

TO: Cannon Falls City Council
FROM: Neil Jensen, City Administrator
SUBJECT: CONDITIONAL USE PERMIT FOR PETER BODETTE, OWNER OF SUBWAY
DATE: January 18, 2022

BACKGROUND

A Planning Commission meeting was held Monday, January 10, 2022, for a public hearing to consider a request by Peter Bodette, owner of Subway for a Conditional Use Permit. This lot is zoned *B-2 Highway Business District*.

Project Details:

The proposed Conditional Use Permit would allow for construction of a drive-through addition to Subway, PID #52.719.5200, which would be an added convenience for their patrons.

The following exhibits are enclosed to further describe the proposal:

1. GIS overhead depiction of lot
2. Copy of Development Application
3. Subway site plan
4. Subway preliminary architectural plans
5. B-2 Conditional Use Ordinance for accessory drive-through facilities
6. Email from City Engineer, Bill Angerman, WHKS

Staff recommends approval of the application.

REQUESTED COUNCIL ACTION

City Council is being asked to adopt Resolution 2611 for a Conditional Use Permit of PID #52.719.5200.

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

RESOLUTION NUMBER 2611

**CONDITIONAL USE PERMIT FOR PETER BODETTE, OWNER OF
SUBWAY AT 410 HICKORY DRIVE**

WHEREAS, Peter Bodette, owner of Subway has made application for a Conditional Use Permit to allow construction of a drive through addition to Subway at 410 Hickory Drive, (PID #52.719.5200), as regulated by the Zoning Ordinance, and

WHEREAS, the Planning Commission conducted a hearing on January 10, 2022 to accept testimony to the application, and

WHEREAS, the Planning Commission finds the granting of the Conditional Use Permit is reasonable and in harmony with the general purposes and intent of the Zoning Ordinance, 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 a 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.

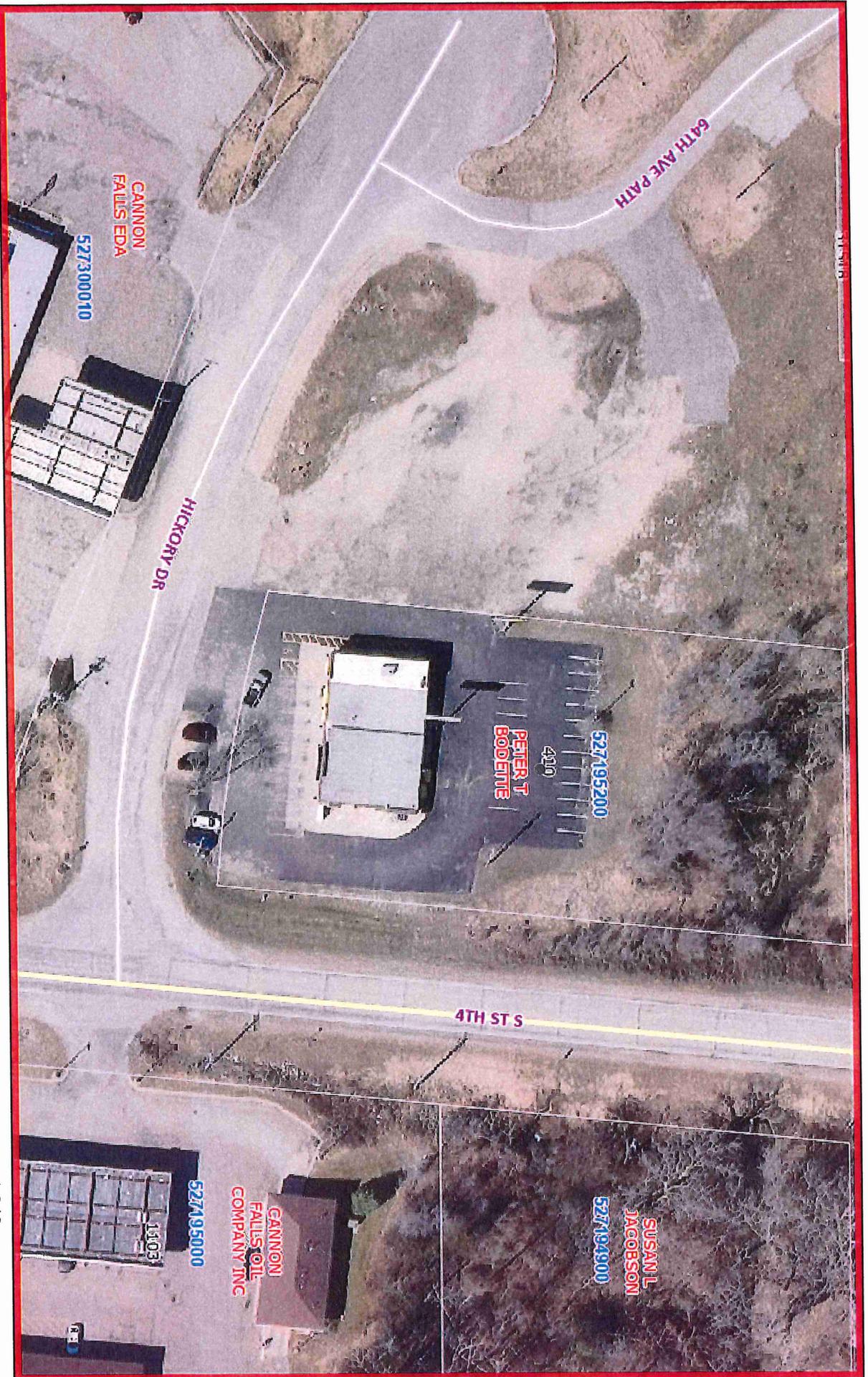
ADOPTED by the City Council of Cannon Falls this 18th day of January, 2022.

