



Case number:	8915A-11
Address:	8201 Park Avenue South
Application type:	Conditional Use Permit for a private school, a day care, and a place of assembly/community center
Applicant:	Concordia Academy Association of Schools (owner) Al Farooq Youth and Learning Center (user)

This file will contain the following items as they become available:

1. Agenda information
2. Staff report
3. Location map

Additional information

To receive copies of submitted development applications, supplemental documents, and (in some cases) building and site plans please contact the Planning Division at 952-563-8920 or planning@ci.bloomington.mn.us.

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- Your name
- E-mail address
- Full mailing address (number, street name, city, state, ZIP)
- Daytime telephone number
- Case file number
- Date of hearing

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Originator Community Development	Item Conditional Use Permit		
Agenda Section HEARING/PUBLIC INPUT Development Business	By LDP	Approved	Date March 24, 2011

Item 3

Case 8915A-11

GENERAL INFORMATION

Applicant: Concordia Academy Association of Schools (owner)
Al Farooq Youth and Learning Center (user)

Location: 8201 Park Avenue South (Property)

Request: A Conditional Use Permit for a private school, a day care, and a place of assembly/community center.

Existing Land Use and Zoning: Vacant school; zoned R-1(PD)

Surrounding Land Use and Zoning: North and East—Park; zoned R-1 and R-1(FH)
South and West—Single-family residential; zoned R-1

Comprehensive Plan: The Comprehensive Land Use Plan recommends Quasi-Public land use for the property.

HISTORY

City Council Action: 08/17/87--Approved a two-year temporary conditional use permit for a day care and office uses at the Northgate Elementary School. (Case 8915A-87)

City Council Action: 07/19/89--Approved a Comprehensive Land Use Plan amendment from Public to Office and Low-density Residential and Preliminary and Final Development Plans to covert Northgate Elementary School to an office use and

Council Action

Motion by _____ Second by _____ to _____

creates four new single family lots subject to conditions.
(Case 8915ABCD-89) NOTE: Although approved, the school was not converted to an office use and the single family lots were not created.

City Council Action: 07/16/90--Approved a Comprehensive Land Use Plan amendment from Office and Low-Density Residential to Quasi-Public and Preliminary and Final Development Plans for a private high school subject to conditions. (Case 8915AB-90)

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

City Council Action: 04/12/93 -- Approved a two-year temporary conditional use permit for a church in a school at 8201 Park Avenue (Case 8915A-93).

City Council Action: 04/03/95 – Approved a five year temporary conditional use permit for a church in a school at 8201 Park Avenue (Case 8195A-95)

City Council Action: 06/01/98—Approved revised Final Development Plan for a gymnasium addition subject to conditions (Case 8915A-98)

City Council Action: 06/19/00 – Approved a five year temporary conditional use permit for a church in a school at 8201 Park Avenue (Case 8195A-00)

City Council Action: 08/18/03—Approved a revised Final Development Plan for a 14,000 square foot gymnasium with options for gym storage space and additional restrooms and shower facilities (as presented in plans contained in Case 8915A-03) with nine conditions and 10 Code requirements.

CHRONOLOGY

Planning Commission Agenda: 03/24/11 – Public hearing scheduled.

DEADLINE FOR AGENCY ACTION

Application Date:	02/15/11
60 Days:	04/15/11
Extension Letter Mailed:	No
120 Days:	06/14/11

STAFF CONTACT

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lpease@ci.bloomington.mn.us

APPLICABLE REGULATIONS Section 19.27(d)

REQUIRED FINDINGS 21.501.04(e)(1), (2), (3), (4), and (5)

PROPOSAL

The Al Farooq Youth and Learning Center plans to purchase the vacant school after obtaining a Conditional Use Permit to operate a private elementary school, a day care center, a place of assembly and community center at 8201 Park Avenue South. The 8.2 acre site contains a 60,757 square foot building. There would be no exterior modification with minor interior modifications to construct prayer service rooms to accommodate the proposed Friday afternoon prayer services.

