

**TO: Cannon Falls City Council**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Resolutions and Findings of Fact for Dollar General**  
**DATE: July 2<sup>nd</sup>, 2024**

## **BACKGROUND**

At the June 18 City Council meeting, the Conditional Use permit and Variances for Dollar General were approved. Part of the developing and approval process to explain land use decisions are presenting the findings of fact. Attached, you will find the findings of fact for the Conditional Use Permit and Variances.

You will find the resolution for each request accompanied by findings and decisions that explain the relevant facts and apply them to legal standards. The applicable decisions highlight the standards that must be met by the applicant.

The following are attached to further describe the proposal:

1. Conditional Use Permit Resolution
2. Variance Resolution Setback
3. Variance Resolution Parking Stalls
4. Exhibit A, Legal Description
5. Exhibit B, Plans

## **REQUESTED ACTION**

Please consider and make a motion to approve Resolution 2767, allowing a Conditional Use Permit for Dollar General to operate a retail business located at PID 52.480.0700. Please make a motion to approve Resolution 2768, allowing a 13.7 front setback Variance for Dollar General. Please make a motion to approve Resolution 2769, allowing a nine-space reduction to the parking requirement.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, June 10<sup>th</sup>, 2024 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 retail use in the R-B zone to accommodate the new construction of a Dollar General. The applicant is also requesting a thirteen-foot front yard setback Variance, an eighteen-space reduction to the parking requirement, and a seven-foot drive aisle setback (PID 524800700). This property is zoned R-B, Residential Business. 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 55099.

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

Zach Logelin  
507-263-9308



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

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: [X] Conditional Use Permit, [ ] Subdivision, [ ] Rezoning/Ordinance Text Amendment, [X] 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: 4/18/24

Date Submission Deemed to be Complete: [Signature]

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

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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  
[Signature]  
Applicant (if not the Property Owner)

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

Date: 4/16/24



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

**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: 30

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

Proposed development of a 10,640 sqft Dollar General retail store  
at the northeast corner of 5th St. and Dakota St. The site is currently  
zoned R-B, Residential Business, and retail is a conditional use in the  
R-B district. We are requesting a parking variance, 48 are required &  
Dollar General only needs 30 for this size of store. We are also requesting  
a parking/drive aisle setback variance along the north property line,  
10' setback is required and we're proposing 3.6'.

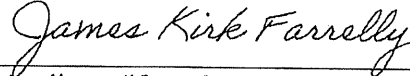
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**SIGNED:**

