

**TO: Cannon Falls City Council**  
**FROM: Zach Logelin, License and Permit Technician**  
**SUBJECT: Conditional Use Permit-Residential Eating Disorder Facility**  
**DATE: September 17<sup>th</sup>, 2024**

## **BACKGROUND**

Zachary Kalatsky has applied for a Conditional Use Permit to convert the existing building at 300 Dow St N into a 60 bed Residential Eating Disorder Facility. The facility would house those who have a DSM eating disorder diagnosis.

The applicant has stated that the Minnesota Center for Eating Disorders classifies eating disorders as a mental illness. The proposed use will treat those whose primary diagnosis is Anorexia Nervosa, Bulimia Nervosa, Binge-Eating Disorder, PICA and others defined by DSM. Additionally, the unit will not be locked and the facility will be open so clients are free to leave as they please.

## **ZONING & DEFINITIONS**

The proposed site will be located at 300 Dow St N and is zoned R-B, Residential Business. Exhibit 3 shows the City of Cannon Falls definitions regarding treatment centers and definitions for similar uses. The definitions include *Lodging Room Establishments*, *State Licensed Residential Facility*, and *Residential Rehab Center*.

Rehab Centers, which have an emphasis on chemical dependency, are limited to the B-2 zone via a Conditional Use Permit. Residential Facilities are a permitted use in the R-1, R-2, and R-3 zones. The applicant's proposed use falls in the R-B zone of the city. Via a Conditional Use Permit, nursing homes and hospitals are allowed.

## **LOOKING AT THE APPLICATION**

The applicant has stated that the use does not fit under the definition of Rehab Center based on the notion eating disorders are a mental health problem. The applicant has stated the use falls under a "Residential Facility." Per the definition of residential facilities and our code, the applicant would need to be proposing a nursing home or hospital, which does not appear to be in the scope of the proposed use.

If the applicant states the use is a "Residential Facility" this means the facility would also be a "Residential Program" under state law (Minnn. Stat. section 245A.02, subd. 14.) and would be subject to licensing if the applicant holds their stance as a residential facility.

Based on our city code, the applicant would need to prove they align with a "nursing home, similar group housing, hospitals, sanitariums or similar institutions (not including residential Rehab Centers)." The proposed use would act as a space to treat and house those with eating disorders and mental health issues. Per the definition of a Residential Rehab Center, "Any cooperative living residence that provides, but is not limited to, homebased services, substance abuse disorder, or co-occurring disorders..." The applicant would need to show significant proof they fall under a nursing home, hospital, or something similar. In accordance with recently amended Ordinance 404, it is reasonable to conclude clients of the

proposed use fall under the definition of a “living residence” that provides services for persons with “emotional disturbance, dependency, substance abuse, or co-occurring disorders.”

The Following are attached to further describe the proposal:

1. CUP Application
2. Legal Description
3. Aerial Map
4. Ordinance Number 404
5. R-B Permitted and Conditional Uses
6. American Psychiatric Association Definition
7. Email Chain with Applicant
8. Resolution 2782

**REQUESTED ACTION:**

Please make a motion to recommend approval of Resolution 2782, denying a Conditional Use Permit for Mr. Kalatsky (the applicant).

## **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning Commission of the City of Cannon Falls, Minnesota will meet on Monday, September 9<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 to operate a Residential Eating Disorder Facility, located at 300 Dow St N, PID 521200660. 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 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:** 300 Dow Street North

**Legal Description of Property:** Cannon Falls Central ADD Doc #612431 lots 4,5,6,13,14,15,16,17,18

BLK 13 EX n6ft Lot 4 & ALSO BLK 20 PT Vac Alley & PT VAC Hoffman ST id# 2-0120-03600

Owner of Record: Name: JFF of Minnesota II LLC

Daytime Phone: 516 650 4879

Address: 1010 Dale St N, Saint Paul

Applicant (if other than owner)

Name: Zachary Kalatsky Notary Stamp

Daytime Phone: 5166557521

Address: 5055 collins ave APT 10A miami beach FL 33140

E-Mail Address: Zacharyskalatsky@gmail.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                               | <input 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: 8/14/24

Date Submission Deemed to be Complete: 8/16/24

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

Convert SNF into an 60 bed Residential Eating Disorder Facility, were the clients

have a primary diagnosis of a DSM eating disorder. We will not be changing the

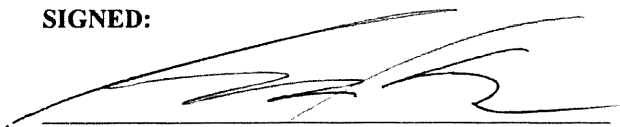
outside of the facility (as it already has a conditional permit)

but we will be upgrading the interior.

**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.**

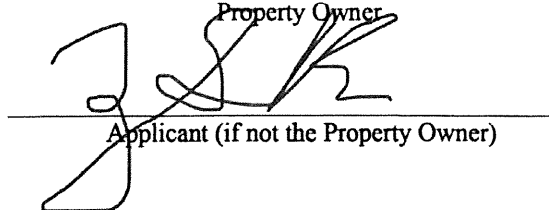
**APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION:** Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the 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

Date: 8/14/24



Applicant (if not the Property Owner)

Date: 8/14/24

=====

FOR CITY USE ONLY

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

Basic Fees: \$450.00 (PAID 8/16)

Received By: [Signature]

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: 9/9/24

Recommendation of Planning Commission on: \_\_\_\_\_  Approve  Deny

Recommendation of City Council on: \_\_\_\_\_  Approve  Deny

Subject to following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.*

## ZONING DISTRICT REQUIREMENT SUMMARY

Zoning District	District Classification	Minimum Lot Size (interior)	Minimum Lot Width (interior)	Setbacks				Principal Building Height
				F	S-I	S-C	R	
UR	Urban Reserve	10 acres	250 feet	30 feet	20 feet	30 feet	30 feet	2½ stories or 45 feet
RE	Single Family Estate	22,000 SF	100 feet	30 feet	15 feet	30 feet	30 feet	2½ stories or 35 feet
R-1	Single Family Residential	12,000 SF	80 feet	30 feet	15 feet	30 feet	30 feet	2½ stories or 35 feet
R-2	Single Family Residential	9,000 SF	70 feet	30 feet	10 feet	20 feet	30 feet	2 ½ stories or 35 feet
R-3	Medium Density Residential	Varies Depending on Unit Type (see Ordinance)						
R-4	High Density Residential	Varies Depending on Unit Type (see Ordinance)						
R-M	Manufactured Home Park	(see Ordinance)						
R-B	Residential Business	Varies (see Ordinance)	100 feet	25 feet	15 feet	25 feet	25 feet	3 stories or 45 feet
B-1	Central Business	None	None	None *				3 stories or 35 feet
B-2	Highway Business	20,000 SF	80 feet	30 feet	10 feet	20 feet	20 feet*	3 stories or 35 feet
I-1	Limited Industrial	20,000 SF	100 feet	30 feet	20 feet*	30 feet*	30 feet*	4 stories or 45 feet
I-2	General Industrial	40,000 SF	100 feet	40 feet	20 feet*	40 feet*	30 feet*	4 stories or 45 feet

F = Front yard setback as measured from the property line

S-I = Side yard setback on interior lots

S-C = Side yard setback on corner lots

R = Rear yard setback

\* Setback increased if abutting a residential district (See Ordinance)

