

**Special City Council Meeting
Benson City Hall
November 30, 2020**

City of Benson Mission Statement

Benson is a forward-looking community that values public safety,
Quality of life and treats people with dignity and respect.

The Council Meeting is at City Hall. Limited seating available. Masks required.

Please use the FCC App on your device. (Activate video)

Call-in Information

Dial In: 1-425-436-6384

Access Code: 457987#

1. 5:30 p.m. Call the Meeting to Order (Mayor)
2. Pledge of Allegiance
3. Approval of Agenda
Additions? None 1. _____ 2. _____
Approval of Agenda _____ as Presented or _____ Revised **Action Requested**
4. Consider 2nd Reading of an Ordinance to Amend the Zoning Map **Action Requested**
5. Consider Approving Resolution Approving a Conditional Use Permit **Action Requested**
6. Consider Approving Resolution Approving a Site Plan for 1331 MN Ave. **Action Requested**
7. Adjourn: Mayor **Action Requested**

In compliance with the American Disability Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at 320-843-4775. Notification 48 hours prior to the meeting will enable the City of make reasonable arrangements to ensure accessibility to this meeting.

**AN ORDINANCE TO AMEND THE
ZONING MAP OF THE CITY OF BENSON**

The City of Benson does ordain:

The Zoning Map of Benson, Minnesota, as provided by section 154.057 of the Benson City Code of 2003 is hereby amended to set forth that the property in the City of Benson described as:

The South Seventy feet (70') of Lots Five (5) and Six (6), Block One (1), Southside Addition to the City of Benson

and

The South Seventy feet (70') of Lots Seven (7) and Eight (8), Block One (1) Southside Addition to the City of Benson

are changed from R-1, One and Two Family Residential District to B-2, General Business District.

Mayor

ATTEST: _____
City Clerk

Approved as to form: _____

First Reading: _____

Second Reading: _____

Publication: _____

**THE CITY OF BENSON
SWIFT COUNTY, MINNESOTA**

RESOLUTION 2020-XX

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE
DEVELOPMENT OF A GAS STATION CONVENIENCE STORE, AND CAR WASH
AT 1331 MINNESOTA AVENUE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Benson, Minnesota was held on the XX day of XX, 2020. The following members were present, either in person or remotely, as allowed by State statute and as stipulated in the official meeting notice : XX Absent: XX.

Council Member XX introduced the following resolution and moved its adoption:

WHEREAS, the City of Benson is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of Benson has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Dooley's Investment, Inc. (the "Applicant") own the property at 1331 Minnesota Avenue, 1310 Aldrich Avenue and 612 Church Street, with property identification numbers (PIDs) 23-0871-00, 23-0872-00, PID 23-0873-00, and 23-0874-001, as legally described on Exhibit A attached hereto; and

WHEREAS, the existing Subject Parcels are a legally buildable lots of record; and

WHEREAS, the Applicants have applied for a conditional use permit to construct a new automobile service use consisting of a gas station, convenience store, and car wash; and

WHEREAS, the Applicants prepared plans for review and approval reflecting the requested development, and submitted these plans to the City in September, 2020 in accordance with code; and

WHEREAS, staff fully reviewed the requests and prepared reports complete with findings and recommendations for Planning Commission and City Council consideration; and

WHEREAS, the Planning Commission opened a duly noticed public hearing on November 16, 2020, and then closed the hearing, holding a second meeting on the item on November 23, 2020, and considered the applicant's submission, the contents of the staff reports, public testimony, and other evidence available to the Commission; and made recommendations for consideration by Council; and

WHEREAS, the City Council subsequently considered on xx, 2020, the recommendations of Staff and the Planning Commission, the Applicant's submissions, the contents of the staff report, public testimony, and other evidence available to the Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Benson hereby approves a conditional use permit for a new automobile service use consisting of a gas station, convenience store, and car wash, with the following conditions and findings of fact:

- 1) The Conditional Use Permit shall not take effect or be recorded in the office of the Swift County Recorder prior to the effective date of the ordinance passed on November 30, 2020 rezoning the two lots abutting Aldrich Avenue on the southern end of the Property to B-2 General Business.
- 2) The site plan will provide a 10-ft setback to the side yard along Aldrich Avenue and for the south half of the west side along 14th Street South as illustrated on the Recommended Site Plan in the Stantec report of 11-16-2020. The setback will be free of structures and be landscaped as described in these conditions.
- 3) The trash enclosure structure will be moved to the north and east to stay inside the required 10-ft side yard setbacks.
- 4) The existing driveway access on the west side of the site to 14th Street South will be closed and filled in with ground cover, curb, and gutter to match the existing boulevard, and landscaped as recommended in these conditions of approval.
- 5) The existing driveway access on the east side of the north edge of the site onto US Highway 12 will be removed and restored to match the treatment of paving and sidewalk in that part of the site.
- 6) The existing driveway on the west side of the north edge of the site onto US Highway 12 will remain and be limited to 40 ft wide.
- 7) Two driveway access points on the east side of the site onto MN Highway 29 will remain and be moved and rebuilt as indicated on the Recommended Site Plan – the northern one 32 ft wide, the southern one 40 ft wide, with the streetscape restored to match the treatment of paving and sidewalk in that part of the site.
- 8) Landscaping will be provided on the west and south sides of the site as illustrated on the Recommended Site Plan in the Stantec report of 11-16-2020 consisting of eight overstory trees, four on each side of the site, and shrubs or ornamentals to provide substantial screening to a height of 3 to 4 feet at maturity in order to screen headlights and activity on site. Landscape plans will be submitted with the building permit application, to be reviewed and approved by the City Planner and City Engineer.
- 9) The existing pylon signs in the northwest and northeast corners of the site may remain and the sign faces replaced, but the height and sign area may not be increased.

- 10) Signage on the building and gas pump canopies or elsewhere on the site may not exceed 60 sq ft total, to be verified when a sign permit is applied for at the building permit stage, to be reviewed and approved by the City Planner.
- 11) Hours of operation for the car wash will be limited to 5 am-10 pm Monday through Friday and 6 am-10 pm Saturday and Sunday.
- 12) Issues related to utility connections, stormwater management, and other engineering issues have not been finalized and will be reviewed and approved by the City Engineer prior to approval of a building permit.

Findings of Fact

- 1) The City has an interest in the success of local businesses and encouraging expansion and investment in the community, balanced with reasonable limitations on the use through the zoning process.
- 2) The existing business on this site is expanding into areas that are across the street from existing residential uses. It is reasonable to provide increased setbacks, landscaping, and screening on the side yards facing the existing residential uses.
- 3) Limiting commercial traffic in residential areas is a reasonable goal. Closing the driveway access from the site to 14th Street, across the street from existing residential uses will limit some of this traffic.
- 4) Limiting traffic onto the turn lane of US Highway 12 in the northeast corner of the site by removing the access driveway in that location is reasonable for traffic safety.
- 5) Limiting light spillage and glare from commercial uses onto surrounding residential properties is reasonable. Requiring downcast cutoff type light fixtures that are fully shielded is a reasonable limitation.
- 6) The car wash is noisy. Limiting its hours of operation so that it is not in use during overnight hours is reasonable. Limiting the hours to 5 am-10 pm Monday through Friday and 6 am-10 pm Saturday and Sunday is a reasonable condition.
- 7) The project as revised according to these conditions meets the criteria for approval of a Conditional Use Permit in the Benson Zoning Code.

The motion for adoption of the foregoing resolution was duly seconded by Council Member XX and, upon vote being taken thereon, the following voted in favor thereof: XX. The following voted against or abstained: XX.

Whereupon the resolution was declared duly passed and adopted the XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

Dated

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public

EXHIBIT A
LEGAL DESCRIPTION

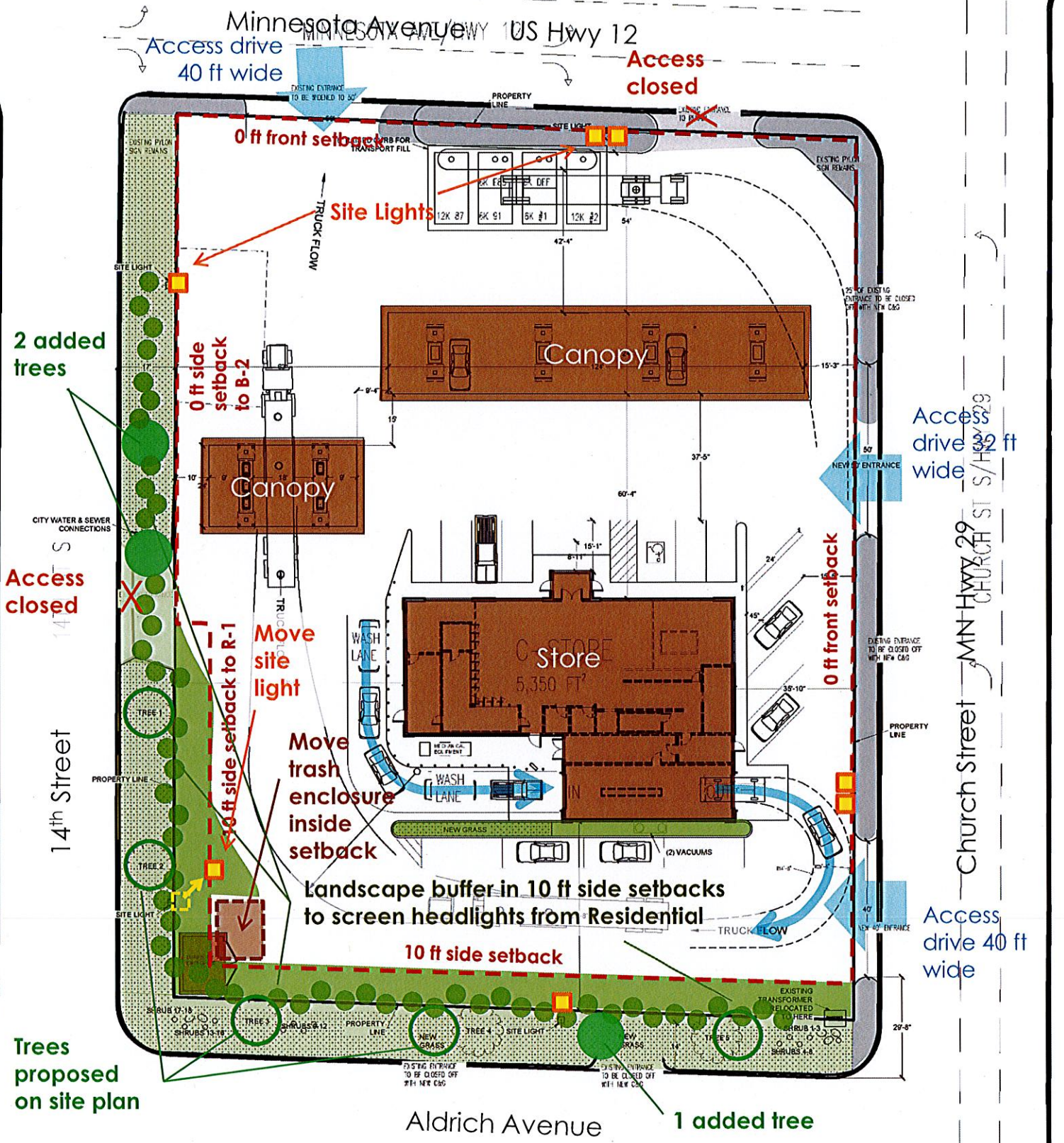
Lots One (1), Two (2), Three (3) Four (4), Block One (1), Southside Addition to the City of Benson and

The North Fifty feet (50') of Lots five (5), six (6), Seven (7), Eight (8), Block one (1), Southside Addition to the City of Benson and

The South Seventy feet (70') of Lots Seven (7) and Eight (8), Block One (1) Southside Addition to the City of Benson and

The South Seventy feet (70') of Lots Five (5) and Six (6), Block one (1), Southside Addition to the City of Benson

Exhibit A Recommended Site Plan



Dooley Investment Rezoning
Benson, MN



**THE CITY OF BENSON
SWIFT COUNTY, MINNESOTA**

RESOLUTION 2020-XX

**A RESOLUTION APPROVING A SITE PLAN FOR THE DEVELOPMENT OF A
GAS STATION CONVENIENCE STORE, AND CAR WASH
AT 1331 MINNESOTA AVENUE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Benson, Minnesota was held on the XX day of XX, 2020. The following members were present, either in person or remotely, as allowed by State statute and as stipulated in the official meeting notice : XX Absent: XX.

Council Member XX introduced the following resolution and moved its adoption:

WHEREAS, the City of Benson is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of Benson has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Dooley’s Investment, Inc. (the “Applicant”) own the property at 1331 Minnesota Avenue, 1310 Aldrich Avenue, and 612 Church Street, with property identification numbers (PIDs) 23-0871-00, 23-0872-00, PID 23-0873-00, and 23-0874-001; and

WHEREAS, the existing Subject Parcels are a legally buildable lots of record; and

WHEREAS, the Applicants have applied for site plan approval to construct a new automobile service use consisting of a gas station, convenience store, and car wash; and

WHEREAS, the Applicants prepared plans for review and approval reflecting the requested development, and submitted these plans to the City in September, 2020 in accordance with code; and

WHEREAS, staff fully reviewed the requests and prepared reports complete with findings and recommendations for Planning Commission and City Council consideration, including a Recommended Site Plan, attached hereto as Exhibit A; and

WHEREAS, the Planning Commission opened a duly noticed public hearing on November 16, 2020, and then closed the hearing, holding a second meeting on the item on November 23, 2020, and considered the applicant's submission, the contents of the staff reports, public testimony, and other evidence available to the Commission; and made recommendations for consideration by Council; and

WHEREAS, the City Council subsequently considered on xx, 2020, the recommendations of Staff and the Planning Commission, the Applicant's submissions, the contents of the staff report, public testimony, and other evidence available to the Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Benson hereby approves the site plan for a new automobile service use consisting of a gas station, convenience store, and car wash, with the following conditions and findings of fact:

- 1) This resolution approving the site plan shall take effect on the effective date of the ordinance passed on November 30, 2020 rezoning the two lots abutting Aldrich Avenue on the southern end of the Property to B-2 General Business.
- 2) The site plan will provide a 10-ft setback to the side yard along Aldrich Avenue and for the south half of the west side along 14th Street South as illustrated on the Recommended Site Plan in the Stantec report of 11-26-2020. The setback will be free of structures and be landscaped as described in these conditions.
- 3) The trash enclosure structure will be moved to the north and east to stay inside the required 10-ft side yard setbacks.
- 4) The existing driveway access on the west side of the site to 14th Street South will be closed and filled in with ground cover, curb, and gutter to match the existing boulevard, and landscaped as recommended in these conditions of approval.
- 5) The existing driveway access on the east side of the north edge of the site onto US Highway 12 will be removed and restored to match the treatment of paving and sidewalk in that part of the site.
- 6) The existing driveway on the west side of the north edge of the site onto US Highway 12 will remain and be limited to 40 ft wide.
- 7) Two driveway access points on the east side of the site onto MN Highway 29 will remain and be moved and rebuilt as indicated on the Recommended Site Plan – the northern one 32 ft wide, the southern one 40 ft wide, with the streetscape restored to match the treatment of paving and sidewalk in that part of the site.
- 8) Landscaping will be provided on the west and south sides of the site as illustrated on the Recommended Site Plan in the Stantec report of 11-16-2020 consisting of eight overstory trees, four on each side of the site, and shrubs or ornamentals to provide substantial screening to a height of 3 to 4 feet at maturity in order to screen headlights and activity on site. Landscape plans will be submitted with the building permit application, to be reviewed and approved by the City Planner and City Engineer.
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Findings of Fact

- 1) The City has an interest in the success of local businesses and encouraging expansion and investment in the community, balanced with reasonable limitations on the use through the zoning process.
- 2) The existing business on this site is expanding into areas that are across the street from existing residential uses. It is reasonable to provide increased setbacks, landscaping, and screening on the side yards facing the existing residential uses.
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- 6) The car wash is noisy. Limiting its hours of operation so that it is not in use during overnight hours is reasonable. Limiting the hours to 5 am-10 pm Monday through Friday and 6 am-10 pm Saturday and Sunday is a reasonable condition.
- 7) The project as revised according to these conditions meets the criteria for Site Plan approval in the Benson Zoning Code.

The motion for adoption of the foregoing resolution was duly seconded by Council Member XX and, upon vote being taken thereon, the following voted in favor thereof: XX. The following voted against or abstained: XX.

Whereupon the resolution was declared duly passed and adopted the XX day of xx, 2020.

Mayor

ATTEST:

City Clerk

Dated

Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public

EXHIBIT A
RECOMMENDED SITE PLAN

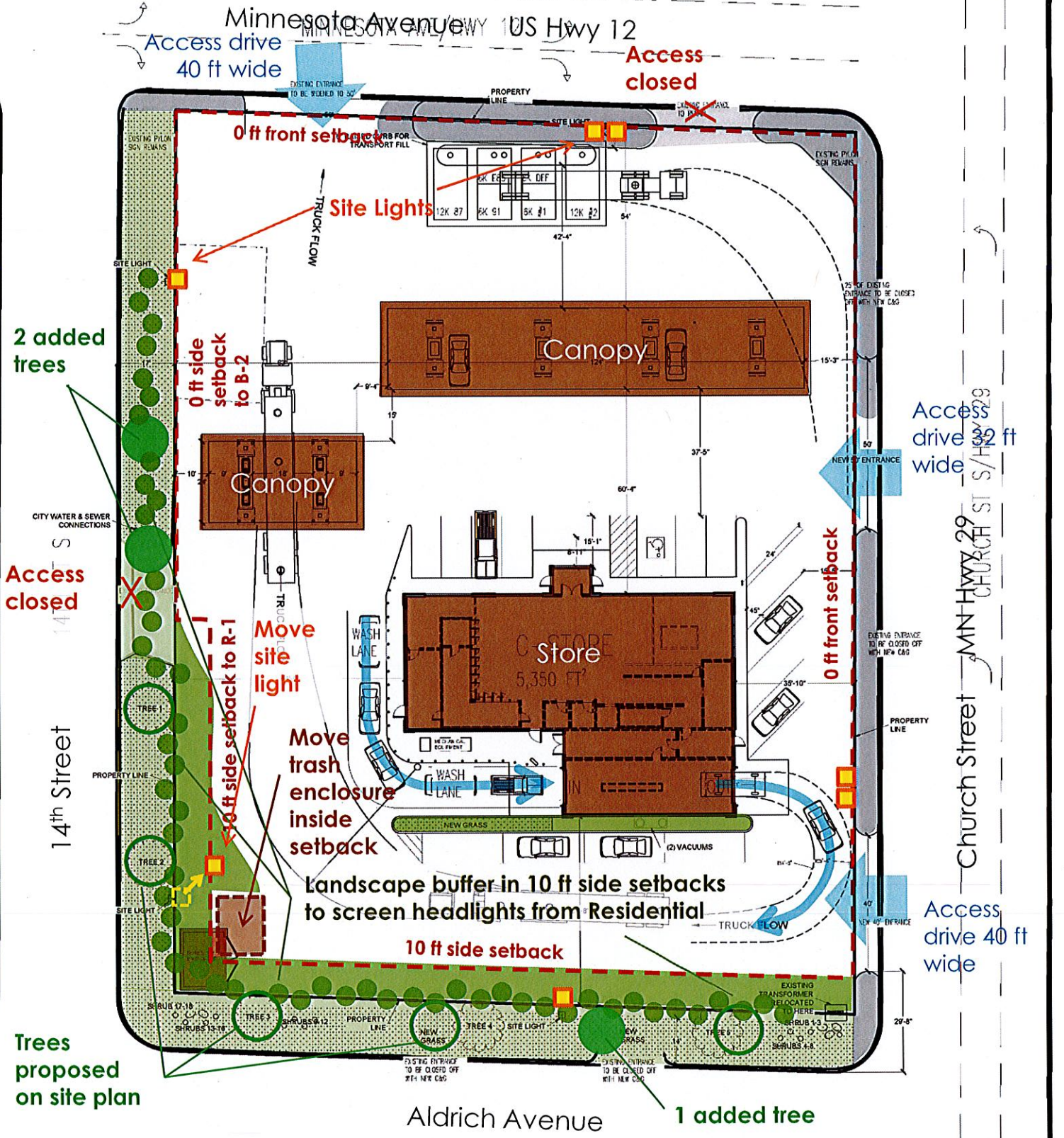
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Exhibit A Recommended Site Plan



Dooley Investment Rezoning
Benson, MN