The site currently has 216 parking spaces. There are 48 spaces on the applicant's property, 58 spaces developed on the Xcel property and by written agreement use of 110 spaces at Smith Park (two lots containing 74 spaces and 36 spaces). As part of the 1991 approval, 50 proof of parking spaces were approved on the property's south side. The total parking supply, including approved proof of parking, is 266 spaces.

ANALYSIS

Background

The site was originally constructed as Northgate Elementary School, a 46,757 square foot public elementary school, in 1962. Northgate Elementary School was closed in the late 1980s and converted to a private high school in 1990. In 1991, the property was rezoned to a Planned Development and they added a 14,000 square foot gymnasium. The Final Development Plan limited the occupancy of the larger Gymnasium to 500 people. The high school operated until it vacated the property in 2009. The property remains vacant.

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.

The proposed uses, if operated concurrently, could exceed the site's parking capacity. There is a need to limit uses to only school and worship activities weekdays and most weekends, under normal circumstances. When the school and worship services are not being conducted, the auxiliary use of the gyms and other meeting spaces for activities not associated with the school or the prayer services would be acceptable. A condition of limiting the concurrent occupancies would assure compatibility with the surrounding park, business and residential uses. The primary concern for staff is assuring adequate parking is provided to meet the needs of the proposed uses.

Approval of the conditional use permit is predicated upon strict adherence to conditions that would control any off-site or on-street parking on local residential streets and mitigate potential parking problems. Staff is recommending conditions on area, hours of use or operation, and occupancy. The occupancy number is contingent upon Building and Inspection Division and Fire Marshal permitting.

Traffic and parking:

The existing roadway network should adequately accommodate new and existing trips from the site. No new safety issues are expected to occur, nor any existing issues exacerbated by the expected trip generation. Given the broad based use characteristics and limitation of the concurrent uses of the property, the primary concern is parking.

Parking is provided along the west side of the building. Through written agreement with the City, shared parking is also available in two Smith Park parking lots, on the northwest, and southeast sides of the building. A private sidewalk connection exists between the site building and the northwest Smith Park lot but not between the building and the southeast Smith Park lot. By the agreement dated May 17, 1999, the site may count the City's northwest Smith Park parking lot towards their parking capacity calculations. The agreement is for 25 years with an additional 10 year renewal with the same terms, subject to both parties agreement. Should this parking no longer be available in 2034, the applicant will be required to construct parking to maintain the parking provided under this Conditional Use Permit application.

As shown in Table 1, the total parking supplied by the use is 216 spaces. The Final Development Plan, approved in 1998, provides a 50 space “proof of parking” lot on the Xcel property at the southwest side of site. Including proof of parking, total parking supply available for the site is 266 parking spaces.

A Condition in the 1998 revised final development plan required a lease or other legal document for the use and improvement of parking and proof of parking area be provided to the Planning Manager. Because the proof of parking area is shown on property not owned by the community center, a lease was secured to assure that the applicant could construct the parking lot, if needed. That lease has expired and is no longer valid. Therefore, the applicant must obtain the required lease or prepare and file a proof of parking agreement to provide an alternate location on the property.

TABLE 1: Parking provided or approved

LOCATION	SPACES
West of the building on the applicant’s property	48 spaces
West of the building on Xcel’s property	58 spaces
Northwest Smith Park parking	74 spaces
Southeast Smith Park Parking	36 spaces
Proof of Parking approved in 1991	50 spaces
TOTAL PARKING APPROVED	266 spaces (216 developed)

Table 2 defines the City Code required parking for the proposed uses, which, if used independently and concurrently, would be 380 parking spaces (114 spaces greater than the approved parking in the Final Development Plan). However, the applicant does not request approval for multiple uses at any single time. The applicant is concerned with student safety and parking while school is in session. Therefore, the applicant agrees that a condition limiting the gyms’ use to only school related functions during the school or prayer activities. Additionally, Table 3 lists the applicant’s anticipated hours of operations for various uses of the site.