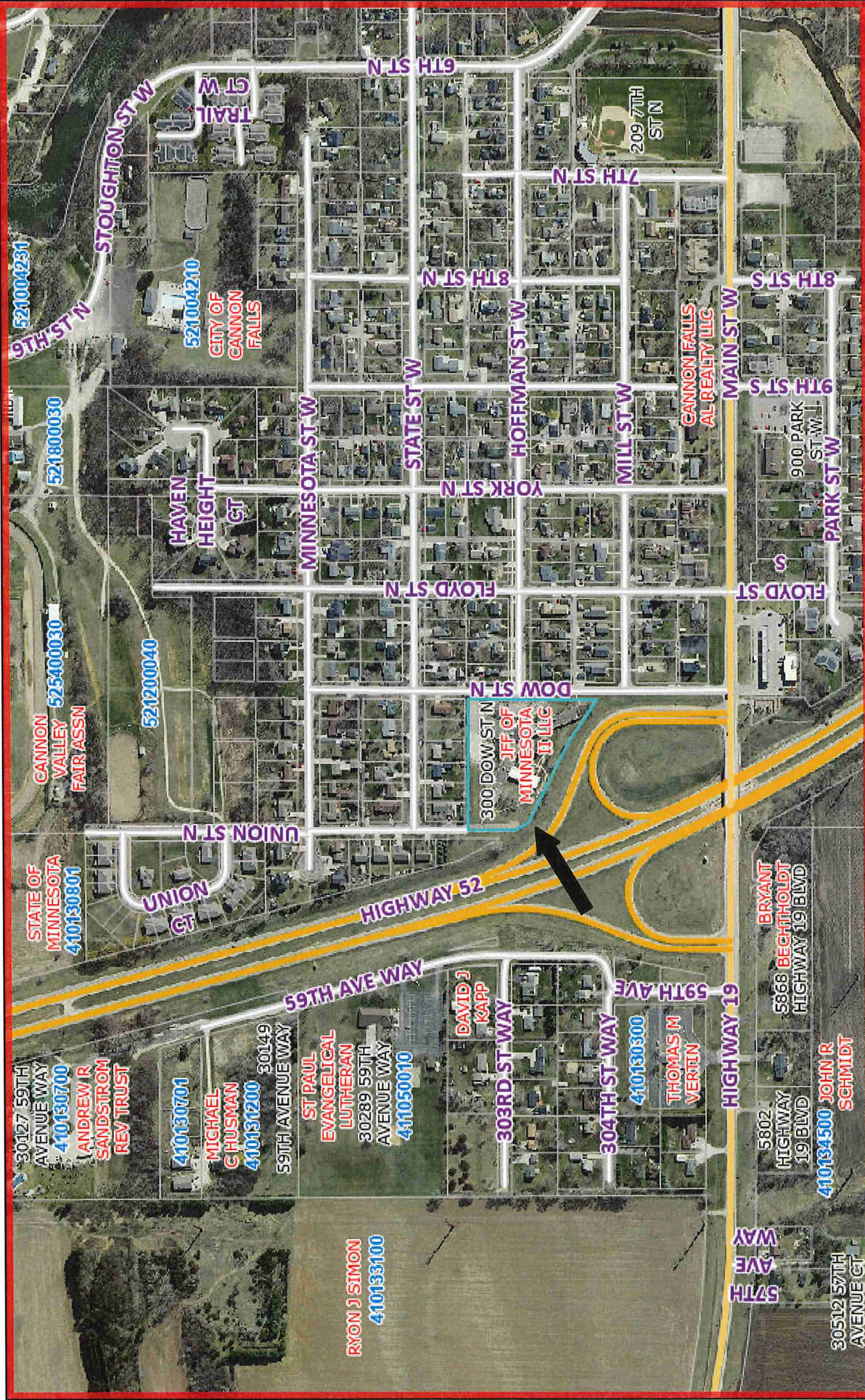


**Legal Description**

CANNON FALLS CENTRAL ADD DOC#612431 LOTS 4 5 6 13 14 15  
16 17 18 BLK 13 EX N6FT LOT 4  
& ALSO BLK 20 PT VAC ALLEY &  
PT VAC HOFFMAN ST ID#  
2-0120-03600



# ArcGIS WebMap



September 5, 2024

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

SHWY

USHWY

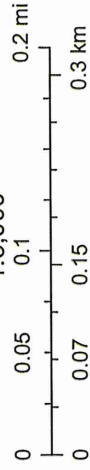
Full Address

PIN

Full Name

Parcels

1:6,000





CITY OF CANNON FALLS  
GOODHUE COUNTY, MINNESOTA

ORDINANCE NUMBER 404  
SECOND SERIES

AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING  
CITY CODE CHAPTER 152 RELATED TO ZONING

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

Section 1. City Code Section 152.021 is amended by adding the underlined language, as follows:

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***LODGING ROOM ESTABLISHMENTS.*** An establishment that provides short-term sleeping and living quarters for the exclusive use of its guests with at least one, but no more than five, lodging rooms available within a structure. Lodging Room Establishments shall not include Residential Rehab Centers.

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***RESIDENTIAL FACILITY, STATE LICENSED.*** Any program, defined by M.S. § 245A.02, Subdivision 14, as it may be amended from time to time, that provides 24 hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the Commissioner of the Department of Human Services to provide services for five or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the Commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under M.S. § 254B, as it may be amended from time to time. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home. Residential Facilities shall not include Residential Rehab Centers.

\*\*\*

***RESIDENTIAL REHAB CENTER.*** Any cooperative living residence that provides, but is not limited to, homebased services for persons with chemical dependency, emotional disturbance, substance abuse disorder, or co-occurring disorders and operates under a manager or managed program setting with house

rules, curfews, facilitated meetings, and stipulate that residents must abstain from using alcohol or other illicit drugs or substances not prescribed by a physician.

Section 2. City Code § 152.608(H) is amended by adding the underlined language as follows:

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(H) Nursing homes and similar group housing, hospitals, sanitariums or similar institutions, not including Residential Rehab Centers, provided that:

Section 3. City Code 152.648 is amended by adding the underlined language as follows:

Subject to applicable provisions of this chapter, the following are conditional uses in the B-2 District and require a conditional use permit based upon procedures set forth in and regulated by §§ 152.070 through 152.074 of this chapter:

\* \* \*

(Y) Residential Rehab Centers provided that:

- (1) A fence is to be installed around the rehab center. The fence shall be constructed of masonry, brick or wood, except as otherwise provided in this section. The fence shall provide a solid screening effect and be a minimum of six feet in height but not exceed eight feet in height. The fence shall be required in the side, rear and front yards (subject to §152.186 of this chapter). Grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.
- (2) All sides of the rehab center shall require a green belt planting strip. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and be a minimum of 20 feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to a minimum height of six feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- (3) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated;
- (4) All state statutes and regulations governing the use are strictly adhered to and all required operating permits are secured; and
- (5) Adequate off-street loading space is provided in compliance with §§ 152.255 through 152.264 of this chapter.

Section 4. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED BY THE CITY Council of the City of Cannon Falls, Minnesota, this 19<sup>th</sup> day of March, 2024.

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Matt Montgomery, Mayor

ATTEST:

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Neil L. Jensen, City Administrator

Summary published in *Cannon Falls Beacon* on March 28, 2024.

### § 152.606 PERMITTED USES.

Subject to applicable provisions of this chapter, the following are permitted uses in an R-B District:

- (A) Essential services;
- (B) Public parks and playgrounds;
- (C) Warehousing and indoor storage, not including mini-self storage facilities, provided:
  - (1) Warehousing shall only be allowed within buildings existing prior to the adoption of this subchapter;
  - (2) The footprint of the building shall not exceed 10,000 square feet in area;
  - (3) Buildings utilized for warehousing shall have direct access from a collector road with adequate capability to handle truck traffic, without intrusion upon residential streets;
  - (4) All storage shall be enclosed within the building;
  - (5) Additional landscaping and screening may be required to screen use from adjacent residential use;
  - (6) Truck traffic may be limited to hours set by the city; and
  - (7) Explosive and hazardous material shall not be stored on the site;
- (D) Single family detached dwellings; and
- (E) Two-family dwellings.

(Prior Code, § 11-58-2) (Ord. 258, passed 5-4-2006; Ord. 279, passed 4-3-2008; Ord. 347, passed 9-20-2016)

### § 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.

(2) *Architectural standards.*

- (a) As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
- (b) The architectural appearance, scale and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.

(c) All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to § 152.208 of this chapter.

(d) Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

(3) *Canopy.* A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards.

(a) The edge of the canopy shall be 30 feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.

(b) The canopy shall not exceed 18 feet in height and shall provide 14 feet of clearance to accommodate a semitrailer truck passing underneath.

(c) The canopy fascia shall not exceed three feet in vertical height.

(d) Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed 115 foot candles below the canopy at ground level.

(e) The architectural design, colors and character of the canopy shall be consistent with the principal building on the site.

(f) Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that the individual canopy sign does not exceed more than 20% of the canopy facade facing a public right-of-way.

(g) Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

(4) *Pump islands.* Pump islands shall comply with the following performance standards.

(a) Pump islands shall be elevated six inches above the traveled surface of the site.

(b) All pump islands shall be set at least 30 feet back from any property line. Additionally, the setback between the pump islands curb face shall be at least 24 feet.

(5) *Dust control and drainage.* The entire site other than taken up by a building, structure or plantings shall be surfaced with asphalt, concrete, cobblestone or paving brick. Plans for surfacing and drainage shall be subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

- (a) A minimum of 400 cubic feet of permanent pool storage capacity per acre of drainage area;
- (b) A minimum pool depth of four feet;



(c) A minimum oil containment capacity of 800 gallons; and

(d) Minimum maintenance/inspection of two times per year and/or after measurable spill events. A measurable spill shall be defined by the State Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

(6) *Landscaping.*

(a) At least 35% of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.

(b) At the boundaries of the lot, the following landscape area shall be required.

1. From side and rear property lines, an area of not less than ten feet side shall be landscaped in compliance with § 152.278 of this chapter.

2. From all road rights-of-way, an area of not less than 15 feet wide shall be landscaped in compliance with § 152.278 of this chapter.

3. Where lots abut residentially zoned property, a buffer yard of not less than 20 feet wide shall be landscaped and screened in accordance with § 152.278 of this chapter.

4. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

(7) *Exterior lighting.* The lighting shall be in compliance with § 152.187 of this chapter. A comprehensive lighting plan shall be submitted as part of the conditional use permit application and shall be subject to the following performance standards.

(a) *Canopy lighting.* Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed 115 foot candles at ground level.

(b) *Perimeter lighting.* Lighting at the periphery of the site and building shall be directed downward and individual lights shall not exceed 15 foot candles at ground level.

(c) *Illumination.* Maximum site illumination shall not exceed four-tenths foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property.

(d) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §§ 152.255 through 152.264 of this chapter.

(8) *Circulation and loading.* The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off-street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.

(9) *Parking.*

(a) Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).

(b) Parking spaces shall be screened from abutting residential properties in accordance with §152.279 of this chapter.

(10) *Noise.* Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in § 152.191 of this chapter.

(11) *Outside storage, sales and service.* No outside storage or sales shall be allowed, except as follows.

(a) Public phones may be located on site as long as they do not interrupt on-site traffic circulation and are not located in a yard abutting residentially zoned property.

(b) Propane sales of 20-pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meet all State Uniform Building and Fire Codes.

(c) A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.

(d) Accessory outdoor services, sales or rental as regulated by §152.650(B) of this chapter.

(12) *Litter control.* The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.

(13) *Additional stipulations.* All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

(Prior Code, § 11-58-4) (Ord. 258, passed 5-4-2006)



**Eating disorders** are behavioral conditions characterized by severe and persistent disturbance in eating behaviors and associated distressing thoughts and emotions. They can be very serious conditions affecting physical, psychological and social function. Types of eating disorders include anorexia nervosa, bulimia nervosa, binge eating disorder, avoidant restrictive food intake disorder, other specified feeding and eating disorder, pica and rumination disorder.

Taken together, eating disorders affect up to 5% of the population, most often develop in adolescence and young adulthood. Several, especially anorexia nervosa and bulimia nervosa are more common in women, but they can all occur at any age and affect any gender. Eating disorders are often associated with preoccupations with food, weight or shape or with anxiety about eating or the consequences of eating certain foods. Behaviors associated with eating disorders including restrictive eating or avoidance of certain foods, binge eating, purging by vomiting or laxative misuse or compulsive exercise. These behaviors can become driven in ways that appear similar to an addiction.

**Eating disorders** affect several million people at any given time, most often **women between the ages of 12 and 35**. There are several types of eating disorders. The most common are anorexia nervosa, bulimia nervosa, binge eating disorder, avoidant restrictive food intake disorder (ARFID) and other specified feeding and eating disorder (OSFED).

Eating disorders often co-occur with other psychiatric disorders most commonly, mood and anxiety disorders, obsessive-compulsive disorder, and alcohol and substance use disorders. Evidence suggests that genes and heritability play a part in why some people are at higher risk for an eating disorder, but these disorders can also afflict those with no family history of the condition. Treatment should address psychological, behavioral, nutritional and other medical complications. The latter can include consequences of malnutrition or of purging behaviors including, heart and gastrointestinal problems as well as other potentially fatal conditions. Ambivalence towards treatment, denial of a problem with eating and weight, or anxiety about changing eating patterns is not uncommon. With proper medical care, however, those with eating disorders can resume healthy eating habits, and recover their emotional and psychological health.

FYI

**From:** Jonathan katz <jk@dgjcapital.com>  
**Sent:** Monday, August 5, 2024 2:12 PM  
**To:** zoning admin <zoningadmin@cannonfallsmn.gov>  
**Subject:** Fwd: Conditional use Permit

Response to previous email

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**From:** Zachary Kalatsky <zacharyskalatsky@gmail.com>  
**Sent:** Tuesday, July 30, 2024 1:12 PM  
**To:** zoning admin <zoningadmin@cannonfallsmn.gov>  
**Cc:** Jonathan katz <jk@dgjcapital.com>; Sean Cherry <sean@missionbhc.com>  
**Subject:** Re: Conditional use Permit

Good Afternoon Zach,

I hope you have been well, please find below our response as to why we fit within a "Residential Facility" and **not** a "Rehab Center",

An eating disorder facility like the Minnesota Center for Eating Disorders (MCED) falls under the "residential facility" category rather than the "residential rehab" category for the following reasons.

1. The MCED is dedicated to treating eating disorders, which are classified as mental illness.
  - i. According to the City Code Chapter 152 in Cannon Falls, a "Residential facility" is defined as a facility that provides 24-hour care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment, administered by the Commissioner of the Department of Human Services to provide services for five or more persons whose primary diagnosis is a mental illness. Eating disorders fall under the category of mental illnesses. MCED will be treating those whose primary diagnosis is an DSM - eating disorder (such as **Anorexia Nervosa, Bulimia Nervosa, Binge-Eating Disorder, PICA** and others as defined by DSM) but does not focus on those whose primary diagnosis is chemical dependency, emotional disturbance, substance abuse disorder, or co-occurring disorders all of which fall under the Residential rehab definition.
2. We will not have a locked unit or restrain our clients (like facilities that service those with emotional disturbances) and our clients are in our facility under their own free will (and/or the will of their legal guardian).

Therefore, the distinction lies in the primary diagnosis and the focus of treatment. The MCED, focusing on eating disorders—a mental health condition—falls under the residential facility category, as it aligns with the comprehensive and multidisciplinary care described in the city's zoning definitions of a residential facility, state-licensed. Conversely, residential rehab centers focus on addiction and related disorders, with a structured living environment and specific behavioral requirements.

Thank you for your time and consideration, I look forward to hearing from you, have a wonderful day.

Best,

Zach

On Fri, Jul 26, 2024 at 3:43 PM zoning admin <[zoningadmin@cannonfallsmn.gov](mailto:zoningadmin@cannonfallsmn.gov)> wrote:

Good afternoon,

I appreciate you reaching back out with an explanation. Since this proposed use would need a Conditional Use Permit, our Planning Commission and City Council would need to review your application. Since "Residential Rehab Centers" aren't allowed in the Residential Business zone, I believe it would be in the best interest for your party and City staff if you were able to explain how you don't fit into the definition of "Rehab Centers." I believe this is imperative in making sure you can apply for a CUP. I think it's also important to note that nursing homes, hospitals and similar uses are allowed in the R-B zone. If you could please explain how you fit within a "Residential Facility" and not a "Rehab Center" we can proceed with the application process.

Thank you,  
Zach Logelin  
Permit and License Technician

City of Cannon Falls  
918 River Road  
Cannon Falls, MN 55009

507-263-9308

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**From:** Jonathan katz <[jk@dgjcapital.com](mailto:jk@dgjcapital.com)>  
**Sent:** Thursday, July 25, 2024 11:11 AM  
**To:** zoning admin <[zoningadmin@cannonfallsmn.gov](mailto:zoningadmin@cannonfallsmn.gov)>  
**Cc:** Zachary Kalatsky <[zacharyskalatsky@gmail.com](mailto:zacharyskalatsky@gmail.com)>  
**Subject:** Re: Conditional use Permit

Good Morning Zach,

Attached is a brief explanation of what we are planning to do at the site.  
Please let me know if you need any more information & if we would be allowed to proceed with the plan to get in front of the councils.

All the best,  
Jonathan

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**From:** zoning admin <[zoningadmin@cannonfallsmn.gov](mailto:zoningadmin@cannonfallsmn.gov)>  
**Sent:** Wednesday, July 24, 2024 10:42 AM  
**To:** Jonathan katz <[jk@dgjcapital.com](mailto:jk@dgjcapital.com)>  
**Cc:** Zachary Kalatsky <[zacharyskalatsky@gmail.com](mailto:zacharyskalatsky@gmail.com)>  
**Subject:** RE: Conditional use Permit

Jonathan,

Before I send you an application, it would be great to know a little more about what you are planning. The City amended our code about three months ago that removes "Residential Rehab Centers" from the R-B zone, where you are planning on putting your business. I want to make sure you don't fall under this definition and are legally allowed to operate at 300 Dow St. before we start discussing further. Are you planning on inpatient? What services are you offering? Any more you can add regarding the living situation?

Shoot me an email when you have a chance.

Respectfully,

Zach Logelin

Permit and License Technician

City of Cannon Falls

918 River Road

Cannon Falls, MN 55009

507-263-9308

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**From:** Jonathan katz <[jk@dgjcapital.com](mailto:jk@dgjcapital.com)>  
**Sent:** Tuesday, July 23, 2024 1:02 PM  
**To:** zoning admin <[zoningadmin@cannonfallsmn.gov](mailto:zoningadmin@cannonfallsmn.gov)>  
**Cc:** Zachary Kalatsky <[zacharyskalatsky@gmail.com](mailto:zacharyskalatsky@gmail.com)>  
**Subject:** Conditional use Permit

Dear Zach,

I hope this message finds you well.

I wanted to extend my sincere thanks for taking the time to speak with us today. Your insights and guidance were invaluable, and we greatly appreciate your help.

Could you please send us the permit application at your earliest convenience? This will help us move forward with the process smoothly.

Thank you once again for your assistance.

Best regards,

Jonathan Katz

--

Sincerely  
Zachary S Kalatsky

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

**RESOLUTION NUMBER 2782**

**RESOLUTION DENYING CONDITIONAL USE PERMIT  
FOR AN EATING DISORDER FACILITY**

**WHEREAS**, Zachary Kalatsky (“Applicant”) applied for a Conditional Use Permit (“CUP”) for property located in the City of Cannon Falls and 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;

**WHEREAS**, on September 9<sup>th</sup>, 2024, the Planning Commission of the City of Cannon Falls held a public hearing and considered the Applicant’s application for a CUP, recommending denial.

**WHEREAS**, the City Council of the City of Cannon Falls has considered the Planning Commission’s recommendation at its September 17<sup>th</sup>, 2024, City Council meeting.

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

**FINDINGS**

1. The Applicant is requesting a CUP for the purpose of developing a Residential Eating Disorder Facility (the “Proposed Use”). The Applicant asserts that the Proposed Use is a Residential Facility as defined in City Code § 152.021. See Applicant’s July 30, 2024 email to City Staff attached hereto as Exhibit B.

2. The Property is currently zoned R-B, Residential Business. The land surrounding the Property is zoned R-2, Single Family Residential.

3. 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.

4. The time limit for a decision on the Applicant’s application will not expire until October 15, 2024.

5. 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.

6. City Code § 152.072 states, in relevant part:

The Planning Commission shall consider possible effects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following factors:

(A) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan;

(B) The proposed use is or will be compatible with present and future land uses of the area;

(C) The proposed use conforms with all performance standards contained in this code;

(D) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity; and

(E) Traffic generation by the proposed use is within capabilities of streets serving the property.

7. City Code § 152.021 defines a Residential Facility, State Licensed as “[a]ny program, defined by M.S. § 245A.02, Subdivision 14, as it may be amended from time to time, that provides 24 hour a day care, supervision, food, lodging, rehabilitation, training, education, habilitation or treatment outside a person's own home, including a nursing home or hospital that receives public funds, administered by the Commissioner of the Department of Human Services to provide services for five or more persons whose primary diagnosis is mental retardation or a related condition or mental illness and who do not have a significant physical or medical problem that necessitates nursing home care; a program in an intermediate care facility for four or more persons with mental retardation or a related condition; a nursing home or hospital that was licensed by the Commissioner of the Department of Human Services on July 1, 1987, to provide a program for persons with a physical handicap that is not the result of the normal aging process and considered to be a chronic condition; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under M.S. § 254B, as it may be amended from time to time. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home. Residential Facilities shall not include Residential Rehab Centers.”

8. The Applicant is proposing to convert a senior living facility into a 60 bed Residential Eating Disorder Facility on the Property. Based on the information provided by the Applicant, the Proposed Use is a Residential Facility as defined by City Code § 152.021. A



Residential Facility is neither permitted nor a conditional use in the R-B, Residential Business District and therefore the application for a CUP must be denied.

**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 of the City of Cannon Falls does hereby deny the requested CUP.

**ADOPTED** by the City of Cannon Falls this 17<sup>th</sup> day of September, 2024.

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

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

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

**Legal Description**

CANNON FALLS CENTRAL ADD DOC#612431 LOTS 4 5 6 13 14 15  
16 17 18 BLK 13 EX N6FT LOT 4  
& ALSO BLK 20 PT VAC ALLEY &  
PT VAC HOFFMAN ST ID#  
2-0120-03600

**EXHIBIT B**

**APPLICANT'S JULY 30, 2024 EMAIL TO CITY STAFF**