



AGENDA
PLANNING COMMISSION MEETING - WORK SESSION

August 1, 2024 - 6:00 PM
Marion Conference Room

1. Call to order
2. Off-Street Parking discussion
 - a. Off-Street Parking Discussion
3. Cannabis Zoning
 - a. Cannabis Zoning
4. Dunham Properties
 - a. Dunham Properties Discussion
5. Adjourn



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MEMORANDUM

TO: Community Development Director Tina Goodroad
Planning Manager Kris Jenson

FROM: D. Daniel Licht

DATE: 25 July 2024

RE: Lakeville – Zoning Ordinance; Number of Parking Spaces

TPC FILE: 135.01

BACKGROUND

City staff has initiated an update of Chapter 19 of the Zoning Ordinance regulating and establishing performance standards for off-street parking. The intent of the update is to provide for a comprehensive revision of the performance standards to reflect current data on parking demand for land uses, review location and spacing requirements for driveway access, update construction and design standards to best practices, and reorganize the provisions to be more concise and easier to utilize.

Our office has worked with City staff to update the provisions of Section 11-19-13 of the Zoning Ordinance for the number of spaces required as a preliminary step in the update of Chapter 19. Data from parking demand studies prepared by the Institute of Transportation Engineers (ITE) Trip Generation 11th Edition Parking Generation Manual published in 2023 was used as the primary basis for proposed changes to the parking stall requirements for various land uses. Other cities within the Twin Cities Metropolitan Area with a similar development profile as Lakeville were also surveyed regarding parking requirements as a comparison to the ITE parking demand studies. Finally, calculations for several developments were made to demonstrate the change in number of spaces required by the existing and proposed formulas and proof the proposed changes.

Exhibits:

- A. Draft Section 11-19-13
- B. Comparison of Existing/Proposed Parking Requirements

ANALYSIS

Updated Requirements. Note that many of the parking space requirements for uses that are allowed in commercial zoning districts is based upon leased spaces. What is established as a retail store, may change to an office or medical office, personal services business (i.e., hair/nails/tattoo) and the parking requirements have been established to allow occupancy flexibility. Using parking demand study data generated by the Institute of Transportation Engineers, information from the American Planning Association, and review of parking requirements for other cities with similar development character as Lakeville, the following changes to the off-street parking requirements are recommended as outlined below and the attached draft revision of Section 11-19-13 of the Zoning Ordinance.

- **Multiple Family Residential.** The City reduced the number of parking spaces required for multiple family uses to the current requirements following completion of a study in 2017. The amendment was conservative in order to evaluate any potential negative impacts of the reduction in required parking. The amendment also required that one enclosed parking space below the principal building be provided for each dwelling unit, with an exemption for dwelling units meeting regional affordability benchmarks.

Traffic studies submitted with multiple family developments in the City indicate that the number of required spaces could still be much lower based primarily on the number of efficiently and one-bedroom units typically included in most recent multiple family buildings. Additionally, concern has been noted that the requirement for one enclosed space for each unit reduces attainability. There is also the issue of multiple family buildings requiring an additional fee for enclosed spaces, thus potentially increasing demand for surface parking in order to maintain attainability in terms of housing costs.

ITE data continues to indicate that the parking demand for a low to medium rise apartment building in a suburban setting is 1.9 spaces per dwelling unit when the average number of bedrooms per unit is less than 2.0. It is recommended that the calculation of required spaces for multiple family uses be reduced from the current provisions to 1.9 spaces per unit with an additional 0.5 spaces added for each unit with three or more bedrooms.

The Planning Commission may also consider recommending that the requirement for one enclosed parking space be eliminated for efficiency units. This change has the effect of decreasing the number of enclosed parking spaces and increasing surface parking. By eliminating the requirement that an enclosed space not be constructed for each efficiency unit, the number of enclosed spaces will be reduced and could limit options for tenants to have more than one enclosed space.

- **Assembly Areas.** The Zoning Ordinance specifies that parking space requirements for public assembly areas using undefined seating such as benches or pews is to be based upon the seating capacity of the facility. The seating capacity is to be determined as one seat for each 18-inches of linear seating fixture. The 18-inch seat width standard is out of date, which results in an inflated estimate of the seating capacity, which in turn increases the number of parking spaces required. It is recommended that this 18-inch width be increased to 22-inches for calculating seating capacity. Spaces needed for assembly areas with other than seats would be calculated on the same standards but based on the Building Code occupancy limit.

- **Commercial Daycare.** We have observed and daycare developers and operators have noted that the current requirement of one space for each four children of design capacity for commercial daycare facilities over-estimates actual demand. This excess demand exists even though almost all parents will park and walk their children into the building. ITE data recommends a greater requirement of one space for each three children of licensed capacity. However, our experience in Lakeville and other communities suggest a requirement of one space for each five or six students is appropriate. Eden Prairie, which has the most recent updated parking requirements of the communities surveyed, requires one space for each six students of licensed capacity, one space for each employee, and one space for any business vehicle parked on site. We recommend adoption of the Eden Prairie requirement.

- **Offices.** ITE data indicates there is less parking demand for general office uses with a floor area of 10,000 square feet or greater, equal to three spaces per 1,000 square feet. Small office uses defined as less than 10,000 square feet of floor area have a parking demand estimated at four spaces for each 1,000 square feet, which is also less than the current requirement. Medical offices are estimated to still require one space for each 200 square feet of floor area, so no change is proposed for this use.

- **Sit Down Restaurants.** The Zoning Ordinance currently calculates the number of required spaces for sit down restaurants based on the area of the kitchen and seating areas within the business. A similar requirement was previously used for convenience food restaurants, but this has been amended to use a ratio based on the overall floor area of the use. ITE data has been used to develop a similar requirement for sit-down restaurants that will be more easily calculated by developers and City staff as part of the site plan review process. The ITE data estimates one space of demand for each 50 square feet of gross building area. Converting this estimate of parking demand to the net floor area basis of the Zoning Ordinance (gross floor area less 10 percent) results in a requirement of one space for each 45 square feet, which does not reduce the requirement.

- **Retail Stores.** The Zoning Ordinance currently provides two requirements for parking spaces for retail uses based on buildings less than 90,000 square feet at one space for each 200 square feet or 90,000 square feet or greater at one space for each 250 square feet. The two different standards assume there is less actual retail space and more storage within larger buildings.

There is also a provision for retail buildings with three or more tenants to provide parking spaces at a ratio of one space for each 160 square feet based upon the economic concepts of cumulative attraction and business interchange. An additional 10 percent reduction in required parking can be approved by the Zoning Administrator for such multiple tenant buildings. This is recommended to be removed as it is not consistent with ITE data.

ITE data supports the current separation of parking requirements based on square footage as outlined by the Zoning Ordinance. There is opportunity to consider establishing a third ratio of parking space requirements of one space for each 225 square feet of floor area for mid-box buildings in the range of 30,000 square feet up to 90,000 square feet. One concern with implementing such a provision is that mid-box buildings may often be divided into two or more spaces, which would then potentially put the higher requirement of one space for each 200 square feet into effect.

