



**MONTROSE
PLANNING AND ZONING COMMISSION MEETING
AGENDA**

**Wednesday, December 8, 2021
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. September 8, 2021 Planning and Zoning Commission Meeting Minutes
 - B. November 10, 2021 Planning and Zoning Commission Meeting Minutes
6. Public Hearing
 - A. To Consider an Application for a Conditional Use Permit and Variance for the Property Located at 125 Nelson Boulevard, Montrose, Minnesota in Order to Allow Retail or Service Commercial Activities Upon the Site.
7. Old Business
8. New Business
 - A. Updates from City Planner
9. Next Meeting
 - A. Wednesday, January 12, 2022 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, September 8, 2021
 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, September 8, 2021 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00pm.

2. ROLL CALL

Present: Commissioner Charles Smallwood
 Commissioner Sylvia Henry
 Commissioner Roger Fraumann
 Commissioner Shawn Cuff
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
 Mr. Stephen Gritman, City Planner

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the September 8, 2021 Planning and Zoning Commission Meeting Agenda as presented. Commissioner Fraumann seconded the motion. Motion carried 4-0.

5. APPROVAL OF THE MINUTES

Commissioner Henry motioned to approve the Planning and Zoning Commission Meeting minutes for August 11, 2021 as written. Commissioner Cuff seconded the motion. Motion carried 4-0.

6. RESIGNATION OF COMMISSION MEMBER

A. Accept Resignation of Commission Member Mr. Justin Emery

City Staff received a written resignation for Mr. Justin Emery effective August 4, 2021.

Commissioner Henry motioned to accept the resignation of Mr. Justin Emery effective August 4, 2021. Commissioner Cuff seconded the motion. Motion carried 4-0.

7. ELECTION OF OFFICER FOR VICE CHAIR

A. Elect Commission Member for Vice Chair Position

With the resignation of Mr. Justin Emery, a vacancy for Vice Chair is recognized by the Commission. Commissioner Smallwood asked if there were any nominations or volunteers to accept the Vice Chair position for the Planning and Zoning Commission. Commissioner Henry volunteered to accept the position of Vice Chair. No other nominations or volunteers were recognized.

Commissioner Fraumann motioned to recommend the appointment of Ms. Sylvia Henry as Vice Chair for the Planning and Zoning Commission. Commissioner Cuff seconded the motion. Motion carried 3-0-1 with Ms. Henry abstaining from the vote.

8. PUBLIC HEARING

A. Public Hearing To Consider a Zoning Code Amendment to Chapter 52: Animals, Related to Allowing Backyard Chickens

Commissioner Henry motioned to close the Planning and Zoning Meeting and open the Public Hearing at 7:04 p.m. Commissioner Fraumann seconded the motion. Motion carried 4-0.

Background:

At the August Planning Commission meeting, the Commission called for a public hearing to discuss the potential for amending the City’s ordinance to accommodate chickens on residential property. The staff summary for that discussion was included in the minutes for the August 11, 2021 Planning and Zoning meeting. The purpose of this supplemental report is to help frame the public discussion at the public hearing.

As noted previously, the current zoning ordinance includes poultry in the list of farm animals which are not allowed in residential districts. To accommodate requests for chickens, the City would have to amend the zoning ordinance to exempt chickens from that prohibition, and create an ordinance structure for permitting chickens in those cases.

In most cities where chickens are allowed (many cities use the same approach Montrose currently uses, prohibiting them), the following categories of issues are addressed in some fashion:

- 1) No roosters, hens only.
- 2) Number of chickens – the lower threshold ordinances will allow four, with some cities more, and sometimes, variably increasing numbers by the size of the lot.
- 3) Limitations on the coop and enclosure:
 - i. Minimum and maximum sizes.
 - ii. Containment, and protection from wild animals.
 - iii. Materials (e.g., materials and/or colors similar to those on principal structure).
 - iv. Whether the coop is included in the accessory building requirements.
 - v. Coop location – rear yard; setbacks; screening from neighboring property; etc.
- 4) Cleanliness and site conditions.
- 5) Feed storage.
- 6) Administrative requirements:
 - i. Permit from City required?
 - ii. Permit application information?
 - iii. Annual, Permanent, or renewable permitting?

- iv. Permit fees?
- 7) Enforcement:
 - i. Capacity of staff.
 - ii. Enforcement penalties or forfeiture.
 - iii. Qualifications for further permitting.
 - iv. Removal requirements or discontinuation

These items may or may not be a part of any amendment that the City may consider, depending on the City's approach to the issue. As noted in prior discussions, many passionate supporters may be willing, and even enthusiastic, about a rigorous set of standards and diligently follow all requirements. Even so, this can still lead to issues, however, many such supporters are in favor of permitting to avoid arbitrary complaint-based enforcement.

The issue in many cases is those who enter into chicken ownership without adequate awareness of the time and dedication required to comply with the rules, as well as to avoid conflicts with neighbors. It is these cases that the city would need to be prepared for if the amendment was to be considered.

A resident, Ms. Julie Roberts, from 201 Center Avenue South brought up health concerns that could arise from allowing backyard chickens. One such disease, histoplasmosis, is an infection caused by a fungus that lives in soil containing large amounts of bird or bat droppings. This disease can cause a person to be very ill, or even cause death, and the spores can travel across properties on the wind. Ms. Roberts is against allowing backyard chickens.

A resident, Ms. Michelle Otto, from 205 Garfield Avenue North stated that the city does not have staffing to enforce an ordinance allowing backyard chickens. Ms. Otto does not believe chickens should be allowed at this time since the city does not have an animal control officer or code compliance officer that is dedicated to those duties.

A resident, Ms. Catherine Neiberger, from 125 Hill Street stated she was opposed to allowing backyard chickens as well. Ms. Neiberger stated that the city has a small staff and would be unable to enforce an ordinance regarding chickens. She stated that an ordinance allowing chickens would have to be very detailed and comprehensive in order to make sure the animals were properly cared for and the safety of neighboring properties was maintained. Ms. Neiberger also stated that if people want to have chickens, they should take a certification course because it is important people are educated about raising chickens and not just jumping into it because it is the thing to do. She stated that the city would need to hire an animal enforcement officer to constantly check on properties with backyard chickens to make sure there are no nuisance animals or conditions and to ensure the chickens and coops are properly cared for. Ms. Neiberger also mentioned that these animals do carry diseases and if people do not know what they are doing they can get themselves or other neighboring properties sick from the bacteria from unkempt coops and viruses from the animals.

Commissioner Fraumann motioned to close the Public Hearing and re-open the Planning and Zoning Meeting. Commissioner Henry seconded the motion. Motion carried 4-0.

The Planning and Zoning Commission briefly discussed the fact that nobody came to speak at the hearing that was in favor of having chickens, and this issue has been brought before Planning and Zoning before with little to no support. The Commission members all agreed that there is not enough support to justify allowing backyard chickens or changing the ordinance in any way.

Commissioner Fraumann motioned to leave the City Code Chapter 52: Animals as-is so as not to allow chickens. Commissioner Henry seconded the motion. Motion carried 4-0.

9. OLD BUSINESS

No Old Business.

10. NEW BUSINESS

A. Updates from City Planner

City Planner, Mr. Stephen Gritman stated that the City has received a lot of interest in residential development, but nothing that has been confirmed yet. The city is busy having meetings with potential residential developers for several land parcels and we are waiting for development applications to be submitted. The city is also still waiting for final paperwork from the developers that are trying to develop the Ouverson Addition. Mr. Gritman also stated that there has been some interest in commercial business along Highway 12, but again nothing confirmed with that yet either. The city is currently waiting on a Conditional Use Permit (CUP) from the potential Subway contractor, and that may come before the commission at the October 13, 2021 Planning and Zoning Meeting.

11. NEXT MEETING

A. Wednesday, October 13, 2021 to be held at the Montrose Community Center – 7:00 p.m.

12. ADJOURNMENT

**Commissioner Henry motioned to adjourn the Planning and Zoning Commission Meeting at 7:19 p.m.
Commissioner Cuff seconded the motion. Motion carried 4-0.**

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose

City of Montrose
 Planning and Zoning Commission Meeting
 Montrose Community Center
 200 Center Avenue South
 Wednesday, November 10, 2021
 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, November 10, 2021 at 7:00pm.

Planning and Zoning Commission Chair, Mr. Charles Smallwood, called the meeting to order at 7:00pm.

2. ROLL CALL

Present: Commissioner Charles Smallwood
 Commissioner Sylvia Henry
 Commissioner Shawn Cuff
 Commissioner Roger Fraumann
 Commissioner Catherine Neiberger
 City Council Liaison Sam Solarz

Staff Present: Ms. Jessica Bonniwell, City Administrator
 Mr. Stephen Gritman, City Planner
 Mr. Michael Sommerfeld, Deputy Treasurer

3. PLEDGE OF ALLEGIENCE

The Pledge of Allegiance was taken.

4. APPROVAL OF THE AGENDA

Commissioner Henry motioned to approve the November 10, 2021 Planning and Zoning Commission Meeting Agenda as presented. Commissioner Fraumann seconded the motion. Motion carried 5-0.

5. APPROVAL OF THE MINUTES

Minutes for the September 8, 2021 meeting will be available at the December meeting – they were left out of the packet by mistake.

6. OATH OF OFFICE

A. Oath of Office for Ms. Catherine Neiberger

Commission Chair Mr. Charles Smallwood gave Ms. Catherine Neiberger her Oath of Office.

7. PUBLIC HEARING

- A. Public Hearing – To Consider an Application for the Preliminary Plat of up to Eight (8) Single Family Lots for the Property Located at the East End of Steamboat Lane and to the South of Aspen Lane and Loveland Circle in Montrose, Minnesota.

Commissioner Henry motioned to close the Planning and Zoning Meeting and Open the Public Hearing at 7:03 p.m. Commissioner Fraumann seconded the motion. Motion carried 5-0.

Commissioner Smallwood asked the City Planner, Mr. Gritman, to give an overview of the Preliminary Plat Application. Mr. Gritman stated that the subject property consists of approximately 2.9 acres, and is currently identified as Outlot C of Rolling Meadows 2nd Addition. As part of the original Rolling Meadows plat, the property was planned for nine (9) single-family lots along an extension of Steamboat Lane, a city street that would eventually extend farther east and south to connect to a separate portion of the same street. The property is zoned R-1, Single-Family Residential, and is adjoined by other single-family parcels to the north, west, and south.

The extended and connecting portion of the road to the east would require annexation of the intervening parcel, and eventuality that has no current timeframe.

Mr. Gritman stated that as it currently exists, the southerly portion of Steamboat Lane is approximately 715 feet long from its intersection with Emerson Avenue North. The proposed Steamboat extension being made with this plat would create a street of approximately 775 feet in length to its current intersection with Aspen Lane.

Mr. Gritman stated that the Subdivision Ordinance accommodates such dead-end streets only with the expectation that they will eventually be extended to comply with connection and access requirements of the ordinance, which otherwise limit cul-de-sac streets to a maximum length of 500 feet. In the interim, such dead-end streets of more than 200 feet in length must include a temporary cul-de-sac to accommodate turn-around traffic and street maintenance operations.

Mr. Gritman stated that the proposed subdivision consists of eight proposed lots, one fewer than the original Preliminary Plat. The layout of the lots in the subdivision is the same as that originally anticipated by the project development plants, with the exception that the two northwesterly parcels are joined to comprise a single lot in this current version. The applicant illustrates home sites on each of the eight parcels, including a home on Lot 1, Block 1, that occupies the larger new lot.



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Mr. Grittmann stated that sidewalk is currently in place along the north side of Steamboat Lane to the west. The proposed plat drawing includes an extension of this sidewalk along the north side of the street to Lot 2, Block 1, terminating temporarily at the temporary cul-de-sac. The sidewalk would be expected to be extended at the time the street connection is made to the east and south. That extension would be able to connect to the sidewalk at the current terminus of Steamboat Lane south of the plat. At issue is the extension of this sidewalk past two lots in this plat to connect to a future subdivision through the unannexed property. That property will be expensive to develop, and the sidewalk connection would be an additional expense that under normal conditions would be required expense of this plat. The City may consider acquiring the cost of the additional, but unconstructed, sidewalk as part of this plat approval. Without this, there could be an issue at the time of any future subdivision.

Summary and Recommendation of Mr. Grittmann

The proposed preliminary plat for Rolling Meadows 3rd Addition is consistent with the original plat, and includes one less lot than the original. The lots sizes for most lots are consistent with that plan, and with those of the surrounding neighborhoods. The applicant's Lot 1, Block 1 is a "double lot", much larger than those in the area, but is designed strictly for one single family home. All lots meet the dimensional standards of the R-1 District, and as such, planning staff recommends approval of the Preliminary Plat, with the following conditions:

- 1) The applicant coordinates with the City Engineer in construction details of the temporary cul-de-sac.
- 2) The applicant provides sidewalk per the plan, and provides the funds for the extension of the sidewalk past Lots 3 and 4, Block 1, to be constructed at the time of the street extension.
- 3) The terminus of the current street is closed with an appropriate barrier, and signed to notify residents of the likelihood of future street extension.
- 4) The applicant enters into a development contract securing the various public and private improvements and the required park dedication fees.
- 5) The applicant provides for tree and lawn planting as part of the plat construction.
- 6) The applicant complies with the requirements of the City Engineer related to street, utility, grading, and stormwater requirements.
- 7) Other recommendations of staff and/or Planning Commission following the public hearing.

Engineer Comments and Recommendation Memo:

1. The Preliminary Plat identifies the development name as Rolling Meadows 3rd Addition. An alternate plat name shall be selected as Rolling Meadows 3rd Addition already exists within the City of Montrose.
2. The applicant shall provide a Stormwater Management Plan complete with a drainage narrative, calculations and pre and post development drainage area maps.

3. All drainage from the plat shall be contained within the plat boundaries and shall not be directed onto private properties outside of the plat. Additional storm sewer may be required near the norther plat boundary.
4. All retaining walls exceeding 48 inches in height shall be designed by a Professional Engineer registered in the State of Minnesota.
5. The applicant shall obtain a NPDES Construction Stormwater Permit and submit a copy of the permit to the city prior to construction.
6. The applicant shall obtain a MDH watermain extension permit and submit a copy of the permit to the city prior to construction.
7. The applicant shall obtain a MPCA sanitary sewer extension permit and submit a copy of the permit to the city prior to construction.
8. The proposed concrete sidewalk shall be extended to the eastern limits of the proposed temporary cul-de-sac.
9. The proposed hydrant at the east end of the proposed roadway shall be relocated such that the water service to Lot 4 Block 1 is constructed west of the hydrant.
10. All watermain shall be PVC C900 complete with a tracer system.
11. All watermain fittings shall be secured using COR-BLUE-T-BOLTS or approved equal.
12. Two large zinc anode caps shall be installed on all fitting glands.
13. All watermain fittings shall be fusion bonded, epoxy coated, with a minimum thickness of 6-8 mils.
14. The connection to the existing sanitary sewer manhole shall include a Kor-n-Seal boot or approved equal.
15. The contractor shall be responsible for obtaining two consecutive passing bacteriological tests from the proposed watermain. Testing results shall be provided to the city. Test water shall not be disposed of into the city's sanitary sewer system.
16. Exterior chimney seals shall be installed on all structure adjusting rings.
17. The applicant shall submit a signage plan for review by the City of Montrose.
18. The applicant shall submit a lighting plan for the review of the City of Montrose.
19. The applicant shall enter into a development agreement prior to final plat approval.
20. All construction shall be in accordance with the City of Montrose Standards.
21. A pre-construction meeting, complete with an agenda, shall be held prior to construction.

22. Revised plans and documents incorporating the above reference comments shall be submitted for the review of the City of Montrose.

Bolton and Menk recommend approval of the Preliminary Plat contingent on the above referenced comments and those comments provided by other city staff, commissions, and council.

Commissioner Smallwood invited Mr. Ron Prosch, the developer, to the podium to ask and answer questions. Mr. Prosch stated that, from the sound of the reports, there is an issue with the stormwater plan and stated he thought there was already a stormwater plan with the original plat for the larger Rolling Meadows Development. Mr. Grittmann stated that the plan would need to be updated in order to comply with new standards. Mr. Prosch continued to discuss some of the details of the drainage of the property and how to fix it. Mr. Grittmann stated that Mr. Prosch would need to work with an engineer to solve those problems with drainage.

Commissioner Smallwood invited members of the public up for public comment.

- Stacey and Mike Johnson from 1014 Loveland Circle stated that they are very concerned about the water drainage because Mr. Prosch has already cut back many of the trees and vegetation on the property to be developed and has already changed drainage out there. Mr. and Mrs. Johnson stated that they already have and have had water drainage problems and believe the water from Mr. Prosch's property will run onto their property. Mr. Grittmann stated that part of the approval process is to ensure that no surrounding properties are negatively affected by the drainage and Mr. Prosch cannot have the water from his property run onto neighboring properties.
- Tanya Walter from 4917 County Road 12 stated that she owns the property that is shown on the plat to eventually be used for a through street to connect to the southern piece of Steamboat Lane. However, she is not looking to sell her property, and may not ever want to sell her property and does not want the city to take her property. Mr. Grittmann stated that the road is simply proposed as part of a future development stage if the property were to become available for sale one day. Ms. Walter also expressed that she is also concerned about the water drainage becoming an issue on her property.
- Katherine Mika from 926 Steamboat Lane stated that she is also concerned about the water runoff/water drainage from the property that is proposed to be developed. Ms. Mika stated that the Bolton and Menk comments state they needed an updated stormwater plan and asked if that has been complete yet. Mr. Grittmann stated that the stormwater plan still needs to be updated and that will be part of the final plat requirements. Ms. Mika stated that new research on drainage needs to be completed now that Mr. Prosch has removed the trees and vegetation and moved a lot of the soil that was helping to mitigate the water runoff problem. Ms. Mika is also concerned about the snow removal because right now, Steamboat is a dead-end with no turnaround and snow is just piled up at the end of the dead-end. Ms. Bonniwell stated that since there will be a cul-de-sac installed, the public works department will treat that road the same as any other cul-de-sac in town.
- Dustin Schindele from 917 Steamboat Lane stated that he has some questions about how the "future road" will ever be built when there are a minimal number of lots available in order to continue the road and will not be affordable for any developer and does not believe the road will ever become a through street to the southern leg of Steamboat Lane. Mr. Schindele is also concerned about the increase of traffic on an essentially dead-end road which has many children already living on the street. He acknowledged that this plan is better than a previously proposed plan to put even more homes back there, but he is very concerned this will never become a

through street. Mr. Schindele is also concerned about the construction vehicles damaging the road and having a lot of traffic up and down the road. Mr. Schindele said some of the neighbors have already sold their home in anticipation of putting additional homes at the end of the dead-end with no other access.

Commissioner Henry motioned to close the Public Hearing and Open the Planning and Zoning Meeting at 7:45 p.m. Commissioner Fraumann seconded the motion. Motion carried 5-0.

Commissioner Cuff asked if there are other areas throughout town that have cul-de-sacs at the end of a street with 15-20 houses. Mr. Grittmann and Ms. Bonniwell stated that yes, there are many cul-de-sacs around town and the road length is limited when it ends in a cul-de-sac.

Commissioner Neiberger thinks that the cul-de-sac should be placed in Lot 4, Block 1 because she does not believe this road will be connected to the southern portion of Steamboat Lane. Commissioner Smallwood stated that would cause the whole plan to be redrawn and the proposed cul-de-sac works in the current position.

Commission Fraumann asked about the water drainage problem and stated the lots could be angled to drain towards the property lines and down to the storm sewer grates.

Mr. Grittmann stated that the Planning and Zoning Commission is asked to make a recommendation based on the land use for this potential development. Once that recommendation is made, the plan will go to City Council for approval of the Preliminary Plat. If Council approves the Preliminary Plat, Mr. Prosch can then go forward to make any necessary adjustments to his plan based on recommendations from the Planner, Engineer and City Staff in order to create a Final Plat. The Final Plat will then need to also go through the approval process.

Commission Cuff motioned to recommend approval to City Council for the Preliminary Plat for the Rolling Meadows Steamboat Addition. Commissioner Henry seconded the motion. Motion carried 5-0.

8. OLD BUSINESS

A. No Old Business

9. NEW BUSINESS

A. Updates from City Planner

City Planner, Mr. Stephen Grittmann stated that the city has received a lot of interest in residential development, but nothing that has been confirmed yet. The city is also still waiting for final paperwork from the developers that are trying to develop the Ouverson Addition. The city is currently processing a Conditional Use Permit (CUP) and small setback variance from the potential Subway contractor, and that should come before the commission at the December 8, 2021 Planning and Zoning Meeting as a Public Hearing.

10. NEXT MEETING

A. Wednesday, December 8, 2021 to be held at the Montrose Community Center – 7:00 p.m.

11. ADJOURNMENT

**Commissioner Henry motioned to adjourn the Planning and Zoning Commission Meeting at 8:00 p.m.
Commissioner Cuff seconded the motion. Motion carried 5-0.**

Charles Smallwood
Planning and Zoning Chair
City of Montrose

ATTEST:

Jessica Bonniwell
City Administrator
City of Montrose



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
 Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Montrose Planning Commission

FROM: Stephen Gritman

DATE: December 2, 2021

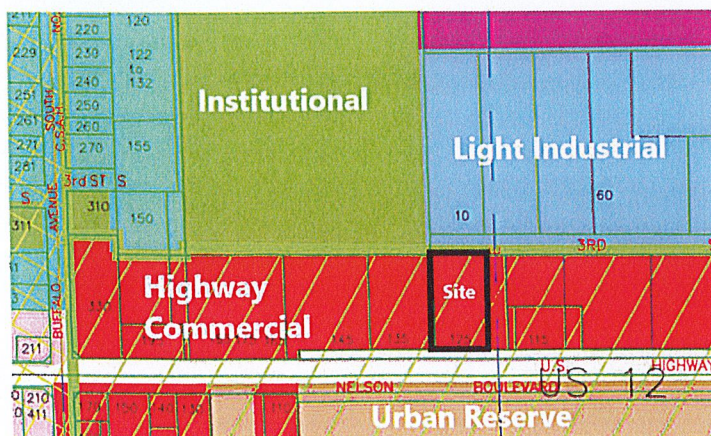
MEETING DATE: December 8, 2021

RE: Montrose – Conditional Use Permit and Variance –
 Subway Drive-through

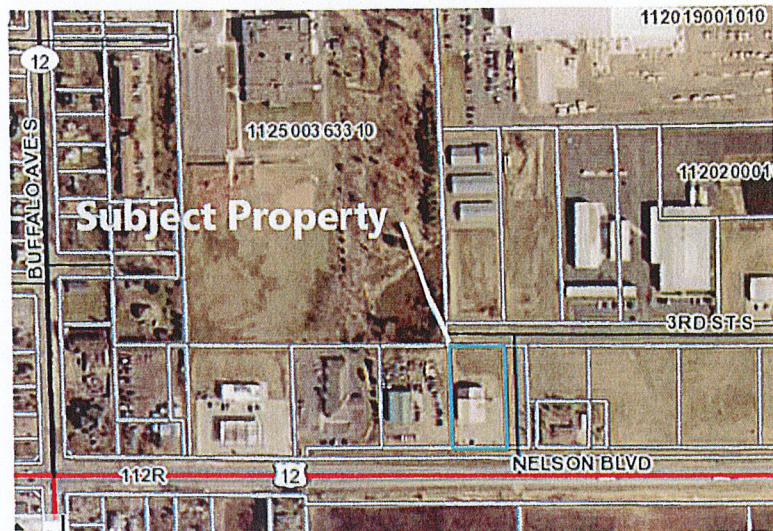
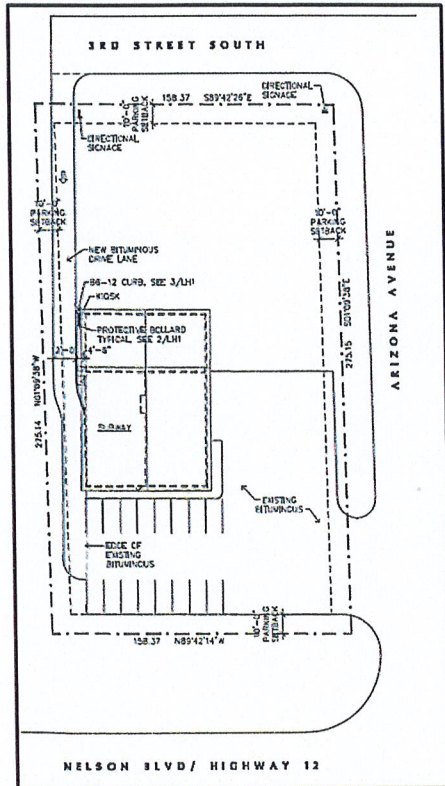
FILE NO: 273.03 – 21.10

Background and Analysis

Conditional Use Permit. The subject property consists of approximately one acre, and is currently occupied by a commercial building that contains a liquor store. Previously, the portion of the building to be occupied by the Subway held a Snap Fitness business. The property is zoned B-2, Highway Business, and is surrounded by right-of-way on three sides (Highway 12 to the south, Arizona Avenue to the east, 3rd Street South bordering the north property line. An automotive business abuts the property to the west. Drive-through windows are allowed in the B-2 District by Conditional Use Permit.



The applicant proposes to construct a drive-through window on the west side of the building, along with a driveway in which traffic would access the property from the north (3rd Street South), proceed along the west boundary to the order board mounted on the building, and then to the new service window. The overall length of the drive-through lane is approximately 180 feet from the north property line.



The existing site has a significant parking area that is currently paved in the front and to the east side of the building. No curbing exists around this parking area. The applicant's site plan illustrates 16 parking spaces, with additional paved area unmarked.

To add a restaurant to the facility as proposed, the parking requirements for the site would be approximately 18 spaces for the liquor store, and approximately 20 spaces for the restaurant, accounting for both dining and kitchen areas, not including hallway/mechanical/restroom, and similar spaces. The existing paved area could be striped to illustrate a greater number of parking spaces than shown on the site plan. Staff would recommend that a condition of the CUP approval would be a requirement to restripe the parking areas to maximize the number of usable parking spaces.

In the event that more parking is required, the site has adequate area to expand the paved surface and add parking. This condition could also be integrated into the CUP approval.

For the addition of the new drive-through lane, the code would require curb around the perimeter to contain both stormwater and traffic within the drive lane, and landscaped spaces outside of the drive lane. No specific planting requirement is made in the code, other than a requirement that the area is covered with landscaping materials, including grass, shrubs, and trees. It is presumed that the applicant proposes grass. Shrubs and trees would be welcome additions but would not be required by the ordinance.

Because the site is currently developed and no building expansion is being proposed, staff would recommend that the existing paved parking area not be required to add the typically required curb. This requirement could be made if and when the building is expanded at some future date, necessitating new parking and circulation areas.

The code identifies these specific regulations related to drive-through facilities:

1. Not less than one hundred twenty feet (120') of segregated automobile stacking must be provided for the single service lane.
2. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
3. No part of the public street or boulevard may be used for stacking of automobiles.
4. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
6. A lighting and photometric plan will be required that illustrates the drive through service lane lighting and shall comply with Section 1016-8 of this Ordinance.

As cited above, the stacking lane is approximately 180 feet in length, providing space for up to nine vehicles, exceeding the requirements of the code. All other requirements are met.

Variance. The applicant has requested a variance from the driveway setback for the drive-through lane along the west side of the building. The code requires a setback for driveways of 5 feet, and the applicant's proposed setback is approximately 4.5 feet. The reason for the encroachment is existing exterior mechanical equipment adjacent to the building that prohibits the new driveway from the hugging the building enough so as to fully meet the ordinance.

When considering variances to zoning regulations, the City is required to find that there are unique conditions on the property, not created by the applicant, that create practical difficulties in using the property in a reasonable manner. In this case, the mechanical installation that creates the need for the variance is a condition that pre-existed this applicant. Moreover, the variance request is a minor one, just half a foot, and will allow what would be a common use in the highway business district.

Summary and Recommendation

The proposed drive-through requires a Conditional Use Permit, and given the design of the building and site, a small variance to the setback of the driveway lane. As discussed in this report, the facility is able to meet the requirements of the code, with some adjustments to the parking area for the joint use of the site. Moreover, the variance request meets the criteria for consideration in that the conditions on the site constitute the practical difficulties, and the layout for this drive-through – as designed – minimizes any negative impacts that might otherwise be expected if the site were to change its configuration or drive through window location.

As such, planning staff recommends approval of the Conditional Use Permit, with the following conditions:

1. The applicant adds landscape cover to the disturbed areas of the site, consisting of lawn grass at minimum, and to include shrubs and trees if possible at the discretion of the applicant.
2. The applicant provides curb along all areas of new pavement for the drive-through lane.
3. The applicant stripes the remainder of the paved parking area to accommodate the maximum number of parking spaces on the existing pavement. No new curb will be required of the existing paved area until such time as the building is proposed for expansion.
4. The City reserves the right to require an expanded and improved parking area in the event that parking on the site overflows the existing paved area.
5. The applicant complies with any requirements imposed by the City Engineer related to street, utility, grading, and stormwater requirements.
6. Other recommendations of staff and/or Planning Commission following the public hearing.

This recommendation is based on the following findings:

1. The property is used now, and proposed to be used, in a manner consistent with the applicable B-2 Zoning District.
2. The addition of the drive-through window is consistent with the expectations for uses in the B-2, Highway Business district.
3. The requirements for Conditional Use Permits are met by the proposal, subject to the conditions of approval herein.
4. The variance for drive lane setback is a reasonable use of the property, and is the result of conditions outside of the control of the applicant.

5. Without the variance, the proposed reasonable use of the property would not be feasible, and the intent of the City's economic development plans would suffer.
6. The ability to accommodate additional parking on the site ensures that the proposed uses will not overwhelm the ability of the site, surrounding roadways, or other public services to serve the property.



Real People. Real Solutions.

2040 Highway 12 East
Willmar, MN 56201-5818

Ph: (320) 231-3956
Fax: (320) 231-9710
Bolton-Menk.com

November 11, 2021

Honorable Mayor Moynagh
City Council Members
Planning Commission
City of Montrose

via e-mail: jbonniwell@montrose-mn.com

RE: Subway #71446
Montrose, Minnesota
Project No.: 0W1.1123692

Dear Council and Planning Commission,

We have reviewed the Site Plan dated 10/14/2021 which was submitted for the above referenced project and have the following comments.

1. The plans shall include a pavement section for the proposed bituminous drive through lane.
2. The proposed parking spaces shall be striped and dimensions shall be included on the plans.
3. All construction shall be in accordance with the City of Montrose Standards.

We recommend approval of the Site Plan contingent on the above referenced comments and those comments provided by other city staff, commissions, and council.

If you have any questions on the above, please call.

Sincerely,

Bolton & Menk, Inc.

Jared Voge, P.E.
Principal Engineer

COMMERCIAL PLAN REVIEW FOR CODE COMPLIANCE

GENERAL INFORMATION

A. PROJECT NAME: Subway - Montrose, Minnesota

B. PROJECT LOCATION: 125 Nelson Blvd - Montrose, Minnesota

C. PROJECT DATE: 10/24/21

D. PROJECT NUMBER: 210921-2

E. PROJECT OWNER: City of Montrose

F. PROJECT ARCHITECT: L. Schmitt

G. PROJECT ENGINEER: L. Schmitt

H. PROJECT DATE: 10/24/21

I. PROJECT NUMBER: 210921-2

J. PROJECT OWNER: City of Montrose

K. PROJECT ARCHITECT: L. Schmitt

L. PROJECT ENGINEER: L. Schmitt

M. PROJECT DATE: 10/24/21

N. PROJECT NUMBER: 210921-2

O. PROJECT OWNER: City of Montrose

P. PROJECT ARCHITECT: L. Schmitt

Q. PROJECT ENGINEER: L. Schmitt

R. PROJECT DATE: 10/24/21

S. PROJECT NUMBER: 210921-2

T. PROJECT OWNER: City of Montrose

U. PROJECT ARCHITECT: L. Schmitt

V. PROJECT ENGINEER: L. Schmitt

W. PROJECT DATE: 10/24/21

X. PROJECT NUMBER: 210921-2

Y. PROJECT OWNER: City of Montrose

Z. PROJECT ARCHITECT: L. Schmitt

AA. PROJECT ENGINEER: L. Schmitt

AB. PROJECT DATE: 10/24/21

AC. PROJECT NUMBER: 210921-2

AD. PROJECT OWNER: City of Montrose

AE. PROJECT ARCHITECT: L. Schmitt

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AG. PROJECT DATE: 10/24/21

AH. PROJECT NUMBER: 210921-2

AI. PROJECT OWNER: City of Montrose

AJ. PROJECT ARCHITECT: L. Schmitt

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AL. PROJECT DATE: 10/24/21

AM. PROJECT NUMBER: 210921-2

AN. PROJECT OWNER: City of Montrose

AO. PROJECT ARCHITECT: L. Schmitt

AP. PROJECT ENGINEER: L. Schmitt

AQ. PROJECT DATE: 10/24/21

AR. PROJECT NUMBER: 210921-2

AS. PROJECT OWNER: City of Montrose

AT. PROJECT ARCHITECT: L. Schmitt

AU. PROJECT ENGINEER: L. Schmitt

AV. PROJECT DATE: 10/24/21

AW. PROJECT NUMBER: 210921-2

AX. PROJECT OWNER: City of Montrose

AY. PROJECT ARCHITECT: L. Schmitt

AZ. PROJECT ENGINEER: L. Schmitt

BA. PROJECT DATE: 10/24/21

BB. PROJECT NUMBER: 210921-2

BC. PROJECT OWNER: City of Montrose

BD. PROJECT ARCHITECT: L. Schmitt

BE. PROJECT ENGINEER: L. Schmitt

BF. PROJECT DATE: 10/24/21

BG. PROJECT NUMBER: 210921-2

BH. PROJECT OWNER: City of Montrose

BI. PROJECT ARCHITECT: L. Schmitt

BJ. PROJECT ENGINEER: L. Schmitt

BK. PROJECT DATE: 10/24/21

BL. PROJECT NUMBER: 210921-2

BM. PROJECT OWNER: City of Montrose

BN. PROJECT ARCHITECT: L. Schmitt

BO. PROJECT ENGINEER: L. Schmitt

BP. PROJECT DATE: 10/24/21

BQ. PROJECT NUMBER: 210921-2

BR. PROJECT OWNER: City of Montrose

BS. PROJECT ARCHITECT: L. Schmitt

BT. PROJECT ENGINEER: L. Schmitt

BU. PROJECT DATE: 10/24/21

BV. PROJECT NUMBER: 210921-2

BW. PROJECT OWNER: City of Montrose

BX. PROJECT ARCHITECT: L. Schmitt

BY. PROJECT ENGINEER: L. Schmitt

BZ. PROJECT DATE: 10/24/21

MEANS OF EGRESS

A. EGRESS ROUTES: 1. Main Entrance

B. EGRESS ROUTES: 2. Side Entrance

C. EGRESS ROUTES: 3. Back Entrance

D. EGRESS ROUTES: 4. Staircase

E. EGRESS ROUTES: 5. Elevator

F. EGRESS ROUTES: 6. Fire Escape

G. EGRESS ROUTES: 7. Window Exit

H. EGRESS ROUTES: 8. Door Exit

I. EGRESS ROUTES: 9. Staircase

J. EGRESS ROUTES: 10. Elevator

K. EGRESS ROUTES: 11. Fire Escape

L. EGRESS ROUTES: 12. Window Exit

M. EGRESS ROUTES: 13. Door Exit

N. EGRESS ROUTES: 14. Staircase

O. EGRESS ROUTES: 15. Elevator

P. EGRESS ROUTES: 16. Fire Escape

Q. EGRESS ROUTES: 17. Window Exit

R. EGRESS ROUTES: 18. Door Exit

S. EGRESS ROUTES: 19. Staircase

T. EGRESS ROUTES: 20. Elevator

U. EGRESS ROUTES: 21. Fire Escape

V. EGRESS ROUTES: 22. Window Exit

W. EGRESS ROUTES: 23. Door Exit

X. EGRESS ROUTES: 24. Staircase

Y. EGRESS ROUTES: 25. Elevator

Z. EGRESS ROUTES: 26. Fire Escape

AA. EGRESS ROUTES: 27. Window Exit

AB. EGRESS ROUTES: 28. Door Exit

AC. EGRESS ROUTES: 29. Staircase

AD. EGRESS ROUTES: 30. Elevator

AE. EGRESS ROUTES: 31. Fire Escape

AF. EGRESS ROUTES: 32. Window Exit

AG. EGRESS ROUTES: 33. Door Exit

AH. EGRESS ROUTES: 34. Staircase

AI. EGRESS ROUTES: 35. Elevator

AJ. EGRESS ROUTES: 36. Fire Escape

AK. EGRESS ROUTES: 37. Window Exit

AL. EGRESS ROUTES: 38. Door Exit

AM. EGRESS ROUTES: 39. Staircase

AN. EGRESS ROUTES: 40. Elevator

AO. EGRESS ROUTES: 41. Fire Escape

AP. EGRESS ROUTES: 42. Window Exit

AQ. EGRESS ROUTES: 43. Door Exit

AR. EGRESS ROUTES: 44. Staircase

AS. EGRESS ROUTES: 45. Elevator

AT. EGRESS ROUTES: 46. Fire Escape

AU. EGRESS ROUTES: 47. Window Exit

AV. EGRESS ROUTES: 48. Door Exit

AW. EGRESS ROUTES: 49. Staircase

AX. EGRESS ROUTES: 50. Elevator

AY. EGRESS ROUTES: 51. Fire Escape

AZ. EGRESS ROUTES: 52. Window Exit

BA. EGRESS ROUTES: 53. Door Exit

BB. EGRESS ROUTES: 54. Staircase

BC. EGRESS ROUTES: 55. Elevator

BD. EGRESS ROUTES: 56. Fire Escape

BE. EGRESS ROUTES: 57. Window Exit

BF. EGRESS ROUTES: 58. Door Exit

BG. EGRESS ROUTES: 59. Staircase

BH. EGRESS ROUTES: 60. Elevator

BI. EGRESS ROUTES: 61. Fire Escape

BJ. EGRESS ROUTES: 62. Window Exit

BK. EGRESS ROUTES: 63. Door Exit

BL. EGRESS ROUTES: 64. Staircase

BM. EGRESS ROUTES: 65. Elevator

BN. EGRESS ROUTES: 66. Fire Escape

BO. EGRESS ROUTES: 67. Window Exit

BP. EGRESS ROUTES: 68. Door Exit

BQ. EGRESS ROUTES: 69. Staircase

BR. EGRESS ROUTES: 70. Elevator

BS. EGRESS ROUTES: 71. Fire Escape

BT. EGRESS ROUTES: 72. Window Exit

BU. EGRESS ROUTES: 73. Door Exit

BV. EGRESS ROUTES: 74. Staircase

BW. EGRESS ROUTES: 75. Elevator

BX. EGRESS ROUTES: 76. Fire Escape

BY. EGRESS ROUTES: 77. Window Exit

BZ. EGRESS ROUTES: 78. Door Exit

PLUMBING FIXTURES

A. NUMBER FIXTURES REQUIRED (IBC 2003.1)

B. NUMBER FIXTURES PROVIDED (IBC 2003.1)

C. NUMBER FIXTURES DEFICIENT (IBC 2003.1)

D. NUMBER FIXTURES EXCESS (IBC 2003.1)

E. NUMBER FIXTURES MISSING (IBC 2003.1)

F. NUMBER FIXTURES DAMAGED (IBC 2003.1)

G. NUMBER FIXTURES OUT OF ORDER (IBC 2003.1)

H. NUMBER FIXTURES NOT WORKING (IBC 2003.1)

I. NUMBER FIXTURES NOT CLEAN (IBC 2003.1)

J. NUMBER FIXTURES NOT MAINTAINED (IBC 2003.1)

K. NUMBER FIXTURES NOT INSPECTED (IBC 2003.1)

L. NUMBER FIXTURES NOT REPAIRED (IBC 2003.1)

M. NUMBER FIXTURES NOT REPLACED (IBC 2003.1)

N. NUMBER FIXTURES NOT REMOVED (IBC 2003.1)

O. NUMBER FIXTURES NOT INSTALLED (IBC 2003.1)

P. NUMBER FIXTURES NOT LABELED (IBC 2003.1)

Q. NUMBER FIXTURES NOT IDENTIFIED (IBC 2003.1)

R. NUMBER FIXTURES NOT DOCUMENTED (IBC 2003.1)

S. NUMBER FIXTURES NOT MAINTAINED (IBC 2003.1)

T. NUMBER FIXTURES NOT INSPECTED (IBC 2003.1)

U. NUMBER FIXTURES NOT REPAIRED (IBC 2003.1)

V. NUMBER FIXTURES NOT REPLACED (IBC 2003.1)

W. NUMBER FIXTURES NOT REMOVED (IBC 2003.1)

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BZ. NUMBER FIXTURES NOT INSTALLED (IBC 2003.1)

MEANS OF EGRESS

A. EGRESS ROUTES: 1. Main Entrance

B. EGRESS ROUTES: 2. Side Entrance

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