

TO: CANNON FALLS CITY COUNCIL
FROM: Neil Jensen, City Administrator
SUBJECT: Conditional Use Permit for a Mural at 101 4th Street N.
DATE: July 20, 2021

BACKGROUND

A Planning Commission meeting was held on Monday, July 12, 2021 to consider a request by R & R Investments of Cannon Falls for a Conditional Use Permit to allow a mural at 101 4th Street N. This lot is currently zoned *B-1 Central Business District, PID 521002940*. The Planning Commission approved the request unanimously.

Discussion Items: The following exhibits are enclosed for your consideration:

1. Development Application from R & R Investments of Cannon Falls
2. GIS Overhead Photo
3. Ordinance 152.355 (H) (1-6) Murals.
4. <http://www.kellibickman.net/muralarts> renderings (**not actual example of proposed mural design.**)
5. Rough draft of mural art project
6. Email from Kelli Bickman describing the project

R & R Investments of Cannon Falls is requesting a Conditional Use Permit to place a mural painted by students and supervised by Kelli Bickman on the side of their building facing Highway 19 at 101 4th Street N.

Wall murals must be located on a side building façade facing either a public street or a parking area and not on the front building façade so as to preserve the historic character of the buildings.

Wall murals must not contain material which is obscene.

The wall mural must be maintained in presentable condition at all times. The property owner shall be responsible for repainting, cleaning and other acts required for maintenance purposes.

The applicant must submit examples of the proposed mural design and dimensions to be reviewed by staff, the Planning Commission and City Council.

Should a building which includes a mural be sold, the new property owner takes on all maintenance responsibilities. Should the new owner choose not to maintain the mural as required, the owner(s) must return the building façade to its original state. Should the new owner(s) choose to change the mural, an amendment to the approved CUP is required.

REQUESTED COUNCIL ACTION

Please make a motion to approve Resolution 2561, Approving the Conditional Use Permit for R & R Investments of Cannon Falls, at 101 4th Street North, as recommended by the Planning Commission.

P A I D JUN - 8 2021

7/11/21 } mtg.
7/12/21 }
✓ 11005 \$45000



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: 101-4th St N. Cannon Falls

Legal Description of Property: _____

Owner of Record: Name: R & R Investments of Cannon Falls, LLC

Daytime Phone: 507-458-6686

Address: 6631 327th St Way
Cannon Falls MN 55009

E-Mail Address: _____

Applicant (if other than owner)

Name: Jette Mary Reinhardt

Notary Stamp

Daytime Phone: 507-458-6686

Address: 6631 327th St Way
Cannon Falls MN 55009

E-Mail Address: Mary@interstatebuilding supply.com

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|-------------------------------------|---|--------------------------|-----------------------------------|
| Request: | <input checked="" type="checkbox"/> | Conditional Use Permit | <input type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | | <input type="checkbox"/> Concept | <input type="checkbox"/> | Interim Use Permit |
| | | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> | Amendment |
| | | <input type="checkbox"/> Final Plat | <input type="checkbox"/> | CUP/PUD |
| | | <input type="checkbox"/> Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: 6/8/21

Date Submission Deemed to be Complete: _____

Give detailed description of project and reason for conditional use or variance, if applicable:

For a mural on the side of our
building facing Hwy 19.

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:

