

**TO: HONORABLE MAYOR & CITY COUNCIL**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Conditional Use Permit—Used Car Dealership**  
**DATE: February 20, 2024**

**BACKGROUND:**

Before you is an application for a used car dealership located at 1720 Highway 20. This site is zoned R-B, Residential Business, which allows commercial activities via a Conditional Use Permit.

Another used car dealership, Miller Express Cars, operated at this site for while until recently moving locations.

Planning Commission recommended approval at their February 12<sup>th</sup> meeting.

The following exhibits are enclosed to further describe the proposal:

1. Application from Perla Yanez
2. Notice of Public Hearing
3. Site map
4. City Code § 152.608, relating to Conditional Uses in the R-B District
5. Resolution 2739

**REQUESTED COUNCIL ACTION**

Please consider and make a motion to approve Resolution 2739, allowing by a Conditional Use Permit, a used car dealership to operate at 1720 highway 20.



DEVELOPMENT APPLICATION

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

SUBJECT TO STAFF REVIEW

Street Location of Property: 1720 MN-20 Cannon Falls MN 55009

Legal Description of Property:

Owner of Record: Name:
Daytime Phone:
Address:

Applicant (if other than owner)

Name: Perla Yanez
Daytime Phone: (619) 713-3542
Address: 12000 S Robert trl.
Rosemount MN 55068
E-Mail Address: carsunder10kllc@gmail.com

Notary Stamp

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

- Request: [X] Conditional Use Permit [ ] Rezoning/Ordinance Text Amendment
[ ] Subdivision [ ] Variance
[ ] Concept [ ] Interim Use Permit
[ ] Preliminary Plat [ ] Amendment
[ ] Final Plat [ ] CUP/PUD
[ ] Administrative [ ] Site Plan Review
[ ] Administrative Permit [ ] Special Home Occupation
[ ] Vacation [ ] Annexation Petition
[ ] Comp Plan Amendment [ ] Appeal
[ ] 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: 12/17/23

Date Submission Deemed to be Complete: \_\_\_\_\_

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

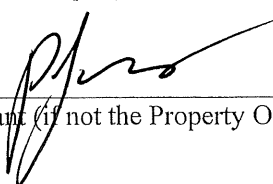
Used Car Dealership  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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

  
\_\_\_\_\_  
Applicant (if not the Property Owner)

Date: \_\_\_\_\_

Date: 12/17/23

FOR CITY USE ONLY

Date Application Filed: \_\_\_\_\_

Basic Fees: <sup>#</sup> 450.00 \_\_\_\_\_

Received By: 3L 12/27/23

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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PAID

Attachment A1

CITY OF CANNON FALLS  
ZONING AND SUBDIVISION FEE SCHEDULE  
2023

	Base Fee/Recording	Escrow Deposit*	Total
<b>Zoning:</b>			
Comprehensive Plan Amendment	\$450	\$0	\$450
Variance	\$450	\$0	\$450
Appeal	\$450	\$0	\$450
Rezoning and Ordinance Text Amendment	\$450	\$0	\$450
Amendment	\$450	\$0	\$450
Conditional Use Permit	\$450	\$0	\$450
Planned Unit Development / Conditional Use Permit	\$450	\$0	\$450
Site Plan Review	\$0	\$0	\$0
Interim Use Permit	\$450	\$0	\$450
Administrative Permit	\$150	\$0	\$150
Home Occupation	\$150	\$0	\$150
Annexation Petition	\$450	\$0	\$450
Vacation	\$450	\$0	\$450
Renewal Permit	\$150	\$0	\$150
Other	\$250	\$0	\$250
<b>Subdivision:</b>			
Administrative Subdivision	\$250	\$0	\$250
Concept Plan	\$250	\$0	\$250
Preliminary Plat	\$500	\$2,500	\$3,000
Final Plat	\$500	\$500	\$1,000
<b>Park Dedication:</b>			
All Residential Units	Fees set by City Council Resolution	NA	10% land \$1,390.00/unit
Commercial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre
Industrial	Fees set by City Council Resolution	NA	10% land \$2,000.00/acre

*\*Whether or not an Escrow Deposit is required, if a consultant is engaged by the City to review the application and a cost is incurred for services rendered the applicant is responsible for payment of any and all professional service expenses. The final determination by the City Council will not be recorded unless and until any and all fees due have been paid by the applicant.*

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota, will meet at 6:30 p.m. in the City Council Chambers of City Hall, on February 12, 2024, to hold a Public Hearing to consider a Conditional Use Permit for a used car dealership operating at 1720 Highway 20.

Project information is available at City Hall. The application and related information are available for public inspection at the City Administrator's office, 918 River Road, Cannon Falls, MN 55009.

Anyone interested in offering comments regarding the proposal will be given an opportunity to do so at this hearing.

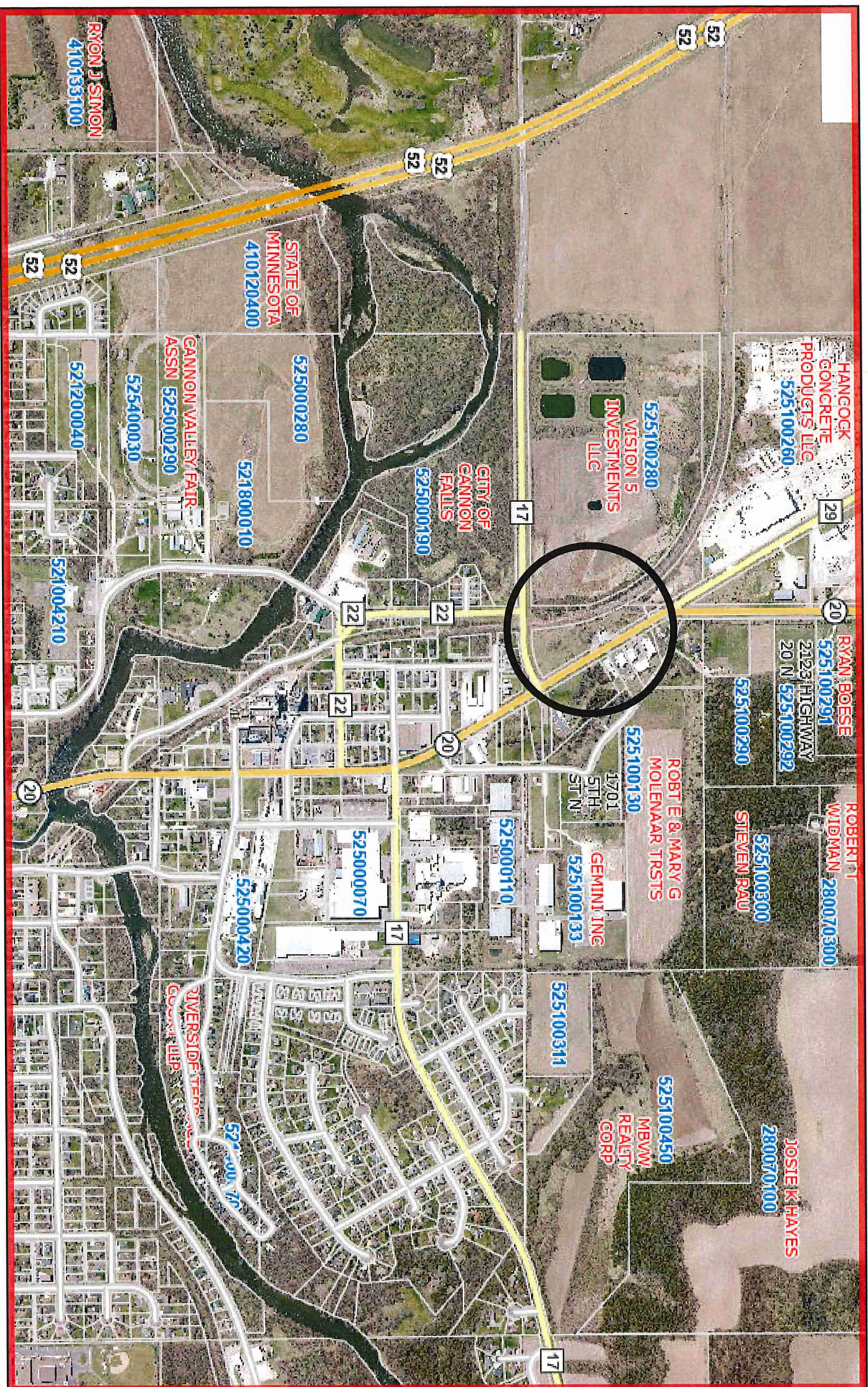
Zach Logelin

507-263-9308

(Feb. 1, 2024) 227479



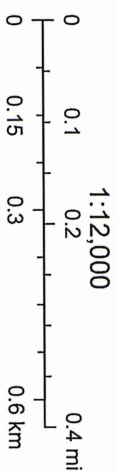
# Aerial Map



January 4, 2024

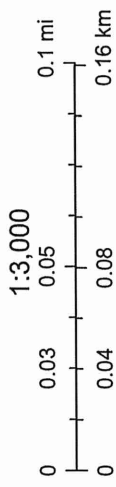
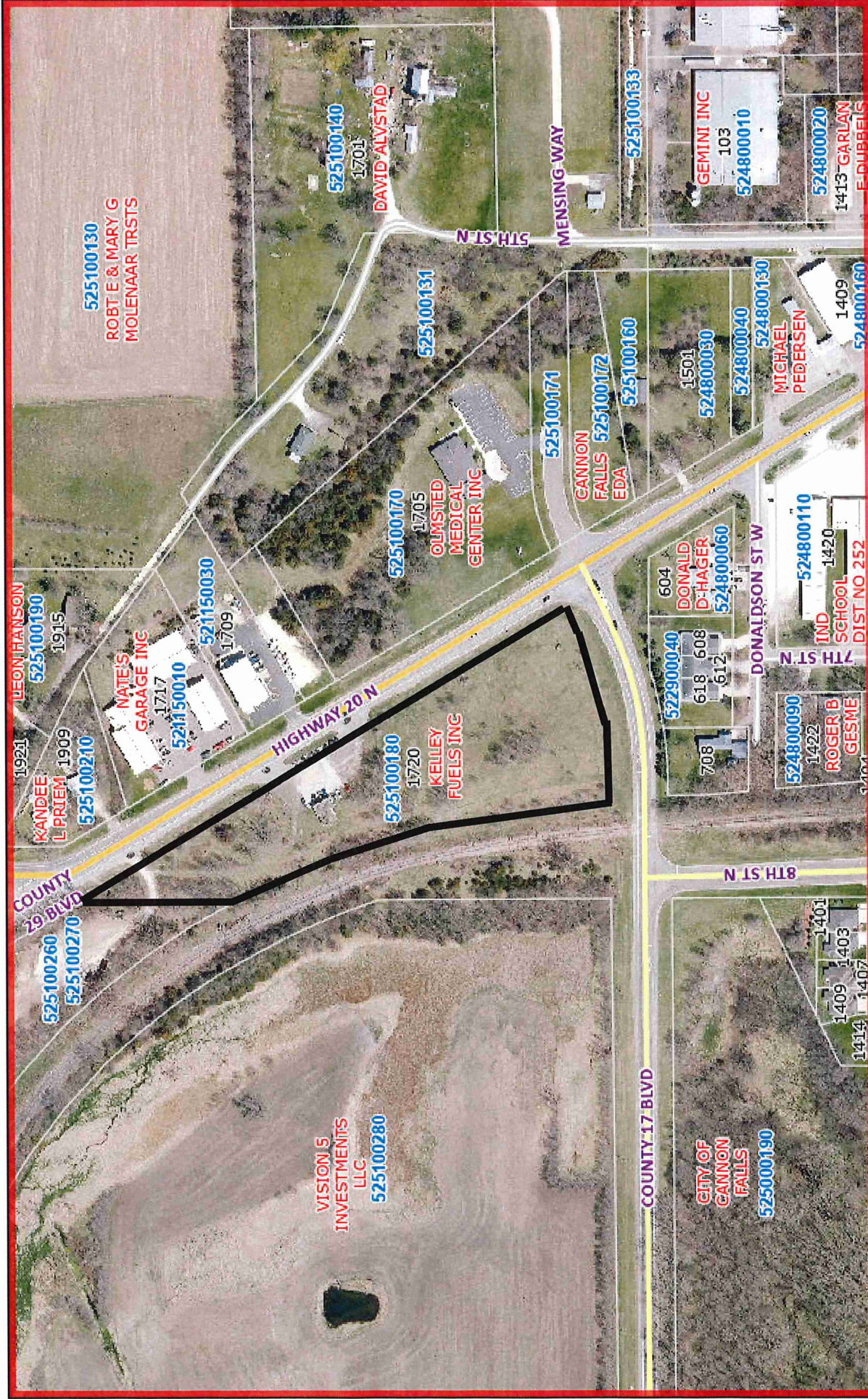
Goodhue County Roads

- CEM; ; OCTY; OGRLN; CTRLN
- CSAHP; CRP
- SHWY
- USHWY
- Esri Major Roads
- Full Address
- Parcels
- PIN
- Full Name





# Site Map



January 4, 2024  
 Goodhue County Roads  
 CEM; ; OCTY; OCRLN; CTRLN  
 CSAHP; CRP  
 SHWY  
 PIN  
 Full Name  
 Parcels



**§ 152.608 CONDITIONAL USES.**

Subject to applicable provisions of this chapter, the following are conditional uses in an R-B 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) Buildings combining residential and nonresidential uses allowed in this district, provided:

- (1) Commercial use shall be located at the street level floor of the principal building;
- (2) The residential and nonresidential uses shall not conflict in any manner; and
- (3) The residential building standards as required by this district are met.

(B) Elderly (senior citizen) housing provided that:

(1) The provisions of § 152.210(C) of this chapter are being met;

(2) Not more than 20% of the occupants may be persons 55 years of age or under (spouse of a person over 55 years of age or caretakers and the like);

(3) To continue to qualify for the elderly housing classification the owner or agency shall annually file with the Zoning Administrator a certified copy of a monthly resume of occupants of a multiple dwelling, listing the number of tenants by age and clearly identifying and setting forth the relationship of all occupants 60 years of age or under to qualified tenants, or to the building;

(4) There is adequate off-street parking in compliance with §§152.255 through 152.264 of this chapter;

(5) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with §§ 152.275 through 152.281 of this chapter;

(6) All signing and informational or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(7) Elevator service is provided to each floor level; and

(8) Usable open space at a minimum of 20% of the gross lot area.

(C) Essential services involving transmission pipelines and transmission or substation lines in excess of 35kV and up to 100kV, provided that the applicable provisions of §§ 152.385 through 152.389 of this chapter are determined to be satisfied;

(D) Government buildings and public related utility buildings and structures necessary for the health, safety and general welfare of the city, provided that when abutting a residential use or a residential use district, the property is screened and landscaped in compliance with § 152.279 of this chapter;

(E) Personal wireless service antennas not located on a public structure or existing tower, provided that the applicable provisions of §§ 152.330 through 152.337 of this chapter are determined to be satisfied;

(F) Planned unit development residential, multiple-family dwelling structures as regulated by §§152.150 through 152.153 of this chapter and subject to the following conditions:

(1) The provisions of § 152.210(C) of this chapter are being met;

(2) The site of the principal use and its related parking is served by an arterial or collector street;

(3) There is adequate off-street parking in compliance with §§152.255 through 152.264 of this chapter;

(4) Parking areas are screened and landscaped from view of surrounding and abutting residential districts in compliance with §§ 152.275 through 152.281 of this chapter;

(5) All signing and informational or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(6) Usable open space at a minimum of 20% of the gross lot area; and

(7) Unit size.

(a) *Multiple-family dwelling units.* Multiple-family dwelling units, except for elderly housing dwelling units, shall have the following minimum floor area per unit.

Efficiency units	500 square feet
One bedroom units	700 square feet
Two bedroom units	800 square feet
More than two bedroom unit	An additional 80 square feet per bedroom

(b) *Exterior treatment.* The exterior of multiple-family dwelling structures shall include a variation in building materials

which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements:

1. A minimum of 25% of the combined area of all building exterior wall of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone; and

2. For the purposes of this section, the area of the building faced shall not include area devoted to windows, entrance doors, garage doors or roof areas;

(G) Medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices, veterinary clinics (not including outside kennels) and funeral homes and mortuaries, provided that:

(1) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter;

(2) Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;

(3) When abutting a residential use, a buffer area with screening and landscaping in compliance with §152.279 of this chapter shall be provided; and

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

(H) Nursing homes and similar group housing, hospitals, sanitariums or similar institutions, provided that:

(1) Side yards are double the minimum requirements established for this district and are screened in compliance with § 152.279 of this chapter;

(2) Only the rear yard shall be used for play or recreational areas. The area shall be fenced and controlled and screened in compliance with § 152.279 of this chapter;

(3) The site shall be served by an arterial or collector street as defined by the Comprehensive Plan of sufficient capacity to accommodate traffic which will be generated;

(4) All signing and information or visual communication devices shall be in compliance with §§152.350 through 152.359 of this chapter;

(5) All state laws and statutes governing the use are strictly adhered to and all required operating permits are secured; and

(6) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter.

(I) Personal wireless service antennas not located on a public structure or existing tower, provided that the applicable provisions of §§ 152.330 through 152.337 of this chapter are determined to be satisfied;

(J) Public or semi-public recreational buildings and community centers, public and private educational institutions and religious institutions provided that:

(1) Side yard shall be double that required for the district, but no greater than 30 feet;

(2) Adequate screening from abutting residential uses and landscaping is provided in compliance with §§152.275 through 152.281 of this chapter; and

(3) Adequate off-street parking and loading space is provided in compliance with §§152.255 through 152.264 of this chapter.

(K) Retail commercial activities, provided that:

(1) Merchandise is sold at retail;

(2) Adequate off-street loading is provided in compliance with §§152.255 through 152.264 of this chapter;

(3) Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement;

(4) When abutting a residential use, a buffer area with screening and landscaping in compliance with §152.279 of this chapter shall be provided; and

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

(L) Motor fuel stations provided the following.

(1) *Motor fuel facilities.* Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

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

**RESOLUTION NUMBER 2739**

**CONDITIONAL USE PERMIT FOR A USED CAR DEALERSHIP—CARS UNDER 10K LLC**

**WHEREAS**, Perla Yanez, has made an application for a Conditional Use Permit to operate a used car dealership at 1720 Highway 20;

**WHEREAS**, the Planning Commission conducted a public hearing on February 12, 2024 to accept testimony relating to the application; and

**WHEREAS**, the Planning Commission finds the granting of the Conditional Use Permit is reasonable, 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 to operate a used car dealership, located at 1720 Highway 20, be approved.

**ADOPTED** by the City Council of Cannon Falls this 20<sup>th</sup> day of February, 2024.

**CITY OF CANNON FALLS**

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Matt Montgomery, Mayor

ATTEST: \_\_\_\_\_  
Neil L. Jensen, City Administrator