CITY OF CANNON FALLS

John O. Althoff, Mayor

ATTEST: _____
Neil L. Jensen, City Administrator

ArcGIS WebMap



January 4, 2022

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

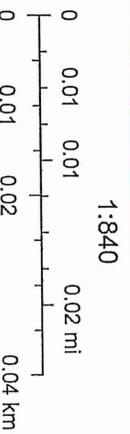
CSAHP; CRP

Parcels

House Number

Full Name

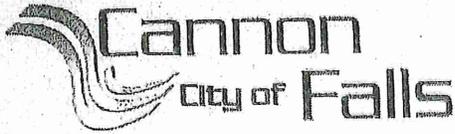
PIN



1:840

RECEIVED DEC 22 2021

✓ 4215



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: 416 Hickory Drive

Legal Description of Property: _____

Owner of Record:

Name: Peter Bodelte

Daytime Phone: 507-384-2781

Address: PO Box 116

Cannon Falls

E-Mail Address: pbodelte at Frontier net. net

Applicant (if other than owner)

Name: Tom EVANS

Notary Stamp

Daytime Phone: 763-350-7748

Address: 11975 Aberdeen St

Blaine Mn 55449

E-Mail Address: tom e 951 @msn. 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: Dec 2021

Date Submission Deemed to be Complete: _____

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

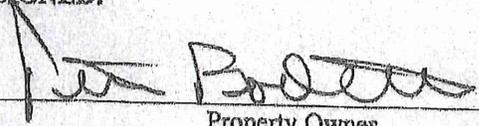
Philly Foodservice

Addition of a drive-thru for Subway

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:

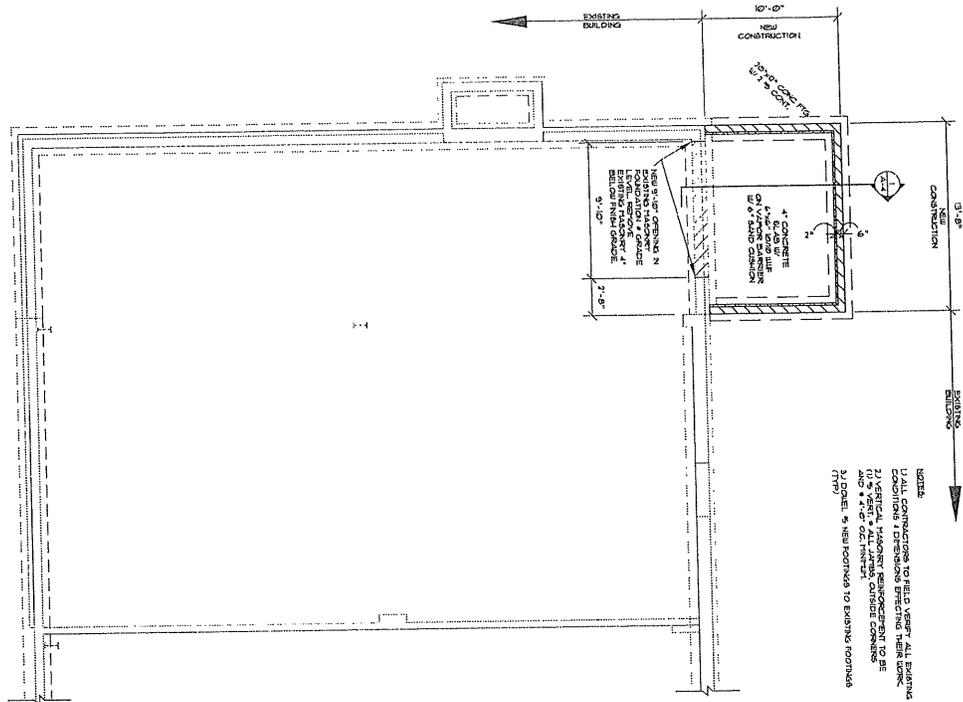

Property Owner

Date: 10-22-21

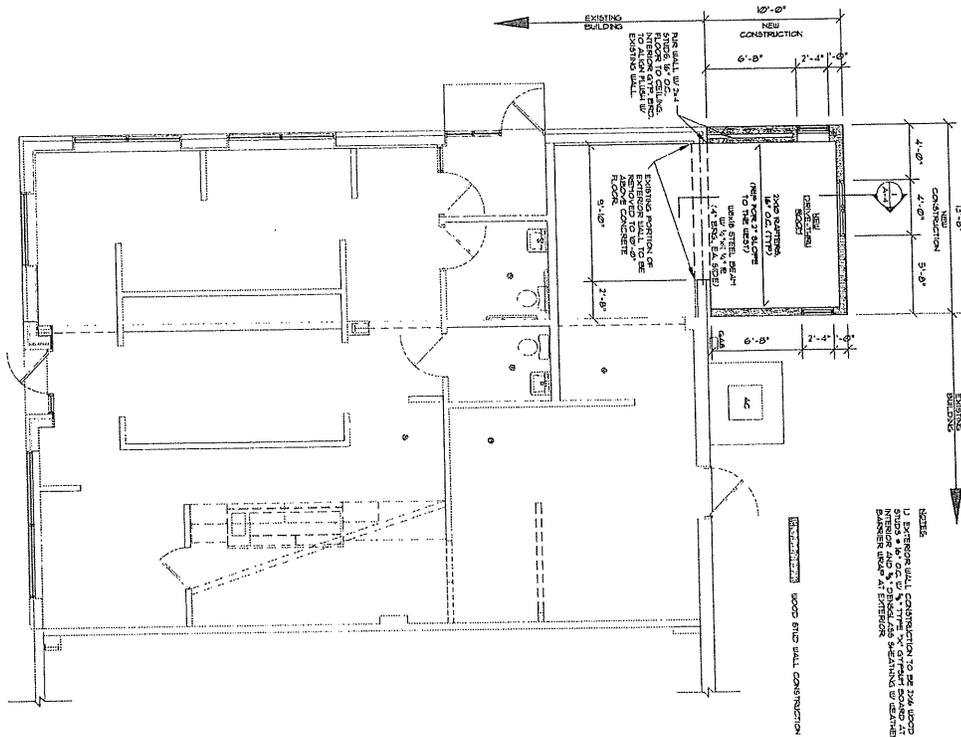
Applicant (if not the Property Owner)

Date: _____

1 FOOTING & FOUNDATION PLAN
SCALE 1/4" = 1'-0"



2 FLOOR PLAN
SCALE 1/4" = 1'-0"



FOOTING & FOUNDATION PLAN, FLOOR PLAN

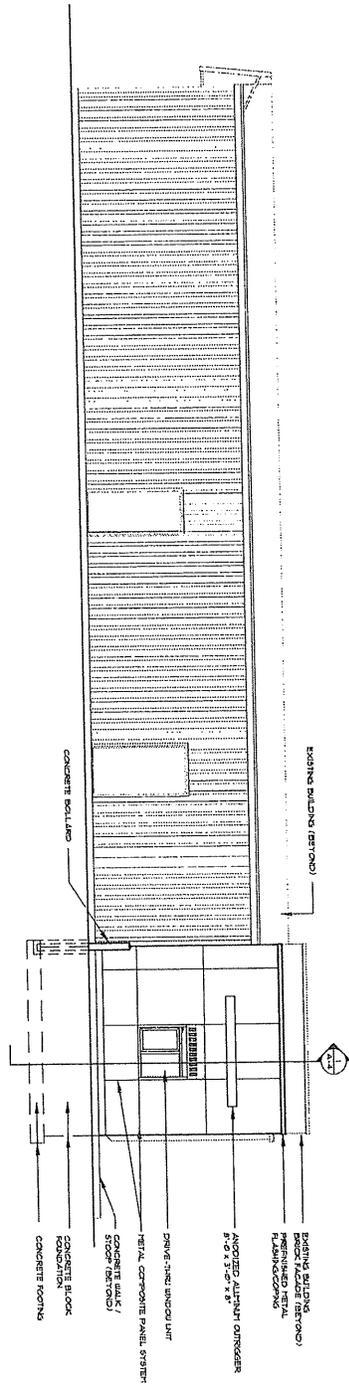
SHEET	DATE	REVISION	DATE
A-2	11/04/21		
	DRAWN BY MAT MCDONALD		

SUBWAY - DRIVE-THRU ADDITION
STORE #11852
 31515 COUNTY ROAD 24 BOULEVARD
 CANNON FALLS, MINNESOTA 55009

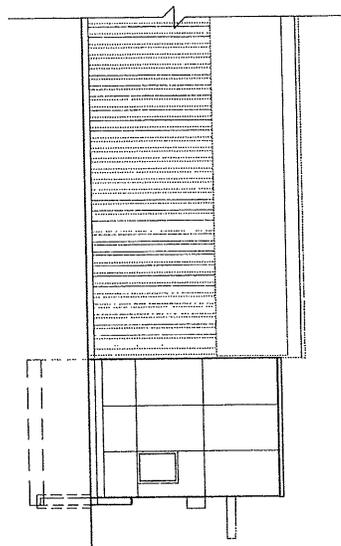
PRELIMINARY
NOT FOR
CONSTRUCTION

RVK
ARCHITECTS
 7616 CURRELL BLVD., SUITE 175
 WOODBURY, MINNESOTA 55126
 (651) 728-0221 • dsm@rvkarchitect.com