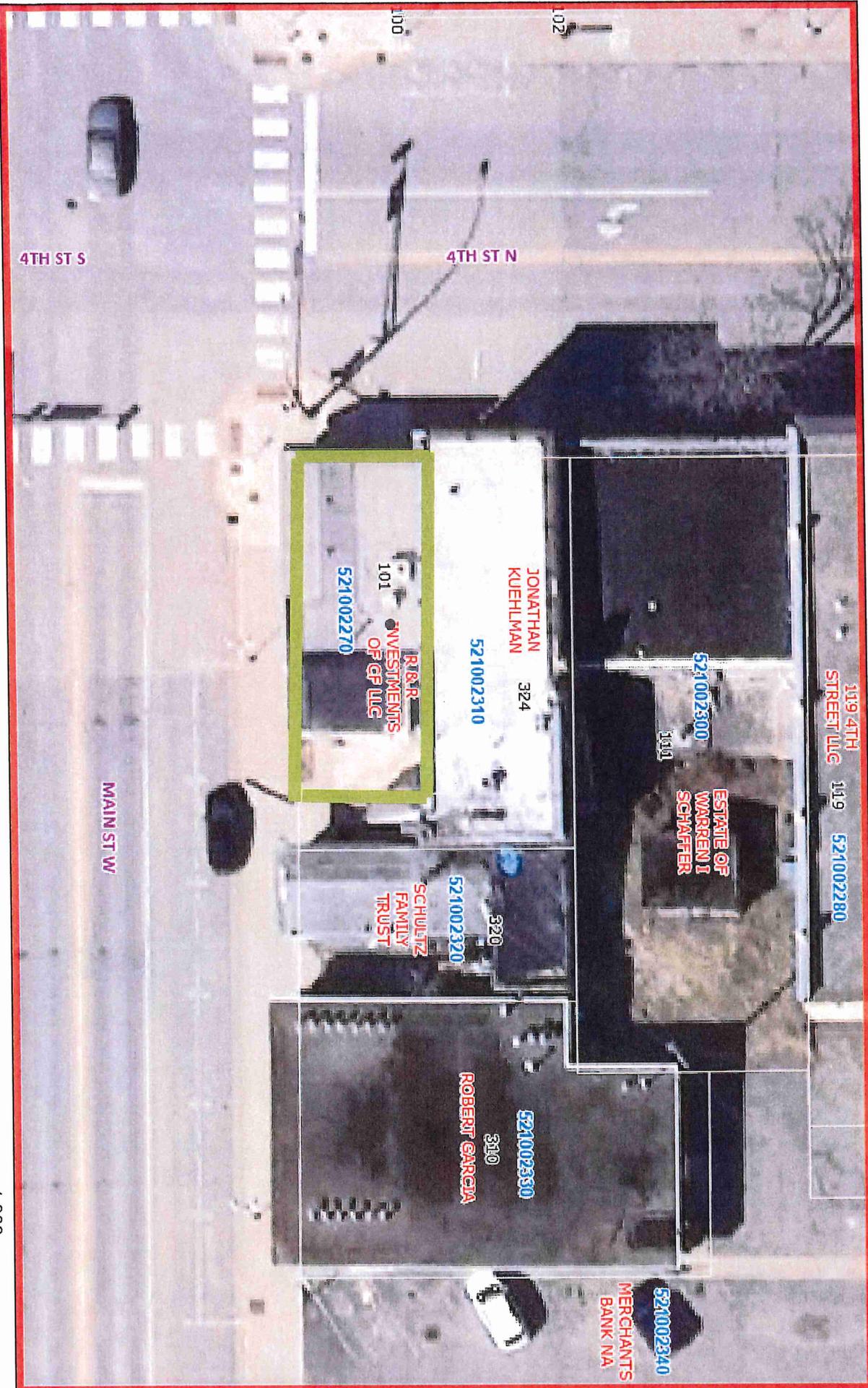
Mary Reinhardt
Property Owner

Date: 6/17/21

Applicant (if not the Property Owner)

Date: _____

ArcGIS WebMap



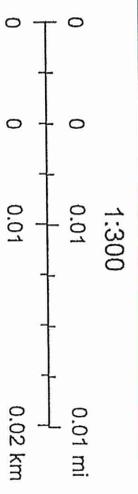
July 7, 2021

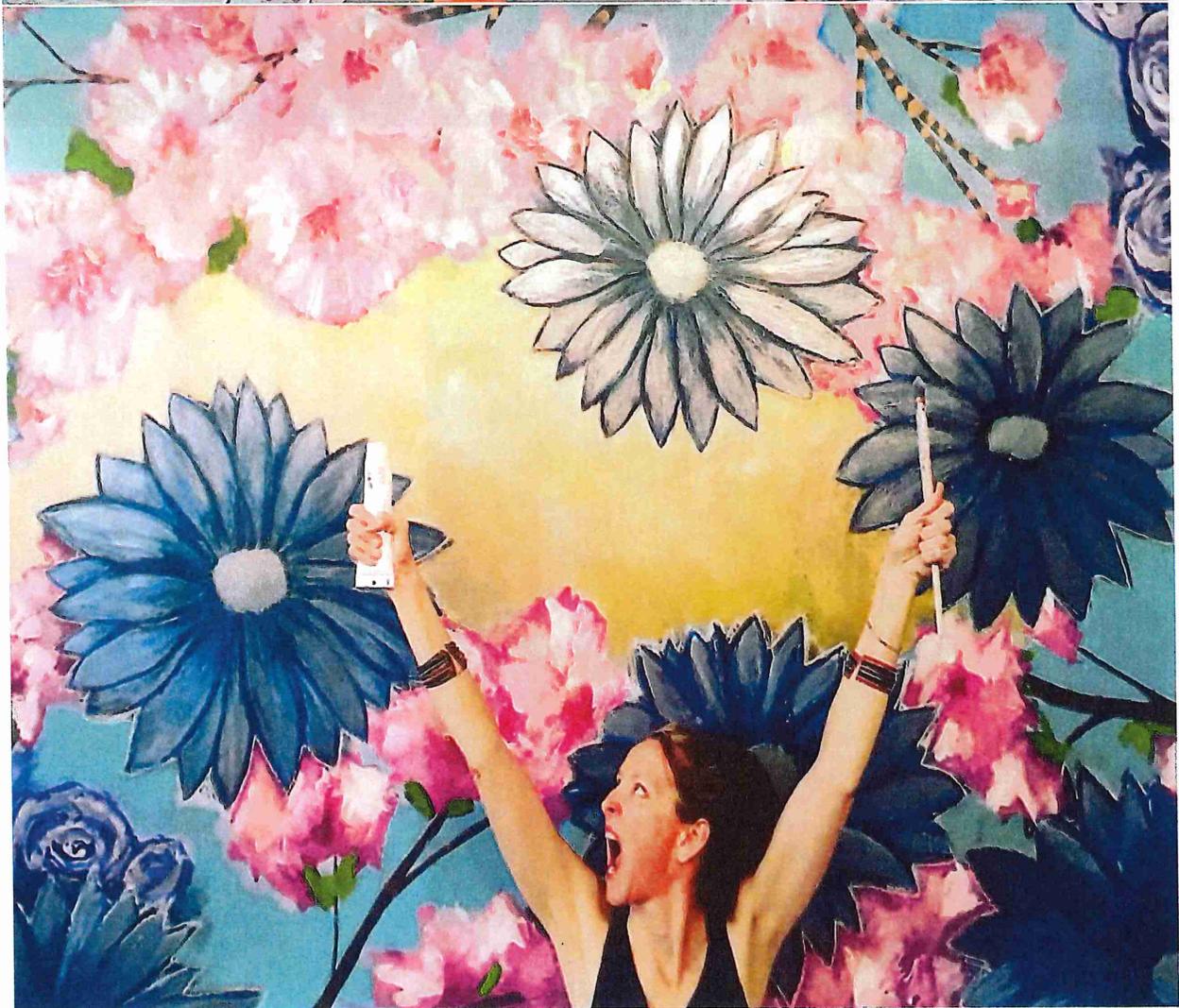
Parcels

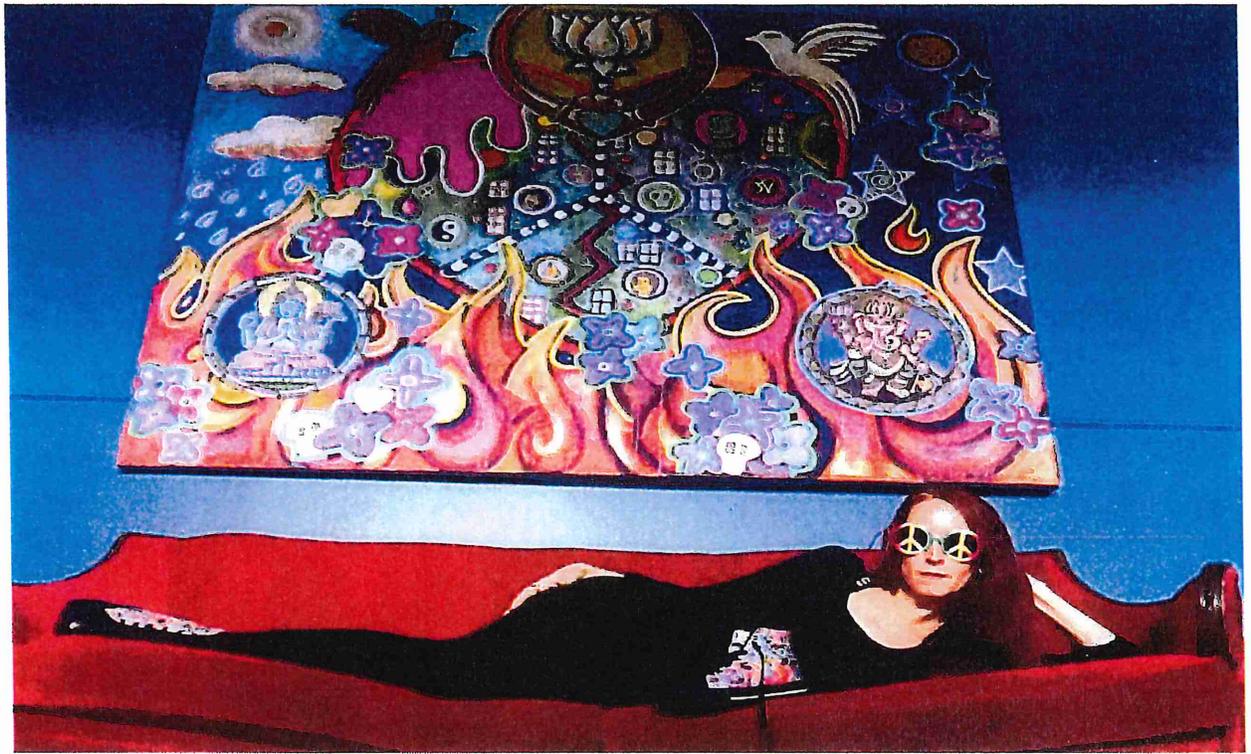
PIN

House Number

Full Name







square feet and shall be located within 50 feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

(D) *Shopping centers and industrial parks containing more than 20 acres.* Where shopping center facilities or industrial parks cover more than 20 acres of land, two area identification signs may be displayed in accordance with the maximum sign size provisions per area identification sign of the applicable zoning district. Additional signs may be displayed subject to approval of the City Council.

(E) *Highway area directional signs.* Within the area immediately adjacent to U.S. 52, directional signs indicating business identification and access routing signs may be allowed by approval of the City Council. These signs shall be in compliance with the maximum sign size provisions of the district.

(F) *Schools, athletic complexes or other public or semi-public institutions.*

(1) For facilities occupying an area of five acres or more, an identification sign not larger than 96 square feet may be permitted upon approval of a permit by the City Council.

(2) Temporary signs, banners and displays for church, school, institutional or civic events are permitted but must be located on property owned or controlled by the church, school, institution or civic organization and may be displayed only during a period commencing 60 days prior to the scheduled event and ending three days after closing date of the scheduled event.

(G) *Projecting signs.* These signs, including those projecting into the public right-of-way, may be allowed by a conditional use permit approved by the Council in the B-2 Zoning District, provided that:

- (1) The sign conforms to the uniform character and design guidelines established for the area;
- (2) The owner assumes all liability for the signs; and
- (3) The signs conform to the size and height limitations of the respective district.

(H) *Murals.* Public art murals are allowed within the Historic Downtown Overlay District by a conditional use permit approved by the Council, provided that:

- (1) Business identification signs for a commercial building may be separate from the wall mural or integrated into the wall mural. The business identification sign will be limited in size to 10% of the cumulative wall area of the facades facing a public street;
- (2) Wall murals must be located on a side building facade facing either a public street or a parking area and not on the front building facade so as to preserve the historic character of the buildings;
- (3) Wall murals shall not contain material which is obscene;

(4) The wall mural shall be maintained in presentable condition at all times. The property owner shall be responsible for repainting, cleaning and other acts required for maintenance purposes;

(5) The wall mural is a private venture. Should a building which includes a mural be sold, the new property owner takes on all maintenance responsibilities. Should the new owner choose not to maintain the mural as required, the owner(s) must return the building facade to its original state. Should the new owner(s) choose to change the mural in any fashion, an amendment to the approved conditional use permit is required; and

(6) The applicant must submit examples of the proposed mural design and dimensions to be reviewed by staff, the Downtown Committee, the Planning Commission and the City Council.

(I) *Business wall signs; temporary.* Within the B-1 and B-2 Districts, two business wall signs per building frontage are permitted without a permit and may be displayed for a maximum period of 60 days. The size of each sign may not exceed 32 square feet.

(J) (1) Dynamic displays on signs are allowed only on monument and pylon signs for schools, athletic complexes or other public or semi-public institutions pursuant to § 152.355(F) and for permitted (§ 152.646) and conditional (§ 152.648) uses within the B-2, Highway Business District. Within the B-1, Central Business District, a dynamic display sign is allowed as a wall sign only on structures that are not designated as a contributing property by the National Register of Historic Places (January 7, 2000).

(2) Signage for the display of current fuel prices for permitted Motor Fuel Stations is regulated by § 152.355(A) and is not considered to be a dynamic display sign.

(3) Except within the B-1, Central Business District, dynamic displays may occupy no more than 35% of the total allowable sign area that is permitted by the Sign Code. Only one contiguous dynamic display area is allowed on a sign face.

(4) A dynamic display may not change or move more often than once every five minutes, except one for which changes are necessary to correct hour-and-minute, date or temperature information. Time, date or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display.

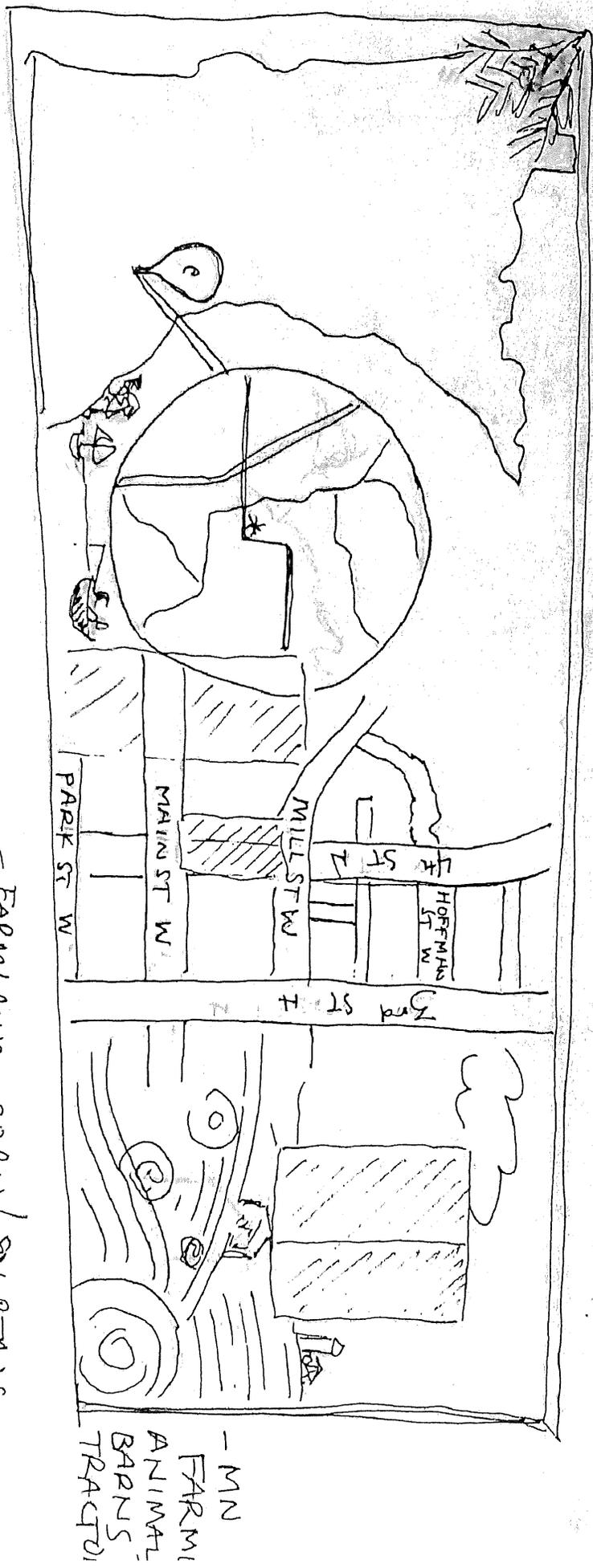
(5) The images and messages displayed must be static and the transition from one static display to another must be instantaneous without any special effects.