  
Property Owner

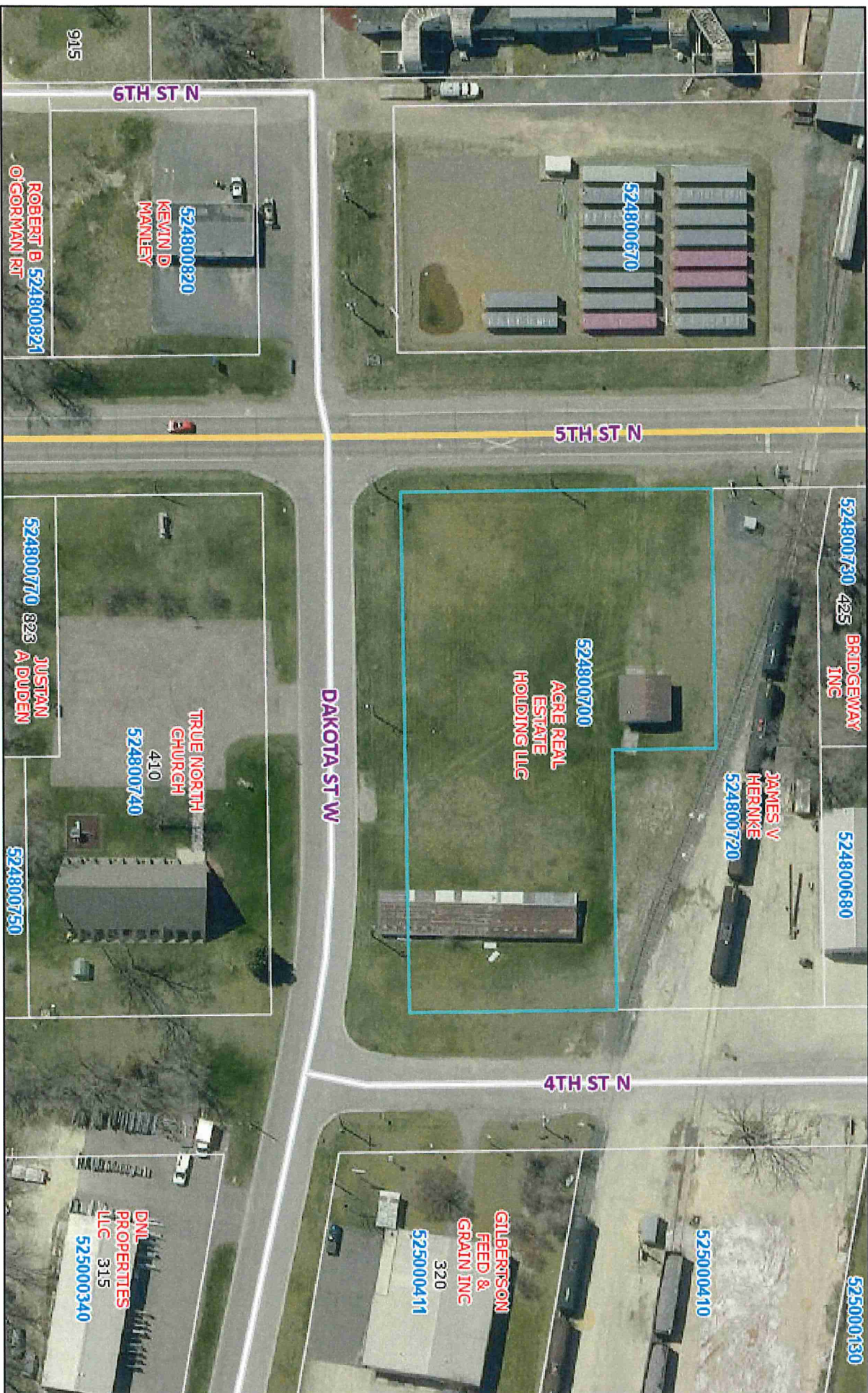
Date: 4/18/24

  
Applicant (if not the Property Owner)

