. Please let me know if you have any information to share.

Take care,

**NICK M. JOHNSON**  
Planner, Planning Division  
Pronouns: (he/him/his)  
**PH:** 952-563-8925 **EMAIL:** [nmjohnson@bloomingtonmn.gov](mailto:nmjohnson@bloomingtonmn.gov)  
1800 West Old Shakopee Road, Bloomington, MN 55431

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**From:** Vi Rozek [REDACTED]  
**Sent:** Tuesday, July 21, 2020 9:40 AM  
**To:** Johnson, Nick M <[nmjohnson@BloomingtonMN.gov](mailto:nmjohnson@BloomingtonMN.gov)>  
**Subject:** Re: PL2020-98 Success Academy

Thanks Johnson,

I appreciate that it will be added to the public record but more importantly, I would like to know that planning addresses my concerns.

Please respond to the concerns I note below about the following items before the Planning Commission hearing.

2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school. This is not accurate and should be noted in the staff report.

The shared use agreement includes the fields, it does not include the park and the playground This should be noted in the staff report.

There should be an ITE rate for distance learning and it should be applied to the proposed use traffic study, and it is not. The ITE rate for distance learning should be included in the staff report.

**ITE does not have a trip generation rate for distance learning**

A school with a 180 students will require considerably more parking for these events than 130 students. This concern should be noted in the staff report.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more that the 10 trips per lot size that

maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods. This concern should be addressed in the staff report.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size. The Mayor stated, "The conditions the Council and staff place on each CUP application are specific to that particular application," yet the City discouraged an expansion of Life Church, discouraged an application to determine specifics. The City discouraging an application for expansion at Life Church and not Dar Al Farooq should be addressed.

the median (it has been hit several times) The traffic concerns should be in the staff report.

**The center median was installed as a traffic calming device, if drivers are traveling at too high a rate of speed or inattentively driving that can lead to the median being hit.**

\*\*\*\*\* Please remember, the City of Bloomington has allowed this building to operate in our "little neighborhood" a building with a community center, Mosque with 5 prayer times daily, Islamic university, business park and an ever expanding charter school that is adding to traffic on our streets. There is NO OTHER BUILDING IN BLOOMINGTON operating in a residential neighborhood with this many daily events.

Vi Rozek

On Tuesday, July 21, 2020, 08:02:39 AM CDT, Johnson, Nick M <[nmjohanson@bloomingtonmn.gov](mailto:nmjohanson@bloomingtonmn.gov)> wrote:

Thanks you for the email Ms. Rozek. I will add it to the public record and make sure it is included in the City Council agenda packet as well.

Take care,

**NICK M. JOHNSON**

Planner, Planning Division

Pronouns: (he/him/his)

**PH:** 952-563-8925 **EMAIL:** [nmjohanson@bloomingtonmn.gov](mailto:nmjohanson@bloomingtonmn.gov)

1800 West Old Shakopee Road, Bloomington, MN 55431

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**From:** Vi Rozek [REDACTED]  
**Sent:** Monday, July 27, 2020 9:11 AM  
**To:** Busse, Tim  
**Cc:** Johnson, Nick M; Markegard, Glen; Planning; Centinario, Michael  
**Subject:** Success Academy problems and abuse for our neighborhood  
**Attachments:** z 2011 staff report.png; yx email planning no increase Life Church.png; 20180111 daycare cannot be expanded.png; y headquarters.png; y community center.png

Mr Mayor,

Dar Al Farooq has **negatively** impacted the neighborhood, from before they purchased the property with an event in March 2011 for 800-1000 patrons. The City acknowledged the negative impact but said they couldn't do anything because it is a religious use, as noted by the former Mayor's comment in the Star Tribune, "After listening to what the city couldn't do, Mayor Gene Winstead said, "It sounds like RLUIPA has gone completely nuts – totally in one direction."

<https://www.startribune.com/metro-area-cities-tread-warily-on-holy-ground/168230826/>

It was also noted when a councilmember asked if it was fraud to misrepresent the use. The City had an opportunity to address the negative impact of the building by denying an expanded use of a legally non-conforming use of the nonreligious school from 60 to 84, and 84 to 130.

The City could address it once again by denying the request to expand the school from 130 to 180. Instead the Planning Commission has recommended the expansion regardless that the City does not allow institutional uses that are not adjacent to an arterial or a collector, and stated in January 2018, identifies them as "legally non-conforming" and stated they can "not be expanded beyond the approved occupancy..." (first attachment).

Instead the City is applying standards for conforming properties to Dar Al Farooq, but recommended the expansion regardless that it will be going over the 1,000 trip mark on Friday's.

And although the City used Life Church as a comparison to allow the increase from 84 to 130, it did not use it as a comparison this time, and it should have. Staff also should have informed the commission that staff stated in an email that if the school population was expanded it would not "be possible without the place of assembly use vacating." (second attachment).

The hearing did not discuss the negative impact of the exclusive use of the public Smith Park playground. A school playground is not safe for children not of school age. There has been comparison to the Seven Hills Academy use of the Cedarcrest playground which is not a fair comparison. The Cedarcrest playground is not on public property, the Smith Park playground is a public park on public property given to the private business Success Academy and other uses at Dar Al Farooq.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." (third attachment). The proposed re-use was for a maximum of 200 for Friday prayer, a private primary school (60) and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings, and hours from 7am to 10pm. (fourth attachment). Since then there are hundreds more for prayer, a charter school for 130 students, a community center that is not limited to athletic activities, open early in the morning before 7am and open late well after 10pm. There is an office park on the south end and the building is the headquarters of the Islamic University of Minnesota. (fifth attachment).

Again, in 2011, planning determined the proposed use maximized the vacant school but the **City** continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods.

Mayor, you were on the Council when Dar Al Farooq was first proposed, and know what I state is true. Please stop this abuse of the neighborhood, and put an end to the overuse and noncompliant use of Dar Al Farooq, and to deny the requested expansion to the legally non-conforming uses because it is not City Code compliant.

**We will never be "One Bloomington" because you treat this area differently. Ask yourself, could you put up with this everyday abuse if this was outside your front window? I think I know the answer Mr Mayor.**

Vi Rozek

CITY OF BLOOMINGTON MINNESOTA  
CASE 8915A-11

REQUEST FOR COUNCIL ACTION  
PAGE 4

*Land Use*

The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school. The options for the reuse of a school site are limited, without redevelopment. The proposed uses would occupy the building with minimal changes. As the proposed uses are diverse in services offered, they are all tied together by the single organization. This allows for the coordination of the uses to assure compliance with the City Code performance standards for the site. This includes but is not limited to occupancy limitations and parking.

The varieties of uses proposed are compatible with the building and the surrounding property. The school, while a private educational institution, is open to public enrollment. The fitness center will be available only to members of the school and the organization. According to the applicant, community style activities will be conducted and would open to the community throughout the year. The property owner may lease spaces for community meetings and activities, much like Creekside Community Center.

**From:** Johnson, Nick M [mailto:[nmjohnson@BloomingtonMN.gov](mailto:nmjohnson@BloomingtonMN.gov)]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabeaa [REDACTED]  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students – see attached approval letter with conditions from 1995. I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.

If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8925 | [nmjohnson@bloomingtonmn.gov](mailto:nmjohnson@bloomingtonmn.gov)

**ANALYSIS**

Since the 2011 Conditional Use Permit approval, two City Code amendments regarding daycare and institutional uses were approved. Section 21.302.27, daycare facilities, requires that daycares of greater than 13 persons must be located on arterial or collector streets. Therefore, if established, the approved daycare would be a legally non-conforming use. As such, it could not be expanded beyond the approved occupancy of 20 persons. This application to remove the daycare eliminates any future daycare with greater than 13 persons without a City Code amendment and removes the potential for establishing the legal non-conforming use.

Section 21.302.06, institutional use standards, establish criteria to reduce the impacts of institutional uses on surrounding uses, particularly surrounding residential uses. Criteria are established to address several potential types of impact, including traffic. The Public Works Department has concluded the anticipated traffic generation from the proposed amendments falls below the levels prohibited by the institutional use standards. Therefore, a traffic study is not required for this application, but would likely be for any future expansion proposal. A detailed analysis on traffic is included in the following sections of the report.

Report to the Planning Commission  
Planning Division/Engineering Division

1/11/2018

**Al Farooq Youth & Family Center****(AFYFC)****Building Usage at 8201, Park Avenue South, Bloomington, MN 55420**

We propose to use the Al Farooq Youth & Family Center as a private primary school and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings.

With the private Primary School being the anchor of this Center other activities will more or less revolve around that. This will be the most spacious school that our primary school could have. A day care center will be established before the School begins enrolment. Since many teachers in our community are mothers, day care services for their children are absolutely essential to establish within the premises.

# الدورة الصيفية

## السادسة عشرة

تعلن الجامعة الإسلامية بولاية مينيسوتا بالتعاون مع مركز دار الفاروق بمدينة بلومنتون عن الدورة الصيفية السادسة عشرة



**الدكتور إبراهيم الحفصي**  
 رئيس الجامعة الإسلامية بولاية مينيسوتا  
 الدكتور إبراهيم الحفصي هو أستاذ في علم أصول الفقه في جامعة ولاية مينيسوتا في بلومنتون، مينيسوتا، الولايات المتحدة الأمريكية.