(6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of the Sign Code.

(7) Dynamic displays must comply with the brightness standards contained in § 152.352(I).

FIRST DRAFT
 CANNON FALLS MURAL PROJECT
 KEVIN BICKMAN
 7/9/21

PINE CONES & NEEDLES



POINTS OF INTEREST TO BE INCLUDED

- BASEBALL FIELD
- BIKE TRAIL
- RIVER (FALLS)
- LAKE BYLLESBY - BOATING / SAUNING
- CANOE
- WATER TOWER
- LIBRARY
- FARM LAND - CORN / SOY BEANS
- COMMUNITY BAND / MUSIC
- CF FAIR
- FRISBEE / GOLF
- DUCK POND / SWANS
- FARMERS MARKET
- CF MUSEUM
- HORSES / FARMING / FIELD
- QUILTS
- POOL
- MN FARM ANIMAL BARN TRACT

Dianne Howard

From: Marci French <listenhear@frontier.com>
Sent: Friday, July 9, 2021 1:28 PM
To: Dianne Howard
Cc: Mary Reinhardt; Paulette Hanson
Subject: Cannon Arts Board - Mural project design / vision statement and sample
Attachments: 20210709_100658.jpg

Hi Dianne! Attached you will find a drawing / rough draft of artist Kelli Bickman's vision for the mural. We are so excited about her overall vision and think it will enhance our downtown and be enjoyed by the community and visitors alike for a good long time.

Feel free to print and attach to Commission members packets for their review prior to Monday night's meeting.

Below is a statement, written by Kelli, to further explain her vision with this piece and how she will incorporate student participants.

Thank you for your help in this process. Can't wait to get started!

Onward!
Marci

Start artist statement with regards to CF mural project:

The idea of creating a map came to mind after seeing input from community members as well as our dialogue on what this mural could become in order to best reflect CF.

At left you will see a large outline of the state of Minnesota pinpointing Cannon Falls location as the destination. This is followed by an overview map of the major highways (will be labeled accordingly) running through town as well as showing the outline of the river. Moving right, we see a map of the downtown streets (will adjust to the window so we see the full 4th street) and at far right a farm landscape. The landscape will expand to include animals and crops local to the area.

The fine details will be filled in by the students as we move forward. Students will be given specific areas to study and then include into the mural in the appropriate locations within the framework of the mural...see the list on the bottom to show what we plan to include.

The state of Minnesota will be filled in with various flora and fauna as well as other noteworthy information (Twin Cities, Rochester, Mississippi River, etc)

I hope this helps to bring a greater vision of what this mural will become. I hesitate to add any further detail as this is where the students create the magic that makes a Community Engaged Projects so successful.

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

RESOLUTION NUMBER 2561

**APPROVING A CONDITIONAL USE PERMIT FOR R & R INVESTMENTS OF
CANNON FALLS AT 101 4TH STREET N.**

WHEREAS, R & R Investments of Cannon Falls has made application for a Conditional Use Permit at 101 4th Street N., (PID 52.100.2940), as regulated by the Zoning Ordinance, and

WHEREAS, the purpose of the request is to allow placement of a mural painted by students and supervised by Kelli Bickman on the side of the building facing Highway 19 at 101 4th Street N.; and

WHEREAS, the Planning Commission conducted a hearing on July 12, 2021 to accept testimony relating to the application; and

WHEREAS, the Planning Commission finds the granting of the Conditional Use Permit is reasonable and in conformance with the City of Cannon Falls Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED that the Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that the application for Conditional Use Permit 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 Conditional Use Permit 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 20th day of July, 2021.

CITY OF CANNON FALLS

John O. Althoff, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator