

Neil Jensen

From: Matt Montgomery
Sent: Friday, July 5, 2024 3:40 PM
To: Neil Jensen; sryan@hoffbarry.com
Subject: Dollar General Challenge

City Administrator Jensen and City Attorney Ryan:

As the Mayor of Cannon Falls, and in accordance with city charter Section 2.05, subd. 3, I am challenging the recent passing of Resolutions 2767, 2768, and 2769 regarding the conditional use permit and variances awarded to Dollar General.

I am challenging the council's recent approvals because we are not following the guidelines that are currently in place for Cannon Falls. I disagree with allowing multiple variances (parking stalls and setbacks) to a project that involves new construction. Dollar General has not proven to me that this project is dealing with any unnecessary hardships, or peculiar conditions to the property that warrant an exception to our zoning guidelines.

I cannot support this project as it sits before us.

Matthew Montgomery
Mayor of Cannon Falls
651.263.0296

SECTION 2.05 THE MAYOR.

Subd. 1. The Mayor is a member of the Council for the purposes of presiding at its meetings. The Mayor may not vote, except in case of a tie, when the Mayor may vote to break the tie. The Mayor may appoint Council committees. The Mayor may appoint City boards and commissions subject to confirmation of the appointments by the Council.

Subd. 2. The Mayor must exercise all powers and perform all duties required by law and this Charter. The Mayor is the official head of City government for ceremonial purposes, for purposes of service of civil process, and purposes of martial law. The Mayor must study the operation of City government and report to the Council any neglect, dereliction of duty, or waste on the part of any City officer or department. In time of public danger or emergency, the Mayor may with Council consent take command of the police, maintain order, and enforce the law.

Subd. 3. An ordinance or a resolution adopted by the Council before it takes effect must be promptly presented to and approved by the Mayor. The Mayor approves the ordinance or the resolution by signing it and filing it with the City Administrator. If the Mayor does not file the signed ordinance or resolution with the City Administrator within five days, Sundays, Saturdays and holidays excluded, the ordinance or resolution is deemed approved. If the Mayor does not approve the ordinance or resolution, the Mayor must return it to the City Administrator with the Mayor's written objections for presentment to the Council at its next regular meeting or at a special meeting called for the purpose of reconsidering the ordinance or resolution. At that meeting, the vote by which the ordinance or resolution was adopted is deemed to be reconsidered. If, upon reconsideration, five Council members vote to approve the ordinance or resolution, it is adopted notwithstanding the Mayor's disapproval.

SECTION 2.06 MAYOR PRO-TEM. A Mayor pro-tem must be elected by the Council at its first regular meeting in January following the regular City election. The Mayor pro-tem presides at Council meetings in the Mayor's absence. The Mayor pro-tem may vote on all matters before the Council. The Mayor pro-tem serves until a successor is elected by the Council either upon its declaration of vacancy in the office of Mayor pro-tem or at the first regular Council meeting in January following the next regular City election. The Mayor pro-tem serves as Mayor in the event of the Mayor's disability or absence from the City or when a vacancy in the office of Mayor is declared by the Council.

SECTION 2.07 BOARDS, COMMISSIONS AND COMMITTEES. Except as otherwise provided by law or this Charter, there are no separate administrative boards, commissions, or committees except such boards, commissions, or committees established for administration of a municipal function jointly with another political subdivision. The Council performs the duties and exercises the powers of administrative boards, commissions, and committees. The Council may establish boards, commissions, and committees to advise the Council with respect to a municipal function or activity, to investigate a subject of interest to the City or to perform a quasi-judicial function.

TO: Cannon Falls City Council
FROM: Zach Logelin, License and Permit Technician
SUBJECT: Resolutions and Findings of Fact for Dollar General
DATE: July 2nd, 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 10th, 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

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"/> | Conditional Use Permit | <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

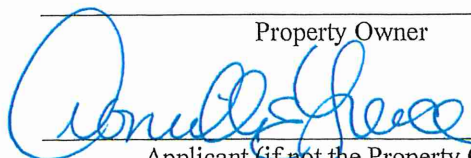
Date Submission Deemed to be Complete: 3/26

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

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



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 Notary Stamp
Daytime Phone: 205-968-9220
Address: 361 Summit Blvd., Suite 110
Birmingham, AL 35243
E-Mail Address: kfarrelly@cgpre.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 PAID ✓	<input checked="" type="checkbox"/>	Variance PAID ✓
		<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: 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'.

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.**

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SIGNED:

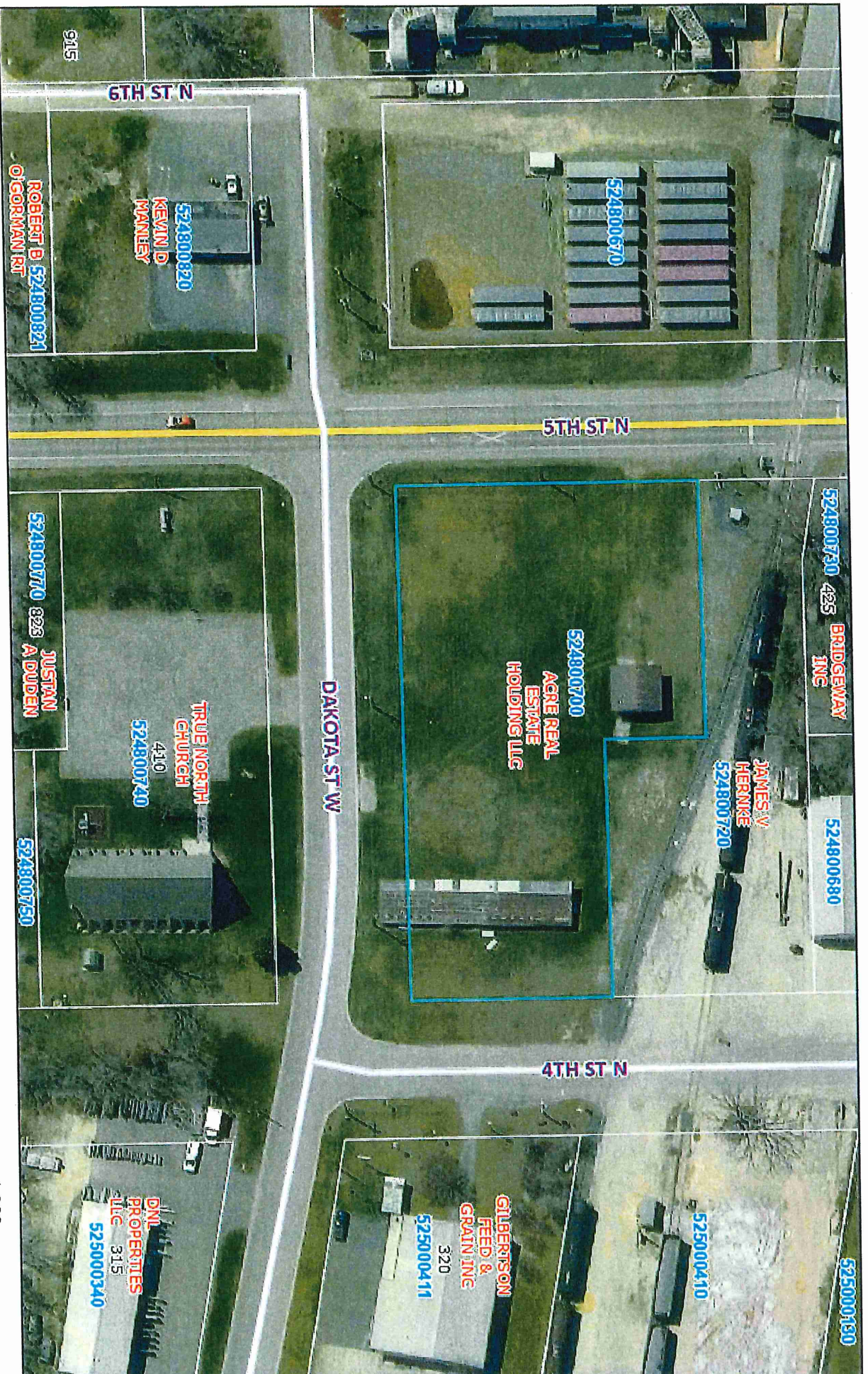
Douglas Elliott
Property Owner

Date: 4/18/24

James Kirk Farrelly
Applicant (if not the Property Owner)

Date: 4/16/2024

ArcGIS WebMap



May 9, 2024

Goodhue County Roads

House Number

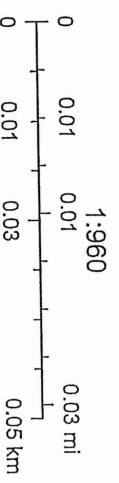
Full Name

CEM; ; OCTY; OCRLN; CTRLN

PIN

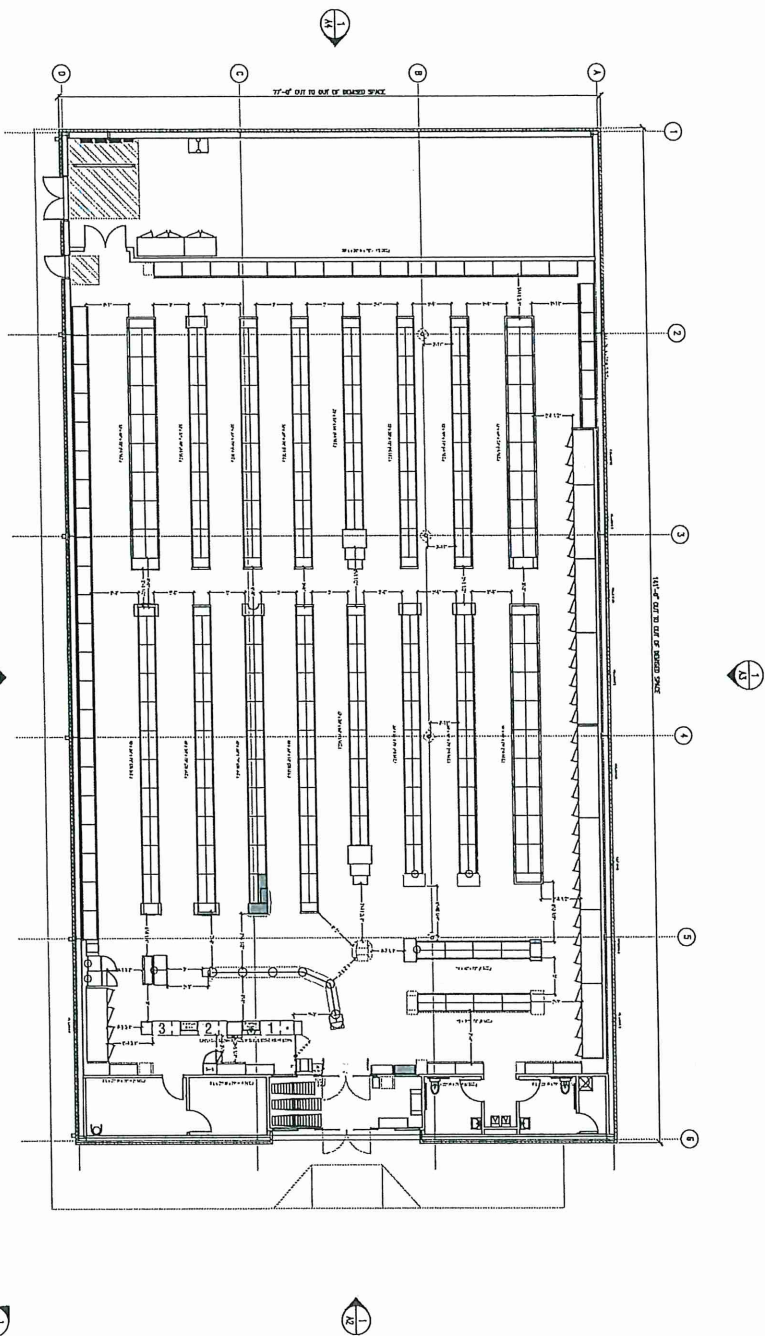
Parcels

SHWY



DOLLAR GENERAL®

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



FLOOR/FIXTURE PLAN
SCALE: NOT TO SCALE



chadha + associates
ARCHITECTURE • INTERIOR • CIVIL

200 WEST LUMBER STREET, SUITE 209, CHICAGO, ILLINOIS 60606
773.337.2200 | www.chadha.com | FAX 773.337.2204

CG BUCHALTER, LLC
361 SUMMIT BLVD., SUITE 110
BIRMINGHAM, AL 35243
PHONE: (205) 261-4584

DOLLAR GENERAL

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	DATE
1	ISSUE APPROVAL	03/17/2024
2	ISSUE APPROVAL	03/17/2024
3	ISSUE APPROVAL	03/17/2024
4	ISSUE APPROVAL	03/17/2024
5	ISSUE APPROVAL	03/17/2024
6	ISSUE APPROVAL	03/17/2024
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8	ISSUE APPROVAL	03/17/2024
9	ISSUE APPROVAL	03/17/2024
10	ISSUE APPROVAL	03/17/2024

FLOOR/FIXTURE
PLAN

A1

SHEET NO.

CA-103 NO. 24-0015.05

BUILDING FACADE MATERIALS



BRONZE SHUTTERS



BALANCED BEIGE
HARDIE PLANK SIDING



VAN DYKE BROWN
HARDIE PLANK PANEL



WARU STONE
SMOOTH FACE CMU



VAN DYKE BROWN
SMOOTH FACE CMU



chad a + associates
ARCHITECTS + INTERIORS + DESIGN

200 WEST KALAMINE STREET SUITE 200 CHICAGO ILLINOIS 60606
773.322.2223 | www.chadarchitect.com | 773.322.7554

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

DOLLAR GENERAL

NEW ONE STORY RETAIL BUILDING

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

ISSUE FOR

NO.	DESCRIPTION	DATE	SHEET NO.
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2	ISSUE FOR	5/17/2017	

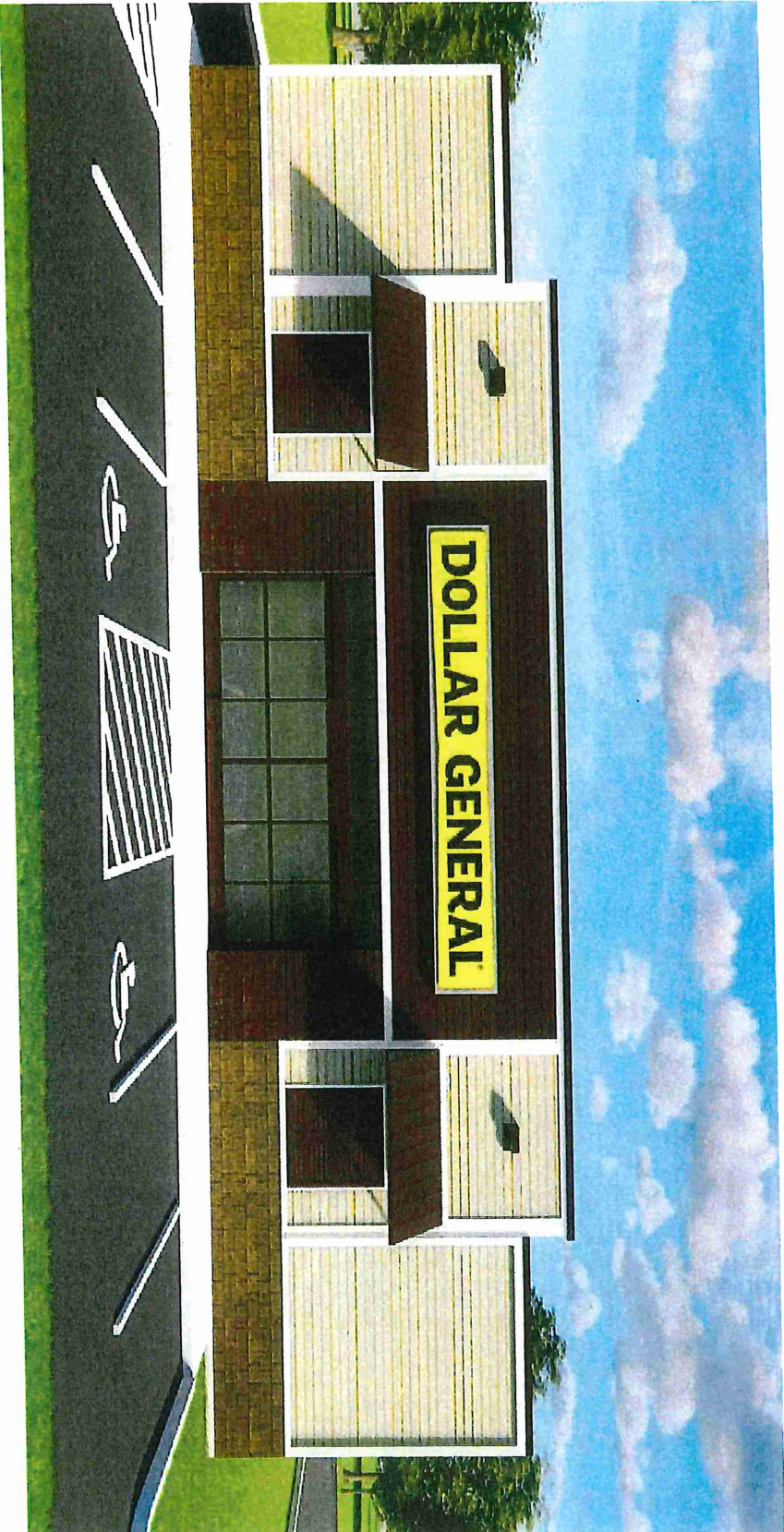
511 STREET N - WEST

A2

SHEET NO.

CM-JOB NO. 24-0013.05

511 STREET N - WEST
SCALE: NOT TO SCALE



BUILDING FACADE MATERIALS



300 WEST KENNEDY STREET, SUITE 200 CHICAGO, ILLINOIS 60601
773.332.2202 | www.chadhaassociates.com | F 773.332.1944

CG BUCHALTER, LLC
361 SUMMIT BLVD., SUITE 110
BIRMINGHAM, AL 35243
PHONE: (205) 263-4384

DOLLAR GENERAL

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

1.	ISSUE APPROVAL	DATE
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4.	ISSUE APPROVAL	DATE

DAKOTA ST W -
SOUTH

SHEET NO.

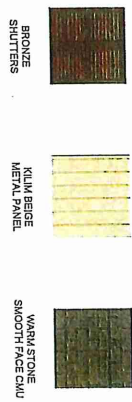
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C/A JOB NO. 24-0013.25

① DAKOTA ST W - SOUTH
SCALE: NOT TO SCALE



BUILDING FACADE MATERIALS



BRONZE SHUTTERS
KILN DRIED METAL PANEL
WARM STONE SMOOTH FACE CMU



chad associates
ARCHITECTS + INTERIORS + DESIGN

200 WEST KANSAS STREET SUITE 100 CANNON FALLS, MN 55009
719.292.2002 | www.chadassociates.com | 719.292.2054

CG BUCHALTER, LLC
361 SUMMIT BLVD., SUITE 110
BIRMINGHAM, AL 35243
PHONE: (205) 263-4384

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

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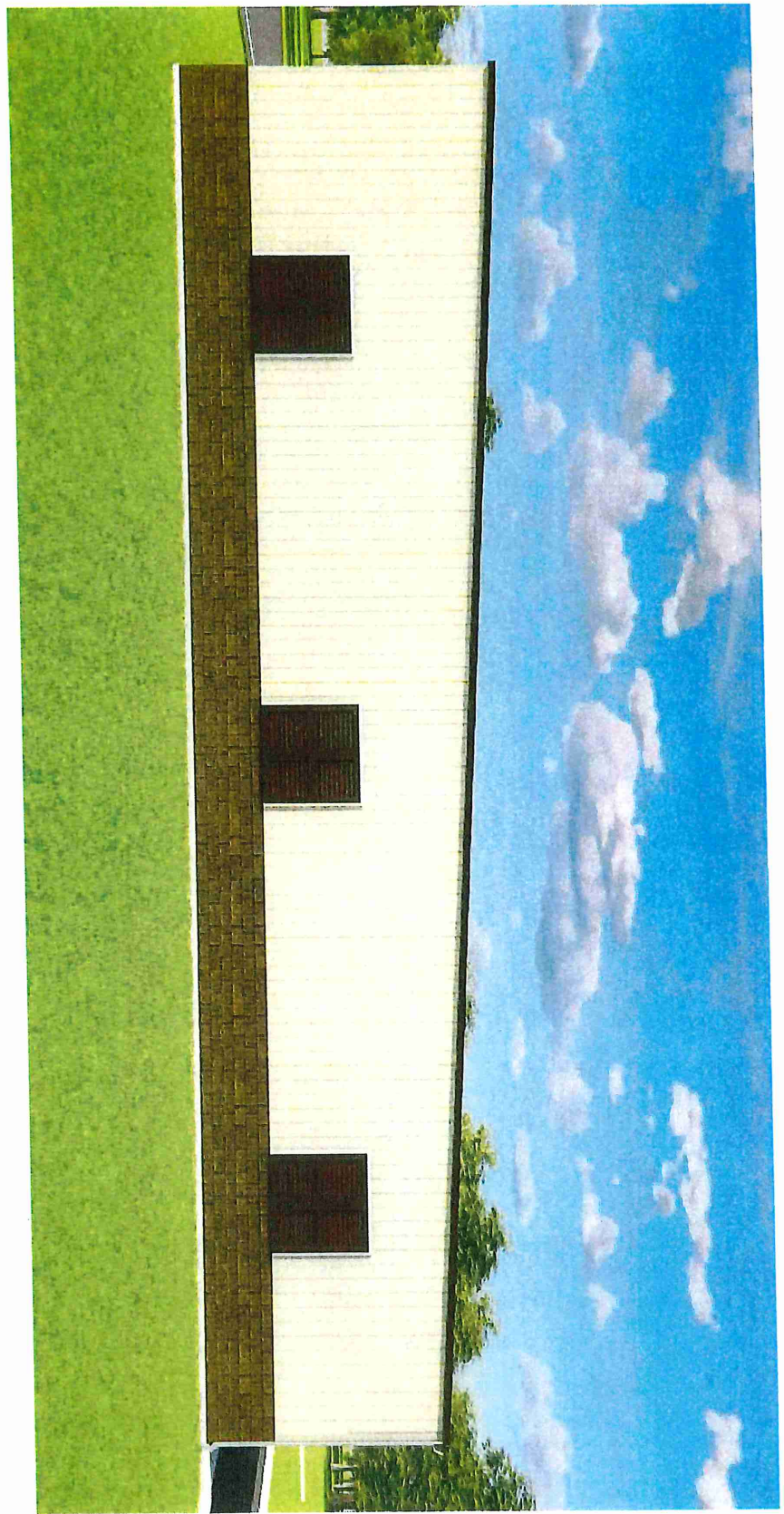
4th STREET N - EAST

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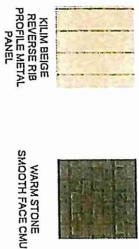
A4

CA-109 NO. 24-0713.03

4th STREET N - EAST
SCALE: NOT TO SCALE



BUILDING FACADE MATERIALS



220 WEST LEXINGTON STREET SUITE 200 CHICAGO, ILLINOIS 60606
773.333.5292 | www.chadhaassociates.com | 773.277.0994

CG BUCHALTER, LLC
361 SUMMIT BLVD., SUITE 110
BIRMINGHAM, AL 35243
PHONE: (205) 369-4934

DOLLAR GENERAL

NEW ONE STORY
RETAIL BUILDING

DOLLAR GENERAL 10,640 SF PROTOTYPE 'A PLUS'
5111 STREET NORTH & DAKOTA STREET WEST
CANNON FALLS, MINNESOTA 55009

ISSUE FOR

1.	ISSUE APPROVAL	REVISED	DATE
1.	ISSUE APPROVAL	REVISED	DATE
NO.	DESCRIPTION	DATE	

SHEET TITLE

DELIVERY SIDE -
NORTH

A5

SHEET NO.

1. DELIVERY SIDE - NORTH
2. SCALE: NOT TO SCALE



CH-028 NO. 24-0013.25

BUILDING FACADE MATERIALS

- BRONZE SHUTTERS
- BALANCED BEIGE HARDIE PLANK SIDING
- VAN DYKE BROWN HARDIE PLANK PANEL
- WARM STONE SMOOTH FACE CMU
- VAN DYKE BROWN SMOOTH FACE CMU
- KILIM BEIGE REVERSE 1/8" PLY PANEL



1
8
PERSPECTIVE
SCALE: NOT TO SCALE



chadha + associates
architects + interior + design

200 WEST HANCOCK STREET, SUITE 210, DUNDAS, MINN. 55009
719.232.2223 | www.chadhaassociates.com | 413.232.2254

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

DOLLAR GENERAL
NEW ONE STORY
RETAIL BUILDING
DOLLAR GENERAL 10,610 SF PROTOTYPE 'A PLUS'
5th STREET NORTH & DAKOTA STREET WEST
CANNON FALLS, MINNESOTA 55009

ISSUE FOR			
NO.	DESCRIPTION	DATE	SHEET NO.
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97	SCHEMATIC DEVELOPMENT	5/14/2024	
98	SCHEMATIC DEVELOPMENT	5/14/2024	
99	SCHEMATIC DEVELOPMENT	5/14/2024	
100	SCHEMATIC DEVELOPMENT	5/14/2024	

PERSPECTIVE VIEW
A6
SHEET NO.
C:\A\JOB NO. 24-0013-23

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:

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 SPACES REQUIRED, 32 PROPOSED
- 41 SPACES REQUIRED, 32 PROPOSED

