

**TO: Cannon Falls City Council**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Conditional Use Permit-Dollar General (PID 524800700), Zoned R-B**  
**DATE: June 18<sup>th</sup>, 2024**

### **BACKGROUND**

In order to operate in the R-B zone in accordance with City Code 152.608(K), Capital Growth Buchalter Real Estate Developer (Cannon Falls DG, LLC) is applying for a Conditional Use Permit. Retail Commercial is allowed as stated in exhibit two.

The following exhibits are enclosed to further describe the proposal:

1. Conditional Use Permit Application
2. City Code 152.608 showing conditional uses in the R-B zone
3. Resolution 2764

### **REQUESTED CITY COUNCIL ACTION**

Please consider and make a motion to approve Resolution 2764, allowing Retail Business relating to a Dollar General via a Conditional Use Permit.



## DEVELOPMENT APPLICATION

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

### SUBJECT TO STAFF REVIEW

Street Location of Property: Northeast corner of 5th St. N & Dakota St. W (524800700)

Legal Description of Property: See attached

Owner of Record: Name: Acre Real Estate Holding LLC

Daytime Phone: \_\_\_\_\_

Address: 415 Main St.

Nerstrand MN, 55053

Applicant (if other  
than owner)

Name: Cannon Falls DG, LLC

Daytime Phone: 205-968-9220

Address: 361 Summit Blvd., Suite 110

Birmingham, AL 35243

E-Mail Address: kfarrelly@cgpre.com

*Elizabeth Pilgrim*  
Notary Stamp

ELIZABETH PILGRIM  
NOTARY PUBLIC, ALABAMA STATE AT LARGE  
MY COMMISSION EXPIRES NOV. 12, 2024

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

Request:	<input checked="" type="checkbox"/>	<b>Conditional Use Permit</b>	<input type="checkbox"/>	Rezoning/Ordinance Text Amendment
	<input type="checkbox"/>	Subdivision	<input checked="" 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: 4/18/24

Date Submission Deemed to be Complete: 3/2

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

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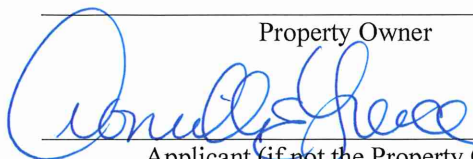
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**SUPPORTING DOCUMENTATION:** Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined 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: 4/16/24

## § 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 2764**

**CONDITIONAL USE PERMIT FOR DOLLAR GENERAL**

**WHEREAS**, Cannon Falls Dollar General LLC has made an application for a Conditional Use Permit to allow for a new Dollar General store to operate in the Residential Business District in the City of Cannon Falls; and

**WHEREAS**, City Code 152.608(K) states retail commercial activities are allowed via a Conditional Use Permit, PID 52.480.0700; and

**WHEREAS**, the Planning Commission conducted a public hearing on June 10<sup>th</sup>, 2024 to accept public testimony relating to the application; and

**WHEREAS**, the Planning Commission finds that: the allowance of the requested Conditional Use Permit reasonable; and

**WHEREAS**, the Planning Commission recommends to the Cannon Falls City Council that the application for the Conditional Use Permit be conditionally approved.

**NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL 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 application for a Conditional Use Permit for a Dollar General to operate in the Residential Business District in the City of Cannon Falls located at PID 52.480.0700 be approved subject to compliance with all remaining requirements of the City of Cannon Falls Zoning Code Chapter 152 and State of Minnesota Building Code requirements.

**ADOPTED** by the City Council of Cannon Falls this 18<sup>th</sup> day of June, 2024.

**CITY OF CANNON FALLS**

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Matt Montgomery, Mayor

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