

TO: Cannon Falls City Council
FROM: Dianne Howard, Zoning Administrator
SUBJECT: Rezone from B-2 to R-4 PUD for Keller Baartman 79-Unit Apartment Complex at 415 Hickory Drive
DATE: March 15, 2022

THE CITY CHARTER REQUIRES THAT THE SECOND READING OF AN ORDINANCE OCCUR WITHIN 90 DAYS OF THE FIRST READING. THE CITY COUNCIL APPROVED A FIRST READING OF THIS ORDINANCE ON SEPTEMBER 21, 2021. HOWEVER, DUE TO THE COMPLEXITY OF THIS KELLER BAARTMAN PROJECT, THE SECOND READING DID NOT OCCUR WITHIN 90 DAYS. THEREFORE, THE CITY MUST HOLD ANOTHER FIRST READING OF THE ORDINANCE FOR THE PROJECT IN ORDER TO PROCEED WITH FINAL APPROVAL AND A SECOND READING. THE ORDINANCE IS IN ITS ORIGINAL FORM AND HAS NOT BEEN MODIFIED. THE MINUTES AND MEMO FROM THE SEPTEMBER 21, 2021 COUNCIL MEETING ARE ATTACHED.

Rezone to R-4 PUD for Keller Baartman 79-Unit Apartment Complex at 415 Hickory Drive A Planning Commission meeting was held Monday, September 13, 2021 to discuss a Rezone Planned Unit Development for Keller Baartman 79-unit apartment complex at 415 Hickory Drive. *This lot is currently zoned B-2 Highway Business District, PID 527300010.*

Project Details

The apartment complex will include 79 units with a mix of efficiency (24 units), 1 bedroom (33 units), 2 bedroom (19 units), and 3 bedroom (3 units). 143 parking spaces (56 covered parking; 4 ADA designated), which allows for 1.81 spaces per dwelling unit.

The first floor will have covered parking, office, lounge, community room, fitness room, mail/package area, computer room, meeting room and 2 dwelling units. The second floor will have 25 units, and the third and fourth floors will have 26 units each. Outdoor space will include a grilling area, dog park and patio area.

One-bedroom units will consist of 42% of the unit mix, followed by 30% efficiency, 24% two-bedroom, and 4% will be three-bedroom. The efficiency units will start at 480 sq. ft.

Requested Waivers

The developer is pursuing a rezone of the property to R4 and using the PUD process in order to seek exceptions to the R4 zoning regulations. The following are the requested exceptions:

79 Units

- 24 Studios (30%) 10 units at \$875.00; 14 units at \$825 (*R-4 Ordinance requires no more than 10% studios*)
- 33 1 BR (42%) 17 units at \$1175; 16 units at \$1125
- 19 2 BR (24%) 13 units at \$1275; 6 units at \$1200
- 3 3 BR (4%) 3 units at \$1325

Floor Area

<u>Unit Type</u>	<u>KB</u>	<u>City Code</u>
Studio	480-534 sq. ft.	<i>500 sq. ft.</i>
1 BR	715-972 sq. ft.	<i>700 sq. ft.</i>
2 BR	1184-1200 sq. ft.	<i>800 sq. ft.</i>
3 BR	1200+	<i>880 sq. ft.</i>

Height

4 stories, 57' 4 ¾" tall (*Ordinance for R-4 is 3 stories*)

Parking

143 Spaces: 56 indoor; 87 outdoor; 5 ADA
 1.75 spaces per unit (*Ordinance states 2.25 per unit*)

§ 152.566 DEVELOPMENT DENSITY.

The maximum development density shall be determined by the following lot area per unit standards.

Elderly senior housing	1,000 square feet per unit
Multiple-family dwellings	2,500 square feet per unit
Townhouse, quadraminium	4,000 square feet per unit

(Prior Code, § 11-56-7) (Ord. 258, passed 5-4-2006)

Proposal is for 79 units. 79 x 2,500 sq. ft. = lot area of 197,750 sq. ft. to meet code. (This would equal 4.539 or 4.54 acres at 43,560 sq. ft. per acre).