- **Manufacturing.** Manufacturing uses are being required to provide more parking spaces than necessary based on a flat requirement of one space for each 350 feet of floor area. With increasing automation and just-in-time delivery and shipping practices, a more specific requirement is needed. It is recommended that the parking requirement for manufacturing uses be revised to require spaces for office, manufacturing, and warehousing to be calculated separately based on ratios established using current ITE data to determine the total number of spaces required. This also more accurately reflects City staff's practices for determining parking space requirement. City staff's own observations of parking for manufacturing uses in Lakeville is that the sites are significantly over-parked. City staff would like further discussion by the Planning Commission of decreasing the parking requirement to as much as 1 space for each 2,000 square feet of manufacturing floor area.
- **Warehouses.** The character of warehouse development has changed significantly with much larger facilities that have smaller spaces dedicated to office activities within and fewer overall employees. The parking requirements for warehouses already consider the demand based on office and storage uses separately. ITE data and a survey of communities with a similar development profile indicates that it is necessary to reduce the ratio of parking spaces required for the storage element of a facility with a floor area of 200,000 square feet or more by at least half, reflecting both the increased area and fewer numbers of employees.

Pickup Spaces. Since the Covid-19 Pandemic, there has been an increase by retail and service businesses in use of pick up spaces where patrons either wait in their vehicles for their purchases to be brought to them by an employee or used as short-term parking for the patron to walk into the business to acquire their purchase sourced and prepared for delivery at a service counter. Because of the recency of this trend, definitive data is not established. From a practical observation standpoint, the use of these spaces since the end of the Covid-19 pandemic have seemed to evolved into replacing walk-in patronage and not significantly altering demand for parking spaces. This is a trend the City will need to monitor with future Zoning Ordinance updates going forward as more research becomes available.

Reduction in Required Spaces. The requirements for the number of spaces are based to the extent possible on reliable engineering studies, as well as documented practical experience in Lakeville and other cities with a similar development profile.

The Zoning Ordinance currently provides that the number of spaces required for a specific development may be permanently reduced by approval of a conditional use permit if based on a parking analysis that estimates the parking demand for this actual activity, including operation, site plan, and location factors. This flexibility is recommended to be included in the amended provisions of Chapter 19 to allow for a reduction of parking spaces where practical for the use consistent with the intent of the Zoning Ordinance.

The Zoning Ordinance also allows for a reduction in parking spaces to be constructed provided that a site plan is provided showing the ability to provide the required number of spaces, or proof-of-parking, by administrative permit. Approval of the administrative permit is conditioned on the property owner entering into a performance agreement with the City recorded with the property and posting security for construction of the remainder of the required parking spaces if determined to be needed by the City. Proof-of-parking stalls allow for a temporary reduction on parking for a specific use when a change in occupancy may demand more parking space in line with the requirements of the Zoning Ordinance for the area of the building.

Mixed Uses. The Zoning Ordinance was amended following the 2018 Comprehensive Plan update to include two zoning districts allowing for mixed land uses consisting of retail, service, and office businesses with multiple family dwellings. This arrangement of land uses within a single development requires special consideration for the number of parking spaces as the commercial and residential uses within will have parking demand that is based on the off-setting peak parking periods of the respective uses and not the cumulative total of the number of spaces required for each use calculated separately. Provisions establishing for a calculation of parking spaces required for mixed use development calculated based on the peak periods of demand for weekdays and weekends between 12:00AM-7:00AM, 7:00AM-6:00PM, and 6:00PM to 12:00AM are proposed for uses within the M-1 and M-2 Districts. Consideration may also be given to adopting these standards for uses within the C-CBD District.

Uses Not Defined. The list of uses and requirements for calculating the number of required spaces outlined in the Zoning Ordinance is not exhaustive. To avoid the Zoning Ordinance from being too rigid and static, existing provisions allowing for use of available data or development specific studies to determine the number of spaces required is to be carried forward into the updated provisions.

Maximum Number of Spaces. The Planning Commission discussed the concept of limiting the maximum number of spaces that can be constructed for a given use. Certain uses will base the parking constructed for the businesses on a peak demand that will occur only for a very limited period of time. Limiting the number of spaces that can be constructed improves efficient utilization of land, reduces impervious surfaces, and can improve aesthetics.

An example of a parking supply greatly exceeding the number of stalls required by the Zoning Ordinance is the SuperTarget Store at Timbercrest, which has a supply of off-street parking equal to approximately one space for each 190 square feet of net building area or 877 spaces. The number of spaces exceeds the 656 spaces required by the Zoning Ordinance at a ratio of one stall for each 250 square feet by 34 percent. The number of spaces provided at SuperTarget doesn't reflect the average daily demand for off-street parking but the demand at peak times such as Black Friday sales events.

It is recommended that a maximum number of spaces be established as 125 percent of the number of required spaces calculated in accordance with the provisions of the Zoning Ordinance. It is further recommended that increases in the number of spaces above 125 percent of the number of spaces calculated in accordance with the provisions of the Zoning Ordinance be allowed as a conditional use. This approach provides flexibility for unique situations on a case-by-case basis that would not satisfy the criteria for variance. The City may also, as a stipulation of approval of such a conditional use permit, require additional improvements related to the additional parking such as landscaping, screening, and low-impact development stormwater management techniques.

CONCLUSION

The Planning Commission will discuss the information outlined herein at a work session on 1 August 2024. City staff and our office are seeking feedback as to the proposed parking requirements, including any additional issues or concerns that need to be further considered. City staff and our office will use this input to finalize the changes to Section 11-19-13 of the Zoning Ordinance and incorporate those recommendations into the overall amendment of Chapter 19 for further review.

11-19-13: NUMBER OF SPACES REQUIRED: The following minimum number of off street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

A. Calculation of Required Spaces:

Use		Number Of Required Stalls	
		Existing	Proposed
Residential:			
	Multiple-family dwellings	2.5 spaces per unit except that the number of stalls required for uses with a mean of 2.0 bedrooms per dwelling unit or less shall be reduced to 2.0 stalls per dwelling unit. (Minimum of one enclosed space below the principal building)	<u>2.0 spaces per unit; including one spaces enclosed below the principal building for each unit with one or more bedrooms; plus 0.5 spaces for each unit with 3 bedrooms or more.</u>
	Residential care facility	2 spaces per unit for uses serving 6 or fewer persons in a residential district.	No change.
		4 spaces plus 1 space for each 3 beds and additional space as determined by the Zoning Administrator.	No change.
	Residential shelter	2 spaces plus 1 space for each 2 occupants of maximum capacity.	No change.
	Senior housing with services, senior independent living units	1 stall per dwelling unit, or; 1 stall per 2 dwelling units plus 1 stall per employee on a maximum shift when units are within a continuing care retirement community facility or memory care facility.	No change.

	Single-family, detached townhome, and two-family	2 spaces per unit.	No change.
	Townhouse		
	RM-1, RM-2, RH-1, RH-2 Districts	2 spaces per unit.	No change.
	RM-3 District	1 space per unit.	No change.
	RH-CBD and C-CBD Districts	1.5 spaces per dwelling unit for townhouse or multiple family uses.	No change.
Institutional:			
	Auditoriums, theaters, religious institutions, sports arenas	1 space per 3 seats of design capacity of the main assembly with a maximum capacity less than or equal to 1,000 persons or 1 space per 2.5 seats of design capacity of the main assembly with a maximum capacity greater than 1,000 persons, plus additional spaces required for adjoined facilities, not including private or private nonprofit baseball fields (see below).	No change.
	Community center, libraries	10 spaces plus 1 space per 300 square feet over 2,000 square feet of floor area for the principal structure.	No change.
	Nursing homes, rest homes	Residential care facility: 2 spaces per unit for uses serving 6 or fewer persons in a residential district.	No change.
		Other: 4 spaces plus 1 space for each 3 beds and	No change.

		additional space as determined by the Zoning Administrator.	
	Private or private nonprofit baseball fields	1 space per 8 seats of design capacity.	No change.
	School, elementary and middle	1 space per 7 students based upon building design.	Other facilities such as a theater or aquatic center addressed through 11-19-13.B.
	School, high school and post-high school facilities	1 space per 3 students based on building design capacity, plus 1 space per classroom.	No change.
	Senior housing, assisted living and memory care units	4 stalls per 10 dwelling units, plus stalls equal to the number of employees on a maximum shift.	No change.
Commercial/industrial:			
	Airport hangar	1 stall per 1,000 square feet.	No change.
	Animal hospital/kennel	1 space for each 200 square feet of floor area	1 space for each 200 square feet of floor area <u>plus one space for each 1,000 square feet of kennel area.</u>
	Auto repair uses established after March 17, 2003	1 space per 200 square feet of floor area.	No change.
	Auto sales	1 space per 500 square feet of showroom plus 1 space for each 3,000 square feet of outdoor sales lot, plus additional parking required for ancillary service or repair.	No change.
	Beauty or barber shop	2 spaces per chair.	No change.

	Bowling alleys	5 spaces per lane plus spaces as required for other uses within the principal structure.	No change.
	<u>Brewery, small brewery, distillery, microdistillery, with or without cocktail room or taproom</u>		<u>1 space per 1,500 square feet of manufacturing, fabrication, processing, or warehouse area, plus 1 space per 200 square feet of taproom or cocktail room floor area.</u>
	C-CBD District:		
	Office and/or retail commercial uses, not including restaurants	3 spaces per 1,000 square feet of floor area.	No change.
	All restaurant uses	5 spaces per 1,000 square feet of floor area.	1 space for each 200 square feet of floor area.
	Car wash	Drive through: 10 spaces.	No change.
		Self-service: 1 space per wash bay.	No change.
		Motor fuel stations: None in addition to that required for the principal use.	No change.
	Coffee/doughnut shop with or without drive through	1 space per 50 square feet.	No change.
	Commercial self-storage (ministorage) facilities	3 spaces plus 1 space per 100 storage units.	No change.
	<u>Data centers</u>		<u>1 space for each 2,000 square feet of floor area</u>
	Daycare facilities	In a residential district serving less than 12 persons: 2 spaces per use.	No change.

		All others: 1 space for each 4 persons of licensed capacity.	<u>1 space per employee on the largest work shift, plus 1 space per business vehicle, plus 1 space per every 6 children of licensed capacity.</u>
	Fast Convenience food restaurant with or without drive through	1 space per 70 square feet.	No change. Stacking space for drive through facilities will be addressed under design standard provisions.
	Fitness centers	1 space per exercise station (e.g., strength machine or cardiovascular) plus 1 space per employee on the largest shift plus additional parking required for ancillary uses.	No change.
	Funeral home	20 spaces per chapel or viewing parlor, plus 1 space for each company vehicle maintained on site. Adequate stacking space shall also be provided for staging funeral processions.	No change.
	Furniture sales	1 space per 400 square feet for first 25,000 square feet, plus 1 space per 600 square feet thereafter.	No change.
	Golf course	4 stalls per hole plus 50 percent of the parking stall requirement for any associated retail use; on site restaurant and/or banquet facilities shall provide parking stalls for that use as required by this section.	No change.
	Instructional classes, dance studios, karate centers, music schools and similar uses	1 space for each 200 square feet of floor area.	No change.

	Major bus terminal, boat/marine sales and repair, bottling company, trade shop with 6 or less employees, garden supply or building materials sales	8 spaces plus 1 space per 800 square feet of manufacturing or display floor area over 1,000 square feet.	No change.
	Manufacturing	1 space per 350 square feet of floor area, plus 1 space per company vehicle not stored within the principal structure.	<u>1 space per 200 square feet of office floor area; plus 1 space per 600 square feet of manufacturing floor area; plus 1 space per 2,000 square feet of warehouse floor area.</u>
	Motels/hotels/lodging or boarding	Boarding house: 1 space per person for whom accommodations are provided.	No change.
		Hotels/motels: 1 space per unit, plus 1 space for every 10 units.	No change.
	Motor fuel stations and auto repair	4 spaces plus 2 spaces for each service stall plus other requirements for uses or sale of goods not directly auto related.	No change.
	Multiple occupancy retail or service buildings with 3 or more tenants	1 space per 160 square feet of gross leasable floor area. The total required spaces may be reduced by 10 percent based upon approval of an administrative permit by the Zoning Administrator.	1 space per 160 square feet of gross leasable floor area. The total required spaces may be reduced by 10 percent based upon approval of an administrative permit by the Zoning Administrator.
	Multiplex theater	1 space per 3.4 seats (all other theaters shall be subject to the requirements applicable to auditoriums, theaters,	No change.

		religious institutions and sports arenas established by this section).		
	Office, general	1 space for each 200 square feet of floor area.	<u>< 10,000sf.</u>	<u>4 spaces for each 1,000 square feet of floor area.</u>
			<u>10,000sf. or greater.</u>	<u>3 spaces for each 1,000 square feet of floor area.</u>
	Office, medical	1 space for each 200 square feet.	No change.	
	<u>Research facilities</u>		<u>1 space for each 600 square feet for floor area.</u>	
	Restaurants, clubs, lodges, brewpubs, taprooms, tasting rooms	1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.	1 space for each 90 square feet of floor area.	
	<u>Retail commercial sales and service uses (other)</u>	1 space per 200 square feet.	<u>Less than 10,000sf.</u>	<u>1 space for each 200 square feet of floor area.</u>
			<u>10,000-less than 90,000sf.</u>	<u>1 space for each 225 square feet of floor area.</u>
		1 space per 250 square feet.	90,000sf or greater	1 space per 250 square feet.
	Skating rink, banquet hall, private or public auction house	20 spaces plus 1 space per 200 square feet over 2,000 square feet.	No change.	
	Truck wash	3 spaces plus 1 space per service bay.	No change.	
	Warehousing	Office: 1 space per 200 square feet.	No change.	
		Other: 1 space per 1,000 square feet plus 1 space	<u>Less than 200,000sf.</u>	1 space per 1,000 square feet plus 1

		per company vehicle not stored within the principal structure.		space per company vehicle not stored within the a principal or accessory structure.
			200,000sf. or greater	1 space per 1,000 square feet plus 1 space per company vehicle not stored within the a principal or accessory structure.

- B. When calculating the number of parking spaces required in accordance with section 11-19-13.A of this section results in a fraction, each fraction of one-half ($\frac{1}{2}$) or more shall constitute another space.
- C. Except as provided for under joint parking and for mixed use developments within the M-1 and M-2 Districts, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required by section 11-19-13.A of this section.
- D. In places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each ~~eighteen inches (18")~~ twenty two inches (22") of such design capacity seating facilities shall be counted as one seat for the purpose of determining requirements.
- E. Uses not specified or not precisely identified by section 11-19-13.A shall be calculated by the Zoning Administrator based upon, but not limited to, characteristics for similar uses and professional studies prepared by American Planning Association or Institute of Transportation Engineers.
- F. Reduction in Number of Required Stalls:
1. The number of stalls required by section 11-19-13.A of this section for a specific use may be permanently reduced by approval of a conditional use permit based on a parking demand study prepared by a qualified professional.
 2. The city may allow a deferment for the construction of the number of required parking stalls for commercial, industrial, institutional, and multiple-family uses, but not for such uses within the RS-CBD, C-CBD, and I-CBD Districts, by administrative permit provided that:

a. The proposed use will have a peak parking demand less than the required parking under section 11-19-13.A of this section in consideration of, but limited to:

(1) Size of building, or number of dwelling units and number of bedrooms per dwelling unit.

(2) Type and use.

(3) Number of employees or residents.

(4) Projected volume and turnover of customer traffic.

(5) Projected frequency and volume of delivery or service vehicles.

(6) Number of company owned vehicles not stored within a principal or accessory building.

b. In no case shall the amount of parking provided be less than one-half ($\frac{1}{2}$) of the amount of parking required by section 11-13-19.A of this section.

c. The site plan includes sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this chapter if the parking demand exceeds on site supply.

d. On site parking shall only occur in areas designed and constructed for parking in accordance with this chapter.

e. The applicant and city enter into a performance agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the Zoning Administrator that such additional parking stalls are necessary to accommodate the use, which may include a requirement for a construction security if determined necessary by the city.

f. A change of use will necessitate compliance with the applicable zoning ordinance standard for parking.

G. Construction of more than one hundred twenty-five percent (125%) of the number of stalls required by section 11-19-13.A of this section for a specific use shall require approval of a conditional use permit based on a parking demand study prepared by a qualified professional.

G. The minimum parking requirement for joint facilities that include office, restaurant, retail, government, and/or multiple family residential uses within Mixed Use Districts established by chapter 45 of this title are to be determined by the following calculation:

1. Multiply the minimum parking required for each individual use as required by section 11-19-13.A of this section by the appropriate percentage for each of the six (6) designated time periods as outlined in the following table:

<u>Land Use</u>	<u>Weekday</u>			<u>Weekend</u>		
<u>Time Periods</u>	<u>12:00 (Midnight) -7:00A.M.</u>	<u>7:00A.M. -6:00P.M.</u>	<u>6:00P.M.- 12:00A.M. (Midnight)</u>	<u>12:00 (Midnight) -7:00A.M.</u>	<u>7:00A.M. -6:00P.M.</u>	<u>6:00P.M.- 12:00A.M. (Midnight)</u>
<u>Office</u>	<u>5%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>10%</u>	<u>0%</u>
<u>Restaurant</u>	<u>10%</u>	<u>70%</u>	<u>100%</u>	<u>20%</u>	<u>70%</u>	<u>100%</u>
<u>Retail</u>	<u>0%</u>	<u>90%</u>	<u>60%</u>	<u>0%</u>	<u>100%</u>	<u>60%</u>
<u>Government</u>	<u>0%</u>	<u>100%</u>	<u>40%</u>	<u>0%</u>	<u>40%</u>	<u>25%</u>
<u>Multiple Family Residential</u>	<u>100%</u>	<u>60%</u>	<u>100%</u>	<u>100%</u>	<u>75%</u>	<u>100%</u>

b) Add the resulting sums for each of the six (6) designated time periods.

c) The minimum number of spaces required for the development shall be the highest sum among the six (6) designated time periods.

Land Use	Development	Number of Spaces Required				Net Change
		Current Requirement	# of Spaces	Proposed Requirement	# of Spaces	
Residential Multiple Family Dwellings	Aris Apartments -197 units -23 efficiency -15 3-bedroom	2.5 spaces per unit except that the number of stalls required for uses with a mean of 2.0 bedrooms per dwelling unit or less shall be reduced to 2.0 stalls per dwelling unit. (Minimum of one enclosed space below the principal building)	Total: 394 Garage: 197 Surface: 197	<u>1.9 spaces per unit; including one space enclosed below the principal building for each unit with one or more bedrooms; plus 0.5 spaces for each unit with 3 bedrooms or more.</u>	Total: 383 Garage: 174 Surface: 209	Total: -11 Garage: -23 Surface: +12
	Edison at Avonlea -146 units -0 efficiency -9 3-bedroom		Total: 292 Garage: 146 Surface: 146		Total: 278 Garage: 146 Surface: 132	Total: -14 Garage: n/c Surface: -14
	Lee Lake -120 units -26 efficiency -6 3-bedroom		Total: 240 Garage: 120 Surface: 120		Total: 232 Garage: 94 Surface: 138	Total: -8 Garage: -26 Surface: +18
	UCA		29	<u>1 space for each 6 persons of licensed capacity plus one space for each employee</u>	20	-9
Daycare		1 space for each 4 persons of licensed capacity.		<u>1 space for each 45 square feet of floor area.</u>	85	n/c
Restaurants, clubs, lodges, brewpubs, taprooms, tasting rooms	Porterhouse -4,224sf. ¹ -889sf. kitchen 2,912sf. seating	1 space per 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.	85			

Retail	ALDI -22,299sf. ¹	1 space for each 200 square feet (for building floor area less than 90,000sf.)	101	1 space for each 200 square feet (for building floor area less than 30,000sf.)	101	n/c
	Lakeville Crossing -50,201sf. ¹		226	<u>1 space for each 225 square feet (for building floor area 30,000sf. < 90,000sf.)</u>	201	-25
	HyVee -91,311sf. ¹	1 space per 250 square feet (for building floor area 90,000sf. or greater)	411	1 space per 250 square feet (for building floor area 90,000sf. or greater)	441	n/c
	SuperTarget -182,120sf. ¹		655		655	n/c
Warehouse	Example -153,600sf. ¹ total -20,840sf. office	Office: 1 space per 200 square feet; Other: 1 space per 1,000 square feet plus 1 space per company vehicle not stored within the principal structure.	183	Office: 1 space per 200 square feet; Other: 1 space per 1,000 square feet plus 1 space per company vehicle not stored within the principal structure	183	n/c
	Example -212,224sf. ¹ total -5,400sf. office		212	Office: <u>1 space per 200 square feet;</u> Other: <u>1 space per 2,000 square feet plus 1 space per company vehicle not stored within a principal or accessory structure.</u>	118	-94
	KTI First Add. -360,000sf. ¹ total -5,850sf. office		349		186	-163
	Amazon -750,000sf. ¹ total -2,635sf. office		685		349	-336
Notes:						
¹ Gross floor areas converted to net floor area by subtracting 10% n/c: No change						



Memorandum

To: Planning Commission
From: Tina Goodroad, Community Development Director
Date: July 25, 2024
Subject: Packet Material for the August 1, 2024 Planning Commission Work Session
Agenda Item: Cannabis Zoning Discussion

BACKGROUND

Legalization of cannabis was signed into law on May 30, 2023 (Chapter 342 of MN Law). Commercial growing, processing, and retail sales will fall under the regulation of the new state Office of Cannabis Management (OCM) who will begin licensing likely in early 2025. Special pre-approval (2024 legislation) will be conducted this summer for verified social equity applicants for the following license types: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility and delivery service. Social equity applicants with license pre-approval may begin growing cannabis prior to adoption of final OCM rules but no retail sales can take place until final rules are adopted.

The OCM will be responsible for all commercial regulation including licensing split between cultivation, manufacture, distribution, and retail (see Guide for Local Governments). Cities are responsible for registration. If the business has a valid state license, passes the compliance checks, and has paid all the fees and taxes, the city must issue the registration. State Statute requires that a city must issue at least one registration per 12,500 residents. For Lakeville, this means up to six registrations.

Municipal regulations are generally preempted. Cities may not ban use, possession, or transportation. Cities cannot prohibit businesses from operating if licensed by the state. However, cities do have a role when it comes to zoning. Cannabis businesses are viewed as any

other type of legal business, subject to the City’s general zoning regulations. A condition of obtaining a full-strength retail license will be demonstrating compliance with local zoning regulations. Local ordinances can be adopted to regulate reasonable restrictions on the time, place, and manner of operation of a cannabis business.

The statute also specifically mentions distance limits that may be incorporated into ordinances: 1,000 feet from a school and 500 feet from a daycare, residential treatment facility or “attraction within a public park that is regularly used by minors: like a playground, playfield, etc.” These limitations are not required but an option. Earlier this year we received direction from Council to limit 500 feet from schools (see attached map). The council agreed to this again at their discussion on July 22nd.

Due to the changes made to the law in the 2024 legislative session, we need to update our Zoning Code to include license types in districts.

Staff met with the City Council at their work session on July 22nd to review the license types and seek direction on uses as permitted or conditional. A table has been created with the license types and zoning districts with the council direction. Generally, cultivation, manufacture, distribution/transporting, wholesaler fall within industrial districts while retail license (dispensaries) will be considered a commercial use. Even as permitted uses, standards can be added to the ordinance requirement meeting all OCM rules related to the specific license type and meeting license requirements outlined in statute. The rules will dictate requirements for buildings including ventilation, odor control, security, etc.

We are working towards an amendment to the zoning ordinance possibly at the August 22nd meeting to include the license types based on the table.

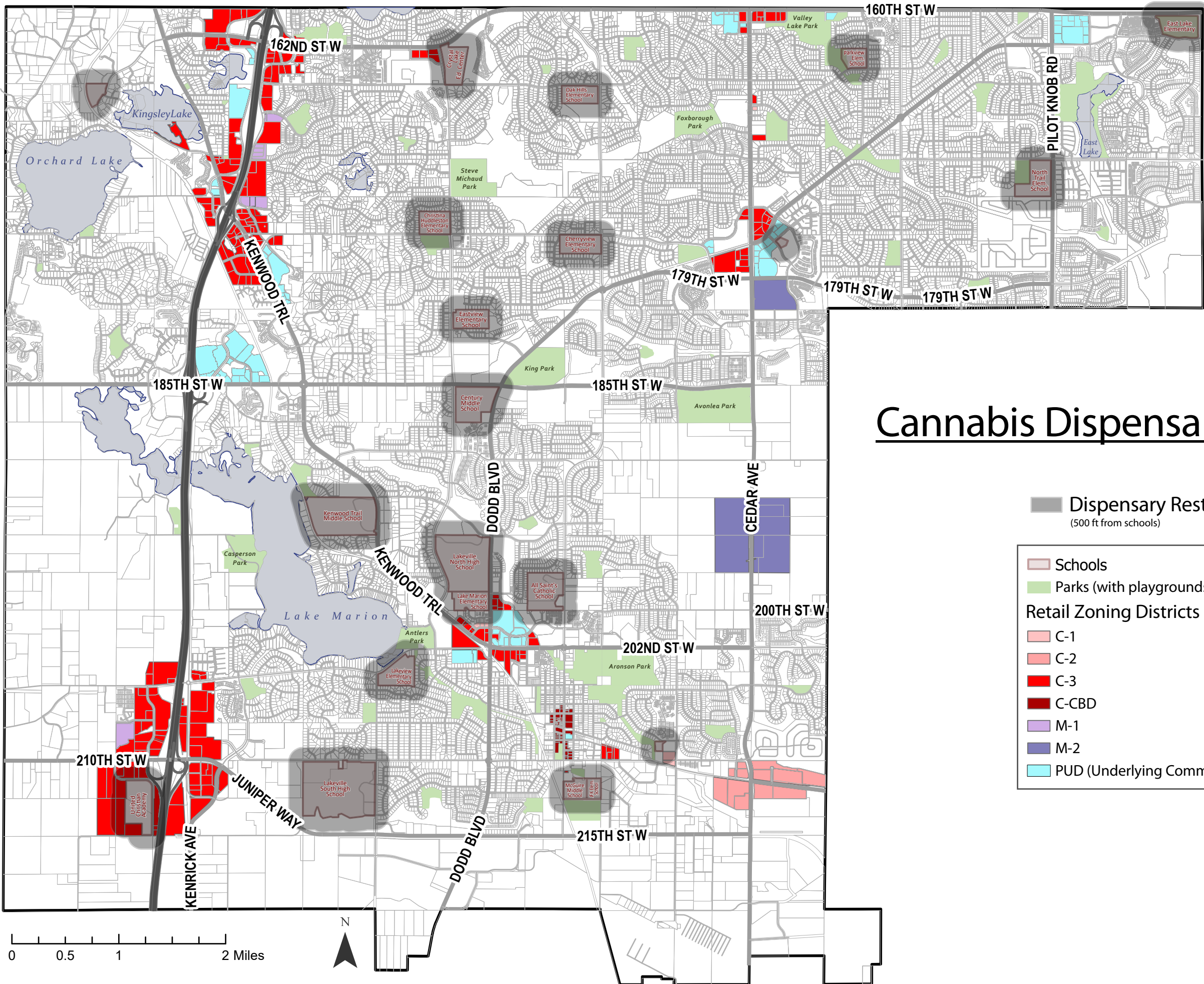
Discussion

Staff is looking for Planning Commission input on the different types of cannabis uses (growing/manufacturing, distribution, and retail sales) and input regarding the zoning districts.

Attachment

Cannabis dispensary restrictions map
Cannabis zoning table

	Commercial District				Industrial Districts			
Zoning District	C-1 Neighbor Comm.	C-2 Hwy Comm.	C-3, General Comm.	C-CBD	I-1, Light Ind	I-2, Gen Ind	O-P, Office Park	
Cannabis License Type								
Cannabis Microbusiness					CUP	CUP	No	Indoor cultivation of plants up to 5,000 sq ft or up to half acre outdoors + 1 retail license (same site)
Cannabis Mezzobusiness					P	P	P	Indoor cultivation of plants up to 15,000 sq ft or up to 1 acre outdoors + 3 retail license (retail use is not on same site)
Cannabis Cultivator (indoor)					P	P	P	Indoor cultivation of up to 30,000 sq ft plant canopy
Cannabis Cultivator (outdoor)					No	No	No	Outdoor cultivation of up to 2 acres
Cannabis Manufacturer					P	P	P	Manufacture cannabis and hemp products
Cannabis Retailer	P	P	P	P				Cannabis retailer (342.27 stipulates display, storage, hrs operation; security)
Cannabis Wholesaler					P	P	P	Buy and sell immature plants
Cannabis Transporter					P	P	P	Transport cannabis and hemp products between
Cannabis Testing Facility					P	P	P	Third-party testing any products grown or manufactured
Cannabis Delivery Service					CUP	CUP	CUP	Delivery with on-site vehicles
Medical Cannabis Cultivator					P	P	P	60,000 sq ft of plant canopy
Medical Cannabis Processor					P	P	P	Manufacture medical cannabis products
Medical Cannabis Retailer	P	P	P	P				Purchase medical cannabis flower and products and sell or distribute
Medical Cannabis Combo business					CUP	CUP	No	Cultivator, processor, and retailer
Lower-potency Hemp Edible Manuf					P	P	P	
Lower-potency Hemp Edible retail	P	P	P	P				



Cannabis Dispensary Restrictions

Dispensary Restricted Area
(500 ft from schools)

- Schools
- Parks (with playgrounds, ball fields, etc.)
- Retail Zoning Districts
 - C-1
 - C-2
 - C-3
 - C-CBD
 - M-1
 - M-2
 - PUD (Underlying Commercial Use)



Memorandum

To: Planning Commission
From: Tina Goodroad, Community Development Director
Date: July 25, 2024
Subject: Packet Material for the August 1, 2024 Planning Commission Work Session
Agenda Item: Dunham Properties -future zoning amendments

BACKGROUND

Bob Dunham and family members own properties located south of County Road 70 and north of 215th Street totaling 79.68 acres where they have farmed and operated a metal recycling business and wood recycling business on property zoned O-P, Office Park district (PIN 220360006018 & 220360007013). They also own an additional 39.89 acres zoned I-1, Light Industrial (farmland plus non-conforming trailer storage) located south of 215th Street (PIN 220360076010). Over the years, the recycling related businesses have evolved to meet the needs of their customers to find solutions for wood waste, metal recycling, and food waste. As these uses have expanded, the underlying zoning and necessary permits have not been in place to allow the businesses to grow in conformance with zoning ordinances. Over the past several months staff has been meeting with Mr. Dunham and his engineer to learn more about what the family is currently doing on site, their customer base, benefits of these types of recycling.

The wood recycling business involves taking wood waste that local and regional businesses (such as pallets from Uponor and Anderson Windows) need to dispose of. The wood is grinded down and sold for animal bedding, fuel, and tree mulch (sold to Scotts). This recycling effort keeps the wood waste out of the landfills. While most of the recycled wood product is sold, there are residual amounts that need to be composted on site. Mr. Dunham is requesting to have the ability to continue to compost the remaining wood, mixed with grass and leaves (aids in decomposition). The existing wood recycling operation has operated under a county license for

over 20 years. The proposed composting would require an Interim Use Permit (would need to amend the ordinance to add) and depending on size may require a county license.

The food waste business involves receiving bulk packaged food (vegetables in metal or plastic containers), de-packaging the food and processing it for livestock feed. The food is loaded into dumpsters and removed from the site. The residual liquid can be mixed with the wood to speed up the wood decomposition. This de-packaging effort keeps the food waste out of the landfill. This use is currently not operating under any city permits or county license. The de-packaging equipment is located within an existing pole building (property north of 215th Street). The county is aware of the operation and would like to get them licensed, but the use first needs to be operating in conformance with city requirements. A text amendment would be required to allow these activities as an Interim Use.

Site Plan:

Mr. Dunham has contracted with Kimley-Horn to prepare a site plan for the property south of 215th Street. This property includes a gas pipeline easement and the west branch of South Creek with increased setbacks and floodplain that limits the developable area of the site for any future use. The site plan includes proposed locations to move the wood waste and food waste processing businesses. The first move is proposed in spring 2025 and would include construction of two hoop sheds to store wood related to the wood processing operation (currently located outdoors north of 215th Street). A building for this business is also proposed in the future. Moving the wood processing to the northeast corner of the site will result in the removal of the non-conforming trailers.

The second move proposes to relocate the food de-packaging operation in spring 2026. This includes construction of a 25,400-square-foot building to enclose three food de-packaging machines. The site plan includes bunkers to store final products for retail sales (similar to what you would see at a landscape business). The Dunham family is requesting a composting area for wood that would include mixing of grass and leaves and the use of liquid by-product from the food de-packaging to provide fuel for the decomposition. Composting of wood remnants and liquid by-product would be conducted in windrows on an asphalt pad and aeriated to control odor. Resulting product would be sold as fertilizer with retail product stored in bunkers.

Next steps

There are many steps to consider should these businesses be deemed acceptable to relocate to the Dunham property south of 215th Street. First, the Zoning Ordinance would need to be amended to allow these uses as a conditional use permit (CUP) or interim use permit (IUP) with standards. Second, the property south of 215th Street would need to be brought into the current MUSA area by means of an amendment to the 2040 Comprehensive Land use Plan. Third, during the interim

Mr. Dunham is requesting consideration of an IUP on the current site so the food de-packaging can be considered legal and obtain applicable licenses so that the business can continue leading up to the bigger investment of moving the operation to the southern property. Allowing the food de-packaging could be done through an IUP (which would require a Zoning Ordinance text amendment) with standards and sunset timeline. Mr. Dunham also requests an IUP to allow yard waste composting on the northern site until the operation is moved south. This use could also be considered with an IUP and sunset timeline.

Discussion

Staff is looking for Planning Commission input on proposed future uses and potential zoning amendments to allow such uses. Staff anticipates amendments within the next 1-2 months.