Date: 4/16/2024



# ArcGIS WebMap



May 9, 2024

Goodhue County Roads

CEM; ; OCTY; OCTRLN; CTRLN

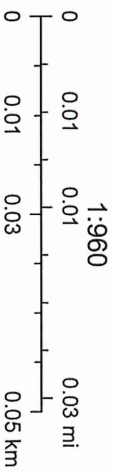
House Number

Full Name

PIN

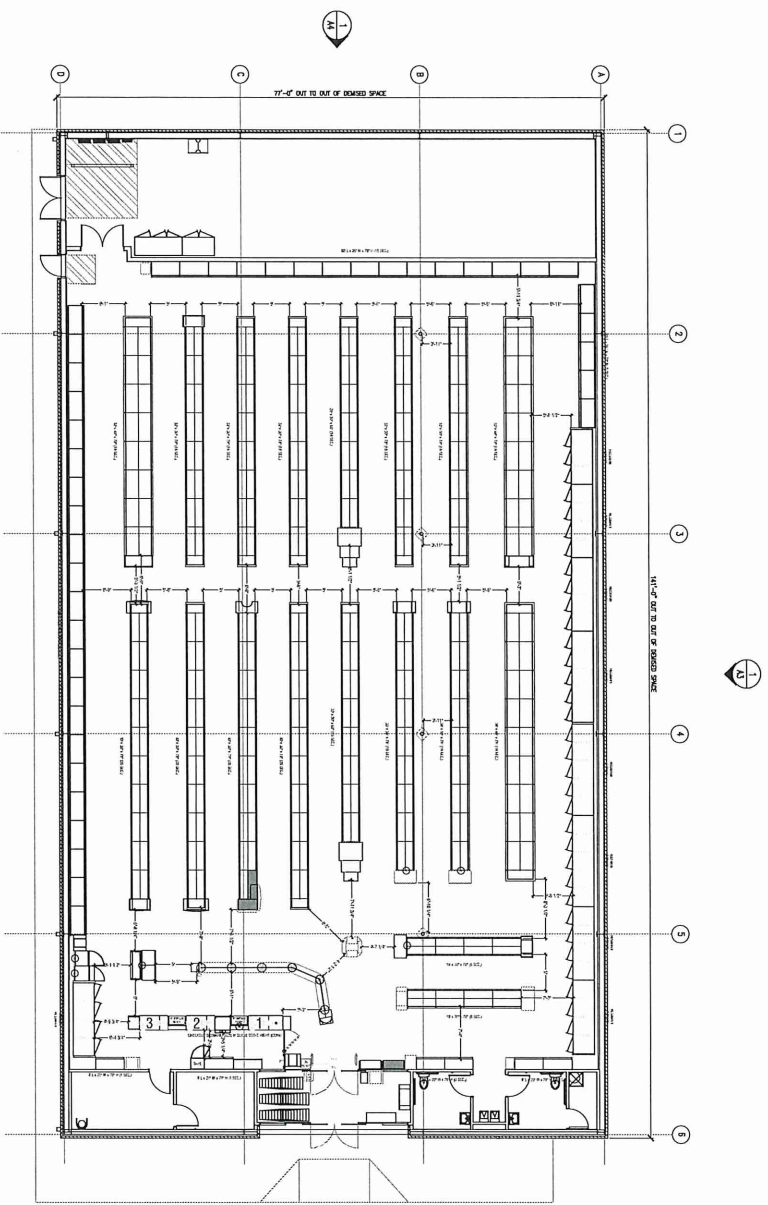
Parcels

SHWY



# DOLLAR GENERAL®

5th STREET NORTH & DAKOTA  
STREET WEST  
CANNON FALLS, MINNESOTA 55009



FLOOR/FIXTURE PLAN  
SCALE: NOT TO SCALE



chadha + associates  
architects + interior + design

205 WEST GONDWE STREET, SUITE 2001, DUNDAS LAKE, MN 55009  
763.232.0488 | www.chadha.com | 731.232.9844

CG BUCHALTER, LLC  
361 SUMMIT BLVD., SUITE 110  
BIRMINGHAM, AL 35243  
PHONE: (205) 263-4584



NEW ONE STORY  
RETAIL BUILDING

DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
5th STREET NORTH & DAKOTA STREET WEST  
CANNON FALLS, MINNESOTA 55009

ISSUE FOR	
NO.	DESCRIPTION
1.	ISSUE APPROVAL, REVISION DATE
2.	ISSUE APPROVAL, REVISION DATE
3.	ISSUE APPROVAL, REVISION DATE
4.	ISSUE APPROVAL, REVISION DATE
5.	ISSUE APPROVAL, REVISION DATE
6.	ISSUE APPROVAL, REVISION DATE
7.	ISSUE APPROVAL, REVISION DATE
8.	ISSUE APPROVAL, REVISION DATE
9.	ISSUE APPROVAL, REVISION DATE
10.	ISSUE APPROVAL, REVISION DATE






FLOOR/FIXTURE  
PLAN

A1

SHEET NO.  
CA-108 NO. 24-0019.05



BUILDING FACADE MATERIALS

GROUP SHUTTERS		BALANCED BEIGE HARDIE PLANK SIDING		VANDYKE BROWN HARDIE PLANK PANEL		WARM STONE SMOOTH FACE CHU		VANDYKE BROWN SMOOTH FACE CHU	
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1 2 5th STREET N - WEST  
SCALE: NOT TO SCALE



ch d d a \* associates  
architecting • interiors • design

208 WEST KODIAK STREET SUITE 203E CHICAGO ILLINOIS 60608  
1-312-232-2202 | www.chdada.com | 1-312-232-2904

CG BUCHALTER, LLC  
381 SUMMIT BLVD., SUITE 110  
BIRMINGHAM, AL 35243  
PHONE: (205) 263-4584



NEW ONE STORY  
RETAIL BUILDING

DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
5th STREET NORTH & DAKOTA STREET WEST  
CANNON FALLS, MINNESOTA 55009

ISSUED FOR

NO.	DATE	DESCRIPTION
2	04/17/2024	ISSUE APPROVAL, REVISING
1	03/12/2024	ISSUE APPROVAL

SHEET TITLE  
5th STREET N - WEST

A2

SHEET NO.

CVA JOB NO. 24-0019.05

**BUILDING FACADE MATERIALS**



**ch d h a \* associates**  
 architecture • interior • design

208 WEST KONGS STREET SUITE 207B CHANDLER MINN 55009  
 1.731.232.2302 | www.chdha.com | 1.731.232.2304

**CG BUCHALTER, LLC**  
 381 SUMMIT BLVD., SUITE 110  
 BIRMINGHAM, AL 35243  
 PHONE: (205) 263-4584



**NEW ONE STORY  
 RETAIL BUILDING**

DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
 5th STREET NORTH & DAKOTA STREET WEST  
 CANNON FALLS, MINNESOTA 55009

ISSUE FOR

2.	ISSUE APPROVAL, PROPOSING	04/17/2024
1.	ISSUE APPROVAL	03/27/2024
NO.	DESCRIPTION	DATE

DAKOTA ST W -  
 SOUTH

SHEET NO.

**A3**

CA-103 NO. 24-0019.05



① DAKOTA ST W - SOUTH  
 ② SCALE: NOT TO SCALE



**BUILDING FACADE MATERIALS**

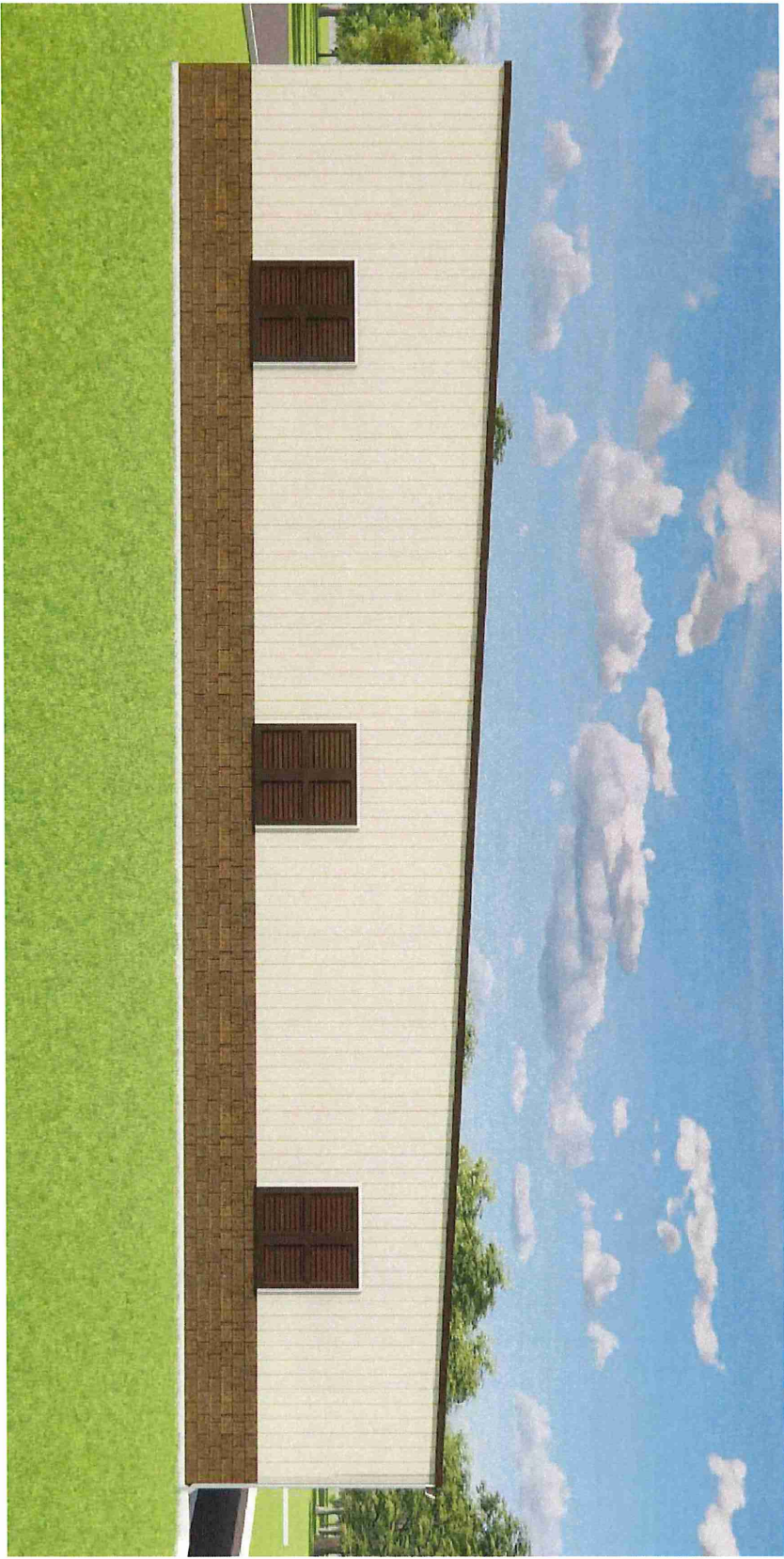


208 WEST KANSAS STREET SUITE 207B CANNON FALLS MINN 55009  
 731.232.2922 | www.chadha.com | 731.232.9284

**CG BUCHALTER, LLC**  
 361 SUMMIT BLVD., SUITE 110  
 BIRMINGHAM, AL 35243  
 PHONE: (205) 263-4584



**NEW ONE STORY  
 RETAIL BUILDING**  
 DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
 5th STREET NORTH & DAKOTA STREET WEST  
 CANNON FALLS, MINNESOTA 55009



① 4th STREET N - EAST  
 ② SCALE NOT TO SCALE

ISSUE FOR

NO.	REVISION	DATE
1	ISSUE FOR	02/21/2024
2	DESCRIPTION	DATE

SHEET TITLE  
 4th STREET N - EAST

**A4**

SHEET NO.  
 CMA JOB NO. 24-0019.05

**BUILDING FACADE MATERIALS**


 WHITE GARAGE  
 PROFILE METAL  
 PANEL


 WARM STONE  
 SMOOTH FACE CMU




**DELIVERY SIDE - NORTH**  
 SCALE: NOT TO SCALE

**chadha + associates**  
 architects + interior + design



200 WEST KANSAS STREET SUITE 200 CHICAGO ILLINOIS 60606  
 1-773-232-2228 | www.chadha.com | 1-773-232-9904

**CG BUCHALTER, LLC**  
 361 SUMMIT BLVD., SUITE 110  
 BIRMINGHAM, AL 35243  
 PHONE: (205) 263-4584



**NEW ONE STORY  
RETAIL BUILDING**

DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
 5th STREET NORTH & DAKOTA STREET WEST  
 CANNON FALLS, MINNESOTA 55009

ISSUE FOR

2. REVISION APPROVAL: 04/17/2024  
 1. REVISION APPROVAL: 03/27/2024  
 NO. DESCRIPTION DATE  
 SHEET TITLE  
**DELIVERY SIDE -  
NORTH**








**A5**

SHEET NO.

CVA-DB3 NO. 24-0019 AS



BUILDING FACADE MATERIALS

						
BRONZE SHUTTERS	BALANCED BEIGE HARDIE PLANK SIDING	VAN DYE BROWN HARDIE PLANK PANEL	WARM STONE SMOOTH FACE CMU	VAN DYE BROWN SMOOTH FACE CMU	VAN DYE BROWN SMOOTH FACE CMU	KILN DRIED RED/AMBER PROFILE METAL PANEL



Ⓟ PERSPECTIVE  
SCALE: NOT TO SCALE



200 WEST KENNESA STREET, SUITE 2070, DUNDAS LAKES, MINN.  
1213122228 | www.chadhaassociates.com | 1.727.228.2904

CG BUCHALTER, LLC  
361 SUMMIT BLVD., SUITE 110  
BIRMINGHAM, AL 35243  
PHONE: (205) 263-4584



NEW ONE STORY RETAIL BUILDING  
DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'  
5th STREET NORTH & DAKOTA STREET WEST  
CANNON FALLS, MINNESOTA 55009

ISSUE FOR

2	ISSUE APPROVAL	DATE
1	ISSUE APPROVAL	02/17/2024
NO.	DESCRIPTION	DATE

SHEET TITLE  
PERSPECTIVE VIEW

A6

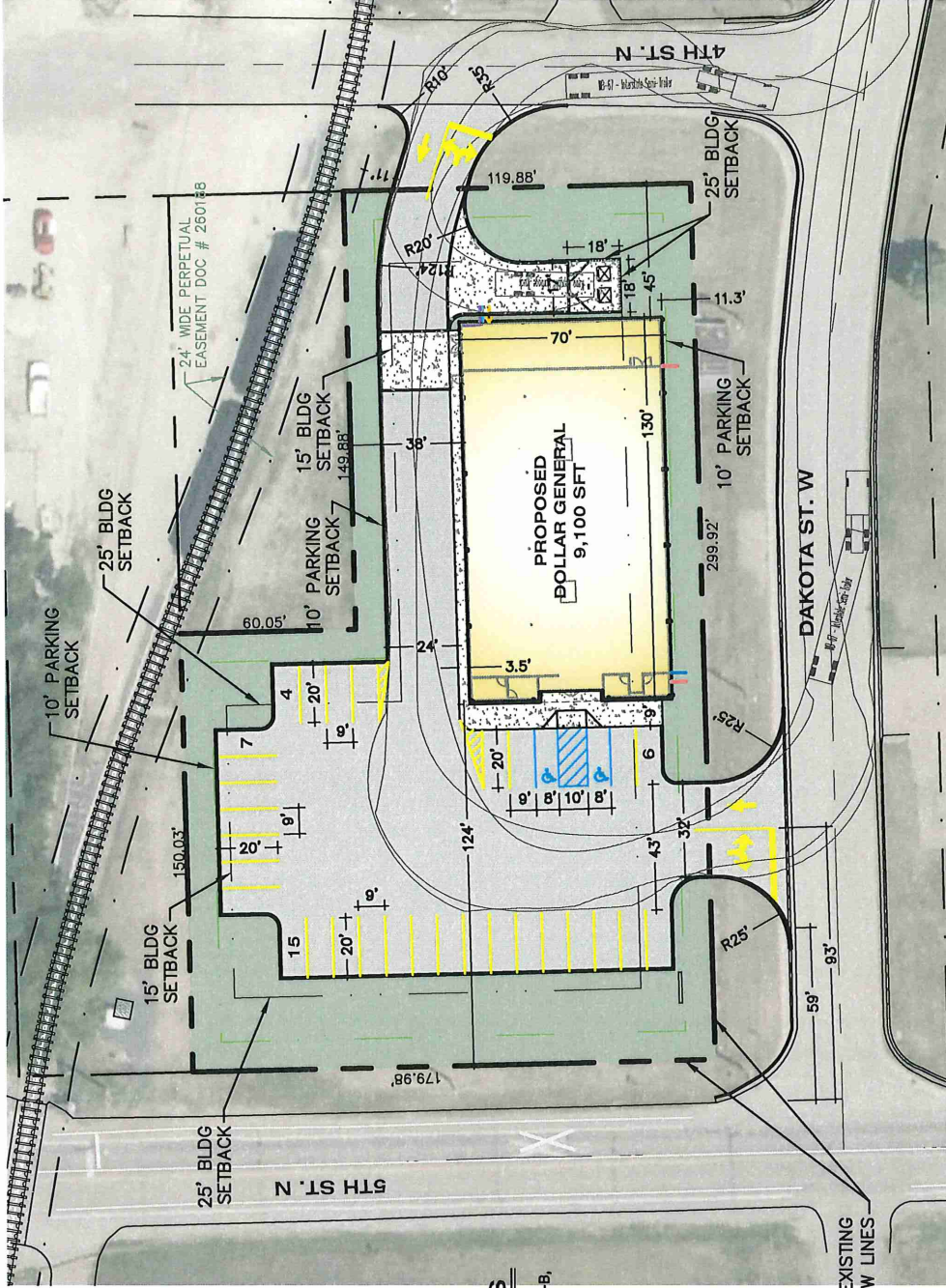
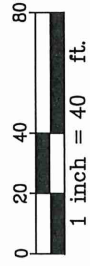
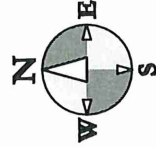
SHEET NO.  
CVA-JOB NO. 24-0019.05

