

**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 4th 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 2nd 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