Actual lot size will be 132,609 square feet for 79 units, 1678.6 sq.ft. per unit

Conclusion

Staff recommends approval of Ordinance No. 379, Rezone to R-4 PUD with the exceptions listed for the Keller Baartman 79-Unit Apartment Complex

*** Standard for Review: When a city considers a rezoning request it is using its legislative (lawmaking) authority and has significant discretion. When courts review a city's rezoning decision the courts apply a "rational basis standard". The city's decision must: serve a legitimate public purpose and there must be a rational basis for the city to believe the decision will further that purpose.*

The Cannon Falls City Council met in a regular session on Tuesday, September 21, 2021, in the City Council Chambers. Present were Mayor John Althoff and Council Members Bill Duncan, Steve Gesme, Matt Montgomery, Mary Jill Bringgold, Laura Kronenberger, and Derek Lundell. Also present were Neil Jensen, City Administrator; Dan Howard, Public Works Director; Mitch Althoff, Police Officer; Laura Qualey, Community & Economic Business Specialist; Dianne Howard, Zoning Administrator; and Sarah Schwarzhoff, City Attorney.

- Call to Order Mayor Althoff called the City Council meeting to order at 6:30 p.m. He expressed appreciation for the cards and emails he received during his recovery. He also thanked Mayor Pro Tem Gesme for filling in during his absence.
- Roll Call Roll call was conducted. All members were in attendance.
- Pledge of Allegiance Mayor Althoff led in the recitation of the Pledge of Allegiance.
- Approval of Agenda A motion was made by Council Member Gesme, seconded by Council Member Duncan and unanimously carried, to approve the Agenda as presented.
- Consent Agenda
- A. Just and Correct Claims – Accounting Period Ending September 17, 2021
 - B. Meeting Minutes for September 7, 2021, City Council Special Meeting
 - C. Meeting Minutes for September 7, 2021, City Council Meeting
 - D. Resolution 2575, Authorizing Budget Transfers for Funding of Fire Truck
 - E. Approve Disposal of 1991 Ford Pumper Truck
 - F. Approve Public Works Employee Maintenance I Hire
 - G. Resolution 2576, In Support of Goodhue County ARPA Funds Being Utilized for Fire Department, First Responder, and EMS Mobile and Portable Radio Purchases
 - H. Introduction and First Reading of Ordinance 378, an Ordinance of the City of Cannon Falls, Minnesota, Amending City Code Chapter 152 Relating to Sexually Oriented Uses
- A motion was made by Council Member Bringgold, seconded by Council Member Montgomery and unanimously carried, to approve the Consent Agenda as presented.
- Council Business:
- GreenSmith Builders, LLC Request for Lot Split City Administrator Jensen provided background information and referenced information received from GreenSmith Builders.

Aaron Smith, CEO of GreenSmith Builders, discussed the company and referenced its goal to be the greenest builder in Minnesota. He discussed the proposed development project in the Hayes Addition. Next steps and the project timeframe were discussed.

A motion was made by Council Member Duncan, seconded by Council Member Montgomery, to approve the lot split as requested. When asked about anticipated home prices, Mr. Smith commented regarding the current housing market and provided a range of \$499,000 to \$599,000 for single family homes. A vote was conducted, and the motion carried unanimously.

Resolution 2577,
Approving Business
Subsidies in the Form
of Tax Increment
Financing Et Al for the
Keller-Baartman
Properties XIV, LLC
Housing Project 2021,
Located at 415
Hickory Drive

Mayor Althoff referenced information and a list of questions provided by the Planning Commission Chair relating to the proposed project and the requested Council actions.

Community & Economic Business Specialist Qualey provided background information and summarized discussion by the EDA. She stated that the Finance Committee has reviewed the requested subsidies, including waiving of the WAC and SAC fees, estimated at \$128,000; an interfund loan of up to \$70,000 to be used for miscellaneous expenses; and coverage of building permit fees of up to \$40,000. Ms. Qualey summarized discussion with Goodhue County representatives with regard to covering the building permit fees from a new construction project fund grant or an interfund loan to be recouped through the TIF.

Actions requested from the Cannon Falls City Council relating to the approval of business subsidies were clarified.

A motion was made by Council Member Montgomery, seconded by Council Member Bringgold, to adopt Resolution 2577, approving business subsidies in the form of tax increment financing for the Keller-Baartman project. A vote was conducted, and the motion carried by a vote of 5:1, with Council Member Kronenberger voting nay.

Other Actions
Relating to the Keller-
Baartman Properties
Project

- 1) Resolution 2578, Approve Rezone and Development Stage for Keller-Baartman 79-Unit Apartment Complex at 415 Hickory Drive

Zoning Administrator Howard provided background information, stating that the property is currently zoned B-2. She detailed the proposed units and parking spaces.

Ms. Howard stated that the developer is requesting rezoning of the property to R-4 along with a PUD process in order to seek exceptions to the R-4 zoning regulations. She reviewed current City Code regulations relating to the percentage of efficiency apartments, the minimum square footage for efficiency apartments, the maximum apartment building height, the number of parking stalls per unit, and the development density. She discussed proposals by Keller-Baartman relating to these items.

Ms. Howard stated that the City Council is being asked to adopt a resolution approving the rezone and development stage with the exceptions as listed, or as modified per Council discretion.

Council Members asked about a change from market rate units to low to moderate income units. Ms. Qualey indicated that the term market rate refers to the fact that the rents are not subsidized. She noted that 40% of the units would be reserved for tenants who meet certain maximum income guidelines.

Council Member Bringgold referenced comments by Planning Commission Members who stated that the proposed development was not in compliance with the Comprehensive Plan and should therefore not be allowed. She provided her interpretation of the Comprehensive Plan. Ms. Qualey described the Comprehensive Plan as a big picture planning document and noted that this plan becomes less effective over time. She referenced information relating to affordable housing and the Council's authority in terms of zoning changes.

Council Members asked about the proposed parking stalls, and Ms. Qualey provided additional information in this regard. Bob Keller, one of the developers, discussed how the parking stalls would be utilized by tenants and guests. He also discussed the development of green space and other amenities over time. Storage space and common areas were discussed. It was noted that each unit will have laundry facilities.

Council Member Kronenberger asked about the units that would be reserved for tenants who meet income guidelines. Ms. Qualey and Mr. Keller provided additional information in this regard. The income verification process was reviewed.

A motion was made by Council Member Bringgold, seconded by Council Member Duncan, to adopt Resolution 2578, approving the

rezone and development stage for the proposed Keller-Baartman apartment complex at 415 Hickory Drive.

A vote was conducted, and the motion carried by a vote of 5:1, with Council Member Kronenberger voting nay.

- 1) Introduction and First Reading of Ordinance 379, an Ordinance of the City of Cannon Falls, Minnesota, Amending City Code Chapter 152 Rezoning Property at 415 Hickory Drive from B-2 to R-4 PUD and Approving Final Plans

Ms. Howard reviewed the ordinance adoption process, noting that the City requires two readings of every ordinance.

A motion was made by Council Member Duncan, seconded by Council Member Lundell, to approve the introduction and first reading of Ordinance 379. A vote was conducted, and the motion carried by a vote of 5:1, with Council Member Kronenberger voting nay.

Reports:

Council Committees /
Commissions /
Nonprofit
Organizations

Cannon Falls Areas Chamber of Commerce President Kyle Paulson reported that there are currently 184 Chamber members, including 12 new members. She summarized plans for 2022 events and activities. She discussed recent and upcoming events. She reviewed current and upcoming projects at Lake Byllesby. She discussed the city-wide garage sales. She reported that the Cannon Valley Senior Center will be hosting a community appreciation day on September 25.

Council Member Duncan discussed a recent Finance Committee meeting, during which the Public Works hire was discussed.

Council Member Duncan summarized discussion during a recent Planning Commission meeting. He expressed concerns with regard to how this meeting was managed. He stated that, contrary to the policy that was recently approved by the City Council relating to public meetings, the public input portion of the meeting was moved to the beginning. He noted that the Planning Commission also attempted to remove a discussion item from the Agenda without following the proper procedure.

Council Member Duncan suggested that the City Council consider adopting an ordinance whereby the City Council would establish the agenda format for all City meetings. He also suggested that the Council consider adopting an ordinance that would reduce the number of Planning Commission members from seven to five, add a

second Council Member to the Planning Commission, and designate a third Council Member to serve as an alternate on the Planning Commission.

Council Member Duncan suggested that discussion of the proposed ordinances be added to the agenda for the next regular Council meeting.

Chamber President Paulson summarized a recent meeting of the Library Board, during which long-range strategic planning was discussed.

Staff

Public Works Director Howard discussed recent projects.

Community & Economic Business Specialist Qualey reported that she is working on legislative advocacy efforts related to a State bonding request for funding toward the John Burch Park project. She stated that she has been working with local businesses on applications for Minnesota Main Street COVID-19 Relief Grant Program funding. She discussed the DNR Regional Trail Connection grant award. She reported that Goodhue County will be hosting a housing webinar series.

It was noted that everyone who recently received a SEMMCHRA letter should respond.

City Administrator Jensen welcomed Mayor Althoff back and stated that he looks forward to working with GreenSmith Builders.

Mayor and Council

Council Member Bringgold discussed the behavior of the Chair and procedural errors that were made during the recent Planning Commission meeting. She described some of the comments made by meeting attendees as racist remarks and provided examples.

Council Member Kronenberger discussed the benefits of community members responding to the SEMMCHRA letters.

Council Member Montgomery suggested adding discussion of public input to the agenda of a future work session. He discussed the purpose and benefits of a public comment period at the beginning of the meeting. He discussed how this is structured and managed by other communities.

Council Member Duncan discussed a recent public hearing for discussion of Ordinance 378 relating to sexually oriented land uses.

Mayor Althoff reviewed the upcoming meeting schedule.

Adjournment

A motion was made by Council Member Gesme, seconded by Council Member Duncan and unanimously carried, to adjourn the meeting. The meeting adjourned at 7:29 p.m.

Public Input

An opportunity for public input was provided following adjournment of the meeting.

Adopted by the City Council of the City of Cannon Falls on the 5th day of October, 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator

TO: Cannon Falls City Council
FROM: Neil Jensen, City Administrator
SUBJECT: Rezone and Planned Unit Development Stage for Keller Baartman 79-Unit Apartment Complex at 415 Hickory Drive
DATE: September 21, 2021

BACKGROUND

A Planning Commission meeting was held Monday, September 13, 2021 to discuss a Rezone and Planned Unit Development Stage for Keller Baartman 79-unit apartment complex at 415 Hickory Drive.

Process

Procedurally this project is fairly complex. It involves multiple approvals – TIF, Rezone, PUD – going through multiple entities – EDA, Planning Commission, City Council. The EDA is responsible for the TIF process and approvals. The Planning Commission and City Council are responsible for the Rezone and PUD process and approvals. Since the completion of the Concept Plan, the project is in the development plan stage where the detailed plans are reviewed. The third and final step is the consideration of the final plan and approval of the rezoning ordinance.

The ordinance included in the packet is for its First Reading. It will be presented to the Council with approval of the final plan for the second reading and final approval.

At each step, the developer presents the required information, staff reviews the information and provides a report for the Planning Commission, the Planning Commission considers the matter and makes a recommendation to the Council, and then the Council reviews and makes a final decision.

Project Details

This lot is currently zoned *B-2 General Business District*, PID #527300010.

The apartment complex will include 79 units with a mix of efficiency (24 units), 1 bedroom (33 units), 2 bedroom (19 units), and 3 bedroom (3 units). 143 parking spaces (56 covered parking; 4 ADA designated), which allows for 1.81 spaces per dwelling unit.

The first floor will have covered parking, office, lounge, community room, fitness room, mail/package area, computer room, meeting room and 2 dwelling units. The second floor will have 25 units, and the third and fourth floors will have 26 units each. Outdoor space will include a grilling area, dog park and patio area.

One-bedroom units will consist of 42% of the unit mix, followed by 30% efficiency, 24% two-bedroom, and 4% will be three-bedroom. The efficiency units will start at 480 sq. ft.

The following exhibits are enclosed to further describe the proposal:

1. Development Application from Andy Baartman of Keller-Baartman
2. McCannonball Subdivision Plat
3. Concept site plan
 - a. Parking
 - b. Floor Plan/Unit Mix
 - c. Elevation
4. R-4 Zoning Ordinance
5. Planned Unit Development Ordinance
6. 1 Full Color Photo of Cannonball Apartments
7. Neighboring City Maps Showing Apartment Placements
8. City GIS Map Showing Possible Open Space
9. Cannon Falls Comprehensive Plan Sections
10. Letter of Support from McDonalds USA, LLC
11. Letter of Support from Cannon Falls Economic Incentives Inc.
12. G-Cubed Engineering, Surveying, Planning Site Report
13. WHKS Engineering Report

Requested Waivers

The developer is pursuing a rezone of the property to R4 and using the PUD process in order to seek exceptions to the R4 zoning regulations. The following are the requested exceptions:

79 Units

- 24 Studios (30%) 10 units at \$875.00; 14 units at \$825 (*R-4 Ordinance requires no more than 10% studios*)
- 33 1 BR (42%) 17 units at \$1175; 16 units at \$1125
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Floor Area

<u>Unit Type</u>	<u>KB</u>	<u>City Code</u>
Studio	480-534 sq. ft.	<i>500 sq. ft.</i>
1 BR	715-972 sq. ft.	<i>700 sq. ft.</i>
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Height

4 stories, 57' 4 ¾" tall (*Ordinance for R-4 is 3 stories*)

Parking

143 Spaces: 56 indoor; 87 outdoor; 5 ADA

1.81 spaces per unit (*Ordinance states 2.25 per unit*)

§ 152.566 DEVELOPMENT DENSITY.

The maximum development density shall be determined by the following lot area per unit standards.

Elderly senior housing	1,000 square feet per unit
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(Prior Code, § 11-56-7) (Ord. 258, passed 5-4-2006)

Proposal is for 79 units. 79 x 2,500 sq. ft. = lot area of 197,750 sq. ft. to meet code. (This would equal 4.539 or 4.54 acres at 43,560 sq. ft. per acre).

Actual lot size will be 132,609 square feet for 79 units, 1678.6 sq. ft. per unit

Traffic Study: Goodhue County will determine if a traffic study is warranted.

Planning Commission Review:

The Planning Commission held a public hearing to consider the project on September 13, 2021. Multiple members of the public spoke, several letters were included in the record, and the Planning Commission discussed the project. The following is a summary of the feedback from the public as well as the Planning Commission discussion. In red is information that was either in the Planning Commission packet or was verbally presented to the Planning Commission at the September 13 meeting.

Negative Feedback/Concerns

- Too much extra traffic, high speeds may create safety issues *The proposed building is 79 units which is anticipated to produce an additional 553 trips per day. The estimated trips for a truck stop similar to what used to exist on the property is 1280 trips per day. In 2019 a MnDOT study found that there were approximately 6,200 trips per day on 4th Street. Whether a traffic study is required will be determined by Goodhue County.*
- Not enough parking, no overflow/guest parking included *The required 2.25 and the proposed 1.81 parking spaces per unit does include overflow/guest parking. The City Code requires 2.25 parking spaces per unit. The City Code also requires no more than 10% studio units, while the proposed project has 30% studio units. The building is proposed to include 24 studios, 33 one bedrooms, 19 two bedrooms and 3 three bedrooms. The expected population of the unit is 150 total residents. There are 143 parking spaces proposed.*
- Neighboring property taxes will increase *The project is proposing to use Business Subsidies and TIF (already approved by the EDA on July 1, 2021). The parcel in question is the only one in the TIF district. Neighboring property taxes will not be directly affected.*
- Schools will lose tax money to the project *The school will not lose tax money due to the project. TIF uses the “increment” which is the increase in taxes due to the project. The taxes on the current value of the property will continue to be distributed as it has been to the school, City and County. The taxes on the increase in market value will be used for the project on a pay as you go*

basis (the project will pay the annual increased taxes and the taxes will be used by the City to pay expenses such as land acquisition, improvement costs, and administrative costs). Once the TIF district expires, the extra taxes will be divided among the school, City and County as with all other taxes collected.

- Nowhere for kids to play, not sufficient open space, no sidewalks/trails to park/downtown No sidewalks/trails are proposed because there are no public sidewalks/trails to connect to. There is room for future sidewalk/trails on the property if the City were to extend sidewalks/trails to the property. The project proposes green space, a grill area and a dog park adjacent to the parking areas on the lot. The project does reduce the impervious surface on the lot by more than 30%.
- Impact on nearby businesses as a result of residents being upset with noise/view
- Poor location for this use, commercial area with no access to downtown or open space These units are often placed in commercial areas – in Zumbrota a similar unit is located by a grocery store, bank and hair salon; in Red Wing a similar unit is located by a hospital and Walmart; in Pine Island a similar unit is located on Main Street by the DVS; in Hastings a similar unit is located by a restaurant, retail building and the USPS; in Rosemount a similar unit is located by a Culvers, Rosemount Saw and tool and Minnoco.
- Spot zoning It was explained to the Planning Commission that the League of Minnesota Cities defines Spot Zoning as having no supporting rational basis, establishes a use classification inconsistent with the surrounding uses, and dramatically reduces the value for the uses of the property or the abutting property. Spot Zoning results in a total destruction or substantial diminution of the value of the property.
- Pollution from Highway 52 semi traffic Underground issues from truck stop The underground tanks from the Cannonball Truck stop have been removed. A Phase 1 Site Assessment was completed by ATC. ATC located “no evidence of recognized environmental conditions” in connection with the parcel. A Pre-construction Response Action Plan was also conducted in July 2021. In August, the property was registered with MPCA Brownfield Program.
- Punishing lower income individuals The units are not Section 8 housing, they are moderate to low income market rate apartments. The TIF district requires that the property must satisfy the income requirements of a “qualified residential rental project” as defined by the IRS. The EDA determined that the affordable units would not be possible except for the use of TIF.
- City selling property cheap effects other property being sold in the City The sale price of the property is \$150,000.
- City can ask for Hwy 52 access to be reopened every 4 years
- Firefighter concerned about unit
- Not in compliance with Comprehensive Plan The Planning Commission was informed that the City’s Comprehensive Plan was adopted in 2003. The property is guided Highway Commercial. Highway Oriented Use is defined as a commercial district that serves Highway 52 travelers and provides for larger scale uses that are incompatible with the City’s other commercial uses. The Planning Commission was informed that due to the date of the Comprehensive Plan and the change in access to Highway 52 the Plan may no longer be appropriate. Chapter 3 of the Comprehensive Plan identifies a need for moderate and market rate rental units. At the time of the Comprehensive Plan there were just 43 units with an estimated existing demand for 71 units and an expected demand for an additional 52 units by 2006.
- Easements not sufficient The project is conditioned on an acceptable easement with McDonalds. The public easements are not affected.
- Exceptions are inconsistent with recent variance refusal The project is not new construction, it is an infill redevelopment which must accommodate the existing streets, lot lines, and buildings.

Positive Feedback

- Need low/moderate income housing in Cannon Falls [See 2020 Maxfield Study and Comprehensive Plan.](#)
- Land has been unused for many years [Land has been vacant/unused since 2014.](#)
- Planned for retail when the access to Hwy 52 was there; when the access moved makes sense that the use would change
- City should not be in the business of guaranteeing access to parks/backyards/open spaces
- Similar complexes generally have few kids
- Project will benefit the south end businesses impacted by the Hwy 52 access moving and may be a catalyst for future growth

Neighbors:

- Triangle Auto – opposed
- McDonalds – supports
- Subway – supports
- Best Buy Liquor – supports
- Speedway – no comments
- Countryside Implements/Frontier Ag & Turf - opposed

Planning Commission Discussion – the Planning Commission discussion centered around the concerns that the rezoning was not in compliance with the Comprehensive Plan, that there was no rational basis for the rezone, that the use is not compatible with the surrounding uses, that the rezone would be spot zoning and that there is nothing unique about the lot that would support granting the requested exceptions. There was a motion to recommend approval of the project to the City Council. That vote failed 4-2.