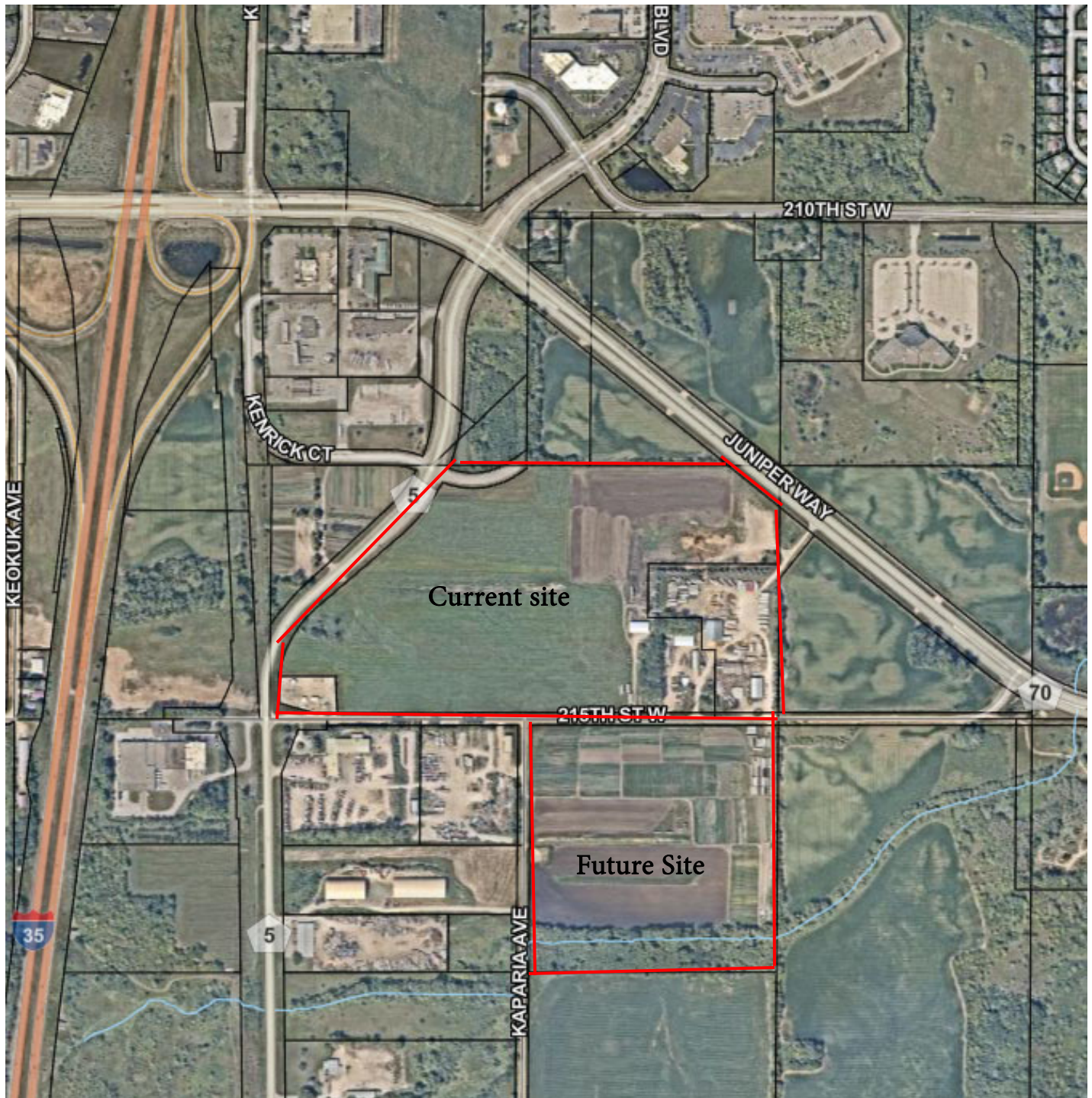
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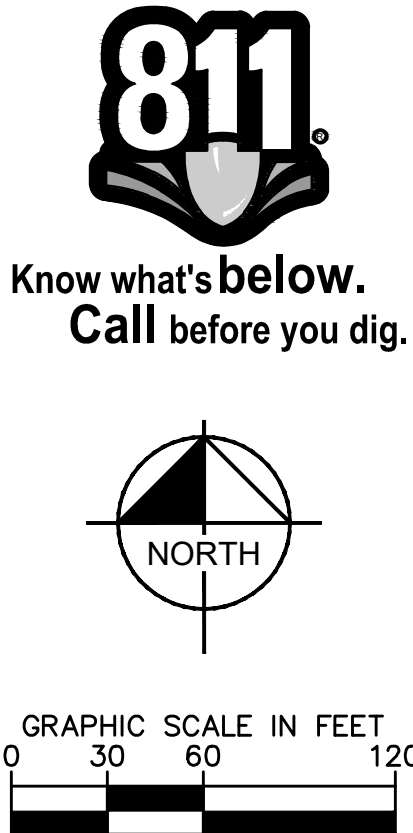
Location Map

Site Plan- North of 215th Street

Site Plan – South of 215th Street

Location Map





PROPERTY LINE

SETBACK LINE

EASEMENT LINE

PHASE 1 BOUNDARY

WOOD PROCESSING AREA

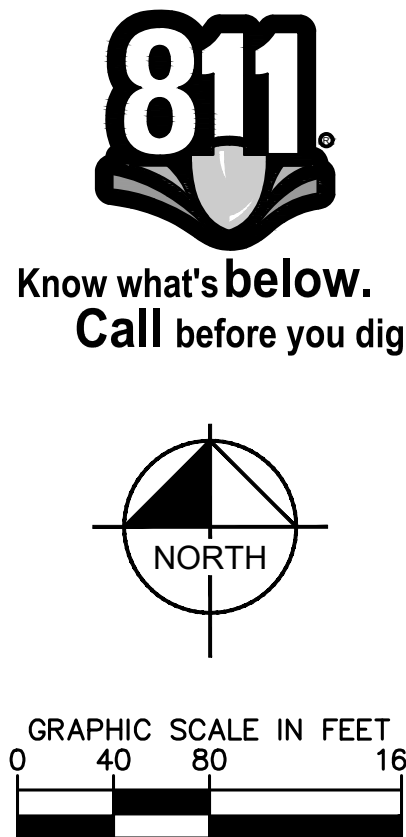
FOOD DEPACKING AREA

1. NO SITE ITEMS ARE TO BE PLACED SOUTH OF WEST BRANCH SOUTH CREEK TO AVOID IMPACTS TO THE PFO AND PEM WETLANDS DENOTED BY THE WESTWOOD WETLAND REPORT.
2. PER 7035.2855 OF MINNESOTA ADMINISTRATIVE RULES, THE STORAGE OF SOLID WASTE BEFORE BENEFICIAL REUSE, WHICH INCLUDES RECYCLABLE MATERIALS AND UNCONTAMINATED WOOD, MUST COMPLY WITH THE FOLLOWING LOCALATIONAL REQUIREMENTS:
 - 2.1. THE LOCALATIONAL STANDARDS IN PART 7035.2555 MUST BE MET.
 - 2.2. THE STORAGE AREA MUST NOT BE LOCATED IN AN AREA CHARACTERIZED BY KARST FEATURES, INCLUDING SINKHOLES, CAVES, AND DISAPPEARING STREAMS.
 - 2.3. THE STORAGE AREA, INCLUDING ANY UNDERLYING LINER, MUST BE LOCATED ENTIRELY ABOVE THE HIGH WATER TABLE.
3. PER 7035.2836 OF MINNESOTA ADMINISTRATIVE RULES, SOURCE SEPARATED ORGANIC MATERIAL COMPOST (FOOD COMPOST) MUST COMPLY WITH THE FOLLOWING LOCALATIONAL REQUIREMENTS:
 - 3.1. WITHIN LOCATIONS DESCRIBED IN PART 7035.2555.
 - 3.2. ON A SITE WITH KARST FEATURES INCLUDING SINKHOLES, DISAPPEARING STREAMS, AND CAVES.
 - 3.3. WITHIN FIVE VERTICAL FEET OF THE WATER TABLE.
 - 3.4. UNLESS A DIFFERENT DISTANCE IS SPECIFIED BY A LOCAL UNIT OF GOVERNMENT BY ORDINANCE, WITHIN 500 FEET HORIZONTAL SEPARATION DISTANCE AS MEASURED FROM THE CLOSEST EDGE OF ALL COMPOST ADJACENT TO THE CLOSEST EDGE OF A PROPERTY BOUNDARY OF THE NEAREST RESIDENCE, PLACE OF BUSINESS, OR PUBLIC AREA, SUCH AS PARKS WILDLIFE AREAS, AND PUBLIC BUILDINGS, EXCEPT:
 - 3.4.1. UPON APPROVAL OF THE COMMISSIONER, OPERATIONAL MODIFICATIONS, TOPOGRAPHIC FEATURES, AND OTHER NATURAL OR MAN-MADE PHYSICAL CHARACTERISTICS THAT REDUCE NOISE CONDITIONS, SUCH AS NOISE LITTER, AND ODOR, MAY BE USED TO REDUCE THE 500-FOOT HORIZONTAL SEPARATION DISTANCE.
 - 3.4.2. ADJACENT COMMERCIAL ACTIVITIES OPERATED BY THE FACILITY OWNER ARE EXCLUDED FROM THE 500-FOOT HORIZONTAL SEPARATION REQUIREMENT FOR THE OWNER'S RESIDENCE OR PLACE OF BUSINESS.
4. 7035.2555 LOCALATIONAL STANDARDS:
 - 4.1. AN OWNER OR OPERATOR MAY NOT LOCATE A NEW SOLID WASTE MANAGEMENT FACILITY IN A FLOODPLAIN.
 - 4.2. AN OWNER OR OPERATOR MAY NOT ESTABLISH OR CONSTRUCT A SOLID WASTE MANAGEMENT FACILITY IN THE FOLLOWING AREAS:
 - 4.2.1. WITHIN A SHORELAND OR WILD AND SCENIC RIVER LAND USE DISTRICT GOVERNED BY CHAPTERS 6105 AND 6120
 - 4.2.2. WITHIN A WETLAND
 - 4.2.3. WITHIN A LOCATION WHERE EMISSIONS OF AIR POLLUTANTS WOULD VIOLATE THE AMBIENT AIR QUALITY STANDARDS IN CHAPTERS 7005, 7007, 7009, 7011, 7017, 7018, AND 7028 AND PARTS 7023.0100 TO 7023.0120

PROPERTY SUMMARY	
TOTAL PROPERTY AREA	79.68 AC / 3,470,862 SF
SITE DATA	
EXISTING ZONING	INDUSTRIAL 1 SHORELAND OVERLAY RURAL/AG OVERLAY
PROPOSED ZONING	INDUSTRIAL 1
PROPOSED LAND USE	COMPOSTING AND RECYCLING
PARKING SETBACKS	SIDE/REAR = 5' RIGHT OF WAY = 15'
BUILDING SETBACKS	FRONT = 40' SIDE = 20' REAR = 30' RIGHT OF WAY = 30'

PRELIMINARY - NOT FOR CONSTRUCTION

DUNHAM ENTERPRISE	SITE SKETCH PLAN	KHA PROJECT 161140000
PREPARED FOR DUNHAM INC.		DATE 07/01/2024
		SCALE AS SHOWN
		DESIGNED BY AMW
		DRAWN BY AMW
		CHECKED BY KJO
LAKEVILLE MN		



	PROPERTY LINE
	SETBACK LINE
	EASEMENT LINE
	PHASE 1 BOUNDARY
	HEAVY DUTY ASPHALT PAVEMENT
	STORM WATER AREA
	GRAVEL
	HEAVY DUTY CONCRETE

1. NO SITE ITEMS ARE TO BE PLACED SOUTH OF WEST BRANCH SOUTH CREEK TO AVOID IMPACTS TO THE PFO AND PEM WETLANDS DENOTED BY THE WESTWOOD WETLAND REPORT.
2. PER 7035.2855 OF MINNESOTA ADMINISTRATIVE RULES, THE STORAGE OF SOLID WASTE BEFORE BENEFICIAL REUSE, WHICH INCLUDES RECYCLABLE MATERIALS AND UNUSUALLY TREATED WASTE, MUST COMPLY WITH THE FOLLOWING LOCAL/STATE REQUIREMENTS:
 - 2.1. THE LOCAL/STATE STANDARDS IN PART 7035.2555 MUST BE MET.
 - 2.2. THE STORAGE AREA MUST NOT BE LOCATED IN AN AREA CHARACTERIZED BY KARST FEATURES, INCLUDING SINKHOLES, CAVES, AND DISAPPEARING STREAMS.
 - 2.3. THE STORAGE AREA, INCLUDING ANY UNDERLYING LINER, MUST BE LOCATED ENTIRELY ABOVE THE HIGH WATER TABLE.
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 - 3.3. WITHIN FIVE VERTICAL FEET OF THE WATER TABLE.
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 - 3.4.1. UPON APPROVAL OF THE COMMISSIONER, OPERATIONAL MODIFICATIONS, AND ADJACENT COMMERCIAL ACTIVITIES OPERATED BY THE FACILITY OWNER ARE EXCLUDED FROM THE 500-FOOT HORIZONTAL SEPARATION REQUIREMENT FOR THE OWNER'S RESIDENCE OR PLACE OF BUSINESS.
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PROPERTY SUMMARY	
TOTAL PROPERTY AREA	37.91 AC / 1,651,533 SF
SITE DATA	
EXISTING ZONING	INDUSTRIAL 1 SHORELAND OVERLAY RURAL/AG OVERLAY
PROPOSED ZONING	INDUSTRIAL 1
PROPOSED LAND USE	COMPOSTING AND RECYCLING
PARKING SETBACKS	SIDE/REAR = 5' RIGHT OF WAY = 15'
BUILDING SETBACKS	FRONT = 40' SIDE = 20' REAR = 30' RIGHT OF WAY = 30'

PRELIMINARY - NOT FOR CONSTRUCTION

DUNHAM ENTERPRISE PREPARED FOR DUNHAM INC.		LAKEVILLE		MINN.	
SHEET NUMBER		EX 2			
SITE SKETCH PLAN		KHA PROJECT 161140000 DATE 05/09/2024		Kimley»»Horn © 2024 KIMLEY-HORN AND ASSOCIATES, INC. 767 EUSTIS STREET, SUITE 100, ST. PAUL, MN 55114 PHONE 651-454-4197 WWW.KIMLEY-HORN.COM	
SCALE AS SHOWN		DESIGNED BY AMW			
DRAWN BY AMW		CHECKED BY KJO			
				No.	
				REVISIONS	
				DATE	
				BY	