



**MONTROSE  
PLANNING AND ZONING COMMISSION MEETING  
AGENDA**

**Wednesday, July 8, 2020  
7:00 PM**

**Montrose Community Center  
200 Center Avenue South  
Montrose, Minnesota 55363**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes
  - A. June 10, 2020 Planning and Zoning Commission Meeting Minutes
6. Public Hearing
  - A. Consider A Planned Unit Development Amendment – Forest Creek – R Homes
  - B. Consider An Ordinance Amendment Related to Mobile Food Units
7. Old Business
8. New Business
  - A. City Planner Updates
9. Next Meeting
  - A. Wednesday, August 12, 2020 to be held at the Montrose Community Center - 7:00 p.m.
10. Adjournment

**\* \* Please note that a quorum of the City Council may be present  
at the Planning and Zoning Commission Meeting. \* \***

City of Montrose  
 Planning and Zoning Commission Meeting  
 Montrose Community Center  
 200 Center Avenue South  
 Wednesday, June 10, 2020  
 7:00 P.M.

# **1. CALL TO ORDER**

**Pursuant** to call and notice the Montrose Planning and Zoning Commission met in Regular Session on Wednesday, June 10, 2020 at 7:00 p.m.

Planning and Zoning Chair, Ms. Tracy Gurneau called the meeting to order at 7:00 p.m.

# **2. ROLL CALL**

Present: Commissioner Tracy Gurneau  
 Commissioner Sylvia Henry  
 Commissioner Shawn Cuff  
 Commissioner Justin Emery  
 City Council Liaison Lloyd Johnson

Absent: Commissioner Mike Scanlon

Staff Present: Ms. Deborah Boelter, City Clerk-Treasurer  
 Mr. Ryan Grittman, City Planner

# **3. PLEDGE OF ALLEGIENCE**

The Pledge of Allegiance was taken.

# **4. APPROVAL OF THE AGENDA**

Commissioner Gurneau stated that 6. OLD BUSINESS, A. Renewable Properties, Limited Liability Corporation (LLC) – Solar Farm Lease, needs to be removed from the Agenda.

City Planner, Mr. Ryan Grittman, stated that the Montrose Public Works Department needed to retain more of the property than previously thought at the proposed Solar Farm site for future right-of-way and expansion; so, Renewable Properties, LLC decided the available property was too minimal to build a Solar Farm and withdrew their proposal.

**Commissioner Henry motioned to approve the June 10, 2020 Planning and Zoning Commission Meeting Agenda with the amendment to remove 6. OLD BUSINESS, A. Renewable Properties, Limited Liability Corporation (LLC) – Solar Farm Lease from the Agenda. Commissioner Emery seconded the motion. Motion carried 4-0.**

# **5. APPROVAL OF THE MINUTES**

A. March 11, 2020 Planning and Zoning Commission Meeting

**Commissioner Henry motioned to approve the Planning and Zoning Commission Meeting minutes of March 11, 2020. Commissioner Emery seconded the motion. Motion carried 4-0.**

# **6. OLD BUSINESS**

~~A. Renewable Properties, Limited Liability Corporation (LLC) – Solar Farm Lease – REMOVED~~

~~i. Planning and Zoning Resolution No. 2020-01 – A Resolution Approving a Letter of Intent for a Solar Farm Located at Parcel Identification (PID) 112-500-012302 Within the City of Montrose~~

## 7. NEW BUSINESS.

### A. Food Truck Regulations and Ordinance

Ms. Boelter stated that City staff asked the City Planner, Mr. Gritman to prepare an ordinance amendment for the regulation of food trucks within the City of Montrose. She continued by stating that the City has had food trucks selling within the City and there have been some issues and there is no ordinance in place to regulate them.

Council Member Johnson shared his concerns about food trucks operating and competing with the City's organizations while they are selling food for fundraisers. He continued by stating that food trucks should not be allowed in the City. Council Member Johnson also shared his concerns about charging food trucks and/or food booths that are operating in conjunction with a City event. Ms. Boelter stated that exception can be made in the ordinance to operate free of charge for organizations and/or food trucks that are operating in conjunction with a City event or fundraiser.

Commissioner Cuff shared his concerns about food trucks operating in the City of Montrose and competing against the City's few restaurants. Ms. Boelter stated that staff would not like to eliminate food trucks from the City; however, they would like to have an ordinance in place that regulates their operation. She continued by stating that staff is seeking input from the Planning and Zoning Commission on what regulations they would like to see.

Commissioner Gurneau directed Mr. Gritman to provide the Planning and Zoning Commission with some guidance on what regulations they should consider.

### **BACKGROUND:**

Mr. Gritman stated that the City of Montrose has expressed an interest in pursuing regulations to permit the operation of food truck vendors in the Community, a use which is not currently addressed in the City Ordinance. Food trucks are a transient business that may operate in a variety of zoning districts and at different times of the year. In other communities, food trucks have served food in commercial areas where there is a demand for additional food options. Food trucks may also serve public and semi-public events; such as, farmers markets or City festivals, or may be connected with an established restaurant business.

Mr. Gritman stated that the operation of food trucks in the community raises some questions. The transient nature of food trucks poses concerns with regards to potential impacts on other local food related businesses. Food trucks are not required to rent or purchase property to conduct their sales but will compete against established taxpaying restaurants that have invested in real estate. Should the City deem this kind of competition appropriate, they will need to establish regulations for the unique style of operation associated with mobile food vendors.

Mr. Gritman stated that the rest of his memorandum further defines food trucks; details applicable state and regional regulation of food trucks; reviews topics or concerns to be addressed with food truck licensure and regulation; and identifies how to integrate food truck licensure and regulation in the Montrose Ordinance. He continued by presenting a draft ordinance amendment establishing food truck regulations for consideration by the Planning and Zoning Commission. It should be noted that the City has not yet called for a public hearing on this ordinance amendment, this draft ordinance is presented for preliminary comment and review at this time.

## **ISSUES AND ANALYSIS:**

### **State Regulation of Mobile Food Trucks.**

#### *Minnesota State Statutes Chapter 157 Food, Beverage, and Lodging Establishments*

Mr. Grittmann stated that according to Minnesota State Statutes *Chapter 157 Food, Beverage, and Lodging Establishments*, a license is required annually for anyone engaged in the business of conducting a food and beverage service establishment. To acquire a license, applicants must make application, pay the required licensure fee, and receive approval for their operation, including plan review approval. Food truck licensure in Wright County is provided by the Minnesota Department of Health.

He continued by stating that State Statutes directly address regulation of mobile food trucks, which the State refers to as "mobile food units," or MFUs. MN Statutes Chapter 157 provides the following definition for food establishments of a temporary or mobile nature, from *Section 157.15 Definitions*:

*Food cart.* A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.

*Mobile food unit.* A food and beverage service establishment that is a vehicle mounted unit, either:

- 1) Motorized or trailered, operating no more than twenty-one (21) days annually at any one place, or operating more than twenty-one (21) days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- 2) Operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

*Seasonal permanent food stand.* A food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.

*Seasonal temporary food stand.* A food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates no more than 21 days annually at any one location.

#### *Minnesota Food Code, from Minnesota Rules Chapter 4626*

Mr. Grittmann stated that the Minnesota Food Code contains the minimum design, installation, construction, operation and maintenance requirements for all food establishments in Minnesota. These rules are the standards with which food establishments must comply in the handling, storing, preparation, and service of food to the retail food consumer. Chapter 4626 defines a "food establishment" as including an operation that is conducted in a "mobile, stationary, temporary, or permanent facility, location, or cart, regardless of whether consumption is on or off the premises."

He continued by stated that Minnesota Food Code Chapter 4626 provides very specific regulation of mobile food establishments, as described in *Section 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; and Seasonal Permanent Food Stands*. This section of State code regulates different aspects of food truck operation, including mechanical systems, water supply and disposal, washing and sanitation facilities, waste disposal, food preparation and cooking areas, and food preservation/refrigeration. A complete list of state standards can be found in Section 4626.1860.

#### *Minnesota Department of Health*

Mr. Grittmann stated as indicated earlier, the Minnesota Department of Health (MDH) is the agency responsible for plan review and licensing for mobile food units in Wright County. The MDH enforces regulations provided for Mobile Food Units (MFUs) in MN Statutes Chapter 157 and MN Food Code Chapter 4626. The MDH requires individuals or groups interested in operating an MFU to submit a "Temporary/Seasonal Plan Review Application" and required fees at least thirty (30) days prior to beginning new construction or remodeling of an MFU.



A plan review submission must include the following:

- ✓ A completed plan review application with the required fees.
- ✓ Intended menu.
- ✓ Description of how food will be prepared.
- ✓ Easily readable floor plan layout indicating the location of all equipment (for example, cooking equipment, hood, refrigerators, food prep counters, hand washing sink(s), three-compartment sink, and food prep sink).
- ✓ Finish schedule for floors, walls and ceilings.
- ✓ Manufacturer's equipment specifications sheets for all equipment, including sinks.
- ✓ Size of water heater, and fresh water and wastewater holding tanks.
- ✓ Finishes for counters and cabinetry.
- ✓ Commissary agreement, if required.
- ✓ List of intended, scheduled events or areas of operation if known.

Mr. Grittmann stated that once plans are approved by the Minnesota Department of Health (MDH) and construction or renovation of the mobile food unit is completed, applicants need to follow additional steps to get licensed, including submitting a license application; having the mobile food unit inspected; and posting the permit during operations. The MDH license is valid for one (1) calendar year (January 1 through December 31), and must be renewed annually.

The MHD publication "Mobile Food Unit and Seasonal Temporary Food Stand Construction Guide" provides specific information on equipment and operations regulations for MFUs, which are in line with requirements as provided in MN Food Code Chapter 4626, described earlier in the report.

**Local Regulation of Mobile Food Units.** Mr. Grittmann stated that the City of Montrose does not currently define food trucks or provide licensing and regulation of the use; however, City Code Chapter 70 "Peddlers and Solicitors," provides a definition for transient merchants as follows:

"A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days."

Mr. Grittmann stated that mobile food unit vendors engage in temporary and transient selling of goods and hence fall within the purview of this transient merchant definition. Section 70.03 requires transient merchants to attain a license for operating in the City. General requirements for this license require the applicants to furnish background information and details pertaining to the proposed sales activity (including proposed time or duration of sales).

He continued by stating that the existing Ordinance addresses the transient or temporary nature of operations in a general way. The State regulates mobile food units in a specific way, with special attention to managing the health and sanitation aspects of the use in line with how a restaurant would be regulated. It would be difficult for Montrose to incorporate detailed food regulations in the licensure for transient merchants because not all transient merchants have food operations; however, the City Ordinance can be updated to define and identify mobile food units as a separate transient use requiring licensure from the City. The City may wish to group other food related transient uses (for example - food carts, ice cream trucks) in with the mobile food unit transient use license as well. This will allow the City to provide additional regulations specific to these uses in the Ordinance. In addition, once mobile food units have been clearly defined as a transient use in the Ordinance, the requirement for State licensure and regulation can be directly referenced in the City's licensure requirements.

**Mobile Food Unit Land Use Considerations.** Mr. Grittmann stated that several land use concerns should be addressed in considering an amendment to Chapter 70 of City Code for mobile food unit (MFU) licensure. They include:

*License Limitations.* A mobile food unit (MFU) ordinance should require that applicants verify MFU licensure through the MN Health Department. As described, the State license requires a detailed plan review process to verify that food sanitation and safety conditions have been met.

Mr. Grittmann stated that the State permits licensed mobile food units (MFUs) to operate up to twenty-one (21) days at any one place but doesn't otherwise limit the extent of MFU operations over the course of the annual permit. The City may consider further limiting MFU operations by identifying the number of locations at which an MFU may operate over the course of an annual license and the number of MFUs that a private property may host over the course of an annual license. Appropriate limitations are open for discussion; but, the draft ordinance provides the following potential limitations:

- 1) An annual City granted MFU license will allow vendors to operate at four (4) locations during the course of an annual permit, and no more than twenty-one (21) days at a time.
- 2) A private property may host no more than four (4) MFUs over the course of the year, non-consecutively and for no more than twenty-one (21) days at a time.

Mr. Grittmann stated that these additional limitations are intended to manage land use impacts from MFUs, and decrease potential impacts to established food businesses within the City at any one location.

*Competition with Established Restaurants.* Mr. Grittmann continued by stating that Montrose has several existing independent restaurant and coffee shop establishments that have the potential to be impacted by mobile food unit (MFU) competition. These establishments are limited to one location and have financial obligations for their business location, such as paying property taxes or rent. Mobile food units, which require an initial vehicle and equipment investment but have no ongoing local tax responsibilities, have a financial advantage over established restaurant and coffee shop businesses. For this reason, the City should consider the following:

- Whether it is appropriate to permit MFUs given this concern
- If the City decides to permit MFUs, where to allow them

Mr. Grittmann stated that Planning and Zoning staff recommends implementing a setback requirement from existing restaurants and coffee shops. A minimum distance of two hundred (200) feet may reduce proximity competition between MFUs and other establishments, which will result in a more level playing field for the two (2) business types despite the tax disparity described.

*Location in Community.* Mr. Grittmann stated that as with other restaurants, mobile food units (MFUs) should be limited to commercial or industrial zoning districts. An exception may be made for MFUs serving festivals or events at parks (a land uses which can be found in residential districts). If the City decides on implementing a mobile food unit (MFU), ordinance zoning districts within which MFUs may operate should be identified in Chapter 70.07 Licensing Restrictions for MFUs. Ice cream trucks, which are considered an MFU, serve pre-packaged food products as opposed to prepared food, and are typically drawn to residential neighborhoods to sell their products to families with children. Therefore, the City may consider an exception to allow ice cream trucks within residential zoning districts, subject to certain additional conditions meant to mitigate issues specific to ice cream truck operations. For example, because ice cream trucks serve children, a background check for truck operators may be useful.