**SITE SUMMARY**

- SITE AREA:  
+/- 1.03 ACRES
- SITE DIMENSIONS:  
SEE PLAN
- ZONED:  
R-B, RESIDENTIAL BUSINESS DISTRICT  
RETAIL IS A CONDITIONAL USE IN THE R-B DISTRICT.
- BUILDING SETBACKS:  
STREET - 25'  
SIDE - 15' (25' WHEN ABUTTING STREET)  
REAR - 25' (35' WHEN ADJACENT TO RESIDENTIAL)
- PARKING/DRIVE AISLE SETBACKS:  
STREET - 10'  
REAR - 10'
- PARKING:  
- FLOOR AREA, MINUS 10%  
- 1 SPACE/200 SQFT OF FLOOR AREA  
- 9,100 SQFT - 910 SQFT (10%) = 8,190 SQFT  
- 8,190 SQFT/200 = 41 SPACES REQUIRED  
- PROPOSED: 32 SPACES

**CONDITIONAL USE/VARIANCES**

- CONDITIONAL USE:  
REQUESTING A CONDITIONAL USE FOR RETAIL IN THE R-B,  
RESIDENTIAL BUSINESS DISTRICT
- VARIANCES:  
BUILDING SETBACK ALONG DAKOTA ST:  
- 25' REQUIRED, 11.3' PROPOSED.  
PARKING:  
- 41 SPACES REQUIRED, 32 PROPOSED





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

**RESOLUTION NUMBER 2767**

**RESOLUTION GRANTING CONDITIONAL USE PERMIT  
FOR DOLLAR GENERAL**

**WHEREAS**, Acre Real Estate Holding LLC (“Applicant”) is the applicant for a conditional use permit (“CUP”) for property located in the City of Cannon Falls legally described on the attached Exhibit A (the “Property”);

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

**WHEREAS**, on May 13, 2024 and June 10, 2024, the Planning Commission held public hearings and considered the Applicant’s CUP application, recommending approval; and

**WHEREAS**, the City Council considered the matter at its June 18, 2024 meeting, receiving the recommendation of the Planning Commission, the report from City Staff, and other information.

**NOW, THEREFORE**, the City Council of the City of Cannon Falls makes the following:

**FINDINGS**

1. The Applicant is requesting a CUP for the proposed development of a Dollar General retail establishment on the Property (the “Proposed Use”).
2. The Applicant submitted for City Council’s review and approval of the plans for the Property drafted by CG Buchalter, LLC last dated April 12, 2024 (the “Plans”), which Plans are attached hereto as Exhibit B.
3. The Property is currently zoned R-B, Residential Business. The land surrounding the Property is zoned R-B, Residential Business.
4. 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.
5. Pursuant to City Code § 152.608, the Proposed Use is allowed with a CUP.
6. City Code § 152.070 states:

The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of

certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the city may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining streets, and all other or further factors as the city shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

7. The Applicant is proposing to construct a 9,100 sq. ft. Dollar General store. The Proposed Use is consistent with the R-B zoning district and surrounding properties, and will not be detrimental to said properties, to existing roads and traffic, and the general health, safety, and welfare of the public, provided it is subject to and meetings the conditions set forth in this Resolution.

### **DECISION**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cannon Falls and based upon the information received and the above Findings:

1. The City Council does hereby conditionally approve the CUP for the Proposed Use and Plans, subject to the following conditions:

a. Construction on and maintenance of the Property shall comply with, at all times, the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.

b. Applicant shall construct and maintain on its Property, at its sole cost and expense, signage approved by the City that prohibits semi-trucks from turning left across the railroad tracks when exiting the Property onto 4<sup>th</sup> Street North.

c. Applicant shall construct and maintain a 6' high privacy fence (the "Fence") on the north side of the Property adjacent to the railroad tracks in accordance with City Code requirements. Prior to starting construction, Applicant shall apply for and obtain a fence permit from the City.

d. The conditional approvals granted by this Resolution are subject to the completion of and compliance with all ministerial matters set forth in the City Code and required by the City, including but not limited to, those of Engineering, Planning, Administrative and Legal Departments, including of fees imposed by City Code.

e. The conditional approval granted by this Resolution applies only to the Property.

f. The Applicant shall make application for and receive (on the condition that the Applicant complies with the requirements of this Resolution and City Code) all necessary building permits.



g. Pursuant to Minn. Stat. § 462.3595, the Applicant shall record a certified copy of this Resolution with the Goodhue County Recorder or the Goodhue County Register of Titled and provide the City a copy with recording information prior to the issuance of any permits for development of the Property.

h. The provisions of this Resolution shall run with the land and bind the Applicant's successors and assigns. Upon any violation of any of the above conditions, the City will notify the apparent fee title owner of the Property of the violation. The apparent fee title owner of the Property shall have 30 days to cure the notified violation. The City Council may terminate this CUP for noncompliance after a hearing.

i. The CUP granted herein shall be subject to the applicable provisions of City Code, including, but not limited to, City Code § 152.038 regarding expiration of zoning approvals.

**ADOPTED** by the City Council this 2<sup>nd</sup> day of July 2024.

\_\_\_\_\_  
Matt Montgomery, Mayor

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

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

SITUATE IN GOODHUE COUNTY, STATE OF MINNESOTA:

LOTS 4, 5, 6, 7 AND 8, BLOCK 35, ST. CLAIRS TERRE HAUTE ADDITION, CANNON FALLS, GOODHUE COUNTY, MINNESOTA.

Tax ID: 52.480.0700

BEING THE SAME PROPERTY CONVEYED TO ACRE REAL ESTATE HOLDING, LLC, A LIMITED LIABILITY COMPANY, GRANTEE, FROM ROCHELLE GILLILAND AND DONNIE GILLILAND, MARRIED TO EACH OTHER, ANDREA TOMASKA, A SINGLE PERSON AND LINDSEY PRINK F/K/A LINDSAY TOMASKA AND JOSEPH PRINK, MARRIED TO EACH OTHER, GRANTOR, BY WARRANTY DEED RECORDED 9/29/2022, AS INSTRUMENT # A688613 OF THE GOODHUE COUNTY RECORDS.

END OF SCHEDULE A

**EXHIBIT B**  
**PLANS**