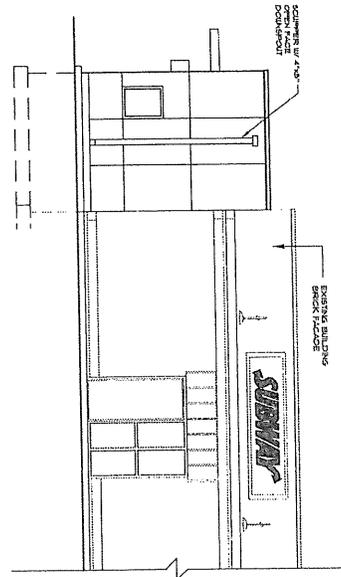
1) NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2) EAST ELEVATION
SCALE: 1/4" = 1'-0"



3) WEST ELEVATION
SCALE: 1/4" = 1'-0"



EXTERIOR ELEVATIONS

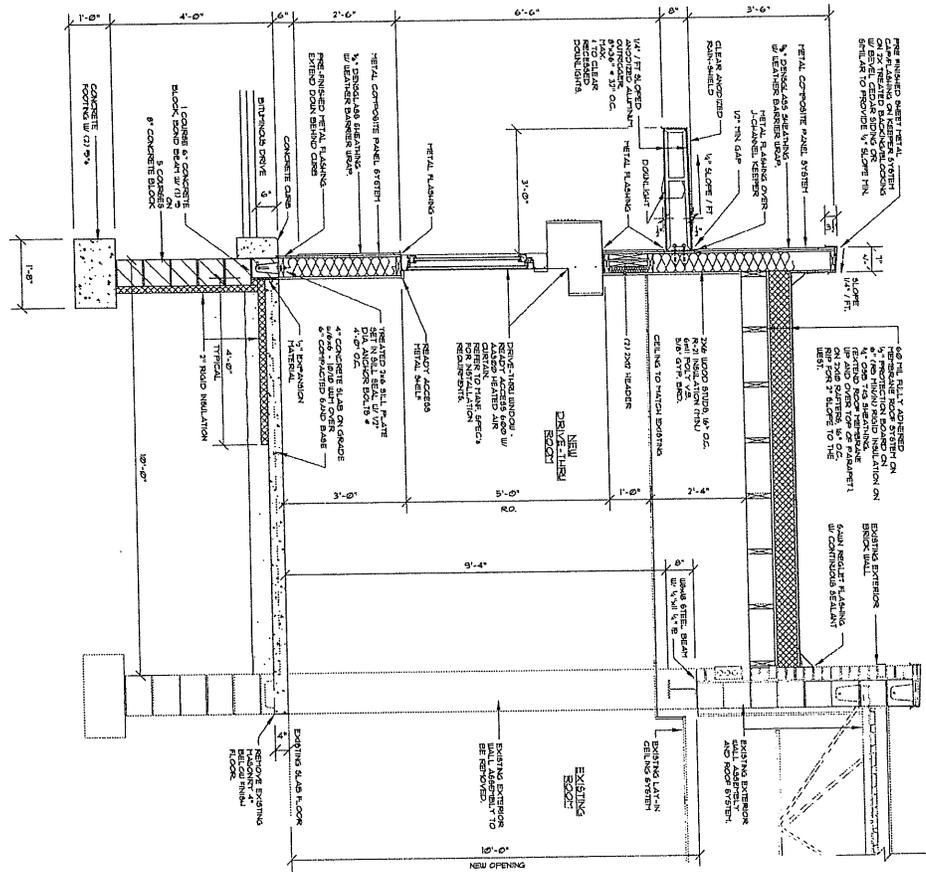
SHEET	DATE	REVISION	DATE
A-3	11/04/21		
	DRAWN BY		
	MAT McDONALD		

SUBWAY - DRIVE-THRU ADDITION
STORE #11852
 31515 COUNTY ROAD 24 BOULEVARD
 CANNON FALLS, MINNESOTA 55009

PRELIMINARY
 NOT FOR
 CONSTRUCTION



SECTION
SCALE: 3/4" = 1'-0"



WALL SECTIONS & DETAILS

SHEET	DATE	REVISION	DATE
A-4	11/04/21		
DRAWN BY			
MAT McDONALD			

SUBWAY - DRIVE-THRU ADDITION
STORE #11852
 31515 COUNTY ROAD 24 BOULEVARD
 CANNON FALLS, MINNESOTA 55009

PRELIMINARY
 NOT FOR
 CONSTRUCTION

BVK
ARCHITECTS
 7616 CURRELL BLVD. - SUITE 176
 WOODBURY, MINNESOTA 55125
 (651) 238-0221 • drawn@bvkarchitects.com

§ 152.648 CONDITIONAL USES.

Subject to applicable provisions of this chapter, the following are conditional uses in a B-2 District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

(A) Accessory drive-through facilities provided that:

(1) Not less than 120 feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to 60 feet per 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 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; and

(6) A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with § 152.187 of this chapter.

Dianne Howard

To: dkrumm@rvkarchitects.com
Subject: FW: Message from "RNP5838791F9406"

Dick,

I am going to send you the report from our engineer. If you want to apply for the CUP that would be required in the B-2 Highway Business District for a drive-through, please let me know. As I stated yesterday, today is the deadline for applications/payment for the November Planning Commission meeting, as all legals would have to be in to the paper today to meet the legal posting requirements.

If I do not hear from you today, the next available Planning Commission meeting will be December 13th, with a November 23rd deadline for application and payment.

Please let me know if I can be of assistance.

Thank you much,

Dianne Howard

Zoning Administrator

City of Cannon Falls

507-263-9308

dhoward@cannonfallsmn.gov

From: Bill Angerman <BAngerman@Whks.com>
Sent: Thursday, October 21, 2021 8:00 PM
To: Dianne Howard <dhoward@cannonfallsmn.gov>
Cc: Neil Jensen <njensen@cannonfallsmn.gov>
Subject: RE: Message from "RNP5838791F9406"

Dianne – We have reviewed the Subway plan and recommend approval of the items related to engineering. Here are our comments related to the six items listed below.

1. The site has available stacking greater than 120 feet.
2. The stacking will not interfere.
3. The stacking doesn't extend into the street.
4. No engineering items to review.
5. The stacking lane can be seen from the adjacent roadway but we do not anticipate any issues based on the proposed configuration.
6. This is typically not an engineering item to review but we do not anticipate any issues based on the proposed configuration.

Let me know if you have any questions.

Thanks
Bill

William Angerman, P.E. | Executive Vice President, COO
Voice: 507.288.3923 | www.whks.com

whks



-----Original Message-----

From: Dianne Howard <dhoward@cannonfallsmn.gov>
Sent: Tuesday, October 19, 2021 3:13 PM
To: Bill Angerman <BAngerman@Whks.com>
Subject: FW: Message from "RNP5838791F9406"

Bill,

Enclosed you will find an aerial map as well as an architectural plan for the drive through at Subway. It appears that it would require a CUP, but would like you to take a look at it from an engineering standpoint. (Peter Bodette owns both Best Buy Liquor and Subway.) Below you will find the CUP for drive-through facilities in the B-2:

(A) Accessory drive-through facilities provided that:

- (1) Not less than 120 feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to 60 feet per 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 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; and
- (6) A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with § 152.187 of this chapter.

Thank you Bill. Appreciate your partnership!

Dianne Howard
Zoning Administrator
City of Cannon Falls
507-263-9308
dhoward@cannonfallsmn.gov

-----Original Message-----

From: noreply@cannonfallsmn.gov <noreply@cannonfallsmn.gov>
Sent: Tuesday, October 19, 2021 3:05 PM
To: Dianne Howard <dhoward@cannonfallsmn.gov>
Subject: Message from "RNP5838791F9406"

This E-mail was sent from "RNP5838791F9406" (IM C3000).