

TO: Mayor and City Council
FROM: Zach Logelin, License Permit Technician
SUBJECT: CONDITIONAL USE PERMIT FOR PID #52.719.3000
DATE: August 1st, 2023

BACKGROUND

A public hearing was held by Planning Commission on July 10th, 2023, to consider a request for a Conditional Use Permit for 31265 County 24 Boulevard Cannon Falls, MN, PID #52.719.3000, owned by Ed Rymer. *This property is currently zoned B-2 General Business District.*

PROJECT DETAILS

Ed Rymer is applying for a Conditional Use Permit for the implementation of climate controlled indoor storage units that will occupy 16,851 square feet at the Cannon Mall. The storage units will vary in sizes and be utilized by businesses and residents. On March 7th, 2023, City Council approved ordinance number 390 amending §152.648 of City Code per Mr. Rymers request. This amendment allowed for indoor storage via a Conditional Use Permit.

The following exhibits are enclosed to further describe the proposal:

1. Copy of Development Application
2. Conditional Use Permit §152.073 General Performance Standards
3. Site Plan
4. GIS depiction of lot
5. Warehouse Plan
6. Survey

REQUESTED COUNCIL ACTION

City Council is being asked to adopt Resolution 2690 for a Conditional Use Permit for PID #52.719.3000. Planning Commission voted unanimously recommending approval of the application.



DEVELOPMENT APPLICATION

918 River Road
Cannon Falls, MN 55009
507-263-9312

SUBJECT TO STAFF REVIEW

Street Location of Property: 31265 County 24 Boulevard Cannon Falls, MN 55099

Legal Description of Property: Interior of Mall.

Owner of Record: Name: Cannon Falls Mall, Inc. % Ed Rymer

Daytime Phone: 651.226.7833

Address: 650 Golden Gate Point
Unit 602

Sarasota, Florida 34632

Applicant (if other
than owner)

Name: _____

Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: erymer@aol.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: _____

Date Submission Deemed to be Complete: _____

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

Inside climate controlled storage.

Preliminary drawings upon
request _____

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:

Ed Rymer

Cannon Falls Mall, Inc. By Its President
Edward T. Rymer

Date: 6-12-2023

Applicant (if not the Property Owner)

Date: _____

FOR CITY USE ONLY

Date Application Filed: _____

Basic Fees: _____

Received By: _____

Escrow Deposit: _____

Evidence of Ownership Submitted: ☐ Yes

☐ No

☐ Required

Certified Lot Survey: ☐ Yes

☐ No

☐ Required

Legal Description Adequate: ☐ Yes

☐ No

☐ Required

Date of Planning Commission Meeting: _____

Recommendation of Planning Commission on: _____ ☐ Approve ☐ Deny

Recommendation of City Council on: _____ ☐ Approve ☐ Deny

Subject to following conditions: _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on July 10, 2023 beginning at 6:30 p.m. (or as soon thereafter as the matter may be heard) in the City Council Chambers at City Hall, 918 River Road, to conduct a public hearing to consider an application requesting a Conditional Use Permit for the purpose of adding interior storage warehouse at 31265 County 24 Boulevard Cannon Falls, MN 55099. PID 527193000. This property is zoned B-2, Business Highway District. Any other applicable zoning requirements that affect the application will also be considered at this time.

More detailed information relating to the application is available for public inspection at the office of the City Administrator, 918 River Road, Cannon Falls, MN 55009.

Anyone interested in offering comment with regard to the application for Conditional Use Permit will be given an opportunity to do so at this hearing.

Neil Jensen, City Administrator

507-263-9304

Planning Report
City of Cannon Falls

REPORT DATE: June 26, 2023

HEARING DATE: July 10, 2023

APPLICANT: Ed Rymer

APPLICATION DATE: June 5, 2023

PROPERTY OWNER: Ed Rymer, Cannon Falls Mall, Inc.

PREPARED BY: Zach Logelin

REQUEST: Conditional Use Permit

LOCATION: 31265 County 24 Boulevard

ZONING: B-2, Business Highway District

SUMMARY OF REQUEST:

The applicant is requesting approval for a **Conditional Use Permit** to allow for an interior storage warehouse occupying 16,851 square feet at the southern portion of the mall. This property is located at 31265 County 24 Boulevard.

AUTHORITY FOR REVIEW:

§ 152.073 GENERAL PERFORMANCE STANDARDS.

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria.

(A) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.

(B) The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with §§ 152.255 through 152.264 of this chapter.

(C) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect the areas from encroachment by parked or moving vehicles.