Mr. Grittmann continued by stating that the actual location of mobile food units (MFUs) within commercial and industrial zoning districts should be limited to private properties, so as not to create obstacles within public areas or right of ways. Further, on private properties MFUs should be required to stay clear of pedestrian ways; should maintain traffic circulation; and may not reduce required parking. Permission from private property owners must be required for approval of an MFU license; however, ice cream trucks operating in residential districts will need to be permitted to temporarily rest in public right of ways in order to operate, but are not expected to linger at any one (1) location for extended periods of time.

*Hours of Operation.* Mr. Grittmann stated that the existing ordinance prohibits operation between 9:00 pm and 7:00 am. The City may consider specifying specific hours of operations for mobile food units (MFUs), which should be flexible enough to permit the sale of food around meal hours but restrictive enough to prevent mobile vendors from operating too early in the morning or too late into the evening. Exceptions could be considered

for MFUs serving special events or festivals operating during atypical business hours. The draft ordinance prohibits mobile food unit operations between the hours of 10:00 pm and 8:00 am.

*Setup and Maintenance of Mobile Food Unit Sites.* Mr. Grittmann stated that the City should consider establishing guidelines for appropriate setup and maintenance of mobile food unit (MFU) sites. In the draft Ordinance presented several items address this issue, including:

- ❖ Requiring that trash and recycling collection and clean-up be provided to prevent food trash from littering surrounding property.
- ❖ Requiring that MFUs provide an independent power supply, screened from view, to avoid burdening private property owners with energy needs. Generators should be permitted in this regard.
- ❖ Noise and visual interference associated with MFUs should be managed to avoid impacts to surrounding businesses. Mobile food units should not maintain or use outside sound amplifying equipment; televisions or other similar visual entertainment devices; or noisemakers such as bells, horns, or whistles. However, ice cream trucks traveling through residential districts may have outdoor music or noise making devices to announce their presence.
- ❖ Mobile food units (MFUs) should be required to be located on paved hard surfaced areas to provide for easier clean-up and maintenance of the MFU site.
- ❖ Mobile food units (MFUs) must close down during adverse weather conditions, unless additional shelter has been provided for patrons.

#### **RECOMMENDATION:**

Mr. Grittmann stated that Planning and Zoning staff is not making a specific recommendation on the question of whether to permit mobile food units (MFUs) in the Montrose Community or not. Other communities have permitted MFUs; but, have required them to attain a license and have limited their location and operations according to additional MFU regulations. It is recommended that the City of Montrose require the same steps if it is determined that MFUs should be permitted in the City. The potential competition of MFUs with established, tax paying restaurant and coffee shop businesses is a significant area of concern in deciding whether to permit MFUs in the Community. If the City determines that MFUs and established food service businesses can co-exist in the Community, additional regulations should be required of MFUs as pertains to their location relative to established businesses.

An ordinance amendment to permit mobile food units to operate in the Community needs to include an amendment to Montrose City Code Chapter 70 "Peddlers and Solicitors" to provide a definition for mobile food units (under 70.01 Definitions), and to establish specific regulations for mobile food units applying for a transient merchant license (under 70.07 Restrictions). Mobile food units should also adhere to all general transient merchant regulations provided in Chapter 70.

After discussing the proposed draft ordinance amendment, the Planning and Zoning Commission Members in were in agreement that the following should be included in the ordinance in regards to mobile food units:

- An annual fee to operate in the City of Montrose. (Ms. Boelter was directed to research what other communities charge MFUs to operate within their city limits.)
- Food truck vendors will be responsible for filling out an Administrative Permit and provide the City of Montrose with a copy of their Department of Health License and also a Certificate of Insurance.
- Food trucks and/or vendors that are part of a Community event or fundraiser will not be charged a fee while operating during the event or fundraiser.
- Food truck vendors will be required to get permission to operate on private property from the property owner and permission from the City to operate on City-owned property.
- Food trucks will not be allowed to operate within five hundred (500) feet from the property line of a "brick and mortar" restaurant.
- Remove the restriction of "*operating no more twenty-one (21) days annually at any one place.*"
- Remove the restriction of only allowing four (4) food trucks annually and leave it open.
- The City is not required to conduct a criminal background check on food truck vendors; because, one is completed by the Department of Health when they obtain their food license.

- Have more specific language in the ordinance that requires the food vendor to remove their garbage off-site and not dispose of it in public and private garbage containers.

Commissioner Gurneau stated that at the July 8, 2020 Planning and Zoning Commission Meeting, a Public Hearing will be held to consider an ordinance amendment related to mobile food units (food trucks).

## B. City Planner Updates

### i. Forest Creek Housing Development – R Homes Planned Unit Development (PUD) Public Hearing

Mr. Gritman gave an overview of the Public Hearing to be held at the Wednesday, July 8, 2020 Planning and Zoning Commission Meeting for consideration of a Planned Unit Development (PUD) Amendment for the Forest Creek Plat for R Homes.

### ii. The Preserve Housing Development

Mr. Gritman gave a brief overview of the status of *The Preserve Housing Development*.

### iii. Maintenance of Tree Overgrowth

Commissioner Emery requested that the City staff evaluate the clearance of the sidewalk at the corner of Seventh Street North and Emerson Avenue North. He continued by stating that there are tree branches that hang over the sidewalk at the aforementioned corner, making it difficult for pedestrians to walk on the sidewalk.

Commissioner Emery also stated that the trees are overgrown on the City property located across the street from Aspen Lane by Arapaho Lane.

### iv. Vehicle Parking Over Sidewalks

Commissioner Emery shared his concerns about vehicles that are parked in the driveways of certain properties and park across the sidewalk making it difficult for residents to walk on the sidewalk.

Ms. Boelter stated that City staff does evaluate properties and if a vehicle is parked across the sidewalk, staff does site them for the violation.

### v. Mindy Lane

Commissioner Gurneau shared her concerns about the large number of vehicles that are parking on the south side of Mindy Lane in front of the Townhomes.

Ms. Boelter stated that this section of Mindy Lane is not posted with *No Parking Signs*; so, vehicles cannot be sited for a parking violation during the months that the winter parking restrictions are not in place.

## 8. NEXT MEETING

A. Wednesday, July 8, 2020 to be held at the Montrose Community Center – 7:00 p.m.

## 9. ADJOURNMENT

Commissioner Emery motioned to the adjourn the Planning and Zoning Commission Meeting at 8:00 p.m. Commissioner Henry seconded the motion. Motion carried 4-0.

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Tracy Gurneau  
Chair  
City of Montrose

ATTEST:

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Deborah R. Boelter, CMC  
City Clerk-Treasurer  
City of Montrose



## **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

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### **PLANNING REPORT**

TO: Montrose Planning Commission  
 FROM: Ryan Grittmann – City Planner  
 DATE: June 30, 2020  
 RE: City of Montrose – Planned Unit Development Amendment  
 – Forest Creek PUD  
 FILE NO: 273.03 - 20.01

### **BACKGROUND**

R Homes has submitted an application for a Planned Unit Development Amendment for property located along Breckenridge Lane. The proposed amendment is for ten lots on the north side of the Forest Creek Plat. The applicants have submitted design changes to the approved homes and changes to the setbacks.

The PUD was originally approved in 2004. At the time, five twin homes were approved for construction on ten lots. The PUD was later updated in 2016 with the approval of ten single-family homes in lieu of the five twin homes. No changes to the lot configurations were proposed at that time. The applicant is now proposing to build a different home model on these lots that are different than the ones that were approved in 2016. An amendment to the PUD is necessary to accommodate the change. It should be noted that no changes to the plat or lot configuration is being proposed with this application.

The site is zoned R-1 Single-Family Residence District with Planned Unit Development District Overlay. Under the R-1 zoning district, single family homes are an allowed use. The subject sites are currently platted but are all vacant lots. The site is adjacent to R-1 Single Family Residence District on all sides.

Attached for reference:

Exhibit A: Applicant Narrative  
 Exhibit B: "St. Joseph" Building Plan (Previously Approved Plan)  
 Exhibit C: "St. Charles" Building Plan (Proposed Plan)  
 Exhibit D: Approved Site Plan from 2016  
 Exhibit E: Proposed Site Plans / Surveys

## ISSUES ANALYSIS

**Zoning.** The subject site is zoned R-1 Single-Family Residence. Within the R-1 district, single-family homes are an allowed use. The proposed single-family homes are an allowed use within the R-1 zoning district.

**Existing Adjacent Uses.** The site is surrounded by other single-family uses on the east, south, and west sides. The north side has a stormwater holding pond (Outlot B) and agricultural uses to the north of Outlot B.

**Lot Area, Width, and Depth.** The ten lots all measure 52.50 feet in width by 92.50 feet in depth for a square footage of 4,856.25 square feet. These are all existing dimensions from the original PUD approval. The applicants are not proposing any changes to the plat, only the approved setbacks and home design.

**Setbacks.** The previous approval from 2016 had side yard setbacks of 13 feet and 7.5 feet. The new design will reduce these setbacks to 7.5 feet and 5 feet. The reduced setbacks are to accommodate the new rambler home design that is proposed rather than the two-story home that was previously approved. It should be noted that these setbacks do not meet the City's requirements for the R-1 district, but the PUD application can allow flexibility in allowing reduced setbacks without the processing of a variance.

**Easements.** The wetland area behind the subject sites (Outlot B) contains a drainage and utility easement over the wetland area. Further, lots 36 and 37 contain drainage and utility easements as well. These easements are intended to provide access to the wetland area. No changes to the easements are proposed.

**Maximum Building Height.** The maximum building height in the R-1 district is 2 ½ stories or 35 feet. Building height is calculated as the average elevation as measured at the building's corners prior to construction to the top of the highest peak. The following table shows that each building's height will be compliant with the City's requirements:

Lot	Building Height	Compliant
Lot 29	24.1 feet	Yes
Lot 30	23.8 feet	Yes
Lot 31	22.9 feet	Yes
Lot 32	22.9 feet	Yes
Lot 33	21.4 feet	Yes
Lot 34	21.3 feet	Yes
Lot 35	21.6 feet	Yes
Lot 36	21.5 feet	Yes
Lot 37	22.8 feet	Yes
Lot 38	20.5 feet	Yes

**Building Type and Design.** The original plat that was approved in 2004 for this site contained five twin homes with PUD zoning. The approved PUD was later updated in 2016 to construct ten single-family homes with no changes to the lots. The applicants are now proposing a second amendment to the approved PUD for a different home design. Since the new home design contains a different footprint, a PUD amendment is necessary.

**Site Lighting.** The submitted plans do not show driveway lights or front porch lights. As a condition of approval, all lighting must comply with Section 1016-8 of the Zoning Ordinance related to exterior lighting.

**Parking.** By code, single-family lots must provide space to park at least two vehicles off-street. The proposed homes with attached garages and driveway will meet this requirement.

**Curb Cut Access.** The applicant is proposing 10 new curb cuts (one per home). Each curb cut is approximately 18 feet in width, which meets code. Each curb cut is required to be five feet off the property line; the site plan shows the curb cuts will be at least 7 ½ feet from the property line, which meets code.

**Landscaping.** By code, the area that remains after construction of the homes and driveway areas are completed shall be landscaped with grass, shrubs, trees, or other ornamental landscape materials. As a condition of approval, the applicant shall be responsible for fulfilling this requirement. It should be noted that the developer's agreement states that each lot shall have one tree planted on it unless the lot already has an existing tree.

**Grading and Drainage Plan.** The approved grading and drainage plans from 2016 for the site directed stormwater to the street, and to Outlot B. The City Engineer is recommending that the applicant submit a revised grading and drainage plan as a condition of approval. While no significant changes are expected in regards to the grading and drainage, a revised plan will be necessary.

**Outlot Protection / Wetland Mitigation.** The existing outlot to the north of the project, noted as Outlot B, is intended to hold stormwater from this project. The site has an existing silt fence that runs between the project area and the wetland. This silt fence will be required to be maintained throughout the project as well as any other runoff protection. As a condition of approval, the applicants shall work with the City Engineer to ensure compliance throughout the project.

**Pedestrian Access.** The area is served by a sidewalk on the south side of Breckenridge Lane. No new sidewalk is proposed for the north side (project side).

**Park Dedication.** Since the plat was previously approved in 2004, no new park dedication fee is required as part of this project.



**Tree Preservation, Removal and Replacement.** The site does not contain any trees, therefore, a tree preservation, removal, and replacement plan is not required.

**Neighboring Property Notifications.** A notification of the public hearing went out to all property owners within 350 feet of the subject area. The City heard from several property owners who requested more information about the project. In addition, one property owner expressed concern about the proximity of the homes to Outlot B and the reduced distance between homes.

**Planned Unit Development Requirements.** The City of Montrose lays out 13 requirements for a planned unit development. These requirements are outlined below with Staff comment:

- A. **Ownership:** An application for PUD approval shall be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

**Staff Comment:** In this case, the PUD is an amendment that was filed by the property owner. This requirement has been satisfied.

- B. **Comprehensive Plan Consistency:** The proposed PUD shall be consistent with the City Comprehensive Plan.

**Staff Comment:** The Comprehensive Plan notes the need for "infill development". By developing these lots that were platted in 2004, the project is consistent with the Comprehensive Plan's goals.

- C. **Utility Plan Consistency:** The proposed PUD shall be consistent with the City's utility (sewer and water) plans.

**Staff Comment:** The site has utility access that was installed as part of the original plat and approval. The project is consistent with the City's utility plans.

- D. **Common Open Space:** Common open space at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.

**Staff Comment:** The open space in this development was approved in 2004. No changes to this layout are being proposed at this time.

- E. **Operating and Maintenance Requirements for PUD Common Open Space/Facilities:** Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation

and maintenance of such open space and service facilities to a predetermined reasonable standard.

Staff Comment: The operating and maintenance requirements will be performed by the HOA. This is an approved entity to handle the operating and maintenance requirements.

- F. Staging of Public and Common Open Space: When a PUD provides for common or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

Staff Comment: The PUD does not have staging of public or common open space

- G. Density: The maximum allowable density variation in a PUD shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Montrose Comprehensive Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.

Staff Comment: The proposed amendment does not change the density of PUD.

- H. Utilities: In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

Staff Comment: This requirement has been met.

- I. Utility Connections:

1. Water Connections: Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
2. Sewer Connections: Where more than one unit is served by a sanitary sewer lateral which exceeds four hundred (400) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

Staff Comment: Each unit will have their own sewer and water connection. This is subject to review by the City Engineer.

- J. Roadways: All streets shall conform to the design standards contained in the Montrose Subdivision Ordinance, unless otherwise approved by the City Council.

Staff Comment: No changes to the roadways are being proposed.

- K. Landscaping: In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

Staff Comment: The landscaping plan was included in the Developer's Agreement from 2004 and shall be adhered to for this project. This will be a condition of approval.

- L. Servicing Requirements: All development will be carefully phased so as to ensure that all developable land will be accorded to a present vested right to develop at such time as services and facilities are available. Lands which have the necessary available municipal facilities and services will be granted approval in accordance with existing ordinances and development techniques. Lands which lack the available public facilities and services may be granted approval for development, provided that all applicable provisions of this Ordinance, the City Code, and State regulations are complied with.

Staff Comment: The servicing requirement has been met.

- M. Setbacks:

1. The front and side yard restrictions of the periphery of the planned unit development site at a minimum shall be the same as imposed in the respective districts.
2. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
3. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.

Staff Comment: These conditions are not met with the exception of number two. As part of the PUD approval, the City will need to approve the reduced setbacks. It should be noted that the previous plan did not meet these requirements either.

## SUMMARY AND RECOMMENDATION

The applicants are proposing to amend an existing Planning Unit Development in the Forest Creek neighborhood. The existing approved plan is for ten single-family homes with common area between each home. The applicants are requesting an amendment to this plan to change the home design from a two-story home to a rambler style home.

The change in home design requires an amendment to the approved PUD as the setbacks will change.

Based on our review of the proposed PUD amendment submitted on behalf of R Home, LLC dated June 4, 2020, Staff recommends approval of the PUD amendment with the following conditions:

1. All lighting must comply with Section 1016-8 of the Zoning Ordinance related to exterior lighting.
2. The area that remains after construction of the homes and driveway areas are completed shall be landscaped according to the Developer's Agreement dated September 15, 2004.
3. The applicant submits a revised grading and drainage plan that meets the City's requirements for grading and drainage.
4. The applicants shall work with the City Engineer and adhere to any follow-up recommendations made by the City Engineer.
5. The applicants shall adhere to any and all applicable requirements of the Developer's Agreement dated September 15, 2004.
6. The City Council approves the reduced setbacks and waives requirement 1010-2-M.-1. and 1010-2-M.-3.
7. Other comments by Staff

c.

TO: City of Montrose  
FROM: R-Home, LLC  
RE: PUD Amendment Request for Lots 29-38, Block 1 Forest Creek  
DATE: June 4, 2020

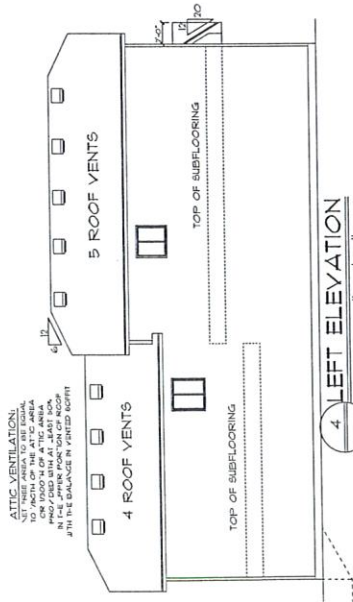
The property that is the subject of this request is zoned R-1 with a conditional use permit for a Planned Unit Development overlay. The lots that are the subject of this request were originally platted as twin home lots that are each 52.5' x 92.5' and share a common wall/lot line; they are still platted as such and the plat is not proposed to be revised. Common space surrounds each pair of twin home lots. In 2016 Paxmar LLC obtained a PUD amendment for Lots 1-26; 29-32 of Block 1 Forest Creek to change the approved building plan from an attached twin unit product to detached units. The amended plans that were approved in 2016 were plans referred to as the "Hickory" home plan and the "St. Henry" home plan. The Hickory plans consisted of a "Hickory I" and a "Hickory II" plan based on options. R-Home built the Hickory II plan within Forest Creek but they did not build any of the St. Henry plans. At some point following the 2016 amendment R-Home changed the plan name of the Hickory II to the "St. Joseph" plan. This change was a name change only; the unit design did not change.

R-Home is requesting a house plan change along with setback change for Lots 29-38, Block 1. The St. Joseph (formerly known as the Hickory II) is a split-level plan that has the potential for 3 finished bedrooms and 2-1/2 baths with a potential for 1,884 square feet of finished space. The overall house footprint is 32' wide by 50' in depth and the garages are three stalls. These units had minimum side yard setbacks of 7.5'.

R-Home would like to amend the allowable build plan to a Rambler style based on consumer demand. The Rambler plan proposed is called the "St. Charles" plan and has the potential for 3 bedrooms and two baths and a finishable area of 2,133 square feet. The garages on the St. Charles are two car and the overall house footprint is 40' wide by 48' deep. Due to the wider house width of the St. Charles R-Home is also requesting an amendment to the allowable side yard setbacks. The requested setbacks are 7.5' for a side yard of a common lot line (15' between adjacent units) and 5' for the side yard that is adjacent to common space. The minimum width of platted common space between lots is 5' so the minimum distance between adjacent homes will be 15' on both side of all units.

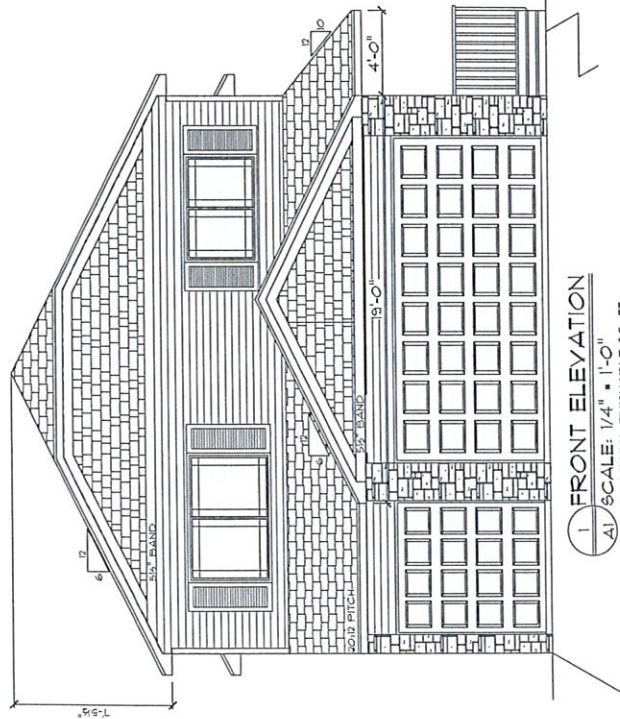
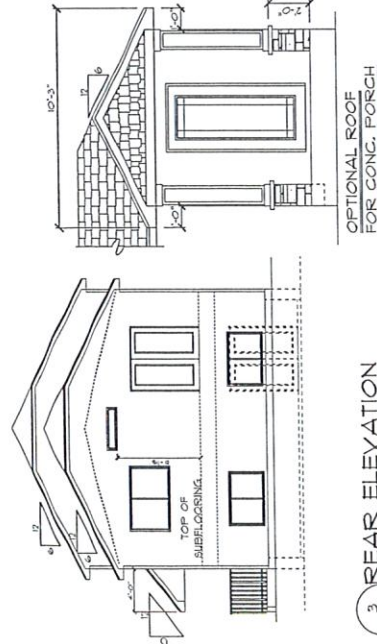
# ST. JOSEPH (ELEVATION "A")

ORIGINAL PLAN BEING BUILT

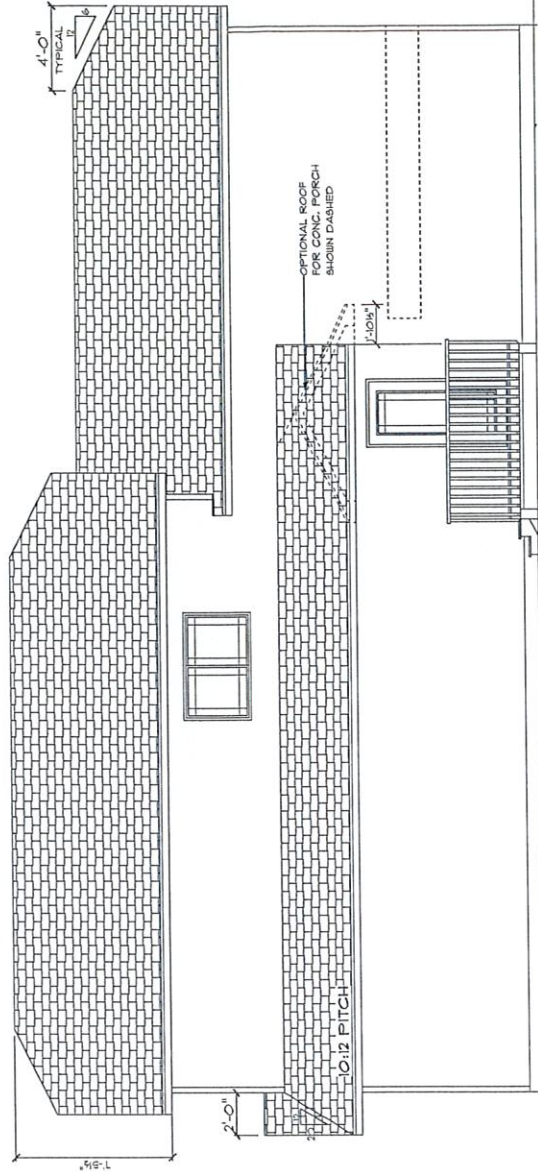


I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

*Douglas K. Whitney*  
Douglas K. Whitney, P.E.  
Date: February 15, 2013 Reg. No. 19910



98.4 TOTAL FINISHABLE SQ. FT.  
FINISHED SQ. FT. = 1394  
FUTURE FINISHABLE SQ. FT. = 550  
(NOTE: SQ. FT. IS TO EXT. OF SHEATHING)



DASHED LINES REPRESENT WALK-OUT FOUNDATION OPTION

NOTE:  
☐ THIS PLAN IS FOR CLIMATE ZONE #6  
☐ THIS PLAN IS FOR CLIMATE ZONE #7

## FLASHING NOTE:

ALL OPENINGS TO EXTERIOR MUST BE CALLED & FLASHED. FLASHING SHALL BE DONE BY THE ROOFER. ALL ROOF VERTICAL SURFACES MUST BE FLASHED. FLASHING SHALL BE DONE BY THE ROOFER. FLASHING SHALL BE DONE BY THE ROOFER.

1'-0" OVERHANGS @ EAVES  
1'-0" OVERHANGS @ GABLE ENDS  
ARCHITECTURAL ASPH SHINGLES  
ALUMINUM SOFFIT & FASCIA

6" FRIEZE BOARD IN ALL FRONT GABLES  
VINYL BOARD & BATTEN / SHAKES (PER ELEVATION)

VINYL LAP SIDING  
(ALL SIDES UNLESS NOTED OTHERWISE)

4" CORNER TRIM  
(ALL ELEVATIONS)

STONE PER SELECTION

GRADE LINES ON PLAN DO NOT REFLECT ACTUAL GRADE

WAIVER

EVERY EFFORT HAS BEEN MADE TO MAKE SURE THESE PLANS ARE CORRECT IN EVERY WAY, BUT THE USER SHALL BE RESPONSIBLE FOR ANY ERRORS AND OMISSIONS ON THESE PLANS. BEFORE CONSTRUCTION STARTS, THE USER SHALL REVIEW THESE PLANS TO MAKE SURE ALL NOTES, DIMENSIONS, ELEVATIONS AND OTHER INFORMATION IS CORRECT. THE USER SHALL BE RESPONSIBLE FOR ANY ERRORS AND OMISSIONS ON THESE PLANS. BEFORE CONSTRUCTION STARTS, THE USER SHALL REVIEW THESE PLANS TO MAKE SURE ALL NOTES, DIMENSIONS, ELEVATIONS AND OTHER INFORMATION IS CORRECT. THE USER SHALL BE RESPONSIBLE FOR ANY ERRORS AND OMISSIONS ON THESE PLANS.

