

**MINNETONKA PLANNING COMMISSION**  
**Oct.18, 2018**

<b>Brief Description</b>	Conditional use permit for a licensed daycare facility at 12301 Whitewater Drive
<b>Recommendation</b>	Recommend the city council adopt the resolution approving the conditional use permit.

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**Proposal**

The French Académie (FAC) is a French immersion childhood education center serving children between 16 months and five years of age. For the past several years, the center has been a tenant of the St. Louis Park School District. Due to changes in the district's programming, FAC must relocate.

FAC is now proposing to occupy space in the existing office building at 12301 Whitewater Drive. To accommodate the center, the interior of an 8,500 square foot tenant would be remodeled to contain four classrooms, an indoor playroom, bathrooms, and office areas. But for the addition of a roughly 1,100 square foot play area over existing parking, no exterior changes to the building are contemplated at this item. As proposed, FAC would operate Monday through Friday from 7:30 to 5:30 p.m. Child drop-off would occur in the building, generally between 8:40 and 9:00 a.m. Pick-up would similarly occur in the building, generally between 3:20 and 3:45 p.m.

Early childhood education centers do not neatly "fit" into a city code land use definition. Given their educational focus, one could argue that these facilities should be defined as schools by city code. However, one could also argue that they should be considered licensed daycare facilities under city code, as they are licensed as such by the State of Minnesota. While both schools and daycare facilities are conditionally-permitted uses, staff has determined that the proposal should be reviewed as the later to ensure consistency with state review and licensing.

**Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions and staff findings for the proposed daycare center.

- **Is the proposed use appropriate for the site?**

Yes. The proposal would meet all conditional use permit standards as outlined in city code. These standards are detailed in the Supporting Information section of this report.

- **Can parking demand be met?**

Yes. Seven parking stalls would be removed to accommodate the proposed FAC play area. With this removal, 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.

**Staff Recommendation**

Recommend the city council adopt the resolution approving a conditional use permit for a licensed day care facility at 12301 Whitewater Drive.

Originator: Susan Thomas, AICP, Assistant City Planner  
Through: Loren Gordon, AICP, City Planner

### Supporting Information

#### Surrounding Land Uses

Northerly: city-owned property, Nine-Mile Creek  
Easterly: city-owned property, Nine-Mile Creek  
Southerly: city-owned property, Nine-Mile Creek  
Westerly: GE Osmonics, zoned I-1

#### Planning

Guide Plan designation: mixed use  
Existing Zoning: PUD

#### Wetland and Floodplain

There is a large wetland and floodplain area located southwest of the office building. The proposed outdoor play area would be located over existing parking area and roughly 27 feet from the wetland edge. This would meet requirements pertaining to both wetland and floodplain.

#### CUP Standards

The proposed daycare facility would be generally consistent with the general CUP standards as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal requires variances from the specific conditional use permit standards for licensed daycare centers as outlined in City Code §300.21 Subd.3(j):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

**FINDING:** As proposed, all loading and drop-off would occur within the building. As such, no interference with traffic or pedestrian movements is anticipated.

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

**FINDING:** The closest residential area is over 1000 feet from the proposed playground space.

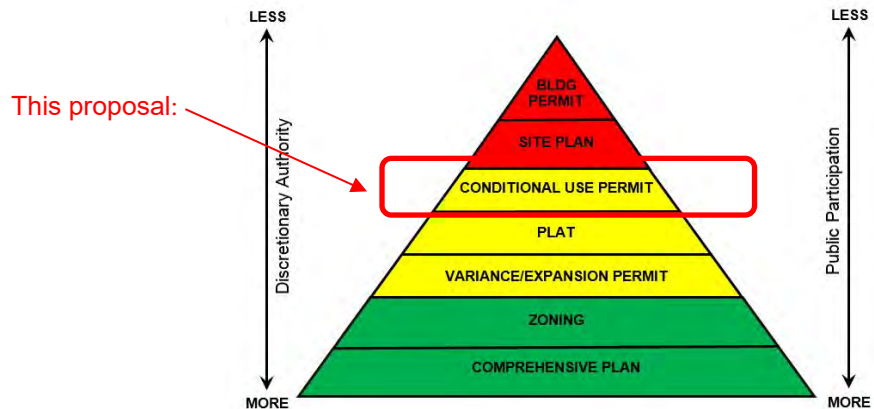
3. One parking space for each six children based on the licensed capacity of the center; and

**FINDING:** Seven parking stalls would be removed to accommodate the proposed FAC play area. With this removal, 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.