**الدكتور أيمن الحفصي**  
 أستاذ في علم أصول الفقه في جامعة ولاية مينيسوتا في بلومنتون، مينيسوتا، الولايات المتحدة الأمريكية.



**الدكتور أحمد الحفصي**  
 أستاذ في علم أصول الفقه في جامعة ولاية مينيسوتا في بلومنتون، مينيسوتا، الولايات المتحدة الأمريكية.



**الدكتور أيمن الحفصي**  
 أستاذ في علم أصول الفقه في جامعة ولاية مينيسوتا في بلومنتون، مينيسوتا، الولايات المتحدة الأمريكية.

ابتداء من يوم الأربعاء 19 أغسطس إلى يوم الأحد 30 أغسطس 2020

يومياً لمدة اثني عشر يوماً متتالية من الساعة 6 مساءً إلى الساعة 11 مساءً بتوقيت ولاية مينيسوتا

مركز دار الفاروق، 3542 S Blomington Ave, Bloomington, MN 55425 USA

تواصل الساعة 7 مساءً بتوقيت مكة المكرمة  
 وبرنامجنا متاح عبر الهاتف

سيتم الحضور أون لاين (بث مباشر) بحضور الدورة وإعدادها والكاتب المشهور بالاسم الكامل، إن شاء الله تعالى. من كتاب الجامعة الإسلامية بولاية مينيسوتا (11 ساعة خيرية بقيمة 100 دولار) من خلال برنامجنا عبر الإنترنت.



1 651 368 9331  
 info@imnnesota@gmail.com iium.edu.sa

CASE #PL2020-98



ولاية بن إدريس الفهسي  
 Follow · June 27



The announcement of the sixteenth scientific summer session from 19 to 30 August 2020, God willing

At the headquarters of the Islamic University of Minnesota in Blumenton, Minnesota, live streamed online and rest of the information in the attached ad

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فؤاد الحفصي  
 بارك الله فيكم تيهناً الجليل وراكم علماً وفيها ونوراً وتوفيقاً  
 من فضلكم أين يكون التسجيل

**Johnson, Nick M**

---

**From:** Vi Rozek [REDACTED]  
**Sent:** Tuesday, July 28, 2020 12:33 PM  
**To:** Martin, Patrick  
**Cc:** Johnson, Nick M; Planning; Centinario, Michael; Markegard, Glen  
**Subject:** Success Academy at DAF is legally non-conforming use and should not be expanded beyond the approved occupancy  
**Attachments:** y parking demand.png; 20180111 daycare cannot be expanded.png; traffic.png; z 2011 staff report.png; x email planning no increase Life Church.png

Councilmember Martin,

When **you** walked the Smith Park neighborhood you commented that neighbors were concerned about the intense use at Dar Al Farooq and the traffic it generated, in addition to the hours that are early in the morning to late at night.

You have had previous opportunities to require City Code compliance and you chose not to by allowing the non-complying Dar Al Farooq property to expand their use. I am requesting that you require compliance to City Code and vote "NO" to the new Dar Al Farooq/Success Academy request to expand.

Again, as you have heard from the Smith Park neighbors, Dar Al Farooq has negatively impacted the neighborhood. This negative impact began before they purchased the property, while the property did not have a certificate of occupancy, by having an event in March 2011 for 800-1000 patrons.

The City has acknowledged the negative impact but said they couldn't do anything because it is a religious use, as noted by the former Mayor's comment in the Star Tribune, "After listening to what the city couldn't do, Mayor Gene Winstead said, "It sounds like RLUIPA has gone completely nuts -- totally in one direction."

Cities tread warily on holy ground



**Cities tread warily on holy ground**

Bloomington and other metro-area cities have found that restricting religious groups is dicey.

It was also noted when a councilmember asked if it was fraud to misrepresent the use.

The City had an opportunity to address the negative impact of the building by denying an expansion of a nonreligious, legally non-conforming use of the school from 60 to 84, and 84 to 130, and the City did not.

The City could address it once again by denying the request to expand the school from 130 to 180. Instead the Planning Commission has recommended the expansion regardless that the City does not allow institutional uses that are not adjacent to an arterial or a collector, and stated in January 2018, identifies them as "legally non-conforming" and stated they can "not be expanded beyond the approved occupancy..." (first attachment).

Instead the City is applying standards for conforming properties to Dar Al Farooq, but recommended the expansion regardless that it will be going over the 1,000 trip mark (second attachment) on Friday's.

At the commission hearing a commission wanted to confirm there would be no additional students and no additional staff on Friday,

The executive director of Success Academy replied, that there may be one or two teachers there for planning purposes. He explained that the teachers will come and do their distance learning/online part from the school and that the school would not be able to tell them to work from home because they need to make copies and use the computer and the internet.

A student population of 50 includes teachers and support staff, and it is unlikely that one of the many for the additional 50 students would not drive to the school on Friday.

Other concerns with the 50 additional students are the school events such as back to school, parent nights, and activities. A school with a 180 students will require considerably more events and more parking for these events than 130 students. The neighborhood is already negatively impacted by the place of assembly and community center events and more recently the added school events.

The hearing did not discuss the negative impact of the exclusive use of the public Smith Park playground. A school playground is not safe for children not of school age. There has been comparison to the Seven Hills Academy use of the Cedarcrest playground which is not a fair comparison. The Cedarcrest playground is not on public property, the Smith Park playground is a public park on public property given to the private business Success Academy and other uses at Dar Al Farooq.

Additionally, unlike other Bloomington Schools that take out a permit to use a Bloomington Public Park, Success Academy does not, and that negatively impacts the park. For example, Success Academy has not taken out a permit when using the park for gym class, such as teaching students to ride a bike in the park parking lot or on the park hill, or using the park for special events.

The shared use agreement includes the fields, it does not include the park and the playground, and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

Again, you heard the neighbor's concerns of the intense use and traffic and that it negatively impacts the park and surrounding neighborhood and yet you voted to allow both an expansion and an exclusive use of the public playground, by a private business making the park unavailable to the general public. Adding 50 more students will make it that much worse.

The original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." (third attachment) The proposed re-use was for a maximum of 200 for Friday prayer," a private primary school (60) and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings," and hours from 7am to 10pm. Since then there are hundreds more for prayer, a charter school for 130 students, a community center that is not limited to athletic activities, open early in the morning before 7am and open late well after 10pm. There is an office park on the south end and the building is the headquarters of the Islamic University of Minnesota. A proposed use that is maximized should not be approved to expand and yet it has twice, and now there is a third request.

Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," (fourth attachment) but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size.

Again, the City put a limit to Life Church student population, and yet planning is recommending an expansion of Dar Al Farooq, regardless that 2011 the City stated it maximizes the occupancy. This does not make sense especially since the limit placed on Life Church was before the requirement that institutional uses are required to be adjacent to an arterial or a collector.

Staff did not provide any comparatives as it did when the school increased from 84 students to 130 students. The main comparative in the previous request was Life Church which is about 9 acres and so is Dar Al Farooq. Life Church has a parking lot of 130 parking spaces with a demand less than 130, while Dar Al Farooq has a parking lot of 151 parking spaces and a demand of 263 parking spaces (fifth attachment), that is 133 more demand for parking spaces. Life Church has a student population of 135 students while Dar Al Farooq has a student population of 130 students, and yet there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq. Life Church is limited to a school of 135 students and a place of assembly, where Dar Al Farooq is a school of 130, a place of assembly, a community center, a weekend school, office park, and an Islamic University of Minnesota and yet again, there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq.

Traffic intensity and speed continue to be a problem which has been noted by the median being hit.

An exchange with staff concerning the median included the following statement, "The center median was installed as a traffic calming device, if drivers are traveling at too high a rate of speed or inattentively driving that can lead to the median being hit."

This traffic concern should have been in the staff report and mentioned during the Planning Commission meeting, and it was not.

Councilmember Martin, I am asking council to stop this abuse of the neighborhood, and put an end to the overuse and noncompliant use of Dar Al Farooq, and to deny the requested expansion to the legally non-conforming uses because it is not City Code compliant.

The abuse of DAF to our neighborhood has gone on for years and "NO ONE" in the city govt takes the proper actions or even cares about us by Smith Park. Our city needs to stop this expansion of Success Academy.

Vi Rozek

## Conclusions and Recommendations

- **Parking Demand**
  - 207 spaces are required at 8201 Park Avenue South.
  - There are 267 spaces available for patrons to use.
  - Greatest parking demand is currently 263 vehicles which occurred during the Friday midday Event In (12:00 PM to 1:00 PM).
  - Greatest parking demand for the school use is currently 50 vehicles which occurred during the weekday afternoon peak hour (2:45 PM to 3:45 PM).
  - At most 42 vehicles were recorded to park on the street during the Friday Midday Event In (12:00 PM to 1:00 PM) so the additional 49 spaces as shown in the proof of parking agreement are recommended to accommodate these vehicles.
  - The additional parking area is shown in **Figure 36** of the **Appendix** with a two-way driveway access added off of E 83<sup>rd</sup> Street.

## ANALYSIS

Since the 2011 Conditional Use Permit approval, two City Code amendments regarding daycare and institutional uses were approved. Section 21.302.27, daycare facilities, requires that daycares of greater than 13 persons must be located on arterial or collector streets. Therefore, if established, the approved daycare would be a legally non-conforming use. As such, it could not be expanded beyond the approved occupancy of 20 persons. This application to remove the daycare eliminates any future daycare with greater than 13 persons without a City Code amendment and removes the potential for establishing the legal non-conforming use.

Section 21.302.06, institutional use standards, establish criteria to reduce the impacts of institutional uses on surrounding uses, particularly surrounding residential uses. Criteria are established to address several potential types of impact, including traffic. The Public Works Department has concluded the anticipated traffic generation from the proposed amendments falls below the levels prohibited by the institutional use standards. Therefore, a traffic study is not required for this application, but would likely be for any future expansion proposal. A detailed analysis on traffic is included in the following sections of the report.

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:

Report to the Planning Commission  
Planning Division/Engineering Division

March 24, 2011

CITY OF BLOOMINGTON MINNESOTA  
CASE 8915A-11

REQUEST FOR COUNCIL ACTION  
PAGE 4

*Land Use*

The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school. The options for the reuse of a school site are limited, without redevelopment. The proposed uses would occupy the building with minimal changes. As the proposed uses are diverse in services offered, they are all tied together by the single organization. This allows for the coordination of the uses to assure compliance with the City Code performance standards for the site. This includes but is not limited to occupancy limitations and parking.

The varieties of uses proposed are compatible with the building and the surrounding property. The school, while a private educational institution, is open to public enrollment. The fitness center will be available only to members of the school and the organization. According to the applicant, community style activities will be conducted and would open to the community throughout the year. The property owner may lease spaces for community meetings and activities, much like Creekside Community Center.

**From:** Johnson, Nick M [mailto:[nmjohnson@BloomingtonMN.gov](mailto:nmjohnson@BloomingtonMN.gov)]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabeaa [REDACTED]  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students – see attached approval letter with conditions from 1995. I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.

If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
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**From:** Vi Rozek [REDACTED]  
**Sent:** Wednesday, July 29, 2020 4:28 PM  
**To:** Martin, Patrick  
**Cc:** Johnson, Nick M; Centinario, Michael; Planning; Busse, Tim  
**Subject:** Reply about the DAF building on 8201 Park Av  
**Attachments:** eid event.jpg

Councilmember Martin,

The data has been extensive because it is almost ten years of a property abusing a park and neighborhood.

Today, DAF building informed our neighborhood about an upcoming event for this Friday in the middle of **PANDEMIC!!!**. (See the enclosed document). I would like to know what our city is going to do police this event so it won't go over the limit. This building has pushed this neighborhood to the limit and no one at the city cares cause it's not in their neighborhood. The DAF building will tell the city manager that they will take care of the traffic and the amount of people attending but we in this neighborhood know that is a joke... they go over that every week and we see it. This is a very scary times and this pandemic is not a joke. I cannot believe the city is allowing this event to go on especially with the huge amount of people it attracts from all over the Twin Cities. **THERE IS A PANDEMIC OUT THERE and every week the council reminds us of it and all the rulings. Are these warnings for everyone else but not over here????? Why is this neighborhood treated differently?????**

The neighborhood requested that the City address the overuse and noncompliant use that created the traffic and instead you voted to add more traffic, regardless that an institutional use is a "legally non-conforming" and as the City has stated can "not be expanded beyond the approved occupancy..." (first attachment).

The traffic calming measures have not stopped the traffic that is too fast, I live here, I see it.

The median, it has not been one person, the median sign being down a couple of times, and it appears it has been hit more than a couple of times.

You state, "safer crossings for kids to get to school," I have not heard council concern itself with the safety of Smith Park or the surrounding neighborhood, and adding 50 more students is not safer.

From google search ...

### **Median in a street**

The median strip or central reservation is the **reserved area that separates opposing lanes of traffic on divided roadways**, such as divided highways, dual carriageways, freeways, and motorways. The term also applies to divided roadways other than highways, such as some major streets in urban or suburban areas.

Note that it does not describe a local street and instead major streets which would indicate more than room for one vehicle going in opposite directions.

The median on Park Ave is a hazard just look how crooked the road is to accommodate the median.

The City Code that sites traffic calming measures are for conforming institutional uses on an arterial or a collector, and yet the City paid just under **\$100,000.00** for traffic calming measures to address the traffic generated by 8201 Park.

During the hearing staff misspoke about the new entrance to Smith Park by not informing the commission the new entrance to Smith Park was a requirement of Success Academy/Dar Al Farooq to address the traffic. You were at the hearing and you know that the Smith Park entrance change was due to the traffic at Smith Park and not a need of the City. **The City did not need a new entrance.** Staff mentioned that Dar Al Farooq contributed \$10,000 but did not inform the commission that the City paid just under \$100,000.00 for the entrance, a median and a bump out, all to be the financial responsibility of Success Academy/Dar Al Farooq to address the traffic generated by Success Academy/Dar Al Farooq.

The other point made is that the City is applying guidelines for conforming institutional uses on an arterial or a collector to a property that is nonconforming and yet not even staying within those parameters. Please address this concern that on Friday's the trip count is above the 1,000 trips.

Please address that the City used Life Church as a comparison to expand the school from 84 to 130 but does not when expanding it from 130 to 180 regardless that a staff email concerning Life Church (135 students), planning states that if expanded would not "be possible without the place of assembly use vacating," (second attachment) but does not state the same for Dar Al Farooq.

Also address, why the hearing did not discuss the negative impact of the exclusive use of the public Smith Park playground, and that a school playground is not safe for children not of school age and why staff has not explained that Cedarcrest playground is on property owned by Seven Hills Academy while Smith Park playground is a **public park on public property**. Please address why staff has not explained that the shared use agreement includes the fields, it does not include the park and the playground, and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

Once again, Councilmember Martin, I am asking council to **stop** this abuse of the neighborhood, and put an end to the overuse and noncompliant use of Dar Al Farooq, and to deny the requested expansion to the legally non-conforming uses because it is not City Code compliant.

Vi Rozek



## DAR AL-FAROOQ ISLAMIC CENTER EVENT NOTIFICATION

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NOTIFICATION NO. 00549/C

DATE: July 15<sup>th</sup>, 2020

### EID AL-ADHA 2020 CELEBRATION EVENT

Dear Neighbor,

Assalamu Alaykum! (Peace Be Upon You)

The Dar Al-Farooq Center is happy and honored to announce the EID AL-ADHA 2020 celebration to be held at its premises on the 11<sup>th</sup> of July 2020. The festival of EID AL-ADHA is the second celebration of the year for all Muslims over the world. This Eid comes right after the end of Hajj (the Pilgrimage).

As with the past years, the Center will be conducting this event on the Eid day from morning 7:00 am until noon 12:00 pm. Volunteers will help ensure smooth flow of traffic before and after the prayer. As has been seen in the past, the Center will much appreciate your cooperation in the smooth conduct of this event.

**EID MUBARAK (HAPPY EID)!**

**From:** Vi Rozek [REDACTED]  
**Sent:** Thursday, July 30, 2020 9:41 AM  
**To:** Coulter, Nathan  
**Cc:** Johnson, Nick M; Centinario, Michael; Planning  
**Subject:** Success Academy at DAF is legally non-conforming use and should not be expanded beyond the approved occupancy  
**Attachments:** traffic.png; y parking demand.png; yx email planning no increase Life Church.png; 20180111 daycare cannot be expanded.png; eid event.jpg

Councilmember Coulter,

The neighborhood requested that the City address the overuse and non compliant use that created the traffic and instead you voted to add more traffic, regardless that an institutional use is a "legally non-conforming" and as the City has stated can "not be expanded beyond the approved occupancy..." (first attachment).

The traffic calming measures have not stopped the traffic that is too fast, **I live here, I see it.**

The median, it does not belong on a local street, it has been hit a couple of times, and it is not safer.

The median on Park Ave is a hazard just look how crooked the road is to accommodate the median.

Adding traffic to this area is not a good idea.

\*\*\*\*\*On Wednesday, DAF building informed our neighborhood about an upcoming event for this Friday in the middle of **PANDEMIC!!!**. (See the enclosed document). I would like to know what our city is going to do police this event so it won't go over the limit. This building has pushed this neighborhood to the limit and no one at the city cares cause it's not in their neighborhood. The DAF building will tell the city manager that they will take care of the traffic and the amount of people attending but we in this neighborhood know that is a joke... they go over that every week and we see it. This is a very scary times and this pandemic is not a joke. I cannot believe the city is allowing this event to go on especially with the huge amount of people it attracts from all over the Twin Cities. **THERE IS A PANDEMIC OUT THERE and every week the council reminds us of it and all the rulings. Are these warnings for everyone else but not over here????? Why is this neighborhood treated differently?????**

The City Code that sites traffic calming measures are for conforming institutional uses on an arterial or a collector, and yet the City paid just under **\$100,000.00** for traffic calming measures to address the traffic generated by 8201 Park. The City paid just under \$ 100,000 for work that Dar Al Farooq was to pay for for the traffic Dar Al Farooq generates.

During the hearing staff misspoke about the new entrance to Smith Park by not informing the commission the new entrance to Smith Park was a requirement of Success Academy/Dar Al Farooq to address the traffic. You were at the hearing and you know that the Smith Park entrance change was due to the traffic at Smith Park and not a need of the City. **The City did not need a new entrance.** Staff mentioned that Dar Al Farooq contributed \$10,000 but did not inform the commission that the City paid just under \$100,000.00 for the entrance, a median and a bump out, all to be the financial responsibility of Success Academy/Dar Al Farooq to address the traffic generated by Success Academy/Dar Al Farooq.

During the previous hearing the City used Life Church as a comparison to expand the school from 84 to 130 but did not offer the comparison when expanding the school from 130 to 180 regardless that a staff email concerning Life Church (135 students), planning states that if expanded would not "be possible

without the place of assembly use vacating," (second attachment) but does not state the same for Dar Al Farooq.

Again, staff did not provide any comparatives as it did when the school increased from 84 students to 130 students. The main comparative in the previous request was Life Church which is about 9 acres and so is Dar Al Farooq. Life Church has a parking lot of 130 parking spaces with a demand less than 130, while Dar Al Farooq has a parking lot of 151 parking spaces and a demand of 263 parking spaces (third attachment), that is 133 more demand for parking spaces. Life Church has a student population of 135 students while Dar Al Farooq has a student population of 130 students, and yet there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq. Life Church is limited to a school of 135 students and a place of assembly, where Dar Al Farooq is a school of 130, a place of assembly, a community center, a weekend school, office park, and an Islamic University of Minnesota and yet again, there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but did not inform the same for Dar Al Farooq.

The City has limited Life Church on the West Side of 35w to 135 students, but recommends an expansion of Dar Al Farooq on the East Side of 35W.

The Planning Commission has recommended the expansion, again, regardless that the City does not allow institutional uses that are not adjacent to an arterial or a collector, and stated in January 2018, identifies them as "legally non-conforming" and stated they can "not be expanded beyond the approved occupancy..." (first attachment).

Instead the City is applying standards for conforming properties to Dar Al Farooq, but recommended the expansion regardless that it will be going over the 1,000 trip mark (fourth attachment) on Friday's.

At the commission hearing a commission wanted to confirm there would be no additional students and no additional staff on Friday,

The executive director of Success Academy replied, that there may be one or two teachers there for planning purposes. He explained that the teachers will come and do their distance learning/online part from the school and that the school would not be able to tell them to work from home because they need to make copies and use the computer and the internet.

Two teachers is four trips over 1,000 trip mark.

Staff also did not discuss the negative impact of the exclusive use of the public Smith Park playground, and that a school playground is not safe for children not of school age. Staff did not explain that Cedarcrest playground is on property owned by Seven Hills Academy while Smith Park playground is **a public park on public property**.

Staff did not explained that the shared use agreement includes the fields, it does not include the park and the playground, and yet the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

Once again, Councilmember Coulter, I am asking council to **stop** this abuse of the neighborhood, and put an end to the overuse and noncompliant use of Dar Al Farooq, and to deny the requested expansion to the legally non-conforming uses because it is not City Code compliant

Vi Rozek

**From:** Vi Rozek [REDACTED]  
**Sent:** Thursday, July 30, 2020 10:01 AM  
**To:** Lowman, Dwayne  
**Cc:** Johnson, Nick M; Centinario, Michael; Planning  
**Subject:** Success Academy at DAF is legally non-conforming use and should not be expanded beyond the approved occupancy  
**Attachments:** eid event.jpg; traffic.png; yx email planning no increase Life Church.png; z trip graph.png; y headquarters.png; 20130715 change prohibits new use or expansion adjacency.png; y parking demand.png; 20180111 daycare cannot be expanded.png; z 2011 staff report.png; y community center.png

Councilmember Lowman,

The Planning Commission has recommended expansion of the Dar Al Farooq Property once again, regardless that it is not City Code compliant. The concern of staff, the commission and the council is whether the use negatively impacts the neighboring properties and the current use does and adding to it will too!

At the last hearing you inquired how many students Dar Al Farooq Property needed to work financially, and that is not information that is considered when approving a conditional use permit. It is how the property is planned to be used, and whether or not this use negatively impacts the surrounding area and it does, and adding to it will make it worse.

Again, **it does not matter how many students Dar Al Farooq Property needs financially**, it is how it will **negatively** impact the neighborhood, and it does already and adding more will make it worse.

Dar Al Farooq has negatively impacted the neighborhood, before Dar Al Farooq purchased the property with an event, March 2011, in the gym that did not have a certificate of occupancy. The City has acknowledged the negative impact but says they can't do anything because it is a religious use, as noted by the former Mayor's comment, "After listening to what the city couldn't do, Mayor Gene Winstead said, "It sounds like RLUIPA has gone completely nuts -- totally in one direction." (see link).

<https://www.startribune.com/metro-area-cities-tread-warily-on-holy-ground/168230826/>

Regardless of the negative impact the City has allowed the building to expand the use, and has increased the Charter School (nonreligious) from 60 to 84, then 84 to 130 and now the request is from 130 to 180.

\*\*\*\*\*On Wednesday, DAF building informed our neighborhood about an upcoming event for this Friday in the middle of **PANDEMIC!!!**. (See the enclosed document). I would like to know what our city is going to do police this event so it won't go over the limit. This building has pushed this neighborhood to the limit and no one at the city cares cause it's not in their neighborhood. The DAF building will tell the city manager that they will take care of the traffic and the amount of people attending but we in this neighborhood know that is a joke... they go over that every week and we see it. This is a very scary times and this pandemic is not a joke. I cannot believe the city is allowing this event to go on especially with the huge amount of people it attracts from all over the Twin Cities. **THERE IS A PANDEMIC OUT THERE and every week the council reminds us of it and all the rulings. Are these warnings for everyone else but not over here????? Why is this neighborhood treated differently?????**

On Thursday July 23, 2020, the Planning Commission recommended expansion, and below is a summary.

## Summary

The City previously denied Martin Luther Manor an expansion and was taken to court, the City won but wanted a City Code to support the denial of Conditional Use Permits. The City changed the City Code so institutional uses are required to be adjacent to an arterial or a collector street. Dar Al Farooq is not, and a previous request for expansion Dar Al Farooq was informed the current use was "legally non-conforming" and as such, "could not be expanded beyond the approved occupancy..." (first attachment).

Uses that are adjacent to an arterial or a collector are conforming but there are standards to address traffic on local streets (fifth attachment). Unfortunately, the City is applying those standards to the legally non-conforming Dar Al Farooq property that is not adjacent to an arterial or a collector.

In addition to applying the standards for institutional uses adjacent to an arterial or a collector, the commission was not concerned that the new proposed use went above those standards as well.

At the July 23, 2020 Planning Commission meeting, a commissioner spoke about wanting to clarify what was stated earlier that there would be no additional students on Friday, and that there would also be no additional staff on Friday. The commissioner asked whether there would be additional staff at the school on Friday with the increase in enrollment.

The commission wanted to confirm there would be no additional students and no additional staff on Friday,

The executive director of Success Academy replied, that there may be one or two teachers there for planning purposes. He explained that the teachers will come and do their distance learning/online part from the school and that the school would not be able to tell them to work from home because they need to make copies and use the computer and the internet. He said the most they were talking about is two individuals.

Two individuals is four more trips, which is four trips too many over the 1,000 trips for Friday.

And it is unlikely that it will be just two individuals for 50 additional students. The school will likely need to hire additional staff such as food service, psychologists, counselors, speech therapists, and special education teachers. The support staff will likely assist the other students as well and be in the school M-F.

The school will need to hire more staff and again, it is unlikely that staff will only be in the school M-Th and even if Success Academy promises that all new staff will not work on Friday, that is not something the City can monitor. Also, CUP's go with the land and again, it would be difficult to monitor as it has been difficult for the City to monitor and for Dar Al Farooq to comply with the required limit of 500 in the gym, and the limit to concurrent uses of the property.

Staff addressed the commissioners who talked about the students who walk and have multiple students in a family, and stated that use is highly subject to change, and that an operational plan might not be sustainable. A school with 130 M-F students and 50 hybrid students is not sustainable either.

The commissioners do not appear to understand that conditional use permits go with the land and that promises by the applicant are not conditions that can be enforced. Dar Al Farooq made promises to the City to run a tight ship, when asked about the Friday prayer of 200, and that did not happen and the result is exclusive use of the Smith Park parking lot and regular on-street parking against City policy.

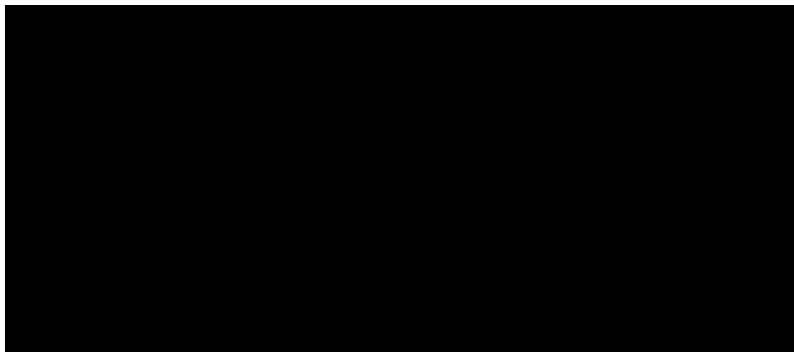
At the hearing a commissioner commented that they get traffic, and he did not recognize that is the reason for City Codes, to address negative impacts that do not maintain-low density neighborhoods. The goal is not for all to be negatively impacted, it is to recognize the negative impact and prevent it from happening to others. Low-density neighborhoods generate 10-trips per lot size, and the City should not allow one property to generate more traffic at the expense of neighboring properties where it negatively

impacts the other properties and in the case the public park. Additionally, the commissioner's comment indicates that he did not recognize this was the traffic from the building and not all the traffic.