(D) Adequate off-street parking and off-street loading shall be provided in compliance with §§ 152.255 through 152.264 of this chapter.

(E) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district and provided in compliance with §§ 152.255 through 152.264 of this chapter.

(F) Whenever a nonresidential use is "adjacent" to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(G) General site screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(H) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts and shall be in compliance with § 152.187 of this chapter.

(I) Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with § 152.191 of this chapter.

(J) The site drainage system shall be subject to the review and approval of the City Engineer.

(K) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(L) All signs and informational or visual communication devices shall be in compliance with §§ 152.350 through 152.359 of this chapter.

(M) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.

(N) Any applicable business licenses mandated by the city code are approved and obtained.

(O) The hours of operation may be restricted.

(P) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.

(Q) All additional conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

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

EXISTING CONDITIONS:

The site contains Cannon Falls Mall Inc., with parking spaces to the east and south of the property. There is access from 4th street south to the east and 64th Ave path to the south. The property and surrounding properties are zoned B-2, General Business.

SURROUNDING USES:

	EXISTING USE	ZONING	LAND USE DESIGNATION
NORTH	Business & Residential	PUD/B-2, General Business	Low Density residential
SOUTH	City Land/Forest	B-2, General Business	Highway Commercial

EAST	Business	B-2, General Business	Highway Commercial
WEST	Highway 52	Right-of-Way	Right-of-Way

EVALUATION OF REQUEST:

Proposal/Plan: The applicant is proposing the approval of a Conditional Use Permit to allow for small climate controlled indoor storage units. A site plan for the proposed storage shows 126 storage units varying in dimension sizes. The smallest unit proposed is 5 by 5 and the largest is 10 by 20.

Applicant's Narrative: The applicant states that the "Cannon Mall has suffered with occupancy" due to the decline for retail space. This decline has been widespread and has caused a detrimental effect on malls throughout the nation. In an effort to restore economic success, the applicant has proposed adding indoor storage units that will both "benefit businesses and individual residents."

The storage area will be "intended for things like furniture, clothing, files or other items that need to be kept out of the elements and secure for either the short or long term." Since parking requirements are kept to a minimum and setbacks are previously met, the applicant states this will better utilize the southern portion of the mall as "remaining tenants, surrounding businesses, storage tenants, and the owner" will make use of the proposed storage units.

Compatibility with Surrounding Area: The site is located adjacent to Highway 52 to the west and 4th Street S to the east. The proposed storage area would occupy the southern portion of the mall and is compatible with the surrounding area.

Outdoor Storage: Indoor storage is allowed via a Conditional Use Permit in a B-2 district provided that the following are met.

(Y) Indoor storage, provided that:

- (1) Storage of any material considered hazardous under federal, state or local law is prohibited;
- (2) All buildings used for indoor storage are to be equipped with a fire suppression system approved by the City Building Official, or his/her designee, and the City Fire department:
- (3) All storage shall occur within enclosed buildings:
- (4) Outside storage of any kind is prohibited:
- (5) All applicants requesting a conditional use permit under this subdivision shall include, in addition to the information required under §§152.070 through 152.074 of this chapter, a detailed description or illustration identifying, to the City's satisfaction, all areas to be used for indoor storage and such information will be incorporated into the permit if granted. No retailing, wholesaling, manufacturing, repair, or any activity other than storage shall occur within the areas designated for indoor storage in the conditional use permit:
- (6) all materials shall be stored in compliance with applicable federal, state and local laws, rules, regulations and requirements including, but not limited to, requirements imposed by the Occupational safety and Health Administration ("OSHA"); and

(7) Adequate off-street loading and circulation is provided in compliance with 152.225 through 152.265 of this chapter, as amended from time to time, PASSED AND ADOPTED by the City Council and the City of Cannon Falls, Minnesota, this 7th day of March, 2023.

Summary and Conclusion:

The applicant is requesting the approval of a **Conditional Use Permit** to allow for adding an interior storage warehouse located at 31265 County 24 Boulevard Cannon Falls, MN 55099. PID 527193000. The storage warehouse would consist of 126 units varying in sizes and would occupy 16,851 total square feet at the southern portion of the mall. Indoor storage is a conditional use in the B-2 District provided that it aligns with §152.648 in the city code. The proposed site would not expand the building's exterior and would have minimal impact on the area.

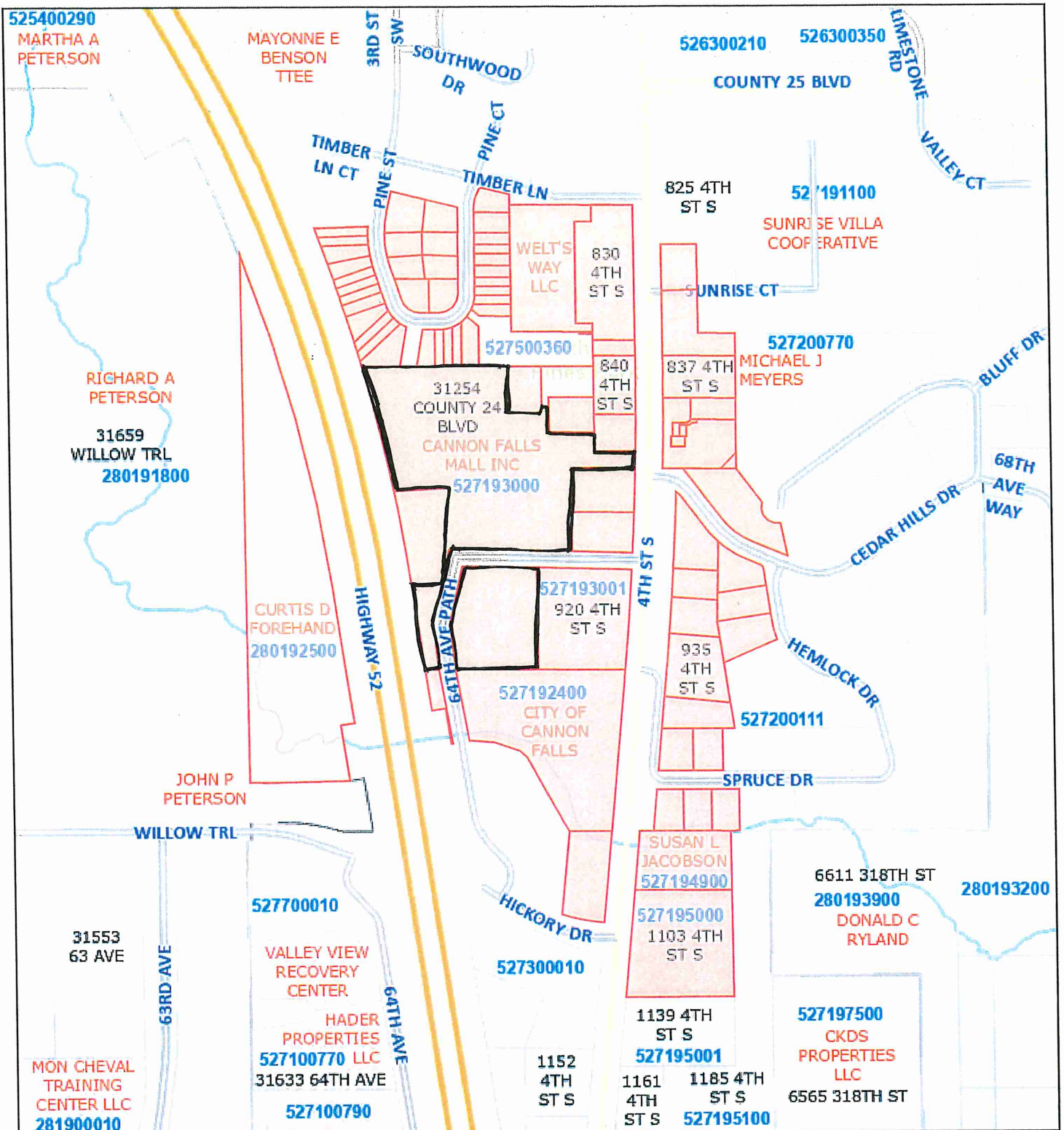
If approved the following conditions shall apply:

1. A Conditional Use Permit shall be executed and recorded at Goodhue County prior to insurance of all building permits.
2. Building must adhere to fire code; no outdoor storage allowed.

REQUESTED PLANNING COMMISSION ACTION:

Staff recommends adopting the attached resolution conditionally approving the Conditional Use Permit.

ArcGIS WebMap



June 12, 2023

Override 1

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

USHWY

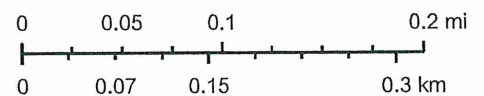
Full Address

PIN

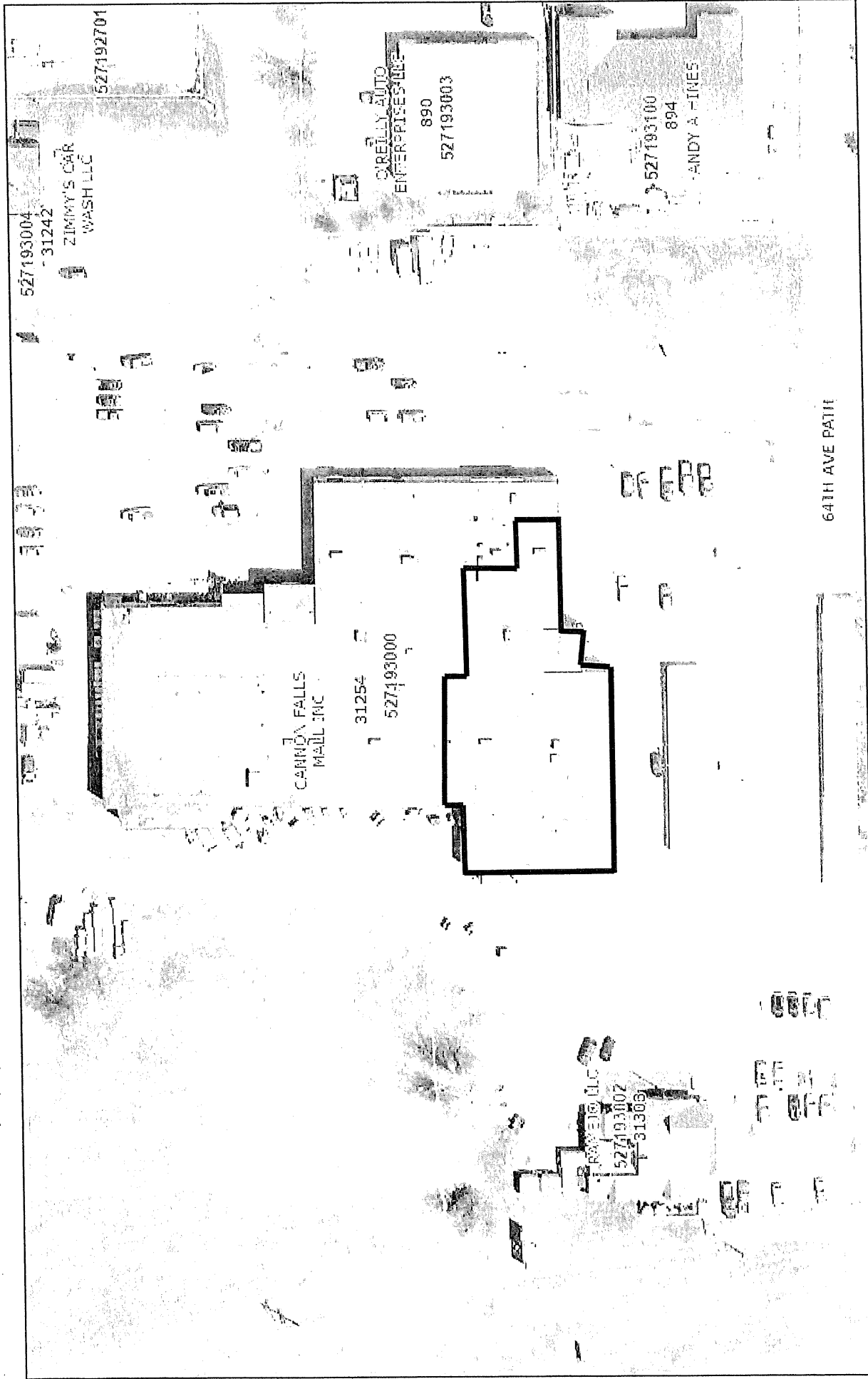
Full Name

Parcels

1:6,000



Cannon Falls Mall, CUP



July 5, 2023

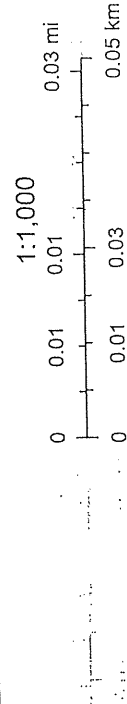
Goodhue County Roads

House Number

Full Name

CEM; OCTY; OCRLN; CTRLN; PIN

Parcels



Preliminary/Not approved
APPROVED



- 5 X 5
- 5 X 7.5
- 10 X 5
- 10 X 7.5
- 10 X 10
- 10 X 12.5
- 10 X 15
- 10 X 25
- 10 X 20



1st Gross Area Schedule	
Level	Area
First	16356 SF

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 Temple, Georgia 30179
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 (770) 569-0666
 www.janusintl.com

Drawn For **Rymer Companies**

Cannon Falls Mn

Conversion

Project # **39170**

Rev #	Date

Drawn On **02.20.20**

Drawn By **M. Williams**

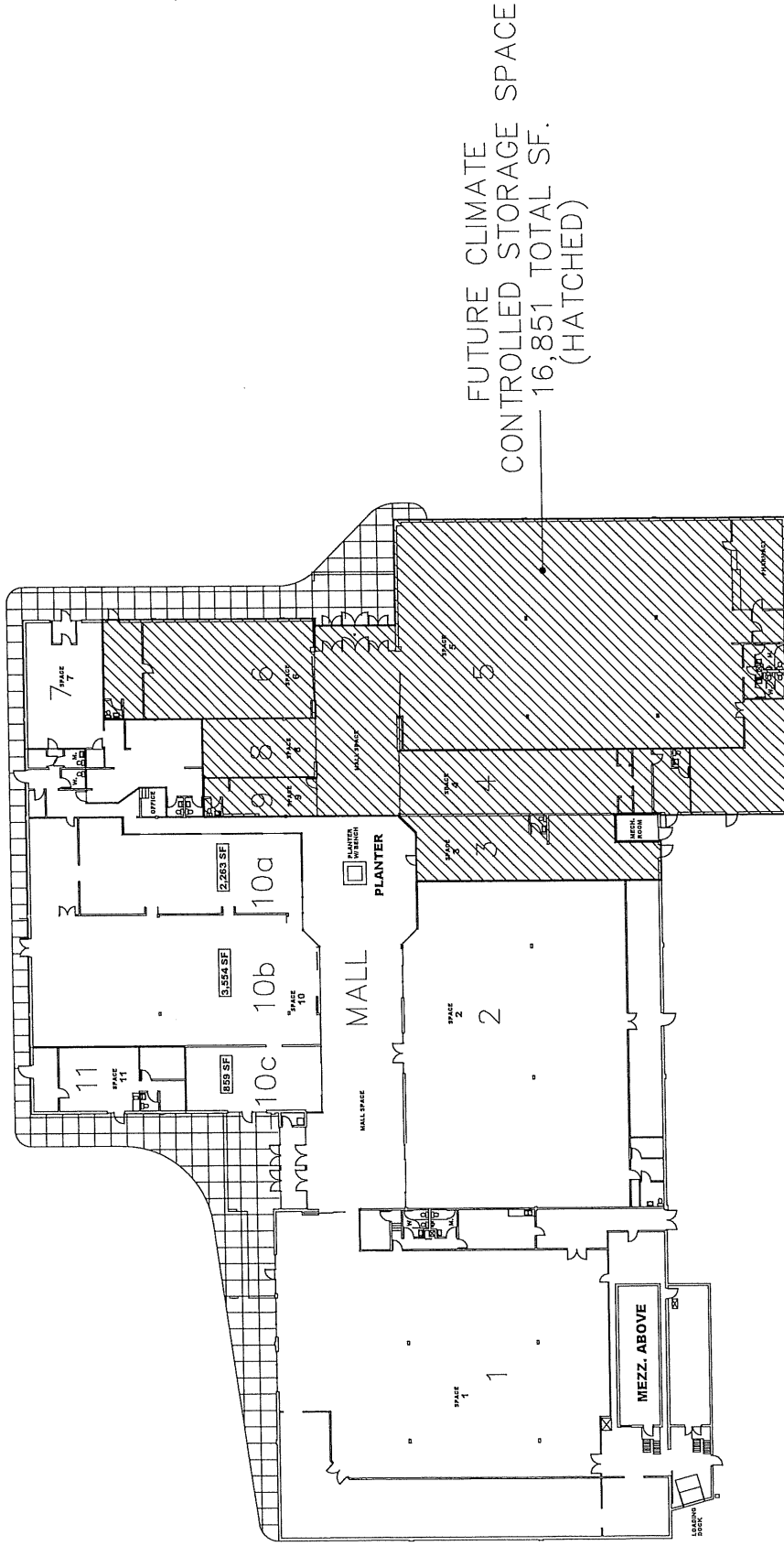
Checked By **B. Johnson**

J101

First Floor Unit Mix

CANNON MALL SHOPPING CENTER

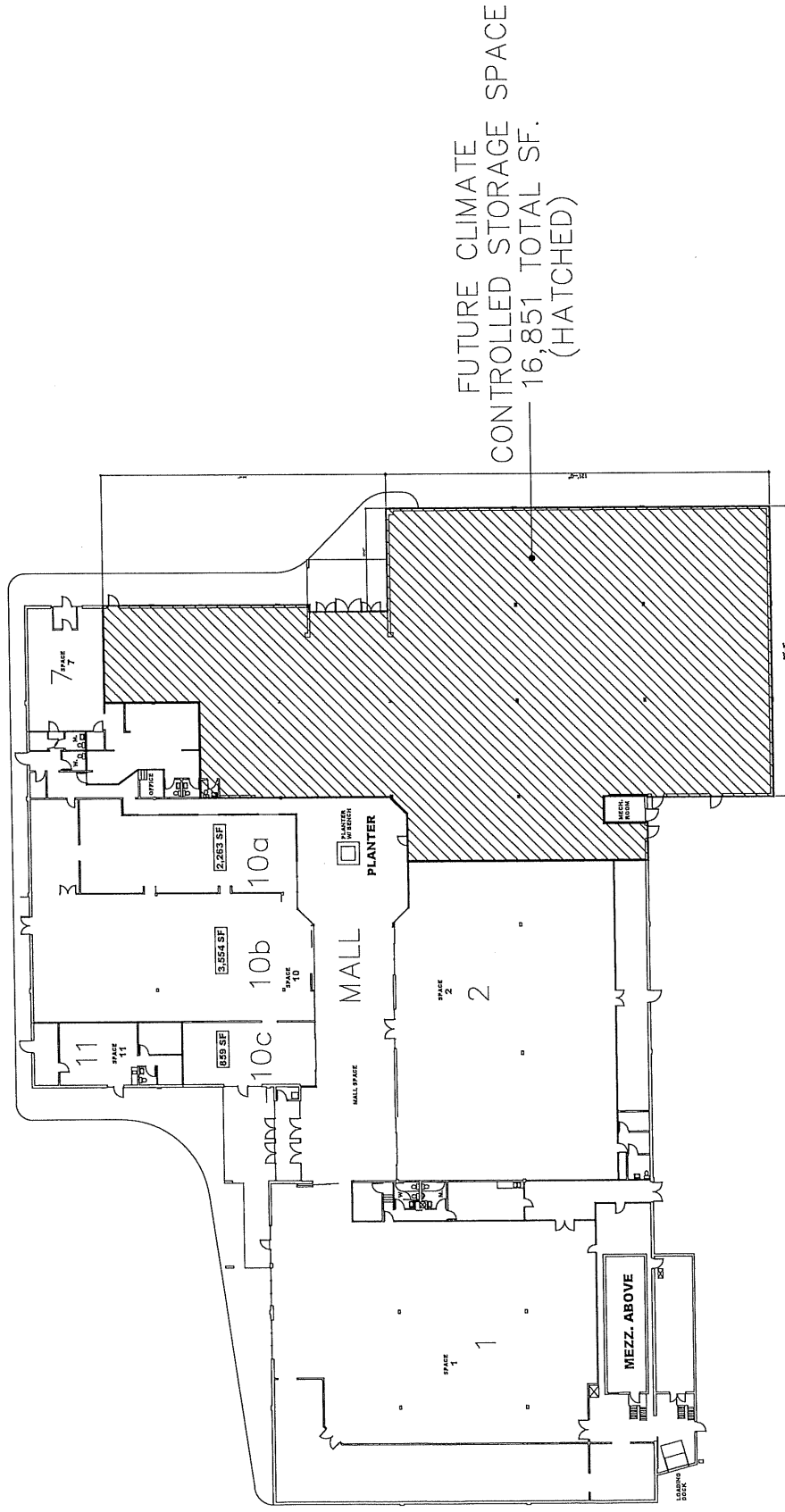
CANNON FALLS, MINNESOTA



EXISTING FLOOR PLAN		CANNON MALL SHOPPING CENTER 31265 COUNTY ROAD 24 BLVD. CANNON FALLS, MINNESOTA	
PROJECT	20003		
DRAWN	RJD		
DATE	02/09/20		
A1			

DESIGN GROUP
RJD
www.rjdgroup.com
(612) 842-3237
rjdgroup@rjdgroup.com

CANNON MALL SHOPPING CENTER CANNON FALLS, MINNESOTA



PROPOSED SPACE PLAN

PROJECT	20003
DRAWN	RQD
DATE	02/03/20

A1

RDG
DESIGN GROUP

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA
RESOLUTION NUMBER 2023-02
CONDITIONAL USE PERMIT FOR 31265 COUNTY 24 BOULEVARD
PID #52.719.3000**

WHEREAS, Ed Rymer ("Owner") owns the property identified as PID #52.719.3000 and located at 31265 County 24 Blvd in the City (the "Property"); and

WHEREAS, the Planning Commission conducted a hearing on July 10, 2023 to accept testimony relating to the applications; and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission; and

WHEREAS, based upon the public testimony and all project information presented and considered, the Planning Commission hereby finds:

FINDINGS

A. Owner has made an application for a Conditional Use Permit to allow for a new cold storage warehouse occupying approximately 16,851 Sq. Ft. on the Property, which is zoned B-2 General Business District, as regulated by the Zoning Ordinance.

B. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

C. City Code § 152.073 states:

GENERAL PERFORMANCE STANDARDS.

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria.

(A) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.

(B) The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with §§ 152.255 through 152.264 of this chapter.

(C) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect the areas from encroachment by parked or moving vehicles.

(D) Adequate off-street parking and off-street loading shall be provided in compliance with §§ 152.255 through 152.264 of this chapter.

(E) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district and provided in compliance with §§ 152.255 through 152.264 of this chapter.

(F) Whenever a nonresidential use is "adjacent" to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(G) General site screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(H) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts and shall be in compliance with § 152.187 of this chapter.

(I) Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with § 152.191 of this chapter.

(J) The site drainage system shall be subject to the review and approval of the City Engineer.

(K) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(L) All signs and informational or visual communication devices shall be in compliance with §§ 152.350 through 152.359 of this chapter.

(M) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.

(N) Any applicable business licenses mandated by the city code are approved and obtained.

(O) The hours of operation may be restricted.

(P) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.

(Q) All additional conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

D. Based on the information submitted by the Owner, granting of the Conditional Use Permit is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, consistent with City Code § 152.073, and in conformance with the City of Cannon Falls Comprehensive Plan, provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this resolution.

DECISION

NOW, THEREFORE BE IT RESOLVED that the Cannon Falls Planning Commission hereby recommends to the Cannon Falls City Council that, based upon the findings cited herein:

1. The Conditional Use Permit be approved, subject to the following conditions:
 - A. Owner's compliance with all applicable requirements of the City of Cannon Falls Zoning Chapter 152 and the State of Minnesota Building Code Requirements; and
 - B. A Conditional Use Permit shall be executed and recorded at Goodhue County prior to insurance of all building permits; and
 - C. The building must adhere to fire code; and
 - D. No outdoor storage allowed.

ADOPTED by the Planning Commission of the City of Cannon Falls this 10th day of July 2023.

CITY OF CANNON FALLS PLANNING COMMISSION

Chair

ATTEST: _____
Neil Jensen
City Administrator

MOTION BY:
SECOND BY:

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

RESOLUTION NUMBER 2690

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR
31265 COUNTY 24 BOULEVARD
PID #52.719.3000**

WHEREAS, Ed Rymer (“Owner”) owns the property identified as PID #52.719.3000 and located at 31265 County 24 Blvd in the City (the “Property”);

WHEREAS, Owner applied to the City for a conditional use permit to allow for a new cold storage warehouse occupying approximately 16,851 sq. ft. on the Property (the “CUP”);

WHEREAS, City staff studied the CUP application, made a report, and provided other information to the Planning Commission;

WHEREAS, on July 10, 2023, the Planning Commission held a public hearing, considered the CUP application, and adopted Resolution No. 2023-02 approving the CUP; and

WHEREAS, based upon the public testimony, recommendation from the Planning Commission, staff report, and all project information presented and considered, the City Council hereby finds:

FINDINGS

1. The Property is zoned B-2 General Business District, as regulated by the Zoning Ordinance.

2. Minn. Stat. § 462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.

3. Under City Code § 152.648(Y), indoor storage in the B-2 General Business District requires a conditional use permit based upon the procedures set forth in and regulated by City Code §§ 152.070 – 152.074 and is subject to the following conditions:

(A) Storage of any material considered hazardous under federal, state or local law is prohibited;

(B) All buildings used for indoor storage are to be equipped with a fire suppression system approved by the City Building Official, or his/her designee, and the City Fire Department;

(C) All storage shall occur within enclosed buildings;

(D) Outside storage of any kind is prohibited;

(E) All applications requesting a conditional use permit under this subdivision shall include, in addition to the information required under §§ 152.070 through 152.074 of this chapter, a detailed description or illustration identifying, to the City's satisfaction, all areas to be used for indoor storage and such information will be incorporated into the permit if granted. No retailing, wholesaling, manufacturing, repair, or any activity other than storage shall occur within the areas designated for indoor storage in the conditional use permit;

(F) All materials shall be stored in compliance with applicable federal, state and local laws, rules, regulations and requirements including, but not limited to, requirements imposed by the Occupational Safety and Health Administration ("OSHA"); and

(G) Adequate off-street loading and circulation space is provided in compliance with §§ 152.255 through 152.265 of this chapter, as amended from time to time.

4. Under City Code § 152.072, the Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) The proposed use is or will be compatible with present and future land uses of the area;

(C) The proposed use conforms with all performance standards contained in this code;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

5. Under City Code § 152.073, as may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria.

(A) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.

(B) The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with §§ 152.255 through 152.264 of this chapter.

(C) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect the areas from encroachment by parked or moving vehicles.

(D) Adequate off-street parking and off-street loading shall be provided in compliance with §§ 152.255 through 152.264 of this chapter.

(E) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any “adjacent” residential use or district and provided in compliance with §§ 152.255 through 152.264 of this chapter.

(F) Whenever a nonresidential use is “adjacent” to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(G) General site screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(H) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts and shall be in compliance with § 152.187 of this chapter.

(I) Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with § 152.191 of this chapter.

(J) The site drainage system shall be subject to the review and approval of the City Engineer.

(K) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are

to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(L) All signs and informational or visual communication devices shall be in compliance with §§ 152.350 through 152.359 of this chapter.

(M) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.

(N) Any applicable business licenses mandated by the city code are approved and obtained.

(O) The hours of operation may be restricted.

(P) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.

(Q) All additional conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

6. Based on the information submitted by the Owner, granting the requested CUP is reasonable, in harmony with the general purposes and intent of the Zoning Ordinance, consistent with City Code §§ 152.072 and 152.073, and in conformance with the City of Cannon Falls Comprehensive Plan, provided that the CUP is subject to and meets, to the satisfaction of the City, the conditions set forth in this resolution.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls that, based upon the findings cited herein, the Owner's request for a conditional use permit to allow for a new cold storage warehouse occupying approximately 16,851 sq. ft. on the Property is approved, subject to Owner's continuing compliance with each of the following conditions:

1. Storage of any material considered hazardous under federal, state or local law is prohibited.

2. All buildings used for indoor storage are to be equipped with a fire suppression system approved by the City Building Official, or his/her designee, and the City Fire Department.

3. All storage shall occur within enclosed buildings.
4. Outside storage of any kind is prohibited.
5. Indoor storage must be confined to the areas of the Property designated by the Owner in the description or illustration provided with the CUP application, which description or illustration is incorporated herein.
6. No retailing, wholesaling, manufacturing, repair, or any activity other than storage shall occur within the areas designated for indoor storage in this CUP.
7. All materials shall be stored in compliance with applicable federal, state and local laws, rules, regulations and requirements including, but not limited to, requirements imposed by the Occupational Safety and Health Administration.
8. Adequate off-street loading and circulation space must be provided in compliance with City Code §§ 152.255 through 152.265, as amended from time to time.
9. Owner shall comply with the following performance standards from City Code § 152.073:
 - (A) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right-of-way shall be provided.
 - (B) The site design for access and parking shall minimize internal and external traffic conflicts and shall comply with City Code §§ 152.255 through 152.264.
 - (C) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect the areas from encroachment by parked or moving vehicles.
 - (D) Adequate off-street parking and off-street loading shall be provided in compliance with City Code §§ 152.255 through 152.264.
 - (E) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any “adjacent” residential use or district and provided in compliance with City Code §§ 152.255 through 152.264 .
 - (F) Whenever a nonresidential use is “adjacent” to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with §§ 152.275 through 152.281 of this chapter.

(G) General site screening and landscaping shall be provided in compliance with City Code §§ 152.275 through 152.281 and approved by the City.

(H) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, comply with City Code § 152.187, and approved by the City.

(I) Potential exterior noise generated by the use shall be identified and mitigation measures, as may be necessary, shall be imposed to ensure compliance with City Code § 152.191.

(J) The site drainage system shall be subject to the review and approval of the City Engineer.

(K) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

(L) All signs and informational or visual communication devices shall comply with City Code §§ 152.350 through 152.359.

(M) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the city.

(N) Any applicable business licenses mandated by the city code are approved and obtained.

(O) The hours of operation may be restricted.

(P) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable, any nonconformities shall be eliminated.

(Q) All additional conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

10. A Conditional Use Permit shall be executed and recorded at Goodhue County prior to insurance of all building permits; and

ADOPTED by the City Council this 1st day of August 2023.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator