



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Blaine MN 55449

Legislation Details (With Text)

File #: RES 13-107 **Version:** 2 **Name:** 13-03 DACOE School
Type: Resolution **Status:** Passed
File created: 6/20/2013 **In control:** City Council
On agenda: **Final action:** 6/20/2013
Title: GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN EDUCATIONAL USE IN A B-2 (COMMUNITY COMMERCIAL) ZONING DISTRICT AT 8710 CENTRAL AVENUE NE. DARUL ARQAM CENTER OF EXCELLENCE (DACOE). (CASE FILE NO. 13-0003/LSJ)

Sponsors:

Indexes:

Code sections:

Attachments: 1. DACOE - Attachments.pdf, 2. DACOE - Petition.pdf

Date	Ver.	Action By	Action	Result
6/20/2013	2	City Council	Amended	Fail
6/20/2013	2	City Council	Adopted	Pass
6/11/2013	1	Planning Commission	Recommended for Approval	Pass

ITEM: 11.1 DEVELOPMENT BUSINESS - *Bryan K. Schafer, Planning and Community Development Director*

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN EDUCATIONAL USE IN A B-2 (COMMUNITY COMMERCIAL) ZONING DISTRICT AT 8710 CENTRAL AVENUE NE. DARUL ARQAM CENTER OF EXCELLENCE (DACOE). (CASE FILE NO. 13-0003/LSJ)

Planning Commission (Public Hearing) 06/11/13
City Council (Conditional Use Permit) 06/20/13
Action Deadline 07/21/13

Planning Commission

At the Planning Commission meeting the Planning Commission voted unanimously to recommend approval of the conditional use permit. Many residents were there who were against the approval of the conditional use permit. They presented a petition against the project and most of their concerns revolved around traffic.

There is a small office/retail building located at 8710 Central Avenue that was recently purchased by the Darul Arqam Center of Excellence (DACOE). DACOE will be using the building for educational purposes and specifically for the purpose of Quran memorization courses, Islamic studies and math and science skill building. The site is zoned B-2

(Community Commercial) and a conditional use permit is required (and requested) for this site.

The DACOE will be occupying the lower level of this two-story building. Retail/office space will remain on the second level of the building.

The following classes will be offered at this location:

- Class#1: Monday to Friday 8:00 AM to 3:30 PM.
- Class#2: Saturday & Sunday 10:30 AM to 1:30 PM.
- Class#3: 2 hours per week after 3:30 PM during weekdays.

For all these activities the class limit is maximum 20 students with 1 teacher managing each offered class. The offered classes are staggered with a possibility of overlapping 2 classes for at least an hour with 1 teacher assigned for each class.

At this time, staff believes parking is sufficient for this use at 24 stalls. Parking requirements were calculated using 4,100 square feet of retail/office space on the second floor and the educational use parking requirements in the zoning ordinance for the remainder of the building (lower level). The parking situation on site will be closely monitored as this use moves forward to ensure that all parking for this use can be accommodated on this site. The City Council will reserve the right to review the parking situation further if complaints are received about overflow parking onto City streets or other sites.

This is an older site and an older building. There are certain things that need to occur within the building and on the site to make the site more conforming with the Zoning Ordinance and Building and Fire Codes. Most notably, the building will be required to have an automatic fire suppression system for all levels of the building.

Both entrances to the site must be a minimum of 24-feet wide and they currently do not meet this requirement. Concrete curb and gutter will need to be installed around the parking areas.

The sign on site is currently nonconforming as it is a pylon sign and it must be removed. If the applicant wishes to install new signage a permit will be required and the sign must meet ordinance requirements.

The site plan indicates that a new privacy fence will be installed. A permit for such fence is required from the City's Building Inspection Department.

The site meets the landscaping requirements of the Zoning Ordinance with many mature trees on site.

It should be noted that the conditional use permit being requested applies to the lower level of the building only. If the applicant wishes to expand the school to the upper level of the building where the retail/office uses are located, a conditional use permit amendment is required. The applicant will need to demonstrate that there will be enough parking on site for this use. Additionally, if the DACOE wishes to use the second level of the building an elevator or other code improvements would need to be installed per the Building Code.

By motion, approve the Resolution.

Attachments

Zoning and Location Map

Site Plan

Floor Plan (2 Pages)

Narrative (4 Pages)

Petition from Neighborhood

WHEREAS, an application has been filed by Darul Arqam Center of Excellence (DACOE)of as conditional use permit Case File No. 13-0003; and

WHEREAS, a public hearing has been held by the Blaine Planning Commission on June 11, 2013; and

WHEREAS, the Blaine Planning Commission recommends said conditional use permit be approved; and

WHEREAS, the Blaine City Council has reviewed said case on June 20, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blaine that a conditional use permit is hereby approved per Section 30.14(g) of the Zoning Ordinance to allow for an educational use in a B-2 (Community Commercial) zoning district at 8710 Central Avenue NE based on the following conditions:

1. A Certificate of Occupancy (C.O.) must be obtained from the Building Inspection and Safety Services Department.
2. Change of use from general office to education/classroom will require a new SAC (Sewer Access Charge) determination from Metropolitan Council Environmental Services (MCES). Applicant to be responsible for any additional SAC payment that would be required.
3. The City Council will reserve the right to review the parking situation further if complaints are received about overflow parking onto City streets or other sites. No parking from this use or site is allowed on the service road (Central Avenue), 87th Avenue or other surrounding streets.

4. The building will be required to have an automatic fire suppression system for all levels of the building. System to be installed and operational prior to issuance of C.O.
5. Both entrances to the site must be a minimum of 24-feet wide and they currently do not meet this requirement.
6. Concrete curb and gutter will need to be installed around the parking areas.
7. The sign on site is currently nonconforming as it is a pylon sign and it must be removed. If the applicant wishes to install new free standing signage a permit will be required and the sign must meet ordinance requirements.
8. The site plan indicates that a new privacy fence will be installed. A permit for such fence is required from the City's Building Inspection Department.
9. It should be noted that the conditional use permit being requested applies to the lower level of the building only and the use must operate as described in the attached narrative.
10. If the applicant wishes to expand the school to the upper level of the building, add additional classes, or increase class size beyond 20 students a conditional use permit amendment is required. The applicant will need to demonstrate that there will be enough parking on site for this use. Additionally, if the DACOE wishes to use the second level of the building an elevator or other code improvements would need to be installed per the Building Code.
11. Within 30 days of the issuance of the conditional use permit, the applicant must submit a site improvement performance agreement and an associated financial guarantee to cover the cost of all work to be performed on site, including sign removal, driveway enhancements and the installation of concrete curb and gutter. All required site work to be completed prior to October 31, 2013.
12. This school use must operate as described in this staff report with no more than 20 students and one staff member per class.
13. Any use of the site or building as a community center or a place of worship (church) is not authorized by this CUP and would require a separate CUP application and review by the City.

PASSED by the City Council of the City of Blaine this 20th day of June 2013.