4. Shall obtain all applicable state, county and city licenses.

**FINDING:** This is included as a condition of approval.

### Pyramid of Discretion



### Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

### Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of a simple majority.

### Neighborhood Comments

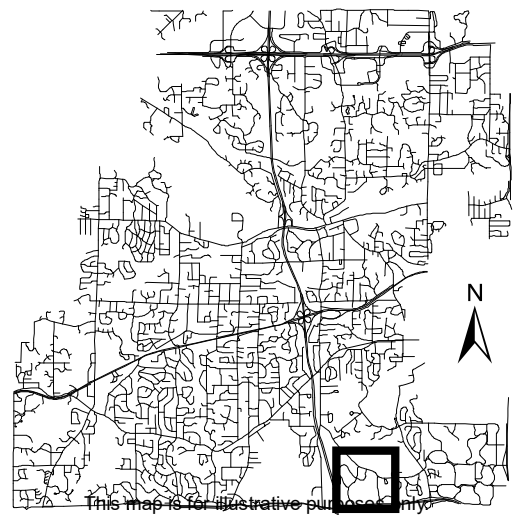
The city sent notices to 15 area property owners and has received no written comments to date.

**Deadline for Action**      December 17, 2018



### Location Map

Project: French Academie (The)  
Address: 12301 Whitewater Dr





September 17, 2018

Planning and Zoning Division  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345

Re: Written Statement for Conditional Use Permit to relocate Childcare Center at 12301 Whitewater Drive.

Dear City Staff and Planning Commission of Minnetonka:

The purpose of this letter is to apply for a Conditional Use Permit for The French Académie at 12301 Whitewater Drive in Minnetonka, MN.

The French Académie (FAC), formerly French American School of Minneapolis, is licensed by the Department of Human Services as a Daycare Center (DHS Rule 3) and serves children from 16 months old to age 5. The program was established in 1998, and settled in St. Louis Park in 2005. We are local leaders in French Immersion education in the Twin Cities, with a rich, 20 year history. In the fall 2018, we are expanding our focus to French Immersion in Early Childhood Education.

For the last 13 years, The FAC has been a tenant of the St. Louis Park School District. Unfortunately, the District of St. Louis Park needs to relocate their Spanish Immersion program, and a referendum last November designated that their program would be moving to the Cedar Manor School building. This means that they no longer have space for our program, and our lease will be ending on December 31, 2018. Therefore, The FAC requires relocation by January 1, 2019.

It has been a challenging experience to find a new location, as there are not many buildings that meet the licensing standards to provide a safe environment for a childcare center. These requirements include: a safe outdoor space, proper zoning, parking, and the necessary square footage for each child.



The building at 12301 Whitewater Drive in Minnetonka meets all of our needs; it will allow our program to continue to thrive in a city where language immersion programs are highly respected and in high demand. The building is easily accessible for our current families, and we are enthusiastic to bring our unique French Immersion Early Childhood experience to the city of Minnetonka.

The French Académie is licensed for a capacity of 54 children, and currently has 42 students enrolled. The new facility will allow us to expand to welcome up to 68 children. We currently have a team of 6 teachers and 2 administrative staff. The 8,500 square feet we will lease in our new facility will provide us with ample space to have four classrooms, an indoor playroom for inclement weather, adequate bathroom facilities etc., and will also comply with all city and licensing requirements.

Our hours of operation are 7:30 am to 5:30 pm. The peak traffic times for our center are between 8:40 am and 9:00 am for drop off, and between 3:20 pm and 3:45 pm for pick up. Parents and caregivers bring their child to the classroom, and pick up their child from their classroom. There is no direct drop off and/or pick up at the curb of the building.

Regarding the, "Conditional Use Permit Standards for business and industrial districts," we evaluated the following criteria:

*Section 300.21.2.*

- a) *The use is consistent with the intent of this ordinance.*
- b) *The use is consistent with the goals, policies and objectives of the comprehensive plan.*
- c) *The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.*
  - The proposed use does not have any impact on governmental facilities, utilities, services or existing or proposed improvements.
- d) *The use is consistent with the city's water resources management plan.*
  - The proposed use will be meeting the goals of the City.





- e) *The use is in compliance with the performance standards specified in section 300.28 of this ordinance.*
- The proposed use is in compliance with the performance standards.
- f) *And the use does not have an undue adverse impact on the public health, safety or welfare.*
- The use is intended to provide a safe and enriching environment for all children. The designated entrance will be secure and only accessible with a magnetic access cards provided to staff and families. Visitors will be monitored with an intercom system including a video camera.

*Section 300.21.4.a.j. – Licensed day care facilities*

- 1) *Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements.*
- Parents have to bring their child into the classroom at drop off, and pick up their child in the classroom at pick up. Therefore, they have to park their car in a parking stall at drop off and pick up which will not interfere with traffic and pedestrian movements.
- 2) *Outdoor plan areas shall be located and designed in a manner, which mitigates visual and noise impacts on adjoining residential areas.*
- There are no residential areas close enough to the facility that could be impacted by children's outdoor play.
- 3) *One parking space for each six children based on the licensed capacity of the center.*
- For the current licensed capacity of 54 children, 9 parking stalls are required. If the center license capacity reaches 70 students, 12 parking stalls will be required. The parking ratio at the Whitewater Business Center is 5.5 per 1,000rsf. Our space would allow a designation of approximately 49 parking stalls.
- 4) *And shall obtain all applicable state, county and city licenses.*
- The project will comply with all requirements.



Language immersion programs have a strong presence in the City of Minnetonka, and we hope that The French Académie Early Childhood Center will be a valuable addition to the diverse culture of the city.

Thank you for your review and consideration. As we are getting so close to the end of our current lease, time is of the essence towards the review of this application.

Feel free to contact me if you have any questions and/or need any additional information.

Sincerely,

Véronique Liebmann  
Founder and Director

The French Académie  
9400 Cedar Lake Road  
St. Louis Park, MN 55426  
Cell: (952) 393-8053  
Email: [vliebmann@thefrenchacademie.org](mailto:vliebmann@thefrenchacademie.org)



**12301 Whitewater Drive, Minnetonka MN 55343**

**Aerial View**



Inside building space

Outdoor Play Area

FAC dedicated entrance

2D

Google

Google, Landsat / Copernicus

44°53'52"N 93°26'21"W 1,544 ft

**12301 Whitewater Drive, Minnetonka MN 55343**

**Aerial View - CUP Applicant Building Occupancy**



**12301 Whitewater Drive, Minnetonka MN 55343**



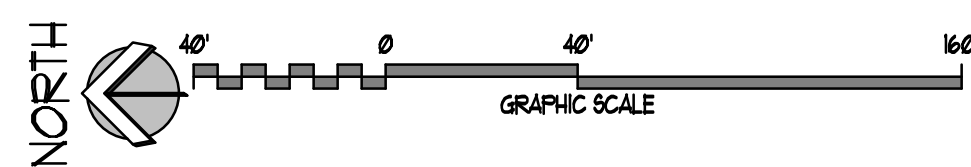


**FAC South Wing Occupancy with dedicated entrance**





**SITE PLAN**  
SCALE: 1"=40'-0"



PARKING CALCULATIONS:  
PROPOSED WORK RESULTS IN LOSS OF 8 STALLS TOTAL.  
357 EXISTING STALLS (INCLUDES 5 INDOOR STALLS) - 8 LOST = 349 STALLS REMAINING, WHICH IS MORE THAN REQUIRED.  
252 = REQ'D STALLS FOR TOTAL GROSS BUILDING OFFICE SPACE - 62,877 SF (1 PER 250)  
+11 = REQ'D FOR DAYCARE WITH 68 CHILDREN - 1 PER 6 CHILDREN  
263 = TOTAL REQ'D

DRAWN BY:  
JEH  
GNYL CK  
STRUC REV:  
HOCZ CK  
VLET CK

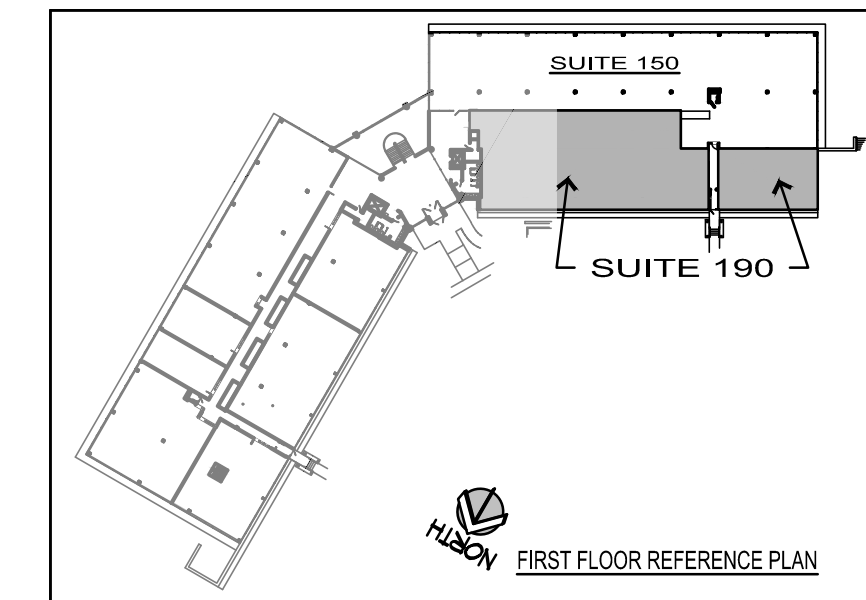
BRUCE W. SCHMITT & ASSOCIATES P.A.  
320 MANITOBA AVENUE SOUTH  
WAYZATA, MINNESOTA 55391  
Phone: (952)476-6222 Fax: (952)476-6228  
www.BRUCEW.SCHMITT.com

TENANT IMPROVEMENTS FOR SUITE 190:  
**THE FRENCH ACADEMIE**  
12301 WHITEWATER DRIVE, MINNETONKA MINNESOTA

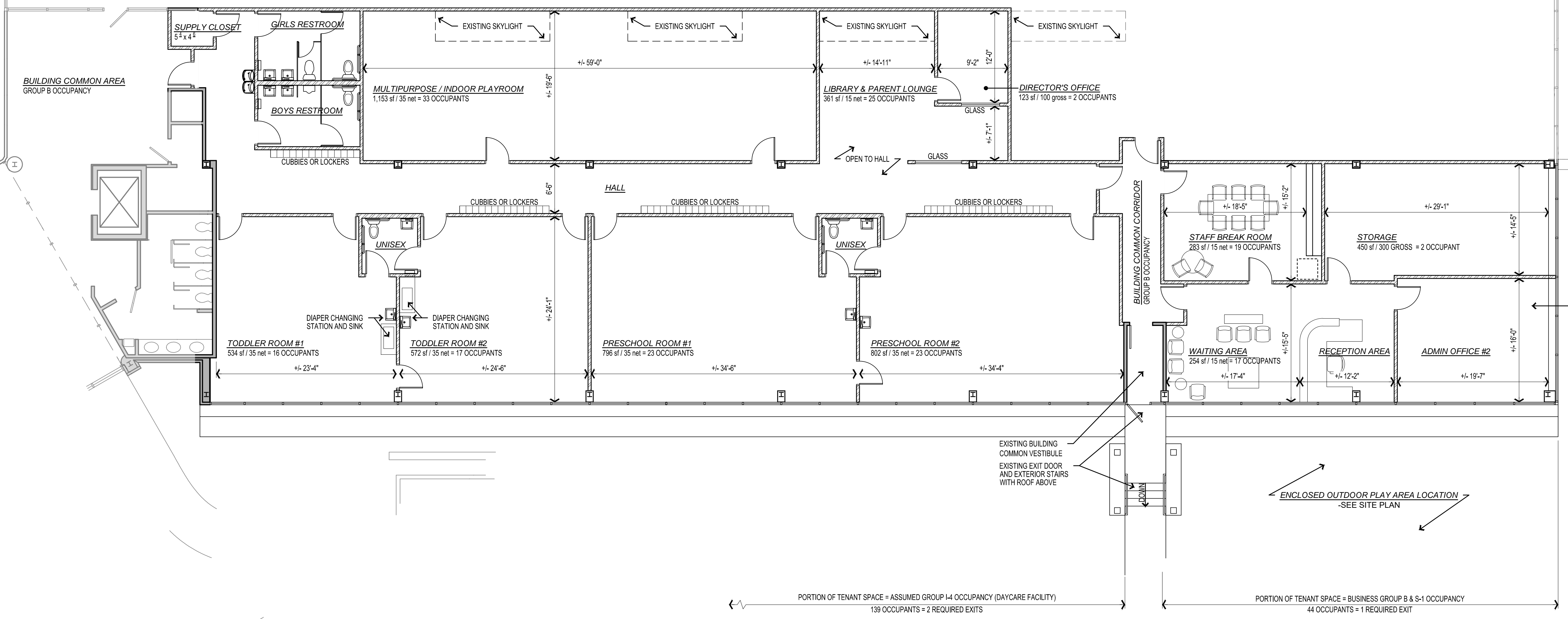
PRELIMINARY SEPTEMBER 13, 2018 - CUP SUBMITTAL

SHEET NO  
  
OF

1304



NEIGHBORING VACANT TENANT SPACE (SUITE 150)  
ASSUMED BUSINESS GROUP B OCCUPANCY



BUILDING COMMON AREA  
GROUP B OCCUPANCY

BUILDING COMMON CORRIDOR  
GROUP B OCCUPANCY

ADMIN OFFICE #1, #2 AND RECEPTION AREA =  
521 sf / 100 gross = 6 OCCUPANTS

PORTION OF TENANT SPACE = ASSUMED GROUP I-4 OCCUPANCY (DAYCARE FACILITY)  
139 OCCUPANTS = 2 REQUIRED EXITS

PORTION OF TENANT SPACE = BUSINESS GROUP B & S-1 OCCUPANCY  
44 OCCUPANTS = 1 REQUIRED EXIT

EXISTING BUILDING  
COMMON VESTIBULE  
EXISTING EXIT DOOR  
AND EXTERIOR STAIRS  
WITH ROOF ABOVE

ENCLOSED OUTDOOR PLAY AREA LOCATION  
-SEE SITE PLAN

**SUITE 190 FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
GRAPHIC SCALE

DRAWN BY:  
JEH  
GYNL CK  
STRUC REV:  
HOCZ CK  
MKT CK

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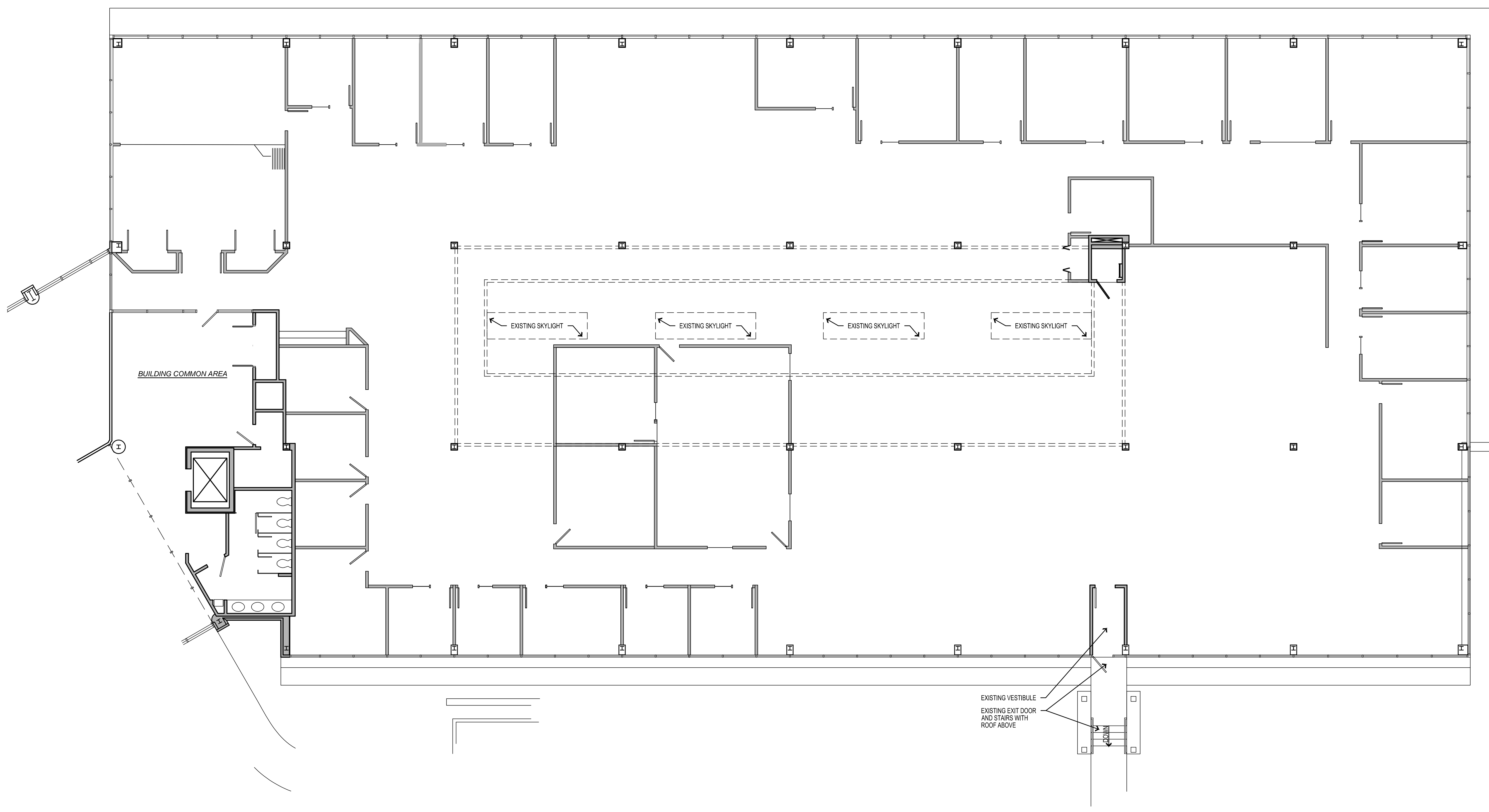
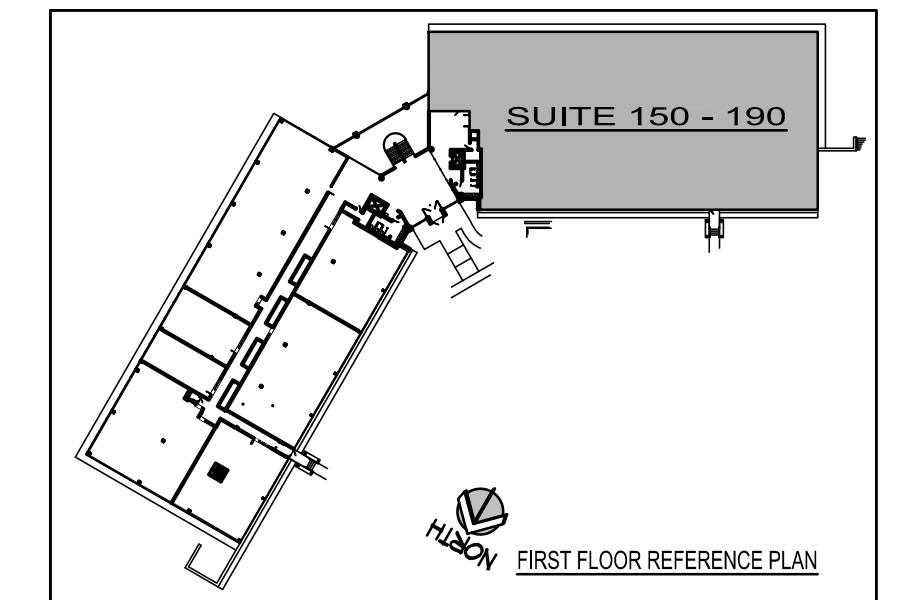
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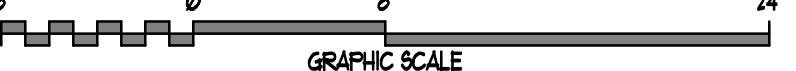
PRELIMINARY SEPTEMBER 13, 2018 - CUP SUBMITTAL

**SHEET NO**  
  
**OF**

1304






**SUITE 150 - 190 EXISTING CONDITIONS FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  

 GRAPHIC SCALE

EXISTING VESTIBULE  
 EXISTING EXIT DOOR  
 AND STAIRS WITH  
 ROOF ABOVE

BUILDING COMMON AREA

DRAWN BY:  
 JEH  
 CHECKED BY:  
 GYL CK  
 STRUC REV:  
 HOCZ CK  
 MEET CK

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TENANT IMPROVEMENTS FOR SUITE 190:  
**THE FRENCH ACADEMIE**  
 12301 WHITEWATER DRIVE, MINNETONKA MINNESOTA

PRELIMINARY SEPTEMBER 13, 2018 - CUP SUBMITTAL

**SHEET NO**  
 OF

## **Resolution No. 2018-**

### **Resolution approving a conditional use permit for a licensed daycare facility at 12301 Whitewater Drive**

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Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 The subject property is located at 12301 Whitewater Drive and is zoned PUD, planned unit development.
- 1.02 The property is legally described as:  
  
LOT 1, BLOCK 3, MINNETONKA TECHNOLOGY PARK.
- 1.03 Véronique Liebmann is proposing to operate a licensed daycare facility within the existing office build on the site.
- 1.04 By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD.
- 1.05 By City Code §300.17 Subd.4(j) licensed daycare facilities are conditionally-permitted uses in the B-1, office zoning district.
- 1.06 On Oct. 18, 2018, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the conditional use permit.

Section 2. Standards.

- 2.01 City Code §300.21 Subd.2 lists the following general conditional use permit standards:
1. The use is consistent with the intent of this ordinance;
  2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.21 Subd.3(j) lists the following specific conditional use permit standards for licensed daycare facilities:

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;
2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;
3. One parking space for each six children based on the licensed capacity of the center; and
4. Shall obtain all applicable state, county and city licenses.

### Section 3. FINDINGS.

3.01 The proposed daycare facility would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2 and the staff report associated with the applicant's request.

3.02 The proposed daycare facility would meet the specific conditional use permit standards as outlined in City Codes §300.21 Subd.3(j).

1. As proposed, a loading and drop-off would occur within the building. As such, no interference with traffic or pedestrian movements is anticipated.
2. The closest residential area is located over 1000 feet from the proposed outdoor play area.
3. 353 parking stalls would be available on site. This far exceeds the 260 stalls required for the existing office and proposed daycare uses.
4. As a condition of this resolution, all applicable state, county and city licenses must be secured.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved. Approval is based on the findings outlined in the associated staff report and section 3 of this resolution. Approval is subject to the following conditions:

1. The facility is allowed to serve up to 70 children. An increase in licensed capacity would require an amended conditional use permit.
2. All applicable state, county and city licenses must be secured.
3. The city council may reasonably add or revise conditions to address any future unforeseen problems.
4. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Nov. 5, 2018.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held Nov. 5, 2018.

\_\_\_\_\_  
David E. Maeda, City Clerk

SEAL