

TO: CANNON FALLS CITY COUNCIL
FROM: Neil Jensen, City Administrator
SUBJECT: Street Vacation and Lot Split for Robert B. O’Gorman at 915 N. 6th Street
DATE: January 5, 2021

BACKGROUND

On December 14, 2020, the Planning Commission held a public hearing for a street vacation and lot split for Robert B. O’Gorman at 915 N. 6th Street. This lot is zoned R-B Residential Business District. The Planning Commission approved the street vacation and lot split.

The following exhibits are enclosed to further describe the proposal:

1. Survey by Rapp Land Surveying Inc. for current project
2. GIS overhead depiction of lot and neighboring lots (1)
3. GIS overhead depiction of lot and neighboring lots (2)
4. Resolution 2354, Vacating Platted Alleyways Formerly in the St. Clair’s Terre Haute Addition and Goodhue Addition.
5. Survey by Rapp Land Surveying, Inc. depicting alleys to be vacated
6. Resolution 2358, Approve Preliminary Plan—O’Gorman Addition
7. Resolution 2359, Approve Variance and Conditional Use Permits for O’Gorman Addition
8. Survey by Rapp Land Surveying Inc. depicting Preliminary Plat for O’Gorman Addition

The proposed street vacation and lot split will allow 915 6th Street additional lot space, creating a lot that meets all current code regulations.

REQUESTED COUNCIL ACTION

Cannon Falls City Council is asked to consider Resolution 2532, Approving a Street Vacation and Lot Split at 915 N. 6th Street.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2532

APPROVE STREET VACATION AND LOT SPLIT AT 915 N. 6TH STREET

WHEREAS, Robert B. O’Gorman, owner, has made application for a street vacation and lot split to allow 915 N. 6th Street (PID 52.360.0150) additional lot space, creating a lot that meets all current code regulations as regulated by the Zoning Ordinance, and

WHEREAS, the Planning Commission conducted a hearing on December 14, 2020 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the granting of the street vacation and lot split is reasonable and in conformance with the City of Cannon Falls Comprehensive Plan.

WHEREAS, the Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the application for Street Vacation and Lot Split be approved.

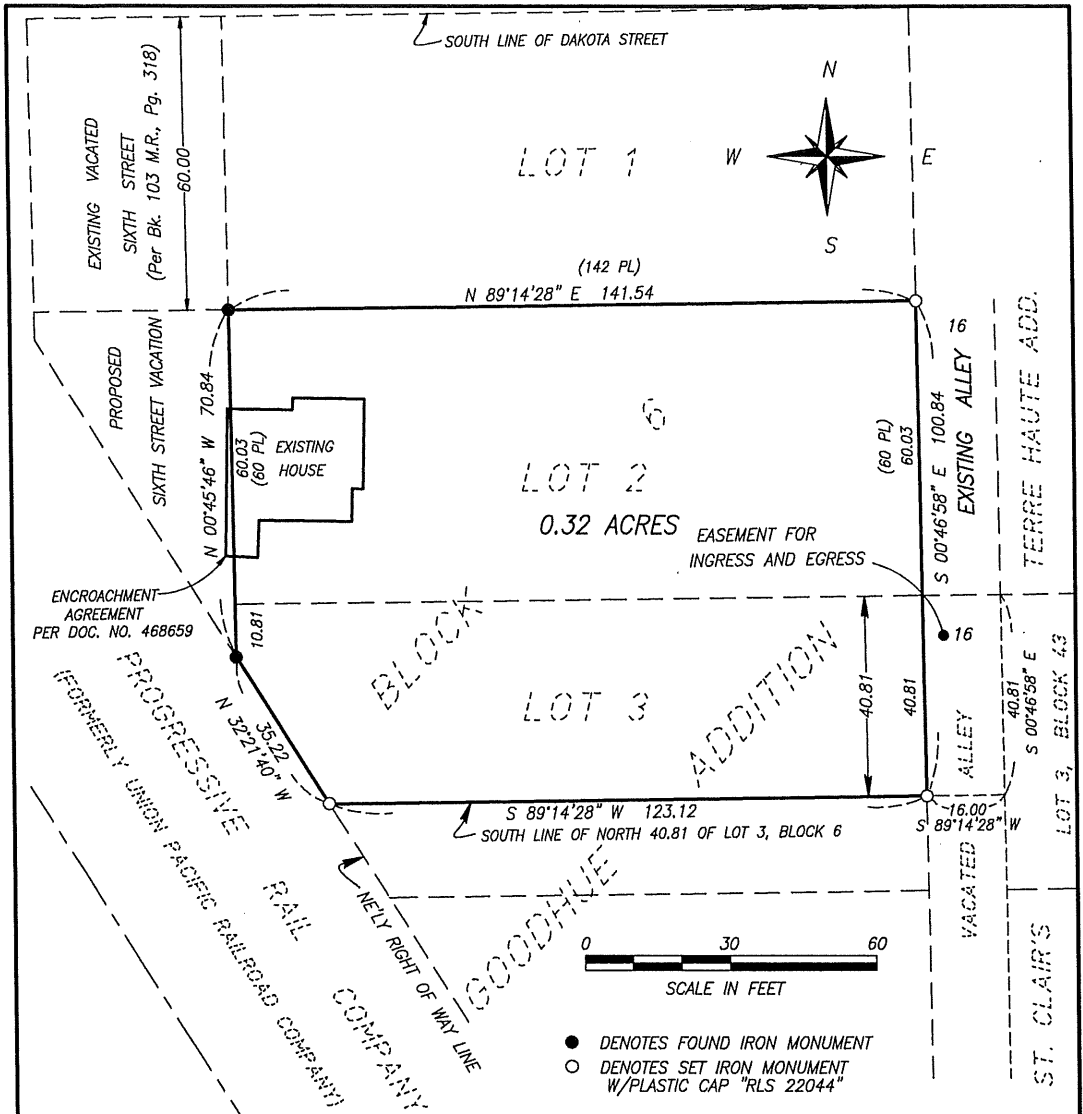
NOW THEREFORE, LET IT BE RESOLVED BY THE CITY OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission which are hereby adopted by the City Council that the Street Vacation and Lot Split be approved subject to compliance with all applicable requirements of the City of Cannon Falls Zoning Chapter 152 and the State of Minnesota Building Code requirements.

ADOPTED by the City Council of Cannon Falls this 5th day of January, 2021.

CITY OF CANNON FALLS

John O. Althoff, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator



PROPOSED LEGAL DESCRIPTION:

Lot 2 and the North 40.81 feet of Lot 3, Block 6, GOODHUE ADDITION TO THE CITY OF CANNON FALLS, according to the recorded plat thereof, Goodhue County, Minnesota, which lies easterly of the northeasterly right of way line of Progressive Rail Company.

Containing 0.32 acres, more or less.

Together with an easement for ingress and egress over and across that part of the vacated alley lying westerly of Lot 3, Block 43, ST. CLAIR'S TERRE HAUTE ADDITION, according to the recorded plat thereof, City of Cannon Falls, Goodhue County, Minnesota, which lies northerly of the easterly extension of the south line of the North 40.81 feet of Lot 3, Block 6, said GOODHUE ADDITION TO THE CITY OF CANNON FALLS.

Subject to all easements and restrictions of record, if any.

PROPOSED SIXTH STREET VACATION:

That part of Sixth Street in GOODHUE ADDITION TO THE CITY OF CANNON FALLS, located between the south line of Dakota Street and the north line of Mill Block Five lying northerly of the northeasterly right of way line of Progressive Rail Company, which lies southerly of the north 60.00 feet thereof.

CERTIFICATE FOR:
BABE O'GORMAN
 26980 MICHAEL AVENUE
 CANNON FALLS, MN 55009

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

NOVEMBER 4, 2020
 Dated:

David G. Rapp
 David G. Rapp
 Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.
 45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

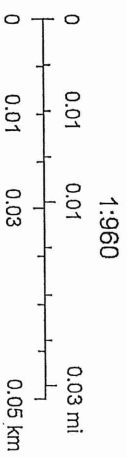
DRAWN BY: DGR	DATE: 11-04-20	PROJECT NO. D20268, D17123
SCALE: 1"=30'	SHEET 1 of 1 sheet	BOOK/PAGE 39/55

ArcGIS WebMap



November 17, 2020

- Township or Other Roads
- Township or Other Roads
- Parcels
- House Number
- Major Roads 1,200
- Township or Other Roads
- State Highway



N 15. H16

524800821

820 5TH ST N
524800830

524800851

52,480,0841

915 6TH ST N

523600150

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2354

**A RESOLUTION VACATING PLATTED ALLEYWAYS FORMERLY IN THE
ST. CLAIR'S TERRE HAUTE ADDITION AND GOODHUE ADDITION**

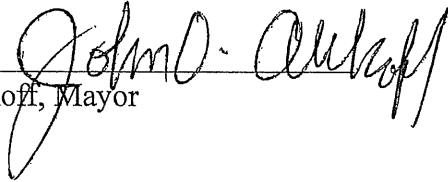
WHEREAS, it has been proposed to vacate the following described alleys, and

WHEREAS, following duly given notice, the City Council of Cannon Falls has held a public hearing and considered comments and objections thereto and found that the vacation of said alleys is in the public interest.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that the following described alleys are hereby vacated:

That part of the alley in Block 43, St. Clair's Terre Haute Addition to Cannon Falls, according to the recorded plat thereof, Goodhue County, Minnesota, lying westerly of and adjacent to Lots 3, 4, 5 and 6, Block 43, which lies southerly of the westerly extension of the north line of said Lot 3, Block 43, which also lies northeasterly of the northeasterly right of way line of Progressive Rail Company. Also that part of the alley in said Block 43, lying southerly of and adjacent to Lot 5, Block 43, which lies northerly of and adjacent to Lots 6 and 7, said Block 43. That part of the alley in Block 6, Goodhue Addition to the Town of Cannon Falls, according to the recorded plat thereof, Goodhue County, Minnesota, lying southerly of and adjacent to Lot 5, Block 6, which lies northerly of and adjacent to Lot 6, Block 6, which also lies northeasterly of the northeasterly right of way line of Progressive Rail Company.

Adopted by the City Council of the City of Cannon Falls on this 15th day of May, 2018.

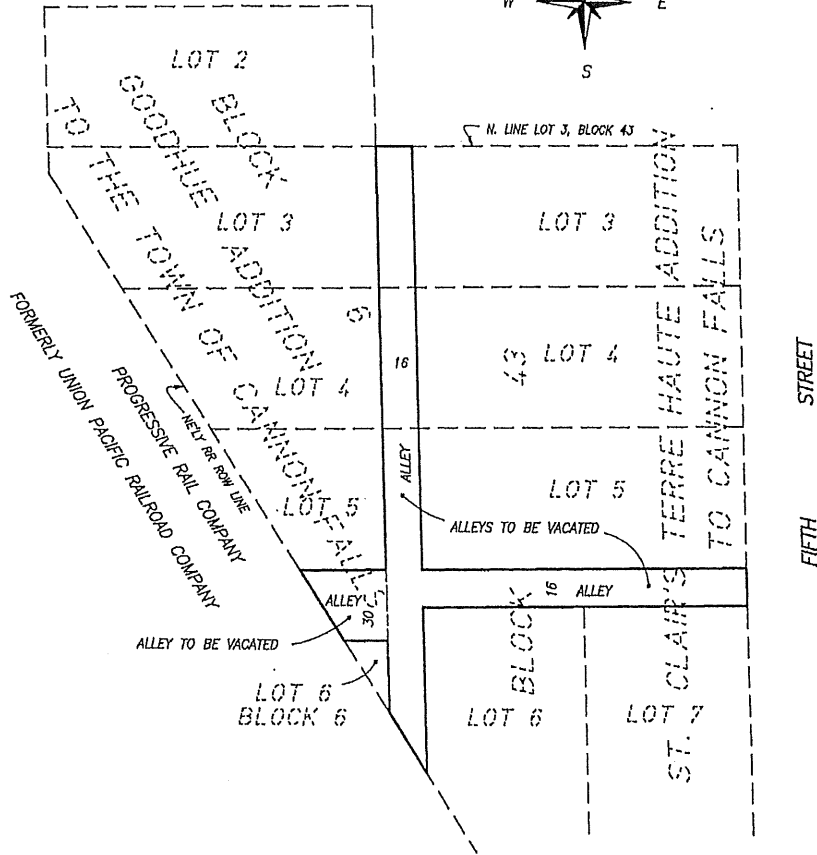
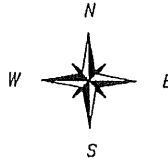


John Althoff, Mayor

ATTEST:



Neil Jensen, City Administrator



LEGAL DESCRIPTION OF ALLEYS TO BE VACATED:

That part of the alley in Block 43, St. Clair's Terre Haute Addition to Cannon Falls, according to the recorded plat thereof, Goodhue County, Minnesota, lying westerly of and adjacent to Lots 3, 4, 5 and 6, Block 43, which lies southerly of the westerly extension of the north line of said Lot 3, Block 43, which also lies northeasterly of the northeasterly right of way line of Progressive Rail Company. Also that part of the alley in said Block 43, lying southerly of and adjacent to Lot 5, Block 43, which lies northerly of and adjacent to Lots 6 and 7, said Block 43. That part of the alley in Block 6, Goodhue Addition to the Town of Cannon Falls, according to the recorded plat thereof, Goodhue County, Minnesota, lying southerly of and adjacent to Lot 5, Block 6, which lies northerly of and adjacent to Lot 6, Block 6, which also lies northeasterly of the northeasterly right of way line of Progressive Rail Company.

DESCRIPTION FOR:

BABE O'GORMAN
26980 MICHAEL AVENUE
CANNON FALLS, MN 55009

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

MAY 15, 2018
Dated:

David G. Rapp
David G. Rapp
Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.
45967 HIGHWAY 56 BLVD
KENYON, MN 55946
612-532-1263

DRAWN BY: DGR	DATE: 5-15-18	PROJECT NO. D1712JV
SCALE: 1"=50'	SHEET 1 of 1 sheet	BOOK/PAGE 39/55

**CITY OF CANNON FALLS
GOODHUE COUNTY MINNESOTA**

RESOLUTION NUMBER 2358

APPROVE PRELIMINARY PLAT – O’GORMAN ADDITION

WHEREAS, Robert (Babe) O’Gorman has made application for approval of a preliminary plat identified as the O’Gorman Addition on property currently described as:

Block 43 Lots 1, 2, 3, 4, 5, 6 and 7 of the St. Clair’s Terre Haute Addition and Block 6 Lots 2, 3, 4, 5 and 6 of the Goodhue Addition PIDs 52.360.0150, 52.480.0821, 52.480.0830, 52.480.0841 and 52.480.0851; and

WHEREAS, the Planning Commission conducted a public hearing on May 14, 2018 to accept testimony relating to the proposed preliminary plat; and

WHEREAS, the Cannon Falls Planning Commission recommends approval of the preliminary plat.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS that based on the findings of the Planning Commission, which are found in Exhibit A, the preliminary plat be approved subject to compliance with all requirements of the City of Cannon Falls Subdivision Ordinance Chapter 151 and the City of Cannon Falls Zoning Code Chapter 152.

ADOPTED by the City Council this 5th day of June, 2018.

BY: _____
Lyman M. Robinson, Mayor

ATTEST: _____
Lanell Endres
Interim City Administrator

Exhibit A

Findings for O’Gorman Preliminary Plat:

1. The proposed subdivision is not considered to be premature as defined in Chapter 151 – Subdivision Ordinance and complies with applicable criteria of the Subdivision Ordinance.
2. The property is currently zoned Residential Business District (R-B), proposed uses comply with permitted uses for the R-B District found in Chapter 152 – Zoning Ordinance with special considerations as seen in item 6 below.
3. The existing alleyways were vacated by Council action at the May 15, 2018 meeting.
4. Grading and drainage plans are under review by SEH for compliance.
5. Sewer and water connections will be accessible for the proposed subdivision.
6. A variance and conditional use permits resolution must be approved by the Council at the June 5th, 2018 meeting prior to Final Platting phase. The variance involves block length minimum standards. The conditional use permits are for accessibility of the proposed lots.
7. Before a Final Plat can be prepared: (a) The City’s Engineer shall approve all grading and drainage plans and (b) the City Council must approve the variance and conditional use permit resolution presented at the June 5th, 2018 meeting.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2359

**APPROVE VARIANCE AND CONDITIONAL USE PERMITS
FOR O'GORMAN ADDITION**

WHEREAS, Robert (Babe) O'Gorman [applicant] has made an application for conditional use permits and a variance on property in the City of Cannon Falls, currently described as:

Block 43 Lots 1, 2, 3, 4, 5, 6 and 7 of the St. Clair's Terre Haute Addition and Block 6 Lots 2, 3, 4, 5 and 6 of the Goodhue Addition PIDs 52.360.0150, 52.480.0821, 52.480.0830, 52.480.0841 and 52.480.0851; and

WHEREAS, the applicant has made an application for a variance to allow the platting of a new subdivision in the City of Cannon Falls with three (3) blocks that will not meet minimum block length requirements for new subdivisions in the Residential Business (R-B) District; and

WHEREAS, the applicant has made an application for a conditional use permit to allow private streets in a newly platted development; and

WHEREAS, the applicant has made an application for a conditional use permit to allow newly platted lots to have frontage on private streets and to have access from private streets; and

WHEREAS, the private street shall have two access points for emergency vehicles from 5th Street North and Dakota Street; and

WHEREAS, the Home Owner's Association agreement shall be provided to the City which states what parties are responsible for private street maintenance; and

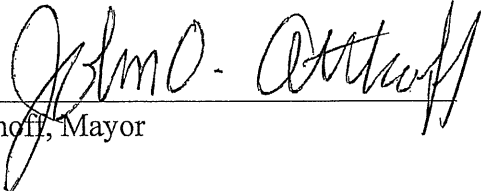
WHEREAS, utility easements shall be designated for all utilities running underneath said private streets; and

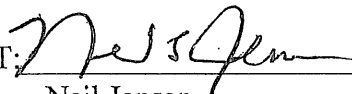
WHEREAS the Planning Commission of the City of Cannon Falls conducted a public hearing on May 14, 2018 to accept public testimony regarding the applications; and

WHEREAS, the Planning Commission finds that the granting of the variance and conditional use permits is reasonable due to existing geographic and accessibility constraints.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS that the application for the variance and conditional use permits be approved subject to compliance with applicable requirements of the City's Zoning and Subdivision codes.

ADOPTED by the City Council this 5th day of June, 2018.

BY: 
John Althoff, Mayor

ATTEST: 
Neil Jensen
City Administrator

Findings of Fact
O’Gorman Preliminary Plat
Conditional Use Permits and Variance

1. Section 151.107(A) of the Cannon Falls Subdivision Ordinance states that minimum block length shall be 400 feet. The preliminary plat shows Block 1 at approximately 180 feet, Block 2 at approximately 141 feet and Block 3 approximately 271 feet long. As designed, single family or two family homes would be able to fit on the proposed lots while complying with setback requirements for the Residential Business District.
2. A variance for block length is recommended due to geographic constraints posed by the site. The current configuration of 5th Street North, railroad tracks and existing structures all have an effect on how the plat can be most logically designed.
3. Sections 151.108 (E) and 151.108 (G) state that all lots shall have frontage on a public street. A conditional use permit is required to permit the proposed lots to have frontage on proposed private streets as seen in the attached plat document.
4. A conditional use permit for lot frontage is recommended due to accessibility constraints of western lots and restrictions in the Cannon Falls Zoning Code which states that direct access onto arterial streets (which 5th Street North is categorized as) should be avoided when possible.
5. Section 151.108 (H) states that private streets should not be approved in newly platted developments. The applicant is asking that private streets be permitted in the re-plat of the property.
6. The private streets will be owned and maintained by the proposed Home Owner’s Association. Easements will be granted by the property owner(s) for utilities running under these private streets. The existing alleys were vacated by Council action at the May 15, 2018 meeting.

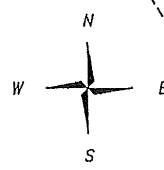
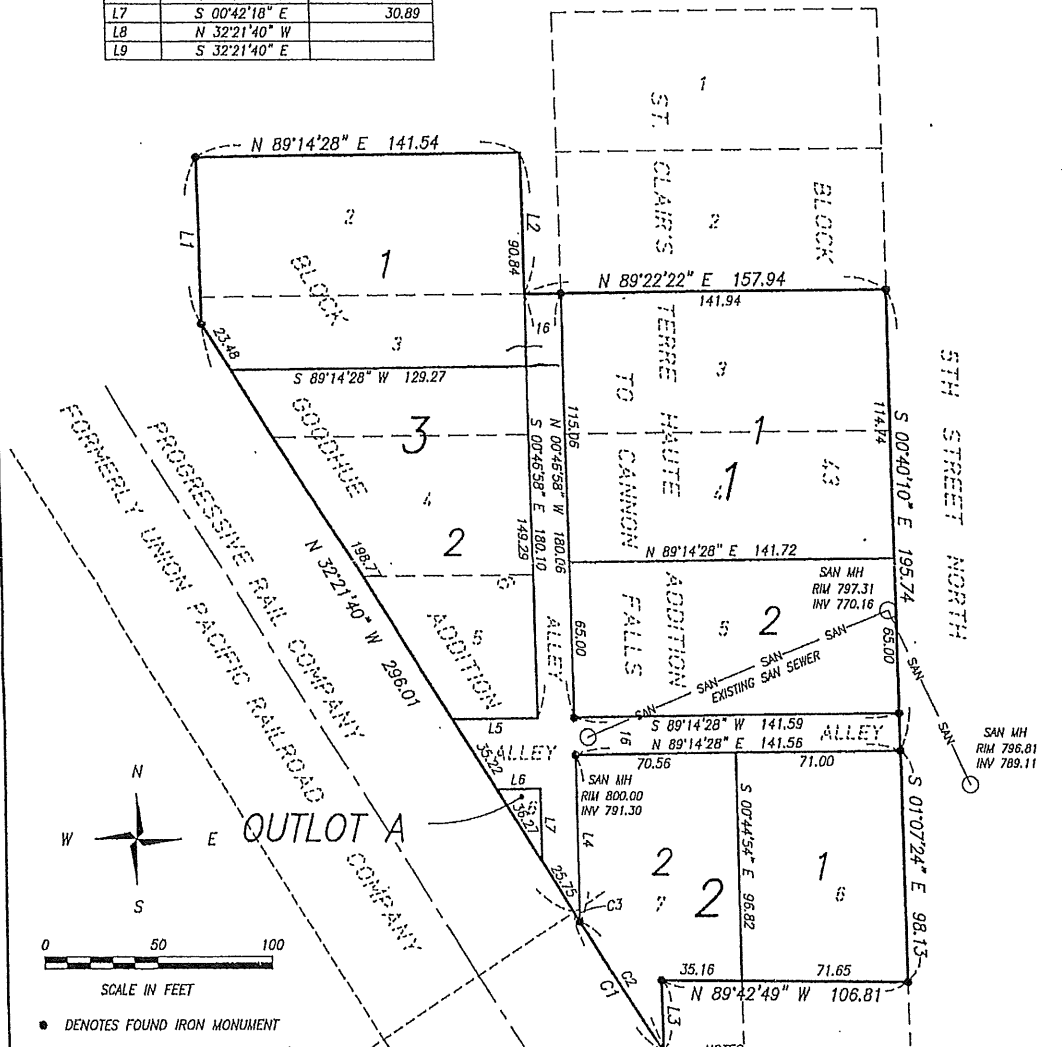
PRELIMINARY PLAT: O'GORMAN ADDITION

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	70.21	02°09'45"	1860.08	70.20	N 33°26'33" W
C2	65.37	02°00'49"	1860.08	65.37	N 33°31'01" W
C3	4.83	00°08'56"	1860.08	4.83	N 32°26'08" W

LINE	BEARING	DISTANCE
L1	N 00°45'46" W	70.84
L2	S 00°46'58" E	60.04
L3	S 00°44'43" E	29.72
L4	N 00°46'58" W	70.96
L5	S 89°14'28" W	37.48
L6	N 89°14'28" E	19.03
L7	S 00°42'18" E	30.89
L8	N 32°21'40" W	
L9	S 32°21'40" E	

6" DIP WATER LINE
— W — W — W — W — W — W —

DAKOTA STREET



0 50 100
SCALE IN FEET

● DENOTES FOUND IRON MONUMENT

OWNER/DEVELOPER:
BABE O'GORMAN
26980 MICHAEL AVENUE
CANNON FALLS, MN 55009

SURVEYOR:
RAPP LAND SURVEYING, INC.
45967 HIGHWAY 56 BLVD
KENYON, MN 55946

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

SEPTEMBER 29, 2017

Dated:

David G. Rapp
David G. Rapp
Minnesota Registration No. 22044



RAPP LAND SURVEYING, INC.
45967 HIGHWAY 56 BLVD
KENYON, MN 55946
(507) 789-5366

- NOTES:
- 1) EXISTING ALLEYS WILL BE UTILIZED FOR ACCESS
 - 2) EXISTING SANITARY SEWER WILL BE RELOCATED
 - 3) WATER WILL BE PROVIDED BY WATER MAIN IN DAKOTA STREET

DRAWN BY: DGR	DATE: 09-29-17	PROJECT NO. D17123
SCALE: 1" = 50'	SHEET 1 of 1 sheet	BOOK/PAGE 39/55