TABLE 2: Required parking for each use evaluated individually

Location	Code Requirement	Occupants	SPACES
Assembly Halls (2,625 Square Feet)	1 space/3 occupants	300	100 spaces
Day Care (20 students/4 staff)	0.12 /student + 1/employee		7 spaces
Weekday elementary school (60 students – 30,876 square feet) or weekend school (80 students – 30,876 square feet)	1 space / 800 Square feet		40 spaces
Fitness Center (4,125 square feet)	1 space/250 square feet		17 spaces
Small Gym (3,414 Square feet)	1 space/3 occupants	123	41 spaces
Large Gym (14,000 square feet)	1 space/3 occupants	500	166 spaces
Offices (2,466 square feet)	1 space / 285 Square feet		9 spaces
TOTAL - ALL USES IF USED INDEPENDANTLY			380 Spaces
TOTAL - USES – without using gyms for non-school activities			173 Spaces

While these uses meet the City Code required parking provided concurrent use of the various spaces is limited, the 36 parking spaces near the baseball fields are not readily accessible. Prior to the construction of the Gymnasium, there was sidewalk access from that parking to the school. Staff recommends the applicant construct a sidewalk connection to the Smith Park parking lot at the southeast corner of the site.

TABLE 3: Anticipated hours of operation for specific uses

USE	DAY/TIME OF OPERATION
PRIMARY SCHOOL	M-F 8AM – 2:30 PM
DAY CARE	M-SU 7AM – 5PM
WOMEN’S FITNESS	M-SU 5PM – 9PM
MEN’S FITNESS	M-SU 5PM – 9PM
FRIDAY ASSEMBLY	FRI 12PM- 1PM
WEEKEND SCHOOL	SA-SU 9AM – 2PM

NOTE: Gym use would be limited to times other than school or prayer services.

In addition, the application should consistently monitor and manage parking to assure that the proposed uses do not impact the adjoining neighborhood. City staff is concerned without a revised proof of parking agreement assuring construction of the proof of parking area if proposed site uses, or changes to proposed site uses, result in site parking demand to exceed the parking supply supplied. This agreement shall be provided.

FINDINGS

Section 21.501.04(e)

... The following findings must be made prior to the approval of a conditional use permit:

(1) The proposed use is not in conflict with the Comprehensive Plan;

- * The proposed uses for the vacant high school are consistent with the Quasi-Public Land Use designation.

(2) The proposed use is not in conflict with any adopted District Plan for the area;

- * The proposed use of the building and property is not in conflict with any adopted District Plan and does not propose any significant alteration to the building or site that would prevent reuse or redevelopment of the property.

(3) The proposed use is not in conflict with City Code provisions;

- * The proposed use, the use restriction, is not in conflict with City Code provisions for the proposed use when the proposed conditions of approval are observed.

(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development; and

- * The proposed use would not place excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.

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

- * The proposed uses are consistent with other uses in similar locations and buildings throughout the City. Subject to Conditions of Approval, the proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare of the community.

RECOMMENDATION

The Staff recommends approval of a Conditional Use Permit for a private school, a day care, place of assembly and a community center at 8201 Park Avenue South subject to the following conditions of approval being met prior to issuance of a certificate of occupancy:

- 1) Proof of parking agreement for 50 spaces be approved by the Planning Manager;
- 2) Sewer Availability Charges (SAC) shall be satisfied, if applicable;

and subject to the following conditions:

- 3) To ensure sufficient off-street parking:
 - a. The use of the gymnasiums and cafeteria is limited to school activities while schools are in session.
 - b. The 50 proof of parking spaces approved in 1998 (or as modified by Condition #1) must be constructed if overflow parking occurs.
 - c. A sidewalk connection, as approved by the City Engineer, linking the school with the southeast Smith Park parking spaces must be constructed if overflow parking occurs.
 - d. The user of the site must maintain rights to utilize the off-site parking spaces identified in the staff report and must provide copies of agreements/leases to the Planning Manager.
 - e. Changes in occupancy, building use or access to the off-site parking spaces identified in the staff report must be reviewed by the Planning Manager and may require an amendment to the Conditional Use Permit.
- 4) Development must comply with the Minnesota State Accessibility Code.
- 5) All pickup, drop-off, loading and unloading must occur on site and off of public streets; and
- 6) Alterations to utilities are at the developer's expense;

and subject to the following Code Requirements:

- 1) Building shall be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN Rules Chapter 1306; MN State Fire Code Sec. 903);
- 2) All trash and recyclable materials be stored inside the principal building (Sec. 19.51);
- 3) Recyclable materials shall be separated and collected (Sec. 10.45);
- 4) Fire lanes be posted as approved by the Fire Marshal (MN State Fire Code Sec. 503.3);
- 5) Parking lot and site security lighting shall satisfy the requirements of Section 21.301.07 of the City Code; and
- 6) Sign Design be in conformance with the requirements of Chapter 19, Article X of the City Code.

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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.

The easternmost row of rooms adjacent to the Locker rooms will be used as space for the day care center and primary school classrooms(Pre-K and KG) as well as for the Sunday School. First three rooms for the Day Care and rest of the rooms in this row for the Pre-k and KG and Sunday School. Weekend Academy will use the two rooms on either side of the storage room.

The Middle row of rooms have existing designations and will stay that way with the exception of the southernmost room, which will be Women's Fitness & Exercise room. The room on the north end was a fitness room for Concordia and will remain a fitness room for men in the new setup. Otherwise the Cafeteria will remain the Cafeteria and the small gymnasium and Library will remain what they are now. The clinic will be operated from what used to be the Nurse's Station in the past when Concordia was operational.

The last row of rooms is on the western side and begins with what used to be the chapel for Concordia students. That room will remain a chapel for men in the new setup. And the room next to it will become the women's prayer room with the women's Lounge in the room next to that. Smaller rooms that were used as offices before will be used for the same purpose. One room will be designated as a Conference room, and another as a supervised toddler play room for the evening visitors and the rest will be reserved for the weekend school.

On weekends the usage of the building will be primarily for the Muslim community. Friday prayers will be held in the Chapel which can accommodate approximately 150 people. The cafeteria will be utilized for serving lunch to the primary school children and on weekends may be used for birthday parties and other special occasions. Lunches for the primary school will be

catered. Weekend school children will also be able to use the cafeteria, however, they will have to bring their own snacks or lunches.

Most of the rooms in the building will be carpeted. Some rooms will be utilized for the Sunday School and some others will be equipped with some exercise equipment for men and women to be used as fitness rooms.

The Library will be utilized by the primary school children as a library. The small gymnasium will be used by the Primary School children as a play area. After some minor repairs, painting etc. it will get better look and be more useful.

There are no major changes planned in the usage of the building from what it used to be and what it will be. One classroom will be used as a conference room. No extensive renovation work will be needed, except new paint and carpet and new furnishings such as desks, chairs, conference table, etc. The community center usage will be mostly on weekends and some evenings.

On weekends we expect families to show up to use the facility for their children. And mostly we feel that the main attraction is and will remain the athletic facilities such as the soccer field and the gymnasium.

The gymnasium will be utilized extensively by the primary school on weekdays and on weekends by the weekend school. Weekends will witness the usage of the gym by the community at large. On Friday and Saturday evenings we expect to have 50 to 100 people use the facility between the hours of 7 pm and 10 pm, mostly families.

The following is the capacity of each program that we are planning.

Primary School:

Monday - Friday 8 AM to 2.30 PM 40 to 60 students

Day Care:

Monday - Sunday 7 AM to 5 PM 20 children

Women's Fitness:

Monday - Sunday 5 PM to 9 PM Maximum capacity 20 to 30 Users at any given time

Men's Fitness:

Monday - Sunday 5 PM to 9 PM Maximum capacity 10 to 15 Users at any given time

Weekend School:

Saturday- Sunday 9 am to 2 pm Maximum enrollment 80 students

Friday Prayer:

12 PM to 1pm Maximum expected 150 to 200

Primary School Staff: 10

Day Care Staff: 6

Administrative Staff for the Center: 5

We now realize that a sprinkler system is part of the code requirements for buildings of this nature. Last month we learnt that the city had previously granted Concordia a waiver on the sprinkler system, which expired sometime in 2009. We would now like to know if we can be granted a similar waiver for the next 5 years. Please advise us on the procedure to accomplish this.

PARKING ANALYSIS

8201 Park Ave South, Bloomington, MN 55420

DAY TIME PARKING

Monday - Friday

Primary School Staff: (6) 4 Teachers + 2 Aides + one space per 800 sq. ft (3438 sq ft. total)

11 Parking Spaces 8 AM to 2.30 PM

Day Care Staff: (4) Staff members + 10 children

5 Parking Spaces 8 AM to 2.30 PM

Parking for 1660 sq. ft. office space:

6 Parking Spaces 9 AM to 5 PM

Friday Prayer Congregation (150 to 200) 12.30 PM to 2.30 PM

78 Parking spaces

Total Daytime Parking requirements = 100 Spaces

EVENING PARKING after 5 PM

Monday - Friday

Women Fitness (1250 sq. ft.)

10 Parking spaces

Men's Fitness (1146 sq. ft.)

5 Parking spaces

Evening Lectures (Main Chapel 1755 sq. ft.)

30 Parking Spaces

Total Parking Requirements Evenings = 45 Spaces

Weekend Parking 9 AM to 5 PM

Weekend School (3410 sq. ft. 80 Children + 4 Teachers & 4 Aides + possible volunteers)

15 Parking Spaces

Weekend Parking 5 PM to 9 PM

Pearls of Hope Program for Teenage Girls in the Library (2520 sq. ft.) (50 Teenage Girls + 4 Adult Supervisors)

Approx. 15 Parking Spaces

Boys Organized Soccer & Basketball Games (40 Children Outdoors & Indoors)

10 Parking Spaces

Girls Volleyball & Basketball Camps & Games Indoor Gym (50 Girls)

10 Parking Spaces

Women's Lecture Circle on Saturdays (870 sq. ft. Women's Prayer Room)

15 Parking Spaces

Total Weekend Parking requirements = 15 + 50 Spaces

SUMMER SCHEDULE

No Weekend School / No Regular School

Educational & Recreational Special Summer Program for Children (100 Children = 10 teachers & Aides Monday thru Thursday) 3410 sq. ft.

9 AM to 2.45 PM

20 Parking Spaces

Ramadan Evening Schedule

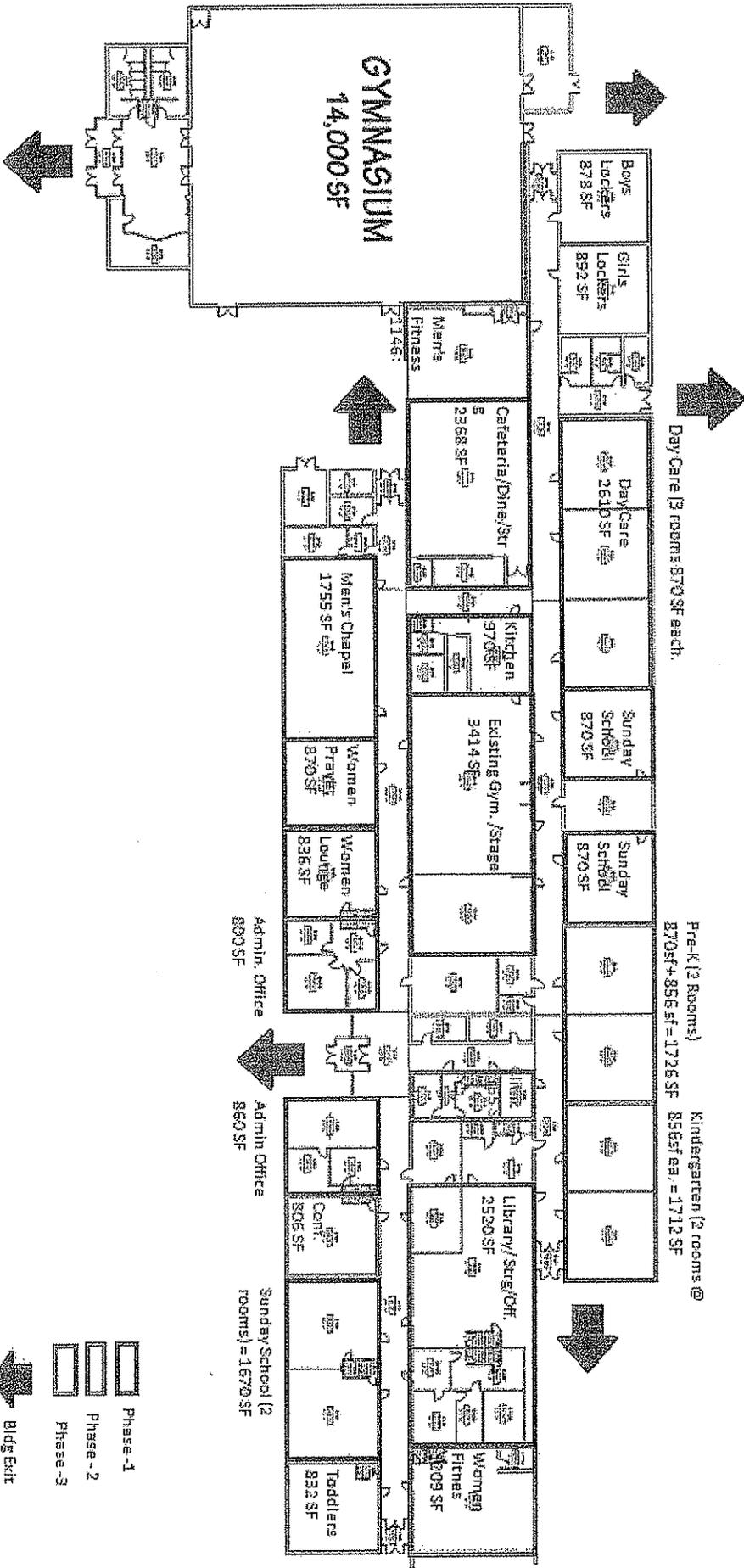
Nearly All usual activities are more or less suspended during Ramadan with the exception of the Primary School and the Day Care if it falls during the school year and even that is reduced to two weeks out of the month if scheduled.

The major activity and possibly the only activity during Ramadan is the Special Evening Prayers from 9 pm to 10 pm

Increased evening attendance up to 200 People

Total Ramadan Parking requirement 70 to 90 Spaces

The Small Gym will be used by the primary school children as a gym for small muscle activities. Library and cafeteria will be used by the facility users as common areas. There are no plans to use these areas as anything other than what they are.



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MAR 17 2011

CITY OF BLOOMINGTON
MINNESOTA

Dear Sirs,

I am writing about Case 8915A-11. I have a home across the street from the new empty school. There are many questions & concerns that I have about the group that wants to have a permit for a Muslim school → 1- How is this school & semi mosque being funded? We would like a full disclosure.

2 There are only 180 parking spots and when you have a prayer service, how are you going to fit all the cars in the parking lot? Park Ave is a very busy street and parking on it would be a "huge" concern.

3- ~~the~~ I am very concerned about my property value when a Muslim school and mosque are located across the street. It is unfair that people have to sell homes at a lower price to allow this school across the street.

4- My other concern is about the people that will be teaching the children. So much has been said about how young Somali men in Mpls ~~that~~ have been kidnapped and "radicalized" by their religious leaders.

We need to have these kinds of questions answered & debated. Our neighborhood is very diverse in faiths and ethnic origins and we have never had a problem in the 28 years I have lived in this home. I feel that this would cause me to move from Bloomington which I have called home since 1955! How sad!

Sincerely,

Violet and James Rozek
8214 Park Ave
Bloomington, MN

RECEIVED
DIVISION OF CITY PLANNING

MAR 17 2011

CITY OF BLOOMINGTON
MINNESOTA