OFFICE: 763.244.3593  
FAX: 763.244.3593  
P.O. BOX 143  
DIVERSITY, MN 55335  
www.draftinganddesign.com

*Drafting & Design*  
Alicia D. Whitney, P.E.  
Professional Engineer

PROJECT: 16-109 St. Joseph  
REVISED AS OF: 2/15/2013

DRAWN BY: NICOLE ELLIOTT  
APPROVED BY: NICOLE ELLIOTT

SHEET 1 OF 1

ALL FT. & FLOOR AREAS ARE FOR CONSTRUCTION PURPOSES ONLY. THIS PLAN IS A COPY WRITTEN BY PEARL, LLC. ALL RIGHTS RESERVED. ANY UNAUTHORIZED USE SHALL RESULT IN AN INJUNCTION AND PENALTY OF \$50,000. (USED FOR MARKETING PURPOSES)

EXHIBIT B



















## PROPOSED PLAN

NOTE: ☒ THIS PLAN IS FOR CLIMATE ZONE 6 ☐ THIS PLAN IS FOR CLIMATE ZONE 7

ALL OPENINGS TO EXTERIOR MUST  
BE CALLED & FLASHED  
FLASHING IS REQUIRED WHERE ALL  
ROOF & VERTICAL SURFACES MEET,  
OR WHERE SIDING MATERIAL CHANGES

1'-0" OVERHANGS & EAVES  
1'-0" OVERHANGS & GABLE ENDS  
(UNLESS NOTED OTHERWISE)

ARCHITECTURAL ASPH SHINGLES  
ALUMINUM SOFFIT & FASCIA  
VINYL BOARD & BATTEN  
(PER ELEVATION)

ELEVATIONS ARE ONLY A REPRESENTATION & MAY HAVE SLIGHT VARIATIONS AS DICTATED BY BUILDER

TOTAL SQ. FT. - 2133  
FINISHED / FINISHABLE SQ. FT. - 1982  
(NOTE: SQ. FT. IS MEASURED  
FROM EXT. OF SHEATHING)

TOTAL SQ. FT. 2133  
FINISHED SQ. FT. - 1092  
FINISHABLE SQ. FT. - 1975  
(NOTE: SQ. FT. IS MEASURED  
FROM EXT. OF SHEATHING)

3 REAR ELEVATION  
A) SCALE: 1/8" = 1'-0"

2 LEFT ELEVATION

4 RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

— EXTEND SIDING OVER FOUNDATION INSULATION

EVERY EFFORT HAS BEEN MADE TO MAKE SURE THESE PLANS ARE CORRECT IN EVERY  
 BUILDING, GENERAL CONTRACTOR(S), HOMEOWNER SHOULD REVIEW THESE PLANS  
 TO MAKE SURE ALL NOTES, DIMENSIONS, ERRORS AND OMISSIONS ARE CORRECT  
 BEFORE CONSTRUCTION STARTS. BUILDER, GENERAL CONTRACTOR(S), HOMEOWNER  
 AND DESIGN, LLC IS NOT RESPONSIBLE FOR ERRORS AND OMISSIONS ON THESE PLANS.

OFFICE - 763.244.3552  
admin@dislative-drafting.com  
P.O. BOX 343,  
ZIMMERMAN, MN 55399  
www.Dislative-Drafting.com

**istinctive**  
Drafting & Design  
Celebrating 10 Years!

PROJECT •	19-157 GL
RECEIVED AS OF:	3/30/2020
	3/30/2020 1:01:53 PM

DRAWN BY:  
NICOLE ELLIOTT  
APPROVED BY:

Al of D3	
SHEET	

50. FT. 4 FLOOR AREAS ARE FOR CONSTRUCTION PURPOSES ONLY. 50. FT. 4 AREAS ARE NOT TO BE USED FOR MARKETING PURPOSES.

EXHIBIT C






---



## WAIIVER

EVERY EFFORT HAS BEEN MADE TO MAKE THESE PLANS ARE CORRECT IN EVERY WAY. BUILDER, GENERAL CONTRACTOR(S), HOMEOWNER SHOULD REVIEW THESE PLANS TO MAKE SURE ALL NOTES, DIMENSIONS, ERRORS AND OMISSIONS ARE CORRECT BEFORE CONSTRUCTION STARTS. BUILDER, GENERAL CONTRACTOR(S), HOMEOWNER TO VERIFY HOUSE MEETS ALL STATE AND LOCAL BUILDING CODES, DIVISIONAL PLANNING AND DESIGN, LLC IS NOT RESPONSIBLE FOR ERRORS AND OMISSIONS ON THESE PLANS.

OFFICE - 763.744.3552  
 P.O. BOX 343  
 WESTMINSTER, MN 55393  
 2675 Inclusive-Drafting.com



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Drafting & Design  
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PROJECT #	19-157 GL
REVISED AS OF:	3/30/2020
	3/30/2020 / 01:05 PM

DRAWN BY: NICOLE ELLIOTT	APPROVED BY:
-----------------------------	--------------

EXHIBIT C

NOTE... ALL WINDOWS & PATIO DOORS SPECIFIED  
ON THIS PRINT ARE  
SHUNTON-300 SERIES  
VERIFY ALL WINDOW R.O.'S PRIOR TO CONSTRUCTION  
(WINDOWS TO MEET FALL PROTECTION REQUIREMENTS)  
ALL BEAMS & HEADERS ON THIS PLAN ARE  
ENGINEERED WOOD PRODUCTS  
NEVER-USEBOLTED JOIST  
IF DIFFERENT BEAM IS USED,  
VERIFY SIZE & DEPTH PRIOR TO CONST.  
BEAM/HEADERS SUPPLIES TO VERIFY THAT ALL  
BEAMS, POSTS, AND HEADERS WILL SUPPORT  
ROOF & FLOOR TRUSS LOADS  
PRIOR TO CONSTRUCTION

GENERAL CONSTRUCTION NOTES:

SOLID SHADED AREAS RFP.  
SOLID BEARING DOWN TO CONC.  
INTERIOR BEARING WALLS  
HAVE BLOCKING. \* MIDPOINT  
CONCRETE CONTRACTORS TO INSURE  
BEARING FOUNDATION WALLS &  
FOOTINGS AS NEEDED PER CODE.  
CONCRETE CONTRACTOR TO PO  
5,000 PSI FOOTINGS OR EQUIVALENT  
AND ALL OTHER CONC. TO CONFORM  
ALL WINDOW AND DOOR HEADERS  
2" FLY 2X6'S UNLESS NOTED OTHERWISE  
1/2" LIGHTWEIGHT S.S. ON UNDERSLAB  
TO BE INSTALLED TO MEET FIRE PROTECTION  
FLOOR CODE INCLUDING ACCESSIBLE  
SPACE UNDER STAIRS, AND LANDING

NOTE: SEE LAST PAGE  
FOR OPTIONAL POURED  
FDN WALL DETAILS

IN OTHER CASES, MORE...

○ • LED SPOT LIGHT

O • LED SPOT LIGHT

BRACED WALL LINE NOTES:  
ALL BRACED WALL PANELS TO BEGIN WITHIN 17'-0" FROM EACH END OF A BRACED WALL LINE  
DISTANCE BETWEEN ADJACENT EDGES OF A BRACED WALL PANEL SHALL BE NO GREATER THAN 20'-0"  
BRACED WALL LINES CALCULATIONS ASSUME SEISMIC DESIGN CATEGORY A, 90 MPH BASIC WIND SPEED, 4 EXPOSURE CATEGORY B  
USING SIMPLIFIED WALL BRACING ON ALL HOUSE WALLS

BRACED WALL PANEL KEY:

3'-0" (MIN.) BRACED WALL PANEL  
• THIS LOCATION

# FOUNDATION PLAN

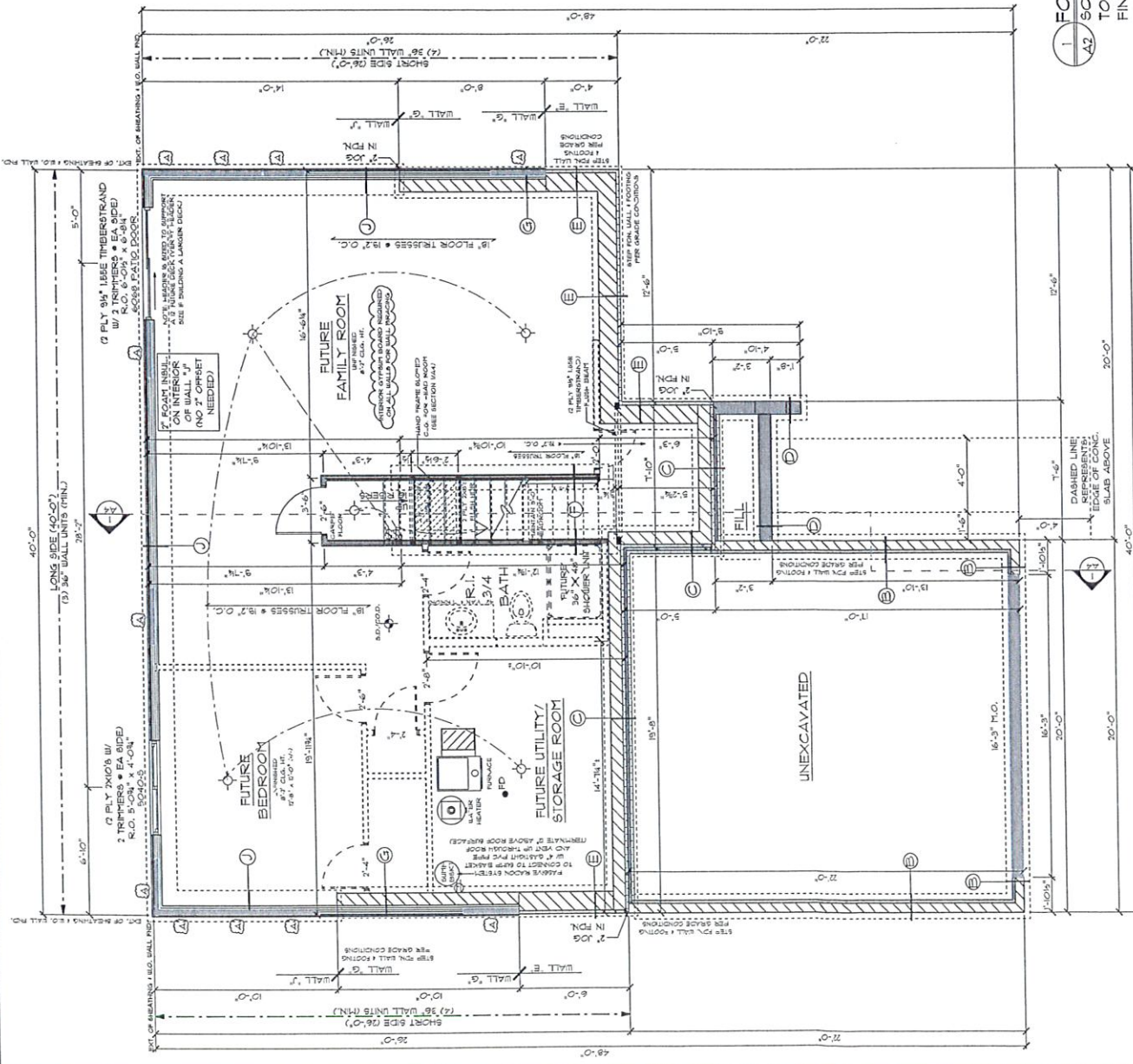
SCALE: 1/4" = 1'-0"  
TOTAL SQ FT = 1053

FINISHED SQ. FT. - 12

FINISHABLE SQ. FT. - 895

CONC. FDN. WALLS TO BE HELD IN 2" FROM MAIN LEVEL FRAMING ON EXT. BSMT. WALLS ONLY & TO BE MEASURED FROM EXT. OF SHEATHING SO EXT. OF SHEATHING IS FLUSH W/ EXT. OF FOAM INSUL. (IN ALL BSMT. AREAS EXCEPT WALK-OUT WALL (WALL "J"))

NOTE: ALL EXTERIOR DIMENSIONS ARE TO THE OUTSIDE OF EXT. FOAM INSUL. OR SHEATHING (UNLESS NOTED OTHERWISE)



NOTE: ALL EXTERIOR DIMENSIONS ARE TO THE OUTSIDE OF  
EXT. FOAM INSUL. OR SHEATHING (UNLESS NOTED OTHERWISE)





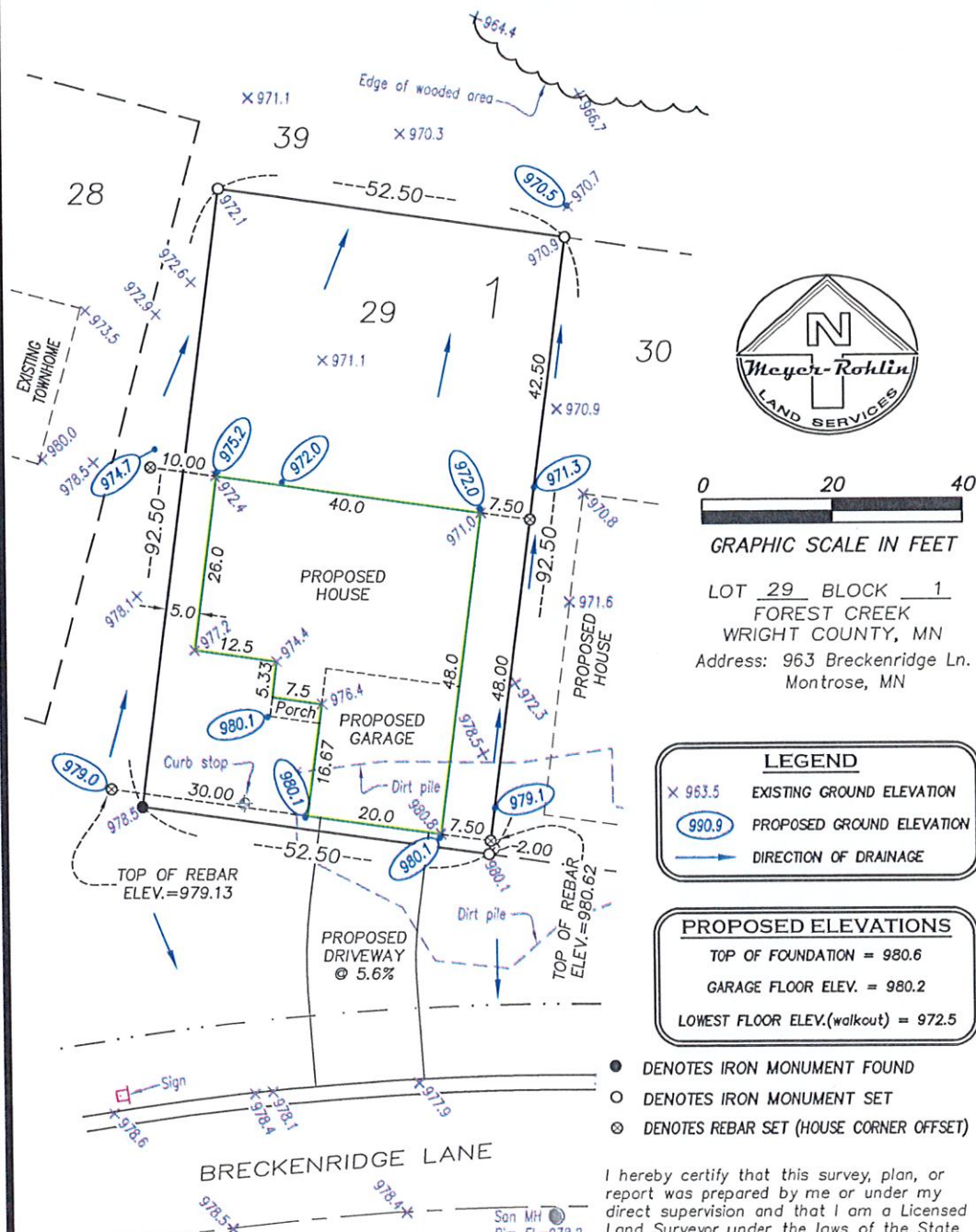








# CERTIFICATE OF SURVEY



0 20 40

GRAPHIC SCALE IN FEET

LOT 29 BLOCK 1  
FOREST CREEK  
WRIGHT COUNTY, MN

Address: 963 Breckenridge Ln.  
Montrose, MN

## LEGEND

- × 963.5 EXISTING GROUND ELEVATION
- 990.9 PROPOSED GROUND ELEVATION
- DIRECTION OF DRAINAGE

## PROPOSED ELEVATIONS

- TOP OF FOUNDATION = 980.6
- GARAGE FLOOR ELEV. = 980.2
- LOWEST FLOOR ELEV.(walkout) = 972.5

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊗ DENOTES REBAR SET (HOUSE CORNER OFFSET)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 03/25/2020

Trace C. McCoy  
License No. 44531

## SURVEYOR'S NOTES:

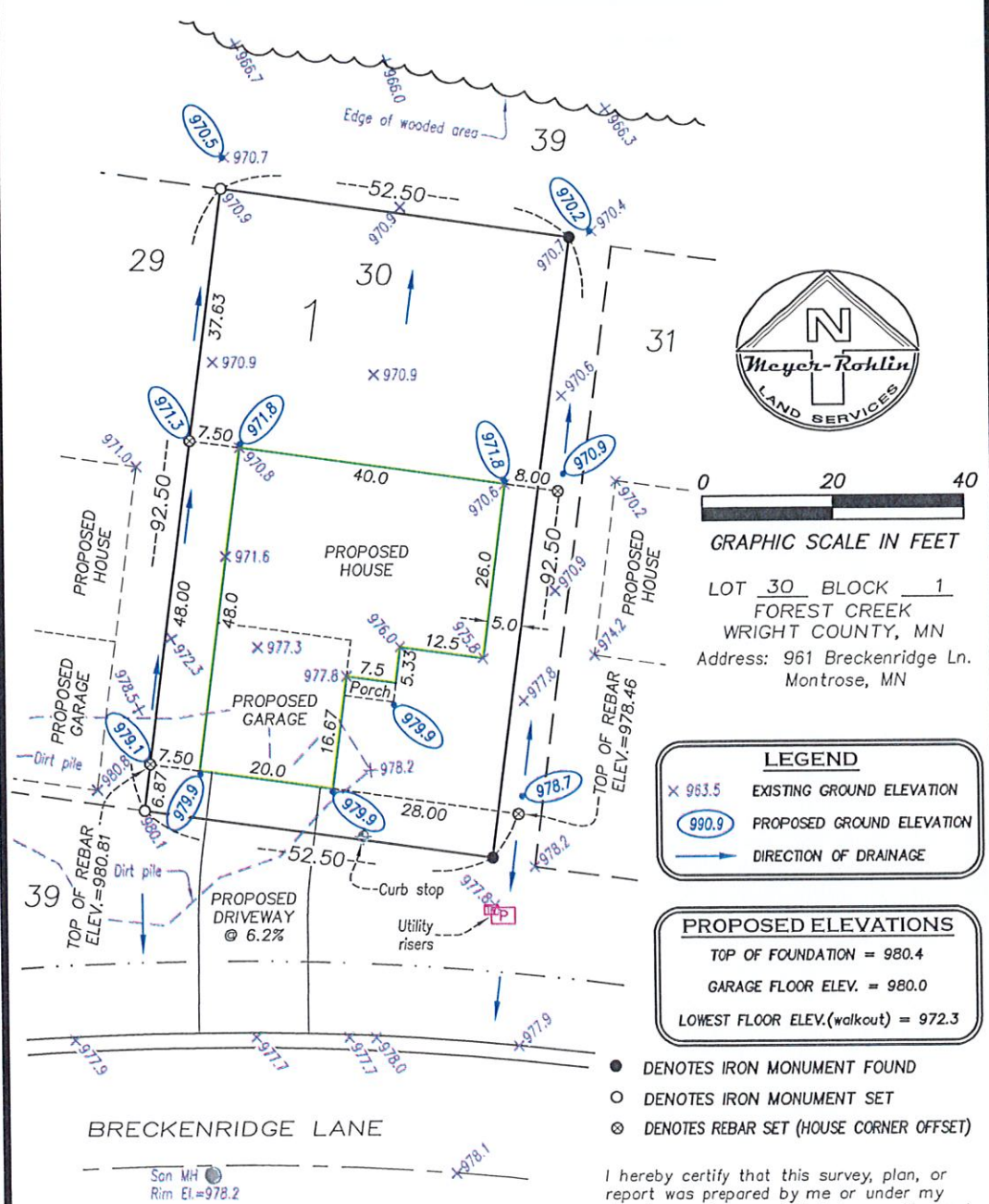
1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY WAS ORDERED BY AND IS PROVIDED EXCLUSIVELY TO PAXMAR, LLC, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. NO TITLE DOCUMENTATION WAS PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS OR ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON
5. BENCHMARK: TOP NUT OF HYDRANT @ LOTS 32 & 33, BLOCK 1. ELEVATION = 980.50
6. APPROXIMATE AREA TO BE SODDED = 4,500 SQ. FT.



708 1ST AVENUE NE, #1  
BUFFALO, MN 55313  
PH. 763.682.1781 WWW.MEYERROHLIN.COM

DRAWN BY TCM	REVISIONS 03/26/2020
SHEET 1 OF 1 1 SHEETS	FILE NO. 20180
DATE 03/25/2020	

# CERTIFICATE OF SURVEY



## SURVEYORS NOTES:

1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY WAS ORDERED BY AND IS PROVIDED EXCLUSIVELY TO PAXMAR, LLC, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. NO TITLE DOCUMENTATION WAS PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS OR ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON
5. BENCHMARK: TOP NUT OF HYDRANT @ LOTS 32 & 33, BLOCK 1. ELEVATION = 980.50
6. APPROXIMATE AREA TO BE SODDED = 4,100 SQ. FT.

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊗ DENOTES REBAR SET (HOUSE CORNER OFFSET)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 03/25/2020 *Trace C. McCoy*  
Trace C. McCoy  
License No. 44531

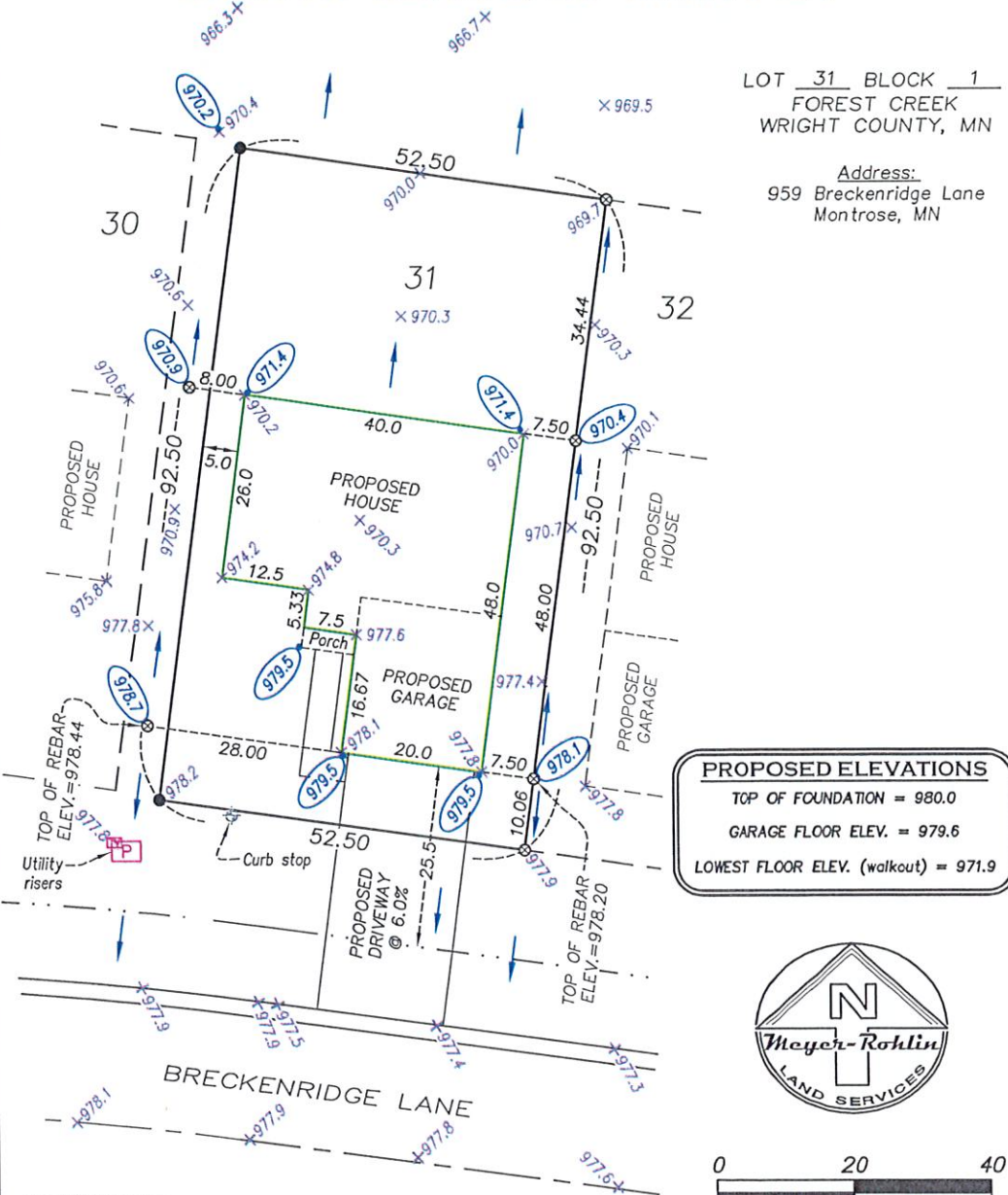
 <b>Meyer-Rohlin LAND SERVICES</b> 708 1st Avenue NE, #1 Buffalo, MN 55313 PH. 763.682.1781 WWW.MEYERROHLIN.COM	
DRAWN BY TCM	REVISIONS
SHEET 1 OF 1 1 SHEETS	FILE NO. 20179
DATE 03/25/2020	



# CERTIFICATE OF SURVEY

LOT 31 BLOCK 1  
FOREST CREEK  
WRIGHT COUNTY, MN

Address:  
959 Breckenridge Lane  
Montrose, MN



## SURVEYOR'S NOTES:

1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY WAS ORDERED BY AND IS PROVIDED EXCLUSIVELY TO PAXMAR, LLC, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. NO TITLE DOCUMENTATION WAS PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS OR ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON
5. APPROXIMATE AREA TO BE SODDED = 3,900 SQ. FT.
6. BENCHMARK: TOP NUT OF HYDRANT @ LOTS 32 & 33, BLOCK 1. ELEVATION = 980.50

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊙ DENOTES REBAR SET (HOUSE CORNER OFFSET)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 03/25/2020

*Trace C. McCoy*  
Trace C. McCoy  
License No. 44531

 <b>Meyer-Rohlin</b> <b>LAND SERVICES</b> 708 1ST AVENUE NE, #1 BUFFALO, MN 55313 PH. 763.682.1781 WWW.MEYERROHLIN.COM		REVISIONS
		SHEET <u>1</u> OF <u>1</u> SHEETS
DRAWN BY <u>AAN</u>	DATE <u>03/25/2020</u>	FILE NO. <u>20178</u>

# CERTIFICATE OF SURVEY

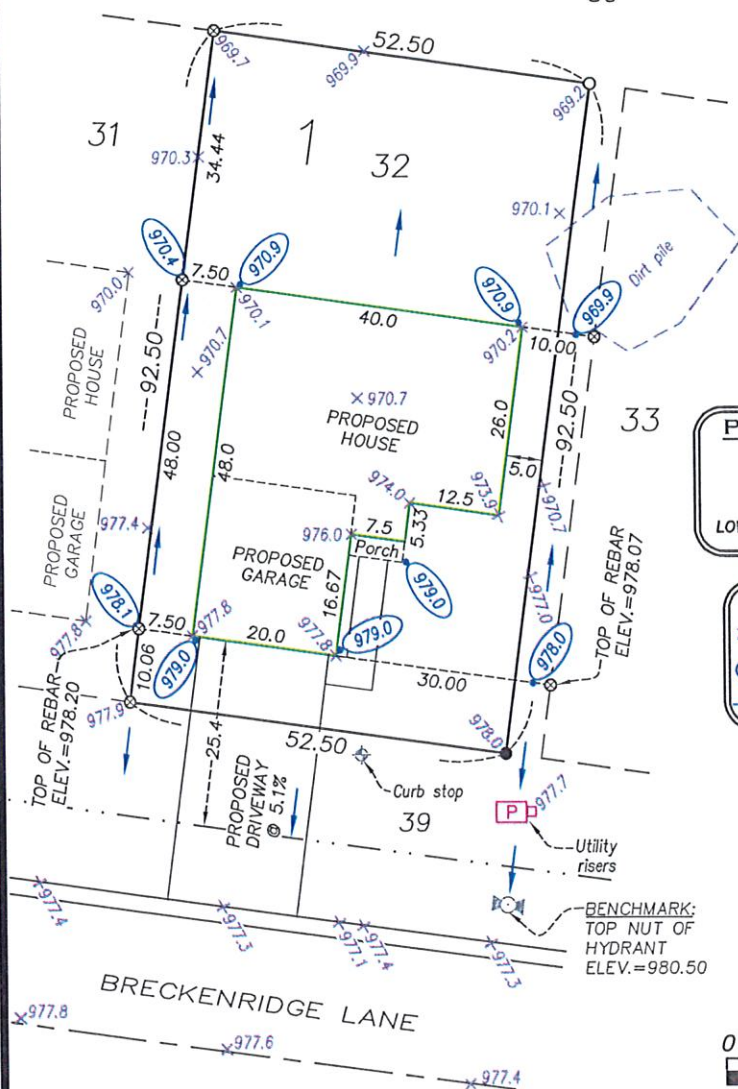
 $\times 969.5$ 

569.0x

39

LOT 32 BLOCK 1  
FOREST CREEK  
WRIGHT COUNTY, MN

Address:  
957 Breckenridge Lane  
Montrose, MN



## PROPOSED ELEVATIONS

TOP OF FOUNDATION = 979.5

GARAGE FLOOR ELEV. = 979.1

LOWEST FLOOR ELEV. (walkout) = 971.4

### LEGEND

× 963.5 EXISTING GROUND ELEVATION

990.9 PROPOSED GROUND ELEVATION

DIRECTION OF DRAINAGE



0                      20                      40

GRAPHIC SCALE IN FEET

SURVEYORS NOTES:

1. BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION
2. BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.
3. THIS SURVEY WAS ORDERED BY AND IS PROVIDED EXCLUSIVELY TO PAXMAR, LLC, FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT FOR THE PROPOSED HOUSE SHOWN HEREON.
4. NO TITLE DOCUMENTATION WAS PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS OR ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON
5. APPROXIMATE AREA TO BE SODDED = 3,900 SQ. FT.

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ⊗ DENOTES REBAR SET (HOUSE CORNER OFFSET)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 03/25/2020

Trace C. McCoy  
License No. 44531



708 1ST AVENUE NE, #1  
BUFFALO, MN 55313  
PH. 763.682.1781 WWW.MEYERROHLIN.COM

## REVISIONS

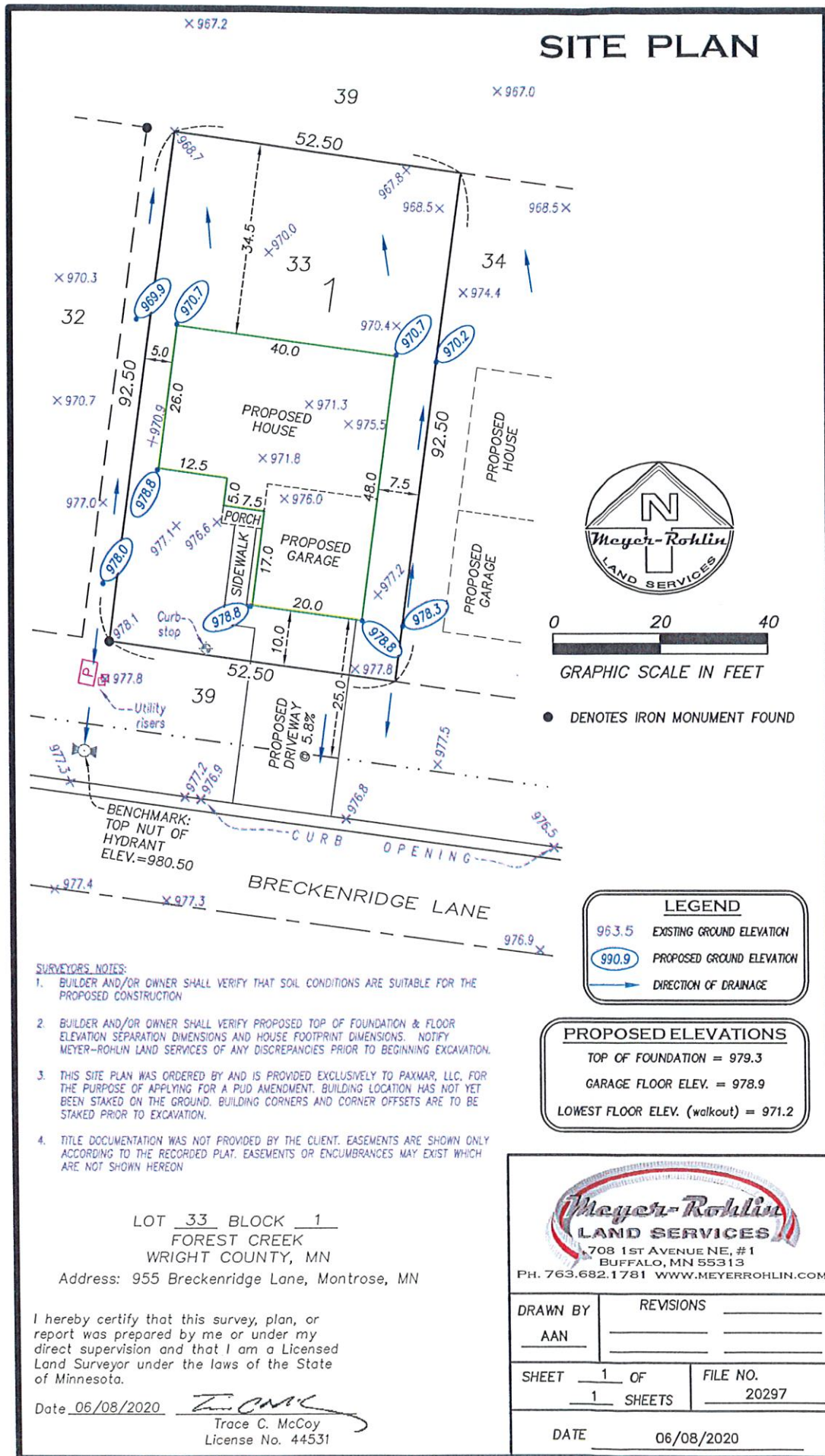
SHEET 1 OF  
1 SHEETS

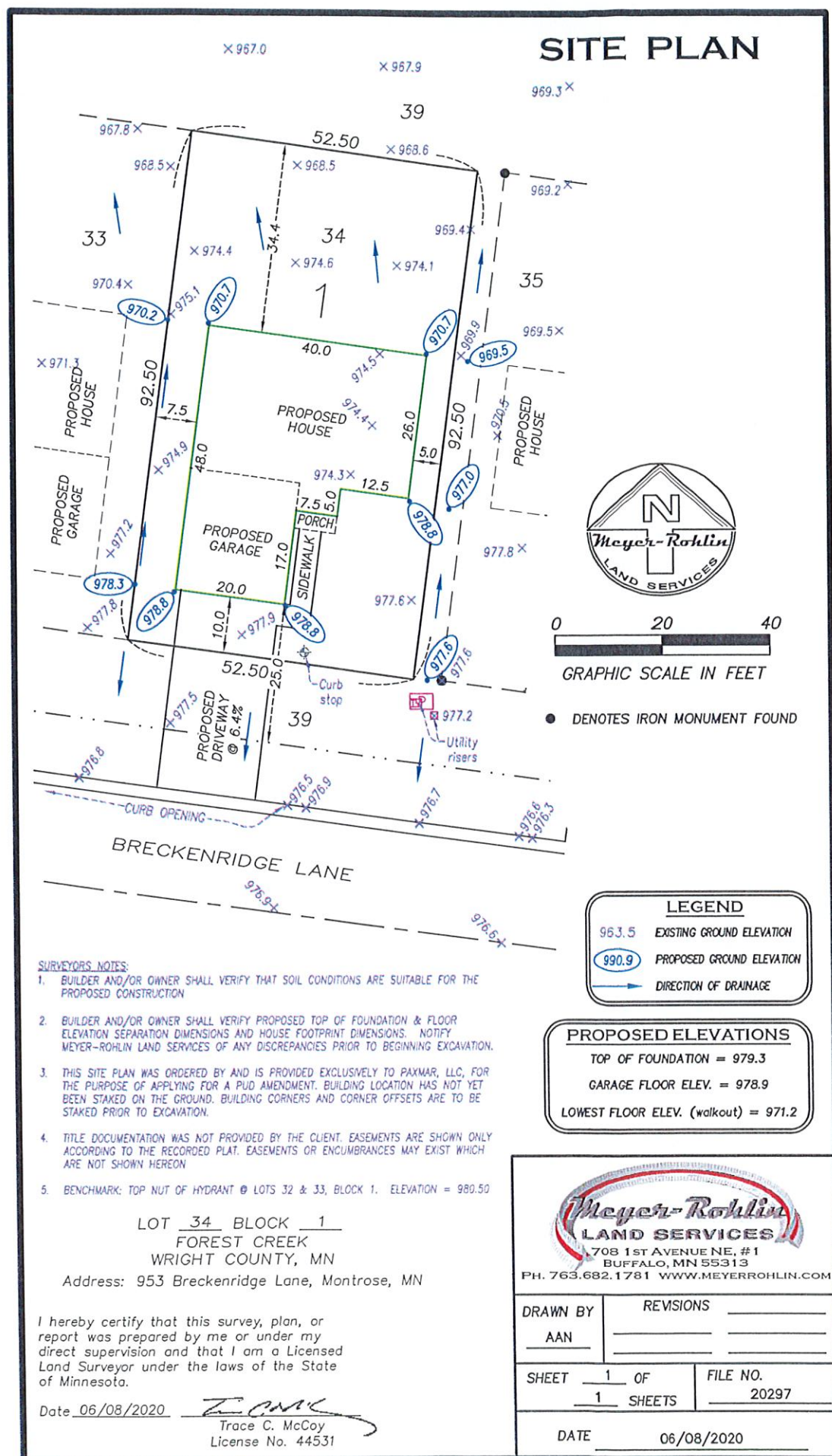
DRAWN BY AAN

DATE 03/25/2020

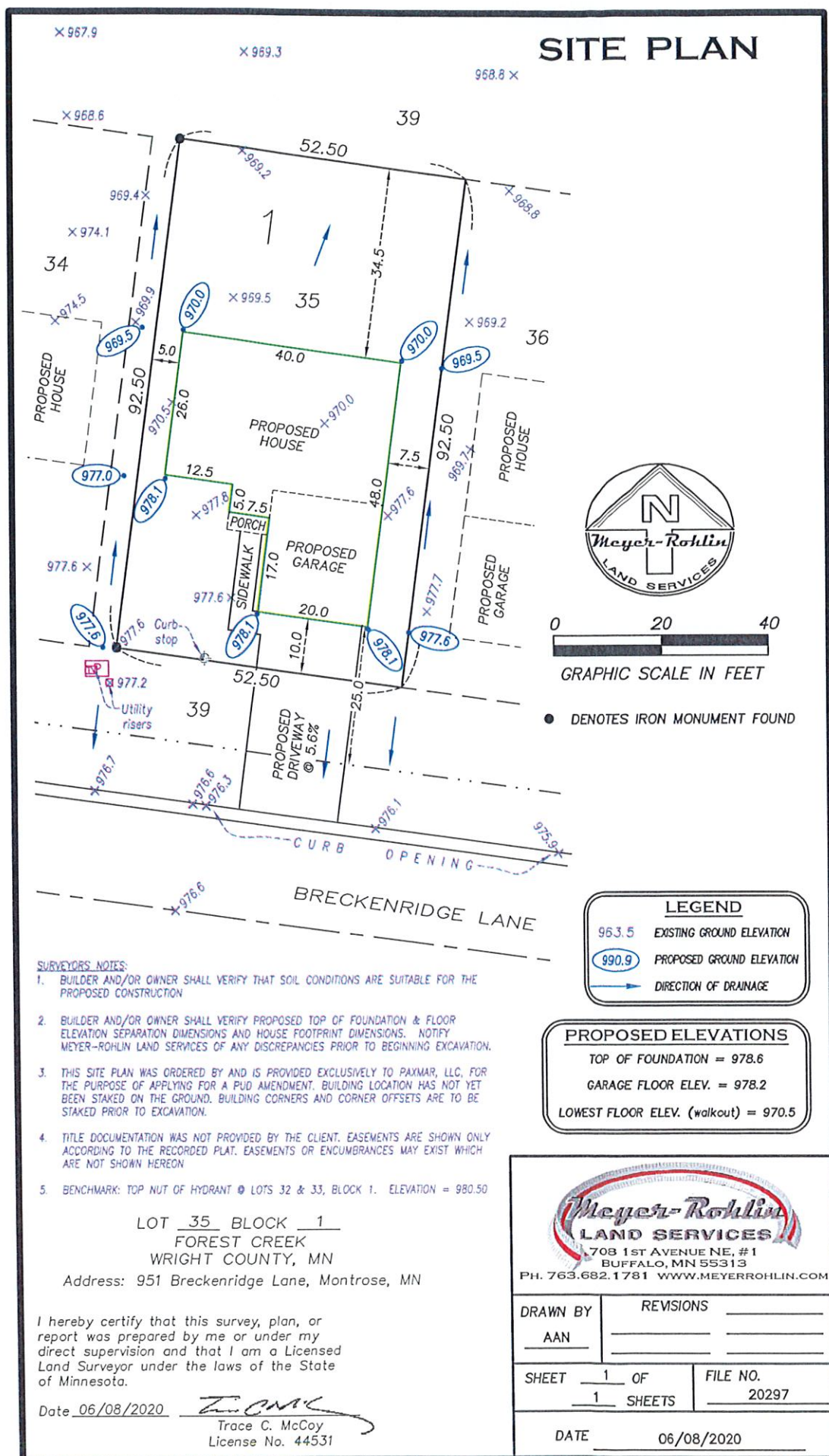
FILE NO. 20177



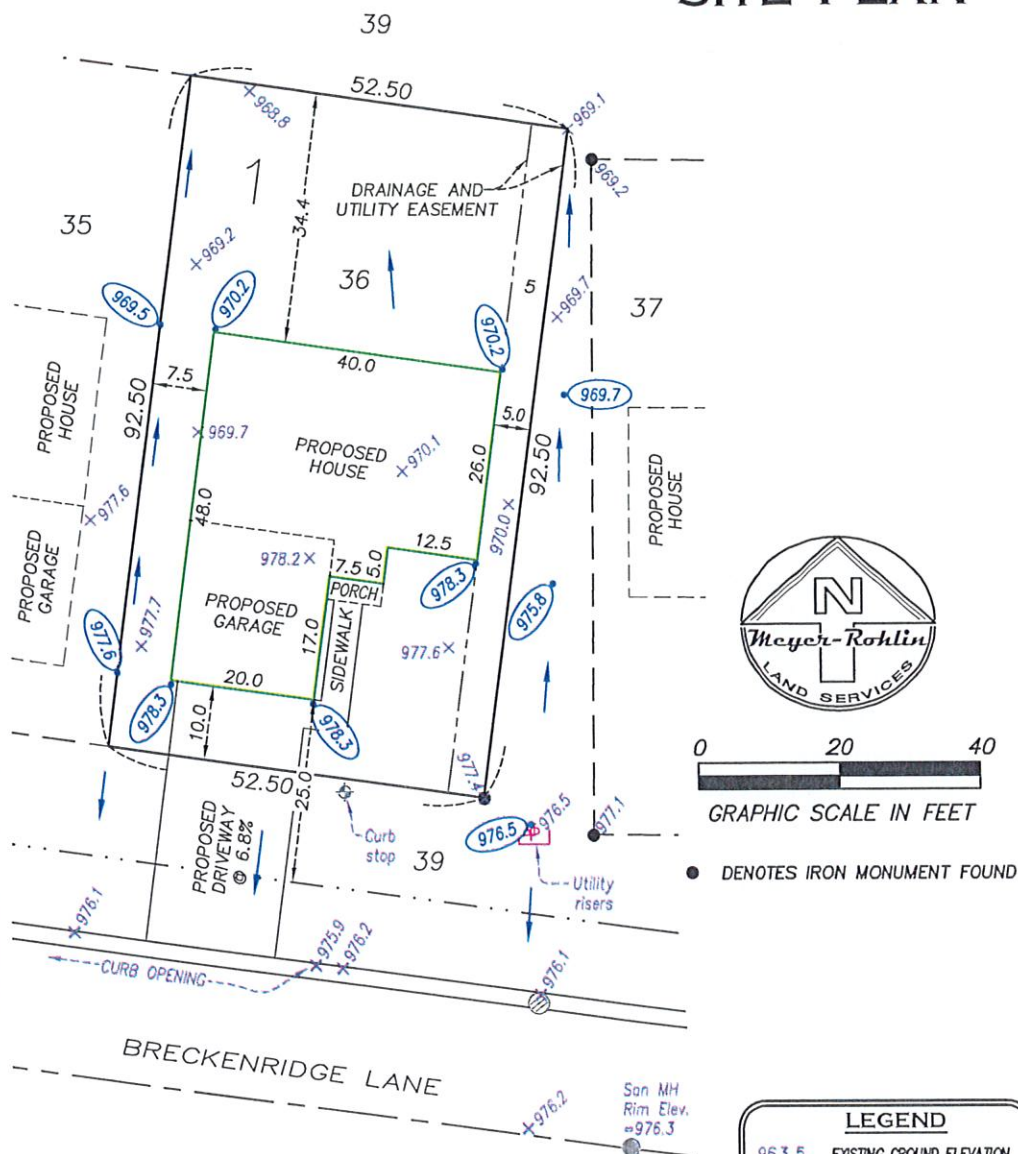








# SITE PLAN



SURVEYORS NOTES:

1. **BUILDER AND/OR OWNER SHALL VERIFY THAT SOIL CONDITIONS ARE SUITABLE FOR THE PROPOSED CONSTRUCTION**
2. **BUILDER AND/OR OWNER SHALL VERIFY PROPOSED TOP OF FOUNDATION & FLOOR ELEVATION SEPARATION DIMENSIONS AND HOUSE FOOTPRINT DIMENSIONS. NOTIFY MEYER-ROHLIN LAND SERVICES OF ANY DISCREPANCIES PRIOR TO BEGINNING EXCAVATION.**
3. **THIS SITE PLAN WAS ORDERED BY AND IS PROVIDED EXCLUSIVELY TO PAXMAR, LLC, FOR THE PURPOSE OF APPLYING FOR A PUD AMENDMENT. BUILDING LOCATION HAS NOT YET BEEN STAKED ON THE GROUND. BUILDING CORNERS AND CORNER OFFSETS ARE TO BE STAKED PRIOR TO EXCAVATION.**
4. **TITLE DOCUMENTATION WAS NOT PROVIDED BY THE CLIENT. EASEMENTS ARE SHOWN ONLY ACCORDING TO THE RECORDED PLAT. EASEMENTS OR ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN HEREON**
5. **BENCHMARK: TOP NUT OF HYDRANT @ LOTS 32 & 33, BLOCK 1. ELEVATION = 980.50**

LOT 36 BLOCK 1  
FOREST CREEK  
WRIGHT COUNTY, MN

Address: 949 Breckenridge Lane, Montrose, MN

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a Licensed Land Surveyor under the laws of the State of Minnesota.

Date 06/08/2020

Trace C. McCoy  
License No. 44531

### LEGEND

- 963.5 EXISTING GROUND ELEVATION  
990.9 PROPOSED GROUND ELEVATION  
DIRECTION OF DRAINAGE

## PROPOSED ELEVATIONS

TOP OF FOUNDATION = 978.8

GARAGE FLOOR ELEV. = 978.4

LOWEST FLOOR ELEV. (walkout) = 970.7



708 1ST AVENUE NE, #1  
BUFFALO, MN 55313  
PH. 763.682.1781 WWW.MEYERROHLIN.COM

DRAWN BY

**AAN**

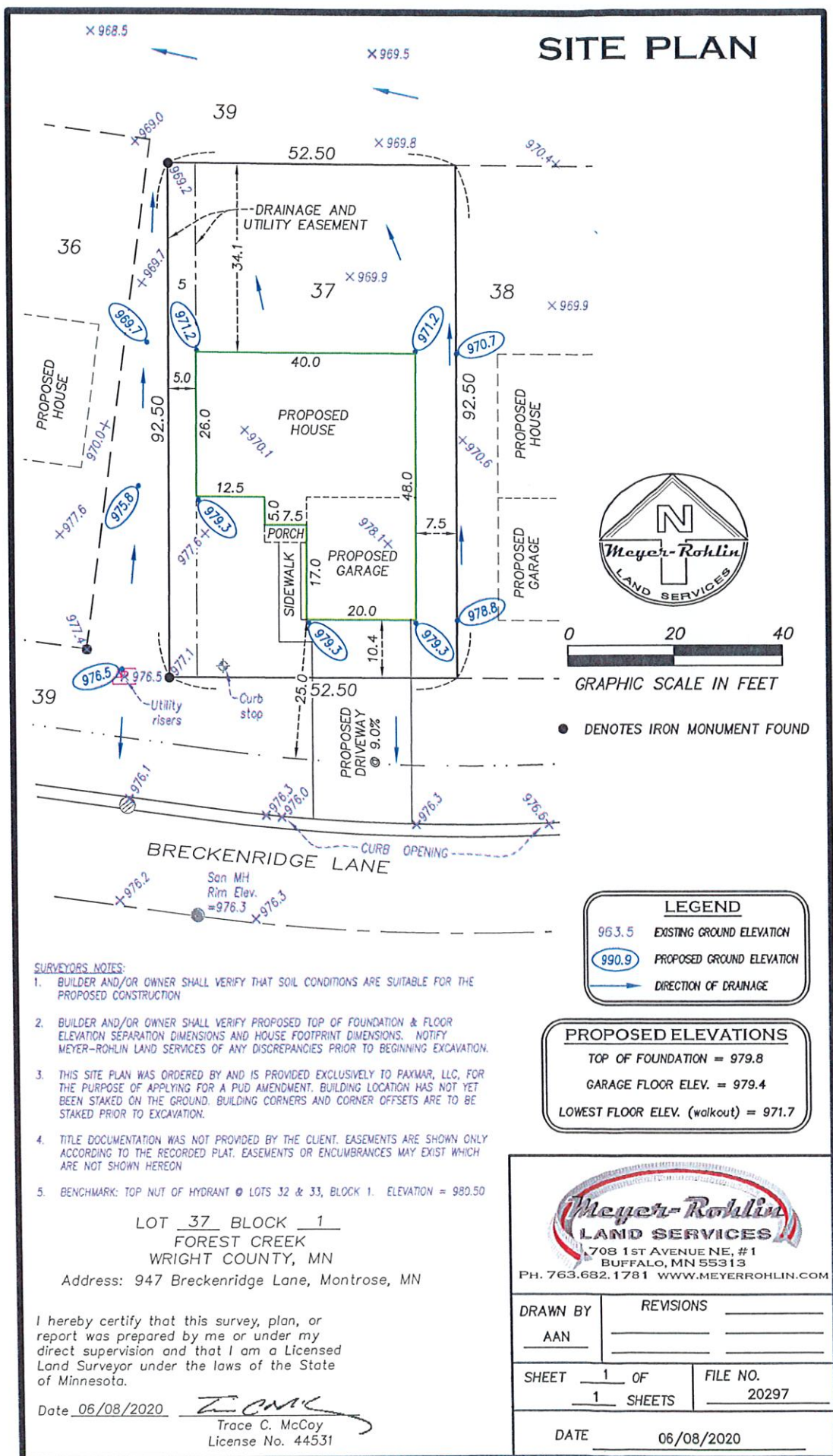
## REVISIONS

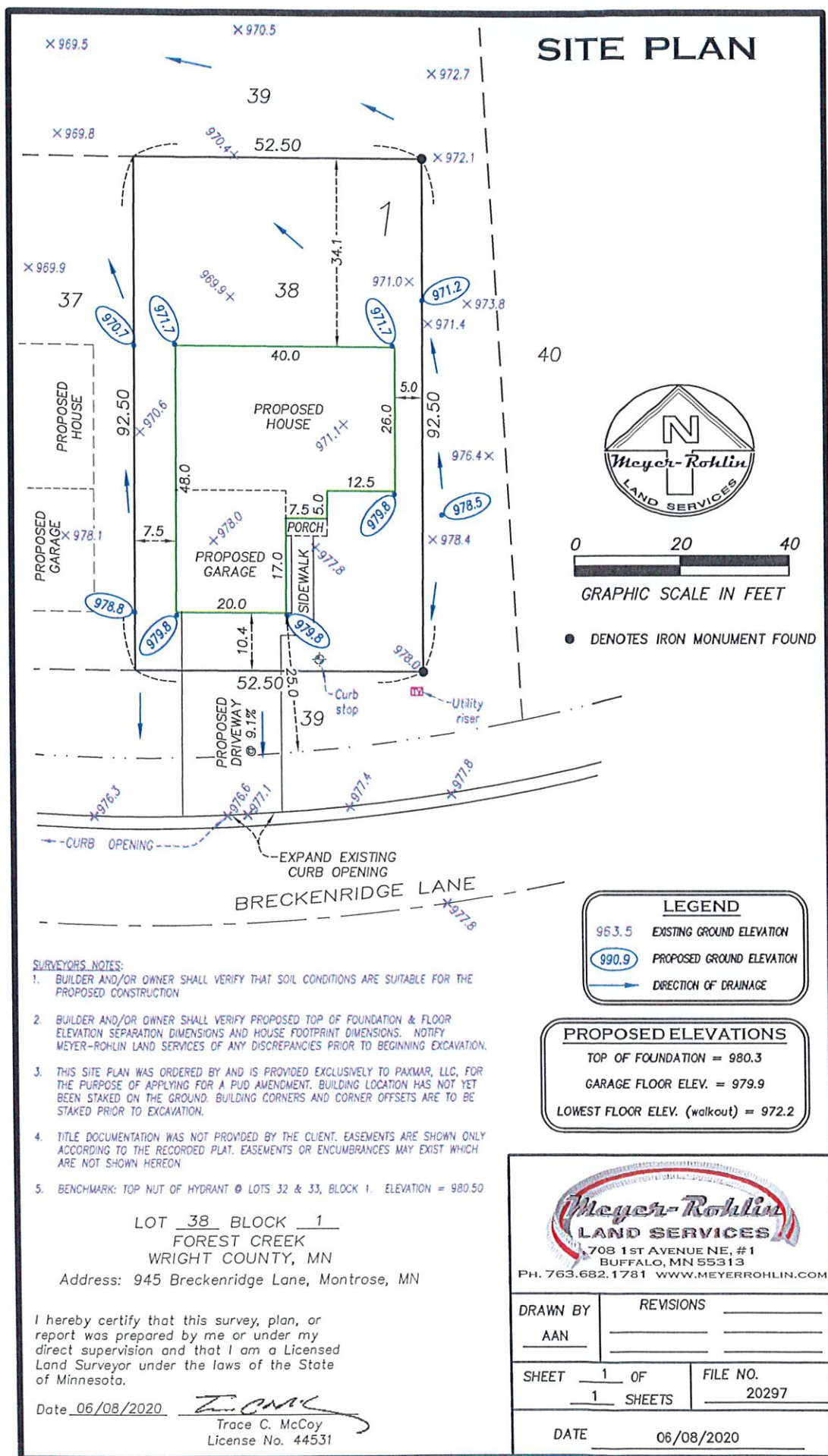
SHEET 1 OF  
1 SHEETS

FILE NO. 20297

DATE 06/08/2020











## **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
 Telephone: 763.957.1100 Website: [www.nacplanning.com](http://www.nacplanning.com)

### **MEMORANDUM**

TO: Montrose Planning Commission

FROM: Ryan Grittmann – City Planner

DATE: July 1, 2020

RE: Food Truck Regulations and Ordinance – Planning  
 Commission Updates

FILE NO: 273.02

### **BACKGROUND**

At the June Planning Commission meeting, the Planning Commission reviewed a draft ordinance amendment related to food trucks. The intent of the meeting was to have a discussion on food trucks, a food truck ordinance amendment, and what regulations (if any) should be imposed on food trucks. The purpose of the meeting was to have a discussion and prepare for a public hearing at the July Planning Commission Meeting.

Staff has reviewed the comments and concerns that the Planning Commission discussed at the June Planning Commission Meeting and has prepared an updated draft for a public hearing at the July Planning Commission Meeting. The updates in the draft ordinance are in red for reference.

### **ORDINANCE UPDATES**

The Planning Commission reviewed the draft ordinance that was prepared by staff and recommended the following changes:

- Distance from Restaurants

The Planning Commission recommended that food trucks must stay 500 feet away from restaurants and coffee shops as measured from the property line of the food service business. This is a change from the original draft which stated food trucks must be 200 feet away from the food service building.

- Proof of Insurance

The Planning Commission recommended that food truck operators must provide proof of insurance with their application for a food truck license. This is an addition to the requirement that food trucks must provide a copy of their license from the Minnesota Department of Health.

- No Fee During Montrose Days

The Planning Commission recommended that food trucks that operate during Montrose Days be exempt from the annual license fee that food trucks would otherwise pay throughout the year.

- Trash Hauling

The Planning Commission recommended that any food trucks operating on public property be responsible for trash hauling at the end of the day. The City's waste containers that are placed at parks are not to be used by food trucks.

The updates to the ordinance are highlighted in red on the attached draft ordinance. The July Planning Commission Meeting will be a public hearing to hear public testimony regarding the ordinance.

## **RECOMMENDATION**

Planning Staff recommends approval of the draft ordinance with any changes that come out of the public hearing after hearing public testimony and any final changes that the Commission would like to see. If the Planning Commission is satisfied, they can recommend approval of the ordinance to the City Council, or table action for further discussion at the August Planning Commission Meeting.

CC: Deb Boelter

**CITY OF MONTROSE  
COUNTY OF WRIGHT  
STATE OF MINNESOTA**

**ORDINANCE NO. 2020-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 70: PEDDLERS AND SOLICITORS TO  
ESTABLISH ADDITIONAL STANDARDS FOR MOBILE FOOD UNITS WITHIN THE  
CITY.**

**THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:**

**Section 1.** Chapter 70 of the City of Montrose City Code is hereby amended to read as follows:

**CHAPTER 70: PEDDLERS, TRANSIENT MERCHANTS, MOBILE FOOD UNITS, AND SOLICITORS**

**70.01. DEFINITIONS.**

A) Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1) "Mobile Food Unit" means a food and beverage service establishment that is a vehicle mounted unit, such as:

a) Motorized or trailered, operating no more than twenty-one (21) days annually at any one place, or operating more than twenty-one (21) days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.

b) Operated in conjunction with a permanent business licensed under Chapter 157 or Chapter 128A of the Minnesota State Statutes at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location; and a self-contained unit, in which food is stored, cooked, and prepared for direct sale to the consumer.

c) Food Cart: A food and beverage service establishment that is a non-motorized vehicle self-propelled by the operator.

- d) Ice Cream Truck: A motor vehicle utilized as the point of retail sales of pre -wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

~~1)~~2) PEDDLER.

- a) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personnel property that the person is carrying or otherwise transporting.
- b) The term PEDDLER shall mean the same as the term HAWKER.

~~2)~~3) PERSON. Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

~~3)~~4) REGULAR BUSINESS DAY.

- a) Any day during which the City Hall is normally open for the purpose of conducting public business.
- b) Holidays, defined by state law, shall not be counted as REGULAR BUSINESS DAYS.

~~4)~~5) SOLICITOR.

- a) A person who goes from house-to-house, door-to-door, business-to-business, street-to-street or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time.
- b) The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term shall mean the same as the term CANVASSER.

~~5)~~6) TRANSIENT MERCHANT. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter or empty store front for the purpose of exposing or displaying for sale, selling or attempting to

sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than 14 consecutive days.

#### 70.02. EXCEPTIONS TO DEFINITIONS.

- A) For the purpose of the requirements of this chapter, the terms PEDDLER, SOLICITOR and TRANSIENT MERCHANT shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.
- B) In addition, persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of PEDDLERS, SOLICITORS and TRANSIENT MERCHANTS, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court-ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

#### 70.03. LICENSING; EXEMPTIONS.

- A) County license authorized. No person shall conduct business as a peddler, solicitor mobile food unit or transient merchant within the City limits without first having obtained the appropriate license from the county, if the county licenses peddlers, solicitors or transient merchants, as authorized by M.S. Ch. 329 as it may be amended from time to time.
- B) City license required. Except as otherwise provided for by this chapter, no person shall conduct business as either a peddler mobile food unit, or a transient merchant without first having obtained a license from the City. Solicitors need not be licensed, but are still required to register pursuant to this Chapter.
- C) Application. Application for a City license to conduct business as a peddler, mobile food unit, or transient merchant shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Administrator/Clerk-Treasurer. All applications shall be signed by the applicant. All applications shall include the following information.

- 1) Applicant's full legal name;
- 2) All other names under which the applicant conducts business or to which applicant officially answers;
- 3) A physical description of the applicant, such as hair color, eye color, height, weight, distinguishing marks and features and the like;
- 4) Full address of applicant's permanent residence;
- 5) Telephone number of applicant's permanent residence;
- 6) Full legal name of any and all business operations owned, managed or operated by applicant, or for which the applicant is an employee or agent;
- 7) Full address of applicant's regular place of business, if any;
- 8) Any and all business related telephone numbers of the applicant;
- 9) The type of business for which the applicant is applying for a license;
- 10) Whether the applicant is applying for an annual or daily license;
- 11) The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the City, maximum 14 consecutive days for peddler or transient merchant;
- 12) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the City, including the location where a transient merchant intends to set up business;
- 13) A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses;
- 14) A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant;
- 15) Proof of any requested county license;
- 16) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;
- 17) A general description of the items to be sold or services to be provided;



- 18) All additional information deemed necessary by the City Council;
  - 19) The applicant's driver's license number or other acceptable form of identification; and
  - 20) The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle.
- D) Fee. All applications for a license under this chapter shall be accompanied by the fee established by the Council. Mobile food units conducting business during Montrose Days are exempt from this fee.
- E) Procedure.
- 1) Upon receipt of the completed application and payment of the license fee, the City Administrator/Clerk-Treasurer, within two regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided.
  - 2) If the City Administrator/Clerk-Treasurer determines that the application is incomplete, the City Administrator/Clerk-Treasurer must inform the applicant of the required necessary information that is missing. If the application is complete, the City Administrator/Clerk-Treasurer must order any investigation, including background checks, necessary to verify the information provided with the application.
  - 3) Within ten regular business days of receiving a complete application, the City Administrator/Clerk-Treasurer must issue the license unless there exist grounds for denying the license under this Chapter, in which case the Administrator/ Clerk-Treasurer must deny the license. If the City Administrator/Clerk-Treasurer denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within 20 days of receiving notice of rejection, a public hearing before the City Council.
  - 4) The City Council shall hear the appeal within 20 days of the date of the request. The decision of the City Council following the public hearing can be appealed by petitioning the State Court of Appeals for a writ of certiorari.
- F) Duration.
- 1) An annual license granted under this chapter shall be valid for one calendar year from the date of issue.

- 2) All other licenses granted under this chapter shall be valid only during the time period indicated on the license.

G) License exemptions.

- 1) No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated or raised on any farm.
- 2) No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's state or federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
- 3) Professional fund-raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this chapter.

#### 70.04. LICENSE INELIGIBILITY.

A) The following shall be grounds for denying a license under this chapter.

- 1) The failure of the applicant to obtain and show proof of having obtained any required county license;
- 2) The failure of the applicant to truthfully provide any of the information requested by the City as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application;
- 3) The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner; (Those violations shall include but not be limited to burglary, theft, larceny, swindling, fraud, unlawful business practices and any form of actual or threatened physical harm against another person.)
- 4) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant; and/or 5) The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General's Office or other similar business or consumer rights office or agency, within the preceding

12 months, or three complaints filed against the applicant within the preceding five years.

#### 70.05. LICENSE TRANSFERABILITY.

- A) No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

#### 70.06. REGISTRATION.

- A) All solicitors, and any person exempt from the licensing requirements of this chapter, shall be required to register with the City. Registration shall be made on the same form required for a license application, but no fee shall be required.
- B) Immediately upon completion of the registration form, the City Administrator/Clerk-Treasurer shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferable.

#### 70.07. ~~PROHIBITED ACTIVITIES~~ RESTRICTIONS.

- A) No peddler, solicitor or transient merchant shall conduct business in any of the following manners.
  - 1) Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out or by any other noise, so as to be unreasonably audible within an enclosed structure;
  - 2) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right-of-way;
  - 3) Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public;
  - 4) Conducting business before 7:00 a.m. or after 9:00 p.m.;
  - 5) Failing to provide proof of license or registration, and identification, when requested, or using the license or registration of another person;
  - 6) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement; and (No peddler, solicitor or transient merchant shall claim to have the endorsement of the City solely based on the City having issued a license or certificate of registration to that person.)



- 7) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

B) Mobile Food Units (MFUs). Mobile food units (MFUs) are required to meet the additional following standards:

1. MFU licenses issued are issued by the City Administrator / Clerk-Treasurer or a designee under the City Administrator / Clerk-Treasurer. Licenses are issued on an annual basis, and permit MFUs to operate at up to four locations in the community during the course of the year, not to exceed 21 days per location.
2. MFUs must be licensed by the Minnesota Health Department, and must adhere to State regulations for food trucks as provided in Food Code Chapter 4626.1860 Mobile Food Establishments; Seasonal Temporary Food Stands; Seasonal Permanent Food Stands. Evidence of the State license **and proof of insurance** must be provided to the City as part of the local license application.
3. With the exception of MFUs serving special events for public or institutional uses in residential districts, MFUs operations are limited to the business and industrial districts. Ice cream truck vendors may operate in all zoning districts.
4. MFUs must be located on private property, and the applicant must provide written consent from the property owner. However, MFUs may be located in a public park with approval from the City, and ice cream trucks are allowed to operate within the public right-of-way in residential districts.
5. Private properties may host no more than four MFUs over the course of the year.
6. MFU sites shall be kept in a neat and orderly manner, and shall adhere to the following site and operational requirements:
  - a. Trash and/or recycling collection and cleanup must be provided. **If the MFU is on public property, the trash and recycling that is generated by the MFU must be hauled off by the MFU operator.**
  - b. MFUs must provide independent power supply which is screened from view. Generators are permitted.
  - c. MFUs may not maintain or use outside sound amplifying equipment, televisions or other similar visual entertainment devices, or noisemakers such as bells, horns or whistles. Ice cream trucks

traveling through a residential district may have outdoor music or noise-making devices to announce their presence.

- d. MFUs cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.
  - e. MFUs shall be located on an asphalt or concrete surface.
  - f. MFUs may not be located within 500 feet of existing restaurants or coffee shops, as measured from the MFU to the **property line of the** food service building.
  - g. MFUs must close during adverse weather conditions when shelter is not provided.
  - h. MFUs are not permitted to operate between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.
- 7. Ice cream truck vendors are required to undergo a criminal background check prior to operating in the community, at the cost of the applicant.
  - 8. If MFU sites are found to be in non-compliance with any conditions as provided in Chapter 70 of this Ordinance, the City reserves the right to revoke the MFU transient merchant license.

#### 70.08. EXCLUSION BY PLACARD.

- A) No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four inches long and four inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors or Transient Merchants," or "Peddlers, Solicitors and Transient Merchants Prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section.

**Section 2.** This ordinance shall take effect and be in full force after its passage and publication.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the City Council of the City of Montrose.

CITY OF MONTROSE

By: \_\_\_\_\_  
Michelle Otto, Mayor

ATTEST:

By: \_\_\_\_\_  
Deb Boelter, City Clerk