There was a comment during the meeting that Success Academy will be sensitive to issues, again, that does not pertain to a conditional use permit application, additionally, they have not been. Unlike other Bloomington Schools that take out a permit to use a Bloomington Public Park, Success Academy does not, and that negatively impacts the park. For example, Success Academy has not taken out a permit when using the park for gym class, such as teaching students to ride a bike in the park parking lot or on the park hill, or using the park for special events.

A commissioner asked about the letters in support of the expansion that mentioned the 450 students. Staff replied that was the peak enrollment of the school but that it was not a multi use facility. This is another example of Success Academy not being sensitive to the issues. Success Academy/Dar Al Farooq are aware of the difference but it is clear from the letters with 8 out of 11 mentioning 450 students that Success Academy/Dar Al Farooq did not inform parents that operating only a school, and one from over 30 years ago, is different than operating a school, place of assembly, community center, an office park, a university (eighth attachment) and other uses such as noted in the link below, the American School of IT (ASIT).

[American School of IT - ASIT, 8201 Park ave S. #113, Bloomington, MN \(2020\)](#)



**American School of IT - ASIT, 8201 Park ave S. #113, Bloomington, MN (2020)**

American School of IT (ASIT) Computer Training School 8201 Park ave S. #113 Bloomington, MN 55420 Tell: (571) 7...

When the executive director of Dar Al Farooq spoke, it was difficult to hear, what was heard was the reply to the question whether Friday session would be at home or the community center. The reply was that they were expected to be told not to come to the school site. Again, when Dar Al Farooq applied in 2011, the Council was told Dar Al Farooq would run a tight ship and turn people away. Once again, the City is being asked to approve a use that relies on promises.

After the hearing was closed the commissioners discussion included stating that the traffic numbers are under the threshold, they are not, as confirmed by the executive director of Success Academy that stated "the school would not be able to tell them (teachers) to work from home." The commissioner's discussion included a comment about worrying about the safety of the students, but not about the safety of the children in the neighborhood.

Another commissioner noted the increase limited to M-Th was a reason to support the proposed increase, not recognizing that the new City Code was to recognize and allow a facility to have a great amount of traffic one day knowing there would likely be very little traffic on other days. Instead the Smith Park neighborhood is seeing a facility trying to maximize traffic everyday at the expense of the park and neighborhood.

Another commissioner commented about the applicants creative thinking and about going online being commendable, but did not address that online is only for one day and that the other days, although under 1,000, are still too much traffic, again, this commissioner did not recognize that the 1,000 was for the facility that will be busy one day, like a place of assembly, but then little traffic on other days.

And not one commissioner questioned Success Academy's exclusive use of the public Smith Park playground. A school playground is not safe for children not of school age. There has been comparison to the Seven Hills Academy use of the Cedarcrest playground which is not a fair comparison. The Cedarcrest playground is not on public property, the Smith Park playground is a public park on public property given to the private business Success Academy and other uses at Dar Al Farooq.

During the hearing staff also misspoke about the new entrance to Smith Park by not informing the commission the new entrance to Smith Park was a requirement of Success Academy/Dar Al Farooq to address the traffic. Staff mentioned that Dar Al Farooq contributed \$10,000 but did not inform the commission that the City paid just under 100,000 for the entrance, a median and a bump out all the financial responsibility of Success Academy/Dar Al Farooq to address the traffic generated by Success Academy/Dar Al Farooq.

Most importantly, what staff did not mention

That the request for expansion incorrectly stated, "Mitigation measures implemented after the 2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school." There was no construction of a dedicated playground and that has negatively impacted the park, and again, the City paid just under 100,000 for Dar Al Farooq/Success Academy's roadway safety improvements.

That the shared use agreement includes the fields, it does not include the park and the playground, and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

Other concerns with the 50 additional students are the school events such as back to school, parent nights, and activities. A school with a 180 students will require considerably more events and more parking for these events than 130 students. The school events are in addition to the place of assembly, community center, and Islamic University of Minnesota events.

That the original staff report from March 24, 2011, states, "The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school." The proposed re-use was for a maximum of 200 for Friday prayer," (seventh attachment) a private primary school (60) and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings," (eighth attachment) and hours from 7am to 10pm. Since then there are hundreds more for prayer, a charter school for 130 students, a community center that is not limited to athletic activities, open early in the morning before 7am and open late well after 10pm. There is an office park on the south end and the building is the headquarters of the Islamic University of Minnesota (first attachment).

Again, in 2011, planning determined the proposed use maximized the vacant school but the City continues to allow increases in use negatively impacting the surrounding neighborhood by generating traffic more than the 10 trips per lot size that maintains a low-density neighborhood. The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods.

The City limited Life Church student population to 135 students, and planning stated that if expanded would not "be possible without the place of assembly use vacating," (second attachment) but planning is recommending the expansion of Dar Al Farooq, regardless that Dar Al Farooq original Conditional Use Permit was said to maximize the occupancy, has more uses, and is more intense and well over the 10 trips per lot size.

Again, the City put a limit to Life Church student population, and yet planning is recommending an expansion of Dar Al Farooq, regardless that 2011 the City stated it maximizes the occupancy. This does not make sense especially since the limit placed on Life Church was before the requirement that institutional uses are required to be adjacent to an arterial or a collector.

The Pre-Application DRC Planning Review that mentions the institutional use standards in City Code (Sec. 21.302.06) did not negate or remove the comprehensive plan to maintain low-density neighborhoods, the same comprehensive plan that denied Martin Luther Manor an expansion and limited Life Church to 135 students.

Staff did not provide any comparatives as it did when the school increased from 84 students to 130 students. The main comparative was Life Church which is about 9 acres and so is Dar Al Farooq. Life Church has a parking lot of 130 parking spaces with a demand less than 130, while Dar Al Farooq has a parking lot of 151 parking spaces and a demand of 263 parking spaces (seventh attachment), that is 133 more demand for parking spaces. Life Church has a student population of 135 students while Dar Al Farooq has a student population of 130 students, and yet there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," but not one for Dar Al Farooq. Life Church is limited to a school of 135 students and a place of assembly, where Dar Al Farooq is a school of 130, a place of assembly, a community center, a weekend school, office park, and an Islamic University of Minnesota and yet again, there is an email concerning Life Church where planning stated that if expanded would not "be possible without the place of assembly use vacating," (second attachment) but did not state the same for Dar Al Farooq.

A conditional use permit goes with the land and to have 130 students attend school Monday through Friday and 50 students attending Monday through Thursday, is what the former Mayor would say, "too many moving parts."

There were eleven people from Success Academy that wrote to planning, and eight incorrectly commented about the previous use of the building having 450 students. The student population of 450 students was back when it was a local public elementary school, most of the students walked, and that was the only use.

The building/school is setting the neighborhood for further divide, and it makes those who oppose look unreasonable when the reality is that the building is overused and noncompliant and has negatively impacted residents from before it opened. Since Dar Al Farooq has opened it has had an assembly for hundreds more than the original proposal of 200 max on Friday, hours well before and long after the proposed 7am-10pm, the community center is more than focused on athletic events, the school is not a private school for 60 but a charter school for 130, and then there is the office park and the Islamic University of Minnesota. These uses are too intense for the middle of a neighborhood.

The Mayor recently responded to a resident stating, "I'm sure you recall that there has been discussion in the past that Conditional Use Permits are not intended to be used as apples-to-apples comparisons. The requests from Martin Luther Manor and Dar Al Farooq are unique and independent of each other. The conditions the Council and staff place on each CUP application are specific to that particular application."

The discussion, for Dar Al Farooq's previous request to expand used Life Church as a comparative, and should again. Additionally, the Staff Report was for Dar Al Farooq to provide their own playground, and pay for the mitigating measures. It was not until after the hearing was closed to the public, the former Mayor offered the Smith Park playground to a private business and to use City funds toward the required mitigating measures for a private business. The loss of the Smith Park playground to the general public,

the addition of an entrance to Smith Park, and the median (it has been hit several times) have negatively impacted the neighborhood and did so at taxpayer cost without taxpayer input.

An exchange with staff concerning the median included the following statement, "The center median was installed as a traffic calming device, if drivers are traveling at too high a rate of speed or inattentively driving that can lead to the median being hit."

Patrons are still driving at too high a rate of speed and adding more patrons to the building increases the traffic and chance of those who speed. This traffic concern should have been in the staff report and mentioned during the Planning Commission meeting.

The City denied Martin Luther Manor an expansion, Martin Luther Manor took the City to court, the City won, and then restricted institutional uses to arterial and collectors. The City did not remove the maintaining of low-density neighborhoods. The City did not change the City Code so that Martin Luther Manor could expand, it changed the City Code to solidify the City denying an expansion. Unlike Dar Al Farooq, the City has allowed expansions that continue to negatively impact Smith Park and the surrounding neighborhood.

Vi Rozek

**From:** Vi Rozek [REDACTED]  
**Sent:** Thursday, July 30, 2020 10:09 AM  
**To:** Carter, Jenna  
**Cc:** Johnson, Nick M; Centinario, Michael; Planning  
**Subject:** Success Academy at DAF is legally non-conforming use and should not be expanded beyond the approved occupancy  
**Attachments:** eid event.jpg; yx email planning no increase Life Church.png; traffic.png; z trip graph.png; 20180111 daycare cannot be expanded.png

Councilmember Carter,

First of all:

\*\*\*\*\*On Wednesday, DAF building informed our neighborhood about an upcoming event for this Friday in the middle of **PANDEMIC!!!**. (See the enclosed document). I would like to know what our city is going to do police this event so it won't go over the limit. This building has pushed this neighborhood to the limit and no one at the city cares cause it's not in their neighborhood. The DAF building will tell the city manager that they will take care of the traffic and the amount of people attending but we in this neighborhood know that is a joke... they go over that every week and we see it. This is a very scary times and this pandemic is not a joke. I cannot believe the city is allowing this event to go on especially with the huge amount of people it attracts from all over the Twin Cities. **THERE IS A PANDEMIC OUT THERE and every week the council reminds us of it and all the rulings. Are these warnings for everyone else but not over here????? Why is this neighborhood treated differently?????**

The neighborhood requested that the City address the overuse and noncompliant use that created the traffic and instead the council voted to add more traffic, regardless that an institutional use is "legally non-conforming" and as the City has stated can "not be expanded beyond the approved occupancy..." (first attachment).

There are several concerns with the request for expansion and below I questioned planner Nick Johnson as to some of what staff has stated.

The application includes data that the 2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school. My response was that this was not accurate and should be noted in the staff report. Planner Nick Johnson replied, "I concur. Playground equipment dedicated to the sole use by the school was not constructed. I will reiterate this point as part of my presentation."

I do not think it was made clear enough in his presentation, and that if it was the commission would not have recommended an expansion.

The school not having a dedicated playground and the schools exclusive use of the public Smith Park playground negatively impacts the park. A school playground is not safe for children not of school age.

There has been previous mention of Cedarcrest playground as if that is a comparative, it is not. Cedarcrest playground is on property owned by Seven Hills Academy while Smith Park playground is a public park on public property.

There is a shared agreement that includes the Cedarcrest playground. There is not a shared use agreement that includes the Smith Park playground. The shared agreement with Dar Al Farooq includes the fields, it does not include the park and the playground, and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

Additionally, unlike other Bloomington Schools that take out a permit to use a Bloomington Public Park, Success Academy does not, and that negatively impacts the park. For example, Success Academy has not taken out a permit when using the park for gym class, such as teaching students to ride a bike in the park parking lot or on the park hill, or using the park for special events.

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I received a response that there is no ITE rate, which does not make sense because online schools produce traffic, the City has approved an online only school that required parking which generates traffic.

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Code ([www.code.blm.mn/21.302.06](http://www.code.blm.mn/21.302.06)). It is this ordinance that serves as the test or criteria by which expansions of institutional uses are evaluated for compliance with City Code, not any previous methodology related to Martin Luther Manor."

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Vi Rozek



## DAR AL-FAROOQ ISLAMIC CENTER EVENT NOTIFICATION

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NOTIFICATION NO. 00549/C

DATE: JULY 29<sup>th</sup>, 2020

### EID AL-ADHA 2020 CELEBRATION EVENT

Dear Neighbor,

Assalamu Alaykum! (Peace Be Upon You)

The Dar Al-Farooq Center is happy and honored to announce the EID AL-ADHA 2020 celebrations to be held at its premises on the 31<sup>st</sup> of July 2020. The festival of EID AL-ADHA is the second celebration of the year for all Muslims over the world. This Eid comes right after the end of Hajj (the Pilgrimage).

As with the past years, the Center will be conducting this event on the Eid day from morning 7:00 am until noon 12:00 pm. Volunteers will help ensure smooth flow of traffic before and after the prayers. As has been seen in the past, the Center will much appreciate your cooperation in the smooth conduct of this event.

**EID MUBARAK (HAPPY EID)!**

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:

Report to the Planning Commission  
Planning Division/Engineering Division

07/23/2020

**From:** Johnson, Nick M [mailto:[njohnson@BloomingtonMN.gov](mailto:njohnson@BloomingtonMN.gov)]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabaaa [REDACTED]  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students -- see attached approval letter with conditions from 1995. I do not think expansion of enrolment beyond this number would be possible without the place of assembly use vacating.

If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

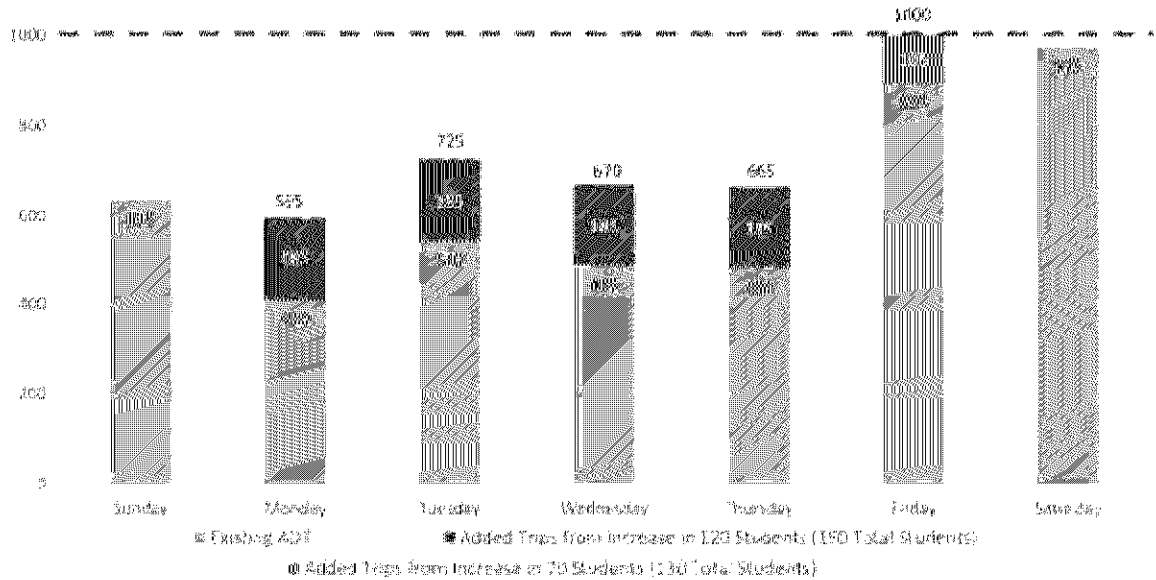
Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8925 | [njohnson@bloomingtonmn.gov](mailto:njohnson@bloomingtonmn.gov)

Figure 1. City Code 21.302.06(b)(7)(A)(ii) Threshold

Total Trips on Park Avenue South of E 82<sup>nd</sup> Street with an Increase in 120 Students (M-Th)

1200



## الدورة الصيفية السادسة عشرة

تتمن الجامعة الإسلامية بولاية مينيسوتا بالتعاون مع مركز دار الماروق ومدينة بلومنتون عن الدورة الصيفية السادسة عشرة



**الدكتور إبراهيم الفيز**  
رئيس الدورة العلمية



**الدكتور إبراهيم الفيز**  
رئيس الدورة العلمية


إقامة من يوم الأربعاء 19 أغسطس إلى يوم الأحد 30 أغسطس 2020  
يومياً لمدة اثني عشر يوماً من الساعة 8 صباحاً إلى 11 مساءً بتوقيت ولاية مينيسوتا

مركز دار الماروق، 701 E. 82nd St., Minneapolis, MN 55425, USA  
البريد الإلكتروني: [info@daralmaroq.com](mailto:info@daralmaroq.com) | الهاتف: +1 612 426-1134

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وليد بن ابراهيم الفيزي

Follow June 27

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The announcement of the sixteenth scientific summer session from 19 to 30 August 2020. God willing  
At the headquarters of the Islamic University of Minnesota in Blumenton, Minnesota, live streamed online and rest of the information in the attached ad

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💬 12 Comments 47 Shares


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يارب اكرمت


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**محمد فاضل**

زادكم الله توفيقاً شيفاً وجنكم عن طلاب العلم خيراً

Like See Translation 2w



**قواد اسحاق**

بارك الله فيكم شيفاً الجليل وزادكم علماً وفيها دوراً وتوفيقاً من فضلكم أين يكون التقييم

**Adopted Ordinance  
Amending Chapters 19  
& 21 of the City Code  
Regarding the  
Establishment of  
Institutional Use  
Standards & Changing  
Status of Uses in  
Single-Family Zoning  
Districts  
Case 10000A-13  
ITEM 5.4B  
O-2013-17**

Markegard presented the staff report on an ordinance to establish Institutional Use Standards and to change the status of multiple uses in residential neighborhoods. His presentation was as follows:

- Ordinance Purpose
- Intent
- Definition
- Chronology
- New Standards: Focused on Street Adjacency, Maximum Floor Area Ratio (FAR), Trip Generation and Use Status Changes.
- Street Adjacency: Proposed standards require institutional uses be adjacent to arterial or collector streets.
- Map of Arterial Collector Streets in Bloomington: Any new institutional use would need to be adjacent to one of those streets.
- Maximum Floor Area Ratio (FAR) Standards
- Traffic Impacts: Ordinance would set thresholds. A traffic study would be required for any use in the higher impact group.
- Use Classification Changes: Changes prohibit new uses or expansions in single-family zones but allows existing uses to remain as conforming.
- Recommendation: Staff and the Planning Commission recommend approval.

## Conclusions and Recommendations

- **Parking Demand**
  - 207 spaces are required at 8201 Park Avenue South.
  - There are 267 spaces available for patrons to use.
  - Greatest parking demand is ~~currently~~ 263 vehicles which occurred during the Friday midday Event In (12:00 PM to 1:00 PM).
  - Greatest parking demand for the school use is currently 50 vehicles which occurred during the weekday afternoon peak hour (2:45 PM to 3:45 PM).
  - At most 42 vehicles were recorded to park on the street during the Friday Midday Event In (12:00 PM to 1:00 PM) so the additional 49 spaces as shown in the proof of parking agreement are recommended to accommodate these vehicles.
  - The additional parking area is shown in **Figure 36 of the Appendix** with a two-way driveway access added off of E 83<sup>rd</sup> Street.

**ANALYSIS**

Since the 2011 Conditional Use Permit approval, two City Code amendments regarding daycare and institutional uses were approved. Section 21.302.27, daycare facilities, requires that daycares of greater than 13 persons must be located on arterial or collector streets. Therefore, if established, the approved daycare would be a legally non-conforming use. As such, it could not be expanded beyond the approved occupancy of 20 persons. This application to remove the daycare eliminates any future daycare with greater than 13 persons without a City Code amendment and removes the potential for establishing the legal non-conforming use.

Section 21.302.06, institutional use standards, establish criteria to reduce the impacts of institutional uses on surrounding uses, particularly surrounding residential uses. Criteria are established to address several potential types of impact, including traffic. The Public Works Department has concluded the anticipated traffic generation from the proposed amendments falls below the levels prohibited by the institutional use standards. Therefore, a traffic study is not required for this application, but would likely be for any future expansion proposal. A detailed analysis on traffic is included in the following sections of the report.

Report to the Planning Commission  
Planning Division/Engineering Division

1/11/2018

Report to the Planning Commission  
Planning Division/Engineering Division

March 24, 2011

CITY OF BLOOMINGTON MINNESOTA  
CASE 8915A-11

REQUEST FOR COUNCIL ACTION  
PAGE 4

Land Use

The proposed re-use of the school with the variety of functions maximizes the occupancy of the vacant school. The options for the reuse of a school site are limited, without redevelopment. The proposed uses would occupy the building with minimal changes. As the proposed uses are diverse in services offered, they are all tied together by the single organization. This allows for the coordination of the uses to assure compliance with the City Code performance standards for the site. This includes but is not limited to occupancy limitations and parking.

The varieties of uses proposed are compatible with the building and the surrounding property. The school, while a private educational institution, is open to public enrollment. The fitness center will be available only to members of the school and the organization. According to the applicant, community style activities will be conducted and would open to the community throughout the year. The property owner may lease spaces for community meetings and activities, much like Creekside Community Center.

**Al Farooq Youth & Family Center**

**(AFYFC)**

**Building Usage at 8201, Park Avenue South, Bloomington, MN 55420**

We propose to use the Al Farooq Youth & Family Center as a private primary school and as a community center specially focused on providing athletic activities for the community on weekends and weekday evenings.

With the private Primary School being the anchor of this Center other activities will more or less revolve around that. This will be the most spacious school that our primary school could have. A day care center will be established before the School begins enrolment. Since many teachers in our community are mothers, day care services for their children are absolutely essential to establish within the premises.

**From:** Vi Rozek [REDACTED]  
**Sent:** Thursday, July 30, 2020 9:25 PM  
**To:** Nelson, Shawn  
**Cc:** Johnson, Nick M; Centinario, Michael; Planning  
**Subject:** Success Academy at DAF is legally non-conforming use and should not be expanded beyond the approved occupancy  
**Attachments:** eid event.jpg; yx email planning no increase Life Church.png; traffic.png; z trip graph.png; 20180111 daycare cannot be expanded.png

Councilmember Nelson,

The neighborhood requested that the City address the overuse and noncompliant use that created the traffic and instead the council voted to add more traffic by expanding the private business, Success Academy first from 60-84 students, then from 84-130 students, regardless that an institutional use is "legally non-conforming" and as the City has stated can "not be expanded beyond the approved occupancy..." (first attachment).

\*\*\*\*\*On Wednesday, DAF building informed our neighborhood about an upcoming event for this Friday in the middle of **PANDEMIC!!!**. (See the enclosed document). I would like to know what our city is going to do police this event so it won't go over the limit. This building has pushed this neighborhood to the limit and no one at the city cares cause it's not in their neighborhood. The DAF building will tell the city manager that they will take care of the traffic and the amount of people attending but we in this neighborhood know that is a joke... they go over that every week and we see it. This is a very scary times and this pandemic is not a joke. I cannot believe the city is allowing this event to go on especially with the huge amount of people it attracts from all over the Twin Cities. **THERE IS A PANDEMIC OUT THERE and every week the council reminds us of it and all the rulings. Are these warnings for everyone else but not over here????? Why is this neighborhood treated differently????**

There are several concerns with the request for expansion and below I questioned planner Nick Johnson as to some of what staff has stated.

The application includes data that the 2018 CUP approval included roadway safety improvements and the construction of dedicated playground equipment for the school. My response was that this was not accurate and should be noted in the staff report. Planner Nick Johnson replied, "I concur. Playground equipment dedicated to the sole use by the school was not constructed. I will reiterate this point as part of my presentation."

The school not having a dedicated playground and the schools exclusive use of the public Smith Park playground negatively impacts the park. A school playground is not safe for children not of school age.

There has been previous mention of Cedarcrest playground as if that is a comparative, it is not. Cedarcrest playground is on property owned by Seven Hills Academy while Smith Park playground is a public park on public property.

There is a shared agreement that includes the Cedarcrest playground. There is not a shared use agreement that includes the Smith Park playground. The shared agreement with Dar Al Farooq includes the fields, it does not include the park and the playground, and yet again, the school has used the park and the playground throughout the day, and this use negatively impacts the park and the playground.

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### **American Legal Publishing - Online Library**

11

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Vii Rozek



## DAR AL-FAROOQ ISLAMIC CENTER EVENT NOTIFICATION

---

NOTIFICATION NO. 00545/C

DATE: July 15<sup>th</sup>, 2020

### EID AL-ADHA 2020 CELEBRATION EVENT

Dear Neighbor,

Assalamu Alaykum! (Peace Be Upon You)

The Dar Al-Farooq Center is happy and honored to announce the EID AL-ADHA 2020 celebration to be held at its premises on the 15<sup>th</sup> of July 2020. The festival of EID AL-ADHA is the second celebration of the year for all Muslims over the world. This Eid comes right after the end of Hajj (the Pilgrimage).

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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:

Report to the Planning Commission  
Planning Division/Engineering Division

07/23/2020

**From:** Johnson, Nick M [mailto:[njohnson@bloomingtonmn.gov](mailto:njohnson@bloomingtonmn.gov)]  
**Sent:** Friday, December 06, 2019 12:57 PM  
**To:** Magdy Rabaaa [REDACTED]  
**Subject:** RE: Life Church Facility

Magdy,

The current CUP would limit the enrolment to 135 students – see attached approval letter with conditions from 1995. I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating.

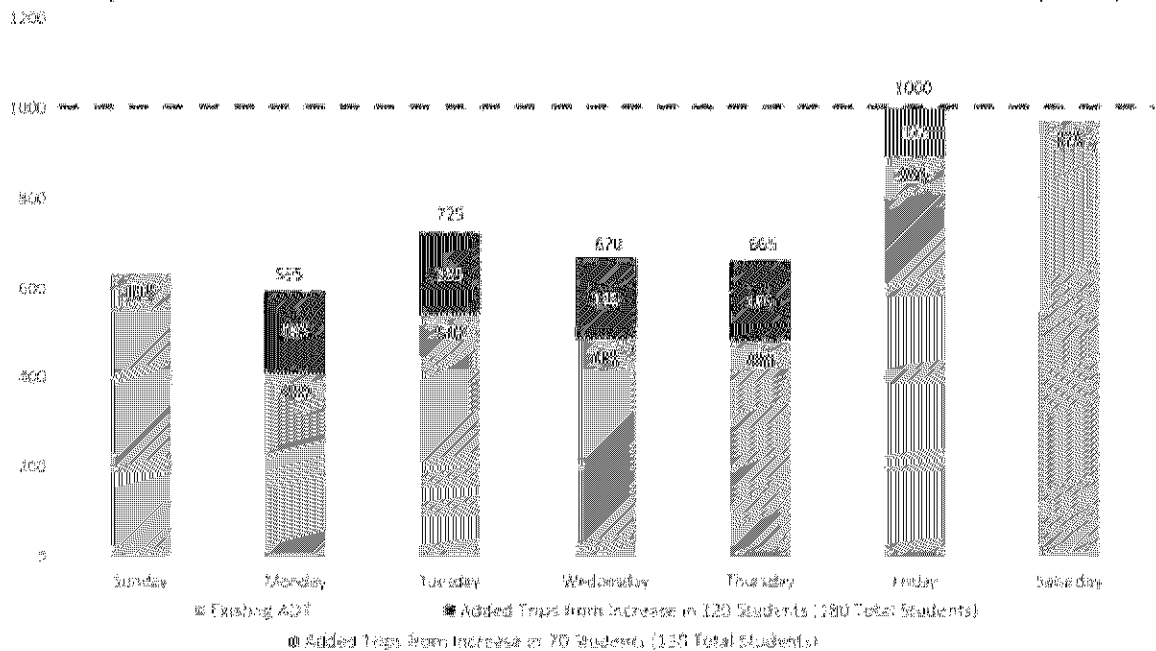
If you are serious about this site, you should schedule a meeting most likely to discuss it in more depth.

Take care,

**Nick M. Johnson | Planner**  
Planning Division | City of Bloomington  
1800 West Old Shakopee Road | Bloomington, MN 55431  
Direct: (952) 563-8925 | [njohnson@bloomingtonmn.gov](mailto:njohnson@bloomingtonmn.gov)

Figure 1. City Code 21.302.06(b)(7)(A)(ii) Threshold

Total Trips on Park Avenue South of E 82<sup>nd</sup> Street with an Increase in 120 Students (M-Th)



**ANALYSIS**

Since the 2011 Conditional Use Permit approval, two City Code amendments regarding daycare and institutional uses were approved. Section 21.302.27, daycare facilities, requires that daycares of greater than 13 persons must be located on arterial or collector streets. Therefore, if established, the approved daycare would be a legally non-conforming use. As such, it could not be expanded beyond the approved occupancy of 20 persons. This application to remove the daycare eliminates any future daycare with greater than 13 persons without a City Code amendment and removes the potential for establishing the legal non-conforming use.

Section 21.302.06, institutional use standards, establish criteria to reduce the impacts of institutional uses on surrounding uses, particularly surrounding residential uses. Criteria are established to address several potential types of impact, including traffic. The Public Works Department has concluded the anticipated traffic generation from the proposed amendments falls below the levels prohibited by the institutional use standards. Therefore, a traffic study is not required for this application, but would likely be for any future expansion proposal. A detailed analysis on traffic is included in the following sections of the report.

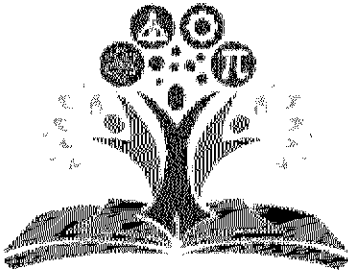
**From:** Vi Rozek [REDACTED]  
**Sent:** Friday, July 31, 2020 10:05 AM  
**To:** Markegard, Glen; Johnson, Nick M; Centinario, Michael; Planning; Busse, Tim  
**Subject:** 8201 Park Av over use  
**Attachments:** xx school calendar.png; xx school hours.png; xx intensive program.png

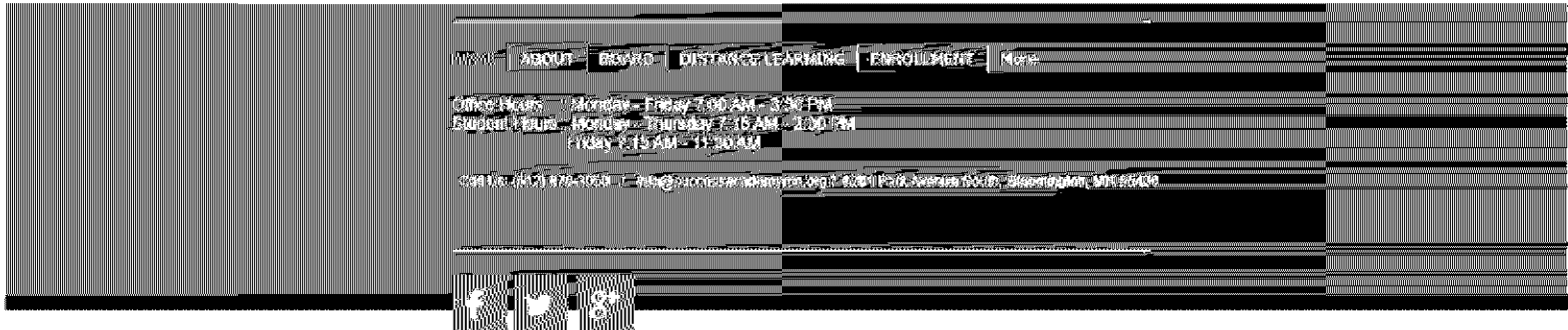
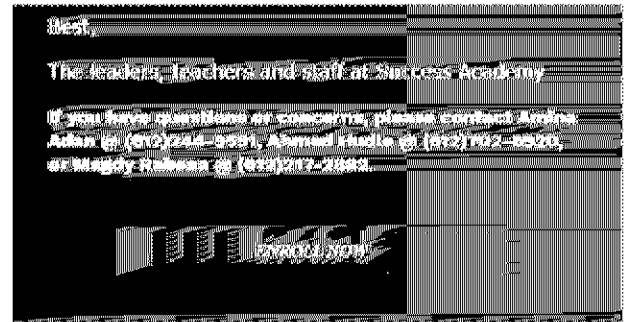
The use of the property of a place of assembly, a community center and a charter school **does not work**.  
 First day of school August 24 - first attachment  
 School hours 7:15 to 2:30 - second attachment  
 Ten day summer adult program August 19 - August 30 2pm - 5:30pm - third attachment

Instruction other than the charter school during school hours is not allowed.

Vi Rozek

## 2020 – 2021 SUCCESS ACADEMY CALENDAR

 <b>Success Academy</b> <i>Board Approved on 4/15/2020</i>	<p><b>Jan. 1-3</b> No School/Winter Break  <b>Jan. 15</b> No School/Data Day  <b>Jan. 18</b> No School/Dr. Martin Luther King, Jr. Day</p>	<p><b>JANUARY 2021</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	S	M	T	W	T	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31																																																							
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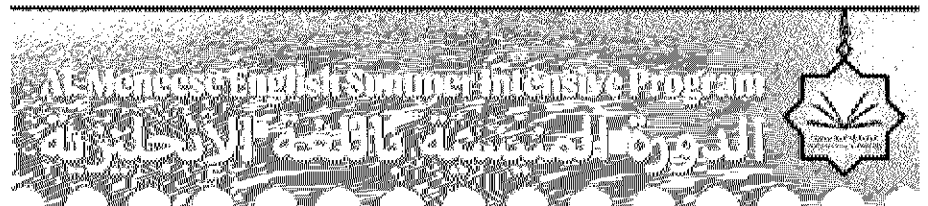
Intro

Lives in Bloomington, Minnesota

From Minneapolis, Minnesota

carafarooq.com

Mohamed Omar 38



The Messenger of Allah (ﷺ) said:  
 "تَلَبُّسُكُمْ بِمَعْرِفَةِ اللَّهِ شَرُّ تَلَبُّسِ كُنْزِ النَّاسِ"  
 Seeking knowledge is an obligation upon every Muslim. (Ibn Majah)

Four days summer intensive program in English.  
 An opportunity to seek authentic Islamic knowledge and be in the company of scholars and students of knowledge. This is an opportunity you don't want to miss.

BOOKS THAT WILL BE TAUGHT

- الفتاوى الحرمية في السير
- الديانة في مستلح الحديث
- الأدوية الولدية التمهيدية للرجعية
- فتح المصابي في شرح حسن السير، في نظم مشركات القرأ
- مسودة التلب أسانها ومطاهرتها وعلاجها
- إحزان الفتنة في شرح من الشراوية

Wednesday, August 10 - Sunday, August 30  
 2pm - 5:30pm - 651-368-0031  
 8201 Park Ave, South Bloomington, MN 55420



Photos

**From:** Pamela Pommer [REDACTED]  
**Sent:** Monday, August 03, 2020 1:17 PM  
**To:** Busse, Tim; Coulter, Nathan; Carter, Jenna; Martin, Patrick; Nelson, Shawn; Baloga, Jack; Lowman, Dwayne  
**Subject:** Consent item 6.3 - DAF and Success Academy

Why is this a consent agenda item? From what I can see, it went directly from the Planning Commission to the Consent agenda with no public hearing. Residents in this neighborhood have been concerned for years about expansions and traffic and off-hour use, etc. When Success Academy inquired about an expansion at Life Church beyond 135 students, staff stated: "I do not think expansion of enrollment beyond this number would be possible without the place of assembly use vacating."

Considering the MANY Letters and emails from residents who complain about traffic and noise issues, why is the city totally ignoring them and siding with DAF... once again? If this were a Christian organization, I strongly suspect that the council might give more weight to resident concerns. In fact, didn't that happen with Martin Luther Manor??

Please PULL this from the consent agenda and make this issue a public hearing! The way this is being pushed through, looks like you care more about being "politically correct" and appeasing this organization than listening to the concerns of people who live in that neighborhood and are trying to raise families there.

Pam Pommer