REQUESTED COUNCIL ACTION

City Council is being asked to adopt a Resolution to approve the Rezone & Planned Unit Development Stage with the exceptions listed or as modified. The attached ordinance is on the agenda for the first reading. The second reading and final approval will be presented with the final approval for the project.

***** Standard for Review: When a city considers a rezoning request it is using its legislative (lawmaking) authority and has significant discretion. When courts review a city's rezoning decision the courts apply a "rational basis standard". The city's decision must: serve a legitimate public purpose and there must be a rational basis for the city to believe the decision will further that purpose.***

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

ORDINANCE NUMBER 379

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE CHAPTER 152 REZONING PROPERTY AT 415 HICKORY DRIVE
FROM B-2 TO R-4 PUD AND APPROVING FINAL PLANS**

WHEREAS, the City of Cannon Falls received an application from Keller-Baartman Properties, XIV, LLC (“Developer”) for rezoning and development of the property located at 415 Hickory Drive, Cannon Falls, MN, PID 527300010 and legally described as Lot 1, Block 1, McCannonball Subdivision (“Parcel”).

WHEREAS, the Parcel is currently zoned B-2, General Business District. Developer is requesting that the Parcel be rezoned R-4 PUD, High Density Residential District Planned Unit Development.

WHEREAS, the proposed project is a 79-unit low/moderate income apartment complex to include 24 efficiency units, 33 one-bedroom units, 19 two bedroom units and 3 three bedroom units (“Project”).

WHEREAS, the Planning Commission considered a concept plan for the Project on August 9, 2021 and the City Council approved the concept plan on August 17, 2021.

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the development stage of the Project on September 13, 2021 and the City Council approved the development stage on September 21, 2021.

WHEREAS, the Planning Commission considered the requested rezone and the final plans for the Project on January 10, 2022.

WHEREAS, the City Council considered the requested rezone and the final plans for the Project on January 18, 2022.

WHEREAS, based upon the entire record, the City Council finds the Project is in compliance with the City of Cannon Falls Comprehensive Plan and the Zoning Code and finds that the Project will benefit the public welfare by providing needed low/moderate income rental housing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANNON FALLS HEREBY ORDAINS AS FOLLOWS:

Section 1. The Parcel is hereby rezoned to R-4 PUD subject to all of the requirements of the R-4 Zoning District except for the following 5 exceptions:

R-4 Requirement	Exception - Requirement for this Project
No more than 10% studio units	No more than 30% studio units
Studio units must be at least 500 sq ft	Studio units must be at least 480 sq ft
Building cannot be more than 3 stories	Building cannot be more than 4 stories
Must provide 2.25 parking spaces per unit	Must provide 1.75 parking spaces per unit
Lot size must be 2,500 sq ft per unit	Lot size must be 1678 sq ft per unit

Section 2. The final plans for the Project dated January 3, 2022 and the development agreement dated November 3, 2021 are hereby approved.

Section 3. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2022.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator

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

SUMMARY ORDINANCE NUMBER 379

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE CHAPTER 152 REZONING PROPERTY AT 415 HICKORY DRIVE
FROM B-2 TO R-4 PUD AND APPROVING FINAL PLANS**

The following is only a summary of Ordinance No. 379. The full text will be available for public inspection after _____ by any person during regular office hours at City Hall or on the “newly adopted ordinances” page of the City of Cannon Falls website.

SUMMARY: The Ordinance rezones and approves the final plans for the PUD project at 415 Hickory Drive.

This ordinance shall become effective from and after its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator