

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

**RESOLUTION NUMBER 2838**

**RESOLUTION APPROVING VARIANCES FROM CITY CODE  
SECTION 152.153(J) FOR TRACT**

**WHEREAS**, Tract (“Applicant”) is the applicant for a Variance for Cannon Falls Technology Park for the following adjustments:

- To defer submission of final architectural drawings until the Site plan review stage for each phase of development
- To defer submission of final engineering plans and specifications for streets, drainage, utilities and other public improvements until the Site plan review stage for each phase.
- To extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.

(“The Variance”) 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 September 8<sup>th</sup>, 2025, the Planning Commission held a public hearing and considered the Applicant’s Variance application, recommending tabling the discussion to the next Planning Commission Meeting; and

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

**FINDINGS**

1. The Applicant is requesting a Variance from City Code § 152.153(J), which requires final plans and final engineering plans to be submitted for review by city staff prior to the issuance of a building permit and requires construction to commence within one year after the approval of the final plan for PUD. The Applicant is seeking a Variance from this section of the code due to the multi-year, phased nature of the data center campus development.

2. The Property is part of the Cannon Falls Technology Park. The Variance would apply to the land legally described in Exhibit A.

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 granting of variances within the City is governed both by the City Code and State Statutes.

5. Minn. Stat. § 462.357, subd. 6 allows variances only when they are in harmony with the general purposes and intent of the City Code and consistent with the City's comprehensive plan. Further, the Applicant must establish that there are practical difficulties in complying with city ordinance.

6. City Code § 152.100 states:

The purpose of this subchapter is to provide for deviations from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant the variances only when it is demonstrated that the actions will be in keeping with the spirit and intent of this chapter.

7. City Code § 152.103 states:

The Board of Adjustment and Appeals shall not approve any variance request unless it finds failure to grant the variance will result in undue hardship on the applicant, and, as may be applicable, all of the following criteria have been met.

(A) Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

(B) The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(C) The purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

(D) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

(E) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

(F) Because of the particular physical surroundings, shape or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

(G) The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(H) The purpose of the variance is not based exclusively upon a financial hardship, or a desire to increase the value or income potential of the parcel of land.

(I) The alleged difficulty or hardship is caused by this chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

(J) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

(K) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire or endanger the public safety

(L) The variance is the minimum action required to eliminate the hardship.

(M) The variance does not involve a use that is not allowed within the respective zoning district.

8. The Variance request is in harmony with the general purpose and intent of the City Code and is consistent with the comprehensive plan. The Variance to deviate from City Code section 152.153(J) is in line with the standards set forth by the Cannon Falls City Code and the Minnesota League of Cities.

9. The time limit for a decision on the Applicant's application will not expire until November 6, 2025.

### **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 approve the attached resolution, approving the Variance request for Tract to defer final plan submission, final engineering plans submission, and to extend the one (1) year construction commencement requirement to accommodate the long-term, phased buildout of the project.

**ADOPTED** by the City of Cannon Falls this 21<sup>st</sup> day of October, 2025

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

ATTEST: \_\_\_\_\_  
Jon Radermacher, City Administrator

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

Parcel 1:

That part of the Southwest Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying east of the easterly right of way line of Trunk Highway No. 52.

TOGETHER WITH

Parcel 2:

That part of the Southeast Quarter of Section 1, Township 112, Range 18, Dakota County, Minnesota, lying south of County Road No. 86.

EXCEPTING

That part of the above described property being described as:

Commencing at the southeast corner of said Southeast Quarter of Section 1; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the east line of said Southeast Quarter, a distance of 425.92 feet to the point of beginning of the parcel to be described; thence North 89 degrees 36 minutes 26 seconds West, a distance of 230.40 feet; thence North 00 degrees 24 minutes 07 seconds West, a distance of 95.43 feet; thence North 89 degrees 36 minutes 26 seconds West, a distance of 373.66 feet; thence North 00 degrees 24 minutes 20 seconds West, a distance of 1312.91 feet to the southerly right of way line of said County Road No. 86, a.k.a. County State Aid Highway No. 86, as shown on Dakota County Right of Way Map No. 410, filed in the Office of the County Recorder in and for said Dakota County as Doc. No. 3040659; thence South 56 degrees 59 minutes 18 seconds East, along said southerly right of way line, a distance of 427.21 feet; thence North 00 degrees 17 minutes 07 seconds West, continuing along said southerly right of way line, a distance of 5.98 feet; thence South 56 degrees 59 minutes 18 seconds East, continuing along said southerly right of way line, a distance of 228.96 feet; thence southeasterly 71.36 feet, continuing along said southerly right of way line, along a tangential curve, concave to the southwest, having a radius of 1382.29 feet and a central angle of 02 degrees 57 minutes 29 seconds, to said east line of the Southeast Quarter; thence South 00 degrees 16 minutes 48 seconds East, along said east line, a distance of 1020.54 feet to the point of beginning

Dakota County, Minnesota  
Abstract Property

Parcel 3:

That part of the following described property:

That part of Government Lot 10 in Section 6, Township 112 North, Range 17 West in Goodhue County and State of Minnesota lying West of the centerline of Old Highway 52, and more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 10; running thence South 20 chains to the Southwest corner of said Lot 10; thence East 22 chains and 50 links to St. Paul Road; thence North 46 degrees West 29 chains to the North line of said Lot 10; thence West 1 chain and 50 links to place of beginning, excepting therefrom the following:

Beginning at a point on the South line of said Government Lot 10, 22 chains and 50 links East of the Southwest corner thereof on the Westerly line of St. Paul Road; thence North 46 degrees West along said line for 18.6 chains to center line of former State Highway 52; thence Southeasterly along said center line for 11.4 chains, more or less, to the South line of Government Lot 10; thence East along said South line 7.3 chains, more or less, to place of beginning.

Being described as:

Beginning at the southwest corner of said Government Lot 10; thence North 00 degrees 16 minutes 48 seconds West, assumed bearing, along the west line of said Government Lot 10, a distance of 425.92 feet; thence North 39 degrees 30 minutes 44 seconds East, a distance of 725.47 feet to the centerline of Goodhue County Road No. 29; thence South 31 degrees 00 minutes 01 second East, along said centerline, a distance of 1150.61 feet to the intersection of said centerline with the south line of said Government Lot No. 10 in Section 6, Township 112, Range 17; thence North 89 degrees 57 minutes 51 seconds West, along said south line, a distance of 1052.11 feet to the point of beginning.

Goodhue County, Minnesota  
Abstract Property